

**ACTS
OF THE
GENERAL ASSEMBLY**



2020 REGULAR SESSION

VOLUME I

VOLUME II

VOLUME III

VOLUME IV

ACTS

OF THE

GENERAL ASSEMBLY

OF THE

COMMONWEALTH OF VIRGINIA

2020 REGULAR SESSION

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TABLE OF CONTENTS
2020 REGULAR SESSION

VOLUME I

CHAPTERS 1-827..... 1

VOLUME II

CHAPTERS 828-1199..... 1311

VOLUME III

CHAPTERS 1200-1289..... 2607

VOLUME IV

CHAPTER 1289 3867

CERTIFICATION OF THE 2020 REGULAR SESSION ACTS OF ASSEMBLY 4282

RESOLUTIONS OF THE GENERAL ASSEMBLY-2020 REGULAR SESSION

House Joint Resolutions and House Resolutions..... 4283

Senate Joint Resolutions and Senate Resolutions..... 4627

APPENDIX

Summary of 2020 Regular Session Legislation 4835

House Bills Approved with Chapter and Page Numbers..... 4836

Senate Bills Approved with Chapter and Page Numbers 4840

Bills Vetoed by Governor 4843

Members of the Senate 4844

Members of the House of Delegates..... 4847

Senators and Delegates by Counties..... 4852

Senators and Delegates by Cities..... 4856

Counties and Cities--Land Area and Population 4858

Counties and Cities--Ranked by Population..... 4859

Table of Titles of the Code of Virginia 4860

INDEX..... 4863

ACTS OF THE GENERAL ASSEMBLY

2020 REGULAR SESSION

CHAPTER 1

An Act to amend and reenact § 58.1-301 of the Code of Virginia, relating to conformity of the Commonwealth's taxation system with the Internal Revenue Code.

[S 582]

Approved February 17, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-301 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-301. Conformity to Internal Revenue Code.

A. Any term used in this chapter shall have the same meaning as when used in a comparable context in the laws of the United States relating to federal income taxes, unless a different meaning is clearly required.

B. Any reference in this chapter to the laws of the United States relating to federal income taxes shall mean the provisions of the Internal Revenue Code of 1954, and amendments thereto, and other provisions of the laws of the United States relating to federal income taxes, as they existed on December 31, ~~2018~~ 2019, except for:

1. The special depreciation allowance for certain property provided for under §§ 168(k), 168(l), 168(m), 1400L, and 1400N of the Internal Revenue Code;

2. The carry-back of certain net operating losses for five years under § 172(b)(1)(H) of the Internal Revenue Code;

3. The original issue discount on applicable high yield discount obligations under § 163(e)(5)(F) of the Internal Revenue Code;

4. The deferral of certain income under § 108(i) of the Internal Revenue Code. For Virginia income tax purposes, income from the discharge of indebtedness in connection with the reacquisition of an "applicable debt instrument" (as defined under § 108(i) of the Internal Revenue Code) reacquired in the taxable year shall be fully included in the taxpayer's Virginia taxable income for the taxable year, unless the taxpayer elects to include such income in the taxpayer's Virginia taxable income ratably over a three-taxable-year period beginning with taxable year 2009 for transactions completed in taxable year 2009, or over a three-taxable-year period beginning with taxable year 2010 for transactions completed in taxable year 2010 on or before April 21, 2010. For purposes of such election, all other provisions of § 108(i) of the Internal Revenue Code shall apply mutatis mutandis. No other deferral shall be allowed for income from the discharge of indebtedness in connection with the reacquisition of an "applicable debt instrument"; ~~and~~

5. For taxable years beginning on and after January 1, 2019, the provisions of § 11046 of the federal Tax Cuts and Jobs Act, P.L. 115-97 (2017), related to the suspension of the overall limitation on itemized deductions; *and*

6. *The provisions of § 103 of Division Q of the federal Further Consolidated Appropriations Act, 2020, P.L. 116-94 (2019), related to the reduction in the medical expense deduction floor.*

The Department of Taxation is hereby authorized to develop procedures or guidelines for implementation of the provisions of this section, which procedures or guidelines shall be exempt from the provisions of the Administrative Process Act (§ 2.2-4000 et seq.).

2. That an emergency exists and this act is in force from its passage.

3. That the provisions of this act shall apply to taxable years beginning on and after January 1, 2018.

CHAPTER 2

An Act to amend and reenact §§ 19.2-387, 19.2-389, as it is currently effective and as it shall become effective, 19.2-391, 53.1-136, and 53.1-165.1 of the Code of Virginia, relating to juvenile offenders; parole.

[H 35]

Approved February 24, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 19.2-387, 19.2-389, as it is currently effective and as it shall become effective, 19.2-391, 53.1-136, and 53.1-165.1 of the Code of Virginia are amended and reenacted as follows:

§ 19.2-387. Exchange to operate as a division of Department of State Police; authority of Superintendent of State Police.

A. The Central Criminal Records Exchange shall operate as a separate division within the Department of State Police and shall be the sole criminal ~~record-keeping~~ *recordkeeping* agency of the Commonwealth, except for (i) the Department of Juvenile Justice pursuant to Chapter 10 (§ 16.1-222 et seq.) of Title 16.1, (ii) the Department of Motor Vehicles, (iii) for purposes of the DNA data bank, the Department of Forensic Science, and (iv) for the purpose of making parole determinations pursuant to subdivisions 1, 2, 3, 4, and 5 6 of § 53.1-136, the Virginia Parole Board.

B. The Superintendent of State Police is hereby authorized to employ such personnel, establish such offices, and acquire such equipment as shall be necessary to carry out the purposes of this chapter and is also authorized to enter into agreements with other state agencies for services to be performed for it by employees of such other agencies.

§ 19.2-389. (Effective until January 1, 2021) Dissemination of criminal history record information.

A. Criminal history record information shall be disseminated, whether directly or through an intermediary, only to:

1. Authorized officers or employees of criminal justice agencies, as defined by § 9.1-101, for purposes of the administration of criminal justice and the screening of an employment application or review of employment by a criminal justice agency with respect to its own employees or applicants, and dissemination to the Virginia Parole Board, pursuant to this subdivision, of such information on all state-responsible inmates for the purpose of making parole determinations pursuant to subdivisions 1, 2, 3, 4, and 5 6 of § 53.1-136 shall include collective dissemination by electronic means every 30 days. For purposes of this subdivision, criminal history record information includes information sent to the Central Criminal Records Exchange pursuant to §§ 37.2-819 and 64.2-2014 when disseminated to any full-time or part-time employee of the State Police, a police department or sheriff's office that is a part of or administered by the Commonwealth or any political subdivision thereof, and who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic, or highway laws of the Commonwealth for the purposes of the administration of criminal justice;

2. Such other individuals and agencies that require criminal history record information to implement a state or federal statute or executive order of the President of the United States or Governor that expressly refers to criminal conduct and contains requirements or exclusions expressly based upon such conduct, except that information concerning the arrest of an individual may not be disseminated to a noncriminal justice agency or individual if an interval of one year has elapsed from the date of the arrest and no disposition of the charge has been recorded and no active prosecution of the charge is pending;

3. Individuals and agencies pursuant to a specific agreement with a criminal justice agency to provide services required for the administration of criminal justice pursuant to that agreement which shall specifically authorize access to data, limit the use of data to purposes for which given, and ensure the security and confidentiality of the data;

4. Individuals and agencies for the express purpose of research, evaluative, or statistical activities pursuant to an agreement with a criminal justice agency that shall specifically authorize access to data, limit the use of data to research, evaluative, or statistical purposes, and ensure the confidentiality and security of the data;

5. Agencies of state or federal government that are authorized by state or federal statute or executive order of the President of the United States or Governor to conduct investigations determining employment suitability or eligibility for security clearances allowing access to classified information;

6. Individuals and agencies where authorized by court order or court rule;

7. Agencies of any political subdivision of the Commonwealth, public transportation companies owned, operated or controlled by any political subdivision, and any public service corporation that operates a public transit system owned by a local government for the conduct of investigations of applicants for employment, permit, or license whenever, in the interest of public welfare or safety, it is necessary to determine under a duly enacted ordinance if the past criminal conduct of a person with a conviction record would be compatible with the nature of the employment, permit, or license under consideration;

7a. Commissions created pursuant to the Transportation District Act of 1964 (§ 33.2-1900 et seq.) of Title 33.2 and their contractors, for the conduct of investigations of individuals who have been offered a position of employment whenever, in the interest of public welfare or safety and as authorized in the Transportation District Act of 1964, it is necessary to determine if the past criminal conduct of a person with a conviction record would be compatible with the nature of the employment under consideration;

8. Public or private agencies when authorized or required by federal or state law or interstate compact to investigate (i) applicants for foster or adoptive parenthood or (ii) any individual, and the adult members of that individual's household, with whom the agency is considering placing a child or from whom the agency is considering removing a child due to abuse or neglect, on an emergency, temporary, or permanent basis pursuant to §§ 63.2-901.1 and 63.2-1505, subject to the restriction that the data shall not be further disseminated to any party other than a federal or state authority or court as may be required to comply with an express requirement of law;

9. To the extent permitted by federal law or regulation, public service companies as defined in § 56-1, for the conduct of investigations of applicants for employment when such employment involves personal contact with the public or when past criminal conduct of an applicant would be incompatible with the nature of the employment under consideration;

10. The appropriate authority for purposes of granting citizenship and for purposes of international travel, including, but not limited to, issuing visas and passports;

11. A person requesting a copy of his own criminal history record information as defined in § 9.1-101 at his cost, except that criminal history record information shall be supplied at no charge to a person who has applied to be a volunteer with (i) a Virginia affiliate of Big Brothers/Big Sisters of America; (ii) a volunteer fire company; (iii) the Volunteer Emergency Families for Children; (iv) any affiliate of Prevent Child Abuse, Virginia; (v) any Virginia affiliate of Compeer;

or (vi) any board member or any individual who has been offered membership on the board of a Crime Stoppers, Crime Solvers or Crime Line program as defined in § 15.2-1713.1;

12. Administrators and board presidents of and applicants for licensure or registration as a child welfare agency as defined in § 63.2-100 for dissemination to the Commissioner of Social Services' representative pursuant to § 63.2-1702 for the conduct of investigations with respect to employees of and volunteers at such facilities, caretakers, and other adults living in family day homes or homes approved by family day systems, and foster and adoptive parent applicants of private child-placing agencies, pursuant to §§ 63.2-1719, 63.2-1720, 63.2-1720.1, 63.2-1721, and 63.2-1721.1, subject to the restriction that the data shall not be further disseminated by the facility or agency to any party other than the data subject, the Commissioner of Social Services' representative or a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination;

13. The school boards of the Commonwealth for the purpose of screening individuals who are offered or who accept public school employment and those current school board employees for whom a report of arrest has been made pursuant to § 19.2-83.1;

14. The Virginia Lottery for the conduct of investigations as set forth in the Virginia Lottery Law (§ 58.1-4000 et seq.), and the Department of Agriculture and Consumer Services for the conduct of investigations as set forth in Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2;

15. Licensed nursing homes, hospitals and home care organizations for the conduct of investigations of applicants for compensated employment in licensed nursing homes pursuant to § 32.1-126.01, hospital pharmacies pursuant to § 32.1-126.02, and home care organizations pursuant to § 32.1-162.9:1, subject to the limitations set out in subsection E;

16. Licensed assisted living facilities and licensed adult day care centers for the conduct of investigations of applicants for compensated employment in licensed assisted living facilities and licensed adult day care centers pursuant to § 63.2-1720, subject to the limitations set out in subsection F;

17. The Virginia Alcoholic Beverage Control Authority for the conduct of investigations as set forth in § 4.1-103.1;

18. The State Board of Elections and authorized officers and employees thereof and general registrars appointed pursuant to § 24.2-110 in the course of conducting necessary investigations with respect to voter registration, limited to any record of felony convictions;

19. The Commissioner of Behavioral Health and Developmental Services for those individuals who are committed to the custody of the Commissioner pursuant to §§ 19.2-169.2, 19.2-169.6, 19.2-182.2, 19.2-182.3, 19.2-182.8, and 19.2-182.9 for the purpose of placement, evaluation, and treatment planning;

20. Any alcohol safety action program certified by the Commission on the Virginia Alcohol Safety Action Program for (i) assessments of habitual offenders under § 46.2-360, (ii) interventions with first offenders under § 18.2-251, or (iii) services to offenders under § 18.2-51.4, 18.2-266, or 18.2-266.1;

21. Residential facilities for juveniles regulated or operated by the Department of Social Services, the Department of Education, or the Department of Behavioral Health and Developmental Services for the purpose of determining applicants' fitness for employment or for providing volunteer or contractual services;

22. The Department of Behavioral Health and Developmental Services and facilities operated by the Department for the purpose of determining an individual's fitness for employment pursuant to departmental instructions;

23. Pursuant to § 22.1-296.3, the governing boards or administrators of private elementary or secondary schools which are accredited pursuant to § 22.1-19 or a private organization coordinating such records information on behalf of such governing boards or administrators pursuant to a written agreement with the Department of State Police;

24. Public institutions of higher education and nonprofit private institutions of higher education for the purpose of screening individuals who are offered or accept employment;

25. Members of a threat assessment team established by a local school board pursuant to § 22.1-79.4, by a public institution of higher education pursuant to § 23.1-805, or by a private nonprofit institution of higher education, for the purpose of assessing or intervening with an individual whose behavior may present a threat to safety; however, no member of a threat assessment team shall redisclose any criminal history record information obtained pursuant to this section or otherwise use any record of an individual beyond the purpose that such disclosure was made to the threat assessment team;

26. Executive directors of community services boards or the personnel director serving the community services board for the purpose of determining an individual's fitness for employment, approval as a sponsored residential service provider, or permission to enter into a shared living arrangement with a person receiving medical assistance services pursuant to a waiver pursuant to §§ 37.2-506 and 37.2-607;

27. Executive directors of behavioral health authorities as defined in § 37.2-600 for the purpose of determining an individual's fitness for employment, approval as a sponsored residential service provider, or permission to enter into a shared living arrangement with a person receiving medical assistance services pursuant to a waiver pursuant to §§ 37.2-506 and 37.2-607;

28. The Commissioner of Social Services for the purpose of locating persons who owe child support or who are alleged in a pending paternity proceeding to be a putative father, provided that only the name, address, demographics and social security number of the data subject shall be released;

29. Authorized officers or directors of agencies licensed pursuant to Article 2 (§ 37.2-403 et seq.) of Chapter 4 of Title 37.2 by the Department of Behavioral Health and Developmental Services for the purpose of determining if any applicant who accepts employment in any direct care position or requests approval as a sponsored residential service

provider or permission to enter into a shared living arrangement with a person receiving medical assistance services pursuant to a waiver has been convicted of a crime that affects his fitness to have responsibility for the safety and well-being of individuals with mental illness, intellectual disability, or substance abuse pursuant to §§ 37.2-416, 37.2-506, and 37.2-607;

30. The Commissioner of the Department of Motor Vehicles, for the purpose of evaluating applicants for and holders of a motor carrier certificate or license subject to the provisions of Chapters 20 (§ 46.2-2000 et seq.) and 21 (§ 46.2-2100 et seq.) of Title 46.2;

31. The chairmen of the Committees for Courts of Justice of the Senate or the House of Delegates for the purpose of determining if any person being considered for election to any judgeship has been convicted of a crime;

32. Heads of state agencies in which positions have been identified as sensitive for the purpose of determining an individual's fitness for employment in positions designated as sensitive under Department of Human Resource Management policies developed pursuant to § 2.2-1201.1;

33. The Office of the Attorney General, for all criminal justice activities otherwise permitted under subdivision A 1 and for purposes of performing duties required by the Civil Commitment of Sexually Violent Predators Act (§ 37.2-900 et seq.);

34. Shipyards, to the extent permitted by federal law or regulation, engaged in the design, construction, overhaul, or repair of nuclear vessels for the United States Navy, including their subsidiary companies, for the conduct of investigations of applications for employment or for access to facilities, by contractors, leased laborers, and other visitors;

35. Any employer of individuals whose employment requires that they enter the homes of others, for the purpose of screening individuals who apply for, are offered, or have accepted such employment;

36. Public agencies when and as required by federal or state law to investigate (i) applicants as providers of adult foster care and home-based services or (ii) any individual with whom the agency is considering placing an adult on an emergency, temporary, or permanent basis pursuant to § 63.2-1601.1, subject to the restriction that the data shall not be further disseminated by the agency to any party other than a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination, subject to limitations set out in subsection G;

37. The Department of Medical Assistance Services, or its designee, for the purpose of screening individuals who, through contracts, subcontracts, or direct employment, volunteer, apply for, are offered, or have accepted a position related to the provision of transportation services to enrollees in the Medicaid Program or the Family Access to Medical Insurance Security (FAMIS) Program, or any other program administered by the Department of Medical Assistance Services;

38. The State Corporation Commission for the purpose of investigating individuals who are current or proposed members, senior officers, directors, and principals of an applicant or person licensed under Chapter 16 (§ 6.2-1600 et seq.) or Chapter 19 (§ 6.2-1900 et seq.) of Title 6.2. Notwithstanding any other provision of law, if an application is denied based in whole or in part on information obtained from the Central Criminal Records Exchange pursuant to Chapter 16 or 19 of Title 6.2, the Commissioner of Financial Institutions or his designee may disclose such information to the applicant or its designee;

39. The Department of Professional and Occupational Regulation for the purpose of investigating individuals for initial licensure pursuant to § 54.1-2106.1;

40. The Department for Aging and Rehabilitative Services and the Department for the Blind and Vision Impaired for the purpose of evaluating an individual's fitness for various types of employment and for the purpose of delivering comprehensive vocational rehabilitation services pursuant to Article 11 (§ 51.5-170 et seq.) of Chapter 14 of Title 51.5 that will assist the individual in obtaining employment;

41. Bail bondsmen, in accordance with the provisions of § 19.2-120;

42. The State Treasurer for the purpose of determining whether a person receiving compensation for wrongful incarceration meets the conditions for continued compensation under § 8.01-195.12;

43. The Department of Social Services and directors of local departments of social services for the purpose of screening individuals seeking to enter into a contract with the Department of Social Services or a local department of social services for the provision of child care services for which child care subsidy payments may be provided;

44. The Department of Juvenile Justice to investigate any parent, guardian, or other adult members of a juvenile's household when completing a predispositional or postdispositional report required by § 16.1-273 or a Board of Juvenile Justice regulation promulgated pursuant to § 16.1-233; and

45. Other entities as otherwise provided by law.

Upon an ex parte motion of a defendant in a felony case and upon the showing that the records requested may be relevant to such case, the court shall enter an order requiring the Central Criminal Records Exchange to furnish the defendant, as soon as practicable, copies of any records of persons designated in the order on whom a report has been made under the provisions of this chapter.

Notwithstanding any other provision of this chapter to the contrary, upon a written request sworn to before an officer authorized to take acknowledgments, the Central Criminal Records Exchange, or the criminal justice agency in cases of offenses not required to be reported to the Exchange, shall furnish a copy of conviction data covering the person named in the request to the person making the request; however, such person on whom the data is being obtained shall consent in writing, under oath, to the making of such request. A person receiving a copy of his own conviction data may utilize or

further disseminate that data as he deems appropriate. In the event no conviction data is maintained on the data subject, the person making the request shall be furnished at his cost a certification to that effect.

B. Use of criminal history record information disseminated to noncriminal justice agencies under this section shall be limited to the purposes for which it was given and may not be disseminated further.

C. No criminal justice agency or person shall confirm the existence or nonexistence of criminal history record information for employment or licensing inquiries except as provided by law.

D. Criminal justice agencies shall establish procedures to query the Central Criminal Records Exchange prior to dissemination of any criminal history record information on offenses required to be reported to the Central Criminal Records Exchange to ensure that the most up-to-date disposition data is being used. Inquiries of the Exchange shall be made prior to any dissemination except in those cases where time is of the essence and the normal response time of the Exchange would exceed the necessary time period. A criminal justice agency to whom a request has been made for the dissemination of criminal history record information that is required to be reported to the Central Criminal Records Exchange may direct the inquirer to the Central Criminal Records Exchange for such dissemination. Dissemination of information regarding offenses not required to be reported to the Exchange shall be made by the criminal justice agency maintaining the record as required by § 15.2-1722.

E. Criminal history information provided to licensed nursing homes, hospitals and to home care organizations pursuant to subdivision A 15 shall be limited to the convictions on file with the Exchange for any offense specified in §§ 32.1-126.01, 32.1-126.02, and 32.1-162.9:1.

F. Criminal history information provided to licensed assisted living facilities and licensed adult day care centers pursuant to subdivision A 16 shall be limited to the convictions on file with the Exchange for any offense specified in § 63.2-1720.

G. Criminal history information provided to public agencies pursuant to subdivision A 36 shall be limited to the convictions on file with the Exchange for any offense set forth in clause (i) of the definition of barrier crime in § 19.2-392.02.

H. Upon receipt of a written request from an employer or prospective employer, the Central Criminal Records Exchange, or the criminal justice agency in cases of offenses not required to be reported to the Exchange, shall furnish at the employer's cost a copy of conviction data covering the person named in the request to the employer or prospective employer making the request, provided that the person on whom the data is being obtained has consented in writing to the making of such request and has presented a photo-identification to the employer or prospective employer. In the event no conviction data is maintained on the person named in the request, the requesting employer or prospective employer shall be furnished at his cost a certification to that effect. The criminal history record search shall be conducted on forms provided by the Exchange.

I. Nothing in this section shall preclude the dissemination of a person's criminal history record information pursuant to the rules of court for obtaining discovery or for review by the court.

§ 19.2-389. (Effective January 1, 2021) Dissemination of criminal history record information.

A. Criminal history record information shall be disseminated, whether directly or through an intermediary, only to:

1. Authorized officers or employees of criminal justice agencies, as defined by § 9.1-101, for purposes of the administration of criminal justice and the screening of an employment application or review of employment by a criminal justice agency with respect to its own employees or applicants, and dissemination to the Virginia Parole Board, pursuant to this subdivision, of such information on all state-responsible inmates for the purpose of making parole determinations pursuant to subdivisions 1, 2, 3, 4, and 5 of § 53.1-136 shall include collective dissemination by electronic means every 30 days. For purposes of this subdivision, criminal history record information includes information sent to the Central Criminal Records Exchange pursuant to §§ 37.2-819 and 64.2-2014 when disseminated to any full-time or part-time employee of the State Police, a police department or sheriff's office that is a part of or administered by the Commonwealth or any political subdivision thereof, and who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth for the purposes of the administration of criminal justice;

2. Such other individuals and agencies that require criminal history record information to implement a state or federal statute or executive order of the President of the United States or Governor that expressly refers to criminal conduct and contains requirements or exclusions expressly based upon such conduct, except that information concerning the arrest of an individual may not be disseminated to a noncriminal justice agency or individual if an interval of one year has elapsed from the date of the arrest and no disposition of the charge has been recorded and no active prosecution of the charge is pending;

3. Individuals and agencies pursuant to a specific agreement with a criminal justice agency to provide services required for the administration of criminal justice pursuant to that agreement which shall specifically authorize access to data, limit the use of data to purposes for which given, and ensure the security and confidentiality of the data;

4. Individuals and agencies for the express purpose of research, evaluative, or statistical activities pursuant to an agreement with a criminal justice agency that shall specifically authorize access to data, limit the use of data to research, evaluative, or statistical purposes, and ensure the confidentiality and security of the data;

5. Agencies of state or federal government that are authorized by state or federal statute or executive order of the President of the United States or Governor to conduct investigations determining employment suitability or eligibility for security clearances allowing access to classified information;

6. Individuals and agencies where authorized by court order or court rule;

7. Agencies of any political subdivision of the Commonwealth, public transportation companies owned, operated or controlled by any political subdivision, and any public service corporation that operates a public transit system owned by a local government for the conduct of investigations of applicants for employment, permit, or license whenever, in the interest of public welfare or safety, it is necessary to determine under a duly enacted ordinance if the past criminal conduct of a person with a conviction record would be compatible with the nature of the employment, permit, or license under consideration;

7a. Commissions created pursuant to the Transportation District Act of 1964 (§ 33.2-1900 et seq.) of Title 33.2 and their contractors, for the conduct of investigations of individuals who have been offered a position of employment whenever, in the interest of public welfare or safety and as authorized in the Transportation District Act of 1964, it is necessary to determine if the past criminal conduct of a person with a conviction record would be compatible with the nature of the employment under consideration;

8. Public or private agencies when authorized or required by federal or state law or interstate compact to investigate (i) applicants for foster or adoptive parenthood or (ii) any individual, and the adult members of that individual's household, with whom the agency is considering placing a child or from whom the agency is considering removing a child due to abuse or neglect, on an emergency, temporary, or permanent basis pursuant to §§ 63.2-901.1 and 63.2-1505, subject to the restriction that the data shall not be further disseminated to any party other than a federal or state authority or court as may be required to comply with an express requirement of law;

9. To the extent permitted by federal law or regulation, public service companies as defined in § 56-1, for the conduct of investigations of applicants for employment when such employment involves personal contact with the public or when past criminal conduct of an applicant would be incompatible with the nature of the employment under consideration;

10. The appropriate authority for purposes of granting citizenship and for purposes of international travel, including, but not limited to, issuing visas and passports;

11. A person requesting a copy of his own criminal history record information as defined in § 9.1-101 at his cost, except that criminal history record information shall be supplied at no charge to a person who has applied to be a volunteer with (i) a Virginia affiliate of Big Brothers/Big Sisters of America; (ii) a volunteer fire company; (iii) the Volunteer Emergency Families for Children; (iv) any affiliate of Prevent Child Abuse, Virginia; (v) any Virginia affiliate of Compeer; or (vi) any board member or any individual who has been offered membership on the board of a Crime Stoppers, Crime Solvers or Crime Line program as defined in § 15.2-1713.1;

12. Administrators and board presidents of and applicants for licensure or registration as a child welfare agency as defined in § 63.2-100 for dissemination to the Commissioner of Social Services' representative pursuant to § 63.2-1702 for the conduct of investigations with respect to employees of and volunteers at such facilities, caretakers, and other adults living in family day homes or homes approved by family day systems, and foster and adoptive parent applicants of private child-placing agencies, pursuant to §§ 63.2-1719, 63.2-1720, 63.2-1720.1, 63.2-1721, and 63.2-1721.1, subject to the restriction that the data shall not be further disseminated by the facility or agency to any party other than the data subject, the Commissioner of Social Services' representative or a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination;

13. The school boards of the Commonwealth for the purpose of screening individuals who are offered or who accept public school employment and those current school board employees for whom a report of arrest has been made pursuant to § 19.2-83.1;

14. The Virginia Lottery for the conduct of investigations as set forth in the Virginia Lottery Law (§ 58.1-4000 et seq.), and the Department of Agriculture and Consumer Services for the conduct of investigations as set forth in Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2;

15. Licensed nursing homes, hospitals and home care organizations for the conduct of investigations of applicants for compensated employment in licensed nursing homes pursuant to § 32.1-126.01, hospital pharmacies pursuant to § 32.1-126.02, and home care organizations pursuant to § 32.1-162.9:1, subject to the limitations set out in subsection E;

16. Licensed assisted living facilities and licensed adult day care centers for the conduct of investigations of applicants for compensated employment in licensed assisted living facilities and licensed adult day care centers pursuant to § 63.2-1720, subject to the limitations set out in subsection F;

17. The Virginia Alcoholic Beverage Control Authority for the conduct of investigations as set forth in § 4.1-103.1;

18. The State Board of Elections and authorized officers and employees thereof and general registrars appointed pursuant to § 24.2-110 in the course of conducting necessary investigations with respect to voter registration, limited to any record of felony convictions;

19. The Commissioner of Behavioral Health and Developmental Services for those individuals who are committed to the custody of the Commissioner pursuant to §§ 19.2-169.2, 19.2-169.6, 19.2-182.2, 19.2-182.3, 19.2-182.8, and 19.2-182.9 for the purpose of placement, evaluation, and treatment planning;

20. Any alcohol safety action program certified by the Commission on the Virginia Alcohol Safety Action Program for (i) assessments of habitual offenders under § 46.2-360, (ii) interventions with first offenders under § 18.2-251, or (iii) services to offenders under § 18.2-51.4, 18.2-266, or 18.2-266.1;

21. Residential facilities for juveniles regulated or operated by the Department of Social Services, the Department of Education, or the Department of Behavioral Health and Developmental Services for the purpose of determining applicants' fitness for employment or for providing volunteer or contractual services;

22. The Department of Behavioral Health and Developmental Services and facilities operated by the Department for the purpose of determining an individual's fitness for employment pursuant to departmental instructions;

23. Pursuant to § 22.1-296.3, the governing boards or administrators of private elementary or secondary schools which are accredited pursuant to § 22.1-19 or a private organization coordinating such records information on behalf of such governing boards or administrators pursuant to a written agreement with the Department of State Police;

24. Public institutions of higher education and nonprofit private institutions of higher education for the purpose of screening individuals who are offered or accept employment;

25. Members of a threat assessment team established by a local school board pursuant to § 22.1-79.4, by a public institution of higher education pursuant to § 23.1-805, or by a private nonprofit institution of higher education, for the purpose of assessing or intervening with an individual whose behavior may present a threat to safety; however, no member of a threat assessment team shall redisclose any criminal history record information obtained pursuant to this section or otherwise use any record of an individual beyond the purpose that such disclosure was made to the threat assessment team;

26. Executive directors of community services boards or the personnel director serving the community services board for the purpose of determining an individual's fitness for employment, approval as a sponsored residential service provider, or permission to enter into a shared living arrangement with a person receiving medical assistance services pursuant to a waiver pursuant to §§ 37.2-506 and 37.2-607;

27. Executive directors of behavioral health authorities as defined in § 37.2-600 for the purpose of determining an individual's fitness for employment, approval as a sponsored residential service provider, or permission to enter into a shared living arrangement with a person receiving medical assistance services pursuant to a waiver pursuant to §§ 37.2-506 and 37.2-607;

28. The Commissioner of Social Services for the purpose of locating persons who owe child support or who are alleged in a pending paternity proceeding to be a putative father, provided that only the name, address, demographics and social security number of the data subject shall be released;

29. Authorized officers or directors of agencies licensed pursuant to Article 2 (§ 37.2-403 et seq.) of Chapter 4 of Title 37.2 by the Department of Behavioral Health and Developmental Services for the purpose of determining if any applicant who accepts employment in any direct care position or requests approval as a sponsored residential service provider or permission to enter into a shared living arrangement with a person receiving medical assistance services pursuant to a waiver has been convicted of a crime that affects his fitness to have responsibility for the safety and well-being of individuals with mental illness, intellectual disability, or substance abuse pursuant to §§ 37.2-416, 37.2-506, and 37.2-607;

30. The Commissioner of the Department of Motor Vehicles, for the purpose of evaluating applicants for and holders of a motor carrier certificate or license subject to the provisions of Chapters 20 (§ 46.2-2000 et seq.) and 21 (§ 46.2-2100 et seq.) of Title 46.2;

31. The chairmen of the Committees for Courts of Justice of the Senate or the House of Delegates for the purpose of determining if any person being considered for election to any judgeship has been convicted of a crime;

32. Heads of state agencies in which positions have been identified as sensitive for the purpose of determining an individual's fitness for employment in positions designated as sensitive under Department of Human Resource Management policies developed pursuant to § 2.2-1201.1;

33. The Office of the Attorney General, for all criminal justice activities otherwise permitted under subdivision A 1 and for purposes of performing duties required by the Civil Commitment of Sexually Violent Predators Act (§ 37.2-900 et seq.);

34. Shipyards, to the extent permitted by federal law or regulation, engaged in the design, construction, overhaul, or repair of nuclear vessels for the United States Navy, including their subsidiary companies, for the conduct of investigations of applications for employment or for access to facilities, by contractors, leased laborers, and other visitors;

35. Any employer of individuals whose employment requires that they enter the homes of others, for the purpose of screening individuals who apply for, are offered, or have accepted such employment;

36. Public agencies when and as required by federal or state law to investigate (i) applicants as providers of adult foster care and home-based services or (ii) any individual with whom the agency is considering placing an adult on an emergency, temporary, or permanent basis pursuant to § 63.2-1601.1, subject to the restriction that the data shall not be further disseminated by the agency to any party other than a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination, subject to limitations set out in subsection G;

37. The Department of Medical Assistance Services, or its designee, for the purpose of screening individuals who, through contracts, subcontracts, or direct employment, volunteer, apply for, are offered, or have accepted a position related to the provision of transportation services to enrollees in the Medicaid Program or the Family Access to Medical Insurance Security (FAMIS) Program, or any other program administered by the Department of Medical Assistance Services;

38. The State Corporation Commission for the purpose of investigating individuals who are current or proposed members, senior officers, directors, and principals of an applicant or person licensed under Chapter 16 (§ 6.2-1600 et seq.) or Chapter 19 (§ 6.2-1900 et seq.) of Title 6.2. Notwithstanding any other provision of law, if an application is denied based in whole or in part on information obtained from the Central Criminal Records Exchange pursuant to Chapter 16 or 19 of Title 6.2, the Commissioner of Financial Institutions or his designee may disclose such information to the applicant or its designee;

39. The Department of Professional and Occupational Regulation for the purpose of investigating individuals for initial licensure pursuant to § 54.1-2106.1;

40. The Department for Aging and Rehabilitative Services and the Department for the Blind and Vision Impaired for the purpose of evaluating an individual's fitness for various types of employment and for the purpose of delivering comprehensive vocational rehabilitation services pursuant to Article 11 (§ 51.5-170 et seq.) of Chapter 14 of Title 51.5 that will assist the individual in obtaining employment;

41. Bail bondsmen, in accordance with the provisions of § 19.2-120;

42. The State Treasurer for the purpose of determining whether a person receiving compensation for wrongful incarceration meets the conditions for continued compensation under § 8.01-195.12;

43. The Department of Social Services and directors of local departments of social services for the purpose of screening individuals seeking to enter into a contract with the Department of Social Services or a local department of social services for the provision of child care services for which child care subsidy payments may be provided;

44. The Department of Juvenile Justice to investigate any parent, guardian, or other adult members of a juvenile's household when completing a predispositional or postdispositional report required by § 16.1-273 or a Board of Juvenile Justice regulation promulgated pursuant to § 16.1-233;

45. The State Corporation Commission, for the purpose of screening applicants for insurance licensure under Chapter 18 (§ 38.2-1800 et seq.) of Title 38.2; and

46. Other entities as otherwise provided by law.

Upon an ex parte motion of a defendant in a felony case and upon the showing that the records requested may be relevant to such case, the court shall enter an order requiring the Central Criminal Records Exchange to furnish the defendant, as soon as practicable, copies of any records of persons designated in the order on whom a report has been made under the provisions of this chapter.

Notwithstanding any other provision of this chapter to the contrary, upon a written request sworn to before an officer authorized to take acknowledgments, the Central Criminal Records Exchange, or the criminal justice agency in cases of offenses not required to be reported to the Exchange, shall furnish a copy of conviction data covering the person named in the request to the person making the request; however, such person on whom the data is being obtained shall consent in writing, under oath, to the making of such request. A person receiving a copy of his own conviction data may utilize or further disseminate that data as he deems appropriate. In the event no conviction data is maintained on the data subject, the person making the request shall be furnished at his cost a certification to that effect.

B. Use of criminal history record information disseminated to noncriminal justice agencies under this section shall be limited to the purposes for which it was given and may not be disseminated further.

C. No criminal justice agency or person shall confirm the existence or nonexistence of criminal history record information for employment or licensing inquiries except as provided by law.

D. Criminal justice agencies shall establish procedures to query the Central Criminal Records Exchange prior to dissemination of any criminal history record information on offenses required to be reported to the Central Criminal Records Exchange to ensure that the most up-to-date disposition data is being used. Inquiries of the Exchange shall be made prior to any dissemination except in those cases where time is of the essence and the normal response time of the Exchange would exceed the necessary time period. A criminal justice agency to whom a request has been made for the dissemination of criminal history record information that is required to be reported to the Central Criminal Records Exchange may direct the inquirer to the Central Criminal Records Exchange for such dissemination. Dissemination of information regarding offenses not required to be reported to the Exchange shall be made by the criminal justice agency maintaining the record as required by § 15.2-1722.

E. Criminal history information provided to licensed nursing homes, hospitals and to home care organizations pursuant to subdivision A 15 shall be limited to the convictions on file with the Exchange for any offense specified in §§ 32.1-126.01, 32.1-126.02, and 32.1-162.9:1.

F. Criminal history information provided to licensed assisted living facilities and licensed adult day care centers pursuant to subdivision A 16 shall be limited to the convictions on file with the Exchange for any offense specified in § 63.2-1720.

G. Criminal history information provided to public agencies pursuant to subdivision A 36 shall be limited to the convictions on file with the Exchange for any offense set forth in clause (i) of the definition of barrier crime in § 19.2-392.02.

H. Upon receipt of a written request from an employer or prospective employer, the Central Criminal Records Exchange, or the criminal justice agency in cases of offenses not required to be reported to the Exchange, shall furnish at the employer's cost a copy of conviction data covering the person named in the request to the employer or prospective employer making the request, provided that the person on whom the data is being obtained has consented in writing to the making of such request and has presented a photo-identification to the employer or prospective employer. In the event no conviction data is maintained on the person named in the request, the requesting employer or prospective employer shall be furnished at his cost a certification to that effect. The criminal history record search shall be conducted on forms provided by the Exchange.

I. Nothing in this section shall preclude the dissemination of a person's criminal history record information pursuant to the rules of court for obtaining discovery or for review by the court.

§ 19.2-391. Records to be made available to Exchange by state officials and agencies; duplication of records.

Each state official and agency shall make available to the Central Criminal Records Exchange such of their records as are pertinent to its functions and shall cooperate with the Exchange in the development and use of equipment and facilities on a joint basis, where feasible. No state official or agency shall maintain records which are a duplication of the records on deposit in the Central Criminal Records Exchange, except to the extent necessary for efficient internal administration of such agency. Furthermore, the Virginia Parole Board may receive and use electronically disseminated criminal history record information from the Central Criminal Records Exchange as required to make parole determinations pursuant to subdivisions 1, 2, 3, 4, and ~~5~~ 6 of § 53.1-136, provided the data is (i) temporarily stored with the Board solely for operational purposes, (ii) purged within ~~thirty~~ 30 days of receipt of updated data by the Board, and (iii) accessed and viewed solely by Parole Board members and authorized staff pursuant to §§ 9.1-101 and § 9.1-130.

§ 53.1-136. Powers and duties of Board; notice of release of certain inmates.

In addition to the other powers and duties imposed upon the Board by this article, the Board shall:

1. Adopt, subject to approval by the Governor, general rules governing the granting of parole and eligibility requirements, which shall be published and posted for public review;
2. ~~(a)~~ Adopt, subject to approval by the Governor, rules providing for the granting of parole to those prisoners who are eligible for parole pursuant to § 53.1-165.1 on the basis of demonstrated maturity and rehabilitation and the lesser culpability of juvenile offenders;
3. a. Release on parole for such time and upon such terms and conditions as the Board shall prescribe, persons convicted of felonies and confined under the laws of the Commonwealth in any correctional facility in Virginia when those persons become eligible and are found suitable for parole, according to those rules adopted pursuant to ~~subdivision subdivisions 1 and 2;~~
- ~~(b)~~ b. Establish the conditions of postrelease supervision authorized pursuant to §§ § 18.2-10 and *subsection A* of § 19.2-295.2 A;
- ~~(c)~~ c. Notify by certified mail at least 21 business days prior to release on discretionary parole of any inmate convicted of a felony and sentenced to a term of 10 or more years, the attorney for the Commonwealth in the jurisdiction where the inmate was sentenced. In the case of parole granted for medical reasons, where death is imminent, the ~~Commonwealth's Attorney~~ attorney for the Commonwealth may be notified by telephone or other electronic means prior to release. Nothing in this ~~subsection~~ section shall be construed to alter the obligations of the Board under § 53.1-155 for investigation prior to release;
- ~~(d)~~ ~~in~~ d. Provide that in any case where a person who is released on parole or postrelease supervision has been committed to the Department of Behavioral Health and Developmental Services under the provisions of Chapter 9 (§ 37.2-900 et seq.) of Title 37.2; the conditions of his parole or postrelease supervision shall include the requirement that the person comply with all conditions given him by the Department of Behavioral Health and Developmental Services; and that he follow all of the terms of his treatment plan;
3. 4. Revoke parole and any period of postrelease and order the reincarceration of any parolee or felon serving a period of postrelease supervision or impose a condition of participation in any component of the Statewide Community-Based Corrections System for State-Responsible Offenders (§ 53.1-67.2 et seq.) on any eligible parolee, when, in the judgment of the Board, he has violated the conditions of his parole; or postrelease supervision or is otherwise unfit to be on parole or on postrelease supervision;
4. 5. Issue final discharges to persons released by the Board on parole when the Board is of the opinion that the discharge of the parolee will not be incompatible with the welfare of such person or of society;
5. 6. Make investigations and reports with respect to any commutation of sentence, pardon, reprieve or remission of fine, or penalty when requested by the Governor;
6. 7. Publish monthly a statement regarding the action taken by the Board on the parole of prisoners. The statement shall list the name of each prisoner considered for parole and indicate whether parole was granted or denied, as well as the basis for denial of parole as described in subdivision 2 ~~(a)~~ 3 a; and
7. 8. Ensure that each person eligible for parole receives a timely and thorough review of his suitability for release on parole, including a review of any relevant post-sentencing information. If parole is denied, the basis for the denial of parole shall be in writing and shall give specific reasons for such denial to such inmate.

§ 53.1-165.1. Limitation on the application of parole statutes.

A. The provisions of this article, except §§ 53.1-160 and 53.1-160.1, shall not apply to any sentence imposed or to any prisoner incarcerated upon a conviction for a felony offense committed on or after January 1, 1995. Any person sentenced to a term of incarceration for a felony offense committed on or after January 1, 1995, shall not be eligible for parole upon that offense.

B. Notwithstanding the provisions of subsection A or any other provision of this article to the contrary, any person sentenced to a term of life imprisonment for a single felony or multiple felonies committed while the person was a juvenile and who has served at least 20 years of such sentence shall be eligible for parole and any person who has active sentences that total more than 20 years for a single felony or multiple felonies committed while the person was a juvenile and who has served at least 20 years of such sentences shall be eligible for parole. The Board shall review and decide the case of each prisoner who is eligible for parole in accordance with § 53.1-154 and rules adopted pursuant to subdivision 2 of § 53.1-136.

CHAPTER 3

An Act to amend and reenact § 63.2-1202 of the Code of Virginia, relating to legal custodian; notice of adoption proceeding.

[H 94]

Approved February 24, 2020

Be it enacted by the General Assembly of Virginia:**1. That § 63.2-1202 of the Code of Virginia is amended and reenacted as follows:****§ 63.2-1202. Parental, or agency, consent required; exceptions.**

A. No petition for adoption shall be granted, except as hereinafter provided in this section, unless written consent to the proposed adoption is filed with the petition. Such consent shall be in writing, signed under oath and acknowledged before an officer authorized by law to take acknowledgments. The consent of a birth parent for the adoption of his child placed directly by the birth parent shall be executed as provided in § 63.2-1233, and the circuit court may accept a certified copy of an order entered pursuant to § 63.2-1233 in satisfaction of all requirements of this section, provided the order clearly evidences compliance with the applicable notice and consent requirements of § 63.2-1233.

B. A birth parent who has not reached the age of 18 shall have legal capacity to give consent to adoption and perform all acts related to adoption, and shall be as fully bound thereby as if the birth parent had attained the age of 18 years.

C. Consent shall be executed:

1. By the birth mother and by any man who:

a. Is an acknowledged father under § 20-49.1;

b. Is an adjudicated father under § 20-49.8;

c. Is a presumed father under subsection D; or

d. Has registered with the Virginia Birth Father Registry pursuant to Article 7 (§ 63.2-1249 et seq.).

Verification of compliance with the notice provisions of the Virginia Birth Father Registry shall be provided to the court.

2. By the child-placing agency or the local board having custody of the child, with right to place him for adoption, through court commitment or parental agreement as provided in § 63.2-900, 63.2-903, or 63.2-1221; or an agency outside the Commonwealth that is licensed or otherwise duly authorized to place children for adoption by virtue of the laws under which it operates; and

3. By the child if he is 14 years of age or older, unless the circuit court finds that the best interests of the child will be served by not requiring such consent.

D. A man shall be presumed to be the father of a child if:

1. He and the mother of the child are married to each other and the child is born during the marriage;

2. He and the mother of the child were married to each other and the child is born within 300 days of their date of separation, as evidenced by a written agreement or decree of separation, or within 300 days after the marriage is terminated by death, annulment, declaration of invalidity, or divorce; or

3. Before the birth of the child, he and the mother of the child married each other in apparent compliance with the law, even if the attempted marriage is or could be declared invalid, and the child is born during the invalid marriage or within 300 days of their date of separation, as evidenced by a written agreement or decree of separation, or within 300 days after its termination by death, annulment, declaration of invalidity, or divorce.

Such presumption may be rebutted by sufficient evidence that would establish by a preponderance of the evidence the paternity of another man or the impossibility or improbability of cohabitation with the birth mother for a period of at least 300 days prior to the birth of the child.

E. No consent shall be required of a birth father if he denies under oath and in writing the paternity of the child. Such denial of paternity may be withdrawn no more than 10 days after it is executed. Once the child is 10 days old, any executed denial of paternity is final and constitutes a waiver of all rights with respect to the adoption of the child and cannot be withdrawn.

F. No consent shall be required of the birth father of a child when the birth father is convicted of a violation of subsection A of § 18.2-61, § 18.2-63, subsection B of § 18.2-366, or an equivalent offense of another state, the United States, or any foreign jurisdiction, and the child was conceived as a result of such violation.

G. No notice or consent shall be required of any person whose parental rights have been terminated by a court of competent jurisdiction, including foreign courts that have competent jurisdiction. No notice or consent is required of any birth parent of a child for whom a guardianship order was granted when the child was approved by the United States Citizenship and Immigration Services for purposes of adoption.

H. No consent shall be required of a birth parent who, without just cause, has neither visited nor contacted the child for a period of six months immediately prior to the filing of the petition for adoption or the filing of a petition to accept consent to an adoption. The prospective adoptive parent(s) shall establish by clear and convincing evidence that the birth parent(s), without just cause, has neither visited nor contacted the child for a period of six months immediately prior to the filing of the petition for adoption or the filing of a petition to accept consent to an adoption. This provision shall not infringe upon the

birth parent's right to be noticed and heard on the allegation of abandonment. For purposes of this section, the payment of child support, in the absence of other contact with the child, shall not be considered contact.

I. A birth father of the child may consent to the termination of all of his parental rights prior to the birth of the child.

J. The failure of the nonconsenting party to appear at any scheduled hearing, either in person or by counsel, after proper notice has been given to said party, shall constitute a waiver of any objection and right to consent to the adoption.

K. If a birth parent, legal guardian, or prospective adoptee, executing a consent, entrustment, or other documents related to the adoption, cannot provide the identification required pursuant to § 47.1-14, the birth parent, legal guardian, or prospective adoptee may execute a self-authenticating affidavit as to his identity subject to the penalties contained in § 63.2-1217.

L. A legal custodian of a child being placed for adoption, and any other named parties in pending cases in which the custody or visitation of such child is at issue, whether such case is in a circuit or district court, shall be entitled to proper notice of any adoption proceeding and an opportunity to be heard.

CHAPTER 4

An Act to amend and reenact § 53.1-132 of the Code of Virginia, relating to furloughs from local work release programs; approval by local sheriff and local chief law-enforcement official.

[H 369]

Approved February 24, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 53.1-132 of the Code of Virginia is amended and reenacted as follows:

§ 53.1-132. Furloughs from local work release programs; penalty for violations.

The director of any work release program authorized by § 53.1-131 may, subject to rules and regulations prescribed by the Board, extend the limits of confinement of any offender participating in a work release program ~~which~~ that is subject to the director's authority; to permit the offender a furlough for the purpose of visiting his home or family. *If such offender is participating in a work release program under the supervision of the administrator of a regional jail and the furlough would extend the limits of confinement of the offender to a locality not served by that regional jail, then notice of the furlough shall be provided to the sheriff of such locality.* Such furlough shall be for a period to be prescribed by the director, not to exceed three days. The time during which an offender is on furlough shall not be counted as time served against any sentence, and during any furlough, no earned sentence credit as defined in § 53.1-116, good conduct allowance or credits, or any other reduction of sentence shall accrue.

Any offender who, without proper authority or without just cause, fails to remain within the limits of confinement set by the director hereunder, or fails to return within the time prescribed to the place designated by the director in granting such authority, shall be guilty of a Class 1 misdemeanor. An offender who is found guilty of a Class 1 misdemeanor in accordance with this section shall be ineligible for further participation in a work release program during his current term of confinement.

CHAPTER 5

An Act to amend and reenact § 63.2-1506 of the Code of Virginia, relating to family assessments; timeline.

[H 778]

Approved February 24, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 63.2-1506 of the Code of Virginia is amended and reenacted as follows:

§ 63.2-1506. Family assessments by local departments.

A. A family assessment requires the collection of information necessary to determine:

1. The immediate safety needs of the child;
2. The protective and rehabilitative services needs of the child and family that will deter abuse or neglect;
3. Risk of future harm to the child;
4. Whether the mother of a child who was exposed in utero to a controlled substance sought substance abuse counseling or treatment prior to the child's birth; and
5. Alternative plans for the child's safety if protective and rehabilitative services are indicated and the family is unable or unwilling to participate in services.

B. When a local department has been designated as a child-protective services differential response system participant by the Department pursuant to § 63.2-1504 and responds to the report or complaint by conducting a family assessment, the local department shall:

1. Conduct an immediate family assessment and, if the report or complaint was based upon one of the factors specified in subsection B of § 63.2-1509, the local department may file a petition pursuant to § 16.1-241.3;

2. Obtain and consider the results of a search of the child abuse and neglect registry for any individual who is the subject of a family assessment. The local board shall determine whether the individual has resided in another state within at least the preceding five years, and, if he has resided in another state, the local board shall request a search of the child abuse and neglect registry or equivalent registry maintained by such state. The local board also may obtain and consider, in accordance with regulations of the Board, statewide criminal history record information from the Central Criminal Records Exchange for any individual who is the subject of a family assessment;

3. Immediately contact the subject of the report and the family of the child alleged to have been abused or neglected and give each a written and an oral explanation of the family assessment procedure. The family assessment shall be in writing and shall be completed in accordance with Board regulation;

4. Complete the family assessment within ~~45~~ 60 days and transmit a report to such effect to the Department and to the person who is the subject of the family assessment. ~~However, upon written justification by the local department, the family assessment may be extended, not to exceed a total of 60 days;~~

5. Consult with the family to arrange for necessary protective and rehabilitative services to be provided to the child and his family. Families have the option of declining the services offered as a result of the family assessment. If the family declines the services, the case shall be closed unless the local department determines that sufficient cause exists to redetermine the case as one that needs to be investigated. In no instance shall a case be redetermined as an investigation solely because the family declines services;

6. Petition the court for services deemed necessary;

7. Make no disposition of founded or unfounded for reports in which a family assessment is completed. Reports in which a family assessment is completed shall not be entered into the central registry contained in § 63.2-1515; and

8. Commence an immediate investigation, if at any time during the completion of the family assessment, the local department determines that an investigation is required.

C. When a local department has been designated as a child-protective services differential response agency by the Department, the local department may investigate any report of child abuse or neglect, but the following valid reports of child abuse or neglect shall be investigated: (i) sexual abuse, (ii) child fatality, (iii) abuse or neglect resulting in serious injury as defined in § 18.2-371.1, (iv) cases involving a child's being left alone in the same dwelling with a person to whom the child is not related by blood or marriage and who has been convicted of an offense against a minor for which registration is required as a violent sexual offender pursuant to § 9.1-902, (v) child has been taken into the custody of the local department, or (vi) cases involving a caretaker at a state-licensed child day center, religiously exempt child day center, licensed, registered or approved family day home, private or public school, hospital or any institution. If a report or complaint is based upon one of the factors specified in subsection B of § 63.2-1509, the local department shall (a) conduct a family assessment, unless an investigation is required pursuant to this subsection or other provision of law or is necessary to protect the safety of the child, and (b) develop a plan of safe care in accordance with federal law, regardless of whether the local department makes a finding of abuse or neglect.

D. Any individual who is the subject of a family assessment conducted under this section shall notify the local department prior to changing his place of residence and provide the local department with the address of his new residence.

CHAPTER 6

An Act to amend and reenact § 63.2-1506.1 of the Code of Virginia, relating to human trafficking assessments by local departments.

[H 1006]

Approved February 24, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 63.2-1506.1 of the Code of Virginia is amended and reenacted as follows:

§ 63.2-1506.1. Human trafficking assessments by local departments.

A. If a report or complaint is based upon information and allegations that a child is a victim of sex trafficking or severe forms of trafficking as defined in the federal Trafficking Victims Protection Act of 2000 (22 U.S.C. § 7102 et seq.) and in the federal Justice for Victims of Trafficking Act of 2015 (P.L. 114-22), the local department shall conduct a ~~sex~~ human trafficking assessment, unless at any time during the ~~sex~~ human trafficking assessment the local department determines that an investigation or family assessment is required pursuant to § 63.2-1505 or 63.2-1506.

B. A ~~sex~~ human trafficking assessment requires the collection of information necessary to determine:

1. The immediate safety needs of the child;
2. The protective and rehabilitative services needs of the child and the child's family that will deter abuse and neglect; and
3. Risk of future harm to the child.

C. When a local department responds to the report or complaint by conducting a ~~sex~~ human trafficking assessment, the local department may:

1. Consult with the family to arrange for necessary protective and rehabilitative services to be provided to the child and the child's family;

2. Petition the court for services deemed necessary; or

3. Commence an immediate investigation or family assessment, if at any time during the ~~sex~~ human trafficking assessment the local department determines that an investigation or family assessment is required pursuant to § 63.2-1505 or 63.2-1506.

D. In the event that the parents or guardians of the child reside in a jurisdiction other than that in which the report or complaint was received, the local department that received the report or complaint and the local department where the child resides with his parents or guardians shall work jointly to complete the ~~sex~~ human trafficking assessment.

E. Reports or complaints for which a ~~sex~~ human trafficking assessment is completed shall not be entered into the central registry contained in § 63.2-1515.

F. The local department or departments shall notify the Child Protective Services Unit within the Department in writing whenever such a ~~sex~~ human trafficking assessment is conducted.

G. *When conducting a human trafficking assessment pursuant to this section, the local department may interview the alleged child victim or his siblings without the consent and outside the presence of such child's or siblings' parent, guardian, legal custodian, or other person standing in loco parentis, or school personnel.*

CHAPTER 7

An Act to amend and reenact § 63.2-613 of the Code of Virginia, relating to Temporary Assistance for Needy Families and Virginia Initiative for Education and Work; hardship exception.

[H 1137]

Approved February 24, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 63.2-613 of the Code of Virginia is amended and reenacted as follows:

§ 63.2-613. Hardship exceptions.

The Board shall adopt regulations providing exceptions to the time limitations of this chapter in cases of hardship. In adopting regulations, the Board shall address circumstances:

1. Where a VIEW participant has been actively seeking employment by engaging in job-seeking activities required pursuant to § 60.2-612 and is unable to find employment;
2. Where factors relating to job availability may be unfavorable;
3. Where the VIEW participant loses his job as a result of factors not related to his job performance; and
4. Where extension of benefits for up to one year will enable a participant to complete employment-related education or training.

The Department shall (i) keep records of the number of VIEW participants who receive an exception to the time limitations on TANF benefits due to hardship and the specific circumstances relied upon to grant such exceptions and (ii) annually publish nonidentifying statistics regarding such information.

CHAPTER 8

An Act to amend and reenact § 15.2-2024 of the Code of Virginia, relating to numbering on buildings; civil penalty.

[H 106]

Approved February 24, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-2024 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-2024. Numbers to be displayed on buildings.

Notwithstanding the provisions of subsection A of § 15.2-2000, every locality, by ordinance, may require that each building that fronts on a right-of-way be numbered and such number be displayed on the primary or accompanying building or in a manner that is easily readable from the right-of-way. Every locality may adopt such rules or procedures necessary to ensure the compliance with and enforcement of the ordinance adopted pursuant to this section. *The ordinance may include provisions for a civil penalty not to exceed \$100 for a violation that has not been corrected within 15 days of notice of such violation. Civil penalties assessed under this section shall be paid into the treasury of the locality where the violation occurred.*

CHAPTER 9

An Act to amend and reenact § 15.2-907.1 of the Code of Virginia, relating to derelict residential buildings; civil penalty.

[H 150]

Approved February 24, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-907.1 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-907.1. Authority to require removal, repair, etc., of buildings that are declared to be derelict; civil penalty.

Any locality that has a real estate tax abatement program in accordance with this section may, by ordinance, provide that:

1. The owners of property therein shall at such time or times as the governing body may prescribe submit a plan to demolish or renovate any building that has been declared a "derelict building." For purposes of this section, "derelict building" shall mean a residential or nonresidential building or structure, whether or not construction has been completed, that might endanger the public's health, safety, or welfare and for a continuous period in excess of six months, it has been (i) vacant, (ii) boarded up in accordance with the building code, and (iii) not lawfully connected to electric service from a utility service provider or not lawfully connected to any required water or sewer service from a utility service provider.

2. If a building qualifies as a derelict building pursuant to the ordinance, the locality shall notify the owner of the derelict building that the owner is required to submit to the locality a plan, within 90 days, to demolish or renovate the building to address the items that endanger the public's health, safety, or welfare as listed in a written notification provided by the locality. Such plan may be on a form developed by the locality and shall include a proposed time within which the plan will be commenced and completed. The plan may include one or more adjacent properties of the owner, whether or not all of such properties may have been declared derelict buildings. The plan shall be subject to approval by the locality. The locality shall deliver the written notice to the address listed on the real estate tax assessment records of the locality. Written notice sent by first-class mail, with the locality obtaining a U.S. Postal Service Certificate of Mailing shall constitute delivery pursuant to this section.

3. If a locality delivers written notice and the owner of the derelict building has not submitted a plan to the locality within 90 days as provided in subdivision 2, the locality may exercise such remedies as provided in this section or as otherwise provided by law; *for residential property, such remedy may include imposition of a civil penalty not exceeding \$500 per month until such time as the owner has submitted a plan in accordance with this section; however, the total civil penalty imposed shall not exceed the cost to demolish the derelict building. Any such civil penalty shall be paid into the treasury of the locality.*

4. The owner of a building may apply to the locality and request that such building be declared a derelict building for purposes of this section.

5. The locality, upon receipt of the plan to demolish or renovate the building, at the owner's request, shall meet with the owner submitting the plan and provide information to the owner on the land use and permitting requirements for demolition or renovation.

6. If the property owner's plan is to demolish the derelict building, the building permit application of such owner shall be expedited. If the owner has completed the demolition within 90 days of the date of the building permit issuance, the locality shall refund any building and demolition permit fees. This section shall not supersede any ordinance adopted pursuant to § 15.2-2306 relative to historic districts.

7. If the property owner's plan is to renovate the derelict building, and no rezoning is required for the owner's intended use of the property, the site plan or subdivision application and the building permit, as applicable, shall be expedited. The site plan or subdivision fees may be refunded, all or in part, but in no event shall the site plan or subdivision fees exceed the lesser of 50 percent of the standard fees established by the ordinance for site plan or subdivision applications for the proposed use of the property, or \$5,000 per property. The building permit fees may be refunded, all or in part, but in no event shall the building permit fees exceed the lesser of 50 percent of the standard fees established by the ordinance for building permit applications for the proposed use of the property, or \$5,000 per property.

8. Prior to commencement of a plan to demolish or renovate the derelict building, at the request of the property owner, the real estate assessor shall make an assessment of the property in its current derelict condition. On the building permit application, the owner shall declare the costs of demolition, or the costs of materials and labor to complete the renovation. At the request of the property owner, after demolition or renovation of the derelict building, the real estate assessor shall reflect the fair market value of the demolition costs or the fair market value of the renovation improvements, and reflect such value in the real estate tax assessment records. The real estate tax on an amount equal to the costs of demolition or an amount equal to the increase in the fair market value of the renovations shall be abated for a period of not less than 15 years, and is transferable with the property. The abatement of taxes for demolition shall not apply if the structure demolished is a registered Virginia landmark or is determined by the Department of Historic Resources to contribute to the significance of a registered historic district. However, if the locality has an existing tax abatement program for less than 15 years, as of July 1, 2009, the locality may provide for a tax abatement period of not less than five years.

9. Notwithstanding the provisions of this section, the locality may proceed to make repairs and secure the building under § 15.2-906, or the locality may proceed to abate or remove a nuisance under § 15.2-900. In addition, the locality may exercise such remedies as may exist under the Uniform Statewide Building Code and may exercise such other remedies available under general and special law.

CHAPTER 10

An Act to amend and reenact § 53.1-131.2 of the Code of Virginia, relating to home/electronic incarceration program; payment to defray costs.

[H 278]

Approved February 24, 2020

Be it enacted by the General Assembly of Virginia:**1. That § 53.1-131.2 of the Code of Virginia is amended and reenacted as follows:****§ 53.1-131.2. Assignment to a home/electronic incarceration program; payment to defray costs; escape; penalty.**

A. Any court having jurisdiction for the trial of a person charged with a criminal offense, a traffic offense or an offense under Chapter 5 (§ 20-61 et seq.) of Title 20, or failure to pay child support pursuant to a court order may, if the defendant is convicted and sentenced to confinement in a state or local correctional facility, and if it appears to the court that such an offender is a suitable candidate for home/electronic incarceration, assign the offender to a home/electronic incarceration program as a condition of probation, if such program exists, under the supervision of the sheriff, the administrator of a local or regional jail, or a Department of Corrections probation and parole district office established pursuant to § 53.1-141. However, any offender who is convicted of any of the following violations of Chapter 4 (§ 18.2-30 et seq.) of Title 18.2 shall not be eligible for participation in the home/electronic incarceration program: (i) first and second degree murder and voluntary manslaughter under Article 1 (§ 18.2-30 et seq.); (ii) mob-related felonies under Article 2 (§ 18.2-38 et seq.); (iii) any kidnapping or abduction felony under Article 3 (§ 18.2-47 et seq.); (iv) any malicious felonious assault or malicious bodily wounding under Article 4 (§ 18.2-51 et seq.); (v) robbery under § 18.2-58.1; or (vi) any criminal sexual assault punishable as a felony under Article 7 (§ 18.2-61 et seq.). The court may further authorize the offender's participation in work release employment or educational or other rehabilitative programs as defined in § 53.1-131 or, as appropriate, in a court-ordered intensive case monitoring program for child support. The court shall be notified in writing by the director or administrator of the program to which the offender is assigned of the offender's place of home/electronic incarceration, place of employment, and the location of any educational or rehabilitative program in which the offender participates.

B. In any city or county in which a home/electronic incarceration program established pursuant to this section is available, the court, subject to approval by the sheriff or the jail superintendent of a local or regional jail, may assign the accused to such a program pending trial if it appears to the court that the accused is a suitable candidate for home/electronic incarceration.

C. Any person who has been sentenced to jail or convicted and sentenced to confinement in prison but is actually serving his sentence in jail, after notice to the attorney for the Commonwealth of the convicting jurisdiction, may be assigned by the sheriff to a home/electronic incarceration program under the supervision of the sheriff, the administrator of a local or regional jail, or a Department of Corrections probation and parole office established pursuant to § 53.1-141. However, if the offender violates any provision of the terms of the home/electronic incarceration agreement, the offender may have the assignment revoked and, if revoked, shall be held in the jail facility to which he was originally sentenced. Such person shall be eligible if his term of confinement does not include a sentence for a conviction of a felony violent crime, a felony sexual offense, burglary or manufacturing, selling, giving, distributing or possessing with the intent to manufacture, sell, give or distribute a Schedule I or Schedule II controlled substance. The court shall retain authority to remove the offender from such home/electronic incarceration program. The court which sentenced the offender shall be notified in writing by the sheriff or the administrator of a local or regional jail of the offender's place of home/electronic incarceration and place of employment or other rehabilitative program.

D. The Board may prescribe regulations to govern home/electronic incarceration programs.

E. Any offender or accused assigned to such a program by the court or sheriff who, without proper authority or just cause, leaves his place of home/electronic incarceration, the area to which he has been assigned to work or attend educational or other rehabilitative programs, including a court-ordered intensive case monitoring program for child support, or the vehicle or route of travel involved in his going to or returning from such place, is guilty of a Class 1 misdemeanor. An offender or accused who is found guilty of a violation of this section shall be ineligible for further participation in a home/electronic incarceration program during his current term of confinement.

F. The director or administrator of a home/electronic incarceration program who also operates a residential program may remove an offender from a home/electronic incarceration program and place him in such residential program if the offender commits a noncriminal program violation. The court shall be notified of the violation and of the placement of the offender in the residential program.

G. The director or administrator of a home/electronic incarceration program ~~shall~~ *may* charge the offender or accused a fee for participating in the program ~~to pay which shall be used~~ for the cost of home/electronic incarceration equipment. The offender or accused shall be required to pay the program for any damage to the equipment which is in his possession or for failure to return the equipment to the program.

H. Any wages earned by an offender or accused assigned to a home/electronic incarceration program and participating in work release shall be paid to the director or administrator after standard payroll deductions required by law. Distribution of the money collected shall be made in the following order of priority to:

1. Meet the obligation of any judicial or administrative order to provide support and such funds shall be disbursed according to the terms of such order;
2. Pay any fines, restitution or costs as ordered by the court;
3. Pay travel and other such expenses made necessary by his work release employment or participation in an education or rehabilitative program, including the sums specified in § 53.1-150; and
4. Defray the offender's keep.

The balance shall be credited to the offender's account or sent to his family in an amount the offender so chooses.

The Board of Corrections shall promulgate regulations governing the receipt of wages paid to persons participating in such programs, the withholding of payments and the disbursement of appropriate funds.

I. For the purposes of this section, "sheriff" means the sheriff of the jurisdiction where the person charged with the criminal offense was convicted and sentenced, provided that the sheriff may designate a deputy sheriff or regional jail administrator to assign offenders to home/electronic incarceration programs pursuant to this section.

CHAPTER 11

An Act to amend and reenact § 15.2-2308 of the Code of Virginia, relating to board of zoning appeals; dual office holding.
[H 370]

Approved February 24, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-2308 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-2308. Boards of zoning appeals to be created; membership, organization, etc.

A. Every locality that has enacted or enacts a zoning ordinance pursuant to this chapter or prior enabling laws shall establish a board of zoning appeals that shall consist of either five or seven residents of the locality, or in a town with a population of 3,500 or less, either three, five, or seven residents of the locality, appointed by the circuit court for the locality. Boards of zoning appeals for a locality within the fifteenth or nineteenth judicial circuit may be appointed by the chief judge or his designated judge or judges in their respective circuit, upon concurrence of such locality. Their terms of office shall be for five years each except that original appointments shall be made for such terms that the term of one member shall expire each year. The secretary of the board shall notify the court at least thirty days in advance of the expiration of any term of office, and shall also notify the court promptly if any vacancy occurs. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members may be reappointed to succeed themselves. Members of the board shall hold no other public office in the locality except that one may be a member of the local planning commission, *and any member may be appointed to serve as an officer of election as defined in § 24.2-101*. A member whose term expires shall continue to serve until his successor is appointed and qualifies. The circuit court for the City of Chesapeake and the Circuit Court for the City of Hampton shall appoint at least one but not more than three alternates to the board of zoning appeals. At the request of the local governing body, the circuit court for any other locality may appoint not more than three alternates to the board of zoning appeals. The qualifications, terms and compensation of alternate members shall be the same as those of regular members. A regular member when he knows he will be absent from or will have to abstain from any application at a meeting shall notify the chairman twenty-four hours prior to the meeting of such fact. The chairman shall select an alternate to serve in the absent or abstaining member's place and the records of the board shall so note. Such alternate member may vote on any application in which a regular member abstains.

B. Localities may, by ordinances enacted in each jurisdiction, create a joint board of zoning appeals that shall consist of two members appointed from among the residents of each participating jurisdiction by the circuit court for each county or city, plus one member from the area at large to be appointed by the circuit court or jointly by such courts if more than one, having jurisdiction in the area. The term of office of each member shall be five years except that of the two members first appointed from each jurisdiction, the term of one shall be for two years and of the other, four years. Vacancies shall be filled for the unexpired terms. In other respects, joint boards of zoning appeals shall be governed by all other provisions of this article.

C. With the exception of its secretary and the alternates, the board shall elect from its own membership its officers who shall serve annual terms as such and may succeed themselves. The board may elect as its secretary either one of its members or a qualified individual who is not a member of the board, excluding the alternate members. A secretary who is not a member of the board shall not be entitled to vote on matters before the board. Notwithstanding any other provision of law, general or special, for the conduct of any hearing, a quorum shall be not less than a majority of all the members of the board and the board shall offer an equal amount of time in a hearing on the case to the applicant, appellant or other person aggrieved under § 15.2-2314, and the staff of the local governing body. Except for matters governed by § 15.2-2312, no action of the board shall be valid unless authorized by a majority vote of those present and voting. The board may make, alter and rescind rules and forms for its procedures, consistent with ordinances of the locality and general laws of the Commonwealth. The board shall keep a full public record of its proceedings and shall submit a report of its activities to the governing body or bodies at least once each year.

D. Within the limits of funds appropriated by the governing body, the board may employ or contract for secretaries, clerks, legal counsel, consultants, and other technical and clerical services. Members of the board may receive such

compensation as may be authorized by the respective governing bodies. Any board member or alternate may be removed for malfeasance, misfeasance or nonfeasance in office, or for other just cause, by the court that appointed him, after a hearing held after at least fifteen days' notice.

E. Notwithstanding any contrary provisions of this section, in the Cities of Portsmouth and Virginia Beach, members of the board shall be appointed by the governing body. The governing body shall also appoint at least one but not more than three alternates to the board.

CHAPTER 12

An Act to amend and reenact § 15.2-835 of the Code of Virginia, relating to urban county executive form of government; county board of social services.

[H 515]

Approved February 24, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-835 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-835. Department and board of social services.

The superintendent of social services, who shall be head of the department of social services, shall be chosen from a list of eligibles furnished by the State Department of Social Services. Such person shall exercise the powers conferred and perform the duties imposed by general law upon the county board of social services, not inconsistent herewith. Such person shall also perform such other duties as the board imposes upon him.

The board shall select at least five and not more than ~~eleven~~ 11 qualified county citizens, one of whom may be a member of the urban county board of supervisors, who shall constitute the county board of social services. *The board shall designate an additional seat on the board for a qualified citizen of each city to which the county is contractually obligated to provide social services.* Such board shall advise and cooperate with the department of social services and may adopt necessary rules and regulations not in conflict with law concerning such department.

As provided for in Chapters 2 (§ 63.2-200 et seq.) and 3 (§ 63.2-300 et seq.) of Title 63.2, the urban county board of supervisors in its discretion may designate either the superintendent of social services or the above-mentioned county board of social services as the local board. If the urban county board of supervisors designates the superintendent of social services as constituting the local board, the county board of social services shall serve in an advisory capacity to such officer with respect to the duties and functions imposed upon him by law.

CHAPTER 13

An Act to amend and reenact § 15.2-901 of the Code of Virginia, relating to cutting of overgrown vegetation; local authority.

[H 549]

Approved February 24, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-901 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-901. Locality may provide for removal or disposal of trash, cutting of grass, weeds, and running bamboo; penalty in certain counties; penalty.

A. Any locality may, by ordinance, provide that:

1. The owners of property therein shall, at such time or times as the governing body may prescribe, remove therefrom any and all trash, garbage, refuse, litter and other substances which might endanger the health or safety of other residents of such locality; or may, whenever the governing body deems it necessary, after reasonable notice, have such trash, garbage, refuse, litter and other like substances which might endanger the health of other residents of the locality, removed by its own agents or employees, in which event the cost or expenses thereof shall be chargeable to and paid by the owners of such property and may be collected by the locality as taxes are collected;

2. Trash, garbage, refuse, litter and other debris shall be disposed of in personally owned or privately owned receptacles that are provided for such use and for the use of the persons disposing of such matter or in authorized facilities provided for such purpose and in no other manner not authorized by law;

3. The owners of occupied or vacant developed or undeveloped property therein, including such property upon which buildings or other improvements are located, shall cut the grass, weeds and other foreign growth, including running bamboo as defined in § 15.2-901.1, on such property or any part thereof at such time or times as the governing body shall prescribe; or may, whenever the governing body deems it necessary, after reasonable notice as determined by the locality, have such grass, weeds or other foreign growth cut by its agents or employees, in which event the cost and expenses thereof shall be chargeable to and paid by the owner of such property and may be collected by the locality as taxes are collected. For purposes of this provision, one written notice per growing season to the owner of record of the subject property shall be considered reasonable notice. No such ordinance adopted by any county shall have any force and effect within the corporate

limits of any town. No such ordinance adopted by any county having a density of population of less than 500 per square mile shall have any force or effect except within the boundaries of platted subdivisions or any other areas zoned for residential, business, commercial or industrial use. No such ordinance shall be applicable to land zoned for or in active farming operation. *In any locality within Planning District 23, such ordinance may also include provisions for cutting overgrown shrubs, trees, and other such vegetation.*

B. Every charge authorized by this section with which the owner of any such property shall have been assessed and which remains unpaid shall constitute a lien against such property ranking on a parity with liens for unpaid local real estate taxes and enforceable in the same manner as provided in Articles 3 (§ 58.1-3940 et seq.) and 4 (§ 58.1-3965 et seq.) of Chapter 39 of Title 58.1. A locality may waive such liens in order to facilitate the sale of the property. Such liens may be waived only as to a purchaser who is unrelated by blood or marriage to the owner and who has no business association with the owner. All such liens shall remain a personal obligation of the owner of the property at the time the liens were imposed.

C. The governing body of any locality may by ordinance provide that violations of this section shall be subject to a civil penalty, not to exceed \$50 for the first violation, or violations arising from the same set of operative facts. The civil penalty for subsequent violations not arising from the same set of operative facts within 12 months of the first violation shall not exceed \$200. Each business day during which the same violation is found to have existed shall constitute a separate offense. In no event shall a series of specified violations arising from the same set of operative facts result in civil penalties that exceed a total of \$3,000 in a 12-month period.

D. Except as provided in this subsection, adoption of an ordinance pursuant to subsection C shall be in lieu of criminal penalties and shall preclude prosecution of such violation as a misdemeanor. The governing body of any locality may, however, by ordinance provide that such violations shall be a Class 3 misdemeanor in the event three civil penalties have previously been imposed on the same defendant for the same or similar violation, not arising from the same set of operative facts, within a 24-month period. Classifying such subsequent violations as criminal offenses shall preclude the imposition of civil penalties for the same violation.

CHAPTER 14

An Act to amend the Code of Virginia by adding a section numbered 15.2-2223.4, relating to the comprehensive plan; transit-oriented development.

[H 585]

Approved February 24, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 15.2-2223.4 as follows:

§ 15.2-2223.4. Comprehensive plan shall provide for transit-oriented development.

Beginning July 1, 2020, each city with a population greater than 20,000 and each county with a population greater than 100,000 shall consider incorporating into the next scheduled and all subsequent reviews of its comprehensive plan strategies to promote transit-oriented development for the purpose of reducing greenhouse gas emissions through coordinated transportation, housing, and land use planning. Such strategies may include (i) locating new housing development, including low-income, affordable housing, in closer proximity to public transit options; (ii) prioritizing transit options with reduced overall carbon emissions; (iii) increasing development density in certain areas to reduce density in others; or (iv) other strategies designed to reduce overall carbon emissions in the locality.

CHAPTER 15

An Act to amend and reenact § 4.1-210 of the Code of Virginia, relating to alcoholic beverage control; annual mixed beverage performing arts facility license.

[H 598]

Approved February 24, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 4.1-210 of the Code of Virginia is amended and reenacted as follows:

§ 4.1-210. Mixed beverages licenses.

A. Subject to the provisions of § 4.1-124, the Board may grant the following licenses relating to mixed beverages:

1. Mixed beverage restaurant licenses, which shall authorize the licensee to sell and serve mixed beverages for consumption in dining areas and other designated areas of such restaurant. Such license may be granted only to persons (i) who operate a restaurant and (ii) whose gross receipts from the sale of food cooked or prepared, and consumed on the premises and nonalcoholic beverages served on the premises, after issuance of such license, amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food. For the purposes of this subdivision, other designated areas shall include outdoor dining areas, whether or not contiguous to the licensed premises, which outdoor dining areas may have more than one means of ingress and egress to an adjacent public thoroughfare, provided such areas are under the

control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201.

If the restaurant is located on the premises of a hotel or motel with not less than four permanent bedrooms where food and beverage service is customarily provided by the restaurant in designated areas, bedrooms and other private rooms of such hotel or motel, such licensee may (i) sell and serve mixed beverages for consumption in such designated areas, bedrooms and other private rooms and (ii) sell spirits packaged in original closed containers purchased from the Board for on-premises consumption to registered guests and at scheduled functions of such hotel or motel only in such bedrooms or private rooms. However, with regard to a hotel classified as a resort complex, the Board may authorize the sale and on-premises consumption of alcoholic beverages in all areas within the resort complex deemed appropriate by the Board. Nothing herein shall prohibit any person from keeping and consuming his own lawfully acquired spirits in bedrooms or private rooms.

If the restaurant is located on the premises of and operated by a private, nonprofit or profit club exclusively for its members and their guests, or members of another private, nonprofit or profit club in another city with which it has an agreement for reciprocal dining privileges, such license shall also authorize the licensee to sell and serve mixed beverages for on-premises consumption. Where such club prepares no food in its restaurant but purchases its food requirements from a restaurant licensed by the Board and located on another portion of the premises of the same hotel or motel building, this fact shall not prohibit the granting of a license by the Board to such club qualifying in all other respects. The club's gross receipts from the sale of nonalcoholic beverages consumed on the premises and food resold to its members and guests and consumed on the premises shall amount to at least 45 percent of its gross receipts from the sale of mixed beverages and food. The food sales made by a restaurant to such a club shall be excluded in any consideration of the qualifications of such restaurant for a license from the Board.

If the restaurant is located on the premises of and operated by a municipal golf course, the Board shall recognize the seasonal nature of the business and waive any applicable monthly food sales requirements for those months when weather conditions may reduce patronage of the golf course, provided that prepared food, including meals, is available to patrons during the same months. The gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises, after the issuance of such license, shall amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food on an annualized basis.

2. Mixed beverage caterer's licenses, which may be granted only to a person regularly engaged in the business of providing food and beverages to others for service at private gatherings or at special events, which shall authorize the licensee to sell and serve alcoholic beverages for on-premises consumption. The annual gross receipts from the sale of food cooked and prepared for service and nonalcoholic beverages served at gatherings and events referred to in this subdivision shall amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food.

3. Mixed beverage limited caterer's licenses, which may be granted only to a person regularly engaged in the business of providing food and beverages to others for service at private gatherings or at special events, not to exceed 12 gatherings or events per year, which shall authorize the licensee to sell and serve alcoholic beverages for on-premises consumption. The annual gross receipts from the sale of food cooked and prepared for service and nonalcoholic beverages served at gatherings and events referred to in this subdivision shall amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food.

4. Mixed beverage special events licenses, to a duly organized nonprofit corporation or association in charge of a special event, which shall authorize the licensee to sell and serve mixed beverages for on-premises consumption in areas approved by the Board on the premises of the place designated in the license. A separate license shall be required for each day of each special event.

5. Annual mixed beverage special events licenses to (i) a duly organized nonprofit corporation or association operating either a performing arts facility or an art education and exhibition facility; (ii) a nonprofit corporation or association chartered by Congress for the preservation of sites, buildings, and objects significant in American history and culture; (iii) persons operating an agricultural event and entertainment park or similar facility that has a minimum of 50,000 square feet of indoor exhibit space and equine and other livestock show areas, which includes barns, pavilions, or other structures equipped with roofs, exterior walls, and open or closed-door access; or (iv) a locality for special events conducted on the premises of a museum for historic interpretation that is owned and operated by the locality. The operation in all cases shall be upon premises owned by such licensee or occupied under a bona fide lease the original term of which was for more than one year's duration. Such license shall authorize the licensee to sell alcoholic beverages during scheduled events and performances for on-premises consumption in areas upon the licensed premises approved by the Board.

6. Mixed beverage carrier licenses to persons operating a common carrier of passengers by train, boat or airplane, which shall authorize the licensee to sell and serve mixed beverages anywhere in the Commonwealth to passengers while in transit aboard any such common carrier, and in designated rooms of establishments of air carriers at airports in the Commonwealth. For purposes of supplying its airplanes, as well as any airplanes of a licensed express carrier flying under the same brand, an air carrier licensee may appoint an authorized representative to load distilled spirits onto the same airplanes and to transport and store distilled spirits at or in close proximity to the airport where the distilled spirits will be delivered onto airplanes of the air carrier and any such licensed express carrier. The air carrier licensee shall (i) designate for purposes of its license all locations where the inventory of distilled spirits may be stored and from which the distilled spirits

will be delivered onto airplanes of the air carrier and any such licensed express carrier and (ii) maintain records of all distilled spirits to be transported, stored, and delivered by its authorized representative.

7. Mixed beverage club events licenses, which shall authorize a club holding a beer or wine and beer club license to sell and serve mixed beverages for on-premises consumption by club members and their guests in areas approved by the Board on the club premises. A separate license shall be required for each day of each club event. No more than 12 such licenses shall be granted to a club in any calendar year.

8. Annual mixed beverage amphitheater licenses to persons operating food concessions at any outdoor performing arts amphitheater, arena or similar facility that has seating for more than 20,000 persons and is located in Prince William County or the City of Virginia Beach. Such license shall authorize the licensee to sell alcoholic beverages during the performance of any event, in paper, plastic or similar disposable containers or in single original metal cans, to patrons within all seating areas, concourses, walkways, concession areas, or similar facilities, for on-premises consumption.

9. Annual mixed beverage amphitheater licenses to persons operating food concessions at any outdoor performing arts amphitheater, arena or similar facility that has seating for more than 5,000 persons and is located in the City of Alexandria or the City of Portsmouth. Such license shall authorize the licensee to sell alcoholic beverages during the performance of any event, in paper, plastic or similar disposable containers or in single original metal cans, to patrons within all seating areas, concourses, walkways, concession areas, or similar facilities, for on-premises consumption.

10. Annual mixed beverage motor sports facility license to persons operating food concessions at any outdoor motor sports road racing club facility, of which the track surface is 3.27 miles in length, on 1,200 acres of rural property bordering the Dan River, which shall authorize the licensee to sell mixed beverages, in paper, plastic, or similar disposable containers or in single original metal cans, during scheduled events, as well as events or performances immediately subsequent thereto, to patrons in all dining facilities, seating areas, viewing areas, walkways, concession areas or similar facilities, for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license.

11. Annual mixed beverage banquet licenses to duly organized private nonprofit fraternal, patriotic or charitable membership organizations that are exempt from state and federal taxation and in charge of banquets conducted exclusively for its members and their guests, which shall authorize the licensee to serve mixed beverages for on-premises consumption in areas approved by the Board on the premises of the place designated in the license. Such license shall authorize the licensee to conduct no more than 12 banquets per calendar year.

12. Limited mixed beverage restaurant licenses, which shall authorize the licensee to sell and serve dessert wines as defined by Board regulation and no more than six varieties of liqueurs, which liqueurs shall be combined with coffee or other nonalcoholic beverages, for consumption in dining areas of the restaurant. Such license may be granted only to persons who operate a restaurant and in no event shall the sale of such wine or liqueur-based drinks, together with the sale of any other alcoholic beverages, exceed 10 percent of the total annual gross sales of all food and alcoholic beverages.

13. Annual mixed beverage motor sports facility licenses to persons operating concessions at an outdoor motor sports facility that hosts a NASCAR national touring race, which shall authorize the licensee to sell mixed beverages, in paper, plastic, or similar disposable containers or in single original metal cans, during scheduled events, as well as events or performances immediately subsequent thereto, to patrons in all dining facilities, seating areas, viewing areas, walkways, concession areas or similar facilities, for on-premises consumption.

14. Annual mixed beverage performing arts facility license to corporations or associations operating a performing arts facility, provided the performing arts facility (i) is owned by a governmental entity; (ii) is occupied by a for-profit entity under a bona fide lease, the original term of which was for more than one year's duration; and (iii) has been rehabilitated in accordance with historic preservation standards. Such license shall authorize the sale, on the dates of performances or events, of alcoholic beverages for on-premises consumption in areas upon the licensed premises approved by the Board.

15. Annual mixed beverage performing arts facility license to persons operating food concessions at any performing arts facility located in the City of Norfolk or the City of Richmond, provided that the performing arts facility (i) is occupied under a bona fide long-term lease or concession agreement, the original term of which was more than five years; (ii) has a capacity in excess of 1,400 patrons; (iii) has been rehabilitated in accordance with historic preservation standards; and (iv) has monthly gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises that meet or exceed the monthly minimum established by Board regulations for mixed beverage restaurants. Such license shall authorize the sale, on the dates of performances or events, of alcoholic beverages for on-premises consumption in areas upon the licensed premises approved by the Board.

16. Annual mixed beverage performing arts facility license to persons operating food concessions at any performing arts facility located in the City of Waynesboro, provided that the performing arts facility (i) is occupied under a bona fide long-term lease or concession agreement, the original term of which was more than five years; (ii) has a total capacity in excess of 550 patrons; and (iii) has been rehabilitated in accordance with historic preservation standards. Such license shall authorize the sale, on the dates of performances or private or special events, of alcoholic beverages for on-premises consumption in areas upon the licensed premises approved by the Board.

17. Annual mixed beverage performing arts facility license to persons operating food concessions at any performing arts facility located in the arts and cultural district of the City of Harrisonburg, provided that the performing arts facility (i) is occupied under a bona fide long-term lease or concession agreement, the original term of which was more than five years; (ii) has been rehabilitated in accordance with historic preservation standards; (iii) has monthly gross receipts from the

sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises that meet or exceed the monthly minimum established by Board regulations for mixed beverage restaurants; and (iv) has a total capacity in excess of 900 patrons. Such license shall authorize the sale, on the dates of performances or private or special events, of alcoholic beverages for on-premises consumption in areas upon the licensed premises approved by the Board.

18. A combined mixed beverage restaurant and caterer's license, which may be granted to any restaurant or hotel that meets the qualifications for both a mixed beverage restaurant pursuant to subdivision A 1 and mixed beverage caterer pursuant to subdivision A 2 for the same business location, and which license shall authorize the licensee to operate as both a mixed beverage restaurant and mixed beverage caterer at the same business premises designated in the license, with a common alcoholic beverage inventory for purposes of the restaurant and catering operations. Such licensee shall meet the separate food qualifications established for the mixed beverage restaurant license pursuant to subdivision A 1 and mixed beverage caterer's license pursuant to subdivision A 2.

19. Annual mixed beverage performing arts facility license to persons operating food concessions at any multipurpose theater located in the historical district of the Town of Bridgewater, provided that the theater (i) is owned and operated by a governmental entity and (ii) has a total capacity in excess of 100 patrons. Such license shall authorize the sale, on the dates of performances or events, of alcoholic beverages for on-premises consumption in areas upon the licensed premises approved by the Board.

20. *Annual mixed beverage performing arts facility license to persons operating food concessions at any corporate and performing arts facility located in Fairfax County, provided that the corporate and performing arts facility (i) is occupied under a bona fide long-term lease, management, or concession agreement, the original term of which was more than one year and (ii) has a total capacity in excess of 1,400 patrons. Such license shall authorize the sale, on the dates of performances or events, of alcoholic beverages for on-premises consumption in areas upon the licensed premises approved by the Board.*

B. The granting of any license under subdivision A 1, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, ~~or~~ 19, or 20 shall automatically include a license to sell and serve wine and beer for on-premises consumption. The licensee shall pay the state and local taxes required by §§ 4.1-231 and 4.1-233.

2. That if § 4.1-210 of the Code of Virginia, as amended by this act, is repealed by an act of assembly passed by the 2020 Session of the General Assembly and such act reorganizes the licenses set forth in the former § 4.1-210 of the Code of Virginia, as amended by this act, by relocating such licenses in various sections of the Code of Virginia, the annual mixed beverage performing arts facility license created by this act shall remain in effect and shall be relocated in the subdivision of the Code of Virginia in which other annual mixed beverage performing arts facility licenses are relocated.

CHAPTER 16

An Act to amend and reenact § 4.1-206 of the Code of Virginia, relating to alcoholic beverage control; privileges of local special events licensees.

[H 949]

Approved February 24, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 4.1-206 of the Code of Virginia is amended and reenacted as follows:

§ 4.1-206. Alcoholic beverage licenses.

A. The Board may grant the following licenses relating to alcoholic beverages generally:

1. Distillers' licenses, which shall authorize the licensee to manufacture alcoholic beverages other than wine and beer, and to sell and deliver or ship the same, in accordance with Board regulations, in closed containers, to the Board and to persons outside the Commonwealth for resale outside the Commonwealth. When the Board has established a government store on the distiller's licensed premises pursuant to subsection D of § 4.1-119, such license shall also authorize the licensee to make a charge to consumers to participate in an organized tasting event conducted in accordance with subsection G of § 4.1-119 and Board regulations.

2. Limited distiller's licenses, to distilleries that manufacture not more than 36,000 gallons of alcoholic beverages other than wine or beer per calendar year, provided (i) the distillery is located on a farm in the Commonwealth on land zoned agricultural and owned or leased by such distillery or its owner and (ii) agricultural products used by such distillery in the manufacture of its alcoholic beverages are grown on the farm. Limited distiller's licensees shall be treated as distillers for all purposes of this title except as otherwise provided in this subdivision. For purposes of this subdivision, "land zoned agricultural" means (a) land zoned as an agricultural district or classification or (b) land otherwise permitted by a locality for limited distillery use. For purposes of this subdivision, "land zoned agricultural" does not include land zoned "residential conservation." Except for the limitation on land zoned "residential conservation," nothing in this definition shall otherwise limit or affect local zoning authority.

3. Fruit distillers' licenses, which shall authorize the licensee to manufacture any alcoholic beverages made from fruit or fruit juices, and to sell and deliver or ship the same, in accordance with Board regulations, in closed containers, to the Board and to persons outside the Commonwealth for resale outside the Commonwealth.

4. Banquet facility licenses to volunteer fire departments and volunteer emergency medical services agencies, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by any person, and bona fide members and guests thereof, otherwise eligible for a banquet license. However, lawfully acquired alcoholic beverages shall not be purchased or sold by the licensee or sold or charged for in any way by the person permitted to use the premises. Such premises shall be a volunteer fire or volunteer emergency medical services agency station or both, regularly occupied as such and recognized by the governing body of the county, city, or town in which it is located. Under conditions as specified by Board regulation, such premises may be other than a volunteer fire or volunteer emergency medical services agency station, provided such other premises are occupied and under the control of the volunteer fire department or volunteer emergency medical services agency while the privileges of its license are being exercised.

5. Bed and breakfast licenses, which shall authorize the licensee to (i) serve alcoholic beverages in dining areas, private guest rooms and other designated areas to persons to whom overnight lodging is being provided, with or without meals, for on-premises consumption only in such rooms and areas, and without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises and (ii) permit the consumption of lawfully acquired alcoholic beverages by persons to whom overnight lodging is being provided in (a) bedrooms or private guest rooms or (b) other designated areas of the bed and breakfast establishment. For purposes of this subdivision, "other designated areas" includes outdoor dining areas, whether or not contiguous to the licensed premises, which may have more than one means of ingress and egress to an adjacent public thoroughfare, provided that such outdoor dining areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201.

6. Tasting licenses, which shall authorize the licensee to sell or give samples of alcoholic beverages of the type specified in the license in designated areas at events held by the licensee. A tasting license shall be issued for the purpose of featuring and educating the consuming public about the alcoholic beverages being tasted. A separate license shall be required for each day of each tasting event. No tasting license shall be required for conduct authorized by § 4.1-201.1.

7. Museum licenses, which may be issued to nonprofit museums exempt from taxation under § 501(c)(3) of the Internal Revenue Code, which shall authorize the licensee to (i) permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by any bona fide member and guests thereof and (ii) serve alcoholic beverages on the premises of the licensee to any bona fide member and guests thereof. However, alcoholic beverages shall not be sold or charged for in any way by the licensee. The privileges of this license shall be limited to the premises of the museum, regularly occupied and utilized as such.

8. Equine sporting event licenses, which may be issued to organizations holding equestrian, hunt and steeplechase events, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by patrons thereof during such event. However, alcoholic beverages shall not be sold or charged for in any way by the licensee. The privileges of this license shall be (i) limited to the premises of the licensee, regularly occupied and utilized for equestrian, hunt and steeplechase events and (ii) exercised on no more than four calendar days per year.

9. Day spa licenses, which shall authorize the licensee to (i) permit the consumption of lawfully acquired wine or beer on the premises of the licensee by any bona fide customer of the day spa and (ii) serve wine or beer on the premises of the licensee to any such bona fide customer; however, the licensee shall not give more than two five-ounce glasses of wine or one 12-ounce glass of beer to any such customer, nor shall it sell or otherwise charge a fee to such customer for the wine or beer served or consumed. The privileges of this license shall be limited to the premises of the day spa regularly occupied and utilized as such.

10. Motor car sporting event facility licenses, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by patrons thereof during such events. However, alcoholic beverages shall not be sold or charged for in any way, directly or indirectly, by the licensee. The privileges of this license shall be limited to those areas of the licensee's premises designated by the Board that are regularly occupied and utilized for motor car sporting events.

11. Meal-assembly kitchen license, which shall authorize the licensee to serve wine or beer on the premises of the licensee to any such bona fide customer attending either a private gathering or a special event; however, the licensee shall not give more than two five-ounce glasses of wine or two 12-ounce glasses of beer to any such customer, nor shall it sell or otherwise charge a fee to such customer for the wine or beer served or consumed. The privileges of this license shall be limited to the premises of the meal-assembly kitchen regularly occupied and utilized as such.

12. Canal boat operator license, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by any bona fide customer attending either a private gathering or a special event; however, the licensee shall not sell or otherwise charge a fee to such customer for the alcoholic beverages so consumed. The privileges of this license shall be limited to the premises of the licensee, including the canal, the canal boats while in operation, and any pathways adjacent thereto. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license.

13. Annual arts venue event licenses, to persons operating an arts venue, which shall authorize the licensee participating in a community art walk that is open to the public to serve lawfully acquired wine or beer on the premises of the licensee to adult patrons thereof during such events. However, alcoholic beverages shall not be sold or charged for in

any way, directly or indirectly, by the licensee, and the licensee shall not give more than two five-ounce glasses of wine or one 12-ounce glass of beer to any one adult patron. The privileges of this license shall be (i) limited to the premises of the arts venue regularly occupied and used as such and (ii) exercised on no more than 12 calendar days per year.

14. Art instruction studio licenses, which shall authorize the licensee to serve wine or beer on the premises of the licensee to any such bona fide customer; however, the licensee shall not give more than two five-ounce glasses of wine or one 12-ounce glass of beer to any such customer, nor shall it sell or otherwise charge a fee to such customer for the wine or beer served or consumed. The privileges of this license shall be limited to the premises of the art instruction studio regularly occupied and utilized as such.

15. Commercial lifestyle center license, which may be issued only to a commercial owners' association governing a commercial lifestyle center, which shall authorize any retail on-premises restaurant licensee that is a tenant of the commercial lifestyle center to sell alcoholic beverages to any bona fide customer to whom alcoholic beverages may be lawfully sold for consumption on that portion of the licensed premises of the commercial lifestyle center designated by the Board, including (i) plazas, seating areas, concourses, walkways, or such other similar areas and (ii) the premises of any tenant location of the commercial lifestyle center that is not a retail licensee of the Board, upon approval of such tenant, but excluding any parking areas. Only alcoholic beverages purchased from such retail on-premises restaurant licensees may be consumed on the licensed premises of the commercial lifestyle center, and such alcoholic beverages shall be contained in paper, plastic, or similar disposable containers with the name or logo of the restaurant licensee that sold the alcoholic beverage clearly displayed. Alcoholic beverages shall not be sold or charged for in any way by the commercial lifestyle center licensee. The licensee shall post appropriate signage clearly demarcating for the public the boundaries of the licensed premises; however, no physical barriers shall be required for this purpose. The licensee shall provide adequate security for the licensed premises to ensure compliance with the applicable provisions of this title and Board regulations.

16. Confectionery license, which shall authorize the licensee to prepare and sell on the licensed premises for off-premises consumption confectionery that contains five percent or less alcohol by volume. Any alcohol contained in such confectionery shall not be in liquid form at the time such confectionery is sold.

17. Local special events license, which may be issued only to a locality, business improvement district, or nonprofit organization and which shall authorize (i) the licensee to permit the consumption of alcoholic beverages within the area designated by the Board for the special event and (ii) any permanent retail on-premises licensee that is located within the area designated by the Board for the special event to sell alcoholic beverages within the permanent retail location for consumption in the area designated for the special event, including sidewalks and the premises of businesses not licensed to sell alcoholic beverages at retail, upon approval of such businesses. In determining the designated area for the special event, the Board shall consult with the locality. Local special events licensees shall be limited to ~~16~~ *16* special events per year, *and the duration of any special event shall not exceed three consecutive days*. Only alcoholic beverages purchased from permanent retail on-premises licensees located within the designated area may be consumed at the special event, and such alcoholic beverages shall be contained in paper, plastic, or similar disposable containers that clearly display the name or logo of the retail on-premises licensee from which the alcoholic beverage was purchased. Alcoholic beverages shall not be sold or charged for in any way by the local special events licensee. The local special events licensee shall post appropriate signage clearly demarcating for the public the boundaries of the special event; however, no physical barriers shall be required for this purpose. The local special events licensee shall provide adequate security for the special event to ensure compliance with the applicable provisions of this title and Board regulations.

18. Coworking establishment license, which shall authorize the licensee to (i) permit the consumption of lawfully acquired wine or beer between 4:00 p.m. and 8:00 p.m. on the premises of the licensee by any member and up to two guests of each member, provided that such member and guests are persons who may lawfully consume alcohol and an employee of the coworking establishment is present, and (ii) serve wine and beer on the premises of the licensee between 4:00 p.m. and 8:00 p.m. to any member and up to two guests of each member, provided that such member and guests are persons to whom alcoholic beverages may be lawfully served. However, the licensee shall not give more than two five-ounce glasses of wine or two 12-ounce glasses of beer to any person, nor shall it sell or otherwise charge a fee for the wine or beer served or consumed. For purposes of this subdivision, the payment of membership dues by a member to the coworking establishment shall not constitute a sale or charge for alcohol, provided that the availability of alcohol is not a privilege for which the amount of membership dues increases. The privileges of this license shall be limited to the premises of the coworking establishment, regularly occupied and utilized as such.

19. Bespoke clothier establishment license, which shall authorize the licensee to serve wine or beer for on-premises consumption upon the licensed premises approved by the Board to any member; however, the licensee shall not give more than (i) two five-ounce glasses of wine or (ii) two 12-ounce glasses of beer to any such customer, nor shall it sell or otherwise charge a fee to such customer for the wine or beer served or consumed. For purposes of this subdivision, the payment of membership dues by a member to the bespoke clothier establishment shall not constitute a sale or charge for alcohol, provided that the availability of alcohol is not a privilege for which the amount of membership dues increases. The privileges of this license shall be limited to the premises of the bespoke clothier establishment, regularly occupied and utilized as such.

B. Any limited distillery that, prior to July 1, 2016, (i) holds a valid license granted by the Board in accordance with this title and (ii) is in compliance with the local zoning ordinance as an agricultural district or classification or as otherwise permitted by a locality for limited distillery use shall be allowed to continue such use as provided in § 15.2-2307,

notwithstanding (a) the provisions of this section or (b) a subsequent change in ownership of the limited distillery on or after July 1, 2016, whether by transfer, acquisition, inheritance, or other means. Any such limited distillery located on land zoned residential conservation prior to July 1, 2016, may expand any existing building or structure and the uses thereof so long as specifically approved by the locality by special exception. Any such limited distillery located on land zoned residential conservation prior to July 1, 2016, may construct a new building or structure so long as specifically approved by the locality by special exception. All such licensees shall comply with the requirements of this title and Board regulations for renewal of such license or the issuance of a new license in the event of a change in ownership of the limited distillery on or after July 1, 2016.

CHAPTER 17

An Act to amend and reenact § 15.2-2510 of the Code of Virginia, relating to comparative report of local government revenues and expenditures; filing date.

[H 406]

Approved February 24, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-2510 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-2510. Comparative report of local government revenues and expenditures.

A. The treasurer or other chief financial officer of each locality shall file annually on or before ~~November 30~~ *December 15* with the Auditor of Public Accounts a detailed statement prepared according to the Auditor's specifications showing the amount of revenues, expenditures and fund balances of the locality for the preceding fiscal year, accompanied by the locality's audited financial report. The submittal to the Auditor of Public Accounts shall include a notarized statement from the chief elected official and the chief administrative officer of the locality that the locality's audited financial report has been presented to the local governing body.

B. If such annual statement is not filed with the Auditor of Public Accounts, he may perform such work as is necessary to comply with the provisions of this section or hire certified public accountants to do such work. In either event the expenses of such work shall be charged to and paid by the locality failing to supply the required information.

C. The Auditor of Public Accounts shall prepare and publish annually by ~~January 31~~ *February 15* a statement showing in detail the total and per capita revenues and expenditures of all localities for the preceding fiscal year. The statement shall contain such analytical tables, explanations and comparisons as may lead to a clear understanding of such information and make the information readily accessible to the readers.

The Auditor of Public Accounts shall mail or deliver by February ~~1~~ *16* of each year a copy of the statement to the members of the General Assembly, to the members and clerks of the local governing bodies, and until the supply is exhausted to every citizen who may request a copy.

The provisions of this section shall apply to all counties and cities, to all towns having a population of 3,500 or over, and to all towns constituting a separate school division regardless of their population.

CHAPTER 18

An Act to amend and reenact § 16.1-284 of the Code of Virginia, relating to adults sentenced for juvenile offenses; good conduct credit.

[H 61]

Approved March 2, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 16.1-284 of the Code of Virginia is amended and reenacted as follows:

§ 16.1-284. When adult sentenced for juvenile offense.

A. When the juvenile court sentences an adult who has committed, before attaining the age of 18, an offense that would be a crime if committed by an adult, the court may impose, for each offense, the penalties that are authorized to be imposed on adults for such violations, not to exceed the punishment for a Class 1 misdemeanor, provided that the total jail sentence imposed shall not exceed 36 continuous months and the total fine shall not exceed \$2,500 or the court may order a disposition as provided in subdivision A 4, 5, 7, 11, 12, 14, or 17 and subsection B of § 16.1-278.8.

B. A person sentenced pursuant to this section shall ~~be entitled to earn~~ *earn* good time credit ~~as authorized by § 53.1-116 at the rate of one day for each one day served, including all days served while confined in jail or secured detention prior to conviction and sentencing, in which the person has not violated the written rules and regulations of the jail.~~

CHAPTER 19

An Act to amend the Code of Virginia by adding in Title 52 a chapter numbered 7.5, consisting of sections numbered 52-34.13, 52-34.14, and 52-34.15, relating to establishment of the Virginia Missing Child with Autism Alert Program.

[H 65]

Approved March 2, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 52 a chapter numbered 7.5, consisting of sections numbered 52-34.13, 52-34.14, and 52-34.15, as follows:

CHAPTER 7.5.

VIRGINIA MISSING CHILD WITH AUTISM ALERT PROGRAM.

§ 52-34.13. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Media" means print, radio, television, and Internet-based communication systems or other methods of communicating information to the public.

"Missing child with autism" means a child (i) whose whereabouts are unknown; (ii) who has been diagnosed with autism spectrum disorder as defined in § 38.2-3418.17; (iii) who is 17 years of age or younger or is currently enrolled in a secondary school in the Commonwealth, regardless of age; and (iv) whose disappearance poses a credible threat as determined by law enforcement to the safety and health of the child and under such other circumstances as deemed appropriate by the Virginia State Police.

"Missing child with autism alert" means the notice of a missing child with autism provided to the public by the media or other methods under a Missing Child with Autism Alert Agreement.

"Missing Child with Autism Alert Agreement" means a voluntary agreement between law-enforcement officials and members of the media whereby a child with autism will be declared missing, and the public will be notified by media outlets, and includes all other incidental conditions of the partnership as found appropriate by the Virginia State Police.

"Virginia Missing Child with Autism Program" or "Program" means the procedures and Missing Child with Autism Alert Agreements to aid in the identification and location of a missing child with autism.

§ 52-34.14. Establishment of the Virginia Missing Child with Autism Alert Program.

The Virginia State Police shall develop policies for the establishment of uniform standards for the creation of Virginia Missing Child with Autism Alert Programs throughout the Commonwealth. The Virginia State Police shall (i) inform local law-enforcement officials of the policies and procedures to be used for the Missing Child with Autism Alert Programs; (ii) assist in determining the geographic scope of a particular Missing Child with Autism Alert; and (iii) establish procedures and standards by which a local law-enforcement agency shall verify that a child with autism is missing and shall report such information to the Virginia State Police.

The establishment of a Missing Child with Autism Alert Program by a local law-enforcement agency and the media is voluntary, and nothing in this chapter shall be construed to be a mandate that local officials or the media establish or participate in a Missing Child with Autism Alert Program.

§ 52-34.15. Activation of Virginia Missing Child with Autism Alert Program upon incident of a missing child with autism.

A. Upon receipt of a notice of a missing child with autism from a law-enforcement agency, the Virginia State Police shall confirm the accuracy of the information and provide assistance in the activation of the Missing Child with Autism Alert Program as the investigation dictates.

B. Missing Child with Autism Alerts may be local, regional, or statewide. The initial decision to make a local Missing Child with Autism Alert shall be at the discretion of the local law-enforcement official. Prior to making a local Missing Child with Autism Alert, the local law-enforcement official shall confer with the Virginia State Police and provide information regarding the missing child with autism to the Virginia State Police. The decision to make a regional or statewide Missing Child with Autism Alert shall be at the discretion of the Virginia State Police.

C. The Missing Child with Autism Alert shall include such information as the law-enforcement agency deems appropriate that will assist in the safe recovery of the missing child with autism.

D. The Missing Child with Autism Alert shall be canceled under the terms of the Missing Child with Autism Alert Agreement. Any local law-enforcement agency that locates a missing child with autism who is the subject of an alert shall notify the Virginia State Police immediately that the missing child with autism has been located.

CHAPTER 20

An Act to amend and reenact § 19.2-149 of the Code of Virginia, relating to bail bondsman; deposit for surrender of principal for reasons other than principal's failure to appear.

[H 136]

Approved March 2, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-149 of the Code of Virginia is amended and reenacted as follows:

§ 19.2-149. How surety on a bond in recognizance may surrender principal and be discharged from liability; deposit for surrender of principal.

A. A bail bondsman or his licensed bail enforcement agent on a bond in a recognizance may at any time arrest his principal and surrender him to the court before which the recognizance was taken or before which such principal's appearance is required, or to the sheriff, sergeant or jailer of the county or city wherein the court before which such principal's appearance is required is located; in addition to the above authority, upon the application of the surety, the court, or the clerk thereof, before which the recognizance was taken, or before which such principal's appearance is required, or any magistrate shall issue a *capias* for the arrest of such principal, and such *capias* may be executed by such bail bondsman or his licensed bail enforcement agent, or by any sheriff, sergeant or police officer, and the person executing such *capias* shall deliver such principal and such *capias* to the sheriff or jailer of the county or the sheriff, sergeant or jailer of the city in which the appearance of such principal is required, and thereupon the surety or the property bail bondsman shall be discharged from liability for any act of the principal subsequent thereto. Upon application of the surety for a *capias*, the surety shall state the basis for which the *capias* is being requested. Such sheriff, sergeant or jailer shall thereafter deliver such *capias* to the clerk of such court, with his endorsement thereon acknowledging delivery of such principal to his custody.

If a magistrate issues a *capias* pursuant to this section, the magistrate shall transmit a copy of the *capias* to the court before which such principal's appearance is required by the close of business on the next day that is not a Saturday, Sunday, legal holiday, or day on which the court is lawfully closed.

B. If a bail bondsman on a bond in a recognizance surrenders his principal for any reason other than ~~a summons to show cause issued by the court for which the principal is~~ *principal's failure to appear in any court*, the bondsman shall deposit with the clerk or magistrate the greater of 10 percent of the amount of the bond or \$50, which shall be made at such time the bondsman makes application for a *capias*. The bondsman shall petition the court within 15 days from the surrender of the principal to show cause, if any can be shown, why the bondsman is entitled to the amount deposited. If the court finds that there was sufficient cause to surrender the principal, the court shall return the deposited funds to the bondsman. If the court finds that the surrender of the principal by the bondsman was unreasonable, the deposited funds shall be returned to the ~~principal payer~~. Remission of funds shall not be issued by the court until the sixteenth day after the finding. *If the bondsman does not petition the court for the return of the deposited funds within 15 days from the surrender of the principal, the deposited funds shall be paid into the state treasury to be credited to the Literary Fund.* Nothing in this subsection shall apply to a private citizen who posted cash or real estate to secure the release of a defendant.

CHAPTER 21

An Act to amend and reenact § 16.1-274 of the Code of Virginia, relating to guardians ad litem for children; certification of compliance with certain standards.

[H 137]

Approved March 2, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 16.1-274 of the Code of Virginia is amended and reenacted as follows:

§ 16.1-274. Time for filing of reports; copies furnished to attorneys; amended reports; fees.

A. Whenever any court directs an investigation pursuant to subdivision A of § 16.1-237 or § 16.1-273 or 9.1-153, or an evaluation pursuant to § 16.1-278.5, the probation officer, court-appointed special advocate, or other agency conducting such investigation shall file such report with the clerk of the court directing the investigation. The clerk shall furnish a copy of such report to all attorneys representing parties in the matter before the court no later than 72 hours, and in cases of child custody, 15 days, prior to the time set by the court for hearing the matter. If such probation officer or other agency discovers additional information or a change in circumstance after the filing of the report, an amended report shall be filed forthwith and a copy sent to each person who received a copy of the original report. Whenever such a report is not filed or an amended report is filed, the court shall grant such continuance of the proceedings as justice requires. All attorneys receiving such report or amended report shall return such to the clerk upon the conclusion of the hearing and shall not make copies of such report or amended report or any portion thereof. However, the chief judge of each juvenile and domestic relations district court may provide for an alternative means of copying and distributing reports or amended reports filed pursuant to § 9.1-153.

B. Notwithstanding the provisions of §§ 16.1-69.48:2 and 17.1-275, when the court directs the appropriate local department of social services to conduct supervised visitation or directs the appropriate local department of social services or court services unit to conduct an investigation pursuant to § 16.1-273 or to provide mediation services in matters involving a child's custody, visitation, or support, the court shall assess a fee against the petitioner, the respondent, or both, in accordance with fee schedules established by the appropriate local board of social services when the service is provided by a local department of social services or by a court services unit. The fee schedules shall include (i) standards for determining the paying party's or parties' ability to pay and (ii) a scale of fees based on the paying party's or parties' income

and family size and the actual cost of the services provided. The fee charged shall not exceed the actual cost of the service. The fee shall be assessed as a cost of the case and shall be paid as prescribed by the court to the local department of social services, locally operated court services unit or Department of Juvenile Justice, whichever performed the service, unless payment is waived. The method and medium for payment for such services shall be determined by the local department of social services, Department of Juvenile Justice, or the locally operated court services unit that provided the services.

C. When a local department of social services or any court services unit is requested by another local department or court services unit in the Commonwealth or by a similar department or entity in another state to conduct an investigation involving a child's custody, visitation or support pursuant to § 16.1-273 or, in the case of a request from another state pursuant to a provision corresponding to § 16.1-273, or to provide mediation services, or for a local department of social services to provide supervised visitation, the local department or the court services unit performing the service may require payment of fees prior to conducting the investigation or providing mediation services or supervised visitation.

D. *In any matter in which the court appoints a guardian ad litem to represent a child, such guardian ad litem shall conduct an investigation in accordance with the Standards to Govern the Performance of Guardians Ad Litem for Children established by the Judicial Council of Virginia. Prior to the commencement of the dispositional hearing of any such matter, the guardian ad litem shall file with the court, with a copy to all attorneys representing parties to such matter and all parties proceeding pro se in such matter, a certification of the guardian ad litem's compliance with the Standards to Govern the Performance of Guardians Ad Litem for Children established by the Judicial Council of Virginia, specifically addressing compliance with such standards requiring face-to-face contact with the child in such certification. The guardian ad litem shall document the hours spent satisfying such face-to-face contact requirements in such certification, which shall be compensated at the same rate as that for in-court service.*

CHAPTER 22

An Act to amend and reenact § 15.2-2204 of the Code of Virginia, relating to notice by localities.

[H 166]

Approved March 2, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-2204 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-2204. Advertisement of plans, ordinances, etc.; joint public hearings; written notice of certain amendments.

A. Plans or ordinances, or amendments thereof, recommended or adopted under the powers conferred by this chapter need not be advertised in full, but may be advertised by reference. Every such advertisement shall contain a descriptive summary of the proposed action and a reference to the place or places within the locality where copies of the proposed plans, ordinances or amendments may be examined.

The local planning commission shall not recommend nor the governing body adopt any plan, ordinance or amendment thereof until notice of intention to do so has been published once a week for two successive weeks in some newspaper published or having general circulation in the locality; however, the notice for both the local planning commission and the governing body may be published concurrently. The notice shall specify the time and place of hearing at which persons affected may appear and present their views, not less than five days nor more than 21 days after the second advertisement appears in such newspaper. The local planning commission and governing body may hold a joint public hearing after public notice as set forth hereinabove. If a joint hearing is held, then public notice as set forth above need be given only by the governing body. The term "two successive weeks" as used in this paragraph shall mean that such notice shall be published at least twice in such newspaper with not less than six days elapsing between the first and second publication. *In any instance in which a locality in Planning District 23 has submitted a timely notice request to such newspaper and the newspaper fails to publish the notice, such locality shall be deemed to have met the notice requirements of this subsection so long as the notice was published in the next available edition of a newspaper having general circulation in the locality.* After enactment of any plan, ordinance or amendment, further publication thereof shall not be required.

B. When a proposed amendment of the zoning ordinance involves a change in the zoning map classification of 25 or fewer parcels of land, then, in addition to the advertising as required by subsection A, written notice shall be given by the local planning commission, or its representative, at least five days before the hearing to the owner or owners, their agent or the occupant, of each parcel involved; to the owners, their agent or the occupant, of all abutting property and property immediately across the street or road from the property affected, including those parcels which lie in other localities of the Commonwealth; and, if any portion of the affected property is within a planned unit development, then to such incorporated property owner's associations within the planned unit development that have members owning property located within 2,000 feet of the affected property as may be required by the commission or its agent. However, when a proposed amendment to the zoning ordinance involves a tract of land not less than 500 acres owned by the Commonwealth or by the federal government, and when the proposed change affects only a portion of the larger tract, notice need be given only to the owners of those properties that are adjacent to the affected area of the larger tract. Notice sent by registered or certified mail to the last known address of such owner as shown on the current real estate tax assessment books or current real estate tax

assessment records shall be deemed adequate compliance with this requirement. If the hearing is continued, notice shall be remailed. Costs of any notice required under this chapter shall be taxed to the applicant.

When a proposed amendment of the zoning ordinance involves a change in the zoning map classification of more than 25 parcels of land, or a change to the applicable zoning ordinance text regulations that decreases the allowed dwelling unit density of any parcel of land, then, in addition to the advertising as required by subsection A, written notice shall be given by the local planning commission, or its representative, at least five days before the hearing to the owner, owners, or their agent of each parcel of land involved, provided, however, that written notice of such changes to zoning ordinance text regulations shall not have to be mailed to the owner, owners, or their agent of lots shown on a subdivision plat approved and recorded pursuant to the provisions of Article 6 (§ 15.2-2240 et seq.) where such lots are less than 11,500 square feet. One notice sent by first class mail to the last known address of such owner as shown on the current real estate tax assessment books or current real estate tax assessment records shall be deemed adequate compliance with this requirement, provided that a representative of the local commission shall make affidavit that such mailings have been made and file such affidavit with the papers in the case. Nothing in this subsection shall be construed as to invalidate any subsequently adopted amendment or ordinance because of the inadvertent failure by the representative of the local commission to give written notice to the owner, owners or their agent of any parcel involved.

The governing body may provide that, in the case of a condominium or a cooperative, the written notice may be mailed to the unit owners' association or proprietary lessees' association, respectively, in lieu of each individual unit owner.

Whenever the notices required hereby are sent by an agency, department or division of the local governing body, or their representative, such notices may be sent by first class mail; however, a representative of such agency, department or division shall make affidavit that such mailings have been made and file such affidavit with the papers in the case.

A party's actual notice of, or active participation in, the proceedings for which the written notice provided by this section is required shall waive the right of that party to challenge the validity of the proceeding due to failure of the party to receive the written notice required by this section.

C. When a proposed comprehensive plan or amendment thereto; a proposed change in zoning map classification; or an application for special exception for a change in use or to increase by greater than 50 percent of the bulk or height of an existing or proposed building, but not including renewals of previously approved special exceptions, involves any parcel of land located within one-half mile of a boundary of an adjoining locality of the Commonwealth, then, in addition to the advertising and written notification as required by this section, written notice shall also be given by the local commission, or its representative, at least 10 days before the hearing to the chief administrative officer, or his designee, of such adjoining locality.

D. When (i) a proposed comprehensive plan or amendment thereto, (ii) a proposed change in zoning map classification, or (iii) an application for special exception for a change in use involves any parcel of land located within 3,000 feet of a boundary of a military base, military installation, military airport, excluding armories operated by the Virginia National Guard, or licensed public-use airport then, in addition to the advertising and written notification as required by this section, written notice shall also be given by the local commission, or its representative, at least 30 days before the hearing to the commander of the military base, military installation, military airport, or owner of such public-use airport, and the notice shall advise the military commander or owner of such public-use airport of the opportunity to submit comments or recommendations.

E. The adoption or amendment prior to July 1, 1996, of any plan or ordinance under the authority of prior acts shall not be declared invalid by reason of a failure to advertise or give notice as may be required by such act or by this chapter, provided a public hearing was conducted by the governing body prior to such adoption or amendment. Every action contesting a decision of a locality based on a failure to advertise or give notice as may be required by this chapter shall be filed within 30 days of such decision with the circuit court having jurisdiction of the land affected by the decision. However, any litigation pending prior to July 1, 1996, shall not be affected by the 1996 amendment to this section.

F. Notwithstanding any contrary provision of law, general or special, the City of Richmond may cause such notice to be published in any newspaper of general circulation in the city.

G. When a proposed comprehensive plan or amendment of an existing plan designates or alters previously designated corridors or routes for electric transmission lines of 150 kilovolts or more, written notice shall also be given by the local planning commission, or its representative, at least 10 days before the hearing to each electric utility with a certificated service territory that includes all or any part of such designated electric transmission corridors or routes.

H. When any applicant requesting a written order, requirement, decision, or determination from the zoning administrator, other administrative officer, or a board of zoning appeals that is subject to the appeal provisions contained in § 15.2-2311 or 15.2-2314, is not the owner or the agent of the owner of the real property subject to the written order, requirement, decision or determination, written notice shall be given to the owner of the property within 10 days of the receipt of such request. Such written notice shall be given by the zoning administrator or other administrative officer or, at the direction of the administrator or officer, the requesting applicant shall be required to give the owner such notice and to provide satisfactory evidence to the zoning administrator or other administrative officer that the notice has been given. Written notice mailed to the owner at the last known address of the owner as shown on the current real estate tax assessment books or current real estate tax assessment records shall satisfy the notice requirements of this subsection.

This subsection shall not apply to inquiries from the governing body, planning commission, or employees of the locality made in the normal course of business.

2. That the provisions of this act shall expire on July 1, 2022.**CHAPTER 23**

An Act to amend and reenact § 55.1-703 of the Code of Virginia, relating to Virginia Residential Property Disclosure Act; required disclosures for buyer to beware; marine clays.

[H 174]

Approved March 2, 2020

Be it enacted by the General Assembly of Virginia:**1. That § 55.1-703 of the Code of Virginia is amended and reenacted as follows:****§ 55.1-703. Required disclosures for buyer to beware; buyer to exercise necessary due diligence.**

A. The owner of the residential real property shall furnish to a purchaser a residential property disclosure statement for the buyer to beware of certain matters that may affect the buyer's decision to purchase such real property. Such statement shall be provided by the Real Estate Board on its website.

B. The residential property disclosure statement provided by the Real Estate Board on its website shall include the following:

1. The owner makes no representations or warranties as to the condition of the real property or any improvements thereon, or with regard to any covenants and restrictions, or any conveyances of mineral rights, as may be recorded among the land records affecting the real property or any improvements thereon, and purchasers are advised to exercise whatever due diligence a particular purchaser deems necessary, including obtaining a home inspection, as defined in § 54.1-500, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event prior to settlement pursuant to such contract;

2. The owner makes no representations with respect to any matters that may pertain to parcels adjacent to the subject parcel, including zoning classification or permitted uses of adjacent parcels, and purchasers are advised to exercise whatever due diligence a particular purchaser deems necessary with respect to adjacent parcels in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event prior to settlement pursuant to such contract;

3. The owner makes no representations to any matters that pertain to whether the provisions of any historic district ordinance affect the property, and purchasers are advised to exercise whatever due diligence a particular purchaser deems necessary with respect to any historic district designated by the locality pursuant to § 15.2-2306, including review of (i) any local ordinance creating such district, (ii) any official map adopted by the locality depicting historic districts, and (iii) any materials available from the locality that explain (a) any requirements to alter, reconstruct, renovate, restore, or demolish buildings or signs in the local historic district and (b) the necessity of any local review board or governing body approvals prior to doing any work on a property located in a local historic district, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event prior to settlement pursuant to such contract;

4. The owner makes no representations with respect to whether the property contains any resource protection areas established in an ordinance implementing the Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq.) adopted by the locality where the property is located pursuant to § 62.1-44.15:74, and purchasers are advised to exercise whatever due diligence a particular purchaser deems necessary to determine whether the provisions of any such ordinance affect the property, including review of any official map adopted by the locality depicting resource protection areas, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event prior to settlement pursuant to such contract;

5. The owner makes no representations with respect to information on any sexual offenders registered under Chapter 23 (§ 19.2-387 et seq.) of Title 19.2, and purchasers are advised to exercise whatever due diligence they deem necessary with respect to such information, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event prior to settlement pursuant to such contract;

6. The owner makes no representations with respect to whether the property is within a dam break inundation zone. Such disclosure statement shall advise purchasers to exercise whatever due diligence they deem necessary with respect to whether the property resides within a dam break inundation zone, including a review of any map adopted by the locality depicting dam break inundation zones;

7. The owner makes no representations with respect to the presence of any stormwater detention facilities located on the property, or the existence or recordation of any maintenance agreement for such facilities, and purchasers are advised to exercise whatever due diligence they deem necessary to determine the presence of any stormwater detention facilities on the property, or any maintenance agreement for such facilities, such as contacting their settlement provider, consulting the locality in which the property is located, or reviewing any survey of the property that may have been conducted, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event prior to settlement pursuant to such contract;

8. The owner makes no representations with respect to the presence of any wastewater system, including the type or size of the wastewater system or associated maintenance responsibilities related to the wastewater system, located on the property, and purchasers are advised to exercise whatever due diligence they deem necessary to determine the presence of

any wastewater system on the property and the costs associated with maintaining, repairing, or inspecting any wastewater system, including any costs or requirements related to the pump-out of septic tanks, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event prior to settlement pursuant to such contract;

9. The owner makes no representations with respect to any right to install or use solar energy collection devices on the property;

10. The owner makes no representations with respect to whether the property is located in one or more special flood hazard areas, and purchasers are advised to exercise whatever due diligence they deem necessary, including (i) obtaining a flood certification or mortgage lender determination of whether the property is located in one or more special flood hazard areas, (ii) reviewing any map depicting special flood hazard areas, (iii) contacting the Federal Emergency Management Agency (FEMA) or visiting the website for FEMA's National Flood Insurance Program or for the Virginia Department of Conservation and Recreation's Flood Risk Information System, and (iv) determining whether flood insurance is required, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event prior to settlement pursuant to such contract;

11. The owner makes no representations with respect to whether the property is subject to one or more conservation or other easements, and purchasers are advised to exercise whatever due diligence a particular purchaser deems necessary in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event prior to settlement pursuant to such contract; ~~and~~

12. The owner makes no representations with respect to whether the property is subject to a community development authority approved by a local governing body pursuant to Article 6 (§ 15.2-5152 et seq.) of Chapter 51 of Title 15.2, and purchasers are advised to exercise whatever due diligence a particular purchaser deems necessary in accordance with terms and conditions as may be contained in the real estate purchase contract, including determining whether a copy of the resolution or ordinance has been recorded in the land records of the circuit court for the locality in which the community development authority district is located for each tax parcel included in the district pursuant to § 15.2-5157, but in any event prior to settlement pursuant to such contract; *and*

13. *The owner makes no representations with respect to whether the property is located on or near deposits of marine clays (marumsco soils), and purchasers are advised to exercise whatever due diligence a particular purchaser deems necessary in accordance with terms and conditions as may be contained in the real estate purchase contract, including consulting public resources regarding local soil conditions and having the soil and structural conditions of the property analyzed by a qualified professional.*

C. The residential property disclosure statement shall be delivered in accordance with § 55.1-709.

CHAPTER 24

An Act to amend and reenact § 55.1-703 of the Code of Virginia, relating to Virginia Residential Property Disclosure Act; required disclosures for buyer to beware; radon gas.

[H 175]

Approved March 2, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 55.1-703 of the Code of Virginia is amended and reenacted as follows:

§ 55.1-703. Required disclosures for buyer to beware; buyer to exercise necessary due diligence.

A. The owner of the residential real property shall furnish to a purchaser a residential property disclosure statement for the buyer to beware of certain matters that may affect the buyer's decision to purchase such real property. Such statement shall be provided by the Real Estate Board on its website.

B. The residential property disclosure statement provided by the Real Estate Board on its website shall include the following:

1. The owner makes no representations or warranties as to the condition of the real property or any improvements thereon, or with regard to any covenants and restrictions, or any conveyances of mineral rights, as may be recorded among the land records affecting the real property or any improvements thereon, and purchasers are advised to exercise whatever due diligence a particular purchaser deems necessary, including obtaining a home inspection, as defined in § 54.1-500, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event prior to settlement pursuant to such contract;

2. The owner makes no representations with respect to any matters that may pertain to parcels adjacent to the subject parcel, including zoning classification or permitted uses of adjacent parcels, and purchasers are advised to exercise whatever due diligence a particular purchaser deems necessary with respect to adjacent parcels in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event prior to settlement pursuant to such contract;

3. The owner makes no representations to any matters that pertain to whether the provisions of any historic district ordinance affect the property, and purchasers are advised to exercise whatever due diligence a particular purchaser deems necessary with respect to any historic district designated by the locality pursuant to § 15.2-2306, including review of (i) any local ordinance creating such district, (ii) any official map adopted by the locality depicting historic districts, and (iii) any

materials available from the locality that explain (a) any requirements to alter, reconstruct, renovate, restore, or demolish buildings or signs in the local historic district and (b) the necessity of any local review board or governing body approvals prior to doing any work on a property located in a local historic district, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event prior to settlement pursuant to such contract;

4. The owner makes no representations with respect to whether the property contains any resource protection areas established in an ordinance implementing the Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq.) adopted by the locality where the property is located pursuant to § 62.1-44.15:74, and purchasers are advised to exercise whatever due diligence a particular purchaser deems necessary to determine whether the provisions of any such ordinance affect the property, including review of any official map adopted by the locality depicting resource protection areas, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event prior to settlement pursuant to such contract;

5. The owner makes no representations with respect to information on any sexual offenders registered under Chapter 23 (§ 19.2-387 et seq.) of Title 19.2, and purchasers are advised to exercise whatever due diligence they deem necessary with respect to such information, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event prior to settlement pursuant to such contract;

6. The owner makes no representations with respect to whether the property is within a dam break inundation zone. Such disclosure statement shall advise purchasers to exercise whatever due diligence they deem necessary with respect to whether the property resides within a dam break inundation zone, including a review of any map adopted by the locality depicting dam break inundation zones;

7. The owner makes no representations with respect to the presence of any stormwater detention facilities located on the property, or the existence or recordation of any maintenance agreement for such facilities, and purchasers are advised to exercise whatever due diligence they deem necessary to determine the presence of any stormwater detention facilities on the property, or any maintenance agreement for such facilities, such as contacting their settlement provider, consulting the locality in which the property is located, or reviewing any survey of the property that may have been conducted, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event prior to settlement pursuant to such contract;

8. The owner makes no representations with respect to the presence of any wastewater system, including the type or size of the wastewater system or associated maintenance responsibilities related to the wastewater system, located on the property, and purchasers are advised to exercise whatever due diligence they deem necessary to determine the presence of any wastewater system on the property and the costs associated with maintaining, repairing, or inspecting any wastewater system, including any costs or requirements related to the pump-out of septic tanks, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event prior to settlement pursuant to such contract;

9. The owner makes no representations with respect to any right to install or use solar energy collection devices on the property;

10. The owner makes no representations with respect to whether the property is located in one or more special flood hazard areas, and purchasers are advised to exercise whatever due diligence they deem necessary, including (i) obtaining a flood certification or mortgage lender determination of whether the property is located in one or more special flood hazard areas, (ii) reviewing any map depicting special flood hazard areas, (iii) contacting the Federal Emergency Management Agency (FEMA) or visiting the website for FEMA's National Flood Insurance Program or for the Virginia Department of Conservation and Recreation's Flood Risk Information System, and (iv) determining whether flood insurance is required, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event prior to settlement pursuant to such contract;

11. The owner makes no representations with respect to whether the property is subject to one or more conservation or other easements, and purchasers are advised to exercise whatever due diligence a particular purchaser deems necessary in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event prior to settlement pursuant to such contract; ~~and~~

12. The owner makes no representations with respect to whether the property is subject to a community development authority approved by a local governing body pursuant to Article 6 (§ 15.2-5152 et seq.) of Chapter 51 of Title 15.2, and purchasers are advised to exercise whatever due diligence a particular purchaser deems necessary in accordance with terms and conditions as may be contained in the real estate purchase contract, including determining whether a copy of the resolution or ordinance has been recorded in the land records of the circuit court for the locality in which the community development authority district is located for each tax parcel included in the district pursuant to § 15.2-5157, but in any event prior to settlement pursuant to such contract; *and*

13. *The owner makes no representations with respect to whether the property is located in a locality classified as Zone 1 or Zone 2 by the U.S. Environmental Protection Agency's (EPA) Map of Radon Zones, and purchasers are advised to exercise whatever due diligence they deem necessary to determine whether the property is located in such a zone, including (i) reviewing the EPA's Map of Radon Zones or visiting the EPA's radon information website; (ii) visiting the Virginia Department of Health's Indoor Radon Program website; (iii) visiting the National Radon Proficiency Program's website; (iv) visiting the National Radon Safety Board's website that lists the Board's certified contractors; and (v) ordering a radon inspection, in accordance with the terms and conditions as may be contained in the real estate purchase contract, but in any event prior to settlement pursuant to such contract.*

C. The residential property disclosure statement shall be delivered in accordance with § 55.1-709.

CHAPTER 25

An Act to amend and reenact § 19.2-354 of the Code of Virginia, relating to payments of court fines and costs; community work in lieu of payment; during imprisonment.

[H 277]

Approved March 2, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-354 of the Code of Virginia is amended and reenacted as follows:

§ 19.2-354. Authority of court to order payment of fine, costs, forfeitures, penalties or restitution in installments or upon other terms and conditions; community work in lieu of payment.

A. Whenever (i) a defendant, convicted of a traffic infraction or a violation of any criminal law of the Commonwealth or of any political subdivision thereof, or found not innocent in the case of a juvenile, is sentenced to pay a fine, restitution, forfeiture or penalty and (ii) the defendant is unable to make payment of the fine, restitution, forfeiture, or penalty and costs within 30 days of sentencing, the court shall order the defendant to pay such fine, restitution, forfeiture or penalty and any costs which the defendant may be required to pay in deferred payments or installments. The court assessing the fine, restitution, forfeiture, or penalty and costs may authorize the clerk to establish and approve individual deferred or installment payment agreements. If the defendant owes court-ordered restitution and enters into a deferred or installment payment agreement, any money collected pursuant to such agreement shall be used first to satisfy such restitution order and any collection costs associated with restitution prior to being used to satisfy any other fine, forfeiture, penalty, or cost owed. Any payment agreement authorized under this section shall be consistent with the provisions of § 19.2-354.1, including any required minimum payments or other required conditions. The requirements set forth in § 19.2-354.1 shall be posted in the clerk's office and on the court's website, if a website is available. As a condition of every such agreement, a defendant who enters into an installment or deferred payment agreement shall promptly inform the court of any change of mailing address during the term of the agreement. If the defendant is unable to make payment within 90 days of sentencing, the court may assess a one-time fee not to exceed \$10 to cover the costs of management of the defendant's account until such account is paid in full. This one-time fee shall not apply to cases in which costs are assessed pursuant to § 17.1-275.1, 17.1-275.2, 17.1-275.3, 17.1-275.4, 17.1-275.7, 17.1-275.8, or 17.1-275.9. Installment or deferred payment agreements shall include terms for payment if the defendant participates in a program as provided in subsection B or C. The court, if such sum or sums are not paid in full by the date ordered, shall proceed in accordance with § 19.2-358.

B. When a person sentenced to the Department of Corrections or a local correctional facility owes any fines, costs, forfeitures, restitution or penalties, he shall be required as a condition of participating in any work release, home/electronic incarceration or nonconsecutive days program as set forth in § 53.1-60, 53.1-131, 53.1-131.1, or 53.1-131.2 to either make full payment or make payments in accordance with his installment or deferred payment agreement while participating in such program. If, after the person has an installment or deferred payment agreement, the person fails to pay as ordered, his participation in the program may be terminated until all fines, costs, forfeitures, restitution and penalties are satisfied. The Director of the Department of Corrections and any sheriff or other administrative head of any local correctional facility shall withhold such ordered payments from any amounts due to such person. Distribution of the money collected shall be made in the following order of priority to:

1. Meet the obligation of any judicial or administrative order to provide support and such funds shall be disbursed according to the terms of such order;
2. Pay any restitution as ordered by the court;
3. Pay any fines or costs as ordered by the court;
4. Pay travel and other such expenses made necessary by his work release employment or participation in an education or rehabilitative program, including the sums specified in § 53.1-150; and
5. Defray the offender's keep.

The balance shall be credited to the offender's account or sent to his family in an amount the offender so chooses.

The Board of Corrections shall promulgate regulations governing the receipt of wages paid to persons participating in such programs, the withholding of payments and the disbursement of appropriate funds.

C. The court shall establish a program and may provide an option to any person upon whom a fine and costs have been imposed to discharge all or part of the fine or costs by earning credits for the performance of community service work (i) before or after imprisonment or (ii) in accordance with the provisions of § 19.2-316.4, 53.1-59, 53.1-60, 53.1-128, 53.1-129, or 53.1-131 during imprisonment. The program shall specify the rate at which credits are earned and provide for the manner of applying earned credits against the fine or costs. The court assessing the fine or costs against a person shall inform such person of the availability of earning credit toward discharge of the fine or costs through the performance of community service work under this program and provide such person with written notice of terms and conditions of this program. The court shall have such other authority as is reasonably necessary for or incidental to carrying out this program.

D. When the court has authorized deferred payment or installment payments, the clerk shall give notice to the defendant that upon his failure to pay as ordered he may be fined or imprisoned pursuant to § 19.2-358 and his privilege to operate a motor vehicle will be suspended pursuant to § 46.2-395.

E. The failure of the defendant to enter into a deferred payment or installment payment agreement with the court or the failure of the defendant to make payments as ordered by the agreement shall allow the Tax Commissioner to act in accordance with § 19.2-349 to collect all fines, costs, forfeitures and penalties.

CHAPTER 26

An Act to amend and reenact § 55.1-703 of the Code of Virginia, relating to Virginia Residential Property Disclosure Act; disclosures for a buyer to beware; residential building energy analyst.

[H 518]

Approved March 2, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 55.1-703 of the Code of Virginia is amended and reenacted as follows:

§ 55.1-703. Required disclosures for buyer to beware; buyer to exercise necessary due diligence.

A. The owner of the residential real property shall furnish to a purchaser a residential property disclosure statement for the buyer to beware of certain matters that may affect the buyer's decision to purchase such real property. Such statement shall be provided by the Real Estate Board on its website.

B. The residential property disclosure statement provided by the Real Estate Board on its website shall include the following:

1. The owner makes no representations or warranties as to the condition of the real property or any improvements thereon, or with regard to any covenants and restrictions, or any conveyances of mineral rights, as may be recorded among the land records affecting the real property or any improvements thereon, and purchasers are advised to exercise whatever due diligence a particular purchaser deems necessary, including obtaining a home inspection, as defined in § 54.1-500, *and a residential building energy analysis, as defined in § 54.1-1144*, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event prior to settlement pursuant to such contract;

2. The owner makes no representations with respect to any matters that may pertain to parcels adjacent to the subject parcel, including zoning classification or permitted uses of adjacent parcels, and purchasers are advised to exercise whatever due diligence a particular purchaser deems necessary with respect to adjacent parcels in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event prior to settlement pursuant to such contract;

3. The owner makes no representations to any matters that pertain to whether the provisions of any historic district ordinance affect the property, and purchasers are advised to exercise whatever due diligence a particular purchaser deems necessary with respect to any historic district designated by the locality pursuant to § 15.2-2306, including review of (i) any local ordinance creating such district, (ii) any official map adopted by the locality depicting historic districts, and (iii) any materials available from the locality that explain (a) any requirements to alter, reconstruct, renovate, restore, or demolish buildings or signs in the local historic district and (b) the necessity of any local review board or governing body approvals prior to doing any work on a property located in a local historic district, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event prior to settlement pursuant to such contract;

4. The owner makes no representations with respect to whether the property contains any resource protection areas established in an ordinance implementing the Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq.) adopted by the locality where the property is located pursuant to § 62.1-44.15:74, and purchasers are advised to exercise whatever due diligence a particular purchaser deems necessary to determine whether the provisions of any such ordinance affect the property, including review of any official map adopted by the locality depicting resource protection areas, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event prior to settlement pursuant to such contract;

5. The owner makes no representations with respect to information on any sexual offenders registered under Chapter 23 (§ 19.2-387 et seq.) of Title 19.2, and purchasers are advised to exercise whatever due diligence they deem necessary with respect to such information, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event prior to settlement pursuant to such contract;

6. The owner makes no representations with respect to whether the property is within a dam break inundation zone. Such disclosure statement shall advise purchasers to exercise whatever due diligence they deem necessary with respect to whether the property resides within a dam break inundation zone, including a review of any map adopted by the locality depicting dam break inundation zones;

7. The owner makes no representations with respect to the presence of any stormwater detention facilities located on the property, or the existence or recordation of any maintenance agreement for such facilities, and purchasers are advised to exercise whatever due diligence they deem necessary to determine the presence of any stormwater detention facilities on the property, or any maintenance agreement for such facilities, such as contacting their settlement provider, consulting the locality in which the property is located, or reviewing any survey of the property that may have been conducted, in

accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event prior to settlement pursuant to such contract;

8. The owner makes no representations with respect to the presence of any wastewater system, including the type or size of the wastewater system or associated maintenance responsibilities related to the wastewater system, located on the property, and purchasers are advised to exercise whatever due diligence they deem necessary to determine the presence of any wastewater system on the property and the costs associated with maintaining, repairing, or inspecting any wastewater system, including any costs or requirements related to the pump-out of septic tanks, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event prior to settlement pursuant to such contract;

9. The owner makes no representations with respect to any right to install or use solar energy collection devices on the property;

10. The owner makes no representations with respect to whether the property is located in one or more special flood hazard areas, and purchasers are advised to exercise whatever due diligence they deem necessary, including (i) obtaining a flood certification or mortgage lender determination of whether the property is located in one or more special flood hazard areas, (ii) reviewing any map depicting special flood hazard areas, (iii) contacting the Federal Emergency Management Agency (FEMA) or visiting the website for FEMA's National Flood Insurance Program or for the Virginia Department of Conservation and Recreation's Flood Risk Information System, and (iv) determining whether flood insurance is required, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event prior to settlement pursuant to such contract;

11. The owner makes no representations with respect to whether the property is subject to one or more conservation or other easements, and purchasers are advised to exercise whatever due diligence a particular purchaser deems necessary in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event prior to settlement pursuant to such contract; and

12. The owner makes no representations with respect to whether the property is subject to a community development authority approved by a local governing body pursuant to Article 6 (§ 15.2-5152 et seq.) of Chapter 51 of Title 15.2, and purchasers are advised to exercise whatever due diligence a particular purchaser deems necessary in accordance with terms and conditions as may be contained in the real estate purchase contract, including determining whether a copy of the resolution or ordinance has been recorded in the land records of the circuit court for the locality in which the community development authority district is located for each tax parcel included in the district pursuant to § 15.2-5157, but in any event prior to settlement pursuant to such contract.

C. The residential property disclosure statement shall be delivered in accordance with § 55.1-709.

CHAPTER 27

An Act to amend and reenact § 54.1-2312 of the Code of Virginia, relating to the Department of Professional and Occupational Regulation; cemeteries; exemptions.

[H 950]

Approved March 2, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-2312 of the Code of Virginia is amended and reenacted as follows:

§ 54.1-2312. Exemptions.

A. The provisions of this chapter shall not apply to cemeteries wholly owned and operated by the state or a county, city, or town; a church; or a nonstock corporation not operated for profit if the corporation (i) does not compensate any officer or director except for reimbursement of reasonable expenses incurred in the performance of his official duties; (ii) does not sell or construct or directly or indirectly contract for the sale or construction of vaults or lawn, garden, or mausoleum crypts; and (iii) uses proceeds from the sale of all graves and entombment rights for the sole purpose of defraying the direct expenses of maintaining the cemetery. *For the purposes of this subsection, "church" includes a church that operates as a historic landmark.*

B. The provisions of this chapter shall not apply to any community cemetery not operated for profit if the cemetery (i) does not compensate any officer or director except for reimbursement of reasonable expenses incurred in the performance of his official duties, and uses the proceeds from the sale of the graves and mausoleum spaces for the sole purpose of defraying the direct expenses of maintaining its facilities or (ii) was chartered by the Commonwealth prior to 1857 A.D.

C. The provisions of this chapter regarding preneed burial contracts shall not apply to prearranged funeral plans entered into by licensees of the Board of Funeral Directors and Embalmers.

D. The provisions of the chapter shall not apply to any family cemetery provided that no graves or entombment rights therein are sold or offered for sale to the public.

E. Subject to the requirements of § 54.1-2312.1, the provisions of this chapter shall not apply to the resale of any interment right in a cemetery in the Commonwealth.

CHAPTER 28

An Act to amend and reenact § 54.1-119 of the Code of Virginia, relating to professions and occupations; expediting the issuance of credentials to spouses of military service members.

[H 967]

Approved March 2, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-119 of the Code of Virginia is amended and reenacted as follows:

§ 54.1-119. Expediting the issuance of licenses, etc., to spouses of military service members; issuance of temporary licenses, etc.

A. Notwithstanding any other law to the contrary and unless an applicant is found by the board to have engaged in any act that would constitute grounds for disciplinary action, a regulatory board within the Department of Professional and Occupational Regulation or the Department of Health Professions or any other board named in this title shall expedite the issuance of a license, permit, certificate, or other document, however styled or denominated, required for the practice of any business, profession, or occupation in the Commonwealth to an applicant whose application has been deemed complete by the board and (i) who holds the same or similar license, permit, certificate, or other document required for the practice of any business, profession, or occupation issued by another jurisdiction; (ii) whose spouse is ~~the subject of a military transfer to the Commonwealth~~ *(a) on federal active duty orders pursuant to Title 10 of the United States Code or (b) a veteran, as that term is defined in § 2.2-2000.1, who has left active-duty service within one year of the submission of an application to a board;* and (iii) who accompanies the applicant's spouse to ~~Virginia~~ *the Commonwealth or an adjoining state or the District of Columbia*, if, in the opinion of the board, the requirements for the issuance of the license, permit, certificate, or other document in such other jurisdiction are substantially equivalent to those required in the Commonwealth. *A board may waive any requirement relating to experience if the board determines that the documentation provided by the applicant supports such a waiver.*

B. If a board is unable to (i) complete the review of the documentation provided by the applicant or (ii) make a final determination regarding substantial equivalency within 20 days of the receipt of a completed application, the board shall issue a temporary license, permit, or certificate, provided the applicant otherwise meets the qualifications set out in subsection A. Any temporary license, permit, or certification issued pursuant to this subsection shall be limited for a period not to exceed 12 months and shall authorize the applicant to engage in the profession or occupation while the board completes its review of the documentation provided by the applicant or the applicant completes any specific requirements that may be required in Virginia that were not required in the jurisdiction in which the applicant holds the license, permit, or certificate.

C. The provisions of this section shall apply regardless of whether a regulatory board has entered into a reciprocal agreement with the other jurisdiction pursuant to subsection B of § 54.1-103.

D. Any regulatory board may require the applicant to provide documentation it deems necessary to make a determination of substantial equivalency.

CHAPTER 29

An Act to amend and reenact § 36-85.4 of the Code of Virginia, relating to the Manufactured Housing Construction and Safety Standards Law; provision not set out; applicability.

[H 1341]

Approved March 2, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 36-85.4 of the Code of Virginia is amended and reenacted as follows:

§ 36-85.4. Applicability of chapter.

~~The primary purpose of this law is to provide for enforcement by Virginia of the Federal Act and the standards and regulations adopted by the Secretary under the authority granted by the Federal Act. Adoption of this law is intended to enable manufactured home inspection and enforcement activities to be performed by the Department. Any This chapter shall apply to any manufactured home constructed on or after the effective date of this chapter July 1, 1986, or constructed on or after June 15, 1976, and formerly subject to the Federal Act or the Industrialized Building Unit and Mobile Home Safety Law (§ 36-70 et seq.); shall be subject to this law.~~

CHAPTER 30

An Act to amend and reenact § 55.1-1243 of the Code of Virginia, relating to landlord and tenant; remedy for unlawful ouster; ex parte issuance of order to recover possession.

[H 1401]

Approved March 2, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 55.1-1243 of the Code of Virginia is amended and reenacted as follows:

§ 55.1-1243. Tenant's remedies for landlord's unlawful ouster, exclusion, or diminution of service.

A. If a landlord unlawfully removes or excludes a tenant from the premises or willfully diminishes services to the tenant by interrupting or causing the interruption of an essential service to the tenant, the tenant may obtain an order from a general district court to recover possession, require the landlord to resume any such interrupted essential service, or terminate the rental agreement and, in any case, recover the actual damages sustained by him and reasonable attorney fees. If the rental agreement is terminated, the landlord shall return all of the security deposit in accordance with § 55.1-1226.

B. Upon receipt of a petition under this section for an order to recover possession or restore essential services and a finding that the petitioner has attempted to provide the landlord with actual notice of the hearing on the petition, the judge of the general district court may issue such order ex parte upon a finding of good cause to do so. Such ex parte order shall be a preliminary order that specifies a date for a full hearing on the merits of the petition. The full hearing shall be held within five days of the issuance of the ex parte order.

CHAPTER 31

An Act to amend and reenact §§ 46.2-1233 and 46.2-1233.1 of the Code of Virginia, relating to towing fees.

[H 1511]

Approved March 2, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-1233 and 46.2-1233.1 of the Code of Virginia are amended and reenacted as follows:

§ 46.2-1233. Localities may regulate towing fees.

The governing body of any locality may by ordinance set reasonable limits on fees charged for the removal of motor vehicles, trailers, and parts thereof left on private property in violation of § 46.2-1231, and for the removal of trespassing vehicles under § 46.2-1215, taking into consideration the fair market value of such removal.

Localities in Planning District 8 and Planning District 16 shall establish by ordinance (i) a hookup and initial towing fee of no less than \$135 and no more than the maximum charges provided in § 46.2-1233.1 and (ii) for towing a vehicle between 7:00 p.m. and 8:00 a.m. or on any Saturday, Sunday, or holiday, an additional fee of *no less than \$25 and no more than the maximum charges provided in § 46.2-1233.1* per instance; however, such ordinance shall also provide that in no event shall more than two such additional fees be charged for towing any vehicle.

§ 46.2-1233.1. Limitation on charges for towing and storage of certain vehicles.

A. Unless different limits are established by ordinance of the local governing body pursuant to § 46.2-1233, as to vehicles towed or removed from private property, no charges imposed for the towing, storage, and safekeeping of any passenger car removed, towed, or stored without the consent of its owner shall be in excess of the maximum charges provided for in this section. No hookup and initial towing fee of any passenger car shall exceed \$150. For towing a vehicle between ~~seven o'clock~~ 7:00 p.m. and ~~eight o'clock~~ 8:00 a.m. or on any Saturday, Sunday, or holiday, an additional fee of no more than ~~\$25~~ \$30 per instance may be charged; however, in no event shall more than two such fees be charged for towing any such vehicle. No charge shall be made for storage and safekeeping for a period of 24 hours or less. Except for fees or charges imposed by this section or a local ordinance adopted pursuant to § 46.2-1233, no other fees or charges shall be imposed during the first 24-hour period.

B. The governing body of any county, city, or town may by ordinance, with the advice of an advisory board established pursuant to § 46.2-1233.2, (i) provide that no towing and recovery business having custody of a vehicle towed without the consent of its owner impose storage charges for that vehicle for any period during which the owner of the vehicle was prevented from recovering the vehicle because the towing and recovery business was closed and (ii) place limits on the amount of fees charged by towing and recovery operators. Any such ordinance limiting fees shall also provide for periodic review of and timely adjustment of such limitations.

CHAPTER 32

An Act to amend and reenact § 4.1-210 of the Code of Virginia, relating to alcoholic beverage control; annual mixed beverage performing arts facility license.

[S 212]

Approved March 2, 2020

Be it enacted by the General Assembly of Virginia:**1. That § 4.1-210 of the Code of Virginia is amended and reenacted as follows:****§ 4.1-210. Mixed beverages licenses.**

A. Subject to the provisions of § 4.1-124, the Board may grant the following licenses relating to mixed beverages:

1. Mixed beverage restaurant licenses, which shall authorize the licensee to sell and serve mixed beverages for consumption in dining areas and other designated areas of such restaurant. Such license may be granted only to persons (i) who operate a restaurant and (ii) whose gross receipts from the sale of food cooked or prepared, and consumed on the premises and nonalcoholic beverages served on the premises, after issuance of such license, amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food. For the purposes of this subdivision, other designated areas shall include outdoor dining areas, whether or not contiguous to the licensed premises, which outdoor dining areas may have more than one means of ingress and egress to an adjacent public thoroughfare, provided such areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201.

If the restaurant is located on the premises of a hotel or motel with not less than four permanent bedrooms where food and beverage service is customarily provided by the restaurant in designated areas, bedrooms and other private rooms of such hotel or motel, such licensee may (i) sell and serve mixed beverages for consumption in such designated areas, bedrooms and other private rooms and (ii) sell spirits packaged in original closed containers purchased from the Board for on-premises consumption to registered guests and at scheduled functions of such hotel or motel only in such bedrooms or private rooms. However, with regard to a hotel classified as a resort complex, the Board may authorize the sale and on-premises consumption of alcoholic beverages in all areas within the resort complex deemed appropriate by the Board. Nothing herein shall prohibit any person from keeping and consuming his own lawfully acquired spirits in bedrooms or private rooms.

If the restaurant is located on the premises of and operated by a private, nonprofit or profit club exclusively for its members and their guests, or members of another private, nonprofit or profit club in another city with which it has an agreement for reciprocal dining privileges, such license shall also authorize the licensees to sell and serve mixed beverages for on-premises consumption. Where such club prepares no food in its restaurant but purchases its food requirements from a restaurant licensed by the Board and located on another portion of the premises of the same hotel or motel building, this fact shall not prohibit the granting of a license by the Board to such club qualifying in all other respects. The club's gross receipts from the sale of nonalcoholic beverages consumed on the premises and food resold to its members and guests and consumed on the premises shall amount to at least 45 percent of its gross receipts from the sale of mixed beverages and food. The food sales made by a restaurant to such a club shall be excluded in any consideration of the qualifications of such restaurant for a license from the Board.

If the restaurant is located on the premises of and operated by a municipal golf course, the Board shall recognize the seasonal nature of the business and waive any applicable monthly food sales requirements for those months when weather conditions may reduce patronage of the golf course, provided that prepared food, including meals, is available to patrons during the same months. The gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises, after the issuance of such license, shall amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food on an annualized basis.

2. Mixed beverage caterer's licenses, which may be granted only to a person regularly engaged in the business of providing food and beverages to others for service at private gatherings or at special events, which shall authorize the licensee to sell and serve alcoholic beverages for on-premises consumption. The annual gross receipts from the sale of food cooked and prepared for service and nonalcoholic beverages served at gatherings and events referred to in this subdivision shall amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food.

3. Mixed beverage limited caterer's licenses, which may be granted only to a person regularly engaged in the business of providing food and beverages to others for service at private gatherings or at special events, not to exceed 12 gatherings or events per year, which shall authorize the licensee to sell and serve alcoholic beverages for on-premises consumption. The annual gross receipts from the sale of food cooked and prepared for service and nonalcoholic beverages served at gatherings and events referred to in this subdivision shall amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food.

4. Mixed beverage special events licenses, to a duly organized nonprofit corporation or association in charge of a special event, which shall authorize the licensee to sell and serve mixed beverages for on-premises consumption in areas approved by the Board on the premises of the place designated in the license. A separate license shall be required for each day of each special event.

5. Annual mixed beverage special events licenses to (i) a duly organized nonprofit corporation or association operating either a performing arts facility or an art education and exhibition facility; (ii) a nonprofit corporation or association chartered by Congress for the preservation of sites, buildings, and objects significant in American history and culture; (iii) persons operating an agricultural event and entertainment park or similar facility that has a minimum of 50,000 square feet of indoor exhibit space and equine and other livestock show areas, which includes barns, pavilions, or other structures equipped with roofs, exterior walls, and open or closed-door access; or (iv) a locality for special events conducted on the premises of a museum for historic interpretation that is owned and operated by the locality. The operation in all cases shall be upon premises owned by such licensee or occupied under a bona fide lease the original term of which was for more than one year's duration. Such license shall authorize the licensee to sell alcoholic beverages during scheduled events and performances for on-premises consumption in areas upon the licensed premises approved by the Board.

6. Mixed beverage carrier licenses to persons operating a common carrier of passengers by train, boat or airplane, which shall authorize the licensee to sell and serve mixed beverages anywhere in the Commonwealth to passengers while in transit aboard any such common carrier, and in designated rooms of establishments of air carriers at airports in the Commonwealth. For purposes of supplying its airplanes, as well as any airplanes of a licensed express carrier flying under the same brand, an air carrier licensee may appoint an authorized representative to load distilled spirits onto the same airplanes and to transport and store distilled spirits at or in close proximity to the airport where the distilled spirits will be delivered onto airplanes of the air carrier and any such licensed express carrier. The air carrier licensee shall (i) designate for purposes of its license all locations where the inventory of distilled spirits may be stored and from which the distilled spirits will be delivered onto airplanes of the air carrier and any such licensed express carrier and (ii) maintain records of all distilled spirits to be transported, stored, and delivered by its authorized representative.

7. Mixed beverage club events licenses, which shall authorize a club holding a beer or wine and beer club license to sell and serve mixed beverages for on-premises consumption by club members and their guests in areas approved by the Board on the club premises. A separate license shall be required for each day of each club event. No more than 12 such licenses shall be granted to a club in any calendar year.

8. Annual mixed beverage amphitheater licenses to persons operating food concessions at any outdoor performing arts amphitheater, arena or similar facility that has seating for more than 20,000 persons and is located in Prince William County or the City of Virginia Beach. Such license shall authorize the licensee to sell alcoholic beverages during the performance of any event, in paper, plastic or similar disposable containers or in single original metal cans, to patrons within all seating areas, concourses, walkways, concession areas, or similar facilities, for on-premises consumption.

9. Annual mixed beverage amphitheater licenses to persons operating food concessions at any outdoor performing arts amphitheater, arena or similar facility that has seating for more than 5,000 persons and is located in the City of Alexandria or the City of Portsmouth. Such license shall authorize the licensee to sell alcoholic beverages during the performance of any event, in paper, plastic or similar disposable containers or in single original metal cans, to patrons within all seating areas, concourses, walkways, concession areas, or similar facilities, for on-premises consumption.

10. Annual mixed beverage motor sports facility license to persons operating food concessions at any outdoor motor sports road racing club facility, of which the track surface is 3.27 miles in length, on 1,200 acres of rural property bordering the Dan River, which shall authorize the licensee to sell mixed beverages, in paper, plastic, or similar disposable containers or in single original metal cans, during scheduled events, as well as events or performances immediately subsequent thereto, to patrons in all dining facilities, seating areas, viewing areas, walkways, concession areas or similar facilities, for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license.

11. Annual mixed beverage banquet licenses to duly organized private nonprofit fraternal, patriotic or charitable membership organizations that are exempt from state and federal taxation and in charge of banquets conducted exclusively for its members and their guests, which shall authorize the licensee to serve mixed beverages for on-premises consumption in areas approved by the Board on the premises of the place designated in the license. Such license shall authorize the licensee to conduct no more than 12 banquets per calendar year.

12. Limited mixed beverage restaurant licenses, which shall authorize the licensee to sell and serve dessert wines as defined by Board regulation and no more than six varieties of liqueurs, which liqueurs shall be combined with coffee or other nonalcoholic beverages, for consumption in dining areas of the restaurant. Such license may be granted only to persons who operate a restaurant and in no event shall the sale of such wine or liqueur-based drinks, together with the sale of any other alcoholic beverages, exceed 10 percent of the total annual gross sales of all food and alcoholic beverages.

13. Annual mixed beverage motor sports facility licenses to persons operating concessions at an outdoor motor sports facility that hosts a NASCAR national touring race, which shall authorize the licensee to sell mixed beverages, in paper, plastic, or similar disposable containers or in single original metal cans, during scheduled events, as well as events or performances immediately subsequent thereto, to patrons in all dining facilities, seating areas, viewing areas, walkways, concession areas or similar facilities, for on-premises consumption.

14. Annual mixed beverage performing arts facility license to corporations or associations operating a performing arts facility, provided the performing arts facility (i) is owned by a governmental entity; (ii) is occupied by a for-profit entity under a bona fide lease, the original term of which was for more than one year's duration; and (iii) has been rehabilitated in accordance with historic preservation standards. Such license shall authorize the sale, on the dates of performances or events, of alcoholic beverages for on-premises consumption in areas upon the licensed premises approved by the Board.

15. Annual mixed beverage performing arts facility license to persons operating food concessions at any performing arts facility located in the City of Norfolk or the City of Richmond, provided that the performing arts facility (i) is occupied under a bona fide long-term lease or concession agreement, the original term of which was more than five years; (ii) has a capacity in excess of 1,400 patrons; (iii) has been rehabilitated in accordance with historic preservation standards; and (iv) has monthly gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises that meet or exceed the monthly minimum established by Board regulations for mixed beverage restaurants. Such license shall authorize the sale, on the dates of performances or events, of alcoholic beverages for on-premises consumption in areas upon the licensed premises approved by the Board.

16. Annual mixed beverage performing arts facility license to persons operating food concessions at any performing arts facility located in the City of Waynesboro, provided that the performing arts facility (i) is occupied under a bona fide long-term lease or concession agreement, the original term of which was more than five years; (ii) has a total capacity in excess of 550 patrons; and (iii) has been rehabilitated in accordance with historic preservation standards. Such license shall authorize the sale, on the dates of performances or private or special events, of alcoholic beverages for on-premises consumption in areas upon the licensed premises approved by the Board.

17. Annual mixed beverage performing arts facility license to persons operating food concessions at any performing arts facility located in the arts and cultural district of the City of Harrisonburg, provided that the performing arts facility (i) is occupied under a bona fide long-term lease or concession agreement, the original term of which was more than five years; (ii) has been rehabilitated in accordance with historic preservation standards; (iii) has monthly gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises that meet or exceed the monthly minimum established by Board regulations for mixed beverage restaurants; and (iv) has a total capacity in excess of 900 patrons. Such license shall authorize the sale, on the dates of performances or private or special events, of alcoholic beverages for on-premises consumption in areas upon the licensed premises approved by the Board.

18. A combined mixed beverage restaurant and caterer's license, which may be granted to any restaurant or hotel that meets the qualifications for both a mixed beverage restaurant pursuant to subdivision A 1 and mixed beverage caterer pursuant to subdivision A 2 for the same business location, and which license shall authorize the licensee to operate as both a mixed beverage restaurant and mixed beverage caterer at the same business premises designated in the license, with a common alcoholic beverage inventory for purposes of the restaurant and catering operations. Such licensee shall meet the separate food qualifications established for the mixed beverage restaurant license pursuant to subdivision A 1 and mixed beverage caterer's license pursuant to subdivision A 2.

19. Annual mixed beverage performing arts facility license to persons operating food concessions at any multipurpose theater located in the historical district of the Town of Bridgewater, provided that the theater (i) is owned and operated by a governmental entity and (ii) has a total capacity in excess of 100 patrons. Such license shall authorize the sale, on the dates of performances or events, of alcoholic beverages for on-premises consumption in areas upon the licensed premises approved by the Board.

20. *Annual mixed beverage performing arts facility license to persons operating food concessions at any corporate and performing arts facility located in Fairfax County, provided that the corporate and performing arts facility (i) is occupied under a bona fide long-term lease, management, or concession agreement, the original term of which was more than one year and (ii) has a total capacity in excess of 1,400 patrons. Such license shall authorize the sale, on the dates of performances or events, of alcoholic beverages for on-premises consumption in areas upon the licensed premises approved by the Board.*

B. The granting of any license under subdivision A 1, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, ~~or~~ 19, or 20 shall automatically include a license to sell and serve wine and beer for on-premises consumption. The licensee shall pay the state and local taxes required by §§ 4.1-231 and 4.1-233.

2. That if § 4.1-210 of the Code of Virginia, as amended by this act, is repealed by an act of assembly passed by the 2020 Session of the General Assembly and such act reorganizes the licenses set forth in the former § 4.1-210 of the Code of Virginia, as amended by this act, by relocating such licenses in various sections of the Code of Virginia, the annual mixed beverage performing arts facility license created by this act shall remain in effect and shall be relocated in the subdivision of the Code of Virginia in which other annual mixed beverage performing arts facility licenses are relocated.

CHAPTER 33

An Act to amend and reenact § 54.1-2312 of the Code of Virginia, relating to the Department of Professional and Occupational Regulation; cemeteries; exemptions.

[S 519]

Approved March 2, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-2312 of the Code of Virginia is amended and reenacted as follows:

§ 54.1-2312. Exemptions.

A. The provisions of this chapter shall not apply to cemeteries wholly owned and operated by the state or a county, city, or town; a church; or a nonstock corporation not operated for profit if the corporation (i) does not compensate any officer or director except for reimbursement of reasonable expenses incurred in the performance of his official duties; (ii) does not sell or construct or directly or indirectly contract for the sale or construction of vaults or lawn, garden, or mausoleum crypts; and (iii) uses proceeds from the sale of all graves and entombment rights for the sole purpose of defraying the direct expenses of maintaining the cemetery. *For the purposes of this subsection, "church" includes a church that operates as a historic landmark.*

B. The provisions of this chapter shall not apply to any community cemetery not operated for profit if the cemetery (i) does not compensate any officer or director except for reimbursement of reasonable expenses incurred in the performance of his official duties, and uses the proceeds from the sale of the graves and mausoleum spaces for the sole purpose of defraying the direct expenses of maintaining its facilities or (ii) was chartered by the Commonwealth prior to 1857 A.D.

C. The provisions of this chapter regarding preneed burial contracts shall not apply to prearranged funeral plans entered into by licensees of the Board of Funeral Directors and Embalmers.

D. The provisions of the chapter shall not apply to any family cemetery provided that no graves or entombment rights therein are sold or offered for sale to the public.

E. Subject to the requirements of § 54.1-2312.1, the provisions of this chapter shall not apply to the resale of any interment right in a cemetery in the Commonwealth.

CHAPTER 34

An Act to amend and reenact § 4.1-206 of the Code of Virginia, relating to alcoholic beverage control; privileges of local special events licensees.

[S 689]

Approved March 2, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 4.1-206 of the Code of Virginia is amended and reenacted as follows:

§ 4.1-206. Alcoholic beverage licenses.

A. The Board may grant the following licenses relating to alcoholic beverages generally:

1. Distillers' licenses, which shall authorize the licensee to manufacture alcoholic beverages other than wine and beer, and to sell and deliver or ship the same, in accordance with Board regulations, in closed containers, to the Board and to persons outside the Commonwealth for resale outside the Commonwealth. When the Board has established a government store on the distiller's licensed premises pursuant to subsection D of § 4.1-119, such license shall also authorize the licensee to make a charge to consumers to participate in an organized tasting event conducted in accordance with subsection G of § 4.1-119 and Board regulations.

2. Limited distiller's licenses, to distilleries that manufacture not more than 36,000 gallons of alcoholic beverages other than wine or beer per calendar year, provided (i) the distillery is located on a farm in the Commonwealth on land zoned agricultural and owned or leased by such distillery or its owner and (ii) agricultural products used by such distillery in the manufacture of its alcoholic beverages are grown on the farm. Limited distiller's licensees shall be treated as distillers for all purposes of this title except as otherwise provided in this subdivision. For purposes of this subdivision, "land zoned agricultural" means (a) land zoned as an agricultural district or classification or (b) land otherwise permitted by a locality for limited distillery use. For purposes of this subdivision, "land zoned agricultural" does not include land zoned "residential conservation." Except for the limitation on land zoned "residential conservation," nothing in this definition shall otherwise limit or affect local zoning authority.

3. Fruit distillers' licenses, which shall authorize the licensee to manufacture any alcoholic beverages made from fruit or fruit juices, and to sell and deliver or ship the same, in accordance with Board regulations, in closed containers, to the Board and to persons outside the Commonwealth for resale outside the Commonwealth.

4. Banquet facility licenses to volunteer fire departments and volunteer emergency medical services agencies, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by any person, and bona fide members and guests thereof, otherwise eligible for a banquet license. However, lawfully acquired alcoholic beverages shall not be purchased or sold by the licensee or sold or charged for in any way by the person permitted to use the premises. Such premises shall be a volunteer fire or volunteer emergency medical services agency station or both, regularly occupied as such and recognized by the governing body of the county, city, or town in which it is located. Under conditions as specified by Board regulation, such premises may be other than a volunteer fire or volunteer emergency medical services agency station, provided such other premises are occupied and under the control of the volunteer fire department or volunteer emergency medical services agency while the privileges of its license are being exercised.

5. Bed and breakfast licenses, which shall authorize the licensee to (i) serve alcoholic beverages in dining areas, private guest rooms and other designated areas to persons to whom overnight lodging is being provided, with or without meals, for on-premises consumption only in such rooms and areas, and without regard to the amount of gross receipts from the sale of

food prepared and consumed on the premises and (ii) permit the consumption of lawfully acquired alcoholic beverages by persons to whom overnight lodging is being provided in (a) bedrooms or private guest rooms or (b) other designated areas of the bed and breakfast establishment. For purposes of this subdivision, "other designated areas" includes outdoor dining areas, whether or not contiguous to the licensed premises, which may have more than one means of ingress and egress to an adjacent public thoroughfare, provided that such outdoor dining areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201.

6. Tasting licenses, which shall authorize the licensee to sell or give samples of alcoholic beverages of the type specified in the license in designated areas at events held by the licensee. A tasting license shall be issued for the purpose of featuring and educating the consuming public about the alcoholic beverages being tasted. A separate license shall be required for each day of each tasting event. No tasting license shall be required for conduct authorized by § 4.1-201.1.

7. Museum licenses, which may be issued to nonprofit museums exempt from taxation under § 501(c)(3) of the Internal Revenue Code, which shall authorize the licensee to (i) permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by any bona fide member and guests thereof and (ii) serve alcoholic beverages on the premises of the licensee to any bona fide member and guests thereof. However, alcoholic beverages shall not be sold or charged for in any way by the licensee. The privileges of this license shall be limited to the premises of the museum, regularly occupied and utilized as such.

8. Equine sporting event licenses, which may be issued to organizations holding equestrian, hunt and steeplechase events, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by patrons thereof during such event. However, alcoholic beverages shall not be sold or charged for in any way by the licensee. The privileges of this license shall be (i) limited to the premises of the licensee, regularly occupied and utilized for equestrian, hunt and steeplechase events and (ii) exercised on no more than four calendar days per year.

9. Day spa licenses, which shall authorize the licensee to (i) permit the consumption of lawfully acquired wine or beer on the premises of the licensee by any bona fide customer of the day spa and (ii) serve wine or beer on the premises of the licensee to any such bona fide customer; however, the licensee shall not give more than two five-ounce glasses of wine or one 12-ounce glass of beer to any such customer, nor shall it sell or otherwise charge a fee to such customer for the wine or beer served or consumed. The privileges of this license shall be limited to the premises of the day spa regularly occupied and utilized as such.

10. Motor car sporting event facility licenses, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by patrons thereof during such events. However, alcoholic beverages shall not be sold or charged for in any way, directly or indirectly, by the licensee. The privileges of this license shall be limited to those areas of the licensee's premises designated by the Board that are regularly occupied and utilized for motor car sporting events.

11. Meal-assembly kitchen license, which shall authorize the licensee to serve wine or beer on the premises of the licensee to any such bona fide customer attending either a private gathering or a special event; however, the licensee shall not give more than two five-ounce glasses of wine or two 12-ounce glasses of beer to any such customer, nor shall it sell or otherwise charge a fee to such customer for the wine or beer served or consumed. The privileges of this license shall be limited to the premises of the meal-assembly kitchen regularly occupied and utilized as such.

12. Canal boat operator license, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by any bona fide customer attending either a private gathering or a special event; however, the licensee shall not sell or otherwise charge a fee to such customer for the alcoholic beverages so consumed. The privileges of this license shall be limited to the premises of the licensee, including the canal, the canal boats while in operation, and any pathways adjacent thereto. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license.

13. Annual arts venue event licenses, to persons operating an arts venue, which shall authorize the licensee participating in a community art walk that is open to the public to serve lawfully acquired wine or beer on the premises of the licensee to adult patrons thereof during such events. However, alcoholic beverages shall not be sold or charged for in any way, directly or indirectly, by the licensee, and the licensee shall not give more than two five-ounce glasses of wine or one 12-ounce glass of beer to any one adult patron. The privileges of this license shall be (i) limited to the premises of the arts venue regularly occupied and used as such and (ii) exercised on no more than 12 calendar days per year.

14. Art instruction studio licenses, which shall authorize the licensee to serve wine or beer on the premises of the licensee to any such bona fide customer; however, the licensee shall not give more than two five-ounce glasses of wine or one 12-ounce glass of beer to any such customer, nor shall it sell or otherwise charge a fee to such customer for the wine or beer served or consumed. The privileges of this license shall be limited to the premises of the art instruction studio regularly occupied and utilized as such.

15. Commercial lifestyle center license, which may be issued only to a commercial owners' association governing a commercial lifestyle center, which shall authorize any retail on-premises restaurant licensee that is a tenant of the commercial lifestyle center to sell alcoholic beverages to any bona fide customer to whom alcoholic beverages may be lawfully sold for consumption on that portion of the licensed premises of the commercial lifestyle center designated by the Board, including (i) plazas, seating areas, concourses, walkways, or such other similar areas and (ii) the premises of any

tenant location of the commercial lifestyle center that is not a retail licensee of the Board, upon approval of such tenant, but excluding any parking areas. Only alcoholic beverages purchased from such retail on-premises restaurant licensees may be consumed on the licensed premises of the commercial lifestyle center, and such alcoholic beverages shall be contained in paper, plastic, or similar disposable containers with the name or logo of the restaurant licensee that sold the alcoholic beverage clearly displayed. Alcoholic beverages shall not be sold or charged for in any way by the commercial lifestyle center licensee. The licensee shall post appropriate signage clearly demarcating for the public the boundaries of the licensed premises; however, no physical barriers shall be required for this purpose. The licensee shall provide adequate security for the licensed premises to ensure compliance with the applicable provisions of this title and Board regulations.

16. Confectionery license, which shall authorize the licensee to prepare and sell on the licensed premises for off-premises consumption confectionery that contains five percent or less alcohol by volume. Any alcohol contained in such confectionery shall not be in liquid form at the time such confectionery is sold.

17. Local special events license, which may be issued only to a locality, business improvement district, or nonprofit organization and which shall authorize (i) the licensee to permit the consumption of alcoholic beverages within the area designated by the Board for the special event and (ii) any permanent retail on-premises licensee that is located within the area designated by the Board for the special event to sell alcoholic beverages within the permanent retail location for consumption in the area designated for the special event, including sidewalks and the premises of businesses not licensed to sell alcoholic beverages at retail, upon approval of such businesses. In determining the designated area for the special event, the Board shall consult with the locality. Local special events licensees shall be limited to ~~42~~ 16 special events per year, *and the duration of any special event shall not exceed three consecutive days*. Only alcoholic beverages purchased from permanent retail on-premises licensees located within the designated area may be consumed at the special event, and such alcoholic beverages shall be contained in paper, plastic, or similar disposable containers that clearly display the name or logo of the retail on-premises licensee from which the alcoholic beverage was purchased. Alcoholic beverages shall not be sold or charged for in any way by the local special events licensee. The local special events licensee shall post appropriate signage clearly demarcating for the public the boundaries of the special event; however, no physical barriers shall be required for this purpose. The local special events licensee shall provide adequate security for the special event to ensure compliance with the applicable provisions of this title and Board regulations.

18. Coworking establishment license, which shall authorize the licensee to (i) permit the consumption of lawfully acquired wine or beer between 4:00 p.m. and 8:00 p.m. on the premises of the licensee by any member and up to two guests of each member, provided that such member and guests are persons who may lawfully consume alcohol and an employee of the coworking establishment is present, and (ii) serve wine and beer on the premises of the licensee between 4:00 p.m. and 8:00 p.m. to any member and up to two guests of each member, provided that such member and guests are persons to whom alcoholic beverages may be lawfully served. However, the licensee shall not give more than two five-ounce glasses of wine or two 12-ounce glasses of beer to any person, nor shall it sell or otherwise charge a fee for the wine or beer served or consumed. For purposes of this subdivision, the payment of membership dues by a member to the coworking establishment shall not constitute a sale or charge for alcohol, provided that the availability of alcohol is not a privilege for which the amount of membership dues increases. The privileges of this license shall be limited to the premises of the coworking establishment, regularly occupied and utilized as such.

19. Bespoke clothier establishment license, which shall authorize the licensee to serve wine or beer for on-premises consumption upon the licensed premises approved by the Board to any member; however, the licensee shall not give more than (i) two five-ounce glasses of wine or (ii) two 12-ounce glasses of beer to any such customer, nor shall it sell or otherwise charge a fee to such customer for the wine or beer served or consumed. For purposes of this subdivision, the payment of membership dues by a member to the bespoke clothier establishment shall not constitute a sale or charge for alcohol, provided that the availability of alcohol is not a privilege for which the amount of membership dues increases. The privileges of this license shall be limited to the premises of the bespoke clothier establishment, regularly occupied and utilized as such.

B. Any limited distillery that, prior to July 1, 2016, (i) holds a valid license granted by the Board in accordance with this title and (ii) is in compliance with the local zoning ordinance as an agricultural district or classification or as otherwise permitted by a locality for limited distillery use shall be allowed to continue such use as provided in § 15.2-2307, notwithstanding (a) the provisions of this section or (b) a subsequent change in ownership of the limited distillery on or after July 1, 2016, whether by transfer, acquisition, inheritance, or other means. Any such limited distillery located on land zoned residential conservation prior to July 1, 2016, may expand any existing building or structure and the uses thereof so long as specifically approved by the locality by special exception. Any such limited distillery located on land zoned residential conservation prior to July 1, 2016, may construct a new building or structure so long as specifically approved by the locality by special exception. All such licensees shall comply with the requirements of this title and Board regulations for renewal of such license or the issuance of a new license in the event of a change in ownership of the limited distillery on or after July 1, 2016.

CHAPTER 35

An Act to amend and reenact § 54.1-119 of the Code of Virginia, relating to professions and occupations; expediting the issuance of credentials to spouses of military service members.

[S 981]

Approved March 2, 2020

Be it enacted by the General Assembly of Virginia:**1. That § 54.1-119 of the Code of Virginia is amended and reenacted as follows:****§ 54.1-119. Expediting the issuance of licenses, etc., to spouses of military service members; issuance of temporary licenses, etc.**

A. Notwithstanding any other law to the contrary and unless an applicant is found by the board to have engaged in any act that would constitute grounds for disciplinary action, a regulatory board within the Department of Professional and Occupational Regulation or the Department of Health Professions or any other board named in this title shall expedite the issuance of a license, permit, certificate, or other document, however styled or denominated, required for the practice of any business, profession, or occupation in the Commonwealth to an applicant whose application has been deemed complete by the board and (i) who holds the same or similar license, permit, certificate, or other document required for the practice of any business, profession, or occupation issued by another jurisdiction; (ii) whose spouse is ~~the subject of a military transfer to the Commonwealth~~ *(a) on federal active duty orders pursuant to Title 10 of the United States Code or (b) a veteran, as that term is defined in § 2.2-2000.1, who has left active-duty service within one year of the submission of an application to a board; and (iii) who accompanies the applicant's spouse to Virginia the Commonwealth or an adjoining state or the District of Columbia, if, in the opinion of the board, the requirements for the issuance of the license, permit, certificate, or other document in such other jurisdiction are substantially equivalent to those required in the Commonwealth. A board may waive any requirement relating to experience if the board determines that the documentation provided by the applicant supports such a waiver.*

B. If a board is unable to (i) complete the review of the documentation provided by the applicant or (ii) make a final determination regarding substantial equivalency within 20 days of the receipt of a completed application, the board shall issue a temporary license, permit, or certificate, provided the applicant otherwise meets the qualifications set out in subsection A. Any temporary license, permit, or certification issued pursuant to this subsection shall be limited for a period not to exceed 12 months and shall authorize the applicant to engage in the profession or occupation while the board completes its review of the documentation provided by the applicant or the applicant completes any specific requirements that may be required in Virginia that were not required in the jurisdiction in which the applicant holds the license, permit, or certificate.

C. The provisions of this section shall apply regardless of whether a regulatory board has entered into a reciprocal agreement with the other jurisdiction pursuant to subsection B of § 54.1-103.

D. Any regulatory board may require the applicant to provide documentation it deems necessary to make a determination of substantial equivalency.

CHAPTER 36

An Act to amend and reenact § 2.2-2423 of the Code of Virginia, relating to Virginia Geographic Information Network Advisory Board; membership.

[H 117]

Approved March 2, 2020

Be it enacted by the General Assembly of Virginia:**1. That § 2.2-2423 of the Code of Virginia is amended and reenacted as follows:****§ 2.2-2423. Virginia Geographic Information Network Advisory Board; membership; terms; quorum; compensation and expenses.**

A. The Virginia Geographic Information Network Advisory Board (the Board) is hereby established as an advisory board, within the meaning of § 2.2-2100, in the executive branch of state government. The Board shall advise the Geographic Information Network Division (the Division) of the Virginia Information Technologies Agency on issues related to the exercise of the Division's powers and duties.

B. The Board shall consist of ~~16~~ *18* members appointed as follows: ~~seven~~ *nine* nonlegislative citizen members to be appointed by the Governor that consist of one agency director from one of the natural resources agencies, one official from a baccalaureate public institution of higher education in the Commonwealth, one elected official representing a local government in the Commonwealth, one member of the Virginia Association of Surveyors, one representative of a utility or transportation industry utilizing geographic data, ~~and~~ *two* representatives of private businesses with expertise and experience in the establishment, operation, and maintenance of geographic information systems, *and two county, city, town, or regional government geographic information system (GIS) directors or managers representing diverse regions of the Commonwealth;* four members of the House of Delegates to be appointed by the Speaker of the House of Delegates; two

members of the Senate to be appointed by the Senate Committee on Rules; the Chief Information Officer, the Commissioner of Highways, and the Chief Executive Officer of the Economic Development Partnership Authority or their designees who shall serve as ex officio, voting members. Gubernatorial appointees may be nonresidents of the Commonwealth. All members of the Board appointed by the Governor shall be confirmed by each house of the General Assembly. The agency director and official from a baccalaureate public institution of higher education in the Commonwealth appointed by the Governor may each designate a member of his organization as an alternate who may attend meetings in his place and be counted as a member of the Board for the purposes of a quorum.

Any members of the Board who are representatives of private businesses that provide geographic information services, and their companies, are precluded from contracting to provide goods or services to the Division.

C. Legislative members' terms shall be coincident with their terms of office. ~~The~~ *Following the initial staggering of terms, the gubernatorial appointees to the Board shall serve five-year terms, except for the initial appointees whose terms were staggered the two GIS directors or managers, who shall serve two-year terms.* Members appointed by the Governor shall serve no more than two consecutive five-year terms, *except the two GIS directors or managers shall serve no more than two consecutive two-year terms.* Vacancies occurring other than by expiration of a term shall be filled for the unexpired term. Vacancies shall be filled in the same manner as the original appointments. The remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in determining the member's eligibility to serve.

D. The Board shall elect from its membership a chairman, vice-chairman, and any other officers deemed necessary. The duties and terms of the officers shall be prescribed by the members. A majority of the Board shall constitute a quorum. The Board shall meet at least quarterly or at the call of its chairman or the Chief Information Officer.

E. Legislative members of the Board shall receive such compensation as provided in § 30-19.12 and nonlegislative citizen members shall receive such compensation as provided in § 2.2-2813 for their services. All members shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Funding for the costs of compensation and expenses of the members shall be provided by the Virginia Geographic Information Network Division of the Virginia Information Technologies Agency.

F. The Geographic Information Network Division shall provide staff support to the Board.

CHAPTER 37

An Act to amend and reenact §§ 54.1-2700, 54.1-2711, and 54.1-2719 of the Code of Virginia and to amend the Code of Virginia by adding in Article 2 of Chapter 27 of Title 54.1 a section numbered 54.1-2708.5, relating to teledentistry.

[H 165]

Approved March 2, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-2700, 54.1-2711, and 54.1-2719 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Article 2 of Chapter 27 of Title 54.1 a section numbered 54.1-2708.5 as follows:

§ 54.1-2700. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Appliance" means a permanent or removable device used in a plan of dental care, including crowns, fillings, bridges, braces, dentures, orthodontic aligners, and sleep apnea devices.

"Board" means the Board of Dentistry.

"Dental hygiene" means duties related to patient assessment and the rendering of educational, preventive, and therapeutic dental services specified in regulations of the Board and not otherwise restricted to the practice of dentistry.

"Dental hygienist" means a person who is licensed by the Board to practice dental hygiene.

"Dentist" means a person who has been awarded a degree in and is licensed by the Board to practice dentistry.

"Dentistry" means the evaluation, diagnosis, prevention, and treatment, through surgical, nonsurgical, or related procedures, of diseases, disorders, and conditions of the oral cavity and the maxillofacial, adjacent, and associated structures and their impact on the human body.

"Digital scan" means digital technology that creates a computer-generated replica of the hard and soft tissues of the oral cavity using enhanced digital photography.

"Digital scan technician" means a person who has completed a training program approved by the Board to take digital scans of intraoral and extraoral hard and soft tissues for use in teledentistry.

"Digital work order" means the digital equivalent of a written dental laboratory work order used in the construction or repair of an appliance.

"License" means the document issued to an applicant upon completion of requirements for admission to practice dentistry or dental hygiene in the Commonwealth or upon registration for renewal of license to continue the practice of dentistry or dental hygiene in the Commonwealth.

"License to practice dentistry" means any license to practice dentistry issued by the Board.

"Maxillofacial" means pertaining to the jaws and face, particularly with reference to specialized surgery of this region.

"Oral and maxillofacial surgeon" means a person who has successfully completed an oral and maxillofacial residency program, approved by the Commission on Dental Accreditation of the American Dental Association, and who holds a valid license from the Board.

"Store-and-forward technologies" means the technologies that allow for the electronic transmission of dental and health information, including images, photographs, documents, and health histories, through a secure communication system.

"Teledentistry" means the delivery of dentistry between a patient and a dentist who holds a license to practice dentistry issued by the Board through the use of telehealth systems and electronic technologies or media, including interactive, two-way audio or video.

§ 54.1-2708.5. Digital scans for use in the practice of dentistry; practice of digital scan technicians.

A. No person other than a dentist, dental hygienist, dental assistant I, dental assistant II, digital scan technician, or other person under the direction of a dentist shall obtain dental scans for use in the practice of dentistry.

B. A digital scan technician who obtains dental scans for use in the practice of teledentistry shall work under the direction of a dentist who is (i) licensed by the Board to practice dentistry in the Commonwealth, (ii) accessible and available for communication and consultation with the digital scan technician at all times during the patient interaction, and (iii) responsible for ensuring that the digital scan technician has a program of training approved by the Board for such purpose. All protocols and procedures for the performance of digital scans by digital scan technicians and evidence that a digital scan technician has complied with the training requirements of the Board shall be made available to the Board upon request.

§ 54.1-2711. Practice of dentistry.

A. Any person shall be deemed to be practicing dentistry who (i) uses the words dentist, or dental surgeon, the letters D.D.S., D.M.D., or any letters or title in connection with his name, which in any way represents him as engaged in the practice of dentistry; (ii) holds himself out, advertises, or permits to be advertised that he can or will perform dental operations of any kind; (iii) diagnoses, treats, or professes to diagnose or treat any of the diseases or lesions of the oral cavity, its contents, or contiguous structures; or (iv) extracts teeth, corrects malpositions of the teeth or jaws, takes or causes to be taken digital scans or impressions for the fabrication of appliances or dental prosthesis, supplies or repairs artificial teeth as substitutes for natural teeth, or places in the mouth and adjusts such substitutes. Taking impressions for mouth guards that may be self-fabricated or obtained over-the-counter does not constitute the practice of dentistry.

B. No person shall practice dentistry unless a bona fide dentist-patient relationship is established in person or through teledentistry. A bona fide dentist-patient relationship shall exist if the dentist has (i) obtained or caused to be obtained a health and dental history of the patient; (ii) performed or caused to be performed an appropriate examination of the patient, either physically, through use of instrumentation and diagnostic equipment through which digital scans, photographs, images, and dental records are able to be transmitted electronically, or through use of face-to-face interactive two-way real-time communications services or store-and-forward technologies; (iii) provided information to the patient about the services to be performed; and (iv) initiated additional diagnostic tests or referrals as needed. In cases in which a dentist is providing teledentistry, the examination required by clause (ii) shall not be required if the patient has been examined in person by a dentist licensed by the Board within the six months prior to the initiation of teledentistry and the patient's dental records of such examination have been reviewed by the dentist providing teledentistry.

C. No person shall deliver dental services through teledentistry unless he holds a license to practice dentistry in the Commonwealth issued by the Board and has established written or electronic protocols for the practice of teledentistry that include (i) methods to ensure that patients are fully informed about services provided through the use of teledentistry, including obtaining informed consent; (ii) safeguards to ensure compliance with all state and federal laws and regulations related to the privacy of health information; (iii) documentation of all dental services provided to a patient through teledentistry, including the full name, address, telephone number, and Virginia license number of the dentist providing such dental services; (iv) procedures for providing in-person services or for the referral of patients requiring dental services that cannot be provided by teledentistry to another dentist licensed to practice dentistry in the Commonwealth who actually practices dentistry in an area of the Commonwealth the patient can readily access; (v) provisions for the use of appropriate encryption when transmitting patient health information via teledentistry; and (vi) any other provisions required by the Board. A dentist who delivers dental services using teledentistry shall, upon request of the patient, provide health records to the patient or a dentist of record in a timely manner in accordance with § 32.1-127.1:03 and any other applicable federal or state laws or regulations. All patients receiving dental services through teledentistry shall have the right to speak or communicate with the dentist providing such services upon request.

D. Dental services delivered through use of teledentistry shall (i) be consistent with the standard of care as set forth in § 8.01-581.20, including when the standard of care requires the use of diagnostic testing or performance of a physical examination, and (ii) comply with the requirements of this chapter and the regulations of the Board.

E. In cases in which teledentistry is provided to a patient who has a dentist of record but has not had a dental wellness examination in the six months prior to the initiation of teledentistry, the dentist providing teledentistry shall recommend that the patient schedule a dental wellness examination. If a patient to whom teledentistry is provided does not have a dentist of record, the dentist shall provide or cause to be provided to the patient options for referrals for obtaining a dental wellness examination.

F. No dentist shall be supervised within the scope of the practice of dentistry by any person who is not a licensed dentist.

§ 54.1-2719. Persons engaged in construction and repair of appliances.

A. Licensed dentists may employ or engage the services of any person, firm, or corporation to construct or repair *an appliance, extraorally, prosthetic dentures, bridges, or other replacements for a part of a tooth, a tooth, or teeth in accordance with a written or digital work order. Any appliance constructed or repaired by a person, firm, or corporation pursuant to this section shall be evaluated and reviewed by the licensed dentist who submitted the written or digital work order, or a licensed dentist in the same dental practice.* A person, firm, or corporation so employed or engaged shall not be considered to be practicing dentistry. No such person, firm, or corporation shall perform any direct dental service for a patient, but they may assist a dentist in the selection of shades for the matching of prosthetic devices when the dentist sends the patient to them with a written *or digital* work order.

B. Any licensed dentist who employs the services of any person, firm, or corporation not working in a dental office under ~~his the dentist's~~ direct supervision to construct or repair; ~~an appliance extraorally, prosthetic dentures, bridges, replacements, or orthodontic appliances for a part of a tooth, a tooth, or teeth,~~ shall furnish such person, firm, or corporation with a written *or digital* work order on forms prescribed by the Board, which shall, at minimum, contain: (i) the name and address of the person, firm, or corporation; (ii) the patient's name or initials or an identification number; (iii) the date the work order was written; (iv) a description of the work to be done, including diagrams, if necessary; (v) specification of the type and quality of materials to be used; and (vi) the signature and address of the dentist.

The person, firm, or corporation shall retain the original *written work order or an electronic copy of a digital work order*, and the dentist shall retain a duplicate *of the written work order or an electronic copy of a digital work order*, for three years.

C. If the person, firm, or corporation ~~receiving~~ *receives* a written *or digital* work order from a licensed dentist ~~engages a subcontractor to perform services relative to the work order,~~ a written *disclosure and* subwork order shall be furnished *to the dentist* on forms prescribed by the Board, which shall, at minimum, contain: (i) the name and address of the *person, firm, or corporation and* subcontractor; (ii) a number identifying the subwork order with the original work order; (iii) the date ~~the any~~ subwork order was written; (iv) a description of the work to be done *and the work to be done* by the subcontractor, including diagrams *or digital files*, if necessary; (v) a specification of the type and quality of materials to be used; and (vi) the signature of the person issuing the *disclosure and* subwork order.

The subcontractor shall retain the subwork order, and the issuer shall retain a duplicate *of the subwork order, which shall be* attached to the work order received from the licensed dentist, for three years.

D. No person, firm, or corporation engaged in the construction or repair of appliances shall refuse to allow the Board or its agents to inspect the files of work orders or subwork orders during ordinary business hours.

~~The provisions of this section shall not apply to a work order for the construction, reproduction, or repair, extraorally, of prosthetic dentures, bridges, or other replacements for a part of a tooth, a tooth, or teeth, done by a person, firm or corporation pursuant to a written work order received from a licensed dentist who is residing and practicing in another state.~~

CHAPTER 38

An Act to amend and reenact § 63.2-1514 of the Code of Virginia, relating to Department of Social Services; central registry; retention of records.

[H 287]

Approved March 2, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 63.2-1514 of the Code of Virginia is amended and reenacted as follows:

§ 63.2-1514. Retention of records in all reports; procedures regarding unfounded reports alleged to be made in bad faith or with malicious intent.

A. The local department shall retain the records of all reports or complaints made pursuant to this chapter, in accordance with regulations adopted by the Board. However, all records related to founded cases of child sexual abuse involving injuries or conditions, real or threatened, that result in or were likely to have resulted in serious harm to a child shall be maintained by the local department for a period of 25 years from the date of the complaint.

B. The Department shall maintain a child abuse and neglect information system that includes a central registry of founded complaints, pursuant to § 63.2-1515. The Department shall maintain all (i) unfounded investigations, (ii) family assessments, and (iii) reports or complaints determined to be not valid in a record which is separate from the central registry and accessible only to the Department and to local departments for child-protective services. The purpose of retaining these complaints or reports is to provide local departments with information regarding prior complaints or reports. In no event shall the mere existence of a prior complaint or report be used to determine that a subsequent complaint or report is founded. The subject of the complaint or report is the person who is alleged to have committed abuse or neglect. The subject of the complaint or report shall have access to his own record. The record of unfounded investigations ~~and complaints and reports determined to be not valid~~ that involved reports of child abuse or neglect shall be purged *three years after the date of the complaint or report if there are no subsequent complaints or reports regarding the same child or the person who is the*

subject of the complaint or report within such three-year period. Records of complaints and reports determined to be not valid shall be purged one year after the date of the complaint or report if there are no subsequent complaints or reports regarding the same child or the person who is the subject of the complaint or report in that one year. The local department shall retain such records for an additional period of up to two years if requested in writing by the person who is the subject of such complaint or report. The record of family assessments shall be purged three years after the date of the complaint or report if there are no subsequent complaints or reports regarding the same child or the person who is the subject of the report in that three-year period. The child-protective services records regarding the petitioner which result from such complaint or report shall be purged immediately by any custodian of such records upon presentation to the custodian of a certified copy of a court order that there has been a civil action that determined that the complaint or report was made in bad faith or with malicious intent. After purging the records, the custodian shall notify the petitioner in writing that the records have been purged.

C. At the time the local department notifies a person who is the subject of a complaint or report made pursuant to this chapter that such complaint or report is either an unfounded investigation or a completed family assessment, it shall notify him how long the record will be retained and of the availability of the procedures set out in this section regarding reports or complaints alleged to be made in bad faith or with malicious intent. Upon request, the local department shall advise the person who was the subject of an unfounded investigation if the complaint or report was made anonymously. However, the identity of a complainant or reporter shall not be disclosed.

D. Any person who is the subject of an unfounded report or complaint made pursuant to this chapter who believes that such report or complaint was made in bad faith or with malicious intent may petition the circuit court in the jurisdiction in which the report or complaint was made for the release to such person of the records of the investigation or family assessment. Such petition shall specifically set forth the reasons such person believes that such report or complaint was made in bad faith or with malicious intent. Upon the filing of such petition, the circuit court shall request and the local department shall provide to the circuit court its records of the investigation or family assessment for the circuit court's in camera review. The petitioner shall be entitled to present evidence to support his petition. If the circuit court determines that there is a reasonable question of fact as to whether the report or complaint was made in bad faith or with malicious intent and that disclosure of the identity of the complainant would not be likely to endanger the life or safety of the complainant, it shall provide to the petitioner a copy of the records of the investigation or family assessment. The original records shall be subject to discovery in any subsequent civil action regarding the making of a complaint or report in bad faith or with malicious intent.

CHAPTER 39

An Act to amend and reenact § 54.1-3408 of the Code of Virginia, relating to medical assistants; administration of fluoride varnish.

[H 299]

Approved March 2, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-3408 of the Code of Virginia is amended and reenacted as follows:

§ 54.1-3408. Professional use by practitioners.

A. A practitioner of medicine, osteopathy, podiatry, dentistry, or veterinary medicine or a licensed nurse practitioner pursuant to § 54.1-2957.01, a licensed physician assistant pursuant to § 54.1-2952.1, or a TPA-certified optometrist pursuant to Article 5 (§ 54.1-3222 et seq.) of Chapter 32 shall only prescribe, dispense, or administer controlled substances in good faith for medicinal or therapeutic purposes within the course of his professional practice.

B. The prescribing practitioner's order may be on a written prescription or pursuant to an oral prescription as authorized by this chapter. The prescriber may administer drugs and devices, or he may cause drugs or devices to be administered by:

1. A nurse, physician assistant, or intern under his direction and supervision;
2. Persons trained to administer drugs and devices to patients in state-owned or state-operated hospitals or facilities licensed as hospitals by the Board of Health or psychiatric hospitals licensed by the Department of Behavioral Health and Developmental Services who administer drugs under the control and supervision of the prescriber or a pharmacist;
3. Emergency medical services personnel certified and authorized to administer drugs and devices pursuant to regulations of the Board of Health who act within the scope of such certification and pursuant to an oral or written order or standing protocol; or
4. A licensed respiratory therapist as defined in § 54.1-2954 who administers by inhalation controlled substances used in inhalation or respiratory therapy.

C. Pursuant to an oral or written order or standing protocol, the prescriber, who is authorized by state or federal law to possess and administer radiopharmaceuticals in the scope of his practice, may authorize a nuclear medicine technologist to administer, under his supervision, radiopharmaceuticals used in the diagnosis or treatment of disease.

D. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize registered nurses and licensed practical nurses to possess

(i) epinephrine and oxygen for administration in treatment of emergency medical conditions and (ii) heparin and sterile normal saline to use for the maintenance of intravenous access lines.

Pursuant to the regulations of the Board of Health, certain emergency medical services technicians may possess and administer epinephrine in emergency cases of anaphylactic shock.

Pursuant to an order or standing protocol issued by the prescriber within the course of his professional practice, any school nurse, school board employee, employee of a local governing body, or employee of a local health department who is authorized by a prescriber and trained in the administration of epinephrine may possess and administer epinephrine.

Pursuant to an order or a standing protocol issued by the prescriber within the course of his professional practice, any employee of a school for students with disabilities, as defined in § 22.1-319 and licensed by the Board of Education, or any employee of a private school that is accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education who is authorized by a prescriber and trained in the administration of epinephrine may possess and administer epinephrine.

Pursuant to an order or a standing protocol issued by the prescriber within the course of his professional practice, any employee of a public institution of higher education or a private institution of higher education who is authorized by a prescriber and trained in the administration of epinephrine may possess and administer epinephrine.

Pursuant to an order or a standing protocol issued by the prescriber within the course of his professional practice, any employee of an organization providing outdoor educational experiences or programs for youth who is authorized by a prescriber and trained in the administration of epinephrine may possess and administer epinephrine.

Pursuant to an order issued by the prescriber within the course of his professional practice, an employee of a provider licensed by the Department of Behavioral Health and Developmental Services or a person providing services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services may possess and administer epinephrine, provided such person is authorized and trained in the administration of epinephrine.

Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize pharmacists to possess epinephrine and oxygen for administration in treatment of emergency medical conditions.

E. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize licensed physical therapists to possess and administer topical corticosteroids, topical lidocaine, and any other Schedule VI topical drug.

F. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize licensed athletic trainers to possess and administer topical corticosteroids, topical lidocaine, or other Schedule VI topical drugs; oxygen for use in emergency situations; and epinephrine for use in emergency cases of anaphylactic shock.

G. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, and in accordance with policies and guidelines established by the Department of Health pursuant to § 32.1-50.2, such prescriber may authorize registered nurses or licensed practical nurses under the supervision of a registered nurse to possess and administer tuberculin purified protein derivative (PPD) in the absence of a prescriber. The Department of Health's policies and guidelines shall be consistent with applicable guidelines developed by the Centers for Disease Control and Prevention for preventing transmission of mycobacterium tuberculosis and shall be updated to incorporate any subsequently implemented standards of the Occupational Safety and Health Administration and the Department of Labor and Industry to the extent that they are inconsistent with the Department of Health's policies and guidelines. Such standing protocols shall explicitly describe the categories of persons to whom the tuberculin test is to be administered and shall provide for appropriate medical evaluation of those in whom the test is positive. The prescriber shall ensure that the nurse implementing such standing protocols has received adequate training in the practice and principles underlying tuberculin screening.

The Health Commissioner or his designee may authorize registered nurses, acting as agents of the Department of Health, to possess and administer, at the nurse's discretion, tuberculin purified protein derivative (PPD) to those persons in whom tuberculin skin testing is indicated based on protocols and policies established by the Department of Health.

H. Pursuant to a written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize, with the consent of the parents as defined in § 22.1-1, an employee of (i) a school board, (ii) a school for students with disabilities as defined in § 22.1-319 licensed by the Board of Education, or (iii) a private school accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education who is trained in the administration of insulin and glucagon to assist with the administration of insulin or administer glucagon to a student diagnosed as having diabetes and who requires insulin injections during the school day or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia. Such authorization shall only be effective when a licensed nurse, nurse practitioner, physician, or physician assistant is not present to perform the administration of the medication.

Pursuant to a written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize an employee of a public institution of higher education or a private institution of higher education who is trained in the administration of insulin and glucagon to assist with the administration of insulin or administration of glucagon to a student diagnosed as having diabetes and who requires insulin injections or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia. Such authorization shall only be effective

when a licensed nurse, nurse practitioner, physician, or physician assistant is not present to perform the administration of the medication.

Pursuant to a written order issued by the prescriber within the course of his professional practice, such prescriber may authorize an employee of a provider licensed by the Department of Behavioral Health and Developmental Services or a person providing services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services to assist with the administration of insulin or to administer glucagon to a person diagnosed as having diabetes and who requires insulin injections or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia, provided such employee or person providing services has been trained in the administration of insulin and glucagon.

I. A prescriber may authorize, pursuant to a protocol approved by the Board of Nursing, the administration of vaccines to adults for immunization, when a practitioner with prescriptive authority is not physically present, by (i) licensed pharmacists, (ii) registered nurses, or (iii) licensed practical nurses under the supervision of a registered nurse. A prescriber acting on behalf of and in accordance with established protocols of the Department of Health may authorize the administration of vaccines to any person by a pharmacist, nurse, or designated emergency medical services provider who holds an advanced life support certificate issued by the Commissioner of Health under the direction of an operational medical director when the prescriber is not physically present. The emergency medical services provider shall provide documentation of the vaccines to be recorded in the Virginia Immunization Information System.

J. A dentist may cause Schedule VI topical drugs to be administered under his direction and supervision by either a dental hygienist or by an authorized agent of the dentist.

Further, pursuant to a written order and in accordance with a standing protocol issued by the dentist in the course of his professional practice, a dentist may authorize a dental hygienist under his general supervision, as defined in § 54.1-2722, or his remote supervision, as defined in subsection E or F of § 54.1-2722, to possess and administer topical oral fluorides, topical oral anesthetics, topical and directly applied antimicrobial agents for treatment of periodontal pocket lesions, and any other Schedule VI topical drug approved by the Board of Dentistry.

In addition, a dentist may authorize a dental hygienist under his direction to administer Schedule VI nitrous oxide and oxygen inhalation analgesia and, to persons 18 years of age or older, Schedule VI local anesthesia.

K. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize registered professional nurses certified as sexual assault nurse examiners-A (SANE-A) under his supervision and when he is not physically present to possess and administer preventive medications for victims of sexual assault as recommended by the Centers for Disease Control and Prevention.

L. This section shall not prevent the administration of drugs by a person who has satisfactorily completed a training program for this purpose approved by the Board of Nursing and who administers such drugs in accordance with a prescriber's instructions pertaining to dosage, frequency, and manner of administration, and in accordance with regulations promulgated by the Board of Pharmacy relating to security and record keeping, when the drugs administered would be normally self-administered by (i) an individual receiving services in a program licensed by the Department of Behavioral Health and Developmental Services; (ii) a resident of the Virginia Rehabilitation Center for the Blind and Vision Impaired; (iii) a resident of a facility approved by the Board or Department of Juvenile Justice for the placement of children in need of services or delinquent or alleged delinquent youth; (iv) a program participant of an adult day-care center licensed by the Department of Social Services; (v) a resident of any facility authorized or operated by a state or local government whose primary purpose is not to provide health care services; (vi) a resident of a private children's residential facility, as defined in § 63.2-100 and licensed by the Department of Social Services, Department of Education, or Department of Behavioral Health and Developmental Services; or (vii) a student in a school for students with disabilities, as defined in § 22.1-319 and licensed by the Board of Education.

In addition, this section shall not prevent a person who has successfully completed a training program for the administration of drugs via percutaneous gastrostomy tube approved by the Board of Nursing and been evaluated by a registered nurse as having demonstrated competency in administration of drugs via percutaneous gastrostomy tube from administering drugs to a person receiving services from a program licensed by the Department of Behavioral Health and Developmental Services to such person via percutaneous gastrostomy tube. The continued competency of a person to administer drugs via percutaneous gastrostomy tube shall be evaluated semiannually by a registered nurse.

M. Medication aides registered by the Board of Nursing pursuant to Article 7 (§ 54.1-3041 et seq.) of Chapter 30 may administer drugs that would otherwise be self-administered to residents of any assisted living facility licensed by the Department of Social Services. A registered medication aide shall administer drugs pursuant to this section in accordance with the prescriber's instructions pertaining to dosage, frequency, and manner of administration; in accordance with regulations promulgated by the Board of Pharmacy relating to security and recordkeeping; in accordance with the assisted living facility's Medication Management Plan; and in accordance with such other regulations governing their practice promulgated by the Board of Nursing.

N. In addition, this section shall not prevent the administration of drugs by a person who administers such drugs in accordance with a physician's instructions pertaining to dosage, frequency, and manner of administration and with written authorization of a parent, and in accordance with school board regulations relating to training, security and record keeping, when the drugs administered would be normally self-administered by a student of a Virginia public school. Training for

such persons shall be accomplished through a program approved by the local school boards, in consultation with the local departments of health.

O. In addition, this section shall not prevent the administration of drugs by a person to (i) a child in a child day program as defined in § 63.2-100 and regulated by the State Board of Social Services or a local government pursuant to § 15.2-914, or (ii) a student of a private school that is accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education, provided such person (a) has satisfactorily completed a training program for this purpose approved by the Board of Nursing and taught by a registered nurse, licensed practical nurse, nurse practitioner, physician assistant, doctor of medicine or osteopathic medicine, or pharmacist; (b) has obtained written authorization from a parent or guardian; (c) administers drugs only to the child identified on the prescription label in accordance with the prescriber's instructions pertaining to dosage, frequency, and manner of administration; and (d) administers only those drugs that were dispensed from a pharmacy and maintained in the original, labeled container that would normally be self-administered by the child or student, or administered by a parent or guardian to the child or student.

P. In addition, this section shall not prevent the administration or dispensing of drugs and devices by persons if they are authorized by the State Health Commissioner in accordance with protocols established by the State Health Commissioner pursuant to § 32.1-42.1 when (i) the Governor has declared a disaster or a state of emergency or the United States Secretary of Health and Human Services has issued a declaration of an actual or potential bioterrorism incident or other actual or potential public health emergency; (ii) it is necessary to permit the provision of needed drugs or devices; and (iii) such persons have received the training necessary to safely administer or dispense the needed drugs or devices. Such persons shall administer or dispense all drugs or devices under the direction, control, and supervision of the State Health Commissioner.

Q. Nothing in this title shall prohibit the administration of normally self-administered drugs by unlicensed individuals to a person in his private residence.

R. This section shall not interfere with any prescriber issuing prescriptions in compliance with his authority and scope of practice and the provisions of this section to a Board agent for use pursuant to subsection G of § 18.2-258.1. Such prescriptions issued by such prescriber shall be deemed to be valid prescriptions.

S. Nothing in this title shall prevent or interfere with dialysis care technicians or dialysis patient care technicians who are certified by an organization approved by the Board of Health Professions or persons authorized for provisional practice pursuant to Chapter 27.01 (§ 54.1-2729.1 et seq.), in the ordinary course of their duties in a Medicare-certified renal dialysis facility, from administering heparin, topical needle site anesthetics, dialysis solutions, sterile normal saline solution, and blood volumizers, for the purpose of facilitating renal dialysis treatment, when such administration of medications occurs under the orders of a licensed physician, nurse practitioner, or physician assistant and under the immediate and direct supervision of a licensed registered nurse. Nothing in this chapter shall be construed to prohibit a patient care dialysis technician trainee from performing dialysis care as part of and within the scope of the clinical skills instruction segment of a supervised dialysis technician training program, provided such trainee is identified as a "trainee" while working in a renal dialysis facility.

The dialysis care technician or dialysis patient care technician administering the medications shall have demonstrated competency as evidenced by holding current valid certification from an organization approved by the Board of Health Professions pursuant to Chapter 27.01 (§ 54.1-2729.1 et seq.).

T. Persons who are otherwise authorized to administer controlled substances in hospitals shall be authorized to administer influenza or pneumococcal vaccines pursuant to § 32.1-126.4.

U. Pursuant to a specific order for a patient and under his direct and immediate supervision, a prescriber may authorize the administration of controlled substances by personnel who have been properly trained to assist a doctor of medicine or osteopathic medicine, provided the method does not include intravenous, intrathecal, or epidural administration and the prescriber remains responsible for such administration.

V. A physician assistant, nurse, dental hygienist, *or authorized agent of a doctor of medicine, osteopathic medicine, or dentistry* may possess and administer topical fluoride varnish pursuant to an oral or written order or a standing protocol issued by a doctor of medicine, osteopathic medicine, or dentistry.

W. A prescriber, acting in accordance with guidelines developed pursuant to § 32.1-46.02, may authorize the administration of influenza vaccine to minors by a licensed pharmacist, registered nurse, licensed practical nurse under the direction and immediate supervision of a registered nurse, or emergency medical services provider who holds an advanced life support certificate issued by the Commissioner of Health when the prescriber is not physically present.

X. Notwithstanding the provisions of § 54.1-3303, pursuant to an oral, written, or standing order issued by a prescriber or a standing order issued by the Commissioner of Health or his designee authorizing the dispensing of naloxone or other opioid antagonist used for overdose reversal in the absence of an oral or written order for a specific patient issued by a prescriber, and in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health, a pharmacist, a health care provider providing services in a hospital emergency department, and emergency medical services personnel, as that term is defined in § 32.1-111.1, may dispense naloxone or other opioid antagonist used for overdose reversal and a person to whom naloxone or other opioid antagonist has been dispensed pursuant to this subsection may possess and administer naloxone or other opioid antagonist used for overdose reversal to a person who is believed to be experiencing or about to experience a life-threatening opioid overdose. Law-enforcement officers as defined in § 9.1-101, employees of the Department of Forensic Science, employees of the

Office of the Chief Medical Examiner, employees of the Department of General Services Division of Consolidated Laboratory Services, employees of the Department of Corrections designated as probation and parole officers or as correctional officers as defined in § 53.1-1, employees of regional jails, school nurses, local health department employees that are assigned to a public school pursuant to an agreement between the local health department and the school board, other school board employees or individuals contracted by a school board to provide school health services, and firefighters who have completed a training program may also possess and administer naloxone or other opioid antagonist used for overdose reversal and may dispense naloxone or other opioid antagonist used for overdose reversal pursuant to an oral, written, or standing order issued by a prescriber or a standing order issued by the Commissioner of Health or his designee in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health.

Y. Notwithstanding any other law or regulation to the contrary, a person who is acting on behalf of an organization that provides services to individuals at risk of experiencing an opioid overdose or training in the administration of naloxone for overdose reversal may dispense naloxone to a person who has received instruction on the administration of naloxone for opioid overdose reversal, provided that such dispensing is (i) pursuant to a standing order issued by a prescriber and (ii) in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health. If the person acting on behalf of an organization dispenses naloxone in an injectable formulation with a hypodermic needle or syringe, he shall first obtain authorization from the Department of Behavioral Health and Developmental Services to train individuals on the proper administration of naloxone by and proper disposal of a hypodermic needle or syringe, and he shall obtain a controlled substance registration from the Board of Pharmacy. The Board of Pharmacy shall not charge a fee for the issuance of such controlled substance registration. The dispensing may occur at a site other than that of the controlled substance registration provided the entity possessing the controlled substances registration maintains records in accordance with regulations of the Board of Pharmacy. No person who dispenses naloxone on behalf of an organization pursuant to this subsection shall charge a fee for the dispensing of naloxone that is greater than the cost to the organization of obtaining the naloxone dispensed. A person to whom naloxone has been dispensed pursuant to this subsection may possess naloxone and may administer naloxone to a person who is believed to be experiencing or about to experience a life-threatening opioid overdose.

Z. Pursuant to a written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize, with the consent of the parents as defined in § 22.1-1, an employee of (i) a school board, (ii) a school for students with disabilities as defined in § 22.1-319 licensed by the Board of Education, or (iii) a private school accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education who is trained in the administration of injected medications for the treatment of adrenal crisis resulting from a condition causing adrenal insufficiency to administer such medication to a student diagnosed with a condition causing adrenal insufficiency when the student is believed to be experiencing or about to experience an adrenal crisis. Such authorization shall be effective only when a licensed nurse, nurse practitioner, physician, or physician assistant is not present to perform the administration of the medication.

CHAPTER 40

An Act to amend and reenact § 54.1-2983.2 of the Code of Virginia, relating to capacity determinations; physician assistant.

[H 362]

Approved March 2, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-2983.2 of the Code of Virginia is amended and reenacted as follows:

§ 54.1-2983.2. Capacity; required determinations.

A. Every adult shall be presumed to be capable of making an informed decision unless he is determined to be incapable of making an informed decision in accordance with this article. A determination that a patient is incapable of making an informed decision may apply to a particular health care decision, to a specified set of health care decisions, or to all health care decisions. No person shall be deemed incapable of making an informed decision based solely on a particular clinical diagnosis.

B. Except as provided in subsection C, prior to providing, continuing, withholding, or withdrawing health care pursuant to an authorization that has been obtained or will be sought pursuant to this article and prior to, or as soon as reasonably practicable after initiating health care for which authorization has been obtained or will be sought pursuant to this article, and no less frequently than every 180 days while the need for health care continues, the attending physician shall certify in writing upon personal examination of the patient that the patient is incapable of making an informed decision regarding health care and shall obtain written certification from a capacity reviewer that, based upon a personal examination of the patient, the patient is incapable of making an informed decision. However, certification by a capacity reviewer shall not be required if the patient is unconscious or experiencing a profound impairment of consciousness due to trauma, stroke, or other acute physiological condition. The capacity reviewer providing written certification that a patient is incapable of making an informed decision, if required, shall not be otherwise currently involved in the treatment of the person assessed,

unless an independent capacity reviewer is not reasonably available. The cost of the assessment shall be considered for all purposes a cost of the patient's health care.

C. If a person has executed an advance directive granting an agent the authority to consent to the person's admission to a facility as defined in § 37.2-100 for mental health treatment and if the advance directive so authorizes, the person's agent may exercise such authority after a determination that the person is incapable of making an informed decision regarding such admission has been made by (i) the attending physician, (ii) a psychiatrist or licensed clinical psychologist, (iii) a licensed psychiatric nurse practitioner, (iv) a licensed physician assistant, (v) a licensed clinical social worker, or ~~(vi)~~ (vi) a designee of the local community services board as defined in § 37.2-809. Such determination shall be made in writing following an in-person examination of the person and certified by the physician, psychiatrist, licensed clinical psychologist, licensed psychiatric nurse practitioner, licensed physician assistant, licensed clinical social worker, or designee of the local community services board who performed the examination prior to admission or as soon as reasonably practicable thereafter. Admission of a person to a facility as defined in § 37.2-100 for mental health treatment upon the authorization of the person's agent shall be subject to the requirements of § 37.2-805.1. When a person has been admitted to a facility for mental health treatment upon the authorization of an agent following such a determination, such agent may authorize specific health care for the person, consistent with the provisions of the person's advance directive, only upon a determination that the person is incapable of making an informed decision regarding such health care in accordance with subsection B.

D. If, at any time, a patient is determined to be incapable of making an informed decision, the patient shall be notified, as soon as practical and to the extent he is capable of receiving such notice, that such determination has been made before providing, continuing, withholding, or withdrawing health care as authorized by this article. Such notice shall also be provided, as soon as practical, to the patient's agent or person authorized by § 54.1-2986 to make health care decisions on his behalf.

E. A single physician may, at any time, upon personal evaluation, determine that a patient who has previously been determined to be incapable of making an informed decision is now capable of making an informed decision, provided such determination is set forth in writing.

CHAPTER 41

An Act to amend the Code of Virginia by adding in Chapter 24 of Title 54.1 a section numbered 54.1-2409.5, relating to Department of Health Professions; conversion therapy prohibited.

[H 386]

Approved March 2, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 24 of Title 54.1 a section numbered 54.1-2409.5 as follows:

§ 54.1-2409.5. Conversion therapy prohibited.

A. As used in this section, "conversion therapy" means any practice or treatment that seeks to change an individual's sexual orientation or gender identity, including efforts to change behaviors or gender expressions or to eliminate or reduce sexual or romantic attractions or feelings toward individuals of the same gender. "Conversion therapy" does not include counseling that provides acceptance, support, and understanding of a person or facilitates a person's coping, social support, and identity exploration and development, including sexual-orientation-neutral interventions to prevent or address unlawful conduct or unsafe sexual practices, as long as such counseling does not seek to change an individual's sexual orientation or gender identity.

B. No person licensed pursuant to this subtitle or who performs counseling as part of his training for any profession licensed pursuant to this subtitle shall engage in conversion therapy with a person under 18 years of age. Any conversion therapy efforts with a person under 18 years of age engaged in by a provider licensed in accordance with the provisions of this subtitle or who performs counseling as part of his training for any profession licensed pursuant to this subtitle shall constitute unprofessional conduct and shall be grounds for disciplinary action by the appropriate health regulatory board within the Department of Health Professions.

2. That no state funds shall be expended for the purpose of conducting conversion therapy with a person under 18 years of age, referring a person under 18 years of age for conversion therapy, or extending health benefits coverage for conversion therapy with a person under 18 years of age.

CHAPTER 42

An Act to amend and reenact § 20-146.20 of the Code of Virginia, relating to Uniform Child Custody Jurisdiction and Enforcement Act; disclosure of identifying information; affidavit or pleading.

[H 436]

Approved March 2, 2020

Be it enacted by the General Assembly of Virginia:**1. That § 20-146.20 of the Code of Virginia is amended and reenacted as follows:****§ 20-146.20. Information to be submitted to court.**

A. In a child custody proceeding, each party, in its first pleading or in an attached affidavit, shall give information, if reasonably ascertainable, under oath as to the child's present address or whereabouts, the places where the child has lived during the past five years, and the names and present addresses of the persons with whom the child has lived during that period. The pleading or affidavit must state whether the party:

1. Has participated, as a party or witness or in any other capacity, in any other proceeding concerning the custody of or visitation with the child and, if so, identify the court, the case number, and the date of the child custody determination, if any;
2. Knows of any proceeding that could affect the current proceeding, including proceedings for enforcement and proceedings relating to domestic violence, protective orders, termination of parental rights, and adoptions, and, if so, identify the court, the case number, and the nature of the proceeding; and
3. Knows the names and addresses of any persons not a party to the proceeding who has physical custody of the child or claims rights of legal custody or physical custody of, or visitation with, the child and, if so, the names and addresses of those persons.

B. If the information required by subsection A is not furnished, the court, upon motion of a party or its own motion, may stay the proceeding until the information is furnished.

C. If the declaration as to any of the items described in subdivisions A 1, A 2, and A 3 is in the affirmative, the declarant shall give additional information under oath as required by the court. The court may examine the parties under oath as to details of the information furnished and other matters pertinent to the court's jurisdiction and the disposition of the case.

D. Each party has a continuing duty to inform the court of any proceeding in this or any other state that could affect the current proceeding.

E. If a party alleges in an affidavit or a pleading under oath that the health, safety, or liberty of a party or child would be jeopardized by disclosure of identifying information, the information shall be sealed and may not be disclosed to the other party or the public unless the court orders the disclosure to be made after a hearing in which the court takes into consideration the health, safety, or liberty of the party or child. In such a hearing the court shall make a written finding that the disclosure is or is not in the interest of justice. Such hearing and written finding of the issue of disclosure shall be held and made by the court within ~~five~~ 15 days of the filing of a pleading *or affidavit*.

CHAPTER 43

An Act to amend and reenact § 2.2-1124 of the Code of Virginia, relating to the Department of General Services; disposition of surplus materials; donation of surplus computers; United States military.

[H 446]

Approved March 2, 2020

Be it enacted by the General Assembly of Virginia:**1. That § 2.2-1124 of the Code of Virginia is amended and reenacted as follows:****§ 2.2-1124. Disposition of surplus materials.**

A. For purposes of this section, "surplus materials" means personal property, including materials, supplies, equipment, and recyclable items, but does not include property as defined in § 2.2-1147 that is determined to be surplus. "Surplus materials" does not include finished products that a state hospital or training center operated by the Department of Behavioral Health and Developmental Services sells for the benefit of individuals receiving services in the state hospital or training center, provided that (i) most of the supplies, equipment, or products have been donated to the state hospital or training center; (ii) the individuals in the state hospital or training center have substantially altered the supplies, equipment, or products in the course of occupational or other therapy; and (iii) the substantial alterations have resulted in a finished product.

B. The Department shall establish procedures for the disposition of surplus materials from departments, divisions, institutions, and agencies of the Commonwealth. Such procedures shall:

1. Permit surplus materials to be transferred between or sold to departments, divisions, institutions, or agencies of the Commonwealth;
2. Permit surplus materials to be sold to Virginia charitable corporations granted tax-exempt status under § 501(c)(3) of the Internal Revenue Code and operating as clinics for the indigent and uninsured that are organized for the delivery of primary health care services (i) as federally qualified health centers designated by the Health Care Financing Administration or (ii) at a reduced or sliding fee scale or without charge;
3. Permit public sales or auctions, including online public auctions;
4. Permit surplus motor vehicles to be sold prior to public sale or auction to local social service departments for the purpose of resale at cost to TANF recipients;
5. Permit surplus materials to be sold to Virginia charitable corporations granted tax-exempt status under § 501(c)(3) of the Internal Revenue Code and operating as children's homes;

6. Permit donations to political subdivisions of the Commonwealth under the circumstances specified in this section;
7. Permit other methods of disposal when (a) the cost of the sale will exceed the potential revenue to be derived therefrom or (b) the surplus material is not suitable for sale;
8. Permit any animal especially trained for police work to be sold at a price of \$1 to the handler who last was in control of the animal. The agency or institution may allow the immediate survivor of any full-time sworn law-enforcement officer who (i) is killed in the line of duty or (ii) dies in service and has at least 10 years of service to purchase the service animal at a price of \$1. Any such sale shall not be deemed a violation of the State and Local Government Conflict of Interests Act (§ 2.2-3100 et seq.);
9. Permit the transfer of surplus clothing to an appropriate department, division, institution, or agency of the Commonwealth for distribution to needy individuals by and through local social services boards;
10. Encourage the recycling of paper products, beverage containers, electronics, and used motor oil;
11. Require the proceeds from any sale or recycling of surplus materials be promptly deposited into the state treasury in accordance with § 2.2-1802 and report the deposit to the State Comptroller;
12. Permit donations of surplus computers and related equipment to:
- a. ~~public~~ *Public* schools in the Commonwealth ~~and~~;
 - b. Virginia charitable corporations granted tax-exempt status under § 501(c)(3) of the Internal Revenue Code and providing services to persons with disabilities, at-risk youths, or low-income families. For the purposes of this subdivision, "at-risk youths" means school-age children approved eligible to receive free or reduced price meals in the federally funded lunch program; *and*
 - c. *Organizations in the Commonwealth granted tax-exempt status under § 501(c)(3) of the Internal Revenue Code that refurbish computers and related equipment for donation to veterans and active military, naval, or air service members, as defined in § 2.2-2000.1. Any donation to an organization under this subdivision shall be conditioned upon, and in consideration of, the organization's promise to refurbish the donated equipment and distribute it free of charge to such veterans or active military, naval, or air service members.*
13. Permit surplus materials to be transferred or sold, prior to public sale or auction, to public television stations located in the state and other nonprofit organizations approved for the distribution of federal surplus materials;
14. Permit a public institution of higher education to dispose of its surplus materials at the location where the surplus materials are held and to retain any proceeds from such disposal, provided that the institution meets the conditions prescribed in subsection A of § 23.1-1002 and § 23.1-1019 (regardless of whether or not the institution has been granted any authority under Article 4 (§ 23.1-1004 et seq.) of Chapter 10 of Title 23.1);
15. Permit surplus materials from (i) the Department of Defense Excess Property Program or (ii) other surplus property programs administered by the Commonwealth to be transferred or sold to Virginia charitable corporations granted tax-exempt status under § 501(c)(3) of the Internal Revenue Code and operating as an educational institution devoted to emergency management training, preparedness, and response;
16. Require, to the extent practicable, the recycling and disposal of computers and other information technology assets. Additionally, for computers or information technology assets that may contain confidential state data or personal identifying information of citizens of the Commonwealth, the Department shall ensure all policies for the transfer or other disposition of computers or information technology assets are consistent with data and information security policies developed by the Virginia Information Technologies Agency; and
17. Permit surplus materials to be sold, prior to public sale or auction, to (i) service disabled veteran-owned businesses and (ii) veterans service organizations.
- For purposes of this subdivision:
- "Service disabled veteran" means the same as that term is defined in § 2.2-2000.1.
- "Service disabled veteran-owned business" means the same as that term is defined in § 2.2-2000.1.
- "Veterans service organization" means an association or other entity organized for the benefit of veterans that has been recognized by the U.S. Department of Veterans Affairs or chartered by Congress.
- C. The Department shall dispose of surplus materials pursuant to the procedures established in subsection B or permit any department, division, institution, or agency of the Commonwealth to dispose of its surplus materials consistent with the procedures so established. No surplus materials shall be disposed of without prior consent of the head of the department, division, institution, or agency of the Commonwealth in possession of such surplus materials or the Governor.
- D. Departments, divisions, institutions, or agencies of the Commonwealth or the Governor may donate surplus materials only under the following circumstances:
1. Emergencies declared in accordance with § 44-146.18:2 or 44-146.28;
 2. As set forth in the budget bill as defined by § 2.2-1509, provided that (a) the budget bill contains a description of the surplus materials, the method by which the surplus materials shall be distributed, and the anticipated recipients, and (b) such information shall be provided by the Department to the Department of Planning and Budget in sufficient time for inclusion in the budget bill;
 3. When the market value of the surplus materials, which shall be donated for a public purpose, is less than \$500; however, the total market value of all surplus materials so donated by any department, division, institution, or agency shall not exceed 25 percent of the revenue generated by such department's, division's, institution's, or agency's sale of surplus

materials in the fiscal year, except these limits shall not apply in the case of surplus computer equipment and related items donated to Virginia public schools; or

4. During a local emergency, upon written request of the head of a local government or a political subdivision in the Commonwealth to the head of a department, division, institution, or agency.

E. On or before October 1 of each year, the Department shall prepare, and file with the Secretary of the Commonwealth, a plan that describes the expected disposition of surplus materials in the upcoming fiscal year pursuant to subdivision B 6.

F. The Department may make available to any local public body of the Commonwealth the services or facilities authorized by this section; however, the furnishing of any such services shall not limit or impair any services normally rendered any department, division, institution or agency of the Commonwealth. All public bodies shall be authorized to use the services of the Department's Surplus Property Program under the guidelines established pursuant to this section and the surplus property policies and procedures of the Department. Proceeds from the sale of the surplus property shall be returned to the local body minus a service fee. The service fee charged by the Department shall be consistent with the fee charged by the Department to state public bodies.

CHAPTER 44

An Act to amend and reenact § 2.2-4303 of the Code of Virginia, relating to the Virginia Public Procurement Act; small purchases.

[H 452]

Approved March 2, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-4303 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-4303. Methods of procurement.

A. All public contracts with nongovernmental contractors for the purchase or lease of goods, or for the purchase of services, insurance, or construction, shall be awarded after competitive sealed bidding, or competitive negotiation as provided in this section, unless otherwise authorized by law.

B. Professional services shall be procured by competitive negotiation.

C. Goods, services other than professional services, and insurance may be procured by competitive sealed bidding or competitive negotiation.

Upon a written determination made in advance by (i) the Governor or his designee in the case of a procurement by the Commonwealth or by a department, agency or institution thereof or (ii) the local governing body in the case of a procurement by a political subdivision of the Commonwealth, that competitive negotiation is either not practicable or not fiscally advantageous, insurance may be procured through a licensed agent or broker selected in the manner provided for the procurement of things other than professional services set forth in § 2.2-4302.2. The basis for this determination shall be documented in writing.

D. Construction may be procured only by competitive sealed bidding, except that competitive negotiation may be used in the following instances:

1. By any public body on a fixed price design-build basis or construction management basis as provided in Chapter 43.1 (§ 2.2-4378 et seq.); or

2. By any public body for the construction of highways and any draining, dredging, excavation, grading or similar work upon real property upon a determination made in advance by the public body and set forth in writing that competitive sealed bidding is either not practicable or not fiscally advantageous to the public, which writing shall document the basis for this determination.

E. Upon a determination in writing that there is only one source practicably available for that which is to be procured, a contract may be negotiated and awarded to that source without competitive sealed bidding or competitive negotiation. The writing shall document the basis for this determination. The public body shall issue a written notice stating that only one source was determined to be practicably available, and identifying that which is being procured, the contractor selected, and the date on which the contract was or will be awarded. This notice shall be posted on the Department of General Services' central electronic procurement website or other appropriate websites, and in addition, public bodies may publish in a newspaper of general circulation on the day the public body awards or announces its decision to award the contract, whichever occurs first. Posting on the Department of General Services' central electronic procurement website shall be required of any state public body. Local public bodies are encouraged to utilize the Department of General Services' central electronic procurement website to provide the public with centralized visibility and access to the Commonwealth's procurement opportunities.

F. In case of emergency, a contract may be awarded without competitive sealed bidding or competitive negotiation; however, such procurement shall be made with such competition as is practicable under the circumstances. A written determination of the basis for the emergency and for the selection of the particular contractor shall be included in the contract file. The public body shall issue a written notice stating that the contract is being awarded on an emergency basis, and identifying that which is being procured, the contractor selected, and the date on which the contract was or will be

awarded. This notice shall be posted on the Department of General Services' central electronic procurement website or other appropriate websites, and in addition, public bodies may publish in a newspaper of general circulation on the day the public body awards or announces its decision to award the contract, whichever occurs first, or as soon thereafter as is practicable. Posting on the Department of General Services' central electronic procurement website shall be required of any state public body. Local public bodies are encouraged to utilize the Department of General Services' central electronic procurement website to provide the public with centralized visibility and access to the Commonwealth's procurement opportunities.

G. A public body may establish purchase procedures, if adopted in writing, not requiring competitive sealed bids or competitive negotiation for single or term contracts for:

1. Goods and services other than professional services and non-transportation-related construction, if the aggregate or the sum of all phases is not expected to exceed ~~\$100,000~~ \$200,000; and

2. Transportation-related construction, if the aggregate or sum of all phases is not expected to exceed \$25,000.

However, such small purchase procedures shall provide for competition wherever practicable.

Such purchase procedures may allow for single or term contracts for professional services without requiring competitive negotiation, provided the aggregate or the sum of all phases is not expected to exceed \$80,000.

Where small purchase procedures are adopted for construction, the procedures shall not waive compliance with the Uniform State Building Code.

For state public bodies, ~~purchases informal solicitations conducted under this subsection that are expected to exceed \$30,000 shall require the (a) written informal solicitation of a minimum of four bidders or offerors and (b) posting of a public notice on the Department of General Services' central electronic procurement website or other appropriate websites. Posting on the Department of General Services' central electronic procurement website shall be required of any state public body.~~ Local public bodies are encouraged to utilize the Department of General Services' central electronic procurement website to provide the public with centralized visibility and access to the Commonwealth's procurement opportunities.

H. Upon a determination made in advance by a public body and set forth in writing that the purchase of goods, products or commodities from a public auction sale is in the best interests of the public, such items may be purchased at the auction, including online public auctions. Purchase of information technology and telecommunications goods and nonprofessional services from a public auction sale shall be permitted by any authority, department, agency, or institution of the Commonwealth if approved by the Chief Information Officer of the Commonwealth. The writing shall document the basis for this determination. However, bulk purchases of commodities used in road and highway construction and maintenance, and aggregates shall not be made by online public auctions.

I. The purchase of goods or nonprofessional services, but not construction or professional services, may be made by reverse auctioning. However, bulk purchases of commodities used in road and highway construction and maintenance, and aggregates shall not be made by reverse auctioning.

CHAPTER 45

An Act to amend and reenact §§ 54.1-2400.6 and 54.1-2909 of the Code of Virginia, relating to health professionals; unprofessional conduct; reporting.

[H 471]

Approved March 2, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-2400.6 and 54.1-2909 of the Code of Virginia are amended and reenacted as follows:

§ 54.1-2400.6. Hospitals, other health care institutions, home health and hospice organizations, and assisted living facilities required to report disciplinary actions against and certain disorders of health professionals; immunity from liability; failure to report.

A. The chief executive officer and the chief of staff of every hospital or other health care institution in the Commonwealth, the director of every licensed home health or hospice organization, the director of every accredited home health organization exempt from licensure, the administrator of every licensed assisted living facility, and the administrator of every provider licensed by the Department of Behavioral Health and Developmental Services in the Commonwealth shall report within 30 days, except as provided in ~~subsection B~~ *subdivision 1*, to the Director of the Department of Health Professions, or in the case of a director of a home health or hospice organization, to the Office of Licensure and Certification at the Department of Health (the Office), the following information regarding any person (i) licensed, certified, or registered by a health regulatory board or (ii) holding a multistate licensure privilege to practice nursing or an applicant for licensure, certification or registration unless exempted under subsection E:

1. Any information of which he may become aware in his official capacity indicating *a reasonable belief* that such a health professional is in need of treatment or has been ~~committed~~ *or voluntarily* admitted as a patient, either at his institution or any other health care institution, for treatment of substance abuse or a psychiatric illness that may render the health professional a danger to himself, the public or his patients. *If such health care professional has been involuntarily admitted as a patient, either in his own institution or any other health care institution, for treatment of substance abuse or a psychiatric illness, the report required by this section shall be made within five days of the date on which the chief executive officer, chief of staff, director, or administrator learns of the health care professional's involuntary admission.*

2. Any information of which he may become aware in his official capacity indicating *a reasonable belief*, after ~~reasonable review and, if necessary, an investigation and or consultation as needed~~ with the appropriate internal boards or committees authorized to impose disciplinary action on a health professional, that ~~there is a reasonable probability that such~~ a health professional may have engaged in unethical, fraudulent or unprofessional conduct as defined by the pertinent licensing statutes and regulations. The report required under this subdivision shall be submitted within 30 days of the date that the chief executive officer, chief of staff, director, or administrator determines that ~~a such reasonable probability exists~~ *belief exists*.

3. Any disciplinary proceeding begun by the institution, organization, facility, or provider as a result of conduct involving (i) intentional or negligent conduct that causes or is likely to cause injury to a patient or patients, (ii) professional ethics, (iii) professional incompetence, (iv) moral turpitude, or (v) substance abuse. The report required under this subdivision shall be submitted within 30 days of the date of written communication to the health professional notifying him of the initiation of a disciplinary proceeding.

4. Any disciplinary action taken during or at the conclusion of disciplinary proceedings or while under investigation, including but not limited to denial or termination of employment, denial or termination of privileges or restriction of privileges that results from conduct involving (i) intentional or negligent conduct that causes or is likely to cause injury to a patient or patients, (ii) professional ethics, (iii) professional incompetence, (iv) moral turpitude, or (v) substance abuse. The report required under this subdivision shall be submitted within 30 days of the date of written communication to the health professional notifying him of any disciplinary action.

5. The voluntary resignation from the staff of the health care institution, home health or hospice organization, assisted living facility, or provider, or voluntary restriction or expiration of privileges at the institution, organization, facility, or provider, of any health professional while such health professional is under investigation or is the subject of disciplinary proceedings taken or begun by the institution, organization, facility, or provider or a committee thereof for any reason related to possible intentional or negligent conduct that causes or is likely to cause injury to a patient or patients, medical incompetence, unprofessional conduct, moral turpitude, mental or physical impairment, or substance abuse.

Any report required by this section shall be in writing directed to the Director of the Department of Health Professions or to the Director of the Office of Licensure and Certification at the Department of Health, shall give the name ~~and~~, address, *and date of birth* of the person who is the subject of the report and shall fully describe the circumstances surrounding the facts required to be reported. The report shall include the names and contact information of individuals with knowledge about the facts required to be reported and the names and contact information of individuals from whom the hospital or health care institution, organization, facility, or provider sought information to substantiate the facts required to be reported. All relevant medical records shall be attached to the report if patient care or the health professional's health status is at issue. The reporting hospital, health care institution, home health or hospice organization, assisted living facility, or provider shall also provide notice to the Department or the Office that it has submitted a report to the National Practitioner Data Bank under the Health Care Quality Improvement Act (42 U.S.C. § 11101 et seq.). The reporting hospital, health care institution, home health or hospice organization, assisted living facility, or provider shall give the health professional who is the subject of the report an opportunity to review the report. The health professional may submit a separate report if he disagrees with the substance of the report.

This section shall not be construed to require the hospital, health care institution, home health or hospice organization, assisted living facility, or provider to submit any proceedings, minutes, records, or reports that are privileged under § 8.01-581.17, except that the provisions of § 8.01-581.17 shall not bar (i) any report required by this section or (ii) any requested medical records that are necessary to investigate unprofessional conduct reported pursuant to this subtitle or unprofessional conduct that should have been reported pursuant to this subtitle. Under no circumstances shall compliance with this section be construed to waive or limit the privilege provided in § 8.01-581.17. No person or entity shall be obligated to report any matter to the Department or the Office if the person or entity has actual notice that the same matter has already been reported to the Department or the Office.

~~B. Any report required by this section concerning the commitment or admission of such health professional as a patient shall be made within five days of when the chief executive officer, chief of staff, director, or administrator learns of such commitment or admission.~~

~~C.~~ The State Health Commissioner, Commissioner of Social Services, and Commissioner of Behavioral Health and Developmental Services shall report to the Department any information of which their agencies may become aware in the course of their duties that a health professional may be guilty of fraudulent, unethical, or unprofessional conduct as defined by the pertinent licensing statutes and regulations. However, the State Health Commissioner shall not be required to report information reported to the Director of the Office of Licensure and Certification pursuant to this section to the Department of Health Professions.

~~D.~~ C. Any person making a report by this section, providing information pursuant to an investigation or testifying in a judicial or administrative proceeding as a result of such report shall be immune from any civil liability alleged to have resulted therefrom unless such person acted in bad faith or with malicious intent.

~~E.~~ D. Medical records or information learned or maintained in connection with an alcohol or drug prevention function that is conducted, regulated, or directly or indirectly assisted by any department or agency of the United States shall be exempt from the reporting requirements of this section to the extent that such reporting is in violation of 42 U.S.C. § 290dd-2 or regulations adopted thereunder.

¶ E. Any person who fails to make a report to the Department as required by this section shall be subject to a civil penalty not to exceed \$25,000 assessed by the Director. The Director shall report the assessment of such civil penalty to the Commissioner of Health, Commissioner of Social Services, or Commissioner of Behavioral Health and Developmental Services, as appropriate. Any person assessed a civil penalty pursuant to this section shall not receive a license or certification or renewal of such unless such penalty has been paid pursuant to § 32.1-125.01. The Medical College of Virginia Hospitals and the University of Virginia Hospitals shall not receive certification pursuant to § 32.1-137 or Article 1.1 (§ 32.1-102.1 et seq.) of Chapter 4 of Title 32.1 unless such penalty has been paid.

§ 54.1-2909. Further reporting requirements; civil penalty; disciplinary action.

A. The following matters shall be reported within 30 days of their occurrence to the Board:

1. Any disciplinary action taken against a person licensed under this chapter in another state or in a federal health institution or voluntary surrender of a license in another state while under investigation;
2. Any malpractice judgment against a person licensed under this chapter;
3. Any settlement of a malpractice claim against a person licensed under this chapter; and
4. Any evidence that indicates a reasonable ~~probability~~ *belief* that a person licensed under this chapter is or may be professionally incompetent; has *or may have* engaged in intentional or negligent conduct that causes or is likely to cause injury to a patient or patients; has *or may have* engaged in unprofessional conduct; or may be mentally or physically unable to engage safely in the practice of his profession.

The reporting requirements set forth in this section shall be met if these matters are reported to the National Practitioner Data Bank under the Health Care Quality Improvement Act, 42 U.S.C. § 11101 et seq., and notice that such a report has been submitted is provided to the Board.

B. The following persons and entities are subject to the reporting requirements set forth in this section:

1. Any person licensed under this chapter who is the subject of a disciplinary action, settlement, judgment or evidence for which reporting is required pursuant to this section;
2. Any other person licensed under this chapter, except as provided in the protocol agreement entered into by the Medical Society of Virginia and the Board for the Operation of the Impaired Physicians Program;
3. The presidents of all professional societies in the Commonwealth, and their component societies whose members are regulated by the Board, except as provided for in the protocol agreement entered into by the Medical Society of Virginia and the Board for the Operation of the Impaired Physicians Program;
4. All health care institutions licensed by the Commonwealth;
5. The malpractice insurance carrier of any person who is the subject of a judgment or settlement; and
6. Any health maintenance organization licensed by the Commonwealth.

C. No person or entity shall be obligated to report any matter to the Board if the person or entity has actual notice that the matter has already been reported to the Board.

D. Any report required by this section shall be in writing directed to the Board, shall give the name and address of the person who is the subject of the report and shall describe the circumstances surrounding the ~~facts~~ *matter* required to be reported. Under no circumstances shall compliance with this section be construed to waive or limit the privilege provided in § 8.01-581.17.

E. Any person making a report required by this section, providing information pursuant to an investigation or testifying in a judicial or administrative proceeding as a result of such report shall be immune from any civil liability or criminal prosecution resulting therefrom unless such person acted in bad faith or with malicious intent.

F. The clerk of any circuit court or any district court in the Commonwealth shall report to the Board the conviction of any person known by such clerk to be licensed under this chapter of any (i) misdemeanor involving a controlled substance, marijuana or substance abuse or involving an act of moral turpitude or (ii) felony.

G. Any person who fails to make a report to the Board as required by this section shall be subject to a civil penalty not to exceed \$5,000. The Director shall report the assessment of such civil penalty to the Commissioner of the Department of Health or the Commissioner of Insurance at the State Corporation Commission. Any person assessed a civil penalty pursuant to this section shall not receive a license, registration or certification or renewal of such unless such penalty has been paid.

H. Disciplinary action against any person licensed, registered or certified under this chapter shall be based upon the underlying conduct of the person and not upon the report of a settlement or judgment submitted under this section.

CHAPTER 46

An Act to amend and reenact § 54.1-3300.1 of the Code of Virginia, relating to collaborative practice agreements; nurse practitioners; physician assistants.

[H 517]

Approved March 2, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-3300.1 of the Code of Virginia is amended and reenacted as follows:

§ 54.1-3300.1. Participation in collaborative agreements; regulations to be promulgated by the Boards of Medicine and Pharmacy.

A pharmacist and his designated alternate pharmacists involved directly in patient care may participate with (i) any person licensed to practice medicine, osteopathy, or podiatry together with any person licensed, registered, or certified by a health regulatory board of the Department of Health Professions who provides health care services to patients of such person licensed to practice medicine, osteopathy, or podiatry; (ii) a physician's office as defined in § 32.1-276.3, provided that such collaborative agreement is signed by each physician participating in the collaborative practice agreement; (iii) any licensed physician assistant working ~~under the supervision of a person licensed to practice medicine, osteopathy, or podiatry~~ *in accordance with the provisions of § 54.1-2951.1*; or (iv) any licensed nurse practitioner working in accordance with the provisions of § 54.1-2957, involved directly in patient care in collaborative agreements which authorize cooperative procedures related to treatment using drug therapy, laboratory tests, or medical devices, under defined conditions or limitations, for the purpose of improving patient outcomes. However, no person licensed to practice medicine, osteopathy, or podiatry, or licensed as a nurse practitioner or physician assistant, shall be required to participate in a collaborative agreement with a pharmacist and his designated alternate pharmacists, regardless of whether a professional business entity on behalf of which the person is authorized to act enters into a collaborative agreement with a pharmacist and his designated alternate pharmacists.

No patient shall be required to participate in a collaborative procedure without such patient's consent. A patient who chooses to not participate in a collaborative procedure shall notify the prescriber of his refusal to participate in such collaborative procedure. A prescriber may elect to have a patient not participate in a collaborative procedure by contacting the pharmacist or his designated alternative pharmacists or by documenting the same on the patient's prescription.

Collaborative agreements may include the implementation, modification, continuation, or discontinuation of drug therapy pursuant to written or electronic protocols, provided implementation of drug therapy occurs following diagnosis by the prescriber; the ordering of laboratory tests; or other patient care management measures related to monitoring or improving the outcomes of drug or device therapy. No such collaborative agreement shall exceed the scope of practice of the respective parties. Any pharmacist who deviates from or practices in a manner inconsistent with the terms of a collaborative agreement shall be in violation of § 54.1-2902; such violation shall constitute grounds for disciplinary action pursuant to §§ 54.1-2400 and 54.1-3316.

Collaborative agreements may only be used for conditions which have protocols that are clinically accepted as the standard of care, or are approved by the Boards of Medicine and Pharmacy. The Boards of Medicine and Pharmacy shall jointly develop and promulgate regulations to implement the provisions of this section and to facilitate the development and implementation of safe and effective collaborative agreements between the appropriate practitioners and pharmacists. The regulations shall include guidelines concerning the use of protocols, and a procedure to allow for the approval or disapproval of specific protocols by the Boards of Medicine and Pharmacy if review is requested by a practitioner or pharmacist.

Nothing in this section shall be construed to supersede the provisions of § 54.1-3303.

CHAPTER 47

An Act to amend and reenact § 2.2-1110 of the Code of Virginia, relating to the Department of General Services; public posting of contract information on central electronic procurement system.

[H 544]

Approved March 2, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-1110 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-1110. Using agencies to purchase through Division of Purchases and Supply; exception.

A. Except as provided by § 2.2-2012 or otherwise directed and authorized by the Division or in the Code of Virginia, every authority, department, division, institution, officer, agency, and other unit of state government, hereinafter called the using agency, shall purchase through the Division all materials, equipment, supplies, printing and nonprofessional services of every description, whenever the whole or a part of the costs is to be paid out of the state treasury. The Division shall make such purchases in conformity with this article.

B. The Division shall maintain the Department of General Services' central electronic procurement system. At a minimum this procurement system shall provide for the purchase of goods and services; *and the* public posting of all Invitations to Bid, Requests for Proposal, sole source award notices, emergency award notices, *awarded contracts and modifications thereto*, and reports on purchases. All using agencies shall utilize the Department of General Services' central electronic procurement system as their purchasing system beginning at the point of requisitioning for all procurement actions, including but not limited to technology, transportation, and construction, unless otherwise authorized in writing by the Division. Where necessary to capture data in agency enterprise resource planning systems and to eliminate or avoid duplicate or manual data entry in such agency systems, using agencies shall integrate their enterprise resource planning systems with the Department of General Services' central electronic procurement system, unless otherwise authorized in

writing by the Division or in accordance with the provisions of the Restructured Higher Education Financial and Administrative Operations Act (§ 23.1-1000 et seq.).

Using agencies shall post on the Department of General Services' central electronic procurement website all Invitations to Bid, Requests for Proposal, sole source award notices, ~~and~~ emergency award notices, *and awarded contracts and modifications thereto* to ensure visibility and access to the Commonwealth's procurement opportunities on one website.

To increase transparency of governmental procurement activities, the Division shall direct all using agencies to conspicuously post on their respective homepages links to the Department of General Services' central electronic procurement system reports, thereby making them accessible to the public.

~~B-~~ C. The provisions of subsection A shall not apply to the purchase of materials, equipment, supplies, printing and nonprofessional services of every description by the Virginia Retirement System; however, the Board of Trustees of the Virginia Retirement System shall adopt regulations made in accordance with the Virginia Public Procurement Act (§ 2.2-4300 et seq.) that specify policies and procedures that are based on competitive principles and that are generally applicable to procurement of such goods and services by comparably situated state agencies. The exemption provided by this subsection shall apply for only as long as such regulations, or other regulations meeting the requirements of this subsection, remain in effect at the Virginia Retirement System.

2. That any contract awarded pursuant to an Invitation to Bid or Request for Proposals on or after July 1, 2021, including any subsequent modifications to the contract by a using agency as defined in § 2.2-1110, shall be posted on the Department of General Services' central electronic procurement system. Additionally, a modification made by a using agency on or after July 1, 2021, to any other contract that has two or more years remaining shall be posted on the Department of General Services' central electronic procurement system, along with the original contract and any previous modifications.

CHAPTER 48

An Act to amend and reenact § 2.2-3705.3 of the Code of Virginia, relating to the Virginia Freedom of Information Act; exclusions; Department of Behavioral Health and Developmental Services; records of active investigations.

[H 548]

Approved March 2, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-3705.3 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-3705.3. Exclusions to application of chapter; records relating to administrative investigations.

The following information contained in a public record is excluded from the mandatory disclosure provisions of this chapter but may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law. Redaction of information excluded under this section from a public record shall be conducted in accordance with § 2.2-3704.01.

1. Information relating to investigations of applicants for licenses and permits, and of all licensees and permittees, made by or submitted to the Virginia Alcoholic Beverage Control Authority, the Virginia Lottery, the Virginia Racing Commission, the Department of Agriculture and Consumer Services relating to investigations and applications pursuant to Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2, or the Private Security Services Unit of the Department of Criminal Justice Services.

2. Records of active investigations being conducted by the Department of Health Professions or by any health regulatory board in the Commonwealth pursuant to § 54.1-108.

3. Investigator notes, and other correspondence and information, furnished in confidence with respect to an active investigation of individual employment discrimination complaints made to the Department of Human Resource Management, to such personnel of any local public body, including local school boards, as are responsible for conducting such investigations in confidence, or to any public institution of higher education. However, nothing in this subdivision shall prevent the disclosure of information taken from inactive reports in a form that does not reveal the identity of charging parties, persons supplying the information, or other individuals involved in the investigation.

4. Records of active investigations being conducted by the Department of Medical Assistance Services pursuant to Chapter 10 (§ 32.1-323 et seq.) of Title 32.1.

5. Investigative notes and other correspondence and information furnished in confidence with respect to an investigation or conciliation process involving an alleged unlawful discriminatory practice under the Virginia Human Rights Act (§ 2.2-3900 et seq.) or under any local ordinance adopted in accordance with the authority specified in § 2.2-524, or adopted pursuant to § 15.2-965, or adopted prior to July 1, 1987, in accordance with applicable law, relating to local human rights or human relations commissions. However, nothing in this subdivision shall prevent the distribution of information taken from inactive reports in a form that does not reveal the identity of the parties involved or other persons supplying information.

6. Information relating to studies and investigations by the Virginia Lottery of (i) lottery agents, (ii) lottery vendors, (iii) lottery crimes under §§ 58.1-4014 through 58.1-4018, (iv) defects in the law or regulations that cause abuses in the administration and operation of the lottery and any evasions of such provisions, or (v) the use of the lottery as a subterfuge

for organized crime and illegal gambling where such information has not been publicly released, published or copyrighted. All studies and investigations referred to under clauses (iii), (iv), and (v) shall be open to inspection and copying upon completion of the study or investigation.

7. Investigative notes, correspondence and information furnished in confidence, and records otherwise exempted by this chapter or any Virginia statute, provided to or produced by or for (i) the Auditor of Public Accounts; (ii) the Joint Legislative Audit and Review Commission; (iii) an appropriate authority as defined in § 2.2-3010 with respect to an allegation of wrongdoing or abuse under the Fraud and Abuse Whistle Blower Protection Act (§ 2.2-3009 et seq.); (iv) the Office of the State Inspector General with respect to an investigation initiated through the Fraud, Waste and Abuse Hotline or an investigation initiated pursuant to Chapter 3.2 (§ 2.2-307 et seq.); (v) internal auditors appointed by the head of a state agency or by any public institution of higher education; (vi) the committee or the auditor with respect to an investigation or audit conducted pursuant to § 15.2-825; or (vii) the auditors, appointed by the local governing body of any county, city, or town or a school board, who by charter, ordinance, or statute have responsibility for conducting an investigation of any officer, department, or program of such body. Information contained in completed investigations shall be disclosed in a form that does not reveal the identity of the complainants or persons supplying information to investigators. Unless disclosure is excluded by this subdivision, the information disclosed shall include the agency involved, the identity of the person who is the subject of the complaint, the nature of the complaint, and the actions taken to resolve the complaint. If an investigation does not lead to corrective action, the identity of the person who is the subject of the complaint may be released only with the consent of the subject person. Local governing bodies shall adopt guidelines to govern the disclosure required by this subdivision.

8. The names, addresses, and telephone numbers of complainants furnished in confidence with respect to an investigation of individual zoning enforcement complaints or complaints relating to the Uniform Statewide Building Code (§ 36-97 et seq.) or the Statewide Fire Prevention Code (§ 27-94 et seq.) made to a local governing body.

9. Records of active investigations being conducted by the Department of Criminal Justice Services pursuant to Article 4 (§ 9.1-138 et seq.), Article 4.1 (§ 9.1-150.1 et seq.), Article 11 (§ 9.1-185 et seq.), and Article 12 (§ 9.1-186 et seq.) of Chapter 1 of Title 9.1.

10. Information furnished to or prepared by the Board of Education pursuant to subsection D of § 22.1-253.13:3 in connection with the review or investigation of any alleged breach in security, unauthorized alteration, or improper administration of tests by local school board employees responsible for the distribution or administration of the tests. However, this section shall not prohibit the disclosure of such information to (i) a local school board or division superintendent for the purpose of permitting such board or superintendent to consider or to take personnel action with regard to an employee or (ii) any requester, after the conclusion of a review or investigation, in a form that (a) does not reveal the identity of any person making a complaint or supplying information to the Board on a confidential basis and (b) does not compromise the security of any test mandated by the Board.

11. Information contained in (i) an application for licensure or renewal of a license for teachers and other school personnel, including transcripts or other documents submitted in support of an application, and (ii) an active investigation conducted by or for the Board of Education related to the denial, suspension, cancellation, revocation, or reinstatement of teacher and other school personnel licenses including investigator notes and other correspondence and information, furnished in confidence with respect to such investigation. However, this subdivision shall not prohibit the disclosure of such (a) application information to the applicant at his own expense or (b) investigation information to a local school board or division superintendent for the purpose of permitting such board or superintendent to consider or to take personnel action with regard to an employee. Information contained in completed investigations shall be disclosed in a form that does not reveal the identity of any complainant or person supplying information to investigators. The completed investigation information disclosed shall include information regarding the school or facility involved, the identity of the person who was the subject of the complaint, the nature of the complaint, and the actions taken to resolve the complaint. If an investigation fails to support a complaint or does not lead to corrective action, the identity of the person who was the subject of the complaint may be released only with the consent of the subject person. No personally identifiable information regarding a current or former student shall be released except as permitted by state or federal law.

12. Information provided in confidence and related to an investigation by the Attorney General under Article 1 (§ 3.2-4200 et seq.) or Article 3 (§ 3.2-4204 et seq.) of Chapter 42 of Title 3.2, Article 10 (§ 18.2-246.6 et seq.) of Chapter 6 or Chapter 13 (§ 18.2-512 et seq.) of Title 18.2, or Article 1 (§ 58.1-1000) of Chapter 10 of Title 58.1. However, information related to an investigation that has been inactive for more than six months shall, upon request, be disclosed provided such disclosure is not otherwise prohibited by law and does not reveal the identity of charging parties, complainants, persons supplying information, witnesses, or other individuals involved in the investigation.

13. *Records of active investigations being conducted by the Department of Behavioral Health and Developmental Services pursuant to Chapter 4 (§ 37.2-400 et seq.) of Title 37.2.*

CHAPTER 49

An Act to amend the Code of Virginia by adding a section numbered 2.2-1147.3, relating to the Department of General Services; baby changing facilities in restrooms located in public buildings.

[H 587]

Approved March 2, 2020

Be it enacted by the General Assembly of Virginia:**1. That the Code of Virginia is amended by adding a section numbered 2.2-1147.3 as follows:****§ 2.2-1147.3. Baby changing facilities in restrooms located in public buildings.**

The Department shall include in the standards established pursuant to subsection B of § 2.2-1132 policies for the construction and installation of physically safe, sanitary, and appropriate baby changing facilities in restrooms. For purposes of this section, "baby changing facility" means a table or other device suitable for changing the diaper of a child age three or younger.

CHAPTER 50

An Act to amend and reenact § 2.2-203.2:3 of the Code of Virginia, relating to the Secretary of Administration; policy of the Commonwealth regarding employment of individuals with disabilities; report deadline.

[H 1098]

Approved March 2, 2020

Be it enacted by the General Assembly of Virginia:**1. That § 2.2-203.2:3 of the Code of Virginia is amended and reenacted as follows:****§ 2.2-203.2:3. Policy of the Commonwealth regarding the employment of individuals with disabilities; responsibilities of state agencies; report.**

A. As used in this section, "state agency" means any agency, institution, board, bureau, commission, council, or instrumentality of state government in the executive branch.

B. It shall be the policy of the Commonwealth to promote and increase the employment of individuals with disabilities directly employed at all levels and occupations by state agencies, institutions, boards, and authorities of the Commonwealth. To assist in achieving this policy, it shall be the goal of the Commonwealth to increase by five percent the level of employment of individuals with disabilities by the state by fiscal year 2023. The Secretary shall coordinate and lead efforts to achieve the goals of the Commonwealth established by this section.

C. To further this goal, the Commonwealth shall:

1. Use available hiring authorities, consistent with statutes, regulations, and prior executive orders;
2. Increase efforts to accommodate individuals with disabilities within state government employment by increasing the retention and return to work of individuals with disabilities;
3. Expand existing efforts for the recruitment, accommodation, retention, and advancement of individuals with disabilities for positions available in state government;
4. Designate senior-level staff within each state agency to be responsible for increasing the employment of individuals with disabilities within the state agency; and
5. Require state agencies to prepare a plan to increase employment opportunities at the agencies for individuals with disabilities.

D. Each state agency shall submit a plan to increase employment opportunities for individuals with disabilities to the Secretary no later than December 31, 2017, and each July 1 thereafter. The Secretary shall (i) establish guidelines regarding the development and content of state agency plans and (ii) establish a reporting system for tracking and reporting the progress of state agencies toward meeting the employment goals of the Commonwealth established by this section.

E. All state agencies shall examine existing policies relating to the employment of individuals with disabilities, including a review of recruitment efforts, interviewing criteria, testing procedures, and resources to accommodate applicants and workers with disabilities.

F. Nothing in this section shall be construed to require (i) the creation of new positions or the changing of existing qualification standards for any position or (ii) any state employee or applicant for state employment to disclose his disability status involuntarily.

G. The Secretary, in collaboration with the Department of Human Resource Management, shall develop an annual report on the number of individuals with disabilities directly employed by the state agencies. The information shall be included in the annual demographic report of the Department of Human Resource Management.

H. The Secretary shall report on the progress of state agencies toward meeting the employment goals of the Commonwealth to the Governor and the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance *and Appropriations* by ~~July~~ September 1 of each year.

CHAPTER 51

An Act to amend the Code of Virginia by adding a section numbered 22.1-217.03, relating to the Department of Education; individualized education program teams; guidelines.

[H 134]

Approved March 2, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 22.1-217.03 as follows:

§ 22.1-217.03. Individualized education program teams to consider need for certain age-appropriate and developmentally appropriate instruction.

A. *The Department of Education shall establish guidelines for individualized education program (IEP) teams to utilize when developing IEPs for children with disabilities to ensure that IEP teams consider the need for age-appropriate and developmentally appropriate instruction related to sexual health, self-restraint, self-protection, respect for personal privacy, and personal boundaries of others.*

B. *In developing IEPs for children with disabilities, in addition to any other requirements established by the Board, each local school board shall ensure that IEP teams consider the guidelines established by the Department of Education pursuant to subsection A.*

CHAPTER 52

An Act to amend and reenact § 22.1-280.2:3 of the Code of Virginia, relating to school boards and local law-enforcement agencies; memorandums of understanding; frequency of review and public input.

[H 292]

Approved March 2, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-280.2:3 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-280.2:3. School boards; local law-enforcement agencies; memorandums of understanding.

The school board in each school division in which the local law-enforcement agency employs school resource officers, as defined in § 9.1-101, shall enter into a memorandum of understanding with such local law-enforcement agency that sets forth the powers and duties of such school resource officers. The provisions of such memorandum of understanding shall be based on the model memorandum of understanding developed by the Virginia Center for School and Campus Safety pursuant to subdivision A 12 of § 9.1-184, which may be modified by the parties in accordance with their particular needs. Each such school board and local law-enforcement agency shall review and amend or affirm such memorandum at least once every ~~five~~ two years or at any time upon the request of either party. *Each school board shall ensure the current division memorandum of understanding is conspicuously published on the division website and provide notice and opportunity for public input during each memorandum of understanding review period.*

CHAPTER 53

An Act to amend and reenact § 22.1-303 of the Code of Virginia, relating to public elementary and secondary school teachers; probationary term of service; performance evaluation.

[H 365]

Approved March 2, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-303 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-303. Probationary terms of service for teachers.

A. A probationary term of service of ~~at least three years and, at the option of the local school board, up to five years~~ in the same school division shall be required before a teacher is issued a continuing contract. School boards shall provide each probationary teacher except probationary teachers who have prior successful teaching experience, as determined by the local school board in a school division, a mentor teacher, as described by Board guidelines developed pursuant to § 22.1-305.1, during the first year of the probationary period, to assist such probationary teacher in achieving excellence in instruction. During the probationary period, such probationary teacher shall be evaluated annually based upon the evaluation procedures developed by the employing school board for use by the division superintendent and principals in evaluating teachers as required by subsection C of § 22.1-295. A teacher in his first year of the probationary period shall be evaluated informally at least once during the first semester of the school year. The division superintendent shall consider such evaluations, among other things, in making any recommendations to the school board regarding the nonrenewal of such probationary teacher's contract as provided in § 22.1-305.

~~If the teacher's performance evaluation during the probationary period is not satisfactory, the school board shall not reemploy the teacher; however, nothing contained in this subsection shall be construed to require cause, as defined in § 22.1-307, for the nonrenewal of the contract of a teacher who has not achieved continuing contract status.~~

Any teacher hired on or after July 1, 2001, shall be required, as a condition of achieving continuing contract status, to have successfully completed training in instructional strategies and techniques for intervention for or remediation of students who fail or are at risk of failing the Standards of Learning assessments. Local school divisions shall be required to provide said training at no cost to teachers employed in their division. In the event a local school division fails to offer said training in a timely manner, no teacher will be denied continuing contract status for failure to obtain such training.

B. Once a continuing contract status has been attained in a school division in the Commonwealth, another probationary period need not be served in any other school division unless such probationary period, not to exceed two years, is made a part of the contract of employment. Further, when a teacher has attained continuing contract status in a school division in the Commonwealth and separates from and returns to teaching service in a school division in Virginia by the beginning of the third year, such teacher shall be required to serve a probationary period not to exceed two years, if made a part of the contract for employment.

C. For the purpose of calculating the years of service required to attain continuing contract status, at least 160 contractual teaching days during the school year shall be deemed the equivalent of one year in the first year of service by a teacher.

D. Teachers holding three-year local eligibility licenses issued prior to July 1, 2013, shall not be eligible for continuing contract status while teaching under the authority of such license. Upon attainment of a collegiate professional or postgraduate professional license issued by the Department of Education, such teachers shall serve a probationary term of service of ~~at least three years and, at the option of the local school board, up to five years~~ prior to being eligible for continuing contract status pursuant to this section.

CHAPTER 54

An Act to amend and reenact § 42.1-46 of the Code of Virginia, relating to public libraries.

[H 404]

Approved March 2, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 42.1-46 of the Code of Virginia is amended and reenacted as follows:

§ 42.1-46. Library policy of the Commonwealth.

It is hereby declared to be the policy of the Commonwealth, as a part of its provision of *essential service to communities and* for public education, to promote the establishment and development of public library service throughout its various political subdivisions.

CHAPTER 55

An Act to amend and reenact § 22.1-253.13:4 of the Code of Virginia, relating to high school graduation; certain requirements; dual enrollment; high-quality work-based learning experiences.

[H 516]

Approved March 2, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-253.13:4 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-253.13:4. Standard 4. Student achievement and graduation requirements.

A. Each local school board shall award diplomas to all secondary school students, including students who transfer from nonpublic schools or from home instruction, who meet the requirements prescribed by the Board of Education and meet such other requirements as may be prescribed by the local school board and approved by the Board of Education. Provisions shall be made to facilitate the transfer and appropriate grade placement of students from other public secondary schools, from nonpublic schools, or from home instruction as outlined in the standards for accreditation. The standards for accreditation shall include provisions relating to the completion of graduation requirements through Virtual Virginia. Further, reasonable accommodation to meet the requirements for diplomas shall be provided for otherwise qualified students with disabilities as needed.

In addition, each local school board may devise, vis-a-vis the award of diplomas to secondary school students, a mechanism for calculating class rankings that takes into consideration whether the student has taken a required class more than one time and has had any prior earned grade for such required class expunged.

Each local school board shall notify the parents of rising eleventh and twelfth grade students of (i) the requirements for graduation pursuant to the standards for accreditation and (ii) the requirements that have yet to be completed by the individual student.

B. Students identified as disabled who complete the requirements of their individualized education programs and meet certain requirements prescribed by the Board pursuant to regulations but do not meet the requirements for any named diploma shall be awarded Applied Studies diplomas by local school boards.

Each local school board shall notify the parent of such students with disabilities who have an individualized education program and who fail to meet the graduation requirements of the student's right to a free and appropriate education to age 21, inclusive, pursuant to Article 2 (§ 22.1-213 et seq.) of Chapter 13.

C. Students who have completed a prescribed course of study as defined by the local school board shall be awarded certificates of program completion by local school boards if they are not eligible to receive a Board of Education-approved diploma.

Each local school board shall provide notification of the right to a free public education for students who have not reached 20 years of age on or before August 1 of the school year, pursuant to Chapter 1 (§ 22.1-1 et seq.), to the parent of students who fail to graduate or who have failed to achieve graduation requirements as provided in the standards for accreditation. If such student who does not graduate or complete such requirements is a student for whom English is a second language, the local school board shall notify the parent of the student's opportunity for a free public education in accordance with § 22.1-5.

D. (From Acts 2016, cc. 720 & 750: The graduation requirements established by the Board of Education pursuant to the provisions of subdivisions D 1, 2, and 3 shall apply to each student who enrolls in high school as (i) a freshman after July 1, 2018; (ii) a sophomore after July 1, 2019; (iii) a junior after July 1, 2020; or (iv) a senior after July 1, 2021) In establishing graduation requirements, the Board shall:

1. Develop and implement, in consultation with stakeholders representing elementary and secondary education, higher education, and business and industry in the Commonwealth and including parents, policymakers, and community leaders in the Commonwealth, a Profile of a Virginia Graduate that identifies the knowledge and skills that students should attain during high school in order to be successful contributors to the economy of the Commonwealth, giving due consideration to critical thinking, creative thinking, collaboration, communication, and citizenship.

2. Emphasize the development of core skill sets in the early years of high school.

3. Establish multiple paths toward college and career readiness for students to follow in the later years of high school. Each such pathway shall include opportunities for internships, externships, and credentialing.

4. Provide for the selection of integrated learning courses meeting the Standards of Learning and approved by the Board to satisfy graduation requirements, which shall include Standards of Learning testing, as necessary.

5. Require students to complete at least one course in fine or performing arts or career and technical education, one course in United States and Virginia history, and two sequential elective courses chosen from a concentration of courses selected from a variety of options that may be planned to ensure the completion of a focused sequence of elective courses that provides a foundation for further education or training or preparation for employment.

6. Require that students ~~either~~ (i) complete an Advanced Placement, honors, ~~or~~ International Baccalaureate, *or dual enrollment* course ~~or~~; (ii) *complete a high-quality work-based learning experience, as defined by the Board*; or (iii) earn a career and technical education credential that has been approved by the Board, except when a career and technical education credential in a particular subject area is not readily available or appropriate or does not adequately measure student competency, in which case the student shall receive satisfactory competency-based instruction in the subject area to earn credit. The career and technical education credential, when required, could include the successful completion of an industry certification, a state licensure examination, a national occupational competency assessment, the Armed Services Vocational Aptitude Battery, or the Virginia workplace readiness skills assessment. The Department of Education shall develop, maintain, and make available to each local school board a catalogue of the testing accommodations available to English language learners for each such certification, examination, assessment, and battery. Each local school board shall develop and implement policies to require each high school principal or his designee to notify each English language learner of the availability of such testing accommodations prior to the student's participation in any such certification, examination, assessment, or battery.

7. Beginning with first-time ninth grade students in the 2016-2017 school year, require students to be trained in emergency first aid, cardiopulmonary resuscitation, and the use of automated external defibrillators, including hands-on practice of the skills necessary to perform cardiopulmonary resuscitation.

8. Make provision in its regulations for students with disabilities to earn a diploma.

9. Require students to complete one virtual course, which may be a noncredit-bearing course.

10. Provide that students who complete elective classes into which the Standards of Learning for any required course have been integrated and achieve a passing score on the relevant Standards of Learning test for the relevant required course receive credit for such elective class.

11. Establish a procedure to facilitate the acceleration of students that allows qualified students, with the recommendation of the division superintendent, without completing the 140-hour class, to obtain credit for such class upon demonstrating mastery of the course content and objectives and receiving a passing score on the relevant Standards of Learning assessment. Nothing in this section shall preclude relevant school division personnel from enforcing compulsory attendance in public schools.

12. Provide for the award of credit for passing scores on industry certifications, state licensure examinations, and national occupational competency assessments approved by the Board of Education.

School boards shall report annually to the Board of Education the number of Board-approved industry certifications obtained, state licensure examinations passed, national occupational competency assessments passed, Armed Services Vocational Aptitude Battery assessments passed, and Virginia workplace readiness skills assessments passed, and the number of career and technical education completers who graduated. These numbers shall be reported as separate categories on the School Performance Report Card.

For the purposes of this subdivision, "career and technical education completer" means a student who has met the requirements for a career and technical concentration or specialization and all requirements for high school graduation or an approved alternative education program.

In addition, the Board may:

a. For the purpose of awarding credit, approve the use of additional or substitute tests for the correlated Standards of Learning assessment, such as academic achievement tests, industry certifications or state licensure examinations; and

b. Permit students completing career and technical education programs designed to enable such students to pass such industry certification examinations or state licensure examinations to be awarded, upon obtaining satisfactory scores on such industry certification or licensure examinations, appropriate credit for one or more career and technical education classes into which relevant Standards of Learning for various classes taught at the same level have been integrated. Such industry certification and state licensure examinations may cover relevant Standards of Learning for various required classes and may, at the discretion of the Board, address some Standards of Learning for several required classes.

13. Provide for the waiver of certain graduation requirements (i) upon the Board's initiative or (ii) at the request of a local school board. Such waivers shall be granted only for good cause and shall be considered on a case-by-case basis.

14. Consider all computer science course credits earned by students to be science course credits, mathematics course credits, or career and technical education credits. The Board of Education shall develop guidelines addressing how computer science courses can satisfy graduation requirements.

15. Permit local school divisions to waive the requirement for students to receive 140 clock hours of instruction upon providing the Board with satisfactory proof, based on Board guidelines, that the students for whom such requirements are waived have learned the content and skills included in the relevant Standards of Learning.

16. Provide for the award of verified units of credit for a satisfactory score, as determined by the Board, on the Preliminary ACT (PreACT) or Preliminary SAT/National Merit Scholarship Qualifying Test (PSAT/NMSQT) examination.

17. Permit students to exceed a full course load in order to participate in courses offered by an institution of higher education that lead to a degree, certificate, or credential at such institution.

18. Permit local school divisions to waive the requirement for students to receive 140 clock hours of instruction after the student has completed the course curriculum and relevant Standards of Learning end-of-course assessment, or Board-approved substitute, provided that such student subsequently receives instruction, coursework, or study toward an industry certification approved by the local school board.

19. Permit any English language learner who previously earned a sufficient score on an Advanced Placement or International Baccalaureate foreign language examination or an SAT II Subject Test in a foreign language to substitute computer coding course credit for any foreign language course credit required to graduate, except in cases in which such foreign language course credit is required to earn an advanced diploma offered by a nationally recognized provider of college-level courses.

E. In the exercise of its authority to recognize exemplary performance by providing for diploma seals:

1. The Board shall develop criteria for recognizing exemplary performance in career and technical education programs by students who have completed the requirements for a Board of Education-approved diploma and shall award seals on the diplomas of students meeting such criteria.

2. The Board shall establish criteria for awarding a diploma seal for science, technology, engineering, and mathematics (STEM) for the Board of Education-approved diplomas. The Board shall consider including criteria for (i) relevant coursework; (ii) technical writing, reading, and oral communication skills; (iii) relevant training; and (iv) industry, professional, and trade association national certifications.

3. The Board shall establish criteria for awarding a diploma seal for excellence in civics education and understanding of our state and federal constitutions and the democratic model of government for the Board of Education-approved diplomas. The Board shall consider including criteria for (i) successful completion of history, government, and civics courses, including courses that incorporate character education; (ii) voluntary participation in community service or extracurricular activities that includes the types of activities that shall qualify as community service and the number of hours required; and (iii) related requirements as it deems appropriate.

4. The Board shall establish criteria for awarding a diploma seal of biliteracy to any student who demonstrates proficiency in English and at least one other language for the Board of Education-approved diplomas. The Board shall consider criteria including the student's (i) score on a College Board Advanced Placement foreign language examination, (ii) score on an SAT II Subject Test in a foreign language, (iii) proficiency level on an ACTFL Assessment of Performance toward Proficiency in Languages (AAPPL) measure or another nationally or internationally recognized language proficiency test, or (iv) cumulative grade point average in a sequence of foreign language courses approved by the Board.

F. The Board shall establish, by regulation, requirements for the award of a general achievement adult high school diploma for those persons who are not subject to the compulsory school attendance requirements of § 22.1-254 and have (i) achieved a passing score on a high school equivalency examination approved by the Board of Education; (ii) successfully

completed an education and training program designated by the Board of Education; (iii) earned a Board of Education-approved career and technical education credential such as the successful completion of an industry certification, a state licensure examination, a national occupational competency assessment, the Armed Services Vocational Aptitude Battery, or the Virginia workplace readiness skills assessment; and (iv) satisfied other requirements as may be established by the Board for the award of such diploma.

G. To ensure the uniform assessment of high school graduation rates, the Board shall collect, analyze, report, and make available to the public high school graduation and dropout data using a formula prescribed by the Board.

H. The Board shall also collect, analyze, report, and make available to the public high school graduation and dropout data using a formula that excludes any student who fails to graduate because such student is in the custody of the Department of Corrections, the Department of Juvenile Justice, or local law enforcement. For the purposes of the Standards of Accreditation, the Board shall use the graduation rate required by this subsection.

I. The Board may promulgate such regulations as may be necessary and appropriate for the collection, analysis, and reporting of such data required by subsections G and H.

CHAPTER 56

An Act to amend and reenact § 22.1-307 of the Code of Virginia, relating to dismissal of teachers; grounds; incompetency.

[H 570]

Approved March 2, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-307 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-307. Dismissal of teacher; grounds.

~~A.~~ Teachers may be dismissed for incompetency, immorality, noncompliance with school laws and regulations, disability as shown by competent medical evidence when in compliance with federal law, conviction of a felony or a crime of moral turpitude, or other good and just cause. A teacher shall be dismissed if such teacher is or becomes the subject of a founded complaint of child abuse and neglect, pursuant to § 63.2-1505, and after all rights to any administrative appeal provided by § 63.2-1526 have been exhausted. The fact of such finding, after all rights to any administrative appeal provided by § 63.2-1526 have been exhausted, shall be grounds for the local school division to recommend that the Board of Education revoke such person's license to teach. No teacher shall be dismissed or placed on probation solely on the basis of the teacher's refusal to submit to a polygraph examination requested by the school board.

~~B. For the purposes of this article, "incompetency" may be construed to include, but shall not be limited to, consistent failure to meet the endorsement requirements for the position or one or more unsatisfactory performance evaluations.~~

CHAPTER 57

An Act to amend and reenact §§ 2.2-2449, 2.2-2459, 2.2-2630, and 2.2-2631 of the Code of Virginia, relating to administration of government; boards and councils; cleanup.

[H 993]

Approved March 2, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-2449, 2.2-2459, 2.2-2630, and 2.2-2631 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-2449. Membership; terms; vacancies; chairman.

The Board shall consist of ~~24~~ 26 members to be appointed by the Governor as follows: ~~18~~ 21 citizen members who shall represent business, education, the arts, and government, at least ~~44~~ 15 of whom shall be of Asian descent; and the Secretaries of Commerce and Trade, *the Commonwealth, Education, Health and Human Resources, and Education Public Safety and Homeland Security*, or their designees, to serve as ex officio members of the Board.

~~Beginning July 1, 2017, appointments shall be staggered as follows: six seven members for a term of two years, six seven members for a term of three years, and six seven members for a term of four years. Thereafter, Following the initial staggering of terms, citizen members shall serve for terms of four years. Vacancies occurring other than by expiration of term shall be filled for the unexpired term. No nonlegislative citizen member shall serve more than two consecutive four-year terms. The remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in determining the member's eligibility for reappointment. The Secretaries of Commerce and Trade, *the Commonwealth, Education, Health and Human Resources, and Education Public Safety and Homeland Security*, or their designees, shall serve terms coincident with their terms of office. Vacancies occurring other than by expiration of term shall be filled for the unexpired term. Any member may be reappointed for successive terms.~~

The members of the Board shall elect a chairman and vice-chairman annually.

Members shall receive no compensation for their services, but shall be reimbursed for their actual and necessary expenses in accordance with § 2.2-2823.

§ 2.2-2459. Latino Advisory Board; membership; terms; compensation and expenses.

A. The Latino Advisory Board (the Board) is established as an advisory board, within the meaning of § 2.2-2100, in the executive branch of state government. The Board shall consist of 21 nonlegislative citizen members, at least 15 of whom shall be of Latino descent, who shall be appointed by the Governor and serve at his pleasure. In addition, the Secretaries of the Commonwealth, Commerce and Trade, Education, Health and Human Resources, Public Safety, and Transportation, or their designees shall serve as ex officio members without voting privileges. All members shall be residents of the Commonwealth.

B. After the initial staggering of terms, nonlegislative citizen members shall be appointed for a term of four years. Appointments to fill vacancies shall be for the unexpired terms. No member shall be eligible to serve more than two successive four-year terms; however, after the expiration of the remainder of a term to which a member was appointed to fill a vacancy, two additional terms may be served by such member if appointed thereto.

C. The Board shall elect from its membership a chairman and vice-chairman. A majority of the members of the Board shall constitute a quorum. Meetings of the Board ~~shall be limited to four per year and~~ shall be held upon the call of the chairman or whenever the majority of the members so request.

D. Members of the Board shall receive no compensation for their services, but shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825.

§ 2.2-2630. Council on Women; purpose; membership; terms; chairman.

A. The Council on Women (the "Council") is established as an advisory council, within the meaning of § 2.2-2100, in the executive branch of state government. The purpose of the Council shall be to ~~identify ways in which women can reach their potential and make their full contribution to society and this Commonwealth as wage earners and citizens advise the Governor on matters pertaining to women and ways to improve their educational, professional, cultural, and governmental status within the Commonwealth.~~

B. The Council shall consist of ~~18~~ 21 members from the Commonwealth at large and one of the Governor's Secretaries as defined in § 2.2-200, ex officio with full voting privileges, all to be appointed by the Governor. Appointments shall be for terms of ~~three~~ four years, except appointments to fill vacancies, which shall be for the unexpired terms. The ex officio member shall serve a term coincident with his term of office. A majority of the membership of the Council shall constitute a quorum.

C. ~~The Governor shall appoint the chairman of the Council~~ shall elect from its membership a chairperson and vice-chairperson.

§ 2.2-2631. Powers and duties of Council.

The Council shall have the following powers and duties to:

1. Determine the studies and research to be conducted by the Council;
2. Collect and disseminate information regarding the status of women in the Commonwealth and the nation;
3. Advise the Governor, the General Assembly, and the Governor's Secretaries on matters pertaining to women in the Commonwealth and the nation;
4. Establish and award scholarships pursuant to regulations and conditions prescribed by the Council;
5. ~~Review and comment on all budgets, appropriation requests and grant applications concerning the Council, prior to their submission to the Secretary of Health and Human Resources or the Governor; and~~
6. 5. Develop programs and projects on matters pertaining to women in the Commonwealth and the nation through public-private partnerships.

2. That the initial terms of the three citizen members added to the Asian Advisory Board pursuant to this act shall be staggered as follows: one member shall be appointed for a term of one year; one member shall be appointed for a term of two years; and one member shall be appointed to a term of three years.

3. That the initial terms of the three citizen members added to the Council on Women pursuant to this act shall be staggered.

CHAPTER 58

An Act to amend and reenact §§ 2.2-2471, 2.2-2471.1, and 2.2-2472 of the Code of Virginia, relating to the Virginia Board of Workforce Development; updates as a response to federal law.

[H 1198]

Approved March 2, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-2471, 2.2-2471.1, and 2.2-2472 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-2471. Virginia Board of Workforce Development; purpose; membership; terms; compensation and expenses; staff.

A. The Virginia Board of Workforce Development (the Board) is established as a policy board, within the meaning of § 2.2-2100, in the executive branch of state government. The purpose of the Board shall be to assist and advise the Governor, the General Assembly, and the Chief Workforce Development Advisor in meeting workforce development needs in the Commonwealth through recommendation of policies and strategies to increase coordination and thus efficiencies of

operation between all education and workforce programs with responsibilities and resources for employment, occupational training, and support connected to workforce credential and job attainment.

B. The Board shall consist of the following:

1. Two members of the House of Delegates to be appointed by the Speaker of the House of Delegates and two members of the Senate to be appointed by the Senate Committee on Rules. Legislative members shall serve terms coincident with their terms of office and may be reappointed for successive terms;

2. The Governor ~~or and~~ his designee who shall be ~~selected from among~~ the *Chief Workforce Development Advisor or another cabinet-level official* appointed to the Board;

3. The Secretaries of Commerce and Trade, Education, Health and Human Resources, *Public Safety and Homeland Security*, and *Veterans and Defense Affairs and Homeland Security*, or their designees, each of whom shall serve ex officio;

4. The Chancellor of the Virginia Community College System or his designee, who shall serve ex officio; and

5. Additional members appointed by the Governor as are required to ensure that the composition of the Board satisfies the requirements of the WIOA. The additional members shall include:

a. Two local elected officials;

b. Eight members who shall be representatives of the workforce, to include (i) three representatives nominated by state labor federations, of which one shall be a representative of a joint-labor apprenticeship program; and (ii) at least one representative of a private career college; and

c. ~~Twenty one nonlegislative~~ *Nonlegislative* citizen members representing ~~the business community, to businesses in the Commonwealth, the total number of whom shall constitute a majority of the members of the Board and who shall include the presidents of the Virginia Chamber of Commerce and the Virginia Manufacturers Association or their designees and the remaining members who are as well as~~ business owners, chief executive officers, chief operating officers, chief financial officers, senior managers, or other business executives or employers with optimum policy-making or hiring authority who ~~represent life sciences and health care, information technology and cyber security, manufacturing, and other industry sectors that~~ represent the Commonwealth's economic development priorities. Business members shall represent diverse regions of the state, to include urban, suburban, and rural areas, and at least two members shall also be members of local workforce development boards.

Nonlegislative citizen members may be nonresidents of the Commonwealth. Members appointed in accordance with this subdivision shall serve four-year terms, subject to the pleasure of the Governor, and may be reappointed.

C. The Governor shall select a chairman and vice-chairman, who shall serve two-year terms, from among nonlegislative citizen members representing the business community appointed in accordance with subdivision B 5 c. The Board shall meet at least every three months or upon the call of the chair or the Governor as stipulated by the Board's bylaws. The chairman and the vice-chairman shall select at least five members of the Board to serve as an executive committee of the Board, which shall have the limited purpose of establishing meeting agendas, reviewing bylaws and other documents pertaining to Board governance and operations, approving reports to the Governor, and responding to urgent federal, state, and local issues between scheduled Board meetings.

D. Compensation and reimbursement of expenses of the members shall be as follows:

1. Legislative members appointed in accordance with subdivision B 1 shall receive such compensation and reimbursement of expenses incurred in the performance of their duties as provided in §§ 2.2-2813, 2.2-2825, and 30-19.12.

2. ~~Members~~ *Ex officio members* of the Board ~~appointed in accordance with subdivision B 2, B 3, or B 4~~ shall not receive compensation but shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825.

3. Members of the Board appointed in accordance with subdivision B 5 shall not receive compensation but shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825.

Funding for the costs of compensation and expenses of the members shall be provided from federal funds received under the WIOA.

§ 2.2-2471.1. Chief Workforce Development Advisor; staff support.

A. ~~Board staffing~~ *Staffing for the Board and Board functions* shall be ~~led by a full-time Executive Director to be supervised by the Chief Workforce Development Advisor. Additional staff support, including staffing of standing committees, may include other directors or coordinators of relevant education and workforce programs as requested by the Chief Workforce Development Advisor and as in-kind support to the Board from agencies administering workforce programs.~~

B. The Chief Workforce Development Advisor shall enter into a written agreement with agencies administering workforce programs regarding supplemental staff support to Board committees and other logistical support for the Board. Such written agreements shall be provided to members of the Board upon request. ~~Funding for a full-time Executive Director position shall be provided by Title 1 of the WIOA, and such position shall be dedicated to the support of the Board's operations and outcomes and the Board's operational budget as agreed upon and referenced in a written agreement between the Chief Workforce Development Advisor and the agencies administering workforce programs.~~

§ 2.2-2472. Powers and duties of the Board; Virginia Workforce System created.

A. The Board shall implement a Virginia Workforce System that shall undertake the following actions to implement and foster workforce development and training and better align education and workforce programs to meet current and projected skills requirements of an increasingly technological, global workforce:

1. Provide policy advice to the Governor on workforce and workforce development issues in order to create a business-driven system that yields increasing rates of attainment of workforce credentials in demand by business and increasing rates of jobs creation and attainment;

2. Provide policy direction to local workforce development boards;

3. Assist the Governor in the development, implementation, and modification of any combined state plan developed pursuant to the WIOA;

4. Identify current and emerging statewide workforce needs of the business community;

5. Forecast and identify training requirements for the new workforce;

6. Recommend strategies to match trained workers with available jobs to include strategies for increasing business engagement in education and workforce development;

7. Evaluate the extent to which the state's workforce development programs emphasize education and training opportunities that align with employers' workforce needs and labor market statistics and report the findings of this analysis to the Governor every two years;

8. Advise and oversee the development of a strategic workforce dashboard and tools that will inform the Governor, policy makers, system stakeholders, and the public on issues such as state and regional labor market conditions, the relationship between the supply and demand for workers, workforce program outcomes, and projected employment growth or decline. The Virginia Employment Commission, along with other workforce partners, shall provide data to populate the tools and dashboard;

9. Determine and publish a list of jobs, trades, and professions for which high demand for qualified workers exists or is projected by the Virginia Employment Commission. The Virginia Employment Commission shall support the Virginia Board of Workforce Development in making such determination. Such information shall be published biennially and disseminated to employers; education and training entities, including associate-degree-granting and baccalaureate public institutions of higher education; government agencies, including the Department of Education and public libraries; and other users in the public and private sectors;

10. Develop pay-for-performance contract strategy incentives for rapid reemployment services consistent with the WIOA as an alternative model to traditional programs;

11. Conduct a review of budgets, which shall be submitted annually to the Board by each agency conducting federal and state funded career and technical and adult education and workforce development programs, that identify the agency's sources and expenditures of administrative, workforce education and training, and support services for workforce development programs;

12. Review and recommend industry credentials that align with high demand occupations, which credentials shall include a credential that determines career readiness;

13. Define the Board's role in certifying WIOA training providers, including those not subject to the authority expressed in Article 3 (§ 23.1-213 et seq.) of Chapter 2 of Title 23.1;

14. Provide an annual report to the Governor concerning its actions and determinations under subdivisions 1 through 13;

15. Create quality standards, guidelines, and directives applicable to local workforce development boards and the operation of one-stops, as necessary and appropriate to carry out the purposes of this article; and

16. Perform any act or function in accordance with the purposes of this article.

B. The Board may establish such committees as it deems necessary including the following:

~~1. A committee to accomplish the federally mandated requirements of the WIOA;~~

~~2. An advanced technology committee to focus on high technology workforce training needs and skills attainment solutions through sector strategies, career readiness, and career pathways;~~

~~3. A performance and accountability committee to coordinate with the Virginia Employment Commission, the State Council of Higher Education for Virginia, the Virginia Community College System, and the Council on Virginia's Future to develop the metrics and measurements for publishing comprehensive workforce score cards and other longitudinal data that will enable the Virginia Workforce System to measure comprehensive accountability and performance; and~~

~~4. A military transition assistance committee to focus on workforce development and employment of veterans and on reducing process and qualification barriers to training and employment services.~~

C. The Board, the *Chief Workforce Development Advisor*, and the Governor's cabinet secretaries shall assist the Governor in complying with the provisions of the WIOA and ensuring the coordination and effectiveness of all federal and state funded career and technical and adult education and workforce development programs and providers within Virginia's Workforce System.

D. The Board shall assist the Governor in the following areas with respect to workforce development: development of any combined state plan developed pursuant to the WIOA; development and continuous improvement of a statewide workforce development system that ensures career readiness and coordinates and aligns career and technical education, adult education, and federal and state workforce programs; development of linkages to ensure coordination and nonduplication among programs and activities; designation of local areas; development of local discretionary allocation formulas; development and continuous improvement of comprehensive state performance measures including, without

limitation, performance measures reflecting the degree to which one-stop centers provide comprehensive services with all mandatory partners and the degree to which local workforce development boards have obtained funding from sources other than the WIOA; preparation of the annual report to the U.S. Secretary of Labor; development of a statewide employment statistics system; and development of a statewide system of one-stop centers that provide comprehensive workforce services to employers, employees, and job seekers.

The Board shall share information regarding its meetings and activities with the public.

E. Each local workforce development board shall develop and submit to the Governor and the Board an annual workforce demand plan for its workforce development board area based on a survey of local and regional businesses that reflects the local employers' needs and requirements and the availability of trained workers to meet those needs and requirements. Local boards shall also designate or certify one-stop operators; identify eligible providers of youth activities; develop a budget; conduct local oversight of one-stop operators and training providers in partnership with its local chief elected official; negotiate local performance measures, including incentives for good performance and penalties for inadequate performance; assist in developing statewide employment statistics; coordinate workforce development activities with economic development strategies and the annual demand plan, and develop linkages among them; develop and enter into memoranda of understanding with one-stop partners and implement the terms of such memoranda; promote participation by the private sector; actively seek sources of financing in addition to WIOA funds; report performance statistics to the Board; and certify local training providers in accordance with criteria provided by the Board. Further, a local training provider certified by any workforce development board has reciprocal certification for all workforce development boards.

F. Each workforce development board shall develop and execute a strategic plan designed to combine public and private resources to support sector strategies, career pathways, and career readiness skills development. Such initiatives shall include or address (i) a regional vision for workforce development; (ii) protocols for planning workforce strategies that anticipate industry needs; (iii) the needs of incumbent and underemployed workers in the region; (iv) the development of partners and guidelines for various forms of on-the-job training, such as registered apprenticeships; (v) the setting of standards and metrics for operational delivery; (vi) alignment of monetary and other resources, including private funds and in-kind contributions, to support the workforce development system; and (vii) the generation of new sources of funding to support workforce development in the region.

G. Local workforce development boards are encouraged to implement pay-for-performance contract strategy incentives for rapid reemployment services consistent within the WIOA as an alternative model to traditional programs. Such incentives shall focus on (i) partnerships that lead to placements of eligible job seekers in unsubsidized employment and (ii) placement in unsubsidized employment for hard-to-serve job seekers. At the discretion of the local workforce development board, funds to the extent permissible under §§ 128(b) and 133(b) of the WIOA may be allocated for pay-for-performance partnerships.

H. Each chief local elected official shall consult with the Governor regarding designation of local workforce development areas; appoint members to the local board in accordance with state criteria; serve as the local grant recipient unless another entity is designated in the local plan; negotiate local performance measures with the Governor; ensure that all mandated partners are active participants in the local workforce development board and one-stop center; and collaborate with the local workforce development board on local plans and program oversight.

I. Each local workforce development board shall develop and enter into a memorandum of understanding concerning the operation of the one-stop delivery system in the local area with each entity that carries out any of the following programs or activities:

1. Programs authorized under Title I of the WIOA;
2. Programs authorized under the Wagner-Peyser Act (29 U.S.C. § 49 et seq.);
3. Adult education and literacy activities authorized under Title II of the WIOA;
4. Programs authorized under Title I of the Rehabilitation Act of 1973 (29 U.S.C. § 720 et seq.);
5. Postsecondary career and technical education activities authorized under the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. § 2301 et seq.);
6. Activities authorized under Chapter 2 of Title II of the Trade Act of 1974 (19 U.S.C. § 2271 et seq.);
7. Activities pertaining to employment and training programs for veterans authorized under 38 U.S.C. § 4100 et seq.;
8. Programs authorized under Title 60.2, in accordance with applicable federal law;
9. Workforce development activities or work requirements of the Temporary Assistance to Needy Families (TANF) program known in Virginia as the Virginia Initiative for Education and Work (VIEW) established pursuant to § 63.2-608;
10. Workforce development activities or work programs authorized under the Food Stamp Act of 1977 (7 U.S.C. § 2011 et seq.);
11. Other programs or activities as required by the WIOA; and
12. Programs authorized under Title I of the WIOA.

J. The quorum for a meeting of a local workforce development board shall consist of a majority of both the private sector and public sector members. Each local workforce development board shall share information regarding its meetings and activities with the public.

K. For the purposes of implementing the WIOA, income from service in the Virginia National Guard shall not disqualify unemployed service members from WIOA-related services.

L. The Chief Workforce Development Advisor shall be responsible for the coordination of the Virginia Workforce System and the implementation of the WIOA.

CHAPTER 59

An Act to amend and reenact §§ 46.2-100 and 46.2-908.1 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 46.2-904.1, relating to electric power-assisted bicycles.

[H 543]

Approved March 2, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-100 and 46.2-908.1 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 46.2-904.1 as follows:

§ 46.2-100. Definitions.

As used in this title, unless the context requires a different meaning:

"All-terrain vehicle" means a motor vehicle having three or more wheels that is powered by a motor and is manufactured for off-highway use. "All-terrain vehicle" does not include four-wheeled vehicles commonly known as "go-carts" that have low centers of gravity and are typically used in racing on relatively level surfaces, nor does the term include any riding lawn mower.

"Antique motor vehicle" means every motor vehicle, as defined in this section, which was actually manufactured or designated by the manufacturer as a model manufactured in a calendar year not less than 25 years prior to January 1 of each calendar year and is owned solely as a collector's item.

"Antique trailer" means every trailer or semitrailer, as defined in this section, that was actually manufactured or designated by the manufacturer as a model manufactured in a calendar year not less than 25 years prior to January 1 of each calendar year and is owned solely as a collector's item.

"Autocycle" means a three-wheeled motor vehicle that has a steering wheel and seating that does not require the operator to straddle or sit astride and is manufactured to comply with federal safety requirements for motorcycles. Except as otherwise provided, an autocycle shall not be deemed to be a motorcycle.

"Automobile transporter" means any tractor truck, lowboy, vehicle, or combination, including vehicles or combinations that transport motor vehicles on their power unit, designed and used exclusively for the transportation of motor vehicles or used to transport cargo or general freight on a backhaul pursuant to the provisions of 49 U.S.C. § 31111(a)(1).

"Bicycle" means a device propelled solely by human power, upon which a person may ride either on or astride a regular seat attached thereto, having two or more wheels in tandem, including children's bicycles, except a toy vehicle intended for use by young children. For purposes of Chapter 8 (§ 46.2-800 et seq.), a bicycle shall be a vehicle while operated on the highway.

"Bicycle lane" means that portion of a roadway designated by signs and/or pavement markings for the preferential use of bicycles, electric power-assisted bicycles, motorized skateboards or scooters, and mopeds.

"Business district" means the territory contiguous to a highway where 75 percent or more of the property contiguous to a highway, on either side of the highway, for a distance of 300 feet or more along the highway, is occupied by land and buildings actually in use for business purposes.

"Camping trailer" means every vehicle that has collapsible sides and contains sleeping quarters but may or may not contain bathing and cooking facilities and is designed to be drawn by a motor vehicle.

"Cancel" or "cancellation" means that the document or privilege cancelled has been annulled or terminated because of some error, defect, or ineligibility, but the cancellation is without prejudice and reapplication may be made at any time after cancellation.

"Chauffeur" means every person employed for the principal purpose of driving a motor vehicle and every person who drives a motor vehicle while in use as a public or common carrier of persons or property.

"Circular intersection" means an intersection that has an island, generally circular in design, located in the center of the intersection, where all vehicles pass to the right of the island. Circular intersections include roundabouts, rotaries, and traffic circles.

"Commission" means the State Corporation Commission.

"Commissioner" means the Commissioner of the Department of Motor Vehicles of the Commonwealth.

"Converted electric vehicle" means any motor vehicle, other than a motorcycle or autocycle, that has been modified subsequent to its manufacture to replace an internal combustion engine with an electric propulsion system. Such vehicles shall retain their original vehicle identification number, line-make, and model year. A converted electric vehicle shall not be deemed a "reconstructed vehicle" as defined in this section unless it has been materially altered from its original construction by the removal, addition, or substitution of new or used essential parts other than those required for the conversion to electric propulsion.

"Crosswalk" means that part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the

traversable roadway; or any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

"Decal" means a device to be attached to a license plate that validates the license plate for a predetermined registration period.

"Department" means the Department of Motor Vehicles of the Commonwealth.

"Disabled parking license plate" means a license plate that displays the international symbol of access in the same size as the numbers and letters on the plate and in a color that contrasts with the background.

"Disabled veteran" means a veteran who (i) has either lost, or lost the use of, a leg, arm, or hand; (ii) is blind; or (iii) is permanently and totally disabled as certified by the U.S. Department of Veterans Affairs. A veteran shall be considered blind if he has a permanent impairment of both eyes to the following extent: central visual acuity of 20/200 or less in the better eye, with corrective lenses, or central visual acuity of more than 20/200, if there is a field defect in which the peripheral field has contracted to such an extent that the widest diameter of visual field subtends an angular distance no greater than 20 degrees in the better eye.

"Driver's license" means any license, including a commercial driver's license as defined in the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.), issued under the laws of the Commonwealth authorizing the operation of a motor vehicle.

"Electric personal assistive mobility device" means a self-balancing two-nontandem-wheeled device that is designed to transport only one person and powered by an electric propulsion system that limits the device's maximum speed to 15 miles per hour or less. For purposes of Chapter 8 (§ 46.2-800 et seq.), an electric personal assistive mobility device shall be a vehicle when operated on a highway.

"Electric personal delivery device" means an electrically powered device that (i) is operated on sidewalks, shared-use paths, and crosswalks and intended primarily to transport property; (ii) weighs less than 50 pounds, excluding cargo; (iii) has a maximum speed of 10 miles per hour; and (iv) is equipped with technology to allow for operation of the device with or without the active control or monitoring of a natural person.

"Electric personal delivery device operator" means an entity or its agent who exercises direct physical control or monitoring over the navigation system and operation of an electric personal delivery device. For the purposes of this definition, "agent" means a person not less than 16 years of age charged by an entity with the responsibility of navigating and operating an electric personal delivery device. "Electric personal delivery device operator" does not include (i) an entity or person who requests the services of an electric personal delivery device to transport property or (ii) an entity or person who only arranges for and dispatches the requested services of an electric personal delivery device.

"Electric power-assisted bicycle" means a vehicle that travels on not more than three wheels in contact with the ground and is equipped with (i) pedals that allow propulsion by human power, (ii) a seat for the use of the rider, and ~~(iii) (iii) an electric motor with an input of no more than 1,000 750 watts that reduces the pedal effort required of the rider and ceases to provide assistance when the bicycle reaches a speed of no more than 20 miles per hour.~~ *Electric power-assisted bicycles shall be classified as follows:*

1. *"Class one" means an electric power-assisted bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches a speed of 20 miles per hour;*
2. *"Class two" means an electric power-assisted bicycle equipped with a motor that may be used exclusively to propel the bicycle and that ceases to provide assistance when the bicycle reaches the speed of 20 miles per hour; and*
3. *"Class three" means an electric power-assisted bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches the speed of 28 miles per hour.*

For the purposes of Chapter 8 (§ 46.2-800 et seq.), an electric power-assisted bicycle shall be a vehicle when operated on a highway.

"Essential parts" means all integral parts and body parts, the removal, alteration, or substitution of which will tend to conceal the identity of a vehicle.

"Farm tractor" means every motor vehicle designed and used as a farm, agricultural, or horticultural implement for drawing plows, mowing machines, and other farm, agricultural, or horticultural machinery and implements, including self-propelled mowers designed and used for mowing lawns.

"Farm utility vehicle" means a vehicle that is powered by a motor and is designed for off-road use and is used as a farm, agricultural, or horticultural service vehicle, generally having four or more wheels, bench seating for the operator and a passenger, a steering wheel for control, and a cargo bed. "Farm utility vehicle" does not include pickup or panel trucks, golf carts, low-speed vehicles, or riding lawn mowers.

"Federal safety requirements" means applicable provisions of 49 U.S.C. § 30101 et seq. and all administrative regulations and policies adopted pursuant thereto.

"Financial responsibility" means the ability to respond in damages for liability thereafter incurred arising out of the ownership, maintenance, use, or operation of a motor vehicle, in the amounts provided for in § 46.2-472.

"Foreign market vehicle" means any motor vehicle originally manufactured outside the United States, which was not manufactured in accordance with 49 U.S.C. § 30101 et seq. and the policies and regulations adopted pursuant to that Act, and for which a Virginia title or registration is sought.

"Foreign vehicle" means every motor vehicle, trailer, or semitrailer that is brought into the Commonwealth otherwise than in the ordinary course of business by or through a manufacturer or dealer and that has not been registered in the Commonwealth.

"Golf cart" means a self-propelled vehicle that is designed to transport persons playing golf and their equipment on a golf course.

"Governing body" means the board of supervisors of a county, council of a city, or council of a town, as context may require.

"Gross weight" means the aggregate weight of a vehicle or combination of vehicles and the load thereon.

"Highway" means the entire width between the boundary lines of every way or place open to the use of the public for purposes of vehicular travel in the Commonwealth, including the streets and alleys, and, for law-enforcement purposes, (i) the entire width between the boundary lines of all private roads or private streets that have been specifically designated "highways" by an ordinance adopted by the governing body of the county, city, or town in which such private roads or streets are located and (ii) the entire width between the boundary lines of every way or place used for purposes of vehicular travel on any property owned, leased, or controlled by the United States government and located in the Commonwealth.

"Intersection" means (i) the area embraced within the prolongation or connection of the lateral curblines or, if none, then the lateral boundary lines of the roadways of two highways that join one another at, or approximately at, right angles, or the area within which vehicles traveling on different highways joining at any other angle may come in conflict; (ii) where a highway includes two roadways 30 feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection, in the event such intersecting highway also includes two roadways 30 feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection; or (iii) for purposes only of authorizing installation of traffic-control devices, every crossing of a highway or street at grade by a pedestrian crosswalk.

"Lane-use control signal" means a signal face displaying indications to permit or prohibit the use of specific lanes of a roadway or to indicate the impending prohibition of such use.

"Law-enforcement officer" means any officer authorized to direct or regulate traffic or to make arrests for violations of this title or local ordinances authorized by law. For the purposes of access to law-enforcement databases regarding motor vehicle registration and ownership only, "law-enforcement officer" also includes city and county commissioners of the revenue and treasurers, together with their duly designated deputies and employees, when such officials are actually engaged in the enforcement of §§ 46.2-752, 46.2-753, and 46.2-754 and local ordinances enacted thereunder.

"License plate" means a device containing letters, numerals, or a combination of both, attached to a motor vehicle, trailer, or semitrailer to indicate that the vehicle is properly registered with the Department.

"Light" means a device for producing illumination or the illumination produced by the device.

"Low-speed vehicle" means any four-wheeled electrically powered or gas-powered vehicle, except a motor vehicle or low-speed vehicle that is used exclusively for agricultural or horticultural purposes or a golf cart, whose maximum speed is greater than 20 miles per hour but not greater than 25 miles per hour and is manufactured to comply with safety standards contained in Title 49 of the Code of Federal Regulations, § 571.500.

"Manufactured home" means a structure subject to federal regulation, transportable in one or more sections, which in the traveling mode is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. "Manufactured home" does not include a park model recreational vehicle, which is a vehicle that is (i) designed and marketed as temporary living quarters for recreational, camping, travel, or seasonal use; (ii) not permanently affixed to real property for use as a permanent dwelling; (iii) built on a single chassis mounted on wheels; and (iv) certified by the manufacturer as complying with the American National Standards Institute (ANSI) A119.5 Park Model Recreational Vehicle Standard.

"Military surplus motor vehicle" means a multipurpose or tactical vehicle that was manufactured by or under the direction of the United States Armed Forces for off-road use and subsequently authorized for sale to civilians. "Military surplus motor vehicle" does not include specialized mobile equipment as defined in § 46.2-700, trailers, or semitrailers.

"Moped" means every vehicle that travels on not more than three wheels in contact with the ground that (i) has a seat that is no less than 24 inches in height, measured from the middle of the seat perpendicular to the ground; (ii) has a gasoline, electric, or hybrid motor that (a) displaces 50 cubic centimeters or less or (b) has an input of 1500 watts or less; (iii) is power-driven, with or without pedals that allow propulsion by human power; and (iv) is not operated at speeds in excess of 35 miles per hour. "Moped" does not include an *electric power-assisted bicycle* or a motorized skateboard or scooter. For purposes of this title, a moped shall be a motorcycle when operated at speeds in excess of 35 miles per hour. For purposes of Chapter 8 (§ 46.2-800 et seq.), a moped shall be a vehicle while operated on a highway.

"Motor-driven cycle" means every motorcycle that has a gasoline engine that (i) displaces less than 150 cubic centimeters; (ii) has a seat less than 24 inches in height, measured from the middle of the seat perpendicular to the ground; and (iii) has no manufacturer-issued vehicle identification number.

"Motor home" means every private motor vehicle with a normal seating capacity of not more than 10 persons, including the driver, designed primarily for use as living quarters for human beings.

"Motor vehicle" means every vehicle as defined in this section that is self-propelled or designed for self-propulsion except as otherwise provided in this title. Any structure designed, used, or maintained primarily to be loaded on or affixed to a motor vehicle to provide a mobile dwelling, sleeping place, office, or commercial space shall be considered a part of a motor vehicle. Except as otherwise provided, for the purposes of this title, any device herein defined as a bicycle, electric personal assistive mobility device, electric power-assisted bicycle, motorized skateboard or scooter, or moped shall be deemed not to be a motor vehicle.

"Motorcycle" means every motor vehicle designed to travel on not more than three wheels in contact with the ground and is capable of traveling at speeds in excess of 35 miles per hour. "Motorcycle" does not include any "autocycle," "electric personal assistive mobility device," "electric power-assisted bicycle," "farm tractor," "golf cart," "moped," "motorized skateboard or scooter," "utility vehicle," or "wheelchair or wheelchair conveyance" as defined in this section.

"Motorized skateboard or scooter" means every vehicle, regardless of the number of its wheels in contact with the ground, that (i) is designed to allow an operator to sit or stand, (ii) has no manufacturer-issued vehicle identification number, (iii) is powered in whole or in part by an electric motor, (iv) weighs less than 100 pounds, and (v) has a speed of no more than 20 miles per hour on a paved level surface when powered solely by the electric motor. "Motorized skateboard or scooter" includes vehicles with or without handlebars but does not include "electric personal assistive mobility devices *or electric power-assisted bicycles.*"

"Nonresident" means every person who is not domiciled in the Commonwealth, except: (i) any foreign corporation that is authorized to do business in the Commonwealth by the State Corporation Commission shall be a resident of the Commonwealth for the purpose of this title; in the case of corporations incorporated in the Commonwealth but doing business outside the Commonwealth, only such principal place of business or branches located within the Commonwealth shall be dealt with as residents of the Commonwealth; (ii) a person who becomes engaged in a gainful occupation in the Commonwealth for a period exceeding 60 days shall be a resident for the purposes of this title except for the purposes of Chapter 3 (§ 46.2-300 et seq.); (iii) a person, other than (a) a nonresident student as defined in this section or (b) a person who is serving a full-time church service or proselyting mission of not more than 36 months and who is not gainfully employed, who has actually resided in the Commonwealth for a period of six months, whether employed or not, or who has registered a motor vehicle, listing an address in the Commonwealth in the application for registration, shall be deemed a resident for the purposes of this title, except for the purposes of the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.).

"Nonresident student" means every nonresident person who is enrolled as a full-time student in an accredited institution of learning in the Commonwealth and who is not gainfully employed.

"Off-road motorcycle" means every motorcycle designed exclusively for off-road use by an individual rider with not more than two wheels in contact with the ground. Except as otherwise provided in this chapter, for the purposes of this chapter off-road motorcycles shall be deemed to be "motorcycles."

"Operation or use for rent or for hire, for the transportation of passengers, or as a property carrier for compensation," and "business of transporting persons or property" mean any owner or operator of any motor vehicle, trailer, or semitrailer operating over the highways in the Commonwealth who accepts or receives compensation for the service, directly or indirectly; but these terms do not mean a "truck lessor" as defined in this section and do not include persons or businesses that receive compensation for delivering a product that they themselves sell or produce, where a separate charge is made for delivery of the product or the cost of delivery is included in the sale price of the product, but where the person or business does not derive all or a substantial portion of its income from the transportation of persons or property except as part of a sales transaction.

"Operator" or "driver" means every person who either (i) drives or is in actual physical control of a motor vehicle on a highway or (ii) is exercising control over or steering a vehicle being towed by a motor vehicle.

"Owner" means a person who holds the legal title to a vehicle; however, if a vehicle is the subject of an agreement for its conditional sale or lease with the right of purchase on performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee or if a mortgagor of a vehicle is entitled to possession, then the conditional vendee or lessee or mortgagor shall be the owner for the purpose of this title. In all such instances when the rent paid by the lessee includes charges for services of any nature or when the lease does not provide that title shall pass to the lessee on payment of the rent stipulated, the lessor shall be regarded as the owner of the vehicle, and the vehicle shall be subject to such requirements of this title as are applicable to vehicles operated for compensation. A "truck lessor" as defined in this section shall be regarded as the owner, and his vehicles shall be subject to such requirements of this title as are applicable to vehicles of private carriers.

"Passenger car" means every motor vehicle other than a motorcycle or autocycle designed and used primarily for the transportation of no more than 10 persons, including the driver.

"Payment device" means any credit card as defined in 15 U.S.C. § 1602 (k) or any "accepted card or other means of access" set forth in 15 U.S.C. § 1693a (1). For the purposes of this title, this definition shall also include a card that enables a person to pay for transactions through the use of value stored on the card itself.

"Pickup or panel truck" means (i) every motor vehicle designed for the transportation of property and having a registered gross weight of 7,500 pounds or less or (ii) every motor vehicle registered for personal use, designed to transport property on its own structure independent of any other vehicle, and having a registered gross weight in excess of 7,500 pounds but not in excess of 10,000 pounds.

"Private road or driveway" means every way in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

"Reconstructed vehicle" means every vehicle of a type required to be registered under this title materially altered from its original construction by the removal, addition, or substitution of new or used essential parts. Such vehicles, at the discretion of the Department, shall retain their original vehicle identification number, line-make, and model year. Except as otherwise provided in this title, this definition shall not include a "converted electric vehicle" as defined in this section.

"Replica vehicle" means every vehicle of a type required to be registered under this title not fully constructed by a licensed manufacturer but either constructed or assembled from components. Such components may be from a single vehicle, multiple vehicles, a kit, parts, or fabricated components. The kit may be made up of "major components" as defined in § 46.2-1600, a full body, or a full chassis, or a combination of these parts. The vehicle shall resemble a vehicle of distinctive name, line-make, model, or type as produced by a licensed manufacturer or manufacturer no longer in business and is not a reconstructed or specially constructed vehicle as herein defined.

"Residence district" means the territory contiguous to a highway, not comprising a business district, where 75 percent or more of the property abutting such highway, on either side of the highway, for a distance of 300 feet or more along the highway consists of land improved for dwelling purposes, or is occupied by dwellings, or consists of land or buildings in use for business purposes, or consists of territory zoned residential or territory in residential subdivisions created under Chapter 22 (§ 15.2-2200 et seq.) of Title 15.2.

"Revoke" or "revocation" means that the document or privilege revoked is not subject to renewal or restoration except through reapplication after the expiration of the period of revocation.

"Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the shoulder. A highway may include two or more roadways if divided by a physical barrier or barriers or an unpaved area.

"Safety zone" means the area officially set apart within a roadway for the exclusive use of pedestrians and that is protected or is so marked or indicated by plainly visible signs.

"School bus" means any motor vehicle, other than a station wagon, automobile, truck, or commercial bus, which is: (i) designed and used primarily for the transportation of pupils to and from public, private or religious schools, or used for the transportation of the mentally or physically handicapped to and from a sheltered workshop; (ii) painted yellow and bears the words "School Bus" in black letters of a specified size on front and rear; and (iii) is equipped with warning devices prescribed in § 46.2-1090. A yellow school bus may have a white roof provided such vehicle is painted in accordance with regulations promulgated by the Department of Education.

"Semitrailer" means every vehicle of the trailer type so designed and used in conjunction with a motor vehicle that some part of its own weight and that of its own load rests on or is carried by another vehicle.

"Shared-use path" means a bikeway that is physically separated from motorized vehicular traffic by an open space or barrier and is located either within the highway right-of-way or within a separate right-of-way. Shared-use paths may also be used by pedestrians, skaters, users of wheel chairs or wheel chair conveyances, joggers, and other nonmotorized users and electric personal delivery devices.

"Shoulder" means that part of a highway between the portion regularly traveled by vehicular traffic and the lateral curbline or ditch.

"Sidewalk" means the portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for use by pedestrians.

"Snowmobile" means a self-propelled vehicle designed to travel on snow or ice, steered by skis or runners, and supported in whole or in part by one or more skis, belts, or cleats.

"Special construction and forestry equipment" means any vehicle which is designed primarily for highway construction, highway maintenance, earth moving, timber harvesting or other construction or forestry work and which is not designed for the transportation of persons or property on a public highway.

"Specially constructed vehicle" means any vehicle that was not originally constructed under a distinctive name, make, model, or type by a generally recognized manufacturer of vehicles and not a reconstructed vehicle as herein defined.

"Stinger-steered automobile or watercraft transporter" means an automobile or watercraft transporter configured as a semitrailer combination wherein the fifth wheel is located on a drop frame behind and below the rearmost axle of the power unit.

"Superintendent" means the Superintendent of the Department of State Police of the Commonwealth.

"Suspend" or "suspension" means that the document or privilege suspended has been temporarily withdrawn, but may be reinstated following the period of suspension unless it has expired prior to the end of the period of suspension.

"Tow truck" means a motor vehicle for hire (i) designed to lift, pull, or carry another vehicle by means of a hoist or other mechanical apparatus and (ii) having a manufacturer's gross vehicle weight rating of at least 10,000 pounds. "Tow truck" also includes vehicles designed with a ramp on wheels and a hydraulic lift with a capacity to haul or tow another vehicle, commonly referred to as "rollbacks." "Tow truck" does not include any "automobile or watercraft transporter," "stinger-steered automobile or watercraft transporter," or "tractor truck" as those terms are defined in this section.

"Towing and recovery operator" means a person engaged in the business of (i) removing disabled vehicles, parts of vehicles, their cargoes, and other objects to facilities for repair or safekeeping and (ii) restoring to the highway or other location where they either can be operated or removed to other locations for repair or safekeeping vehicles that have come to rest in places where they cannot be operated.

"Toy vehicle" means any motorized or propellant-driven device that has no manufacturer-issued vehicle identification number that is designed or used to carry any person or persons, on any number of wheels, bearings, glides, blades, runners, or a cushion of air. "Toy vehicle" does not include electric personal assistive mobility devices, electric power-assisted bicycles, mopeds, motorized skateboards or scooters, or motorcycles, nor does it include any nonmotorized or nonpropellant-driven devices such as bicycles, roller skates, or skateboards.

"Tractor truck" means every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the load and weight of the vehicle attached thereto.

"Traffic control device" means a sign, signal, marking, or other device used to regulate, warn, or guide traffic placed on, over, or adjacent to a street, highway, private road open to public travel, pedestrian facility, or shared-use path by authority of a public agency or official having jurisdiction, or in the case of a private road open to public travel, by authority of the private owner or private official having jurisdiction.

"Traffic infraction" means a violation of law punishable as provided in § 46.2-113, which is neither a felony nor a misdemeanor.

"Traffic lane" or "lane" means that portion of a roadway designed or designated to accommodate the forward movement of a single line of vehicles.

"Trailer" means every vehicle without motive power designed for carrying property or passengers wholly on its own structure and for being drawn by a motor vehicle, including manufactured homes.

"Truck" means every motor vehicle designed to transport property on its own structure independent of any other vehicle and having a registered gross weight in excess of 7,500 pounds. "Truck" does not include any pickup or panel truck.

"Truck lessor" means a person who holds the legal title to any motor vehicle, trailer, or semitrailer that is the subject of a bona fide written lease for a term of one year or more to another person, provided that: (i) neither the lessor nor the lessee is a common carrier by motor vehicle or restricted common carrier by motor vehicle or contract carrier by motor vehicle as defined in § 46.2-2000; (ii) the leased motor vehicle, trailer, or semitrailer is used exclusively for the transportation of property of the lessee; (iii) the lessor is not employed in any capacity by the lessee; (iv) the operator of the leased motor vehicle is a bona fide employee of the lessee and is not employed in any capacity by the lessor; and (v) a true copy of the lease, verified by affidavit of the lessor, is filed with the Commissioner.

"Utility vehicle" means a motor vehicle that is (i) designed for off-road use, (ii) powered by a motor, and (iii) used for general maintenance, security, agricultural, or horticultural purposes. "Utility vehicle" does not include riding lawn mowers.

"Vehicle" means every device in, on or by which any person or property is or may be transported or drawn on a highway, except electric personal delivery devices and devices moved by human power or used exclusively on stationary rails or tracks. For the purposes of Chapter 8 (§ 46.2-800 et seq.), bicycles, electric personal assistive mobility devices, electric power-assisted bicycles, motorized skateboards or scooters, and mopeds shall be vehicles while operated on a highway.

"Watercraft transporter" means any tractor truck, lowboy, vehicle, or combination, including vehicles or combinations that transport watercraft on their power unit, designed and used exclusively for the transportation of watercraft.

"Wheel chair or wheel chair conveyance" means a chair or seat equipped with wheels, typically used to provide mobility for persons who, by reason of physical disability, are otherwise unable to move about as pedestrians. "Wheel chair or wheel chair conveyance" includes both three-wheeled and four-wheeled devices. So long as it is operated only as provided in § 46.2-677, a self-propelled wheel chair or self-propelled wheel chair conveyance shall not be considered a motor vehicle.

§ 46.2-904.1. Electric power-assisted bicycles.

A. Except as otherwise provided in this section, an electric power-assisted bicycle or an operator of an electric power-assisted bicycle shall be afforded all the rights and privileges, and be subject to all of the duties, of a bicycle or the operator of a bicycle. An electric power-assisted bicycle is a vehicle to the same extent as is a bicycle.

B. An electric power-assisted bicycle or person operating an electric power-assisted bicycle is not subject to the provisions of this Code relating to requirements for driver's licenses, registration, certificates of title, financial responsibility, off-highway motorcycles, and license plates.

C. 1. On and after January 1, 2021, manufacturers and distributors of electric power-assisted bicycles shall permanently affix a label, in a prominent location, to each electric power-assisted bicycle that they manufacture or distribute. The label shall contain the classification number, top assisted speed, and motor wattage of the electric power-assisted bicycle and shall be printed in Arial font in at least nine-point type.

2. An electric power-assisted bicycle shall comply with equipment and manufacturing requirements for bicycles adopted by the U.S. Consumer Product Safety Commission, 16 C.F.R. Part 1512.

3. All class three electric power-assisted bicycles shall be equipped with a speedometer that displays the speed the bicycle is traveling in miles per hour.

D. No person shall tamper with or modify an electric power-assisted bicycle so as to change the motor-powered speed capability or engagement of an electric power-assisted bicycle, unless the label required by subdivision C 1 is replaced after modification.

E. An electric power-assisted bicycle shall operate in a manner such that the electric motor is disengaged or ceases to function when the rider stops pedaling or when the brakes are applied.

F. Except as set forth in this subsection, an electric power-assisted bicycle may be ridden in places where bicycles are allowed, including streets, highways, roads, shoulders, bicycle lanes, and bicycle or shared-use paths.

1. Following notice and a public hearing, a locality or state agency having jurisdiction over a bicycle or shared-use path may prohibit the operation of class one or class two electric power-assisted bicycles on such path, if it finds that such a restriction is necessary for public safety or compliance with other laws.

2. A locality or state agency having jurisdiction over a bicycle or shared-use path may prohibit the operation of class three electric power-assisted bicycles on such path.

3. A locality or state agency having jurisdiction over a trail may regulate the use of electric power-assisted bicycles on such trail. For purposes of this subdivision, "trail" means a trail that is specifically designated as nonmotorized and that has a natural surface tread that is made by clearing and grading the native soil with no added surfacing materials.

G. Each operator and passenger of a class three electric power-assisted bicycle shall wear a properly fitted and fastened bicycle helmet that meets the current standards provided by either the U.S. Consumer Product Safety Commission or the American Society for Testing and Materials International. Failure to wear a helmet shall not constitute negligence, be considered in mitigation of damages of whatever nature, be admissible in evidence, or be the subject of comment by counsel in any action for the recovery of damages arising out of the operation, ownership, or maintenance of a class three electric power-assisted bicycle, nor shall anything in this section change any existing law, rule, or procedure pertaining to any civil action, nor shall this section bar any claim that otherwise exists.

§ 46.2-908.1. Electric personal assistive mobility devices, electric personal delivery devices, electrically powered toy vehicles, electric power-assisted bicycles, and motorized skateboards or scooters.

All electric personal assistive mobility devices, electric personal delivery devices, electrically powered toy vehicles, and electric power-assisted bicycles shall be equipped with spill-proof, sealed, or gelled electrolyte batteries. No person shall at any time or at any location operate (i) an electric personal assistive mobility device or an electric power-assisted bicycle at a speed faster than 25 miles per hour, (ii) a motorized skateboard or scooter at a speed faster than 20 miles per hour, or (iii) an electric personal delivery device at a speed faster than 10 miles per hour. No person shall operate a skateboard or scooter that would otherwise meet the definition of a motorized skateboard or scooter but is capable of speeds greater than 20 miles per hour at a speed greater than 20 miles per hour. No person less than 14 years old shall drive any electric personal assistive mobility device, motorized skateboard or scooter, or class three electric power-assisted bicycle unless under the immediate supervision of a person who is at least 18 years old.

An electric personal assistive mobility device may be operated on any highway with a maximum speed limit of 25 miles per hour or less. An electric personal assistive mobility device shall only operate on any highway authorized by this section if a sidewalk is not provided along such highway or if operation of the electric personal assistive mobility device on such sidewalk is prohibited pursuant to § 46.2-904. Nothing in this section shall prohibit the operation of an electric personal assistive mobility device, electric personal delivery device, or motorized skateboard or scooter in the crosswalk of any highway where the use of such crosswalk is authorized for pedestrians, bicycles, or electric power-assisted bicycles.

Operation of electric personal assistive mobility devices, motorized skateboards or scooters, electrically powered toy vehicles, bicycles, and electric power-assisted bicycles is prohibited on any Interstate Highway System component except as provided by the section.

The Commonwealth Transportation Board may authorize the use of bicycles or motorized skateboards or scooters on an Interstate Highway System Component provided the operation is limited to bicycle or pedestrian facilities that are barrier separated from the roadway and automobile traffic and such component meets all applicable safety requirements established by federal and state law.

CHAPTER 60

An Act to amend the Code of Virginia by adding a section numbered 46.2-1549.2, relating to dealer's license plate and special license plate combination.

[H 595]

Approved March 2, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 46.2-1549.2 as follows:

§ 46.2-1549.2. Special license plate combination.

A. The Commissioner may issue, upon request of a licensed dealer and when the Commissioner determines that such issuance is feasible, a license plate that is a combination of (i) one series of special license plate authorized pursuant to Article 10 (§ 46.2-725 et seq.) of Chapter 6 and currently issued by the Department and (ii) one type of dealer's license plate authorized pursuant to this article. Such license plate shall be subject to all provisions of this article.

B. The fee for any combination license plate issued pursuant to this section shall be the sum of the fee for the applicable special license plate and the fee for the applicable dealer's license plate. Such fee shall be disbursed in the manner required for special license plates and for dealer's license plates, as if two such plates had been issued separately.

C. The Commissioner may issue multiple combination license plates to a single licensed dealer in a manner the Commissioner determines is feasible.

CHAPTER 61

An Act to amend and reenact § 58.1-3825.3 of the Code of Virginia, relating to transient occupancy tax; Arlington County.
[S 107]

Approved March 2, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-3825.3 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-3825.3. Additional transient occupancy tax in Arlington County.

In addition to such transient occupancy taxes as are authorized by §§ 58.1-3819 and 58.1-3820, ~~beginning July 1, 2018, and ending July 1, 2021,~~ Arlington County may impose an additional transient occupancy tax not to exceed one-fourth of one percent of the amount of the charge for the occupancy of any room or space occupied. The revenues collected from the additional tax shall be designated and spent for the purpose of promoting tourism and business travel in the county.

CHAPTER 62

An Act to amend and reenact § 58.1-608.3 of the Code of Virginia, relating to entitlement to sales tax revenues from certain public facilities; authorized localities and facilities; sunset.

[S 163]

Approved March 2, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-608.3 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-608.3. Entitlement to certain sales tax revenues.

A. As used in this section, the following words and terms have the following meanings, unless some other meaning is plainly intended:

"Bonds" means any obligations of a municipality for the payment of money.

"Cost," as applied to any public facility or to extensions or additions to any public facility, includes: (i) the purchase price of any public facility acquired by the municipality or the cost of acquiring all of the capital stock of the corporation owning the public facility and the amount to be paid to discharge any obligations in order to vest title to the public facility or any part of it in the municipality; (ii) expenses incident to determining the feasibility or practicability of the public facility; (iii) the cost of plans and specifications, surveys and estimates of costs and of revenues; (iv) the cost of all land, property, rights, easements and franchises acquired; (v) the cost of improvements, property or equipment; (vi) the cost of engineering, legal and other professional services; (vii) the cost of construction or reconstruction; (viii) the cost of all labor, materials, machinery and equipment; (ix) financing charges; (x) interest before and during construction and for up to one year after completion of construction; (xi) start-up costs and operating capital; (xii) payments by a municipality of its share of the cost of any multijurisdictional public facility; (xiii) administrative expense; (xiv) any amounts to be deposited to reserve or replacement funds; and (xv) other expenses as may be necessary or incident to the financing of the public facility. Any obligation or expense incurred by the public facility in connection with any of the foregoing items of cost may be regarded as a part of the cost.

"Municipality" means any county, city, town, authority, commission, or other public entity.

"Public facility" means (i) any auditorium, coliseum, convention center, or conference center, which is owned by a Virginia county, city, town, authority, or other public entity and where exhibits, meetings, conferences, conventions, seminars, or similar public events may be conducted; (ii) any hotel which is owned by a foundation whose sole purpose is to benefit a baccalaureate public institution of higher education in the Commonwealth and which is attached to and is an integral part of such facility, together with any lands reasonably necessary for the conduct of the operation of such events; (iii) any hotel which is attached to and is an integral part of such facility; (iv) any hotel that is adjacent to a convention center owned by a public entity and where the hotel owner enters into a public-private partnership whereby the locality contributes infrastructure, real property, or conference space; ~~or~~ (v) a sports complex consisting of a minor league baseball stadium and related tournament, training, and parking facilities, where a municipality owns a component of the sports complex; *or (vi) any outdoor amphitheater, provided that a locality owns, wholly or partly, and contributes to financing the construction of such amphitheater.* However, such public facility must be located in the *City of Chesapeake*, *City of Fredericksburg*, *City of Hampton*, *City of Lynchburg*, *City of Newport News*, *City of Norfolk*, *City of Portsmouth*, *City of Richmond*, *City of Roanoke*, *City of Salem*, *City of Staunton*, *City of Suffolk*, *City of Virginia Beach*, *City of Winchester*, or *Town of Wise*. Any property, real, personal, or mixed, which is necessary or desirable in connection with any such auditorium, coliseum, convention center, sports complex, or conference center, including, without limitation, facilities for food preparation and serving, parking facilities, and office space, is encompassed within this definition. However, structures commonly referred to as "shopping centers" or "malls" shall not constitute a public facility hereunder. A public facility shall not include residential condominiums, townhomes, or other residential units. In addition, only a new public facility, or a public facility which will undergo a substantial and significant renovation or expansion, shall be eligible under subsection C. A new public facility is one whose construction began after December 31, 1991. A substantial and significant renovation

entails a project whose cost is at least 50 percent of the original cost of the facility being renovated and shall have begun after December 31, 1991. A substantial and significant expansion entails an increase in floor space of at least 50 percent over that existing in the preexisting facility and shall have begun after December 31, 1991; or an increase in floor space of at least 10 percent over that existing in a public facility that qualified as such under this section and was constructed after December 31, 1991.

"Sales tax revenues" means such tax collections realized under the Virginia Retail Sales and Use Tax Act (§ 58.1-600 et seq.), as limited herein. "Sales tax revenues" does not include the revenue generated by (i) the 0.5 percent sales and use tax increase enacted by the 1986 Special Session of the General Assembly which shall be paid to the Transportation Trust Fund as defined in § 33.2-1524, (ii) the 1.0 percent of the state sales and use tax revenue distributed among the counties and cities of the Commonwealth pursuant to subsection D of § 58.1-638 on the basis of school age population, or (iii) any sales and use tax revenues generated by increases or allocation changes imposed by the 2013 Session of the General Assembly.

B. Notwithstanding the definition of "public facility" in subsection A, a development project that meets the requirements for a "development of regional impact" set forth herein shall be deemed to be a public facility under the provisions of this section. The locality in which the public facility is located shall be entitled to all sales tax revenues generated by transactions taking place at such public facility solely to pay the cost of any bonds issued to pay the cost, or portion thereof, of such public facility pursuant to subsection C. For purposes of this subsection, the development of regional impact must be located in the City of Bristol.

For purposes of this subsection, a "development of regional impact" means a development project (i) towards which the locality contributes infrastructure or real property as part of a public-private partnership with the developer that is equal to at least 20 percent of the aggregate cost of development, (ii) that is reasonably expected to require a capital investment of at least \$50 million, (iii) that is reasonably expected to generate at least \$5 million annually in state sales and use tax revenue from sales within the development, (iv) that is reasonably expected to attract at least one million visitors annually, (v) that is reasonably expected to create at least 2,000 permanent jobs, (vi) that is located in a locality that had a rate of unemployment at least three percentage points higher than the statewide average in November 2011, and (vii) that is located in a locality that is adjacent to a state that has adopted a Border Region Retail Tourism Development District Act. Within 30 days from the date of notification by a locality that it intends to contribute infrastructure or real property as part of a public-private partnership with the developer of a development of regional impact, the Department of Taxation shall review the findings of the locality with respect to clauses (i) through (vi) and shall file a written report with the Chairmen of the House Committee on Finance, the House Committee on Appropriations, and the Senate Committee on Finance.

C. Any municipality which has issued bonds (i) after December 31, 1991, but before January 1, 1996, (ii) on or after January 1, 1998, but before July 1, 1999, (iii) on or after January 1, 1999, but before July 1, 2001, (iv) on or after July 1, 2000, but before July 1, 2003, (v) on or after July 1, 2001, but before July 1, 2005, (vi) on or after July 1, 2004, but before July 1, 2007, (vii) on or after July 1, 2009, but before July 1, 2012, (viii) on or after January 1, 2011, but prior to July 1, 2015, or (ix) on or after January 1, 2013, but prior to July 1, ~~2020~~ 2024, to pay the cost, or portion thereof, of any public facility shall be entitled to all sales tax revenues generated by transactions taking place in such public facility. In the case of a public facility described in clause (v) of the definition of public facility, all such sales tax revenues shall be applied solely to repayment of the bonds issued to pay the cost, or portion thereof, of the municipality-owned component of the sports complex. Such entitlement shall continue for the lifetime of such bonds, or any refinancing or refunding thereof, but in no event shall such entitlement exceed 35 years from the initial date that any bonds were issued to pay the cost, or a portion thereof, of any public facility, and all such sales tax revenues shall be applied to repayment of the bonds. The State Comptroller shall remit such sales tax revenues to the municipality on a quarterly basis, subject to such reasonable processing delays as may be required by the Department of Taxation to calculate the actual net sales tax revenues derived from the public facility. The State Comptroller shall make such remittances to eligible municipalities, as provided herein, notwithstanding any provisions to the contrary in the Virginia Retail Sales and Use Tax Act (§ 58.1-600 et seq.). No such remittances shall be made until construction is completed and, in the case of a renovation or expansion, until the governing body of the municipality has certified that the renovation or expansion is completed; however, in the case of any public facility consisting of more than one building or structure, such remittances shall be made on a quarterly basis beginning with the first quarter in which any sales tax revenue is generated by transactions taking place at any building or structure within such public facility, whether or not construction of all or any portion, phase, building, or structure of such public facility has been completed.

D. Nothing in this section shall be construed as authorizing the pledging of the faith and credit of the Commonwealth of Virginia, or any of its revenues, for the payment of any bonds. Any appropriation made pursuant to this section shall be made only from sales tax revenues derived from the public facility for which bonds may have been issued to pay the cost, in whole or in part, of such public facility.

CHAPTER 63

An Act to amend the Code of Virginia by adding in Article 4 of Chapter 3 of Title 58.1 a section numbered 58.1-356, relating to reporting of payments by third-party settlement organizations.

Approved March 2, 2020

[S 211]

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 4 of Chapter 3 of Title 58.1 a section numbered 58.1-356 as follows:

§ 58.1-356. Reporting of payments by third-party settlement organizations.

A. As used in this section:

"Participating payee" has the same meaning as that term is defined in § 6050W of the Internal Revenue Code.

"Reportable payment transactions" has the same meaning as that term is defined in § 6050W of the Internal Revenue Code.

"Third-party settlement organization" has the same meaning as that term is defined in § 6050W of the Internal Revenue Code.

B. Any third-party settlement organization shall report to the Department, and to any participating payee, all information required by § 6050W of the Internal Revenue Code with respect to reportable payment transactions made on or after January 1, 2020, to such participating payee. For the purposes of this requirement, the de minimis limitations of § 6041(a) of the Internal Revenue Code shall apply in lieu of the de minimis limitations of § 6050W(e) of the Internal Revenue Code. This section shall apply only with respect to participating payees with a Virginia mailing address.

C. Any information required by this section shall be reported to the Department on forms and using an electronic medium prescribed by the Tax Commissioner. The Tax Commissioner shall have the authority to waive the requirement to submit this information electronically upon a determination that the requirement creates an unreasonable burden on the third-party settlement organization that is required to report information pursuant to this section. All requests for waiver shall be transmitted to the Tax Commissioner in writing.

D. Any information required by this section shall be reported to the Department and participating payees within 30 days of the relevant federal deadlines for reporting such information. This requirement shall be applied as if the de minimis limitations of § 6041(a) of the Internal Revenue Code had been imposed for federal purposes rather than the de minimis limitations of § 6050W(e) of the Internal Revenue Code.

CHAPTER 64

An Act to amend and reenact § 58.1-3506 of the Code of Virginia, relating to tangible personal property tax; classes of property; satellites.

[S 273]

Approved March 2, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-3506 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-3506. Other classifications of tangible personal property for taxation.

A. The items of property set forth below are each declared to be a separate class of property and shall constitute a classification for local taxation separate from other classifications of tangible personal property provided in this chapter:

1. a. Boats or watercraft weighing five tons or more, not used solely for business purposes;

b. Boats or watercraft weighing less than five tons, not used solely for business purposes;

2. Aircraft having a maximum passenger seating capacity of no more than 50 that are owned and operated by scheduled air carriers operating under certificates of public convenience and necessity issued by the State Corporation Commission or the Civil Aeronautics Board;

3. Aircraft having a registered empty gross weight equal to or greater than 20,000 pounds that are not owned or operated by scheduled air carriers recognized under federal law, but not including any aircraft described in subdivision 4;

4. Aircraft that are (i) considered Warbirds, manufactured and intended for military use, excluding those manufactured after 1954, and (ii) used only for (a) exhibit or display to the general public and otherwise used for educational purposes (including such flights as are necessary for testing, maintaining, or preparing such aircraft for safe operation), or (b) airshow and flight demonstrations (including such flights necessary for testing, maintaining, or preparing such aircraft for safe operation), shall constitute a new class of property. Such class of property shall not include any aircraft used for commercial purposes, including transportation and other services for a fee;

5. All other aircraft not included in subdivisions A 2, A 3, or A 4 and flight simulators;

6. Antique motor vehicles as defined in § 46.2-100 which may be used for general transportation purposes as provided in subsection C of § 46.2-730;

7. Tangible personal property used in a research and development business;

8. Heavy construction machinery not used for business purposes, including land movers, bulldozers, front-end loaders, graders, packers, power shovels, cranes, pile drivers, forest harvesting and silvicultural activity equipment and ditch and other types of diggers;

9. Generating equipment purchased after December 31, 1974, for the purpose of changing the energy source of a manufacturing plant from oil or natural gas to coal, wood, wood bark, wood residue, or any other alternative energy source for use in manufacturing and any cogeneration equipment purchased to achieve more efficient use of any energy source.

Such generating equipment and cogeneration equipment shall include, without limitation, such equipment purchased by firms engaged in the business of generating electricity or steam, or both;

10. Vehicles without motive power, used or designed to be used as manufactured homes as defined in § 36-85.3;

11. Computer hardware used by businesses primarily engaged in providing data processing services to other nonrelated or nonaffiliated businesses;

12. Privately owned pleasure boats and watercraft, 18 feet and over, used for recreational purposes only;

13. Privately owned vans with a seating capacity of not less than seven nor more than 15 persons, including the driver, used exclusively pursuant to a ridesharing arrangement as defined in § 46.2-1400;

14. Motor vehicles specially equipped to provide transportation for physically handicapped individuals;

15. Motor vehicles (i) owned by members of a volunteer emergency medical services agency or a member of a volunteer fire department or (ii) leased by volunteer emergency medical services personnel or a member of a volunteer fire department if the volunteer is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle. One motor vehicle that is owned by each volunteer member who meets the definition of "emergency medical services personnel" in § 32.1-111.1 or volunteer fire department member, or leased by each volunteer member who meets the definition of "emergency medical services personnel" in § 32.1-111.1 or volunteer fire department member if the volunteer is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle, may be specially classified under this section, provided the volunteer regularly responds to emergency calls. The volunteer shall furnish the commissioner of revenue, or other assessing officer, with a certification by the chief of the volunteer emergency medical services agency or volunteer fire department, that the volunteer is an individual who meets the definition of "emergency medical services personnel" in § 32.1-111.1 or a member of the volunteer fire department who regularly responds to calls or regularly performs other duties for the emergency medical services agency or fire department, and the motor vehicle owned or leased by the volunteer is identified. The certification shall be submitted by January 31 of each year to the commissioner of revenue or other assessing officer; however, the commissioner of revenue or other assessing officer shall be authorized, in his discretion, and for good cause shown and without fault on the part of the volunteer, to accept a certification after the January 31 deadline. In any county that prorates the assessment of tangible personal property pursuant to § 58.1-3516, a replacement vehicle may be certified and classified pursuant to this subsection when the vehicle certified as of the immediately prior January date is transferred during the tax year;

16. Motor vehicles (i) owned by auxiliary members of a volunteer emergency medical services agency or volunteer fire department or (ii) leased by auxiliary members of a volunteer emergency medical services agency or volunteer fire department if the auxiliary member is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle. One motor vehicle that is regularly used by each auxiliary volunteer fire department or emergency medical services agency member may be specially classified under this section. The auxiliary member shall furnish the commissioner of revenue, or other assessing officer, with a certification by the chief of the volunteer emergency medical services agency or volunteer fire department, that the volunteer is an auxiliary member of the volunteer emergency medical services agency or fire department who regularly performs duties for the emergency medical services agency or fire department, and the motor vehicle is identified as regularly used for such purpose; however, if a volunteer meets the definition of "emergency medical services personnel" in § 32.1-111.1 or volunteer fire department member and an auxiliary member are members of the same household, that household shall be allowed no more than two special classifications under this subdivision or subdivision 15. The certification shall be submitted by January 31 of each year to the commissioner of revenue or other assessing officer; however, the commissioner of revenue or other assessing officer shall be authorized, in his discretion, and for good cause shown and without fault on the part of the auxiliary member, to accept a certification after the January 31 deadline;

17. Motor vehicles owned by a nonprofit organization and used to deliver meals to homebound persons or provide transportation to senior or handicapped citizens in the community to carry out the purposes of the nonprofit organization;

18. Privately owned camping trailers as defined in § 46.2-100, and privately owned travel trailers as defined in § 46.2-1500, which are used for recreational purposes only, and privately owned trailers as defined in § 46.2-100, which are designed and used for the transportation of horses except those trailers described in subdivision A 11 of § 58.1-3505;

19. One motor vehicle owned and regularly used by a veteran who has either lost, or lost the use of, one or both legs, or an arm or a hand, or who is blind or who is permanently and totally disabled as certified by the Department of Veterans Services. In order to qualify, the veteran shall provide a written statement to the commissioner of revenue or other assessing officer from the Department of Veterans Services that the veteran has been so designated or classified by the Department of Veterans Services as to meet the requirements of this section, and that his disability is service-connected. For purposes of this section, a person is blind if he meets the provisions of § 46.2-100;

20. Motor vehicles (i) owned by persons who have been appointed to serve as auxiliary police officers pursuant to Article 3 (§ 15.2-1731 et seq.) of Chapter 17 of Title 15.2 or (ii) leased by persons who have been so appointed to serve as auxiliary police officers if the person is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle. One motor vehicle that is regularly used by each auxiliary police officer to respond to auxiliary police duties may be specially classified under this section. In order to qualify for such classification, any auxiliary police officer who applies for such classification shall identify the vehicle for which this classification is sought, and shall furnish the commissioner of revenue or other assessing officer with a certification from the governing body that has appointed such auxiliary police officer or from the official who has appointed such auxiliary officers. That certification shall state that the

applicant is an auxiliary police officer who regularly uses a motor vehicle to respond to auxiliary police duties, and it shall state that the vehicle for which the classification is sought is the vehicle that is regularly used for that purpose. The certification shall be submitted by January 31 of each year to the commissioner of revenue or other assessing officer; however, the commissioner of revenue or other assessing officer shall be authorized, in his discretion, and for good cause shown and without fault on the part of the member, to accept a certification after the January 31 deadline;

21. Until the first to occur of June 30, ~~2019~~ 2029, or the date that a special improvements tax is no longer levied under § 15.2-4607 on property within a Multicounty Transportation Improvement District created pursuant to Chapter 46 (§ 15.2-4600 et seq.) of Title 15.2, tangible personal property that is used in manufacturing, testing, or operating satellites within a Multicounty Transportation Improvement District, provided that such business personal property is put into service within the District on or after July 1, 1999;

22. Motor vehicles which use clean special fuels as defined in § 46.2-749.3, which shall not include any vehicle described in subdivision 38 or 40;

23. Wild or exotic animals kept for public exhibition in an indoor or outdoor facility that is properly licensed by the federal government, the Commonwealth, or both, and that is properly zoned for such use. "Wild animals" means any animals that are found in the wild, or in a wild state, within the boundaries of the United States, its territories or possessions. "Exotic animals" means any animals that are found in the wild, or in a wild state, and are native to a foreign country;

24. Furniture, office, and maintenance equipment, exclusive of motor vehicles, that are owned and used by an organization whose real property is assessed in accordance with § 58.1-3284.1 and that is used by that organization for the purpose of maintaining or using the open or common space within a residential development;

25. Motor vehicles, trailers, and semitrailers with a gross vehicle weight of 10,000 pounds or more used to transport property for hire by a motor carrier engaged in interstate commerce;

26. All tangible personal property employed in a trade or business other than that described in subdivisions A 1 through A 20, except for subdivision A 18, of § 58.1-3503;

27. Programmable computer equipment and peripherals employed in a trade or business;

28. Privately owned pleasure boats and watercraft, motorized and under 18 feet, used for recreational purposes only;

29. Privately owned pleasure boats and watercraft, nonmotorized and under 18 feet, used for recreational purposes only;

30. Privately owned motor homes as defined in § 46.2-100 that are used for recreational purposes only;

31. Tangible personal property used in the provision of Internet services. For purposes of this subdivision, "Internet service" means a service, including an Internet Web-hosting service, that enables users to access content, information, electronic mail, and the Internet as part of a package of services sold to customers;

32. Motor vehicles (i) owned by persons who serve as auxiliary, reserve, volunteer, or special deputy sheriffs or (ii) leased by persons who serve as auxiliary, reserve, volunteer, or special deputy sheriffs if the person is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle. For purposes of this subdivision, the term "auxiliary deputy sheriff" means auxiliary, reserve, volunteer, or special deputy sheriff. One motor vehicle that is regularly used by each auxiliary deputy sheriff to respond to auxiliary deputy sheriff duties may be specially classified under this section. In order to qualify for such classification, any auxiliary deputy sheriff who applies for such classification shall identify the vehicle for which this classification is sought, and shall furnish the commissioner of revenue or other assessing officer with a certification from the governing body that has appointed such auxiliary deputy sheriff or from the official who has appointed such auxiliary deputy sheriff. That certification shall state that the applicant is an auxiliary deputy sheriff who regularly uses a motor vehicle to respond to such auxiliary duties, and it shall state that the vehicle for which the classification is sought is the vehicle that is regularly used for that purpose. The certification shall be submitted by January 31 of each year to the commissioner of revenue or other assessing officer; however, the commissioner of revenue or other assessing officer shall be authorized, in his discretion, and for good cause shown and without fault on the part of the member, to accept a certification after the January 31 deadline;

33. Forest harvesting and silvicultural activity equipment;

34. Equipment used primarily for research, development, production, or provision of biotechnology for the purpose of developing or providing products or processes for specific commercial or public purposes, including medical, pharmaceutical, nutritional, and other health-related purposes; agricultural purposes; or environmental purposes but not for human cloning purposes as defined in § 32.1-162.21 or for products or purposes related to human embryo stem cells. For purposes of this section, biotechnology equipment means equipment directly used in activities associated with the science of living things;

35. Boats or watercraft weighing less than five tons, used for business purposes only;

36. Boats or watercraft weighing five tons or more, used for business purposes only;

37. Tangible personal property which is owned and operated by a service provider who is not a CMRS provider and is not licensed by the FCC used to provide, for a fee, wireless broadband Internet service. For purposes of this subdivision, "wireless broadband Internet service" means a service that enables customers to access, through a wireless connection at an upload or download bit rate of more than one megabyte per second, Internet service, as defined in § 58.1-602, as part of a package of services sold to customers;

38. Low-speed vehicles as defined in § 46.2-100;

39. Motor vehicles with a seating capacity of not less than 30 persons, including the driver;

40. Motor vehicles powered solely by electricity;
41. Tangible personal property designed and used primarily for the purpose of manufacturing a product from renewable energy as defined in § 56-576;
42. Motor vehicles leased by a county, city, town, or constitutional officer if the locality or constitutional officer is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle;
43. Computer equipment and peripherals used in a data center. For purposes of this subdivision, "data center" means a facility whose primary services are the storage, management, and processing of digital data and is used to house (i) computer and network systems, including associated components such as servers, network equipment and appliances, telecommunications, and data storage systems; (ii) systems for monitoring and managing infrastructure performance; (iii) equipment used for the transformation, transmission, distribution, or management of at least one megawatt of capacity of electrical power and cooling, including substations, uninterruptible power supply systems, all electrical plant equipment, and associated air handlers; (iv) Internet-related equipment and services; (v) data communications connections; (vi) environmental controls; (vii) fire protection systems; and (viii) security systems and services;
44. Motor vehicles (i) owned by persons who serve as uniformed members of the Virginia Defense Force pursuant to Article 4.2 (§ 44-54.4 et seq.) of Chapter 1 of Title 44 or (ii) leased by persons who serve as uniformed members of the Virginia Defense Force pursuant to Article 4.2 (§ 44-54.4 et seq.) of Chapter 1 of Title 44 if the person is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle. One motor vehicle that is regularly used by a uniformed member of the Virginia Defense Force to respond to his official duties may be specially classified under this section. In order to qualify for such classification, any person who applies for such classification shall identify the vehicle for which the classification is sought and shall furnish to the commissioner of the revenue or other assessing officer a certification from the Adjutant General of the Department of Military Affairs under § 44-11. That certification shall state that (a) the applicant is a uniformed member of the Virginia Defense Force who regularly uses a motor vehicle to respond to his official duties, and (b) the vehicle for which the classification is sought is the vehicle that is regularly used for that purpose. The certification shall be submitted by January 31 of each year to the commissioner of the revenue or other assessing officer; however, the commissioner of revenue or other assessing officer shall be authorized, in his discretion, and for good cause shown and without fault on the part of the member, to accept a certification after the January 31 deadline;
45. If a locality has adopted an ordinance pursuant to subsection D of § 58.1-3703, tangible personal property of a business that qualifies under such ordinance for the first two tax years in which the business is subject to tax upon its personal property pursuant to this chapter. If a locality has not adopted such ordinance, this classification shall apply to the tangible personal property for such first two tax years of a business that otherwise meets the requirements of subsection D of § 58.1-3703;
46. Miscellaneous and incidental tangible personal property employed in a trade or business that is not classified as machinery and tools pursuant to Article 2 (§ 58.1-3507 et seq.), merchants' capital pursuant to Article 3 (§ 58.1-3509 et seq.), or short-term rental property pursuant to Article 3.1 (§ 58.1-3510.4 et seq.), and has an original cost of less than \$500. A county, city, or town shall allow a taxpayer to provide an aggregate estimate of the total cost of all such property owned by the taxpayer that qualifies under this subdivision, in lieu of a specific, itemized list; and
47. Commercial fishing vessels and property permanently attached to such vessels.
- B. The governing body of any county, city or town may levy a tax on the property enumerated in subsection A at different rates from the tax levied on other tangible personal property. The rates of tax and the rates of assessment shall (i) for purposes of subdivisions A 1, 2, 3, 4, 5, 6, 8, 11 through 20, 22 through 24, and 26 through 47, not exceed that applicable to the general class of tangible personal property, (ii) for purposes of subdivisions A 7, 9, 21, and 25, not exceed that applicable to machinery and tools, and (iii) for purposes of subdivision A 10, equal that applicable to real property. If an item of personal property is included in multiple classifications under subsection A, then the rate of tax shall be the lowest rate assigned to such classifications.
- C. Notwithstanding any other provision of this section, for any qualifying vehicle, as such term is defined in § 58.1-3523, (i) included in any separate class of property in subsection A and (ii) assessed for tangible personal property taxes by a county, city, or town receiving a payment from the Commonwealth under Chapter 35.1 (§ 58.1-3523 et seq.) for providing tangible personal property tax relief, the county, city, or town may levy the tangible personal property tax on such qualifying vehicle at a rate not to exceed the rates of tax and rates of assessment required under such chapter.
- 2. That this act shall be effective for taxable years beginning on and after January 1, 2019.**

CHAPTER 65

An Act to amend and reenact § 58.1-3660 of the Code of Virginia, relating to tax exemption for certified pollution control equipment and facilities; timing of certification by the state certifying authority.

[S 685]

Approved March 2, 2020

Be it enacted by the General Assembly of Virginia:

- 1. That § 58.1-3660 of the Code of Virginia is amended and reenacted as follows:
§ 58.1-3660. Certified pollution control equipment and facilities.**

A. Certified pollution control equipment and facilities, as defined herein, are hereby declared to be a separate class of property and shall constitute a classification for local taxation separate from other such classification of real or personal property and such property. Certified pollution control equipment and facilities shall be exempt from state and local taxation pursuant to Article X, Section 6 (d) of the Constitution of Virginia.

B. As used in this section:

"Certified pollution control equipment and facilities" ~~shall mean~~ *means* any property, including real or personal property, equipment, facilities, or devices, used primarily for the purpose of abating or preventing pollution of the atmosphere or waters of the Commonwealth and which the state certifying authority having jurisdiction with respect to such property has certified to the Department of Taxation as having been constructed, reconstructed, erected, or acquired in conformity with the state program or requirements for abatement or control of water or atmospheric pollution or contamination, *except that in the case of equipment, facilities, devices, or other property intended for use by any political subdivision in conjunction with the operation of its water, wastewater, stormwater, or solid waste management facilities or systems, including property that may be financed pursuant to Chapter 22 (§ 62.1-224 et seq.) of Title 62.1, the state certifying authority having jurisdiction with respect to such property shall, upon the request of the political subdivision, make such certification prospectively for property to be constructed, reconstructed, erected, or acquired for such purposes.* Such property shall include, but is not limited to, any equipment used to grind, chip, or mulch trees, tree stumps, underbrush, and other vegetative cover for reuse as mulch, compost, landfill gas, synthetic or natural gas recovered from waste or other fuel, and equipment used in collecting, processing, and distributing, or generating electricity from, landfill gas or synthetic or natural gas recovered from waste, whether or not such property has been certified to the Department of Taxation by a state certifying authority. Such property shall also include solar energy equipment, facilities, or devices owned or operated by a business that collect, generate, transfer, or store thermal or electric energy whether or not such property has been certified to the Department of Taxation by a state certifying authority. For solar photovoltaic (electric energy) systems, this exemption applies only to (i) projects equaling 20 megawatts or less, as measured in alternating current (AC) generation capacity, for which an initial interconnection request form has been filed with an electric utility or a regional transmission organization on or before December 31, 2018; (ii) projects equaling 20 megawatts or less, as measured in alternating current (AC) generation capacity, that serve any of the public institutions of higher education listed in § 23.1-100 or any private college as defined in § 23.1-105; (iii) 80 percent of the assessed value of projects for which an initial interconnection request form has been filed with an electric utility or a regional transmission organization (a) between January 1, 2015, and June 30, 2018, for projects greater than 20 megawatts or (b) on or after July 1, 2018, for projects greater than 20 megawatts and less than 150 megawatts, as measured in alternating current (AC) generation capacity, and that are first in service on or after January 1, 2017; (iv) projects equaling five megawatts or less, as measured in alternating current (AC) generation capacity, for which an initial interconnection request form has been filed with an electric utility or a regional transmission organization on or after January 1, 2019; and (v) 80 percent of the assessed value of all other projects equaling more than five megawatts and less than 150 megawatts, as measured in alternating current (AC) generation capacity for which an initial interconnection request form has been filed with an electric utility or a regional transmission organization on or after January 1, 2019. The exemption for solar photovoltaic (electric energy) projects greater than 20 megawatts, as measured in alternating current (AC) generation capacity, shall not apply to projects upon which construction begins after January 1, 2024. For pollution control equipment and facilities certified by the Virginia Department of Health, this exemption applies only to onsite sewage systems that serve 10 or more households, use nitrogen-reducing processes and technology, and are constructed, wholly or partially, with public funds. All such property as described in this definition shall not include the land on which such equipment or facilities are located.

"State certifying authority" ~~shall mean~~ *means* the State Water Control Board or the Virginia Department of Health, for water pollution; the State Air Pollution Control Board, for air pollution; the Department of Mines, Minerals and Energy, for solar energy projects and for coal, oil, and gas production, including gas, natural gas, and coalbed methane gas; and the Virginia Waste Management Board, for waste disposal facilities, natural gas recovered from waste facilities, and landfill gas production facilities, and shall include any interstate agency authorized to act in place of a certifying authority of the Commonwealth.

CHAPTER 66

An Act to amend and reenact § 58.1-3219.4 of the Code of Virginia, relating to real estate tax exemption for property in redevelopment or conservation areas or rehabilitation districts.

[S 727]

Approved March 2, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-3219.4 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-3219.4. Partial exemption for structures in redevelopment or conservation areas or rehabilitation districts.

For purposes of this section, unless the context requires otherwise:

"Redevelopment or conservation area or rehabilitation district" means a redevelopment or conservation area or a rehabilitation district established in accordance with law.

A. The governing body of any county, city, or town may, by ordinance, provide for the partial exemption from taxation of (i) new structures located in a redevelopment or conservation area or rehabilitation district or (ii) other improvements to real estate located in a redevelopment or conservation area or rehabilitation district. The governing body of a county, city, or town may (a) establish criteria for determining whether real estate qualifies for the partial exemption authorized by this section, (b) establish requirements for the square footage of new structures that would qualify for the partial exemption, and (c) place such other restrictions and conditions on such new structures or improvements as may be prescribed by ordinance.

B. The partial exemption provided by the local governing body shall be provided in the local ordinance and shall be either (i) an amount equal to the increase in assessed value or a percentage of such increase resulting from the construction of the new structure or other improvement to the real estate as determined by the commissioner of the revenue or other local assessing officer, or (ii) an amount up to 50 percent of the cost of such construction or improvement, as determined by ordinance. The exemption may commence upon completion of the new construction or improvement or on January 1 of the year following completion of the new construction or improvement and shall run with the real estate for a period of no longer than ~~45~~ 30 years. The governing body of a county, city, or town may place a shorter time limitation on the length of such exemption, or reduce the amount of the exemption in annual steps over the entire period or a portion thereof, in such manner as the ordinance may prescribe.

C. The local governing body or its designee shall provide written notification to the property owner of the amount of the assessment of the property that will be exempt from real property taxation and the period of such exemption. Such exempt amount shall be a covenant that runs with the land for the period of the exemption and shall not be reduced by the local governing body or its designee during the period of the exemption, unless the local governing body or its designee by written notice has advised the property owner at the initial time of approval of the exemption that the exempt amount may be decreased during the period of such exemption. In no event, however, shall such partial exemption result in totally exempting the value of the structure.

D. Nothing in this section shall be construed so as to permit the commissioner of the revenue to list upon the land book any reduced value due to the exemption provided in subsection B.

E. The governing body of any county, city, or town may assess a fee not to exceed \$125 for residential properties, or \$250 for commercial, industrial, and/or apartment properties of six units or more, for processing an application requesting the exemption provided by this section. No property shall be eligible for such exemption unless the appropriate building permits have been acquired and the commissioner of the revenue or assessing officer has verified that the new structures or other improvements have been completed.

F. Where the construction of a new structure is achieved through demolition and replacement of an existing structure, the exemption provided in subsection A shall not apply when any structure demolished is a registered Virginia landmark or is determined by the Department of Historic Resources to contribute to the significance of a registered historic district.

CHAPTER 67

An Act to amend and reenact § 17.1-414 of the Code of Virginia, relating to Court of Appeals; use of moot courtroom at accredited law schools.

[H 63]

Approved March 2, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 17.1-414 of the Code of Virginia is amended and reenacted as follows:

§ 17.1-414. Facilities and supplies.

A. The Court of Appeals shall be housed in the City of Richmond and, if practicable, in the same building occupied by the Supreme Court. When facilities are required for the convening of panels in other areas of the Commonwealth, the chief judge of the Court of Appeals shall provide for such physical facilities as are available for the operation of the Court of Appeals. The Court of Appeals may use any public property of, or any property leased or rented to, the Commonwealth or any of its political subdivisions for the holding of court and for its ancillary functions upon proper agreement with the applicable authorities. The Court of Appeals *also* may use any federal courtroom, *the moot courtroom of any accredited law school located in the Commonwealth, or any other facility deemed adequate* for the holding of court and for its ancillary functions upon proper agreement with the applicable authorities. Any expense incurred for use of such facilities may be paid from the funds appropriated by the General Assembly to the Court of Appeals.

B. The Court of Appeals shall purchase such books, pamphlets, publications, supplies, furnishings, and equipment as necessary for the efficient operation of the Court, and the cost thereof shall be paid by the clerk from the appropriation for the operation of the Court of Appeals.

C. The Court of Appeals shall utilize the State Law Library provided by § 42.1-60.

CHAPTER 68

An Act to amend and reenact §§ 17.1-275 and 64.2-409 of the Code of Virginia, relating to circuit court clerk's fee; lodging of wills.

[H 305]

Approved March 2, 2020

Be it enacted by the General Assembly of Virginia:**1. That §§ 17.1-275 and 64.2-409 of the Code of Virginia are amended and reenacted as follows:****§ 17.1-275. Fees collected by clerks of circuit courts; generally.**

A. A clerk of a circuit court shall, for services performed by virtue of his office, charge the following fees:

1. [Repealed.]

2. For recording and indexing in the proper book any writing and all matters therewith, or for recording and indexing anything not otherwise provided for, \$16 for an instrument or document consisting of 10 or fewer pages or sheets; \$30 for an instrument or document consisting of 11 to 30 pages or sheets; and \$50 for an instrument or document consisting of 31 or more pages or sheets. Whenever any writing to be recorded includes plat or map sheets no larger than eight and one-half inches by 14 inches, such plat or map sheets shall be counted as ordinary pages for the purpose of computing the recording fee due pursuant to this section. A fee of \$15 per page or sheet shall be charged with respect to plat or map sheets larger than eight and one-half inches by 14 inches. Only a single fee as authorized by this subdivision shall be charged for recording a certificate of satisfaction that releases the original deed of trust and any corrected or revised deeds of trust. One dollar and fifty cents of the fee collected for recording and indexing shall be designated for use in preserving the permanent records of the circuit courts. The sum collected for this purpose shall be administered by The Library of Virginia in cooperation with the circuit court clerks.

3. For appointing and qualifying any personal representative, committee, trustee, guardian, or other fiduciary, in addition to any fees for recording allowed by this section, \$20 for estates not exceeding \$50,000, \$25 for estates not exceeding \$100,000 and \$30 for estates exceeding \$100,000. No fee shall be charged for estates of \$5,000 or less.

4. For entering and granting and for issuing any license, other than a marriage license or a hunting and fishing license, and administering an oath when necessary, \$10.

5. For issuing a marriage license, attaching certificate, administering or receiving all necessary oaths or affidavits, indexing and recording, \$10. For recording an order to celebrate the rites of marriage pursuant to § 20-25, \$25 to be paid by the petitioner.

6. For making out any bond, other than those under § 17.1-267 or subdivision A 4, administering all necessary oaths and writing proper affidavits, \$3.

7. For all services rendered by the clerk in any garnishment or attachment proceeding, the clerk's fee shall be \$15 in cases not exceeding \$500 and \$25 in all other cases.

8. For making out a copy of any paper, record, or electronic record to go out of the office, which is not otherwise specifically provided for herein, a fee of \$0.50 for each page or, if an electronic record, each image. From such fees, the clerk shall reimburse the locality the costs of making out the copies and pay the remaining fees directly to the Commonwealth. The funds to recoup the cost of making out the copies shall be deposited with the county or city treasurer or Director of Finance, and the governing body shall budget and appropriate such funds to be used to support the cost of copies pursuant to this subdivision. For purposes of this section, the costs of making out the copies authorized under this section shall include costs included in the lease and maintenance agreements for the equipment and the technology needed to operate electronic systems in the clerk's office used to make out the copies, but shall not include salaries or related benefits. The costs of copies shall otherwise be determined in accordance with § 2.2-3704. However, there shall be no charge to the recipient of a final order or decree to send an attested copy to such party.

9. For annexing the seal of the court to any paper, writing the certificate of the clerk accompanying it, the clerk shall charge \$2 and for attaching the certificate of the judge, if the clerk is requested to do so, the clerk shall charge an additional \$0.50.

10. In any case in which a person is convicted of a violation of any provision of Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2 or is subject to a disposition under § 18.2-251, the clerk shall assess a fee of \$150 for each felony conviction and each felony disposition under § 18.2-251 which shall be taxed as costs to the defendant and shall be paid into the Drug Offender Assessment and Treatment Fund.

11. In any case in which a person is convicted of a violation of any provision of Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2 or is subject to a disposition under § 18.2-251, the clerk shall assess a fee for each misdemeanor conviction and each misdemeanor disposition under § 18.2-251, which shall be taxed as costs to the defendant and shall be paid into the Drug Offender Assessment and Treatment Fund as provided in § 17.1-275.8.

12. Upon the defendant's being required to successfully complete traffic school, a mature driver motor vehicle crash prevention course, or a driver improvement clinic in lieu of a finding of guilty, the court shall charge the defendant fees and costs as if he had been convicted.

13. In all civil actions that include one or more claims for the award of monetary damages the clerk's fee chargeable to the plaintiff shall be \$100 in cases seeking recovery not exceeding \$49,999; \$200 in cases seeking recovery exceeding

\$49,999, but not exceeding \$100,000; \$250 in cases seeking recovery exceeding \$100,000, but not exceeding \$500,000; and \$300 in cases seeking recovery exceeding \$500,000. Ten dollars of each such fee shall be apportioned to the Courts Technology Fund established under § 17.1-132. A fee of \$25 shall be paid by the plaintiff at the time of instituting a condemnation case, in lieu of any other fees. There shall be no fee charged for the filing of a cross-claim or setoff in any pending action. However, the fees prescribed by this subdivision shall be charged upon the filing of a counterclaim or a claim impleading a third-party defendant. The fees prescribed above shall be collected upon the filing of papers for the commencement of civil actions. This subdivision shall not be applicable to cases filed in the Supreme Court of Virginia.

13a. For the filing of any petition seeking court approval of a settlement where no action has yet been filed, the clerk's fee, chargeable to the petitioner, shall be \$50, to be paid by the petitioner at the time of filing the petition.

14. In addition to the fees chargeable for civil actions, for the costs of proceedings for judgments by confession under §§ 8.01-432 through 8.01-440, the clerk shall tax as costs (i) the cost of registered or certified mail; (ii) the statutory writ tax, in the amount required by law to be paid on a suit for the amount of the confessed judgment; (iii) for the sheriff for serving each copy of the order entering judgment, \$12; and (iv) for docketing the judgment and issuing executions thereon, the same fees as prescribed in subdivision A 17.

15. For qualifying notaries public, including the making out of the bond and any copies thereof, administering the necessary oaths, and entering the order, \$10.

16. For each habeas corpus proceeding, the clerk shall receive \$10 for all services required thereunder. This subdivision shall not be applicable to such suits filed in the Supreme Court of Virginia.

17. For docketing and indexing a judgment from any other court of the Commonwealth, for docketing and indexing a judgment in the new name of a judgment debtor pursuant to the provisions of § 8.01-451, but not when incident to a divorce, for noting and filing the assignment of a judgment pursuant to § 8.01-452, a fee of \$5; and for issuing an abstract of any recorded judgment, when proper to do so, a fee of \$5; and for filing, docketing, indexing and mailing notice of a foreign judgment, a fee of \$20.

18. For all services rendered by the clerk in any court proceeding for which no specific fee is provided by law, the clerk shall charge \$10, to be paid by the party filing said papers at the time of filing; however, this subdivision shall not be applicable in a divorce cause prior to and including the entry of a decree of divorce from the bond of matrimony.

19, 20. [Repealed.]

21. For making the endorsements on a forthcoming bond and recording the matters relating to such bond pursuant to the provisions of § 8.01-529, \$1.

22. For all services rendered by the clerk in any proceeding pursuant to § 57-8 or 57-15, \$10.

23. For preparation and issuance of a subpoena duces tecum, \$5.

24. For all services rendered by the clerk in matters under § 8.01-217 relating to change of name, \$20; however, this subdivision shall not be applicable in cases where the change of name is incident to a divorce.

25. For providing court records or documents on microfilm, per frame, \$0.50.

26. In all divorce and separate maintenance proceedings, and all civil actions that do not include one or more claims for the award of monetary damages, the clerk's fee chargeable to the plaintiff shall be \$60, \$10 of which shall be apportioned to the Courts Technology Fund established under § 17.1-132 to be paid by the plaintiff at the time of instituting the suit, which shall include the furnishing of a duly certified copy of the final decree. The fees prescribed by this subdivision shall be charged upon the filing of a counterclaim or a claim impleading a third-party defendant. However, no fee shall be charged for (i) the filing of a cross-claim or setoff in any pending suit or (ii) the filing of a counterclaim or any other responsive pleading in any annulment, divorce, or separate maintenance proceeding. In divorce cases, when there is a merger of a divorce of separation a mensa et thoro into a decree of divorce a vinculo, the above mentioned fee shall include the furnishing of a duly certified copy of both such decrees.

27. For the acceptance of credit or debit cards in lieu of money to collect and secure all fees, including filing fees, fines, restitution, forfeiture, penalties and costs, the clerk shall collect from the person presenting such credit or debit card a reasonable convenience fee for the processing of such credit or debit card. Such convenience fee shall not exceed four percent of the amount paid for the transaction or a flat fee of \$2 per transaction. The clerk may set a lower convenience fee for electronic filing of civil or criminal proceedings pursuant to § 17.1-258.3. Nothing herein shall be construed to prohibit the clerk from outsourcing the processing of credit and debit card transactions to a third-party private vendor engaged by the clerk. Convenience fees shall be used to cover operational expenses as defined in § 17.1-295.

28. For the return of any check unpaid by the financial institution on which it was drawn or notice is received from the credit or debit card issuer that payment will not be made for any reason, the clerk may collect a fee of \$50 or 10 percent of the amount of the payment, whichever is greater.

29. For all services rendered, except in cases in which costs are assessed pursuant to § 17.1-275.1, 17.1-275.2, 17.1-275.3, or 17.1-275.4, in an adoption proceeding, a fee of \$20, in addition to the fee imposed under § 63.2-1246, to be paid by the petitioner or petitioners. For each petition for adoption filed pursuant to § 63.2-1201, except those filed pursuant to subdivisions 5 and 6 of § 63.2-1210, an additional \$50 filing fee as required under § 63.2-1201 shall be deposited in the Virginia Birth Father Registry Fund pursuant to § 63.2-1249.

30. For issuing a duplicate license for one lost or destroyed as provided in § 29.1-334, a fee in the same amount as the fee for the original license.

31. For the filing of any petition as provided in §§ 33.2-1023, 33.2-1024, and 33.2-1027, a fee of \$5 to be paid by the petitioner; and for the recordation of a certificate or copy thereof, as provided for in § 33.2-1021, as well as for any order of the court relating thereto, the clerk shall charge the same fee as for recording a deed as provided for in this section, to be paid by the party upon whose request such certificate is recorded or order is entered.

32. For making up, certifying and transmitting original record pursuant to the Rules of the Supreme Court, including all papers necessary to be copied and other services rendered, except in cases in which costs are assessed pursuant to § 17.1-275.1, 17.1-275.2, 17.1-275.3, 17.1-275.4, 17.1-275.7, 17.1-275.8, or 17.1-275.9, a fee of \$20.

33. [Repealed.]

34. For filings, etc., under the Uniform Federal Lien Registration Act (§ 55.1-653 et seq.), the fees shall be as prescribed in that Act.

35. For filing the appointment of a resident agent for a nonresident property owner in accordance with § 55.1-1211 or 55.1-1401, a fee of \$10.

36. [Repealed.]

37. For recordation of certificate and registration of names of nonresident owners in accordance with § 59.1-74, a fee of \$10.

38. For maintaining the information required under the Overhead High Voltage Line Safety Act (§ 59.1-406 et seq.), the fee as prescribed in § 59.1-411.

39. For lodging, indexing, and preserving a will in accordance with § 64.2-409, a fee of ~~\$2~~ \$5.

40. For filing a financing statement in accordance with § 8.9A-505, the fee shall be as prescribed under § 8.9A-525.

41. For filing a termination statement in accordance with § 8.9A-513, the fee shall be as prescribed under § 8.9A-525.

42. For filing assignment of security interest in accordance with § 8.9A-514, the fee shall be as prescribed under § 8.9A-525.

43. For filing a petition as provided in §§ 64.2-2001 and 64.2-2013, the fee shall be \$10.

44. For issuing any execution, and recording the return thereof, a fee of \$1.50.

45. For the preparation and issuance of a summons for interrogation by an execution creditor, a fee of \$5. If there is no outstanding execution, and one is requested herewith, the clerk shall be allowed an additional fee of \$1.50, in accordance with subdivision A 44.

B. In accordance with § 17.1-281, the clerk shall collect fees under subdivisions A 7, A 13, A 16, A 18 if applicable, A 20, A 22, A 24, A 26, A 29, and A 31 to be designated for courthouse construction, renovation or maintenance.

C. In accordance with § 17.1-278, the clerk shall collect fees under subdivisions A 7, A 13, A 16, A 18 if applicable, A 20, A 22, A 24, A 26, A 29, and A 31 to be designated for services provided for the poor, without charge, by a nonprofit legal aid program.

D. In accordance with § 42.1-70, the clerk shall collect fees under subdivisions A 7, A 13, A 16, A 18 if applicable, A 20, A 22, A 24, A 26, A 29, and A 31 to be designated for public law libraries.

E. All fees collected pursuant to subdivision A 27 and § 17.1-276 shall be deposited by the clerk into a special revenue fund held by the clerk, which will restrict the funds to their statutory purpose.

F. The provisions of this section shall control the fees charged by clerks of circuit courts for the services above described.

§ 64.2-409. Wills of living persons lodged for safekeeping with clerks of certain courts.

A. A person or his attorney may, during the person's lifetime, lodge for safekeeping with the clerk of the circuit court serving the jurisdiction where the person resides any will executed by such person. The clerk shall receive such will and give the person lodging it a receipt. The clerk shall (i) place the will in an envelope and seal it securely, (ii) number the envelope and endorse upon it the name of the testator and the date on which it was lodged, and (iii) index the same alphabetically in a permanent index that shows the number and date such will was deposited.

B. An attorney-at-law, bank, or trust company that has held a will for safekeeping for a client for at least seven years and that has no knowledge of whether the client is alive or dead after such time may lodge such will with the clerk as provided in subsection A.

C. The clerk shall carefully preserve the envelope containing the will unopened until it is returned to the testator or his nominee in the testator's lifetime upon request of the testator or his nominee in writing or until the death of the testator. If such will is returned during the testator's lifetime and is later returned to the clerk, it shall be considered to be a separate lodging under the provisions of this section.

D. Upon notice of the testator's death, the clerk shall open the will and deliver the same to any person entitled to offer it for probate.

E. The clerk shall charge a fee of ~~\$2~~ \$5 for lodging, indexing, and preserving a will pursuant to this section.

F. The provisions of this section are applicable only to the clerk's office of a court where the judge or judges of such court have entered an order authorizing the use of the clerk's office for such purpose.

G. The clerk may destroy any will that has been lodged in his office for safekeeping under this section for 100 years or more.

CHAPTER 69

An Act to amend and reenact § 17.1-275 of the Code of Virginia, relating to fees collected by circuit court clerks for recording and indexing; use of fee in preserving permanent records of the circuit courts.

[H 306]

Approved March 2, 2020

Be it enacted by the General Assembly of Virginia:**1. That § 17.1-275 of the Code of Virginia is amended and reenacted as follows:****§ 17.1-275. Fees collected by clerks of circuit courts; generally.**

A. A clerk of a circuit court shall, for services performed by virtue of his office, charge the following fees:

1. [Repealed.]
2. For recording and indexing in the proper book any writing and all matters therewith, or for recording and indexing anything not otherwise provided for, ~~\$16~~ \$18 for an instrument or document consisting of 10 or fewer pages or sheets; ~~\$30~~ \$32 for an instrument or document consisting of 11 to 30 pages or sheets; and ~~\$50~~ \$52 for an instrument or document consisting of 31 or more pages or sheets. Whenever any writing to be recorded includes plat or map sheets no larger than eight and one-half inches by 14 inches, such plat or map sheets shall be counted as ordinary pages for the purpose of computing the recording fee due pursuant to this section. A fee of ~~\$15~~ \$17 per page or sheet shall be charged with respect to plat or map sheets larger than eight and one-half inches by 14 inches. Only a single fee as authorized by this subdivision shall be charged for recording a certificate of satisfaction that releases the original deed of trust and any corrected or revised deeds of trust. ~~One dollar~~ Three dollars and fifty cents of the fee collected for recording and indexing shall be designated for use in preserving the permanent records of the circuit courts. The sum collected for this purpose shall be administered by The Library of Virginia in cooperation with the circuit court clerks.
3. For appointing and qualifying any personal representative, committee, trustee, guardian, or other fiduciary, in addition to any fees for recording allowed by this section, \$20 for estates not exceeding \$50,000, \$25 for estates not exceeding \$100,000 and \$30 for estates exceeding \$100,000. No fee shall be charged for estates of \$5,000 or less.
4. For entering and granting and for issuing any license, other than a marriage license or a hunting and fishing license, and administering an oath when necessary, \$10.
5. For issuing a marriage license, attaching certificate, administering or receiving all necessary oaths or affidavits, indexing and recording, \$10. For recording an order to celebrate the rites of marriage pursuant to § 20-25, \$25 to be paid by the petitioner.
6. For making out any bond, other than those under § 17.1-267 or subdivision A 4, administering all necessary oaths and writing proper affidavits, \$3.
7. For all services rendered by the clerk in any garnishment or attachment proceeding, the clerk's fee shall be \$15 in cases not exceeding \$500 and \$25 in all other cases.
8. For making out a copy of any paper, record, or electronic record to go out of the office, which is not otherwise specifically provided for herein, a fee of \$0.50 for each page or, if an electronic record, each image. From such fees, the clerk shall reimburse the locality the costs of making out the copies and pay the remaining fees directly to the Commonwealth. The funds to recoup the cost of making out the copies shall be deposited with the county or city treasurer or Director of Finance, and the governing body shall budget and appropriate such funds to be used to support the cost of copies pursuant to this subdivision. For purposes of this section, the costs of making out the copies authorized under this section shall include costs included in the lease and maintenance agreements for the equipment and the technology needed to operate electronic systems in the clerk's office used to make out the copies, but shall not include salaries or related benefits. The costs of copies shall otherwise be determined in accordance with § 2.2-3704. However, there shall be no charge to the recipient of a final order or decree to send an attested copy to such party.
9. For annexing the seal of the court to any paper, writing the certificate of the clerk accompanying it, the clerk shall charge \$2 and for attaching the certificate of the judge, if the clerk is requested to do so, the clerk shall charge an additional \$0.50.
10. In any case in which a person is convicted of a violation of any provision of Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2 or is subject to a disposition under § 18.2-251, the clerk shall assess a fee of \$150 for each felony conviction and each felony disposition under § 18.2-251 which shall be taxed as costs to the defendant and shall be paid into the Drug Offender Assessment and Treatment Fund.
11. In any case in which a person is convicted of a violation of any provision of Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2 or is subject to a disposition under § 18.2-251, the clerk shall assess a fee for each misdemeanor conviction and each misdemeanor disposition under § 18.2-251, which shall be taxed as costs to the defendant and shall be paid into the Drug Offender Assessment and Treatment Fund as provided in § 17.1-275.8.
12. Upon the defendant's being required to successfully complete traffic school, a mature driver motor vehicle crash prevention course, or a driver improvement clinic in lieu of a finding of guilty, the court shall charge the defendant fees and costs as if he had been convicted.
13. In all civil actions that include one or more claims for the award of monetary damages the clerk's fee chargeable to the plaintiff shall be \$100 in cases seeking recovery not exceeding \$49,999; \$200 in cases seeking recovery exceeding

\$49,999, but not exceeding \$100,000; \$250 in cases seeking recovery exceeding \$100,000, but not exceeding \$500,000; and \$300 in cases seeking recovery exceeding \$500,000. Ten dollars of each such fee shall be apportioned to the Courts Technology Fund established under § 17.1-132. A fee of \$25 shall be paid by the plaintiff at the time of instituting a condemnation case, in lieu of any other fees. There shall be no fee charged for the filing of a cross-claim or setoff in any pending action. However, the fees prescribed by this subdivision shall be charged upon the filing of a counterclaim or a claim impleading a third-party defendant. The fees prescribed above shall be collected upon the filing of papers for the commencement of civil actions. This subdivision shall not be applicable to cases filed in the Supreme Court of Virginia.

13a. For the filing of any petition seeking court approval of a settlement where no action has yet been filed, the clerk's fee, chargeable to the petitioner, shall be \$50, to be paid by the petitioner at the time of filing the petition.

14. In addition to the fees chargeable for civil actions, for the costs of proceedings for judgments by confession under §§ 8.01-432 through 8.01-440, the clerk shall tax as costs (i) the cost of registered or certified mail; (ii) the statutory writ tax, in the amount required by law to be paid on a suit for the amount of the confessed judgment; (iii) for the sheriff for serving each copy of the order entering judgment, \$12; and (iv) for docketing the judgment and issuing executions thereon, the same fees as prescribed in subdivision A 17.

15. For qualifying notaries public, including the making out of the bond and any copies thereof, administering the necessary oaths, and entering the order, \$10.

16. For each habeas corpus proceeding, the clerk shall receive \$10 for all services required thereunder. This subdivision shall not be applicable to such suits filed in the Supreme Court of Virginia.

17. For docketing and indexing a judgment from any other court of the Commonwealth, for docketing and indexing a judgment in the new name of a judgment debtor pursuant to the provisions of § 8.01-451, but not when incident to a divorce, for noting and filing the assignment of a judgment pursuant to § 8.01-452, a fee of \$5; and for issuing an abstract of any recorded judgment, when proper to do so, a fee of \$5; and for filing, docketing, indexing and mailing notice of a foreign judgment, a fee of \$20.

18. For all services rendered by the clerk in any court proceeding for which no specific fee is provided by law, the clerk shall charge \$10, to be paid by the party filing said papers at the time of filing; however, this subdivision shall not be applicable in a divorce cause prior to and including the entry of a decree of divorce from the bond of matrimony.

19, 20. [Repealed.]

21. For making the endorsements on a forthcoming bond and recording the matters relating to such bond pursuant to the provisions of § 8.01-529, \$1.

22. For all services rendered by the clerk in any proceeding pursuant to § 57-8 or 57-15, \$10.

23. For preparation and issuance of a subpoena duces tecum, \$5.

24. For all services rendered by the clerk in matters under § 8.01-217 relating to change of name, \$20; however, this subdivision shall not be applicable in cases where the change of name is incident to a divorce.

25. For providing court records or documents on microfilm, per frame, \$0.50.

26. In all divorce and separate maintenance proceedings, and all civil actions that do not include one or more claims for the award of monetary damages, the clerk's fee chargeable to the plaintiff shall be \$60, \$10 of which shall be apportioned to the Courts Technology Fund established under § 17.1-132 to be paid by the plaintiff at the time of instituting the suit, which shall include the furnishing of a duly certified copy of the final decree. The fees prescribed by this subdivision shall be charged upon the filing of a counterclaim or a claim impleading a third-party defendant. However, no fee shall be charged for (i) the filing of a cross-claim or setoff in any pending suit or (ii) the filing of a counterclaim or any other responsive pleading in any annulment, divorce, or separate maintenance proceeding. In divorce cases, when there is a merger of a divorce of separation a mensa et thoro into a decree of divorce a vinculo, the above mentioned fee shall include the furnishing of a duly certified copy of both such decrees.

27. For the acceptance of credit or debit cards in lieu of money to collect and secure all fees, including filing fees, fines, restitution, forfeiture, penalties and costs, the clerk shall collect from the person presenting such credit or debit card a reasonable convenience fee for the processing of such credit or debit card. Such convenience fee shall not exceed four percent of the amount paid for the transaction or a flat fee of \$2 per transaction. The clerk may set a lower convenience fee for electronic filing of civil or criminal proceedings pursuant to § 17.1-258.3. Nothing herein shall be construed to prohibit the clerk from outsourcing the processing of credit and debit card transactions to a third-party private vendor engaged by the clerk. Convenience fees shall be used to cover operational expenses as defined in § 17.1-295.

28. For the return of any check unpaid by the financial institution on which it was drawn or notice is received from the credit or debit card issuer that payment will not be made for any reason, the clerk may collect a fee of \$50 or 10 percent of the amount of the payment, whichever is greater.

29. For all services rendered, except in cases in which costs are assessed pursuant to § 17.1-275.1, 17.1-275.2, 17.1-275.3, or 17.1-275.4, in an adoption proceeding, a fee of \$20, in addition to the fee imposed under § 63.2-1246, to be paid by the petitioner or petitioners. For each petition for adoption filed pursuant to § 63.2-1201, except those filed pursuant to subdivisions 5 and 6 of § 63.2-1210, an additional \$50 filing fee as required under § 63.2-1201 shall be deposited in the Virginia Birth Father Registry Fund pursuant to § 63.2-1249.

30. For issuing a duplicate license for one lost or destroyed as provided in § 29.1-334, a fee in the same amount as the fee for the original license.

31. For the filing of any petition as provided in §§ 33.2-1023, 33.2-1024, and 33.2-1027, a fee of \$5 to be paid by the petitioner; and for the recordation of a certificate or copy thereof, as provided for in § 33.2-1021, as well as for any order of the court relating thereto, the clerk shall charge the same fee as for recording a deed as provided for in this section, to be paid by the party upon whose request such certificate is recorded or order is entered.

32. For making up, certifying and transmitting original record pursuant to the Rules of the Supreme Court, including all papers necessary to be copied and other services rendered, except in cases in which costs are assessed pursuant to § 17.1-275.1, 17.1-275.2, 17.1-275.3, 17.1-275.4, 17.1-275.7, 17.1-275.8, or 17.1-275.9, a fee of \$20.

33. [Repealed.]

34. For filings, etc., under the Uniform Federal Lien Registration Act (§ 55.1-653 et seq.), the fees shall be as prescribed in that Act.

35. For filing the appointment of a resident agent for a nonresident property owner in accordance with § 55.1-1211 or 55.1-1401, a fee of \$10.

36. [Repealed.]

37. For recordation of certificate and registration of names of nonresident owners in accordance with § 59.1-74, a fee of \$10.

38. For maintaining the information required under the Overhead High Voltage Line Safety Act (§ 59.1-406 et seq.), the fee as prescribed in § 59.1-411.

39. For lodging, indexing and preserving a will in accordance with § 64.2-409, a fee of \$2.

40. For filing a financing statement in accordance with § 8.9A-505, the fee shall be as prescribed under § 8.9A-525.

41. For filing a termination statement in accordance with § 8.9A-513, the fee shall be as prescribed under § 8.9A-525.

42. For filing assignment of security interest in accordance with § 8.9A-514, the fee shall be as prescribed under § 8.9A-525.

43. For filing a petition as provided in §§ 64.2-2001 and 64.2-2013, the fee shall be \$10.

44. For issuing any execution, and recording the return thereof, a fee of \$1.50.

45. For the preparation and issuance of a summons for interrogation by an execution creditor, a fee of \$5. If there is no outstanding execution, and one is requested herewith, the clerk shall be allowed an additional fee of \$1.50, in accordance with subdivision A 44.

B. In accordance with § 17.1-281, the clerk shall collect fees under subdivisions A 7, A 13, A 16, A 18 if applicable, A 20, A 22, A 24, A 26, A 29, and A 31 to be designated for courthouse construction, renovation or maintenance.

C. In accordance with § 17.1-278, the clerk shall collect fees under subdivisions A 7, A 13, A 16, A 18 if applicable, A 20, A 22, A 24, A 26, A 29, and A 31 to be designated for services provided for the poor, without charge, by a nonprofit legal aid program.

D. In accordance with § 42.1-70, the clerk shall collect fees under subdivisions A 7, A 13, A 16, A 18 if applicable, A 20, A 22, A 24, A 26, A 29, and A 31 to be designated for public law libraries.

E. All fees collected pursuant to subdivision A 27 and § 17.1-276 shall be deposited by the clerk into a special revenue fund held by the clerk, which will restrict the funds to their statutory purpose.

F. The provisions of this section shall control the fees charged by clerks of circuit courts for the services above described.

CHAPTER 70

An Act to amend and reenact § 2.2-3705.7 of the Code of Virginia, relating to the Virginia Freedom of Information Act; library records.

[H 313]

Approved March 2, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-3705.7 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-3705.7. Exclusions to application of chapter; records of specific public bodies and certain other limited exclusions.

The following information contained in a public record is excluded from the mandatory disclosure provisions of this chapter but may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law. Redaction of information excluded under this section from a public record shall be conducted in accordance with § 2.2-3704.01.

1. State income, business, and estate tax returns, personal property tax returns, and confidential records held pursuant to § 58.1-3.

2. Working papers and correspondence of the Office of the Governor, the Lieutenant Governor, or the Attorney General; the members of the General Assembly, the Division of Legislative Services, or the Clerks of the House of Delegates or the Senate of Virginia; the mayor or chief executive officer of any political subdivision of the Commonwealth; or the president or other chief executive officer of any public institution of higher education in the Commonwealth. However, no information that is otherwise open to inspection under this chapter shall be deemed excluded by virtue of the

fact that it has been attached to or incorporated within any working paper or correspondence. Further, information publicly available or not otherwise subject to an exclusion under this chapter or other provision of law that has been aggregated, combined, or changed in format without substantive analysis or revision shall not be deemed working papers. Nothing in this subdivision shall be construed to authorize the withholding of any resumes or applications submitted by persons who are appointed by the Governor pursuant to § 2.2-106 or 2.2-107.

As used in this subdivision:

"Members of the General Assembly" means each member of the Senate of Virginia and the House of Delegates and their legislative aides when working on behalf of such member.

"Office of the Governor" means the Governor; the Governor's chief of staff, counsel, director of policy, and Cabinet Secretaries; the Assistant to the Governor for Intergovernmental Affairs; and those individuals to whom the Governor has delegated his authority pursuant to § 2.2-104.

"Working papers" means those records prepared by or for a public official identified in this subdivision for his personal or deliberative use.

3. Information contained in library records that can be used to identify (i) both (a) any library patron who has borrowed *or accessed* material *or resources* from a library and (b) the material *or resources* such patron borrowed *or accessed* or (ii) any library patron under 18 years of age. For the purposes of clause (ii), access shall not be denied to the parent, including a noncustodial parent, or guardian of such library patron.

4. Contract cost estimates prepared for the confidential use of the Department of Transportation in awarding contracts for construction or the purchase of goods or services, and records and automated systems prepared for the Department's Bid Analysis and Monitoring Program.

5. Lists of registered owners of bonds issued by a political subdivision of the Commonwealth, whether the lists are maintained by the political subdivision itself or by a single fiduciary designated by the political subdivision.

6. Information furnished by a member of the General Assembly to a meeting of a standing committee, special committee, or subcommittee of his house established solely for the purpose of reviewing members' annual disclosure statements and supporting materials filed under § 30-110 or of formulating advisory opinions to members on standards of conduct, or both.

7. Customer account information of a public utility affiliated with a political subdivision of the Commonwealth, including the customer's name and service address, but excluding the amount of utility service provided and the amount of money charged or paid for such utility service.

8. Personal information, as defined in § 2.2-3801, (i) filed with the Virginia Housing Development Authority concerning individuals who have applied for or received loans or other housing assistance or who have applied for occupancy of or have occupied housing financed, owned or otherwise assisted by the Virginia Housing Development Authority; (ii) concerning persons participating in or persons on the waiting list for federally funded rent-assistance programs; (iii) filed with any local redevelopment and housing authority created pursuant to § 36-4 concerning persons participating in or persons on the waiting list for housing assistance programs funded by local governments or by any such authority; or (iv) filed with any local redevelopment and housing authority created pursuant to § 36-4 or any other local government agency concerning persons who have applied for occupancy or who have occupied affordable dwelling units established pursuant to § 15.2-2304 or 15.2-2305. However, access to one's own information shall not be denied.

9. Information regarding the siting of hazardous waste facilities, except as provided in § 10.1-1441, if disclosure of such information would have a detrimental effect upon the negotiating position of a governing body or on the establishment of the terms, conditions, and provisions of the siting agreement.

10. Information on the site-specific location of rare, threatened, endangered, or otherwise imperiled plant and animal species, natural communities, caves, and significant historic and archaeological sites if, in the opinion of the public body that has the responsibility for such information, disclosure of the information would jeopardize the continued existence or the integrity of the resource. This exclusion shall not apply to requests from the owner of the land upon which the resource is located.

11. Memoranda, graphics, video or audio tapes, production models, data, and information of a proprietary nature produced by or for or collected by or for the Virginia Lottery relating to matters of a specific lottery game design, development, production, operation, ticket price, prize structure, manner of selecting the winning ticket, manner of payment of prizes to holders of winning tickets, frequency of drawings or selections of winning tickets, odds of winning, advertising, or marketing, where such information not been publicly released, published, copyrighted, or patented. Whether released, published, or copyrighted, all game-related information shall be subject to public disclosure under this chapter upon the first day of sales for the specific lottery game to which it pertains.

12. Information held by the Virginia Retirement System, acting pursuant to § 51.1-124.30, or a local retirement system, acting pursuant to § 51.1-803, or by a local finance board or board of trustees of a trust established by one or more local public bodies to invest funds for post-retirement benefits other than pensions, acting pursuant to Article 8 (§ 15.2-1544 et seq.) of Chapter 15 of Title 15.2, or by the board of visitors of the University of Virginia, acting pursuant to § 23.1-2210, or by the board of visitors of The College of William and Mary in Virginia, acting pursuant to § 23.1-2803, or by the Virginia College Savings Plan, acting pursuant to § 23.1-704, relating to the acquisition, holding, or disposition of a security or other ownership interest in an entity, where such security or ownership interest is not traded on a governmentally regulated securities exchange, if disclosure of such information would (i) reveal confidential analyses prepared for the board

of visitors of the University of Virginia, prepared for the board of visitors of The College of William and Mary in Virginia, prepared by the retirement system, a local finance board or board of trustees, or the Virginia College Savings Plan, or provided to the retirement system, a local finance board or board of trustees, or the Virginia College Savings Plan under a promise of confidentiality of the future value of such ownership interest or the future financial performance of the entity and (ii) have an adverse effect on the value of the investment to be acquired, held, or disposed of by the retirement system, a local finance board or board of trustees, the board of visitors of the University of Virginia, the board of visitors of The College of William and Mary in Virginia, or the Virginia College Savings Plan. Nothing in this subdivision shall be construed to prevent the disclosure of information relating to the identity of any investment held, the amount invested, or the present value of such investment.

13. Financial, medical, rehabilitative, and other personal information concerning applicants for or recipients of loan funds submitted to or maintained by the Assistive Technology Loan Fund Authority under Chapter 11 (§ 51.5-53 et seq.) of Title 51.5.

14. Information held by the Virginia Commonwealth University Health System Authority pertaining to any of the following: an individual's qualifications for or continued membership on its medical or teaching staffs; proprietary information gathered by or in the possession of the Authority from third parties pursuant to a promise of confidentiality; contract cost estimates prepared for confidential use in awarding contracts for construction or the purchase of goods or services; information of a proprietary nature produced or collected by or for the Authority or members of its medical or teaching staffs; financial statements not publicly available that may be filed with the Authority from third parties; the identity, accounts, or account status of any customer of the Authority; consulting or other reports paid for by the Authority to assist the Authority in connection with its strategic planning and goals; the determination of marketing and operational strategies where disclosure of such strategies would be harmful to the competitive position of the Authority; and information of a proprietary nature produced or collected by or for employees of the Authority, other than the Authority's financial or administrative records, in the conduct of or as a result of study or research on medical, scientific, technical, or scholarly issues, whether sponsored by the Authority alone or in conjunction with a governmental body or a private concern, when such information has not been publicly released, published, copyrighted, or patented. This exclusion shall also apply when such information is in the possession of Virginia Commonwealth University.

15. Information held by the Department of Environmental Quality, the State Water Control Board, the State Air Pollution Control Board, or the Virginia Waste Management Board relating to (i) active federal environmental enforcement actions that are considered confidential under federal law and (ii) enforcement strategies, including proposed sanctions for enforcement actions. Upon request, such information shall be disclosed after a proposed sanction resulting from the investigation has been proposed to the director of the agency. This subdivision shall not be construed to prevent the disclosure of information related to inspection reports, notices of violation, and documents detailing the nature of any environmental contamination that may have occurred or similar documents.

16. Information related to the operation of toll facilities that identifies an individual, vehicle, or travel itinerary, including vehicle identification data or vehicle enforcement system information; video or photographic images; Social Security or other identification numbers appearing on driver's licenses; credit card or bank account data; home addresses; phone numbers; or records of the date or time of toll facility use.

17. Information held by the Virginia Lottery pertaining to (i) the social security number, tax identification number, state sales tax number, home address and telephone number, personal and lottery banking account and transit numbers of a retailer, and financial information regarding the nonlottery operations of specific retail locations and (ii) individual lottery winners, except that a winner's name, hometown, and amount won shall be disclosed. If the value of the prize won by the winner exceeds \$10 million, the information described in clause (ii) shall not be disclosed unless the winner consents in writing to such disclosure.

18. Information held by the Board for Branch Pilots relating to the chemical or drug testing of a person regulated by the Board, where such person has tested negative or has not been the subject of a disciplinary action by the Board for a positive test result.

19. Information pertaining to the planning, scheduling, and performance of examinations of holder records pursuant to the Virginia Disposition of Unclaimed Property Act (§ 55.1-2500 et seq.) prepared by or for the State Treasurer or his agents or employees or persons employed to perform an audit or examination of holder records.

20. Information held by the Virginia Department of Emergency Management or a local governing body relating to citizen emergency response teams established pursuant to an ordinance of a local governing body that reveal the name, address, including e-mail address, telephone or pager numbers, or operating schedule of an individual participant in the program.

21. Information held by state or local park and recreation departments and local and regional park authorities concerning identifiable individuals under the age of 18 years. However, nothing in this subdivision shall operate to prevent the disclosure of information defined as directory information under regulations implementing the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, unless the public body has undertaken the parental notification and opt-out requirements provided by such regulations. Access shall not be denied to the parent, including a noncustodial parent, or guardian of such person, unless the parent's parental rights have been terminated or a court of competent jurisdiction has restricted or denied such access. For such information of persons who are emancipated, the right of access may be asserted by the subject thereof. Any parent or emancipated person who is the subject of the information may waive, in writing, the

protections afforded by this subdivision. If the protections are so waived, the public body shall open such information for inspection and copying.

22. Information submitted for inclusion in the Statewide Alert Network administered by the Department of Emergency Management that reveal names, physical addresses, email addresses, computer or internet protocol information, telephone numbers, pager numbers, other wireless or portable communications device information, or operating schedules of individuals or agencies, where the release of such information would compromise the security of the Statewide Alert Network or individuals participating in the Statewide Alert Network.

23. Information held by the Judicial Inquiry and Review Commission made confidential by § 17.1-913.

24. Information held by the Virginia Retirement System acting pursuant to § 51.1-124.30, a local retirement system acting pursuant to § 51.1-803 (hereinafter collectively referred to as the retirement system), or the Virginia College Savings Plan, acting pursuant to § 23.1-704 relating to:

a. Internal deliberations of or decisions by the retirement system or the Virginia College Savings Plan on the pursuit of particular investment strategies, or the selection or termination of investment managers, prior to the execution of such investment strategies or the selection or termination of such managers, if disclosure of such information would have an adverse impact on the financial interest of the retirement system or the Virginia College Savings Plan; and

b. Trade secrets provided by a private entity to the retirement system or the Virginia College Savings Plan if disclosure of such records would have an adverse impact on the financial interest of the retirement system or the Virginia College Savings Plan.

For the records specified in subdivision b to be excluded from the provisions of this chapter, the entity shall make a written request to the retirement system or the Virginia College Savings Plan:

(1) Invoking such exclusion prior to or upon submission of the data or other materials for which protection from disclosure is sought;

(2) Identifying with specificity the data or other materials for which protection is sought; and

(3) Stating the reasons why protection is necessary.

The retirement system or the Virginia College Savings Plan shall determine whether the requested exclusion from disclosure meets the requirements set forth in subdivision b.

Nothing in this subdivision shall be construed to prevent the disclosure of the identity or amount of any investment held or the present value and performance of all asset classes and subclasses.

25. Information held by the Department of Corrections made confidential by § 53.1-233.

26. Information maintained by the Department of the Treasury or participants in the Local Government Investment Pool (§ 2.2-4600 et seq.) and required to be provided by such participants to the Department to establish accounts in accordance with § 2.2-4602.

27. Personal information, as defined in § 2.2-3801, contained in the Veterans Care Center Resident Trust Funds concerning residents or patients of the Department of Veterans Services Care Centers, except that access shall not be denied to the person who is the subject of the information.

28. Information maintained in connection with fundraising activities by the Veterans Services Foundation pursuant to § 2.2-2716 that reveal the address, electronic mail address, facsimile or telephone number, social security number or other identification number appearing on a driver's license, or credit card or bank account data of identifiable donors, except that access shall not be denied to the person who is the subject of the information. Nothing in this subdivision, however, shall be construed to prevent the disclosure of information relating to the amount, date, purpose, and terms of the pledge or donation or the identity of the donor, unless the donor has requested anonymity in connection with or as a condition of making a pledge or donation. The exclusion provided by this subdivision shall not apply to protect from disclosure (i) the identities of sponsors providing grants to or contracting with the foundation for the performance of services or other work or (ii) the terms and conditions of such grants or contracts.

29. Information prepared for and utilized by the Commonwealth's Attorneys' Services Council in the training of state prosecutors or law-enforcement personnel, where such information is not otherwise available to the public and the disclosure of such information would reveal confidential strategies, methods, or procedures to be employed in law-enforcement activities or materials created for the investigation and prosecution of a criminal case.

30. Information provided to the Department of Aviation by other entities of the Commonwealth in connection with the operation of aircraft where the information would not be subject to disclosure by the entity providing the information. The entity providing the information to the Department of Aviation shall identify the specific information to be protected and the applicable provision of this chapter that excludes the information from mandatory disclosure.

31. Information created or maintained by or on the behalf of the judicial performance evaluation program related to an evaluation of any individual justice or judge made confidential by § 17.1-100.

32. Information reflecting the substance of meetings in which (i) individual sexual assault cases are discussed by any sexual assault response team established pursuant to § 15.2-1627.4, (ii) individual child abuse or neglect cases or sex offenses involving a child are discussed by multidisciplinary child sexual abuse response teams established pursuant to § 15.2-1627.5, or (iii) individual cases of abuse, neglect, or exploitation of adults as defined in § 63.2-1603 are discussed by multidisciplinary teams established pursuant to §§ 15.2-1627.5 and 63.2-1605. The findings of any such team may be disclosed or published in statistical or other aggregated form that does not disclose the identity of specific individuals.

33. Information contained in the strategic plan, marketing plan, or operational plan prepared by the Virginia Economic Development Partnership Authority pursuant to § 2.2-2237.1 regarding target companies, specific allocation of resources and staff for marketing activities, and specific marketing activities that would reveal to the Commonwealth's competitors for economic development projects the strategies intended to be deployed by the Commonwealth, thereby adversely affecting the financial interest of the Commonwealth. The executive summaries of the strategic plan, marketing plan, and operational plan shall not be redacted or withheld pursuant to this subdivision.

34. Information discussed in a closed session of the Physical Therapy Compact Commission or the Executive Board or other committees of the Commission for purposes set forth in subsection E of § 54.1-3491.

CHAPTER 71

An Act to amend and reenact § 2.2-3705.4 of the Code of Virginia, relating to the Virginia Freedom of Information Act; public institutions of higher education; information related to pledges and donations.

[H 510]

Approved March 2, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-3705.4 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-3705.4. Exclusions to application of chapter; educational records and certain records of educational institutions.

A. The following information contained in a public record is excluded from the mandatory disclosure provisions of this chapter but may be disclosed by the custodian in his discretion, except as provided in subsection B or where such disclosure is otherwise prohibited by law. Redaction of information excluded under this section from a public record shall be conducted in accordance with § 2.2-3704.01.

1. Scholastic records containing information concerning identifiable individuals, except that such access shall not be denied to the person who is the subject thereof, or the parent or legal guardian of the student. However, no student shall have access to (i) financial records of a parent or guardian or (ii) records of instructional, supervisory, and administrative personnel and educational personnel ancillary thereto, that are in the sole possession of the maker thereof and that are not accessible or revealed to any other person except a substitute.

The parent or legal guardian of a student may prohibit, by written request, the release of any individual information regarding that student until the student reaches the age of 18 years. For scholastic records of students under the age of 18 years, the right of access may be asserted only by his legal guardian or parent, including a noncustodial parent, unless such parent's parental rights have been terminated or a court of competent jurisdiction has restricted or denied such access. For scholastic records of students who are emancipated or attending a public institution of higher education in the Commonwealth, the right of access may be asserted by the student.

Any person who is the subject of any scholastic record and who is 18 years of age or older may waive, in writing, the protections afforded by this subdivision. If the protections are so waived, such records shall be disclosed.

2. Confidential letters and statements of recommendation placed in the records of educational agencies or institutions respecting (i) admission to any educational agency or institution, (ii) an application for employment or promotion, or (iii) receipt of an honor or honorary recognition.

3. Information held by the Brown v. Board of Education Scholarship Committee that would reveal personally identifiable information, including scholarship applications, personal financial information, and confidential correspondence and letters of recommendation.

4. Information of a proprietary nature produced or collected by or for faculty or staff of public institutions of higher education, other than the institutions' financial or administrative records, in the conduct of or as a result of study or research on medical, scientific, technical or scholarly issues, whether sponsored by the institution alone or in conjunction with a governmental body or a private concern, where such information has not been publicly released, published, copyrighted or patented.

5. Information held by the University of Virginia or the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, that contain proprietary, business-related information pertaining to the operations of the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, including business development or marketing strategies and activities with existing or future joint venturers, partners, or other parties with whom the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, has formed, or forms, any arrangement for the delivery of health care, if disclosure of such information would be harmful to the competitive position of the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be.

6. Personal information, as defined in § 2.2-3801, provided to the Board of the Virginia College Savings Plan or its employees by or on behalf of individuals who have requested information about, applied for, or entered into prepaid tuition contracts or savings trust account agreements pursuant to Chapter 7 (§ 23.1-700 et seq.) of Title 23.1, including personal information related to (i) qualified beneficiaries as that term is defined in § 23.1-700, (ii) designated survivors, or (iii) authorized individuals. Nothing in this subdivision shall be construed to prevent disclosure or publication of

information in a statistical or other form that does not identify individuals or provide personal information. Individuals shall be provided access to their own personal information.

For purposes of this subdivision:

"Authorized individual" means an individual who may be named by the account owner to receive information regarding the account but who does not have any control or authority over the account.

"Designated survivor" means the person who will assume account ownership in the event of the account owner's death.

7. Information maintained in connection with fundraising activities by or for a public institution of higher education that would reveal (i) personal fundraising strategies relating to identifiable donors or prospective donors or (ii) wealth assessments; estate, financial, or tax planning information; health-related information; employment, familial, or marital status information; electronic mail addresses, facsimile or telephone numbers; birth dates or social security numbers of identifiable donors or prospective donors. ~~Nothing in this subdivision, however, shall be construed to prevent the disclosure of information relating to the amount, date, purpose, and terms of the pledge or donation, or the identity of the donor unless the donor has requested anonymity in connection with or as a condition of making a pledge or donation.~~ The exclusion provided by this subdivision shall not apply to protect from disclosure ~~(i) (a) information relating to the amount, date, purpose, and terms of the pledge or donation or the identity of the donor or (b) the identities of sponsors providing grants to or contracting with the institution for the performance of research services or other work or (ii) the terms and conditions of such grants or contracts.~~ *For purposes of clause (a), the identity of the donor may be withheld if (1) the donor has requested anonymity in connection with or as a condition of making a pledge or donation and (2) the pledge or donation does not impose terms or conditions directing academic decision-making.*

8. Information held by a threat assessment team established by a local school board pursuant to § 22.1-79.4 or by a public institution of higher education pursuant to § 23.1-805 relating to the assessment or intervention with a specific individual. However, in the event an individual who has been under assessment commits an act, or is prosecuted for the commission of an act that has caused the death of, or caused serious bodily injury, including any felony sexual assault, to another person, such information of the threat assessment team concerning the individual under assessment shall be made available as provided by this chapter, with the exception of any criminal history records obtained pursuant to § 19.2-389 or 19.2-389.1, health records obtained pursuant to § 32.1-127.1:03, or scholastic records as defined in § 22.1-289. The public body providing such information shall remove personally identifying information of any person who provided information to the threat assessment team under a promise of confidentiality.

9. Records provided to the Governor or the designated reviewers by a qualified institution, as those terms are defined in § 23.1-1239, related to a proposed memorandum of understanding, or proposed amendments to a memorandum of understanding, submitted pursuant to Chapter 12.1 (§ 23.1-1239 et seq.) of Title 23.1. A memorandum of understanding entered into pursuant to such chapter shall be subject to public disclosure after it is agreed to and signed by the Governor.

B. The custodian of a scholastic record shall not release the address, phone number, or email address of a student in response to a request made under this chapter without written consent. For any student who is (i) 18 years of age or older, (ii) under the age of 18 and emancipated, or (iii) attending an institution of higher education, written consent of the student shall be required. For any other student, written consent of the parent or legal guardian of such student shall be required.

CHAPTER 72

An Act to amend and reenact § 2.2-3705.6 of the Code of Virginia, relating to Virginia Freedom of Information Act; exclusions; proprietary records and trade secrets; affordable housing loan applications.

[H 722]

Approved March 2, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-3705.6 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-3705.6. Exclusions to application of chapter; proprietary records and trade secrets.

The following information contained in a public record is excluded from the mandatory disclosure provisions of this chapter but may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law. Redaction of information excluded under this section from a public record shall be conducted in accordance with § 2.2-3704.01.

1. Proprietary information gathered by or for the Virginia Port Authority as provided in § 62.1-132.4 or 62.1-134.1.

2. Financial statements not publicly available filed with applications for industrial development financings in accordance with Chapter 49 (§ 15.2-4900 et seq.) of Title 15.2.

3. Proprietary information, voluntarily provided by private business pursuant to a promise of confidentiality from a public body, used by the public body for business, trade, and tourism development or retention; and memoranda, working papers, or other information related to businesses that are considering locating or expanding in Virginia, prepared by a public body, where competition or bargaining is involved and where disclosure of such information would adversely affect the financial interest of the public body.

4. Information that was filed as confidential under the Toxic Substances Information Act (§ 32.1-239 et seq.), as such Act existed prior to July 1, 1992.

5. Fisheries data that would permit identification of any person or vessel, except when required by court order as specified in § 28.2-204.

6. Confidential financial statements, balance sheets, trade secrets, and revenue and cost projections provided to the Department of Rail and Public Transportation, provided such information is exempt under the federal Freedom of Information Act or the federal Interstate Commerce Act or other laws administered by the Surface Transportation Board or the Federal Railroad Administration with respect to data provided in confidence to the Surface Transportation Board and the Federal Railroad Administration.

7. Proprietary information related to inventory and sales, voluntarily provided by private energy suppliers to the Department of Mines, Minerals and Energy, used by that Department for energy contingency planning purposes or for developing consolidated statistical information on energy supplies.

8. Confidential proprietary information furnished to the Board of Medical Assistance Services or the Medicaid Prior Authorization Advisory Committee pursuant to Article 4 (§ 32.1-331.12 et seq.) of Chapter 10 of Title 32.1.

9. Proprietary, commercial or financial information, balance sheets, trade secrets, and revenue and cost projections provided by a private transportation business to the Virginia Department of Transportation and the Department of Rail and Public Transportation for the purpose of conducting transportation studies needed to obtain grants or other financial assistance under the Transportation Equity Act for the 21st Century (P.L. 105-178) for transportation projects if disclosure of such information is exempt under the federal Freedom of Information Act or the federal Interstate Commerce Act or other laws administered by the Surface Transportation Board or the Federal Railroad Administration with respect to data provided in confidence to the Surface Transportation Board and the Federal Railroad Administration. However, the exclusion provided by this subdivision shall not apply to any wholly owned subsidiary of a public body.

10. Confidential information designated as provided in subsection F of § 2.2-4342 as trade secrets or proprietary information by any person in connection with a procurement transaction or by any person who has submitted to a public body an application for prequalification to bid on public construction projects in accordance with subsection B of § 2.2-4317.

11. a. Memoranda, staff evaluations, or other information prepared by the responsible public entity, its staff, outside advisors, or consultants exclusively for the evaluation and negotiation of proposals filed under the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.) or the Public-Private Education Facilities and Infrastructure Act of 2002 (§ 56-575.1 et seq.) where (i) if such information was made public prior to or after the execution of an interim or a comprehensive agreement, § 33.2-1820 or 56-575.17 notwithstanding, the financial interest or bargaining position of the public entity would be adversely affected and (ii) the basis for the determination required in clause (i) is documented in writing by the responsible public entity; and

b. Information provided by a private entity to a responsible public entity, affected jurisdiction, or affected local jurisdiction pursuant to the provisions of the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.) or the Public-Private Education Facilities and Infrastructure Act of 2002 (§ 56-575.1 et seq.) if disclosure of such information would reveal (i) trade secrets of the private entity; (ii) financial information of the private entity, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise; or (iii) other information submitted by the private entity where if such information was made public prior to the execution of an interim agreement or a comprehensive agreement, the financial interest or bargaining position of the public or private entity would be adversely affected. In order for the information specified in clauses (i), (ii), and (iii) to be excluded from the provisions of this chapter, the private entity shall make a written request to the responsible public entity:

(1) Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;

(2) Identifying with specificity the data or other materials for which protection is sought; and

(3) Stating the reasons why protection is necessary.

The responsible public entity shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets or financial information of the private entity. To protect other information submitted by the private entity from disclosure, the responsible public entity shall determine whether public disclosure prior to the execution of an interim agreement or a comprehensive agreement would adversely affect the financial interest or bargaining position of the public or private entity. The responsible public entity shall make a written determination of the nature and scope of the protection to be afforded by the responsible public entity under this subdivision. Once a written determination is made by the responsible public entity, the information afforded protection under this subdivision shall continue to be protected from disclosure when in the possession of any affected jurisdiction or affected local jurisdiction.

Except as specifically provided in subdivision 11 a, nothing in this subdivision shall be construed to authorize the withholding of (a) procurement records as required by § 33.2-1820 or 56-575.17; (b) information concerning the terms and conditions of any interim or comprehensive agreement, service contract, lease, partnership, or any agreement of any kind entered into by the responsible public entity and the private entity; (c) information concerning the terms and conditions of any financing arrangement that involves the use of any public funds; or (d) information concerning the performance of any private entity developing or operating a qualifying transportation facility or a qualifying project.

For the purposes of this subdivision, the terms "affected jurisdiction," "affected local jurisdiction," "comprehensive agreement," "interim agreement," "qualifying project," "qualifying transportation facility," "responsible public entity," and

"private entity" shall mean the same as those terms are defined in the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.) or in the Public-Private Education Facilities and Infrastructure Act of 2002 (§ 56-575.1 et seq.).

12. Confidential proprietary information or trade secrets, not publicly available, provided by a private person or entity pursuant to a promise of confidentiality to the Virginia Resources Authority or to a fund administered in connection with financial assistance rendered or to be rendered by the Virginia Resources Authority where, if such information were made public, the financial interest of the private person or entity would be adversely affected.

13. Trade secrets or confidential proprietary information that is not generally available to the public through regulatory disclosure or otherwise, provided by a (i) bidder or applicant for a franchise or (ii) franchisee under Chapter 21 (§ 15.2-2100 et seq.) of Title 15.2 to the applicable franchising authority pursuant to a promise of confidentiality from the franchising authority, to the extent the information relates to the bidder's, applicant's, or franchisee's financial capacity or provision of new services, adoption of new technologies or implementation of improvements, where such new services, technologies, or improvements have not been implemented by the franchisee on a nonexperimental scale in the franchise area, and where, if such information were made public, the competitive advantage or financial interests of the franchisee would be adversely affected.

In order for trade secrets or confidential proprietary information to be excluded from the provisions of this chapter, the bidder, applicant, or franchisee shall (a) invoke such exclusion upon submission of the data or other materials for which protection from disclosure is sought, (b) identify the data or other materials for which protection is sought, and (c) state the reason why protection is necessary.

No bidder, applicant, or franchisee may invoke the exclusion provided by this subdivision if the bidder, applicant, or franchisee is owned or controlled by a public body or if any representative of the applicable franchising authority serves on the management board or as an officer of the bidder, applicant, or franchisee.

14. Information of a proprietary or confidential nature furnished by a supplier or manufacturer of charitable gaming supplies to the Department of Agriculture and Consumer Services (i) pursuant to subsection E of § 18.2-340.34 and (ii) pursuant to regulations promulgated by the Charitable Gaming Board related to approval of electronic and mechanical equipment.

15. Information related to Virginia apple producer sales provided to the Virginia State Apple Board pursuant to § 3.2-1215.

16. Trade secrets submitted by CMRS providers as defined in § 56-484.12 to the former Wireless Carrier E-911 Cost Recovery Subcommittee created pursuant to former § 56-484.15, relating to the provision of wireless E-911 service.

17. Information relating to a grant or loan application, or accompanying a grant or loan application, to the Innovation and Entrepreneurship Investment Authority pursuant to Article 3 (§ 2.2-2233.1 et seq.) of Chapter 22 of Title 2.2 or to the Commonwealth Health Research Board pursuant to Chapter 5.3 (§ 32.1-162.23 et seq.) of Title 32.1 if disclosure of such information would (i) reveal proprietary business or research-related information produced or collected by the applicant in the conduct of or as a result of study or research on medical, rehabilitative, scientific, technical, technological, or scholarly issues, when such information has not been publicly released, published, copyrighted, or patented, and (ii) be harmful to the competitive position of the applicant.

18. Confidential proprietary information and trade secrets developed and held by a local public body (i) providing telecommunication services pursuant to § 56-265.4:4 and (ii) providing cable television services pursuant to Article 1.1 (§ 15.2-2108.2 et seq.) of Chapter 21 of Title 15.2 if disclosure of such information would be harmful to the competitive position of the locality.

In order for confidential proprietary information or trade secrets to be excluded from the provisions of this chapter, the locality in writing shall (a) invoke the protections of this subdivision, (b) identify with specificity the information for which protection is sought, and (c) state the reasons why protection is necessary. However, the exemption provided by this subdivision shall not apply to any authority created pursuant to the BVU Authority Act (§ 15.2-7200 et seq.).

19. Confidential proprietary information and trade secrets developed by or for a local authority created in accordance with the Virginia Wireless Service Authorities Act (§ 15.2-5431.1 et seq.) to provide qualifying communications services as authorized by Article 5.1 (§ 56-484.7:1 et seq.) of Chapter 15 of Title 56, where disclosure of such information would be harmful to the competitive position of the authority, except that information required to be maintained in accordance with § 15.2-2160 shall be released.

20. Trade secrets or financial information of a business, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise, provided to the Department of Small Business and Supplier Diversity as part of an application for certification as a small, women-owned, or minority-owned business in accordance with Chapter 16.1 (§ 2.2-1603 et seq.). In order for such trade secrets or financial information to be excluded from the provisions of this chapter, the business shall (i) invoke such exclusion upon submission of the data or other materials for which protection from disclosure is sought, (ii) identify the data or other materials for which protection is sought, and (iii) state the reasons why protection is necessary.

21. Information of a proprietary or confidential nature disclosed by a carrier to the State Health Commissioner pursuant to §§ 32.1-276.5:1 and 32.1-276.7:1.

22. Trade secrets, including, but not limited to, financial information, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise, and revenue and cost

projections supplied by a private or nongovernmental entity to the State Inspector General for the purpose of an audit, special investigation, or any study requested by the Office of the State Inspector General in accordance with law.

In order for the information specified in this subdivision to be excluded from the provisions of this chapter, the private or nongovernmental entity shall make a written request to the State Inspector General:

- a. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;
- b. Identifying with specificity the data or other materials for which protection is sought; and
- c. Stating the reasons why protection is necessary.

The State Inspector General shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets or financial information of the private entity. The State Inspector General shall make a written determination of the nature and scope of the protection to be afforded by it under this subdivision.

23. Information relating to a grant application, or accompanying a grant application, submitted to the Tobacco Region Revitalization Commission that would (i) reveal (a) trade secrets, (b) financial information of a grant applicant that is not a public body, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise, or (c) research-related information produced or collected by the applicant in the conduct of or as a result of study or research on medical, rehabilitative, scientific, technical, technological, or scholarly issues, when such information has not been publicly released, published, copyrighted, or patented, and (ii) be harmful to the competitive position of the applicant; and memoranda, staff evaluations, or other information prepared by the Commission or its staff exclusively for the evaluation of grant applications. The exclusion provided by this subdivision shall apply to grants that are consistent with the powers of and in furtherance of the performance of the duties of the Commission pursuant to § 3.2-3103.

In order for the information specified in this subdivision to be excluded from the provisions of this chapter, the applicant shall make a written request to the Commission:

- a. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;
- b. Identifying with specificity the data, information or other materials for which protection is sought; and
- c. Stating the reasons why protection is necessary.

The Commission shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets, financial information, or research-related information of the applicant. The Commission shall make a written determination of the nature and scope of the protection to be afforded by it under this subdivision.

24. a. Information held by the Commercial Space Flight Authority relating to rate structures or charges for the use of projects of, the sale of products of, or services rendered by the Authority if disclosure of such information would adversely affect the financial interest or bargaining position of the Authority or a private entity providing the information to the Authority; or

b. Information provided by a private entity to the Commercial Space Flight Authority if disclosure of such information would (i) reveal (a) trade secrets of the private entity; (b) financial information of the private entity, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise; or (c) other information submitted by the private entity and (ii) adversely affect the financial interest or bargaining position of the Authority or private entity.

In order for the information specified in clauses (a), (b), and (c) of subdivision 24 b to be excluded from the provisions of this chapter, the private entity shall make a written request to the Authority:

- (1) Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;
- (2) Identifying with specificity the data or other materials for which protection is sought; and
- (3) Stating the reasons why protection is necessary.

The Authority shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets or financial information of the private entity. To protect other information submitted by the private entity from disclosure, the Authority shall determine whether public disclosure would adversely affect the financial interest or bargaining position of the Authority or private entity. The Authority shall make a written determination of the nature and scope of the protection to be afforded by it under this subdivision.

25. Information of a proprietary nature furnished by an agricultural landowner or operator to the Department of Conservation and Recreation, the Department of Environmental Quality, the Department of Agriculture and Consumer Services, or any political subdivision, agency, or board of the Commonwealth pursuant to §§ 10.1-104.7, 10.1-104.8, and 10.1-104.9, other than when required as part of a state or federal regulatory enforcement action.

26. Trade secrets provided to the Department of Environmental Quality pursuant to the provisions of § 10.1-1458. In order for such trade secrets to be excluded from the provisions of this chapter, the submitting party shall (i) invoke this exclusion upon submission of the data or materials for which protection from disclosure is sought, (ii) identify the data or materials for which protection is sought, and (iii) state the reasons why protection is necessary.

27. Information of a proprietary nature furnished by a licensed public-use airport to the Department of Aviation for funding from programs administered by the Department of Aviation or the Virginia Aviation Board, where if such information was made public, the financial interest of the public-use airport would be adversely affected.

In order for the information specified in this subdivision to be excluded from the provisions of this chapter, the public-use airport shall make a written request to the Department of Aviation:

- a. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;
- b. Identifying with specificity the data or other materials for which protection is sought; and
- c. Stating the reasons why protection is necessary.

28. Information relating to a grant or loan application, or accompanying a grant or loan application, submitted to the Virginia Research Investment Committee established pursuant to Article 8 (§ 23.1-3130 et seq.) of Chapter 31 of Title 23.1, to the extent that such records would (i) reveal (a) trade secrets; (b) financial information of a party to a grant or loan application that is not a public body, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise; or (c) research-related information produced or collected by a party to the application in the conduct of or as a result of study or research on medical, rehabilitative, scientific, technical, technological, or scholarly issues, when such information has not been publicly released, published, copyrighted, or patented, and (ii) be harmful to the competitive position of a party to a grant or loan application; and memoranda, staff evaluations, or other information prepared by the Committee or its staff, or a reviewing entity pursuant to subsection D of § 23.1-3133, exclusively for the evaluation of grant or loan applications, including any scoring or prioritization documents prepared for and forwarded to the Committee pursuant to subsection D of § 23.1-3133.

In order for the information submitted by the applicant and specified in this subdivision to be excluded from the provisions of this chapter, the applicant shall make a written request to the Committee:

- a. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;
- b. Identifying with specificity the data, information, or other materials for which protection is sought; and
- c. Stating the reasons why protection is necessary.

The Virginia Research Investment Committee shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets, financial information, or research-related information of the party to the application. The Committee shall make a written determination of the nature and scope of the protection to be afforded by it under this subdivision.

29. Proprietary information, voluntarily provided by a private business pursuant to a promise of confidentiality from a public body, used by the public body for a solar services agreement, where disclosure of such information would (i) reveal (a) trade secrets of the private business; (b) financial information of the private business, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise; or (c) other information submitted by the private business and (ii) adversely affect the financial interest or bargaining position of the public body or private business.

In order for the information specified in clauses (i)(a), (b), and (c) to be excluded from the provisions of this chapter, the private business shall make a written request to the public body:

- a. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;
- b. Identifying with specificity the data or other materials for which protection is sought; and
- c. Stating the reasons why protection is necessary.

30. Information contained in engineering and construction drawings and plans submitted for the sole purpose of complying with the Building Code in obtaining a building permit if disclosure of such information would identify specific trade secrets or other information that would be harmful to the competitive position of the owner or lessee. However, such information shall be exempt only until the building is completed. Information relating to the safety or environmental soundness of any building shall not be exempt from disclosure.

31. Trade secrets, including, but not limited to, financial information, including balance sheets and financial statements that are not generally available to the public through regulatory disclosure or otherwise, and revenue and cost projections supplied by a private or nongovernmental entity to the Virginia Department of Transportation for the purpose of an audit, special investigation, or any study requested by the Virginia Department of Transportation in accordance with law.

In order for the records specified in this subdivision to be excluded from the provisions of this chapter, the private or nongovernmental entity shall make a written request to the Department:

- a. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;
- b. Identifying with specificity the data or other materials for which protection is sought; and
- c. Stating the reasons why protection is necessary.

The Virginia Department of Transportation shall determine whether the requested exclusion from disclosure is necessary to protect trade secrets or financial records of the private entity. The Virginia Department of Transportation shall make a written determination of the nature and scope of the protection to be afforded by it under this subdivision.

32. Information related to a grant application, or accompanying a grant application, submitted to the Department of Housing and Community Development that would (i) reveal (a) trade secrets, (b) financial information of a grant applicant that is not a public body, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise, or (c) research-related information produced or collected by the applicant in the

conduct of or as a result of study or research on medical, rehabilitative, scientific, technical, technological, or scholarly issues, when such information has not been publicly released, published, copyrighted, or patented, and (ii) be harmful to the competitive position of the applicant. The exclusion provided by this subdivision shall only apply to grants administered by the Department, the Director of the Department, or pursuant to § 36-139, Article 26 (§ 2.2-2484 et seq.) of Chapter 24, or the Virginia Telecommunication Initiative as authorized by the appropriations act.

In order for the information submitted by the applicant and specified in this subdivision to be excluded from the provisions of this chapter, the applicant shall make a written request to the Department:

- a. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;
- b. Identifying with specificity the data, information, or other materials for which protection is sought; and
- c. Stating the reasons why protection is necessary.

The Department shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets or confidential proprietary information of the applicant. The Department shall make a written determination of the nature and scope of the protection to be afforded by it under this subdivision.

33. Financial and proprietary records submitted with a loan application to a locality for the preservation or construction of affordable housing that is related to a competitive application to be submitted to either the U.S. Department of Housing and Urban Development (HUD) or the Virginia Housing Development Authority (VHDA), when the release of such records would adversely affect the bargaining or competitive position of the applicant. Such records shall not be withheld after they have been made public by HUD or VHDA.

CHAPTER 73

An Act to amend and reenact § 2.2-3115 of the Code of Virginia, relating to the State and Local Government Conflict of Interests Act; disclosure by members of the Northern Virginia Transportation Authority and the Northern Virginia Transportation Commission.

[H 1337]

Approved March 2, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-3115 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-3115. Disclosure by local government officers and employees.

A. In accordance with the requirements set forth in § 2.2-3118.2, the members of every governing body and school board of each county and city and of towns with populations in excess of 3,500 shall file, as a condition to assuming office or employment, a disclosure statement of their personal interests and other information as is required on the form prescribed by the Council pursuant to § 2.2-3117 and thereafter shall file such a statement annually on or before February 1.

In accordance with the requirements set forth in § 2.2-3118.2, the members of the governing body of any authority established in any county or city, or part or combination thereof, and having the power to issue bonds or expend funds in excess of \$10,000 in any fiscal year, shall file, as a condition to assuming office, a disclosure statement of their personal interests and other information as is required on the form prescribed by the Council pursuant to § 2.2-3118 and thereafter shall file such a statement annually on or before February 1, unless the governing body of the jurisdiction that appoints the members requires that the members file the form set forth in § 2.2-3117.

In accordance with the requirements set forth in § 2.2-3118.2, the members of the Northern Virginia Transportation Authority and the Northern Virginia Transportation Commission shall file, as a condition to assuming office, a disclosure of their personal interests and other information as is required on the form prescribed by the Council pursuant to § 2.2-3118 and thereafter shall file such a statement annually on or before February 1.

In accordance with the requirements set forth in § 2.2-3118.2, persons occupying such positions of trust appointed by governing bodies and persons occupying such positions of employment with governing bodies as may be designated to file by ordinance of the governing body shall file, as a condition to assuming office or employment, a disclosure statement of their personal interests and other information as is required on the form prescribed by the Council pursuant to § 2.2-3117 and thereafter shall file such a statement annually on or before February 1.

In accordance with the requirements set forth in § 2.2-3118.2, persons occupying such positions of trust appointed by school boards and persons occupying such positions of employment with school boards as may be designated to file by an adopted policy of the school board shall file, as a condition to assuming office or employment, a disclosure statement of their personal interests and other information as is required on the form prescribed by the Council pursuant to § 2.2-3117 and thereafter shall file such a statement annually on or before February 1.

B. In accordance with the requirements set forth in § 2.2-3118.2, nonsalaried citizen members of local boards, commissions and councils as may be designated by the governing body shall file, as a condition to assuming office, a disclosure form of their personal interests and such other information as is required on the form prescribed by the Council pursuant to § 2.2-3118 and thereafter shall file such form annually on or before February 1.

C. No person shall be mandated to file any disclosure not otherwise required by this article.

D. The disclosure forms required by subsections A and B shall be made available by the Virginia Conflict of Interest and Ethics Advisory Council at least 30 days prior to the filing deadline, and the clerks of the governing body and school board shall distribute the forms to designated individuals at least 20 days prior to the filing deadline. Forms shall be filed and maintained as public records for five years in the office of the clerk of the respective governing body or school board. Forms filed by members of governing bodies of authorities shall be filed and maintained as public records for five years in the office of the clerk of the governing body of the county or city. Such forms shall be made public no later than six weeks after the filing deadline.

E. Candidates for membership in the governing body or school board of any county, city or town with a population of more than 3,500 persons shall file a disclosure statement of their personal interests as required by § 24.2-502.

F. Any officer or employee of local government who has a personal interest in any transaction before the governmental or advisory agency of which he is an officer or employee and who is disqualified from participating in that transaction pursuant to subsection A of § 2.2-3112 or otherwise elects to disqualify himself, shall forthwith make disclosure of the existence of his interest, including the full name and address of the business and the address or parcel number for the real estate if the interest involves a business or real estate, and his disclosure shall be reflected in the public records of the agency for five years in the office of the administrative head of the officer's or employee's governmental or advisory agency.

G. In addition to any disclosure required by subsections A and B, in each county and city and in towns with populations in excess of 3,500, members of planning commissions, boards of zoning appeals, real estate assessors, and all county, city and town managers or executive officers shall make annual disclosures of all their interests in real estate located in the county, city or town in which they are elected, appointed, or employed. Such disclosure shall include any business in which such persons own an interest, or from which income is received, if the primary purpose of the business is to own, develop or derive compensation through the sale, exchange or development of real estate in the county, city or town. In accordance with the requirements set forth in § 2.2-3118.2, such disclosure shall be filed as a condition to assuming office or employment, and thereafter shall be filed annually with the clerk of the governing body of such county, city, or town on or before February 1. Such disclosures shall be filed and maintained as public records for five years. Such forms shall be made public no later than six weeks after the filing deadline. Forms for the filing of such reports shall be made available by the Virginia Conflict of Interest and Ethics Advisory Council to the clerk of each governing body.

H. An officer or employee of local government who is required to declare his interest pursuant to subdivision B 1 of § 2.2-3112 shall declare his interest by stating (i) the transaction involved, (ii) the nature of the officer's or employee's personal interest affected by the transaction, (iii) that he is a member of a business, profession, occupation, or group the members of which are affected by the transaction, and (iv) that he is able to participate in the transaction fairly, objectively, and in the public interest. The officer or employee shall either make his declaration orally to be recorded in written minutes for his agency or file a signed written declaration with the clerk or administrative head of his governmental or advisory agency, as appropriate, who shall, in either case, retain and make available for public inspection such declaration for a period of five years from the date of recording or receipt. If reasonable time is not available to comply with the provisions of this subsection prior to participation in the transaction, the officer or employee shall prepare and file the required declaration by the end of the next business day. The officer or employee shall also orally disclose the existence of the interest during each meeting of the governmental or advisory agency at which the transaction is discussed and such disclosure shall be recorded in the minutes of the meeting.

I. An officer or employee of local government who is required to declare his interest pursuant to subdivision B 2 of § 2.2-3112, shall declare his interest by stating (i) the transaction involved, (ii) that a party to the transaction is a client of his firm, (iii) that he does not personally represent or provide services to the client, and (iv) that he is able to participate in the transaction fairly, objectively, and in the public interest. The officer or employee shall either make his declaration orally to be recorded in written minutes for his agency or file a signed written declaration with the clerk or administrative head of his governmental or advisory agency, as appropriate, who shall, in either case, retain and make available for public inspection such declaration for a period of five years from the date of recording or receipt. If reasonable time is not available to comply with the provisions of this subsection prior to participation in the transaction, the officer or employee shall prepare and file the required declaration by the end of the next business day.

J. The clerk of the governing body or school board that releases any form to the public pursuant to this section shall redact from the form any residential address, personal telephone number, or signature contained on such form; however, any form filed pursuant to subsection G shall not have any residential addresses redacted.

2. That, notwithstanding the effective date of this act, a member of the Northern Virginia Transportation Authority or the Northern Virginia Transportation Commission shall not be required to file a disclosure form pursuant to § 2.2-3115 of the Code of Virginia, as amended by this act, until February 1, 2021, for the preceding 12-month period complete through the last day of December.

3. That the clerk of the governing body where the Northern Virginia Transportation Authority and the Northern Virginia Transportation Commission hold their principal office shall distribute, collect, and maintain the disclosure forms filed by their members pursuant to § 2.2-3115 of the Code of Virginia, as amended by this act.

CHAPTER 74

An Act to amend and reenact § 8.01-271.1 of the Code of Virginia, relating to signature defects on pleadings, motions, and other papers.

[H 1378]

Approved March 2, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 8.01-271.1 of the Code of Virginia is amended and reenacted as follows:

§ 8.01-271.1. Signing of pleadings, motions, and other papers; oral motions; sanctions.

A. Except as otherwise provided in §§ 16.1-260 and 63.2-1901, every pleading, ~~written motion, and~~ or other paper of a party represented by an attorney shall be signed by at least one attorney of record *who is an active member in good standing of the Virginia State Bar* in his individual name, and the attorney's address shall be stated on the first pleading filed by that attorney in the action. A party who is not represented by an attorney, including a person confined in a state or local correctional facility proceeding pro se, shall sign his pleading, motion, or other paper and state his address. *The signature of a person other than counsel of record who is an active member in good standing of the Virginia State Bar or a pro se litigant is not a valid signature.* A minor who is not represented by an attorney shall sign his pleading, motion, or other paper by his next friend. Either or both parents of such minor may sign on behalf of such minor as his next friend. However, a parent may not sign on behalf of a minor if such signature is otherwise prohibited by subdivision 6 of § 64.2-716. *If a pleading, motion, or other paper is not signed in compliance with this paragraph, it is defective. Such a defect renders the pleading, motion, or other paper voidable.*

B. The signature of an attorney or party constitutes a certificate by him that (i) he has read the pleading, motion, or other paper, (ii) to the best of his knowledge, information and belief, formed after reasonable inquiry, it is well grounded in fact and is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law, and (iii) it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation. ~~If a pleading, written motion, or other paper is not signed, it shall be stricken unless it is signed promptly after the omission is called to the attention of the pleader or movant.~~

C. An oral motion made by an attorney or party in any court of the Commonwealth constitutes a representation by him that (i) to the best of his knowledge, information and belief formed after reasonable inquiry it is well grounded in fact and is warranted by existing law or a good faith argument for the extension, modification or reversal of existing law, and (ii) it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation.

D. If a pleading, motion, or other paper is signed or made in violation of this ~~rule~~ section, the court, upon motion or upon its own initiative, shall impose upon the person who signed the paper or made the motion, a represented party, or both, an appropriate sanction, which may include an order to pay to the other party or parties the amount of the reasonable expenses incurred because of the filing of the pleading, motion, or other paper or making of the motion, including a reasonable ~~attorney's fee~~ attorney fees.

E. *Failure to raise the issue of a signature defect in a pleading, motion, or other paper before the trial court's jurisdiction expires pursuant to Rule 1:1 (a) and Rule 1:1B waives any challenge to that pleading, motion, or other paper based on such a defect.*

F. *Signature defects in appellate filings, including the notice of appeal, shall be raised in the appellate court where the appeal is taken. Failure to timely raise the issue of a defective signature in an appellate pleading, motion, or other paper while the case is pending before the appellate court waives any challenge to that pleading, motion, or other paper based on such a defect.*

G. *If a signature defect is not timely and properly cured after it is brought to the attention of the pleader or movant, the pleading, motion, or other paper is invalid and shall be stricken. A signature defect shall be cured within 21 days after it is brought to the attention of the pleader or movant. If a signature defect is timely and properly cured, the pleading, motion, or other paper shall be valid and relate back to the date it was originally served or filed.*

CHAPTER 75

An Act to repeal §§ 20-45.2 and 20-45.3 of the Code of Virginia, relating to same-sex marriages; civil unions.

[H 1490]

Approved March 2, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 20-45.2 and 20-45.3 of the Code of Virginia are repealed.

CHAPTER 76

An Act to amend and reenact §§ 2.2-3132 and 2.2-3704.3, as it shall become effective, of the Code of Virginia, relating to the State and Local Government Conflict of Interests Act and Virginia Freedom of Information Act; training requirements; executive directors and members of industrial development authorities and economic development authorities.

[H 1527]

Approved March 2, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-3132 and 2.2-3704.3, as it shall become effective, of the Code of Virginia are amended and reenacted as follows:

§ 2.2-3132. Training on prohibited conduct and conflicts of interest.

A. The Council shall provide training sessions for local elected officials *and the executive directors and members of industrial development authorities and economic development authorities, as created by the Industrial Development and Revenue Bond Act (§ 15.2-4900 et seq.)*, on the provisions of the State and Local Government Conflict of Interests Act (§ 2.2-3100 et seq.). The Council may provide such training sessions by online means.

B. Each local elected official *and the executive director and members of each industrial development authority and economic development authority, as created by the Industrial Development and Revenue Bond Act*, shall complete the training session described in subsection A within two months after assuming the local elected office and thereafter at least once during each consecutive period of two calendar years while he holds such office, commencing with the date on which he last completed a training session. No penalty shall be imposed on a local elected official *or an executive director or member of an industrial development authority or an economic development authority* for failing to complete a training session.

C. The clerk of the respective governing body or school board shall maintain records indicating local elected officials *and executive directors and members of industrial development authorities and economic development authorities* subject to the training requirement and the dates of their completion of a training session pursuant to subsection B. Such records shall be maintained as public records for five years in the office of the clerk of the respective governing body or school board.

§ 2.2-3704.3. (Effective July 1, 2020) Training for local officials.

A. The Virginia Freedom of Information Advisory Council (the Council) or the local government attorney shall provide online training sessions for local elected officials *and the executive directors and members of industrial development authorities and economic development authorities, as created by the Industrial Development and Revenue Bond Act (§ 15.2-4900 et seq.)*, on the provisions of this chapter.

B. Each local elected official *and the executive director and members of each industrial development authority and economic development authority, as created by the Industrial Development and Revenue Bond Act*, shall complete a training session described in subsection A within two months after assuming the local elected office and thereafter at least once during each consecutive period of two calendar years commencing with the date on which he last completed a training session, for as long as he holds such office. No penalty shall be imposed on a local elected official *or an executive director or member of an industrial development authority or an economic development authority* for failing to complete a training session.

C. The clerk of each governing body or school board shall maintain records indicating the names of elected officials *and executive directors and members of industrial development authorities and economic development authorities* subject to the training requirements in subsection B and the dates on which each such official completed training sessions satisfying such requirements. Such records shall be maintained for five years in the office of the clerk of the respective governing body or school board.

2. That any executive director or member of an industrial development authority or an economic development authority holding office on July 1, 2020, shall complete the training required by §§ 2.2-3132 and 2.2-3704.3, as it shall become effective, of the Code of Virginia, as amended by this act, no later than December 31, 2020.

CHAPTER 77

An Act to amend and reenact § 2.2-3115 of the Code of Virginia, relating to State and Local Government Conflict of Interests Act; disclosure by executive directors and members of industrial development authorities and economic development authorities; penalty.

[H 1528]

Approved March 2, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-3115 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-3115. Disclosure by local government officers and employees.

A. In accordance with the requirements set forth in § 2.2-3118.2, the members of every governing body and school board of each county and city and of towns with populations in excess of 3,500 *and the executive director and members of each industrial development authority and economic development authority, as created by the Industrial Development and Revenue Bond Act (§ 15.2-4900 et seq.)*, shall file, as a condition to assuming office or employment, a disclosure statement of their personal interests and other information as is required on the form prescribed by the Council pursuant to § 2.2-3117 and thereafter shall file such a statement annually on or before February 1.

In accordance with the requirements set forth in § 2.2-3118.2, the members of the governing body of any authority established in any county or city, or part or combination thereof, and having the power to issue bonds or expend funds in excess of \$10,000 in any fiscal year, *other than the executive director and members of each industrial development authority and economic development authority, as created by the Industrial Development and Revenue Bond Act (§ 15.2-4900 et seq.)*, shall file, as a condition to assuming office, a disclosure statement of their personal interests and other information as is required on the form prescribed by the Council pursuant to § 2.2-3118 and thereafter shall file such a statement annually on or before February 1, unless the governing body of the jurisdiction that appoints the members requires that the members file the form set forth in § 2.2-3117.

In accordance with the requirements set forth in § 2.2-3118.2, persons occupying such positions of trust appointed by governing bodies and persons occupying such positions of employment with governing bodies as may be designated to file by ordinance of the governing body shall file, as a condition to assuming office or employment, a disclosure statement of their personal interests and other information as is required on the form prescribed by the Council pursuant to § 2.2-3117 and thereafter shall file such a statement annually on or before February 1.

In accordance with the requirements set forth in § 2.2-3118.2, persons occupying such positions of trust appointed by school boards and persons occupying such positions of employment with school boards as may be designated to file by an adopted policy of the school board shall file, as a condition to assuming office or employment, a disclosure statement of their personal interests and other information as is required on the form prescribed by the Council pursuant to § 2.2-3117 and thereafter shall file such a statement annually on or before February 1.

B. In accordance with the requirements set forth in § 2.2-3118.2, nonsalaried citizen members of local boards, commissions and councils as may be designated by the governing body shall file, as a condition to assuming office, a disclosure form of their personal interests and such other information as is required on the form prescribed by the Council pursuant to § 2.2-3118 and thereafter shall file such form annually on or before February 1.

C. No person shall be mandated to file any disclosure not otherwise required by this article.

D. The disclosure forms required by subsections A and B shall be made available by the Virginia Conflict of Interest and Ethics Advisory Council at least 30 days prior to the filing deadline, and the clerks of the governing body and school board shall distribute the forms to designated individuals at least 20 days prior to the filing deadline. Forms shall be filed and maintained as public records for five years in the office of the clerk of the respective governing body or school board. Forms filed by members of governing bodies of authorities shall be filed and maintained as public records for five years in the office of the clerk of the governing body of the county or city. Such forms shall be made public no later than six weeks after the filing deadline.

E. Candidates for membership in the governing body or school board of any county, city or town with a population of more than 3,500 persons shall file a disclosure statement of their personal interests as required by § 24.2-502.

F. Any officer or employee of local government who has a personal interest in any transaction before the governmental or advisory agency of which he is an officer or employee and who is disqualified from participating in that transaction pursuant to subsection A of § 2.2-3112 or otherwise elects to disqualify himself, shall forthwith make disclosure of the existence of his interest, including the full name and address of the business and the address or parcel number for the real estate if the interest involves a business or real estate, and his disclosure shall be reflected in the public records of the agency for five years in the office of the administrative head of the officer's or employee's governmental or advisory agency.

G. In addition to any disclosure required by subsections A and B, in each county and city and in towns with populations in excess of 3,500, members of planning commissions, boards of zoning appeals, real estate assessors, and all county, city and town managers or executive officers shall make annual disclosures of all their interests in real estate located in the county, city or town in which they are elected, appointed, or employed. Such disclosure shall include any business in which such persons own an interest, or from which income is received, if the primary purpose of the business is to own, develop or derive compensation through the sale, exchange or development of real estate in the county, city or town. In accordance with the requirements set forth in § 2.2-3118.2, such disclosure shall be filed as a condition to assuming office or employment, and thereafter shall be filed annually with the clerk of the governing body of such county, city, or town on or before February 1. Such disclosures shall be filed and maintained as public records for five years. Such forms shall be made public no later than six weeks after the filing deadline. Forms for the filing of such reports shall be made available by the Virginia Conflict of Interest and Ethics Advisory Council to the clerk of each governing body.

H. An officer or employee of local government who is required to declare his interest pursuant to subdivision B 1 of § 2.2-3112 shall declare his interest by stating (i) the transaction involved, (ii) the nature of the officer's or employee's personal interest affected by the transaction, (iii) that he is a member of a business, profession, occupation, or group the members of which are affected by the transaction, and (iv) that he is able to participate in the transaction fairly, objectively, and in the public interest. The officer or employee shall either make his declaration orally to be recorded in written minutes for his agency or file a signed written declaration with the clerk or administrative head of his governmental or advisory

agency, as appropriate, who shall, in either case, retain and make available for public inspection such declaration for a period of five years from the date of recording or receipt. If reasonable time is not available to comply with the provisions of this subsection prior to participation in the transaction, the officer or employee shall prepare and file the required declaration by the end of the next business day. The officer or employee shall also orally disclose the existence of the interest during each meeting of the governmental or advisory agency at which the transaction is discussed and such disclosure shall be recorded in the minutes of the meeting.

I. An officer or employee of local government who is required to declare his interest pursuant to subdivision B 2 of § 2.2-3112, shall declare his interest by stating (i) the transaction involved, (ii) that a party to the transaction is a client of his firm, (iii) that he does not personally represent or provide services to the client, and (iv) that he is able to participate in the transaction fairly, objectively, and in the public interest. The officer or employee shall either make his declaration orally to be recorded in written minutes for his agency or file a signed written declaration with the clerk or administrative head of his governmental or advisory agency, as appropriate, who shall, in either case, retain and make available for public inspection such declaration for a period of five years from the date of recording or receipt. If reasonable time is not available to comply with the provisions of this subsection prior to participation in the transaction, the officer or employee shall prepare and file the required declaration by the end of the next business day.

J. The clerk of the governing body or school board that releases any form to the public pursuant to this section shall redact from the form any residential address, personal telephone number, or signature contained on such form; however, any form filed pursuant to subsection G shall not have any residential addresses redacted.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation is \$0 for periods of imprisonment in state adult correctional facilities and \$0 for periods of commitment to the custody of the Department of Juvenile Justice.

3. That an executive director or member of an industrial development authority or economic development authority holding office on July 1, 2020, shall file the disclosure form required by § 2.2-3115 of the Code of Virginia, as amended by this act, no later than August 1, 2020, for the preceding 12-month period complete through the last day of June.

CHAPTER 78

An Act to amend and reenact § 2.2-3705.4 of the Code of Virginia, relating to the Virginia Freedom of Information Act; public institutions of higher education; information related to pledges and donations.

[S 140]

Approved March 2, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-3705.4 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-3705.4. Exclusions to application of chapter; educational records and certain records of educational institutions.

A. The following information contained in a public record is excluded from the mandatory disclosure provisions of this chapter but may be disclosed by the custodian in his discretion, except as provided in subsection B or where such disclosure is otherwise prohibited by law. Redaction of information excluded under this section from a public record shall be conducted in accordance with § 2.2-3704.01.

1. Scholastic records containing information concerning identifiable individuals, except that such access shall not be denied to the person who is the subject thereof, or the parent or legal guardian of the student. However, no student shall have access to (i) financial records of a parent or guardian or (ii) records of instructional, supervisory, and administrative personnel and educational personnel ancillary thereto, that are in the sole possession of the maker thereof and that are not accessible or revealed to any other person except a substitute.

The parent or legal guardian of a student may prohibit, by written request, the release of any individual information regarding that student until the student reaches the age of 18 years. For scholastic records of students under the age of 18 years, the right of access may be asserted only by his legal guardian or parent, including a noncustodial parent, unless such parent's parental rights have been terminated or a court of competent jurisdiction has restricted or denied such access. For scholastic records of students who are emancipated or attending a public institution of higher education in the Commonwealth, the right of access may be asserted by the student.

Any person who is the subject of any scholastic record and who is 18 years of age or older may waive, in writing, the protections afforded by this subdivision. If the protections are so waived, such records shall be disclosed.

2. Confidential letters and statements of recommendation placed in the records of educational agencies or institutions respecting (i) admission to any educational agency or institution, (ii) an application for employment or promotion, or (iii) receipt of an honor or honorary recognition.

3. Information held by the Brown v. Board of Education Scholarship Committee that would reveal personally identifiable information, including scholarship applications, personal financial information, and confidential correspondence and letters of recommendation.

4. Information of a proprietary nature produced or collected by or for faculty or staff of public institutions of higher education, other than the institutions' financial or administrative records, in the conduct of or as a result of study or research on medical, scientific, technical or scholarly issues, whether sponsored by the institution alone or in conjunction with a governmental body or a private concern, where such information has not been publicly released, published, copyrighted or patented.

5. Information held by the University of Virginia or the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, that contain proprietary, business-related information pertaining to the operations of the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, including business development or marketing strategies and activities with existing or future joint venturers, partners, or other parties with whom the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, has formed, or forms, any arrangement for the delivery of health care, if disclosure of such information would be harmful to the competitive position of the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be.

6. Personal information, as defined in § 2.2-3801, provided to the Board of the Virginia College Savings Plan or its employees by or on behalf of individuals who have requested information about, applied for, or entered into prepaid tuition contracts or savings trust account agreements pursuant to Chapter 7 (§ 23.1-700 et seq.) of Title 23.1, including personal information related to (i) qualified beneficiaries as that term is defined in § 23.1-700, (ii) designated survivors, or (iii) authorized individuals. Nothing in this subdivision shall be construed to prevent disclosure or publication of information in a statistical or other form that does not identify individuals or provide personal information. Individuals shall be provided access to their own personal information.

For purposes of this subdivision:

"Authorized individual" means an individual who may be named by the account owner to receive information regarding the account but who does not have any control or authority over the account.

"Designated survivor" means the person who will assume account ownership in the event of the account owner's death.

7. Information maintained in connection with fundraising activities by or for a public institution of higher education that would reveal (i) personal fundraising strategies relating to identifiable donors or prospective donors or (ii) wealth assessments; estate, financial, or tax planning information; health-related information; employment, familial, or marital status information; electronic mail addresses, facsimile or telephone numbers; birth dates or social security numbers of identifiable donors or prospective donors. ~~Nothing in this subdivision, however, shall be construed to prevent the disclosure of information relating to the amount, date, purpose, and terms of the pledge or donation, or the identity of the donor unless the donor has requested anonymity in connection with or as a condition of making a pledge or donation.~~ The exclusion provided by this subdivision shall not apply to protect from disclosure ~~(i)~~ (a) information relating to the amount, date, purpose, and terms of the pledge or donation or the identity of the donor or (b) the identities of sponsors providing grants to or contracting with the institution for the performance of research services or other work or ~~(ii)~~ the terms and conditions of such grants or contracts. *For purposes of clause (a), the identity of the donor may be withheld if (1) the donor has requested anonymity in connection with or as a condition of making a pledge or donation and (2) the pledge or donation does not impose terms or conditions directing academic decision-making.*

8. Information held by a threat assessment team established by a local school board pursuant to § 22.1-79.4 or by a public institution of higher education pursuant to § 23.1-805 relating to the assessment or intervention with a specific individual. However, in the event an individual who has been under assessment commits an act, or is prosecuted for the commission of an act that has caused the death of, or caused serious bodily injury, including any felony sexual assault, to another person, such information of the threat assessment team concerning the individual under assessment shall be made available as provided by this chapter, with the exception of any criminal history records obtained pursuant to § 19.2-389 or 19.2-389.1, health records obtained pursuant to § 32.1-127.1:03, or scholastic records as defined in § 22.1-289. The public body providing such information shall remove personally identifying information of any person who provided information to the threat assessment team under a promise of confidentiality.

9. Records provided to the Governor or the designated reviewers by a qualified institution, as those terms are defined in § 23.1-1239, related to a proposed memorandum of understanding, or proposed amendments to a memorandum of understanding, submitted pursuant to Chapter 12.1 (§ 23.1-1239 et seq.) of Title 23.1. A memorandum of understanding entered into pursuant to such chapter shall be subject to public disclosure after it is agreed to and signed by the Governor.

B. The custodian of a scholastic record shall not release the address, phone number, or email address of a student in response to a request made under this chapter without written consent. For any student who is (i) 18 years of age or older, (ii) under the age of 18 and emancipated, or (iii) attending an institution of higher education, written consent of the student shall be required. For any other student, written consent of the parent or legal guardian of such student shall be required.

CHAPTER 79

An Act to amend and reenact § 2.2-3705.6 of the Code of Virginia, relating to Virginia Freedom of Information Act; exclusions; proprietary records and trade secrets; affordable housing loan applications.

[S 269]

Approved March 2, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-3705.6 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-3705.6. Exclusions to application of chapter; proprietary records and trade secrets.

The following information contained in a public record is excluded from the mandatory disclosure provisions of this chapter but may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law. Redaction of information excluded under this section from a public record shall be conducted in accordance with § 2.2-3704.01.

1. Proprietary information gathered by or for the Virginia Port Authority as provided in § 62.1-132.4 or 62.1-134.1.
2. Financial statements not publicly available filed with applications for industrial development financings in accordance with Chapter 49 (§ 15.2-4900 et seq.) of Title 15.2.
3. Proprietary information, voluntarily provided by private business pursuant to a promise of confidentiality from a public body, used by the public body for business, trade, and tourism development or retention; and memoranda, working papers, or other information related to businesses that are considering locating or expanding in Virginia, prepared by a public body, where competition or bargaining is involved and where disclosure of such information would adversely affect the financial interest of the public body.
4. Information that was filed as confidential under the Toxic Substances Information Act (§ 32.1-239 et seq.), as such Act existed prior to July 1, 1992.
5. Fisheries data that would permit identification of any person or vessel, except when required by court order as specified in § 28.2-204.
6. Confidential financial statements, balance sheets, trade secrets, and revenue and cost projections provided to the Department of Rail and Public Transportation, provided such information is exempt under the federal Freedom of Information Act or the federal Interstate Commerce Act or other laws administered by the Surface Transportation Board or the Federal Railroad Administration with respect to data provided in confidence to the Surface Transportation Board and the Federal Railroad Administration.
7. Proprietary information related to inventory and sales, voluntarily provided by private energy suppliers to the Department of Mines, Minerals and Energy, used by that Department for energy contingency planning purposes or for developing consolidated statistical information on energy supplies.
8. Confidential proprietary information furnished to the Board of Medical Assistance Services or the Medicaid Prior Authorization Advisory Committee pursuant to Article 4 (§ 32.1-331.12 et seq.) of Chapter 10 of Title 32.1.
9. Proprietary, commercial or financial information, balance sheets, trade secrets, and revenue and cost projections provided by a private transportation business to the Virginia Department of Transportation and the Department of Rail and Public Transportation for the purpose of conducting transportation studies needed to obtain grants or other financial assistance under the Transportation Equity Act for the 21st Century (P.L. 105-178) for transportation projects if disclosure of such information is exempt under the federal Freedom of Information Act or the federal Interstate Commerce Act or other laws administered by the Surface Transportation Board or the Federal Railroad Administration with respect to data provided in confidence to the Surface Transportation Board and the Federal Railroad Administration. However, the exclusion provided by this subdivision shall not apply to any wholly owned subsidiary of a public body.
10. Confidential information designated as provided in subsection F of § 2.2-4342 as trade secrets or proprietary information by any person in connection with a procurement transaction or by any person who has submitted to a public body an application for prequalification to bid on public construction projects in accordance with subsection B of § 2.2-4317.
11. a. Memoranda, staff evaluations, or other information prepared by the responsible public entity, its staff, outside advisors, or consultants exclusively for the evaluation and negotiation of proposals filed under the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.) or the Public-Private Education Facilities and Infrastructure Act of 2002 (§ 56-575.1 et seq.) where (i) if such information was made public prior to or after the execution of an interim or a comprehensive agreement, § 33.2-1820 or 56-575.17 notwithstanding, the financial interest or bargaining position of the public entity would be adversely affected and (ii) the basis for the determination required in clause (i) is documented in writing by the responsible public entity; and
b. Information provided by a private entity to a responsible public entity, affected jurisdiction, or affected local jurisdiction pursuant to the provisions of the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.) or the Public-Private Education Facilities and Infrastructure Act of 2002 (§ 56-575.1 et seq.) if disclosure of such information would reveal (i) trade secrets of the private entity; (ii) financial information of the private entity, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise; or (iii) other information submitted by the private entity where if such information was made public prior to the execution of an interim agreement or a comprehensive agreement, the financial interest or bargaining position of the public or private entity would be adversely affected. In order for the information specified in clauses (i), (ii), and (iii) to be excluded from the provisions of this chapter, the private entity shall make a written request to the responsible public entity:
 - (1) Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;
 - (2) Identifying with specificity the data or other materials for which protection is sought; and
 - (3) Stating the reasons why protection is necessary.

The responsible public entity shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets or financial information of the private entity. To protect other information submitted by the private entity from disclosure, the responsible public entity shall determine whether public disclosure prior to the execution of an interim agreement or a comprehensive agreement would adversely affect the financial interest or bargaining position of the public or private entity. The responsible public entity shall make a written determination of the nature and scope of the protection to be afforded by the responsible public entity under this subdivision. Once a written determination is made by the responsible public entity, the information afforded protection under this subdivision shall continue to be protected from disclosure when in the possession of any affected jurisdiction or affected local jurisdiction.

Except as specifically provided in subdivision 11 a, nothing in this subdivision shall be construed to authorize the withholding of (a) procurement records as required by § 33.2-1820 or 56-575.17; (b) information concerning the terms and conditions of any interim or comprehensive agreement, service contract, lease, partnership, or any agreement of any kind entered into by the responsible public entity and the private entity; (c) information concerning the terms and conditions of any financing arrangement that involves the use of any public funds; or (d) information concerning the performance of any private entity developing or operating a qualifying transportation facility or a qualifying project.

For the purposes of this subdivision, the terms "affected jurisdiction," "affected local jurisdiction," "comprehensive agreement," "interim agreement," "qualifying project," "qualifying transportation facility," "responsible public entity," and "private entity" shall mean the same as those terms are defined in the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.) or in the Public-Private Education Facilities and Infrastructure Act of 2002 (§ 56-575.1 et seq.).

12. Confidential proprietary information or trade secrets, not publicly available, provided by a private person or entity pursuant to a promise of confidentiality to the Virginia Resources Authority or to a fund administered in connection with financial assistance rendered or to be rendered by the Virginia Resources Authority where, if such information were made public, the financial interest of the private person or entity would be adversely affected.

13. Trade secrets or confidential proprietary information that is not generally available to the public through regulatory disclosure or otherwise, provided by a (i) bidder or applicant for a franchise or (ii) franchisee under Chapter 21 (§ 15.2-2100 et seq.) of Title 15.2 to the applicable franchising authority pursuant to a promise of confidentiality from the franchising authority, to the extent the information relates to the bidder's, applicant's, or franchisee's financial capacity or provision of new services, adoption of new technologies or implementation of improvements, where such new services, technologies, or improvements have not been implemented by the franchisee on a nonexperimental scale in the franchise area, and where, if such information were made public, the competitive advantage or financial interests of the franchisee would be adversely affected.

In order for trade secrets or confidential proprietary information to be excluded from the provisions of this chapter, the bidder, applicant, or franchisee shall (a) invoke such exclusion upon submission of the data or other materials for which protection from disclosure is sought, (b) identify the data or other materials for which protection is sought, and (c) state the reason why protection is necessary.

No bidder, applicant, or franchisee may invoke the exclusion provided by this subdivision if the bidder, applicant, or franchisee is owned or controlled by a public body or if any representative of the applicable franchising authority serves on the management board or as an officer of the bidder, applicant, or franchisee.

14. Information of a proprietary or confidential nature furnished by a supplier or manufacturer of charitable gaming supplies to the Department of Agriculture and Consumer Services (i) pursuant to subsection E of § 18.2-340.34 and (ii) pursuant to regulations promulgated by the Charitable Gaming Board related to approval of electronic and mechanical equipment.

15. Information related to Virginia apple producer sales provided to the Virginia State Apple Board pursuant to § 3.2-1215.

16. Trade secrets submitted by CMRS providers as defined in § 56-484.12 to the former Wireless Carrier E-911 Cost Recovery Subcommittee created pursuant to former § 56-484.15, relating to the provision of wireless E-911 service.

17. Information relating to a grant or loan application, or accompanying a grant or loan application, to the Innovation and Entrepreneurship Investment Authority pursuant to Article 3 (§ 2.2-2233.1 et seq.) of Chapter 22 of Title 2.2 or to the Commonwealth Health Research Board pursuant to Chapter 5.3 (§ 32.1-162.23 et seq.) of Title 32.1 if disclosure of such information would (i) reveal proprietary business or research-related information produced or collected by the applicant in the conduct of or as a result of study or research on medical, rehabilitative, scientific, technical, technological, or scholarly issues, when such information has not been publicly released, published, copyrighted, or patented, and (ii) be harmful to the competitive position of the applicant.

18. Confidential proprietary information and trade secrets developed and held by a local public body (i) providing telecommunication services pursuant to § 56-265.4:4 and (ii) providing cable television services pursuant to Article 1.1 (§ 15.2-2108.2 et seq.) of Chapter 21 of Title 15.2 if disclosure of such information would be harmful to the competitive position of the locality.

In order for confidential proprietary information or trade secrets to be excluded from the provisions of this chapter, the locality in writing shall (a) invoke the protections of this subdivision, (b) identify with specificity the information for which protection is sought, and (c) state the reasons why protection is necessary. However, the exemption provided by this subdivision shall not apply to any authority created pursuant to the BVU Authority Act (§ 15.2-7200 et seq.).

19. Confidential proprietary information and trade secrets developed by or for a local authority created in accordance with the Virginia Wireless Service Authorities Act (§ 15.2-5431.1 et seq.) to provide qualifying communications services as authorized by Article 5.1 (§ 56-484.7:1 et seq.) of Chapter 15 of Title 56, where disclosure of such information would be harmful to the competitive position of the authority, except that information required to be maintained in accordance with § 15.2-2160 shall be released.

20. Trade secrets or financial information of a business, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise, provided to the Department of Small Business and Supplier Diversity as part of an application for certification as a small, women-owned, or minority-owned business in accordance with Chapter 16.1 (§ 2.2-1603 et seq.). In order for such trade secrets or financial information to be excluded from the provisions of this chapter, the business shall (i) invoke such exclusion upon submission of the data or other materials for which protection from disclosure is sought, (ii) identify the data or other materials for which protection is sought, and (iii) state the reasons why protection is necessary.

21. Information of a proprietary or confidential nature disclosed by a carrier to the State Health Commissioner pursuant to §§ 32.1-276.5:1 and 32.1-276.7:1.

22. Trade secrets, including, but not limited to, financial information, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise, and revenue and cost projections supplied by a private or nongovernmental entity to the State Inspector General for the purpose of an audit, special investigation, or any study requested by the Office of the State Inspector General in accordance with law.

In order for the information specified in this subdivision to be excluded from the provisions of this chapter, the private or nongovernmental entity shall make a written request to the State Inspector General:

- a. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;
- b. Identifying with specificity the data or other materials for which protection is sought; and
- c. Stating the reasons why protection is necessary.

The State Inspector General shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets or financial information of the private entity. The State Inspector General shall make a written determination of the nature and scope of the protection to be afforded by it under this subdivision.

23. Information relating to a grant application, or accompanying a grant application, submitted to the Tobacco Region Revitalization Commission that would (i) reveal (a) trade secrets, (b) financial information of a grant applicant that is not a public body, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise, or (c) research-related information produced or collected by the applicant in the conduct of or as a result of study or research on medical, rehabilitative, scientific, technical, technological, or scholarly issues, when such information has not been publicly released, published, copyrighted, or patented, and (ii) be harmful to the competitive position of the applicant; and memoranda, staff evaluations, or other information prepared by the Commission or its staff exclusively for the evaluation of grant applications. The exclusion provided by this subdivision shall apply to grants that are consistent with the powers of and in furtherance of the performance of the duties of the Commission pursuant to § 3.2-3103.

In order for the information specified in this subdivision to be excluded from the provisions of this chapter, the applicant shall make a written request to the Commission:

- a. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;
- b. Identifying with specificity the data, information or other materials for which protection is sought; and
- c. Stating the reasons why protection is necessary.

The Commission shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets, financial information, or research-related information of the applicant. The Commission shall make a written determination of the nature and scope of the protection to be afforded by it under this subdivision.

24. a. Information held by the Commercial Space Flight Authority relating to rate structures or charges for the use of projects of, the sale of products of, or services rendered by the Authority if disclosure of such information would adversely affect the financial interest or bargaining position of the Authority or a private entity providing the information to the Authority; or

b. Information provided by a private entity to the Commercial Space Flight Authority if disclosure of such information would (i) reveal (a) trade secrets of the private entity; (b) financial information of the private entity, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise; or (c) other information submitted by the private entity and (ii) adversely affect the financial interest or bargaining position of the Authority or private entity.

In order for the information specified in clauses (a), (b), and (c) of subdivision 24 b to be excluded from the provisions of this chapter, the private entity shall make a written request to the Authority:

- (1) Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;
- (2) Identifying with specificity the data or other materials for which protection is sought; and
- (3) Stating the reasons why protection is necessary.

The Authority shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets or financial information of the private entity. To protect other information submitted by the private entity from disclosure, the Authority shall determine whether public disclosure would adversely affect the financial interest or bargaining position of the Authority or private entity. The Authority shall make a written determination of the nature and scope of the protection to be afforded by it under this subdivision.

25. Information of a proprietary nature furnished by an agricultural landowner or operator to the Department of Conservation and Recreation, the Department of Environmental Quality, the Department of Agriculture and Consumer Services, or any political subdivision, agency, or board of the Commonwealth pursuant to §§ 10.1-104.7, 10.1-104.8, and 10.1-104.9, other than when required as part of a state or federal regulatory enforcement action.

26. Trade secrets provided to the Department of Environmental Quality pursuant to the provisions of § 10.1-1458. In order for such trade secrets to be excluded from the provisions of this chapter, the submitting party shall (i) invoke this exclusion upon submission of the data or materials for which protection from disclosure is sought, (ii) identify the data or materials for which protection is sought, and (iii) state the reasons why protection is necessary.

27. Information of a proprietary nature furnished by a licensed public-use airport to the Department of Aviation for funding from programs administered by the Department of Aviation or the Virginia Aviation Board, where if such information was made public, the financial interest of the public-use airport would be adversely affected.

In order for the information specified in this subdivision to be excluded from the provisions of this chapter, the public-use airport shall make a written request to the Department of Aviation:

- a. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;
- b. Identifying with specificity the data or other materials for which protection is sought; and
- c. Stating the reasons why protection is necessary.

28. Information relating to a grant or loan application, or accompanying a grant or loan application, submitted to the Virginia Research Investment Committee established pursuant to Article 8 (§ 23.1-3130 et seq.) of Chapter 31 of Title 23.1, to the extent that such records would (i) reveal (a) trade secrets; (b) financial information of a party to a grant or loan application that is not a public body, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise; or (c) research-related information produced or collected by a party to the application in the conduct of or as a result of study or research on medical, rehabilitative, scientific, technical, technological, or scholarly issues, when such information has not been publicly released, published, copyrighted, or patented, and (ii) be harmful to the competitive position of a party to a grant or loan application; and memoranda, staff evaluations, or other information prepared by the Committee or its staff, or a reviewing entity pursuant to subsection D of § 23.1-3133, exclusively for the evaluation of grant or loan applications, including any scoring or prioritization documents prepared for and forwarded to the Committee pursuant to subsection D of § 23.1-3133.

In order for the information submitted by the applicant and specified in this subdivision to be excluded from the provisions of this chapter, the applicant shall make a written request to the Committee:

- a. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;
- b. Identifying with specificity the data, information, or other materials for which protection is sought; and
- c. Stating the reasons why protection is necessary.

The Virginia Research Investment Committee shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets, financial information, or research-related information of the party to the application. The Committee shall make a written determination of the nature and scope of the protection to be afforded by it under this subdivision.

29. Proprietary information, voluntarily provided by a private business pursuant to a promise of confidentiality from a public body, used by the public body for a solar services agreement, where disclosure of such information would (i) reveal (a) trade secrets of the private business; (b) financial information of the private business, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise; or (c) other information submitted by the private business and (ii) adversely affect the financial interest or bargaining position of the public body or private business.

In order for the information specified in clauses (i)(a), (b), and (c) to be excluded from the provisions of this chapter, the private business shall make a written request to the public body:

- a. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;
- b. Identifying with specificity the data or other materials for which protection is sought; and
- c. Stating the reasons why protection is necessary.

30. Information contained in engineering and construction drawings and plans submitted for the sole purpose of complying with the Building Code in obtaining a building permit if disclosure of such information would identify specific trade secrets or other information that would be harmful to the competitive position of the owner or lessee. However, such information shall be exempt only until the building is completed. Information relating to the safety or environmental soundness of any building shall not be exempt from disclosure.

31. Trade secrets, including, but not limited to, financial information, including balance sheets and financial statements that are not generally available to the public through regulatory disclosure or otherwise, and revenue and cost projections supplied by a private or nongovernmental entity to the Virginia Department of Transportation for the purpose of an audit, special investigation, or any study requested by the Virginia Department of Transportation in accordance with law.

In order for the records specified in this subdivision to be excluded from the provisions of this chapter, the private or nongovernmental entity shall make a written request to the Department:

- a. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;
- b. Identifying with specificity the data or other materials for which protection is sought; and
- c. Stating the reasons why protection is necessary.

The Virginia Department of Transportation shall determine whether the requested exclusion from disclosure is necessary to protect trade secrets or financial records of the private entity. The Virginia Department of Transportation shall make a written determination of the nature and scope of the protection to be afforded by it under this subdivision.

32. Information related to a grant application, or accompanying a grant application, submitted to the Department of Housing and Community Development that would (i) reveal (a) trade secrets, (b) financial information of a grant applicant that is not a public body, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise, or (c) research-related information produced or collected by the applicant in the conduct of or as a result of study or research on medical, rehabilitative, scientific, technical, technological, or scholarly issues, when such information has not been publicly released, published, copyrighted, or patented, and (ii) be harmful to the competitive position of the applicant. The exclusion provided by this subdivision shall only apply to grants administered by the Department, the Director of the Department, or pursuant to § 36-139, Article 26 (§ 2.2-2484 et seq.) of Chapter 24, or the Virginia Telecommunication Initiative as authorized by the appropriations act.

In order for the information submitted by the applicant and specified in this subdivision to be excluded from the provisions of this chapter, the applicant shall make a written request to the Department:

- a. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;
- b. Identifying with specificity the data, information, or other materials for which protection is sought; and
- c. Stating the reasons why protection is necessary.

The Department shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets or confidential proprietary information of the applicant. The Department shall make a written determination of the nature and scope of the protection to be afforded by it under this subdivision.

33. *Financial and proprietary records submitted with a loan application to a locality for the preservation or construction of affordable housing that is related to a competitive application to be submitted to either the U.S. Department of Housing and Urban Development (HUD) or the Virginia Housing Development Authority (VHDA), when the release of such records would adversely affect the bargaining or competitive position of the applicant. Such records shall not be withheld after they have been made public by HUD or VHDA.*

CHAPTER 80

An Act to amend and reenact §§ 2.2-3132 and 2.2-3704.3, as it shall become effective, of the Code of Virginia, relating to the State and Local Government Conflict of Interests Act and Virginia Freedom of Information Act; training requirements; executive directors and members of industrial development authorities and economic development authorities.

[S 701]

Approved March 2, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-3132 and 2.2-3704.3, as it shall become effective, of the Code of Virginia are amended and reenacted as follows:

§ 2.2-3132. Training on prohibited conduct and conflicts of interest.

A. The Council shall provide training sessions for local elected officials *and the executive directors and members of industrial development authorities and economic development authorities, as created by the Industrial Development and Revenue Bond Act (§ 15.2-4900 et seq.)*, on the provisions of the State and Local Government Conflict of Interests Act (§ 2.2-3100 et seq.). The Council may provide such training sessions by online means.

B. Each local elected official *and the executive director and members of each industrial development authority and economic development authority, as created by the Industrial Development and Revenue Bond Act*, shall complete the training session described in subsection A within two months after assuming the local elected office and thereafter at least once during each consecutive period of two calendar years while he holds such office, commencing with the date on which he last completed a training session. No penalty shall be imposed on a local elected official *or an executive director or member of an industrial development authority or an economic development authority* for failing to complete a training session.

C. The clerk of the respective governing body or school board shall maintain records indicating local elected officials *and executive directors and members of industrial development authorities and economic development authorities* subject to the training requirement and the dates of their completion of a training session pursuant to subsection B. Such records shall be maintained as public records for five years in the office of the clerk of the respective governing body or school board.

§ 2.2-3704.3. (Effective July 1, 2020) Training for local officials.

A. The Virginia Freedom of Information Advisory Council (the Council) or the local government attorney shall provide online training sessions for local elected officials *and the executive directors and members of industrial development authorities and economic development authorities, as created by the Industrial Development and Revenue Bond Act (§ 15.2-4900 et seq.)*, on the provisions of this chapter.

B. Each local elected official *and the executive director and members of each industrial development authority and economic development authority, as created by the Industrial Development and Revenue Bond Act*, shall complete a training session described in subsection A within two months after assuming the local elected office and thereafter at least once during each consecutive period of two calendar years commencing with the date on which he last completed a training session, for as long as he holds such office. No penalty shall be imposed on a local elected official *or an executive director or member of an industrial development authority or an economic development authority* for failing to complete a training session.

C. The clerk of each governing body or school board shall maintain records indicating the names of elected officials *and executive directors and members of industrial development authorities and economic development authorities* subject to the training requirements in subsection B and the dates on which each such official completed training sessions satisfying such requirements. Such records shall be maintained for five years in the office of the clerk of the respective governing body or school board.

2. That any executive director or member of an industrial development authority or an economic development authority holding office on July 1, 2020, shall complete the training required by §§ 2.2-3132 and 2.2-3704.3, as it shall become effective, of the Code of Virginia, as amended by this act, no later than December 31, 2020.

CHAPTER 81

An Act to amend and reenact § 2.2-3115 of the Code of Virginia, relating to State and Local Government Conflict of Interests Act; disclosure by executive directors and members of industrial development authorities and economic development authorities; penalty.

[S 703]

Approved March 2, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-3115 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-3115. Disclosure by local government officers and employees.

A. In accordance with the requirements set forth in § 2.2-3118.2, the members of every governing body and school board of each county and city and of towns with populations in excess of 3,500 *and the executive director and members of each industrial development authority and economic development authority, as created by the Industrial Development and Revenue Bond Act (§ 15.2-4900 et seq.)*, shall file, as a condition to assuming office or employment, a disclosure statement of their personal interests and other information as is required on the form prescribed by the Council pursuant to § 2.2-3117 and thereafter shall file such a statement annually on or before February 1.

In accordance with the requirements set forth in § 2.2-3118.2, the members of the governing body of any authority established in any county or city, or part or combination thereof, and having the power to issue bonds or expend funds in excess of \$10,000 in any fiscal year, *other than the executive director and members of each industrial development authority and economic development authority, as created by the Industrial Development and Revenue Bond Act (§ 15.2-4900 et seq.)*, shall file, as a condition to assuming office, a disclosure statement of their personal interests and other information as is required on the form prescribed by the Council pursuant to § 2.2-3118 and thereafter shall file such a statement annually on or before February 1, unless the governing body of the jurisdiction that appoints the members requires that the members file the form set forth in § 2.2-3117.

In accordance with the requirements set forth in § 2.2-3118.2, persons occupying such positions of trust appointed by governing bodies and persons occupying such positions of employment with governing bodies as may be designated to file by ordinance of the governing body shall file, as a condition to assuming office or employment, a disclosure statement of their personal interests and other information as is required on the form prescribed by the Council pursuant to § 2.2-3117 and thereafter shall file such a statement annually on or before February 1.

In accordance with the requirements set forth in § 2.2-3118.2, persons occupying such positions of trust appointed by school boards and persons occupying such positions of employment with school boards as may be designated to file by an adopted policy of the school board shall file, as a condition to assuming office or employment, a disclosure statement of their personal interests and other information as is required on the form prescribed by the Council pursuant to § 2.2-3117 and thereafter shall file such a statement annually on or before February 1.

B. In accordance with the requirements set forth in § 2.2-3118.2, nonsalaried citizen members of local boards, commissions and councils as may be designated by the governing body shall file, as a condition to assuming office, a disclosure form of their personal interests and such other information as is required on the form prescribed by the Council pursuant to § 2.2-3118 and thereafter shall file such form annually on or before February 1.

C. No person shall be mandated to file any disclosure not otherwise required by this article.

D. The disclosure forms required by subsections A and B shall be made available by the Virginia Conflict of Interest and Ethics Advisory Council at least 30 days prior to the filing deadline, and the clerks of the governing body and school board shall distribute the forms to designated individuals at least 20 days prior to the filing deadline. Forms shall be filed and maintained as public records for five years in the office of the clerk of the respective governing body or school board. Forms filed by members of governing bodies of authorities shall be filed and maintained as public records for five years in the office of the clerk of the governing body of the county or city. Such forms shall be made public no later than six weeks after the filing deadline.

E. Candidates for membership in the governing body or school board of any county, city or town with a population of more than 3,500 persons shall file a disclosure statement of their personal interests as required by § 24.2-502.

F. Any officer or employee of local government who has a personal interest in any transaction before the governmental or advisory agency of which he is an officer or employee and who is disqualified from participating in that transaction pursuant to subsection A of § 2.2-3112 or otherwise elects to disqualify himself, shall forthwith make disclosure of the existence of his interest, including the full name and address of the business and the address or parcel number for the real estate if the interest involves a business or real estate, and his disclosure shall be reflected in the public records of the agency for five years in the office of the administrative head of the officer's or employee's governmental or advisory agency.

G. In addition to any disclosure required by subsections A and B, in each county and city and in towns with populations in excess of 3,500, members of planning commissions, boards of zoning appeals, real estate assessors, and all county, city and town managers or executive officers shall make annual disclosures of all their interests in real estate located in the county, city or town in which they are elected, appointed, or employed. Such disclosure shall include any business in which such persons own an interest, or from which income is received, if the primary purpose of the business is to own, develop or derive compensation through the sale, exchange or development of real estate in the county, city or town. In accordance with the requirements set forth in § 2.2-3118.2, such disclosure shall be filed as a condition to assuming office or employment, and thereafter shall be filed annually with the clerk of the governing body of such county, city, or town on or before February 1. Such disclosures shall be filed and maintained as public records for five years. Such forms shall be made public no later than six weeks after the filing deadline. Forms for the filing of such reports shall be made available by the Virginia Conflict of Interest and Ethics Advisory Council to the clerk of each governing body.

H. An officer or employee of local government who is required to declare his interest pursuant to subdivision B 1 of § 2.2-3112 shall declare his interest by stating (i) the transaction involved, (ii) the nature of the officer's or employee's personal interest affected by the transaction, (iii) that he is a member of a business, profession, occupation, or group the members of which are affected by the transaction, and (iv) that he is able to participate in the transaction fairly, objectively, and in the public interest. The officer or employee shall either make his declaration orally to be recorded in written minutes for his agency or file a signed written declaration with the clerk or administrative head of his governmental or advisory agency, as appropriate, who shall, in either case, retain and make available for public inspection such declaration for a period of five years from the date of recording or receipt. If reasonable time is not available to comply with the provisions of this subsection prior to participation in the transaction, the officer or employee shall prepare and file the required declaration by the end of the next business day. The officer or employee shall also orally disclose the existence of the interest during each meeting of the governmental or advisory agency at which the transaction is discussed and such disclosure shall be recorded in the minutes of the meeting.

I. An officer or employee of local government who is required to declare his interest pursuant to subdivision B 2 of § 2.2-3112, shall declare his interest by stating (i) the transaction involved, (ii) that a party to the transaction is a client of his firm, (iii) that he does not personally represent or provide services to the client, and (iv) that he is able to participate in the transaction fairly, objectively, and in the public interest. The officer or employee shall either make his declaration orally to be recorded in written minutes for his agency or file a signed written declaration with the clerk or administrative head of his governmental or advisory agency, as appropriate, who shall, in either case, retain and make available for public inspection such declaration for a period of five years from the date of recording or receipt. If reasonable time is not available to comply with the provisions of this subsection prior to participation in the transaction, the officer or employee shall prepare and file the required declaration by the end of the next business day.

J. The clerk of the governing body or school board that releases any form to the public pursuant to this section shall redact from the form any residential address, personal telephone number, or signature contained on such form; however, any form filed pursuant to subsection G shall not have any residential addresses redacted.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation is \$0 for periods of imprisonment in state adult correctional facilities and \$0 for periods of commitment to the custody of the Department of Juvenile Justice.

3. That an executive director or member of an industrial development authority or economic development authority holding office on July 1, 2020, shall file the disclosure form required by § 2.2-3115 of the Code of Virginia, as

amended by this act, no later than August 1, 2020, for the preceding 12-month period complete through the last day of June.

CHAPTER 82

An Act to amend and reenact § 10.1-2211.2 of the Code of Virginia, relating to historical African American cemeteries; Montgomery County and City of Radford.

[H 210]

Approved March 2, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 10.1-2211.2 of the Code of Virginia is amended and reenacted as follows:

§ 10.1-2211.2. Disbursement of funds appropriated for caring for historical African American cemeteries and graves.

A. For purposes of this section:

"Historical African American cemetery" means a cemetery that was established prior to January 1, 1900, for interments of African Americans.

"Qualified organization" means a charitable corporation, charitable association, or charitable trust that has been granted tax-exempt status under § 501(c)(3) of the Internal Revenue Code and whose primary purpose is the preservation of historical cemeteries and graves or any person or locality that owns a historical African American cemetery.

B. At the direction of the Director, the Comptroller of the Commonwealth shall draw an annual warrant upon the State Treasurer from any sum that may be provided in the general appropriation act in favor of the treasurer of a qualified organization caring for any cemetery set forth in this subsection. Such appropriations shall be allocated on the basis of the number of graves, monuments, and markers in a cemetery of African Americans who lived at any time between January 1, 1800, and January 1, 1900, the dates to be determined by reference to grave markers or, at the discretion of the Director, other historical records. Such number of graves, monuments, and markers, as set forth opposite the cemetery name or as documented by the qualified organization, shall be multiplied by the rate of \$5 or the average actual cost of routine maintenance of a grave, monument, or marker, whichever is greater, to determine the amount of the allocation. The Department shall determine the average actual cost of routine maintenance of a grave, monument, or marker in a biennial survey of at least four properly maintained cemeteries, each located in a different geographical region of the Commonwealth.

IN THE COUNTY OF:	NUMBER:
Henrico	
East End Cemetery	4,875
Loudoun	
African-American Burial Ground for the Enslaved at Belmont	44
<i>Montgomery</i>	
<i>Wake Forest Cemetery</i>	40
<i>Westview Cemetery</i>	47
Pulaski	
New River Cemetery	33
West Dublin Cemetery	44
IN THE CITY OF:	NUMBER:
Alexandria	
Baptist Cemetery of the African American Heritage Park	28
Contrabands and Freedmen Cemetery	631
Douglass Cemetery	83
Lebanon Union Cemetery	53
Methodist Protestant Cemetery	1,134
Penny Hill Cemetery	14
Charlottesville	
Daughters of Zion Cemetery	192

Hampton	
Bassette's Cemetery	212
Elmerton Cemetery	339
Good Samaritan Cemetery	37
Pleasant Shade Cemetery	29
Queen Street Cemetery	14
Tucker Family Cemetery	15
Union Street Cemetery	125
Martinsville	
Matthews Cemetery	8
The People's Cemetery	178
Smith Street Cemetery	9
Portsmouth	
Mt. Calvary Cemetery	266
<i>Radford</i>	
<i>Mountain View Cemetery</i>	91
Richmond	
Evergreen Cemetery	2,100
Suffolk	
Oak Lawn Cemetery	468

C. An organization receiving funds shall expend the funds for the routine maintenance of its historical African American cemetery and its graves and the erection of and caring for markers, memorials, and monuments to the memory of such African Americans.

D. Each qualified organization, through its proper officer, shall after July 1 of each year submit to the Director a certified statement that the funds appropriated to the organization during the preceding fiscal year were or will be expended for the purposes set forth in subsection C. No organization that fails to comply with any of the requirements of this section shall receive moneys allocated under this section for any subsequent fiscal year until the organization fully complies with the requirements.

E. In addition to funds that may be provided pursuant to subsection B, any organization set forth in subsection B may apply to the Director for a grant to perform extraordinary maintenance, renovation, repair, or reconstruction of any of its historical African American cemeteries and graves. Such a grant shall be made from any appropriation made available by the General Assembly for such purpose.

F. Any locality may receive and hold funds drawn pursuant to subsection B on behalf of any qualified organization until such time as the organization is able to receive or utilize such funds. No local matching funds shall be required for any grants made pursuant to this section.

G. The owner of a historical African American cemetery shall reasonably cooperate with a qualified organization that receives funds pursuant to subsection B.

CHAPTER 83

An Act to amend and reenact § 10.1-2211.2 of the Code of Virginia, relating to historical African American cemeteries; Loudoun County.

[H 314]

Approved March 2, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 10.1-2211.2 of the Code of Virginia is amended and reenacted as follows:

§ 10.1-2211.2. Disbursement of funds appropriated for caring for historical African American cemeteries and graves.

A. For purposes of this section:

"Historical African American cemetery" means a cemetery that was established prior to January 1, 1900, for interments of African Americans.

"Qualified organization" means a charitable corporation, charitable association, or charitable trust that has been granted tax-exempt status under § 501(c)(3) of the Internal Revenue Code and whose primary purpose is the preservation of historical cemeteries and graves or any person or locality that owns a historical African American cemetery.

B. At the direction of the Director, the Comptroller of the Commonwealth shall draw an annual warrant upon the State Treasurer from any sum that may be provided in the general appropriation act in favor of the treasurer of a qualified organization caring for any cemetery set forth in this subsection. Such appropriations shall be allocated on the basis of the number of graves, monuments, and markers in a cemetery of African Americans who lived at any time between January 1, 1800, and January 1, 1900, the dates to be determined by reference to grave markers or, at the discretion of the Director, other historical records. Such number of graves, monuments, and markers, as set forth opposite the cemetery name or as documented by the qualified organization, shall be multiplied by the rate of \$5 or the average actual cost of routine maintenance of a grave, monument, or marker, whichever is greater, to determine the amount of the allocation. The Department shall determine the average actual cost of routine maintenance of a grave, monument, or marker in a biennial survey of at least four properly maintained cemeteries, each located in a different geographical region of the Commonwealth.

IN THE COUNTY OF:	NUMBER:
Henrico	
East End Cemetery	4,875
Loudoun	
African-American Burial Ground for the Enslaved at Belmont	44
<i>Mt. Zion Old School Baptist Church Cemetery</i>	33
Pulaski	
New River Cemetery	33
West Dublin Cemetery	44
IN THE CITY OF:	
Alexandria	
Baptist Cemetery of the African American Heritage Park	28
Contrabands and Freedmen Cemetery	631
Douglass Cemetery	83
Lebanon Union Cemetery	53
Methodist Protestant Cemetery	1,134
Penny Hill Cemetery	14
Charlottesville	
Daughters of Zion Cemetery	192
Hampton	
Bassette's Cemetery	212
Elmerton Cemetery	339
Good Samaritan Cemetery	37
Pleasant Shade Cemetery	29
Queen Street Cemetery	14
Tucker Family Cemetery	15
Union Street Cemetery	125
Martinsville	
Matthews Cemetery	8
The People's Cemetery	178
Smith Street Cemetery	9
Portsmouth	
Mt. Calvary Cemetery	266
Richmond	
Evergreen Cemetery	2,100

Suffolk

Oak Lawn Cemetery

468

C. An organization receiving funds shall expend the funds for the routine maintenance of its historical African American cemetery and its graves and the erection of and caring for markers, memorials, and monuments to the memory of such African Americans.

D. Each qualified organization, through its proper officer, shall after July 1 of each year submit to the Director a certified statement that the funds appropriated to the organization during the preceding fiscal year were or will be expended for the purposes set forth in subsection C. No organization that fails to comply with any of the requirements of this section shall receive moneys allocated under this section for any subsequent fiscal year until the organization fully complies with the requirements.

E. In addition to funds that may be provided pursuant to subsection B, any organization set forth in subsection B may apply to the Director for a grant to perform extraordinary maintenance, renovation, repair, or reconstruction of any of its historical African American cemeteries and graves. Such a grant shall be made from any appropriation made available by the General Assembly for such purpose.

F. Any locality may receive and hold funds drawn pursuant to subsection B on behalf of any qualified organization until such time as the organization is able to receive or utilize such funds. No local matching funds shall be required for any grants made pursuant to this section.

G. The owner of a historical African American cemetery shall reasonably cooperate with a qualified organization that receives funds pursuant to subsection B.

CHAPTER 84

An Act to amend and reenact § 16.1-88.03 of the Code of Virginia, relating to the Fort Monroe Authority; civil actions in general district court.

[H 1561]

Approved March 2, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 16.1-88.03 of the Code of Virginia is amended and reenacted as follows:

§ 16.1-88.03. Pleadings and other papers by certain parties not represented by attorneys.

A. Any corporation, partnership, limited liability company, limited partnership, professional corporation, professional limited liability company, registered limited liability partnership, registered limited liability limited partnership or business trust, *the Fort Monroe Authority*, and the Department of Military Affairs, when the amount claimed in any civil action pursuant to subdivision (1) or (3) of § 16.1-77 does not exceed the jurisdictional amounts authorized in such subsections, exclusive of interest, may prepare, execute, file, and have served on other parties in any proceeding in a general district court a warrant in debt, motion for judgment, warrant in detinue, distress warrant, summons for unlawful detainer, counterclaim, crossclaim, suggestion for summons in garnishment, garnishment summons, order of possession, writ of eviction, writ of fieri facias, interpleader and civil appeal notice without the intervention of an attorney. Such papers may be signed by a corporate officer, a manager of a limited liability company, a general partner of any form of partnership or a trustee of any business trust, or such corporate officer, with the approval of the board of directors, or manager, general partner or trustee may authorize in writing an employee, a person licensed under the provisions of § 54.1-2106.1, or the property manager or the managing agent of a landlord as defined in § 55.1-1200 pursuant to the written property management agreement to sign such papers as the agent of the business entity. Only an agency employee designated in writing by the Adjutant General may sign such papers on behalf of the Department of Military Affairs. However, this section shall not apply to an action under subdivision (1) or (3) of § 16.1-77 which was assigned to a corporation, partnership, limited liability company, limited partnership, professional corporation, professional limited liability company, registered limited liability partnership, registered limited liability limited partnership or business trust, or individual solely for the purpose of enforcing an obligation owed or right inuring to another.

B. Nothing in this section shall allow a nonlawyer to file a bill of particulars or grounds of defense or to argue motions, issue a subpoena, rule to show cause, or capias; file or interrogate at debtor interrogatories; or to file, issue or argue any other paper, pleading or proceeding not set forth in subsection A.

C. The provisions of § 8.01-271.1 shall apply to any pleading, motion or other paper filed or made pursuant to this section.

D. Parties not represented by counsel, and who have made an appearance in the case, shall promptly notify in writing the clerk of court wherein the litigation is pending, and any adverse party, of any change in the party's address necessary for accurate mailing or service of any pleadings or notices. In the absence of such notification, a mailing to or service upon a party at the most recent address contained in the court file of the case shall be deemed effective service or other notice.

CHAPTER 85

An Act to amend the Code of Virginia by adding in Title 3.2 a chapter numbered 30.1, consisting of sections numbered 3.2-3007 through 3.2-3013, relating to the establishment of the Virginia Spirits Board and the Virginia Spirits Promotion Fund.

[S 583]

Approved March 2, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 3.2 a chapter numbered 30.1, consisting of sections numbered 3.2-3007 through 3.2-3013 as follows:

CHAPTER 30.1.
VIRGINIA SPIRITS BOARD.

§ 3.2-3007. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Board" means the Virginia Spirits Board.

"Cooper" means a commercial producer of wooden casks, barrels, and other staved wooden containers who sells at least \$10,000 worth of such wooden containers of a type used for the production of spirits.

"Fund" means the Virginia Spirits Promotion Fund.

"Maltster" means a commercial producer of malt who (i) sells at least \$10,000 worth of malt annually or (ii) has planted and maintains at least three acres of grains of a type used for the production of spirits.

"Spirits" means the same as that term is defined in § 4.1-100.

§ 3.2-3008. Virginia Spirits Board; purpose; composition and appointment of members; quorum; meeting.

A. *The Virginia Spirits Board is established within the Department. The purpose of the Board is to foster the development of the Virginia spirits industry by expanding spirits research, increasing education, and promoting the production of ingredients necessary for alcohol distillation and the production of spirits in the Commonwealth.*

B. *The Board shall consist of 11 members as follows: the Commissioner and the Chief Executive Officer of the Virginia Alcoholic Beverage Control Authority, both of whom shall serve ex officio without voting privileges, or their designees, and nine voting nonlegislative citizen members to be appointed by the Governor, three of whom shall be coopers or maltsters and six of whom shall be owners or operators of a distillery in the Commonwealth. Nonlegislative citizen members shall be citizens of the Commonwealth. The Governor shall make his appointments upon consideration of the recommendations made by any cooper or maltster or any owner or operator of a distillery. Each entity or person shall submit two or more recommendations for each available position at least 90 days before the expiration of the member's term for which the recommendation is being provided. If such entities or persons fail to provide the nominations at least 90 days before the expiration date pursuant to this section, the Governor may appoint other nominees that meet the foregoing criteria.*

C. *A majority of the members of the Board shall constitute a quorum, but a two-thirds vote of the members present shall be required for passage of items taken up by the Board. The Board shall meet at least four times each year. The meetings of the Board shall be held at the call of the chairman or whenever the majority of the members so request.*

§ 3.2-3009. Board membership terms; vacancies.

Following the initial staggering of terms, nonlegislative citizen members shall serve terms of four years, which shall begin on July 1 of the year of the appointment. The Commissioner shall serve a term coincident with his term of office. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. All members may be reappointed. No nonlegislative citizen member shall serve more than two consecutive four-year terms. The remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in determining the member's eligibility for reappointment. Vacancies shall be filled in the same manner as the original appointments.

§ 3.2-3010. Board officers and compensation.

A. *The Board shall elect a chairman and other officers as deemed necessary from among its membership.*

B. *Members of the Board shall receive no compensation for the discharge of their duties, but the nonlegislative citizen members shall be reimbursed for reasonable and necessary expenses incurred in the discharge of their duties as provided in §§ 2.2-2813 and 2.2-2825. Funding for expenses of the nonlegislative citizen members shall be provided from the Virginia Spirits Promotion Fund established under § 3.2-3012.*

§ 3.2-3011. Powers and duties of the Board.

The Board shall have the power and duty to:

1. *Receive and dispense funds or donations from the Virginia Spirits Promotion Fund;*
2. *Enter into contracts for the purpose of developing new or improved markets or marketing methods for spirits products;*
3. *Contract for research services to improve farming practices related to the growing of ingredients necessary for alcohol distillation in Virginia;*
4. *Enter into agreements with any local, state, or national organization or agency engaged in education for the purpose of disseminating information on spirits projects;*

5. Enter into contracts with private or public entities for the purpose of developing marketing, advertising, and other promotional programs designed to promote the orderly growth of Virginia's spirits industry;
6. Rent or purchase office and laboratory space, land, equipment, and supplies as necessary to carry out its duties;
7. Employ such personnel as may be required to carry out those duties conferred by law;
8. Acquire any licenses or permits necessary for the performance of the powers and duties of the Board;
9. Cooperate with other state, regional, national, and international organizations in research, education, and promotion of the growing of ingredients necessary for alcohol production and the production of spirits in the Commonwealth and expend moneys from the Fund for such purposes;
10. Adopt a general statement of policy and procedures; and
11. Receive from the chairman of the Board an annual report, including a statement of total receipts and disbursements for the year, and file a copy of such report with the Commissioner.

§ 3.2-3012. Virginia Spirits Promotion Fund established.

A. There is hereby created in the state treasury a special nonreverting fund to be known as the Virginia Spirits Promotion Fund, hereafter referred to as "the Fund." The Fund shall be established on the books of the Comptroller. The Fund shall consist of all moneys appropriated to it by the General Assembly, grants of private or government funds designated for specified activities authorized pursuant to this chapter, fees for services rendered pursuant to this chapter, and payments for products, equipment, or material or other goods supplied. All moneys shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purposes of carrying out the provisions of this chapter. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the duly authorized officer of the Board.

B. The Board shall meet and evaluate proposals from applicants for funding from the Fund. The Board's final recommendations shall be made by recorded vote.

C. The Auditor of Public Accounts shall audit all accounts as provided in § 30-133.

§ 3.2-3013. Revenue-producing activities of the Board.

To help defray the costs of its program, the Board may (i) publish materials with printed advertisements; (ii) sell printed materials; (iii) rent exhibit space at meetings or other events; (iv) charge entrance or participation fees; and (v) engage in other revenue-producing activities related to research, education, and promotion of the growing of ingredients necessary for alcohol distillation and the production of spirits in Virginia. The Board shall promptly deposit the proceeds of any revenue-producing activities into the Fund. The provisions of Article 3 (§ 2.2-1109 et seq.) of Chapter 11 of Title 2.2 and of Articles 1 (§ 2.2-4300 et seq.), 2 (§ 2.2-4303 et seq.), 3 (§ 2.2-4343 et seq.), and 5 (§ 2.2-4357 et seq.) of Chapter 43 of Title 2.2 shall not apply to contracts for advertising, marketing, or publishing entered into by the Board. The provisions of Articles 4 (§ 2.2-4347 et seq.) and 6 (§ 2.2-4367 et seq.) of Chapter 43 of Title 2.2 shall apply to such contracts.

2. That initial appointments to the Virginia Spirits Board shall be made by the Governor by July 1, 2020, and shall be staggered as follows: two members, who are owners or operators of distilleries in the Commonwealth, shall be appointed for a term to end June 30, 2021; two members, who are owners or operators of distilleries in the Commonwealth, shall be appointed for a term to end June 30, 2022; two members, who are owners or operators of distilleries in the Commonwealth, shall be appointed for a term to end June 30, 2023; one member, who is a cooper or maltster with no controlling financial interest in a distillery, shall be appointed for a term to end June 30, 2021; one member, who is a cooper or maltster with no controlling financial interest in a distillery, shall be appointed for a term to end June 30, 2022; and one member, who is a cooper or maltster with no controlling financial interest in a distillery, shall be appointed for a term to end June 30, 2023.

3. That on or before October 1, 2020, the Virginia Spirits Board, with assistance from the Virginia Alcoholic Beverage Control Authority, shall submit a report to the Department of Agriculture and Consumer Services detailing how the Board plans to fund the Virginia Spirits Promotion Fund after July 1, 2021.

CHAPTER 86

An Act to amend and reenact § 15.2-2314 of the Code of Virginia, relating to board of zoning appeals; writ of certiorari.

[H 505]

Approved March 3, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-2314 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-2314. Certiorari to review decision of board.

Any person or persons jointly or severally aggrieved by any decision of the board of zoning appeals, or any aggrieved taxpayer or any officer, department, board or bureau of the locality, may file with the clerk of the circuit court for the county or city a petition that shall be styled "In Re: date Decision of the Board of Zoning Appeals of [locality name]" specifying the grounds on which aggrieved within 30 days after the final decision of the board.

Upon the presentation of such petition, the court shall allow a writ of certiorari to review the decision of the board of zoning appeals and shall prescribe therein the time within which a return thereto must be made and served upon the secretary of the board of zoning appeals or, if no secretary exists, the chair of the board of zoning appeals, which shall not be less than 10 days and may be extended by the court. *Once the writ of certiorari is served, the board of zoning appeals shall have 21 days or as ordered by the court to respond.* The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the board and on due cause shown, grant a restraining order.

Any review of a decision of the board shall not be considered an action against the board and the board shall not be a party to the proceedings; however, the board shall participate in the proceedings to the extent required by this section. The governing body, the landowner, and the applicant before the board of zoning appeals shall be necessary parties to the proceedings in the circuit court. The court may permit intervention by any other person or persons jointly or severally aggrieved by any decision of the board of zoning appeals.

The board of zoning appeals shall not be required to return the original papers acted upon by it but it shall be sufficient to return certified or sworn copies thereof or of the portions thereof as may be called for by the writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.

The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.

In the case of an appeal from the board of zoning appeals to the circuit court of an order, requirement, decision or determination of a zoning administrator or other administrative officer in the administration or enforcement of any ordinance or provision of state law, or any modification of zoning requirements pursuant to § 15.2-2286, the findings and conclusions of the board of zoning appeals on questions of fact shall be presumed to be correct. The appealing party may rebut that presumption by proving by a preponderance of the evidence, including the record before the board of zoning appeals, that the board of zoning appeals erred in its decision. Any party may introduce evidence in the proceedings in the court. The court shall hear any arguments on questions of law de novo.

In the case of an appeal by a person of any decision of the board of zoning appeals that denied or granted an application for a variance, the decision of the board of zoning appeals shall be presumed to be correct. The petitioner may rebut that presumption by proving by a preponderance of the evidence, including the record before the board of zoning appeals, that the board of zoning appeals erred in its decision.

In the case of an appeal by a person of any decision of the board of zoning appeals that denied or granted application for a special exception, the decision of the board of zoning appeals shall be presumed to be correct. The petitioner may rebut that presumption by showing to the satisfaction of the court that the board of zoning appeals applied erroneous principles of law, or where the discretion of the board of zoning appeals is involved, the decision of the board of zoning appeals was plainly wrong, was in violation of the purpose and intent of the zoning ordinance, and is not fairly debatable.

In the case of an appeal from the board of zoning appeals to the circuit court of a decision of the board, any party may introduce evidence in the proceedings in the court in accordance with the Rules of Evidence of the Supreme Court of Virginia.

Costs shall not be allowed against the locality or the governing body, unless it shall appear to the court that the locality or the governing body acted in bad faith or with malice. In the event the decision of the board is affirmed and the court finds that the appeal was frivolous, the court may order the person or persons who requested the issuance of the writ of certiorari to pay the costs incurred in making the return of the record pursuant to the writ of certiorari. If the petition is withdrawn subsequent to the filing of the return, the locality or the governing body may request that the court hear the matter on the question of whether the appeal was frivolous.

CHAPTER 87

An Act to amend and reenact § 19.2-310.2:1 of the Code of Virginia, relating to saliva or tissue sample required for DNA analysis after arrest for a violent felony.

[H 821]

Approved March 3, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-310.2:1 of the Code of Virginia is amended and reenacted as follows:

§ 19.2-310.2:1. Saliva or tissue sample required for DNA analysis after arrest for a violent felony.

Every person arrested for the commission or attempted commission of a violent felony as defined in § 19.2-297.1 or a violation or attempt to commit a violation of § 18.2-31, 18.2-89, 18.2-90, 18.2-91, or 18.2-92, shall have a sample of his saliva or tissue taken for DNA (deoxyribonucleic acid) analysis to determine identification characteristics specific to the person. After a determination by a magistrate or a grand jury that probable cause exists for the arrest, a sample shall be taken prior to the person's release from custody. The analysis shall be performed by the Department of Forensic Science or other entity designated by the Department. The identification characteristics of the profile resulting from the DNA analysis shall be stored and maintained by the Department in a DNA data bank and shall be made available as provided in § 19.2-310.5.

The clerk of the court shall notify the Department of final disposition of the criminal proceedings. If the charge for which the sample was taken is dismissed or the defendant is acquitted at trial, the Department shall destroy the sample and

all records thereof, provided there is no other pending qualifying warrant or ~~capias~~ ~~felony~~ conviction that would otherwise require that the sample remain in the data bank.

CHAPTER 88

An Act to amend and reenact §§ 2.2-221 and 2.2-230 of the Code of Virginia, relating to the Department of Military Affairs; change of secretariat.

[H 990]

Approved March 3, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-221 and 2.2-230 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-221. Position established; agencies for which responsible; additional powers and duties.

A. The position of Secretary of Public Safety and Homeland Security (the Secretary) is created. The Secretary shall be responsible to the Governor for the following agencies: the Virginia Alcoholic Beverage Control Authority, Department of Corrections, Department of Juvenile Justice, Department of Criminal Justice Services, Department of Forensic Science, Virginia Parole Board, Department of Emergency Management, ~~Department of Military Affairs~~, Department of State Police, Department of Fire Programs, and Commonwealth's Attorneys' Services Council. The Governor may, by executive order, assign any other state executive agency to the Secretary, or reassign any agency listed above to another Secretary.

B. The Secretary shall by reason of professional background have knowledge of ~~military affairs~~, law enforcement, public safety, or emergency management and preparedness issues, in addition to familiarity with the structure and operations of the federal government and of the Commonwealth.

Unless the Governor expressly reserves such power to himself, the Secretary shall:

1. Work with and through others, including federal, state, and local officials as well as the private sector, to develop a seamless, coordinated security and preparedness strategy and implementation plan.
2. Serve as the point of contact with the federal Department of Homeland Security.
3. Provide oversight, coordination, and review of all disaster, emergency management, and terrorism management plans for the state and its agencies in coordination with the Virginia Department of Emergency Management and other applicable state agencies.
4. Work with federal officials to obtain additional federal resources and coordinate policy development and information exchange.
5. Work with and through appropriate members of the Governor's Cabinet to coordinate working relationships between state agencies and take all actions necessary to ensure that available federal and state resources are directed toward safeguarding Virginia and its citizens.
6. Designate a Commonwealth Interoperability Coordinator to ensure that all communications-related preparedness federal grant requests from state agencies and localities are used to enhance interoperability. The Secretary shall ensure that the annual review and update of the statewide interoperability strategic plan is conducted as required in § 2.2-222.2. The Commonwealth Interoperability Coordinator shall establish an advisory group consisting of representatives of state and local government and constitutional offices, broadly distributed across the Commonwealth, who are actively engaged in activities and functions related to communications interoperability.
7. Serve as one of the Governor's representatives on regional efforts to develop a coordinated security and preparedness strategy, including the National Capital Region Senior Policy Group organized as part of the federal Urban Areas Security Initiative.
8. Serve as a direct liaison between the Governor and local governments and first responders on issues of emergency prevention, preparedness, response, and recovery.
9. Educate the public on homeland security and overall preparedness issues in coordination with applicable state agencies.
10. Serve as chairman of the Secure and Resilient Commonwealth Panel.
11. Encourage homeland security volunteer efforts throughout the state.
12. Coordinate the development of an allocation formula for State Homeland Security Grant Program funds to localities and state agencies in compliance with federal grant guidance and constraints. The formula shall be, to the extent permissible under federal constraints, based on actual risk, threat, and need.
13. Work with the appropriate state agencies to ensure that regional working groups are meeting regularly and focusing on regional initiatives in training, equipment, and strategy to ensure ready access to response teams in times of emergency and facilitate testing and training exercises for emergencies and mass casualty preparedness.
14. Provide oversight and review of the Virginia Department of Emergency Management's annual statewide assessment of local and regional capabilities, including equipment, training, personnel, response times, and other factors.
15. Employ, as needed, consultants, attorneys, architects, engineers, accountants, financial experts, investment bankers, superintendents, managers, and such other employees and agents as may be necessary, and fix their compensation to be payable from funds made available for that purpose.

16. Receive and accept from any federal or private agency, foundation, corporation, association, or person grants, donations of money, real property, or personal property for the benefit of the Commonwealth, and receive and accept from the Commonwealth or any state, any municipality, county, or other political subdivision thereof, or any other source, aid or contributions of money, property, or other things of value, to be held, used, and applied for the purposes for which such grants and contributions may be made.

17. Receive and accept from any source aid, grants, and contributions of money, property, labor, or other things of value to be held, used, and applied to carry out these requirements subject to the conditions upon which the aid, grants, or contributions are made.

18. Make grants to local governments, state and federal agencies, and private entities with any funds of the Secretary available for such purpose.

19. Provide oversight and review of the law-enforcement operations of the Alcoholic Beverage Control Authority.

20. Take any actions necessary or convenient to the exercise of the powers granted or reasonably implied to this Secretary and not otherwise inconsistent with the law of the Commonwealth.

§ 2.2-230. Position established; agencies for which responsible; additional duties.

The position of Secretary of Veterans and Defense Affairs (the Secretary) is created. The Secretary shall be responsible to the Governor for the following agencies: *Department of Military Affairs*, Department of Veterans Services, Veterans Services Foundation, and Virginia Military Advisory Council. The Governor may, by executive order, assign any other state executive agency to the Secretary, or reassign any agency listed above to another Secretary.

The Secretary shall by reason of professional background have knowledge of veterans affairs and military affairs, in addition to familiarity with the structure and operations of the federal government and of the Commonwealth.

CHAPTER 89

An Act to amend and reenact §§ 18.2-23, 18.2-80, 18.2-81, 18.2-95 through 18.2-97, 18.2-102, 18.2-103, 18.2-108.01, 18.2-145.1, 18.2-150, 18.2-152.3, 18.2-162, 18.2-181, 18.2-181.1, 18.2-182, 18.2-186, 18.2-186.3, 18.2-187.1, 18.2-188, 18.2-195, 18.2-195.2, 18.2-197, 18.2-340.37, 19.2-289, 19.2-290, 19.2-386.16, and 29.1-553 of the Code of Virginia, relating to grand larceny and certain property crimes; threshold.

[H 995]

Approved March 3, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 18.2-23, 18.2-80, 18.2-81, 18.2-95 through 18.2-97, 18.2-102, 18.2-103, 18.2-108.01, 18.2-145.1, 18.2-150, 18.2-152.3, 18.2-162, 18.2-181, 18.2-181.1, 18.2-182, 18.2-186, 18.2-186.3, 18.2-187.1, 18.2-188, 18.2-195, 18.2-195.2, 18.2-197, 18.2-340.37, 19.2-289, 19.2-290, 19.2-386.16, and 29.1-553 of the Code of Virginia are amended and reenacted as follows:

§ 18.2-23. Conspiring to trespass or commit larceny.

A. If any person shall conspire, confederate or combine with another or others in the Commonwealth to go upon or remain upon the lands, buildings or premises of another, or any part, portion or area thereof, having knowledge that any of them have been forbidden, either orally or in writing, to do so by the owner, lessee, custodian or other person lawfully in charge thereof, or having knowledge that any of them have been forbidden to do so by a sign or signs posted on such lands, buildings, premises or part, portion or area thereof at a place or places where it or they may reasonably be seen, he shall be deemed guilty of a Class 3 misdemeanor.

B. If any person shall conspire, confederate or combine with another or others in the Commonwealth to commit larceny or counsel, assist, aid or abet another in the performance of a larceny, where the aggregate value of the goods or merchandise involved is ~~500~~ \$1,000 or more, he is guilty of a felony punishable by confinement in a state correctional facility for not less than one year nor more than 20 years. The willful concealment of goods or merchandise of any store or other mercantile establishment, while still on the premises thereof, shall be prima facie evidence of an intent to convert and defraud the owner thereof out of the value of the goods or merchandise. A violation of this subsection constitutes a separate and distinct felony.

C. Jurisdiction for the trial of any person charged under this section shall be in the county or city wherein any part of such conspiracy is planned, or in the county or city wherein any act is done toward the consummation of such plan or conspiracy.

§ 18.2-80. Burning or destroying any other building or structure.

If any person maliciously, or with intent to defraud an insurance company or other person, burn, or by the use of any explosive device or substance, maliciously destroy, in whole or in part, or cause to be burned or destroyed, or aid, counsel or procure the burning or destruction of any building, bridge, lock, dam or other structure, whether the property of himself or of another, at a time when any person is therein or thereon, the burning or destruction whereof is not punishable under any other section of this chapter, he shall be guilty of a Class 3 felony. If he commits such offense at a time when no person is in such building, or other structure, and such building, or other structure, with the property therein, be of the value of ~~500~~ \$1,000 or more, he shall be guilty of a Class 4 felony, and if it and the property therein be of less value, he shall be guilty of a Class 1 misdemeanor.

§ 18.2-81. Burning or destroying personal property, standing grain, etc.

If any person maliciously, or with intent to defraud an insurance company or other person, set fire to or burn or destroy by any explosive device or substance, or cause to be burned, or destroyed by any explosive device or substance, or aid, counsel, or procure the burning or destroying by any explosive device or substance, of any personal property, standing grain or other crop, he shall, if the thing burnt or destroyed be of the value of ~~\$500~~ \$1,000 or more, be guilty of a Class 4 felony; and if the thing burnt or destroyed be of less value, he shall be guilty of a Class 1 misdemeanor.

§ 18.2-95. Grand larceny defined; how punished.

Any person who (i) commits larceny from the person of another of money or other thing of value of \$5 or more, (ii) commits simple larceny not from the person of another of goods and chattels of the value of ~~\$500~~ \$1,000 or more, or (iii) commits simple larceny not from the person of another of any firearm, regardless of the firearm's value, shall be guilty of grand larceny, punishable by imprisonment in a state correctional facility for not less than one nor more than 20 years or, in the discretion of the jury or court trying the case without a jury, be confined in jail for a period not exceeding 12 months or fined not more than \$2,500, either or both.

§ 18.2-96. Petit larceny defined; how punished.

Any person who:

1. Commits larceny from the person of another of money or other thing of value of less than \$5, or

2. Commits simple larceny not from the person of another of goods and chattels of the value of less than ~~\$500~~ \$1,000, except as provided in clause (iii) of § 18.2-95, shall be deemed guilty of petit larceny, which shall be punishable as a Class 1 misdemeanor.

§ 18.2-96.1. Identification of certain personalty.

A. The owner of personal property may permanently mark such property, including any part thereof, for the purpose of identification with the social security number of the owner, preceded by the letters "VA."

B. [Repealed.]

C. It shall be unlawful for any person to remove, alter, deface, destroy, conceal, or otherwise obscure the manufacturer's serial number or marks, including personalty marked with a social security number preceded by the letters "VA," from such personal property or any part thereof, without the consent of the owner, with intent to render it or other property unidentifiable.

D. It shall be unlawful for any person to possess such personal property or any part thereof, without the consent of the owner, knowing that the manufacturer's serial number or any other distinguishing identification number or mark, including personalty marked with a social security number preceded by the letters "VA," has been removed, altered, defaced, destroyed, concealed, or otherwise obscured with the intent to violate the provisions of this section.

E. A person in possession of such property which is otherwise in violation of this section may apply in writing to the Bureau of Criminal Investigation, Virginia State Police, for assignment of a number for the personal property providing he can show that he is the lawful owner of the property. If a number is issued in conformity with the provisions of this section, then the person to whom it was issued and any person to whom the property is lawfully disposed of shall not be in violation of this section. This subsection shall apply only when the application has been filed by a person prior to arrest or authorization of a warrant of arrest for that person by a court.

F. Any person convicted of an offense under this section, when the value of the personalty is less than ~~\$500~~ \$1,000, shall be guilty of a Class 1 misdemeanor and, when the value of the personalty is ~~\$500~~ \$1,000 or more, shall be guilty of a Class 5 felony.

§ 18.2-97. Larceny of certain animals and poultry.

Any person who shall be guilty of the larceny of a dog, horse, pony, mule, cow, steer, bull, or calf shall be guilty of a Class 5 felony, and any person who shall be guilty of the larceny of any poultry of the value of \$5 or more, but of the value of less than ~~\$500~~ \$1,000, or of a sheep, lamb, swine, or goat, of the value of less than ~~\$500~~ \$1,000, shall be guilty of a Class 6 felony.

§ 18.2-102. Unauthorized use of animal, aircraft, vehicle or boat; consent; accessories or accomplices.

Any person who shall take, drive or use any animal, aircraft, vehicle, boat or vessel, not his own, without the consent of the owner thereof and in the absence of the owner, and with intent temporarily to deprive the owner thereof of his possession thereof, without intent to steal the same, shall be guilty of a Class 6 felony, provided, however, that if the value of such animal, aircraft, vehicle, boat or vessel shall be less than ~~\$500~~ \$1,000, such person shall be guilty of a Class 1 misdemeanor. The consent of the owner of an animal, aircraft, vehicle, boat or vessel to its taking, driving or using shall not in any case be presumed or implied because of such owner's consent on a previous occasion to the taking, driving or using of such animal, aircraft, vehicle, boat or vessel by the same or a different person. Any person who assists in, or is a party or accessory to, or an accomplice in, any such unauthorized taking, driving or using shall be subject to the same punishment as if he were the principal offender.

§ 18.2-103. Concealing or taking possession of merchandise; altering price tags; transferring goods from one container to another; counseling, etc., another in performance of such acts.

Whoever, without authority, with the intention of converting goods or merchandise to his own or another's use without having paid the full purchase price thereof, or of defrauding the owner of the value of the goods or merchandise, (i) willfully conceals or takes possession of the goods or merchandise of any store or other mercantile establishment, or (ii) alters the price tag or other price marking on such goods or merchandise, or transfers the goods from one container to another, or

(iii) counsels, assists, aids or abets another in the performance of any of the above acts, when the value of the goods or merchandise involved in the offense is less than ~~\$500~~ \$1,000, shall be guilty of petit larceny and, when the value of the goods or merchandise involved in the offense is ~~\$500~~ \$1,000 or more, shall be guilty of grand larceny. The willful concealment of goods or merchandise of any store or other mercantile establishment, while still on the premises thereof, shall be prima facie evidence of an intent to convert and defraud the owner thereof out of the value of the goods or merchandise.

§ 18.2-108.01. Larceny with intent to sell or distribute; sale of stolen property; penalty.

A. Any person who commits larceny of property with a value of ~~\$500~~ \$1,000 or more with the intent to sell or distribute such property is guilty of a felony punishable by confinement in a state correctional facility for not less than two years nor more than 20 years. The larceny of more than one item of the same product is prima facie evidence of intent to sell or intent to distribute for sale.

B. Any person who sells, attempts to sell or possesses with intent to sell or distribute any stolen property with an aggregate value of ~~\$500~~ \$1,000 or more where he knew or should have known that the property was stolen is guilty of a Class 5 felony.

C. A violation of this section constitutes a separate and distinct offense.

§ 18.2-145.1. Damaging or destroying research farm product; penalty; restitution.

A. Any person or entity that (i) maliciously damages or destroys any farm product, as defined in § 3.2-4709, and (ii) knows the product is grown for testing or research purposes in the context of product development in conjunction or coordination with a private research facility or a baccalaureate institution of higher education or any federal, state, or local government agency is guilty of a Class 1 misdemeanor if the value of the farm product was less than ~~\$500~~ \$1,000, or a Class 6 felony if the value of the farm product was ~~\$500~~ \$1,000 or more.

B. The court shall order the defendant to make restitution in accordance with § 19.2-305.1 for the damage or destruction caused. For the purpose of awarding restitution under this section, the court shall determine the market value of the farm product prior to its damage or destruction and, in so doing, shall include the cost of: (i) production, (ii) research, (iii) testing, (iv) replacement, and (v) product development directly related to the product damaged or destroyed.

§ 18.2-150. Willfully destroying vessel, etc.

If any person willfully scuttle, cast away or otherwise dispose of, or in any manner destroy, except as otherwise provided, a ship, vessel or other watercraft, with intent to injure or defraud any owner thereof or of any property on board the same, or any insurer of such ship, vessel or other watercraft, or any part thereof, or of any such property on board the same, if the same be of the value of ~~\$500~~ \$1,000 or more, he shall be guilty of a Class 4 felony, but if it be of less value than ~~\$500~~ \$1,000, he shall be guilty of a Class 1 misdemeanor.

§ 18.2-152.3. Computer fraud; penalty.

Any person who uses a computer or computer network, without authority and:

1. Obtains property or services by false pretenses;
 2. Embezzles or commits larceny; or
 3. Converts the property of another;
- is guilty of the crime of computer fraud.

If the value of the property or services obtained is ~~\$500~~ \$1,000 or more, the crime of computer fraud shall be punishable as a Class 5 felony. Where the value of the property or services obtained is less than ~~\$500~~ \$1,000, the crime of computer fraud shall be punishable as a Class 1 misdemeanor.

§ 18.2-162. Damage or trespass to public services or utilities.

Any person who shall intentionally destroy or damage any facility which is used to furnish oil, telegraph, telephone, electric, gas, sewer, wastewater or water service to the public, shall be guilty of a Class 4 felony, provided that in the event that the destruction or damage may be remedied or repaired for less than ~~\$500~~ \$1,000 such act shall constitute a Class 3 misdemeanor. On electric generating property marked with no trespassing signs, the security personnel of a utility may detain a trespasser for a period not to exceed one hour pending arrival of a law-enforcement officer.

Notwithstanding any other provisions of this title, any person who shall intentionally destroy or damage, or attempt to destroy or damage, any such facility, equipment or material connected therewith, the destruction or damage of which might, in any manner, threaten the release of radioactive materials or ionizing radiation beyond the areas in which they are normally used or contained, shall be guilty of a Class 4 felony, provided that in the event the destruction or damage results in the death of another due to exposure to radioactive materials or ionizing radiation, such person shall be guilty of a Class 2 felony; provided further, that in the event the destruction or damage results in injury to another, such person shall be guilty of a Class 3 felony.

§ 18.2-181. Issuing bad checks, etc., larceny.

Any person who, with intent to defraud, shall make or draw or utter or deliver any check, draft, or order for the payment of money, upon any bank, banking institution, trust company, or other depository, knowing, at the time of such making, drawing, uttering or delivering, that the maker or drawer has not sufficient funds in, or credit with, such bank, banking institution, trust company, or other depository, for the payment of such check, draft or order, although no express representation is made in reference thereto, shall be guilty of larceny; and, if this check, draft, or order has a represented value of ~~\$500~~ \$1,000 or more, such person shall be guilty of a Class 6 felony. In cases in which such value is less than ~~\$500~~ \$1,000, the person shall be guilty of a Class 1 misdemeanor.

The word "credit" as used herein, shall be construed to mean any arrangement or understanding with the bank, trust company, or other depository for the payment of such check, draft or order.

Any person making, drawing, uttering or delivering any such check, draft or order in payment as a present consideration for goods or services for the purposes set out in this section shall be guilty as provided herein.

§ 18.2-181.1. Issuance of bad checks.

It shall be a Class 6 felony for any person, within a period of 90 days, to issue two or more checks, drafts or orders for the payment of money in violation of § 18.2-181 that have an aggregate represented value of ~~\$500~~ \$1,000 or more and that (i) are drawn upon the same account of any bank, banking institution, trust company or other depository and (ii) are made payable to the same person, firm or corporation.

§ 18.2-182. Issuing bad checks on behalf of business firm or corporation in payment of wages; penalty.

Any person who shall make, draw, or utter, or deliver any check, draft, or order for the payment of money, upon any bank, banking institution, trust company or other depository on behalf of any business firm or corporation, for the purpose of paying wages to any employee of such firm or corporation, or for the purpose of paying for any labor performed by any person for such firm or corporation, knowing, at the time of such making, drawing, uttering or delivering, that the account upon which such check, draft or order is drawn has not sufficient funds, or credit with, such bank, banking institution, trust company or other depository, for the payment of such check, draft or order, although no express representation is made in reference thereto, shall be guilty of a Class 1 misdemeanor; except that if this check, draft, or order has a represented value of ~~\$500~~ \$1,000 or more, such person shall be guilty of a Class 6 felony.

The word "credit," as used herein, shall be construed to mean any arrangement or understanding with the bank, banking institution, trust company, or other depository for the payment of such check, draft or order.

In addition to the criminal penalty set forth herein, such person shall be personally liable in any civil action brought upon such check, draft or order.

§ 18.2-186. False statements to obtain property or credit.

A. A person shall be guilty of a Class 1 misdemeanor if he makes, causes to be made or conspires to make directly, indirectly or through an agency, any materially false statement in writing, knowing it to be false and intending that it be relied upon, concerning the financial condition or means or ability to pay of himself, or of any other person for whom he is acting, or any firm or corporation in which he is interested or for which he is acting, for the purpose of procuring, for his own benefit or for the benefit of such person, firm or corporation, the delivery of personal property, the payment of cash, the making of a loan or credit, the extension of a credit, the discount of an account receivable, or the making, acceptance, discount, sale or endorsement of a bill of exchange or promissory note.

B. Any person who knows that a false statement has been made in writing concerning the financial condition or ability to pay of himself or of any person for whom he is acting, or any firm or corporation in which he is interested or for which he is acting and who, with intent to defraud, procures, upon the faith thereof, for his own benefit, or for the benefit of the person, firm or corporation in which he is interested or for which he is acting, any such delivery, payment, loan, credit, extension, discount making, acceptance, sale or endorsement, shall, if the value of the thing or the amount of the loan, credit or benefit obtained is ~~\$500~~ \$1,000 or more, be guilty of grand larceny or, if the value is less than ~~\$500~~ \$1,000, be guilty of petit larceny.

C. Venue for the trial of any person charged with an offense under this section may be in the county or city in which (i) any act was performed in furtherance of the offense, or (ii) the person charged with the offense resided at the time of the offense.

D. As used in this section, "in writing" shall include information transmitted by computer, facsimile, e-mail, Internet, or any other electronic medium, and shall not include information transmitted by any such medium by voice transmission.

§ 18.2-186.3. Identity theft; penalty; restitution; victim assistance.

A. It shall be unlawful for any person, without the authorization or permission of the person or persons who are the subjects of the identifying information, with the intent to defraud, for his own use or the use of a third person, to:

1. Obtain, record, or access identifying information which is not available to the general public that would assist in accessing financial resources, obtaining identification documents, or obtaining benefits of such other person;
2. Obtain money, credit, loans, goods, or services through the use of identifying information of such other person;
3. Obtain identification documents in such other person's name; or
4. Obtain, record, or access identifying information while impersonating a law-enforcement officer or an official of the government of the Commonwealth.

B. It shall be unlawful for any person without the authorization or permission of the person who is the subject of the identifying information, with the intent to sell or distribute the information to another to:

1. Fraudulently obtain, record, or access identifying information that is not available to the general public that would assist in accessing financial resources, obtaining identification documents, or obtaining benefits of such other person;
2. Obtain money, credit, loans, goods, or services through the use of identifying information of such other person;
3. Obtain identification documents in such other person's name; or
4. Obtain, record, or access identifying information while impersonating a law-enforcement officer or an official of the Commonwealth.

B1. It shall be unlawful for any person to use identification documents or identifying information of another person, whether that person is dead or alive, or of a false or fictitious person, to avoid summons, arrest, prosecution, or to impede a criminal investigation.

C. As used in this section, "identifying information" shall include but not be limited to: (i) name; (ii) date of birth; (iii) social security number; (iv) driver's license number; (v) bank account numbers; (vi) credit or debit card numbers; (vii) personal identification numbers (PIN); (viii) electronic identification codes; (ix) automated or electronic signatures; (x) biometric data; (xi) fingerprints; (xii) passwords; or (xiii) any other numbers or information that can be used to access a person's financial resources, obtain identification, act as identification, or obtain money, credit, loans, goods, or services.

D. Violations of this section shall be punishable as a Class 1 misdemeanor. Any violation resulting in financial loss of ~~\$500~~ \$1,000 or more shall be punishable as a Class 6 felony. Any second or subsequent conviction shall be punishable as a Class 6 felony. Any violation of subsection B where five or more persons' identifying information has been obtained, recorded, or accessed in the same transaction or occurrence shall be punishable as a Class 5 felony. Any violation of subsection B where 50 or more persons' identifying information has been obtained, recorded, or accessed in the same transaction or occurrence shall be punishable as a Class 4 felony. Any violation resulting in the arrest and detention of the person whose identification documents or identifying information were used to avoid summons, arrest, prosecution, or to impede a criminal investigation shall be punishable as a Class 5 felony. In any proceeding brought pursuant to this section, the crime shall be considered to have been committed in any locality where the person whose identifying information was appropriated resides, or in which any part of the offense took place, regardless of whether the defendant was ever actually in such locality.

E. Upon conviction, in addition to any other punishment, a person found guilty of this offense shall be ordered by the court to make restitution as the court deems appropriate to any person whose identifying information was appropriated or to the estate of such person. Such restitution may include the person's or his estate's actual expenses associated with correcting inaccuracies or errors in his credit report or other identifying information.

F. Upon the request of a person whose identifying information was appropriated, the Attorney General may provide assistance to the victim in obtaining information necessary to correct inaccuracies or errors in his credit report or other identifying information; however, no legal representation shall be afforded such person.

§ 18.2-187.1. Obtaining or attempting to obtain oil, electric, gas, water, telephone, telegraph, cable television or electronic communication service without payment; penalty; civil liability.

A. It shall be unlawful for any person knowingly, with the intent to defraud, to obtain or attempt to obtain, for himself or for another, oil, electric, gas, water, telephone, telegraph, cable television or electronic communication service by the use of any false information, or in any case where such service has been disconnected by the supplier and notice of disconnection has been given.

B. It shall be unlawful for any person to obtain or attempt to obtain oil, electric, gas, water, telephone, telegraph, cable television or electronic communication service by the use of any scheme, device, means or method, or by a false application for service with intent to avoid payment of lawful charges therefor.

B1. It shall be unlawful for any person to obtain, or attempt to obtain, electronic communication service as defined in § 18.2-190.1 by the use of an unlawful electronic communication device as defined in § 18.2-190.1.

C. The word "notice" as used in subsection A shall be notice given in writing to the person to whom the service was assigned. The sending of a notice in writing by registered or certified mail in the United States mail, duly stamped and addressed to such person at his last known address, requiring delivery to the addressee only with return receipt requested, and the actual signing of the receipt for such mail by the addressee, shall be prima facie evidence that such notice was duly received.

D. Any person who violates any provisions of this section, if the value of service, credit or benefit procured is ~~\$500~~ \$1,000 or more, shall be guilty of a Class 6 felony; or if the value is less than ~~\$500~~ \$1,000, shall be guilty of a Class 1 misdemeanor. In addition, the court may order restitution for the value of the services unlawfully used and for all costs. Such costs shall be limited to actual expenses, including the base wages of employees acting as witnesses for the Commonwealth, and suit costs. However, the total amount of allowable costs granted hereunder shall not exceed \$250, excluding the value of the service.

E. Any party providing oil, electric, gas, water, telephone, telegraph, cable television or electronic communication service who is aggrieved by a violation of this section may, in a civil proceeding in any court of competent jurisdiction, seek both injunctive and equitable relief, and an award of damages, including attorney fees and costs. In addition to any other remedy provided by law, the party aggrieved may recover an award of actual damages or \$500, whichever is greater, for each action.

§ 18.2-188. Defrauding hotels, motels, campgrounds, boardinghouses, etc.

It shall be unlawful for any person, without paying therefor, and with the intent to cheat or defraud the owner or keeper to:

1. Put up at a hotel, motel, campground or boardinghouse;
2. Obtain food from a restaurant or other eating house;
3. Gain entrance to an amusement park; or
4. Without having an express agreement for credit, procure food, entertainment or accommodation from any hotel, motel, campground, boardinghouse, restaurant, eating house or amusement park.

It shall be unlawful for any person, with intent to cheat or defraud the owner or keeper out of the pay therefor to obtain credit at a hotel, motel, campground, boardinghouse, restaurant or eating house for food, entertainment or accommodation by means of any false show of baggage or effects brought thereto.

It shall be unlawful for any person, with intent to cheat or defraud, to obtain credit at a hotel, motel, campground, boardinghouse, restaurant, eating house or amusement park for food, entertainment or accommodation through any misrepresentation or false statement.

It shall be unlawful for any person, with intent to cheat or defraud, to remove or cause to be removed any baggage or effects from a hotel, motel, campground, boardinghouse, restaurant or eating house while there is a lien existing thereon for the proper charges due from him for fare and board furnished.

Any person who violates any provision of this section is, if the value of service, credit or benefit procured or obtained is ~~\$500~~ \$1,000 or more, guilty of a Class 5 felony or is, if the value is less than ~~\$500~~ \$1,000, guilty of a Class 1 misdemeanor.

§ 18.2-195. Credit card fraud; conspiracy; penalties.

(1) A person is guilty of credit card fraud when, with intent to defraud any person, he:

(a) Uses for the purpose of obtaining money, goods, services or anything else of value a credit card or credit card number obtained or retained in violation of § 18.2-192 or a credit card or credit card number which he knows is expired or revoked;

(b) Obtains money, goods, services or anything else of value by representing (i) without the consent of the cardholder that he is the holder of a specified card or credit card number or (ii) that he is the holder of a card or credit card number and such card or credit card number has not in fact been issued;

(c) Obtains control over a credit card or credit card number as security for debt; or

(d) Obtains money from an issuer by use of an unmanned device of the issuer or through a person other than the issuer when he knows that such advance will exceed his available credit with the issuer and any available balances held by the issuer.

(2) A person who is authorized by an issuer to furnish money, goods, services or anything else of value upon presentation of a credit card or credit card number by the cardholder, or any agent or employee of such person, is guilty of a credit card fraud when, with intent to defraud the issuer or the cardholder, he:

(a) Furnishes money, goods, services or anything else of value upon presentation of a credit card or credit card number obtained or retained in violation of § 18.2-192, or a credit card or credit card number which he knows is expired or revoked;

(b) Fails to furnish money, goods, services or anything else of value which he represents or causes to be represented in writing or by any other means to the issuer that he has furnished; or

(c) Remits to an issuer or acquirer a record of a credit card or credit card number transaction which is in excess of the monetary amount authorized by the cardholder.

(3) Conviction of credit card fraud is punishable as a Class 1 misdemeanor if the value of all money, goods, services and other things of value furnished in violation of this section, or if the difference between the value of all money, goods, services and anything else of value actually furnished and the value represented to the issuer to have been furnished in violation of this section, is less than ~~\$500~~ \$1,000 in any six-month period; conviction of credit card fraud is punishable as a Class 6 felony if such value is ~~\$500~~ \$1,000 or more in any six-month period.

(4) Any person who conspires, confederates or combines with another, (i) either within or without the Commonwealth to commit credit card fraud within the Commonwealth or (ii) within the Commonwealth to commit credit card fraud within or without the Commonwealth, is guilty of a Class 6 felony.

§ 18.2-195.2. Fraudulent application for credit card; penalties.

A. A person shall be guilty of a Class 1 misdemeanor if he makes, causes to be made or conspires to make, directly, indirectly or through an agency, any materially false statement in writing concerning the financial condition or means or ability to pay of himself or of any other person for whom he is acting or any firm or corporation in which he is interested or for which he is acting, knowing the statement to be false and intending that it be relied upon for the purpose of procuring a credit card. However, if the statement is made in response to an unrequested written solicitation from the issuer or an agent of the issuer to apply for a credit card, he shall be guilty of a Class 4 misdemeanor.

B. A person who knows that a false statement has been made in writing concerning the financial condition or ability to pay of himself or of any person for whom he is acting or any firm or corporation in which he is interested or for which he is acting and who with intent to defraud, procures a credit card, upon the faith of such false statement, for his own benefit, or for the benefit of the person, firm or corporation in which he is interested or for which he is acting, and obtains by use of the credit card, money, property, services or any thing of value, is guilty of grand larceny if the value of whatever is obtained is ~~\$500~~ \$1,000 or more or petit larceny if the value is less than ~~\$500~~ \$1,000.

C. As used in this section, "in writing" shall include information transmitted by computer, facsimile, e-mail, Internet, or any other electronic medium, and shall not include information transmitted by any such medium by voice transmission.

§ 18.2-197. Criminally receiving goods and services fraudulently obtained.

A person is guilty of criminally receiving goods and services fraudulently obtained when he receives money, goods, services or anything else of value obtained in violation of subsection (1) of § 18.2-195 with the knowledge or belief that the same were obtained in violation of subsection (1) of § 18.2-195. Conviction of criminal receipt of goods and services fraudulently obtained is punishable as a Class 1 misdemeanor if the value of all money, goods, services and anything else of

value, obtained in violation of this section, is less than ~~\$\$\$500~~ \$1,000 in any six-month period; conviction of criminal receipt of goods and services fraudulently obtained is punishable as a Class 6 felony if such value is ~~\$\$\$500~~ \$1,000 or more in any six-month period.

§ 18.2-340.37. Criminal penalties.

A. Any person who violates the provisions of this article or who willfully and knowingly files, or causes to be filed, a false application, report or other document or who willfully and knowingly makes a false statement, or causes a false statement to be made, on any application, report or other document required to be filed with or made to the Department shall be guilty of a Class 1 misdemeanor.

B. Each day in violation shall constitute a separate offense.

C. Any person who converts funds derived from any charitable gaming to his own or another's use, when the amount of funds is less than ~~\$\$\$500~~ \$1,000, shall be guilty of petit larceny and, when the amount of funds is ~~\$\$\$500~~ \$1,000 or more, shall be guilty of grand larceny. The provisions of this section shall not preclude the applicability of any other provision of the criminal law of the Commonwealth that may apply to any course of conduct that violates this section.

§ 19.2-289. Conviction of petit larceny.

In a prosecution for grand larceny, if it be found that the thing stolen is of less value than ~~\$\$\$500~~ \$1,000, the jury may find the accused guilty of petit larceny.

§ 19.2-290. Conviction of petit larceny though thing stolen worth \$1,000 or more.

In a prosecution for petit larceny, though the thing stolen be of the value of ~~\$\$\$500~~ \$1,000 or more, the jury may find the accused guilty, and upon a conviction under this section or § 19.2-289 the accused shall be sentenced for petit larceny.

§ 19.2-386.16. Forfeiture of motor vehicles used in commission of certain crimes.

A. Any vehicle knowingly used by the owner thereof or used by another with his knowledge of and during the commission of, or in an attempt to commit, a second or subsequent offense of § 18.2-346, 18.2-347, 18.2-348, 18.2-348.1, 18.2-349, 18.2-355, 18.2-356 or 18.2-357 or of a similar ordinance of any county, city or town or knowingly used for the transportation of any stolen goods, chattels or other property, when the value of such stolen goods, chattels or other property is ~~\$\$\$500~~ \$1,000 or more, or any stolen property obtained as a result of a robbery, without regard to the value of the property, shall be forfeited to the Commonwealth. The vehicle shall be seized by any law-enforcement officer arresting the operator of such vehicle for the criminal offense, and delivered to the sheriff of the county or city in which the offense occurred. The officer shall take a receipt therefor.

B. Any vehicle knowingly used by the owner thereof or used by another with his knowledge of and during the commission of, or in an attempt to commit, a misdemeanor violation of subsection D of § 18.2-47 or a felony violation of (i) Article 3 (§ 18.2-47 et seq.) of Chapter 4 of Title 18.2 or (ii) § 18.2-357 where the prostitute is a minor, shall be forfeited to the Commonwealth. The vehicle shall be seized by any law-enforcement officer arresting the operator of such vehicle for the criminal offense, and delivered to the sheriff of the county or city in which the offense occurred. The officer shall take a receipt therefor.

C. Forfeiture of such vehicle shall be enforced as is provided in Chapter 22.1 (§ 19.2-386.1 et seq.).

§ 29.1-553. Selling or offering for sale; penalty.

A. Any person who offers for sale, sells, offers to purchase, or purchases any wild bird or wild animal, or any part thereof, or any freshwater fish, except as provided by law, shall be guilty of a Class 1 misdemeanor. However, when the aggregate of such sales or purchases, or any combination thereof, by any person totals ~~\$\$\$500~~ \$1,000 or more during any 90-day period, that person shall be guilty of a Class 6 felony.

B. Whether or not criminal charges have been placed, when any property is taken possession of by a conservation police officer for the purpose of being used as evidence of a violation of this section or for confiscation, the conservation police officer making such seizure shall immediately report the seizure to the Attorney for the Commonwealth.

C. In any prosecution for a violation of this section, photographs of the wild bird, wild animal, or any freshwater fish, or any part thereof shall be deemed competent evidence of such wild bird, wild animal, or freshwater fish, or part thereof and shall be admissible in any proceeding, hearing, or trial of the case to the same extent as if such wild bird, wild animal, or any freshwater fish, or part thereof had been introduced as evidence. Such photographs shall bear a written description of the wild bird, wild animal, or freshwater fish, or parts thereof, the name of the place where the alleged offense occurred, the date on which the alleged offense occurred, the name of the accused, the name of the arresting officer or investigating officer, the date of the photograph, and the name of the photographer. The photographs shall be identified by the signature of the photographer.

D. Any licensed Virginia auctioneer or licensed auction firm that sells, as a legitimate item of an auction sale, wildlife mounts that have undergone the taxidermy process, shall be exempt from the provisions of this section and subdivision A 11 of § 29.1-521.

CHAPTER 90

An Act to amend and reenact § 9.1-101 of the Code of Virginia, relating to the definition of criminal justice agency; Virginia Criminal Sentencing Commission.

[H 1022]

Approved March 3, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 9.1-101 of the Code of Virginia is amended and reenacted as follows:

§ 9.1-101. Definitions.

As used in this chapter or in Chapter 23 (§ 19.2-387 et seq.) of Title 19.2, unless the context requires a different meaning:

"Administration of criminal justice" means performance of any activity directly involving the detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders or the collection, storage, and dissemination of criminal history record information.

"Board" means the Criminal Justice Services Board.

"Conviction data" means information in the custody of any criminal justice agency relating to a judgment of conviction, and the consequences arising therefrom, in any court.

"Correctional status information" means records and data concerning each condition of a convicted person's custodial status, including probation, confinement, work release, study release, escape, or termination of custody through expiration of sentence, parole, pardon, or court decision.

"Criminal history record information" means records and data collected by criminal justice agencies on adult individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments, informations, or other formal charges, and any disposition arising therefrom. The term shall not include juvenile record information which is controlled by Chapter 11 (§ 16.1-226 et seq.) of Title 16.1, criminal justice intelligence information, criminal justice investigative information, or correctional status information.

"Criminal justice agency" means (i) a court or any other governmental agency or subunit thereof which as its principal function performs the administration of criminal justice and any other agency or subunit thereof which performs criminal justice activities, but only to the extent that it does so; (ii) for the purposes of Chapter 23 (§ 19.2-387 et seq.) of Title 19.2, any private corporation or agency which, within the context of its criminal justice activities, employs special conservators of the peace appointed under Chapter 2 (§ 19.2-12 et seq.) of Title 19.2, provided that (a) such private corporation or agency requires its officers or special conservators to meet compulsory training standards established by the Criminal Justice Services Board and submits reports of compliance with the training standards and (b) the private corporation or agency complies with the provisions of Article 3 (§ 9.1-126 et seq.), but only to the extent that the private corporation or agency so designated as a criminal justice agency performs criminal justice activities; and (iii) the Office of the Attorney General, for all criminal justice activities otherwise permitted under clause (i) and for the purpose of performing duties required by the Civil Commitment of Sexually Violent Predators Act (§ 37.2-900 et seq.).

"Criminal justice agency" includes any program certified by the Commission on VASAP pursuant to § 18.2-271.2.

"Criminal justice agency" includes the Department of Criminal Justice Services.

"Criminal justice agency" includes the Virginia Criminal Sentencing Commission.

"Criminal justice agency" includes the Virginia State Crime Commission.

"Criminal justice information system" means a system including the equipment, facilities, procedures, agreements, and organizations thereof, for the collection, processing, preservation, or dissemination of criminal history record information. The operations of the system may be performed manually or by using electronic computers or other automated data processing equipment.

"Department" means the Department of Criminal Justice Services.

"Dissemination" means any transfer of information, whether orally, in writing, or by electronic means. The term shall not include access to the information by officers or employees of a criminal justice agency maintaining the information who have both a need and right to know the information.

"Law-enforcement officer" means any full-time or part-time employee of a police department or sheriff's office which is a part of or administered by the Commonwealth or any political subdivision thereof, or any full-time or part-time employee of a private police department, and who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth, and shall include any (i) special agent of the Virginia Alcoholic Beverage Control Authority; (ii) police agent appointed under the provisions of § 56-353; (iii) officer of the Virginia Marine Police; (iv) conservation police officer who is a full-time sworn member of the enforcement division of the Department of Game and Inland Fisheries; (v) investigator who is a sworn member of the security division of the Virginia Lottery; (vi) conservation officer of the Department of Conservation and Recreation commissioned pursuant to § 10.1-115; (vii) full-time sworn member of the enforcement division of the Department of Motor Vehicles appointed pursuant to § 46.2-217; (viii) animal protection police officer employed under § 15.2-632 or 15.2-836.1; (ix) campus police officer appointed under Article 3 (§ 23.1-809 et seq.) of Chapter 8 of Title 23.1; (x) member of the investigations unit designated by the State Inspector General pursuant to § 2.2-311 to investigate allegations of criminal behavior affecting the operations of a state or nonstate agency; (xi) employee with internal investigations authority designated by the Department of Corrections pursuant to subdivision 11 of § 53.1-10 or by the Department of Juvenile Justice pursuant to subdivision A 7 of § 66-3; or (xii) private police officer employed by a private police department. Part-time employees are those compensated officers who are not full-time employees as defined by the employing police department, sheriff's office, or private police department.

"Private police department" means any police department, other than a department that employs police agents under the provisions of § 56-353, that employs private police officers operated by an entity authorized by statute or an act of

assembly to establish a private police department or such entity's successor in interest, provided it complies with the requirements set forth herein. No entity is authorized to operate a private police department or represent that it is a private police department unless such entity has been authorized by statute or an act of assembly or such entity is the successor in interest of an entity that has been authorized pursuant to this section, provided it complies with the requirements set forth herein. The authority of a private police department shall be limited to real property owned, leased, or controlled by the entity and, if approved by the local chief of police or sheriff, any contiguous property; such authority shall not supersede the authority, duties, or jurisdiction vested by law with the local police department or sheriff's office including as provided in §§ 15.2-1609 and 15.2-1704. The chief of police or sheriff who is the chief local law-enforcement officer shall enter into a memorandum of understanding with the private police department that addresses the duties and responsibilities of the private police department and the chief law-enforcement officer in the conduct of criminal investigations. Private police departments and private police officers shall be subject to and comply with the Constitution of the United States; the Constitution of Virginia; the laws governing municipal police departments, including the provisions of §§ 9.1-600, 15.2-1705 through 15.2-1708, 15.2-1719, 15.2-1721, and 15.2-1722; and any regulations adopted by the Board that the Department designates as applicable to private police departments. Any person employed as a private police officer pursuant to this section shall meet all requirements, including the minimum compulsory training requirements, for law-enforcement officers pursuant to this chapter. A private police officer is not entitled to benefits under the Line of Duty Act (§ 9.1-400 et seq.) or under the Virginia Retirement System, is not a "qualified law enforcement officer" or "qualified retired law enforcement officer" within the meaning of the federal Law Enforcement Officers Safety Act, 18 U.S.C. § 926B et seq., and shall not be deemed an employee of the Commonwealth or any locality. An authorized private police department may use the word "police" to describe its sworn officers and may join a regional criminal justice academy created pursuant to Article 5 (§ 15.2-1747 et seq.) of Chapter 17 of Title 15.2. Any private police department in existence on January 1, 2013, that was not otherwise established by statute or an act of assembly and whose status as a private police department was recognized by the Department at that time is hereby validated and may continue to operate as a private police department as may such entity's successor in interest, provided it complies with the requirements set forth herein.

"School resource officer" means a certified law-enforcement officer hired by the local law-enforcement agency to provide law-enforcement and security services to Virginia public elementary and secondary schools.

"School security officer" means an individual who is employed by the local school board or a private or religious school for the singular purpose of maintaining order and discipline, preventing crime, investigating violations of the policies of the school board or the private or religious school, and detaining students violating the law or the policies of the school board or the private or religious school on school property, school buses, or at school-sponsored events and who is responsible solely for ensuring the safety, security, and welfare of all students, faculty, staff, and visitors in the assigned school.

"Unapplied criminal history record information" means information pertaining to criminal offenses submitted to the Central Criminal Records Exchange that cannot be applied to the criminal history record of an arrested or convicted person (i) because such information is not supported by fingerprints or other accepted means of positive identification or (ii) due to an inconsistency, error, or omission within the content of the submitted information.

CHAPTER 91

An Act to amend and reenact §§ 19.2-390 and 19.2-392 of the Code of Virginia, relating to fingerprints and photographs by police authorities; reports to the Central Criminal Records Exchange.

[H 1047]

Approved March 3, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 19.2-390 and 19.2-392 of the Code of Virginia are amended and reenacted as follows:

§ 19.2-390. Reports to be made by local law-enforcement officers, conservators of the peace, clerks of court, Secretary of the Commonwealth and Corrections officials to State Police; material submitted by other agencies.

A. 1. Every state official or agency having the power to arrest, the sheriffs of counties, the police officials of cities and towns, and any other local law-enforcement officer or conservator of the peace having the power to arrest for a felony shall make a report to the Central Criminal Records Exchange, on forms provided by it, of any arrest, including those arrests involving the taking into custody of, or service of process upon, any person on charges resulting from an indictment, presentment or information, the arrest on *capias* or warrant for failure to appear, and the service of a warrant for another jurisdiction, for each charge when any person is arrested on any of the following charges:

- a. Treason;
- b. Any felony;
- c. Any offense punishable as a misdemeanor under Title 54.1;
- d. Any misdemeanor punishable by confinement in jail (i) under Title 18.2 or 19.2, or any similar ordinance of any county, city or town, (ii) under § 20-61, or (iii) under § 16.1-253.2; or
- e. Any offense in violation of § 3.2-6570, 4.1-309.1, 5.1-13, 15.2-1612, 46.2-339, 46.2-341.21, 46.2-341.24, 46.2-341.26:3, 46.2-817, 58.1-3141, 58.1-4018.1, 60.2-632, 63.2-1509, or 63.2-1727.

The reports shall contain such information as is required by the Exchange and shall be accompanied by fingerprints of the individual arrested for each charge. Effective January 1, 2006, the corresponding photograph of the individual arrested shall accompany the report. Fingerprint cards prepared by a law-enforcement agency for inclusion in a national criminal justice file shall be forwarded to the Exchange for transmittal to the appropriate bureau. Nothing in this section shall preclude each local law-enforcement agency from maintaining its own separate photographic database. Fingerprints and photographs required to be taken pursuant to this subsection or subdivision A 3c of § 19.2-123 may be taken at the facility where the magistrate is located, including a regional jail, even if the accused is not committed to jail.

2. For persons arrested and released on summonses in accordance with *subsection B of § 19.2-73 or § 19.2-74*, such report shall not be required until (i) a conviction is entered and no appeal is noted or if an appeal is noted, the conviction is upheld upon appeal or the person convicted withdraws his appeal; (ii) the court defers or dismisses the proceeding pursuant to § 18.2-57.3, 18.2-251, or 19.2-303.2; or (iii) an acquittal by reason of insanity pursuant to § 19.2-182.2 is entered. Upon such conviction or acquittal, the court shall remand the individual to the custody of the office of the chief law-enforcement officer of the county or city. It shall be the duty of the chief law-enforcement officer, or his designee who may be the arresting officer, to ensure that such report is completed for each charge after a determination of guilt or acquittal by reason of insanity. The court shall require the officer to complete the report immediately following the person's conviction or acquittal, and the individual shall be discharged from custody forthwith, unless the court has imposed a jail sentence to be served by him or ordered him committed to the custody of the Commissioner of Behavioral Health and Developmental Services.

3. For persons arrested on a *capias* for any allegation of a violation of the terms or conditions of a suspended sentence or probation for a felony offense pursuant to § 18.2-456, 19.2-306, or 53.1-165, a report shall be made to the Central Criminal Records Exchange pursuant to subdivision 1. Upon finding such person in violation of the terms or conditions of a suspended sentence or probation for such felony offense, the court shall order that the fingerprints and photograph of such person be taken by a law-enforcement officer for each such offense and submitted to the Central Criminal Records Exchange.

4. For any person served with a show cause for any allegation of a violation of the terms or conditions of a suspended sentence or probation for a felony offense pursuant to § 18.2-456, 19.2-306, or 53.1-165, such report to the Central Criminal Records Exchange shall not be required until such person is found to be in violation of the terms or conditions of a suspended sentence or probation for such felony offense. Upon finding such person in violation of the terms or conditions of a suspended sentence or probation for such felony offense, the court shall order that the fingerprints and photograph of such person be taken by a law-enforcement officer for each such offense and submitted to the Central Criminal Records Exchange.

5. If the accused is in custody when an indictment or presentment is found or made, or information is filed, and no process is awarded, the attorney for the Commonwealth shall so notify the court of such at the time of first appearance for each indictment, presentment, or information for which a report is required upon arrest pursuant to subdivision 1, and the court shall order that the fingerprints and photograph of the accused be taken for each offense by a law-enforcement officer or by the agency that has custody of the accused at the time of first appearance. The law-enforcement officer or agency taking the fingerprints and photograph shall submit a report to the Central Criminal Records Exchange for each offense.

B. Within 72 hours following the receipt of (i) a warrant or *capias* for the arrest of any person on a charge of a felony or (ii) a Governor's warrant of arrest of a person issued pursuant to § 19.2-92, the law-enforcement agency which received the warrant shall enter the person's name and other appropriate information required by the Department of State Police into the "information systems" known as the Virginia Criminal Information Network (VCIN), established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the National Crime Information Center (NCIC), maintained by the Federal Bureau of Investigation. The report shall include the person's name, date of birth, social security number and such other known information which the State Police or Federal Bureau of Investigation may require. Where feasible and practical, the magistrate or court issuing the warrant or *capias* may transfer information electronically into VCIN. When the information is electronically transferred to VCIN, the court or magistrate shall forthwith forward the warrant or *capias* to the local police department or sheriff's office. When criminal process has been ordered destroyed pursuant to § 19.2-76.1, the law-enforcement agency destroying such process shall ensure the removal of any information relating to the destroyed criminal process from the VCIN and NCIC.

B1. Within 72 hours following the receipt of a written statement issued by a parole officer pursuant to § 53.1-149 or 53.1-162 authorizing the arrest of a person who has violated the provisions of his post-release supervision or probation, the law-enforcement agency that received the written statement shall enter, or cause to be entered, the person's name and other appropriate information required by the Department of State Police into the "information systems" known as the Virginia Criminal Information Network (VCIN), established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52.

C. Court and district court shall make an electronic report to the Central Criminal Records Exchange of (i) any dismissal, including a dismissal pursuant to § 18.2-57.3, 18.2-251, or 19.2-303.2, indefinite postponement or continuance, charge still pending due to mental incompetency or incapacity, deferral, *nolle prosequi*, acquittal, or conviction of, including any sentence imposed, or failure of a grand jury to return a true bill as to, any person charged with an offense listed in subsection A, including any action that may have resulted from an indictment, presentment or information, or any finding

that the person is in violation of the terms or conditions of a suspended sentence or probation for a felony offense and (ii) any adjudication of delinquency based upon an act that, if committed by an adult, would require fingerprints to be filed pursuant to subsection A. For offenses listed in subsection A and charged on a summons in accordance with *subsection B of § 19.2-73 or § 19.2-74*, such electronic report by the clerk of each circuit court and district court to the Central Criminal Records Exchange may be submitted but shall not be required until (a) a conviction is entered and no appeal is noted or, if an appeal is noted, the conviction is upheld upon appeal or the person convicted withdraws his appeal; (b) the court defers or dismisses the proceeding pursuant to § 18.2-57.3, 18.2-251, or 19.2-303.2; or (c) an acquittal by reason of insanity pursuant to § 19.2-182.2 is entered. The clerk of each circuit court shall make an electronic report to the Central Criminal Records Exchange of any finding that a person charged on a summons is in violation of the terms or conditions of a suspended sentence or probation for a felony offense. In the case of offenses not required to be reported to the Exchange by subsection A, the reports of any of the foregoing dispositions shall be filed by the law-enforcement agency making the arrest with the arrest record required to be maintained by § 15.2-1722. Upon conviction of any person, including juveniles tried and convicted in the circuit courts pursuant to § 16.1-269.1, whether sentenced as adults or juveniles, for an offense for which registration is required as defined in § 9.1-902, the clerk shall within seven days of sentencing submit a report to the Sex Offender and Crimes Against Minors Registry. The report to the Registry shall include the name of the person convicted and all aliases that he is known to have used, the date and locality of the conviction for which registration is required, his date of birth, social security number, and last known address, and specific reference to the offense for which he was convicted. No report of conviction or adjudication in a district court shall be filed unless the period allowed for an appeal has elapsed and no appeal has been perfected. In the event that the records in the office of any clerk show that any conviction or adjudication has been nullified in any manner, he shall also make a report of that fact to the Exchange and, if appropriate, to the Registry. In addition, each clerk of a circuit court, upon receipt of certification thereof from the Supreme Court, shall report to the Exchange or the Registry, or to the law-enforcement agency making the arrest in the case of offenses not required to be reported to the Exchange, on forms provided by the Exchange or Registry, as the case may be, any reversal or other amendment to a prior sentence or disposition previously reported. When criminal process is ordered destroyed pursuant to § 19.2-76.1, the clerk shall report such action to the law-enforcement agency that entered the warrant or *capias* into the VCIN.

D. In addition to those offenses enumerated in subsection A, the Central Criminal Records Exchange may receive, classify, and file any other fingerprints, photographs, and records of arrest or confinement submitted to it by any law-enforcement agency or any correctional institution or the Department of Corrections. Unless otherwise prohibited by law, any such fingerprints, photographs, and records received by the Central Criminal Records Exchange from any correctional institution or the Department of Corrections may be classified and filed as criminal history record information.

E. Corrections officials, sheriffs, and jail superintendents of regional jails, responsible for maintaining correctional status information, as required by the regulations of the Department of Criminal Justice Services, with respect to individuals about whom reports have been made under the provisions of this chapter shall make reports of changes in correctional status information to the Central Criminal Records Exchange. The reports to the Exchange shall include any commitment to or release or escape from a state or local correctional facility, including commitment to or release from a parole or probation agency.

F. Any pardon, reprieve or executive commutation of sentence by the Governor shall be reported to the Exchange by the office of the Secretary of the Commonwealth.

G. Officials responsible for reporting disposition of charges, and correctional changes of status of individuals under this section, including those reports made to the Registry, shall adopt procedures reasonably designed at a minimum (i) to ensure that such reports are accurately made as soon as feasible by the most expeditious means and in no instance later than 30 days after occurrence of the disposition or correctional change of status and (ii) to report promptly any correction, deletion, or revision of the information.

H. Upon receiving a correction, deletion, or revision of information, the Central Criminal Records Exchange shall notify all criminal justice agencies known to have previously received the information.

I. As used in this section:

"Chief law-enforcement officer" means the chief of police of cities and towns and sheriffs of counties, unless a political subdivision has otherwise designated its chief law-enforcement officer by appropriate resolution or ordinance, in which case the local designation shall be controlling.

"Electronic report" means a report transmitted to, or otherwise forwarded to, the Central Criminal Records Exchange in an electronic format approved by the Exchange. The report shall contain the name of the person convicted and all aliases which he is known to have used, the date and locality of the conviction, his date of birth, social security number, last known address, and specific reference to the offense including the Virginia Code section and any subsection, the Virginia crime code for the offense, and the offense tracking number for the offense for which he was convicted.

§ 19.2-392. Fingerprints and photographs by police authorities.

A. All duly constituted police authorities having the power of arrest may take the fingerprints and photographs of: (i) any person arrested by them and charged with a felony or a misdemeanor an arrest for which is to be reported by them to the Central Criminal Records Exchange, (ii) any person who pleads guilty or is found guilty after being summoned in accordance with *subsection B of § 19.2-73 or § 19.2-74*, or (iii) any person charged with an offense that has been deferred by the court pursuant to §§ 18.2-57.3, 18.2-251, or 19.2-303.2. Such authorities shall make such records available to the

Central Criminal Records Exchange. Such authorities are authorized to provide, on the request of duly appointed law-enforcement officers, copies of any fingerprint records they may have, and to furnish services and technical advice in connection with the taking, classifying and preserving of fingerprints and fingerprint records.

B. Such police authorities may establish and collect a reasonable fee not to exceed \$10 for the first card and \$5 for each successive card for the taking of fingerprints when voluntarily requested by any person for purposes other than criminal violations.

CHAPTER 92

An Act to amend and reenact §§ 19.2-390 and 19.2-392 of the Code of Virginia, relating to fingerprints and photographs by police authorities; reports to the Central Criminal Records Exchange.

[S 926]

Approved March 3, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 19.2-390 and 19.2-392 of the Code of Virginia are amended and reenacted as follows:

§ 19.2-390. Reports to be made by local law-enforcement officers, conservators of the peace, clerks of court, Secretary of the Commonwealth and Corrections officials to State Police; material submitted by other agencies.

A. 1. Every state official or agency having the power to arrest, the sheriffs of counties, the police officials of cities and towns, and any other local law-enforcement officer or conservator of the peace having the power to arrest for a felony shall make a report to the Central Criminal Records Exchange, on forms provided by it, of any arrest, including those arrests involving the taking into custody of, or service of process upon, any person on charges resulting from an indictment, presentment or information, the arrest on *capias* or warrant for failure to appear, and the service of a warrant for another jurisdiction, for each charge when any person is arrested on any of the following charges:

a. Treason;

b. Any felony;

c. Any offense punishable as a misdemeanor under Title 54.1;

d. Any misdemeanor punishable by confinement in jail (i) under Title 18.2 or 19.2, or any similar ordinance of any county, city or town, (ii) under § 20-61, or (iii) under § 16.1-253.2; or

e. Any offense in violation of § 3.2-6570, 4.1-309.1, 5.1-13, 15.2-1612, 46.2-339, 46.2-341.21, 46.2-341.24, 46.2-341.26:3, 46.2-817, 58.1-3141, 58.1-4018.1, 60.2-632, 63.2-1509, or 63.2-1727.

The reports shall contain such information as is required by the Exchange and shall be accompanied by fingerprints of the individual arrested for each charge. Effective January 1, 2006, the corresponding photograph of the individual arrested shall accompany the report. Fingerprint cards prepared by a law-enforcement agency for inclusion in a national criminal justice file shall be forwarded to the Exchange for transmittal to the appropriate bureau. Nothing in this section shall preclude each local law-enforcement agency from maintaining its own separate photographic database. Fingerprints and photographs required to be taken pursuant to this subsection or subdivision A 3c of § 19.2-123 may be taken at the facility where the magistrate is located, including a regional jail, even if the accused is not committed to jail.

2. For persons arrested and released on summonses in accordance with *subsection B of § 19.2-73* or § 19.2-74, such report shall not be required until (i) a conviction is entered and no appeal is noted or if an appeal is noted, the conviction is upheld upon appeal or the person convicted withdraws his appeal; (ii) the court defers or dismisses the proceeding pursuant to § 18.2-57.3, 18.2-251, or 19.2-303.2; or (iii) an acquittal by reason of insanity pursuant to § 19.2-182.2 is entered. Upon such conviction or acquittal, the court shall remand the individual to the custody of the office of the chief law-enforcement officer of the county or city. It shall be the duty of the chief law-enforcement officer, or his designee who may be the arresting officer, to ensure that such report is completed for each charge after a determination of guilt or acquittal by reason of insanity. The court shall require the officer to complete the report immediately following the person's conviction or acquittal, and the individual shall be discharged from custody forthwith, unless the court has imposed a jail sentence to be served by him or ordered him committed to the custody of the Commissioner of Behavioral Health and Developmental Services.

3. For persons arrested on a *capias* for any allegation of a violation of the terms or conditions of a suspended sentence or probation for a felony offense pursuant to § 18.2-456, 19.2-306, or 53.1-165, a report shall be made to the Central Criminal Records Exchange pursuant to subdivision 1. Upon finding such person in violation of the terms or conditions of a suspended sentence or probation for such felony offense, the court shall order that the fingerprints and photograph of such person be taken by a law-enforcement officer for each such offense and submitted to the Central Criminal Records Exchange.

4. For any person served with a show cause for any allegation of a violation of the terms or conditions of a suspended sentence or probation for a felony offense pursuant to § 18.2-456, 19.2-306, or 53.1-165, such report to the Central Criminal Records Exchange shall not be required until such person is found to be in violation of the terms or conditions of a suspended sentence or probation for such felony offense. Upon finding such person in violation of the terms or conditions of a suspended sentence or probation for such felony offense, the court shall order that the fingerprints and photograph of such

person be taken by a law-enforcement officer for each such offense and submitted to the Central Criminal Records Exchange.

5. If the accused is in custody when an indictment or presentment is found or made, or information is filed, and no process is awarded, the attorney for the Commonwealth shall so notify the court of such at the time of first appearance for each indictment, presentment, or information for which a report is required upon arrest pursuant to subdivision 1, and the court shall order that the fingerprints and photograph of the accused be taken for each offense by a law-enforcement officer or by the agency that has custody of the accused at the time of first appearance. The law-enforcement officer or agency taking the fingerprints and photograph shall submit a report to the Central Criminal Records Exchange for each offense.

B. Within 72 hours following the receipt of (i) a warrant or *capias* for the arrest of any person on a charge of a felony or (ii) a Governor's warrant of arrest of a person issued pursuant to § 19.2-92, the law-enforcement agency which received the warrant shall enter the person's name and other appropriate information required by the Department of State Police into the "information systems" known as the Virginia Criminal Information Network (VCIN), established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the National Crime Information Center (NCIC), maintained by the Federal Bureau of Investigation. The report shall include the person's name, date of birth, social security number and such other known information which the State Police or Federal Bureau of Investigation may require. Where feasible and practical, the magistrate or court issuing the warrant or *capias* may transfer information electronically into VCIN. When the information is electronically transferred to VCIN, the court or magistrate shall forthwith forward the warrant or *capias* to the local police department or sheriff's office. When criminal process has been ordered destroyed pursuant to § 19.2-76.1, the law-enforcement agency destroying such process shall ensure the removal of any information relating to the destroyed criminal process from the VCIN and NCIC.

B1. Within 72 hours following the receipt of a written statement issued by a parole officer pursuant to § 53.1-149 or 53.1-162 authorizing the arrest of a person who has violated the provisions of his post-release supervision or probation, the law-enforcement agency that received the written statement shall enter, or cause to be entered, the person's name and other appropriate information required by the Department of State Police into the "information systems" known as the Virginia Criminal Information Network (VCIN), established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52.

C. For offenses not charged on a summons in accordance with *subsection B of § 19.2-73 or § 19.2-74*, the clerk of each circuit court and district court shall make an electronic report to the Central Criminal Records Exchange of (i) any dismissal, including a dismissal pursuant to § 18.2-57.3, 18.2-251, or 19.2-303.2, indefinite postponement or continuance, charge still pending due to mental incompetency or incapacity, deferral, *nolle prosequi*, acquittal, or conviction of, including any sentence imposed, or failure of a grand jury to return a true bill as to, any person charged with an offense listed in subsection A, including any action that may have resulted from an indictment, presentment or information, or any finding that the person is in violation of the terms or conditions of a suspended sentence or probation for a felony offense and (ii) any adjudication of delinquency based upon an act that, if committed by an adult, would require fingerprints to be filed pursuant to subsection A. For offenses listed in subsection A and charged on a summons in accordance with *subsection B of § 19.2-73 or § 19.2-74*, such electronic report by the clerk of each circuit court and district court to the Central Criminal Records Exchange may be submitted but shall not be required until (a) a conviction is entered and no appeal is noted or, if an appeal is noted, the conviction is upheld upon appeal or the person convicted withdraws his appeal; (b) the court defers or dismisses the proceeding pursuant to § 18.2-57.3, 18.2-251, or 19.2-303.2; or (c) an acquittal by reason of insanity pursuant to § 19.2-182.2 is entered. The clerk of each circuit court shall make an electronic report to the Central Criminal Records Exchange of any finding that a person charged on a summons is in violation of the terms or conditions of a suspended sentence or probation for a felony offense. In the case of offenses not required to be reported to the Exchange by subsection A, the reports of any of the foregoing dispositions shall be filed by the law-enforcement agency making the arrest with the arrest record required to be maintained by § 15.2-1722. Upon conviction of any person, including juveniles tried and convicted in the circuit courts pursuant to § 16.1-269.1, whether sentenced as adults or juveniles, for an offense for which registration is required as defined in § 9.1-902, the clerk shall within seven days of sentencing submit a report to the Sex Offender and Crimes Against Minors Registry. The report to the Registry shall include the name of the person convicted and all aliases that he is known to have used, the date and locality of the conviction for which registration is required, his date of birth, social security number, and last known address, and specific reference to the offense for which he was convicted. No report of conviction or adjudication in a district court shall be filed unless the period allowed for an appeal has elapsed and no appeal has been perfected. In the event that the records in the office of any clerk show that any conviction or adjudication has been nullified in any manner, he shall also make a report of that fact to the Exchange and, if appropriate, to the Registry. In addition, each clerk of a circuit court, upon receipt of certification thereof from the Supreme Court, shall report to the Exchange or the Registry, or to the law-enforcement agency making the arrest in the case of offenses not required to be reported to the Exchange, on forms provided by the Exchange or Registry, as the case may be, any reversal or other amendment to a prior sentence or disposition previously reported. When criminal process is ordered destroyed pursuant to § 19.2-76.1, the clerk shall report such action to the law-enforcement agency that entered the warrant or *capias* into the VCIN.

D. In addition to those offenses enumerated in subsection A, the Central Criminal Records Exchange may receive, classify, and file any other fingerprints, photographs, and records of arrest or confinement submitted to it by any law-enforcement agency or any correctional institution or the Department of Corrections. Unless otherwise prohibited by

law, any such fingerprints, photographs, and records received by the Central Criminal Records Exchange from any correctional institution or the Department of Corrections may be classified and filed as criminal history record information.

E. Corrections officials, sheriffs, and jail superintendents of regional jails, responsible for maintaining correctional status information, as required by the regulations of the Department of Criminal Justice Services, with respect to individuals about whom reports have been made under the provisions of this chapter shall make reports of changes in correctional status information to the Central Criminal Records Exchange. The reports to the Exchange shall include any commitment to or release or escape from a state or local correctional facility, including commitment to or release from a parole or probation agency.

F. Any pardon, reprieve or executive commutation of sentence by the Governor shall be reported to the Exchange by the office of the Secretary of the Commonwealth.

G. Officials responsible for reporting disposition of charges, and correctional changes of status of individuals under this section, including those reports made to the Registry, shall adopt procedures reasonably designed at a minimum (i) to ensure that such reports are accurately made as soon as feasible by the most expeditious means and in no instance later than 30 days after occurrence of the disposition or correctional change of status and (ii) to report promptly any correction, deletion, or revision of the information.

H. Upon receiving a correction, deletion, or revision of information, the Central Criminal Records Exchange shall notify all criminal justice agencies known to have previously received the information.

I. As used in this section:

"Chief law-enforcement officer" means the chief of police of cities and towns and sheriffs of counties, unless a political subdivision has otherwise designated its chief law-enforcement officer by appropriate resolution or ordinance, in which case the local designation shall be controlling.

"Electronic report" means a report transmitted to, or otherwise forwarded to, the Central Criminal Records Exchange in an electronic format approved by the Exchange. The report shall contain the name of the person convicted and all aliases which he is known to have used, the date and locality of the conviction, his date of birth, social security number, last known address, and specific reference to the offense including the Virginia Code section and any subsection, the Virginia crime code for the offense, and the offense tracking number for the offense for which he was convicted.

§ 19.2-392. Fingerprints and photographs by police authorities.

A. All duly constituted police authorities having the power of arrest may take the fingerprints and photographs of: (i) any person arrested by them and charged with a felony or a misdemeanor an arrest for which is to be reported by them to the Central Criminal Records Exchange, (ii) any person who pleads guilty or is found guilty after being summoned in accordance with *subsection B of § 19.2-73 or § 19.2-74*, or (iii) any person charged with an offense that has been deferred by the court pursuant to §§ 18.2-57.3, 18.2-251, or 19.2-303.2. Such authorities shall make such records available to the Central Criminal Records Exchange. Such authorities are authorized to provide, on the request of duly appointed law-enforcement officers, copies of any fingerprint records they may have, and to furnish services and technical advice in connection with the taking, classifying and preserving of fingerprints and fingerprint records.

B. Such police authorities may establish and collect a reasonable fee not to exceed \$10 for the first card and \$5 for each successive card for the taking of fingerprints when voluntarily requested by any person for purposes other than criminal violations.

CHAPTER 93

An Act to amend and reenact § 19.2-392 of the Code of Virginia, relating to fingerprints and photographs by police authorities.

[H 1048]

Approved March 3, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-392 of the Code of Virginia is amended and reenacted as follows:

§ 19.2-392. Fingerprints and photographs by police authorities.

A. All duly constituted police authorities having the power of arrest may take the fingerprints and photographs of: (i) any person arrested by them and charged with a felony or a misdemeanor an arrest for which is to be reported by them to the Central Criminal Records Exchange, (ii) any person who pleads guilty or is found guilty after being summoned in accordance with § 19.2-74, ~~or~~ (iii) any person charged with an offense that has been deferred by the court pursuant to §§ 18.2-57.3, 18.2-251, or 19.2-303.2, or (iv) *upon the order of a court, any person found in contempt or in violation of the terms or conditions of a suspended sentence or probation for a felony offense pursuant to § 18.2-456, 19.2-306, or 53.1-165*. Such authorities shall make such records available to the Central Criminal Records Exchange. Such authorities are authorized to provide, on the request of duly appointed law-enforcement officers, copies of any fingerprint records they may have, and to furnish services and technical advice in connection with the taking, classifying and preserving of fingerprints and fingerprint records.

B. Such police authorities may establish and collect a reasonable fee not to exceed \$10 for the first card and \$5 for each successive card for the taking of fingerprints when voluntarily requested by any person for purposes other than criminal violations.

CHAPTER 94

An Act to amend and reenact § 44-146.19 of the Code of Virginia, relating to coordinator of emergency services; West Point.
[H 1258]

Approved March 3, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 44-146.19 of the Code of Virginia is amended and reenacted as follows:

§ 44-146.19. Powers and duties of political subdivisions.

A. Each political subdivision within the Commonwealth shall be within the jurisdiction of and served by the Department of Emergency Management and be responsible for local disaster mitigation, preparedness, response and recovery. Each political subdivision shall maintain in accordance with state disaster preparedness plans and programs an agency of emergency management which, except as otherwise provided under this chapter, has jurisdiction over and services the entire political subdivision.

B. Each political subdivision shall have a director of emergency management who, after the term of the person presently serving in this capacity has expired and in the absence of an executive order by the Governor, shall be the following:

1. In the case of a city, the mayor or city manager, who shall appoint a coordinator of emergency management with consent of council;

2. In the case of a county, a member of the board of supervisors selected by the board or the chief administrative officer for the county, who shall appoint a coordinator of emergency management with the consent of the governing body;

3. A coordinator of emergency management shall be appointed by the council of any town to ensure integration of its organization into the county emergency management organization;

4. In the case of the ~~Town~~ *Towns of Chincoteague and West Point* and of towns with a population in excess of 5,000 having an emergency management organization separate from that of the county, the mayor or town manager shall appoint a coordinator of emergency services with consent of council;

5. In Smyth County and in York County, the chief administrative officer for the county shall appoint a director of emergency management, with the consent of the governing body, who shall appoint a coordinator of emergency management with the consent of the governing body.

C. Whenever the Governor has declared a state of emergency, each political subdivision within the disaster area may, under the supervision and control of the Governor or his designated representative, control, restrict, allocate or regulate the use, sale, production and distribution of food, fuel, clothing and other commodities, materials, goods, services and resource systems which fall only within the boundaries of that jurisdiction and which do not impact systems affecting adjoining or other political subdivisions, enter into contracts and incur obligations necessary to combat such threatened or actual disaster, protect the health and safety of persons and property and provide emergency assistance to the victims of such disaster. In exercising the powers vested under this section, under the supervision and control of the Governor, the political subdivision may proceed without regard to time-consuming procedures and formalities prescribed by law (except mandatory constitutional requirements) pertaining to the performance of public work, entering into contracts, incurring of obligations, employment of temporary workers, rental of equipment, purchase of supplies and materials, levying of taxes, and appropriation and expenditure of public funds.

D. The director of each local organization for emergency management may, in collaboration with (i) other public and private agencies within the Commonwealth or (ii) other states or localities within other states, develop or cause to be developed mutual aid arrangements for reciprocal assistance in case of a disaster too great to be dealt with unassisted. Such arrangements shall be consistent with state plans and programs and it shall be the duty of each local organization for emergency management to render assistance in accordance with the provisions of such mutual aid arrangements.

E. Each local and interjurisdictional agency shall prepare and keep current a local or interjurisdictional emergency operations plan for its area. The plan shall include, but not be limited to, responsibilities of all local agencies and shall establish a chain of command, and a provision that the Department of Criminal Justice Services and the Virginia Criminal Injuries Compensation Fund shall be contacted immediately to deploy assistance in the event of an emergency as defined in the emergency response plan when there are victims as defined in § 19.2-11.01. The Department of Criminal Justice Services and the Virginia Criminal Injuries Compensation Fund shall be the lead coordinating agencies for those individuals determined to be victims, and the plan shall also contain current contact information for both agencies. Every four years, each local and interjurisdictional agency shall conduct a comprehensive review and revision of its emergency operations plan to ensure that the plan remains current, and the revised plan shall be formally adopted by the locality's governing body. In the case of an interjurisdictional agency, the plan shall be formally adopted by the governing body of each of the localities encompassed by the agency. Each political subdivision having a nuclear power station or other nuclear facility within

10 miles of its boundaries shall, if so directed by the Department of Emergency Management, prepare and keep current an appropriate emergency plan for its area for response to nuclear accidents at such station or facility.

F. All political subdivisions shall provide (i) an annually updated emergency management assessment and (ii) data related to emergency sheltering capabilities, including emergency shelter locations, evacuation zones, capacity by person, medical needs capacity, current wind rating, standards compliance, backup power, and lead agency for staffing, to the State Coordinator of Emergency Management on or before May 1 of each year.

G. By July 1, 2005, all localities with a population greater than 50,000 shall establish an alert and warning plan for the dissemination of adequate and timely warning to the public in the event of an emergency or threatened disaster. The governing body of the locality, in consultation with its local emergency management organization, shall amend its local emergency operations plan that may include rules for the operation of its alert and warning system, to include sirens, Emergency Alert System (EAS), NOAA Weather Radios, or other personal notification systems, amateur radio operators, or any combination thereof.

H. Localities that have established an agency of emergency management shall have authority to require the review of, and suggest amendments to, the emergency plans of nursing homes, assisted living facilities, adult day care centers, and child day care centers that are located within the locality.

CHAPTER 95

An Act to amend and reenact §§ 9.1-151, 16.1-228, 16.1-241, and 63.2-100 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 16.1-283.3 and by adding in Chapter 9 of Title 63.2 an article numbered 2, consisting of sections numbered 63.2-917 through 63.2-923, relating to Fostering Futures program.

[H 400]

Approved March 3, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 9.1-151, 16.1-228, 16.1-241, and 63.2-100 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 16.1-283.3 and by adding in Chapter 9 of Title 63.2 an article numbered 2, consisting of sections numbered 63.2-917 through 63.2-923, as follows:

§ 9.1-151. Court-Appointed Special Advocate Program; appointment of advisory committee.

A. There is established a Court-Appointed Special Advocate Program (the Program) that shall be administered by the Department. The Program shall provide services in accordance with this article to children who are subjects of judicial proceedings (i) involving allegations that the child is abused, neglected, in need of services, or in need of supervision or (ii) for the restoration of parental rights pursuant to § 16.1-283.2 and for whom the juvenile and domestic relations district court judge determines such services are appropriate. Court-Appointed Special Advocate volunteer appointments may continue for youth 18 years of age and older who are in foster care if the court has retained jurisdiction pursuant to *subsection Z of § 16.1-241 or § 16.1-242* and the juvenile and domestic relations district court judge determines such services are appropriate. The Department shall adopt regulations necessary and appropriate for the administration of the Program.

B. The Board shall appoint an Advisory Committee to the Court-Appointed Special Advocate Program, consisting of 15 members, one of whom shall be a judge of the juvenile and domestic relations district court or circuit court, knowledgeable of court matters, child welfare, and juvenile justice issues and representative of both state and local interests. The duties of the Advisory Committee shall be to advise the Board on all matters relating to the Program and the needs of the clients served by the Program, and to make such recommendations as it may deem desirable.

§ 16.1-228. Definitions.

When used in this chapter, unless the context otherwise requires:

"Abused or neglected child" means any child:

1. Whose parents or other person responsible for his care creates or inflicts, threatens to create or inflict, or allows to be created or inflicted upon such child a physical or mental injury by other than accidental means, or creates a substantial risk of death, disfigurement or impairment of bodily or mental functions, including, but not limited to, a child who is with his parent or other person responsible for his care either (i) during the manufacture or attempted manufacture of a Schedule I or II controlled substance, or (ii) during the unlawful sale of such substance by that child's parents or other person responsible for his care, where such manufacture, or attempted manufacture or unlawful sale would constitute a felony violation of § 18.2-248;

2. Whose parents or other person responsible for his care neglects or refuses to provide care necessary for his health; however, no child who in good faith is under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination shall for that reason alone be considered to be an abused or neglected child;

3. Whose parents or other person responsible for his care abandons such child;

4. Whose parents or other person responsible for his care commits or allows to be committed any sexual act upon a child in violation of the law;

5. Who is without parental care or guardianship caused by the unreasonable absence or the mental or physical incapacity of the child's parent, guardian, legal custodian, or other person standing in loco parentis;

6. Whose parents or other person responsible for his care creates a substantial risk of physical or mental injury by knowingly leaving the child alone in the same dwelling, including an apartment as defined in § 55.1-2000, with a person to whom the child is not related by blood or marriage and who the parent or other person responsible for his care knows has been convicted of an offense against a minor for which registration is required as a violent sexual offender pursuant to § 9.1-902; or

7. Who has been identified as a victim of sex trafficking or severe forms of trafficking as defined in the Trafficking Victims Protection Act of 2000, 22 U.S.C. § 7102 et seq., and in the Justice for Victims of Trafficking Act of 2015, 42 U.S.C. § 5101 et seq.

If a civil proceeding under this chapter is based solely on the parent having left the child at a hospital or emergency medical services agency, it shall be an affirmative defense that such parent safely delivered the child to a hospital that provides 24-hour emergency services or to an attended emergency medical services agency that employs emergency medical services personnel, within 14 days of the child's birth. For purposes of terminating parental rights pursuant to § 16.1-283 and placement for adoption, the court may find such a child is a neglected child upon the ground of abandonment.

"Adoptive home" means the place of residence of any natural person in which a child resides as a member of the household and in which he has been placed for the purposes of adoption or in which he has been legally adopted by another member of the household.

"Adult" means a person 18 years of age or older.

"Ancillary crime" or "ancillary charge" means any delinquent act committed by a juvenile as a part of the same act or transaction as, or which constitutes a part of a common scheme or plan with, a delinquent act which would be a felony if committed by an adult.

"Boot camp" means a short term secure or nonsecure juvenile residential facility with highly structured components including, but not limited to, military style drill and ceremony, physical labor, education and rigid discipline, and no less than six months of intensive aftercare.

"Child," "juvenile," or "minor" means a person *who is (i) less than 18 years of age or (ii) for purposes of the Fostering Futures program set forth in Article 2 (§ 63.2-917 et seq.) of Chapter 9 of Title 63.2, less than 21 years of age and meets the eligibility criteria set forth in § 63.2-919.*

"Child in need of services" means (i) a child whose behavior, conduct or condition presents or results in a serious threat to the well-being and physical safety of the child or (ii) a child under the age of 14 whose behavior, conduct or condition presents or results in a serious threat to the well-being and physical safety of another person; however, no child who in good faith is under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination shall for that reason alone be considered to be a child in need of services, nor shall any child who habitually remains away from or habitually deserts or abandons his family as a result of what the court or the local child protective services unit determines to be incidents of physical, emotional or sexual abuse in the home be considered a child in need of services for that reason alone.

However, to find that a child falls within these provisions, (i) the conduct complained of must present a clear and substantial danger to the child's life or health or to the life or health of another person, (ii) the child or his family is in need of treatment, rehabilitation or services not presently being received, and (iii) the intervention of the court is essential to provide the treatment, rehabilitation or services needed by the child or his family.

"Child in need of supervision" means:

1. A child who, while subject to compulsory school attendance, is habitually and without justification absent from school, and (i) the child has been offered an adequate opportunity to receive the benefit of any and all educational services and programs that are required to be provided by law and which meet the child's particular educational needs, (ii) the school system from which the child is absent or other appropriate agency has made a reasonable effort to effect the child's regular attendance without success, and (iii) the school system has provided documentation that it has complied with the provisions of § 22.1-258; or

2. A child who, without reasonable cause and without the consent of his parent, lawful custodian or placement authority, remains away from or deserts or abandons his family or lawful custodian on more than one occasion or escapes or remains away without proper authority from a residential care facility in which he has been placed by the court, and (i) such conduct presents a clear and substantial danger to the child's life or health, (ii) the child or his family is in need of treatment, rehabilitation or services not presently being received, and (iii) the intervention of the court is essential to provide the treatment, rehabilitation or services needed by the child or his family.

"Child welfare agency" means a child-placing agency, child-caring institution or independent foster home as defined in § 63.2-100.

"The court" or the "juvenile court" or the "juvenile and domestic relations court" means the juvenile and domestic relations district court of each county or city.

"Delinquent act" means (i) an act designated a crime under the law of the Commonwealth, or an ordinance of any city, county, town, or service district, or under federal law, (ii) a violation of § 18.2-308.7, or (iii) a violation of a court order as provided for in § 16.1-292, but shall not include an act other than a violation of § 18.2-308.7, which is otherwise lawful, but

is designated a crime only if committed by a child. For purposes of §§ 16.1-241 and 16.1-278.9, the term shall include a refusal to take a breath test in violation of § 18.2-268.2 or a similar ordinance of any county, city, or town.

"Delinquent child" means a child who has committed a delinquent act or an adult who has committed a delinquent act prior to his 18th birthday, except where the jurisdiction of the juvenile court has been terminated under the provisions of § 16.1-269.6.

"Department" means the Department of Juvenile Justice and "Director" means the administrative head in charge thereof or such of his assistants and subordinates as are designated by him to discharge the duties imposed upon him under this law.

"Family abuse" means any act involving violence, force, or threat that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury and that is committed by a person against such person's family or household member. Such act includes, but is not limited to, any forceful detention, stalking, criminal sexual assault in violation of Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2, or any criminal offense that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury.

"Family or household member" means (i) the person's spouse, whether or not he or she resides in the same home with the person, (ii) the person's former spouse, whether or not he or she resides in the same home with the person, (iii) the person's parents, stepparents, children, stepchildren, brothers, sisters, half-brothers, half-sisters, grandparents and grandchildren, regardless of whether such persons reside in the same home with the person, (iv) the person's mother-in-law, father-in-law, sons-in-law, daughters-in-law, brothers-in-law and sisters-in-law who reside in the same home with the person, (v) any individual who has a child in common with the person, whether or not the person and that individual have been married or have resided together at any time, or (vi) any individual who cohabits or who, within the previous 12 months, cohabited with the person, and any children of either of them then residing in the same home with the person.

"Fictive kin" means persons who are not related to a child by blood or adoption but have an established relationship with the child or his family.

"Foster care services" means the provision of a full range of casework, treatment and community services for a planned period of time to a child who is abused or neglected as defined in § 63.2-100 or in need of services as defined in this section and his family when the child (i) has been identified as needing services to prevent or eliminate the need for foster care placement, (ii) has been placed through an agreement between the local board of social services or a public agency designated by the community policy and management team and the parents or guardians where legal custody remains with the parents or guardians, (iii) has been committed or entrusted to a local board of social services or child welfare agency, or (iv) has been placed under the supervisory responsibility of the local board pursuant to § 16.1-293.

"Independent living arrangement" means placement of (i) a child at least 16 years of age who is in the custody of a local board or licensed child-placing agency by the local board or licensed child-placing agency or (ii) a child at least 16 years of age or a person between the ages of 18 and 21 who was committed to the Department of Juvenile Justice immediately prior to placement by the Department of Juvenile Justice, in a living arrangement in which such child or person does not have daily substitute parental supervision.

"Independent living services" means services and activities provided to a child in foster care 14 years of age or older and who has been committed or entrusted to a local board of social services, child welfare agency, or private child-placing agency. "Independent living services" may also mean services and activities provided to a person who (i) was in foster care on his 18th birthday and has not yet reached the age of 21 years; (ii) is between the ages of 18 and 21 and who, immediately prior to his commitment to the Department of Juvenile Justice, was in the custody of a local board of social services; or (iii) is a child at least 16 years of age or a person between the ages of 18 and 21 who was committed to the Department of Juvenile Justice immediately prior to placement in an independent living arrangement. Such services shall include counseling, education, housing, employment, and money management skills development and access to essential documents and other appropriate services to help children or persons prepare for self-sufficiency.

"Intake officer" means a juvenile probation officer appointed as such pursuant to the authority of this chapter.

"Jail" or "other facility designed for the detention of adults" means a local or regional correctional facility as defined in § 53.1-1, except those facilities utilized on a temporary basis as a court holding cell for a child incident to a court hearing or as a temporary lock-up room or ward incident to the transfer of a child to a juvenile facility.

"The judge" means the judge or the substitute judge of the juvenile and domestic relations district court of each county or city.

"This law" or "the law" means the Juvenile and Domestic Relations District Court Law embraced in this chapter.

"Legal custody" means (i) a legal status created by court order which vests in a custodian the right to have physical custody of the child, to determine and redetermine where and with whom he shall live, the right and duty to protect, train and discipline him and to provide him with food, shelter, education and ordinary medical care, all subject to any residual parental rights and responsibilities or (ii) the legal status created by court order of joint custody as defined in § 20-107.2.

"Permanent foster care placement" means the place of residence in which a child resides and in which he has been placed pursuant to the provisions of §§ 63.2-900 and 63.2-908 with the expectation and agreement between the placing agency and the place of permanent foster care that the child shall remain in the placement until he reaches the age of majority unless modified by court order or unless removed pursuant to § 16.1-251 or 63.2-1517. A permanent foster care placement may be a place of residence of any natural person or persons deemed appropriate to meet a child's needs on a long-term basis.

"Qualified individual" means a trained professional or licensed clinician who is not an employee of the local board of social services or licensed child-placing agency that placed the child in a qualified residential treatment program and is not affiliated with any placement setting in which children are placed by such local board of social services or licensed child-placing agency.

"Qualified residential treatment program" means a program that (i) provides 24-hour residential placement services for children in foster care; (ii) has adopted a trauma-informed treatment model that meets the clinical and other needs of children with serious emotional or behavioral disorders, including any clinical or other needs identified through assessments conducted pursuant to clause (viii) of this definition; (iii) employs registered or licensed nursing and other clinical staff who provide care, on site and within the scope of their practice, and are available 24 hours a day, 7 days a week; (iv) conducts outreach with the child's family members, including efforts to maintain connections between the child and his siblings and other family; documents and maintains records of such outreach efforts; and maintains contact information for any known biological family and fictive kin of the child; (v) whenever appropriate and in the best interest of the child, facilitates participation by family members in the child's treatment program before and after discharge and documents the manner in which such participation is facilitated; (vi) provides discharge planning and family-based aftercare support for at least six months after discharge; (vii) is licensed in accordance with 42 U.S.C. § 671(a)(10) and accredited by an organization approved by the federal Secretary of Health and Human Services; and (viii) requires that any child placed in the program receive an assessment within 30 days of such placement by a qualified individual that (a) assesses the strengths and needs of the child using an age-appropriate, evidence-based, validated, and functional assessment tool approved by the Commissioner of Social Services; (b) identifies whether the needs of the child can be met through placement with a family member or in a foster home or, if not, in a placement setting authorized by 42 U.S.C. § 672(k)(2), including a qualified residential treatment program, that would provide the most effective and appropriate level of care for the child in the least restrictive environment and be consistent with the short-term and long-term goals established for the child in his foster care or permanency plan; (c) establishes a list of short-term and long-term mental and behavioral health goals for the child; and (d) is documented in a written report to be filed with the court prior to any hearing on the child's placement pursuant to § 16.1-281, 16.1-282, 16.1-282.1, or 16.1-282.2.

"Residual parental rights and responsibilities" means all rights and responsibilities remaining with the parent after the transfer of legal custody or guardianship of the person, including but not limited to the right of visitation, consent to adoption, the right to determine religious affiliation and the responsibility for support.

"Secure facility" or "detention home" means a local, regional or state public or private locked residential facility that has construction fixtures designed to prevent escape and to restrict the movement and activities of children held in lawful custody.

"Shelter care" means the temporary care of children in physically unrestricting facilities.

"State Board" means the State Board of Juvenile Justice.

"Status offender" means a child who commits an act prohibited by law which would not be criminal if committed by an adult.

"Status offense" means an act prohibited by law which would not be an offense if committed by an adult.

"Violent juvenile felony" means any of the delinquent acts enumerated in subsection B or C of § 16.1-269.1 when committed by a juvenile 14 years of age or older.

§ 16.1-241. Jurisdiction; consent for abortion.

The judges of the juvenile and domestic relations district court elected or appointed under this law shall be conservators of the peace within the corporate limits of the cities and the boundaries of the counties for which they are respectively chosen and within one mile beyond the limits of such cities and counties. Except as hereinafter provided, each juvenile and domestic relations district court shall have, within the limits of the territory for which it is created, exclusive original jurisdiction, and within one mile beyond the limits of said city or county, concurrent jurisdiction with the juvenile court or courts of the adjoining city or county, over all cases, matters and proceedings involving:

A. The custody, visitation, support, control or disposition of a child:

1. Who is alleged to be abused, neglected, in need of services, in need of supervision, a status offender, or delinquent except where the jurisdiction of the juvenile court has been terminated or divested;

2. Who is abandoned by his parent or other custodian or who by reason of the absence or physical or mental incapacity of his parents is without parental care and guardianship;

2a. Who is at risk of being abused or neglected by a parent or custodian who has been adjudicated as having abused or neglected another child in the care of the parent or custodian;

3. Whose custody, visitation or support is a subject of controversy or requires determination. In such cases jurisdiction shall be concurrent with and not exclusive of courts having equity jurisdiction, except as provided in § 16.1-244;

4. Who is the subject of an entrustment agreement entered into pursuant to § 63.2-903 or 63.2-1817 or whose parent or parents for good cause desire to be relieved of his care and custody;

5. Where the termination of residual parental rights and responsibilities is sought. In such cases jurisdiction shall be concurrent with and not exclusive of courts having equity jurisdiction, as provided in § 16.1-244;

6. Who is charged with a traffic infraction as defined in § 46.2-100; or

7. Who is alleged to have refused to take a blood test in violation of § 18.2-268.2.

In any case in which the juvenile is alleged to have committed a violent juvenile felony enumerated in subsection B of § 16.1-269.1, and for any charges ancillary thereto, the jurisdiction of the juvenile court shall be limited to conducting a preliminary hearing to determine if there is probable cause to believe that the juvenile committed the act alleged and that the juvenile was 14 years of age or older at the time of the commission of the alleged offense, and any matters related thereto. In any case in which the juvenile is alleged to have committed a violent juvenile felony enumerated in subsection C of § 16.1-269.1, and for all charges ancillary thereto, if the attorney for the Commonwealth has given notice as provided in subsection C of § 16.1-269.1, the jurisdiction of the juvenile court shall be limited to conducting a preliminary hearing to determine if there is probable cause to believe that the juvenile committed the act alleged and that the juvenile was 14 years of age or older at the time of the commission of the alleged offense, and any matters related thereto. A determination by the juvenile court following a preliminary hearing pursuant to subsection B or C of § 16.1-269.1 to certify a charge to the grand jury shall divest the juvenile court of jurisdiction over the charge and any ancillary charge. In any case in which a transfer hearing is held pursuant to subsection A of § 16.1-269.1, if the juvenile court determines to transfer the case, jurisdiction of the juvenile court over the case shall be divested as provided in § 16.1-269.6.

In all other cases involving delinquent acts, and in cases in which an ancillary charge remains after a violent juvenile felony charge has been dismissed or a violent juvenile felony has been reduced to a lesser offense not constituting a violent juvenile felony, the jurisdiction of the juvenile court shall not be divested unless there is a transfer pursuant to subsection A of § 16.1-269.1.

The authority of the juvenile court to adjudicate matters involving the custody, visitation, support, control or disposition of a child shall not be limited to the consideration of petitions filed by a mother, father or legal guardian but shall include petitions filed at any time by any party with a legitimate interest therein. A party with a legitimate interest shall be broadly construed and shall include, but not be limited to, grandparents, step-grandparents, stepparents, former stepparents, blood relatives and family members. A party with a legitimate interest shall not include any person (i) whose parental rights have been terminated by court order, either voluntarily or involuntarily, (ii) whose interest in the child derives from or through a person whose parental rights have been terminated by court order, either voluntarily or involuntarily, including, but not limited to, grandparents, stepparents, former stepparents, blood relatives and family members, if the child subsequently has been legally adopted, except where a final order of adoption is entered pursuant to § 63.2-1241, or (iii) who has been convicted of a violation of subsection A of § 18.2-61, § 18.2-63, subsection B of § 18.2-366, or an equivalent offense of another state, the United States, or any foreign jurisdiction, when the child who is the subject of the petition was conceived as a result of such violation. The authority of the juvenile court to consider a petition involving the custody of a child shall not be proscribed or limited where the child has previously been awarded to the custody of a local board of social services.

A1. Making specific findings of fact required by state or federal law to enable a child to apply for or receive a state or federal benefit.

B. The admission of minors for inpatient treatment in a mental health facility in accordance with the provisions of Article 16 (§ 16.1-335 et seq.) and the involuntary admission of a person with mental illness or judicial certification of eligibility for admission to a training center for persons with intellectual disability in accordance with the provisions of Chapter 8 (§ 37.2-800 et seq.) of Title 37.2. Jurisdiction of the involuntary admission and certification of adults shall be concurrent with the general district court.

C. Except as provided in subsections D and H, judicial consent to such activities as may require parental consent may be given for a child who has been separated from his parents, guardian, legal custodian or other person standing in loco parentis and is in the custody of the court when such consent is required by law.

D. Judicial consent for emergency surgical or medical treatment for a child who is neither married nor has ever been married, when the consent of his parent, guardian, legal custodian or other person standing in loco parentis is unobtainable because such parent, guardian, legal custodian or other person standing in loco parentis (i) is not a resident of the Commonwealth, (ii) has his whereabouts unknown, (iii) cannot be consulted with promptness, reasonable under the circumstances, or (iv) fails to give such consent or provide such treatment when requested by the judge to do so.

E. Any person charged with deserting, abandoning or failing to provide support for any person in violation of law.

F. Any parent, guardian, legal custodian or other person standing in loco parentis of a child:

1. Who has been abused or neglected;

2. Who is the subject of an entrustment agreement entered into pursuant to § 63.2-903 or 63.2-1817 or is otherwise before the court pursuant to subdivision A 4; or

3. Who has been adjudicated in need of services, in need of supervision, or delinquent, if the court finds that such person has by overt act or omission induced, caused, encouraged or contributed to the conduct of the child complained of in the petition.

G. Petitions filed by or on behalf of a child or such child's parent, guardian, legal custodian or other person standing in loco parentis for the purpose of obtaining treatment, rehabilitation or other services that are required by law to be provided for that child or such child's parent, guardian, legal custodian or other person standing in loco parentis. Jurisdiction in such cases shall be concurrent with and not exclusive of that of courts having equity jurisdiction as provided in § 16.1-244.

H. Judicial consent to apply for a work permit for a child when such child is separated from his parents, legal guardian or other person standing in loco parentis.

I. The prosecution and punishment of persons charged with ill-treatment, abuse, abandonment or neglect of children or with any violation of law that causes or tends to cause a child to come within the purview of this law, or with any other offense against the person of a child. In prosecution for felonies over which the court has jurisdiction, jurisdiction shall be limited to determining whether or not there is probable cause.

J. All offenses in which one family or household member is charged with an offense in which another family or household member is the victim and all offenses under § 18.2-49.1.

In prosecution for felonies over which the court has jurisdiction, jurisdiction shall be limited to determining whether or not there is probable cause. Any objection based on jurisdiction under this subsection shall be made before a jury is impaneled and sworn in a jury trial or, in a nonjury trial, before the earlier of when the court begins to hear or receive evidence or the first witness is sworn, or it shall be conclusively waived for all purposes. Any such objection shall not affect or be grounds for challenging directly or collaterally the jurisdiction of the court in which the case is tried.

K. Petitions filed by a natural parent, whose parental rights to a child have been voluntarily relinquished pursuant to a court proceeding, to seek a reversal of the court order terminating such parental rights. No such petition shall be accepted, however, after the child has been placed in the home of adoptive parents.

L. Any person who seeks spousal support after having separated from his spouse. A decision under this subdivision shall not be res judicata in any subsequent action for spousal support in a circuit court. A circuit court shall have concurrent original jurisdiction in all causes of action under this subdivision.

M. Petitions filed for the purpose of obtaining an order of protection pursuant to § 16.1-253.1, 16.1-253.4, or 16.1-279.1, and all petitions filed for the purpose of obtaining an order of protection pursuant to § 19.2-152.8, 19.2-152.9, or 19.2-152.10 if either the alleged victim or the respondent is a juvenile.

N. Any person who escapes or remains away without proper authority from a residential care facility in which he had been placed by the court or as a result of his commitment to the Virginia Department of Juvenile Justice.

O. Petitions for emancipation of a minor pursuant to Article 15 (§ 16.1-331 et seq.).

P. Petitions for enforcement of administrative support orders entered pursuant to Chapter 19 (§ 63.2-1900 et seq.) of Title 63.2, or by another state in the same manner as if the orders were entered by a juvenile and domestic relations district court upon the filing of a certified copy of such order in the juvenile and domestic relations district court.

Q. Petitions for a determination of parentage pursuant to Chapter 3.1 (§ 20-49.1 et seq.) of Title 20. A circuit court shall have concurrent original jurisdiction to the extent provided for in § 20-49.2.

R. [Repealed.]

S. Petitions filed by school boards against parents pursuant to §§ 16.1-241.2 and 22.1-279.3.

T. Petitions to enforce any request for information or subpoena that is not complied with or to review any refusal to issue a subpoena in an administrative appeal regarding child abuse and neglect pursuant to § 63.2-1526.

U. Petitions filed in connection with parental placement adoption consent hearings pursuant to § 63.2-1233. Such proceedings shall be advanced on the docket so as to be heard by the court within 10 days of filing of the petition, or as soon thereafter as practicable so as to provide the earliest possible disposition.

V. Petitions filed for the purpose of obtaining the court's assistance with the execution of consent to an adoption when the consent to an adoption is executed pursuant to the laws of another state and the laws of that state provide for the execution of consent to an adoption in the court of the Commonwealth.

W. Petitions filed by a juvenile seeking judicial authorization for a physician to perform an abortion if a minor elects not to seek consent of an authorized person.

After a hearing, a judge shall issue an order authorizing a physician to perform an abortion, without the consent of any authorized person, if he finds that (i) the minor is mature enough and well enough informed to make her abortion decision, in consultation with her physician, independent of the wishes of any authorized person, or (ii) the minor is not mature enough or well enough informed to make such decision, but the desired abortion would be in her best interest.

If the judge authorizes an abortion based on the best interests of the minor, such order shall expressly state that such authorization is subject to the physician or his agent giving notice of intent to perform the abortion; however, no such notice shall be required if the judge finds that such notice would not be in the best interest of the minor. In determining whether notice is in the best interest of the minor, the judge shall consider the totality of the circumstances; however, he shall find that notice is not in the best interest of the minor if he finds that (i) one or more authorized persons with whom the minor regularly and customarily resides is abusive or neglectful, and (ii) every other authorized person, if any, is either abusive or neglectful or has refused to accept responsibility as parent, legal guardian, custodian or person standing in loco parentis.

The minor may participate in the court proceedings on her own behalf, and the court may appoint a guardian ad litem for the minor. The court shall advise the minor that she has a right to counsel and shall, upon her request, appoint counsel for her.

Notwithstanding any other provision of law, the provisions of this subsection shall govern proceedings relating to consent for a minor's abortion. Court proceedings under this subsection and records of such proceedings shall be confidential. Such proceedings shall be given precedence over other pending matters so that the court may reach a decision promptly and without delay in order to serve the best interests of the minor. Court proceedings under this subsection shall be heard and decided as soon as practicable but in no event later than four days after the petition is filed.

An expedited confidential appeal to the circuit court shall be available to any minor for whom the court denies an order authorizing an abortion without consent or without notice. Any such appeal shall be heard and decided no later than five

days after the appeal is filed. The time periods required by this subsection shall be subject to subsection B of § 1-210. An order authorizing an abortion without consent or without notice shall not be subject to appeal.

No filing fees shall be required of the minor at trial or upon appeal.

If either the original court or the circuit court fails to act within the time periods required by this subsection, the court before which the proceeding is pending shall immediately authorize a physician to perform the abortion without consent of or notice to an authorized person.

Nothing contained in this subsection shall be construed to authorize a physician to perform an abortion on a minor in circumstances or in a manner that would be unlawful if performed on an adult woman.

A physician shall not knowingly perform an abortion upon an unemancipated minor unless consent has been obtained or the minor delivers to the physician a court order entered pursuant to this section and the physician or his agent provides such notice as such order may require. However, neither consent nor judicial authorization nor notice shall be required if the minor declares that she is abused or neglected and the attending physician has reason to suspect that the minor may be an abused or neglected child as defined in § 63.2-100 and reports the suspected abuse or neglect in accordance with § 63.2-1509; or if there is a medical emergency, in which case the attending physician shall certify the facts justifying the exception in the minor's medical record.

For purposes of this subsection:

"Authorization" means the minor has delivered to the physician a notarized, written statement signed by an authorized person that the authorized person knows of the minor's intent to have an abortion and consents to such abortion being performed on the minor.

"Authorized person" means (i) a parent or duly appointed legal guardian or custodian of the minor or (ii) a person standing in loco parentis, including, but not limited to, a grandparent or adult sibling with whom the minor regularly and customarily resides and who has care and control of the minor. Any person who knows he is not an authorized person and who knowingly and willfully signs an authorization statement consenting to an abortion for a minor is guilty of a Class 3 misdemeanor.

"Consent" means that (i) the physician has given notice of intent to perform the abortion and has received authorization from an authorized person, or (ii) at least one authorized person is present with the minor seeking the abortion and provides written authorization to the physician, which shall be witnessed by the physician or an agent thereof. In either case, the written authorization shall be incorporated into the minor's medical record and maintained as a part thereof.

"Medical emergency" means any condition which, on the basis of the physician's good faith clinical judgment, so complicates the medical condition of the pregnant minor as to necessitate the immediate abortion of her pregnancy to avert her death or for which a delay will create a serious risk of substantial and irreversible impairment of a major bodily function.

"Notice of intent to perform the abortion" means that (i) the physician or his agent has given actual notice of his intention to perform such abortion to an authorized person, either in person or by telephone, at least 24 hours previous to the performance of the abortion; or (ii) the physician or his agent, after a reasonable effort to notify an authorized person, has mailed notice to an authorized person by certified mail, addressed to such person at his usual place of abode, with return receipt requested, at least 72 hours prior to the performance of the abortion.

"Perform an abortion" means to interrupt or terminate a pregnancy by any surgical or nonsurgical procedure or to induce a miscarriage as provided in § 18.2-72, 18.2-73, or 18.2-74.

"Unemancipated minor" means a minor who has not been emancipated by (i) entry into a valid marriage, even though the marriage may have been terminated by dissolution; (ii) active duty with any of the Armed Forces of the United States; (iii) willingly living separate and apart from his or her parents or guardian, with the consent or acquiescence of the parents or guardian; or (iv) entry of an order of emancipation pursuant to Article 15 (§ 16.1-331 et seq.).

X. Petitions filed pursuant to Article 17 (§ 16.1-349 et seq.) relating to standby guardians for minor children.

Y. Petitions involving minors filed pursuant to § 32.1-45.1 relating to obtaining a blood specimen or test results.

Z. *Petitions filed pursuant to § 16.1-283.3 for review of voluntary agreements for continuation of services and support for persons who meet the eligibility criteria for the Fostering Futures program set forth in § 63.2-919.*

The ages specified in this law refer to the age of the child at the time of the acts complained of in the petition.

Notwithstanding any other provision of law, no fees shall be charged by a sheriff for the service of any process in a proceeding pursuant to subdivision A 3, except as provided in subdivision A 6 of § 17.1-272, or subsection B, D, M, or R.

Notwithstanding the provisions of § 18.2-71, any physician who performs an abortion in violation of subsection W shall be guilty of a Class 3 misdemeanor.

§ 16.1-283.3. Review of voluntary continuing services and support agreements for former foster youth.

A. *Whenever a program participant, as defined in § 63.2-918, enters into a voluntary continuing services and support agreement with a local department of social services pursuant to § 63.2-921, a hearing shall be held to review the agreement and the program participant's case plan. In determining whether to approve the case plan, the court shall determine whether remaining in the care and placement responsibility of the local department of social services is in the program participant's best interests and whether the program participant's case plan is sufficient to achieve the goal of independence. Such hearing shall be held by the juvenile and domestic relations district court that last had jurisdiction over the program participant's foster care proceedings when the program participant was a minor. The petition for review of the voluntary continuing services and support agreement and the program participant's case plan shall be filed by the local*

department of social services no later than 30 days after execution of the voluntary continuing services and support agreement. The petition shall include documentation of the program participant's last foster care placement as a minor and the responsible local department of social services, a copy of the signed voluntary continuing services and support agreement, a copy of the program participant's case plan, and any other information the local department of social services or the program participant wishes the court to consider.

B. Upon receiving a petition for review of the voluntary continuing services and support agreement and the program participant's case plan, the court shall schedule a hearing to be held within 45 days after receipt of the petition. The court may appoint counsel or a guardian ad litem for the program participant pursuant to § 16.1-266. The court may reappoint or continue the appointment of the court-appointed special advocate volunteer who served the program participant as a minor or, if the previous volunteer is unavailable, appoint another special advocate volunteer. The court shall provide notice of the hearing and copies of the petition to the program participant, the program participant's legal counsel, the local department of social services, and any other persons who, in the court's discretion, have a legitimate interest in the hearing. The local department of social services shall identify for the court all persons who may have a legitimate interest in the hearing.

C. At the conclusion of the hearing, the court shall enter an order that:

1. Determines whether remaining under the care and placement responsibility of the local department of social services is in the best interests of the program participant; and

2. Approves or denies the program participant's case plan.

In determining whether to approve or deny the program participant's case plan, the court shall consider whether the services and support provided under the case plan are sufficient to support the program participant's goal of achieving independence. If the court makes any revision to the case plan, a copy of such revisions shall be sent by the court to all persons who received a copy of the original case plan.

D. After the initial hearing, the court may close the case or schedule a subsequent hearing to be held within six months to review the program participant's case plan. Subsequent review hearings may be held at six-month or shorter intervals in the discretion of the court. The local department of social services shall file a petition for review of the program participant's case plan within 30 days prior to any such scheduled hearing. If a hearing was not previously scheduled, the court shall schedule a hearing to be held within 30 days of receipt of the petition. The court shall provide notice of the hearing and a copy of the petition in accordance with subsection B. If subsequent review hearings are not held by the court, the local department of social services shall conduct administrative reviews pursuant to § 63.2-923.

E. In all hearings held pursuant to this section, the court shall consult with the program participant in an age-appropriate manner regarding his case plan.

§ 63.2-100. Definitions.

As used in this title, unless the context requires a different meaning:

"Abused or neglected child" means any child less than 18 years of age:

1. Whose parents or other person responsible for his care creates or inflicts, threatens to create or inflict, or allows to be created or inflicted upon such child a physical or mental injury by other than accidental means, or creates a substantial risk of death, disfigurement, or impairment of bodily or mental functions, including, but not limited to, a child who is with his parent or other person responsible for his care either (i) during the manufacture or attempted manufacture of a Schedule I or II controlled substance, or (ii) during the unlawful sale of such substance by that child's parents or other person responsible for his care, where such manufacture, or attempted manufacture or unlawful sale would constitute a felony violation of § 18.2-248;

2. Whose parents or other person responsible for his care neglects or refuses to provide care necessary for his health. However, no child who in good faith is under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination shall for that reason alone be considered to be an abused or neglected child. Further, a decision by parents who have legal authority for the child or, in the absence of parents with legal authority for the child, any person with legal authority for the child, who refuses a particular medical treatment for a child with a life-threatening condition shall not be deemed a refusal to provide necessary care if (i) such decision is made jointly by the parents or other person with legal authority and the child; (ii) the child has reached 14 years of age and is sufficiently mature to have an informed opinion on the subject of his medical treatment; (iii) the parents or other person with legal authority and the child have considered alternative treatment options; and (iv) the parents or other person with legal authority and the child believe in good faith that such decision is in the child's best interest. Nothing in this subdivision shall be construed to limit the provisions of § 16.1-278.4;

3. Whose parents or other person responsible for his care abandons such child;

4. Whose parents or other person responsible for his care commits or allows to be committed any act of sexual exploitation or any sexual act upon a child in violation of the law;

5. Who is without parental care or guardianship caused by the unreasonable absence or the mental or physical incapacity of the child's parent, guardian, legal custodian or other person standing in loco parentis;

6. Whose parents or other person responsible for his care creates a substantial risk of physical or mental injury by knowingly leaving the child alone in the same dwelling, including an apartment as defined in § 55.1-2000, with a person to whom the child is not related by blood or marriage and who the parent or other person responsible for his care knows has been convicted of an offense against a minor for which registration is required as a violent sexual offender pursuant to § 9.1-902; or

7. Who has been identified as a victim of sex trafficking or severe forms of trafficking as defined in the Trafficking Victims Protection Act of 2000, 22 U.S.C. § 7102 et seq., and in the Justice for Victims of Trafficking Act of 2015, 42 U.S.C. § 5101 et seq.

If a civil proceeding under this title is based solely on the parent having left the child at a hospital or emergency medical services agency, it shall be an affirmative defense that such parent safely delivered the child to a hospital that provides 24-hour emergency services or to an attended emergency medical services agency that employs emergency medical services providers, within 14 days of the child's birth. For purposes of terminating parental rights pursuant to § 16.1-283 and placement for adoption, the court may find such a child is a neglected child upon the ground of abandonment.

"Adoptive home" means any family home selected and approved by a parent, local board or a licensed child-placing agency for the placement of a child with the intent of adoption.

"Adoptive placement" means arranging for the care of a child who is in the custody of a child-placing agency in an approved home for the purpose of adoption.

"Adult abuse" means the willful infliction of physical pain, injury or mental anguish or unreasonable confinement of an adult as defined in § 63.2-1603.

"Adult day care center" means any facility that is either operated for profit or that desires licensure and that provides supplementary care and protection during only a part of the day to four or more aged, infirm or disabled adults who reside elsewhere, except (i) a facility or portion of a facility licensed by the State Board of Health or the Department of Behavioral Health and Developmental Services, and (ii) the home or residence of an individual who cares for only persons related to him by blood or marriage. Included in this definition are any two or more places, establishments or institutions owned, operated or controlled by a single entity and providing such supplementary care and protection to a combined total of four or more aged, infirm or disabled adults.

"Adult exploitation" means the illegal, unauthorized, improper, or fraudulent use of an adult as defined in § 63.2-1603 or his funds, property, benefits, resources, or other assets for another's profit, benefit, or advantage, including a caregiver or person serving in a fiduciary capacity, or that deprives the adult of his rightful use of or access to such funds, property, benefits, resources, or other assets. "Adult exploitation" includes (i) an intentional breach of a fiduciary obligation to an adult to his detriment or an intentional failure to use the financial resources of an adult in a manner that results in neglect of such adult; (ii) the acquisition, possession, or control of an adult's financial resources or property through the use of undue influence, coercion, or duress; and (iii) forcing or coercing an adult to pay for goods or services or perform services against his will for another's profit, benefit, or advantage if the adult did not agree, or was tricked, misled, or defrauded into agreeing, to pay for such goods or services or to perform such services.

"Adult foster care" means room and board, supervision, and special services to an adult who has a physical or mental condition. Adult foster care may be provided by a single provider for up to three adults. *"Adult foster care" does not include services or support provided to individuals through the Fostering Futures program set forth in Article 2 (§ 63.2-917 et seq.) of Chapter 9.*

"Adult neglect" means that an adult as defined in § 63.2-1603 is living under such circumstances that he is not able to provide for himself or is not being provided services necessary to maintain his physical and mental health and that the failure to receive such necessary services impairs or threatens to impair his well-being. However, no adult shall be considered neglected solely on the basis that such adult is receiving religious nonmedical treatment or religious nonmedical nursing care in lieu of medical care, provided that such treatment or care is performed in good faith and in accordance with the religious practices of the adult and there is a written or oral expression of consent by that adult.

"Adult protective services" means services provided by the local department that are necessary to protect an adult as defined in § 63.2-1603 from abuse, neglect or exploitation.

"Assisted living care" means a level of service provided by an assisted living facility for adults who may have physical or mental impairments and require at least a moderate level of assistance with activities of daily living.

"Assisted living facility" means any congregate residential setting that provides or coordinates personal and health care services, 24-hour supervision, and assistance (scheduled and unscheduled) for the maintenance or care of four or more adults who are aged, infirm or disabled and who are cared for in a primarily residential setting, except (i) a facility or portion of a facility licensed by the State Board of Health or the Department of Behavioral Health and Developmental Services, but including any portion of such facility not so licensed; (ii) the home or residence of an individual who cares for or maintains only persons related to him by blood or marriage; (iii) a facility or portion of a facility serving infirm or disabled persons between the ages of 18 and 21, or 22 if enrolled in an educational program for the handicapped pursuant to § 22.1-214, when such facility is licensed by the Department as a children's residential facility under Chapter 17 (§ 63.2-1700 et seq.), but including any portion of the facility not so licensed; and (iv) any housing project for persons 62 years of age or older or the disabled that provides no more than basic coordination of care services and is funded by the U.S. Department of Housing and Urban Development, by the U.S. Department of Agriculture, or by the Virginia Housing Development Authority. Included in this definition are any two or more places, establishments or institutions owned or operated by a single entity and providing maintenance or care to a combined total of four or more aged, infirm or disabled adults. Maintenance or care means the protection, general supervision and oversight of the physical and mental well-being of an aged, infirm or disabled individual.

"Auxiliary grants" means cash payments made to certain aged, blind or disabled individuals who receive benefits under Title XVI of the Social Security Act, as amended, or would be eligible to receive these benefits except for excess income.

"Birth family" or "birth sibling" means the child's biological family or biological sibling.

"Birth parent" means the child's biological parent and, for purposes of adoptive placement, means parent(s) by previous adoption.

"Board" means the State Board of Social Services.

"Child" means any natural person *who is (i) under 18 years of age or (ii) for purposes of the Fostering Futures program set forth in Article 2 (§ 63.2-917 et seq.) of Chapter 9, under 21 years of age and meets the eligibility criteria set forth in § 63.2-919.*

"Child day center" means a child day program offered to (i) two or more children under the age of 13 in a facility that is not the residence of the provider or of any of the children in care or (ii) 13 or more children at any location.

"Child day program" means a regularly operating service arrangement for children where, during the absence of a parent or guardian, a person or organization has agreed to assume responsibility for the supervision, protection, and well-being of a child under the age of 13 for less than a 24-hour period.

"Child-placing agency" means (i) any person who places children in foster homes, adoptive homes or independent living arrangements pursuant to § 63.2-1819, (ii) a local board that places children in foster homes or adoptive homes pursuant to §§ 63.2-900, 63.2-903, and 63.2-1221, or (iii) an entity that assists parents with the process of delegating parental and legal custodial powers of their children pursuant to Chapter 10 (§ 20-166 et seq.) of Title 20. "Child-placing agency" does not include the persons to whom such parental or legal custodial powers are delegated pursuant to Chapter 10 (§ 20-166 et seq.) of Title 20. Officers, employees, or agents of the Commonwealth, or any locality acting within the scope of their authority as such, who serve as or maintain a child-placing agency, shall not be required to be licensed.

"Child-protective services" means the identification, receipt and immediate response to complaints and reports of alleged child abuse or neglect for children under 18 years of age. It also includes assessment, and arranging for and providing necessary protective and rehabilitative services for a child and his family when the child has been found to have been abused or neglected or is at risk of being abused or neglected.

"Child support services" means any civil, criminal or administrative action taken by the Division of Child Support Enforcement to locate parents; establish paternity; and establish, modify, enforce, or collect child support, or child and spousal support.

"Child-welfare agency" means a child day center, child-placing agency, children's residential facility, family day home, family day system, or independent foster home.

"Children's residential facility" means any facility, child-caring institution, or group home that is maintained for the purpose of receiving children separated from their parents or guardians for full-time care, maintenance, protection and guidance, or for the purpose of providing independent living services to persons between 18 and 21 years of age who are in the process of transitioning out of foster care. Children's residential facility shall not include:

1. A licensed or accredited educational institution whose pupils, in the ordinary course of events, return annually to the homes of their parents or guardians for not less than two months of summer vacation;
2. An establishment required to be licensed as a summer camp by § 35.1-18; and
3. A licensed or accredited hospital legally maintained as such.

"Commissioner" means the Commissioner of the Department, his designee or authorized representative.

"Department" means the State Department of Social Services.

"Department of Health and Human Services" means the Department of Health and Human Services of the United States government or any department or agency thereof that may hereafter be designated as the agency to administer the Social Security Act, as amended.

"Disposable income" means that part of the income due and payable of any individual remaining after the deduction of any amount required by law to be withheld.

"Energy assistance" means benefits to assist low-income households with their home heating and cooling needs, including, but not limited to, purchase of materials or substances used for home heating, repair or replacement of heating equipment, emergency intervention in no-heat situations, purchase or repair of cooling equipment, and payment of electric bills to operate cooling equipment, in accordance with § 63.2-805, or provided under the Virginia Energy Assistance Program established pursuant to the Low-Income Home Energy Assistance Act of 1981 (Title XXVI of Public Law 97-35), as amended.

"Family and permanency team" means the group of individuals assembled by the local department to assist with determining planning and placement options for a child, which shall include, as appropriate, all biological relatives and fictive kin of the child, as well as any professionals who have served as a resource to the child or his family, such as teachers, medical or mental health providers, and clergy members. In the case of a child who is 14 years of age or older, the family and permanency team shall also include any members of the child's case planning team that were selected by the child in accordance with subsection A of § 16.1-281.

"Family day home" means a child day program offered in the residence of the provider or the home of any of the children in care for one through 12 children under the age of 13, exclusive of the provider's own children and any children who reside in the home, when at least one child receives care for compensation. The provider of a licensed or registered family day home shall disclose to the parents or guardians of children in their care the percentage of time per week that

persons other than the provider will care for the children. Family day homes serving five through 12 children, exclusive of the provider's own children and any children who reside in the home, shall be licensed. However, no family day home shall care for more than four children under the age of two, including the provider's own children and any children who reside in the home, unless the family day home is licensed or voluntarily registered. However, a family day home where the children in care are all related to the provider by blood or marriage shall not be required to be licensed.

"Family day system" means any person who approves family day homes as members of its system; who refers children to available family day homes in that system; and who, through contractual arrangement, may provide central administrative functions including, but not limited to, training of operators of member homes; technical assistance and consultation to operators of member homes; inspection, supervision, monitoring, and evaluation of member homes; and referral of children to available health and social services.

"Fictive kin" means persons who are not related to a child by blood or adoption but have an established relationship with the child or his family.

"Foster care placement" means placement of a child through (i) an agreement between the parents or guardians and the local board where legal custody remains with the parents or guardians or (ii) an entrustment or commitment of the child to the local board or licensed child-placing agency. "Foster care placement" does not include placement of a child in accordance with a power of attorney pursuant to Chapter 10 (§ 20-166 et seq.) of Title 20.

"Foster home" means a residence licensed by a child-placing agency or local board in which any child, other than a child by birth or adoption of such person or a child who is the subject of a power of attorney to delegate parental or legal custodial powers by his parents or legal custodian to the natural person who has been designated the child's legal guardian pursuant to Chapter 10 (§ 20-166 et seq.) of Title 20 and who exercises legal authority over the child on a continuous basis for at least 24 hours without compensation, resides as a member of the household.

"General relief" means money payments and other forms of relief made to those persons mentioned in § 63.2-802 in accordance with the regulations of the Board and reimbursable in accordance with § 63.2-401.

"Independent foster home" means a private family home in which any child, other than a child by birth or adoption of such person, resides as a member of the household and has been placed therein independently of a child-placing agency except (i) a home in which are received only children related by birth or adoption of the person who maintains such home and children of personal friends of such person; (ii) a home in which is received a child or children committed under the provisions of subdivision A 4 of § 16.1-278.2, subdivision 6 of § 16.1-278.4, or subdivision A 13 of § 16.1-278.8; and (iii) a home in which are received only children who are the subject of a properly executed power of attorney pursuant to Chapter 10 (§ 20-166 et seq.) of Title 20.

"Independent living" means a planned program of services designed to assist a child age 16 and over and persons who are former foster care children or were formerly committed to the Department of Juvenile Justice and are between the ages of 18 and 21 in transitioning to self-sufficiency.

"Independent living arrangement" means placement of (i) a child at least 16 years of age who is in the custody of a local board or licensed child-placing agency by the local board or licensed child-placing agency or (ii) a child at least 16 years of age or a person between the ages of 18 and 21 who was committed to the Department of Juvenile Justice immediately prior to placement by the Department of Juvenile Justice, in a living arrangement in which such child or person does not have daily substitute parental supervision.

"Independent living services" means services and activities provided to a child in foster care 14 years of age or older who was committed or entrusted to a local board of social services, child welfare agency, or private child-placing agency. "Independent living services" may also mean services and activities provided to a person who (i) was in foster care on his 18th birthday and has not yet reached the age of 21 years; (ii) is between the ages of 18 and 21 and who, immediately prior to his commitment to the Department of Juvenile Justice, was in the custody of a local board of social services; or (iii) is a child at least 16 years of age or a person between the ages of 18 and 21 who was committed to the Department of Juvenile Justice immediately prior to placement in an independent living arrangement. Such services shall include counseling, education, housing, employment, and money management skills development, access to essential documents, and other appropriate services to help children or persons prepare for self-sufficiency.

"Independent physician" means a physician who is chosen by the resident of the assisted living facility and who has no financial interest in the assisted living facility, directly or indirectly, as an owner, officer, or employee or as an independent contractor with the residence.

"Intercountry placement" means the arrangement for the care of a child in an adoptive home or foster care placement into or out of the Commonwealth by a licensed child-placing agency, court, or other entity authorized to make such placements in accordance with the laws of the foreign country under which it operates.

"Interstate placement" means the arrangement for the care of a child in an adoptive home, foster care placement or in the home of the child's parent or with a relative or nonagency guardian, into or out of the Commonwealth, by a child-placing agency or court when the full legal right of the child's parent or nonagency guardian to plan for the child has been voluntarily terminated or limited or severed by the action of any court.

"Kinship care" means the full-time care, nurturing, and protection of children by relatives.

"Kinship guardian" means the adult relative of a child in a kinship guardianship established in accordance with § 63.2-1305 who has been awarded custody of the child by the court after acting as the child's foster parent.

"Kinship guardianship" means a relationship established in accordance with § 63.2-1305 between a child and an adult relative of the child who has formerly acted as the child's foster parent that is intended to be permanent and self-sustaining as evidenced by the transfer by the court to the adult relative of the child of the authority necessary to ensure the protection, education, care and control, and custody of the child and the authority for decision making for the child.

"Kinship Guardianship Assistance program" means a program consistent with 42 U.S.C. § 673 that provides, subject to a kinship guardianship assistance agreement developed in accordance with § 63.2-1305, payments to eligible individuals who have received custody of a relative child of whom they had been the foster parents.

"Local board" means the local board of social services representing one or more counties or cities.

"Local department" means the local department of social services of any county or city in this Commonwealth.

"Local director" means the director or his designated representative of the local department of the city or county.

"Merit system plan" means those regulations adopted by the Board in the development and operation of a system of personnel administration meeting requirements of the federal Office of Personnel Management.

"Parental placement" means locating or effecting the placement of a child or the placing of a child in a family home by the child's parent or legal guardian for the purpose of foster care or adoption.

"Public assistance" means Temporary Assistance for Needy Families (TANF); auxiliary grants to the aged, blind and disabled; medical assistance; energy assistance; food stamps; employment services; child care; and general relief.

"Qualified assessor" means an entity contracting with the Department of Medical Assistance Services to perform nursing facility pre-admission screening or to complete the uniform assessment instrument for a home and community-based waiver program, including an independent physician contracting with the Department of Medical Assistance Services to complete the uniform assessment instrument for residents of assisted living facilities, or any hospital that has contracted with the Department of Medical Assistance Services to perform nursing facility pre-admission screenings.

"Qualified individual" means a trained professional or licensed clinician who is not an employee of the local board of social services or licensed child-placing agency that placed the child in a qualified residential treatment program and is not affiliated with any placement setting in which children are placed by such local board of social services or licensed child-placing agency.

"Qualified residential treatment program" means a program that (i) provides 24-hour residential placement services for children in foster care; (ii) has adopted a trauma-informed treatment model that meets the clinical and other needs of children with serious emotional or behavioral disorders, including any clinical or other needs identified through assessments conducted pursuant to clause (viii) of this definition; (iii) employs registered or licensed nursing and other clinical staff who provide care, on site and within the scope of their practice, and are available 24 hours a day, 7 days a week; (iv) conducts outreach with the child's family members, including efforts to maintain connections between the child and his siblings and other family; documents and maintains records of such outreach efforts; and maintains contact information for any known biological family and fictive kin of the child; (v) whenever appropriate and in the best interest of the child, facilitates participation by family members in the child's treatment program before and after discharge and documents the manner in which such participation is facilitated; (vi) provides discharge planning and family-based aftercare support for at least six months after discharge; (vii) is licensed in accordance with 42 U.S.C. § 671(a)(10) and accredited by an organization approved by the federal Secretary of Health and Human Services; and (viii) requires that any child placed in the program receive an assessment within 30 days of such placement by a qualified individual that (a) assesses the strengths and needs of the child using an age-appropriate, evidence-based, validated, and functional assessment tool approved by the Commissioner of Social Services; (b) identifies whether the needs of the child can be met through placement with a family member or in a foster home or, if not, in a placement setting authorized by 42 U.S.C. § 672(k)(2), including a qualified residential treatment program, that would provide the most effective and appropriate level of care for the child in the least restrictive environment and be consistent with the short-term and long-term goals established for the child in his foster care or permanency plan; (c) establishes a list of short-term and long-term mental and behavioral health goals for the child; and (d) is documented in a written report to be filed with the court prior to any hearing on the child's placement pursuant to § 16.1-281, 16.1-282, 16.1-282.1, or 16.1-282.2.

"Registered family day home" means any family day home that has met the standards for voluntary registration for such homes pursuant to regulations adopted by the Board and that has obtained a certificate of registration from the Commissioner.

"Residential living care" means a level of service provided by an assisted living facility for adults who may have physical or mental impairments and require only minimal assistance with the activities of daily living. The definition of "residential living care" includes the services provided by independent living facilities that voluntarily become licensed.

"Sibling" means each of two or more children having one or more parents in common.

"Social services" means foster care, adoption, adoption assistance, child-protective services, domestic violence services, or any other services program implemented in accordance with regulations adopted by the Board. Social services also includes adult services pursuant to Article 4 (§ 51.5-144 et seq.) of Chapter 14 of Title 51.5 and adult protective services pursuant to Article 5 (§ 51.5-148) of Chapter 14 of Title 51.5 provided by local departments of social services in accordance with regulations and under the supervision of the Commissioner for Aging and Rehabilitative Services.

"Special order" means an order imposing an administrative sanction issued to any party licensed pursuant to this title by the Commissioner that has a stated duration of not more than 12 months. A special order shall be considered a case decision as defined in § 2.2-4001.

"Supervised independent living setting" means the residence of a person 18 years of age or older who is participating in the Fostering Futures program set forth in Article 2 (§ 63.2-917 et seq.) of Chapter 9 where supervision includes a monthly visit with a service worker or, when appropriate, contracted supervision. "Supervised independent living setting" does not include residential facilities or group homes.

"Temporary Assistance for Needy Families" or "TANF" means the program administered by the Department through which a relative can receive monthly cash assistance for the support of his eligible children.

"Temporary Assistance for Needy Families-Unemployed Parent" or "TANF-UP" means the Temporary Assistance for Needy Families program for families in which both natural or adoptive parents of a child reside in the home and neither parent is exempt from Virginia Initiative for Education and Work (VIEW) participation under § 63.2-609.

"Title IV-E Foster Care" means a federal program authorized under §§ 472 and 473 of the Social Security Act, as amended, and administered by the Department through which foster care is provided on behalf of qualifying children.

Article 2.

Fostering Futures.

§ 63.2-917. Fostering Futures program; established.

The Fostering Futures program is established to provide services and support to individuals 18 years of age or older but less than 21 years of age who were in foster care upon turning 18 years of age. Such services and support shall be designed to assist the program participant in transitioning to adulthood, becoming self-sufficient, and creating permanent, positive relationships. The program is voluntary and shall at all times recognize and respect the autonomy of the participant. The Fostering Futures program shall not be construed to abrogate any other rights that a person 18 years of age or older may have as an adult under state law.

§ 63.2-918. Definitions.

For purposes of this article:

"Case plan" means the plan developed by the local department for a program participant in accordance with 42 U.S.C. § 675(1).

"Child" means an individual who is (i) less than 18 years of age or (ii) for purposes of the Fostering Futures program set forth in Article 2 (§ 63.2-917 et seq.) of Chapter 9, less than 21 years of age and meets the eligibility criteria set forth in § 63.2-919.

"Fostering Futures" means the services and support available to individuals between 18 and 21 years of age who are participating in the Fostering Futures program.

"Local department" means the local department of social services under the local board having care and custody of the program participant when he reached 18 years of age.

"Program participant" means an individual who meets the eligibility criteria set forth in § 63.2-919.

"Voluntary continuing services and support agreement" means a binding written agreement entered into by the local department and program participant in accordance with § 63.2-921.

§ 63.2-919. Fostering Futures program; eligibility.

The Fostering Futures program is available, on a voluntary basis, to an individual between 18 and 21 years of age who:

1. Was (i) in the custody of a local department immediately prior to reaching 18 years of age, remained in foster care upon turning 18 years of age, and entered foster care pursuant to a court order; or (ii) in the custody of a local department immediately prior to commitment to the Department of Juvenile Justice and is transitioning from such commitment to self-sufficiency; and

2. Is (i) completing secondary education or an equivalent credential; (ii) enrolled in an institution that provides postsecondary or vocational education; (iii) employed for at least 80 hours per month; (iv) participating in a program or activity designed to promote employment or remove barriers to employment; or (v) incapable of doing any of the activities described in clauses (i) through (iv) due to a medical condition, which incapability is supported by regularly updated information in the program participant's case plan.

§ 63.2-920. Continuing services and support.

Continuing services and support provided under the Fostering Futures program shall include the following, where necessary:

1. Medical care under the state plan for medical assistance;

2. Housing, placement, and support in the form of continued foster care maintenance payments in an amount not less than the rate set immediately prior to the program participant's exit from foster care. Policies and decisions regarding housing options shall take into consideration the program participant's autonomy and developmental maturity, and safety assessments of such living arrangements shall be age-appropriate and consistent with federal guidance on supervised settings in which program participants live independently. For program participants residing in an independent living setting, the local department may send all or part of the foster care maintenance payments directly to the program participant, as agreed upon by the local department and the program participant. For program participants residing in a foster family home, foster care maintenance payments shall be paid to the foster parents; and

3. Case management services, including a case plan that describes (i) the program participant's housing or living arrangement; (ii) the resources available to the program participant in the transition from the Fostering Futures program to independent adulthood; and (iii) the services and support to be provided to meet the program participant's individual goals, provided such services and support are appropriate for and consented to by the program participant. All case plans shall be developed in consultation with the program participant and, at the participant's option, with up to two members of the case planning team who are chosen by the program participant and are not a foster parent of or caseworker for such program participant. An individual selected by a program participant to be a member of the case planning team may be removed from the team at any time if there is good cause to believe that the individual would not act in the best interests of the program participant.

§ 63.2-921. Voluntary continuing services and support agreement; services provided; service worker; duties.

A. In order to participate in the Fostering Futures program, the eligible program participant shall enter into a written voluntary continuing services and support agreement with the local department. Such agreement shall include, at a minimum, the following:

1. A requirement that the program participant maintain eligibility to participate in the Fostering Futures program in accordance with the provisions of § 63.2-919 for the duration of the voluntary continuing services and support agreement;
2. A disclosure to the program participant that participation in the Fostering Futures program is voluntary and that the program participant may terminate the voluntary continuing services and support agreement at any time;
3. The specific conditions that may result in the termination of the voluntary continuing services and support agreement and the program participant's early discharge from the Fostering Futures program; and
4. The program participant's right to appeal the denial or delay of a service required in the case plan.

B. The services and support to be provided to the program participant pursuant to the voluntary continuing services and support agreement shall begin no later than 30 days after both the program participant and the local department sign the voluntary continuing services and support agreement in accordance with § 63.2-921.

C. The local department shall assign a service worker for each participant in the Fostering Futures program to provide case management services. Every service worker shall have specialized training in providing transition services and support for program participants and knowledge of resources available in the community.

D. The local department shall make continuing efforts to achieve permanency and create permanent connections for all program participants.

E. The local department shall fulfill all case plan obligations consistent with the applicable provisions of 42 U.S.C. § 675(1) for all program participants.

F. Upon the signing of the voluntary continuing services and support agreement by the program participant and the local department, the local department shall conduct a redetermination of income eligibility for purposes of Title IV-E of the federal Social Security Act, 42 U.S.C. § 672.

§ 63.2-922. Termination of voluntary continuing services and support agreement; notice; appeal.

A. A program participant may terminate the voluntary continuing services and support agreement at any time. Upon such termination, the local department shall provide the program participant with a written notice informing the program participant of the potential negative effects resulting from termination, the option to reenter the Fostering Futures program at any time before reaching 21 years of age, and the procedures for reentering if the participant meets the eligibility criteria of § 63.2-919.

B. If the local department determines that the program participant is no longer eligible to participate in the Fostering Futures program under § 63.2-919, the local department shall terminate the voluntary continuing services and support agreement and cease the provision of all services and support to the program participant. The local department shall give written notice to the program participant 30 days prior to termination that the voluntary continuing services and support agreement will be terminated and provide (i) an explanation of the basis for termination, (ii) information about the process for appealing the termination, (iii) information about the option to enter into another voluntary continuing services and support agreement once the program participant reestablishes eligibility under § 63.2-919, and (iv) information about and contact information for community resources that may benefit the program participant, including state programs established pursuant to 42 U.S.C. § 677. Academic breaks in postsecondary education attendance, such as semester and seasonal breaks, and other transitions between eligibility requirements under § 63.2-919, including education and employment transitions not longer than 30 days, shall not be a basis for termination.

C. Appeals of terminations of voluntary continuing services and support agreements or denials or delays of the provision of services specified in the agreement shall be conducted in accordance with the provisions of § 63.2-915 and Board regulations.

§ 63.2-923. Court proceedings; administrative reviews.

A local department that enters into a voluntary continuing services and support agreement with a program participant shall file a petition for review of the agreement and the program participant's case plan in accordance with § 16.1-283.3. If no subsequent hearings are held by the court to review the agreement and case plan after the initial review hearing held pursuant to § 16.1-283.3, the local department shall conduct administrative reviews of the case for the remaining term of the voluntary continuing services and support agreement no less than every six months.

2. That the Department of Social Services shall, regarding the Fostering Futures program, (i) establish criteria for identifying appropriate services for program participants; (ii) establish requirements for program participants to be

included in the voluntary continuing services and support agreement, including regular contact with the program participant's service worker, timely payment of rental fees, and other requirements deemed necessary based on the unique circumstances and needs of the program participant; (iii) allow local departments of social services to disenroll participants from the Fostering Futures program for substantial violations of the voluntary continuing services and support agreement; and (iv) develop budget or payment forms to monitor the manner in which program participants are using maintenance payment funds and allow increased oversight of such use when necessary.

3. That the Board of Social Services (the Board) shall promulgate regulations to implement the provisions of this act. The Board's initial adoption of regulations necessary to implement the provisions of this act shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia), except that the Board shall provide an opportunity for public comment on the regulations prior to adoption.

4. That the Department of Social Services shall analyze the feasibility of and opportunities for allowing local departments of social services to use video conferencing for monthly visits with participants in the Fostering Futures program in a manner that complies with federal laws and regulations.

CHAPTER 96

An Act to amend and reenact § 19.2-182.5 of the Code of Virginia, relating to persons acquitted by reason of insanity; use of two-way electronic communications in proceedings.

[H 639]

Approved March 3, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-182.5 of the Code of Virginia is amended and reenacted as follows:

§ 19.2-182.5. Review of continuation of confinement hearing; procedure and reports; disposition.

A. The committing court shall conduct a hearing twelve months after the date of commitment to assess the need for inpatient hospitalization of each acquittee who is acquitted of a felony by reason of insanity. A hearing for assessment shall be conducted at yearly intervals for five years and at biennial intervals thereafter. The court shall schedule the matter for hearing as soon as possible after it becomes due, giving the matter priority over all pending matters before the court.

B. Prior to the hearing, the Commissioner shall provide to the court a report evaluating the acquittee's condition and recommending treatment, to be prepared by a psychiatrist or a psychologist. The psychologist who prepares the report shall be a clinical psychologist and any evaluating psychiatrist or clinical psychologist shall be skilled in the diagnosis of mental illness and qualified by training and experience to perform forensic evaluations. If the examiner recommends release or the acquittee requests release, the acquittee's condition and need for inpatient hospitalization shall be evaluated by a second person with such credentials who is not currently treating the acquittee. A copy of any report submitted pursuant to this subsection shall be sent to the attorney for the Commonwealth for the jurisdiction from which the acquittee was committed.

C. The acquittee shall be provided with adequate notice of the hearing, of the right to be present at the hearing, the right to the assistance of counsel in preparation for and during the hearing, and the right to introduce evidence and cross-examine witnesses at the hearing. Written notice of the hearing shall be provided to the attorney for the Commonwealth for the committing jurisdiction. The hearing is a civil proceeding *and may be conducted using a two-way electronic video and audio communication system that meets the standards set forth in subsection B of § 19.2-3.1, unless objected to by the acquittee, the acquittee's attorney, or the attorney for the Commonwealth.*

According to the determination of the court following the hearing, and based upon the report and other evidence provided at the hearing, the court shall (i) release the acquittee from confinement if he does not need inpatient hospitalization and does not meet the criteria for conditional release set forth in § 19.2-182.7, provided the court has approved a discharge plan prepared jointly by the hospital staff and the appropriate community services board or behavioral health authority; (ii) place the acquittee on conditional release if he meets the criteria for conditional release, and the court has approved a conditional release plan prepared jointly by the hospital staff and the appropriate community services board or behavioral health authority; or (iii) order that he remain in the custody of the Commissioner if he continues to require inpatient hospitalization based on consideration of the factors set forth in § 19.2-182.3.

D. An acquittee who is found not guilty of a misdemeanor by reason of insanity on or after July 1, 2002, shall remain in the custody of the Commissioner pursuant to this chapter for a period not to exceed one year from the date of acquittal. If, prior to or at the conclusion of one year, the Commissioner determines that the acquittee meets the criteria for conditional release or release without conditions pursuant to § 19.2-182.7, emergency custody pursuant to § 37.2-808, temporary detention pursuant to §§ 37.2-809 to 37.2-813, or involuntary commitment pursuant to Article 5 (§ 37.2-814 et seq.) of Chapter 8 of Title 37.2, he shall petition the committing court. Written notice of an acquittee's scheduled release shall be provided by the Commissioner to the attorney for the Commonwealth for the committing jurisdiction not less than thirty days prior to the scheduled release. The Commissioner's duty to file a petition upon such determination shall not preclude the ability of any other person meeting the requirements of § 37.2-808 to file the petition.

CHAPTER 97

An Act to amend and reenact § 54.1-2808.3 of the Code of Virginia, relating to funeral service providers; caskets provided by third parties.

[H 641]

Approved March 3, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-2808.3 of the Code of Virginia is amended and reenacted as follows:

§ 54.1-2808.3. Acceptance of third-party-provided caskets.

~~A. No person except a licensed funeral service establishment or funeral service licensee shall offer for sale or sell a casket when preneed arrangements for funeral services are being made, including preneed funeral contracts and preneed funeral planning.~~

~~B. When at need arrangements for funeral services have been made with a licensed funeral service establishment, funeral service licensees shall accept caskets provided by third parties in accordance with 16 C.F.R. Part 453, Funeral Industry Practices, Federal Trade Commission.~~

~~B. No funeral service establishment or funeral service licensee shall be required to store a casket provided by a third party when preneed arrangements for funeral services have been made.~~

~~C. Any person selling or providing preneed caskets shall be subject to the same preneed requirements as set forth in 16 C.F.R. Part 453, Funeral Industry Practices, Federal Trade Commission, and § 54.1-2820.~~

CHAPTER 98

An Act to amend and reenact § 16.1-283.1 of the Code of Virginia, relating to post-adoption contact and communication agreements; involuntary termination of parental rights.

[H 721]

Approved March 3, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 16.1-283.1 of the Code of Virginia is amended and reenacted as follows:

§ 16.1-283.1. Authority to enter into voluntary post-adoption contact and communication agreement.

A. In any case in which (i) a child has been placed in foster care as a result of ~~(i)~~ (a) court commitment, ~~(ii)~~ (b) an entrustment agreement entered into by the parent or parents, or ~~(iii)~~ (c) other voluntary relinquishment by the parent or parents; ~~or in any case in which~~; (ii) the parent or parents have voluntarily consented to the adoption of the child; ~~or (iii) the parental rights of the parent or parents have been involuntarily terminated~~, the child's birth parent or parents may enter into a written post-adoption contact and communication agreement with the pre-adoptive parent or parents as provided in Article 1.1 (§ 63.2-1220.2 et seq.) of Chapter 12 of Title 63.2. Unless the parental rights of the birth parent or parents have been terminated pursuant to subsection E of § 16.1-283, a local board of social services or child welfare agency required to file a petition for a permanency planning hearing pursuant to § 16.1-282.1 may inform the birth parent or parents and shall inform the adoptive parent or parents that they may enter into such an agreement and shall inform the child if he is 14 years of age or older that he may consent to such an agreement.

B. The court may consider the appropriateness of a written post-adoption contact and communication agreement entered into pursuant to subsection A and in accordance with Article 1.1 (§ 63.2-1220.2 et seq.) of Chapter 12 of Title 63.2 at the permanency planning hearing pursuant to § 16.1-282.1 and, if the court finds that all of the requirements of subsection A and Article 1.1 (§ 63.2-1220.2 et seq.) of Chapter 12 of Title 63.2 have been met, shall incorporate the written post-adoption contact and communication agreement into an order entered at the conclusion of such hearing.

CHAPTER 99

An Act to amend and reenact § 8.01-249 of the Code of Virginia, relating to accrual of cause of action; diagnoses of nonmalignant and malignant asbestos-related injury or disease.

[H 781]

Approved March 3, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 8.01-249 of the Code of Virginia is amended and reenacted as follows:

§ 8.01-249. When cause of action shall be deemed to accrue in certain personal actions.

The cause of action in the actions herein listed shall be deemed to accrue as follows:

1. In actions for fraud or mistake, in actions for violations of the Consumer Protection Act (§ 59.1-196 et seq.) based upon any misrepresentation, deception, or fraud, and in actions for rescission of contract for undue influence, when such

fraud, mistake, misrepresentation, deception, or undue influence is discovered or by the exercise of due diligence reasonably should have been discovered;

2. In actions or other proceedings for money on deposit with a bank or any person or corporation doing a banking business, when a request in writing be made therefor by check, order, or otherwise;

3. In actions for malicious prosecution or abuse of process, when the relevant criminal or civil action is terminated;

4. In actions for injury to the person resulting from exposure to asbestos or products containing asbestos, when a diagnosis of asbestosis, interstitial fibrosis, mesothelioma, or other disabling asbestos-related injury or disease is first communicated to the person or his agent by a physician. However, no such action may be brought more than two years after the death of such person. *The diagnosis of a nonmalignant asbestos-related injury or disease shall not accrue an action based upon the subsequent diagnosis of a malignant asbestos-related injury or disease, and such subsequent diagnosis shall constitute a separate injury that shall accrue an action when such diagnosis is first communicated to the person or his agent by a physician;*

5. In actions for contribution or for indemnification, when the contributee or the indemnitee has paid or discharged the obligation. A third-party claim permitted by subsection A of § 8.01-281 and the Rules of Court may be asserted before such cause of action is deemed to accrue hereunder;

6. In actions for injury to the person, whatever the theory of recovery, resulting from sexual abuse occurring during the infancy or incapacity of the person, upon the later of the removal of the disability of infancy or incapacity as provided in § 8.01-229 or when the fact of the injury and its causal connection to the sexual abuse is first communicated to the person by a licensed physician, psychologist, or clinical psychologist. As used in this subdivision, "sexual abuse" means sexual abuse as defined in subdivision 6 of § 18.2-67.10 and acts constituting rape, sodomy, object sexual penetration or sexual battery as defined in Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2;

7. In products liability actions against parties other than health care providers as defined in § 8.01-581.1 for injury to the person resulting from or arising as a result of the implantation of any prosthetic device for breast augmentation or reconstruction, when the fact of the injury and its causal connection to the implantation is first communicated to the person by a physician;

8. In actions on an open account, from the later of the last payment or last charge for goods or services rendered on the account;

9. In products liability actions against parties other than health care providers as defined in § 8.01-581.1 for injury to the person resulting from or arising as a result of the implantation of any medical device, when the person knew or should have known of the injury and its causal connection to the device.

2. This act is intended to reverse *Kiser v. A.W. Chesterton*, 285 Va. 12 (2013).

CHAPTER 100

An Act to amend and reenact § 54.1-2957.01 of the Code of Virginia, relating to certified registered nurse anesthetists; prescriptive authority.

[H 1059]

Approved March 3, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-2957.01 of the Code of Virginia is amended and reenacted as follows:

§ 54.1-2957.01. Prescription of certain controlled substances and devices by licensed nurse practitioners.

A. In accordance with the provisions of this section and pursuant to the requirements of Chapter 33 (§ 54.1-3300 et seq.), a licensed nurse practitioner, ~~other than a certified registered nurse anesthetist~~, shall have the authority to prescribe Schedule II through Schedule VI controlled substances and devices as set forth in Chapter 34 (§ 54.1-3400 et seq.).

B. A nurse practitioner who does not meet the requirements for practice without a written or electronic practice agreement set forth in subsection I of § 54.1-2957 shall prescribe controlled substances or devices only if such prescribing is authorized by a written or electronic practice agreement entered into by the nurse practitioner and a patient care team physician. Such nurse practitioner shall provide to the Boards of Medicine and Nursing such evidence as the Boards may jointly require that the nurse practitioner has entered into and is, at the time of writing a prescription, a party to a written or electronic practice agreement with a patient care team physician that clearly states the prescriptive practices of the nurse practitioner. Such written or electronic practice agreements shall include the controlled substances the nurse practitioner is or is not authorized to prescribe and may restrict such prescriptive authority as described in the practice agreement. Evidence of a practice agreement shall be maintained by a nurse practitioner pursuant to § 54.1-2957. Practice agreements authorizing a nurse practitioner to prescribe controlled substances or devices pursuant to this section either shall be signed by the patient care team physician or shall clearly state the name of the patient care team physician who has entered into the practice agreement with the nurse practitioner.

It shall be unlawful for a nurse practitioner to prescribe controlled substances or devices pursuant to this section unless (i) such prescription is authorized by the written or electronic practice agreement or (ii) the nurse practitioner is authorized to practice without a written or electronic practice agreement pursuant to subsection I of § 54.1-2957.

C. The Boards of Medicine and Nursing shall promulgate regulations governing the prescriptive authority of nurse practitioners as are deemed reasonable and necessary to ensure an appropriate standard of care for patients. Such regulations shall include requirements as may be necessary to ensure continued nurse practitioner competency, which may include continuing education, testing, or any other requirement, and shall address the need to promote ethical practice, an appropriate standard of care, patient safety, the use of new pharmaceuticals, and appropriate communication with patients.

D. This section shall not limit the functions and procedures of certified registered nurse anesthetists or of any nurse practitioners which are otherwise authorized by law or regulation.

E. The following restrictions shall apply to any nurse practitioner authorized to prescribe drugs and devices pursuant to this section:

1. The nurse practitioner shall disclose to the patient at the initial encounter that he is a licensed nurse practitioner. Any party to a practice agreement shall disclose, upon request of a patient or his legal representative, the name of the patient care team physician and information regarding how to contact the patient care team physician.

2. Physicians shall not serve as a patient care team physician on a patient care team at any one time to more than six nurse practitioners.

F. This section shall not prohibit a licensed nurse practitioner from administering controlled substances in compliance with the definition of "administer" in § 54.1-3401 or from receiving and dispensing manufacturers' professional samples of controlled substances in compliance with the provisions of this section.

G. Notwithstanding any provision of law or regulation to the contrary, a nurse practitioner licensed by the Boards of Medicine and Nursing in the category of certified nurse midwife and holding a license for prescriptive authority may prescribe (i) Schedules II through V controlled substances in accordance with any prescriptive authority included in a practice agreement with a licensed physician pursuant to subsection H of § 54.1-2957 and (ii) Schedule VI controlled substances without the requirement for inclusion of such prescriptive authority in a practice agreement.

H. Notwithstanding any provision of law or regulation to the contrary, a nurse practitioner licensed by the Boards of Medicine and Nursing as a certified registered nurse anesthetist shall have the authority to prescribe Schedule II through Schedule VI controlled substances and devices in accordance with the requirements for practice set forth in subsection C of § 54.1-2957 to a patient requiring anesthesia, as part of the periprocedural care of such patient. As used in this subsection, "periprocedural" means the period beginning prior to a procedure and ending at the time the patient is discharged.

CHAPTER 101

An Act to amend and reenact § 54.1-3446 of the Code of Virginia, relating to Drug Control Act; controlled substances; Schedule I.

[H 1263]

Approved March 3, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-3446 of the Code of Virginia is amended and reenacted as follows:

§ 54.1-3446. Schedule I.

The controlled substances listed in this section are included in Schedule I:

1. Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, unless specifically excepted, whenever the existence of these isomers, esters, ethers and salts is possible within the specific chemical designation:

1-(2-phenylethyl)-4-phenyl-4-acetyloxypiperidine (other name: PEPAP);

1-methyl-4-phenyl-4-propionoxypiperidine (other name: MPPP);

2-methoxy-N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-acetamide (other name: Methoxyacetyl fentanyl);

3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methyl-benzamide (other name: U-47700);

3,4-dichloro-N-[[1-(dimethylamino)cyclohexyl]methyl]benzamide (other name: AH-7921);

Acetyl fentanyl (other name: desmethyl fentanyl);

Acetylmethadol;

Allylprodine;

Alphacetylmethadol (except levo-alphacetylmethadol, also known as levo-alpha-acetylmethadol, levomethadyl acetate, or LAAM);

Alphameprodine;

Alphamethadol;

Benzethidine;

Betacetylmethadol;

Betameprodine;

Betamethadol;

Betaprodine;

Clonitazene;

Dextromoramide;

Diampromide;
Diethylthiambutene;
Difenoxin;
Dimenoxadol;
Dimepheptanol;
Dimethylthiambutene;
Dioxaphetylbutyrate;
Dipipanone;
Ethylmethylthiambutene;
Etonitazene;
Etoxidine;
Furethidine;
Hydroxypethidine;
Ketobemidone;
Levomoramide;
Levophenacymorphan;
Morpheridine;
MT-45 (1-cyclohexyl-4-(1,2-diphenylethyl)piperazine);
N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopropanecarboxamide (other name: Cyclopropyl fentanyl);
N-(1-phenethylpiperidin-4-yl)-N-phenyltetrahydrofuran-2-carboxamide (other name: Tetrahydrofuranyl fentanyl);
N-[1-[1-methyl-2-(2-thienyl)ethyl]-4-piperidyl]-N-phenylpropanamide (other name: alpha-methylthiofentanyl);
N-[1-(1-methyl-2-phenylethyl)-4-piperidyl]-N-phenylacetamide (other name: acetyl-alpha-methylfentanyl);
N-{1-[2-hydroxy-2-(2-thienyl)ethyl]-4-piperidinyl}-N-phenylpropanamide (other name: beta-hydroxythiofentanyl);
N-[1-(2-hydroxy-2-phenyl)ethyl-4-piperidyl]-N-phenylpropanamide (other name: beta-hydroxyfentanyl);
N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl]propionanilide (other names:
1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine, alpha-methylfentanyl);
N-(2-fluorophenyl)-N-[1-(2-phenylethyl)-4-piperidinyl]-propanamide (other names: 2-fluorofentanyl,
ortho-fluorofentanyl);
N-(3-fluorophenyl)-N-[1-(2-phenylethyl)-4-piperidinyl]-propanamide (other name: 3-fluorofentanyl);
N-[3-methyl-1-(2-hydroxy-2-phenylethyl)-4-piperidyl]-N-phenylpropanamide (other name:
beta-hydroxy-3-methylfentanyl);
N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide (other name: 3-methylfentanyl);
N-[3-methyl-1-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide (other name: 3-methylthiofentanyl);
N-(4-fluorophenyl)-2-methyl-N-[1-(2-phenylethyl)-4-piperidinyl]-propanamide (other name: para-fluoroisobutyryl
fentanyl);
N-(4-fluorophenyl)-N-[1-(2-phenylethyl)-4-piperidinyl]-butanamide (other name: para-fluorobutyrylfentanyl);
N-(4-fluorophenyl)-N-1-(2-phenylethyl)-4-piperidinyl]-propanamide (other name: para-fluorofentanyl);
Noracymethadol;
Norlevorphanol;
Normethadone;
Norpipanone;
N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-2-furancarboxamide (other name: Furanyl fentanyl);
N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-2-propenamide (other name: Acryl fentanyl);
N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-butanamide (other name: butyryl fentanyl);
N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-pentanamide (other name: Pentanoyl fentanyl);
N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide (other name: thiofentanyl);
Phenadoxone;
Phenampramide;
Phenomorphin;
Phenoperidine;
Piritramide;
Proheptazine;
Propiridine;
Propiram;
Racemoramide;
Tilidine;
Trimeperidine;
N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-1,3-benzodioxole-5-carboxamide (other name: Benzodioxole
fentanyl);
3,4-dichloro-N-[2-(diethylamino)cyclohexyl]-N-methylbenzamide (other name: U-49900);
2-(2,4-dichlorophenyl)-N-[2-(dimethylamino)cyclohexyl]-N-methylacetamide (other name: U-48800);

2-(3,4-dichlorophenyl)-N-[2-(dimethylamino)cyclohexyl]-N-methylacetamide (other name: U-51754);
 N-(2-fluorophenyl)-2-methoxy-N-[1-(2-phenylethyl)-4-piperidinyl]-acetamide (other name: Ocfentanyl);
 N-(4-methoxyphenyl)-N-[1-(2-phenylethyl)-4-piperidinyl]-butanamide (other name: 4-methoxybutyrylfentanyl);
 N-phenyl-2-methyl-N-[1-(2-phenylethyl)-4-piperidinyl]-propanamide (other name: Isobutyryl fentanyl);
 N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-cyclopentanecarboxamide (other name: Cyclopentyl fentanyl);
 N-phenyl-N-(1-methyl-4-piperidinyl)-propanamide (other name: N-methyl norfentanyl);
 N-[2-(dimethylamino)cyclohexyl]-N-methyl-1,3-benzodioxole-5-carboxamide (other names: 3,4-methylenedioxy U-47700 or 3,4-MDO-U-47700);

N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-2-butanamide (other name: Crotonyl fentanyl);
 N-phenyl-N-[4-phenyl-1-(2-phenylethyl)-4-piperidinyl]-propanamide (other name: 4-phenylfentanyl);
N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-benzamide (other names: Phenyl fentanyl, Benzoyl fentanyl);
N-[2-(dimethylamino)cyclohexyl]-N-phenylfuran-2-carboxamide (other name: Furanyl UF-17);
N-[2-(dimethylamino)cyclohexyl]-N-phenylpropionamide (other name: UF-17);
3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-isopropyl-benzamide (other name: Isopropyl U-47700).

2. Any of the following opium derivatives, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation:

Acetorphine;
 Acetyldihydrocodeine;
 Benzylmorphine;
 Codeine methylbromide;
 Codeine-N-Oxide;
 Cyprenorphine;
 Desomorphine;
 Dihydromorphine;
 Drotebanol;
 Etorphine;
 Heroin;
 Hydromorphanol;
 Methyldesorphine;
 Methyldihydromorphine;
 Morphine methylbromide;
 Morphine methylsulfonate;
 Morphine-N-Oxide;
 Myrophine;
 Nicocodeine;
 Nicomorphine;
 Normorphine;
 Pholcodine;
 Thebacon.

3. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation, which contains any quantity of the following hallucinogenic substances, or which contains any of its salts, isomers, and salts of isomers, whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation (for purposes of this subdivision only, the term "isomer" includes the optical, position, and geometric isomers):

Alpha-ethyltryptamine (some trade or other names: Monase; a-ethyl-1H-indole-3-ethanamine; 3-2-aminobutyl] indole; a-ET; AET);

4-Bromo-2,5-dimethoxyphenethylamine (some trade or other names:

2-4-bromo-2,5-dimethoxyphenyl]-1-aminoethane; alpha-desmethyl DOB; 2C-B; Nexus);

3,4-methylenedioxy amphetamine;
 5-methoxy-3,4-methylenedioxy amphetamine;
 3,4,5-trimethoxy amphetamine;
 Alpha-methyltryptamine (other name: AMT);
 Bufotenine;
 Diethyltryptamine;
 Dimethyltryptamine;
 4-methyl-2,5-dimethoxyamphetamine;
 2,5-dimethoxy-4-ethylamphetamine (DOET);
 4-fluoro-N-ethylamphetamine;
 2,5-dimethoxy-4-(n)-propylthiophenethylamine (other name: 2C-T-7);
 Ibogaine;
 5-methoxy-N,N-diisopropyltryptamine (other name: 5-MeO-DIPT);
 Lysergic acid diethylamide;

Mescaline;

Parahexyl (some trade or other names: 3-Hexyl-1-hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-dibenz o [b,d] pyran; Synhexyl);

Peyote;

N-ethyl-3-piperidyl benzilate;

N-methyl-3-piperidyl benzilate;

Psilocybin;

Psilocyn;

Salvinorin A;

Tetrahydrocannabinols, except as present in (i) industrial hemp, as defined in § 3.2-4112, that is possessed by a person registered pursuant to subsection A of § 3.2-4115 or his agent; (ii) a hemp product, as defined in § 3.2-4112, containing a tetrahydrocannabinol concentration of no greater than 0.3 percent that is derived from industrial hemp, as defined in § 3.2-4112, that is grown, dealt, or processed in compliance with state or federal law; (iii) marijuana; or (iv) dronabinol in sesame oil and encapsulated in a soft gelatin capsule in a drug product approved by the U.S. Food and Drug Administration;

Hashish oil (some trade or other names: hash oil; liquid marijuana; liquid hashish);

2,5-dimethoxyamphetamine (some trade or other names: 2,5-dimethoxy-a-methylphenethylamine; 2,5-DMA);

3,4-methylenedioxy-methamphetamine (MDMA), its optical, positional and geometric isomers, salts and salts of isomers;

3,4-methylenedioxy-N-ethylamphetamine (also known as N-ethyl-alpha-methyl-3,4 (methylenedioxy)phenethylamine, N-ethyl MDA, MDE, MDEA);

N-hydroxy-3,4-methylenedioxyamphetamine (some other names:

N-hydroxy-alpha-methyl-3,4(methylenedioxy)phenethylamine, and N-hydroxy MDA);

4-bromo-2,5-dimethoxyamphetamine (some trade or other names: 4-bromo-2,5-dimethoxy-a-methylphenethylamine; 4-bromo-2,5-DMA);

4-methoxyamphetamine (some trade or other names: 4-methoxy-a-methylphenethylamine; paramethoxyamphetamine; PMA);

Ethylamine analog of phencyclidine (some other names: N-ethyl-1-phenylcyclohexylamine, (1-phenylcyclohexyl) ethylamine, N-(1-phenylcyclohexyl) ethylamine, cyclohexamine, PCE);

Pyrrolidine analog of phencyclidine (some other names: 1-(1-phenylcyclohexyl) -pyrrolidine, PCPy, PHP);

Thiophene analog of phencyclidine (some other names: 1-[1-(2-thienyl) -cyclohexyl]-piperidine, 2-thienyl analog of phencyclidine, TPCP, TCP);

1-1-(2-thienyl)cyclohexyl]pyrrolidine (other name: TCPy);

3,4-methylenedioxy-pyvalerone (other name: MDPV);

4-methylmethcathinone (other names: mephedrone, 4-MMC);

3,4-methylenedioxy-methcathinone (other name: methylone);

Naphthylpyrovalerone (other name: naphyrone);

4-fluoromethcathinone (other name: flephedrone, 4-FMC);

4-methoxymethcathinone (other names: methedrone; bk-PMMA);

Ethcathinone (other name: N-ethylcathinone);

3,4-methylenedioxyethcathinone (other name: ethylone);

Beta-keto-N-methyl-3,4-benzodioxolylbutanamine (other name: butylone);

N,N-dimethylcathinone (other name: metamfepramone);

Alpha-pyrrolidinopropiophenone (other name: alpha-PPP);

4-methoxy-alpha-pyrrolidinopropiophenone (other name: MOPPP);

3,4-methylenedioxy-alpha-pyrrolidinopropiophenone (other name: MDPPP);

Alpha-pyrrolidinovalerophenone (other name: alpha-PVP);

6,7-dihydro-5H-indeno-(5,6-d)-1,3-dioxol-6-amine (other name: MDAI);

3-fluoromethcathinone (other name: 3-FMC);

4-Ethyl-2,5-dimethoxyphenethylamine (other name: 2C-E);

4-Iodo-2,5-dimethoxyphenethylamine (other name: 2C-I);

4-Methylethcathinone (other name: 4-MEC);

4-Ethylmethcathinone (other name: 4-EMC);

N,N-diallyl-5-methoxytryptamine (other name: 5-MeO-DALT);

Beta-keto-methylbenzodioxolylpentanamine (other name: Pentylone, bk-MBDP);

Alpha-methylamino-butyrophenone (other name: Buphedrone);

Alpha-methylamino-valerophenone (other name: Pentedrone);

3,4-Dimethylmethcathinone (other name: 3,4-DMMC);

4-methyl-alpha-pyrrolidinopropiophenone (other name: MPPP);

4-Iodo-2,5-dimethoxy-N-[(2-methoxyphenyl)methyl]-benzeneethanamine (other names: 25-I, 25I-NBOMe, 2C-I-NBOMe);

Methoxetamine (other names: MXE, 3-MeO-2-Oxo-PCE);

4-Fluoromethamphetamine (other name: 4-FMA);
 4-Fluoroamphetamine (other name: 4-FA);
 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (other name: 2C-D);
 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (other name: 2C-C);
 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (other name: 2C-T-2);
 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (other name: 2C-T-4);
 2-(2,5-Dimethoxyphenyl)ethanamine (other name: 2C-H);
 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (other name: 2C-N);
 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (other name: 2C-P);
 (2-aminopropyl)benzofuran (other name: APB);
 (2-aminopropyl)-2,3-dihydrobenzofuran (other name: APDB);
 4-chloro-2,5-dimethoxy-N-[(2-methoxyphenyl)methyl]-benzeneethanamine (other names: 2C-C-NBOMe, 25C-NBOMe, 25C);
 4-bromo-2,5-dimethoxy-N-[(2-methoxyphenyl)methyl]-benzeneethanamine (other names: 2C-B-NBOMe, 25B-NBOMe, 25B);
 Acetoxymethyltryptamine (other names: AcO-Psilocin, AcO-DMT, Psilacetin);
 Benocyclidine (other names: BCP, BTCP);
 Alpha-pyrrolidinobutiophenone (other name: alpha-PBP);
 3,4-methylenedioxy-N,N-dimethylcathinone (other names: Dimethylone, bk-MDDMA);
 4-bromomethcathinone (other name: 4-BMC);
 4-chloromethcathinone (other name: 4-CMC);
 4-Iodo-2,5-dimethoxy-N-[(2-hydroxyphenyl)methyl]-benzeneethanamine (other name: 25I-NBOH);
 Alpha-Pyrrolidinoheptiophenone (other name: alpha-PHP);
 Alpha-Pyrrolidinoheptiophenone (other name: PV8);
 5-methoxy-N,N-methylisopropyltryptamine (other name: 5-MeO-MIPT);
 Beta-keto-N,N-dimethylbenzodioxolylbutanamine (other names: Dibutylone, bk-DMBDB);
 Beta-keto-4-bromo-2,5-dimethoxyphenethylamine (other name: bk-2C-B);
 1-(1,3-benzodioxol-5-yl)-2-(ethylamino)-1-pentanone (other name: N-ethylpentylone);
 1-[1-(3-methoxyphenyl)cyclohexyl]piperidine (other name: 3-methoxy PCP);
 1-[1-(4-methoxyphenyl)cyclohexyl]piperidine (other name: 4-methoxy PCP);
 4-Chloroethcathinone (other name: 4-CEC);
 3-Methoxy-2-(methylamino)-1-(4-methylphenyl)-1-propanone (other name: Mexedrone);
 1-propionyl lysergic acid diethylamide (other name: 1P-LSD);
 (2-Methylaminopropyl)benzofuran (other name: MAPB);
 1-(1,3-benzodioxol-5-yl)-2-(dimethylamino)-1-pentanone (other names: N,N-Dimethylpentylone, Dipentylone);
 1-(4-methoxyphenyl)-2-(pyrrolidin-1-yl)octan-1-one (other name: 4-methoxy-PV9);
 3,4-tetramethylene-alpha-pyrrolidinovalerophenone (other name: TH-PVP);
 4-allyloxy-3,5-dimethoxyphenethylamine (other name: Allylescaline);
 4-Bromo-2,5-dimethoxy-N-[(2-hydroxyphenyl)methyl]-benzeneethanamine (other name: 25B-NBOH);
 4-chloro-alpha-methylamino-valerophenone (other name: 4-chloropentedrone);
 4-chloro-alpha-Pyrrolidinovalerophenone (other name: 4-chloro-alpha-PVP);
 4-fluoro-alpha-Pyrrolidinoheptiophenone (other name: 4-fluoro-PV8);
 4-hydroxy-N,N-diisopropyltryptamine (other name: 4-OH-DIPT);
 4-methyl-alpha-ethylaminopentiophenone;
 4-methyl-alpha-Pyrrolidinoheptiophenone (other name: MPHP);
 5-methoxy-N,N-dimethyltryptamine (other name: 5-MeO-DMT);
 5-methoxy-N-ethyl-N-isopropyltryptamine (other name: 5-MeO-EIPT);
 6-ethyl-6-nor-lysergic acid diethylamide (other name: ETH-LAD);
 6-allyl-6-nor-lysergic acid diethylamide (other name: AL-LAD);
 (N-methyl aminopropyl)-2,3-dihydrobenzofuran (other name: MAPDB);
 2-(methylamino)-2-phenyl-cyclohexanone (other name: Deschloroketamine);
 2-(ethylamino)-2-phenyl-cyclohexanone (other name: deschloro-N-ethyl-ketamine);
 2-methyl-1-(4-(methylthio)phenyl)-2-morpholinopropiophenone (other name: MMMP);
 Alpha-ethylaminohexanophenone (other name: N-ethylhexedrone);
 N-ethyl-1-(3-methoxyphenyl)cyclohexylamine (other name: 3-methoxy-PCE);
 4-fluoro-alpha-pyrrolidinoheptiophenone (other name: 4-fluoro-alpha-PHP);
 N-ethyl-1,2-diphenylethylamine (other name: Ephedrine);
 2,5-dimethoxy-4-chloroamphetamine (other name: DOC);
 3,4-methylenedioxy-N-tert-butylcathinone;
Alpha-pyrrolidinoisohexiophenone (other name: alpha-PiHP);
1-[1-(3-hydroxyphenyl)cyclohexyl]piperidine (other name: 3-hydroxy PCP);

4-acetyloxy-*N,N*-diallyltryptamine (other name: 4-AcO-DALT);
 4-hydroxy-*N,N*-methylisopropyltryptamine (other name: 4-hydroxy-MiPT);
 3,4-Methylenedioxy- α -pyrrolidinohexanophenone (other name: MDPHP);
 5-methoxy-*N,N*-dibutyltryptamine (other name: 5-methoxy-DBT);
 1-(1,3-benzodioxol-5-yl)-2-(ethylamino)-1-butanone (other name: Eutylone, bk-EBDB);
 1-(1,3-benzodioxol-5-yl)-2-(butylamino)-1-pentanone (other name: *N*-butylpentylone);
N-benzyl-3,4-dimethoxyamphetamine (other name: *N*-benzyl-3,4-DMA).

4. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers and salts of isomers whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:

Clonazolam;

Etizolam;

Flualprazolam;

Flubromazepam;

Flubromazolam;

Gamma hydroxybutyric acid (some other names include GHB; gamma hydroxybutyrate; 4-hydroxybutyrate; 4-hydroxybutanoic acid; sodium oxybate; sodium oxybutyrate);

Mecloqualone;

Methaqualone.

5. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers and salts of isomers:

2-(3-fluorophenyl)-3-methylmorpholine (other name: 3-fluorophenmetrazine);

Aminorex (some trade or other names; aminoxaphen; 2-amino-5-phenyl-2-oxazoline);

4,5-dihydro-5-phenyl-2-oxazolamine);

Cathinone (some trade or other names: 2-amino-1-phenyl-1-propanone, α -aminopropiophenone, 2-aminopropiophenone, norephedrone), and any plant material from which Cathinone may be derived;

Cis-4-methylaminorex (other name: cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine);

Ethylamphetamine;

Ethyl phenyl(piperidin-2-yl)acetate (other name: Ethylphenidate);

Fenethylamine;

Methcathinone (some other names: 2-(methylamino)-propiophenone; α -(methylamino)-propiophenone;

2-(methylamino)-1-phenylpropan-1-one; α -*N*-methylaminopropiophenone; monomethylpropion; ephedrone; *N*-methylcathinone; methylcathinone; AL-464; AL-422; AL-463 and UR 1432);

N-Benzylpiperazine (some other names: BZP, 1-benzylpiperazine);

N,N-dimethylamphetamine (other names: *N*, *N*- α -trimethyl-benzeneethanamine, *N*,

N- α -trimethylphenethylamine);

Methyl 2-(4-fluorophenyl)-2-(2-piperidinyl)acetate (other name: 4-fluoromethylphenidate);

Isopropyl-2-phenyl-2-(2-piperidinyl)acetate (other name: Isopropylphenidate);

4-chloro-*N,N*-dimethylcathinone;

3,4-methylenedioxy-*N*-benzylcathinone (other name: BMDP).

6. Any substance that contains one or more cannabimimetic agents or that contains their salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation, and any preparation, mixture, or substance containing, or mixed or infused with, any detectable amount of one or more cannabimimetic agents.

a. "Cannabimimetic agents" includes any substance that is within any of the following structural classes:

2-(3-hydroxycyclohexyl)phenol with substitution at the 5-position of the phenolic ring by alkyl or alkenyl, whether or not substituted on the cyclohexyl ring to any extent;

3-(1-naphthoyl)indole or 1H-indol-3-yl-(1-naphthyl)methane with substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent, whether or not substituted on the naphthoyl or naphthyl ring to any extent;

3-(1-naphthoyl)pyrrole with substitution at the nitrogen atom of the pyrrole ring, whether or not further substituted in the pyrrole ring to any extent, whether or not substituted on the naphthoyl ring to any extent;

1-(1-naphthylmethyl)indene with substitution of the 3-position of the indene ring, whether or not further substituted in the indene ring to any extent, whether or not substituted on the naphthyl ring to any extent;

3-phenylacetylindole or 3-benzoylindole with substitution at the nitrogen atom of the indole ring, whether or not further substituted in the indole ring to any extent, whether or not substituted on the phenyl ring to any extent;

3-cyclopropoylindole with substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent, whether or not substituted on the cyclopropyl ring to any extent;

3-adamantoylindole with substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent, whether or not substituted on the adamantyl ring to any extent;

N-(adamantyl)-indole-3-carboxamide with substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent, whether or not substituted on the adamantyl ring to any extent; and

N-(adamantyl)-indazole-3-carboxamide with substitution at a nitrogen atom of the indazole ring, whether or not further substituted on the indazole ring to any extent, whether or not substituted on the adamantyl ring to any extent.

b. The term "cannabimimetic agents" includes:

- 5-(1,1-Dimethylheptyl)-2-[3-hydroxycyclohexyl]-phenol (other name: CP 47,497);
- 5-(1,1-Dimethylhexyl)-2-[3-hydroxycyclohexyl]-phenol (other name: CP 47,497 C6 homolog);
- 5-(1,1-Dimethyloctyl)-2-[3-hydroxycyclohexyl]-phenol (other name: CP 47,497 C8 homolog);
- 5-(1,1-Dimethylnonyl)-2-[3-hydroxycyclohexyl]-phenol (other name: CP 47,497 C9 homolog);
- 1-pentyl-3-(1-naphthoyl)indole (other names: JWH-018, AM-678);
- 1-butyl-3-(1-naphthoyl)indole (other name: JWH-073);
- 1-pentyl-3-(2-methoxyphenylacetyl)indole (other name: JWH-250);
- 1-hexyl-3-(naphthalen-1-oyl)indole (other name: JWH-019);
- 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole (other name: JWH-200);
- (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-ter ahydrobenzo[c]chromen-1-ol (other name: HU-210);
- 1-pentyl-3-(4-methoxy-1-naphthoyl)indole (other name: JWH-081);
- 1-pentyl-3-(4-methyl-1-naphthoyl)indole (other name: JWH-122);
- 1-pentyl-3-(2-chlorophenylacetyl)indole (other name: JWH-203);
- 1-pentyl-3-(4-ethyl-1-naphthoyl)indole (other name: JWH-210);
- 1-pentyl-3-(4-chloro-1-naphthoyl)indole (other name: JWH-398);
- 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole (other name: AM-694);
- 1-(N-methylpiperidin-2-yl)methyl-3-(1-naphthoyl)indole (other name: AM-1220);
- 1-(5-fluoropentyl)-3-(1-naphthoyl)indole (other name: AM-2201);
- 1-[(N-methylpiperidin-2-yl)methyl]-3-(2-iodobenzoyl)indole (other name: AM-2233);
- Pravadoline (4-methoxyphenyl)-[2-methyl-1-(2-(4-morpholinyl)ethyl)indol-3-yl]methanone (other name: WIN 48,098);
- 1-pentyl-3-(4-methoxybenzoyl)indole (other names: RCS-4, SR-19);
- 1-(2-cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole (other names: RCS-8, SR-18);
- 1-pentyl-3-(2,2,3,3-tetramethylcyclopropylmethanone)indole (other name: UR-144);
- 1-(5-fluoropentyl)-3-(2,2,3,3-tetramethylcyclopropylmethanone)indole (other names: XLR-11, 5-fluoro-UR-144);
- N-adamantyl-1-fluoropentylindole-3-carboxamide (other name: STS-135);
- N-adamantyl-1-pentylindazole-3-carboxamide (other names: AKB48, APINACA);
- 1-pentyl-3-(1-adamantoyl)indole (other name: AB-001);
- (8-quinoliny)(1-pentylindol-3-yl)carboxylate (other name: PB-22);
- (8-quinoliny)(1-(5-fluoropentyl)indol-3-yl)carboxylate (other name: 5-fluoro-PB-22);
- (8-quinoliny)(1-cyclohexylmethyl-indol-3-yl)carboxylate (other name: BB-22);
- N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-pentylindazole-3-carboxamide (other name: AB-PINACA);
- N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)indazole-3-carboxamide (other name: AB-FUBINACA);
- 1-(5-fluoropentyl)-3-(1-naphthoyl)indazole (other name: THJ-2201);
- N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentylindazole-3-carboxamide (other name: ADB-PINACA);
- N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)indazole-3-carboxamide (other name: AB-CHMINACA);
- N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)indazole-3-carboxamide (other name: 5-fluoro-AB-PINACA);
- N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)indazole-3-carboxamide (other names: ADB-CHMINACA, MAB-CHMINACA);
- Methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3-methylbutanoate (other name: 5-fluoro-AMB);
- 1-naphthalenyl 1-(5-fluoropentyl)-1H-indole-3-carboxylate (other name: NM-2201);
- 1-(4-fluorobenzyl)-3-(2,2,3,3-tetramethylcyclopropylmethanone)indole (other name: FUB-144);
- 1-(5-fluoropentyl)-3-(4-methyl-1-naphthoyl)indole (other name MAM-2201);
- N-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-1-[(4-fluorophenyl)methyl]-1H-indazole-3-carboxamide (other name: ADB-FUBINACA);
- Methyl 2-[1-(4-fluorophenyl)methyl]-1H-indazole-3-carboxamido]-3,3-dimethylbutanoate (other name: MDMB-FUBINACA);
- Methyl 2-[1-(5-fluoropentyl)-1H-indazole-3-carboxamido]-3,3-dimethylbutanoate (other names: 5-fluoro-ADB, 5-Fluoro-MDMB-PINACA);
- Methyl 2-({1-[(4-fluorophenyl)methyl]-1H-indazole-3-carbonyl}amino)-3-methylbutanoate (other names: AMB-FUBINACA, FUB-AMB);

N-(adamantan-1-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide (other name: FUB-AKB48);
 N-(adamantan-1-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide (other name: 5F-AKB48);
 N-(adamantanyl)-1-(5-chloropentyl) indazole-3-carboxamide (other name: 5-chloro-AKB48);
 Naphthalen-1-yl 1-pentyl-1H-indazole-3-carboxylate (other name: SDB-005);
 N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)indole-3-carboxamide (other name: AB-CHMICA);
 1-pentyl-N-(phenylmethyl)-1H-indole-3-carboxamide (other name: SDB-006);
 Quinolin-8-yl 1-(4-fluorobenzyl)-1H-indole-3-carboxylate (other name: FUB-PB-22);
 Methyl N-[1-(cyclohexylmethyl)-1H-indole-3-carbonyl]valinate (other name: MMB-CHMICA);
 N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)indazole-3-carboxamide (other name:
 5-fluoro-ADB-PINACA);
 1-(4-cyanobutyl)-N-(1-methyl-1-phenylethyl)-1H-indazole-3-carboxamide (other name: 4-cyano
 CUMYL-BUTINACA);
 Methyl 2-[1-(5-fluoropentyl)-1H-indole-3-carboxamido]-3,3-dimethylbutanoate (other name:
 5-Fluoro-MDMB-PICA);
 Ethyl 2-((1-[1-(4-fluorophenyl)methyl]-1H-indazole-3-carbonyl)amino)-3-methylbutanoate (other name:
 EMB-FUBINACA);
 Methyl 2-[1-(4-fluorobutyl)-1H-indazole-3-carboxamido]-3,3-dimethylbutanoate (other name:
 4-fluoro-MDMB-BUTINACA).

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation is \$0 for periods of imprisonment in state adult correctional facilities and cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

CHAPTER 102

An Act to amend and reenact §§ 54.1-3300 and 54.1-3321 of the Code of Virginia, relating to pharmacy technicians and pharmacy technician trainees; registration.

[H 1304]

Approved March 3, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-3300 and 54.1-3321 of the Code of Virginia are amended and reenacted as follows:

§ 54.1-3300. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Board" means the Board of Pharmacy.

"Collaborative agreement" means a voluntary, written, or electronic arrangement between one pharmacist and his designated alternate pharmacists involved directly in patient care at a single physical location where patients receive services and (i) any person licensed to practice medicine, osteopathy, or podiatry together with any person licensed, registered, or certified by a health regulatory board of the Department of Health Professions who provides health care services to patients of such person licensed to practice medicine, osteopathy, or podiatry; (ii) a physician's office as defined in § 32.1-276.3, provided that such collaborative agreement is signed by each physician participating in the collaborative practice agreement; (iii) any licensed physician assistant working under the supervision of a person licensed to practice medicine, osteopathy, or podiatry; or (iv) any licensed nurse practitioner working in accordance with the provisions of § 54.1-2957, involved directly in patient care which authorizes cooperative procedures with respect to patients of such practitioners. Collaborative procedures shall be related to treatment using drug therapy, laboratory tests, or medical devices, under defined conditions or limitations, for the purpose of improving patient outcomes. A collaborative agreement is not required for the management of patients of an inpatient facility.

"Dispense" means to deliver a drug to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, including the prescribing and administering, packaging, labeling, or compounding necessary to prepare the substance for delivery.

"Pharmacist" means a person holding a license issued by the Board to practice pharmacy.

"Pharmacy" means every establishment or institution in which drugs, medicines, or medicinal chemicals are dispensed or offered for sale, or a sign is displayed bearing the word or words "pharmacist," "pharmacy," "apothecary," "drugstore," "druggist," "drugs," "medicine store," "drug sundries," "prescriptions filled," or any similar words intended to indicate that the practice of pharmacy is being conducted.

"Pharmacy intern" means a student currently enrolled in or a graduate of an approved school of pharmacy who is registered with the Board for the purpose of gaining the practical experience required to apply for licensure as a pharmacist.

"Pharmacy technician" means a person registered with the Board to assist a pharmacist under the pharmacist's supervision.

"Pharmacy technician trainee" means a person registered with the Board for the purpose of performing duties restricted to a pharmacy technician as part of a pharmacy technician training program in accordance with the provisions of subsection G of § 54.1-3321.

"Practice of pharmacy" means the personal health service that is concerned with the art and science of selecting, procuring, recommending, administering, preparing, compounding, packaging, and dispensing of drugs, medicines, and devices used in the diagnosis, treatment, or prevention of disease, whether compounded or dispensed on a prescription or otherwise legally dispensed or distributed, and shall include the proper and safe storage and distribution of drugs; the maintenance of proper records; the responsibility of providing information concerning drugs and medicines and their therapeutic values and uses in the treatment and prevention of disease; and the management of patient care under the terms of a collaborative agreement as defined in this section.

"Supervision" means the direction and control by a pharmacist of the activities of a pharmacy intern or a pharmacy technician whereby the supervising pharmacist is physically present in the pharmacy or in the facility in which the pharmacy is located when the intern or technician is performing duties restricted to a pharmacy intern or technician, respectively, and is available for immediate oral communication.

Other terms used in the context of this chapter shall be defined as provided in Chapter 34 (§ 54.1-3400 et seq.) unless the context requires a different meaning.

§ 54.1-3321. Registration of pharmacy technicians.

A. No person shall perform the duties of a pharmacy technician without first being registered as a pharmacy technician with the Board. Upon being registered with the Board as a pharmacy technician, the following tasks may be performed:

1. The entry of prescription information and drug history into a data system or other record keeping system;
2. The preparation of prescription labels or patient information;
3. The removal of the drug to be dispensed from inventory;
4. The counting, measuring, or compounding of the drug to be dispensed;
5. The packaging and labeling of the drug to be dispensed and the repackaging thereof;
6. The stocking or loading of automated dispensing devices or other devices used in the dispensing process;
7. The acceptance of refill authorization from a prescriber or his authorized agency, so long as there is no change to the original prescription; and

8. The performance of any other task restricted to pharmacy technicians by the Board's regulations.

B. To be registered as a pharmacy technician, a person shall submit ~~satisfactory evidence~~:

1. An application and fee specified in regulations of the Board;
2. Evidence that he ~~is of good moral character and has satisfactorily~~ successfully completed a training program that is (i) an accredited training program, including an accredited training program operated through the Department of Education's Career and Technical Education program or approved by the Board, or (ii) operated through a federal agency or branch of the military; and
3. Evidence that he has successfully passed a national certification examination ~~that meet the criteria approved by the Board in regulation or that he holds current certification from administered by~~ the Pharmacy Technician Certification Board or the National Healthcareer Association.

~~C. A pharmacy intern may perform the duties set forth for pharmacy technicians in subsection A when registered with the Board for the purpose of gaining the practical experience required to apply for licensure as a pharmacist.~~

~~D. In addition, a person enrolled in an approved training program for pharmacy technicians may engage in the acts set forth in subsection A for the purpose of obtaining practical experience required for registration as a pharmacy technician, so long as such activities are directly monitored by a supervising pharmacist.~~

~~E. The Board shall promulgate regulations establishing requirements for evidence:~~

1. Issuance of a registration as a pharmacy technician to a person who, prior to the effective date of such regulations, (i) successfully completed or was enrolled in a Board-approved pharmacy technician training program or (ii) passed a national certification examination required by the Board but did not complete a Board-approved pharmacy technician training program;

2. Issuance of a registration as a pharmacy technician to a person who (i) has previously practiced as a pharmacy technician in another U.S. jurisdiction and (ii) has passed a national certification examination required by the Board; and

3. Evidence of continued competency as a condition of renewal of a registration as a pharmacy technician.

~~F. D. The Board shall waive the initial registration fee and the first examination fee for the Board-approved examination for a pharmacy technician applicant who works as a pharmacy technician exclusively in a free clinic pharmacy. If such applicant fails the examination, he shall be responsible for any subsequent fees to retake the examination.~~ A person registered pursuant to this subsection shall be issued a limited-use registration. A pharmacy technician with a limited-use registration shall not perform pharmacy technician tasks in any setting other than a free clinic pharmacy. The Board shall also waive renewal fees for such limited-use registrations. A pharmacy technician with a limited-use registration may convert to an unlimited registration by paying the current renewal fee.

E. Any person registered as a pharmacy technician prior to the effective date of regulations implementing the provisions of this section shall not be required to comply with the requirements of subsection B in order to maintain or renew registration as a pharmacy technician.

F. A pharmacy technician trainee enrolled in a training program for pharmacy technicians described in subdivision B 2 may engage in the acts set forth in subsection A for the purpose of obtaining practical experience required for completion of the training program, so long as such activities are directly monitored by a supervising pharmacist.

G. To be registered as a pharmacy technician trainee, a person shall submit an application and a fee specified in regulations of the Board. Such registration shall only be valid while the person is enrolled in a pharmacy technician training program described in subsection B and actively progressing toward completion of such program. A registration card issued pursuant to this section shall be invalid and shall be returned to the Board if such person fails to enroll in a pharmacy technician training program described in subsection B.

H. A pharmacy intern may perform the duties set forth for pharmacy technicians in subsection A when registered with the Board for the purpose of gaining the practical experience required to apply for licensure as a pharmacist.

2. That the Board of Pharmacy shall promulgate regulations to implement the provisions of this act to be effective within 280 days of its enactment. However, the provisions of subsection B 2 of § 54.1-3321 of the Code of Virginia, as amended by this act, requiring accreditation of a pharmacy technician training program shall become effective July 1, 2022.

3. The Board of Pharmacy shall convene a workgroup composed of stakeholders including representatives of the Virginia Association of Chain Drug Stores, Virginia Pharmacists Association, Virginia Healthcareer Association, Virginia Society of Health-System Pharmacies, and any other stakeholders that the Board of Pharmacy may deem appropriate to develop recommendations related to the addition of duties and tasks that a pharmacy technician registered by the Board may perform. The workgroup shall report its recommendations to the Secretary of Health and Human Resources and the Chairmen of the House Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health by November 1, 2021.

CHAPTER 103

An Act to amend the Code of Virginia by adding in Chapter 37 of Title 54.1 an article numbered 2, consisting of sections numbered 54.1-3709.1, 54.1-3709.2, and 54.1-3709.3, relating to music therapy; licensure.

[H 1562]

Approved March 3, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 37 of Title 54.1 an article numbered 2, consisting of sections numbered 54.1-3709.1, 54.1-3709.2, and 54.1-3709.3, as follows:

Article 2.

Music Therapy.

§ 54.1-3709.1. Definitions.

As used in this article, unless the context requires a different meaning:

"Music therapist" means a person who has (i) completed a bachelor's degree or higher in music therapy, or its equivalent; (ii) satisfied the requirements for licensure set forth in regulations adopted by the Board pursuant to § 54.1-3709.2; and (iii) been issued a license for the independent practice of music therapy by the Board.

"Music therapy" means the clinical and evidence-based use of music interventions to accomplish individualized goals within a therapeutic relationship through an individualized music therapy treatment plan for the client that identifies the goals, objectives, and potential strategies of the music therapy services appropriate for the client using music therapy interventions, which may include music improvisation, receptive music listening, songwriting, lyric discussion, music and imagery, music performance, learning through music, and movement to music. "Music therapy" does not include the screening, diagnosis, or assessment of any physical, mental, or communication disorder.

§ 54.1-3709.2. Music therapy; licensure.

A. The Board shall adopt regulations governing the practice of music therapy, upon consultation with the Advisory Board on Music Therapy established in § 54.1-3709.3. The regulations shall (i) set forth the educational, clinical training, and examination requirements for licensure to practice music therapy; (ii) provide for appropriate application and renewal fees; and (iii) include requirements for licensure renewal and continuing education. In developing such regulations, the Board shall consider requirements for board certification offered by the Certification Board for Music Therapists or any successor organization.

B. No person shall engage in the practice of music therapy or hold himself out or otherwise represent himself as a music therapist unless he is licensed by the Board.

C. Nothing in this section shall prohibit (i) the practice of music therapy by a student pursuing a course of study in music therapy if such practice constitutes part of the student's course of study and is adequately supervised or (ii) a licensed health care provider, other professional registered, certified, or licensed in the Commonwealth, or any person whose training and national certification attests to his preparation and ability to practice his certified profession or occupation from engaging in the full scope of his practice, including the use of music incidental to his practice, provided that he does not represent himself as a music therapist.

§ 54.1-3709.3. Advisory Board on Music Therapy; membership; terms.

A. The Advisory Board on Music Therapy (Advisory Board) is hereby established to assist the Board in formulating regulations related to the practice of music therapy. The Advisory Board shall also assist in such other matters relating to the practice of music therapy as the Board may require.

B. The Advisory Board shall have a total membership of five nonlegislative citizen members to be appointed by the Governor as follows: three members shall be licensed music therapists, one member shall be a licensed health care provider other than a music therapist, and one member shall be a citizen at large.

C. After the initial staggering of terms, members shall be appointed for a term of four years. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. All members may be reappointed. However, no member shall serve more than two consecutive four-year terms. The remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in determining the member's eligibility for reappointment. Vacancies shall be filled in the same manner as the original appointments.

2. That the initial appointments of nonlegislative citizen members of the Advisory Board on Music Therapy, created by this act, to be appointed by the Governor shall be staggered as follows: one member, who shall be a music therapist who holds a certification issued by the Certification Board for Music Therapists, shall be appointed for a term of one year; one member, who shall be a music therapist who holds a certification issued by the Certification Board for Music Therapists, shall be appointed for a term of two years; one member, who shall be a licensed health care provider other than a music therapist, shall be appointed for a term of three years; and two members, one of whom shall be a music therapist who holds a certification issued by the Certification Board for Music Therapists and one of whom shall be a citizen at large representing the Commonwealth, shall be appointed for a term of four years.

CHAPTER 104

An Act to amend and reenact § 2.2-4303 of the Code of Virginia, relating to the Virginia Public Procurement Act; small purchases.

[S 650]

Approved March 3, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-4303 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-4303. Methods of procurement.

A. All public contracts with nongovernmental contractors for the purchase or lease of goods, or for the purchase of services, insurance, or construction, shall be awarded after competitive sealed bidding, or competitive negotiation as provided in this section, unless otherwise authorized by law.

B. Professional services shall be procured by competitive negotiation.

C. Goods, services other than professional services, and insurance may be procured by competitive sealed bidding or competitive negotiation.

Upon a written determination made in advance by (i) the Governor or his designee in the case of a procurement by the Commonwealth or by a department, agency or institution thereof or (ii) the local governing body in the case of a procurement by a political subdivision of the Commonwealth, that competitive negotiation is either not practicable or not fiscally advantageous, insurance may be procured through a licensed agent or broker selected in the manner provided for the procurement of things other than professional services set forth in § 2.2-4302.2. The basis for this determination shall be documented in writing.

D. Construction may be procured only by competitive sealed bidding, except that competitive negotiation may be used in the following instances:

1. By any public body on a fixed price design-build basis or construction management basis as provided in Chapter 43.1 (§ 2.2-4378 et seq.); or

2. By any public body for the construction of highways and any draining, dredging, excavation, grading or similar work upon real property upon a determination made in advance by the public body and set forth in writing that competitive sealed bidding is either not practicable or not fiscally advantageous to the public, which writing shall document the basis for this determination.

E. Upon a determination in writing that there is only one source practicably available for that which is to be procured, a contract may be negotiated and awarded to that source without competitive sealed bidding or competitive negotiation. The writing shall document the basis for this determination. The public body shall issue a written notice stating that only one source was determined to be practicably available, and identifying that which is being procured, the contractor selected, and the date on which the contract was or will be awarded. This notice shall be posted on the Department of General Services' central electronic procurement website or other appropriate websites, and in addition, public bodies may publish in a newspaper of general circulation on the day the public body awards or announces its decision to award the contract, whichever occurs first. Posting on the Department of General Services' central electronic procurement website shall be required of any state public body. Local public bodies are encouraged to utilize the Department of General Services' central electronic procurement website to provide the public with centralized visibility and access to the Commonwealth's procurement opportunities.

F. In case of emergency, a contract may be awarded without competitive sealed bidding or competitive negotiation; however, such procurement shall be made with such competition as is practicable under the circumstances. A written determination of the basis for the emergency and for the selection of the particular contractor shall be included in the contract file. The public body shall issue a written notice stating that the contract is being awarded on an emergency basis, and identifying that which is being procured, the contractor selected, and the date on which the contract was or will be awarded. This notice shall be posted on the Department of General Services' central electronic procurement website or other appropriate websites, and in addition, public bodies may publish in a newspaper of general circulation on the day the public body awards or announces its decision to award the contract, whichever occurs first, or as soon thereafter as is practicable. Posting on the Department of General Services' central electronic procurement website shall be required of any state public body. Local public bodies are encouraged to utilize the Department of General Services' central electronic procurement website to provide the public with centralized visibility and access to the Commonwealth's procurement opportunities.

G. A public body may establish purchase procedures, if adopted in writing, not requiring competitive sealed bids or competitive negotiation for single or term contracts for:

1. Goods and services other than professional services and non-transportation-related construction, if the aggregate or the sum of all phases is not expected to exceed ~~\$100,000~~ \$200,000; and

2. Transportation-related construction, if the aggregate or sum of all phases is not expected to exceed \$25,000.

However, such small purchase procedures shall provide for competition wherever practicable.

Such purchase procedures may allow for single or term contracts for professional services without requiring competitive negotiation, provided the aggregate or the sum of all phases is not expected to exceed \$80,000.

Where small purchase procedures are adopted for construction, the procedures shall not waive compliance with the Uniform State Building Code.

For state public bodies, ~~purchases informal solicitations conducted~~ under this subsection ~~that are expected to exceed \$30,000 shall require the (a) written informal solicitation of a minimum of four bidders or offerors and (b) posting of a public notice on the Department of General Services' central electronic procurement website or other appropriate websites. Posting on the Department of General Services' central electronic procurement website shall be required of any state public body.~~ Local public bodies are encouraged to utilize the Department of General Services' central electronic procurement website to provide the public with centralized visibility and access to the Commonwealth's procurement opportunities.

H. Upon a determination made in advance by a public body and set forth in writing that the purchase of goods, products or commodities from a public auction sale is in the best interests of the public, such items may be purchased at the auction, including online public auctions. Purchase of information technology and telecommunications goods and nonprofessional services from a public auction sale shall be permitted by any authority, department, agency, or institution of the Commonwealth if approved by the Chief Information Officer of the Commonwealth. The writing shall document the basis for this determination. However, bulk purchases of commodities used in road and highway construction and maintenance, and aggregates shall not be made by online public auctions.

I. The purchase of goods or nonprofessional services, but not construction or professional services, may be made by reverse auctioning. However, bulk purchases of commodities used in road and highway construction and maintenance, and aggregates shall not be made by reverse auctioning.

CHAPTER 105

An Act to amend and reenact §§ 22.1-258 and 54.1-3900 of the Code of Virginia, relating to school attendance officers; petitions for violation of a school attendance order.

[H 1081]

Approved March 3, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 22.1-258 and 54.1-3900 of the Code of Virginia are amended and reenacted as follows:

§ 22.1-258. Appointment of attendance officers; notification when pupil fails to report to school; plan; conference; court proceedings.

Every school board shall have power to appoint one or more attendance officers, who shall be charged with the enforcement of the provisions of this article. Where no attendance officer is appointed by the school board, the division superintendent or his designee shall act as attendance officer.

Whenever any pupil fails to report to school on a regularly scheduled school day and no indication has been received by school personnel that the pupil's parent is aware of and supports the pupil's absence, a reasonable effort to notify by telephone the parent to obtain an explanation for the pupil's absence shall be made by either the school principal or his designee, the attendance officer, other school personnel, or volunteers organized by the school administration for this purpose. Any such volunteers shall not be liable for any civil damages for any acts or omissions resulting from making such reasonable efforts to notify parents and obtain such explanation when such acts or omissions are taken in good faith, unless such acts or omissions were the result of gross negligence or willful misconduct. This subsection shall not be construed to limit, withdraw, or overturn any defense or immunity already existing in statutory or common law or to affect any claim

occurring prior to the effective date of this law. School divisions are encouraged to use noninstructional personnel for this notice.

Whenever any pupil fails to report to school for a total of five scheduled school days for the school year and no indication has been received by school personnel that the pupil's parent is aware of and supports the pupil's absence, and a reasonable effort to notify the parent has failed, the school principal or his designee shall make a reasonable effort to ensure that direct contact is made with the parent in person, through telephone conversation, or through the use of other communications devices to obtain an explanation for the pupil's absence and to explain to the parent the consequences of continued nonattendance. The school principal or his designee, the pupil, and the pupil's parent shall jointly develop a plan to resolve the pupil's nonattendance. Such plan shall include documentation of the reasons for the pupil's nonattendance.

If the pupil is absent for more than one additional day after direct contact with the pupil's parent, and school personnel have received no indication that the pupil's parent is aware of and supports the pupil's absence, the school principal or his designee shall schedule a conference with the pupil, his parent, and school personnel. Such conference may include the attendance officer and other community service providers to resolve issues related to the pupil's nonattendance. The conference shall be held no later than 10 school days after the tenth absence of the pupil, regardless of whether his parent approves of the conference. The conference team shall monitor the pupil's attendance and may meet again as necessary to address concerns and plan additional interventions if attendance does not improve. In circumstances in which the parent is intentionally noncompliant with compulsory attendance requirements or the pupil is resisting parental efforts to comply with compulsory attendance requirements, the principal or his designee shall make a referral to the attendance officer. The attendance officer shall schedule a conference with the pupil and his parent within 10 school days and may (i) file a complaint with the juvenile and domestic relations district court alleging the pupil is a child in need of supervision as defined in § 16.1-228 or (ii) institute proceedings against the parent pursuant to § 18.2-371 or 22.1-262. In filing a complaint against the student, the attendance officer shall provide written documentation of the efforts to comply with the provisions of this section. In the event that both parents have been awarded joint physical custody pursuant to § 20-124.2 and the school has received notice of such order, both parents shall be notified at the last known addresses of the parents.

An attendance officer, or a division superintendent or his designee when acting as an attendance officer pursuant to § 22.1-258, may complete, sign, and file with the intake officer of the juvenile and domestic relations district court, on forms approved by the Supreme Court of Virginia, a petition for a violation of a school attendance order entered by the juvenile and domestic relations district court pursuant to § 16.1-278.5 in response to the filing of a petition alleging the pupil is a child in need of supervision as defined in § 16.1-228.

Nothing in this section shall be construed to limit in any way the authority of any attendance officer or division superintendent to seek immediate compliance with the compulsory school attendance law as set forth in this article.

Attendance officers, other school personnel or volunteers organized by the school administration for this purpose shall be immune from any civil or criminal liability in connection with the notice to parents of a pupil's absence or failure to give such notice as required by this section.

§ 54.1-3900. Practice of law; student internship program; definition.

Persons who hold a license or certificate to practice law under the laws of this Commonwealth and have paid the license tax prescribed by law may practice law in the Commonwealth.

Any person authorized and practicing as counsel or attorney in any state or territory of the United States, or in the District of Columbia, may for the purpose of attending to any case he may occasionally have in association with a practicing attorney of this Commonwealth practice in the courts of this Commonwealth, in which case no license fee shall be chargeable against such nonresident attorney.

Nothing herein shall prohibit the limited practice of law by military legal assistance attorneys who are employed by a military program providing legal services to low-income military clients and their dependents pursuant to rules promulgated by the Supreme Court of Virginia.

Nothing herein shall prohibit a limited practice of law under the supervision of a practicing attorney by (i) third-year law students or (ii) persons who are in the final year of a program of study as authorized in § 54.1-3926, pursuant to rules promulgated by the Supreme Court of Virginia.

Nothing herein shall prohibit an employee of a state agency in the course of his employment from representing the interests of his agency in administrative hearings before any state agency, such representation to be limited to the examination of witnesses at administrative hearings relating to personnel matters and the adoption of agency standards, policies, rules and regulations.

Nothing herein shall prohibit designated nonattorney employees of the Department of Social Services from completing, signing and filing petitions and motions relating to the establishment, modification, or enforcement of support on forms approved by the Supreme Court of Virginia in Department cases in the juvenile and domestic relations district courts.

Nothing herein shall prohibit designated nonattorney employees of a local department of social services from appearing before an intake officer to initiate a case in accordance with subsection A of § 16.1-260 on behalf of the local department of social services.

Nothing herein shall prohibit designated nonattorney employees of a local department of social services from completing, signing, and filing with the clerk of the juvenile and domestic relations district court, on forms approved by the Supreme Court of Virginia, petitions for foster care review, petitions for permanency planning hearings, petitions to

establish paternity, motions to establish or modify support, motions to amend or review an order, or motions for a rule to show cause.

Nothing herein shall prohibit a nonattorney attendance officer, or a local school division superintendent or his designee when acting as an attendance officer pursuant to § 22.1-258, from completing, signing, and filing with the intake officer of a juvenile and domestic relations district court, on forms approved by the Supreme Court of Virginia, a petition for a violation of a school attendance order entered by a juvenile and domestic relations district court pursuant to § 16.1-278.5 in response to the filing of a petition alleging the pupil is a child in need of supervision as defined in § 16.1-228.

As used in this chapter "attorney" means attorney-at-law.

CHAPTER 106

An Act to amend and reenact §§ 22.1-258 and 54.1-3900 of the Code of Virginia, relating to school attendance officers; petitions for violation of a school attendance order.

[S 237]

Approved March 3, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 22.1-258 and 54.1-3900 of the Code of Virginia are amended and reenacted as follows:

§ 22.1-258. Appointment of attendance officers; notification when pupil fails to report to school; plan; conference; court proceedings.

Every school board shall have power to appoint one or more attendance officers, who shall be charged with the enforcement of the provisions of this article. Where no attendance officer is appointed by the school board, the division superintendent or his designee shall act as attendance officer.

Whenever any pupil fails to report to school on a regularly scheduled school day and no indication has been received by school personnel that the pupil's parent is aware of and supports the pupil's absence, a reasonable effort to notify by telephone the parent to obtain an explanation for the pupil's absence shall be made by either the school principal or his designee, the attendance officer, other school personnel, or volunteers organized by the school administration for this purpose. Any such volunteers shall not be liable for any civil damages for any acts or omissions resulting from making such reasonable efforts to notify parents and obtain such explanation when such acts or omissions are taken in good faith, unless such acts or omissions were the result of gross negligence or willful misconduct. This subsection shall not be construed to limit, withdraw, or overturn any defense or immunity already existing in statutory or common law or to affect any claim occurring prior to the effective date of this law. School divisions are encouraged to use noninstructional personnel for this notice.

Whenever any pupil fails to report to school for a total of five scheduled school days for the school year and no indication has been received by school personnel that the pupil's parent is aware of and supports the pupil's absence, and a reasonable effort to notify the parent has failed, the school principal or his designee shall make a reasonable effort to ensure that direct contact is made with the parent in person, through telephone conversation, or through the use of other communications devices to obtain an explanation for the pupil's absence and to explain to the parent the consequences of continued nonattendance. The school principal or his designee, the pupil, and the pupil's parent shall jointly develop a plan to resolve the pupil's nonattendance. Such plan shall include documentation of the reasons for the pupil's nonattendance.

If the pupil is absent for more than one additional day after direct contact with the pupil's parent, and school personnel have received no indication that the pupil's parent is aware of and supports the pupil's absence, the school principal or his designee shall schedule a conference with the pupil, his parent, and school personnel. Such conference may include the attendance officer and other community service providers to resolve issues related to the pupil's nonattendance. The conference shall be held no later than 10 school days after the tenth absence of the pupil, regardless of whether his parent approves of the conference. The conference team shall monitor the pupil's attendance and may meet again as necessary to address concerns and plan additional interventions if attendance does not improve. In circumstances in which the parent is intentionally noncompliant with compulsory attendance requirements or the pupil is resisting parental efforts to comply with compulsory attendance requirements, the principal or his designee shall make a referral to the attendance officer. The attendance officer shall schedule a conference with the pupil and his parent within 10 school days and may (i) file a complaint with the juvenile and domestic relations district court alleging the pupil is a child in need of supervision as defined in § 16.1-228 or (ii) institute proceedings against the parent pursuant to § 18.2-371 or 22.1-262. In filing a complaint against the student, the attendance officer shall provide written documentation of the efforts to comply with the provisions of this section. In the event that both parents have been awarded joint physical custody pursuant to § 20-124.2 and the school has received notice of such order, both parents shall be notified at the last known addresses of the parents.

An attendance officer, or a division superintendent or his designee when acting as an attendance officer pursuant to § 22.1-258, may complete, sign, and file with the intake officer of the juvenile and domestic relations district court, on forms approved by the Supreme Court of Virginia, a petition for a violation of a school attendance order entered by the juvenile and domestic relations district court pursuant to § 16.1-278.5 in response to the filing of a petition alleging the pupil is a child in need of supervision as defined in § 16.1-228.

Nothing in this section shall be construed to limit in any way the authority of any attendance officer or division superintendent to seek immediate compliance with the compulsory school attendance law as set forth in this article.

Attendance officers, other school personnel or volunteers organized by the school administration for this purpose shall be immune from any civil or criminal liability in connection with the notice to parents of a pupil's absence or failure to give such notice as required by this section.

§ 54.1-3900. Practice of law; student internship program; definition.

Persons who hold a license or certificate to practice law under the laws of this Commonwealth and have paid the license tax prescribed by law may practice law in the Commonwealth.

Any person authorized and practicing as counsel or attorney in any state or territory of the United States, or in the District of Columbia, may for the purpose of attending to any case he may occasionally have in association with a practicing attorney of this Commonwealth practice in the courts of this Commonwealth, in which case no license fee shall be chargeable against such nonresident attorney.

Nothing herein shall prohibit the limited practice of law by military legal assistance attorneys who are employed by a military program providing legal services to low-income military clients and their dependents pursuant to rules promulgated by the Supreme Court of Virginia.

Nothing herein shall prohibit a limited practice of law under the supervision of a practicing attorney by (i) third-year law students or (ii) persons who are in the final year of a program of study as authorized in § 54.1-3926, pursuant to rules promulgated by the Supreme Court of Virginia.

Nothing herein shall prohibit an employee of a state agency in the course of his employment from representing the interests of his agency in administrative hearings before any state agency, such representation to be limited to the examination of witnesses at administrative hearings relating to personnel matters and the adoption of agency standards, policies, rules and regulations.

Nothing herein shall prohibit designated nonattorney employees of the Department of Social Services from completing, signing and filing petitions and motions relating to the establishment, modification, or enforcement of support on forms approved by the Supreme Court of Virginia in Department cases in the juvenile and domestic relations district courts.

Nothing herein shall prohibit designated nonattorney employees of a local department of social services from appearing before an intake officer to initiate a case in accordance with subsection A of § 16.1-260 on behalf of the local department of social services.

Nothing herein shall prohibit designated nonattorney employees of a local department of social services from completing, signing, and filing with the clerk of the juvenile and domestic relations district court, on forms approved by the Supreme Court of Virginia, petitions for foster care review, petitions for permanency planning hearings, petitions to establish paternity, motions to establish or modify support, motions to amend or review an order, or motions for a rule to show cause.

Nothing herein shall prohibit a nonattorney attendance officer, or a local school division superintendent or his designee when acting as an attendance officer pursuant to § 22.1-258, from completing, signing, and filing with the intake officer of a juvenile and domestic relations district court, on forms approved by the Supreme Court of Virginia, a petition for a violation of a school attendance order entered by a juvenile and domestic relations district court pursuant to § 16.1-278.5 in response to the filing of a petition alleging the pupil is a child in need of supervision as defined in § 16.1-228.

As used in this chapter "attorney" means attorney-at-law.

CHAPTER 107

An Act to amend and reenact § 2.2-3901 of the Code of Virginia, relating to the Virginia Human Rights Act; discrimination on the basis of race; hair style, type, or texture.

[H 1514]

Approved March 3, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-3901 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-3901. Unlawful discriminatory practice, gender discrimination, and racial discrimination defined.

A. Conduct that violates any Virginia or federal statute or regulation governing discrimination on the basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, or disability shall be an "unlawful discriminatory practice" for the purposes of this chapter.

B. The terms "because of sex or gender" or "on the basis of sex or gender" or terms of similar import when used in reference to discrimination in the Code and acts of the General Assembly include because of or on the basis of pregnancy, childbirth or related medical conditions. Women affected by pregnancy, childbirth or related medical conditions shall be treated the same for all purposes as persons not so affected but similar in their abilities or disabilities.

C. The terms "because of race" or "on the basis of race" or terms of similar import when used in reference to discrimination in the Code and acts of the General Assembly include because of or on the basis of traits historically associated with race, including hair texture, hair type, and protective hairstyles such as braids, locks, and twists.

CHAPTER 108

An Act to require the State Board of Education to amend its regulations related to technical professional licenses to teach military science.

[H 1568]

Approved March 3, 2020

Be it enacted by the General Assembly of Virginia:

1. § 1. *That the State Board of Education shall amend its regulations to require that persons seeking a technical professional license with an endorsement to teach military science have either the appropriate credentials issued by the United States military or a recommendation from a Virginia employing educational agency.*

CHAPTER 109

An Act to require the State Board of Education to amend its regulations related to technical professional licenses to teach military science.

[S 978]

Approved March 3, 2020

Be it enacted by the General Assembly of Virginia:

1. § 1. *That the State Board of Education shall amend its regulations to require that persons seeking a technical professional license with an endorsement to teach military science have either the appropriate credentials issued by the United States military or a recommendation from a Virginia employing educational agency.*

CHAPTER 110

An Act to repeal Chapter 123 of the Acts of Assembly of the extra session of 1901, Chapters 238, 335, and 401 of the Acts of Assembly of 1901-1902, Chapters 212, 268, 312, 332, 509, and 528 of the Acts of Assembly of the extra session of 1902-1904, Chapters 42, 161, 170, 284, and 400 of the Acts of Assembly of 1908, Chapter 206 of the Acts of Assembly of 1910, Chapter 321 of the Acts of Assembly of 1912, Chapter 170 of the Acts of Assembly of 1914, Chapter 351 of the Acts of Assembly of 1918, Chapters 70, 75, 144, and 344 of the Acts of Assembly of 1920, Chapters 23 and 569 of the Acts of Assembly of 1950, Chapter 262 of the Acts of Assembly of 1954, Chapters 39, 58, 59, 68, 69, and 70 of the Acts of Assembly of the extra session of 1956, Chapters 41 and 319 of the Acts of Assembly of 1958, Chapters 1, 3, 32, 50, 53, 71, 80, and 81 of the Acts of Assembly of the extra session of 1959, and Chapters 191, 448, and 531 of the Acts of Assembly of 1960, relating to elementary and secondary schools and institutions of higher education in the Commonwealth; racial segregation.

[H 973]

Approved March 3, 2020

Be it enacted by the General Assembly of Virginia:

1. That Chapter 123 of the Acts of Assembly of the extra session of 1901, Chapters 238, 335, and 401 of the Acts of Assembly of 1901–1902, Chapters 212, 268, 312, 332, 509, and 528 of the Acts of Assembly of the extra session of 1902–1904, Chapters 42, 161, 170, 284, and 400 of the Acts of Assembly of 1908, Chapter 206 of the Acts of Assembly of 1910, Chapter 321 of the Acts of Assembly of 1912, Chapter 170 of the Acts of Assembly of 1914, Chapter 351 of the Acts of Assembly of 1918, Chapters 70, 75, 144, and 344 of the Acts of Assembly of 1920, Chapters 23 and 569 of the Acts of Assembly of 1950, Chapter 262 of the Acts of Assembly of 1954, Chapters 39, 58, 59, 68, 69, and 70 of the Acts of Assembly of the extra session of 1956, Chapters 41 and 319 of the Acts of Assembly of 1958, Chapters 1, 3, 32, 50, 53, 71, 80, and 81 of the Acts of Assembly of the extra session of 1959, and Chapters 191, 448, and 531 of the Acts of Assembly of 1960 are repealed.

CHAPTER 111

An Act to amend and reenact §§ 2.2-3104.02, 2.2-3115, 30-103, and 30-356 of the Code of Virginia, relating to Virginia Conflict of Interest and Ethics Advisory Council; powers and duties; guidance; redaction of disclosure forms.

[H 1011]

Approved March 3, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-3104.02, 2.2-3115, 30-103, and 30-356 of the Code of Virginia are amended and reenacted as follows: § 2.2-3104.02. Prohibited conduct for constitutional officers.

In addition to the prohibitions contained in § 2.2-3103, no constitutional officer shall, during the one year after the termination of his public service, act in a representative capacity on behalf of any person or group, for compensation, on any matter before the agency of which he was an officer.

The provisions of this section shall not apply to any attorney for the Commonwealth.

Any person subject to the provisions of this section may apply to the *Council or the* attorney for the Commonwealth for the jurisdiction where such person was elected as provided in § 2.2-3126, for an advisory opinion as to the application of the restriction imposed by this section on any post-public employment position or opportunity.

§ 2.2-3115. Disclosure by local government officers and employees.

A. In accordance with the requirements set forth in § 2.2-3118.2, the members of every governing body and school board of each county and city and of towns with populations in excess of 3,500 shall file, as a condition to assuming office or employment, a disclosure statement of their personal interests and other information as is required on the form prescribed by the Council pursuant to § 2.2-3117 and thereafter shall file such a statement annually on or before February 1.

In accordance with the requirements set forth in § 2.2-3118.2, the members of the governing body of any authority established in any county or city, or part or combination thereof, and having the power to issue bonds or expend funds in excess of \$10,000 in any fiscal year, shall file, as a condition to assuming office, a disclosure statement of their personal interests and other information as is required on the form prescribed by the Council pursuant to § 2.2-3118 and thereafter shall file such a statement annually on or before February 1, unless the governing body of the jurisdiction that appoints the members requires that the members file the form set forth in § 2.2-3117.

In accordance with the requirements set forth in § 2.2-3118.2, persons occupying such positions of trust appointed by governing bodies and persons occupying such positions of employment with governing bodies as may be designated to file by ordinance of the governing body shall file, as a condition to assuming office or employment, a disclosure statement of their personal interests and other information as is required on the form prescribed by the Council pursuant to § 2.2-3117 and thereafter shall file such a statement annually on or before February 1.

In accordance with the requirements set forth in § 2.2-3118.2, persons occupying such positions of trust appointed by school boards and persons occupying such positions of employment with school boards as may be designated to file by an adopted policy of the school board shall file, as a condition to assuming office or employment, a disclosure statement of their personal interests and other information as is required on the form prescribed by the Council pursuant to § 2.2-3117 and thereafter shall file such a statement annually on or before February 1.

B. In accordance with the requirements set forth in § 2.2-3118.2, nonsalaried citizen members of local boards, commissions and councils as may be designated by the governing body shall file, as a condition to assuming office, a disclosure form of their personal interests and such other information as is required on the form prescribed by the Council pursuant to § 2.2-3118 and thereafter shall file such form annually on or before February 1.

C. No person shall be mandated to file any disclosure not otherwise required by this article.

D. The disclosure forms required by subsections A and B shall be made available by the Virginia Conflict of Interest and Ethics Advisory Council at least 30 days prior to the filing deadline, and the clerks of the governing body and school board shall distribute the forms to designated individuals at least 20 days prior to the filing deadline. Forms shall be filed and maintained as public records for five years in the office of the clerk of the respective governing body or school board. Forms filed by members of governing bodies of authorities shall be filed and maintained as public records for five years in the office of the clerk of the governing body of the county or city. Such forms shall be made public no later than six weeks after the filing deadline.

E. Candidates for membership in the governing body or school board of any county, city or town with a population of more than 3,500 persons shall file a disclosure statement of their personal interests as required by § 24.2-502.

F. Any officer or employee of local government who has a personal interest in any transaction before the governmental or advisory agency of which he is an officer or employee and who is disqualified from participating in that transaction pursuant to subsection A of § 2.2-3112 or otherwise elects to disqualify himself, shall forthwith make disclosure of the existence of his interest, including the full name and address of the business and the address or parcel number for the real estate if the interest involves a business or real estate, and his disclosure shall be reflected in the public records of the agency for five years in the office of the administrative head of the officer's or employee's governmental or advisory agency.

G. In addition to any disclosure required by subsections A and B, in each county and city and in towns with populations in excess of 3,500, members of planning commissions, boards of zoning appeals, real estate assessors, and all county, city and town managers or executive officers shall make annual disclosures of all their interests in real estate located in the county, city or town in which they are elected, appointed, or employed. Such disclosure shall include any business in which such persons own an interest, or from which income is received, if the primary purpose of the business is to own, develop or derive compensation through the sale, exchange or development of real estate in the county, city or town. In accordance with the requirements set forth in § 2.2-3118.2, such disclosure shall be filed as a condition to assuming office or employment, and thereafter shall be filed annually with the clerk of the governing body of such county, city, or town on or before February 1. Such disclosures shall be filed and maintained as public records for five years. Such forms shall be made public no later than six weeks after the filing deadline. Forms for the filing of such reports shall be made available by the Virginia Conflict of Interest and Ethics Advisory Council to the clerk of each governing body.

H. An officer or employee of local government who is required to declare his interest pursuant to subdivision B 1 of § 2.2-3112 shall declare his interest by stating (i) the transaction involved, (ii) the nature of the officer's or employee's

personal interest affected by the transaction, (iii) that he is a member of a business, profession, occupation, or group the members of which are affected by the transaction, and (iv) that he is able to participate in the transaction fairly, objectively, and in the public interest. The officer or employee shall either make his declaration orally to be recorded in written minutes for his agency or file a signed written declaration with the clerk or administrative head of his governmental or advisory agency, as appropriate, who shall, in either case, retain and make available for public inspection such declaration for a period of five years from the date of recording or receipt. If reasonable time is not available to comply with the provisions of this subsection prior to participation in the transaction, the officer or employee shall prepare and file the required declaration by the end of the next business day. The officer or employee shall also orally disclose the existence of the interest during each meeting of the governmental or advisory agency at which the transaction is discussed and such disclosure shall be recorded in the minutes of the meeting.

I. An officer or employee of local government who is required to declare his interest pursuant to subdivision B 2 of § 2.2-3112, shall declare his interest by stating (i) the transaction involved, (ii) that a party to the transaction is a client of his firm, (iii) that he does not personally represent or provide services to the client, and (iv) that he is able to participate in the transaction fairly, objectively, and in the public interest. The officer or employee shall either make his declaration orally to be recorded in written minutes for his agency or file a signed written declaration with the clerk or administrative head of his governmental or advisory agency, as appropriate, who shall, in either case, retain and make available for public inspection such declaration for a period of five years from the date of recording or receipt. If reasonable time is not available to comply with the provisions of this subsection prior to participation in the transaction, the officer or employee shall prepare and file the required declaration by the end of the next business day.

J. The clerk of the governing body or school board that releases any form to the public pursuant to this section shall redact from the form any residential address, personal telephone number, *email address*, or signature contained on such form; however, any form filed pursuant to subsection G shall not have any residential addresses redacted.

§ 30-103. Prohibited conduct.

No legislator shall:

1. Solicit or accept money or other thing of value for services performed within the scope of his official duties, except the compensation, expenses or other remuneration paid to him by the General Assembly. This prohibition shall not apply to the acceptance of special benefits which may be authorized by law;

2. Offer or accept any money or other thing of value for or in consideration of obtaining employment, appointment, or promotion of any person with any governmental or advisory agency;

3. Offer or accept any money or other thing of value for or in consideration of the use of his public position to obtain a contract for any person or business with any governmental or advisory agency;

4. Use for his own economic benefit or that of another party confidential information which he has acquired by reason of his public position and which is not available to the public;

5. Accept any money, loan, gift, favor, service, or business or professional opportunity that reasonably tends to influence him in the performance of his official duties. This subdivision shall not apply to any political contribution actually used for political campaign or constituent service purposes and reported as required by Chapter 9.3 (§ 24.2-945 et seq.) of Title 24.2;

6. Accept any business or professional opportunity when he knows that there is a reasonable likelihood that the opportunity is being afforded him to influence him in the performance of his official duties;

7. During the one year after the termination of his service as a legislator, represent a client or act in a representative capacity on behalf of any person or group, for compensation, on any matter before the General Assembly or any agency of the legislative branch of government. The prohibitions of this subdivision shall apply only to persons engaged in activities that would require registration as a lobbyist under § 2.2-422. Any person subject to the provisions of this subdivision may apply to the *Council, as provided in § 30-356, or the Attorney General, as provided in § 30-122*, for an advisory opinion as to the application of the restriction imposed by this subdivision on any post-public employment position or opportunity;

8. Accept any honoraria for any appearance, speech, or article in which the legislator provides expertise or opinions related to the performance of his official duties. The term "honoraria" shall not include any payment for or reimbursement to such person for his actual travel, lodging, or subsistence expenses incurred in connection with such appearance, speech, or article or in the alternative a payment of money or anything of value not in excess of the per diem deduction allowable under § 162 of the Internal Revenue Code, as amended from time to time;

9. Accept appointment to serve on a body or board of any corporation, company or other legal entity, vested with the management of the corporation, company or entity, and on which two other members of the General Assembly already serve, which is operated for profit and regulated by the State Corporation Commission as (i) a financial institution, (ii) a mortgage lender or broker, (iii) any business under Chapter 5 (§ 13.1-501 et seq.) of Title 13.1, (iv) any business under Title 38.2, or (v) any business under Title 56;

10. Accept a gift from a person who has interests that may be substantially affected by the performance of the legislator's official duties under circumstances where the timing and nature of the gift would cause a reasonable person to question the legislator's impartiality in the matter affecting the donor. Violations of this subdivision shall not be subject to criminal law penalties; or

11. Accept gifts from sources on a basis so frequent as to raise an appearance of the use of his public office for private gain. Violations of this subdivision shall not be subject to criminal law penalties.

§ 30-356. Powers and duties of the Council.

The Council shall:

1. Prescribe the forms required for complying with the disclosure requirements of Article 3 and the Acts. These forms shall be the only forms used to comply with the provisions of Article 3 or the Acts. The Council shall make available the disclosure forms and shall provide guidance and other instructions to assist in the completion of the forms;

2. Review all disclosure forms filed by lobbyists pursuant to Article 3 and by state government officers and employees and legislators pursuant to the Acts. The Council may review disclosure forms for completeness, including reviewing the information contained on the face of the form to determine if the disclosure form has been fully completed and comparing the disclosures contained in any disclosure form filed by a lobbyist pursuant to § 2.2-426 with other disclosure forms filed with the Council, and requesting any amendments to ensure the completeness of and correction of errors in the forms, if necessary. If a disclosure form is found to have not been filed or to have been incomplete as filed, the Council shall notify the filer in writing and direct the filer to file a completed disclosure form within a prescribed period of time, and such notification shall be confidential and is excluded from the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.);

3. Require all disclosure forms and lobbyist registration statements that are required to be filed with the Council to be filed electronically in accordance with the standards approved by the Council. The Council shall provide software or electronic access for filing the required disclosure forms and registration statements without charge to all individuals required to file with the Council. The Council shall prescribe the method of execution and certification of electronically filed forms, including the use of an electronic signature as authorized by the Uniform Electronic Transactions Act (§ 59.1-479 et seq.). The Council may grant extensions as provided in § 30-356.2 and may authorize a designee to grant such extensions;

4. Accept and review any statement received from a filer disputing the receipt by such filer of a gift that has been disclosed on the form filed by a lobbyist pursuant to Article 3;

5. Beginning July 1, 2016, establish and maintain a searchable electronic database comprising those disclosure forms that are filed with the Council pursuant to §§ 2.2-426, 2.2-3117, 2.2-3118, and 30-111. Such database shall be available to the public through the Council's official website;

6. Furnish, upon request, formal advisory opinions or guidelines and other appropriate information, including informal advice, regarding ethics, conflicts issues arising under Article 3 or the Acts, or a person's duties under Article 3 or the Acts to any person covered by Article 3 or the Acts or to any agency of state or local government, in an expeditious manner. The Council may authorize a designee to furnish formal opinions or informal advice. Formal advisory opinions are public record and shall be published on the Council's website; however, no formal advisory opinion furnished by a designee of the Council shall be available to the public or published until such opinion has been approved by the Council. Published formal advisory opinions may have such deletions and changes as may be necessary to protect the identity of the person involved or other persons supplying information. Informal advice given by the Council or the Council's designee is confidential and is excluded from the mandatory disclosure provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.); however, if the recipient invokes the immunity provisions of § 2.2-3121 or 30-124, the record of the request and the informal advice given shall be deemed to be a public record and shall be released upon request. Other records relating to formal advisory opinions or informal advice, including records of requests, notes, correspondence, and draft versions of such opinions or advice, shall also be confidential and excluded from the mandatory disclosure provisions of the Virginia Freedom of Information Act;

7. Conduct training seminars and educational programs for lobbyists, state and local government officers and employees, legislators, and other interested persons on the requirements of Article 3 and the Acts and provide training sessions for local elected officials in compliance with Article 9 (§ 2.2-3132) of Chapter 31 of Title 2.2 and ethics orientation sessions for legislators in compliance with Article 6 (§ 30-129.1 et seq.) of Chapter 13;

8. Approve orientation courses conducted pursuant to § 2.2-3128 and, upon request, review the educational materials and approve any training or course on the requirements of Article 3 and the Acts conducted for state and local government officers and employees;

9. Publish such educational materials as it deems appropriate on the provisions of Article 3 and the Acts;

10. Review actions taken in the General Assembly with respect to the discipline of its members for the purpose of offering nonbinding advice;

11. Request from any agency of state or local government such assistance, services, and information as will enable the Council to effectively carry out its responsibilities. Information provided to the Council by an agency of state or local government shall not be released to any other party unless authorized by such agency;

12. Redact from any document or form that is to be made available to the public any residential address, personal telephone number, *email address*, or signature contained on that document or form; and

13. Report on or before December 1 of each year on its activities and findings regarding Article 3 and the Acts, including recommendations for changes in the laws, to the General Assembly and the Governor. The annual report shall be submitted by the chairman as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be published as a state document.

CHAPTER 112

An Act to amend and reenact § 54.1-3933 of the Code of Virginia, relating to claim for attorney fees.

[H 1346]

Approved March 3, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-3933 of the Code of Virginia is amended and reenacted as follows:

§ 54.1-3933. Decreeing fee out of funds under control of court.

No court shall decree or order any fee or compensation to counsel to be paid out of money or property under the control of the court, unless the claim is in the ~~bill~~ *complaint*, petition, or other proceeding, of which the parties interested have due notice; ~~or unless the parties are notified in writing that application will be made to the court for such decree or order.~~

CHAPTER 113

An Act to amend the Code of Virginia by adding in Chapter 26 of Title 2.2 an article numbered 36, consisting of sections numbered 2.2-2699.8 through 2.2-2699.12, relating to environmental justice council.

[H 1042]

Approved March 3, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 26 of Title 2.2 an article numbered 36, consisting of sections numbered 2.2-2699.8 through 2.2-2699.12, as follows:

Article 36.

Virginia Council on Environmental Justice.

§ 2.2-2699.8. Definitions.

For purposes of this article, unless the context requires a different meaning:

"Council" means the Virginia Council on Environmental Justice established pursuant to this article.

"Environmental justice" means the fair treatment and meaningful involvement of all people regardless of race, color, faith, national origin, or income, regarding the development, implementation, or enforcement of any environmental law, regulation, or policy.

"Fair treatment" means the equitable consideration of all people whereby no group of people bears a disproportionate share of any negative environmental consequence resulting from an industrial, governmental, or commercial operation, program, or policy.

"Meaningful involvement" means the requirements that (i) affected and vulnerable community residents have access and opportunities to participate in the full cycle of the decision-making process about a proposed activity that will affect their environment or health and (ii) decision-makers will seek out and consider such participation, allowing the views and perspectives of community residents to shape and influence the decision.

"Resilience" means, as it pertains to climate change, the ability to anticipate, prepare for, and adapt to changing conditions and to withstand, respond to, and recover rapidly from disruptions through adaptable planning and climate solutions.

§ 2.2-2699.9. Virginia Council on Environmental Justice.

The Virginia Council on Environmental Justice is established as an advisory council, within the meaning of § 2.2-2100, in the executive branch of state government. The purpose of the Council is to advise the Governor and provide recommendations that maintain a foundation of environmental justice principles intended to protect vulnerable communities from disproportionate impacts of pollution.

§ 2.2-2699.10. Membership; terms; quorum; meetings.

A. The Council shall have a total membership of 27 members that shall consist of 21 nonlegislative citizen members and six ex officio members. Nonlegislative citizen members shall be appointed by the Governor. The Secretaries of Natural Resources, Commerce and Trade, Agriculture and Forestry, Health and Human Resources, Education, and Transportation, or their designees, including their agency representatives, shall serve ex officio with nonvoting privileges. Nonlegislative citizen members of the Council shall be residents of the Commonwealth and shall include representatives of (i) American Indian tribes, (ii) community-based organizations, (iii) the public health sector, (iv) nongovernmental organizations, (v) civil rights organizations, (vi) institutions of higher education, and (vii) communities impacted by an industrial, governmental, or commercial operation, program, or policy.

Ex officio members of the Council shall serve terms coincident with their terms of office. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. Vacancies shall be filled in the same manner as the original appointments. After the initial staggering of terms, nonlegislative citizen members shall be appointed for a term of four years.

B. The Council shall elect a chairperson and vice-chairperson annually from among the membership of the Council. A majority of the members shall constitute a quorum. The meetings of the Council shall be held at the call of the chairperson or whenever the majority of the members so request.

C. The Council shall meet quarterly and shall establish a meeting schedule on an annual basis. When possible, the location of the meetings shall rotate among different geographic regions. When possible, meetings shall be broadcast on the Internet or via teleconference. Each meeting shall include an in-person public comment component.

The Council may provide for the creation of subcommittees. Any subcommittee meetings shall be scheduled with notification to the full Council.

§ 2.2-2699.11. Compensation; expenses; staffing.

A. Members of the Council shall receive no compensation for their services but shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Funding for the costs of expenses of the members shall be provided by the Secretary of Natural Resources.

B. The Office of the Governor and the Secretary of Natural Resources shall provide staff support to the Council. All agencies of the Commonwealth shall provide assistance to the Council, upon request.

§ 2.2-2699.12. Powers and duties of the Council.

The Council shall have the following powers and duties:

1. Advise and provide recommendations to the Governor regarding the development of policies and procedures, focusing on equality and equity, to ensure that environmental justice issues are heard and addressed as the Commonwealth evolves, as impacts of climate change increase, and as new environmental justice issues emerge. The Council shall provide advice and recommendations to the Governor and his cabinet on:

a. Integrating environmental justice considerations throughout the Commonwealth's programs, regulations, policies, and procedures;

b. Strengthening partnerships on environmental justice among governmental agencies, including federal, tribal, and local governments;

c. Incorporating potential solutions to environmental justice issues related to stakeholder communication, local governments, climate change and resilience, transportation, clean energy, outdoor access, and cultural preservation;

d. Enhancing research and assessment approaches related to environmental justice and identifying potential risks or disproportionate public health impacts related to environmental pollution, particularly those that threaten or could threaten low-income and historically underserved communities;

e. Receiving comments, concerns, and recommendations from individuals throughout the Commonwealth; and

f. Recommending statutory, regulatory, or executive action, or relevant improvements or additions, for consideration to better address environmental justice issues.

2. Submit an annual report to the Governor and the General Assembly for publication as a report document as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports. The chairperson shall submit to the Governor and the General Assembly an annual executive summary of the interim activity and work of the Council no later than the first day of each regular session of the General Assembly starting in 2021. The executive summary shall be submitted as a report document as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

3. Apply for, accept, and expend gifts, grants, or donations from public, quasi-public, or private sources, including any matching funds designated in an appropriation act, to enable it to better carry out its objectives.

2. That the initial appointments of nonlegislative citizen members to the Virginia Council on Environmental Justice, as created by this act, shall be staggered as follows: 10 nonlegislative citizen members appointed by the Governor for a term of two years and 11 nonlegislative citizen members appointed by the Governor for a term of four years.

CHAPTER 114

An Act to amend and reenact § 2.2-2400 of the Code of Virginia, relating to the Art and Architectural Review Board; members; quorum.

[H 1431]

Approved March 3, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-2400 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-2400. Art and Architectural Review Board; members and officers; travel expenses; quorum; compensation; staff; report.

A. The Art and Architectural Review Board (the Board) is established as an advisory board, within the meaning of § 2.2-2100, in the executive branch of state government. The Board shall consist of ~~six~~ seven voting members as follows: the Director of the Department of Historic Resources, or his designee, serving as an ex officio member and ~~five~~ six citizen members, appointed by the Governor. Of the citizen members, one shall be an architect who may be appointed from a list of two or more architects nominated by the governing board of the Virginia Society of the American Institute of Architects;

one may be appointed from a list of two or more persons nominated by the governing board of the University of Virginia; one shall be a member of the board of trustees of the Virginia Museum of Fine Arts; and ~~two~~ *three* shall be appointed from the Commonwealth at large, one of whom shall be a painter or sculptor. Lists of nominees shall be submitted at least 60 days before the expiration of the member's term for which the nominations are being made in order to be considered by the Governor in making appointments pursuant to this section.

~~B. Beginning July 1, 2011, the Governor's appointments of the five citizen members shall be staggered as follows: two members for a term of one year, two members for a term of two years, and one member for a term of three years. Thereafter, Following the initial staggering of terms, citizen members of the Board shall be appointed for terms of four years each, except appointments to fill vacancies, which shall be for the unexpired terms. No member shall serve for more than two consecutive four-year terms, except that any member appointed to the unexpired term of another shall be eligible to serve two consecutive four-year terms. Vacancies shall be filled in the manner of the original appointments. The Director of the Department of Historic Resources shall serve a term coincident with his term of office.~~

C. Annually, the Board shall elect a chairman and vice-chairman and may elect such other officers as the Board deems proper from among its membership. A majority of the members of the Board shall constitute a quorum.

D. The members of the Board shall serve without compensation, but shall be reimbursed for all reasonable and necessary expenses incurred in the discharge of their duties as provided in § 2.2-2825.

~~E. The Division of Engineering and Buildings of the Department of General Services shall provide assistance to the Board in the undertaking of its responsibilities.~~

F. The Board shall submit a biennial report to the Governor and General Assembly on or before October 1 of each even-numbered year.

2. That the term of the citizen member added to the Art and Architectural Review Board pursuant to this act shall be for a term of four years, to begin July 1, 2020.

3. That the terms of the citizen members of the Art and Architectural Review Board that are set to begin July 1, 2022, shall be staggered as follows: two members for a term of one year; one member for a term of two years; and two members for terms of three years. Thereafter, members shall serve terms of four years.

CHAPTER 115

An Act to amend and reenact §§ 8.01-81 and 8.01-83 of the Code of Virginia; to amend the Code of Virginia by adding sections numbered 8.01-81.1, 8.01-83.1, 8.01-83.2, and 8.01-83.3; and to repeal § 8.01-82 of the Code of Virginia, relating to partition of property.

[H 1605]

Approved March 3, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 8.01-81 and 8.01-83 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 8.01-81.1, 8.01-83.1, 8.01-83.2, and 8.01-83.3 as follows:

§ 8.01-81. Who may compel partition of land; jurisdiction; validation of certain partitions of mineral rights; when shares of two or more laid off together.

Tenants in common, joint tenants, executors with the power to sell, and coparceners of real property, including mineral rights east and south of the Clinch River, shall be compellable to make partition and may compel partition, but in the case of an executor only if the power of sale is properly exercisable at that time under the circumstances; and a lien creditor or any owner of undivided estate in real estate may also compel partition for the purpose of subjecting the estate of his debtor or the rents and profits thereof to the satisfaction of his lien. Any court having general equity jurisdiction shall have jurisdiction in cases of partitions, and in the exercise of such jurisdiction, *shall order partition in kind if the real property in question is susceptible to a practicable division and* may take cognizance of all questions of law affecting the legal title that may arise in any proceedings, between such tenants in common, joint tenants, executors with the power to sell, coparceners and lien creditors.

Any two or more of the parties, if they so elect, may have their shares laid off together when partition can be conveniently made in that way. If the court orders partition in kind, the court may require that one or more parties pay one or more parties' amounts so that the payments, taken together with the court-determined value of the in-kind distributions to the parties, will make the partition in kind just and proportionate in value to the fractional interests held. If the court orders partition in kind, the court shall allocate to the parties that are unknown, unlocatable, or the subject of a default judgment a part of the property representing the combined interests of such parties as determined by the court, and such part of the property shall remain undivided.

All partitions of mineral rights heretofore had, are hereby validated.

§ 8.01-81.1. Determination of value.

A. Except as otherwise provided in subsections B and C, the court in every partition action shall order an appraisal pursuant to subsection D, and such appraisal shall inform the court's determination of fair market value under subsection F. The expense of the appraisal shall be taxed as costs.

B. If all parties have agreed to the value of the property or to another method of valuation, the court shall adopt such value or the value produced by the agreed-upon method of valuation.

C. If the court determines that the evidentiary value of an appraisal is outweighed by the cost of the appraisal, the court, after an evidentiary hearing, shall enter an order to determine the fair market value for the property.

D. If the court orders an appraisal, the court shall appoint a disinterested real estate appraiser licensed in the Commonwealth to assist the court in determining the fair market value of the property assuming sole ownership of the fee simple estate. Upon completion of the appraisal, the appraiser shall file a sworn or verified appraisal with the court and shall, within three business days of such filing, mail a notice of filing to all counsel of record stating:

1. The appraised fair market value of the property;

2. That the appraisal is available at the clerk's office; and

3. That a party may file with the court an objection to the appraisal not later than 30 days after the notice is sent, stating the grounds for the objection.

E. If an appraisal is filed with the court pursuant to subsection D, the court shall conduct a hearing to determine the fair market value of the property not sooner than 31 days after a copy of the notice of the appraisal is sent to each party under subsection D, whether or not an objection to the appraisal is filed under subdivision D 3. In addition to the court-ordered appraisal, the court may consider any other evidence of value offered by a party.

F. After a hearing under subsection E, but before considering the merits of the partition action, the court shall enter an order determining the fair market value of the property.

§ 8.01-83. Allotment to one or more parties, or sale, in lieu of partition.

~~When partition~~ A. If at least one party to a partition action petitions the court for allotment or for a partition sale, the court may order allotment pursuant to this section or, if the court determines allotment is not practicable, a sale pursuant to § 8.01-83.1.

B. Before a court is authorized to allot or sell an undivided interest in a partition action, it shall first determine that partition in kind cannot be ~~conveniently~~ practicably made, ~~the~~. When the subject land is not susceptible to a practicable division in kind, the court shall next consider an allotment of the entire subject ~~may be allotted~~ property to any one or more of the parties who will accept it for a price equal to the value determined pursuant to § 8.01-81.1, and pay therefor to the other parties such sums of money as their interest therein may entitle them to; ~~or in any case in which partition cannot be conveniently made,~~ receive, notwithstanding that any of those entitled may be a person with a disability. If a purchaser is entitled to a share of the proceeds of the sale, the purchaser is entitled to a credit against the price in an amount equal to the purchaser's share of the proceeds. The court shall make distribution of the proceeds of the allotment according to the respective rights of those entitled, taking care, when there are creditors of any deceased person who was a tenant in common, joint tenant, or coparcener, to have the proceeds of such deceased person's part applied according to the rights of such creditors.

1. When the court considers allotment, it shall require the party or parties seeking allotment to notify all of the other parties (i) that the property may be allotted to any one or more of them who is willing to accept it and (ii) of the required price.

2. In the event that multiple parties seek allotment and disputes arise concerning such allotment, the court shall consider the following in making such allotment:

a. Evidence of the collective duration of ownership or possession of the property by a party and one or more predecessors in title or predecessors in possession to the party who are or were related to the party or each other;

b. A party's sentimental attachment to the property, including any attachment arising because the property has ancestral or other unique or special value to the party;

c. The lawful use being made of the property by a party and the degree to which the party would be harmed if the party could not continue the same use of the property;

d. The degree to which the parties have contributed their pro rata share of the property taxes, insurance, and other expenses associated with maintaining ownership of the property or have contributed to the physical improvement, maintenance, or upkeep of the property; and

e. Any other relevant factor.

The court shall not consider any one of the preceding factors to be dispositive without weighing the totality of all relevant factors and circumstances.

3. After the court determines which party or parties will participate in the allotment, the court shall notify all the parties of its decision and of the amount each party is to pay or receive for its allotted share pursuant to either this subsection or subsection C. The court shall set a date, not sooner than 60 days after notification to the parties, by which each party allotted a share of the property must pay the amount due to the court. If any party allocated a share fails to pay the amount due by the required date the court shall order a sale of the entire subject property pursuant to § 8.01-83.1, unless the court determines, based on the factors in this subsection, that it will allow another party or parties to acquire such share by paying for such share within a reasonable period of time set by the court.

C. If the court determines that such allotment of the entire subject is not practicable or is not equitable, and if the interest of those who are entitled to the subject, or its proceeds, will be promoted by a sale of the entire subject, or allotment of part and sale of the residue, the court, notwithstanding any of those entitled may be a person under a disability, may order such sale, or an allotment pursuant to subsection B of a part thereof to any one or more of the parties who will accept it and

pay therefor to the other parties such sums of money as their interest therein may entitle them to, and a sale of the residue; ~~and~~. The price for the part of the property allotted to one or more parties shall be the fair market value of such part as determined by the court unless all the parties agree to a value for the part, which the court shall adopt. The sale of the residue shall be conducted pursuant to § 8.01-83.1. The court shall make distribution of the proceeds of the allotment and sale of the residue, according to the respective rights of those entitled, taking care, when there are creditors of any deceased person who was a tenant in common, joint tenant, or coparcener, to have the proceeds of such deceased person's part applied according to the rights of such creditors.

D. If the court determines neither allotment of the entire subject property nor of a party of the subject property is practicable or equitable, it shall order a sale pursuant to § 8.01-83.1.

§ 8.01-83.1. Open-market sale, sealed bids, or auction.

A. If the court orders a sale of property in a partition action under the provisions of § 8.01-83, the sale shall be an open-market sale unless the court finds that a sale by sealed bids or at auction would be more economically advantageous and in the best interests of the parties as a group.

B. If the court orders an open-market sale and the parties, not later than 10 days after the entry of the order, agree on a real estate broker licensed in the Commonwealth to offer the property for sale, the court shall appoint the broker and establish a reasonable commission. If the parties do not agree on a broker, the court shall appoint a disinterested real estate broker licensed in the Commonwealth to offer the property for sale and shall establish a reasonable commission. The broker shall offer the property for sale in a commercially reasonable manner at a price no lower than the determination of value and on the terms and conditions established by the court, including setting a reasonable time for marketing the property at its court-determined value pursuant to § 8.01-81.1.

C. If the broker appointed under subsection B obtains within a reasonable time an offer to purchase the property for at least the determination of value:

1. The broker shall promptly file a report containing (i) a description of the property to be sold to each buyer; (ii) the name of each buyer; (iii) the proposed purchase price; (iv) the terms and conditions of the proposed sale, including the terms of any owner financing; (v) the amounts to be paid to lienholders; (vi) a statement of contractual or other arrangements or conditions of the broker's commission; and (vii) other material facts relevant to the sale; and

2. The court shall hold a hearing to approve the same and shall appoint a special commissioner to make the sale and execute the deed pursuant to Article 11 (§ 8.01-96 et seq.).

D. If the broker appointed under subsection B does not obtain within a reasonable time an offer to purchase the property for at least the determination of value, the court, after a hearing, may:

1. Approve the highest outstanding offer, if any;

2. Redetermine the value of the property and order that the property continue to be offered for an additional period of time; or

3. Order that the property be sold by sealed bids or at auction.

E. If the court orders a sale by sealed bids or at auction, the court shall set terms and conditions of such sale by sealed bids or an auction.

F. If a purchaser is entitled to a share of the proceeds of the sale, the purchaser is entitled to a credit against the price in an amount equal to the purchaser's share of the proceeds.

§ 8.01-83.2. Notice by posting.

If the plaintiff in a partition action seeks an order of publication pursuant to § 8.01-316, the plaintiff, not later than 10 days after the court's determination, shall post and maintain while the action is pending a conspicuous sign on the property that is the subject of the action. The sign shall state that the action has commenced and identify the name and address of the court and the common designation by which the property is known. The court may require the plaintiff to publish on the sign the name of the plaintiff and the known defendants.

§ 8.01-83.3. Commissioners.

If the court appoints commissioners pursuant to Article 11 (§ 8.01-96 et seq.), each commissioner, in addition to the requirements and disqualifications applicable to commissioners in Article 11, shall be disinterested and impartial and not a party to or participant in the action.

2. That § 8.01-82 of the Code of Virginia is repealed.

3. That the provisions of this act shall only apply to partition actions filed on or after July 1, 2020.

CHAPTER 116

An Act to authorize the issuance of special license plates for supporters of the Richmond Animal Care and Control Foundation bearing the legend #TEAMTOMMIE; fees.

[H 593]

Approved March 3, 2020

Be it enacted by the General Assembly of Virginia:

1. § 1. Special license plates for supporters of the Richmond Animal Care and Control Foundation bearing the legend #TEAMTOMMIE; fees.

A. On receipt of an application and payment of the fee prescribed by this section, and following the provisions of § 46.2-725 of the Code of Virginia other than those relating to the fee for the plates and its disposition, the Commissioner of the Department of Motor Vehicles shall issue to the applicant special license plates for supporters of the Richmond Animal Care and Control Foundation bearing the legend #TEAMTOMMIE.

B. The annual fee for plates issued pursuant to this section shall be \$25 in addition to the prescribed fee for state license plates. For each such \$25 fee collected in excess of 1,000 registrations pursuant to this section, \$15 shall be paid into the state treasury and credited to a special nonreverting fund known as the Richmond Animal Care and Control Foundation Fund established within the Department of Accounts. These funds shall be paid annually to the Richmond Animal Care and Control Foundation and used to support its operation and programs in Virginia. All other fees imposed under the provisions of this section shall be paid to, and received by, the Commissioner of the Department of Motor Vehicles and paid by him into the state treasury and set aside as a special fund to be used to meet the necessary expenses incurred by the Department of Motor Vehicles.

CHAPTER 117

An Act to amend and reenact § 58.1-4007 of the Code of Virginia and to repeal § 58.1-4007.2 of the Code of Virginia, relating to Virginia Lottery; Internet sales.

[S 922]

Approved March 3, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-4007 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-4007. Powers of the Board.

A. The Board shall have the power to adopt regulations governing the establishment and operation of a lottery. The regulations governing the establishment and operation of the lottery shall be promulgated by the Board after consultation with the Director. Such regulations shall be in accordance with the Administrative Process Act (§ 2.2-4000 et seq.). The regulations shall provide for all matters necessary or desirable for the efficient, honest and economical operation and administration of the lottery and for the convenience of the purchasers of tickets or shares, and the holders of winning tickets or shares. The regulations, which may be amended, repealed or supplemented as necessary, shall include, ~~but not be limited to,~~ the following:

1. The type or types of lottery or game to be conducted in accordance with § 58.1-4001.
2. The price or prices of tickets or shares in the lottery.
3. The numbers and sizes of the prizes on the winning tickets or shares, including informing the public of the approximate odds of winning and the proportion of lottery revenues (i) disbursed as prizes and (ii) returned to the Commonwealth as net revenues.
4. The manner of selecting the winning tickets or shares.
5. The manner of payment of prizes to the holders of winning tickets or shares.
6. The frequency of the drawings or selections of winning tickets or shares without limitation.
7. Without limitation as to number, the type or types of locations at which tickets or shares may be sold.
8. The method to be used in selling tickets or shares, *including the sale of tickets or shares over the Internet*.
9. The advertisement of the lottery in accordance with the provisions of subsection E of § 58.1-4022.
10. The licensing of agents to sell tickets or shares who will best serve the public convenience and promote the sale of tickets or shares. No person under the age of 18 shall be licensed as an agent. A licensed agent may employ a person who is 16 years of age or older to sell or otherwise vend tickets at the agent's place of business so long as the employee is supervised in the selling or vending of tickets by the manager or supervisor in charge at the location where the tickets are being sold. Employment of such person shall be in compliance with Chapter 5 (§ 40.1-78 et seq.) of Title 40.1.
11. The manner and amount of compensation, if any, to be paid licensed sales agents necessary to provide for the adequate availability of tickets or shares to prospective buyers and for the convenience of the public. Notwithstanding the provisions of this subdivision, the Board shall not be required to approve temporary bonus or incentive programs for payments to licensed sales agents.
12. Apportionment of the total revenues accruing from the sale of tickets or shares and from all other sources and establishment of the amount of the special reserve fund as provided in § 58.1-4022 of this chapter.
13. Such other matters necessary or desirable for the efficient and economical operation and administration of the lottery.

The Department shall not be subject to the provisions of Chapter 43 (§ 2.2-4300 et seq.) of Title 2.2; however, the Board shall promulgate regulations, after consultation with the Director, relative to departmental procurement which include standards of ethics for procurement consistent with the provisions of Article 6 (§ 2.2-4367 et seq.) of Chapter 43 of Title 2.2 and which ensure that departmental procurement will be based on competitive principles.

The Board shall have the power to advise and recommend, but shall have no power to veto or modify administrative decisions of the Director. However, the Board shall have the power to accept, modify or reject any revenue projections before such projections are forwarded to the Governor.

B. The Board shall carry on a continuous study and investigation of the lottery throughout the Commonwealth to:

1. Ascertain any defects of this chapter or the regulations issued hereunder which cause abuses in the administration and operation of the lottery and any evasions of such provisions.

2. Formulate, with the Director, recommendations for changes in this chapter and the regulations promulgated hereunder to prevent such abuses and evasions.

3. Guard against the use of this chapter and the regulations promulgated hereunder as a subterfuge for organized crime and illegal gambling.

4. Ensure that this law and the regulations of the Board are in such form and are so administered as to serve the true purpose of this chapter.

C. The Board shall make a continuous study and investigation of (i) the operation and the administration of similar laws which may be in effect in other states or countries, (ii) any literature on the subject which may be published or available, (iii) any federal laws which may affect the operation of the lottery, and (iv) the reaction of Virginia citizens to the potential features of the lottery with a view to recommending or effecting changes that will serve the purpose of this chapter.

D. The Board shall hear and decide an appeal of any denial by the Director of the licensing or revocation of a license of a lottery agent pursuant to subdivision 10 of subsection A of this section and subdivision 5 of subsection B of § 58.1-4006 of this chapter.

E. The Board shall have the authority to initiate procedures for the planning, acquisition, and construction of capital projects as set forth in Article 4 (§ 2.2-1129 et seq.) of Chapter 11 and Article 3 (§ 2.2-1819 et seq.) of Chapter 18 of Title 2.2.
2. That § 58.1-4007.2 of the Code of Virginia is repealed.

CHAPTER 118

An Act to amend and reenact § 16.1-69.21 of the Code of Virginia, relating to substitute judges; powers and duties; entry of final order.

[H 60]

Approved March 4, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 16.1-69.21 of the Code of Virginia is amended and reenacted as follows:

§ 16.1-69.21. When substitute to serve; his powers and duties.

In the event of the inability of the judge to perform the duties of his office or any of them by reason of sickness, absence, vacation, interest in the proceeding or parties before the court, or otherwise, such judge or a person acting on his behalf shall promptly notify the appropriate chief district judge of such inability. If the chief district judge determines that the provisions of § 16.1-69.35 have been complied with or cannot reasonably be done within the time permitted and that no other full-time or retired judge is reasonably available to serve, the chief district judge may direct a substitute judge to serve as a judge of the court, which substitute may serve concurrently with one or more of the judges of the court or alone. When reasonably necessary, the chief district judge may designate a substitute judge from another district within the Commonwealth. The committee on district courts may adopt policies and procedures governing the utilization of substitute judges. In such event, those policies and procedures will, where applicable, control. While acting as judge, a substitute judge shall perform the same duties, exercise the same power and authority, and be subject to the same obligations as prescribed herein for the judge. *A substitute judge shall retain the power to enter a final order in any case heard by such substitute judge for a period of 14 days after the date of a hearing of such case.* While serving as judge of the court, the judge or the substitute judge may perform all acts with respect to the proceedings, judgments and acts of any other judge in connection with any action or proceeding then pending or theretofore disposed of in the court except as otherwise provided in this chapter in the same manner and with the same force and effect as if they were his own.

CHAPTER 119

An Act to amend and reenact §§ 3.1 and 3.8, as amended, of Chapter 131 of the Acts of Assembly of 1977, which provided a charter for the Town of Brodnax in the Counties of Brunswick and Mecklenburg, relating to town council; membership; meetings.

[H 168]

Approved March 4, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 3.1 and 3.8, as amended, of Chapter 131 of the Acts of Assembly of 1977 are amended and reenacted as follows:

§ 3.1. Election, qualification and term of office of councilmen and mayor.

The town of Brodnax shall be governed by a town council composed of seven councilmen and a mayor, all of whom shall be qualified voters of the town, to be elected from the town at large. Any person qualified to vote in the town shall be eligible for the office of councilman or mayor. The mayor and councilmen in office at the time of the passage of this act

shall continue in office until the expiration of the terms for which they were elected or until their successors are duly elected and qualified. An election for mayor and councilmen shall be held on the first Tuesday in May, nineteen hundred seventy-eight and on the first Tuesday in May of every second year thereafter and take office on the first day of July succeeding their elections, provided *that* the mayor and councilmen elected the first Tuesday in May, nineteen hundred seventy-eight, shall not take office until September one, nineteen hundred seventy-eight, to serve for terms of one year ten months. Thereafter they shall each serve for a term of two years or until their successors have qualified.

However, beginning in 2009, the election for mayor and councilmen shall be held at the time of the November general election with elected members to take office on the first day of January succeeding their election. The terms of council members in office at the time of the November 2009 election shall end on January 1, 2010. The mayor and the three members of town council receiving the highest number of votes in the November 2009 election shall serve four-year terms. The other four persons elected to town council in November 2009 shall serve two-year terms. Thereafter, all council members shall be elected for four-year terms.

Beginning in 2019, the town shall be governed by a town council composed of five councilmen and a mayor. Three councilmen shall be elected to four-year terms at the November 2019 election, and the mayor and two councilmen shall be elected to four-year terms at the November 2021 election.

§ 3.8. Meetings of council.

The town council shall fix the time of its stated meetings, and it shall meet at least once a month and, except as herein provided, the council shall establish its own rules of procedure and such rules as are necessary for the orderly conduct of its business not inconsistent with the laws of the Commonwealth of Virginia. A journal shall be kept of its official proceedings and its meetings shall be open to the public. ~~Four~~ *Three* members of the town council shall constitute a quorum for the transaction of business at any meeting. Special meetings may be called at any time by the mayor or by any ~~four~~ *two* members of the council, provided that the mayor and all council members are duly notified a reasonable period of time prior to such meetings and no business shall be transacted at a special meeting thereof except that for which it shall be called. If all members are present, this provision may be waived by a majority vote of the council. No ordinance, resolution, motion or vote shall be adopted by the council unless it shall have received the affirmative votes of a majority of the members present. But no ordinance or resolution shall be adopted or passed having for its object the levying of taxes except by a concurring vote of two-thirds of the members of council.

2. That an emergency exists and this act is in force from its passage.

CHAPTER 120

An Act to amend and reenact §§ 5, 8 and 9, as amended, and 10 of Chapters 406 and 521 of the Acts of Assembly of 1999, which provided a charter for the Town of Bluefield in the County of Tazewell, relating to town council, mayor, and town powers.

[H 171]

Approved March 4, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 5, 8 and 9, as amended, and 10 of Chapters 406 and 521 of the Acts of Assembly of 1999 are amended and reenacted as follows:

§ 5. Composition of council and vacancies.

The council shall consist of ~~five~~ *six* members and a mayor. The ~~five~~ *six* council members, who shall be voted for at large, shall have terms of office of four years. At the November election, ~~2012~~ *2020*, and every four years thereafter, ~~two~~ *three* council members shall be elected, being the ~~two~~ *three* candidates who receive the largest number of votes, individually, at such election, who will serve for terms of four years from January 1, ~~2013~~ *2021*, and thereafter until their successors have been elected and qualified. At the November election, ~~2014~~ *2022*, and every four years thereafter, three council members shall be elected, being the three candidates who receive the largest number of votes, individually, at such election, who shall serve for terms of four years from January 1, ~~2015~~ *2023*, and thereafter until their successors have been elected and qualified.

~~The mayor and members of council the terms of whom would have expired on June 30, 2012, shall continue to serve until December 31, 2012, unless their term of office is otherwise terminated. The members of council the terms of whom would have expired on June 30, 2014, shall continue to serve until December 31, 2014, unless their term of office is otherwise terminated.~~

All elections for members of *the* council shall be held at the time and in the manner provided for by general law.

Vacancies ~~in~~ *on* the council shall be filled within thirty days, for the unexpired term, by a majority vote of the remaining ~~mayor and~~ *the* council members.

§ 8. Council; organization.

A. At a time designated by the council on the first day of January, or at some other times as designated by *the* council, following a regular municipal election, or if such a day be a Sunday, then on the day following, the council shall meet at the usual place for holding the meetings of the legislative board of the town, at which time the newly elected council members and the mayor, after first having taken the oaths prescribed by law, shall assume the duties of their offices. Thereafter the

council shall meet at such times as may be prescribed by ordinance or resolution except that they shall regularly meet not less than once each month. The mayor, any ~~member of the council~~ *member*, or the town manager may call special meetings of the council, at any time at least twelve hours after written notice, with the purpose of said meeting stated therein, to each member served personally or left at his usual place of business or residence, or such meeting may be held at any time without notice, provided all members of the council attend. No business other than that mentioned in the call shall be considered at such meeting. Notice of any meeting of *the* council shall be in accordance with the provisions of the Freedom of Information Act as contained in the Code of Virginia.

B. All meetings of the council shall be public, and any citizens may have access to the minutes and records thereof at all reasonable times; however, by majority vote of the council, it may convene an executive session to consider such matters as may be the appropriate subject of an executive session as provided by the Code of Virginia.

C. The council shall appoint a town manager and a town clerk. During the organizational meeting, the council shall appoint one of the members of *the* council as vice-mayor to act in the absence or disability of the mayor. The vice-mayor shall be appointed by a majority vote of all ~~members of the council and the mayor~~ *members* and shall serve for a period of two years until the next organizational meeting of *the* council.

D. The council may appoint all such other boards and commissions as may be deemed proper, and prescribe the powers and duties thereof. The council may determine its own rules or procedures, may punish its own members for misconduct and may compel attendance of members. It shall keep a journal of its proceedings. A majority of all members of the council shall constitute a quorum to do business, but a smaller number may adjourn from time to time, and may compel the attendance of absentees. All elections *and appointments by the* council shall be ~~viva voce and the vote~~ recorded in the journal of the council.

E. ~~Council~~ *The council* shall fix the compensation of ~~the members of the council~~ *for its members*, the mayor, and all other officers the compensation of whom is not otherwise provided for herein.

§ 9. Council; mayor generally.

A. At the November election, ~~2012~~ *2020*, and every four years thereafter, the candidate for mayor who receives the largest number of votes at such election shall be elected and shall serve for a term of four years from January 1, ~~2013~~ *2021*, and thereafter until a successor has been elected and qualified.

B. The mayor shall preside at meetings of the council ~~and~~ *shall* perform such other duties consistent with the office as may be imposed by the council ~~and~~ shall have a ~~vote and~~ voice in the proceedings, ~~but shall vote only in the case of a tie, and shall have no veto power.~~ The mayor shall be the official head of the town; however, he shall have no jurisdiction or authority to hear, determine or try any civil or criminal matters. In times of public danger or emergency, the mayor, or during the mayor's absence or disability, the town manager, may take command of the police and maintain order and enforce laws, and for this purpose may deputize such assistant policemen as may be necessary. During the mayor's absence or disability, except as above provided, the mayor's duties shall be performed by the vice-mayor. The mayor shall authenticate by his signature such instruments as the council, this charter, or the laws of the Commonwealth shall require.

C. A vacancy ~~on~~ *in* the office of mayor or vice-mayor shall be filled, within thirty days for the unexpired term, by a majority vote of the ~~council and mayor~~ *remaining council members*.

§ 10. Ordinances and resolutions.

A. ~~Except in dealing with parliamentary procedure, the council shall act only~~ *In addition to the ability to act by motion, the council may act* by ordinance or resolution and, with the exception of ordinances making appropriations or authorizing the contracting of indebtedness, shall be confined to one subject.

B. Each proposed ordinance or resolution shall be introduced in a written or printed form, and the enacting clause of all ordinances passed by the council shall be, substantially: "Be it ordained by the council of the Town of Bluefield, Virginia."

C. No ordinance, resolution having the effect of an ordinance, or resolution suspending an ordinance, unless it is an emergency measure, shall be passed until it has been read at two meetings not less than one week apart, one of which shall be a regular meeting and the other of which may be either an adjourned or called meeting; however, the requirement of a second reading by the affirmative vote of a majority of the members of the council may be confined to the reading of the title only. Any ordinance or resolution read at one such meeting may be amended and passed as amended at the next such meeting, provided that the amendment does not materially change the ordinance. No ordinance shall be amended unless such section or sections as are intended to be amended shall be reenacted. The ayes and nays shall be taken and recorded upon the passage of all ordinances or resolutions and entered upon the journal of the proceedings of the council. Except as otherwise provided ~~in~~ *by* this charter, ~~an affirmative~~ *the Constitution of Virginia, or the Code of Virginia*, a majority vote of ~~a majority of the council members elected to the council~~ shall be necessary to adopt any ordinance or resolution.

D. An emergency measure is an ordinance for the immediate preservation of the public peace, property, health or safety, or providing for the daily operation of a municipal department. The emergency shall be stated in every such measure. Ordinances appropriating money may be passed as emergency measures; however, no measure selling or conveying any real estate; making a grant, renewal, or extension of a franchise or other special privilege; or regulating the rate to be charged for its service by any public utility, shall ever be so passed.

E. Every ordinance or resolution having the effect of an ordinance when passed shall be recorded and indexed by the town clerk in a book kept for that purpose, and shall be authenticated by the signatures of the presiding officer and the town clerk.

F. All ordinances and resolutions of the council may be read in evidence in all courts and in all other proceedings in which it may be necessary to refer thereto, either from the original record thereof, from a copy thereof certified by the town clerk, or from any volume of ordinances printed by authority of the council.

CHAPTER 121

An Act to amend and reenact §§ 55.1-1808 and 55.1-1990 of the Code of Virginia, relating to Property Owners' Association Act and Virginia Condominium Act; contract disclosure statement; extension of right of cancellation.

[H 176]

Approved March 4, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 55.1-1808 and 55.1-1990 of the Code of Virginia are amended and reenacted as follows:

§ 55.1-1808. Contract disclosure statement; right of cancellation.

A. For purposes of this article, unless the context requires a different meaning:

"Delivery" means that the disclosure packet is delivered to the purchaser or purchaser's authorized agent by one of the methods specified in this section.

"Purchaser's authorized agent" means any person designated by such purchaser in a ratified real estate contract for purchase and sale of residential real property or other writing designating such agent.

"Ratified real estate contract" includes any addendum to such contract.

"Receives," "received," or "receiving" the disclosure packet means that the purchaser or purchaser's authorized agent has received the disclosure packet by one of the methods specified in this section.

"Seller's authorized agent" means a person designated by such seller in a ratified real estate contract for purchase and sale of residential real property or other writing designating such agent.

B. Subject to the provisions of subsection A of § 55.1-1814, an owner selling a lot shall disclose in the contract that (i) the lot is located within a development that is subject to the Property Owners' Association Act (§ 55.1-1800 et seq.); (ii) the Property Owners' Association Act (§ 55.1-1800 et seq.) requires the seller to obtain from the property owners' association an association disclosure packet and provide it to the purchaser; (iii) the purchaser may cancel the contract within three days, *or up to seven days if extended by the ratified real estate contract*, after receiving the association disclosure packet or being notified that the association disclosure packet will not be available; (iv) if the purchaser has received the association disclosure packet, the purchaser has a right to request an update of such disclosure packet in accordance with subsection H of § 55.1-1810 or subsection D of § 55.1-1811, as appropriate; and (v) the right to receive the association disclosure packet and the right to cancel the contract are waived conclusively if not exercised before settlement.

For purposes of clause (iii), the association disclosure packet shall be deemed not to be available if (a) a current annual report has not been filed by the association with either the State Corporation Commission pursuant to § 13.1-936 or the Common Interest Community Board pursuant to § 55.1-1835, (b) the seller has made a written request to the association that the packet be provided and no such packet has been received within 14 days in accordance with subsection A of § 55.1-1809, or (c) written notice has been provided by the association that a packet is not available.

C. If the contract does not contain the disclosure required by subsection B, the purchaser's sole remedy is to cancel the contract prior to settlement.

D. The information contained in the association disclosure packet shall be current as of a date specified on the association disclosure packet prepared in accordance with this section; however, a disclosure packet update or financial update may be requested in accordance with subsection G of § 55.1-1810 or subsection D of § 55.1-1811, as appropriate. The purchaser may cancel the contract (i) within three days, *or up to seven days if extended by the ratified real estate contract*, after the date of the contract if, on or before the date that the purchaser signs the contract, the purchaser receives the association disclosure packet, is notified that the association disclosure packet will not be available, or receives an association disclosure packet that is not in conformity with the provisions of § 55.1-1809; (ii) within three days, *or up to seven days if extended by the ratified real estate contract*, after receiving the association disclosure packet if the association disclosure packet, notice that the association disclosure packet will not be available, or an association disclosure packet that is not in conformity with the provisions of § 55.1-1809 is hand delivered, delivered by electronic means, or delivered by a commercial overnight delivery service or the United States Postal Service, and a receipt is obtained; or (iii) within six days, *or up to 10 days if extended by the ratified real estate contract*, after the postmark date if the association disclosure packet, notice that the association disclosure packet will not be available, or an association disclosure packet that is not in conformity with the provisions of § 55.1-1809 is sent to the purchaser by United States mail. The purchaser also may cancel the contract at any time prior to settlement if the purchaser has not been notified that the association disclosure packet will not be available and the association disclosure packet is not delivered to the purchaser.

Notice of cancellation shall be provided to the lot owner or his agent by one of the following methods:

1. Hand delivery;

2. United States mail, postage prepaid, provided that the sender retains sufficient proof of mailing in the form of a certificate of service prepared by the sender confirming such mailing;

3. Electronic means, provided that the sender retains sufficient proof of the electronic delivery, which may be in the form of an electronic receipt of delivery, a confirmation that the notice was sent by facsimile, or a certificate of service prepared by the sender confirming the electronic delivery; or

4. Overnight delivery using a commercial service or the United States Postal Service.

In the event of a dispute, the sender shall have the burden to demonstrate delivery of the notice of cancellation. Such cancellation shall be without penalty, and the seller shall cause any deposit to be returned promptly to the purchaser.

E. Whenever any contract is canceled based on a failure to comply with subsection B or D or pursuant to subsection C, any deposit or escrowed funds shall be returned within 30 days of the cancellation, unless the parties to the contract specify in writing a shorter period.

F. Any rights of the purchaser to cancel the contract provided by this chapter are waived if not exercised prior to settlement.

G. Except as expressly provided in this chapter, the provisions of this section and § 55.1-1809 may not be varied by agreement, and the rights conferred by this section and § 55.1-1809 may not be waived.

H. Unless otherwise provided in the ratified real estate contract or other writing, delivery to the purchaser's authorized agent shall require delivery to such agent and not to a person other than such agent. Delivery of the disclosure packet may be made by the lot owner or the lot owner's authorized agent.

I. If the lot is governed by more than one association, the purchaser's right of cancellation may be exercised within the required time frames following delivery of the last disclosure packet or resale certificate.

§ 55.1-1990. Resale by purchaser; contract disclosure; right of cancellation.

A. For purposes of this article, *unless the context requires a different meaning*:

"Delivery" means that the resale certificate is delivered to the purchaser or purchaser's authorized agent by one of the methods specified in this article.

"Financial update" means an update of the financial information referenced in subdivisions A 2 through 7 of § 55.1-1991.

"Purchaser's authorized agent" means any person designated by such purchaser in a ratified real estate contract for purchase and sale of residential real property or other writing designating such agent.

"Ratified real estate contract" includes any addendum to such contract.

"Receives," "received," or "receiving" the resale certificate means that the purchaser or purchaser's authorized agent has received the resale certificate by one of the methods specified in this article.

"Resale certificate update" means an update of the financial information referenced in subdivisions A 2 through 9 and 12 of § 55.1-1991. The update shall include a copy of the original resale certificate.

"Seller's authorized agent" means a person designated by such seller in a ratified real estate contract for purchase and sale of residential real property or other writing designating such agent.

B. In the event of any resale of a condominium unit by a unit owner other than the declarant, and subject to the provisions of subsection F and subsection A of § 55.1-1972, the unit owner shall disclose in the contract that (i) the unit is located within a development that is subject to the Condominium Act; (ii) the Condominium Act requires the seller to obtain from the unit owners' association a resale certificate and provide it to the purchaser; (iii) the purchaser may cancel the contract within three days, *or up to seven days if extended by the ratified real estate contract*, after receiving the resale certificate or being notified that the resale certificate will not be available; (iv) if the purchaser has received the resale certificate, the purchaser has a right to request a resale certificate update or financial update in accordance with § 55.1-1992, as appropriate; and (v) the right to receive the resale certificate and the right to cancel the contract are waived conclusively if not exercised before settlement.

For purposes of clause (iii), the resale certificate shall be deemed not to be available if (a) a current annual report has not been filed by the unit owners' association with either the State Corporation Commission pursuant to § 13.1-936 or the Common Interest Community Board pursuant to § 55.1-1980, (b) the seller has made a written request to the unit owners' association that the resale certificate be provided and no such resale certificate has been received within 14 days in accordance with subsection C of § 55.1-1991, or (c) written notice has been provided by the unit owners' association that a resale certificate is not available.

C. If the contract does not contain the disclosure required by subsection B, the purchaser's sole remedy is to cancel the contract prior to settlement.

D. The information contained in the resale certificate shall be current as of a date specified on the resale certificate. A resale certificate update or a financial update may be requested as provided in § 55.1-1992, as appropriate. The purchaser may cancel the contract (i) within three days after the date of the contract, *or up to seven days if extended by the ratified real estate contract*, if on or before the date that the purchaser signs the contract, the purchaser receives the resale certificate, is notified that the resale certificate will not be available, or receives a resale certificate that does not contain the information required by this subsection to be included in the resale certificate; (ii) within three days, *or up to seven days if extended by the ratified real estate contract*, after receiving the resale certificate if the resale certificate, notice that the resale certificate will not be available, or a resale certificate that does not contain the information required by this subsection to be included in the resale certificate is hand delivered, delivered by electronic means, or delivered by a commercial overnight delivery service or the United States Postal Service, and a receipt is obtained; or (iii) within six days, *or up to 10 days if extended by the ratified real estate contract*, after the postmark date if the resale certificate, notice that the resale certificate will not be

available, or a resale certificate that does not contain the information required by this subsection to be included in the resale certificate is sent to the purchaser by United States mail. The purchaser may also cancel the contract at any time prior to settlement if the purchaser has not been notified that the resale certificate will not be available and the resale certificate is not delivered to the purchaser.

Notice of cancellation shall be provided to the unit owner or his agent by one of the following methods:

1. Hand delivery;
2. United States mail, postage prepaid, provided that the sender retains sufficient proof of mailing in the form of a certificate of service prepared by the sender confirming such mailing;
3. Electronic means, provided that the sender retains sufficient proof of the electronic delivery, which may be an electronic receipt of delivery, a confirmation that the notice was sent by facsimile, or a certificate of service prepared by the sender confirming the electronic delivery; or
4. Overnight delivery using a commercial service or the United States Postal Service.

In the event of a dispute, the sender shall have the burden to demonstrate delivery of the notice of cancellation. Such cancellation shall be without penalty, and the unit owner shall cause any deposit to be returned promptly to the purchaser.

CHAPTER 122

An Act to amend and reenact §§ 4.1-225, 15.2-907, 15.2-1724, 17.1-275.13, 18.2-67.5:2, 18.2-67.9, 18.2-346, and 18.2-366 of the Code of Virginia and to repeal § 18.2-344 of the Code of Virginia, relating to fornication; repeal.

[H 245]

Approved March 4, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 4.1-225, 15.2-907, 15.2-1724, 17.1-275.13, 18.2-67.5:2, 18.2-67.9, 18.2-346, and 18.2-366 of the Code of Virginia are amended and reenacted as follows:

§ 4.1-225. Grounds for which Board may suspend or revoke licenses.

The Board may suspend or revoke any license other than a brewery license, in which case the Board may impose penalties as provided in § 4.1-227, if it has reasonable cause to believe that:

1. The licensee, or if the licensee is a partnership, any general partner thereof, or if the licensee is an association, any member thereof, or a limited partner of 10 percent or more with voting rights, or if the licensee is a corporation, any officer, director, or shareholder owning 10 percent or more of its capital stock, or if the licensee is a limited liability company, any member-manager or any member owning 10 percent or more of the membership interest of the limited liability company:

- a. Has misrepresented a material fact in applying to the Board for such license;
- b. Within the five years immediately preceding the date of the hearing held in accordance with § 4.1-227, has (i) been convicted of a violation of any law, ordinance or regulation of the Commonwealth, of any county, city or town in the Commonwealth, of any state, or of the United States, applicable to the manufacture, transportation, possession, use or sale of alcoholic beverages; (ii) violated any provision of Chapter 3 (§ 4.1-300 et seq.); (iii) committed a violation of the Wine Franchise Act (§ 4.1-400 et seq.) or the Beer Franchise Act (§ 4.1-500 et seq.) in bad faith; (iv) violated or failed or refused to comply with any regulation, rule or order of the Board; or (v) failed or refused to comply with any of the conditions or restrictions of the license granted by the Board;
- c. Has been convicted in any court of a felony or of any crime or offense involving moral turpitude under the laws of any state, or of the United States;
- d. Is not the legitimate owner of the business conducted under the license granted by the Board, or other persons have ownership interests in the business which have not been disclosed;
- e. Cannot demonstrate financial responsibility sufficient to meet the requirements of the business conducted under the license granted by the Board;
- f. Has been intoxicated or under the influence of some self-administered drug while upon the licensed premises;
- g. Has maintained the licensed premises in an unsanitary condition, or allowed such premises to become a meeting place or rendezvous for members of a criminal street gang as defined in § 18.2-46.1 or persons of ill repute, or has allowed any form of illegal gambling to take place upon such premises;
- h. Knowingly employs in the business conducted under such license, as agent, servant, or employee, other than a busboy, cook or other kitchen help, any person who has been convicted in any court of a felony or of any crime or offense involving moral turpitude, or who has violated the laws of the Commonwealth, of any other state, or of the United States, applicable to the manufacture, transportation, possession, use or sale of alcoholic beverages;
- i. Subsequent to the granting of his original license, has demonstrated by his police record a lack of respect for law and order;
- j. Has allowed the consumption of alcoholic beverages upon the licensed premises by any person whom he knew or had reason to believe was (i) less than 21 years of age, (ii) interdicted, or (iii) intoxicated, or has allowed any person whom he knew or had reason to believe was intoxicated to loiter upon such licensed premises;
- k. Has allowed any person to consume upon the licensed premises any alcoholic beverages except as provided under this title;

l. Is physically unable to carry on the business conducted under such license or has been adjudicated incapacitated;

m. Has allowed any obscene literature, pictures or materials upon the licensed premises;

n. Has possessed any illegal gambling apparatus, machine or device upon the licensed premises;

o. Has upon the licensed premises (i) illegally possessed, distributed, sold or used, or has knowingly allowed any employee or agent, or any other person, to illegally possess, distribute, sell or use marijuana, controlled substances, imitation controlled substances, drug paraphernalia or controlled paraphernalia as those terms are defined in Articles 1 and 1.1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2 and the Drug Control Act (§ 54.1-3400 et seq.); (ii) laundered money in violation of § 18.2-246.3; or (iii) conspired to commit any drug-related offense in violation of Articles 1 and 1.1 of Chapter 7 (§ 18.2-247 et seq.) of Title 18.2 or the Drug Control Act (§ 54.1-3400 et seq.). The provisions of this subdivision shall also apply to any conduct related to the operation of the licensed business which facilitates the commission of any of the offenses set forth herein;

p. Has failed to take reasonable measures to prevent (i) the licensed premises, (ii) any premises immediately adjacent to the licensed premises that are owned or leased by the licensee, or (iii) any portion of public property immediately adjacent to the licensed premises from becoming a place where patrons of the establishment commit criminal violations of Article 1 (§ 18.2-30 et seq.), 2 (§ 18.2-38 et seq.), 2.1 (§ 18.2-46.1 et seq.), 2.2 (§ 18.2-46.4 et seq.), 3 (§ 18.2-47 et seq.), 4 (§ 18.2-51 et seq.), 5 (§ 18.2-58 et seq.), 6 (§ 18.2-59 et seq.), or 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2; Article 2 (§ 18.2-266 et seq.) of Chapter 7 of Title 18.2; Article 3 (§ ~~18.2-344~~ 18.2-346 et seq.) or 5 (§ 18.2-372 et seq.) of Chapter 8 of Title 18.2; or Article 1 (§ 18.2-404 et seq.), 2 (§ 18.2-415), or 3 (§ 18.2-416 et seq.) of Chapter 9 of Title 18.2 and such violations lead to arrests that are so frequent and serious as to reasonably be deemed a continuing threat to the public safety; or

q. Has failed to take reasonable measures to prevent an act of violence resulting in death or serious bodily injury, or a recurrence of such acts, from occurring on (i) the licensed premises, (ii) any premises immediately adjacent to the licensed premises that is owned or leased by the licensee, or (iii) any portion of public property immediately adjacent to the licensed premises.

2. The place occupied by the licensee:

a. Does not conform to the requirements of the governing body of the county, city or town in which such establishment is located, with respect to sanitation, health, construction or equipment, or to any similar requirements established by the laws of the Commonwealth or by Board regulations;

b. Has been adjudicated a common nuisance under the provisions of this title or § 18.2-258; or

c. Has become a meeting place or rendezvous for illegal gambling, illegal users of narcotics, drunks, prostitutes, pimps, panders or habitual law violators or has become a place where illegal drugs are regularly used or distributed. The Board may consider the general reputation in the community of such establishment in addition to any other competent evidence in making such determination.

3. The licensee or any employee of the licensee discriminated against any member of the armed forces of the United States by prices charged or otherwise.

4. The licensee, his employees, or any entertainer performing on the licensed premises has been convicted of a violation of a local public nudity ordinance for conduct occurring on the licensed premises and the licensee allowed such conduct to occur.

5. Any cause exists for which the Board would have been entitled to refuse to grant such license had the facts been known.

6. The licensee is delinquent for a period of 90 days or more in the payment of any taxes, or any penalties or interest related thereto, lawfully imposed by the locality where the licensed business is located, as certified by the treasurer, commissioner of the revenue, or finance director of such locality, unless (i) the outstanding amount is de minimis; (ii) the licensee has pending a bona fide application for correction or appeal with respect to such taxes, penalties, or interest; or (iii) the licensee has entered into a payment plan approved by the same locality to settle the outstanding liability.

7. Any other cause authorized by this title.

§ 15.2-907. Authority to require removal, repair, etc., of buildings and other structures harboring illegal drug use or other criminal activity.

A. As used in this section:

"Affidavit" means the affidavit sworn to under oath prepared by a locality in accordance with subdivision B 1 a.

"Commercial sex acts" means any specific activities that would constitute a criminal act under Article 3 (§ ~~18.2-344~~ 18.2-346 et seq.) of Chapter 8 of Title 18.2 or a substantially similar local ordinance if a criminal charge were to be filed against the individual perpetrator of such criminal activity.

"Controlled substance" means illegally obtained controlled substances or marijuana, as defined in § 54.1-3401.

"Corrective action" means (i) taking specific actions with respect to the buildings or structures on property that are reasonably expected to abate criminal blight on such real property, including the removal, repair, or securing of any building, wall, or other structure, or (ii) changing specific policies, practices, and procedures of the real property owner that are reasonably expected to abate criminal blight on real property. A local law-enforcement official shall prepare an affidavit on behalf of the locality that states specific actions to be taken on the part of the property owner that the locality determines are necessary to abate the identified criminal blight on such real property and that do not impose an undue financial burden on the owner.

"Criminal blight" means a condition existing on real property that endangers the public health or safety of residents of a locality and is caused by (i) the regular presence on the property of persons under the influence of controlled substances; (ii) the regular use of the property for the purpose of illegally possessing, manufacturing, or distributing controlled substances; (iii) the regular use of the property for the purpose of engaging in commercial sex acts; or (iv) repeated acts of the malicious discharge of a firearm within any building or dwelling that would constitute a criminal act under § 18.2-279 or a substantially similar local ordinance if a criminal charge were to be filed against the individual perpetrator of such criminal activity.

"Law-enforcement official" means an official designated to enforce criminal laws within a locality, or an agent of such law-enforcement official. The law-enforcement official shall coordinate with the building or fire code official of the locality as otherwise provided under applicable laws and regulations.

"Owner" means the record owner of real property.

"Property" means real property.

B. Any locality may, by ordinance, provide that:

1. The locality may require the owner of real property to undertake corrective action, or the locality may undertake corrective action, with respect to such property in accordance with the procedures described herein:

a. The locality shall execute an affidavit, citing this section, to the effect that (i) criminal blight exists on the property and in the manner described therein; (ii) the locality has used diligence without effect to abate the criminal blight; and (iii) the criminal blight constitutes a present threat to the public's health, safety, or welfare.

b. The locality shall then send a notice to the owner of the property, to be sent by (i) certified mail, return receipt requested; (ii) hand delivery; or (iii) overnight delivery by a commercial service or the United States Postal Service, to the last address listed for the owner on the locality's assessment records for the property, together with a copy of such affidavit, advising that (a) the owner has up to 30 days from the date thereof to undertake corrective action to abate the criminal blight described in such affidavit and (b) the locality will, if requested to do so, assist the owner in determining and coordinating the appropriate corrective action to abate the criminal blight described in such affidavit. If the owner notifies the locality in writing within the 30-day period that additional time to complete the corrective action is needed, the locality shall allow such owner an extension for an additional 30-day period to take such corrective action.

c. If no corrective action is undertaken during such 30-day period, or during the extension if such extension is granted by the locality, the locality shall send by certified mail, return receipt requested, an additional notice to the owner of the property, at the address stated in subdivision b, stating (i) the date on which the locality may commence corrective action to abate the criminal blight on the property or (ii) the date on which the locality may commence legal action in a court of competent jurisdiction to obtain a court order to require that the owner take such corrective action or, if the owner does not take corrective action, a court order to revoke the certificate of occupancy for such property, which date shall be no earlier than 15 days after the date of mailing of the notice. Such additional notice shall also reasonably describe the corrective action contemplated to be taken by the locality. Upon receipt of such notice, the owner shall have a right, upon reasonable notice to the locality, to seek judicial relief, and the locality shall initiate no corrective action while a proper petition for relief is pending before a court of competent jurisdiction.

2. If the locality undertakes corrective action with respect to the property after complying with the provisions of subdivision 1, the costs and expenses thereof shall be chargeable to and paid by the owner of such property and may be collected by the locality as taxes are collected.

3. Every charge authorized by this section with which the owner of any such property has been assessed and that remains unpaid shall constitute a lien against such property with the same priority as liens for unpaid local real estate taxes and enforceable in the same manner as provided in Articles 3 (§ 58.1-3940 et seq.) and 4 (§ 58.1-3965 et seq.) of Chapter 39 of Title 58.1.

4. A criminal blight proceeding pursuant to this section shall be a civil proceeding in a court of competent jurisdiction in the Commonwealth.

C. If the owner of real property takes timely corrective action pursuant to the provisions of a local ordinance, the locality shall deem the criminal blight abated, shall close the proceeding without any charge or cost to the owner, and shall promptly provide written notice to the owner that the proceeding has been terminated satisfactorily. The closing of a proceeding shall not bar the locality from initiating a subsequent proceeding if the criminal blight returns.

D. Nothing in this section shall be construed to abridge, diminish, limit, or waive any rights or remedies of an owner of property at law or any permits or nonconforming rights the owner may have under Chapter 22 (§ 15.2-2200 et seq.) or under a local ordinance. If an owner in good faith takes corrective action, and despite having taken such action, the specific criminal blight identified in the affidavit of the locality persists, such owner shall be deemed in compliance with this section. Further, if a tenant in a rental dwelling unit, or a tenant on a manufactured home lot, is the cause of criminal blight on such property and the owner in good faith initiates legal action and pursues the same by requesting a final order by a court of competent jurisdiction, as otherwise authorized by this Code, against such tenant to remedy such noncompliance or to terminate the tenancy, such owner shall be deemed in compliance with this section.

§ 15.2-1724. Police and other officers may be sent beyond territorial limits.

Whenever the necessity arises (i) for the enforcement of laws designed to control or prohibit the use or sale of controlled drugs as defined in § 54.1-3401 or laws contained in Article 3 (§ 18.2-47 et seq.) of Chapter 4 or Article 3 (~~§ 18.2-344~~ 18.2-346 et seq.) of Chapter 8 of Title 18.2, (ii) in response to any law-enforcement emergency involving any

immediate threat to life or public safety, (iii) during the execution of the provisions of Article 4 (§ 37.2-808 et seq.) of Chapter 8 of Title 37.2 or § 16.1-340 or 16.1-340.1 relating to orders for temporary detention or emergency custody for mental health evaluation or (iv) during any emergency resulting from the existence of a state of war, internal disorder, or fire, flood, epidemic or other public disaster, the police officers and other officers, agents and employees of any locality, the police officers of the Division of Capitol Police, and the police of any state-supported institution of higher learning appointed pursuant to subsection B of § 23.1-812 may, together with all necessary equipment, lawfully go or be sent beyond the territorial limits of such locality, such agency, or such state-supported institution of higher learning to any point within or without the Commonwealth to assist in meeting such emergency or need, or while ~~en route~~ *en route* to a part of the jurisdiction which is only accessible by roads outside the jurisdiction. However, the police of any state-supported institution of higher learning may be sent only to a locality within the Commonwealth, or locality outside the Commonwealth, whose boundaries are contiguous with the locality in which such institution is located. No member of a police force of any state-supported institution of higher learning shall be sent beyond the territorial limits of the locality in which such institution is located unless such member has met the requirements established by the Department of Criminal Justice Services as provided in clause (i) of subdivision 2 of § 9.1-102.

In such event the acts performed for such purpose by such police officers or other officers, agents or employees and the expenditures made for such purpose by such locality, such agency, or a state-supported institution of higher learning shall be deemed conclusively to be for a public and governmental purpose, and all of the immunities from liability enjoyed by a locality, agency, or a state-supported institution of higher learning when acting through its police officers or other officers, agents or employees for a public or governmental purpose within its territorial limits shall be enjoyed by it to the same extent when such locality, agency, or a state-supported institution of higher learning within the Commonwealth is so acting, under this section or under other lawful authority, beyond its territorial limits.

The police officers and other officers, agents and employees of any locality, agency, or a state-supported institution of higher learning when acting hereunder or under other lawful authority beyond the territorial limits of such locality, agency, or such state-supported institution of higher learning shall have all of the immunities from liability and exemptions from laws, ordinances and regulations and shall have all of the pension, relief, disability, workers' compensation and other benefits enjoyed by them while performing their respective duties within the territorial limits of such locality, agency, or such state-supported institution of higher learning.

§ 17.1-275.13. Additional fee for offenses related to sex trafficking.

In addition to the fees provided for by §§ 17.1-275.1, 17.1-275.2, 17.1-275.7, 17.1-275.10, and 17.1-275.12, any person convicted of a misdemeanor violation of subsection B of § 18.2-346 or of § 18.2-348 or 18.2-349 shall be ordered to pay a \$100 fee, and any person convicted of a violation of clause (ii), (iii), or (iv) of § 18.2-48, or of § 18.2-368, or any felony violation of the laws pertaining to commercial sex trafficking or prostitution offenses pursuant to Article 3 (§ ~~18.2-344~~ *18.2-346* et seq.) of Chapter 8, with the exception of § 18.2-361, shall be ordered to pay a \$500 fee. All fees collected pursuant to this section shall be deposited into the Virginia Prevention of Sex Trafficking Fund to be used in accordance with § 9.1-116.4.

§ 18.2-67.5:2. Punishment upon conviction of certain subsequent felony sexual assault.

A. Any person convicted of (i) more than one offense specified in subsection B or (ii) one of the offenses specified in subsection B of this section and one of the offenses specified in subsection B of § 18.2-67.5:3 when such offenses were not part of a common act, transaction or scheme, and who has been at liberty as defined in § 53.1-151 between each conviction shall, upon conviction of the second or subsequent such offense, be sentenced to the maximum term authorized by statute for such offense, and shall not have all or any part of such sentence suspended, provided it is admitted, or found by the jury or judge before whom the person is tried, that he has been previously convicted of at least one of the specified offenses.

B. The provisions of subsection A shall apply to felony convictions for:

1. Carnal knowledge of a child between ~~thirteen~~ *13* and ~~fifteen~~ *15* years of age in violation of § 18.2-63 when the offense is committed by a person over the age of ~~eighteen~~ *18*;
2. Carnal knowledge of certain minors in violation of § 18.2-64.1;
3. Aggravated sexual battery in violation of § 18.2-67.3;
4. Crimes against nature in violation of subsection B of § 18.2-361;
5. ~~Adultery or fornication~~ *Sexual intercourse* with one's own child or grandchild in violation of § 18.2-366;
6. Taking indecent liberties with a child in violation of § 18.2-370 or § 18.2-370.1; or
7. Conspiracy to commit any offense listed in subdivisions 1 through 6 pursuant to § 18.2-22.

C. For purposes of this section, prior convictions shall include (i) adult convictions for felonies under the laws of any state or the United States that are substantially similar to those listed in subsection B and (ii) findings of not innocent, adjudications or convictions in the case of a juvenile if the juvenile offense is substantially similar to those listed in subsection B, the offense would be a felony if committed by an adult in the Commonwealth and the offense was committed less than ~~twenty~~ *20* years before the second offense.

The Commonwealth shall notify the defendant in writing, at least ~~thirty~~ *30* days prior to trial, of its intention to seek punishment pursuant to this section.

§ 18.2-67.9. Testimony by child victims and witnesses using two-way closed-circuit television.

A. The provisions of this section shall apply to an alleged victim who was 14 years of age or younger at the time of the alleged offense and is 16 years of age or younger at the time of the trial and to a witness who is 14 years of age or younger at the time of the trial.

In any criminal proceeding, including preliminary hearings, involving an alleged offense against a child, relating to a violation of the laws pertaining to kidnapping pursuant to Article 3 (§ 18.2-47 et seq.) of Chapter 4, criminal sexual assault pursuant to Article 7 (§ 18.2-61 et seq.) of Chapter 4, commercial sex trafficking or prostitution offenses pursuant to Article 3 (§ ~~18.2-344~~ 18.2-346 et seq.) of Chapter 8, or family offenses pursuant to Article 4 (§ 18.2-362 et seq.) of Chapter 8, or involving an alleged murder of a person of any age, the attorney for the Commonwealth or the defendant may apply for an order from the court that the testimony of the alleged victim or a child witness be taken in a room outside the courtroom and be televised by two-way closed-circuit television. The party seeking such order shall apply for the order at least seven days before the trial date or at least seven days before such other preliminary proceeding to which the order is to apply.

B. The court may order that the testimony of the child be taken by closed-circuit television as provided in subsection A if it finds that the child is unavailable to testify in open court in the presence of the defendant, the jury, the judge, and the public, for any of the following reasons:

1. The child's persistent refusal to testify despite judicial requests to do so;
2. The child's substantial inability to communicate about the offense; or
3. The substantial likelihood, based upon expert opinion testimony, that the child will suffer severe emotional trauma from so testifying.

Any ruling on the child's unavailability under this subsection shall be supported by the court with findings on the record or with written findings in a court not of record.

C. In any proceeding in which closed-circuit television is used to receive testimony, the attorney for the Commonwealth and the defendant's attorney shall be present in the room with the child, and the child shall be subject to direct and cross-examination. The only other persons allowed to be present in the room with the child during his testimony shall be those persons necessary to operate the closed-circuit equipment and any other person whose presence is determined by the court to be necessary to the welfare and well-being of the child.

D. The child's testimony shall be transmitted by closed-circuit television into the courtroom for the defendant, jury, judge, and public to view. The defendant shall be provided with a means of private, contemporaneous communication with his attorney during the testimony.

E. Notwithstanding any other provision of law, none of the cost of the two-way closed-circuit television shall be assessed against the defendant.

§ 18.2-346. Prostitution; commercial sexual conduct; commercial exploitation of a minor; penalties.

A. Any person who, for money or its equivalent, (i) commits ~~adultery, fornication,~~ or any act in violation of § 18.2-361, performs cunnilingus, fellatio, or anilingus upon or by another person, or engages in *sexual intercourse* or anal intercourse or (ii) offers to commit ~~adultery, fornication,~~ or any act in violation of § 18.2-361, perform cunnilingus, fellatio, or anilingus upon or by another person, or engage in *sexual intercourse* or anal intercourse and thereafter does any substantial act in furtherance thereof is guilty of prostitution, which is punishable as a Class 1 misdemeanor.

B. Any person who offers money or its equivalent to another for the purpose of engaging in sexual acts as enumerated in subsection A and thereafter does any substantial act in furtherance thereof is guilty of solicitation of prostitution, which is punishable as a Class 1 misdemeanor. However, any person who solicits prostitution from a minor (i) 16 years of age or older is guilty of a Class 6 felony or (ii) younger than 16 years of age is guilty of a Class 5 felony.

§ 18.2-366. Sexual intercourse by persons forbidden to marry; incest.

A. Any person who ~~commits adultery or fornication~~ engages in *sexual intercourse* with any person whom he or she is forbidden by law to marry ~~shall be is~~ guilty of a Class 1 misdemeanor except as provided by subsection B.

B. Any person who ~~commits adultery or fornication~~ engages in *sexual intercourse* with his daughter or granddaughter, or with her son or grandson, or her father or his mother, ~~shall be is~~ guilty of a Class 5 felony. However, if a parent or grandparent ~~commits adultery or fornication~~ engages in *sexual intercourse* with his or her child or grandchild, and such child or grandchild is at least ~~thirteen~~ 13 years of age but less than ~~eighteen~~ 18 years of age at the time of the offense, such parent or grandparent ~~shall be is~~ guilty of a Class 3 felony.

C. For the purposes of this section, parent includes step-parent, grandparent includes step-grandparent, child includes a step-child, and grandchild includes a step-grandchild.

2. That § 18.2-344 of the Code of Virginia is repealed.

CHAPTER 123

An Act to amend and reenact § 9.1-102 of the Code of Virginia and to amend the Code of Virginia by adding in Article 1 of Chapter 17 of Title 15.2 a section numbered 15.2-1723.1, relating to local law-enforcement agencies; body-worn camera systems.

[H 246]

Approved March 4, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 9.1-102 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Article 1 of Chapter 17 of Title 15.2 a section numbered 15.2-1723.1 as follows:

§ 9.1-102. Powers and duties of the Board and the Department.

The Department, under the direction of the Board, which shall be the policy-making body for carrying out the duties and powers hereunder, shall have the power and duty to:

1. Adopt regulations, pursuant to the Administrative Process Act (§ 2.2-4000 et seq.), for the administration of this chapter including the authority to require the submission of reports and information by law-enforcement officers within the Commonwealth. Any proposed regulations concerning the privacy, confidentiality, and security of criminal justice information shall be submitted for review and comment to any board, commission, or committee or other body which may be established by the General Assembly to regulate the privacy, confidentiality, and security of information collected and maintained by the Commonwealth or any political subdivision thereof;

2. Establish compulsory minimum training standards subsequent to employment as a law-enforcement officer in (i) permanent positions, and (ii) temporary or probationary status, and establish the time required for completion of such training;

3. Establish minimum training standards and qualifications for certification and recertification for law-enforcement officers serving as field training officers;

4. Establish compulsory minimum curriculum requirements for in-service and advanced courses and programs for schools, whether located in or outside the Commonwealth, which are operated for the specific purpose of training law-enforcement officers;

5. Establish (i) compulsory minimum training standards for law-enforcement officers who utilize radar or an electrical or microcomputer device to measure the speed of motor vehicles as provided in § 46.2-882 and establish the time required for completion of the training and (ii) compulsory minimum qualifications for certification and recertification of instructors who provide such training;

6. [Repealed];

7. Establish compulsory minimum entry-level, in-service and advanced training standards for those persons designated to provide courthouse and courtroom security pursuant to the provisions of § 53.1-120, and to establish the time required for completion of such training;

8. Establish compulsory minimum entry-level, in-service and advanced training standards for deputy sheriffs designated to serve process pursuant to the provisions of § 8.01-293, and establish the time required for the completion of such training;

9. Establish compulsory minimum entry-level, in-service, and advanced training standards, as well as the time required for completion of such training, for persons employed as deputy sheriffs and jail officers by local criminal justice agencies and correctional officers employed by the Department of Corrections under the provisions of Title 53.1;

10. Establish compulsory minimum training standards for all dispatchers employed by or in any local or state government agency, whose duties include the dispatching of law-enforcement personnel. Such training standards shall apply only to dispatchers hired on or after July 1, 1988;

11. Establish compulsory minimum training standards for all auxiliary police officers employed by or in any local or state government agency. Such training shall be graduated and based on the type of duties to be performed by the auxiliary police officers. Such training standards shall not apply to auxiliary police officers exempt pursuant to § 15.2-1731;

12. Consult and cooperate with counties, municipalities, agencies of the Commonwealth, other state and federal governmental agencies, and institutions of higher education within or outside the Commonwealth, concerning the development of police training schools and programs or courses of instruction;

13. Approve institutions, curricula and facilities, whether located in or outside the Commonwealth, for school operation for the specific purpose of training law-enforcement officers; but this shall not prevent the holding of any such school whether approved or not;

14. Establish and maintain police training programs through such agencies and institutions as the Board deems appropriate;

15. Establish compulsory minimum qualifications of certification and recertification for instructors in criminal justice training schools approved by the Department;

16. Conduct and stimulate research by public and private agencies which shall be designed to improve police administration and law enforcement;

17. Make recommendations concerning any matter within its purview pursuant to this chapter;

18. Coordinate its activities with those of any interstate system for the exchange of criminal history record information, nominate one or more of its members to serve upon the council or committee of any such system, and participate when and as deemed appropriate in any such system's activities and programs;

19. Conduct inquiries and investigations it deems appropriate to carry out its functions under this chapter and, in conducting such inquiries and investigations, may require any criminal justice agency to submit information, reports, and statistical data with respect to its policy and operation of information systems or with respect to its collection, storage, dissemination, and usage of criminal history record information and correctional status information, and such criminal justice agencies shall submit such information, reports, and data as are reasonably required;

20. Conduct audits as required by § 9.1-131;
21. Conduct a continuing study and review of questions of individual privacy and confidentiality of criminal history record information and correctional status information;
22. Advise criminal justice agencies and initiate educational programs for such agencies with respect to matters of privacy, confidentiality, and security as they pertain to criminal history record information and correctional status information;
23. Maintain a liaison with any board, commission, committee, or other body which may be established by law, executive order, or resolution to regulate the privacy and security of information collected by the Commonwealth or any political subdivision thereof;
24. Adopt regulations establishing guidelines and standards for the collection, storage, and dissemination of criminal history record information and correctional status information, and the privacy, confidentiality, and security thereof necessary to implement state and federal statutes, regulations, and court orders;
25. Operate a statewide criminal justice research center, which shall maintain an integrated criminal justice information system, produce reports, provide technical assistance to state and local criminal justice data system users, and provide analysis and interpretation of criminal justice statistical information;
26. Develop a comprehensive, statewide, long-range plan for strengthening and improving law enforcement and the administration of criminal justice throughout the Commonwealth, and periodically update that plan;
27. Cooperate with, and advise and assist, all agencies, departments, boards and institutions of the Commonwealth, and units of general local government, or combinations thereof, including planning district commissions, in planning, developing, and administering programs, projects, comprehensive plans, and other activities for improving law enforcement and the administration of criminal justice throughout the Commonwealth, including allocating and subgranting funds for these purposes;
28. Define, develop, organize, encourage, conduct, coordinate, and administer programs, projects and activities for the Commonwealth and units of general local government, or combinations thereof, in the Commonwealth, designed to strengthen and improve law enforcement and the administration of criminal justice at every level throughout the Commonwealth;
29. Review and evaluate programs, projects, and activities, and recommend, where necessary, revisions or alterations to such programs, projects, and activities for the purpose of improving law enforcement and the administration of criminal justice;
30. Coordinate the activities and projects of the state departments, agencies, and boards of the Commonwealth and of the units of general local government, or combination thereof, including planning district commissions, relating to the preparation, adoption, administration, and implementation of comprehensive plans to strengthen and improve law enforcement and the administration of criminal justice;
31. Do all things necessary on behalf of the Commonwealth and its units of general local government, to determine and secure benefits available under the Omnibus Crime Control and Safe Streets Act of 1968 (P.L. 90-351, 82 Stat. 197), as amended, and under any other federal acts and programs for strengthening and improving law enforcement, the administration of criminal justice, and delinquency prevention and control;
32. Receive, administer, and expend all funds and other assistance available to the Board and the Department for carrying out the purposes of this chapter and the Omnibus Crime Control and Safe Streets Act of 1968, as amended;
33. Apply for and accept grants from the United States government or any other source in carrying out the purposes of this chapter and accept any and all donations both real and personal, and grants of money from any governmental unit or public agency, or from any institution, person, firm or corporation, and may receive, utilize and dispose of the same. Any arrangements pursuant to this section shall be detailed in the annual report of the Board. Such report shall include the identity of the donor, the nature of the transaction, and the conditions, if any. Any moneys received pursuant to this section shall be deposited in the state treasury to the account of the Department. To these ends, the Board shall have the power to comply with conditions and execute such agreements as may be necessary;
34. Make and enter into all contracts and agreements necessary or incidental to the performance of its duties and execution of its powers under this chapter, including but not limited to, contracts with the United States, units of general local government or combinations thereof, in Virginia or other states, and with agencies and departments of the Commonwealth;
35. Adopt and administer reasonable regulations for the planning and implementation of programs and activities and for the allocation, expenditure and subgranting of funds available to the Commonwealth and to units of general local government, and for carrying out the purposes of this chapter and the powers and duties set forth herein;
36. Certify and decertify law-enforcement officers in accordance with §§ 15.2-1706 and 15.2-1707;
37. Establish training standards and publish and periodically update model policies for law-enforcement personnel in the following subjects:
 - a. The handling of family abuse, domestic violence, sexual assault, and stalking cases, including standards for determining the predominant physical aggressor in accordance with § 19.2-81.3. The Department shall provide technical support and assistance to law-enforcement agencies in carrying out the requirements set forth in subsection A of § 9.1-1301;
 - b. Communication with and facilitation of the safe return of individuals diagnosed with Alzheimer's disease;
 - c. Sensitivity to and awareness of cultural diversity and the potential for biased policing;

- d. Protocols for local and regional sexual assault response teams;
 - e. Communication of death notifications;
 - f. The questioning of individuals suspected of driving while intoxicated concerning the physical location of such individual's last consumption of an alcoholic beverage and the communication of such information to the Virginia Alcoholic Beverage Control Authority;
 - g. Vehicle patrol duties that embody current best practices for pursuits and for responding to emergency calls;
 - h. Criminal investigations that embody current best practices for conducting photographic and live lineups;
 - i. Sensitivity to and awareness of human trafficking offenses and the identification of victims of human trafficking offenses for personnel involved in criminal investigations or assigned to vehicle or street patrol duties; and
 - j. Missing children, missing adults, and search and rescue protocol;
38. Establish compulsory training standards for basic training and the recertification of law-enforcement officers to ensure sensitivity to and awareness of cultural diversity and the potential for biased policing;
39. Review and evaluate community-policing programs in the Commonwealth, and recommend where necessary statewide operating procedures, guidelines, and standards which strengthen and improve such programs, including sensitivity to and awareness of cultural diversity and the potential for biased policing;
40. Establish a Virginia Law-Enforcement Accreditation Center. The Center may, in cooperation with Virginia law-enforcement agencies, provide technical assistance and administrative support, including staffing, for the establishment of voluntary state law-enforcement accreditation standards. The Center may provide accreditation assistance and training, resource material, and research into methods and procedures that will assist the Virginia law-enforcement community efforts to obtain Virginia accreditation status;
41. Promote community policing philosophy and practice throughout the Commonwealth by providing community policing training and technical assistance statewide to all law-enforcement agencies, community groups, public and private organizations and citizens; developing and distributing innovative policing curricula and training tools on general community policing philosophy and practice and contemporary critical issues facing Virginia communities; serving as a consultant to Virginia organizations with specific community policing needs; facilitating continued development and implementation of community policing programs statewide through discussion forums for community policing leaders, development of law-enforcement instructors; promoting a statewide community policing initiative; and serving as a statewide information source on the subject of community policing including, but not limited to periodic newsletters, a website and an accessible lending library;
42. Establish, in consultation with the Department of Education and the Virginia State Crime Commission, compulsory minimum standards for employment and job-entry and in-service training curricula and certification requirements for school security officers, including school security officers described in clause (b) of § 22.1-280.2:1, which training and certification shall be administered by the Virginia Center for School and Campus Safety (VCSCS) pursuant to § 9.1-184. Such training standards shall include, but shall not be limited to, the role and responsibility of school security officers, relevant state and federal laws, school and personal liability issues, security awareness in the school environment, mediation and conflict resolution, disaster and emergency response, and student behavioral dynamics. The Department shall establish an advisory committee consisting of local school board representatives, principals, superintendents, and school security personnel to assist in the development of the standards and certification requirements in this subdivision. The Department shall require any school security officer who carries a firearm in the performance of his duties to provide proof that he has completed a training course provided by a federal, state, or local law-enforcement agency that includes training in active shooter emergency response, emergency evacuation procedure, and threat assessment;
43. License and regulate property bail bondsmen and surety bail bondsmen in accordance with Article 11 (§ 9.1-185 et seq.);
44. License and regulate bail enforcement agents in accordance with Article 12 (§ 9.1-186 et seq.);
45. In conjunction with the Virginia State Police and the State Compensation Board, advise criminal justice agencies regarding the investigation, registration, and dissemination of information requirements as they pertain to the Sex Offender and Crimes Against Minors Registry Act (§ 9.1-900 et seq.);
46. Establish minimum standards for (i) employment, (ii) job-entry and in-service training curricula, and (iii) certification requirements for campus security officers. Such training standards shall include, but not be limited to, the role and responsibility of campus security officers, relevant state and federal laws, school and personal liability issues, security awareness in the campus environment, and disaster and emergency response. The Department shall provide technical support and assistance to campus police departments and campus security departments on the establishment and implementation of policies and procedures, including but not limited to: the management of such departments, investigatory procedures, judicial referrals, the establishment and management of databases for campus safety and security information sharing, and development of uniform record keeping for disciplinary records and statistics, such as campus crime logs, judicial referrals and Clery Act statistics. The Department shall establish an advisory committee consisting of college administrators, college police chiefs, college security department chiefs, and local law-enforcement officials to assist in the development of the standards and certification requirements and training pursuant to this subdivision;
47. Assess and report, in accordance with § 9.1-190, the crisis intervention team programs established pursuant to § 9.1-187;

48. In conjunction with the Office of the Attorney General, advise law-enforcement agencies and attorneys for the Commonwealth regarding the identification, investigation, and prosecution of human trafficking offenses using the common law and existing criminal statutes in the Code of Virginia;

49. Register tow truck drivers in accordance with § 46.2-116 and carry out the provisions of § 46.2-117;

50. Administer the activities of the Virginia Sexual and Domestic Violence Program Professional Standards Committee by providing technical assistance and administrative support, including staffing, for the Committee;

51. In accordance with § 9.1-102.1, design and approve the issuance of photo-identification cards to private security services registrants registered pursuant to Article 4 (§ 9.1-138 et seq.);

52. In consultation with the State Council of Higher Education for Virginia and the Virginia Association of Campus Law Enforcement Administrators, develop multidisciplinary curricula on trauma-informed sexual assault investigation;

53. In consultation with the Department of Behavioral Health and Developmental Services, develop a model addiction recovery program that may be administered by sheriffs, deputy sheriffs, jail officers, administrators, or superintendents in any local or regional jail. Such program shall be based on any existing addiction recovery programs that are being administered by any local or regional jails in the Commonwealth. Participation in the model addiction recovery program shall be voluntary, and such program may address aspects of the recovery process, including medical and clinical recovery, peer-to-peer support, availability of mental health resources, family dynamics, and aftercare aspects of the recovery process;

54. Establish compulsory minimum training standards for certification and recertification of law-enforcement officers serving as school resource officers. Such training shall be specific to the role and responsibility of a law-enforcement officer working with students in a school environment; ~~and~~

55. *Establish a model policy for the operation of body-worn camera systems as defined in § 15.2-1723.1 that also addresses the storage and maintenance of body-worn camera system records; and*

56. Perform such other acts as may be necessary or convenient for the effective performance of its duties.

§ 15.2-1723.1. Body-worn camera system.

A. *For purposes of this section, "body-worn camera system" means an electronic system for creating, generating, sending, receiving, storing, displaying, and processing audiovisual recordings, including cameras or other devices capable of creating such recordings, that may be worn about the person.*

B. *No law-enforcement agency having jurisdiction over criminal law enforcement or regulatory violations shall purchase or deploy a body-worn camera system unless such agency has adopted and established a written policy for the operation of a body-worn camera system. Such policy shall follow identified best practices and be consistent with Virginia law and regulations, using as guidance the model policy established by the Department of Criminal Justice Services. Prior to the adoption of a written policy for the operation of a body-worn camera system, the agency shall make the policy available for public comment and review.*

CHAPTER 124

An Act to amend and reenact § 52-8.5 of the Code of Virginia, relating to Virginia State Police; reporting hate crimes.

[H 276]

Approved March 4, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 52-8.5 of the Code of Virginia is amended and reenacted as follows:

§ 52-8.5. Reporting hate crimes.

A. The Superintendent shall establish and maintain within the Department of State Police a central repository for the collection and analysis of information regarding hate crimes and groups and individuals carrying out such acts.

B. State, county, and municipal law-enforcement agencies shall report to the Department all hate crimes occurring in their jurisdictions in a form, time, and manner prescribed by the Superintendent. Such reports shall not be open to public inspection except insofar as the Superintendent shall permit.

C. ~~For purposes of this section, "hate crime" As used in this section:~~

"Disability" means a physical or mental impairment that substantially limits one or more of a person's major life activities.

"Hate crime" means (i) a criminal act committed against a person or his property with the specific intent of instilling fear or intimidation in the individual against whom the act is perpetrated because of race, religion, gender, disability, gender identity, sexual orientation, or ethnic or national origin or that is perpetrated for the purpose of restraining that person from exercising his rights under the Constitution or laws of this the Commonwealth or of the United States; (ii) any illegal act directed against any persons or their property because of those persons' race, religion, gender, disability, gender identity, sexual orientation, or ethnic or national origin; and (iii) all other incidents, as determined by law-enforcement authorities, intended to intimidate or harass any individual or group because of race, religion, gender, disability, gender identity, sexual orientation, or ethnic or national origin.

CHAPTER 125

An Act to amend and reenact §§ 3.1, 3.4, 3.5, 3.9, 5.1, 5.4, 5.6, 5.8, 5.9, 5.10, and 5.11 of Chapter 243 of the Acts of Assembly of 1998, which provided a charter for the Town of Scottsville in the County of Albemarle, and to amend Chapter 243 of the Acts of Assembly of 1998 by adding sections numbered 5.12 and 5.13, relating to town council and other town officers.

[H 345]

Approved March 4, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 3.1, 3.4, 3.5, 3.9, 5.1, 5.4, 5.6, 5.8, 5.9, 5.10, and 5.11 of Chapter 243 of the Acts of Assembly of 1998 are amended and reenacted and that Chapter 243 of the Acts of Assembly of 1998 is amended by adding sections numbered 5.12 and 5.13 as follows:

§ 3.1. Governing body.

There shall be a mayor who shall be an elector of said town, and who, together with the six members of the council, shall constitute the governing body of the town. He *or she* shall be elected by the qualified electors of said town at the general election to be held on the first Tuesday in May 1998, and every ~~two~~ four years thereafter, and shall enter upon the duties of his *or her* office on the first day of July next succeeding his *or her* election, and shall continue in office until his *or her* successor is elected and qualified.

There shall be six members of the council, all of whom shall be electors of said town, who, together with the mayor, shall constitute the governing body of said town, and they shall be elected *to serve staggered four-year terms* by the qualified electors of said town at the general election to be held on the first Tuesday in May 1998, and every two years thereafter. All members of the council shall enter upon the duties of that office on the first day of July next succeeding their election, and shall continue in office until their successors are elected and qualified.

However, in 2020, the mayor and the three town council candidates receiving the greatest number of votes shall be elected for terms of four years, and the three town council candidates receiving the next greatest number of votes shall be elected for terms of two years. Beginning in 2020 and every four years thereafter, three council members shall be elected at the time of the May general election, with terms to commence on July 1 following the election. Beginning in 2022 and every four years thereafter, the mayor and three council members shall be elected at the time of the May election, with terms to commence on July 1 following the election.

§ 3.4. Mayor chief executive.

The mayor shall be the chief executive officer of the town, and may receive a salary to be fixed by the council. He *or she* shall see that the ordinances and bylaws of the town are fully executed and enforced.

§ 3.5. Powers of mayor.

The mayor shall preside over the deliberations of the council, but shall have no vote except in case of a tie. The mayor shall have the power to appoint and swear in special policemen for any occasion when in his *or her* judgment it is expedient for the peace and good government of the territory under the criminal jurisdiction of said town, and at such compensation as may be fixed by the council. In case of a vacancy in the office of town sergeant, the mayor shall have power and authority to fill same by temporary appointment until the council shall meet and appoint a town sergeant, such temporary appointment by the mayor to be at such compensation as may be fixed by the council.

§ 3.9. Appointment of ~~council president~~ vice-mayor.

The council shall appoint one of its members ~~president~~ vice-mayor who shall, in the absence or inability of the mayor, preside over the meetings of the council. In the absence or the inability of the mayor, the ~~president of the council~~ vice-mayor shall have the powers of, and perform the duties of the mayor.

§ 5.1. Town sergeant; police officers.

The council shall appoint a town sergeant who shall be the chief police officer of the town, and who shall hold office at the pleasure of the council. ~~His with such salary as shall be fixed by the council. The council may appoint an additional police officer, or officers, for the town whenever deemed necessary or expedient who shall hold office at the pleasure of the council, and receive such compensation as the council shall fix. Any~~ The town sergeant; ~~or other police officer~~; may at any time be removed from office by a majority of votes of the council.

The town sergeant shall perform such other duties as the council may direct. He *or she* shall be vested with all the powers ~~which~~ that the general laws of the Commonwealth confer upon constables and police officers.

The council may require the town sergeant to execute before the mayor bond, with surety to be approved by him *or her* in the amount to be approved by the council, conditioned for the faithful performance of ~~his~~ the duties ~~as~~ of town sergeant.

§ 5.4. Duties of treasurer.

The treasurer shall receive all money belonging to the town, and shall perform such other duties as are, or may be, prescribed by the council. He *or she* shall keep his *or her* books and accounts in such manner as the council may prescribe, and such books and accounts shall always be subject to the inspection of the mayor and council.

§ 5.6. Deposit of town moneys.

The treasurer shall be required to keep all moneys in his *or her* hands belonging to the town in such place, or places, of deposit as the town council by ordinance may provide or direct.

§ 5.8. Report of treasurer.

The treasurer shall report to the town council, or a committee thereof, as often as required a full and detailed account of all receipts and expenditures during the month, and the state of the treasury. He *or she* shall also keep a record of all warrants, or orders, their dates, amount, number and the person to whom paid, specifying also the time of payment; and such warrants, or orders, shall be examined at the time of making such report to the council by the auditing committee thereof who shall examine and compare the same with the books of the treasurer and report discrepancies, if any, to the council.

§ 5.9. Town clerk.

The council shall appoint a town clerk, who shall hold office at the pleasure of the council, and who shall receive such compensation as may be fixed by the council and may hold other appointive office or not.

The town clerk shall have the custody of the corporate seal, and he *or she* shall keep all the papers that by the provisions, or the direction of the council, are required to be filed with, or kept by him *or her*; and he *or she* shall perform such other acts and duties as the council may require. He *or she* shall receive such compensation as may be allowed by the council.

§ 5.10. Appointment; duties of clerk of the council.

The council shall appoint a clerk, to be known as the clerk of the council, who may *either* be ~~either~~ a member of the council or hold other appointive office or not.

The clerk of the council shall attend the meetings of the council and keep the record of its proceedings and he *or she* shall perform such other acts and duties as the council may require. He *or she* shall receive such compensation as may be allowed by the council.

§ 5.11. Appointment of town attorney.

The council shall designate from time to time or annually in its discretion, a discreet and competent attorney at law, licensed to practice his *or her* profession in all the courts of the Commonwealth, and shall fix his *or her* compensation.

The town attorney shall advise the mayor and council and the town officers on any official matter presented to him *or her*, and shall prosecute the violation of all town ordinances, upon authorization from the council.

§ 5.12. Town administrator.

The council shall appoint a town administrator, who shall be the executive officer of the town and shall be responsible to the town council and mayor for the proper administration of the town government. It shall be the duties of the town administrator to:

(a) *Attend all meetings of the town council, with the right to speak when recognized but not to vote;*

(b) *Keep the mayor and town council advised of the financial condition, with advice from the town treasurer, and the future needs of the town and all matters pertaining to its proper administration, and make such recommendations as may seem desirable with the assistance of other Charter officers to the mayor and town council;*

(c) *With the mayor, prepare and submit, with the assistance of the town treasurer and other town officers, the annual budget of the town and be responsible for its administration after its adoption;*

(d) *Submit adequate reports as required by the town council and mayor; and*

(e) *Perform such other duties as may be prescribed by this Charter, or required in accordance therewith by the mayor and town council, or which may be required by the chief executive officer of a town by the general laws of the Commonwealth.*

All employees of the town, except those appointed by the town council pursuant to this Charter or the general laws of the Commonwealth, shall be appointed and may be removed by the town administrator, who shall report each appointment or removal to the mayor and town council immediately. The town council shall designate a person to act as town administrator in case of the absence, incapacity, death, or resignation of the town administrator, until his or her return to duty or appointment of a successor. Until such time as the town council appoints any such town administrator, the duties and powers outlined herein shall be given to the mayor or such other person as may be designated by the town council. The removal of such town administrator shall be by majority vote of the town council.

§ 5.13. Appointment of one person to more than one office.

The town council may appoint the same person to more than one appointive office, at the discretion of the town council, subject to limitations set forth in the Constitution of Virginia and Title 15.2 (§ 15.2-100 et seq.) of the Code of Virginia, as amended from time to time.

2. That an emergency exists and this act is in force from its passage.

CHAPTER 126

An Act to amend and reenact §§ 3.4, 3.7, 4.1, as amended, and 4.2 of Chapter 423 of the Acts of Assembly of 1983 and to amend Chapter 423 of the Acts of Assembly of 1983 by adding sections numbered 3.3:1, 4.1:1, 4.1:2, and 4.1:3, which provided a charter for the Town of Middleburg in Loudoun County, relating to powers of council and mayor, salaries, and appointed officers.

[H 441]

Approved March 4, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 3.4, 3.7, 4.1, as amended, and 4.2 of Chapter 423 of the Acts of Assembly of 1983 are amended and reenacted and that Chapter 423 of the Acts of Assembly of 1983 is amended by adding sections numbered 3.3:1, 4.1:1, 4.1:2, and 4.1:3 as follows:

§ 3.3:1. Powers and duties of the council.

The government of the Town of Middleburg shall be vested in the council, which shall have the power to enact and enforce ordinances to carry into effect all powers granted by this charter and by law. The council shall be responsible for the determination of all matters of policy for the Town of Middleburg and for ensuring the implementation thereof by the town administration.

§ 3.4. Mayor.

The mayor shall be the chief executive officer of the town. He shall have and exercise all the privileges and authority conferred by general law not inconsistent with this charter. He shall preside over the meetings of the town council and shall have the right to speak therein as a member of the council but shall not vote except in the case of a tie vote. He see that the duties of the various appointed officers are faithfully performed and shall execute such documents or instruments as the council, this charter, or the laws of the Commonwealth shall require. The mayor shall be the head of the town government for all ceremonial purposes and shall perform such other duties consistent with his the office as may be imposed by the town council. He The mayor shall see that preside over the duties meetings of the various town officers are faithfully performed and council but shall authenticate his signature on such documents or instruments as the council, this charter or the laws of the Commonwealth shall require not vote except in the case of a tie vote.

§ 3.7. Salaries.

The salaries of the mayor, councilmen, members of boards and commissions, and all appointed officers and employees of the town shall be authorized and fixed by the council at a sum not to exceed any limitations placed thereon by the laws of the Commonwealth of Virginia. Increases in the salaries of the mayor and members of the council shall not be effective until the first day of July following the next local election after the council approves such increase.

Chapter 4. ~~Appointive~~ Appointed Officers.

§ 4.1. ~~Appointments~~ Town manager.

The council may shall appoint: a town administrator, who a town manager, who shall be the chief administrative officer of the town and have the powers and perform the duties set forth in this charter, general law, and town ordinances, and shall be responsible to the council for the proper administration of all affairs of the town; for the control and supervision of all town departments, employees, and property; for the preparation and implementation of an annual budget, and for any other duties as prescribed by the council; a town attorney, who shall be an attorney-at-law licensed to practice in the Commonwealth of Virginia; a chief of police; a town clerk; a town treasurer, who may also be the town clerk; and any other officers that shall be deemed necessary and proper.

The town manager shall be chosen by the council solely on the basis of executive and administrative qualifications in the profession of public management. The town manager need not be a resident of the town or Commonwealth.

The town manager shall appoint and when necessary suspend, demote, and remove any of the officers and employees of the town except as otherwise provided in this charter or town ordinances. The town manager may authorize the head of a town office, department, or board to appoint subordinates in such office, department, or board. With regard to any of the officers subject to the town manager's appointment power, the town manager may appoint an acting officer in the case of the absence, incapacity, death, or resignation of the permanent officer.

The action of the council in suspending or removing the town manager shall be final, it being the intention of this charter to vest all authority and fix all responsibility for any such suspension or removal in the council.

§ 4.1:1. Acting town manager.

The town manager may designate an individual who shall serve as the acting town manager in the event of the absence, incapacity, death, or resignation of the town manager, until the town manager's return to duty or the appointment by the council of a successor.

§ 4.1:2. Town clerk.

Unless otherwise provided by town ordinance, the town manager shall appoint a town clerk who shall be clerk of the council and who shall serve at and during the pleasure of the town manager. The clerk of the council shall attend all meetings of the council and shall keep the journal of its proceedings and shall record all ordinances and resolutions in a book or books kept for that purpose. The clerk shall be custodian of the corporate seal of the town and shall be the officer authorized to use and authenticate it. The clerk shall perform such other duties and keep such other records as the town manager or the general laws of the Commonwealth require of town clerks.

§ 4.1:3. Town attorney.

The council shall appoint a town attorney, who shall be an attorney-at-law licensed to practice in the Commonwealth of Virginia. The town attorney may designate an individual who shall serve as the acting town attorney in the event of the absence, incapacity, death, or resignation of the town attorney, until the town attorney's return to duty or the appointment by the council of a successor.

§ 4.2. Term of office.

~~Appointees under this chapter~~ *The council's appointed officers shall serve for an indefinite term at the pleasure of the council.*

CHAPTER 127

An Act to amend Chapter 147 of the Acts of Assembly of 1962, which provided a charter for the City of Virginia Beach, by adding a section numbered 3.02:3, relating to resignation of council members to run for new seat.

[H 464]

Approved March 4, 2020

Be it enacted by the General Assembly of Virginia:**1. That Chapter 147 of the Acts of Assembly of 1962 is amended by adding a section numbered 3.02:3 as follows:**

§ 3.02:3. *Council member resignation to run for new seat.*

A. In the event that any council member from one of the residence districts shall decide during his term of office to be a candidate for an at-large seat, the council member shall tender his resignation as a council member not less than 10 days prior to the date for the filing of petitions as required by general law. Such resignation shall be effective on December 31, shall constitute the council member's intention to run for the at-large seat, shall require no formal acceptance by the remaining council members, and shall be final and irrevocable when tendered. The unexpired portion of the term of any council member who has resigned to run for an at-large seat shall be filled at the same general election, or by special election if the at-large seat is to be filled by special election.

B. In the event that any council member from one of the at-large seats shall decide during his term of office to be a candidate for a residence district seat, the council member shall tender his resignation as a council member not less than 10 days prior to the date for the filing of petitions as required by general law. Such resignation shall be effective on December 31, shall constitute the council member's intention to run for the residence district seat, shall require no formal acceptance by the remaining council members, and shall be final and irrevocable when tendered. The unexpired portion of the term of any council member who has resigned to run for a residence district seat shall be filled at the same general election, or by special election if the residence district seat is to be filled by special election.

CHAPTER 128

An Act to amend and reenact § 3.15, as amended, of Chapter 619 of the Acts of Assembly of 1975, which provided a charter for the Town of Blacksburg in Montgomery County, relating to ordinances; public hearings.

[H 629]

Approved March 4, 2020

Be it enacted by the General Assembly of Virginia:**1. That § 3.15, as amended, of Chapter 619 of the Acts of Assembly of 1975 is amended and reenacted as follows:**

§ 3.15. Ordinances.

(a) Action requiring an ordinance. In addition to other acts required by law or by specific provision of this charter to be done by ordinance, those acts of the town council shall be by ordinance which:

(1) Adopt or amend an administrative code or establish, alter or abolish any town department, office or agency;

(2) Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed;

(3) Levy taxes, except as otherwise provided in Article VI with respect to the property tax levied by adoption of the budget;

(4) Grant, renew or extend a franchise;

(5) Regulate the rate charged for its services by the town; provided, however, that the council may by resolution authorize the rates or fees charged by the Department of Parks and Recreation for use of its facilities or participation in its programs and authorize the rates and fees charged by other departments of the town for sale of maps, reports or other publications or making of copies of printed or recorded matter;

(6) Authorize the borrowing of money;

(7) Convey or lease or authorize the conveyance or lease of any lands of the town.

Acts other than those referred to in the preceding sentence may be done either by ordinance or by resolution if not in conflict with law.

(b) Form. Every proposed ordinance shall be introduced in writing and in the form required for adoption. No ordinance shall contain more than one subject which shall be clearly expressed in its title. The enacting clause shall be "Be it ordained by the Council of the Town of Blacksburg"

(c) Procedure. An ordinance may be introduced by any member at any regular or special meeting of the council. Upon introduction of any ordinance, the town clerk shall distribute a copy to each council member and to the manager, shall file a reasonable number of copies in the office of the town clerk and such other public places as the council may designate, and shall publish the ordinance together with a notice setting out the time and place for a public hearing thereon and for its consideration by the council. The public hearing shall follow the publication by at least five days, may be held separately or in connection with a regular or special council meeting and may be adjourned from time to time; all persons interested shall have an opportunity to be heard. *If the council plans to conduct the public hearing but to delay action on the ordinance, the*

date for the delayed vote shall be stated on the agenda. After the hearing the council may adopt the ordinance with or without amendment or reject it but, if it is amended so as to materially change the purpose and character of the proposed ordinance, the council may not adopt it until the ordinance or its amended sections have been subjected to all the procedures hereinbefore required for a newly introduced ordinance. After conducting and closing the public hearing, the council may vote to delay action until its next regular meeting.

To pass an ordinance, the council shall vote on the proposed ordinance two times. If at any stage in this procedure the proposed ordinance fails to receive the affirmative vote of a majority of the members of the council, the ordinance shall be declared defeated and removed from the calendar of ordinances. ~~An ordinance may only be passed at the same meeting at which the public hearing is held unless the agenda for such meeting indicates that the ordinance will not be acted on at the meeting.~~

(d) Effective date. Except as otherwise provided in this charter, every adopted ordinance shall become effective from its passage or at any later date specified therein.

(e) "Publish" defined. As used in this section, the term "publish" means to print in one or more newspapers of general circulation in the town: (1) the ordinance or a brief summary thereof, and (2) the places where copies of it have been filed and the times when they are available for public inspection.

(f) Penalties. The town council may prescribe either civil or criminal penalties for violations of ordinances. Any civil penalty shall be paid into the general fund of the town. No civil penalty prescribed for an ordinance violation shall be inconsistent with the penalty established for a violation of a substantially similar state law. No such civil penalty shall exceed \$1,000 for any individual violation.

CHAPTER 129

An Act to amend and reenact § 18.2-270.1 of the Code of Virginia, relating to circumvention of ignition interlock systems; venue.

[H 663]

Approved March 4, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-270.1 of the Code of Virginia is amended and reenacted as follows:

§ 18.2-270.1. Ignition interlock systems; penalty.

A. For purposes of this section and § 18.2-270.2:

"Commission" means the Commission on VASAP.

"Department" means the Department of Motor Vehicles.

"Ignition interlock system" means a device that (i) connects a motor vehicle ignition system to an analyzer that measures a driver's blood alcohol content; (ii) prevents a motor vehicle ignition from starting if a driver's blood alcohol content exceeds 0.02 percent; and (iii) is equipped with the ability to perform a rolling retest and to electronically log the blood alcohol content during ignition, attempted ignition and rolling retest.

"Rolling retest" means a test of the vehicle operator's blood alcohol content required at random intervals during operation of the vehicle, which triggers the sounding of the horn and flashing of lights if (i) the test indicates that the operator has a blood alcohol content which exceeds 0.02 percent or (ii) the operator fails to take the test.

B. In addition to any penalty provided by law for a conviction under § 18.2-51.4 or 18.2-266 or a substantially similar ordinance of any county, city or town, any court of proper jurisdiction shall, as a condition of a restricted license, prohibit an offender from operating a motor vehicle that is not equipped with a functioning, certified ignition interlock system for any period of time not to exceed the period of license suspension and restriction, not less than six consecutive months without alcohol-related violations of the interlock requirements. The court shall, for a conviction under § 18.2-51.4, a second or subsequent offense of § 18.2-266 or a substantially similar ordinance of any county, city or town, or as a condition of license restoration pursuant to subsection C of § 18.2-271.1 or § 46.2-391, require that such a system be installed on each motor vehicle, as defined in § 46.2-100, owned by or registered to the offender, in whole or in part, for such period of time. Such condition shall be in addition to any purposes for which a restricted license may be issued pursuant to § 18.2-271.1. The court may order the installation of an ignition interlock system to commence immediately upon conviction. A fee of \$20 to cover court and administrative costs related to the ignition interlock system shall be paid by any such offender to the clerk of the court. The court shall require the offender to install an electronic log device with the ignition interlock system on a vehicle designated by the court to measure the blood alcohol content at each attempted ignition and random rolling retest during operation of the vehicle. The offender shall be enrolled in and supervised by an alcohol safety action program pursuant to § 18.2-271.1 and to conditions established by regulation under § 18.2-270.2 by the Commission during the period for which the court has ordered installation of the ignition interlock system. The offender shall be further required to provide to such program, at least quarterly during the period of court ordered ignition interlock installation, a printout from such electronic log indicating the offender's blood alcohol content during such ignitions, attempted ignitions, and rolling retests, and showing attempts to circumvent or tamper with the equipment. The period of time during which the offender (i) is prohibited from operating a motor vehicle that is not equipped with an ignition interlock system or (ii) is required to have an ignition interlock system installed on each motor vehicle owned by or registered to the offender, in whole or in part,

shall be calculated from the date the offender is issued a restricted license by the court; however, such period of time shall be tolled upon the expiration of the restricted license issued by the court until such time as the person is issued a restricted license by the Department.

C. In any case in which the court requires the installation of an ignition interlock system, the court shall order the offender not to operate any motor vehicle that is not equipped with such a system for the period of time that the interlock restriction is in effect. The clerk of the court shall file with the Department of Motor Vehicles a copy of the order, which shall become a part of the offender's operator's license record maintained by the Department. The Department shall issue to the offender for the period during which the interlock restriction is imposed a restricted license which shall appropriately set forth the restrictions required by the court under this subsection and any other restrictions imposed upon the offender's driving privilege, and shall also set forth any exception granted by the court under subsection F.

D. The offender shall be ordered to provide the appropriate ASAP program, within 30 days of the effective date of the order of court, proof of the installation of the ignition interlock system. The Program shall require the offender to have the system monitored and calibrated for proper operation at least every 30 days by an entity approved by the Commission under the provisions of § 18.2-270.2 and to demonstrate proof thereof. The offender shall pay the cost of leasing or buying and monitoring and maintaining the ignition interlock system. Absent good cause shown, the court may revoke the offender's driving privilege for failing to (i) timely install such system or (ii) have the system properly monitored and calibrated.

E. No person shall start or attempt to start a motor vehicle equipped with an ignition interlock system for the purpose of providing an operable motor vehicle to a person who is prohibited under this section from operating a motor vehicle that is not equipped with an ignition interlock system. No person shall tamper with, or in any way attempt to circumvent the operation of, an ignition interlock system that has been installed in the motor vehicle of a person under this section. Except as authorized in subsection F, no person shall knowingly furnish a motor vehicle not equipped with a functioning ignition interlock system to any person prohibited under subsection B from operating any motor vehicle which is not equipped with such system. A violation of this subsection is punishable as a Class 1 misdemeanor. *The venue for the prosecution of a violation of this subsection shall be where the offense occurred or the jurisdiction in which the order entered pursuant to subsection B was entered.*

F. Any person prohibited from operating a motor vehicle under subsection B may, solely in the course of his employment, operate a motor vehicle that is owned or provided by his employer without installation of an ignition interlock system, if the court expressly permits such operation as a condition of a restricted license at the request of the employer; such person shall not be permitted to operate any other vehicle without a functioning ignition interlock system and, in no event, shall such person be permitted to operate a school bus, school vehicle, or a commercial motor vehicle as defined in § 46.2-341.4. This subsection shall not apply if such employer is an entity wholly or partially owned or controlled by the person otherwise prohibited from operating a vehicle without an ignition interlock system.

G. The Commission shall promulgate such regulations and forms as are necessary to implement the procedures outlined in this section.

CHAPTER 130

An Act to direct the Department of Housing and Community Development to convene stakeholders for the purpose of developing proposals for changes to the Uniform Statewide Building Code and the Statewide Fire Prevention Code to address active shooters or hostile threats.

[H 670]

Approved March 4, 2020

Be it enacted by the General Assembly of Virginia:

1. § 1. *That the Department of Housing and Community Development is directed to convene stakeholders representing entities that enforce the Uniform Statewide Building Code (USBC) (§ 36-97 et seq.) and the Statewide Fire Prevention Code (SFPC) (§ 27-94 et seq.), other law-enforcement organizations, and representatives of local governments throughout the Commonwealth of Virginia to develop proposals for changes to the USBC and SFPC for submission to the Board of Housing and Community Development. Such proposals shall have the goal of assisting in the provision of safety and security measures for the Commonwealth's public buildings for active shooter or hostile threats while maintaining compliance with basic accessibility requirements under the Americans with Disabilities Act (42 U.S.C. § 12131 et seq.). The review of the stakeholders shall include the examination of (i) door locking devices, (ii) barricade devices, and (iii) other safety measures on doors and windows for the purpose of preventing both ingress and egress in the event of a threat to the physical security of persons in such buildings.*

CHAPTER 131

An Act to amend and reenact § 15.2-965 of the Code of Virginia, relating to local human rights ordinances.

[H 696]

Approved March 4, 2020

Be it enacted by the General Assembly of Virginia:**1. That § 15.2-965 of the Code of Virginia is amended and reenacted as follows:****§ 15.2-965. Human rights ordinances and commissions.**

A. Any locality may enact an ordinance, not inconsistent with nor more stringent than any applicable state law, prohibiting discrimination in housing, employment, public accommodations, credit, and education on the basis of race, color, religion, sex, pregnancy, childbirth or related medical conditions, national origin, age, marital status, ~~or~~ disability, *sexual orientation, or gender identity*.

B. The locality may enact an ordinance establishing a local commission on human rights which shall have the powers and duties granted by the Virginia Human Rights Act (§ 2.2-3900 et seq.).

C. As used in this section:

"Gender identity" means the gender-related identity, appearance, or other gender-related characteristics of an individual, without regard to the individual's designated sex at birth.

"Sexual orientation" means a person's actual or perceived heterosexuality, bisexuality, or homosexuality.

CHAPTER 132

An Act to amend and reenact §§ 15.2-2226 and 15.2-2229 of the Code of Virginia, relating to comprehensive plan.

[H 726]

Approved March 4, 2020

Be it enacted by the General Assembly of Virginia:**1. That §§ 15.2-2226 and 15.2-2229 of the Code of Virginia are amended and reenacted as follows:****§ 15.2-2226. Adoption or disapproval of plan by governing body.**

After certification of the plan or part thereof, the governing body shall post the comprehensive plan or part thereof certified by the local planning commission on a website that is maintained by the governing body or on any other website on which the governing body generally posts information, and that is available to the public or that clearly describes how the public may access information regarding the plan or part thereof being considered for adoption. After a public hearing with notice as required by § 15.2-2204, the governing body shall proceed to a consideration of the plan or part thereof and shall approve and adopt, amend and adopt, or disapprove the plan. In acting on the plan or part thereof, or any amendments to the plan, the governing body shall act within ~~ninety~~ 90 days of the local planning commission's recommending resolution; *however, if a comprehensive plan amendment is initiated by the locality for more than 25 parcels, the governing body shall act within 150 days of the local planning commission's recommending resolution.* Any comprehensive plan or part thereof adopted by the governing body pursuant to this section shall be posted on a website that is maintained by the local governing body or on any other website on which the governing body generally posts information, and that is available to the public or that clearly describes how the public may access information regarding the plan or part thereof adopted by the local governing body. Inadvertent failure to post information on a website in accordance with this section shall not invalidate action taken by the governing body following notice and public hearing as required herein.

§ 15.2-2229. Amendments.

After the adoption of a comprehensive plan, all amendments to it shall be recommended, and approved and adopted, respectively, as required by § 15.2-2204. If the governing body desires an amendment, it may prepare such amendment and refer it to the local planning commission for public hearing or direct the local planning commission to prepare an amendment and submit it to public hearing within 60 days or such longer timeframe as may be specified after written request by the governing body. In acting on any amendments to the plan, the governing body shall act within 90 days of the local planning commission's recommending resolution; *however, if a comprehensive plan amendment is initiated by the locality for more than 25 parcels, the governing body shall act within 150 days of the local planning commission's recommending resolution.* If the local planning commission fails to make a recommendation on the amendment within the aforesaid timeframe, the governing body may conduct a public hearing, which shall be advertised as required by § 15.2-2204.

CHAPTER 133

An Act to amend and reenact § 15.2-1422 of the Code of Virginia, relating to presiding officer of board of supervisors.

[H 738]

Approved March 4, 2020

Be it enacted by the General Assembly of Virginia:**1. That § 15.2-1422 of the Code of Virginia is amended and reenacted as follows:****§ 15.2-1422. Electing a chairman and vice-chairman or a mayor and vice-mayor.**

Unless the ~~chairman or mayor~~ *presiding officer* is elected by popular vote, every governing body, at its first meeting after taking office, shall elect one of its number as presiding officer. Such officer shall be called "chairman," "chairwoman," "chair," "chairperson," or "chair-at-large," *in the presiding officer's discretion*, if a member of a board of supervisors and

"mayor" if a member of a city or town council. Such member, if present, shall preside at the first meeting and all other meetings during the term for which so elected. The governing body also shall elect a vice-chairman or vice-mayor, as the case may be, who shall preside at meetings in the absence of the chairman or mayor and may discharge any duty of the chairman or mayor during his absence or disability. Chairmen and vice-chairmen; *and* mayors and vice-mayors; may be so elected to serve for terms corresponding with their terms as supervisors or councilmen or may be elected for such other period as determined by the governing body. Whenever any board or council at the time of such election, fails to designate the specific term of office for which a chairman or vice-chairman; *or* a mayor or vice-mayor; is elected, it shall be presumed that such officers were elected for a term of one year and shall serve until their successors have been elected and qualify. Chairmen and vice-chairmen; *and* mayors and vice-mayors; may succeed themselves in office. In the case of the absence from any meeting of the chairman and vice-chairman; *or* mayor and vice-mayor, the members present shall choose one of their number as temporary presiding officer.

CHAPTER 134

An Act to amend and reenact §§ 2, 11, and 114, as amended, of Chapter 34 of the Acts of Assembly of 1918, which provided a charter for the City of Norfolk, relating to employees of officers; vagrants.

[H 749]

Approved March 4, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 2, 11, and 114, as amended, of Chapter 34 of the Acts of Assembly of 1918 are amended and reenacted as follows:

§ 2. Power of the city.

In addition to the powers mentioned in the preceding section, the said city shall have power:

(1) To raise annually by taxes and assessments in said city such sums of money as the council hereinafter provided for shall deem necessary for the purposes of said city, and in such manner as said council shall deem expedient, in accordance with the Constitution and the laws of this State and of the United States; provided, however, that it shall impose no tax on the bonds of this city.

(2) To impose special or local assessments for local improvements and enforce payment thereof, subject, however, to such limitations prescribed by the Constitution of Virginia as may be in force at the time of the imposition of such special or local assessments.

(3) To provide to the provisions of the Constitution of Virginia and of § 86, as amended, of this charter, to contract debts, borrow money and make and issue evidence of indebtedness.

(4) To expend the money of the city for all lawful purposes.

(5) To acquire by purchase, gift, devise, condemnation or otherwise, property, real or personal, or any estate or interest therein within or without the city or State and for any of the purposes of the city; and to hold, improve, sell, lease, mortgage, pledge or otherwise dispose of the same or any part thereof.

(6) To acquire, in any lawful manner, for the purpose of encouraging commerce and manufacture, lands within and without the city not exceeding at any one time 5,000 acres in the aggregate, and from time to time to sell or lease the same or any part thereof for industrial or commercial uses and purposes.

(7) To make and maintain public improvements of all kinds, including municipal and other public buildings, armories, markets and all buildings and structures necessary or appropriate for the use of the departments of fire and police; and to acquire by condemnation or otherwise all lands, riparian and other rights and easements necessary for such improvements, or any of them.

(8) To furnish all local public service; to purchase, hire, construct, own, maintain and operate, or lease local public utilities, to acquire by condemnation or otherwise, within or without the corporate limits, land and property necessary for any such purposes.

(9) To acquire, in any lawful manner, in any county of the State, or without the State, such water, lands and lands under water as the council of said city may deem necessary for the purpose of providing an adequate water supply for said city and of piping or conducting the same; to lay all necessary mains; to erect and maintain all necessary dams, pumping stations and other works in connection therewith; to make reasonable rules and regulations for promoting the purity of its said water supply and for protecting the same from pollution; and for this purpose to exercise full police powers and sanitary patrol over all lands comprised within the limits of the watershed tributary to any such water supply wherever such lands may be located in this State; to impose and enforce adequate penalties for the violation of any such rules and regulations; and to prevent by injunction any pollution or threatened pollution of such water supply and any and all acts likely to impair the purity thereof; and for the purpose of acquiring lands or material for any such use to exercise within the State all powers of eminent domain possessed by railroad corporations under the laws of this State; provided that the lands and lands under water which may be held in this State by said city for such purpose shall not exceed, in the aggregate, 30,000 acres at any one time. For any of the purposes aforesaid, said city may, if the council shall so determine, acquire by condemnation, purchase or otherwise, any estate or interest in such lands or any of them, or any right or easement therein, or may acquire such lands or any of them in fee, reserving to the owner or owners thereof such rights or easements therein as may be

prescribed in the ordinance providing for such condemnation or purchase. The said city may sell or supply to persons, firms or industries residing or located outside of the city limits any surplus of water it may have over and above the amount required to supply its own inhabitants.

(10) To establish, impose and enforce water rates and rates and charges for public utilities, or other service, products, or conveniences, operated, rendered or furnished by the city.

(10 1/2) To establish, in the manner hereinafter provided, adjacent to or near the lines of existing streets, on either or both sides thereof, building lines, and to provide that no new buildings shall thereafter be erected upon the property (hereinafter called the interlying property) lying between said building lines and the street lines. Said building lines may be established for the whole or any part of a street (but not for less than one block or the distance between two cross streets), as the council may determine. Before any such lines shall be established, the council shall cause to be published, for at least 10 days in some paper of general circulation in the city, a notice addressed generally, but without naming them, to the owners of the property on which building lines are proposed to be established, stating that it is proposed to establish building lines thereon and naming a day when a hearing will be had in respect thereof. After said hearing the council may proceed to establish such lines, and the ordinance establishing the same shall be recorded by the city clerk and indexed in the name of the street near which said building lines are to be established; and thereafter all persons shall be deemed to be affected with notice of the establishment of such lines, and no permits shall be granted for the construction of any building on the interlying property.

But the ordinance establishing said lines shall become null and void as against any owner of property objecting thereto, unless:

(a) When the interlying property shall be unoccupied by buildings, the city shall, within 60 days after the passage of the ordinance establishing said lines, purchase the same or institute condemnation proceedings for the acquisition thereof; or

(b) When the interlying property is occupied, in whole or in part, by buildings, the city shall, within 60 days after receipt of notice in writing that the said buildings have been removed from said interlying property (it being hereby made the duty of the said owner to give such notice), purchase said interlying property or institute condemnation proceedings for the acquisition thereof, and thereafter complete its acquisition of property in said proceedings.

The rights of the city shall not be prejudiced by any defect in the proceedings instituted under paragraph (a) and (b) hereof, resulting in their dismissal, if within 30 days after said dismissal new proceedings shall be instituted for the same purpose. Nothing herein contained shall be construed as limiting or abridging in any degree the power of eminent domain now possessed by the city under existing law.

(11) To establish, open, widen, extend, grade, improve, construct, maintain, light, sprinkle and clean, public highways, streets, alleys, boulevards and parkways, and to alter or close the same; to establish and maintain parks, playgrounds and other public grounds; to construct, maintain and operate bridges, viaducts, subways, tunnels, sewers and drains and to regulate the use of all such highways, parks, public grounds and works; to plant and maintain shade trees along the streets and upon such public grounds; to prevent the obstructing of such streets and highways, abolish and prevent grade crossings over the same by railroads; regulate the operation and speed of all cars and vehicles using the same, as well as the operation and speed of all engines, cars and trains on railroads within the city; to regulate the services to be rendered and rates to be charged by busses, motor cars, cabs and other vehicles for the carrying of passengers and by vehicles for the transfer of baggage; require all telephone and telegraph wires and all wires and cables carrying electricity to be placed in conduits under ground and prescribe rules and regulations for the construction and use of such conduits; and to do all other things whatsoever adapted to make said streets and highways safe, convenient and attractive.

(12) To construct and maintain, or aid in constructing and maintaining, public roads, boulevards, parkways and bridges beyond the limits of the city, in order to facilitate public travel to and from said city and its suburbs, and to and from said city and any property owned by said city and situated beyond the corporate limits thereof, and to acquire land necessary for such purpose by condemnation or otherwise.

(13) To establish, construct, maintain and operate public lands, public wharves and docks either within or without the city; to acquire by condemnation or otherwise all lands, riparian and other rights and easements necessary for the purposes aforesaid; to lay and collect reasonable duties or wharfage fees on vessels coming to or using said landings, wharves or docks; to regulate the manner of using other wharves and docks within the city and rates of wharfage to be paid by vessels using the same; to dredge or deepen the harbor or river or any branch or portion thereof; to prescribe and enforce reasonable rules and regulations for the protection and use of its said properties, whether within or without the city; and to impose and enforce adequate penalties for the violation of such rules and regulations.

(14) Subject to the provisions of the Constitution of Virginia and of §§ 100, 104 and 105 of this charter, both inclusive, to grant franchises for public utilities.

(15) To collect and dispose of sewage, offal, ashes, garbage, carcasses of dead animals and other refuse, and to acquire and operate reduction or other plants for the utilization or destruction of such materials, or any of them; or to contract for and regulate the collection and disposal thereof.

(16) To compel the abatement and removal of all nuisances within the city or upon property owned by the city beyond its limits at the expense of the person or persons causing the same, or of the owner or occupant of the ground or premises whereon the same may be; to require all lands, lots and other premises within said city to be kept clean, sanitary and free from weeds, or to make them so at the expense of the owners or occupants thereof; to regulate or prevent slaughter houses or other noisome or offensive business within said city, the keeping of animals, poultry or other fowl therein, or the exercise

of any dangerous or unwholesome business, trade or employment therein; to regulate the transportation of all articles through the streets of the city; to compel the abatement of smoke and dust, and prevent unnecessary noise therein; to regulate the location of stables and the manner in which they shall be kept and constructed, and generally to define, prohibit, abate, suppress and prevent all things detrimental to the health, morals, comfort, safety, convenience and welfare of the inhabitants of the city.

(17) To inspect, test, measure and weigh any commodity or article of consumption or use within the city and to establish, regulate, license and inspect weights, meters, measures and scales.

(18) To extinguish and prevent fires and to compel citizens to render assistance to the fire department in case of need, and to establish, regulate and control a fire department or division; to regulate the size, materials and construction of buildings, fences and other structures hereafter erected in such manner as the public safety and convenience may require; to remove, or require to be removed, any building, structure or addition thereto which by reason of dilapidation, defect of structure or other causes may have become dangerous to life or property, or which may be erected contrary to law; to establish and designate from time to time fire limits, within which limits wooden buildings shall not be constructed, removed, added to or enlarged, and to direct that any or all future buildings within such limits shall be constructed of stone, natural or artificial, concrete, brick, iron or other fireproof material; provided, however, that by a vote of four-fifths of all the members of the council permission may be granted for storage sheds constructed on pile piers or wharves on the waterfront, the sides and roofs of which shall be covered with corrugated iron or other fireproof material.

(19) To provide for the care, support and maintenance of children and of sick, aged, insane or poor persons and paupers.

(20) To organize and administer public schools and libraries subject to the general laws establishing a standard of education for the State.

(21) To provide and maintain, either within or without the city, charitable, recreative, curative, corrective, detentive or penal institutions.

~~(22) To prevent persons having no visible means of support, paupers and persons who may be dangerous to the peace or safety of the city from coming to said city from without the same; and for this purpose to require any railroad company, the master of any ship or vessel or the owners of any conveyance bringing such person to the city, to take such person back to the place whence he was brought, or enter into bond with satisfactory security that such person shall not become a charge upon said city within one year from the date of his arrival; and also to expel therefrom any such person who has been in said city less than 90 days.~~

~~(23)~~ To provide for the preservation of the general health of the inhabitants of said city, make regulations to secure the same, inspect all foods and foodstuffs and prevent the introduction and sale in said city of any article or thing intended for human consumption which is adulterated, impure or otherwise dangerous to health, and to condemn, seize and destroy or otherwise dispose of any such article or thing without liability to the owner thereof; prevent the introduction or spread of contagious or infectious diseases, and prevent and suppress diseases generally; to provide and regulate hospitals within or without the city limits and to enforce the removal of persons afflicted with contagious or infectious diseases to hospitals provided for them; to provide for the organization of a department or bureau of health, to supplement the salary paid by the Commonwealth to the Director of Public Health, to have the powers of a board of health, for said city, with the authority necessary for the prompt and efficient performance of its duties, with power to invest any or all the officials or employees of such department of health with such powers as the police officers of the city have; to establish a quarantine ground within or without the city limits, and such quarantine regulations against infectious and contagious diseases as the said council may see fit, subject to the laws of the State and of the United States; to provide and keep records of vital statistics and compel the return of all births, deaths and other information necessary thereto.

~~(24)~~ (23) To acquire, by purchase, gift, devise, condemnation or otherwise, lands, either within or without the city, to be used, kept and improved as a place for the interment of the dead, and to make and enforce all necessary rules and regulations for the protection and use thereof, and generally regulate the burial and disposition of the dead.

~~(25)~~ (24) To exercise full police powers, and establish and maintain a department or division of police.

~~(26)~~ (25) To do all things whatsoever necessary or expedient for promoting or maintaining the general welfare, comfort, education, morals, peace, government, health, trade, commerce or industries of the city or its inhabitants.

~~(27)~~ (26) To make and enforce all ordinances, rules and regulations necessary or expedient for the purpose of carrying into effect the powers conferred by this charter or by any general law, and to provide and impose suitable penalties for the violation of such ordinances, rules and regulations, or any of them in a manner consistent with § 2(e), as amended, of this charter. The city may maintain a suit to restrain by injunction the violation of any ordinance, notwithstanding such ordinance may provide punishment for its violation.

The council may, by ordinance, establish certain voluntary design guidelines for new construction or rehabilitation of residential real property in certain designated districts. The guidelines shall be voluntary and may only be applied at the request of the property owner. A fee may be charged for review, which shall not exceed the actual cost of such review process or \$200, whichever is less.

The enumeration of particular powers in this charter shall not be deemed or held to be exclusive, but in addition to the powers enumerated herein, implied thereby, or appropriate to the exercise thereof, the said city shall have and may exercise all other powers which are now or may hereafter be possessed or enjoyed by cities under the Constitution and general laws of this State.

§ 11. ~~Elections~~ *Appointments* by council; ~~when held, terms, etc.~~

The council shall appoint a city manager, a city assessor, a city clerk, a city attorney, a city auditor and a high constable, each of whom shall be appointed for an indefinite period and serve at the will of the council. *The employees serving these officers, regardless of whether their representatives are confirmed by the council, shall serve at the will of their respective officers.*

§ 114. Officers exempted from classified service.

Officers who are elected by the people or who are ~~elected~~ *appointed* or confirmed by the council, pursuant to this charter, members of the school board, the teachers in the public schools and all other persons employed by said school board, heads of the administrative departments of the city, the deputy chief of police, assistant city managers, employees who report directly to and whose positions require the personal trust and confidence of the city manager, employees, regardless of their positions, hired and permanently assigned to work for and under the supervision of the constitutional officers of the city or of the circuit court judges of the city, assistant heads of administrative departments, and heads or chiefs of bureaus and divisions within said departments, but not including such positions within the departments of fire and police other than that of the deputy chief of police, members of the law department, *all those who serve in the offices of the officers appointed by the council pursuant to § 11, as amended, of this charter* and civil service examiners; shall not be included in such classified service; provided, however, that the council may by ordinance provide that the health officer of said city and such of his trained medical assistants as may be required to give full time to the duties of their positions shall be included in the classified service.

CHAPTER 135

An Act to amend and reenact §§ 1.2, 3.2, 3.6, and 6.8 of Chapters 690 and 742 of the Acts of Assembly of 2006, which provided a charter for the Town of Elkton in the County of Rockingham, relating to town boundaries; council meetings.

[H 846]

Approved March 4, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 1.2, 3.2, 3.6, and 6.8 of Chapters 690 and 742 of the Acts of Assembly of 2006 are amended and reenacted as follows:

§ 1.2. Boundaries.

The boundaries of the Town until altered shall be as follows:

a. All that area which constituted the Town of Elkton, Virginia, prior to January 1, 2004, which is more particularly described by metes and bounds as set out and recorded in the Clerk's Office of the Circuit Court of Rockingham County, Virginia, as Instrument Number 04035858 at Deed Book 2573, page 216;

b. All that area annexed on January 1, 2004, which is identified in the Ordinance recorded in the Clerk's Office of the Circuit Court of Rockingham County, Virginia, at Deed Book 2415, page 117, dated December 22, 2003; and

c. All that area annexed on January 1, 2005, which is identified in the Ordinance recorded in the Clerk's Office of the Circuit Court of Rockingham County, Virginia, at Deed Book 2602, page 105, dated December 28, 2004.

d. *All that area which is identified in an Order of the Joint Petition of the County of Rockingham, Virginia, and the Town of Elkton, Virginia, recorded in the Clerk's Office of the Circuit Court of Rockingham County, Virginia, in Deed Book 2874, page 686, dated June 5, 2006.*

e. *All that area which is identified in an Order of the Joint Petition of the County of Rockingham, Virginia, and the Town of Elkton, Virginia, recorded in the Clerk's Office of the Circuit Court of Rockingham County, Virginia, in Deed Book 4258, page 24, dated June 14, 2013.*

f. *All that area which is identified in an Order of the Joint Petition of the County of Rockingham, Virginia, and the Town of Elkton, Virginia, recorded in the Clerk's Office of the Circuit Court of Rockingham County, Virginia, in Deed Book 4820, page 129, dated November 23, 2016.*

§ 3.2. Vacancies.

Any vacancy in the council shall be filled within ~~30~~ 45 days, for the unexpired term, by a majority of the remaining voting members, provided that if the term of office to be filled does not expire for two years or more after the next regular election for councilmen following such vacancy and such vacancy occurs in time to permit it, then the council shall fill such vacancy only for the period then remaining until such election, and a qualified person shall then be elected by the qualified voters and shall from and after the date of his election and qualification succeed such appointee and serve the unexpired term. The number of candidates for council equal to the number of vacancies to be filled for full terms receiving the highest number of votes shall be entitled to such full terms and the candidate receiving the next highest number of votes shall be entitled to the unexpired term, caused by such vacancy.

§ 3.6. Meetings of council.

a. The council shall fix the time of its regular meetings, which shall be at least once each month, and, except as herein provided, the council shall follow Robert's Rules of Order, latest edition, for rules of procedure necessary for the orderly conduct of its business, except where inconsistent with the laws of the Commonwealth.

b. Minutes shall be kept of its official proceedings, and its meetings shall be open to the public unless an executive session is called according to law.

c. The mayor or any other two members of the council, may call a special meeting upon a 36-hour written notice or an emergency meeting upon a 12-hour written notice to each council member stating the time, place, and purpose for the meeting and served personally or left at the council members' usual place of business or residence by the Chief of Police, *or his or her designee*. No business shall be transacted by the council in such special or emergency meeting which has not been stated in the notice; however, these requirements shall not apply when all members of the council attend such meetings or waive notice thereof, nor shall this regulation apply to an adjourned session from a regular meeting.

d. The agenda for a regular scheduled monthly council meeting shall include a provision for public comments as defined in the town ordinances.

e. A majority *shall consist of four voting members* of the six voting members of the council *and* shall constitute a quorum.

§ 6.8. How act cited.

This act shall be referred to or cited as the Elkton Charter of 2006, *as amended*.

CHAPTER 136

An Act to amend and reenact § 15.2-901 of the Code of Virginia, relating to a local ordinance on grass cutting.

[H 875]

Approved March 4, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-901 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-901. Locality may provide for removal or disposal of trash, cutting of grass, weeds, and running bamboo; penalty in certain counties; penalty.

A. Any locality may, by ordinance, provide that:

1. The owners of property therein shall, at such time or times as the governing body may prescribe, remove therefrom any and all trash, garbage, refuse, litter and other substances which might endanger the health or safety of other residents of such locality; or may, whenever the governing body deems it necessary, after reasonable notice, have such trash, garbage, refuse, litter and other like substances which might endanger the health of other residents of the locality, removed by its own agents or employees, in which event the cost or expenses thereof shall be chargeable to and paid by the owners of such property and may be collected by the locality as taxes are collected;

2. Trash, garbage, refuse, litter and other debris shall be disposed of in personally owned or privately owned receptacles that are provided for such use and for the use of the persons disposing of such matter or in authorized facilities provided for such purpose and in no other manner not authorized by law;

3. The owners of occupied or vacant developed or undeveloped property therein, including such property upon which buildings or other improvements are located, shall cut the grass, weeds and other foreign growth, including running bamboo as defined in § 15.2-901.1, on such property or any part thereof at such time or times as the governing body shall prescribe; or may, whenever the governing body deems it necessary, after reasonable notice as determined by the locality, have such grass, weeds or other foreign growth cut by its agents or employees, in which event the cost and expenses thereof shall be chargeable to and paid by the owner of such property and may be collected by the locality as taxes are collected. For purposes of this provision, one written notice per growing season to the owner of record of the subject property shall be considered reasonable notice. No such ordinance adopted by any county shall have any force and effect within the corporate limits of any town. No such ordinance adopted by any county having a density of population of less than 500 per square mile shall have any force or effect except within the boundaries of platted subdivisions or any other areas zoned for residential, business, commercial or industrial use. No such ordinance shall be applicable to land zoned for or in active farming operation. *However, in any locality located in Planning District 6, no such ordinance shall be applicable to land zoned for agricultural use unless such lot is one acre or less in area and used for a residential purpose.*

B. Every charge authorized by this section with which the owner of any such property shall have been assessed and which remains unpaid shall constitute a lien against such property ranking on a parity with liens for unpaid local real estate taxes and enforceable in the same manner as provided in Articles 3 (§ 58.1-3940 et seq.) and 4 (§ 58.1-3965 et seq.) of Chapter 39 of Title 58.1. A locality may waive such liens in order to facilitate the sale of the property. Such liens may be waived only as to a purchaser who is unrelated by blood or marriage to the owner and who has no business association with the owner. All such liens shall remain a personal obligation of the owner of the property at the time the liens were imposed.

C. The governing body of any locality may by ordinance provide that violations of this section shall be subject to a civil penalty, not to exceed \$50 for the first violation, or violations arising from the same set of operative facts. The civil penalty for subsequent violations not arising from the same set of operative facts within 12 months of the first violation shall not exceed \$200. Each business day during which the same violation is found to have existed shall constitute a separate offense. In no event shall a series of specified violations arising from the same set of operative facts result in civil penalties that exceed a total of \$3,000 in a 12-month period.

D. Except as provided in this subsection, adoption of an ordinance pursuant to subsection C shall be in lieu of criminal penalties and shall preclude prosecution of such violation as a misdemeanor. The governing body of any locality may, however, by ordinance provide that such violations shall be a Class 3 misdemeanor in the event three civil penalties have previously been imposed on the same defendant for the same or similar violation, not arising from the same set of operative facts, within a 24-month period. Classifying such subsequent violations as criminal offenses shall preclude the imposition of civil penalties for the same violation.

CHAPTER 137

An Act to amend and reenact §§ 16.1-253.1, 16.1-279.1, 19.2-152.9, and 19.2-152.10 of the Code of Virginia, relating to protective orders; motions to dissolve filed by petitioner; ex parte hearing and issuance of order.

[H 880]

Approved March 4, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 16.1-253.1, 16.1-279.1, 19.2-152.9, and 19.2-152.10 of the Code of Virginia are amended and reenacted as follows:

§ 16.1-253.1. Preliminary protective orders in cases of family abuse; confidentiality.

A. Upon the filing of a petition alleging that the petitioner is or has been, within a reasonable period of time, subjected to family abuse, the court may issue a preliminary protective order against an allegedly abusing person in order to protect the health and safety of the petitioner or any family or household member of the petitioner. The order may be issued in an ex parte proceeding upon good cause shown when the petition is supported by an affidavit or sworn testimony before the judge or intake officer. If an ex parte order is issued without an affidavit or a completed form as prescribed by subsection D of § 16.1-253.4 being presented, the court, in its order, shall state the basis upon which the order was entered, including a summary of the allegations made and the court's findings. Immediate and present danger of family abuse or evidence sufficient to establish probable cause that family abuse has recently occurred shall constitute good cause. Evidence that the petitioner has been subjected to family abuse within a reasonable time and evidence of immediate and present danger of family abuse may be established by a showing that (i) the allegedly abusing person is incarcerated and is to be released from incarceration within 30 days following the petition or has been released from incarceration within 30 days prior to the petition, (ii) the crime for which the allegedly abusing person was convicted and incarcerated involved family abuse against the petitioner, and (iii) the allegedly abusing person has made threatening contact with the petitioner while he was incarcerated, exhibiting a renewed threat to the petitioner of family abuse.

A preliminary protective order may include any one or more of the following conditions to be imposed on the allegedly abusing person:

1. Prohibiting acts of family abuse or criminal offenses that result in injury to person or property.
2. Prohibiting such contacts by the respondent with the petitioner or family or household members of the petitioner as the court deems necessary for the health or safety of such persons.
3. Granting the petitioner possession of the premises occupied by the parties to the exclusion of the allegedly abusing person; however, no such grant of possession shall affect title to any real or personal property.
4. Enjoining the respondent from terminating any necessary utility service to a premises that the petitioner has been granted possession of pursuant to subdivision 3 or, where appropriate, ordering the respondent to restore utility services to such premises.
5. Granting the petitioner and, where appropriate, any other family or household member of the petitioner, exclusive use and possession of a cellular telephone number or electronic device. The court may enjoin the respondent from terminating a cellular telephone number or electronic device before the expiration of the contract term with a third-party provider. The court may enjoin the respondent from using a cellular telephone or other electronic device to locate the petitioner.
6. Granting the petitioner temporary possession or use of a motor vehicle owned by the petitioner alone or jointly owned by the parties to the exclusion of the allegedly abusing person; however, no such grant of possession or use shall affect title to the vehicle.
7. Requiring that the allegedly abusing person provide suitable alternative housing for the petitioner and any other family or household member and, where appropriate, requiring the respondent to pay deposits to connect or restore necessary utility services in the alternative housing provided.
8. Granting the petitioner the possession of any companion animal as defined in § 3.2-6500 if such petitioner meets the definition of owner in § 3.2-6500.
9. Any other relief necessary for the protection of the petitioner and family or household members of the petitioner.

B. The court shall forthwith, but in all cases no later than the end of the business day on which the order was issued, enter and transfer electronically to the Virginia Criminal Information Network the respondent's identifying information and the name, date of birth, sex, and race of each protected person provided to the court. A copy of a preliminary protective order containing any such identifying information shall be forwarded forthwith to the primary law-enforcement agency responsible for service and entry of protective orders. Upon receipt of the order by the primary law-enforcement agency, the

agency shall forthwith verify and enter any modification as necessary to the identifying information and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith on the allegedly abusing person in person as provided in § 16.1-264 and due return made to the court. However, if the order is issued by the circuit court, the clerk of the circuit court shall forthwith forward an attested copy of the order containing the respondent's identifying information and the name, date of birth, sex, and race of each protected person provided to the court to the primary law-enforcement agency providing service and entry of protective orders and upon receipt of the order, the primary law-enforcement agency shall enter the name of the person subject to the order and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith on the allegedly abusing person in person as provided in § 16.1-264. Upon service, the agency making service shall enter the date and time of service and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network and make due return to the court. The preliminary order shall specify a date for the full hearing. The hearing shall be held within 15 days of the issuance of the preliminary order, unless the court is closed pursuant to § 16.1-69.35 or 17.1-207 and such closure prevents the hearing from being held within such time period, in which case the hearing shall be held on the next day not a Saturday, Sunday, legal holiday, or day on which the court is lawfully closed. If such court is closed pursuant to § 16.1-69.35 or 17.1-207, the preliminary protective order shall remain in full force and effect until it is dissolved by such court, until another preliminary protective order is entered, or until a protective order is entered. If the respondent fails to appear at this hearing because the respondent was not personally served, or if personally served was incarcerated and not transported to the hearing, the court may extend the protective order for a period not to exceed six months. The extended protective order shall be served forthwith on the respondent. However, upon motion of the respondent and for good cause shown, the court may continue the hearing. The preliminary order shall remain in effect until the hearing. Upon request after the order is issued, the clerk shall provide the petitioner with a copy of the order and information regarding the date and time of service. The order shall further specify that either party may at any time file a motion with the court requesting a hearing to dissolve or modify the order. The hearing on the motion shall be given precedence on the docket of the court. *Upon petitioner's motion to dissolve the preliminary protective order, a dissolution order may be issued ex parte by the court with or without a hearing. If an ex parte hearing is held, it shall be heard by the court as soon as practicable. If a dissolution order is issued ex parte, the court shall serve a copy of such dissolution order on respondent in conformity with §§ 8.01-286.1 and 8.01-296.*

Upon receipt of the return of service or other proof of service pursuant to subsection C of § 16.1-264, the clerk shall forthwith forward an attested copy of the preliminary protective order to the primary law-enforcement agency, and the agency shall forthwith verify and enter any modification as necessary into the Virginia Criminal Information Network as described above. If the order is later dissolved or modified, a copy of the dissolution or modification order shall also be attested, forwarded forthwith to the primary law-enforcement agency responsible for service and entry of protective orders, and upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the identifying information and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network as described above and the order shall be served forthwith and due return made to the court.

C. The preliminary order is effective upon personal service on the allegedly abusing person. Except as otherwise provided in § 16.1-253.2, a violation of the order shall constitute contempt of court.

D. At a full hearing on the petition, the court may issue a protective order pursuant to § 16.1-279.1 if the court finds that the petitioner has proven the allegation of family abuse by a preponderance of the evidence.

E. Neither a law-enforcement agency, the attorney for the Commonwealth, a court nor the clerk's office, nor any employee of them, may disclose, except among themselves, the residential address, telephone number, or place of employment of the person protected by the order or that of the family of such person, except to the extent that disclosure is (i) required by law or the Rules of the Supreme Court, (ii) necessary for law-enforcement purposes, or (iii) permitted by the court for good cause.

F. As used in this section, "copy" includes a facsimile copy.

G. No fee shall be charged for filing or serving any petition or order pursuant to this section.

H. Upon issuance of a preliminary protective order, the clerk of the court shall make available to the petitioner information that is published by the Department of Criminal Justice Services for victims of domestic violence or for petitioners in protective order cases.

§ 16.1-279.1. Protective order in cases of family abuse.

A. In cases of family abuse, including any case involving an incarcerated or recently incarcerated respondent against whom a preliminary protective order has been issued pursuant to § 16.1-253.1, the court may issue a protective order to protect the health and safety of the petitioner and family or household members of the petitioner. A protective order issued under this section may include any one or more of the following conditions to be imposed on the respondent:

1. Prohibiting acts of family abuse or criminal offenses that result in injury to person or property;
2. Prohibiting such contacts by the respondent with the petitioner or family or household members of the petitioner as the court deems necessary for the health or safety of such persons;

3. Granting the petitioner possession of the residence occupied by the parties to the exclusion of the respondent; however, no such grant of possession shall affect title to any real or personal property;

4. Enjoining the respondent from terminating any necessary utility service to the residence to which the petitioner was granted possession pursuant to subdivision 3 or, where appropriate, ordering the respondent to restore utility services to that residence;

5. Granting the petitioner and, where appropriate, any other family or household member of the petitioner, exclusive use and possession of a cellular telephone number or electronic device. The court may enjoin the respondent from terminating a cellular telephone number or electronic device before the expiration of the contract term with a third-party provider. The court may enjoin the respondent from using a cellular telephone or other electronic device to locate the petitioner;

6. Granting the petitioner temporary possession or use of a motor vehicle owned by the petitioner alone or jointly owned by the parties to the exclusion of the respondent and enjoining the respondent from terminating any insurance, registration, or taxes on the motor vehicle and directing the respondent to maintain the insurance, registration, and taxes, as appropriate; however, no such grant of possession or use shall affect title to the vehicle;

7. Requiring that the respondent provide suitable alternative housing for the petitioner and, if appropriate, any other family or household member and where appropriate, requiring the respondent to pay deposits to connect or restore necessary utility services in the alternative housing provided;

8. Ordering the respondent to participate in treatment, counseling or other programs as the court deems appropriate;

9. Granting the petitioner the possession of any companion animal as defined in § 3.2-6500 if such petitioner meets the definition of owner in § 3.2-6500; and

10. Any other relief necessary for the protection of the petitioner and family or household members of the petitioner, including a provision for temporary custody or visitation of a minor child.

A1. If a protective order is issued pursuant to subsection A, the court may also issue a temporary child support order for the support of any children of the petitioner whom the respondent has a legal obligation to support. Such order shall terminate upon the determination of support pursuant to § 20-108.1.

B. The protective order may be issued for a specified period of time up to a maximum of two years. The protective order shall expire at 11:59 p.m. on the last day specified or at 11:59 p.m. on the last day of the two-year period if no date is specified. Prior to the expiration of the protective order, a petitioner may file a written motion requesting a hearing to extend the order. Proceedings to extend a protective order shall be given precedence on the docket of the court. If the petitioner was a family or household member of the respondent at the time the initial protective order was issued, the court may extend the protective order for a period not longer than two years to protect the health and safety of the petitioner or persons who are family or household members of the petitioner at the time the request for an extension is made. The extension of the protective order shall expire at 11:59 p.m. on the last day specified or at 11:59 p.m. on the last day of the two-year period if no date is specified. Nothing herein shall limit the number of extensions that may be requested or issued.

C. A copy of the protective order shall be served on the respondent and provided to the petitioner as soon as possible. The court, including a circuit court if the circuit court issued the order, shall forthwith, but in all cases no later than the end of the business day on which the order was issued, enter and transfer electronically to the Virginia Criminal Information Network the respondent's identifying information and the name, date of birth, sex, and race of each protected person provided to the court and shall forthwith forward the attested copy of the protective order containing any such identifying information to the primary law-enforcement agency responsible for service and entry of protective orders. Upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the identifying information and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith upon the respondent and due return made to the court. Upon service, the agency making service shall enter the date and time of service and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network and make due return to the court. If the order is later dissolved or modified, a copy of the dissolution or modification order shall also be attested, forwarded forthwith to the primary law-enforcement agency responsible for service and entry of protective orders, and upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the identifying information and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network as described above and the order shall be served forthwith and due return made to the court.

D. Except as otherwise provided in § 16.1-253.2, a violation of a protective order issued under this section shall constitute contempt of court.

E. The court may assess costs and attorneys' fees against either party regardless of whether an order of protection has been issued as a result of a full hearing.

F. Any judgment, order or decree, whether permanent or temporary, issued by a court of appropriate jurisdiction in another state, the United States or any of its territories, possessions or Commonwealths, the District of Columbia or by any tribal court of appropriate jurisdiction for the purpose of preventing violent or threatening acts or harassment against or contact or communication with or physical proximity to another person, including any of the conditions specified in subsection A, shall be accorded full faith and credit and enforced in the Commonwealth as if it were an order of the Commonwealth, provided reasonable notice and opportunity to be heard were given by the issuing jurisdiction to the person

against whom the order is sought to be enforced sufficient to protect such person's due process rights and consistent with federal law. A person entitled to protection under such a foreign order may file the order in any juvenile and domestic relations district court by filing with the court an attested or exemplified copy of the order. Upon such a filing, the clerk shall forthwith forward an attested copy of the order to the primary law-enforcement agency responsible for service and entry of protective orders which shall, upon receipt, enter the name of the person subject to the order and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52. Where practical, the court may transfer information electronically to the Virginia Criminal Information Network.

Upon inquiry by any law-enforcement agency of the Commonwealth, the clerk shall make a copy available of any foreign order filed with that court. A law-enforcement officer may, in the performance of his duties, rely upon a copy of a foreign protective order or other suitable evidence which has been provided to him by any source and may also rely upon the statement of any person protected by the order that the order remains in effect.

G. Either party may at any time file a written motion with the court requesting a hearing to dissolve or modify the order. Proceedings to dissolve or modify a protective order shall be given precedence on the docket of the court. *Upon petitioner's motion to dissolve the protective order, a dissolution order may be issued ex parte by the court with or without a hearing. If an ex parte hearing is held, it shall be heard by the court as soon as practicable. If a dissolution order is issued ex parte, the court shall serve a copy of such dissolution order on respondent in conformity with §§ 8.01-286.1 and 8.01-296.*

H. As used in this section:

"Copy" includes a facsimile copy; and

"Protective order" includes an initial, modified or extended protective order.

I. Neither a law-enforcement agency, the attorney for the Commonwealth, a court nor the clerk's office, nor any employee of them, may disclose, except among themselves, the residential address, telephone number, or place of employment of the person protected by the order or that of the family of such person, except to the extent that disclosure is (i) required by law or the Rules of the Supreme Court, (ii) necessary for law-enforcement purposes, or (iii) permitted by the court for good cause.

J. No fee shall be charged for filing or serving any petition or order pursuant to this section.

K. Upon issuance of a protective order, the clerk of the court shall make available to the petitioner information that is published by the Department of Criminal Justice Services for victims of domestic violence or for petitioners in protective order cases.

§ 19.2-152.9. Preliminary protective orders.

A. Upon the filing of a petition alleging that (i) the petitioner is or has been, within a reasonable period of time, subjected to an act of violence, force, or threat, or (ii) a petition or warrant has been issued for the arrest of the alleged perpetrator for any criminal offense resulting from the commission of an act of violence, force, or threat, the court may issue a preliminary protective order against the alleged perpetrator in order to protect the health and safety of the petitioner or any family or household member of the petitioner. The order may be issued in an ex parte proceeding upon good cause shown when the petition is supported by an affidavit or sworn testimony before the judge or intake officer. If an ex parte order is issued without an affidavit or a completed form as prescribed by subsection D of § 19.2-152.8 being presented, the court, in its order, shall state the basis upon which the order was entered, including a summary of the allegations made and the court's findings. Immediate and present danger of any act of violence, force, or threat or evidence sufficient to establish probable cause that an act of violence, force, or threat has recently occurred shall constitute good cause.

A preliminary protective order may include any one or more of the following conditions to be imposed on the respondent:

1. Prohibiting acts of violence, force, or threat or criminal offenses that may result in injury to person or property;
2. Prohibiting such other contacts by the respondent with the petitioner or the petitioner's family or household members as the court deems necessary for the health and safety of such persons;
3. Such other conditions as the court deems necessary to prevent (i) acts of violence, force, or threat, (ii) criminal offenses that may result in injury to person or property, or (iii) communication or other contact of any kind by the respondent; and
4. Granting the petitioner the possession of any companion animal as defined in § 3.2-6500 if such petitioner meets the definition of owner in § 3.2-6500.

B. The court shall forthwith, but in all cases no later than the end of the business day on which the order was issued, enter and transfer electronically to the Virginia Criminal Information Network the respondent's identifying information and the name, date of birth, sex, and race of each protected person provided to the court. A copy of a preliminary protective order containing any such identifying information shall be forwarded forthwith to the primary law-enforcement agency responsible for service and entry of protective orders. Upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the identifying information and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith on the alleged perpetrator in person as provided in § 16.1-264, and due return made to the court. However, if the order is issued by the circuit court, the clerk of the circuit court shall forthwith forward an attested copy of the order containing the respondent's identifying information and the name, date of birth, sex, and race of each protected person provided to the

court to the primary law-enforcement agency providing service and entry of protective orders and upon receipt of the order, the primary law-enforcement agency shall enter the name of the person subject to the order and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith on the alleged perpetrator in person as provided in § 16.1-264. Upon service, the agency making service shall enter the date and time of service and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network and make due return to the court. The preliminary order shall specify a date for the full hearing. The hearing shall be held within 15 days of the issuance of the preliminary order, unless the court is closed pursuant to § 16.1-69.35 or 17.1-207 and such closure prevents the hearing from being held within such time period, in which case the hearing shall be held on the next day not a Saturday, Sunday, legal holiday, or day on which the court is lawfully closed. If such court is closed pursuant to § 16.1-69.35 or 17.1-207, the preliminary protective order shall remain in full force and effect until it is dissolved by such court, until another preliminary protective order is entered, or until a protective order is entered. If the respondent fails to appear at this hearing because the respondent was not personally served, the court may extend the protective order for a period not to exceed six months. The extended protective order shall be served as soon as possible on the respondent. However, upon motion of the respondent and for good cause shown, the court may continue the hearing. The preliminary order shall remain in effect until the hearing. Upon request after the order is issued, the clerk shall provide the petitioner with a copy of the order and information regarding the date and time of service. The order shall further specify that either party may at any time file a motion with the court requesting a hearing to dissolve or modify the order. The hearing on the motion shall be given precedence on the docket of the court. *Upon petitioner's motion to dissolve the preliminary protective order, a dissolution order may be issued ex parte by the court with or without a hearing. If an ex parte hearing is held, it shall be heard by the court as soon as practicable. If a dissolution order is issued ex parte, the court shall serve a copy of such dissolution order on respondent in conformity with §§ 8.01-286.1 and 8.01-296.*

Upon receipt of the return of service or other proof of service pursuant to subsection C of § 16.1-264, the clerk shall forthwith forward an attested copy of the preliminary protective order to primary law-enforcement agency and the agency shall forthwith verify and enter any modification as necessary into the Virginia Criminal Information Network as described above. If the order is later dissolved or modified, a copy of the dissolution or modification order shall also be attested, forwarded forthwith to the primary law-enforcement agency responsible for service and entry of protective orders, and upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the identifying information and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network as described above and the order shall be served forthwith and due return made to the court.

C. The preliminary order is effective upon personal service on the alleged perpetrator. Except as otherwise provided, a violation of the order shall constitute contempt of court.

D. At a full hearing on the petition, the court may issue a protective order pursuant to § 19.2-152.10 if the court finds that the petitioner has proven the allegation that the petitioner is or has been, within a reasonable period of time, subjected to an act of violence, force, or threat by a preponderance of the evidence.

E. No fees shall be charged for filing or serving petitions pursuant to this section.

F. Neither a law-enforcement agency, the attorney for the Commonwealth, a court nor the clerk's office, nor any employee of them, may disclose, except among themselves, the residential address, telephone number, or place of employment of the person protected by the order or that of the family of such person, except to the extent that disclosure is (i) required by law or the Rules of the Supreme Court, (ii) necessary for law-enforcement purposes, or (iii) permitted by the court for good cause.

G. As used in this section, "copy" includes a facsimile copy.

H. Upon issuance of a preliminary protective order, the clerk of the court shall make available to the petitioner information that is published by the Department of Criminal Justice Services for victims of domestic violence or for petitioners in protective order cases.

§ 19.2-152.10. Protective order.

A. The court may issue a protective order pursuant to this chapter to protect the health and safety of the petitioner and family or household members of a petitioner upon (i) the issuance of a petition or warrant for, or a conviction of, any criminal offense resulting from the commission of an act of violence, force, or threat or (ii) a hearing held pursuant to subsection D of § 19.2-152.9. A protective order issued under this section may include any one or more of the following conditions to be imposed on the respondent:

1. Prohibiting acts of violence, force, or threat or criminal offenses that may result in injury to person or property;
2. Prohibiting such contacts by the respondent with the petitioner or family or household members of the petitioner as the court deems necessary for the health or safety of such persons;
3. Any other relief necessary to prevent (i) acts of violence, force, or threat, (ii) criminal offenses that may result in injury to person or property, or (iii) communication or other contact of any kind by the respondent; and
4. Granting the petitioner the possession of any companion animal as defined in § 3.2-6500 if such petitioner meets the definition of owner in § 3.2-6500.

B. The protective order may be issued for a specified period of time up to a maximum of two years. The protective order shall expire at 11:59 p.m. on the last day specified or at 11:59 p.m. on the last day of the two-year period if no date is

specified. Prior to the expiration of the protective order, a petitioner may file a written motion requesting a hearing to extend the order. Proceedings to extend a protective order shall be given precedence on the docket of the court. The court may extend the protective order for a period not longer than two years to protect the health and safety of the petitioner or persons who are family or household members of the petitioner at the time the request for an extension is made. The extension of the protective order shall expire at 11:59 p.m. on the last day specified or at 11:59 p.m. on the last day of the two-year period if no date is specified. Nothing herein shall limit the number of extensions that may be requested or issued.

C. A copy of the protective order shall be served on the respondent and provided to the petitioner as soon as possible. The court, including a circuit court if the circuit court issued the order, shall forthwith, but in all cases no later than the end of the business day on which the order was issued, enter and transfer electronically to the Virginia Criminal Information Network the respondent's identifying information and the name, date of birth, sex, and race of each protected person provided to the court and shall forthwith forward the attested copy of the protective order and containing any such identifying information to the primary law-enforcement agency responsible for service and entry of protective orders. Upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the identifying information and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith upon the respondent and due return made to the court. Upon service, the agency making service shall enter the date and time of service and other appropriate information required into the Virginia Criminal Information Network and make due return to the court. If the order is later dissolved or modified, a copy of the dissolution or modification order shall also be attested, forwarded forthwith to the primary law-enforcement agency responsible for service and entry of protective orders, and upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the identifying information and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network as described above and the order shall be served forthwith and due return made to the court.

D. Except as otherwise provided, a violation of a protective order issued under this section shall constitute contempt of court.

E. The court may assess costs and attorneys' fees against either party regardless of whether an order of protection has been issued as a result of a full hearing.

F. Any judgment, order or decree, whether permanent or temporary, issued by a court of appropriate jurisdiction in another state, the United States or any of its territories, possessions or Commonwealths, the District of Columbia or by any tribal court of appropriate jurisdiction for the purpose of preventing violent or threatening acts or harassment against or contact or communication with or physical proximity to another person, including any of the conditions specified in subsection A, shall be accorded full faith and credit and enforced in the Commonwealth as if it were an order of the Commonwealth, provided reasonable notice and opportunity to be heard were given by the issuing jurisdiction to the person against whom the order is sought to be enforced sufficient to protect such person's due process rights and consistent with federal law. A person entitled to protection under such a foreign order may file the order in any appropriate district court by filing with the court, an attested or exemplified copy of the order. Upon such a filing, the clerk shall forthwith forward an attested copy of the order to the primary law-enforcement agency responsible for service and entry of protective orders which shall, upon receipt, enter the name of the person subject to the order and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52. Where practical, the court may transfer information electronically to the Virginia Criminal Information Network.

Upon inquiry by any law-enforcement agency of the Commonwealth, the clerk shall make a copy available of any foreign order filed with that court. A law-enforcement officer may, in the performance of his duties, rely upon a copy of a foreign protective order or other suitable evidence which has been provided to him by any source and may also rely upon the statement of any person protected by the order that the order remains in effect.

G. Either party may at any time file a written motion with the court requesting a hearing to dissolve or modify the order. Proceedings to modify or dissolve a protective order shall be given precedence on the docket of the court. *Upon petitioner's motion to dissolve the protective order, a dissolution order may be issued ex parte by the court with or without a hearing. If an ex parte hearing is held, it shall be heard by the court as soon as practicable. If a dissolution order is issued ex parte, the court shall serve a copy of such dissolution order on respondent in conformity with §§ 8.01-286.1 and 8.01-296.*

H. Neither a law-enforcement agency, the attorney for the Commonwealth, a court nor the clerk's office, nor any employee of them, may disclose, except among themselves, the residential address, telephone number, or place of employment of the person protected by the order or that of the family of such person, except to the extent that disclosure is (i) required by law or the Rules of the Supreme Court, (ii) necessary for law-enforcement purposes, or (iii) permitted by the court for good cause.

I. No fees shall be charged for filing or serving petitions pursuant to this section.

J. As used in this section:

"Copy" includes a facsimile copy; and

"Protective order" includes an initial, modified or extended protective order.

K. Upon issuance of a protective order, the clerk of the court shall make available to the petitioner information that is published by the Department of Criminal Justice Services for victims of domestic violence or for petitioners in protective order cases.

CHAPTER 138

An Act to amend and reenact § 15.2-2261 of the Code of Virginia, relating to subdivision plats.

[H 929]

Approved March 4, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-2261 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-2261. Recorded plats or final site plans to be valid for not less than five years.

A. An approved final subdivision plat which has been recorded or an approved final site plan, hereinafter referred to as "recorded plat or final site plan," shall be valid for a period of not less than five years from the date of approval thereof or for such longer period as the local planning commission or other agent may, at the time of approval, determine to be reasonable, taking into consideration the size and phasing of the proposed development. A site plan shall be deemed final once it has been reviewed and approved by the locality if the only requirements remaining to be satisfied in order to obtain a building permit are the posting of any bonds and escrows or the submission of any other administrative documents, agreements, deposits, or fees required by the locality in order to obtain the permit. However, any fees that are customarily due and owing at the time of the agency review of the site plan shall be paid in a timely manner.

B. 1. Upon application of the subdivider or developer filed prior to expiration of a recorded plat or final site plan, the local planning commission or other agent may grant one or more extensions of such approval for additional periods as the commission or other agent may, at the time the extension is granted, determine to be reasonable, taking into consideration the size and phasing of the proposed development, the laws, ordinances and regulations in effect at the time of the request for an extension.

2. If the commission or other agent denies an extension requested as provided herein and the subdivider or developer contends that such denial was not properly based on the ordinance applicable thereto, the foregoing considerations for granting an extension, or was arbitrary or capricious, he may appeal to the circuit court having jurisdiction of land subject to the recorded plat or final site plan, provided that such appeal is filed with the circuit court within sixty days of the written denial by the commission or other agency.

C. For so long as the final site plan remains valid in accordance with the provisions of this section, or in the case of a recorded plat for five years after approval, no change or amendment to any local ordinance, map, resolution, rule, regulation, policy or plan adopted subsequent to the date of approval of the recorded plat or final site plan shall adversely affect the right of the subdivider or developer or his successor in interest to commence and complete an approved development in accordance with the lawful terms of the recorded plat or site plan unless the change or amendment is required to comply with state law or there has been a mistake, fraud or a change in circumstances substantially affecting the public health, safety or welfare.

D. Application for minor modifications to recorded plats or final site plans made during the periods of validity of such plats or plans established in accordance with this section shall not constitute a waiver of the provisions hereof nor shall the approval of minor modifications extend the period of validity of such plats or plans.

E. The provisions of this section shall be applicable to all recorded plats and final site plans valid on or after January 1, 1992. Nothing contained in this section shall be construed to affect (i) any litigation concerning the validity of a site plan pending prior to January 1, 1992, or any such litigation nonsuited and thereafter refiled; (ii) the authority of a governing body to impose valid conditions upon approval of any special use permit, conditional use permit or special exception; (iii) the application to individual lots on recorded plats or parcels of land subject to final site plans, to the greatest extent possible, of the provisions of any local ordinance adopted pursuant to the Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq.); or (iv) the application to individual lots on recorded plats or parcels of land subject to final site plans of the provisions of any local ordinance adopted to comply with the requirements of the federal Clean Water Act, Section 402 (p.) of the Stormwater Program and regulations promulgated thereunder by the Environmental Protection Agency.

F. An approved final subdivision plat that has been recorded, from which any part of the property subdivided has been conveyed to third parties (other than to the developer or local jurisdiction), or a recorded plat dedicating real property to the local jurisdiction or public body that has been accepted by such grantee, shall remain valid for an indefinite period of time unless and until any portion of the property is subject to a vacation action as set forth in §§ 15.2-2270 through 15.2-2278.

CHAPTER 139

An Act to amend and reenact § 15.2-1646 of the Code of Virginia, relating to relocation or expansion of courthouse.

[H 938]

Approved March 4, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-1646 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-1646. Certification of result to board of supervisors; procuring land and buildings; relocation to contiguous or nearby land.

If it appears from the returns that a majority of the votes cast at the election specified in § 15.2-1644 are for the removal of the courthouse to one of the places specified in the petition or resolution, the results shall be certified to the board of supervisors of the county, with the amount authorized to be expended for land, if not donated, and for necessary buildings and improvements. If the vote is for removal, the board of supervisors shall at once proceed to acquire the necessary land at the new location, if the same has not been donated, and to erect the necessary buildings and improvements.

The relocation or expansion of a courthouse to (i) land contiguous with its present location, including contiguous property directly across a public right-of-way, or (ii) any property within 1,000 feet of the parcel upon which the courthouse is located, and within the same county or city, or town is not such a removal as to require authorization by the electorate.

The provisions of these sections requiring authorization by the electorate shall not apply, in the case of a joint court system, between Albemarle County and the City of Charlottesville, James City County and the City of Williamsburg, York County and the City of Poquoson, and Greensville County and the City of Emporia, to the relocation of the courthouse to other land within the localities which it serves, from its present location, if the governing bodies find by concurrent resolutions that the existing courthouse is inadequate and that renovation or expansion of the existing courthouse is not feasible.

CHAPTER 140

An Act to amend and reenact § 18.2-60.5 of the Code of Virginia, relating to unauthorized use of electronic tracking device; penalty.

[H 1044]

Approved March 4, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-60.5 of the Code of Virginia is amended and reenacted as follows:

§ 18.2-60.5. Unauthorized use of electronic tracking device; penalty.

A. Any person who installs or places an electronic tracking device through intentionally deceptive means and without consent, or causes an electronic tracking device to be installed or placed through intentionally deceptive means and without consent, and uses such device to track the location of any person is guilty of a Class 3 misdemeanor.

B. The provisions of this section shall not apply to the installation, placement, or use of an electronic tracking device by:

1. A law-enforcement officer, judicial officer, probation or parole officer, or employee of the Department of Corrections when any such person is engaged in the lawful performance of official duties and in accordance with other state or federal law;

2. The parent or legal guardian of a minor when tracking (i) the minor or (ii) any person authorized by the parent or legal guardian as a caretaker of the minor at any time when the minor is under the person's sole care;

3. A legally authorized representative of an incapacitated adult, as defined in § 18.2-369;

4. The owner of fleet vehicles, when tracking such vehicles;

5. An electronic communications provider to the extent that such installation, placement, or use is disclosed in the provider's terms of use, privacy policy, or similar document made available to the customer; or

6. A registered private investigator, as defined in § 9.1-138, who is regulated in accordance with § 9.1-139 and is acting in the normal course of his business and with the consent of the owner of the property upon which the electronic tracking device is installed and placed. However, such exception shall not apply if the private investigator is working on behalf of a client who is subject to a protective order under § 16.1-253, 16.1-253.1, 16.1-253.4, 16.1-279.1, 19.2-152.8, 19.2-152.9, or 19.2-152.10; or subsection B of § 20-103, or if the private investigator knows or should reasonably know that the client seeks the private investigator's services to aid in the commission of a crime.

C. For the purposes of this section:

"Electronic tracking device" means an electronic or mechanical device that permits a person to remotely determine or track the position and movement of another person.

"Fleet vehicle" means (i) one or more motor vehicles owned by a single entity and operated by employees or agents of the entity for business or government purposes, (ii) motor vehicles held for lease or rental to the general public, or (iii) motor vehicles held for sale by motor vehicle dealers.

CHAPTER 141

An Act to amend and reenact §§ 3.01, as amended, and 3.04.1 of Chapter 116 of the Acts of Assembly of 1948, which provided a charter for the City of Richmond, relating to residency of council members.

[H 1064]

Approved March 4, 2020

Be it enacted by the General Assembly of Virginia:**1. That §§ 3.01, as amended, and 3.04.1 of Chapter 116 of the Acts of Assembly of 1948 are amended and reenacted as follows:**

§ 3.01. Election of councilmen; nomination of candidates.

A. At the time of the November general election in 2004, and every second year thereafter, there shall be held a general city election at which shall be elected by the qualified voters of the city one member of council from each of the nine election districts in the city, the voters residing in each such district to elect one member for said district for terms of two years from the first day of January following their election. However, beginning with the elections to be held in 2008, and subject to approval by referendum as called for by this act, council members shall be elected for a term of four years.

B. No primary election shall be held for the nomination of candidates for the office of councilman, and candidates shall be nominated only by petition.

C. *Each council member elected in accordance with this section shall reside in the election district from which such member was elected throughout the member's term on the council.*

§ 3.04.1. Removal of council member or mayor and forfeiture of office.

A. In addition to being subject to the procedure set forth in § 24.2-233 of the Code of Virginia, any member of the council may be removed by the council, ~~but only~~ for malfeasance in office or neglect of duty. ~~He/she~~ *or for a failure to comply with the residency requirement set forth in § 3.01.* The member shall be entitled to notice and hearing. It shall be the duty of the council, at the request of the person sought to be removed, to subpoena witnesses whose testimony would be pertinent to the matter in hand. From the decision of the council an appeal shall lie to the Circuit Court of the City of Richmond, Division I.

B. The mayor may be removed following the procedure set forth in § 24.2-233 of the Code of Virginia applicable to constitutional officers; provided, however, that the petition must be signed by a number of registered voters in each council district equal to at least 10 percent of the total number of votes cast in the last general election for mayor in each respective council district.

C. The mayor or any member of council who shall be convicted by a final judgment of any court from which no appeal has been taken or which has been affirmed by a court of last resort on a charge involving moral turpitude, or any felony, or any misdemeanor involving possession of marijuana or any controlled substances, shall forfeit his/her office.

CHAPTER 142

An Act to amend and reenact § 18.2-308 of the Code of Virginia, relating to carrying concealed weapons; sling bow.

[H 1076]

Approved March 4, 2020

Be it enacted by the General Assembly of Virginia:**1. That § 18.2-308 of the Code of Virginia is amended and reenacted as follows:**

§ 18.2-308. Carrying concealed weapons; exceptions; penalty.

A. If any person carries about his person, hidden from common observation, (i) any pistol, revolver, or other weapon designed or intended to propel a missile of any kind by action of an explosion of any combustible material; (ii) any dirk, bowie knife, switchblade knife, ballistic knife, machete, razor, ~~slingshot~~ *sling bow*, spring stick, metal knucks, or blackjack; (iii) any flailing instrument consisting of two or more rigid parts connected in such a manner as to allow them to swing freely, which may be known as a nun chahka, nun chuck, nunchaku, shuriken, or fighting chain; (iv) any disc, of whatever configuration, having at least two points or pointed blades which is designed to be thrown or propelled and which may be known as a throwing star or oriental dart; or (v) any weapon of like kind as those enumerated in this subsection, he is guilty of a Class 1 misdemeanor. A second violation of this section or a conviction under this section subsequent to any conviction under any substantially similar ordinance of any county, city, or town shall be punishable as a Class 6 felony, and a third or subsequent such violation shall be punishable as a Class 5 felony. For the purpose of this section, a weapon shall be deemed to be hidden from common observation when it is observable but is of such deceptive appearance as to disguise the weapon's true nature. It shall be an affirmative defense to a violation of clause (i) regarding a handgun, that a person had been issued, at the time of the offense, a valid concealed handgun permit.

B. This section shall not apply to any person while in his own place of abode or the curtilage thereof.

C. Except as provided in subsection A of § 18.2-308.012, this section shall not apply to:

1. Any person while in his own place of business;

2. Any law-enforcement officer, or retired law-enforcement officer pursuant to § 18.2-308.016, wherever such law-enforcement officer may travel in the Commonwealth;
 3. Any person who is at, or going to or from, an established shooting range, provided that the weapons are unloaded and securely wrapped while being transported;
 4. Any regularly enrolled member of a weapons collecting organization who is at, or going to or from, a bona fide weapons exhibition, provided that the weapons are unloaded and securely wrapped while being transported;
 5. Any person carrying such weapons between his place of abode and a place of purchase or repair, provided the weapons are unloaded and securely wrapped while being transported;
 6. Any person actually engaged in lawful hunting, as authorized by the Board of Game and Inland Fisheries, under inclement weather conditions necessitating temporary protection of his firearm from those conditions, provided that possession of a handgun while engaged in lawful hunting shall not be construed as hunting with a handgun if the person hunting is carrying a valid concealed handgun permit;
 7. Any attorney for the Commonwealth or assistant attorney for the Commonwealth, wherever such attorney may travel in the Commonwealth;
 8. Any person who may lawfully possess a firearm and is carrying a handgun while in a personal, private motor vehicle or vessel and such handgun is secured in a container or compartment in the vehicle or vessel;
 9. Any enrolled participant of a firearms training course who is at, or going to or from, a training location, provided that the weapons are unloaded and securely wrapped while being transported; and
 10. Any judge or justice of the Commonwealth, wherever such judge or justice may travel in the Commonwealth.
- D. This section shall also not apply to any of the following individuals while in the discharge of their official duties, or while in transit to or from such duties:
1. Carriers of the United States mail;
 2. Officers or guards of any state correctional institution;
 3. Conservators of the peace, except that a judge or justice of the Commonwealth, an attorney for the Commonwealth, or an assistant attorney for the Commonwealth may carry a concealed handgun pursuant to subdivisions C 7 and 10. However, the following conservators of the peace shall not be permitted to carry a concealed handgun without obtaining a permit as provided in this article: (i) notaries public; (ii) registrars; (iii) drivers, operators, or other persons in charge of any motor vehicle carrier of passengers for hire; or (iv) commissioners in chancery; and
 4. Noncustodial employees of the Department of Corrections designated to carry weapons by the Director of the Department of Corrections pursuant to § 53.1-29; and
 5. ~~Harbormaster of the City of Hopewell.~~

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation is \$0 for periods of imprisonment in state adult correctional facilities and cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

CHAPTER 143

An Act to amend the Code of Virginia by adding a section numbered 15.2-2305.1, relating to affordable housing dwelling unit ordinances.

[H 1101]

Approved March 4, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 15.2-2305.1 as follows:

§ 15.2-2305.1. Affordable housing dwelling unit ordinances.

A. In furtherance of the purpose of providing affordable shelter for all, the governing body of any locality, other than localities to which § 15.2-2304 applies, may by amendment to the zoning ordinances of such locality provide for an affordable housing dwelling unit program. Such program shall address housing needs, promote a full range of housing choices, and encourage the construction and continued existence of housing affordable to low-and-moderate-income citizens by providing for increases in density to the applicant in exchange for the applicant voluntarily electing to provide such affordable housing. Any local ordinance providing optional increases in density for provision of low-and-moderate-income housing adopted before December 31, 1988, shall continue in full force and effect. Any local ordinance may authorize the governing body to (i) establish qualifying jurisdiction-wide affordable dwelling unit sales prices based on local market conditions, (ii) establish jurisdiction-wide affordable housing dwelling unit qualifying income guidelines, and (iii) offer incentives other than density increases, such as reductions or waivers of permit, development, and infrastructure fees, as the governing body deems appropriate to encourage the provision of affordable housing. Counties to which § 15.2-2304 applies shall be governed by the provisions of § 15.2-2304 for purposes of the adoption of an affordable housing dwelling unit ordinance.

B. Any zoning ordinance establishing an affordable housing dwelling unit program pursuant to this section may include reasonable regulations and provisions as to any or all of the following:

1. For application of the requirements of an affordable housing dwelling unit program to any site, as defined by the locality, or a portion thereof at one location that is the subject of an application for rezoning or special exception or site plan or subdivision plat which yields, as submitted by the applicant, at an equivalent density greater than one unit per acre and that is located within an approved sewer area.

2. The waiver of any fees associated with the construction, renovation, or rehabilitation of a structure, including but not limited to building permit fees, application review fees, and water and sewer connection fees.

3. For standards of compliance with the provisions of an affordable housing dwelling unit program and for the authority of the local governing body or its designee to enforce compliance with such standards and impose reasonable penalties for noncompliance, provided that a local zoning ordinance provide for an appeal process for any party aggrieved by a decision of the local governing body.

4. For establishment of a local housing fund as part of its affordable housing dwelling unit program to assist in achieving the affordable housing goals of the locality pursuant to this section. The local housing fund may be a dedicated fund within the other funds of the locality, but any funds received pursuant to this section shall be used for achieving the affordable housing goals of the locality. A locality shall not condition the submission, review, or approval of any application for a housing development upon a contribution by the applicant to the locality's housing trust fund.

5. For reasonable regulations requiring the affordable dwelling units to be built and offered for sale or rental concurrently with the construction and certificate of occupancy of a reasonable proportion of the market rate units.

6. For administration and regulation by a local housing authority or the local governing body or its designee of the sale and rental of affordable units.

7. For a local housing authority or local governing body or its designee to have an exclusive right to purchase up to one-third of the for-sale affordable housing dwelling units within a development within 90 days of a dwelling unit being completed and ready for purchase, provided that the remaining two-thirds of such units be offered for sale exclusively for a 90-day period to persons who meet the income criteria established by the local housing authority or the local governing body or its designee.

8. For a local housing authority or a local governing body or its designee to have an exclusive right to lease up to a specified percentage of the rental affordable dwelling units within a development within a controlled period determined by the housing authority or the local governing body or its designee, provided that the remaining for-rental affordable dwelling units within a development be offered to persons who meet the income criteria established by the local housing authority or the local governing body or its designee.

9. For the establishment of jurisdiction-wide affordable housing dwelling unit sales prices by the local housing authority or the local governing body or its designee, initially and adjusted semiannually, based on a determination of all ordinary, necessary, and reasonable costs required to construct the affordable dwelling unit prototype dwellings by private industry after considering written comment by the public, the local housing authority, or an advisory body to the local governing body, and other information such as the area's current general market and economic conditions, provided that sales prices do not include the cost of land, on-site sales commissions, and marketing expenses, but may include, among other costs, builder-paid permanent mortgage placement costs and buy-down fees and closing costs except prepaid expenses required at settlement.

10. For the establishment of jurisdiction-wide affordable dwelling unit rental prices by a local housing authority or the local governing body or its designee, initially and adjusted semiannually, based on a determination of all ordinary, necessary, and reasonable costs required to construct and market the required number of affordable dwelling rental units by private industry in the area, after considering written comment by the public, the local housing authority, or an advisory body to the local governing body, and other information such as the area's current general market and economic conditions.

11. For a requirement that the prices for the sales and rentals of affordable dwelling units subsequent to the initial sale or rental transaction be controlled by the local housing authority or the local governing body or its designee for a period of not less than 15 years nor more than 50 years after the initial sale or rental transaction for each affordable dwelling unit, provided that the ordinance further provides for reasonable rules and regulations to implement a price control provision.

C. For any building that is four stories or taller and has an elevator, the applicant may request, and the locality shall consider, the unique ancillary costs associated with living in such a building in determining whether such housing will be affordable under the definition established by the locality in its ordinance adopted pursuant to this section. However, for localities under this section in Planning District 8, nothing in this section shall apply to any elevator structure four stories or taller.

D. Any ordinance adopted hereunder shall provide that the local governing body shall have no more than 280 days in which to process site or subdivision plans proposing the development or construction of affordable housing or affordable dwelling units under such ordinance. The calculation of such period of review shall include only the time that plans are in review by the local governing body and shall not include such time as may be required for revision or modification in order to comply with lawful requirements set forth in applicable ordinances and local regulations.

E. Any zoning ordinance establishing an affordable housing dwelling unit program under this section shall adopt the following regulations and provisions to establish an affordable housing density bonus and development standards relief program:

1. Adopt procedures for processing an application authorized under this subdivision, which shall include a provision for a list of all documents and information required to be submitted with an application for a housing development.

Procedures authorized by this subdivision shall require the zoning administrator or his designee to make an official determination in writing within 30 days of the application date as to each of the following, as applicable: (i) the amount of density bonus, calculated pursuant to subdivision 2, for which the applicant is eligible; (ii) if the applicant requests a parking ratio pursuant to subdivision 4, the parking ratio for which the applicant is eligible; and (iii) if the applicant requests waivers or reductions of development standards pursuant to subdivision 3, whether the applicant has provided adequate information for the locality to make a determination as to those waivers or reductions of development standards. An appeal by a party aggrieved of an official determination pursuant to this subdivision shall be made to the board of zoning appeals pursuant to § 15.2-2311.

2. The locality shall grant a density bonus, the amount of which shall be as specified in the corresponding table accompanying this subdivision, when an applicant voluntarily seeks and agrees to construct a housing development, excluding any units permitted by the density bonus awarded pursuant to this section, that will contain at least:

a. Ten percent of the total units of a housing development deemed affordable, as defined in this section, for low-income households; or

b. Five percent of the total units of a housing development deemed affordable, as defined in this section, for very-low-income households;

For housing developments meeting the criteria of subdivision a, the density bonus shall be calculated as follows:

<i>Percentage Low-Income Units</i>	<i>Percentage Density Bonus</i>
10	20
11	21.5
12	23
13	24.5
14	26
15	27.5
16	29
17	30.5
18	32
19	33.5
20	35
21	36.5
22	38
23	39.5
24	41
25	42.5
26	44
27	45.5
28	47
29	48.5
30	50
31	51.5
32	53
33	54.5
34	56
35	57.5

For housing developments meeting the criteria of subdivision b, the density bonus shall be calculated as follows:

<i>Percentage Very-Low-Income Units</i>	<i>Percentage Density Bonus</i>
5	20
6	22.5
7	25
8	27.5

9	30
10	32.5
11	35
12	37.5
13	40
14	42.5
15	45
16	47.5
17	50
18	52.5
19	55
20	57.5
21	60
22	62.5
23	65
24	67.5
25	70
26	72.5
27	75
28	77.5
29	80
30	82.5
31	85
32	87.5
33	90
34	92.5
35	95

For housing developments meeting the criteria of subdivision a or b, an applicant shall be awarded an increase over the otherwise maximum allowable gross residential density as of the date of application by the applicant to the locality, or, if elected by the applicant, a lesser percentage of density increase, including but not limited to no increase in density.

3. An applicant for a density bonus pursuant to subdivision 2 a or b may request a waiver or reduction of local development standards that (i) physically preclude the construction of a project at the density permitted by this section or (ii) impact the financial feasibility of a project submitted pursuant to this section. The locality shall grant the waiver or reduction of local development standards requested by the applicant unless the locality is able to make a written determination that such waiver or reduction would have a specific, adverse impact upon health, safety, or the physical environment. The locality may also recommend to the applicant modifications of the initial request for waiver or reduction of local development standards that would satisfy the locality's concerns. Nothing in this subsection shall be interpreted to require a locality to waive or reduce development standards that would have an adverse impact on any real property that is listed in the Virginia Landmarks Register or National Register of Historic Places or would be contrary to state or federal law.

4. An applicant for a density bonus pursuant to subdivision 2 a or b may request a waiver or reduction in any local parking ratios or requirements. The locality shall grant the waiver or reduction unless the locality is able to make a written determination that such waiver or reduction would have a specific, adverse impact upon health, safety, or the physical environment of residents of the locality. The locality may also recommend to the applicant modifications of the initial request for waiver or reduction of local development standards that would satisfy the locality's concerns. This subdivision does not preclude a locality from reducing or eliminating a parking requirement for development projects of any type in any location.

F. A locality establishing an affordable housing dwelling unit program in any ordinance shall establish in its general ordinances, adopted in accordance with the requirements of subsection B of § 15.2-1427, reasonable regulations and provisions as to the following:

The sales and rental price for affordable dwelling units within a development shall be established such that the owner or applicant, or both, shall not suffer economic loss as a result of providing the required affordable dwelling units. For purposes of this subsection, "economic loss" for sales units means that result when the owner or applicant of a development

fails to recoup the cost of construction and certain allowances as may be determined by the designee of the governing body for the affordable dwelling units, exclusive of the cost of land acquisition and cost voluntarily incurred but not authorized by the ordinance, upon the sale of an affordable dwelling unit.

G. Any locality establishing an affordable housing dwelling unit program pursuant to this section shall not condition the submission, review, or approval of any application for a housing development on the basis of an applicant's decision to incorporate units deemed affordable for low-income or very-low-income households.

H. Notwithstanding any other provisions of this chapter, as used in this section, unless the context requires a different meaning:

"Affordable" means, as a guideline, housing that is affordable to households with incomes at or below the area median income, provided that the occupant pays no more than 30 percent of his gross income for gross housing costs, including utilities.

"Density bonus" means a density increase over the otherwise maximum allowable gross residential density as of the date of application by the applicant to the locality, or, if elected by the applicant, a lesser percentage of density increase, including but not limited to no increase in density.

"Development standard" includes any local land use, site, or construction regulation, including but not limited to height restrictions, setback requirements, side yard requirements, minimum area requirements, minimum lot size requirements, floor area ratios, or onsite open-space requirements that applies to a residential or mixed-use development pursuant to any local ordinance, policy, resolution, or regulation.

"Housing development" means a specific work or improvement within the Commonwealth, whether multifamily residential housing or single-family residential housing, undertaken primarily to provide dwelling accommodations, including the acquisition, construction, rehabilitation, preservation, or improvement of land, buildings, and improvements thereto, for residential housing, and such other nonhousing facilities as may be incidental, related, or appurtenant thereto.

"Low-income household" means any individual or family whose incomes do not exceed 80 percent of the area median income for the locality in which the housing development is being proposed.

"Maximum allowable residential density" means the density allowed under the zoning ordinance and land use element of the comprehensive plan, or, if a range of density is permitted, means the maximum allowable density for the specific zoning range and land use element of the general plan applicable to the project. If the density allowed under the zoning ordinance is inconsistent with the density allowed under the land use element of the general plan, the general plan density shall prevail.

"Very-low-income household" means any individual or family whose incomes do not exceed 50 percent of the area median income for the locality in which the housing development is being proposed.

CHAPTER 144

An Act to amend the Code of Virginia by adding in Article 1 of Chapter 15 of Title 15.2 a section numbered 15.2-1512.5, relating to authority of local government employees to issue summonses for misdemeanor violations of certain local ordinances.

[H 1213]

Approved March 4, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 1 of Chapter 15 of Title 15.2 a section numbered 15.2-1512.5 as follows:

§ 15.2-1512.5. Authority of local government employees to issue summonses for misdemeanor violations of certain local ordinances.

Notwithstanding any other provision of law, a locality may appoint and train local government employees to enforce local ordinances within the scope of the employee's employment by issuing summonses for misdemeanor violations of ordinances, except those offenses listed in Title 18.2 or Chapter 8 (§ 46.2-800 et seq.) of Title 46.2 or those violations of local ordinances for offenses that are substantially similar to such offenses. Such employees shall not have the power and authority of constables at common law; their power shall be limited to issuing such summonses in their locality.

CHAPTER 145

An Act to amend and reenact § 15.2-1127 of the Code of Virginia, relating to vacant building registration.

[H 1232]

Approved March 4, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-1127 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-1127. Vacant building registration; civil penalty.

The Town of Clifton Forge, the Town of Pulaski, in a conservation and rehabilitation district of the town, *the Town of Timberville*, and any city, by ordinance, may require the owner or owners of buildings that have been vacant for a continuous period of 12 months or more, and which meet the definition of "derelict building" under § 15.2-907.1, to register such buildings on an annual basis and may impose an annual registration fee not to exceed \$100 to defray the cost of processing such registration. The registration of buildings shall be on forms designated by the locality and filed with the agency designated by the locality. Failure to register shall be a \$200 civil penalty; however, failure to register in conservation and rehabilitation districts designated by the governing body, or in other areas designated as blighted pursuant to § 36-49.1:1, shall be punishable by a civil penalty not exceeding \$400. Notice shall be mailed to the owner or owners, at the address to which property tax notices are sent, at least 30 days prior to the assessment of the civil penalty.

CHAPTER 146

An Act to amend and reenact §§ 2.1, 3.6, 3.7, 4.1, and 4.5, as amended, of Chapter 136 of the Acts of Assembly of 1988; to amend Chapter 136 of the Acts of Assembly of 1988 by adding sections numbered 2.3 through 2.9; and to repeal §§ 2.2, 4.2, and 4.4 of Chapter 136 of the Acts of Assembly of 1988, which provided a charter for the Town of Dayton in Rockingham County, relating to town council, town powers, and town officials.

[H 1233]

Approved March 4, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.1, 3.6, 3.7, 4.1, and 4.5, as amended, of Chapter 136 of the Acts of Assembly of 1988 are amended and reenacted and that Chapter 136 of the Acts of Assembly of 1988 is amended by adding sections numbered 2.3 through 2.9 as follows:

§ 2.1. General grant of powers.

(a) *Powers authorized in the Code of Virginia.*

The town shall have and may exercise all powers which are now or hereafter may be conferred upon or delegated to towns under the Constitution and the laws of the Commonwealth of Virginia as fully and completely as if such powers were specifically enumerated in this charter. No enumeration of particular powers in this charter shall be held to exclude other, unmentioned powers. The town shall have, exercise, and enjoy all the rights, immunities, powers, and privileges and be subject to all the duties and obligations now appertaining to and incumbent upon the town as a municipal corporation.

(b) *Powers exercised by governing body.*

All powers vested in the town by this charter shall be exercised by its governing body unless expressly provided to the contrary. Such powers shall include those not expressly prohibited by the Constitution and general law of the Commonwealth, and which are necessary or desirable to secure and promote the general welfare of the town's inhabitants and the safety, health, peace, good order, comfort, convenience, morals, trade, commerce, and industry of the town and the town's inhabitants, and the enumeration of specific powers shall not be construed or held to be exclusive or as a limitation upon any general grant of power, but shall be construed and held to be in addition to any general grant of power. The exercise of the powers conferred under this section is specifically limited to the area within the corporate limits of the town, unless otherwise conferred in the applicable sections of the Constitution and general laws, as amended, of the Commonwealth.

(c) *Repeal of prior inconsistent acts and charters.*

All acts and parts of acts in conflict with this charter are hereby repealed, insofar as they affect the provisions of this charter; however, nothing contained in this act shall be construed to invalidate or to in any manner affect the present existing indebtedness and liabilities of the town, whether evidenced by bonded obligations or otherwise, or to relieve it of any part of its present obligation or liability on account of bond issues, liabilities, or debts of whatsoever nature or kind. On and after July 1, 2020, all references to the town superintendent in the town's resolutions, ordinances, code provisions, contracts, and all other official acts and governing documents then in effect shall be deemed as referring to the town manager.

§ 2.3. Financial powers.

(a) *Generally. In accordance with the Constitution of Virginia and the United States Constitution, the town may raise through annual taxes and assessments on property, persons, and other subjects of taxation that are not prohibited by law such sums of money as in the judgment of the town are necessary to pay the debts, defray the expenses, accomplish the purposes, and perform the functions of the town, in such manner as the council deems necessary or expedient.*

(b) *Assessments for local improvements. The town may impose special or local assessments for local improvements and enforce payment thereof, subject, however, to such limitations prescribed by the Constitution of Virginia as may be in force at the time of the imposition of such special or local assessments.*

(c) *Water, light, and sewerage rates; rates and charges for public utilities or services, etc., operated, etc., by town. The town may establish, impose, and enforce water, light, and sewerage rates and rates and charges for public utilities, or other services, products, or conveniences operated, rendered, or furnished by the town and assess, or cause to be assessed, water, light, sewerage, and other public utility rates and charges directly against the owner or owners of the buildings, or against the proper tenant or tenants, and in the event that such rates and charges shall be assessed against a tenant, then the*

council may, by an ordinance, require of such tenant a deposit of such reasonable amount as may be by such ordinance prescribed before furnishing such services to such tenant.

§ 2.4. Contractual powers; gifts; grants.

(a) Acquisition of property generally; holding, selling, leasing, etc., town property. The town may acquire, by purchase, gift, devise, condemnation, or otherwise, property, real and personal, or any estate or interest therein, within or without the town or the Commonwealth of Virginia and for any of the purposes of the town.

(b) Debts and evidence of indebtedness. The town may contract debts, borrow money, and make and issue evidence of indebtedness.

(c) Gifts. The town may accept or refuse gifts, donations, bequests, or grants of any kind from any source, absolutely or in trust, that are related to the town's powers, duties, and functions, or for educational, charitable, or other public purposes, and do all the things and acts necessary to carry out the purposes of such gifts, grants, bequests, and devises, with power to manage, maintain, operate, sell, lease, or otherwise handle or dispose of the same, in accordance with terms and conditions of such gifts, grants, bequests, and devises.

§ 2.5. Operational powers.

(a) Generally. The town may provide for the organization, conduct, and operation of all departments, offices, boards, commissions, and agencies of the town, subject to such limitations as may be imposed by this charter or otherwise by law, and may establish, consolidate, abolish, or change departments, offices, boards, commissions, and agencies of the municipal corporation and prescribe the powers, duties, and functions thereof, except where such departments, offices, boards, commissions, and agencies or the powers, duties, and functions thereof are specifically established or prescribed by charter or otherwise by law.

(b) Records and accounts. The town shall provide for the control and management of the town's affairs and shall prescribe and require the adoption and keeping of such books, records, accounts, and systems of accounting by the departments, boards, commissions, or other agencies of the local government consistent with generally accepted accounting standards and necessary to give full and true accounts of the affairs, resources, and revenues of the municipal corporation and the handling, use, and disposal thereof.

(c) Expenditure of money. The town may expend money of the town for all lawful purposes.

(d) Construction, maintenance, etc., of improvements, buildings, etc., for use and operation of town departments. The town may construct, maintain, regulate, and operate public improvements of all kinds, including municipal and other buildings, comfort stations, markets, and all buildings and structures necessary or appropriate for the use and proper operation of the various departments of the town, and may acquire by condemnation or otherwise all land, riparian, and other rights and easements necessary for such improvements, or any of them.

(e) Town events. The town may conduct festivals, music events, running races, athletic competitions, community festivals, and all such other events and may charge fees for the participation therein.

§ 2.6. Utilities; public improvements.

(a) Water works and water supply. The town may own, operate, and maintain water works and acquire in any lawful manner in any county or city of the Commonwealth of Virginia such water, lands, property rights, and riparian rights as the council may deem necessary for the purpose of providing the town with an adequate water supply, and of piping or conducting the same; lay all necessary mains and service lines, either within or without the corporate limits of the town, and charge and collect water rents therefor; erect and maintain all necessary dams, pumping stations, and other works in connection therewith; make reasonable rules and regulations for promoting the purity of the town water supply and protecting it from pollution and for this purpose exercise full police powers and sanitary patrol over all lands comprised within the limits of the watershed tributary to any such water supply wherever such lands may be located in the Commonwealth of Virginia; impose and enforce adequate penalties for the violation of any such rules and regulations and prevent by injunction any pollution or threatened pollution of such water supply and any and all acts likely to impair the purity thereof; and for the purpose of acquiring lands, interest in lands, property rights, and riparian rights or materials for any such use, exercise all powers of eminent domain provided by the laws of the Commonwealth of Virginia. For any of the purposes aforesaid, said town may, if the council shall so determine, acquire by condemnation, purchase, or otherwise any estate or interest in such lands or any of them in fee.

(b) Streets; parks, playgrounds, etc.; infrastructure; vehicles. The town may establish, maintain, improve, alter, vacate, regulate, and otherwise manage its streets, alleys, parks, playgrounds, and all of its public infrastructure and public works in such manner as best serves the public interest, safety, and convenience; regulate, limit, restrict, and control the services and routes of and rates charged by vehicles for the carrying of passengers and property in accordance with general law; permit or prohibit poles and wires for electric, telephone, telegraph, television, and other purposes to be erected and gas pipes to be laid in the streets and alleys and prescribe and collect an annual charge for such privileges; and, subject to the provisions of franchise agreements, require the owner or lessees of any such poles or wires now in use or hereafter used to place such wires, cables, and accoutrements in conduits underground in accordance with the town's prescribed requirements.

(c) Public utilities. Subject to the provisions of the Constitution of Virginia, this charter, and general law, the town may grant franchises for public utilities, reserving rights of transfer, renewal, extension, and amendment thereof.

(d) Collection and disposition of sewage, garbage, ashes, refuse, etc.; reduction and disposal plant. The town may collect and dispose of sewage, ashes, garbage, carcasses of dead animals, and other refuse; make reasonable charges

therefor; acquire and operate reduction or any other plants for the utilization or destruction of such materials, or any of them; contract for and regulate the collection and disposal thereof, and require and regulate the collection and disposal thereof.

§ 2.7. Nuisances; sanitary conditions, etc.

The town may compel the abatement and removal of all nuisances within the town; require all lands, lots, and other premises within the town to be kept clean; regulate the keeping of animals, poultry, and other fowl therein; regulate the exercise of any dangerous or unwholesome business, trade, or employment therein; regulate the transportation of all articles through the streets of the town; compel the abatement of smoke, dust, and unnecessary noise; compel the removal of grass and weeds from private and public property and snow from sidewalks; require the covering or removal of offensive, unwholesome, unsanitary, or unhealthy substances allowed to accumulate in or on any place or premises; require the filling in to the street level of the portion of any lot adjacent to a street where the difference in level between the lot and the street constitutes a danger to life and limb; require the raising or draining of the grounds subject to be covered by stagnant water and the razing or repair of all unsafe, dangerous, or unsanitary public or private buildings, walls, or structures; and remedy, repair, and secure any blighted or derelict building or structure within the town in accordance with applicable law.

§ 2.8. Police powers.

(a) The town may exercise full police powers as provided by general law, and establish and maintain a department or division of police.

(b) The town may also do all things whatsoever necessary or expedient for promoting or maintaining the general welfare, comfort, education, morals, peace, government, health, trade, commerce, or industries of the town or its inhabitants; prescribe any penalty for the violation of any town ordinance, rule, or regulation or of any provisions of this charter, not exceeding the fine or sentence imposed by the laws of the Commonwealth of Virginia; pass and enforce all bylaws, rules, regulations, and ordinances that it may deem necessary for the good order and government of the town, the management of its property, the conduct of its affairs, and the peace, comfort, convenience, order, morals, health, and protection of its citizens or their property; and do such other things and pass such other laws as may be necessary or proper to carry into full effect any power, authority, capacity, or jurisdiction that is or shall be granted to or vested in said town, or in the council, court, or offices thereof, or which may be necessarily incident to a municipal corporation.

§ 2.9. Miscellaneous powers.

(a) Removal or reconstruction of unsafe buildings, etc.; protection of public gatherings. The town may regulate the size, height, materials, and construction of buildings, fences, walls, retaining walls, and other structures hereafter erected in such manner as the public safety and conveniences may require; remove or require to be removed or reconstructed any building, structure, or addition thereto, which by reason of dilapidation, defect of structure, or other causes may have become dangerous to life or property, or which may have been erected contrary to law; and enact stringent and efficient laws for securing the safety of persons from fires in halls and buildings used for public assemblies, entertainments, or amusements.

(b) Fees for permits, etc. The town may charge and collect fees for permits to use public facilities and for public services and privileges.

(c) Cemeteries. The town may provide in or near the town lands to be used as burial places for the dead; improve and care for the same and the approaches thereto; charge for and regulate the use of ground therein; and provide for the perpetual upkeep and care of any plot or burial lot therein. The town is authorized to take and receive sums of money by gift, bequest, or otherwise to be kept invested, and the income thereof is to be used for the perpetual upkeep and care of the said lot or plot for which the said donation, gift, or bequest shall have been made.

(d) Injunctive relief. The town may maintain a suit to restrain by injunction the violation of any ordinance, notwithstanding any punishment that may be provided for the violation of such ordinance.

§ 3.6. Vacancies.

Vacancies on the council shall be filled for the unexpired term from among the qualified voters of the town by a majority vote of the remaining members of the council. A vacancy in the office of mayor shall be filled for the unexpired term from among the qualified voters of the town by a majority vote of the council in accordance with general law.

§ 3.7. Meetings of the council.

(a) Organizational meeting. The town council's organizational meeting for the purposes set forth in § 15.2-1416 of the Code of Virginia shall be its first meeting held after January 1 of each year.

(b) Regular meetings. The council shall fix the date and time of its regular meetings, which shall be at least once each month.

~~Except as provided in this charter or the laws of the Commonwealth, the council shall follow Robert's Rules of Order, latest edition, for rules of procedure necessary for the orderly conduction of its business. Its meetings shall be open to the public unless an executive session is called according to law. Special meetings may be called at any time by the mayor provided that all council members are given reasonable notice. Any four members of the council may also call special meetings, provided that other members of the council and the mayor are given reasonable notice. No business shall be transacted at the special meeting except that for which it is called.~~ (c) Special meetings. A special meeting of the council shall be held when called by the mayor, or when requested by two or more of the members of council. The call or request shall be made to the clerk and shall specify the matters to be considered at the meeting. Upon receipt of such call or request, the clerk of council, after consultation with the mayor, shall immediately notify each member of council and the town

attorney in writing delivered in person, or to his place of residence or business or, if so requested by the member of the governing body, by electronic mail or facsimile, to attend such meeting at the time and place stated in the notice. Such notice shall specify the matters to be considered at the meeting. No matter not specified in the notice shall be considered at such meeting.

(d) Rules of procedure. From time to time, the council may adopt rules or procedure governing its meetings, such rules not being inconsistent with state law.

§ 4.1. Town ~~superintendent~~ manager.

The council may appoint a town ~~superintendent~~ who manager who shall be the town's chief administrative officer and the administrative head. The town manager shall be responsible to the council for the proper ~~administration of all affairs~~ management of the town; ~~for the control and supervision of all town departments, employees, and property, and for any other duties prescribed by the council.~~ In addition to any other duties prescribed by council or required by law, the town manager shall:

(a) See that all ordinances, resolutions, directives, and orders of council and all laws of the Commonwealth are faithfully executed;

(b) Appoint, supervise, and dismiss all officers and employees of the town, including but not limited to the police chief and treasurer, if any. The town manager may authorize the head of an office or department to appoint, supervise, and discipline subordinates in such office or department subject to review and approval by the town manager;

(c) Report to council from time to time on the affairs of the town;

(d) Receive reports from, and give directions to, all heads of offices and departments of the town;

(e) Submit to the council a proposed annual budget, in accordance with general law, with recommendations, and execute the budget as finally adopted by council; and

(f) Advise the council on the town's financial condition and future financial needs.

§ 4.5. ~~Recorder~~ Clerk.

The council may appoint a ~~recorder whose duties~~ clerk who shall be responsible for maintaining the official legislative record of council meetings and actions and perform such other duties as may be prescribed by the council or required by law.

2. That §§ 2.2, 4.2, and 4.4 of Chapter 136 of the Acts of Assembly of 1988 are repealed.

CHAPTER 147

An Act to amend and reenact §§ 15.2-7500, 15.2-7502, and 15.2-7512 of the Code of Virginia, relating to land bank entities; planning district commissions.

[H 1267]

Approved March 4, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 15.2-7500, 15.2-7502, and 15.2-7512 of the Code of Virginia are amended and reenacted as follows:

§ 15.2-7500. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Act" means this chapter, the Land Bank Entities Act (§ 15.2-7500 et seq.).

"Authority" means any political subdivision, a body politic and corporate, created, organized, and operated pursuant to the provisions of the Act.

"Board of directors" or "board" means the board of directors of an authority or a corporation.

"Corporation" means any nonprofit, nonstock corporation created under Chapter 10 (§ 13.1-801 et seq.) of Title 13.1 and operated pursuant to the provisions of the Act.

"Existing nonprofit entity" means any nonprofit organization that is exempt from taxation under § 501(c)(3) of the Internal Revenue Code and eligible to receive donations from a locality pursuant to § 15.2-953.

"Land bank entity" means any authority, *planning district commission*, corporation, or existing nonprofit entity established or designated by a locality to carry out the purposes of the Act.

"Real property" means lands, structures, and any and all easements and every estate and right therein, legal and equitable, including terms for years and liens by way of judgment, mortgage, or otherwise, and any and all fixtures and improvements located thereon.

§ 15.2-7502. Public hearing required prior to creation or designation of a land bank entity.

The governing body of a locality shall not adopt an ordinance creating a land bank entity pursuant to § 15.2-7501 or designating a *planning district commission* or an existing nonprofit entity pursuant to § 15.2-7512 until notice of intention to do so has been published once a week for two successive weeks in some newspaper published or having general circulation in the locality. The notice shall specify the time and place of a hearing at which affected or interested persons may appear and present their views, not less than five days nor more than 21 days after the second advertisement appears in such newspaper. After the public hearing has been conducted pursuant to this section, the governing body shall be empowered to create a land bank entity or designate a *planning district commission* or an existing nonprofit entity.

§ 15.2-7512. Designation of planning district commission or existing nonprofit entities to carry out the functions of a land bank entity.

A. Subject to a public hearing held pursuant to § 15.2-7502, a locality may by ordinance designate a *planning district commission* or an existing nonprofit entity and its governing board to carry out the functions of a land bank entity. The ordinance shall include a finding by the locality that the governance structure, articles of incorporation, charters, bylaws, and other corporate documents are sufficient to authorize the designated existing nonprofit entity to carry out the provisions of the Act.

B. ~~A~~ A *planning district commission* or an existing nonprofit entity designated pursuant to this section shall not be required to comply with the provisions of § 15.2-7503.

CHAPTER 148

An Act to amend and reenact § 15.2-7505 of the Code of Virginia, relating to land bank entities; conflict of interests.

[H 1369]

Approved March 4, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-7505 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-7505. Financial interests of board members and employees prohibited.

A. No member of the board or employee of the land bank entity shall acquire any interest, direct or indirect, in real property of the land bank entity, in any real property to be acquired by the land bank entity, or in any real property to be acquired from the land bank entity.

~~B. No member of the board or employee of a land bank entity shall have any interest, direct or indirect, in any contract or proposed contract for materials or services to be furnished to or used by a land bank entity. With regard to any contract or proposed contract for materials or services to be furnished to or used by a land bank entity, members of the board and employees of a land bank entity are subject to the provisions of the State and Local Government Conflict of Interests Act (§ 2.2-3100 et seq.).~~

C. The board may adopt supplemental rules and regulations addressing potential conflicts of interest and ethical guidelines for members of the board and employees of the land bank entity.

CHAPTER 149

An Act to amend and reenact § 15.2-2119.2 of the Code of Virginia, relating to discounted water and sewer fees; Town of Altavista.

[H 1585]

Approved March 4, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-2119.2 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-2119.2. Discounted fees and charges for certain low-income, elderly, or disabled customers.

The City of Richmond or any locality that is the owner of a water and sewer system and that has a population density of 200 persons per square mile or less, and the ~~Town~~ *Towns of Altavista and Louisa*, by ordinance may develop criteria for providing discounted water and sewer fees and charges for low-income, elderly, or disabled customers.

CHAPTER 150

An Act to amend and reenact §§ 4.1-333 and 18.2-308.09 of the Code of Virginia, relating to alcoholic beverage control; habitual drunkard.

[H 923]

Approved March 4, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 4.1-333 and 18.2-308.09 of the Code of Virginia are amended and reenacted as follows:

§ 4.1-333. Interdiction of intoxicated driver.

A. When after a hearing upon due notice it appears to the satisfaction of the circuit court of any county or city that any person, residing within such county or city, has been convicted of driving any automobile, truck, motorcycle, engine, or train while intoxicated ~~or has shown himself to be an habitual drunkard~~, the court may enter an order of interdiction prohibiting the sale of alcoholic beverages to such person until further ordered. The court entering any such order shall file a copy of the order with the Board.

B. The court entering any order of interdiction may alter, amend, or cancel such order as it deems proper. A copy of any alteration, amendment, or cancellation shall be filed with the Board.

§ 18.2-308.09. Disqualifications for a concealed handgun permit.

The following persons shall be deemed disqualified from obtaining a permit:

1. An individual who is ineligible to possess a firearm pursuant to § 18.2-308.1:1, 18.2-308.1:2, or 18.2-308.1:3 or the substantially similar law of any other state or of the United States.

2. An individual who was ineligible to possess a firearm pursuant to § 18.2-308.1:1 and who was discharged from the custody of the Commissioner pursuant to § 19.2-182.7 less than five years before the date of his application for a concealed handgun permit.

3. An individual who was ineligible to possess a firearm pursuant to § 18.2-308.1:2 and whose competency or capacity was restored pursuant to § 64.2-2012 less than five years before the date of his application for a concealed handgun permit.

4. An individual who was ineligible to possess a firearm under § 18.2-308.1:3 and who was released from commitment less than five years before the date of this application for a concealed handgun permit.

5. An individual who is subject to a restraining order, or to a protective order and prohibited by § 18.2-308.1:4 from purchasing, possessing, or transporting a firearm.

6. (Effective until January 1, 2021) An individual who is prohibited by § 18.2-308.2 from possessing or transporting a firearm, except that a permit may be obtained in accordance with subsection C of that section.

6. (Effective January 1, 2021) An individual who is prohibited by § 18.2-308.2 from possessing or transporting a firearm, except that a restoration order may be obtained in accordance with subsection C of that section.

7. An individual who has been convicted of two or more misdemeanors within the five-year period immediately preceding the application, if one of the misdemeanors was a Class 1 misdemeanor, but the judge shall have the discretion to deny a permit for two or more misdemeanors that are not Class 1. Traffic infractions and misdemeanors set forth in Title 46.2 shall not be considered for purposes of this disqualification.

8. An individual who is addicted to, or is an unlawful user or distributor of, marijuana, synthetic cannabinoids, or any controlled substance.

9. An individual who has been convicted of a violation of § 18.2-266 or a substantially similar local ordinance, or of public drunkenness, or of a substantially similar offense under the laws of any other state, the District of Columbia, the United States, or its territories within the three-year period immediately preceding the application, ~~or who is a habitual drunkard as determined pursuant to § 4.1-333.~~

10. An alien other than an alien lawfully admitted for permanent residence in the United States.

11. An individual who has been discharged from the armed forces of the United States under dishonorable conditions.

12. An individual who is a fugitive from justice.

13. An individual who the court finds, by a preponderance of the evidence, based on specific acts by the applicant, is likely to use a weapon unlawfully or negligently to endanger others. The sheriff, chief of police, or attorney for the Commonwealth may submit to the court a sworn, written statement indicating that, in the opinion of such sheriff, chief of police, or attorney for the Commonwealth, based upon a disqualifying conviction or upon the specific acts set forth in the statement, the applicant is likely to use a weapon unlawfully or negligently to endanger others. The statement of the sheriff, chief of police, or the attorney for the Commonwealth shall be based upon personal knowledge of such individual or of a deputy sheriff, police officer, or assistant attorney for the Commonwealth of the specific acts, or upon a written statement made under oath before a notary public of a competent person having personal knowledge of the specific acts.

14. An individual who has been convicted of any assault, assault and battery, sexual battery, discharging of a firearm in violation of § 18.2-280 or 18.2-286.1 or brandishing of a firearm in violation of § 18.2-282 within the three-year period immediately preceding the application.

15. An individual who has been convicted of stalking.

16. An individual whose previous convictions or adjudications of delinquency were based on an offense that would have been at the time of conviction a felony if committed by an adult under the laws of any state, the District of Columbia, the United States or its territories. For purposes of this disqualifier, only convictions occurring within 16 years following the later of the date of (i) the conviction or adjudication or (ii) release from any incarceration imposed upon such conviction or adjudication shall be deemed to be "previous convictions." Disqualification under this subdivision shall not apply to an individual with previous adjudications of delinquency who has completed a term of service of no less than two years in the Armed Forces of the United States and, if such person has been discharged from the Armed Forces of the United States, received an honorable discharge.

17. An individual who has a felony charge pending or a charge pending for an offense listed in subdivision 14 or 15.

18. An individual who has received mental health treatment or substance abuse treatment in a residential setting within five years prior to the date of his application for a concealed handgun permit.

19. An individual not otherwise ineligible pursuant to this article, who, within the three-year period immediately preceding the application for the permit, was found guilty of any criminal offense set forth in Article 1 (§ 18.2-247 et seq.) or former § 18.2-248.1:1 or of a criminal offense of illegal possession or distribution of marijuana, synthetic cannabinoids, or any controlled substance, under the laws of any state, the District of Columbia, or the United States or its territories.

20. An individual, not otherwise ineligible pursuant to this article, with respect to whom, within the three-year period immediately preceding the application, upon a charge of any criminal offense set forth in Article 1 (§ 18.2-247 et seq.) or former § 18.2-248.1:1 or upon a charge of illegal possession or distribution of marijuana, synthetic cannabinoids, or any controlled substance under the laws of any state, the District of Columbia, or the United States or its territories, the trial court found that the facts of the case were sufficient for a finding of guilt and disposed of the case pursuant to § 18.2-251 or the substantially similar law of any other state, the District of Columbia, or the United States or its territories.

CHAPTER 151

An Act to amend Chapter 128 of the Acts of Assembly of 1989, which provided a charter for the Town of Blackstone in the County of Nottoway, by adding in Chapter 4 sections numbered 4.5 and 4.6, relating to advisory referendums.

[H 1565]

Approved March 4, 2020

Be it enacted by the General Assembly of Virginia:**1. That Chapter 128 of the Acts of Assembly of 1989 is amended by adding in Chapter 4 sections numbered 4.5 and 4.6 as follows:****§ 4.5. Advisory referendum for the Harris Memorial Armory.**

The Town of Blackstone shall have authority, by resolution directed to the Circuit Court of Nottoway County or the judge thereof in vacation, to order the submission of an advisory referendum to the qualified voters of the Town thereon regarding the use by the Town of Blackstone of town funds to construct, repair, remodel, or improve the Harris Memorial Armory. Upon the receipt of such resolution, the Circuit Court of Nottoway County or the judge thereof in vacation shall order an election to be held thereon at a time that is in conformity with § 24.2-682 of the Code of Virginia. The election shall be conducted and the result thereof ascertained and determined in the manner provided by law for the conduct of general elections and by the regular election officials of Nottoway County or the Town of Blackstone.

§ 4.6. Advisory referendum for a community center.

The Town of Blackstone shall have authority, by resolution directed to the Circuit Court of Nottoway County or the judge thereof in vacation, to order the submission of an advisory referendum to the qualified voters of the Town thereon regarding the use by the Town of Blackstone of town funds to construct, repair, remodel, or improve a community center. Upon the receipt of such resolution, the Circuit Court of Nottoway County or the judge thereof in vacation shall order an election to be held thereon at a time that is in conformity with § 24.2-682 of the Code of Virginia. The election shall be conducted and the result thereof ascertained and determined in the manner provided by law for the conduct of general elections and by the regular election officials of Nottoway County or the Town of Blackstone.

CHAPTER 152

An Act to amend and reenact § 2.2-3901 of the Code of Virginia, relating to the Virginia Human Rights Act; discrimination on the basis of race; hair style, type, or texture.

[S 50]

Approved March 4, 2020

Be it enacted by the General Assembly of Virginia:**1. That § 2.2-3901 of the Code of Virginia is amended and reenacted as follows:****§ 2.2-3901. Unlawful discriminatory practice, gender discrimination, and racial discrimination defined.**

A. Conduct that violates any Virginia or federal statute or regulation governing discrimination on the basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, or disability shall be an "unlawful discriminatory practice" for the purposes of this chapter.

B. The terms "because of sex or gender" or "on the basis of sex or gender" or terms of similar import when used in reference to discrimination in the Code and acts of the General Assembly include because of or on the basis of pregnancy, childbirth or related medical conditions. Women affected by pregnancy, childbirth or related medical conditions shall be treated the same for all purposes as persons not so affected but similar in their abilities or disabilities.

C. The terms "because of race" or "on the basis of race" or terms of similar import when used in reference to discrimination in the Code and acts of the General Assembly include because of or on the basis of traits historically associated with race, including hair texture, hair type, and protective hairstyles such as braids, locks, and twists.

CHAPTER 153

An Act to amend the Code of Virginia by adding a section numbered 22.1-23.3, relating to public elementary and secondary schools; treatment of transgender students; policies.

[H 145]

Approved March 4, 2020

Be it enacted by the General Assembly of Virginia:**1. That the Code of Virginia is amended by adding a section numbered 22.1-23.3 as follows:****§ 22.1-23.3. Treatment of transgender students; policies.**

A. The Department of Education shall develop and make available to each school board model policies concerning the treatment of transgender students in public elementary and secondary schools that address common issues regarding

transgender students in accordance with evidence-based best practices and include information, guidance, procedures, and standards relating to:

1. *Compliance with applicable nondiscrimination laws;*
2. *Maintenance of a safe and supportive learning environment free from discrimination and harassment for all students;*
3. *Prevention of and response to bullying and harassment;*
4. *Maintenance of student records;*
5. *Identification of students;*
6. *Protection of student privacy and the confidentiality of sensitive information;*
7. *Enforcement of sex-based dress codes; and*
8. *Student participation in sex-specific school activities and events and use of school facilities. Activities and events do not include athletics.*

B. Each school board shall adopt policies that are consistent with but may be more comprehensive than the model policies developed by the Department of Education pursuant to subsection A.

2. That the Department of Education shall develop and make available to each school board model policies pursuant to subsection A of § 22.1-23.3 of the Code of Virginia, as created by this act, no later than December 31, 2020.

3. That each school board shall adopt policies pursuant to subsection B of § 22.1-23.3 of the Code of Virginia, as created by this act, no later than the beginning of the 2021–2022 school year.

CHAPTER 154

An Act to amend the Code of Virginia by adding a section numbered 22.1-23.3, relating to public elementary and secondary schools; treatment of transgender students; policies.

[S 161]

Approved March 4, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 22.1-23.3 as follows:

§ 22.1-23.3. Treatment of transgender students; policies.

A. The Department of Education shall develop and make available to each school board model policies concerning the treatment of transgender students in public elementary and secondary schools that address common issues regarding transgender students in accordance with evidence-based best practices and include information, guidance, procedures, and standards relating to:

1. *Compliance with applicable nondiscrimination laws;*
2. *Maintenance of a safe and supportive learning environment free from discrimination and harassment for all students;*
3. *Prevention of and response to bullying and harassment;*
4. *Maintenance of student records;*
5. *Identification of students;*
6. *Protection of student privacy and the confidentiality of sensitive information;*
7. *Enforcement of sex-based dress codes; and*
8. *Student participation in sex-specific school activities and events and use of school facilities. Activities and events do not include athletics.*

B. Each school board shall adopt policies that are consistent with but may be more comprehensive than the model policies developed by the Department of Education pursuant to subsection A.

2. That the Department of Education shall develop and make available to each school board model policies pursuant to subsection A of § 22.1-23.3 of the Code of Virginia, as created by this act, no later than December 31, 2020.

3. That each school board shall adopt policies pursuant to subsection B of § 22.1-23.3 of the Code of Virginia, as created by this act, no later than the beginning of the 2021–2022 school year.

CHAPTER 155

An Act to amend and reenact § 23.1-1304 of the Code of Virginia, relating to public institutions of higher education; governing boards; educational programs.

[S 897]

Approved March 4, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 23.1-1304 of the Code of Virginia is amended and reenacted as follows:

§ 23.1-1304. Governing boards; additional duties; educational programs.

A. From such funds as are appropriated for such purpose, the Council shall develop, in consultation with public institutions of higher education and members of their governing boards, and annually deliver educational programs for the governing boards of such institutions. New members of such governing boards shall participate, at least once during their first two years of membership, in the programs, which shall be designed to address the role, duties, and responsibilities of the governing boards and may include in-service programs on current issues in higher education. In developing such programs, the Council may consider similar educational programs for institutional governing boards in other states. *In addition, the Council shall develop educational materials for board members with more than two years of service on a governing board. Each such board member shall participate in further training on board governance at least once every two years and the Council shall develop criteria by which such board members shall demonstrate compliance with this requirement.*

B. Educational programs for the governing boards of public institutions of higher education shall include presentations relating to:

1. Board members' primary duty to the citizens of the Commonwealth;
2. Governing board committee structure and function;
3. The duties of the executive committee set forth in § 23.1-1306;
4. Professional accounting and reporting standards;
5. Methods for meeting the statutory, regulatory, and fiduciary obligations of the board;
6. The requirements of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.), developed and delivered in conjunction with the Freedom of Information Advisory Council;
7. Institutional ethics and conflicts of interest;
8. Creating and implementing regulations and institution policies;
9. Business operations, administration, budgeting, financing, financial reporting, and financial reserves, including a segment on endowment management;
10. Fixing student tuition, mandatory fees, and other necessary charges, including a review of student debt trends;
11. Overseeing planning, construction, maintenance, expansion, and renovation projects that affect the institution's consolidated infrastructure, physical facilities, and natural environment, including its lands, improvements, and capital equipment;
12. Workforce planning, strategy, and investment;
13. Institutional advancement, including philanthropic giving, fundraising initiatives, alumni programming, communications and media, government and public relations, and community affairs;
14. Student welfare issues, including academic studies; curriculum; residence life; student governance and activities; and the general physical and psychological well-being of undergraduate and graduate students;
15. Current national and state issues in higher education;
16. Future national and state issues in higher education;
17. Relations between the governing board and the chief executive officer of the institution, including perspectives from chief executive officers of public institutions of higher education;
18. Best practices for board governance, including perspectives from current board members; and
19. Any other topics that the Council, public institutions of higher education, and members of their governing boards deem necessary or appropriate.

C. The Council shall submit to the General Assembly and the Governor an annual executive summary of the interim activity and work of the Council pursuant to this section no later than the first day of each regular session of the General Assembly. The executive summary shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

CHAPTER 156

An Act to amend and reenact § 23.1-1304 of the Code of Virginia, relating to public institutions of higher education; governing boards; educational programs.

[H 611]

Approved March 4, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 23.1-1304 of the Code of Virginia is amended and reenacted as follows:

§ 23.1-1304. Governing boards; additional duties; educational programs.

A. From such funds as are appropriated for such purpose, the Council shall develop, in consultation with public institutions of higher education and members of their governing boards, and annually deliver educational programs for the governing boards of such institutions. New members of such governing boards shall participate, at least once during their first two years of membership, in the programs, which shall be designed to address the role, duties, and responsibilities of the governing boards and may include in-service programs on current issues in higher education. In developing such programs, the Council may consider similar educational programs for institutional governing boards in other states. *In*

addition, the Council shall develop educational materials for board members with more than two years of service on the governing board. Each such board member shall participate in further training on board governance at least once every two years, and the Council shall develop criteria by which such board members shall demonstrate compliance with this requirement.

B. Educational programs for the governing boards of public institutions of higher education shall include presentations relating to:

1. Board members' primary duty to the citizens of the Commonwealth;
2. Governing board committee structure and function;
3. The duties of the executive committee set forth in § 23.1-1306;
4. Professional accounting and reporting standards;
5. Methods for meeting the statutory, regulatory, and fiduciary obligations of the board;
6. The requirements of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.), developed and delivered in conjunction with the Freedom of Information Advisory Council;
7. Institutional ethics and conflicts of interest;
8. Creating and implementing regulations and institution policies;
9. Business operations, administration, budgeting, financing, financial reporting, and financial reserves, including a segment on endowment management;
10. Fixing student tuition, mandatory fees, and other necessary charges, including a review of student debt trends;
11. Overseeing planning, construction, maintenance, expansion, and renovation projects that affect the institution's consolidated infrastructure, physical facilities, and natural environment, including its lands, improvements, and capital equipment;
12. Workforce planning, strategy, and investment;
13. Institutional advancement, including philanthropic giving, fundraising initiatives, alumni programming, communications and media, government and public relations, and community affairs;
14. Student welfare issues, including academic studies; curriculum; residence life; student governance and activities; and the general physical and psychological well-being of undergraduate and graduate students;
15. Current national and state issues in higher education;
16. Future national and state issues in higher education;
17. Relations between the governing board and the chief executive officer of the institution, including perspectives from chief executive officers of public institutions of higher education;
18. Best practices for board governance, including perspectives from current board members; and
19. Any other topics that the Council, public institutions of higher education, and members of their governing boards deem necessary or appropriate.

C. The Council shall submit to the General Assembly and the Governor an annual executive summary of the interim activity and work of the Council pursuant to this section no later than the first day of each regular session of the General Assembly. The executive summary shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

CHAPTER 157

An Act to amend the Code of Virginia by adding a section numbered 19.2-262.01, relating to voir dire examination of persons called as jurors; criminal case.

[H 100]

Approved March 4, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 19.2-262.01 as follows:

§ 19.2-262.01. *Voir dire examination of persons called as jurors.*

In any criminal case, the court and counsel for either party shall have the right to examine under oath any person who is called as a juror therein and shall have the right to ask such person or juror directly any relevant question to ascertain whether the juror can sit impartially in either the guilt or sentencing phase of the case. Such questions may include whether the person or juror is related to either party, has any interest in the cause, has expressed or formed any opinion, or is sensible of any bias or prejudice therein. The court and counsel for either party may inform any such person or juror as to the potential range of punishment to ascertain if the person or juror can sit impartially in the sentencing phase of the case. The party objecting to any juror may introduce competent evidence in support of the objection, and if it appears to the court that the juror does not stand indifferent in the cause, another shall be drawn or called and placed in his stead for the trial of that case.

A juror, knowing anything relative to the fact in issue, shall disclose the same in open court.

CHAPTER 158

An Act to amend and reenact § 8.01-325 of the Code of Virginia, relating to returns of service; acceptance of copies of proof of service.

[H 780]

Approved March 4, 2020

Be it enacted by the General Assembly of Virginia:**1. That § 8.01-325 of the Code of Virginia is amended and reenacted as follows:****§ 8.01-325. Return by person serving process.**

A. Unless otherwise directed by the court, the person serving process shall make return thereof to the clerk's office within seventy-two hours of service, except when such return would be due on a Saturday, Sunday, or legal holiday. In such case, the return is due on the next day following such Saturday, Sunday, or legal holiday. The process shall state thereon the date and manner of service and the name of the party served.

B. Proof of service shall be in the following manner:

1. If service by sheriff, the form of the return of such sheriff as provided by the Rules of the Supreme Court; or

2. If service by any other person qualified under § 8.01-293, whether service made in or out of the Commonwealth, his affidavit of such qualifications; the date and manner of service and the name of the party served; and stamped, typed, or printed on the return of process, an annotation that the service was by a private server, and the name, address, and telephone number of the server; or

3. In case of service by publication, the affidavit of the publisher or his agent giving the dates of publication and an accompanying copy of the published order.

C. *The clerk's office shall accept a photocopy, facsimile, or other copy of the original proof of service as if it were an original, provided that the proponent provides a statement that any such copy is a true copy of the original.*

CHAPTER 159

An Act to amend and reenact § 8.01-317 of the Code of Virginia, relating to order of publication; electronic notice.

[H 834]

Approved March 4, 2020

Be it enacted by the General Assembly of Virginia:**1. That § 8.01-317 of the Code of Virginia is amended and reenacted as follows:****§ 8.01-317. What order of publication to state; how published; when publication in newspaper dispensed with; electronic notice.**

Except in condemnation actions, every order of publication shall give the abbreviated style of the suit, state briefly its object, and require the defendants, or unknown parties, against whom it is entered to appear and protect their interests on or before the date stated in the order which shall be no sooner than ~~thirty~~ *fifty* 50 days after entry of the order of publication. Such order of publication shall be published once each week for four successive weeks in such newspaper as the court may prescribe, or, if none be so prescribed, as the clerk may direct, and shall be posted at the front door of the courthouse wherein the court is held; also a copy of such order of publication shall be mailed to each of the defendants at the post office address given in the affidavit required by § 8.01-316. The clerk shall cause copies of the order to be so posted, mailed, and transmitted to the designated newspaper within ~~twenty~~ 20 days after the entry of the order of publication. Upon completion of such publication, the clerk shall file a certificate in the papers of the case that the requirements of this section have been complied with. ~~Provided, that~~ *The court may, in any case where deemed proper, dispense with such publication in a newspaper or may order that appropriate notice be given by electronic means, under such terms and conditions as the court may direct, either in addition to or in lieu of publication in a newspaper; provided that such electronic notice is reasonably calculated, under all circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections.* The cost of such publication or notice shall be paid by the petitioner or applicant.

CHAPTER 160

An Act to amend and reenact § 18.2-388 of the Code of Virginia, relating to profane swearing in public.

[H 1071]

Approved March 4, 2020

Be it enacted by the General Assembly of Virginia:**1. That § 18.2-388 of the Code of Virginia is amended and reenacted as follows:****§ 18.2-388. Intoxication in public; penalty; transportation of public inebriates to detoxification center.**

If any person ~~profanely curses or swears or~~ is intoxicated in public, whether such intoxication results from alcohol, narcotic drug, or other intoxicant or drug of whatever nature, he ~~shall be deemed~~ *is* guilty of a Class 4 misdemeanor. In any

area in which there is located a court-approved detoxification center, a law-enforcement officer may authorize the transportation, by police or otherwise, of public inebriates to such detoxification center in lieu of arrest; however, no person shall be involuntarily detained in such center.

CHAPTER 161

An Act to amend and reenact § 54.1-2957.01 of the Code of Virginia, relating to certified registered nurse anesthetists; prescriptive authority.

[S 264]

Approved March 4, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-2957.01 of the Code of Virginia is amended and reenacted as follows:

§ 54.1-2957.01. Prescription of certain controlled substances and devices by licensed nurse practitioners.

A. In accordance with the provisions of this section and pursuant to the requirements of Chapter 33 (§ 54.1-3300 et seq.), a licensed nurse practitioner, ~~other than a certified registered nurse anesthetist~~, shall have the authority to prescribe Schedule II through Schedule VI controlled substances and devices as set forth in Chapter 34 (§ 54.1-3400 et seq.).

B. A nurse practitioner who does not meet the requirements for practice without a written or electronic practice agreement set forth in subsection I of § 54.1-2957 shall prescribe controlled substances or devices only if such prescribing is authorized by a written or electronic practice agreement entered into by the nurse practitioner and a patient care team physician. Such nurse practitioner shall provide to the Boards of Medicine and Nursing such evidence as the Boards may jointly require that the nurse practitioner has entered into and is, at the time of writing a prescription, a party to a written or electronic practice agreement with a patient care team physician that clearly states the prescriptive practices of the nurse practitioner. Such written or electronic practice agreements shall include the controlled substances the nurse practitioner is or is not authorized to prescribe and may restrict such prescriptive authority as described in the practice agreement. Evidence of a practice agreement shall be maintained by a nurse practitioner pursuant to § 54.1-2957. Practice agreements authorizing a nurse practitioner to prescribe controlled substances or devices pursuant to this section either shall be signed by the patient care team physician or shall clearly state the name of the patient care team physician who has entered into the practice agreement with the nurse practitioner.

It shall be unlawful for a nurse practitioner to prescribe controlled substances or devices pursuant to this section unless (i) such prescription is authorized by the written or electronic practice agreement or (ii) the nurse practitioner is authorized to practice without a written or electronic practice agreement pursuant to subsection I of § 54.1-2957.

C. The Boards of Medicine and Nursing shall promulgate regulations governing the prescriptive authority of nurse practitioners as are deemed reasonable and necessary to ensure an appropriate standard of care for patients. Such regulations shall include requirements as may be necessary to ensure continued nurse practitioner competency, which may include continuing education, testing, or any other requirement, and shall address the need to promote ethical practice, an appropriate standard of care, patient safety, the use of new pharmaceuticals, and appropriate communication with patients.

D. This section shall not limit the functions and procedures of certified registered nurse anesthetists or of any nurse practitioners which are otherwise authorized by law or regulation.

E. The following restrictions shall apply to any nurse practitioner authorized to prescribe drugs and devices pursuant to this section:

1. The nurse practitioner shall disclose to the patient at the initial encounter that he is a licensed nurse practitioner. Any party to a practice agreement shall disclose, upon request of a patient or his legal representative, the name of the patient care team physician and information regarding how to contact the patient care team physician.

2. Physicians shall not serve as a patient care team physician on a patient care team at any one time to more than six nurse practitioners.

F. This section shall not prohibit a licensed nurse practitioner from administering controlled substances in compliance with the definition of "administer" in § 54.1-3401 or from receiving and dispensing manufacturers' professional samples of controlled substances in compliance with the provisions of this section.

G. Notwithstanding any provision of law or regulation to the contrary, a nurse practitioner licensed by the Boards of Medicine and Nursing in the category of certified nurse midwife and holding a license for prescriptive authority may prescribe (i) Schedules II through V controlled substances in accordance with any prescriptive authority included in a practice agreement with a licensed physician pursuant to subsection H of § 54.1-2957 and (ii) Schedule VI controlled substances without the requirement for inclusion of such prescriptive authority in a practice agreement.

H. Notwithstanding any provision of law or regulation to the contrary, a nurse practitioner licensed by the Boards of Medicine and Nursing as a certified registered nurse anesthetist shall have the authority to prescribe Schedule II through Schedule VI controlled substances and devices in accordance with the requirements for practice set forth in subsection C of § 54.1-2957 to a patient requiring anesthesia, as part of the periprocedural care of such patient. As used in this subsection, "periprocedural" means the period beginning prior to a procedure and ending at the time the patient is discharged.

CHAPTER 162

An Act to amend and reenact § 2.2-4382 of the Code of Virginia, relating to construction management contracting; use by local public bodies.

[H 890]

Approved March 4, 2020

Be it enacted by the General Assembly of Virginia:**1. That § 2.2-4382 of the Code of Virginia is amended and reenacted as follows:****§ 2.2-4382. Design-build or construction management contracts for local public bodies authorized.**

A. Any local public body may enter into a contract for construction on a fixed price or not-to-exceed price construction management or design-build basis, provided that the local public body (i) complies with the requirements of this article and (ii) has by ordinance or resolution implemented procedures consistent with the procedures adopted by the Secretary of Administration for utilizing construction management or design-build contracts.

B. Prior to making a determination as to the use of construction management or design-build for a specific construction project, a local public body shall have in its employ or under contract a licensed architect or engineer with professional competence appropriate to the project who shall (i) advise such public body regarding the use of construction management or design-build for that project and (ii) assist such public body with the preparation of the Request for Proposal and the evaluation of such proposals.

C. A written determination shall be made in advance by the local public body that competitive sealed bidding is not practicable or fiscally advantageous, and such writing shall document the basis for the determination to utilize construction management or design-build. The determination shall be included in the Request for Qualifications and be maintained in the procurement file.

D. Procedures adopted by a local public body for construction management pursuant to this article shall include the following requirements:

~~1. Construction management contracts may be utilized for projects where the project cost is expected to be more than \$10 million;~~

~~2.~~ Construction management may be utilized on projects where the project cost is expected to be less than \$10 million the project cost threshold established in the procedures adopted by the Secretary of Administration for utilizing construction management contracts, provided that (i) the project is a complex project and (ii) the project procurement method is approved by the local governing body. The written approval of the governing body shall be maintained in the procurement file;

~~3.~~ 2. Public notice of the Request for Qualifications is posted on the Department's central electronic procurement website, known as eVA, at least 30 days prior to the date set for receipt of qualification proposals;

~~4.~~ 3. The construction management contract is entered into no later than the completion of the schematic phase of design, unless prohibited by authorization of funding restrictions;

~~5.~~ 4. Prior construction management or design-build experience or previous experience with the Department's Bureau of Capital Outlay Management shall not be required as a prerequisite for award of a contract. However, in the selection of a contractor, the local public body may consider the experience of each contractor on comparable projects;

~~6.~~ 5. Construction management contracts shall require that (i) no more than 10 percent of the construction work, as measured by the cost of the work, be performed by the construction manager with its own forces and (ii) the remaining 90 percent of the construction work, as measured by the cost of the work, be performed by subcontractors of the construction manager, which the construction manager shall procure by publicly advertised, competitive sealed bidding to the maximum extent practicable;

~~7.~~ 6. The procedures allow for a two-step competitive negotiation process; and

~~8.~~ 7. Price is a critical basis for award of the contract.

E. Procedures adopted by a local public body for design-build construction projects shall include a two-step competitive negotiation process consistent with the standards established by the Division of Engineering and Buildings of the Department for state public bodies.

CHAPTER 163

An Act to amend and reenact § 2.2-4382 of the Code of Virginia, relating to construction management contracting; use by local public bodies.

[S 341]

Approved March 4, 2020

Be it enacted by the General Assembly of Virginia:**1. That § 2.2-4382 of the Code of Virginia is amended and reenacted as follows:****§ 2.2-4382. Design-build or construction management contracts for local public bodies authorized.**

A. Any local public body may enter into a contract for construction on a fixed price or not-to-exceed price construction management or design-build basis, provided that the local public body (i) complies with the requirements of this article and

(ii) has by ordinance or resolution implemented procedures consistent with the procedures adopted by the Secretary of Administration for utilizing construction management or design-build contracts.

B. Prior to making a determination as to the use of construction management or design-build for a specific construction project, a local public body shall have in its employ or under contract a licensed architect or engineer with professional competence appropriate to the project who shall (i) advise such public body regarding the use of construction management or design-build for that project and (ii) assist such public body with the preparation of the Request for Proposal and the evaluation of such proposals.

C. A written determination shall be made in advance by the local public body that competitive sealed bidding is not practicable or fiscally advantageous, and such writing shall document the basis for the determination to utilize construction management or design-build. The determination shall be included in the Request for Qualifications and be maintained in the procurement file.

D. Procedures adopted by a local public body for construction management pursuant to this article shall include the following requirements:

~~1. Construction management contracts may be utilized for projects where the project cost is expected to be more than \$10 million;~~

~~2.~~ Construction management may be utilized on projects where the project cost is expected to be less than \$10 million the project cost threshold established in the procedures adopted by the Secretary of Administration for utilizing construction management contracts, provided that (i) the project is a complex project and (ii) the project procurement method is approved by the local governing body. The written approval of the governing body shall be maintained in the procurement file;

~~3.~~ 2. Public notice of the Request for Qualifications is posted on the Department's central electronic procurement website, known as eVA, at least 30 days prior to the date set for receipt of qualification proposals;

~~4.~~ 3. The construction management contract is entered into no later than the completion of the schematic phase of design, unless prohibited by authorization of funding restrictions;

~~5.~~ 4. Prior construction management or design-build experience or previous experience with the Department's Bureau of Capital Outlay Management shall not be required as a prerequisite for award of a contract. However, in the selection of a contractor, the local public body may consider the experience of each contractor on comparable projects;

~~6.~~ 5. Construction management contracts shall require that (i) no more than 10 percent of the construction work, as measured by the cost of the work, be performed by the construction manager with its own forces and (ii) the remaining 90 percent of the construction work, as measured by the cost of the work, be performed by subcontractors of the construction manager, which the construction manager shall procure by publicly advertised, competitive sealed bidding to the maximum extent practicable;

~~7.~~ 6. The procedures allow for a two-step competitive negotiation process; and

~~8.~~ 7. Price is a critical basis for award of the contract.

E. Procedures adopted by a local public body for design-build construction projects shall include a two-step competitive negotiation process consistent with the standards established by the Division of Engineering and Buildings of the Department for state public bodies.

CHAPTER 164

An Act to amend and reenact § 56-585.1:5 of the Code of Virginia, relating to electric utility regulation; underground electric transmission line pilot program.

[H 576]

Approved March 4, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 56-585.1:5 of the Code of Virginia is amended and reenacted as follows:

§ 56-585.1:5. Pilot program for underground transmission lines.

A. There is hereby established a pilot program to further the understanding of underground electric transmission lines in regard to electric reliability, construction methods and related cost and timeline estimating, ~~and~~ the probability of meeting such projections, *and the benefits of undergrounding existing electric transmission lines to promote economic development within the Commonwealth.* The pilot program shall consist of the approval to construct qualifying electrical transmission lines of 230 kilovolts or less (but greater than 69 kilovolts) in whole or in part underground. Such pilot program shall consist of a total of two qualifying electrical transmission line projects, constructed in whole or in part underground, as specified and set forth in this section.

B. Notwithstanding any other law to the contrary, as a part of the pilot program established pursuant to this section, the Commission shall approve as a qualifying project a transmission line of 230 kilovolts or less that is pending final approval of a certificate of public convenience and necessity from the Commission as of December 31, 2017, for the construction of an electrical transmission line approximately 5.3 miles in length utilizing both overhead and underground transmission facilities, of which the underground portion shall be approximately 3.1 miles in length, which has been previously proposed for construction within or immediately adjacent to the right-of-way of an interstate highway. Once the Commission has

affirmed the project need through an order, the project shall be constructed in part underground, and the underground portion shall consist of a double circuit.

The Commission shall approve such underground construction within 30 days of receipt of the written request of the public utility to participate in the pilot program pursuant to this ~~subsection~~ *section*. The Commission shall not require the submission of additional technical and cost analyses as a condition of its approval but may request such analyses for its review. The Commission shall approve the underground construction of one contiguous segment of the transmission line that is approximately 3.1 miles in length that was previously proposed for construction within or immediately adjacent to the right-of-way of the interstate highway, for which, by resolution, the locality has indicated general community support. The remainder of the construction for the transmission line shall be aboveground. The Commission shall not be required to perform any further analysis as to the impacts of this route, including environmental impacts or impacts upon historical resources.

The electric utility may proceed to acquire right-of-way and take such other actions as it deems appropriate in furtherance of the construction of the approved transmission line, including acquiring the cables necessary for the underground installation.

C. In reviewing applications submitted by public utilities for certificates of public convenience and necessity for the construction of electrical transmission lines of 230 kilovolts or less filed between July 1, 2018, and ~~July~~ *October 1, 2020*, the Commission shall approve, consistent with the requirements of subsection D, one additional application as a qualifying project to be constructed in whole or in part underground, as a part of this pilot program. The one qualifying project shall be in addition to the qualifying project described in subsection B *and shall be the relocation or conversion of an existing 230-kilovolt overhead line to an underground line*.

D. For purposes of subsection C, a project shall be qualified to be placed underground, in whole or in part, if it meets all of the following criteria: (i) an engineering analysis demonstrates that it is technically feasible to place the proposed line, in whole or in part, underground; (ii) the governing body of each locality in which a portion of the proposed line will be placed underground indicates, by resolution, general community support for the project and that it supports the transmission line to be placed underground; (iii) a project has been filed with the Commission or is pending issuance of a certificate of public convenience and necessity by ~~July~~ *October 1, 2020*; (iv) the estimated additional cost of placing the proposed line, in whole or in part, underground does not exceed \$40 million or, if greater than \$40 million, the cost does not exceed 2.5 times the cost of placing the same line overhead, assuming accepted industry standards for undergrounding to ensure safety and reliability; if the public utility, the affected localities, and the Commission agree, a proposed underground line whose cost exceeds 2.5 times the cost of placing the line overhead may also be accepted into the pilot program; (v) the public utility requests that the project be considered as a qualifying project under this section; and (vi) the primary need of the project shall be for purposes of grid reliability, grid resiliency, or to support economic development priorities of the Commonwealth, *including the economic development priorities and the comprehensive plan of the governing body of the locality in which at least a portion of line will be placed*, and shall not be to address aging assets that would have otherwise been replaced in due course.

E. *A transmission line project that is found to meet the criteria of subsection D shall be deemed to satisfy the requirements of subsection B of § 56-46.1 with respect to a finding of the Commission that the line is needed.*

F. Approval of a transmission line pursuant to this section for inclusion in the pilot program shall be deemed to satisfy the requirements of § 15.2-2232 and local zoning ordinances with respect to such transmission line and any associated facilities, such as stations, substations, transition stations and locations, and switchyards or stations, that may be required.

~~F. G.~~ The Commission shall report annually to the Commission on Electric Utility Restructuring, the Joint Commission on Technology and Science, and the Governor on the progress of the pilot program by no later than December 1 of each year that this section is in effect. The Commission shall submit a final report to the Commission on Electric Utility Restructuring, the Joint Commission on Technology and Science, and the Governor no later than December 1, 2024, analyzing the entire program and making recommendations about the continued placement of transmission lines underground in the Commonwealth. The Commission's final report shall include, ~~but not be limited to~~, analysis and findings of the costs of underground construction and historical and future consumer rate effects of such costs, effect of underground transmission lines on grid reliability, operability (including operating voltage), probability of meeting cost and construction timeline estimates of such underground transmission lines, and *economic development*, aesthetic or other benefits attendant to the placement of transmission lines underground.

~~G. H.~~ For the qualifying projects chosen pursuant to this section and not fully recoverable as charges for new transmission facilities pursuant to subdivision A 4 of § 56-585.1, the Commission shall approve a rate adjustment clause. The rate adjustment clause shall provide for the full and timely recovery of any portion of the cost of such project not recoverable under applicable rates, terms, and conditions approved by the Federal Energy Regulatory Commission and shall include the use of the fair return on common equity most recently approved in a State Corporation Commission proceeding for such utility. Such costs shall be entirely assigned to the utility's Virginia jurisdictional customers. The Commission's final order regarding any petition filed pursuant to this subsection shall be entered not more than three months after the filing of such petition.

~~H. I.~~ The provisions of this section shall not be construed to limit the ability of the Commission to approve additional applications for placement of transmission lines underground.

✚ J. If two applications are not submitted to the Commission that meet the requirements of this section, the Commission shall document the failure of the projects to qualify for the pilot program in order to justify approving fewer than two projects to be placed underground, in whole or in part.

✚ K. Insofar as the provisions of this section are inconsistent with the provisions of any other law or local ordinance, the provisions of this section shall be controlling.

CHAPTER 165

An Act to amend and reenact § 56-585.1:5 of the Code of Virginia, relating to electric utility regulation; underground electric transmission line pilot program.

[S 782]

Approved March 4, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 56-585.1:5 of the Code of Virginia is amended and reenacted as follows:

§ 56-585.1:5. Pilot program for underground transmission lines.

A. There is hereby established a pilot program to further the understanding of underground electric transmission lines in regard to electric reliability, construction methods and related cost and timeline estimating, ~~and~~ the probability of meeting such projections, *and the benefits of undergrounding existing electric transmission lines to promote economic development within the Commonwealth.* The pilot program shall consist of the approval to construct qualifying electrical transmission lines of 230 kilovolts or less (but greater than 69 kilovolts) in whole or in part underground. Such pilot program shall consist of a total of two qualifying electrical transmission line projects, constructed in whole or in part underground, as specified and set forth in this section.

B. Notwithstanding any other law to the contrary, as a part of the pilot program established pursuant to this section, the Commission shall approve as a qualifying project a transmission line of 230 kilovolts or less that is pending final approval of a certificate of public convenience and necessity from the Commission as of December 31, 2017, for the construction of an electrical transmission line approximately 5.3 miles in length utilizing both overhead and underground transmission facilities, of which the underground portion shall be approximately 3.1 miles in length, which has been previously proposed for construction within or immediately adjacent to the right-of-way of an interstate highway. Once the Commission has affirmed the project need through an order, the project shall be constructed in part underground, and the underground portion shall consist of a double circuit.

The Commission shall approve such underground construction within 30 days of receipt of the written request of the public utility to participate in the pilot program pursuant to this ~~subsection~~ *section*. The Commission shall not require the submission of additional technical and cost analyses as a condition of its approval but may request such analyses for its review. The Commission shall approve the underground construction of one contiguous segment of the transmission line that is approximately 3.1 miles in length that was previously proposed for construction within or immediately adjacent to the right-of-way of the interstate highway, for which, by resolution, the locality has indicated general community support. The remainder of the construction for the transmission line shall be aboveground. The Commission shall not be required to perform any further analysis as to the impacts of this route, including environmental impacts or impacts upon historical resources.

The electric utility may proceed to acquire right-of-way and take such other actions as it deems appropriate in furtherance of the construction of the approved transmission line, including acquiring the cables necessary for the underground installation.

C. In reviewing applications submitted by public utilities for certificates of public convenience and necessity for the construction of electrical transmission lines of 230 kilovolts or less filed between July 1, 2018, and ~~July~~ *October* 1, 2020, the Commission shall approve, consistent with the requirements of subsection D, one additional application as a qualifying project to be constructed in whole or in part underground, as a part of this pilot program. The one qualifying project shall be in addition to the qualifying project described in subsection B *and shall be the relocation or conversion of an existing 230-kilovolt overhead line to an underground line.*

D. For purposes of subsection C, a project shall be qualified to be placed underground, in whole or in part, if it meets all of the following criteria: (i) an engineering analysis demonstrates that it is technically feasible to place the proposed line, in whole or in part, underground; (ii) the governing body of each locality in which a portion of the proposed line will be placed underground indicates, by resolution, general community support for the project and that it supports the transmission line to be placed underground; (iii) a project has been filed with the Commission or is pending issuance of a certificate of public convenience and necessity by ~~July~~ *October* 1, 2020; (iv) the estimated additional cost of placing the proposed line, in whole or in part, underground does not exceed \$40 million or, if greater than \$40 million, the cost does not exceed 2.5 times the cost of placing the same line overhead, assuming accepted industry standards for undergrounding to ensure safety and reliability; if the public utility, the affected localities, and the Commission agree, a proposed underground line whose cost exceeds 2.5 times the cost of placing the line overhead may also be accepted into the pilot program; (v) the public utility requests that the project be considered as a qualifying project under this section; and (vi) the primary need of the project shall be for purposes of grid reliability, grid resiliency, or to support economic development priorities of the

Commonwealth, including the economic development priorities and the comprehensive plan of the governing body of the locality in which at least a portion of line will be placed, and shall not be to address aging assets that would have otherwise been replaced in due course.

E. A transmission line project that is found to meet the criteria of subsection D shall be deemed to satisfy the requirements of subsection B of § 56-46.1 with respect to a finding of the Commission that the line is needed.

F. Approval of a transmission line pursuant to this section for inclusion in the pilot program shall be deemed to satisfy the requirements of § 15.2-2232 and local zoning ordinances with respect to such transmission line and any associated facilities, such as stations, substations, transition stations and locations, and switchyards or stations, that may be required.

~~F. G.~~ G. The Commission shall report annually to the Commission on Electric Utility Restructuring, the Joint Commission on Technology and Science, and the Governor on the progress of the pilot program by no later than December 1 of each year that this section is in effect. The Commission shall submit a final report to the Commission on Electric Utility Restructuring, the Joint Commission on Technology and Science, and the Governor no later than December 1, 2024, analyzing the entire program and making recommendations about the continued placement of transmission lines underground in the Commonwealth. The Commission's final report shall include, ~~but not be limited to,~~ analysis and findings of the costs of underground construction and historical and future consumer rate effects of such costs, effect of underground transmission lines on grid reliability, operability (including operating voltage), probability of meeting cost and construction timeline estimates of such underground transmission lines, and *economic development*, aesthetic or other benefits attendant to the placement of transmission lines underground.

~~G. H.~~ H. For the qualifying projects chosen pursuant to this section and not fully recoverable as charges for new transmission facilities pursuant to subdivision A 4 of § 56-585.1, the Commission shall approve a rate adjustment clause. The rate adjustment clause shall provide for the full and timely recovery of any portion of the cost of such project not recoverable under applicable rates, terms, and conditions approved by the Federal Energy Regulatory Commission and shall include the use of the fair return on common equity most recently approved in a State Corporation Commission proceeding for such utility. Such costs shall be entirely assigned to the utility's Virginia jurisdictional customers. The Commission's final order regarding any petition filed pursuant to this subsection shall be entered not more than three months after the filing of such petition.

~~H. I.~~ I. The provisions of this section shall not be construed to limit the ability of the Commission to approve additional applications for placement of transmission lines underground.

~~I. J.~~ J. If two applications are not submitted to the Commission that meet the requirements of this section, the Commission shall document the failure of the projects to qualify for the pilot program in order to justify approving fewer than two projects to be placed underground, in whole or in part.

~~J. K.~~ K. Insofar as the provisions of this section are inconsistent with the provisions of any other law or local ordinance, the provisions of this section shall be controlling.

CHAPTER 166

An Act to amend the Code of Virginia by adding in Article 5 of Chapter 9 of Title 15.2 a section numbered 15.2-984, relating to flood plain ordinances.

[H 998]

Approved March 4, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 5 of Chapter 9 of Title 15.2 a section numbered 15.2-984 as follows:

§ 15.2-984. Adoption of flood plain ordinances.

Any locality may by ordinance regulate the activity on, use of, or development of a flood plain in a manner consistent with any state or federal flood plain management programs and requirements. Nothing in this section shall be construed to limit a locality's authority to regulate a flood plain pursuant to § 15.2-2283 or any other provision of law.

CHAPTER 167

An Act to amend and reenact § 22.1-303 of the Code of Virginia, relating to public elementary and secondary school teachers; probationary term of service; performance evaluation.

[S 98]

Approved March 6, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-303 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-303. Probationary terms of service for teachers.

A. A probationary term of service of ~~at least three years and, at the option of the local school board, up to five years~~ in the same school division shall be required before a teacher is issued a continuing contract. School boards shall provide each

probationary teacher except probationary teachers who have prior successful teaching experience, as determined by the local school board in a school division, a mentor teacher, as described by Board guidelines developed pursuant to § 22.1-305.1, during the first year of the probationary period, to assist such probationary teacher in achieving excellence in instruction. During the probationary period, such probationary teacher shall be evaluated annually based upon the evaluation procedures developed by the employing school board for use by the division superintendent and principals in evaluating teachers as required by subsection C of § 22.1-295. A teacher in his first year of the probationary period shall be evaluated informally at least once during the first semester of the school year. The division superintendent shall consider such evaluations, among other things, in making any recommendations to the school board regarding the nonrenewal of such probationary teacher's contract as provided in § 22.1-305.

~~If the teacher's performance evaluation during the probationary period is not satisfactory, the school board shall not reemploy the teacher; however, nothing contained in this subsection shall be construed to require cause, as defined in § 22.1-307, for the nonrenewal of the contract of a teacher who has not achieved continuing contract status.~~

Any teacher hired on or after July 1, 2001, shall be required, as a condition of achieving continuing contract status, to have successfully completed training in instructional strategies and techniques for intervention for or remediation of students who fail or are at risk of failing the Standards of Learning assessments. Local school divisions shall be required to provide said training at no cost to teachers employed in their division. In the event a local school division fails to offer said training in a timely manner, no teacher will be denied continuing contract status for failure to obtain such training.

B. Once a continuing contract status has been attained in a school division in the Commonwealth, another probationary period need not be served in any other school division unless such probationary period, not to exceed two years, is made a part of the contract of employment. Further, when a teacher has attained continuing contract status in a school division in the Commonwealth and separates from and returns to teaching service in a school division in Virginia by the beginning of the third year, such teacher shall be required to serve a probationary period not to exceed two years, if made a part of the contract for employment.

C. For the purpose of calculating the years of service required to attain continuing contract status, at least 160 contractual teaching days during the school year shall be deemed the equivalent of one year in the first year of service by a teacher.

D. Teachers holding three-year local eligibility licenses issued prior to July 1, 2013, shall not be eligible for continuing contract status while teaching under the authority of such license. Upon attainment of a collegiate professional or postgraduate professional license issued by the Department of Education, such teachers shall serve a probationary term of service of ~~at least three years and, at the option of the local school board, up to five years~~ prior to being eligible for continuing contract status pursuant to this section.

CHAPTER 168

An Act to amend and reenact § 22.1-307 of the Code of Virginia, relating to dismissal of teachers; grounds; incompetency.

[S 167]

Approved March 6, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-307 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-307. Dismissal of teacher; grounds.

~~A.~~ Teachers may be dismissed for incompetency, immorality, noncompliance with school laws and regulations, disability as shown by competent medical evidence when in compliance with federal law, conviction of a felony or a crime of moral turpitude, or other good and just cause. A teacher shall be dismissed if such teacher is or becomes the subject of a founded complaint of child abuse and neglect, pursuant to § 63.2-1505, and after all rights to any administrative appeal provided by § 63.2-1526 have been exhausted. The fact of such finding, after all rights to any administrative appeal provided by § 63.2-1526 have been exhausted, shall be grounds for the local school division to recommend that the Board of Education revoke such person's license to teach. No teacher shall be dismissed or placed on probation solely on the basis of the teacher's refusal to submit to a polygraph examination requested by the school board.

~~B. For the purposes of this article, "incompetency" may be construed to include, but shall not be limited to, consistent failure to meet the endorsement requirements for the position or one or more unsatisfactory performance evaluations.~~

CHAPTER 169

An Act to amend and reenact § 9.1-184 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 22.1-279.10, relating to school resource officers; data.

[S 170]

Approved March 6, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 9.1-184 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 22.1-279.10 as follows:

§ 9.1-184. Virginia Center for School and Campus Safety created; duties.

A. From such funds as may be appropriated, the Virginia Center for School and Campus Safety (the Center) is hereby established within the Department. The Center shall:

1. Provide training for Virginia public school personnel in school safety, on evidence-based antibullying tactics based on the definition of bullying in § 22.1-276.01, and in the effective identification of students who may be at risk for violent behavior and in need of special services or assistance;

2. Serve as a resource and referral center for Virginia school divisions by conducting research, sponsoring workshops, and providing information regarding current school safety concerns, such as conflict management and peer mediation, bullying as defined in § 22.1-276.01, school facility design and technology, current state and federal statutory and regulatory school safety requirements, and legal and constitutional issues regarding school safety and individual rights;

3. Maintain and disseminate information to local school divisions on effective school safety initiatives in Virginia and across the nation;

4. Develop a case management tool for the collection and reporting of data by threat assessment teams pursuant to § 22.1-79.4;

5. Collect, analyze, and disseminate various Virginia school safety data, including school safety audit information submitted to it pursuant to § 22.1-279.8, collected by the Department *and, in conjunction with the Department of Education, information relating to the activities of school resource officers submitted pursuant to § 22.1-279.10;*

6. Encourage the development of partnerships between the public and private sectors to promote school safety in Virginia;

7. Provide technical assistance to Virginia school divisions in the development and implementation of initiatives promoting school safety, including threat assessment-based protocols with such funds as may be available for such purpose;

8. Develop a memorandum of understanding between the Director of the Department of Criminal Justice Services and the Superintendent of Public Instruction to ensure collaboration and coordination of roles and responsibilities in areas of mutual concern, such as school safety audits and crime prevention;

9. Provide training for and certification of school security officers, as defined in § 9.1-101 and consistent with § 9.1-110;

10. Develop, in conjunction with the Department of State Police, the Department of Behavioral Health and Developmental Services, and the Department of Education, a model critical incident response training program for public school personnel and others providing services to schools that shall also be made available to private schools in the Commonwealth;

11. In consultation with the Department of Education, provide schools with a model policy for the establishment of threat assessment teams, including procedures for the assessment of and intervention with students whose behavior poses a threat to the safety of school staff or students; and

12. Develop a model memorandum of understanding setting forth the respective roles and responsibilities of local school boards and local law-enforcement agencies regarding the use of school resource officers. Such model memorandum of understanding may be used by local school boards and local law-enforcement agencies to satisfy the requirements of § 22.1-280.2:3.

B. All agencies of the Commonwealth shall cooperate with the Center and, upon request, assist the Center in the performance of its duties and responsibilities.

§ 22.1-279.10. School resource officers; data.

The Department of Criminal Justice Services, in coordination with the Department of Education and the Department of Juvenile Justice, shall annually collect, report, and publish on its website data on the use of force against students, including the use of chemical, mechanical, or other restraints and instances of seclusion; detentions of students; arrests of students; student referrals to court or court service units; and other disciplinary actions by school resource officers involving students. Such data shall (i) be published in a manner that protects the identities of students and (ii) be disaggregated by local school division and by student age, grade, race, ethnicity, gender, and disability, if such data is available.

CHAPTER 170

An Act to amend the Code of Virginia by adding a section numbered 22.1-217.03, relating to the Department of Education; individualized education program teams; guidelines.

[S 186]

Approved March 6, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 22.1-217.03 as follows:

§ 22.1-217.03. Individualized education program teams to consider need for certain age-appropriate and developmentally appropriate instruction.

A. The Department of Education shall establish guidelines for individualized education program (IEP) teams to utilize when developing IEPs for children with disabilities to ensure that IEP teams consider the need for age-appropriate and developmentally appropriate instruction related to sexual health, self-restraint, self-protection, respect for personal privacy, and personal boundaries of others.

B. In developing IEPs for children with disabilities, in addition to any other requirements established by the Board, each local school board shall ensure that IEP teams consider the guidelines established by the Department of Education pursuant to subsection A.

CHAPTER 171

An Act to amend and reenact § 22.1-280.2:3 of the Code of Virginia, relating to school boards and local law-enforcement agencies; memorandums of understanding; frequency of review and public input.

[S 221]

Approved March 6, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-280.2:3 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-280.2:3. School boards; local law-enforcement agencies; memorandums of understanding.

The school board in each school division in which the local law-enforcement agency employs school resource officers, as defined in § 9.1-101, shall enter into a memorandum of understanding with such local law-enforcement agency that sets forth the powers and duties of such school resource officers. The provisions of such memorandum of understanding shall be based on the model memorandum of understanding developed by the Virginia Center for School and Campus Safety pursuant to subdivision A 12 of § 9.1-184, which may be modified by the parties in accordance with their particular needs. Each such school board and local law-enforcement agency shall review and amend or affirm such memorandum at least once every ~~five~~ two years or at any time upon the request of either party. *Each school board shall ensure the current division memorandum of understanding is conspicuously published on the division website and provide notice and opportunity for public input during each memorandum of understanding review period.*

CHAPTER 172

An Act to amend and reenact § 22.1-299 of the Code of Virginia, relating to teachers in certain schools for students with disabilities; provisional licenses; extension.

[S 680]

Approved March 6, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-299 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-299. License required of teachers; provisional licenses; exceptions.

A. No teacher shall be regularly employed by a school board or paid from public funds unless such teacher holds a license or provisional license issued by the Board.

B. Notwithstanding the provision in § 22.1-298.1 that the provisional license is limited to three years, the following exceptions shall apply:

1. If a teacher employed in the Commonwealth under a provisional license is activated or deployed for military service within a school year (July 1-June 30), an additional year shall be added to the teacher's provisional license for each school year or portion thereof during which the teacher is activated or deployed. The additional year shall be granted the year following the return of the teacher from deployment or activation.

2. The Board shall extend for at least one additional year, but for no more than two additional years, the three-year provisional license of a teacher upon receiving from the division superintendent (i) a recommendation for such extension and (ii) satisfactory performance evaluations for such teacher for each year of the original three-year provisional license.

3. *The Board shall extend for at least one additional year, but for no more than two additional years, the three-year provisional license of a teacher employed in a school for students with disabilities that is licensed pursuant to Chapter 16 (§ 22.1-319 et seq.) upon receiving from the school administrator of such school (i) a recommendation for such extension and (ii) satisfactory performance evaluations for such teacher for each year of the original three-year provisional license.*

C. In accordance with regulations prescribed by the Board, a person not meeting the requirements for a license or provisional license may be employed and paid from public funds by a school board temporarily as a substitute teacher to meet an emergency.

CHAPTER 173

An Act to amend and reenact § 22.1-279.3:1 of the Code of Virginia, relating to school principals; incident reports.

[S 729]

Approved March 6, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-279.3:1 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-279.3:1. Reports of certain acts to school authorities.

A. Reports shall be made to the division superintendent and to the principal or his designee on all incidents involving (i) the assault or assault and battery, without bodily injury, of any person on a school bus, on school property, or at a school-sponsored activity; (ii) the assault and battery that results in bodily injury, sexual assault, death, shooting, stabbing, cutting, or wounding of any person, abduction of any person as described in § 18.2-47 or 18.2-48, or stalking of any person as described in § 18.2-60.3, on a school bus, on school property, or at a school-sponsored activity; (iii) any conduct involving alcohol, marijuana, a controlled substance, imitation controlled substance, or an anabolic steroid on a school bus, on school property, or at a school-sponsored activity, including the theft or attempted theft of student prescription medications; (iv) any threats against school personnel while on a school bus, on school property or at a school-sponsored activity; (v) the illegal carrying of a firearm, as defined in § 22.1-277.07, onto school property; (vi) any illegal conduct involving firebombs, explosive materials or devices, or hoax explosive devices, as defined in § 18.2-85, or explosive or incendiary devices, as defined in § 18.2-433.1, or chemical bombs, as described in § 18.2-87.1, on a school bus, on school property, or at a school-sponsored activity; (vii) any threats or false threats to bomb, as described in § 18.2-83, made against school personnel or involving school property or school buses; or (viii) the arrest of any student for an incident occurring on a school bus, on school property, or at a school-sponsored activity, including the charge therefor.

B. Notwithstanding the provisions of Article 12 (§ 16.1-299 et seq.) of Chapter 11 of Title 16.1, local law-enforcement authorities shall report, and the principal or his designee and the division superintendent shall receive such reports, on offenses, wherever committed, by students enrolled at the school if the offense would be a felony if committed by an adult or would be a violation of the Drug Control Act (§ 54.1-3400 et seq.) and occurred on a school bus, on school property, or at a school-sponsored activity, or would be an adult misdemeanor involving any incidents described in clauses (i) through (viii) of subsection A, and whether the student is released to the custody of his parent or, if 18 years of age or more, is released on bond. As part of any report concerning an offense that would be an adult misdemeanor involving an incident described in clauses (i) through (viii) of subsection A, local law-enforcement authorities and attorneys for the Commonwealth shall be authorized to disclose information regarding terms of release from detention, court dates, and terms of any disposition orders entered by the court, to the superintendent of such student's school division, upon request by the superintendent, if, in the determination of the law-enforcement authority or attorney for the Commonwealth, such disclosure would not jeopardize the investigation or prosecution of the case. No disclosures shall be made pursuant to this section in violation of the confidentiality provisions of subsection A of § 16.1-300 or the record retention and redisclosure provisions of § 22.1-288.2. Further, any school superintendent who receives notification that a juvenile has committed an act that would be a crime if committed by an adult pursuant to subsection G of § 16.1-260 shall report such information to the principal of the school in which the juvenile is enrolled.

C. The principal or his designee shall submit a report of all incidents required to be reported pursuant to this section to the superintendent of the school division. The division superintendent shall annually report all such incidents to the Department of Education for the purpose of recording the frequency of such incidents on forms that shall be provided by the Department and shall make such information available to the public.

In submitting reports of such incidents, principals and division superintendents shall accurately indicate any offenses, arrests, or charges as recorded by law-enforcement authorities and required to be reported by such authorities pursuant to subsection B.

A division superintendent who knowingly fails to comply or secure compliance with the reporting requirements of this subsection shall be subject to the sanctions authorized in § 22.1-65. A principal who knowingly fails to comply or secure compliance with the reporting requirements of this section shall be subject to sanctions prescribed by the local school board, which may include, but need not be limited to, demotion or dismissal.

The principal or his designee shall also notify the parent of any student involved in an incident required pursuant to this section to be reported, regardless of whether disciplinary action is taken against such student or the nature of the disciplinary action. Such notice shall relate to only the relevant student's involvement and shall not include information concerning other students.

Whenever any student commits any reportable incident as set forth in this section, such student shall be required to participate in such prevention and intervention activities as deemed appropriate by the superintendent or his designee. Prevention and intervention activities shall be identified in the local school division's drug and violence prevention plans developed pursuant to the federal Improving America's Schools Act of 1994 (Title IV — Safe and Drug-Free Schools and Communities Act).

D. Except as may otherwise be required by federal law, regulation, or jurisprudence, the principal shall immediately report to the local law-enforcement agency any act enumerated in clauses (ii) through (vii) of subsection A that may

constitute a ~~criminal felony~~ offense and may report to the local law-enforcement agency any incident described in ~~clause (i)~~ of subsection A. Nothing in this section shall require delinquency charges to be filed or prevent schools from dealing with school-based offenses through graduated sanctions or educational programming before a delinquency charge is filed with the juvenile court.

Further, except as may be prohibited by federal law, regulation, or jurisprudence, the principal shall also immediately report any act enumerated in clauses (ii) through (v) of subsection A that may constitute a criminal offense to the parents of any minor student who is the specific object of such act. Further, the principal shall report ~~that~~ whether the incident has been reported to local law enforcement ~~as required by law pursuant to this subsection~~ and, if the incident is so reported, that the parents may contact local law enforcement for further information, if they so desire.

E. A statement providing a procedure and the purpose for the requirements of this section shall be included in school board policies required by § 22.1-253.13:7.

The Board of Education shall promulgate regulations to implement this section, including, but not limited to, establishing reporting dates and report formats.

F. For the purposes of this section, "parent" or "parents" means any parent, guardian or other person having control or charge of a child.

G. This section shall not be construed to diminish the authority of the Board of Education or to diminish the Governor's authority to coordinate and provide policy direction on official communications between the Commonwealth and the United States government.

CHAPTER 174

An Act to amend and reenact §§ 23.1-3136 and 23.1-3137 of the Code of Virginia, relating to the Online Virginia Network Authority; James Madison University.

[S 1041]

Approved March 6, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 23.1-3136 and 23.1-3137 of the Code of Virginia are amended and reenacted as follows:

§ 23.1-3136. Board of Trustees.

A. The Authority shall be governed by a Board of Trustees (the Board) that has a total membership of ~~47~~ 19 members that shall consist of four members of the House of Delegates to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; three members of the Senate to be appointed by the Senate Committee on Rules; three nonlegislative citizen members to be appointed by the Governor; one nonlegislative citizen member to be appointed by the board of visitors of George Mason University; one nonlegislative citizen member to be appointed by the board of visitors of Old Dominion University; one nonlegislative citizen member to be appointed by the State Board; *one nonlegislative citizen member to be appointed by the board of visitors of James Madison University, and* ~~four~~ five members who shall serve ex officio with voting privileges, consisting of the President of George Mason University or his designee, the President of Old Dominion University or his designee, *the President of James Madison University or his designee*, the Chancellor of the Virginia Community College System or his designee, and the Director of the Council. Nonlegislative citizen members of the Authority shall be citizens of the Commonwealth.

B. Legislative and ex officio members of the Board shall serve terms coincident with their terms of office.

C. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. Vacancies shall be filled in the same manner as the original appointments. All members may be reappointed.

D. After the initial staggering of terms, nonlegislative citizen members shall be appointed for a term of four years.

E. No House member shall serve more than four consecutive two-year terms, no Senate member shall serve more than two consecutive four-year terms, and no nonlegislative citizen member shall serve more than two consecutive four-year terms. The remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in determining the member's eligibility for reappointment.

F. The Board shall elect a chairman and vice-chairman from among its membership. A majority of the members shall constitute a quorum. The meetings of the Board shall be held at the call of the chairman or whenever the majority of the members so request.

G. Legislative members of the Board shall receive such compensation as provided in § 30-19.12, and nonlegislative citizen members shall receive such compensation for the performance of their duties as provided in § 2.2-2813. All members shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Funding for the costs of compensation and expenses of the members shall be provided by the Authority.

H. George Mason University, Old Dominion University, and the System shall provide staff support to the Authority and the Board. All agencies of the Commonwealth shall provide assistance to the Board, upon request.

§ 23.1-3137. Duties of the Authority.

The Authority shall:

1. Expand access to affordable higher education in the Commonwealth by establishing the Online Virginia Network (the Network) for the purpose of coordinating the online delivery of courses that facilitate the completion of degrees at George Mason University, Old Dominion University, *James Madison University*, and comprehensive community colleges;
2. Encourage each public institution of higher education and each consortium of public institutions of higher education that offers online courses, online degree programs, or online credential programs to offer any such course, degree program, or credential program through the Network;
3. Oversee a process of approval for public institutions of higher education and consortia of such institutions to participate in the Network, with such funds as are appropriated for such purpose and made available to it;
4. Serve as a resource for residents of the Commonwealth and disseminate information regarding the opportunities for online learning offered by institutions and consortia that participate in the Network;
5. Coordinate the maintenance of an online portal through which potential students may examine and enroll seamlessly in Network offerings;
6. Collaborate with institutions and consortia that participate in the Network to ensure that the needs of enrolled students are met before, during, and after enrollment through online student support systems;
7. To the extent practicable, ensure that courses and degree programs offered through the Network (i) are accredited by an accrediting agency recognized by the U.S. Department of Education or authorized by the Council, as applicable; (ii) expand access to underserved populations based on income, race, geography, and age; (iii) are responsive to the employment demands of the Commonwealth; (iv) employ learning and delivery technologies, which may include competency-based and experiential learning, in an efficient and cost-effective manner to promote flexibility for each student to pursue online courses and programs at his own pace and in his own location throughout the year; (v) minimize student expenses and reduce time-to-degree or time-to-credential; and (vi) are offered in collaboration with existing public and private providers of online courses;
8. Promote the refinement and implementation of articulation agreements to ensure that credits earned through the Network are transferable to each other public institution of higher education and contribute to on-time degree completion at each such institution;
9. Assist in developing processes to help institutions and consortia that participate in the Network to expand their online offerings;
10. Ensure that the Passport Program and the Uniform Certificate of General Studies Program, established pursuant to § 23.1-907, be made available through the Network;
11. Develop specific goals for meeting the demand in the Commonwealth for affordable and accessible higher education through online learning;
12. Review and report annually to the Governor and the General Assembly on the cost structure of funds allocated to the establishment, maintenance, and expansion of the Network. In addition, the Authority shall examine ways to reduce the cost of online education and develop a budget that incorporates estimated expected tuition revenue from online students and its use in supporting the Network and assumes that any financial aid will come from existing financial aid programs; and
13. Accept, administer, and account for any state, federal, or private moneys that it may receive. Any moneys, including interest thereon, that have not been expended by the Authority by the end of each fiscal year shall not revert to the general fund but shall remain in the accounts of the Authority.

CHAPTER 175

An Act to amend and reenact § 2.2-2423 of the Code of Virginia, relating to Virginia Geographic Information Network Advisory Board; membership.

[S 127]

Approved March 6, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-2423 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-2423. Virginia Geographic Information Network Advisory Board; membership; terms; quorum; compensation and expenses.

A. The Virginia Geographic Information Network Advisory Board (the Board) is hereby established as an advisory board, within the meaning of § 2.2-2100, in the executive branch of state government. The Board shall advise the Geographic Information Network Division (the Division) of the Virginia Information Technologies Agency on issues related to the exercise of the Division's powers and duties.

B. The Board shall consist of ~~46~~ *18* members appointed as follows: ~~seven~~ *nine* nonlegislative citizen members to be appointed by the Governor that consist of one agency director from one of the natural resources agencies, one official from a baccalaureate public institution of higher education in the Commonwealth, one elected official representing a local government in the Commonwealth, one member of the Virginia Association of Surveyors, one representative of a utility or transportation industry utilizing geographic data, ~~and~~ two representatives of private businesses with expertise and experience in the establishment, operation, and maintenance of geographic information systems, *and two county, city, town, or regional government geographic information system (GIS) directors or managers representing diverse regions of the*

Commonwealth; four members of the House of Delegates to be appointed by the Speaker of the House of Delegates; two members of the Senate to be appointed by the Senate Committee on Rules; the Chief Information Officer, the Commissioner of Highways, and the Chief Executive Officer of the Economic Development Partnership Authority or their designees who shall serve as ex officio, voting members. Gubernatorial appointees may be nonresidents of the Commonwealth. All members of the Board appointed by the Governor shall be confirmed by each house of the General Assembly. The agency director and official from a baccalaureate public institution of higher education in the Commonwealth appointed by the Governor may each designate a member of his organization as an alternate who may attend meetings in his place and be counted as a member of the Board for the purposes of a quorum.

Any members of the Board who are representatives of private businesses that provide geographic information services, and their companies, are precluded from contracting to provide goods or services to the Division.

C. Legislative members' terms shall be coincident with their terms of office. ~~The following the initial staggering of terms, the gubernatorial appointees to the Board shall serve five-year terms, except for the initial appointees whose terms were staggered the two GIS directors or managers, who shall serve two-year terms.~~ Members appointed by the Governor shall serve no more than two consecutive five-year terms, *except the two GIS directors or managers shall serve no more than two consecutive two-year terms.* Vacancies occurring other than by expiration of a term shall be filled for the unexpired term. Vacancies shall be filled in the same manner as the original appointments. The remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in determining the member's eligibility to serve.

D. The Board shall elect from its membership a chairman, vice-chairman, and any other officers deemed necessary. The duties and terms of the officers shall be prescribed by the members. A majority of the Board shall constitute a quorum. The Board shall meet at least quarterly or at the call of its chairman or the Chief Information Officer.

E. Legislative members of the Board shall receive such compensation as provided in § 30-19.12 and nonlegislative citizen members shall receive such compensation as provided in § 2.2-2813 for their services. All members shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Funding for the costs of compensation and expenses of the members shall be provided by the Virginia Geographic Information Network Division of the Virginia Information Technologies Agency.

F. The Geographic Information Network Division shall provide staff support to the Board.

CHAPTER 176

An Act to amend and reenact §§ 2.2-4302.1 and 2.2-4359 of the Code of Virginia, relating to Virginia Public Procurement Act; determination of nonresponsibility; local option to include criteria in invitation to bid.

[S 380]

Approved March 6, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-4302.1 and 2.2-4359 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-4302.1. Process for competitive sealed bidding.

The process for competitive sealed bidding shall include the following:

1. Issuance of a written Invitation to Bid containing or incorporating by reference the specifications and contractual terms and conditions applicable to the procurement. Unless the public body has provided for prequalification of bidders, the Invitation to Bid shall include a statement of any requisite qualifications of potential contractors. *Any locality may include in the Invitation to Bid criteria that may be used in determining whether a bidder who is not prequalified by the Virginia Department of Transportation is a responsible bidder pursuant to § 2.2-4301. Such criteria may include a history or good faith assurances of (i) completion by the bidder and any potential subcontractors of specified safety training programs established by the U.S. Department of Labor, Occupational Safety and Health Administration; (ii) participation by the bidder and any potential subcontractors in apprenticeship training programs approved by state agencies or the U.S. Department of Labor; or (iii) maintenance by the bidder and any potential subcontractors of records of compliance with applicable local, state, and federal laws.* No Invitation to Bid for construction services shall condition a successful bidder's eligibility on having a specified experience modification factor. When it is impractical to prepare initially a purchase description to support an award based on prices, an Invitation to Bid may be issued requesting the submission of unpriced offers to be followed by an Invitation to Bid limited to those bidders whose offers have been qualified under the criteria set forth in the first solicitation;

2. Public notice of the Invitation to Bid at least 10 days prior to the date set for receipt of bids by posting on the Department of General Services' central electronic procurement website or other appropriate websites. In addition, public bodies may publish in a newspaper of general circulation. Posting on the Department of General Services' central electronic procurement website shall be required of any state public body. Local public bodies are encouraged to utilize the Department of General Services' central electronic procurement website to provide the public with centralized visibility and access to the Commonwealth's procurement opportunities. In addition, bids may be solicited directly from potential contractors. Any additional solicitations shall include certified businesses selected from a list made available by the Department of Small Business and Supplier Diversity;

3. Public opening and announcement of all bids received;

4. Evaluation of bids based upon the requirements set forth in the Invitation to Bid, which may include special qualifications of potential contractors, life-cycle costing, value analysis, and any other criteria such as inspection, testing, quality, workmanship, delivery, and suitability for a particular purpose, which are helpful in determining acceptability; and

5. Award to the lowest responsive and responsible bidder. When the terms and conditions of multiple awards are so provided in the Invitation to Bid, awards may be made to more than one bidder.

For the purposes of subdivision 1, "experience modification factor" means a value assigned to an employer as determined by a rate service organization in accordance with its uniform experience rating plan required to be filed pursuant to subsection D of § 38.2-1913.

§ 2.2-4359. Determination of nonresponsibility.

A. Following public opening and announcement of bids received on an Invitation to Bid, the public body shall evaluate the bids in accordance with element 4 of the process for competitive sealed bidding set forth in § 2.2-4302.1. At the same time, the public body shall determine whether the apparent low bidder is responsible. If the public body so determines, then it may proceed with an award in accordance with element 5 of the process for competitive sealed bidding set forth in § 2.2-4302.1. If the public body determines that the apparent low bidder is not responsible, it shall proceed as follows:

1. Prior to the issuance of a written determination of nonresponsibility, the public body shall (i) notify the apparent low bidder in writing of the results of the evaluation, (ii) disclose the factual support for the determination, and (iii) allow the apparent low bidder an opportunity to inspect any documents that relate to the determination, if so requested by the bidder within five business days after receipt of the notice.

2. Within ~~ten~~ 10 business days after receipt of the notice, the bidder may submit rebuttal information challenging the evaluation. The public body shall issue its written determination of responsibility based on all information in the possession of the public body, including any rebuttal information, within five business days of the date the public body received the rebuttal information. At the same time, the public body shall notify, with return receipt requested, the bidder in writing of its determination.

3. Such notice shall state the basis for the determination, which shall be final unless the bidder appeals the decision within ~~ten~~ 10 days after receipt of the notice by invoking administrative procedures meeting the standards of § 2.2-4365, if available, or in the alternative by instituting legal action as provided in § 2.2-4364.

The provisions of this subsection shall not apply to procurements involving the prequalification of bidders and the rights of any potential bidders under such prequalification to appeal a decision that such bidders are not responsible.

B. If, upon appeal pursuant to § 2.2-4364 or 2.2-4365, it is determined that the decision of the public body was not (i) an honest exercise of discretion, but rather was arbitrary or capricious or (ii) in accordance with the Constitution of Virginia, applicable state law or regulation, or the terms or conditions of the Invitation to Bid, and the award of the contract in question has not been made, the sole relief shall be a finding that the bidder is a responsible bidder for the contract in question or directed award as provided in subsection A of § 2.2-4364 or both.

If it is determined that the decision of the public body was not an honest exercise of discretion, but rather was arbitrary or capricious or not in accordance with the Constitution of Virginia, applicable state law or regulation, or the terms or conditions of the Invitation to Bid, and an award of the contract has been made, the relief shall be as set forth in subsection B of § 2.2-4360.

C. A bidder contesting a determination that he is not a responsible bidder for a particular contract shall proceed under this section, and may not protest the award or proposed award under the provisions of § 2.2-4360.

D. Nothing contained in this section shall be construed to require a public body, when procuring by competitive negotiation, to furnish a statement of the reasons why a particular proposal was not deemed to be the most advantageous.

E. Any determination that a low bidder is not responsible that uses such factors listed in the Invitation to Bid as a basis for its decision shall be presumptively considered an honest exercise of discretion.

CHAPTER 177

An Act to amend and reenact § 20-108.2 of the Code of Virginia, relating to initial child support order; unreimbursed medical expenses for pregnancy and birth.

[S 428]

Approved March 6, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 20-108.2 of the Code of Virginia is amended and reenacted as follows:

§ 20-108.2. Guideline for determination of child support; quadrennial review by Child Support Guidelines Review Panel; executive summary.

A. There shall be a rebuttable presumption in any judicial or administrative proceeding for child support under this title or Title 16.1 or 63.2, including cases involving split custody, shared custody, or multiple custody arrangements pursuant to subdivisions G 4, 5, and 6, that the amount of the award which would result from the application of the guidelines set forth in this section is the correct amount of child support to be awarded. In order to rebut the presumption, the court shall make written findings in the order as set out in § 20-108.1, which findings may be incorporated by reference, that the application of the guidelines would be unjust or inappropriate in a particular case as determined by relevant evidence pertaining to the

factors set out in § 20-108.1. The Department of Social Services shall set child support at the amount resulting from computations using the guidelines set out in this section pursuant to the authority granted to it in Chapter 19 (§ 63.2-1900 et seq.) of Title 63.2 and subject to the provisions of § 63.2-1918.

B. For purposes of application of the guideline, a basic child support obligation shall be computed using the schedule set out below. For combined monthly gross income amounts falling between amounts shown in the schedule, basic child support obligation amounts shall be extrapolated. However, unless one of the following exemptions applies where the sole custody child support obligation as computed pursuant to subdivision G 1 is less than the statutory minimum per month, there shall be a presumptive minimum child support obligation of the statutory minimum per month payable by the payor parent. If the gross income of the obligor is equal to or less than 150 percent of the federal poverty level promulgated by the U.S. Department of Health and Human Services from time to time, then the court, upon hearing evidence that there is no ability to pay the presumptive statutory minimum, may set an obligation below the presumptive statutory minimum provided doing so does not create or reduce a support obligation to an amount which seriously impairs the custodial parent's ability to maintain minimal adequate housing and provide other basic necessities for the child. Exemptions from this presumptive minimum monthly child support obligation shall include: parents unable to pay child support because they lack sufficient assets from which to pay child support and who, in addition, are institutionalized in a psychiatric facility; are imprisoned for life with no chance of parole; are medically verified to be totally and permanently disabled with no evidence of potential for paying child support, including recipients of Supplemental Security Income (SSI); or are otherwise involuntarily unable to produce income. "Number of children" means the number of children for whom the parents share joint legal responsibility and for whom support is being sought. The guidelines worksheet relied upon by the court or the Department of Social Services to compute a child support obligation for a support order issued by such court or the Department shall be placed in the court's file or the Department's file, and a copy of such guidelines worksheet shall be provided to the parties.

SCHEDULE OF MONTHLY BASIC CHILD SUPPORT OBLIGATIONS

COMBINED MONTHLY

GROSS INCOME	ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR CHILDREN	FIVE CHILDREN	SIX CHILDREN
0-350	68	104	126	141	155	169
400	78	119	144	161	177	192
450	88	133	162	181	199	216
500	97	148	179	200	220	239
550	107	162	197	220	242	263
600	116	177	215	240	264	287
650	126	191	232	259	285	310
700	135	206	250	279	307	333
750	145	220	267	298	328	357
800	154	234	284	317	349	379
850	163	248	300	336	369	401
900	171	260	316	353	388	422
950	179	273	331	369	406	442
1000	187	285	346	386	425	462
1050	196	298	361	403	443	482
1100	204	310	375	419	461	501
1150	212	323	390	436	480	521
1200	220	335	405	453	498	541
1250	228	347	420	469	516	561
1300	237	360	435	486	535	581
1350	245	372	450	503	553	601
1400	253	385	465	519	571	621
1450	261	397	480	536	589	641
1500	269	410	495	552	608	661

1550	278	422	509	569	626	680
1600	286	434	524	585	644	700
1650	293	446	538	601	661	718
1700	301	457	552	616	678	737
1750	309	469	566	632	695	756
1800	316	481	579	647	712	774
1850	324	492	593	663	729	792
1900	331	504	607	678	746	811
1950	339	515	621	693	763	829
2000	347	527	635	709	780	848
2050	354	538	648	724	797	866
2100	362	550	662	740	814	884
2150	369	561	676	755	830	903
2200	377	573	690	770	847	921
2250	385	584	703	786	864	940
2300	392	596	717	801	881	958
2350	400	607	731	817	898	976
2400	407	619	745	832	915	995
2450	415	630	759	847	932	1013
2500	423	642	772	863	949	1032
2550	430	653	786	878	966	1050
2600	438	665	800	894	983	1068
2650	445	676	814	909	1000	1087
2700	453	688	828	924	1017	1105
2750	460	699	841	940	1034	1124
2800	468	711	855	955	1051	1142
2850	476	722	869	971	1068	1160
2900	483	734	883	986	1084	1179
2950	491	745	896	1001	1101	1197
3000	498	757	910	1017	1118	1216
3050	506	768	924	1032	1135	1234
3100	514	780	938	1047	1152	1252
3150	521	791	952	1063	1169	1271
3200	529	803	965	1078	1186	1289
3250	536	814	979	1094	1203	1308
3300	544	826	993	1109	1220	1326
3350	551	837	1006	1123	1236	1343
3400	559	848	1019	1138	1252	1361
3450	566	859	1032	1152	1268	1378
3500	574	870	1045	1167	1283	1395
3550	581	881	1057	1181	1299	1412
3600	588	892	1070	1196	1315	1430
3650	596	903	1083	1210	1331	1447
3700	603	914	1096	1224	1347	1464
3750	611	925	1109	1239	1363	1481
3800	618	936	1122	1253	1379	1499
3850	626	947	1135	1268	1395	1516

3900	632	956	1146	1280	1408	1531
3950	638	966	1157	1293	1422	1546
4000	645	975	1168	1305	1436	1561
4050	651	985	1180	1318	1449	1575
4100	658	994	1191	1330	1463	1590
4150	664	1004	1202	1342	1477	1605
4200	670	1013	1213	1355	1490	1620
4250	677	1023	1224	1367	1504	1635
4300	682	1030	1233	1377	1515	1647
4350	687	1038	1242	1387	1526	1658
4400	693	1046	1251	1397	1537	1670
4450	698	1054	1260	1407	1548	1682
4500	704	1062	1268	1417	1559	1694
4550	709	1069	1277	1427	1569	1706
4600	714	1077	1286	1437	1580	1718
4650	720	1085	1295	1447	1591	1730
4700	725	1093	1304	1457	1602	1742
4750	731	1100	1313	1466	1613	1753
4800	736	1108	1322	1476	1624	1765
4850	741	1116	1331	1486	1635	1777
4900	747	1124	1339	1496	1646	1789
4950	752	1131	1348	1506	1656	1800
5000	755	1136	1353	1511	1662	1807
5050	759	1141	1358	1516	1668	1813
5100	762	1145	1362	1522	1674	1820
5150	766	1150	1367	1527	1680	1826
5200	769	1155	1372	1533	1686	1833
5250	773	1159	1377	1538	1692	1839
5300	776	1164	1382	1544	1698	1846
5350	780	1169	1387	1549	1704	1852
5400	783	1173	1392	1554	1710	1859
5450	787	1178	1397	1560	1716	1865
5500	790	1183	1401	1565	1722	1872
5550	794	1187	1406	1571	1728	1878
5600	797	1192	1411	1576	1734	1885
5650	800	1196	1416	1582	1740	1891
5700	803	1201	1421	1587	1746	1897
5750	806	1205	1425	1592	1751	1904
5800	809	1209	1430	1598	1757	1910
5850	812	1213	1435	1603	1763	1917
5900	815	1217	1440	1608	1769	1923
5950	818	1221	1444	1613	1775	1929
6000	821	1226	1449	1619	1781	1936
6050	823	1230	1454	1624	1787	1942
6100	826	1234	1459	1629	1792	1948
6150	829	1238	1464	1635	1798	1955
6200	832	1242	1468	1640	1804	1961

6250	835	1246	1473	1645	1810	1967
6300	838	1251	1478	1651	1816	1974
6350	841	1255	1483	1656	1822	1980
6400	844	1259	1487	1661	1827	1986
6450	847	1263	1492	1667	1833	1993
6500	849	1267	1497	1672	1839	1999
6550	852	1271	1502	1677	1845	2005
6600	855	1276	1506	1683	1851	2012
6650	858	1280	1511	1688	1857	2018
6700	861	1285	1517	1694	1864	2026
6750	865	1291	1524	1703	1873	2036
6800	869	1297	1532	1711	1882	2046
6850	873	1303	1539	1719	1891	2056
6900	877	1309	1547	1728	1900	2066
6950	881	1315	1554	1736	1909	2076
7000	885	1321	1561	1744	1919	2085
7050	889	1328	1569	1752	1928	2095
7100	893	1334	1576	1761	1937	2105
7150	897	1340	1584	1769	1946	2115
7200	901	1346	1591	1777	1955	2125
7250	905	1352	1599	1786	1964	2135
7300	909	1358	1606	1794	1973	2145
7350	913	1364	1613	1802	1982	2155
7400	917	1370	1621	1810	1991	2165
7450	921	1376	1628	1819	2001	2175
7500	925	1382	1636	1827	2010	2185
7550	929	1389	1643	1835	2019	2194
7600	933	1395	1650	1844	2028	2204
7650	937	1401	1658	1852	2037	2214
7700	941	1407	1665	1860	2046	2224
7750	944	1411	1670	1865	2051	2230
7800	946	1413	1672	1867	2054	2233
7850	948	1416	1674	1870	2057	2236
7900	950	1419	1676	1873	2060	2239
7950	953	1421	1679	1875	2063	2242
8000	955	1424	1681	1878	2065	2245
8050	957	1426	1683	1880	2068	2248
8100	959	1429	1685	1883	2071	2251
8150	961	1432	1688	1885	2074	2254
8200	963	1434	1690	1888	2076	2257
8250	965	1436	1692	1890	2079	2260
8300	967	1439	1694	1892	2082	2263
8350	969	1441	1696	1895	2084	2266
8400	971	1444	1699	1897	2087	2269
8450	973	1446	1701	1899	2089	2271
8500	974	1447	1702	1901	2091	2273
8550	975	1449	1704	1903	2093	2276

8600	976	1450	1705	1905	2096	2278
8650	977	1452	1707	1907	2098	2280
8700	978	1453	1709	1909	2100	2282
8750	979	1455	1710	1911	2102	2284
8800	980	1456	1712	1912	2104	2287
8850	981	1457	1714	1914	2106	2289
8900	982	1459	1715	1916	2108	2291
8950	983	1460	1717	1918	2110	2293
9000	984	1462	1719	1920	2112	2295
9050	985	1463	1720	1922	2114	2298
9100	986	1465	1722	1923	2116	2300
9150	987	1466	1724	1925	2118	2302
9200	991	1471	1730	1932	2125	2310
9250	994	1477	1737	1940	2134	2319
9300	998	1483	1743	1947	2142	2328
9350	1002	1488	1750	1955	2150	2337
9400	1005	1494	1757	1962	2159	2346
9450	1009	1499	1764	1970	2167	2355
9500	1013	1505	1771	1978	2176	2365
9550	1017	1511	1778	1986	2185	2375
9600	1021	1518	1786	1995	2194	2385
9650	1025	1524	1793	2003	2203	2395
9700	1029	1530	1801	2011	2212	2405
9750	1033	1536	1808	2020	2222	2415
9800	1037	1543	1816	2028	2231	2425
9850	1041	1549	1823	2036	2240	2435
9900	1046	1555	1831	2045	2249	2445
9950	1050	1561	1838	2053	2258	2455
10000	1054	1567	1845	2061	2268	2465
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10100	1062	1580	1860	2078	2286	2485
10150	1066	1586	1868	2086	2295	2495
10200	1070	1592	1875	2095	2304	2505
10250	1074	1599	1883	2103	2314	2515
10300	1079	1605	1891	2112	2323	2525
10350	1083	1611	1898	2121	2333	2536
10400	1087	1618	1906	2129	2342	2546
10450	1091	1624	1914	2138	2351	2556
10500	1095	1631	1921	2146	2361	2566
10550	1100	1637	1929	2155	2370	2576
10600	1104	1643	1937	2163	2380	2587
10650	1108	1650	1944	2172	2389	2597
10700	1112	1656	1952	2180	2398	2607
10750	1117	1662	1960	2189	2408	2617
10800	1121	1669	1967	2197	2417	2627
10850	1125	1675	1975	2206	2427	2638
10900	1129	1682	1983	2214	2436	2648

10950	1134	1688	1990	2223	2445	2658
11000	1138	1694	1998	2232	2455	2668
11050	1142	1701	2005	2240	2464	2678
11100	1146	1707	2013	2249	2474	2689
11150	1150	1714	2021	2257	2483	2699
11200	1154	1718	2026	2263	2489	2706
11250	1157	1722	2030	2267	2494	2711
11300	1159	1726	2034	2272	2499	2717
11350	1162	1730	2038	2276	2504	2722
11400	1165	1733	2042	2281	2509	2727
11450	1168	1737	2046	2285	2514	2733
11500	1171	1741	2050	2290	2519	2738
11550	1173	1745	2054	2294	2524	2743
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11650	1179	1752	2062	2303	2534	2754
11700	1182	1756	2066	2308	2538	2759
11750	1185	1760	2070	2312	2543	2765
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11850	1190	1768	2078	2321	2553	2775
11900	1193	1771	2082	2326	2558	2781
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12000	1199	1779	2090	2335	2568	2791
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12150	1207	1790	2102	2348	2583	2808
12200	1210	1795	2107	2354	2589	2815
12250	1213	1800	2113	2360	2596	2822
12300	1216	1804	2118	2366	2603	2829
12350	1220	1809	2124	2372	2610	2837
12400	1223	1814	2129	2378	2616	2844
12450	1226	1818	2135	2384	2623	2851
12500	1229	1823	2140	2391	2630	2858
12550	1232	1828	2146	2397	2636	2866
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12650	1239	1837	2157	2409	2650	2880
12700	1242	1842	2162	2415	2657	2888
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12800	1248	1851	2173	2427	2670	2902
12850	1251	1856	2178	2433	2677	2910
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12950	1257	1865	2189	2446	2690	2924
13000	1261	1870	2195	2452	2697	2931
13050	1264	1874	2200	2458	2704	2939
13100	1267	1879	2206	2464	2710	2946
13150	1270	1884	2211	2470	2717	2953
13200	1273	1888	2217	2476	2724	2961
13250	1276	1893	2222	2482	2730	2968

13300	1279	1898	2228	2488	2737	2975
13350	1283	1902	2233	2494	2744	2983
13400	1286	1907	2239	2501	2751	2990
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13500	1292	1916	2250	2513	2764	3005
13550	1295	1921	2256	2520	2772	3013
13600	1297	1925	2262	2526	2779	3021
13650	1300	1930	2268	2533	2786	3029
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13750	1306	1939	2280	2546	2801	3045
13800	1308	1944	2286	2553	2808	3053
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13900	1314	1953	2298	2566	2823	3069
13950	1317	1957	2304	2573	2830	3077
14000	1320	1962	2310	2580	2838	3085
14050	1322	1967	2316	2586	2845	3093
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14200	1331	1980	2333	2607	2867	3117
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14350	1339	1994	2351	2627	2889	3141
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14450	1345	2003	2363	2640	2904	3157
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14550	1350	2013	2375	2653	2919	3172
14600	1353	2017	2381	2660	2926	3180
14650	1356	2022	2387	2667	2933	3188
14700	1359	2026	2393	2673	2941	3196
14750	1361	2031	2399	2680	2948	3204
14800	1364	2036	2405	2686	2955	3212
14850	1368	2040	2410	2692	2961	3219
14900	1371	2045	2415	2698	2967	3226
14950	1375	2050	2420	2703	2974	3232
15000	1378	2055	2425	2709	2980	3239
15050	1382	2059	2430	2714	2986	3246
15100	1385	2064	2435	2720	2992	3252
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15200	1392	2074	2445	2731	3004	3266
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15300	1400	2083	2455	2742	3017	3279
15350	1403	2088	2460	2748	3023	3286
15400	1407	2093	2465	2754	3029	3292
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15500	1414	2102	2475	2765	3041	3306
15550	1417	2107	2480	2770	3047	3312
15600	1421	2112	2485	2776	3053	3319

15650	1424	2117	2490	2781	3060	3326
15700	1428	2121	2495	2787	3066	3333
15750	1431	2126	2500	2793	3072	3339
15800	1435	2131	2505	2798	3078	3346
15850	1438	2136	2510	2804	3084	3353
15900	1442	2140	2515	2809	3090	3359
15950	1445	2145	2520	2815	3097	3366
16000	1449	2150	2525	2821	3103	3373
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16100	1456	2159	2535	2832	3115	3386
16150	1458	2162	2538	2835	3119	3390
16200	1459	2164	2541	2838	3122	3394
16250	1461	2167	2544	2841	3125	3397
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16350	1464	2171	2549	2847	3132	3404
16400	1465	2173	2551	2850	3135	3408
16450	1466	2175	2554	2853	3138	3411
16500	1468	2177	2557	2856	3141	3415
16550	1469	2179	2559	2859	3144	3418
16600	1471	2182	2562	2862	3148	3422
16650	1472	2184	2564	2864	3151	3425
16700	1473	2186	2567	2867	3154	3428
16750	1475	2188	2570	2870	3157	3432
16800	1476	2190	2572	2873	3160	3435
16850	1477	2192	2575	2876	3164	3439
16900	1479	2194	2577	2879	3167	3442
16950	1480	2196	2580	2882	3170	3446
17000	1481	2198	2582	2885	3173	3449
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17100	1484	2203	2588	2890	3179	3456
17150	1486	2205	2590	2893	3182	3459
17200	1487	2207	2593	2896	3186	3463
17250	1488	2209	2595	2899	3189	3466
17300	1490	2211	2598	2902	3192	3470
17350	1491	2213	2600	2905	3195	3473
17400	1492	2215	2603	2907	3198	3476
17450	1494	2217	2605	2910	3201	3480
17500	1495	2219	2608	2913	3204	3483
17550	1497	2222	2611	2916	3208	3487
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17650	1499	2226	2616	2922	3214	3494
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17850	1505	2234	2626	2933	3227	3507
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18000	1509	2240	2634	2942	3236	3518
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18150	1513	2247	2641	2950	3245	3528
18200	1514	2249	2644	2953	3249	3531
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18300	1517	2253	2649	2959	3255	3538
18350	1520	2256	2652	2963	3259	3542
18400	1522	2259	2655	2966	3263	3547
18450	1524	2262	2658	2970	3266	3551
18500	1526	2265	2662	2973	3270	3555
18550	1528	2268	2665	2976	3274	3559
18600	1530	2271	2668	2980	3278	3563
18650	1532	2274	2671	2983	3282	3567
18700	1535	2277	2674	2987	3285	3571
18750	1537	2280	2677	2990	3289	3575
18800	1539	2283	2680	2994	3293	3579
18850	1541	2285	2683	2997	3297	3584
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18950	1545	2291	2689	3004	3304	3592
19000	1547	2294	2692	3007	3308	3596
19050	1550	2297	2695	3011	3312	3600
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19250	1558	2309	2708	3025	3327	3616
19300	1560	2312	2711	3028	3331	3621
19350	1563	2315	2714	3031	3335	3625
19400	1565	2318	2717	3035	3338	3629
19450	1567	2320	2720	3038	3342	3633
19500	1569	2323	2723	3042	3346	3637
19550	1571	2326	2726	3045	3350	3641
19600	1573	2329	2729	3049	3353	3645
19650	1575	2332	2732	3052	3357	3649
19700	1578	2335	2735	3055	3361	3653
19750	1580	2338	2738	3059	3365	3658
19800	1582	2341	2742	3062	3369	3662
19850	1584	2344	2745	3066	3372	3666
19900	1586	2347	2748	3069	3376	3670
19950	1588	2350	2751	3073	3380	3674
20000	1591	2353	2754	3076	3384	3678
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20100	1595	2358	2760	3083	3391	3686
20150	1597	2361	2763	3086	3395	3690
20200	1599	2364	2766	3090	3399	3695
20250	1601	2367	2769	3093	3403	3699
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20350	1606	2373	2775	3100	3410	3707
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20450	1610	2379	2782	3107	3418	3715
20500	1612	2382	2785	3110	3421	3719
20550	1614	2385	2788	3114	3425	3723
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20650	1619	2390	2794	3121	3433	3731
20700	1621	2393	2797	3124	3437	3736
20750	1623	2396	2800	3128	3440	3740
20800	1625	2399	2803	3131	3444	3744
20850	1627	2402	2806	3135	3448	3748
20900	1629	2405	2809	3138	3452	3752
20950	1631	2408	2812	3141	3456	3756
21000	1634	2411	2815	3145	3459	3760
21050	1636	2414	2818	3148	3463	3764
21100	1638	2417	2822	3152	3467	3768
21150	1640	2420	2825	3155	3471	3773
21200	1642	2423	2828	3159	3474	3777
21250	1644	2425	2831	3162	3478	3781
21300	1647	2428	2834	3165	3482	3785
21350	1649	2431	2837	3169	3486	3789
21400	1651	2434	2840	3172	3490	3793
21450	1653	2437	2843	3176	3493	3797
21500	1655	2440	2846	3179	3497	3801
21550	1657	2443	2849	3183	3501	3805
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21650	1661	2449	2857	3191	3510	3816
21700	1663	2452	2861	3195	3515	3821
21750	1665	2455	2865	3200	3520	3826
21800	1667	2458	2868	3204	3524	3831
21850	1668	2461	2872	3208	3529	3836
21900	1670	2464	2876	3213	3534	3841
21950	1672	2467	2880	3217	3539	3846
22000	1674	2470	2884	3221	3543	3852
22050	1676	2473	2888	3225	3548	3857
22100	1678	2476	2891	3230	3553	3862
22150	1680	2479	2895	3234	3557	3867
22200	1681	2482	2899	3238	3562	3872
22250	1683	2485	2903	3243	3567	3877
22300	1685	2488	2907	3247	3571	3882
22350	1687	2491	2911	3251	3576	3887
22400	1689	2494	2914	3255	3581	3892
22450	1691	2497	2918	3260	3586	3898
22500	1692	2500	2922	3264	3590	3903
22550	1694	2503	2926	3268	3595	3908
22600	1696	2506	2930	3272	3600	3913
22650	1698	2509	2934	3277	3604	3918

22700	1700	2512	2937	3281	3609	3923
22750	1702	2515	2941	3285	3614	3928
22800	1704	2518	2945	3290	3619	3933
22850	1705	2521	2949	3294	3623	3938
22900	1707	2524	2953	3298	3628	3944
22950	1709	2527	2957	3302	3633	3949
23000	1711	2530	2960	3307	3637	3954
23050	1713	2533	2964	3311	3642	3959
23100	1715	2536	2968	3315	3647	3964
23150	1717	2539	2972	3320	3651	3969
23200	1718	2542	2976	3324	3656	3974
23250	1720	2545	2979	3328	3661	3979
23300	1722	2548	2983	3332	3666	3984
23350	1724	2551	2987	3337	3670	3990
23400	1726	2554	2991	3341	3675	3995
23450	1728	2557	2995	3345	3680	4000
23500	1730	2560	2999	3349	3684	4005
23550	1731	2563	3002	3354	3689	4010
23600	1733	2566	3006	3358	3694	4015
23650	1735	2569	3010	3362	3699	4020
23700	1737	2572	3014	3367	3703	4025
23750	1739	2575	3018	3371	3708	4031
23800	1741	2578	3022	3375	3713	4036
23850	1742	2581	3025	3379	3717	4041
23900	1744	2584	3029	3384	3722	4046
23950	1746	2587	3033	3388	3727	4051
24000	1748	2590	3037	3392	3731	4056
24050	1750	2593	3041	3397	3736	4061
24100	1752	2596	3045	3401	3741	4066
24150	1754	2599	3048	3405	3746	4071
24200	1755	2602	3052	3409	3750	4077
24250	1757	2605	3056	3414	3755	4082
24300	1759	2608	3060	3418	3760	4087
24350	1761	2611	3064	3422	3764	4092
24400	1763	2614	3068	3426	3769	4097
24450	1765	2617	3071	3431	3774	4102
24500	1767	2620	3075	3435	3779	4107
24550	1768	2623	3079	3439	3783	4112
24600	1770	2626	3083	3444	3788	4117
24650	1772	2629	3087	3448	3793	4123
24700	1774	2632	3091	3452	3797	4128
24750	1776	2635	3094	3456	3802	4133
24800	1778	2638	3098	3461	3807	4138
24850	1780	2641	3102	3465	3811	4143
24900	1781	2644	3106	3469	3816	4148
24950	1783	2647	3110	3474	3821	4153
25000	1785	2650	3114	3478	3826	4158

25050	1787	2653	3117	3482	3830	4163
25100	1789	2656	3121	3486	3835	4169
25150	1791	2659	3125	3491	3840	4174
25200	1792	2662	3129	3495	3844	4179
25250	1794	2665	3133	3499	3849	4184
25300	1796	2668	3136	3503	3854	4189
25350	1798	2671	3140	3508	3858	4194
25400	1800	2674	3144	3512	3863	4199
25450	1802	2677	3148	3516	3868	4204
25500	1804	2680	3152	3521	3873	4210
25550	1805	2682	3156	3525	3877	4215
25600	1807	2685	3159	3529	3882	4220
25650	1809	2688	3163	3533	3887	4225
25700	1811	2691	3167	3538	3891	4230
25750	1813	2694	3171	3542	3896	4235
25800	1815	2697	3175	3546	3901	4240
25850	1817	2700	3179	3550	3906	4245
25900	1818	2703	3182	3555	3910	4250
25950	1820	2706	3186	3559	3915	4256
26000	1822	2709	3190	3563	3920	4261
26050	1824	2712	3194	3568	3924	4266
26100	1826	2715	3198	3572	3929	4271
26150	1828	2718	3202	3576	3934	4276
26200	1830	2721	3205	3580	3938	4281
26250	1831	2724	3209	3585	3943	4286
26300	1833	2727	3213	3589	3948	4291
26350	1835	2730	3217	3593	3953	4296
26400	1837	2733	3221	3598	3957	4302
26450	1839	2736	3225	3602	3962	4307
26500	1841	2739	3228	3606	3967	4312
26550	1842	2742	3232	3610	3971	4317
26600	1844	2745	3236	3615	3976	4322
26650	1846	2748	3240	3619	3981	4327
26700	1848	2751	3244	3623	3986	4332
26750	1850	2754	3248	3627	3990	4337
26800	1852	2757	3251	3632	3995	4342
26850	1854	2760	3255	3636	4000	4348
26900	1855	2763	3259	3640	4004	4353
26950	1857	2766	3263	3645	4009	4358
27000	1859	2769	3267	3649	4014	4363
27050	1861	2772	3270	3653	4018	4368
27100	1863	2775	3274	3657	4023	4373
27150	1865	2778	3278	3662	4028	4378
27200	1867	2781	3282	3666	4033	4383
27250	1868	2784	3286	3670	4037	4389
27300	1870	2787	3290	3675	4042	4394
27350	1872	2790	3293	3679	4047	4399

27400	1874	2793	3297	3683	4051	4404
27450	1876	2796	3301	3687	4056	4409
27500	1878	2799	3305	3692	4061	4414
27550	1880	2802	3309	3696	4066	4419
27600	1881	2805	3313	3700	4070	4424
27650	1883	2808	3316	3704	4075	4429
27700	1885	2811	3320	3709	4080	4435
27750	1887	2814	3324	3713	4084	4440
27800	1889	2817	3328	3717	4089	4445
27850	1891	2820	3332	3722	4094	4450
27900	1892	2823	3336	3726	4098	4455
27950	1894	2826	3339	3730	4103	4460
28000	1896	2829	3343	3734	4108	4465
28050	1898	2832	3347	3739	4113	4470
28100	1899	2833	3348	3740	4114	4472
28150	1900	2834	3349	3741	4115	4473
28200	1900	2835	3349	3741	4115	4473
28250	1901	2836	3350	3742	4116	4474
28300	1902	2836	3350	3742	4116	4474
28350	1902	2837	3351	3743	4117	4475
28400	1903	2838	3351	3743	4117	4476
28450	1904	2838	3351	3744	4118	4476
28500	1904	2839	3352	3744	4118	4477
28550	1905	2840	3352	3745	4119	4477
28600	1906	2840	3353	3745	4120	4478
28650	1906	2841	3353	3745	4120	4478
28700	1907	2842	3354	3746	4121	4479
28750	1908	2842	3354	3746	4121	4480
28800	1908	2843	3354	3747	4122	4480
28850	1909	2844	3355	3747	4122	4481
28900	1909	2844	3355	3748	4123	4481
28950	1910	2845	3356	3748	4123	4482
29000	1911	2846	3356	3749	4124	4483
29050	1911	2846	3357	3749	4124	4483
29100	1912	2847	3357	3750	4125	4484
29150	1913	2848	3358	3750	4125	4484
29200	1913	2848	3358	3751	4126	4485
29250	1914	2849	3358	3751	4126	4485
29300	1915	2850	3359	3752	4127	4486
29350	1915	2850	3359	3752	4128	4487
29400	1916	2851	3360	3753	4128	4487
29450	1917	2852	3360	3753	4129	4488
29500	1917	2852	3361	3754	4129	4488
29550	1918	2853	3361	3754	4130	4489
29600	1919	2854	3361	3755	4130	4490
29650	1919	2855	3362	3755	4131	4490
29700	1920	2855	3362	3756	4131	4491

29750	1921	2856	3363	3756	4132	4491
29800	1921	2857	3363	3757	4132	4492
29850	1922	2857	3364	3757	4133	4492
29900	1923	2858	3364	3758	4133	4493
29950	1923	2859	3365	3758	4134	4494
30000	1924	2859	3365	3759	4135	4494
30050	1925	2860	3365	3759	4135	4495
30100	1925	2861	3366	3760	4136	4495
30150	1926	2861	3366	3760	4136	4496
30200	1926	2862	3367	3761	4137	4497
30250	1927	2863	3367	3761	4137	4497
30300	1928	2863	3368	3762	4138	4498
30350	1928	2864	3368	3762	4138	4498
30400	1929	2865	3368	3763	4139	4499
30450	1930	2865	3369	3763	4139	4499
30500	1930	2866	3369	3764	4140	4500
30550	1931	2867	3370	3764	4140	4501
30600	1932	2867	3370	3765	4141	4501
30650	1932	2868	3371	3765	4141	4502
30700	1933	2869	3371	3765	4142	4502
30750	1934	2869	3371	3766	4143	4503
30800	1934	2870	3372	3766	4143	4504
30850	1935	2871	3372	3767	4144	4504
30900	1936	2871	3373	3767	4144	4505
30950	1936	2872	3373	3768	4145	4505
31000	1937	2873	3374	3768	4145	4506
31050	1938	2874	3374	3769	4146	4506
31100	1938	2874	3375	3769	4146	4507
31150	1939	2875	3375	3770	4147	4508
31200	1940	2876	3375	3770	4147	4508
31250	1940	2876	3376	3771	4148	4509
31300	1941	2877	3376	3771	4148	4509
31350	1942	2878	3377	3772	4149	4510
31400	1942	2878	3377	3772	4150	4511
31450	1943	2879	3378	3773	4150	4511
31500	1943	2880	3378	3773	4151	4512
31550	1944	2880	3378	3774	4151	4512
31600	1945	2881	3379	3774	4152	4513
31650	1945	2882	3379	3775	4152	4513
31700	1946	2882	3380	3775	4153	4514
31750	1947	2883	3380	3776	4153	4515
31800	1947	2884	3381	3776	4154	4515
31850	1948	2884	3381	3777	4154	4516
31900	1949	2885	3382	3777	4155	4516
31950	1949	2886	3382	3778	4155	4517
32000	1950	2886	3382	3778	4156	4518
32050	1951	2887	3383	3779	4156	4518

32100	1951	2888	3383	3779	4157	4519
32150	1952	2888	3384	3780	4158	4519
32200	1953	2889	3384	3780	4158	4520
32250	1953	2890	3385	3781	4159	4520
32300	1954	2890	3385	3781	4159	4521
32350	1955	2891	3385	3782	4160	4522
32400	1955	2892	3386	3782	4160	4522
32450	1956	2893	3386	3783	4161	4523
32500	1957	2893	3387	3783	4161	4523
32550	1957	2894	3387	3784	4162	4524
32600	1958	2895	3388	3784	4162	4525
32650	1959	2895	3388	3784	4163	4525
32700	1959	2896	3389	3785	4163	4526
32750	1960	2897	3389	3785	4164	4526
32800	1960	2897	3389	3786	4165	4527
32850	1961	2898	3390	3786	4165	4527
32900	1962	2899	3390	3787	4166	4528
32950	1962	2899	3391	3787	4166	4529
33000	1963	2900	3391	3788	4167	4529
33050	1964	2901	3392	3788	4167	4530
33100	1964	2901	3392	3789	4168	4530
33150	1965	2902	3392	3789	4168	4531
33200	1966	2903	3393	3790	4169	4532
33250	1966	2903	3393	3790	4169	4532
33300	1967	2904	3394	3791	4170	4533
33350	1968	2905	3394	3791	4170	4533
33400	1968	2905	3395	3792	4171	4534
33450	1969	2906	3395	3792	4172	4534
33500	1970	2907	3395	3793	4172	4535
33550	1970	2907	3396	3793	4173	4536
33600	1971	2908	3396	3794	4173	4536
33650	1972	2909	3397	3794	4174	4537
33700	1972	2909	3397	3795	4174	4537
33750	1973	2910	3398	3795	4175	4538
33800	1974	2911	3398	3796	4175	4539
33850	1974	2912	3399	3796	4176	4539
33900	1975	2912	3399	3797	4176	4540
33950	1976	2913	3399	3797	4177	4540
34000	1976	2914	3400	3798	4177	4541
34050	1977	2914	3400	3798	4178	4541
34100	1977	2915	3401	3799	4178	4542
34150	1978	2916	3401	3799	4179	4543
34200	1979	2916	3402	3800	4179	4543
34250	1979	2917	3402	3800	4180	4544
34300	1980	2917	3402	3800	4181	4544
34350	1981	2918	3403	3801	4181	4545
34400	1981	2919	3403	3801	4182	4545

34450	1982	2919	3404	3802	4182	4546
34500	1983	2920	3404	3802	4183	4546
34550	1983	2921	3405	3803	4183	4547
34600	1984	2921	3405	3803	4184	4548
34650	1984	2922	3405	3804	4184	4548
34700	1985	2923	3406	3804	4185	4549
34750	1986	2923	3406	3805	4185	4549
34800	1986	2924	3407	3805	4186	4550
34850	1987	2925	3407	3806	4186	4550
34900	1988	2925	3407	3806	4187	4551
34950	1988	2926	3408	3807	4187	4552
35000	1989	2927	3408	3807	4188	4552

For gross monthly incomes above \$35,000, add the amount of child support for \$35,000 to the following percentages of gross income above \$35,000.

ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR CHILDREN	FIVE CHILDREN	SIX CHILDREN
2.6%	3.4%	3.8%	4.2%	4.6%	5.0%

C. For purposes of this section, "gross income" means all income from all sources, and shall include, but not be limited to, income from salaries, wages, commissions, royalties, bonuses, dividends, severance pay, pensions, interest, trust income, annuities, capital gains, social security benefits except as listed below, workers' compensation benefits, unemployment insurance benefits, disability insurance benefits, veterans' benefits, spousal support, rental income, gifts, prizes or awards.

If a parent's gross income includes disability insurance benefits, it shall also include any amounts paid to or for the child who is the subject of the order and derived by the child from the parent's entitlement to disability insurance benefits. To the extent that such derivative benefits are included in a parent's gross income, that parent shall be entitled to a credit against his or her ongoing basic child support obligation for any such amounts, and, if the amount of the credit exceeds the parent's basic child support obligations, the credit may be used to reduce arrearages.

Gross income shall be subject to deduction of reasonable business expenses for persons with income from self-employment, a partnership, or a closely held business. "Gross income" shall not include:

1. Benefits from public assistance and social services programs as defined in § 63.2-100;
2. Federal supplemental security income benefits;
3. Child support received; or

4. Income received by the payor from secondary employment income not previously included in "gross income," where the payor obtained the income to discharge a child support arrearage established by a court or administrative order and the payor is paying the arrearage pursuant to the order. "Secondary employment income" includes but is not limited to income from an additional job, from self-employment, or from overtime employment. The cessation of such secondary income upon the payment of the arrearage shall not be the basis for a material change in circumstances upon which a modification of child support may be based.

For purposes of this subsection: (i) spousal support received shall be included in gross income and spousal support paid shall be deducted from gross income when paid pursuant to an order or written agreement and (ii) one-half of any self-employment tax paid shall be deducted from gross income.

Where there is an existing court or administrative order or written agreement relating to the child or children of a party to the proceeding, who are not the child or children who are the subject of the present proceeding, then there is a presumption that there shall be deducted from the gross income of the party subject to such order or written agreement, the amount that the party is actually paying for the support of a child or children pursuant to such order or agreement.

Where a party to the proceeding has a natural or adopted child or children in the party's household or primary physical custody, and the child or children are not the subject of the present proceeding, there is a presumption that there shall be deducted from the gross income of that party the amount as shown on the Schedule of Monthly Basic Child Support Obligations contained in subsection B that represents that party's support obligation based solely on that party's income as being the total income available for the natural or adopted child or children in the party's household or primary physical custody, who are not the subject of the present proceeding. Provided, however, that the existence of a party's financial responsibility for such a child or children shall not of itself constitute a material change in circumstances for modifying a previous order of child support in any modification proceeding. Any adjustment to gross income under this subsection shall not create or reduce a support obligation to an amount which seriously impairs the custodial parent's ability to maintain minimal adequate housing and provide other basic necessities for the child, as determined by the court.

In cases in which retroactive liability for support is being determined, the court or administrative agency may use the gross monthly income of the parties averaged over the period of retroactivity.

D. Except for good cause shown or the agreement of the parties, in addition to any other child support obligations established pursuant to this section, any child support order shall provide that the parents pay in proportion to their gross incomes, as used for calculating the monthly support obligation, any reasonable and necessary unreimbursed medical or dental expenses. The method of payment of those expenses shall be contained in the support order. Each parent shall pay his respective share of expenses as those expenses are incurred. Any amount paid under this subsection shall not be adjusted by, nor added to, the child support calculated in accordance with subsection G. For the purposes of this section, medical or dental expenses shall include but not be limited to eyeglasses, prescription medication, prosthetics, orthodontics, and mental health or developmental disabilities services, including but not limited to services provided by a social worker, psychologist, psychiatrist, counselor, or therapist.

D1. In any initial child support proceeding commenced within six months of the birth of a child, except for good cause shown or the agreement of the parties, in addition to any other child support obligations established pursuant to this section, the child support order shall provide that the parents pay in proportion to their gross incomes, as used for calculating the monthly support obligation, any reasonable and necessary unpaid expenses of the mother's pregnancy and the delivery of such child. Any amount paid under this subsection shall not be adjusted by, nor added to, the child support calculated in accordance with subsection G.

E. The costs for health care coverage as defined in § 63.2-1900, vision care coverage, and dental care coverage for the child or children who are the subject of the child support order that are being paid by a parent or that parent's spouse shall be added to the basic child support obligation. To determine the cost to be added to the basic child support obligation, the cost per person shall be applied to the child or children who are subject of the child support order. If the per child cost is provided by the insurer, that is the cost per person. Otherwise, to determine the cost per person, the cost of individual coverage for the policy holder shall be subtracted from the total cost of the coverage, and the remaining amount shall be divided by the number of remaining covered persons.

F. Any child-care costs incurred on behalf of the child or children due to employment of the custodial parent shall be added to the basic child support obligation. Child-care costs shall not exceed the amount required to provide quality care from a licensed source. When requested by the noncustodial parent, the court may require the custodial parent to present documentation to verify the costs incurred for child care under this subsection. Where appropriate, the court shall consider the willingness and availability of the noncustodial parent to provide child care personally in determining whether child-care costs are necessary or excessive. Upon the request of either party, and upon a showing of the tax savings a party derives from child-care cost deductions or credits, the court shall factor actual tax consequences into its calculation of the child-care costs to be added to the basic child support obligation.

G. 1. Sole custody support. The sole custody total monthly child support obligation shall be established by adding (i) the monthly basic child support obligation, as determined from the schedule contained in subsection B, (ii) costs for health care coverage to the extent allowable by subsection E, and (iii) work-related child-care costs and taking into consideration all the factors set forth in subsection B of § 20-108.1. The total monthly child support obligation shall be divided between the parents in the same proportion as their monthly gross incomes bear to their monthly combined gross income. The monthly obligation of each parent shall be computed by multiplying each parent's percentage of the parents' monthly combined gross income by the total monthly child support obligation.

However, the monthly obligation of the noncustodial parent shall be reduced by the cost for health care coverage to the extent allowable by subsection E when paid directly by the noncustodial parent or that parent's spouse. Unreimbursed medical and dental expenses shall be calculated and allocated in accordance with subsection D.

2. Split custody support. In cases involving split custody, the amount of child support to be paid shall be the difference between the amounts owed by each parent as a noncustodial parent, computed in accordance with subdivision 1, with the noncustodial parent owing the larger amount paying the difference to the other parent. Unreimbursed medical and dental expenses shall be calculated and allocated in accordance with subsection D.

For the purpose of this section and § 20-108.1, split custody shall be limited to those situations where each parent has physical custody of a child or children born of the parents, born of either parent and adopted by the other parent or adopted by both parents. For the purposes of calculating a child support obligation where split custody exists, a separate family unit exists for each parent, and child support for that family unit shall be calculated upon the number of children in that family unit who are born of the parents, born of either parent and adopted by the other parent or adopted by both parents. Where split custody exists, a parent is a custodial parent to the children in that parent's family unit and is a noncustodial parent to the children in the other parent's family unit.

3. Shared custody support.

(a) Where a party has custody or visitation of a child or children for more than 90 days of the year, as such days are defined in subdivision G 3 (c), a shared custody child support amount based on the ratio in which the parents share the custody and visitation of any child or children shall be calculated in accordance with this subdivision. The presumptive support to be paid shall be the shared custody support amount, unless a party affirmatively shows that the sole custody support amount calculated as provided in subdivision G 1 is less than the shared custody support amount. If so, the lesser amount shall be the support to be paid. For the purposes of this subsection, the following shall apply:

(i) Income share. "Income share" means a parent's percentage of the combined monthly gross income of both parents. The income share of a parent is that parent's gross income divided by the combined gross incomes of the parties.

(ii) Custody share. "Custody share" means the number of days that a parent has physical custody, whether by sole custody, joint legal or joint residential custody, or visitation, of a shared child per year divided by the number of days in the year. The actual or anticipated "custody share" of the parent who has or will have fewer days of physical custody shall be calculated for a one-year period. The "custody share" of the other parent shall be presumed to be the number of days in the year less the number of days calculated as the first parent's "custody share." For purposes of this calculation, the year may begin on such date as is determined in the discretion of the court, and the day may begin at such time as is determined in the discretion of the court. For purposes of this calculation, a day shall be as defined in subdivision G 3 (c).

(iii) Shared support need. "Shared support need" means the presumptive guideline amount of needed support for the shared child or children calculated pursuant to subsection B of this section, for the combined gross income of the parties and the number of shared children, multiplied by 1.4.

(iv) Sole custody support. "Sole custody support" means the support amount determined in accordance with subdivision G 1.

(b) Support to be paid. The shared support need of the shared child or children shall be calculated pursuant to subdivision G 3 (a) (iii). This amount shall then be multiplied by the other parent's custody share. To that sum for each parent shall be added the other parent's or that parent's spouse's cost of health care coverage to the extent allowable by subsection E, plus the other parent's work-related child-care costs to the extent allowable by subsection F. This total for each parent shall be multiplied by that parent's income share. The support amounts thereby calculated that each parent owes the other shall be subtracted one from the other and the difference shall be the shared custody support one parent owes to the other, with the payor parent being the one whose shared support is the larger. Unreimbursed medical and dental expenses shall be calculated and allocated in accordance with subsection D.

(c) Definition of a day. For the purposes of this section, "day" means a period of 24 hours; however, where the parent who has the fewer number of overnight periods during the year has an overnight period with a child, but has physical custody of the shared child for less than 24 hours during such overnight period, there is a presumption that each parent shall be allocated one-half of a day of custody for that period.

(d) Minimum standards. Any calculation under this subdivision shall not create or reduce a support obligation to an amount which seriously impairs the custodial parent's ability to maintain minimal adequate housing and provide other basic necessities for the child. If the gross income of either party is equal to or less than 150 percent of the federal poverty level promulgated by the U.S. Department of Health and Human Services from time to time, then the shared custody support calculated pursuant to this subsection shall not be the presumptively correct support and the court may consider whether the sole custody support or the shared custody support is more just and appropriate.

(e) Support modification. When there has been an award of child support based on the shared custody formula and one parent consistently fails to exercise custody or visitation in accordance with the parent's custody share upon which the award was based, there shall be a rebuttable presumption that the support award should be modified.

(f) In the event that the shared custody support calculation indicates that the net support is to be paid to the parent who would not be the parent receiving support pursuant to the sole custody calculation, then the shared support shall be deemed to be the lesser support.

4. Multiple shared custody support. In cases with different shared custody arrangements for two or more minor children of the parties, the procedures in subdivision G 3 shall apply, except that one shared guideline shall be used to determine the total amount of child support owed by one parent to the other by:

(a) Calculating each parent's custody share by adding the total number of days, as defined in subdivision G 3 (c), that each parent has with each child and dividing such total number of days by the number of children of the parties to determine the average number of shared custody days; and

(b) Using each parent's custody share as determined in subdivision G 4 (a) for each parent to calculate the child support owed, in accordance with the provisions of subdivision G 3.

5. Sole and shared custody support. In cases where one parent has sole custody of one or more minor children of the parties, and the parties share custody of one or more other minor children of the parties, the procedures in subdivisions G 1 and 3 shall apply, except that one sole custody support guideline calculation and one shared custody support guideline calculation shall be used to determine the total amount of child support owed by one parent to the other by:

(a) Calculating the sole custody support obligation by:

(i) Calculating the per child monthly basic child support obligation by determining, for the number of children of the parties, the scheduled monthly basic child support obligation and dividing that amount by the number of children of the parties;

(ii) Calculating the sole custody pro rata monthly basic child support obligation by multiplying the per child monthly basic child support obligation determined in subdivision G 5 (a) (i) by the number of children subject to the sole custody support obligation; and

(iii) Applying the sole custody pro rata monthly basic child support obligation determined in subdivision G 5 (a) (ii) to the procedures in subdivision G 1.

(b) Calculating the shared custody child support obligation by:

(i) Calculating the per child monthly basic child support obligation by determining, for the number of children of the parties, the scheduled monthly basic child support obligation and dividing that amount by the number of children of the parties;

(ii) Calculating the shared custody pro rata monthly basic child support obligation by multiplying the per child monthly basic child support obligation determined in subdivision G 5 (b) (i) by the number of children subject to the shared custody support obligation; and

(iii) Applying the shared custody pro rata monthly basic child support obligation determined in subdivision G 5 (b) (ii) to the procedures in subdivision G 3.

(c) Determining the total amount of child support owed by one parent to the other. Where one parent owes both the sole custody support obligation and the shared custody support obligation to the other parent, the total of both such obligations calculated pursuant to subdivisions G 5 (a) and G 5 (b) shall be added to determine the total amount of child support owed by one parent to the other. Where one parent owes one such obligation to the other parent, and such other parent owes the other such obligation to the other such parent, the parent owing the greater obligation amount to the other parent shall pay the difference between the obligations to such other parent.

6. Split and shared custody support. In cases where the parents have split custody of two or more children, and there is a shared custody arrangement with one or more other minor children of the parties, the procedures set forth in subdivisions G 2 and G 3 shall apply, except that one split custody child support guideline calculation and one shared custody child support guideline calculation shall be used to calculate the total amount of child support owed by one parent to the other by:

(a) Calculating the split custody child support obligation by:

(i) Calculating the per child monthly basic child custody support obligation by determining, for the number of children of the parties, the scheduled monthly basic child support obligation and dividing that amount by the number of children of the parties;

(ii) Calculating the split custody pro rata monthly basic child support obligation by multiplying the per child monthly basic child support obligation determined in subdivision G 6 (a) (i) by the number of children subject to the split custody support obligation; and

(iii) Applying the split custody pro rata monthly basic child support obligation determined in subdivision G 6 (a) (ii) for each parent to the procedures in subdivision G 2.

(b) Calculating the shared custody child support obligation by:

(i) Calculating the per child monthly basic child custody support obligation by determining, for the number of children of the parties, the scheduled monthly basic child support obligation and dividing that amount by the number of children of the parties;

(ii) Calculating the shared custody pro rata monthly basic child custody support obligation by multiplying the per child monthly basic child support obligation determined in subdivision G 6 (b) (i) by the number of children subject to the shared custody support obligation; and

(iii) Applying the shared custody pro rata monthly basic child support obligation determined in subdivision G 6 (b) (ii) to the procedures in subdivision G 3.

(c) Determining the total amount of child support owed by one parent to the other. Where one parent owes both the split custody support obligation and the shared custody support obligation to the other parent, the total of both such obligations calculated pursuant to subdivisions G 6 (a) and G 6 (b) shall be added to determine the total amount of child support owed by one parent to the other. Where one parent owes one such obligation to the other parent, and such other parent owes the other such obligation to the other such parent, the parent owing the greater obligation amount to the other parent shall pay the difference between the obligations to such other parent.

H. The Secretary of Health and Human Resources shall ensure that the guideline set out in this section is reviewed by October 31, 2001, and every four years thereafter, by the Child Support Guidelines Review Panel, consisting of 15 members comprised of four legislative members and 11 nonlegislative citizen members. Members shall be appointed as follows: three members of the House Committee for Courts of Justice, upon the recommendation of the chairman of such committee, to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; one member of the Senate Committee for Courts of Justice, upon the recommendation of the chairman of such committee, to be appointed by the Senate Committee on Rules; and one representative of a juvenile and domestic relations district court, one representative of a circuit court, one representative of the Department of Social Services' Division of Child Support Enforcement, three members of the Virginia State Bar, two custodial parents, two noncustodial parents, and one child advocate, upon the recommendation of the Secretary of Health and Human Resources, to be appointed by the Governor. The Panel shall determine the adequacy of the guideline for the determination of appropriate awards for the support of children by considering current research and data on the cost of and expenditures necessary for rearing children, and any other resources it deems relevant to such review. The Panel shall report its findings to the General Assembly as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports before the General Assembly next convenes following such review.

Legislative members shall serve terms coincident with their terms of office. Nonlegislative citizen members shall serve at the pleasure of the Governor. All members may be reappointed. Appointments to fill vacancies, other than by expiration of a term, shall be made for the unexpired terms. Vacancies shall be filled in the same manner as the original appointments.

Legislative members shall receive such compensation as provided in § 30-19.12, and nonlegislative citizen members shall receive such compensation for the performance of their duties as provided in § 2.2-2813. All members shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813

and 2.2-2825. Funding for the costs of compensation and expenses of the members shall be provided by the Department of Social Services.

The Department of Social Services shall provide staff support to the Panel. All agencies of the Commonwealth shall provide assistance to the Panel, upon request.

The chairman of the Panel shall submit to the Governor and the General Assembly a quadrennial executive summary of the interim activity and work of the Panel no later than the first day of 2006 regular session of the General Assembly and every four years thereafter. The executive summary shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

CHAPTER 178

An Act to amend and reenact § 20-124.6 of the Code of Virginia, relating to access to minor's child-care records by parent.

[S 430]

Approved March 6, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 20-124.6 of the Code of Virginia is amended and reenacted as follows:

§ 20-124.6. Access to minor's records.

A. Notwithstanding any other provision of law, neither parent, regardless of whether such parent has custody, shall be denied access to the academic or health records *or records of a child day center or family day home* of that parent's minor child unless otherwise ordered by the court for good cause shown or pursuant to subsection B.

B. In the case of health records, access may also be denied if the minor's treating physician or the minor's treating clinical psychologist has made a part of the minor's record a written statement that, in the exercise of his professional judgment, the furnishing to or review by the requesting parent of such health records would be reasonably likely to cause substantial harm to the minor or another person. If a health care entity denies a parental request for access to, or copies of, a minor's health record, the health care entity denying the request shall comply with the provisions of subsection F of § 32.1-127.1:03. The minor or his parent, either or both, shall have the right to have the denial reviewed as specified in subsection F of § 32.1-127.1:03 to determine whether to make the minor's health record available to the requesting parent.

C. For the purposes of this section, ~~the meaning of the term~~ terms "health record" or the plural thereof and ~~the term~~ "health care entity" ~~shall be mean the same as those terms are defined in subsection B of § 32.1-127.1:03. The terms "child day center" and "family day home" mean the same as those terms are defined in § 63.2-100.~~

CHAPTER 179

An Act to amend and reenact § 2.2-1110 of the Code of Virginia, relating to the Department of General Services; public posting of contract information on central electronic procurement system.

[S 563]

Approved March 6, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-1110 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-1110. Using agencies to purchase through Division of Purchases and Supply; exception.

A. Except as provided by § 2.2-2012 or otherwise directed and authorized by the Division or in the Code of Virginia, every authority, department, division, institution, officer, agency, and other unit of state government, hereinafter called the using agency, shall purchase through the Division all materials, equipment, supplies, printing and nonprofessional services of every description, whenever the whole or a part of the costs is to be paid out of the state treasury. The Division shall make such purchases in conformity with this article.

B. The Division shall maintain the Department of General Services' central electronic procurement system. At a minimum this procurement system shall provide for the purchase of goods and services, *and the public posting of all Invitations to Bid, Requests for Proposal, sole source award notices, emergency award notices, awarded contracts and modifications thereto,* and reports on purchases. All using agencies shall utilize the Department of General Services' central electronic procurement system as their purchasing system beginning at the point of requisitioning for all procurement actions, including but not limited to technology, transportation, and construction, unless otherwise authorized in writing by the Division. Where necessary to capture data in agency enterprise resource planning systems and to eliminate or avoid duplicate or manual data entry in such agency systems, using agencies shall integrate their enterprise resource planning systems with the Department of General Services' central electronic procurement system, unless otherwise authorized in writing by the Division or in accordance with the provisions of the Restructured Higher Education Financial and Administrative Operations Act (§ 23.1-1000 et seq.).

Using agencies shall post on the Department of General Services' central electronic procurement website all Invitations to Bid, Requests for Proposal, sole source award notices, ~~and~~ emergency award notices, *and awarded contracts and modifications thereto* to ensure visibility and access to the Commonwealth's procurement opportunities on one website.

To increase transparency of governmental procurement activities, the Division shall direct all using agencies to conspicuously post on their respective homepages links to the Department of General Services' central electronic procurement system reports, thereby making them accessible to the public.

~~B. C.~~ The provisions of subsection A shall not apply to the purchase of materials, equipment, supplies, printing and nonprofessional services of every description by the Virginia Retirement System; however, the Board of Trustees of the Virginia Retirement System shall adopt regulations made in accordance with the Virginia Public Procurement Act (§ 2.2-4300 et seq.) that specify policies and procedures that are based on competitive principles and that are generally applicable to procurement of such goods and services by comparably situated state agencies. The exemption provided by this subsection shall apply for only as long as such regulations, or other regulations meeting the requirements of this subsection, remain in effect at the Virginia Retirement System.

2. That any contract awarded pursuant to an Invitation to Bid or Request for Proposals on or after July 1, 2021, including any subsequent modifications to the contract by a using agency as defined in § 2.2-1110, shall be posted on the Department of General Services' central electronic procurement system. Additionally, a modification made by a using agency on or after July 1, 2021, to any other contract that has two or more years remaining shall be posted on the Department of General Services' central electronic procurement system, along with the original contract and any previous modifications.

CHAPTER 180

An Act to amend and reenact § 8.01-249 of the Code of Virginia, relating to accrual of cause of action; diagnoses of nonmalignant and malignant asbestos-related injury or disease.

[S 661]

Approved March 6, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 8.01-249 of the Code of Virginia is amended and reenacted as follows:

§ 8.01-249. When cause of action shall be deemed to accrue in certain personal actions.

The cause of action in the actions herein listed shall be deemed to accrue as follows:

1. In actions for fraud or mistake, in actions for violations of the Consumer Protection Act (§ 59.1-196 et seq.) based upon any misrepresentation, deception, or fraud, and in actions for rescission of contract for undue influence, when such fraud, mistake, misrepresentation, deception, or undue influence is discovered or by the exercise of due diligence reasonably should have been discovered;

2. In actions or other proceedings for money on deposit with a bank or any person or corporation doing a banking business, when a request in writing be made therefor by check, order, or otherwise;

3. In actions for malicious prosecution or abuse of process, when the relevant criminal or civil action is terminated;

4. In actions for injury to the person resulting from exposure to asbestos or products containing asbestos, when a diagnosis of asbestosis, interstitial fibrosis, mesothelioma, or other disabling asbestos-related injury or disease is first communicated to the person or his agent by a physician. However, no such action may be brought more than two years after the death of such person. *The diagnosis of a nonmalignant asbestos-related injury or disease shall not accrue an action based upon the subsequent diagnosis of a malignant asbestos-related injury or disease, and such subsequent diagnosis shall constitute a separate injury that shall accrue an action when such diagnosis is first communicated to the person or his agent by a physician;*

5. In actions for contribution or for indemnification, when the contributtee or the indemnitee has paid or discharged the obligation. A third-party claim permitted by subsection A of § 8.01-281 and the Rules of Court may be asserted before such cause of action is deemed to accrue hereunder;

6. In actions for injury to the person, whatever the theory of recovery, resulting from sexual abuse occurring during the infancy or incapacity of the person, upon the later of the removal of the disability of infancy or incapacity as provided in § 8.01-229 or when the fact of the injury and its causal connection to the sexual abuse is first communicated to the person by a licensed physician, psychologist, or clinical psychologist. As used in this subdivision, "sexual abuse" means sexual abuse as defined in subdivision 6 of § 18.2-67.10 and acts constituting rape, sodomy, object sexual penetration or sexual battery as defined in Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2;

7. In products liability actions against parties other than health care providers as defined in § 8.01-581.1 for injury to the person resulting from or arising as a result of the implantation of any prosthetic device for breast augmentation or reconstruction, when the fact of the injury and its causal connection to the implantation is first communicated to the person by a physician;

8. In actions on an open account, from the later of the last payment or last charge for goods or services rendered on the account;

9. In products liability actions against parties other than health care providers as defined in § 8.01-581.1 for injury to the person resulting from or arising as a result of the implantation of any medical device, when the person knew or should have known of the injury and its causal connection to the device.

2. This act is intended to reverse *Kiser v. A.W. Chesterton*, 285 Va. 12 (2013).

CHAPTER 181

An Act to amend and reenact § 20-27 of the Code of Virginia, relating to celebration of marriage; fee.

[S 955]

Approved March 6, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 20-27 of the Code of Virginia is amended and reenacted as follows:

§ 20-27. Fee for celebrating marriage.

Any person authorized under § 20-25 to celebrate the rites of marriage shall be permitted to charge the parties a fee for the ceremony not to exceed ~~§50~~ \$75 for each ceremony. Such person and parties may negotiate payment for any additional services agreed to by the celebrant and the parties. Additionally, such person shall be permitted to charge the parties travel expenses to and from the marriage site. If conveyance is by public transportation, reimbursement shall be at the actual cost thereof. If conveyance is by private transportation, reimbursement shall be at the rate specified in the current general appropriations act of the Commonwealth. In either event, the actual cost of the ceremony together with travel expenses shall be given to the parties at least three days prior to the marriage ceremony.

CHAPTER 182

An Act to amend and reenact § 55.1-1202 of the Code of Virginia, relating to the Virginia Residential Landlord and Tenant Act; certain notices of termination to contain legal aid contact information.

[S 115]

Approved March 6, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 55.1-1202 of the Code of Virginia is amended and reenacted as follows:

§ 55.1-1202. Notice.

A. If the rental agreement so provides, the landlord and tenant may send notices in electronic form; however, any tenant who so requests may elect to send and receive notices in paper form. If electronic delivery is used, the sender shall retain sufficient proof of the electronic delivery, which may be an electronic receipt of delivery, a confirmation that the notice was sent by facsimile, or a certificate of service prepared by the sender confirming the electronic delivery.

B. In the case of the landlord, notice is served on the landlord at his place of business where the rental agreement was made or at any place held out by the landlord as the place for receipt of the communication.

In the case of the tenant, notice is served at the tenant's last known place of residence, which may be the dwelling unit.

C. Notice, knowledge, or a notice or notification received by an organization is effective for a particular transaction from the time it is brought to the attention of the person conducting that transaction, or from the time it would have been brought to his attention if the organization had exercised reasonable diligence.

D. No notice of termination of tenancy served upon a tenant by a public housing authority organized under the Housing Authorities Law (§ 36-1 et seq.) shall be effective unless it contains on its first page, in type no smaller or less legible than that otherwise used in the body of the notice, the name, address, and telephone number of the legal ~~services~~ *aid* program, if any, serving the jurisdiction in which the premises is located.

No notice of termination of tenancy served upon a tenant receiving tenant-based rental assistance through (i) the Housing Choice Voucher Program, 42 U.S.C. § 1437f(o), or (ii) any other federal, state, or local program by a private landlord shall be effective unless it contains on its first page, in type no smaller or less legible than that otherwise used in the body of the notice, the statewide legal aid telephone number and website address.

E. The landlord may, in accordance with a written agreement, delegate to a managing agent or other third party the responsibility of providing any written notice under this chapter. The landlord may also engage an attorney at law to prepare or provide any written notice under this chapter or legal process under Title 8.01. Nothing herein shall be construed to preclude use of an electronic signature as defined in § 59.1-480, or an electronic notarization as defined in § 47.1-2, in any written notice under this chapter or legal process under Title 8.01.

CHAPTER 183

An Act to amend and reenact § 55.1-1202 of the Code of Virginia, relating to the Virginia Residential Landlord and Tenant Act; certain notices of termination to contain legal aid contact information.

[H 519]

Approved March 6, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 55.1-1202 of the Code of Virginia is amended and reenacted as follows:

§ 55.1-1202. Notice.

A. If the rental agreement so provides, the landlord and tenant may send notices in electronic form; however, any tenant who so requests may elect to send and receive notices in paper form. If electronic delivery is used, the sender shall retain sufficient proof of the electronic delivery, which may be an electronic receipt of delivery, a confirmation that the notice was sent by facsimile, or a certificate of service prepared by the sender confirming the electronic delivery.

B. In the case of the landlord, notice is served on the landlord at his place of business where the rental agreement was made or at any place held out by the landlord as the place for receipt of the communication.

In the case of the tenant, notice is served at the tenant's last known place of residence, which may be the dwelling unit.

C. Notice, knowledge, or a notice or notification received by an organization is effective for a particular transaction from the time it is brought to the attention of the person conducting that transaction, or from the time it would have been brought to his attention if the organization had exercised reasonable diligence.

D. No notice of termination of tenancy served upon a tenant by a public housing authority organized under the Housing Authorities Law (§ 36-1 et seq.) shall be effective unless it contains on its first page, in type no smaller or less legible than that otherwise used in the body of the notice, the name, address, and telephone number of the legal services aid program, if any, serving the jurisdiction in which the premises is located.

No notice of termination of tenancy served upon a tenant receiving tenant-based rental assistance through (i) the Housing Choice Voucher Program, 42 U.S.C. § 1437f(o), or (ii) any other federal, state, or local program by a private landlord shall be effective unless it contains on its first page, in type no smaller or less legible than that otherwise used in the body of the notice, the statewide legal aid telephone number and website address.

E. The landlord may, in accordance with a written agreement, delegate to a managing agent or other third party the responsibility of providing any written notice under this chapter. The landlord may also engage an attorney at law to prepare or provide any written notice under this chapter or legal process under Title 8.01. Nothing herein shall be construed to preclude use of an electronic signature as defined in § 59.1-480, or an electronic notarization as defined in § 47.1-2, in any written notice under this chapter or legal process under Title 8.01.

CHAPTER 184

An Act to amend and reenact § 9.1-102 of the Code of Virginia, relating to school resource officers and school security officers; training standards.

[S 171]

Approved March 6, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 9.1-102 of the Code of Virginia is amended and reenacted as follows:

§ 9.1-102. Powers and duties of the Board and the Department.

The Department, under the direction of the Board, which shall be the policy-making body for carrying out the duties and powers hereunder, shall have the power and duty to:

1. Adopt regulations, pursuant to the Administrative Process Act (§ 2.2-4000 et seq.), for the administration of this chapter including the authority to require the submission of reports and information by law-enforcement officers within the Commonwealth. Any proposed regulations concerning the privacy, confidentiality, and security of criminal justice information shall be submitted for review and comment to any board, commission, or committee or other body which may be established by the General Assembly to regulate the privacy, confidentiality, and security of information collected and maintained by the Commonwealth or any political subdivision thereof;

2. Establish compulsory minimum training standards subsequent to employment as a law-enforcement officer in (i) permanent positions, and (ii) temporary or probationary status, and establish the time required for completion of such training;

3. Establish minimum training standards and qualifications for certification and recertification for law-enforcement officers serving as field training officers;

4. Establish compulsory minimum curriculum requirements for in-service and advanced courses and programs for schools, whether located in or outside the Commonwealth, which are operated for the specific purpose of training law-enforcement officers;

5. Establish (i) compulsory minimum training standards for law-enforcement officers who utilize radar or an electrical or microcomputer device to measure the speed of motor vehicles as provided in § 46.2-882 and establish the time required for completion of the training and (ii) compulsory minimum qualifications for certification and recertification of instructors who provide such training;

6. [Repealed];

7. Establish compulsory minimum entry-level, in-service and advanced training standards for those persons designated to provide courthouse and courtroom security pursuant to the provisions of § 53.1-120, and to establish the time required for completion of such training;

8. Establish compulsory minimum entry-level, in-service and advanced training standards for deputy sheriffs designated to serve process pursuant to the provisions of § 8.01-293, and establish the time required for the completion of such training;

9. Establish compulsory minimum entry-level, in-service, and advanced training standards, as well as the time required for completion of such training, for persons employed as deputy sheriffs and jail officers by local criminal justice agencies and correctional officers employed by the Department of Corrections under the provisions of Title 53.1;

10. Establish compulsory minimum training standards for all dispatchers employed by or in any local or state government agency, whose duties include the dispatching of law-enforcement personnel. Such training standards shall apply only to dispatchers hired on or after July 1, 1988;

11. Establish compulsory minimum training standards for all auxiliary police officers employed by or in any local or state government agency. Such training shall be graduated and based on the type of duties to be performed by the auxiliary police officers. Such training standards shall not apply to auxiliary police officers exempt pursuant to § 15.2-1731;

12. Consult and cooperate with counties, municipalities, agencies of the Commonwealth, other state and federal governmental agencies, and institutions of higher education within or outside the Commonwealth, concerning the development of police training schools and programs or courses of instruction;

13. Approve institutions, curricula and facilities, whether located in or outside the Commonwealth, for school operation for the specific purpose of training law-enforcement officers; but this shall not prevent the holding of any such school whether approved or not;

14. Establish and maintain police training programs through such agencies and institutions as the Board deems appropriate;

15. Establish compulsory minimum qualifications of certification and recertification for instructors in criminal justice training schools approved by the Department;

16. Conduct and stimulate research by public and private agencies which shall be designed to improve police administration and law enforcement;

17. Make recommendations concerning any matter within its purview pursuant to this chapter;

18. Coordinate its activities with those of any interstate system for the exchange of criminal history record information, nominate one or more of its members to serve upon the council or committee of any such system, and participate when and as deemed appropriate in any such system's activities and programs;

19. Conduct inquiries and investigations it deems appropriate to carry out its functions under this chapter and, in conducting such inquiries and investigations, may require any criminal justice agency to submit information, reports, and statistical data with respect to its policy and operation of information systems or with respect to its collection, storage, dissemination, and usage of criminal history record information and correctional status information, and such criminal justice agencies shall submit such information, reports, and data as are reasonably required;

20. Conduct audits as required by § 9.1-131;

21. Conduct a continuing study and review of questions of individual privacy and confidentiality of criminal history record information and correctional status information;

22. Advise criminal justice agencies and initiate educational programs for such agencies with respect to matters of privacy, confidentiality, and security as they pertain to criminal history record information and correctional status information;

23. Maintain a liaison with any board, commission, committee, or other body which may be established by law, executive order, or resolution to regulate the privacy and security of information collected by the Commonwealth or any political subdivision thereof;

24. Adopt regulations establishing guidelines and standards for the collection, storage, and dissemination of criminal history record information and correctional status information, and the privacy, confidentiality, and security thereof necessary to implement state and federal statutes, regulations, and court orders;

25. Operate a statewide criminal justice research center, which shall maintain an integrated criminal justice information system, produce reports, provide technical assistance to state and local criminal justice data system users, and provide analysis and interpretation of criminal justice statistical information;

26. Develop a comprehensive, statewide, long-range plan for strengthening and improving law enforcement and the administration of criminal justice throughout the Commonwealth, and periodically update that plan;

27. Cooperate with, and advise and assist, all agencies, departments, boards and institutions of the Commonwealth, and units of general local government, or combinations thereof, including planning district commissions, in planning, developing, and administering programs, projects, comprehensive plans, and other activities for improving law enforcement

and the administration of criminal justice throughout the Commonwealth, including allocating and subgranting funds for these purposes;

28. Define, develop, organize, encourage, conduct, coordinate, and administer programs, projects and activities for the Commonwealth and units of general local government, or combinations thereof, in the Commonwealth, designed to strengthen and improve law enforcement and the administration of criminal justice at every level throughout the Commonwealth;

29. Review and evaluate programs, projects, and activities, and recommend, where necessary, revisions or alterations to such programs, projects, and activities for the purpose of improving law enforcement and the administration of criminal justice;

30. Coordinate the activities and projects of the state departments, agencies, and boards of the Commonwealth and of the units of general local government, or combination thereof, including planning district commissions, relating to the preparation, adoption, administration, and implementation of comprehensive plans to strengthen and improve law enforcement and the administration of criminal justice;

31. Do all things necessary on behalf of the Commonwealth and its units of general local government, to determine and secure benefits available under the Omnibus Crime Control and Safe Streets Act of 1968 (P.L. 90-351, 82 Stat. 197), as amended, and under any other federal acts and programs for strengthening and improving law enforcement, the administration of criminal justice, and delinquency prevention and control;

32. Receive, administer, and expend all funds and other assistance available to the Board and the Department for carrying out the purposes of this chapter and the Omnibus Crime Control and Safe Streets Act of 1968, as amended;

33. Apply for and accept grants from the United States government or any other source in carrying out the purposes of this chapter and accept any and all donations both real and personal, and grants of money from any governmental unit or public agency, or from any institution, person, firm or corporation, and may receive, utilize and dispose of the same. Any arrangements pursuant to this section shall be detailed in the annual report of the Board. Such report shall include the identity of the donor, the nature of the transaction, and the conditions, if any. Any moneys received pursuant to this section shall be deposited in the state treasury to the account of the Department. To these ends, the Board shall have the power to comply with conditions and execute such agreements as may be necessary;

34. Make and enter into all contracts and agreements necessary or incidental to the performance of its duties and execution of its powers under this chapter, including but not limited to, contracts with the United States, units of general local government or combinations thereof, in Virginia or other states, and with agencies and departments of the Commonwealth;

35. Adopt and administer reasonable regulations for the planning and implementation of programs and activities and for the allocation, expenditure and subgranting of funds available to the Commonwealth and to units of general local government, and for carrying out the purposes of this chapter and the powers and duties set forth herein;

36. Certify and decertify law-enforcement officers in accordance with §§ 15.2-1706 and 15.2-1707;

37. Establish training standards and publish and periodically update model policies for law-enforcement personnel in the following subjects:

a. The handling of family abuse, domestic violence, sexual assault, and stalking cases, including standards for determining the predominant physical aggressor in accordance with § 19.2-81.3. The Department shall provide technical support and assistance to law-enforcement agencies in carrying out the requirements set forth in subsection A of § 9.1-1301;

b. Communication with and facilitation of the safe return of individuals diagnosed with Alzheimer's disease;

c. Sensitivity to and awareness of cultural diversity and the potential for biased policing;

d. Protocols for local and regional sexual assault response teams;

e. Communication of death notifications;

f. The questioning of individuals suspected of driving while intoxicated concerning the physical location of such individual's last consumption of an alcoholic beverage and the communication of such information to the Virginia Alcoholic Beverage Control Authority;

g. Vehicle patrol duties that embody current best practices for pursuits and for responding to emergency calls;

h. Criminal investigations that embody current best practices for conducting photographic and live lineups;

i. Sensitivity to and awareness of human trafficking offenses and the identification of victims of human trafficking offenses for personnel involved in criminal investigations or assigned to vehicle or street patrol duties; and

j. Missing children, missing adults, and search and rescue protocol;

38. Establish compulsory training standards for basic training and the recertification of law-enforcement officers to ensure sensitivity to and awareness of cultural diversity and the potential for biased policing;

39. Review and evaluate community-policing programs in the Commonwealth, and recommend where necessary statewide operating procedures, guidelines, and standards which strengthen and improve such programs, including sensitivity to and awareness of cultural diversity and the potential for biased policing;

40. Establish a Virginia Law-Enforcement Accreditation Center. The Center may, in cooperation with Virginia law-enforcement agencies, provide technical assistance and administrative support, including staffing, for the establishment of voluntary state law-enforcement accreditation standards. The Center may provide accreditation assistance and training, resource material, and research into methods and procedures that will assist the Virginia law-enforcement community efforts to obtain Virginia accreditation status;

41. Promote community policing philosophy and practice throughout the Commonwealth by providing community policing training and technical assistance statewide to all law-enforcement agencies, community groups, public and private organizations and citizens; developing and distributing innovative policing curricula and training tools on general community policing philosophy and practice and contemporary critical issues facing Virginia communities; serving as a consultant to Virginia organizations with specific community policing needs; facilitating continued development and implementation of community policing programs statewide through discussion forums for community policing leaders, development of law-enforcement instructors; promoting a statewide community policing initiative; and serving as a statewide information source on the subject of community policing including, but not limited to periodic newsletters, a website and an accessible lending library;

42. Establish, in consultation with the Department of Education and the Virginia State Crime Commission, compulsory minimum standards for employment and job-entry and in-service training curricula and certification requirements for school security officers, including school security officers described in clause (b) of § 22.1-280.2:1, which training and certification shall be administered by the Virginia Center for School and Campus Safety (VSCS) pursuant to § 9.1-184. Such training standards shall ~~include, but shall not be limited to,~~ *be specific to* the role and responsibility of school security officers; *and shall include* (i) relevant state and federal laws; (ii) school and personal liability issues; (iii) security awareness in the school environment; (iv) mediation and conflict resolution; *including de-escalation techniques such as a physical alternative to restraint*; (v) disaster and emergency response; (vi) *awareness of cultural diversity and implicit bias*; (vii) *working with students with disabilities, mental health needs, substance abuse disorders, and past traumatic experiences*; and (viii) student behavioral dynamics, *including child and adolescent development and brain research*. The Department shall establish an advisory committee consisting of local school board representatives, principals, superintendents, and school security personnel to assist in the development of the standards and certification requirements in this subdivision. The Department shall require any school security officer who carries a firearm in the performance of his duties to provide proof that he has completed a training course provided by a federal, state, or local law-enforcement agency that includes training in active shooter emergency response, emergency evacuation procedure, and threat assessment;

43. License and regulate property bail bondsmen and surety bail bondsmen in accordance with Article 11 (§ 9.1-185 et seq.);

44. License and regulate bail enforcement agents in accordance with Article 12 (§ 9.1-186 et seq.);

45. In conjunction with the Virginia State Police and the State Compensation Board, advise criminal justice agencies regarding the investigation, registration, and dissemination of information requirements as they pertain to the Sex Offender and Crimes Against Minors Registry Act (§ 9.1-900 et seq.);

46. Establish minimum standards for (i) employment, (ii) job-entry and in-service training curricula, and (iii) certification requirements for campus security officers. Such training standards shall include, but not be limited to, the role and responsibility of campus security officers, relevant state and federal laws, school and personal liability issues, security awareness in the campus environment, and disaster and emergency response. The Department shall provide technical support and assistance to campus police departments and campus security departments on the establishment and implementation of policies and procedures, including but not limited to: the management of such departments, investigatory procedures, judicial referrals, the establishment and management of databases for campus safety and security information sharing, and development of uniform record keeping for disciplinary records and statistics, such as campus crime logs, judicial referrals and Clery Act statistics. The Department shall establish an advisory committee consisting of college administrators, college police chiefs, college security department chiefs, and local law-enforcement officials to assist in the development of the standards and certification requirements and training pursuant to this subdivision;

47. Assess and report, in accordance with § 9.1-190, the crisis intervention team programs established pursuant to § 9.1-187;

48. In conjunction with the Office of the Attorney General, advise law-enforcement agencies and attorneys for the Commonwealth regarding the identification, investigation, and prosecution of human trafficking offenses using the common law and existing criminal statutes in the Code of Virginia;

49. Register tow truck drivers in accordance with § 46.2-116 and carry out the provisions of § 46.2-117;

50. Administer the activities of the Virginia Sexual and Domestic Violence Program Professional Standards Committee by providing technical assistance and administrative support, including staffing, for the Committee;

51. In accordance with § 9.1-102.1, design and approve the issuance of photo-identification cards to private security services registrants registered pursuant to Article 4 (§ 9.1-138 et seq.);

52. In consultation with the State Council of Higher Education for Virginia and the Virginia Association of Campus Law Enforcement Administrators, develop multidisciplinary curricula on trauma-informed sexual assault investigation;

53. In consultation with the Department of Behavioral Health and Developmental Services, develop a model addiction recovery program that may be administered by sheriffs, deputy sheriffs, jail officers, administrators, or superintendents in any local or regional jail. Such program shall be based on any existing addiction recovery programs that are being administered by any local or regional jails in the Commonwealth. Participation in the model addiction recovery program shall be voluntary, and such program may address aspects of the recovery process, including medical and clinical recovery, peer-to-peer support, availability of mental health resources, family dynamics, and aftercare aspects of the recovery process;

54. Establish compulsory minimum training standards for certification and recertification of law-enforcement officers serving as school resource officers. Such training shall be specific to the role and responsibility of a law-enforcement officer

working with students in a school environment *and shall include (i) relevant state and federal laws; (ii) school and personal liability issues; (iii) security awareness in the school environment; (iv) mediation and conflict resolution, including de-escalation techniques; (v) disaster and emergency response; (vi) awareness of cultural diversity and implicit bias; (vii) working with students with disabilities, mental health needs, substance abuse disorders, or past traumatic experiences; and (viii) student behavioral dynamics, including current child and adolescent development and brain research;* and

55. Perform such other acts as may be necessary or convenient for the effective performance of its duties.

CHAPTER 185

An Act to amend and reenact § 16.1-278.19 of the Code of Virginia, relating to juvenile and domestic relations district court; award of attorney fees and costs.

[S 451]

Approved March 6, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 16.1-278.19 of the Code of Virginia is amended and reenacted as follows:

§ 16.1-278.19. Attorney fees.

In any matter properly before the court, the court may award ~~attorneys'~~ attorney fees and costs on behalf of any party as the court deems appropriate based on the relative financial ability of the parties *and any other relevant factors to attain equity.*

CHAPTER 186

An Act to amend and reenact § 55.1-703 of the Code of Virginia, relating to Virginia Residential Property Disclosure Act; disclosures for a buyer to beware; residential building energy analyst.

[S 628]

Approved March 6, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 55.1-703 of the Code of Virginia is amended and reenacted as follows:

§ 55.1-703. Required disclosures for buyer to beware; buyer to exercise necessary due diligence.

A. The owner of the residential real property shall furnish to a purchaser a residential property disclosure statement for the buyer to beware of certain matters that may affect the buyer's decision to purchase such real property. Such statement shall be provided by the Real Estate Board on its website.

B. The residential property disclosure statement provided by the Real Estate Board on its website shall include the following:

1. The owner makes no representations or warranties as to the condition of the real property or any improvements thereon, or with regard to any covenants and restrictions, or any conveyances of mineral rights, as may be recorded among the land records affecting the real property or any improvements thereon, and purchasers are advised to exercise whatever due diligence a particular purchaser deems necessary, including obtaining a home inspection, as defined in § 54.1-500, *and a residential building energy analysis, as defined in § 54.1-1144*, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event prior to settlement pursuant to such contract;

2. The owner makes no representations with respect to any matters that may pertain to parcels adjacent to the subject parcel, including zoning classification or permitted uses of adjacent parcels, and purchasers are advised to exercise whatever due diligence a particular purchaser deems necessary with respect to adjacent parcels in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event prior to settlement pursuant to such contract;

3. The owner makes no representations to any matters that pertain to whether the provisions of any historic district ordinance affect the property, and purchasers are advised to exercise whatever due diligence a particular purchaser deems necessary with respect to any historic district designated by the locality pursuant to § 15.2-2306, including review of (i) any local ordinance creating such district, (ii) any official map adopted by the locality depicting historic districts, and (iii) any materials available from the locality that explain (a) any requirements to alter, reconstruct, renovate, restore, or demolish buildings or signs in the local historic district and (b) the necessity of any local review board or governing body approvals prior to doing any work on a property located in a local historic district, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event prior to settlement pursuant to such contract;

4. The owner makes no representations with respect to whether the property contains any resource protection areas established in an ordinance implementing the Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq.) adopted by the locality where the property is located pursuant to § 62.1-44.15:74, and purchasers are advised to exercise whatever due diligence a particular purchaser deems necessary to determine whether the provisions of any such ordinance affect the property, including review of any official map adopted by the locality depicting resource protection areas, in accordance

with terms and conditions as may be contained in the real estate purchase contract, but in any event prior to settlement pursuant to such contract;

5. The owner makes no representations with respect to information on any sexual offenders registered under Chapter 23 (§ 19.2-387 et seq.) of Title 19.2, and purchasers are advised to exercise whatever due diligence they deem necessary with respect to such information, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event prior to settlement pursuant to such contract;

6. The owner makes no representations with respect to whether the property is within a dam break inundation zone. Such disclosure statement shall advise purchasers to exercise whatever due diligence they deem necessary with respect to whether the property resides within a dam break inundation zone, including a review of any map adopted by the locality depicting dam break inundation zones;

7. The owner makes no representations with respect to the presence of any stormwater detention facilities located on the property, or the existence or recordation of any maintenance agreement for such facilities, and purchasers are advised to exercise whatever due diligence they deem necessary to determine the presence of any stormwater detention facilities on the property, or any maintenance agreement for such facilities, such as contacting their settlement provider, consulting the locality in which the property is located, or reviewing any survey of the property that may have been conducted, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event prior to settlement pursuant to such contract;

8. The owner makes no representations with respect to the presence of any wastewater system, including the type or size of the wastewater system or associated maintenance responsibilities related to the wastewater system, located on the property, and purchasers are advised to exercise whatever due diligence they deem necessary to determine the presence of any wastewater system on the property and the costs associated with maintaining, repairing, or inspecting any wastewater system, including any costs or requirements related to the pump-out of septic tanks, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event prior to settlement pursuant to such contract;

9. The owner makes no representations with respect to any right to install or use solar energy collection devices on the property;

10. The owner makes no representations with respect to whether the property is located in one or more special flood hazard areas, and purchasers are advised to exercise whatever due diligence they deem necessary, including (i) obtaining a flood certification or mortgage lender determination of whether the property is located in one or more special flood hazard areas, (ii) reviewing any map depicting special flood hazard areas, (iii) contacting the Federal Emergency Management Agency (FEMA) or visiting the website for FEMA's National Flood Insurance Program or for the Virginia Department of Conservation and Recreation's Flood Risk Information System, and (iv) determining whether flood insurance is required, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event prior to settlement pursuant to such contract;

11. The owner makes no representations with respect to whether the property is subject to one or more conservation or other easements, and purchasers are advised to exercise whatever due diligence a particular purchaser deems necessary in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event prior to settlement pursuant to such contract; and

12. The owner makes no representations with respect to whether the property is subject to a community development authority approved by a local governing body pursuant to Article 6 (§ 15.2-5152 et seq.) of Chapter 51 of Title 15.2, and purchasers are advised to exercise whatever due diligence a particular purchaser deems necessary in accordance with terms and conditions as may be contained in the real estate purchase contract, including determining whether a copy of the resolution or ordinance has been recorded in the land records of the circuit court for the locality in which the community development authority district is located for each tax parcel included in the district pursuant to § 15.2-5157, but in any event prior to settlement pursuant to such contract.

C. The residential property disclosure statement shall be delivered in accordance with § 55.1-709.

CHAPTER 187

An Act to amend the Code of Virginia by adding a section numbered 36-7.2, relating to housing; housing authorities; notice of intent to demolish, liquidate, or otherwise dispose of housing projects.

[S 708]

Approved March 6, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 36-7.2 as follows:

§ 36-7.2. Notice of intent to demolish, liquidate, or otherwise dispose of housing projects.

A. Any housing authority required to submit an application to the U.S. Department of Housing and Urban Development (HUD) to demolish, liquidate, or otherwise dispose of a housing project shall serve a notice of intent to demolish, liquidate, or otherwise dispose of such housing project containing the requirements listed in subsection C at least 12 months prior to any application submission date to (i) the Virginia Department of Housing and Community

Development, (ii) any agency that would be responsible for administering tenant-based rental assistance to persons who would otherwise be displaced from the housing project, and (iii) each tenant residing in the housing project.

B. The authority shall also provide notice containing the requirements listed in subsection C to any prospective tenant who is offered a rental agreement subsequent to the initial notice sent pursuant to subsection A prior to the prospective tenant signing the rental agreement or paying any deposit.

C. Notice of intent to demolish, liquidate, or otherwise dispose of a housing project shall include:

1. The anticipated date upon which an application to demolish, liquidate, or otherwise dispose of the housing project will be submitted to HUD;

2. The name, address, and phone number of any local legal aid societies;

3. Instructions for requesting more information pertaining to the application process, timeline, and implications for the tenant; and

4. Instructions for submitting written comment to the housing authority regarding the demolition, liquidation, or disposal of the housing project.

D. During the 12-month period subsequent to the provision of the notice required by subsection A, the housing authority shall not (i) increase rent for any tenant above the amount authorized by any federal assistance program applicable to the housing project; (ii) change the terms of the rental agreement for any tenant, except as permitted under the existing rental agreement; or (iii) evict a tenant or demand possession of any dwelling unit in the housing project, except for a lease violation or violation of law that threatens the health and safety of the building residents.

E. Any party who is entitled to receive notice under this section may bring a civil action to enjoin action by the housing authority or recover actual damages for any violation of this section, including any court costs and reasonable attorney fees.

2. That the provisions of this act shall become effective on January 1, 2021.

CHAPTER 188

An Act to amend and reenact § 19.2-354 of the Code of Virginia, relating to payments of court fines and costs; community work in lieu of payment; during imprisonment.

[S 736]

Approved March 6, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-354 of the Code of Virginia is amended and reenacted as follows:

§ 19.2-354. Authority of court to order payment of fine, costs, forfeitures, penalties or restitution in installments or upon other terms and conditions; community work in lieu of payment.

A. Whenever (i) a defendant, convicted of a traffic infraction or a violation of any criminal law of the Commonwealth or of any political subdivision thereof, or found not innocent in the case of a juvenile, is sentenced to pay a fine, restitution, forfeiture or penalty and (ii) the defendant is unable to make payment of the fine, restitution, forfeiture, or penalty and costs within 30 days of sentencing, the court shall order the defendant to pay such fine, restitution, forfeiture or penalty and any costs which the defendant may be required to pay in deferred payments or installments. The court assessing the fine, restitution, forfeiture, or penalty and costs may authorize the clerk to establish and approve individual deferred or installment payment agreements. If the defendant owes court-ordered restitution and enters into a deferred or installment payment agreement, any money collected pursuant to such agreement shall be used first to satisfy such restitution order and any collection costs associated with restitution prior to being used to satisfy any other fine, forfeiture, penalty, or cost owed. Any payment agreement authorized under this section shall be consistent with the provisions of § 19.2-354.1, including any required minimum payments or other required conditions. The requirements set forth in § 19.2-354.1 shall be posted in the clerk's office and on the court's website, if a website is available. As a condition of every such agreement, a defendant who enters into an installment or deferred payment agreement shall promptly inform the court of any change of mailing address during the term of the agreement. If the defendant is unable to make payment within 90 days of sentencing, the court may assess a one-time fee not to exceed \$10 to cover the costs of management of the defendant's account until such account is paid in full. This one-time fee shall not apply to cases in which costs are assessed pursuant to § 17.1-275.1, 17.1-275.2, 17.1-275.3, 17.1-275.4, 17.1-275.7, 17.1-275.8, or 17.1-275.9. Installment or deferred payment agreements shall include terms for payment if the defendant participates in a program as provided in subsection B or C. The court, if such sum or sums are not paid in full by the date ordered, shall proceed in accordance with § 19.2-358.

B. When a person sentenced to the Department of Corrections or a local correctional facility owes any fines, costs, forfeitures, restitution or penalties, he shall be required as a condition of participating in any work release, home/electronic incarceration or nonconsecutive days program as set forth in § 53.1-60, 53.1-131, 53.1-131.1, or 53.1-131.2 to either make full payment or make payments in accordance with his installment or deferred payment agreement while participating in such program. If, after the person has an installment or deferred payment agreement, the person fails to pay as ordered, his participation in the program may be terminated until all fines, costs, forfeitures, restitution and penalties are satisfied. The Director of the Department of Corrections and any sheriff or other administrative head of any local correctional facility shall

withhold such ordered payments from any amounts due to such person. Distribution of the money collected shall be made in the following order of priority to:

1. Meet the obligation of any judicial or administrative order to provide support and such funds shall be disbursed according to the terms of such order;
2. Pay any restitution as ordered by the court;
3. Pay any fines or costs as ordered by the court;
4. Pay travel and other such expenses made necessary by his work release employment or participation in an education or rehabilitative program, including the sums specified in § 53.1-150; and
5. Defray the offender's keep.

The balance shall be credited to the offender's account or sent to his family in an amount the offender so chooses.

The Board of Corrections shall promulgate regulations governing the receipt of wages paid to persons participating in such programs, the withholding of payments and the disbursement of appropriate funds.

C. The court shall establish a program and may provide an option to any person upon whom a fine and costs have been imposed to discharge all or part of the fine or costs by earning credits for the performance of community service work (i) before or after imprisonment or (ii) in accordance with the provisions of § 19.2-316.4, 53.1-59, 53.1-60, 53.1-128, 53.1-129, or 53.1-131 during imprisonment. The program shall specify the rate at which credits are earned and provide for the manner of applying earned credits against the fine or costs. The court assessing the fine or costs against a person shall inform such person of the availability of earning credit toward discharge of the fine or costs through the performance of community service work under this program and provide such person with written notice of terms and conditions of this program. The court shall have such other authority as is reasonably necessary for or incidental to carrying out this program.

D. When the court has authorized deferred payment or installment payments, the clerk shall give notice to the defendant that upon his failure to pay as ordered he may be fined or imprisoned pursuant to § 19.2-358 and his privilege to operate a motor vehicle will be suspended pursuant to § 46.2-395.

E. The failure of the defendant to enter into a deferred payment or installment payment agreement with the court or the failure of the defendant to make payments as ordered by the agreement shall allow the Tax Commissioner to act in accordance with § 19.2-349 to collect all fines, costs, forfeitures and penalties.

CHAPTER 189

An Act to amend and reenact § 19.2-392 of the Code of Virginia, relating to fingerprints and photographs by police authorities.

[S 925]

Approved March 6, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-392 of the Code of Virginia is amended and reenacted as follows:

§ 19.2-392. Fingerprints and photographs by police authorities.

A. All duly constituted police authorities having the power of arrest may take the fingerprints and photographs of: (i) any person arrested by them and charged with a felony or a misdemeanor an arrest for which is to be reported by them to the Central Criminal Records Exchange, (ii) any person who pleads guilty or is found guilty after being summoned in accordance with § 19.2-74, ~~or~~ (iii) any person charged with an offense that has been deferred by the court pursuant to §§ 18.2-57.3, 18.2-251, or 19.2-303.2, or (iv) upon the order of a court, any person found in contempt or in violation of the terms or conditions of a suspended sentence or probation for a felony offense pursuant to § 18.2-456, 19.2-306, or 53.1-165. Such authorities shall make such records available to the Central Criminal Records Exchange. Such authorities are authorized to provide, on the request of duly appointed law-enforcement officers, copies of any fingerprint records they may have, and to furnish services and technical advice in connection with the taking, classifying and preserving of fingerprints and fingerprint records.

B. Such police authorities may establish and collect a reasonable fee not to exceed \$10 for the first card and \$5 for each successive card for the taking of fingerprints when voluntarily requested by any person for purposes other than criminal violations.

CHAPTER 190

An Act to amend and reenact §§ 64.2-1305 and 64.2-2020 of the Code of Virginia, relating to accounts filed by fiduciaries and reports filed by guardians; civil penalty.

[S 261]

Approved March 6, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 64.2-1305 and 64.2-2020 of the Code of Virginia are amended and reenacted as follows:

§ 64.2-1305. Conservators, guardians of minors' estates, committees, trustees under § 64.2-2016, and receivers.

A. Within six months from the date of the qualification, conservators, guardians of minors' estates, committees, and trustees under § 64.2-2016 shall exhibit before the commissioner of accounts a statement of all money and other property that the fiduciary has received, has become chargeable with, or has disbursed within four months from the date of qualification.

B. After the first account of the fiduciary has been filed and settled, the second and subsequent accounts for each succeeding 12-month period shall be due within four months from the last day of the 12-month period commencing on the terminal date of the preceding account unless the commissioner of accounts extends the period for filing upon reasonable cause.

C. For fiduciaries acting on behalf of Medicaid recipients, the fees charged by the commissioners of accounts under subsection A or B shall not exceed \$25.

D. Any account filed with the commissioner pursuant to this section shall be signed under oath by the fiduciary making such filing. If a fiduciary makes a false entry or statement in such a filing, he shall be subject to a civil penalty of not more than \$500. Such penalty shall be collected by the attorney for the Commonwealth or the county or city attorney, and the proceeds shall be deposited into the general fund.

§ 64.2-2020. Annual reports by guardians.

A. A guardian shall file an annual report in compliance with the filing deadlines in § 64.2-1305 with the local department of social services for the jurisdiction where the incapacitated person then resides. The annual report shall be on a form prepared by the Office of the Executive Secretary of the Supreme Court and shall be accompanied by a filing fee of \$5. The local department shall retain the fee in the jurisdiction where the fee is collected for use in the provision of services to adults in need of protection. Within 60 days of receipt of the annual report, the local department shall file a copy of the annual report with the clerk of the circuit court that appointed the guardian, to be placed with the court papers pertaining to the guardianship case. Twice each year the local department shall file with the clerk of the circuit court a list of all guardians who are more than 90 days delinquent in filing an annual report as required by this section. If the guardian is also a conservator, a settlement of accounts shall also be filed with the commissioner of accounts as provided in § 64.2-1305.

B. The annual report to the local department of social services shall include:

1. A description of the current mental, physical, and social condition of the incapacitated person;
2. A description of the incapacitated person's living arrangements during the reported period;
3. The medical, educational, vocational, and other professional services provided to the incapacitated person and the guardian's opinion as to the adequacy of the incapacitated person's care;
4. A statement of the frequency and nature of the guardian's visits with and activities on behalf of the incapacitated person;
5. A statement of whether the guardian agrees with the current treatment or habilitation plan;
6. A recommendation as to the need for continued guardianship, any recommended changes in the scope of the guardianship, and any other information useful in the opinion of the guardian; and
7. The compensation requested and the reasonable and necessary expenses incurred by the guardian.

The guardian shall certify *by signing under oath* that the information contained in the annual report is true and correct to the best of his knowledge. *If a guardian makes a false entry or statement in the annual report, he shall be subject to a civil penalty of not more than \$500. Such penalty shall be collected by the attorney for the Commonwealth or the county or city attorney, and the proceeds shall be deposited into the general fund.*

C. If the local department of social services files notice that the annual report has not been timely filed in accordance with subsection A with the clerk of the circuit court, the court may issue a summons or rule to show cause why the guardian has failed to file such annual report.

CHAPTER 191

An Act to amend and reenact § 58.1-609.10 of the Code of Virginia, relating to sales tax; exemption for gun safes.

[S 268]

Approved March 6, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-609.10 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-609.10. Miscellaneous exemptions.

The tax imposed by this chapter or pursuant to the authority granted in §§ 58.1-605 and 58.1-606 shall not apply to the following:

1. Artificial or propane gas, firewood, coal or home heating oil used for domestic consumption. "Domestic consumption" means the use of artificial or propane gas, firewood, coal or home heating oil by an individual purchaser for other than business, commercial or industrial purposes. The Tax Commissioner shall establish by regulation a system for use by dealers in classifying individual purchases for domestic or nondomestic use based on the principal usage of such gas, wood, coal or oil. Any person making a nondomestic purchase and paying the tax pursuant to this chapter who uses any portion of such purchase for domestic use may, between the first day of the first month and the fifteenth day of the fourth month following the year of purchase, apply for a refund of the tax paid on the domestic use portion.

2. An occasional sale, as defined in § 58.1-602. A nonprofit organization that is eligible to be granted an exemption on its purchases pursuant to § 58.1-609.11, and that is otherwise eligible for the exemption pursuant to this subdivision, shall be exempt pursuant to this subdivision on its sales of (i) food, prepared food and meals and (ii) tickets to events that include the provision of food, prepared food and meals, so long as such sales take place on fewer than 24 occasions in a calendar year.

3. Tangible personal property for future use by a person for taxable lease or rental as an established business or part of an established business, or incidental or germane to such business, including a simultaneous purchase and taxable leaseback.

4. Delivery of tangible personal property outside the Commonwealth for use or consumption outside of the Commonwealth. Delivery of goods destined for foreign export to a factor or export agent shall be deemed to be delivery of goods for use or consumption outside of the Commonwealth.

5. Tangible personal property purchased with food coupons issued by the United States Department of Agriculture under the Food Stamp Program or drafts issued through the Virginia Special Supplemental Food Program for Women, Infants, and Children.

6. Tangible personal property purchased for use or consumption in the performance of maintenance and repair services at Nuclear Regulatory Commission-licensed nuclear power plants located outside the Commonwealth.

7. Beginning July 1, 1997, and ending July 1, 2006, a professional's provision of original, revised, edited, reformatted or copied documents, including but not limited to documents stored on or transmitted by electronic media, to its client or to third parties in the course of the professional's rendition of services to its clientele.

8. School lunches sold and served to pupils and employees of schools and subsidized by government; school textbooks sold by a local board or authorized agency thereof; and school textbooks sold for use by students attending a college or other institution of learning, when sold (i) by such institution of learning or (ii) by any other dealer, when such textbooks have been certified by a department or instructor of such institution of learning as required textbooks for students attending courses at such institution.

9. Medicines, drugs, hypodermic syringes, artificial eyes, contact lenses, eyeglasses, eyeglass cases, and contact lens storage containers when distributed free of charge, all solutions or sterilization kits or other devices applicable to the wearing or maintenance of contact lenses or eyeglasses when distributed free of charge, and hearing aids dispensed by or sold on prescriptions or work orders of licensed physicians, dentists, optometrists, ophthalmologists, opticians, audiologists, hearing aid dealers and fitters, nurse practitioners, physician assistants, and veterinarians; controlled drugs purchased for use by a licensed physician, optometrist, licensed nurse practitioner, or licensed physician assistant in his professional practice, regardless of whether such practice is organized as a sole proprietorship, partnership, or professional corporation, or any other type of corporation in which the shareholders and operators are all licensed physicians, optometrists, licensed nurse practitioners, or licensed physician assistants engaged in the practice of medicine, optometry, or nursing; medicines and drugs purchased for use or consumption by a licensed hospital, nursing home, clinic, or similar corporation not otherwise exempt under this section; and samples of prescription drugs and medicines and their packaging distributed free of charge to authorized recipients in accordance with the federal Food, Drug, and Cosmetic Act (21 U.S.C.A. § 301 et seq., as amended). With the exceptions of those medicines and drugs used for agricultural production animals that are exempt to veterinarians under subdivision 1 of § 58.1-609.2, any veterinarian dispensing or selling medicines or drugs on prescription shall be deemed to be the user or consumer of all such medicines and drugs.

10. Wheelchairs and parts therefor, braces, crutches, prosthetic devices, orthopedic appliances, catheters, urinary accessories, other durable medical equipment and devices, and related parts and supplies specifically designed for those products; and insulin and insulin syringes, and equipment, devices or chemical reagents that may be used by a diabetic to test or monitor blood or urine, when such items or parts are purchased by or on behalf of an individual for use by such individual. Durable medical equipment is equipment that (i) can withstand repeated use, (ii) is primarily and customarily used to serve a medical purpose, (iii) generally is not useful to a person in the absence of illness or injury, and (iv) is appropriate for use in the home.

11. Drugs and supplies used in hemodialysis and peritoneal dialysis.

12. Special equipment installed on a motor vehicle when purchased by a handicapped person to enable such person to operate the motor vehicle.

13. Special typewriters and computers and related parts and supplies specifically designed for those products used by handicapped persons to communicate when such equipment is prescribed by a licensed physician.

14. a. (i) Any nonprescription drugs and proprietary medicines purchased for the cure, mitigation, treatment, or prevention of disease in human beings and (ii) any samples of nonprescription drugs and proprietary medicines distributed free of charge by the manufacturer, including packaging materials and constituent elements and ingredients.

b. The terms "nonprescription drugs" and "proprietary medicines" shall be defined pursuant to regulations promulgated by the Department of Taxation. The exemption authorized in this subdivision shall not apply to cosmetics.

15. Tangible personal property withdrawn from inventory and donated to (i) an organization exempt from taxation under § 501(c)(3) of the Internal Revenue Code or (ii) the Commonwealth, any political subdivision of the Commonwealth, or any school, agency, or instrumentality thereof.

16. Tangible personal property purchased by nonprofit churches that are exempt from taxation under § 501(c)(3) of the Internal Revenue Code, or whose real property is exempt from local taxation pursuant to the provisions of § 58.1-3606, for use (i) in religious worship services by a congregation or church membership while meeting together in a single location

and (ii) in the libraries, offices, meeting or counseling rooms or other rooms in the public church buildings used in carrying out the work of the church and its related ministries, including kindergarten, elementary and secondary schools. The exemption for such churches shall also include baptistries; bulletins, programs, newspapers and newsletters that do not contain paid advertising and are used in carrying out the work of the church; gifts including food for distribution outside the public church building; food, disposable serving items, cleaning supplies and teaching materials used in the operation of camps or conference centers by the church or an organization composed of churches that are exempt under this subdivision and which are used in carrying out the work of the church or churches; and property used in caring for or maintaining property owned by the church including, but not limited to, mowing equipment; and building materials installed by the church, and for which the church does not contract with a person or entity to have installed, in the public church buildings used in carrying out the work of the church and its related ministries, including, but not limited to worship services; administrative rooms; and kindergarten, elementary, and secondary schools.

17. Medical products and supplies, which are otherwise taxable, such as bandages, gauze dressings, incontinence products and wound-care products, when purchased by a Medicaid recipient through a Department of Medical Assistance Services provider agreement.

18. Beginning July 1, 2007, and ending July 1, 2012, multifuel heating stoves used for heating an individual purchaser's residence. "Multifuel heating stoves" are stoves that are capable of burning a wide variety of alternative fuels, including, but not limited to, shelled corn, wood pellets, cherry pits, and olive pits.

19. Fabrication of animal meat, grains, vegetables, or other foodstuffs when the purchaser (i) supplies the foodstuffs and they are consumed by the purchaser or his family, (ii) is an organization exempt from taxation under § 501(c)(3) or (c)(4) of the Internal Revenue Code, or (iii) donates the foodstuffs to an organization exempt from taxation under § 501(c)(3) or (c)(4) of the Internal Revenue Code.

20. Beginning July 1, 2018, and ending July 1, 2022, parts, engines, and supplies used for maintaining, repairing, or reconditioning aircraft or any aircraft's avionics system, engine, or component parts. This exemption shall not apply to tools and other equipment not attached to or that does not become a part of the aircraft. For purposes of this subdivision, "aircraft" shall include both manned and unmanned systems.

21. *A gun safe with a selling price of \$1,500 or less. For purposes of this subdivision, "gun safe" means a safe or vault that is (i) commercially available, (ii) secured with a digital or dial combination locking mechanism or biometric locking mechanism, and (iii) designed for the storage of a firearm or of ammunition for use in a firearm. "Gun safe" does not include a glass-faced cabinet. Any discount, coupon, or other credit offered by the retailer or a vendor of the retailer to reduce the final price to the customer shall be taken into account in determining the selling price for purposes of this exemption.*

CHAPTER 192

An Act to amend and reenact § 20-108.1 of the Code of Virginia, relating to child support; assignment of tax credits.

[S 434]

Approved March 6, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 20-108.1 of the Code of Virginia is amended and reenacted as follows:

§ 20-108.1. Determination of child or spousal support.

A. In any proceeding on the issue of determining spousal support, the court shall consider all evidence presented relevant to any issues joined in that proceeding. The court's decision shall be rendered based upon the evidence relevant to each individual case.

B. In any proceeding on the issue of determining child support under this title, Title 16.1, or Title 63.2, the court shall consider all evidence presented relevant to any issues joined in that proceeding. The court's decision in any such proceeding shall be rendered upon the evidence relevant to each individual case. However, there shall be a rebuttable presumption in any judicial or administrative proceeding for child support, including cases involving split custody or shared custody, that the amount of the award that would result from the application of the guidelines set out in § 20-108.2 is the correct amount of child support to be awarded. Liability for support shall be determined retroactively for the period measured from the date that the proceeding was commenced by the filing of an action with any court provided the complainant exercised due diligence in the service of the respondent or, if earlier, the date an order of the Department of Social Services entered pursuant to Title 63.2 and directing payment of support was delivered to the sheriff or process server for service on the obligor.

In order to rebut the presumption, the court shall make written findings in the order, which findings may be incorporated by reference, that the application of such guidelines would be unjust or inappropriate in a particular case. The finding that rebuts the guidelines shall state the amount of support that would have been required under the guidelines, shall give a justification of why the order varies from the guidelines, and shall be determined by relevant evidence pertaining to the following factors affecting the obligation, the ability of each party to provide child support, and the best interests of the child:

1. Actual monetary support for other family members or former family members;

2. Arrangements regarding custody of the children, including the cost of visitation travel;

3. Imputed income to a party who is voluntarily unemployed or voluntarily under-employed; provided that income may not be imputed to a custodial parent when a child is not in school, child care services are not available and the cost of such child care services are not included in the computation and provided further, that any consideration of imputed income based on a change in a party's employment shall be evaluated with consideration of the good faith and reasonableness of employment decisions made by the party, including to attend and complete an educational or vocational program likely to maintain or increase the party's earning potential;

4. Any child care costs incurred on behalf of the child or children due to the attendance of a custodial parent in an educational or vocational program likely to maintain or increase the party's earning potential;

5. Debts of either party arising during the marriage for the benefit of the child;

6. Direct payments ordered by the court for maintaining life insurance coverage pursuant to subsection D, education expenses, or other court-ordered direct payments for the benefit of the child;

7. Extraordinary capital gains such as capital gains resulting from the sale of the marital abode;

8. Any special needs of a child resulting from any physical, emotional, or medical condition;

9. Independent financial resources of the child or children;

10. Standard of living for the child or children established during the marriage;

11. Earning capacity, obligations, financial resources, and special needs of each parent;

12. Provisions made with regard to the marital property under § 20-107.3, where said property earns income or has an income-earning potential;

13. Tax consequences to the parties including claims for exemptions, child tax credit, and child care credit for dependent children;

14. A written agreement, stipulation, consent order, or decree between the parties which includes the amount of child support; and

15. Such other factors as are necessary to consider the equities for the parents and children.

C. In any proceeding under this title, Title 16.1, or Title 63.2 on the issue of determining child support, the court shall have the authority to order either party or both parties to provide health care coverage or cash medical support, as defined in § 63.2-1900, or both, for dependent children if reasonable under all the circumstances and health care coverage for a spouse or former spouse.

D. In any proceeding under this title, Title 16.1, or Title 63.2 on the issue of determining child support, the court shall have the authority to order a party to (i) maintain any existing life insurance policy on the life of either party provided the party so ordered has the right to designate a beneficiary and (ii) designate a child or children of the parties as the beneficiary of all or a portion of such life insurance for so long as the party so ordered has a statutory obligation to pay child support for the child or children.

E. Except when the parties have otherwise agreed, in any proceeding under this title, Title 16.1, or Title 63.2 on the issue of determining child support, the court shall have the authority to and may, in its discretion, order one party to execute all appropriate tax forms or waivers to grant to the other party the right to take the income tax dependency exemption *and any credits resulting from such exemption* for any tax year or future years, for any child or children of the parties for federal and state income tax purposes.

F. Notwithstanding any other provision of law, any amendments to this section shall not be retroactive to a date before the effective date of the amendment, and shall not be the basis for a material change in circumstances upon which a modification of child support may be based.

G. Child support payments, whether current or arrears, received by a parent for the benefit of and owed to a child in the parent's custody, whether the payments were ordered under this title, Title 16.1, or Title 63.2, shall not be subject to garnishment. A depository wherein child support payments have been deposited on behalf of and traceable to an individual shall not be required to determine the portion of deposits that are subject to garnishment.

H. In any proceeding on the issue of determining child or spousal support or an action for separate maintenance under this title, Title 16.1, or Title 63.2, when the earning capacity, voluntary unemployment, or voluntary under-employment of a party is in controversy, the court in which the action is pending, upon the motion of any party and for good cause shown, may order a party to submit to a vocational evaluation by a vocational expert employed by the moving party, including, but not limited to, any interviews and testing as requested by the expert. The order may permit the attendance of the vocational expert at the deposition of the person to be evaluated. The order shall specify the name and address of the expert, the scope of the evaluation, and shall fix the time for filing the report with the court and furnishing copies to the parties. The court may award costs or fees for the evaluation and the services of the expert at any time during the proceedings. The provisions of this section shall not preclude the applicability of any other rule or law.

CHAPTER 193

An Act to amend and reenact §§ 8.01-81 and 8.01-83 of the Code of Virginia; to amend the Code of Virginia by adding sections numbered 8.01-81.1, 8.01-83.1, 8.01-83.2, and 8.01-83.3; and to repeal § 8.01-82 of the Code of Virginia, relating to partition of property.

[S 553]

Approved March 6, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 8.01-81 and 8.01-83 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 8.01-81.1, 8.01-83.1, 8.01-83.2, and 8.01-83.3 as follows:

§ 8.01-81. Who may compel partition of land; jurisdiction; validation of certain partitions of mineral rights; when shares of two or more laid off together.

Tenants in common, joint tenants, executors with the power to sell, and coparceners of real property, including mineral rights east and south of the Clinch River, shall be compellable to make partition and may compel partition, but in the case of an executor only if the power of sale is properly exercisable at that time under the circumstances; and a lien creditor or any owner of undivided estate in real estate may also compel partition for the purpose of subjecting the estate of his debtor or the rents and profits thereof to the satisfaction of his lien. Any court having general equity jurisdiction shall have jurisdiction in cases of partition; and in the exercise of such jurisdiction, *shall order partition in kind if the real property in question is susceptible to a practicable division and may take cognizance of all questions of law affecting the legal title that may arise in any proceedings, between such tenants in common, joint tenants, executors with the power to sell, coparceners and lien creditors.*

Any two or more of the parties, if they so elect, may have their shares laid off together when partition can be conveniently made in that way. If the court orders partition in kind, the court may require that one or more parties pay one or more parties' amounts so that the payments, taken together with the court-determined value of the in-kind distributions to the parties, will make the partition in kind just and proportionate in value to the fractional interests held. If the court orders partition in kind, the court shall allocate to the parties that are unknown, unlocatable, or the subject of a default judgment a part of the property representing the combined interests of such parties as determined by the court, and such part of the property shall remain undivided.

All partitions of mineral rights heretofore had, are hereby validated.

§ 8.01-81.1. Determination of value.

A. Except as otherwise provided in subsections B and C, the court in every partition action shall order an appraisal pursuant to subsection D, and such appraisal shall inform the court's determination of fair market value under subsection F. The expense of the appraisal shall be taxed as costs.

B. If all parties have agreed to the value of the property or to another method of valuation, the court shall adopt such value or the value produced by the agreed-upon method of valuation.

C. If the court determines that the evidentiary value of an appraisal is outweighed by the cost of the appraisal, the court, after an evidentiary hearing, shall enter an order to determine the fair market value for the property.

D. If the court orders an appraisal, the court shall appoint a disinterested real estate appraiser licensed in the Commonwealth to assist the court in determining the fair market value of the property assuming sole ownership of the fee simple estate. Upon completion of the appraisal, the appraiser shall file a sworn or verified appraisal with the court and shall, within three business days of such filing, mail a notice of filing to all counsel of record stating:

1. The appraised fair market value of the property;

2. That the appraisal is available at the clerk's office; and

3. That a party may file with the court an objection to the appraisal not later than 30 days after the notice is sent, stating the grounds for the objection.

E. If an appraisal is filed with the court pursuant to subsection D, the court shall conduct a hearing to determine the fair market value of the property not sooner than 31 days after a copy of the notice of the appraisal is sent to each party under subsection D, whether or not an objection to the appraisal is filed under subdivision D 3. In addition to the court-ordered appraisal, the court may consider any other evidence of value offered by a party.

F. After a hearing under subsection E, but before considering the merits of the partition action, the court shall enter an order determining the fair market value of the property.

§ 8.01-83. Allotment to one or more parties, or sale, in lieu of partition.

~~When partition~~ *A. If at least one party to a partition action petitions the court for allotment or for a partition sale, the court may order allotment pursuant to this section or, if the court determines allotment is not practicable, a sale pursuant to § 8.01-83.1.*

~~B. Before a court is authorized to allot or sell an undivided interest in a partition action, it shall first determine that partition in kind cannot be conveniently practicably made; the~~ *B. Before a court is authorized to allot or sell an undivided interest in a partition action, it shall first determine that partition in kind cannot be conveniently practicably made; the* ~~When the subject land is not susceptible to a practicable division in kind, the court shall next consider an allotment of the entire subject may be allotted property to any one or more of the parties who will accept it for a price equal to the value determined pursuant to § 8.01-81.1, and pay therefor to the other parties such sums of money as their interest therein may entitle them to; or in any case in which partition cannot be~~

~~conveniently made~~, receive, notwithstanding that any of those entitled may be a person with a disability. If a purchaser is entitled to a share of the proceeds of the sale, the purchaser is entitled to a credit against the price in an amount equal to the purchaser's share of the proceeds. The court shall make distribution of the proceeds of the allotment according to the respective rights of those entitled, taking care, when there are creditors of any deceased person who was a tenant in common, joint tenant, or coparcener, to have the proceeds of such deceased person's part applied according to the rights of such creditors.

1. When the court considers allotment, it shall require the party or parties seeking allotment to notify all of the other parties (i) that the property may be allotted to any one or more of them who is willing to accept it and (ii) of the required price.

2. In the event that multiple parties seek allotment and disputes arise concerning such allotment, the court shall consider the following in making such allotment:

a. Evidence of the collective duration of ownership or possession of the property by a party and one or more predecessors in title or predecessors in possession to the party who are or were related to the party or each other;

b. A party's sentimental attachment to the property, including any attachment arising because the property has ancestral or other unique or special value to the party;

c. The lawful use being made of the property by a party and the degree to which the party would be harmed if the party could not continue the same use of the property;

d. The degree to which the parties have contributed their pro rata share of the property taxes, insurance, and other expenses associated with maintaining ownership of the property or have contributed to the physical improvement, maintenance, or upkeep of the property; and

e. Any other relevant factor.

The court shall not consider any one of the preceding factors to be dispositive without weighing the totality of all relevant factors and circumstances.

3. After the court determines which party or parties will participate in the allotment, the court shall notify all the parties of its decision and of the amount each party is to pay or receive for its allotted share pursuant to either this subsection or subsection C. The court shall set a date, not sooner than 60 days after notification to the parties, by which each party allotted a share of the property must pay the amount due to the court. If any party allocated a share fails to pay the amount due by the required date the court shall order a sale of the entire subject property pursuant to § 8.01-83.1, unless the court determines, based on the factors in this subsection, that it will allow another party or parties to acquire such share by paying for such share within a reasonable period of time set by the court.

C. If the court determines that such allotment of the entire subject is not practicable or is not equitable, and if the interest of those who are entitled to the subject, or its proceeds, will be promoted by a sale of the entire subject, or allotment of part and sale of the residue, the court, notwithstanding any of those entitled may be a person under a disability, may order such sale, or an allotment pursuant to subsection B of a part thereof to any one or more of the parties who will accept it and pay therefor to the other parties such sums of money as their interest therein may entitle them to, and a sale of the residue; ~~and~~. The price for the part of the property allotted to one or more parties shall be the fair market value of such part as determined by the court unless all the parties agree to a value for the part, which the court shall adopt. The sale of the residue shall be conducted pursuant to § 8.01-83.1. The court shall make distribution of the proceeds of the allotment and sale of the residue, according to the respective rights of those entitled, taking care, when there are creditors of any deceased person who was a tenant in common, joint tenant, or coparcener, to have the proceeds of such deceased person's part applied according to the rights of such creditors.

D. If the court determines neither allotment of the entire subject property nor of a party of the subject property is practicable or equitable, it shall order a sale pursuant to § 8.01-83.1.

§ 8.01-83.1. Open-market sale, sealed bids, or auction.

A. If the court orders a sale of property in a partition action under the provisions of § 8.01-83, the sale shall be an open-market sale unless the court finds that a sale by sealed bids or at auction would be more economically advantageous and in the best interests of the parties as a group.

B. If the court orders an open-market sale and the parties, not later than 10 days after the entry of the order, agree on a real estate broker licensed in the Commonwealth to offer the property for sale, the court shall appoint the broker and establish a reasonable commission. If the parties do not agree on a broker, the court shall appoint a disinterested real estate broker licensed in the Commonwealth to offer the property for sale and shall establish a reasonable commission. The broker shall offer the property for sale in a commercially reasonable manner at a price no lower than the determination of value and on the terms and conditions established by the court, including setting a reasonable time for marketing the property at its court-determined value pursuant to § 8.01-81.1.

C. If the broker appointed under subsection B obtains within a reasonable time an offer to purchase the property for at least the determination of value:

1. The broker shall promptly file a report containing (i) a description of the property to be sold to each buyer; (ii) the name of each buyer; (iii) the proposed purchase price; (iv) the terms and conditions of the proposed sale, including the terms of any owner financing; (v) the amounts to be paid to lienholders; (vi) a statement of contractual or other arrangements or conditions of the broker's commission; and (vii) other material facts relevant to the sale; and

2. The court shall hold a hearing to approve the same and shall appoint a special commissioner to make the sale and execute the deed pursuant to Article 11 (§ 8.01-96 et seq.).

D. If the broker appointed under subsection B does not obtain within a reasonable time an offer to purchase the property for at least the determination of value, the court, after a hearing, may:

1. Approve the highest outstanding offer, if any;

2. Redetermine the value of the property and order that the property continue to be offered for an additional period of time; or

3. Order that the property be sold by sealed bids or at auction.

E. If the court orders a sale by sealed bids or at auction, the court shall set terms and conditions of such sale by sealed bids or an auction.

F. If a purchaser is entitled to a share of the proceeds of the sale, the purchaser is entitled to a credit against the price in an amount equal to the purchaser's share of the proceeds.

§ 8.01-83.2. Notice by posting.

If the plaintiff in a partition action seeks an order of publication pursuant to § 8.01-316, the plaintiff, not later than 10 days after the court's determination, shall post and maintain while the action is pending a conspicuous sign on the property that is the subject of the action. The sign shall state that the action has commenced and identify the name and address of the court and the common designation by which the property is known. The court may require the plaintiff to publish on the sign the name of the plaintiff and the known defendants.

§ 8.01-83.3. Commissioners.

If the court appoints commissioners pursuant to Article 11 (§ 8.01-96 et seq.), each commissioner, in addition to the requirements and disqualifications applicable to commissioners in Article 11, shall be disinterested and impartial and not a party to or participant in the action.

2. That § 8.01-82 of the Code of Virginia is repealed.

3. That the provisions of this act shall only apply to partition actions filed on or after July 1, 2020.

CHAPTER 194

An Act to amend and reenact § 16.1-88.03 of the Code of Virginia, relating to the Fort Monroe Authority; civil actions in general district court.

[S 956]

Approved March 6, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 16.1-88.03 of the Code of Virginia is amended and reenacted as follows:

§ 16.1-88.03. Pleadings and other papers by certain parties not represented by attorneys.

A. Any corporation, partnership, limited liability company, limited partnership, professional corporation, professional limited liability company, registered limited liability partnership, registered limited liability limited partnership or business trust, *the Fort Monroe Authority*, and the Department of Military Affairs, when the amount claimed in any civil action pursuant to subdivision (1) or (3) of § 16.1-77 does not exceed the jurisdictional amounts authorized in such subsections, exclusive of interest, may prepare, execute, file, and have served on other parties in any proceeding in a general district court a warrant in debt, motion for judgment, warrant in detinue, distress warrant, summons for unlawful detainer, counterclaim, crossclaim, suggestion for summons in garnishment, garnishment summons, order of possession, writ of eviction, writ of fieri facias, interpleader and civil appeal notice without the intervention of an attorney. Such papers may be signed by a corporate officer, a manager of a limited liability company, a general partner of any form of partnership or a trustee of any business trust, or such corporate officer, with the approval of the board of directors, or manager, general partner or trustee may authorize in writing an employee, a person licensed under the provisions of § 54.1-2106.1, or the property manager or the managing agent of a landlord as defined in § 55.1-1200 pursuant to the written property management agreement to sign such papers as the agent of the business entity. Only an agency employee designated in writing by the Adjutant General may sign such papers on behalf of the Department of Military Affairs. However, this section shall not apply to an action under subdivision (1) or (3) of § 16.1-77 which was assigned to a corporation, partnership, limited liability company, limited partnership, professional corporation, professional limited liability company, registered limited liability partnership, registered limited liability limited partnership or business trust, or individual solely for the purpose of enforcing an obligation owed or right inuring to another.

B. Nothing in this section shall allow a nonlawyer to file a bill of particulars or grounds of defense or to argue motions, issue a subpoena, rule to show cause, or capias; file or interrogate at debtor interrogatories; or to file, issue or argue any other paper, pleading or proceeding not set forth in subsection A.

C. The provisions of § 8.01-271.1 shall apply to any pleading, motion or other paper filed or made pursuant to this section.

D. Parties not represented by counsel, and who have made an appearance in the case, shall promptly notify in writing the clerk of court wherein the litigation is pending, and any adverse party, of any change in the party's address necessary for

accurate mailing or service of any pleadings or notices. In the absence of such notification, a mailing to or service upon a party at the most recent address contained in the court file of the case shall be deemed effective service or other notice.

CHAPTER 195

An Act to repeal §§ 20-45.2 and 20-45.3 of the Code of Virginia, relating to same-sex marriages; civil unions.

[S 17]

Approved March 6, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 20-45.2 and 20-45.3 of the Code of Virginia are repealed.

CHAPTER 196

An Act to amend and reenact § 20-107.1 of the Code of Virginia, relating to spousal support; reservation of right to seek; material change of circumstances.

[S 432]

Approved March 6, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 20-107.1 of the Code of Virginia is amended and reenacted as follows:

§ 20-107.1. Court may decree as to maintenance and support of spouses.

A. Pursuant to any proceeding arising under subsection L of § 16.1-241 or upon the entry of a decree providing (i) for the dissolution of a marriage, (ii) for a divorce, whether from the bond of matrimony or from bed and board, (iii) that neither party is entitled to a divorce, or (iv) for separate maintenance, the court may make such further decree as it shall deem expedient concerning the maintenance and support of the spouses, notwithstanding a party's failure to prove his grounds for divorce, provided that a claim for support has been properly pled by the party seeking support. However, the court shall have no authority to decree maintenance and support payable by the estate of a deceased spouse.

B. Any maintenance and support shall be subject to the provisions of § 20-109, and no permanent maintenance and support shall be awarded from a spouse if there exists in such spouse's favor a ground of divorce under the provisions of subdivision A (1) of § 20-91. However, the court may make such an award notwithstanding the existence of such ground if the court determines from clear and convincing evidence, that a denial of support and maintenance would constitute a manifest injustice, based upon the respective degrees of fault during the marriage and the relative economic circumstances of the parties.

C. The court, in its discretion, may decree that maintenance and support of a spouse be made in periodic payments for a defined duration, or in periodic payments for an undefined duration, or in a lump sum award, or in any combination thereof.

D. In addition to or in lieu of an award pursuant to subsection C, the court may reserve the right of a party to receive support in the future. In any case in which the right to support is so reserved, there shall be a rebuttable presumption that the reservation will continue for a period equal to 50 percent of the length of time between the date of the marriage and the date of separation. Once granted, the duration of such a reservation shall not be subject to modification. *Unless otherwise provided by stipulation or contract executed on or after July 1, 2020, or unless otherwise ordered by the court on or after July 1, 2020, a party seeking to exercise his right to support so reserved shall be required to prove a material change of circumstances as a prerequisite for the court to consider exercise of such reservation.*

E. The court, in determining whether to award support and maintenance for a spouse, shall consider the circumstances and factors which contributed to the dissolution of the marriage, specifically including adultery and any other ground for divorce under the provisions of subdivision A (3) or (6) of § 20-91 or § 20-95. In determining the nature, amount and duration of an award pursuant to this section, the court shall consider the following:

1. The obligations, needs and financial resources of the parties, including but not limited to income from all pension, profit sharing or retirement plans, of whatever nature;
2. The standard of living established during the marriage;
3. The duration of the marriage;
4. The age and physical and mental condition of the parties and any special circumstances of the family;
5. The extent to which the age, physical or mental condition or special circumstances of any child of the parties would make it appropriate that a party not seek employment outside of the home;
6. The contributions, monetary and nonmonetary, of each party to the well-being of the family;
7. The property interests of the parties, both real and personal, tangible and intangible;
8. The provisions made with regard to the marital property under § 20-107.3;
9. The earning capacity, including the skills, education and training of the parties and the present employment opportunities for persons possessing such earning capacity;

10. The opportunity for, ability of, and the time and costs involved for a party to acquire the appropriate education, training and employment to obtain the skills needed to enhance his or her earning ability;

11. The decisions regarding employment, career, economics, education and parenting arrangements made by the parties during the marriage and their effect on present and future earning potential, including the length of time one or both of the parties have been absent from the job market;

12. The extent to which either party has contributed to the attainment of education, training, career position or profession of the other party; and

13. Such other factors, including the tax consequences to each party and the circumstances and factors that contributed to the dissolution, specifically including any ground for divorce, as are necessary to consider the equities between the parties.

F. In contested cases in the circuit courts, any order granting, reserving or denying a request for spousal support shall be accompanied by written findings and conclusions of the court identifying the factors in subsection E which support the court's order. Any order granting or reserving any request for spousal support shall state whether the retirement of either party was contemplated by the court and specifically considered by the court in making its award, and, if so, the order shall state the facts the court contemplated and specifically considered as to the retirement of the party. If the court awards periodic support for a defined duration, such findings shall identify the basis for the nature, amount and duration of the award and, if appropriate, a specification of the events and circumstances reasonably contemplated by the court which support the award.

G. For purposes of this section and § 20-109, "date of separation" means the earliest date at which the parties are physically separated and at least one party intends such separation to be permanent provided the separation is continuous thereafter and "defined duration" means a period of time (i) with a specific beginning and ending date or (ii) specified in relation to the occurrence or cessation of an event or condition other than death or termination pursuant to § 20-110.

H. Where there are no minor children whom the parties have a mutual duty to support, an order directing the payment of spousal support, including those orders confirming separation agreements, entered on or after October 1, 1985, whether they are original orders or modifications of existing orders, shall contain the following:

1. If known, the name, date of birth and social security number of each party and, unless otherwise ordered, each party's residential and, if different, mailing address, residential and employer telephone number, driver's license number, and the name and address of his employer; however, when a protective order has been issued or the court otherwise finds reason to believe that a party is at risk of physical or emotional harm from the other party, information other than the name of the party at risk shall not be included in the order;

2. The amount of periodic spousal support expressed in fixed sums, together with the payment interval, the date payments are due, and the date the first payment is due;

3. A statement as to whether there is an order for health care coverage for a party;

4. If support arrearages exist, (i) to whom an arrearage is owed and the amount of the arrearage, (ii) the period of time for which such arrearage is calculated, and (iii) a direction that all payments are to be credited to current spousal support obligations first, with any payment in excess of the current obligation applied to arrearages;

5. If spousal support payments are ordered to be paid directly to the obligee, and unless the court for good cause shown orders otherwise, the parties shall give each other and the court at least 30 days' written notice, in advance, of any change of address and any change of telephone number within 30 days after the change; and

6. Notice that in determination of a spousal support obligation, the support obligation as it becomes due and unpaid creates a judgment by operation of law.

CHAPTER 197

An Act to amend and reenact § 17.1-414 of the Code of Virginia, relating to Court of Appeals; use of moot courtroom at accredited law schools.

[S 1002]

Approved March 6, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 17.1-414 of the Code of Virginia is amended and reenacted as follows:

§ 17.1-414. Facilities and supplies.

A. The Court of Appeals shall be housed in the City of Richmond and, if practicable, in the same building occupied by the Supreme Court. When facilities are required for the convening of panels in other areas of the Commonwealth, the chief judge of the Court of Appeals shall provide for such physical facilities as are available for the operation of the Court of Appeals. The Court of Appeals may use any public property of, or any property leased or rented to, the Commonwealth or any of its political subdivisions for the holding of court and for its ancillary functions upon proper agreement with the applicable authorities. The Court of Appeals *also* may use any federal courtroom, *the moot courtroom of any accredited law school located in the Commonwealth*, or any other facility *deemed adequate* for the holding of court and for its ancillary functions upon proper agreement with the applicable authorities. Any expense incurred for use of such facilities may be paid from the funds appropriated by the General Assembly to the Court of Appeals.

B. The Court of Appeals shall purchase such books, pamphlets, publications, supplies, furnishings, and equipment as necessary for the efficient operation of the Court, and the cost thereof shall be paid by the clerk from the appropriation for the operation of the Court of Appeals.

C. The Court of Appeals shall utilize the State Law Library provided by § 42.1-60.

CHAPTER 198

An Act to amend and reenact §§ 8.01-581.16, 8.01-581.17, and 54.1-2909 of the Code of Virginia and to repeal § 54.1-2923.1 of the Code of Virginia, programs to address career fatigue in certain health care providers; civil immunity.

[H 115]

Approved March 8, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 8.01-581.16, 8.01-581.17, and 54.1-2909 of the Code of Virginia are amended and reenacted as follows:

§ 8.01-581.16. Civil immunity for members of or consultants to certain boards or committees.

A. Every member of, or health care professional consultant to, any committee, board, group, commission or other entity shall be immune from civil liability for any act, decision, omission, or utterance done or made in performance of his duties while serving as a member of or consultant to such committee, board, group, commission or other entity; ~~which that~~ functions primarily to review, evaluate, or make recommendations on (i) the duration of patient stays in health care facilities; (ii) the professional services furnished with respect to the medical, dental, psychological, podiatric, chiropractic, veterinary, or optometric necessity for such services; (iii) the purpose of promoting the most efficient use or monitoring the quality of care of available health care facilities and services, or of emergency medical services agencies and services; (iv) the adequacy or quality of professional services; (v) the competency and qualifications for professional staff privileges; (vi) the reasonableness or appropriateness of charges made by or on behalf of health care facilities ~~or~~; (vii) patient safety, including entering into contracts with patient safety organizations, provided that such committee, board, group, commission, or other entity has been established pursuant to federal or state law or regulation, the requirements of a national accrediting organization granted authority by the Centers for Medicare and Medicaid Services to assure compliance with Medicare conditions of participation pursuant to § 1865 of Title XVIII of the Social Security Act (42 U.S.C. § 1395bb), or guidelines approved or adopted by a statewide or local association representing health care providers licensed in the Commonwealth pursuant to clause ~~(iii)(f)~~ (iii) (f) of subsection B of § 8.01-581.17, or established and duly constituted by one or more public or licensed private hospitals, health systems, community services boards, or behavioral health authorities, or with a governmental agency, and provided further that such act, decision, omission, or utterance is not done or made in bad faith or with malicious intent.

B. Every member of, or health care professional consultant to, any committee, board, group, commission, or other entity that functions primarily to review, evaluate, or make recommendations on a professional program to address issues related to career fatigue and wellness in health care professionals licensed to practice medicine or osteopathic medicine or licensed as a physician assistant that is established or contracted for by a statewide association, that is exempt under 26 U.S.C. § 501(c)(6) of the Internal Revenue Code, and that primarily represents health care professionals licensed to practice medicine or osteopathic medicine in multiple specialties shall be immune from civil liability for any act, decision, omission, or utterance done or made in performance of his duties while serving as a member of or consultant to such committee, board, group, commission, or other entity. No active participant in a professional program described in this subsection shall be employed or engaged by such professional program or have a financial ownership interest in such professional program.

§ 8.01-581.17. Privileged communications of certain committees and entities.

A. For the purposes of this section:

"Centralized credentialing service" means (i) gathering information relating to applications for professional staff privileges at any public or licensed private hospital or for participation as a provider in any health maintenance organization, preferred provider organization, or any similar organization and (ii) providing such information to those hospitals and organizations that utilize the service.

"Patient safety data" means reports made to patient safety organizations together with all health care data, interviews, memoranda, analyses, root cause analyses, products of quality assurance or quality improvement processes, corrective action plans, or information collected or created by a health care provider as a result of an occurrence related to the provision of health care services.

"Patient safety organization" means any organization, group, or other entity that collects and analyzes patient safety data for the purpose of improving patient safety and health care outcomes and that is independent and not under the control of the entity that reports patient safety data.

B. The proceedings, minutes, records, and reports of any (i) medical staff committee, utilization review committee, professional program, or other committee, board, group, commission, or other entity as specified in § 8.01-581.16; (ii) nonprofit entity that provides a centralized credentialing service; or (iii) quality assurance, quality of care, or peer review committee established pursuant to guidelines approved or adopted by (a) a national or state physician peer review

entity, (b) a national or state physician accreditation entity, (c) a national professional association of health care providers or Virginia chapter of a national professional association of health care providers, (d) a licensee of a managed care health insurance plan (MCHIP) as defined in § 38.2-5800, (e) the Office of Emergency Medical Services or any regional emergency medical services council, or (f) a statewide or local association representing health care providers licensed in the Commonwealth, together with all communications, both oral and written, originating in or provided to such committees or entities, are privileged communications which may not be disclosed or obtained by legal discovery proceedings unless a circuit court, after a hearing and for good cause arising from extraordinary circumstances being shown, orders the disclosure of such proceedings, minutes, records, reports, or communications. Additionally, for the purposes of this section, accreditation and peer review records of the American College of Radiology and the Medical Society of Virginia are considered privileged communications. Oral communications regarding a specific medical incident involving patient care, made to a quality assurance, quality of care, or peer review committee established pursuant to clause (iii), shall be privileged only to the extent made more than 24 hours after the occurrence of the medical incident. Nothing in this section shall be construed as providing any privilege to any health care provider, emergency medical services agency, community services board, or behavioral health authority with respect to any factual information regarding specific patient health care or treatment, including patient health care incidents, whether oral, electronic, or written. However, the analysis, findings, conclusions, recommendations, and the deliberative process of any medical staff committee, utilization review committee, or other committee, board, group, commission, or other entity specified in § 8.01-581.16, as well as the proceedings, minutes, records, and reports, including the opinions and reports of experts, of such entities shall be privileged in their entirety under this section. Information known by a witness with knowledge of the facts or treating health care provider is not privileged or protected from discovery merely because it is provided to a committee, board, group, commission, or other entity specified in § 8.01-581.16, and may be discovered by deposition or otherwise in the course of discovery. A person involved in the work of the entities referenced in this subsection shall not be made a witness with knowledge of the facts by virtue of his involvement in the quality assurance, peer review, *professional program*, or credentialing process.

C. Nothing in this section shall be construed as providing any privilege to health care provider, emergency medical services agency, community services board, or behavioral health authority medical records kept with respect to a patient, whose treatment is at issue, in the ordinary course of business of operating a hospital, emergency medical services agency, community services board, or behavioral health authority nor to any facts or information contained in medical records, nor shall this section preclude or affect discovery of or production of evidence relating to hospitalization or treatment of such patient in the ordinary course of the patient's hospitalization or treatment. However, the proceedings, minutes, records, reports, analysis, findings, conclusions, recommendations, and the deliberative process, including opinions and reports of experts, of any medical staff committee, utilization review committee, *professional program*, or other committee, board, group, commission, or other entity specified in § 8.01-581.16 shall not constitute medical records, are privileged in their entirety, and are not discoverable.

D. Notwithstanding any other provision of this section, reports or patient safety data in possession of a patient safety organization, together with the identity of the reporter and all related correspondence, documentation, analysis, results, or recommendations, shall be privileged and confidential and shall not be subject to a civil, criminal, or administrative subpoena or admitted as evidence in any civil, criminal, or administrative proceeding. Nothing in this subsection shall affect the discoverability or admissibility of facts, information, or records referenced in subsection C as related to patient care from a source other than a patient safety organization.

E. Any patient safety organization shall promptly remove all patient-identifying information after receipt of a complete patient safety data report unless such organization is otherwise permitted by state or federal law to maintain such information. Patient safety organizations shall maintain the confidentiality of all patient-identifying information and shall not disseminate such information except as permitted by state or federal law.

F. Exchange of (i) patient safety data among health care providers or patient safety organizations that does not identify any patient or (ii) information privileged pursuant to subsection B between *professional programs*, committees, boards, groups, commissions, or other entities specified in § 8.01-581.16 shall not constitute a waiver of any privilege established in this section.

G. Reports of patient safety data to patient safety organizations shall not abrogate obligations to make reports to health regulatory boards or other agencies as required by state or federal law.

H. No employer shall take retaliatory action against an employee who in good faith makes a report of patient safety data to a patient safety organization.

I. Reports produced solely for purposes of self-assessment of compliance with requirements or standards of a national accrediting organization granted authority by the Centers for Medicare and Medicaid Services to ensure compliance with Medicare conditions of participation pursuant to § 1865 of Title XVIII of the Social Security Act (42 U.S.C. § 1395bb) shall be privileged and confidential and shall not be subject to subpoena or admitted as evidence in a civil or administrative proceeding. Nothing in this subsection shall affect the discoverability or admissibility of facts, information, or records referenced in subsection C as related to patient care from a source other than such accreditation body. A health care provider's release of such reports to such accreditation body shall not constitute a waiver of any privilege provided under this section.

§ 54.1-2909. Further reporting requirements; civil penalty; disciplinary action.

A. The following matters shall be reported within 30 days of their occurrence to the Board:

1. Any disciplinary action taken against a person licensed under this chapter in another state or in a federal health institution or voluntary surrender of a license in another state while under investigation;
2. Any malpractice judgment against a person licensed under this chapter;
3. Any settlement of a malpractice claim against a person licensed under this chapter; and
4. Any evidence that indicates a reasonable probability that a person licensed under this chapter is or may be professionally incompetent; has engaged in intentional or negligent conduct that causes or is likely to cause injury to a patient or patients; has engaged in unprofessional conduct; or may be mentally or physically unable to engage safely in the practice of his profession.

~~The reporting requirements set forth in this section shall be met if these matters are reported to the National Practitioner Data Bank under the Health Care Quality Improvement Act, 42 U.S.C. § 11101 et seq., and notice that such a report has been submitted is provided to the Board.~~

B. The following persons and entities are subject to the reporting requirements set forth in this section:

1. Any person licensed under this chapter who is the subject of a disciplinary action, a settlement, a judgment, or evidence for which reporting is required pursuant to this section;
2. Any other person licensed under this chapter, except as provided in the protocol agreement entered into by the Medical Society of Virginia and the Board for the Operation of the Impaired Physicians Program by a contract agreement with the Health Practitioners' Monitoring Program;
3. ~~The presidents of all professional societies in the Commonwealth, and their component societies whose members are regulated by the Board, except as provided for in the protocol agreement entered into by the Medical Society of Virginia and the Board for the Operation of the Impaired Physicians Program;~~
4. All health care institutions licensed by the Commonwealth;
- 5-4. The malpractice insurance carrier of any person who is the subject of a judgment or settlement; and
- 6-5. Any health maintenance organization licensed by the Commonwealth.

C. No person or entity shall be obligated to report any matter to the Board if the person or entity has actual notice that the matter has already been reported to the Board. *The reporting requirements set forth in this section shall be met if these matters are reported to the National Practitioner Data Bank under the Health Care Quality Improvement Act, 42 U.S.C. § 11101 et seq., and notice that such report has been submitted is provided to the Board.*

D. *No person or entity shall be obligated to report information regarding a health care provider licensed to practice medicine or osteopathic medicine or licensed as a physician assistant who is a participant in a professional program to address issues related to career fatigue and wellness that is organized or contracted for by a statewide association exempt under 26 U.S.C. § 501(c)(6) of the Internal Revenue Code and that primarily represents health care professionals licensed to practice medicine or osteopathic medicine in multiple specialties to the Board unless the person or entity has determined that there is reasonable probability that the participant is not competent to continue in practice or is a danger to himself or to the health and welfare of his patients or the public.*

E. Any report required by this section shall be in writing directed to the Board, shall give the name and address of the person who is the subject of the report, and shall describe the circumstances surrounding the facts required to be reported. Under no circumstances shall compliance with this section be construed to waive or limit the privilege provided in § 8.01-581.17.

~~F.~~ F. Any person making a report required by this section, providing information pursuant to an investigation, or testifying in a judicial or administrative proceeding as a result of such report shall be immune from any civil liability or criminal prosecution resulting therefrom unless such person acted in bad faith or with malicious intent.

~~F.~~ G. The clerk of any circuit court or any district court in the Commonwealth shall report to the Board the conviction of any person known by such clerk to be licensed under this chapter of any (i) misdemeanor involving a controlled substance, marijuana, or substance abuse or involving an act of moral turpitude or (ii) felony.

~~G.~~ H. Any person who fails to make a report to the Board as required by this section shall be subject to a civil penalty not to exceed \$5,000. The Director shall report the assessment of such civil penalty to the Commissioner of the Department of Health or the Commissioner of Insurance at the State Corporation Commission. Any person assessed a civil penalty pursuant to this section shall not receive a license, registration, or certification or renewal of such unless such penalty has been paid.

~~H.~~ I. Disciplinary action against any person licensed, registered, or certified under this chapter shall be based upon the underlying conduct of the person and not upon the report of a settlement or judgment submitted under this section.

2. That § 54.1-2923.1 of the Code of Virginia is repealed.

3. That an emergency exists and this act is in force from its passage.

CHAPTER 199

An Act to amend and reenact § 18.2-415 of the Code of Virginia, relating to disorderly conduct; students.

[H 256]

Approved March 8, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-415 of the Code of Virginia is amended and reenacted as follows:

§ 18.2-415. Disorderly conduct in public places.

A. A person is guilty of disorderly conduct if, with the intent to cause public inconvenience, annoyance, or alarm, or recklessly creating a risk thereof, he:

~~A- 1.~~ In any street, highway, *or* public building, or while in or on a public conveyance, or *while in a* public place engages in conduct having a direct tendency to cause acts of violence by the person or persons at whom, individually, such conduct is directed; ~~or~~

~~B-~~ 2. Willfully or being intoxicated, whether willfully or not, and whether such intoxication results from self-administered alcohol or other drug of whatever nature, disrupts any funeral, memorial service, or meeting of the governing body of any political subdivision of this Commonwealth or a division or agency thereof, or of any school, literary society, or place of religious worship, if the disruption (i) prevents or interferes with the orderly conduct of the funeral, memorial service, or meeting or (ii) has a direct tendency to cause acts of violence by the person or persons at whom, individually, the disruption is directed; or

~~C-~~ 3. Willfully or while intoxicated, whether willfully or not, and whether such intoxication results from self-administered alcohol or other drug of whatever nature, disrupts the operation of any school or any activity conducted or sponsored by any school, if the disruption (i) prevents or interferes with the orderly conduct of the operation or activity or (ii) has a direct tendency to cause acts of violence by the person or persons at whom, individually, the disruption is directed.

~~However, the B. The~~ conduct prohibited under ~~subdivision subsection A; B or C of this section~~ shall not be deemed to include the utterance or display of any words or to include conduct otherwise made punishable under this title.

C. The person in charge of any such building, place, conveyance, meeting, operation, or activity may eject therefrom any person who violates any provision of this section, with the aid, if necessary, of any persons who may be called upon for such purpose.

D. The provisions of this section shall not apply to any elementary or secondary school student if the disorderly conduct occurred on the property of any elementary or secondary school, on a school bus as defined in § 46.2-100, or at any activity conducted or sponsored by any elementary or secondary school.

E. The governing bodies of counties, cities, and towns are authorized to adopt ordinances prohibiting and punishing the acts and conduct prohibited by this section, provided that the punishment fixed therefor shall not exceed that prescribed for a Class 1 misdemeanor. A person violating any provision of this section ~~shall be~~ *is* guilty of a Class 1 misdemeanor.

CHAPTER 200

An Act to amend and reenact § 55.1-703 of the Code of Virginia and to repeal § 55.1-705 of the Code of Virginia, relating to Virginia Property Disclosure Act; required disclosures for buyer to beware; lead pipe; defective drywall.

[H 1342]

Approved March 8, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 55.1-703 of the Code of Virginia is amended and reenacted as follows:

§ 55.1-703. Required disclosures for buyer to beware; buyer to exercise necessary due diligence.

A. The owner of the residential real property shall furnish to a purchaser a residential property disclosure statement for the buyer to beware of certain matters that may affect the buyer's decision to purchase such real property. Such statement shall be provided by the Real Estate Board on its website.

B. The residential property disclosure statement provided by the Real Estate Board on its website shall include the following:

1. The owner makes no representations or warranties as to the condition of the real property or any improvements thereon, or with regard to any covenants and restrictions, or any conveyances of mineral rights, as may be recorded among the land records affecting the real property or any improvements thereon, and purchasers are advised to exercise whatever due diligence a particular purchaser deems necessary, including obtaining a home inspection, as defined in § 54.1-500, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event prior to settlement pursuant to such contract;

2. The owner makes no representations with respect to any matters that may pertain to parcels adjacent to the subject parcel, including zoning classification or permitted uses of adjacent parcels, and purchasers are advised to exercise whatever due diligence a particular purchaser deems necessary with respect to adjacent parcels in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event prior to settlement pursuant to such contract;

3. The owner makes no representations to any matters that pertain to whether the provisions of any historic district ordinance affect the property, and purchasers are advised to exercise whatever due diligence a particular purchaser deems necessary with respect to any historic district designated by the locality pursuant to § 15.2-2306, including review of (i) any local ordinance creating such district, (ii) any official map adopted by the locality depicting historic districts, and (iii) any materials available from the locality that explain (a) any requirements to alter, reconstruct, renovate, restore, or demolish

buildings or signs in the local historic district and (b) the necessity of any local review board or governing body approvals prior to doing any work on a property located in a local historic district, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event prior to settlement pursuant to such contract;

4. The owner makes no representations with respect to whether the property contains any resource protection areas established in an ordinance implementing the Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq.) adopted by the locality where the property is located pursuant to § 62.1-44.15:74, and purchasers are advised to exercise whatever due diligence a particular purchaser deems necessary to determine whether the provisions of any such ordinance affect the property, including review of any official map adopted by the locality depicting resource protection areas, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event prior to settlement pursuant to such contract;

5. The owner makes no representations with respect to information on any sexual offenders registered under Chapter 23 (§ 19.2-387 et seq.) of Title 19.2, and purchasers are advised to exercise whatever due diligence they deem necessary with respect to such information, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event prior to settlement pursuant to such contract;

6. The owner makes no representations with respect to whether the property is within a dam break inundation zone. Such disclosure statement shall advise purchasers to exercise whatever due diligence they deem necessary with respect to whether the property resides within a dam break inundation zone, including a review of any map adopted by the locality depicting dam break inundation zones;

7. The owner makes no representations with respect to the presence of any stormwater detention facilities located on the property, or the existence or recordation of any maintenance agreement for such facilities, and purchasers are advised to exercise whatever due diligence they deem necessary to determine the presence of any stormwater detention facilities on the property, or any maintenance agreement for such facilities, such as contacting their settlement provider, consulting the locality in which the property is located, or reviewing any survey of the property that may have been conducted, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event prior to settlement pursuant to such contract;

8. The owner makes no representations with respect to the presence of any wastewater system, including the type or size of the wastewater system or associated maintenance responsibilities related to the wastewater system, located on the property, and purchasers are advised to exercise whatever due diligence they deem necessary to determine the presence of any wastewater system on the property and the costs associated with maintaining, repairing, or inspecting any wastewater system, including any costs or requirements related to the pump-out of septic tanks, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event prior to settlement pursuant to such contract;

9. The owner makes no representations with respect to any right to install or use solar energy collection devices on the property;

10. The owner makes no representations with respect to whether the property is located in one or more special flood hazard areas, and purchasers are advised to exercise whatever due diligence they deem necessary, including (i) obtaining a flood certification or mortgage lender determination of whether the property is located in one or more special flood hazard areas, (ii) reviewing any map depicting special flood hazard areas, (iii) contacting the Federal Emergency Management Agency (FEMA) or visiting the website for FEMA's National Flood Insurance Program or for the Virginia Department of Conservation and Recreation's Flood Risk Information System, and (iv) determining whether flood insurance is required, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event prior to settlement pursuant to such contract;

11. The owner makes no representations with respect to whether the property is subject to one or more conservation or other easements, and purchasers are advised to exercise whatever due diligence a particular purchaser deems necessary in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event prior to settlement pursuant to such contract; ~~and~~

12. The owner makes no representations with respect to whether the property is subject to a community development authority approved by a local governing body pursuant to Article 6 (§ 15.2-5152 et seq.) of Chapter 51 of Title 15.2, and purchasers are advised to exercise whatever due diligence a particular purchaser deems necessary in accordance with terms and conditions as may be contained in the real estate purchase contract, including determining whether a copy of the resolution or ordinance has been recorded in the land records of the circuit court for the locality in which the community development authority district is located for each tax parcel included in the district pursuant to § 15.2-5157, but in any event prior to settlement pursuant to such contract;

13. *The owner makes no representations with respect to whether the property contains any pipe, pipe or plumbing fitting, fixture, solder, or flux that does not meet the federal Safe Drinking Water Act definition of "lead free" pursuant to 42 U.S.C. § 300g-6, and purchasers are advised to exercise whatever due diligence they deem necessary to determine whether the property contains any pipe, pipe or plumbing fitting, fixture, solder, or flux that does not meet the federal Safe Drinking Water Act definition of "lead free," in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event prior to settlement pursuant to such contract; and*

14. *The owner makes no representations with respect to the existence of defective drywall on the property, and purchasers are advised to exercise whatever due diligence they deem necessary to determine whether there is defective drywall on the property, in accordance with terms and conditions as may be contained in the real estate purchase contract,*

but in any event prior to settlement pursuant to such contract. For purposes of this subdivision, "defective drywall" means the same as that term is defined in § 36-156.1.

C. The residential property disclosure statement shall be delivered in accordance with § 55.1-709.

2. That § 55.1-705 of the Code of Virginia is repealed.

CHAPTER 201

An Act to amend and reenact §§ 2.2-4002, 2.2-4103, 28.2-201, and 28.2-410 of the Code of Virginia and to repeal §§ 28.2-400.2 through 28.2-400.6, 28.2-411, and 28.2-1000.2 of the Code of Virginia, relating to management of the menhaden fishery.

[H 1448]

Approved March 8, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-4002, 2.2-4103, 28.2-201, and 28.2-410 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-4002. Exemptions from chapter generally.

A. Although required to comply with § 2.2-4103 of the Virginia Register Act (§ 2.2-4100 et seq.), the following agencies shall be exempted from the provisions of this chapter, except to the extent that they are specifically made subject to §§ 2.2-4024, 2.2-4030, and 2.2-4031:

1. The General Assembly.
2. Courts, any agency of the Supreme Court, and any agency that by the Constitution is expressly granted any of the powers of a court of record.
3. The Department of Game and Inland Fisheries in promulgating regulations regarding the management of wildlife and for all case decisions rendered pursuant to any provisions of Chapters 2 (§ 29.1-200 et seq.), 3 (§ 29.1-300 et seq.), 4 (§ 29.1-400 et seq.), 5 (§ 29.1-500 et seq.), and 7 (§ 29.1-700 et seq.) of Title 29.1.
4. The Virginia Housing Development Authority.
5. Municipal corporations, counties, and all local, regional or multijurisdictional authorities created under this Code, including those with federal authorities.
6. Educational institutions operated by the Commonwealth, provided that, with respect to § 2.2-4031, such educational institutions shall be exempt from the publication requirements only with respect to regulations that pertain to (i) their academic affairs, (ii) the selection, tenure, promotion and disciplining of faculty and employees, (iii) the selection of students, and (iv) rules of conduct and disciplining of students.
7. The Milk Commission in promulgating regulations regarding (i) producers' licenses and bases, (ii) classification and allocation of milk, computation of sales and shrinkage, and (iii) class prices for producers' milk, time and method of payment, butterfat testing and differential.
8. The Virginia Resources Authority.
9. Agencies expressly exempted by any other provision of this Code.
10. The Department of General Services in promulgating standards for the inspection of buildings for asbestos pursuant to § 2.2-1164.
11. The State Council of Higher Education for Virginia, in developing, issuing, and revising guidelines pursuant to § 23.1-207.
12. The Commissioner of Agriculture and Consumer Services in adopting regulations pursuant to subsection B of § 3.2-6002 and in adopting regulations pursuant to § 3.2-6023.
13. The Commissioner of Agriculture and Consumer Services and the Board of Agriculture and Consumer Services in promulgating regulations pursuant to subsections B and D of § 3.2-3601, subsection B of § 3.2-3701, § 3.2-4002, subsections B and D of § 3.2-4801, §§ 3.2-5121 and 3.2-5206, and subsection A of § 3.2-5406.
14. The Board of Optometry when specifying therapeutic pharmaceutical agents, treatment guidelines, and diseases and abnormal conditions of the human eye and its adnexa for TPA-certification of optometrists pursuant to Article 5 (§ 54.1-3222 et seq.) of Chapter 32 of Title 54.1.
15. The Commissioner of the Department of Veterans Services in adopting regulations pursuant to § 2.2-2001.3.
16. The State Board of Education, in developing, issuing, and revising guidelines pursuant to § 22.1-203.2.
17. The Virginia Racing Commission, (i) when acting by and through its duly appointed stewards or in matters related to any specific race meeting or (ii) in promulgating technical rules regulating actual live horse racing at race meetings licensed by the Commission.
18. The Virginia Small Business Financing Authority.
19. The Virginia Economic Development Partnership Authority.
20. The Board of Agriculture and Consumer Services in adopting, amending or repealing regulations pursuant to subsection A (ii) of § 59.1-156.
21. The Insurance Continuing Education Board pursuant to § 38.2-1867.

22. The Board of Health in promulgating the list of diseases that shall be reported to the Department of Health pursuant to § 32.1-35 and in adopting, amending or repealing regulations pursuant to subsection C of § 35.1-14 that incorporate the Food and Drug Administration's Food Code pertaining to restaurants or food service.

~~23. The Commissioner of the Marine Resources Commission in setting a date of closure for the Chesapeake Bay purse seine fishery for Atlantic menhaden for reduction purposes pursuant to § 28.2-1000.2.~~

~~24.~~ The Board of Pharmacy when specifying special subject requirements for continuing education for pharmacists pursuant to § 54.1-3314.1.

~~25.~~ 24. The Virginia Department of Veterans Services when promulgating rules and regulations pursuant to § 58.1-3219.7 or 58.1-3219.11.

~~26.~~ 25. The Virginia Department of Criminal Justice Services when developing, issuing, or revising any training standards established by the Criminal Justice Services Board under § 9.1-102, provided such actions are authorized by the Governor in the interest of public safety.

B. Agency action relating to the following subjects shall be exempted from the provisions of this chapter:

1. Money or damage claims against the Commonwealth or agencies thereof.
2. The award or denial of state contracts, as well as decisions regarding compliance therewith.
3. The location, design, specifications or construction of public buildings or other facilities.
4. Grants of state or federal funds or property.
5. The chartering of corporations.
6. Customary military, militia, naval or police functions.
7. The selection, tenure, dismissal, direction or control of any officer or employee of an agency of the Commonwealth.
8. The conduct of elections or eligibility to vote.
9. Inmates of prisons or other such facilities or parolees therefrom.
10. The custody of persons in, or sought to be placed in, mental health facilities or penal or other state institutions as well as the treatment, supervision, or discharge of such persons.
11. Traffic signs, markers or control devices.
12. Instructions for application or renewal of a license, certificate, or registration required by law.
13. Content of, or rules for the conduct of, any examination required by law.
14. The administration of pools authorized by Chapter 47 (§ 2.2-4700 et seq.).
15. Any rules for the conduct of specific lottery games, so long as such rules are not inconsistent with duly adopted regulations of the Virginia Lottery Board, and provided that such regulations are published and posted.
16. Orders condemning or closing any shellfish, finfish, or crustacea growing area and the shellfish, finfish or crustacea located thereon pursuant to Article 2 (§ 28.2-803 et seq.) of Chapter 8 of Title 28.2.
17. Any operating procedures for review of child deaths developed by the State Child Fatality Review Team pursuant to § 32.1-283.1, any operating procedures for review of adult deaths developed by the Adult Fatality Review Team pursuant to § 32.1-283.5, and any operating procedures for review of adult deaths developed by the Maternal Mortality Review Team pursuant to § 32.1-283.8.
18. The regulations for the implementation of the Health Practitioners' Monitoring Program and the activities of the Health Practitioners' Monitoring Program Committee pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1.
19. The process of reviewing and ranking grant applications submitted to the Commonwealth Neurotrauma Initiative Advisory Board pursuant to Article 12 (§ 51.5-178 et seq.) of Chapter 14 of Title 51.5.
20. Loans from the Small Business Environmental Compliance Assistance Fund pursuant to Article 4 (§ 10.1-1197.1 et seq.) of Chapter 11.1 of Title 10.1.
21. The Virginia Breeders Fund created pursuant to § 59.1-372.
22. The types of pari-mutuel wagering pools available for live or simulcast horse racing.
23. The administration of medication or other substances foreign to the natural horse.
24. Any rules adopted by the Charitable Gaming Board for the approval and conduct of game variations for the conduct of raffles, bingo, network bingo, and instant bingo games, provided that such rules are (i) consistent with Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2 and (ii) published and posted.

C. Minor changes to regulations published in the Virginia Administrative Code under the Virginia Register Act (§ 2.2-4100 et seq.), made by the Virginia Code Commission pursuant to § 30-150, shall be exempt from the provisions of this chapter.

§ 2.2-4103. Agencies to file regulations with Registrar; other duties; failure to file.

It shall be the duty of every agency to have on file with the Registrar the full text of all of its currently operative regulations, together with the dates of adoption, revision, publication, or amendment thereof and such additional information requested by the Commission or the Registrar for the purpose of publishing the Virginia Register of Regulations and the Virginia Administrative Code. Thereafter, coincidentally with the issuance thereof, each agency shall from day to day so file, date, and supplement all new regulations and amendments, repeals, or additions to its previously filed regulations. The filed regulations shall (i) indicate the laws they implement or carry out, (ii) designate any prior regulations repealed, modified, or supplemented, (iii) state any special effective or terminal dates, and (iv) be accompanied by a statement or certification, either in original or electronic form, that the regulations are full, true, and correctly dated. No regulation or amendment or repeal thereof shall be effective until filed with the Registrar.

Orders condemning or closing any shellfish, finfish or crustacea growing area and the shellfish, finfish or crustacea located thereon pursuant to Article 2 (§ 28.2-803 et seq.) of Chapter 8, of Title 28.2, which are exempt from the requirements of the Administrative Process Act (§ 2.2-4000 et seq.) as provided in subsection B of § 2.2-4002, shall be effective on the date specified by the promulgating agency. Such orders shall continue to be filed with the Registrar either before or after their effective dates in order to satisfy the need for public availability of information respecting the regulations of state agencies.

~~An order setting a date of closure for the Chesapeake Bay purse seine fishery for Atlantic menhaden for reduction purposes pursuant to § 28.2-1000.2, which is exempt from the requirements of the Administrative Process Act as provided by subsection A of § 2.2-4002, shall be effective on the date specified. Such orders shall be filed with the Registrar for prompt publication.~~

In addition, each agency shall itself ~~(i)~~ (a) maintain a complete list of all of its currently operative regulations for public consultation, ~~(ii)~~ (b) make available to public inspection a complete file of the full texts of all such regulations, and ~~(iii)~~ (c) allow public copying thereof or make copies available either without charge, at cost, or on payment of a reasonable fee. Each agency shall also maintain as a public record a complete file of its regulations that have been superseded on and after June 1, 1975.

Where regulations adopt textual matter by reference to publications other than the Federal Register or Code of Federal Regulations, the agency shall ~~(i)~~ (1) file with the Registrar copies of the referenced publications, ~~(ii)~~ (2) state on the face of or as notations to regulations making such adoptions by reference the places where copies of the referred publications may be procured, and ~~(iii)~~ (3) make copies of such referred publications available for public inspection and copying along with its other regulations.

Unless he finds that there are special circumstances requiring otherwise, the Governor, in addition to the exercise of his authority to see that the laws are faithfully executed, may, until compliance with this chapter is achieved, withhold the payment of compensation or expenses of any officer or employee of any agency in whole or part whenever the Commission certifies to him that the agency has failed to comply with this section or this chapter in stated respects, to respond promptly to the requests of the Registrar, or to comply with the regulations of the Commission.

§ 28.2-201. Authority of Commission to make regulations, establish licenses, and prepare fishery management plans; accept federal grants; enforcement; penalty for violation of regulation.

The Commission may:

1. ~~Promulgate~~ Adopt regulations, including those for taking seafood, necessary to promote the general welfare of the seafood industry and to conserve and promote the seafood and marine resources of the Commonwealth. The Commission may also ~~promulgate~~ adopt regulations necessary for the conservation and reasonable use of surf clams.

2. Establish new licenses and fees commensurate with other licenses in an amount not to exceed \$100 for any device used for taking or catching seafood in the tidal waters of the Commonwealth when the device (i) is not otherwise licensed in this title and (ii) is used for commercial purposes. The Commission may specify, when issuing such licenses, any restrictions or control over the devices or the persons operating the device.

3. Establish fees for permits required for delayed or limited entry fisheries, shellfish relaying, scientific collections, and for the administrative transfer of these permits among fisherman, where applicable.

4. Beginning July 1, 2004, and not more frequently than every three years thereafter, increase fees for tidal fisheries licenses and permits that are authorized under this title or by regulation ~~promulgated~~ adopted pursuant to Article 2 (§ 28.2-209 et seq.) of this chapter. Any fee increase for such licenses and permits shall be capped at \$5 or a percentage equal to the increase in the Consumer Price Index calculated from the time the fee was last set or adjusted, whichever is greater. Beginning July 1, 2004, any amounts generated from the increases in commercial fishing licenses and permits shall be paid into the Marine Fishing Improvement Fund for the purposes authorized by § 28.2-208, and any amounts generated from the increases in recreational fishing licenses shall be paid into the Virginia Saltwater Recreational Fishing Development Fund for the purposes authorized by § 28.2-302.3. The Commission may charge nonresidents a higher fee than residents for purchase of any of the fishing licenses issued pursuant to §§ 28.2-302.2, 28.2-302.2:1, 28.2-302.6, 28.2-302.7, 28.2-302.8, 28.2-302.10, and 28.2-302.10:1. The fee charged to a nonresident shall be no greater than twice the Virginia resident fee. The Commission may prohibit the sale of the private boat license established by § 28.2-302.7 to a nonresident whose boat is not registered in Virginia.

5. The Commission shall ensure that increases in licenses and fees are equitably distributed among resource user groups.

6. Prepare fishery management plans containing evaluations of regulatory management options, based upon scientific, economic, biological, and sociological information, and use them in the development of regulations. The Commissioner may appoint a fisheries advisory committee and its chairman, consisting of representatives of the various fishery user groups, to assist in the preparation and implementation of the fishery management plans. The Commission may expend funds to compensate the members of the committee pursuant to § 2.2-2825.

7. Provide for enforcement of any regulation governing surf clams by any law-enforcement officer of any agency of the Commonwealth or its political subdivisions or by any law-enforcement officer of any agency of the federal government. Enforcement agreements with other agencies or political subdivisions shall be stated in the regulation.

8. The Commonwealth hereby assents to the provisions of the Federal Aid in Sport Fish Restoration Act of August 9, 1950 (16 U.S.C. § 777-777k), as amended. The Commission is authorized to perform all such acts as may be

necessary for the establishment and implementation of cooperative fish restoration and management projects as defined by these federal statutes and the implementing regulations ~~promulgated~~ *adopted* thereunder.

Notwithstanding any provision of Chapter 4 (§ 28.2-400 et seq.), the Commission shall have the exclusive authority to manage Atlantic menhaden and shall adopt regulations necessary for its management, including those necessary to comply with the Atlantic States Marine Fisheries Commission Interstate Fishery Management Plan for Atlantic Menhaden. The Commission shall only adopt regulations for the management of menhaden between October 1 and December 31 unless regulatory action is necessary to address an emergency situation pursuant to § 28.2-210 or to ensure compliance with the Atlantic States Marine Fisheries Commission Interstate Fishery Management Plan for Atlantic Menhaden. Any regulation for the management of Atlantic menhaden shall be subject to judicial review in accordance with the provisions of § 28.2-215.

§ 28.2-410. Closed season for menhaden fishing; forbidden nets; penalty.

Except as provided in § 28.2-409 or as otherwise provided by regulation, it is unlawful for any person to take or catch with a purse net in the waters of ~~this~~ *the* Commonwealth, or waters within its jurisdiction, menhaden between the Saturday following the third Friday in November and the Sunday preceding the first Monday in May. However, in the waters east of the Chesapeake Bay Bridge Tunnel within the three-mile limit of the Virginia shoreline such prohibition shall be between the Friday before Christmas and the Sunday preceding the first Monday in May. It is also unlawful for any person to use any purse net or other net having a stretched mesh of less than ~~4~~ *one and three quarters* inches. Any person violating any of the provisions of this section is guilty of a Class 1 misdemeanor.

2. That §§ 28.2-400.2 through 28.2-400.6, 28.2-411, and 28.2-1000.2 of the Code of Virginia are repealed.

3. That the Commissioner of Marine Resources shall establish a Menhaden Management Advisory Committee (the Committee) to provide guidance to the Marine Resources Commission on the sustainable management of the menhaden resource and harvest of the bait and reduction fisheries in the waters of the Commonwealth, including the Chesapeake Bay. The Committee shall consist of not more than 12 nonlegislative citizen members who shall be residents of the Commonwealth with knowledge of the menhaden resource, to be appointed by the Commissioner, including one representative of the menhaden reduction fishery, one representative of the menhaden bait fishery, one representative of a labor organization involved in the menhaden fishery, one recreational angler, one member of a Virginia-based conservation organization, one representative of the sportfishing industry, and the Virginia appointee to the Atlantic Menhaden Technical Committee of the Atlantic States Marine Fisheries Commission.

4. That an emergency exists and this act is in force from its passage.

CHAPTER 202

An Act to amend and reenact § 40.1-29 of the Code of Virginia, relating to payment of wages; statement of earnings.

[H 689]

Approved March 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 40.1-29 of the Code of Virginia is amended and reenacted as follows:

§ 40.1-29. Time and medium of payment; withholding wages; written statement of earnings; agreement for forfeiture of wages; proceedings to enforce compliance; penalties.

A. 1. All employers operating a business shall establish regular pay periods and rates of pay for employees except executive personnel. All such employers shall pay salaried employees at least once each month and employees paid on an hourly rate at least once every two weeks or twice in each month, except that (i) a student who is currently enrolled in a work-study program or its equivalent administered by any secondary school, institution of higher education or trade school, and (ii) employees whose weekly wages total more than 150 percent of the average weekly wage of the Commonwealth as defined in § 65.2-500, upon agreement by each affected employee, may be paid once each month if the institution or employer so chooses. Upon termination of employment an employee shall be paid all wages or salaries due him for work performed prior thereto; such payment shall be made on or before the date on which he would have been paid for such work had his employment not been terminated.

2. Any such employer who knowingly fails to make payment of wages in accordance with this section shall be subject to a civil penalty not to exceed \$1,000 for each violation. The Commissioner shall notify any employer who he alleges has violated any provision of this section by certified mail. Such notice shall contain a description of the alleged violation. Within 15 days of receipt of notice of the alleged violation, the employer may request an informal conference regarding such violation with the Commissioner. In determining the amount of any penalty to be imposed, the Commissioner shall consider the size of the business of the employer charged and the gravity of the violation. The decision of the Commissioner shall be final.

B. Payment of wages or salaries shall be (i) in lawful money of the United States, (ii) by check payable at face value upon demand in lawful money of the United States, (iii) by electronic automated fund transfer in lawful money of the United States into an account in the name of the employee at a financial institution designated by the employee, or (iv) by credit to a prepaid debit card or card account from which the employee is able to withdraw or transfer funds with full written disclosure by the employer of any applicable fees and affirmative consent thereto by the employee. However, an employer

that elects not to pay wages or salaries in accordance with clause (i) or (ii) to an employee who is hired after January 1, 2010, shall be permitted to pay wages or salaries by credit to a prepaid debit card or card account in accordance with clause (iv), even though such employee has not affirmatively consented thereto, if the employee fails to designate an account at a financial institution in accordance with clause (iii) and the employer arranges for such card or card account to be issued through a network system through which the employee shall have the ability to make at least one free withdrawal or transfer per pay period, which withdrawal may be for any sum in such card or card account as the employee may elect, using such card or card account at financial institutions participating in such network system.

C. No employer shall withhold any part of the wages or salaries of any employee except for payroll, wage or withholding taxes or in accordance with law, without the written and signed authorization of the employee. On each regular pay date, each employer other than an employer engaged in agricultural employment including agribusiness and forestry shall provide to each employee a written statement, by a paystub or online accounting, that shows the name and address of the employer; the number of hours worked during the pay period; *if the employee is paid on the basis of (i) the number of hours worked or (ii) a salary that is less than the standard salary level adopted by regulation of the U.S. Department of Labor pursuant to § 13(a)(1) of the federal Fair Labor Standards Act, 29 U.S.C. § 213(a)(1), as amended, establishing an exemption from the Act's overtime premium pay requirements;* the rate of pay; the gross wages earned by the employee during the pay period; and the amount and purpose of any deductions therefrom. *The paystub or online accounting shall include sufficient information to enable the employee to determine how the gross and net pay were calculated.* An employer engaged in agricultural employment including agribusiness and forestry, upon request of its employee, shall furnish the employee a written statement of the gross wages earned by the employee during any pay period and the amount and purpose of any deductions therefrom.

D. No employer shall require any employee, except executive personnel, to sign any contract or agreement which provides for the forfeiture of the employee's wages for time worked as a condition of employment or the continuance therein, except as otherwise provided by law.

E. An employer who willfully and with intent to defraud fails or refuses to pay wages in accordance with this section:

1. To an employee or employees is guilty of a Class 1 misdemeanor if the value of the wages earned and not paid by the employer is less than \$10,000; and

2. To an employee or employees is guilty of a Class 6 felony (i) if the value of the wages earned and not paid is \$10,000 or more or (ii) regardless of the value of the wages earned and not paid, if the conviction is a second or subsequent conviction under this section.

For purposes of this section, the determination as to the "value of the wages earned" shall be made by combining all wages the employer failed or refused to pay pursuant to this section.

F. The Commissioner may require a written complaint of the violation of this section and, with the written and signed consent of an employee, may institute proceedings on behalf of an employee to enforce compliance with this section, and to collect any moneys unlawfully withheld from such employee which shall be paid to the employee entitled thereto. In addition, following the issuance of a final order by the Commissioner or a court, the Commissioner may engage private counsel, approved by the Attorney General, to collect any moneys owed to the employee or the Commonwealth. Upon entry of a final order of the Commissioner, or upon entry of a judgment, against the employer, the Commissioner or the court shall assess attorney's fees of one-third of the amount set forth in the final order or judgment.

G. In addition to being subject to any other penalty provided by the provisions of this section, any employer who fails to make payment of wages in accordance with subsection A shall be liable for the payment of all wages due, plus interest at an annual rate of eight percent accruing from the date the wages were due.

H. Civil penalties owed under this section shall be paid to the Commissioner for deposit into the general fund of the State Treasurer. The Commissioner shall prescribe procedures for the payment of proposed assessments of penalties which are not contested by employers. Such procedures shall include provisions for an employer to consent to abatement of the alleged violation and pay a proposed penalty or a negotiated sum in lieu of such penalty without admission of any civil liability arising from such alleged violation.

Final orders of the Commissioner, the general district courts or the circuit courts may be recorded, enforced and satisfied as orders or decrees of a circuit court upon certification of such orders by the Commissioner or the court as appropriate.

2. That an emergency exists and this act is in force from its passage.

CHAPTER 203

An Act to amend the Code of Virginia by adding in Article 1 of Chapter 3 of Title 40.1 a section numbered 40.1-28.7:7, relating to the misclassification of workers; cause of action.

[H 984]

Approved March 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 1 of Chapter 3 of Title 40.1 a section numbered 40.1-28.7:7 as follows:

§ 40.1-28.7:7. Misclassification of workers.

A. An individual who has not been properly classified as an employee may bring a civil action for damages against his employer for failing to properly classify the employee if the employer had knowledge of the individual's misclassification. An individual's representative may bring the action on behalf of the individual. If the court finds that the employer has not properly classified the individual as an employee, the court may award the individual damages in the amount of any wages, salary, employment benefits, including expenses incurred by the employee that would otherwise have been covered by insurance, or other compensation lost to the individual, a reasonable attorney fee, and the costs incurred by the individual in bringing the action.

B. In a proceeding under subsection A, an individual who performs services for a person for remuneration shall be presumed to be an employee of the person that paid such remuneration, and the person that paid such remuneration shall be presumed to be the employer of the individual who was paid for performing the services, unless it is shown that the individual is an independent contractor as determined under the Internal Revenue Service guidelines.

C. As used in this section, "Internal Revenue Service guidelines" means the most recent version of the guidelines published by the Internal Revenue Service for evaluating independent contractor status, including its interpretation of common law doctrine on independent contractors, and any regulations that the Internal Revenue Service may promulgate regarding determining whether an employee is an independent contractor, including 26 C.F.R. § 31.3121(d)-1.

CHAPTER 204

An Act to amend the Code of Virginia by adding in Article 2 of Chapter 3 of Title 40.1 a section numbered 40.1-33.1, relating to prohibiting employers from retaliating against employees for reporting employee misclassification; civil penalty.

[H 1199]

Approved March 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 2 of Chapter 3 of Title 40.1 a section numbered 40.1-33.1 as follows:

§ 40.1-33.1. Retaliatory actions prohibited; civil penalty.

A. An employer shall not discharge, discipline, threaten, discriminate against, or penalize an employee or independent contractor, or take other retaliatory action regarding an employee or independent contractor's compensation, terms, conditions, location, or privileges of employment, because the employee or independent contractor:

1. Has reported or plans to report to an appropriate authority that an employer, or any officer or agent of the employer, has failed to properly classify an individual as an employee and failed to pay required benefits or other contributions; or
2. Is requested or subpoenaed by an appropriate authority to participate in an investigation, hearing, or inquiry by an appropriate authority or in a court action.

B. The provisions of subsection A shall apply only if an employee or independent contractor who discloses information about suspected worker misclassification has done so in good faith and upon a reasonable belief that the information is accurate. Disclosures that are reckless or the employee knew or should have known were false, confidential by law, or malicious shall not be deemed good faith reports and shall not be subject to the protections provided by subsection A.

C. Any employee who is discharged, disciplined, threatened, discriminated against, or penalized in a manner prohibited by this section may file a complaint with the Commissioner. The Commissioner, with the written and signed consent of such an employee, may institute proceedings against the employer for appropriate remedies for such action, including reinstatement of the employee and recovering lost wages.

D. Any employer who discharges, disciplines, threatens, discriminates against, or penalizes an employee in a manner prohibited by this section shall be subject to a civil penalty not to exceed the amount of the employee's wages that are lost as a result of the violation. Civil penalties under this section shall be assessed by the Commissioner and paid to the Literary Fund.

CHAPTER 205

An Act to amend the Code of Virginia by adding a section numbered 40.1-29.1, relating to the authority of the Department of Labor and Industry to investigate employers for failure to pay wages.

[S 49]

Approved March 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 40.1-29.1 as follows:

§ 40.1-29.1. Investigations of employers for nonpayment of wages.

If in the course of an investigation of a complaint of an employer's failure or refusal to pay wages in accordance with the requirements of § 40.1-29, the Commissioner acquires information creating a reasonable belief that other employees of

the same employer may not have been paid wages in accordance with such requirements, the Commissioner shall have the authority to investigate whether the employer has failed or refused to make any required payment of wages to other employees of the employer as required by § 40.1-29. If the Commissioner finds in the course of such investigation that the employer has violated a provision of § 40.1-29, the Commissioner may institute proceedings on behalf of any employee against his employer. Such proceedings shall be undertaken in accordance with the provisions of § 40.1-29, except that the Commissioner shall not require a written complaint of the violation or the written and signed consent of any employee as a condition of instituting such proceedings.

CHAPTER 206

An Act to amend the Code of Virginia by adding a section numbered 40.1-29.1, relating to the authority of the Department of Labor and Industry to investigate employers for failure to pay wages.

[H 336]

Approved March 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 40.1-29.1 as follows:

§ 40.1-29.1. Investigations of employers for nonpayment of wages.

If in the course of an investigation of a complaint of an employer's failure or refusal to pay wages in accordance with the requirements of § 40.1-29, the Commissioner acquires information creating a reasonable belief that other employees of the same employer may not have been paid wages in accordance with such requirements, the Commissioner shall have the authority to investigate whether the employer has failed or refused to make any required payment of wages to other employees of the employer as required by § 40.1-29. If the Commissioner finds in the course of such investigation that the employer has violated a provision of § 40.1-29, the Commissioner may institute proceedings on behalf of any employee against his employer. Such proceedings shall be undertaken in accordance with the provisions of § 40.1-29, except that the Commissioner shall not require a written complaint of the violation or the written and signed consent of any employee as a condition of instituting such proceedings.

CHAPTER 207

An Act to amend and reenact § 9.1-400 of the Code of Virginia, relating to Line of Duty Act; coverage for a dependent born after the disability or death of an employee.

[H 51]

Approved March 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 9.1-400 of the Code of Virginia is amended and reenacted as follows:

§ 9.1-400. Title of chapter; definitions.

A. This chapter shall be known and designated as the Line of Duty Act.

B. As used in this chapter, unless the context requires a different meaning:

"Beneficiary" means the spouse of a deceased person and such persons as are entitled to take under the will of a deceased person if testate, or as his heirs at law if intestate.

"Deceased person" means any individual whose death occurs on or after April 8, 1972, in the line of duty as the direct or proximate result of the performance of his duty, including the presumptions under §§ 27-40.1, 27-40.2, 51.1-813, 65.2-402, and 65.2-402.1 if his position is covered by the applicable statute, as a law-enforcement officer of the Commonwealth or any of its political subdivisions, except employees designated pursuant to § 53.1-10 to investigate allegations of criminal behavior affecting the operations of the Department of Corrections, employees designated pursuant to § 66-3 to investigate allegations of criminal behavior affecting the operations of the Department of Juvenile Justice, and members of the investigations unit of the State Inspector General designated pursuant to § 2.2-311 to investigate allegations of criminal behavior affecting the operations of a state or nonstate agency; a correctional officer as defined in § 53.1-1; a jail officer; a regional jail or jail farm superintendent; a sheriff, deputy sheriff, or city sergeant or deputy city sergeant of the City of Richmond; a police chaplain; a member of any fire company or department or emergency medical services agency that has been recognized by an ordinance or a resolution of the governing body of any county, city, or town of the Commonwealth as an integral part of the official safety program of such county, city, or town, including a person with a recognized membership status with such fire company or department who is enrolled in a Fire Service Training course offered by the Virginia Department of Fire Programs or any fire company or department training required in pursuit of qualification to become a certified firefighter; a member of any fire company providing fire protection services for facilities of the Virginia National Guard or the Virginia Air National Guard; a member of the Virginia National Guard or the Virginia Defense Force while such member is serving in the Virginia National Guard or the Virginia Defense Force on official state duty or federal duty under Title 32 of the United States Code; any special agent of the Virginia Alcoholic Beverage Control Authority; any regular or special conservation police officer who receives compensation from a county, city, or town or

from the Commonwealth appointed pursuant to the provisions of § 29.1-200; any commissioned forest warden appointed under the provisions of § 10.1-1135; any member or employee of the Virginia Marine Resources Commission granted the power of arrest pursuant to § 28.2-900; any Department of Emergency Management hazardous materials officer; any other employee of the Department of Emergency Management who is performing official duties of the agency, when those duties are related to a major disaster or emergency, as defined in § 44-146.16, that has been or is later declared to exist under the authority of the Governor in accordance with § 44-146.28; any employee of any county, city, or town performing official emergency management or emergency services duties in cooperation with the Department of Emergency Management, when those duties are related to a major disaster or emergency, as defined in § 44-146.16, that has been or is later declared to exist under the authority of the Governor in accordance with § 44-146.28 or a local emergency, as defined in § 44-146.16, declared by a local governing body; any nonfirefighter regional hazardous materials emergency response team member; any conservation officer of the Department of Conservation and Recreation commissioned pursuant to § 10.1-115; or any full-time sworn member of the enforcement division of the Department of Motor Vehicles appointed pursuant to § 46.2-217.

"Disabled person" means any individual who has been determined to be mentally or physically incapacitated so as to prevent the further performance of his duties at the time of his disability where such incapacity is likely to be permanent, and whose incapacity occurs in the line of duty as the direct or proximate result of the performance of his duty, including the presumptions under §§ 27-40.1, 27-40.2, 51.1-813, 65.2-402, and 65.2-402.1 if his position is covered by the applicable statute, in any position listed in the definition of deceased person in this section. "Disabled person" does not include any individual who has been determined to be no longer disabled pursuant to subdivision A 2 of § 9.1-404. "Disabled person" includes any state employee included in the definition of a deceased person who was disabled on or after January 1, 1966.

"Eligible dependent" for purposes of continued health insurance pursuant to § 9.1-401 means the natural or adopted child or children of a deceased person or disabled person or of a deceased or disabled person's eligible spouse, provided that any such natural child is born as the result of a pregnancy that occurred prior to the time of the employee's death or disability and that any such adopted child is (i) adopted prior to the time of the employee's death or disability or (ii) adopted after the employee's death or disability if the adoption is pursuant to a preadoptive agreement entered into prior to the death or disability. *Notwithstanding the foregoing, "eligible dependent" shall also include the natural or adopted child or children of a deceased person or disabled person born as the result of a pregnancy or adoption that occurred after the time of the employee's death or disability, but prior to July 1, 2017.* Eligibility will continue until the end of the year in which the eligible dependent reaches age 26 or when the eligible dependent ceases to be eligible based on the Virginia Administrative Code or administrative guidance as determined by the Department of Human Resource Management.

"Eligible spouse" for purposes of continued health insurance pursuant to § 9.1-401 means the spouse of a deceased person or a disabled person at the time of the death or disability. Eligibility will continue until the eligible spouse dies, ceases to be married to a disabled person, or in the case of the spouse of a deceased person, dies, remarries on or after July 1, 2017, or otherwise ceases to be eligible based on the Virginia Administrative Code or administrative guidance as determined by the Department of Human Resource Management.

"Employee" means any person who would be covered or whose spouse, dependents, or beneficiaries would be covered under the benefits of this chapter if the person became a disabled person or a deceased person.

"Employer" means (i) the employer of a person who is a covered employee or (ii) in the case of a volunteer who is a member of any fire company or department or rescue squad described in the definition of "deceased person," the county, city, or town that by ordinance or resolution recognized such fire company or department or rescue squad as an integral part of the official safety program of such locality.

"Fund" means the Line of Duty Death and Health Benefits Trust Fund established pursuant to § 9.1-400.1.

"Line of duty" means any action the deceased or disabled person was obligated or authorized to perform by rule, regulation, condition of employment or service, or law.

"LODA Health Benefit Plans" means the separate health benefits plans established pursuant to § 9.1-401.

"Nonparticipating employer" means any employer that is a political subdivision of the Commonwealth that elected to directly fund the cost of benefits provided under this chapter and not participate in the Fund.

"Participating employer" means any employer that is a state agency or is a political subdivision of the Commonwealth that did not make an election to become a nonparticipating employer.

"VRS" means the Virginia Retirement System.

CHAPTER 208

An Act to amend and reenact §§ 38.2-1316.1, 38.2-1316.2, 38.2-1316.4, and 38.2-1316.7 of the Code of Virginia, relating to credits for reinsurance.

[H 154]

Approved March 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 38.2-1316.1, 38.2-1316.2, 38.2-1316.4, and 38.2-1316.7 of the Code of Virginia are amended and reenacted as follows:

§ 38.2-1316.1. Definitions.

As used in this article unless the context requires another meaning:

"Accredited reinsurer" means an assuming insurer accredited pursuant to the provisions of subdivision C 2 of § 38.2-1316.2.

"Certified reinsurer" means an insurer certified by the Commission pursuant to subsection D of § 38.2-1316.2.

"Covered agreement" means an agreement entered into pursuant to the Dodd-Frank Wall Street Reform and Consumer Protection Act, 31 U.S.C. §§ 313 and 314, that is currently in effect or in a period of provisional application and addresses the elimination, under specified conditions, of collateral requirements as a condition for entering into any reinsurance agreement with a ceding insurer domiciled in the Commonwealth or for allowing the ceding insurer to recognize credit for reinsurance.

"Credit" includes any credit for reinsurance (i) allowed as an admitted asset or as a deduction from liability and (ii) used to compute the valuation reserves required by § 38.2-1311, unearned premium reserves required by § 38.2-1312 or 38.2-4610.1, or loss or claim reserves required by § 38.2-1314 or 38.2-4609.

"NAIC" means the National Association of Insurance Commissioners.

"Qualified United States financial institution," as used in subdivision 2 c of § 38.2-1316.4, means an institution that:

1. Is organized or, in the case of a United States office of a foreign banking organization, is licensed, under the laws of the United States or any state thereof;

2. Is regulated, supervised, and examined by the United States federal or state authorities having regulatory authority over banks and trust companies; and

3. Has been determined by either the Commission or the Securities Valuation Office of the ~~National Association of Insurance Commissioners~~ NAIC to meet such standards of financial condition and standing as are considered necessary and appropriate to regulate the quality of financial institutions whose letters of credit will be acceptable to the Commission.

"Qualified United States financial institution" means, for purposes of those provisions of this article specifying those institutions that are eligible to act as a fiduciary of a trust, an institution that:

1. Is organized or, in the case of a United States branch or agency office of a foreign banking organization, is licensed, under the laws of the United States or any state thereof and has been granted authority to operate with fiduciary powers; and

2. Is regulated, supervised and examined by federal or state authorities having regulatory authority over banks and trust companies.

"Reciprocal jurisdiction" means (i) a non-United States jurisdiction that is subject to an in-force covered agreement with the United States, each within its legal authority, or, in the case of a covered agreement between the United States and the European Union, is a member state of the European Union; (ii) a United States jurisdiction that meets the requirements for accreditation under the NAIC financial standards and accreditation program; or (iii) a qualified jurisdiction, as determined by the Commission pursuant to subdivision D 3 of § 38.2-1316.2, that is not otherwise described in clause (i) or (ii) and that meets certain additional requirements, consistent with the terms and conditions of in-force covered agreements, as specified by the Commission in regulation.

§ 38.2-1316.2. Credit allowed a domestic ceding insurer.

A. Credit for reinsurance shall be allowed a domestic ceding insurer as either an asset or a reduction from liability on account of reinsurance ceded only when the reinsurer meets the requirements of subsection C ~~or~~, D, or E of § 38.2-1316.4, provided that the Commission may adopt by regulation pursuant to subsection B of § 38.2-1316.7 specific additional requirements relating to or setting forth any one or more of the following: (i) the valuation of assets or reserve credits, (ii) the amount and forms of security supporting reinsurance arrangements described in subsection B of § 38.2-1316.7, and (iii) the circumstances pursuant to which credit will be reduced or eliminated.

B. Credit shall be allowed under subdivisions C 1, 2, and 3 only as respects cessions of those kinds or classes of business that the assuming insurer is licensed or otherwise permitted to write or assume in its state of domicile or, in the case of a U.S. branch of an alien assuming insurer, in the state through which it is entered and licensed to transact insurance or reinsurance. Credit shall be allowed under subdivision C 3 or 4 only if the applicable requirements of subsection B of 14VAC5-300-150 of the Virginia Administrative Code have been satisfied.

C. Credit shall be allowed a domestic ceding insurer for reinsurance ceded only when the assuming insurer meets one of the following criteria:

1. Credit shall be allowed when the assuming insurer is licensed to transact insurance in ~~this~~ the Commonwealth.

2. Credit shall be allowed when the assuming insurer is accredited as a reinsurer in ~~this~~ the Commonwealth. An accredited reinsurer is one which:

a. Files with the Commission evidence of its submission to the Commission's jurisdiction;

b. Submits to the Commission's authority to examine its books and records;

c. Is licensed to transact insurance or reinsurance in at least one state or, in the case of a United States branch of an alien assuming insurer, is entered through and licensed to transact insurance or reinsurance in at least one state;

d. Files annually with the Commission a copy of its annual statement filed with the insurance department of its state of domicile or entry and a copy of its most recent audited financial statement; and

e. Demonstrates to the satisfaction of the Commission that it has adequate financial capacity to meet its reinsurance obligations and is otherwise qualified to assume reinsurance from domestic insurers. An assuming insurer is deemed to meet this requirement as of the time of its application if it maintains a surplus as regards policyholders in an amount not less than \$20 million and its accreditation has not been denied by the Commission within 90 days of its initial submission.

3. Credit shall be allowed when the assuming insurer is domiciled and licensed in or, in the case of a United States branch of an alien insurer, is entered through, a state which employs standards regarding credit for reinsurance substantially similar to those applicable under this statute and the assuming insurer or United States branch of an alien assuming insurer:

a. Submits to the authority of the Commission to examine its books and records; and

b. Maintains a surplus as regards policyholders in an amount not less than \$20 million. However, unless specifically required by the Commission, this surplus requirement shall be deemed waived when reinsurance is ceded and assumed pursuant to pooling arrangements among insurers in the same holding company system.

4. Credit shall be allowed when the assuming insurer maintains a trust fund in a qualified United States financial institution for the payment of the valid claims of its United States policyholders and ceding insurers, their assigns and successors in interest. The assuming insurer shall report annually to the Commission information substantially the same as that required to be reported on the National Association of Insurance Commissioners (NAIC) NAIC Annual Statement form by licensed insurers to enable the Commission to determine the sufficiency of the trust fund.

a. In the case of a single assuming insurer, the trust shall consist of a trusteed account representing the assuming insurer's liabilities attributable to business written in the United States, and in addition, the assuming insurer shall maintain a trusteed surplus amount not less than \$20 million, except as provided in subdivision 4 b.

b. At any time after the assuming insurer has permanently discontinued underwriting new business secured by the trust for at least three full years, the commissioner with principal regulatory oversight of the trust may authorize a reduction in the required trusteed surplus, but only after a finding, based on an assessment of the risk, that the new required surplus level is adequate for the protection of United States ceding insurers, policyholders, and claimants in light of reasonably foreseeable adverse loss development. The risk assessment may involve an actuarial review, including an independent analysis of reserves and cash flows, and shall consider all material risk factors, including when applicable the lines of business involved, the stability of the incurred loss estimates and the effect of the surplus requirements on the assuming insurer's liquidity or solvency. The minimum required trusteed surplus may not be reduced to an amount less than 30 percent of the assuming insurer's liabilities attributable to reinsurance ceded by United States ceding insurers covered by the trust.

c. In the case of an association, including incorporated and individual unincorporated underwriters, the trust shall consist of a trusteed account representing the association's liabilities attributable to business written in the United States and in addition, the association shall maintain a trusteed surplus of which \$100 million shall be held jointly for the benefit of United States ceding insurers of any member of the association, the incorporated members of which shall not be engaged in any business other than underwriting as a member of the association and shall be subject to the same level of solvency regulation and control by the association's domiciliary regulator as are the unincorporated members; and the association shall make available to the Commission an annual certification of the solvency of each underwriter by the association's domiciliary regulator and its independent public accountants.

d. In the case of an association of incorporated underwriters under common administration that complies with the filing requirements contained in subdivision 4 c, and that has continuously transacted an insurance business outside the United States for at least three years, and submits to the Commission's authority to examine its books and records and bears the expense of the examination, and which has aggregate policyholders' surplus of \$10 billion; the trust shall be in an amount equal to the association's several liabilities attributable to business ceded by United States ceding insurers to any member of the association pursuant to reinsurance contracts issued in the name of such association. In addition, the association shall maintain a joint trusteed surplus of which \$100 million shall be held jointly for the benefit of United States ceding insurers of any member of the association as additional security for any such liabilities, and each member of the association shall make available to the Commission an annual certification of the member's solvency by the member's domiciliary regulator and its independent public accountant.

D. Credit shall be allowed when the reinsurance is ceded to an assuming insurer that has been certified by the Commission as a reinsurer in ~~this~~ the Commonwealth and secures its obligations in accordance with the following:

1. In order to be eligible for certification, the assuming insurer shall:

a. Be domiciled and licensed to transact insurance or reinsurance in a qualified jurisdiction, as determined by the Commission pursuant to subdivision 3;

b. Maintain minimum capital and surplus, or its equivalent, in an amount to be determined by the Commission pursuant to regulation;

c. Maintain financial strength ratings from two or more rating agencies deemed acceptable by the Commission pursuant to regulation;

d. Agree to submit to the jurisdiction of the Commonwealth, appoint the Commission as its agent for service of process in the Commonwealth, and agree to provide security for 100 percent of the assuming insurer's liabilities attributable to reinsurance ceded by United States ceding insurers if it resists enforcement of a final United States judgment;

e. Agree to meet applicable information filing requirements as determined by the Commission, both with respect to an initial application for certification and on an ongoing basis; and

f. Satisfy other requirements for certification deemed relevant by the Commission.

2. In order to be eligible for certification as a certified reinsurer, an association including incorporated and individual unincorporated underwriters, in addition to satisfying requirements of subdivision 1, shall satisfy the following requirements:

a. The association shall satisfy its minimum capital and surplus requirements through the capital and surplus equivalents, net of liabilities, of the association and its members, which shall include a joint central fund that may be applied to any unsatisfied obligation of the association or any of its members, in an amount determined by the Commission to provide adequate protection;

b. The incorporated members of the association shall not be engaged in any business other than underwriting as a member of the association and shall be subject to the same level of regulation and solvency control by the association's domiciliary regulator as are the unincorporated members; and

c. Within 90 days after its financial statements are due to be filed with the association's domiciliary regulator, the association shall provide to the Commission an annual certification by the association's domiciliary regulator of the solvency of each underwriter member; or if a certification is unavailable, financial statements prepared by independent public accountants, of each underwriter member of the association.

3. The Commission shall create and publish a list of qualified jurisdictions, under which an assuming insurer licensed and domiciled in such jurisdiction is eligible to be considered for certification by the Commission as a certified reinsurer. With regard to determinations of qualified jurisdictions:

a. In order to determine whether the domiciliary jurisdiction of a non-United States assuming insurer is eligible to be recognized as a qualified jurisdiction, the Commission shall evaluate the appropriateness and effectiveness of the reinsurance supervisory system of the jurisdiction, both initially and on an ongoing basis, and consider the rights, benefits, and the extent of reciprocal recognition afforded by the non-United States jurisdiction to reinsurers licensed and domiciled in the United States. A qualified jurisdiction must agree to share information and cooperate with the Commission with respect to all certified reinsurers domiciled within that jurisdiction. A jurisdiction may not be recognized as a qualified jurisdiction if the Commission has determined that the jurisdiction does not adequately and promptly enforce final United States judgments and arbitration awards. Additional factors may be considered in the discretion of the Commission;

b. A list of qualified jurisdictions shall be published through the NAIC Committee Process. The Commission shall consider this list in determining qualified jurisdictions. If the Commission approves a jurisdiction as qualified that does not appear on the list of qualified jurisdictions, the Commission shall provide thoroughly documented justification in accordance with criteria to be developed under regulations;

c. United States jurisdictions that meet the requirement for accreditation under the NAIC financial standards and accreditation program shall be recognized as qualified jurisdictions; and

d. If a certified reinsurer's domiciliary jurisdiction ceases to be a qualified jurisdiction, the Commission has the discretion to suspend the reinsurer's certification indefinitely, in lieu of revocation.

4. The Commission shall assign a rating to each certified reinsurer, giving due consideration to the financial strength ratings that have been assigned by rating agencies deemed acceptable to the Commission pursuant to regulation. The Commission shall publish a list of all certified reinsurers and their ratings.

5. A certified reinsurer shall secure obligations assumed from United States ceding insurers under this subsection at a level consistent with its rating, as specified in regulations promulgated by the Commission. With regard to securing obligations:

a. In order for a domestic ceding insurer to qualify for full financial statement credit for reinsurance ceded to a certified reinsurer, the certified reinsurer shall maintain security in a form acceptable to the Commission and consistent with the provisions of § 38.2-1316.4, or in a multibeneficiary trust in accordance with subdivision C 4, except as otherwise provided in this subsection;

b. If a certified reinsurer maintains a trust to fully secure its obligations subject to subdivision C 4, and chooses to secure its obligations incurred as a certified reinsurer in the form of a multibeneficiary trust, the certified reinsurer shall maintain separate trust accounts for its obligations incurred under reinsurance agreements issued or renewed as a certified reinsurer with reduced security as permitted by this subsection or comparable laws of other United States jurisdictions and for its obligations subject to subdivision C 4. It shall be a condition to the grant of certification under this section that the certified reinsurer shall have bound itself, by the language of the trust and agreement with the Commissioner with principal regulatory oversight of each such trust account, to fund, upon termination of any such trust account, out of the remaining surplus of such trust any deficiency of any other such trust account;

c. The minimum trustee surplus requirements provided in subdivision C 4 are not applicable with respect to a multibeneficiary trust maintained by a certified reinsurer for the purpose of securing obligations incurred under this subsection, except that such trust shall maintain a minimum trustee surplus of \$10 million;

d. With respect to obligations incurred by a certified reinsurer under this subsection, if the security is insufficient, the Commission shall reduce the allowable credit by an amount proportionate to the deficiency and has the discretion to impose further reductions in allowable credit upon finding that there is a material risk that the certified reinsurer's obligations will not be paid in full when due; and

e. For purposes of this subsection, a certified reinsurer whose certification has been terminated for any reason shall be treated as a certified reinsurer required to secure 100 percent of its obligations. As used in this subsection, the term "terminated" means revocation, suspension, voluntary surrender, and inactive status. If the Commission continues to assign a higher rating as permitted by other provisions of this section, this requirement does not apply to a certified reinsurer in inactive status or to a reinsurer whose certification has been suspended.

6. If an applicant for certification has been certified as a reinsurer in an NAIC accredited jurisdiction, the Commission has the discretion to defer to that jurisdiction's certification and has the discretion to defer to the rating assigned by that jurisdiction, and such assuming insurer shall be considered to be a certified reinsurer in ~~this~~ the Commonwealth.

7. A certified reinsurer that ceases to assume new business in the Commonwealth may request to maintain its certification in inactive status in order to continue to qualify for a reduction in security for its in-force business. An inactive certified reinsurer shall continue to comply with all applicable requirements of this subsection, and the Commission shall assign a rating that takes into account, if relevant, the reasons why the reinsurer is not assuming new business.

E. *Credit shall be allowed when the reinsurance is ceded to an assuming insurer in accordance with the following:*

1. *The assuming insurer shall:*

a. *Be domiciled in, or its head office shall be located in, as applicable, a reciprocal jurisdiction identified by the Commission pursuant to this subsection and shall be licensed in such reciprocal jurisdiction;*

b. *Maintain minimum capital and surplus, or its equivalent, calculated according to the methodology of its domiciliary jurisdiction, in an amount to be determined by the Commission in regulation. If the assuming insurer is an association, including incorporated and individual unincorporated underwriters, it shall maintain minimum capital and surplus equivalents, net of liabilities, calculated according to the methodology applicable in its domiciliary jurisdiction, and a central fund containing a balance in amounts to be determined by the Commission in regulation;*

c. *Maintain a minimum solvency or capital ratio, as applicable, which will be determined by the Commission in regulation. If the assuming insurer is an association, including incorporated and individual unincorporated underwriters, it shall maintain a minimum solvency or capital ratio in the reciprocal jurisdiction where the assuming insurer is domiciled or its head office is located, as applicable, and is licensed;*

d. *Agree and provide adequate assurance to the Commission, in a form specified by the Commission pursuant to regulation, as follows:*

(1) *Provide prompt written notice and explanation to the Commission if it falls below the minimum requirements set forth in subdivision b or c, or if any regulatory action is taken against it for serious noncompliance with applicable law;*

(2) *Consent in writing to the jurisdiction of the courts of the Commonwealth and to the appointment of the Commission as an agent for service of process. The Commission may require that consent for service of process be provided to the Commission and included in each reinsurance agreement. Nothing in this subdivision shall limit, or in any way alter, the capacity of parties to a reinsurance agreement to agree to alternative dispute resolution mechanisms, except to the extent such agreements are unenforceable under applicable insolvency or delinquency laws;*

(3) *Consent in writing to pay all final judgments, wherever enforcement is sought, obtained by a ceding insurer or its legal successor, that have been declared enforceable in the jurisdiction where the judgment was obtained;*

(4) *Include, in each reinsurance agreement, a provision requiring the assuming insurer to provide security in an amount equal to 100 percent of the assuming insurer's liabilities attributable to reinsurance ceded pursuant to that agreement if the assuming insurer resists enforcement of a final judgment that is enforceable under the law of the jurisdiction in which it was obtained or a properly enforceable arbitration award, whether obtained by the ceding insurer or by its legal successor on behalf of its resolution estate; and*

(5) *Confirm that it is not presently participating in any solvent scheme of arrangement that involves the Commonwealth's ceding insurers, and agree to notify the ceding insurer and the Commission and to provide security in an amount equal to 100 percent of the assuming insurer's liabilities to the ceding insurer, should the assuming insurer enter into such a solvent scheme of arrangement. Such security shall be in a form consistent with the provisions of subsection D of this section and subdivision 2 of § 38.2-1316.4 and as determined by the Commission in regulation;*

e. *Provide, or its legal successor shall provide, if requested by the Commission, on behalf of itself and any legal predecessors, certain documentation to the Commission, as specified by the Commission in regulation; and*

f. *Maintain a practice of prompt payment of claims under reinsurance agreements, pursuant to criteria set forth by regulation.*

Nothing in this subdivision 1 precludes an assuming insurer from providing the Commission with information on a voluntary basis.

2. *The assuming insurer's supervisory authority shall confirm to the Commission on an annual basis as of the preceding December 31, or at the annual date otherwise statutorily reported to the reciprocal jurisdiction, that the assuming insurer complies with the requirements set forth in subdivisions 1 b and c.*

3. *The Commission shall create and publish a list of reciprocal jurisdictions. With regard to determinations of reciprocal jurisdictions, the Commission:*

a. *Shall include (i) any non-United States jurisdiction that is subject to an in-force covered agreement with the United States, each within its legal authority, or, in the case of a covered agreement between the United States and the European Union, is a member state of the European Union; (ii) any United States jurisdiction that meets the requirements for accreditation under the NAIC financial standards and accreditation program; or (iii) any qualified jurisdiction, as determined by the Commission pursuant to subdivision D 3 of § 38.2-1316.2, that is not otherwise described in clause (i) or (ii) and that meets certain additional requirements, consistent with the terms and conditions of in-force covered agreements, as specified by the Commission in regulation;*

b. Shall consider including any other reciprocal jurisdiction included on the NAIC list published through the NAIC Committee Process. The Commission may approve a jurisdiction that does not appear on the NAIC list of reciprocal jurisdictions in accordance with criteria to be developed under regulations issued by the Commission; and

c. May remove a jurisdiction from the list of reciprocal jurisdictions upon a determination that the jurisdiction no longer meets the requirements of a reciprocal jurisdiction, in accordance with a process set forth in regulations issued by the Commission, except that the Commission shall not remove from the list a reciprocal jurisdiction described in clause (i) or (ii) of subdivision a. Upon removal of a reciprocal jurisdiction from this list, credit for reinsurance ceded to an assuming insurer that is domiciled or has its home office in that jurisdiction shall be allowed, if otherwise allowed pursuant to this section.

4. The Commission shall create and publish a list of assuming insurers that have satisfied the conditions set forth in this subsection and to which cessions shall be granted credit in accordance with this subsection. The Commission may add an assuming insurer to such list if an NAIC-accredited jurisdiction has added such assuming insurer to a list of such assuming insurers or if, upon initial eligibility, the assuming insurer submits the information to the Commission as required under subdivision 1 d and complies with any additional requirements that the Commission may impose by regulation, except to the extent that they conflict with an applicable covered agreement.

5. If the Commission determines that an assuming insurer no longer meets one or more of the requirements under this subsection, the Commission may revoke or suspend the eligibility of the assuming insurer for recognition under this subsection in accordance with procedures set forth in regulation.

a. While an assuming insurer's eligibility is suspended, no reinsurance agreement issued, amended, or renewed after the effective date of the suspension qualifies for credit except to the extent that the assuming insurer's obligations under the contract are secured in accordance with subdivision 2 of § 38.2-1316.4.

b. If an assuming insurer's eligibility is revoked, no credit for reinsurance may be granted after the effective date of the revocation with respect to any reinsurance agreements entered into by the assuming insurer, including reinsurance agreements entered into prior to the date of revocation, except to the extent that the assuming insurer's obligations under the contract are secured in a form acceptable to the Commission and consistent with the provisions of subdivision 2 of § 38.2-1316.4.

6. If subject to a legal process of rehabilitation, liquidation, or conservation, as applicable, the ceding insurer, or its representative, may seek and, if determined appropriate by the court in which the proceedings are pending, may obtain an order requiring that the assuming insurer post security for all outstanding ceded liabilities.

7. Nothing in this subsection shall limit or in any way alter the capacity of parties to a reinsurance agreement to agree on requirements for security or other terms in that reinsurance agreement, except as expressly prohibited by this article or other applicable law or regulation.

8. Credit may be taken under this subsection only for reinsurance agreements entered into, amended, or renewed on or after July 1, 2020, and only with respect to losses incurred and reserves reported on or after the later of (i) the date on which the assuming insurer has met all eligibility requirements pursuant to subdivision 1 and (ii) the effective date of the new reinsurance agreement, amendment, or renewal. This subdivision does not alter or impair a ceding insurer's right to take credit for reinsurance, to the extent that credit is not available under this subsection, as long as the reinsurance qualifies for credit under any other applicable provision of this article.

9. Nothing in this subsection shall authorize an assuming insurer to withdraw or reduce the security provided under any reinsurance agreement except as permitted by the terms of the agreement.

10. Nothing in this subsection shall limit, or in any way alter, the capacity of parties to any reinsurance agreement to renegotiate the agreement.

F. If an accredited or certified reinsurer ceases to meet the requirements for accreditation or certification, the Commission may suspend or revoke the reinsurer's accreditation or certification in accordance with the following:

1. The Commission shall give the reinsurer notice and opportunity for hearing. The suspension or revocation may not take effect until after the Commission's order on hearing, unless:

a. The reinsurer waives its right to hearing;

b. The Commission's order is based on regulatory action by the reinsurer's domiciliary jurisdiction or the voluntary surrender or termination of the reinsurer's eligibility to transact insurance or reinsurance business in its domiciliary jurisdiction or in the primary certifying state of the reinsurer under subdivision D 6; or

c. The Commission finds that an emergency requires immediate action and a court of competent jurisdiction has not stayed the Commission's action.

2. While a reinsurer's accreditation or certification is suspended, no reinsurance contract issued or renewed after the effective date of the suspension qualifies for credit except to the extent that the reinsurer's obligations under the contract are secured in accordance with § 38.2-1316.4. If a reinsurer's accreditation or certification is revoked, no credit for reinsurance may be granted after the effective date of the revocation except to the extent that the reinsurer's obligations under the contract are secured in accordance with subdivision D 5 or § 38.2-1316.4.

F. G. A ceding insurer shall take steps to manage its concentration risk and diversify its reinsurance program in the following manner:

1. A ceding insurer shall take steps to manage its reinsurance recoverables proportionate to its own book of business. A domestic ceding insurer shall notify the Commission within 30 days after reinsurance recoverables from any single

assuming insurer, or group of affiliated assuming insurers, exceeds 50 percent of the domestic ceding insurer's last reported surplus to policyholders, or after it is determined that reinsurance recoverables from any single assuming insurer, or group of affiliated assuming insurers, is likely to exceed this limit. The notification shall demonstrate that the exposure is safely managed by the domestic ceding insurer.

2. A ceding insurer shall take steps to diversify its reinsurance program. A domestic ceding insurer shall notify the Commission within 30 days after ceding to any single assuming insurer, or group of affiliated assuming insurers, more than 20 percent of the ceding insurer's gross written premium in the prior calendar year, or after it has determined that the reinsurance ceded to any single assuming insurer, or group of affiliated assuming insurers, is likely to exceed this limit. The notification shall demonstrate that the exposure is safely managed by the domestic ceding insurer.

~~G. H.~~ The trusts described in subdivision C 4 shall be established in a form acceptable to the Commission.

1. The trust instrument shall provide that contested claims shall be valid and enforceable upon the final order of any court of competent jurisdiction in the United States.

2. The trust shall vest legal title to its assets in the trustees of the trust for its United States policyholders and ceding insurers, their assigns and successors in interest.

3. The trust and the assuming insurer shall be subject to examination as determined by the Commission.

4. The trust described herein must remain in effect for as long as the assuming insurer shall have outstanding obligations due under the reinsurance agreements subject to the trust.

5. No later than February 28 of each year the trustees of the trust shall report to the Commission in writing setting forth the balance of the trust and listing the trust's investments at the preceding year end and shall certify the date of termination of the trust, if so planned, or certify that the trust shall not expire prior to the next following December 31.

§ 38.2-1316.4. Credit allowed any ceding insurer.

Credit shall be allowed any ceding insurer under the following conditions:

1. Credit shall be allowed when reinsurance is ceded to an assuming insurer not meeting the requirements of § 38.2-1316.2 but only with respect to the insurance of risks located in jurisdictions where such reinsurance is required by applicable law or regulation of that jurisdiction.

2. Credit, in the form of a reduction from liability for reinsurance ceded to an assuming insurer not meeting the requirements of § 38.2-1316.2, shall be allowed in an amount not exceeding the liabilities carried by the ceding insurer and attributable to the reinsurance, provided that the Commission may adopt by regulation pursuant to subsection B of § 38.2-1316.7 specific additional requirements relating to or setting forth any one or more of the following: (i) the valuation of assets or reserve credits, (ii) the amount and forms of security supporting reinsurance arrangements described in subsection B of § 38.2-1316.7, and (iii) the circumstances pursuant to which credit will be reduced or eliminated. Additionally, such reduction shall not exceed the amount of funds held by or on behalf of the ceding insurer, including funds held in trust for the ceding insurer, under a reinsurance contract with such assuming insurer as security for the payment of obligations thereunder, if such security is (a) held in the United States subject to withdrawal solely by, and under the exclusive control of, the ceding insurer or (b) in the case of a trust, held in a qualified United States financial institution. The required security may be in the form of:

a. Cash.

b. Securities listed by the Securities Valuation Office of the ~~National Association of Insurance Commissioners~~ NAIC, including those deemed exempt from filing as defined by the Purposes and Procedures Manual of the ~~Securities Valuation Investment Analysis~~ Office, and qualifying as admitted assets with adequate liquidity and readily determinable market value.

c. Clean, irrevocable, unconditional letters of credit issued or confirmed by a qualified United States financial institution, as defined in this article, no later than December 31 in respect of the year for which filing is being made, and in the possession of the ceding insurer on or before the filing date of its annual statement. Letters of credit meeting applicable standards of insurer acceptability as of the dates of their issuance (or confirmation) shall, notwithstanding the issuing (or confirming) institution's subsequent failure to meet applicable standards of insurer acceptability, continue to be acceptable as security until their expiration, extension, renewal, modification or amendment, whichever first occurs.

d. Any other form of security acceptable to the Commission.

§ 38.2-1316.7. Rules and regulations.

A. The Commission may adopt rules and regulations implementing the provisions of this article.

B. The Commission is further authorized to adopt rules and regulations applicable to reinsurance arrangements described in subdivision 1. A regulation adopted pursuant to:

1. This subsection shall apply only to reinsurance relating to:

a. Life insurance policies with guaranteed nonlevel gross premiums or guaranteed nonlevel benefits;

b. Universal life insurance policies with provisions resulting in the ability of a policyholder to keep a policy in force over a secondary guarantee period;

c. Variable annuities with guaranteed death or living benefits;

d. Long-term care insurance policies; or

e. Such other life and health insurance and annuity products as to which the ~~National Association of Insurance Commissioners~~ (NAIC) NAIC adopts model regulatory requirements with respect to credit for reinsurance.

2. Subdivision 1 a or 1 b shall apply to any treaty containing (i) policies issued on or after January 1, 2015, and (ii) policies issued prior to January 1, 2015, if risk pertaining to such pre-2015 policies is ceded in connection with the treaty, in whole or in part, on or after January 1, 2015.

3. This subsection may require the ceding insurer, in calculating the amounts or forms of security required to be held under regulations promulgated under this authority, to use the Valuation Manual adopted by the NAIC under subdivision B 1 of § 38.2-1379, including all amendments adopted by the NAIC and in effect on the date as of which the calculation is made, to the extent applicable.

4. This subsection shall not apply to cessions to an assuming insurer that:

a. Is certified in the Commonwealth; ~~or~~

b. *Meets the conditions set forth in subsection E of § 38.2-1316.2; or*

c. Maintains at least \$250 million in capital and surplus when determined in accordance with the NAIC Accounting Practices and Procedures Manual, including all amendments thereto adopted by the NAIC, excluding the impact of any permitted or prescribed practices, and is (i) licensed in at least 26 states or (ii) licensed in at least 10 states and licensed or accredited in a total of at least 35 states.

C. The authority to adopt regulations pursuant to subsection B does not limit the Commission's general authority to adopt regulations pursuant to subsection A.

CHAPTER 209

An Act to amend and reenact §§ 32.1-267, 32.1-268, and 32.1-268.1 of the Code of Virginia, relating to marriage records; divorce and annulment reports; identification of race.

[H 180]

Approved March 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 32.1-267, 32.1-268, and 32.1-268.1 of the Code of Virginia are amended and reenacted as follows:

§ 32.1-267. Records of marriages; duties of officer issuing marriage license and person officiating at ceremony; blocking of social security number.

A. For each marriage performed in the Commonwealth, a record showing personal data, including ~~but not limited to~~ *the age and race* of the married parties, the marriage license, and the certifying statement of the facts of marriage, shall be filed with the State Registrar as provided in this section.

B. The officer issuing a marriage license shall prepare the record based on the information obtained under oath or by affidavit from the parties to be married. The parties shall also include their social security numbers or other control numbers issued by the Department of Motor Vehicles pursuant to § 46.2-342 and affix their signatures to the application for such license.

C. Every person who officiates at a marriage ceremony shall certify to the facts of marriage and file the record in duplicate with the officer who issued the marriage license within five days after the ceremony. In the event such officiant dies or becomes incapacitated before completing the certificate of marriage, the official who issued the marriage license shall complete the certificate of marriage upon the order of the court to which is submitted proof that the marriage was performed.

D. Every officer issuing marriage licenses shall on or before the tenth day of each calendar month forward to the State Registrar a record of each marriage filed with him during the preceding calendar month.

E. The State Registrar shall furnish forms for the marriage license, marriage certificate, and application for marriage license used in the Commonwealth. Such forms shall be configured so as to cause the social security number or control number required pursuant to the provisions of subsection B to appear only on the application for marriage license retained by the officer issuing the marriage license and the copy of such license forwarded to the State Registrar pursuant to the provisions of subsection D.

F. Applications for marriage licenses filed on and after July 1, 1997, and marriage registers recording such applications, which have not been configured to prevent disclosure of the social security number or control number required pursuant to the provisions of subsection B ~~of this section~~ shall not be available for general public inspection in the offices of clerks of the circuit courts. The clerk shall make such applications and registers available for inspection only (i) upon the order of the circuit court within which such application was made or register is maintained, (ii) pursuant to a lawful subpoena duces tecum issued to the clerk, (iii) upon the written authorization of either of the applicants, or (iv) upon the request of a law-enforcement officer or duly authorized representative of the Division of Child Support Enforcement in the course of performing his official duties. Nothing in this subsection shall be construed to restrict public access to marriage licenses or to prohibit the clerk from making available to the public applications for marriage licenses and marriage registers stored in any electronic medium or other format that permits the blocking of the field containing the social security or control number required pursuant to the provisions of subsection B ~~of this section~~, so long as access to such number is blocked.

§ 32.1-268. Reports of divorces and annulments.

A. For each final decree of divorce or annulment of marriage granted by a court in the Commonwealth, a report shall be certified and filed by the clerk of court with the State Registrar. The information necessary to prepare the report, including the social security number of each party or the control number issued a party by the Department of Motor Vehicles pursuant to § 46.2-342, shall be furnished, with the petition or when filing the decree, to the clerk of *the* court by the petitioner or his attorney on forms prescribed by the Board and furnished by the State Registrar. Information on the report shall include, ~~but not be limited to~~ the age ~~and race~~ of the parties; and the number of minor children involved in the divorce or annulment.

B. On or before the tenth day of each month the clerk of court shall forward to the State Registrar the report of each final decree of divorce and annulment granted during the preceding calendar month and such related reports as the State Registrar may require.

§ 32.1-268.1. Compilation and posting of marriage, divorce, and annulment data.

The State Registrar shall compile, publish, and make available to the public aggregate data on the number of marriages, divorces, and annulments from the year 2000 forward that occurred in the Commonwealth. The data shall be organized according to the locality in which the marriage license is issued or in which the divorce or annulment report is certified; and shall include ~~but not be limited to information regarding~~ the age ~~and race~~ of the parties. In addition, the data on divorces and annulments shall include information regarding the number of minor children involved. The State Registrar shall post, update, and maintain this information on the Department website. Names, addresses, social security numbers, and any other personal identification information shall not be included.

CHAPTER 210

An Act to amend and reenact §§ 32.1-267, 32.1-268, and 32.1-268.1 of the Code of Virginia, relating to marriage records; divorce and annulment reports; identification of race.

[S 62]

Approved March 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 32.1-267, 32.1-268, and 32.1-268.1 of the Code of Virginia are amended and reenacted as follows:

§ 32.1-267. Records of marriages; duties of officer issuing marriage license and person officiating at ceremony; blocking of social security number.

A. For each marriage performed in the Commonwealth, a record showing personal data, including ~~but not limited to~~ the age ~~and race~~ of the married parties, the marriage license, and the certifying statement of the facts of marriage, shall be filed with the State Registrar as provided in this section.

B. The officer issuing a marriage license shall prepare the record based on the information obtained under oath or by affidavit from the parties to be married. The parties shall also include their social security numbers or other control numbers issued by the Department of Motor Vehicles pursuant to § 46.2-342 and affix their signatures to the application for such license.

C. Every person who officiates at a marriage ceremony shall certify to the facts of marriage and file the record in duplicate with the officer who issued the marriage license within five days after the ceremony. In the event such officiant dies or becomes incapacitated before completing the certificate of marriage, the official who issued the marriage license shall complete the certificate of marriage upon the order of the court to which is submitted proof that the marriage was performed.

D. Every officer issuing marriage licenses shall on or before the tenth day of each calendar month forward to the State Registrar a record of each marriage filed with him during the preceding calendar month.

E. The State Registrar shall furnish forms for the marriage license, marriage certificate, and application for marriage license used in the Commonwealth. Such forms shall be configured so as to cause the social security number or control number required pursuant to the provisions of subsection B to appear only on the application for marriage license retained by the officer issuing the marriage license and the copy of such license forwarded to the State Registrar pursuant to the provisions of subsection D.

F. Applications for marriage licenses filed on and after July 1, 1997, and marriage registers recording such applications, which have not been configured to prevent disclosure of the social security number or control number required pursuant to the provisions of subsection B ~~of this section~~ shall not be available for general public inspection in the offices of clerks of the circuit courts. The clerk shall make such applications and registers available for inspection only (i) upon the order of the circuit court within which such application was made or register is maintained, (ii) pursuant to a lawful subpoena duces tecum issued to the clerk, (iii) upon the written authorization of either of the applicants, or (iv) upon the request of a law-enforcement officer or duly authorized representative of the Division of Child Support Enforcement in the course of performing his official duties. Nothing in this subsection shall be construed to restrict public access to marriage licenses or to prohibit the clerk from making available to the public applications for marriage licenses and marriage registers stored in any electronic medium or other format that permits the blocking of the field containing the social security or control number required pursuant to the provisions of subsection B ~~of this section~~, so long as access to such number is blocked.

§ 32.1-268. Reports of divorces and annulments.

A. For each final decree of divorce or annulment of marriage granted by a court in the Commonwealth, a report shall be certified and filed by the clerk of court with the State Registrar. The information necessary to prepare the report, including the social security number of each party or the control number issued a party by the Department of Motor Vehicles pursuant to § 46.2-342, shall be furnished, with the petition or when filing the decree, to the clerk of *the* court by the petitioner or his attorney on forms prescribed by the Board and furnished by the State Registrar. Information on the report shall include; ~~but not be limited to the age and race of the parties;~~ and the number of minor children involved in the divorce or annulment.

B. On or before the tenth day of each month the clerk of court shall forward to the State Registrar the report of each final decree of divorce and annulment granted during the preceding calendar month and such related reports as the State Registrar may require.

§ 32.1-268.1. Compilation and posting of marriage, divorce, and annulment data.

The State Registrar shall compile, publish, and make available to the public aggregate data on the number of marriages, divorces, and annulments from the year 2000 forward that occurred in the Commonwealth. The data shall be organized according to the locality in which the marriage license is issued or in which the divorce or annulment report is certified; and shall include ~~but not be limited to information regarding the age and race of the parties.~~ In addition, the data on divorces and annulments shall include information regarding the number of minor children involved. The State Registrar shall post, update, and maintain this information on the Department website. Names, addresses, social security numbers, and any other personal identification information shall not be included.

CHAPTER 211

An Act to amend and reenact §§ 32.1-267, 32.1-268, and 32.1-268.1 of the Code of Virginia, relating to marriage records; divorce and annulment reports; identification of race.

[S 1066]

Approved March 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 32.1-267, 32.1-268, and 32.1-268.1 of the Code of Virginia are amended and reenacted as follows:

§ 32.1-267. Records of marriages; duties of officer issuing marriage license and person officiating at ceremony; blocking of social security number.

A. For each marriage performed in the Commonwealth, a record showing personal data, including ~~but not limited to the age and race of the married parties,~~ the marriage license, and the certifying statement of the facts of marriage, shall be filed with the State Registrar as provided in this section.

B. The officer issuing a marriage license shall prepare the record based on the information obtained under oath or by affidavit from the parties to be married. The parties shall also include their social security numbers or other control numbers issued by the Department of Motor Vehicles pursuant to § 46.2-342 and affix their signatures to the application for such license.

C. Every person who officiates at a marriage ceremony shall certify to the facts of marriage and file the record in duplicate with the officer who issued the marriage license within five days after the ceremony. In the event such officiant dies or becomes incapacitated before completing the certificate of marriage, the official who issued the marriage license shall complete the certificate of marriage upon the order of the court to which is submitted proof that the marriage was performed.

D. Every officer issuing marriage licenses shall on or before the tenth day of each calendar month forward to the State Registrar a record of each marriage filed with him during the preceding calendar month.

E. The State Registrar shall furnish forms for the marriage license, marriage certificate, and application for marriage license used in the Commonwealth. Such forms shall be configured so as to cause the social security number or control number required pursuant to the provisions of subsection B to appear only on the application for marriage license retained by the officer issuing the marriage license and the copy of such license forwarded to the State Registrar pursuant to the provisions of subsection D.

F. Applications for marriage licenses filed on and after July 1, 1997, and marriage registers recording such applications, which have not been configured to prevent disclosure of the social security number or control number required pursuant to the provisions of subsection B ~~of this section~~ shall not be available for general public inspection in the offices of clerks of the circuit courts. The clerk shall make such applications and registers available for inspection only (i) upon the order of the circuit court within which such application was made or register is maintained, (ii) pursuant to a lawful subpoena duces tecum issued to the clerk, (iii) upon the written authorization of either of the applicants, or (iv) upon the request of a law-enforcement officer or duly authorized representative of the Division of Child Support Enforcement in the course of performing his official duties. Nothing in this subsection shall be construed to restrict public access to marriage licenses or to prohibit the clerk from making available to the public applications for marriage licenses and marriage registers stored in any electronic medium or other format that permits the blocking of the field containing the social security or

control number required pursuant to the provisions of subsection B of this section, so long as access to such number is blocked.

§ 32.1-268. Reports of divorces and annulments.

A. For each final decree of divorce or annulment of marriage granted by a court in the Commonwealth, a report shall be certified and filed by the clerk of court with the State Registrar. The information necessary to prepare the report, including the social security number of each party or the control number issued a party by the Department of Motor Vehicles pursuant to § 46.2-342, shall be furnished, with the petition or when filing the decree, to the clerk of the court by the petitioner or his attorney on forms prescribed by the Board and furnished by the State Registrar. Information on the report shall include, ~~but not be limited to~~ the age ~~and race~~ of the parties; and the number of minor children involved in the divorce or annulment.

B. On or before the tenth day of each month the clerk of court shall forward to the State Registrar the report of each final decree of divorce and annulment granted during the preceding calendar month and such related reports as the State Registrar may require.

§ 32.1-268.1. Compilation and posting of marriage, divorce, and annulment data.

The State Registrar shall compile, publish, and make available to the public aggregate data on the number of marriages, divorces, and annulments from the year 2000 forward that occurred in the Commonwealth. The data shall be organized according to the locality in which the marriage license is issued or in which the divorce or annulment report is certified; and shall include ~~but not be limited to~~ information regarding the age ~~and race~~ of the parties. In addition, the data on divorces and annulments shall include information regarding the number of minor children involved. The State Registrar shall post, update, and maintain this information on the Department website. Names, addresses, social security numbers, and any other personal identification information shall not be included.

CHAPTER 212

An Act to repeal the third enactment of Chapter 183 of the Acts of Assembly of 2017, relating to comprehensive harm reduction programs; public health emergency; repeal sunset.

[H 378]

Approved March 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That the third enactment of Chapter 183 of the Acts of Assembly of 2017 is repealed.

CHAPTER 213

An Act to amend and reenact § 63.2-1900 of the Code of Virginia, relating to child support; reasonable cost of health care coverage.

[H 637]

Approved March 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 63.2-1900 of the Code of Virginia is amended and reenacted as follows:

§ 63.2-1900. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Administrative order" or "administrative support order" means a noncourt-ordered legally enforceable support obligation having the force and effect of a support order established by the court.

"Assignment of rights" means the legal procedure whereby an individual assigns support rights to the Commonwealth on behalf of a dependent child or spouse and dependent child.

"Authorization to seek or enforce a support obligation" means a signed authorization to the Commonwealth to seek or enforce support on behalf of a dependent child or a spouse and dependent child or on behalf of a person deemed to have submitted an application by operation of law.

"Cash medical support" means the proportional amount the court or the Department shall order both parents to pay toward reasonable and necessary unreimbursed medical or dental expenses pursuant to subsection D of § 20-108.2.

"Court order" means any judgment or order of any court having jurisdiction to order payment of support or an order of a court of comparable jurisdiction of another state ordering payment of a set or determinable amount of support moneys.

"Custodial parent" means the natural or adoptive parent with whom the child resides; a stepparent or other person who has physical custody of the child and with whom the child resides; or a local board that has legal custody of a child in foster care.

"Debt" means the total unpaid support obligation established by court order, administrative process or by the payment of public assistance and owed by a noncustodial parent to either the Commonwealth or to his dependent(s).

"Department-sponsored health care coverage" means any health care coverage that the Department may make available through a private contractor for children receiving child support services from the Department.

"Dependent child" means any person who meets the eligibility criteria set forth in § 63.2-602, whose support rights have been assigned or whose authorization to seek or enforce a support obligation has been given to the Commonwealth and whose support is required by Titles 16.1 and 20.

"Electronic means" means service of a required notice by the Department through its secure online child support portal to any person who has agreed to accept service through the portal and has created a user account. The portal shall record and maintain the date and time service is accepted by the user.

"Employee" means any individual receiving income.

"Employer" means the source of any income.

"Financial institution" means a depository institution, an institution-affiliated party, any federal credit union or state credit union including an institution-affiliated party of such a credit union, and any benefit association, insurance company, safe deposit company, money market mutual fund, or similar entity authorized to do business in this Commonwealth.

"Financial records" includes, but is not limited to, records held by employers showing income, profit sharing contributions and benefits paid or payable and records held by financial institutions, broker-dealers and other institutions and entities showing bank accounts, IRA and separate contributions, gross winnings, dividends, interest, distributive share, stocks, bonds, agricultural subsidies, royalties, prizes and awards held for or due and payable to a responsible person.

"Foreign support order" means any order issued outside of the Commonwealth by a court or tribunal as defined in § 20-88.32.

"Health care coverage" means any plan providing hospital, medical or surgical care coverage for dependent children provided such coverage is available and can be obtained by a parent, parents, or a parent's spouse at a reasonable cost.

"Income" means any periodic form of payment due an individual from any source and shall include, but not be limited to, income from salaries, wages, commissions, royalties, bonuses, dividends, severance pay, payments pursuant to a pension or retirement program, interest, trust income, annuities, capital gains, social security benefits, workers' compensation benefits, unemployment insurance benefits, disability insurance benefits, veterans' benefits, spousal support, net rental income, gifts, prizes or awards.

"Mistake of fact" means an error in the identity of the payor or the amount of current support or arrearage.

"Net income" means that income remaining after the following deductions have been taken from gross income: federal income tax, state income tax, federal income compensation act benefits, any union dues where collection thereof is required under federal law, and any other amounts required by law.

"Noncustodial parent" means a responsible person who is or may be obligated under Virginia law for support of a dependent child or child's caretaker.

"Obligee" means (i) an individual to whom a duty of support is or is alleged to be owed or in whose favor a support order has been issued or a judgment determining parentage has been rendered, (ii) a state or political subdivision to which the rights under a duty of support or support order have been assigned or that has independent claims based on financial assistance provided to an individual obligee, or (iii) an individual seeking a judgment determining parentage of the individual's child.

"Obligor" means an individual, or the estate of a decedent, who (i) owes or is alleged to owe a duty of support, (ii) is alleged but has not been adjudicated to be a parent of a child, or (iii) is liable under a support order.

"Payee" means any person to whom spousal or child support is to be paid.

"Reasonable cost" pertaining to health care coverage for dependent children means available, in an amount not to exceed five percent of the ~~parents' combined~~ gross income of the parent responsible for providing health care coverage, and accessible through employers, unions or other groups, or Department-sponsored health care coverage, without regard to service delivery mechanism; unless the court deems otherwise in the best interests of the child, including where the only health care coverage available exceeds five percent, or by agreement of the parties.

CHAPTER 214

An Act to amend and reenact § 38.2-4319 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 38.2-3418.18, relating to health insurance; medicines; formula and enteral nutrition products.

[H 840]

Approved March 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 38.2-4319 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 38.2-3418.18 as follows:

§ 38.2-3418.18. Coverage for formula and enteral nutrition products as medicine.

A. Notwithstanding the provisions of § 38.2-3419, each insurer proposing to issue individual or group accident and sickness insurance policies providing hospital, medical and surgical, or major medical coverage on an expense-incurred basis; each corporation providing individual or group accident and sickness subscription contracts; and each health maintenance organization providing a health care plan for health care services, whose policy, contract, or plan, including any certificate or evidence of coverage issued in connection with such policy, contract, or plan, includes coverage for medicines shall:

1. Classify medically necessary formula and enteral nutrition products as medicine; and
 2. Include coverage for medically necessary formula and enteral nutrition products on the same terms and subject to the same conditions imposed on other medicines covered under the policy, contract, or plan.

B. As used in this section:

"Inherited metabolic disorder" means an inherited enzymatic disorder caused by single gene defects involved in the metabolism of amino, organic, or fatty acids.

"Medically necessary formula and enteral nutrition products" means any liquid or solid formulation of formula and enteral nutrition products for covered individuals requiring treatment for an inherited metabolic disorder and for which the covered individual's physician has issued a written order stating that the formula or enteral nutrition product is medically necessary and has been proven effective as a treatment regimen for the covered individual and that the formula or enteral nutrition product is a critical source of nutrition as certified by the physician by diagnosis. The medically necessary formula or enteral products do not need to be the covered individual's primary source of nutrition.

C. The coverage required by this section shall:

1. Apply to the partial or exclusive feeding of a covered individual by means of oral intake or enteral feeding by tube;
 2. Include coverage for any medical equipment, supplies, and services that are required to administer the covered formula or enteral nutrition products;

3. Apply only when the formula and enteral nutrition products are (i) furnished pursuant to the prescription or order of a physician or other health care professional qualified to make such prescription or order for the management of an inherited metabolic disorder and (ii) used under medical supervision, which may include a home setting; and

4. Not apply to nutritional supplements taken electively.

D. No insurer, corporation, or health maintenance organization shall impose upon any person receiving benefits for any formula and enteral nutrition products pursuant to this section any (i) copayment, coinsurance payment, or fee that is not equally imposed upon all individuals in the same benefit category, class, coinsurance level, or copayment level receiving benefits for medicines or (ii) reduction in allowable reimbursement for medicine.

E. The provisions of this section shall apply to any policy, contract, or plan delivered, issued for delivery, or renewed in the Commonwealth on and after January 1, 2021.

F. The provisions of this section shall not apply to short-term travel, accident-only, or limited or specified disease policies, contracts designed for issuance to persons eligible for coverage under Title XVIII of the Social Security Act, known as Medicare, or any other similar coverage under state or federal governmental plans, or short-term nonrenewable policies of not more than six months' duration.

§ 38.2-4319. Statutory construction and relationship to other laws.

A. No provisions of this title except this chapter and, insofar as they are not inconsistent with this chapter, §§ 38.2-100, 38.2-136, 38.2-200, 38.2-203, 38.2-209 through 38.2-213, 38.2-216, 38.2-218 through 38.2-225, 38.2-229, 38.2-232, 38.2-305, 38.2-316, 38.2-316.1, 38.2-322, 38.2-325, 38.2-326, 38.2-400, 38.2-402 through 38.2-413, 38.2-500 through 38.2-515, and 38.2-600 through 38.2-620, Chapter 9 (§ 38.2-900 et seq.), §§ 38.2-1016.1 through 38.2-1023, 38.2-1057, and 38.2-1306.1, Article 2 (§ 38.2-1306.2 et seq.), § 38.2-1315.1, and Articles 3.1 (§ 38.2-1316.1 et seq.), 4 (§ 38.2-1317 et seq.), 5 (§ 38.2-1322 et seq.), 5.1 (§ 38.2-1334.3 et seq.), and 5.2 (§ 38.2-1334.11 et seq.) of Chapter 13, Articles 1 (§ 38.2-1400 et seq.), 2 (§ 38.2-1412 et seq.), and 4 (§ 38.2-1446 et seq.) of Chapter 14, Chapter 15 (§ 38.2-1500 et seq.), Chapter 17 (§ 38.2-1700 et seq.), §§ 38.2-1800 through 38.2-1836, 38.2-3401, 38.2-3405, 38.2-3405.1, 38.2-3406.1, 38.2-3407.2 through 38.2-3407.6:1, 38.2-3407.9 through 38.2-3407.20, 38.2-3411, 38.2-3411.2, 38.2-3411.3, 38.2-3411.4, 38.2-3412.1, 38.2-3414.1, 38.2-3418.1 through ~~38.2-3418.17~~ 38.2-3418.18, 38.2-3419.1, and 38.2-3430.1 through 38.2-3454, Article 8 (§ 38.2-3461 et seq.) of Chapter 34, § 38.2-3500, subdivision 13 of § 38.2-3503, subdivision 8 of § 38.2-3504, §§ 38.2-3514.1, 38.2-3514.2, 38.2-3522.1 through 38.2-3523.4, 38.2-3525, 38.2-3540.1, 38.2-3540.2, 38.2-3541.2, 38.2-3542, and 38.2-3543.2, Article 5 (§ 38.2-3551 et seq.) of Chapter 35, Chapter 35.1 (§ 38.2-3556 et seq.), Chapter 52 (§ 38.2-5200 et seq.), Chapter 55 (§ 38.2-5500 et seq.), and Chapter 58 (§ 38.2-5800 et seq.) shall be applicable to any health maintenance organization granted a license under this chapter. This chapter shall not apply to an insurer or health services plan licensed and regulated in conformance with the insurance laws or Chapter 42 (§ 38.2-4200 et seq.) except with respect to the activities of its health maintenance organization.

B. For plans administered by the Department of Medical Assistance Services that provide benefits pursuant to Title XIX or Title XXI of the Social Security Act, as amended, no provisions of this title except this chapter and, insofar as they are not inconsistent with this chapter, §§ 38.2-100, 38.2-136, 38.2-200, 38.2-203, 38.2-209 through 38.2-213, 38.2-216, 38.2-218 through 38.2-225, 38.2-229, 38.2-232, 38.2-322, 38.2-325, 38.2-400, 38.2-402 through 38.2-413, 38.2-500 through 38.2-515, and 38.2-600 through 38.2-620, Chapter 9 (§ 38.2-900 et seq.), §§ 38.2-1016.1 through 38.2-1023, 38.2-1057, and 38.2-1306.1, Article 2 (§ 38.2-1306.2 et seq.), § 38.2-1315.1, Articles 3.1 (§ 38.2-1316.1 et seq.), 4 (§ 38.2-1317 et seq.), 5 (§ 38.2-1322 et seq.), 5.1 (§ 38.2-1334.3 et seq.), and 5.2 (§ 38.2-1334.11 et seq.) of Chapter 13, Articles 1 (§ 38.2-1400 et seq.), 2 (§ 38.2-1412 et seq.), and 4 (§ 38.2-1446 et seq.) of Chapter 14, §§ 38.2-3401, 38.2-3405, 38.2-3407.2 through 38.2-3407.5, 38.2-3407.6, 38.2-3407.6:1, 38.2-3407.9, 38.2-3407.9:01, and 38.2-3407.9:02, subdivisions F 1, F 2, and F 3 of § 38.2-3407.10, §§ 38.2-3407.11, 38.2-3407.11:3, 38.2-3407.13, 38.2-3407.13:1, 38.2-3407.14, 38.2-3411.2, 38.2-3418.1, 38.2-3418.2, 38.2-3419.1, 38.2-3430.1 through 38.2-3437, and 38.2-3500, subdivision 13 of § 38.2-3503, subdivision 8 of § 38.2-3504, §§ 38.2-3514.1, 38.2-3514.2, 38.2-3522.1 through 38.2-3523.4, 38.2-3525, 38.2-3540.1, 38.2-3540.2, 38.2-3541.2, 38.2-3542, and 38.2-3543.2, Chapter 52 (§ 38.2-5200

et seq.), Chapter 55 (§ 38.2-5500 et seq.), and Chapter 58 (§ 38.2-5800 et seq.) shall be applicable to any health maintenance organization granted a license under this chapter. This chapter shall not apply to an insurer or health services plan licensed and regulated in conformance with the insurance laws or Chapter 42 (§ 38.2-4200 et seq.) except with respect to the activities of its health maintenance organization.

C. Solicitation of enrollees by a licensed health maintenance organization or by its representatives shall not be construed to violate any provisions of law relating to solicitation or advertising by health professionals.

D. A licensed health maintenance organization shall not be deemed to be engaged in the unlawful practice of medicine. All health care providers associated with a health maintenance organization shall be subject to all provisions of law.

E. Notwithstanding the definition of an eligible employee as set forth in § 38.2-3431, a health maintenance organization providing health care plans pursuant to § 38.2-3431 shall not be required to offer coverage to or accept applications from an employee who does not reside within the health maintenance organization's service area.

F. For purposes of applying this section, "insurer" when used in a section cited in subsections A and B shall be construed to mean and include "health maintenance organizations" unless the section cited clearly applies to health maintenance organizations without such construction.

CHAPTER 215

An Act to amend and reenact § 38.2-4319 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 38.2-3418.18, relating to health insurance; medicines; formula and enteral nutrition products.

[S 605]

Approved March 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 38.2-4319 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 38.2-3418.18 as follows:

§ 38.2-3418.18. Coverage for formula and enteral nutrition products as medicine.

A. Notwithstanding the provisions of § 38.2-3419, each insurer proposing to issue individual or group accident and sickness insurance policies providing hospital, medical and surgical, or major medical coverage on an expense-incurred basis; each corporation providing individual or group accident and sickness subscription contracts; and each health maintenance organization providing a health care plan for health care services, whose policy, contract, or plan, including any certificate or evidence of coverage issued in connection with such policy, contract, or plan, includes coverage for medicines shall:

- 1. Classify medically necessary formula and enteral nutrition products as medicine; and*
- 2. Include coverage for medically necessary formula and enteral nutrition products on the same terms and subject to the same conditions imposed on other medicines covered under the policy, contract, or plan.*

B. As used in this section:

"Inherited metabolic disorder" means an inherited enzymatic disorder caused by single gene defects involved in the metabolism of amino, organic, or fatty acids.

"Medically necessary formula and enteral nutrition products" means any liquid or solid formulation of formula and enteral nutrition products for covered individuals requiring treatment for an inherited metabolic disorder and for which the covered individual's physician has issued a written order stating that the formula or enteral nutrition product is medically necessary and has been proven effective as a treatment regimen for the covered individual and that the formula or enteral nutrition product is a critical source of nutrition as certified by the physician by diagnosis. The medically necessary formula or enteral products do not need to be the covered individual's primary source of nutrition.

C. The coverage required by this section shall:

- 1. Apply to the partial or exclusive feeding of a covered individual by means of oral intake or enteral feeding by tube;*
- 2. Include coverage for any medical equipment, supplies, and services that are required to administer the covered formula or enteral nutrition products;*
- 3. Apply only when the formula and enteral nutrition products are (i) furnished pursuant to the prescription or order of a physician or other health care professional qualified to make such prescription or order for the management of an inherited metabolic disorder and (ii) used under medical supervision, which may include a home setting; and*
- 4. Not apply to nutritional supplements taken electively.*

D. No insurer, corporation, or health maintenance organization shall impose upon any person receiving benefits for any formula and enteral nutrition products pursuant to this section any (i) copayment, coinsurance payment, or fee that is not equally imposed upon all individuals in the same benefit category, class, coinsurance level, or copayment level receiving benefits for medicines or (ii) reduction in allowable reimbursement for medicine.

E. The provisions of this section shall apply to any policy, contract, or plan delivered, issued for delivery, or renewed in the Commonwealth on and after January 1, 2021.

F. The provisions of this section shall not apply to short-term travel, accident-only, or limited or specified disease policies, contracts designed for issuance to persons eligible for coverage under Title XVIII of the Social Security Act, known

as Medicare, or any other similar coverage under state or federal governmental plans, or short-term nonrenewable policies of not more than six months' duration.

§ 38.2-4319. Statutory construction and relationship to other laws.

A. No provisions of this title except this chapter and, insofar as they are not inconsistent with this chapter, §§ 38.2-100, 38.2-136, 38.2-200, 38.2-203, 38.2-209 through 38.2-213, 38.2-216, 38.2-218 through 38.2-225, 38.2-229, 38.2-232, 38.2-305, 38.2-316, 38.2-316.1, 38.2-322, 38.2-325, 38.2-326, 38.2-400, 38.2-402 through 38.2-413, 38.2-500 through 38.2-515, *and* 38.2-600 through 38.2-620, Chapter 9 (§ 38.2-900 et seq.), §§ 38.2-1016.1 through 38.2-1023, 38.2-1057, *and* 38.2-1306.1, Article 2 (§ 38.2-1306.2 et seq.), § 38.2-1315.1, *and* Articles 3.1 (§ 38.2-1316.1 et seq.), 4 (§ 38.2-1317 et seq.), 5 (§ 38.2-1322 et seq.), 5.1 (§ 38.2-1334.3 et seq.), and 5.2 (§ 38.2-1334.11 et seq.) of Chapter 13, Articles 1 (§ 38.2-1400 et seq.), 2 (§ 38.2-1412 et seq.), and 4 (§ 38.2-1446 et seq.) of Chapter 14, Chapter 15 (§ 38.2-1500 et seq.), Chapter 17 (§ 38.2-1700 et seq.), §§ 38.2-1800 through 38.2-1836, 38.2-3401, 38.2-3405, 38.2-3405.1, 38.2-3406.1, 38.2-3407.2 through 38.2-3407.6:1, 38.2-3407.9 through 38.2-3407.20, 38.2-3411, 38.2-3411.2, 38.2-3411.3, 38.2-3411.4, 38.2-3412.1, 38.2-3414.1, 38.2-3418.1 through ~~38.2-3418.17~~ 38.2-3418.18, 38.2-3419.1, *and* 38.2-3430.1 through 38.2-3454, Article 8 (§ 38.2-3461 et seq.) of Chapter 34, § 38.2-3500, subdivision 13 of § 38.2-3503, subdivision 8 of § 38.2-3504, §§ 38.2-3514.1, 38.2-3514.2, 38.2-3522.1 through 38.2-3523.4, 38.2-3525, 38.2-3540.1, 38.2-3540.2, 38.2-3541.2, 38.2-3542, *and* 38.2-3543.2, Article 5 (§ 38.2-3551 et seq.) of Chapter 35, Chapter 35.1 (§ 38.2-3556 et seq.), Chapter 52 (§ 38.2-5200 et seq.), Chapter 55 (§ 38.2-5500 et seq.), and Chapter 58 (§ 38.2-5800 et seq.) shall be applicable to any health maintenance organization granted a license under this chapter. This chapter shall not apply to an insurer or health services plan licensed and regulated in conformance with the insurance laws or Chapter 42 (§ 38.2-4200 et seq.) except with respect to the activities of its health maintenance organization.

B. For plans administered by the Department of Medical Assistance Services that provide benefits pursuant to Title XIX or Title XXI of the Social Security Act, as amended, no provisions of this title except this chapter and, insofar as they are not inconsistent with this chapter, §§ 38.2-100, 38.2-136, 38.2-200, 38.2-203, 38.2-209 through 38.2-213, 38.2-216, 38.2-218 through 38.2-225, 38.2-229, 38.2-232, 38.2-322, 38.2-325, 38.2-400, 38.2-402 through 38.2-413, 38.2-500 through 38.2-515, *and* 38.2-600 through 38.2-620, Chapter 9 (§ 38.2-900 et seq.), §§ 38.2-1016.1 through 38.2-1023, 38.2-1057, *and* 38.2-1306.1, Article 2 (§ 38.2-1306.2 et seq.), § 38.2-1315.1, Articles 3.1 (§ 38.2-1316.1 et seq.), 4 (§ 38.2-1317 et seq.), 5 (§ 38.2-1322 et seq.), 5.1 (§ 38.2-1334.3 et seq.), and 5.2 (§ 38.2-1334.11 et seq.) of Chapter 13, Articles 1 (§ 38.2-1400 et seq.), 2 (§ 38.2-1412 et seq.), and 4 (§ 38.2-1446 et seq.) of Chapter 14, §§ 38.2-3401, 38.2-3405, 38.2-3407.2 through 38.2-3407.5, 38.2-3407.6, 38.2-3407.6:1, 38.2-3407.9, 38.2-3407.9:01, and 38.2-3407.9:02, subdivisions F 1, F 2, and F 3 of § 38.2-3407.10, §§ 38.2-3407.11, 38.2-3407.11:3, 38.2-3407.13, 38.2-3407.13:1, 38.2-3407.14, 38.2-3411.2, 38.2-3418.1, 38.2-3418.2, 38.2-3419.1, 38.2-3430.1 through 38.2-3437, *and* 38.2-3500, subdivision 13 of § 38.2-3503, subdivision 8 of § 38.2-3504, §§ 38.2-3514.1, 38.2-3514.2, 38.2-3522.1 through 38.2-3523.4, 38.2-3525, 38.2-3540.1, 38.2-3540.2, 38.2-3541.2, 38.2-3542, *and* 38.2-3543.2, Chapter 52 (§ 38.2-5200 et seq.), Chapter 55 (§ 38.2-5500 et seq.), and Chapter 58 (§ 38.2-5800 et seq.) shall be applicable to any health maintenance organization granted a license under this chapter. This chapter shall not apply to an insurer or health services plan licensed and regulated in conformance with the insurance laws or Chapter 42 (§ 38.2-4200 et seq.) except with respect to the activities of its health maintenance organization.

C. Solicitation of enrollees by a licensed health maintenance organization or by its representatives shall not be construed to violate any provisions of law relating to solicitation or advertising by health professionals.

D. A licensed health maintenance organization shall not be deemed to be engaged in the unlawful practice of medicine. All health care providers associated with a health maintenance organization shall be subject to all provisions of law.

E. Notwithstanding the definition of an eligible employee as set forth in § 38.2-3431, a health maintenance organization providing health care plans pursuant to § 38.2-3431 shall not be required to offer coverage to or accept applications from an employee who does not reside within the health maintenance organization's service area.

F. For purposes of applying this section, "insurer" when used in a section cited in subsections A and B shall be construed to mean and include "health maintenance organizations" unless the section cited clearly applies to health maintenance organizations without such construction.

CHAPTER 216

An Act to amend and reenact § 38.2-2521 of the Code of Virginia, relating to mutual assessment property and casualty insurers; notice by electronic delivery.

[H 951]

Approved March 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 38.2-2521 of the Code of Virginia is amended and reenacted as follows:

§ 38.2-2521. Notice of assessment; how given.

After an assessment is made, the insurer shall give every member subject to the assessment written notice stating the amount of the member's assessment and the date when payment is due. Except where the provisions of the bylaws or the policy provide otherwise, the time of payment shall be at least thirty days and no more than sixty days from the service of

the notice. That notice may be served personally ~~or~~, by mail, or by *electronic delivery pursuant to § 38.2-325*. If mailed, the notice shall be deposited with the United States Postal Service and addressed to the member at his residence or place of business as shown on the company records.

CHAPTER 217

An Act to amend and reenact § 38.2-4319 of the Code of Virginia and to amend the Code of Virginia by adding in Article 2 of Chapter 8 of Title 32.1 a section numbered 32.1-297.2 and by adding a section numbered 38.2-3418.18, relating to organ, eye, or tissue transplantation; discrimination prohibited.

[H 1273]

Approved March 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 38.2-4319 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Article 2 of Chapter 8 of Title 32.1 a section numbered 32.1-297.2 and by adding a section numbered 38.2-3418.18 as follows:

§ 32.1-297.2. Discrimination prohibited.

A. As used in this section:

"Auxiliary aids or services" means an aid or service that is used to provide information to an individual with a cognitive, developmental, intellectual, neurological, or physical disability in a format or manner that allows the individual to better understand the information. "Auxiliary aids or services" includes (i) qualified interpreters or other effective methods of making aurally delivered materials available to persons with hearing impairments; (ii) qualified readers, taped texts, texts in accessible electronic format, or other effective methods of making visually delivered materials available to persons with visual impairments; (iii) supported decision-making services, including (a) use of a support individual to communicate information to the individual with a disability, ascertain the wishes of the individual, or assist the individual in making decisions; (b) disclosure of information to a legal guardian, authorized representative, or another individual designated by the individual with a disability for such purpose, as long as the disclosure is consistent with state and federal law; and (c) if an individual has a court-appointed guardian or other individual responsible for making medical decisions on behalf of the individual, any measures used to ensure that the individual is included in decisions involving the individual's health care and that medical decisions are made in accordance with the individual's own expressed interests; and (iv) any other aid or service that is used to provide information in a format that is easily understandable and accessible to individuals with cognitive, developmental, intellectual, neurological, or physical disability, including assistive communication technology.

"Covered entity" means any licensed provider of health care services, including any health care practitioner licensed by a health regulatory board of the Department of Health Professions, hospital, nursing facility, laboratory, intermediate care facility, psychiatric residential treatment facility, institution for individuals with intellectual or developmental disabilities, or prison health center, and any entity responsible for matching anatomical gift donors to potential recipients.

"Eligible individual" means an individual who is a candidate to receive an anatomical gift for transplantation and who is otherwise eligible to receive an anatomical gift for transplantation, with or without auxiliary aids and services.

"Eligible individual with a disability" means an eligible individual with a cognitive, developmental, intellectual, neurological, or physical disability.

"Services related to organ, eye, or tissue transplantation" means referral to a transplant center or specialist; inclusion on an organ, eye, or tissue transplantation waiting list; evaluation; surgery and related health care services; counseling; or post-transplantation treatment and services related to organ, eye, or tissue transplantation.

B. An eligible individual shall not be deemed ineligible to receive an anatomical gift or denied services related to organ, eye, or tissue transplantation solely because he is an eligible individual with a disability. However, an eligible individual may be deemed ineligible to receive an anatomical gift or denied services related to organ, eye, or tissue transplantation to the extent that his cognitive, developmental, intellectual, neurological, or physical disability has been determined by a health care provider, following an individualized evaluation, to be medically significant to the provision of the anatomical gift for organ, eye, or tissue transplantation.

C. If an eligible individual with a disability has the necessary support system to assist the individual in complying with post-transplantation medical requirements, his inability to independently comply with such post-transplantation medical requirements shall not be deemed to be medically significant.

D. No covered entity shall (i) place an eligible individual with a disability on an organ transplant waiting list at a position lower in priority than the position at which the eligible individual with a disability would have been placed if he did not have a disability or (ii) refuse insurance coverage for any services related to organ, eye, or tissue transplantation provided to an eligible individual with a disability.

E. A covered entity shall (i) make reasonable modifications to its policies, practices, or procedures to allow eligible individuals with disabilities access to services related to organ, eye, or tissue transplantation and (ii) take all steps necessary to ensure that an eligible individual with a disability is not denied medical services or services related to organ, eye, or tissue transplantation due to the absence of auxiliary aids or services. A covered entity shall not be required to

comply with clause (ii) if the covered entity demonstrates that taking such steps would fundamentally alter the nature of the medical services or other services related to organ, eye, or tissue transplantation or would result in an undue burden for the covered entity.

F. In cases in which a violation of this section is alleged to have occurred, a petition shall be filed in the circuit court for the jurisdiction in which the violation is alleged to have occurred or in which the individual is located. Any petition filed pursuant to this subsection shall be given priority on the docket. Any order of the court entered on such petition may grant injunctive relief, including (i) requiring auxiliary aids or services to be made available to an eligible individual with a disability; (ii) requiring the modification of a policy, practice, or procedure of a covered entity; or (iii) requiring that facilities be made accessible to and usable by an eligible individual with a disability.

G. The provisions of this section shall apply to each part of the anatomical gift and organ, eye, or tissue transplantation process.

H. The provisions of this section shall not be construed to require the provision of medically inappropriate services related to organ, eye, or tissue transplantation.

§ 38.2-3418.18. Coverage for organ, eye or tissue transplant.

Notwithstanding the provisions of § 38.2-4319, each insurer proposing to issue individual or group accident and sickness insurance policies providing hospital, medical and surgical, or major medical coverage on an expense-incurred basis; each corporation providing individual or group accident and sickness subscription contracts; and each health maintenance organization providing a health care plan for health care services, whose policy, contract, or plan, including any certificate of evidence of coverage issued in connection with such policy, contract, or plan, includes coverage for services related to organ, eye, or tissue transplantation as defined in § 32.1-297.2 shall not:

1. Deny coverage to a covered person solely on the basis of the person's disability;
2. Deny a person eligibility or continued eligibility to enroll in or to renew coverage under the policy, contract, or plan for the purpose of avoiding the requirements of § 32.1-297.2;
3. Penalize a health care provider, reduce or limit the reimbursement of a health care provider, or provide monetary or nonmonetary incentives to a health care provider to induce such health care provider to act in a manner inconsistent with the requirements of § 32.1-297.2; or
4. Reduce or limit coverage for services related to organ, eye, or tissue transplant as defined in § 32.1-297.2 for an eligible individual with a disability as defined in § 32.1-297.2.

B. The provisions of this section shall apply to any policy, contract, or plan delivered, issued for delivery, or renewed in the Commonwealth on and after January 1, 2021.

C. The provisions of this section shall not apply to short-term travel, accident-only, or limited or specified disease policies; contracts designed for issuance to persons eligible for coverage under Title XVIII of the Social Security Act, known as Medicare, or any other similar coverage under state or federal government plans; or short-term nonrenewable policies of not more than six months' duration.

D. Nothing in this section shall require an insurer to provide coverage for a medically inappropriate organ, eye or tissue transplant.

§ 38.2-4319. Statutory construction and relationship to other laws.

A. No provisions of this title except this chapter and, insofar as they are not inconsistent with this chapter, §§ 38.2-100, 38.2-136, 38.2-200, 38.2-203, 38.2-209 through 38.2-213, 38.2-216, 38.2-218 through 38.2-225, 38.2-229, 38.2-232, 38.2-305, 38.2-316, 38.2-316.1, 38.2-322, 38.2-325, 38.2-326, 38.2-400, 38.2-402 through 38.2-413, 38.2-500 through 38.2-515, 38.2-600 through 38.2-620, Chapter 9 (§ 38.2-900 et seq.), §§ 38.2-1016.1 through 38.2-1023, 38.2-1057, 38.2-1306.1, Article 2 (§ 38.2-1306.2 et seq.), § 38.2-1315.1, Articles 3.1 (§ 38.2-1316.1 et seq.), 4 (§ 38.2-1317 et seq.), 5 (§ 38.2-1322 et seq.), 5.1 (§ 38.2-1334.3 et seq.), and 5.2 (§ 38.2-1334.11 et seq.) of Chapter 13, Articles 1 (§ 38.2-1400 et seq.), 2 (§ 38.2-1412 et seq.), and 4 (§ 38.2-1446 et seq.) of Chapter 14, Chapter 15 (§ 38.2-1500 et seq.), Chapter 17 (§ 38.2-1700 et seq.), §§ 38.2-1800 through 38.2-1836, 38.2-3401, 38.2-3405, 38.2-3405.1, 38.2-3406.1, 38.2-3407.2 through 38.2-3407.6:1, 38.2-3407.9 through 38.2-3407.20, 38.2-3411, 38.2-3411.2, 38.2-3411.3, 38.2-3411.4, 38.2-3412.1, 38.2-3414.1, 38.2-3418.1 through ~~38.2-3418.17~~ 38.2-3418.18, 38.2-3419.1, 38.2-3430.1 through 38.2-3454, Article 8 (§ 38.2-3461 et seq.) of Chapter 34, 38.2-3500, subdivision 13 of § 38.2-3503, subdivision 8 of § 38.2-3504, §§ 38.2-3514.1, 38.2-3514.2, 38.2-3522.1 through 38.2-3523.4, 38.2-3525, 38.2-3540.1, 38.2-3540.2, 38.2-3541.2, 38.2-3542, 38.2-3543.2, Article 5 (§ 38.2-3551 et seq.) of Chapter 35, Chapter 35.1 (§ 38.2-3556 et seq.), Chapter 52 (§ 38.2-5200 et seq.), Chapter 55 (§ 38.2-5500 et seq.), and Chapter 58 (§ 38.2-5800 et seq.) shall be applicable to any health maintenance organization granted a license under this chapter. This chapter shall not apply to an insurer or health services plan licensed and regulated in conformance with the insurance laws or Chapter 42 (§ 38.2-4200 et seq.) except with respect to the activities of its health maintenance organization.

B. For plans administered by the Department of Medical Assistance Services that provide benefits pursuant to Title XIX or Title XXI of the Social Security Act, as amended, no provisions of this title except this chapter and, insofar as they are not inconsistent with this chapter, §§ 38.2-100, 38.2-136, 38.2-200, 38.2-203, 38.2-209 through 38.2-213, 38.2-216, 38.2-218 through 38.2-225, 38.2-229, 38.2-232, 38.2-322, 38.2-325, 38.2-400, 38.2-402 through 38.2-413, 38.2-500 through 38.2-515, 38.2-600 through 38.2-620, Chapter 9 (§ 38.2-900 et seq.), §§ 38.2-1016.1 through 38.2-1023, 38.2-1057, 38.2-1306.1, Article 2 (§ 38.2-1306.2 et seq.), § 38.2-1315.1, Articles 3.1 (§ 38.2-1316.1 et seq.), 4 (§ 38.2-1317 et seq.), 5 (§ 38.2-1322 et seq.), 5.1 (§ 38.2-1334.3 et seq.), and 5.2 (§ 38.2-1334.11 et seq.) of Chapter 13,

Articles 1 (§ 38.2-1400 et seq.), 2 (§ 38.2-1412 et seq.), and 4 (§ 38.2-1446 et seq.) of Chapter 14, §§ 38.2-3401, 38.2-3405, 38.2-3407.2 through 38.2-3407.5, 38.2-3407.6, 38.2-3407.6:1, 38.2-3407.9, 38.2-3407.9:01, and 38.2-3407.9:02, subdivisions F 1, F 2, and F 3 of § 38.2-3407.10, §§ 38.2-3407.11, 38.2-3407.11:3, 38.2-3407.13, 38.2-3407.13:1, 38.2-3407.14, 38.2-3411.2, 38.2-3418.1, 38.2-3418.2, 38.2-3419.1, 38.2-3430.1 through 38.2-3437, 38.2-3500, subdivision 13 of § 38.2-3503, subdivision 8 of § 38.2-3504, §§ 38.2-3514.1, 38.2-3514.2, 38.2-3522.1 through 38.2-3523.4, 38.2-3525, 38.2-3540.1, 38.2-3540.2, 38.2-3541.2, 38.2-3542, 38.2-3543.2, Chapter 52 (§ 38.2-5200 et seq.), Chapter 55 (§ 38.2-5500 et seq.), and Chapter 58 (§ 38.2-5800 et seq.) shall be applicable to any health maintenance organization granted a license under this chapter. This chapter shall not apply to an insurer or health services plan licensed and regulated in conformance with the insurance laws or Chapter 42 (§ 38.2-4200 et seq.) except with respect to the activities of its health maintenance organization.

C. Solicitation of enrollees by a licensed health maintenance organization or by its representatives shall not be construed to violate any provisions of law relating to solicitation or advertising by health professionals.

D. A licensed health maintenance organization shall not be deemed to be engaged in the unlawful practice of medicine. All health care providers associated with a health maintenance organization shall be subject to all provisions of law.

E. Notwithstanding the definition of an eligible employee as set forth in § 38.2-3431, a health maintenance organization providing health care plans pursuant to § 38.2-3431 shall not be required to offer coverage to or accept applications from an employee who does not reside within the health maintenance organization's service area.

F. For purposes of applying this section, "insurer" when used in a section cited in subsections A and B shall be construed to mean and include "health maintenance organizations" unless the section cited clearly applies to health maintenance organizations without such construction.

CHAPTER 218

An Act to amend and reenact § 38.2-4319 of the Code of Virginia and to amend the Code of Virginia by adding in Article 2 of Chapter 8 of Title 32.1 a section numbered 32.1-297.2 and by adding a section numbered 38.2-3418.18, relating to organ, eye, or tissue transplantation; discrimination prohibited.

[S 846]

Approved March 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 38.2-4319 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Article 2 of Chapter 8 of Title 32.1 a section numbered 32.1-297.2 and by adding a section numbered 38.2-3418.18 as follows:

§ 32.1-297.2. Discrimination prohibited.

A. As used in this section:

"Auxiliary aids or services" means an aid or service that is used to provide information to an individual with a cognitive, developmental, intellectual, neurological, or physical disability in a format or manner that allows the individual to better understand the information. "Auxiliary aids or services" includes (i) qualified interpreters or other effective methods of making aurally delivered materials available to persons with hearing impairments; (ii) qualified readers, taped texts, texts in accessible electronic format, or other effective methods of making visually delivered materials available to persons with visual impairments; (iii) supported decision-making services, including (a) use of a support individual to communicate information to the individual with a disability, ascertain the wishes of the individual, or assist the individual in making decisions; (b) disclosure of information to a legal guardian, authorized representative, or another individual designated by the individual with a disability for such purpose, as long as the disclosure is consistent with state and federal law; and (c) if an individual has a court-appointed guardian or other individual responsible for making medical decisions on behalf of the individual, any measures used to ensure that the individual is included in decisions involving the individual's health care and that medical decisions are made in accordance with the individual's own expressed interests; and (iv) any other aid or service that is used to provide information in a format that is easily understandable and accessible to individuals with cognitive, developmental, intellectual, neurological, or physical disability, including assistive communication technology.

"Covered entity" means any licensed provider of health care services, including any health care practitioner licensed by a health regulatory board of the Department of Health Professions, hospital, nursing facility, laboratory, intermediate care facility, psychiatric residential treatment facility, institution for individuals with intellectual or developmental disabilities, or prison health center, and any entity responsible for matching anatomical gift donors to potential recipients.

"Eligible individual" means an individual who is a candidate to receive an anatomical gift for transplantation and who is otherwise eligible to receive an anatomical gift for transplantation, with or without auxiliary aids and services.

"Eligible individual with a disability" means an eligible individual with a cognitive, developmental, intellectual, neurological, or physical disability.

"Services related to organ, eye, or tissue transplantation" means referral to a transplant center or specialist; inclusion on an organ, eye, or tissue transplantation waiting list; evaluation; surgery and related health care services; counseling; or post-transplantation treatment and services related to organ, eye, or tissue transplantation.

B. An eligible individual shall not be deemed ineligible to receive an anatomical gift or denied services related to organ, eye, or tissue transplantation solely because he is an eligible individual with a disability. However, an eligible individual may be deemed ineligible to receive an anatomical gift or denied services related to organ, eye, or tissue transplantation to the extent that his cognitive, developmental, intellectual, neurological, or physical disability has been determined by a health care provider, following an individualized evaluation, to be medically significant to the provision of the anatomical gift for organ, eye, or tissue transplantation.

C. If an eligible individual with a disability has the necessary support system to assist the individual in complying with post-transplantation medical requirements, his inability to independently comply with such post-transplantation medical requirements shall not be deemed to be medically significant.

D. No covered entity shall (i) place an eligible individual with a disability on an organ transplant waiting list at a position lower in priority than the position at which the eligible individual with a disability would have been placed if he did not have a disability or (ii) refuse insurance coverage for any services related to organ, eye, or tissue transplantation provided to an eligible individual with a disability.

E. A covered entity shall (i) make reasonable modifications to its policies, practices, or procedures to allow eligible individuals with disabilities access to services related to organ, eye, or tissue transplantation and (ii) take all steps necessary to ensure that an eligible individual with a disability is not denied medical services or services related to organ, eye, or tissue transplantation due to the absence of auxiliary aids or services. A covered entity shall not be required to comply with clause (ii) if the covered entity demonstrates that taking such steps would fundamentally alter the nature of the medical services or other services related to organ, eye, or tissue transplantation or would result in an undue burden for the covered entity.

F. In cases in which a violation of this section is alleged to have occurred, a petition shall be filed in the circuit court for the jurisdiction in which the violation is alleged to have occurred or in which the individual is located. Any petition filed pursuant to this subsection shall be given priority on the docket. Any order of the court entered on such petition may grant injunctive relief, including (i) requiring auxiliary aids or services to be made available to an eligible individual with a disability; (ii) requiring the modification of a policy, practice, or procedure of a covered entity; or (iii) requiring that facilities be made accessible to and usable by an eligible individual with a disability.

G. The provisions of this section shall apply to each part of the anatomical gift and organ, eye, or tissue transplantation process.

H. The provisions of this section shall not be construed to require the provision of medically inappropriate services related to organ, eye, or tissue transplantation.

§ 38.2-3418.18. Coverage for organ, eye or tissue transplant.

Notwithstanding the provisions of § 38.2-4319, each insurer proposing to issue individual or group accident and sickness insurance policies providing hospital, medical and surgical, or major medical coverage on an expense-incurred basis; each corporation providing individual or group accident and sickness subscription contracts; and each health maintenance organization providing a health care plan for health care services, whose policy, contract, or plan, including any certificate of evidence of coverage issued in connection with such policy, contract, or plan, includes coverage for services related to organ, eye, or tissue transplantation as defined in § 32.1-297.2 shall not:

- 1. Deny coverage to a covered person solely on the basis of the person's disability;*
- 2. Deny a person eligibility or continued eligibility to enroll in or to renew coverage under the policy, contract, or plan for the purpose of avoiding the requirements of § 32.1-297.2;*
- 3. Penalize a health care provider; reduce or limit the reimbursement of a health care provider; or provide monetary or nonmonetary incentives to a health care provider to induce such health care provider to act in a manner inconsistent with the requirements of § 32.1-297.2; or*
- 4. Reduce or limit coverage for services related to organ, eye, or tissue transplant as defined in § 32.1-297.2 for an eligible individual with a disability as defined in § 32.1-297.2.*

B. The provisions of this section shall apply to any policy, contract, or plan delivered, issued for delivery, or renewed in the Commonwealth on and after January 1, 2021.

C. The provisions of this section shall not apply to short-term travel, accident-only, or limited or specified disease policies; contracts designed for issuance to persons eligible for coverage under Title XVIII of the Social Security Act, known as Medicare, or any other similar coverage under state or federal government plans; or short-term nonrenewable policies of not more than six months' duration.

D. Nothing in this section shall require an insurer to provide coverage for a medically inappropriate organ, eye or tissue transplant.

§ 38.2-4319. Statutory construction and relationship to other laws.

A. No provisions of this title except this chapter and, insofar as they are not inconsistent with this chapter, §§ 38.2-100, 38.2-136, 38.2-200, 38.2-203, 38.2-209 through 38.2-213, 38.2-216, 38.2-218 through 38.2-225, 38.2-229, 38.2-232, 38.2-305, 38.2-316, 38.2-316.1, 38.2-322, 38.2-325, 38.2-326, 38.2-400, 38.2-402 through 38.2-413, 38.2-500 through 38.2-515, 38.2-600 through 38.2-620, Chapter 9 (§ 38.2-900 et seq.), §§ 38.2-1016.1 through 38.2-1023, 38.2-1057, 38.2-1306.1, Article 2 (§ 38.2-1306.2 et seq.), § 38.2-1315.1, Articles 3.1 (§ 38.2-1316.1 et seq.), 4 (§ 38.2-1317 et seq.), 5 (§ 38.2-1322 et seq.), 5.1 (§ 38.2-1334.3 et seq.), and 5.2 (§ 38.2-1334.11 et seq.) of Chapter 13, Articles 1 (§ 38.2-1400 et seq.), 2 (§ 38.2-1412 et seq.), and 4 (§ 38.2-1446 et seq.) of Chapter 14, Chapter 15 (§ 38.2-1500 et seq.), Chapter 17

(§ 38.2-1700 et seq.), §§ 38.2-1800 through 38.2-1836, 38.2-3401, 38.2-3405, 38.2-3405.1, 38.2-3406.1, 38.2-3407.2 through 38.2-3407.6:1, 38.2-3407.9 through 38.2-3407.20, 38.2-3411, 38.2-3411.2, 38.2-3411.3, 38.2-3411.4, 38.2-3412.1, 38.2-3414.1, 38.2-3418.1 through ~~38.2-3418.17~~ 38.2-3418.18, 38.2-3419.1, 38.2-3430.1 through 38.2-3454, Article 8 (§ 38.2-3461 et seq.) of Chapter 34, 38.2-3500, subdivision 13 of § 38.2-3503, subdivision 8 of § 38.2-3504, §§ 38.2-3514.1, 38.2-3514.2, 38.2-3522.1 through 38.2-3523.4, 38.2-3525, 38.2-3540.1, 38.2-3540.2, 38.2-3541.2, 38.2-3542, 38.2-3543.2, Article 5 (§ 38.2-3551 et seq.) of Chapter 35, Chapter 35.1 (§ 38.2-3556 et seq.), Chapter 52 (§ 38.2-5200 et seq.), Chapter 55 (§ 38.2-5500 et seq.), and Chapter 58 (§ 38.2-5800 et seq.) shall be applicable to any health maintenance organization granted a license under this chapter. This chapter shall not apply to an insurer or health services plan licensed and regulated in conformance with the insurance laws or Chapter 42 (§ 38.2-4200 et seq.) except with respect to the activities of its health maintenance organization.

B. For plans administered by the Department of Medical Assistance Services that provide benefits pursuant to Title XIX or Title XXI of the Social Security Act, as amended, no provisions of this title except this chapter and, insofar as they are not inconsistent with this chapter, §§ 38.2-100, 38.2-136, 38.2-200, 38.2-203, 38.2-209 through 38.2-213, 38.2-216, 38.2-218 through 38.2-225, 38.2-229, 38.2-232, 38.2-322, 38.2-325, 38.2-400, 38.2-402 through 38.2-413, 38.2-500 through 38.2-515, 38.2-600 through 38.2-620, Chapter 9 (§ 38.2-900 et seq.), §§ 38.2-1016.1 through 38.2-1023, 38.2-1057, 38.2-1306.1, Article 2 (§ 38.2-1306.2 et seq.), § 38.2-1315.1, Articles 3.1 (§ 38.2-1316.1 et seq.), 4 (§ 38.2-1317 et seq.), 5 (§ 38.2-1322 et seq.), 5.1 (§ 38.2-1334.3 et seq.), and 5.2 (§ 38.2-1334.11 et seq.) of Chapter 13, Articles 1 (§ 38.2-1400 et seq.), 2 (§ 38.2-1412 et seq.), and 4 (§ 38.2-1446 et seq.) of Chapter 14, §§ 38.2-3401, 38.2-3405, 38.2-3407.2 through 38.2-3407.5, 38.2-3407.6, 38.2-3407.6:1, 38.2-3407.9, 38.2-3407.9:01, and 38.2-3407.9:02, subdivisions F 1, F 2, and F 3 of § 38.2-3407.10, §§ 38.2-3407.11, 38.2-3407.11:3, 38.2-3407.13, 38.2-3407.13:1, 38.2-3407.14, 38.2-3411.2, 38.2-3418.1, 38.2-3418.2, 38.2-3419.1, 38.2-3430.1 through 38.2-3437, 38.2-3500, subdivision 13 of § 38.2-3503, subdivision 8 of § 38.2-3504, §§ 38.2-3514.1, 38.2-3514.2, 38.2-3522.1 through 38.2-3523.4, 38.2-3525, 38.2-3540.1, 38.2-3540.2, 38.2-3541.2, 38.2-3542, 38.2-3543.2, Chapter 52 (§ 38.2-5200 et seq.), Chapter 55 (§ 38.2-5500 et seq.), and Chapter 58 (§ 38.2-5800 et seq.) shall be applicable to any health maintenance organization granted a license under this chapter. This chapter shall not apply to an insurer or health services plan licensed and regulated in conformance with the insurance laws or Chapter 42 (§ 38.2-4200 et seq.) except with respect to the activities of its health maintenance organization.

C. Solicitation of enrollees by a licensed health maintenance organization or by its representatives shall not be construed to violate any provisions of law relating to solicitation or advertising by health professionals.

D. A licensed health maintenance organization shall not be deemed to be engaged in the unlawful practice of medicine. All health care providers associated with a health maintenance organization shall be subject to all provisions of law.

E. Notwithstanding the definition of an eligible employee as set forth in § 38.2-3431, a health maintenance organization providing health care plans pursuant to § 38.2-3431 shall not be required to offer coverage to or accept applications from an employee who does not reside within the health maintenance organization's service area.

F. For purposes of applying this section, "insurer" when used in a section cited in subsections A and B shall be construed to mean and include "health maintenance organizations" unless the section cited clearly applies to health maintenance organizations without such construction.

CHAPTER 219

An Act to amend and reenact §§ 38.2-4214 and 38.2-4319 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 34 of Title 38.2 an article numbered 9, consisting of sections numbered 38.2-3465 through 38.2-3470, relating to licensure of pharmacy benefits managers.

[H 1290]

Approved March 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 38.2-4214 and 38.2-4319 of the Code of Virginia are amended and reenacted and the Code of Virginia is amended by adding in Chapter 34 of Title 38.2 an article numbered 9, consisting of sections numbered 38.2-3465 through 38.2-3470, as follows:

Article 9.

Pharmacy Benefits Managers.

§ 38.2-3465. Definitions.

A. As used in this article, unless the context requires a different meaning:

"Carrier" has the same meaning ascribed thereto in subsection A of § 38.2-3407.15. However, "carrier" does not include a nonprofit health maintenance organization that operates as a group model whose internal pharmacy operation exclusively serves the members or patients of the nonprofit health maintenance organization.

"Claim" means a request from a pharmacy or pharmacist to be reimbursed for the cost of administering, filling, or refilling a prescription for a drug or for providing a medical supply or device.

"Claims processing services" means the administrative services performed in connection with the processing and adjudicating of claims relating to pharmacist services that include (i) receiving payments for pharmacist services, (ii) making payments to pharmacists or pharmacies for pharmacist services, or (iii) both receiving and making payments.

"Covered individual" means an individual receiving prescription medication coverage or reimbursement provided by a pharmacy benefits manager or a carrier under a health benefit plan.

"Health benefit plan" has the same meaning ascribed thereto in § 38.2-3438.

"Mail order pharmacy" means a pharmacy whose primary business is to receive prescriptions by mail or through electronic submissions and to dispense medication to covered individuals through the use of the United States mail or other common or contract carrier services and that provides any consultation with covered individuals electronically rather than face-to-face.

"Pharmacy benefits management" means the administration or management of prescription drug benefits provided by a carrier for the benefit of covered individuals. "Pharmacy benefits management" does not include any service provided by a nonprofit health maintenance organization that operates as a group model provided that the service is furnished through the internal pharmacy operation exclusively serves the members or patients of the nonprofit health maintenance organization.

"Pharmacy benefits manager" or "PBM" means an entity that performs pharmacy benefits management. "Pharmacy benefits manager" includes an entity acting for a PBM in a contractual relationship in the performance of pharmacy benefits management for a carrier, nonprofit hospital, or third-party payor under a health program administered by the Commonwealth.

"Pharmacy benefits manager affiliate" means a business, pharmacy, or pharmacist that directly or indirectly, through one or more intermediaries, owns or controls, is owned or controlled by, or is under common ownership interest or control with a pharmacy benefits manager.

"Rebate" means a discount or other price concession, including without limitation incentives, disbursements, and reasonable estimates of a volume-based discount, or a payment that is (i) based on utilization of a prescription drug and (ii) paid by a manufacturer or third party, directly or indirectly, to a pharmacy benefits manager, pharmacy services administrative organization, or pharmacy after a claim has been processed and paid at a pharmacy.

"Retail community pharmacy" means a pharmacy that is open to the public, serves walk-in customers, and makes available face-to-face consultations between licensed pharmacists and persons to whom medications are dispensed.

"Spread pricing" means the model of prescription drug pricing in which the pharmacy benefits manager charges a health benefit plan a contracted price for prescription drugs, and the contracted price for the prescription drugs differs from the amount the pharmacy benefits manager directly or indirectly pays the pharmacist or pharmacy for pharmacist services.

§ 38.2-3466. License required to provide pharmacy benefits management services; requirements for a license, renewal, and revocation or suspension.

A. Unless otherwise covered by a license as a carrier, no person shall provide pharmacy benefits management services or otherwise act as a pharmacy benefits manager in the Commonwealth without first obtaining a license in a manner and in a form prescribed by the Commission.

B. Each applicant for a license as a pharmacy benefits manager shall make application to the Commission, in the form and containing the information listed in subsection C and any other information the Commission prescribes. The Commission may require any documents reasonably necessary to verify the information contained in an application. Each applicant shall, at the time of applying for a license, pay a nonrefundable application processing fee in an amount and in a manner prescribed by the Commission. The fee shall be collected by the Commission and paid directly into the state treasury and credited to the "Bureau of Insurance Special Fund - State Corporation Commission" for the maintenance of the Bureau of Insurance as provided in subsection B of § 38.2-400.

C. An applicant for a license as a pharmacy benefits manager shall provide the Commission the following information:

1. The name, address, and telephone contact number of the pharmacy benefits manager;
2. The name and address of each person with management or control over the pharmacy benefits manager;
3. The name and address of each person with a beneficial ownership interest in the pharmacy benefits manager; and
4. If the pharmacy benefits manager registrant (i) is a partnership or other unincorporated association, a limited liability company, or a corporation and (ii) has five or more partners, members, or stockholders, the registrant shall specify its legal structure and the total number of its partners, members, or stockholders who, directly or indirectly, own, control, hold with the power to vote, or hold proxies representing 10 percent or more of the voting securities of any other person.

D. An applicant shall provide the Commissioner with a signed statement indicating that, to the best of its knowledge, no officer with management or control of the pharmacy benefits manager has been convicted of a felony or has violated any of the requirements of state law applicable to pharmacy benefits managers, or, if the applicant cannot provide such a statement, a signed statement describing the relevant conviction or violation.

E. Except where prohibited by state or federal law, by submitting an application for a license, the applicant shall be deemed to have appointed the clerk of the Commission as the agent for service of process on the applicant in any action or proceeding arising in the Commonwealth out of or in connection with the exercise of the license. Such appointment of the clerk of the Commission as agent for service of process shall be irrevocable during the period within which a cause of action against the applicant may arise out of transactions with respect to subjects of pharmacy benefits management in the

Commonwealth. Service of process on the clerk of the Commission shall conform to the provisions of Chapter 8 (§ 38.2-800 et seq.).

F. Each applicant that has complied with the provisions of this article and Commission regulations is entitled to and shall receive a license in the form the Commission prescribes.

G. Each pharmacy benefits manager shall renew its license annually and shall, at the time of renewal, pay a renewal fee in an amount and in a manner prescribed by the Commission. The fee shall be collected by the Commission and paid directly into the state treasury and credited to the "Bureau of Insurance Special Fund - State Corporation Commission" for the maintenance of the Bureau of Insurance as provided in subsection B of § 38.2-400.

H. The Commission may refuse to issue or renew a license or may revoke or suspend a license if it finds that the applicant or license holder has not complied with the provisions of this article or Commission regulations.

§ 38.2-3467. Prohibited conduct by carriers and pharmacy benefits managers.

A. No carrier on its own or through its contracted pharmacy benefits manager or representative of a pharmacy benefits manager shall:

1. Cause or knowingly permit the use of any advertisement, promotion, solicitation, representation, proposal, or offer that is untrue;

2. Charge a pharmacist or pharmacy a fee related to the adjudication of a claim other than a reasonable fee for an initial claim submission;

3. Reimburse a pharmacy or pharmacist an amount less than the amount that the pharmacy benefits manager reimburses a pharmacy benefits manager affiliate for providing the same pharmacist services, calculated on a per-unit basis using the same generic product identifier or generic code number and reflecting all drug manufacturer's rebates, direct and indirect administrative fees, and costs and any remuneration; or

4. Penalize or retaliate against a pharmacist or pharmacy for exercising rights provided pursuant to the provisions of this article.

B. No carrier, on its own or through its contracted pharmacy benefits manager or representative of a pharmacy benefits manager, shall restrict participation of a pharmacy in a pharmacy network for provider accreditation standards or certification requirements if a pharmacist meets such accreditation standards or certification standards.

C. No carrier, on its own or through its contracted pharmacy benefits manager or representative of a pharmacy benefits manager, shall include any mail order pharmacy or pharmacy benefits manager affiliate in calculating or determining network adequacy under any law or contract in the Commonwealth.

D. No carrier, on its own or through its contracted pharmacy benefits manager or representative of a pharmacy benefits manager, shall conduct spread pricing in the Commonwealth.

E. Each carrier on its own or through its contracted pharmacy benefits manager or representative of a pharmacy benefits manager shall comply with the provisions of this section in addition to complying with the provisions of § 38.2-3407.15:1.

§ 38.2-3468. Examination of books and records; reports; access to records.

A. Each carrier, on its own or through its contract for pharmacy benefits, shall ensure that the Commissioner may examine or audit the books and records of a pharmacy benefits manager providing claims processing services or other prescription drug or device services for a carrier that are relevant to determining if the pharmacy benefits manager is in compliance with this article. The carrier shall be responsible for the charges incurred in the examination, including the expenses of the Commissioner or his designee and the expenses and compensation of his examiners and assistants.

B. Any carrier, on its own or through its contract for pharmacy benefits, shall report to the Commissioner on a quarterly basis for each health benefit plan the following information:

1. The aggregate amount of rebates received by the pharmacy benefits manager;

2. The aggregate amount of rebates distributed to the appropriate health benefit plan;

3. The aggregate amount of rebates passed on to the enrollees of each health benefit plan at the point of sale that reduced the enrollees' applicable deductible, copayment, coinsurance, or other cost-sharing amount;

4. Upon the request of the Commission, the individual and aggregate amount paid by the health benefit plan to the pharmacy benefits manager for services itemized by pharmacy, by product, and by goods and services; and

5. Upon the request of the Commission, the individual and aggregate amount a pharmacy benefits manager paid for services itemized by pharmacy, by product, and by goods and services.

C. All working papers, documents, reports, and copies thereof, produced by, obtained by or disclosed to the Commission or any other person in the course of an examination made under this article and any analysis of such information or documents shall be given confidential treatment, are not subject to subpoena, and may not be made public by the Commission or any other person. Access may also be granted to (i) a regulatory official of any state or country; (ii) the National Association of Insurance Commissioners (NAIC), its affiliate, or its subsidiary; or (iii) a law-enforcement authority of any state or country, provided that those officials are required under their law to maintain its confidentiality. Any such disclosure by the Commission shall not constitute a waiver of confidentiality of such papers, documents, reports or copies thereof. Any parties receiving such papers must agree in writing prior to receiving the information to provide to it the same confidential treatment as required by this section.

§ 38.2-3469. Enforcement; regulations.

A. The Commission shall enforce this article.

B. Pursuant to the authority granted by § 38.2-223, the Commission may promulgate such rules and regulations as it may deem necessary to implement this article.

§ 38.2-3470. Scope of article.

This article shall not apply with respect to claims under (i) an employee welfare benefit plan as defined in section 3 (1) of the Employee Retirement Income Security Act of 1974, 29 U.S.C. § 1002(1), that is self-insured or self-funded; (ii) coverages issued pursuant to Title XIX of the Social Security Act, 42 U.S.C. § 1396 et seq. (Medicaid); or (iii) prescription drug coverages issued pursuant to Part D of Title XVIII of the Social Security Act, 42 U.S.C. § 1395 et seq. (Medicare Part D).

§ 38.2-4214. Application of certain provisions of law.

No provision of this title except this chapter and, insofar as they are not inconsistent with this chapter, §§ 38.2-200, 38.2-203, 38.2-209 through 38.2-213, 38.2-218 through 38.2-225, 38.2-230, 38.2-232, 38.2-305, 38.2-316, 38.2-316.1, 38.2-322, 38.2-325, 38.2-326, 38.2-400, 38.2-402 through 38.2-413, 38.2-500 through 38.2-515, 38.2-600 through 38.2-620, 38.2-700 through 38.2-705, 38.2-900 through 38.2-904, 38.2-1017, 38.2-1018, 38.2-1038, 38.2-1040 through 38.2-1044, Articles 1 (§ 38.2-1300 et seq.) and 2 (§ 38.2-1306.2 et seq.) of Chapter 13, §§ 38.2-1312, 38.2-1314, 38.2-1315.1, 38.2-1317 through 38.2-1328, 38.2-1334, 38.2-1340, 38.2-1340.1, 38.2-1400 through 38.2-1442, 38.2-1446, 38.2-1447, 38.2-1800 through 38.2-1836, 38.2-3400, 38.2-3401, 38.2-3404, 38.2-3405, 38.2-3405.1, 38.2-3406.1, 38.2-3406.2, 38.2-3407.1 through 38.2-3407.6:1, 38.2-3407.9 through 38.2-3407.20, 38.2-3409, 38.2-3411 through 38.2-3419.1, 38.2-3430.1 through 38.2-3454, ~~Article~~ *Articles 8 (§ 38.2-3461 et seq.) and 9 (§ 38.2-3465 et seq.)* of Chapter 34, §§ 38.2-3501, ~~and~~ 38.2-3502, subdivision 13 of § 38.2-3503, subdivision 8 of § 38.2-3504, §§ 38.2-3514.1, 38.2-3514.2, §§ 38.2-3516 through 38.2-3520 as they apply to Medicare supplement policies, §§ 38.2-3522.1 through 38.2-3523.4, 38.2-3525, 38.2-3540.1, 38.2-3541 through 38.2-3542, 38.2-3543.2, Article 5 (§ 38.2-3551 et seq.) of Chapter 35, Chapter 35.1 (§ 38.2-3556 et seq.), §§ 38.2-3600 through 38.2-3607, Chapter 52 (§ 38.2-5200 et seq.), Chapter 55 (§ 38.2-5500 et seq.), and Chapter 58 (§ 38.2-5800 et seq.) of this title shall apply to the operation of a plan.

§ 38.2-4319. Statutory construction and relationship to other laws.

A. No provisions of this title except this chapter and, insofar as they are not inconsistent with this chapter, §§ 38.2-100, 38.2-136, 38.2-200, 38.2-203, 38.2-209 through 38.2-213, 38.2-216, 38.2-218 through 38.2-225, 38.2-229, 38.2-232, 38.2-305, 38.2-316, 38.2-316.1, 38.2-322, 38.2-325, 38.2-326, 38.2-400, 38.2-402 through 38.2-413, 38.2-500 through 38.2-515, 38.2-600 through 38.2-620, Chapter 9 (§ 38.2-900 et seq.), §§ 38.2-1016.1 through 38.2-1023, 38.2-1057, 38.2-1306.1, Article 2 (§ 38.2-1306.2 et seq.), § 38.2-1315.1, Articles 3.1 (§ 38.2-1316.1 et seq.), 4 (§ 38.2-1317 et seq.), 5 (§ 38.2-1322 et seq.), 5.1 (§ 38.2-1334.3 et seq.), and 5.2 (§ 38.2-1334.11 et seq.) of Chapter 13, Articles 1 (§ 38.2-1400 et seq.), 2 (§ 38.2-1412 et seq.), and 4 (§ 38.2-1446 et seq.) of Chapter 14, Chapter 15 (§ 38.2-1500 et seq.), Chapter 17 (§ 38.2-1700 et seq.), §§ 38.2-1800 through 38.2-1836, 38.2-3401, 38.2-3405, 38.2-3405.1, 38.2-3406.1, 38.2-3407.2 through 38.2-3407.6:1, 38.2-3407.9 through 38.2-3407.20, 38.2-3411, 38.2-3411.2, 38.2-3411.3, 38.2-3411.4, 38.2-3412.1, 38.2-3414.1, 38.2-3418.1 through 38.2-3418.17, 38.2-3419.1, 38.2-3430.1 through 38.2-3454, ~~Article~~ *Articles 8 (§ 38.2-3461 et seq.) and 9 (§ 38.2-3465 et seq.)* of Chapter 34, § 38.2-3500, subdivision 13 of § 38.2-3503, subdivision 8 of § 38.2-3504, §§ 38.2-3514.1, 38.2-3514.2, 38.2-3522.1 through 38.2-3523.4, 38.2-3525, 38.2-3540.1, 38.2-3540.2, 38.2-3541.2, 38.2-3542, 38.2-3543.2, Article 5 (§ 38.2-3551 et seq.) of Chapter 35, Chapter 35.1 (§ 38.2-3556 et seq.), Chapter 52 (§ 38.2-5200 et seq.), Chapter 55 (§ 38.2-5500 et seq.), and Chapter 58 (§ 38.2-5800 et seq.) shall be applicable to any health maintenance organization granted a license under this chapter. This chapter shall not apply to an insurer or health services plan licensed and regulated in conformance with the insurance laws or Chapter 42 (§ 38.2-4200 et seq.) except with respect to the activities of its health maintenance organization.

B. For plans administered by the Department of Medical Assistance Services that provide benefits pursuant to Title XIX or Title XXI of the Social Security Act, as amended, no provisions of this title except this chapter and, insofar as they are not inconsistent with this chapter, §§ 38.2-100, 38.2-136, 38.2-200, 38.2-203, 38.2-209 through 38.2-213, 38.2-216, 38.2-218 through 38.2-225, 38.2-229, 38.2-232, 38.2-322, 38.2-325, 38.2-400, 38.2-402 through 38.2-413, 38.2-500 through 38.2-515, 38.2-600 through 38.2-620, Chapter 9 (§ 38.2-900 et seq.), §§ 38.2-1016.1 through 38.2-1023, 38.2-1057, 38.2-1306.1, Article 2 (§ 38.2-1306.2 et seq.), § 38.2-1315.1, Articles 3.1 (§ 38.2-1316.1 et seq.), 4 (§ 38.2-1317 et seq.), 5 (§ 38.2-1322 et seq.), 5.1 (§ 38.2-1334.3 et seq.), and 5.2 (§ 38.2-1334.11 et seq.) of Chapter 13, Articles 1 (§ 38.2-1400 et seq.), 2 (§ 38.2-1412 et seq.), and 4 (§ 38.2-1446 et seq.) of Chapter 14, §§ 38.2-3401, 38.2-3405, 38.2-3407.2 through 38.2-3407.5, 38.2-3407.6, 38.2-3407.6:1, 38.2-3407.9, 38.2-3407.9:01, and 38.2-3407.9:02, subdivisions F 1, F 2, and F 3 of § 38.2-3407.10, §§ 38.2-3407.11, 38.2-3407.11:3, 38.2-3407.13, 38.2-3407.13:1, 38.2-3407.14, 38.2-3411.2, 38.2-3418.1, 38.2-3418.2, 38.2-3419.1, 38.2-3430.1 through 38.2-3437, 38.2-3500, subdivision 13 of § 38.2-3503, subdivision 8 of § 38.2-3504, §§ 38.2-3514.1, 38.2-3514.2, 38.2-3522.1 through 38.2-3523.4, 38.2-3525, 38.2-3540.1, 38.2-3540.2, 38.2-3541.2, 38.2-3542, 38.2-3543.2, Chapter 52 (§ 38.2-5200 et seq.), Chapter 55 (§ 38.2-5500 et seq.), and Chapter 58 (§ 38.2-5800 et seq.) shall be applicable to any health maintenance organization granted a license under this chapter. This chapter shall not apply to an insurer or health services plan licensed and regulated in conformance with the insurance laws or Chapter 42 (§ 38.2-4200 et seq.) except with respect to the activities of its health maintenance organization.

C. Solicitation of enrollees by a licensed health maintenance organization or by its representatives shall not be construed to violate any provisions of law relating to solicitation or advertising by health professionals.

D. A licensed health maintenance organization shall not be deemed to be engaged in the unlawful practice of medicine. All health care providers associated with a health maintenance organization shall be subject to all provisions of law.

E. Notwithstanding the definition of an eligible employee as set forth in § 38.2-3431, a health maintenance organization providing health care plans pursuant to § 38.2-3431 shall not be required to offer coverage to or accept applications from an employee who does not reside within the health maintenance organization's service area.

F. For purposes of applying this section, "insurer" when used in a section cited in subsections A and B shall be construed to mean and include "health maintenance organizations" unless the section cited clearly applies to health maintenance organizations without such construction.

2. That the provisions of the first enactment of this act shall become effective on October 1, 2020, except that the provisions of the first enactment that apply to contracts between a carrier and a pharmacy benefits manager shall apply to all such contracts delivered, renewed, reissued, or extended on or after October 1, 2020, and to all such contracts to which a term is changed on or after such date.

3. That the State Corporation Commission shall establish a procedure, to be in effect by August 1, 2020, for any pharmacy benefits manager to apply for licensure, prior to October 1, 2020, for a license to be issued on or after October 1, 2020, pursuant to § 38.2-3466 of the Code of Virginia, as created by the first enactment of this act.

CHAPTER 220

An Act to amend and reenact §§ 54.1-2700, 54.1-2711, and 54.1-2719 of the Code of Virginia and to amend the Code of Virginia by adding in Article 2 of Chapter 27 of Title 54.1 a section numbered 54.1-2708.5, relating to teledentistry.

[S 122]

Approved March 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-2700, 54.1-2711, and 54.1-2719 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Article 2 of Chapter 27 of Title 54.1 a section numbered 54.1-2708.5 as follows:

§ 54.1-2700. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Appliance" means a permanent or removable device used in a plan of dental care, including crowns, fillings, bridges, braces, dentures, orthodontic aligners, and sleep apnea devices.

"Board" means the Board of Dentistry.

"Dental hygiene" means duties related to patient assessment and the rendering of educational, preventive, and therapeutic dental services specified in regulations of the Board and not otherwise restricted to the practice of dentistry.

"Dental hygienist" means a person who is licensed by the Board to practice dental hygiene.

"Dentist" means a person who has been awarded a degree in and is licensed by the Board to practice dentistry.

"Dentistry" means the evaluation, diagnosis, prevention, and treatment, through surgical, nonsurgical, or related procedures, of diseases, disorders, and conditions of the oral cavity and the maxillofacial, adjacent, and associated structures and their impact on the human body.

"Digital scan" means digital technology that creates a computer-generated replica of the hard and soft tissues of the oral cavity using enhanced digital photography.

"Digital scan technician" means a person who has completed a training program approved by the Board to take digital scans of intraoral and extraoral hard and soft tissues for use in teledentistry.

"Digital work order" means the digital equivalent of a written dental laboratory work order used in the construction or repair of an appliance.

"License" means the document issued to an applicant upon completion of requirements for admission to practice dentistry or dental hygiene in the Commonwealth or upon registration for renewal of license to continue the practice of dentistry or dental hygiene in the Commonwealth.

"License to practice dentistry" means any license to practice dentistry issued by the Board.

"Maxillofacial" means pertaining to the jaws and face, particularly with reference to specialized surgery of this region.

"Oral and maxillofacial surgeon" means a person who has successfully completed an oral and maxillofacial residency program, approved by the Commission on Dental Accreditation of the American Dental Association, and who holds a valid license from the Board.

"Store-and-forward technologies" means the technologies that allow for the electronic transmission of dental and health information, including images, photographs, documents, and health histories, through a secure communication system.

"Teledentistry" means the delivery of dentistry between a patient and a dentist who holds a license to practice dentistry issued by the Board through the use of telehealth systems and electronic technologies or media, including interactive, two-way audio or video.

§ 54.1-2708.5. Digital scans for use in the practice of dentistry; practice of digital scan technicians.

A. No person other than a dentist, dental hygienist, dental assistant I, dental assistant II, digital scan technician, or other person under the direction of a dentist shall obtain dental scans for use in the practice of dentistry.

B. A digital scan technician who obtains dental scans for use in the practice of teledentistry shall work under the direction of a dentist who is (i) licensed by the Board to practice dentistry in the Commonwealth, (ii) accessible and available for communication and consultation with the digital scan technician at all times during the patient interaction, and (iii) responsible for ensuring that the digital scan technician has a program of training approved by the Board for such purpose. All protocols and procedures for the performance of digital scans by digital scan technicians and evidence that a digital scan technician has complied with the training requirements of the Board shall be made available to the Board upon request.

§ 54.1-2711. Practice of dentistry.

A. Any person shall be deemed to be practicing dentistry who (i) uses the words dentist, or dental surgeon, the letters D.D.S., D.M.D., or any letters or title in connection with his name, which in any way represents him as engaged in the practice of dentistry; (ii) holds himself out, advertises, or permits to be advertised that he can or will perform dental operations of any kind; (iii) diagnoses, treats, or professes to diagnose or treat any of the diseases or lesions of the oral cavity, its contents, or contiguous structures; or (iv) extracts teeth, corrects malpositions of the teeth or jaws, takes or causes to be taken digital scans or impressions for the fabrication of appliances or dental prosthesis, supplies or repairs artificial teeth as substitutes for natural teeth, or places in the mouth and adjusts such substitutes. Taking impressions for mouth guards that may be self-fabricated or obtained over-the-counter does not constitute the practice of dentistry.

B. No person shall practice dentistry unless a bona fide dentist-patient relationship is established in person or through teledentistry. A bona fide dentist-patient relationship shall exist if the dentist has (i) obtained or caused to be obtained a health and dental history of the patient; (ii) performed or caused to be performed an appropriate examination of the patient, either physically, through use of instrumentation and diagnostic equipment through which digital scans, photographs, images, and dental records are able to be transmitted electronically, or through use of face-to-face interactive two-way real-time communications services or store-and-forward technologies; (iii) provided information to the patient about the services to be performed; and (iv) initiated additional diagnostic tests or referrals as needed. In cases in which a dentist is providing teledentistry, the examination required by clause (ii) shall not be required if the patient has been examined in person by a dentist licensed by the Board within the six months prior to the initiation of teledentistry and the patient's dental records of such examination have been reviewed by the dentist providing teledentistry.

C. No person shall deliver dental services through teledentistry unless he holds a license to practice dentistry in the Commonwealth issued by the Board and has established written or electronic protocols for the practice of teledentistry that include (i) methods to ensure that patients are fully informed about services provided through the use of teledentistry, including obtaining informed consent; (ii) safeguards to ensure compliance with all state and federal laws and regulations related to the privacy of health information; (iii) documentation of all dental services provided to a patient through teledentistry, including the full name, address, telephone number, and Virginia license number of the dentist providing such dental services; (iv) procedures for providing in-person services or for the referral of patients requiring dental services that cannot be provided by teledentistry to another dentist licensed to practice dentistry in the Commonwealth who actually practices dentistry in an area of the Commonwealth the patient can readily access; (v) provisions for the use of appropriate encryption when transmitting patient health information via teledentistry; and (vi) any other provisions required by the Board. A dentist who delivers dental services using teledentistry shall, upon request of the patient, provide health records to the patient or a dentist of record in a timely manner in accordance with § 32.1-127.1:03 and any other applicable federal or state laws or regulations. All patients receiving dental services through teledentistry shall have the right to speak or communicate with the dentist providing such services upon request.

D. Dental services delivered through use of teledentistry shall (i) be consistent with the standard of care as set forth in § 8.01-581.20, including when the standard of care requires the use of diagnostic testing or performance of a physical examination, and (ii) comply with the requirements of this chapter and the regulations of the Board.

E. In cases in which teledentistry is provided to a patient who has a dentist of record but has not had a dental wellness examination in the six months prior to the initiation of teledentistry, the dentist providing teledentistry shall recommend that the patient schedule a dental wellness examination. If a patient to whom teledentistry is provided does not have a dentist of record, the dentist shall provide or cause to be provided to the patient options for referrals for obtaining a dental wellness examination.

F. No dentist shall be supervised within the scope of the practice of dentistry by any person who is not a licensed dentist.

§ 54.1-2719. Persons engaged in construction and repair of appliances.

A. Licensed dentists may employ or engage the services of any person, firm, or corporation to construct or repair an appliance, extraorally, ~~prosthetic dentures, bridges, or other replacements for a part of a tooth, a tooth, or teeth~~ in accordance with a written or digital work order. Any appliance constructed or repaired by a person, firm, or corporation pursuant to this section shall be evaluated and reviewed by the licensed dentist who submitted the written or digital work order, or a licensed dentist in the same dental practice. A person, firm, or corporation so employed or engaged shall not be considered to be practicing dentistry. No such person, firm, or corporation shall perform any direct dental service for a patient, but they may assist a dentist in the selection of shades for the matching of prosthetic devices when the dentist sends the patient to them with a written or digital work order.

B. Any licensed dentist who employs the services of any person, firm, or corporation not working in a dental office under ~~his~~ the dentist's direct supervision to construct or repair, ~~an appliance~~ extraorally, ~~prosthetic dentures, bridges,~~

replacements, or orthodontic appliances for a part of a tooth, a tooth, or teeth, shall furnish such person, firm, or corporation with a written *or digital* work order on forms prescribed by the Board, which shall, at minimum, contain: (i) the name and address of the person, firm, or corporation; (ii) the patient's name or initials or an identification number; (iii) the date the work order was written; (iv) a description of the work to be done, including diagrams, if necessary; (v) specification of the type and quality of materials to be used; and (vi) the signature and address of the dentist.

The person, firm, or corporation shall retain the original *written work order or an electronic copy of a digital work order*, and the dentist shall retain a duplicate *of the written work order or an electronic copy of a digital work order*, for three years.

C. If the person, firm, or corporation ~~receiving~~ *receives* a written *or digital* work order from a licensed dentist ~~engages a subcontractor to perform services relative to the work order~~, a written *disclosure and* subwork order shall be furnished to *the dentist* on forms prescribed by the Board, which shall, at minimum, contain: (i) the name and address of the *person, firm, or corporation and* subcontractor; (ii) a number identifying the subwork order with the original work order; (iii) the date ~~the any~~ subwork order was written; (iv) a description of the work to be done *and the work to be done* by the subcontractor, including diagrams *or digital files*, if necessary; (v) a specification of the type and quality of materials to be used; and (vi) the signature of the person issuing the *disclosure and* subwork order.

The subcontractor shall retain the subwork order, and the issuer shall retain a duplicate *of the subwork order, which shall be* attached to the work order received from the licensed dentist, for three years.

D. No person, firm, or corporation engaged in the construction or repair of appliances shall refuse to allow the Board or its agents to inspect the files of work orders or subwork orders during ordinary business hours.

~~The provisions of this section shall not apply to a work order for the construction, reproduction, or repair, extraorally, of prosthetic dentures, bridges, or other replacements for a part of a tooth, a tooth, or teeth, done by a person, firm or corporation pursuant to a written work order received from a licensed dentist who is residing and practicing in another state.~~

CHAPTER 221

An Act to amend and reenact § 63.2-505.2 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 63.2-607.1, relating to eligibility for food stamps and TANF; drug-related felonies.

[S 124]

Approved March 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 63.2-505.2 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 63.2-607.1 as follows:

§ 63.2-505.2. Eligibility for food stamps; drug-related felonies.

A person who is otherwise eligible to receive food stamp benefits shall be exempt from the application of ~~section~~ § 115(a) of the *federal* Personal Responsibility and Work Opportunity Reconciliation Act of 1996, P.L. 104-193, and shall not be denied such assistance solely because he has been convicted of a *drug-related* felony ~~offense of possession of a controlled substance in violation of § 18.2-250, provided such person is complying with, or has already complied with, all obligations imposed by the criminal court, is actively engaged in or has completed a substance abuse treatment program, participates in periodic drug screenings, and any other obligations as determined by the Department.~~

§ 63.2-607.1. Eligibility for TANF; drug-related felonies.

A person who is otherwise eligible to receive TANF assistance shall be exempt from the application of § 115(a)(1) of the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, P.L. 104-193, and shall not be denied such assistance solely because he has been convicted of a drug-related felony.

CHAPTER 222

An Act to repeal § 38.2-1807 of the Code of Virginia, relating to the sale of accident airtrip insurance by vending machines.

[S 164]

Approved March 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 38.2-1807 of the Code of Virginia is repealed.

CHAPTER 223

An Act to amend and reenact § 38.2-1815 of the Code of Virginia, relating to life and annuities agents; report on licensure exam passage rate.

[S 165]

Approved March 10, 2020

Be it enacted by the General Assembly of Virginia:**1. That § 38.2-1815 of the Code of Virginia is amended and reenacted as follows:****§ 38.2-1815. License required of resident life and annuities agent.**

A. No individual who is a resident of the Commonwealth shall obtain a license as a life and annuities agent from the Commission unless the individual has passed an examination in a form and manner prescribed by the Commission. The Commission annually shall review whether the examination's pass rate is consistent with the 2011 2013 NAIC State Licensing Handbook, or any successor publication adopted by the NAIC, ~~and report to the General Assembly by the second quarter of the following year on its findings and any related changes it has implemented.~~

B. An individual may obtain a license as a limited lines credit insurance agent, a limited lines life and health agent, a motor vehicle rental contract insurance agent, or any other type of license of restricted authority that the Commission may deem it necessary to recognize for the purposes of complying with § 38.2-1836 without taking such examination.

C. No individual who is a resident of the Commonwealth shall obtain a license as a variable contract agent unless the individual currently holds a life and annuities license, and no individual, whether resident or nonresident, shall obtain a license as a variable contract agent unless the individual has passed the Financial Industry Regulatory Authority examination or examinations prescribed by the Commission or such other examination prescribed by the Commission.

CHAPTER 224

An Act to amend and reenact §§ 16.1-282.1, 63.2-100, 63.2-900.1, 63.2-906, and 63.2-1305 of the Code of Virginia, relating to Kinship Guardianship Assistance program; eligibility; fictive kin.

[S 178]

Approved March 10, 2020

Be it enacted by the General Assembly of Virginia:**1. That §§ 16.1-282.1, 63.2-100, 63.2-900.1, 63.2-906, and 63.2-1305 of the Code of Virginia are amended and reenacted as follows:****§ 16.1-282.1. Permanency planning hearing for children in foster care.**

A. In the case of a child who was the subject of a foster care plan filed with the court pursuant to § 16.1-281, a permanency planning hearing shall be held within 10 months of the dispositional hearing at which the foster care plan pursuant to § 16.1-281 was reviewed if the child (a) was placed through an agreement between the parents or guardians and the local board of social services where legal custody remains with the parents or guardians and such agreement has not been dissolved by court order; or (b) is under the legal custody of a local board of social services or a child welfare agency and has not had a petition to terminate parental rights filed on the child's behalf, has not been placed in permanent foster care, or is age 16 or over and the plan for the child is not independent living. The board or child welfare agency shall file a petition for a permanency planning hearing 30 days prior to the date of the permanency planning hearing scheduled by the court. The purpose of this hearing is to establish a permanent goal for the child and either to achieve the permanent goal or to defer such action through the approval of an interim plan for the child.

To achieve the permanent goal, the petition for a permanency planning hearing shall seek to (i) transfer the custody of the child to his prior family, or dissolve the board's placement agreement and return the child to his prior family; (ii) transfer custody of the child to a relative other than the child's prior family *or to fictive kin for the purpose of establishing eligibility for the Kinship Guardianship Assistance program pursuant to § 63.2-1305*, subject to the provisions of subsection A1; (iii) terminate residual parental rights pursuant to § 16.1-277.01 or 16.1-283; (iv) place a child who is 16 years of age or older in permanent foster care pursuant to § 63.2-908; (v) if the child has been admitted to the United States as a refugee or asylee and has attained the age of 16 years or older and the plan is independent living, direct the board or agency to provide the child with services to transition from foster care; or (vi) place a child who is 16 years of age or older in another planned permanent living arrangement in accordance with the provisions of subsection A2. In cases in which a foster care plan approved prior to July 1, 2011, includes independent living as the goal for a child who is not admitted to the United States as an asylee or refugee, the petition shall direct the board or agency to provide the child with services to transition from foster care.

For approval of an interim plan, the petition for a permanency planning hearing shall seek to continue custody with the board or agency, or continue placement with the board through a parental agreement; or transfer custody to the board or child welfare agency from the parents or guardian of a child who has been in foster care through an agreement where the parents or guardian retains custody.

Upon receipt of the petition, if a permanency planning hearing has not already been scheduled, the court shall schedule such a hearing to be held within 30 days. The permanency planning hearing shall be held within 10 months of the dispositional hearing at which the foster care plan was reviewed pursuant to § 16.1-281. The provisions of subsection B of § 16.1-282 shall apply to this petition. The procedures of subsection C of § 16.1-282 and the provisions of subsection G of § 16.1-282 shall apply to the scheduling and notice of proceedings under this section.

A1. The following requirements shall apply to the transfer of custody of the child to a relative other than the child's prior family *or to fictive kin for the purpose of establishing eligibility for the Kinship Guardianship Assistance program pursuant to § 63.2-1305* in accordance with the provisions of clause (ii) of subsection A. Any order transferring custody of the child to a relative other than the child's prior family shall be entered only upon a finding, based upon a preponderance of

the evidence, that the relative is one who, after an investigation as directed by the court, (i) is found by the court to be willing and qualified to receive and care for the child; (ii) is willing to have a positive, continuous relationship with the child; (iii) is committed to providing a permanent, suitable home for the child; and (iv) is willing and has the ability to protect the child from abuse and neglect; and the order shall so state. The court's order transferring custody to a relative should further provide, as appropriate, for any terms or conditions which would promote the child's interest and welfare.

A2. The following requirements shall apply to the selection and approval of placement in another planned permanent living arrangement as the permanent goal for the child in accordance with clause (vi) of subsection A:

1. The board or child welfare agency shall petition for alternative (vi) of subsection A only if the child has a severe and chronic emotional, physical or neurological disabling condition for which the child requires long-term residential treatment; and the board or child welfare agency has thoroughly investigated the feasibility of the alternatives listed in clauses (i) through (v) of subsection A and determined that none of those alternatives is in the best interests of the child. In a foster care plan filed with the petition pursuant to this section, the board or agency shall document the following: (i) the investigation conducted of the placement alternatives listed in clauses (i) through (v) of subsection A and why each of these is not currently in the best interest of the child; (ii) at least one compelling reason why none of the alternatives listed in clauses (i) through (v) is achievable for the child at the time placement in another planned permanent living arrangement is selected as the permanent goal for the child; (iii) the identity of the long-term residential treatment service provider; (iv) the nature of the child's disability; (v) the anticipated length of time required for the child's treatment; and (vi) the status of the child's eligibility for admission and long-term treatment. The court shall ensure that the local department has documentation of the intensive, ongoing, and, as of the date of the hearing, unsuccessful efforts made to return the child home or secure a placement for the child with a fit and willing relative, including adult siblings, or an adoptive parent, including through efforts that utilize search technology, including social media, to find the child's biological family members. The court shall ask the child about the child's desired permanency outcome and make a judicial determination, accompanied by an explanation of the reasons that the alternatives listed in clauses (i) through (iii) of subsection A continue to not be in the best interest of the child.

2. Before approving alternative (vi) of subsection A as the plan for the child, the court shall find (i) that the child has a severe and chronic emotional, physical or neurological disabling condition; (ii) that the child requires long-term residential treatment for the disabling condition; and (iii) that none of the alternatives listed in clauses (i) through (v) of subsection A is achievable for the child at the time placement in another planned permanent living arrangement is approved as the permanent goal for the child. If the board or agency petitions for alternative (vi), alternative (vi) may be approved by the court for a period of six months at a time.

3. At the conclusion of the permanency planning hearing, if alternative (vi) of subsection A is the permanent plan, the court shall schedule a hearing to be held within six months to review the child's placement in another planned permanent living arrangement in accordance with subdivision A2 4. All parties present at the hearing at which clause (vi) of subsection A is approved as the permanent plan for the child shall be given notice of the date scheduled for the foster care review hearing. Parties not present shall be summoned to appear as provided in § 16.1-263. Otherwise, this subsection A2 shall govern the scheduling and notice for such hearings.

4. The court shall review a foster care plan for any child who is placed in another planned permanent living arrangement every six months from the date of the permanency planning hearing held pursuant to this subsection, so long as the child remains in the legal custody of the board or child welfare agency. The board or child welfare agency shall file such petitions for review pursuant to the provisions of § 16.1-282 and shall, in addition, include in the petition the information required by subdivision A2 1. The petition for foster care review shall be filed no later than 30 days prior to the hearing scheduled in accordance with subdivision A2 3. At the conclusion of the foster care review hearing, if alternative (vi) of subsection A remains the permanent plan, the court shall enter an order that states whether reasonable efforts have been made to place the child in a timely manner in accordance with the permanency plan and to monitor the child's status in another planned permanent living arrangement.

However, if at any time during the six-month approval periods permitted by this subsection, a determination is made by treatment providers that the child's need for long-term residential treatment for the child's disabling condition is eliminated, the board or agency shall immediately begin to plan for post-discharge services and shall, within 30 days of making such a determination, file a petition for a permanency planning hearing pursuant to subsection A. Upon receipt of the petition, the court shall schedule a permanency planning hearing to be held within 30 days. The provisions of subsection B of § 16.1-282 shall apply to this petition. The procedures of subsection C of § 16.1-282 and the provisions of subsection G of § 16.1-282 shall apply to proceedings under this section.

A3. The following requirements shall apply to the selection and approval of permanent foster care pursuant to clause (iv) of subsection A:

1. The court shall ensure that the local department has documentation of the intensive, ongoing, and, as of the date of the hearing, unsuccessful efforts made to return the child home or secure a placement for the child with a fit and willing relative, including adult siblings, or an adoptive parent, including through efforts that utilize search technology, including social media, to find the child's biological family members.

2. The court shall ask the child about the child's desired permanency outcome and make a judicial determination, accompanied by an explanation of the reasons that the alternatives listed in clauses (i) through (iii) of subsection A continue to not be in the best interest of the child.

B. The following requirements shall apply to the selection and approval of an interim plan for the child in accordance with subsection A:

1. The board or child welfare agency shall petition for approval of an interim plan only if the board or child welfare agency has thoroughly investigated the feasibility of the alternatives listed in clauses (i) through (v) of subsection A and determined that none of those alternatives is in the best interest of the child. If the board or agency petitions for approval of an interim plan, such plan may be approved by the court for a maximum period of six months. The board or agency shall also file a foster care plan that (i) identifies a permanent goal for the child that corresponds with one of the alternatives specified in clauses (i) through (v) of subsection A; (ii) includes provisions for accomplishing the permanent goal within six months; and (iii) summarizes the investigation conducted of the alternatives listed in clauses (i) through (v) of subsection A and why achieving each of these is not in the best interest of the child at this time. The foster care plan shall describe the child's placement, including the in-state and out-of-state placement options and whether the child's placement is in state or out of state. If the child's placement is out of state, the foster care plan shall provide the reason why the out-of-state placement is appropriate and in the best interests of the child.

2. Before approving an interim plan for the child, the court shall find:

a. When returning home remains the plan for the child, that the parent has made marked progress toward reunification with the child, the parent has maintained a close and positive relationship with the child, and the child is likely to return home within the near future, although it is premature to set an exact date for return at the time of this hearing; or

b. When returning home is not the plan for the child, that marked progress is being made to achieve the permanent goal identified by the board or child welfare agency and that it is premature to set an exact date for accomplishing the goal at the time of this hearing. The court shall consider the in-state and out-of-state placement options, and if the child has been placed out of state, determine whether the out-of-state placement is appropriate and in the best interests of the child.

3. Upon approval of an interim plan, the court shall schedule a hearing to be held within six months to determine that the permanent goal is accomplished and to enter an order consistent with alternative (i), (ii), (iii), (iv), or (v) of subsection A. All parties present at the initial permanency planning hearing shall be given notice of the date scheduled for the second permanency planning hearing. Parties not present shall be summoned to appear as provided in § 16.1-263. Otherwise, subsection A shall govern the scheduling and notice for such hearings.

C. In each permanency planning hearing and in any hearing regarding the transition of the child from foster care to independent living, the court shall consult with the child in an age-appropriate manner regarding the proposed permanency plan or transition plan for the child, unless the court finds that such consultation is not in the best interests of the child.

D. In cases in which a child is placed by the local board of social services or a licensed child-placing agency in a qualified residential treatment program as defined in § 16.1-228, the provisions of subsection E of § 16.1-281 shall apply to any hearing held pursuant to this section.

E. At the conclusion of the permanency planning hearing held pursuant to this section, whether action is taken or deferred to achieve the permanent goal for the child, the court shall enter an order that states whether reasonable efforts have been made to reunite the child with the child's prior family, if returning home is the permanent goal for the child; or whether reasonable efforts have been made to achieve the permanent goal identified by the board or agency, if the goal is other than returning the child home.

In making this determination, the court shall give consideration to whether the board or agency has placed the child in a timely manner in accordance with the foster care plan and completed the steps necessary to finalize the permanent placement of the child.

§ 63.2-100. Definitions.

As used in this title, unless the context requires a different meaning:

"Abused or neglected child" means any child less than 18 years of age:

1. Whose parents or other person responsible for his care creates or inflicts, threatens to create or inflict, or allows to be created or inflicted upon such child a physical or mental injury by other than accidental means, or creates a substantial risk of death, disfigurement, or impairment of bodily or mental functions, including, but not limited to, a child who is with his parent or other person responsible for his care either (i) during the manufacture or attempted manufacture of a Schedule I or II controlled substance, or (ii) during the unlawful sale of such substance by that child's parents or other person responsible for his care, where such manufacture, or attempted manufacture or unlawful sale would constitute a felony violation of § 18.2-248;

2. Whose parents or other person responsible for his care neglects or refuses to provide care necessary for his health. However, no child who in good faith is under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination shall for that reason alone be considered to be an abused or neglected child. Further, a decision by parents who have legal authority for the child or, in the absence of parents with legal authority for the child, any person with legal authority for the child, who refuses a particular medical treatment for a child with a life-threatening condition shall not be deemed a refusal to provide necessary care if (i) such decision is made jointly by the parents or other person with legal authority and the child; (ii) the child has reached 14 years of age and is sufficiently mature to have an informed opinion on the subject of his medical treatment; (iii) the parents or other person with legal authority and the child have considered alternative treatment options; and (iv) the parents or other person with legal authority and the child believe in good faith that such decision is in the child's best interest. Nothing in this subdivision shall be construed to limit the provisions of § 16.1-278.4;

3. Whose parents or other person responsible for his care abandons such child;
4. Whose parents or other person responsible for his care commits or allows to be committed any act of sexual exploitation or any sexual act upon a child in violation of the law;
5. Who is without parental care or guardianship caused by the unreasonable absence or the mental or physical incapacity of the child's parent, guardian, legal custodian or other person standing in loco parentis;
6. Whose parents or other person responsible for his care creates a substantial risk of physical or mental injury by knowingly leaving the child alone in the same dwelling, including an apartment as defined in § 55.1-2000, with a person to whom the child is not related by blood or marriage and who the parent or other person responsible for his care knows has been convicted of an offense against a minor for which registration is required as a violent sexual offender pursuant to § 9.1-902; or
7. Who has been identified as a victim of sex trafficking or severe forms of trafficking as defined in the Trafficking Victims Protection Act of 2000, 22 U.S.C § 7102 et seq., and in the Justice for Victims of Trafficking Act of 2015, 42 U.S.C. § 5101 et seq.

If a civil proceeding under this title is based solely on the parent having left the child at a hospital or emergency medical services agency, it shall be an affirmative defense that such parent safely delivered the child to a hospital that provides 24-hour emergency services or to an attended emergency medical services agency that employs emergency medical services providers, within 14 days of the child's birth. For purposes of terminating parental rights pursuant to § 16.1-283 and placement for adoption, the court may find such a child is a neglected child upon the ground of abandonment.

"Adoptive home" means any family home selected and approved by a parent, local board or a licensed child-placing agency for the placement of a child with the intent of adoption.

"Adoptive placement" means arranging for the care of a child who is in the custody of a child-placing agency in an approved home for the purpose of adoption.

"Adult abuse" means the willful infliction of physical pain, injury or mental anguish or unreasonable confinement of an adult as defined in § 63.2-1603.

"Adult day care center" means any facility that is either operated for profit or that desires licensure and that provides supplementary care and protection during only a part of the day to four or more aged, infirm or disabled adults who reside elsewhere, except (i) a facility or portion of a facility licensed by the State Board of Health or the Department of Behavioral Health and Developmental Services, and (ii) the home or residence of an individual who cares for only persons related to him by blood or marriage. Included in this definition are any two or more places, establishments or institutions owned, operated or controlled by a single entity and providing such supplementary care and protection to a combined total of four or more aged, infirm or disabled adults.

"Adult exploitation" means the illegal, unauthorized, improper, or fraudulent use of an adult as defined in § 63.2-1603 or his funds, property, benefits, resources, or other assets for another's profit, benefit, or advantage, including a caregiver or person serving in a fiduciary capacity, or that deprives the adult of his rightful use of or access to such funds, property, benefits, resources, or other assets. "Adult exploitation" includes (i) an intentional breach of a fiduciary obligation to an adult to his detriment or an intentional failure to use the financial resources of an adult in a manner that results in neglect of such adult; (ii) the acquisition, possession, or control of an adult's financial resources or property through the use of undue influence, coercion, or duress; and (iii) forcing or coercing an adult to pay for goods or services or perform services against his will for another's profit, benefit, or advantage if the adult did not agree, or was tricked, misled, or defrauded into agreeing, to pay for such goods or services or to perform such services.

"Adult foster care" means room and board, supervision, and special services to an adult who has a physical or mental condition. Adult foster care may be provided by a single provider for up to three adults.

"Adult neglect" means that an adult as defined in § 63.2-1603 is living under such circumstances that he is not able to provide for himself or is not being provided services necessary to maintain his physical and mental health and that the failure to receive such necessary services impairs or threatens to impair his well-being. However, no adult shall be considered neglected solely on the basis that such adult is receiving religious nonmedical treatment or religious nonmedical nursing care in lieu of medical care, provided that such treatment or care is performed in good faith and in accordance with the religious practices of the adult and there is a written or oral expression of consent by that adult.

"Adult protective services" means services provided by the local department that are necessary to protect an adult as defined in § 63.2-1603 from abuse, neglect or exploitation.

"Assisted living care" means a level of service provided by an assisted living facility for adults who may have physical or mental impairments and require at least a moderate level of assistance with activities of daily living.

"Assisted living facility" means any congregate residential setting that provides or coordinates personal and health care services, 24-hour supervision, and assistance (scheduled and unscheduled) for the maintenance or care of four or more adults who are aged, infirm or disabled and who are cared for in a primarily residential setting, except (i) a facility or portion of a facility licensed by the State Board of Health or the Department of Behavioral Health and Developmental Services, but including any portion of such facility not so licensed; (ii) the home or residence of an individual who cares for or maintains only persons related to him by blood or marriage; (iii) a facility or portion of a facility serving infirm or disabled persons between the ages of 18 and 21, or 22 if enrolled in an educational program for the handicapped pursuant to § 22.1-214, when such facility is licensed by the Department as a children's residential facility under Chapter 17 (§ 63.2-1700 et seq.),

but including any portion of the facility not so licensed; and (iv) any housing project for persons 62 years of age or older or the disabled that provides no more than basic coordination of care services and is funded by the U.S. Department of Housing and Urban Development, by the U.S. Department of Agriculture, or by the Virginia Housing Development Authority. Included in this definition are any two or more places, establishments or institutions owned or operated by a single entity and providing maintenance or care to a combined total of four or more aged, infirm or disabled adults. Maintenance or care means the protection, general supervision and oversight of the physical and mental well-being of an aged, infirm or disabled individual.

"Auxiliary grants" means cash payments made to certain aged, blind or disabled individuals who receive benefits under Title XVI of the Social Security Act, as amended, or would be eligible to receive these benefits except for excess income.

"Birth family" or "birth sibling" means the child's biological family or biological sibling.

"Birth parent" means the child's biological parent and, for purposes of adoptive placement, means parent(s) by previous adoption.

"Board" means the State Board of Social Services.

"Child" means any natural person under 18 years of age.

"Child day center" means a child day program offered to (i) two or more children under the age of 13 in a facility that is not the residence of the provider or of any of the children in care or (ii) 13 or more children at any location.

"Child day program" means a regularly operating service arrangement for children where, during the absence of a parent or guardian, a person or organization has agreed to assume responsibility for the supervision, protection, and well-being of a child under the age of 13 for less than a 24-hour period.

"Child-placing agency" means (i) any person who places children in foster homes, adoptive homes or independent living arrangements pursuant to § 63.2-1819, (ii) a local board that places children in foster homes or adoptive homes pursuant to §§ 63.2-900, 63.2-903, and 63.2-1221, or (iii) an entity that assists parents with the process of delegating parental and legal custodial powers of their children pursuant to Chapter 10 (§ 20-166 et seq.) of Title 20. "Child-placing agency" does not include the persons to whom such parental or legal custodial powers are delegated pursuant to Chapter 10 (§ 20-166 et seq.) of Title 20. Officers, employees, or agents of the Commonwealth, or any locality acting within the scope of their authority as such, who serve as or maintain a child-placing agency, shall not be required to be licensed.

"Child-protective services" means the identification, receipt and immediate response to complaints and reports of alleged child abuse or neglect for children under 18 years of age. It also includes assessment, and arranging for and providing necessary protective and rehabilitative services for a child and his family when the child has been found to have been abused or neglected or is at risk of being abused or neglected.

"Child support services" means any civil, criminal or administrative action taken by the Division of Child Support Enforcement to locate parents; establish paternity; and establish, modify, enforce, or collect child support, or child and spousal support.

"Child-welfare agency" means a child day center, child-placing agency, children's residential facility, family day home, family day system, or independent foster home.

"Children's residential facility" means any facility, child-caring institution, or group home that is maintained for the purpose of receiving children separated from their parents or guardians for full-time care, maintenance, protection and guidance, or for the purpose of providing independent living services to persons between 18 and 21 years of age who are in the process of transitioning out of foster care. Children's residential facility shall not include:

1. A licensed or accredited educational institution whose pupils, in the ordinary course of events, return annually to the homes of their parents or guardians for not less than two months of summer vacation;
2. An establishment required to be licensed as a summer camp by § 35.1-18; and
3. A licensed or accredited hospital legally maintained as such.

"Commissioner" means the Commissioner of the Department, his designee or authorized representative.

"Department" means the State Department of Social Services.

"Department of Health and Human Services" means the Department of Health and Human Services of the United States government or any department or agency thereof that may hereafter be designated as the agency to administer the Social Security Act, as amended.

"Disposable income" means that part of the income due and payable of any individual remaining after the deduction of any amount required by law to be withheld.

"Energy assistance" means benefits to assist low-income households with their home heating and cooling needs, including, but not limited to, purchase of materials or substances used for home heating, repair or replacement of heating equipment, emergency intervention in no-heat situations, purchase or repair of cooling equipment, and payment of electric bills to operate cooling equipment, in accordance with § 63.2-805, or provided under the Virginia Energy Assistance Program established pursuant to the Low-Income Home Energy Assistance Act of 1981 (Title XXVI of Public Law 97-35), as amended.

"Family and permanency team" means the group of individuals assembled by the local department to assist with determining planning and placement options for a child, which shall include, as appropriate, all biological relatives and fictive kin of the child, as well as any professionals who have served as a resource to the child or his family, such as teachers, medical or mental health providers, and clergy members. In the case of a child who is 14 years of age or older, the

family and permanency team shall also include any members of the child's case planning team that were selected by the child in accordance with subsection A of § 16.1-281.

"Family day home" means a child day program offered in the residence of the provider or the home of any of the children in care for one through 12 children under the age of 13, exclusive of the provider's own children and any children who reside in the home, when at least one child receives care for compensation. The provider of a licensed or registered family day home shall disclose to the parents or guardians of children in their care the percentage of time per week that persons other than the provider will care for the children. Family day homes serving five through 12 children, exclusive of the provider's own children and any children who reside in the home, shall be licensed. However, no family day home shall care for more than four children under the age of two, including the provider's own children and any children who reside in the home, unless the family day home is licensed or voluntarily registered. However, a family day home where the children in care are all related to the provider by blood or marriage shall not be required to be licensed.

"Family day system" means any person who approves family day homes as members of its system; who refers children to available family day homes in that system; and who, through contractual arrangement, may provide central administrative functions including, but not limited to, training of operators of member homes; technical assistance and consultation to operators of member homes; inspection, supervision, monitoring, and evaluation of member homes; and referral of children to available health and social services.

"Fictive kin" means persons who are not related to a child by blood or adoption but have an established relationship with the child or his family.

"Foster care placement" means placement of a child through (i) an agreement between the parents or guardians and the local board where legal custody remains with the parents or guardians or (ii) an entrustment or commitment of the child to the local board or licensed child-placing agency. "Foster care placement" does not include placement of a child in accordance with a power of attorney pursuant to Chapter 10 (§ 20-166 et seq.) of Title 20.

"Foster home" means a residence licensed approved by a child-placing agency or local board in which any child, other than a child by birth or adoption of such person or a child who is the subject of a power of attorney to delegate parental or legal custodial powers by his parents or legal custodian to the natural person who has been designated the child's legal guardian pursuant to Chapter 10 (§ 20-166 et seq.) of Title 20 and who exercises legal authority over the child on a continuous basis for at least 24 hours without compensation, resides as a member of the household.

"General relief" means money payments and other forms of relief made to those persons mentioned in § 63.2-802 in accordance with the regulations of the Board and reimbursable in accordance with § 63.2-401.

"Independent foster home" means a private family home in which any child, other than a child by birth or adoption of such person, resides as a member of the household and has been placed therein independently of a child-placing agency except (i) a home in which are received only children related by birth or adoption of the person who maintains such home and children of personal friends of such person; (ii) a home in which is received a child or children committed under the provisions of subdivision A 4 of § 16.1-278.2, subdivision 6 of § 16.1-278.4, or subdivision A 13 of § 16.1-278.8; and (iii) a home in which are received only children who are the subject of a properly executed power of attorney pursuant to Chapter 10 (§ 20-166 et seq.) of Title 20.

"Independent living" means a planned program of services designed to assist a child age 16 and over and persons who are former foster care children or were formerly committed to the Department of Juvenile Justice and are between the ages of 18 and 21 in transitioning to self-sufficiency.

"Independent living arrangement" means placement of (i) a child at least 16 years of age who is in the custody of a local board or licensed child-placing agency by the local board or licensed child-placing agency or (ii) a child at least 16 years of age or a person between the ages of 18 and 21 who was committed to the Department of Juvenile Justice immediately prior to placement by the Department of Juvenile Justice, in a living arrangement in which such child or person does not have daily substitute parental supervision.

"Independent living services" means services and activities provided to a child in foster care 14 years of age or older who was committed or entrusted to a local board of social services, child welfare agency, or private child-placing agency. "Independent living services" may also mean services and activities provided to a person who (i) was in foster care on his 18th birthday and has not yet reached the age of 21 years; (ii) is between the ages of 18 and 21 and who, immediately prior to his commitment to the Department of Juvenile Justice, was in the custody of a local board of social services; or (iii) is a child at least 16 years of age or a person between the ages of 18 and 21 who was committed to the Department of Juvenile Justice immediately prior to placement in an independent living arrangement. Such services shall include counseling, education, housing, employment, and money management skills development, access to essential documents, and other appropriate services to help children or persons prepare for self-sufficiency.

"Independent physician" means a physician who is chosen by the resident of the assisted living facility and who has no financial interest in the assisted living facility, directly or indirectly, as an owner, officer, or employee or as an independent contractor with the residence.

"Intercountry placement" means the arrangement for the care of a child in an adoptive home or foster care placement into or out of the Commonwealth by a licensed child-placing agency, court, or other entity authorized to make such placements in accordance with the laws of the foreign country under which it operates.

"Interstate placement" means the arrangement for the care of a child in an adoptive home, foster care placement or in the home of the child's parent or with a relative or nonagency guardian, into or out of the Commonwealth, by a child-placing

agency or court when the full legal right of the child's parent or nonagency guardian to plan for the child has been voluntarily terminated or limited or severed by the action of any court.

"Kinship care" means the full-time care, nurturing, and protection of children by relatives.

"Kinship guardian" means the adult relative of a child in a kinship guardianship established in accordance with § 63.2-1305 who has been awarded custody of the child by the court after acting as the child's foster parent.

"Kinship guardianship" means a relationship established in accordance with § 63.2-1305 between a child and an adult relative of the child who has formerly acted as the child's foster parent that is intended to be permanent and self-sustaining as evidenced by the transfer by the court to the adult relative of the child of the authority necessary to ensure the protection, education, care and control, and custody of the child and the authority for decision making for the child.

"Kinship Guardianship Assistance program" means a program consistent with 42 U.S.C. § 673 that provides, subject to a kinship guardianship assistance agreement developed in accordance with § 63.2-1305, payments to eligible individuals who have received custody of a relative child of whom they had been the foster parents.

"Local board" means the local board of social services representing one or more counties or cities.

"Local department" means the local department of social services of any county or city in this Commonwealth.

"Local director" means the director or his designated representative of the local department of the city or county.

"Merit system plan" means those regulations adopted by the Board in the development and operation of a system of personnel administration meeting requirements of the federal Office of Personnel Management.

"Parental placement" means locating or effecting the placement of a child or the placing of a child in a family home by the child's parent or legal guardian for the purpose of foster care or adoption.

"Public assistance" means Temporary Assistance for Needy Families (TANF); auxiliary grants to the aged, blind and disabled; medical assistance; energy assistance; food stamps; employment services; child care; and general relief.

"Qualified assessor" means an entity contracting with the Department of Medical Assistance Services to perform nursing facility pre-admission screening or to complete the uniform assessment instrument for a home and community-based waiver program, including an independent physician contracting with the Department of Medical Assistance Services to complete the uniform assessment instrument for residents of assisted living facilities, or any hospital that has contracted with the Department of Medical Assistance Services to perform nursing facility pre-admission screenings.

"Qualified individual" means a trained professional or licensed clinician who is not an employee of the local board of social services or licensed child-placing agency that placed the child in a qualified residential treatment program and is not affiliated with any placement setting in which children are placed by such local board of social services or licensed child-placing agency.

"Qualified residential treatment program" means a program that (i) provides 24-hour residential placement services for children in foster care; (ii) has adopted a trauma-informed treatment model that meets the clinical and other needs of children with serious emotional or behavioral disorders, including any clinical or other needs identified through assessments conducted pursuant to clause (viii) of this definition; (iii) employs registered or licensed nursing and other clinical staff who provide care, on site and within the scope of their practice, and are available 24 hours a day, 7 days a week; (iv) conducts outreach with the child's family members, including efforts to maintain connections between the child and his siblings and other family; documents and maintains records of such outreach efforts; and maintains contact information for any known biological family and fictive kin of the child; (v) whenever appropriate and in the best interest of the child, facilitates participation by family members in the child's treatment program before and after discharge and documents the manner in which such participation is facilitated; (vi) provides discharge planning and family-based aftercare support for at least six months after discharge; (vii) is licensed in accordance with 42 U.S.C. § 671(a)(10) and accredited by an organization approved by the federal Secretary of Health and Human Services; and (viii) requires that any child placed in the program receive an assessment within 30 days of such placement by a qualified individual that (a) assesses the strengths and needs of the child using an age-appropriate, evidence-based, validated, and functional assessment tool approved by the Commissioner of Social Services; (b) identifies whether the needs of the child can be met through placement with a family member or in a foster home or, if not, in a placement setting authorized by 42 U.S.C. § 672(k)(2), including a qualified residential treatment program, that would provide the most effective and appropriate level of care for the child in the least restrictive environment and be consistent with the short-term and long-term goals established for the child in his foster care or permanency plan; (c) establishes a list of short-term and long-term mental and behavioral health goals for the child; and (d) is documented in a written report to be filed with the court prior to any hearing on the child's placement pursuant to § 16.1-281, 16.1-282, 16.1-282.1, or 16.1-282.2.

"Registered family day home" means any family day home that has met the standards for voluntary registration for such homes pursuant to regulations adopted by the Board and that has obtained a certificate of registration from the Commissioner.

"Residential living care" means a level of service provided by an assisted living facility for adults who may have physical or mental impairments and require only minimal assistance with the activities of daily living. The definition of "residential living care" includes the services provided by independent living facilities that voluntarily become licensed.

"Sibling" means each of two or more children having one or more parents in common.

"Social services" means foster care, adoption, adoption assistance, child-protective services, domestic violence services, or any other services program implemented in accordance with regulations adopted by the Board. Social services

also includes adult services pursuant to Article 4 (§ 51.5-144 et seq.) of Chapter 14 of Title 51.5 and adult protective services pursuant to Article 5 (§ 51.5-148) of Chapter 14 of Title 51.5 provided by local departments of social services in accordance with regulations and under the supervision of the Commissioner for Aging and Rehabilitative Services.

"Special order" means an order imposing an administrative sanction issued to any party licensed pursuant to this title by the Commissioner that has a stated duration of not more than 12 months. A special order shall be considered a case decision as defined in § 2.2-4001.

"Temporary Assistance for Needy Families" or "TANF" means the program administered by the Department through which a relative can receive monthly cash assistance for the support of his eligible children.

"Temporary Assistance for Needy Families-Unemployed Parent" or "TANF-UP" means the Temporary Assistance for Needy Families program for families in which both natural or adoptive parents of a child reside in the home and neither parent is exempt from Virginia Initiative for Education and Work (VIEW) participation under § 63.2-609.

"Title IV-E Foster Care" means a federal program authorized under §§ 472 and 473 of the Social Security Act, as amended, and administered by the Department through which foster care is provided on behalf of qualifying children.

§ 63.2-900.1. Kinship foster care.

A. The local board shall, in accordance with regulations adopted by the Board, determine whether the child has any relative who may be eligible to become a kinship foster parent. Searches for relatives eligible to serve as kinship foster parents shall be conducted at the time the child enters foster care, at least annually thereafter, and prior to any subsequent changes to the child's placement setting. The local board shall take all reasonable steps to provide notice to such relatives of their potential eligibility to become kinship foster parents and explain any opportunities such relatives may have to participate in the placement and care of the child, including opportunities available through kinship foster care or kinship guardianship.

B. Kinship foster care placements pursuant to this section shall be subject to all requirements of, and shall be eligible for all services related to, foster care placement contained in this chapter. Subject to approval by the Commissioner, a local board may grant a waiver of the Board's standards for foster home approval, set forth in regulations, that are not related to safety. Waivers granted pursuant to this subsection shall be considered and, if appropriate, granted on a case-by-case basis and shall include consideration of the unique needs of each child to be placed. Upon request by a local board, the Commissioner shall review the local board's decision and reasoning to grant a waiver and shall verify that the foster home approval standard being waived is not related to safety. The approval or disapproval by the Commissioner of the local board's waiver shall not be considered a case decision as defined in § 2.2-4001.

C. The kinship foster parent shall be eligible to receive payment at the full foster care rate for the care of the child.

D. A child placed in kinship foster care pursuant to this section shall not be removed from the physical custody of the kinship foster parent, provided that the child has been living with the kinship foster parent for six consecutive months and the placement continues to meet approval standards for foster care, unless (i) the kinship foster parent consents to the removal; (ii) removal is agreed upon at a family partnership meeting as defined by the Department; (iii) removal is ordered by a court of competent jurisdiction; or (iv) removal is warranted pursuant to § 63.2-1517.

E. For purposes of this section, "relative" means an adult who is (i) related to the child by blood, marriage, or adoption or (ii) fictive kin of the child.

§ 63.2-906. Foster care plans; permissible plan goals; court review of foster children.

A. Each child who is committed or entrusted to the care of a local board or to a licensed child-placing agency or who is placed through an agreement between a local board and the parent, parents or guardians, where legal custody remains with the parent, parents or guardians, shall have a foster care plan prepared by the local department, the child welfare agency, or the family assessment and planning team established pursuant to § 2.2-5207, as specified in § 16.1-281. The representatives of such local department, child welfare agency, or team shall (i) involve the child's parent(s) in the development of the plan, except when parental rights have been terminated or the local department or child welfare agency has made diligent efforts to locate the parent(s) and such parent(s) cannot be located, and any other person or persons standing in loco parentis at the time the board or child welfare agency obtained custody or the board or the child welfare agency placed the child and (ii) for any child for whom reunification remains the goal, meet and consult with the child's parent(s) or other person standing in loco parentis, provided that the parent(s) or other person has been located and parental rights have not been terminated, no less than once every two months and at all critical decision-making points throughout the child's foster care case. The representatives of such department, child welfare agency, or team shall involve the child in the development of the plan, if such involvement is consistent with the best interests of the child. In cases where either the parent(s) or child is not involved in the development of the plan, the department, child welfare agency, or team shall include in the plan a full description of the reasons therefor in accordance with § 16.1-281.

A court may place a child in the care and custody of (a) a public agency in accordance with § 16.1-251 or 16.1-252, and (b) a public or licensed private child-placing agency in accordance with § 16.1-278.2, 16.1-278.4, 16.1-278.5, 16.1-278.6, or 16.1-278.8. Children may be placed by voluntary relinquishment in the care and custody of a public or private agency in accordance with § 16.1-277.01 or §§ 16.1-277.02 and 16.1-278.3. Children may be placed through an agreement where legal custody remains with the parent, parents or guardians in accordance with §§ 63.2-900 and 63.2-903, or § 2.2-5208.

B. Each child in foster care shall be assigned a permanent plan goal to be reviewed and approved by the juvenile and domestic relations district court having jurisdiction of the child's case. Permissible plan goals are to:

1. Transfer custody of the child to his prior family;
2. Transfer custody of the child to a relative other than his prior family *or to fictive kin for the purpose of establishing eligibility for the Kinship Guardianship Assistance program pursuant to § 63.2-1305*;
3. Finalize an adoption of the child;
4. Place a child who is 16 years of age or older in permanent foster care;
5. Transition to independent living if, and only if, the child is admitted to the United States as a refugee or asylee; or
6. Place a child who is 16 years of age or older in another planned permanent living arrangement in accordance with subsection A2 of § 16.1-282.1.

C. Each child in foster care shall be subject to the permanency planning and review procedures established in §§ 16.1-281, 16.1-282, and 16.1-282.1.

§ 63.2-1305. Kinship Guardianship Assistance program.

A. The Kinship Guardianship Assistance program is established to facilitate placements with relatives and ensure permanency for children for whom adoption or being returned home are not appropriate permanency options. Kinship guardianship assistance payments may include Title IV-E maintenance payments, state-funded maintenance payments, state special services payments, and nonrecurring expense payments made pursuant to this section.

B. A child is eligible for kinship guardianship assistance under the program if:

1. The child has been removed from his home pursuant to a voluntary placement agreement or as a result of a judicial determination that continuation in the home would be contrary to the welfare of the child;
2. The child was eligible for foster care maintenance payments under 42 U.S.C. § 672 or under state law while residing for at least six consecutive months in the home of the prospective kinship guardian;
3. Being returned home or adopted is not an appropriate permanency option for the child;
4. The child demonstrates a strong attachment to the prospective kinship guardian, and the prospective kinship guardian has a strong commitment to caring permanently for the child; and
5. The child has been consulted regarding the kinship guardianship if the child is 14 years of age or older.

C. If a child does not meet the eligibility criteria set forth in subsection B but has a sibling who meets such criteria, the child may be placed in the same kinship guardianship with his eligible sibling, in accordance with 42 U.S.C. § 671(a)(31), if the local department and kinship guardian agree that such placement is appropriate. In such cases, kinship guardianship assistance may be paid on behalf of each sibling so placed.

D. In order to receive payments under 42 U.S.C. § 674(a)(5) or pursuant to the Children's Services Act (§ 2.2-5200 et seq.), the local department and the prospective kinship guardian of a child who meets the requirements of subsection B shall enter into a written kinship guardianship assistance agreement negotiated by the Department and containing terms providing for the following:

1. The amount of, ~~and the manner in which,~~ each kinship guardianship assistance payment, *the manner in which such payments* will be provided, and the manner in which such ~~payment~~ *payments* may be adjusted periodically, in consultation with the kinship guardian, on the basis of the circumstances of the kinship guardian and the needs of the child;
2. The additional services or assistance, if any, for which the child and kinship guardian will be eligible under the agreement;
3. The procedure by which the kinship guardian may apply for additional services as needed;
4. Subject to 42 U.S.C. § 673(d)(1)(D), assurance that the local department shall pay the total cost of nonrecurring expenses associated with obtaining kinship guardianship of the child, to the extent that the total cost does not exceed \$2,000; and
5. Assurance that the agreement shall remain in effect without regard to the state of residency of the kinship guardian.

E. A kinship guardianship assistance payment on behalf of a child pursuant to this section shall not exceed the foster care maintenance payment that would have been paid on behalf of the child had the child remained in a foster family home.

F. The Board shall promulgate regulations for the Kinship Guardianship Assistance program that are necessary to comply with Title IV-E requirements, including those set forth in 42 U.S.C. § 673. The regulations may set forth qualifications for kinship guardians, the conditions under which a kinship guardianship may be established, the requirements for the development and amendment of a kinship guardianship assistance agreement, and the manner of payments on behalf of siblings placed in the same household.

G. *For purposes of this section, "relative" means an adult who is (i) related to the child by blood, marriage, or adoption or (ii) fictive kin of the child.*

CHAPTER 225

An Act to amend and reenact §§ 38.2-1845.2, as it is currently effective, 38.2-1845.8, as it is currently effective, 38.2-1845.9, as it is currently effective, 38.2-1888, as it shall become effective, and 55.1-1014, as it shall become effective, of the Code of Virginia, relating to biennial insurance licensing and registration.

Be it enacted by the General Assembly of Virginia:

1. That §§ 38.2-1845.2, as it is currently effective, 38.2-1845.8, as it is currently effective, 38.2-1845.9, as it is currently effective, 38.2-1888, as it shall become effective, and 55.1-1014, as it shall become effective, of the Code of Virginia are amended and reenacted as follows:

§ 38.2-1845.2. (Effective until January 1, 2021) License required of resident public adjusters.

A. No person shall engage in the business of public adjusting, on or after January 1, 2013, without first applying for and obtaining a license from the Commission, except as provided in § 38.2-1845.3. Every license issued pursuant to this article shall be for a term ~~expiring two years from the date of issuance and may be renewed for ensuing two-year periods subject to renewal pursuant to 38.2-1845.8.~~

B. Each individual applicant for a public adjuster license who is at least 18 years of age, who has satisfied the Commission that he (i) is of good character; (ii) has a reputation for honesty; (iii) has not committed any act that is a ground for refusal to issue, denial, suspension, or revocation of a public adjuster license as set forth in § 38.2-1845.10; and (iv) has complied successfully with the other requirements of this article is entitled to and shall receive a license under this chapter in the form and manner prescribed by the Commission. The Commission may require, for resident licensing, proof of residency as described in subsection B of § 38.2-1800.1.

C. Each individual applicant for a public adjuster license shall apply to the Commission in the form and manner prescribed by the Commission and shall provide satisfactory evidence of having met the following requirements:

1. Each applicant shall pass, within 183 calendar days prior to the date of application for such license, the public adjuster examination as required by the Commission pursuant to and in accordance with the requirements set forth in § 38.2-1845.4.

2. Each applicant for a public adjuster license shall submit a nonrefundable application processing fee prescribed by the Commission at the time of initial application for such license.

3. Prior to issuance of a license, each applicant shall attest that the applicant has, and thereafter shall keep in force for as long as the license remains in effect, a bond in favor of the Commonwealth in the amount of \$50,000 with corporate sureties licensed by the Commission, on a form prescribed by the Commission. The bond shall be conditioned that the public adjuster will conduct business under the license in accordance with the laws of the Commonwealth. The bond shall not be terminated unless at least 60 calendar days' prior written notice of the termination is filed with the Commission. If, prior to the expiration date of the bond, the licensed public adjuster fails to file with the Commission a certification or attestation that a new bond satisfying the requirements of this section has been put into effect, the public adjuster license shall terminate, and the licensee shall be required to satisfy any and all preclicensing requirements in order to apply for a new public adjuster license. The Commission may ask for a copy of the bond or other evidence of financial responsibility at any time.

D. Except where prohibited by state or federal law, by submitting an application for license, the applicant shall be deemed to have appointed the Clerk of the Commission as the agent for service of process on the applicant in any action or proceeding arising in the Commonwealth out of or in connection with the exercise of the license. Such appointment of the Clerk of the Commission as agent for service of process shall be irrevocable during the period within which a cause of action against the applicant may arise out of transactions with respect to subjects of insurance in the Commonwealth. Service of process on the Clerk of the Commission shall conform to the provisions of Chapter 8 (§ 38.2-800 et seq.).

E. Any individual who acts as a public adjuster and who is also an officer, director, principal, or employee of a business entity acting as a public adjuster in the Commonwealth shall be required to hold an appropriate individual license as a public adjuster in the Commonwealth.

F. A business entity acting as a public adjuster is required to obtain a public adjuster license. Application shall be made in a form and manner acceptable to the Commission. Before approving the application, the Commission shall find that:

1. The business entity has paid the fee prescribed by the Commission;

2. The business entity has demonstrated proof of residency pursuant to subsection B of § 38.2-1800.1; and

3. The business entity has designated an individual employee, officer, director, manager, member, or partner licensed in Virginia as a public adjuster to be responsible for the business entity's compliance with the laws, rules, and regulations of the Commonwealth applicable to public adjusters.

G. Prior to issuance of a license, each entity shall attest that the entity has, and thereafter shall keep in force for as long as the license remains in effect, a bond in favor of the Commonwealth in the amount of \$50,000 with corporate sureties licensed by the Commission, on a form prescribed by the Commission. The bond shall be conditioned that the public adjuster will conduct business under the license in accordance with the laws of the Commonwealth. The bond shall not be terminated unless at least 60 calendar days' prior written notice of the termination is filed with the Commission. If, prior to the expiration date of the bond, the licensed public adjuster fails to file with the Commission a certification or attestation that a new bond satisfying the requirements of this section has been put into effect, the public adjuster license shall terminate, and the entity shall be required to satisfy any and all preclicensing requirements in order to apply for a new public adjuster license. The Commission may ask for a copy of the bond or other evidence of financial responsibility at any time.

H. The Commission may require any documents reasonably necessary to verify the information contained in an application.

§ 38.2-1845.8. (Effective until January 1, 2021) Renewal application and fee.

A. Each licensed public adjuster shall remit ~~biennially~~ a renewal application in a form and manner acceptable to the Commission, along with the nonrefundable renewal application processing fee prescribed by the Commission for the renewal of the license. Any public adjuster license for which the required renewal application and nonrefundable renewal application processing fee has been received by the Commission shall *be renewed* unless the license has been terminated, suspended, or revoked ~~be renewed for a two-year period~~. Any public adjuster license for which the required renewal application and nonrefundable renewal application processing fee has not been received by the Commission in the manner prescribed by the Commission shall automatically be terminated.

B. The nonrefundable renewal processing fee for each public adjuster license shall be paid in a manner and in an amount prescribed by the Commission. All fees shall be collected by the Commission and paid into the state treasury and credited to the fund for the maintenance of the Bureau of Insurance as provided in subsection B of § 38.2-400.

C. No nonresident public adjuster license shall be renewed unless the applicant meets the requirements for initial licensure as set forth in § 38.2-1845.5.

§ 38.2-1845.9. (Effective until January 1, 2021) Continuing education; approval of credits; failure to satisfy requirements; termination of license.

A. An individual who holds a public adjuster license and who is not exempt under subsection B shall satisfactorily complete a minimum of 24 hours of approved continuing education courses, including three hours of ethics, reported ~~on a biennial basis~~ in conjunction with his license renewal.

B. This section shall not apply to licensees holding nonresident public adjuster licenses who have met the continuing education requirements of their home state and whose home state gives credit to residents of the Commonwealth on the same basis.

C. 1. The Commission or its administrator shall approve all continuing education instructors, continuing education courses, and programs of instruction. The Commission shall establish and monitor standards for the education of public adjusters, approve courses, including evaluating credit hours for all courses or programs offered, and set minimum requirements for course instructors. The Commission shall have the authority to disapprove or withdraw approval of course sponsors, courses, or course instructors when the established standards are not satisfied or where such standards have been violated.

2. The number of credits for each self-study course, correspondence course, or program of classroom instruction shall be determined in a manner prescribed by the Commission. However, for an approved classroom course, a credit hour shall be equivalent to a classroom hour providing at least 50 minutes of continuous instruction or participation. No credits shall be granted for approved classroom courses unless notice to the Commission or its administrator is accompanied by proof of attendance by the course provider. No credits shall be granted for any correspondence or self-study course that does not include a test of the subject matter, which shall be successfully completed by each public adjuster requesting credit. The Commission shall have the right to review and approve or disapprove the proposed test as part of the course approval process.

3. An instructor of an approved continuing education course shall be eligible to receive the same number of credits as a person enrolled in the course for the purpose of meeting the requirements. However, public adjusters and instructors may apply credits for attending or teaching the same course only once during any continuing education reporting period.

D. Each public adjuster holding a license subject to the continuing education requirements of this article shall complete all continuing education courses, pay a nonrefundable fee, and shall submit to the Commission or its administrator proof of compliance with continuing education requirements in the form and manner required by the Commission.

E. Any public adjuster subject to this article who fails to submit complete documentation, showing proof of compliance with continuing education requirements, as well as all specified forms and nonrefundable fees, to the Commission or its administrator shall be deemed to be in noncompliance with the requirements of this article.

F. 1. The license of the public adjuster shall not be renewed if the public adjuster has failed to satisfy the continuing education requirements of this section.

2. A public adjuster shall have 30 calendar days to appeal to the Commission or its administrator the decision to administratively terminate the license for failure to complete continuing education requirements as required by this section. A public adjuster wishing to contest the Commission's action in terminating a license shall adhere to the Commission's Rules of Practice and Procedure (5 VAC 5-20-10 et seq.) and the Rules of Supreme Court of Virginia. Failure by the public adjuster to initiate such contest within 30 calendar days following the date of license termination shall be deemed a waiver by the public adjuster of the right to contest such license termination.

G. A resident public adjuster whose license has been terminated under the terms of this section shall be permitted to make application for a new license if all of the requirements of § 38.2-1845.2 are met.

H. Each public adjuster shall pay a nonrefundable continuing education processing fee in an amount prescribed by the Commission.

§ 38.2-1888. (Effective January 1, 2021) Licensing and registration.

A. The Commission may issue a limited lines travel insurance agent license to an individual or business entity that has filed with the Commission an application for a limited lines travel insurance agent license in a form and manner prescribed by the Commission. The limited lines travel insurance agent shall be licensed to sell, solicit, or negotiate travel insurance through a licensed insurer.

B. No person may act as a limited lines travel insurance agent or travel retailer unless properly licensed or registered, respectively.

C. The grounds for the suspension or revocation of the license of and the penalties applicable to resident insurance agents shall be applicable to limited lines travel insurance agents and travel retailers.

D. A travel retailer may offer and disseminate travel insurance under the license of a limited lines travel insurance agent only if the following conditions are met:

1. Any travel retailer offering or disseminating travel insurance shall make available to prospective purchasers brochures or other written materials that:

a. Provide the identity and contact information of the insurer and the limited lines travel insurance agent;

b. Explain that the purchase of travel insurance is not required in order to purchase any other product or service from the travel retailer; and

c. Explain that an unlicensed travel retailer is permitted to provide general information about the insurance offered by the travel retailer, including a description of the coverage and price, but is not qualified or authorized to answer technical questions about the terms and conditions of the insurance offered by the travel retailer or to evaluate the adequacy of the customer's existing insurance coverage;

2. The limited lines travel insurance agent or travel retailer provides to purchasers of travel insurance:

a. A description of the material terms or the actual material terms of the insurance coverage;

b. A description of the process for filing a claim;

c. A description of the review or cancellation process for the travel insurance policy; and

d. The identity and contact information of the insurer and limited lines travel insurance agent;

3. At the time of licensure, the limited lines travel insurance agent shall establish and maintain a register on a form prescribed by the Commission of each travel retailer that offers travel insurance on the limited lines travel insurance agent's behalf. The register shall be maintained and updated by the limited lines travel insurance agent and shall include the name, address, and contact information of the travel retailer and an officer or person who directs or controls the travel retailer's operations, and the travel retailer's Federal Tax Identification Number. The limited lines travel insurance agent shall submit such register to the Commission upon reasonable request. The limited lines travel insurance agent shall also certify that the travel retailer registered complies with 18 U.S.C. § 1033;

4. The limited lines travel insurance agent has designated a DLP;

5. The DLP, president, secretary, treasurer, and any other officer or person who directs or controls the limited lines travel insurance agent's insurance operations complies with a background check or fingerprinting requirements applicable to insurance agents;

6. The limited lines travel insurance agent has paid all applicable insurance agent licensing fees as set forth in this title; and

7. The limited lines travel insurance agent requires each employee or authorized representative of the travel retailer whose duties include offering and disseminating travel insurance to receive a program of instruction or training, which may be subject to review by the Commission. The training material shall, at a minimum, contain instructions on the types of insurance offered, ethical sales practices, and required disclosures to prospective customers; and

~~8. On or before May 1, 2021, and biennially thereafter, each travel retailer licensed as a limited lines travel insurance agent shall submit to the Commission a renewal application, along with a nonrefundable renewal application processing fee prescribed by the Commission, for the renewal of the license. Any limited lines travel insurance agent license for which the renewal application and nonrefundable renewal application processing fee have been received by the Commission and all other applicable licensing and renewal provisions in this chapter have been met shall, unless the license has been terminated, suspended, or revoked, be renewed for a two-year period. Any limited lines travel insurance agent license for which the renewal application and nonrefundable renewal application processing fee have not been received by the Commission shall automatically be terminated.~~

E. A travel retailer's employee or authorized representative who is not licensed as an insurance agent may not:

1. Evaluate or interpret the technical terms, benefits, and conditions of the offered travel insurance coverage;

2. Evaluate or provide advice concerning a prospective purchaser's existing insurance coverage; or

3. Hold himself or itself out as a licensed insurer, licensed agent, or insurance expert.

F. Notwithstanding any other provision of law, a travel retailer whose insurance-related activities, and those of its employees or authorized representatives, are limited to offering and disseminating travel insurance on behalf of and under the direction and license of a limited lines travel insurance agent meeting the conditions stated in this article is authorized to conduct such activities and receive related compensation, upon registration by the limited lines travel insurance agent as described in subdivision D 3. No travel retailer employee or authorized representative may be compensated based primarily on the number of customers who purchase travel insurance coverage; however, nothing in this article shall prohibit payment of compensation to a travel retailer or its employees or authorized representatives for activities under the limited lines travel insurance agent's license that are incidental to the travel retailer's or its employee's or authorized representative's overall compensation.

G. As the insurer designee, the limited lines travel insurance agent and the insurer (i) are responsible for the acts of a travel retailer who is not a limited lines travel insurance agent and (ii) shall use reasonable means to ensure compliance by the travel retailer with this article.

H. No person is authorized to sell, solicit, and negotiate travel insurance unless licensed and appointed as a limited lines travel insurance agent.

§ 55.1-1014. (Effective January 1, 2021) Settlement agent registration requirements and compliance with unauthorized practice of law guidelines; civil penalty.

A. Every settlement agent subject to the provisions of this chapter shall be registered as such with the appropriate licensing authority. In conjunction therewith, settlement agents shall furnish (i) their names, business addresses, and telephone numbers and (ii) such other information as may be required. Each such registration (a) shall be accompanied by a nonrefundable fee prescribed by the appropriate licensing authority and (b) shall be renewed at least biennially thereafter, *except that (1) the registration of a person described in subdivision A 2 of § 55.1-1003 shall be renewed on or before May 1, 2021, and biennially thereafter and (2) the registration of a person described in subdivision A 3 of § 55.1-1003 shall be renewed at the same time as renewal of his title insurance agent license pursuant to § 38.2-1825.1.* When the registration of a settlement agent is renewed, the appropriate licensing authority shall notify the registrant of the provisions of § 17.1-223.

B. The Commission shall retain the authority to enforce the provisions of and impose any penalty or remedy authorized by this title and Title 38.2 against any person who is under investigation by the Commission for or charged with a violation of this title, even if the person's license or registration has been surrendered, terminated, suspended, or revoked or has lapsed by operation of law.

C. The Virginia State Bar, in consultation with the Commission and the Real Estate Board, shall adopt regulations establishing guidelines for settlement agents designed to assist them in avoiding and preventing the unauthorized practice of law in conjunction with providing escrow, closing, and settlement services. Such guidelines shall be furnished by the appropriate licensing authority to (i) each settlement agent at the time of registration and any renewal thereof, (ii) state and federal agencies that regulate financial institutions, and (iii) members of the general public upon request. Such guidelines shall also be furnished by settlement agents to any party to a real estate transaction in which such agents are providing escrow, closing, or settlement services, upon request.

D. The Virginia State Bar shall receive complaints concerning settlement agent or financial institution noncompliance with the guidelines established pursuant to subsection C and shall (i) investigate such complaints to the extent they concern the unauthorized practice of law or any other matter within its jurisdiction and (ii) refer all other matters or allegations to the appropriate licensing authority. The willful failure of any settlement agent to comply with the guidelines shall be considered a violation of this chapter, and such agent shall be subject to a civil penalty not exceeding \$5,000 for each such failure as the Virginia State Bar may determine.

CHAPTER 226

An Act to amend and reenact § 51.5-154 of the Code of Virginia, relating to Alzheimer's Disease and Related Disorders Commission; sunset.

[S 256]

Approved March 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 51.5-154 of the Code of Virginia is amended and reenacted as follows:

§ 51.5-154. (Expires July 1, 2020) Alzheimer's Disease and Related Disorders Commission; report.

A. The Alzheimer's Disease and Related Disorders Commission (the Commission) is established as an advisory commission in the executive branch of state government. The purpose of the entity is to assist people with Alzheimer's disease and related disorders and their caregivers.

B. The Commission shall consist of 15 nonlegislative citizen members. Members shall be appointed as follows: three members to be appointed by the Speaker of the House of Delegates; two members to be appointed by the Senate Committee on Rules; and 10 members to be appointed by the Governor, of whom seven shall be from among the boards, staffs, and volunteers of the Virginia chapters of the Alzheimer's Disease and Related Disorders Association and three shall be from the public at large.

Nonlegislative citizen members shall be appointed for a term of four years. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. All members may be reappointed. However, no nonlegislative citizen member shall serve more than two consecutive four-year terms. The remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in determining the member's eligibility for reappointment. Vacancies shall be filled in the same manner as the original appointments.

The Commission shall elect a chairman and vice-chairman from among its membership. A majority of the voting members shall constitute a quorum. The Commission shall meet at least four times each year. The meetings of the Commission shall be held at the call of the chairman or whenever the majority of the voting members so request.

C. Members shall receive such compensation for the discharge of their duties as provided in § 2.2-2813. All members shall be reimbursed for reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Funding for the costs of compensation and expenses of the members shall be provided by the Department.

D. The Commission shall have the power and duty to:

1. Examine the needs of persons with Alzheimer's disease and related disorders, as well as the needs of their caregivers, and ways that state government can most effectively and efficiently assist in meeting those needs;
2. Develop and promote strategies to encourage brain health and reduce cognitive decline;
3. Advise the Governor and General Assembly on policy, funding, regulatory, and other issues related to persons suffering from Alzheimer's disease and related disorders and their caregivers;
4. Develop the Commonwealth's plan for meeting the needs of patients with Alzheimer's disease and related disorders and their caregivers, and advocate for such plan;
5. Submit to the Governor, General Assembly, and Department by October 1 of each year an electronic report regarding the activities and recommendations of the Commission, which shall be submitted for publication as a report document as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website and the Department's website; and
6. Establish priorities for programs among state agencies related to Alzheimer's disease and related disorders and criteria to evaluate these programs.

E. The Department shall provide staff support to the Commission. All agencies of the Commonwealth shall provide assistance to the Commission, upon request.

F. The Commission may apply for and expend such grants, gifts, or bequests from any source as may become available in connection with its duties under this section and may comply with such conditions and requirements as may be imposed in connections therewith.

G. This section shall expire on July 1, ~~2020~~ 2023.

CHAPTER 227

An Act to amend and reenact § 32.1-102.3 of the Code of Virginia, relating to certificate of public need; criteria for determining need.

[S 279]

Approved March 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 32.1-102.3 of the Code of Virginia is amended and reenacted as follows:

§ 32.1-102.3. Certificate required; criteria for determining need.

A. No person shall commence any project without first obtaining a certificate issued by the Commissioner. No certificate may be issued unless the Commissioner has determined that a public need for the project has been demonstrated. If it is determined that a public need exists for only a portion of a project, a certificate may be issued for that portion and any appeal may be limited to the part of the decision with which the appellant disagrees without affecting the remainder of the decision. Any decision to issue or approve the issuance of a certificate shall be consistent with the most recent applicable provisions of the State Medical Facilities Plan; however, if the Commissioner finds, upon presentation of appropriate evidence, that the provisions of such plan are not relevant to a rural locality's needs, inaccurate, outdated, inadequate or otherwise inapplicable, the Commissioner, consistent with such finding, may issue or approve the issuance of a certificate and shall initiate procedures to make appropriate amendments to such plan. In cases in which a provision of the State Medical Facilities Plan has been previously set aside by the Commissioner and relevant amendments to the Plan have not yet taken effect, the Commissioner's decision shall be consistent with the applicable portions of the State Medical Facilities Plan that have not been set aside and the remaining considerations in subsection B.

B. In determining whether a public need for a project has been demonstrated, the Commissioner shall consider:

1. The extent to which the proposed service or facility will provide or increase access to needed services for ~~residents~~ ~~of people~~ *in the area to be served*, and the effects that the proposed service or facility will have on access to needed services in areas having distinct and unique geographic, socioeconomic, cultural, transportation, and other barriers to access to care;
2. The extent to which the project will meet the needs of ~~the residents of people~~ *in the area to be served*, as demonstrated by each of the following: (i) the level of community support for the project demonstrated by ~~citizens~~ *people*, businesses, and governmental leaders representing the area to be served; (ii) the availability of reasonable alternatives to the proposed service or facility that would meet the needs of ~~the population~~ *people in the area to be served* in a less costly, more efficient, or more effective manner; (iii) any recommendation or report of the regional health planning agency regarding an application for a certificate that is required to be submitted to the Commissioner pursuant to subsection B of § 32.1-102.6; (iv) any costs and benefits of the project; (v) the financial accessibility of the project to ~~the residents of people~~ *in the area to be served*, including indigent ~~residents~~ *people*; and (vi) at the discretion of the Commissioner, any other factors as may be relevant to the determination of public need for a project;
3. The extent to which the application is consistent with the State Medical Facilities Plan;
4. The extent to which the proposed service or facility fosters institutional competition that benefits the area to be served while improving access to essential health care services for all ~~persons~~ *people* in the area to be served;
5. The relationship of the project to the existing health care system of the area to be served, including the utilization and efficiency of existing services or facilities;

6. The feasibility of the project, including the financial benefits of the project to the applicant, the cost of construction, the availability of financial and human resources, and the cost of capital;

7. The extent to which the project provides improvements or innovations in the financing and delivery of health services, as demonstrated by: (i) the introduction of new technology that promotes quality, cost effectiveness, or both in the delivery of health care services; (ii) the potential for provision of services on an outpatient basis; (iii) any cooperative efforts to meet regional health care needs; and (iv) at the discretion of the Commissioner, any other factors as may be appropriate; and

8. In the case of a project proposed by or affecting a teaching hospital associated with a public institution of higher education or a medical school in the area to be served, (i) the unique research, training, and clinical mission of the teaching hospital or medical school; and (ii) any contribution the teaching hospital or medical school may provide in the delivery, innovation, and improvement of health care for citizens of the Commonwealth, including indigent or underserved populations.

CHAPTER 228

An Act to amend and reenact § 63.2-1506 of the Code of Virginia, relating to family assessments; timeline.

[S 412]

Approved March 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 63.2-1506 of the Code of Virginia is amended and reenacted as follows:

§ 63.2-1506. Family assessments by local departments.

A. A family assessment requires the collection of information necessary to determine:

1. The immediate safety needs of the child;
2. The protective and rehabilitative services needs of the child and family that will deter abuse or neglect;
3. Risk of future harm to the child;

4. Whether the mother of a child who was exposed in utero to a controlled substance sought substance abuse counseling or treatment prior to the child's birth; and

5. Alternative plans for the child's safety if protective and rehabilitative services are indicated and the family is unable or unwilling to participate in services.

B. When a local department has been designated as a child-protective services differential response system participant by the Department pursuant to § 63.2-1504 and responds to the report or complaint by conducting a family assessment, the local department shall:

1. Conduct an immediate family assessment and, if the report or complaint was based upon one of the factors specified in subsection B of § 63.2-1509, the local department may file a petition pursuant to § 16.1-241.3;

2. Obtain and consider the results of a search of the child abuse and neglect registry for any individual who is the subject of a family assessment. The local board shall determine whether the individual has resided in another state within at least the preceding five years, and, if he has resided in another state, the local board shall request a search of the child abuse and neglect registry or equivalent registry maintained by such state. The local board also may obtain and consider, in accordance with regulations of the Board, statewide criminal history record information from the Central Criminal Records Exchange for any individual who is the subject of a family assessment;

3. Immediately contact the subject of the report and the family of the child alleged to have been abused or neglected and give each a written and an oral explanation of the family assessment procedure. The family assessment shall be in writing and shall be completed in accordance with Board regulation;

4. Complete the family assessment within ~~45~~ 60 days and transmit a report to such effect to the Department and to the person who is the subject of the family assessment. ~~However, upon written justification by the local department, the family assessment may be extended, not to exceed a total of 60 days;~~

5. Consult with the family to arrange for necessary protective and rehabilitative services to be provided to the child and his family. Families have the option of declining the services offered as a result of the family assessment. If the family declines the services, the case shall be closed unless the local department determines that sufficient cause exists to redetermine the case as one that needs to be investigated. In no instance shall a case be redetermined as an investigation solely because the family declines services;

6. Petition the court for services deemed necessary;

7. Make no disposition of founded or unfounded for reports in which a family assessment is completed. Reports in which a family assessment is completed shall not be entered into the central registry contained in § 63.2-1515; and

8. Commence an immediate investigation, if at any time during the completion of the family assessment, the local department determines that an investigation is required.

C. When a local department has been designated as a child-protective services differential response agency by the Department, the local department may investigate any report of child abuse or neglect, but the following valid reports of child abuse or neglect shall be investigated: (i) sexual abuse, (ii) child fatality, (iii) abuse or neglect resulting in serious injury as defined in § 18.2-371.1, (iv) cases involving a child's being left alone in the same dwelling with a person to whom the child is not related by blood or marriage and who has been convicted of an offense against a minor for which registration

is required as a violent sexual offender pursuant to § 9.1-902, (v) child has been taken into the custody of the local department, or (vi) cases involving a caretaker at a state-licensed child day center, religiously exempt child day center, licensed, registered or approved family day home, private or public school, hospital or any institution. If a report or complaint is based upon one of the factors specified in subsection B of § 63.2-1509, the local department shall (a) conduct a family assessment, unless an investigation is required pursuant to this subsection or other provision of law or is necessary to protect the safety of the child, and (b) develop a plan of safe care in accordance with federal law, regardless of whether the local department makes a finding of abuse or neglect.

D. Any individual who is the subject of a family assessment conducted under this section shall notify the local department prior to changing his place of residence and provide the local department with the address of his new residence.

CHAPTER 229

An Act to amend and reenact § 54.1-3446 of the Code of Virginia, relating to Drug Control Act; controlled substances; Schedule I.

[S 538]

Approved March 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-3446 of the Code of Virginia is amended and reenacted as follows:

§ 54.1-3446. Schedule I.

The controlled substances listed in this section are included in Schedule I:

1. Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, unless specifically excepted, whenever the existence of these isomers, esters, ethers and salts is possible within the specific chemical designation:

1-(2-phenylethyl)-4-phenyl-4-acetyloxypiperidine (other name: PEPAP);

1-methyl-4-phenyl-4-propionoxypiperidine (other name: MPPP);

2-methoxy-N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-acetamide (other name: Methoxyacetyl fentanyl);

3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methyl-benzamide (other name: U-47700);

3,4-dichloro-N-[[1-(dimethylamino)cyclohexyl]methyl]benzamide (other name: AH-7921);

Acetyl fentanyl (other name: desmethyl fentanyl);

Acetylmethadol;

Allylprodine;

Alphacetylmethadol (except levo-alphacetylmethadol, also known as levo-alpha-acetylmethadol, levomethadyl acetate, or LAAM);

Alphameprodine;

Alphamethadol;

Benzethidine;

Betacetylmethadol;

Betameprodine;

Betamethadol;

Betaprodine;

Clonitazene;

Dextromoramide;

Diampromide;

Diethylthiambutene;

Difenoxin;

Dimenoxadol;

Dimepheptanol;

Dimethylthiambutene;

Dioxaphetylbutyrate;

Dipipanone;

Ethylmethylthiambutene;

Etonitazene;

Etoxadine;

Furethidine;

Hydroxypethidine;

Ketobemidone;

Levomoramide;

Levophenacetylmorphan;

Morpheridine;

MT-45 (1-cyclohexyl-4-(1,2-diphenylethyl)piperazine);

- N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopropanecarboxamide (other name: Cyclopropyl fentanyl);
 N-(1-phenethylpiperidin-4-yl)-N-phenyltetrahydrofuran-2-carboxamide (other name: Tetrahydrofuranyl fentanyl);
 N-[1-[1-methyl-2-(2-thienyl)ethyl]-4-piperidyl]-N-phenylpropanamide (other name: alpha-methylthiofentanyl);
 N-[1-(1-methyl-2-phenylethyl)-4-piperidyl]-N-phenylacetamide (other name: acetyl-alpha-methylfentanyl);
 N-{1-[2-hydroxy-2-(2-thienyl)ethyl]-4-piperidinyl}-N-phenylpropanamide (other name: beta-hydroxythiofentanyl);
 N-[1-(2-hydroxy-2-phenyl)ethyl-4-piperidyl]-N-phenylpropanamide (other name: beta-hydroxyfentanyl);
 N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl]propionanilide (other names:
 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine, alpha-methylfentanyl);
 N-(2-fluorophenyl)-N-[1-(2-phenylethyl)-4-piperidinyl]-propanamide (other names: 2-fluorofentanyl,
 ortho-fluorofentanyl);
 N-(3-fluorophenyl)-N-[1-(2-phenylethyl)-4-piperidinyl]-propanamide (other name: 3-fluorofentanyl);
 N-[3-methyl-1-(2-hydroxy-2-phenylethyl)-4-piperidyl]-N-phenylpropanamide (other name:
 beta-hydroxy-3-methylfentanyl);
 N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide (other name: 3-methylfentanyl);
 N-[3-methyl-1-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide (other name: 3-methylthiofentanyl);
 N-(4-fluorophenyl)-2-methyl-N-[1-(2-phenylethyl)-4-piperidinyl]-propanamide (other name: para-fluoroisobutyryl
 fentanyl);
 N-(4-fluorophenyl)-N-[1-(2-phenylethyl)-4-piperidinyl]-butanamide (other name: para-fluorobutyrylfentanyl);
 N-(4-fluorophenyl)-N-1-(2-phenylethyl)-4-piperidinyl]-propanamide (other name: para-fluorofentanyl);
 Noracymethadol;
 Norlevorphanol;
 Normethadone;
 Norpipanone;
 N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-2-furancarboxamide (other name: Furanyl fentanyl);
 N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-2-propenamide (other name: Acryl fentanyl);
 N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-butanamide (other name: butyryl fentanyl);
 N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-pentanamide (other name: Pentanoyl fentanyl);
 N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide (other name: thiofentanyl);
 Phenadoxone;
 Phenampromide;
 Phenomorphan;
 Phenoperidine;
 Piritramide;
 Proheptazine;
 Properidine;
 Propiram;
 Racemoramide;
 Tilidine;
 Trimeperidine;
 N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-1,3-benzodioxole-5-carboxamide (other name: Benzodioxole
 fentanyl);
 3,4-dichloro-N-[2-(diethylamino)cyclohexyl]-N-methylbenzamide (other name: U-49900);
 2-(2,4-dichlorophenyl)-N-[2-(dimethylamino)cyclohexyl]-N-methylacetamide (other name: U-48800);
 2-(3,4-dichlorophenyl)-N-[2-(dimethylamino)cyclohexyl]-N-methylacetamide (other name: U-51754);
 N-(2-fluorophenyl)-2-methoxy-N-[1-(2-phenylethyl)-4-piperidinyl]-acetamide (other name: Ocfentanil);
 N-(4-methoxyphenyl)-N-[1-(2-phenylethyl)-4-piperidinyl]-butanamide (other name: 4-methoxybutyrylfentanyl);
 N-phenyl-2-methyl-N-[1-(2-phenylethyl)-4-piperidinyl]-propanamide (other name: Isobutyryl fentanyl);
 N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-cyclopentanecarboxamide (other name: Cyclopentyl fentanyl);
 N-phenyl-N-(1-methyl-4-piperidinyl)-propanamide (other name: N-methyl norfentanyl);
 N-[2-(dimethylamino)cyclohexyl]-N-methyl-1,3-benzodioxole-5-carboxamide (other names: 3,4-methylenedioxy
 U-47700 or 3,4-MDO-U-47700);
 N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-2-butenamide (other name: Crotonyl fentanyl);
 N-phenyl-N-[4-phenyl-1-(2-phenylethyl)-4-piperidinyl]-propanamide (other name: 4-phenylfentanyl);
 N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-benzamide (other names: Phenyl fentanyl, Benzoyl fentanyl);
 N-[2-(dimethylamino)cyclohexyl]-N-phenylfuran-2-carboxamide (other name: Furanyl UF-17);
 N-[2-(dimethylamino)cyclohexyl]-N-phenylpropionamide (other name: UF-17);
 3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-isopropyl-benzamide (other name: Isopropyl U-47700).
2. Any of the following opium derivatives, their salts, isomers and salts of isomers, unless specifically excepted,
 whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation:
 Acetorphine;
 Acetyldihydrocodeine;

Benzylmorphine;
 Codeine methylbromide;
 Codeine-N-Oxide;
 Cyprenorphine;
 Desomorphine;
 Dihydromorphine;
 Drotebanol;
 Etorphine;
 Heroin;
 Hydromorphanol;
 Methyldesorphine;
 Methylhydromorphine;
 Morphine methylbromide;
 Morphine methylsulfonate;
 Morphine-N-Oxide;
 Myrophine;
 Nicocodeine;
 Nicomorphine;
 Normorphine;
 Pholcodine;
 Thebacon.

3. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation, which contains any quantity of the following hallucinogenic substances, or which contains any of its salts, isomers, and salts of isomers, whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation (for purposes of this subdivision only, the term "isomer" includes the optical, position, and geometric isomers):

Alpha-ethyltryptamine (some trade or other names: Monase; a-ethyl-1H-indole-3-ethanamine; 3-2-aminobutyl] indole; a-ET; AET);

4-Bromo-2,5-dimethoxyphenethylamine (some trade or other names:

2-4-bromo-2,5-dimethoxyphenyl]-1-aminoethane; alpha-desmethyl DOB; 2C-B; Nexus);

3,4-methylenedioxy amphetamine;

5-methoxy-3,4-methylenedioxy amphetamine;

3,4,5-trimethoxy amphetamine;

Alpha-methyltryptamine (other name: AMT);

Bufotenine;

Diethyltryptamine;

Dimethyltryptamine;

4-methyl-2,5-dimethoxyamphetamine;

2,5-dimethoxy-4-ethylamphetamine (DOET);

4-fluoro-N-ethylamphetamine;

2,5-dimethoxy-4-(n)-propylthiophenethylamine (other name: 2C-T-7);

Ibogaine;

5-methoxy-N,N-diisopropyltryptamine (other name: 5-MeO-DIPT);

Lysergic acid diethylamide;

Mescaline;

Parahexyl (some trade or other names: 3-Hexyl-1-hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-dibenz o [b,d] pyran; Synhexyl);

Peyote;

N-ethyl-3-piperidyl benzilate;

N-methyl-3-piperidyl benzilate;

Psilocybin;

Psilocyn;

Salvinorin A;

Tetrahydrocannabinols, except as present in (i) industrial hemp, as defined in § 3.2-4112, that is possessed by a person registered pursuant to subsection A of § 3.2-4115 or his agent; (ii) a hemp product, as defined in § 3.2-4112, containing a tetrahydrocannabinol concentration of no greater than 0.3 percent that is derived from industrial hemp, as defined in § 3.2-4112, that is grown, dealt, or processed in compliance with state or federal law; (iii) marijuana; or (iv) dronabinol in sesame oil and encapsulated in a soft gelatin capsule in a drug product approved by the U.S. Food and Drug Administration;

Hashish oil (some trade or other names: hash oil; liquid marijuana; liquid hashish);

2,5-dimethoxyamphetamine (some trade or other names: 2,5-dimethoxy-a-methylphenethylamine; 2,5-DMA);

3,4-methylenedioxymethamphetamine (MDMA), its optical, positional and geometric isomers, salts and salts of isomers;

3,4-methylenedioxy-N-ethylamphetamine (also known as N-ethyl-alpha-methyl-3,4 (methylenedioxy)phenethylamine, N-ethyl MDA, MDE, MDEA);
 N-hydroxy-3,4-methylenedioxyamphetamine (some other names: N-hydroxy-alpha-methyl-3,4(methylenedioxy)phenethylamine, and N-hydroxy MDA);
 4-bromo-2,5-dimethoxyamphetamine (some trade or other names: 4-bromo-2,5-dimethoxy-a-methylphenethylamine; 4-bromo-2,5-DMA);
 4-methoxyamphetamine (some trade or other names: 4-methoxy-a-methylphenethylamine; paramethoxyamphetamine; PMA);
 Ethylamine analog of phencyclidine (some other names: N-ethyl-1-phenylcyclohexylamine, (1-phenylcyclohexyl) ethylamine, N-(1-phenylcyclohexyl) ethylamine, cyclohexamine, PCE);
 Pyrrolidine analog of phencyclidine (some other names: 1-(1-phenylcyclohexyl) -pyrrolidine, PCPy, PHP);
 Thiophene analog of phencyclidine (some other names: 1-[1-(2-thienyl) -cyclohexyl]-piperidine, 2-thienyl analog of phencyclidine, TPCP, TCP);
 1-1-(2-thienyl)cyclohexyl]pyrrolidine (other name: TCPy);
 3,4-methylenedioxypropylvalerone (other name: MDPV);
 4-methylmethcathinone (other names: mephedrone, 4-MMC);
 3,4-methylenedioxypropylmethcathinone (other name: methylone);
 Naphthylpyrovalerone (other name: naphyrone);
 4-fluoromethcathinone (other name: flephedrone, 4-FMC);
 4-methoxymethcathinone (other names: methedrone; bk-PMMA);
 Ethcathinone (other name: N-ethylcathinone);
 3,4-methylenedioxyethcathinone (other name: ethylone);
 Beta-keto-N-methyl-3,4-benzodioxolylbutanamine (other name: butylone);
 N,N-dimethylcathinone (other name: metamfepramone);
 Alpha-pyrrolidinopropiophenone (other name: alpha-PPP);
 4-methoxy-alpha-pyrrolidinopropiophenone (other name: MOPPP);
 3,4-methylenedioxy-alpha-pyrrolidinopropiophenone (other name: MDPPP);
 Alpha-pyrrolidinovalerophenone (other name: alpha-PVP);
 6,7-dihydro-5H-indeno-(5,6-d)-1,3-dioxol-6-amine (other name: MDAI);
 3-fluoromethcathinone (other name: 3-FMC);
 4-Ethyl-2,5-dimethoxyphenethylamine (other name: 2C-E);
 4-Iodo-2,5-dimethoxyphenethylamine (other name: 2C-I);
 4-Methylethcathinone (other name: 4-MEC);
 4-Ethylmethcathinone (other name: 4-EMC);
 N,N-diallyl-5-methoxytryptamine (other name: 5-MeO-DALT);
 Beta-keto-methylbenzodioxolylpentanamine (other name: Pentylone, bk-MBDP);
 Alpha-methylamino-butyrophenone (other name: Buphedrone);
 Alpha-methylamino-valerophenone (other name: Pentadrone);
 3,4-Dimethylmethcathinone (other name: 3,4-DMMC);
 4-methyl-alpha-pyrrolidinopropiophenone (other name: MPPP);
 4-Iodo-2,5-dimethoxy-N-[(2-methoxyphenyl)methyl]-benzeneethanamine (other names: 25-I, 25I-NBOMe, 2C-I-NBOMe);
 Methoxetamine (other names: MXE, 3-MeO-2-Oxo-PCE);
 4-Fluoromethamphetamine (other name: 4-FMA);
 4-Fluoroamphetamine (other name: 4-FA);
 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (other name: 2C-D);
 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (other name: 2C-C);
 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (other name: 2C-T-2);
 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (other name: 2C-T-4);
 2-(2,5-Dimethoxyphenyl)ethanamine (other name: 2C-H);
 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (other name: 2C-N);
 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (other name: 2C-P);
 (2-aminopropyl)benzofuran (other name: APB);
 (2-aminopropyl)-2,3-dihydrobenzofuran (other name: APDB);
 4-chloro-2,5-dimethoxy-N-[(2-methoxyphenyl)methyl]-benzeneethanamine (other names: 2C-C-NBOMe, 25C-NBOMe, 25C);
 4-bromo-2,5-dimethoxy-N-[(2-methoxyphenyl)methyl]-benzeneethanamine (other names: 2C-B-NBOMe, 25B-NBOMe, 25B);
 Acetoxymethyltryptamine (other names: AcO-Psilocin, AcO-DMT, Psilacetin);
 Benocyclidine (other names: BCP, BTCP);
 Alpha-pyrrolidinobutyrophenone (other name: alpha-PBP);

3,4-methylenedioxy-N,N-dimethylcathinone (other names: Dimethylone, bk-MDDMA);
 4-bromomethcathinone (other name: 4-BMC);
 4-chloromethcathinone (other name: 4-CMC);
 4-Iodo-2,5-dimethoxy-N-[(2-hydroxyphenyl)methyl]-benzeneethanamine (other name: 25I-NBOH);
 Alpha-Pyrrolidinohexiophenone (other name: alpha-PHP);
 Alpha-Pyrrolidinoheptiophenone (other name: PV8);
 5-methoxy-N,N-methylisopropyltryptamine (other name: 5-MeO-MIPT);
 Beta-keto-N,N-dimethylbenzodioxolylbutanamine (other names: Dibutylone, bk-DMBDB);
 Beta-keto-4-bromo-2,5-dimethoxyphenethylamine (other name: bk-2C-B);
 1-(1,3-benzodioxol-5-yl)-2-(ethylamino)-1-pentanone (other name: N-ethylpentylone);
 1-[1-(3-methoxyphenyl)cyclohexyl]piperidine (other name: 3-methoxy PCP);
 1-[1-(4-methoxyphenyl)cyclohexyl]piperidine (other name: 4-methoxy PCP);
 4-Chloroethcathinone (other name: 4-CEC);
 3-Methoxy-2-(methylamino)-1-(4-methylphenyl)-1-propanone (other name: Mexedrone);
 1-propionyl lysergic acid diethylamide (other name: 1P-LSD);
 (2-Methylaminopropyl)benzofuran (other name: MAPB);
 1-(1,3-benzodioxol-5-yl)-2-(dimethylamino)-1-pentanone (other names: N,N-Dimethylpentylone, Dipentylone);
 1-(4-methoxyphenyl)-2-(pyrrolidin-1-yl)octan-1-one (other name: 4-methoxy-PV9);
 3,4-tetramethylene-alpha-pyrrolidinovalerophenone (other name: TH-PVP);
 4-allyloxy-3,5-dimethoxyphenethylamine (other name: Allylescaline);
 4-Bromo-2,5-dimethoxy-N-[(2-hydroxyphenyl)methyl]-benzeneethanamine (other name: 25B-NBOH);
 4-chloro-alpha-methylamino-valerophenone (other name: 4-chloropentedrone);
 4-chloro-alpha-Pyrrolidinovalerophenone (other name: 4-chloro-alpha-PVP);
 4-fluoro-alpha-Pyrrolidinoheptiophenone (other name: 4-fluoro-PV8);
 4-hydroxy-N,N-diisopropyltryptamine (other name: 4-OH-DIPT);
 4-methyl-alpha-ethylaminopentiophenone;
 4-methyl-alpha-Pyrrolidinohexiophenone (other name: MPHP);
 5-methoxy-N,N-dimethyltryptamine (other name: 5-MeO-DMT);
 5-methoxy-N-ethyl-N-isopropyltryptamine (other name: 5-MeO-EIPT);
 6-ethyl-6-nor-lysergic acid diethylamide (other name: ETH-LAD);
 6-allyl-6-nor-lysergic acid diethylamide (other name: AL-LAD);
 (N-methyl aminopropyl)-2,3-dihydrobenzofuran (other name: MAPDB);
 2-(methylamino)-2-phenyl-cyclohexanone (other name: Deschloroketamine);
 2-(ethylamino)-2-phenyl-cyclohexanone (other name: deschloro-N-ethyl-ketamine);
 2-methyl-1-(4-(methylthio)phenyl)-2-morpholinopropiophenone (other name: MMMP);
 Alpha-ethylaminohexanophenone (other name: N-ethylhexedrone);
 N-ethyl-1-(3-methoxyphenyl)cyclohexylamine (other name: 3-methoxy-PCE);
 4-fluoro-alpha-pyrrolidinohexiophenone (other name: 4-fluoro-alpha-PHP);
 N-ethyl-1,2-diphenylethylamine (other name: Ephedrine);
 2,5-dimethoxy-4-chloroamphetamine (other name: DOC);
 3,4-methylenedioxy-N-tert-butylcathinone;
Alpha-pyrrolidinoisohexiophenone (other name: alpha-PiHP);
1-[1-(3-hydroxyphenyl)cyclohexyl]piperidine (other name: 3-hydroxy PCP);
4-acetyloxy-N,N-diallyltryptamine (other name: 4-AcO-DALT);
4-hydroxy-N,N-methylisopropyltryptamine (other name: 4-hydroxy-MiPT);
3,4-Methylenedioxy-alpha-pyrrolidinohexanophenone (other name: MDPHP);
5-methoxy-N,N-dibutyltryptamine (other name: 5-methoxy-DBT);
1-(1,3-benzodioxol-5-yl)-2-(ethylamino)-1-butanone (other name: Eutylone, bk-EBDB);
1-(1,3-benzodioxol-5-yl)-2-(butylamino)-1-pentanone (other name: N-butylpentylone);
N-benzyl-3,4-dimethoxyamphetamine (other name: N-benzyl-3,4-DMA).

4. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers and salts of isomers whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:

- Clonazepam;
- Etizolam;
- Flualprazolam;
- Flubromazepam;
- Flubromazolam;
- Gamma hydroxybutyric acid (some other names include GHB; gamma hydroxybutyrate; 4-hydroxybutyrate; 4-hydroxybutanoic acid; sodium oxybate; sodium oxybutyrate);

Mecloqualone;

Methaqualone.

5. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers and salts of isomers:

2-(3-fluorophenyl)-3-methylmorpholine (other name: 3-fluorophenmetrazine);

Aminorex (some trade or other names; aminoxaphen; 2-amino-5-phenyl-2-oxazoline;

4,5-dihydro-5-phenyl-2-oxazolamine);

Cathinone (some trade or other names: 2-amino-1-phenyl-1-propanone, alpha-aminopropiophenone, 2-aminopropiophenone, norephedrone), and any plant material from which Cathinone may be derived;

Cis-4-methylaminorex (other name: cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine);

Ethylamphetamine;

Ethyl phenyl(piperidin-2-yl)acetate (other name: Ethylphenidate);

Fenethylamine;

Methcathinone (some other names: 2-(methylamino)-propionophenone; alpha-(methylamino)-propionophenone; 2-(methylamino)-1-phenylpropan-1-one; alpha-N-methylaminopropiophenone; monomethylpropion; ephedrone; N-methylcathinone; methylcathinone; AL-464; AL-422; AL-463 and UR 1432);

N-Benzylpiperazine (some other names: BZP, 1-benzylpiperazine);

N,N-dimethylamphetamine (other names: N, N-alpha-trimethyl-benzeneethanamine, N, N-alpha-trimethylphenethylamine);

Methyl 2-(4-fluorophenyl)-2-(2-piperidinyl)acetate (other name: 4-fluoromethylphenidate);

Isopropyl-2-phenyl-2-(2-piperidinyl)acetate (other name: Isopropylphenidate);

4-chloro-N,N-dimethylcathinone;

3,4-methylenedioxy-N-benzylcathinone (other name: BMDP).

6. Any substance that contains one or more cannabimimetic agents or that contains their salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation, and any preparation, mixture, or substance containing, or mixed or infused with, any detectable amount of one or more cannabimimetic agents.

a. "Cannabimimetic agents" includes any substance that is within any of the following structural classes:

2-(3-hydroxycyclohexyl)phenol with substitution at the 5-position of the phenolic ring by alkyl or alkenyl, whether or not substituted on the cyclohexyl ring to any extent;

3-(1-naphthoyl)indole or 1H-indol-3-yl-(1-naphthyl)methane with substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent, whether or not substituted on the naphthoyl or naphthyl ring to any extent;

3-(1-naphthoyl)pyrrole with substitution at the nitrogen atom of the pyrrole ring, whether or not further substituted in the pyrrole ring to any extent, whether or not substituted on the naphthoyl ring to any extent;

1-(1-naphthylmethyl)indene with substitution of the 3-position of the indene ring, whether or not further substituted in the indene ring to any extent, whether or not substituted on the naphthyl ring to any extent;

3-phenylacetylindole or 3-benzoylindole with substitution at the nitrogen atom of the indole ring, whether or not further substituted in the indole ring to any extent, whether or not substituted on the phenyl ring to any extent;

3-cyclopropylindole with substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent, whether or not substituted on the cyclopropyl ring to any extent;

3-adamantylindole with substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent, whether or not substituted on the adamantyl ring to any extent;

N-(adamantyl)-indole-3-carboxamide with substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent, whether or not substituted on the adamantyl ring to any extent; and

N-(adamantyl)-indazole-3-carboxamide with substitution at a nitrogen atom of the indazole ring, whether or not further substituted on the indazole ring to any extent, whether or not substituted on the adamantyl ring to any extent.

b. The term "cannabimimetic agents" includes:

5-(1,1-Dimethylheptyl)-2-[3-hydroxycyclohexyl]-phenol (other name: CP 47,497);

5-(1,1-Dimethylhexyl)-2-[3-hydroxycyclohexyl]-phenol (other name: CP 47,497 C6 homolog);

5-(1,1-Dimethyloctyl)-2-[3-hydroxycyclohexyl]-phenol (other name: CP 47,497 C8 homolog);

5-(1,1-Dimethylnonyl)-2-[3-hydroxycyclohexyl]-phenol (other name: CP 47,497 C9 homolog);

1-pentyl-3-(1-naphthoyl)indole (other names: JWH-018, AM-678);

1-butyl-3-(1-naphthoyl)indole (other name: JWH-073);

1-pentyl-3-(2-methoxyphenylacetyl)indole (other name: JWH-250);

1-hexyl-3-(naphthalen-1-oyl)indole (other name: JWH-019);

1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole (other name: JWH-200);

(6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-ter ahydrobenzo[c]chromen-1-ol (other name: HU-210);

1-pentyl-3-(4-methoxy-1-naphthoyl)indole (other name: JWH-081);

1-pentyl-3-(4-methyl-1-naphthoyl)indole (other name: JWH-122);
 1-pentyl-3-(2-chlorophenylacetyl)indole (other name: JWH-203);
 1-pentyl-3-(4-ethyl-1-naphthoyl)indole (other name: JWH-210);
 1-pentyl-3-(4-chloro-1-naphthoyl)indole (other name: JWH-398);
 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole (other name: AM-694);
 1-(N-methylpiperidin-2-yl)methyl-3-(1-naphthoyl)indole (other name: AM-1220);
 1-(5-fluoropentyl)-3-(1-naphthoyl)indole (other name: AM-2201);
 1-[(N-methylpiperidin-2-yl)methyl]-3-(2-iodobenzoyl)indole (other name: AM-2233);
 Pravadoline (4-methoxyphenyl)-[2-methyl-1-(2-(4-morpholinyl)ethyl)indol-3-yl]methanone (other name: WIN 48,098);
 1-pentyl-3-(4-methoxybenzoyl)indole (other names: RCS-4, SR-19);
 1-(2-cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole (other names: RCS-8, SR-18);
 1-pentyl-3-(2,2,3,3-tetramethylcyclopropylmethanone)indole (other name: UR-144);
 1-(5-fluoropentyl)-3-(2,2,3,3-tetramethylcyclopropylmethanone)indole (other names: XLR-11, 5-fluoro-UR-144);
 N-adamantyl-1-fluoropentylindole-3-carboxamide (other name: STS-135);
 N-adamantyl-1-pentylindazole-3-carboxamide (other names: AKB48, APINACA);
 1-pentyl-3-(1-adamantoyl)indole (other name: AB-001);
 (8-quinolinyloxy)(1-pentylindol-3-yl)carboxylate (other name: PB-22);
 (8-quinolinyloxy)(1-(5-fluoropentyl)indol-3-yl)carboxylate (other name: 5-fluoro-PB-22);
 (8-quinolinyloxy)(1-cyclohexylmethylindol-3-yl)carboxylate (other name: BB-22);
 N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-pentylindazole-3-carboxamide (other name: AB-PINACA);
 N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)indazole-3-carboxamide (other name: AB-FUBINACA);
 1-(5-fluoropentyl)-3-(1-naphthoyl)indazole (other name: THJ-2201);
 N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentylindazole-3-carboxamide (other name: ADB-PINACA);
 N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)indazole-3-carboxamide (other name: AB-CHMINACA);
 N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)indazole-3-carboxamide (other name: 5-fluoro-AB-PINACA);
 N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)indazole-3-carboxamide (other names: ADB-CHMINACA, MAB-CHMINACA);
 Methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3-methylbutanoate (other name: 5-fluoro-AMB);
 1-naphthalenyl 1-(5-fluoropentyl)-1H-indole-3-carboxylate (other name: NM-2201);
 1-(4-fluorobenzyl)-3-(2,2,3,3-tetramethylcyclopropylmethanone)indole (other name: FUB-144);
 1-(5-fluoropentyl)-3-(4-methyl-1-naphthoyl)indole (other name MAM-2201);
 N-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-1-[(4-fluorophenyl)methyl]-1H-indazole-3-carboxamide (other name: ADB-FUBINACA);
 Methyl 2-[1-[(4-fluorophenyl)methyl]-1H-indazole-3-carboxamido]-3,3-dimethylbutanoate (other name: MDMB-FUBINACA);
 Methyl 2-[1-(5-fluoropentyl)-1H-indazole-3-carboxamido]-3,3-dimethylbutanoate (other names: 5-fluoro-ADB, 5-Fluoro-MDMB-PINACA);
 Methyl 2-({1-[(4-fluorophenyl)methyl]-1H-indazole-3-carbonyl}amino)-3-methylbutanoate (other names: AMB-FUBINACA, FUB-AMB);
 N-(adamantan-1-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide (other name: FUB-AKB48);
 N-(adamantan-1-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide (other name: 5F-AKB48);
 N-(adamantanyloxy)-1-(5-chloropentyl)indazole-3-carboxamide (other name: 5-chloro-AKB48);
 Naphthalen-1-yl 1-pentyl-1H-indazole-3-carboxylate (other name: SDB-005);
 N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)indole-3-carboxamide (other name: AB-CHMICA);
 1-pentyl-N-(phenylmethyl)-1H-indole-3-carboxamide (other name: SDB-006);
 Quinolin-8-yl 1-(4-fluorobenzyl)-1H-indole-3-carboxylate (other name: FUB-PB-22);
 Methyl N-[1-(cyclohexylmethyl)-1H-indole-3-carbonyl]valinate (other name: MMB-CHMICA);
 N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)indazole-3-carboxamide (other name: 5-fluoro-ADB-PINACA);
 1-(4-cyanobutyl)-N-(1-methyl-1-phenylethyl)-1H-indazole-3-carboxamide (other name: 4-cyano CUMYL-BUTINACA);
 Methyl 2-[1-(5-fluoropentyl)-1H-indole-3-carboxamido]-3,3-dimethylbutanoate (other name: 5-Fluoro-MDMB-PICA);
 Ethyl 2-({1-[(4-fluorophenyl)methyl]-1H-indazole-3-carbonyl}amino)-3-methylbutanoate (other name: EMB-FUBINACA);
 Methyl 2-[1-4-fluorobutyl)-1H-indazole-3-carboxamido]-3,3-dimethylbutanoate (other name: 4-fluoro-MDMB-BUTINACA).

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation is \$0 for periods of imprisonment in state adult correctional facilities and cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

CHAPTER 230

An Act to amend and reenact §§ 54.1-2400.6 and 54.1-2909 of the Code of Virginia, relating to health professionals; unprofessional conduct; reporting.

[S 540]

Approved March 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-2400.6 and 54.1-2909 of the Code of Virginia are amended and reenacted as follows:

§ 54.1-2400.6. Hospitals, other health care institutions, home health and hospice organizations, and assisted living facilities required to report disciplinary actions against and certain disorders of health professionals; immunity from liability; failure to report.

A. The chief executive officer and the chief of staff of every hospital or other health care institution in the Commonwealth, the director of every licensed home health or hospice organization, the director of every accredited home health organization exempt from licensure, the administrator of every licensed assisted living facility, and the administrator of every provider licensed by the Department of Behavioral Health and Developmental Services in the Commonwealth shall report within 30 days, except as provided in ~~subsection B subdivision 1~~, to the Director of the Department of Health Professions, or in the case of a director of a home health or hospice organization, to the Office of Licensure and Certification at the Department of Health (the Office), the following information regarding any person (i) licensed, certified, or registered by a health regulatory board or (ii) holding a multistate licensure privilege to practice nursing or an applicant for licensure, certification or registration unless exempted under subsection E:

1. Any information of which he may become aware in his official capacity indicating *a reasonable belief* that such a health professional is in need of treatment or has been ~~committed or~~ voluntarily admitted as a patient, either at his institution or any other health care institution, for treatment of substance abuse or a psychiatric illness that may render the health professional a danger to himself, the public or his patients. *If such health care professional has been involuntarily admitted as a patient, either in his own institution or any other health care institution, for treatment of substance abuse or a psychiatric illness, the report required by this section shall be made within five days of the date on which the chief executive officer, chief of staff, director, or administrator learns of the health care professional's involuntary admission.*

2. Any information of which he may become aware in his official capacity indicating *a reasonable belief*, after ~~reasonable review and, if necessary, an investigation and~~ or consultation as needed with the appropriate internal boards or committees authorized to impose disciplinary action on a health professional, that ~~there is a reasonable probability that such~~ a health professional may have engaged in unethical, fraudulent or unprofessional conduct as defined by the pertinent licensing statutes and regulations. The report required under this subdivision shall be submitted within 30 days of the date that the chief executive officer, chief of staff, director, or administrator determines that ~~a such reasonable probability exists~~ *belief exists*.

3. Any disciplinary proceeding begun by the institution, organization, facility, or provider as a result of conduct involving (i) intentional or negligent conduct that causes or is likely to cause injury to a patient or patients, (ii) professional ethics, (iii) professional incompetence, (iv) moral turpitude, or (v) substance abuse. The report required under this subdivision shall be submitted within 30 days of the date of written communication to the health professional notifying him of the initiation of a disciplinary proceeding.

4. Any disciplinary action taken during or at the conclusion of disciplinary proceedings or while under investigation, including but not limited to denial or termination of employment, denial or termination of privileges or restriction of privileges that results from conduct involving (i) intentional or negligent conduct that causes or is likely to cause injury to a patient or patients, (ii) professional ethics, (iii) professional incompetence, (iv) moral turpitude, or (v) substance abuse. The report required under this subdivision shall be submitted within 30 days of the date of written communication to the health professional notifying him of any disciplinary action.

5. The voluntary resignation from the staff of the health care institution, home health or hospice organization, assisted living facility, or provider, or voluntary restriction or expiration of privileges at the institution, organization, facility, or provider, of any health professional while such health professional is under investigation or is the subject of disciplinary proceedings taken or begun by the institution, organization, facility, or provider or a committee thereof for any reason related to possible intentional or negligent conduct that causes or is likely to cause injury to a patient or patients, medical incompetence, unprofessional conduct, moral turpitude, mental or physical impairment, or substance abuse.

Any report required by this section shall be in writing directed to the Director of the Department of Health Professions or to the Director of the Office of Licensure and Certification at the Department of Health, shall give the name ~~and~~, address, *and date of birth* of the person who is the subject of the report and shall fully describe the circumstances surrounding the facts required to be reported. The report shall include the names and contact information of individuals with knowledge

about the facts required to be reported and the names and contact information of individuals from whom the hospital or health care institution, organization, facility, or provider sought information to substantiate the facts required to be reported. All relevant medical records shall be attached to the report if patient care or the health professional's health status is at issue. The reporting hospital, health care institution, home health or hospice organization, assisted living facility, or provider shall also provide notice to the Department or the Office that it has submitted a report to the National Practitioner Data Bank under the Health Care Quality Improvement Act (42 U.S.C. § 11101 et seq.). The reporting hospital, health care institution, home health or hospice organization, assisted living facility, or provider shall give the health professional who is the subject of the report an opportunity to review the report. The health professional may submit a separate report if he disagrees with the substance of the report.

This section shall not be construed to require the hospital, health care institution, home health or hospice organization, assisted living facility, or provider to submit any proceedings, minutes, records, or reports that are privileged under § 8.01-581.17, except that the provisions of § 8.01-581.17 shall not bar (i) any report required by this section or (ii) any requested medical records that are necessary to investigate unprofessional conduct reported pursuant to this subtitle or unprofessional conduct that should have been reported pursuant to this subtitle. Under no circumstances shall compliance with this section be construed to waive or limit the privilege provided in § 8.01-581.17. No person or entity shall be obligated to report any matter to the Department or the Office if the person or entity has actual notice that the same matter has already been reported to the Department or the Office.

~~B. Any report required by this section concerning the commitment or admission of such health professional as a patient shall be made within five days of when the chief executive officer, chief of staff, director, or administrator learns of such commitment or admission.~~

~~C.~~ The State Health Commissioner, Commissioner of Social Services, and Commissioner of Behavioral Health and Developmental Services shall report to the Department any information of which their agencies may become aware in the course of their duties that a health professional may be guilty of fraudulent, unethical, or unprofessional conduct as defined by the pertinent licensing statutes and regulations. However, the State Health Commissioner shall not be required to report information reported to the Director of the Office of Licensure and Certification pursuant to this section to the Department of Health Professions.

~~D.~~ C. Any person making a report by this section, providing information pursuant to an investigation or testifying in a judicial or administrative proceeding as a result of such report shall be immune from any civil liability alleged to have resulted therefrom unless such person acted in bad faith or with malicious intent.

~~E.~~ D. Medical records or information learned or maintained in connection with an alcohol or drug prevention function that is conducted, regulated, or directly or indirectly assisted by any department or agency of the United States shall be exempt from the reporting requirements of this section to the extent that such reporting is in violation of 42 U.S.C. § 290dd-2 or regulations adopted thereunder.

~~F.~~ E. Any person who fails to make a report to the Department as required by this section shall be subject to a civil penalty not to exceed \$25,000 assessed by the Director. The Director shall report the assessment of such civil penalty to the Commissioner of Health, Commissioner of Social Services, or Commissioner of Behavioral Health and Developmental Services, as appropriate. Any person assessed a civil penalty pursuant to this section shall not receive a license or certification or renewal of such unless such penalty has been paid pursuant to § 32.1-125.01. The Medical College of Virginia Hospitals and the University of Virginia Hospitals shall not receive certification pursuant to § 32.1-137 or Article 1.1 (§ 32.1-102.1 et seq.) of Chapter 4 of Title 32.1 unless such penalty has been paid.

§ 54.1-2909. Further reporting requirements; civil penalty; disciplinary action.

A. The following matters shall be reported within 30 days of their occurrence to the Board:

1. Any disciplinary action taken against a person licensed under this chapter in another state or in a federal health institution or voluntary surrender of a license in another state while under investigation;
2. Any malpractice judgment against a person licensed under this chapter;
3. Any settlement of a malpractice claim against a person licensed under this chapter; and
4. Any evidence that indicates a reasonable ~~probability~~ *belief* that a person licensed under this chapter is or may be professionally incompetent; has *or may have* engaged in intentional or negligent conduct that causes or is likely to cause injury to a patient or patients; has *or may have* engaged in unprofessional conduct; or may be mentally or physically unable to engage safely in the practice of his profession.

The reporting requirements set forth in this section shall be met if these matters are reported to the National Practitioner Data Bank under the Health Care Quality Improvement Act, 42 U.S.C. § 11101 et seq., and notice that such a report has been submitted is provided to the Board.

B. The following persons and entities are subject to the reporting requirements set forth in this section:

1. Any person licensed under this chapter who is the subject of a disciplinary action, settlement, judgment or evidence for which reporting is required pursuant to this section;
2. Any other person licensed under this chapter, except as provided in the protocol agreement entered into by the Medical Society of Virginia and the Board for the Operation of the Impaired Physicians Program;
3. The presidents of all professional societies in the Commonwealth, and their component societies whose members are regulated by the Board, except as provided for in the protocol agreement entered into by the Medical Society of Virginia and the Board for the Operation of the Impaired Physicians Program;

4. All health care institutions licensed by the Commonwealth;
5. The malpractice insurance carrier of any person who is the subject of a judgment or settlement; and
6. Any health maintenance organization licensed by the Commonwealth.

C. No person or entity shall be obligated to report any matter to the Board if the person or entity has actual notice that the matter has already been reported to the Board.

D. Any report required by this section shall be in writing directed to the Board, shall give the name and address of the person who is the subject of the report and shall describe the circumstances surrounding the ~~facts~~ *matter* required to be reported. Under no circumstances shall compliance with this section be construed to waive or limit the privilege provided in § 8.01-581.17.

E. Any person making a report required by this section, providing information pursuant to an investigation or testifying in a judicial or administrative proceeding as a result of such report shall be immune from any civil liability or criminal prosecution resulting therefrom unless such person acted in bad faith or with malicious intent.

F. The clerk of any circuit court or any district court in the Commonwealth shall report to the Board the conviction of any person known by such clerk to be licensed under this chapter of any (i) misdemeanor involving a controlled substance, marijuana or substance abuse or involving an act of moral turpitude or (ii) felony.

G. Any person who fails to make a report to the Board as required by this section shall be subject to a civil penalty not to exceed \$5,000. The Director shall report the assessment of such civil penalty to the Commissioner of the Department of Health or the Commissioner of Insurance at the State Corporation Commission. Any person assessed a civil penalty pursuant to this section shall not receive a license, registration or certification or renewal of such unless such penalty has been paid.

H. Disciplinary action against any person licensed, registered or certified under this chapter shall be based upon the underlying conduct of the person and not upon the report of a settlement or judgment submitted under this section.

CHAPTER 231

An Act to amend and reenact § 54.1-2983.2 of the Code of Virginia, relating to advance directives; physician assistants; capacity determinations.

[S 544]

Approved March 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-2983.2 of the Code of Virginia is amended and reenacted as follows:

§ 54.1-2983.2. Capacity; required determinations.

A. Every adult shall be presumed to be capable of making an informed decision unless he is determined to be incapable of making an informed decision in accordance with this article. A determination that a patient is incapable of making an informed decision may apply to a particular health care decision, to a specified set of health care decisions, or to all health care decisions. No person shall be deemed incapable of making an informed decision based solely on a particular clinical diagnosis.

B. Except as provided in subsection C, prior to providing, continuing, withholding, or withdrawing health care pursuant to an authorization that has been obtained or will be sought pursuant to this article and prior to, or as soon as reasonably practicable after initiating health care for which authorization has been obtained or will be sought pursuant to this article, and no less frequently than every 180 days while the need for health care continues, the attending physician shall certify in writing upon personal examination of the patient that the patient is incapable of making an informed decision regarding health care and shall obtain written certification from a capacity reviewer that, based upon a personal examination of the patient, the patient is incapable of making an informed decision. However, certification by a capacity reviewer shall not be required if the patient is unconscious or experiencing a profound impairment of consciousness due to trauma, stroke, or other acute physiological condition. The capacity reviewer providing written certification that a patient is incapable of making an informed decision, if required, shall not be otherwise currently involved in the treatment of the person assessed, unless an independent capacity reviewer is not reasonably available. The cost of the assessment shall be considered for all purposes a cost of the patient's health care.

C. If a person has executed an advance directive granting an agent the authority to consent to the person's admission to a facility as defined in § 37.2-100 for mental health treatment and if the advance directive so authorizes, the person's agent may exercise such authority after a determination that the person is incapable of making an informed decision regarding such admission has been made by (i) the attending physician, (ii) a psychiatrist or licensed clinical psychologist, (iii) a licensed ~~psychiatric~~ nurse practitioner, (iv) a *licensed physician assistant*, (v) a licensed clinical social worker, or ~~(vi)~~ (vi) a designee of the local community services board as defined in § 37.2-809. Such determination shall be made in writing following an in-person examination of the person and certified by the physician, psychiatrist, licensed clinical psychologist, licensed ~~psychiatric~~ nurse practitioner, *licensed physician assistant*, licensed clinical social worker, or designee of the local community services board who performed the examination prior to admission or as soon as reasonably practicable thereafter. Admission of a person to a facility as defined in § 37.2-100 for mental health treatment upon the authorization of the person's agent shall be subject to the requirements of § 37.2-805.1. When a person has been admitted to a facility for

mental health treatment upon the authorization of an agent following such a determination, such agent may authorize specific health care for the person, consistent with the provisions of the person's advance directive, only upon a determination that the person is incapable of making an informed decision regarding such health care in accordance with subsection B.

D. If, at any time, a patient is determined to be incapable of making an informed decision, the patient shall be notified, as soon as practical and to the extent he is capable of receiving such notice, that such determination has been made before providing, continuing, withholding, or withdrawing health care as authorized by this article. Such notice shall also be provided, as soon as practical, to the patient's agent or person authorized by § 54.1-2986 to make health care decisions on his behalf.

E. A single physician may, at any time, upon personal evaluation, determine that a patient who has previously been determined to be incapable of making an informed decision is now capable of making an informed decision, provided such determination is set forth in writing.

CHAPTER 232

An Act to amend and reenact § 54.1-3300.1 of the Code of Virginia, relating to collaborative practice agreements; nurse practitioners; physician assistants.

[S 565]

Approved March 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-3300.1 of the Code of Virginia is amended and reenacted as follows:

§ 54.1-3300.1. Participation in collaborative agreements; regulations to be promulgated by the Boards of Medicine and Pharmacy.

A pharmacist and his designated alternate pharmacists involved directly in patient care may participate with (i) any person licensed to practice medicine, osteopathy, or podiatry together with any person licensed, registered, or certified by a health regulatory board of the Department of Health Professions who provides health care services to patients of such person licensed to practice medicine, osteopathy, or podiatry; (ii) a physician's office as defined in § 32.1-276.3, provided that such collaborative agreement is signed by each physician participating in the collaborative practice agreement; (iii) any licensed physician assistant working ~~under the supervision of a person licensed to practice medicine, osteopathy, or podiatry in accordance with the provisions of § 54.1-2951.1;~~ or (iv) any licensed nurse practitioner working in accordance with the provisions of § 54.1-2957, involved directly in patient care in collaborative agreements which authorize cooperative procedures related to treatment using drug therapy, laboratory tests, or medical devices, under defined conditions or limitations, for the purpose of improving patient outcomes. However, no person licensed to practice medicine, osteopathy, or podiatry, *or licensed as a nurse practitioner or physician assistant*, shall be required to participate in a collaborative agreement with a pharmacist and his designated alternate pharmacists, regardless of whether a professional business entity on behalf of which the person is authorized to act enters into a collaborative agreement with a pharmacist and his designated alternate pharmacists.

No patient shall be required to participate in a collaborative procedure without such patient's consent. A patient who chooses to not participate in a collaborative procedure shall notify the prescriber of his refusal to participate in such collaborative procedure. A prescriber may elect to have a patient not participate in a collaborative procedure by contacting the pharmacist or his designated alternative pharmacists or by documenting the same on the patient's prescription.

Collaborative agreements may include the implementation, modification, continuation, or discontinuation of drug therapy pursuant to written or electronic protocols, provided implementation of drug therapy occurs following diagnosis by the prescriber; the ordering of laboratory tests; or other patient care management measures related to monitoring or improving the outcomes of drug or device therapy. No such collaborative agreement shall exceed the scope of practice of the respective parties. Any pharmacist who deviates from or practices in a manner inconsistent with the terms of a collaborative agreement shall be in violation of § 54.1-2902; such violation shall constitute grounds for disciplinary action pursuant to §§ 54.1-2400 and 54.1-3316.

Collaborative agreements may only be used for conditions which have protocols that are clinically accepted as the standard of care, or are approved by the Boards of Medicine and Pharmacy. The Boards of Medicine and Pharmacy shall jointly develop and promulgate regulations to implement the provisions of this section and to facilitate the development and implementation of safe and effective collaborative agreements between the appropriate practitioners and pharmacists. The regulations shall include guidelines concerning the use of protocols, and a procedure to allow for the approval or disapproval of specific protocols by the Boards of Medicine and Pharmacy if review is requested by a practitioner or pharmacist.

Nothing in this section shall be construed to supersede the provisions of § 54.1-3303.

CHAPTER 233

An Act to amend the Code of Virginia by adding in Chapter 37 of Title 54.1 an article numbered 2, consisting of sections numbered 54.1-3709.1, 54.1-3709.2, and 54.1-3709.3, relating to music therapy; licensure.

[S 633]

Approved March 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 37 of Title 54.1 an article numbered 2, consisting of sections numbered 54.1-3709.1, 54.1-3709.2, and 54.1-3709.3, as follows:

Article 2.

Music Therapy.

§ 54.1-3709.1. Definitions.

As used in this article, unless the context requires a different meaning:

"Music therapist" means a person who has (i) completed a bachelor's degree or higher in music therapy, or its equivalent; (ii) satisfied the requirements for licensure set forth in regulations adopted by the Board pursuant to § 54.1-3709.2; and (iii) been issued a license for the independent practice of music therapy by the Board.

"Music therapy" means the clinical and evidence-based use of music interventions to accomplish individualized goals within a therapeutic relationship through an individualized music therapy treatment plan for the client that identifies the goals, objectives, and potential strategies of the music therapy services appropriate for the client using music therapy interventions, which may include music improvisation, receptive music listening, songwriting, lyric discussion, music and imagery, music performance, learning through music, and movement to music. "Music therapy" does not include the screening, diagnosis, or assessment of any physical, mental, or communication disorder.

§ 54.1-3709.2. Music therapy; licensure.

A. The Board shall adopt regulations governing the practice of music therapy, upon consultation with the Advisory Board on Music Therapy established in § 54.1-3709.3. The regulations shall (i) set forth the educational, clinical training, and examination requirements for licensure to practice music therapy; (ii) provide for appropriate application and renewal fees; and (iii) include requirements for licensure renewal and continuing education. In developing such regulations, the Board shall consider requirements for board certification offered by the Certification Board for Music Therapists or any successor organization.

B. No person shall engage in the practice of music therapy or hold himself out or otherwise represent himself as a music therapist unless he is licensed by the Board.

C. Nothing in this section shall prohibit (i) the practice of music therapy by a student pursuing a course of study in music therapy if such practice constitutes part of the student's course of study and is adequately supervised or (ii) a licensed health care provider, other professional registered, certified, or licensed in the Commonwealth, or any person whose training and national certification attests to his preparation and ability to practice his certified profession or occupation from engaging in the full scope of his practice, including the use of music incidental to his practice, provided that he does not represent himself as a music therapist.

§ 54.1-3709.3. Advisory Board on Music Therapy; membership; terms.

A. The Advisory Board on Music Therapy (Advisory Board) is hereby established to assist the Board in formulating regulations related to the practice of music therapy. The Advisory Board shall also assist in such other matters relating to the practice of music therapy as the Board may require.

B. The Advisory Board shall have a total membership of five nonlegislative citizen members to be appointed by the Governor as follows: three members shall be licensed music therapists, one member shall be a licensed health care provider other than a music therapist, and one member shall be a citizen at large.

C. After the initial staggering of terms, members shall be appointed for a term of four years. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. All members may be reappointed. However, no member shall serve more than two consecutive four-year terms. The remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in determining the member's eligibility for reappointment. Vacancies shall be filled in the same manner as the original appointments.

2. That the initial appointments of nonlegislative citizen members of the Advisory Board on Music Therapy, created by this act, to be appointed by the Governor shall be staggered as follows: one member, who shall be a music therapist who holds a certification issued by the Certification Board for Music Therapists, shall be appointed for a term of one year; one member, who shall be a music therapist who holds a certification issued by the Certification Board for Music Therapists, shall be appointed for a term of two years; one member, who shall be a licensed health care provider other than a music therapist, shall be appointed for a term of three years; and two members, one of whom shall be a music therapist who holds a certification issued by the Certification Board for Music Therapists and one of whom shall be a citizen at large representing the Commonwealth, shall be appointed for a term of four years.

CHAPTER 234

An Act to amend and reenact § 63.2-1506.1 of the Code of Virginia, relating to human trafficking assessments by local departments.

[S 706]

Approved March 10, 2020

Be it enacted by the General Assembly of Virginia:**1. That § 63.2-1506.1 of the Code of Virginia is amended and reenacted as follows:****§ 63.2-1506.1. Human trafficking assessments by local departments.**

A. If a report or complaint is based upon information and allegations that a child is a victim of sex trafficking or severe forms of trafficking as defined in the federal Trafficking Victims Protection Act of 2000 (22 U.S.C. § 7102 et seq.) and in the federal Justice for Victims of Trafficking Act of 2015 (P.L. 114-22), the local department shall conduct a ~~sex~~ human trafficking assessment, unless at any time during the ~~sex~~ human trafficking assessment the local department determines that an investigation or family assessment is required pursuant to § 63.2-1505 or 63.2-1506.

B. A ~~sex~~ human trafficking assessment requires the collection of information necessary to determine:

1. The immediate safety needs of the child;
2. The protective and rehabilitative services needs of the child and the child's family that will deter abuse and neglect; and
3. Risk of future harm to the child.

C. When a local department responds to the report or complaint by conducting a ~~sex~~ human trafficking assessment, the local department may:

1. Consult with the family to arrange for necessary protective and rehabilitative services to be provided to the child and the child's family;
2. Petition the court for services deemed necessary; or
3. Commence an immediate investigation or family assessment, if at any time during the ~~sex~~ human trafficking assessment the local department determines that an investigation or family assessment is required pursuant to § 63.2-1505 or 63.2-1506.

D. In the event that the parents or guardians of the child reside in a jurisdiction other than that in which the report or complaint was received, the local department that received the report or complaint and the local department where the child resides with his parents or guardians shall work jointly to complete the ~~sex~~ human trafficking assessment.

E. Reports or complaints for which a ~~sex~~ human trafficking assessment is completed shall not be entered into the central registry contained in § 63.2-1515.

F. The local department or departments shall notify the Child Protective Services Unit within the Department in writing whenever such a ~~sex~~ human trafficking assessment is conducted.

G. *When conducting a human trafficking assessment pursuant to this section, the local department may interview the alleged child victim or his siblings without the consent and outside the presence of such child's or siblings' parent, guardian, legal custodian, or other person standing in loco parentis, or school personnel.*

CHAPTER 235

An Act to direct the Department of Behavioral Health and Developmental Services to establish a work group to evaluate and make recommendations related to the acute psychiatric bed registry.

[S 739]

Approved March 10, 2020

Be it enacted by the General Assembly of Virginia:

1. § 1. *That the Department of Behavioral Health and Developmental Services (the Department) shall establish a work group to include representatives of such stakeholders as the Department may deem appropriate (i) to evaluate the role of the acute psychiatric bed registry (the registry) in collecting and disseminating information about the availability of acute psychiatric beds in the Commonwealth and collecting data and information to ensure adequate oversight of the process by which individuals are referred for acute psychiatric services, the structure of the registry, and the types of data required to be reported to the registry and (ii) to make recommendations for statutory, budgetary, or other actions necessary to redefine the purpose of the registry and improve its structure and effectiveness. The work group shall report its findings, conclusions, and recommendations to the Governor and the Chairmen of the Senate Committee on Education and Health, the House Committee on Health, Welfare and Institutions, and the Joint Subcommittee to Study Mental Health Services in the Commonwealth in the Twenty-First Century by November 1, 2020.*

CHAPTER 236

An Act to require the Department of Health to determine the feasibility of the establishment of a Medical Excellence Zone Program and to require the Department of Health Professions to pursue reciprocal agreements with states contiguous with the Commonwealth for licensure for certain primary care practitioners under the Board of Medicine.

[S 757]

Approved March 10, 2020

Be it enacted by the General Assembly of Virginia:

1. § 1. *That the Department of Health shall determine the feasibility of establishing a Medical Excellence Zone Program (the Program) to allow citizens of the Commonwealth living in rural underserved areas to receive medical treatment via telemedicine services as defined in § 38.2-3418.16 of the Code of Virginia. The Department shall set out the criteria that would be required for a locality or group of localities in the Commonwealth to be eligible for the designation as a medical excellence zone. Such criteria shall include that any locality or group of localities eligible for the Program must demonstrate economic disadvantage of residents in the proposed medical excellence zone. The Department of Health shall report its findings to the Senate Committee on Education and Health and the House Committee on Health, Welfare and Institutions by November 1, 2020.*

2. § 1. *That the Department of Health Professions shall pursue the establishment of reciprocal agreements with states that are contiguous with the Commonwealth for the licensure of doctors of medicine, doctors of osteopathic medicine, physician assistants, and nurse practitioners. Reciprocal agreements shall only require that a person hold a current, unrestricted license in the other jurisdiction and that no grounds exist for denial based on § 54.1-2915 of the Code of Virginia. The Department of Health Professions shall report on its progress in establishing such agreements to the Senate Committee on Education and Health and the House Committee on Health, Welfare and Institutions by November 1, 2020.*

3. § 1. *That the Board of Medicine shall prioritize applicants for licensure as a doctor of medicine or osteopathic medicine, a physician assistant, or a nurse practitioner from such states that are contiguous with the Commonwealth in processing their applications for licensure by endorsement through a streamlined process, with a final determination regarding qualification to be made within 20 days of the receipt of a completed application.*

CHAPTER 237

An Act to amend and reenact §§ 54.1-3300 and 54.1-3321 of the Code of Virginia, relating to pharmacy technicians and pharmacy technician trainees; registration.

[S 830]

Approved March 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-3300 and 54.1-3321 of the Code of Virginia are amended and reenacted as follows:

§ 54.1-3300. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Board" means the Board of Pharmacy.

"Collaborative agreement" means a voluntary, written, or electronic arrangement between one pharmacist and his designated alternate pharmacists involved directly in patient care at a single physical location where patients receive services and (i) any person licensed to practice medicine, osteopathy, or podiatry together with any person licensed, registered, or certified by a health regulatory board of the Department of Health Professions who provides health care services to patients of such person licensed to practice medicine, osteopathy, or podiatry; (ii) a physician's office as defined in § 32.1-276.3, provided that such collaborative agreement is signed by each physician participating in the collaborative practice agreement; (iii) any licensed physician assistant working under the supervision of a person licensed to practice medicine, osteopathy, or podiatry; or (iv) any licensed nurse practitioner working in accordance with the provisions of § 54.1-2957, involved directly in patient care which authorizes cooperative procedures with respect to patients of such practitioners. Collaborative procedures shall be related to treatment using drug therapy, laboratory tests, or medical devices, under defined conditions or limitations, for the purpose of improving patient outcomes. A collaborative agreement is not required for the management of patients of an inpatient facility.

"Dispense" means to deliver a drug to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, including the prescribing and administering, packaging, labeling, or compounding necessary to prepare the substance for delivery.

"Pharmacist" means a person holding a license issued by the Board to practice pharmacy.

"Pharmacy" means every establishment or institution in which drugs, medicines, or medicinal chemicals are dispensed or offered for sale, or a sign is displayed bearing the word or words "pharmacist," "pharmacy," "apothecary," "drugstore," "druggist," "drugs," "medicine store," "drug sundries," "prescriptions filled," or any similar words intended to indicate that the practice of pharmacy is being conducted.

"Pharmacy intern" means a student currently enrolled in or a graduate of an approved school of pharmacy who is registered with the Board for the purpose of gaining the practical experience required to apply for licensure as a pharmacist.

"Pharmacy technician" means a person registered with the Board to assist a pharmacist under the pharmacist's supervision.

"Pharmacy technician trainee" means a person registered with the Board for the purpose of performing duties restricted to a pharmacy technician as part of a pharmacy technician training program in accordance with the provisions of subsection G of § 54.1-3321.

"Practice of pharmacy" means the personal health service that is concerned with the art and science of selecting, procuring, recommending, administering, preparing, compounding, packaging, and dispensing of drugs, medicines, and devices used in the diagnosis, treatment, or prevention of disease, whether compounded or dispensed on a prescription or otherwise legally dispensed or distributed, and shall include the proper and safe storage and distribution of drugs; the maintenance of proper records; the responsibility of providing information concerning drugs and medicines and their therapeutic values and uses in the treatment and prevention of disease; and the management of patient care under the terms of a collaborative agreement as defined in this section.

"Supervision" means the direction and control by a pharmacist of the activities of a pharmacy intern or a pharmacy technician whereby the supervising pharmacist is physically present in the pharmacy or in the facility in which the pharmacy is located when the intern or technician is performing duties restricted to a pharmacy intern or technician, respectively, and is available for immediate oral communication.

Other terms used in the context of this chapter shall be defined as provided in Chapter 34 (§ 54.1-3400 et seq.) unless the context requires a different meaning.

§ 54.1-3321. Registration of pharmacy technicians.

A. No person shall perform the duties of a pharmacy technician without first being registered as a pharmacy technician with the Board. Upon being registered with the Board as a pharmacy technician, the following tasks may be performed:

1. The entry of prescription information and drug history into a data system or other record keeping system;
2. The preparation of prescription labels or patient information;
3. The removal of the drug to be dispensed from inventory;
4. The counting, measuring, or compounding of the drug to be dispensed;
5. The packaging and labeling of the drug to be dispensed and the repackaging thereof;
6. The stocking or loading of automated dispensing devices or other devices used in the dispensing process;
7. The acceptance of refill authorization from a prescriber or his authorized agency, so long as there is no change to the original prescription; and
8. The performance of any other task restricted to pharmacy technicians by the Board's regulations.

B. To be registered as a pharmacy technician, a person shall submit ~~satisfactory evidence~~:

1. ~~An application and fee specified in regulations of the Board;~~
2. ~~Evidence that he is of good moral character and has satisfactorily~~ successfully completed a training program that is (i) an accredited training program, including an accredited training program operated through the Department of Education's Career and Technical Education program or approved by the Board, or (ii) operated through a federal agency or branch of the military; and
3. ~~Evidence that he has successfully passed a national certification examination that meet the criteria approved by the Board in regulation or that he holds current certification from administered by the Pharmacy Technician Certification Board or the National Healthcareer Association.~~

~~C. A pharmacy intern may perform the duties set forth for pharmacy technicians in subsection A when registered with the Board for the purpose of gaining the practical experience required to apply for licensure as a pharmacist.~~

~~D. In addition, a person enrolled in an approved training program for pharmacy technicians may engage in the acts set forth in subsection A for the purpose of obtaining practical experience required for registration as a pharmacy technician, so long as such activities are directly monitored by a supervising pharmacist.~~

~~E. The Board shall promulgate regulations establishing requirements for evidence:~~

1. ~~Issuance of a registration as a pharmacy technician to a person who, prior to the effective date of such regulations, (i) successfully completed or was enrolled in a Board-approved pharmacy technician training program or (ii) passed a national certification examination required by the Board but did not complete a Board-approved pharmacy technician training program;~~
2. ~~Issuance of a registration as a pharmacy technician to a person who (i) has previously practiced as a pharmacy technician in another U.S. jurisdiction and (ii) has passed a national certification examination required by the Board; and~~
3. ~~Evidence of continued competency as a condition of renewal of a registration as a pharmacy technician.~~

~~F. D. The Board shall waive the initial registration fee and the first examination fee for the Board-approved examination for a pharmacy technician applicant who works as a pharmacy technician exclusively in a free clinic pharmacy. If such applicant fails the examination, he shall be responsible for any subsequent fees to retake the examination. A person registered pursuant to this subsection shall be issued a limited-use registration. A pharmacy technician with a limited-use registration shall not perform pharmacy technician tasks in any setting other than a free clinic pharmacy. The Board shall also waive renewal fees for such limited-use registrations. A pharmacy technician with a limited-use registration may convert to an unlimited registration by paying the current renewal fee.~~

E. Any person registered as a pharmacy technician prior to the effective date of regulations implementing the provisions of this section shall not be required to comply with the requirements of subsection B in order to maintain or renew registration as a pharmacy technician.

F. A pharmacy technician trainee enrolled in a training program for pharmacy technicians described in subdivision B 2 may engage in the acts set forth in subsection A for the purpose of obtaining practical experience required for completion of the training program, so long as such activities are directly monitored by a supervising pharmacist.

G. To be registered as a pharmacy technician trainee, a person shall submit an application and a fee specified in regulations of the Board. Such registration shall only be valid while the person is enrolled in a pharmacy technician training program described in subsection B and actively progressing toward completion of such program. A registration card issued pursuant to this section shall be invalid and shall be returned to the Board if such person fails to enroll in a pharmacy technician training program described in subsection B.

H. A pharmacy intern may perform the duties set forth for pharmacy technicians in subsection A when registered with the Board for the purpose of gaining the practical experience required to apply for licensure as a pharmacist.

2. That the Board of Pharmacy shall promulgate regulations to implement the provisions of this act to be effective within 280 days of its enactment. However, the provisions of subsection B 2 of § 54.1-3321 of the Code of Virginia, as amended by this act, requiring accreditation of a pharmacy technician training program shall become effective July 1, 2022.

3. The Board of Pharmacy shall convene a workgroup composed of stakeholders including representatives of the Virginia Association of Chain Drug Stores, Virginia Pharmacists Association, Virginia Healthcareer Association, Virginia Society of Health-System Pharmacies, and any other stakeholders that the Board of Pharmacy may deem appropriate to develop recommendations related to the addition of duties and tasks that a pharmacy technician registered by the Board may perform. The workgroup shall report its recommendations to the Secretary of Health and Human Resources and the Chairmen of the House Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health by November 1, 2021.

CHAPTER 238

An Act to amend and reenact § 58.1-3825.3 of the Code of Virginia, relating to transient occupancy tax; Arlington County.

[H 62]

Approved March 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-3825.3 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-3825.3. Additional transient occupancy tax in Arlington County.

In addition to such transient occupancy taxes as are authorized by §§ 58.1-3819 and 58.1-3820, ~~beginning July 1, 2018, and ending July 1, 2021,~~ Arlington County may impose an additional transient occupancy tax not to exceed one-fourth of one percent of the amount of the charge for the occupancy of any room or space occupied. The revenues collected from the additional tax shall be designated and spent for the purpose of promoting tourism and business travel in the county.

CHAPTER 239

An Act to amend and reenact §§ 6.2-1047 and 6.2-1059 of the Code of Virginia, relating to banks; trust subsidiaries.

[H 155]

Approved March 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 6.2-1047 and 6.2-1059 of the Code of Virginia are amended and reenacted as follows:

§ 6.2-1047. Definitions.

As used in this article, unless the context requires a different meaning:

"Affiliate bank" with respect to a trust subsidiary means (i) a bank of which more than 50 percent of the shares are owned directly or indirectly through a subsidiary by the same Virginia bank holding company that owns directly or indirectly through a subsidiary all the shares, except directors' qualifying shares, of a trust subsidiary or a subsidiary bank or (ii) a bank that owns some or all of the shares of a trust subsidiary or a subsidiary bank.

"Bank" has the meaning assigned to it in § 6.2-800.

"Bank holding company" has the meaning assigned to it in § 6.2-800.

"Bank under common ownership" means a bank of which 80 percent or more of its common stock is owned, directly or indirectly through a subsidiary, by the same Virginia bank holding company as owns, directly or indirectly through a subsidiary, at least 80 percent of the stock of the subsidiary bank substituted as fiduciary.

"Fiduciary capacity" means every capacity in which a trust institution is granted the right to act pursuant to § 6.2-1002 and every other capacity in which a bank acts, or may act, through its trust department, including, without limitation, trusteeship with respect to common trust funds.

"Main office" is the place designated in the articles of incorporation or articles of association as the main office of the bank or trust subsidiary at which the principal functions of the bank or trust subsidiary are to be conducted.

"Owning bank" means a bank owning 10 percent or more of the shares of a trust subsidiary.

"Subsidiary bank" means a bank authorized to exercise trust powers, at least 80 percent of the outstanding shares of which are owned directly or indirectly through a subsidiary by a Virginia bank holding company.

"Trust office" means, with regard to a trust subsidiary or a bank having trust powers, an office for trust purposes only, at which the trust subsidiary or bank holds itself out as dealing with the public in the solicitation and conduct of its trust business.

"Trust subsidiary under common ownership" means a trust subsidiary at least 80 percent or more of which is owned, directly or indirectly through a subsidiary, by the same Virginia bank holding company as owns, directly or indirectly through a subsidiary, at least 80 percent of the stock of the subsidiary bank substituted as fiduciary.

"Virginia bank holding company" means a bank holding company that, directly or indirectly through a subsidiary, owns or controls a bank the main office of which is located in the Commonwealth.

§ 6.2-1059. Substitution of subsidiary bank as fiduciary.

A. Upon obtaining permission to engage in the trust business, a subsidiary bank may file an application in the circuit court of the jurisdiction in which its main office is located requesting that it be substituted, except as may be specified in such application, in every fiduciary capacity for a bank under common ownership *or a trust subsidiary under common ownership*.

B. Upon a finding that (i) the subsidiary bank has been granted such permission to engage in the trust business by the Commission or the Comptroller of the Currency and (ii) the unimpaired capital and surplus of such subsidiary bank is sufficient as prescribed in § 6.2-1003, or bond with corporate surety has been posted for any excess, or has been validly waived, the court shall enter an order substituting the subsidiary bank in every fiduciary capacity for each of the specified banks *or trust subsidiaries* under common ownership, except as may be otherwise specified in the application.

C. Upon entry of such order, such subsidiary bank shall, without further act, be substituted in every such fiduciary capacity. The substitution shall be evidenced by filing a copy of the order with the clerk of any circuit court in the Commonwealth. The order shall be indexed in each index in the records of such court in which substitutions of fiduciaries are otherwise indexed. The application may be made ex parte and need not list the fiduciary capacities in which substitution is made. If a bank *or trust subsidiary* under common ownership with the subsidiary bank shall already have qualified in any fiduciary capacity and given bond, without surety, then if the order of substitution shall so provide, which it may provide only if the fiduciary for which there is to be substitution consents, the predecessor fiduciary shall remain liable on its bond for the acts of its named successor, and no security or corporate surety shall be required of the successor fiduciary on its bond.

D. Any bond, with corporate surety, posted under this section or under § 6.2-1056 may be a blanket bond conditioned as otherwise contemplated by law.

E. Each designation in a will or other instrument heretofore or hereafter executed of a bank *or trust subsidiary* as fiduciary shall be deemed a designation of the subsidiary bank ~~under common ownership~~ substituted for such bank *or trust subsidiary* pursuant to this section except when the instrument is executed after such substitution and expressly negates the application of this section. No waiver of surety with respect to any fiduciary bond shall be effective except in such case when the bond would be otherwise sufficient as contemplated by § 6.2-1056 or this section. Any grant in such an instrument of any discretionary power shall be deemed conferred upon the fiduciary deemed to have been nominated hereunder.

F. A bank *or trust subsidiary* shall account jointly with the subsidiary bank that has been substituted as fiduciary for such bank *or trust subsidiary* pursuant to this section for the accounting period during which the subsidiary bank is initially so substituted. Upon substitution pursuant to this section, the bank *or trust subsidiary* shall deliver to the substituted subsidiary bank ~~under common ownership~~ all assets held by the bank *or trust subsidiary* as fiduciary, except assets held for accounts to which there has been no substitution. Upon such substitution, all such assets shall become the property of the subsidiary bank as fiduciary without the necessity of any instrument of transfer or conveyance.

CHAPTER 240

An Act to amend and reenact § 58.1-3981 of the Code of Virginia, relating to refunds of local taxes; authority of treasurer.

[H 316]

Approved March 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-3981 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-3981. Correction by commissioner or other official performing his duties.

A. If the commissioner of the revenue, or other official performing the duties imposed on commissioners of the revenue under this title, is satisfied that he has erroneously assessed such applicant with any such tax, he shall correct such assessment. If the assessment exceeds the proper amount, he shall exonerate the applicant from the payment of so much as is erroneously charged if not paid into the treasury of the county or city. If the assessment has been paid, the governing body of the county or city shall, upon the certificate of the commissioner with the consent of the town, city or county attorney, or

if none, the attorney for the Commonwealth, that such assessment was erroneous, direct the treasurer of the county, city or town to refund the excess to the taxpayer, with interest if authorized pursuant to § 58.1-3918 or in the ordinance authorized by § 58.1-3916, or as otherwise authorized in that section. However, the governing body of the county, city or town may authorize the treasurer to approve and issue any refund up to ~~\$2,500~~ \$5,000 as a result of an erroneous assessment.

B. If the assessment is less than the proper amount, the commissioner shall assess such applicant with the proper amount. If any assessment is erroneous because of a mere clerical error or calculation, the same may be corrected as herein provided and with or without petition from the taxpayer. If such error or calculation was made in work performed by others in connection with conducting general assessments, such mistake may be corrected by the commissioner of the revenue.

C. If the commissioner of the revenue, or other official performing the duties imposed on commissioners of the revenue under this title, is satisfied that any assessment is erroneous because of a factual error made in work performed by others in connection with conducting general reassessments, he shall correct such assessment as herein provided and with or without petition from the taxpayer.

D. An error in the valuation of property subject to the rollback tax imposed under § 58.1-3237 for those years to which such tax is applicable may be corrected within three years of the assessment of the rollback tax.

E. A copy of any correction made under this section shall be certified by the commissioner or such other official to the treasurer of his county, city or town. When an unpaid erroneous assessment of real estate is corrected under this section and such real estate has been sold at a delinquent land sale, the commissioner or such other official making such correction shall certify a copy of such correction to the clerk of the circuit court of his county or city; and such clerk shall note such correction in the delinquent land book opposite the entry of the tract or lot for the year or years for which such correction is made.

F. In any action on application for correction under § 58.1-3980, if so requested by the applicant, the commissioner or other such official shall state in writing the facts and law supporting the action on such application and mail a copy of such writing to the applicant at his last known address.

CHAPTER 241

An Act to amend and reenact §§ 58.1-3833 and 58.1-3840 of the Code of Virginia, relating to meals tax and county food and beverage tax; exemption for farmers market and roadside stand sales up to \$2,500.

[H 342]

Approved March 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 58.1-3833 and 58.1-3840 of the Code of Virginia are amended and reenacted as follows:

§ 58.1-3833. County food and beverage tax.

A. 1. Any county is hereby authorized to levy a tax on food and beverages sold, for human consumption, by a restaurant, as such term is defined in § 35.1-1, not to exceed four percent of the amount charged for such food and beverages. Such tax shall not be levied on food and beverages sold through vending machines or by (i) boardinghouses that do not accommodate transients; (ii) cafeterias operated by industrial plants for employees only; (iii) restaurants to their employees as part of their compensation when no charge is made to the employee; (iv) volunteer fire departments and volunteer emergency medical services agencies; nonprofit churches or other religious bodies; or educational, charitable, fraternal, or benevolent organizations the first three times per calendar year and, beginning with the fourth time, on the first \$100,000 of gross receipts per calendar year from sales of food and beverages (excluding gross receipts from the first three times), as a fundraising activity, the gross proceeds of which are to be used by such church, religious body or organization exclusively for nonprofit educational, charitable, benevolent, or religious purposes; (v) churches that serve meals for their members as a regular part of their religious observances; (vi) public or private elementary or secondary schools or institutions of higher education to their students or employees; (vii) hospitals, medical clinics, convalescent homes, nursing homes, or other extended care facilities to patients or residents thereof; (viii) day care centers; (ix) homes for the aged, infirm, handicapped, battered women, narcotic addicts, or alcoholics; ~~or~~ (x) age-restricted apartment complexes or residences with restaurants, not open to the public, where meals are served and fees are charged for such food and beverages and are included in rental fees; or (xi) *sellers at local farmers markets and roadside stands, when such sellers' annual income from such sales does not exceed \$2,500. For the exemption described in clause (xi), the sellers' annual income shall include income from sales at all local farmers markets and roadside stands, not just those sales occurring in the locality imposing the tax.* Also, the tax shall not be levied on food and beverages: (a) when used or consumed and paid for by the Commonwealth, any political subdivision of the Commonwealth, or the United States; or (b) provided by a public or private nonprofit charitable organization or establishment to elderly, infirm, blind, handicapped, or needy persons in their homes, or at central locations; or (c) provided by private establishments that contract with the appropriate agency of the Commonwealth to offer food, food products, or beverages for immediate consumption at concession prices to elderly, infirm, blind, handicapped, or needy persons in their homes or at central locations.

2. Grocery stores and convenience stores selling prepared foods ready for human consumption at a delicatessen counter shall be subject to the tax, for that portion of the grocery store or convenience store selling such items.

3. This tax shall be levied only if the tax is approved in a referendum within the county which shall be held in accordance with § 24.2-684 and initiated either by a resolution of the board of supervisors or on the filing of a petition signed by a number of registered voters of the county equal in number to 10 percent of the number of voters registered in the county, as appropriate on January 1 of the year in which the petition is filed with the court of such county. However, no referendum initiated by a resolution of the board of supervisors shall be authorized in a county in the three calendar years subsequent to the electoral defeat of any referendum held pursuant to this section in such county. The clerk of the circuit court shall publish notice of the election in a newspaper of general circulation in the county once a week for three consecutive weeks prior to the election. If the voters affirm the levy of a local meals tax, the tax shall be effective in an amount and on such terms as the governing body may by ordinance prescribe. If such resolution of the board of supervisors or such petition states for what projects and/or purposes the revenues collected from the tax are to be used, then the question on the ballot for the referendum shall include language stating for what projects and/or purposes the revenues collected from the tax are to be used.

4. Any referendum held for the purpose of approving a county food and beverage tax pursuant to this section shall, in the language of the ballot question presented to voters, contain the following text in a paragraph unto itself: "If this food and beverage tax is adopted and a maximum tax rate of four percent is imposed, then the total tax imposed on all prepared food and beverage shall be ..." followed by the total, expressed as a percentage, of all existing ad valorem taxes applicable to the transaction added to the four percent county food and beverage tax to be approved by the referendum.

5. Notwithstanding any other provision of this section, if a county that has not imposed a county food and beverage tax adopts an ordinance or resolution pursuant to subdivision 1 of § 15.2-2607 providing for the payment of the principal and premium, if any, and interest on bonds issued in accordance with the Public Finance Act (§ 15.2-2600 et seq.) from revenue collected from a county food and beverage tax, then the ballot may provide, as a single question:

- a. The purpose or purposes of the bonds to be issued;
- b. The estimated maximum amount of such bonds proposed in the notice required in subsection A of § 15.2-2606;
- c. The request for approval by the voters of a county food and beverage tax authorized and levied in accordance with subdivision 3;
- d. The language required to be included in the ballot question as set forth in subdivision 4; and
- e. An explanation that the bonds shall be issued only if the county food and beverage tax is approved in the referendum.

Any referendum placed on the ballot pursuant to this subdivision 5 shall be submitted according to the procedures specified in § 24.2-684.

The term "beverage" as set forth herein shall mean alcoholic beverages as defined in § 4.1-100 and nonalcoholic beverages served as part of a meal. The tax shall be in addition to the sales tax currently imposed by the county pursuant to the authority of Chapter 6 (§ 58.1-600 et seq.). Collection of such tax shall be in a manner prescribed by the governing body.

B. Notwithstanding the provisions of subsection A, Roanoke County, Rockbridge County, Frederick County, Arlington County, and Montgomery County are hereby authorized to levy a tax on food and beverages sold for human consumption by a restaurant, as such term is defined in § 35.1-1 and as modified in subsection A and subject to the same exemptions, not to exceed four percent of the amount charged for such food and beverages, provided that the governing body of the respective county holds a public hearing before adopting a local food and beverage tax, and the governing body by unanimous vote adopts such tax by local ordinance. The tax shall be effective in an amount and on such terms as the governing body may by ordinance prescribe.

C. Nothing herein contained shall affect any authority heretofore granted to any county, city or town to levy a meals tax. The county tax limitations imposed pursuant to § 58.1-3711 shall apply to any tax levied under this section, mutatis mutandis. All food and beverage tax collections and all meals tax collections shall be deemed to be held in trust for the county, city or town imposing the applicable tax. The wrongful and fraudulent use of such collections other than remittance of the same as provided by law shall constitute embezzlement pursuant to § 18.2-111.

D. No county which has heretofore adopted an ordinance pursuant to subsection A shall be required to submit an amendment to its meals tax ordinance to the voters in a referendum.

E. Notwithstanding any other provision of this section, no locality shall levy any tax under this section upon (i) that portion of the amount paid by the purchaser as a discretionary gratuity in addition to the sales price; (ii) that portion of the amount paid by the purchaser as a mandatory gratuity or service charge added by the restaurant in addition to the sales price, but only to the extent that such mandatory gratuity or service charge does not exceed 20 percent of the sales price; or (iii) alcoholic beverages sold in factory sealed containers and purchased for off-premises consumption or food purchased for human consumption as "food" is defined in the Food Stamp Act of 1977, 7 U.S.C. § 2012, as amended, and federal regulations adopted pursuant to that act, except for the following items: sandwiches, salad bar items sold from a salad bar, prepackaged single-serving salads consisting primarily of an assortment of vegetables, and nonfactory sealed beverages.

§ 58.1-3840. Certain excise taxes permitted.

A. The provisions of Chapter 6 (§ 58.1-600 et seq.) to the contrary notwithstanding, any city or town having general taxing powers established by charter pursuant to or consistent with the provisions of § 15.2-1104 may impose excise taxes on cigarettes, admissions, transient room rentals, meals, and travel campgrounds. No such taxes on meals may be imposed on (i) that portion of the amount paid by the purchaser as a discretionary gratuity in addition to the sales price of the meal; (ii) that portion of the amount paid by the purchaser as a mandatory gratuity or service charge added by the restaurant in

addition to the sales price of the meal, but only to the extent that such mandatory gratuity or service charge does not exceed 20 percent of the sales price; or (iii) food and beverages sold through vending machines or on any tangible personal property purchased with food coupons issued by the United States Department of Agriculture under the Food Stamp Program or drafts issued through the Virginia Special Supplemental Food Program for Women, Infants, and Children. No such taxes on meals may be imposed when sold or provided by (a) restaurants, as such term is defined in § 35.1-1, to their employees as part of their compensation when no charge is made to the employee; (b) volunteer fire departments and volunteer emergency medical services agencies; nonprofit churches or other religious bodies; or educational, charitable, fraternal, or benevolent organizations, the first three times per calendar year and, beginning with the fourth time, on the first \$100,000 of gross receipts per calendar year from sales of meals (excluding gross receipts from the first three times), as a fundraising activity, the gross proceeds of which are to be used by such church, religious body or organization exclusively for nonprofit educational, charitable, benevolent, or religious purposes; (c) churches that serve meals for their members as a regular part of their religious observances; (d) public or private elementary or secondary schools or institutions of higher education to their students or employees; (e) hospitals, medical clinics, convalescent homes, nursing homes, or other extended care facilities to patients or residents thereof; (f) day care centers; (g) homes for the aged, infirm, handicapped, battered women, narcotic addicts, or alcoholics; ~~or~~ (h) age-restricted apartment complexes or residences with restaurants, not open to the public, where meals are served and fees are charged for such food and beverages and are included in rental fees; *or (i) sellers at local farmers markets and roadside stands, when such sellers' annual income from such sales does not exceed \$2,500. For the exemption described in clause (i), the sellers' annual income shall include income from sales at all local farmers markets and roadside stands, not just those sales occurring in the locality imposing the tax.*

Also, the tax shall not be levied on meals: (1) when used or consumed and paid for by the Commonwealth, any political subdivision of the Commonwealth, or the United States; (2) provided by a public or private nonprofit charitable organization or establishment to elderly, infirm, blind, handicapped, or needy persons in their homes, or at central locations; or (3) provided by private establishments that contract with the appropriate agency of the Commonwealth to offer food, food products, or beverages for immediate consumption at concession prices to elderly, infirm, blind, handicapped, or needy persons in their homes or at central locations.

In addition, as set forth in § 51.5-98, no blind person operating a vending stand or other business enterprise under the jurisdiction of the Department for the Blind and Vision Impaired and located on property acquired and used by the United States for any military or naval purpose shall be required to collect and remit meals taxes.

B. Notwithstanding any other provision of this section, no city or town shall levy any tax under this section upon alcoholic beverages sold in factory sealed containers and purchased for off-premises consumption or food purchased for human consumption as "food" is defined in the Food Stamp Act of 1977, 7 U.S.C. § 2012, as amended, and federal regulations adopted pursuant to that act, except for the following items: sandwiches, salad bar items sold from a salad bar, prepackaged single-serving salads consisting primarily of an assortment of vegetables, and nonfactory sealed beverages.

C. Any city or town that is authorized to levy a tax on admissions may levy the tax on admissions paid for any event held at facilities that are not owned by the city or town at a lower rate than the rate levied on admissions paid for any event held at its city- or town-owned civic centers, stadiums, and amphitheaters.

D. [Expired.]

CHAPTER 242

An Act to amend and reenact § 58.1-3703.1 of the Code of Virginia, relating to business license waivers.

[H 466]

Approved March 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-3703.1 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-3703.1. Uniform ordinance provisions.

A. Every ordinance levying a license tax pursuant to this chapter shall include provisions substantially similar to this subsection. As they apply to license taxes, the provisions required by this section shall override any limitations or requirements in Chapter 39 (§ 58.1-3900 et seq.) ~~of this title~~ to the extent that they are in conflict.

1. License requirement. Every person shall apply for a license for each business or profession when engaging in a business in this jurisdiction if (i) the person has a definite place of business in this jurisdiction; (ii) there is no definite place of business anywhere and the person resides in this jurisdiction; or (iii) there is no definite place of business in this jurisdiction but the person operates amusement machines or is classified as an itinerant merchant, peddler, carnival, circus, contractor subject to § 58.1-3715, or public service corporation. A separate license shall be required for each definite place of business and for each business. A person engaged in two or more businesses or professions carried on at the same place of business may elect to obtain one license for all such businesses and professions if all of the following criteria are satisfied: (a) each business or profession is subject to licensure at the location and has satisfied any requirements imposed by state law or other provisions of the ordinances of this jurisdiction; (b) all of the businesses or professions are subject to the same tax rate, or, if subject to different tax rates, the licensee agrees to be taxed on all businesses and professions at the

highest rate; and (c) the taxpayer agrees to supply such information as the assessor may require concerning the nature of the several businesses and their gross receipts.

Notwithstanding the foregoing, the governing body of any county, city, or town with a population greater than 50,000 may waive the license requirements provided herein for businesses with gross receipts of ~~less than \$100,000~~ \$200,000 or less.

2. Due dates and penalties.

a. Each person subject to a license tax shall apply for a license prior to beginning business if he was not subject to licensure in this jurisdiction on or before January 1 of the license year, or no later than March 1 of the license year if he had been issued a license for the preceding year. Any locality is authorized to adopt a later application date that is on or before May 1 of the license year. The application shall be on forms prescribed by the assessing official.

b. The tax shall be paid with the application in the case of any license not based on gross receipts. If the tax is measured by the gross receipts of the business, the tax shall be paid on or before the locality's fixed due date for filing license applications or a later date, including installment payment dates, or 30 or more days after beginning business, at the locality's option.

c. The assessing official may grant an extension of time in which to file an application for a license, for reasonable cause. The extension may be conditioned upon the timely payment of a reasonable estimate of the appropriate tax; the tax is then subject to adjustment to the correct tax at the end of the extension, together with interest from the due date until the date paid and, if the estimate submitted with the extension is found to be unreasonable under the circumstances, with a penalty of 10 percent of the portion paid after the due date.

d. A penalty of 10 percent of the tax may be imposed upon the failure to file an application or the failure to pay the tax by the appropriate due date. Only the late filing penalty shall be imposed by the assessing official if both the application and payment are late; however, both penalties may be assessed if the assessing official determines that the taxpayer has a history of noncompliance. In the case of an assessment of additional tax made by the assessing official, if the application and, if applicable, the return were made in good faith and the understatement of the tax was not due to any fraud, reckless or intentional disregard of the law by the taxpayer, there shall be no late payment penalty assessed with the additional tax. If any assessment of tax by the assessing official is not paid within 30 days, the treasurer or other collecting official may impose a 10 percent late payment penalty. If the failure to file or pay was not the fault of the taxpayer, the penalties shall not be imposed, or if imposed, shall be abated by the official who assessed them. In order to demonstrate lack of fault, the taxpayer must show that he acted responsibly and that the failure was due to events beyond his control.

"Acted responsibly" means that: (i) the taxpayer exercised the level of reasonable care that a prudent person would exercise under the circumstances in determining the filing obligations for the business and (ii) the taxpayer undertook significant steps to avoid or mitigate the failure, such as requesting appropriate extensions (where applicable), attempting to prevent a foreseeable impediment, acting to remove an impediment once it occurred, and promptly rectifying a failure once the impediment was removed or the failure discovered.

"Events beyond the taxpayer's control" include, but are not limited to, the unavailability of records due to fire or other casualty; the unavoidable absence (e.g., due to death or serious illness) of the person with the sole responsibility for tax compliance; or the taxpayer's reasonable reliance in good faith upon erroneous written information from the assessing official who was aware of the relevant facts relating to the taxpayer's business when he provided the erroneous information.

e. Interest shall be charged on the late payment of the tax from the due date until the date paid without regard to fault or other reason for the late payment. Whenever an assessment of additional or omitted tax by the assessing official is found to be erroneous, all interest and any penalties charged and collected on the amount of the assessment found to be erroneous shall be refunded together with interest on the refund from the date of payment or the due date, whichever is later. Interest shall be paid on the refund of any BPOL tax from the date of payment or due date, whichever is later, whether attributable to an amended return or other reason. Interest on any refund shall be paid at the same rate charged under § 58.1-3916.

No interest shall accrue on an adjustment of estimated tax liability to actual liability at the conclusion of a base year. No interest shall be paid on a refund or charged on a late payment, provided the refund or the late payment is made not more than 30 days from the date of the payment that created the refund or the due date of the tax, whichever is later.

3. Situs of gross receipts.

a. General rule. Whenever the tax imposed by this ordinance is measured by gross receipts, the gross receipts included in the taxable measure shall be only those gross receipts attributed to the exercise of a privilege subject to licensure at a definite place of business within this jurisdiction. In the case of activities conducted outside of a definite place of business, such as during a visit to a customer location, the gross receipts shall be attributed to the definite place of business from which such activities are initiated, directed, or controlled. The situs of gross receipts for different classifications of business shall be attributed to one or more definite places of business or offices as follows:

(1) The gross receipts of a contractor shall be attributed to the definite place of business at which his services are performed, or if his services are not performed at any definite place of business, then the definite place of business from which his services are directed or controlled, unless the contractor is subject to the provisions of § 58.1-3715;

(2) The gross receipts of a retailer or wholesaler shall be attributed to the definite place of business at which sales solicitation activities occur, or if sales solicitation activities do not occur at any definite place of business, then the definite place of business from which sales solicitation activities are directed or controlled; however, a wholesaler or distribution house subject to a license tax measured by purchases shall determine the situs of its purchases by the definite place of business at which or from which deliveries of the purchased goods, wares and merchandise are made to customers. Any

wholesaler who is subject to license tax in two or more localities and who is subject to multiple taxation because the localities use different measures, may apply to the Department of Taxation for a determination as to the proper measure of purchases and gross receipts subject to license tax in each locality;

(3) The gross receipts of a business renting tangible personal property shall be attributed to the definite place of business from which the tangible personal property is rented or, if the property is not rented from any definite place of business, then to the definite place of business at which the rental of such property is managed; and

(4) The gross receipts from the performance of services shall be attributed to the definite place of business at which the services are performed or, if not performed at any definite place of business, then to the definite place of business from which the services are directed or controlled.

b. Apportionment. If the licensee has more than one definite place of business and it is impractical or impossible to determine to which definite place of business gross receipts should be attributed under the general rule, the gross receipts of the business shall be apportioned between the definite places of businesses on the basis of payroll. Gross receipts shall not be apportioned to a definite place of business unless some activities under the applicable general rule occurred at, or were controlled from, such definite place of business. Gross receipts attributable to a definite place of business in another jurisdiction shall not be attributed to this jurisdiction solely because the other jurisdiction does not impose a tax on the gross receipts attributable to the definite place of business in such other jurisdiction.

c. Agreements. The assessor may enter into agreements with any other political subdivision of Virginia concerning the manner in which gross receipts shall be apportioned among definite places of business. However, the sum of the gross receipts apportioned by the agreement shall not exceed the total gross receipts attributable to all of the definite places of business affected by the agreement. Upon being notified by a taxpayer that its method of attributing gross receipts is fundamentally inconsistent with the method of one or more political subdivisions in which the taxpayer is licensed to engage in business and that the difference has, or is likely to, result in taxes on more than 100 percent of its gross receipts from all locations in the affected jurisdictions, the assessor shall make a good faith effort to reach an apportionment agreement with the other political subdivisions involved. If an agreement cannot be reached, either the assessor or taxpayer may seek an advisory opinion from the Department of Taxation pursuant to § 58.1-3701; notice of the request shall be given to the other party. Notwithstanding the provisions of § 58.1-3993, when a taxpayer has demonstrated to a court that two or more political subdivisions of Virginia have assessed taxes on gross receipts that may create a double assessment within the meaning of § 58.1-3986, the court shall enter such orders pending resolution of the litigation as may be necessary to ensure that the taxpayer is not required to pay multiple assessments even though it is not then known which assessment is correct and which is erroneous.

4. Limitations and extensions.

a. Where, before the expiration of the time prescribed for the assessment of any license tax imposed pursuant to this ordinance, both the assessing official and the taxpayer have consented in writing to its assessment after such time, the tax may be assessed at any time prior to the expiration of the period agreed upon. The period so agreed upon may be extended by subsequent agreements in writing made before the expiration of the period previously agreed upon.

b. Notwithstanding § 58.1-3903, the assessing official shall assess the local license tax omitted because of fraud or failure to apply for a license for the current license year and the six preceding license years.

c. The period for collecting any local license tax shall not expire prior to the period specified in § 58.1-3940, two years after the date of assessment if the period for assessment has been extended pursuant to this subdivision of the ordinance, two years after the final determination of an appeal for which collection has been stayed pursuant to subdivision 5 b or 5 d of this ordinance, or two years after the final decision in a court application pursuant to § 58.1-3984 or a similar law for which collection has been stayed, whichever is later.

5. Administrative appeals to commissioner of the revenue or other assessing official.

a. Definitions. For purposes of this section:

"Amount in dispute," when used with respect to taxes due or assessed, means the amount specifically identified in the administrative appeal or application for judicial review as disputed by the party filing such appeal or application.

"Appealable event" means an increase in the assessment of a local license tax payable by a taxpayer, the denial of a refund, or the assessment of a local license tax where none previously was assessed, arising out of the local assessing official's (i) examination of records, financial statements, books of account, or other information for the purpose of determining the correctness of an assessment; (ii) determination regarding the rate or classification applicable to the licensable business; (iii) assessment of a local license tax when no return has been filed by the taxpayer; or (iv) denial of an application for correction of erroneous assessment attendant to the filing of an amended application for license.

An appealable event shall include a taxpayer's appeal of the classification applicable to a business, including whether the business properly falls within a business license subclassification established by the locality, regardless of whether the taxpayer's appeal is in conjunction with an assessment, examination, audit, or any other action taken by the locality.

"Fivolous" means a finding, based on specific facts, that the party asserting the appeal is unlikely to prevail upon the merits because the appeal is (i) not well grounded in fact; (ii) not warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law; (iii) interposed for an improper purpose, such as to harass, to cause unnecessary delay in the payment of tax or a refund, or to create needless cost from the litigation; or (iv) otherwise frivolous.

"Jeopardized by delay" means a finding, based upon specific facts, that a taxpayer designs to (i) depart quickly from the locality; (ii) remove his property therefrom; (iii) conceal himself or his property therein; or (iv) do any other act tending to prejudice, or to render wholly or partially ineffectual, proceedings to collect the tax for the period in question.

b. Filing and contents of administrative appeal. Any person assessed with a local license tax as a result of an appealable event as defined in this section may file an administrative appeal of the assessment within one year from the last day of the tax year for which such assessment is made, or within one year from the date of the appealable event, whichever is later, with the commissioner of the revenue or other local assessing official. The appeal must be filed in good faith and sufficiently identify the taxpayer, the tax periods covered by the challenged assessments, the amount in dispute, the remedy sought, each alleged error in the assessment, the grounds upon which the taxpayer relies, and any other facts relevant to the taxpayer's contention. The assessor may hold a conference with the taxpayer if requested by the taxpayer, or require submission of additional information and documents, an audit or further audit, or other evidence deemed necessary for a proper and equitable determination of the appeal. The assessment placed at issue in the appeal shall be deemed prima facie correct. The assessor shall undertake a full review of the taxpayer's claims and issue a written determination to the taxpayer setting forth the facts and arguments in support of his decision.

The taxpayer may at any time also file an administrative appeal of the classification applicable to the taxpayer's business, including whether the business properly falls within a business license subclassification established by the locality. However, the appeal of the classification of the business shall not apply to any license year for which the Tax Commissioner has previously issued a final determination relating to any license fee or license tax imposed upon the taxpayer's business for the year. In addition, any appeal of the classification of a business shall in no way affect or change any limitations period prescribed by law for appealing an assessment.

c. Notice of right of appeal and procedures. Every assessment made by a commissioner of the revenue or other assessing official pursuant to an appealable event shall include or be accompanied by a written explanation of the taxpayer's right to file an administrative appeal and the specific procedures to be followed in the jurisdiction, the name and address to which the appeal should be directed, an explanation of the required content of the appeal, and the deadline for filing the appeal.

For purposes of facilitating an administrative appeal of the classification applicable to a taxpayer's business, each locality imposing a tax or fee under this chapter shall maintain on its website the specific procedures to be followed in the jurisdiction with regard to such appeal and the name and address to which the appeal should be directed.

d. Suspension of collection activity during appeal. Provided a timely and complete administrative appeal is filed, collection activity with respect to the amount in dispute relating to any assessment by the commissioner of the revenue or other assessing official shall be suspended until a final determination is issued by the commissioner of the revenue or other assessing official, unless the treasurer or other official responsible for the collection of such tax (i) determines that collection would be jeopardized by delay as defined in this section; (ii) is advised by the commissioner of the revenue or other assessing official that the taxpayer has not responded to a request for relevant information after a reasonable time; or (iii) is advised by the commissioner of the revenue or other assessing official that the appeal is frivolous as defined in this section. Interest shall accrue in accordance with the provisions of subdivision 2 e of this subsection, but no further penalty shall be imposed while collection action is suspended.

e. Procedure in event of nondecision. Any taxpayer whose administrative appeal to the commissioner of the revenue or other assessing official pursuant to the provisions of subdivision 5 of this subsection has been pending for more than one year without the issuance of a final determination may, upon not less than 30 days' written notice to the commissioner of the revenue or other assessing official, elect to treat the appeal as denied and appeal the assessment or classification of the taxpayer's business to the Tax Commissioner in accordance with the provisions of subdivision 6 of this subsection. The Tax Commissioner shall not consider an appeal filed pursuant to the provisions of this subsection if he finds that the absence of a final determination on the part of the commissioner of the revenue or other assessing official was caused by the willful failure or refusal of the taxpayer to provide information requested and reasonably needed by the commissioner or other assessing official to make his determination.

6. Administrative appeal to the Tax Commissioner.

a. Any person assessed with a local license tax as a result of a determination or that has received a determination with regard to the person's appeal of the license classification or subclassification applicable to the person's business, upon an administrative appeal to the commissioner of the revenue or other assessing official pursuant to subdivision 5 of this subsection, that is adverse to the position asserted by the taxpayer in such appeal may appeal such assessment or determination to the Tax Commissioner within 90 days of the date of the determination by the commissioner of the revenue or other assessing official. The appeal shall be in such form as the Tax Commissioner may prescribe and the taxpayer shall serve a copy of the appeal upon the commissioner of the revenue or other assessing official. The Tax Commissioner shall permit the commissioner of the revenue or other assessing official to participate in the proceedings, and shall issue a determination to the taxpayer within 90 days of receipt of the taxpayer's application, unless the taxpayer and the assessing official are notified that a longer period will be required. The appeal shall proceed in the same manner as an application pursuant to § 58.1-1821, and the Tax Commissioner pursuant to § 58.1-1822 may issue an order correcting such assessment or correcting the license classification or subclassification of the business and the related license tax or fee liability.

b. Suspension of collection activity during appeal. On receipt of a notice of intent to file an appeal to the Tax Commissioner under subdivision 6 a of this subsection, collection activity with respect to the amount in dispute relating to

any assessment by the commissioner of the revenue or other assessing official shall be suspended until a final determination is issued by the Tax Commissioner, unless the treasurer or other official responsible for the collection of such tax (i) determines that collection would be jeopardized by delay as defined in this section; (ii) is advised by the commissioner of the revenue or other assessing official, or the Tax Commissioner, that the taxpayer has not responded to a request for relevant information after a reasonable time; or (iii) is advised by the commissioner of the revenue or other assessing official that the appeal is frivolous as defined in this section. Interest shall accrue in accordance with the provisions of subdivision 2 e of this subsection, but no further penalty shall be imposed while collection action is suspended. The requirement that collection activity be suspended shall cease unless an appeal pursuant to subdivision 6 a of this subsection is filed and served on the necessary parties within 30 days of the service of notice of intent to file such appeal.

c. Implementation of determination of Tax Commissioner. Promptly upon receipt of the final determination of the Tax Commissioner with respect to an appeal pursuant to subdivision 6 a of this subsection, the commissioner of the revenue or other assessing official shall take those steps necessary to calculate the amount of tax owed by or refund due to the taxpayer consistent with the Tax Commissioner's determination and shall provide that information to the taxpayer and to the treasurer or other official responsible for collection in accordance with the provisions of this subdivision.

(1) If the determination of the Tax Commissioner sets forth a specific amount of tax due, the commissioner of the revenue or other assessing official shall certify the amount to the treasurer or other official responsible for collection, and the treasurer or other official responsible for collection shall issue a bill to the taxpayer for such amount due, together with interest accrued and penalty, if any is authorized by this section, within 30 days of the date of the determination of the Tax Commissioner.

(2) If the determination of the Tax Commissioner sets forth a specific amount of refund due, the commissioner of the revenue or other assessing official shall certify the amount to the treasurer or other official responsible for collection, and the treasurer or other official responsible for collection shall issue a payment to the taxpayer for such amount due, together with interest accrued pursuant to this section, within 30 days of the date of the determination of the Tax Commissioner.

(3) If the determination of the Tax Commissioner does not set forth a specific amount of tax due, or otherwise requires the commissioner of the revenue or other assessing official to undertake a new or revised assessment that will result in an obligation to pay a tax that has not previously been paid in full, the commissioner of the revenue or other assessing official shall promptly commence the steps necessary to undertake such new or revised assessment, and provide the same to the taxpayer within 60 days of the date of the determination of the Tax Commissioner, or within 60 days after receipt from the taxpayer of any additional information requested or reasonably required under the determination of the Tax Commissioner, whichever is later. The commissioner of the revenue or other assessing official shall certify the new assessment to the treasurer or other official responsible for collection, and the treasurer or other official responsible for collection shall issue a bill to the taxpayer for the amount due, together with interest accrued and penalty, if any is authorized by this section, within 30 days of the date of the new assessment.

(4) If the determination of the Tax Commissioner does not set forth a specific amount of refund due, or otherwise requires the commissioner of the revenue or other assessing official to undertake a new or revised assessment that will result in an obligation on the part of the locality to make a refund of taxes previously paid, the commissioner of the revenue or other assessing official shall promptly commence the steps necessary to undertake such new or revised assessment or to determine the amount of refund due in the case of a correction to the license classification or subclassification of the business, and provide the same to the taxpayer within 60 days of the date of the determination of the Tax Commissioner, or within 60 days after receipt from the taxpayer of any additional information requested or reasonably required under the determination of the Tax Commissioner, whichever is later. The commissioner of the revenue or other assessing official shall certify the new assessment or refund amount to the treasurer or other official responsible for collection, and the treasurer or other official responsible for collection shall issue a refund to the taxpayer for the amount of tax due, together with interest accrued, within 30 days of the date of the new assessment or determination of the amount of the refund.

7. Judicial review of determination of Tax Commissioner.

a. Judicial review. Following the issuance of a final determination of the Tax Commissioner pursuant to subdivision 6 a of this subsection, the taxpayer or commissioner of the revenue or other assessing official may apply to the appropriate circuit court for judicial review of the determination, or any part thereof, pursuant to § 58.1-3984. In any such proceeding for judicial review of a determination of the Tax Commissioner, the burden shall be on the party challenging the determination of the Tax Commissioner, or any part thereof, to show that the ruling of the Tax Commissioner is erroneous with respect to the part challenged. Neither the Tax Commissioner nor the Department of Taxation shall be made a party to an application to correct an assessment merely because the Tax Commissioner has ruled on it.

b. Suspension of payment of disputed amount of tax due upon taxpayer's notice of intent to initiate judicial review.

(1) On receipt of a notice of intent to file an application for judicial review, pursuant to § 58.1-3984, of a determination of the Tax Commissioner pursuant to subdivision 6 a of this subsection, and upon payment of the amount of the tax relating to any assessment by the commissioner of the revenue or other assessing official that is not in dispute together with any penalty and interest then due with respect to such undisputed portion of the tax, the treasurer or other collection official shall further suspend collection activity while the court retains jurisdiction unless the court, upon appropriate motion after notice and an opportunity to be heard, determines that (i) the taxpayer's application for judicial review is frivolous, as defined in this section; (ii) collection would be jeopardized by delay, as defined in this section; or (iii) suspension of collection would cause substantial economic hardship to the locality. For purposes of determining whether substantial economic hardship to

the locality would arise from a suspension of collection activity, the court shall consider the cumulative effect of then-pending appeals filed within the locality by different taxpayers that allege common claims or theories of relief.

(2) Upon a determination that the appeal is frivolous, that collection may be jeopardized by delay, or that suspension of collection would result in substantial economic hardship to the locality, the court may require the taxpayer to pay the amount in dispute or a portion thereof, or to provide surety for payment of the amount in dispute in a form acceptable to the court.

(3) No suspension of collection activity shall be required if the application for judicial review fails to identify with particularity the amount in dispute or the application does not relate to any assessment by the commissioner of the revenue or other assessing official.

(4) The requirement that collection activity be suspended shall cease unless an application for judicial review pursuant to § 58.1-3984 is filed and served on the necessary parties within 30 days of the service of the notice of intent to file such application.

(5) The suspension of collection activity authorized by this subdivision shall not be applicable to any appeal of a local license tax that is initiated by the direct filing of an action pursuant to § 58.1-3984 without prior exhaustion of the appeals provided by subdivisions 5 and 6 of this subsection.

c. Suspension of payment of disputed amount of refund due upon locality's notice of intent to initiate judicial review.

(1) Payment of any refund determined to be due pursuant to the determination of the Tax Commissioner of an appeal pursuant to subdivision 6 a of this subsection shall be suspended if the locality assessing the tax serves upon the taxpayer, within 60 days of the date of the determination of the Tax Commissioner, a notice of intent to file an application for judicial review of the Tax Commissioner's determination pursuant to § 58.1-3984 and pays the amount of the refund not in dispute, including tax and accrued interest. Payment of such refund shall remain suspended while the court retains jurisdiction unless the court, upon appropriate motion after notice and an opportunity to be heard, determines that the locality's application for judicial review is frivolous, as defined in this section.

(2) No suspension of refund activity shall be permitted if the locality's application for judicial review fails to identify with particularity the amount in dispute.

(3) The suspension of the obligation to make a refund shall cease unless an application for judicial review pursuant to § 58.1-3984 is filed and served on the necessary parties within 30 days of the service of the notice of intent to file such application.

d. Accrual of interest on unpaid amount of tax. Interest shall accrue in accordance with the provisions of subdivision 2 e of this subsection, but no further penalty shall be imposed while collection action is suspended.

8. Rulings.

Any taxpayer or authorized representative of a taxpayer may request a written ruling regarding the application of a local license tax to a specific situation from the commissioner of the revenue or other assessing official. Any person requesting such a ruling must provide all facts relevant to the situation placed at issue and may present a rationale for the basis of an interpretation of the law most favorable to the taxpayer. In addition, the taxpayer or authorized representative may request a written ruling with regard to the classification applicable to the taxpayer's business, including whether the business properly falls within a business license subclassification established by the locality.

Any misrepresentation or change in the applicable law or the factual situation as presented in the ruling request shall invalidate any such ruling issued. A written ruling may be revoked or amended prospectively if (i) there is a change in the law, a court decision, or the guidelines issued by the Department of Taxation upon which the ruling was based or (ii) the assessor notifies the taxpayer of a change in the policy or interpretation upon which the ruling was based. However, any person who acts on a written ruling which later becomes invalid shall be deemed to have acted in good faith during the period in which such ruling was in effect.

9. Record-keeping and audits. Every person who is assessable with a local license tax shall keep sufficient records to enable the assessor to verify the correctness of the tax paid for the license years assessable and to enable the assessor to ascertain what is the correct amount of tax that was assessable for each of those years. All such records, books of accounts and other information shall be open to inspection and examination by the assessor in order to allow the assessor to establish whether a particular receipt is directly attributable to the taxable privilege exercised within this jurisdiction. The assessor shall provide the taxpayer with the option to conduct the audit in the taxpayer's local business office, if the records are maintained there. In the event the records are maintained outside this jurisdiction, copies of the appropriate books and records shall be sent to the assessor's office upon demand.

B. Transitional provisions.

1. A locality which changes its license year from a fiscal year to a calendar year and adopts a due date for license applications between March 1 and May 1, inclusive, shall not be required to prorate any license tax to reflect a license year of less than 12 months, whether the tax is a flat amount or measured by gross receipts, provided that no change is made in the taxable year for measuring gross receipts.

2. The provisions of this section relating to penalties, interest, and administrative and judicial review of an assessment shall be applicable to assessments made on and after January 1, 1997, even if for an earlier license year. The provisions relating to agreements extending the period for assessing tax shall be effective for agreements entered into on and after July 1, 1996. The provisions permitting an assessment of a license tax for up to six preceding years in certain circumstances shall not be construed to permit the assessment of tax for a license year beginning before January 1, 1997.

3. Every locality shall adopt a fixed due date for license applications between March 1 and May 1, inclusive, no later than the 2007 license year.

CHAPTER 243

An Act to amend and reenact §§ 59.1-444.2 and 59.1-444.3 of the Code of Virginia, relating to security freezes on credit reports; elimination of fees.

[H 509]

Approved March 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 59.1-444.2 and 59.1-444.3 of the Code of Virginia are amended and reenacted as follows:

§ 59.1-444.2. Security freezes.

A. As used in this section, "security freeze" means a notice placed in a consumer's credit report, at the request of the consumer and subject to certain exceptions, that prohibits the consumer reporting agency from releasing the consumer's credit report or score relating to the extension of credit.

B. A consumer may request that a security freeze be placed on his or her credit report by sending a request in writing by certified mail, or such other secure method authorized by a consumer reporting agency, to a consumer reporting agency at an address designated by the consumer reporting agency to receive such requests. This subsection does not prevent a consumer reporting agency from advising a third party that a security freeze is in effect with respect to the consumer's credit report.

C. A consumer reporting agency shall place a security freeze on a consumer's credit report no later than three business days after receiving from the consumer:

1. A written request described in subsection B; *and*

2. Proper identification; ~~and~~

~~3. Payment of a fee not to exceed \$5, if applicable.~~

A consumer reporting agency shall place a security freeze on a consumer's credit report no later than one business day after receiving such a request, if such request is made electronically at an address designated by the consumer reporting agency to receive such requests.

D. The consumer reporting agency shall send a written confirmation of the placement of the security freeze to the consumer within 10 business days. Upon placing the security freeze on the consumer's credit report, the consumer reporting agency shall provide the consumer with a unique personal identification number or password, or similar device to be used by the consumer when providing authorization for the release of his credit report for a specific period of time or for a specific party.

E. If the consumer wishes to allow his credit report to be accessed for a specific period of time or for a specific party while a freeze is in place, he shall contact the consumer reporting agency using a point of contact designated by the consumer reporting agency, request that the freeze be temporarily lifted, and provide the following:

1. Proper identification;

2. The unique personal identification number or password provided by the consumer reporting agency pursuant to subsection D; and

3. The proper information regarding the time period or the specific party for which the report shall be available to users of the credit report.

F. A consumer reporting agency:

1. Shall comply with a request made under subsection E:

a. Within three business days after receiving the request if the request is made at a postal address designated by the agency to receive such requests; or

b. Within 15 minutes after the consumer's request is received by the consumer reporting agency through the electronic contact method chosen by the consumer reporting agency in accordance with this section;

2. Is not required to temporarily lift a security freeze within the time provided in subdivision 1 b if:

a. The consumer fails to meet the requirements of subsection E; or

b. The consumer reporting agency's ability to temporarily lift the security freeze within 15 minutes is prevented by:

(1) An act of God, including fire, earthquakes, hurricanes, storms, or similar natural disaster or phenomena;

(2) Unauthorized or illegal acts by a third party, including terrorism, sabotage, riot, vandalism, labor strikes or disputes disrupting operations, or similar occurrence;

(3) Operational interruption, including electrical failure, unanticipated delay in equipment or replacement part delivery, computer hardware or software failures inhibiting response time, or similar disruption;

(4) Governmental action, including emergency orders or regulations, judicial or law-enforcement action, or similar directives;

(5) Regularly scheduled maintenance, during other than normal business hours, of, or updates to, the consumer reporting agency's systems; or

(6) Commercially reasonable maintenance of, or repair to, the consumer reporting agency's systems that is unexpected or unscheduled; and

3. May develop procedures involving the use of telephone, fax, the Internet, or other electronic media to receive and process a request from a consumer to temporarily lift a freeze on a credit report pursuant to subsection E in an expedited manner.

G. A consumer reporting agency shall remove or temporarily lift a freeze placed on a consumer's credit report only in the following cases:

1. Upon a consumer request, pursuant to subsection E or subsection J; or

2. If the consumer's credit report was frozen due to a material misrepresentation of fact by the consumer. If a consumer reporting agency intends to remove a freeze upon a consumer's credit report pursuant to this subdivision, the consumer reporting agency shall notify the consumer in writing prior to removing the freeze on the consumer's credit report.

H. If a third party requests access to a consumer credit report on which a security freeze is in effect, and this request is in connection with an application for credit or any other use, and the consumer does not allow his or her credit report to be accessed for that period of time, the third party may treat the application as incomplete.

I. If a consumer requests a security freeze, the consumer reporting agency shall disclose the process of placing and temporarily lifting a freeze; and the process for allowing access to information from the consumer's credit report for a period of time while the freeze is in place.

J. A security freeze shall remain in place until the consumer requests, using a point of contact designated by the consumer reporting agency, that the security freeze be removed. A consumer reporting agency shall remove a security freeze within three business days of receiving a request for removal from the consumer, who provides:

1. Proper identification; and

2. The unique personal identification number or password or similar device provided by the consumer reporting agency pursuant to subsection D.

K. A consumer reporting agency shall require proper identification of the person making a request to place or remove a security freeze.

L. The provisions of this section do not apply to the use of a consumer credit report by any of the following:

1. A person or entity, or a subsidiary, affiliate, or agent of that person or entity, or an assignee of a financial obligation owing by the consumer to that person or entity, or a prospective assignee of a financial obligation owing by the consumer to that person or entity in conjunction with the proposed purchase of the financial obligation, with which the consumer has or had prior to assignment an account or contract, including a demand deposit account, or to whom the consumer issued a negotiable instrument, for the purposes of reviewing the account or collecting the financial obligation owing for the account, contract, or negotiable instrument. For purposes of this paragraph, "reviewing the account" includes activities related to account maintenance, monitoring, credit line increases, and account upgrades and enhancements;

2. A subsidiary, affiliate, agent, assignee, or prospective assignee of a person to whom access has been granted for purposes of facilitating the extension of credit or other permissible use;

3. Any state or local agency, law-enforcement agency, trial court, or private collection agency acting pursuant to a court order, warrant, or subpoena;

4. A child support agency acting pursuant to Title IV-D of the Social Security Act (42 U.S.C. § 654 et seq.);

5. The Commonwealth or its agents or assigns acting to investigate fraud or acting to investigate or collect delinquent taxes or unpaid court orders or to fulfill any of its other statutory responsibilities provided such responsibilities are consistent with a permissible purpose under 15 U.S.C. § 1681b;

6. The use of credit information for the purposes of prescreening or postscreening as provided for by the federal Fair Credit Reporting Act;

7. Any person or entity administering a credit file monitoring subscription or similar service to which the consumer has subscribed;

8. Any person or entity for the purpose of providing a consumer with a copy of his credit report or score upon the consumer's request;

9. Any person or entity for use in setting or adjusting a rate, adjusting a claim, or underwriting for insurance purposes; or

10. Any employer in connection with any application for employment with the employer.

M. ~~This section does not prevent a consumer reporting agency from charging a fee of no more than \$5 to a consumer to place each freeze, except that a~~ A consumer reporting agency may shall not charge a fee to a victim of identity theft who has submitted a valid police report to the consumer reporting agency for any service performed under this section.

N. If a security freeze is in place, a consumer reporting agency shall not change any of the following official information in a consumer credit report without sending a written confirmation of the change to the consumer within 30 days of the change being posted to the consumer's file: name, date of birth, social security number, and address. Written confirmation is not required for technical modifications of a consumer's official information, including name and street abbreviations, complete spellings, or transposition of numbers or letters. In the case of an address change, the written confirmation shall be sent to both the new address and to the former address.

O. The following entities are not required to place a security freeze on a credit report:

1. A consumer reporting agency that acts only as a reseller of credit information by assembling and merging information contained in the database of another consumer reporting agency or multiple consumer credit reporting agencies,

and does not maintain a permanent database of credit information from which new consumer credit reports are produced. However, a consumer reporting agency acting as a reseller shall honor any security freeze placed on a consumer credit report by another consumer reporting agency;

2. A check services or fraud prevention services company, which issues reports on incidents of fraud or authorizations for the purpose of approving or processing negotiable instruments, electronic funds transfers, or similar methods of payments;

3. A deposit account information service company, which issues reports regarding account closures due to fraud, substantial overdrafts, ATM abuse, or similar negative information regarding a consumer, to inquiring banks or other financial institutions for use only in reviewing a consumer request for a deposit account at the inquiring bank or financial institution; and

4. A consumer reporting agency's database or file that consists of information concerning, and used for, one or more of the following: criminal record information, fraud prevention or detection, personal loss history information, and employment, tenant, or background screening.

P. At any time a consumer is required to receive a summary of rights required under 15 U.S.C. § 1681g(d), the following notice shall be included:

"Virginia Consumers Have the Right to Obtain a Security Freeze.

You have a right to place a "security freeze" on your credit report, which will prohibit a consumer reporting agency from releasing information in your credit report without your express authorization. A security freeze must be requested in writing by certified mail. The security freeze is designed to prevent credit, loans, and services from being approved in your name without your consent. However, you should be aware that using a security freeze to take control over who gets access to the personal and financial information in your credit report may delay, interfere with, or prohibit the timely approval of any subsequent request or application you make regarding a new loan, credit, mortgage, government services or payments, rental housing, employment, investment, license, cellular phone, utilities, digital signature, Internet credit card transaction, or other services, including an extension of credit at point of sale. When you place a security freeze on your credit report, you will be provided a personal identification number or password to use if you choose to remove the freeze on your credit report or authorize the release of your credit report for a period of time or for a specific party after the freeze is in place. To provide that authorization you must contact the consumer reporting agency and provide all of the following:

1. The personal identification number or password;
2. Proper identification to verify your identity; and
3. The proper information regarding the period of time or the specific party for which the report shall be available.

A consumer reporting agency must authorize the release of your credit report no later than three business days after receiving the above information. A consumer credit reporting agency must authorize the release of your credit report no later than 15 minutes after receiving the request.

A security freeze does not apply to a person or entity, or its affiliates, or collection agencies acting on behalf of the person or entity, with which you have an existing account, that requests information in your credit report for the purposes of reviewing or collecting the account. Reviewing the account includes activities related to account maintenance, monitoring, credit line increases, and account upgrades and enhancements.

You have a right to bring civil action against anyone, including a consumer reporting agency, who improperly obtains access to a file, knowingly or willfully misuses file data, or fails to correct inaccurate file data.

~~Unless you are a victim of identity theft with a police report to verify the crimes, a~~ A consumer reporting agency ~~has~~ *does not have* the right to charge you ~~up to \$5 a fee~~ to place a freeze on your credit report."

Q. Any person who willfully fails to comply with any requirement imposed under this section or § 59.1-444.3 with respect to any consumer is liable to that consumer in an amount equal to the sum of:

1. Any actual damages sustained by the consumer as a result of the failure or damages of not less than \$100 and not more than \$1,000;
2. Such amount of punitive damages as the court may allow; and
3. In the case of any successful action to enforce any liability under this section, the costs of the action together with reasonable attorney fees as determined by the court.

R. Any person who obtains a consumer report, requests a security freeze, requests the temporary lift of a freeze, or *requests* the removal of a security freeze from a consumer reporting agency under false pretenses or in an attempt to violate federal or state law shall be liable to the consumer reporting agency for actual damages sustained by the consumer reporting agency or \$1,000, whichever is greater.

S. Any person who is negligent in failing to comply with any requirement imposed under this section with respect to any consumer is liable to that consumer in an amount equal to the sum of:

1. Any actual damages sustained by the consumer as a result of the failure; and
2. In the case of any successful action to enforce any liability under this section, the costs of the action together with reasonable attorney fees as determined by the court.

T. Upon a finding by the court that an unsuccessful pleading, motion, or other paper filed in connection with an action under this section was filed in bad faith or for purposes of harassment, the court shall award to the prevailing party attorney fees reasonable in relation to the work expended in responding to the pleading, motion, or other paper.

U. Notwithstanding any other provision of law:

1. The exclusive authority to bring an action for any violation of subdivision F 1 b shall be with the Attorney General. In any action brought under this subsection, the Attorney General may cause an action to be brought in the name of the Commonwealth to enjoin the violation and to recover damages for aggrieved consumers consistent with the limits stated in subsections Q and S for such violations.

2. In any action brought under this subsection, if the court finds a willful violation, the court may, in its discretion, also award a civil penalty of not more than \$1,000 per violation, to be deposited in the Literary Fund of the Commonwealth.

3. In any action brought under this subsection, the Attorney General may recover any costs, the reasonable expenses incurred in investigating and preparing the case, and attorney fees.

§ 59.1-444.3. Security freezes for protected consumers.

A. As used in this section, unless the context requires a different meaning:

"Protected consumer" means a consumer who is either:

1. Under the age of 16 years at the time a request for the placement of a security freeze is made; or

2. An incapacitated person for whom a guardian or conservator has been appointed in accordance with Chapter 20 (§ 64.2-2000 et seq.) of Title 64.2.

"Record" means a compilation of information regarding a specific identified protected consumer, which compilation is created by a consumer reporting agency solely for the purpose of complying with the requirement for a record's establishment set forth in subsection D.

"Representative" means a person who provides to a consumer reporting agency sufficient proof of authority to act on behalf of a protected consumer.

"Security freeze" means:

1. If a consumer reporting agency does not have a file pertaining to a protected consumer, a restriction that (i) is placed on the protected consumer's record in accordance with this section and (ii) prohibits the consumer reporting agency from releasing the protected consumer's record except as provided in this section; or

2. If a consumer reporting agency has a file pertaining to the protected consumer, a restriction that (i) is placed on the protected consumer's credit report in accordance with this section and (ii) prohibits the consumer reporting agency from releasing the protected consumer's credit report or any information derived from the protected consumer's credit report except as provided in this section.

"Sufficient proof of authority" means documentation that shows a representative has authority to act on behalf of a protected consumer. "Sufficient proof of authority" includes (i) an order issued by a court of law, (ii) a lawfully executed and valid power of attorney, (iii) a birth certification; or (iv) a written, notarized statement signed by a representative that expressly describes the authority of the representative to act on behalf of the protected consumer.

"Sufficient proof of identification" means information or documentation that identifies a protected consumer or a representative of a protected consumer. "Sufficient proof of identification" includes (i) a social security number or a copy of a social security card issued by the U.S. Social Security Administration; (ii) a certified or official copy of a birth certificate issued by the entity authorized to issue the birth certificate; (iii) a copy of a driver's license, an identification card issued by the Department of Motor Vehicles, or any other government-issued identification; or (iv) a copy of a bill, including a bill for telephone, sewer, septic tank, water, electric, oil, or natural gas services, that shows a name and home address.

B. This section does not apply to the use of a protected consumer's credit report or record by:

1. A person administering a credit file monitoring subscription service to which the protected consumer has subscribed or the representative of the protected consumer has subscribed on behalf of the protected consumer;

2. A person providing the protected consumer or the protected consumer's representative with a copy of the protected consumer's credit report on request of the protected consumer or the protected consumer's representative; or

3. An entity listed in subsection O of § 59.1-444.2.

C. A consumer reporting agency shall place a security freeze for a protected consumer if:

1. The consumer reporting agency receives a request from the protected consumer's representative for the placement of the security freeze under this section; and

2. The protected consumer's representative:

a. Submits the request to the consumer reporting agency at the address or other point of contact and in the manner specified by the consumer reporting agency;

b. Provides to the consumer reporting agency sufficient proof of identification of the protected consumer and the representative; *and*

c. Provides to the consumer reporting agency sufficient proof of authority to act on behalf of the protected consumer; ~~and~~

~~d. Pays to the consumer reporting agency a fee as provided in subsection J.~~

D. If a consumer reporting agency does not have a file pertaining to a protected consumer when the consumer reporting agency receives a request under subsection C from the protected consumer's representative for the placement of a security freeze, the consumer reporting agency shall create a record for the protected consumer. A record may not be created or used to consider the protected consumer's creditworthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living for the purpose of serving as a factor in establishing the consumer's eligibility for (i) credit or insurance to be used primarily for personal, family, or household purposes or (ii) employment.

E. Within 30 days after receiving a request that meets the requirements of subsection C, a consumer reporting agency shall place a security freeze for the protected consumer.

F. Unless a security freeze for a protected consumer is removed in accordance with subsection H or K, a consumer reporting agency may not release the protected consumer's credit report, any information derived from the protected consumer's credit report, or any record created for the protected consumer.

G. A security freeze for a protected consumer placed under subsection E shall remain in effect until:

1. The protected consumer or the protected consumer's representative requests the consumer reporting agency to remove the security freeze in accordance with subsection H; or

2. The security freeze is removed in accordance with subsection K.

H. If a protected consumer or a protected consumer's representative wishes to remove a security freeze for the protected consumer, the protected consumer or the protected consumer's representative shall:

1. Submit a request for the removal of the security freeze to the consumer reporting agency at the address or other point of contact and in the manner specified by the consumer reporting agency; *and*

2. Provide to the consumer reporting agency:

a. In the case of a request by the protected consumer:

(1) Proof that the sufficient proof of authority for the protected consumer's representative to act on behalf of the protected consumer is no longer valid; and

(2) Sufficient proof of identification of the protected consumer; or

b. In the case of a request by the representative of a protected consumer:

(1) Sufficient proof of identification of the protected consumer and the representative; and

(2) Sufficient proof of authority to act on behalf of the protected consumer; ~~and~~

~~3. Pay to the consumer reporting agency a fee as provided in subsection J.~~

I. Within 30 days after receiving a request that meets the requirements of subsection H, the consumer reporting agency shall remove the security freeze for the protected consumer.

J. A consumer reporting agency ~~may shall~~ not charge a fee for any service performed under this section, ~~except for a reasonable fee, not exceeding \$5, for each placement or removal of a security freeze for a protected consumer. Notwithstanding the foregoing, a consumer reporting agency shall not charge any fee for the placement or removal of a security freeze for a protected consumer if:~~

~~1. The protected consumer's representative has obtained, and provides to the consumer reporting agency, a report of alleged identity fraud against the protected consumer under § 18.2-186.3:1 or an Identity Theft Passport issued for the protected consumer under § 18.2-186.5; or~~

~~2. A request for the placement or removal of a security freeze is for a protected consumer who is under the age of 16 years at the time of the request, and the consumer reporting agency has a credit report pertaining to the protected consumer.~~

K. A consumer reporting agency may remove a security freeze for a protected consumer or delete a record of a protected consumer if the security freeze was placed or the record was created based on a material misrepresentation of fact by the protected consumer or the protected consumer's representative.

L. Any person who obtains a consumer report, requests a security freeze, requests the temporary lift of a freeze, or requests the removal of a security freeze from a consumer reporting agency under false pretenses or in an attempt to violate federal or state law shall be liable to the consumer reporting agency for damages sustained by the consumer reporting agency as provided in subsection R of § 59.1-444.2.

M. Notwithstanding any other provision of law:

1. The exclusive authority to bring an action for any violation of subsection E shall be with the Attorney General. In any action brought under this subsection, the Attorney General may cause an action to be brought in the name of the Commonwealth to enjoin the violation and to recover damages for aggrieved protected consumers.

2. In any action brought under this subsection, if the court finds a willful violation, the court may, in its discretion, also award a civil penalty of not more than \$1,000 per violation, to be deposited in the Literary Fund.

3. In any action brought under this subsection, the Attorney General may recover any costs, the reasonable expenses incurred in investigating and preparing the case, and attorney fees.

CHAPTER 244

An Act to amend and reenact § 58.1-3970.1 of the Code of Virginia, relating to real estate with delinquent taxes or liens; sales by nonprofit organizations.

[H 535]

Approved March 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-3970.1 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-3970.1. Appointment of special commissioner to execute title to certain real estate with delinquent taxes or liens to localities.

A. Except as provided in subsection B, in any proceedings under this article for the sale of a parcel or parcels of real estate which meet all of the following: (i) each parcel has delinquent real estate taxes or the locality has a lien against the

parcel for removal, repair or securing of a building or structure; removal of trash, garbage, refuse, litter; or the cutting of grass, weeds or other foreign growth, (ii) each parcel has an assessed value of \$75,000 or less, and (iii) such taxes and liens, together, including penalty and accumulated interest, exceed 50 percent of the assessed value of the parcel or such taxes alone exceed 25 percent of the assessed value of the parcel, the locality may petition the circuit court to appoint a special commissioner to execute the necessary deed or deeds to convey the real estate to the locality in lieu of the sale at public auction. After notice as required by this article, service of process, and upon answer filed by the owner or other parties in interest to the bill in equity, the court shall allow the parties to present evidence and arguments, *ore tenus*, prior to the appointment of the special commissioner. Any surplusage accruing to a locality as a result of the sale of the parcel or parcels after the receipt of the deed shall be payable to the beneficiaries of any liens against the property and to the former owner, his heirs or assigns in accordance with § 58.1-3967. No deficiency shall be charged against the owner after conveyance to the locality.

B. For a parcel or parcels of real estate in the Cities of Norfolk, Richmond, Hopewell, Newport News, Petersburg, Fredericksburg, Hampton, and Martinsville, all of the provisions of subsection A shall apply except (i) that the percentage of taxes and liens, together, including penalty and accumulated interest, and the percentage of taxes alone set forth in clause (iii) of subsection A shall exceed 35 percent and 15 percent, respectively, of the assessed value of the parcel or parcels or (ii) that the percentage of taxes and liens, together, including penalty and accumulated interest, and the percentage of taxes alone set forth in clause (iii) of subsection A shall exceed 20 percent and 10 percent, respectively, of the assessed value of the parcel or parcels, and each parcel has an assessed value of \$150,000 or less, provided that under this clause the property is not an occupied dwelling, and the locality enters into an agreement for sale of the parcel to a nonprofit organization to renovate or construct a single-family dwelling on the parcel for sale to a person or persons to reside in the dwelling whose income is below the area median income.

C. *For sales by a nonprofit organization pursuant to subsection B, such sales may include either (i) both the land and the structural improvements on a property or (ii) only the structural improvements of a property and not the land the structural improvements are located on. A sale of only the structural improvements is permissible only if (i) the structural improvements are subject to a ground lease with a community land trust, as that term is defined in § 55.1-1200; (ii) the structural improvements are subject to a ground lease that has a term of at least 90 years; and (iii) the community land trust retains a preemptive option to purchase such structural improvements at a price determined by a formula that is designed to ensure that the improvements remain affordable in perpetuity to low-income and moderate-income families earning less than 120 percent of the area median income, adjusted for family size.*

CHAPTER 245

An Act to amend and reenact §§ 51.1-500 and 51.1-505.01 of the Code of Virginia, relating to Virginia Retirement System; additional accidental death and dismemberment benefits; definitions.

[H 536]

Approved March 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 51.1-500 and 51.1-505.01 of the Code of Virginia are amended and reenacted as follows:

§ 51.1-500. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Accident" means an accident covered under the group insurance coverage purchased by the Board.

"Board" means the Board of Trustees of the Virginia Retirement System.

"College savings trust account" means the same as that term is defined in § 23.1-700.

"Company" means insurance company.

"Contributor" means the same as that term is defined in § 23.1-700.

"Dependent child" means (i) the insured employee's unmarried natural or legally adopted children who are not self-supporting; (ii) the insured employee's unmarried stepchildren living full time with the insured employee in a parent-child relationship and who can be claimed as a dependent on the insured employee's federal income tax return; (iii) any other children if they are in the insured employee's court-ordered custody; or (iv) other dependent children of the employee's family who are eligible for coverage under the family membership program offered under policies and procedures of the Department of Human Resource Management governing health insurance plans administered pursuant to § 2.2-1204 or § 2.2-2818.

"Dismemberment" means a dismemberment covered under the group insurance coverage purchased by the Board.

"Eligible educational institution" has the same meaning as that term is defined in § 529 of the Internal Revenue Code.

"Felonious assault" means a physical assault (i) by another person resulting in bodily harm to an insured employee; (ii) that takes place while such employee is performing his customary duties at the employer's normal place of business or at other places the employer's business requires him to travel; (iii) that involves the use of force or violence with the intent to cause harm; and (iv) that is a felony or misdemeanor under applicable law.

"Group insurance program" or "insurance program" means the plan covered under the policy purchased by the Board which provides group life, accidental death, and dismemberment insurance coverage for employees.

"Immediate family member" means the insured employee's spouse, children, parents, grandparents, grandchildren, brothers and sisters and their spouses.

"Qualified higher education expenses" has the same meaning as that term is defined in § 529 of the Internal Revenue Code.

"Qualifying child" means a dependent child less than eighteen years of age, or if eighteen years of age or older a dependent child enrolled in high school.

"Retirement System" means the Virginia Retirement System.

"Safety restraint system" means a properly installed seatbelt, lap and shoulder restraint or other restraint approved by the National Highway Traffic Safety Administration or any successor governmental agency. The term excludes an air bag safety system.

In addition to the definitions listed above, the definitions listed in § 51.1-124.3 shall apply to this chapter except as otherwise provided.

§ 51.1-505.01. Additional accidental death and dismemberment benefits.

The group life, accidental death, and dismemberment insurance coverage purchased by the Board shall include, but not be limited to, the following benefits:

A. If, as a result of an accident, an insured employee dies at least 75 miles from his principal residence, an additional accidental death benefit shall be paid for the preparation and transportation of the employee to a mortuary. The additional benefit shall be the lesser of the actual cost for such preparation and transportation or \$5,000;

B. If an insured employee dies or suffers a dismemberment as a result of an accident that occurs while the employee is driving or riding in a private passenger vehicle, an additional accidental death or dismemberment benefit shall be paid, provided that (i) the private passenger vehicle is equipped with a safety restraint system; (ii) such safety restraint system was being used properly by the insured employee at the time of the accident, as certified in the official accident report or by the official investigating officer; and (iii) at the time of the accident, the driver of the private passenger vehicle held a current license to operate a private passenger vehicle and was not intoxicated, driving while impaired or under the influence of alcohol or drugs, as is defined or determined under applicable law.

The additional benefit shall be the lesser of 10 percent of the amount otherwise payable due to such accidental death or dismemberment or \$50,000.

C. Death or dismemberment from a felonious assault.

1. If an insured employee dies or suffers a dismemberment as a result of an accident caused by a felonious assault committed by other than an immediate family member, there shall be paid an additional accidental death or dismemberment benefit equal to the lesser of 25 percent of the amount otherwise payable due to such accidental death or dismemberment or \$50,000.

2. In addition, if (i) an insured employee dies as a result of an accident caused by a felonious assault committed by other than an immediate family member, and (ii) such insured employee has a qualifying child at the time of such accident, a college savings trust account shall be opened for each qualifying child pursuant to under the Virginia College Savings Plan (§ 23.1-700 et seq.) shall be opened for each qualifying child. The Retirement System shall be the contributor of any such account and shall contribute into the account of each such qualifying child an amount approximately equal to the current average cost, as published by the State Council of Higher Education for Virginia, of purchasing in full a prepaid tuition contract for four years of tuition and mandatory fees at a baccalaureate public institution institutions of higher education in the Commonwealth; as determined under the Virginia College Savings Plan. The qualified beneficiary, as defined in § 23.1-700, shall be the qualifying child on whose behalf such account was opened. Specific benefits of the college savings trust account shall be as defined by the Virginia College Savings Plan.

Funds in a Disbursements from a college savings trust account opened on behalf of a qualifying child shall be used for qualified higher education expenses at eligible institutions, both as defined under this section shall be governed by procedures adopted by the Board of Trustees of the Virginia Retirement System in accordance with § 529 of the Internal Revenue Code of 1986, as amended, or other applicable federal law, and any other additional procedures as determined by the Board of the Virginia College Savings Plan. Savings College savings trust account funds shall not be disbursed prior to a qualifying child being admitted and enrolled at an eligible institution be payable only for qualified higher education expenses to a post-secondary eligible educational institution. Any funds in a college savings trust account that are not used by a qualifying child before the expiration of the time period for the use of such funds, as determined by the Virginia College Savings Plan, shall be paid to the Retirement System promptly after the expiration of such period.

CHAPTER 246

An Act to amend and reenact § 58.1-3219.4 of the Code of Virginia, relating to real estate tax exemption for property in redevelopment or conservation areas or rehabilitation districts.

[H 537]

Approved March 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-3219.4 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-3219.4. Partial exemption for structures in redevelopment or conservation areas or rehabilitation districts.

For purposes of this section, unless the context requires otherwise:

"Redevelopment or conservation area or rehabilitation district" means a redevelopment or conservation area or a rehabilitation district established in accordance with law.

A. The governing body of any county, city, or town may, by ordinance, provide for the partial exemption from taxation of (i) new structures located in a redevelopment or conservation area or rehabilitation district or (ii) other improvements to real estate located in a redevelopment or conservation area or rehabilitation district. The governing body of a county, city, or town may (a) establish criteria for determining whether real estate qualifies for the partial exemption authorized by this section, (b) establish requirements for the square footage of new structures that would qualify for the partial exemption, and (c) place such other restrictions and conditions on such new structures or improvements as may be prescribed by ordinance.

B. The partial exemption provided by the local governing body shall be provided in the local ordinance and shall be either (i) an amount equal to the increase in assessed value or a percentage of such increase resulting from the construction of the new structure or other improvement to the real estate as determined by the commissioner of the revenue or other local assessing officer, or (ii) an amount up to 50 percent of the cost of such construction or improvement, as determined by ordinance. The exemption may commence upon completion of the new construction or improvement or on January 1 of the year following completion of the new construction or improvement and shall run with the real estate for a period of no longer than ~~45~~ 30 years. The governing body of a county, city, or town may place a shorter time limitation on the length of such exemption, or reduce the amount of the exemption in annual steps over the entire period or a portion thereof, in such manner as the ordinance may prescribe.

C. The local governing body or its designee shall provide written notification to the property owner of the amount of the assessment of the property that will be exempt from real property taxation and the period of such exemption. Such exempt amount shall be a covenant that runs with the land for the period of the exemption and shall not be reduced by the local governing body or its designee during the period of the exemption, unless the local governing body or its designee by written notice has advised the property owner at the initial time of approval of the exemption that the exempt amount may be decreased during the period of such exemption. In no event, however, shall such partial exemption result in totally exempting the value of the structure.

D. Nothing in this section shall be construed so as to permit the commissioner of the revenue to list upon the land book any reduced value due to the exemption provided in subsection B.

E. The governing body of any county, city, or town may assess a fee not to exceed \$125 for residential properties, or \$250 for commercial, industrial, and/or apartment properties of six units or more, for processing an application requesting the exemption provided by this section. No property shall be eligible for such exemption unless the appropriate building permits have been acquired and the commissioner of the revenue or assessing officer has verified that the new structures or other improvements have been completed.

F. Where the construction of a new structure is achieved through demolition and replacement of an existing structure, the exemption provided in subsection A shall not apply when any structure demolished is a registered Virginia landmark or is determined by the Department of Historic Resources to contribute to the significance of a registered historic district.

CHAPTER 247

An Act to amend and reenact § 58.1-3506 of the Code of Virginia, relating to tangible personal property tax; classes of property; satellites.

[H 724]

Approved March 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-3506 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-3506. Other classifications of tangible personal property for taxation.

A. The items of property set forth below are each declared to be a separate class of property and shall constitute a classification for local taxation separate from other classifications of tangible personal property provided in this chapter:

1. a. Boats or watercraft weighing five tons or more, not used solely for business purposes;
- b. Boats or watercraft weighing less than five tons, not used solely for business purposes;
2. Aircraft having a maximum passenger seating capacity of no more than 50 that are owned and operated by scheduled air carriers operating under certificates of public convenience and necessity issued by the State Corporation Commission or the Civil Aeronautics Board;
3. Aircraft having a registered empty gross weight equal to or greater than 20,000 pounds that are not owned or operated by scheduled air carriers recognized under federal law, but not including any aircraft described in subdivision 4;
4. Aircraft that are (i) considered Warbirds, manufactured and intended for military use, excluding those manufactured after 1954, and (ii) used only for (a) exhibit or display to the general public and otherwise used for educational purposes (including such flights as are necessary for testing, maintaining, or preparing such aircraft for safe operation), or (b) airshow and flight demonstrations (including such flights necessary for testing, maintaining, or preparing such aircraft for safe

operation), shall constitute a new class of property. Such class of property shall not include any aircraft used for commercial purposes, including transportation and other services for a fee;

5. All other aircraft not included in subdivisions A 2, A 3, or A 4 and flight simulators;

6. Antique motor vehicles as defined in § 46.2-100 which may be used for general transportation purposes as provided in subsection C of § 46.2-730;

7. Tangible personal property used in a research and development business;

8. Heavy construction machinery not used for business purposes, including land movers, bulldozers, front-end loaders, graders, packers, power shovels, cranes, pile drivers, forest harvesting and silvicultural activity equipment and ditch and other types of diggers;

9. Generating equipment purchased after December 31, 1974, for the purpose of changing the energy source of a manufacturing plant from oil or natural gas to coal, wood, wood bark, wood residue, or any other alternative energy source for use in manufacturing and any cogeneration equipment purchased to achieve more efficient use of any energy source. Such generating equipment and cogeneration equipment shall include, without limitation, such equipment purchased by firms engaged in the business of generating electricity or steam, or both;

10. Vehicles without motive power, used or designed to be used as manufactured homes as defined in § 36-85.3;

11. Computer hardware used by businesses primarily engaged in providing data processing services to other unrelated or nonaffiliated businesses;

12. Privately owned pleasure boats and watercraft, 18 feet and over, used for recreational purposes only;

13. Privately owned vans with a seating capacity of not less than seven nor more than 15 persons, including the driver, used exclusively pursuant to a ridesharing arrangement as defined in § 46.2-1400;

14. Motor vehicles specially equipped to provide transportation for physically handicapped individuals;

15. Motor vehicles (i) owned by members of a volunteer emergency medical services agency or a member of a volunteer fire department or (ii) leased by volunteer emergency medical services personnel or a member of a volunteer fire department if the volunteer is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle. One motor vehicle that is owned by each volunteer member who meets the definition of "emergency medical services personnel" in § 32.1-111.1 or volunteer fire department member, or leased by each volunteer member who meets the definition of "emergency medical services personnel" in § 32.1-111.1 or volunteer fire department member if the volunteer is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle, may be specially classified under this section, provided the volunteer regularly responds to emergency calls. The volunteer shall furnish the commissioner of revenue, or other assessing officer, with a certification by the chief of the volunteer emergency medical services agency or volunteer fire department, that the volunteer is an individual who meets the definition of "emergency medical services personnel" in § 32.1-111.1 or a member of the volunteer fire department who regularly responds to calls or regularly performs other duties for the emergency medical services agency or fire department, and the motor vehicle owned or leased by the volunteer is identified. The certification shall be submitted by January 31 of each year to the commissioner of revenue or other assessing officer; however, the commissioner of revenue or other assessing officer shall be authorized, in his discretion, and for good cause shown and without fault on the part of the volunteer, to accept a certification after the January 31 deadline. In any county that prorates the assessment of tangible personal property pursuant to § 58.1-3516, a replacement vehicle may be certified and classified pursuant to this subsection when the vehicle certified as of the immediately prior January date is transferred during the tax year;

16. Motor vehicles (i) owned by auxiliary members of a volunteer emergency medical services agency or volunteer fire department or (ii) leased by auxiliary members of a volunteer emergency medical services agency or volunteer fire department if the auxiliary member is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle. One motor vehicle that is regularly used by each auxiliary volunteer fire department or emergency medical services agency member may be specially classified under this section. The auxiliary member shall furnish the commissioner of revenue, or other assessing officer, with a certification by the chief of the volunteer emergency medical services agency or volunteer fire department, that the volunteer is an auxiliary member of the volunteer emergency medical services agency or fire department who regularly performs duties for the emergency medical services agency or fire department, and the motor vehicle is identified as regularly used for such purpose; however, if a volunteer meets the definition of "emergency medical services personnel" in § 32.1-111.1 or volunteer fire department member and an auxiliary member are members of the same household, that household shall be allowed no more than two special classifications under this subdivision or subdivision 15. The certification shall be submitted by January 31 of each year to the commissioner of revenue or other assessing officer; however, the commissioner of revenue or other assessing officer shall be authorized, in his discretion, and for good cause shown and without fault on the part of the auxiliary member, to accept a certification after the January 31 deadline;

17. Motor vehicles owned by a nonprofit organization and used to deliver meals to homebound persons or provide transportation to senior or handicapped citizens in the community to carry out the purposes of the nonprofit organization;

18. Privately owned camping trailers as defined in § 46.2-100, and privately owned travel trailers as defined in § 46.2-1500, which are used for recreational purposes only, and privately owned trailers as defined in § 46.2-100, which are designed and used for the transportation of horses except those trailers described in subdivision A 11 of § 58.1-3505;

19. One motor vehicle owned and regularly used by a veteran who has either lost, or lost the use of, one or both legs, or an arm or a hand, or who is blind or who is permanently and totally disabled as certified by the Department of Veterans

Services. In order to qualify, the veteran shall provide a written statement to the commissioner of revenue or other assessing officer from the Department of Veterans Services that the veteran has been so designated or classified by the Department of Veterans Services as to meet the requirements of this section, and that his disability is service-connected. For purposes of this section, a person is blind if he meets the provisions of § 46.2-100;

20. Motor vehicles (i) owned by persons who have been appointed to serve as auxiliary police officers pursuant to Article 3 (§ 15.2-1731 et seq.) of Chapter 17 of Title 15.2 or (ii) leased by persons who have been so appointed to serve as auxiliary police officers if the person is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle. One motor vehicle that is regularly used by each auxiliary police officer to respond to auxiliary police duties may be specially classified under this section. In order to qualify for such classification, any auxiliary police officer who applies for such classification shall identify the vehicle for which this classification is sought, and shall furnish the commissioner of revenue or other assessing officer with a certification from the governing body that has appointed such auxiliary police officer or from the official who has appointed such auxiliary officers. That certification shall state that the applicant is an auxiliary police officer who regularly uses a motor vehicle to respond to auxiliary police duties, and it shall state that the vehicle for which the classification is sought is the vehicle that is regularly used for that purpose. The certification shall be submitted by January 31 of each year to the commissioner of revenue or other assessing officer; however, the commissioner of revenue or other assessing officer shall be authorized, in his discretion, and for good cause shown and without fault on the part of the member, to accept a certification after the January 31 deadline;

21. Until the first to occur of June 30, ~~2019~~ 2029, or the date that a special improvements tax is no longer levied under § 15.2-4607 on property within a Multicounty Transportation Improvement District created pursuant to Chapter 46 (§ 15.2-4600 et seq.) of Title 15.2, tangible personal property that is used in manufacturing, testing, or operating satellites within a Multicounty Transportation Improvement District, provided that such business personal property is put into service within the District on or after July 1, 1999;

22. Motor vehicles which use clean special fuels as defined in § 46.2-749.3, which shall not include any vehicle described in subdivision 38 or 40;

23. Wild or exotic animals kept for public exhibition in an indoor or outdoor facility that is properly licensed by the federal government, the Commonwealth, or both, and that is properly zoned for such use. "Wild animals" means any animals that are found in the wild, or in a wild state, within the boundaries of the United States, its territories or possessions. "Exotic animals" means any animals that are found in the wild, or in a wild state, and are native to a foreign country;

24. Furniture, office, and maintenance equipment, exclusive of motor vehicles, that are owned and used by an organization whose real property is assessed in accordance with § 58.1-3284.1 and that is used by that organization for the purpose of maintaining or using the open or common space within a residential development;

25. Motor vehicles, trailers, and semitrailers with a gross vehicle weight of 10,000 pounds or more used to transport property for hire by a motor carrier engaged in interstate commerce;

26. All tangible personal property employed in a trade or business other than that described in subdivisions A 1 through A 20, except for subdivision A 18, of § 58.1-3503;

27. Programmable computer equipment and peripherals employed in a trade or business;

28. Privately owned pleasure boats and watercraft, motorized and under 18 feet, used for recreational purposes only;

29. Privately owned pleasure boats and watercraft, nonmotorized and under 18 feet, used for recreational purposes only;

30. Privately owned motor homes as defined in § 46.2-100 that are used for recreational purposes only;

31. Tangible personal property used in the provision of Internet services. For purposes of this subdivision, "Internet service" means a service, including an Internet Web-hosting service, that enables users to access content, information, electronic mail, and the Internet as part of a package of services sold to customers;

32. Motor vehicles (i) owned by persons who serve as auxiliary, reserve, volunteer, or special deputy sheriffs or (ii) leased by persons who serve as auxiliary, reserve, volunteer, or special deputy sheriffs if the person is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle. For purposes of this subdivision, the term "auxiliary deputy sheriff" means auxiliary, reserve, volunteer, or special deputy sheriff. One motor vehicle that is regularly used by each auxiliary deputy sheriff to respond to auxiliary deputy sheriff duties may be specially classified under this section. In order to qualify for such classification, any auxiliary deputy sheriff who applies for such classification shall identify the vehicle for which this classification is sought, and shall furnish the commissioner of revenue or other assessing officer with a certification from the governing body that has appointed such auxiliary deputy sheriff or from the official who has appointed such auxiliary deputy sheriff. That certification shall state that the applicant is an auxiliary deputy sheriff who regularly uses a motor vehicle to respond to such auxiliary duties, and it shall state that the vehicle for which the classification is sought is the vehicle that is regularly used for that purpose. The certification shall be submitted by January 31 of each year to the commissioner of revenue or other assessing officer; however, the commissioner of revenue or other assessing officer shall be authorized, in his discretion, and for good cause shown and without fault on the part of the member, to accept a certification after the January 31 deadline;

33. Forest harvesting and silvicultural activity equipment;

34. Equipment used primarily for research, development, production, or provision of biotechnology for the purpose of developing or providing products or processes for specific commercial or public purposes, including medical, pharmaceutical, nutritional, and other health-related purposes; agricultural purposes; or environmental purposes but not for

human cloning purposes as defined in § 32.1-162.21 or for products or purposes related to human embryo stem cells. For purposes of this section, biotechnology equipment means equipment directly used in activities associated with the science of living things;

35. Boats or watercraft weighing less than five tons, used for business purposes only;

36. Boats or watercraft weighing five tons or more, used for business purposes only;

37. Tangible personal property which is owned and operated by a service provider who is not a CMRS provider and is not licensed by the FCC used to provide, for a fee, wireless broadband Internet service. For purposes of this subdivision, "wireless broadband Internet service" means a service that enables customers to access, through a wireless connection at an upload or download bit rate of more than one megabyte per second, Internet service, as defined in § 58.1-602, as part of a package of services sold to customers;

38. Low-speed vehicles as defined in § 46.2-100;

39. Motor vehicles with a seating capacity of not less than 30 persons, including the driver;

40. Motor vehicles powered solely by electricity;

41. Tangible personal property designed and used primarily for the purpose of manufacturing a product from renewable energy as defined in § 56-576;

42. Motor vehicles leased by a county, city, town, or constitutional officer if the locality or constitutional officer is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle;

43. Computer equipment and peripherals used in a data center. For purposes of this subdivision, "data center" means a facility whose primary services are the storage, management, and processing of digital data and is used to house (i) computer and network systems, including associated components such as servers, network equipment and appliances, telecommunications, and data storage systems; (ii) systems for monitoring and managing infrastructure performance; (iii) equipment used for the transformation, transmission, distribution, or management of at least one megawatt of capacity of electrical power and cooling, including substations, uninterruptible power supply systems, all electrical plant equipment, and associated air handlers; (iv) Internet-related equipment and services; (v) data communications connections; (vi) environmental controls; (vii) fire protection systems; and (viii) security systems and services;

44. Motor vehicles (i) owned by persons who serve as uniformed members of the Virginia Defense Force pursuant to Article 4.2 (§ 44-54.4 et seq.) of Chapter 1 of Title 44 or (ii) leased by persons who serve as uniformed members of the Virginia Defense Force pursuant to Article 4.2 (§ 44-54.4 et seq.) of Chapter 1 of Title 44 if the person is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle. One motor vehicle that is regularly used by a uniformed member of the Virginia Defense Force to respond to his official duties may be specially classified under this section. In order to qualify for such classification, any person who applies for such classification shall identify the vehicle for which the classification is sought and shall furnish to the commissioner of the revenue or other assessing officer a certification from the Adjutant General of the Department of Military Affairs under § 44-11. That certification shall state that (a) the applicant is a uniformed member of the Virginia Defense Force who regularly uses a motor vehicle to respond to his official duties, and (b) the vehicle for which the classification is sought is the vehicle that is regularly used for that purpose. The certification shall be submitted by January 31 of each year to the commissioner of the revenue or other assessing officer; however, the commissioner of revenue or other assessing officer shall be authorized, in his discretion, and for good cause shown and without fault on the part of the member, to accept a certification after the January 31 deadline;

45. If a locality has adopted an ordinance pursuant to subsection D of § 58.1-3703, tangible personal property of a business that qualifies under such ordinance for the first two tax years in which the business is subject to tax upon its personal property pursuant to this chapter. If a locality has not adopted such ordinance, this classification shall apply to the tangible personal property for such first two tax years of a business that otherwise meets the requirements of subsection D of § 58.1-3703;

46. Miscellaneous and incidental tangible personal property employed in a trade or business that is not classified as machinery and tools pursuant to Article 2 (§ 58.1-3507 et seq.), merchants' capital pursuant to Article 3 (§ 58.1-3509 et seq.), or short-term rental property pursuant to Article 3.1 (§ 58.1-3510.4 et seq.), and has an original cost of less than \$500. A county, city, or town shall allow a taxpayer to provide an aggregate estimate of the total cost of all such property owned by the taxpayer that qualifies under this subdivision, in lieu of a specific, itemized list; and

47. Commercial fishing vessels and property permanently attached to such vessels.

B. The governing body of any county, city or town may levy a tax on the property enumerated in subsection A at different rates from the tax levied on other tangible personal property. The rates of tax and the rates of assessment shall (i) for purposes of subdivisions A 1, 2, 3, 4, 5, 6, 8, 11 through 20, 22 through 24, and 26 through 47, not exceed that applicable to the general class of tangible personal property, (ii) for purposes of subdivisions A 7, 9, 21, and 25, not exceed that applicable to machinery and tools, and (iii) for purposes of subdivision A 10, equal that applicable to real property. If an item of personal property is included in multiple classifications under subsection A, then the rate of tax shall be the lowest rate assigned to such classifications.

C. Notwithstanding any other provision of this section, for any qualifying vehicle, as such term is defined in § 58.1-3523, (i) included in any separate class of property in subsection A and (ii) assessed for tangible personal property taxes by a county, city, or town receiving a payment from the Commonwealth under Chapter 35.1 (§ 58.1-3523 et seq.) for providing tangible personal property tax relief, the county, city, or town may levy the tangible personal property tax on such qualifying vehicle at a rate not to exceed the rates of tax and rates of assessment required under such chapter.

2. That this act shall be effective for taxable years beginning on and after January 1, 2019.

CHAPTER 248

An Act to amend the Code of Virginia by adding in Article 4 of Chapter 3 of Title 58.1 a section numbered 58.1-356, relating to reporting of payments by third-party settlement organizations.

[H 730]

Approved March 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 4 of Chapter 3 of Title 58.1 a section numbered 58.1-356 as follows:

§ 58.1-356. Reporting of payments by third-party settlement organizations.

A. As used in this section:

"Participating payee" has the same meaning as that term is defined in § 6050W of the Internal Revenue Code.

"Reportable payment transactions" has the same meaning as that term is defined in § 6050W of the Internal Revenue Code.

"Third-party settlement organization" has the same meaning as that term is defined in § 6050W of the Internal Revenue Code.

B. Any third-party settlement organization shall report to the Department, and to any participating payee, all information required by § 6050W of the Internal Revenue Code with respect to reportable payment transactions made on or after January 1, 2020, to such participating payee. For the purposes of this requirement, the de minimis limitations of § 6041(a) of the Internal Revenue Code shall apply in lieu of the de minimis limitations of § 6050W(e) of the Internal Revenue Code. This section shall apply only with respect to participating payees with a Virginia mailing address.

C. Any information required by this section shall be reported to the Department on forms and using an electronic medium prescribed by the Tax Commissioner. The Tax Commissioner shall have the authority to waive the requirement to submit this information electronically upon a determination that the requirement creates an unreasonable burden on the third-party settlement organization that is required to report information pursuant to this section. All requests for waiver shall be transmitted to the Tax Commissioner in writing.

D. Any information required by this section shall be reported to the Department and participating payees within 30 days of the relevant federal deadlines for reporting such information. This requirement shall be applied as if the de minimis limitations of § 6041(a) of the Internal Revenue Code had been imposed for federal purposes rather than the de minimis limitations of § 6050W(e) of the Internal Revenue Code.

CHAPTER 249

An Act to amend the Code of Virginia by adding in Article 3 of Chapter 17 of Title 58.1 a section numbered 58.1-1718.01, relating to taxes on wills and administrations; exemption for victims of the Virginia Beach mass shooting; emergency.

[H 839]

Approved March 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 3 of Chapter 17 of Title 58.1 a section numbered 58.1-1718.01 as follows:

§ 58.1-1718.01. Exemption for victims of the Virginia Beach mass shooting.

A. As used in this section, "Virginia Beach mass shooting" means the mass shooting that occurred on May 31, 2019, at the Virginia Beach Municipal Center in the City of Virginia Beach.

B. No tax shall be imposed under this article on the probate of a will or grant of administration of the estate of an individual who died as a result of the Virginia Beach mass shooting.

2. That if, prior to the effective date of this act, the Commonwealth or a locality imposed a tax pursuant to Article 3 (§ 58.1-1711 et seq.) of Chapter 17 of Title 58.1 of the Code of Virginia or Article 2 (§ 58.1-3805 et seq.) of Chapter 38 of Title 58.1 of the Code of Virginia on the probate of a will or grant of administration of the estate of an individual who died or was wounded as a result of the Virginia Beach mass shooting, as defined in § 58.1-1718.01 of the Code of Virginia, as created by this act, and such tax was paid, the Commonwealth or such locality, as applicable, shall refund such tax paid.

3. That an emergency exists and this act is in force from its passage.

CHAPTER 250

An Act to amend and reenact § 46.2-868 of the Code of Virginia, to amend the Code of Virginia by adding in Article 1 of Chapter 8 of Title 46.2 a section numbered 46.2-818.2, and to repeal § 46.2-1078.1 of the Code of Virginia, relating to holding handheld personal communication devices while driving a motor vehicle; report.

[H 874]

Approved March 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-868 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Article 1 of Chapter 8 of Title 46.2 a section numbered 46.2-818.2 as follows:

§ 46.2-818.2. Use of handheld personal communications devices in certain motor vehicles; exceptions; penalty.

A. It is unlawful for any person, while driving a moving motor vehicle on the highways in the Commonwealth, to hold a handheld personal communications device.

B. The provisions of this section shall not apply to:

- 1. The operator of any emergency vehicle while he is engaged in the performance of his official duties;*
- 2. An operator who is lawfully parked or stopped;*
- 3. Any person using a handheld personal communications device to report an emergency;*
- 4. The use of an amateur or a citizens band radio; or*

5. The operator of any Department of Transportation vehicle or vehicle operated pursuant to the Department of Transportation safety service patrol program or pursuant to a contract with the Department of Transportation for, or that includes, traffic incident management services as defined in subsection B of § 46.2-920.1 during the performance of traffic incident management services.

C. A violation of this section is a traffic infraction punishable, for a first offense, by a fine of \$125 and, for a second or subsequent offense, by a fine of \$250. If a violation of this section occurs in a highway work zone, it shall be punishable by a mandatory fine of \$250.

D. For the purposes of this section:

"Emergency vehicle" means:

- 1. Any law-enforcement vehicle operated by or under the direction of a federal, state, or local law-enforcement officer while engaged in the performance of official duties;*
- 2. Any regional detention center vehicle operated by or under the direction of a correctional officer responding to an emergency call or operating in an emergency situation;*
- 3. Any vehicle used to fight fire, including publicly owned state forest warden vehicles, when traveling in response to a fire alarm or emergency call;*
- 4. Any emergency medical services vehicle designed or used for the principal purpose of supplying resuscitation or emergency relief where human life is endangered;*
- 5. Any Department of Emergency Management vehicle or Office of Emergency Medical Services vehicle, when responding to an emergency call or operating in an emergency situation;*
- 6. Any Department of Corrections vehicle designated by the Director of the Department of Corrections, when (i) responding to an emergency call at a correctional facility, (ii) participating in a drug-related investigation, (iii) pursuing escapees from a correctional facility, or (iv) responding to a request for assistance from a law-enforcement officer; and*
- 7. Any vehicle authorized to be equipped with alternating, blinking, or flashing red or red and white secondary warning lights pursuant to § 46.2-1029.2.*

"Highway work zone" means a construction or maintenance area that is located on or beside a highway and is marked by appropriate warning signs with attached flashing lights or other traffic control devices indicating that work is in progress.

E. Distracted driving shall be included as a part of the driver's license knowledge examination.

§ 46.2-868. Reckless driving; penalties.

A. Every person convicted of reckless driving under the provisions of this article is guilty of a Class 1 misdemeanor.

B. Every person convicted of reckless driving under the provisions of this article who, when he committed the offense, (i) was driving without a valid operator's license due to a suspension or revocation for a moving violation and, (ii) as the sole and proximate result of his reckless driving, caused the death of another, is guilty of a Class 6 felony.

C. The punishment for every person convicted of reckless driving under the provisions of this article who, when he committed the offense, was in violation of ~~§ 46.2-1078.1~~ § 46.2-818.2 shall include a mandatory minimum fine of \$250.

2. That § 46.2-1078.1 of the Code of Virginia is repealed.

3. That the provisions of this act shall become effective on January 1, 2021.

4. That the Virginia Association of Chiefs of Police and DRIVE SMART Virginia shall create training and educational materials on the implementation and enforcement of this act to be made available to law-enforcement agencies.

5. That DRIVE SMART Virginia and other traffic safety organizations shall develop and provide educational materials to the public regarding the provisions of this act prior to its effective date.

6. That the Chairmen of the Senate Committee on the Judiciary and the House Committee for Courts of Justice shall annually request the Office of the Executive Secretary to report all of the citations issued pursuant to the provisions of this act and, to the extent available, the relevant demographic characteristics of those persons issued a citation.

CHAPTER 251

An Act to amend and reenact §§ 58.1-3505 and 58.1-3506 of the Code of Virginia, relating to personal property tax; forest harvesting machinery and equipment.

[H 1021]

Approved March 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 58.1-3505 and 58.1-3506 of the Code of Virginia are amended and reenacted as follows:

§ 58.1-3505. Classification of farm animals, certain grains, agricultural products, farm machinery, farm implements and equipment; governing body may exempt.

A. Farm animals, grains and other feeds used for the nurture of farm animals, agricultural products as defined in § 3.2-6400, farm machinery and farm implements are hereby defined as separate items of taxation and classified as follows:

1. Horses, mules and other kindred animals.
2. Cattle.
3. Sheep and goats.
4. Hogs.
5. Poultry.
6. Grains and other feeds used for the nurture of farm animals.
7. Grain; tobacco; wine produced by farm wineries as defined in § 4.1-100 and other agricultural products in the hands

of a producer.

8. Farm machinery other than the farm machinery described in subdivision 10, and farm implements, which shall include (i) equipment and machinery used by farm wineries as defined in § 4.1-100 in the production of wine; (ii) equipment and machinery used by a nursery as defined in § 3.2-3800 for the production of horticultural products; and (iii) any farm tractor as defined in § 46.2-100, regardless of whether such farm tractor is used exclusively for agricultural purposes.

9. Equipment used by farmers or farm cooperatives qualifying under § 521 of the Internal Revenue Code to manufacture industrial ethanol, provided that the materials from which the ethanol is derived consist primarily of farm products.

10. Farm machinery designed solely for the planting, production or harvesting of a single product or commodity.

11. Privately owned trailers as defined in § 46.2-100 that are primarily used by farmers in their farming operations for the transportation of farm animals or other farm products as enumerated in subdivisions A 1 through A 7 of this section.

12. Motor vehicles that are used primarily for agricultural purposes, for which the owner is not required to obtain a registration certificate, license plate, and decal or pay a registration fee pursuant to § 46.2-665, 46.2-666, or 46.2-670.

13. Trucks or tractor trucks as defined in § 46.2-100, that are primarily used by farmers in their farming operations for the transportation of farm animals or other farm products as enumerated in subdivisions 1 through 7 or for the transport of farm-related machinery.

14. *Farm machinery and farm implements, other than the farm machinery and farm implements described in subdivisions 8 and 10, which shall include equipment and machinery used for forest harvesting and silvicultural activities.*

B. The governing body of any county, city or town may, by ordinance duly adopted, exempt in whole or in part from taxation, or provide a different rate of tax upon, all or any of the above classes of farm animals, grains and feeds used for the nurture of farm animals, farm vehicles, and farm machinery, implements or equipment set forth in subsection A.

C. Grain; tobacco; wine produced by farm wineries as defined in § 4.1-100; and other agricultural products, as defined in § 3.2-6400, shall be exempt from taxation under this chapter while in the hands of a producer.

§ 58.1-3506. Other classifications of tangible personal property for taxation.

A. The items of property set forth below are each declared to be a separate class of property and shall constitute a classification for local taxation separate from other classifications of tangible personal property provided in this chapter:

1. a. Boats or watercraft weighing five tons or more, not used solely for business purposes;
- b. Boats or watercraft weighing less than five tons, not used solely for business purposes;
2. Aircraft having a maximum passenger seating capacity of no more than 50 that are owned and operated by scheduled air carriers operating under certificates of public convenience and necessity issued by the State Corporation Commission or the Civil Aeronautics Board;

3. Aircraft having a registered empty gross weight equal to or greater than 20,000 pounds that are not owned or operated by scheduled air carriers recognized under federal law, but not including any aircraft described in subdivision 4;

4. Aircraft that are (i) considered Warbirds, manufactured and intended for military use, excluding those manufactured after 1954, and (ii) used only for (a) exhibit or display to the general public and otherwise used for educational purposes (including such flights as are necessary for testing, maintaining, or preparing such aircraft for safe operation), or (b) airshow

and flight demonstrations (including such flights necessary for testing, maintaining, or preparing such aircraft for safe operation), shall constitute a new class of property. Such class of property shall not include any aircraft used for commercial purposes, including transportation and other services for a fee;

5. All other aircraft not included in ~~subdivisions A~~ *subdivision 2, A 3, or A 4* and flight simulators;

6. Antique motor vehicles as defined in § 46.2-100 which may be used for general transportation purposes as provided in subsection C of § 46.2-730;

7. Tangible personal property used in a research and development business;

8. Heavy construction machinery not used for business purposes, including land movers, bulldozers, front-end loaders, graders, packers, power shovels, cranes, pile drivers, forest harvesting and silvicultural activity equipment *except as exempted under § 58.1-3505*, and ditch and other types of diggers;

9. Generating equipment purchased after December 31, 1974, for the purpose of changing the energy source of a manufacturing plant from oil or natural gas to coal, wood, wood bark, wood residue, or any other alternative energy source for use in manufacturing and any cogeneration equipment purchased to achieve more efficient use of any energy source. Such generating equipment and cogeneration equipment shall include, without limitation, such equipment purchased by firms engaged in the business of generating electricity or steam, or both;

10. Vehicles without motive power, used or designed to be used as manufactured homes as defined in § 36-85.3;

11. Computer hardware used by businesses primarily engaged in providing data processing services to other nonrelated or nonaffiliated businesses;

12. Privately owned pleasure boats and watercraft, 18 feet and over, used for recreational purposes only;

13. Privately owned vans with a seating capacity of not less than seven nor more than 15 persons, including the driver, used exclusively pursuant to a ridesharing arrangement as defined in § 46.2-1400;

14. Motor vehicles specially equipped to provide transportation for physically handicapped individuals;

15. Motor vehicles (i) owned by members of a volunteer emergency medical services agency or a member of a volunteer fire department or (ii) leased by volunteer emergency medical services personnel or a member of a volunteer fire department if the volunteer is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle. One motor vehicle that is owned by each volunteer member who meets the definition of "emergency medical services personnel" in § 32.1-111.1 or volunteer fire department member, or leased by each volunteer member who meets the definition of "emergency medical services personnel" in § 32.1-111.1 or volunteer fire department member if the volunteer is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle, may be specially classified under this section, provided the volunteer regularly responds to emergency calls. The volunteer shall furnish the commissioner of revenue, or other assessing officer, with a certification by the chief of the volunteer emergency medical services agency or volunteer fire department, that the volunteer is an individual who meets the definition of "emergency medical services personnel" in § 32.1-111.1 or a member of the volunteer fire department who regularly responds to calls or regularly performs other duties for the emergency medical services agency or fire department, and the motor vehicle owned or leased by the volunteer is identified. The certification shall be submitted by January 31 of each year to the commissioner of revenue or other assessing officer; however, the commissioner of revenue or other assessing officer shall be authorized, in his discretion, and for good cause shown and without fault on the part of the volunteer, to accept a certification after the January 31 deadline. In any county that prorates the assessment of tangible personal property pursuant to § 58.1-3516, a replacement vehicle may be certified and classified pursuant to this subsection when the vehicle certified as of the immediately prior January date is transferred during the tax year;

16. Motor vehicles (i) owned by auxiliary members of a volunteer emergency medical services agency or volunteer fire department or (ii) leased by auxiliary members of a volunteer emergency medical services agency or volunteer fire department if the auxiliary member is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle. One motor vehicle that is regularly used by each auxiliary volunteer fire department or emergency medical services agency member may be specially classified under this section. The auxiliary member shall furnish the commissioner of revenue, or other assessing officer, with a certification by the chief of the volunteer emergency medical services agency or volunteer fire department, that the volunteer is an auxiliary member of the volunteer emergency medical services agency or fire department who regularly performs duties for the emergency medical services agency or fire department, and the motor vehicle is identified as regularly used for such purpose; however, if a volunteer meets the definition of "emergency medical services personnel" in § 32.1-111.1 or volunteer fire department member and an auxiliary member are members of the same household, that household shall be allowed no more than two special classifications under this subdivision or subdivision 15. The certification shall be submitted by January 31 of each year to the commissioner of revenue or other assessing officer; however, the commissioner of revenue or other assessing officer shall be authorized, in his discretion, and for good cause shown and without fault on the part of the auxiliary member, to accept a certification after the January 31 deadline;

17. Motor vehicles owned by a nonprofit organization and used to deliver meals to homebound persons or provide transportation to senior or handicapped citizens in the community to carry out the purposes of the nonprofit organization;

18. Privately owned camping trailers as defined in § 46.2-100, and privately owned travel trailers as defined in § 46.2-1500, which are used for recreational purposes only, and privately owned trailers as defined in § 46.2-100, which are designed and used for the transportation of horses except those trailers described in subdivision A 11 of § 58.1-3505;

19. One motor vehicle owned and regularly used by a veteran who has either lost, or lost the use of, one or both legs, or an arm or a hand, or who is blind or who is permanently and totally disabled as certified by the Department of Veterans Services. In order to qualify, the veteran shall provide a written statement to the commissioner of revenue or other assessing officer from the Department of Veterans Services that the veteran has been so designated or classified by the Department of Veterans Services as to meet the requirements of this section, and that his disability is service-connected. For purposes of this section, a person is blind if he meets the provisions of § 46.2-100;

20. Motor vehicles (i) owned by persons who have been appointed to serve as auxiliary police officers pursuant to Article 3 (§ 15.2-1731 et seq.) of Chapter 17 of Title 15.2 or (ii) leased by persons who have been so appointed to serve as auxiliary police officers if the person is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle. One motor vehicle that is regularly used by each auxiliary police officer to respond to auxiliary police duties may be specially classified under this section. In order to qualify for such classification, any auxiliary police officer who applies for such classification shall identify the vehicle for which this classification is sought, and shall furnish the commissioner of revenue or other assessing officer with a certification from the governing body that has appointed such auxiliary police officer or from the official who has appointed such auxiliary officers. That certification shall state that the applicant is an auxiliary police officer who regularly uses a motor vehicle to respond to auxiliary police duties, and it shall state that the vehicle for which the classification is sought is the vehicle that is regularly used for that purpose. The certification shall be submitted by January 31 of each year to the commissioner of revenue or other assessing officer; however, the commissioner of revenue or other assessing officer shall be authorized, in his discretion, and for good cause shown and without fault on the part of the member, to accept a certification after the January 31 deadline;

21. Until the first to occur of June 30, 2019, or the date that a special improvements tax is no longer levied under § 15.2-4607 on property within a Multicounty Transportation Improvement District created pursuant to Chapter 46 (§ 15.2-4600 et seq.) of Title 15.2, tangible personal property that is used in manufacturing, testing, or operating satellites within a Multicounty Transportation Improvement District, provided that such business personal property is put into service within the District on or after July 1, 1999;

22. Motor vehicles which use clean special fuels as defined in § 46.2-749.3, which shall not include any vehicle described in subdivision 38 or 40;

23. Wild or exotic animals kept for public exhibition in an indoor or outdoor facility that is properly licensed by the federal government, the Commonwealth, or both, and that is properly zoned for such use. "Wild animals" means any animals that are found in the wild, or in a wild state, within the boundaries of the United States, its territories or possessions. "Exotic animals" means any animals that are found in the wild, or in a wild state, and are native to a foreign country;

24. Furniture, office, and maintenance equipment, exclusive of motor vehicles, that are owned and used by an organization whose real property is assessed in accordance with § 58.1-3284.1 and that is used by that organization for the purpose of maintaining or using the open or common space within a residential development;

25. Motor vehicles, trailers, and semitrailers with a gross vehicle weight of 10,000 pounds or more used to transport property for hire by a motor carrier engaged in interstate commerce;

26. All tangible personal property employed in a trade or business other than that described in subdivisions A 1 through A 20, except for subdivision A 18, of § 58.1-3503;

27. Programmable computer equipment and peripherals employed in a trade or business;

28. Privately owned pleasure boats and watercraft, motorized and under 18 feet, used for recreational purposes only;

29. Privately owned pleasure boats and watercraft, nonmotorized and under 18 feet, used for recreational purposes only;

30. Privately owned motor homes as defined in § 46.2-100 that are used for recreational purposes only;

31. Tangible personal property used in the provision of Internet services. For purposes of this subdivision, "Internet service" means a service, including an Internet Web-hosting service, that enables users to access content, information, electronic mail, and the Internet as part of a package of services sold to customers;

32. Motor vehicles (i) owned by persons who serve as auxiliary, reserve, volunteer, or special deputy sheriffs or (ii) leased by persons who serve as auxiliary, reserve, volunteer, or special deputy sheriffs if the person is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle. For purposes of this subdivision, the term "auxiliary deputy sheriff" means auxiliary, reserve, volunteer, or special deputy sheriff. One motor vehicle that is regularly used by each auxiliary deputy sheriff to respond to auxiliary deputy sheriff duties may be specially classified under this section. In order to qualify for such classification, any auxiliary deputy sheriff who applies for such classification shall identify the vehicle for which this classification is sought, and shall furnish the commissioner of revenue or other assessing officer with a certification from the governing body that has appointed such auxiliary deputy sheriff or from the official who has appointed such auxiliary deputy sheriff. That certification shall state that the applicant is an auxiliary deputy sheriff who regularly uses a motor vehicle to respond to such auxiliary duties, and it shall state that the vehicle for which the classification is sought is the vehicle that is regularly used for that purpose. The certification shall be submitted by January 31 of each year to the commissioner of revenue or other assessing officer; however, the commissioner of revenue or other assessing officer shall be authorized, in his discretion, and for good cause shown and without fault on the part of the member, to accept a certification after the January 31 deadline;

33. Forest harvesting and silvicultural activity equipment, *except as exempted under § 58.1-3505*;

34. Equipment used primarily for research, development, production, or provision of biotechnology for the purpose of developing or providing products or processes for specific commercial or public purposes, including medical, pharmaceutical, nutritional, and other health-related purposes; agricultural purposes; or environmental purposes but not for human cloning purposes as defined in § 32.1-162.21 or for products or purposes related to human embryo stem cells. For purposes of this section, biotechnology equipment means equipment directly used in activities associated with the science of living things;

35. Boats or watercraft weighing less than five tons, used for business purposes only;

36. Boats or watercraft weighing five tons or more, used for business purposes only;

37. Tangible personal property which is owned and operated by a service provider who is not a CMRS provider and is not licensed by the FCC used to provide, for a fee, wireless broadband Internet service. For purposes of this subdivision, "wireless broadband Internet service" means a service that enables customers to access, through a wireless connection at an upload or download bit rate of more than one megabyte per second, Internet service, as defined in § 58.1-602, as part of a package of services sold to customers;

38. Low-speed vehicles as defined in § 46.2-100;

39. Motor vehicles with a seating capacity of not less than 30 persons, including the driver;

40. Motor vehicles powered solely by electricity;

41. Tangible personal property designed and used primarily for the purpose of manufacturing a product from renewable energy as defined in § 56-576;

42. Motor vehicles leased by a county, city, town, or constitutional officer if the locality or constitutional officer is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle;

43. Computer equipment and peripherals used in a data center. For purposes of this subdivision, "data center" means a facility whose primary services are the storage, management, and processing of digital data and is used to house (i) computer and network systems, including associated components such as servers, network equipment and appliances, telecommunications, and data storage systems; (ii) systems for monitoring and managing infrastructure performance; (iii) equipment used for the transformation, transmission, distribution, or management of at least one megawatt of capacity of electrical power and cooling, including substations, uninterruptible power supply systems, all electrical plant equipment, and associated air handlers; (iv) Internet-related equipment and services; (v) data communications connections; (vi) environmental controls; (vii) fire protection systems; and (viii) security systems and services;

44. Motor vehicles (i) owned by persons who serve as uniformed members of the Virginia Defense Force pursuant to Article 4.2 (§ 44-54.4 et seq.) of Chapter 1 of Title 44 or (ii) leased by persons who serve as uniformed members of the Virginia Defense Force pursuant to Article 4.2 (§ 44-54.4 et seq.) of Chapter 1 of Title 44 if the person is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle. One motor vehicle that is regularly used by a uniformed member of the Virginia Defense Force to respond to his official duties may be specially classified under this section. In order to qualify for such classification, any person who applies for such classification shall identify the vehicle for which the classification is sought and shall furnish to the commissioner of the revenue or other assessing officer a certification from the Adjutant General of the Department of Military Affairs under § 44-11. That certification shall state that (a) the applicant is a uniformed member of the Virginia Defense Force who regularly uses a motor vehicle to respond to his official duties, and (b) the vehicle for which the classification is sought is the vehicle that is regularly used for that purpose. The certification shall be submitted by January 31 of each year to the commissioner of the revenue or other assessing officer; however, the commissioner of revenue or other assessing officer shall be authorized, in his discretion, and for good cause shown and without fault on the part of the member, to accept a certification after the January 31 deadline;

45. If a locality has adopted an ordinance pursuant to subsection D of § 58.1-3703, tangible personal property of a business that qualifies under such ordinance for the first two tax years in which the business is subject to tax upon its personal property pursuant to this chapter. If a locality has not adopted such ordinance, this classification shall apply to the tangible personal property for such first two tax years of a business that otherwise meets the requirements of subsection D of § 58.1-3703;

46. Miscellaneous and incidental tangible personal property employed in a trade or business that is not classified as machinery and tools pursuant to Article 2 (§ 58.1-3507 et seq.), merchants' capital pursuant to Article 3 (§ 58.1-3509 et seq.), or short-term rental property pursuant to Article 3.1 (§ 58.1-3510.4 et seq.), and has an original cost of less than \$500. A county, city, or town shall allow a taxpayer to provide an aggregate estimate of the total cost of all such property owned by the taxpayer that qualifies under this subdivision, in lieu of a specific, itemized list; and

47. Commercial fishing vessels and property permanently attached to such vessels.

B. The governing body of any county, city or town may levy a tax on the property enumerated in subsection A at different rates from the tax levied on other tangible personal property. The rates of tax and the rates of assessment shall (i) for purposes of subdivisions A 1, 2, 3, 4, 5, 6, 8, 11 through 20, 22 through 24, and 26 through 47, not exceed that applicable to the general class of tangible personal property, (ii) for purposes of subdivisions A 7, 9, 21, and 25, not exceed that applicable to machinery and tools, and (iii) for purposes of subdivision A 10, equal that applicable to real property. If an item of personal property is included in multiple classifications under subsection A, then the rate of tax shall be the lowest rate assigned to such classifications.

C. Notwithstanding any other provision of this section, for any qualifying vehicle, as such term is defined in § 58.1-3523, (i) included in any separate class of property in subsection A and (ii) assessed for tangible personal property

taxes by a county, city, or town receiving a payment from the Commonwealth under Chapter 35.1 (§ 58.1-3523 et seq.) for providing tangible personal property tax relief, the county, city, or town may levy the tangible personal property tax on such qualifying vehicle at a rate not to exceed the rates of tax and rates of assessment required under such chapter.

CHAPTER 252

An Act to amend and reenact § 58.1-3660 of the Code of Virginia, relating to tax exemption for certified pollution control equipment and facilities; timing of certification by the state certifying authority.

[H 1173]

Approved March 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-3660 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-3660. Certified pollution control equipment and facilities.

A. Certified pollution control equipment and facilities, as defined herein, are hereby declared to be a separate class of property and shall constitute a classification for local taxation separate from other such classification of real or personal property and such property. Certified pollution control equipment and facilities shall be exempt from state and local taxation pursuant to Article X, Section 6 (d) of the Constitution of Virginia.

B. As used in this section:

"Certified pollution control equipment and facilities" ~~shall mean~~ *means* any property, including real or personal property, equipment, facilities, or devices, used primarily for the purpose of abating or preventing pollution of the atmosphere or waters of the Commonwealth and which the state certifying authority having jurisdiction with respect to such property has certified to the Department of Taxation as having been constructed, reconstructed, erected, or acquired in conformity with the state program or requirements for abatement or control of water or atmospheric pollution or contamination, *except that in the case of equipment, facilities, devices, or other property intended for use by any political subdivision in conjunction with the operation of its water, wastewater, stormwater, or solid waste management facilities or systems, including property that may be financed pursuant to Chapter 22 (§ 62.1-224 et seq.) of Title 62.1, the state certifying authority having jurisdiction with respect to such property shall, upon the request of the political subdivision, make such certification prospectively for property to be constructed, reconstructed, erected, or acquired for such purposes.* Such property shall include, but is not limited to, any equipment used to grind, chip, or mulch trees, tree stumps, underbrush, and other vegetative cover for reuse as mulch, compost, landfill gas, synthetic or natural gas recovered from waste or other fuel, and equipment used in collecting, processing, and distributing, or generating electricity from, landfill gas or synthetic or natural gas recovered from waste, whether or not such property has been certified to the Department of Taxation by a state certifying authority. Such property shall also include solar energy equipment, facilities, or devices owned or operated by a business that collect, generate, transfer, or store thermal or electric energy whether or not such property has been certified to the Department of Taxation by a state certifying authority. For solar photovoltaic (electric energy) systems, this exemption applies only to (i) projects equaling 20 megawatts or less, as measured in alternating current (AC) generation capacity, for which an initial interconnection request form has been filed with an electric utility or a regional transmission organization on or before December 31, 2018; (ii) projects equaling 20 megawatts or less, as measured in alternating current (AC) generation capacity, that serve any of the public institutions of higher education listed in § 23.1-100 or any private college as defined in § 23.1-105; (iii) 80 percent of the assessed value of projects for which an initial interconnection request form has been filed with an electric utility or a regional transmission organization (a) between January 1, 2015, and June 30, 2018, for projects greater than 20 megawatts or (b) on or after July 1, 2018, for projects greater than 20 megawatts and less than 150 megawatts, as measured in alternating current (AC) generation capacity, and that are first in service on or after January 1, 2017; (iv) projects equaling five megawatts or less, as measured in alternating current (AC) generation capacity, for which an initial interconnection request form has been filed with an electric utility or a regional transmission organization on or after January 1, 2019; and (v) 80 percent of the assessed value of all other projects equaling more than five megawatts and less than 150 megawatts, as measured in alternating current (AC) generation capacity for which an initial interconnection request form has been filed with an electric utility or a regional transmission organization on or after January 1, 2019. The exemption for solar photovoltaic (electric energy) projects greater than 20 megawatts, as measured in alternating current (AC) generation capacity, shall not apply to projects upon which construction begins after January 1, 2024. For pollution control equipment and facilities certified by the Virginia Department of Health, this exemption applies only to onsite sewage systems that serve 10 or more households, use nitrogen-reducing processes and technology, and are constructed, wholly or partially, with public funds. All such property as described in this definition shall not include the land on which such equipment or facilities are located.

"State certifying authority" ~~shall mean~~ *means* the State Water Control Board or the Virginia Department of Health, for water pollution; the State Air Pollution Control Board, for air pollution; the Department of Mines, Minerals and Energy, for solar energy projects and for coal, oil, and gas production, including gas, natural gas, and coalbed methane gas; and the Virginia Waste Management Board, for waste disposal facilities, natural gas recovered from waste facilities, and landfill gas production facilities, and shall include any interstate agency authorized to act in place of a certifying authority of the Commonwealth.

CHAPTER 253

An Act to authorize the issuance of bonds, in an amount up to \$279,470,000 plus financing costs, pursuant to Article X, Section 9 (c) of the Constitution of Virginia, for paying costs of acquiring, constructing, and equipping revenue-producing capital projects at institutions of higher learning of the Commonwealth; to authorize the Treasury Board, by and with the consent of the Governor, to fix the details of such bonds, to provide for the sale of such bonds, and to issue notes to borrow money in anticipation of the issuance of the bonds; to provide for the pledge of the net revenues of such capital projects and the full faith, credit, and taxing power of the Commonwealth for the payment of such bonds; to provide that the interest income on such bonds and notes shall be exempt from all taxation by the Commonwealth and any political subdivision thereof; and to amend and reenact § 2 of the first enactment of Chapters 285 and 358 of the Acts of Assembly of 2018 to change the Project Title for a project for The College of William and Mary in Virginia; emergency.

[H 1246]

Approved March 10, 2020

Whereas, Article X, Section 9 (c) of the Constitution of Virginia provides that the General Assembly may authorize the creation of debt secured by a pledge of net revenues derived from rates, fees, or other charges and the full faith and credit of the Commonwealth of Virginia, provided that such debt is created for specific revenue-producing capital projects, including their enlargement or improvement, at, among others, institutions of higher education of the Commonwealth; and

Whereas, in accordance with Article X, Section 9 (c) of the Constitution of Virginia, the Governor has certified in writing, filed with the Auditor of Public Accounts, his opinion that the anticipated net revenues of each of the capital projects identified below to be pledged to the payment of the principal of and the interest on that portion of such debt issued for each such project will be sufficient to meet such payments as the same become due and to provide such reserves as may be required by law and that each of the capital projects complies with the requirements of Article X, Section 9 (c) of the Constitution of Virginia; now, therefore,

Be it enacted by the General Assembly of Virginia:

1. § 1. Title.

This act shall be known and may be cited as the "Commonwealth of Virginia Higher Educational Institutions Bond Act of 2020."

§ 2. Authorization of bonds and bond anticipation notes.

The Treasury Board is hereby authorized, by and with the consent of the Governor, to sell and issue, pursuant to Article X, Section 9 (c), Constitution of Virginia, at one time or from time to time, bonds of the Commonwealth, to be designated "Commonwealth of Virginia Higher Educational Institutions Bonds, Series" in an aggregate principal amount not exceeding \$279,470,000, plus amounts needed to fund issuance costs, reserve funds, construction period interest, and other financing expenses. The Treasury Board is further hereby authorized, by and with the consent of the Governor, to borrow money in anticipation of the issuance of bonds by the issuance of bond anticipation notes (BANs), including BANs issued as commercial paper. The proceeds of such bonds and BANs, excluding amounts needed to fund issuance costs, reserve funds, and other financing expenses, shall be used exclusively for the purpose of providing funds, with any other available funds, for paying all or a portion of the costs of acquiring, constructing, renovating, enlarging, improving, and equipping revenue-producing capital projects at institutions of higher learning of the Commonwealth as follows:

<i>Institution</i>	<i>Project Title</i>	<i>Project Code</i>	<i>Amount</i>
<i>James Madison University</i>	<i>Eagle Hall Renovations</i>	<i>18469</i>	<i>\$49,000,000</i>
<i>Radford University</i>	<i>Renovate Norwood and Tyler Residence Halls</i>	<i>18462</i>	<i>\$12,000,000</i>
<i>The College of William and Mary in Virginia</i>	<i>Renovate Dormitories</i>	<i>18218</i>	<i>\$11,850,000</i>
<i>Virginia Polytechnic Institute and State University</i>	<i>Creativity and Innovation District Living Learning Community</i>	<i>18457</i>	<i>\$89,620,000</i>
<i>Virginia Polytechnic Institute and State University</i>	<i>Global Business and Analytics Complex Residence Halls</i>	<i>18458</i>	<i>\$84,000,000</i>
<i>Virginia Polytechnic Institute and State University</i>	<i>New Upper Quad Residence Hall</i>	<i>18459</i>	<i>\$33,000,000</i>
<i>Total</i>			<i>\$279,470,000</i>

§ 3. *Application of proceeds.*

The proceeds, including any premium, of bonds and BANs (except the proceeds of (i) bonds the issuance of which has been anticipated by BANs, (ii) refunding bonds, and (iii) refunding BANs), shall be deposited in a special capital outlay fund in the state treasury and, together with the investment income thereon, shall be disbursed by the State Treasurer for paying costs of acquiring, constructing, renovating, enlarging, improving, and equipping the authorized capital projects, including financing costs. The proceeds of (i) bonds the issuance of which has been anticipated by BANs, (ii) refunding bonds and (iii) refunding BANs shall be used to pay such BANs, refunded bonds, and refunded BANs.

§ 4. *Details, sale of bonds and BANs.*

Bonds and BANs shall be dated and may be made redeemable before their maturity or maturities at such price or prices or within such price parameters, all as may be determined by the Treasury Board, by and with the consent of the Governor. Bonds and BANs shall be in such form, shall bear interest at such rate or rates, either at fixed rates or at rates established by formula or other method, and may contain such other provisions, all as determined by the Treasury Board or, when authorized by the Treasury Board, the State Treasurer. The principal of and premium, if any, and the interest on bonds and BANs shall be payable in lawful money of the United States of America. Bonds and BANs may be certificated or uncertificated as determined by the Treasury Board. The Treasury Board may contract for services of such registrars, transfer agents, or other authenticating agents as it deems appropriate to maintain a record of the persons entitled to the bonds and BANs. Bonds and BANs issued in certificated form may be issued under a system of book entry for recording the ownership and transfer of ownership of rights to receive payments on the bonds and BANs. The Treasury Board shall fix the authorized denomination or denominations of the bonds and the place or places of payment of certificated bonds and BANs, which may be at the Office of the State Treasurer or at any bank or trust company within or without the Commonwealth. Bonds shall mature at such time or times not exceeding thirty years from their date or dates, and BANs shall mature at such time or times not exceeding five years from their date or dates.

The Treasury Board may sell bonds and BANs in such manner, by competitive bidding, negotiated sale, or private placement, and for such price or within such price parameters as it may determine, by and with the consent of the Governor, to be in the best interest of the Commonwealth.

In the discretion of the Treasury Board, bonds and BANs may be issued at one time or from time to time and may be sold and issued at the same time with other general obligation bonds and BANs, respectively, of the Commonwealth authorized pursuant to Article X, Section 9 (a) (3), (b), and (c) of the Constitution of Virginia, as separate issues or as a combined issue, designated "Commonwealth of Virginia General Obligation Bonds Bond Anticipation Notes, Series"

§ 5. *Execution of bonds and BANs.*

Certificated bonds and BANs shall be signed on behalf of the Commonwealth by the Governor and by the State Treasurer, or shall bear their facsimile signatures, and shall bear the lesser seal of the Commonwealth or a facsimile thereof. If the bonds or BANs bear the facsimile signature of the State Treasurer, they shall be signed by such administrative assistant as the State Treasurer shall determine or by such registrar or paying agent as may be designated to sign them by the Treasury Board. If any officer whose signature or facsimile signature appears on any bonds or BANs ceases to be such officer before delivery, such signature or facsimile signature shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until such delivery, and any bond or BAN may bear the facsimile signature of, or may be signed by, such persons as at the actual time of execution are the proper officers to sign such bond or BAN, although at the date of such bond or BAN, such persons may not have been such officers.

§ 6. *Sources for payment of expenses.*

All expenses incurred under this Act shall be paid from the proceeds of bonds or BANs, from payments made by the institutions for which the capital projects were authorized in § 2, or from any other available funds as the Treasury Board shall determine.

§ 7. *Revenues.*

Each institution of higher learning named above is hereby authorized (i) to fix, revise, charge, and collect rates, fees, and charges for or in connection with the use, occupancy, and services of each capital project set forth above or the system of which such capital project is a part and (ii) to pledge to the portion of the bonds or BANs issued for such capital project the net revenues resulting from such rates, fees, and charges and remaining after payment of the expenses of operating the project or system, as the case may be. Each such institution is further authorized to create debt service and sinking funds for the payments of the principal of, premium, if any, and interest on the bonds and other reserves required by any agency of the United States of America purchasing the bonds or any portion thereof.

§ 8. *Investments and contracts.*

A. Pending the application of the proceeds of the bonds or BANs (including refunding bonds and BANs) to the purpose for which they have been authorized and the application of funds set aside for the purpose to the payment of bonds or BANs, they may be invested by the State Treasurer in securities that are legal investments under the laws of the Commonwealth for public funds and sinking funds, as the case may be. Whenever the State Treasurer receives interest from the investment of the proceeds of bonds or any BANs, such interest shall become a part of the principal of the bonds or any BANs and shall be used in the same manner as required for principal of the bonds or BANs.

B. The Commonwealth may enter into any contract or other arrangement that is determined to be necessary or appropriate to place the obligation or investment of the Commonwealth, as represented by bonds, BANs, or investments, in whole or in part, on the interest rate, cash flow, or other basis desired by the Commonwealth. Such contract or other

arrangement may include without limitation, contracts commonly known as interest rate swap agreements and futures or contracts providing for payments based on levels of, or changes in, interest rates. These contracts or arrangements may be entered into by the Commonwealth in connection with, or incidental to, entering into, or maintaining any (i) agreement which secures bonds or BANs or (ii) investment, or contract providing for investment, otherwise authorized by law. These contracts and arrangements may contain such payment, security, default, remedy, and other terms and conditions as determined by the Commonwealth, after giving due consideration to the creditworthiness of the counterparty or other obligated party, including any rating by any nationally recognized rating agency, and any other criteria as may be appropriate. The determinations referred to in this paragraph may be made by the Treasury Board or any public funds manager with professional investment capabilities duly authorized by the Treasury Board to make such determinations.

C. Any money set aside and pledged to secure payments of bonds, BANs, or any of the contracts entered into pursuant to this section may be invested in accordance with paragraph A and may be pledged to and used to service any of the contracts or other arrangements entered into pursuant to paragraph B.

§ 9. Security for bonds and BANs.

The net revenues of the capital projects set forth above and the full faith and credit of the Commonwealth are hereby irrevocably pledged for the payment of the principal of and the interest on bonds and BANs (unless the Treasury Board, by and with the consent of the Governor, shall provide otherwise) issued under this Act. The proceeds of (i) bonds the issuance of which has been anticipated by BANs, (ii) refunding bonds and (iii) refunding BANs are hereby irrevocably pledged for the payment of principal of and interest and any premium on the BANs or bonds to be paid or redeemed thereby. In the event the net revenues pledged to the payment of the bonds or BANs are insufficient in any fiscal year for the timely payment of the principal of, premium, if any, and interest on the bonds or BANs, where the full faith and credit of the Commonwealth have been pledged, the General Assembly shall appropriate a sum sufficient therefor or the Governor shall direct payment therefor from the general fund revenues of the Commonwealth.

§ 10. Exemption of interest from tax.

The bonds and BANs issued under the provisions of this Act, their transfer and the income therefrom, including any profit made on the sale thereof, shall at all times be free and exempt from taxation by the Commonwealth and by any county, city, or town, or other political subdivision thereof. The Treasury Board is authorized to take or refrain from taking any and all actions and to covenant to such effect, and to require the participating institutions to do and to covenant likewise, to the extent that, in the judgment of the Treasury Board, it is appropriate in order that interest on the bonds and BANs may be exempt from federal income tax. Alternatively, interest on bonds and BANs may be made subject to inclusion in gross income of the holders thereof for federal income tax purposes.

§ 11. Refunding bonds and BANs.

The Treasury Board is authorized, by and with the consent of the Governor, to sell and issue, at one time or from time to time, refunding bonds and BANs of the Commonwealth, to refund any or all of the bonds and BANs, respectively, issued under this Act or otherwise authorized pursuant to Article X, Section 9 (c), Constitution of Virginia. Refunding bonds and BANs may be issued in a principal amount up to the amount necessary to pay at maturity or redeem the bonds and BANs to be refunded and pay all issuance costs and other financing expenses of the refunding. Such refunding bonds and BANs may be issued whether or not the obligations to be refunded are then subject to redemption.

§ 12. Defeasance.

Any bond or BAN for which cash or direct obligations of the United States of America shall have been set aside in escrow with the State Treasurer or a bank or trust company, within or without the Commonwealth, shall be deemed no longer outstanding under the applicable authorizing instrument, this Act, and Article X, Section 9 (c) or (b), as the case may be, of the Constitution of Virginia.

§ 13. Severability.

The provisions of this Act or the application thereof to any person or circumstance which are held invalid shall not affect the validity of other provisions or applications of this Act which can be given effect without the invalid provisions or applications.

2. That § 2 of the first enactment of Chapters 285 and 358 of the Acts of Assembly of 2018 is amended and reenacted as follows:

§ 2. Authorization of bonds and bond anticipation notes.

The Treasury Board is hereby authorized, by and with the consent of the Governor, to sell and issue, pursuant to Article X, Section 9 (c) of the Constitution of Virginia, at one time or from time to time, bonds of the Commonwealth, to be designated "Commonwealth of Virginia Institutions of Higher Education Bonds, Series" in an aggregate principal amount not exceeding \$21,000,000, plus amounts needed to fund issuance costs, reserve funds, construction period interest, and other financing expenses. The Treasury Board is further hereby authorized, by and with the consent of the Governor, to borrow money in anticipation of the issuance of bonds by the issuance of bond anticipation notes (BANs), including BANs issued as commercial paper. The proceeds of such bonds and BANs, excluding amounts needed to fund issuance costs, reserve funds, and other financing expenses, shall be used exclusively for the purpose of providing funds, with any other available funds, for paying all or a portion of the costs of acquiring, constructing, renovating, enlarging, improving, and equipping revenue-producing capital projects at institutions of higher education of the Commonwealth as follows:

Institution	Project Title	Amount
Norfolk State University	Construct Residence Housing	\$10,000,000
The College of William and Mary in Virginia	Renovate Dormitories: Green & Gold Phase	\$11,000,000
Total		\$21,000,000

3. That an emergency exists and this act is in force from its passage.

CHAPTER 254

An Act to amend and reenact § 2.2-1518 of the Code of Virginia, relating to timing of required submission of capital outlay bill.

[H 1248]

Approved March 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-1518 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-1518. Governor to submit a tentative bill for a capital outlay plan; gubernatorial amendments proposed to the plan.

A. 1. No later than January 13, 2009, the Governor shall submit to the General Assembly a tentative bill establishing a capital outlay plan that includes new capital outlay projects (and previously planned or authorized capital outlay projects) that the Governor proposes to be funded entirely or partially from general fund-supported resources for the six fiscal years beginning July 1, 2009. Projects included in the capital outlay plan shall be in addition to any projects for which funds are appropriated from the Central Maintenance Reserve of the general appropriation act.

2. The capital outlay plan submitted by the Governor shall list capital outlay projects in different tiers. Each tier shall be a grouping of capital outlay projects with the total estimated cost of each project in the tier falling within a minimum and a maximum project cost assigned to the tier, provided that no estimated project costs shall be set out in the plan. The minimum and maximum range assigned to a tier shall be mutually exclusive of all other minimum and maximum ranges assigned to other tiers in order that no capital outlay project shall be reported in more than one tier.

For each capital outlay project listed in the plan the Governor shall provide the following information: (i) the agency or public educational institution to which the project is related, (ii) a description of the project, and (iii) a ranking number assigned to the project, which number shall signify the priority of the project when compared to all other projects of the agency or institution listed in the plan.

~~B. In 2011, and each year thereafter, the Governor shall, on or before December 20, submit to the General Assembly a tentative bill proposing~~ *For the 2021 Regular Session of the General Assembly and thereafter, the Governor shall, on or before December 20, submit to the General Assembly a tentative bill proposing ensure that a prefiled bill is submitted to the Chairman of the House Committee on Appropriations and the Chairman of the Senate Committee on Finance and Appropriations in accordance with the deadlines for prefiling under subdivision A 3 of § 30-19.3 for any proposed amendments to the current capital outlay plan enacted into law, including adjusting the fiscal years covered by the plan so that the plan will cover the six fiscal years beginning on the immediately following July 1. Any such tentative prefiled bill shall be submitted using the format described in subsection A.*

~~C. In submitting to the General Assembly tentative prefiled bills for the initial capital outlay plan and for plan amendments, the Governor shall consider the capital outlay project list submitted by the Advisory Committee pursuant to § 2.2-1516 and any amendments to the six-year capital outlay plan recommended by the Advisory Committee pursuant to such section.~~

CHAPTER 255

An Act to amend and reenact § 58.1-301 of the Code of Virginia, relating to conformity of the Commonwealth's taxation system with the Internal Revenue Code.

[H 1413]

Approved March 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-301 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-301. Conformity to Internal Revenue Code.

A. Any term used in this chapter shall have the same meaning as when used in a comparable context in the laws of the United States relating to federal income taxes, unless a different meaning is clearly required.

B. Any reference in this chapter to the laws of the United States relating to federal income taxes shall mean the provisions of the Internal Revenue Code of 1954, and amendments thereto, and other provisions of the laws of the United States relating to federal income taxes, as they existed on December 31, ~~2018~~ 2019, except for:

1. The special depreciation allowance for certain property provided for under §§ 168(k), 168(l), 168(m), 1400L, and 1400N of the Internal Revenue Code;

2. The carry-back of certain net operating losses for five years under § 172(b)(1)(H) of the Internal Revenue Code;

3. The original issue discount on applicable high yield discount obligations under § 163(e)(5)(F) of the Internal Revenue Code;

4. The deferral of certain income under § 108(i) of the Internal Revenue Code. For Virginia income tax purposes, income from the discharge of indebtedness in connection with the reacquisition of an "applicable debt instrument" (as defined under § 108(i) of the Internal Revenue Code) reacquired in the taxable year shall be fully included in the taxpayer's Virginia taxable income for the taxable year, unless the taxpayer elects to include such income in the taxpayer's Virginia taxable income ratably over a three-taxable-year period beginning with taxable year 2009 for transactions completed in taxable year 2009, or over a three-taxable-year period beginning with taxable year 2010 for transactions completed in taxable year 2010 on or before April 21, 2010. For purposes of such election, all other provisions of § 108(i) of the Internal Revenue Code shall apply mutatis mutandis. No other deferral shall be allowed for income from the discharge of indebtedness in connection with the reacquisition of an "applicable debt instrument"; ~~and~~

5. For taxable years beginning on and after January 1, 2019, the provisions of § 11046 of the federal Tax Cuts and Jobs Act, P.L. 115-97 (2017), related to the suspension of the overall limitation on itemized deductions; *and*

6. *The provisions of § 103 of Division Q of the federal Further Consolidated Appropriations Act, 2020, P.L. 116-94 (2019), related to the reduction in the medical expense deduction floor.*

The Department of Taxation is hereby authorized to develop procedures or guidelines for implementation of the provisions of this section, which procedures or guidelines shall be exempt from the provisions of the Administrative Process Act (§ 2.2-4000 et seq.).

2. That an emergency exists and this act is in force from its passage.

3. That the provisions of this act shall apply to taxable years beginning on and after January 1, 2018.

CHAPTER 256

An Act to amend and reenact § 13.1-514 of the Code of Virginia, relating to the Securities Act; exemption for certain nonissuer distributions.

[H 1457]

Approved March 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 13.1-514 of the Code of Virginia is amended and reenacted as follows:

§ 13.1-514. Exemptions.

A. The following securities are exempted from the securities registration requirements of this chapter:

1. Any security (including a revenue obligation) issued or guaranteed by the United States, any state, any political subdivision of a state or any agency or corporate or other instrumentality of one or more of the foregoing; or any certificate of deposit for any of the foregoing;

2. Any security issued or guaranteed by Canada, any Canadian province, any political subdivision of any such province, any agency or corporate or other instrumentality of one or more of the foregoing or any other foreign government with which the United States currently maintains diplomatic relations, if the security is recognized as a valid obligation by such issuer or guarantor;

3. Any security issued by and representing an interest in or a debt of, or guaranteed by, the International Bank for Reconstruction and Development, or any national bank, or any bank or trust company organized under the laws of any state or trust subsidiary organized under the provisions of Article 3 (§ 6.2-1047 et seq.) of Chapter 10 of Title 6.2;

4. Any security issued by and representing an interest in or a debt of, or guaranteed by, any federal savings and loan association or savings bank, or by any savings and loan association or savings bank which is organized under the laws of this Commonwealth;

5. Any security issued or guaranteed by an insurance company licensed to transact insurance business in this Commonwealth;

6. Any security issued by any credit union, industrial loan association or consumer finance company which is organized under the laws of this Commonwealth and is supervised and examined by the Commission;

7. Any security issued or guaranteed by any railroad, other common carrier or public service company supervised as to its rates and the issuance of its securities by a governmental authority of the United States, any state, Canada or any Canadian province;

8. Any security which is listed or approved for listing upon notice of issuance on the New York Stock Exchange or the American Stock Exchange or any other security of the same issuer which is of senior or substantially equal rank; any

security called for by subscription rights or warrants admitted to trading in any of said exchanges; or any warrant or right to subscribe to any of the foregoing securities;

9. Any commercial paper which arises out of a current transaction or the proceeds of which have been or are to be used for current transactions, and which evidences an obligation to pay cash within nine months after the date of issuance, exclusive of days of grace, or any renewal thereof which is likewise limited, or any guaranty of such paper or of any such renewal;

10. Any security issued in connection with an employee's stock purchase, savings, pension, profit-sharing or similar benefit plan. The Commission may by rule or order, as to any security issued pursuant to such plan, specify or designate persons eligible to participate in such plan;

11. Any security issued by a cooperative association organized as a corporation under the laws of this Commonwealth;

12. Any security listed on an exchange registered with the ~~United States~~ U.S. Securities and Exchange Commission or quoted on an automated quotation system operated by a national securities association registered with the ~~United States~~ U.S. Securities and Exchange Commission and approved by regulations of the State Corporation Commission;

13. Any security issued by any issuer organized under the laws of any foreign country and approved by rule or regulation of the Commission.

B. The following transactions are exempted from the securities, broker-dealer and agent registration requirements of this chapter except as expressly provided in this subsection:

1. Any isolated transaction by the owner or pledgee of a security, whether effected through a broker-dealer or not, which is not directly or indirectly for the benefit of the issuer;

2. Any nonissuer distribution by a registered broker-dealer and its registered agent of a security that has been outstanding in the hands of the public for the past five years, if the issuer in each of the past three fiscal years has lawfully paid dividends on its common stock aggregating at least four percent of its current market price;

3. Any transaction by a registered broker-dealer and its registered agent pursuant to an unsolicited order or offer to buy;

4. Any transaction in a bond or other evidence of indebtedness secured by a real or chattel mortgage or deed of trust or by an agreement for the sale of real estate or chattels, if the entire indebtedness secured thereby is offered and sold as a unit;

5. Any transaction in his official capacity by a receiver, trustee in bankruptcy or other judicially appointed officer selling securities pursuant to court order;

6. Any offer or sale to a corporation, investment company or pension or profit-sharing trust or to a broker-dealer;

7. a. Any sale of its securities by an issuer or any sale of securities by a registered broker-dealer and its registered agent acting on behalf of an issuer if, after the sale, such issuer has not more than 35 security holders, and if its securities have not been offered to the general public by advertisement or solicitation; or

b. To the extent the Commission by rule or order permits, any sale of its securities by an issuer or any sale of securities by a registered broker-dealer and its registered agent acting on behalf of an issuer to not more than 35 persons in the Commonwealth during any period of 12 consecutive months, whether or not the issuer or any purchaser is then present in the Commonwealth, if the issuer or broker-dealer reasonably believes that all the purchasers in the Commonwealth are purchasing for investment, and if the securities have not been offered to the general public by advertisement or general solicitation. The Commission may, by rule or order, as to any security or transaction or any type of security or transaction, withdraw or further condition this exemption, increase or decrease the number of purchasers permitted, or waive the condition relating to their investment intent. The Commission may assess and collect in connection with any filing pursuant to this exemption a nonrefundable fee not to exceed \$250.

With respect to this subdivision 7, and except to the extent the Commission by rule or order may otherwise permit, the number of security holders of an issuer or the number of purchasers from an issuer, as the case may be, shall not be deemed to include the security holders of any other corporation, partnership, limited liability company, unincorporated association or trust unless it was organized to raise capital for the issuer. Notwithstanding the provisions of subdivision 15, the merger or consolidation of corporations, partnerships, limited liability companies, unincorporated associations or other entities shall be a violation of this chapter if the surviving or new entity has more than 35 security holders or purchasers and all the securities of the parties thereto were issued under this exemption, unless all of the parties thereto have been engaged in transacting business for more than two years prior to the merger or consolidation;

8. Any transaction pursuant to an offer to existing security holders of the issuer including holders of transferable warrants issued to existing security holders and exercisable within 90 days of their issuance, if either (i) no commission or other remuneration (other than a standby commission) is paid or given directly or indirectly for soliciting any security holder in this Commonwealth or (ii) the issuer first notifies the Commission in writing of the terms of the offer and the Commission does not by order disallow the exemption within five full business days after the date of the receipt of the notice;

9. Any offer (but not a sale) of a security for which registration statements have been filed, but are not effective, under both this chapter and the Securities Act of 1933; but this exemption shall not apply while a stop order is in effect or, after notice to the issuer, while a proceeding or examination looking toward such an order is pending under either act;

10. The issuance of not more than three shares of common stock to one or more of the incorporators of a corporation and the initial transfer thereof;

11. Sales of an issue of bonds, aggregating \$150,000 or less, secured by a first lien deed of trust on realty situated in Virginia, to 30 persons or less who are residents of Virginia;

12. Any offer or sale of any interest in any partnership, corporation, association or other entity created solely to provide residential housing located in the Commonwealth, provided that such offer or sale is by the issuer or by a real estate broker or real estate agent duly licensed in Virginia;

13. The Commission is authorized to create by rule a limited offering exemption, the purpose of which shall be to further the objectives of compatibility with similar exemptions from federal securities regulation and uniformity among the states; providing that such rule shall not exempt broker-dealers or agents from the registration requirements of this chapter, except in the case of an agent of the issuer who either (i) receives no sales commission directly or indirectly for offering or selling the securities or (ii) effects transactions in a security exempt from registration under the Securities Act of 1933 pursuant to rules and regulations promulgated under § 4(2) thereof. Any filing made with the Commission pursuant to any exemption created under this subdivision shall be accompanied by a \$250 fee;

14. The issuance of any security dividend, whether the corporation distributing the dividend is the issuer of the security or not, if nothing of value is given by stockholders for the distribution other than the surrender of a right to a cash dividend where the stockholder can elect to take a dividend in cash or in a security;

15. Any transaction incident to a right of conversion or a statutory or judicially approved reclassification, recapitalization, reorganization, quasi-reorganization, stock split, reverse stock split, merger, consolidation, sale of assets, or exchange of securities;

16. Any offer or sale of a security issued by a Virginia church if the offer and sale are only to its members and the security is offered and sold only by its members who are Virginia residents and who do not receive remuneration or compensation directly or indirectly for offering or selling the security;

17. Any offer or sale of securities issued by a professional business entity (as defined in subsection A of § 13.1-1102) to a person licensed or otherwise legally authorized to render within this Commonwealth the same professional services (as defined in subsection A of § 13.1-1102) rendered by the professional business entity. Notwithstanding the foregoing, nothing in this subdivision shall be deemed to provide that shares of stock, partnership or membership interests or other representations of ownership in a professional business entity are securities except to the extent otherwise provided by subsection A of this section;

18. Any offer that is communicated on the Internet, World Wide Web or similar proprietary or common carrier electronic system and that is in compliance with requirements prescribed by rule or order of the Commission;

19. To the extent the Commission by rule or order permits, any offer or sale to an accredited investor, as defined by the Commission, if the issuer reasonably believes before the sale that the accredited investor, either alone or with the accredited investor's representative, has such knowledge and experience in financial and business matters as to be capable of evaluating the merits and risks of the prospective investment. The Commission may assess and collect in connection with any filing pursuant to this exemption a nonrefundable fee not to exceed \$250;

20. Any transaction by a bank pursuant to an unsolicited offer or order to buy or sell any security, provided such transaction is not effected by an employee of the bank who is also an employee of a broker-dealer;

21. (Expires July 1, 2020) To the extent the Commission by rule or order permits, any security issued by an entity formed, organized, or existing under the laws of the Commonwealth, if:

a. The offering of the security is conducted in accordance with § 3(a)(11) of the Securities Act of 1933 and Rule 147 adopted under the Securities Act of 1933;

b. The offer and sale of the security are made only to residents of Virginia;

c. The aggregate price of securities in an offering under this exemption does not exceed \$2 million, which sum the Commission, by rule or order, may increase or decrease;

d. The total consideration paid by any purchaser of securities in an offering under this exemption does not exceed \$10,000, unless the purchaser is an accredited investor as defined by Rule 501 of the U.S. Securities and Exchange Commission's Regulation D (17 C.F.R. § 230.501). The Commission, by rule or order, may increase or decrease such limit on the total consideration to be paid by any purchaser of securities in an offering under this exemption;

e. No compensation is paid to employees, agents, or other persons for the solicitation of, or based on the sale of, securities in connection with an offering of securities under this exemption to any person who is not registered as a broker-dealer or agent, except to the extent permitted by rule or order of the Commission;

f. Neither the issuer nor any person related to the issuer is subject to disqualification as established by the Commission by rule or order; and

g. The security is sold in an offering conducted in compliance with any conditions established by rule or order of the Commission, which may include:

(1) Restrictions on the nature of the issuer;

(2) Limitations on the number and manner of offerings;

(3) Disclosures required to be provided to investors, including disclosures of risk factors related to the issuer and the offering;

(4) Requirements that all proceeds received from purchasers be placed in escrow in a depository institution located in the Commonwealth until the minimum amount of the offering is raised;

(5) Filings with the Commission of notices and other materials related to the offering; and

(6) Requirements regarding the preparation and submission of the issuer's financial statements, including (i) the form and content of such statements and (ii) whether such statements are required to be audited or reviewed by an independent certified public accountant in accordance with generally accepted accounting principles.

The Commission may assess and collect in connection with any filing pursuant to this exemption a nonrefundable fee in an amount to be set by the Commission by rule or order, provided such amount shall not exceed \$500; ~~and~~

22. Any offer or sale of securities conducted in accordance with Tier 2 of federal Regulation A (17 CFR 230.251 to 230.263) promulgated under § 3(b)(2) of the Securities Act of 1933 (U.S. Securities and Exchange Commission Release No. 33-9741, 80 Fed. Reg. 21806) to the extent such securities are preempted from the registration requirements of this chapter pursuant to Tier 2 of federal Regulation A. The Commission shall by rule or order prescribe any filings with the Commission of notices, renewals, and other materials. The Commission may assess and collect in connection with any filing pursuant to this exemption a nonrefundable filing fee not to exceed \$500. The Commission shall provide information on its website regarding the differences between the exemption provided pursuant to this subdivision and the exemption provided pursuant to subdivision 21; *and*

23. *Any nonissuer distribution by or through a registered broker-dealer and its registered agent of a security that is included in an electronic exchange, marketplace, system, or disclosure repository, which exchange, marketplace, system, or disclosure repository (i) makes information freely available to the public, (ii) is registered under the Securities Exchange Act of 1934 or rules promulgated thereunder, or (iii) is an Alternative Trading System regulated by the U.S. Securities and Exchange Commission, and is approved by regulations of the State Corporation Commission.*

C. In any proceeding under this chapter, the burden of proving an exemption shall be upon the person claiming it.

CHAPTER 257

An Act to amend and reenact § 58.1-3975 of the Code of Virginia, relating to delinquent tax lands; threshold for nonjudicial sale.

[H 1582]

Approved March 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-3975 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-3975. Nonjudicial sale of tax delinquent real properties of minimal size and value.

A. Notwithstanding any other provision of this title, the treasurer or other officer responsible for collecting taxes may sell, at public auction, any ~~unimproved~~ parcel of real property that is assessed at ~~\$10,000 or less than \$5,000~~, provided that the taxes on such parcel are delinquent on December 31 following the third anniversary of the date on which such taxes have become due.

B. The treasurer or other officer responsible for collecting taxes may in addition sell, at public auction, any parcel of real property that is assessed at ~~no less than \$5,000 more than \$10,000~~ but ~~less no more than \$20,000~~ \$25,000, provided that the taxes on such parcel are delinquent on December 31 following the third anniversary of the date on which such taxes have become due, it is not subject to a recorded mortgage or deed of trust lien, and such parcel:

1. Is unimproved and measures ~~less no more than 4,000~~ 43,560 square feet ~~(.0918 acre)~~ (1.0 acre);
2. Is unimproved and is determined to be unsuitable for building due to the size, shape, zoning, floodway, or other environmental designations of the parcel made by the locality's zoning administrator or other official designated by the locality to administer its zoning ordinance and carry out the duties set forth in subdivision A 4 of § 15.2-2286;
3. Has a structure on it that has been condemned by the local building official pursuant to applicable law or ordinance;
4. Has been declared by the locality a nuisance as that term is defined in § 15.2-900;
5. Contains a derelict building as that term is defined in § 15.2-907.1; or
6. Has been declared by the locality to be blighted as that term is defined in § 36-3.

For purposes of determining the area of any parcel, the area or acreage found in the locality's land book shall be determinative.

C. At least 30 days prior to conducting a sale under this section, the treasurer or other officer responsible for collecting taxes shall:

1. Send notice by certified or registered mail to the record owner or owners of such property and anyone appearing to have an interest in the property at their last known address as contained in the records of the treasurer or other officer responsible for collecting taxes; and

2. Post notice of such sale at the property location, if such property has frontage on any public or private street, and at the circuit courthouse of the locality.

D. The treasurer or other officer responsible for collecting taxes shall also cause a notice of sale to be published in the legal classified section of a newspaper of general circulation in the locality in which the property is located at least seven days but no more than 21 days prior to the sale; however, if the annual taxes assessed on the property are less than \$500, such notice may be placed, in lieu of publication, on the treasurer's or local government's website beginning at least 21 days prior to sale and through the date of sale. The pro rata costs of posting notice, publication, and mailing shall become a part of the tax and shall be collected if payment is made in redemption of such real property.

E. The treasurer or other officer responsible for collecting taxes may advertise and sell multiple parcels at the same time and place pursuant to one notice of sale.

F. The treasurer or other officer responsible for collecting taxes may enter into an agreement with the owner of such parcel for payment over time.

G. The owner of any property, or other interested party, may redeem it at any time prior to the date of the sale by paying all accumulated taxes, penalties, interest, and costs thereon, including reasonable attorney fees. Partial payment of delinquent taxes, penalties, interest, or costs shall be insufficient to redeem the property and shall not operate to suspend, invalidate, or nullify any sale brought pursuant to this section.

H. At the time of sale, the treasurer or other officer responsible for collecting taxes shall sell to the highest bidder at public auction each parcel that has not been redeemed by the owner. Such sale shall be free and clear of the locality's tax lien, but shall not affect easements or other rights of record recorded prior to the date of sale or liens recorded prior to the date of sale unless the treasurer has given the lienholder written notice of the sale at least 30 days prior to the sale, at the lienholder's address of record and through his registered agent, if any. The treasurer or other officer responsible for collecting taxes shall tender a special warranty deed pursuant to this section to effectuate the conveyance of the parcel to the highest bidder.

I. If the sale proceeds are insufficient to pay the amounts owed in full, the treasurer or other officer responsible for collecting taxes may remove the unpaid taxes from the books and mark the same as satisfied. The sale proceeds shall be applied first to the costs of sale, then to the taxes, penalty, interest, and fees due on the parcel, and thereafter to any other taxes or other charges owed by the former owner to the jurisdiction.

J. Any excess proceeds shall remain the property of the former owner, subject to claims of creditors, and shall be kept by the treasurer or other officer responsible for collecting taxes in an interest-bearing escrow account. If any petition for excess proceeds is made to the treasurer or other officer responsible for collecting taxes under this section, the treasurer or officer holding the funds shall forward the funds to the locality's circuit court clerk to be ~~impleaded~~ *interpleaded* along with a copy of the claim for excess proceeds. A copy of such transmission shall be forwarded to the claimant. The burden of scheduling a hearing with the circuit court on the claim shall be that of the claimant and shall be made within two years of the date of the sale of the property that generated the excess funds. In the event that funds remain with the court two years after the date of the sale, the locality may petition to have the funds distributed to the locality's general fund. If no claim for payment of excess proceeds is made within two years after the date of sale, the treasurer or other responsible officer shall deposit the excess proceeds in the jurisdiction's general fund.

K. If the sale does not produce a successful bidder, the treasurer or other responsible officer shall add the costs of sale incurred by the jurisdiction to the delinquent real estate account.

CHAPTER 258

An Act to amend the Code of Virginia by adding a section numbered 58.1-3703.2, relating to business licenses; acceptable identification.

[H 1679]

Approved March 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 58.1-3703.2 as follows:

§ 58.1-3703.2. Acceptable identification for business licenses.

In no event shall a locality require an applicant for a license issued under this chapter to provide a social security number as part of his application if such applicant has been issued a federal employer identification number and provides that number to the locality instead. Additionally, if the applicant supplies a valid federal employer identification number, the locality shall not be required to determine the residency status of the applicant.

CHAPTER 259

An Act to amend and reenact §§ 6.2-604, 6.2-605, 6.2-612, and 6.2-616 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 6.2-615.1, relating to financial institutions; multiple-fiduciary accounts.

[S 293]

Approved March 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 6.2-604, 6.2-605, 6.2-612, and 6.2-616 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 6.2-615.1 as follows:

§ 6.2-604. Definitions.

As used in this article, unless the context requires a different meaning:

"Account" means a contract of deposit of funds between a depositor and a financial institution, and includes a checking account, savings account, certificate of deposit, share account, and other similar arrangements.

"Beneficiary" means a person named in a trust account as one for whom a party to the account is named as trustee.

"Fiduciary" shall include any one or more of the following: (i) a fiduciary as defined in § 8.01-2, (ii) an agent under a power of attorney, or (iii) an attorney acting under an attorney-client relationship.

"Fiduciary account" means (i) an estate account for a decedent, (ii) an account established by one or more agents under a power of attorney or an existing account of a principal to which one or more agents under a power of attorney are added, (iii) an account established by one or more conservators, (iv) an account established by one or more committees, (v) a regular trust account under a testamentary trust or a trust agreement that has significance apart from the account, or (vi) an account arising from a fiduciary relationship such as an attorney-client relationship. "Fiduciary account" does not include a trust account.

"Financial institution" means any entity authorized to do business under state or federal laws relating to financial institutions that is authorized to establish accounts, including, without limitation, banks, trust companies, savings institutions, and credit unions.

"Joint account" means an account payable on request to one or more of two or more parties whether or not mention is made of any right of survivorship.

"Multiple-fiduciary account" means a fiduciary account where more than one fiduciary is authorized to act.

"Multiple-party account" means any of the following types of account: (i) a joint account, (ii) a P.O.D. account, or (iii) a trust account. The term does not include accounts established for deposit of funds of a partnership, joint venture, or other association for business purposes, or accounts controlled by one or more persons as the duly authorized agent or trustee for a corporation, unincorporated association, or charitable or civic organization; ~~or a regular fiduciary or trust account where the relationship is established other than by deposit agreement.~~

"Net contribution" of a party to a joint account as of any given time is the sum of all deposits thereto made by or for him, less all withdrawals made by or for him which have not been paid to or applied to the use of any other party, plus a pro rata share of any interest or any dividends included in the current balance. The term includes, in addition, any proceeds of deposit life insurance added to the account by reason of the death of the party whose net contribution is in question.

"Party" means a person who, by the terms of the account, has a present right, subject to request, to payment from a multiple-party account, *including a fiduciary account*. The term includes a P.O.D. payee or beneficiary of a trust account only after the account becomes payable to him by reason of his surviving the original payee or trustee. The term includes a guardian, conservator, personal representative, or assignee, including an attaching creditor, of a party. The term also includes a person identified as a trustee of an account for another whether or not a beneficiary is named, but it does not include any named beneficiary unless he has a present right of withdrawal.

"Payment," with respect to sums on deposit, includes withdrawal, payment on check or other directive of a party, and any pledge of sums on deposit by a party and any setoff, or reduction or other disposition of all or part of an account pursuant to a pledge.

"P.O.D. account" means an account payable on request to one person during his lifetime and on his death to one or more P.O.D. payees, or to one or more persons during their lifetimes and on the death of all of them to one or more P.O.D. payees.

"P.O.D. payee" means a person designated on a P.O.D. account as one to whom the account is payable on request after the death of one or more persons.

"Proof of death" includes a death certificate; a certificate of qualification upon a decedent's estate; or an authenticated copy of any record or report of a governmental agency, domestic or foreign, that a person is dead.

"Request" means a proper request for withdrawal, or a check or order for payment, that complies with all conditions of the account, including special requirements concerning necessary signatures and regulations of the financial institution. If the financial institution conditions withdrawal or payment on advance notice, for purposes of this article the request for withdrawal or payment is treated as immediately effective and a notice of intent to withdraw is treated as a request for withdrawal.

"Sums on deposit" means the balance payable on a multiple-party account, *including a fiduciary account*, including interest, dividends, and in addition any deposit life insurance proceeds added to the account by reason of the death of a party.

"Trust account" means an account in the name of one or more parties as trustee for one or more beneficiaries where the relationship is established by the form of the account and the deposit agreement with the financial institution and there is no subject of the trust other than the sums on deposit in the account, without regard to whether payment to the beneficiary is mentioned in the deposit agreement. The term does not include ~~(i) a regular trust account under a testamentary trust or a trust agreement that has significance apart from the account or (ii) a fiduciary account arising from a fiduciary relationship such as an attorney-client relationship a fiduciary account.~~

"Withdrawal" includes payment to a third person pursuant to check or other directive of a party.

§ 6.2-605. Applicability.

A. The provisions of §§ 6.2-606, 6.2-607, and 6.2-608 concerning beneficial ownership as between parties, or as between parties and P.O.D. payees or beneficiaries of multiple-party accounts, are relevant only to controversies between these persons and their creditors and other successors, and have no bearing on the power of withdrawal of these persons as determined by the terms of account contracts.

B. The provisions of §§ 6.2-612 through 6.2-617 govern the liability of financial institutions that make payments pursuant thereto, and their set-off rights, *but shall have no effect on the beneficial ownership of or the power of withdrawal from the accounts between the parties or P.O.D. payees or beneficiaries of multiple-party accounts and shall have no effect on the fiduciary duties or obligations of fiduciaries under the governing instrument of multiple-fiduciary accounts.*

§ 6.2-612. Financial institution duties; multiple-party accounts; multiple-fiduciary accounts.

A. Financial institutions may enter into multiple-party accounts to the same extent that they may enter into single-party accounts. Any multiple-party account may be paid, on request, to any one or more of the parties. A financial institution shall not be required to inquire as to the source of funds received for deposit to a multiple-party account, or to inquire as to the proposed application of any sum withdrawn from an account, for purposes of establishing net contributions.

B. *Financial institutions may enter into multiple-fiduciary accounts with more than one fiduciary to the same extent that they may enter into fiduciary accounts with one fiduciary. Any multiple-fiduciary account may be paid, on request, to any one or more of the fiduciaries.*

§ 6.2-615.1. Payment of multiple-fiduciary account.

Any multiple-fiduciary account may be paid, on request, (i) to any one or more fiduciaries, including any successor fiduciary upon proof showing that the successor fiduciary is duly authorized to act, or (ii) at the direction of any one or more of the fiduciaries. In determining the trustees duly authorized to act, the financial institution may rely on a certification of trust provided pursuant to § 64.2-804.

§ 6.2-616. Discharge of financial institution upon payment.

A. Payment made pursuant to §§ 6.2-612 through 6.2-615 discharges the financial institution from all claims for amounts so paid whether or not the payment is consistent with the beneficial ownership of the account as between parties, P.O.D. payees, ~~or~~ beneficiaries, or fiduciaries, or their successors.

B. The discharge provided by subsection A does not extend to payments made after a financial institution has received written notice from any party able to request present payment to the effect that withdrawals in accordance with the terms of the account should not be permitted. Unless the notice is withdrawn by the person giving it, or the successor of any deceased party has concurred in any demand for withdrawal, a discharge provided by subsection A shall not apply to withdrawals permitted by the financial institution.

C. No other notice or any other information shown to have been available to a financial institution shall affect its right to the discharge provided by subsection A. The discharge provided by subsection A shall have no bearing on the rights of parties in disputes between themselves or their successors concerning the beneficial ownership of funds in, or withdrawn from, multiple-party accounts or multiple-fiduciary accounts.

D. If any party, or the personal representative of any party, notifies the financial institution in writing not to permit withdrawals by any party, the financial institution may refuse, without liability, to allow any withdrawal pending the determination of the rights of the parties.

CHAPTER 260

An Act to amend and reenact §§ 46.2-100 and 46.2-908.1 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 46.2-904.1, relating to electric power-assisted bicycles.

[S 871]

Approved March 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-100 and 46.2-908.1 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 46.2-904.1 as follows:

§ 46.2-100. Definitions.

As used in this title, unless the context requires a different meaning:

"All-terrain vehicle" means a motor vehicle having three or more wheels that is powered by a motor and is manufactured for off-highway use. "All-terrain vehicle" does not include four-wheeled vehicles commonly known as "go-carts" that have low centers of gravity and are typically used in racing on relatively level surfaces, nor does the term include any riding lawn mower.

"Antique motor vehicle" means every motor vehicle, as defined in this section, which was actually manufactured or designated by the manufacturer as a model manufactured in a calendar year not less than 25 years prior to January 1 of each calendar year and is owned solely as a collector's item.

"Antique trailer" means every trailer or semitrailer, as defined in this section, that was actually manufactured or designated by the manufacturer as a model manufactured in a calendar year not less than 25 years prior to January 1 of each calendar year and is owned solely as a collector's item.

"Autocycle" means a three-wheeled motor vehicle that has a steering wheel and seating that does not require the operator to straddle or sit astride and is manufactured to comply with federal safety requirements for motorcycles. Except as otherwise provided, an autocycle shall not be deemed to be a motorcycle.

"Automobile transporter" means any tractor truck, lowboy, vehicle, or combination, including vehicles or combinations that transport motor vehicles on their power unit, designed and used exclusively for the transportation of

motor vehicles or used to transport cargo or general freight on a backhaul pursuant to the provisions of 49 U.S.C. § 31111(a)(1).

"Bicycle" means a device propelled solely by human power, upon which a person may ride either on or astride a regular seat attached thereto, having two or more wheels in tandem, including children's bicycles, except a toy vehicle intended for use by young children. For purposes of Chapter 8 (§ 46.2-800 et seq.), a bicycle shall be a vehicle while operated on the highway.

"Bicycle lane" means that portion of a roadway designated by signs and/or pavement markings for the preferential use of bicycles, electric power-assisted bicycles, motorized skateboards or scooters, and mopeds.

"Business district" means the territory contiguous to a highway where 75 percent or more of the property contiguous to a highway, on either side of the highway, for a distance of 300 feet or more along the highway, is occupied by land and buildings actually in use for business purposes.

"Camping trailer" means every vehicle that has collapsible sides and contains sleeping quarters but may or may not contain bathing and cooking facilities and is designed to be drawn by a motor vehicle.

"Cancel" or "cancellation" means that the document or privilege cancelled has been annulled or terminated because of some error, defect, or ineligibility, but the cancellation is without prejudice and reapplication may be made at any time after cancellation.

"Chauffeur" means every person employed for the principal purpose of driving a motor vehicle and every person who drives a motor vehicle while in use as a public or common carrier of persons or property.

"Circular intersection" means an intersection that has an island, generally circular in design, located in the center of the intersection, where all vehicles pass to the right of the island. Circular intersections include roundabouts, rotaries, and traffic circles.

"Commission" means the State Corporation Commission.

"Commissioner" means the Commissioner of the Department of Motor Vehicles of the Commonwealth.

"Converted electric vehicle" means any motor vehicle, other than a motorcycle or autocycle, that has been modified subsequent to its manufacture to replace an internal combustion engine with an electric propulsion system. Such vehicles shall retain their original vehicle identification number, line-make, and model year. A converted electric vehicle shall not be deemed a "reconstructed vehicle" as defined in this section unless it has been materially altered from its original construction by the removal, addition, or substitution of new or used essential parts other than those required for the conversion to electric propulsion.

"Crosswalk" means that part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway; or any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

"Decal" means a device to be attached to a license plate that validates the license plate for a predetermined registration period.

"Department" means the Department of Motor Vehicles of the Commonwealth.

"Disabled parking license plate" means a license plate that displays the international symbol of access in the same size as the numbers and letters on the plate and in a color that contrasts with the background.

"Disabled veteran" means a veteran who (i) has either lost, or lost the use of, a leg, arm, or hand; (ii) is blind; or (iii) is permanently and totally disabled as certified by the U.S. Department of Veterans Affairs. A veteran shall be considered blind if he has a permanent impairment of both eyes to the following extent: central visual acuity of 20/200 or less in the better eye, with corrective lenses, or central visual acuity of more than 20/200, if there is a field defect in which the peripheral field has contracted to such an extent that the widest diameter of visual field subtends an angular distance no greater than 20 degrees in the better eye.

"Driver's license" means any license, including a commercial driver's license as defined in the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.), issued under the laws of the Commonwealth authorizing the operation of a motor vehicle.

"Electric personal assistive mobility device" means a self-balancing two-nontandem-wheeled device that is designed to transport only one person and powered by an electric propulsion system that limits the device's maximum speed to 15 miles per hour or less. For purposes of Chapter 8 (§ 46.2-800 et seq.), an electric personal assistive mobility device shall be a vehicle when operated on a highway.

"Electric personal delivery device" means an electrically powered device that (i) is operated on sidewalks, shared-use paths, and crosswalks and intended primarily to transport property; (ii) weighs less than 50 pounds, excluding cargo; (iii) has a maximum speed of 10 miles per hour; and (iv) is equipped with technology to allow for operation of the device with or without the active control or monitoring of a natural person.

"Electric personal delivery device operator" means an entity or its agent who exercises direct physical control or monitoring over the navigation system and operation of an electric personal delivery device. For the purposes of this definition, "agent" means a person not less than 16 years of age charged by an entity with the responsibility of navigating and operating an electric personal delivery device. "Electric personal delivery device operator" does not include (i) an entity or person who requests the services of an electric personal delivery device to transport property or (ii) an entity or person who only arranges for and dispatches the requested services of an electric personal delivery device.

"Electric power-assisted bicycle" means a vehicle that travels on not more than three wheels in contact with the ground and is equipped with (i) pedals that allow propulsion by human power, (ii) a seat for the use of the rider, and ~~(iii) an electric motor with an input of no more than 1,000 750 watts that reduces the pedal effort required of the rider and ceases to provide assistance when the bicycle reaches a speed of no more than 20 miles per hour.~~ *Electric power-assisted bicycles shall be classified as follows:*

1. "Class one" means an electric power-assisted bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches a speed of 20 miles per hour;

2. "Class two" means an electric power-assisted bicycle equipped with a motor that may be used exclusively to propel the bicycle and that ceases to provide assistance when the bicycle reaches the speed of 20 miles per hour; and

3. "Class three" means an electric power-assisted bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches the speed of 28 miles per hour.

For the purposes of Chapter 8 (§ 46.2-800 et seq.), an electric power-assisted bicycle shall be a vehicle when operated on a highway.

"Essential parts" means all integral parts and body parts, the removal, alteration, or substitution of which will tend to conceal the identity of a vehicle.

"Farm tractor" means every motor vehicle designed and used as a farm, agricultural, or horticultural implement for drawing plows, mowing machines, and other farm, agricultural, or horticultural machinery and implements, including self-propelled mowers designed and used for mowing lawns.

"Farm utility vehicle" means a vehicle that is powered by a motor and is designed for off-road use and is used as a farm, agricultural, or horticultural service vehicle, generally having four or more wheels, bench seating for the operator and a passenger, a steering wheel for control, and a cargo bed. "Farm utility vehicle" does not include pickup or panel trucks, golf carts, low-speed vehicles, or riding lawn mowers.

"Federal safety requirements" means applicable provisions of 49 U.S.C. § 30101 et seq. and all administrative regulations and policies adopted pursuant thereto.

"Financial responsibility" means the ability to respond in damages for liability thereafter incurred arising out of the ownership, maintenance, use, or operation of a motor vehicle, in the amounts provided for in § 46.2-472.

"Foreign market vehicle" means any motor vehicle originally manufactured outside the United States, which was not manufactured in accordance with 49 U.S.C. § 30101 et seq. and the policies and regulations adopted pursuant to that Act, and for which a Virginia title or registration is sought.

"Foreign vehicle" means every motor vehicle, trailer, or semitrailer that is brought into the Commonwealth otherwise than in the ordinary course of business by or through a manufacturer or dealer and that has not been registered in the Commonwealth.

"Golf cart" means a self-propelled vehicle that is designed to transport persons playing golf and their equipment on a golf course.

"Governing body" means the board of supervisors of a county, council of a city, or council of a town, as context may require.

"Gross weight" means the aggregate weight of a vehicle or combination of vehicles and the load thereon.

"Highway" means the entire width between the boundary lines of every way or place open to the use of the public for purposes of vehicular travel in the Commonwealth, including the streets and alleys, and, for law-enforcement purposes, (i) the entire width between the boundary lines of all private roads or private streets that have been specifically designated "highways" by an ordinance adopted by the governing body of the county, city, or town in which such private roads or streets are located and (ii) the entire width between the boundary lines of every way or place used for purposes of vehicular travel on any property owned, leased, or controlled by the United States government and located in the Commonwealth.

"Intersection" means (i) the area embraced within the prolongation or connection of the lateral curblines or, if none, then the lateral boundary lines of the roadways of two highways that join one another at, or approximately at, right angles, or the area within which vehicles traveling on different highways joining at any other angle may come in conflict; (ii) where a highway includes two roadways 30 feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection, in the event such intersecting highway also includes two roadways 30 feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection; or (iii) for purposes only of authorizing installation of traffic-control devices, every crossing of a highway or street at grade by a pedestrian crosswalk.

"Lane-use control signal" means a signal face displaying indications to permit or prohibit the use of specific lanes of a roadway or to indicate the impending prohibition of such use.

"Law-enforcement officer" means any officer authorized to direct or regulate traffic or to make arrests for violations of this title or local ordinances authorized by law. For the purposes of access to law-enforcement databases regarding motor vehicle registration and ownership only, "law-enforcement officer" also includes city and county commissioners of the revenue and treasurers, together with their duly designated deputies and employees, when such officials are actually engaged in the enforcement of §§ 46.2-752, 46.2-753, and 46.2-754 and local ordinances enacted thereunder.

"License plate" means a device containing letters, numerals, or a combination of both, attached to a motor vehicle, trailer, or semitrailer to indicate that the vehicle is properly registered with the Department.

"Light" means a device for producing illumination or the illumination produced by the device.

"Low-speed vehicle" means any four-wheeled electrically powered or gas-powered vehicle, except a motor vehicle or low-speed vehicle that is used exclusively for agricultural or horticultural purposes or a golf cart, whose maximum speed is greater than 20 miles per hour but not greater than 25 miles per hour and is manufactured to comply with safety standards contained in Title 49 of the Code of Federal Regulations, § 571.500.

"Manufactured home" means a structure subject to federal regulation, transportable in one or more sections, which in the traveling mode is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. "Manufactured home" does not include a park model recreational vehicle, which is a vehicle that is (i) designed and marketed as temporary living quarters for recreational, camping, travel, or seasonal use; (ii) not permanently affixed to real property for use as a permanent dwelling; (iii) built on a single chassis mounted on wheels; and (iv) certified by the manufacturer as complying with the American National Standards Institute (ANSI) A119.5 Park Model Recreational Vehicle Standard.

"Military surplus motor vehicle" means a multipurpose or tactical vehicle that was manufactured by or under the direction of the United States Armed Forces for off-road use and subsequently authorized for sale to civilians. "Military surplus motor vehicle" does not include specialized mobile equipment as defined in § 46.2-700, trailers, or semitrailers.

"Moped" means every vehicle that travels on not more than three wheels in contact with the ground that (i) has a seat that is no less than 24 inches in height, measured from the middle of the seat perpendicular to the ground; (ii) has a gasoline, electric, or hybrid motor that (a) displaces 50 cubic centimeters or less or (b) has an input of 1500 watts or less; (iii) is power-driven, with or without pedals that allow propulsion by human power; and (iv) is not operated at speeds in excess of 35 miles per hour. "Moped" does not include *an electric power-assisted bicycle* or a motorized skateboard or scooter. For purposes of this title, a moped shall be a motorcycle when operated at speeds in excess of 35 miles per hour. For purposes of Chapter 8 (§ 46.2-800 et seq.), a moped shall be a vehicle while operated on a highway.

"Motor-driven cycle" means every motorcycle that has a gasoline engine that (i) displaces less than 150 cubic centimeters; (ii) has a seat less than 24 inches in height, measured from the middle of the seat perpendicular to the ground; and (iii) has no manufacturer-issued vehicle identification number.

"Motor home" means every private motor vehicle with a normal seating capacity of not more than 10 persons, including the driver, designed primarily for use as living quarters for human beings.

"Motor vehicle" means every vehicle as defined in this section that is self-propelled or designed for self-propulsion except as otherwise provided in this title. Any structure designed, used, or maintained primarily to be loaded on or affixed to a motor vehicle to provide a mobile dwelling, sleeping place, office, or commercial space shall be considered a part of a motor vehicle. Except as otherwise provided, for the purposes of this title, any device herein defined as a bicycle, electric personal assistive mobility device, electric power-assisted bicycle, motorized skateboard or scooter, or moped shall be deemed not to be a motor vehicle.

"Motorcycle" means every motor vehicle designed to travel on not more than three wheels in contact with the ground and is capable of traveling at speeds in excess of 35 miles per hour. "Motorcycle" does not include any "autocycle," "electric personal assistive mobility device," "electric power-assisted bicycle," "farm tractor," "golf cart," "moped," "motorized skateboard or scooter," "utility vehicle," or "wheelchair or wheelchair conveyance" as defined in this section.

"Motorized skateboard or scooter" means every vehicle, regardless of the number of its wheels in contact with the ground, that (i) is designed to allow an operator to sit or stand, (ii) has no manufacturer-issued vehicle identification number, (iii) is powered in whole or in part by an electric motor, (iv) weighs less than 100 pounds, and (v) has a speed of no more than 20 miles per hour on a paved level surface when powered solely by the electric motor. "Motorized skateboard or scooter" includes vehicles with or without handlebars but does not include "electric personal assistive mobility devices or *electric power-assisted bicycles*."

"Nonresident" means every person who is not domiciled in the Commonwealth, except: (i) any foreign corporation that is authorized to do business in the Commonwealth by the State Corporation Commission shall be a resident of the Commonwealth for the purpose of this title; in the case of corporations incorporated in the Commonwealth but doing business outside the Commonwealth, only such principal place of business or branches located within the Commonwealth shall be dealt with as residents of the Commonwealth; (ii) a person who becomes engaged in a gainful occupation in the Commonwealth for a period exceeding 60 days shall be a resident for the purposes of this title except for the purposes of Chapter 3 (§ 46.2-300 et seq.); (iii) a person, other than (a) a nonresident student as defined in this section or (b) a person who is serving a full-time church service or proselyting mission of not more than 36 months and who is not gainfully employed, who has actually resided in the Commonwealth for a period of six months, whether employed or not, or who has registered a motor vehicle, listing an address in the Commonwealth in the application for registration, shall be deemed a resident for the purposes of this title, except for the purposes of the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.).

"Nonresident student" means every nonresident person who is enrolled as a full-time student in an accredited institution of learning in the Commonwealth and who is not gainfully employed.

"Off-road motorcycle" means every motorcycle designed exclusively for off-road use by an individual rider with not more than two wheels in contact with the ground. Except as otherwise provided in this chapter, for the purposes of this chapter off-road motorcycles shall be deemed to be "motorcycles."

"Operation or use for rent or for hire, for the transportation of passengers, or as a property carrier for compensation," and "business of transporting persons or property" mean any owner or operator of any motor vehicle, trailer, or semitrailer operating over the highways in the Commonwealth who accepts or receives compensation for the service, directly or indirectly; but these terms do not mean a "truck lessor" as defined in this section and do not include persons or businesses that receive compensation for delivering a product that they themselves sell or produce, where a separate charge is made for delivery of the product or the cost of delivery is included in the sale price of the product, but where the person or business does not derive all or a substantial portion of its income from the transportation of persons or property except as part of a sales transaction.

"Operator" or "driver" means every person who either (i) drives or is in actual physical control of a motor vehicle on a highway or (ii) is exercising control over or steering a vehicle being towed by a motor vehicle.

"Owner" means a person who holds the legal title to a vehicle; however, if a vehicle is the subject of an agreement for its conditional sale or lease with the right of purchase on performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee or if a mortgagor of a vehicle is entitled to possession, then the conditional vendee or lessee or mortgagor shall be the owner for the purpose of this title. In all such instances when the rent paid by the lessee includes charges for services of any nature or when the lease does not provide that title shall pass to the lessee on payment of the rent stipulated, the lessor shall be regarded as the owner of the vehicle, and the vehicle shall be subject to such requirements of this title as are applicable to vehicles operated for compensation. A "truck lessor" as defined in this section shall be regarded as the owner, and his vehicles shall be subject to such requirements of this title as are applicable to vehicles of private carriers.

"Passenger car" means every motor vehicle other than a motorcycle or autocycle designed and used primarily for the transportation of no more than 10 persons, including the driver.

"Payment device" means any credit card as defined in 15 U.S.C. § 1602 (k) or any "accepted card or other means of access" set forth in 15 U.S.C. § 1693a (1). For the purposes of this title, this definition shall also include a card that enables a person to pay for transactions through the use of value stored on the card itself.

"Pickup or panel truck" means (i) every motor vehicle designed for the transportation of property and having a registered gross weight of 7,500 pounds or less or (ii) every motor vehicle registered for personal use, designed to transport property on its own structure independent of any other vehicle, and having a registered gross weight in excess of 7,500 pounds but not in excess of 10,000 pounds.

"Private road or driveway" means every way in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

"Reconstructed vehicle" means every vehicle of a type required to be registered under this title materially altered from its original construction by the removal, addition, or substitution of new or used essential parts. Such vehicles, at the discretion of the Department, shall retain their original vehicle identification number, line-make, and model year. Except as otherwise provided in this title, this definition shall not include a "converted electric vehicle" as defined in this section.

"Replica vehicle" means every vehicle of a type required to be registered under this title not fully constructed by a licensed manufacturer but either constructed or assembled from components. Such components may be from a single vehicle, multiple vehicles, a kit, parts, or fabricated components. The kit may be made up of "major components" as defined in § 46.2-1600, a full body, or a full chassis, or a combination of these parts. The vehicle shall resemble a vehicle of distinctive name, line-make, model, or type as produced by a licensed manufacturer or manufacturer no longer in business and is not a reconstructed or specially constructed vehicle as herein defined.

"Residence district" means the territory contiguous to a highway, not comprising a business district, where 75 percent or more of the property abutting such highway, on either side of the highway, for a distance of 300 feet or more along the highway consists of land improved for dwelling purposes, or is occupied by dwellings, or consists of land or buildings in use for business purposes, or consists of territory zoned residential or territory in residential subdivisions created under Chapter 22 (§ 15.2-2200 et seq.) of Title 15.2.

"Revoke" or "revocation" means that the document or privilege revoked is not subject to renewal or restoration except through reapplication after the expiration of the period of revocation.

"Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the shoulder. A highway may include two or more roadways if divided by a physical barrier or barriers or an unpaved area.

"Safety zone" means the area officially set apart within a roadway for the exclusive use of pedestrians and that is protected or is so marked or indicated by plainly visible signs.

"School bus" means any motor vehicle, other than a station wagon, automobile, truck, or commercial bus, which is: (i) designed and used primarily for the transportation of pupils to and from public, private or religious schools, or used for the transportation of the mentally or physically handicapped to and from a sheltered workshop; (ii) painted yellow and bears the words "School Bus" in black letters of a specified size on front and rear; and (iii) is equipped with warning devices prescribed in § 46.2-1090. A yellow school bus may have a white roof provided such vehicle is painted in accordance with regulations promulgated by the Department of Education.

"Semitrailer" means every vehicle of the trailer type so designed and used in conjunction with a motor vehicle that some part of its own weight and that of its own load rests on or is carried by another vehicle.

"Shared-use path" means a bikeway that is physically separated from motorized vehicular traffic by an open space or barrier and is located either within the highway right-of-way or within a separate right-of-way. Shared-use paths may also

be used by pedestrians, skaters, users of wheel chairs or wheel chair conveyances, joggers, and other nonmotorized users and electric personal delivery devices.

"Shoulder" means that part of a highway between the portion regularly traveled by vehicular traffic and the lateral curbline or ditch.

"Sidewalk" means the portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for use by pedestrians.

"Snowmobile" means a self-propelled vehicle designed to travel on snow or ice, steered by skis or runners, and supported in whole or in part by one or more skis, belts, or cleats.

"Special construction and forestry equipment" means any vehicle which is designed primarily for highway construction, highway maintenance, earth moving, timber harvesting or other construction or forestry work and which is not designed for the transportation of persons or property on a public highway.

"Specially constructed vehicle" means any vehicle that was not originally constructed under a distinctive name, make, model, or type by a generally recognized manufacturer of vehicles and not a reconstructed vehicle as herein defined.

"Stinger-steered automobile or watercraft transporter" means an automobile or watercraft transporter configured as a semitrailer combination wherein the fifth wheel is located on a drop frame behind and below the rearmost axle of the power unit.

"Superintendent" means the Superintendent of the Department of State Police of the Commonwealth.

"Suspend" or "suspension" means that the document or privilege suspended has been temporarily withdrawn, but may be reinstated following the period of suspension unless it has expired prior to the end of the period of suspension.

"Tow truck" means a motor vehicle for hire (i) designed to lift, pull, or carry another vehicle by means of a hoist or other mechanical apparatus and (ii) having a manufacturer's gross vehicle weight rating of at least 10,000 pounds. "Tow truck" also includes vehicles designed with a ramp on wheels and a hydraulic lift with a capacity to haul or tow another vehicle, commonly referred to as "rollback." "Tow truck" does not include any "automobile or watercraft transporter," "stinger-steered automobile or watercraft transporter," or "tractor truck" as those terms are defined in this section.

"Towing and recovery operator" means a person engaged in the business of (i) removing disabled vehicles, parts of vehicles, their cargoes, and other objects to facilities for repair or safekeeping and (ii) restoring to the highway or other location where they either can be operated or removed to other locations for repair or safekeeping vehicles that have come to rest in places where they cannot be operated.

"Toy vehicle" means any motorized or propellant-driven device that has no manufacturer-issued vehicle identification number that is designed or used to carry any person or persons, on any number of wheels, bearings, glides, blades, runners, or a cushion of air. "Toy vehicle" does not include electric personal assistive mobility devices, electric power-assisted bicycles, mopeds, motorized skateboards or scooters, or motorcycles, nor does it include any nonmotorized or nonpropellant-driven devices such as bicycles, roller skates, or skateboards.

"Tractor truck" means every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the load and weight of the vehicle attached thereto.

"Traffic control device" means a sign, signal, marking, or other device used to regulate, warn, or guide traffic placed on, over, or adjacent to a street, highway, private road open to public travel, pedestrian facility, or shared-use path by authority of a public agency or official having jurisdiction, or in the case of a private road open to public travel, by authority of the private owner or private official having jurisdiction.

"Traffic infraction" means a violation of law punishable as provided in § 46.2-113, which is neither a felony nor a misdemeanor.

"Traffic lane" or "lane" means that portion of a roadway designed or designated to accommodate the forward movement of a single line of vehicles.

"Trailer" means every vehicle without motive power designed for carrying property or passengers wholly on its own structure and for being drawn by a motor vehicle, including manufactured homes.

"Truck" means every motor vehicle designed to transport property on its own structure independent of any other vehicle and having a registered gross weight in excess of 7,500 pounds. "Truck" does not include any pickup or panel truck.

"Truck lessor" means a person who holds the legal title to any motor vehicle, trailer, or semitrailer that is the subject of a bona fide written lease for a term of one year or more to another person, provided that: (i) neither the lessor nor the lessee is a common carrier by motor vehicle or restricted common carrier by motor vehicle or contract carrier by motor vehicle as defined in § 46.2-2000; (ii) the leased motor vehicle, trailer, or semitrailer is used exclusively for the transportation of property of the lessee; (iii) the lessor is not employed in any capacity by the lessee; (iv) the operator of the leased motor vehicle is a bona fide employee of the lessee and is not employed in any capacity by the lessor; and (v) a true copy of the lease, verified by affidavit of the lessor, is filed with the Commissioner.

"Utility vehicle" means a motor vehicle that is (i) designed for off-road use, (ii) powered by a motor, and (iii) used for general maintenance, security, agricultural, or horticultural purposes. "Utility vehicle" does not include riding lawn mowers.

"Vehicle" means every device in, on or by which any person or property is or may be transported or drawn on a highway, except electric personal delivery devices and devices moved by human power or used exclusively on stationary rails or tracks. For the purposes of Chapter 8 (§ 46.2-800 et seq.), bicycles, electric personal assistive mobility devices, electric power-assisted bicycles, motorized skateboards or scooters, and mopeds shall be vehicles while operated on a highway.

"Watercraft transporter" means any tractor truck, lowboy, vehicle, or combination, including vehicles or combinations that transport watercraft on their power unit, designed and used exclusively for the transportation of watercraft.

"Wheel chair or wheel chair conveyance" means a chair or seat equipped with wheels, typically used to provide mobility for persons who, by reason of physical disability, are otherwise unable to move about as pedestrians. "Wheel chair or wheel chair conveyance" includes both three-wheeled and four-wheeled devices. So long as it is operated only as provided in § 46.2-677, a self-propelled wheel chair or self-propelled wheel chair conveyance shall not be considered a motor vehicle.

§ 46.2-904.1. Electric power-assisted bicycles.

A. Except as otherwise provided in this section, an electric power-assisted bicycle or an operator of an electric power-assisted bicycle shall be afforded all the rights and privileges, and be subject to all of the duties, of a bicycle or the operator of a bicycle. An electric power-assisted bicycle is a vehicle to the same extent as is a bicycle.

B. An electric power-assisted bicycle or person operating an electric power-assisted bicycle is not subject to the provisions of this Code relating to requirements for driver's licenses, registration, certificates of title, financial responsibility, off-highway motorcycles, and license plates.

C. 1. On and after January 1, 2021, manufacturers and distributors of electric power-assisted bicycles shall permanently affix a label, in a prominent location, to each electric power-assisted bicycle that they manufacture or distribute. The label shall contain the classification number, top assisted speed, and motor wattage of the electric power-assisted bicycle and shall be printed in Arial font in at least nine-point type.

2. An electric power-assisted bicycle shall comply with equipment and manufacturing requirements for bicycles adopted by the U.S. Consumer Product Safety Commission, 16 C.F.R. Part 1512.

3. All class three electric power-assisted bicycles shall be equipped with a speedometer that displays the speed the bicycle is traveling in miles per hour.

D. No person shall tamper with or modify an electric power-assisted bicycle so as to change the motor-powered speed capability or engagement of an electric power-assisted bicycle, unless the label required by subdivision C 1 is replaced after modification.

E. An electric power-assisted bicycle shall operate in a manner such that the electric motor is disengaged or ceases to function when the rider stops pedaling or when the brakes are applied.

F. Except as set forth in this subsection, an electric power-assisted bicycle may be ridden in places where bicycles are allowed, including streets, highways, roads, shoulders, bicycle lanes, and bicycle or shared-use paths.

1. Following notice and a public hearing, a locality or state agency having jurisdiction over a bicycle or shared-use path may prohibit the operation of class one or class two electric power-assisted bicycles on such path, if it finds that such a restriction is necessary for public safety or compliance with other laws.

2. A locality or state agency having jurisdiction over a bicycle or shared-use path may prohibit the operation of class three electric power-assisted bicycles on such path.

3. A locality or state agency having jurisdiction over a trail may regulate the use of electric power-assisted bicycles on such trail. For purposes of this subdivision, "trail" means a trail that is specifically designated as nonmotorized and that has a natural surface tread that is made by clearing and grading the native soil with no added surfacing materials.

G. Each operator and passenger of a class three electric power-assisted bicycle shall wear a properly fitted and fastened bicycle helmet that meets the current standards provided by either the U.S. Consumer Product Safety Commission or the American Society for Testing and Materials International. Failure to wear a helmet shall not constitute negligence, be considered in mitigation of damages of whatever nature, be admissible in evidence, or be the subject of comment by counsel in any action for the recovery of damages arising out of the operation, ownership, or maintenance of a class three electric power-assisted bicycle, nor shall anything in this section change any existing law, rule, or procedure pertaining to any civil action, nor shall this section bar any claim that otherwise exists.

§ 46.2-908.1. Electric personal assistive mobility devices, electric personal delivery devices, electrically powered toy vehicles, electric power-assisted bicycles, and motorized skateboards or scooters.

All electric personal assistive mobility devices, electric personal delivery devices, electrically powered toy vehicles, and electric power-assisted bicycles shall be equipped with spill-proof, sealed, or gelled electrolyte batteries. No person shall at any time or at any location operate (i) an electric personal assistive mobility device or ~~an electric power-assisted bicycle~~ at a speed faster than 25 miles per hour, (ii) a motorized skateboard or scooter at a speed faster than 20 miles per hour, or (iii) an electric personal delivery device at a speed faster than 10 miles per hour. No person shall operate a skateboard or scooter that would otherwise meet the definition of a motorized skateboard or scooter but is capable of speeds greater than 20 miles per hour at a speed greater than 20 miles per hour. No person less than 14 years old shall drive any electric personal assistive mobility device, motorized skateboard or scooter, or class three electric power-assisted bicycle unless under the immediate supervision of a person who is at least 18 years old.

An electric personal assistive mobility device may be operated on any highway with a maximum speed limit of 25 miles per hour or less. An electric personal assistive mobility device shall only operate on any highway authorized by this section if a sidewalk is not provided along such highway or if operation of the electric personal assistive mobility device on such sidewalk is prohibited pursuant to § 46.2-904. Nothing in this section shall prohibit the operation of an electric personal assistive mobility device, electric personal delivery device, or motorized skateboard or scooter in the crosswalk of any highway where the use of such crosswalk is authorized for pedestrians, bicycles, or electric power-assisted bicycles.

Operation of electric personal assistive mobility devices, motorized skateboards or scooters, electrically powered toy vehicles, bicycles, and electric power-assisted bicycles is prohibited on any Interstate Highway System component except as provided by the section.

The Commonwealth Transportation Board may authorize the use of bicycles or motorized skateboards or scooters on an Interstate Highway System Component provided the operation is limited to bicycle or pedestrian facilities that are barrier separated from the roadway and automobile traffic and such component meets all applicable safety requirements established by federal and state law.

CHAPTER 261

An Act to repeal the fourth enactment of Chapter 442 of the 2014 Acts of Assembly, relating to unemployment compensation; voluntarily leaving employment to accompany military spouse.

[H 143]

Approved March 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That the fourth enactment of Chapter 442 of the 2014 Acts of Assembly is repealed.
2. That the provisions of this act enhance the benefits payable to an individual pursuant to Title 60.2 of the Code of Virginia. Pursuant to § 30-19.03:1.2 of the Code of Virginia, the Virginia Employment Commission, in consultation with the Department of Planning and Budget, estimates that over the ensuing eight years (i) the provisions of this act are projected to reduce the solvency level of the Unemployment Trust Fund by an average of 0.1 percent in each of the eight years and (ii) the projected average annual increase in state unemployment tax liability of employers on a per-employee basis that would result from the provisions of this act is \$0.

CHAPTER 262

An Act to amend and reenact § 6.2-1352 of the Code of Virginia, relating to credit unions; compensation of directors.

[H 813]

Approved March 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 6.2-1352 of the Code of Virginia is amended and reenacted as follows:

§ 6.2-1352. Compensation of officials.

~~No member A. Compensation of members of the board of directors shall receive any compensation for his services as a member of the board. The and members of the credit or and supervisory committee may receive for their services, as members, such compensation as committees shall be determined by a written policy approved by the board of directors may determine, provided that annual compensation for an individual member does not exceed \$6,000.~~

B. Health, accident, and term life insurance protection for a director or committee member shall not be considered compensation.

C. Directors and committee members, while on official business of the credit union, may be reimbursed for necessary expenses incidental to performing the business of the credit union. Official business of the credit union shall include attendance at regular or special meetings of the board of directors or committees thereof consistent with Internal Revenue Service guidelines.

CHAPTER 263

An Act to amend and reenact §§ 59.1-510, 59.1-513, 59.1-515, and 59.1-517 of the Code of Virginia, relating to the Virginia Telephone Privacy Protection Act.

[H 1244]

Approved March 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 59.1-510, 59.1-513, 59.1-515, and 59.1-517 of the Code of Virginia are amended and reenacted as follows:

§ 59.1-510. Definitions; rule of construction.

As used in this chapter:

"Established business relationship" means a relationship between the called person and the person on whose behalf the telephone solicitation call is being made or initiated based on (i) the called person's purchase from, or transaction with, the person on whose behalf the telephone solicitation call is being made or initiated within the 18 months immediately preceding the date of the call or (ii) the called person's inquiry or application regarding any property, good, or service offered by the person on whose behalf the telephone solicitation call is being made or initiated within the three months immediately preceding the date of the call.

"Personal relationship" means the relationship between a telephone solicitor making or initiating a telephone solicitation call and any family member, friend, or acquaintance of that telephone solicitor.

"Responsible person" means either or both of (i) a telephone solicitor or (ii) a seller if the telephone solicitation call offering or advertising the seller's property, goods, or services is presumed to have been made or initiated on behalf of or for the benefit of the seller and the presumption is not rebutted as provided in subsection B of § 59.1-514.1.

"Seller" means any person on whose behalf or for whose benefit a telephone solicitation call offering or advertising the person's property, goods, or services is made or initiated.

"Telephone solicitation call" means (i) any telephone call made or initiated to any natural person's residence in the Commonwealth, ~~or~~ to any *landline* or wireless telephone with a Virginia area code, or to a *landline* or wireless telephone registered to any natural person who is a resident of the Commonwealth or (ii) any text message sent to any wireless telephone with a Virginia area code or to a wireless telephone registered to any natural person who is a resident of the Commonwealth, for the purpose of offering or advertising any property, goods, or services for sale, lease, license, or investment, including offering or advertising an extension of credit or for the purpose of fraudulent activity, including engaging in any conduct that results in the display of false or misleading caller identification information on the called person's telephone.

"Telephone solicitor" means any person who makes or initiates, or causes another person to make or initiate, a telephone solicitation call on its own behalf or for its own benefit or on behalf of or for the benefit of a seller.

§ 59.1-513. Transmission of caller identification information required.

A. A telephone solicitor who makes a telephone solicitation call shall transmit the telephone number, and, when available by the telephone solicitor's carrier, the name of the telephone solicitor. ~~It shall not be a violation of this section to substitute (for the name and telephone number used in, or billed for, making the call) the name of the person on whose behalf the telephone solicitation call is being made and that person's customer service telephone number.~~ The number so provided must permit, during regular business hours, any individual to make a request not to receive telephone solicitation calls.

B. No telephone solicitor shall take any intentional action to prevent the transmission of the telephone solicitor's name or telephone number to any person receiving a telephone solicitation call *or engage in any conduct that results in the display of false or misleading caller identification information on the called person's telephone.*

C. ~~It shall not be a violation of this section to substitute for the name and telephone number used in, or billed for, making the call the name of the person on whose behalf the telephone solicitation call is being made and that person's customer service telephone number.~~

§ 59.1-515. Individual action for damages.

A. Any natural person who is aggrieved by a violation of this chapter shall be entitled to initiate an action against any responsible person to enjoin such violation and to recover from any responsible person damages in the amount of \$500 for ~~each such~~ a first violation, \$1,000 for a second violation, and \$5,000 for each subsequent violation.

B. If the court finds a willful violation, the court may, in its discretion, increase the amount of any damages awarded for a first or second violation under subsection A to an amount not exceeding ~~\$1,500~~ \$5,000.

C. Notwithstanding any other provision of law to the contrary, in addition to any damages awarded, such person may be awarded under subsection A or B reasonable attorney fees and court costs.

D. An action for damages, attorney fees, and costs brought under this section may be filed in an appropriate general district court or small claims court against any responsible person so long as the amount claimed does not exceed the jurisdictional limits set forth in § 16.1-77 or 16.1-122.2, as applicable. Any action brought under this section that includes a request for an injunction shall be filed in an appropriate circuit court.

§ 59.1-517. Enforcement; civil penalties.

A. The Attorney General, an attorney for the Commonwealth, or the attorney for any locality may cause an action to be brought in the name of the Commonwealth or of the locality, as applicable, to enjoin any violation of this chapter by any responsible person and to recover from any responsible person damages for aggrieved persons in the amount of \$500 for ~~each such~~ a first violation, \$1,000 for a second violation, and \$5,000 for each subsequent violation.

B. If the court finds a willful violation, the court may, in its discretion, also assess against any responsible person a civil penalty of not more than ~~\$1,000~~ \$5,000 for each such violation.

C. In any action brought under this section, the Attorney General, the attorney for the Commonwealth, or the attorney for the locality may recover reasonable expenses incurred by the state or local agency in investigating and preparing the case, and attorney fees.

D. Any civil penalties assessed under subsection B in an action brought in the name of the Commonwealth shall be paid into the Literary Fund. Any civil penalties assessed under subsection B in an action brought in the name of a locality shall be paid into the general fund of the locality.

CHAPTER 264

An Act to amend and reenact §§ 18.2-186.6, 38.2-100, 38.2-600, 38.2-601, 38.2-602, 38.2-612.1, 38.2-612.2, 38.2-613, 38.2-614 through 38.2-618, 38.2-4214, 38.2-4319, 38.2-4408, and 38.2-4509 of the Code of Virginia; to amend the Code of Virginia by adding in Chapter 6 of Title 38.2 an article numbered 2, consisting of sections numbered 38.2-621

through 38.2-629; and to repeal §§ 38.2-613.2 and 38.2-620 of the Code of Virginia, relating to insurance data security; required programs and notifications.

[H 1334]

Approved March 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 18.2-186.6, 38.2-100, 38.2-600, 38.2-601, 38.2-602, 38.2-612.1, 38.2-612.2, 38.2-613, 38.2-614 through 38.2-618, 38.2-4214, 38.2-4319, 38.2-4408, and 38.2-4509 of the Code of Virginia are amended and reenacted and to amend the Code of Virginia by adding in Chapter 6 of Title 38.2 an article numbered 2, consisting of sections numbered 38.2-621 through 38.2-629, as follows:

§ 18.2-186.6. Breach of personal information notification.

A. As used in this section:

"Breach of the security of the system" means the unauthorized access and acquisition of unencrypted and unredacted computerized data that compromises the security or confidentiality of personal information maintained by an individual or entity as part of a database of personal information regarding multiple individuals and that causes, or the individual or entity reasonably believes has caused, or will cause, identity theft or other fraud to any resident of the Commonwealth. Good faith acquisition of personal information by an employee or agent of an individual or entity for the purposes of the individual or entity is not a breach of the security of the system, provided that the personal information is not used for a purpose other than a lawful purpose of the individual or entity or subject to further unauthorized disclosure.

"Encrypted" means the transformation of data through the use of an algorithmic process into a form in which there is a low probability of assigning meaning without the use of a confidential process or key, or the securing of the information by another method that renders the data elements unreadable or unusable.

"Entity" includes corporations, business trusts, estates, partnerships, limited partnerships, limited liability partnerships, limited liability companies, associations, organizations, joint ventures, governments, governmental subdivisions, agencies, or instrumentalities or any other legal entity, whether for profit or not for profit.

"Financial institution" has the meaning given that term in 15 U.S.C. § 6809(3).

"Individual" means a natural person.

"Notice" means:

1. Written notice to the last known postal address in the records of the individual or entity;
2. Telephone notice;
3. Electronic notice; or
4. Substitute notice, if the individual or the entity required to provide notice demonstrates that the cost of providing notice will exceed \$50,000, the affected class of Virginia residents to be notified exceeds 100,000 residents, or the individual or the entity does not have sufficient contact information or consent to provide notice as described in subdivisions 1, 2, or 3 of this definition. Substitute notice consists of all of the following:

- a. E-mail notice if the individual or the entity has e-mail addresses for the members of the affected class of residents;
- b. Conspicuous posting of the notice on the website of the individual or the entity if the individual or the entity maintains a website; and
- c. Notice to major statewide media.

Notice required by this section shall not be considered a debt communication as defined by the Fair Debt Collection Practices Act in 15 U.S.C. § 1692a.

Notice required by this section shall include a description of the following:

- (1) The incident in general terms;
- (2) The type of personal information that was subject to the unauthorized access and acquisition;
- (3) The general acts of the individual or entity to protect the personal information from further unauthorized access;
- (4) A telephone number that the person may call for further information and assistance, if one exists; and
- (5) Advice that directs the person to remain vigilant by reviewing account statements and monitoring free credit reports.

"Personal information" means the first name or first initial and last name in combination with and linked to any one or more of the following data elements that relate to a resident of the Commonwealth, when the data elements are neither encrypted nor redacted:

1. Social security number;
2. Driver's license number or state identification card number issued in lieu of a driver's license number;
3. Financial account number, or credit card or debit card number, in combination with any required security code, access code, or password that would permit access to a resident's financial accounts;
4. Passport number; or
5. Military identification number.

The term does not include information that is lawfully obtained from publicly available information, or from federal, state, or local government records lawfully made available to the general public.

"Redact" means alteration or truncation of data such that no more than the following are accessible as part of the personal information:

1. Five digits of a social security number; or
2. The last four digits of a driver's license number, state identification card number, or account number.

B. If unencrypted or unredacted personal information was or is reasonably believed to have been accessed and acquired by an unauthorized person and causes, or the individual or entity reasonably believes has caused or will cause, identity theft or another fraud to any resident of the Commonwealth, an individual or entity that owns or licenses computerized data that includes personal information shall disclose any breach of the security of the system following discovery or notification of the breach of the security of the system to the Office of the Attorney General and any affected resident of the Commonwealth without unreasonable delay. Notice required by this section may be reasonably delayed to allow the individual or entity to determine the scope of the breach of the security of the system and restore the reasonable integrity of the system. Notice required by this section may be delayed if, after the individual or entity notifies a law-enforcement agency, the law-enforcement agency determines and advises the individual or entity that the notice will impede a criminal or civil investigation, or homeland or national security. Notice shall be made without unreasonable delay after the law-enforcement agency determines that the notification will no longer impede the investigation or jeopardize national or homeland security.

C. An individual or entity shall disclose the breach of the security of the system if encrypted information is accessed and acquired in an unencrypted form, or if the security breach involves a person with access to the encryption key and the individual or entity reasonably believes that such a breach has caused or will cause identity theft or other fraud to any resident of the Commonwealth.

D. An individual or entity that maintains computerized data that includes personal information that the individual or entity does not own or license shall notify the owner or licensee of the information of any breach of the security of the system without unreasonable delay following discovery of the breach of the security of the system, if the personal information was accessed and acquired by an unauthorized person or the individual or entity reasonably believes the personal information was accessed and acquired by an unauthorized person.

E. In the event an individual or entity provides notice to more than 1,000 persons at one time pursuant to this section, the individual or entity shall notify, without unreasonable delay, the Office of the Attorney General and all consumer reporting agencies that compile and maintain files on consumers on a nationwide basis, as defined in 15 U.S.C. § 1681a (p), of the timing, distribution, and content of the notice.

F. An entity that maintains its own notification procedures as part of an information privacy or security policy for the treatment of personal information that are consistent with the timing requirements of this section shall be deemed to be in compliance with the notification requirements of this section if it notifies residents of the Commonwealth in accordance with its procedures in the event of a breach of the security of the system.

G. An entity that is subject to Title V of the Gramm-Leach-Bliley Act (15 U.S.C. § 6801 et seq.) and maintains procedures for notification of a breach of the security of the system in accordance with the provision of that Act and any rules, regulations, or guidelines promulgated thereto shall be deemed to be in compliance with this section.

H. An entity that complies with the notification requirements or procedures pursuant to the rules, regulations, procedures, or guidelines established by the entity's primary or functional state or federal regulator shall be in compliance with this section.

I. Except as provided by subsections J and K, pursuant to the enforcement duties and powers of the Office of the Attorney General, the Attorney General may bring an action to address violations of this section. The Office of the Attorney General may impose a civil penalty not to exceed \$150,000 per breach of the security of the system or a series of breaches of a similar nature that are discovered in a single investigation. Nothing in this section shall limit an individual from recovering direct economic damages from a violation of this section.

J. A violation of this section by a state-chartered or licensed financial institution shall be enforceable exclusively by the financial institution's primary state regulator.

K. ~~A violation of Nothing in this section by shall apply to an individual or entity regulated by the State Corporation Commission's Bureau of Insurance shall be enforced exclusively by the State Corporation Commission.~~

L. The provisions of this section shall not apply to criminal intelligence systems subject to the restrictions of 28 C.F.R. Part 23 that are maintained by law-enforcement agencies of the Commonwealth and the organized Criminal Gang File of the Virginia Criminal Information Network (VCIN), established pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52.

M. Notwithstanding any other provision of this section, any employer or payroll service provider that owns or licenses computerized data relating to income tax withheld pursuant to Article 16 (§ 58.1-460 et seq.) of Chapter 3 of Title 58.1 shall notify the Office of the Attorney General without unreasonable delay after the discovery or notification of unauthorized access and acquisition of unencrypted and unredacted computerized data containing a taxpayer identification number in combination with the income tax withheld for that taxpayer that compromises the confidentiality of such data and that creates a reasonable belief that an unencrypted and unredacted version of such information was accessed and acquired by an unauthorized person, and causes, or the employer or payroll provider reasonably believes has caused or will cause, identity theft or other fraud. With respect to employers, this subsection applies only to information regarding the employer's employees, and does not apply to information regarding the employer's customers or other non-employees.

Such employer or payroll service provider shall provide the Office of the Attorney General with the name and federal employer identification number of the employer as defined in § 58.1-460 that may be affected by the compromise in confidentiality. Upon receipt of such notice, the Office of the Attorney General shall notify the Department of Taxation of

the compromise in confidentiality. The notification required under this subsection that does not otherwise require notification under this section shall not be subject to any other notification, requirement, exemption, or penalty contained in this section.

§ 38.2-100. Definitions.

As used in this title:

"Alien company" means a company incorporated or organized under the laws of any country other than the United States.

"Bureau" or "Bureau of Insurance" means the division of the Commission established to administer the insurance laws of the Commonwealth.

"Commission" means the State Corporation Commission.

"Commissioner" or "Commissioner of Insurance" means the administrative or executive officer of the ~~division or bureau of the Commission established to administer the insurance laws of this Commonwealth~~ Bureau.

"Company" means any association, aggregate of individuals, business, corporation, individual, joint-stock company, Lloyds type of organization, organization, partnership, receiver, reciprocal or interinsurance exchange, trustee or society.

"Domestic company" means a company incorporated or organized under the laws of ~~this~~ the Commonwealth.

"Foreign company" means a company incorporated or organized under the laws of the United States, or of any state other than ~~this~~ the Commonwealth.

"Health services plan" means any arrangement for offering or administering health services or similar or related services by a corporation licensed under Chapter 42 (§ 38.2-4200 et seq.).

"Insurance" means the business of transferring risk by contract wherein a person, for a consideration, undertakes (i) to indemnify another person, (ii) to pay or provide a specified or ascertainable amount of money, or (iii) to provide a benefit or service upon the occurrence of a determinable risk contingency. Without limiting the foregoing, "insurance" shall include (i) each of the classifications of insurance set forth in Article 2 (§ 38.2-101 et seq.) of this chapter and (ii) the issuance of group and individual contracts, certificates, or evidences of coverage by any health services plan as provided for in Chapter 42 (§ 38.2-4200 et seq.), health maintenance organization as provided for in Chapter 43 (§ 38.2-4300 et seq.), legal services organization or legal services plan as provided for in Chapter 44 (§ 38.2-4400 et seq.), dental or optometric services plan as provided for in Chapter 45 (§ 38.2-4500 et seq.), and dental plan organization as provided for in Chapter 61 (§ 38.2-6100 et seq.). "Insurance" shall not include any activity involving a home service contract that is subject to regulation pursuant to Chapter 33.1 (§ 59.1-434.1 et seq.) of Title 59.1; an extended service contract that is subject to regulation pursuant to Chapter 34 (§ 59.1-435 et seq.) of Title 59.1; a warranty made by a manufacturer, seller, lessor, or builder of a product or service; or a service agreement offered by an automobile club as defined in subsection E of § 38.2-514.1.

"Insurance company" means any company engaged in the business of making contracts of insurance.

"Insurance transaction," "insurance business," and "business of insurance" include solicitation, negotiations preliminary to execution, execution of an insurance contract, and the transaction of matters subsequent to execution of the contract and arising out of it.

"Insurer" means an insurance company.

"Medicare" means the "Health Insurance for the Aged Act," Title XVIII of the Social Security Amendment of 1965, as amended.

"Person" means any association, aggregate of individuals, business, company, corporation, individual, joint-stock company, Lloyds type of organization, organization, partnership, receiver, reciprocal or interinsurance exchange, trustee or society.

"Rate" or "rates" means any rate of premium, policy fee, membership fee or any other charge made by an insurer for or in connection with a contract or policy of insurance. The terms "rate" or "rates" shall not include a membership fee paid to become a member of an organization or association, one of the benefits of which is the purchasing of insurance coverage.

"Rate service organization" means any organization or person, other than a joint underwriting association under § 38.2-1915 or any employee of an insurer including those insurers under common control or management, who assists insurers in ratemaking or filing by:

- (a) Collecting, compiling, and furnishing loss or expense statistics;
- (b) Recommending, making or filing rates or supplementary rate information; or
- (c) Advising about rate questions, except as an attorney giving legal advice.

"State" means any commonwealth, state, territory, district or insular possession of the United States.

"Surplus to policyholders" means the excess of total admitted assets over the liabilities of an insurer, and shall be the sum of all capital and surplus accounts, including any voluntary reserves, minus any impairment of all capital and surplus accounts.

Without otherwise limiting the meaning of or defining the following terms, "insurance contracts" or "insurance policies" shall include contracts of fidelity, indemnity, guaranty and suretyship.

Article 1.

Collection, Use, and Dissemination of Information.

§ 38.2-600. Purposes.

The purposes of this ~~chapter~~ article are to:

1. Establish standards for the collection, use, and disclosure of information gathered in connection with insurance transactions by insurance institutions, agents or insurance-support organizations;
2. Maintain a balance between the need for information by those conducting the business of insurance and the public's need for fairness in insurance information practices, including the need to minimize intrusiveness;
3. Establish a regulatory mechanism to enable natural persons to ascertain what information is being or has been collected about them in connection with insurance transactions and to have access to such information for the purpose of verifying or disputing its accuracy;
4. Limit the disclosure of information collected in connection with insurance transactions; and
5. Enable insurance applicants and policyholders to obtain the reasons for any adverse underwriting decision.

§ 38.2-601. Application of article.

A. The obligations imposed by this ~~chapter~~ *article* shall apply to those insurance institutions, agents or insurance-support organizations that:

1. In the case of life or accident and sickness insurance:
 - a. Collect, receive or maintain information in connection with insurance transactions that pertains to natural persons who are residents of ~~this~~ *the* Commonwealth; or
 - b. Engage in insurance transactions with applicants, individuals, or policyholders who are residents of ~~this~~ *the* Commonwealth; and
2. In the case of property or casualty insurance:
 - a. Collect, receive or maintain information in connection with insurance transactions involving policies, contracts or certificates of insurance delivered, issued for delivery or renewed in ~~this~~ *the* Commonwealth; or
 - b. Engage in insurance transactions involving policies, contracts or certificates of insurance delivered, issued for delivery or renewed in ~~this~~ *the* Commonwealth.

B. The rights granted by this ~~chapter~~ *article* shall extend to:

1. In the case of life or accident and sickness insurance, the following persons who are residents of ~~this~~ *the* Commonwealth:
 - a. Natural persons who are the subject of information collected, received or maintained in connection with insurance transactions; and
 - b. Applicants, individuals or policyholders who engage in or seek to engage in insurance transactions; and
2. In the case of property or casualty insurance, the following persons:
 - a. Natural persons who are the subject of information collected, received or maintained in connection with insurance transactions involving policies, contracts or certificates of insurance delivered, issued for delivery or renewed in ~~this~~ *the* Commonwealth; and
 - b. Applicants, individuals, or policyholders who engage in or seek to engage in insurance transactions involving policies, contracts or certificates of insurance delivered, issued for delivery or renewed in ~~this~~ *the* Commonwealth.

C. For purposes of this section, a person shall be considered a resident of ~~this~~ *the* Commonwealth if the person's last known mailing address, as shown in the records of the insurance institution, agent or insurance-support organization, is located in ~~this~~ *the* Commonwealth.

D. Notwithstanding subsections A and B of ~~this section~~, this ~~chapter~~ *article* shall not apply to information collected from the public records of a governmental authority and maintained by an insurance institution or its representatives for the purpose of insuring the title to real property located in ~~this~~ *the* Commonwealth.

E. The provisions of this ~~chapter~~ *article* shall apply only to insurance purchased primarily for personal, family or household purposes.

§ 38.2-602. Definitions.

As used in this ~~chapter~~ *article*:

"Adverse underwriting decision" means:

1. Any of the following actions with respect to insurance transactions involving insurance coverage that is individually underwritten:
 - a. A declination of insurance coverage;
 - b. A termination of insurance coverage;
 - c. Failure of an agent to apply for insurance coverage with a specific insurance institution that an agent represents and that is requested by an applicant;
 - d. In the case of a property or casualty insurance coverage:
 - (1) Placement by an insurance institution or agent of a risk with a residual market mechanism or an unlicensed insurer; or
 - (2) The charging of a higher rate on the basis of information that differs from that which the applicant or policyholder furnished; or
 - e. In the case of a life or accident and sickness insurance coverage, an offer to insure at higher than standard rates, or with limitations, exceptions or benefits other than those applied for.
2. Notwithstanding subdivision 1 of this definition, the following actions shall not be considered adverse underwriting decisions, but the insurance institution or agent responsible for their occurrence shall provide the applicant or policyholder with the specific reason or reasons for their occurrence:
 - a. The termination of an individual policy form on a class or statewide basis;

b. A declination of insurance coverage solely because such coverage is not available on a class or statewide basis;

c. The rescission of a policy.

"Affiliate" or "affiliated" means a person that directly, or indirectly through one or more intermediaries, controls, is controlled by, or is under common control with another person.

"Agent" shall have the meaning as set forth in § 38.2-1800 and shall include surplus lines brokers.

"Applicant" means any person who seeks to contract for insurance coverage other than a person seeking group insurance that is not individually underwritten.

"Clear and conspicuous notice" means a notice that is reasonably understandable and designed to call attention to the nature and significance of the information in the notice.

"Consumer report" means any written, oral, or other communication of information bearing on a natural person's credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics or mode of living that is used or expected to be used in connection with an insurance transaction.

"Consumer reporting agency" means any person who:

1. Regularly engages, in whole or in part, in the practice of assembling or preparing consumer reports for a monetary fee;

2. Obtains information primarily from sources other than insurance institutions; and

3. Furnishes consumer reports to other persons.

"Control," including the terms "controlled by" or "under common control with," means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting securities, by contract other than a commercial contract for goods or nonmanagement services, or otherwise, unless the power is the result of an official position with or corporate office held by the person.

"Declination of insurance coverage" means a denial, in whole or in part, by an insurance institution or agent of requested insurance coverage.

"Financial information" means personal information other than medical record information or records of payment for the provision of health care to an individual.

"Financial institution" means any institution the business of which is engaging in financial activities as described in Section 4(k) of the Bank Holding Company Act of 1956 (12 U.S.C. § 1843 (k)).

"Financial product or service" means any product or service that a financial holding company could offer by engaging in an activity that is financial in nature or incidental to such a financial activity under Section 4(k) of the Bank Holding Company Act of 1956 (12 U.S.C. § 1843 (k)).

"Individual" means any natural person who:

1. In the case of property or casualty insurance, is a past, present, or proposed named insured or certificate holder;

2. In the case of life or accident and sickness insurance, is a past, present, or proposed principal insured or certificate holder;

3. Is a past, present or proposed policyowner;

4. Is a past or present applicant;

5. Is a past or present claimant;

6. Derived, derives, or is proposed to derive insurance coverage under an insurance policy or certificate subject to this chapter article;

7. For the purposes of §§ 38.2-612.1 and 38.2-613, is a beneficiary of a life insurance policy;

8. For the purposes of §§ 38.2-612.1 and 38.2-613, is a mortgagor of a mortgage covered under a mortgage guaranty insurance policy; or

9. For the purposes of §§ 38.2-612.1 and 38.2-613, is an owner of property used as security for an indebtedness for which single interest insurance is required by a lender.

Notwithstanding any provision of this definition to the contrary, for purposes of § 38.2-612.1, "individual" shall not include any natural person who is covered under an employee benefit plan, group or blanket insurance contract, or group annuity contract when the insurance institution or agent that provides such plan or contract: (i) furnishes the notice required under § 38.2-604.1 to the employee benefit plan sponsor, group or blanket insurance contract holder, or group annuity contract holder; and (ii) does not disclose the financial information of the person to a nonaffiliated third party other than as permitted under § 38.2-613.

"Institutional source" means any person or governmental entity that provides information about an individual to an agent, insurance institution or insurance-support organization, other than:

1. An agent;

2. The individual who is the subject of the information; or

3. A natural person acting in a personal capacity rather than in a business or professional capacity.

"Insurance institution" means any corporation, association, partnership, reciprocal exchange, inter-insurer, Lloyd's type of organization, fraternal benefit society, or other person engaged in the business of insurance, including health maintenance organizations, and health, legal, dental, and optometric service plans. "Insurance institution" shall not include agents or insurance-support organizations.

"Insurance-support organization" means any person who regularly engages, in whole or in part, in the practice of assembling or collecting information about natural persons for the primary purpose of providing the information to an

insurance institution or agent for insurance transactions, including (i) the furnishing of consumer reports or investigative consumer reports to an insurance institution or agent for use in connection with an insurance transaction or (ii) the collection of personal information from insurance institutions, agents or other insurance-support organizations for the purpose of detecting or preventing fraud, material misrepresentation or material nondisclosure in connection with insurance underwriting or insurance claim activity. However, the following persons shall not be considered "insurance-support organizations" for purposes of this chapter: agents, governmental institutions, insurance institutions, medical-care institutions and medical professionals.

"Insurance transaction" means any transaction involving insurance primarily for personal, family, or household needs rather than business or professional needs that entails:

1. The determination of an individual's eligibility for an insurance coverage, benefit or payment; or
2. The servicing of an insurance application, policy, contract, or certificate.

"Investigative consumer report" means a consumer report or a portion thereof in which information about a natural person's character, general reputation, personal characteristics, or mode of living is obtained through personal interviews with the person's neighbors, friends, associates, acquaintances, or others who may have knowledge concerning such items of information.

"Joint marketing agreement" means a formal written contract pursuant to which an insurance institution jointly offers, endorses, or sponsors a financial product or service with another financial institution.

"Life insurance" includes annuities.

"Medical-care institution" means any facility or institution that is licensed to provide health care services to natural persons, including but not limited to, hospitals, skilled nursing facilities, home-health agencies, medical clinics, rehabilitation agencies, and public-health agencies or health-maintenance organizations.

"Medical professional" means any person licensed or certified to provide health care services to natural persons, including but not limited to, a physician, dentist, nurse, chiropractor, optometrist, physical or occupational therapist, social worker, clinical dietitian, clinical psychologist, licensed professional counselor, licensed marriage and family therapist, pharmacist, or speech therapist.

"Medical-record information" means personal information that:

1. Relates to an individual's physical or mental condition, medical history, or medical treatment; and
2. Is obtained from a medical professional or medical-care institution, from the individual, or from the individual's spouse, parent, or legal guardian.

"Nonaffiliated third party" means any person who is not an affiliate of an insurance institution but does not mean (i) an agent who is selling or servicing a product on behalf of the insurance institution or (ii) a person who is employed jointly by the insurance institution and the company that is not an affiliate.

"Personal information" means any individually identifiable information gathered in connection with an insurance transaction from which judgments can be made about an individual's character, habits, avocations, finances, occupation, general reputation, credit, health, or any other personal characteristics. "Personal information" includes an individual's name and address and medical-record information, but does not include (i) privileged information or (ii) any information that is publicly available.

"Policyholder" means any person who:

1. In the case of individual property or casualty insurance, is a present named insured;
2. In the case of individual life or accident and sickness insurance, is a present policyowner; or
3. In the case of group insurance that is individually underwritten, is a present group certificate holder.

"Policyholder information" means personal information about a policyholder, whether in paper, electronic, or other form, that is maintained by or on behalf of an insurance institution, agent, or insurance-support organization.

"Pretext interview" means an interview whereby a person, in an attempt to obtain information about a natural person, performs one or more of the following acts:

1. Pretends to be someone he or she is not;
2. Pretends to represent a person he or she is not in fact representing;
3. Misrepresents the true purpose of the interview; or
4. Refuses to identify himself or herself upon request.

"Privileged information" means any individually identifiable information that (i) relates to a claim for insurance benefits or a civil or criminal proceeding involving an individual, and (ii) is collected in connection with or in reasonable anticipation of a claim for insurance benefits or civil or criminal proceeding involving an individual.

"Residual market mechanism" means an association, organization, or other entity defined, described, or provided for in the Virginia Automobile Insurance Plan as set forth in § 38.2-2015, or in the Virginia Property Insurance Association as set forth in Chapter 27 (§ 38.2-2700 et seq.) of this title.

"Termination of insurance coverage" or "termination of an insurance policy" means either a cancellation or nonrenewal of an insurance policy other than by the policyholder's request, in whole or in part, for any reason other than the failure to pay a premium as required by the policy.

"Unlicensed insurer" means an insurance institution that has not been granted a license by the Commission to transact the business of insurance in Virginia.

§ 38.2-612.1. Special requirements for providing financial information to nonaffiliated third parties.

A. Except as otherwise provided in § 38.2-613, no insurance institution, agent, or insurance-support organization may, directly or through an affiliate, disclose to a nonaffiliated third party financial information about an individual collected or received in connection with an insurance transaction, unless:

1. The individual has been given a clear and conspicuous notice in writing, or in electronic form if the individual agrees, stating that such financial information may be disclosed to such nonaffiliated third party;

2. The individual is given an opportunity, before such financial information is initially disclosed, to direct that such information not be disclosed, and in no case shall the individual be given less than 30 days from the date of notice to direct that such information not be disclosed;

3. The individual is given a reasonable means by which to exercise the right to direct that such information not be disclosed as well as an explanation that such right may be exercised at any time and that such right remains effective until revoked by the individual; and

4. The nonaffiliated third party agrees not to disclose such financial information to any other person unless such disclosure would otherwise be permitted by this ~~chapter~~ *article* if made by the insurance institution, agent, or insurance-support organization.

B. 1. No insurance institution, agent, or insurance-support organization may disclose to a nonaffiliated third party, directly or through an affiliate, other than to a consumer reporting agency, a policy number or similar form of access number or transaction account of a policyholder or applicant for use in telemarketing, direct mail marketing or other marketing through electronic mail to an applicant or policyholder, other than to:

a. An agent or other person solely for the purpose of marketing the insurance institution's own products or services as long as the agent or other person is not authorized to directly initiate charges to the account; or

b. A participant in a private label credit card program or an affinity or similar program where the participants in the program are identified to the policyholder or applicant at the time the policyholder or applicant enters the program.

2. A policy or transaction account shall not include an account to which third parties cannot initiate charges.

C. No insurance institution or agent shall unfairly discriminate against an individual because (i) the individual has directed that his personal information not be disclosed pursuant to subsection A of this section or (ii) the individual has refused to grant authorization of the disclosure of his privileged information or medical record information by an insurance institution, agent or insurance support organization pursuant to subsection A of § 38.2-613.

D. The requirements of subsection A of this section may be satisfied by providing a single notice if two or more applicants or policyholders jointly obtain or apply for an insurance product. Such notice shall allow one applicant or policyholder to direct that financial information not be disclosed to nonaffiliated third parties on behalf of all of the joint applicants or policyholders, provided that each applicant or policyholder may separately direct that his financial information not be disclosed to nonaffiliated third parties.

E. An insurance agent shall not be subject to the requirements of subsection A of this section in any instance where the insurance institution on whose behalf the agent is acting otherwise complies with the requirements contained herein, and the agent does not disclose any financial information to any person other than the insurance institution or its affiliates, or as permitted by § 38.2-613.

F. An insurance agent seeking to place coverage on behalf of a current policyholder shall be deemed to be in compliance with the requirements of this section in any instance where the agent has provided the notice required by this section within the previous 12 months.

§ 38.2-612.2. Protection of the Fair Credit Reporting Act.

Nothing in this ~~chapter~~ *article* shall be construed to modify, limit, or supersede the operation of the federal Fair Credit Reporting Act (15 U.S.C. § 1681 et seq.), and no inference shall be drawn on the basis of the provisions of this ~~chapter~~ *article* regarding whether information is transaction or experience information under Section 603 of that Act.

§ 38.2-613. Disclosure limitations and conditions.

A. An insurance institution, agent, or insurance-support organization shall not disclose any medical-record information or privileged information about an individual collected or received in connection with an insurance transaction unless the disclosure is with the written authorization of the individual, provided:

1. If the authorization is submitted by another insurance institution, agent, or insurance-support organization, the authorization meets the requirements of § 38.2-606; or

2. If the authorization is submitted by a person other than an insurance institution, agent, or insurance-support organization, the authorization is:

a. Dated,

b. Signed by the individual, and

c. Obtained two years or less prior to the date a disclosure is sought pursuant to this subdivision.

B. Notwithstanding the provisions of subsection A of this section, an insurance institution, agent, or insurance-support organization may disclose personal or privileged information about an individual collected or received in connection with an insurance transaction, without written authorization, if the disclosure is:

1. To a person other than an insurance institution, agent, or insurance-support organization, provided the disclosure is reasonably necessary:

a. To enable that person to perform a business, professional or insurance function for the disclosing insurance institution, agent, or insurance-support organization and that person agrees not to disclose the information further without the individual's written authorization unless the further disclosure:

(1) Would otherwise be permitted by this section if made by an insurance institution, agent, or insurance-support organization; or

(2) Is reasonably necessary for that person to perform its function for the disclosing insurance institution, agent, or insurance-support organization; or

b. To enable that person to provide information to the disclosing insurance institution, agent, or insurance-support organization for the purpose of:

(1) Determining an individual's eligibility for an insurance benefit or payment; or

(2) Detecting or preventing criminal activity, fraud, material misrepresentation, or material nondisclosure in connection with an insurance transaction; or

2. To an insurance institution, agent, or insurance-support organization, or self-insurer, provided the information disclosed is limited to that which is reasonably necessary:

a. To detect or prevent criminal activity, fraud, material misrepresentation, or material nondisclosure in connection with insurance transactions; or

b. For either the disclosing or receiving insurance institution, agent or insurance-support organization to perform its function in connection with an insurance transaction involving the individual; or

3. To a medical-care institution or medical professional for the purpose of (i) verifying insurance coverage or benefits, (ii) informing an individual of a medical problem of which the individual may not be aware or (iii) conducting an operations or services audit, provided only that information is disclosed as is reasonably necessary to accomplish the foregoing purposes; or

4. To an insurance regulatory authority; or

5. To a law-enforcement or other government authority:

a. To protect the interests of the insurance institution, agent or insurance-support organization in preventing or prosecuting the perpetration of fraud upon it; or

b. If the insurance institution, agent, or insurance-support organization reasonably believes that illegal activities have been conducted by the individual; or

c. Upon written request of any law-enforcement agency, for all insured or claimant information in the possession of an insurance institution, agent, or insurance-support organization which relates an ongoing criminal investigation. Such insurance institution, agent, or insurance-support organization shall release such information, including, but not limited to, policy information, premium payment records, record of prior claims by the insured or by another claimant, and information collected in connection with an insurance company's investigation of an application or claim. Any information released to a law-enforcement agency pursuant to such request shall be treated as confidential criminal investigation information and not be disclosed further except as provided by law. Notwithstanding any provision in this ~~chapter~~ *article*, no insurance institution, agent, or insurance-support organization shall notify any insured or claimant that information has been requested or supplied pursuant to this section prior to notification from the requesting law-enforcement agency that its criminal investigation is completed. Within ninety days following the completion of any such criminal investigation, the law-enforcement agency making such a request for information shall notify any insurance institution, agent, or insurance-support organization from whom information was requested that the criminal investigation has been completed; or

6. Otherwise permitted or required by law; or

7. In response to a facially valid administrative or judicial order, including a search warrant or subpoena; or

8. Made for the purpose of conducting actuarial or research studies, provided:

a. No individual may be identified in any actuarial or research report, and

b. Materials allowing the individual to be identified are returned or destroyed as soon as they are no longer needed, and

c. The actuarial or research organization agrees not to disclose the information unless the disclosure would otherwise be permitted by this section if made by an insurance institution, agent, or insurance-support organization; or

9. To a party or a representative of a party to a proposed or consummated sale, transfer, merger, or consolidation of all or part of the business of the insurance institution, agent, or insurance-support organization, provided:

a. Prior to the consummation of the sale, transfer, merger, or consolidation only such information is disclosed as is reasonably necessary to enable the recipient to make business decisions about the purchase, transfer, merger, or consolidation, and

b. The recipient agrees not to disclose the information unless the disclosure would otherwise be permitted by this section if made by an insurance institution, agent, or insurance-support organization; or

10. To a nonaffiliated third party whose only use of such information will be in connection with the marketing of a nonfinancial product or service, provided:

a. No medical-record information, privileged information, or personal information relating to an individual's character, personal habits, mode of living, or general reputation is disclosed, and no classification derived from the information is disclosed,

b. The individual has been given an opportunity, in accordance with the provisions of subsection A of § 38.2-612.1, to indicate that he does not want financial information disclosed for marketing purposes and has given no indication that he does not want the information disclosed, and

c. The nonaffiliated third party receiving such information agrees not to use it except in connection with the marketing of the product or service; or

11. (i) To a consumer reporting agency in accordance with the Fair Credit Reporting Act (15 U.S.C. § 1681 et seq.) or (ii) from a consumer report reported by a consumer reporting agency; or

12. To a group policyholder for the purpose of reporting claims experience or conducting an audit of the insurance institution's or agent's operations or services, provided the information disclosed is reasonably necessary for the group policyholder to conduct the review or audit; or

13. To a professional peer review organization for the purpose of reviewing the service or conduct of a medical-care institution or medical professional; or

14. To a governmental authority for the purpose of determining the individual's eligibility for health benefits for which the governmental authority may be liable; or

15. To a certificate holder or policyholder for the purpose of providing information regarding the status of an insurance transaction; or

16. To a lienholder, mortgagee, assignee, lessor or other person shown on the records of an insurance institution or agent as having a legal or beneficial interest in a policy of insurance, or to persons acting in a fiduciary or representative capacity on behalf of the individual, provided that:

a. No medical record information is disclosed unless the disclosure would be permitted by this section; and

b. The information disclosed is limited to that which is reasonably necessary to permit such person to protect his interest in the policy; or

17. Necessary to effect, administer, or enforce a transaction requested or authorized by the individual, or in connection with servicing or processing an insurance product or service requested or authorized by the individual, or necessary for reinsurance purposes, or for stop loss or excess loss agreements provided for in subsection B of § 38.2-109; or

18. Pursuant to any federal Health Insurance Portability and Accountability Act privacy rules promulgated by the United States Department of Health and Human Services.

C. An insurance institution, agent, or insurance-support organization may disclose information about an individual collected or received in connection with an insurance transaction, without written authorization, if the disclosure is:

1. To a nonaffiliated third party whose only use of such information will be to perform services for or functions on behalf of the insurance institution in connection with the marketing of the insurance institution's product or service or the marketing of products or services offered pursuant to a joint marketing agreement, provided:

a. No medical-record information or privileged information is disclosed without the individual's written authorization unless such disclosure is otherwise permitted by subsection B of this section,

b. With respect to financial information, the individual has been given the notice required by subsection B of § 38.2-604.1, and

c. The person receiving such financial information agrees, by contract, (i) not to use it except to perform services for or functions on behalf of the insurance institution in connection with the marketing of the insurance institution's product or service or the marketing of products or services offered pursuant to a joint marketing agreement, or as permitted under subsection B of this section and (ii) to maintain the confidentiality of such information and not disclose it to any other nonaffiliated third party unless such disclosure would otherwise be permitted by this section if made by the insurance institution, agent, or insurance-support organization;

2. To an affiliate, provided:

a. No medical-record information or privileged information is disclosed without the individual's written authorization unless such disclosure is otherwise permitted by subsection B of this section, and

b. The affiliate receiving the information does not disclose the information except as would otherwise be permitted by this section if such disclosure were made by the insurance institution, agent, or insurance-support organization.

D. 1. No person proposing to issue, re-issue, or renew any policy, contract, or plan of accident and sickness insurance defined in § 38.2-109, but excluding disability income insurance, issued by any (i) insurer providing hospital, medical and surgical or major medical coverage on an expense incurred basis, (ii) corporation providing a health services plan, or (iii) health maintenance organization providing a health care plan for health care services shall disclose any genetic information about an individual or a member of such individual's family collected or received in connection with any insurance transaction unless the disclosure is made with the written authorization of the individual.

2. For the purpose of this subsection, "genetic information" means information about genes, gene products, or inherited characteristics that may derive from an individual or a family member.

3. Agents and insurance support organizations shall be subject to the provisions of this subsection to the extent of their participation in the issue, re-issue, or renewal of any policy, contract, or plan of accident and sickness insurance defined in § 38.2-109, but excluding disability income insurance.

E. Any notices, disclosures, or authorizations required by this section may be provided electronically if the individual agrees.

F. Any privileged information about an individual that is disclosed in violation of this section shall be available to that individual in accordance with the provisions of §§ 38.2-608 and 38.2-609.

G. Except in the case of disclosures made pursuant to subdivision B 10 of this section, the requirements of subsection A of § 38.2-612.1 shall not apply when information is disclosed pursuant to this section.

§ 38.2-614. Powers of Commission.

A. The Commission shall have the power to examine and investigate the affairs of any insurance institution or agent doing business in ~~this the~~ Commonwealth to determine whether the insurance institution or agent has been or is engaged in any conduct in violation of this ~~chapter article~~.

B. The Commission shall have the power to examine and investigate the affairs of any insurance-support organization that acts on behalf of an insurance institution or agent and that either (i) transacts business in ~~this the~~ Commonwealth, or (ii) transacts business outside ~~this the~~ Commonwealth and has an effect on a person residing in ~~this the~~ Commonwealth, in order to determine whether the insurance-support organization has been or is engaged in any conduct in violation of this ~~chapter article~~.

§ 38.2-615. Hearings and procedures.

A. Whenever the Commission has reason to believe that an insurance institution, agent or insurance-support organization has been or is engaged in conduct in ~~this the~~ Commonwealth that violates this ~~chapter article~~, or whenever the Commission has reason to believe that an insurance-support organization has been or is engaged in conduct outside ~~this the~~ Commonwealth that has an effect on a person residing in ~~this the~~ Commonwealth and that violates this ~~chapter article~~, the Commission may issue and serve upon the insurance institution, agent, or insurance-support organization a statement of charges and notice of hearing to be held at a time and place fixed in the notice. The date for such hearing shall be at least ten days after the date of service.

B. At the time and place fixed for the hearing, the insurance institution, agent, or insurance-support organization charged shall have an opportunity to answer the charges against it and present evidence on its behalf. Upon good cause shown, the Commission shall permit any adversely affected person to intervene, appear, and be heard at the hearing by counsel or in person.

C. In all matters in connection with such investigation, charge, or hearing the Commission shall have the jurisdiction, power and authority granted or conferred upon it by Title 12.1.

§ 38.2-616. Service of process on insurance-support organizations.

For the purpose of this ~~chapter article~~, an insurance-support organization transacting business outside ~~this the~~ Commonwealth that has an effect on a person residing in ~~this the~~ Commonwealth and which is alleged to violate this ~~chapter article~~ shall be deemed to have appointed the clerk of the Commission to accept service of process on its behalf. Service on the clerk shall be made in accordance with § 12.1-19.1.

§ 38.2-617. Individual remedies.

A. If any insurance institution, agent, or insurance-support organization fails to comply with §§ 38.2-608, 38.2-609, or § 38.2-610, any person whose rights granted under those sections are violated may apply to a court of competent jurisdiction for appropriate equitable relief.

B. An insurance institution, agent, or insurance-support organization that discloses information in violation of § 38.2-613 shall be liable for damages sustained by the individual to whom the information relates. No individual, however, shall be entitled to a monetary award that exceeds the actual damages sustained by the individual as a result of a violation of § 38.2-613.

C. In any action brought pursuant to this section, the court may award the cost of the action and reasonable attorney's fees to the prevailing party.

D. An action under this section must be brought within two years from the date the alleged violation is or should have been discovered.

E. Except as specifically provided in this section, there shall be no remedy or recovery available to individuals, in law or in equity, for occurrences constituting a violation of any provision of this ~~chapter article~~.

§ 38.2-618. Immunity of persons disclosing information.

No cause of action in the nature of defamation, invasion of privacy, or negligence shall arise against any person for disclosing personal or privileged information in accordance with this ~~chapter article~~, nor shall such a cause of action arise against any person for furnishing personal or privileged information to an insurance institution, agent, or insurance-support organization. However, this section shall provide no immunity for disclosing or furnishing false information with malice or willful intent to injure any person.

Article 2.

Insurance Data Security Act.

§ 38.2-621. Definitions.

As used in this article:

"Authorized person" means a person known to and authorized by the licensee and determined to be necessary and appropriate to have access to the nonpublic information held by the licensee and its information systems.

"Consumer" means an individual, including applicants, policyholders, insureds, beneficiaries, claimants, and certificate holders, who is a resident of the Commonwealth and whose nonpublic information is in the possession, custody, or control of a licensee or an authorized person.

"Cybersecurity event" means an event resulting in unauthorized access to, disruption of, or misuse of an information system or nonpublic information in the possession, custody, or control of a licensee or an authorized person. "Cybersecurity event" does not include (i) the unauthorized acquisition of encrypted nonpublic information if the encryption, process, or key is not also acquired, released, or used without authorization or (ii) an event in which the licensee has determined that the nonpublic information accessed by an unauthorized person has not been used or released and has been returned or destroyed.

"Encrypted" means the transformation of data into a form that results in a low probability of assigning meaning without the use of a protective process or key.

"HIPAA" means the federal Health Insurance Portability and Accountability Act (42 U.S.C. § 1320d et seq.).

"Home state" means the jurisdiction in which the producer maintains its principal place of residence or principal place of business and is licensed by that jurisdiction to act as a resident insurance producer.

"Information security program" means the administrative, technical, and physical safeguards that a licensee uses to access, collect, distribute, process, protect, store, use, transmit, dispose of, or otherwise handle nonpublic information.

"Information system" means a discrete set of electronic information resources organized for the collection, processing, maintenance, use, sharing, dissemination, or disposition of electronic information, as well as any specialized system such as industrial or process control systems, telephone switching and private branch exchange systems, and environmental control systems.

"Insurance-support organization" has the same meaning as provided in § 38.2-602.

"Licensee" means any person licensed, authorized to operate, or registered, or required to be licensed, authorized, or registered pursuant to the insurance laws of the Commonwealth. "Licensee" does not include a purchasing group or a risk retention group chartered and licensed in a state other than the Commonwealth or a person that is acting as an assuming insurer that is domiciled in another state or jurisdiction.

"Nonpublic information" means information that is not publicly available information and is:

1. Business-related information of a licensee the tampering with which, or the unauthorized disclosure, access, or use of which, would cause a material adverse impact to the business, operations, or security of the licensee;

2. Any information concerning a consumer that because of name, number, personal mark, or other identifier can be used to identify such consumer, in any combination with a consumer's (i) social security number; (ii) driver's license number or nondriver identification card number; (iii) financial account, credit card, or debit card number; (iv) security code, access code, or password that would permit access to a consumer's financial account; (v) passport number; (vi) military identification number; or (vii) biometric records; or

3. Any information or data, except age or gender, in any form or medium created by or derived from a health care provider or a consumer that can be used to identify a particular consumer, and that relates to (i) the past, present, or future physical, mental, or behavioral health or condition of any consumer or a member of the consumer's family; (i) the provision of health care to any consumer; or (iii) payment for the provision of health care to any consumer.

"Nonpublic information" does not include a consumer's personally identifiable information that has been anonymized using a method no less secure than the safe harbor method under HIPAA.

"Person" means any individual or any nongovernmental entity, including any nongovernmental partnership, corporation, branch, agency, or association.

"Publicly available information" means any information that a licensee has a reasonable basis to believe is lawfully made available to the general public from federal, state, or local government records; widely distributed media; or disclosures to the general public that are required to be made by federal, state, or local law. A licensee has a reasonable basis to believe that information is lawfully made available to the general public if the licensee has taken steps to determine (i) that the information is of the type that is available to the general public and (ii) whether a consumer can direct that the information not be made available to the general public and, if so, that such consumer has not done so.

"Third-party service provider" means (i) a person, not otherwise defined as a licensee, that contracts with a licensee to maintain, process, or store nonpublic information, or otherwise is permitted access to nonpublic information through its provision of services to the licensee or (ii) an insurance-support organization.

§ 38.2-622. Private cause of action; neither created nor curtailed.

Nothing in this article shall be construed to create or imply a private cause of action for violation of its provisions, nor shall it be construed to curtail a private cause of action which would otherwise exist in the absence of this article.

§ 38.2-623. Information security program.

A. Commensurate with the size and complexity of the licensee; the nature and scope of the licensee's activities, including its use of third-party service providers; and the sensitivity of the nonpublic information used by the licensee or in the licensee's possession, custody, or control, each licensee shall develop, implement, and maintain a comprehensive written information security program based on the licensee's assessment of the licensee's risk and that contains administrative, technical, and physical safeguards for the protection of nonpublic information and the licensee's information system.

B. Each licensee's information security program shall be designed to:

1. Protect the security and confidentiality of nonpublic information and the security of the information system;
2. Protect against any reasonably foreseeable threats or hazards to the security or integrity of nonpublic information and the information system;

3. Protect against unauthorized access to or use of nonpublic information, and minimize the likelihood of harm to any consumer; and

4. Define and periodically reevaluate a schedule for retention of nonpublic information and a mechanism for its destruction.

C. Each licensee shall:

1. Designate one or more employees, an affiliate, or an outside vendor designated to act on behalf of the licensee who is responsible for the information security program;

2. Design its information security program to mitigate the identified risks, commensurate with the size and complexity of the licensee; the nature and scope of the licensee's activities, including its use of third-party service providers; and the sensitivity of the nonpublic information used by the licensee or in the licensee's possession, custody, or control;

3. Place access controls on information systems, including controls to authenticate and permit access only to authorized persons to protect against the unauthorized acquisition of nonpublic information;

4. At physical locations containing nonpublic information, restrict access to nonpublic information to authorized persons only;

5. Implement measures to protect against destruction, loss, or damage of nonpublic information due to environmental hazards, such as fire and water damage or other catastrophes or technological failures;

6. Develop, implement, and maintain procedures for the secure disposal of nonpublic information in any format;

7. Stay informed regarding emerging threats or vulnerabilities and utilize reasonable security measures when sharing information relative to the character of the sharing and the type of information shared; and

8. Provide its personnel with cybersecurity awareness training.

D. 1. If a licensee has a board of directors, the board or an appropriate committee of the board shall, at a minimum, require the licensee's information executive management or its delegates to (i) develop, implement, and maintain the licensee's information security program and (ii) report in writing (a) the overall status of the information security program and the licensee's compliance with this article and (b) material matters related to the information security program, addressing issues such as risk assessment, risk management and control decisions, third-party service provider arrangements, results of testing, cybersecurity events or violations and management's responses thereto, and recommendations for changes in the information security program.

2. If executive management delegates any of its responsibilities under this section, it shall oversee the development, implementation, and maintenance of the licensee's information security program prepared by the delegate and shall receive a report from the delegate complying with the requirements of subdivision 1.

E. Beginning July 1, 2022, if a licensee utilizes a third-party service provider, the licensee shall:

1. Exercise due diligence in selecting its third-party service provider; and

2. Require a third-party service provider to implement appropriate administrative, technical, and physical measures to protect and secure the information systems and nonpublic information that are accessible to, or held by, the third-party service provider.

F. Each licensee shall monitor, evaluate, and adjust, as appropriate, the information security program consistent with any relevant changes in technology, the sensitivity of its nonpublic information, internal or external threats to information, and the licensee's own changing business arrangements, such as mergers and acquisitions, alliances and joint ventures, outsourcing arrangements, and changes to information systems.

G. As part of its information security program, each licensee shall establish a written incident response plan designed to promptly respond to, and recover from, any cybersecurity event that compromises the confidentiality, integrity, or availability of nonpublic information in its possession; the licensee's information systems; or the continuing functionality of any aspect of the licensee's business or operations. Such incident response plan shall address:

1. The internal process for responding to a cybersecurity event;

2. The goals of the incident response plan;

3. The definition of clear roles, responsibilities, and levels of decision-making authority;

4. External and internal communications and information sharing;

5. Identification of requirements for the remediation of any identified weaknesses in information systems and associated controls;

6. Documentation and reporting regarding cybersecurity events and related incident response activities; and

7. The evaluation and revision, as necessary, of the incident response plan following a cybersecurity event.

H. Beginning in 2023 and annually thereafter, each insurer domiciled in the Commonwealth shall, by February 15, submit to the Commissioner a written statement certifying that the insurer is in compliance with the requirements set forth in this section, any rules adopted pursuant to this article, and any requirements prescribed by the Commission. Each insurer shall maintain for examination by the Bureau all records, schedules, and data supporting this certificate for a period of five years. To the extent an insurer has identified areas, systems, or processes that require material improvement, updating, or redesign, the insurer shall document the identification and the remedial efforts planned and underway to address such areas, systems, or processes. Such documentation must be available for inspection by the Commissioner.

§ 38.2-624. Investigation of a cybersecurity event.

A. If a licensee learns that a cybersecurity event has or may have occurred, the licensee or an investigator shall conduct a prompt investigation.

B. During the investigation, the licensee or an investigator shall, at a minimum, determine as much of the following information as possible:

1. Determine whether a cybersecurity event has occurred;
2. Assess the nature and scope of the cybersecurity event;
3. Identify any nonpublic information that may have been involved in the cybersecurity event; and
4. Perform or oversee reasonable measures to restore the security of the information systems compromised in the cybersecurity event in order to prevent further unauthorized acquisition, release, or use of nonpublic information in the licensee's possession, custody, or control.

C. If a licensee learns that a cybersecurity event has or may have occurred in a system maintained by a third-party service provider, the licensee will complete the steps listed in subsection B or make reasonable efforts to confirm and document that the third-party service provider has completed those steps.

D. Each licensee shall maintain records concerning all cybersecurity events for a period of at least five years from the date of the cybersecurity event and shall produce those records upon demand of the Commissioner.

§ 38.2-625. Notice to Commissioner.

A. If a licensee has determined that a cybersecurity event has actually occurred, such licensee shall notify the Commissioner, in accordance with requirements prescribed by the Commission, as promptly as possible but in no event later than three business days from such determination if:

1. The licensee is a domestic insurance company, or in the case of a producer, the Commonwealth is the licensee's home state and the cybersecurity event meets threshold and other requirements prescribed by the Commission; or
2. The licensee reasonably believes that the nonpublic information involved is of 250 or more consumers residing in the Commonwealth or the licensee is required under federal law or the laws of another state to provide notice of the cybersecurity event to any government body, self-regulatory agency, or other supervisory body.

B. Notice provided pursuant to this section shall be in electronic form and shall include as much of the following information as possible:

1. The date of the cybersecurity event;
2. A description of how the nonpublic information was exposed, lost, stolen, or breached, including the specific roles and responsibilities of third-party service providers, if any;
3. How the cybersecurity event was discovered;
4. Whether any lost, stolen, or breached information has been recovered and, if so, how this was done;
5. The identity of the source of the cybersecurity event;
6. Whether the licensee has filed a police report or has notified any regulatory, government, or law-enforcement agencies and, if so, when such notification was provided;
7. A description of the specific types of information acquired without authorization. Specific types of information include particular data elements such as medical information, financial information, or other information allowing identification of the consumer;
8. The period during which the information system was compromised by the cybersecurity event;
9. The number of consumers in the Commonwealth affected by the cybersecurity event. The licensee shall provide the best estimate in the initial report to the Commissioner and update this estimate with each subsequent report to the Commissioner pursuant to this section;
10. The results of any internal review identifying a lapse in either automated controls or internal procedures, or confirming that all automated controls or internal procedures were followed;
11. A description of efforts being undertaken to remediate the situation that permitted the cybersecurity event to occur;
12. A copy of the licensee's consumer privacy policy and a statement outlining the steps the licensee will take to investigate and notify consumers affected by the cybersecurity event; and
13. The name of a contact person who is both familiar with the cybersecurity event and authorized to act for the licensee.

C. A licensee shall have a continuing obligation to update and supplement initial and subsequent notifications to the Commissioner concerning the cybersecurity event.

D. Each licensee shall notify consumers in compliance with § 38.2-626, and provide a copy of the notice sent to consumers under such section to the Commissioner, when a licensee is required to notify the Commissioner under this section.

E. If there is a cybersecurity event in a system maintained by a third-party service provider, the licensee, once it has become aware of such cybersecurity event, shall treat such event as it would under this section, unless the third-party service provider provides notice in accordance with this section. The computation of a licensee's deadlines shall begin on the day after the third-party service provider notifies a licensee of the cybersecurity event or the licensee otherwise has actual knowledge of the cybersecurity event, whichever is sooner.

F. If a cybersecurity event involves nonpublic information that is used by a licensee that is acting as an assuming insurer or is in the possession, control, or custody of a licensee that is acting as an assuming insurer or its third-party service provider and the licensee does not have a direct contractual relationship with the affected consumers, the licensee shall notify its affected ceding insurers and the head of its supervisory state agency of its state of domicile within three business days of making the determination or receiving notice from its third-party service provider that a cybersecurity

event has occurred. Ceding insurers that have a direct contractual relationship with affected consumers shall fulfill the consumer notification requirements imposed under § 38.2-626 and any other notification requirements relating to a cybersecurity event imposed under this section.

G. If there is a cybersecurity event involving nonpublic information that is in the possession, custody, or control of a licensee that is an insurer or its third-party service provider and for which a consumer accessed the insurer's services through an independent insurance producer, the insurer shall notify the producers of record of all affected consumers as soon as practicable as directed by the Commissioner. The insurer is excused from this obligation for those instances in which it does not have the current producer of record information for any individual consumer.

H. Nothing in this article shall prevent or abrogate an agreement between a licensee and another licensee, a third-party service provider, or any other party to fulfill any of the investigation requirements imposed under § 38.2-624 or notice requirements imposed under this section.

§ 38.2-626. Notice to consumers.

A. A licensee that maintains consumers' nonpublic information shall notify the consumer of any cybersecurity event without unreasonable delay after making a determination or receiving notice the cybersecurity event has occurred, if consumers' nonpublic information was accessed and acquired by an unauthorized person or such licensee reasonably believes consumers' nonpublic information was accessed and acquired by an unauthorized person and the cybersecurity event has a reasonable likelihood of causing or has caused identity theft or other fraud to such consumers. Such notice shall include a description of the following:

1. The incident in general terms;
2. The type of nonpublic information that was subject to the unauthorized access and acquisition;
3. The general acts of the licensee to protect the consumer's nonpublic information from further unauthorized access;
4. A telephone number that the consumer may call for further information and assistance, if one exists; and
5. Advice that directs the consumer to remain vigilant by reviewing account statements and monitoring the consumer's credit reports.

B. Notice to consumers under this section shall be given as written notice to the last known postal address in the records of the licensee, telephone notice, or electronic notice. However, if the licensee required to provide notice demonstrates that the cost of providing notice will exceed \$50,000, the affected class of consumers to be notified exceeds 100,000 consumers, or the licensee does not have sufficient contact information or consent to provide notice, substitute notice may be provided. Substitute notice shall consist of (i) e-mail notice if the licensee has e-mail addresses for the members of the affected class of consumers; (ii) conspicuous posting of the notice on the website of the licensee if the licensee maintains a website; and (iii) notice to major statewide media.

C. In the event that a licensee provides notice to more than 1,000 consumers at one time pursuant to this section, the licensee shall also notify, without unreasonable delay, all consumer reporting agencies that compile and maintain files on consumers on a nationwide basis, as defined in 15 U.S.C. § 1681a (p), of the timing, distribution, and content of the notice.

D. Notice required by this section shall not be considered a debt communication as defined by the Fair Debt Collection Practices Act in 15 U.S.C. § 1692a.

E. Notice required by this section and § 38.2-625 may be delayed if, after the person notifies a law-enforcement agency, the law-enforcement agency determines and advises the person that the notice will impede a criminal or civil investigation or jeopardize national or homeland security. Notice shall be made without unreasonable delay after the law-enforcement agency determines that the notification will no longer impede the investigation or jeopardize national or homeland security.

F. If there is a cybersecurity event in a system maintained by a third-party service provider, the licensee, once it has become aware of such cybersecurity event, shall treat such event as it would under this section, unless the third-party service provider provides notice in accordance with this section. The computation of a licensee's deadlines shall begin on the day after the third-party service provider notifies a licensee of the cybersecurity event or the licensee otherwise has actual knowledge of the cybersecurity event, whichever is sooner.

§ 38.2-627. Powers and duties of the Commission; exclusive state standards.

A. The Commissioner may examine and investigate the affairs of any licensee to determine whether a licensee has been or is engaged in any conduct in violation of this article. This power is in addition to the powers that the Commissioner has under Article 4 of Chapter 13 (38.2-1300 et seq.) and Chapter 18 (38.2-1800 et seq.). Any such investigation or examination shall be conducted pursuant to Chapters 13 and 18.

B. Whenever the Commissioner has reason to believe that a licensee has been or is engaged in conduct in the Commonwealth that violates this article, the Commissioner may take action that is necessary or appropriate to enforce the provisions of this article.

C. The Commission may examine and investigate the affairs of any insurance-support organization that acts on behalf of an insurance institution or agent as defined in § 38.2-602 and that either (i) transacts business in the Commonwealth or (ii) transacts business outside the Commonwealth and has an effect on a person residing in the Commonwealth, in order to determine whether the insurance-support organization has been or is engaged in any conduct in violation of this article.

D. The Commission shall adopt rules and regulations implementing the provisions of this article.

E. This article and any rules adopted pursuant to this article establish the exclusive state standards applicable to licensees for data security, the security of nonpublic information, the investigation of cybersecurity events, and notification of cybersecurity events for those individuals and entities subject to this article.

§ 38.2-628. Confidentiality.

A. Any documents, materials, or other information in the control or possession of the Bureau that are furnished by a licensee or an employee or agent thereof acting on behalf of licensee pursuant to subsection H of § 38.2-623 or subdivisions B 2, 3, 4, 5, 8, 10, and 11 § 38.2-625, or that are obtained by the Commissioner in an investigation or examination pursuant to § 38.2-627, shall be confidential by law and privileged, shall not be subject to § 12.1-19, shall not be subject to subpoena, and shall not be subject to discovery or admissible in evidence in any private civil action. However, the Commissioner is authorized to use the documents, materials, or other information in the furtherance of any regulatory or legal action brought as a part of the Commissioner's duties.

B. Neither the Commissioner nor any person who received documents, materials, or other information while acting under the authority of the Commissioner shall be permitted or required to testify in any private civil action concerning any confidential documents, materials, or information subject to subsection A.

C. In order to assist in the performance of the Commissioner's duties under this article, the Commissioner may:

1. Share documents, materials, or other information, including the confidential and privileged documents, materials, or information subject to subsection A, with other state, federal, and international regulatory agencies; with the National Association of Insurance Commissioners (NAIC), its affiliates, or its subsidiaries; and with state, federal, and international law-enforcement authorities, provided that the recipient agrees in writing to maintain the confidentiality and privileged status of the documents, materials, or other information;

2. Receive documents, materials, or information, including otherwise confidential and privileged documents, materials, or information, from the NAIC, its affiliates, or its subsidiaries and from regulatory and law-enforcement officials of other foreign or domestic jurisdictions, and shall maintain as confidential or privileged any documents, materials, or information received with notice or the understanding that it is confidential or privileged under the laws of the jurisdiction that is the source of the documents, materials, or information;

3. Share documents, materials, or other information subject to subsection A with a third-party consultant or vendor provided the consultant agrees in writing to maintain the confidentiality and privileged status of the documents, materials, or other information; and

4. Enter into agreements governing sharing and use of information consistent with this subsection.

D. No waiver of any applicable privilege or claim of confidentiality in the documents, materials, or information shall occur as a result of disclosure to the Commissioner under this section or as a result of sharing as authorized in subsection C.

E. Documents, materials, or other information in the possession or control of the NAIC or a third-party consultant or vendor as a result of an examination or investigation pursuant to subsection H of § 38.2-623 or subdivisions B 2, 3, 4, 5, 8, 10, and 11 of § 38.2-625 shall be confidential by law and privileged, shall not be subject to § 12.1-19, shall not be subject to subpoena, and shall not be subject to discovery in any private civil action.

F. Nothing in this article shall prohibit the Commissioner from releasing final, adjudicated actions that are open to public inspection to a database or other clearinghouse service maintained by the NAIC, its affiliates, or its subsidiaries.

§ 38.2-629. Exceptions.

A. The following exceptions shall apply to this article:

1. A licensee subject to HIPAA that has established and maintains an information security program pursuant to such statutes, rules, regulations, or procedures established thereunder shall be considered to meet the requirements of § 38.2-623, provided that licensee is compliant with, and submits a written statement certifying its compliance with, the same, and certifies that it will protect nonpublic information not subject to HIPAA in the same manner it protects information that is subject to HIPAA, and any such licensee that investigates a cybersecurity event and notifies consumers in accordance with HIPAA and any HIPAA-established rules, regulations, or procedures shall be considered compliant with the requirements of §§ 38.2-624 and 38.2-626.

2. An employee, agent, representative or designee of a licensee, who is also a licensee, is exempt from §§ 38.2-623, 38.2-624, 38.2-625, and 38.2-626 and need not develop its own information security program or conduct an investigation or provide notices to the Commissioner and consumers relating to a cybersecurity event, to the extent that the employee, agent, representative, or designee is covered by the information security program, investigation, and notification obligations of the other licensee.

3. A licensee affiliated with a depository institution that maintains an information security program in compliance with the Interagency Guidelines Establishing Standards for Safeguarding Customer Information (Interagency Guidelines) as set forth pursuant to §§ 501 and 505 of the federal Gramm-Leach-Bliley Act, P.L. 106-102, shall be considered to meet the requirements of § 38.2-623 and any rules, regulations, or procedures established thereunder, provided that the licensee produces, upon request, documentation satisfactory to the Commissioner that independently validates the affiliated depository institution's adoption of an information security program that satisfies the Interagency Guidelines.

B. If a licensee ceases to qualify for an exception, such licensee shall have 180 days from the date it ceases to qualify to comply with this article.

§ 38.2-4214. Application of certain provisions of law.

No provision of this title except this chapter and, insofar as they are not inconsistent with this chapter, §§ 38.2-200, 38.2-203, 38.2-209 through 38.2-213, 38.2-218 through 38.2-225, 38.2-230, 38.2-232, 38.2-305, 38.2-316, 38.2-316.1, 38.2-322, 38.2-325, 38.2-326, 38.2-400, 38.2-402 through 38.2-413, 38.2-500 through 38.2-515, 38.2-600 through ~~38.2-620~~ 38.2-629, 38.2-700 through 38.2-705, 38.2-900 through 38.2-904, 38.2-1017, 38.2-1018, 38.2-1038, 38.2-1040 through 38.2-1044, Articles 1 (§ 38.2-1300 et seq.) and 2 (§ 38.2-1306.2 et seq.) of Chapter 13, §§ 38.2-1312, 38.2-1314, 38.2-1315.1, 38.2-1317 through 38.2-1328, 38.2-1334, 38.2-1340, 38.2-1400 through 38.2-1442, 38.2-1446, 38.2-1447, 38.2-1800 through 38.2-1836, 38.2-3400, 38.2-3401, 38.2-3404, 38.2-3405, 38.2-3405.1, 38.2-3406.1, 38.2-3406.2, 38.2-3407.1 through 38.2-3407.6:1, 38.2-3407.9 through 38.2-3407.20, 38.2-3409, 38.2-3411 through 38.2-3419.1, 38.2-3430.1 through 38.2-3454, Article 8 (§ 38.2-3461 et seq.) of Chapter 34, 38.2-3501, 38.2-3502, subdivision 13 of § 38.2-3503, subdivision 8 of § 38.2-3504, §§ 38.2-3514.1, 38.2-3514.2, §§ 38.2-3516 through 38.2-3520 as they apply to Medicare supplement policies, §§ 38.2-3522.1 through 38.2-3523.4, 38.2-3525, 38.2-3540.1, 38.2-3541 through 38.2-3542, 38.2-3543.2, Article 5 (§ 38.2-3551 et seq.) of Chapter 35, Chapter 35.1 (§ 38.2-3556 et seq.), §§ 38.2-3600 through 38.2-3607, Chapter 52 (§ 38.2-5200 et seq.), Chapter 55 (§ 38.2-5500 et seq.), and Chapter 58 (§ 38.2-5800 et seq.) of this title shall apply to the operation of a plan.

§ 38.2-4319. Statutory construction and relationship to other laws.

A. No provisions of this title except this chapter and, insofar as they are not inconsistent with this chapter, §§ 38.2-100, 38.2-136, 38.2-200, 38.2-203, 38.2-209 through 38.2-213, 38.2-216, 38.2-218 through 38.2-225, 38.2-229, 38.2-232, 38.2-305, 38.2-316, 38.2-316.1, 38.2-322, 38.2-325, 38.2-326, 38.2-400, 38.2-402 through 38.2-413, 38.2-500 through 38.2-515, 38.2-600 through ~~38.2-620~~ 38.2-629, Chapter 9 (§ 38.2-900 et seq.), §§ 38.2-1016.1 through 38.2-1023, 38.2-1057, 38.2-1306.1, Article 2 (§ 38.2-1306.2 et seq.), § 38.2-1315.1, Articles 3.1 (§ 38.2-1316.1 et seq.), 4 (§ 38.2-1317 et seq.), 5 (§ 38.2-1322 et seq.), 5.1 (§ 38.2-1334.3 et seq.), and 5.2 (§ 38.2-1334.11 et seq.) of Chapter 13, Articles 1 (§ 38.2-1400 et seq.), 2 (§ 38.2-1412 et seq.), and 4 (§ 38.2-1446 et seq.) of Chapter 14, Chapter 15 (§ 38.2-1500 et seq.), Chapter 17 (§ 38.2-1700 et seq.), §§ 38.2-1800 through 38.2-1836, 38.2-3401, 38.2-3405, 38.2-3405.1, 38.2-3406.1, 38.2-3407.2 through 38.2-3407.6:1, 38.2-3407.9 through 38.2-3407.20, 38.2-3411, 38.2-3411.2, 38.2-3411.3, 38.2-3411.4, 38.2-3412.1, 38.2-3414.1, 38.2-3418.1 through 38.2-3418.17, 38.2-3419.1, 38.2-3430.1 through 38.2-3454, Article 8 (§ 38.2-3461 et seq.) of Chapter 34, 38.2-3500, subdivision 13 of § 38.2-3503, subdivision 8 of § 38.2-3504, §§ 38.2-3514.1, 38.2-3514.2, 38.2-3522.1 through 38.2-3523.4, 38.2-3525, 38.2-3540.1, 38.2-3540.2, 38.2-3541.2, 38.2-3542, 38.2-3543.2, Article 5 (§ 38.2-3551 et seq.) of Chapter 35, Chapter 35.1 (§ 38.2-3556 et seq.), Chapter 52 (§ 38.2-5200 et seq.), Chapter 55 (§ 38.2-5500 et seq.), and Chapter 58 (§ 38.2-5800 et seq.) shall be applicable to any health maintenance organization granted a license under this chapter. This chapter shall not apply to an insurer or health services plan licensed and regulated in conformance with the insurance laws or Chapter 42 (§ 38.2-4200 et seq.) except with respect to the activities of its health maintenance organization.

B. For plans administered by the Department of Medical Assistance Services that provide benefits pursuant to Title XIX or Title XXI of the Social Security Act, as amended, no provisions of this title except this chapter and, insofar as they are not inconsistent with this chapter, §§ 38.2-100, 38.2-136, 38.2-200, 38.2-203, 38.2-209 through 38.2-213, 38.2-216, 38.2-218 through 38.2-225, 38.2-229, 38.2-232, 38.2-322, 38.2-325, 38.2-400, 38.2-402 through 38.2-413, 38.2-500 through 38.2-515, 38.2-600 through ~~38.2-620~~ 38.2-629, Chapter 9 (§ 38.2-900 et seq.), §§ 38.2-1016.1 through 38.2-1023, 38.2-1057, 38.2-1306.1, Article 2 (§ 38.2-1306.2 et seq.), § 38.2-1315.1, Articles 3.1 (§ 38.2-1316.1 et seq.), 4 (§ 38.2-1317 et seq.), 5 (§ 38.2-1322 et seq.), 5.1 (§ 38.2-1334.3 et seq.), and 5.2 (§ 38.2-1334.11 et seq.) of Chapter 13, Articles 1 (§ 38.2-1400 et seq.), 2 (§ 38.2-1412 et seq.), and 4 (§ 38.2-1446 et seq.) of Chapter 14, §§ 38.2-3401, 38.2-3405, 38.2-3407.2 through 38.2-3407.5, 38.2-3407.6, 38.2-3407.6:1, 38.2-3407.9, 38.2-3407.9:01, and 38.2-3407.9:02, subdivisions F 1, F 2, and F 3 of § 38.2-3407.10, §§ 38.2-3407.11, 38.2-3407.11:3, 38.2-3407.13, 38.2-3407.13:1, 38.2-3407.14, 38.2-3411.2, 38.2-3418.1, 38.2-3418.2, 38.2-3419.1, 38.2-3430.1 through 38.2-3437, 38.2-3500, subdivision 13 of § 38.2-3503, subdivision 8 of § 38.2-3504, §§ 38.2-3514.1, 38.2-3514.2, 38.2-3522.1 through 38.2-3523.4, 38.2-3525, 38.2-3540.1, 38.2-3540.2, 38.2-3541.2, 38.2-3542, 38.2-3543.2, Chapter 52 (§ 38.2-5200 et seq.), Chapter 55 (§ 38.2-5500 et seq.), and Chapter 58 (§ 38.2-5800 et seq.) shall be applicable to any health maintenance organization granted a license under this chapter. This chapter shall not apply to an insurer or health services plan licensed and regulated in conformance with the insurance laws or Chapter 42 (§ 38.2-4200 et seq.) except with respect to the activities of its health maintenance organization.

C. Solicitation of enrollees by a licensed health maintenance organization or by its representatives shall not be construed to violate any provisions of law relating to solicitation or advertising by health professionals.

D. A licensed health maintenance organization shall not be deemed to be engaged in the unlawful practice of medicine. All health care providers associated with a health maintenance organization shall be subject to all provisions of law.

E. Notwithstanding the definition of an eligible employee as set forth in § 38.2-3431, a health maintenance organization providing health care plans pursuant to § 38.2-3431 shall not be required to offer coverage to or accept applications from an employee who does not reside within the health maintenance organization's service area.

F. For purposes of applying this section, "insurer" when used in a section cited in subsections A and B shall be construed to mean and include "health maintenance organizations" unless the section cited clearly applies to health maintenance organizations without such construction.

§ 38.2-4408. Application of certain provisions.

No provision of this title except this chapter and insofar as they are not inconsistent with this chapter §§ 38.2-100, 38.2-200, 38.2-203, 38.2-209 through 38.2-213, 38.2-218 through 38.2-225, 38.2-229, 38.2-316, 38.2-400, 38.2-402 through 38.2-413, 38.2-500 through 38.2-515, 38.2-600 through ~~38.2-620~~ 38.2-629, 38.2-700 through 38.2-704, 38.2-800 through 38.2-806, 38.2-1038, 38.2-1040 through 38.2-1044, and Articles 1 (§ 38.2-1300 et seq.), 2 (§ 38.2-1306.2 et seq.), and 4 (§ 38.2-1317 et seq.) of Chapter 13, insofar as they are not inconsistent with this chapter, and § 58.1-2500 et seq. shall apply to the operation of a plan.

§ 38.2-4509. Application of certain laws.

A. No provision of this title except this chapter and, insofar as they are not inconsistent with this chapter, §§ 38.2-200, 38.2-203, 38.2-209 through 38.2-213, 38.2-218 through 38.2-225, 38.2-229, 38.2-316, 38.2-326, 38.2-400, 38.2-402 through 38.2-413, 38.2-500 through 38.2-515, 38.2-600 through ~~38.2-620~~ 38.2-629, 38.2-900 through 38.2-904, 38.2-1038, 38.2-1040 through 38.2-1044, Articles 1 (§ 38.2-1300 et seq.) and 2 (§ 38.2-1306.2 et seq.) of Chapter 13, §§ 38.2-1312, 38.2-1314, 38.2-1315.1, Articles 4 (§ 38.2-1317 et seq.), 5 (§ 38.2-1322 et seq.), and 6 (§ 38.2-1335 et seq.) of Chapter 13, §§ 38.2-1400 through 38.2-1442, 38.2-1446, 38.2-1447, 38.2-1800 through 38.2-1836, 38.2-3401, 38.2-3404, 38.2-3405, 38.2-3407.1, 38.2-3407.4, 38.2-3407.10, 38.2-3407.13, 38.2-3407.14, 38.2-3407.15, 38.2-3407.17, 38.2-3407.17:1, 38.2-3407.19, 38.2-3415, 38.2-3541, Article 5 (§ 38.2-3551 et seq.) of Chapter 35, §§ 38.2-3600 through 38.2-3603, Chapter 55 (§ 38.2-5500 et seq.), and Chapter 58 (§ 38.2-5800 et seq.) shall apply to the operation of a plan.

B. The provisions of subsection A of § 38.2-322 shall apply to an optometric services plan. The provisions of subsection C of § 38.2-322 shall apply to a dental services plan.

C. The provisions of Article 1.2 (§ 32.1-137.7 et seq.) of Chapter 5 of Title 32.1 shall not apply to either an optometric or dental services plan.

D. The provisions of § 38.2-3407.1 shall apply to claim payments made on or after January 1, 2014. No optometric or dental services plan shall be required to pay interest computed under § 38.2-3407.1 if the total interest is less than \$5.

2. That §§ 38.2-613.2 and 38.2-620 of the Code of Virginia are repealed.

CHAPTER 265

An Act to amend the Code of Virginia by adding in Title 59.1 a chapter numbered 22.14, consisting of a section numbered 59.1-284.33, relating to the Truck Manufacturing Grant Fund; creation.

[H 1361]

Approved March 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 59.1 a chapter numbered 22.14, consisting of a section numbered 59.1-284.33, as follows:

CHAPTER 22.14.

TRUCK MANUFACTURING GRANT FUND.

§ 59.1-284.33. Truck Manufacturing Grant Fund.

A. As used in this section, unless the context requires a different meaning:

"Capital investment" means an expenditure or an asset transfer from a site of a qualified company located outside of an eligible county to the facility, by or on behalf of the qualified company, on or after October 1, 2018, in real property, tangible personal property, or both, at a facility located in an eligible county that is properly chargeable to a capital account or would be so chargeable with a proper election. The purchase or lease of furniture; fixtures; business personal property; machinery and tools, including under an operating lease; and expected building expansion and up-fit by or on behalf of a qualified company shall qualify as a capital investment.

"Eligible county" means the County of Pulaski.

"Facility" means a truck manufacturing facility to be expanded, equipped, improved, or operated by a qualified company in an eligible county.

"Fund" means the Truck Manufacturing Grant Fund.

"Grants" means grants from the Fund awarded to a qualified company, in an aggregate not to exceed \$16.5 million, intended to be used to pay or reimburse a qualified company for costs related to construction and renovation of a facility. A qualified company may use the grant payment for any lawful purpose.

"Memorandum of understanding" means a performance agreement or related document entered into on or before August 1, 2020, by a qualified company, the Commonwealth, and VEDP that sets forth the requirements for capital investments and the creation of new full-time jobs by a qualified company in order for a qualified company to be eligible for grants from the Fund.

"New full-time job" means a job position, in which position the employee of a qualified company works at a facility, for which the average annual wage is at least equal to the wage required by the memorandum of understanding, and for which a qualified company provides standard fringe benefits. Such position shall require a minimum of either (i) 35 hours of an employee's time per week for the entire normal year of a qualified company's operations, which "normal year" shall consist of at least 48 weeks, or (ii) 1,680 hours per year. Seasonal or temporary positions, and positions created when a job function is shifted from an existing location in the Commonwealth, shall not qualify as new full-time jobs. Other positions,

including employees of affiliates and certain suppliers, may be considered new full-time jobs if designated as such in a memorandum of understanding. New full-time jobs shall be in addition to the baseline of 3,219 full-time employees at a facility. The Commonwealth may gauge compliance with the new full-time job requirements for a qualified company by reference to the new payroll generated by a qualified company, as set forth in a memorandum of understanding.

"Qualified company" means a truck manufacturer, including its affiliates, that engages in truck manufacturing in an eligible county, that between October 1, 2018, and September 30, 2029, is expected to (i) make or cause to be made a capital investment at a facility of at least \$397 million, which shall include at least \$93.6 million of investments related to the construction or renovation of real property at a facility, and (ii) create at least 777 new full-time jobs related to, or supportive of, its business.

"Secretary" means the Secretary of Commerce and Trade or his designee.

"VEDP" means the Virginia Economic Development Partnership Authority.

B. There is hereby created in the state treasury a special nonreverting fund to be known as the Truck Manufacturing Grant Fund. The Fund shall be established on the books of the Comptroller. All funds appropriated to the Fund shall be paid into the state treasury and credited to it. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used to pay grants pursuant to this section. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller pursuant to subsection F.

C. A qualified company shall be eligible to receive grants each fiscal year beginning with the Commonwealth's fiscal year starting on July 1, 2020, and ending with the Commonwealth's fiscal year starting on July 1, 2029, unless such timeframe is extended in accordance with a memorandum of understanding. Grants paid pursuant to this chapter shall be subject to appropriation by the General Assembly during each such fiscal year, and contingent on a qualified company meeting the requirements set forth in this chapter and the memorandum of understanding for the number of new full-time jobs created and maintained and the amount of capital investment made related to the construction or renovation of a facility. The first grant installment of \$2 million shall not be awarded until a qualified company has made a capital investment related to the construction and renovation of a facility of at least \$46.8 million and has retained at least 2,700 full-time positions at the facility.

D. The aggregate amount of grants payable under this section shall not exceed \$16.5 million. Grants are expected to be paid in 10 annual installments, calculated in accordance with a memorandum of understanding, with the grants that may be awarded in a particular fiscal year not to exceed the following:

1. \$2,000,000 for the Commonwealth's fiscal year beginning July 1, 2020;
2. \$4,000,000, less the total amount of grants previously awarded pursuant to this subsection, for the Commonwealth's fiscal year beginning July 1, 2021;
3. \$4,300,000, less the total amount of grants previously awarded pursuant to this subsection, for the Commonwealth's fiscal year beginning July 1, 2022;
4. \$6,042,857, less the total amount of grants previously awarded pursuant to this subsection, for the Commonwealth's fiscal year beginning July 1, 2023;
5. \$7,785,714, less the total amount of grants previously awarded pursuant to this subsection, for the Commonwealth's fiscal year beginning July 1, 2024;
6. \$9,528,571, less the total amount of grants previously awarded pursuant to this subsection, for the Commonwealth's fiscal year beginning July 1, 2025;
7. \$11,271,428, less the total amount of grants previously awarded pursuant to this subsection, for the Commonwealth's fiscal year beginning July 1, 2026;
8. \$13,014,285, less the total amount of grants previously awarded pursuant to this subsection, for the Commonwealth's fiscal year beginning July 1, 2027;
9. \$14,757,142, less the total amount of grants previously awarded pursuant to this subsection, for the Commonwealth's fiscal year beginning July 1, 2028; and
10. \$16,500,000, less the total amount of grants previously awarded pursuant to this subsection, for the Commonwealth's fiscal year beginning July 1, 2029.

E. A qualified company applying for a grant installment under this section shall provide evidence, satisfactory to the Secretary, of (i) the aggregate number of new full-time jobs in place in the grant year that immediately precedes the expected date on which the grant installment is to be paid and (ii) the aggregate amount of capital investment, and the capital investment related to the construction and renovation of a facility, made as of the last day of the grant year that immediately precedes the expected date on which the grant installment is to be paid. The application and evidence shall be filed with the Secretary in person, by mail, or as otherwise agreed upon in a memorandum of understanding, by no later than October 31 of each year reflecting performance in and through the prior grant year. Failure to meet the filing deadline shall result in a deferral of a scheduled grant installment payment. For filings by mail, the postmark cancellation shall govern the date of the filing determination.

F. Within 30 days of receiving an application and evidence pursuant to subsection E, the Secretary shall certify to the Comptroller and the qualified company the amount of grants to which such qualified company is entitled for payment. Payment of such grant shall be made by check issued by the State Treasurer on warrant of the Comptroller by the end of the

calendar year of the submission of the application and evidence. The Comptroller shall not draw any warrant to issue checks for grants under this chapter without a specific appropriation for the same.

G. As a condition of receipt of grants, a qualified company shall make available to the Secretary for inspection, upon request, of all documents relevant and applicable to determining whether a qualified company has met the requirements for receipt of grants as set forth in this chapter and subject to a memorandum of understanding. All such documents appropriately identified by a qualified company shall be considered confidential and proprietary.

CHAPTER 266

An Act to amend and reenact § 15.2-5431.10 of the Code of Virginia, relating to Virginia Wireless Service Authority Act.

[H 1376]

Approved March 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-5431.10 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-5431.10. Members of authority board; chief administrative or executive officer.

A. The powers of each authority created by the governing body of a locality shall be exercised by an authority board of five or seven members, or at the option of the board of supervisors of a county, a number of board members equal to the number of members of the board of supervisors. The board members of an authority shall be selected in the manner and for the terms provided by the agreement or ordinance or resolution or concurrent ordinances or resolutions creating the authority. One or more members of the governing body of a locality may be appointed board members of the authority, the provisions of any other law to the contrary notwithstanding. No board member shall be appointed for a term of more than four years. When one or more additional political subdivisions join an existing authority, each of such joining political subdivisions shall have at least one member on the board. Board members shall hold office until their successors have been appointed and may succeed themselves. The board members of the authority shall elect one of their number chairman, and shall elect a secretary and treasurer who need not be members. The offices of secretary and treasurer may be combined.

B. A majority of board members shall constitute a quorum and the vote of a majority of board members shall be necessary for any action taken by the authority. An authority may, by bylaw, provide a method to resolve tie votes or deadlocked issues.

C. No vacancy in the board membership of the authority shall impair the right of a quorum to exercise all the rights and perform all the duties of the authority. If a vacancy occurs by reason of the death, disqualification or resignation of a board member, the governing body of the locality that created the authority shall appoint a successor to fill the unexpired term. Whenever a political subdivision withdraws its membership from an authority, the term of any board member appointed to the board of the authority from such political subdivision shall immediately terminate. Board members shall receive such compensation as fixed by resolution of the governing body that created the authority, and shall be reimbursed for any actual expenses necessarily incurred in the performance of their duties.

D. The board members may appoint a chief administrative or executive officer who shall serve at the pleasure of the board members. He shall execute and enforce the orders and resolutions adopted by the board members and perform such duties as may be delegated to him by the board members.

CHAPTER 267

An Act to amend the Code of Virginia by adding in Title 59.1 a chapter numbered 22.14, consisting of a section numbered 59.1-284.33, relating to creation of the Advanced Production Grant Program and Fund.

[H 1733]

Approved March 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 59.1 a chapter numbered 22.14, consisting of a section numbered 59.1-284.33, as follows:

CHAPTER 22.14.

ADVANCED PRODUCTION GRANT PROGRAM AND FUND.

§ 59.1-284.33. Advanced Production Grant Program and Fund.

A. As used in this section:

"Capital investment" means an expenditure by or on behalf of a qualified company on or after October 1, 2019, in real property, tangible personal property, or both, at a facility within an eligible county that is properly chargeable to capital account or would be so chargeable with a proper election. The purchase or lease of furniture, fixtures, business personal property, machinery, and equipment, including under an operating lease, and expected building up-fit and improvements by or on behalf of a qualified company shall qualify as capital investment.

"Eligible county" means the County of Pittsylvania.

"Facility" means an advanced production and development facility to be purchased, equipped, improved, and operated by the qualified company in the eligible county.

"Fund" means the Advanced Production Grant Fund created under subsection B.

"Grants" means grants from the Advanced Production Grant Fund awarded to a qualified company in an aggregate amount not to exceed \$7.0 million. A qualified company may use the proceeds of the grants for any lawful purpose.

"Memorandum of understanding" means a performance agreement or related document entered into on or before August 1, 2020, among a qualified company, the Commonwealth, and VEDP that sets forth the requirements for capital investment and the creation of new full-time jobs for the qualified company to be eligible for grants from the Fund.

"New full-time job" means a job position in which the employee of the qualified company works at the facility and for which the average annual wage is at least equal to \$34,274, the qualified company provides standard fringe benefits, and the position requires a minimum of either (i) 35 hours of an employee's time per week for the entire normal year of the qualified company's operations, which "normal year" must consist of at least 48 weeks, or (ii) 1,680 hours per year. Seasonal or temporary positions, positions created when a job function is shifted from an existing location in the Commonwealth, and positions with construction contractors, vendors, suppliers, and similar multiplier or spin-off jobs shall not qualify as new full-time jobs. The Commonwealth may gauge compliance with the new full-time jobs requirements for a qualified company by reference to the new payroll generated by a qualified company, as indicated in a memorandum of understanding.

"Qualified company" means a business transportation manufacturer and producer, including its affiliates, that engages in the production of business trucks in the eligible county, that between October 1, 2019, and December 31, 2027, is expected (i) to make or cause to be made a capital investment at a facility of at least \$57,837,356 and (ii) to create at least 703 new full-time jobs at the facility related to, or supportive of, its business.

"Secretary" means the Secretary of Commerce and Trade or his designee.

"VEDP" means the Virginia Economic Development Partnership Authority.

B. There is hereby created in the state treasury a special nonreverting fund to be known as the Advanced Production Grant Fund, referred to in this section as "the Fund." The Fund shall be established on the books of the Comptroller. All funds appropriated for the Fund shall be paid into the state treasury and credited to it. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used for the purpose to pay grants pursuant to this chapter. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller pursuant to subsection F.

C. A qualified company shall be eligible to receive grants each fiscal year beginning with the Commonwealth's fiscal year starting on July 1, 2021, and ending with the Commonwealth's fiscal year starting on July 1, 2026, unless such time frame is extended in accordance with the memorandum of understanding. The grants under this section shall be paid to a qualified company from the Fund, subject to appropriation by the General Assembly, during each such fiscal year, contingent upon the qualified company's meeting the requirements set forth in the memorandum of understanding for the number of new full-time jobs created and maintained and the amount of capital investment made and retained. The first grant installment of \$500,000 shall not be awarded until the qualified company has made a capital investment of at least \$40,800,000 and has created at least 373 new full-time jobs at the facility.

D. The aggregate amount of grants payable under this section shall not exceed \$7.0 million, and grants are expected to be paid in six annual installments, calculated in accordance with the memorandum of understanding, with the grants that may be awarded in a particular fiscal year not exceeding the following:

1. \$500,000 for the Commonwealth's fiscal year beginning July 1, 2021;
2. \$1,800,000, less the total amount of grants previously awarded pursuant to this subsection, for the Commonwealth's fiscal year beginning July 1, 2022;
3. \$3,100,000, less the total amount of grants previously awarded pursuant to this subsection, for the Commonwealth's fiscal year beginning July 1, 2023;
4. \$4,400,000, less the total amount of grants previously awarded pursuant to this subsection, for the Commonwealth's fiscal year beginning July 1, 2024;
5. \$5,700,000, less the total amount of grants previously awarded pursuant to this subsection, for the Commonwealth's fiscal year beginning July 1, 2025; and
6. \$7,000,000, less the total amount of grants previously awarded pursuant to this subsection, for the Commonwealth's fiscal year beginning July 1, 2026.

E. A qualified company applying for a grant installment under this section shall provide evidence, satisfactory to the Secretary, of (i) the aggregate number of new full-time jobs in place in the calendar year that immediately precedes the expected date on which the grant installment is to be paid and (ii) the aggregate amount of the capital investment made as of the last day of the calendar year that immediately precedes the expected date on which the grant installment is to be paid. The application and evidence shall be filed with the Secretary in person, by mail, or as otherwise agreed upon in the memorandum of understanding by no later than April 1 each year reflecting performance in and through the prior calendar year. Failure to meet the filing deadline shall result in a deferral of a scheduled grant installment payment set forth in subsection D. For filings by mail, the postmark cancellation shall govern the date of the filing determination.

F. Within 60 days of receiving the application and evidence pursuant to subsection E, the Secretary shall certify to the Comptroller and the qualified company the amount of grants to which such qualified company is entitled for payment. Payment of such grants shall be made by check issued by the State Treasurer on warrant of the Comptroller by the September 1 succeeding the submission of such timely filed application. The Comptroller shall not draw any warrants to issue checks for the grants under this section without a specific appropriation for the same.

G. As a condition of receipt of the grants, a qualified company shall make available to the Secretary for inspection, upon request, all documents relevant and applicable to determining whether the qualified company has met the requirements for the receipt of grants as set forth in this section and subject to the memorandum of understanding. All such documents appropriately identified by the qualified company shall be considered confidential and proprietary.

CHAPTER 268

An Act to amend and reenact § 46.2-1148.1 of the Code of Virginia, relating to overweight permits; forest products; locations traveled.

[S 328]

Approved March 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-1148.1 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-1148.1. Overweight permit for hauling forest products.

A. For purposes of this section, "forest products" means raw logs to market, rough-sawn green lumber, and wood residuals, including wood chips, *wood pellets*, sawdust, mulch, and tree bark.

B. In addition to other permits provided for in this article, the Commissioner, upon written application by the owner or operator of any vehicle hauling forest products transported from the place where they are first produced, cut, harvested, or felled to the location where they are first processed, shall issue permits for overweight operation of such vehicles as provided in this section. Such permits shall allow the vehicles to have a single-axle weight of no more than 24,000 pounds, a tandem-axle weight of no more than 40,000 pounds, and a tri-axle grouping weight of no more than 50,000 pounds. Additionally, any five-axle combination having a minimum of 48 feet between the first and last axle may have a gross weight of no more than 90,000 pounds, any four-axle combination may have a gross weight of no more than 70,000 pounds, any three-axle combination may have a gross weight of no more than 60,000 pounds, and any two-axle combination may have a gross weight of no more than 40,000 pounds.

C. No permit issued under this section shall designate the route to be traversed or contain restrictions or conditions not applicable to other vehicles in their general use of the highways. However, no such permit shall authorize violation of the length limitations in § 46.2-1149.2 or any weight limitation applicable to bridges or culverts, as promulgated and posted in accordance with § 46.2-1130. Nothing contained in this section shall authorize any extension of weight limits provided in § 46.2-1127 for operation on interstate highways.

D. The fee for a permit issued under this section shall be as provided in § 46.2-1140.1. Only the Commissioner may issue a permit under this section.

E. Each vehicle when loaded according to the provisions of a permit issued under this section shall be operated at a reduced speed as provided in § 46.2-872.

CHAPTER 269

An Act to amend and reenact §§ 2.2-2336 and 2.2-2905 of the Code of Virginia, relating to the Fort Monroe Authority; exemption from the Virginia Personnel Act.

[S 980]

Approved March 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-2336 and 2.2-2905 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-2336. Short title; declaration of public purpose; Fort Monroe Authority created; successor in interest to Fort Monroe Federal Area Development Authority.

A. This article shall be known and may be cited as the Fort Monroe Authority Act.

B. The General Assembly finds and declares that:

1. Fort Monroe, located on a barrier spit at Hampton Roads Harbor and the southern end of Chesapeake Bay where the Old Point Comfort lighthouse has been welcoming ships since 1802, is one of the Commonwealth's most important cultural treasures. Strategically located near Virginia's Historic Triangle of Williamsburg, Yorktown, and Jamestown, the 565-acre site has been designated a National Historic Landmark District;

2. As a result of decisions made by the federal Defense Base Closure and Realignment Commission (known as the BRAC Commission), Fort Monroe will cease to be an army base in 2011, and at that time most of the site will revert to the Commonwealth;

3. The planning phase of Fort Monroe's transition from use as a United States Army base was managed by the Fort Monroe Federal Area Development Authority (FMFADA), originally established by the City of Hampton pursuant to legislation enacted by the General Assembly in 2007. The Fort Monroe Federal Area Development Authority, a partnership between the City and the Commonwealth, has fulfilled its primary purpose of formulating a reuse plan for Fort Monroe;

4. It is the policy of the Commonwealth to protect the historic resources at Fort Monroe, provide public access to the Fort's historic resources and recreational opportunities, exercise exemplary stewardship of the Fort's natural resources, and maintain Fort Monroe in perpetuity as a place that is a desirable one in which to reside, do business, and visit, all in a way that is economically sustainable;

5. Fort Monroe's status is unique. Municipal services will need to be provided to Fort Monroe's visitors, residents, and businesses. Both the Commonwealth and the FMFADA are signatories to a Programmatic Agreement under Section 106 of the National Historic Preservation Act that requires several specific actions be taken, including the enforcement of design standards to be adopted by the FMFADA or its successor to govern any new development or building restoration or renovation at Fort Monroe. There exists a need for an entity that can manage the property for the Commonwealth and ensure adherence to the findings, declarations, and policies set forth in this section; and

6. The creation of an authority for this purpose is in the public interest, serves a public purpose, and will promote the health, safety, welfare, convenience, and prosperity of the people of the Commonwealth.

C. The Fort Monroe Authority is created, with the duties and powers set forth in this article, as a public body corporate and as a political subdivision of the Commonwealth. The Authority is constituted as a public instrumentality exercising public functions, and the exercise by the Authority of the duties and powers conferred by this article shall be deemed and held to be the performance of an essential governmental function of the Commonwealth. The exercise of the powers granted by this article and its public purpose shall be in all respects for the benefit of the inhabitants of the Commonwealth.

D. The Fort Monroe Authority is the successor in interest to that political subdivision formerly known as the Fort Monroe Federal Area Development Authority. As such, the Authority stands in the place and stead of, and assumes all rights and duties formerly of, the Fort Monroe Federal Area Development Authority, including but not limited to all leases, contracts, grants-in-aid, and all other agreements of whatsoever nature; holds title to all realty and personalty formerly held by the Fort Monroe Federal Area Development Authority; and may exercise all powers that might at any time past have been exercised by the Fort Monroe Federal Area Development Authority, including the powers and authorities of a Local Redevelopment Authority under the provisions of any and all applicable federal laws, including the Defense Base Closure and Realignment Act of 2005.

E. The Fort Monroe Authority shall be subject to the Virginia Public Procurement Act (§ 2.2-4300 et seq.) and the Board shall adopt procedures consistent with that Act to govern its procurement processes.

F. Employees of the Fort Monroe Authority shall be eligible for membership in the Virginia Retirement System and all of the health and related insurance and other benefits, including premium conversion and flexible benefits, available to state employees as provided by law.

G. The provisions of the Virginia Personnel Act (§ 2.2-2900 et seq.) shall not apply to the Fort Monroe Authority.

§ 2.2-2905. Certain officers and employees exempt from chapter.

The provisions of this chapter shall not apply to:

1. Officers and employees for whom the Constitution specifically directs the manner of selection;
2. Officers and employees of the Supreme Court and the Court of Appeals;
3. Officers appointed by the Governor, whether confirmation by the General Assembly or by either house thereof is required or not;
4. Officers elected by popular vote or by the General Assembly or either house thereof;
5. Members of boards and commissions however selected;
6. Judges, referees, receivers, arbiters, masters and commissioners in chancery, commissioners of accounts, and any other persons appointed by any court to exercise judicial functions, and jurors and notaries public;
7. Officers and employees of the General Assembly and persons employed to conduct temporary or special inquiries, investigations, or examinations on its behalf;
8. The presidents and teaching and research staffs of state educational institutions;
9. Commissioned officers and enlisted personnel of the National Guard;
10. Student employees at institutions of higher education and patient or inmate help in other state institutions;
11. Upon general or special authorization of the Governor, laborers, temporary employees, and employees compensated on an hourly or daily basis;
12. County, city, town, and district officers, deputies, assistants, and employees;
13. The employees of the Virginia Workers' Compensation Commission;
14. The officers and employees of the Virginia Retirement System;
15. Employees whose positions are identified by the State Council of Higher Education and the boards of the Virginia Museum of Fine Arts, The Science Museum of Virginia, the Jamestown-Yorktown Foundation, the Frontier Culture Museum of Virginia, the Virginia Museum of Natural History, the New College Institute, the Southern Virginia Higher Education Center, and The Library of Virginia, and approved by the Director of the Department of Human Resource Management as requiring specialized and professional training;
16. Employees of the Virginia Lottery;

17. Employees of the Department for the Blind and Vision Impaired's rehabilitative manufacturing and service industries who have a human resources classification of industry worker;

18. Employees of the Virginia Commonwealth University Health System Authority;

19. Employees of the University of Virginia Medical Center. Any changes in compensation plans for such employees shall be subject to the review and approval of the Board of Visitors of the University of Virginia. The University of Virginia shall ensure that its procedures for hiring University of Virginia Medical Center personnel are based on merit and fitness. Such employees shall remain subject to the provisions of the State Grievance Procedure (§ 2.2-3000 et seq.);

20. In executive branch agencies the employee who has accepted serving in the capacity of chief deputy, or equivalent, and the employee who has accepted serving in the capacity of a confidential assistant for policy or administration. An employee serving in either one of these two positions shall be deemed to serve on an employment-at-will basis. An agency may not exceed two employees who serve in this exempt capacity;

21. Employees of Virginia Correctional Enterprises. Such employees shall remain subject to the provisions of the State Grievance Procedure (§ 2.2-3000 et seq.);

22. Officers and employees of the Virginia Port Authority;

23. Employees of the Virginia College Savings Plan;

24. Directors of state facilities operated by the Department of Behavioral Health and Developmental Services employed or reemployed by the Commissioner after July 1, 1999, under a contract pursuant to § 37.2-707. Such employees shall remain subject to the provisions of the State Grievance Procedure (§ 2.2-3000 et seq.);

25. Employees of the Virginia Foundation for Healthy Youth. Such employees shall be treated as state employees for purposes of participation in the Virginia Retirement System, health insurance, and all other employee benefits offered by the Commonwealth to its classified employees;

26. Employees of the Virginia Indigent Defense Commission;

27. Any chief of a campus police department that has been designated by the governing body of a public institution of higher education as exempt, pursuant to § 23.1-809; ~~and~~

28. The Chief Executive Officer, agents, officers, and employees of the Virginia Alcoholic Beverage Control Authority; *and*

29. *Officers and employees of the Fort Monroe Authority.*

CHAPTER 270

An Act to amend and reenact § 20-91 of the Code of Virginia, relating to no-fault divorce; gender-neutral terminology.

[S 247]

Approved March 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 20-91 of the Code of Virginia is amended and reenacted as follows:

§ 20-91. Grounds for divorce from bond of matrimony; contents of decree.

A. A divorce from the bond of matrimony may be decreed:

(1) For adultery; or for sodomy or buggery committed outside the marriage;

(2) [Repealed.]

(3) Where either of the parties subsequent to the marriage has been convicted of a felony, sentenced to confinement for more than one year and confined for such felony subsequent to such conviction, and cohabitation has not been resumed after knowledge of such confinement (in which case no pardon granted to the party so sentenced shall restore such party to his ~~or her~~ conjugal rights);

(4), (5) [Repealed.]

(6) Where either party has been guilty of cruelty, caused reasonable apprehension of bodily hurt, or willfully deserted or abandoned the other, such divorce may be decreed to the innocent party after a period of one year from the date of such act; or

(7), (8) [Repealed.]

(9) (a) On the application of either party if and when ~~the husband and wife~~ *they* have lived separate and apart without any cohabitation and without interruption for one year. In any case where the parties have entered into a separation agreement and there are no minor children either born of the parties, born of either party and adopted by the other or adopted by both parties, a divorce may be decreed on application if and when ~~the husband and wife~~ *they* have lived separately and apart without cohabitation and without interruption for six months. A plea of res adjudicata or of recrimination with respect to any other provision of this section shall not be a bar to either party obtaining a divorce on this ground; nor shall it be a bar that either party has been adjudged insane, either before or after such separation has commenced, but at the expiration of one year or six months, whichever is applicable, from the commencement of such separation, the grounds for divorce shall be deemed to be complete, and the committee of the insane defendant, if there be one, shall be made a party to the cause, or if there be no committee, then the court shall appoint a guardian ad litem to represent the insane defendant.

(b) This subdivision (9) shall apply whether the separation commenced prior to its enactment or shall commence thereafter. Where otherwise valid, any decree of divorce hereinbefore entered by any court having equity jurisdiction pursuant to this subdivision (9), not appealed to the Supreme Court of Virginia, is hereby declared valid according to the terms of said decree notwithstanding the insanity of a party thereto.

(c) A decree of divorce granted pursuant to this subdivision (9) shall in no way lessen any obligation any party may otherwise have to support the spouse unless such party shall prove that there exists in the favor of such party some other ground of divorce under this section or § 20-95.

B. A decree of divorce shall include each party's social security number; or other control number issued by the Department of Motor Vehicles pursuant to § 46.2-342.

CHAPTER 271

An Act to amend the Code of Virginia by adding in Article 2 of Chapter 3 of Title 40.1 a section numbered 40.1-33.1, relating to prohibiting employers from retaliating against employees for reporting employee misclassification; civil penalty.

[S 662]

Approved March 11, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 2 of Chapter 3 of Title 40.1 a section numbered 40.1-33.1 as follows:

§ 40.1-33.1. Retaliatory actions prohibited; civil penalty.

A. An employer shall not discharge, discipline, threaten, discriminate against, or penalize an employee or independent contractor, or take other retaliatory action regarding an employee or independent contractor's compensation, terms, conditions, location, or privileges of employment, because the employee or independent contractor:

1. Has reported or plans to report to an appropriate authority that an employer, or any officer or agent of the employer, has failed to properly classify an individual as an employee and failed to pay required benefits or other contributions; or
2. Is requested or subpoenaed by an appropriate authority to participate in an investigation, hearing, or inquiry by an appropriate authority or in a court action.

B. The provisions of subsection A shall apply only if an employee or independent contractor who discloses information about suspected worker misclassification has done so in good faith and upon a reasonable belief that the information is accurate. Disclosures that are reckless or the employee knew or should have known were false, confidential by law, or malicious shall not be deemed good faith reports and shall not be subject to the protections provided by subsection A.

C. Any employee who is discharged, disciplined, threatened, discriminated against, or penalized in a manner prohibited by this section may file a complaint with the Commissioner. The Commissioner, with the written and signed consent of such an employee, may institute proceedings against the employer for appropriate remedies for such action, including reinstatement of the employee and recovering lost wages.

D. Any employer who discharges, disciplines, threatens, discriminates against, or penalizes an employee in a manner prohibited by this section shall be subject to a civil penalty not to exceed the amount of the employee's wages that are lost as a result of the violation. Civil penalties under this section shall be assessed by the Commissioner and paid to the Literary Fund.

CHAPTER 272

An Act to amend and reenact § 67-701 of the Code of Virginia, relating to the Virginia Energy Plan; covenants regarding solar power; reasonable restrictions.

[S 504]

Approved March 11, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 67-701 of the Code of Virginia is amended and reenacted as follows:

§ 67-701. Covenants regarding solar power.

A. No community association shall prohibit an owner from installing a solar energy collection device on that owner's property unless the recorded declaration for that community association establishes such a prohibition. However a community association may establish reasonable restrictions concerning the size, place, and manner of placement of such solar energy collection devices on property designated and intended for individual ownership and use. Any resale certificate pursuant to § 55.1-1990 and any disclosure packet pursuant to § 55.1-1809, as applicable, given to a purchaser shall contain a statement setting forth any restriction, limitation, or prohibition on the right of an owner to install or use solar energy collection devices on his property.

B. A restriction shall be deemed not to be reasonable if application of the restriction to a particular proposal (i) increases the cost of installation of the solar energy collection device by five percent over the projected cost of the

initially proposed installation or (ii) reduces the energy production by the solar energy collection device by 10 percent below the projected energy production of the initially proposed installation. The owner shall provide documentation prepared by an independent solar panel design specialist, who is certified by the North American Board of Certified Energy Practitioners and is licensed in Virginia, that is satisfactory to the community association to show that the restriction is not reasonable according to the criteria established in this subsection.

C. The community association may prohibit or restrict the installation of solar energy collection devices on the common elements or common area within the real estate development served by the community association. A community association may establish reasonable restrictions as to the *number*, size, place, and manner of placement or installation of any solar energy collection device installed on the common elements or common area.

CHAPTER 273

An Act to amend the Code of Virginia by adding a section numbered 19.2-11.02, relating to inquiry into immigration status; certain victims or witnesses of crime.

[H 262]

Approved March 11, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 19.2-11.02 as follows:

§ 19.2-11.02. Prohibiting inquiry into the immigration status of certain victims or witnesses of crime.

A. No law-enforcement officer, as defined in § 9.1-101, shall, in connection with the report, investigation, or prosecution of a criminal violation of state or local law, inquire into the immigration status of any person who (i) reports that he is a victim of the crime or is the parent or guardian of a minor victim of the crime or (ii) is a witness in the investigation of the crime or the parent or guardian of a minor witness to the crime.

B. Nothing in this section shall prohibit a law-enforcement officer from inquiring into the immigration status of the parent or guardian of a minor victim if such parent or guardian has been arrested for, has been charged with, or is being investigated for a crime against the minor victim.

C. Nothing in this section shall affect the enforcement or implementation of § 18.2-59, subdivision 10 of § 18.2-308.09, or subdivision B 1 of § 18.2-308.2:2, or prohibit a law-enforcement officer from inquiring into a person's immigration status to enforce or implement such sections.

CHAPTER 274

An Act to amend the Code of Virginia by adding in Chapter 1 of Title 9.1 an article numbered 14, consisting of a section numbered 9.1-191, relating to Virginia sexual assault forensic coordination program.

[H 475]

Approved March 11, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 1 of Title 9.1 an article numbered 14, consisting of a section numbered 9.1-191, as follows:

Article 14.

Virginia Sexual Assault Forensic Examiner Coordination Program.

§ 9.1-191. Virginia sexual assault forensic examiner coordination program.

A. The Department shall establish a Virginia sexual assault forensic examiner coordination program. The program shall be headed by a coordinator (the Coordinator). The Coordinator shall:

1. Create and coordinate an annual statewide sexual assault forensic nurse examiner training program in partnership with the Attorney General, the Department of Health, the Virginia Hospital and Healthcare Association, the Victim Compensation Fund, the International Association of Forensic Nurses, and the Secretary of Health and Human Services;

2. Coordinate the development and enhancement of sexual assault forensic examiner programs across the Commonwealth that include prevention of secondary trauma to survivors and culturally sensitive training for health professionals;

3. Participate in the development of hospital protocols and guidelines for treatment of survivors of sexual assault in partnership with the Department of Health;

4. Coordinate and strengthen communications among sexual assault nurse examiner medical directors, sexual assault response teams, and hospitals for existing and developing sexual assault nurse examiner programs;

5. Provide technical assistance for existing and developing sexual assault forensic examiner programs, including local sexual assault forensic examiner training programs;

6. Create and maintain a statewide list, updated biannually, to include the following:

a. A list of available sexual assault forensic examiners, sexual assault nurse examiners, sexual assault forensic nurse examiners, and pediatric sexual assault nurse examiners;

- b. The location and facility affiliation of each examiner;
- c. The duty hours for each examiner and affiliated facility for sexual assault exam services; and
- d. The location of available local sexual assault forensic examiner training programs;

7. Coordinate, share, and disseminate the list created pursuant to subdivision 6 to the emergency operations communications system available to emergency medical services and law-enforcement agencies as well as the internal emergency and hospital communications system;

8. Share and disseminate the list created pursuant to subdivision 6 with all other relevant agencies, including law-enforcement agencies, attorneys for the Commonwealth, victim-witness programs, sexual assault service organizations, the Department of Juvenile Justice, the Department of Social Services, the Department of Education, and school divisions;

9. Create sexual assault nurse examiner recruitment materials for universities and colleges with nursing programs in partnership with the State Council of Higher Education for Virginia; and

10. Support and coordinate community education and public outreach, when appropriate, relating to sexual assault nurse examiner issues for the Commonwealth.

B. The Coordinator may request and shall receive from every department, division, board, bureau, commission, authority, or other agency created by the Commonwealth, or to which the Commonwealth is a party, or any political subdivision thereof, cooperation and assistance in the performance of its duties. The Coordinator may also consult and exchange information with local government agencies and interested stakeholders.

C. The Coordinator shall report annually on or before October 1 to the Governor and the General Assembly. The report shall include a summary of activities for the year and any recommendations to address sexual assault exams within the Commonwealth, including budget needs to increase the availability of sexual assault exam services across the Commonwealth. The Department shall ensure that such report is available to the public.

2. That the Department, in cooperation with Virginia's existing sexual assault forensic examiner programs, shall submit a report providing a feasibility plan for the establishment of centers of excellence as a model to increase the availability of sexual assault exam services to the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance and Appropriations by January 1, 2022, as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents, and the report shall be posted on the General Assembly's website. The Department shall publish the report on the Department's website no later than 10 days following its submission to the General Assembly.

3. That the provisions of this act shall not become effective unless an appropriation effectuating the purposes of this act is included in a general appropriation act passed in 2020 by the General Assembly that becomes law.

CHAPTER 275

An Act to amend the Code of Virginia by adding in Title 59.1 a chapter numbered 22.14, consisting of sections numbered 59.1-284.33, 59.1-284.34, and 59.1-284.35, relating to pharmaceutical manufacturing grant program.

[H 1498]

Approved March 11, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 59.1 a chapter numbered 22.14, consisting of sections numbered 59.1-284.33, 59.1-284.34, and 59.1-284.35, as follows:

CHAPTER 22.14.

PHARMACEUTICAL MANUFACTURING GRANT PROGRAM.

§ 59.1-284.33. Definitions.

A. As used in this section, unless the context requires a different meaning:

"Capital investment" means an expenditure by or on behalf of a qualified company on or after March 1, 2019, in real property, tangible personal property, or both, at a facility in an eligible county that is properly chargeable to a capital account or would be so chargeable with a proper election. The purchase or lease of furniture; fixtures; business personal property; machinery and tools, including under an operating lease; and expected building expansion and up-fit by or on behalf of a qualified company shall qualify as capital investment.

"Eligible county" means Rockingham County.

"Facility" means the building, group of buildings, or corporate campus, including any related machinery and tools, furniture, fixtures, and business personal property, that is located at or near a qualified company's existing operations in an eligible county and is owned, leased, licensed, occupied, or otherwise operated by a qualified company for use in the administration, management, and operation of its business.

"Fund" means the Pharmaceutical Manufacturing Grant Fund.

"Grants" means grants from the Fund awarded to a qualified company in an aggregate not to exceed \$7.5 million, intended to be used to pay or reimburse a qualified company for the costs of workforce recruitment, development, and training, and for stormwater management. A qualified company may use the grant payment for any lawful purpose.

"Memorandum of understanding" means a performance agreement or related document entered into on or before August 1, 2020, by a qualified company, the Commonwealth, and VEDP, that sets forth the requirements for capital

investment and the creation of new full-time jobs by a qualified company in order for a qualified company to be eligible for grants from the Fund.

"New full-time job" means a job position, in which the employee of a qualified company works at a facility, for which the average annual wage is at least \$100,000 and the qualified company provides standard fringe benefits. Such position shall require a minimum of either (i) 35 hours of an employee's time per week for the entire normal year of the qualified company's operations, which "normal year" shall consist of at least 48 weeks, or (ii) 1,680 hours per year. Seasonal or temporary positions, and positions created when a job function is shifted from an existing location in the Commonwealth, shall not qualify as new full-time jobs. "New full-time job" shall not include any existing full-time positions at the facility as of March 1, 2019. The Commonwealth may gauge compliance with the new full-time job requirements for a qualified company by reference to the new payroll generated by a qualified company, as indicated in the memorandum of understanding.

"Qualified company" means a company, including its affiliates, that engages in pharmaceutical manufacturing in an eligible county and that, between March 1, 2019, and February 28, 2025, is expected to make (i) a capital investment of at least \$1 billion and (ii) create at least 152 new full-time jobs related to, or supportive of, its business.

"Secretary" means the Secretary of Commerce and Trade or his designee.

"VEDP" means the Virginia Economic Development Partnership Authority.

§ 59.1-284.34. Pharmaceutical Manufacturing Grant Fund created.

A. There is hereby created in the state treasury a special nonreverting fund to be known as the Pharmaceutical Manufacturing Grant Fund. The Fund shall be established on the books of the Comptroller. All funds appropriated to the Fund shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used to pay grants pursuant to this section. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller pursuant to subsection E.

B. A qualified company shall be eligible to receive grants each fiscal year beginning with the Commonwealth's fiscal year starting on July 1, 2020, and ending with the Commonwealth's fiscal year starting on July 1, 2022, unless such timeframe is extended in accordance with a memorandum of understanding. Grants paid pursuant to this section shall be subject to appropriation by the General Assembly during each such fiscal year and are contingent on a qualified company meeting the requirements set forth in this chapter and the memorandum of understanding for the number of new full-time jobs created and maintained and the amount of capital investment made. The first grant payment of \$2.5 million shall not be awarded until a qualified company has made a capital investment of at least \$420 million and has created at least 85 new full-time jobs.

C. The aggregate amount of grants payable under this section shall not exceed \$7.5 million and such grants are expected to be paid in three annual installments of \$2.5 million each, calculated in accordance with a memorandum of understanding as follows:

1. \$2.5 million for the Commonwealth's fiscal year beginning July 1, 2020;
2. \$2.5 million for the Commonwealth's fiscal year beginning July 1, 2021; and
3. \$2.5 million for the Commonwealth's fiscal year beginning July 1, 2022.

D. A qualified company applying for a grant installment under this section shall provide evidence, satisfactory to the Secretary, of (i) the aggregate number of new full-time jobs created and maintained as of the last day of February in the fiscal year that immediately precedes the fiscal year in which the grant installment is to be paid and (ii) the aggregate amount of capital investment made as of the last day of February in the fiscal year that immediately precedes the fiscal year in which the grant installment is to be paid. The application and evidence shall be filed with the Secretary in person, by mail, or as otherwise agreed upon in a memorandum of understanding no later than June 1 each year reflecting performance through the last day of the prior February. Failure to meet the filing deadline shall result in a deferral of a scheduled grant installment payment set forth in subsection C. For filings by mail, the postmark cancellation shall govern the date of the filing determination.

E. Within 60 days of receiving an application and evidence pursuant to subsection D, the Secretary shall certify to the Comptroller and the qualified company the amount of grants to which such qualified company is entitled for payment. Payment of such grants shall be made by check issued by the State Treasurer on warrant of the Comptroller in the Commonwealth's fiscal year following the submission of an application. The Comptroller shall not draw any warrant to issue checks for grants without a specific appropriation for the same.

F. As a condition of receipt of grants under this section, a qualified company shall make available to the Secretary for inspection, upon request, all documents relevant and applicable to determining whether the qualified company has met the requirements for receipt of a grant as set forth in this section and subject to a memorandum of understanding. All such documents appropriately identified by a qualified company shall be considered confidential and proprietary.

§ 59.1-284.35. Resources for public institutions of higher education.

A. To support the needs of a qualified company, and other manufacturers and companies engaged in research and development in and near a qualified county, up to \$2,525,000 shall be made available to a comprehensive community college and a baccalaureate public institution of higher education in or near an eligible county. Subject to appropriation,

such funds are expected to be available in the Commonwealth's fiscal years beginning July 1, 2020, through July 1, 2024, as follows:

1. \$730,000 for the Commonwealth's fiscal year beginning July 1, 2020;
2. \$493,750 for the Commonwealth's fiscal year beginning July 1, 2021;
3. \$493,750 for the Commonwealth's fiscal year beginning July 1, 2022;
4. \$493,750 for the Commonwealth's fiscal year beginning July 1, 2023; and
5. \$313,750 for the Commonwealth's fiscal year beginning July 1, 2024.

B. Funds awarded pursuant to this section shall be used for (i) enhanced soft-skilled training; (ii) collaboration to ensure an effective workforce development program; (iii) equipment, maintenance, and personnel needs for bioscience training and education; and (iv) increased educational opportunities in science, technology, engineering, and math.

C. Decisions regarding the application and awarding of funds shall be determined annually by the Secretary of Commerce and Trade, upon the recommendation of the President and Chief Executive Officer of VEDP, the Chancellor of the Virginia Community College System or his designee, and the Director of the State Council of Higher Education for Virginia or his designee. Such officials may request from applicant institutions, and base decisions upon, annual reports from such institutions setting forth proposals regarding how such funds would be spent and reviewing how awarded funds have been spent.

CHAPTER 276

An Act to amend the Code of Virginia by adding in Chapter 1 of Title 9.1 an article numbered 14, consisting of a section numbered 9.1-191, relating to Virginia sexual assault forensic coordination program.

[S 373]

Approved March 11, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 1 of Title 9.1 an article numbered 14, consisting of a section numbered 9.1-191, as follows:

Article 14.

Virginia Sexual Assault Forensic Examiner Coordination Program.

§ 9.1-191. Virginia sexual assault forensic examiner coordination program.

A. The Department shall establish a Virginia sexual assault forensic examiner coordination program. The program shall be headed by a coordinator (the Coordinator). The Coordinator shall:

1. Create and coordinate an annual statewide sexual assault forensic nurse examiner training program in partnership with the Attorney General, the Department of Health, the Virginia Hospital and Healthcare Association, the Victim Compensation Fund, the International Association of Forensic Nurses, and the Secretary of Health and Human Services;
2. Coordinate the development and enhancement of sexual assault forensic examiner programs across the Commonwealth that include prevention of secondary trauma to survivors of sexual assault and culturally sensitive training for health professionals;
3. Participate in the development of hospital protocols and guidelines for treatment of survivors of sexual assault in partnership with the Department of Health;
4. Coordinate and strengthen communications among sexual assault nurse examiner medical directors, sexual assault response teams, and hospitals for existing and developing sexual assault nurse examiner programs;
5. Provide technical assistance for existing and developing sexual assault forensic examiner programs, including local sexual assault forensic examiner training programs;
6. Create and maintain a statewide list, updated biannually, to include the following:
 - a. A list of available sexual assault forensic examiners, sexual assault nurse examiners, sexual assault forensic nurse examiners, and pediatric sexual assault nurse examiners;
 - b. The location and facility affiliation of each examiner;
 - c. The duty hours for each examiner and affiliated facility for sexual assault exam services; and
 - d. The location of available local sexual assault forensic examiner training programs;
7. Coordinate, share, and disseminate the list created pursuant to subdivision 6 to the emergency operations communications system available to emergency medical services and law-enforcement agencies as well as the internal emergency and hospital communications system;
8. Share and disseminate the list created pursuant to subdivision 6 with all other relevant agencies, including law-enforcement agencies, attorneys for the Commonwealth, victim-witness programs, sexual assault service organizations, the Department of Juvenile Justice, the Department of Social Services, the Department of Education, and school divisions;
9. Create sexual assault nurse examiner recruitment materials for universities and colleges with nursing programs in partnership with the State Council of Higher Education for Virginia; and
10. Support and coordinate community education and public outreach, when appropriate, relating to sexual assault nurse examiner issues for the Commonwealth.

B. The Coordinator may request and shall receive from every department, division, board, bureau, commission, authority, or other agency created by the Commonwealth, or to which the Commonwealth is a party, or any political subdivision thereof, cooperation and assistance in the performance of its duties. The Coordinator may also consult and exchange information with local government agencies and interested stakeholders.

C. The Coordinator shall report annually on or before October 1 to the Governor and the General Assembly. The report shall include a summary of activities for the year and any recommendations to address sexual assault exams within the Commonwealth, including budget needs to increase the availability of sexual assault exam services across the Commonwealth. The Department shall ensure that such report is available to the public.

2. That the Department, in cooperation with Virginia's existing sexual assault forensic examiner programs, shall submit a report providing a feasibility plan for the establishment of centers of excellence as a model to increase the availability of sexual assault exam services to the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance and Appropriations by January 1, 2022, as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents, and the report shall be posted on the General Assembly's website. The Department shall publish the report on the Department's website no later than 10 days following its submission to the General Assembly.

CHAPTER 277

An Act to amend and reenact § 19.2-8 of the Code of Virginia, relating to misdemeanor sexual offenses where the victim is a minor; statute of limitations.

[S 724]

Approved March 11, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-8 of the Code of Virginia is amended and reenacted as follows:

§ 19.2-8. Limitation of prosecutions.

A prosecution for a misdemeanor, or any pecuniary fine, forfeiture, penalty or amercement, shall be commenced within one year next after there was cause therefor, except that a prosecution for petit larceny may be commenced within five years, and for an attempt to produce abortion, within two years after commission of the offense.

A prosecution for any misdemeanor violation of § 54.1-3904 shall be commenced within two years of the discovery of the offense.

A prosecution for violation of laws governing the placement of children for adoption without a license pursuant to § 63.2-1701 shall be commenced within one year from the date of the filing of the petition for adoption.

A prosecution for making a false statement or representation of a material fact knowing it to be false or knowingly failing to disclose a material fact, to obtain or increase any benefit or other payment under the Virginia Unemployment Compensation Act (§ 60.2-100 et seq.) shall be commenced within three years next after the commission of the offense.

A prosecution for any violation of § 10.1-1320, 62.1-44.32 (b), 62.1-194.1, or Article 11 (§ 62.1-44.34:14 et seq.) of Chapter 3.1 of Title 62.1 that involves the discharge, dumping or emission of any toxic substance as defined in § 32.1-239 shall be commenced within three years next after the commission of the offense.

Prosecution of Building Code violations under § 36-106 shall commence within one year of discovery of the offense by the building official, provided that such discovery occurs within two years of the date of initial occupancy or use after construction of the building or structure, or the issuance of a certificate of use and occupancy for the building or structure, whichever is later. However, prosecutions under § 36-106 relating to the maintenance of existing buildings or structures as contained in the Uniform Statewide Building Code shall commence within one year of the issuance of a notice of violation for the offense by the building official.

Prosecution of any misdemeanor violation of § 54.1-111 shall commence within one year of the discovery of the offense by the complainant, but in no case later than five years from occurrence of the offense.

Prosecution of any misdemeanor violation of any professional licensure requirement imposed by a locality shall commence within one year of the discovery of the offense by the complainant, but in no case later than five years from occurrence of the offense.

Prosecution of nonfelonious offenses which constitute malfeasance in office shall commence within two years next after the commission of the offense.

Prosecution for a violation for which a penalty is provided for by § 55.1-1989 shall commence within three years next after the commission of the offense.

Prosecution of illegal sales or purchases of wild birds, wild animals and freshwater fish under § 29.1-553 shall commence within three years after commission of the offense.

Prosecution of violations under Title 58.1 for offenses involving false or fraudulent statements, documents or returns, or for the offense of willfully attempting in any manner to evade or defeat any tax or the payment thereof, or for the offense of willfully failing to pay any tax, or willfully failing to make any return at the time or times required by law or regulations shall commence within three years next after the commission of the offense, unless a longer period is otherwise prescribed.

Prosecution of violations of subsection A or B of § 3.2-6570 shall commence within five years of the commission of the offense, except violations regarding agricultural animals shall commence within one year of the commission of the offense.

A prosecution for a violation of § 18.2-386.1 shall be commenced within five years of the commission of the offense.

A prosecution for any violation of the Campaign Finance Disclosure Act, Chapter 9.3 (§ 24.2-945 et seq.) of Title 24.2, shall commence within one year of the discovery of the offense but in no case more than three years after the date of the commission of the offense.

A prosecution of a crime that is punishable as a misdemeanor pursuant to the Virginia Computer Crimes Act (§ 18.2-152.1 et seq.) or pursuant to § 18.2-186.3 for identity theft shall be commenced before the earlier of (i) five years after the commission of the last act in the course of conduct constituting a violation of the article or (ii) one year after the existence of the illegal act and the identity of the offender are discovered by the Commonwealth, by the owner, or by anyone else who is damaged by such violation.

A prosecution of a misdemeanor under § 18.2-64.2, 18.2-67.4, 18.2-67.4:1, 18.2-67.4:2, 18.2-67.5, or 18.2-370.6 where the victim is a minor at the time of the offense shall be commenced no later than one year after the victim reaches majority, *unless the alleged offender of such offense was an adult and more than three years older than the victim at the time of the offense, in which instance such prosecution shall be commenced no later than five years after the victim reaches majority.*

A prosecution for a violation of § 18.2-260.1 shall be commenced within three years of the commission of the offense.

Nothing in this section shall be construed to apply to any person fleeing from justice or concealing himself within or without the Commonwealth to avoid arrest or be construed to limit the time within which any prosecution may be commenced for desertion of a spouse or child or for neglect or refusal or failure to provide for the support and maintenance of a spouse or child.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 854 of the Acts of Assembly of 2019 requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

CHAPTER 278

An Act to amend the Code of Virginia by adding in Article 3 of Chapter 17 of Title 58.1 a section numbered 58.1-1718.01, relating to taxes on wills and administrations; exemption for victims of the Virginia Beach mass shooting; emergency.

[S 93]

Approved March 11, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 3 of Chapter 17 of Title 58.1 a section numbered 58.1-1718.01 as follows:

§ 58.1-1718.01. Exemption for victims of the Virginia Beach mass shooting.

A. As used in this section, "Virginia Beach mass shooting" means the mass shooting that occurred on May 31, 2019, at the Virginia Beach Municipal Center in the City of Virginia Beach.

B. No tax shall be imposed under this article on the probate of a will or grant of administration of the estate of an individual who died as a result of the Virginia Beach mass shooting.

2. That if, prior to the effective date of this act, the Commonwealth or a locality imposed a tax pursuant to Article 3 (§ 58.1-1711 et seq.) of Chapter 17 of Title 58.1 of the Code of Virginia or Article 2 (§ 58.1-3805 et seq.) of Chapter 38 of Title 58.1 of the Code of Virginia on the probate of a will or grant of administration of the estate of an individual who died or was wounded as a result of the Virginia Beach mass shooting, as defined in § 58.1-1718.01 of the Code of Virginia, as created by this act, and such tax was paid, the Commonwealth or such locality, as applicable, shall refund such tax paid.

3. That an emergency exists and this act is in force from its passage.

CHAPTER 279

An Act to amend and reenact § 13.1-514 of the Code of Virginia and to repeal the third enactment of Chapter 354 and the third enactment of Chapter 400 of the Acts of Assembly of 2015, relating to the Securities Act; exemption for equity crowdfunding.

[S 542]

Approved March 11, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 13.1-514 of the Code of Virginia is amended and reenacted as follows:

§ 13.1-514. Exemptions.

A. The following securities are exempted from the securities registration requirements of this chapter:

1. Any security (including a revenue obligation) issued or guaranteed by the United States, any state, any political subdivision of a state or any agency or corporate or other instrumentality of one or more of the foregoing; or any certificate of deposit for any of the foregoing;

2. Any security issued or guaranteed by Canada, any Canadian province, any political subdivision of any such province, any agency or corporate or other instrumentality of one or more of the foregoing or any other foreign government with which the United States currently maintains diplomatic relations, if the security is recognized as a valid obligation by such issuer or guarantor;

3. Any security issued by and representing an interest in or a debt of, or guaranteed by, the International Bank for Reconstruction and Development, or any national bank, or any bank or trust company organized under the laws of any state or trust subsidiary organized under the provisions of Article 3 (§ 6.2-1047 et seq.) of Chapter 10 of Title 6.2;

4. Any security issued by and representing an interest in or a debt of, or guaranteed by, any federal savings and loan association or savings bank, or by any savings and loan association or savings bank which is organized under the laws of this Commonwealth;

5. Any security issued or guaranteed by an insurance company licensed to transact insurance business in this Commonwealth;

6. Any security issued by any credit union, industrial loan association or consumer finance company which is organized under the laws of this Commonwealth and is supervised and examined by the Commission;

7. Any security issued or guaranteed by any railroad, other common carrier or public service company supervised as to its rates and the issuance of its securities by a governmental authority of the United States, any state, Canada or any Canadian province;

8. Any security which is listed or approved for listing upon notice of issuance on the New York Stock Exchange or the American Stock Exchange or any other security of the same issuer which is of senior or substantially equal rank; any security called for by subscription rights or warrants admitted to trading in any of said exchanges; or any warrant or right to subscribe to any of the foregoing securities;

9. Any commercial paper which arises out of a current transaction or the proceeds of which have been or are to be used for current transactions, and which evidences an obligation to pay cash within nine months after the date of issuance, exclusive of days of grace, or any renewal thereof which is likewise limited, or any guaranty of such paper or of any such renewal;

10. Any security issued in connection with an employee's stock purchase, savings, pension, profit-sharing or similar benefit plan. The Commission may by rule or order, as to any security issued pursuant to such plan, specify or designate persons eligible to participate in such plan;

11. Any security issued by a cooperative association organized as a corporation under the laws of this Commonwealth;

12. Any security listed on an exchange registered with the United States Securities and Exchange Commission or quoted on an automated quotation system operated by a national securities association registered with the United States Securities and Exchange Commission and approved by regulations of the State Corporation Commission;

13. Any security issued by any issuer organized under the laws of any foreign country and approved by rule or regulation of the Commission.

B. The following transactions are exempted from the securities, broker-dealer and agent registration requirements of this chapter except as expressly provided in this subsection:

1. Any isolated transaction by the owner or pledgee of a security, whether effected through a broker-dealer or not, which is not directly or indirectly for the benefit of the issuer;

2. Any nonissuer distribution by a registered broker-dealer and its registered agent of a security that has been outstanding in the hands of the public for the past five years, if the issuer in each of the past three fiscal years has lawfully paid dividends on its common stock aggregating at least four percent of its current market price;

3. Any transaction by a registered broker-dealer and its registered agent pursuant to an unsolicited order or offer to buy;

4. Any transaction in a bond or other evidence of indebtedness secured by a real or chattel mortgage or deed of trust or by an agreement for the sale of real estate or chattels, if the entire indebtedness secured thereby is offered and sold as a unit;

5. Any transaction in his official capacity by a receiver, trustee in bankruptcy or other judicially appointed officer selling securities pursuant to court order;

6. Any offer or sale to a corporation, investment company or pension or profit-sharing trust or to a broker-dealer;

7. a. Any sale of its securities by an issuer or any sale of securities by a registered broker-dealer and its registered agent acting on behalf of an issuer if, after the sale, such issuer has not more than 35 security holders, and if its securities have not been offered to the general public by advertisement or solicitation; or

b. To the extent the Commission by rule or order permits, any sale of its securities by an issuer or any sale of securities by a registered broker-dealer and its registered agent acting on behalf of an issuer to not more than 35 persons in the Commonwealth during any period of 12 consecutive months, whether or not the issuer or any purchaser is then present in the Commonwealth, if the issuer or broker-dealer reasonably believes that all the purchasers in the Commonwealth are

purchasing for investment, and if the securities have not been offered to the general public by advertisement or general solicitation. The Commission may, by rule or order, as to any security or transaction or any type of security or transaction, withdraw or further condition this exemption, increase or decrease the number of purchasers permitted, or waive the condition relating to their investment intent. The Commission may assess and collect in connection with any filing pursuant to this exemption a nonrefundable fee not to exceed \$250.

With respect to this subdivision 7, and except to the extent the Commission by rule or order may otherwise permit, the number of security holders of an issuer or the number of purchasers from an issuer, as the case may be, shall not be deemed to include the security holders of any other corporation, partnership, limited liability company, unincorporated association or trust unless it was organized to raise capital for the issuer. Notwithstanding the provisions of subdivision 15, the merger or consolidation of corporations, partnerships, limited liability companies, unincorporated associations or other entities shall be a violation of this chapter if the surviving or new entity has more than 35 security holders or purchasers and all the securities of the parties thereto were issued under this exemption, unless all of the parties thereto have been engaged in transacting business for more than two years prior to the merger or consolidation;

8. Any transaction pursuant to an offer to existing security holders of the issuer including holders of transferable warrants issued to existing security holders and exercisable within 90 days of their issuance, if either (i) no commission or other remuneration (other than a standby commission) is paid or given directly or indirectly for soliciting any security holder in this Commonwealth or (ii) the issuer first notifies the Commission in writing of the terms of the offer and the Commission does not by order disallow the exemption within five full business days after the date of the receipt of the notice;

9. Any offer (but not a sale) of a security for which registration statements have been filed, but are not effective, under both this chapter and the Securities Act of 1933; but this exemption shall not apply while a stop order is in effect or, after notice to the issuer, while a proceeding or examination looking toward such an order is pending under either act;

10. The issuance of not more than three shares of common stock to one or more of the incorporators of a corporation and the initial transfer thereof;

11. Sales of an issue of bonds, aggregating \$150,000 or less, secured by a first lien deed of trust on realty situated in Virginia, to 30 persons or less who are residents of Virginia;

12. Any offer or sale of any interest in any partnership, corporation, association or other entity created solely to provide residential housing located in the Commonwealth, provided that such offer or sale is by the issuer or by a real estate broker or real estate agent duly licensed in Virginia;

13. The Commission is authorized to create by rule a limited offering exemption, the purpose of which shall be to further the objectives of compatibility with similar exemptions from federal securities regulation and uniformity among the states; providing that such rule shall not exempt broker-dealers or agents from the registration requirements of this chapter, except in the case of an agent of the issuer who either (i) receives no sales commission directly or indirectly for offering or selling the securities or (ii) effects transactions in a security exempt from registration under the Securities Act of 1933 pursuant to rules and regulations promulgated under § 4(2) thereof. Any filing made with the Commission pursuant to any exemption created under this subdivision shall be accompanied by a \$250 fee;

14. The issuance of any security dividend, whether the corporation distributing the dividend is the issuer of the security or not, if nothing of value is given by stockholders for the distribution other than the surrender of a right to a cash dividend where the stockholder can elect to take a dividend in cash or in a security;

15. Any transaction incident to a right of conversion or a statutory or judicially approved reclassification, recapitalization, reorganization, quasi-reorganization, stock split, reverse stock split, merger, consolidation, sale of assets, or exchange of securities;

16. Any offer or sale of a security issued by a Virginia church if the offer and sale are only to its members and the security is offered and sold only by its members who are Virginia residents and who do not receive remuneration or compensation directly or indirectly for offering or selling the security;

17. Any offer or sale of securities issued by a professional business entity (as defined in subsection A of § 13.1-1102) to a person licensed or otherwise legally authorized to render within this Commonwealth the same professional services (as defined in subsection A of § 13.1-1102) rendered by the professional business entity. Notwithstanding the foregoing, nothing in this subdivision shall be deemed to provide that shares of stock, partnership or membership interests or other representations of ownership in a professional business entity are securities except to the extent otherwise provided by subsection A of this section;

18. Any offer that is communicated on the Internet, World Wide Web or similar proprietary or common carrier electronic system and that is in compliance with requirements prescribed by rule or order of the Commission;

19. To the extent the Commission by rule or order permits, any offer or sale to an accredited investor, as defined by the Commission, if the issuer reasonably believes before the sale that the accredited investor, either alone or with the accredited investor's representative, has such knowledge and experience in financial and business matters as to be capable of evaluating the merits and risks of the prospective investment. The Commission may assess and collect in connection with any filing pursuant to this exemption a nonrefundable fee not to exceed \$250;

20. Any transaction by a bank pursuant to an unsolicited offer or order to buy or sell any security, provided such transaction is not effected by an employee of the bank who is also an employee of a broker-dealer;

21. (Expires July 1, 2020) To the extent the Commission by rule or order permits, any security issued by an entity ~~formed, organized, or existing under the laws of the Commonwealth, if:~~

a. The offering of the security is conducted in accordance with § 3(a)(11) of the Securities Act of 1933 and Rule 147 adopted under the Securities Act of 1933 *or the U.S. Securities and Exchange Commission's Rule 147A*;

b. The offer and sale of the security are made only to residents of Virginia. *However, for an offering conducted in accordance with the U.S. Securities and Exchange Commission's Rule 147A, the offer may be made accessible to residents outside of Virginia provided that the sale of the security is made only to residents of Virginia*;

c. The aggregate price of securities in an offering under this exemption does not exceed \$2 million, which sum the Commission, by rule or order, may increase or decrease;

d. The total consideration paid by any purchaser of securities in an offering under this exemption does not exceed \$10,000, unless the purchaser is an accredited investor as defined by Rule 501 of the U.S. Securities and Exchange Commission's Regulation D (17 C.F.R. § 230.501). The Commission, by rule or order, may increase or decrease such limit on the total consideration to be paid by any purchaser of securities in an offering under this exemption;

e. No compensation is paid to employees, agents, or other persons for the solicitation of, or based on the sale of, securities in connection with an offering of securities under this exemption to any person who is not registered as a broker-dealer or agent, except to the extent permitted by rule or order of the Commission;

f. Neither the issuer nor any person related to the issuer is subject to disqualification as established by the Commission by rule or order; and

g. The security is sold in an offering conducted in compliance with any conditions established by rule or order of the Commission, which may include:

(1) Restrictions on the nature of the issuer;

(2) Limitations on the number and manner of offerings;

(3) Disclosures required to be provided to investors, including disclosures of risk factors related to the issuer and the offering;

(4) Requirements that all proceeds received from purchasers be placed in escrow in a depository institution located in the Commonwealth until the minimum amount of the offering is raised;

(5) Filings with the Commission of notices and other materials related to the offering; ~~and~~

(6) Requirements regarding the preparation and submission of the issuer's financial statements, including (i) the form and content of such statements and (ii) whether such statements are required to be audited or reviewed by an independent certified public accountant in accordance with generally accepted accounting principles; *and*

(7) *Requirements that the entity issuing the security is formed, organized, or existing under the laws of the Commonwealth. However, for an offering conducted in accordance with the U.S. Securities and Exchange Commission's Rule 147A, the entity issuing the security may be formed or organized outside the Commonwealth, provided that the entity has its principal place of business in the Commonwealth and satisfies at least one of the doing business requirements in 17 C.F.R. § 230.147A (c) 2.*

The Commission may assess and collect in connection with any filing pursuant to this exemption a nonrefundable fee in an amount to be set by the Commission by rule or order, provided such amount shall not exceed \$500; and

22. Any offer or sale of securities conducted in accordance with Tier 2 of federal Regulation A (17 CFR 230.251 to 230.263) promulgated under § 3(b)(2) of the Securities Act of 1933 (U.S. Securities and Exchange Commission Release No. 33-9741, 80 Fed. Reg. 21806) to the extent such securities are preempted from the registration requirements of this chapter pursuant to Tier 2 of federal Regulation A. The Commission shall by rule or order prescribe any filings with the Commission of notices, renewals, and other materials. The Commission may assess and collect in connection with any filing pursuant to this exemption a nonrefundable filing fee not to exceed \$500. The Commission shall provide information on its website regarding the differences between the exemption provided pursuant to this subdivision and the exemption provided pursuant to subdivision 21.

C. In any proceeding under this chapter, the burden of proving an exemption shall be upon the person claiming it.

2. That the third enactment of Chapter 354 and the third enactment of Chapter 400 of the Acts of Assembly of 2015 are repealed.

CHAPTER 280

An Act to authorize the issuance of bonds, in an amount up to \$279,470,000 plus financing costs, pursuant to Article X, Section 9 (c) of the Constitution of Virginia, for paying costs of acquiring, constructing, and equipping revenue-producing capital projects at institutions of higher learning of the Commonwealth; to authorize the Treasury Board, by and with the consent of the Governor, to fix the details of such bonds, to provide for the sale of such bonds, and to issue notes to borrow money in anticipation of the issuance of the bonds; to provide for the pledge of the net revenues of such capital projects and the full faith, credit, and taxing power of the Commonwealth for the payment of such bonds; to provide that the interest income on such bonds and notes shall be exempt from all taxation by the Commonwealth and any political subdivision thereof; and to amend and reenact § 2 of the first enactment of

Chapters 285 and 358 of the Acts of Assembly of 2018 to change the Project Title for a project for The College of William and Mary in Virginia; emergency.

[S 580]

Approved March 11, 2020

Whereas, Article X, Section 9 (c) of the Constitution of Virginia provides that the General Assembly may authorize the creation of debt secured by a pledge of net revenues derived from rates, fees, or other charges and the full faith and credit of the Commonwealth of Virginia, provided that such debt is created for specific revenue-producing capital projects, including their enlargement or improvement, at, among others, institutions of higher education of the Commonwealth; and

Whereas, in accordance with Article X, Section 9 (c) of the Constitution of Virginia, the Governor has certified in writing, filed with the Auditor of Public Accounts, his opinion that the anticipated net revenues of each of the capital projects identified below to be pledged to the payment of the principal of and the interest on that portion of such debt issued for each such project will be sufficient to meet such payments as the same become due and to provide such reserves as may be required by law and that each of the capital projects complies with the requirements of Article X, Section 9 (c) of the Constitution of Virginia; now, therefore,

Be it enacted by the General Assembly of Virginia:

1. § 1. Title.

This act shall be known and may be cited as the "Commonwealth of Virginia Higher Educational Institutions Bond Act of 2020."

§ 2. Authorization of bonds and bond anticipation notes.

The Treasury Board is hereby authorized, by and with the consent of the Governor, to sell and issue, pursuant to Article X, Section 9 (c), Constitution of Virginia, at one time or from time to time, bonds of the Commonwealth, to be designated "Commonwealth of Virginia Higher Educational Institutions Bonds, Series" in an aggregate principal amount not exceeding \$279,470,000, plus amounts needed to fund issuance costs, reserve funds, construction period interest, and other financing expenses. The Treasury Board is further hereby authorized, by and with the consent of the Governor, to borrow money in anticipation of the issuance of bonds by the issuance of bond anticipation notes (BANs), including BANs issued as commercial paper. The proceeds of such bonds and BANs, excluding amounts needed to fund issuance costs, reserve funds, and other financing expenses, shall be used exclusively for the purpose of providing funds, with any other available funds, for paying all or a portion of the costs of acquiring, constructing, renovating, enlarging, improving, and equipping revenue-producing capital projects at institutions of higher learning of the Commonwealth as follows:

<i>Institution</i>	<i>Project Title</i>	<i>Project Code</i>	<i>Amount</i>
<i>James Madison University</i>	<i>Eagle Hall Renovations</i>	<i>18469</i>	<i>\$49,000,000</i>
<i>Radford University</i>	<i>Renovate Norwood and Tyler Residence Halls</i>	<i>18462</i>	<i>\$12,000,000</i>
<i>The College of William and Mary in Virginia</i>	<i>Renovate Dormitories</i>	<i>18218</i>	<i>\$11,850,000</i>
<i>Virginia Polytechnic Institute and State University</i>	<i>Creativity and Innovation District Living Learning Community</i>	<i>18457</i>	<i>\$89,620,000</i>
<i>Virginia Polytechnic Institute and State University</i>	<i>Global Business and Analytics Complex Residence Halls</i>	<i>18458</i>	<i>\$84,000,000</i>
<i>Virginia Polytechnic Institute and State University</i>	<i>New Upper Quad Residence Hall</i>	<i>18459</i>	<i>\$33,000,000</i>
<i>Total</i>			<i>\$279,470,000</i>

§ 3. Application of proceeds.

The proceeds, including any premium, of bonds and BANs (except the proceeds of (i) bonds the issuance of which has been anticipated by BANs, (ii) refunding bonds, and (iii) refunding BANs), shall be deposited in a special capital outlay fund in the state treasury and, together with the investment income thereon, shall be disbursed by the State Treasurer for paying costs of acquiring, constructing, renovating, enlarging, improving, and equipping the authorized capital projects, including financing costs. The proceeds of (i) bonds the issuance of which has been anticipated by BANs, (ii) refunding bonds and (iii) refunding BANs shall be used to pay such BANs, refunded bonds, and refunded BANs.

§ 4. Details, sale of bonds and BANs.

Bonds and BANs shall be dated and may be made redeemable before their maturity or maturities at such price or prices or within such price parameters, all as may be determined by the Treasury Board, by and with the consent of the Governor. Bonds and BANs shall be in such form, shall bear interest at such rate or rates, either at fixed rates or at rates established by formula or other method, and may contain such other provisions, all as determined by the Treasury Board or, when authorized by the Treasury Board, the State Treasurer. The principal of and premium, if any, and the interest on bonds and BANs shall be payable in lawful money of the United States of America. Bonds and BANs may be certificated or uncertificated as determined by the Treasury Board. The Treasury Board may contract for services of such registrars, transfer agents, or other authenticating agents as it deems appropriate to maintain a record of the persons entitled to the bonds and BANs. Bonds and BANs issued in certificated form may be issued under a system of book entry for recording the ownership and transfer of ownership of rights to receive payments on the bonds and BANs. The Treasury Board shall fix the authorized denomination or denominations of the bonds and the place or places of payment of certificated bonds and BANs, which may be at the Office of the State Treasurer or at any bank or trust company within or without the Commonwealth. Bonds shall mature at such time or times not exceeding thirty years from their date or dates, and BANs shall mature at such time or times not exceeding five years from their date or dates.

The Treasury Board may sell bonds and BANs in such manner, by competitive bidding, negotiated sale, or private placement, and for such price or within such price parameters as it may determine, by and with the consent of the Governor, to be in the best interest of the Commonwealth.

In the discretion of the Treasury Board, bonds and BANs may be issued at one time or from time to time and may be sold and issued at the same time with other general obligation bonds and BANs, respectively, of the Commonwealth authorized pursuant to Article X, Section 9 (a) (3), (b), and (c) of the Constitution of Virginia, as separate issues or as a combined issue, designated "Commonwealth of Virginia General Obligation Bonds Bond Anticipation Notes, Series"

§ 5. Execution of bonds and BANs.

Certificated bonds and BANs shall be signed on behalf of the Commonwealth by the Governor and by the State Treasurer, or shall bear their facsimile signatures, and shall bear the lesser seal of the Commonwealth or a facsimile thereof. If the bonds or BANs bear the facsimile signature of the State Treasurer, they shall be signed by such administrative assistant as the State Treasurer shall determine or by such registrar or paying agent as may be designated to sign them by the Treasury Board. If any officer whose signature or facsimile signature appears on any bonds or BANs ceases to be such officer before delivery, such signature or facsimile signature shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until such delivery, and any bond or BAN may bear the facsimile signature of, or may be signed by, such persons as at the actual time of execution are the proper officers to sign such bond or BAN, although at the date of such bond or BAN, such persons may not have been such officers.

§ 6. Sources for payment of expenses.

All expenses incurred under this Act shall be paid from the proceeds of bonds or BANs, from payments made by the institutions for which the capital projects were authorized in § 2, or from any other available funds as the Treasury Board shall determine.

§ 7. Revenues.

Each institution of higher learning named above is hereby authorized (i) to fix, revise, charge, and collect rates, fees, and charges for or in connection with the use, occupancy, and services of each capital project set forth above or the system of which such capital project is a part and (ii) to pledge to the portion of the bonds or BANs issued for such capital project the net revenues resulting from such rates, fees, and charges and remaining after payment of the expenses of operating the project or system, as the case may be. Each such institution is further authorized to create debt service and sinking funds for the payments of the principal of, premium, if any, and interest on the bonds and other reserves required by any agency of the United States of America purchasing the bonds or any portion thereof.

§ 8. Investments and contracts.

A. Pending the application of the proceeds of the bonds or BANs (including refunding bonds and BANs) to the purpose for which they have been authorized and the application of funds set aside for the purpose to the payment of bonds or BANs, they may be invested by the State Treasurer in securities that are legal investments under the laws of the Commonwealth for public funds and sinking funds, as the case may be. Whenever the State Treasurer receives interest from the investment of the proceeds of bonds or any BANs, such interest shall become a part of the principal of the bonds or any BANs and shall be used in the same manner as required for principal of the bonds or BANs.

B. The Commonwealth may enter into any contract or other arrangement that is determined to be necessary or appropriate to place the obligation or investment of the Commonwealth, as represented by bonds, BANs, or investments, in whole or in part, on the interest rate, cash flow, or other basis desired by the Commonwealth. Such contract or other arrangement may include without limitation, contracts commonly known as interest rate swap agreements and futures or contracts providing for payments based on levels of, or changes in, interest rates. These contracts or arrangements may be entered into by the Commonwealth in connection with, or incidental to, entering into, or maintaining any (i) agreement which secures bonds or BANs or (ii) investment, or contract providing for investment, otherwise authorized by law. These contracts and arrangements may contain such payment, security, default, remedy, and other terms and conditions as determined by the Commonwealth, after giving due consideration to the creditworthiness of the counterparty or other obligated party, including any rating by any nationally recognized rating agency, and any other criteria as may be

appropriate. The determinations referred to in this paragraph may be made by the Treasury Board or any public funds manager with professional investment capabilities duly authorized by the Treasury Board to make such determinations.

C. Any money set aside and pledged to secure payments of bonds, BANs, or any of the contracts entered into pursuant to this section may be invested in accordance with paragraph A and may be pledged to and used to service any of the contracts or other arrangements entered into pursuant to paragraph B.

§ 9. Security for bonds and BANs.

The net revenues of the capital projects set forth above and the full faith and credit of the Commonwealth are hereby irrevocably pledged for the payment of the principal of and the interest on bonds and BANs (unless the Treasury Board, by and with the consent of the Governor, shall provide otherwise) issued under this Act. The proceeds of (i) bonds the issuance of which has been anticipated by BANs, (ii) refunding bonds and (iii) refunding BANs are hereby irrevocably pledged for the payment of principal of and interest and any premium on the BANs or bonds to be paid or redeemed thereby. In the event the net revenues pledged to the payment of the bonds or BANs are insufficient in any fiscal year for the timely payment of the principal of, premium, if any, and interest on the bonds or BANs, where the full faith and credit of the Commonwealth have been pledged, the General Assembly shall appropriate a sum sufficient therefor or the Governor shall direct payment therefor from the general fund revenues of the Commonwealth.

§ 10. Exemption of interest from tax.

The bonds and BANs issued under the provisions of this Act, their transfer and the income therefrom, including any profit made on the sale thereof, shall at all times be free and exempt from taxation by the Commonwealth and by any county, city, or town, or other political subdivision thereof. The Treasury Board is authorized to take or refrain from taking any and all actions and to covenant to such effect, and to require the participating institutions to do and to covenant likewise, to the extent that, in the judgment of the Treasury Board, it is appropriate in order that interest on the bonds and BANs may be exempt from federal income tax. Alternatively, interest on bonds and BANs may be made subject to inclusion in gross income of the holders thereof for federal income tax purposes.

§ 11. Refunding bonds and BANs.

The Treasury Board is authorized, by and with the consent of the Governor, to sell and issue, at one time or from time to time, refunding bonds and BANs of the Commonwealth, to refund any or all of the bonds and BANs, respectively, issued under this Act or otherwise authorized pursuant to Article X, Section 9 (c), Constitution of Virginia. Refunding bonds and BANs may be issued in a principal amount up to the amount necessary to pay at maturity or redeem the bonds and BANs to be refunded and pay all issuance costs and other financing expenses of the refunding. Such refunding bonds and BANs may be issued whether or not the obligations to be refunded are then subject to redemption.

§ 12. Defeasance.

Any bond or BAN for which cash or direct obligations of the United States of America shall have been set aside in escrow with the State Treasurer or a bank or trust company, within or without the Commonwealth, shall be deemed no longer outstanding under the applicable authorizing instrument, this Act, and Article X, Section 9 (c) or (b), as the case may be, of the Constitution of Virginia.

§ 13. Severability.

The provisions of this Act or the application thereof to any person or circumstance which are held invalid shall not affect the validity of other provisions or applications of this Act which can be given effect without the invalid provisions or applications.

2. That § 2 of the first enactment of Chapters 285 and 358 of the Acts of Assembly of 2018 is amended and reenacted as follows:

§ 2. Authorization of bonds and bond anticipation notes.

The Treasury Board is hereby authorized, by and with the consent of the Governor, to sell and issue, pursuant to Article X, Section 9 (c) of the Constitution of Virginia, at one time or from time to time, bonds of the Commonwealth, to be designated "Commonwealth of Virginia Institutions of Higher Education Bonds, Series" in an aggregate principal amount not exceeding \$21,000,000, plus amounts needed to fund issuance costs, reserve funds, construction period interest, and other financing expenses. The Treasury Board is further hereby authorized, by and with the consent of the Governor, to borrow money in anticipation of the issuance of bonds by the issuance of bond anticipation notes (BANs), including BANs issued as commercial paper. The proceeds of such bonds and BANs, excluding amounts needed to fund issuance costs, reserve funds, and other financing expenses, shall be used exclusively for the purpose of providing funds, with any other available funds, for paying all or a portion of the costs of acquiring, constructing, renovating, enlarging, improving, and equipping revenue-producing capital projects at institutions of higher education of the Commonwealth as follows:

Institution	Project Title	Amount
Norfolk State University	Construct Residence Housing	\$10,000,000
The College of William and Mary in Virginia	Renovate Dormitories- Green & Gold Phase	\$11,000,000
Total		\$21,000,000

3. That an emergency exists and this act is in force from its passage.

CHAPTER 281

An Act to amend and reenact § 33.2-2901 of the Code of Virginia, relating to the Richmond Metropolitan Transportation Authority; membership.

[S 726]

Approved March 11, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 33.2-2901 of the Code of Virginia is amended and reenacted as follows:

§ 33.2-2901. Creation of the Richmond Metropolitan Transportation Authority.

There is hereby created a political subdivision and public body corporate and politic of the Commonwealth to be known as the Richmond Metropolitan Transportation Authority, to be governed by a board of directors consisting of 16 members appointed as follows: five members to be appointed by the Board of Supervisors of Chesterfield County for terms of four years from the date of appointment; five members to be appointed by the Board of Supervisors of Henrico County for terms of four years from the date of appointment; ~~five~~ four members to be appointed by the Mayor of the City of Richmond with the approval of the City Council of the City of Richmond (*Council*) for terms of four years from the date of appointment; *one member of the Council appointed by the president of the Council for a term of four years from the date of appointment*; and one ex officio member from the Commonwealth Transportation Board to be appointed by the Commissioner of Highways. Any of the three localities may, in its discretion, appoint as one of its Board members an elected officeholder who is a member of the governing body of that locality. Vacancies in the membership of the board of directors shall be filled in the same manner as the original appointment for the unexpired portion of the term. The board of directors so appointed shall enter upon the performance of its duties and shall initially and annually elect a chairman and a vice-chairman from its membership and shall also elect annually a secretary or secretary-treasurer, who need not be a member of the board of directors. The chairman, or in his absence the vice-chairman, shall preside at all meetings of the board of directors, and in the absence of both the chairman and vice-chairman, the board of directors shall elect a chairman pro tempore who shall preside at such meetings. Nine directors shall constitute a quorum, and all action by the board of directors shall require the affirmative vote of a majority of the directors present and voting. The members of the board of directors shall be entitled to reimbursement for expenses incurred in attendance upon meetings of the board of directors or while otherwise engaged in the discharge of their duties, and each member shall also be paid the sum of \$50 per day for each day or portion thereof during which he is engaged in the performance of his duties. Such expenses and compensation shall be paid out of the treasury of the Authority in such manner as shall be prescribed by the Authority. No member of the Board shall receive health insurance, dental insurance, retirement benefits, or other such benefits as compensation for his service on the Board.

2. That the first vacancy on the Richmond Metropolitan Transportation Authority (Authority) occurring on or after July 1, 2020, due to the resignation or expiration of the term of a member of the Authority appointed by the Mayor of Richmond shall be filled by a member of the City Council of the City of Richmond appointed pursuant to this act.

CHAPTER 282

An Act to repeal the fourteenth enactments of Chapters 854 and 856 of the Acts of Assembly of 2018, relating to the Washington Metropolitan Area Transit Authority; labor organizations.

[S 995]

Approved March 11, 2020

Be it enacted by the General Assembly of Virginia:

1. That the fourteenth enactments of Chapters 854 and 856 of the Acts of Assembly of 2018 are repealed.

CHAPTER 283

An Act to amend and reenact § 24.2-622 of the Code of Virginia, relating to sample ballots; color of paper of unofficial sample ballots.

[H 146]

Approved March 11, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 24.2-622 of the Code of Virginia is amended and reenacted as follows:

§ 24.2-622. Unofficial sample ballots.

~~Nothing contained in this title shall be construed to prohibit: (i) the printing and circulation of sample paper ballots, which are not printed on white or yellow paper and do include thereon the words "sample ballot" in type no smaller than 24 point; (ii) the printing and circulation of sample voting equipment ballots, provided such sample ballots include on their face the words "sample ballot"; or (iii) the Sample ballots not authorized by electoral boards and provided by electoral~~

boards or general registrars to precincts pursuant to § 24.2-641 are permitted to be printed and circulated, which includes publication in newspapers or on the Internet of sample ballots of either type.

~~Sample ballots, in whole or in part, other than the official sample ballots, Such sample ballots shall not be printed on white or yellow paper and shall include on their face the words "sample ballot" in a font size no smaller than 24 point.~~

All sample ballots, excepting those official sample ballots authorized by electoral boards and provided by electoral boards or general registrars to precincts pursuant to § 24.2-641, are advertisements for purposes of Chapter 9.5 (§ 24.2-955 et seq.). Voters may take sample ballots into the voting booth or enclosure, but shall not give, tender, or exhibit such sample ballot to any person, other than an assistant designated under § 24.2-649, while inside the polling place or within the prohibited area designated by § 24.2-604.

CHAPTER 284

An Act to amend and reenact § 24.2-802, as it is currently effective and as it shall become effective, of the Code of Virginia, relating to recounts; procedure for certain ballots.

[H 179]

Approved March 11, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 24.2-802, as it is currently effective and as it shall become effective, of the Code of Virginia is amended and reenacted as follows:

§ 24.2-802. (Effective until July 1, 2020) Procedure for recount.

A. The State Board of Elections shall promulgate standards for (i) the proper handling and security of voting and counting machines, ballots, and other materials required for a recount, (ii) accurate determination of votes based upon objective evidence and taking into account the counting machine and form of ballots approved for use in the Commonwealth, and (iii) any other matters that will promote a timely and accurate resolution of the recount. The chief judge of the circuit court or the full recount court may, consistent with State Board of Elections standards, resolve disputes over the application of the standards and direct all other appropriate measures to ensure the proper conduct of the recount.

The recount procedures to be followed throughout the election district shall be as uniform as practicable, taking into account the types of ballots and voting and counting machines in use in the election district.

In preparation for the recount, the clerks of the circuit courts shall (a) secure all printed ballots and other election materials in sealed boxes; (b) place all of the sealed boxes in a vault or room not open to the public or to anyone other than the clerk and his staff; (c) cause such vault or room to be securely locked except when access is necessary for the clerk and his staff; and (d) certify that these security measures have been taken in whatever form is deemed appropriate by the chief judge.

B. Within seven calendar days of the filing of the petition for a recount of any election other than an election for presidential electors, or within five calendar days of the filing of a petition for a recount of an election for presidential electors, the chief judge of the circuit court shall call a preliminary hearing at which (i) motions may be disposed of and (ii) the rules of procedure may be fixed, both subject to review by the full court. As part of the preliminary hearing, the chief judge may permit the petitioner and his counsel, together with each other party and his counsel and at least two members of the electoral board and the custodians, to examine any direct recording electronic machine of the type that prints returns when the print-out sheets are not clearly legible. The petitioner and his counsel and each other party and their counsel under supervision of the electoral board and its agents shall also have access to pollbooks and other materials used in the election for examination purposes, provided that individual ballots cast in the election shall not be examined at the preliminary hearing. The chief judge during the preliminary hearing shall review all security measures taken for all ballots and voting and counting machines and direct, as he deems necessary, all appropriate measures to ensure proper security to conduct the recount.

The chief judge, subject to review by the full court, may set the place or places for the recount and may order the delivery of election materials to a central location and the transportation of voting and counting machines to a central location in each county or city under appropriate safeguards.

After the full court is appointed under § 24.2-801 or 24.2-801.1, it shall call a hearing at which all motions shall be disposed of and the rules of procedure shall be fixed finally, and it shall issue a written order setting out such rules of procedure. The court shall call for the advice and cooperation of the Department, the State Board, or any local electoral board, as appropriate, and such boards or agency shall have the duty and authority to assist the court. The court shall fix procedures that shall provide for the accurate determination of votes in the election.

The determination of the votes in a recount shall be based on votes cast in the election and shall not take into account (a) any absentee ballots or provisional ballots sought to be cast but ruled invalid and not cast in the election, (b) ballots cast only for administrative or test purposes and voided by the officers of election, or (c) ballots spoiled by a voter and replaced with a new ballot.

The eligibility of any voter to have voted shall not be an issue in a recount. Commencing upon the filing of the recount, nothing shall prevent the discovery or disclosure of any evidence that could be used pursuant to § 24.2-803 in contesting the results of an election.

C. The court shall permit each candidate, or petitioner and governing body or chief executive officer, to select an equal number of the officers of election to be recount officials and to count printed ballots, or in the case of direct recording electronic machines, to redetermine the vote. The number shall be fixed by the court and be sufficient to conduct the recount within a reasonable period. The court may permit each party to the recount to submit a list of alternate officials in the number the court directs. There shall be at least one team of recount officials to recount printed ballots and to redetermine the vote cast on direct recording electronic machines of the type that prints returns for the election district at large in which the recount is being held. There shall be at least one team from each locality using ballot scanner machines to insert the ballots into one or more scanners. The ballot scanner machines shall be programmed to count only votes cast for parties to the recount or for or against the question in a referendum recount. Each team shall be composed of one representative of each party.

The court may provide that if, at the time of the recount, any recount official fails to appear, the remaining recount officials present shall appoint substitute recount officials who shall possess the same qualifications as the recount officials for whom they substitute. The court may select pairs of recount coordinators to serve for each county or city in the election district who shall be members of the county or city electoral board and represent different political parties. The court shall have authority to summon such officials and coordinators. On the request of any party to the recount, the court shall allow that party to appoint one representative observer for each team of recount officials. The representative observers shall have an unobstructed view of the work of the recount officials. The expenses of its representatives shall be borne by each party.

D. The court (i) shall supervise the recount and (ii) may require delivery of any or all pollbooks used and any or all ballots cast at the election, or may assume supervision thereof through the recount coordinators and officials.

The redetermination of the vote in a recount shall be conducted as follows:

1. For paper ballots, the recount officials shall hand count the paper ballots using the standards promulgated by the State Board pursuant to subsection A.

2. For direct recording electronic machines (DREs), the recount officials shall open the envelopes with the printouts and read the results from the printouts. If the printout is not clear, or on the request of the court, the recount officials shall rerun the printout from the machine or examine the counters as appropriate.

3. For ballot scanner machines, the recount officials shall rerun all the machine-readable ballots through a scanner programmed to count only the votes for the office or issue in question in the recount and to set aside all ballots containing write-in votes, overvotes, and undervotes. The ballots that are set aside, any ballots not accepted by the scanner, and any ballots for which a scanner could not be programmed to meet the programming requirements of this subdivision, shall be hand counted using the standards promulgated by the State Board pursuant to subsection A. If the total number of machine-readable ballots reported as counted by the scanner plus the total number of ballots set aside by the scanner do not equal the total number of ballots rerun through the scanner, then all ballots cast on ballot scanner machines for that precinct shall be set aside to be counted by hand using the standards promulgated by the State Board pursuant to subsection A. Prior to running the machine-readable ballots through the ballot scanner machine, the recount officials shall ensure that logic and accuracy tests have been successfully performed on each scanner after the scanner has been programmed. The result calculated for ballots accepted by the ballot scanner machine during the recount shall be considered the correct determination for those machine-readable ballots unless the court finds sufficient cause to rule otherwise.

There shall be only one redetermination of the vote in each precinct.

Prior to the conclusion of the recount of each precinct, the recount officials shall segregate all ballots for which there is a question regarding the ballot's validity.

At the conclusion of the recount of each precinct, the recount officials shall write down the number of valid ballots cast, this number being obtained from the ballots cast in the precinct, or from the ballots cast as shown on the statement of results if the ballots cannot be found, for each of the two candidates or for and against the question. They shall submit the ballots or the statement of results used, as to the validity of which questions exist, to the court. The written statement of any one recount official challenging a ballot shall be sufficient to require its submission to the court. If, on all direct recording electronic machines, the number of persons voting in the election, or the number of votes cast for the office or on the question, totals more than the number of names on the pollbooks of persons voting on the voting machines, the figures recorded by the machines shall be accepted as correct.

At the conclusion of the recount of all precincts, after allowing the parties to inspect the questioned ballots, and after hearing arguments, the court shall rule on the validity of all questioned ballots and votes. *The court may not consider the validity of any ballots not set aside prior to the conclusion of the recount of each precinct.* After determining all matters pertaining to the recount and redetermination of the vote as raised by the parties, the court shall certify to the State Board and the electoral board or boards (a) the vote for each party to the recount and declare the person who received the higher number of votes to be nominated or elected, as appropriate, or (b) the votes for and against the question and declare the outcome of the referendum. The Department shall post on the Internet any and all changes made during the recount to the results as previously certified by it pursuant to § 24.2-679.

E. Costs of the recount shall be assessed against the counties and cities comprising the election district when (i) the candidate petitioning for the recount is declared the winner; (ii) the petitioners in a recount of a referendum win the recount; or (iii) there was between the candidate apparently nominated or elected and the candidate petitioning for the recount a difference of not more than one-half of one percent of the total vote cast for the two such candidates as determined by the State Board or electoral board prior to the recount. Otherwise the costs of the recount shall be assessed against the candidate

petitioning for the recount or the petitioners in a recount of a referendum. If more than one candidate petitions for a recount, the court may assess costs in an equitable manner between the counties and cities and any such candidate if both are liable for costs under this subsection. Costs incurred to date shall be assessed against any candidate or petitioner who defaults or withdraws his petition.

F. The court shall determine the costs of the recount subject to the following limitations: (i) no per diem payment shall be assessed for salaried election officials; (ii) no per diem payment to officers of election serving as recount officials shall exceed two-thirds of the per diem paid such officers by the county or city for service on election day; and (iii) per diem payments to alternates shall be allowed only if they serve.

G. Any petitioner who may be assessed with costs under subsection E shall post a bond with surety with the court in the amount of \$10 per precinct in the area subject to recount. If the petitioner wins the recount, the bond shall not be forfeit. If the petitioner loses the recount, the bond shall be forfeit only to the extent of the assessed costs. If the assessed costs exceed the bond, he shall be liable for such excess.

H. The recount proceeding shall be final and not subject to appeal.

I. For the purposes of this section:

"Overvote" means a ballot on which a voter casts a vote for a greater number of candidates or positions than the number for which he was lawfully entitled to vote and no vote shall be counted with respect to that office or issue.

"Undervote" means a ballot on which a voter casts a vote for a lesser number of candidates or positions than the number for which he was lawfully entitled to vote.

§ 24.2-802. (Effective July 1, 2020) Procedure for recount.

A. The State Board of Elections shall promulgate standards for (i) the proper handling and security of voting systems, ballots, and other materials required for a recount, (ii) accurate determination of votes based upon objective evidence and taking into account the voting system and form of ballots approved for use in the Commonwealth, and (iii) any other matters that will promote a timely and accurate resolution of the recount. The chief judge of the circuit court or the full recount court may, consistent with State Board of Elections standards, resolve disputes over the application of the standards and direct all other appropriate measures to ensure the proper conduct of the recount.

The recount procedures to be followed throughout the election district shall be as uniform as practicable, taking into account the types of ballots and voting systems in use in the election district.

In preparation for the recount, the clerks of the circuit courts shall (a) secure all printed ballots and other election materials in sealed boxes; (b) place all of the sealed boxes in a vault or room not open to the public or to anyone other than the clerk and his staff; (c) cause such vault or room to be securely locked except when access is necessary for the clerk and his staff; and (d) certify that these security measures have been taken in whatever form is deemed appropriate by the chief judge.

B. Within seven calendar days of the filing of the petition for a recount of any election other than an election for presidential electors, or within five calendar days of the filing of a petition for a recount of an election for presidential electors, the chief judge of the circuit court shall call a preliminary hearing at which (i) motions may be disposed of and (ii) the rules of procedure may be fixed, both subject to review by the full court. The petitioner and his counsel and each other party and their counsel under supervision of the electoral board and its agents shall have access to pollbooks and other materials used in the election for examination purposes, provided that individual ballots cast in the election shall not be examined at the preliminary hearing. The chief judge during the preliminary hearing shall review all security measures taken for all ballots and voting systems and direct, as he deems necessary, all appropriate measures to ensure proper security to conduct the recount.

The chief judge, subject to review by the full court, may set the place or places for the recount and may order the delivery of election materials to a central location and the transportation of voting systems to a central location in each county or city under appropriate safeguards.

After the full court is appointed under § 24.2-801 or 24.2-801.1, it shall call a hearing at which all motions shall be disposed of and the rules of procedure shall be fixed finally, and it shall issue a written order setting out such rules of procedure. The court shall call for the advice and cooperation of the Department, the State Board, or any local electoral board, as appropriate, and such boards or agency shall have the duty and authority to assist the court. The court shall fix procedures that shall provide for the accurate determination of votes in the election.

The determination of the votes in a recount shall be based on votes cast in the election and shall not take into account (a) any absentee ballots or provisional ballots sought to be cast but ruled invalid and not cast in the election, (b) ballots cast only for administrative or test purposes and voided by the officers of election, or (c) ballots spoiled by a voter and replaced with a new ballot.

The eligibility of any voter to have voted shall not be an issue in a recount. Commencing upon the filing of the recount, nothing shall prevent the discovery or disclosure of any evidence that could be used pursuant to § 24.2-803 in contesting the results of an election.

C. The court shall permit each candidate, or petitioner and governing body or chief executive officer, to select an equal number of the officers of election to be recount officials and to count printed ballots. The number shall be fixed by the court and be sufficient to conduct the recount within a reasonable period. The court may permit each party to the recount to submit a list of alternate officials in the number the court directs. There shall be at least one team from each locality using ballot scanner machines to insert the ballots into one or more scanners. The ballot scanner machines shall be programmed to

count only votes cast for parties to the recount or for or against the question in a referendum recount. Each team shall be composed of one representative of each party.

The court may provide that if, at the time of the recount, any recount official fails to appear, the remaining recount officials present shall appoint substitute recount officials who shall possess the same qualifications as the recount officials for whom they substitute. The court may select pairs of recount coordinators to serve for each county or city in the election district who shall be members of the county or city electoral board and represent different political parties. The court shall have authority to summon such officials and coordinators. On the request of any party to the recount, the court shall allow that party to appoint one representative observer for each team of recount officials. The representative observers shall have an unobstructed view of the work of the recount officials. The expenses of its representatives shall be borne by each party.

D. The court (i) shall supervise the recount and (ii) may require delivery of any or all pollbooks used and any or all ballots cast at the election, or may assume supervision thereof through the recount coordinators and officials.

The redetermination of the vote in a recount shall be conducted as follows:

1. For paper ballots, the recount officials shall hand count the paper ballots using the standards promulgated by the State Board pursuant to subsection A.

2. For ballot scanner machines, the recount officials shall rerun all the machine-readable ballots through a scanner programmed to count only the votes for the office or issue in question in the recount and to set aside all ballots containing write-in votes, overvotes, and undervotes. The ballots that are set aside, any ballots not accepted by the scanner, and any ballots for which a scanner could not be programmed to meet the programming requirements of this subdivision, shall be hand counted using the standards promulgated by the State Board pursuant to subsection A. If the total number of machine-readable ballots reported as counted by the scanner plus the total number of ballots set aside by the scanner do not equal the total number of ballots rerun through the scanner, then all ballots cast on ballot scanner machines for that precinct shall be set aside to be counted by hand using the standards promulgated by the State Board pursuant to subsection A. Prior to running the machine-readable ballots through the ballot scanner machine, the recount officials shall ensure that logic and accuracy tests have been successfully performed on each scanner after the scanner has been programmed. The result calculated for ballots accepted by the ballot scanner machine during the recount shall be considered the correct determination for those machine-readable ballots unless the court finds sufficient cause to rule otherwise.

There shall be only one redetermination of the vote in each precinct.

Prior to the conclusion of the recount of each precinct, the recount officials shall segregate all ballots for which there is a question regarding the ballot's validity.

At the conclusion of the recount of each precinct, the recount officials shall write down the number of valid ballots cast, this number being obtained from the ballots cast in the precinct, or from the ballots cast as shown on the statement of results if the ballots cannot be found, for each of the two candidates or for and against the question. They shall submit the ballots or the statement of results used, as to the validity of which questions exist, to the court. The written statement of any one recount official challenging a ballot shall be sufficient to require its submission to the court. If, on all ballot scanners, the number of persons voting in the election, or the number of votes cast for the office or on the question, totals more than the number of names on the pollbooks of persons voting on the voting machines, the figures recorded by the machines shall be accepted as correct.

At the conclusion of the recount of all precincts, after allowing the parties to inspect the questioned ballots, and after hearing arguments, the court shall rule on the validity of all questioned ballots and votes. *The court may not consider the validity of any ballots not set aside prior to the conclusion of the recount of each precinct.* After determining all matters pertaining to the recount and redetermination of the vote as raised by the parties, the court shall certify to the State Board and the electoral board or boards (a) the vote for each party to the recount and declare the person who received the higher number of votes to be nominated or elected, as appropriate, or (b) the votes for and against the question and declare the outcome of the referendum. The Department shall post on the Internet any and all changes made during the recount to the results as previously certified by it pursuant to § 24.2-679.

E. Costs of the recount shall be assessed against the counties and cities comprising the election district when (i) the candidate petitioning for the recount is declared the winner; (ii) the petitioners in a recount of a referendum win the recount; or (iii) there was between the candidate apparently nominated or elected and the candidate petitioning for the recount a difference of not more than one-half of one percent of the total vote cast for the two such candidates as determined by the State Board or electoral board prior to the recount. Otherwise the costs of the recount shall be assessed against the candidate petitioning for the recount or the petitioners in a recount of a referendum. If more than one candidate petitions for a recount, the court may assess costs in an equitable manner between the counties and cities and any such candidate if both are liable for costs under this subsection. Costs incurred to date shall be assessed against any candidate or petitioner who defaults or withdraws his petition.

F. The court shall determine the costs of the recount subject to the following limitations: (i) no per diem payment shall be assessed for salaried election officials; (ii) no per diem payment to officers of election serving as recount officials shall exceed two-thirds of the per diem paid such officers by the county or city for service on election day; and (iii) per diem payments to alternates shall be allowed only if they serve.

G. Any petitioner who may be assessed with costs under subsection E shall post a bond with surety with the court in the amount of \$10 per precinct in the area subject to recount. If the petitioner wins the recount, the bond shall not be forfeit. If

the petitioner loses the recount, the bond shall be forfeit only to the extent of the assessed costs. If the assessed costs exceed the bond, he shall be liable for such excess.

H. The recount proceeding shall be final and not subject to appeal.

I. For the purposes of this section:

"Overvote" means a ballot on which a voter casts a vote for a greater number of candidates or positions than the number for which he was lawfully entitled to vote and no vote shall be counted with respect to that office or issue.

"Undervote" means a ballot on which a voter casts a vote for a lesser number of candidates or positions than the number for which he was lawfully entitled to vote.

CHAPTER 285

An Act to amend and reenact § 24.2-604.3 of the Code of Virginia, relating to election day page program; central absentee voter precincts.

[H 186]

Approved March 11, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 24.2-604.3 of the Code of Virginia is amended and reenacted as follows:

§ 24.2-604.3. Election day page program; high school students.

A. The local electoral board, or its general registrar, may conduct a special election day page program for high school students in one or more polling places designated by the electoral board or the general registrar, ~~other than~~ *which may include* a central absentee voter precinct. Students shall be selected for the election day page program by the electoral board or the general registrar in cooperation with high school authorities. The program shall be designed to stimulate the pages' interest in elections and registering to vote, provide assistance to the officers of election, and ensure the safe entry and exit of elderly and disabled voters from the polling place.

B. Each page shall receive, from a person designated by the electoral board, training on the duties, responsibilities, and prohibited conduct of election pages. Each page shall take and sign an oath as an election page, serve under the direct supervision of the chief officer of election of his assigned polling place, and observe strict impartiality at all times.

C. Election pages may observe the electoral process and seek information from the chief officer of election and may assist in the arrangement of the voting equipment, furniture, and other materials for the conduct of the election but shall not enter any voting booth. Election pages may, at the direction and under the direct supervision of the chief officer of election, assist in the counting of unmarked ballots but shall not handle or touch ballots in any other circumstance.

CHAPTER 286

An Act to amend and reenact § 24.2-115.2 of the Code of Virginia, relating to officers of election; timing of additional training following change in law or regulation.

[H 202]

Approved March 11, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 24.2-115.2 of the Code of Virginia is amended and reenacted as follows:

§ 24.2-115.2. Officers of election; required training.

A. Each officer of election shall receive training consistent with the standards set by the State Board pursuant to § 24.2-103. This training shall be conducted by the electoral boards and general registrars, using the standardized training programs and materials developed by the State Board for this purpose. However, any electoral board and general registrar may instead require that the officers of election complete the online training course provided by the State Board pursuant to subsection B of § 24.2-103. Each officer of election shall receive such training, or complete the online training course, before the first election in which he will be serving as an officer of election. Such requirement shall apply to each term for which the officer of election is appointed.

B. Notwithstanding the provisions of subsection A, each officer of election shall receive additional training or instruction whenever a change to election procedures is made to this title or to regulations that alters the duties or conduct of the officers of election. Such changes shall include changes to voting systems, electronic pollbook equipment or programming, voter identification requirements, and provisional ballot requirements. Such additional training shall be conducted or instruction given *to all relevant individuals* promptly after the law or regulation has taken effect, but not less than three days prior to the ~~November general~~ *first election occurring in the locality after the law or regulation has taken effect.*

C. Following any training conducted pursuant to this section, the electoral boards shall certify to the State Board that the officers of election in its jurisdiction have received the required training. Such certification shall include the dates of each completed training.

CHAPTER 287

An Act to amend and reenact § 24.2-106 of the Code of Virginia, relating to local electoral boards; terms to begin January 1.

[H 237]

Approved March 11, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 24.2-106 of the Code of Virginia is amended and reenacted as follows:

§ 24.2-106. Appointment and terms; vacancies; chairman and secretary; certain prohibitions; training.

A. There shall be in each county and city an electoral board composed of three members who shall be appointed by the chief judge of the judicial circuit for the county or city or that judge's designee. Such designee shall be any other judge who sits in the judicial circuit. Any vacancy occurring on a board shall be filled by the same authority for the unexpired term. In the event of the temporary absence, or disability that precludes the performance of duties, of one or more members that prevents attaining a quorum, the chief judge or his designee, for good cause, may appoint, on a meeting-to-meeting basis, a temporary member to the electoral board. The temporary appointee must be eligible for appointment and to the extent practicable maintain representation of political parties under this section. The clerk of the circuit court shall send to the State Board a copy of each order making an appointment to an electoral board.

In the appointment of the electoral board, representation shall be given to each of the two political parties having the highest and next highest number of votes in the Commonwealth for Governor at the last preceding gubernatorial election. Two electoral board members shall be of the political party that cast the highest number of votes for Governor at that election. When the Governor was not elected as the candidate of a political party, representation shall be given to each of the political parties having the highest and next highest number of members of the General Assembly at the time of the appointment and two board members shall be of the political party having the highest number of members in the General Assembly. The political party entitled to the appointment shall make and file recommendations with the judges for the appointment not later than ~~January 15 of the year of an appointment to a full term~~ *December 15 of the year of an expiration of a term* or, in the case of an appointment to fill a vacancy, within 30 days of the date of death or notice of resignation of the member being replaced. Its recommendations shall contain the names of at least three qualified voters of the county or city for each appointment. The chief judge, or his designee, shall promptly make such appointment from the recommendations (i) after receipt of the political party's recommendation or (ii) after ~~January 15~~ *December 15* for a full term or after the 30-day period expires for a vacancy appointment, whichever of the events described in clause (i) or (ii) first occurs.

The chief judge of the judicial circuit for the county or city, or his designee, shall not appoint to the electoral board (a) any person who is the spouse of an electoral board member or the general registrar for the county or city; (b) any person, or the spouse of any person, who is the parent, grandparent, sibling, child, or grandchild of an electoral board member or the general registrar of the county or city; or (c) any person who is ineligible to serve under the provisions of this section.

Electoral board members shall serve three-year terms and be appointed to staggered terms, one term to expire at midnight on the last day of ~~February~~ *December* each year, *unless the results of an election have not been certified by the board or a recount of an election has not concluded, in which case the term shall expire at midnight on the day the results are certified or the recount is concluded.* No three-year term shall be shortened to comply with the political party representation requirements of this section.

B. The board shall elect one of its members as chairman and another as secretary. The chairman and the secretary shall represent different political parties, unless the representative of the second-ranked political party declines in writing to accept the unfilled office. At any time that the secretary is incapacitated in such a way that makes it impossible for the secretary to carry out the duties of the position, the board may designate one of its other members as acting secretary. Any such designation shall be made in an open meeting and recorded in the minutes of the board.

The secretary of the electoral board shall immediately notify the State Board of any change in the membership or officers of the electoral board and shall keep the Board informed of the name, residence and mailing addresses, and home and business telephone numbers of each electoral board member.

C. No member of an electoral board shall be eligible to offer for or hold an office to be filled in whole or in part by qualified voters of his jurisdiction. If a member resigns to offer for or hold such office, the vacancy shall be filled as provided in this section.

No member of an electoral board shall be the spouse, grandparent, parent, sibling, child, or grandchild, or the spouse of a grandparent, parent, sibling, child, or grandchild, of a candidate for or holder of an elective office filled in whole or in part by any voters within the jurisdiction of the electoral board.

No member of an electoral board shall serve as the chairman of a state, local or district level political party committee or as a paid worker in the campaign of a candidate for nomination or election to an office filled by election in whole or in part by the qualified voters of the jurisdiction of the electoral board.

D. Each member of the electoral board shall attend an annual training program provided by the State Board during the first year of his appointment and the first year of any subsequent reappointment.

2. That the terms of persons serving as members of local electoral boards prior to the effective date of this act shall expire as follows: (i) a term set to expire on February 28, 2021, shall expire on December 31, 2020; (ii) a term set to

expire on February 28, 2022, shall expire on December 31, 2021; and (iii) a term set to expire on February 28, 2023, shall expire on December 31, 2022.

CHAPTER 288

An Act to amend and reenact § 24.2-709, as it is currently effective and as it shall become effective, of the Code of Virginia, relating to absentee voting; deadline for returning absentee ballot.

[H 238]

Approved March 11, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 24.2-709, as it is currently effective and as it shall become effective, of the Code of Virginia is amended and reenacted as follows:

§ 24.2-709. (Effective for elections prior to the general election on November 3, 2020) Ballot to be returned in manner prescribed by law.

A. Any ballot returned to the office of the general registrar in any manner except as prescribed by law shall be void. Absentee ballots shall be returned to the general registrar before the closing of the polls. The registrar receiving the ballot shall (i) seal the ballot in an envelope with the statement or declaration of the voter, or both, attached to the outside and (ii) mark on each envelope the date, time, and manner of delivery. No returned absentee ballot shall be deemed void because the inner envelope containing the voted ballot is imperfectly sealed so long as the outside envelope containing the ballot envelope is sealed.

B. *Notwithstanding the provisions of subsection A, any absentee ballot (i) returned to the general registrar after the closing of the polls on election day but before noon on the third day after the election and (ii) postmarked on or before the date of the election shall be counted pursuant to the procedures set forth in this chapter if the voter is found entitled to vote. For purposes of this subsection, a postmark shall include any other official indicia of confirmation of mailing by the United States Postal Service or other postal or delivery service.*

C. Notwithstanding the provisions of subsection A, any absentee ~~ballots~~ ballot (i) received after the close of the polls on any election day, (ii) received before 5:00 p.m. on the second business day before the State Board meets to ascertain the results of the election pursuant to this title, (iii) requested on or before but not sent by the deadline for making absentee ballots available under § 24.2-612, and (iv) cast by an absentee voter who is eligible for an absentee ballot under subdivision 2 of § 24.2-700 shall be counted pursuant to the procedures set forth in this chapter ~~and~~; if the voter is found entitled to vote, ~~included in the election returns~~. The electoral board shall prepare an amended certified abstract, which shall include the results of such ballots, and shall deliver such abstract to the State Board by the business day prior to its meeting pursuant to this title, and shall deliver a copy of such abstract to the general registrar to be available for inspection when his office is open for business.

~~C. D.~~ Notwithstanding the provisions of clause (i) of subsection B of § 24.2-427, an absentee ballot returned by a voter in compliance with § 24.2-707 and this section who dies prior to the counting of absentee ballots on election day shall be counted pursuant to the procedures set forth in this chapter if the voter is found to have been entitled to vote at the time that he returned the ballot.

§ 24.2-709. (Effective for elections beginning with the general election on November 3, 2020) Ballot to be returned in manner prescribed by law.

A. Any ballot returned to the office of the general registrar in any manner except as prescribed by law shall be void. Absentee ballots shall be returned to the general registrar before the closing of the polls. The registrar receiving the ballot shall (i) seal the ballot in an envelope with the statement or declaration of the voter, or both, attached to the outside and (ii) mark on each envelope the date, time, and manner of delivery. No returned absentee ballot shall be deemed void because the inner envelope containing the voted ballot is imperfectly sealed so long as the outside envelope containing the ballot envelope is sealed.

B. *Notwithstanding the provisions of subsection A, any absentee ballot (i) returned to the general registrar after the closing of the polls on election day but before noon on the third day after the election and (ii) postmarked on or before the date of the election shall be counted pursuant to the procedures set forth in this chapter if the voter is found entitled to vote. For purposes of this subsection, a postmark shall include any other official indicia of confirmation of mailing by the United States Postal Service or other postal or delivery service.*

C. Notwithstanding the provisions of subsection A, any absentee ~~ballots~~ ballot (i) received after the close of the polls on any election day, (ii) received before 5:00 p.m. on the second business day before the State Board meets to ascertain the results of the election pursuant to this title, (iii) requested on or before but not sent by the deadline for making absentee ballots available under § 24.2-612, and (iv) cast by an absentee voter who is eligible for an absentee ballot under subdivision A 2 of § 24.2-700 shall be counted pursuant to the procedures set forth in this chapter ~~and~~; if the voter is found entitled to vote, ~~included in the election returns~~. The electoral board shall prepare an amended certified abstract, which shall include the results of such ballots, and shall deliver such abstract to the State Board by the business day prior to its meeting pursuant to this title, and shall deliver a copy of such abstract to the general registrar to be available for inspection when his office is open for business.

~~En D.~~ Notwithstanding the provisions of clause (i) of subsection B of § 24.2-427, an absentee ballot returned by a voter in compliance with § 24.2-707 and this section who dies prior to the counting of absentee ballots on election day shall be counted pursuant to the procedures set forth in this chapter if the voter is found to have been entitled to vote at the time that he returned the ballot.

CHAPTER 289

An Act to amend and reenact §§ 24.2-701, as it is currently effective and as it shall become effective, 24.2-703, 24.2-705, 24.2-706, as it is currently effective and as it shall become effective, and 24.2-707, as it is currently effective, of the Code of Virginia, relating to absentee voting; deadline for applying for an absentee ballot to cast other than in-person.

[H 239]

Approved March 11, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-701, as it is currently effective and as it shall become effective, 24.2-703, 24.2-705, 24.2-706, as it is currently effective and as it shall become effective, and 24.2-707, as it is currently effective, of the Code of Virginia are amended and reenacted as follows:

§ 24.2-701. (Effective for elections prior to the general election on November 3, 2020) Application for absentee ballot.

A. The State Board shall furnish each general registrar with a sufficient number of applications for official absentee ballots. The registrars shall furnish applications to persons requesting them.

The State Board shall implement a system that enables eligible persons to request and receive an absentee ballot application electronically through the Internet. Electronic absentee ballot applications shall be in a form approved by the State Board.

Except as provided in § 24.2-703, a separate application shall be completed for each election in which the applicant offers to vote. An application for an absentee ballot may be accepted the later of (i) 12 months before an election or (ii) the day following any election held in the twelfth month prior to the election in which the applicant is applying to vote.

An application that is completed in person at the same time that the applicant registers to vote shall be held and processed no sooner than the fifth day after the date that the applicant registered to vote; however, this requirement shall not be applicable to any person who is qualified to vote absentee under subdivision 2 of § 24.2-700.

Any application received before the ballots are printed shall be held and processed as soon as the printed ballots for the election are available.

For the purposes of this chapter, the general registrar's office shall be open a minimum of eight hours between the hours of 8:00 a.m. and 5:00 p.m. on the first and second Saturday immediately preceding all general elections, except May general elections, and on the Saturday immediately preceding any primary election, May general election, or special election.

Unless the applicant is disabled, all applications for absentee ballots shall be signed by the applicant who shall state, subject to felony penalties for making false statements pursuant to § 24.2-1016, that to the best of his knowledge and belief the facts contained in the application are true and correct and that he has not and will not vote in the election at any other place in Virginia or in any other state. If the applicant is unable to sign the application, a person assisting the applicant will note this fact on the applicant signature line and provide his signature, name, and address.

B. Applications for absentee ballots shall be completed in the following manner:

1. An application completed in person shall be made not less than three days prior to the election in which the applicant offers to vote and completed only in the office of the general registrar. The applicant shall sign the application in the presence of a registrar. The applicant shall provide one of the forms of identification specified in subsection B of § 24.2-643. Any applicant who does not show one of the forms of identification specified in subsection B of § 24.2-643 shall be offered a provisional ballot under the provisions of § 24.2-653. The State Board of Elections shall provide instructions to the general registrar for the handling and counting of such provisional ballots pursuant to subsection B of § 24.2-653 and this section.

2. Any other application may be made by mail, electronic or telephonic transmission to a facsimile device if one is available to the office of the general registrar or the office of the State Board if a device is not available locally, or other means. The application shall be on a form furnished by the registrar or, if made under subdivision 2 of § 24.2-700, may be on a federal postcard application prescribed pursuant to 52 U.S.C. § 20301(b)(2). The federal postcard application may be accepted the later of (i) 12 months before an election or (ii) the day following any election held in the twelfth month prior to the election in which the applicant is applying to vote. The application shall be made to the appropriate registrar no later than 5:00 p.m. on the ~~seventh~~ ^{eleventh} day prior to the election in which the applicant offers to vote.

C. Applications for absentee ballots shall contain the following information:

1. The applicant's printed name, the last four digits of the applicant's social security number, and the reason the applicant will be absent or cannot vote at his polling place on the day of the election. However, an applicant completing the application in person shall not be required to provide the last four digits of his social security number;

2. A statement that he is registered in the county or city in which he offers to vote and his residence address in such county or city. Any person temporarily residing outside the United States shall provide the last date of residency at his Virginia residence address, if that residence is no longer available to him. Any person who makes application under subdivision 2 of § 24.2-700 who is not a registered voter may file the applications to register and for a ballot simultaneously;

3. The complete address to which the ballot is to be sent directly to the applicant, unless the application is made in person at a time when the printed ballots for the election are available and the applicant chooses to vote in person at the time of completing his application. The address given shall be (i) the address of the applicant on file in the registration records; (ii) the address at which he will be located while absent from his county or city; or (iii) the address at which he will be located while temporarily confined due to a disability or illness. No ballot shall be sent to, or in care of, any other person; and

4. In the case of a person, or the spouse or dependent of a person, who is on active duty as a member of the uniformed services as defined in § 24.2-452, the branch of service to which he or the spouse belongs; or

5. In the case of a student, or the spouse of a student, who is attending a school or institution of higher education, the name of the school or institution of higher education; or

6. In the case of any duly registered person with a disability, as defined in § 24.2-101, who is unable to go in person to the polls on the day of the election because of his disability, illness, or pregnancy, that he is a person with a disability, illness, or pregnancy; or

7. In the case of a person who is confined awaiting trial or for having been convicted of a misdemeanor, the name of the institution of confinement; or

8. In the case of a person who will be absent on election day for business reasons, the name of his employer or business; or

9. In the case of a person who will be absent on election day for personal business or vacation reasons, the name of the county or city in Virginia or the state or country to which he is traveling; or

10. In the case of a person who is unable to go to the polls on the day of election because he is primarily and personally responsible for the care of an ill or disabled family member who is confined at home, his relationship to the family member; or

11. In the case of a person who is unable to go to the polls on the day of election because of an obligation occasioned by his religion, that he has an obligation occasioned by his religion; or

12. In the case of a person who, in the regular and orderly course of his business, profession, or occupation, will be at his place of work and commuting to and from his home to his place of work for 11 or more hours of the 13 hours that the polls are open pursuant to § 24.2-603, the name of his business or employer and hours he will be at the workplace and commuting on election day; or

13. In the case of a law-enforcement officer, as defined in § 18.2-51.1; firefighter, as defined in § 65.2-102; volunteer firefighter, as defined in § 27-42; search and rescue personnel, as defined in § 18.2-51.1; or emergency medical services personnel, as defined in § 32.1-111.1, that he is a first responder; or

14. In the case of a person who has been designated by a political party, independent candidate, or candidate in a primary election to be a representative of the party or candidate inside a polling place on the day of the election pursuant to subsection C of § 24.2-604 and § 24.2-639, the fact that he is so designated; or

15. In the case of a person who has been granted a protective order issued by or under the authority of any court of competent jurisdiction, the name of the county or city in Virginia or the state of the issuing court.

§ 24.2-701. (Effective for elections beginning with the general election on November 3, 2020) Application for absentee ballot.

A. The State Board shall furnish each general registrar with a sufficient number of applications for official absentee ballots. The registrars shall furnish applications to persons requesting them.

The State Board shall implement a system that enables eligible persons to request and receive an absentee ballot application electronically through the Internet. Electronic absentee ballot applications shall be in a form approved by the State Board.

Except as provided in § 24.2-703, a separate application shall be completed for each election in which the applicant offers to vote. An application for an absentee ballot may be accepted the later of (i) 12 months before an election or (ii) the day following any election held in the twelfth month prior to the election in which the applicant is applying to vote.

An application that is completed in person at the same time that the applicant registers to vote shall be held and processed no sooner than the fifth day after the date that the applicant registered to vote; however, this requirement shall not be applicable to any person who is qualified to vote absentee under subdivision A 2 of § 24.2-700.

Any application received before the ballots are printed shall be held and processed as soon as the printed ballots for the election are available.

For the purposes of this chapter, the general registrar's office shall be open a minimum of eight hours between the hours of 8:00 a.m. and 5:00 p.m. on the first and second Saturday immediately preceding all elections.

Unless the applicant is disabled, all applications for absentee ballots shall be signed by the applicant who shall state, subject to felony penalties for making false statements pursuant to § 24.2-1016, that to the best of his knowledge and belief the facts contained in the application are true and correct and that he has not and will not vote in the election at any other place in Virginia or in any other state. If the applicant is unable to sign the application, a person assisting the applicant will note this fact on the applicant signature line and provide his signature, name, and address.

B. Applications for absentee ballots shall be completed in the following manner:

1. An application completed in person shall be completed only in the office of the general registrar and signed by the applicant in the presence of a registrar. The applicant shall provide one of the forms of identification specified in subsection B of § 24.2-643. Any applicant who does not show one of the forms of identification specified in subsection B of § 24.2-643 shall be offered a provisional ballot under the provisions of § 24.2-653. The State Board of Elections shall provide instructions to the general registrar for the handling and counting of such provisional ballots pursuant to subsection B of § 24.2-653 and this section.

2. Any other application may be made by mail, electronic or telephonic transmission to a facsimile device if one is available to the office of the general registrar or the office of the State Board if a device is not available locally, or other means. The application shall be on a form furnished by the registrar or, if made under subdivision A 2 of § 24.2-700, may be on a federal postcard application prescribed pursuant to 52 U.S.C. § 20301(b)(2). The federal postcard application may be accepted the later of (i) 12 months before an election or (ii) the day following any election held in the twelfth month prior to the election in which the applicant is applying to vote. The application shall be made to the appropriate registrar no later than 5:00 p.m. on the ~~seventh~~ *eleventh* day prior to the election in which the applicant offers to vote.

C. Applications for absentee ballots shall contain the following information:

1. The applicant's printed name, the last four digits of the applicant's social security number, and the reason the applicant will be absent or cannot vote at his polling place on the day of the election. However, an applicant completing the application in person shall not be required to provide the last four digits of his social security number;

2. A statement that he is registered in the county or city in which he offers to vote and his residence address in such county or city. Any person temporarily residing outside the United States shall provide the last date of residency at his Virginia residence address, if that residence is no longer available to him. Any person who makes application under subdivision A 2 of § 24.2-700 who is not a registered voter may file the applications to register and for a ballot simultaneously;

3. The complete address to which the ballot is to be sent directly to the applicant, unless the application is made in person at a time when the printed ballots for the election are available and the applicant chooses to vote in person at the time of completing his application. The address given shall be (i) the address of the applicant on file in the registration records; (ii) the address at which he will be located while absent from his county or city; or (iii) the address at which he will be located while temporarily confined due to a disability or illness. No ballot shall be sent to, or in care of, any other person; and

4. In the case of a person, or the spouse or dependent of a person, who is on active duty as a member of the uniformed services as defined in § 24.2-452, the branch of service to which he or the spouse belongs; or

5. In the case of a student, or the spouse of a student, who is attending a school or institution of higher education, the name of the school or institution of higher education; or

6. In the case of any duly registered person with a disability, as defined in § 24.2-101, who is unable to go in person to the polls on the day of the election because of his disability, illness, or pregnancy, that he is a person with a disability, illness, or pregnancy; or

7. In the case of a person who is confined awaiting trial or for having been convicted of a misdemeanor, the name of the institution of confinement; or

8. In the case of a person who will be absent on election day for business reasons, the name of his employer or business; or

9. In the case of a person who will be absent on election day for personal business or vacation reasons, the name of the county or city in Virginia or the state or country to which he is traveling; or

10. In the case of a person who is unable to go to the polls on the day of election because he is primarily and personally responsible for the care of an ill or disabled family member who is confined at home, his relationship to the family member; or

11. In the case of a person who is unable to go to the polls on the day of election because of an obligation occasioned by his religion, that he has an obligation occasioned by his religion; or

12. In the case of a person who, in the regular and orderly course of his business, profession, or occupation, will be at his place of work and commuting to and from his home to his place of work for 11 or more hours of the 13 hours that the polls are open pursuant to § 24.2-603, the name of his business or employer and hours he will be at the workplace and commuting on election day; or

13. In the case of a law-enforcement officer, as defined in § 18.2-51.1; firefighter, as defined in § 65.2-102; volunteer firefighter, as defined in § 27-42; search and rescue personnel, as defined in § 18.2-51.1; or emergency medical services personnel, as defined in § 32.1-111.1, that he is a first responder; or

14. In the case of a person who has been designated by a political party, independent candidate, or candidate in a primary election to be a representative of the party or candidate inside a polling place on the day of the election pursuant to subsection C of § 24.2-604 and § 24.2-639, the fact that he is so designated; or

15. In the case of a person who has been granted a protective order issued by or under the authority of any court of competent jurisdiction, the name of the county or city in Virginia or the state of the issuing court.

D. An application shall not be required for any registered voter appearing in person to cast an absentee ballot during the period beginning on the second Saturday immediately preceding the election in which he is offering to vote.

§ 24.2-703. Application for absentee ballots for multiple elections for uniformed and overseas voters.

Any person who is eligible for a military-overseas ballot as defined in § 24.2-452 may file a single application to receive ballots for all elections in which he is eligible to vote absentee. The application shall be on a federal postcard application. An application from any person who is already registered or who is eligible for late registration under § 24.2-419 that is received by the general registrar no later than 5:00 p.m. on the ~~seventh~~ *eleventh* day prior to the election shall be considered a standing request for absentee ballots through December 31 of the year following the calendar year of the date of the application or another shorter period the voter specifies. In the event that a second or subsequent federal postcard application is received from a voter, any previous applications shall be superseded and the duration of the most recently received application shall apply.

The general registrar shall retain the application and process the applicant's request for an absentee ballot for each election in accordance with procedures established by the State Board. The applicant shall specify by party designation the primary ballots he is requesting.

If an official reply to the application or an absentee ballot sent to the applicant is returned as undeliverable, no other ballots shall be sent. No ballot shall be sent to the applicant, and no voted ballot received from the applicant shall be valid, (i) for any election held after the voter has notified the registrar that the voter no longer wishes to be registered or (ii) after the registrar has received notification that the voter has registered to vote in another state.

§ 24.2-705. Emergency applications and absentee ballots for persons incapacitated or hospitalized.

Any person registered and otherwise qualified to vote who becomes incapacitated on or after the ~~seventh~~ *eleventh* day preceding an election may request at any time prior to 2:00 p.m. on the day preceding the election that an emergency absentee ballot application be delivered to him. A voter who becomes hospitalized on or after the fourteenth day preceding the election and who is unable, because of his condition, to request an absentee ballot earlier than the ~~seventh~~ *eleventh* day preceding the election may request at any time prior to 2:00 p.m. on the day before an election that an emergency absentee ballot be delivered to him in the hospital. For purposes of this section, "incapacitated" means hospitalized, ill and confined to his residence, bereaved by the death of a spouse, child, or parent, or otherwise incapacitated by an emergency which is found by the general registrar to justify providing an emergency ballot application; and "hospital" means a hospital as defined in § 32.1-123 or 37.2-100 and any comparable hospital in the District of Columbia or any state contiguous to Virginia.

On receipt of the request, the general registrar shall provide an emergency absentee ballot application to the incapacitated voter's designated representative who shall deliver the application to the voter. If the voter is hospitalized, the delivery shall be made to him at the hospital; and if the voter is otherwise incapacitated, the delivery shall be made to him at his current residence address as shown on the registration records. The representative shall be age eighteen or older and shall not be an elected official, a candidate for elected office, or the deputy, spouse, parent, or child of an elected official or candidate.

The application shall be on a form prescribed by the State Board and shall require the applicant (i) to state the cause of his incapacity, (ii) to state that he is unable to be present at the polls on election day, and that he was either incapacitated on or after the ~~seventh~~ *eleventh* day preceding the election or hospitalized on or after the fourteenth day preceding the election and unable to request the application earlier than the ~~seventh~~ *eleventh* day preceding the election, (iii) to designate a representative to receive, deliver and return the ballot, and (iv) to provide other information required by law for an absentee ballot application.

If the voter is hospitalized, a hospital administrative official, a licensed physician attending the applicant, or provider as defined in § 37.2-403, shall certify on the form to the hospitalization of the applicant and the applicant's inability to be present at the polls on election day. If the voter is ill and confined to his residence, a licensed physician, provider as defined in § 37.2-403, or an accredited religious practitioner attending the applicant shall certify on the form to the incapacity of the applicant and the applicant's inability to be present at the polls on election day. If the voter is bereaved, a licensed physician, an accredited religious practitioner, or a funeral service licensee (as defined in § 54.1-2800) shall certify on the form to the incapacity of the applicant and the applicant's inability to be present at the polls on election day. If the voter is otherwise incapacitated as determined by the general registrar, the general registrar shall certify on the form to the incapacity of the applicant and the applicant's inability to be present at the polls on election day. The applicant shall sign the application and state, subject to felony penalties for making false statements pursuant to § 24.2-1016, that to the best of his knowledge and belief the facts contained in the application are true and correct. His signature shall be witnessed by the designated representative who shall sign and return the completed application to the office of the general registrar no later than 5:00 p.m. on the day preceding the election. For the purposes of this section, "accredited religious practitioner" means a person who has been trained in spiritual healing or the other healing arts and has been so accredited by a formal religious order.

On receipt of the completed application and a determination of the qualification of the applicant to vote, the general registrar shall provide, in accordance with the applicable provisions of this chapter, an absentee ballot to the designated representative for delivery to the incapacitated voter.

The incapacitated voter shall vote the absentee ballot as provided by law and mark it in the presence of the designated representative. The representative shall complete a statement, subject to felony penalties for making false statements pursuant to § 24.2-1016, that (i) he is the representative of the incapacitated voter; (ii) he personally delivered the ballot to the voter who applied for it; (iii) in his presence, the voter marked the ballot, the ballot was placed in the envelope provided,

the envelope was sealed, and the statement on its reverse side was signed by the incapacitated voter; and (iv) the ballot was returned, under seal, to the general registrar at the registrar's office.

The ballot shall be counted only if the ballot is received by the general registrar prior to the close of polls, and the general registrar shall deliver the ballot to the officers of election at each appropriate precinct pursuant to § 24.2-710.

§ 24.2-706. (Effective for elections prior to the general election on November 3, 2020) Duty of general registrar on receipt of application; statement of voter.

On receipt of an application for an absentee ballot, the general registrar shall enroll the name and address of each registered applicant on an absentee voter applicant list that shall be maintained in the office of the general registrar with a file of the applications of the listed applicants. The list shall be available for inspection and copying and the applications shall be available for inspection only by any registered voter during regular office hours. Upon request and for a reasonable fee, the Department of Elections shall provide an electronic copy of the absentee voter applicant list to any political party or candidate. Such list shall be used only for campaign and political purposes. Any list made available for inspection and copying under this section shall contain the post office box address in lieu of the residence street address for any individual who has furnished at the time of registration or subsequently, in addition to his street address, a post office box address pursuant to subsection B of § 24.2-418.

No list or application containing an individual's social security number, or any part thereof, or the individual's day and month of birth, shall be made available for inspection or copying by anyone. The Department of Elections shall prescribe procedures for general registrars to make the information in the lists and applications available in a manner that does not reveal social security numbers or parts thereof, or an individual's day and month of birth.

The completion and timely delivery of an application for an absentee ballot shall be construed to be an offer by the applicant to vote in the election.

The general registrar shall note on each application received whether the applicant is or is not a registered voter. In reviewing the application for an absentee ballot, the general registrar shall not reject the application of any individual because of an error or omission on any record or paper relating to the application, if such error or omission is not material in determining whether such individual is qualified to vote absentee.

If the application has been properly completed and signed and the applicant is a registered voter of the precinct in which he offers to vote, the general registrar shall, at the time when the printed ballots for the election are available, send by the deadline set out in § 24.2-612, obtaining a certificate or other evidence of either first-class or expedited mailing or delivery from the United States Postal Service or other commercial delivery provider, or deliver to him in person in the office of the registrar, the following items and nothing else:

1. An envelope containing the folded ballot, sealed and marked "Ballot within. Do not open except in presence of a witness."

2. An envelope, with printing only on the flap side, for resealing the marked ballot, on which envelope is printed the following:

"Statement of Voter."

"I do hereby state, subject to felony penalties for making false statements pursuant to § 24.2-1016, that my FULL NAME is _____ (last, first, middle); that I am now or have been at some time since last November's general election a legal resident of _____ (STATE YOUR LEGAL RESIDENCE IN VIRGINIA including the house number, street name or rural route address, city, zip code); that I received the enclosed ballot(s) upon application to the registrar of such county or city; that I opened the envelope marked 'ballot within' and marked the ballot(s) in the presence of the witness, without assistance or knowledge on the part of anyone as to the manner in which I marked it (or I am returning the form required to report how I was assisted); that I then sealed the ballot(s) in this envelope; and that I have not voted and will not vote in this election at any other time or place.

Signature of Voter _____

Date _____

Signature of witness _____ "

For elections held after January 1, 2004, instead of the envelope containing the above oath, an envelope containing the standard oath prescribed by the presidential designee under § 101(b)(7) of the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. § 20301 et seq.) shall be sent to voters who are qualified to vote absentee under that Act.

3. A properly addressed envelope for the return of the ballot to the general registrar by mail or by the applicant in person.

4. Printed instructions for completing the ballot and statement on the envelope and returning the ballot.

For federal elections held after January 1, 2004, for any voter who is required by subparagraph (b) of 52 U.S.C. § 21083 of the Help America Vote Act of 2002 to show identification the first time the voter votes in a federal election in the state, the printed instructions shall direct the voter to submit with his ballot (i) a copy of a current and valid photo identification or (ii) a copy of a current utility bill, bank statement, government check, paycheck or other government document that shows the name and address of the voter. Such individual who desires to vote by mail but who does not submit one of the forms of identification specified in this paragraph may cast such ballot by mail and the ballot shall be counted as a provisional ballot under the provisions of § 24.2-653. The Department of Elections shall provide instructions to the electoral boards for the handling and counting of such provisional ballots pursuant to subsection B of § 24.2-653 and this section.

5. For any voter entitled to vote absentee under the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. § 20301 et seq.), information provided by the Department of Elections specific to the voting rights and responsibilities for such citizens, or information provided by the registrar specific to the status of the voter registration and absentee ballot application of such voter, may be included.

The envelopes and instructions shall be in the form prescribed by the Department of Elections.

If the applicant makes his application to vote in person under § 24.2-701 at a time when the printed ballots for the election are available, the general registrar, on the determination of the qualifications of the applicant to vote, shall provide to the applicant the items set forth in subdivisions 1 through 4, and no item shall be removed by the applicant from the office of the general registrar. On the request of the applicant, made no later than 5:00 p.m. on the ~~seventh~~ *eleventh* day prior to the election in which the applicant offers to vote, the general registrar may send the items set forth in subdivisions 1 through 4 to the applicant by mail, obtaining a certificate or other evidence of mailing.

If the applicant states as the reason for his absence on election day any of the reasons set forth in subdivision 2 of § 24.2-700, the general registrar, at the time when the printed ballots for the election are available, shall mail by the deadline set forth in § 24.2-612 or deliver in person to the applicant in the office of the general registrar the items as set forth in subdivisions 1 through 4 and, if necessary, an application for registration. A certificate or other evidence of mailing shall not be required. If the applicant requests that such items be sent by electronic transmission, the general registrar, at the time when the printed ballots for the election are available but not later than the deadline set forth in § 24.2-612, shall send by electronic transmission the blank ballot, the form for the envelope for returning the marked ballot, and instructions to the voter. Such materials shall be sent using the official email address or fax number of the office of the general registrar published on the Department of Elections website. The State Board of Elections may prescribe by regulation the format of the email address used for transmitting ballots to eligible voters. A general registrar may also use electronic transmission facilities provided by the Federal Voting Assistance Program. The voted ballot shall be returned to the general registrar as otherwise required by this chapter.

When the statement prescribed in subdivision 2 has been properly completed and signed by the registered voter and witnessed, his ballot shall not be subject to challenge pursuant to § 24.2-651.

The circuit courts shall have jurisdiction to issue an injunction to enforce the provisions of this section upon the application of (i) any aggrieved voter, (ii) any candidate in an election district in whole or in part in the court's jurisdiction where a violation of this section has occurred, or is likely to occur, or (iii) the campaign committee or the appropriate district political party chairman of such candidate. Any person who fails to discharge his duty as provided in this section through willful neglect of duty and with malicious intent shall be guilty of a Class 1 misdemeanor as provided in subsection A of § 24.2-1001.

§ 24.2-706. (Effective for elections beginning with the general election on November 3, 2020) Duty of general registrar on receipt of application; statement of voter.

A. On receipt of an application for an absentee ballot, the general registrar shall enroll the name and address of each registered applicant on an absentee voter applicant list that shall be maintained in the office of the general registrar with a file of the applications received. The list shall be available for inspection and copying and the applications shall be available for inspection only by any registered voter during regular office hours. Upon request and for a reasonable fee, the Department of Elections shall provide an electronic copy of the absentee voter applicant list to any political party or candidate. Such list shall be used only for campaign and political purposes. Any list made available for inspection and copying under this section shall contain the post office box address in lieu of the residence street address for any individual who has furnished at the time of registration or subsequently, in addition to his street address, a post office box address pursuant to subsection B of § 24.2-418.

No list or application containing an individual's social security number, or any part thereof, or the individual's day and month of birth, shall be made available for inspection or copying by anyone. The Department of Elections shall prescribe procedures for general registrars to make the information in the lists and applications available in a manner that does not reveal social security numbers or parts thereof, or an individual's day and month of birth.

B. The completion and timely delivery of an application for an absentee ballot shall be construed to be an offer by the applicant to vote in the election.

The general registrar shall note on each application received whether the applicant is or is not a registered voter. In reviewing the application for an absentee ballot, the general registrar shall not reject the application of any individual because of an error or omission on any record or paper relating to the application, if such error or omission is not material in determining whether such individual is qualified to vote absentee.

If the application has been properly completed and signed and the applicant is a registered voter of the precinct in which he offers to vote, the general registrar shall, at the time when the printed ballots for the election are available, send by the deadline set out in § 24.2-612, obtaining a certificate or other evidence of either first-class or expedited mailing or delivery from the United States Postal Service or other commercial delivery provider, or deliver to him in person in the office of the registrar, the following items and nothing else:

1. An envelope containing the folded ballot, sealed and marked "Ballot within. Do not open except in presence of a witness."
2. An envelope, with printing only on the flap side, for resealing the marked ballot, on which envelope is printed the following:

"Statement of Voter."

"I do hereby state, subject to felony penalties for making false statements pursuant to § 24.2-1016, that my FULL NAME is _____ (last, first, middle); that I am now or have been at some time since last November's general election a legal resident of _____ (STATE YOUR LEGAL RESIDENCE IN VIRGINIA including the house number, street name or rural route address, city, zip code); that I received the enclosed ballot(s) upon application to the registrar of such county or city; that I opened the envelope marked 'ballot within' and marked the ballot(s) in the presence of the witness, without assistance or knowledge on the part of anyone as to the manner in which I marked it (or I am returning the form required to report how I was assisted); that I then sealed the ballot(s) in this envelope; and that I have not voted and will not vote in this election at any other time or place.

Signature of Voter _____

Date _____

Signature of witness _____"

For elections held after January 1, 2004, instead of the envelope containing the above oath, an envelope containing the standard oath prescribed by the presidential designee under § 101(b)(7) of the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. § 20301 et seq.) shall be sent to voters who are qualified to vote absentee under that Act.

When this statement has been properly completed and signed by the registered voter and witnessed, his ballot shall not be subject to challenge pursuant to § 24.2-651.

3. A properly addressed envelope for the return of the ballot to the general registrar by mail or by the applicant in person.

4. Printed instructions for completing the ballot and statement on the envelope and returning the ballot.

For federal elections held after January 1, 2004, for any voter who is required by subparagraph (b) of 52 U.S.C. § 21083 of the Help America Vote Act of 2002 to show identification the first time the voter votes in a federal election in the state, the printed instructions shall direct the voter to submit with his ballot (i) a copy of a current and valid photo identification or (ii) a copy of a current utility bill, bank statement, government check, paycheck or other government document that shows the name and address of the voter. Such individual who desires to vote by mail but who does not submit one of the forms of identification specified in this paragraph may cast such ballot by mail and the ballot shall be counted as a provisional ballot under the provisions of § 24.2-653. The Department of Elections shall provide instructions to the electoral boards for the handling and counting of such provisional ballots pursuant to subsection B of § 24.2-653 and this section.

5. For any voter entitled to vote absentee under the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. § 20301 et seq.), information provided by the Department of Elections specific to the voting rights and responsibilities for such citizens, or information provided by the registrar specific to the status of the voter registration and absentee ballot application of such voter, may be included.

The envelopes and instructions shall be in the form prescribed by the Department of Elections.

C. If the applicant completes his application in person under § 24.2-701 at a time when the printed ballots for the election are available, he may request that the general registrar send to him by mail the items set forth in subdivisions B 1 through 4, instead of casting the ballot in person. Such request shall be made no later than 5:00 p.m. on the ~~seventh~~ *eleventh* day prior to the election in which the applicant offers to vote, and the general registrar shall send those items to the applicant by mail, obtaining a certificate or other evidence of mailing.

D. If the applicant states as the reason for his absence on election day any of the reasons set forth in subdivision A 2 of § 24.2-700, the general registrar, at the time when the printed ballots for the election are available, shall mail by the deadline set forth in § 24.2-612 or deliver in person to the applicant in the office of the general registrar the items as set forth in subdivisions B 1 through 4 and, if necessary, an application for registration. A certificate or other evidence of mailing shall not be required. If the applicant requests that such items be sent by electronic transmission, the general registrar, at the time when the printed ballots for the election are available but not later than the deadline set forth in § 24.2-612, shall send by electronic transmission the blank ballot, the form for the envelope for returning the marked ballot, and instructions to the voter. Such materials shall be sent using the official email address or fax number of the office of the general registrar published on the Department of Elections website. The State Board of Elections may prescribe by regulation the format of the email address used for transmitting ballots to eligible voters. A general registrar may also use electronic transmission facilities provided by the Federal Voting Assistance Program. The voted ballot shall be returned to the general registrar as otherwise required by this chapter.

E. The circuit courts shall have jurisdiction to issue an injunction to enforce the provisions of this section upon the application of (i) any aggrieved voter, (ii) any candidate in an election district in whole or in part in the court's jurisdiction where a violation of this section has occurred, or is likely to occur, or (iii) the campaign committee or the appropriate district political party chairman of such candidate. Any person who fails to discharge his duty as provided in this section through willful neglect of duty and with malicious intent shall be guilty of a Class 1 misdemeanor as provided in subsection A of § 24.2-1001.

§ 24.2-707. (Effective for elections prior to the general election on November 3, 2020) How ballots marked and returned by mail; cast in person; cast on voting equipment.

A. On receipt of a mailed absentee ballot, the voter shall, in the presence of a witness, (i) open the sealed envelope marked "ballot within" and (ii) mark and refold the ballot, as provided in §§ 24.2-644, and 24.2-646 without assistance and without making known how he marked the ballot, except as provided by § 24.2-704.

After the voter has marked his absentee ballot, he shall (a) enclose the ballot in the envelope provided for that purpose, (b) seal the envelope, (c) fill in and sign the statement printed on the back of the envelope in the presence of a witness, who shall sign the same envelope, (d) enclose the ballot envelope and any required assistance form within the envelope directed to the general registrar, and (e) seal that envelope and mail it to the office of the general registrar or deliver it personally to the general registrar. A voter's failure to provide in the statement on the back of the envelope his full middle name or his middle initial shall not be a material omission, rendering his ballot void, unless the voter failed to provide in the statement on the back of the envelope his full first and last name. A voter's failure to provide the date, or any part of the date, including the year, on which he signed the statement printed on the back of the envelope shall not be considered a material omission and shall not render his ballot void. For purposes of this chapter, "mail" shall include delivery by a commercial delivery service, but shall not include delivery by a personal courier service or another individual except as provided by §§ 24.2-703.2 and 24.2-705.

B. An applicant who makes his application to vote in person at a time when the printed ballots for the election are available shall follow the same procedure set in subsection A above except that he may complete the procedure in person in the office of the general registrar, or at another location or locations in the county or city approved by the electoral board, before a registrar, or, if a ballot is cast at that time, before the officers of election appointed by the electoral board. Any such location shall be in a public building owned or leased by the city, the county, or a town within the county, with adequate facilities for the protection of all records concerning the absentee voters, the absentee ballots, both voted and unvoted, and any voting equipment in use at the location. Such location may be in a facility owned or leased by the Commonwealth and used as a location for Department of Motor Vehicles facilities and for an office of the general registrar. Such location shall be deemed the equivalent of the office of the general registrar for the purpose of completing the application for an absentee ballot in person pursuant to §§ 24.2-701 and 24.2-706. Any applicant who is in line to cast his ballot when the office of the general registrar or location being used for in-person absentee voting closes shall be permitted to cast his absentee ballot that day.

On the request of the applicant, made no later than 5:00 p.m. on the ~~seventh~~ eleventh day prior to the election in which the applicant offers to vote, the general registrar may send the items set forth in subdivisions 1 through 4 of § 24.2-706 to the applicant by mail, obtaining a certificate or other evidence of mailing.

C. Failure to follow the procedures set forth in subsection A or B shall render the applicant's ballot void.

The general registrar of any county or city using a central absentee voting precinct may provide for the casting of absentee ballots on voting equipment prior to election day by applicants who are voting in person. The Department of Elections shall prescribe procedures for the use of voting equipment. The procedures shall provide for the casting of absentee ballots prior to election day by in-person applicants on voting equipment which has been certified, and is currently approved, by the Department of Elections. The procedures shall be applicable and uniformly applied by the Department of Elections to all jurisdictions using comparable voting equipment. At least two officers of election, one representing each political party, shall be present during all hours that absentee voting is available at any location at which absentee ballots are cast prior to election day.

The requirement that officers of election shall be present if ballots are cast on voting equipment prior to election day shall not be applicable when the voting equipment is located in the office of the general registrar and the general registrar or an assistant registrar is present.

CHAPTER 290

An Act to amend and reenact § 24.2-405 of the Code of Virginia, relating to lists of registered voters; provided at no charge to courts of the Commonwealth and the United States for jury selection purposes.

[H 500]

Approved March 11, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 24.2-405 of the Code of Virginia is amended and reenacted as follows:

§ 24.2-405. Lists of registered voters.

A. The Department of Elections shall provide, at a reasonable price, lists of registered voters for their districts to ~~(i) courts of the Commonwealth and the United States for jury selection purposes, (ii)~~ candidates for election or political party nomination to further their candidacy, ~~(iii)~~ (ii) political party committees or officials thereof for political purposes only, ~~(iv)~~ (iii) political action committees that have filed a current statement of organization with the Department of Elections pursuant to § 24.2-949.2, or with the Federal Elections Commission pursuant to federal law, for political purposes only, ~~(v)~~ (iv) incumbent officeholders to report to their constituents, ~~(vi)~~ (v) nonprofit organizations that promote voter participation and registration for that purpose only, and ~~(vii)~~ (vi) commissioners of the revenue, as defined in § 58.1-3100, and treasurers, as defined in § 58.1-3123, for tax assessment, collection, and enforcement purposes. *The Department shall provide, at no charge, the courts of the Commonwealth and the United States with the lists for their districts for jury*

selection purposes no more than two times in a 12-month period and shall provide, at a reasonable price, such lists any other time in that same 12-month period. The lists shall be furnished to no one else and used for no other purpose. However, the Department of Elections is authorized to furnish information from the voter registration system to general registrars for their official use and to the Department of Motor Vehicles and other appropriate state agencies for maintenance of the voter registration system, and to the Chief Election Officers of other states for maintenance of voter registration systems.

B. The Department of Elections shall furnish, at a reasonable price, lists of the addresses of registered voters for their localities to local government census liaisons and their staffs for the sole purpose of providing address information to the United States Bureau of the Census. The Department of Elections shall also furnish, at a reasonable price, such lists to the Clerk of the Senate and the Clerk of the House of Delegates for the sole purpose of maintaining a database of constituent addresses for the General Assembly. The information authorized under this subsection shall be furnished to no other person and used for no other purpose. No list furnished under this subsection shall contain the name of any registered voter. For the purpose of this subsection, the term "census liaison" shall have the meaning provided in 13 U.S.C. § 16.

C. In no event shall any list furnished under this section contain the social security number, or any part thereof, of any registered voter except a list furnished to a court of the Commonwealth or of the United States for jury selection purposes, a commissioner of the revenue or a treasurer for tax assessment, collection, and enforcement purposes, or to the Chief Election Officer of another state permitted to use social security numbers, or any parts thereof, that provides for the use of such numbers on applications for voter registration in accordance with federal law, for maintenance of voter registration systems.

D. Any list furnished under subsection A shall contain the post office box address in lieu of the residence street address for any individual who has furnished at the time of registration or subsequently, in addition to his street address, a post office box address pursuant to subsection B of § 24.2-418.

CHAPTER 291

An Act to amend and reenact § 24.2-103 of the Code of Virginia, relating to State Board of Elections; activities related to the supervision of local electoral boards and general registrars.

[H 539]

Approved March 11, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 24.2-103 of the Code of Virginia is amended and reenacted as follows:

§ 24.2-103. Powers and duties in general.

A. The State Board, through the Department of Elections, shall supervise and coordinate the work of the county and city electoral boards and of the registrars to obtain uniformity in their practices and proceedings and legality and purity in all elections. *Its supervision shall ensure that major risks to election integrity are (i) identified and assessed and (ii) addressed as necessary to promote election uniformity, legality, and purity.* It shall make rules and regulations and issue instructions and provide information consistent with the election laws to the electoral boards and registrars to promote the proper administration of election laws. Electoral boards and registrars shall provide information requested by the State Board and shall follow (i) the elections laws and (ii) the rules and regulations of the State Board insofar as they do not conflict with Virginia or federal law. The State Board shall post on the Internet within three business days any rules or regulations made by the State Board. Upon request and at a reasonable charge not to exceed the actual cost incurred, the State Board shall provide to any requesting political party or candidate, within three days of the receipt of the request, copies of any instructions or information provided by the State Board to the local electoral boards and registrars.

B. The State Board, through the Department of Elections, shall ensure that the members of the electoral boards and general registrars are properly trained to carry out their duties by offering training annually, or more often, as it deems appropriate, and without charging any fees to the electoral boards and general registrars for the training.

The State Board shall set the training standards for the officers of election and shall develop standardized training programs for the officers of election to be conducted by the local electoral boards and the general registrars. Training of the officers of election shall be conducted and certified as provided by § 24.2-115.2. The State Board shall provide standardized training materials for such training and shall also offer on the Department of Elections website a training course for officers of election. The content of the online training course shall be consistent with the standardized training programs developed pursuant to this section. The State Board shall review the standardized training materials and the content of the online training course every two years in the year immediately following a general election for federal office.

C. The State Board may institute proceedings pursuant to § 24.2-234 for the removal of any member of an electoral board who fails to discharge the duties of his office in accordance with law. The State Board may petition the local electoral board to remove from office any general registrar who fails to discharge the duties of his office according to law. The State Board may institute proceedings pursuant to § 24.2-234 for the removal of a general registrar if the local electoral board refuses to remove the general registrar and the State Board finds that the failure to remove the general registrar has a material adverse effect upon the conduct of either the registrar's office or any election. Any action taken by the State Board pursuant to this subsection shall require a recorded majority vote of the Board.

D. The State Board may petition a circuit court or the Supreme Court, whichever is appropriate, for a writ of mandamus or prohibition, or other available legal relief, for the purpose of ensuring that elections are conducted as provided by law.

E. The Department of Elections shall supervise its own staff to assure that no member of its staff shall serve (i) as the chairman of a political party or other officer of a state-, local-, or district-level political party committee or (ii) as a paid or volunteer worker in the campaign of a candidate for nomination or election to an office filled by election in whole or in part by the qualified voters of the Commonwealth.

F. The State Board shall adopt a seal for its use and bylaws for its own proceedings.

G. A telephone call between two members of the Board preparing for a meeting shall not constitute a meeting under the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.), provided that no discussion or deliberation takes place that would otherwise constitute a meeting.

CHAPTER 292

An Act to amend and reenact § 28.2-807 of the Code of Virginia, relating to condemned growing beds; electronic maps.

[H 653]

Approved March 11, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 28.2-807 of the Code of Virginia is amended and reenacted as follows:

§ 28.2-807. Condemnation of polluted growing area; procedure.

If, after examination of the crustacea, finfish or shellfish in a growing area, or the bottom in or adjacent to such area, or the water over such area, or the sanitary or pollution conditions adjacent to or in near proximity to a growing area, the State Health Commissioner determines that the crustacea, finfish or shellfish are unfit for market, he shall, after notifying the Commissioner of Marine Resources, establish boundaries of the area in which the crustacea, finfish or shellfish are located or planted. This area shall be condemned and remain so until the Health Commissioner finds such crustacea, finfish or shellfish, or area, sanitary and not polluted. The Commissioner of Marine Resources, with instructions from the State Health Commissioner, shall ~~erect~~ provide to the public identification of designated condemned areas. *Public identification of designated condemned areas shall be by the use of markers or signs designating condemned areas. The necessary, downloadable maps, or digital interactive online maps.* When used, markers or signs shall be supplied to the Commissioner of Marine Resources by the State Health Commissioner.

CHAPTER 293

An Act to amend and reenact § 22.1-135.1 of the Code of Virginia, relating to local school boards; lead testing; report; parental notification.

[H 797]

Approved March 11, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-135.1 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-135.1. Potable water; lead testing.

Each local school board shall develop and implement a plan to test and, if necessary, remediate potable water from sources identified by the U.S. Environmental Protection Agency as high priority for testing, including bubbler-style and cooler-style drinking fountains, cafeteria or kitchen taps, classroom combination sinks and drinking fountains, and sinks known to be or visibly used for consumption. *Such plan shall be consistent with guidance published by the U.S. Environmental Protection Agency or the Department of Health.* The local school board shall give priority in the testing plan to schools whose school building was constructed, in whole or in part, before 1986. *Each local school board shall submit such testing plan and report the results of any such test to the Department of Health. Each local school board shall take all steps necessary to notify parents if testing results indicate lead contamination that exceeds 10 parts per billion.*

CHAPTER 294

An Act to amend and reenact §§ 24.2-101, 24.2-629, and 24.2-668 of the Code of Virginia, relating to voting systems; voter-verifiable paper record.

[H 1053]

Approved March 11, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-101, 24.2-629, and 24.2-668 of the Code of Virginia are amended and reenacted as follows:

§ 24.2-101. Definitions.

As used in this title, unless the context requires a different meaning:

"Ballot scanner machine" means the electronic counting machine in which a voter inserts a marked ballot to be scanned and the results tabulated.

"Candidate" means a person who seeks or campaigns for an office of the Commonwealth or one of its governmental units in a general, primary, or special election and who is qualified to have his name placed on the ballot for the office. "Candidate" shall include a person who seeks the nomination of a political party or who, by reason of receiving the nomination of a political party for election to an office, is referred to as its nominee. For the purposes of Chapters 8 (§ 24.2-800 et seq.), 9.3 (§ 24.2-945 et seq.), and 9.5 (§ 24.2-955 et seq.), "candidate" shall include any write-in candidate. However, no write-in candidate who has received less than 15 percent of the votes cast for the office shall be eligible to initiate an election contest pursuant to Article 2 (§ 24.2-803 et seq.) of Chapter 8. For the purposes of Chapters 9.3 (§ 24.2-945 et seq.) and 9.5 (§ 24.2-955 et seq.), "candidate" shall include any person who raises or spends funds in order to seek or campaign for an office of the Commonwealth, excluding federal offices, or one of its governmental units in a party nomination process or general, primary, or special election; and such person shall be considered a candidate until a final report is filed pursuant to Article 3 (§ 24.2-947 et seq.) of Chapter 9.3.

"Central absentee voter precinct" means a precinct established by a county or city pursuant to § 24.2-712 for the processing of absentee ballots for the county or city or any combination of precincts within the county or city.

"Constitutional office" or "constitutional officer" means a county or city office or officer referred to in Article VII, Section 4 of the Constitution of Virginia: clerk of the circuit court, attorney for the Commonwealth, sheriff, commissioner of the revenue, and treasurer.

"Department of Elections" or "Department" means the state agency headed by the Commissioner of Elections.

"Direct recording electronic machine" or "DRE" means the electronic voting machine on which a voter touches areas of a computer screen, or uses other control features, to mark a ballot and his vote is recorded electronically.

"Election" means a general, primary, or special election.

"Election district" means the territory designated by proper authority or by law which is represented by an official elected by the people, including the Commonwealth, a congressional district, a General Assembly district, or a district for the election of an official of a county, city, town, or other governmental unit.

"Electoral board" or "local electoral board" means a board appointed pursuant to § 24.2-106 to administer elections for a county or city. The electoral board of the county in which a town or the greater part of a town is located shall administer the town's elections.

"Entrance of polling place" or "entrance to polling place" means an opening in the wall used for ingress to a structure.

"General election" means an election held in the Commonwealth on the Tuesday after the first Monday in November or on the first Tuesday in May for the purpose of filling offices regularly scheduled by law to be filled at those times.

"General registrar" means the person appointed by the electoral board of a county or city pursuant to § 24.2-110 to be responsible for all aspects of voter registration, in addition to other duties prescribed by this title. When performing duties related to the administration of elections, the general registrar is acting in his capacity as the director of elections for the locality in which he serves.

"Machine-readable ballot" means a tangible ballot that is marked by a voter or by a system or device operated by a voter, *is available for verification by the voter at the time the ballot is cast*, and *is then fed into and scanned by a separate counting machine capable of reading ballots and tabulating results*.

"Officer of election" means a person appointed by an electoral board pursuant to § 24.2-115 to serve at a polling place for any election.

"Paper ballot" means a tangible ballot that is marked by a voter and then manually counted.

"Party" or "political party" means an organization of citizens of the Commonwealth which, at either of the two preceding statewide general elections, received at least 10 percent of the total vote cast for any statewide office filled in that election. The organization shall have a state central committee and an office of elected state chairman which have been continually in existence for the six months preceding the filing of a nominee for any office.

"Person with a disability" means a person with a disability as defined by the Virginians with Disabilities Act (§ 51.5-1 et seq.).

"Polling place" means the structure that contains the one place provided for each precinct at which the qualified voters who are residents of the precinct may vote.

"Precinct" means the territory designated by the governing body of a county, city, or town to be served by one polling place.

"Primary" or "primary election" means an election held for the purpose of selecting a candidate to be the nominee of a political party for election to office.

"Printed ballot" means a tangible ballot that is printed on paper and includes both machine-readable ballots and paper ballots.

"Qualified voter" means a person who is entitled to vote pursuant to the Constitution of Virginia and who is (i) 18 years of age on or before the day of the election or qualified pursuant to § 24.2-403 or subsection D of § 24.2-544, (ii) a resident of the Commonwealth and of the precinct in which he offers to vote, and (iii) a registered voter. No person who has been convicted of a felony shall be a qualified voter unless his civil rights have been restored by the Governor or other appropriate authority. No person adjudicated incapacitated shall be a qualified voter unless his capacity has been

reestablished as provided by law. Whether a signature should be counted towards satisfying the signature requirement of any petition shall be determined based on the signer of the petition's qualification to vote. For purposes of determining if a signature on a petition shall be included in the count toward meeting the signature requirements of any petition, "qualified voter" shall include only persons maintained on the Virginia voter registration system (a) with active status and (b) with inactive status who are qualified to vote for the office for which the petition was circulated.

"Qualified voter in a town" means a person who is a resident within the corporate boundaries of the town in which he offers to vote, duly registered in the county of his residence, and otherwise a qualified voter.

"Referendum" means any election held pursuant to law to submit a question to the voters for approval or rejection.

"Registered voter" means any person who is maintained on the Virginia voter registration system. All registered voters shall be maintained on the Virginia voter registration system with active status unless assigned to inactive status by a general registrar in accordance with Chapter 4 (§ 24.2-400 et seq.). For purposes of applying the precinct size requirements of § 24.2-307, calculating election machine requirements pursuant to Article 3 (§ 24.2-625 et seq.) of Chapter 6, mailing notices of local election district, precinct or polling place changes as required by subdivision 13 of § 24.2-114 and § 24.2-306, and determining the number of signatures required for candidate and voter petitions, "registered voter" shall include only persons maintained on the Virginia voter registration system with active status. For purposes of determining if a signature on a petition shall be included in the count toward meeting the signature requirements of any petition, "registered voter" shall include only persons maintained on the Virginia voter registration system (i) with active status and (ii) on inactive status who are qualified to vote for the office for which the petition was circulated.

"Registration records" means all official records concerning the registration of qualified voters and shall include all records, lists, applications, and files, whether maintained in books, on cards, on automated data bases, or by any other legally permitted record-keeping method.

"Residence" or "resident," for all purposes of qualification to register and vote, means and requires both domicile and a place of abode. To establish domicile, a person must live in a particular locality with the intention to remain. A place of abode is the physical place where a person dwells.

"Special election" means any election that is held pursuant to law to fill a vacancy in office or to hold a referendum.

"State Board" or "Board" means the State Board of Elections.

"Virginia voter registration system" or "voter registration system" means the automated central record-keeping system for all voters registered within the Commonwealth that is maintained as provided in Article 2 (§ 24.2-404 et seq.) of Chapter 4.

"Voting system" means the electronic voting and counting machines used at elections. This term includes direct recording electronic machines (DRE) and ballot scanner machines.

§ 24.2-629. State Board approval process of electronic voting systems.

A. Any person, firm, or corporation, referred to in this article as the "vendor," manufacturing, owning, or offering for sale any electronic voting or counting machine and ballots designed to be used with such equipment may apply to the State Board, in the manner prescribed by the Board, to have examined a production model of such equipment and the ballots used with it. The Board may require the vendor to pay a reasonable application fee when he files his request for testing or certification of new or upgraded voting equipment. Receipts from such fees shall be credited to the Board for reimbursement of testing and certification expenses. In addition to any other materials that may be required, a current statement of the financial status of the vendor, including any assets and liabilities, shall be filed with the Board; if the vendor is not the manufacturer of the equipment for which application is made, such a statement shall also be filed for the manufacturer. These statements shall be exempt from the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.). The Board shall require, at a site of its choosing, a demonstration of such equipment and ballots and may require that a production model of the equipment and a supply of ballots be provided to the Board for testing purposes. The Board shall also require the vendor to provide documentation of the practices recommended by the vendor to ensure the optimum security and functionality of the system.

B. The Board may approve any kind of electronic voting system that meets the following requirements:

1. It shall provide clear instructions for voters on how to mark or select their choice and cast that vote.
2. It shall provide facilities for voting for all offices at any election and on as many questions as may be submitted at any election.
3. It shall be capable of processing ballots for all parties holding a primary election on the same day, but programmable in such a way that an individual ballot cast by a voter is limited to the party primary election in which the voter chooses to participate.
4. It shall require votes for presidential and vice presidential electors to be cast for the presidential and vice presidential electors of one party by one operation. The ballot shall contain the words "Electors for" preceded by the name of the party or other authorized designation and followed by the names of the candidates for the offices of President and Vice President.
5. It shall enable the voter to cast votes for as many persons for an office as lawfully permitted, but no more. It shall prevent the voter from casting a vote for the same person more than once for the same office. However, ballot scanner machines shall not be required to prevent a voter from voting for a greater number of candidates than he is lawfully entitled to.
6. It shall enable the voter to cast a vote on any question on which he is lawfully permitted to vote, but no other.
7. It shall provide the voter with an opportunity to correct any error before a ballot is cast.
8. It shall correctly register or record and accurately count all votes cast for candidates and on questions.

9. It shall be provided with a "protective counter," whereby any operation of the machine before or after the election will be detected.

10. It shall be provided with a counter that at all times during an election shall show how many persons have voted.

11. It shall ensure voting in absolute secrecy. Ballot scanner machines shall provide for the secrecy of the ballot and a method to conceal the voted ballot.

12. It shall be programmable to allow ballots to be separated when necessary.

13. *It shall retain each printed ballot cast.*

14. Ballot scanner machines shall report, if possible, the number of ballots on which a voter undervoted or overvoted.

C. After its examination of the equipment, ballots, and other materials submitted by the vendors, the Board shall prepare and file in its office a report of its finding as to (i) the apparent capability of such equipment to accurately count, register, and report votes; (ii) whether the system can be conveniently used without undue confusion to the voter; (iii) its accessibility to voters with disabilities; (iv) whether the system can be safely used without undue potential for fraud; (v) the ease of its operation and transportation by voting equipment custodians and officers of election; (vi) the financial stability of the vendor and manufacturer; (vii) whether the system meets the requirements of this title; (viii) whether the system meets federal requirements; (ix) whether issues of reliability and security identified with the system by other state governments have been adequately addressed by the vendor; and (x) whether, in the opinion of the Board, the potential for approval of such system is such as to justify further examination and testing.

D. If the Board determines that there is such potential and prior to its final determination as to approval or disapproval of such system, the Board shall obtain a report by an independent electronics or engineering consultant as to (i) whether the system accurately counts, registers, and reports votes; (ii) whether it is capable of storing and retaining existing votes in a permanent memory in the event of power failure during and after the election; (iii) the number of separate memory capabilities for the storage of recorded votes; (iv) its mechanical and electronic perfections and imperfections; (v) the audit trail provided by the system; (vi) the anticipated frequency of repair; (vii) the ease of repair; (viii) the anticipated life of the equipment; (ix) its potential for fraudulent use; (x) its accessibility to voters with disabilities; (xi) the ease of its programming, transportation, and operation by voting equipment custodians and officers of election; and (xii) any other matters deemed necessary by the Board. Failure by an applicant to cooperate with the consultant by furnishing information and production equipment and ballots requested shall be deemed a withdrawal of the application, but nothing in this section shall require the disclosure of trade secrets by the applicant. If such trade secrets are essential to the proper analysis of the system and are provided for that reason, the consultant shall subscribe to an oath subject to the penalty for perjury that he will neither disclose nor make use of such information except as necessary for the system analysis. The report of the consultant shall be filed in the office of the Board.

E. In preparing the reports cited in subsections C and D, the Board shall require, as a condition of certification, that the system is comprehensively examined by individuals including at least one expert in election management and one in computer system security. The Board shall develop, in conjunction with the above listed individuals, a specific set of items to be examined and tested as part of the certification process to further elaborate on the requirements identified in this section.

F. If the Board determines that there is potential for approval of the system and prior to its final determination, the Board shall also require that the system be tested in an actual election in one or more counties or cities. Its use at such election shall be as valid for all purposes as if it had been legally approved by the Board and adopted by the counties or cities.

G. If, following testing, the Board approves any voting system and its ballots for use, the Board shall so notify the electoral boards of each county and city. Systems so approved may be adopted for use at elections as herein provided. No form of voting system and ballots not so approved shall be adopted by any county or city. Any voting system and ballots approved for use by the Board shall be deemed to meet the requirements of this title and any applicable federal laws, and their use in any election shall be valid.

H. A vendor whose voting system is approved for use shall provide updates concerning its recommended practices for optimum security and functionality of the system, as may be requested by the Board. Any product for which requested updates are not provided shall be deemed non-compliant and may be decertified at the discretion of the Board.

I. The Board shall have the authority to investigate, at its discretion, any voting system certified in Virginia to ensure that it continues to meet the standards outlined in subsections C and D. The Board may, at its discretion, decertify any voting system based on significant problems detected with the voting system in Virginia or on reports provided by federal authorities or other state election officials.

§ 24.2-668. Pollbooks, statements of results, and ballots to be sealed and delivered to clerk or general registrar.

A. After ascertaining the results and before adjourning, the officers shall put the pollbooks, the duplicate statements of results, and any printed inspection and return sheets in the envelopes provided by the State Board. The officers shall seal the envelopes and direct them to the clerk of the circuit court for the county or city. The pollbooks, statements, and sheets thus sealed and directed, the sealed counted ballots envelope or container, and the unused, defaced, spoiled and set aside ballots properly accounted for, packaged and sealed, shall be conveyed by one of the officers to be determined by lot, if they cannot otherwise agree, to the clerk of court by noon on the day following the election.

The clerk shall retain custody of the pollbooks, ~~paper printed~~ ballots, and other elections materials until the time has expired for initiating a recount, contest, or other proceeding in which the pollbooks, ~~paper printed~~ ballots, and other

elections materials may be needed as evidence and there is no proceeding pending. The clerk shall (i) secure all pollbooks, ~~paper printed~~ ballots and other election materials in sealed boxes; (ii) place all of the sealed boxes in a vault or room not open to the public or to anyone other than the clerk and his staff; (iii) cause such vault or room to be securely locked except when access is necessary for the clerk and his staff; and (iv) upon the initiation of a recount, certify that these security measures have been taken in whatever form is deemed appropriate by the chief judge.

After that time the clerk shall deliver the pollbooks to the general registrar who shall return the pollbooks or transfer a copy of the electronic data to the State Board as directed by § 24.2-114 for voting credit purposes. After the pollbooks are returned by the State Board, the general registrar shall retain the pollbooks in his principal office for two years from the date of the election. The clerk shall retain the statement of results and any printed inspection and return sheets for two years and may then destroy them.

B. The local electoral board or general registrar may direct that the officers of election, in lieu of conveying the materials to the clerk of the circuit court as provided in subsection A, shall convey the materials to the principal office of the general registrar on the night of the election or the morning following the election as the board directs. The general registrar shall secure and retain the materials in his office and shall convey to the clerk of the court, by noon of the day following the ascertainment of the results of the election by the electoral board, all of the election materials. The general registrar shall retain for public inspection one copy of the statement of results.

C. If an electronic pollbook is used, the data disc or cartridge containing the electronic records of the election, or, alternately, a printed copy of the pollbook records of those who voted, shall be transmitted, sealed and retained as required by this section, and otherwise treated as the pollbook for that election for all purposes subsequent to the election. Nothing in this title shall be construed to require that the equipment or software used to produce the electronic pollbook be sealed or retained along with the pollbook, provided that the records for the election have been transferred or printed according to the instructions of the State Board.

CHAPTER 295

An Act to amend and reenact § 24.2-106 of the Code of Virginia, relating to local electoral boards; office vacated if board member ceases to be qualified voter of county or city.

[H 1285]

Approved March 11, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 24.2-106 of the Code of Virginia is amended and reenacted as follows:

§ 24.2-106. Appointment and terms; vacancies; chairman and secretary; certain prohibitions; training.

A. There shall be in each county and city an electoral board composed of three members who *shall be qualified voters of such county or city*. The members shall be appointed by the chief judge of the judicial circuit for the county or city or that judge's designee. Such designee shall be any other judge who sits in the judicial circuit. Any vacancy occurring on a board shall be filled by the same authority for the unexpired term.

In the event of the temporary absence, or disability that precludes the performance of duties, of one or more members that prevents attaining a quorum, the chief judge or his designee, for good cause, may appoint, on a meeting-to-meeting basis, a temporary member to the electoral board. The temporary appointee must be eligible for appointment and to the extent practicable maintain representation of political parties under this section.

The clerk of the circuit court shall send to the State Board a copy of each order making an appointment to an electoral board.

In the appointment of the electoral board, representation shall be given to each of the two political parties having the highest and next highest number of votes in the Commonwealth for Governor at the last preceding gubernatorial election. Two electoral board members shall be of the political party that cast the highest number of votes for Governor at that election. When the Governor was not elected as the candidate of a political party, representation shall be given to each of the political parties having the highest and next highest number of members of the General Assembly at the time of the appointment and two board members shall be of the political party having the highest number of members in the General Assembly.

The political party entitled to the appointment shall make and file recommendations with the judges for the appointment not later than January 15 of the year of an appointment to a full term or, in the case of an appointment to fill a vacancy, within 30 days of the date of death or notice of resignation of the member being replaced. Its recommendations shall contain the names of at least three qualified voters of the county or city for each appointment. The chief judge, or his designee, shall promptly make such appointment from the recommendations (i) after receipt of the political party's recommendation or (ii) after January 15 for a full term or after the 30-day period expires for a vacancy appointment, whichever of the events described in clause (i) or (ii) first occurs.

The chief judge of the judicial circuit for the county or city, or his designee, shall not appoint to the electoral board (a) any person who is the spouse of an electoral board member or the general registrar for the county or city; (b) any person, or the spouse of any person, who is the parent, grandparent, sibling, child, or grandchild of an electoral board member or the general registrar of the county or city; or (c) any person who is ineligible to serve under the provisions of this section.

Electoral board members shall serve three-year terms and be appointed to staggered terms, one term to expire at midnight on the last day of February each year. No three-year term shall be shortened to comply with the political party representation requirements of this section.

B. The board shall elect one of its members as chairman and another as secretary. The chairman and the secretary shall represent different political parties, unless the representative of the second-ranked political party declines in writing to accept the unfilled office. At any time that the secretary is incapacitated in such a way that makes it impossible for the secretary to carry out the duties of the position, the board may designate one of its other members as acting secretary. Any such designation shall be made in an open meeting and recorded in the minutes of the board.

The secretary of the electoral board shall immediately notify the State Board of any change in the membership or officers of the electoral board and shall keep the Board informed of the name, residence and mailing addresses, and home and business telephone numbers of each electoral board member.

C. No member of an electoral board shall be eligible to offer for or hold an office to be filled in whole or in part by qualified voters of his jurisdiction. If a member resigns to offer for or hold such office, the vacancy shall be filled as provided in this section.

No member of an electoral board shall be the spouse, grandparent, parent, sibling, child, or grandchild, or the spouse of a grandparent, parent, sibling, child, or grandchild, of a candidate for or holder of an elective office filled in whole or in part by any voters within the jurisdiction of the electoral board.

No member of an electoral board shall serve as the chairman of a state, local or district level political party committee or as a paid worker in the campaign of a candidate for nomination or election to an office filled by election in whole or in part by the qualified voters of the jurisdiction of the electoral board.

If an electoral board member ceases to be a qualified voter of the county or city for which he was appointed, his office shall be deemed vacant and the vacancy shall be filled as provided in this section.

D. Each member of the electoral board shall attend an annual training program provided by the State Board during the first year of his appointment and the first year of any subsequent reappointment.

CHAPTER 296

An Act to amend and reenact § 24.2-643 of the Code of Virginia, relating to polling place procedures; residence address of voter not announced.

[H 1402]

Approved March 11, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 24.2-643 of the Code of Virginia is amended and reenacted as follows:

§ 24.2-643. Qualified voter permitted to vote; procedures at polling place; voter identification.

A. After the polls are open, each qualified voter at a precinct shall be permitted to vote. The officers of election shall ascertain that a person offering to vote is a qualified voter before admitting him to the voting booth and furnishing an official ballot to him.

B. An officer of election shall ask the voter for his full name and current residence address and the voter may give such information orally or in writing. The officer of election shall *verify with the voter his full name and address and shall repeat*, in a voice audible to party and candidate representatives present, the full name ~~and address~~ provided by the voter. The officer shall ask the voter to present any one of the following forms of identification: his valid Virginia driver's license, his valid United States passport, or any other photo identification issued by the Commonwealth, one of its political subdivisions, or the United States; any valid student identification card containing a photograph of the voter and issued by any institution of higher education located in the Commonwealth or any private school located in the Commonwealth; or any valid employee identification card containing a photograph of the voter and issued by an employer of the voter in the ordinary course of the employer's business.

Any voter who does not show one of the forms of identification specified in this subsection shall be offered a provisional ballot under the provisions of § 24.2-653. The State Board of Elections shall provide an ID-ONLY provisional ballot envelope that requires no follow-up action by the registrar or electoral board other than matching submitted identification documents from the voter for the electoral board to make a determination on whether to count the ballot.

If the voter presents one of the forms of identification listed above, if his name is found on the pollbook in a form identical to or substantially similar to the name on the presented form of identification and the name provided by the voter, if he is qualified to vote in the election, and if no objection is made, an officer shall enter, opposite the voter's name on the pollbook, the first or next consecutive number from the voter count form provided by the State Board, or shall enter that the voter has voted if the pollbook is in electronic form; an officer shall provide the voter with the official ballot; and another officer shall admit him to the voting booth. Each voter whose name has been marked on the pollbooks as present to vote and entitled to a ballot shall remain in the presence of the officers of election in the polling place until he has voted. If a line of voters who have been marked on the pollbooks as present to vote forms to await entry to the voting booths, the line shall not be permitted to extend outside of the room containing the voting booths and shall remain under observation by the officers of election.

A voter may be accompanied into the voting booth by his child age 15 or younger.

C. If the current residence address provided by the voter is different from the address shown on the pollbook, the officer of election shall furnish the voter with a change of address form prescribed by the State Board. Upon its completion, the voter shall sign the prescribed form, subject to felony penalties for making false statements pursuant to § 24.2-1016, which the officer of election shall then place in an envelope provided for such forms for transmission to the general registrar who shall then transfer or cancel the registration of such voter pursuant to Chapter 4 (§ 24.2-400 et seq.).

D. At the time the voter is asked his full name and current residence address, the officer of election shall ask any voter for whom the pollbook indicates that an identification number other than a social security number is recorded on the Virginia voter registration system if he presently has a social security number. If the voter is able to provide his social security number, he shall be furnished with a voter registration form prescribed by the State Board to update his registration information. Upon its completion, the form shall be placed by the officer of election in an envelope provided for such forms for transmission to the general registrar. Any social security numbers so provided shall be entered by the general registrar in the voter's record on the voter registration system.

CHAPTER 297

An Act to amend and reenact §§ 24.2-610 and 24.2-611 of the Code of Virginia, relating to pollbooks; requirement for printed copies of pollbooks.

[H 1421]

Approved March 11, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-610 and 24.2-611 of the Code of Virginia are amended and reenacted as follows:

§ 24.2-610. Materials at polling places.

A. The ~~State Board~~ *Department* shall provide copies of this title to each member of the electoral boards and to each general registrar for each precinct in the county or city. The general registrar shall furnish a copy of this title to each precinct for the use of the officers of election on election day.

B. Pursuant to subdivision A 7 of § 24.2-404, the ~~State Board~~ *Department* shall transmit to the general registrar of each county and city pollbooks for each precinct in which the election is to be held. *For each primary and general election, the general registrar shall produce and distribute a printed copy of the pollbook to each precinct.* The data elements printed or otherwise provided for each voter on the pollbooks shall be uniform throughout the Commonwealth.

C. The electoral board, general registrar, and officers of election shall comply with the requirements of this title and the instructions of the State Board to ensure that the pollbooks, ballots, voting equipment keys, and other materials and supplies required to conduct the election are delivered to the polling place before 6:00 a.m. on the day of the election and delivered to the proper official following the election.

§ 24.2-611. Form and signing of pollbooks; records of persons voting; electronic pollbooks.

A. The following oath shall be on a form prescribed by the State Board, administered to all officers of election, and kept by the officers of election with the pollbook:

"I do solemnly swear (or affirm) that I will perform the duties for this election according to law and the best of my ability, and that I will studiously endeavor to prevent fraud, deceit, and abuse in conducting this election."

The oath shall be administered to each officer of election by the general registrar, a member of the electoral board, or an officer of election designated by the general registrar and secretary of the electoral board, who shall be so identified on the form. The oath shall be signed by each officer of election and the person administering the oath. The pollbook shall be marked to identify the election for which it is used.

B. The ~~State Board~~ *Department* shall provide the pollbook pursuant to subdivision A 7 of § 24.2-404. The pollbook shall (i) provide a space for the officer of election to record the name and consecutive number of the voter at the time he offers to vote and (ii) be retained in accordance with the provisions governing pollbooks in this title. The ~~State Board~~ *Department* shall make available a numerical check sheet required to be used with pollbooks in printed form to determine the consecutive number to be recorded with the name of the voter by the officer of election. In electronic pollbooks, the consecutive number shall be entered automatically when the officer of election records that the voter has voted. When the name and number of the last qualified voter have been entered on the pollbook, the officer of election responsible for that pollbook shall sign a statement on the check sheet, or on a separate form if an electronic pollbook is used, certifying the number of qualified registrants who have voted. The ~~State Board~~ *Department* shall provide instructions to the local electoral boards, general registrars, and officers of election for the conduct of the election and for procedures for entering a voting record for each voter and recording each voter's name, including voters unable to enter the polling place, and for verifying the accurate entry of the voting record for each registrant on the Virginia Voter Registration System. Notwithstanding any other provision of this title, for any election held on or after November 1, 2010 2020, all pollbooks provided by the ~~State Board~~ *Department* shall be in electronic form only.

C. The ~~State Board~~ *Department* shall incorporate safeguards to assure that the records of the election, including the pollbook, voter count sheets, or other alternative records, will provide promptly an accurate and secure record of those who have voted.

D. Any locality may expend its own funds to purchase electronic pollbooks that have been approved for use in elections by the State Board.

E. *The general registrar shall produce a paper copy of the pollbook specified in subsection B for each precinct in any primary or general election.*

F. In the event that the electronic pollbooks for a precinct fail to operate properly and no alternative voter list or pollbook is available, the officers of election, in accordance with the instructions and materials approved by the State Board, shall (i) maintain a written list of the persons voting and (ii) provide to each person voting a provisional ballot to be cast as provided in § 24.2-653.

CHAPTER 298

An Act to amend and reenact § 37.2-821 of the Code of Virginia, relating to involuntary admission or certification of eligibility order; appeals.

[H 1482]

Approved March 11, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 37.2-821 of the Code of Virginia is amended and reenacted as follows:

§ 37.2-821. Appeal of involuntary admission or certification order.

A. Any person involuntarily admitted to an inpatient facility or ordered to mandatory outpatient treatment pursuant to §§ 37.2-814 through 37.2-819 or certified as eligible for admission pursuant to § 37.2-806 shall have the right to appeal the order to the circuit court in the jurisdiction where he was involuntarily admitted or ordered to mandatory outpatient treatment or certified or where the facility to which he was admitted is located. Choice of venue shall rest with such person. The court may transfer the case upon a finding that the other forum is more convenient. ~~An appeal shall be filed within 10 days from the date of the order and shall be given priority over all other pending matters before the court and heard as soon as possible, notwithstanding § 19.2-241 regarding the time within which the court shall set criminal cases for trial. A petition for or the pendency of an appeal shall not suspend any order unless so ordered by a judge or special justice; however, a person may be released after a petition for or during the pendency of an appeal pursuant to § 37.2-837 or 37.2-838.~~ The clerk of the court from which an appeal is taken shall immediately transmit the record to the clerk of the appellate court. The clerk of the circuit court shall provide written notification of the appeal to the petitioner in the case in accordance with procedures set forth in § 16.1-112. No appeal bond or writ tax shall be required, and the appeal shall proceed without the payment of costs or other fees. Costs may be recovered as provided for in § 37.2-804.

B. ~~An appeal shall be filed within 10 days from the date of the order and shall be given priority over all other pending matters before the court and heard as soon as possible, notwithstanding § 19.2-241 regarding the time within which the court shall set criminal cases for trial. A petition for or the pendency of an appeal shall not suspend any order unless so ordered by a judge or special justice; however, a person may be released after a petition for or during the pendency of an appeal pursuant to § 37.2-837 or 37.2-838. If the person is released during the pendency of an appeal, the appeal shall be in accordance with the provisions set forth in §§ 37.2-844 and 37.2-846.~~

C. The appeal shall be heard de novo in accordance with the provisions set forth in §§ 37.2-802, 37.2-804, 37.2-804.1, 37.2-804.2, and 37.2-805; and (i) § 37.2-806 or (ii) §§ 37.2-814 through 37.2-819, except that the court in its discretion may rely upon the evaluation report in the commitment hearing from which the appeal is taken instead of requiring a new evaluation pursuant to § 37.2-815. Any order of the circuit court shall not extend the period of involuntary admission or mandatory outpatient treatment set forth in the order appealed from.

D. An order continuing the involuntary admission shall be entered only if the criteria in § 37.2-817 are met at the time the appeal is heard.

E. The person so admitted or certified shall be entitled to trial by jury. Seven persons from a panel of 13 shall constitute a jury.

~~F. If the person is not represented by counsel, the judge shall appoint an attorney to represent him. Counsel so appointed shall be paid a fee of \$75 and his necessary expenses. The order of the court from which the appeal is taken shall be defended by the attorney for the Commonwealth.~~

CHAPTER 299

An Act to amend and reenact §§ 18.2-308.1:3 and 19.2-169.1 of the Code of Virginia, relating to unrestorably incompetent defendant; competency report.

[S 670]

Approved March 11, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 18.2-308.1:3 and 19.2-169.1 of the Code of Virginia are amended and reenacted as follows:

§ 18.2-308.1:3. Purchase, possession, or transportation of firearm by persons involuntarily admitted or ordered to outpatient treatment; penalty.

A. It shall be unlawful for any person (i) involuntarily admitted to a facility or ordered to mandatory outpatient treatment pursuant to § 19.2-169.2; (ii) involuntarily admitted to a facility or ordered to mandatory outpatient treatment as the result of a commitment hearing pursuant to Article 5 (§ 37.2-814 et seq.) of Chapter 8 of Title 37.2; (iii) involuntarily admitted to a facility or ordered to mandatory outpatient treatment as a minor 14 years of age or older as the result of a commitment hearing pursuant to Article 16 (§ 16.1-335 et seq.) of Chapter 11 of Title 16.1; (iv) who was the subject of a temporary detention order pursuant to § 37.2-809 and subsequently agreed to voluntary admission pursuant to § 37.2-805 ~~or~~; (v) who, as a minor 14 years of age or older, was the subject of a temporary detention order pursuant to § 16.1-340.1 and subsequently agreed to voluntary admission pursuant to § 16.1-338; or (vi) who was found incompetent to stand trial and likely to remain so for the foreseeable future and whose case was disposed of in accordance with § 19.2-169.3, to purchase, possess, or transport a firearm. A violation of this subsection shall be punishable as a Class 1 misdemeanor.

B. Any person prohibited from purchasing, possessing or transporting firearms under this section may, at any time following his release from involuntary admission to a facility, his release from an order of mandatory outpatient treatment, ~~or~~ his release from voluntary admission pursuant to § 37.2-805 following the issuance of a temporary detention order, *his release from a training center, or his release as provided by § 19.2-169.3*, petition the general district court in the city or county in which he resides or, if the person is not a resident of the Commonwealth, the general district court of the city or county in which the most recent of the proceedings described in subsection A occurred to restore his right to purchase, possess, or transport a firearm. A copy of the petition shall be mailed or delivered to the attorney for the Commonwealth for the jurisdiction where the petition was filed who shall be entitled to respond and represent the interests of the Commonwealth. The court shall conduct a hearing if requested by either party. If the court determines, after receiving and considering evidence concerning the circumstances regarding the disabilities referred to in subsection A and the person's criminal history, treatment record, and reputation as developed through character witness statements, testimony, or other character evidence, that the person will not likely act in a manner dangerous to public safety and that granting the relief would not be contrary to the public interest, the court shall grant the petition. Any person denied relief by the general district court may petition the circuit court for a de novo review of the denial. Upon a grant of relief in any court, the court shall enter a written order granting the petition, in which event the provisions of subsection A do not apply. The clerk of court shall certify and forward forthwith to the Central Criminal Records Exchange, on a form provided by the Exchange, a copy of any such order.

C. As used in this section, "treatment record" shall include copies of health records detailing the petitioner's psychiatric history, which shall include the records pertaining to the commitment or adjudication that is the subject of the request for relief pursuant to this section.

§ 19.2-169.1. Raising question of competency to stand trial or plead; evaluation and determination of competency.

A. Raising competency issue; appointment of evaluators. — If, at any time after the attorney for the defendant has been retained or appointed and before the end of trial, the court finds, upon hearing evidence or representations of counsel for the defendant or the attorney for the Commonwealth, that there is probable cause to believe that the defendant, whether a juvenile transferred pursuant to § 16.1-269.1 or adult, lacks substantial capacity to understand the proceedings against him or to assist his attorney in his own defense, the court shall order that a competency evaluation be performed by at least one psychiatrist or clinical psychologist who (i) has performed forensic evaluations; (ii) has successfully completed forensic evaluation training recognized by the Commissioner of Behavioral Health and Developmental Services; (iii) has demonstrated to the Commissioner competence to perform forensic evaluations; and (iv) is included on a list of approved evaluators maintained by the Commissioner.

B. Location of evaluation. — The evaluation shall be performed on an outpatient basis at a mental health facility or in jail unless an outpatient evaluation has been conducted and the outpatient evaluator opines that a hospital-based evaluation is needed to reliably reach an opinion or unless the defendant is in the custody of the Commissioner of Behavioral Health and Developmental Services pursuant to § 19.2-169.2, 19.2-169.6, 19.2-182.2, 19.2-182.3, 19.2-182.8, 19.2-182.9, or Article 5 (§ 37.2-814 et seq.) of Chapter 8 of Title 37.2.

C. Provision of information to evaluators. — The court shall require the attorney for the Commonwealth to provide to the evaluators appointed under subsection A any information relevant to the evaluation, including, but not limited to (i) a copy of the warrant or indictment; (ii) the names and addresses of the attorney for the Commonwealth, the attorney for the defendant, and the judge ordering the evaluation; (iii) information about the alleged crime; and (iv) a summary of the reasons for the evaluation request. The court shall require the attorney for the defendant to provide any available psychiatric records and other information that is deemed relevant. The court shall require that information be provided to the evaluator within 96 hours of the issuance of the court order pursuant to this section.

D. The competency report. — Upon completion of the evaluation, the evaluators shall promptly submit a report in writing to the court and the attorneys of record concerning (i) the defendant's capacity to understand the proceedings against him; (ii) his ability to assist his attorney; and (iii) his need for treatment in the event he is found incompetent but restorable, or incompetent for the foreseeable future. If a need for restoration treatment is identified pursuant to clause (iii), the report shall state whether inpatient or outpatient treatment (*community-based or jail-based*) is recommended. *In cases where a defendant is likely to remain incompetent for the foreseeable future due to an ongoing and irreversible medical condition,*

and where prior medical or educational records are available to support the diagnosis, the report may recommend that the court find the defendant unrestorably incompetent to stand trial and the court may proceed with the disposition of the case in accordance with § 19.2-169.3. No statements of the defendant relating to the time period of the alleged offense shall be included in the report. The evaluator shall also send a redacted copy of the report removing references to the defendant's name, date of birth, case number, and court of jurisdiction to the Commissioner of Behavioral Health and Developmental Services for the purpose of peer review to establish and maintain the list of approved evaluators described in subsection A.

E. The competency determination. — After receiving the report described in subsection D, the court shall promptly determine whether the defendant is competent to stand trial. A hearing on the defendant's competency is not required unless one is requested by the attorney for the Commonwealth or the attorney for the defendant, or unless the court has reasonable cause to believe the defendant will be hospitalized under § 19.2-169.2. If a hearing is held, the party alleging that the defendant is incompetent shall bear the burden of proving by a preponderance of the evidence the defendant's incompetency. The defendant shall have the right to notice of the hearing, the right to counsel at the hearing and the right to personally participate in and introduce evidence at the hearing.

The fact that the defendant claims to be unable to remember the time period surrounding the alleged offense shall not, by itself, bar a finding of competency if the defendant otherwise understands the charges against him and can assist in his defense. Nor shall the fact that the defendant is under the influence of medication bar a finding of competency if the defendant is able to understand the charges against him and assist in his defense while medicated.

CHAPTER 300

An Act to amend and reenact §§ 22.1-296.4 and 63.2-1515 of the Code of Virginia, relating to Department of Social Services; central registry; electronic requests and responses.

[S 678]

Approved March 11, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 22.1-296.4 and 63.2-1515 of the Code of Virginia are amended and reenacted as follows:

§ 22.1-296.4. Child abuse and neglect data required.

A. Every school board and every governing board or administrator of a private school accredited pursuant to § 22.1-19 shall require, as a condition of employment, that any applicant who is offered or accepts employment requiring direct contact with students, whether full-time or part-time, permanent or temporary, provide written consent and the necessary personal information for the school board, governing board, or administrator to obtain a search of the registry of founded complaints of child abuse and neglect maintained by the Department of Social Services pursuant to § 63.2-1515. The school board, governing board, or administrator shall ensure that all such searches are requested in conformance with the regulations of the Board of Social Services. In addition, where the applicant has resided in another state within the last five years, the school board, governing board, or administrator shall require as a condition of employment that such applicant provide written consent and the necessary personal information for the school board, governing board, or administrator to obtain information from each relevant state as to whether the applicant was the subject of a founded complaint of child abuse and neglect in such state. The school board, governing board or administrator shall take reasonable steps to determine whether the applicant was the subject of a founded complaint of child abuse and neglect in the relevant state. The Department of Social Services shall maintain a database of central child abuse and neglect registries in other states that provide access to out-of-state school boards, for use by local school boards, governing boards, and administrators. The applicant may be required to pay the cost of any search conducted pursuant to this subsection at the discretion of the school board, governing board, or administrator. From such funds as may be available for this purpose, however, the school board or the governing board or administrator may pay for the search.

The Department of Social Services shall respond to such request by the school board, governing board, or administrator in cases where there is no match within the central registry regarding applicants for employment within 10 business days of receipt of such request. In cases where there is a match within the central registry regarding applicants for employment, the Department of Social Services shall respond to such request by the school board, governing board, or administrator within 30 business days of receipt of such request. The *request and response* may be *sent electronically or by first-class mail or facsimile transmission*.

B. If the response obtained pursuant to subsection A indicates that the applicant is the subject of a founded case of child abuse and neglect, such applicant shall be denied employment or the employment shall be rescinded.

C. If an applicant is denied employment because of information appearing on his record in the registry, the school board, governing board, or administrator shall provide a copy of the information obtained from the registry to the applicant. The information provided to the school board, governing board, or administrator by the Department of Social Services shall be confidential and shall not be disseminated by the school board, governing board, or administrator.

§ 63.2-1515. Central registry; disclosure of information.

The central registry shall contain such information as shall be prescribed by Board regulation; however, when the founded case of abuse or neglect does not name the parents or guardians of the child as the abuser or neglecter, and the abuse or neglect occurred in a licensed or unlicensed child day center, a licensed, registered or approved family day home, a

private or public school, or a children's residential facility, the child's name shall not be entered on the registry without consultation with and permission of the parents or guardians. If a child's name currently appears on the registry without consultation with and permission of the parents or guardians for a founded case of abuse and neglect that does not name the parents or guardians of the child as the abuser or neglector, such parents or guardians may have the child's name removed by written request to the Department. The information contained in the central registry shall not be open to inspection by the public. However, appropriate disclosure may be made in accordance with Board regulations.

The Department shall respond to requests for a search of the central registry made by (i) local departments, (ii) local school boards, and (iii) governing boards or administrators of private schools accredited pursuant to § 22.1-19 regarding applicants for employment, pursuant to § 22.1-296.4, in cases where there is no match within the central registry within 10 business days of receipt of such requests. In cases where there is a match within the central registry regarding applicants for employment, the Department shall respond to requests made by local departments, local school boards, and governing boards or administrators within 30 business days of receipt of such requests. The *request and response* may be *sent electronically* or by first-class mail or facsimile transmission.

The Department shall disclose information in the central registry to the Chairmen of the Committees for the Courts of Justice of the Senate and House of Delegates for the purpose of determining if any person being considered for election to any judgeship has been the subject of any founded complaint of child abuse or neglect.

Any central registry check of a person who has applied to be a volunteer with a (a) Virginia affiliate of Big Brothers/Big Sisters of America, (b) Virginia affiliate of Compeer, (c) Virginia affiliate of Childhelp USA, (d) volunteer fire company or volunteer emergency medical services agency, or (e) court-appointed special advocate program pursuant to § 9.1-153 shall be conducted at no charge.

CHAPTER 301

An Act to amend and reenact §§ 54.1-3500 and 54.1-3503 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 35 of Title 54.1 an article numbered 3, consisting of sections numbered 54.1-3516 and 54.1-3517, relating to Board of Counseling; licensure of art therapists and art therapy associates.

[S 713]

Approved March 11, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-3500 and 54.1-3503 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Chapter 35 of Title 54.1 an article numbered 3, consisting of sections numbered 54.1-3516 and 54.1-3517, as follows:

§ 54.1-3500. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Appraisal activities" means the exercise of professional judgment based on observations and objective assessments of a client's behavior to evaluate current functioning, diagnose, and select appropriate treatment required to remediate identified problems or to make appropriate referrals.

"Art therapist" means a person who has (i) completed a master's or doctoral degree program in art therapy, or an equivalent course of study, from an accredited educational institution; (ii) satisfied the requirements for licensure set forth in regulations adopted by the Board; and (iii) been issued a license for the independent practice of art therapy by the Board.

"Art therapy" means the integrated use of psychotherapeutic principles, visual art media, and the creative process in the assessment, treatment, and remediation of psychosocial, emotional, cognitive, physical, and developmental disorders in children, adolescents, adults, families, or groups.

"Art therapy associate" means a person who has (i) completed a master's or doctoral degree program in art therapy, or an equivalent course of study from an accredited educational institution; (ii) satisfied the requirements for licensure set forth in regulations adopted by the Board; and (iii) been issued a license to practice art therapy under an approved clinical supervisor in accordance with regulations of the Board.

"Board" means the Board of Counseling.

"Certified substance abuse counseling assistant" means a person certified by the Board to practice in accordance with the provisions of § 54.1-3507.2.

"Certified substance abuse counselor" means a person certified by the Board to practice in accordance with the provisions of § 54.1-3507.1.

"Counseling" means the application of principles, standards, and methods of the counseling profession in (i) conducting assessments and diagnoses for the purpose of establishing treatment goals and objectives and (ii) planning, implementing, and evaluating treatment plans using treatment interventions to facilitate human development and to identify and remediate mental, emotional, or behavioral disorders and associated distresses that interfere with mental health.

"Licensed substance abuse treatment practitioner" means a person who: (i) is trained in and engages in the practice of substance abuse treatment with individuals or groups of individuals suffering from the effects of substance abuse or dependence, and in the prevention of substance abuse or dependence; and (ii) is licensed to provide advanced substance

abuse treatment and independent, direct, and unsupervised treatment to such individuals or groups of individuals, and to plan, evaluate, supervise, and direct substance abuse treatment provided by others.

"Marriage and family therapist" means a person trained in the appraisal and treatment of cognitive, affective, or behavioral mental and emotional disorders within the context of marriage and family systems through the application of therapeutic and family systems theories and techniques.

"Marriage and family therapy" means the appraisal and treatment of cognitive, affective, or behavioral mental and emotional disorders within the context of marriage and family systems through the application of therapeutic and family systems theories and techniques and delivery of services to individuals, couples, and families, singularly or in groups, for the purpose of treating such disorders.

"Practice of counseling" means rendering or offering to render to individuals, groups, organizations, or the general public any service involving the application of principles, standards, and methods of the counseling profession, which shall include appraisal, counseling, and referral activities.

"Practice of marriage and family therapy" means the appraisal and treatment of cognitive, affective, or behavioral mental and emotional disorders within the context of marriage and family systems through the application of therapeutic and family systems theories and techniques, which shall include assessment, treatment, and referral activities.

"Practice of substance abuse treatment" means rendering or offering to render substance abuse treatment to individuals, groups, organizations, or the general public.

"Professional counselor" means a person trained in the application of principles, standards, and methods of the counseling profession, including counseling interventions designed to facilitate an individual's achievement of human development goals and remediating mental, emotional, or behavioral disorders and associated distresses that interfere with mental health and development.

"Qualified mental health professional" includes qualified mental health professionals-adult and qualified mental health professionals-child.

"Qualified mental health professional-adult" means a qualified mental health professional who provides collaborative mental health services for adults. A qualified mental health professional-adult shall provide such services as an employee or independent contractor of the Department of Behavioral Health and Developmental Services or the Department of Corrections, or as a provider licensed by the Department of Behavioral Health and Developmental Services.

"Qualified mental health professional-child" means a person who by education and experience is professionally qualified and registered by the Board to provide collaborative mental health services for children and adolescents up to 22 years of age. A qualified mental health professional-child shall provide such services as an employee or independent contractor of the Department of Behavioral Health and Developmental Services or the Department of Corrections, or as a provider licensed by the Department of Behavioral Health and Developmental Services.

"Qualified mental health professional-trainee" means a person who is receiving supervised training to qualify as a qualified mental health professional and is registered with the Board.

"Referral activities" means the evaluation of data to identify problems and to determine advisability of referral to other specialists.

"Registered peer recovery specialist" means a person who by education and experience is professionally qualified and registered by the Board to provide collaborative services to assist individuals in achieving sustained recovery from the effects of addiction or mental illness, or both. A registered peer recovery specialist shall provide such services as an employee or independent contractor of the Department of Behavioral Health and Developmental Services, a provider licensed by the Department of Behavioral Health and Developmental Services, a practitioner licensed by or holding a permit issued from the Department of Health Professions, or a facility licensed by the Department of Health.

"Residency" means a post-internship supervised clinical experience registered with the Board.

"Resident" means an individual who has submitted a supervisory contract to the Board and has received Board approval to provide clinical services in professional counseling under supervision.

"Substance abuse" and "substance dependence" mean a maladaptive pattern of substance use leading to clinically significant impairment or distress.

"Substance abuse treatment" means (i) the application of specific knowledge, skills, substance abuse treatment theory, and substance abuse treatment techniques to define goals and develop a treatment plan of action regarding substance abuse or dependence prevention, education, or treatment in the substance abuse or dependence recovery process and (ii) referrals to medical, social services, psychological, psychiatric, or legal resources when such referrals are indicated.

"Supervision" means the ongoing process, performed by a supervisor, of monitoring the performance of the person supervised and providing regular, documented individual or group consultation, guidance, and instruction with respect to the clinical skills and competencies of the person supervised.

§ 54.1-3503. Board of Counseling.

The Board of Counseling shall regulate the practice of counseling, substance abuse treatment, *art therapy*, and marriage and family therapy.

The Board shall consist of 12 members to be appointed by the Governor, subject to confirmation by the General Assembly. Ten members shall be professionals licensed in the Commonwealth, who shall represent the various specialties recognized in the profession, and two shall be *nonlegislative* citizen members. Of the 10 professional members, six shall be

professional counselors, three shall be licensed marriage and family therapists who have passed the examination for licensure as a marriage and family therapist, and one shall be a licensed substance abuse treatment practitioner.

The terms of the members of the Board shall be four years.

Article 3.

Art Therapists.

§ 54.1-3516. Art therapist and art therapy associate; licensure.

A. No person shall engage in the practice of art therapy or hold himself out or otherwise represent himself as an art therapist or art therapy associate unless he is licensed by the Board. Nothing in this chapter shall prohibit a person licensed, certified, or registered by a health regulatory board from using the modalities of art media if such modalities are within his scope of practice.

B. The Board shall adopt regulations governing the practice of art therapy, upon consultation with the Advisory Board on Art Therapy established in § 54.1-3517. Such regulations shall (i) set forth the requirements for licensure as an art therapist or art therapy associate, (ii) provide for appropriate application and renewal fees, and (iii) include requirements for licensure renewal and continuing education.

C. In the adoption of regulations for licensure, the Board shall consider requirements for registration as a Registered Art Therapist (ATR) and certification as a Board Certified Art Therapist (ATR-BC) with the Art Therapy Credentials Board and successful completion of the Registered Art Therapist Board Certified Art Therapist examination.

D. A license issued for an art therapy associate shall be valid for a period of five years. At the end of the five-year period, an art therapy associate who has not met the requirements for licensure as an art therapist may submit an application for extension of licensure as an art therapy associate to the Board. Such application shall include (i) a plan for completing the requirements to obtain licensure as an art therapist, (ii) documentation of compliance with the continuing education requirements, (iii) documentation of compliance with requirements related to supervision, and (iv) a letter of recommendation from the clinical supervisor of record. An extension of a license as an art therapy associate pursuant to this subsection shall be valid for a period of two years and shall not be renewable.

§ 54.1-3517. Advisory Board on Art Therapy; membership; terms.

A. The Advisory Board on Art Therapy (the Advisory Board) is hereby established to assist the Board in formulating regulations related to the practice of art therapy. The Advisory Board shall also assist in such other matters relating to the practice of art therapy as the Board may require.

B. The Advisory Board shall have a total membership of five nonlegislative citizen members to be appointed by the Governor as follows: three members shall be licensed art therapists, one member shall be a licensed health care provider other than an art therapist, and one member shall be a citizen at large.

C. After the initial staggering of terms, members shall be appointed for a term of four years. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. All members may be reappointed. However, no member shall serve more than two consecutive four-year terms. The remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in determining the member's eligibility for reappointment. Vacancies shall be filled in the same manner as the original appointments.

2. That the initial appointments of nonlegislative citizen members of the Advisory Board on Art Therapy, as created by this act, to be appointed by the Governor shall be staggered as follows: one member, who shall be a Board Certified Art Therapist (ATR-BC), shall be appointed for a term of one year; one member, who shall be a Board Certified Art Therapist (ATR-BC), shall be appointed for a term of two years; one member, who shall be a licensed health care provider other than an art therapist, shall be appointed for a term of three years; and two members, one of whom shall be a Board Certified Art Therapist (ATR-BC) and one of whom shall be a citizen at large representing the Commonwealth, shall be appointed for a term of four years.

CHAPTER 302

An Act to amend and reenact § 54.1-3408 of the Code of Virginia, relating to naloxone; possession and administration; employee or person acting on behalf of a public place.

[S 836]

Approved March 11, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-3408 of the Code of Virginia is amended and reenacted as follows:

§ 54.1-3408. Professional use by practitioners.

A. A practitioner of medicine, osteopathy, podiatry, dentistry, or veterinary medicine or a licensed nurse practitioner pursuant to § 54.1-2957.01, a licensed physician assistant pursuant to § 54.1-2952.1, or a TPA-certified optometrist pursuant to Article 5 (§ 54.1-3222 et seq.) of Chapter 32 shall only prescribe, dispense, or administer controlled substances in good faith for medicinal or therapeutic purposes within the course of his professional practice.

B. The prescribing practitioner's order may be on a written prescription or pursuant to an oral prescription as authorized by this chapter. The prescriber may administer drugs and devices, or he may cause drugs or devices to be administered by:

1. A nurse, physician assistant, or intern under his direction and supervision;
2. Persons trained to administer drugs and devices to patients in state-owned or state-operated hospitals or facilities licensed as hospitals by the Board of Health or psychiatric hospitals licensed by the Department of Behavioral Health and Developmental Services who administer drugs under the control and supervision of the prescriber or a pharmacist;
3. Emergency medical services personnel certified and authorized to administer drugs and devices pursuant to regulations of the Board of Health who act within the scope of such certification and pursuant to an oral or written order or standing protocol; or
4. A licensed respiratory therapist as defined in § 54.1-2954 who administers by inhalation controlled substances used in inhalation or respiratory therapy.

C. Pursuant to an oral or written order or standing protocol, the prescriber, who is authorized by state or federal law to possess and administer radiopharmaceuticals in the scope of his practice, may authorize a nuclear medicine technologist to administer, under his supervision, radiopharmaceuticals used in the diagnosis or treatment of disease.

D. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize registered nurses and licensed practical nurses to possess (i) epinephrine and oxygen for administration in treatment of emergency medical conditions and (ii) heparin and sterile normal saline to use for the maintenance of intravenous access lines.

Pursuant to the regulations of the Board of Health, certain emergency medical services technicians may possess and administer epinephrine in emergency cases of anaphylactic shock.

Pursuant to an order or standing protocol issued by the prescriber within the course of his professional practice, any school nurse, school board employee, employee of a local governing body, or employee of a local health department who is authorized by a prescriber and trained in the administration of epinephrine may possess and administer epinephrine.

Pursuant to an order or a standing protocol issued by the prescriber within the course of his professional practice, any employee of a school for students with disabilities, as defined in § 22.1-319 and licensed by the Board of Education, or any employee of a private school that is accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education who is authorized by a prescriber and trained in the administration of epinephrine may possess and administer epinephrine.

Pursuant to an order or a standing protocol issued by the prescriber within the course of his professional practice, any employee of a public institution of higher education or a private institution of higher education who is authorized by a prescriber and trained in the administration of epinephrine may possess and administer epinephrine.

Pursuant to an order or a standing protocol issued by the prescriber within the course of his professional practice, any employee of an organization providing outdoor educational experiences or programs for youth who is authorized by a prescriber and trained in the administration of epinephrine may possess and administer epinephrine.

Pursuant to an order issued by the prescriber within the course of his professional practice, an employee of a provider licensed by the Department of Behavioral Health and Developmental Services or a person providing services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services may possess and administer epinephrine, provided such person is authorized and trained in the administration of epinephrine.

Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize pharmacists to possess epinephrine and oxygen for administration in treatment of emergency medical conditions.

E. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize licensed physical therapists to possess and administer topical corticosteroids, topical lidocaine, and any other Schedule VI topical drug.

F. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize licensed athletic trainers to possess and administer topical corticosteroids, topical lidocaine, or other Schedule VI topical drugs; oxygen for use in emergency situations; and epinephrine for use in emergency cases of anaphylactic shock.

G. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, and in accordance with policies and guidelines established by the Department of Health pursuant to § 32.1-50.2, such prescriber may authorize registered nurses or licensed practical nurses under the supervision of a registered nurse to possess and administer tuberculin purified protein derivative (PPD) in the absence of a prescriber. The Department of Health's policies and guidelines shall be consistent with applicable guidelines developed by the Centers for Disease Control and Prevention for preventing transmission of mycobacterium tuberculosis and shall be updated to incorporate any subsequently implemented standards of the Occupational Safety and Health Administration and the Department of Labor and Industry to the extent that they are inconsistent with the Department of Health's policies and guidelines. Such standing protocols shall explicitly describe the categories of persons to whom the tuberculin test is to be administered and shall provide for appropriate medical evaluation of those in whom the test is positive. The prescriber shall ensure that the nurse implementing such standing protocols has received adequate training in the practice and principles underlying tuberculin screening.

The Health Commissioner or his designee may authorize registered nurses, acting as agents of the Department of Health, to possess and administer, at the nurse's discretion, tuberculin purified protein derivative (PPD) to those persons in whom tuberculin skin testing is indicated based on protocols and policies established by the Department of Health.

H. Pursuant to a written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize, with the consent of the parents as defined in § 22.1-1, an employee of (i) a school board, (ii) a school for students with disabilities as defined in § 22.1-319 licensed by the Board of Education, or (iii) a private school accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education who is trained in the administration of insulin and glucagon to assist with the administration of insulin or administer glucagon to a student diagnosed as having diabetes and who requires insulin injections during the school day or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia. Such authorization shall only be effective when a licensed nurse, nurse practitioner, physician, or physician assistant is not present to perform the administration of the medication.

Pursuant to a written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize an employee of a public institution of higher education or a private institution of higher education who is trained in the administration of insulin and glucagon to assist with the administration of insulin or administration of glucagon to a student diagnosed as having diabetes and who requires insulin injections or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia. Such authorization shall only be effective when a licensed nurse, nurse practitioner, physician, or physician assistant is not present to perform the administration of the medication.

Pursuant to a written order issued by the prescriber within the course of his professional practice, such prescriber may authorize an employee of a provider licensed by the Department of Behavioral Health and Developmental Services or a person providing services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services to assist with the administration of insulin or to administer glucagon to a person diagnosed as having diabetes and who requires insulin injections or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia, provided such employee or person providing services has been trained in the administration of insulin and glucagon.

I. A prescriber may authorize, pursuant to a protocol approved by the Board of Nursing, the administration of vaccines to adults for immunization, when a practitioner with prescriptive authority is not physically present, by (i) licensed pharmacists, (ii) registered nurses, or (iii) licensed practical nurses under the supervision of a registered nurse. A prescriber acting on behalf of and in accordance with established protocols of the Department of Health may authorize the administration of vaccines to any person by a pharmacist, nurse, or designated emergency medical services provider who holds an advanced life support certificate issued by the Commissioner of Health under the direction of an operational medical director when the prescriber is not physically present. The emergency medical services provider shall provide documentation of the vaccines to be recorded in the Virginia Immunization Information System.

J. A dentist may cause Schedule VI topical drugs to be administered under his direction and supervision by either a dental hygienist or by an authorized agent of the dentist.

Further, pursuant to a written order and in accordance with a standing protocol issued by the dentist in the course of his professional practice, a dentist may authorize a dental hygienist under his general supervision, as defined in § 54.1-2722, or his remote supervision, as defined in subsection E or F of § 54.1-2722, to possess and administer topical oral fluorides, topical oral anesthetics, topical and directly applied antimicrobial agents for treatment of periodontal pocket lesions, and any other Schedule VI topical drug approved by the Board of Dentistry.

In addition, a dentist may authorize a dental hygienist under his direction to administer Schedule VI nitrous oxide and oxygen inhalation analgesia and, to persons 18 years of age or older, Schedule VI local anesthesia.

K. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize registered professional nurses certified as sexual assault nurse examiners-A (SANE-A) under his supervision and when he is not physically present to possess and administer preventive medications for victims of sexual assault as recommended by the Centers for Disease Control and Prevention.

L. This section shall not prevent the administration of drugs by a person who has satisfactorily completed a training program for this purpose approved by the Board of Nursing and who administers such drugs in accordance with a prescriber's instructions pertaining to dosage, frequency, and manner of administration, and in accordance with regulations promulgated by the Board of Pharmacy relating to security and record keeping, when the drugs administered would be normally self-administered by (i) an individual receiving services in a program licensed by the Department of Behavioral Health and Developmental Services; (ii) a resident of the Virginia Rehabilitation Center for the Blind and Vision Impaired; (iii) a resident of a facility approved by the Board or Department of Juvenile Justice for the placement of children in need of services or delinquent or alleged delinquent youth; (iv) a program participant of an adult day-care center licensed by the Department of Social Services; (v) a resident of any facility authorized or operated by a state or local government whose primary purpose is not to provide health care services; (vi) a resident of a private children's residential facility, as defined in § 63.2-100 and licensed by the Department of Social Services, Department of Education, or Department of Behavioral Health and Developmental Services; or (vii) a student in a school for students with disabilities, as defined in § 22.1-319 and licensed by the Board of Education.

In addition, this section shall not prevent a person who has successfully completed a training program for the administration of drugs via percutaneous gastrostomy tube approved by the Board of Nursing and been evaluated by a registered nurse as having demonstrated competency in administration of drugs via percutaneous gastrostomy tube from administering drugs to a person receiving services from a program licensed by the Department of Behavioral Health and

Developmental Services to such person via percutaneous gastrostomy tube. The continued competency of a person to administer drugs via percutaneous gastrostomy tube shall be evaluated semiannually by a registered nurse.

M. Medication aides registered by the Board of Nursing pursuant to Article 7 (§ 54.1-3041 et seq.) of Chapter 30 may administer drugs that would otherwise be self-administered to residents of any assisted living facility licensed by the Department of Social Services. A registered medication aide shall administer drugs pursuant to this section in accordance with the prescriber's instructions pertaining to dosage, frequency, and manner of administration; in accordance with regulations promulgated by the Board of Pharmacy relating to security and recordkeeping; in accordance with the assisted living facility's Medication Management Plan; and in accordance with such other regulations governing their practice promulgated by the Board of Nursing.

N. In addition, this section shall not prevent the administration of drugs by a person who administers such drugs in accordance with a physician's instructions pertaining to dosage, frequency, and manner of administration and with written authorization of a parent, and in accordance with school board regulations relating to training, security and record keeping, when the drugs administered would be normally self-administered by a student of a Virginia public school. Training for such persons shall be accomplished through a program approved by the local school boards, in consultation with the local departments of health.

O. In addition, this section shall not prevent the administration of drugs by a person to (i) a child in a child day program as defined in § 63.2-100 and regulated by the State Board of Social Services or a local government pursuant to § 15.2-914, or (ii) a student of a private school that is accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education, provided such person (a) has satisfactorily completed a training program for this purpose approved by the Board of Nursing and taught by a registered nurse, licensed practical nurse, nurse practitioner, physician assistant, doctor of medicine or osteopathic medicine, or pharmacist; (b) has obtained written authorization from a parent or guardian; (c) administers drugs only to the child identified on the prescription label in accordance with the prescriber's instructions pertaining to dosage, frequency, and manner of administration; and (d) administers only those drugs that were dispensed from a pharmacy and maintained in the original, labeled container that would normally be self-administered by the child or student, or administered by a parent or guardian to the child or student.

P. In addition, this section shall not prevent the administration or dispensing of drugs and devices by persons if they are authorized by the State Health Commissioner in accordance with protocols established by the State Health Commissioner pursuant to § 32.1-42.1 when (i) the Governor has declared a disaster or a state of emergency or the United States Secretary of Health and Human Services has issued a declaration of an actual or potential bioterrorism incident or other actual or potential public health emergency; (ii) it is necessary to permit the provision of needed drugs or devices; and (iii) such persons have received the training necessary to safely administer or dispense the needed drugs or devices. Such persons shall administer or dispense all drugs or devices under the direction, control, and supervision of the State Health Commissioner.

Q. Nothing in this title shall prohibit the administration of normally self-administered drugs by unlicensed individuals to a person in his private residence.

R. This section shall not interfere with any prescriber issuing prescriptions in compliance with his authority and scope of practice and the provisions of this section to a Board agent for use pursuant to subsection G of § 18.2-258.1. Such prescriptions issued by such prescriber shall be deemed to be valid prescriptions.

S. Nothing in this title shall prevent or interfere with dialysis care technicians or dialysis patient care technicians who are certified by an organization approved by the Board of Health Professions or persons authorized for provisional practice pursuant to Chapter 27.01 (§ 54.1-2729.1 et seq.), in the ordinary course of their duties in a Medicare-certified renal dialysis facility, from administering heparin, topical needle site anesthetics, dialysis solutions, sterile normal saline solution, and blood volumizers, for the purpose of facilitating renal dialysis treatment, when such administration of medications occurs under the orders of a licensed physician, nurse practitioner, or physician assistant and under the immediate and direct supervision of a licensed registered nurse. Nothing in this chapter shall be construed to prohibit a patient care dialysis technician trainee from performing dialysis care as part of and within the scope of the clinical skills instruction segment of a supervised dialysis technician training program, provided such trainee is identified as a "trainee" while working in a renal dialysis facility.

The dialysis care technician or dialysis patient care technician administering the medications shall have demonstrated competency as evidenced by holding current valid certification from an organization approved by the Board of Health Professions pursuant to Chapter 27.01 (§ 54.1-2729.1 et seq.).

T. Persons who are otherwise authorized to administer controlled substances in hospitals shall be authorized to administer influenza or pneumococcal vaccines pursuant to § 32.1-126.4.

U. Pursuant to a specific order for a patient and under his direct and immediate supervision, a prescriber may authorize the administration of controlled substances by personnel who have been properly trained to assist a doctor of medicine or osteopathic medicine, provided the method does not include intravenous, intrathecal, or epidural administration and the prescriber remains responsible for such administration.

V. A physician assistant, nurse, or dental hygienist may possess and administer topical fluoride varnish pursuant to an oral or written order or a standing protocol issued by a doctor of medicine, osteopathic medicine, or dentistry.

W. A prescriber, acting in accordance with guidelines developed pursuant to § 32.1-46.02, may authorize the administration of influenza vaccine to minors by a licensed pharmacist, registered nurse, licensed practical nurse under the

direction and immediate supervision of a registered nurse, or emergency medical services provider who holds an advanced life support certificate issued by the Commissioner of Health when the prescriber is not physically present.

X. Notwithstanding the provisions of § 54.1-3303, pursuant to an oral, written, or standing order issued by a prescriber or a standing order issued by the Commissioner of Health or his designee authorizing the dispensing of naloxone or other opioid antagonist used for overdose reversal in the absence of an oral or written order for a specific patient issued by a prescriber, and in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health, a pharmacist, a health care provider providing services in a hospital emergency department, and emergency medical services personnel, as that term is defined in § 32.1-111.1, may dispense naloxone or other opioid antagonist used for overdose reversal and a person to whom naloxone or other opioid antagonist has been dispensed pursuant to this subsection may possess and administer naloxone or other opioid antagonist used for overdose reversal to a person who is believed to be experiencing or about to experience a life-threatening opioid overdose. Law-enforcement officers as defined in § 9.1-101, employees of the Department of Forensic Science, employees of the Office of the Chief Medical Examiner, employees of the Department of General Services Division of Consolidated Laboratory Services, employees of the Department of Corrections designated as probation and parole officers or as correctional officers as defined in § 53.1-1, employees of regional jails, school nurses, local health department employees that are assigned to a public school pursuant to an agreement between the local health department and the school board, other school board employees or individuals contracted by a school board to provide school health services, and firefighters who have completed a training program may also possess and administer naloxone or other opioid antagonist used for overdose reversal and may dispense naloxone or other opioid antagonist used for overdose reversal pursuant to an oral, written, or standing order issued by a prescriber or a standing order issued by the Commissioner of Health or his designee in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health.

Notwithstanding the provisions of § 54.1-3303, pursuant to an oral, written, or standing order issued by a prescriber or a standing order issued by the Commissioner of Health or his designee authorizing the dispensing of naloxone or other opioid antagonist used for overdose reversal in the absence of an oral or written order for a specific patient issued by a prescriber, and in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health, an employee or other person acting on behalf of a public place who has completed a training program may also possess and administer naloxone or other opioid antagonist used for overdose reversal other than naloxone in an injectable formulation with a hypodermic needle or syringe in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health.

For the purposes of this subsection, "public place" means any enclosed area that is used or held out for use by the public, whether owned or operated by a public or private interest.

Y. Notwithstanding any other law or regulation to the contrary, a person who is acting on behalf of an organization that provides services to individuals at risk of experiencing an opioid overdose or training in the administration of naloxone for overdose reversal may dispense naloxone to a person who has received instruction on the administration of naloxone for opioid overdose reversal, provided that such dispensing is (i) pursuant to a standing order issued by a prescriber and (ii) in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health. If the person acting on behalf of an organization dispenses naloxone in an injectable formulation with a hypodermic needle or syringe, he shall first obtain authorization from the Department of Behavioral Health and Developmental Services to train individuals on the proper administration of naloxone by and proper disposal of a hypodermic needle or syringe, and he shall obtain a controlled substance registration from the Board of Pharmacy. The Board of Pharmacy shall not charge a fee for the issuance of such controlled substance registration. The dispensing may occur at a site other than that of the controlled substance registration provided the entity possessing the controlled substances registration maintains records in accordance with regulations of the Board of Pharmacy. No person who dispenses naloxone on behalf of an organization pursuant to this subsection shall charge a fee for the dispensing of naloxone that is greater than the cost to the organization of obtaining the naloxone dispensed. A person to whom naloxone has been dispensed pursuant to this subsection may possess naloxone and may administer naloxone to a person who is believed to be experiencing or about to experience a life-threatening opioid overdose.

Z. Pursuant to a written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize, with the consent of the parents as defined in § 22.1-1, an employee of (i) a school board, (ii) a school for students with disabilities as defined in § 22.1-319 licensed by the Board of Education, or (iii) a private school accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education who is trained in the administration of injected medications for the treatment of adrenal crisis resulting from a condition causing adrenal insufficiency to administer such medication to a student diagnosed with a condition causing adrenal insufficiency when the student is believed to be experiencing or about to experience an adrenal crisis. Such authorization shall be effective only when a licensed nurse, nurse practitioner, physician, or physician assistant is not present to perform the administration of the medication.

CHAPTER 303

An Act to repeal the third enactment of Chapter 183 of the Acts of Assembly of 2017, relating to comprehensive harm reduction programs; public health emergency; repeal sunset.

[S 864]

Approved March 11, 2020

Be it enacted by the General Assembly of Virginia:

1. That the third enactment of Chapter 183 of the Acts of Assembly of 2017 is repealed.

CHAPTER 304

An Act to amend and reenact §§ 32.1-330, 32.1-330.01, and 32.1-330.3 of the Code of Virginia, relating to long-term services and supports; screenings.

[S 902]

Approved March 11, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 32.1-330, 32.1-330.01, and 32.1-330.3 of the Code of Virginia are amended and reenacted as follows:

§ 32.1-330. Long-term services and supports screening required.

A. As used in this section, "acute care hospital" includes an acute care hospital, a rehabilitation hospital, a rehabilitation unit in an acute care hospital, or a psychiatric unit in an acute care hospital.

All individuals B. Every individual who will be eligible applies for or requests community or institutional long-term care services and supports as defined in the state plan for medical assistance services may choose to receive services in a community or institutional setting. Every individual who applies for or requests community or institutional long-term services and supports shall be afforded the opportunity to choose the setting and provider of long-term services and supports.

C. Every individual who applies for or requests community or institutional long-term services and supports shall be evaluated screened prior to admission to such community or institutional long-term services and supports to determine their need for long-term services and supports, including nursing facility services as defined in that the state plan for medical assistance services. The Department shall require a preadmission screening of all individuals who, at the time of application for admission to a certified nursing facility as defined in § 32.1-123, are eligible for medical assistance or will become eligible within six months following admission. For community-based screening The type of long-term services and supports screening performed shall not limit the long-term services and supports settings or providers for which the individual is eligible.

D. If an individual who applies for or requests long-term services and supports as defined in the state plan for medical assistance services is residing in a community setting at the time of such application or request, the screening for long-term services and supports required pursuant to subsection C shall be completed by a long-term services and supports screening team shall consist of that includes a nurse, social worker or other assessor designated by the Department; who is an employee of the Department of Health or the local department of social services and a physician who are employees of is employed or engaged by the Department of Health or the local department of social services or a team of licensed physicians, nurses, and social workers at the Wilson Workforce and Rehabilitation Center (WWRC) for WWRC clients only. For institutional screening, the Department shall contract with acute care hospitals.

E. If an individual who applies for or requests long-term services and supports as defined in the state plan for medical assistance services is receiving inpatient services in an acute care hospital at the time of such application or request and will begin receiving long-term services and supports as defined in the state plan for medical assistance services pursuant to a discharge order from an acute care hospital, the screening for long-term services and supports required pursuant to subsection C shall be completed by the acute care hospital in accordance with the screening requirements established by the Department.

F. If an individual who applies for or requests long-term services and supports as defined in the state plan for medical assistance services is receiving skilled nursing services that are not covered by the Commonwealth's program of medical assistance services in an institutional setting following discharge from an acute care hospital, the Department shall require qualified staff of the skilled nursing institution to conduct the long-term services and supports screening in accordance with the requirements established by the Department, with the results certified by a physician prior to the initiation of long-term services and supports under the state plan for medical assistance services.

The G. In any jurisdiction in which a long-term services and supports screening team described in subsection D or E has failed or is unable to perform the long-term services and supports screenings required by subsection D or E within 30 days of receipt of the individual's application or request for long-term services and supports under the state plan, the Department shall contract enter into contracts with other public or private entities to conduct required community-based and institutional such long-term services and supports screenings in addition to or in lieu of the long-term services and

supports screening teams described in this section in jurisdictions in which the screening team has been unable to complete screenings of individuals within 30 days of such individuals' application subsections D and E.

The Department shall report annually by August 1 to the Governor and the Chairmen of the House Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health regarding (i) the number of screenings for eligibility for community-based and institutional long-term care services conducted pursuant to this subsection and (ii) the number of cases in which the Department or the public or private entity with which the Department has entered into a contract to conduct such screenings fails to complete such screenings within 30 days.

B. H. The Department shall require all individuals who administer perform long-term services and supports screenings pursuant to this section to receive training on and be certified in the use of the uniform assessment instrument for screening individuals long-term services and supports screening tool for eligibility for community or institutional long-term care services and supports provided in accordance with the state plan for medical assistance services prior to conducting such long-term services and supports screenings. The Department shall publicly report by August 1, 2018, and each year thereafter on the outcomes of the performance standards.

I. The Department shall report annually by August 1 to the Governor and the Chairmen of the House Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health regarding (i) the number of long-term services and supports screenings for eligibility for community and institutional long-term services and supports conducted pursuant to this section and (ii) the number of cases in which the Department or the public or private entity with which the Department has entered into a contract to conduct such long-term services and supports screenings fails to complete such long-term services and supports screenings within 30 days.

§ 32.1-330.01. Reports related to long-term services and supports.

A. The Department shall (i) develop a program for the training and certification of individuals who perform preadmission long-term services and supports screenings for community and institutional long-term care services and supports provided in accordance with the state plan for medical assistance services and ensure that all screeners are trained on and certified in the use of the uniform assessment instrument long-term services and supports screening tool for preadmission long-term services and supports screening, (ii) develop guidelines for a standardized preadmission long-term services and supports screening process for community and institutional long-term care services and supports provided in accordance with the state plan for medical assistance services and ensure that all long-term services and supports screenings are performed in accordance with such guidelines, (iii) establish and monitor performance according to established standards, and (iv) strengthen oversight of the preadmission long-term services and supports screening process for community and institutional long-term care services and supports to ensure that problems are identified and addressed promptly.

B. The Department shall require managed care organizations that provide managed long-term care services and supports in the Commonwealth to develop the portion of the plan of care addressing the type and amount of long-term services and supports for each recipient. For recipients of long-term care services and supports, the managed care organization shall participate in and collaborate with the existing interdisciplinary care team planning process already established pursuant to federal law and regulations in the development of the care plan.

C. The Department shall work with its actuary to (i) ensure that trends are consistent with Actuarial Standards of Practice, including consideration of negative historical trends in medical spending by managed care organizations to be carried forward when setting capitation rates paid to managed care organizations through the managed care program where appropriate, and (ii) annually rebase administrative expenses per member per month for projected enrollment changes and future program changes impacting administrative costs beginning in Fiscal Year 2019.

D. The Department shall include additional financial and utilization reporting requirements in contracts with managed care organizations and the Managed Care Technical Manual, including requirements for submission of (i) income statements that show medical services expenditures by service category, (ii) statements of revenues and expenses, (iii) information about related party transactions, and (iv) information about service utilization metrics, and shall monitor data submitted by managed care organizations to identify undesirable trends in spending and service utilization and work with managed care organizations to address such trends.

E. The Department shall (i) establish a compliance enforcement review process and apply consistent and uniform compliance standards in accordance with the Managed Care Technical Manual, managed care contracts, and federal standards; (ii) return all compliance feedback to managed care organizations within the same reporting or auditing period in which such reports were generated; (iii) review the reasons for which the Commonwealth will mitigate or waive sanctions imposed on managed care organizations that fail to fulfill contract requirements and review and consider infractions due to unforeseen circumstances beyond the managed care organization's control, infractions occurring during the first year of the managed care organization's operation, infractions occurring for the first time, and infractions that are self-reported by the managed care organization; (iv) when applicable, include guidance in the Managed Care Technical Manual for managed care organizations that state the reasons for which sanctions may be mitigated or waived; (v) include information about the number of sanctions mitigated or waived and the reasons for such mitigation or waiver in its monthly compliance reports; and (vi) annually review the results of its contract compliance enforcement action process and include information about the process and results, including the percentage of points and fines mitigated or waived and the reasons for mitigating them for each managed care organization, in its annual report.

F. The Department shall (i) incrementally increase the amount of performance incentive awards granted to managed care organizations that meet certain performance goals to create a stronger incentive for managed care organizations to improve performance and (ii) retain at least one metric related to chronic conditions in the performance incentive award program.

G. The Department shall work collaboratively with managed care organizations and relevant stakeholders, where appropriate, to annually publish a uniform and agreed-upon managed care organization report card for the Department for the managed care program and shall make such information available to new enrollees as part of the enrollment process.

H. Upon the inclusion of behavioral health services in the managed care program and implementation of managed long-term ~~care~~ services and supports, the Department shall require all managed care organizations participating in the managed care program to provide to the Department information about (i) the managed care organization's policies and processes for identifying behavioral health providers who provide services deemed to be inappropriate to meet the behavioral health needs of the individual receiving services and (ii) the number of such providers that are disenrolled from the managed care provider's provider network.

I. The Department shall develop a process that allows managed care organizations providing services through the managed care program to determine utilization control measures for services provided but includes monitoring of the impact of utilization controls on utilization rates and spending to assess the effectiveness of each managed care organization's utilization control measures.

J. The Department shall include language in contracts for managed care long-term ~~care~~ services and supports requiring managed care organizations providing services through the managed care program to develop a plan that includes (i) a standardized process to determine the capacity of individuals receiving services to self-direct services received, (ii) criteria for determining when a person receiving services is no longer able to self-direct services received, and (iii) the roles and responsibilities of service facilitators, including requirements to regularly verify that appropriate services are provided.

K. Following inclusion of managed long-term ~~care~~ services and supports in the managed care program, the Department shall (i) review information about utilization and spending on long-term ~~care~~ services and supports provided by managed care organizations and work with managed care organizations to make necessary changes to managed care organizations' prior authorization and quality management review processes when undesirable trends are identified; (ii) include revenue and expense reports, information about related party transactions, and information about service utilization metrics in contracts for managed long-term ~~care~~ services and supports and the Managed Care Technical Manual and utilize data and information received from managed long-term ~~care~~ services and supports providers to monitor spending and utilization trends for managed long-term ~~care~~ services and supports and address problems related to spending and utilization of services through managed long-term ~~care~~ services and supports program contracts or the rate-setting process; (iii) include additional requirements for information about metrics related to behavioral health services in the managed long-term ~~care~~ services and supports contract and the Managed Care Technical Manual to facilitate identification of undesirable trends in service utilization and enable the Department to address problems identified with managed care organizations participating in the program; and (iv) include additional metrics related to the long-term ~~care~~ services and supports in the managed long-term ~~care~~ services and supports contract and the Managed Care Technical Manual to facilitate identification of differences between models of care, assessment of progress in and challenges related to keeping service recipients in community-based rather than institutional care, and cooperation with managed care organizations in resolving problems identified.

§ 32.1-330.3. Operation of a PACE plan; oversight by Department of Medical Assistance Services.

A. As used in this section, unless the context requires a different meaning,

"PACE" means of or associated with long-term care health plans (i) authorized as programs of all-inclusive care for the elderly by Subtitle I (§ 4801 et seq.) of Chapter 6 of Title IV of the Balanced Budget Act of 1997, Pub. L. No. 105-33, 111 Stat. 528 et seq., § 4801-4804, 1997, pursuant to Title XVIII and Title XIX of the United States Social Security Act (42 U.S.C. § 1395eee et seq.), and the state plan for medical assistance services as established pursuant to Chapter 10 (§ 32.1-323 et seq.) and (ii) which have signed agreements with the Department of Medical Assistance Services as long-term care health plans.

~~"Pre-PACE" means of or associated with long-term care prepaid health plans (i) authorized by the U.S. Health Care Financing Administration pursuant to § 1903(m)(2)(B) of Title XIX of the United States Social Security Act (42 U.S.C. § 1396b et seq.) and the state plan for medical assistance services as established pursuant to Chapter 10 (§ 32.1-323 et seq.) and (ii) which have signed agreements with the Department of Medical Assistance Services as long-term care prepaid health plans.~~

B. Operation of a ~~pre-PACE plan~~ or PACE plan that participates in the medical assistance services program shall be in accordance with a prepaid health plan contract or other PACE contract consistent with Chapter 6 of Title IV of the federal Balanced Budget Act of 1997 with the Department of Medical Assistance Services.

C. All contracts and subcontracts shall contain an agreement to hold harmless the Department of Medical Assistance Services and ~~pre-PACE~~ and PACE enrollees in the event that a ~~pre-PACE~~ or PACE provider cannot or will not pay for services performed by the subcontractor pursuant to the contract or subcontract.

D. During the ~~pre-PACE~~ or PACE period, the plan shall have a fiscally sound operation as demonstrated by total assets being greater than total unsubordinated liabilities, sufficient cash flow and adequate liquidity to meet obligations as they become due, and a plan for handling insolvency approved by the Department of Medical Assistance Services.

E. The ~~pre-PACE or~~ PACE plan must demonstrate that it has arrangements in place in the amount of, at least, the sum of the following to cover expenses in the event of insolvency:

1. One month's total capitation revenue to cover expenses the month prior to insolvency; and

2. One month's average payment of operating expenses to cover potential expenses the month after the date of insolvency has been declared or operations cease.

The required arrangements to cover expenses shall be in accordance with the PACE Protocol as published by On Lok, Inc., in cooperation with the ~~U.S. Health Care Financing Administration Centers for Medicare and Medicaid Services~~, as of April 14, 1995, or any successor protocol that may be agreed upon between the ~~U.S. Health Care Financing Administration Centers for Medicare and Medicaid Services~~ and On Lok, Inc.

Appropriate arrangements to cover expenses shall include one or more of the following: reasonable and sufficient net worth, insolvency insurance, letters of credit, or parental guarantees.

F. Enrollment in a ~~pre-PACE or~~ PACE plan shall be restricted to those individuals who participate in programs authorized pursuant to Title XIX or Title XVIII of the United States Social Security Act, respectively.

G. Full disclosure shall be made to all individuals in the process of enrolling in the ~~pre-PACE or~~ PACE plan that services are not guaranteed beyond a 30-day period.

H. The Board of Medical Assistance Services shall establish a Transitional Advisory Group to determine license requirements, regulations, and ongoing oversight. The Advisory Group shall include representatives from each of the following organizations: Department of Medical Assistance Services, Department of Social Services, Department of Health, Bureau of Insurance, Board of Medicine, Board of Pharmacy, Department for Aging and Rehabilitative Services, and a ~~pre-PACE or~~ PACE provider.

I. The Department shall develop and implement a coordinated plan to provide choice and education about the PACE program. The plan shall ensure that:

1. Information about the availability and potential benefits of participating in the PACE program is provided to all eligible long-term services and supports clients as part of the ~~preadmission long-term services and supports~~ screening process pursuant to § 32.1-330. The client's choice regarding participation in the PACE program shall be documented on the state ~~preadmission long-term services and supports~~ screening authorization form. The Department shall provide initial and ongoing training of all ~~preadmission long-term services and supports~~ screening teams on the PACE program.

2. The Department develops informational materials and correspondence, including the initial and annual enrollment letters, for use by the Department and its contractors to educate and notify potentially eligible clients about long-term services and supports. These informational materials shall include the following:

a. A description of the PACE program;

b. A statement that an eligible individual has the option to enroll in the PACE program or be automatically enrolled in a managed care organization; and

c. Contact information for PACE providers.

2. That the Department of Medical Assistance Services shall consider alternative assessment tools for long-term services and supports screenings completed on or after July 1, 2021. The Department of Medical Assistance Services shall report its findings and conclusions to the Governor and the Chairmen of the House Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health by December 1, 2020.

3. That the Board of Medical Assistance Services shall promulgate regulations to implement the provisions of this act to be effective within 280 days of its enactment.

4. That the provisions of this act shall not become effective if they conflict with any provision of federal law or regulation or guidance issued by the Centers for Medicare and Medicaid Services.

CHAPTER 305

An Act to amend and reenact § 38.2-3418.17 of the Code of Virginia, relating to health insurance; coverage for autism spectrum disorder; individual and small group markets.

[S 1031]

Approved March 11, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 38.2-3418.17 of the Code of Virginia is amended and reenacted as follows:

§ 38.2-3418.17. Coverage for autism spectrum disorder.

A. Notwithstanding the provisions of § 38.2-3419 and any other provision of law, each insurer proposing to issue accident and sickness insurance policies providing hospital, medical and surgical, or major medical coverage on an expense-incurred basis; each corporation providing accident and sickness subscription contracts; and each health maintenance organization providing a health care plan for health care services shall, as provided in this section, provide coverage for the diagnosis of autism spectrum disorder and the treatment of autism spectrum disorder, in individuals (i) from January 1, 2012, until January 1, 2016, from age two years through age six years; (ii) from January 1, 2016, until January 1, 2020, from age two years through age 10 years; and (iii) from and after January 1, 2020, of any age, subject to the annual maximum benefit limitation set forth in subsection K and to the provisions of subsection G. If an individual who is

being treated for autism spectrum disorder becomes older than the applicable maximum age set forth in the preceding sentence and continues to need treatment, this section does not preclude coverage of treatment and services. In addition to the requirements imposed on health insurance issuers by § 38.2-3436, an insurer shall not terminate coverage or refuse to deliver, issue, amend, adjust, or renew coverage of an individual solely because the individual is diagnosed with autism spectrum disorder or has received treatment for autism spectrum disorder.

B. For purposes of this section:

"Applied behavior analysis" means the design, implementation, and evaluation of environmental modifications, using behavioral stimuli and consequences, to produce socially significant improvement in human behavior, including the use of direct observation, measurement, and functional analysis of the relationship between environment and behavior.

"Autism spectrum disorder" means any pervasive developmental disorder, including (i) autistic disorder, (ii) Asperger's Syndrome, (iii) Rett syndrome, (iv) childhood disintegrative disorder, or (v) Pervasive Developmental Disorder — Not Otherwise Specified, as defined in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association.

"Behavioral health treatment" means professional, counseling, and guidance services and treatment programs that are necessary to develop, maintain, or restore, to the maximum extent practicable, the functioning of an individual.

"Diagnosis of autism spectrum disorder" means medically necessary assessments, evaluations, or tests to diagnose whether an individual has an autism spectrum disorder.

"Medically necessary" means based upon evidence and reasonably expected to do any of the following: (i) prevent the onset of an illness, condition, injury, or disability; (ii) reduce or ameliorate the physical, mental, or developmental effects of an illness, condition, injury, or disability; or (iii) assist to achieve or maintain maximum functional capacity in performing daily activities, taking into account both the functional capacity of the individual and the functional capacities that are appropriate for individuals of the same age.

"Pharmacy care" means medications prescribed by a licensed physician and any health-related services deemed medically necessary to determine the need or effectiveness of the medications.

"Psychiatric care" means direct or consultative services provided by a psychiatrist licensed in the state in which the psychiatrist practices.

"Psychological care" means direct or consultative services provided by a psychologist licensed in the state in which the psychologist practices.

"Therapeutic care" means services provided by licensed or certified speech therapists, occupational therapists, physical therapists, or clinical social workers.

"Treatment for autism spectrum disorder" shall be identified in a treatment plan and includes the following care prescribed or ordered for an individual diagnosed with autism spectrum disorder by a licensed physician or a licensed psychologist who determines the care to be medically necessary: (i) behavioral health treatment, (ii) pharmacy care, (iii) psychiatric care, (iv) psychological care, (v) therapeutic care, and (vi) applied behavior analysis when provided or supervised by a board certified behavior analyst who shall be licensed by the Board of Medicine. The prescribing practitioner shall be independent of the provider of applied behavior analysis.

"Treatment plan" means a plan for the treatment of autism spectrum disorder developed by a licensed physician or a licensed psychologist pursuant to a comprehensive evaluation or reevaluation performed in a manner consistent with the most recent clinical report or recommendation of the American Academy of Pediatrics or the American Academy of Child and Adolescent Psychiatry.

C. Except for inpatient services, if an individual is receiving treatment for an autism spectrum disorder, an insurer, corporation, or health maintenance organization shall have the right to request a review of that treatment, including an independent review, not more than once every 12 months unless the insurer, corporation, or health maintenance organization and the individual's licensed physician or licensed psychologist agree that a more frequent review is necessary. The cost of obtaining any review, including an independent review, shall be covered under the policy, contract, or plan.

D. Coverage under this section will not be subject to any visit limits, and shall be neither different nor separate from coverage for any other illness, condition, or disorder for purposes of determining deductibles, lifetime dollar limits, copayment and coinsurance factors, and benefit year maximum for deductibles and copayment and coinsurance factors.

E. Nothing shall preclude the undertaking of usual and customary procedures, including prior authorization, to determine the appropriateness of, and medical necessity for, treatment of autism spectrum disorder under this section, provided that all such appropriateness and medical necessity determinations are made in the same manner as those determinations are made for the treatment of any other illness, condition, or disorder covered by such policy, contract, or plan.

F. The provisions of this section shall not apply to (i) short-term travel, accident only, limited, or specified disease policies; (ii) short-term nonrenewable policies of not more than six months' duration; ~~or (iii) policies, contracts, or plans issued in the individual market or small group markets; or (iv) policies or contracts designed for issuance to persons eligible for coverage under Title XVIII of the Social Security Act, known as Medicare, or any other similar coverage under state or federal governmental plans.~~

G. The requirements of this section requiring that coverage be provided with regard to individuals from age two years through age six years shall apply to all insurance policies, subscription contracts, and health care plans delivered, issued for delivery, reissued, or extended on or after January 1, 2012, but prior to January 1, 2016; the requirements of this section

requiring that coverage be provided with regard to individuals from age two years through age 10 years shall apply to all insurance policies, subscription contracts, and health care plans delivered, issued for delivery, reissued, or extended on or after January 1, 2016, but prior to January 1, 2020; ~~and~~ the requirements of this section requiring that coverage be provided with regard to individuals of any age shall apply to all insurance policies, subscription contracts, and health care plans delivered, issued for delivery, reissued, or extended on or after January 1, 2020, and to all such policies, contracts, or plans to which a term is changed or any premium adjustment is made on or after such date; *and the requirements of this section requiring that coverage be provided by policies, contracts, or plans issued in the individual market or small group markets shall apply to all insurance policies, subscription contracts, and health care plans in the individual and small group markets delivered, issued for delivery, reissued, or extended on or after January 1, 2021, and to all such policies, contracts, or plans to which a term is changed or any premium adjustment is made on or after such date.*

H. Any coverage required pursuant to this section shall be in addition to the coverage required by § 38.2-3418.5 and other provisions of law. This section shall not be construed as diminishing any coverage required by § 38.2-3412.1. This section shall not be construed as affecting any obligation to provide services to an individual under an individualized family service plan, an individualized education program, or an individualized service plan.

I. Pursuant to the provisions of § 2.2-2818.2, this section shall apply to health coverage offered to state employees pursuant to § 2.2-2818 and to health insurance coverage offered to employees of local governments, local officers, teachers, and retirees, and the dependents of such employees, teachers, and retirees pursuant to § 2.2-1204.

J. Notwithstanding any provision of this section to the contrary:

1. An insurer, corporation, or health maintenance organization, or a governmental entity providing coverage for such treatment pursuant to subsection I, is exempt from providing coverage for behavioral health treatment required under this section and not covered by the insurer, corporation, health maintenance organization, or governmental entity providing coverage for such treatment pursuant to subsection I as of December 31, 2011, if:

a. An actuary, affiliated with the insurer, corporation, or health maintenance organization, who is a member of the American Academy of Actuaries and meets the American Academy of Actuaries' professional qualification standards for rendering an actuarial opinion related to health insurance rate making, certifies in writing to the Commissioner of Insurance that:

(1) Based on an analysis to be completed no more frequently than one time per year by each insurer, corporation, or health maintenance organization, or such governmental entity, for the most recent experience period of at least one year's duration, the costs associated with coverage of behavioral health treatment required under this section, and not covered as of December 31, 2011, exceeded one percent of the premiums charged over the experience period by the insurer, corporation, or health maintenance organization; and

(2) Those costs solely would lead to an increase in average premiums charged of more than one percent for all insurance policies, subscription contracts, or health care plans commencing on inception or the next renewal date, based on the premium rating methodology and practices the insurer, corporation, or health maintenance organization, or such governmental entity, employs; and

b. The Commissioner approves the certification of the actuary;

2. An exemption allowed under subdivision 1 shall apply for a one-year coverage period following inception or next renewal date of all insurance policies, subscription contracts, or health care plans issued or renewed during the one-year period following the date of the exemption, after which the insurer, corporation, or health maintenance organization, or such governmental entity, shall again provide coverage for behavioral health treatment required under this section;

3. An insurer, corporation, or health maintenance organization, or such governmental entity, may claim an exemption for a subsequent year, but only if the conditions specified in subdivision 1 again are met; and

4. Notwithstanding the exemption allowed under subdivision 1, an insurer, corporation, or health maintenance organization, or such a governmental entity, may elect to continue to provide coverage for behavioral health treatment required under this section.

K. Coverage for applied behavior analysis under this section will be subject to an annual maximum benefit of \$35,000, unless the insurer, corporation, or health maintenance organization elects to provide coverage in a greater amount.

L. As of January 1, 2014, to the extent that this section requires benefits that exceed the essential health benefits specified under § 1302(b) of the federal Patient Protection and Affordable Care Act (H.R. 3590), as amended (the ACA), the specific benefits that exceed the specified essential health benefits shall not be required of a qualified health plan when the plan is offered in the Commonwealth by a health carrier through a health benefit exchange established under § 1311 of the ACA. Nothing in this subsection shall nullify application of this section to plans offered outside such an exchange.

CHAPTER 306

An Act to amend and reenact §§ 10.1-408 and 10.1-410.2 of the Code of Virginia, relating to Clinch State Scenic River.

[H 5]

Approved March 12, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 10.1-408 and 10.1-410.2 of the Code of Virginia are amended and reenacted as follows:

§ 10.1-408. Uses not affected by scenic river designation.

A. Except as provided in § 10.1-407, all riparian land and water uses along or in the designated section of a river that are permitted by law shall not be restricted by this chapter.

B. Designation as a scenic river shall not be used:

1. To designate the lands along the river and its tributaries as unsuitable for mining pursuant to § 45.1-252 or regulations promulgated with respect to such section, or as unsuitable for use as a location for a surface mineral mine as defined in § 45.1-161.292:2; however, the Department shall still be permitted to exercise the powers granted under § 10.1-402; or

2. To be a criterion for purposes of imposing water quality standards under the federal Clean Water Act.

C. Nothing in this chapter shall preclude the federal government, the Commonwealth, or a locality or local governing body from using, constructing, reconstructing, replacing, repairing, operating, or performing necessary maintenance on any road or bridge.

D. Nothing in § 10.1-414 or 10.1-418.6 shall preclude the Commonwealth or a local governing body or authority from constructing, reconstructing, operating, or performing necessary maintenance on any transportation or public water supply project.

E. Nothing in this chapter shall preclude the continued:

1. Use, operation, and maintenance of the existing Loudoun County Sanitation Authority water impoundment or the installation of new water intake facilities in the existing reservoir located within the section of Goose Creek designated by § 10.1-411;

2. Operation and maintenance of existing dams in the section of the Rappahannock River designated by § 10.1-415; ~~or~~

3. Operation, maintenance, alteration, expansion, or destruction of the Embrey Dam or its appurtenances by the City of Fredericksburg, including the old VEPCO canal and the existing City Reservoir behind the Embrey Dam, or any other part of the City's waterworks; *or*

4. *Operation and maintenance of existing dams in the section of the Clinch River designated by § 10.1-410.2.*

F. The City of Richmond shall be allowed to reconstruct, operate, and maintain existing facilities at the Byrd Park and Hollywood Hydroelectric Power Stations at current capacity. Nothing in this chapter shall be construed to prevent the Commonwealth, the City of Richmond, or any common carrier railroad from constructing or reconstructing floodwalls or public common carrier facilities that may traverse the section of the James River designated by § 10.1-412, such as road or railroad bridges, raw water intake structures, or water or sewer lines that would be constructed below water level.

G. The owner of the Harvell Dam in the City of Petersburg may construct, reconstruct, operate, and maintain the Harvell Dam subject to other law and regulation.

H. Nothing in this chapter shall preclude ~~(i) the continued operation and maintenance of existing dams in the section of the Rappahannock River designated by § 10.1-415 or (ii) the Commonwealth, the City of Fredericksburg, or the County of Stafford, Spotsylvania, or Culpeper~~ from constructing any new raw water intake structures or devices, including pipes and reservoirs but not dams, or laying water or sewer lines below water level.

I. Nothing in this chapter shall:

1. Preclude the construction, operation, repair, maintenance, or replacement of (i) a natural gas pipeline for which the State Corporation Commission has issued a certificate of public convenience and necessity or any connections with such pipeline owned by the Richmond Gas Utility and connected to such pipeline or (ii) the natural gas pipeline, case number PUE 860065, for which the State Corporation Commission has issued a certificate of public convenience and necessity; or

2. Be construed to prevent the construction, use, operation, and maintenance of a natural gas pipeline (i) traversing the portion of the river designated by § 10.1-411.1 at, or at any point north of, the existing power line that is located approximately 200 feet north of the northern entrance to the Swede Tunnel or (ii) on or beneath the two existing railroad trestles, one located just south of the Swede Tunnel and the other located just north of the confluence of the Guest River with the Clinch River, or to prevent the use, operation, and maintenance of such railroad trestles in furtherance of the construction, operation, use, and maintenance of such pipeline.

§ 10.1-410.2. Clinch State Scenic River.

The Clinch River in ~~Tazewell and Russell County Counties~~ from its confluence with ~~the Little River Indian Creek in Cedar Bluff to the Nash Ford Bridge at mile 279.5~~ *Russell-Scott county line*, a distance of approximately ~~20~~ 66.8 miles and including its tributary, Big Cedar Creek from ~~the confluence to river mile 5.8 near Lebanon to the confluence~~, is hereby designated as the Clinch State Scenic River, a component of the Virginia Scenic Rivers System.

CHAPTER 307

An Act to prohibit licensing of duck blinds in certain areas.

Approved March 12, 2020

[H 173]

Be it enacted by the General Assembly of Virginia:

1. § 1. *The Department of Game and Inland Fisheries shall not license any stationary waterfowl blind in any area of Hunting Creek, Little Hunting Creek, or Dogue Creek in which the local governing body prohibits by ordinance the hunting of birds with a firearm.*

CHAPTER 308

An Act to prohibit licensing of duck blinds in certain areas.

Approved March 12, 2020

[S 435]

Be it enacted by the General Assembly of Virginia:

1. § 1. *The Department of Game and Inland Fisheries shall not license any stationary waterfowl blind in any area of Hunting Creek, Little Hunting Creek, or Dogue Creek in which the local governing body prohibits by ordinance the hunting of birds with a firearm.*

CHAPTER 309

An Act to amend the Code of Virginia by adding a section numbered 29.1-305.01, relating to a special license to hunt elk.

Approved March 12, 2020

[H 388]

Be it enacted by the General Assembly of Virginia:

1. **That the Code of Virginia is amended by adding a section numbered 29.1-305.01 as follows:**

§ 29.1-305.01. Special license to hunt elk; authority of Board to create elk license and quota hunts.

A. *The Board may create a separate special license to hunt elk within the designated elk management zone, as designated in the 2019-2028 Virginia Elk Management Plan, which shall be in addition to the license required to hunt other game. Any person, whether licensed or exempt from being licensed, shall possess (i) a valid state resident hunting license or state nonresident hunting license pursuant to § 29.1-303 and (ii) a special elk license in order to pursue elk within the designated elk management zone. A separate special license to hunt elk shall not be required to hunt elk outside of the designated elk management zone.*

B. *Upon creation of a special license to hunt elk, the Board may establish quotas and procedures for selection to purchase a special elk license. Application for selection for a special elk license may require a nonrefundable application fee of \$15 for residents and \$20 for nonresidents. The fee for a special elk license shall be no more than \$40 for residents and \$400 for nonresidents.*

C. *The Board may establish guidelines permitting the transfer of special elk licenses to individuals, cooperators who assist in meeting agency hunting objectives, or wildlife conservation organizations whose mission is to ensure the conservation of Virginia's wildlife resources.*

CHAPTER 310

An Act to amend the Code of Virginia by adding a section numbered 29.1-305.01, relating to a special license to hunt elk.

Approved March 12, 2020

[S 262]

Be it enacted by the General Assembly of Virginia:

1. **That the Code of Virginia is amended by adding a section numbered 29.1-305.01 as follows:**

§ 29.1-305.01. Special license to hunt elk; authority of Board to create elk license and quota hunts.

A. *The Board may create a separate special license to hunt elk within the designated elk management zone, as designated in the 2019-2028 Virginia Elk Management Plan, which shall be in addition to the license required to hunt other game. Any person, whether licensed or exempt from being licensed, shall possess (i) a valid state resident hunting license or state nonresident hunting license pursuant to § 29.1-303 and (ii) a special elk license in order to pursue elk within the designated elk management zone. A separate special license to hunt elk shall not be required to hunt elk outside of the designated elk management zone.*

B. *Upon creation of a special license to hunt elk, the Board may establish quotas and procedures for selection to purchase a special elk license. Application for selection for a special elk license may require a nonrefundable application fee of \$15 for residents and \$20 for nonresidents. The fee for a special elk license shall be no more than \$40 for residents and \$400 for nonresidents.*

C. *The Board may establish guidelines permitting the transfer of special elk licenses to individuals, cooperators who assist in meeting agency hunting objectives, or wildlife conservation organizations whose mission is to ensure the conservation of Virginia's wildlife resources.*

CHAPTER 311

An Act to amend and reenact §§ 29.1-338, 29.1-530.2, 29.1-546, and 29.1-550 of the Code of Virginia, relating to unlawful hunting, trapping, or fishing; prohibition upon conviction.

[H 449]

Approved March 12, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 29.1-338, 29.1-530.2, 29.1-546, and 29.1-550 of the Code of Virginia are amended and reenacted as follows:

§ 29.1-338. Revocation of license and privileges; penalties.

If any person is found guilty of violating (i) any of the provisions of the hunting, trapping, or inland fish laws, any ~~provisions~~ *provision* of §§ 15.2-915.2, 15.2-1209.1, 18.2-131 through 18.2-136 ~~and, or~~ §§ 18.2-285 through 18.2-286.1, or any ~~regulations~~ *regulation* adopted by the Board pursuant thereto, a second time within three years of a previous conviction of violating any such law or regulation, or (ii) any ~~provisions~~ *provision* of law or ordinance governing the dumping of refuse, trash, or other litter; while engaged in hunting, trapping, or fishing, such license and privileges shall be revoked by the court trying the case and ~~that~~ *such* person shall not apply for a new license or exercise such privileges until 12 months succeeding the date of conviction. The court may also prohibit the convicted person from hunting, fishing, or trapping in the Commonwealth for a period of one to five years. If found hunting, trapping, or fishing during ~~this~~ *such* prohibited period, the person ~~shall be~~ *is* guilty of a Class 2 misdemeanor *and may also be prohibited by the court from hunting, fishing, or trapping for an additional period of one to five years.* Licenses revoked shall be sent to the Director.

§ 29.1-530.2. Unlawfully killing bear; penalty.

Any person who kills or attempts to kill a bear in violation of any provision of this article or ~~of a~~ *any* regulation adopted thereunder ~~shall be~~ *is* guilty of a Class 1 misdemeanor *and may also be prohibited by the court from hunting, trapping, or fishing in the Commonwealth for a period of one to five years.*

§ 29.1-546. General penalty.

Any person convicted of violating any of the provisions of this title shall, unless otherwise specified, be guilty of a Class 2 misdemeanor *and may also be prohibited by the court from hunting, trapping, or fishing in the Commonwealth for a period of one to five years.*

§ 29.1-550. Taking game or fish during closed season or exceeding bag limit.

It ~~shall be~~ *is* unlawful for any person to (i) take; or attempt to take; any wild bird, wild animal, or fish during the closed season; (ii) exceed the bag or creel limit for any wild bird, wild animal, or fish; or (iii) possess over the daily bag or creel limit for any wild bird, wild ~~animals~~ *animal*, or fish while in the forests, fields, or waters of the Commonwealth. Any person convicted of violating any provisions of this section ~~shall be~~ *is* guilty of a Class 2 misdemeanor *and may also be prohibited by the court from hunting, trapping, or fishing in the Commonwealth for a period of one to five years.*

CHAPTER 312

An Act to amend and reenact § 15.2-2286 of the Code of Virginia, relating to solar energy projects; national standards.

[H 656]

Approved March 12, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-2286 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-2286. Permitted provisions in zoning ordinances; amendments; applicant to pay delinquent taxes; penalties.

A. A zoning ordinance may include, among other things, reasonable regulations and provisions as to any or all of the following matters:

1. For variances or special exceptions, as defined in § 15.2-2201, to the general regulations in any district.
2. For the temporary application of the ordinance to any property coming into the territorial jurisdiction of the governing body by annexation or otherwise, subsequent to the adoption of the zoning ordinance, and pending the orderly amendment of the ordinance.
3. For the granting of special exceptions under suitable regulations and safeguards; notwithstanding any other provisions of this article, the governing body of any locality may reserve unto itself the right to issue such special exceptions. Conditions imposed in connection with residential special use permits, wherein the applicant proposes affordable housing, shall be consistent with the objective of providing affordable housing. When imposing conditions on residential projects specifying materials and methods of construction or specific design features, the approving body shall consider the impact of the conditions upon the affordability of housing.

The governing body or the board of zoning appeals of the City of Norfolk may impose a condition upon any special exception relating to retail alcoholic beverage control licensees which provides that such special exception will automatically expire upon a change of ownership of the property, a change in possession, a change in the operation or management of a facility or upon the passage of a specific period of time.

The governing body of the City of Richmond may impose a condition upon any special use permit issued after July 1, 2000, relating to retail alcoholic beverage licensees which provides that such special use permit shall be subject to an automatic review by the governing body upon a change in possession, a change in the owner of the business, or a transfer of majority control of the business entity. Upon review by the governing body, it may either amend or revoke the special use permit after notice and a public hearing as required by § 15.2-2206.

4. For the administration and enforcement of the ordinance including the appointment or designation of a zoning administrator who may also hold another office in the locality. The zoning administrator shall have all necessary authority on behalf of the governing body to administer and enforce the zoning ordinance. His authority shall include (i) ordering in writing the remedying of any condition found in violation of the ordinance; (ii) insuring compliance with the ordinance, bringing legal action, including injunction, abatement, or other appropriate action or proceeding subject to appeal pursuant to § 15.2-2311; and (iii) in specific cases, making findings of fact and, with concurrence of the attorney for the governing body, conclusions of law regarding determinations of rights accruing under § 15.2-2307 or subsection C of § 15.2-2311.

Whenever the zoning administrator has reasonable cause to believe that any person has engaged in or is engaging in any violation of a zoning ordinance that limits occupancy in a residential dwelling unit, which is subject to a civil penalty that may be imposed in accordance with the provisions of § 15.2-2209, and the zoning administrator, after a good faith effort to obtain the data or information necessary to determine whether a violation has occurred, has been unable to obtain such information, he may request that the attorney for the locality petition the judge of the general district court for his jurisdiction for a subpoena duces tecum against any such person refusing to produce such data or information. The judge of the court, upon good cause shown, may cause the subpoena to be issued. Any person failing to comply with such subpoena shall be subject to punishment for contempt by the court issuing the subpoena. Any person so subpoenaed may apply to the judge who issued the subpoena to quash it.

Notwithstanding the provisions of § 15.2-2311, a zoning ordinance may prescribe an appeal period of less than 30 days, but not less than 10 days, for a notice of violation involving temporary or seasonal commercial uses, parking of commercial trucks in residential zoning districts, maximum occupancy limitations of a residential dwelling unit, or similar short-term, recurring violations.

Where provided by ordinance, the zoning administrator may be authorized to grant a modification from any provision contained in the zoning ordinance with respect to physical requirements on a lot or parcel of land, including but not limited to size, height, location or features of or related to any building, structure, or improvements, if the administrator finds in writing that: (i) the strict application of the ordinance would produce undue hardship; (ii) such hardship is not shared generally by other properties in the same zoning district and the same vicinity; and (iii) the authorization of the modification will not be of substantial detriment to adjacent property and the character of the zoning district will not be changed by the granting of the modification. Prior to the granting of a modification, the zoning administrator shall give, or require the applicant to give, all adjoining property owners written notice of the request for modification, and an opportunity to respond to the request within 21 days of the date of the notice. The zoning administrator shall make a decision on the application for modification and issue a written decision with a copy provided to the applicant and any adjoining landowner who responded in writing to the notice sent pursuant to this paragraph. The decision of the zoning administrator shall constitute a decision within the purview of § 15.2-2311, and may be appealed to the board of zoning appeals as provided by that section. Decisions of the board of zoning appeals may be appealed to the circuit court as provided by § 15.2-2314.

The zoning administrator shall respond within 90 days of a request for a decision or determination on zoning matters within the scope of his authority unless the requester has agreed to a longer period.

5. For the imposition of penalties upon conviction of any violation of the zoning ordinance. Any such violation shall be a misdemeanor punishable by a fine of not more than \$1,000. If the violation is uncorrected at the time of the conviction, the court shall order the violator to abate or remedy the violation in compliance with the zoning ordinance, within a time period established by the court. Failure to remove or abate a zoning violation within the specified time period shall constitute a separate misdemeanor offense punishable by a fine of not more than \$1,000; any such failure during a succeeding 10-day period shall constitute a separate misdemeanor offense punishable by a fine of not more than \$1,500; and any such failure during any succeeding 10-day period shall constitute a separate misdemeanor offense for each 10-day period punishable by a fine of not more than \$2,000.

However, any conviction resulting from a violation of provisions regulating the number of unrelated persons in single-family residential dwellings shall be punishable by a fine of up to \$2,000. Failure to abate the violation within the specified time period shall be punishable by a fine of up to \$5,000, and any such failure during any succeeding 10-day period shall constitute a separate misdemeanor offense for each 10-day period punishable by a fine of up to \$7,500. However, no such fine shall accrue against an owner or managing agent of a single-family residential dwelling unit during the pendency of any legal action commenced by such owner or managing agent of such dwelling unit against a tenant to eliminate an overcrowding condition in accordance with the Virginia Residential Landlord and Tenant Act (§ 55.1-1200 et seq.). A conviction resulting from a violation of provisions regulating the number of unrelated persons in single-family residential dwellings shall not be punishable by a jail term.

6. For the collection of fees to cover the cost of making inspections, issuing permits, advertising of notices and other expenses incident to the administration of a zoning ordinance or to the filing or processing of any appeal or amendment thereto.

7. For the amendment of the regulations or district maps from time to time, or for their repeal. Whenever the public necessity, convenience, general welfare, or good zoning practice requires, the governing body may by ordinance amend, supplement, or change the regulations, district boundaries, or classifications of property. Any such amendment may be initiated (i) by resolution of the governing body; (ii) by motion of the local planning commission; or (iii) by petition of the owner, contract purchaser with the owner's written consent, or the owner's agent therefor, of the property which is the subject of the proposed zoning map amendment, addressed to the governing body or the local planning commission, who shall forward such petition to the governing body; however, the ordinance may provide for the consideration of proposed amendments only at specified intervals of time, and may further provide that substantially the same petition will not be reconsidered within a specific period, not exceeding one year. Any such resolution or motion by such governing body or commission proposing the rezoning shall state the above public purposes therefor.

In any county having adopted such zoning ordinance, all motions, resolutions or petitions for amendment to the zoning ordinance, and/or map shall be acted upon and a decision made within such reasonable time as may be necessary which shall not exceed 12 months unless the applicant requests or consents to action beyond such period or unless the applicant withdraws his motion, resolution or petition for amendment to the zoning ordinance or map, or both. In the event of and upon such withdrawal, processing of the motion, resolution or petition shall cease without further action as otherwise would be required by this subdivision.

8. For the submission and approval of a plan of development prior to the issuance of building permits to assure compliance with regulations contained in such zoning ordinance.

9. For areas and districts designated for mixed use developments or planned unit developments as defined in § 15.2-2201.

10. For the administration of incentive zoning as defined in § 15.2-2201.

11. For provisions allowing the locality to enter into a voluntary agreement with a landowner that would result in the downzoning of the landowner's undeveloped or underdeveloped property in exchange for a tax credit equal to the amount of excess real estate taxes that the landowner has paid due to the higher zoning classification. The locality may establish reasonable guidelines for determining the amount of excess real estate tax collected and the method and duration for applying the tax credit. For purposes of this section, "downzoning" means a zoning action by a locality that results in a reduction in a formerly permitted land use intensity or density.

12. Provisions for requiring and considering Phase I environmental site assessments based on the anticipated use of the property proposed for the subdivision or development that meet generally accepted national standards for such assessments, such as those developed by the American Society for Testing and Materials, and Phase II environmental site assessments, that also meet accepted national standards, such as, but not limited to, those developed by the American Society for Testing and Materials, if the locality deems such to be reasonably necessary, based on findings in the Phase I assessment, and in accordance with regulations of the United States Environmental Protection Agency and the American Society for Testing and Materials. A reasonable fee may be charged for the review of such environmental assessments. Such fees shall not exceed an amount commensurate with the services rendered, taking into consideration the time, skill, and administrative expense involved in such review.

13. *Provisions to incorporate generally accepted national environmental protection and product safety standards for the use of solar panels and battery technologies for solar photovoltaic (electric energy) projects, such as those developed for existing product certifications and standards including the National Sanitation Foundation/American National Standards Institute No. 457, International Electrotechnical Commission No. 61215-2, Institute of Electrical and Electronics Engineers Standard 1547, and Underwriters Laboratories No. 61730-2.*

14. Provisions for requiring disclosure and remediation of contamination and other adverse environmental conditions of the property prior to approval of subdivision and development plans.

~~14.~~ 15. For the enforcement of provisions of the zoning ordinance that regulate the number of persons permitted to occupy a single-family residential dwelling unit, provided such enforcement is in compliance with applicable local, state and federal fair housing laws.

~~15.~~ 16. For the issuance of inspection warrants by a magistrate or court of competent jurisdiction. The zoning administrator or his agent may make an affidavit under oath before a magistrate or court of competent jurisdiction and, if such affidavit establishes probable cause that a zoning ordinance violation has occurred, request that the magistrate or court grant the zoning administrator or his agent an inspection warrant to enable the zoning administrator or his agent to enter the subject dwelling for the purpose of determining whether violations of the zoning ordinance exist. After issuing a warrant under this section, the magistrate or judge shall file the affidavit in the manner prescribed by § 19.2-54. After executing the warrant, the zoning administrator or his agents shall return the warrant to the clerk of the circuit court of the city or county wherein the inspection was made. The zoning administrator or his agent shall make a reasonable effort to obtain consent from the owner or tenant of the subject dwelling prior to seeking the issuance of an inspection warrant under this section.

B. Prior to the initiation of an application by the owner of the subject property, the owner's agent, or any entity in which the owner holds an ownership interest greater than 50 percent, for a special exception, special use permit, variance, rezoning or other land disturbing permit, including building permits and erosion and sediment control permits, or prior to the issuance of final approval, the authorizing body may require the applicant to produce satisfactory evidence that any delinquent real estate taxes, nuisance charges, stormwater management utility fees, and any other charges that constitute a lien on the

subject property, that are owed to the locality and have been properly assessed against the subject property, have been paid, unless otherwise authorized by the treasurer.

CHAPTER 313

An Act to amend and reenact §§ 55.1-703 and 62.1-44.15:28, as it is currently effective and as it shall become effective, of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 55.1-708.1, relating to stormwater management facilities; private residential lots; disclosure.

[H 859]

Approved March 12, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 55.1-703 and 62.1-44.15:28, as it is currently effective and as it shall become effective, of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 55.1-708.1 as follows:

§ 55.1-703. Required disclosures for buyer to beware; buyer to exercise necessary due diligence.

A. The owner of the residential real property shall furnish to a purchaser a residential property disclosure statement for the buyer to beware of certain matters that may affect the buyer's decision to purchase such real property. Such statement shall be provided by the Real Estate Board on its website.

B. The residential property disclosure statement provided by the Real Estate Board on its website shall include the following:

1. The owner makes no representations or warranties as to the condition of the real property or any improvements thereon, or with regard to any covenants and restrictions, or any conveyances of mineral rights, as may be recorded among the land records affecting the real property or any improvements thereon, and purchasers are advised to exercise whatever due diligence a particular purchaser deems necessary, including obtaining a home inspection, as defined in § 54.1-500, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event prior to settlement pursuant to such contract;

2. The owner makes no representations with respect to any matters that may pertain to parcels adjacent to the subject parcel, including zoning classification or permitted uses of adjacent parcels, and purchasers are advised to exercise whatever due diligence a particular purchaser deems necessary with respect to adjacent parcels in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event prior to settlement pursuant to such contract;

3. The owner makes no representations to any matters that pertain to whether the provisions of any historic district ordinance affect the property, and purchasers are advised to exercise whatever due diligence a particular purchaser deems necessary with respect to any historic district designated by the locality pursuant to § 15.2-2306, including review of (i) any local ordinance creating such district, (ii) any official map adopted by the locality depicting historic districts, and (iii) any materials available from the locality that explain (a) any requirements to alter, reconstruct, renovate, restore, or demolish buildings or signs in the local historic district and (b) the necessity of any local review board or governing body approvals prior to doing any work on a property located in a local historic district, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event prior to settlement pursuant to such contract;

4. The owner makes no representations with respect to whether the property contains any resource protection areas established in an ordinance implementing the Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq.) adopted by the locality where the property is located pursuant to § 62.1-44.15:74, and purchasers are advised to exercise whatever due diligence a particular purchaser deems necessary to determine whether the provisions of any such ordinance affect the property, including review of any official map adopted by the locality depicting resource protection areas, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event prior to settlement pursuant to such contract;

5. The owner makes no representations with respect to information on any sexual offenders registered under Chapter 23 (§ 19.2-387 et seq.) of Title 19.2, and purchasers are advised to exercise whatever due diligence they deem necessary with respect to such information, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event prior to settlement pursuant to such contract;

6. The owner makes no representations with respect to whether the property is within a dam break inundation zone. Such disclosure statement shall advise purchasers to exercise whatever due diligence they deem necessary with respect to whether the property resides within a dam break inundation zone, including a review of any map adopted by the locality depicting dam break inundation zones;

~~7. The owner makes no representations with respect to the presence of any stormwater detention facilities located on the property, or the existence or recordation of any maintenance agreement for such facilities, and purchasers are advised to exercise whatever due diligence they deem necessary to determine the presence of any stormwater detention facilities on the property, or any maintenance agreement for such facilities, such as contacting their settlement provider, consulting the locality in which the property is located, or reviewing any survey of the property that may have been conducted, in~~

accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event prior to settlement pursuant to such contract;

~~8.~~ The owner makes no representations with respect to the presence of any wastewater system, including the type or size of the wastewater system or associated maintenance responsibilities related to the wastewater system, located on the property, and purchasers are advised to exercise whatever due diligence they deem necessary to determine the presence of any wastewater system on the property and the costs associated with maintaining, repairing, or inspecting any wastewater system, including any costs or requirements related to the pump-out of septic tanks, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event prior to settlement pursuant to such contract;

~~9.~~ 8. The owner makes no representations with respect to any right to install or use solar energy collection devices on the property;

~~10.~~ 9. The owner makes no representations with respect to whether the property is located in one or more special flood hazard areas, and purchasers are advised to exercise whatever due diligence they deem necessary, including (i) obtaining a flood certification or mortgage lender determination of whether the property is located in one or more special flood hazard areas, (ii) reviewing any map depicting special flood hazard areas, (iii) contacting the Federal Emergency Management Agency (FEMA) or visiting the website for FEMA's National Flood Insurance Program or for the Virginia Department of Conservation and Recreation's Flood Risk Information System, and (iv) determining whether flood insurance is required, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event prior to settlement pursuant to such contract;

~~11.~~ 10. The owner makes no representations with respect to whether the property is subject to one or more conservation or other easements, and purchasers are advised to exercise whatever due diligence a particular purchaser deems necessary in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event prior to settlement pursuant to such contract; and

~~12.~~ 11. The owner makes no representations with respect to whether the property is subject to a community development authority approved by a local governing body pursuant to Article 6 (§ 15.2-5152 et seq.) of Chapter 51 of Title 15.2, and purchasers are advised to exercise whatever due diligence a particular purchaser deems necessary in accordance with terms and conditions as may be contained in the real estate purchase contract, including determining whether a copy of the resolution or ordinance has been recorded in the land records of the circuit court for the locality in which the community development authority district is located for each tax parcel included in the district pursuant to § 15.2-5157, but in any event prior to settlement pursuant to such contract.

C. The residential property disclosure statement shall be delivered in accordance with § 55.1-709.

§ 55.1-708.1. Required disclosures; stormwater management facilities.

An owner of residential real property who has actual knowledge of a privately owned stormwater management facility located on such property shall disclose to the purchaser the long-term maintenance and inspection requirements for the facility. Such disclosure shall be provided to the purchaser in accordance with this chapter and on a form provided by the Real Estate Board on its website.

§ 62.1-44.15:28. (For expiration date, see Acts 2016, cc. 68 and 758, as amended by Acts 2017, c. 345) Development of regulations.

A. The Board is authorized to adopt regulations that specify minimum technical criteria and administrative procedures for Virginia Stormwater Management Programs. The regulations shall:

1. Establish standards and procedures for administering a VSMP;
2. Establish minimum design criteria for measures to control nonpoint source pollution and localized flooding, and incorporate the stormwater management regulations adopted pursuant to the Erosion and Sediment Control Law (§ 62.1-44.15:51 et seq.), as they relate to the prevention of stream channel erosion. These criteria shall be periodically modified as required in order to reflect current engineering methods;
3. Require the provision of long-term responsibility for and maintenance of stormwater management control devices and other techniques specified to manage the quality and quantity of runoff;
4. Require as a minimum the inclusion in VSMPs of certain administrative procedures that include, but are not limited to, specifying the time period within which a VSMP authority shall grant land-disturbing activity approval, the conditions and processes under which approval shall be granted, the procedures for communicating disapproval, the conditions under which an approval may be changed, and requirements for inspection of approved projects;
5. Establish by regulations a statewide permit fee schedule to cover all costs associated with the implementation of a VSMP related to land-disturbing activities of one acre or greater. Such fee attributes include the costs associated with plan review, VSMP registration statement review, permit issuance, state-coverage verification, inspections, reporting, and compliance activities associated with the land-disturbing activities as well as program oversight costs. The fee schedule shall also include a provision for a reduced fee for land-disturbing activities between 2,500 square feet and up to one acre in Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq.) localities. The fee schedule shall be governed by the following:

a. The revenue generated from the statewide stormwater permit fee shall be collected utilizing, where practicable, an online payment system, and the Department's portion shall be remitted to the State Treasurer for deposit in the Virginia Stormwater Management Fund established pursuant to § 62.1-44.15:29. However, whenever the Board has approved a VSMP, no more than 30 percent of the total revenue generated by the statewide stormwater permit fees collected shall be

remitted to the State Treasurer for deposit in the Virginia Stormwater Management Fund, with the balance going to the VSMP authority.

b. Fees collected pursuant to this section shall be in addition to any general fund appropriation made to the Department or other supporting revenue from a VSMP; however, the fees shall be set at a level sufficient for the Department and the VSMP to fully carry out their responsibilities under this article and its attendant regulations and local ordinances or standards and specifications where applicable. When establishing a VSMP, the VSMP authority shall assess the statewide fee schedule and shall have the authority to reduce or increase such fees, and to consolidate such fees with other program-related charges, but in no case shall such fee changes affect the amount established in the regulations as available to the Department for program oversight responsibilities pursuant to subdivision 5 a. A VSMP's portion of the fees shall be used solely to carry out the VSMP's responsibilities under this article and its attendant regulations, ordinances, or annual standards and specifications.

c. Until July 1, 2014, the fee for coverage under the General Permit for Discharges of Stormwater from Construction Activities issued by the Board, or where the Board has issued an individual permit or coverage under the General Permit for Discharges of Stormwater from Construction Activities for an entity for which it has approved annual standards and specifications, shall be \$750 for each large construction activity with sites or common plans of development equal to or greater than five acres and \$450 for each small construction activity with sites or common plans of development equal to or greater than one acre and less than five acres. On and after July 1, 2014, such fees shall only apply where coverage has been issued under the Board's General Permit for Discharges of Stormwater from Construction Activities to a state agency or federal entity for which it has approved annual standards and specifications. After establishment, such fees may be modified in the future through regulatory actions.

d. Until July 1, 2014, the Department is authorized to assess a \$125 reinspection fee for each visit to a project site that was necessary to check on the status of project site items noted to be in noncompliance and documented as such on a prior project inspection.

e. In establishing the fee schedule under this subdivision, the Department shall ensure that the VSMP authority portion of the statewide permit fee for coverage under the General Permit for Discharges of Stormwater from Construction Activities for small construction activity involving a single family detached residential structure with a site or area, within or outside a common plan of development or sale, that is equal to or greater than one acre but less than five acres shall be no greater than the VSMP authority portion of the fee for coverage of sites or areas with a land-disturbance acreage of less than one acre within a common plan of development or sale.

f. When any fees are collected pursuant to this section by credit cards, business transaction costs associated with processing such payments may be additionally assessed;

6. Establish statewide standards for stormwater management from land-disturbing activities of one acre or greater, except as specified otherwise within this article, and allow for the consolidation in the permit of a comprehensive approach to addressing stormwater management and erosion and sediment control, consistent with the provisions of the Erosion and Sediment Control Law (§ 62.1-44.15:51 et seq.) and this article. However, such standards shall also apply to land-disturbing activity exceeding an area of 2,500 square feet in all areas of the jurisdictions designated as subject to the Chesapeake Bay Preservation Area Designation and Management Regulations;

7. Establish a procedure by which a stormwater management plan that is approved for a residential, commercial, or industrial subdivision shall govern the development of the individual parcels, including those parcels developed under subsequent owners;

8. Notwithstanding the provisions of subdivision A 5, establish a procedure by which neither a registration statement nor payment of the Department's portion of the statewide permit fee established pursuant to that subdivision shall be required for coverage under the General Permit for Discharges of Stormwater from Construction Activities for construction activity involving a single-family detached residential structure, within or outside a common plan of development or sale;

9. Provide for reciprocity with programs in other states for the certification of proprietary best management practices;

10. Require that VSMPs maintain after-development runoff rate of flow and characteristics that replicate, as nearly as practicable, the existing predevelopment runoff characteristics and site hydrology, or improve upon the contributing share of the existing predevelopment runoff characteristics and site hydrology if stream channel erosion or localized flooding is an existing predevelopment condition. Except where more stringent requirements are necessary to address total maximum daily load requirements or to protect exceptional state waters, any land-disturbing activity that provides for stormwater management shall satisfy the conditions of this subsection if the practices are designed to (i) detain the water quality volume and to release it over 48 hours; (ii) detain and release over a 24-hour period the expected rainfall resulting from the one year, 24-hour storm; and (iii) reduce the allowable peak flow rate resulting from the 1.5-year, two-year, and 10-year, 24-hour storms to a level that is less than or equal to the peak flow rate from the site assuming it was in a good forested condition, achieved through multiplication of the forested peak flow rate by a reduction factor that is equal to the runoff volume from the site when it was in a good forested condition divided by the runoff volume from the site in its proposed condition, and shall be exempt from any flow rate capacity and velocity requirements for natural or man-made channels as defined in any regulations promulgated pursuant to this section or any ordinances adopted pursuant to § 62.1-44.15:27 or 62.1-44.15:33;

11. Encourage low-impact development designs, regional and watershed approaches, and nonstructural means for controlling stormwater;

12. Promote the reclamation and reuse of stormwater for uses other than potable water in order to protect state waters and the public health and to minimize the direct discharge of pollutants into state waters;

13. Establish procedures to be followed when a locality that operates a VSMP wishes to transfer administration of the VSMP to the Department;

14. Establish a statewide permit fee schedule for stormwater management related to municipal separate storm sewer system permits;

15. Provide for the evaluation and potential inclusion of emerging or innovative stormwater control technologies that may prove effective in reducing nonpoint source pollution; ~~and~~

16. *Require the owner of property that is zoned for residential use and on which is located a privately owned stormwater management facility serving one or more residential properties to record the long-term maintenance and inspection requirements for such facility with the deed for the owner's property; and*

17. Require that all final plan elements, specifications, or calculations whose preparation requires a license under Chapter 4 (§ 54.1-400 et seq.) or 22 (§ 54.1-2200 et seq.) of Title 54.1 be appropriately signed and sealed by a professional who is licensed to engage in practice in the Commonwealth. Nothing in this subdivision shall authorize any person to engage in practice outside his area of professional competence.

B. The Board may integrate and consolidate components of the regulations implementing the Erosion and Sediment Control program and the Chesapeake Bay Preservation Area Designation and Management program with the regulations governing the Virginia Stormwater Management Program (VSMP) Permit program or repeal components so that these programs may be implemented in a consolidated manner that provides greater consistency, understanding, and efficiency for those regulated by and administering a VSMP.

§ 62.1-44.15:28. (For effective date, see Acts 2016, cc. 68 and 758, as amended by Acts 2017, c. 345) Development of regulations.

The Board is authorized to adopt regulations that establish requirements for the effective control of soil erosion, sediment deposition, and stormwater, including nonagricultural runoff, that shall be met in any VESMP to prevent the unreasonable degradation of properties, stream channels, waters, and other natural resources, and that specify minimum technical criteria and administrative procedures for VESMPs. The regulations shall:

1. Establish standards and procedures for administering a VESMP;

2. Establish minimum standards of effectiveness of the VESMP and criteria and procedures for reviewing and evaluating its effectiveness. The minimum standards of program effectiveness established by the Board shall provide that (i) no soil erosion control and stormwater management plan shall be approved until it is reviewed by a plan reviewer certified pursuant to § 62.1-44.15:30, (ii) each inspection of a land-disturbing activity shall be conducted by an inspector certified pursuant to § 62.1-44.15:30, and (iii) each VESMP shall contain a program administrator, a plan reviewer, and an inspector, each of whom is certified pursuant to § 62.1-44.15:30 and all of whom may be the same person;

3. Be based upon relevant physical and developmental information concerning the watersheds and drainage basins of the Commonwealth, including data relating to land use, soils, hydrology, geology, size of land area being disturbed, proximate water bodies and their characteristics, transportation, and public facilities and services;

4. Include any survey of lands and waters as the Board deems appropriate or as any applicable law requires to identify areas, including multijurisdictional and watershed areas, with critical soil erosion and sediment problems;

5. Contain conservation standards for various types of soils and land uses, which shall include criteria, techniques, and methods for the control of soil erosion and sediment resulting from land-disturbing activities;

6. Establish water quality and water quantity technical criteria. These criteria shall be periodically modified as required in order to reflect current engineering methods;

7. Require the provision of long-term responsibility for and maintenance of stormwater management control devices and other techniques specified to manage the quality and quantity of runoff;

8. Require as a minimum the inclusion in VESMPs of certain administrative procedures that include, but are not limited to, specifying the time period within which a VESMP authority shall grant land-disturbance approval, the conditions and processes under which such approval shall be granted, the procedures for communicating disapproval, the conditions under which an approval may be changed, and requirements for inspection of approved projects;

9. Establish a statewide fee schedule to cover all costs associated with the implementation of a VESMP related to land-disturbing activities where permit coverage is required, and for land-disturbing activities where the Board serves as a VESMP authority or VSMP authority. Such fee attributes include the costs associated with plan review, permit registration statement review, permit issuance, permit coverage verification, inspections, reporting, and compliance activities associated with the land-disturbing activities as well as program oversight costs. The fee schedule shall also include a provision for a reduced fee for a land-disturbing activity that disturbs 2,500 square feet or more but less than one acre in an area of a locality designated as a Chesapeake Bay Preservation Area pursuant to the Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq.). The fee schedule shall be governed by the following:

a. The revenue generated from the statewide fee shall be collected utilizing, where practicable, an online payment system, and the Department's portion shall be remitted to the State Treasurer for deposit in the Virginia Stormwater Management Fund established pursuant to § 62.1-44.15:29. However, whenever the Board has approved a VESMP, no more than 30 percent of the total revenue generated by the statewide fees collected shall be remitted to the State Treasurer for deposit in the Virginia Stormwater Management Fund, with the balance going to the VESMP authority;

b. Fees collected pursuant to this section shall be in addition to any general fund appropriation made to the Department or other supporting revenue from a VESMP; however, the fees shall be set at a level sufficient for the Department, the Board, and the VESMP to fully carry out their responsibilities under this article and local ordinances or standards and specifications where applicable. When establishing a VESMP, the VESMP authority shall assess the statewide fees pursuant to the schedule and shall have the authority to reduce or increase such fees, and to consolidate such fees with other program-related charges, but in no case shall such fee changes affect the amount established in the regulations as available to the Department for program oversight responsibilities pursuant to subdivision a. A VESMP's portion of the fees shall be used solely to carry out the VESMP's responsibilities under this article and associated ordinances;

c. In establishing the fee schedule under this subdivision, the Department shall ensure that the VESMP authority portion of the statewide fee for coverage under the General Permit for Discharges of Stormwater from Construction Activities for small construction activity involving a single-family detached residential structure with a site or area, within or outside a common plan of development or sale, that is equal to or greater than one acre but less than five acres shall be no greater than the VESMP authority portion of the fee for coverage of sites or areas with a land-disturbance acreage of less than one acre within a common plan of development or sale;

d. When any fees are collected pursuant to this section by credit cards, business transaction costs associated with processing such payments may be additionally assessed;

e. Notwithstanding the other provisions of this subdivision 9, establish a procedure by which neither a registration statement nor payment of the Department's portion of the statewide fee established pursuant to this subdivision 9 shall be required for coverage under the General Permit for Discharges of Stormwater from Construction Activities for construction activity involving a single-family detached residential structure, within or outside a common plan of development or sale;

10. Establish statewide standards for soil erosion control and stormwater management from land-disturbing activities;

11. Establish a procedure by which a soil erosion control and stormwater management plan or stormwater management plan that is approved for a residential, commercial, or industrial subdivision shall govern the development of the individual parcels, including those parcels developed under subsequent owners;

12. Provide for reciprocity with programs in other states for the certification of proprietary best management practices;

13. Require that VESMPs maintain after-development runoff rate of flow and characteristics that replicate, as nearly as practicable, the existing predevelopment runoff characteristics and site hydrology, or improve upon the contributing share of the existing predevelopment runoff characteristics and site hydrology if stream channel erosion or localized flooding is an existing predevelopment condition.

a. Except where more stringent requirements are necessary to address total maximum daily load requirements or to protect exceptional state waters, any land-disturbing activity that was subject to the water quantity requirements that were in effect pursuant to this article prior to July 1, 2014, shall be deemed to satisfy the conditions of this subsection if the practices are designed to (i) detain the water volume equal to the first one-half inch of runoff multiplied by the impervious surface of the land development project and to release it over 48 hours; (ii) detain and release over a 24-hour period the expected rainfall resulting from the one year, 24-hour storm; and (iii) reduce the allowable peak flow rate resulting from the 1.5-year, two-year, and 10-year, 24-hour storms to a level that is less than or equal to the peak flow rate from the site assuming it was in a good forested condition, achieved through multiplication of the forested peak flow rate by a reduction factor that is equal to the runoff volume from the site when it was in a good forested condition divided by the runoff volume from the site in its proposed condition. Any land-disturbing activity that complies with these requirements shall be exempt from any flow rate capacity and velocity requirements for natural or man-made channels as defined in any regulations promulgated pursuant to this section or any ordinances adopted pursuant to § 62.1-44.15:27 or 62.1-44.15:33;

b. Any stream restoration or relocation project that incorporates natural channel design concepts is not a man-made channel and shall be exempt from any flow rate capacity and velocity requirements for natural or man-made channels as defined in any regulations promulgated pursuant to this article;

14. Encourage low-impact development designs, regional and watershed approaches, and nonstructural means for controlling stormwater;

15. Promote the reclamation and reuse of stormwater for uses other than potable water in order to protect state waters and the public health and to minimize the direct discharge of pollutants into state waters;

16. Establish procedures to be followed when a locality chooses to change the type of program it administers pursuant to subsection D of § 62.1-44.15:27;

17. Establish a statewide permit fee schedule for stormwater management related to MS4 permits;

18. Provide for the evaluation and potential inclusion of emerging or innovative stormwater control technologies that may prove effective in reducing nonpoint source pollution; ~~and~~

19. *Require the owner of property that is zoned for residential use and on which is located a privately owned stormwater management facility serving one or more residential properties to record the long-term maintenance and inspection requirements for such facility with the deed for the owner's property; and*

20. Require that all final plan elements, specifications, or calculations whose preparation requires a license under Chapter 4 (§ 54.1-400 et seq.) or 22 (§ 54.1-2200 et seq.) of Title 54.1 be appropriately signed and sealed by a professional who is licensed to engage in practice in the Commonwealth. Nothing in this subdivision shall authorize any person to engage in practice outside his area of professional competence.

CHAPTER 314

An Act to amend and reenact § 10.1-204.1 of the Code of Virginia and to repeal the second enactment clause of Chapter 461 of the Acts of Assembly of 2015, relating to the State Trails Advisory Committee; sunset.

[H 886]

Approved March 12, 2020

Be it enacted by the General Assembly of Virginia:**1. That § 10.1-204.1 of the Code of Virginia is amended and reenacted as follows:****§ 10.1-204.1. (Expires January 1, 2021) State Trails Advisory Committee established; report.**

A. The State Trails Advisory Committee (the Committee) is hereby established as an advisory committee of the Department of Conservation and Recreation to assist the Commonwealth in developing and implementing a statewide system of attractive, sustainable, connected, and enduring trails for the perpetual use and enjoyment of the citizens of the Commonwealth and future generations. The Committee shall be appointed by the Director of the Department of Conservation and Recreation and shall be composed of a representative from the Department of Game and Inland Fisheries, the Virginia Department of Transportation, the Virginia Outdoors Foundation, the U.S. Forest Service, and the U.S. National Park Service; the Virginia Director of the Chesapeake Bay Commission; and nonlegislative citizen members, including representatives from the Virginia Outdoors Plan Technical Advisory Committee and the Recreational Trails Advisory Committee and other individuals with technical expertise in trail creation, construction, maintenance, use, and management. The Committee shall meet at least twice each calendar year.

B. The Advisory Committee shall examine and provide recommendations regarding (i) options to close the gaps in a statewide system of trails as described in § 10.1-204; (ii) creative public and private funding strategies and partnerships to leverage resources to fund the development of trails; (iii) integrated approaches to promote and market trail values and benefits; (iv) the development of specialty trails, including concepts related to old-growth forest trails across the Commonwealth; (v) strategies to encourage and create linkages between communities and open space; (vi) strategies to foster communication and networking among trail stakeholders; (vii) strategies to increase tourism and commercial activities associated with a statewide trail system; (viii) strategies to enhance the involvement of organizations that promote outdoor youth activities, including the Boy Scouts of the U.S.A. and Girl Scouts of the U.S.A. and the 4-H program of the Virginia Cooperative Extension; and (ix) other practices, standards, statutes, and guidelines that the Director of the Department of Conservation and Recreation determines may enhance the effectiveness of trail planning across the Commonwealth, including methods for receiving input regarding potential trail impacts upon owners of underlying or neighboring properties.

C. No later than October 1 of each year, the Director shall provide a status report on the work of the Committee to the Chairman of the House Committee on Agriculture, Chesapeake and Natural Resources; the Chairman of the Senate Committee on Agriculture, Conservation and Natural Resources; and the Chairman and members of the Virginia delegation to the Chesapeake Bay Commission. The report shall include: (i) current and future plans for a statewide system of attractive, sustainable, connected, and enduring trails across the Commonwealth and (ii) any recommendations from the Committee that will be incorporated into the Virginia Outdoors Plan, which plan shall serve as the repository for recommendations from the Committee. The Virginia Outdoors Plan updates shall be used to capture and advance the concepts developed by the Committee.

D. Members of the Committee shall receive no compensation for their service and shall not be entitled to reimbursement for expenses incurred in the performance of their duties.

E. For the purposes of this section, "old-growth forest" means a forest ecosystem distinguished by trees older than 150 years and tree-related structures that naturally contribute to biodiversity of the forested ecosystems and provide habitat to native Virginia wildlife species, including wildlife species that have been approved for introduction by the Department of Game and Inland Fisheries.

F. The provisions of this section shall expire on January 1, ~~2024~~ 2027.

2. That the second enactment of Chapter 461 of the Acts of Assembly of 2015 is repealed.

CHAPTER 315

An Act to amend and reenact §§ 29.1-521 and 29.1-554 of the Code of Virginia, relating to harassing animals; certain species.

[H 1074]

Approved March 12, 2020

Be it enacted by the General Assembly of Virginia:**1. That §§ 29.1-521 and 29.1-554 of the Code of Virginia are amended and reenacted as follows:****§ 29.1-521. Unlawful to hunt, trap, possess, sell, or transport wild birds and wild animals except as permitted; exception; penalty.**

A. The following ~~shall be~~ is unlawful:

1. To hunt or kill any wild bird or wild animal, including any nuisance species, with a gun, firearm, or other weapon, or to hunt or kill any deer or bear with a gun, firearm, or other weapon with the aid or assistance of dogs, on Sunday. The provision of this subdivision that prohibits the hunting or killing of any wild bird or wild animal, including nuisance species, on Sunday shall not apply to (i) any person who hunts or kills raccoons; (ii) any person who hunts or kills birds in the family Rallidae or waterfowl, subject to geographical limitations established by the Director and except within 200 yards of a place of worship or any accessory structure thereof; or (iii) any landowner or member of his family or any person with written permission from the landowner who hunts or kills any wild bird or wild animal, including any nuisance species, on the landowner's property, except within 200 yards of a place of worship or any accessory structure thereof. However, a person lawfully carrying a gun, firearm, or other weapon on Sunday in an area that could be used for hunting shall not be presumed to be hunting on Sunday, absent evidence to the contrary.

2. To destroy or molest harass the nest, eggs, dens, or young of any wild bird or wild animal, except nuisance species, at any time without a permit as required by law.

3. To hunt or attempt to kill or trap any species of wild bird or wild animal after having obtained the daily bag or season limit during such day or season. However, any properly licensed person, or a person exempt from having to obtain a license, who has obtained such daily bag or season limit while hunting may assist others who are hunting game by calling game, retrieving game, handling dogs, or conducting drives if the weapon in his possession is an unloaded firearm, a bow without a nocked arrow, an unloaded slingbow, an unloaded arrowgun, or an unloaded crossbow. Any properly licensed person, or person exempt from having to obtain a license, who has obtained such season limit prior to commencement of the hunt may assist others who are hunting game by calling game, retrieving game, handling dogs, or conducting drives, provided he does not have a firearm, bow, slingbow, arrowgun, or crossbow in his possession.

4. To knowingly occupy any baited blind or other baited place for the purpose of taking or attempting to take any wild bird or wild animal or to put out bait or salt for any wild bird or wild animal for the purpose of taking or killing it. There shall be a rebuttable presumption that a person charged with violating this subdivision knows that he is occupying a baited blind or other baited place for the purpose of taking or attempting to take any wild bird or wild animal. However, this shall not apply to baiting nuisance species of animals and birds, or to baiting traps for the purpose of taking fur-bearing animals that may be lawfully trapped.

5. To kill or capture any wild bird or wild animal adjacent to any area while a field or forest fire is in progress.

6. To shoot or attempt to take any wild bird or wild animal from an automobile or other vehicle, except (i) as provided in § 29.1-521.3 or (ii) for the killing of nuisance species as defined in § 29.1-100 on private property by the owner of such property or his designee from a stationary automobile or other stationary vehicle.

7. To set a trap of any kind on the lands or waters of another without attaching to the trap: (i) the name and address of the trapper; or (ii) an identification number issued by the Department.

8. To set a trap where it would be likely to injure persons, dogs, stock, or fowl.

9. To fail to visit all traps once each day and remove all animals caught, and immediately report to the landowner as to stock, dogs, or fowl that are caught and the date. However, the Director or his designee may authorize employees of federal, state, and local government agencies, and persons holding a valid Commercial Nuisance Animal Permit issued by the Department, to visit body-gripping traps that are completely submerged at least once every 72 hours, and the Board may adopt regulations permitting trappers to visit traps less frequently under specified conditions. The Board shall adopt regulations permitting trappers to use remote trap-checking technology to check traps under specified conditions.

10. To hunt, trap, take, capture, kill, attempt to take, capture, or kill, possess, deliver for transportation, transport, cause to be transported, by any means whatever, receive for transportation or export, or import, at any time or in any manner, any wild bird or wild animal or the carcass or any part thereof, except as specifically permitted by law and only by the manner or means and within the numbers stated. However, the provisions of this section shall not be construed to prohibit the (i) use or transportation of legally taken turkey carcasses, or portions thereof, for the purposes of making or selling turkey callers; (ii) the manufacture or sale of implements, including tools or utensils made from legally harvested deer skeletal parts, including antlers; (iii) the possession of shed antlers; or (iv) the possession, manufacture, or sale of other parts or implements authorized by regulations adopted by the Board.

11. To offer for sale, sell, offer to purchase, or purchase, at any time or in any manner, any wild bird or wild animal or the carcass or any part thereof, except as specifically permitted by law, including subsection D of § 29.1-553. However, any nonprofit organization exempt from taxation under § 501(c)(3) of the Internal Revenue Code that is (i) organized to provide wild game as food to the hungry and (ii) authorized by the Department to possess, transport, and distribute donated or unclaimed meat to the hungry may pay a processing fee in order to obtain such meat. Such fee shall not exceed the actual cost for processing the meat. In addition, any nonprofit organization exempt from taxation under § 501(c)(3) of the Internal Revenue Code that is (a) organized to support wildlife habitat conservation and (b) approved by the Department shall be allowed to offer wildlife mounts that have undergone the taxidermy process for sale in conjunction with fundraising activities. A violation of this subdivision shall be punishable as provided in § 29.1-553.

B. Notwithstanding any other provision of this article, any American Indian who produces verification that he is an enrolled member of a tribe recognized by the Commonwealth, another state, or the U.S. government, may possess, offer for sale, or sell to another American Indian, or offer to purchase or purchase from another American Indian, parts of legally obtained fur-bearing animals, nonmigratory game birds, and game animals, except bear. Such legally obtained parts shall include antlers, hooves, feathers, claws, and bones.

"Verification" as used in this section shall include (i) display of a valid tribal identification card, (ii) confirmation through a central tribal registry, (iii) a letter from a tribal chief or council, or (iv) certification from a tribal office that the person is an enrolled member of the tribe.

C. Notwithstanding any other provision of this chapter, the Department may authorize the use of snake exclusion devices by public utilities at their transmission or distribution facilities and the incidental taking of snakes resulting from the use of such devices.

D. A violation of subdivisions A 1 through 10 shall be punishable as a Class 3 misdemeanor.

§ 29.1-554. Violation of sanctuaries, refuges, preserves and water used for propagation.

It shall be unlawful for any person, including a property owner, to commit the following acts, the violation of which shall constitute a Class 3 misdemeanor:

1. To violate any regulation of the Board concerning refuges, sanctuaries and public shooting or fishing preserves in impounded waters or in forest and watershed areas owned by the United States government;
2. To damage the boundary enclosure of or enter a game refuge owned, leased or operated by the Board for the purpose of molesting harassing any bird or animal, or permit his dog or livestock to go thereon;
3. To fish or trespass with intent to fish upon any waters or lands being utilized for fish propagation, or damage or destroy any pond, pool, flume, dam, pipeline, property or appliance belonging to or being utilized by the Board; or
4. To interfere with, obstruct, pollute, or diminish the natural flow of water into or through a fish hatchery.

CHAPTER 316

An Act to amend the Code of Virginia by adding a section numbered 10.1-411.5, relating to designation of a segment of the Pound River as a State Scenic River.

[H 1145]

Approved March 12, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 10.1-411.5 as follows:

§ 10.1-411.5. Pound State Scenic River.

The Pound River in Wise and Dickenson Counties, from the northern boundary of the Town of Pound near Old Mill Village Road northeastward to the Pound River Campground at Little Laurel Branch in Dickenson County, a distance of approximately 17 miles, is hereby designated as the Pound State Scenic River, a component of the Virginia Scenic Rivers System.

CHAPTER 317

An Act to amend and reenact §§ 3.2-4300, 3.2-4302 through 3.2-4306, 3.2-4308, 3.2-4312 through 3.2-4318, and 3.2-4320 of the Code of Virginia, relating to the Department of Agriculture and Consumer Services; Division of Marketing.

[H 1349]

Approved March 12, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 3.2-4300, 3.2-4302 through 3.2-4306, 3.2-4312 through 3.2-4318, and 3.2-4320 of the Code of Virginia are amended and reenacted as follows:

§ 3.2-4300. Definition.

As used in this article, unless the context requires a different meaning:

"Agricultural," "agricultural product" means any horticultural, viticulture, dairy, livestock, poultry, bee, or other farm or garden product.

"Director" means the Director of the Division of Marketing of the Department.

§ 3.2-4302. Establishment of grades, marks, and brands.

The Director, with the approval of the Commissioner, may adopt regulations governing the voluntary use of grades, trademarks, brands, and other markings for agricultural products produced, packed, or marked in the Commonwealth. The regulations shall prescribe the: (i) grade, classification, quality, condition, size, variety, quantity, or other characteristics of such products; and (ii) marks identifying the party responsible for the grading and marking of such products.

§ 3.2-4303. Grades recommended by U.S. Department of Agriculture.

The Director, Commissioner, in carrying out the provisions of § 3.2-4302, shall adopt grades recommended or adopted by the U.S. Department of Agriculture if they are suitable for use in Virginia. If there is a demand for additional or different grades or standards by those persons in the Commonwealth producing and handling such products, the Director, Commissioner may establish and adopt grades or standards that are additional to or different from those recommended or adopted by the U.S. Department of Agriculture.

§ 3.2-4304. When special grades, marks, and brands allowed; filing a certificate.

Any person desiring to pack, mark, sell, or offer for sale any agricultural product under any grade, trademark, brand, or other markings relating to grade, quality or size, not established and adopted by the ~~Director~~ *Commissioner*, may file with the ~~Director~~ *Commissioner* a certificate describing the special grade, trademark, brand, or other markings. If; the ~~Director~~; ~~with the approval of the~~ *Commissioner*: (i) approves of the completeness of definitions of such special grade, trademark, brand, or other markings described in the certificate; (ii) finds that such grade terminology, trademark, brand, other markings, or definitions are in no way deceptive; and (iii) determines that definitions used to describe grade, classifications, quality, condition, size, variety, or other characteristics of agricultural products clearly document where they differ from the official grades, the special grade, trademark, brand, or other markings may thereafter be used by the person filing the certificate. For the purpose of this section a brand, trademark, or other markings may represent a grade.

§ 3.2-4305. Unclassified products.

This article shall not prevent the use of any trademark or brand not established and adopted, or *not* approved by the ~~Director~~ *Commissioner*, on or in connection with any agricultural product, if, as a part of such trademark or brand, or immediately adjacent thereto, there is printed in letters not less than one-half inch in height the word "unclassified."

§ 3.2-4306. Enforcement powers of Commissioner.

The ~~Director~~, ~~with the approval of the~~ *Commissioner*; shall enforce the provisions of this article and is empowered to:

1. Enter and inspect every place where agricultural products are produced, packed, stored for sale, shipped, delivered for shipment, in transit or offered for sale; and to inspect such places and any or all agricultural products, containing markings of any kind that indicate grade, classification, quality, condition, size, variety and quantity, and containers or equipment found at or in such places. It is unlawful for anyone to prevent, hinder or interfere with the ~~Director~~ *Commissioner* or his agent in the exercise of any power under this subdivision;

2. To approve, superintend, control and discharge such inspectors, subordinate inspectors and agents as in his discretion may be deemed necessary for the purpose of enforcing the provisions of this article; and to prescribe their duties and fix their compensation;

3. Prohibit the movement of any agricultural product found to be marked in violation of any of the provisions of this article, prior to the product being accepted by a common carrier for shipment in interstate transit. Such product shall be repacked or remarked. A lot of any agricultural product shall not be considered accepted by a common carrier until the common carrier is loaded, sealed, and the bill of lading issued; and

4. Cause to be instituted through the attorney for the Commonwealth prosecutions for violations of this article.

§ 3.2-4308. Grades and brands shall be used in accordance with regulations.

It is unlawful to use:

1. Any grade, trademark, brand, or other markings established and adopted by the ~~Director~~ *Commissioner* on or in connection with marking any agricultural product that is not in accordance with regulations established and adopted by the ~~Director~~ *Commissioner*.

2. Any grade, trademark, brand, or other markings indicating grade, classification, quality, condition or size, for any agricultural product for which official grades, trademarks, brands, or other markings have not been established and adopted by the ~~Director~~ *Commissioner* or are not in accordance with the provisions of § 3.2-4304.

§ 3.2-4312. Definitions.

As used in this article, unless the context requires a different meaning:

"Agricultural and food product" means any horticultural, viticulture, dairy, livestock, poultry, bee, other farm or garden product, fish or fishery product, and other foods.

"Continuous official inspection" means that an employee or a licensed representative of the ~~Division of Marketing~~ *Department* or of the U.S. Department of Agriculture, or employees of either, shall regularly and continuously examine the commodity as it is being packed.

~~"Director" means the Director of the Division of Marketing of the Department.~~

~~"Division" means the Division of Marketing of the Department of Agriculture and Consumer Services.~~

§ 3.2-4313. Use of Virginia Quality Label to designate inspected products.

The ~~Director~~, ~~with the approval of the~~ *Commissioner*; may use an outline of Virginia impressed upon the labels, tags, seals, or containers of any agricultural or food product that has been subject to the continuous official inspection service indicating that the product is of such quality and description as shown on the label, tag, seal, or container. Such outline map when made use of pursuant to the provisions of this article shall be known as the "Virginia Quality Label."

§ 3.2-4314. Collaboration with United States authorities.

In any instance when an authorized department, agent or officer of the United States collaborates with the ~~Division~~ *Department* in the inspection of any agricultural or food product, the Virginia Quality Label may, with the consent of the appropriate department, agency or officer of the United States, be used together with the shield of the United States on any label, tag, seal, or container, thus indicating continuous inspectional collaboration between the ~~Division~~ *Department* and a department, agency, or officer of the United States.

§ 3.2-4315. Department may prepare and distribute labels, tags, and seals with Virginia Quality Label.

The ~~Division~~ *Department* may prepare labels, tags and seals impressed with the Virginia Quality Label and the shield of the United States. The ~~Division~~ *Department* may furnish the labels, tags, and seals at reasonable prices to any producer, processor, packer, or dresser whose agricultural and food product has been subject to such continuous official state or federal-state inspection service.

§ 3.2-4316. Preparation and use of Label by producer; design to be determined by Commissioner.

The ~~Director~~ *Commissioner* may adopt regulations that permit any producer, processor, packer, or dresser to make or prepare, or to cause to be made or prepared, the labels, tags, or seals to be placed on his own product, or to print, stamp, or otherwise place or cause to be placed the Virginia Quality Label and the shield of the United States upon such products or containers that have been subject to continuous state or federal-state inspection, so long as the ~~Director~~, *with the approval of the Commissioner*, determines the design of the label, tag, seal, stamp, or other device.

§ 3.2-4317. Virginia Quality Label Fund established.

There is hereby created in the state treasury a special nonreverting fund to be known as the Virginia Quality Label Fund, hereafter referred to as "the Fund." The Fund shall be established on the books of the Comptroller. Moneys in the Fund shall be used solely for the purposes set forth in this chapter. All moneys derived from the furnishing of labels, tags, and seals, or from permitting the use of the Virginia Quality Label or the label with the shield of the United States shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used by the ~~Division~~ *Department* to defray the cost of preparing, furnishing, and publicizing the labels, tags, and seals.

§ 3.2-4318. Jurisdiction to enjoin unlawful use of Label.

A. Any circuit court in the Commonwealth shall have jurisdiction to enjoin the use of the Virginia Quality Label, a label with the shield of the United States, or any imitation or counterfeit likeness used in violation of this article.

B. The ~~Director~~, *with the approval of the Commissioner*, may apply for and an appropriate court may grant a temporary or permanent injunction restraining any person from using the labels described in subsection A.

§ 3.2-4320. Restrictions as to use of Label.

It is unlawful to use the Virginia Quality Label or a label with the shield of the United States, except in accordance with regulations prescribed by the ~~Director~~ *with the approval of the Commissioner*, and in no case shall it be used upon the label, tag, seal, or container of the product of any farm, factory, mill or of any other producing, processing, packing, preparing, or dressing establishment unless such product is processed, packed, prepared, or dressed under continuous official state or federal-state inspection.

2. That the regulations of the Director of the Division of Marketing of the Department of Agriculture and Consumer Services shall be administered by the Commissioner of Agriculture and Consumer Services and shall remain in full force and effect until the Commissioner of Agriculture and Consumer Services promulgates regulations pursuant to this act.

CHAPTER 318

An Act to amend and reenact §§ 3.2-5400, 3.2-5401, and 3.2-5405 of the Code of Virginia, relating to federal acts; meat and poultry.

[H 1353]

Approved March 12, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 3.2-5400, 3.2-5401, and 3.2-5405 of the Code of Virginia are amended and reenacted as follows:

§ 3.2-5400. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Animal food manufacturer" means any person engaged in the business of preparing animal (including poultry) food derived wholly or in part from livestock or poultry carcasses or parts or products of such carcasses.

"Broker" means any person engaged in the business of buying or selling livestock products or poultry products on commission, or otherwise negotiating purchases or sales of such articles other than for his own account or as an employee of another person.

"Capable of use as human food" shall apply to any livestock or poultry carcass, or part or product of any such carcass, unless it is denatured or otherwise identified as required by regulations prescribed by the Board to deter its use as human food, or it is naturally inedible by humans.

"Container" or "package" means any box, can, tin, cloth, plastic, or other receptacle, wrapper, or cover.

~~"Federal Food, Drug, and Cosmetic Act" means the act so entitled, approved June 25, 1938 (52 Stat. 1040), and acts amendatory thereof or supplementary thereto.~~

~~"Federal Meat Inspection Act" means the act so entitled approved March 4, 1907 (34 Stat. 1260), as amended by the Wholesale Meat Act (81 Stat. 584); the term "Federal Poultry Products Inspection Act" means the act so entitled approved August 28, 1957 (71 Stat. 441), as amended by the Wholesale Poultry Products Act (82 Stat. 791); and the term "federal acts" means these two federal laws.~~

"Federal acts" means the Federal Meat Inspection Act (21 U.S.C. § 601 et seq.) and the federal Poultry Products Inspection Act (21 U.S.C. § 451 et seq.).

"Immediate container" means any consumer package; or any other container in which livestock products or poultry products, not consumer packaged, are packed.

"Inspector" means an employee or official of the Commonwealth authorized by the Commissioner or any employee or official of the government of any locality authorized by the Commissioner to perform any inspection functions under this article under an agreement between the Commissioner and such governmental subdivision.

"Label" means a display of written, printed, or graphic matter upon any article or the immediate container (not including package liners) of any article.

"Labeling" means all labels and other written, printed, or graphic matter: (i) upon any article or any of its containers or wrappers; or (ii) accompanying such article.

"Livestock" means any cattle, sheep, swine, goats, horses, mules, or other equines, whether live or dead.

"Livestock product" means any carcass, part thereof, meat, or meat food product of any livestock.

"Meat food product" means any product capable of use as human food that is made wholly or in part from any meat or other portion of the carcass of any cattle, sheep, swine, or goats. Products that contain meat or other portions of such carcasses only in a relatively small proportion or historically have not been considered by consumers as products of the meat food industry, and that are exempted from definition as a meat food product by the Commissioner under such conditions as he may prescribe to assure that the meat or other portions of such carcass contained in such product are not adulterated and that such products are not represented as meat food products. This term as applied to food products of equines shall have a comparable meaning.

"Official certificate" means any certificate prescribed by regulations of the Board for issuance by an inspector or other person performing official functions under this article.

"Official device" means any device prescribed or authorized by the Commissioner for use in applying any official mark.

"Official establishment" means any establishment as determined by the Commissioner at which inspection of the slaughter of livestock or poultry or the preparation of livestock products or poultry products is maintained under the authority of this article.

"Official inspection legend" means any symbol prescribed by regulations of the Board showing that an article was inspected and passed in accordance with this article.

"Official mark" means the official inspection legend or any other symbol prescribed by regulations of the Board to identify the status of any article or livestock or poultry under this article.

"Pesticide chemical," "food additive," "color additive," and "raw agricultural commodity" shall have the same meanings for purposes of this article as under the Federal Food, Drug, and Cosmetic Act (*21 U.S.C. § 321 et seq.*).

"Poultry" means any domesticated bird, whether live or dead.

"Poultry product" means any poultry carcass or part thereof; or any product that is made wholly or in part from any poultry carcass or part thereof, excepting products that contain poultry ingredients only in a relatively small proportion or historically have not been considered by consumers as products of the poultry food industry, and that are exempted by the Commissioner from definition as a poultry product under such conditions as he may prescribe to assure that the poultry ingredients in such products are not adulterated and that such products are not represented as poultry products.

"Prepared" means slaughtered, canned, salted, stuffed, rendered, boned, cut up, or otherwise manufactured or processed.

"Render" means any person engaged in the business of rendering livestock or poultry carcasses, or parts of products of such carcasses, except rendering conducted under inspection or exemption under this article.

"Shipping container" means any container used or intended for use in packaging the product packed in an immediate container.

§ 3.2-5401. Adulterated livestock product or poultry product.

Any livestock product or poultry product shall be deemed to be adulterated:

1. If it bears or contains any poisonous or deleterious substance that may render it injurious to health; but in case the substance is not an added substance, such article shall not be considered adulterated under this clause if the quantity of such substance in or on such article does not ordinarily render it injurious to health;

2. If it bears or contains (by reason of administration of any substance to the livestock or poultry or otherwise) any added poisonous or added deleterious substance (other than one that is: (i) a pesticide chemical in or on a raw agricultural commodity; (ii) a food additive; or (iii) a color additive) that may, in the judgment of the Commissioner, make such article unfit for human food;

3. If it is, in whole or in part, a raw agricultural commodity and such commodity bears or contains a pesticide chemical that is unsafe within the meaning of § ~~408~~ *346a* of the Federal Food, Drug, and Cosmetic Act;

4. If it bears or contains any food additive that is unsafe within the meaning of § ~~409~~ *348* of the Federal Food, Drug, and Cosmetic Act;

5. If it bears or contains any color additive that is unsafe within the meaning of § ~~706~~ *379e* of the Federal Food, Drug, and Cosmetic Act; provided, that an article that is not otherwise deemed adulterated under subsection C or D of this section shall nevertheless be deemed adulterated if use of the pesticide chemical, food additive, or color additive in or on such article is prohibited by regulations of the Board in official establishments;

6. If it consists in whole or in part of any filthy, putrid, or decomposed substance or is for any other reason unsound, unhealthful, unwholesome, or otherwise unfit for human food;

7. If it has been prepared, packed, or held under unsanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to health;

8. If it is, in whole or in part, the product of an animal (including poultry) that has died otherwise than by slaughter;

9. If its container is composed, in whole or in part, of any poisonous or deleterious substance that may render the contents injurious to health;

10. If it has been intentionally subjected to radiation, unless the use of the radiation was in conformity with a regulation or exemption in effect pursuant to § 409 348 of the Federal Food, Drug, and Cosmetic Act;

11. If any valuable constituent has been in whole or in part omitted or abstracted therefrom; or if any substance has been substituted, wholly or in part therefor; or if damage or inferiority has been concealed in any manner; or if any substance has been added thereto or mixed or packed therewith so as to increase its bulk or weight, or reduce its quality or strength, or make it appear better or of greater value than it is; or

12. If it is margarine containing animal fat and any of the raw material used therein consisted in whole or in part of any filthy, putrid, or decomposed substance.

§ 3.2-5405. Powers of Commissioner.

A. The Commissioner may:

1. Order removal of inspectors from any establishment that fails to destroy condemned products as required under subdivision 2 of § 3.2-5404;

2. Order cessation of inspection service under this chapter with respect to any establishment for causes specified in § 401 671 of the Federal Meat Inspection Act or § 18 467 of the ~~Federal~~ federal Poultry Products Inspection Act;

3. Order labeling and containers to be withheld from use if he determines that the labeling is false or misleading or the containers are of a misleading size or form;

4. Require that equines be slaughtered and prepared in establishments separate from establishments where other livestock are slaughtered or their products are prepared;

5. Appoint and prescribe the duties of such inspectors and other personnel as he deems necessary for the efficient execution of the provisions of this chapter;

6. Cooperate with the U.S. Department of Agriculture in administration of this chapter to effectuate the purposes stated in § 3.2-5403; accept federal assistance for that purpose and spend public funds of the Commonwealth appropriated for administration of this chapter to pay 50 percent of the estimated total cost of the cooperative program;

7. Recommend to the U.S. Department of Agriculture for appointment to the advisory committees provided for in the federal acts, such officials or employees of the Department as the Commissioner shall designate;

8. Serve as the representative of the Governor for consultation with said Secretary under ~~paragraph (e) of § 301-§ 661(c) of the Federal Meat Inspection Act and paragraph (e) of § 5 § 454(c) of the Federal~~ federal Poultry Products Inspection Act unless the Governor selects another representative; and

9. Exempt the operations of any person from inspection or other requirements of this article if and to the extent such operations would be exempt from the corresponding requirements under the ~~Federal Meat Inspection Act or the Federal Poultry Products Inspection Act~~ federal acts if they were conducted in or for interstate commerce or if the Commonwealth was designated under the federal acts as one in which the federal requirements apply to intrastate commerce.

B. Any order issued under subdivisions 1, 2, or 3 of subsection A shall be final unless appealed in accordance with the provisions of the Administrative Process Act (§ 2.2-4000 et seq.).

CHAPTER 319

An Act to amend and reenact § 10.1-413 of the Code of Virginia, relating to James State Scenic River.

[H 1598]

Approved March 12, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 10.1-413 of the Code of Virginia is amended and reenacted as follows:

§ 10.1-413. James State Scenic River.

~~That portion of the~~ *The James River in Botetourt and Rockbridge Counties, including the Towns of Buchanan and Glasgow, from its origination at the confluence of the Jackson and Cowpasture Rivers running approximately 59 miles southeastward to the Rockbridge-Amherst-Bedford County line is and the James River in Albemarle, Buckingham, and Fluvanna Counties from one mile upstream of Warren boat ramp running approximately 20 miles to New Canton are hereby designated as the James State Scenic River, a component components of the Virginia Scenic Rivers System.*

CHAPTER 320

An Act to amend and reenact § 10.1-418 of the Code of Virginia, relating to Staunton State Scenic River.

[H 1601]

Approved March 12, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 10.1-418 of the Code of Virginia is amended and reenacted as follows:

§ 10.1-418. Staunton State Scenic River.

The river, stream, or waterway known as the Staunton or the Roanoke, from ~~State Route 360~~ to State Route 761 at the Long Island Bridge to the Staunton River State Park boat landing, a distance of approximately ~~51.3~~ 62.8 river miles, is hereby designated as the Staunton State Scenic River, a component of the Virginia Scenic Rivers System.

CHAPTER 321

An Act to amend and reenact § 29.1-113 of the Code of Virginia, relating to Department of Game and Inland Fisheries; boat ramp fees.

[H 1604]

Approved March 12, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 29.1-113 of the Code of Virginia is amended and reenacted as follows:

§ 29.1-113. Admittance, parking, and use at certain Department-owned facilities or Department-leased land; civil penalty.

A. No person shall make use of, gain admittance to, or attempt to use or gain admittance to ~~those certain any~~ Department-owned ~~facilities or Department-managed facility or boat ramp~~ where the Department charges a fee established by the Board pursuant to § 29.1-103, unless the person pays such fee. However, such fee shall not apply to (i) any person holding a valid hunting, trapping, or fishing permit; or ~~a~~ *an access permit* or current certificate of boat registration issued by the Department; (ii) ~~persons any person~~ 16 years of age or younger; or (iii) ~~the use of Department-owned boat ramps any person who is a passenger in but not the owner or operator of a paddlecraft or registered vessel.~~

B. No person shall hunt on private lands managed by the Department through a lease agreement or other similar memorandum of agreement where the Department issues an annual hunting stamp without having purchased a valid annual hunting stamp.

C. Any person violating ~~subsections~~ *subsection* A or B may, in lieu of any criminal penalty, be assessed a civil penalty of up to \$50 by the Department. Civil penalties assessed under this section shall be paid into the Game Protection Fund established pursuant to § 29.1-101.

D. No owner or driver shall cause or permit a vehicle to stand:

1. On property owned or managed by the Department outside of *a* designated parking ~~spaces~~ *space*, except for a reasonable time in order to receive or discharge passengers or in the case of an emergency;

2. In any designated parking space on property owned or managed by the Department in violation of any posted rule regarding use of the space; or

3. In any space on property owned or managed by the Department designated for use by persons with disabilities unless the vehicle displays a license plate or decal issued by the Commissioner of the Department of Motor Vehicles, or a similar identification issued by a similar authority of another state or the District of Columbia, ~~which~~ *that* authorizes parking in such a designated space. Notwithstanding the provisions of § 29.1-554, any regulation of the Board, or any other trespass provision in the Code of Virginia, ~~any~~ *no* person violating this subsection shall ~~not~~ be subject to a criminal penalty. Any person violating this subsection may, in lieu of any criminal penalty, be assessed a civil penalty of \$25, which shall be paid into the Game Protection Fund.

CHAPTER 322

An Act to amend the Code of Virginia by adding a section numbered 10.1-411.5, relating to scenic rivers; Grays Creek in Surry County.

[H 1612]

Approved March 12, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 10.1-411.5 as follows:

§ 10.1-411.5. Grays Creek State Scenic River.

Grays Creek in Surry County from Southwark Road (Route 618) to its confluence with the James River, a distance of approximately six miles, is hereby designated as the Grays Creek State Scenic River, a component of the Virginia Scenic Rivers System.

CHAPTER 323

An Act to amend the Code of Virginia by adding a section numbered 10.1-1188.1 and by adding in Chapter 5 of Title 29.1 an article numbered 8, consisting of sections numbered 29.1-578 and 29.1-579, relating to Wildlife Corridor Action Plan.

[H 1695]

Approved March 12, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 10.1-1188.1 and by adding in Chapter 5 of Title 29.1 an article numbered 8, consisting of sections numbered 29.1-578 and 29.1-579, as follows:

§ 10.1-1188.1. Department of Transportation to consider wildlife corridors.

The Department of Transportation (VDOT) shall, as part of the environmental review it conducts for a road or highway construction project, include in an environmental impact statement a list of any existing terrestrial or aquatic wildlife corridor identified in the Wildlife Corridor Action Plan (the Plan) created pursuant to Article 8 (§ 29.1-578 et seq.) of Chapter 5 of Title 29.1 that will be affected by such construction project. In the design options for any road or highway construction project that threatens wildlife connectivity in a corridor identified in the Plan, VDOT shall consider measures for the mitigation of harm caused by such road to terrestrial and aquatic wildlife.

Article 8.

Wildlife Corridors.

§ 29.1-578. Definitions.

As used in this article, unless the context requires a different meaning:

"Human-caused barrier" means a road, culvert, fence, wall, commercial or residential development, or other human-made structure that has the potential to affect the natural movement of fish or wildlife across a landscape.

"Plan" means the Wildlife Corridor Action Plan established pursuant to this article.

"Wildlife corridor" means an area connecting fragmented wildlife habitats separated by human activities or infrastructure.

§ 29.1-579. Wildlife Corridor Action Plan; adoption.

A. The Department, in collaboration with the Department of Transportation and the Department of Conservation and Recreation, shall create a Wildlife Corridor Action Plan.

B. The Plan shall:

1. Identify wildlife corridors, existing or planned barriers to movement along such corridors, and areas with a high risk of wildlife-vehicle collisions. The Plan shall list habitat that is identified as of high quality for priority species and ecosystem health; migration routes of native, game, and migratory species using the best available science and Department surveys, including landscape-scale data from the ConserveVirginia database or a similar land conservation strategy database maintained by the Department of Conservation and Recreation; lands containing a high prevalence of existing human barriers, including roads, dams, power lines, and pipelines; areas identified as of high risk of wildlife-vehicle collisions; habitat identified by the Department as being occupied by rare or at-risk species; and habitat identified as Critical Habitat under the federal Endangered Species Act of 1973, P.L. 93-205, as amended.

2. Prioritize and recommend wildlife crossing projects intended to promote driver safety and wildlife connectivity. The Plan shall describe each such project and include descriptions of wildlife crossing infrastructure or other mitigation techniques recommended to meet Plan goals.

3. Contain maps utilizing the ConserveVirginia public portal, or a similar land conservation strategy public portal maintained by the Department of Conservation and Recreation, and other relevant state databases that detail high-priority areas for wildlife corridor infrastructure and any other information necessary to meet the goals of the Plan.

C. The Secretary of Natural Resources and the Secretary of Transportation shall jointly submit the Plan to the Chairs of the House Committee on Agriculture, Chesapeake and Natural Resources and the Senate Committee on Agriculture, Conservation and Natural Resources no later than September 1, 2022, and shall jointly submit an updated version of the Plan every four years thereafter.

CHAPTER 324

An Act to amend and reenact § 58.1-322.02 of the Code of Virginia, relating to income tax subtraction; crime stopper rewards.

[H 307]

Approved March 12, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-322.02 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-322.02. Virginia taxable income; subtractions.

In computing Virginia taxable income pursuant to § 58.1-322, to the extent included in federal adjusted gross income, there shall be subtracted:

1. Income derived from obligations, or on the sale or exchange of obligations, of the United States and on obligations or securities of any authority, commission, or instrumentality of the United States to the extent exempt from state income taxes under the laws of the United States, including, but not limited to, stocks, bonds, treasury bills, and treasury notes but not including interest on refunds of federal taxes, interest on equipment purchase contracts, or interest on other normal business transactions.

2. Income derived from obligations, or on the sale or exchange of obligations, of the Commonwealth or of any political subdivision or instrumentality of the Commonwealth.

3. Benefits received under Title II of the Social Security Act and other benefits subject to federal income taxation solely pursuant to § 86 of the Internal Revenue Code.

4. Up to \$20,000 of disability income, as defined in § 22(c)(2)(B)(iii) of the Internal Revenue Code; however, any person who claims a deduction under subdivision 5 of § 58.1-322.03 may not also claim a subtraction under this subdivision.

5. The amount of any refund or credit for overpayment of income taxes imposed by the Commonwealth or any other taxing jurisdiction.

6. The amount of wages or salaries eligible for the federal Work Opportunity Credit which was not deducted for federal purposes on account of the provisions of § 280C(a) of the Internal Revenue Code.

7. Any amount included therein less than \$600 from a prize awarded by the Virginia Lottery.

8. The wages or salaries received by any person for active and inactive service in the National Guard of the Commonwealth of Virginia, not to exceed the amount of income derived from 39 calendar days of such service or \$3,000, whichever amount is less; however, only those persons in the ranks of O3 and below shall be entitled to the deductions specified in this subdivision.

9. Amounts received by an individual, not to exceed \$1,000 *for taxable years beginning on or before December 31, 2019, and \$5,000 in any taxable year for taxable years beginning on or after January 1, 2020*, as a reward for information provided to a law-enforcement official or agency, or to a nonprofit corporation created exclusively to assist such law-enforcement official or agency, in the apprehension and conviction of perpetrators of crimes. This subdivision shall not apply to the following: an individual who is an employee of, or under contract with, a law-enforcement agency, a victim or the perpetrator of the crime for which the reward was paid, or any person who is compensated for the investigation of crimes or accidents.

10. The amount of "qualified research expenses" or "basic research expenses" eligible for deduction for federal purposes, but which were not deducted, on account of the provisions of § 280C(c) of the Internal Revenue Code and which shall be available to partners, shareholders of S corporations, and members of limited liability companies to the extent and in the same manner as other deductions may pass through to such partners, shareholders, and members.

11. Any income received during the taxable year derived from a qualified pension, profit-sharing, or stock bonus plan as described by § 401 of the Internal Revenue Code, an individual retirement account or annuity established under § 408 of the Internal Revenue Code, a deferred compensation plan as defined by § 457 of the Internal Revenue Code, or any federal government retirement program, the contributions to which were deductible from the taxpayer's federal adjusted gross income, but only to the extent the contributions to such plan or program were subject to taxation under the income tax in another state.

12. Any income attributable to a distribution of benefits or a refund from a prepaid tuition contract or savings trust account with the Virginia College Savings Plan, created pursuant to Chapter 7 (§ 23.1-700 et seq.) of Title 23.1. The subtraction for any income attributable to a refund shall be limited to income attributable to a refund in the event of a beneficiary's death, disability, or receipt of a scholarship.

13. All military pay and allowances, to the extent included in federal adjusted gross income and not otherwise subtracted, deducted, or exempted under this section, earned by military personnel while serving by order of the President of the United States with the consent of Congress in a combat zone or qualified hazardous duty area that is treated as a combat zone for federal tax purposes pursuant to § 112 of the Internal Revenue Code.

14. For taxable years beginning before January 1, 2015, the gain derived from the sale or exchange of real property or the sale or exchange of an easement to real property which results in the real property or the easement thereto being devoted to open-space use, as that term is defined in § 58.1-3230, for a period of time not less than 30 years. To the extent that a subtraction is taken in accordance with this subdivision, no tax credit under this chapter for donating land for its preservation shall be allowed for three years following the year in which the subtraction is taken.

15. Fifteen thousand dollars of military basic pay for military service personnel on extended active duty for periods in excess of 90 days; however, the subtraction amount shall be reduced dollar-for-dollar by the amount by which the taxpayer's military basic pay exceeds \$15,000 and shall be reduced to zero if such military basic pay amount is equal to or exceeds \$30,000.

16. The first \$15,000 of salary for each federal and state employee whose total annual salary from all employment for the taxable year is \$15,000 or less.

17. Unemployment benefits taxable pursuant to § 85 of the Internal Revenue Code.

18. Any amount received as military retirement income by an individual awarded the Congressional Medal of Honor.

19. Items of income attributable to, derived from, or in any way related to (i) assets stolen from, hidden from, or otherwise lost by an individual who was a victim or target of Nazi persecution or (ii) damages, reparations, or other

consideration received by a victim or target of Nazi persecution to compensate such individual for performing labor against his will under the threat of death, during World War II and its prelude and direct aftermath. This subtraction shall not apply to assets acquired with such items of income or with the proceeds from the sale of assets stolen from, hidden from, or otherwise lost to, during World War II and its prelude and direct aftermath, a victim or target of Nazi persecution. The provisions of this subdivision shall only apply to an individual who was the first recipient of such items of income and who was a victim or target of Nazi persecution, or a spouse, widow, widower, or child or stepchild of such victim.

As used in this subdivision:

"Nazi regime" means the country of Nazi Germany, areas occupied by Nazi Germany, those European countries allied with Nazi Germany, or any other neutral European country or area in Europe under the influence or threat of Nazi invasion.

"Victim or target of Nazi persecution" means any individual persecuted or targeted for persecution by the Nazi regime who had assets stolen from, hidden from, or otherwise lost as a result of any act or omission in any way relating to (i) the Holocaust, (ii) World War II and its prelude and direct aftermath, (iii) transactions with or actions of the Nazi regime, (iv) treatment of refugees fleeing Nazi persecution, or (v) the holding of such assets by entities or persons in the Swiss Confederation during World War II and its prelude and aftermath. A "victim or target of Nazi persecution" also includes any individual forced into labor against his will, under the threat of death, during World War II and its prelude and direct aftermath.

20. The military death gratuity payment made after September 11, 2001, to the survivor of deceased military personnel killed in the line of duty, pursuant to 10 U.S.C. Chapter 75; however, the subtraction amount shall be reduced dollar-for-dollar by the amount that the survivor may exclude from his federal gross income in accordance with § 134 of the Internal Revenue Code.

21. The death benefit payments from an annuity contract that are received by a beneficiary of such contract, provided that (i) the death benefit payment is made pursuant to an annuity contract with an insurance company and (ii) the death benefit payment is paid solely by lump sum. The subtraction under this subdivision shall be allowed only for that portion of the death benefit payment that is included in federal adjusted gross income.

22. Any gain recognized from the sale of launch services to space flight participants, as defined in 49 U.S.C. § 70102, or launch services intended to provide individuals with the training or experience of a launch, without performing an actual launch. To qualify for a deduction under this subdivision, launch services must be performed in Virginia or originate from an airport or spaceport in Virginia.

23. Any gain recognized as a result of resupply services contracts for delivering payload, as defined in 49 U.S.C. § 70102, entered into with the Commercial Orbital Transportation Services division of the National Aeronautics and Space Administration or other space flight entity, as defined in § 8.01-227.8, and launched from an airport or spaceport in Virginia.

24. Any income taxed as a long-term capital gain for federal income tax purposes, or any income taxed as investment services partnership interest income (otherwise known as investment partnership carried interest income) for federal income tax purposes. To qualify for a subtraction under this subdivision, such income shall be attributable to an investment in a "qualified business," as defined in § 58.1-339.4, or in any other technology business approved by the Secretary of Technology, provided that the business has its principal office or facility in the Commonwealth and less than \$3 million in annual revenues in the fiscal year prior to the investment. To qualify for a subtraction under this subdivision, the investment shall be made between the dates of April 1, 2010, and June 30, 2020. No taxpayer who has claimed a tax credit for an investment in a "qualified business" under § 58.1-339.4 shall be eligible for the subtraction under this subdivision for an investment in the same business.

25. For taxable years beginning on and after January 1, 2014, any income of an account holder for the taxable year taxed as (i) a capital gain for federal income tax purposes attributable to such person's first-time home buyer savings account established pursuant to Chapter 12 (§ 36-171 et seq.) of Title 36 and (ii) interest income or other income for federal income tax purposes attributable to such person's first-time home buyer savings account.

Notwithstanding the statute of limitations on assessments contained in § 58.1-312, any subtraction taken under this subdivision shall be subject to recapture in the taxable year or years in which moneys or funds withdrawn from the first-time home buyer savings account were used for any purpose other than the payment of eligible costs by or on behalf of a qualified beneficiary, as provided under § 36-174. The amount subject to recapture shall be a portion of the amount withdrawn in the taxable year that was used for other than the payment of eligible costs, computed by multiplying the amount withdrawn and used for other than the payment of eligible costs by the ratio of the aggregate earnings in the account at the time of the withdrawal to the total balance in the account at such time.

However, recapture shall not apply to the extent of moneys or funds withdrawn that were (i) withdrawn by reason of the qualified beneficiary's death or disability; (ii) a disbursement of assets of the account pursuant to a filing for protection under the United States Bankruptcy Code, 11 U.S.C. §§ 101 through 1330; or (iii) transferred from an account established pursuant to Chapter 12 (§ 36-171 et seq.) of Title 36 into another account established pursuant to such chapter for the benefit of another qualified beneficiary.

For purposes of this subdivision, "account holder," "eligible costs," "first-time home buyer savings account," and "qualified beneficiary" mean the same as those terms are defined in § 36-171.

26. For taxable years beginning on and after January 1, 2015, any income for the taxable year attributable to the discharge of a student loan solely by reason of the student's death. For purposes of this subdivision, "student loan" means the same as that term is defined under § 108(f) of the Internal Revenue Code.

27. a. Income, including investment services partnership interest income (otherwise known as investment partnership carried interest income), attributable to an investment in a Virginia venture capital account. To qualify for a subtraction under this subdivision, the investment shall be made on or after January 1, 2018, but before December 31, 2023. No subtraction shall be allowed under this subdivision for an investment in a company that is owned or operated by a family member or an affiliate of the taxpayer. No subtraction shall be allowed under this subdivision for a taxpayer who has claimed a subtraction under subdivision 24 or a tax credit under § 58.1-339.4 for the same investment.

b. As used in this subdivision 27:

"Qualified portfolio company" means a company that (i) has its principal place of business in the Commonwealth; (ii) has a primary purpose of production, sale, research, or development of a product or service other than the management or investment of capital; and (iii) provides equity in the company to the Virginia venture capital account in exchange for a capital investment. "Qualified portfolio company" does not include a company that is an individual or sole proprietorship.

"Virginia venture capital account" means an investment fund that has been certified by the Department as a Virginia venture capital account. In order to be certified as a Virginia venture capital account, the operator of the investment fund shall register the investment fund with the Department prior to December 31, 2023, (i) indicating that it intends to invest at least 50 percent of the capital committed to its fund in qualified portfolio companies and (ii) providing documentation that it employs at least one investor who has at least four years of professional experience in venture capital investment or substantially equivalent experience. "Substantially equivalent experience" includes, but is not limited to, an undergraduate degree from an accredited college or university in economics, finance, or a similar field of study. The Department may require an investment fund to provide documentation of the investor's training, education, or experience as deemed necessary by the Department to determine substantial equivalency. If the Department determines that the investment fund employs at least one investor with the experience set forth herein, the Department shall certify the investment fund as a Virginia venture capital account at such time as the investment fund actually invests at least 50 percent of the capital committed to its fund in qualified portfolio companies.

28. a. Income attributable to an investment in a Virginia real estate investment trust. To qualify for a subtraction under this subdivision, the investment shall be made on or after January 1, 2019, but before December 31, 2024. No subtraction shall be allowed for an investment in a trust that is managed by a family member or an affiliate of the taxpayer. No subtraction shall be allowed under this subdivision for a taxpayer who has claimed a subtraction under subdivision 24 or 27 or a tax credit under § 58.1-339.4 for the same investment.

b. As used in this subdivision 28:

"Distressed" means satisfying the criteria applicable to a locality described in subdivision E 2 of § 2.2-115.

"Double distressed" means satisfying the criteria applicable to a locality described in subdivision E 3 of § 2.2-115.

"Virginia real estate investment trust" means a real estate investment trust, as defined in 26 U.S.C. § 856, that has been certified by the Department as a Virginia real estate investment trust. In order to be certified as a Virginia real estate investment trust, the trustee shall register the trust with the Department prior to December 31, 2024, indicating that it intends to invest at least 90 percent of trust funds in Virginia and at least 40 percent of trust funds in real estate in localities that are distressed or double distressed. If the Department determines that the trust satisfies the preceding criteria, the Department shall certify the trust as a Virginia real estate investment trust at such time as the trust actually invests at least 90 percent of trust funds in Virginia and at least 40 percent of trust funds in real estate in localities that are distressed or double distressed.

29. For taxable years beginning on and after January 1, 2019, any gain recognized from the taking of real property by condemnation proceedings.

CHAPTER 325

An Act to amend and reenact § 58.1-3 of the Code of Virginia, relating to the Department of Taxation sharing information with the Department of Social Services.

[H 341]

Approved March 12, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-3 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-3. Secrecy of information; penalties.

A. Except in accordance with a proper judicial order or as otherwise provided by law, the Tax Commissioner or agent, clerk, commissioner of the revenue, treasurer, or any other state or local tax or revenue officer or employee, or any person to whom tax information is divulged pursuant to this section or § 58.1-512 or 58.1-2712.2, or any former officer or employee of any of the aforementioned offices shall not divulge any information acquired by him in the performance of his duties with respect to the transactions, property, including personal property, income or business of any person, firm or corporation. Such prohibition specifically includes any copy of a federal return or federal return information required by Virginia law to be attached to or included in the Virginia return. This prohibition shall apply to any reports, returns, financial documents or other information filed with the Attorney General pursuant to the provisions of Article 3 (§ 3.2-4204 et seq.) of Chapter 42

of Title 3.2. Any person violating the provisions of this section is guilty of a Class 1 misdemeanor. The provisions of this subsection shall not be applicable, however, to:

1. Matters required by law to be entered on any public assessment roll or book;
2. Acts performed or words spoken, published, or shared with another agency or subdivision of the Commonwealth in the line of duty under state law;
3. Inquiries and investigations to obtain information as to the process of real estate assessments by a duly constituted committee of the General Assembly, or when such inquiry or investigation is relevant to its study, provided that any such information obtained shall be privileged;
4. The sales price, date of construction, physical dimensions or characteristics of real property, or any information required for building permits;
5. Copies of or information contained in an estate's probate tax return, filed with the clerk of court pursuant to § 58.1-1714, when requested by a beneficiary of the estate or an heir at law of the decedent or by the commissioner of accounts making a settlement of accounts filed in such estate;
6. Information regarding nonprofit entities exempt from sales and use tax under § 58.1-609.11, when requested by the General Assembly or any duly constituted committee of the General Assembly;
7. Reports or information filed with the Attorney General by a Stamping Agent pursuant to the provisions of Article 3 (§ 3.2-4204 et seq.), when such reports or information are provided by the Attorney General to a tobacco products manufacturer who is required to establish a qualified escrow fund pursuant to § 3.2-4201 and are limited to the brand families of that manufacturer as listed in the Tobacco Directory established pursuant to § 3.2-4206 and are limited to the current or previous two calendar years or in any year in which the Attorney General receives Stamping Agent information that potentially alters the required escrow deposit of the manufacturer. The information shall only be provided in the following manner: the manufacturer may make a written request, on a quarterly or yearly basis or when the manufacturer is notified by the Attorney General of a potential change in the amount of a required escrow deposit, to the Attorney General for a list of the Stamping Agents who reported stamping or selling its products and the amount reported. The Attorney General shall provide the list within 15 days of receipt of the request. If the manufacturer wishes to obtain actual copies of the reports the Stamping Agents filed with the Attorney General, it must first request them from the Stamping Agents pursuant to subsection C of § 3.2-4209. If the manufacturer does not receive the reports pursuant to subsection C of § 3.2-4209, the manufacturer may make a written request to the Attorney General, including a copy of the prior written request to the Stamping Agent and any response received, for copies of any reports not received. The Attorney General shall provide copies of the reports within 45 days of receipt of the request.

B. 1. Nothing contained in this section shall be construed to prohibit the publication of statistics so classified as to prevent the identification of particular reports or returns and the items thereof or the publication of delinquent lists showing the names of taxpayers who are currently delinquent, together with any relevant information which in the opinion of the Department may assist in the collection of such delinquent taxes. Notwithstanding any other provision of this section or other law, the Department, upon request by the General Assembly or any duly constituted committee of the General Assembly, shall disclose the total aggregate amount of an income tax deduction or credit taken by all taxpayers, regardless of (i) how few taxpayers took the deduction or credit or (ii) any other circumstances. This section shall not be construed to prohibit a local tax official from disclosing whether a person, firm or corporation is licensed to do business in that locality and divulging, upon written request, the name and address of any person, firm or corporation transacting business under a fictitious name. Additionally, notwithstanding any other provision of law, the commissioner of revenue is authorized to provide, upon written request stating the reason for such request, the Tax Commissioner with information obtained from local tax returns and other information pertaining to the income, sales and property of any person, firm or corporation licensed to do business in that locality.

2. This section shall not prohibit the Department from disclosing whether a person, firm, or corporation is registered as a retail sales and use tax dealer pursuant to Chapter 6 (§ 58.1-600 et seq.) or whether a certificate of registration number relating to such tax is valid. Additionally, notwithstanding any other provision of law, the Department is hereby authorized to make available the names and certificate of registration numbers of dealers who are currently registered for retail sales and use tax.

3. This section shall not prohibit the Department from disclosing information to nongovernmental entities with which the Department has entered into a contract to provide services that assist it in the administration of refund processing or other services related to its administration of taxes.

4. This section shall not prohibit the Department from disclosing information to taxpayers regarding whether the taxpayer's employer or another person or entity required to withhold on behalf of such taxpayer submitted withholding records to the Department for a specific taxable year as required pursuant to subdivision C 1 of § 58.1-478.

5. This section shall not prohibit the commissioner of the revenue, treasurer, director of finance, or other similar local official who collects or administers taxes for a county, city, or town from disclosing information to nongovernmental entities with which the locality has entered into a contract to provide services that assist it in the administration of refund processing or other non-audit services related to its administration of taxes. The commissioner of the revenue, treasurer, director of finance, or other similar local official who collects or administers taxes for a county, city, or town shall not disclose information to such entity unless he has obtained a written acknowledgement by such entity that the confidentiality and

nondisclosure obligations of and penalties set forth in subsection A apply to such entity and that such entity agrees to abide by such obligations.

C. Notwithstanding the provisions of subsection A or B or any other provision of this title, the Tax Commissioner is authorized to (i) divulge tax information to any commissioner of the revenue, director of finance, or other similar collector of county, city, or town taxes who, for the performance of his official duties, requests the same in writing setting forth the reasons for such request; (ii) provide to the Commissioner of the Department of Social Services, upon entering into a written agreement, the amount of income, filing status, number and type of dependents, *whether a federal earned income tax credit as authorized in § 32 of the Internal Revenue Code and an income tax credit for low-income taxpayers as authorized in § 58.1-339.8 have been claimed*, and Forms W-2 and 1099 to facilitate the administration of public assistance or social services benefits as defined in § 63.2-100 or child support services pursuant to Chapter 19 (§ 63.2-1900 et seq.) of Title 63.2, *or as may be necessary to facilitate the administration of outreach and enrollment related to the federal earned income tax credit authorized in § 32 of the Internal Revenue Code and the income tax credit for low-income taxpayers authorized in § 58.1-339.8*; (iii) provide to the chief executive officer of the designated student loan guarantor for the Commonwealth of Virginia, upon written request, the names and home addresses of those persons identified by the designated guarantor as having delinquent loans guaranteed by the designated guarantor; (iv) provide current address information upon request to state agencies and institutions for their confidential use in facilitating the collection of accounts receivable, and to the clerk of a circuit or district court for their confidential use in facilitating the collection of fines, penalties, and costs imposed in a proceeding in that court; (v) provide to the Commissioner of the Virginia Employment Commission, after entering into a written agreement, such tax information as may be necessary to facilitate the collection of unemployment taxes and overpaid benefits; (vi) provide to the Virginia Alcoholic Beverage Control Authority, upon entering into a written agreement, such tax information as may be necessary to facilitate the collection of state and local taxes and the administration of the alcoholic beverage control laws; (vii) provide to the Director of the Virginia Lottery such tax information as may be necessary to identify those lottery ticket retailers who owe delinquent taxes; (viii) provide to the Department of the Treasury for its confidential use such tax information as may be necessary to facilitate the location of owners and holders of unclaimed property, as defined in § 55.1-2500; (ix) provide to the State Corporation Commission, upon entering into a written agreement, such tax information as may be necessary to facilitate the collection of taxes and fees administered by the Commission; (x) provide to the Executive Director of the Potomac and Rappahannock Transportation Commission for his confidential use such tax information as may be necessary to facilitate the collection of the motor vehicle fuel sales tax; (xi) provide to the Commissioner of the Department of Agriculture and Consumer Services such tax information as may be necessary to identify those applicants for registration as a supplier of charitable gaming supplies who have not filed required returns or who owe delinquent taxes; (xii) provide to the Department of Housing and Community Development for its confidential use such tax information as may be necessary to facilitate the administration of the remaining effective provisions of the Enterprise Zone Act (§ 59.1-270 et seq.), and the Enterprise Zone Grant Program (§ 59.1-538 et seq.); (xiii) provide current name and address information to private collectors entering into a written agreement with the Tax Commissioner, for their confidential use when acting on behalf of the Commonwealth or any of its political subdivisions; however, the Tax Commissioner is not authorized to provide such information to a private collector who has used or disseminated in an unauthorized or prohibited manner any such information previously provided to such collector; (xiv) provide current name and address information as to the identity of the wholesale or retail dealer that affixed a tax stamp to a package of cigarettes to any person who manufactures or sells at retail or wholesale cigarettes and who may bring an action for injunction or other equitable relief for violation of Chapter 10.1, Enforcement of Illegal Sale or Distribution of Cigarettes Act; (xv) provide to the Commissioner of Labor and Industry, upon entering into a written agreement, such tax information as may be necessary to facilitate the collection of unpaid wages under § 40.1-29; (xvi) provide to the Director of the Department of Human Resource Management, upon entering into a written agreement, such tax information as may be necessary to identify persons receiving workers' compensation indemnity benefits who have failed to report earnings as required by § 65.2-712; (xvii) provide to any commissioner of the revenue, director of finance, or any other officer of any county, city, or town performing any or all of the duties of a commissioner of the revenue and to any dealer registered for the collection of the Communications Sales and Use Tax, a list of the names, business addresses, and dates of registration of all dealers registered for such tax; (xviii) provide to the Executive Director of the Northern Virginia Transportation Commission for his confidential use such tax information as may be necessary to facilitate the collection of the motor vehicle fuel sales tax; (xix) provide to the Commissioner of Agriculture and Consumer Services the name and address of the taxpayer businesses licensed by the Commonwealth that identify themselves as subject to regulation by the Board of Agriculture and Consumer Services pursuant to § 3.2-5130; (xx) provide to the developer or the economic development authority of a tourism project authorized by § 58.1-3851.1, upon entering into a written agreement, tax information facilitating the repayment of gap financing; and (xxi) provide to the Virginia Retirement System and the Department of Human Resource Management, after entering into a written agreement, such tax information as may be necessary to facilitate the enforcement of subdivision C 4 of § 9.1-401. The Tax Commissioner is further authorized to enter into written agreements with duly constituted tax officials of other states and of the United States for the inspection of tax returns, the making of audits, and the exchange of information relating to any tax administered by the Department of Taxation. Any person to whom tax information is divulged pursuant to this section shall be subject to the prohibitions and penalties prescribed herein as though he were a tax official.

D. Notwithstanding the provisions of subsection A or B or any other provision of this title, the commissioner of revenue or other assessing official is authorized to (i) provide, upon written request stating the reason for such request, the chief executive officer of any county or city with information furnished to the commissioner of revenue by the Tax Commissioner relating to the name and address of any dealer located within the county or city who paid sales and use tax, for the purpose of verifying the local sales and use tax revenues payable to the county or city; (ii) provide to the Department of Professional and Occupational Regulation for its confidential use the name, address, and amount of gross receipts of any person, firm or entity subject to a criminal investigation of an unlawful practice of a profession or occupation administered by the Department of Professional and Occupational Regulation, only after the Department of Professional and Occupational Regulation exhausts all other means of obtaining such information; and (iii) provide to any representative of a condominium unit owners' association, property owners' association or real estate cooperative association, or to the owner of property governed by any such association, the names and addresses of parties having a security interest in real property governed by any such association; however, such information shall be released only upon written request stating the reason for such request, which reason shall be limited to proposing or opposing changes to the governing documents of the association, and any information received by any person under this subsection shall be used only for the reason stated in the written request. The treasurer or other local assessing official may require any person requesting information pursuant to clause (iii) of this subsection to pay the reasonable cost of providing such information. Any person to whom tax information is divulged pursuant to this subsection shall be subject to the prohibitions and penalties prescribed herein as though he were a tax official.

Notwithstanding the provisions of subsection A or B or any other provisions of this title, the treasurer or other collector of taxes for a county, city or town is authorized to provide information relating to any motor vehicle, trailer or semitrailer obtained by such treasurer or collector in the course of performing his duties to the commissioner of the revenue or other assessing official for such jurisdiction for use by such commissioner or other official in performing assessments.

This section shall not be construed to prohibit a local tax official from imprinting or displaying on a motor vehicle local license decal the year, make, and model and any other legal identification information about the particular motor vehicle for which that local license decal is assigned.

E. Notwithstanding any other provisions of law, state agencies and any other administrative or regulatory unit of state government shall divulge to the Tax Commissioner or his authorized agent, upon written request, the name, address, and social security number of a taxpayer, necessary for the performance of the Commissioner's official duties regarding the administration and enforcement of laws within the jurisdiction of the Department of Taxation. The receipt of information by the Tax Commissioner or his agent which may be deemed taxpayer information shall not relieve the Commissioner of the obligations under this section.

F. Additionally, it shall be unlawful for any person to disseminate, publish, or cause to be published any confidential tax document which he knows or has reason to know is a confidential tax document. A confidential tax document is any correspondence, document, or tax return that is prohibited from being divulged by subsection A, B, C, or D and includes any document containing information on the transactions, property, income, or business of any person, firm, or corporation that is required to be filed with any state official by § 58.1-512. This prohibition shall not apply if such confidential tax document has been divulged or disseminated pursuant to a provision of law authorizing disclosure. Any person violating the provisions of this subsection is guilty of a Class 1 misdemeanor.

CHAPTER 326

An Act to amend and reenact § 8.01-195.11 of the Code of Virginia and for the relief of Winston Lamont Scott, relating to compensation for wrongful incarceration.

[H 460]

Approved March 12, 2020

Whereas, Winston Lamont Scott (Mr. Scott) spent more than five years in prison within the Virginia Department of Corrections for crimes he did not commit; and

Whereas, on July 24, 1975, the Fairfax County Police Department responded to a rape that occurred at an apartment in Reston, Virginia; and

Whereas, the victim erroneously identified Mr. Scott as her assailant based upon a composite sketch and photo lineup conducted more than two months after the incident took place; and

Whereas, Mr. Scott denied committing the rape and testified at trial that he was at other locations at the time the incident took place; and

Whereas, Mr. Scott testified that he did not own a car and that he spent the night of July 24, 1975, at a friend's house, that of Bobby Reid (Mr. Reid), that was nearly five miles away from the victim's apartment; and

Whereas, both Mr. Reid and Beverly Reid, Mr. Reid's mother, testified that Mr. Scott spent the night at their house and they saw Mr. Scott the next morning; and

Whereas, forensic examination of bodily secretions found on the victim's jeans did not match Mr. Scott's blood type; and

Whereas, on January 26, 1976, Mr. Scott was convicted of rape, carnal knowledge, and burglary and was sentenced to a combined 14 years' incarceration for the crimes; and

Whereas, on May 26, 1981, Mr. Scott was granted parole, and on February 18, 1986, Mr. Scott was discharged from parole; and

Whereas, in 2005, Governor Mark Warner ordered the Department of Forensic Science (DFS) to test biological evidence collected and retained by DFS relating to criminal cases tried between 1973 and 1988, using DNA testing that was not available when those cases were tried; and

Whereas, in 2010, pursuant to this order, DFS conducted tests on biological evidence samples it retained from Mr. Scott's case, specifically DNA testing of the victim's vaginal swabs and a semen stain on the victim's jeans; and

Whereas, in 2017, DFS performed DNA testing on a buccal swab from Mr. Scott, which concluded that "Scott is eliminated as a contributor of the DNA profile" of the stain found on the victim's jeans; and

Whereas, Mr. Scott filed a petition for a writ of actual innocence, pursuant to Chapter 19.2 (§ 19.2-327.2 et seq.) of Title 19.2, on September 28, 2017, based on previously unavailable DNA evidence; and

Whereas, the Supreme Court of Virginia found that Mr. Scott had proven his actual innocence claim by clear and convincing evidence as required by § 19.2-327.5; and

Whereas, on March 7, 2019, the Supreme Court of Virginia granted Mr. Scott's petition, vacated his convictions, and issued a writ of actual innocence; and

Whereas, Mr. Scott, as a result of his wrongful incarceration, lost more than five years of his freedom and countless life experiences and opportunities, including family relations, the opportunity to further his education, and the opportunity to earn potential income from gainful employment during his years of incarceration; and

Whereas, Mr. Scott has no other means to obtain adequate relief except by action of this body; now, therefore,

Be it enacted by the General Assembly of Virginia:

1. That § 8.01-195.11 of the Code of Virginia is amended and reenacted as follows:

§ 8.01-195.11. Compensation for wrongful incarceration.

A. Any person who is convicted of a felony by a county or city circuit court of the Commonwealth and is wrongfully incarcerated for such felony may be awarded compensation in an amount equal to 90 percent of the inflation adjusted Virginia per capita personal income as reported by the Bureau of Economic Analysis of the U.S. Department of Commerce for each year of incarceration, or portion thereof.

B. Any compensation computed pursuant to subsection A and approved by the General Assembly shall be paid by the Comptroller by his warrant on the State Treasurer in favor of the person found to have been wrongfully incarcerated. The person wrongfully incarcerated shall be paid an initial lump sum equal to 20 percent of the compensation award with the remaining 80 percent of the principal of the compensation award to be used by the State Treasurer to purchase an annuity from any A+ rated company, including any A+ rated company from which the Virginia Lottery may purchase an annuity, to provide equal monthly payments to such person for a period certain of 25 years commencing no later than one year after the effective date of the appropriation. The annuity shall provide that it shall not be sold, discounted, or used as securitization for loans and mortgages by the person awarded compensation. The annuity shall, however, contain beneficiary provisions providing for the annuity's continued disbursement in the event of the death of the person awarded compensation. All payments or costs of annuities under this section shall be made by check issued by the State Treasurer on warrant of the Comptroller.

Notwithstanding the foregoing, in the event that the person wrongfully incarcerated is 60 years of age or older or is terminally ill, the General Assembly may (i) pay 100 percent of the compensation computed pursuant to subsection A as a lump sum to the person wrongfully incarcerated or (ii) purchase an annuity for a period certain that is less than 25 years. For the purposes of this section, "terminally ill" means that the individual has a medical prognosis, as certified by a licensed physician, that his life expectancy is five years or less if the illness runs its normal course.

C. Any person who is convicted of a felony by a county or city circuit court of the Commonwealth and is wrongfully incarcerated for such felony shall receive a transition assistance grant of \$15,000 to be paid from the Criminal Fund, which amount shall be deducted from any award received pursuant to subsection B, within 30 days of receipt of the written request for the disbursement of the transition assistance grant to the Executive Secretary of the Supreme Court of Virginia. Payment of the transition assistance grant from the Criminal Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Executive Secretary of the Supreme Court of Virginia. In addition, such person shall be entitled to receive reimbursement up to \$10,000 for tuition for career and technical training within the Virginia Community College System contingent upon successful completion of the training. Reimbursement for tuition shall be provided by the comprehensive community college at which the career or technical training was completed.

2. § 1. That there is hereby appropriated from the general fund of the state treasury the sum of \$159,535 for the relief of Winston Lamont Scott, to be paid by check issued by the State Treasurer on warrant of the Comptroller upon execution of a release of all claims Mr. Scott may have against the Commonwealth or any agency, instrumentality, office, employee, or political subdivision in connection with the aforesaid occurrence.

The compensation, subject to the execution of the release described herein, shall be paid as a single lump sum of \$159,535 to be paid to Mr. Scott by check issued by the State Treasurer on warrant of the Comptroller within 60 days immediately following the execution of such release.

§ 2. That Mr. Scott shall be entitled to receive career and technical training within the Virginia Community College System free of tuition charges, up to a maximum of \$10,000. The cost for the tuition benefit shall be paid by the community

college at which the career or technical training is provided. The tuition benefit provided by this section shall expire on January 1, 2025.

§ 3. That upon written request as provided in subsection C of § 8.01-195.11 of the Code of Virginia, Mr. Scott shall be entitled to a transition assistance grant of \$15,000 to be paid from the Criminal Fund, which amount shall be deducted from any award received pursuant to § 1 of this act.

2. That the provisions of § 8.01-195.12 of the Code of Virginia shall apply to any compensation awarded under this act.

CHAPTER 327

An Act to amend and reenact §§ 58.1-602, 58.1-605, 58.1-605.1, and 58.1-606.1 of the Code of Virginia, relating to additional local sales and use tax in Henry County, Northampton County, Patrick County, Pittsylvania County, and the City of Danville; appropriations of Henry County, Northampton County, Patrick County, and Pittsylvania County to incorporated towns for educational purposes.

[H 486]

Approved March 12, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 58.1-602, 58.1-605, 58.1-605.1, and 58.1-606.1 of the Code of Virginia are amended and reenacted as follows:

§ 58.1-602. Definitions.

As used in this chapter, unless the context clearly shows otherwise:

"Advertising" means the planning, creating, or placing of advertising in newspapers, magazines, billboards, broadcasting and other media, including, without limitation, the providing of concept, writing, graphic design, mechanical art, photography and production supervision. Any person providing advertising as defined in this section shall be deemed to be the user or consumer of all tangible personal property purchased for use in such advertising.

"Amplification, transmission and distribution equipment" means, but is not limited to, production, distribution, and other equipment used to provide Internet-access services, such as computer and communications equipment and software used for storing, processing and retrieving end-user subscribers' requests.

"Business" includes any activity engaged in by any person, or caused to be engaged in by him, with the object of gain, benefit or advantage, either directly or indirectly.

"Cost price" means the actual cost of an item or article of tangible personal property computed in the same manner as the sales price as defined in this section without any deductions therefrom on account of the cost of materials used, labor, or service costs, transportation charges, or any expenses whatsoever.

"Custom program" means a computer program that is specifically designed and developed only for one customer. The combining of two or more prewritten programs does not constitute a custom computer program. A prewritten program that is modified to any degree remains a prewritten program and does not become custom.

"Distribution" means the transfer or delivery of tangible personal property for use, consumption, or storage by the distributee, and the use, consumption, or storage of tangible personal property by a person that has processed, manufactured, refined, or converted such property, but does not include the transfer or delivery of tangible personal property for resale or any use, consumption, or storage otherwise exempt under this chapter.

"Gross proceeds" means the charges made or voluntary contributions received for the lease or rental of tangible personal property or for furnishing services, computed with the same deductions, where applicable, as for sales price as defined in this section over the term of the lease, rental, service, or use, but not less frequently than monthly. "Gross proceeds" does not include finance charges, carrying charges, service charges, or interest from credit extended on the lease or rental of tangible personal property under conditional lease or rental contracts or other conditional contracts providing for the deferred payments of the lease or rental price.

"Gross sales" means the sum total of all retail sales of tangible personal property or services as defined in this chapter, without any deduction, except as provided in this chapter. "Gross sales" does not include the federal retailers' excise tax or the federal diesel fuel excise tax imposed in § 4091 of the Internal Revenue Code if the excise tax is billed to the purchaser separately from the selling price of the article, or the Virginia retail sales or use tax, or any sales or use tax imposed by any county or city under § 58.1-605 or 58.1-606.

"Import" and "imported" are words applicable to tangible personal property imported into the Commonwealth from other states as well as from foreign countries, and "export" and "exported" are words applicable to tangible personal property exported from the Commonwealth to other states as well as to foreign countries.

"In this Commonwealth" or "in the Commonwealth" means within the limits of the Commonwealth of Virginia and includes all territory within these limits owned by or ceded to the United States of America.

"Integrated process," when used in relation to semiconductor manufacturing, means a process that begins with the research or development of semiconductor products, equipment, or processes, includes the handling and storage of raw materials at a plant site, and continues to the point that the product is packaged for final sale and either shipped or conveyed to a warehouse. Without limiting the foregoing, any semiconductor equipment, fuel, power, energy, supplies, or other

tangible personal property shall be deemed used as part of the integrated process if its use contributes, before, during, or after production, to higher product quality, production yields, or process efficiencies. Except as otherwise provided by law, "integrated process" does not mean general maintenance or administration.

"Internet" means collectively, the myriad of computer and telecommunications facilities, which comprise the interconnected worldwide network of computer networks.

"Internet service" means a service that enables users to access proprietary and other content, information electronic mail, and the Internet as part of a package of services sold to end-user subscribers.

"Lease or rental" means the leasing or renting of tangible personal property and the possession or use thereof by the lessee or renter for a consideration, without transfer of the title to such property.

"Manufacturing, processing, refining, or conversion" includes the production line of the plant starting with the handling and storage of raw materials at the plant site and continuing through the last step of production where the product is finished or completed for sale and conveyed to a warehouse at the production site, and also includes equipment and supplies used for production line testing and quality control. "Manufacturing" also includes the necessary ancillary activities of newspaper and magazine printing when such activities are performed by the publisher of any newspaper or magazine for sale daily or regularly at average intervals not exceeding three months.

The determination of whether any manufacturing, mining, processing, refining or conversion activity is industrial in nature shall be made without regard to plant size, existence or size of finished product inventory, degree of mechanization, amount of capital investment, number of employees or other factors relating principally to the size of the business. Further, "industrial in nature" includes, but is not limited to, those businesses classified in codes 10 through 14 and 20 through 39 published in the Standard Industrial Classification Manual for 1972 and any supplements issued thereafter.

"Modular building" means, but is not limited to, single and multifamily houses, apartment units, commercial buildings, and permanent additions thereof, comprised of one or more sections that are intended to become real property, primarily constructed at a location other than the permanent site, built to comply with the Virginia Industrialized Building Safety Law (§ 36-70 et seq.) as regulated by the Virginia Department of Housing and Community Development, and shipped with most permanent components in place to the site of final assembly. For purposes of this chapter, "modular building" does not include a mobile office as defined in § 58.1-2401 or any manufactured building subject to and certified under the provisions of the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. § 5401 et seq.).

"Modular building manufacturer" means a person that owns or operates a manufacturing facility and is engaged in the fabrication, construction and assembling of building supplies and materials into modular buildings, as defined in this section, at a location other than at the site where the modular building will be assembled on the permanent foundation and may or may not be engaged in the process of affixing the modules to the foundation at the permanent site.

"Modular building retailer" means any person that purchases or acquires a modular building from a modular building manufacturer, or from another person, for subsequent sale to a customer residing within or outside of the Commonwealth, with or without installation of the modular building to the foundation at the permanent site.

"Motor vehicle" means a "motor vehicle" as defined in § 58.1-2401, taxable under the provisions of the Virginia Motor Vehicles Sales and Use Tax Act (§ 58.1-2400 et seq.) and upon the sale of which all applicable motor vehicle sales and use taxes have been paid.

"Occasional sale" means a sale of tangible personal property not held or used by a seller in the course of an activity for which it is required to hold a certificate of registration, including the sale or exchange of all or substantially all the assets of any business and the reorganization or liquidation of any business, provided that such sale or exchange is not one of a series of sales and exchanges sufficient in number, scope and character to constitute an activity requiring the holding of a certificate of registration.

"Open video system" means an open video system authorized pursuant to 47 U.S.C. § 573 and, for purposes of this chapter only, also includes Internet service regardless of whether the provider of such service is also a telephone common carrier.

"Person" includes any individual, firm, copartnership, cooperative, nonprofit membership corporation, joint venture, association, corporation, estate, trust, business trust, trustee in bankruptcy, receiver, auctioneer, syndicate, assignee, club, society, or other group or combination acting as a unit, body politic or political subdivision, whether public or private, or quasi-public, and the plural of "person" means the same as the singular.

"Prewritten program" means a computer program that is prepared, held or existing for general or repeated sale or lease, including a computer program developed for in-house use and subsequently sold or leased to unrelated third parties.

"*Qualifying locality*" means *Halifax County, Henry County, Northampton County, Patrick County, Pittsylvania County, or the City of Danville.*

"Railroad rolling stock" means locomotives, of whatever motive power, autocars, railroad cars of every kind and description, and all other equipment determined by the Tax Commissioner to constitute railroad rolling stock.

"Remote seller" means any dealer deemed to have sufficient activity within the Commonwealth to require registration under § 58.1-613 under the criteria specified in subdivision C 10 or 11 of § 58.1-612 or any software provider acting on behalf of such dealer.

"Retail sale" or a "sale at retail" means a sale to any person for any purpose other than for resale in the form of tangible personal property or services taxable under this chapter, and shall include any such transaction as the Tax Commissioner upon investigation finds to be in lieu of a sale. All sales for resale must be made in strict compliance with regulations

applicable to this chapter. Any dealer making a sale for resale which is not in strict compliance with such regulations shall be personally liable for payment of the tax.

The terms "retail sale" and a "sale at retail" specifically include the following: (i) the sale or charges for any room or rooms, lodgings, or accommodations furnished to transients for less than 90 continuous days by any hotel, motel, inn, tourist camp, tourist cabin, camping grounds, club, or any other place in which rooms, lodging, space, or accommodations are regularly furnished to transients for a consideration; (ii) sales of tangible personal property to persons for resale when because of the operation of the business, or its very nature, or the lack of a place of business in which to display a certificate of registration, or the lack of a place of business in which to keep records, or the lack of adequate records, or because such persons are minors or transients, or because such persons are engaged in essentially service businesses, or for any other reason there is likelihood that the Commonwealth will lose tax funds due to the difficulty of policing such business operations; (iii) the separately stated charge made for automotive refinish repair materials that are permanently applied to or affixed to a motor vehicle during its repair; and (iv) the separately stated charge for equipment available for lease or purchase by a provider of satellite television programming to the customer of such programming. Equipment sold to a provider of satellite television programming for subsequent lease or purchase by the customer of such programming shall be deemed a sale for resale. The Tax Commissioner is authorized to promulgate regulations requiring vendors of or sellers to such persons to collect the tax imposed by this chapter on the cost price of such tangible personal property to such persons and may refuse to issue certificates of registration to such persons. The terms "retail sale" and a "sale at retail" also specifically include the separately stated charge made for supplies used during automotive repairs whether or not there is transfer of title or possession of the supplies and whether or not the supplies are attached to the automobile. The purchase of such supplies by an automotive repairer for sale to the customer of such repair services shall be deemed a sale for resale.

The term "transient" does not include a purchaser of camping memberships, time-shares, condominiums, or other similar contracts or interests that permit the use of, or constitute an interest in, real estate, however created or sold and whether registered with the Commonwealth or not. Further, a purchaser of a right or license which entitles the purchaser to use the amenities and facilities of a specific real estate project on an ongoing basis throughout its term shall not be deemed a transient, provided, however, that the term or time period involved is for seven years or more.

The terms "retail sale" and "sale at retail" do not include a transfer of title to tangible personal property after its use as tools, tooling, machinery or equipment, including dies, molds, and patterns, if (i) at the time of purchase, the purchaser is obligated, under the terms of a written contract, to make the transfer and (ii) the transfer is made for the same or a greater consideration to the person for whom the purchaser manufactures goods.

"Retailer" means every person engaged in the business of making sales at retail, or for distribution, use, consumption, or storage to be used or consumed in the Commonwealth.

"Sale" means any transfer of title or possession, or both, exchange, barter, lease or rental, conditional or otherwise, in any manner or by any means whatsoever, of tangible personal property and any rendition of a taxable service for a consideration, and includes the fabrication of tangible personal property for consumers who furnish, either directly or indirectly, the materials used in fabrication, and the furnishing, preparing, or serving for a consideration of any tangible personal property consumed on the premises of the person furnishing, preparing, or serving such tangible personal property. A transaction whereby the possession of property is transferred but the seller retains title as security for the payment of the price shall be deemed a sale.

"Sales price" means the total amount for which tangible personal property or services are sold, including any services that are a part of the sale, valued in money, whether paid in money or otherwise, and includes any amount for which credit is given to the purchaser, consumer, or lessee by the dealer, without any deduction therefrom on account of the cost of the property sold, the cost of materials used, labor or service costs, losses or any other expenses whatsoever. "Sales price" does not include (i) any cash discount allowed and taken; (ii) finance charges, carrying charges, service charges or interest from credit extended on sales of tangible personal property under conditional sale contracts or other conditional contracts providing for deferred payments of the purchase price; (iii) separately stated local property taxes collected; (iv) that portion of the amount paid by the purchaser as a discretionary gratuity added to the price of a meal; or (v) that portion of the amount paid by the purchaser as a mandatory gratuity or service charge added by a restaurant to the price of a meal, but only to the extent that such mandatory gratuity or service charge does not exceed 20 percent of the price of the meal. Where used articles are taken in trade, or in a series of trades as a credit or part payment on the sale of new or used articles, the tax levied by this chapter shall be paid on the net difference between the sales price of the new or used articles and the credit for the used articles.

"Semiconductor cleanrooms" means the integrated systems, fixtures, piping, partitions, flooring, lighting, equipment, and all other property used to reduce contamination or to control airflow, temperature, humidity, vibration, or other environmental conditions required for the integrated process of semiconductor manufacturing.

"Semiconductor equipment" means (i) machinery or tools or repair parts or replacements thereof; (ii) the related accessories, components, pedestals, bases, or foundations used in connection with the operation of the equipment, without regard to the proximity to the equipment, the method of attachment, or whether the equipment or accessories are affixed to the realty; (iii) semiconductor wafers and other property or supplies used to install, test, calibrate or recalibrate, characterize, condition, measure, or maintain the equipment and settings thereof; and (iv) equipment and supplies used for quality control testing of product, materials, equipment, or processes; or the measurement of equipment performance or

production parameters regardless of where or when the quality control, testing, or measuring activity takes place, how the activity affects the operation of equipment, or whether the equipment and supplies come into contact with the product.

"Storage" means any keeping or retention of tangible personal property for use, consumption or distribution in the Commonwealth, or for any purpose other than sale at retail in the regular course of business.

"Tangible personal property" means personal property that may be seen, weighed, measured, felt, or touched, or is in any other manner perceptible to the senses. "Tangible personal property" does not include stocks, bonds, notes, insurance or other obligations or securities. "Tangible personal property" includes (i) telephone calling cards upon their initial sale, which shall be exempt from all other state and local utility taxes, and (ii) manufactured signs.

"Use" means the exercise of any right or power over tangible personal property incident to the ownership thereof, except that it does not include the sale at retail of that property in the regular course of business. "Use" does not include the exercise of any right or power, including use, distribution, or storage, over any tangible personal property sold to a nonresident donor for delivery outside of the Commonwealth to a nonresident recipient pursuant to an order placed by the donor from outside the Commonwealth via mail or telephone. "Use" does not include any sale determined to be a gift transaction, subject to tax under § 58.1-604.6.

"Use tax" refers to the tax imposed upon the use, consumption, distribution, and storage as defined in this section.

"Used directly," when used in relation to manufacturing, processing, refining, or conversion, refers to those activities that are an integral part of the production of a product, including all steps of an integrated manufacturing or mining process, but not including ancillary activities such as general maintenance or administration. When used in relation to mining, "used directly" refers to the activities specified in this definition and, in addition, any reclamation activity of the land previously mined by the mining company required by state or federal law.

"Video programmer" means a person that provides video programming to end-user subscribers.

"Video programming" means video and/or information programming provided by or generally considered comparable to programming provided by a cable operator, including, but not limited to, Internet service.

§ 58.1-605. To what extent and under what conditions cities and counties may levy local sales taxes; collection thereof by Commonwealth and return of revenue to each city or county entitled thereto.

A. No county, city or town shall impose any local general sales or use tax or any local general retail sales or use tax except as authorized by this section or § 58.1-605.1.

B. The council of any city and the governing body of any county may levy a general retail sales tax at the rate of one percent to provide revenue for the general fund of such city or county. Such tax shall be added to the rate of the state sales tax imposed by §§ 58.1-603 and 58.1-604 and shall be subject to all the provisions of this chapter and the rules and regulations published with respect thereto. No discount under § 58.1-622 shall be allowed on a local sales tax.

C. 1. The council of any city and the governing body of any county desiring to impose a local sales tax under this section may do so by the adoption of an ordinance stating its purpose and referring to this section, and providing that such ordinance shall be effective on the first day of a month at least 60 days after its adoption. A certified copy of such ordinance shall be forwarded to the Tax Commissioner so that it will be received within five days after its adoption.

2. Prior to any change in the rate of any local sales and use tax, the Tax Commissioner shall provide remote sellers with at least 30 days' notice. Any change in the rate of any local sales and use tax shall only become effective on the first day of a calendar quarter. Failure to provide notice pursuant to this section shall require the Commonwealth and the locality to apply the preceding effective rate until 30 days after notification is provided.

D. Any local sales tax levied under this section shall be administered and collected by the Tax Commissioner in the same manner and subject to the same penalties as provided for the state sales tax.

E. All local sales tax moneys collected by the Tax Commissioner under this section shall be paid into the state treasury to the credit of a special fund which is hereby created on the Comptroller's books under the name "Collections of Local Sales Taxes." Such local sales tax moneys shall be credited to the account of each particular city or county levying a local sales tax under this section. The basis of such credit shall be the city or county in which the sales were made as shown by the records of the Department and certified by it monthly to the Comptroller, namely, the city or county of location of each place of business of every dealer paying the tax to the Commonwealth without regard to the city or county of possible use by the purchasers. If a dealer has any place of business located in more than one political subdivision by reason of the boundary line or lines passing through such place of business, the amount of sales tax paid by such a dealer with respect to such place of business shall be treated for the purposes of this section as follows: one-half shall be assignable to each political subdivision where two are involved, one-third where three are involved, and one-fourth where four are involved.

F. As soon as practicable after the local sales tax moneys have been paid into the state treasury in any month for the preceding month, the Comptroller shall draw his warrant on the Treasurer of Virginia in the proper amount in favor of each city or county entitled to the monthly return of its local sales tax moneys, and such payments shall be charged to the account of each such city or county under the special fund created by this section. If errors are made in any such payment, or adjustments are otherwise necessary, whether attributable to refunds to taxpayers, or to some other fact, the errors shall be corrected and adjustments made in the payments for the next two months as follows: one-half of the total adjustment shall be included in the payments for the next two months. In addition, the payment shall include a refund of amounts erroneously not paid to the city or county and not previously refunded during the three years preceding the discovery of the error. A correction and adjustment in payments described in this subsection due to the misallocation of funds by the dealer shall be made within three years of the date of the payment error.

G. Such payments to counties are subject to the qualification that in any county wherein is situated any incorporated town constituting a special school district and operated as a separate school district under a town school board of three members appointed by the town council, the county treasurer shall pay into the town treasury for general governmental purposes the proper proportionate amount received by him in the ratio that the school age population of such town bears to the school age population of the entire county. If the school age population of any town constituting a separate school district is increased by the annexation of territory since the last estimate of school age population provided by the Weldon Cooper Center for Public Service, such increase shall, for the purposes of this section, be added to the school age population of such town as shown by the last such estimate and a proper reduction made in the school age population of the county or counties from which the annexed territory was acquired.

H. One-half of such payments to counties are subject to the further qualification, other than as set out in subsection G, that in any county wherein is situated any incorporated town not constituting a separate special school district that has complied with its charter provisions providing for the election of its council and mayor for a period of at least four years immediately prior to the adoption of the sales tax ordinance, the county treasurer shall pay into the town treasury of each such town for general governmental purposes the proper proportionate amount received by him in the ratio that the school age population of each such town bears to the school age population of the entire county, based on the latest estimate provided by the Weldon Cooper Center for Public Service. The preceding requirement pertaining to the time interval between compliance with election provisions and adoption of the sales tax ordinance shall not apply to a tier-city. If the school age population of any such town not constituting a separate special school district is increased by the annexation of territory or otherwise since the last estimate of school age population provided by the Weldon Cooper Center for Public Service, such increase shall, for the purposes of this section, be added to the school age population of such town as shown by the last such estimate and a proper reduction made in the school age population of the county or counties from which the annexed territory was acquired.

I. Notwithstanding the provisions of subsection H, the board of supervisors of a county may, in its discretion, appropriate funds to any incorporated town not constituting a separate school district within such county that has not complied with the provisions of its charter relating to the elections of its council and mayor, an amount not to exceed the amount it would have received from the tax imposed by this chapter if such election had been held; however, Halifax County, *Henry County*, *Northampton County*, *Patrick County*, and *Pittsylvania County* may appropriate any amount to any such incorporated town.

J. It is further provided that if any incorporated town which would otherwise be eligible to receive funds from the county treasurer under subsection G or H be located in a county that does not levy a general retail sales tax under the provisions of this law, such town may levy a general retail sales tax at the rate of one percent to provide revenue for the general fund of the town, subject to all the provisions of this section generally applicable to cities and counties. Any tax levied under the authority of this subsection shall in no case continue to be levied on or after the effective date of a county ordinance imposing a general retail sales tax in the county within which such town is located.

§ 58.1-605.1. Additional local sales tax in certain localities; use of revenues for construction or renovation of schools.

A. 1. In addition to the sales tax authorized under § 58.1-605, ~~Halifax County~~ *a qualifying locality* may levy a general retail sales tax at a rate not to exceed one percent as determined by its governing body to provide revenue solely for capital projects for the construction or renovation of schools in ~~Halifax County~~ *each such locality*. Such tax shall be added to the rates of the state and local sales tax imposed by this chapter and shall be subject to all the provisions of this chapter and the rules and regulations published with respect thereto. No discount under § 58.1-622 shall be allowed on this local sales tax.

2. Any tax imposed pursuant to this section shall expire (i) if the capital projects for the construction or renovation of schools are to be financed by bonds or loans, on the date by which such bonds or loans shall be repaid or (ii) if the capital projects for the construction or renovation of schools are not to be financed by bonds or loans, on a date chosen by the governing body and specified in any resolution passed pursuant to the provisions of subdivision B 1. Such expiration date shall not be more than 20 years after the date of the resolution passed pursuant to the provisions of subdivision B 1.

B. 1. This tax may be levied only if the tax is approved in a referendum within ~~Halifax County~~ *the qualifying locality* held in accordance with § 24.2-684 and initiated by a resolution of the local governing body. Such resolution shall state (i) if the capital projects for the construction or renovation of schools are to be financed by bonds or loans, the date by which such bonds or loans shall be repaid or (ii) if the capital projects for the construction or renovation of schools are not to be financed by bonds or loans, a specified date on which the sales tax shall expire.

2. The clerk of the circuit court shall publish notice of the referendum in a newspaper of general circulation in ~~Halifax County~~ *the qualifying locality* once a week for three consecutive weeks prior to the election. The question on the ballot for the referendum shall include language stating (i) that the revenues from the sales tax shall be used solely for capital projects for the construction or renovation of schools and (ii) the date on which the sales tax shall expire.

C. The governing body of ~~Halifax County~~ *the qualifying locality*, if it elects to impose a local sales tax under this section after approval at a referendum as provided in subsection B shall do so by the adoption of an ordinance stating its purpose and referring to this section and providing that such ordinance shall be effective on the first day of a month at least 120 days after its adoption. Such ordinance shall state the date on which the sales tax shall expire. A certified copy of such ordinance shall be forwarded to the Tax Commissioner so that it will be received within five days after its adoption.

D. Any local sales tax levied under this section shall be administered and collected by the Tax Commissioner in the same manner and subject to the same exemptions and penalties as provided for the state sales tax; however, the local sales tax levied under this section shall not be levied on food purchased for human consumption, as defined in § 58.1-611.1.

E. All local sales tax moneys collected by the Tax Commissioner under this section shall be paid into the state treasury to the credit of a special fund that is hereby created on the Comptroller's books *for each qualifying locality* under the name "Collections of Additional Local Sales Taxes in ~~Halifax County~~ *(INSERT NAME OF THE QUALIFYING LOCALITY)*." ~~The~~ *Each* fund shall be administered as provided in § 58.1-605. *A separate fund shall be created for each qualifying locality. Only local sales tax moneys collected in that qualifying locality shall be deposited in that locality's fund.*

F. As soon as practicable after the local sales tax moneys have been paid into the state treasury in any month for the preceding month, the Comptroller shall draw his warrant on the State Treasurer in the proper amount in favor of ~~Halifax County~~ *each qualifying locality*, and such payments shall be charged to the account of ~~Halifax County~~ *the qualifying locality* under ~~the~~ *its* special fund created by this section. If errors are made in any such payment, or adjustments are otherwise necessary, whether attributable to refunds to taxpayers or to some other fact, the errors shall be corrected and adjustments made in the payments for the next two months as follows: one-half of the total adjustment shall be included in the payment for each of the next two months. In addition, the payment shall include a refund of amounts erroneously not paid to ~~Halifax County~~ *each qualifying locality* and not previously refunded during the three years preceding the discovery of the error. A correction and adjustment in payments described in this subsection due to the misallocation of funds by the dealer shall be made within three years of the date of the payment error.

G. The revenues from this tax shall be used solely for capital projects for new construction or major renovation of schools in ~~Halifax County~~ *the qualifying locality*, including bond and loan financing costs related to such construction or renovation.

§ 58.1-606.1. Additional local use tax in certain localities; use of revenues for construction or renovation of schools.

A. 1. The governing body of ~~Halifax County~~ *a qualifying locality* may levy a use tax at the rate of such sales tax under § 58.1-605.1 to provide revenue for capital projects for the construction or renovation of schools in ~~Halifax County~~ *such locality*. Such tax shall be added to the rates of the state and local use tax imposed by this chapter and shall be subject to all the provisions of this chapter, and all amendments thereof, and the rules and regulations published with respect thereto, except that no discount under § 58.1-622 shall be allowed on a local use tax.

2. Any tax imposed pursuant to this section shall expire (i) if the capital projects for the construction or renovation of schools are to be financed by bonds or loans, on the date by which such bonds or loans shall be repaid or (ii) if the capital projects for the construction or renovation of schools are not to be financed by bonds or loans, on a date chosen by the governing body and specified in any resolution passed pursuant to the provisions of subsection B. Such expiration date shall not be more than 20 years after the date of the resolution passed pursuant to the provisions of subsection B.

B. The governing body of ~~Halifax County~~ *the qualifying locality*, if it elects to impose a local use tax under this section may do so only if it has previously imposed the local sales tax authorized by § 58.1-605.1, by the adoption of an ordinance stating its purpose and referring to this section and providing that the local use tax shall become effective on the first day of a month at least 120 days after its adoption. Such ordinance shall state the date on which the use tax shall expire. A certified copy of such ordinance shall be forwarded to the Tax Commissioner so that it will be received within five days after its adoption.

C. Any local use tax levied under this section shall be administered and collected by the Tax Commissioner in the same manner and subject to the same exemptions and penalties as provided for the state use tax; however, the local sales tax levied under this section shall not be levied on food purchased for human consumption, as defined in § 58.1-611.1.

D. The local use tax authorized by this section shall not apply to transactions to which the sales tax applies, the situs of which for state and local sales tax purposes is the locality of location of each place of business of every dealer paying the tax to the Commonwealth without regard to the locality of possible use by the purchasers. However, the local use tax authorized by this section shall apply to tangible personal property purchased outside the Commonwealth for use or consumption within the locality imposing the local use tax, or stored within the locality for use or consumption, where the property would have been subject to the sales tax if it had been purchased within the Commonwealth. The local use tax shall also apply to leases or rentals of tangible personal property where the place of business of the lessor is outside the Commonwealth and such leases or rentals are subject to the state tax. Moreover, the local use tax shall apply in all cases in which the state use tax applies.

E. Out-of-state dealers who hold certificates of registration to collect the use tax from their customers for remittance to the Commonwealth shall, to the extent reasonably practicable, in filing their monthly use tax returns with the Tax Commissioner, break down their shipments into the Commonwealth by counties and cities so as to show the county or city of destination. If, however, the out-of-state dealer is unable accurately to assign any shipment to a particular county or city, the local use tax on the tangible personal property involved shall be remitted to the Commonwealth by such dealer without attempting to assign the shipment to any county or city.

F. Local use tax revenue shall be deposited in the special fund established pursuant to subsection E of § 58.1-605.1. The Comptroller shall distribute the revenue to ~~Halifax County~~ *the qualifying locality*.

G. All revenue from this local use tax revenue shall be used solely for capital projects for new construction or major renovation of schools in ~~Halifax County~~ *the qualifying locality*, including bond and loan financing costs related to such construction or renovation.

CHAPTER 328

An Act to amend and reenact §§ 8.01-512.4, 34-4, 34-6, 34-14, 34-17, and 34-21 of the Code of Virginia, relating to homestead exemption; bankruptcy exemptions.

[H 790]

Approved March 12, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 8.01-512.4, 34-4, 34-6, 34-14, 34-17, and 34-21 of the Code of Virginia are amended and reenacted as follows:

§ 8.01-512.4. Notice of exemptions from garnishment and lien.

No summons in garnishment shall be issued or served, nor shall any notice of lien be served on a financial institution pursuant to § 8.01-502.1, unless a notice of exemptions and claim for exemption form are attached. The notice shall contain the following statement:

NOTICE TO JUDGMENT DEBTOR

HOW TO CLAIM EXEMPTIONS FROM GARNISHMENT AND LIEN

The attached Summons in Garnishment or Notice of Lien has been issued on request of a creditor who holds a judgment against you. The Summons may cause your property or wages to be held or taken to pay the judgment.

The law provides that certain property and wages cannot be taken in garnishment. Such property is said to be exempted. A summary of some of the major exemptions is set forth in the request for hearing form. There is no exemption solely because you are having difficulty paying your debts.

If you claim an exemption, you should (i) fill out the claim for exemption form and (ii) deliver or mail the form to the clerk's office of this court. You have a right to a hearing within seven business days from the date you file your claim with the court. If the creditor is asking that your wages be withheld, the method of computing the amount of wages ~~which that~~ are exempt from garnishment by law is indicated on the Summons in Garnishment attached. You do not need to file a claim for exemption to receive this exemption, but if you believe the wrong amount is being withheld you may file a claim for exemption.

On the day of the hearing you should come to court ready to explain why your property is exempted, and you should bring any documents ~~which that~~ may help you prove your case. If you do not come to court at the designated time and prove that your property is exempt, you may lose some of your rights.

It may be helpful to you to seek the advice of an attorney in this matter.

REQUEST FOR HEARING-GARNISHMENT/LIEN EXEMPTION CLAIM

I claim that the exemption(s) from garnishment or lien ~~which that~~ are checked below apply in this case:

MAJOR EXEMPTIONS UNDER FEDERAL AND STATE LAW

- 1. Social Security benefits and Supplemental Security Income (SSI) (42 U.S.C. § 407).
- 2. Veterans' benefits (38 U.S.C. § 5301).
- 3. Federal civil service retirement benefits (5 U.S.C. § 8346).
- 4. Annuities to survivors of federal judges (28 U.S.C. § 376(n)).
- 5. Longshore and Harbor Workers' Compensation Act (33 U.S.C. § 916).
- 6. Black lung benefits.

Exemptions listed under 1 through 6 above may not be applicable in child support and alimony cases (42 U.S.C. § 659).

7. Seaman's, master's or fisherman's wages, except for child support or spousal support and maintenance (46 U.S.C. § 11109).

8. Unemployment compensation benefits (§ 60.2-600, Code of Virginia). This exemption may not be applicable in child support cases (§ 60.2-608, Code of Virginia).

9. Portions or amounts of wages subject to garnishment (§ 34-29, Code of Virginia).

10. Public assistance payments (§ 63.2-506, Code of Virginia).

11. Homestead exemption of \$5,000, or \$10,000 if the debtor is 65 years of age or older, in cash, *and, in addition, real or personal property used as the principal residence of the householder or the householder's dependents not exceeding \$25,000 in value* (§ 34-4, Code of Virginia). This exemption may not be claimed in certain cases, such as payment of spousal or child support (§ 34-5, Code of Virginia).

12. Property of disabled veterans — additional \$10,000 cash (§ 34-4.1, Code of Virginia).

13. Workers' Compensation benefits (§ 65.2-531, Code of Virginia).

14. Growing crops (§ 8.01-489, Code of Virginia).

15. Benefits from group life insurance policies (§ 38.2-3339, Code of Virginia).

16. Proceeds from industrial sick benefits insurance (§ 38.2-3549, Code of Virginia).

- ___ 17. Assignments of certain salary and wages (§ 8.01-525.10, Code of Virginia).
- ___ 18. Benefits for victims of crime (§ 19.2-368.12, Code of Virginia).
- ___ 19. Preneed funeral trusts (§ 54.1-2823, Code of Virginia).
- ___ 20. Certain retirement benefits (§ 34-34, Code of Virginia).
- ___ 21. Child support payments (§ 20-108.1, Code of Virginia).

___ 22. Support for dependent minor children (§ 34-4.2, Code of Virginia). To claim this exemption, the debtor shall attach to the claim for exemption form an affidavit that complies with the requirements of subsection B of § 34-4.2 and two items of proof showing that the debtor is entitled to this exemption.

___ 23. Other (describe exemption): \$ _____

I request a court hearing to decide the validity of my claim. Notice of the hearing should be given me at:

(address)

(telephone no.)

The statements made in this request are true to the best of my knowledge and belief.

(date)

(signature of judgment debtor)

§ 34-4. Exemption created.

Every householder shall be entitled, in addition to the property or estate exempt under §§ 23.1-707, 34-26, 34-27, 34-29, and 64.2-311, to hold exempt from creditor process arising out of a debt, real and personal property, or either, to be selected by the householder, including money and debts due the householder not exceeding \$5,000 in value or, if the householder is 65 years of age or older, not exceeding \$10,000 in value, *and, in addition, real or personal property used as the principal residence of the householder or the householder's dependents not exceeding \$25,000 in value.* In addition, upon a showing that a householder supports dependents, the householder shall be entitled to hold exempt from creditor process real and personal property, or either, selected by the householder, including money or monetary obligations or liabilities due the householder, not exceeding \$500 in value for each dependent.

For the purposes of this section, "dependent" means an individual who derives support primarily from the householder and who does not have assets sufficient to support himself, but in no case shall an individual be the dependent of more than one householder.

§ 34-6. How exemption of real estate secured; form to claim exemption of real property.

In order to secure the benefit of the exemptions of real estate under §§ 34-4 and 34-4.1, the householder, by a writing signed by him and duly admitted to record, to be recorded as deeds are recorded, in the county or city wherein such real estate or any part thereof is located or, if such property is located outside of the Commonwealth, in the county or city in the Commonwealth where the householder resides, shall declare his intention to claim such benefit and select and set apart the real estate to be held by the householder as exempt, and describe the same with reasonable certainty, affixing to the description his cash valuation of the estate so selected and set apart. *However, if such real estate is claimed exempt in a case filed under Title 11 of the United States Code, the official Schedule of Property Claimed as Exempt filed in the United States Bankruptcy Court claiming such exemptions shall be sufficient to set apart such property as exempt.* Equitable as well as legal estates may be so selected and set apart. The following form, or one which is substantially similar, shall be used and shall be sufficient for the writing required by this section:

HOMESTEAD DEED FOR REAL PROPERTY

Name of Householder _____

Name of title holder of record (if different) _____

Is the householder a disabled veteran entitled to claim the additional exemption under § 34-4.1? _____

Address of Householder _____

Name(s) and age(s) of dependent(s) _____

County/city/state in which real property claimed as exempt is located _____

Description of property claimed as exempt

Value of property described above

Number of homestead deeds that have been filed by the Householder

Exemption amount previously claimed on prior homestead deeds

List the jurisdictions where previous homestead deeds were filed

 _____ (Signature of Householder)
 _____ [ACKNOWLEDGMENT]

Such writing or deed shall not be required to secure any exemption under this Code except those exemptions created by §§ 34-4 and 34-4.1.

§ 34-14. How set apart in personal estate; form to claim exemption of personal property.

Such personal estate selected by the householder ~~and~~ under §§ § 34-4, 34-4.1, or § 34-13 shall be set apart in a writing signed by him. He shall, in the writing, designate and describe with reasonable certainty the personal estate so selected and set apart and each parcel or article, affixing to each his cash valuation thereof. Such writing shall be admitted to record, to be recorded as deeds are recorded in the county or city wherein such householder resides. *However, if such personal estate is claimed exempt in a case filed under Title 11 of the United States Code, the official Schedule of Property Claimed as Exempt filed in the United States Bankruptcy Court claiming such exemptions shall be sufficient to set apart such property as exempt.*

The following form, or one which is substantially similar, shall be used and shall be sufficient, when duly admitted to record in the county or city in which the householder resides, to exempt such described personal property from creditor process:

HOMESTEAD DEED FOR PERSONAL PROPERTY

Name of Householder _____

Is the householder a disabled veteran entitled to claim the additional exemption under § 34-4.1? _____

Address of Householder _____

Name(s) and age(s) of dependent(s) _____

County/city in which householder resides _____

Description of property claimed as exempt and its value _____

 Number of homestead deeds that have been filed by the Householder _____

Exemption amount previously claimed on prior homestead deeds _____

List the jurisdictions where previous homestead deeds were filed

 _____ (Signature of Householder)
 _____ [ACKNOWLEDGMENT]

Such writing or deed shall not be required to secure any exemption under this Code except those exemptions created by §§ 34-4, 34-4.1 and 34-13.

§ 34-17. When exemption may be set apart; garnished wages.

A. The real or personal estate ~~which that~~ a householder is entitled to hold as exempt may be set apart at any time before it is subjected by sale under creditor process *or by a trustee in bankruptcy*, or, if such creditor process does not require sale of the property, before it is turned over to the creditor: ~~To claim an exemption in bankruptcy, a householder who (i) files a voluntary petition in bankruptcy or (ii) against whom an involuntary petition in bankruptcy is filed shall set such real or personal property apart on or before the fifth day after the date of the meeting held pursuant to 11 U.S.C. § 341, but not thereafter. A householder who converts a case from Chapters 11, 12, or 13 to Chapter 7 shall set such real or personal property apart on or before the fifth day after the date of the meeting held pursuant to 11 U.S.C. § 341 in the Chapter 7 case, but not thereafter. Nothing in this section shall affect the right of the trustee in bankruptcy, with the approval of the court, to proceed immediately with the sale or other disposition of personal property which the trustee determines to be perishable or particularly susceptible to price deterioration.~~

B. A claim of homestead exemption to protect garnished wages may be filed by the debtor after the garnishment summons is served on the employer but prior to or upon the return date of the garnishment summons and shall be considered by the garnishing court.

§ 34-21. When householder's right to exemption is exhausted.

When ~~the maximum~~ an amount of property, whether real or personal, or both, has been ~~once~~ set apart to be held by a householder as exempt under § 34-4 ~~or §, 34-4.1, he or 34-13, such amount shall not afterwards for a period of eight years from such setting apart be entitled to the exemption of any estate other than that so set apart or as otherwise provided by law applied against the maximum amount to which the householder is entitled to set apart as exempt under § 34-4, 34-4.1, or 34-13.~~

2. That the Executive Secretary of the Supreme Court of Virginia shall promulgate and update the forms necessary to comply with the provisions of the first enactment of this act.

CHAPTER 329

An Act to amend and reenact § 58.1-608.3 of the Code of Virginia, relating to entitlement to sales tax revenues from certain public facilities; authorized localities and facilities; sunset.

[H 906]

Approved March 12, 2020

Be it enacted by the General Assembly of Virginia:**1. That § 58.1-608.3 of the Code of Virginia is amended and reenacted as follows:****§ 58.1-608.3. Entitlement to certain sales tax revenues.**

A. As used in this section, the following words and terms have the following meanings, unless some other meaning is plainly intended:

"Bonds" means any obligations of a municipality for the payment of money.

"Cost," as applied to any public facility or to extensions or additions to any public facility, includes: (i) the purchase price of any public facility acquired by the municipality or the cost of acquiring all of the capital stock of the corporation owning the public facility and the amount to be paid to discharge any obligations in order to vest title to the public facility or any part of it in the municipality; (ii) expenses incident to determining the feasibility or practicability of the public facility; (iii) the cost of plans and specifications, surveys and estimates of costs and of revenues; (iv) the cost of all land, property, rights, easements and franchises acquired; (v) the cost of improvements, property or equipment; (vi) the cost of engineering, legal and other professional services; (vii) the cost of construction or reconstruction; (viii) the cost of all labor, materials, machinery and equipment; (ix) financing charges; (x) interest before and during construction and for up to one year after completion of construction; (xi) start-up costs and operating capital; (xii) payments by a municipality of its share of the cost of any multijurisdictional public facility; (xiii) administrative expense; (xiv) any amounts to be deposited to reserve or replacement funds; and (xv) other expenses as may be necessary or incident to the financing of the public facility. Any obligation or expense incurred by the public facility in connection with any of the foregoing items of cost may be regarded as a part of the cost.

"Municipality" means any county, city, town, authority, commission, or other public entity.

"Public facility" means (i) any auditorium, coliseum, convention center, or conference center, which is owned by a Virginia county, city, town, authority, or other public entity and where exhibits, meetings, conferences, conventions, seminars, or similar public events may be conducted; (ii) any hotel which is owned by a foundation whose sole purpose is to benefit a baccalaureate public institution of higher education in the Commonwealth and which is attached to and is an integral part of such facility, together with any lands reasonably necessary for the conduct of the operation of such events; (iii) any hotel which is attached to and is an integral part of such facility; (iv) any hotel that is adjacent to a convention center owned by a public entity and where the hotel owner enters into a public-private partnership whereby the locality contributes infrastructure, real property, or conference space; (v) a sports complex consisting of a minor league baseball stadium and related tournament, training, and parking facilities, where a municipality owns a component of the sports complex; or (vi) any outdoor amphitheater, provided that a locality owns, wholly or partly, and contributes to financing the construction of such amphitheater. However, such public facility must be located in the City of Chesapeake, City of Fredericksburg, City of Hampton, City of Lynchburg, City of Newport News, City of Norfolk, City of Portsmouth, City of Richmond, City of Roanoke, City of Salem, City of Staunton, City of Suffolk, City of Virginia Beach, City of Winchester, or Town of Wise. Any property, real, personal, or mixed, which is necessary or desirable in connection with any such auditorium, coliseum, convention center, sports complex, or conference center, including, without limitation, facilities for food preparation and serving, parking facilities, and office space, is encompassed within this definition. However, structures commonly referred to as "shopping centers" or "malls" shall not constitute a public facility hereunder. A public facility shall not include residential condominiums, townhomes, or other residential units. In addition, only a new public facility, or a public facility which will undergo a substantial and significant renovation or expansion, shall be eligible under subsection C. A new public facility is one whose construction began after December 31, 1991. A substantial and significant renovation entails a project whose cost is at least 50 percent of the original cost of the facility being renovated and shall have begun after December 31, 1991. A substantial and significant expansion entails an increase in floor space of at least 50 percent over that existing in the preexisting facility and shall have begun after December 31, 1991; or an increase in floor space of at least 10 percent over that existing in a public facility that qualified as such under this section and was constructed after December 31, 1991.

"Sales tax revenues" means such tax collections realized under the Virginia Retail Sales and Use Tax Act (§ 58.1-600 et seq.), as limited herein. "Sales tax revenues" does not include the revenue generated by (i) the 0.5 percent sales and use tax increase enacted by the 1986 Special Session of the General Assembly which shall be paid to the Transportation Trust Fund as defined in § 33.2-1524, (ii) the 1.0 percent of the state sales and use tax revenue distributed among the counties and cities of the Commonwealth pursuant to subsection D of § 58.1-638 on the basis of school age population, or (iii) any sales and use tax revenues generated by increases or allocation changes imposed by the 2013 Session of the General Assembly.

B. Notwithstanding the definition of "public facility" in subsection A, a development project that meets the requirements for a "development of regional impact" set forth herein shall be deemed to be a public facility under the provisions of this section. The locality in which the public facility is located shall be entitled to all sales tax revenues

generated by transactions taking place at such public facility solely to pay the cost of any bonds issued to pay the cost, or portion thereof, of such public facility pursuant to subsection C. For purposes of this subsection, the development of regional impact must be located in the City of Bristol.

For purposes of this subsection, a "development of regional impact" means a development project (i) towards which the locality contributes infrastructure or real property as part of a public-private partnership with the developer that is equal to at least 20 percent of the aggregate cost of development, (ii) that is reasonably expected to require a capital investment of at least \$50 million, (iii) that is reasonably expected to generate at least \$5 million annually in state sales and use tax revenue from sales within the development, (iv) that is reasonably expected to attract at least one million visitors annually, (v) that is reasonably expected to create at least 2,000 permanent jobs, (vi) that is located in a locality that had a rate of unemployment at least three percentage points higher than the statewide average in November 2011, and (vii) that is located in a locality that is adjacent to a state that has adopted a Border Region Retail Tourism Development District Act. Within 30 days from the date of notification by a locality that it intends to contribute infrastructure or real property as part of a public-private partnership with the developer of a development of regional impact, the Department of Taxation shall review the findings of the locality with respect to clauses (i) through (vi) and shall file a written report with the Chairmen of the House Committee on Finance, the House Committee on Appropriations, and the Senate Committee on Finance.

C. Any municipality which has issued bonds (i) after December 31, 1991, but before January 1, 1996, (ii) on or after January 1, 1998, but before July 1, 1999, (iii) on or after January 1, 1999, but before July 1, 2001, (iv) on or after July 1, 2000, but before July 1, 2003, (v) on or after July 1, 2001, but before July 1, 2005, (vi) on or after July 1, 2004, but before July 1, 2007, (vii) on or after July 1, 2009, but before July 1, 2012, (viii) on or after January 1, 2011, but prior to July 1, 2015, or (ix) on or after January 1, 2013, but prior to July 1, ~~2020~~ 2024, to pay the cost, or portion thereof, of any public facility shall be entitled to all sales tax revenues generated by transactions taking place in such public facility. In the case of a public facility described in clause (v) of the definition of public facility, all such sales tax revenues shall be applied solely to repayment of the bonds issued to pay the cost, or portion thereof, of the municipality-owned component of the sports complex. Such entitlement shall continue for the lifetime of such bonds, or any refinancing or refunding thereof, but in no event shall such entitlement exceed 35 years from the initial date that any bonds were issued to pay the cost, or a portion thereof, of any public facility, and all such sales tax revenues shall be applied to repayment of the bonds. The State Comptroller shall remit such sales tax revenues to the municipality on a quarterly basis, subject to such reasonable processing delays as may be required by the Department of Taxation to calculate the actual net sales tax revenues derived from the public facility. The State Comptroller shall make such remittances to eligible municipalities, as provided herein, notwithstanding any provisions to the contrary in the Virginia Retail Sales and Use Tax Act (§ 58.1-600 et seq.). No such remittances shall be made until construction is completed and, in the case of a renovation or expansion, until the governing body of the municipality has certified that the renovation or expansion is completed; however, in the case of any public facility consisting of more than one building or structure, such remittances shall be made on a quarterly basis beginning with the first quarter in which any sales tax revenue is generated by transactions taking place at any building or structure within such public facility, whether or not construction of all or any portion, phase, building, or structure of such public facility has been completed.

D. Nothing in this section shall be construed as authorizing the pledging of the faith and credit of the Commonwealth of Virginia, or any of its revenues, for the payment of any bonds. Any appropriation made pursuant to this section shall be made only from sales tax revenues derived from the public facility for which bonds may have been issued to pay the cost, in whole or in part, of such public facility.

CHAPTER 330

An Act to amend and reenact § 58.1-3819 of the Code of Virginia, relating to transient occupancy tax; certain counties.

[H 1262]

Approved March 12, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-3819 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-3819. Transient occupancy tax.

A. Any county, by duly adopted ordinance, may levy a transient occupancy tax on hotels, motels, boarding houses, travel campgrounds, and other facilities offering guest rooms rented out for continuous occupancy for fewer than 30 consecutive days. Such tax shall be in such amount and on such terms as the governing body may, by ordinance, prescribe. Such tax shall not exceed two percent of the amount of charge for the occupancy of any room or space occupied; however, Accomack County, Albemarle County, Alleghany County, Amherst County, *Appomattox County*, Augusta County, Bedford County, Bland County, Botetourt County, Brunswick County, Campbell County, Caroline County, Carroll County, Craig County, Cumberland County, Dickenson County, Dinwiddie County, Floyd County, Franklin County, Frederick County, Giles County, Gloucester County, Goochland County, Grayson County, Greene County, Greensville County, Halifax County, Highland County, Isle of Wight County, James City County, King George County, Loudoun County, Madison County, *Mathews County*, Mecklenburg County, *Middlesex County*, Montgomery County, Nelson County, *New Kent County*, Northampton County, Page County, Patrick County, Powhatan County, Prince Edward County,

Prince George County, Prince William County, Pulaski County, Rockbridge County, Rockingham County, Russell County, Smyth County, Spotsylvania County, Stafford County, Tazewell County, Warren County, Washington County, Wise County, Wythe County, and York County may levy a transient occupancy tax not to exceed five percent, and any excess over two percent shall be designated and spent solely for tourism and travel, marketing of tourism or initiatives that, as determined after consultation with the local tourism industry organizations, including representatives of lodging properties located in the county, attract travelers to the locality, increase occupancy at lodging properties, and generate tourism revenues in the locality. If any locality has enacted an additional transient occupancy tax pursuant to subsection C of § 58.1-3823, then the governing body of the locality shall be deemed to have complied with the requirement that it consult with local tourism industry organizations, including lodging properties. If there are no local tourism industry organizations in the locality, the governing body shall hold a public hearing prior to making any determination relating to how to attract travelers to the locality and generate tourism revenues in the locality.

B. The tax imposed hereunder shall not apply to rooms or spaces rented and continuously occupied by the same individual or same group of individuals for 30 or more days in hotels, motels, boarding houses, travel campgrounds, and other facilities offering guest rooms. In addition, that portion of any tax imposed hereunder in excess of two percent shall not apply to travel campgrounds in Stafford County.

C. Nothing herein contained shall affect any authority heretofore granted to any county, city or town to levy such a transient occupancy tax. The county tax limitations imposed pursuant to § 58.1-3711 shall apply to any tax levied under this section, *mutatis mutandis*.

D. Any county, city or town that requires local hotel and motel businesses, or any class thereof, to collect, account for and remit to such locality a local tax imposed on the consumer may allow such businesses a commission for such service in the form of a deduction from the tax remitted. Such commission shall be provided for by ordinance, which shall set the rate thereof at no less than three percent and not to exceed five percent of the amount of tax due and accounted for. No commission shall be allowed if the amount due was delinquent.

E. All transient occupancy tax collections shall be deemed to be held in trust for the county, city or town imposing the tax.

CHAPTER 331

An Act to amend and reenact § 13.1-514 of the Code of Virginia and to repeal the third enactment of Chapter 354 and the third enactment of Chapter 400 of the Acts of Assembly of 2015, relating to the Securities Act; exemption for equity crowdfunding.

[H 1339]

Approved March 12, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 13.1-514 of the Code of Virginia is amended and reenacted as follows:

§ 13.1-514. Exemptions.

A. The following securities are exempted from the securities registration requirements of this chapter:

1. Any security (including a revenue obligation) issued or guaranteed by the United States, any state, any political subdivision of a state or any agency or corporate or other instrumentality of one or more of the foregoing; or any certificate of deposit for any of the foregoing;

2. Any security issued or guaranteed by Canada, any Canadian province, any political subdivision of any such province, any agency or corporate or other instrumentality of one or more of the foregoing or any other foreign government with which the United States currently maintains diplomatic relations, if the security is recognized as a valid obligation by such issuer or guarantor;

3. Any security issued by and representing an interest in or a debt of, or guaranteed by, the International Bank for Reconstruction and Development, or any national bank, or any bank or trust company organized under the laws of any state or trust subsidiary organized under the provisions of Article 3 (§ 6.2-1047 et seq.) of Chapter 10 of Title 6.2;

4. Any security issued by and representing an interest in or a debt of, or guaranteed by, any federal savings and loan association or savings bank, or by any savings and loan association or savings bank which is organized under the laws of this Commonwealth;

5. Any security issued or guaranteed by an insurance company licensed to transact insurance business in this Commonwealth;

6. Any security issued by any credit union, industrial loan association or consumer finance company which is organized under the laws of this Commonwealth and is supervised and examined by the Commission;

7. Any security issued or guaranteed by any railroad, other common carrier or public service company supervised as to its rates and the issuance of its securities by a governmental authority of the United States, any state, Canada or any Canadian province;

8. Any security which is listed or approved for listing upon notice of issuance on the New York Stock Exchange or the American Stock Exchange or any other security of the same issuer which is of senior or substantially equal rank; any security called for by subscription rights or warrants admitted to trading in any of said exchanges; or any warrant or right to subscribe to any of the foregoing securities;

9. Any commercial paper which arises out of a current transaction or the proceeds of which have been or are to be used for current transactions, and which evidences an obligation to pay cash within nine months after the date of issuance, exclusive of days of grace, or any renewal thereof which is likewise limited, or any guaranty of such paper or of any such renewal;

10. Any security issued in connection with an employee's stock purchase, savings, pension, profit-sharing or similar benefit plan. The Commission may by rule or order, as to any security issued pursuant to such plan, specify or designate persons eligible to participate in such plan;

11. Any security issued by a cooperative association organized as a corporation under the laws of this Commonwealth;

12. Any security listed on an exchange registered with the United States Securities and Exchange Commission or quoted on an automated quotation system operated by a national securities association registered with the United States Securities and Exchange Commission and approved by regulations of the State Corporation Commission;

13. Any security issued by any issuer organized under the laws of any foreign country and approved by rule or regulation of the Commission.

B. The following transactions are exempted from the securities, broker-dealer and agent registration requirements of this chapter except as expressly provided in this subsection:

1. Any isolated transaction by the owner or pledgee of a security, whether effected through a broker-dealer or not, which is not directly or indirectly for the benefit of the issuer;

2. Any nonissuer distribution by a registered broker-dealer and its registered agent of a security that has been outstanding in the hands of the public for the past five years, if the issuer in each of the past three fiscal years has lawfully paid dividends on its common stock aggregating at least four percent of its current market price;

3. Any transaction by a registered broker-dealer and its registered agent pursuant to an unsolicited order or offer to buy;

4. Any transaction in a bond or other evidence of indebtedness secured by a real or chattel mortgage or deed of trust or by an agreement for the sale of real estate or chattels, if the entire indebtedness secured thereby is offered and sold as a unit;

5. Any transaction in his official capacity by a receiver, trustee in bankruptcy or other judicially appointed officer selling securities pursuant to court order;

6. Any offer or sale to a corporation, investment company or pension or profit-sharing trust or to a broker-dealer;

7. a. Any sale of its securities by an issuer or any sale of securities by a registered broker-dealer and its registered agent acting on behalf of an issuer if, after the sale, such issuer has not more than 35 security holders, and if its securities have not been offered to the general public by advertisement or solicitation; or

b. To the extent the Commission by rule or order permits, any sale of its securities by an issuer or any sale of securities by a registered broker-dealer and its registered agent acting on behalf of an issuer to not more than 35 persons in the Commonwealth during any period of 12 consecutive months, whether or not the issuer or any purchaser is then present in the Commonwealth, if the issuer or broker-dealer reasonably believes that all the purchasers in the Commonwealth are purchasing for investment, and if the securities have not been offered to the general public by advertisement or general solicitation. The Commission may, by rule or order, as to any security or transaction or any type of security or transaction, withdraw or further condition this exemption, increase or decrease the number of purchasers permitted, or waive the condition relating to their investment intent. The Commission may assess and collect in connection with any filing pursuant to this exemption a nonrefundable fee not to exceed \$250.

With respect to this subdivision 7, and except to the extent the Commission by rule or order may otherwise permit, the number of security holders of an issuer or the number of purchasers from an issuer, as the case may be, shall not be deemed to include the security holders of any other corporation, partnership, limited liability company, unincorporated association or trust unless it was organized to raise capital for the issuer. Notwithstanding the provisions of subdivision 15, the merger or consolidation of corporations, partnerships, limited liability companies, unincorporated associations or other entities shall be a violation of this chapter if the surviving or new entity has more than 35 security holders or purchasers and all the securities of the parties thereto were issued under this exemption, unless all of the parties thereto have been engaged in transacting business for more than two years prior to the merger or consolidation;

8. Any transaction pursuant to an offer to existing security holders of the issuer including holders of transferable warrants issued to existing security holders and exercisable within 90 days of their issuance, if either (i) no commission or other remuneration (other than a standby commission) is paid or given directly or indirectly for soliciting any security holder in this Commonwealth or (ii) the issuer first notifies the Commission in writing of the terms of the offer and the Commission does not by order disallow the exemption within five full business days after the date of the receipt of the notice;

9. Any offer (but not a sale) of a security for which registration statements have been filed, but are not effective, under both this chapter and the Securities Act of 1933; but this exemption shall not apply while a stop order is in effect or, after notice to the issuer, while a proceeding or examination looking toward such an order is pending under either act;

10. The issuance of not more than three shares of common stock to one or more of the incorporators of a corporation and the initial transfer thereof;

11. Sales of an issue of bonds, aggregating \$150,000 or less, secured by a first lien deed of trust on realty situated in Virginia, to 30 persons or less who are residents of Virginia;

12. Any offer or sale of any interest in any partnership, corporation, association or other entity created solely to provide residential housing located in the Commonwealth, provided that such offer or sale is by the issuer or by a real estate broker or real estate agent duly licensed in Virginia;

13. The Commission is authorized to create by rule a limited offering exemption, the purpose of which shall be to further the objectives of compatibility with similar exemptions from federal securities regulation and uniformity among the states; providing that such rule shall not exempt broker-dealers or agents from the registration requirements of this chapter, except in the case of an agent of the issuer who either (i) receives no sales commission directly or indirectly for offering or selling the securities or (ii) effects transactions in a security exempt from registration under the Securities Act of 1933 pursuant to rules and regulations promulgated under § 4(2) thereof. Any filing made with the Commission pursuant to any exemption created under this subdivision shall be accompanied by a \$250 fee;

14. The issuance of any security dividend, whether the corporation distributing the dividend is the issuer of the security or not, if nothing of value is given by stockholders for the distribution other than the surrender of a right to a cash dividend where the stockholder can elect to take a dividend in cash or in a security;

15. Any transaction incident to a right of conversion or a statutory or judicially approved reclassification, recapitalization, reorganization, quasi-reorganization, stock split, reverse stock split, merger, consolidation, sale of assets, or exchange of securities;

16. Any offer or sale of a security issued by a Virginia church if the offer and sale are only to its members and the security is offered and sold only by its members who are Virginia residents and who do not receive remuneration or compensation directly or indirectly for offering or selling the security;

17. Any offer or sale of securities issued by a professional business entity (as defined in subsection A of § 13.1-1102) to a person licensed or otherwise legally authorized to render within this Commonwealth the same professional services (as defined in subsection A of § 13.1-1102) rendered by the professional business entity. Notwithstanding the foregoing, nothing in this subdivision shall be deemed to provide that shares of stock, partnership or membership interests or other representations of ownership in a professional business entity are securities except to the extent otherwise provided by subsection A of this section;

18. Any offer that is communicated on the Internet, World Wide Web or similar proprietary or common carrier electronic system and that is in compliance with requirements prescribed by rule or order of the Commission;

19. To the extent the Commission by rule or order permits, any offer or sale to an accredited investor, as defined by the Commission, if the issuer reasonably believes before the sale that the accredited investor, either alone or with the accredited investor's representative, has such knowledge and experience in financial and business matters as to be capable of evaluating the merits and risks of the prospective investment. The Commission may assess and collect in connection with any filing pursuant to this exemption a nonrefundable fee not to exceed \$250;

20. Any transaction by a bank pursuant to an unsolicited offer or order to buy or sell any security, provided such transaction is not effected by an employee of the bank who is also an employee of a broker-dealer;

21. (Expires July 1, 2020) To the extent the Commission by rule or order permits, any security issued by an entity ~~formed, organized, or existing under the laws of the Commonwealth, if:~~

a. The offering of the security is conducted in accordance with § 3(a)(11) of the Securities Act of 1933 and Rule 147 adopted under the Securities Act of 1933 or the U.S. Securities and Exchange Commission's Rule 147A;

b. The offer and sale of the security are made only to residents of Virginia. *However, for an offering conducted in accordance with the U.S. Securities and Exchange Commission's Rule 147A, the offer may be made accessible to residents outside of Virginia provided that the sale of the security is made only to residents of Virginia;*

c. The aggregate price of securities in an offering under this exemption does not exceed \$2 million, which sum the Commission, by rule or order, may increase or decrease;

d. The total consideration paid by any purchaser of securities in an offering under this exemption does not exceed \$10,000, unless the purchaser is an accredited investor as defined by Rule 501 of the U.S. Securities and Exchange Commission's Regulation D (17 C.F.R. § 230.501). The Commission, by rule or order, may increase or decrease such limit on the total consideration to be paid by any purchaser of securities in an offering under this exemption;

e. No compensation is paid to employees, agents, or other persons for the solicitation of, or based on the sale of, securities in connection with an offering of securities under this exemption to any person who is not registered as a broker-dealer or agent, except to the extent permitted by rule or order of the Commission;

f. Neither the issuer nor any person related to the issuer is subject to disqualification as established by the Commission by rule or order; and

g. The security is sold in an offering conducted in compliance with any conditions established by rule or order of the Commission, which may include:

(1) Restrictions on the nature of the issuer;

(2) Limitations on the number and manner of offerings;

(3) Disclosures required to be provided to investors, including disclosures of risk factors related to the issuer and the offering;

(4) Requirements that all proceeds received from purchasers be placed in escrow in a depository institution located in the Commonwealth until the minimum amount of the offering is raised;

(5) Filings with the Commission of notices and other materials related to the offering; ~~and~~

(6) Requirements regarding the preparation and submission of the issuer's financial statements, including (i) the form and content of such statements and (ii) whether such statements are required to be audited or reviewed by an independent certified public accountant in accordance with generally accepted accounting principles; *and*

(7) *Requirements that the entity issuing the security is formed, organized, or existing under the laws of the Commonwealth. However, for an offering conducted in accordance with the U.S. Securities and Exchange Commission's Rule 147A, the entity issuing the security may be formed or organized outside the Commonwealth, provided that the entity has its principal place of business in the Commonwealth and satisfies at least one of the doing business requirements in 17 C.F.R. § 230.147A (c) 2.*

The Commission may assess and collect in connection with any filing pursuant to this exemption a nonrefundable fee in an amount to be set by the Commission by rule or order, provided such amount shall not exceed \$500; and

22. Any offer or sale of securities conducted in accordance with Tier 2 of federal Regulation A (17 CFR 230.251 to 230.263) promulgated under § 3(b)(2) of the Securities Act of 1933 (U.S. Securities and Exchange Commission Release No. 33-9741, 80 Fed. Reg. 21806) to the extent such securities are preempted from the registration requirements of this chapter pursuant to Tier 2 of federal Regulation A. The Commission shall by rule or order prescribe any filings with the Commission of notices, renewals, and other materials. The Commission may assess and collect in connection with any filing pursuant to this exemption a nonrefundable filing fee not to exceed \$500. The Commission shall provide information on its website regarding the differences between the exemption provided pursuant to this subdivision and the exemption provided pursuant to subdivision 21.

C. In any proceeding under this chapter, the burden of proving an exemption shall be upon the person claiming it.

2. That the third enactment of Chapter 354 and the third enactment of Chapter 400 of the Acts of Assembly of 2015 are repealed.

CHAPTER 332

An Act to amend and reenact § 58.1-4007 of the Code of Virginia and to repeal § 58.1-4007.2 of the Code of Virginia, relating to Virginia lottery; Internet sales.

[H 1383]

Approved March 12, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-4007 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-4007. Powers of the Board.

A. The Board shall have the power to adopt regulations governing the establishment and operation of a lottery. The regulations governing the establishment and operation of the lottery shall be promulgated by the Board after consultation with the Director. Such regulations shall be in accordance with the Administrative Process Act (§ 2.2-4000 et seq.). The regulations shall provide for all matters necessary or desirable for the efficient, honest and economical operation and administration of the lottery and for the convenience of the purchasers of tickets or shares, and the holders of winning tickets or shares. The regulations, which may be amended, repealed or supplemented as necessary, shall include; ~~but not be limited to;~~ the following:

1. The type or types of lottery or game to be conducted in accordance with § 58.1-4001.
2. The price or prices of tickets or shares in the lottery.
3. The numbers and sizes of the prizes on the winning tickets or shares, including informing the public of the approximate odds of winning and the proportion of lottery revenues (i) disbursed as prizes and (ii) returned to the Commonwealth as net revenues.
4. The manner of selecting the winning tickets or shares.
5. The manner of payment of prizes to the holders of winning tickets or shares.
6. The frequency of the drawings or selections of winning tickets or shares without limitation.
7. Without limitation as to number, the type or types of locations at which tickets or shares may be sold.
8. The method to be used in selling tickets or shares, *including the sale of tickets or shares over the Internet.*
9. The advertisement of the lottery in accordance with the provisions of subsection E of § 58.1-4022.
10. The licensing of agents to sell tickets or shares who will best serve the public convenience and promote the sale of tickets or shares. No person under the age of 18 shall be licensed as an agent. A licensed agent may employ a person who is 16 years of age or older to sell or otherwise vend tickets at the agent's place of business so long as the employee is supervised in the selling or vending of tickets by the manager or supervisor in charge at the location where the tickets are being sold. Employment of such person shall be in compliance with Chapter 5 (§ 40.1-78 et seq.) of Title 40.1.
11. The manner and amount of compensation, if any, to be paid licensed sales agents necessary to provide for the adequate availability of tickets or shares to prospective buyers and for the convenience of the public. Notwithstanding the provisions of this subdivision, the Board shall not be required to approve temporary bonus or incentive programs for payments to licensed sales agents.
12. Apportionment of the total revenues accruing from the sale of tickets or shares and from all other sources and establishment of the amount of the special reserve fund as provided in § 58.1-4022 of this chapter.

13. Such other matters necessary or desirable for the efficient and economical operation and administration of the lottery.

The Department shall not be subject to the provisions of Chapter 43 (§ 2.2-4300 et seq.) of Title 2.2; however, the Board shall promulgate regulations, after consultation with the Director, relative to departmental procurement which include standards of ethics for procurement consistent with the provisions of Article 6 (§ 2.2-4367 et seq.) of Chapter 43 of Title 2.2 and which ensure that departmental procurement will be based on competitive principles.

The Board shall have the power to advise and recommend, but shall have no power to veto or modify administrative decisions of the Director. However, the Board shall have the power to accept, modify or reject any revenue projections before such projections are forwarded to the Governor.

B. The Board shall carry on a continuous study and investigation of the lottery throughout the Commonwealth to:

1. Ascertain any defects of this chapter or the regulations issued hereunder which cause abuses in the administration and operation of the lottery and any evasions of such provisions.

2. Formulate, with the Director, recommendations for changes in this chapter and the regulations promulgated hereunder to prevent such abuses and evasions.

3. Guard against the use of this chapter and the regulations promulgated hereunder as a subterfuge for organized crime and illegal gambling.

4. Ensure that this law and the regulations of the Board are in such form and are so administered as to serve the true purpose of this chapter.

C. The Board shall make a continuous study and investigation of (i) the operation and the administration of similar laws which may be in effect in other states or countries, (ii) any literature on the subject which may be published or available, (iii) any federal laws which may affect the operation of the lottery, and (iv) the reaction of Virginia citizens to the potential features of the lottery with a view to recommending or effecting changes that will serve the purpose of this chapter.

D. The Board shall hear and decide an appeal of any denial by the Director of the licensing or revocation of a license of a lottery agent pursuant to subdivision 10 of subsection A of this section and subdivision 5 of subsection B of § 58.1-4006 of this chapter.

E. The Board shall have the authority to initiate procedures for the planning, acquisition, and construction of capital projects as set forth in Article 4 (§ 2.2-1129 et seq.) of Chapter 11 and Article 3 (§ 2.2-1819 et seq.) of Chapter 18 of Title 2.2.

2. That § 58.1-4007.2 of the Code of Virginia is repealed.

CHAPTER 333

An Act to amend and reenact §§ 2.2-4400, 2.2-4502, and 2.2-4509 through 2.2-4512 of the Code of Virginia, relating to investment of public funds; rating agencies.

[H 1587]

Approved March 12, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-4400, 2.2-4502, and 2.2-4509 through 2.2-4512 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-4400. Short title; declaration of intent; applicability.

A. This chapter may be cited as the "Virginia Security for Public Deposits Act."

B. The General Assembly intends by this chapter to establish a single body of law applicable to the pledge of collateral for public deposits in financial institutions so that the procedure for securing public deposits may be uniform throughout the Commonwealth.

C. All public deposits in qualified public depositories that are required to be secured by other provisions of law or by a public depositor shall be secured pursuant to this chapter. Public depositors are required to secure their deposits pursuant to several applicable provisions of law, including but not limited to §§ 2.2-1813, 2.2-1815, 8.01-582, 8.01-600, 15.2-1512.1, 15.2-1615, 15.2-2625, 15.2-6611, 15.2-6637, 58.1-3149, 58.1-3150, 58.1-3154, and 58.1-3158.

D. This chapter, however, shall not apply to deposits made by the State Treasurer in out-of-state financial institutions related to master custody and tri-party repurchase agreements, provided that (i) such deposits do not exceed ~~ten~~ 10 percent of average monthly investment balances and (ii) the out-of-state financial institutions used for this purpose have ~~a received~~ *received at least one of the following short-term deposit rating of ratings:* (a) not less than A-1 by Standard & Poor's ~~Rating Service~~ *Rating Service*; (b) not less than P-1 by Moody's Investors Service, Inc., ~~respectively~~; or (c) not less than F1 by Fitch Ratings, Inc.

§ 2.2-4502. Investment of funds of Commonwealth, political subdivisions, and public bodies in "prime quality" commercial paper.

A. The Commonwealth, all public officers, municipal corporations, other political subdivisions and all other public bodies of the Commonwealth may invest any and all moneys belonging to them or within their control other than sinking funds in "prime quality" commercial paper, with a maturity of 270 days or less, of issuing corporations organized under the laws of the United States, or of any state thereof including paper issued by banks and bank holding companies. "Prime quality" ~~shall be as rated by at least two of the following: Moody's Investors Service, Inc., within its means that the paper has received at least two of the following ratings:~~ *shall be as rated by at least two of the following: Moody's Investors Service, Inc., within its means that the paper has received at least two of the following ratings:* (i) at least ~~NCO/Moody's rating of~~ prime 1; by Moody's Investors

Service, Inc.; (ii) at least A1 by Standard & Poor's, Inc., within its rating of A-1; or (iii) at least F1 by Fitch Investor's Services, Ratings, Inc., within its rating of F-1, by Duff and Phelps, Inc., within its rating of D-1, or by their corporate successors, provided that at the time of any such investment:

1. The issuing corporation, or its guarantor, has a net worth of at least ~~forty~~ \$50 million dollars; and
2. The net income of the issuing corporation, or its guarantor, has averaged ~~three~~ \$3 million dollars per year for the previous five years; and
3. All existing senior bonded indebtedness of the issuer, or its guarantor, is rated "A" or better or the equivalent rating ~~by has received~~ at least two of the following ratings: (i) at least A by Moody's Investors Service, Inc.; (ii) at least A by Standard & Poor's, Inc.; or (iii) at least A by Fitch Investor's Services, Ratings, Inc.; or ~~Duff and Phelps, Inc.~~

Not more than ~~thirty-five~~ 35 percent of the total funds available for investment may be invested in commercial paper, and not more than five percent of the total funds available for investment may be invested in commercial paper of any one issuing corporation.

B. Notwithstanding subsection A, the Commonwealth, municipal corporations, and other political subdivisions and public bodies of the Commonwealth may invest any and all moneys belonging to them or within their control, except for sinking funds, in commercial paper other than "prime quality" commercial paper as defined in this section, provided that:

1. Prior written approval is obtained from the governing board, committee, or other entity that determines investment policy. The Treasury Board shall be the governing body for the Commonwealth; and
2. A written internal credit review justifying the creditworthiness of the issuing corporation is prepared in advance and made part of the purchase file.

§ 2.2-4509. Investment of funds in negotiable certificates of deposit and negotiable bank deposit notes.

Notwithstanding any provision of law to the contrary, the Commonwealth and all public officers, municipal corporations, and other political subdivisions and all other public bodies of the Commonwealth may invest any or all of the moneys belonging to them or within their control, other than sinking funds, in negotiable certificates of deposit and negotiable bank deposit notes of domestic banks and domestic offices of foreign banks with a rating of:

1. With maturities not exceeding one year, that have received at least two of the following ratings: (i) at least A-1 by Standard & Poor's and; (ii) at least P-1 by Moody's Investor Investors Service, Inc.; for maturities of one year or less, and a rating of at least AA by Standard & Poor's and Aa by Moody's Investor Service, Inc., for maturities over one year and not exceeding five years; or (iii) at least F1 by Fitch Ratings, Inc.; and

2. With maturities exceeding one year and not exceeding five years, that have received at least two of the following ratings: (i) at least AA by Standard & Poor's; (ii) at least Aa by Moody's Investors Service, Inc.; or (iii) at least AA by Fitch Ratings, Inc.

§ 2.2-4510. Investment of funds in corporate notes.

A. Notwithstanding any provision of law to the contrary, the Commonwealth, all public officers, municipal corporations, other political subdivisions and all other public bodies of the Commonwealth may invest any and all moneys belonging to them or within their control, other than sinking funds, in high quality corporate notes with a rating maturities of no more than five years that have received at least two of the following ratings: (i) at least Aa by Moody's Investors Service, Inc.; and a rating of; (ii) at least AA by Standard and Pooers, Inc.; and a maturity of no more than five years Poor's; or (iii) at least AA by Fitch Ratings, Inc.

B. Notwithstanding any provision of law to the contrary, any qualified public entity of the Commonwealth may invest any and all moneys belonging to it or within its control, other than sinking funds, in high quality corporate notes with a rating of that have received at least two of the following ratings: (i) at least A by two rating agencies, one of which shall be either Moody's Investors Service, Inc.; or; (ii) at least A by Standard and Pooers, Inc. Poor's; or (iii) at least A by Fitch Ratings, Inc.

As used in this section, "qualified public entity" means any state agency or institution of the Commonwealth, having an internal or external public funds manager with professional investment management capabilities.

C. Notwithstanding any provision of law to the contrary, the Department of the Treasury may invest any and all moneys belonging to it or within its control, other than sinking funds, in high quality corporate notes with a rating of at least BBB or Baa2 by two rating agencies. One of the two qualifying ratings shall be (i) at least BBB or Baa2 by two rating agencies, one of which shall be Moody's Investors Service, Inc.; or; (ii) at least BBB by Standard and Pooers, Inc. Poor's; or (iii) at least BBB by Fitch Ratings, Inc. With regard to investment securities rated below A, the Commonwealth Treasury Board shall establish strict investment guidelines concerning the investment in such securities and monitor the performance of the securities for compliance with the investment guidelines.

§ 2.2-4511. Investment of funds in asset-backed securities.

Notwithstanding any provision of law to the contrary, any qualified public entity of the Commonwealth may invest any and all moneys belonging to it or within its control, other than sinking funds, in asset-backed securities with a duration of no more than five years and a rating of no less than AAA by two rating agencies, one of which must be either with a rating of at least AAA or Aaa by two rating agencies. One of the two qualifying ratings shall be (i) at least Aaa by Moody's Investors Service, Inc.; or; (ii) at least AAA by Standard and Pooers, Inc. Poor's; or (iii) at least AAA by Fitch Ratings, Inc.

As used in this section, "qualified public entity" means any state agency, institution of the Commonwealth or statewide authority created under the laws of the Commonwealth having an internal or external public funds manager with professional investment management capabilities.

§ 2.2-4512. Investment of funds by State Treasurer in obligations of foreign sovereign governments.

Notwithstanding any provision of law to the contrary, the State Treasurer may invest unexpended or excess moneys in any fund or account over which he has custody and control, other than sinking funds, in fully hedged debt obligations of sovereign governments and companies that are fully guaranteed by such sovereign governments with a ~~rating of at least AAA, maturity of no more than five years that have received at least two of the following ratings: (i) at least Aaa by Moody's Investors Service, Inc.; and a rating of;~~ (ii) at least AAA by Standard and ~~Poors, Inc.; and a maturity of no more than five years Poor's; or (iii) at least AAA by Fitch Ratings, Inc.~~

Not more than ~~ten~~ 10 percent of the total funds of the Commonwealth available for investment may be invested in the manner described in this section.

CHAPTER 334

An Act to amend and reenact § 58.1-803 of the Code of Virginia, relating to recordation tax; deeds of trust or mortgages.

[H 1615]

Approved March 12, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-803 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-803. Deeds of trust or mortgages; maximum tax.

A. 1. Except as provided in this section, a recordation tax on deeds of trust or mortgages is hereby imposed at a rate of 25 cents on every \$100 or portion thereof of the amount of bonds or other obligations secured thereby. In the event of an open, credit line, or revolving deed of trust, the amount of the obligation for purposes of this section shall be the maximum amount secured that may be outstanding at any one time, regardless of the amount owed or outstanding at the time the instrument is recorded.

2. In any case in which the amount which may be secured under a deed of trust or mortgage is not ascertainable, or in which the obligations described are not fully secured because they exceed the fair market value of the property conveyed, the tax shall be based upon the fair market value of the property conveyed, determined as of the date of the deed of trust or mortgage. The fair market value of the property shall include the value of any realty required by the terms of the deed of trust or mortgage to be constructed thereon.

B. On deeds of trust or mortgages upon the works and property of a railroad lying partly within the Commonwealth and partly without the Commonwealth, the tax shall be only upon such proportion of the amount of bonds, or other obligations secured thereby, as the number of miles of the line of such company in the Commonwealth bears to the whole number of miles of the line of such company conveyed by such deed of trust or mortgage.

On ~~deeds a deed~~ a deed of trust or ~~mortgages conveying~~ mortgage (i) that conveys (a) property lying partly within the Commonwealth and partly outside the Commonwealth or ~~(ii)~~ (b) property within the Commonwealth to secure bonds or obligations secured by deeds of trust or mortgages on property outside the Commonwealth and (ii) that secures the entire amount of such bonds or obligations, the tax herein imposed shall be only upon such proportion of the bonds or obligations as the actual value of the property located within the Commonwealth, or which may be brought into the Commonwealth, bears to the actual value of the entire amount of property conveyed by such deed of trust or mortgage or to the entire amount of property conveyed by all of such deeds of trust or mortgages to secure the bonds or obligations, as applicable, subject to the limitations set forth in subdivision A 2.

C. On deeds of trust or mortgages, which provide for an initial issue of bonds, to be followed thereafter by additional bonds, unlimited in amount, if such deed of trust or mortgage provides that as and when such additional bonds are issued a supplemental indenture shall be recorded in the office in which the original deed of trust or mortgage is first recorded, which supplement shall contain a statement as to the amount of the additional bonds to be issued, then the tax shall be paid upon the initial amount of bonds when the original deed of trust is recorded and thereafter on each additional amount of bonds when the supplemental indenture relating to such additional bonds is recorded.

D. 1. On deeds of trust, mortgages, or other instruments that are supplemental to, wrap around, or modify the terms of an existing deed of trust or mortgage, on which the tax imposed hereunder has already been paid, the tax shall be paid only on that portion of the face amount of the bond or obligation secured thereby which is in addition to the amount of the original debt or obligation secured by the deed of trust or mortgage on which tax has been paid. The tax shall be calculated using the rate scale in subsection F, starting at the point on the scale that applies to the first dollar in excess of the amount of the original debt or obligation secured by the prior instrument. In the event of an open, credit line, or revolving deed of trust, the additional amount secured shall be the amount by which the original obligation secured by the supplemental instrument exceeds the maximum obligation secured by the prior instrument, regardless of the amount owed or outstanding at the time those instruments were recorded. The instrument shall certify the amount of the original debt or obligation secured, subject to the limitation set forth in subdivision A 2.

2. If the principal amount of the obligation secured by the prior instrument is increased by the supplemental instrument, the tax imposed under this section shall be paid only on the amount of the increase over the original amount secured by the prior instrument. If the bonds or other obligations secured by a prior instrument were not fully secured because they exceeded the fair market value of the property conveyed and the tax paid on the prior instrument was based upon the fair

market value of the property conveyed pursuant to subdivision A 2, then the foregoing tax shall be paid on the increase, if any, in the value of such property since the recordation of the prior instrument.

3. The supplemental instrument, or any cover sheet submitted with the supplemental instrument, shall include the original principal amount of the bonds or other obligations secured by the prior instrument, the deed book and page number or instrument number, as applicable, of the prior instrument, and, if applicable with regard to the calculation of the tax paid on the prior instrument, any increase in the fair market value of the property conveyed.

E. 1. On deeds of trust or mortgages, the purpose of which is to secure the refinancing of an existing debt, which debt is secured by a deed of trust or mortgage on which the tax imposed hereunder has been paid, the tax shall be paid on the amount of the bond or other obligation secured thereby, subject to the limitation set forth in subdivision A 2, in accordance with the following schedule:

On the first \$10 million of value as determined pursuant to this section, 18 cents (\$0.18) upon every \$100 or portion thereof;

On the next \$10 million of value as determined pursuant to this section, 16 cents (\$0.16) upon every \$100 or portion thereof;

On the next \$10 million of value as determined pursuant to this section, 14 cents (\$0.14) upon every \$100 or portion thereof;

On the next \$10 million of value as determined pursuant to this section, 12 cents (\$0.12) upon every \$100 or portion thereof; and

On all over \$40 million of value as determined pursuant to this section, 10 cents (\$0.10) upon every \$100 or portion thereof, incorporated into this section.

2. The instrument shall certify the deed book and page number or instrument number, as applicable, of the recorded instrument on which the tax for the original debt was paid. For purposes of this subsection, the term "value" means the amount of the bond or other obligation secured by the refinancing deed of trust.

F. The maximum tax on the recordation of any deed of trust or mortgage or on any indenture supplemental thereto, other than instruments subject to subdivision E 1, shall be determined in accordance with the following schedule:

On the first \$10 million of value as determined pursuant to this section, 25 cents (\$0.25) upon every \$100 or portion thereof;

On the next \$10 million of value as determined pursuant to this section, 22 cents (\$0.22) upon every \$100 or portion thereof;

On the next \$10 million of value as determined pursuant to this section, 19 cents (\$0.19) upon every \$100 or portion thereof;

On the next \$10 million of value as determined pursuant to this section, 16 cents (\$0.16) upon every \$100 or portion thereof; and

On all over \$40 million of value as determined pursuant to this section, 13 cents (\$0.13) upon every \$100 or portion thereof, incorporated into this section.

CHAPTER 335

An Act to amend and reenact § 22.1-279.3:1 of the Code of Virginia, relating to school principals; incident reports.

[H 257]

Approved March 12, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-279.3:1 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-279.3:1. Reports of certain acts to school authorities.

A. Reports shall be made to the division superintendent and to the principal or his designee on all incidents involving (i) the assault or assault and battery, without bodily injury, of any person on a school bus, on school property, or at a school-sponsored activity; (ii) the assault and battery that results in bodily injury, sexual assault, death, shooting, stabbing, cutting, or wounding of any person, abduction of any person as described in § 18.2-47 or 18.2-48, or stalking of any person as described in § 18.2-60.3, on a school bus, on school property, or at a school-sponsored activity; (iii) any conduct involving alcohol, marijuana, a controlled substance, imitation controlled substance, or an anabolic steroid on a school bus, on school property, or at a school-sponsored activity, including the theft or attempted theft of student prescription medications; (iv) any threats against school personnel while on a school bus, on school property or at a school-sponsored activity; (v) the illegal carrying of a firearm, as defined in § 22.1-277.07, onto school property; (vi) any illegal conduct involving firebombs, explosive materials or devices, or hoax explosive devices, as defined in § 18.2-85, or explosive or incendiary devices, as defined in § 18.2-433.1, or chemical bombs, as described in § 18.2-87.1, on a school bus, on school property, or at a school-sponsored activity; (vii) any threats or false threats to bomb, as described in § 18.2-83, made against school personnel or involving school property or school buses; or (viii) the arrest of any student for an incident occurring on a school bus, on school property, or at a school-sponsored activity, including the charge therefor.

B. Notwithstanding the provisions of Article 12 (§ 16.1-299 et seq.) of Chapter 11 of Title 16.1, local law-enforcement authorities shall report, and the principal or his designee and the division superintendent shall receive such reports, on

offenses, wherever committed, by students enrolled at the school if the offense would be a felony if committed by an adult or would be a violation of the Drug Control Act (§ 54.1-3400 et seq.) and occurred on a school bus, on school property, or at a school-sponsored activity, or would be an adult misdemeanor involving any incidents described in clauses (i) through (viii) of subsection A, and whether the student is released to the custody of his parent or, if 18 years of age or more, is released on bond. As part of any report concerning an offense that would be an adult misdemeanor involving an incident described in clauses (i) through (viii) of subsection A, local law-enforcement authorities and attorneys for the Commonwealth shall be authorized to disclose information regarding terms of release from detention, court dates, and terms of any disposition orders entered by the court, to the superintendent of such student's school division, upon request by the superintendent, if, in the determination of the law-enforcement authority or attorney for the Commonwealth, such disclosure would not jeopardize the investigation or prosecution of the case. No disclosures shall be made pursuant to this section in violation of the confidentiality provisions of subsection A of § 16.1-300 or the record retention and redisclosure provisions of § 22.1-288.2. Further, any school superintendent who receives notification that a juvenile has committed an act that would be a crime if committed by an adult pursuant to subsection G of § 16.1-260 shall report such information to the principal of the school in which the juvenile is enrolled.

C. The principal or his designee shall submit a report of all incidents required to be reported pursuant to this section to the superintendent of the school division. The division superintendent shall annually report all such incidents to the Department of Education for the purpose of recording the frequency of such incidents on forms that shall be provided by the Department and shall make such information available to the public.

In submitting reports of such incidents, principals and division superintendents shall accurately indicate any offenses, arrests, or charges as recorded by law-enforcement authorities and required to be reported by such authorities pursuant to subsection B.

A division superintendent who knowingly fails to comply or secure compliance with the reporting requirements of this subsection shall be subject to the sanctions authorized in § 22.1-65. A principal who knowingly fails to comply or secure compliance with the reporting requirements of this section shall be subject to sanctions prescribed by the local school board, which may include, but need not be limited to, demotion or dismissal.

The principal or his designee shall also notify the parent of any student involved in an incident required pursuant to this section to be reported, regardless of whether disciplinary action is taken against such student or the nature of the disciplinary action. Such notice shall relate to only the relevant student's involvement and shall not include information concerning other students.

Whenever any student commits any reportable incident as set forth in this section, such student shall be required to participate in such prevention and intervention activities as deemed appropriate by the superintendent or his designee. Prevention and intervention activities shall be identified in the local school division's drug and violence prevention plans developed pursuant to the federal Improving America's Schools Act of 1994 (Title IV — Safe and Drug-Free Schools and Communities Act).

D. Except as may otherwise be required by federal law, regulation, or jurisprudence, the principal shall immediately report to the local law-enforcement agency any act enumerated in clauses (ii) through (vii) of subsection A that may constitute a ~~criminal~~ *felony* offense and may report to the local law-enforcement agency any incident described in ~~clause (i) of~~ *clause (i)* of subsection A. Nothing in this section shall require delinquency charges to be filed or prevent schools from dealing with school-based offenses through graduated sanctions or educational programming before a delinquency charge is filed with the juvenile court.

Further, except as may be prohibited by federal law, regulation, or jurisprudence, the principal shall also immediately report any act enumerated in clauses (ii) through (v) of subsection A that may constitute a criminal offense to the parents of any minor student who is the specific object of such act. Further, the principal shall report ~~that whether~~ *whether* the incident has been reported to local law enforcement ~~as required by law pursuant to this subsection~~ and, *if the incident is so reported*, that the parents may contact local law enforcement for further information, if they so desire.

E. A statement providing a procedure and the purpose for the requirements of this section shall be included in school board policies required by § 22.1-253.13:7.

The Board of Education shall promulgate regulations to implement this section, including, but not limited to, establishing reporting dates and report formats.

F. For the purposes of this section, "parent" or "parents" means any parent, guardian or other person having control or charge of a child.

G. This section shall not be construed to diminish the authority of the Board of Education or to diminish the Governor's authority to coordinate and provide policy direction on official communications between the Commonwealth and the United States government.

CHAPTER 336

An Act to amend the Code of Virginia by adding a section numbered 22.1-215.2, relating to parental notification; literacy and Response to Intervention screening and services; certain assessment results.

Approved March 12, 2020

[H 410]

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 22.1-215.2 as follows:

§ 22.1-215.2. Parental notification; literacy and Response to Intervention screening and services; certain assessment results.

Each local school board shall enact a policy to require that timely written notification is provided to the parents of any student who:

1. Undergoes literacy and Response to Intervention screening and services; or

2. Does not meet the benchmark on any assessment used to determine at-risk learners in preschool through grade 12, which notification shall include all such assessment scores and subscores and any intervention plan that results from such assessment scores or subscores.

CHAPTER 337

An Act to amend and reenact §§ 22.1-277.04 and 22.1-277.05 of the Code of Virginia, relating to discipline; suspension; access to graded work.

[H 415]

Approved March 12, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 22.1-277.04 and 22.1-277.05 of the Code of Virginia are amended and reenacted as follows:

§ 22.1-277.04. Short-term suspension; procedures; readmission.

A pupil may be suspended for not more than ten school days by either the school principal, any assistant principal, or, in their absence, any teacher. The principal, assistant principal, or teacher may suspend the pupil after giving the pupil oral or written notice of the charges against him and, if he denies them, an explanation of the facts as known to school personnel and an opportunity to present his version of what occurred. In the case of any pupil whose presence poses a continuing danger to persons or property, or whose presence is an ongoing threat of disruption, the pupil may be removed from school immediately and the notice, explanation of facts, and opportunity to present his version shall be given as soon as practicable thereafter.

Upon suspension of any pupil, the principal, assistant principal, or teacher responsible for such suspension shall report the facts of the case in writing to the division superintendent or his designee and the parent of the pupil suspended. The division superintendent or his designee shall review forthwith the action taken by the principal, assistant principal, or teacher upon a petition for such review by any party in interest and confirm or disapprove such action based on an examination of the record of the pupil's behavior.

The decision of the division superintendent or his designee may be appealed to the school board or a committee thereof in accordance with regulations of the school board; however, the decision of the division superintendent or his designee shall be final if so prescribed by school board regulations.

The school board shall require that any oral or written notice to the parent of a student who is suspended from school attendance for not more than ten days include notification of the length of the suspension, information regarding the availability of community-based educational programs, alternative education programs or other educational options, and of the student's right to return to regular school attendance upon the expiration of the suspension. The costs of any community-based educational program, or alternative education program or educational option, which is not a part of the educational program offered by the school division, shall be borne by the parent of the student.

School boards shall adopt policies and procedures to ensure that suspended students are able to access and complete graded work during and after the suspension.

§ 22.1-277.05. Long-term suspensions; procedures; readmission.

A. A pupil may be suspended from attendance at school for 11 to 45 school days after providing written notice to the pupil and his parent of the proposed action and the reasons therefor and of the right to a hearing before the school board, or a committee thereof, or the superintendent or his designee, in accordance with regulations of the school board. If the regulations provide for a hearing by the superintendent or his designee, the regulations shall also provide for an appeal of the decision to the full school board. Such appeal shall be decided by the school board within 30 days.

If the regulations provide for a hearing by a committee of the school board, the regulations shall also provide that such committee may confirm or disapprove the suspension of a student. Any such committee of the school board shall be composed of at least three members. If the committee's decision is not unanimous, the pupil or his parent may appeal the committee's decision to the full school board. Such appeal shall be decided by the school board within 30 days.

B. A school board shall include in the written notice of a suspension for 11 to 45 school days required by this section notification of the length of the suspension. In the case of a suspension for 11 to 45 school days, such written notice shall provide information concerning the availability of community-based educational, alternative education, or intervention programs. Such notice shall also state that the student is eligible to return to regular school attendance upon the expiration of the suspension or to attend an appropriate alternative education program approved by the school board during or upon the expiration of the suspension. The costs of any community-based educational, alternative education, or intervention program

that is not a part of the educational program offered by the school division that the student may attend during his suspension shall be borne by the parent of the student.

Nothing in this section shall be construed to prohibit the school board from permitting or requiring students suspended pursuant to this section to attend an alternative education program provided by the school board for the term of such suspension.

School boards shall adopt policies and procedures to ensure that suspended students are able to access and complete graded work during and after the suspension.

C. Notwithstanding the provisions of subsections A and B, a long-term suspension may extend beyond a 45-school-day period but shall not exceed 364 calendar days if (i) the offense is one described in § 22.1-277.07 or 22.1-277.08 or involves serious bodily injury or (ii) the school board or division superintendent or his designee finds that aggravating circumstances exist, as defined by the Department. Such definition shall include a consideration of a student's disciplinary history.

CHAPTER 338

An Act to amend and reenact § 22.1-279.8 of the Code of Virginia, relating to school boards; written school crisis, emergency management, and medical emergency response plans; annual review; delegation of duty.

[H 501]

Approved March 12, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-279.8 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-279.8. School safety audits and school crisis, emergency management, and medical emergency response plans required.

A. For the purposes of this section, unless the context requires otherwise:

"School crisis, emergency management, and medical emergency response plan" means the essential procedures, operations, and assignments required to prevent, manage, and respond to a critical event or emergency, including natural disasters involving fire, flood, tornadoes, or other severe weather; loss or disruption of power, water, communications or shelter; bus or other accidents; medical emergencies, including cardiac arrest and other life-threatening medical emergencies; student or staff member deaths; explosions; bomb threats; gun, knife or other weapons threats; spills or exposures to hazardous substances; the presence of unauthorized persons or trespassers; the loss, disappearance or kidnapping of a student; hostage situations; violence on school property or at school activities; incidents involving acts of terrorism; and other incidents posing a serious threat of harm to students, personnel, or facilities. The plan shall include a provision that the Department of Criminal Justice Services and the Virginia Criminal Injuries Compensation Fund shall be contacted immediately to deploy assistance in the event of an emergency as defined in the emergency response plan when there are victims as defined in § 19.2-11.01. The Department of Criminal Justice Services and the Virginia Criminal Injuries Compensation Fund shall be the lead coordinating agencies for those individuals determined to be victims, and the plan shall also contain current contact information for both agencies.

"School safety audit" means a written assessment of the safety conditions in each public school to (i) identify and, if necessary, develop solutions for physical safety concerns, including building security issues and (ii) identify and evaluate any patterns of student safety concerns occurring on school property or at school-sponsored events. Solutions and responses shall include recommendations for structural adjustments, changes in school safety procedures, and revisions to the school board's standards for student conduct.

B. The Virginia Center for School and Campus Safety, in consultation with the Department of Education, shall develop a list of items to be reviewed and evaluated in the school safety audits required by this section. Such items shall include those incidents reported to school authorities pursuant to § 22.1-279.3:1 and shall include a school inspection walk-through using a standardized checklist provided by the Virginia Center for School and Campus Safety, which shall incorporate crime prevention through environmental design principles.

The Virginia Center for School and Campus Safety shall prescribe a standardized report format for school safety audits, additional reporting criteria, and procedures for report submission, which may include instructions for electronic submission.

Each local school board shall require all schools under its supervisory control to annually conduct school safety audits as defined in this section and consistent with such list.

The results of such school safety audits shall be made public within 90 days of completion. The local school board shall retain authority to withhold or limit the release of any security plans, walk-through checklists, and specific vulnerability assessment components as provided in subdivision 4 of § 2.2-3705.2. The completed walk-through checklist shall be made available upon request to the chief law-enforcement officer of the locality or his designee. Each school shall maintain a copy of the school safety audit, which may exclude such security plans, walk-through checklists, and vulnerability assessment components, within the office of the school principal and shall make a copy of such report available for review upon written request.

Each school shall submit a copy of its school safety audit to the relevant school division superintendent. The division superintendent shall collate and submit all such school safety audits, in the prescribed format and manner of submission, to

the Virginia Center for School and Campus Safety and shall make available upon request to the chief law-enforcement officer of the locality the results of such audits.

C. The division superintendent shall establish a school safety audit committee to include, if available, representatives of parents, teachers, local law-enforcement, emergency services agencies, local community services boards, and judicial and public safety personnel. The school safety audit committee shall review the completed school safety audits and submit any plan, as needed, for improving school safety to the division superintendent for submission to the local school board.

D. Each school board shall ensure that every school that it supervises shall develop a written school crisis, emergency management, and medical emergency response plan, consistent with the definition provided in this section, and shall include the chief law-enforcement officer, the fire chief, the chief of the emergency medical services agency, the executive director of the relevant regional emergency medical services council, and the emergency management official of the locality, or their designees, in the development of such plans. Each school division shall designate an emergency manager. The Department of Education and the Virginia Center for School and Campus Safety shall provide technical assistance to the school divisions of the Commonwealth in the development of the school crisis, emergency management, and medical emergency response plans that describe the components of a medical emergency response plan developed in coordination with local emergency medical services providers, the training of school personnel and students to respond to a life-threatening emergency, and the equipment required for this emergency response. The local school board ~~and~~ the chief law-enforcement officer, the fire chief, the chief of the emergency medical services agency, the executive director of the relevant regional emergency medical services council, and the emergency management official of the locality, or their designees, shall annually review the written school crisis, emergency management, and medical emergency response plans. The local school board shall have the authority to withhold or limit the review of any security plans and specific vulnerability assessment components as provided in subdivision 4 of § 2.2-3705.2. The local school division superintendent shall certify this review in writing to the Virginia Center for School and Campus Safety no later than August 31 of each year.

Upon consultation with local school boards, division superintendents, the Virginia Center for School and Campus Safety, and the Coordinator of Emergency Management, the Board of Education shall develop, and may revise as it deems necessary, a model school crisis, emergency management, and medical emergency response plan for the purpose of assisting the public schools in Virginia in developing viable, effective crisis, emergency management, and medical emergency response plans. Such model shall set forth recommended effective procedures and means by which parents can contact the relevant school or school division regarding the location and safety of their school children and by which school officials may contact parents, with parental approval, during a critical event or emergency.

E. Each school board shall ensure that every public school it supervises employs at least one school administrator who has completed, either in-person or online, school safety training for public school personnel conducted by the Virginia Center for School and Campus Safety in accordance with subdivision A 1 of § 9.1-184. However, such requirement shall not apply if such required training is not available online.

CHAPTER 339

An Act to require the Department of Education to develop guidance standards for social-emotional learning for all public school students; report.

[H 753]

Approved March 12, 2020

Be it enacted by the General Assembly of Virginia:

1. § 1. *The Department of Education shall (i) establish a uniform definition of social-emotional learning and develop guidance standards for social-emotional learning for all public students in grades kindergarten through 12 in the Commonwealth; (ii) make such standards available to each local school division no later than July 1, 2021; and (iii) issue a report no later than November 1, 2021, on the resources needed to successfully support local school divisions with the implementation of a statewide social-emotional learning program.*

CHAPTER 340

An Act to amend and reenact §§ 23.1-3136 and 23.1-3137 of the Code of Virginia, relating to the Online Virginia Network Authority; James Madison University.

[H 1660]

Approved March 12, 2020

Be it enacted by the General Assembly of Virginia:

1. **That §§ 23.1-3136 and 23.1-3137 of the Code of Virginia are amended and reenacted as follows:**

§ 23.1-3136. Board of Trustees.

A. The Authority shall be governed by a Board of Trustees (the Board) that has a total membership of ~~47~~ 19 members that shall consist of four members of the House of Delegates to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates;

three members of the Senate to be appointed by the Senate Committee on Rules; three nonlegislative citizen members to be appointed by the Governor; one nonlegislative citizen member to be appointed by the board of visitors of George Mason University; one nonlegislative citizen member to be appointed by the board of visitors of Old Dominion University; one nonlegislative citizen member to be appointed by the State Board; *one nonlegislative citizen member to be appointed by the board of visitors of James Madison University*, and ~~four~~ five members who shall serve ex officio with voting privileges, consisting of the President of George Mason University or his designee, the President of Old Dominion University or his designee, *the President of James Madison University or his designee*, the Chancellor of the Virginia Community College System or his designee, and the Director of the Council. Nonlegislative citizen members of the Authority shall be citizens of the Commonwealth.

B. Legislative and ex officio members of the Board shall serve terms coincident with their terms of office.

C. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. Vacancies shall be filled in the same manner as the original appointments. All members may be reappointed.

D. After the initial staggering of terms, nonlegislative citizen members shall be appointed for a term of four years.

E. No House member shall serve more than four consecutive two-year terms, no Senate member shall serve more than two consecutive four-year terms, and no nonlegislative citizen member shall serve more than two consecutive four-year terms. The remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in determining the member's eligibility for reappointment.

F. The Board shall elect a chairman and vice-chairman from among its membership. A majority of the members shall constitute a quorum. The meetings of the Board shall be held at the call of the chairman or whenever the majority of the members so request.

G. Legislative members of the Board shall receive such compensation as provided in § 30-19.12, and nonlegislative citizen members shall receive such compensation for the performance of their duties as provided in § 2.2-2813. All members shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Funding for the costs of compensation and expenses of the members shall be provided by the Authority.

H. George Mason University, Old Dominion University, and the System shall provide staff support to the Authority and the Board. All agencies of the Commonwealth shall provide assistance to the Board, upon request.

§ 23.1-3137. Duties of the Authority.

The Authority shall:

1. Expand access to affordable higher education in the Commonwealth by establishing the Online Virginia Network (the Network) for the purpose of coordinating the online delivery of courses that facilitate the completion of degrees at George Mason University, Old Dominion University, *James Madison University*, and comprehensive community colleges;

2. Encourage each public institution of higher education and each consortium of public institutions of higher education that offers online courses, online degree programs, or online credential programs to offer any such course, degree program, or credential program through the Network;

3. Oversee a process of approval for public institutions of higher education and consortia of such institutions to participate in the Network, with such funds as are appropriated for such purpose and made available to it;

4. Serve as a resource for residents of the Commonwealth and disseminate information regarding the opportunities for online learning offered by institutions and consortia that participate in the Network;

5. Coordinate the maintenance of an online portal through which potential students may examine and enroll seamlessly in Network offerings;

6. Collaborate with institutions and consortia that participate in the Network to ensure that the needs of enrolled students are met before, during, and after enrollment through online student support systems;

7. To the extent practicable, ensure that courses and degree programs offered through the Network (i) are accredited by an accrediting agency recognized by the U.S. Department of Education or authorized by the Council, as applicable; (ii) expand access to underserved populations based on income, race, geography, and age; (iii) are responsive to the employment demands of the Commonwealth; (iv) employ learning and delivery technologies, which may include competency-based and experiential learning, in an efficient and cost-effective manner to promote flexibility for each student to pursue online courses and programs at his own pace and in his own location throughout the year; (v) minimize student expenses and reduce time-to-degree or time-to-credential; and (vi) are offered in collaboration with existing public and private providers of online courses;

8. Promote the refinement and implementation of articulation agreements to ensure that credits earned through the Network are transferable to each other public institution of higher education and contribute to on-time degree completion at each such institution;

9. Assist in developing processes to help institutions and consortia that participate in the Network to expand their online offerings;

10. Ensure that the Passport Program and the Uniform Certificate of General Studies Program, established pursuant to § 23.1-907, be made available through the Network;

11. Develop specific goals for meeting the demand in the Commonwealth for affordable and accessible higher education through online learning;

12. Review and report annually to the Governor and the General Assembly on the cost structure of funds allocated to the establishment, maintenance, and expansion of the Network. In addition, the Authority shall examine ways to reduce the cost of online education and develop a budget that incorporates estimated expected tuition revenue from online students and its use in supporting the Network and assumes that any financial aid will come from existing financial aid programs; and

13. Accept, administer, and account for any state, federal, or private moneys that it may receive. Any moneys, including interest thereon, that have not been expended by the Authority by the end of each fiscal year shall not revert to the general fund but shall remain in the accounts of the Authority.

CHAPTER 341

An Act to amend and reenact §§ 18.2-268.3 and 46.2-391.2 of the Code of Virginia, relating to refusal of tests; restricted license.

[H 34]

Approved March 12, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 18.2-268.3 and 46.2-391.2 of the Code of Virginia are amended and reenacted as follows:

§ 18.2-268.3. Refusal of tests; penalties; procedures.

A. It is unlawful for a person who is arrested for a violation of § 18.2-266 or 18.2-266.1 or subsection B of § 18.2-272 or of a similar ordinance to unreasonably refuse to have samples of his breath taken for chemical tests to determine the alcohol content of his blood as required by § 18.2-268.2, and any person who so unreasonably refuses is guilty of a violation of this subsection, which is punishable as follows:

1. A first violation is a civil offense. For a first offense, the court shall suspend the defendant's privilege to drive for a period of one year. This suspension period is in addition to the suspension period provided under § 46.2-391.2.

2. If a person is found to have violated this subsection and within 10 years prior to the date of the refusal he was found guilty of any of the following: a violation of this section, a violation of § 18.2-266, or a violation of any offense listed in subsection E of § 18.2-270 arising out of separate occurrences or incidents, he is guilty of a Class 1 misdemeanor. A conviction under this subdivision shall of itself operate to deprive the person of the privilege to drive for a period of three years from the date of the judgment of conviction. This revocation period is in addition to the suspension period provided under § 46.2-391.2.

B. It is unlawful for a person who is arrested for a violation of § 18.2-266 or 18.2-266.1 or subsection B of § 18.2-272 or of a similar ordinance to unreasonably refuse to have samples of his blood taken for chemical tests to determine the alcohol or drug content of his blood as required by § 18.2-268.2 and any person who so unreasonably refuses is guilty of a violation of this subsection, which is a civil offense and is punishable as follows:

1. For a first offense, the court shall suspend the defendant's privilege to drive for a period of one year. This suspension period is in addition to the suspension period provided under § 46.2-391.2.

2. If a person is found to have violated this subsection and within 10 years prior to the date of the refusal he was found guilty of any of the following: a violation of this section, a violation of § 18.2-266, or a violation of any offense listed in subsection E of § 18.2-270 arising out of separate occurrences or incidents, such violation shall of itself operate to deprive the person of the privilege to drive for a period of three years from the date of the judgment. This revocation period is in addition to the suspension period provided under § 46.2-391.2.

C. When a person is arrested for a violation of § 18.2-51.4, 18.2-266, or 18.2-266.1 or subsection B of § 18.2-272 or of a similar ordinance and such person refuses to permit blood or breath or both blood and breath samples to be taken for testing as required by § 18.2-268.2, the arresting officer shall advise the person, from a form provided by the Office of the Executive Secretary of the Supreme Court (i) that a person who operates a motor vehicle upon a highway in the Commonwealth is deemed thereby, as a condition of such operation, to have consented to have samples of his blood and breath taken for chemical tests to determine the alcohol or drug content of his blood, (ii) that a finding of unreasonable refusal to consent may be admitted as evidence at a criminal trial, (iii) that the unreasonable refusal to do so constitutes grounds for the revocation of the privilege of operating a motor vehicle upon the highways of the Commonwealth, (iv) of the civil penalties for unreasonable refusal to have blood or breath or both blood and breath samples taken, and (v) of the criminal penalty for unreasonable refusal to have breath samples taken within 10 years of a prior conviction for driving while intoxicated or unreasonable refusal, which is a Class 1 misdemeanor. The form from which the arresting officer shall advise the person arrested shall contain a brief statement of the law requiring the taking of blood or breath samples, a statement that a finding of unreasonable refusal to consent may be admitted as evidence at a criminal trial, and the penalties for refusal. The Office of the Executive Secretary of the Supreme Court shall make the form available on the Internet and the form shall be considered an official publication of the Commonwealth for the purposes of § 8.01-388.

D. The arresting officer shall, under oath before the magistrate, execute the form and certify (i) that the defendant has refused to permit blood or breath or both blood and breath samples to be taken for testing; (ii) that the officer has read the portion of the form described in subsection C to the arrested person; (iii) that the arrested person, after having had the portion of the form described in subsection C read to him, has refused to permit such sample or samples to be taken; and (iv) how many, if any, violations of this section, § 18.2-266, or any offense described in subsection E of § 18.2-270 the

arrested person has been convicted of within the last 10 years. Such sworn certification shall constitute probable cause for the magistrate to issue a warrant or summons charging the person with unreasonable refusal. The magistrate shall attach the executed and sworn advisement form to the warrant or summons. The warrant or summons for a first offense under subsection A or any offense under subsection B shall be executed in the same manner as a criminal warrant or summons. If the person arrested has been taken to a medical facility for treatment or evaluation of his medical condition, the arresting officer may read the advisement form to the person at the medical facility, and issue, on the premises of the medical facility, a summons for a violation of this section in lieu of securing a warrant or summons from the magistrate. The magistrate or arresting officer, as the case may be, shall forward the executed advisement form and warrant or summons to the appropriate court.

E. A defendant who is found guilty of a first offense and whose license is suspended pursuant to subdivision A 1 or B 1 may petition the court 30 days after the date of conviction for a restricted license and the court may, for good cause shown, provide that the defendant is issued a restricted license during the remaining period of suspension, or any portion thereof, for any of the purposes set forth in subsection E of § 18.2-271.1. No restricted license issued pursuant to this subsection shall permit any person to operate a commercial motor vehicle as defined in the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.). If the court grants such petition and issues the defendant a restricted license, the court shall order (i) that reinstatement of the defendant's license to drive be conditioned upon (a) the installation of an ignition interlock system on each motor vehicle, as defined in § 46.2-100, owned by or registered to the person, in whole or in part, for a period of time not to exceed the period of license suspension and restriction, not less than six consecutive months without alcohol-related violations of the interlock requirements and (b) the requirement that such person not operate any motor vehicle that is not equipped with such a system for the period of time that the interlock restriction is in effect and (ii) that, as a condition of probation or otherwise, the defendant enter into and successfully complete an alcohol safety action program in the judicial district in which such charge is brought or in any other judicial district upon such terms and conditions as the court may set forth. However, upon motion of a person convicted of any such offense following an assessment of the person conducted by an alcohol safety action program, the court, for good cause, may decline to order participation in such a program if the assessment conducted by the alcohol safety action program indicates that intervention is not appropriate for such person. In no event shall such persons be permitted to enter any such program that is not certified as meeting minimum standards and criteria established by the Commission on the Virginia Alcohol Safety Action Program (VASAP) pursuant to this section and to § 18.2-271.2. The court shall require the person entering such program under the provisions of this section to pay a fee of no less than \$250 but no more than \$300. A reasonable portion of such fee, as may be determined by the Commission on VASAP, but not to exceed 10 percent, shall be forwarded monthly to be deposited with the State Treasurer for expenditure by the Commission on VASAP, and the balance shall be held in a separate fund for local administration of driver alcohol rehabilitation programs. Upon a positive finding that the defendant is indigent, the court may reduce or waive the fee. In addition to the costs of the proceeding, fees as may reasonably be required of defendants referred for intervention under any such program may be charged.

If the court grants a restricted license to any person pursuant to this section, the court shall order such person to surrender his driver's license to be disposed of in accordance with the provisions of § 46.2-398 and shall forward to the Commissioner of the Department of Motor Vehicles a copy of its order entered pursuant to this subsection. This order shall specifically enumerate the restrictions imposed and contain such information regarding the person to whom such a permit is issued as is reasonably necessary to identify such person. The court shall also provide a copy of its order to such person who may operate a motor vehicle on the order until receipt from the Commissioner of the Department of Motor Vehicles of a restricted license, but only if the order provides for a restricted license for that period. A copy of the order and, after receipt thereof, the restricted license shall be carried at all times by such person while operating a motor vehicle. The period of time during which the person is prohibited from operating a motor vehicle that is not equipped with an ignition interlock system shall be calculated from the date the person is issued a restricted license by the court; however, such period of time shall be tolled upon the expiration of the restricted license issued by the court until such time as the person is issued a restricted license by the Department of Motor Vehicles. Any person who operates a motor vehicle in violation of any restrictions imposed pursuant to this section shall be guilty of a violation of § 18.2-272. The provisions of subsection F of § 18.2-271.1 shall apply to this subsection mutatis mutandis, except as herein provided.

F. Notwithstanding any other provisions of this section or of § 18.2-271.1, nothing in this section shall permit the court to suspend, reduce, limit, or otherwise modify any disqualification from operating a commercial motor vehicle imposed under the provisions of the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.).

§ 46.2-391.2. Administrative suspension of license or privilege to operate a motor vehicle.

A. If a breath test is taken pursuant to § 18.2-268.2 or any similar ordinance or § 46.2-341.26:2 and (i) the results show a blood alcohol content of 0.08 percent or more by weight by volume or 0.08 grams or more per 210 liters of breath, or (ii) the results, for persons under 21 years of age, show a blood alcohol concentration of 0.02 percent or more by weight by volume or 0.02 grams or more per 210 liters of breath or (iii) the person refuses to submit to the breath or blood test in violation of § 18.2-268.3 or any similar ordinance or § 46.2-341.26:3, and upon issuance of a petition or summons, or upon issuance of a warrant by the magistrate, for a violation of § 18.2-51.4, 18.2-266, or 18.2-266.1, or any similar ordinance, or § 46.2-341.24 or upon the issuance of a warrant or summons by the magistrate or by the arresting officer at a medical facility for a violation of § 18.2-268.3, or any similar ordinance, or § 46.2-341.26:3, the person's license shall be suspended immediately or in the case of (a) an unlicensed person, (b) a person whose license is otherwise suspended or revoked, or

(c) a person whose driver's license is from a jurisdiction other than the Commonwealth, such person's privilege to operate a motor vehicle in the Commonwealth shall be suspended immediately. The period of suspension of the person's license or privilege to drive shall be seven days, unless the petition, summons or warrant issued charges the person with a second or subsequent offense. If the person is charged with a second offense the suspension shall be for 60 days. If not already expired, the period of suspension shall expire on the day and time of trial of the offense charged on the petition, summons or warrant, except that it shall not so expire during the first seven days of the suspension. If the person is charged with a third or subsequent offense, the suspension shall be until the day and time of trial of the offense charged on the petition, summons or warrant.

A law-enforcement officer, acting on behalf of the Commonwealth, shall serve a notice of suspension personally on the arrested person. When notice is served, the arresting officer shall promptly take possession of any driver's license held by the person and issued by the Commonwealth and shall promptly deliver it to the magistrate. Any driver's license taken into possession under this section shall be forwarded promptly by the magistrate to the clerk of the general district court or, as appropriate, the court with jurisdiction over juveniles of the jurisdiction in which the arrest was made together with any petition, summons or warrant, the results of the breath test, if any, and the report required by subsection B. A copy of the notice of suspension shall be forwarded forthwith to both (1) the general district court or, as appropriate, the court with jurisdiction over juveniles of the jurisdiction in which the arrest was made and (2) the Commissioner. Transmission of this information may be made by electronic means.

The clerk shall promptly return the suspended license to the person at the expiration of the suspension. Whenever a suspended license is to be returned under this section or § 46.2-391.4, the person may elect to have the license returned in person at the clerk's office or by mail to the address on the person's license or to such other address as he may request.

B. Promptly after arrest and service of the notice of suspension, the arresting officer shall forward to the magistrate a sworn report of the arrest that shall include (i) information which adequately identifies the person arrested and (ii) a statement setting forth the arresting officer's grounds for belief that the person violated § 18.2-51.4, 18.2-266, or 18.2-266.1, or a similar ordinance, or § 46.2-341.24 or refused to submit to a breath or blood test in violation of § 18.2-268.3 or a similar ordinance or § 46.2-341.26:3. The report required by this subsection shall be submitted on forms supplied by the Supreme Court.

C. Any person whose license or privilege to operate a motor vehicle has been suspended under subsection A may, during the period of the suspension, request the general district court or, as appropriate, the court with jurisdiction over juveniles of the jurisdiction in which the arrest was made to review that suspension. The court shall review the suspension within the same time period as the court hears an appeal from an order denying bail or fixing terms of bail or terms of recognizance, giving this matter precedence over all other matters on its docket. If the person proves to the court by a preponderance of the evidence that the arresting officer did not have probable cause for the arrest, that the magistrate did not have probable cause to issue the warrant, or that there was not probable cause for issuance of the petition, the court shall rescind the suspension, or that portion of it that exceeds seven days if there was not probable cause to charge a second offense or 60 days if there was not probable cause to charge a third or subsequent offense, and the clerk of the court shall forthwith, or at the expiration of the reduced suspension time, (i) return the suspended license, if any, to the person unless the license has been otherwise suspended or revoked, (ii) deliver to the person a notice that the suspension under § 46.2-391.2 has been rescinded or reduced, and (iii) forward to the Commissioner a copy of the notice that the suspension under § 46.2-391.2 has been rescinded or reduced. Otherwise, the court shall affirm the suspension. If the person requesting the review fails to appear without just cause, his right to review shall be waived.

The court's findings are without prejudice to the person contesting the suspension or to any other potential party as to any proceedings, civil or criminal, and shall not be evidence in any proceedings, civil or criminal.

D. If a person whose license or privilege to operate a motor vehicle is suspended under subsection A is convicted under § 18.2-36.1, 18.2-51.4, 18.2-266, or 18.2-266.1 or subdivision A 1 or B 1 of § 18.2-268.3, or any similar ordinance, or § 46.2-341.24 during the suspension imposed by subsection A, and if the court decides to issue the person a restricted permit under subsection E of § 18.2-271.1 or subsection E of § 18.2-268.3, such restricted permit shall not be issued to the person before the expiration of the first seven days of the suspension imposed under subsection A.

CHAPTER 342

An Act to amend and reenact § 17.1-279.1 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 17.1-275.14, relating to creation of Virginia State Police Electronic Summons System Fund.

[H 172]

Approved March 12, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 17.1-279.1 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 17.1-275.14 as follows:

§ 17.1-275.14. Additional fee for Virginia State Police Electronic Summons System Fund.

A. In addition to the fees provided for by §§ 16.1-69.48:1, 16.1-69.48:1.01, 17.1-275.1, 17.1-275.2, 17.1-275.3, 17.1-275.4, 17.1-275.5, 17.1-275.7, 17.1-275.8, 17.1-275.9, 17.1-275.10, 17.1-275.11, 17.1-275.12, and 17.1-275.13, a fee

of \$5 shall be assessed as court costs in each criminal or traffic case in which the Virginia State Police issued the summons, ticket, or citation. All fees collected pursuant to this section shall be deposited into the state treasury and credited to the Virginia State Police Electronic Summons System Fund.

B. There is hereby created in the state treasury a special nonreverting fund to be known as the Virginia State Police Electronic Summons System Fund, referred to in this section as "the Fund." The Fund shall be established on the books of the Comptroller. All fees collected under this section, moneys appropriated directly to the Fund, and any other grants or gifts made to the Fund shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purposes of funding software, hardware, and associated equipment costs for the implementation and maintenance of an electronic summons system. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Superintendent of the Virginia State Police or his designee.

§ 17.1-279.1. Additional assessment for electronic summons system.

Any county, city, or town, through its governing body, may assess an additional sum not in excess of \$5 as part of the costs in each criminal or traffic case in the district or circuit courts located where such cases are brought in which the defendant is charged with a violation of any statute or ordinance, which violation in the case of towns arose within the town, and where the defendant is charged with a violation of any such statute or ordinance by a local law-enforcement agency. The imposition of such assessment shall be by ordinance of the governing body, which may provide for different sums in circuit courts and district courts. The assessment shall be collected by the clerk of the court in which the action is filed, remitted to the treasurer of the appropriate county, city, or town, and held by such treasurer subject to disbursements by the governing body to a local law-enforcement agency solely to fund software, hardware, and associated equipment costs for the implementation and maintenance of an electronic summons system. The imposition of a town assessment shall replace any county fee that would otherwise apply.

CHAPTER 343

An Act to amend and reenact § 16.1-69.6:1 of the Code of Virginia, relating to the maximum number of judges in each judicial district.

[H 275]

Approved March 12, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 16.1-69.6:1 of the Code of Virginia is amended and reenacted as follows:

§ 16.1-69.6:1. Number of judges.

For the several judicial districts there shall be full-time general district court judges and juvenile and domestic relations district court judges, the maximum number as hereinafter set forth, who shall during their service reside within their respective districts, except as provided in § 16.1-69.16, and whose compensation and powers shall be the same as now and hereafter prescribed for general district court judges and juvenile and domestic relations district court judges.

The maximum number of judges of the districts shall be as follows:

	General District Court Judges	Juvenile and Domestic Relations District Court Judges
First	4	4
Second	7	6
Two-A	2	1
Third	2	3
Fourth	6	5
Fifth	3	2
Sixth	5	3
Seventh	4	4
Eighth	3	3
Ninth	3	4
Tenth	3	3
Eleventh	3	3
Twelfth	5	6
Thirteenth	6	5

Fourteenth	5	5
Fifteenth	8	9
Sixteenth	4	6
Seventeenth	3	2
Eighteenth	2	2
Nineteenth	4 12	8
Twentieth	4	3
Twenty-first	2	2
Twenty-second	2	4
Twenty-third	4	5
Twenty-fourth	3	6
Twenty-fifth	4	5
Twenty-sixth	5	7
Twenty-seventh	5	5
Twenty-eighth	3	3
Twenty-ninth	2	3
Thirtieth	2	3
Thirty-first	5	5

The election or appointment of any district judge shall be subject to the provisions of § 16.1-69.9:3.

CHAPTER 344

An Act to amend and reenact § 15.2-2316.4:2 of the Code of Virginia, relating to zoning for wireless communications infrastructure.

[H 554]

Approved March 12, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-2316.4:2 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-2316.4:2. Application reviews.

A. In its receiving, consideration, and processing of a complete application submitted under subsection A of § 15.2-2316.4:1 or for any zoning approval required for a standard process project, a locality shall not:

1. Disapprove an application on the basis of:
 - a. The applicant's business decision with respect to its designed service, customer demand for service, or quality of its service to or from a particular site;
 - b. The applicant's specific need for the project, including the applicant's desire to provide additional wireless coverage or capacity; or
 - c. The wireless facility technology selected by the applicant for use at the project;
2. Require an applicant to provide proprietary, confidential, or other business information to justify the need for the project, including propagation maps and telecommunications traffic studies, or information reviewed by a federal agency as part of the approval process for the same structure and wireless facility, provided that a locality may require an applicant to provide a copy of any approval granted by a federal agency, including conditions imposed by that agency;
3. Require the removal of existing wireless support structures or wireless facilities, wherever located, as a condition for approval of an application. A locality may adopt reasonable rules with respect to the removal of abandoned wireless support structures or wireless facilities;
4. Impose surety requirements, including bonds, escrow deposits, letters of credit, or any other types of financial surety, to ensure that abandoned or unused wireless facilities can be removed, unless the locality imposes similar requirements on other permits for other types of similar commercial development. Any such instrument shall not exceed a reasonable estimate of the direct cost of the removal of the wireless facilities;
5. Discriminate or create a preference on the basis of the ownership, including ownership by the locality, of any property, structure, base station, or wireless support structure, when promulgating rules or procedures for siting wireless facilities or for evaluating applications;
6. Impose any unreasonable requirements or obligations regarding the presentation or appearance of a project, including unreasonable requirements relating to (i) the kinds of materials used or (ii) the arranging, screening, or landscaping of wireless facilities or wireless structures;

7. Impose any requirement that an applicant purchase, subscribe to, use, or employ facilities, networks, or services owned, provided, or operated by a locality, in whole or in part, or by any entity in which a locality has a competitive, economic, financial, governance, or other interest;

8. Condition or require the approval of an application solely on the basis of the applicant's agreement to allow any wireless facilities provided or operated, in whole or in part, by a locality or by any other entity, to be placed at or co-located with the applicant's project;

9. Impose a setback or fall zone requirement for a project that is larger than a setback or fall zone area that is imposed on other types of similar structures of a similar size, including utility poles;

10. Limit the duration of the approval of an application, except a locality may require that construction of the approved project shall commence within two years of final approval and be diligently pursued to completion; or

11. Require an applicant to perform services unrelated to the project described in the application, including restoration work on any surface not disturbed by the applicant's project.

B. Nothing in this article shall prohibit a locality from disapproving an application submitted under subsection A of § 15.2-2316.4:1 or for any zoning approval required for a standard process project:

1. On the basis of the fact that the proposed height of any wireless support structure, wireless facility, or wireless support structure with attached wireless facilities exceeds 50 feet above ground level, provided that the locality follows a local ordinance or regulation that does not unreasonably discriminate between the applicant and other wireless services providers, wireless infrastructure providers, providers of telecommunications services, and other providers of functionally equivalent services; or

2. That proposes to locate a new structure, or to co-locate a wireless facility, in an area where all cable and public utility facilities are required to be placed underground by a date certain or encouraged to be undergrounded as part of a transportation improvement project or rezoning proceeding as set forth in objectives contained in a comprehensive plan, if:

a. The undergrounding requirement or comprehensive plan objective existed at least three months prior to the submission of the application;

b. The locality allows the co-location of wireless facilities on existing utility poles, government-owned structures with the government's consent, existing wireless support structures, or a building within that area;

c. The locality allows the replacement of existing utility poles and wireless support structures with poles or support structures of the same size or smaller within that area; and

d. The disapproval of the application does not unreasonably discriminate between the applicant and other wireless services providers, wireless infrastructure providers, providers of telecommunications services, and other providers of functionally equivalent services.

The locality may also disapprove an application if the applicant has not given written notice to adjacent landowners at least 15 days before it applies to locate a new structure in the area.

C. Nothing in this article shall prohibit an applicant from voluntarily submitting, and the locality from accepting, any conditions that otherwise address potential visual or aesthetic effects resulting from the placement of a new structure or facility.

D. Nothing in this article shall prohibit a locality from disapproving an application submitted under a standard process project on the basis of the availability of existing wireless support structures within a reasonable distance that could be used for co-location at reasonable terms and conditions without imposing technical limitations on the applicant.

CHAPTER 345

An Act to amend and reenact § 15.2-926.3 of the Code of Virginia, relating to local regulation of unmanned aircraft.

[H 742]

Approved March 12, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-926.3 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-926.3. Local regulation of certain aircraft.

A. No political subdivision may regulate the use of a privately owned, unmanned aircraft system as defined in § 19.2-60.1 within its boundaries.

B. *Notwithstanding the prohibition of subsection A, a political subdivision may, by ordinance or regulation, regulate the take-off and landing of an unmanned aircraft, as defined in § 19.2-60.1, on property owned by the political subdivision. Such ordinance or regulation shall be developed and authorized in accordance with the rules and regulations promulgated by the Department of Aviation (the Department). The political subdivision shall report to the Department any ordinance or regulation adopted pursuant to this section, and the Department shall publish and update annually on its website, and any other website the Department deems appropriate, a summary of any such ordinance or regulation adopted.*

C. Nothing in this section shall permit a person to go or enter upon land owned by a political subdivision solely because he is in possession of an unmanned aircraft system if he would not otherwise be permitted entry upon such land.

D. *Nothing in this section shall be construed to prohibit (i) the take-off or landing of an unmanned aircraft by a commercial operator in compliance with Federal Aviation Administration regulations, or as deemed reasonable or*

necessary by private or public entities for emergency or maintenance support functions or services, including the protection and maintenance of public or private critical infrastructure; (ii) the landing of an unmanned aircraft by an operator in compliance with Federal Aviation Administration regulations as deemed reasonable or necessary by the operator in the event of a technical malfunction of an unmanned aircraft system; (iii) the take-off or landing of an unmanned aircraft being operated by a sworn public safety officer in the performance of his duties; or (iv) the take-off or landing of an unmanned aircraft owned or operated by the United States government, or any operator under contract with any agency of the United States government, in performance of his assigned duties.

2. That the provisions of the first enactment of this bill shall become effective on January 1, 2021.

3. That by January 1, 2021, the Virginia Department of Aviation, in consultation with representatives of the unmanned aircraft system industry, small and medium-sized businesses utilizing unmanned aircraft systems, localities, and other stakeholders, shall develop rules and regulations specific to take-offs and landings pursuant to the provisions of this act. Such rules and regulations shall be in accordance with federal rules and regulations and shall include a process for adoption of an ordinance or regulation, exemptions to the ordinance or regulation, political subdivision training, and notification requirements.

CHAPTER 346

An Act to amend the Code of Virginia by adding a section numbered 15.2-1800.3, relating to sale of certain property by locality to adjoining landowners.

[H 1655]

Approved March 12, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 15.2-1800.3 as follows:

§ 15.2-1800.3. Sale of certain property by locality to adjoining landowners.

In any instance in which a parcel of real estate is (i) located within an undeveloped common area in a subdivision, (ii) located in a subdivision with a homeowners' association that has been previously dissolved, and (iii) tax delinquent, a locality may, after giving at least 30 days of notice to adjacent property owners, choose to offer for sale such tax delinquent property in whole or in part to adjacent property owners prior to any public auction of the tax delinquent property. The locality may waive any liens associated with the property in order to facilitate the sale and may further waive payment of any past taxes, penalties, and interest with regard to any new owner.

CHAPTER 347

An Act to amend and reenact § 24.2-947.9 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 24.2-947.10, relating to elections; campaign finance; filing schedule for persons with multiple campaign committees.

[H 88]

Approved March 12, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 24.2-947.9 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 24.2-947.10 as follows:

§ 24.2-947.9. Special report required of certain large pre-election contributions.

A. Any contribution reported pursuant to this section shall also be reported on the first report required by this article after any election.

B. Except as provided in subsection C, any single contribution of \$5,000 or more for a statewide office, \$1,000 or more for the General Assembly, or \$500 or more for any other office, knowingly received or reported by the candidate or his treasurer on behalf of his candidacy on and after the eleventh day preceding (i) a primary and before the primary date, (ii) a general election and before the general election date, or (iii) any other election in which the individual is a candidate and before the election day, shall be reported in writing as provided in §§ 24.2-947.4 and 24.2-947.5 or electronically pursuant to § 24.2-946.1, and the report shall be received by the State Board or general registrar, as appropriate, by 11:59 p.m. on the following day or for a contribution received on a Saturday by 11:59 p.m. on the following Monday. However, any such contribution received within the 24 hours prior to the election day shall be reported and a report thereof received on the day prior to the election.

C. The reports required by subsection B of this section shall also be required of any candidate for nomination by a political party to serve as the party's nominee in a general or special election if (i) the party nominates by convention or any method other than a primary and (ii) there are at least two candidates for nomination pursuant to the rules and procedures of the party. In such case, candidates for nomination shall be required to file the reports required by subsection B for the 11-day period, as specified by subsection B, immediately preceding:

1. The caucus, mass meeting, convention, or other nominating event at which the party's nomination shall be finally determined pursuant to the rules and procedures of the party; and

2. Any caucus, mass meeting, convention, or other nominating event, other than that at which the party's nomination shall be finally determined, at which delegates are chosen who are pledged to support a specified candidate on at least one ballot at a subsequent district or state convention required as part of the nominating process.

D. No report shall be required pursuant to subsection C if the candidate is or has become, by virtue of the withdrawal of any opponent or the operation of the rules and procedures of the party, unopposed for nomination at the time such report otherwise would be required to be made.

E. Any person who is named as the candidate on the statement of organization for more than one campaign committee required to file campaign finance reports under this article shall be required to file special reports pursuant to this section for all such committees during the period applicable to any such campaign committee.

§ 24.2-947.10. Filing requirements for persons with multiple campaign committees.

Any person who is named as the candidate on the statement of organization for more than one campaign committee required to file campaign finance reports under this article shall have separate campaign finance reports filed for all such campaign committees by the deadline for filing campaign finance reports for any such campaign committee. Such campaign finance reports shall be complete through the period prescribed for the associated deadline.

CHAPTER 348

An Act to amend and reenact § 19.2-163.04 of the Code of Virginia, relating to public defender offices; Cities of Manassas and Manassas Park and County of Prince William.

[H 366]

Approved March 12, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-163.04 of the Code of Virginia is amended and reenacted as follows:

§ 19.2-163.04. Public Defender offices.

Public defender offices are established in:

- a. The City of Virginia Beach;
- b. The City of Petersburg;
- c. The Cities of Buena Vista, Lexington, Staunton and Waynesboro and the Counties of Augusta and Rockbridge;
- d. The City of Roanoke;
- e. The City of Portsmouth;
- f. The City of Richmond;
- g. The Counties of Clarke, Frederick, Page, Shenandoah and Warren, and the City of Winchester;
- h. The City and County of Fairfax;
- i. The City of Alexandria;
- j. The City of Radford and the Counties of Bland, Pulaski and Wythe;
- k. The Counties of Fauquier, Loudoun and Rappahannock;
- l. The City of Suffolk;
- m. The City of Franklin and the Counties of Isle of Wight and Southampton;
- n. The County of Bedford;
- o. The City of Danville;
- p. The Counties of Halifax, Lunenburg and Mecklenburg;
- q. The City of Fredericksburg and the Counties of King George, Stafford and Spotsylvania;
- r. The City of Lynchburg;
- s. The City of Martinsville and the Counties of Henry and Patrick;
- t. The City of Charlottesville and the County of Albemarle;
- u. The City of Norfolk;
- v. The County of Arlington and the City of Falls Church;
- w. The City of Newport News;
- x. The City of Chesapeake; ~~and~~
- y. The City of Hampton; *and*
- z. *The Cities of Manassas and Manassas Park and the County of Prince William.*

CHAPTER 349

An Act to amend and reenact §§ 24.2-947.2, 24.2-949.4, 24.2-950.3, 24.2-951.2, and 24.2-952.2 of the Code of Virginia, relating to elections; campaign finance; committee depositories and reimbursement.

[H 1061]

Approved March 12, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-947.2, 24.2-949.4, 24.2-950.3, 24.2-951.2, and 24.2-952.2 of the Code of Virginia are amended and reenacted as follows:

§ 24.2-947.2. Campaign depositories; reimbursements of expenses; petty cash fund.

A. Upon meeting any of the requirements of subsection A of § 24.2-947.1, the candidate shall designate a campaign depository, which shall be maintained in a financial institution within the Commonwealth, in an account properly identifying the name of and the existence of the political candidacy.

B. No candidate, campaign treasurer, or other individual shall pay any expense on behalf of a candidate, directly or indirectly, except by a check *or electronic debit* drawn on such designated depository identifying the name of the campaign committee and candidate. However, a candidate, treasurer, or other authorized member of the candidate's campaign staff may be reimbursed, by a check *or electronic debit* drawn on the designated depository, or according to the provisions of subsection C, for the payment of expenses (i) paid by him by ~~check~~, cash, *check or electronic debit*, or credit ~~or debit~~ card, (ii) made on behalf of the campaign, and (iii) fully documented by complete records of the expenditure, maintained as required by this chapter, and including receipts identifying the nature of the expenses and the names and addresses of each person paid by the recipient of the reimbursement.

C. A campaign committee ~~(a)~~ (i) may establish a petty cash fund to be utilized for the purpose of making expenditures or reimbursing verified credit card expenditures of less than \$200 if complete records of such expenditures are maintained as required by this chapter and ~~(b)~~ (ii) may transfer funds from the designated campaign depository to an account or instrument to earn interest on the funds so long as the transferred funds and earned interest are returned to the designated depository account, complete records are maintained, and all expenditures are made through the designated depository account.

D. 1. Notwithstanding the provisions of this section pertaining to campaign committee depositories and accounts, the campaign committee's treasurer may establish a separate federal compliance account in the candidate's designated campaign depository for the purpose of complying with requirements of federal law including, without limitation, restrictions on sources and amounts of campaign contributions applicable to federal candidates and officeholders. The candidate and campaign treasurer shall report all contributions and expenditures for an account established pursuant to this subsection on a consolidated basis with the candidate's campaign account established pursuant to this section in disclosure reports filed pursuant to this article. In addition, the treasurer may transfer funds from a federal compliance account created pursuant to this subsection to an account or instrument to earn interest on the funds so long as the transferred funds and earned interest are returned to the designated depository account created pursuant to subsection A, complete records are maintained, and all expenditures are made through the designated depository account.

2. A committee registered with the Federal Election Commission which is not otherwise required by this chapter to file with the State Board, shall not be deemed to have triggered such filing requirements solely by virtue of one or more contributions to one or more federal compliance accounts created pursuant to this subsection.

§ 24.2-949.4. Political action committee treasurer requirements and responsibilities.

A. The treasurer shall keep detailed and accurate accounts of all contributions turned over to and expenditures made by the committee, the treasurer, or other officer on behalf of the political action committee, or reported to the treasurer pursuant to this chapter. Such account shall set forth the date of the contribution or expenditure, its amount or value, the name and address of the person or committee making the contribution or to whom the expenditure was made, and the object or purpose of the contribution or expenditure.

Such books and records may be destroyed or discarded at any time after (i) one year from the date of filing the final report required by § 24.2-949.9 or (ii) a period of three years, whichever first occurs, unless a court of competent jurisdiction shall order their retention for a longer period.

B. All receipts and expenditures received or made by any political action committee, or received or made on its behalf or in relation to the committee by any individual or person, except independent expenditures, shall be paid over or delivered to the political action committee's treasurer or shall be reported to the treasurer in such detail and form as to allow him to comply fully with this article. An independent expenditure shall be reported pursuant to § 24.2-945.2 in lieu of being reported to the political action committee's treasurer.

C. It shall be unlawful for any political action committee, its treasurer, or any person receiving contributions or making expenditures on the committee's behalf or in relation to the committee, to fail to report every contribution and expenditure as required by this article.

D. No political action committee treasurer or other individual shall pay any expense on behalf of the committee, directly or indirectly, except by a check *or electronic debit* drawn on such designated depository identifying the name of the political action committee. However, a treasurer or other authorized officer of the political action committee may be

reimbursed, by a check *or electronic debit* drawn on the designated depository, for the payment of expenses (i) paid by him by ~~check~~, cash, *check or electronic debit*, or credit ~~or debit~~ card, (ii) made on behalf of the committee, and (iii) fully documented by complete records of the expenditure, maintained as required by this chapter, and including receipts identifying the nature of the expenses and the names and addresses of each person paid by the recipient of the reimbursement.

E. A treasurer of a political action committee ~~(a)~~ (i) may establish a petty cash fund to be utilized for the purpose of making expenditures or reimbursing verified credit card expenditures of less than \$200 if complete records of such expenditures are maintained as required by this chapter and ~~(b)~~ (ii) may transfer funds from the designated campaign depository to an account or instrument to earn interest on the funds so long as the transferred funds and earned interest are returned to the designated depository account, complete records are maintained, and all expenditures are made through the designated depository account.

§ 24.2-950.3. Political party committee treasurer requirements and responsibilities.

A. The treasurer shall keep detailed and accurate accounts of all contributions turned over to and expenditures made by the political party committee, the treasurer, or other officer on behalf of the political party committee, or reported to the treasurer pursuant to this article. Such account shall set forth the date of the contribution or expenditure, its amount or value, the name and address of the person or committee making the contribution or to whom the expenditure was made, and the object or purpose of the contribution or expenditure.

Such books and records may be destroyed or discarded at any time after (i) one year from the date of filing the final report required by § 24.2-950.9 or (ii) a period of three years, whichever first occurs, unless a court of competent jurisdiction shall order their retention for a longer period.

B. All contributions and expenditures received or made by any political party committee, or received or made on its behalf or in relation to the committee by any person, except independent expenditures, shall be paid over or delivered to the political party committee's treasurer or shall be reported to the treasurer in such detail and form as to allow him to comply fully with this article. An independent expenditure shall be reported pursuant to § 24.2-945.2 in lieu of being reported to the political party committee's treasurer.

C. It shall be unlawful for any political party committee, its treasurer, or any person receiving contributions or making expenditures on the committee's behalf or in relation to the committee, to fail to report every contribution and expenditure as required by this article.

D. No political party committee treasurer or other individual shall pay any expense on behalf of the committee, directly or indirectly, except by a check *or electronic debit* drawn on such designated depository identifying the name of the political party committee. However, a treasurer or other authorized officer of the political party committee may be reimbursed, by a check *or electronic debit* drawn on the designated depository, for the payment of expenses (i) paid by him by ~~check~~, cash, *check or electronic debit*, or credit ~~or debit~~ card, (ii) made on behalf of the party committee, and (iii) fully documented by complete records of the expenditure, maintained as required by this chapter, and including receipts identifying the nature of the expenses and the names and addresses of each person paid by the recipient of the reimbursement.

E. A treasurer of a political party committee ~~(a)~~ (i) may establish a petty cash fund to be utilized for the purpose of making expenditures or reimbursing verified credit card expenditures of less than \$200 if complete records of such expenditures are maintained as required by this chapter and ~~(b)~~ (ii) may transfer funds from the designated campaign depository to an account or instrument to earn interest on the funds so long as the transferred funds and earned interest are returned to the designated depository account, complete records are maintained, and all expenditures are made through the designated depository account.

§ 24.2-951.2. Referendum committee treasurer requirements and responsibilities.

A. The treasurer shall keep detailed and accurate accounts of all contributions turned over to and expenditures made by the referendum committee, the treasurer, or other officer on behalf of the referendum committee, or reported to the treasurer pursuant to this article. Such account shall set forth the date of the contribution or expenditure, its amount or value, the name and address of the person or committee making the contribution or to whom the expenditure was made, and the object or purpose of the contribution or expenditure.

Such books and records may be destroyed or discarded at any time after (i) one year from the date of filing the final report required by § 24.2-951.9 or (ii) a period of three years, whichever first occurs, unless a court of competent jurisdiction shall order their retention for a longer period.

B. All contributions and expenditures received or made by any referendum committee, or received or made on its behalf or in relation to the committee by any person, except independent expenditures, shall be paid over or delivered to the referendum committee's treasurer or shall be reported to the treasurer in such detail and form as to allow him to comply fully with this article. An independent expenditure shall be reported pursuant to § 24.2-945.2 in lieu of being reported to the referendum committee's treasurer.

C. It shall be unlawful for any referendum committee, its treasurer, or any person receiving contributions or making expenditures on the committee's behalf or in relation to the committee, to fail to report every contribution and expenditure as required by this article.

D. No referendum committee treasurer or other individual shall pay any expense on behalf of the committee, directly or indirectly, except by a check *or electronic debit* drawn on such designated depository identifying the name of the referendum committee. However, a treasurer or other authorized officer of the referendum committee may be reimbursed,

by a check *or electronic debit* drawn on the designated depository, for the payment of expenses (i) paid by him by ~~check~~, cash, *check or electronic debit*, or credit ~~or debit~~ card, (ii) made on behalf of the committee, and (iii) fully documented by complete records of the expenditure, maintained as required by this chapter, and including receipts identifying the nature of the expenses and the names and addresses of each person paid by the recipient of the reimbursement.

E. A treasurer of a referendum committee ~~(a)~~ (i) may establish a petty cash fund to be utilized for the purpose of making expenditures or reimbursing verified credit card expenditures of less than \$200 if complete records of such expenditures are maintained as required by this chapter and ~~(b)~~ (ii) may transfer funds from the designated campaign depository to an account or instrument to earn interest on the funds so long as the transferred funds and earned interest are returned to the designated depository account, complete records are maintained, and all expenditures are made through the designated depository account.

§ 24.2-952.2. Inaugural committee treasurer requirements and responsibilities.

A. The treasurer shall keep detailed and accurate accounts of all contributions turned over to and expenditures made by the committee, the treasurer, or other officer on behalf of the inaugural committee, or reported to the treasurer pursuant to this article. Such account shall set forth the date of the contribution or expenditure, its amount or value, the name and address of the person or committee making the contribution or to whom the expenditure was made, and the object or purpose of the contribution or expenditure.

Such books and records may be destroyed or discarded at any time after (i) one year from the date of filing the final report required by § 24.2-952.7 or (ii) a period of three years, whichever first occurs, unless a court of competent jurisdiction shall order their retention for a longer period.

B. All contributions and expenditures received or made by any inaugural committee, or received or made on its behalf or in relation to the committee by any person, except independent expenditures, shall be paid over or delivered to the inaugural committee's treasurer or shall be reported to the treasurer in such detail and form as to allow him to comply fully with this article. An independent expenditure shall be reported pursuant to § 24.2-945.2 in lieu of being reported to the inaugural committee's treasurer.

C. It shall be unlawful for any inaugural committee, its treasurer, or any person receiving contributions or making expenditures on the committee's behalf or in relation to the committee, to fail to report every contribution and expenditure as required by this article.

D. No inaugural committee treasurer or other individual shall pay any expense on behalf of the committee, directly or indirectly, except by a check *or electronic debit* drawn on such designated depository identifying the name of the inaugural committee. However, a treasurer or other authorized officer of the inaugural committee may be reimbursed, by a check *or electronic debit* drawn on the designated depository, for the payment of expenses (i) paid by him by ~~check~~, cash, *check or electronic debit*, or credit ~~or debit~~ card, (ii) made on behalf of the committee, and (iii) fully documented by complete records of the expenditure, maintained as required by this article, and including receipts identifying the nature of the expenses and the names and addresses of each person paid by the recipient of the reimbursement.

E. A treasurer of an inaugural committee ~~(a)~~ (i) may establish a petty cash fund to be utilized for the purpose of making expenditures or reimbursing verified credit card expenditures of less than \$200 if complete records of such expenditures are maintained as required by this chapter and ~~(b)~~ (ii) may transfer funds from the designated campaign depository to an account or instrument to earn interest on the funds so long as the transferred funds and earned interest are returned to the designated depository account, complete records are maintained, and all expenditures are made through the designated depository account.

CHAPTER 350

An Act to repeal Chapter 346 of the Acts of Assembly of 1903, Chapter 130 of the Acts of Assembly of 1908, and Chapters 216 and 224 of the Acts of Assembly of 1950, relating to voting restrictions; poll taxes; registration records separated on the basis of race.

[H 1086]

Approved March 12, 2020

Be it enacted by the General Assembly of Virginia:

1. That Chapter 346 of the Acts of Assembly of 1903, Chapter 130 of the Acts of Assembly of 1908, and Chapters 216 and 224 of the Acts of Assembly of 1950 are repealed.

CHAPTER 351

An Act to amend and reenact § 8.01-271.1 of the Code of Virginia, relating to signature defects on pleadings, motions, and other papers.

[S 229]

Approved March 12, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 8.01-271.1 of the Code of Virginia is amended and reenacted as follows:

§ 8.01-271.1. Signing of pleadings, motions, and other papers; oral motions; sanctions.

A. Except as otherwise provided in §§ 16.1-260 and 63.2-1901, every pleading, ~~written~~ motion, ~~and~~ or other paper of a party represented by an attorney shall be signed by at least one attorney of record *who is an active member in good standing of the Virginia State Bar* in his individual name, and the attorney's address shall be stated on the first pleading filed by that attorney in the action. A party who is not represented by an attorney, including a person confined in a state or local correctional facility proceeding pro se, shall sign his pleading, motion, or other paper and state his address. *The signature of a person other than counsel of record who is an active member in good standing of the Virginia State Bar or a pro se litigant is not a valid signature.* A minor who is not represented by an attorney shall sign his pleading, motion, or other paper by his next friend. Either or both parents of such minor may sign on behalf of such minor as his next friend. However, a parent may not sign on behalf of a minor if such signature is otherwise prohibited by subdivision 6 of § 64.2-716. *If a pleading, motion, or other paper is not signed in compliance with this paragraph, it is defective. Such a defect renders the pleading, motion, or other paper voidable.*

B. The signature of an attorney or party constitutes a certificate by him that (i) he has read the pleading, motion, or other paper, (ii) to the best of his knowledge, information and belief, formed after reasonable inquiry, it is well grounded in fact and is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law, and (iii) it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation. ~~If a pleading, written motion, or other paper is not signed, it shall be stricken unless it is signed promptly after the omission is called to the attention of the pleader or movant.~~

C. An oral motion made by an attorney or party in any court of the Commonwealth constitutes a representation by him that (i) to the best of his knowledge, information and belief formed after reasonable inquiry it is well grounded in fact and is warranted by existing law or a good faith argument for the extension, modification or reversal of existing law, and (ii) it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation.

D. If a pleading, motion, or other paper is signed or made in violation of this ~~rule~~ section, the court, upon motion or upon its own initiative, shall impose upon the person who signed the paper or made the motion, a represented party, or both, an appropriate sanction, which may include an order to pay to the other party or parties the amount of the reasonable expenses incurred because of the filing of the pleading, motion, or other paper or making of the motion, including a reasonable ~~attorney's fee~~ attorney fees.

E. *Failure to raise the issue of a signature defect in a pleading, motion, or other paper before the trial court's jurisdiction expires pursuant to Rule 1:1 (a) and Rule 1:1B waives any challenge to that pleading, motion, or other paper based on such a defect.*

F. *Signature defects in appellate filings, including the notice of appeal, shall be raised in the appellate court where the appeal is taken. Failure to timely raise the issue of a defective signature in an appellate pleading, motion, or other paper while the case is pending before the appellate court waives any challenge to that pleading, motion, or other paper based on such a defect.*

G. *If a signature defect is not timely and properly cured after it is brought to the attention of the pleader or movant, the pleading, motion, or other paper is invalid and shall be stricken. A signature defect shall be cured within 21 days after it is brought to the attention of the pleader or movant. If a signature defect is timely and properly cured, the pleading, motion, or other paper shall be valid and relate back to the date it was originally served or filed.*

CHAPTER 352

An Act to repeal Chapter 123 of the Acts of Assembly of the extra session of 1901, Chapters 238, 335, and 401 of the Acts of Assembly of 1901-1902, Chapters 212, 268, 312, 332, 509, and 528 of the Acts of Assembly of the extra session of 1902-1904, Chapters 42, 161, 170, 284, and 400 of the Acts of Assembly of 1908, Chapter 206 of the Acts of Assembly of 1910, Chapter 321 of the Acts of Assembly of 1912, Chapter 170 of the Acts of Assembly of 1914, Chapter 351 of the Acts of Assembly of 1918, Chapters 70, 75, 144, and 344 of the Acts of Assembly of 1920, Chapters 23 and 569 of the Acts of Assembly of 1950, Chapter 262 of the Acts of Assembly of 1954, Chapters 39, 58, 59, 68, 69, and 70 of the Acts of Assembly of the extra session of 1956, Chapters 41 and 319 of the Acts of Assembly of 1958, Chapters 1, 3, 32, 50, 53, 71, 80, and 81 of the Acts of Assembly of the extra session of 1959, and Chapters 191, 448, and 531 of the Acts of Assembly of 1960, relating to elementary and secondary schools and institutions of higher education in the Commonwealth; racial segregation.

[S 600]

Approved March 12, 2020

Be it enacted by the General Assembly of Virginia:

1. That Chapter 123 of the Acts of Assembly of the extra session of 1901, Chapters 238, 335, and 401 of the Acts of Assembly of 1901–1902, Chapters 212, 268, 312, 332, 509, and 528 of the Acts of Assembly of the extra session of 1902–1904, Chapters 42, 161, 170, 284, and 400 of the Acts of Assembly of 1908, Chapter 206 of the Acts of Assembly of 1910, Chapter 321 of the Acts of Assembly of 1912, Chapter 170 of the Acts of Assembly of 1914, Chapter 351 of

the Acts of Assembly of 1918, Chapters 70, 75, 144, and 344 of the Acts of Assembly of 1920, Chapters 23 and 569 of the Acts of Assembly of 1950, Chapter 262 of the Acts of Assembly of 1954, Chapters 39, 58, 59, 68, 69, and 70 of the Acts of Assembly of the extra session of 1956, Chapters 41 and 319 of the Acts of Assembly of 1958, Chapters 1, 3, 32, 50, 53, 71, 80, and 81 of the Acts of Assembly of the extra session of 1959, and Chapters 191, 448, and 531 of the Acts of Assembly of 1960 are repealed.

CHAPTER 353

An Act to amend and reenact §§ 24.2-102 and 24.2-103 of the Code of Virginia, relating to State Board of Elections; increasing membership and terms; Commissioner of Elections; role and eligibility; report.

[H 236]

Approved March 12, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-102 and 24.2-103 of the Code of Virginia are amended and reenacted as follows:

§ 24.2-102. Appointment; terms; Commissioner of Elections; prohibited activities.

A. The State Board of Elections is continued and shall consist of ~~three~~ *five* members appointed by the Governor from the qualified voters of the Commonwealth, subject to confirmation by the General Assembly. In the appointment of the Board, representation shall be given to each of the political parties having the highest and next highest number of votes in the Commonwealth for Governor at the last preceding gubernatorial election. ~~Two~~ *Three* Board members shall be of the political party ~~which~~ *that* cast the highest number of votes for Governor at that election. When the Governor was not elected as the candidate of a political party, representation shall be given to each of the political parties having the highest and next highest number of members of the General Assembly at the time of the appointment and ~~two~~ *three* Board members shall be of the political party having the highest number of members in the General Assembly. Each political party entitled to an appointment may make and file recommendations with the Governor for the appointment. Its recommendations shall contain the names of at least three qualified voters of the Commonwealth. *Appointments shall be made with due consideration of geographical representation, and no two Board members shall reside in the same congressional district.*

After the initial staggering of terms, Board members shall serve ~~four-year~~ terms beginning February 1, 1995, and each ~~fourth year thereafter~~ of four years, which shall begin on February 1 of the year of the appointment. Vacancies shall be filled for the unexpired terms. No member shall be eligible for more than two successive four-year terms. A member appointed for an unexpired term may be appointed for the two succeeding four-year terms.

~~The Governor shall appoint a Commissioner of Elections, who shall receive the salary fixed by law. The Commissioner of Elections may employ the personnel required to carry out the duties imposed by the State Board of Elections.~~

Each year the Governor shall designate one Board member to be the chair of the Board and one Board member to be the vice-chair. The chair and vice-chair shall be members of opposite political parties.

No member of the Board shall be eligible to offer for or hold an office to be filled in whole or in part by qualified voters in the Commonwealth. If a member resigns to offer for or hold such office, the vacancy shall be filled as provided in this section.

No member of the Board shall serve as the chairman of a state, local, or district level political party committee or as a paid or volunteer worker in the campaign of a candidate for nomination or election to an office filled by election in whole or in part by qualified voters in the Commonwealth.

B. The Governor shall appoint a Commissioner of Elections, subject to confirmation by the General Assembly, to head the Department of Elections and to act as its principal administrative officer. The Commissioner shall be appointed to a term of four years, which shall begin on July 1 of the year following a gubernatorial election. The Commissioner shall be a qualified voter of the Commonwealth.

The Commissioner shall receive the salary fixed by law. He may employ the personnel required to carry out the duties required by law and imposed by the Board.

The Commissioner shall not be eligible to offer for or hold an office to be filled in whole or in part by qualified voters in the Commonwealth. His candidacy for or election to such office shall vacate his position as Commissioner, and the Governor shall fill the vacancy for the unexpired term.

The Governor shall not appoint as Commissioner (i) any person who is the spouse of a member of the Board or of a person seeking election to an office or holding an elective office that is filled in whole or in part by qualified voters in the Commonwealth; (ii) any person, or the spouse of any person, who is the grandparent, parent, sibling, child, or grandchild of a member of the Board; or (iii) any person, or the spouse of any person, who is the grandparent, parent, sibling, child, or grandchild of a person seeking election to an office or holding an elective office that is filled in whole or in part by qualified voters in the Commonwealth. The Commissioner shall submit his resignation to the Governor on the date that any such person files as a candidate for election to an office that is filled in whole or in part by qualified voters in the Commonwealth.

The Commissioner shall not serve as the chairman of a state, local, or district level political party committee or as a paid or volunteer worker in the campaign of a candidate for nomination or election to an office filled by election in whole or in part by qualified voters in the Commonwealth.

§ 24.2-103. Powers and duties in general; report.

A. The State Board, through the Department of Elections, shall supervise and coordinate the work of the county and city electoral boards and of the registrars to obtain uniformity in their practices and proceedings and legality and purity in all elections. It shall make rules and regulations and issue instructions and provide information consistent with the election laws to the electoral boards and registrars to promote the proper administration of election laws. Electoral boards and registrars shall provide information requested by the State Board and shall follow (i) the elections laws and (ii) the rules and regulations of the State Board insofar as they do not conflict with Virginia or federal law. The State Board shall post on the Internet within three business days any rules or regulations made by the State Board. Upon request and at a reasonable charge not to exceed the actual cost incurred, the State Board shall provide to any requesting political party or candidate, within three days of the receipt of the request, copies of any instructions or information provided by the State Board to the local electoral boards and registrars.

B. The State Board, through the Department of Elections, shall ensure that the members of the electoral boards and general registrars are properly trained to carry out their duties by offering training annually, or more often, as it deems appropriate, and without charging any fees to the electoral boards and general registrars for the training. The State Board shall set the training standards for the officers of election and shall develop standardized training programs for the officers of election to be conducted by the local electoral boards and the general registrars. Training of the officers of election shall be conducted and certified as provided by § 24.2-115.2. The State Board shall provide standardized training materials for such training and shall also offer on the Department of Elections website a training course for officers of election. The content of the online training course shall be consistent with the standardized training programs developed pursuant to this section. The State Board shall review the standardized training materials and the content of the online training course every two years in the year immediately following a general election for federal office.

C. The State Board may institute proceedings pursuant to § 24.2-234 for the removal of any member of an electoral board who fails to discharge the duties of his office in accordance with law. The State Board may petition the local electoral board to remove from office any general registrar who fails to discharge the duties of his office according to law. The State Board may institute proceedings pursuant to § 24.2-234 for the removal of a general registrar if the local electoral board refuses to remove the general registrar and the State Board finds that the failure to remove the general registrar has a material adverse effect upon the conduct of either the registrar's office or any election. Any action taken by the State Board pursuant to this subsection shall require a recorded majority vote of the Board.

D. The State Board may petition a circuit court or the Supreme Court, whichever is appropriate, for a writ of mandamus or prohibition, or other available legal relief, for the purpose of ensuring that elections are conducted as provided by law.

E. The Department of Elections shall supervise its own staff to assure that no member of its staff shall serve (i) as the chairman of a political party or other officer of a state-, local-, or district-level political party committee or (ii) as a paid or volunteer worker in the campaign of a candidate for nomination or election to an office filled by election in whole or in part by the qualified voters of the Commonwealth.

F. The State Board shall adopt a seal for its use and bylaws for its own proceedings.

G. ~~A telephone call between two members of the Board preparing for a meeting shall not constitute a meeting under the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.), provided that no discussion or deliberation takes place that would otherwise constitute a meeting. The State Board shall submit an annual report to the Governor and the General Assembly on the activities of the State Board and the Department of Elections in the previous year. Such report shall be governed by the provisions of § 2.2-608.~~

2. That the provisions of this act shall become effective on January 1, 2021.

3. That the two members added to the State Board of Elections pursuant to this act shall be appointed for terms of four years, to begin February 1, 2021, and to end on January 31, 2025. One member shall represent the political party of the Governor, and one member shall represent the political party that had the next highest number of votes in the Commonwealth at the last preceding gubernatorial election.

CHAPTER 354

An Act to amend and reenact §§ 2.2-309 and 2.2-309.1 of the Code of Virginia, relating to the State Inspector General; powers and duties.

[H 1100]

Approved March 12, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-309 and 2.2-309.1 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-309. Powers and duties of State Inspector General.

A. The State Inspector General shall have power and duty to:

1. Operate and manage the Office and employ such personnel as may be required to carry out the provisions of this chapter;

2. Make and enter contracts and agreements as may be necessary and incidental to carry out the provisions of this chapter and apply for and accept grants from the United States government and agencies and instrumentalities thereof, and any other source, in furtherance of the provisions of this chapter;

3. Receive complaints from whatever source that allege fraud, waste, including task or program duplication, abuse, or corruption by a state agency or nonstate agency or by any officer or employee of the foregoing and determine whether the complaints give reasonable cause to investigate;

4. Receive complaints under § 2.2-2832 from persons alleging retaliation by an officer or employee of a state agency for providing testimony before a committee or subcommittee of the General Assembly and determine whether the complaints give reasonable cause to investigate;

5. Investigate the management and operations of state agencies, nonstate agencies, and independent contractors of state agencies to determine whether acts of fraud, waste, abuse, or corruption have been committed or are being committed by state officers or employees or independent contractors of a state agency or any officers or employees of a nonstate agency, including any allegations of criminal acts affecting the operations of state agencies or nonstate agencies. However, no investigation of an elected official of the Commonwealth to determine whether a criminal violation has occurred, is occurring, or is about to occur under the provisions of § 52-8.1 shall be initiated, undertaken, or continued except upon the request of the Governor, the Attorney General, or a grand jury;

6. Prepare a detailed report of each investigation stating whether fraud, waste, abuse, or corruption has been detected. If fraud, waste, abuse, or corruption is detected, the report shall (i) identify the person committing the wrongful act or omission, (ii) describe the wrongful act or omission, and (iii) describe any corrective measures taken by the state agency or nonstate agency in which the wrongful act or omission was committed to prevent recurrences of similar actions;

7. Provide timely notification to the appropriate attorney for the Commonwealth and law-enforcement agencies whenever the State Inspector General has reasonable grounds to believe there has been a violation of state criminal law;

8. Administer the Fraud and Abuse Whistle Blower Reward Fund created pursuant to § 2.2-3014;

9. Oversee the Fraud, Waste and Abuse Hotline;

10. Conduct performance reviews of state agencies to assess the efficiency, effectiveness, or economy of programs and to ascertain, among other things, that sums appropriated have been or are being expended for the purposes for which the appropriation was made and prepare a report for each performance review detailing any findings or recommendations for improving the efficiency, effectiveness, or economy of state agencies, including recommending changes in the law to the Governor and the General Assembly that are necessary to address such findings;

11. Coordinate and require standards for those internal audit programs in existence as of July 1, 2012, and for other internal audit programs in state agencies and nonstate agencies as needed in order to ensure that the Commonwealth's assets are subject to appropriate internal management controls;

12. As deemed necessary, assess the condition of the accounting, financial, and administrative controls of state agencies and nonstate agencies and make recommendations to protect the Commonwealth's assets;

13. Assist agency internal auditing programs with technical auditing issues and coordinate and provide training to the Commonwealth's internal auditors;

14. Assist citizens in understanding their rights and the processes available to them to express concerns regarding the activities of a state agency or nonstate agency or any officer or employee of the foregoing;

15. Maintain data on inquiries received, the types of assistance requested, any actions taken, and the disposition of each such matter;

16. Upon request, assist citizens in using the procedures and processes available to express concerns regarding the activities of a state or nonstate agency or any officer or employee of the foregoing;

17. Ensure that citizens have access to the services provided by the State Inspector General and that citizens receive timely responses to their inquiries from the State Inspector General or his representatives; and

18. Do all acts necessary or convenient to carry out the purposes of this chapter.

B. If the State Inspector General receives a complaint from whatever source that alleges fraud, waste, abuse, or corruption by a public institution of higher education that is (i) a covered institution as defined by the *Restructured Higher Education Financial and Administrative Operations Act* (§ 23.1-1000 et seq.) and (ii) classified as a Level 3 institution by the *State Council of Higher Education for Virginia*, or any of its officers or employees, the State Inspector General shall, but for reasonable and articulable causes, refer the complaint to the internal audit department of the public institution of higher education for investigation. However, if the complaint concerns the president of the institution or its internal audit department, or if the State Inspector General otherwise concludes that his office should investigate the complaint to ensure a comprehensive and fully independent investigation, the investigation shall be conducted by the State Inspector General. The State Inspector General may provide assistance for investigations as may be requested by the public institution of higher education.

The public institution of higher education shall provide periodic updates on the status of ~~any investigation~~ investigations, whether they originated internally or were referred by the State Inspector General, and ~~make report annually to the State Inspector General on the results of any all such investigation available to the State Inspector General~~ investigations.

C. The State Inspector General shall establish procedures governing the intake and investigation of complaints alleging allegations of fraud, waste, abuse, or corruption by a state agency or nonstate agency or by any officer or employee of a state agency or nonstate agency. Such procedures shall:

1. Provide that the State Inspector General, or his designee, shall review each decision to dismiss an allegation reported to the State Fraud, Waste, and Abuse Hotline at the initial intake stage without further investigation.

2. Require that (i) investigators of the Office of the State Inspector General directly investigate allegations of serious administrative violations and (ii) other agency internal audit divisions may investigate allegations meeting certain criteria specified by the State Inspector General, only if the internal audit division has demonstrated the ability to conduct investigations in an independent, effective, and timely manner. Criteria may include allegations below a specified dollar threshold.

3. Require oversight by the Office of the State Inspector General of all investigations referred to other agencies to ensure quality, timeliness, and independence.

4. Develop a process for the regular review of the status of recommendations made by the Office of the State Inspector General as a result of an investigation conducted pursuant to this chapter.

§ 2.2-309.1. Additional powers and duties; behavioral health and developmental services.

A. The definitions found in § 37.2-100 shall apply mutatis mutandis to the terms used in this section.

B. In addition to the duties set forth in this chapter, the State Inspector General shall have the following powers and duties to:

1. Provide inspections of and make policy and operational recommendations for state facilities and for providers, including licensed mental health treatment units in state correctional facilities, in order to prevent problems, abuses, and deficiencies in and improve the effectiveness of their programs and services. The State Inspector General shall provide oversight and conduct announced and unannounced inspections of state facilities and of providers, including licensed mental health treatment units in state correctional facilities, on an ongoing basis in response to specific complaints of abuse, neglect, or inadequate care and as a result of monitoring serious incident reports and reports of abuse, neglect, or inadequate care or other information received. The State Inspector General shall conduct unannounced inspections at each state facility at least once annually;

2. Inspect, monitor, and review the quality of services provided in state facilities and by providers as defined in § 37.2-403, including licensed mental health treatment units in state correctional facilities;

3. Access any and all information, including confidential consumer information, related to the delivery of services to consumers in state facilities or served by providers, including licensed mental health treatment units in state correctional facilities. However, the State Inspector General shall not be given access to any proceedings, minutes, records, or reports of providers that are privileged under § 8.01-581.17, except that the State Inspector General shall be given access to any privileged information in state facilities and licensed mental health treatment units in state correctional facilities. All consumer information shall be maintained by the State Inspector General as confidential in the same manner as is required by the agency or provider from which the information was obtained;

4. Keep the General Assembly and the Joint Commission on Health Care fully and currently informed by means of reports required by § 2.2-313 concerning significant problems, abuses, and deficiencies relating to the administration of the programs and services of state facilities and of providers, including licensed mental health treatment units in state correctional facilities, to recommend corrective actions concerning the problems, abuses, and deficiencies, and report on the progress made in implementing the corrective actions;

5. Provide oversight of the Department of Behavioral Health and Developmental Services and community-based providers to identify system-level issues and conditions affecting quality of care and safety and provide recommendations to alleviate such issues and conditions;

6. Implement a program to promote awareness of the complaints line operated by the Office of the State Inspector General among residents of facilities operated by the Department of Behavioral Health and Developmental Services and persons receiving services from community-based providers regulated by the Department of Behavioral Health and Developmental Services;

7. Review, comment on, and make recommendations about, as appropriate, any reports prepared by the Department of Behavioral Health and Developmental Services and the critical incident data collected by the Department of Behavioral Health and Developmental Services in accordance with regulations adopted under § 37.2-400 to identify issues related to quality of care, seclusion and restraint, medication usage, abuse and neglect, staff recruitment and training, and other systemic issues;

~~8.~~ 8. As deemed necessary, monitor, review, and comment on regulations adopted by the Board of Behavioral Health and Developmental Services; and

~~9.~~ 9. Receive reports, information, and complaints from the Commonwealth's designated protection and advocacy system concerning issues related to quality of care provided in state facilities and by providers, including licensed mental health treatment units in state correctional facilities, and conduct independent reviews and investigations.

CHAPTER 355

An Act to amend and reenact § 18.2-415 of the Code of Virginia, relating to disorderly conduct; students.

[S 3]

Approved March 12, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-415 of the Code of Virginia is amended and reenacted as follows:

§ 18.2-415. Disorderly conduct in public places.

A. A person is guilty of disorderly conduct if, with the intent to cause public inconvenience, annoyance, or alarm, or recklessly creating a risk thereof, he:

~~A~~ 1. In any street, highway, *or* public building, or while in or on a public conveyance, or *while in a* public place engages in conduct having a direct tendency to cause acts of violence by the person or persons at whom, individually, such conduct is directed; ~~or~~

~~B~~ 2. Willfully or being intoxicated, whether willfully or not, and whether such intoxication results from self-administered alcohol or other drug of whatever nature, disrupts any funeral, memorial service, or meeting of the governing body of any political subdivision of this Commonwealth or a division or agency thereof, or of any school, literary society, or place of religious worship, if the disruption (i) prevents or interferes with the orderly conduct of the funeral, memorial service, or meeting or (ii) has a direct tendency to cause acts of violence by the person or persons at whom, individually, the disruption is directed; or

~~C~~ 3. Willfully or while intoxicated, whether willfully or not, and whether such intoxication results from self-administered alcohol or other drug of whatever nature, disrupts the operation of any school or any activity conducted or sponsored by any school, if the disruption (i) prevents or interferes with the orderly conduct of the operation or activity or (ii) has a direct tendency to cause acts of violence by the person or persons at whom, individually, the disruption is directed.

~~However, the B. The~~ conduct prohibited under ~~subdivision subsection A, B or C of this section~~ shall not be deemed to include the utterance or display of any words or to include conduct otherwise made punishable under this title.

C. The person in charge of any such building, place, conveyance, meeting, operation, or activity may eject therefrom any person who violates any provision of this section, with the aid, if necessary, of any persons who may be called upon for such purpose.

D. *The provisions of this section shall not apply to any elementary or secondary school student if the disorderly conduct occurred on the property of any elementary or secondary school, on a school bus as defined in § 46.2-100, or at any activity conducted or sponsored by any elementary or secondary school.*

E. The governing bodies of counties, cities, and towns are authorized to adopt ordinances prohibiting and punishing the acts and conduct prohibited by this section, provided that the punishment fixed therefor shall not exceed that prescribed for a Class 1 misdemeanor. A person violating any provision of this section ~~shall be~~ *is* guilty of a Class 1 misdemeanor.

CHAPTER 356

An Act to amend and reenact §§ 2.2-4002, 2.2-4103, 28.2-201, and 28.2-410 of the Code of Virginia and to repeal §§ 28.2-400.2 through 28.2-400.6, 28.2-411, and 28.2-1000.2 of the Code of Virginia, relating to management of the menhaden fishery.

[S 791]

Approved March 12, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-4002, 2.2-4103, 28.2-201, and 28.2-410 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-4002. Exemptions from chapter generally.

A. Although required to comply with § 2.2-4103 of the Virginia Register Act (§ 2.2-4100 et seq.), the following agencies shall be exempted from the provisions of this chapter, except to the extent that they are specifically made subject to §§ 2.2-4024, 2.2-4030, and 2.2-4031:

1. The General Assembly.
2. Courts, any agency of the Supreme Court, and any agency that by the Constitution is expressly granted any of the powers of a court of record.

3. The Department of Game and Inland Fisheries in promulgating regulations regarding the management of wildlife and for all case decisions rendered pursuant to any provisions of Chapters 2 (§ 29.1-200 et seq.), 3 (§ 29.1-300 et seq.), 4 (§ 29.1-400 et seq.), 5 (§ 29.1-500 et seq.), and 7 (§ 29.1-700 et seq.) of Title 29.1.

4. The Virginia Housing Development Authority.

5. Municipal corporations, counties, and all local, regional or multijurisdictional authorities created under this Code, including those with federal authorities.

6. Educational institutions operated by the Commonwealth, provided that, with respect to § 2.2-4031, such educational institutions shall be exempt from the publication requirements only with respect to regulations that pertain to (i) their

academic affairs, (ii) the selection, tenure, promotion and disciplining of faculty and employees, (iii) the selection of students, and (iv) rules of conduct and disciplining of students.

7. The Milk Commission in promulgating regulations regarding (i) producers' licenses and bases, (ii) classification and allocation of milk, computation of sales and shrinkage, and (iii) class prices for producers' milk, time and method of payment, butterfat testing and differential.

8. The Virginia Resources Authority.

9. Agencies expressly exempted by any other provision of this Code.

10. The Department of General Services in promulgating standards for the inspection of buildings for asbestos pursuant to § 2.2-1164.

11. The State Council of Higher Education for Virginia, in developing, issuing, and revising guidelines pursuant to § 23.1-207.

12. The Commissioner of Agriculture and Consumer Services in adopting regulations pursuant to subsection B of § 3.2-6002 and in adopting regulations pursuant to § 3.2-6023.

13. The Commissioner of Agriculture and Consumer Services and the Board of Agriculture and Consumer Services in promulgating regulations pursuant to subsections B and D of § 3.2-3601, subsection B of § 3.2-3701, § 3.2-4002, subsections B and D of § 3.2-4801, §§ 3.2-5121 and 3.2-5206, and subsection A of § 3.2-5406.

14. The Board of Optometry when specifying therapeutic pharmaceutical agents, treatment guidelines, and diseases and abnormal conditions of the human eye and its adnexa for TPA-certification of optometrists pursuant to Article 5 (§ 54.1-3222 et seq.) of Chapter 32 of Title 54.1.

15. The Commissioner of the Department of Veterans Services in adopting regulations pursuant to § 2.2-2001.3.

16. The State Board of Education, in developing, issuing, and revising guidelines pursuant to § 22.1-203.2.

17. The Virginia Racing Commission, (i) when acting by and through its duly appointed stewards or in matters related to any specific race meeting or (ii) in promulgating technical rules regulating actual live horse racing at race meetings licensed by the Commission.

18. The Virginia Small Business Financing Authority.

19. The Virginia Economic Development Partnership Authority.

20. The Board of Agriculture and Consumer Services in adopting, amending or repealing regulations pursuant to subsection A (ii) of § 59.1-156.

21. The Insurance Continuing Education Board pursuant to § 38.2-1867.

22. The Board of Health in promulgating the list of diseases that shall be reported to the Department of Health pursuant to § 32.1-35 and in adopting, amending or repealing regulations pursuant to subsection C of § 35.1-14 that incorporate the Food and Drug Administration's Food Code pertaining to restaurants or food service.

~~23. The Commissioner of the Marine Resources Commission in setting a date of closure for the Chesapeake Bay purse seine fishery for Atlantic menhaden for reduction purposes pursuant to § 28.2-1000.2.~~

~~24.~~ The Board of Pharmacy when specifying special subject requirements for continuing education for pharmacists pursuant to § 54.1-3314.1.

~~25-~~ 24. The Virginia Department of Veterans Services when promulgating rules and regulations pursuant to § 58.1-3219.7 or 58.1-3219.11.

~~26-~~ 25. The Virginia Department of Criminal Justice Services when developing, issuing, or revising any training standards established by the Criminal Justice Services Board under § 9.1-102, provided such actions are authorized by the Governor in the interest of public safety.

B. Agency action relating to the following subjects shall be exempted from the provisions of this chapter:

1. Money or damage claims against the Commonwealth or agencies thereof.

2. The award or denial of state contracts, as well as decisions regarding compliance therewith.

3. The location, design, specifications or construction of public buildings or other facilities.

4. Grants of state or federal funds or property.

5. The chartering of corporations.

6. Customary military, militia, naval or police functions.

7. The selection, tenure, dismissal, direction or control of any officer or employee of an agency of the Commonwealth.

8. The conduct of elections or eligibility to vote.

9. Inmates of prisons or other such facilities or parolees therefrom.

10. The custody of persons in, or sought to be placed in, mental health facilities or penal or other state institutions as well as the treatment, supervision, or discharge of such persons.

11. Traffic signs, markers or control devices.

12. Instructions for application or renewal of a license, certificate, or registration required by law.

13. Content of, or rules for the conduct of, any examination required by law.

14. The administration of pools authorized by Chapter 47 (§ 2.2-4700 et seq.).

15. Any rules for the conduct of specific lottery games, so long as such rules are not inconsistent with duly adopted regulations of the Virginia Lottery Board, and provided that such regulations are published and posted.

16. Orders condemning or closing any shellfish, finfish, or crustacea growing area and the shellfish, finfish or crustacea located thereon pursuant to Article 2 (§ 28.2-803 et seq.) of Chapter 8 of Title 28.2.

17. Any operating procedures for review of child deaths developed by the State Child Fatality Review Team pursuant to § 32.1-283.1, any operating procedures for review of adult deaths developed by the Adult Fatality Review Team pursuant to § 32.1-283.5, and any operating procedures for review of adult deaths developed by the Maternal Mortality Review Team pursuant to § 32.1-283.8.

18. The regulations for the implementation of the Health Practitioners' Monitoring Program and the activities of the Health Practitioners' Monitoring Program Committee pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1.

19. The process of reviewing and ranking grant applications submitted to the Commonwealth Neurotrauma Initiative Advisory Board pursuant to Article 12 (§ 51.5-178 et seq.) of Chapter 14 of Title 51.5.

20. Loans from the Small Business Environmental Compliance Assistance Fund pursuant to Article 4 (§ 10.1-1197.1 et seq.) of Chapter 11.1 of Title 10.1.

21. The Virginia Breeders Fund created pursuant to § 59.1-372.

22. The types of pari-mutuel wagering pools available for live or simulcast horse racing.

23. The administration of medication or other substances foreign to the natural horse.

24. Any rules adopted by the Charitable Gaming Board for the approval and conduct of game variations for the conduct of raffles, bingo, network bingo, and instant bingo games, provided that such rules are (i) consistent with Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2 and (ii) published and posted.

C. Minor changes to regulations published in the Virginia Administrative Code under the Virginia Register Act (§ 2.2-4100 et seq.), made by the Virginia Code Commission pursuant to § 30-150, shall be exempt from the provisions of this chapter.

§ 2.2-4103. Agencies to file regulations with Registrar; other duties; failure to file.

It shall be the duty of every agency to have on file with the Registrar the full text of all of its currently operative regulations, together with the dates of adoption, revision, publication, or amendment thereof and such additional information requested by the Commission or the Registrar for the purpose of publishing the Virginia Register of Regulations and the Virginia Administrative Code. Thereafter, coincidentally with the issuance thereof, each agency shall from day to day so file, date, and supplement all new regulations and amendments, repeals, or additions to its previously filed regulations. The filed regulations shall (i) indicate the laws they implement or carry out, (ii) designate any prior regulations repealed, modified, or supplemented, (iii) state any special effective or terminal dates, and (iv) be accompanied by a statement or certification, either in original or electronic form, that the regulations are full, true, and correctly dated. No regulation or amendment or repeal thereof shall be effective until filed with the Registrar.

Orders condemning or closing any shellfish, finfish or crustacea growing area and the shellfish, finfish or crustacea located thereon pursuant to Article 2 (§ 28.2-803 et seq.) of Chapter 8, of Title 28.2, which are exempt from the requirements of the Administrative Process Act (§ 2.2-4000 et seq.) as provided in subsection B of § 2.2-4002, shall be effective on the date specified by the promulgating agency. Such orders shall continue to be filed with the Registrar either before or after their effective dates in order to satisfy the need for public availability of information respecting the regulations of state agencies.

~~An order setting a date of closure for the Chesapeake Bay purse seine fishery for Atlantic menhaden for reduction purposes pursuant to § 28.2-1000.2, which is exempt from the requirements of the Administrative Process Act as provided by subsection A of § 2.2-4002, shall be effective on the date specified. Such orders shall be filed with the Registrar for prompt publication.~~

In addition, each agency shall itself ~~(i)~~ (a) maintain a complete list of all of its currently operative regulations for public consultation, ~~(ii)~~ (b) make available to public inspection a complete file of the full texts of all such regulations, and ~~(iii)~~ (c) allow public copying thereof or make copies available either without charge, at cost, or on payment of a reasonable fee. Each agency shall also maintain as a public record a complete file of its regulations that have been superseded on and after June 1, 1975.

Where regulations adopt textual matter by reference to publications other than the Federal Register or Code of Federal Regulations, the agency shall ~~(i)~~ (1) file with the Registrar copies of the referenced publications, ~~(ii)~~ (2) state on the face of or as notations to regulations making such adoptions by reference the places where copies of the referred publications may be procured, and ~~(iii)~~ (3) make copies of such referred publications available for public inspection and copying along with its other regulations.

Unless he finds that there are special circumstances requiring otherwise, the Governor, in addition to the exercise of his authority to see that the laws are faithfully executed, may, until compliance with this chapter is achieved, withhold the payment of compensation or expenses of any officer or employee of any agency in whole or part whenever the Commission certifies to him that the agency has failed to comply with this section or this chapter in stated respects, to respond promptly to the requests of the Registrar, or to comply with the regulations of the Commission.

§ 28.2-201. Authority of Commission to make regulations, establish licenses, and prepare fishery management plans; accept federal grants; enforcement; penalty for violation of regulation.

The Commission may:

1. ~~Promulgate~~ Adopt regulations, including those for taking seafood, necessary to promote the general welfare of the seafood industry and to conserve and promote the seafood and marine resources of the Commonwealth. The Commission may also ~~promulgate~~ adopt regulations necessary for the conservation and reasonable use of surf clams.

2. Establish new licenses and fees commensurate with other licenses in an amount not to exceed \$100 for any device used for taking or catching seafood in the tidal waters of the Commonwealth when the device (i) is not otherwise licensed in this title and (ii) is used for commercial purposes. The Commission may specify, when issuing such licenses, any restrictions or control over the devices or the persons operating the device.

3. Establish fees for permits required for delayed or limited entry fisheries, shellfish relaying, scientific collections, and for the administrative transfer of these permits among fisherman, where applicable.

4. Beginning July 1, 2004, and not more frequently than every three years thereafter, increase fees for tidal fisheries licenses and permits that are authorized under this title or by regulation ~~promulgated~~ *adopted* pursuant to Article 2 (§ 28.2-209 et seq.) of ~~this chapter~~. Any fee increase for such licenses and permits shall be capped at \$5 or a percentage equal to the increase in the Consumer Price Index calculated from the time the fee was last set or adjusted, whichever is greater. Beginning July 1, 2004, any amounts generated from the increases in commercial fishing licenses and permits shall be paid into the Marine Fishing Improvement Fund for the purposes authorized by § 28.2-208, and any amounts generated from the increases in recreational fishing licenses shall be paid into the Virginia Saltwater Recreational Fishing Development Fund for the purposes authorized by § 28.2-302.3. The Commission may charge nonresidents a higher fee than residents for purchase of any of the fishing licenses issued pursuant to §§ 28.2-302.2, 28.2-302.2:1, 28.2-302.6, 28.2-302.7, 28.2-302.8, 28.2-302.10, and 28.2-302.10:1. The fee charged to a nonresident shall be no greater than twice the Virginia resident fee. The Commission may prohibit the sale of the private boat license established by § 28.2-302.7 to a nonresident whose boat is not registered in Virginia.

5. The Commission shall ensure that increases in licenses and fees are equitably distributed among resource user groups.

6. Prepare fishery management plans containing evaluations of regulatory management options, based upon scientific, economic, biological, and sociological information, and use them in the development of regulations. The Commissioner may appoint a fisheries advisory committee and its chairman, consisting of representatives of the various fishery user groups, to assist in the preparation and implementation of the fishery management plans. The Commission may expend funds to compensate the members of the committee pursuant to § 2.2-2825.

7. Provide for enforcement of any regulation governing surf clams by any law-enforcement officer of any agency of the Commonwealth or its political subdivisions or by any law-enforcement officer of any agency of the federal government. Enforcement agreements with other agencies or political subdivisions shall be stated in the regulation.

8. The Commonwealth hereby assents to the provisions of the Federal Aid in Sport Fish Restoration Act of August 9, 1950 (16 U.S.C. §§ 777-777k), as amended. The Commission is authorized to perform all such acts as may be necessary for the establishment and implementation of cooperative fish restoration and management projects as defined by these federal statutes and the implementing regulations ~~promulgated~~ *adopted* thereunder.

Notwithstanding any provision of Chapter 4 (§ 28.2-400 et seq.), the Commission shall have the exclusive authority to manage Atlantic menhaden and shall adopt regulations necessary for its management, including those necessary to comply with the Atlantic States Marine Fisheries Commission Interstate Fishery Management Plan for Atlantic Menhaden. The Commission shall only adopt regulations for the management of menhaden between October 1 and December 31 unless regulatory action is necessary to address an emergency situation pursuant to § 28.2-210 or to ensure compliance with the Atlantic States Marine Fisheries Commission Interstate Fishery Management Plan for Atlantic Menhaden. Any regulation for the management of Atlantic menhaden shall be subject to judicial review in accordance with the provisions of § 28.2-215.

§ 28.2-410. Closed season for menhaden fishing; forbidden nets; penalty.

Except as provided in § 28.2-409 or as otherwise provided by regulation, it is unlawful for any person to take or catch with a purse net in the waters of ~~this~~ the Commonwealth, or waters within its jurisdiction, menhaden between the Saturday following the third Friday in November and the Sunday preceding the first Monday in May. However, in the waters east of the Chesapeake Bay Bridge Tunnel within the three-mile limit of the Virginia shoreline such prohibition shall be between the Friday before Christmas and the Sunday preceding the first Monday in May. It is also unlawful for any person to use any purse net or other net having a stretched mesh of less than ~~+~~ ^{3/4} ~~one and three quarters~~ inches. Any person violating any of the provisions of this section is guilty of a Class 1 misdemeanor.

2. That §§ 28.2-400.2 through 28.2-400.6, 28.2-411, and 28.2-1000.2 of the Code of Virginia are repealed.

3. That the Commissioner of Marine Resources shall establish a Menhaden Management Advisory Committee (the Committee) to provide guidance to the Marine Resources Commission on the sustainable management of the menhaden resource and harvest of the bait and reduction fisheries in the waters of the Commonwealth, including the Chesapeake Bay. The Committee shall consist of not more than 12 nonlegislative citizen members who shall be residents of the Commonwealth with knowledge of the menhaden resource, to be appointed by the Commissioner, including one representative of the menhaden reduction fishery, one representative of the menhaden bait fishery, one representative of a labor organization involved in the menhaden fishery, one recreational angler, one member of a Virginia-based conservation organization, one representative of the sportfishing industry, and the Virginia appointee to the Atlantic Menhaden Technical Committee of the Atlantic States Marine Fisheries Commission.

4. That an emergency exists and this act is in force from its passage.

CHAPTER 357

An Act to amend and reenact § 54.1-2900 of the Code of Virginia, relating to practice of chiropractic; definition.

[H 385]

Approved March 18, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-2900 of the Code of Virginia is amended and reenacted as follows:

§ 54.1-2900. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Acupuncturist" means an individual approved by the Board to practice acupuncture. This is limited to "licensed acupuncturist" which means an individual other than a doctor of medicine, osteopathy, chiropractic or podiatry who has successfully completed the requirements for licensure established by the Board (approved titles are limited to: Licensed Acupuncturist, Lic.Ac., and L.Ac.).

"Auricular acupuncture" means the subcutaneous insertion of sterile, disposable acupuncture needles in predetermined, bilateral locations in the outer ear when used exclusively and specifically in the context of a chemical dependency treatment program.

"Board" means the Board of Medicine.

"Certified nurse midwife" means an advanced practice registered nurse who is certified in the specialty of nurse midwifery and who is jointly licensed by the Boards of Medicine and Nursing as a nurse practitioner pursuant to § 54.1-2957.

"Certified registered nurse anesthetist" means an advanced practice registered nurse who is certified in the specialty of nurse anesthesia, who is jointly licensed by the Boards of Medicine and Nursing as a nurse practitioner pursuant to § 54.1-2957, and who practices under the supervision of a doctor of medicine, osteopathy, podiatry, or dentistry but is not subject to the practice agreement requirement described in § 54.1-2957.

"Collaboration" means the communication and decision-making process among health care providers who are members of a patient care team related to the treatment of a patient that includes the degree of cooperation necessary to provide treatment and care of the patient and includes (i) communication of data and information about the treatment and care of a patient, including the exchange of clinical observations and assessments, and (ii) development of an appropriate plan of care, including decisions regarding the health care provided, accessing and assessment of appropriate additional resources or expertise, and arrangement of appropriate referrals, testing, or studies.

"Consultation" means communicating data and information, exchanging clinical observations and assessments, accessing and assessing additional resources and expertise, problem-solving, and arranging for referrals, testing, or studies.

"Genetic counselor" means a person licensed by the Board to engage in the practice of genetic counseling.

"Healing arts" means the arts and sciences dealing with the prevention, diagnosis, treatment and cure or alleviation of human physical or mental ailments, conditions, diseases, pain or infirmities.

"Medical malpractice judgment" means any final order of any court entering judgment against a licensee of the Board that arises out of any tort action or breach of contract action for personal injuries or wrongful death, based on health care or professional services rendered, or that should have been rendered, by a health care provider, to a patient.

"Medical malpractice settlement" means any written agreement and release entered into by or on behalf of a licensee of the Board in response to a written claim for money damages that arises out of any personal injuries or wrongful death, based on health care or professional services rendered, or that should have been rendered, by a health care provider, to a patient.

"Nurse practitioner" means an advanced practice registered nurse who is jointly licensed by the Boards of Medicine and Nursing pursuant to § 54.1-2957.

"Occupational therapy assistant" means an individual who has met the requirements of the Board for licensure and who works under the supervision of a licensed occupational therapist to assist in the practice of occupational therapy.

"Patient care team" means a multidisciplinary team of health care providers actively functioning as a unit with the management and leadership of one or more patient care team physicians for the purpose of providing and delivering health care to a patient or group of patients.

"Patient care team physician" means a physician who is actively licensed to practice medicine in the Commonwealth, who regularly practices medicine in the Commonwealth, and who provides management and leadership in the care of patients as part of a patient care team.

"Patient care team podiatrist" means a podiatrist who is actively licensed to practice podiatry in the Commonwealth, who regularly practices podiatry in the Commonwealth, and who provides management and leadership to physician assistants in the care of patients as part of a patient care team.

"Physician assistant" means a health care professional who has met the requirements of the Board for licensure as a physician assistant.

"Practice of acupuncture" means the stimulation of certain points on or near the surface of the body by the insertion of needles to prevent or modify the perception of pain or to normalize physiological functions, including pain control, for the treatment of certain ailments or conditions of the body and includes the techniques of electroacupuncture, cupping and moxibustion. The practice of acupuncture does not include the use of physical therapy, chiropractic, or osteopathic

manipulative techniques; the use or prescribing of any drugs, medications, serums or vaccines; or the procedure of auricular acupuncture as exempted in § 54.1-2901 when used in the context of a chemical dependency treatment program for patients eligible for federal, state or local public funds by an employee of the program who is trained and approved by the National Acupuncture Detoxification Association or an equivalent certifying body.

"Practice of athletic training" means the prevention, recognition, evaluation, and treatment of injuries or conditions related to athletic or recreational activity that requires physical skill and utilizes strength, power, endurance, speed, flexibility, range of motion or agility or a substantially similar injury or condition resulting from occupational activity immediately upon the onset of such injury or condition; and subsequent treatment and rehabilitation of such injuries or conditions under the direction of the patient's physician or under the direction of any doctor of medicine, osteopathy, chiropractic, podiatry, or dentistry, while using heat, light, sound, cold, electricity, exercise or mechanical or other devices.

"Practice of behavior analysis" means the design, implementation, and evaluation of environmental modifications, using behavioral stimuli and consequences, to produce socially significant improvement in human behavior, including the use of direct observation, measurement, and functional analysis of the relationship between environment and behavior.

"Practice of chiropractic" means the adjustment of the 24 movable vertebrae of the spinal column, and assisting nature for the purpose of normalizing the transmission of nerve energy, but does not include the use of surgery, obstetrics, osteopathy, or the administration or prescribing of any drugs, medicines, serums, or vaccines. "Practice of chiropractic" shall include (i) *requesting, receiving, and reviewing a patient's medical and physical history, including information related to past surgical and nonsurgical treatment of the patient and controlled substances prescribed to the patient, and* (ii) *documenting in a patient's record information related to the condition and symptoms of the patient, the examination and evaluation of the patient made by the doctor of chiropractic, and treatment provided to the patient by the doctor of chiropractic.* "Practice of chiropractic" shall also include performing the physical examination of an applicant for a commercial driver's license or commercial learner's permit pursuant to § 46.2-341.12 if the practitioner has (i) applied for and received certification as a medical examiner pursuant to 49 C.F.R. Part 390, Subpart D and (ii) registered with the National Registry of Certified Medical Examiners.

"Practice of genetic counseling" means (i) obtaining and evaluating individual and family medical histories to assess the risk of genetic medical conditions and diseases in a patient, his offspring, and other family members; (ii) discussing the features, history, diagnosis, environmental factors, and risk management of genetic medical conditions and diseases; (iii) ordering genetic laboratory tests and other diagnostic studies necessary for genetic assessment; (iv) integrating the results with personal and family medical history to assess and communicate risk factors for genetic medical conditions and diseases; (v) evaluating the patient's and family's responses to the medical condition or risk of recurrence and providing client-centered counseling and anticipatory guidance; (vi) identifying and utilizing community resources that provide medical, educational, financial, and psychosocial support and advocacy; and (vii) providing written documentation of medical, genetic, and counseling information for families and health care professionals.

"Practice of medicine or osteopathic medicine" means the prevention, diagnosis and treatment of human physical or mental ailments, conditions, diseases, pain or infirmities by any means or method.

"Practice of occupational therapy" means the therapeutic use of occupations for habilitation and rehabilitation to enhance physical health, mental health, and cognitive functioning and includes the evaluation, analysis, assessment, and delivery of education and training in basic and instrumental activities of daily living; the design, fabrication, and application of orthoses (splints); the design, selection, and use of adaptive equipment and assistive technologies; therapeutic activities to enhance functional performance; vocational evaluation and training; and consultation concerning the adaptation of physical, sensory, and social environments.

"Practice of podiatry" means the prevention, diagnosis, treatment, and cure or alleviation of physical conditions, diseases, pain, or infirmities of the human foot and ankle, including the medical, mechanical and surgical treatment of the ailments of the human foot and ankle, but does not include amputation of the foot proximal to the transmetatarsal level through the metatarsal shafts. Amputations proximal to the metatarsal-phalangeal joints may only be performed in a hospital or ambulatory surgery facility accredited by an organization listed in § 54.1-2939. The practice includes the diagnosis and treatment of lower extremity ulcers; however, the treatment of severe lower extremity ulcers proximal to the foot and ankle may only be performed by appropriately trained, credentialed podiatrists in an approved hospital or ambulatory surgery center at which the podiatrist has privileges, as described in § 54.1-2939. The Board of Medicine shall determine whether a specific type of treatment of the foot and ankle is within the scope of practice of podiatry.

"Practice of radiologic technology" means the application of ionizing radiation to human beings for diagnostic or therapeutic purposes.

"Practice of respiratory care" means the (i) administration of pharmacological, diagnostic, and therapeutic agents related to respiratory care procedures necessary to implement a treatment, disease prevention, pulmonary rehabilitative, or diagnostic regimen prescribed by a practitioner of medicine or osteopathic medicine; (ii) transcription and implementation of the written or verbal orders of a practitioner of medicine or osteopathic medicine pertaining to the practice of respiratory care; (iii) observation and monitoring of signs and symptoms, general behavior, general physical response to respiratory care treatment and diagnostic testing, including determination of whether such signs, symptoms, reactions, behavior or general physical response exhibit abnormal characteristics; and (iv) implementation of respiratory care procedures, based on observed abnormalities, or appropriate reporting, referral, respiratory care protocols or changes in treatment pursuant to the written or verbal orders by a licensed practitioner of medicine or osteopathic medicine or the initiation of emergency

procedures, pursuant to the Board's regulations or as otherwise authorized by law. The practice of respiratory care may be performed in any clinic, hospital, skilled nursing facility, private dwelling or other place deemed appropriate by the Board in accordance with the written or verbal order of a practitioner of medicine or osteopathic medicine, and shall be performed under qualified medical direction.

"Qualified medical direction" means, in the context of the practice of respiratory care, having readily accessible to the respiratory therapist a licensed practitioner of medicine or osteopathic medicine who has specialty training or experience in the management of acute and chronic respiratory disorders and who is responsible for the quality, safety, and appropriateness of the respiratory services provided by the respiratory therapist.

"Radiologic technologist" means an individual, other than a licensed doctor of medicine, osteopathy, podiatry, or chiropractic or a dentist licensed pursuant to Chapter 27 (§ 54.1-2700 et seq.), who (i) performs, may be called upon to perform, or is licensed to perform a comprehensive scope of diagnostic or therapeutic radiologic procedures employing ionizing radiation and (ii) is delegated or exercises responsibility for the operation of radiation-generating equipment, the shielding of patient and staff from unnecessary radiation, the appropriate exposure of radiographs, the administration of radioactive chemical compounds under the direction of an authorized user as specified by regulations of the Department of Health, or other procedures that contribute to any significant extent to the site or dosage of ionizing radiation to which a patient is exposed.

"Radiologic technologist, limited" means an individual, other than a licensed radiologic technologist, dental hygienist, or person who is otherwise authorized by the Board of Dentistry under Chapter 27 (§ 54.1-2700 et seq.) and the regulations pursuant thereto, who performs diagnostic radiographic procedures employing equipment that emits ionizing radiation that is limited to specific areas of the human body.

"Radiologist assistant" means an individual who has met the requirements of the Board for licensure as an advanced-level radiologic technologist and who, under the direct supervision of a licensed doctor of medicine or osteopathy specializing in the field of radiology, is authorized to (i) assess and evaluate the physiological and psychological responsiveness of patients undergoing radiologic procedures; (ii) evaluate image quality, make initial observations, and communicate observations to the supervising radiologist; (iii) administer contrast media or other medications prescribed by the supervising radiologist; and (iv) perform, or assist the supervising radiologist to perform, any other procedure consistent with the guidelines adopted by the American College of Radiology, the American Society of Radiologic Technologists, and the American Registry of Radiologic Technologists.

"Respiratory care" means the practice of the allied health profession responsible for the direct and indirect services, including inhalation therapy and respiratory therapy, in the treatment, management, diagnostic testing, control, and care of patients with deficiencies and abnormalities associated with the cardiopulmonary system under qualified medical direction.

CHAPTER 358

An Act to amend and reenact § 2.2-1124 of the Code of Virginia, relating to Department of General Services; disposition of surplus materials; permit sale to active military-owned and military spouse-owned businesses.

[H 437]

Approved March 18, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-1124 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-1124. Disposition of surplus materials.

A. For purposes of this section, "surplus materials" means personal property, including materials, supplies, equipment, and recyclable items, but does not include property as defined in § 2.2-1147 that is determined to be surplus. "Surplus materials" does not include finished products that a state hospital or training center operated by the Department of Behavioral Health and Developmental Services sells for the benefit of individuals receiving services in the state hospital or training center, provided that (i) most of the supplies, equipment, or products have been donated to the state hospital or training center; (ii) the individuals in the state hospital or training center have substantially altered the supplies, equipment, or products in the course of occupational or other therapy; and (iii) the substantial alterations have resulted in a finished product.

B. The Department shall establish procedures for the disposition of surplus materials from departments, divisions, institutions, and agencies of the Commonwealth. Such procedures shall:

1. Permit surplus materials to be transferred between or sold to departments, divisions, institutions, or agencies of the Commonwealth;

2. Permit surplus materials to be sold to Virginia charitable corporations granted tax-exempt status under § 501(c)(3) of the Internal Revenue Code and operating as clinics for the indigent and uninsured that are organized for the delivery of primary health care services (i) as federally qualified health centers designated by the Health Care Financing Administration or (ii) at a reduced or sliding fee scale or without charge;

3. Permit public sales or auctions, including online public auctions;

4. Permit surplus motor vehicles to be sold prior to public sale or auction to local social service departments for the purpose of resale at cost to TANF recipients;

5. Permit surplus materials to be sold to Virginia charitable corporations granted tax-exempt status under § 501(c)(3) of the Internal Revenue Code and operating as children's homes;

6. Permit donations to political subdivisions of the Commonwealth under the circumstances specified in this section;

7. Permit other methods of disposal when (a) the cost of the sale will exceed the potential revenue to be derived therefrom or (b) the surplus material is not suitable for sale;

8. Permit any animal especially trained for police work to be sold at a price of \$1 to the handler who last was in control of the animal. The agency or institution may allow the immediate survivor of any full-time sworn law-enforcement officer who (i) is killed in the line of duty or (ii) dies in service and has at least 10 years of service to purchase the service animal at a price of \$1. Any such sale shall not be deemed a violation of the State and Local Government Conflict of Interests Act (§ 2.2-3100 et seq.);

9. Permit the transfer of surplus clothing to an appropriate department, division, institution, or agency of the Commonwealth for distribution to needy individuals by and through local social services boards;

10. Encourage the recycling of paper products, beverage containers, electronics, and used motor oil;

11. Require the proceeds from any sale or recycling of surplus materials be promptly deposited into the state treasury in accordance with § 2.2-1802 and report the deposit to the State Comptroller;

12. Permit donations of surplus computers and related equipment to public schools in the Commonwealth and Virginia charitable corporations granted tax-exempt status under § 501(c)(3) of the Internal Revenue Code and providing services to persons with disabilities, at-risk youths, or low-income families. For the purposes of this subdivision, "at-risk youths" means school-age children approved eligible to receive free or reduced price meals in the federally funded lunch program;

13. Permit surplus materials to be transferred or sold, prior to public sale or auction, to public television stations located in the state and other nonprofit organizations approved for the distribution of federal surplus materials;

14. Permit a public institution of higher education to dispose of its surplus materials at the location where the surplus materials are held and to retain any proceeds from such disposal, provided that the institution meets the conditions prescribed in subsection A of § 23.1-1002 and § 23.1-1019 (regardless of whether or not the institution has been granted any authority under Article 4 (§ 23.1-1004 et seq.) of Chapter 10 of Title 23.1);

15. Permit surplus materials from (i) the Department of Defense Excess Property Program or (ii) other surplus property programs administered by the Commonwealth to be transferred or sold to Virginia charitable corporations granted tax-exempt status under § 501(c)(3) of the Internal Revenue Code and operating as an educational institution devoted to emergency management training, preparedness, and response;

16. Require, to the extent practicable, the recycling and disposal of computers and other information technology assets. Additionally, for computers or information technology assets that may contain confidential state data or personal identifying information of citizens of the Commonwealth, the Department shall ensure all policies for the transfer or other disposition of computers or information technology assets are consistent with data and information security policies developed by the Virginia Information Technologies Agency; and

17. Permit surplus materials to be sold, prior to public sale or auction, to (i) service disabled veteran-owned businesses ~~and~~, (ii) veterans service organizations, (iii) active military-owned businesses, and (iv) military spouse-owned businesses. For purposes of this subdivision:

"Active military" means military service members who perform full-time duty in the Armed Forces of the United States, or a reserve component thereof, including the National Guard.

"Military spouse" means a person whose spouse is an active military, naval, or air service member or veteran as those terms are defined in § 2.2-2000.1.

"Military spouse-owned business" means a business concern that is at least 51 percent owned by one or more military spouses or, in the case of a corporation, partnership, or limited liability company or other entity, at least 51 percent of the equity ownership interest in the corporation, partnership, or limited liability company or other entity is owned by one or more individuals who are military spouses and both the management and daily business operations are controlled by one or more individuals who are military spouses.

"Service disabled veteran" means the same as that term is defined in § 2.2-2000.1.

"Service disabled veteran-owned business" means the same as that term is defined in § 2.2-2000.1.

"Veterans service organization" means an association or other entity organized for the benefit of veterans that has been recognized by the U.S. Department of Veterans Affairs or chartered by Congress.

C. The Department shall dispose of surplus materials pursuant to the procedures established in subsection B or permit any department, division, institution, or agency of the Commonwealth to dispose of its surplus materials consistent with the procedures so established. No surplus materials shall be disposed of without prior consent of the head of the department, division, institution, or agency of the Commonwealth in possession of such surplus materials or the Governor.

D. Departments, divisions, institutions, or agencies of the Commonwealth or the Governor may donate surplus materials only under the following circumstances:

1. Emergencies declared in accordance with § 44-146.18:2 or 44-146.28;

2. As set forth in the budget bill as defined by § 2.2-1509, provided that (a) the budget bill contains a description of the surplus materials, the method by which the surplus materials shall be distributed, and the anticipated recipients, and (b) such information shall be provided by the Department to the Department of Planning and Budget in sufficient time for inclusion in the budget bill;

3. When the market value of the surplus materials, which shall be donated for a public purpose, is less than \$500; however, the total market value of all surplus materials so donated by any department, division, institution, or agency shall not exceed 25 percent of the revenue generated by such department's, division's, institution's, or agency's sale of surplus materials in the fiscal year, except these limits shall not apply in the case of surplus computer equipment and related items donated to Virginia public schools; or

4. During a local emergency, upon written request of the head of a local government or a political subdivision in the Commonwealth to the head of a department, division, institution, or agency.

E. On or before October 1 of each year, the Department shall prepare, and file with the Secretary of the Commonwealth, a plan that describes the expected disposition of surplus materials in the upcoming fiscal year pursuant to subdivision B 6.

F. The Department may make available to any local public body of the Commonwealth the services or facilities authorized by this section; however, the furnishing of any such services shall not limit or impair any services normally rendered any department, division, institution, or agency of the Commonwealth. All public bodies shall be authorized to use the services of the Department's Surplus Property Program under the guidelines established pursuant to this section and the surplus property policies and procedures of the Department. Proceeds from the sale of the surplus property shall be returned to the local body minus a service fee. The service fee charged by the Department shall be consistent with the fee charged by the Department to state public bodies.

CHAPTER 359

An Act to amend and reenact § 2.2-4323 of the Code of Virginia, relating to Virginia Public Procurement Act; purchase programs for recycled goods; climate positive materials.

[H 454]

Approved March 18, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-4323 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-4323. Purchase programs for recycled goods; agency responsibilities.

A. All state agencies shall implement a purchase program for recycled goods and shall coordinate their efforts so as to achieve the goals and objectives established in subsection C as well as those set forth in §§ 10.1-1425.6, 10.1-1425.7, 10.1-1425.8, 2.2-4313, 2.2-4324, and 2.2-4326.

B. The Department of Environmental Quality shall advise the Department of General Services concerning the designation of recycled goods. In cooperation with the Department of General Services, the Department of Environmental Quality shall increase the awareness of state agencies as to the benefits of using such products.

C. The Department of General Services shall:

1. Ensure that the Commonwealth's procurement guidelines for state agencies promote the use of recycled goods.

2. Promote the Commonwealth's interest in the use of recycled products to vendors.

3. Make agencies aware of the availability of recycled goods, including those that use post-consumer and other recovered materials processed by Virginia-based companies.

4. *Make agencies aware of the availability of recycled materials and products certified as climate positive. For purposes of this subdivision, "climate positive" means having a negative carbon footprint.*

D. All state agencies shall, to the greatest extent possible, adhere to the procurement program guidelines for recycled products to be established by the Department of General Services.

CHAPTER 360

An Act to amend and reenact § 32.1-273 of the Code of Virginia, relating to death certificate; veterans; fees.

[H 479]

Approved March 18, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 32.1-273 of the Code of Virginia is amended and reenacted as follows:

§ 32.1-273. Fees for certified copies, searches of files, etc.; disposition.

A. The Board shall prescribe the fee, not to exceed \$12, for a certified copy of a vital record or for a search of the files or records when no copy is made and may establish a reasonable fee schedule related to its cost for information or other data provided for research, statistical or administrative purposes. Whenever any veteran or his survivor requires a certified copy of a vital record to obtain service-connected benefits, one copy of such record shall be provided directly to the U.S. Department of Veterans Affairs upon their request and one copy shall be provided to the veteran or his surviving spouse, upon request. *Upon request of the surviving spouse of a veteran, the funeral director or funeral service licensee providing funeral services for the veteran may obtain one certified copy of the death certificate for service-connected*

benefits. No charge shall be imposed upon a veteran or his survivor for a copy related to obtaining service-connected benefits.

B. Fees collected under this section by the State Registrar shall be transmitted to the Comptroller for deposit. Two dollars of each fee collected by the State Registrar shall be deposited by the Comptroller into the Vital Statistics Automation Fund established pursuant to § 32.1-273.1 for so long as shall be authorized. Ten dollars of each fee shall be credited to a special fund to be appropriated by the General Assembly, as it deems necessary, for the purpose of carrying out the provisions of this chapter. When the Vital Statistics Automation System is completed, no further deposits into the fund shall be made and all fees collected under this section not credited to the special fund created by this subsection shall be deposited into the general fund of the state treasury.

C. The Department of Motor Vehicles shall collect a fee of \$12 for each certified copy of a vital record that it issues and shall transmit all such fees to the State Registrar on a monthly basis to ensure that the State Registrar recovers all costs associated with the issuance of certified copies of vital records at Department of Motor Vehicles facilities. In addition, for each certified copy of a vital record that it issues, the Department of Motor Vehicles shall collect a processing fee of \$2 as provided in § 46.2-205.2.

D. Fees collected under this section by county and city registrars shall be deposited in the general fund of the county or city except that counties or cities operating health departments pursuant to the provisions of § 32.1-31 shall forward all such fees to the Department for deposit in the cooperative local health services fund.

E. Fees assessed against local departments of social services for furnished copies of vital records as needed to administer public assistance and social services programs, as defined in § 63.2-100, shall be payable on a quarterly basis.

CHAPTER 361

An Act to amend and reenact § 63.2-505.2 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 63.2-607.1, relating to eligibility for food stamps and TANF; drug-related felonies.

[H 566]

Approved March 18, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 63.2-505.2 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 63.2-607.1 as follows:

§ 63.2-505.2. Eligibility for food stamps; drug-related felonies.

A person who is otherwise eligible to receive food stamp benefits shall be exempt from the application of ~~section~~ § 115(a) of the *federal* Personal Responsibility and Work Opportunity Reconciliation Act of 1996, P.L. 104-193, and shall not be denied such assistance solely because he has been convicted of a *drug-related* felony ~~offense of possession of a controlled substance in violation of § 18.2-250; provided such person is complying with, or has already complied with, all obligations imposed by the criminal court, is actively engaged in or has completed a substance abuse treatment program, participates in periodic drug screenings, and any other obligations as determined by the Department.~~

§ 63.2-607.1. Eligibility for TANF; drug-related felonies.

A person who is otherwise eligible to receive TANF assistance shall be exempt from the application of § 115(a)(1) of the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, P.L. 104-193, and shall not be denied such assistance solely because he has been convicted of a drug-related felony.

CHAPTER 362

An Act to direct the Secretaries of Health and Human Resources and Public Safety to establish a work group to develop a plan to improve the Commonwealth's response to exposure-prone incidents involving law-enforcement officers, firefighters, and emergency medical services providers.

[H 661]

Approved March 18, 2020

Be it enacted by the General Assembly of Virginia:

1. § 1. That the Secretaries of Health and Human Resources and Public Safety and Homeland Security (the Secretaries) shall establish a work group to develop a plan to improve the Commonwealth's response to exposure-prone incidents involving employees of law-enforcement agencies, volunteers and employees of fire departments and companies, and volunteers and employees of emergency medical services agencies and other appropriate entities. The work group shall include (i) the Superintendent of State Police, the Commissioner of Health, the Executive Director of the Department of Fire Programs, and the Director of the Department of General Services, or their designees; (ii) representatives of local law-enforcement agencies, fire departments and companies, and emergency medical services agencies; (iii) representatives of organizations representing law-enforcement officers, salaried and volunteer firefighters, and salaried and volunteer emergency medical services providers; and (iv) such other stakeholders as the Secretaries shall deem appropriate.

In conducting its work, the work group shall:

1. Develop a plan for the establishment of an entity to assist with the management of exposure-prone incidents involving employees of law-enforcement agencies, volunteers and employees of fire departments and companies, and volunteers and employees of emergency medical services agencies and other appropriate entities. Such assistance shall include assistance with (i) the process of confirming whether a volunteer or employee has been involved in an exposure-prone incident and, as a result of such exposure-prone incident, has been exposed to the body fluids of another person in a manner that may, according to the then-current guidelines of the Centers for Disease Control and Prevention, transmit human immunodeficiency virus or hepatitis B or C viruses; (ii) coordinating the process by which specimens of a person's body fluids are collected and tested to determine whether the person was infected with human immunodeficiency virus or hepatitis B or C viruses; and (iii) coordinating the care and treatment of a volunteer or employee for whom post-exposure prophylactic treatment or other treatment is required. Such entity shall also be charged with (a) providing training and education to designated infection control officers and others on topics related to preventing exposure-prone incidents, identifying and responding to exposure-prone incidents, and treatment and follow-up care for volunteers and employees involved in exposure-prone incidents and (b) collecting data from law-enforcement agencies, fire departments and companies, emergency medical services agencies, and others regarding the number of requests for assistance in determining whether an exposure-prone incident has occurred, the number of confirmed exposure-prone incidents, the number of cases involving an exposure-prone incident in which a specimen was collected and tested and whether the person from whom such specimen was collected was deceased or living, the number of cases in which post-exposure prophylaxis was required, and, in cases in which post-exposure prophylaxis was required, the duration and cost of such treatment. In developing the plan, the work group shall evaluate and provide recommendations related to the appropriate state agency or body to operate or provide oversight of the entity, the structure and organization of the entity, the specific powers and duties of the entity, and the cost to establish the entity. The work group shall also provide specific recommendations for legislative, regulatory, or budgetary actions necessary to establish the entity; and

2. Study and develop recommendations related to developing the ability to perform postmortem testing for infection with human immunodeficiency virus or hepatitis B or C viruses through the Division of Consolidated Laboratory Services. Such study shall include analysis of (i) the steps necessary to implement postmortem testing for infection with human immunodeficiency virus or hepatitis B or C viruses using a screening assay that is licensed for such purpose by the U.S. Food and Drug Administration, (ii) the potential cost to the Commonwealth of developing the ability to perform postmortem testing for infection with human immunodeficiency virus or hepatitis B or C viruses using a screening assay that is licensed for such purpose by the U.S. Food and Drug Administration through the Division of Consolidated Laboratory Services, and (iii) any potential savings to the Commonwealth resulting from implementing postmortem testing for infection with human immunodeficiency virus or hepatitis B or C viruses using a screening assay that is licensed for such purpose by the U.S. Food and Drug Administration through the Division of Consolidated Laboratory Services.

The work group shall report its findings, conclusions, and recommendations to the Governor and the General Assembly by December 1, 2020.

CHAPTER 363

An Act to amend the Code of Virginia by adding in Article 2 of Chapter 1 of Title 32.1 a section numbered 32.1-15.1, relating to certified community health workers.

[H 688]

Approved March 18, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 2 of Chapter 1 of Title 32.1 a section numbered 32.1-15.1 as follows:

§ 32.1-15.1. Certified community health workers.

A. As used in this section, "certified community health worker" means a community health worker who has met the requirements of subsection B.

B. No person shall use or assume the title "certified community health worker" unless he is a community health worker who (i) has received training and education as a community health worker from an entity approved by a body approved by the Board and (ii) is certified as a certified community health worker by a body approved by the Board.

C. No entity shall hold itself out as providing training and education for certified community health workers required by subsection B unless its curriculum and training program has been approved by a body approved by the Board.

D. The Board shall adopt regulations setting forth requirements for (i) use of the title "certified community health worker" and (ii) education and training programs necessary to meet the requirements for certification as a certified community health worker.

CHAPTER 364

An Act to direct the Secretaries of Education and Health and Human Resources to establish a work group to study the current process for approval of residential psychiatric services. Report.

[H 728]

Approved March 18, 2020

Be it enacted by the General Assembly of Virginia:

1. § 1. *That the Secretaries of Education and Health and Human Resources shall establish a work group to consist of the Commissioner of Behavioral Health and Developmental Services, the Superintendent of Public Education, the Director of Medical Assistance Services, the Commissioner of Social Services, and the Director of the Office of Children's Services, or their designees, and representatives of hospitals providing services to children and adolescents, providers of residential psychiatric services for children and adolescents, community services boards, and behavioral health advocacy groups to (i) review the current process for approval of residential psychiatric placements and barriers to timely approval of residential psychiatric services for adolescents and children, (ii) develop recommendations for improving such process and ensuring timely approval of residential psychiatric placements and services for adolescents and children, and (iii) develop recommendations for a process to expedite approval of requests for residential psychiatric placements and services for adolescents and children who are receiving acute inpatient psychiatric services. The Commissioner of Behavioral Health and Developmental Services and the Director of Medical Assistance Services shall serve as co-chairs of the work group. The work group shall report its findings and recommendations to the Chairmen of the House Committee on Appropriations, the Senate Committee on Finance and Appropriations, and the Joint Subcommittee to Study Mental Health Services in the Commonwealth in the 21st Century by December 1, 2020.*

CHAPTER 365

An Act to amend and reenact §§ 32.1-330, 32.1-330.01, and 32.1-330.3 of the Code of Virginia, relating to long-term services and supports; screenings.

[H 902]

Approved March 18, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 32.1-330, 32.1-330.01, and 32.1-330.3 of the Code of Virginia are amended and reenacted as follows:

§ 32.1-330. Long-term services and supports screening required.

A. *As used in this section, "acute care hospital" includes an acute care hospital, a rehabilitation hospital, a rehabilitation unit in an acute care hospital, or a psychiatric unit in an acute care hospital.*

~~All individuals~~ B. *Every individual who will be eligible applies for or requests community or institutional long-term care services and supports as defined in the state plan for medical assistance services may choose to receive services in a community or institutional setting. Every individual who applies for or requests community or institutional long-term services and supports shall be afforded the opportunity to choose the setting and provider of long-term services and supports.*

C. *Every individual who applies for or requests community or institutional long-term services and supports shall be evaluated screened prior to admission to such community or institutional long-term services and supports to determine their need for long-term services and supports, including nursing facility services as defined in that the state plan for medical assistance services. The Department shall require a preadmission screening of all individuals who, at the time of application for admission to a certified nursing facility as defined in § 32.1-123, are eligible for medical assistance or will become eligible within six months following admission. For community-based screening The type of long-term services and supports screening performed shall not limit the long-term services and supports settings or providers for which the individual is eligible.*

D. *If an individual who applies for or requests long-term services and supports as defined in the state plan for medical assistance services is residing in a community setting at the time of such application or request, the screening for long-term services and supports required pursuant to subsection C shall be completed by a long-term services and supports screening team shall consist of that includes a nurse, social worker or other assessor designated by the Department; who is an employee of the Department of Health or the local department of social services and a physician who are employees of is employed or engaged by the Department of Health or the local department of social services or a team of licensed physicians, nurses, and social workers at the Wilson Workforce and Rehabilitation Center (WWRC) for WWRC clients only. For institutional screening, the Department shall contract with acute care hospitals.*

E. *If an individual who applies for or requests long-term services and supports as defined in the state plan for medical assistance services is receiving inpatient services in an acute care hospital at the time of such application or request and will begin receiving long-term services and supports as defined in the state plan for medical assistance services pursuant to a discharge order from an acute care hospital, the screening for long-term services and supports required pursuant to*

subsection C shall be completed by the acute care hospital in accordance with the screening requirements established by the Department.

F. If an individual who applies for or requests long-term services and supports as defined in the state plan for medical assistance services is receiving skilled nursing services that are not covered by the Commonwealth's program of medical assistance services in an institutional setting following discharge from an acute care hospital, the Department shall require qualified staff of the skilled nursing institution to conduct the long-term services and supports screening in accordance with the requirements established by the Department, with the results certified by a physician prior to the initiation of long-term services and supports under the state plan for medical assistance services.

~~The G. In any jurisdiction in which a long-term services and supports screening team described in subsection D or E has failed or is unable to perform the long-term services and supports screenings required by subsection D or E within 30 days of receipt of the individual's application or request for long-term services and supports under the state plan, the Department shall contract enter into contracts with other public or private entities to conduct required community-based and institutional such long-term services and supports screenings in addition to or in lieu of the long-term services and supports screening teams described in this section in jurisdictions in which the screening team has been unable to complete screenings of individuals within 30 days of such individuals' application subsections D and E.~~

~~The Department shall report annually by August 1 to the Governor and the Chairmen of the House Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health regarding (i) the number of screenings for eligibility for community-based and institutional long-term care services conducted pursuant to this subsection and (ii) the number of cases in which the Department or the public or private entity with which the Department has entered into a contract to conduct such screenings fails to complete such screenings within 30 days.~~

~~B. H. The Department shall require all individuals who administer perform long-term services and supports screenings pursuant to this section to receive training on and be certified in the use of the uniform assessment instrument for screening individuals long-term services and supports screening tool for eligibility for community or institutional long-term care services and supports provided in accordance with the state plan for medical assistance services prior to conducting such long-term services and supports screenings. The Department shall publicly report by August 1, 2018, and each year thereafter on the outcomes of the performance standards.~~

~~I. The Department shall report annually by August 1 to the Governor and the Chairmen of the House Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health regarding (i) the number of long-term services and supports screenings for eligibility for community and institutional long-term services and supports conducted pursuant to this section and (ii) the number of cases in which the Department or the public or private entity with which the Department has entered into a contract to conduct such long-term services and supports screenings fails to complete such long-term services and supports screenings within 30 days.~~

§ 32.1-330.01. Reports related to long-term services and supports.

A. The Department shall (i) develop a program for the training and certification of individuals who perform ~~preadmission long-term services and supports screenings for community and institutional long-term care services and supports provided in accordance with the state plan for medical assistance services and ensure that all screeners are trained on and certified in the use of the uniform assessment instrument long-term services and supports screening tool for preadmission long-term services and supports screening,~~ (ii) develop guidelines for a standardized ~~preadmission long-term services and supports screening process for community and institutional long-term care services and supports provided in accordance with the state plan for medical assistance services and ensure that all long-term services and supports screenings are performed in accordance with such guidelines,~~ (iii) establish and monitor performance according to established standards, and (iv) strengthen oversight of the ~~preadmission long-term services and supports screening process for community and institutional long-term care services and supports to ensure that problems are identified and addressed promptly.~~

B. The Department shall require managed care organizations that provide managed long-term ~~care services and supports~~ in the Commonwealth to develop the portion of the plan of care addressing the type and amount of long-term services and supports for each recipient. For recipients of long-term ~~care services and supports~~, the managed care organization shall participate in and collaborate with the existing interdisciplinary care team planning process already established pursuant to federal law and regulations in the development of the care plan.

C. The Department shall work with its actuary to (i) ensure that trends are consistent with Actuarial Standards of Practice, including consideration of negative historical trends in medical spending by managed care organizations to be carried forward when setting capitation rates paid to managed care organizations through the managed care program where appropriate, and (ii) annually rebase administrative expenses per member per month for projected enrollment changes and future program changes impacting administrative costs beginning in Fiscal Year 2019.

D. The Department shall include additional financial and utilization reporting requirements in contracts with managed care organizations and the Managed Care Technical Manual, including requirements for submission of (i) income statements that show medical services expenditures by service category, (ii) statements of revenues and expenses, (iii) information about related party transactions, and (iv) information about service utilization metrics, and shall monitor data submitted by managed care organizations to identify undesirable trends in spending and service utilization and work with managed care organizations to address such trends.

E. The Department shall (i) establish a compliance enforcement review process and apply consistent and uniform compliance standards in accordance with the Managed Care Technical Manual, managed care contracts, and federal standards; (ii) return all compliance feedback to managed care organizations within the same reporting or auditing period in which such reports were generated; (iii) review the reasons for which the Commonwealth will mitigate or waive sanctions imposed on managed care organizations that fail to fulfill contract requirements and review and consider infractions due to unforeseen circumstances beyond the managed care organization's control, infractions occurring during the first year of the managed care organization's operation, infractions occurring for the first time, and infractions that are self-reported by the managed care organization; (iv) when applicable, include guidance in the Managed Care Technical Manual for managed care organizations that state the reasons for which sanctions may be mitigated or waived; (v) include information about the number of sanctions mitigated or waived and the reasons for such mitigation or waiver in its monthly compliance reports; and (vi) annually review the results of its contract compliance enforcement action process and include information about the process and results, including the percentage of points and fines mitigated or waived and the reasons for mitigating them for each managed care organization, in its annual report.

F. The Department shall (i) incrementally increase the amount of performance incentive awards granted to managed care organizations that meet certain performance goals to create a stronger incentive for managed care organizations to improve performance and (ii) retain at least one metric related to chronic conditions in the performance incentive award program.

G. The Department shall work collaboratively with managed care organizations and relevant stakeholders, where appropriate, to annually publish a uniform and agreed-upon managed care organization report card for the Department for the managed care program and shall make such information available to new enrollees as part of the enrollment process.

H. Upon the inclusion of behavioral health services in the managed care program and implementation of managed long-term ~~care~~ services and supports, the Department shall require all managed care organizations participating in the managed care program to provide to the Department information about (i) the managed care organization's policies and processes for identifying behavioral health providers who provide services deemed to be inappropriate to meet the behavioral health needs of the individual receiving services and (ii) the number of such providers that are disenrolled from the managed care provider's provider network.

I. The Department shall develop a process that allows managed care organizations providing services through the managed care program to determine utilization control measures for services provided but includes monitoring of the impact of utilization controls on utilization rates and spending to assess the effectiveness of each managed care organization's utilization control measures.

J. The Department shall include language in contracts for managed care long-term ~~care~~ services and supports requiring managed care organizations providing services through the managed care program to develop a plan that includes (i) a standardized process to determine the capacity of individuals receiving services to self-direct services received, (ii) criteria for determining when a person receiving services is no longer able to self-direct services received, and (iii) the roles and responsibilities of service facilitators, including requirements to regularly verify that appropriate services are provided.

K. Following inclusion of managed long-term ~~care~~ services and supports in the managed care program, the Department shall (i) review information about utilization and spending on long-term ~~care~~ services and supports provided by managed care organizations and work with managed care organizations to make necessary changes to managed care organizations' prior authorization and quality management review processes when undesirable trends are identified; (ii) include revenue and expense reports, information about related party transactions, and information about service utilization metrics in contracts for managed long-term ~~care~~ services and supports and the Managed Care Technical Manual and utilize data and information received from managed long-term ~~care~~ services and supports providers to monitor spending and utilization trends for managed long-term ~~care~~ services and supports and address problems related to spending and utilization of services through managed long-term ~~care~~ services and supports program contracts or the rate-setting process; (iii) include additional requirements for information about metrics related to behavioral health services in the managed long-term ~~care~~ services and supports contract and the Managed Care Technical Manual to facilitate identification of undesirable trends in service utilization and enable the Department to address problems identified with managed care organizations participating in the program; and (iv) include additional metrics related to the long-term ~~care~~ services and supports in the managed long-term ~~care~~ services and supports contract and the Managed Care Technical Manual to facilitate identification of differences between models of care, assessment of progress in and challenges related to keeping service recipients in community-based rather than institutional care, and cooperation with managed care organizations in resolving problems identified.

§ 32.1-330.3. Operation of a PACE plan; oversight by Department of Medical Assistance Services.

A. As used in this section, unless the context requires a different meaning,

"PACE" means of or associated with long-term care health plans (i) authorized as programs of all-inclusive care for the elderly by Subtitle I (§ 4801 et seq.) of Chapter 6 of Title IV of the Balanced Budget Act of 1997, Pub. L. No. 105-33, 111 Stat. 528 et seq., §§ 4801-4804, 1997, pursuant to Title XVIII and Title XIX of the United States Social Security Act (42 U.S.C. § 1395eee et seq.), and the state plan for medical assistance services as established pursuant to Chapter 10 (§ 32.1-323 et seq.) and (ii) which have signed agreements with the Department of Medical Assistance Services as long-term care health plans.

"Pre-PACE" means ~~of or associated with long-term care prepaid health plans (i) authorized by the U.S. Health Care Financing Administration pursuant to § 1903(m)(2)(B) of Title XIX of the United States Social Security Act (42 U.S.C. § 1396b et seq.) and the state plan for medical assistance services as established pursuant to Chapter 10 (§ 32.1-323 et seq.) and (ii) which have signed agreements with the Department of Medical Assistance Services as long-term care prepaid health plans.~~

B. Operation of a ~~pre-PACE plan~~ or PACE plan that participates in the medical assistance services program shall be in accordance with a prepaid health plan contract or other PACE contract consistent with Chapter 6 of Title IV of the federal Balanced Budget Act of 1997 with the Department of Medical Assistance Services.

C. All contracts and subcontracts shall contain an agreement to hold harmless the Department of Medical Assistance Services and ~~pre-PACE~~ and PACE enrollees in the event that a ~~pre-PACE~~ or PACE provider cannot or will not pay for services performed by the subcontractor pursuant to the contract or subcontract.

D. During the ~~pre-PACE~~ or PACE period, the plan shall have a fiscally sound operation as demonstrated by total assets being greater than total unsubordinated liabilities, sufficient cash flow and adequate liquidity to meet obligations as they become due, and a plan for handling insolvency approved by the Department of Medical Assistance Services.

E. The ~~pre-PACE~~ or PACE plan must demonstrate that it has arrangements in place in the amount of, at least, the sum of the following to cover expenses in the event of insolvency:

1. One month's total capitation revenue to cover expenses the month prior to insolvency; and
2. One month's average payment of operating expenses to cover potential expenses the month after the date of insolvency has been declared or operations cease.

The required arrangements to cover expenses shall be in accordance with the PACE Protocol as published by On Lok, Inc., in cooperation with the ~~U.S. Health Care Financing Administration Centers for Medicare and Medicaid Services~~, as of April 14, 1995, or any successor protocol that may be agreed upon between the ~~U.S. Health Care Financing Administration Centers for Medicare and Medicaid Services~~ and On Lok, Inc.

Appropriate arrangements to cover expenses shall include one or more of the following: reasonable and sufficient net worth, insolvency insurance, letters of credit, or parental guarantees.

F. Enrollment in a ~~pre-PACE~~ or PACE plan shall be restricted to those individuals who participate in programs authorized pursuant to Title XIX or Title XVIII of the United States Social Security Act, respectively.

G. Full disclosure shall be made to all individuals in the process of enrolling in the ~~pre-PACE~~ or PACE plan that services are not guaranteed beyond a 30-day period.

H. The Board of Medical Assistance Services shall establish a Transitional Advisory Group to determine license requirements, regulations, and ongoing oversight. The Advisory Group shall include representatives from each of the following organizations: Department of Medical Assistance Services, Department of Social Services, Department of Health, Bureau of Insurance, Board of Medicine, Board of Pharmacy, Department for Aging and Rehabilitative Services, and a ~~pre-PACE~~ or PACE provider.

I. The Department shall develop and implement a coordinated plan to provide choice and education about the PACE program. The plan shall ensure that:

1. Information about the availability and potential benefits of participating in the PACE program is provided to all eligible long-term services and supports clients as part of the ~~preadmission long-term services and supports~~ screening process pursuant to § 32.1-330. The client's choice regarding participation in the PACE program shall be documented on the state ~~preadmission long-term services and supports~~ screening authorization form. The Department shall provide initial and ongoing training of all ~~preadmission long-term services and supports~~ screening teams on the PACE program.

2. The Department develops informational materials and correspondence, including the initial and annual enrollment letters, for use by the Department and its contractors to educate and notify potentially eligible clients about long-term services and supports. These informational materials shall include the following:

- a. A description of the PACE program;
- b. A statement that an eligible individual has the option to enroll in the PACE program or be automatically enrolled in a managed care organization; and
- c. Contact information for PACE providers.

2. That the Department of Medical Assistance Services shall consider alternative assessment tools for long-term services and supports screenings completed on or after July 1, 2021. The Department of Medical Assistance Services shall report its findings and conclusions to the Governor and the Chairmen of the House Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health by December 1, 2020.

3. That the Board of Medical Assistance Services shall promulgate regulations to implement the provisions of this act to be effective within 280 days of its enactment.

4. That the provisions of this act shall not become effective if they conflict with any provision of federal law or regulation or guidance issued by the Centers for Medicare and Medicaid Services.

CHAPTER 366

An Act to amend and reenact §§ 16.1-282.1, 63.2-100, 63.2-900.1, 63.2-906, and 63.2-1305 of the Code of Virginia, relating to Kinship Guardianship Assistance program; eligibility; fictive kin.

[H 933]

Approved March 18, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 16.1-282.1, 63.2-100, 63.2-900.1, 63.2-906, and 63.2-1305 of the Code of Virginia are amended and reenacted as follows:

§ 16.1-282.1. Permanency planning hearing for children in foster care.

A. In the case of a child who was the subject of a foster care plan filed with the court pursuant to § 16.1-281, a permanency planning hearing shall be held within 10 months of the dispositional hearing at which the foster care plan pursuant to § 16.1-281 was reviewed if the child (a) was placed through an agreement between the parents or guardians and the local board of social services where legal custody remains with the parents or guardians and such agreement has not been dissolved by court order; or (b) is under the legal custody of a local board of social services or a child welfare agency and has not had a petition to terminate parental rights filed on the child's behalf, has not been placed in permanent foster care, or is age 16 or over and the plan for the child is not independent living. The board or child welfare agency shall file a petition for a permanency planning hearing 30 days prior to the date of the permanency planning hearing scheduled by the court. The purpose of this hearing is to establish a permanent goal for the child and either to achieve the permanent goal or to defer such action through the approval of an interim plan for the child.

To achieve the permanent goal, the petition for a permanency planning hearing shall seek to (i) transfer the custody of the child to his prior family, or dissolve the board's placement agreement and return the child to his prior family; (ii) transfer custody of the child to a relative other than the child's prior family or to fictive kin for the purpose of establishing eligibility for the Kinship Guardianship Assistance program pursuant to § 63.2-1305, subject to the provisions of subsection A1; (iii) terminate residual parental rights pursuant to § 16.1-277.01 or 16.1-283; (iv) place a child who is 16 years of age or older in permanent foster care pursuant to § 63.2-908; (v) if the child has been admitted to the United States as a refugee or asylee and has attained the age of 16 years or older and the plan is independent living, direct the board or agency to provide the child with services to transition from foster care; or (vi) place a child who is 16 years of age or older in another planned permanent living arrangement in accordance with the provisions of subsection A2. In cases in which a foster care plan approved prior to July 1, 2011, includes independent living as the goal for a child who is not admitted to the United States as an asylee or refugee, the petition shall direct the board or agency to provide the child with services to transition from foster care.

For approval of an interim plan, the petition for a permanency planning hearing shall seek to continue custody with the board or agency, or continue placement with the board through a parental agreement; or transfer custody to the board or child welfare agency from the parents or guardian of a child who has been in foster care through an agreement where the parents or guardian retains custody.

Upon receipt of the petition, if a permanency planning hearing has not already been scheduled, the court shall schedule such a hearing to be held within 30 days. The permanency planning hearing shall be held within 10 months of the dispositional hearing at which the foster care plan was reviewed pursuant to § 16.1-281. The provisions of subsection B of § 16.1-282 shall apply to this petition. The procedures of subsection C of § 16.1-282 and the provisions of subsection G of § 16.1-282 shall apply to the scheduling and notice of proceedings under this section.

A1. The following requirements shall apply to the transfer of custody of the child to a relative other than the child's prior family or to fictive kin for the purpose of establishing eligibility for the Kinship Guardianship Assistance program pursuant to § 63.2-1305 in accordance with the provisions of clause (ii) of subsection A. Any order transferring custody of the child to a relative other than the child's prior family shall be entered only upon a finding, based upon a preponderance of the evidence, that the relative is one who, after an investigation as directed by the court, (i) is found by the court to be willing and qualified to receive and care for the child; (ii) is willing to have a positive, continuous relationship with the child; (iii) is committed to providing a permanent, suitable home for the child; and (iv) is willing and has the ability to protect the child from abuse and neglect; and the order shall so state. The court's order transferring custody to a relative should further provide, as appropriate, for any terms or conditions which would promote the child's interest and welfare.

A2. The following requirements shall apply to the selection and approval of placement in another planned permanent living arrangement as the permanent goal for the child in accordance with clause (vi) of subsection A:

1. The board or child welfare agency shall petition for alternative (vi) of subsection A only if the child has a severe and chronic emotional, physical or neurological disabling condition for which the child requires long-term residential treatment; and the board or child welfare agency has thoroughly investigated the feasibility of the alternatives listed in clauses (i) through (v) of subsection A and determined that none of those alternatives is in the best interests of the child. In a foster care plan filed with the petition pursuant to this section, the board or agency shall document the following: (i) the investigation conducted of the placement alternatives listed in clauses (i) through (v) of subsection A and why each of these is not currently in the best interest of the child; (ii) at least one compelling reason why none of the alternatives listed in clauses (i) through (v) is achievable for the child at the time placement in another planned permanent living arrangement is selected as the permanent goal for the child; (iii) the identity of the long-term residential treatment service provider; (iv) the

nature of the child's disability; (v) the anticipated length of time required for the child's treatment; and (vi) the status of the child's eligibility for admission and long-term treatment. The court shall ensure that the local department has documentation of the intensive, ongoing, and, as of the date of the hearing, unsuccessful efforts made to return the child home or secure a placement for the child with a fit and willing relative, including adult siblings, or an adoptive parent, including through efforts that utilize search technology, including social media, to find the child's biological family members. The court shall ask the child about the child's desired permanency outcome and make a judicial determination, accompanied by an explanation of the reasons that the alternatives listed in clauses (i) through (iii) of subsection A continue to not be in the best interest of the child.

2. Before approving alternative (vi) of subsection A as the plan for the child, the court shall find (i) that the child has a severe and chronic emotional, physical or neurological disabling condition; (ii) that the child requires long-term residential treatment for the disabling condition; and (iii) that none of the alternatives listed in clauses (i) through (v) of subsection A is achievable for the child at the time placement in another planned permanent living arrangement is approved as the permanent goal for the child. If the board or agency petitions for alternative (vi), alternative (vi) may be approved by the court for a period of six months at a time.

3. At the conclusion of the permanency planning hearing, if alternative (vi) of subsection A is the permanent plan, the court shall schedule a hearing to be held within six months to review the child's placement in another planned permanent living arrangement in accordance with subdivision A2 4. All parties present at the hearing at which clause (vi) of subsection A is approved as the permanent plan for the child shall be given notice of the date scheduled for the foster care review hearing. Parties not present shall be summoned to appear as provided in § 16.1-263. Otherwise, this subsection A2 shall govern the scheduling and notice for such hearings.

4. The court shall review a foster care plan for any child who is placed in another planned permanent living arrangement every six months from the date of the permanency planning hearing held pursuant to this subsection, so long as the child remains in the legal custody of the board or child welfare agency. The board or child welfare agency shall file such petitions for review pursuant to the provisions of § 16.1-282 and shall, in addition, include in the petition the information required by subdivision A2 1. The petition for foster care review shall be filed no later than 30 days prior to the hearing scheduled in accordance with subdivision A2 3. At the conclusion of the foster care review hearing, if alternative (vi) of subsection A remains the permanent plan, the court shall enter an order that states whether reasonable efforts have been made to place the child in a timely manner in accordance with the permanency plan and to monitor the child's status in another planned permanent living arrangement.

However, if at any time during the six-month approval periods permitted by this subsection, a determination is made by treatment providers that the child's need for long-term residential treatment for the child's disabling condition is eliminated, the board or agency shall immediately begin to plan for post-discharge services and shall, within 30 days of making such a determination, file a petition for a permanency planning hearing pursuant to subsection A. Upon receipt of the petition, the court shall schedule a permanency planning hearing to be held within 30 days. The provisions of subsection B of § 16.1-282 shall apply to this petition. The procedures of subsection C of § 16.1-282 and the provisions of subsection G of § 16.1-282 shall apply to proceedings under this section.

A3. The following requirements shall apply to the selection and approval of permanent foster care pursuant to clause (iv) of subsection A:

1. The court shall ensure that the local department has documentation of the intensive, ongoing, and, as of the date of the hearing, unsuccessful efforts made to return the child home or secure a placement for the child with a fit and willing relative, including adult siblings, or an adoptive parent, including through efforts that utilize search technology, including social media, to find the child's biological family members.

2. The court shall ask the child about the child's desired permanency outcome and make a judicial determination, accompanied by an explanation of the reasons that the alternatives listed in clauses (i) through (iii) of subsection A continue to not be in the best interest of the child.

B. The following requirements shall apply to the selection and approval of an interim plan for the child in accordance with subsection A:

1. The board or child welfare agency shall petition for approval of an interim plan only if the board or child welfare agency has thoroughly investigated the feasibility of the alternatives listed in clauses (i) through (v) of subsection A and determined that none of those alternatives is in the best interest of the child. If the board or agency petitions for approval of an interim plan, such plan may be approved by the court for a maximum period of six months. The board or agency shall also file a foster care plan that (i) identifies a permanent goal for the child that corresponds with one of the alternatives specified in clauses (i) through (v) of subsection A; (ii) includes provisions for accomplishing the permanent goal within six months; and (iii) summarizes the investigation conducted of the alternatives listed in clauses (i) through (v) of subsection A and why achieving each of these is not in the best interest of the child at this time. The foster care plan shall describe the child's placement, including the in-state and out-of-state placement options and whether the child's placement is in state or out of state. If the child's placement is out of state, the foster care plan shall provide the reason why the out-of-state placement is appropriate and in the best interests of the child.

2. Before approving an interim plan for the child, the court shall find:

a. When returning home remains the plan for the child, that the parent has made marked progress toward reunification with the child, the parent has maintained a close and positive relationship with the child, and the child is likely to return home within the near future, although it is premature to set an exact date for return at the time of this hearing; or

b. When returning home is not the plan for the child, that marked progress is being made to achieve the permanent goal identified by the board or child welfare agency and that it is premature to set an exact date for accomplishing the goal at the time of this hearing. The court shall consider the in-state and out-of-state placement options, and if the child has been placed out of state, determine whether the out-of-state placement is appropriate and in the best interests of the child.

3. Upon approval of an interim plan, the court shall schedule a hearing to be held within six months to determine that the permanent goal is accomplished and to enter an order consistent with alternative (i), (ii), (iii), (iv), or (v) of subsection A. All parties present at the initial permanency planning hearing shall be given notice of the date scheduled for the second permanency planning hearing. Parties not present shall be summoned to appear as provided in § 16.1-263. Otherwise, subsection A shall govern the scheduling and notice for such hearings.

C. In each permanency planning hearing and in any hearing regarding the transition of the child from foster care to independent living, the court shall consult with the child in an age-appropriate manner regarding the proposed permanency plan or transition plan for the child, unless the court finds that such consultation is not in the best interests of the child.

D. In cases in which a child is placed by the local board of social services or a licensed child-placing agency in a qualified residential treatment program as defined in § 16.1-228, the provisions of subsection E of § 16.1-281 shall apply to any hearing held pursuant to this section.

E. At the conclusion of the permanency planning hearing held pursuant to this section, whether action is taken or deferred to achieve the permanent goal for the child, the court shall enter an order that states whether reasonable efforts have been made to reunite the child with the child's prior family, if returning home is the permanent goal for the child; or whether reasonable efforts have been made to achieve the permanent goal identified by the board or agency, if the goal is other than returning the child home.

In making this determination, the court shall give consideration to whether the board or agency has placed the child in a timely manner in accordance with the foster care plan and completed the steps necessary to finalize the permanent placement of the child.

§ 63.2-100. Definitions.

As used in this title, unless the context requires a different meaning:

"Abused or neglected child" means any child less than 18 years of age:

1. Whose parents or other person responsible for his care creates or inflicts, threatens to create or inflict, or allows to be created or inflicted upon such child a physical or mental injury by other than accidental means, or creates a substantial risk of death, disfigurement, or impairment of bodily or mental functions, including, but not limited to, a child who is with his parent or other person responsible for his care either (i) during the manufacture or attempted manufacture of a Schedule I or II controlled substance, or (ii) during the unlawful sale of such substance by that child's parents or other person responsible for his care, where such manufacture, or attempted manufacture or unlawful sale would constitute a felony violation of § 18.2-248;

2. Whose parents or other person responsible for his care neglects or refuses to provide care necessary for his health. However, no child who in good faith is under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination shall for that reason alone be considered to be an abused or neglected child. Further, a decision by parents who have legal authority for the child or, in the absence of parents with legal authority for the child, any person with legal authority for the child, who refuses a particular medical treatment for a child with a life-threatening condition shall not be deemed a refusal to provide necessary care if (i) such decision is made jointly by the parents or other person with legal authority and the child; (ii) the child has reached 14 years of age and is sufficiently mature to have an informed opinion on the subject of his medical treatment; (iii) the parents or other person with legal authority and the child have considered alternative treatment options; and (iv) the parents or other person with legal authority and the child believe in good faith that such decision is in the child's best interest. Nothing in this subdivision shall be construed to limit the provisions of § 16.1-278.4;

3. Whose parents or other person responsible for his care abandons such child;

4. Whose parents or other person responsible for his care commits or allows to be committed any act of sexual exploitation or any sexual act upon a child in violation of the law;

5. Who is without parental care or guardianship caused by the unreasonable absence or the mental or physical incapacity of the child's parent, guardian, legal custodian or other person standing in loco parentis;

6. Whose parents or other person responsible for his care creates a substantial risk of physical or mental injury by knowingly leaving the child alone in the same dwelling, including an apartment as defined in § 55.1-2000, with a person to whom the child is not related by blood or marriage and who the parent or other person responsible for his care knows has been convicted of an offense against a minor for which registration is required as a violent sexual offender pursuant to § 9.1-902; or

7. Who has been identified as a victim of sex trafficking or severe forms of trafficking as defined in the Trafficking Victims Protection Act of 2000, 22 U.S.C § 7102 et seq., and in the Justice for Victims of Trafficking Act of 2015, 42 U.S.C. § 5101 et seq.

If a civil proceeding under this title is based solely on the parent having left the child at a hospital or emergency medical services agency, it shall be an affirmative defense that such parent safely delivered the child to a hospital that provides 24-hour emergency services or to an attended emergency medical services agency that employs emergency medical services providers, within 14 days of the child's birth. For purposes of terminating parental rights pursuant to § 16.1-283 and placement for adoption, the court may find such a child is a neglected child upon the ground of abandonment.

"Adoptive home" means any family home selected and approved by a parent, local board or a licensed child-placing agency for the placement of a child with the intent of adoption.

"Adoptive placement" means arranging for the care of a child who is in the custody of a child-placing agency in an approved home for the purpose of adoption.

"Adult abuse" means the willful infliction of physical pain, injury or mental anguish or unreasonable confinement of an adult as defined in § 63.2-1603.

"Adult day care center" means any facility that is either operated for profit or that desires licensure and that provides supplementary care and protection during only a part of the day to four or more aged, infirm or disabled adults who reside elsewhere, except (i) a facility or portion of a facility licensed by the State Board of Health or the Department of Behavioral Health and Developmental Services, and (ii) the home or residence of an individual who cares for only persons related to him by blood or marriage. Included in this definition are any two or more places, establishments or institutions owned, operated or controlled by a single entity and providing such supplementary care and protection to a combined total of four or more aged, infirm or disabled adults.

"Adult exploitation" means the illegal, unauthorized, improper, or fraudulent use of an adult as defined in § 63.2-1603 or his funds, property, benefits, resources, or other assets for another's profit, benefit, or advantage, including a caregiver or person serving in a fiduciary capacity, or that deprives the adult of his rightful use of or access to such funds, property, benefits, resources, or other assets. "Adult exploitation" includes (i) an intentional breach of a fiduciary obligation to an adult to his detriment or an intentional failure to use the financial resources of an adult in a manner that results in neglect of such adult; (ii) the acquisition, possession, or control of an adult's financial resources or property through the use of undue influence, coercion, or duress; and (iii) forcing or coercing an adult to pay for goods or services or perform services against his will for another's profit, benefit, or advantage if the adult did not agree, or was tricked, misled, or defrauded into agreeing, to pay for such goods or services or to perform such services.

"Adult foster care" means room and board, supervision, and special services to an adult who has a physical or mental condition. Adult foster care may be provided by a single provider for up to three adults.

"Adult neglect" means that an adult as defined in § 63.2-1603 is living under such circumstances that he is not able to provide for himself or is not being provided services necessary to maintain his physical and mental health and that the failure to receive such necessary services impairs or threatens to impair his well-being. However, no adult shall be considered neglected solely on the basis that such adult is receiving religious nonmedical treatment or religious nonmedical nursing care in lieu of medical care, provided that such treatment or care is performed in good faith and in accordance with the religious practices of the adult and there is a written or oral expression of consent by that adult.

"Adult protective services" means services provided by the local department that are necessary to protect an adult as defined in § 63.2-1603 from abuse, neglect or exploitation.

"Assisted living care" means a level of service provided by an assisted living facility for adults who may have physical or mental impairments and require at least a moderate level of assistance with activities of daily living.

"Assisted living facility" means any congregate residential setting that provides or coordinates personal and health care services, 24-hour supervision, and assistance (scheduled and unscheduled) for the maintenance or care of four or more adults who are aged, infirm or disabled and who are cared for in a primarily residential setting, except (i) a facility or portion of a facility licensed by the State Board of Health or the Department of Behavioral Health and Developmental Services, but including any portion of such facility not so licensed; (ii) the home or residence of an individual who cares for or maintains only persons related to him by blood or marriage; (iii) a facility or portion of a facility serving infirm or disabled persons between the ages of 18 and 21, or 22 if enrolled in an educational program for the handicapped pursuant to § 22.1-214, when such facility is licensed by the Department as a children's residential facility under Chapter 17 (§ 63.2-1700 et seq.), but including any portion of the facility not so licensed; and (iv) any housing project for persons 62 years of age or older or the disabled that provides no more than basic coordination of care services and is funded by the U.S. Department of Housing and Urban Development, by the U.S. Department of Agriculture, or by the Virginia Housing Development Authority. Included in this definition are any two or more places, establishments or institutions owned or operated by a single entity and providing maintenance or care to a combined total of four or more aged, infirm or disabled adults. Maintenance or care means the protection, general supervision and oversight of the physical and mental well-being of an aged, infirm or disabled individual.

"Auxiliary grants" means cash payments made to certain aged, blind or disabled individuals who receive benefits under Title XVI of the Social Security Act, as amended, or would be eligible to receive these benefits except for excess income.

"Birth family" or "birth sibling" means the child's biological family or biological sibling.

"Birth parent" means the child's biological parent and, for purposes of adoptive placement, means parent(s) by previous adoption.

"Board" means the State Board of Social Services.

"Child" means any natural person under 18 years of age.

"Child day center" means a child day program offered to (i) two or more children under the age of 13 in a facility that is not the residence of the provider or of any of the children in care or (ii) 13 or more children at any location.

"Child day program" means a regularly operating service arrangement for children where, during the absence of a parent or guardian, a person or organization has agreed to assume responsibility for the supervision, protection, and well-being of a child under the age of 13 for less than a 24-hour period.

"Child-placing agency" means (i) any person who places children in foster homes, adoptive homes or independent living arrangements pursuant to § 63.2-1819, (ii) a local board that places children in foster homes or adoptive homes pursuant to §§ 63.2-900, 63.2-903, and 63.2-1221, or (iii) an entity that assists parents with the process of delegating parental and legal custodial powers of their children pursuant to Chapter 10 (§ 20-166 et seq.) of Title 20. "Child-placing agency" does not include the persons to whom such parental or legal custodial powers are delegated pursuant to Chapter 10 (§ 20-166 et seq.) of Title 20. Officers, employees, or agents of the Commonwealth, or any locality acting within the scope of their authority as such, who serve as or maintain a child-placing agency, shall not be required to be licensed.

"Child-protective services" means the identification, receipt and immediate response to complaints and reports of alleged child abuse or neglect for children under 18 years of age. It also includes assessment, and arranging for and providing necessary protective and rehabilitative services for a child and his family when the child has been found to have been abused or neglected or is at risk of being abused or neglected.

"Child support services" means any civil, criminal or administrative action taken by the Division of Child Support Enforcement to locate parents; establish paternity; and establish, modify, enforce, or collect child support, or child and spousal support.

"Child-welfare agency" means a child day center, child-placing agency, children's residential facility, family day home, family day system, or independent foster home.

"Children's residential facility" means any facility, child-caring institution, or group home that is maintained for the purpose of receiving children separated from their parents or guardians for full-time care, maintenance, protection and guidance, or for the purpose of providing independent living services to persons between 18 and 21 years of age who are in the process of transitioning out of foster care. Children's residential facility shall not include:

1. A licensed or accredited educational institution whose pupils, in the ordinary course of events, return annually to the homes of their parents or guardians for not less than two months of summer vacation;
2. An establishment required to be licensed as a summer camp by § 35.1-18; and
3. A licensed or accredited hospital legally maintained as such.

"Commissioner" means the Commissioner of the Department, his designee or authorized representative.

"Department" means the State Department of Social Services.

"Department of Health and Human Services" means the Department of Health and Human Services of the United States government or any department or agency thereof that may hereafter be designated as the agency to administer the Social Security Act, as amended.

"Disposable income" means that part of the income due and payable of any individual remaining after the deduction of any amount required by law to be withheld.

"Energy assistance" means benefits to assist low-income households with their home heating and cooling needs, including, but not limited to, purchase of materials or substances used for home heating, repair or replacement of heating equipment, emergency intervention in no-heat situations, purchase or repair of cooling equipment, and payment of electric bills to operate cooling equipment, in accordance with § 63.2-805, or provided under the Virginia Energy Assistance Program established pursuant to the Low-Income Home Energy Assistance Act of 1981 (Title XXVI of Public Law 97-35), as amended.

"Family and permanency team" means the group of individuals assembled by the local department to assist with determining planning and placement options for a child, which shall include, as appropriate, all biological relatives and fictive kin of the child, as well as any professionals who have served as a resource to the child or his family, such as teachers, medical or mental health providers, and clergy members. In the case of a child who is 14 years of age or older, the family and permanency team shall also include any members of the child's case planning team that were selected by the child in accordance with subsection A of § 16.1-281.

"Family day home" means a child day program offered in the residence of the provider or the home of any of the children in care for one through 12 children under the age of 13, exclusive of the provider's own children and any children who reside in the home, when at least one child receives care for compensation. The provider of a licensed or registered family day home shall disclose to the parents or guardians of children in their care the percentage of time per week that persons other than the provider will care for the children. Family day homes serving five through 12 children, exclusive of the provider's own children and any children who reside in the home, shall be licensed. However, no family day home shall care for more than four children under the age of two, including the provider's own children and any children who reside in the home, unless the family day home is licensed or voluntarily registered. However, a family day home where the children in care are all related to the provider by blood or marriage shall not be required to be licensed.

"Family day system" means any person who approves family day homes as members of its system; who refers children to available family day homes in that system; and who, through contractual arrangement, may provide central administrative functions including, but not limited to, training of operators of member homes; technical assistance and

consultation to operators of member homes; inspection, supervision, monitoring, and evaluation of member homes; and referral of children to available health and social services.

"Fictive kin" means persons who are not related to a child by blood or adoption but have an established relationship with the child or his family.

"Foster care placement" means placement of a child through (i) an agreement between the parents or guardians and the local board where legal custody remains with the parents or guardians or (ii) an entrustment or commitment of the child to the local board or licensed child-placing agency. "Foster care placement" does not include placement of a child in accordance with a power of attorney pursuant to Chapter 10 (§ 20-166 et seq.) of Title 20.

"Foster home" means a residence ~~licensed~~ approved by a child-placing agency or local board in which any child, other than a child by birth or adoption of such person or a child who is the subject of a power of attorney to delegate parental or legal custodial powers by his parents or legal custodian to the natural person who has been designated the child's legal guardian pursuant to Chapter 10 (§ 20-166 et seq.) of Title 20 and who exercises legal authority over the child on a continuous basis for at least 24 hours without compensation, resides as a member of the household.

"General relief" means money payments and other forms of relief made to those persons mentioned in § 63.2-802 in accordance with the regulations of the Board and reimbursable in accordance with § 63.2-401.

"Independent foster home" means a private family home in which any child, other than a child by birth or adoption of such person, resides as a member of the household and has been placed therein independently of a child-placing agency except (i) a home in which are received only children related by birth or adoption of the person who maintains such home and children of personal friends of such person; (ii) a home in which is received a child or children committed under the provisions of subdivision A 4 of § 16.1-278.2, subdivision 6 of § 16.1-278.4, or subdivision A 13 of § 16.1-278.8; and (iii) a home in which are received only children who are the subject of a properly executed power of attorney pursuant to Chapter 10 (§ 20-166 et seq.) of Title 20.

"Independent living" means a planned program of services designed to assist a child age 16 and over and persons who are former foster care children or were formerly committed to the Department of Juvenile Justice and are between the ages of 18 and 21 in transitioning to self-sufficiency.

"Independent living arrangement" means placement of (i) a child at least 16 years of age who is in the custody of a local board or licensed child-placing agency by the local board or licensed child-placing agency or (ii) a child at least 16 years of age or a person between the ages of 18 and 21 who was committed to the Department of Juvenile Justice immediately prior to placement by the Department of Juvenile Justice, in a living arrangement in which such child or person does not have daily substitute parental supervision.

"Independent living services" means services and activities provided to a child in foster care 14 years of age or older who was committed or entrusted to a local board of social services, child welfare agency, or private child-placing agency. "Independent living services" may also mean services and activities provided to a person who (i) was in foster care on his 18th birthday and has not yet reached the age of 21 years; (ii) is between the ages of 18 and 21 and who, immediately prior to his commitment to the Department of Juvenile Justice, was in the custody of a local board of social services; or (iii) is a child at least 16 years of age or a person between the ages of 18 and 21 who was committed to the Department of Juvenile Justice immediately prior to placement in an independent living arrangement. Such services shall include counseling, education, housing, employment, and money management skills development, access to essential documents, and other appropriate services to help children or persons prepare for self-sufficiency.

"Independent physician" means a physician who is chosen by the resident of the assisted living facility and who has no financial interest in the assisted living facility, directly or indirectly, as an owner, officer, or employee or as an independent contractor with the residence.

"Intercountry placement" means the arrangement for the care of a child in an adoptive home or foster care placement into or out of the Commonwealth by a licensed child-placing agency, court, or other entity authorized to make such placements in accordance with the laws of the foreign country under which it operates.

"Interstate placement" means the arrangement for the care of a child in an adoptive home, foster care placement or in the home of the child's parent or with a relative or nonagency guardian, into or out of the Commonwealth, by a child-placing agency or court when the full legal right of the child's parent or nonagency guardian to plan for the child has been voluntarily terminated or limited or severed by the action of any court.

"Kinship care" means the full-time care, nurturing, and protection of children by relatives.

"Kinship guardian" means the adult relative of a child in a kinship guardianship established in accordance with § 63.2-1305 who has been awarded custody of the child by the court after acting as the child's foster parent.

"Kinship guardianship" means a relationship established in accordance with § 63.2-1305 between a child and an adult relative of the child who has formerly acted as the child's foster parent that is intended to be permanent and self-sustaining as evidenced by the transfer by the court to the adult relative of the child of the authority necessary to ensure the protection, education, care and control, and custody of the child and the authority for decision making for the child.

"Kinship Guardianship Assistance program" means a program consistent with 42 U.S.C. § 673 that provides, subject to a kinship guardianship assistance agreement developed in accordance with § 63.2-1305, payments to eligible individuals who have received custody of a relative child of whom they had been the foster parents.

"Local board" means the local board of social services representing one or more counties or cities.

"Local department" means the local department of social services of any county or city in this Commonwealth.

"Local director" means the director or his designated representative of the local department of the city or county.

"Merit system plan" means those regulations adopted by the Board in the development and operation of a system of personnel administration meeting requirements of the federal Office of Personnel Management.

"Parental placement" means locating or effecting the placement of a child or the placing of a child in a family home by the child's parent or legal guardian for the purpose of foster care or adoption.

"Public assistance" means Temporary Assistance for Needy Families (TANF); auxiliary grants to the aged, blind and disabled; medical assistance; energy assistance; food stamps; employment services; child care; and general relief.

"Qualified assessor" means an entity contracting with the Department of Medical Assistance Services to perform nursing facility pre-admission screening or to complete the uniform assessment instrument for a home and community-based waiver program, including an independent physician contracting with the Department of Medical Assistance Services to complete the uniform assessment instrument for residents of assisted living facilities, or any hospital that has contracted with the Department of Medical Assistance Services to perform nursing facility pre-admission screenings.

"Qualified individual" means a trained professional or licensed clinician who is not an employee of the local board of social services or licensed child-placing agency that placed the child in a qualified residential treatment program and is not affiliated with any placement setting in which children are placed by such local board of social services or licensed child-placing agency.

"Qualified residential treatment program" means a program that (i) provides 24-hour residential placement services for children in foster care; (ii) has adopted a trauma-informed treatment model that meets the clinical and other needs of children with serious emotional or behavioral disorders, including any clinical or other needs identified through assessments conducted pursuant to clause (viii) of this definition; (iii) employs registered or licensed nursing and other clinical staff who provide care, on site and within the scope of their practice, and are available 24 hours a day, 7 days a week; (iv) conducts outreach with the child's family members, including efforts to maintain connections between the child and his siblings and other family; documents and maintains records of such outreach efforts; and maintains contact information for any known biological family and fictive kin of the child; (v) whenever appropriate and in the best interest of the child, facilitates participation by family members in the child's treatment program before and after discharge and documents the manner in which such participation is facilitated; (vi) provides discharge planning and family-based aftercare support for at least six months after discharge; (vii) is licensed in accordance with 42 U.S.C. § 671(a)(10) and accredited by an organization approved by the federal Secretary of Health and Human Services; and (viii) requires that any child placed in the program receive an assessment within 30 days of such placement by a qualified individual that (a) assesses the strengths and needs of the child using an age-appropriate, evidence-based, validated, and functional assessment tool approved by the Commissioner of Social Services; (b) identifies whether the needs of the child can be met through placement with a family member or in a foster home or, if not, in a placement setting authorized by 42 U.S.C. § 672(k)(2), including a qualified residential treatment program, that would provide the most effective and appropriate level of care for the child in the least restrictive environment and be consistent with the short-term and long-term goals established for the child in his foster care or permanency plan; (c) establishes a list of short-term and long-term mental and behavioral health goals for the child; and (d) is documented in a written report to be filed with the court prior to any hearing on the child's placement pursuant to § 16.1-281, 16.1-282, 16.1-282.1, or 16.1-282.2.

"Registered family day home" means any family day home that has met the standards for voluntary registration for such homes pursuant to regulations adopted by the Board and that has obtained a certificate of registration from the Commissioner.

"Residential living care" means a level of service provided by an assisted living facility for adults who may have physical or mental impairments and require only minimal assistance with the activities of daily living. The definition of "residential living care" includes the services provided by independent living facilities that voluntarily become licensed.

"Sibling" means each of two or more children having one or more parents in common.

"Social services" means foster care, adoption, adoption assistance, child-protective services, domestic violence services, or any other services program implemented in accordance with regulations adopted by the Board. Social services also includes adult services pursuant to Article 4 (§ 51.5-144 et seq.) of Chapter 14 of Title 51.5 and adult protective services pursuant to Article 5 (§ 51.5-148) of Chapter 14 of Title 51.5 provided by local departments of social services in accordance with regulations and under the supervision of the Commissioner for Aging and Rehabilitative Services.

"Special order" means an order imposing an administrative sanction issued to any party licensed pursuant to this title by the Commissioner that has a stated duration of not more than 12 months. A special order shall be considered a case decision as defined in § 2.2-4001.

"Temporary Assistance for Needy Families" or "TANF" means the program administered by the Department through which a relative can receive monthly cash assistance for the support of his eligible children.

"Temporary Assistance for Needy Families-Unemployed Parent" or "TANF-UP" means the Temporary Assistance for Needy Families program for families in which both natural or adoptive parents of a child reside in the home and neither parent is exempt from Virginia Initiative for Education and Work (VIEW) participation under § 63.2-609.

"Title IV-E Foster Care" means a federal program authorized under §§ 472 and 473 of the Social Security Act, as amended, and administered by the Department through which foster care is provided on behalf of qualifying children.

§ 63.2-900.1. Kinship foster care.

A. The local board shall, in accordance with regulations adopted by the Board, determine whether the child has any relative who may be eligible to become a kinship foster parent. Searches for relatives eligible to serve as kinship foster parents shall be conducted at the time the child enters foster care, at least annually thereafter, and prior to any subsequent changes to the child's placement setting. The local board shall take all reasonable steps to provide notice to such relatives of their potential eligibility to become kinship foster parents and explain any opportunities such relatives may have to participate in the placement and care of the child, including opportunities available through kinship foster care or kinship guardianship.

B. Kinship foster care placements pursuant to this section shall be subject to all requirements of, and shall be eligible for all services related to, foster care placement contained in this chapter. Subject to approval by the Commissioner, a local board may grant a waiver of the Board's standards for foster home approval, set forth in regulations, that are not related to safety. Waivers granted pursuant to this subsection shall be considered and, if appropriate, granted on a case-by-case basis and shall include consideration of the unique needs of each child to be placed. Upon request by a local board, the Commissioner shall review the local board's decision and reasoning to grant a waiver and shall verify that the foster home approval standard being waived is not related to safety. The approval or disapproval by the Commissioner of the local board's waiver shall not be considered a case decision as defined in § 2.2-4001.

C. The kinship foster parent shall be eligible to receive payment at the full foster care rate for the care of the child.

D. A child placed in kinship foster care pursuant to this section shall not be removed from the physical custody of the kinship foster parent, provided that the child has been living with the kinship foster parent for six consecutive months and the placement continues to meet approval standards for foster care, unless (i) the kinship foster parent consents to the removal; (ii) removal is agreed upon at a family partnership meeting as defined by the Department; (iii) removal is ordered by a court of competent jurisdiction; or (iv) removal is warranted pursuant to § 63.2-1517.

E. For purposes of this section, "relative" means an adult who is (i) related to the child by blood, marriage, or adoption or (ii) fictive kin of the child.

§ 63.2-906. Foster care plans; permissible plan goals; court review of foster children.

A. Each child who is committed or entrusted to the care of a local board or to a licensed child-placing agency or who is placed through an agreement between a local board and the parent, parents or guardians, where legal custody remains with the parent, parents or guardians, shall have a foster care plan prepared by the local department, the child welfare agency, or the family assessment and planning team established pursuant to § 2.2-5207, as specified in § 16.1-281. The representatives of such local department, child welfare agency, or team shall (i) involve the child's parent(s) in the development of the plan, except when parental rights have been terminated or the local department or child welfare agency has made diligent efforts to locate the parent(s) and such parent(s) cannot be located, and any other person or persons standing in loco parentis at the time the board or child welfare agency obtained custody or the board or the child welfare agency placed the child and (ii) for any child for whom reunification remains the goal, meet and consult with the child's parent(s) or other person standing in loco parentis, provided that the parent(s) or other person has been located and parental rights have not been terminated, no less than once every two months and at all critical decision-making points throughout the child's foster care case. The representatives of such department, child welfare agency, or team shall involve the child in the development of the plan, if such involvement is consistent with the best interests of the child. In cases where either the parent(s) or child is not involved in the development of the plan, the department, child welfare agency, or team shall include in the plan a full description of the reasons therefor in accordance with § 16.1-281.

A court may place a child in the care and custody of (a) a public agency in accordance with § 16.1-251 or 16.1-252, and (b) a public or licensed private child-placing agency in accordance with § 16.1-278.2, 16.1-278.4, 16.1-278.5, 16.1-278.6, or 16.1-278.8. Children may be placed by voluntary relinquishment in the care and custody of a public or private agency in accordance with § 16.1-277.01 or §§ 16.1-277.02 and 16.1-278.3. Children may be placed through an agreement where legal custody remains with the parent, parents or guardians in accordance with §§ 63.2-900 and 63.2-903, or § 2.2-5208.

B. Each child in foster care shall be assigned a permanent plan goal to be reviewed and approved by the juvenile and domestic relations district court having jurisdiction of the child's case. Permissible plan goals are to:

1. Transfer custody of the child to his prior family;
2. Transfer custody of the child to a relative other than his prior family *or to fictive kin for the purpose of establishing eligibility for the Kinship Guardianship Assistance program pursuant to § 63.2-1305;*
3. Finalize an adoption of the child;
4. Place a child who is 16 years of age or older in permanent foster care;
5. Transition to independent living if, and only if, the child is admitted to the United States as a refugee or asylee; or
6. Place a child who is 16 years of age or older in another planned permanent living arrangement in accordance with subsection A2 of § 16.1-282.1.

C. Each child in foster care shall be subject to the permanency planning and review procedures established in §§ 16.1-281, 16.1-282, and 16.1-282.1.

§ 63.2-1305. Kinship Guardianship Assistance program.

A. The Kinship Guardianship Assistance program is established to facilitate placements with relatives and ensure permanency for children for whom adoption or being returned home are not appropriate permanency options. Kinship

guardianship assistance payments may include Title IV-E maintenance payments, state-funded maintenance payments, state special services payments, and nonrecurring expense payments made pursuant to this section.

B. A child is eligible for kinship guardianship assistance under the program if:

1. The child has been removed from his home pursuant to a voluntary placement agreement or as a result of a judicial determination that continuation in the home would be contrary to the welfare of the child;
2. The child was eligible for foster care maintenance payments under 42 U.S.C. § 672 or under state law while residing for at least six consecutive months in the home of the prospective kinship guardian;
3. Being returned home or adopted is not an appropriate permanency option for the child;
4. The child demonstrates a strong attachment to the prospective kinship guardian, and the prospective kinship guardian has a strong commitment to caring permanently for the child; and
5. The child has been consulted regarding the kinship guardianship if the child is 14 years of age or older.

C. If a child does not meet the eligibility criteria set forth in subsection B but has a sibling who meets such criteria, the child may be placed in the same kinship guardianship with his eligible sibling, in accordance with 42 U.S.C. § 671(a)(31), if the local department and kinship guardian agree that such placement is appropriate. In such cases, kinship guardianship assistance may be paid on behalf of each sibling so placed.

D. In order to receive payments under 42 U.S.C. § 674(a)(5) or pursuant to the Children's Services Act (§ 2.2-5200 et seq.), the local department and the prospective kinship guardian of a child who meets the requirements of subsection B shall enter into a written kinship guardianship assistance agreement negotiated by the Department and containing terms providing for the following:

1. The amount of, ~~and the manner in which,~~ each kinship guardianship assistance payment, *the manner in which such payments will be provided,* and the manner in which such ~~payment~~ *payments* may be adjusted periodically, in consultation with the kinship guardian, on the basis of the circumstances of the kinship guardian and the needs of the child;
2. The additional services or assistance, if any, for which the child and kinship guardian will be eligible under the agreement;
3. The procedure by which the kinship guardian may apply for additional services as needed;
4. Subject to 42 U.S.C. § 673(d)(1)(D), assurance that the local department shall pay the total cost of nonrecurring expenses associated with obtaining kinship guardianship of the child, to the extent that the total cost does not exceed \$2,000; and
5. Assurance that the agreement shall remain in effect without regard to the state of residency of the kinship guardian.

E. A kinship guardianship assistance payment on behalf of a child pursuant to this section shall not exceed the foster care maintenance payment that would have been paid on behalf of the child had the child remained in a foster family home.

F. The Board shall promulgate regulations for the Kinship Guardianship Assistance program that are necessary to comply with Title IV-E requirements, including those set forth in 42 U.S.C. § 673. The regulations may set forth qualifications for kinship guardians, the conditions under which a kinship guardianship may be established, the requirements for the development and amendment of a kinship guardianship assistance agreement, and the manner of payments on behalf of siblings placed in the same household.

G. *For purposes of this section, "relative" means an adult who is (i) related to the child by blood, marriage, or adoption or (ii) fictive kin of the child.*

CHAPTER 367

An Act to direct the Department of Behavioral Health and Developmental Services to establish a work group to evaluate and make recommendations related to the acute psychiatric bed registry.

[H 1453]

Approved March 18, 2020

Be it enacted by the General Assembly of Virginia:

1. *§ 1. That the Department of Behavioral Health and Developmental Services (the Department) shall establish a work group to include representatives of such stakeholders as the Department may deem appropriate (i) to evaluate the role of the acute psychiatric bed registry (the registry) in collecting and disseminating information about the availability of acute psychiatric beds in the Commonwealth and collecting data and information to ensure adequate oversight of the process by which individuals are referred for acute psychiatric services, the structure of the registry, and the types of data required to be reported to the registry and (ii) to make recommendations for statutory, budgetary, or other actions necessary to redefine the purpose of the registry and improve its structure and effectiveness. The work group shall report its findings, conclusions, and recommendations to the Governor and the Chairmen of the Senate Committee on Education and Health, the House Committee on Health, Welfare and Institutions, and the Joint Subcommittee to Study Mental Health Services in the Commonwealth in the Twenty-First Century by November 1, 2020.*

CHAPTER 368

An Act to require the Department of Health to determine the feasibility of the establishment of a Medical Excellence Zone Program and to require the Department of Health Professions to pursue reciprocal agreements with states contiguous with the Commonwealth for licensure for certain primary care practitioners under the Board of Medicine.

[H 1701]

Approved March 18, 2020

Be it enacted by the General Assembly of Virginia:

1. § 1. *That the Department of Health shall determine the feasibility of establishing a Medical Excellence Zone Program (the Program) to allow citizens of the Commonwealth living in rural underserved areas to receive medical treatment via telemedicine services as defined in § 38.2-3418.16 of the Code of Virginia. The Department shall set out the criteria that would be required for a locality or group of localities in the Commonwealth to be eligible for the designation as a medical excellence zone. Such criteria shall include that any locality or group of localities eligible for the Program must demonstrate economic disadvantage of residents in the proposed medical excellence zone. The Department of Health shall report its findings to the Senate Committee on Education and Health and the House Committee on Health, Welfare and Institutions by November 1, 2020.*

2. § 1. *That the Department of Health Professions shall pursue the establishment of reciprocal agreements with states that are contiguous with the Commonwealth for the licensure of doctors of medicine, doctors of osteopathic medicine, physician assistants, and nurse practitioners. Reciprocal agreements shall only require that a person hold a current, unrestricted license in the other jurisdiction and that no grounds exist for denial based on § 54.1-2915 of the Code of Virginia. The Department of Health Professions shall report on its progress in establishing such agreements to the Senate Committee on Education and Health and the House Committee on Health, Welfare and Institutions by November 1, 2020.*

3. § 1. *That the Board of Medicine shall prioritize applicants for licensure as a doctor of medicine or osteopathic medicine, a physician assistant, or a nurse practitioner from such states that are contiguous with the Commonwealth in processing their applications for licensure by endorsement through a streamlined process, with a final determination regarding qualification to be made within 20 days of the receipt of a completed application.*

CHAPTER 369

An Act to amend and reenact § 24.2-405 of the Code of Virginia, relating to lists of registered voters; provided at no charge to courts of the Commonwealth and the United States for jury selection purposes.

[S 466]

Approved March 18, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 24.2-405 of the Code of Virginia is amended and reenacted as follows:

§ 24.2-405. Lists of registered voters.

A. The Department of Elections shall provide, at a reasonable price, lists of registered voters for their districts to ~~(i) courts of the Commonwealth and the United States for jury selection purposes,~~ ~~(ii)~~ candidates for election or political party nomination to further their candidacy, ~~(iii)~~ ~~(ii)~~ political party committees or officials thereof for political purposes only, ~~(iv)~~ ~~(iii)~~ political action committees that have filed a current statement of organization with the Department of Elections pursuant to § 24.2-949.2, or with the Federal Elections Commission pursuant to federal law, for political purposes only, ~~(v)~~ ~~(iv)~~ incumbent officeholders to report to their constituents, ~~(vi)~~ ~~(v)~~ nonprofit organizations that promote voter participation and registration for that purpose only, and ~~(vii)~~ ~~(vi)~~ commissioners of the revenue, as defined in § 58.1-3100, and treasurers, as defined in § 58.1-3123, for tax assessment, collection, and enforcement purposes. *The Department shall provide, at no charge, the courts of the Commonwealth and the United States with the lists for their districts for jury selection purposes no more than two times in a 12-month period and shall provide, at a reasonable price, such lists any other time in that same 12-month period.* The lists shall be furnished to no one else and used for no other purpose. However, the Department of Elections is authorized to furnish information from the voter registration system to general registrars for their official use and to the Department of Motor Vehicles and other appropriate state agencies for maintenance of the voter registration system, and to the Chief Election Officers of other states for maintenance of voter registration systems.

B. The Department of Elections shall furnish, at a reasonable price, lists of the addresses of registered voters for their localities to local government census liaisons and their staffs for the sole purpose of providing address information to the United States Bureau of the Census. The Department of Elections shall also furnish, at a reasonable price, such lists to the Clerk of the Senate and the Clerk of the House of Delegates for the sole purpose of maintaining a database of constituent addresses for the General Assembly. The information authorized under this subsection shall be furnished to no other person and used for no other purpose. No list furnished under this subsection shall contain the name of any registered voter. For the purpose of this subsection, the term "census liaison" shall have the meaning provided in 13 U.S.C. § 16.

C. In no event shall any list furnished under this section contain the social security number, or any part thereof, of any registered voter except a list furnished to a court of the Commonwealth or of the United States for jury selection purposes, a

commissioner of the revenue or a treasurer for tax assessment, collection, and enforcement purposes, or to the Chief Election Officer of another state permitted to use social security numbers, or any parts thereof, that provides for the use of such numbers on applications for voter registration in accordance with federal law, for maintenance of voter registration systems.

D. Any list furnished under subsection A shall contain the post office box address in lieu of the residence street address for any individual who has furnished at the time of registration or subsequently, in addition to his street address, a post office box address pursuant to subsection B of § 24.2-418.

CHAPTER 370

An Act to amend and reenact § 24.2-106 of the Code of Virginia, relating to local electoral boards; office vacated if board member ceases to be qualified voter of county or city.

[S 737]

Approved March 18, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 24.2-106 of the Code of Virginia is amended and reenacted as follows:

§ 24.2-106. Appointment and terms; vacancies; chairman and secretary; certain prohibitions; training.

A. There shall be in each county and city an electoral board composed of three members who *shall be qualified voters of such county or city*. The members shall be appointed by the chief judge of the judicial circuit for the county or city or that judge's designee. Such designee shall be any other judge who sits in the judicial circuit. Any vacancy occurring on a board shall be filled by the same authority for the unexpired term.

In the event of the temporary absence, or disability that precludes the performance of duties, of one or more members that prevents attaining a quorum, the chief judge or his designee, for good cause, may appoint, on a meeting-to-meeting basis, a temporary member to the electoral board. The temporary appointee must be eligible for appointment and to the extent practicable maintain representation of political parties under this section.

The clerk of the circuit court shall send to the State Board a copy of each order making an appointment to an electoral board.

In the appointment of the electoral board, representation shall be given to each of the two political parties having the highest and next highest number of votes in the Commonwealth for Governor at the last preceding gubernatorial election. Two electoral board members shall be of the political party that cast the highest number of votes for Governor at that election. When the Governor was not elected as the candidate of a political party, representation shall be given to each of the political parties having the highest and next highest number of members of the General Assembly at the time of the appointment and two board members shall be of the political party having the highest number of members in the General Assembly.

The political party entitled to the appointment shall make and file recommendations with the judges for the appointment not later than January 15 of the year of an appointment to a full term or, in the case of an appointment to fill a vacancy, within 30 days of the date of death or notice of resignation of the member being replaced. Its recommendations shall contain the names of at least three qualified voters of the county or city for each appointment. The chief judge, or his designee, shall promptly make such appointment from the recommendations (i) after receipt of the political party's recommendation or (ii) after January 15 for a full term or after the 30-day period expires for a vacancy appointment, whichever of the events described in clause (i) or (ii) first occurs.

The chief judge of the judicial circuit for the county or city, or his designee, shall not appoint to the electoral board (a) any person who is the spouse of an electoral board member or the general registrar for the county or city; (b) any person, or the spouse of any person, who is the parent, grandparent, sibling, child, or grandchild of an electoral board member or the general registrar of the county or city; or (c) any person who is ineligible to serve under the provisions of this section.

Electoral board members shall serve three-year terms and be appointed to staggered terms, one term to expire at midnight on the last day of February each year. No three-year term shall be shortened to comply with the political party representation requirements of this section.

B. The board shall elect one of its members as chairman and another as secretary. The chairman and the secretary shall represent different political parties, unless the representative of the second-ranked political party declines in writing to accept the unfilled office. At any time that the secretary is incapacitated in such a way that makes it impossible for the secretary to carry out the duties of the position, the board may designate one of its other members as acting secretary. Any such designation shall be made in an open meeting and recorded in the minutes of the board.

The secretary of the electoral board shall immediately notify the State Board of any change in the membership or officers of the electoral board and shall keep the Board informed of the name, residence and mailing addresses, and home and business telephone numbers of each electoral board member.

C. No member of an electoral board shall be eligible to offer for or hold an office to be filled in whole or in part by qualified voters of his jurisdiction. If a member resigns to offer for or hold such office, the vacancy shall be filled as provided in this section.

No member of an electoral board shall be the spouse, grandparent, parent, sibling, child, or grandchild, or the spouse of a grandparent, parent, sibling, child, or grandchild, of a candidate for or holder of an elective office filled in whole or in part by any voters within the jurisdiction of the electoral board.

No member of an electoral board shall serve as the chairman of a state, local or district level political party committee or as a paid worker in the campaign of a candidate for nomination or election to an office filled by election in whole or in part by the qualified voters of the jurisdiction of the electoral board.

If an electoral board member ceases to be a qualified voter of the county or city for which he was appointed, his office shall be deemed vacant and the vacancy shall be filled as provided in this section.

D. Each member of the electoral board shall attend an annual training program provided by the State Board during the first year of his appointment and the first year of any subsequent reappointment.

CHAPTER 371

An Act to amend and reenact § 33.2-2901 of the Code of Virginia, relating to the Richmond Metropolitan Transportation Authority; membership.

[H 538]

Approved March 18, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 33.2-2901 of the Code of Virginia is amended and reenacted as follows:

§ 33.2-2901. Creation of the Richmond Metropolitan Transportation Authority.

There is hereby created a political subdivision and public body corporate and politic of the Commonwealth to be known as the Richmond Metropolitan Transportation Authority, to be governed by a board of directors consisting of 16 members appointed as follows: five members to be appointed by the Board of Supervisors of Chesterfield County for terms of four years from the date of appointment; five members to be appointed by the Board of Supervisors of Henrico County for terms of four years from the date of appointment; ~~five~~ *four* members to be appointed by the Mayor of the City of Richmond with the approval of the City Council of the City of Richmond (*Council*) for terms of four years from the date of appointment; *one member of the Council appointed by the president of the Council for a term of four years from the date of appointment*; and one ex officio member from the Commonwealth Transportation Board to be appointed by the Commissioner of Highways. Any of the three localities may, in its discretion, appoint as one of its Board members an elected officeholder who is a member of the governing body of that locality. Vacancies in the membership of the board of directors shall be filled in the same manner as the original appointment for the unexpired portion of the term. The board of directors so appointed shall enter upon the performance of its duties and shall initially and annually elect a chairman and a vice-chairman from its membership and shall also elect annually a secretary or secretary-treasurer, who need not be a member of the board of directors. The chairman, or in his absence the vice-chairman, shall preside at all meetings of the board of directors, and in the absence of both the chairman and vice-chairman, the board of directors shall elect a chairman pro tempore who shall preside at such meetings. Nine directors shall constitute a quorum, and all action by the board of directors shall require the affirmative vote of a majority of the directors present and voting. The members of the board of directors shall be entitled to reimbursement for expenses incurred in attendance upon meetings of the board of directors or while otherwise engaged in the discharge of their duties, and each member shall also be paid the sum of \$50 per day for each day or portion thereof during which he is engaged in the performance of his duties. Such expenses and compensation shall be paid out of the treasury of the Authority in such manner as shall be prescribed by the Authority. No member of the Board shall receive health insurance, dental insurance, retirement benefits, or other such benefits as compensation for his service on the Board.

2. That the first vacancy on the Richmond Metropolitan Transportation Authority (Authority) occurring on or after July 1, 2020, due to the resignation or expiration of the term of a member of the Authority appointed by the Mayor of Richmond shall be filled by a member of the City Council of the City of Richmond appointed pursuant to this act.

CHAPTER 372

An Act to amend and reenact §§ 64.2-1305 and 64.2-2020 of the Code of Virginia, relating to accounts filed by fiduciaries and reports filed by guardians; civil penalty.

[H 1166]

Approved March 18, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 64.2-1305 and 64.2-2020 of the Code of Virginia are amended and reenacted as follows:

§ 64.2-1305. Conservators, guardians of minors' estates, committees, trustees under § 64.2-2016, and receivers.

A. Within six months from the date of the qualification, conservators, guardians of minors' estates, committees, and trustees under § 64.2-2016 shall exhibit before the commissioner of accounts a statement of all money and other property

that the fiduciary has received, has become chargeable with, or has disbursed within four months from the date of qualification.

B. After the first account of the fiduciary has been filed and settled, the second and subsequent accounts for each succeeding 12-month period shall be due within four months from the last day of the 12-month period commencing on the terminal date of the preceding account unless the commissioner of accounts extends the period for filing upon reasonable cause.

C. For fiduciaries acting on behalf of Medicaid recipients, the fees charged by the commissioners of accounts under subsection A or B shall not exceed \$25.

D. Any account filed with the commissioner pursuant to this section shall be signed under oath by the fiduciary making such filing. If a fiduciary makes a false entry or statement in such a filing, he shall be subject to a civil penalty of not more than \$500. Such penalty shall be collected by the attorney for the Commonwealth or the county or city attorney, and the proceeds shall be deposited into the general fund.

§ 64.2-2020. Annual reports by guardians.

A. A guardian shall file an annual report in compliance with the filing deadlines in § 64.2-1305 with the local department of social services for the jurisdiction where the incapacitated person then resides. The annual report shall be on a form prepared by the Office of the Executive Secretary of the Supreme Court and shall be accompanied by a filing fee of \$5. The local department shall retain the fee in the jurisdiction where the fee is collected for use in the provision of services to adults in need of protection. Within 60 days of receipt of the annual report, the local department shall file a copy of the annual report with the clerk of the circuit court that appointed the guardian, to be placed with the court papers pertaining to the guardianship case. Twice each year the local department shall file with the clerk of the circuit court a list of all guardians who are more than 90 days delinquent in filing an annual report as required by this section. If the guardian is also a conservator, a settlement of accounts shall also be filed with the commissioner of accounts as provided in § 64.2-1305.

B. The annual report to the local department of social services shall include:

1. A description of the current mental, physical, and social condition of the incapacitated person;
2. A description of the incapacitated person's living arrangements during the reported period;
3. The medical, educational, vocational, and other professional services provided to the incapacitated person and the guardian's opinion as to the adequacy of the incapacitated person's care;
4. A statement of the frequency and nature of the guardian's visits with and activities on behalf of the incapacitated person;
5. A statement of whether the guardian agrees with the current treatment or habilitation plan;
6. A recommendation as to the need for continued guardianship, any recommended changes in the scope of the guardianship, and any other information useful in the opinion of the guardian; and
7. The compensation requested and the reasonable and necessary expenses incurred by the guardian.

The guardian shall certify by signing under oath that the information contained in the annual report is true and correct to the best of his knowledge. If a guardian makes a false entry or statement in the annual report, he shall be subject to a civil penalty of not more than \$500. Such penalty shall be collected by the attorney for the Commonwealth or the county or city attorney, and the proceeds shall be deposited into the general fund.

C. If the local department of social services files notice that the annual report has not been timely filed in accordance with subsection A with the clerk of the circuit court, the court may issue a summons or rule to show cause why the guardian has failed to file such annual report.

CHAPTER 373

An Act to repeal the fourteenth enactments of Chapters 854 and 856 of the Acts of Assembly of 2018, relating to the Washington Metropolitan Area Transit Authority; labor organizations.

[H 1635]

Approved March 18, 2020

Be it enacted by the General Assembly of Virginia:

- 1. That the fourteenth enactments of Chapters 854 and 856 of the Acts of Assembly of 2018 are repealed.**

CHAPTER 374

An Act to amend and reenact §§ 51.1-500 and 51.1-505.01 of the Code of Virginia, relating to Virginia Retirement System; additional accidental death and dismemberment benefits; definitions.

[S 109]

Approved March 18, 2020

Be it enacted by the General Assembly of Virginia:

- 1. That §§ 51.1-500 and 51.1-505.01 of the Code of Virginia are amended and reenacted as follows:
§ 51.1-500. Definitions.**

As used in this chapter, unless the context requires a different meaning:

"Accident" means an accident covered under the group insurance coverage purchased by the Board.

"Board" means the Board of Trustees of the Virginia Retirement System.

"College savings trust account" means the same as that term is defined in § 23.1-700.

"Company" means insurance company.

"Contributor" means the same as that term is defined in § 23.1-700.

"Dependent child" means (i) the insured employee's unmarried natural or legally adopted children who are not self-supporting; (ii) the insured employee's unmarried stepchildren living full time with the insured employee in a parent-child relationship and who can be claimed as a dependent on the insured employee's federal income tax return; (iii) any other children if they are in the insured employee's court-ordered custody; or (iv) other dependent children of the employee's family who are eligible for coverage under the family membership program offered under policies and procedures of the Department of Human Resource Management governing health insurance plans administered pursuant to § 2.2-1204 or § 2.2-2818.

"Dismemberment" means a dismemberment covered under the group insurance coverage purchased by the Board.

"Eligible educational institution" has the same meaning as that term is defined in § 529 of the Internal Revenue Code.

"Felony assault" means a physical assault (i) by another person resulting in bodily harm to an insured employee; (ii) that takes place while such employee is performing his customary duties at the employer's normal place of business or at other places the employer's business requires him to travel; (iii) that involves the use of force or violence with the intent to cause harm; and (iv) that is a felony or misdemeanor under applicable law.

"Group insurance program" or "insurance program" means the plan covered under the policy purchased by the Board which provides group life, accidental death, and dismemberment insurance coverage for employees.

"Immediate family member" means the insured employee's spouse, children, parents, grandparents, grandchildren, brothers and sisters and their spouses.

"Qualified higher education expenses" has the same meaning as that term is defined in § 529 of the Internal Revenue Code.

"Qualifying child" means a dependent child less than eighteen years of age, or if eighteen years of age or older a dependent child enrolled in high school.

"Retirement System" means the Virginia Retirement System.

"Safety restraint system" means a properly installed seatbelt, lap and shoulder restraint or other restraint approved by the National Highway Traffic Safety Administration or any successor governmental agency. The term excludes an air bag safety system.

In addition to the definitions listed above, the definitions listed in § 51.1-124.3 shall apply to this chapter except as otherwise provided.

§ 51.1-505.01. Additional accidental death and dismemberment benefits.

The group life, accidental death, and dismemberment insurance coverage purchased by the Board shall include, but not be limited to, the following benefits:

A. If, as a result of an accident, an insured employee dies at least 75 miles from his principal residence, an additional accidental death benefit shall be paid for the preparation and transportation of the employee to a mortuary. The additional benefit shall be the lesser of the actual cost for such preparation and transportation or \$5,000;

B. If an insured employee dies or suffers a dismemberment as a result of an accident that occurs while the employee is driving or riding in a private passenger vehicle, an additional accidental death or dismemberment benefit shall be paid, provided that (i) the private passenger vehicle is equipped with a safety restraint system; (ii) such safety restraint system was being used properly by the insured employee at the time of the accident, as certified in the official accident report or by the official investigating officer; and (iii) at the time of the accident, the driver of the private passenger vehicle held a current license to operate a private passenger vehicle and was not intoxicated, driving while impaired or under the influence of alcohol or drugs, as is defined or determined under applicable law.

The additional benefit shall be the lesser of 10 percent of the amount otherwise payable due to such accidental death or dismemberment or \$50,000.

C. Death or dismemberment from a felonious assault.

1. If an insured employee dies or suffers a dismemberment as a result of an accident caused by a felonious assault committed by other than an immediate family member, there shall be paid an additional accidental death or dismemberment benefit equal to the lesser of 25 percent of the amount otherwise payable due to such accidental death or dismemberment or \$50,000.

2. In addition, if (i) an insured employee dies as a result of an accident caused by a felonious assault committed by other than an immediate family member, and (ii) such insured employee has a qualifying child at the time of such accident, a college savings trust account shall be opened for each qualifying child pursuant to under the Virginia College Savings Plan (§ 23.1-700 et seq.) shall be opened for each qualifying child. The Retirement System shall be the contributor of any such account and shall contribute into the account of each such qualifying child an amount approximately equal to the current average cost, as published by the State Council of Higher Education for Virginia, of purchasing in full a prepaid tuition contract for four years of tuition and mandatory fees at a baccalaureate public institution institutions of higher education in the Commonwealth, as determined under the Virginia College Savings Plan. The qualified beneficiary, as

defined in § 23.1-700, shall be the qualifying child on whose behalf such account was opened. Specific benefits of the college savings trust account shall be as defined by the Virginia College Savings Plan.

~~Funds in a Disbursements from a college savings trust account opened on behalf of a qualifying child shall be used for qualified higher education expenses at eligible institutions, both as defined under this section shall be governed by procedures adopted by the Board of Trustees of the Virginia Retirement System in accordance with § 529 of the Internal Revenue Code of 1986, as amended, or other applicable federal law, and any other additional procedures as determined by the Board of the Virginia College Savings Plan. Savings College savings trust account funds shall not be disbursed prior to a qualifying child being admitted and enrolled at an eligible institution be payable only for qualified higher education expenses to a post-secondary eligible educational institution.~~ Any funds in a college savings trust account that are not used by a qualifying child before the expiration of the time period for the use of such funds, as determined by the Virginia College Savings Plan, shall be paid to the Retirement System promptly after the expiration of such period.

CHAPTER 375

An Act to amend and reenact § 58.1-322.02 of the Code of Virginia, relating to income tax subtraction; crime stopper rewards.

[S 931]

Approved March 18, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-322.02 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-322.02. Virginia taxable income; subtractions.

In computing Virginia taxable income pursuant to § 58.1-322, to the extent included in federal adjusted gross income, there shall be subtracted:

1. Income derived from obligations, or on the sale or exchange of obligations, of the United States and on obligations or securities of any authority, commission, or instrumentality of the United States to the extent exempt from state income taxes under the laws of the United States, including, but not limited to, stocks, bonds, treasury bills, and treasury notes but not including interest on refunds of federal taxes, interest on equipment purchase contracts, or interest on other normal business transactions.

2. Income derived from obligations, or on the sale or exchange of obligations, of the Commonwealth or of any political subdivision or instrumentality of the Commonwealth.

3. Benefits received under Title II of the Social Security Act and other benefits subject to federal income taxation solely pursuant to § 86 of the Internal Revenue Code.

4. Up to \$20,000 of disability income, as defined in § 22(c)(2)(B)(iii) of the Internal Revenue Code; however, any person who claims a deduction under subdivision 5 of § 58.1-322.03 may not also claim a subtraction under this subdivision.

5. The amount of any refund or credit for overpayment of income taxes imposed by the Commonwealth or any other taxing jurisdiction.

6. The amount of wages or salaries eligible for the federal Work Opportunity Credit which was not deducted for federal purposes on account of the provisions of § 280C(a) of the Internal Revenue Code.

7. Any amount included therein less than \$600 from a prize awarded by the Virginia Lottery.

8. The wages or salaries received by any person for active and inactive service in the National Guard of the Commonwealth of Virginia, not to exceed the amount of income derived from 39 calendar days of such service or \$3,000, whichever amount is less; however, only those persons in the ranks of O3 and below shall be entitled to the deductions specified in this subdivision.

9. Amounts received by an individual, not to exceed \$1,000 for taxable years beginning on or before December 31, 2019, and \$5,000 in any taxable year for taxable years beginning on or after January 1, 2020, as a reward for information provided to a law-enforcement official or agency, or to a nonprofit corporation created exclusively to assist such law-enforcement official or agency, in the apprehension and conviction of perpetrators of crimes. This subdivision shall not apply to the following: an individual who is an employee of, or under contract with, a law-enforcement agency, a victim or the perpetrator of the crime for which the reward was paid, or any person who is compensated for the investigation of crimes or accidents.

10. The amount of "qualified research expenses" or "basic research expenses" eligible for deduction for federal purposes, but which were not deducted, on account of the provisions of § 280C(c) of the Internal Revenue Code and which shall be available to partners, shareholders of S corporations, and members of limited liability companies to the extent and in the same manner as other deductions may pass through to such partners, shareholders, and members.

11. Any income received during the taxable year derived from a qualified pension, profit-sharing, or stock bonus plan as described by § 401 of the Internal Revenue Code, an individual retirement account or annuity established under § 408 of the Internal Revenue Code, a deferred compensation plan as defined by § 457 of the Internal Revenue Code, or any federal government retirement program, the contributions to which were deductible from the taxpayer's federal adjusted gross

income, but only to the extent the contributions to such plan or program were subject to taxation under the income tax in another state.

12. Any income attributable to a distribution of benefits or a refund from a prepaid tuition contract or savings trust account with the Virginia College Savings Plan, created pursuant to Chapter 7 (§ 23.1-700 et seq.) of Title 23.1. The subtraction for any income attributable to a refund shall be limited to income attributable to a refund in the event of a beneficiary's death, disability, or receipt of a scholarship.

13. All military pay and allowances, to the extent included in federal adjusted gross income and not otherwise subtracted, deducted, or exempted under this section, earned by military personnel while serving by order of the President of the United States with the consent of Congress in a combat zone or qualified hazardous duty area that is treated as a combat zone for federal tax purposes pursuant to § 112 of the Internal Revenue Code.

14. For taxable years beginning before January 1, 2015, the gain derived from the sale or exchange of real property or the sale or exchange of an easement to real property which results in the real property or the easement thereto being devoted to open-space use, as that term is defined in § 58.1-3230, for a period of time not less than 30 years. To the extent that a subtraction is taken in accordance with this subdivision, no tax credit under this chapter for donating land for its preservation shall be allowed for three years following the year in which the subtraction is taken.

15. Fifteen thousand dollars of military basic pay for military service personnel on extended active duty for periods in excess of 90 days; however, the subtraction amount shall be reduced dollar-for-dollar by the amount by which the taxpayer's military basic pay exceeds \$15,000 and shall be reduced to zero if such military basic pay amount is equal to or exceeds \$30,000.

16. The first \$15,000 of salary for each federal and state employee whose total annual salary from all employment for the taxable year is \$15,000 or less.

17. Unemployment benefits taxable pursuant to § 85 of the Internal Revenue Code.

18. Any amount received as military retirement income by an individual awarded the Congressional Medal of Honor.

19. Items of income attributable to, derived from, or in any way related to (i) assets stolen from, hidden from, or otherwise lost by an individual who was a victim or target of Nazi persecution or (ii) damages, reparations, or other consideration received by a victim or target of Nazi persecution to compensate such individual for performing labor against his will under the threat of death, during World War II and its prelude and direct aftermath. This subtraction shall not apply to assets acquired with such items of income or with the proceeds from the sale of assets stolen from, hidden from, or otherwise lost to, during World War II and its prelude and direct aftermath, a victim or target of Nazi persecution. The provisions of this subdivision shall only apply to an individual who was the first recipient of such items of income and who was a victim or target of Nazi persecution, or a spouse, widow, widower, or child or stepchild of such victim.

As used in this subdivision:

"Nazi regime" means the country of Nazi Germany, areas occupied by Nazi Germany, those European countries allied with Nazi Germany, or any other neutral European country or area in Europe under the influence or threat of Nazi invasion.

"Victim or target of Nazi persecution" means any individual persecuted or targeted for persecution by the Nazi regime who had assets stolen from, hidden from, or otherwise lost as a result of any act or omission in any way relating to (i) the Holocaust, (ii) World War II and its prelude and direct aftermath, (iii) transactions with or actions of the Nazi regime, (iv) treatment of refugees fleeing Nazi persecution, or (v) the holding of such assets by entities or persons in the Swiss Confederation during World War II and its prelude and aftermath. A "victim or target of Nazi persecution" also includes any individual forced into labor against his will, under the threat of death, during World War II and its prelude and direct aftermath.

20. The military death gratuity payment made after September 11, 2001, to the survivor of deceased military personnel killed in the line of duty, pursuant to 10 U.S.C. Chapter 75; however, the subtraction amount shall be reduced dollar-for-dollar by the amount that the survivor may exclude from his federal gross income in accordance with § 134 of the Internal Revenue Code.

21. The death benefit payments from an annuity contract that are received by a beneficiary of such contract, provided that (i) the death benefit payment is made pursuant to an annuity contract with an insurance company and (ii) the death benefit payment is paid solely by lump sum. The subtraction under this subdivision shall be allowed only for that portion of the death benefit payment that is included in federal adjusted gross income.

22. Any gain recognized from the sale of launch services to space flight participants, as defined in 49 U.S.C. § 70102, or launch services intended to provide individuals with the training or experience of a launch, without performing an actual launch. To qualify for a deduction under this subdivision, launch services must be performed in Virginia or originate from an airport or spaceport in Virginia.

23. Any gain recognized as a result of resupply services contracts for delivering payload, as defined in 49 U.S.C. § 70102, entered into with the Commercial Orbital Transportation Services division of the National Aeronautics and Space Administration or other space flight entity, as defined in § 8.01-227.8, and launched from an airport or spaceport in Virginia.

24. Any income taxed as a long-term capital gain for federal income tax purposes, or any income taxed as investment services partnership interest income (otherwise known as investment partnership carried interest income) for federal income tax purposes. To qualify for a subtraction under this subdivision, such income shall be attributable to an investment in a "qualified business," as defined in § 58.1-339.4, or in any other technology business approved by the Secretary of Technology, provided that the business has its principal office or facility in the Commonwealth and less than \$3 million in

annual revenues in the fiscal year prior to the investment. To qualify for a subtraction under this subdivision, the investment shall be made between the dates of April 1, 2010, and June 30, 2020. No taxpayer who has claimed a tax credit for an investment in a "qualified business" under § 58.1-339.4 shall be eligible for the subtraction under this subdivision for an investment in the same business.

25. For taxable years beginning on and after January 1, 2014, any income of an account holder for the taxable year taxed as (i) a capital gain for federal income tax purposes attributable to such person's first-time home buyer savings account established pursuant to Chapter 12 (§ 36-171 et seq.) of Title 36 and (ii) interest income or other income for federal income tax purposes attributable to such person's first-time home buyer savings account.

Notwithstanding the statute of limitations on assessments contained in § 58.1-312, any subtraction taken under this subdivision shall be subject to recapture in the taxable year or years in which moneys or funds withdrawn from the first-time home buyer savings account were used for any purpose other than the payment of eligible costs by or on behalf of a qualified beneficiary, as provided under § 36-174. The amount subject to recapture shall be a portion of the amount withdrawn in the taxable year that was used for other than the payment of eligible costs, computed by multiplying the amount withdrawn and used for other than the payment of eligible costs by the ratio of the aggregate earnings in the account at the time of the withdrawal to the total balance in the account at such time.

However, recapture shall not apply to the extent of moneys or funds withdrawn that were (i) withdrawn by reason of the qualified beneficiary's death or disability; (ii) a disbursement of assets of the account pursuant to a filing for protection under the United States Bankruptcy Code, 11 U.S.C. §§ 101 through 1330; or (iii) transferred from an account established pursuant to Chapter 12 (§ 36-171 et seq.) of Title 36 into another account established pursuant to such chapter for the benefit of another qualified beneficiary.

For purposes of this subdivision, "account holder," "eligible costs," "first-time home buyer savings account," and "qualified beneficiary" mean the same as those terms are defined in § 36-171.

26. For taxable years beginning on and after January 1, 2015, any income for the taxable year attributable to the discharge of a student loan solely by reason of the student's death. For purposes of this subdivision, "student loan" means the same as that term is defined under § 108(f) of the Internal Revenue Code.

27. a. Income, including investment services partnership interest income (otherwise known as investment partnership carried interest income), attributable to an investment in a Virginia venture capital account. To qualify for a subtraction under this subdivision, the investment shall be made on or after January 1, 2018, but before December 31, 2023. No subtraction shall be allowed under this subdivision for an investment in a company that is owned or operated by a family member or an affiliate of the taxpayer. No subtraction shall be allowed under this subdivision for a taxpayer who has claimed a subtraction under subdivision 24 or a tax credit under § 58.1-339.4 for the same investment.

b. As used in this subdivision 27:

"Qualified portfolio company" means a company that (i) has its principal place of business in the Commonwealth; (ii) has a primary purpose of production, sale, research, or development of a product or service other than the management or investment of capital; and (iii) provides equity in the company to the Virginia venture capital account in exchange for a capital investment. "Qualified portfolio company" does not include a company that is an individual or sole proprietorship.

"Virginia venture capital account" means an investment fund that has been certified by the Department as a Virginia venture capital account. In order to be certified as a Virginia venture capital account, the operator of the investment fund shall register the investment fund with the Department prior to December 31, 2023, (i) indicating that it intends to invest at least 50 percent of the capital committed to its fund in qualified portfolio companies and (ii) providing documentation that it employs at least one investor who has at least four years of professional experience in venture capital investment or substantially equivalent experience. "Substantially equivalent experience" includes, but is not limited to, an undergraduate degree from an accredited college or university in economics, finance, or a similar field of study. The Department may require an investment fund to provide documentation of the investor's training, education, or experience as deemed necessary by the Department to determine substantial equivalency. If the Department determines that the investment fund employs at least one investor with the experience set forth herein, the Department shall certify the investment fund as a Virginia venture capital account at such time as the investment fund actually invests at least 50 percent of the capital committed to its fund in qualified portfolio companies.

28. a. Income attributable to an investment in a Virginia real estate investment trust. To qualify for a subtraction under this subdivision, the investment shall be made on or after January 1, 2019, but before December 31, 2024. No subtraction shall be allowed for an investment in a trust that is managed by a family member or an affiliate of the taxpayer. No subtraction shall be allowed under this subdivision for a taxpayer who has claimed a subtraction under subdivision 24 or 27 or a tax credit under § 58.1-339.4 for the same investment.

b. As used in this subdivision 28:

"Distressed" means satisfying the criteria applicable to a locality described in subdivision E 2 of § 2.2-115.

"Double distressed" means satisfying the criteria applicable to a locality described in subdivision E 3 of § 2.2-115.

"Virginia real estate investment trust" means a real estate investment trust, as defined in 26 U.S.C. § 856, that has been certified by the Department as a Virginia real estate investment trust. In order to be certified as a Virginia real estate investment trust, the trustee shall register the trust with the Department prior to December 31, 2024, indicating that it intends to invest at least 90 percent of trust funds in Virginia and at least 40 percent of trust funds in real estate in localities that are distressed or double distressed. If the Department determines that the trust satisfies the preceding criteria, the

Department shall certify the trust as a Virginia real estate investment trust at such time as the trust actually invests at least 90 percent of trust funds in Virginia and at least 40 percent of trust funds in real estate in localities that are distressed or double distressed.

29. For taxable years beginning on and after January 1, 2019, any gain recognized from the taking of real property by condemnation proceedings.

CHAPTER 376

An Act to amend and reenact § 19.2-163.04 of the Code of Virginia, relating to public defender offices; Cities of Manassas and Manassas Park and County of Prince William.

[S 72]

Approved March 18, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-163.04 of the Code of Virginia is amended and reenacted as follows:

§ 19.2-163.04. Public Defender offices.

Public defender offices are established in:

- a. The City of Virginia Beach;
- b. The City of Petersburg;
- c. The Cities of Buena Vista, Lexington, Staunton and Waynesboro and the Counties of Augusta and Rockbridge;
- d. The City of Roanoke;
- e. The City of Portsmouth;
- f. The City of Richmond;
- g. The Counties of Clarke, Frederick, Page, Shenandoah and Warren, and the City of Winchester;
- h. The City and County of Fairfax;
- i. The City of Alexandria;
- j. The City of Radford and the Counties of Bland, Pulaski and Wythe;
- k. The Counties of Fauquier, Loudoun and Rappahannock;
- l. The City of Suffolk;
- m. The City of Franklin and the Counties of Isle of Wight and Southampton;
- n. The County of Bedford;
- o. The City of Danville;
- p. The Counties of Halifax, Lunenburg and Mecklenburg;
- q. The City of Fredericksburg and the Counties of King George, Stafford and Spotsylvania;
- r. The City of Lynchburg;
- s. The City of Martinsville and the Counties of Henry and Patrick;
- t. The City of Charlottesville and the County of Albemarle;
- u. The City of Norfolk;
- v. The County of Arlington and the City of Falls Church;
- w. The City of Newport News;
- x. The City of Chesapeake; ~~and~~
- y. The City of Hampton; *and*
- z. *The Cities of Manassas and Manassas Park and the County of Prince William.*

CHAPTER 377

An Act to repeal Chapter 346 of the Acts of Assembly of 1903, Chapter 130 of the Acts of Assembly of 1908, and Chapters 216 and 224 of the Acts of Assembly of 1950, relating to voting restrictions; poll taxes; registration records separated on the basis of race.

[S 555]

Approved March 18, 2020

Be it enacted by the General Assembly of Virginia:

1. That Chapter 346 of the Acts of Assembly of 1903, Chapter 130 of the Acts of Assembly of 1908, and Chapters 216 and 224 of the Acts of Assembly of 1950 are repealed.

CHAPTER 378

An Act to amend and reenact § 22.1-137.2 of the Code of Virginia, relating to public schools; lock-down drills; notice to parents.

[H 270]

Approved March 18, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-137.2 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-137.2. Lock-down drills.

In every public school there shall be a lock-down drill at least twice during the first 20 school days of each school session, in order that students may be thoroughly practiced in such drills. Every public school shall hold at least two additional lock-down drills during the remainder of the school session. Lock-down plans and drills shall be in compliance with the Statewide Fire Prevention Code (§ 27-94 et seq.). *Every public school shall provide the parents of enrolled students with at least 24 hours' notice before the school conducts any lock-down drill, provided, however, that nothing in this section shall be construed to require such notice to include the exact date and time of the lock-down drill.*

CHAPTER 379

An Act to amend and reenact §§ 22.1-23, 22.1-70.3, 22.1-79, and 51.1-155 of the Code of Virginia, relating to school bus drivers; critical shortages.

[H 351]

Approved March 18, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 22.1-23, 22.1-70.3, 22.1-79, and 51.1-155 of the Code of Virginia are amended and reenacted as follows:

§ 22.1-23. Duties in general.

The Superintendent of Public Instruction shall:

1. Serve as secretary of the Board of Education;
2. Provide such assistance in his office as shall be necessary for the proper and uniform enforcement of the provisions of the school laws in cooperation with the local school authorities;
3. Prepare and furnish such forms for attendance officers, teachers and other school officials as are required by law;
4. (Expires July 1, 2025) At least annually, survey all local school divisions to identify critical shortages of (i) teachers and administrative personnel by geographic area, by school division, or by subject matter; and (ii) school bus drivers by geographic area and local school division and report such critical shortages to each local school division and to the Virginia Retirement System;
5. Develop and provide to local school divisions a model exit questionnaire for teachers;
6. Along with the State Health Commissioner, work to combat childhood obesity and other chronic health conditions that affect school-age children;
7. Designate an employee of the Department of Education to serve as its liaison to the State Council of Higher Education for Virginia and the State Board for Community Colleges; and
8. Perform such other duties as the Board of Education may prescribe.

§ 22.1-70.3. (Expires July 1, 2025) Designation of teacher shortage areas.

Each division superintendent shall at least annually, if so requested by the local school board pursuant to subdivision 9 of § 22.1-79, survey the relevant local school division to identify critical shortages of (i) teachers and administrative personnel by subject matter and (ii) school bus drivers and report such critical shortages to the school board, Superintendent of Public Instruction, and to the Virginia Retirement System.

§ 22.1-79. Powers and duties.

A school board shall:

1. See that the school laws are properly explained, enforced and observed;
2. Secure, by visitation or otherwise, as full information as possible about the conduct of the public schools in the school division and take care that they are conducted according to law and with the utmost efficiency;
3. Care for, manage and control the property of the school division and provide for the erecting, furnishing, equipping, and noninstructional operating of necessary school buildings and appurtenances and the maintenance thereof by purchase, lease, or other contracts;
4. Provide for the consolidation of schools or redistricting of school boundaries or adopt pupil assignment plans whenever such procedure will contribute to the efficiency of the school division;
5. Insofar as not inconsistent with state statutes and regulations of the Board of Education, operate and maintain the public schools in the school division and determine the length of the school term, the studies to be pursued, the methods of teaching and the government to be employed in the schools;

6. In instances in which no grievance procedure has been adopted prior to January 1, 1991, establish and administer by July 1, 1992, a grievance procedure for all school board employees, except the division superintendent and those employees covered under the provisions of Article 2 (§ 22.1-293 et seq.) and Article 3 (§ 22.1-306 et seq.) of Chapter 15 of this title, who have completed such probationary period as may be required by the school board, not to exceed 18 months. The grievance procedure shall afford a timely and fair method of the resolution of disputes arising between the school board and such employees regarding dismissal or other disciplinary actions, excluding suspensions, and shall be consistent with the provisions of the Board of Education's procedures for adjusting grievances. Except in the case of dismissal, suspension, or other disciplinary action, the grievance procedure prescribed by the Board of Education pursuant to § 22.1-308 shall apply to all full-time employees of a school board, except supervisory employees;

7. Perform such other duties as shall be prescribed by the Board of Education or as are imposed by law;

8. Obtain public comment through a public hearing not less than 10 days after reasonable notice to the public in a newspaper of general circulation in the school division prior to providing (i) for the consolidation of schools; (ii) the transfer from the public school system of the administration of all instructional services for any public school classroom or all noninstructional services in the school division pursuant to a contract with any private entity or organization; or (iii) in school divisions having 15,000 pupils or more in average daily membership, for redistricting of school boundaries or adopting any pupil assignment plan affecting the assignment of 15 percent or more of the pupils in average daily membership in the affected school. Such public hearing may be held at the same time and place as the meeting of the school board at which the proposed action is taken if the public hearing is held before the action is taken. If a public hearing has been held prior to the effective date of this provision on a proposed consolidation, redistricting or pupil assignment plan which is to be implemented after the effective date of this provision, an additional public hearing shall not be required;

9. (Expires July 1, 2025) At least annually, survey the school division to identify critical shortages of (i) teachers and administrative personnel by subject matter; and (ii) school bus drivers and report such critical shortages to the Superintendent of Public Instruction and to the Virginia Retirement System; however, the school board may request the division superintendent to conduct such survey and submit such report to the school board, the Superintendent, and the Virginia Retirement System; and

10. Ensure that the public schools within the school division are registered with the Department of State Police to receive from the State Police electronic notice of the registration or reregistration of any sex offender within that school division pursuant to § 9.1-914.

§ 51.1-155. Service retirement allowance.

A. Retirement allowance. — A member shall receive an annual retirement allowance, payable for life, as follows:

1. Normal retirement. — The allowance shall equal 1.70 percent of his average final compensation multiplied by the amount of his creditable service. Notwithstanding the foregoing, for a member who (i) is a person who becomes a member on or after July 1, 2010, or (ii) does not have at least 60 months of creditable service as of January 1, 2013, the allowance shall equal the sum of (a) 1.65 percent of his average final compensation multiplied by the amount of his creditable service performed or purchased on or after January 1, 2013, and (b) 1.70 percent of his average final compensation multiplied by the amount of all other creditable service.

2. Early retirement; applicable to teachers, state employees, and certain others. — The allowance shall be determined in the same manner as for normal retirement with creditable service and average final compensation being determined as of the date of actual retirement. If the member has less than 30 years of service at retirement, the amount of the retirement allowance shall be reduced on an actuarial equivalent basis for the period by which the actual retirement date precedes the earlier of (i) his normal retirement date or (ii) the first date on which he would have completed a total of 30 years of creditable service. The provisions of this subdivision shall apply to teachers and state employees. These provisions shall also apply to employees of any political subdivision that participates in the retirement system if the political subdivision makes the election provided in subdivision 3.

3. Early retirement; applicable to employees of certain political subdivisions, any person who becomes a member on or after July 1, 2010, and any member who does not have at least 60 months of creditable service as of January 1, 2013. — The allowance shall be determined in the same manner as for normal retirement with creditable service and average final compensation being determined as of the date of actual retirement. If the creditable service of the member equals 30 or more years but the sum of his age at retirement plus his creditable service at retirement is less than 90, the amount of the retirement allowance shall be reduced on an actuarial equivalent basis for the period by which the actual retirement date precedes the earlier of (i) his normal retirement date or (ii) the first date on which the sum of his then attained age plus his then creditable service would have been equal to 90 or more had he remained in service until such date. If the member has less than 30 years of creditable service, the retirement allowance shall be reduced for the period by which the actual retirement date precedes the earlier of (i) his normal retirement date or (ii) the first date on which he would have completed a total of at least 30 years of creditable service and his then creditable service plus his then attained age would have been equal to 90 or more.

The provisions of this subdivision shall apply to the employees of any political subdivision that participates in the retirement system and any other employees as provided by law. The participating political subdivision may, however, elect to provide its employees with the early retirement allowance set forth in subdivision 2. No such election shall be made for a person who becomes a member on or after July 1, 2010, or a member who does not have at least 60 months of creditable service as of January 1, 2013. Any election pursuant to this subdivision shall be set forth in a legally adopted resolution.

Notwithstanding the foregoing, a political subdivision by legally adopted resolution may declare to the Board that, for purposes of this subdivision, subdivisions B 1 and B 3 and subsection D of § 51.1-153, any person who meets the definition of "emergency medical services personnel" in § 32.1-111.1 or is employed as a firefighter or law-enforcement officer as those terms are defined in § 15.2-1512.2 (i) shall not be considered a person who becomes a member on or after July 1, 2010, and (ii) shall be deemed to have at least 60 months of creditable service as of January 1, 2013. Such resolution shall be irrevocable.

4. Additional allowance. — In addition to the allowance payable under subdivisions 1, 2, and 3, a member shall receive an additional allowance which shall be the actuarial equivalent, for his attained age at the time of retirement, of the excess of his accumulated contributions transferred from the abolished system to the retirement system, including interest credited at the rate of two percent compounded annually since the transfer to the date of retirement, over the annual amounts equal to four percent of his annual creditable compensation at the date of abolishment for a period equal to his period of membership in the abolished system.

5. 50/10 retirement. — The allowance shall be payable in a monthly stream of payments equal to the greater of (i) the actuarial equivalent of the benefit the member would have received had he terminated service and deferred retirement to age 55 or (ii) the actuarially calculated present value of the member's accumulated contributions, including accrued interest.

B. Beneficiary serving in position covered by this title.

1. Except as provided in subdivisions 2 and 3, if a beneficiary of a service retirement allowance under this chapter or the provisions of Chapters 2 (§ 51.1-200 et seq.), 2.1 (§ 51.1-211 et seq.), or 3 (§ 51.1-300 et seq.) is at any time in service as an employee in a position covered for retirement purposes under the provisions of this or any chapter other than Chapter 6 (§ 51.1-600 et seq.), 6.1 (§ 51.1-607 et seq.), or 7 (§ 51.1-700 et seq.), his retirement allowance shall cease while so employed. Any member who retires and later returns to covered employment shall not be entitled to select a different retirement option for a subsequent retirement.

2. Active members of the General Assembly who are eligible to receive a retirement allowance under this title, excluding their service as a member of the General Assembly, shall be eligible to receive a retirement allowance based on their creditable service and average final compensation for service other than as a member of the General Assembly. Such members of the General Assembly shall continue to be reported as any other members of the retirement system. Upon ceasing to serve in the General Assembly, members of the General Assembly receiving a retirement allowance based on their creditable service and average final compensation for service other than as a member of the General Assembly shall have their retirement allowance recomputed prospectively to include their service as a member of the General Assembly. Active members of the General Assembly shall be prohibited from receiving a service retirement allowance under this title based solely on their service as a member of the General Assembly.

3. (Expires July 1, 2025) Any person receiving a service retirement allowance under this chapter, who is hired ~~as~~ *by* a local school board *as an* instructional or administrative employee required to be licensed by the Board of Education *or as a school bus driver*, may elect to continue to receive the retirement allowance during such employment, under the following conditions:

(a) The person has been receiving such retirement allowance for a certain period of time preceding his employment as provided by law;

(b) The person is not receiving a retirement benefit pursuant to an early retirement incentive program from any local school division within the Commonwealth; and

(c) At the time the person is employed, the position to which he is assigned is among those identified by the Superintendent of Public Instruction pursuant to subdivision 4 of § 22.1-23, by the relevant division superintendent, pursuant to § 22.1-70.3, or by the relevant local school board, pursuant to subdivision 9 of § 22.1-79.

If the person elects to continue to receive the retirement allowance during the period of such employment, then his service performed and compensation received during such period of time will not increase, decrease, or affect in any way his retirement benefits before, during, or after such employment.

CHAPTER 380

An Act to amend and reenact §§ 23.1-213 and 23.1-219 of the Code of Virginia, relating to postsecondary schools; distance learning; certification and reciprocity.

[H 457]

Approved March 18, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 23.1-213 and 23.1-219 of the Code of Virginia are amended and reenacted as follows:

§ 23.1-213. Definitions.

As used in this article, unless the context requires a different meaning:

"Academic-vocational non-college degree school" means a non-college degree school that offers degree and nondegree credit courses.

"Agent" means a person who is employed by any institution of higher education or non-college degree school, whether such institution or school is located within or outside the Commonwealth, to act as an agent, solicitor, procurer, broker, or

independent contractor to procure students or enrollees for any such institution or school by solicitation in any form at any place in the Commonwealth other than the office or principal location of such institution or school.

"Certificate" means an award that is given by (i) institutions of higher education and academic-vocational non-college degree schools for successful completion of a curriculum consisting of courses that may also be taken for degree credit or (ii) vocational non-college degree schools for successful completion of a curriculum. "Certificate" includes a diploma.

"College" means any associate-degree-granting institution of higher education or institution of higher education at which a bachelor's degree is the most advanced degree that is granted.

"Continuing or professional education" means those classes, courses, and programs designed specifically for individuals who have completed a degree in a professional field that (i) are intended to fulfill the continuing education requirements for licensure or certification in such professional field, (ii) have been approved by a legislatively or judicially established board or agency responsible for regulating the practice of the profession, and (iii) are offered exclusively to an individual practicing in such professional field.

"Degree" means any earned award at the associate, baccalaureate, graduate, first professional, or specialist levels that represents satisfactory completion of the requirements of a program or course of study or instruction beyond the secondary school level.

"Degree credit" means any earned credits awarded for successful completion of the requirements of a course of study or instruction beyond the secondary school level that may be used toward completion of a certificate or degree.

"Distance learning" or "distance learning modality" means any course offered by a postsecondary school for which the primary mode of instructional delivery is by television, videocassette or disc, film, radio, computer, or other telecommunications devices.

"Fraudulent academic credential" means a certificate, academic transcript, or other document issued by a person or other entity that is not an institution of higher education that provides evidence of or demonstrates completion of coursework or academic credit that results in the issuance of a degree.

"Institution of higher education" or "institution" means any person or other entity, other than a public institution of higher education or any other entity authorized to issue bonds pursuant to Chapter 11 (§ 23.1-1100 et seq.), that has received approval from the Council to (i) use the term "college" or "university," or words of like meaning, in its name or in any manner in connection with its academic affairs or business; (ii) enroll students; and (iii) offer approved courses for degree credit or programs of study leading to a degree or offer degrees either at a site or via telecommunications equipment located in the Commonwealth a distance learning modality.

"Multistate compact" means any agreement involving two or more states to jointly offer postsecondary educational opportunities pursuant to policies and procedures established in such agreement and approved by the Council.

"Non-college degree school" means any person or other entity that offers courses or programs of study that do not lead to a degree. "Non-college degree school" includes academic-vocational non-college degree schools and vocational non-college degree schools.

"Nondegree credit" means any earned credits awarded for successful completion of the requirements of a course of study or instruction beyond the secondary school level that may be used toward completion of a certificate but may not be used to earn a degree.

"Out-of-state" means formed, chartered, established, or incorporated outside of the Commonwealth.

"Postsecondary school" means any institution of higher education or non-college degree school offering formal instructional programs with a curriculum designed primarily for students who have completed the requirements for a high school diploma or its equivalent. "Postsecondary school" includes programs of academic, vocational, and continuing professional education, except courses or programs of continuing professional education set forth in subdivision B 4 of § 23.1-226. "Postsecondary school" does not include avocational and adult basic education programs.

"Program" means a curriculum or course of study in a discipline or interdisciplinary area that leads to a degree or certificate.

"Program area" means a general group of disciplines in which one or more programs may be offered.

"Proprietary" means privately owned, privately managed, and corporately structured as a for-profit entity.

"Site" means a location in the Commonwealth where a postsecondary school (i) offers at least one course on an established schedule and (ii) enrolls at least two individuals who are not members of the same household, regardless of the presence or absence of administrative capability at such location.

"Teachout plan" means a written agreement between or among postsecondary schools that provides for the equitable treatment of students if one party to the agreement ceases to offer an educational program before all students enrolled in that program complete the program.

"University" means any baccalaureate institution of higher education.

"Vocational non-college degree school" means a non-college degree school that offers only courses for nondegree credit. "Vocational non-college degree school" does not include instructional programs that are intended solely for recreation, enjoyment, or personal interest or as a hobby or courses or instructional programs that prepare individuals to teach such pursuits.

§ 23.1-219. Council certification; requirements and prohibitions.

A. Without obtaining the certification of the Council or a determination that the activity or program is exempt from such certification requirements, no postsecondary school subject to the provisions of this article shall:

1. Use the term "college" or "university" or abbreviations or words of similar meaning in its name or in any manner in connection with its academic affairs or business;

2. Enroll students;

3. Offer degrees, courses for degree credit, programs of study leading to a degree, or courses for nondegree credit, either at a site or via ~~telecommunications equipment located within the Commonwealth~~ a distance learning modality; or

4. Initiate other programs for degree credit or award degrees or certificates at a new or additional level.

B. All institutions of higher education and academic-vocational non-college degree schools subject to the provisions of this article shall be fully accredited by an accrediting agency recognized by the U.S. Department of Education.

C. All out-of-state academic-vocational non-college degree schools subject to the provisions of this article shall disclose their accreditation status in all written materials advertising or describing such school that are distributed to prospective or enrolled students or the general public.

D. No postsecondary school shall be required to obtain another certification from the Council to operate in the Commonwealth if it (i) was formed, chartered, or established in the Commonwealth or chartered by an Act of Congress; (ii) has maintained its main campus continuously in the Commonwealth for at least 20 calendar years under its current ownership; (iii) was continuously approved or authorized to confer or grant academic or professional degrees by the Council, the Board of Education, or an act of the General Assembly during those 20 years; and (iv) is fully accredited by an accrediting agency that is recognized by and has met the criteria for Title IV eligibility of the U.S. Department of Education. If the Council revokes an institution's authorization to confer or grant academic or professional degrees, the institution is required to seek recertification annually until it meets the criteria of this subsection.

E. In addition to such other requirements as are established in this article or the regulations of the Council, any out-of-state institution of higher education or academic-vocational non-college degree school shall provide verification that:

1. The institution or school is fully accredited by an accrediting agency recognized by the U.S. Department of Education;

2. All courses, degrees, or certificates offered at any site are also offered at an out-of-state campus of the institution or school;

3. All credits earned at any site are transferable to an out-of-state campus of the institution or school; and

4. The institution or school has complied with the requirements of either Article 17 (§ 13.1-757 et seq.) of Chapter 9 of Title 13.1 or Article 14 (§ 13.1-919 et seq.) of Chapter 10 of Title 13.1.

F. Any degree-granting postsecondary school providing distance learning to residents of the Commonwealth from a location outside of the Commonwealth shall be certified to operate in the Commonwealth or shall be a participant in a reciprocity agreement to which the Commonwealth belongs, in accordance with Council's authority pursuant to § 23.1-211, for the purpose of consumer protection.

G. Any postsecondary school that seeks to conduct ~~telecommunications~~ distance learning activities from a site shall apply for Council approval to conduct such activity and shall comply with this article and the Council's regulations in the same manner as any other postsecondary school subject to this article.

2. That the provisions of this act shall become effective on July 1, 2022.

CHAPTER 381

An Act to amend the Code of Virginia by adding in Article 1 of Chapter 3 of Title 40.1 a section numbered 40.1-28.7:7, relating to the misclassification of workers; cause of action.

[S 894]

Approved March 18, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 1 of Chapter 3 of Title 40.1 a section numbered 40.1-28.7:7 as follows:

§ 40.1-28.7:7. Misclassification of workers.

A. An individual who has not been properly classified as an employee may bring a civil action for damages against his employer for failing to properly classify the employee if the employer had knowledge of the individual's misclassification. An individual's representative may bring the action on behalf of the individual. If the court finds that the employer has not properly classified the individual as an employee, the court may award the individual damages in the amount of any wages, salary, employment benefits, including expenses incurred by the employee that would otherwise have been covered by insurance, or other compensation lost to the individual, a reasonable attorney fee, and the costs incurred by the individual in bringing the action.

B. In a proceeding under subsection A, an individual who performs services for a person for remuneration shall be presumed to be an employee of the person that paid such remuneration, and the person that paid such remuneration shall be presumed to be the employer of the individual who was paid for performing the services, unless it is shown that the individual is an independent contractor as determined under the Internal Revenue Service guidelines.

C. As used in this section, "Internal Revenue Service guidelines" means the most recent version of the guidelines published by the Internal Revenue Service for evaluating independent contractor status, including its interpretation of

common law doctrine on independent contractors, and any regulations that the Internal Revenue Service may promulgate regarding determining whether an employee is an independent contractor, including 26 C.F.R. § 31.3121(d)-1.

CHAPTER 382

An Act to amend and reenact § 23.1-505 of the Code of Virginia, relating to active duty military personnel or activated or temporarily mobilized reservists or guard members; dependents; eligibility for in-state tuition and other educational benefits.

[H 447]

Approved March 18, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 23.1-505 of the Code of Virginia is amended and reenacted as follows:

§ 23.1-505. Determination of domicile; exception; dependents of certain active duty military personnel, etc.

A. For the purposes of this section:

"Date of alleged entitlement" means the date of admission or acceptance for dependents currently residing in the Commonwealth or the final add/drop date for dependents of members newly transferred to the Commonwealth.

"Temporarily mobilized" means activated for service for 180 days or more.

"Unaccompanied orders" means orders that assign active duty military personnel or activated or temporarily mobilized reserve or guard members an unaccompanied tour listed in Appendix Q of the Joint Federal Travel Regulations.

B. Notwithstanding § 23.1-502 or any other provision of law to the contrary, all dependents, as defined by 37 U.S.C. § 401, of active duty military personnel or activated or temporarily mobilized reservists or guard members (i) assigned to a permanent duty station or workplace in the Commonwealth, the District of Columbia, or a state contiguous to the Commonwealth who reside in the Commonwealth; (ii) assigned unaccompanied orders and immediately prior to receiving such unaccompanied orders were assigned to a permanent duty station or workplace in the Commonwealth, the District of Columbia, or a state contiguous to the Commonwealth and resided in the Commonwealth; or (iii) assigned unaccompanied orders with the Commonwealth listed as the designated place move shall be deemed to be domiciled in the Commonwealth and are eligible to receive in-state tuition.

C. All such dependents shall be afforded the same educational benefits as any other individual who is eligible for in-state tuition pursuant to § 23.1-502. Such dependents are eligible for such benefits, including in-state tuition status, for as long as they are continuously enrolled in a public institution of higher education or private institution of higher education or have transferred between public institutions of higher education or private institutions of higher education or from an undergraduate degree program to a graduate degree program at a public institution of higher education or private institution of higher education, regardless of any change of duty station or residence of the military service member. *Such continuous enrollment requirement shall be waived if the dependent verifies that a break of no longer than one year was required in order to support a spouse or parent on orders for a change of duty assignment or location.*

CHAPTER 383

An Act to amend and reenact § 54.1-2109 of the Code of Virginia, relating to the Department of Professional and Occupational Regulation; Real Estate Board; death or disability of a real estate broker.

[H 513]

Approved March 18, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-2109 of the Code of Virginia is amended and reenacted as follows:

§ 54.1-2109. Death or disability of a broker.

Upon the death or disability of a licensed real estate broker who was engaged in a proprietorship or who was the only licensed broker in a ~~corporation or partnership~~ *business entity listed in clause (i) of subsection A of § 54.1-2106.1*, the Real Estate Board shall grant approval to carry on the business of the deceased or disabled broker for 180 days following the death or disability of the broker solely for the purpose of concluding the business of the deceased or disabled broker in the following order:

1. A personal representative qualified by the court to administer the deceased broker's estate.
2. If there is no personal representative qualified pursuant to subdivision 1, then an agent designated under a power of attorney of the disabled or deceased broker, which designation expressly references this section.
3. If there is no agent designated pursuant to subdivision 2, the executor nominated in the deceased broker's will.
4. If there is no executor nominated pursuant to subdivision 3, then an adult family member of the disabled or deceased broker.
5. If there is no adult family member nominated pursuant to subdivision 4, then an employee of, or an independent contractor affiliated with, the disabled or deceased broker.

In the event none of the foregoing is available or suitable, the Board may appoint any other suitable person to terminate the business within 180 days.

CHAPTER 384

An Act to amend and reenact § 55.1-1226 of the Code of Virginia, relating to Virginia Residential Landlord and Tenant Act; security deposits; timing of application.

[H 594]

Approved March 18, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 55.1-1226 of the Code of Virginia is amended and reenacted as follows:

§ 55.1-1226. Security deposits.

A. No landlord may demand or receive a security deposit, however denominated, in an amount or value in excess of two months' periodic rent. Upon termination of the tenancy *or the date the tenant vacates the dwelling unit, whichever occurs last*, such security deposit, whether it is property or money held by the landlord as security as provided in this section, may be applied by the landlord solely to (i) the payment of accrued rent, including the reasonable charges for late payment of rent specified in the rental agreement; (ii) the payment of the amount of damages that the landlord has suffered by reason of the tenant's noncompliance with § 55.1-1227, less reasonable wear and tear; (iii) other damages or charges as provided in the rental agreement; or (iv) actual damages for breach of the rental agreement pursuant to § 55.1-1251. The security deposit and any deductions, damages, and charges shall be itemized by the landlord in a written notice given to the tenant, together with any amount due to the tenant, within 45 days after the termination date of the tenancy. As of the date of the termination of the tenancy or the date the tenant vacates the dwelling unit, whichever occurs last, the tenant shall be required to deliver possession of the dwelling unit to the landlord. If the termination date is prior to the expiration of the rental agreement or any renewal thereof, or the tenant has not given proper notice of termination of the rental agreement, the tenant shall be liable for actual damages pursuant to § 55.1-1251, in which case, the landlord shall give written notice of security deposit disposition within the 45-day period but may retain any security balance to apply against any financial obligations of the tenant to the landlord pursuant to this chapter or the rental agreement. If the tenant fails to vacate the dwelling unit as of the termination of the tenancy, the landlord may file an unlawful detainer action pursuant to § 8.01-126.

B. Where there is more than one tenant subject to a rental agreement, unless otherwise agreed to in writing by each of the tenants, disposition of the security deposit shall be made with one check being payable to all such tenants and sent to a forwarding address provided by one of the tenants. The landlord shall make the security deposit disposition within the 45-day time period required by subsection A, but if no forwarding address is provided to the landlord, the landlord may continue to hold such security deposit in escrow. If a tenant fails to provide a forwarding address to the landlord to enable the landlord to make a refund of the security deposit, upon the expiration of one year from the date of the end of the 45-day time period, the landlord may remit such sum to the State Treasurer as unclaimed property on a form prescribed by the administrator that includes the name; social security number, if known; and last known address of each tenant on the rental agreement. If the landlord or managing agent is a real estate licensee, compliance with this subsection shall be deemed compliance with § 54.1-2108 and corresponding regulations of the Real Estate Board.

C. Nothing in this section shall be construed by a court of law or otherwise as entitling the tenant, upon the termination of the tenancy, to an immediate credit against the tenant's delinquent rent account in the amount of the security deposit. The landlord shall apply the security deposit in accordance with this section within the 45-day time period required by subsection A. However, provided that the landlord has given prior written notice in accordance with this section, the landlord may withhold a reasonable portion of the security deposit to cover an amount of the balance due on the water, sewer, or other utility account that is an obligation of the tenant to a third-party provider under the rental agreement for the dwelling unit, and upon payment of such obligations the landlord shall provide written confirmation to the tenant within 10 days, along with payment to the tenant of any balance otherwise due to the tenant. In order to withhold such funds as part of the disposition of the security deposit, the landlord shall have so advised the tenant of his rights and obligations under this section in (i) a termination notice to the tenant in accordance with this chapter, (ii) a written notice to the tenant confirming the vacating date in accordance with this section, or (iii) a separate written notice to the tenant at least 15 days prior to the disposition of the security deposit. Any written notice to the tenant shall be given in accordance with § 55.1-1202.

The tenant may provide the landlord with written confirmation of the payment of the final water, sewer, or other utility bill for the dwelling unit, in which case the landlord shall refund the security deposit, unless there are other authorized deductions, within the 45-day period required by subsection A. If the tenant provides such written confirmation after the expiration of the 45-day period, the landlord shall refund any remaining balance of the security deposit held to the tenant within 10 days following the receipt of such written confirmation provided by the tenant. If the landlord otherwise receives confirmation of payment of the final water, sewer, or other utility bill for the dwelling unit, the landlord shall refund the security deposit, unless there are other authorized deductions, within the 45-day period.

D. Nothing in this section shall be construed to prohibit the landlord from making the disposition of the security deposit prior to the 45-day period required by subsection A and charging an administrative fee to the tenant for such

expedited processing, if the rental agreement so provides and the tenant requests expedited processing in a separate written document.

E. The landlord shall notify the tenant in writing of any deductions provided by this section to be made from the tenant's security deposit during the course of the tenancy. Such notification shall be made within 30 days of the date of the determination of the deduction and shall itemize the reasons in the same manner as provided in subsection F. No such notification shall be required for deductions made less than 30 days prior to the termination of the rental agreement. If the landlord willfully fails to comply with this section, the court shall order the return of the security deposit to the tenant, together with actual damages and reasonable attorney fees, unless the tenant owes rent to the landlord, in which case the court shall order an amount equal to the security deposit credited against the rent due to the landlord. In the event that damages to the premises exceed the amount of the security deposit and require the services of a third-party contractor, the landlord shall give written notice to the tenant advising him of that fact within the 45-day period required by subsection A. If notice is given as prescribed in this subsection, the landlord shall have an additional 15-day period to provide an itemization of the damages and the cost of repair. This section shall not preclude the landlord or tenant from recovering other damages to which he may be entitled under this chapter. The holder of the landlord's interest in the premises at the time of the termination of the tenancy, regardless of how the interest is acquired or transferred, is bound by this section and shall be required to return any security deposit received by the original landlord that is duly owed to the tenant, whether or not such security deposit is transferred with the landlord's interest by law or equity, regardless of any contractual agreements between the original landlord and his successors in interest.

F. The landlord shall:

1. Maintain and itemize records for each tenant of all deductions from security deposits provided for under this section that the landlord has made by reason of a tenant's noncompliance with § 55.1-1227, or for any other reason set out in this section, during the preceding two years; and

2. Permit a tenant or his authorized agent or attorney to inspect such tenant's records of deductions at any time during normal business hours.

G. Upon request by the landlord to a tenant to vacate, or within five days after receipt of notice by the landlord of the tenant's intent to vacate, the landlord shall provide written notice to the tenant of the tenant's right to be present at the landlord's inspection of the dwelling unit for the purpose of determining the amount of security deposit to be returned. If the tenant desires to be present when the landlord makes the inspection, he shall, in writing, so advise the landlord, who in turn shall notify the tenant of the date and time of the inspection, which must be made within 72 hours of delivery of possession. Following the move-out inspection, the landlord shall provide the tenant with a written security deposit disposition statement, including an itemized list of damages. If additional damages are discovered by the landlord after the security deposit disposition has been made, nothing in this section shall be construed to preclude the landlord from recovery of such damages against the tenant, provided, however, that the tenant may present into evidence a copy of the move-out report to support the tenant's position that such additional damages did not exist at the time of the move-out inspection.

H. If the tenant has any assignee or sublessee, the landlord shall be entitled to hold a security deposit from only one party in compliance with the provisions of this section.

CHAPTER 385

An Act to amend the Code of Virginia by adding a section numbered 15.2-2288.8, relating to special exceptions for solar photovoltaic projects.

[H 655]

Approved March 18, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 15.2-2288.8 as follows:

§ 15.2-2288.8. *Special exceptions for solar photovoltaic projects.*

A. Any locality may grant a special exception pursuant to § 15.2-2286, and include in its zoning ordinance reasonable regulations and provisions for a special exception as defined in § 15.2-2201, for any solar photovoltaic (electric energy) project.

B. The governing body of such locality may grant a condition that includes (i) dedication of real property of substantial value or (ii) substantial cash payments for or construction of substantial public improvements, the need for which is not generated solely by the granting of a conditional use permit, so long as such conditions are reasonably related to the project.

C. Once a condition is granted pursuant to subsection B, such condition shall continue in effect until a subsequent amendment changes the zoning on the property for which the conditions were granted. However, such conditions shall continue if the subsequent amendment is part of a comprehensive implementation of a new or substantially revised zoning ordinance.

CHAPTER 386

An Act to amend and reenact §§ 4.1-212 and 4.1-314 of the Code of Virginia, relating to alcoholic beverage control; stills or distilling apparatuses; permit requirement.

[H 37]

Approved March 23, 2020

Be it enacted by the General Assembly of Virginia:**1. That §§ 4.1-212 and 4.1-314 of the Code of Virginia are amended and reenacted as follows:****§ 4.1-212. Permits required in certain instances.**

A. The Board may grant the following permits which shall authorize:

1. Wine and beer salesmen representing any out-of-state wholesaler engaged in the sale of wine and beer, or either, to sell or solicit the sale of wine or beer, or both in the Commonwealth.

2. Any person having any interest in the manufacture, distribution or sale of spirits or other alcoholic beverages to solicit any mixed beverage licensee, his agent, employee or any person connected with the licensee in any capacity in his licensed business to sell or offer for sale such spirits or alcoholic beverages.

3. Any person to keep upon his premises alcoholic beverages which he is not authorized by any license to sell and which shall be used for culinary purposes only.

4. Any person to transport lawfully purchased alcoholic beverages within, into or through the Commonwealth, except that no permit shall be required for any person shipping or transporting into the Commonwealth a reasonable quantity of alcoholic beverages when such person is relocating his place of residence to the Commonwealth in accordance with § 4.1-310.

5. Any person to keep, store, or possess any still or distilling apparatus *for the purpose of distilling alcohol.*

6. The release of alcoholic beverages not under United States custom bonds or internal revenue bonds stored in Board approved warehouses for delivery to the Board or to persons entitled to receive them within or outside of the Commonwealth.

7. The release of alcoholic beverages from United States customs bonded warehouses for delivery to the Board or to licensees and other persons enumerated in subsection B of § 4.1-131.

8. The release of alcoholic beverages from United States internal revenue bonded warehouses for delivery in accordance with subsection C of § 4.1-132.

9. A secured party or any trustee, curator, committee, conservator, receiver or other fiduciary appointed or qualified in any court proceeding, to continue to operate under the licenses previously issued to any deceased or other person licensed to sell alcoholic beverages for such period as the Board deems appropriate.

10. The one-time sale of lawfully acquired alcoholic beverages belonging to any person, or which may be a part of such person's estate, including a judicial sale, estate sale, sale to enforce a judgment lien or liquidation sale to satisfy indebtedness secured by a security interest in alcoholic beverages, by a sheriff, personal representative, receiver or other officer acting under authority of a court having jurisdiction in the Commonwealth, or by any secured party as defined in subdivision (a)(73) of § 8.9A-102 of the Virginia Uniform Commercial Code. Such sales shall be made only to persons who are licensed or hold a permit to sell alcoholic beverages in the Commonwealth or to persons outside the Commonwealth for resale outside the Commonwealth and upon such conditions or restrictions as the Board may prescribe.

11. Any person who purchases at a foreclosure, secured creditor's or judicial auction sale the premises or property of a person licensed by the Board and who has become lawfully entitled to the possession of the licensed premises to continue to operate the establishment to the same extent as a person holding such licenses for a period not to exceed 60 days or for such longer period as determined by the Board. Such permit shall be temporary and shall confer the privileges of any licenses held by the previous owner to the extent determined by the Board. Such temporary permit may be issued in advance, conditioned on the above requirements.

12. The sale of wine and beer in kegs by any person licensed to sell wine or beer, or both, at retail for off-premises consumption.

13. The storage of lawfully acquired alcoholic beverages not under customs bond or internal revenue bond in warehouses located in the Commonwealth.

14. The storage of wine by a licensed winery or farm winery under internal revenue bond in warehouses located in the Commonwealth.

15. Any person to conduct tastings in accordance with § 4.1-201.1, provided that such person has filed an application for a permit in which the applicant represents (i) that he or she is under contract to conduct such tastings on behalf of the alcoholic beverage manufacturer or wholesaler named in the application; (ii) that such contract grants to the applicant the authority to act as the authorized representative of such manufacturer or wholesaler; and (iii) that such contract contains an acknowledgment that the manufacturer or wholesaler named in the application may be held liable for any violation of § 4.1-201.1 by its authorized representative. A permit issued pursuant to this subdivision shall be valid for at least one year, unless sooner suspended or revoked by the Board in accordance with § 4.1-229.

16. Any person who, through contract, lease, concession, license, management or similar agreement (hereinafter referred to as the contract), becomes lawfully entitled to the use and control of the premises of a person licensed by the

Board to continue to operate the establishment to the same extent as a person holding such licenses, provided such person has made application to the Board for a license at the same premises. The permit shall (i) confer the privileges of any licenses held by the previous owner to the extent determined by the Board and (ii) be valid for a period of 120 days or for such longer period as may be necessary as determined by the Board pending the completion of the processing of the permittee's license application. No permit shall be issued without the written consent of the previous licensee. No permit shall be issued under the provisions of this subdivision if the previous licensee owes any state or local taxes, or has any pending charges for violation of this title or any Board regulation, unless the permittee agrees to assume the liability of the previous licensee for the taxes or any penalty for the pending charges. An application for a permit may be filed prior to the effective date of the contract, in which case the permit when issued shall become effective on the effective date of the contract. Upon the effective date of the permit, (a) the permittee shall be responsible for compliance with the provisions of this title and any Board regulation and (b) the previous licensee shall not be held liable for any violation of this title or any Board regulation committed by, or any errors or omissions of, the permittee.

17. Any sight-seeing carrier or contract passenger carrier as defined in § 46.2-2000 transporting individuals for compensation to a winery, brewery, or restaurant, licensed under this chapter and authorized to conduct tastings, to collect the licensee's tasting fees from tour participants for the sole purpose of remitting such fees to the licensee.

18. Any tour company guiding individuals for compensation on a culinary walking tour to one or more establishments licensed to sell alcoholic beverages at retail for on-premises consumption to collect as one fee from tour participants (i) the licensee's fee for the food and alcoholic beverages served as part of the tour and (ii) a fee for the culinary walking tour service. The tour company shall remit to the licensee any fee collected for the food and alcoholic beverages served as part of the tour. Food cooked or prepared on the premises of such licensed establishments shall be served at each such establishment on the tour.

B. Nothing in subdivision 9, 10, or 11 shall authorize any brewery, winery or affiliate or a subsidiary thereof which has supplied financing to a wholesale licensee to manage and operate the wholesale licensee in the event of a default, except to the extent authorized by subdivision B 3 a of § 4.1-216.

§ 4.1-314. Keeping, possessing, or storing still or distilling apparatus without a permit; penalty.

No person shall keep, store, or have in his possession any still, or distilling apparatus, *for the purpose of distilling alcohol* without a permit from the Board.

Any person convicted of a violation of this section shall be guilty of a Class 1 misdemeanor.

CHAPTER 387

An Act to amend and reenact §§ 59.1-310.3 and 59.1-310.5 of the Code of Virginia, relating to the operation of tanning facilities; use of tanning devices by persons under the age of 18 prohibited.

[H 38]

Approved March 23, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 59.1-310.3 and 59.1-310.5 of the Code of Virginia are amended and reenacted as follows:

§ 59.1-310.3. Notice to customers; liability.

A. A tanning facility shall give each customer a written statement warning that:

1. Failure to use the eye protection provided to the customer by the tanning facility may result in damage to the eyes;
2. Overexposure to ultraviolet light causes burns;
3. Repeated exposure may result in premature aging of the skin and skin cancer;
4. Abnormal skin sensitivity or burning may be caused by reactions of ultraviolet light to certain (i) foods; (ii) cosmetics; or (iii) medications, including tranquilizers, diuretics, antibiotics, high blood pressure medicines, or birth control pills; and

5. Any person taking a prescription or over-the-counter drug should consult a physician prior to using a tanning device.

B. Prior to allowing a prospective customer to use a tanning device, the owner or his designee shall obtain on the written statement the signature of each customer on a duplicate of the written statement provided to the customer under subsection A. ~~In addition, the owner or his designee shall obtain, every six months, the signature of the parent or legal guardian of a prospective customer who is under the age of 15 and is not emancipated under Virginia law.~~

C. Compliance with the notice requirements does not affect the liability of a tanning facility owner or a manufacturer of a tanning device.

D. The signed duplicates of the written statements provided under subsection A may be retained at a location other than the tanning facility if an electronic or facsimile image of the original is readily available at each of an owner's tanning facilities.

§ 59.1-310.5. Operational requirements.

A. A tanning facility shall have an operator present during operating hours. The operator shall be sufficiently knowledgeable in the correct operation of the tanning devices used at the facility and shall inform and assist each customer in the proper use of the tanning device.

B. The owner or his designee shall identify the skin type of the customer based on the Fitzpatrick scale, document the skin type of the customer, and advise the customer of the customer's maximum time of recommended exposure in the tanning device.

C. Before each use of a tanning device, the operator shall provide the customer with properly sanitized protective eyewear that protects the eyes from ultraviolet radiation and allows adequate vision to maintain balance. The operator shall not allow a person to use a tanning device if that person has not been provided protective eyewear. The operator shall also instruct each customer how to use suitable physical aids, such as handrails and markings on the floor, to maintain proper exposure distance as recommended by the manufacturer of the tanning device.

D. After each use of a tanning device, the owner or his designee shall clean the device with a cleaner or sanitizer capable of killing bacteria from any previous use.

E. The tanning facility shall use a timer with an accuracy of at least plus or minus ten percent of any selected time interval. The facility shall limit the exposure time of a customer on a tanning device to the maximum exposure time recommended by the manufacturer. The facility shall control the interior temperature of a tanning device so that it may not exceed 100 degrees Fahrenheit.

F. Either each time a customer uses a tanning facility or each time a person executes or renews a contract to use a tanning facility, the person shall sign a written statement acknowledging that the person has read and understood the required warnings before using the device and agrees to use the protective eyewear that the tanning facility provides.

G. *No individual under the age of 18 shall be allowed to use any tanning device, other than a spray tanning device that does not emit ultraviolet light, at a tanning facility.* The owner shall be responsible for ensuring that each customer using the tanning facility is of legal age to do so.

H. A tanning facility shall not claim, or distribute promotional material that claims that the use of a tanning device is safe, is without risk, or will result in medical or health benefits.

I. *The provisions of subsection G shall not prohibit any person licensed by the Board of Medicine to practice medicine or osteopathic medicine from prescribing or using a phototherapy device for any patient, regardless of age. For the purposes of this section, "phototherapy device" means a device that emits ultraviolet radiation and is used in the diagnosis or treatment of disease or injury.*

CHAPTER 388

An Act to amend and reenact §§ 36-96.2, 55.1-1203, and 55.1-1209 of the Code of Virginia, relating to Virginia Fair Housing Law; Virginia Residential Landlord and Tenant Act; status as a victim of family abuse; evidence of eligibility to become a tenant; confidentiality of tenant records.

[H 99]

Approved March 23, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 36-96.2, 55.1-1203, and 55.1-1209 of the Code of Virginia are amended and reenacted as follows:

§ 36-96.2. Exemptions.

A. Except as provided in subdivision A 3 of § 36-96.3 and subsections A, B, and C of § 36-96.6, this chapter shall not apply to any single-family house sold or rented by an owner, provided that such private individual does not own more than three single-family houses at any one time. In the case of the sale of any single-family house by a private individual-owner not residing in the house at the time of the sale or who was not the most recent resident of the house prior to sale, the exemption granted shall apply only with respect to one such sale within any 24-month period; provided that such bona fide private individual owner does not own any interest in, nor is there owned or reserved on his behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of, more than three such single-family houses at any one time. The sale or rental of any such single-family house shall be exempt from the application of this chapter only if the house is sold or rented (i) without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent, salesperson, or of the facilities or the services of any person in the business of selling or renting dwellings, or of any employee, independent contractor, or agent of any broker, agent, salesperson, or person and (ii) without the publication, posting, or mailing, after notice, of any advertisement or written notice in violation of this chapter. However, nothing herein shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other professional assistance as necessary to perfect or transfer the title. This exemption shall not apply to or inure to the benefit of any licensee of the Real Estate Board or regulant of the Fair Housing Board, regardless of whether the licensee is acting in his personal or professional capacity.

B. Except for subdivision A 3 of § 36-96.3, this chapter shall not apply to rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence.

C. Nothing in this chapter shall prohibit a religious organization, association or society, or any nonprofit institution or organization operated, supervised, or controlled by or in conjunction with a religious organization, association or society, from limiting the sale, rental, or occupancy of dwellings that it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preferences to such persons, unless membership in such religion is restricted on

account of race, color, national origin, sex, elderliness, familial status, or handicap. Nor shall anything in this chapter apply to a private membership club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodging which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members. Nor, where matters of personal privacy are involved, shall anything in this chapter be construed to prohibit any private, state-owned or state-supported educational institution, hospital, nursing home, religious or correctional institution, from requiring that persons of both sexes not occupy any single-family residence or room or unit of dwellings or other buildings, or restrooms in such room or unit in dwellings or other buildings, which it owns or operates.

D. Nothing in this chapter prohibits conduct against a person because such person has been convicted by any court of competent jurisdiction of the illegal manufacture or distribution of a controlled substance as defined in federal law.

E. It shall not be unlawful under this chapter for any owner to deny or limit the rental of housing to persons who pose a clear and present threat of substantial harm to others or to the dwelling itself.

F. A rental application may require disclosure by the applicant of any criminal convictions and the owner or managing agent may require as a condition of acceptance of the rental application that applicant consent in writing to a criminal record check to verify the disclosures made by applicant in the rental application. The owner or managing agent may collect from the applicant moneys to reimburse the owner or managing agent for the exact amount of the out-of-pocket costs for such criminal record checks. Nothing in this chapter shall require an owner or managing agent to rent a dwelling to an individual who, based on a prior record of criminal convictions involving harm to persons or property, would constitute a clear and present threat to the health or safety of other individuals.

G. Nothing in this chapter limits the applicability of any reasonable local, state or federal restriction regarding the maximum number of occupants permitted to occupy a dwelling. Owners or managing agents of dwellings may develop and implement reasonable occupancy and safety standards based on factors such as the number and size of sleeping areas or bedrooms and overall size of a dwelling unit so long as the standards do not violate local, state or federal restrictions. Nothing in this chapter prohibits the rental application or similar document from requiring information concerning the number, ages, sex and familial relationship of the applicants and the dwelling's intended occupants.

H. Nothing in this chapter shall prohibit a landlord from considering evidence of an applicant's status as a victim of family abuse, as defined in § 16.1-228, to mitigate any adverse effect of an otherwise qualified applicant's application pursuant to subsection D of § 55.1-1203.

§ 55.1-1203. Application; deposit, fee, and additional information.

A. Any landlord may require a refundable application deposit in addition to a nonrefundable application fee. If the applicant fails to rent the unit for which application was made, from the application deposit the landlord shall refund to the applicant within 20 days after the applicant's failure to rent the unit or the landlord's rejection of the application all sums in excess of the landlord's actual expenses and damages together with an itemized list of such expenses and damages. If, however, the application deposit was made by cash, certified check, cashier's check, or postal money order, such refund shall be made within 10 days of the applicant's failure to rent the unit if the failure to rent is due to the landlord's rejection of the application. If the landlord fails to comply with this section, the applicant may recover as damages suffered by him that portion of the application deposit wrongfully withheld and reasonable attorney fees.

B. A landlord may request that a prospective tenant provide information that will enable the landlord to determine whether each applicant may become a tenant. The landlord may photocopy each applicant's driver's license or other similar photo identification, containing either the applicant's social security number or control number issued by the Department of Motor Vehicles pursuant to § 46.2-342. However, a landlord shall not photocopy a U.S. government-issued identification so long as to do so is a violation of 18 U.S.C. § 701. The landlord may require, for the purpose of determining whether each applicant is eligible to become a tenant in the landlord's dwelling unit, that each applicant provide a social security number issued by the U.S. Social Security Administration or an individual taxpayer identification number issued by the U.S. Internal Revenue Service.

C. An application fee shall not exceed \$50, exclusive of any actual out-of-pocket expenses paid by the landlord to a third party performing background, credit, or other pre-occupancy checks on the applicant. However, where an application is being made for a dwelling unit that is a public housing unit or other housing unit subject to regulation by the U.S. Department of Housing and Urban Development, an application fee shall not exceed \$32, exclusive of any actual out-of-pocket expenses paid to a third party by the landlord performing background, credit, or other pre-occupancy checks on the applicant.

D. A landlord shall consider evidence of an applicant's status as a victim of family abuse, as defined in § 16.1-228, to mitigate any adverse effect of an otherwise qualified applicant's low credit score. In order to establish the applicant's status as a victim of family abuse, an applicant may submit to the landlord (i) a letter from a sexual and domestic violence program, a housing counselor certified by the U.S. Department of Housing and Urban Development, or an attorney representing the applicant; (ii) a law-enforcement incident report; or (iii) a court order. If a landlord does not comply with this section, the applicant may recover actual damages, including all amounts paid to the landlord as an application fee, application deposit, or reimbursement for any of the landlord's out-of-pocket expenses that were charged to the prospective tenant, along with attorney fees.

§ 55.1-1209. Confidentiality of tenant records.

A. No landlord or managing agent shall release information about a tenant or prospective tenant in the possession of the landlord or managing agent to a third party unless:

1. The tenant or prospective tenant has given prior written consent;
2. The information is a matter of public record as defined in § 2.2-3701;
3. The information is a summary of the tenant's rent payment record, including the amount of the tenant's periodic rent payment;
4. The information is a copy of a material noncompliance notice that has not been remedied or a termination notice given to the tenant under § 55.1-1245 and the tenant did not remain in the premises after such notice was given;
5. The information is requested by a local, state, or federal law-enforcement or public safety official in the performance of his duties;
6. The information is requested pursuant to a subpoena in a civil case;
7. The information is requested by a local commissioner of the revenue in accordance with § 58.1-3901;
8. The information is requested by a contract purchaser of the landlord's property, provided that the contract purchaser agrees in writing to maintain the confidentiality of such information;
9. The information is requested by a lender of the landlord for financing or refinancing of the property;
10. The information is requested by the commanding officer, military housing officer, or military attorney of the tenant;
11. The third party is the landlord's attorney or the landlord's collection agency;
12. The information is otherwise provided in the case of an emergency;
13. The information is requested by the landlord to be provided to the managing agent or a successor to the managing agent; or
14. The information is requested by an employee or independent contractor of the United States to obtain census information pursuant to federal law.

B. *Any information received by a landlord pursuant to § 55.1-1203 shall remain a confidential tenant record and shall not be released to any person except in response to a subpoena.*

C. A tenant may designate a third party to receive duplicate copies of a summons that has been issued pursuant to § 8.01-126 and of written notices from the landlord relating to the tenancy. Where such a third party has been designated by the tenant, the landlord shall mail the duplicate copy of any summons issued pursuant to § 8.01-126 or notice to the designated third party at the same time the summons or notice is mailed to or served upon the tenant. Nothing in this subsection shall be construed to grant standing to any third party designated by the tenant to challenge actions of the landlord in which notice was mailed pursuant to this subsection. The failure of the landlord to give notice to a third party designated by the tenant shall not affect the validity of any judgment entered against the tenant.

~~C.~~ D. A landlord or managing agent may enter into an agreement with a third-party service provider to maintain tenant records in electronic form or other medium. In such case, the landlord and managing agent shall not be liable under this section in the event of a breach of the electronic data of such third-party service provider, except in the case of gross negligence or intentional act. Nothing in this section shall be construed to require a landlord or managing agent to indemnify such third-party service provider.

~~D.~~ E. A tenant may request a copy of his tenant records in paper or electronic form. If the rental agreement so provides, a landlord may charge a tenant requesting more than one copy of his records the actual costs of preparing copies of such records. However, if the landlord makes available tenant records to each tenant by electronic portal, the tenant shall not be required to pay for access to such portal.

CHAPTER 389

An Act to amend and reenact § 9.1-902 of the Code of Virginia, relating to offenses requiring registration under the Sex Offender and Crimes Against Minors Registry Act; unlawful dissemination or sale of images of another.

[H 253]

Approved March 23, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 9.1-902 of the Code of Virginia is amended and reenacted as follows:

§ 9.1-902. Offenses requiring registration.

A. For purposes of this chapter:

"Offense for which registration is required" includes:

1. Any offense listed in subsection B;
2. Criminal homicide;
3. Murder;
4. A sexually violent offense;
5. Any offense similar to those listed in subdivisions 1 through 4 under the laws of any foreign country or any political subdivision thereof or the United States or any political subdivision thereof; and
6. Any offense for which registration in a sex offender and crimes against minors registry is required under the laws of the jurisdiction where the offender was convicted.

B. The offenses included under this subsection include any violation of, attempted violation of, or conspiracy to violate:

1. § 18.2-63 unless registration is required pursuant to subdivision E 1; § 18.2-64.1; former § 18.2-67.2:1; § 18.2-90 with the intent to commit rape; former § 18.1-88 with the intent to commit rape; any felony violation of § 18.2-346; any violation of subdivision (4) of § 18.2-355; any violation of subsection C of § 18.2-357.1; subsection B or C of § 18.2-374.1:1; former subsection D of § 18.2-374.1:1 as it was in effect from July 1, 1994, through June 30, 2007; former clause (iv) of subsection B of § 18.2-374.3 as it was in effect on June 30, 2007; subsection B, C, or D of § 18.2-374.3; or a third or subsequent conviction of ~~(i)~~ § 18.2-67.4, ~~(ii)~~ § 18.2-67.4.2, ~~(iii)~~ subsection C of § 18.2-67.5, ~~or (iv)~~ § 18.2-386.1, *or, if the offense was committed on or after July 1, 2020, § 18.2-386.2.*

If the offense was committed on or after July 1, 2006, § 18.2-91 with the intent to commit any felony offense listed in this section; subsection A of § 18.2-374.1:1; or a felony under § 18.2-67.5:1.

2. Where the victim is a minor or is physically helpless or mentally incapacitated as defined in § 18.2-67.10, subsection A of § 18.2-47, clause (i) of § 18.2-48, § 18.2-67.4, subsection C of § 18.2-67.5, § 18.2-361, § 18.2-366, or a felony violation of former § 18.1-191.

3. § 18.2-370.6.

4. If the offense was committed on or after July 1, 2016, and where the perpetrator is 18 years of age or older and the victim is under the age of 13, any violation of § 18.2-51.2.

5. If the offense was committed on or after July 1, 2016, any violation of § 18.2-356 punishable as a Class 3 felony or any violation of § 18.2-357 punishable as a Class 3 felony.

6. If the offense was committed on or after July 1, 2019, any felony violation of § 18.2-348 or 18.2-349.

C. "Criminal homicide" means a homicide in conjunction with a violation of, attempted violation of, or conspiracy to violate clause (i) of § 18.2-371 or § 18.2-371.1, when the offenses arise out of the same incident.

D. "Murder" means a violation of, attempted violation of, or conspiracy to violate § 18.2-31 or § 18.2-32 where the victim is (i) under 15 years of age or (ii) where the victim is at least 15 years of age but under 18 years of age and the murder is related to an offense listed in this section or a violation of former § 18.1-21 where the victim is (a) under 15 years of age or (b) at least 15 years of age but under 18 years of age and the murder is related to an offense listed in this section.

E. "Sexually violent offense" means a violation of, attempted violation of, or conspiracy to violate:

1. Clause (ii) and (iii) of § 18.2-48, former § 18.1-38 with the intent to defile or, for the purpose of concubinage or prostitution, a felony violation of subdivision (2) or (3) of former § 18.1-39 that involves assisting or aiding in such an abduction, § 18.2-61, former § 18.1-44 when such act is accomplished against the complaining witness's will, by force, or through the use of the complaining witness's mental incapacity or physical helplessness, or if the victim is under 13 years of age, subsection A of § 18.2-63 where the perpetrator is more than five years older than the victim, § 18.2-67.1, § 18.2-67.2, § 18.2-67.3, former § 18.1-215 when the complaining witness is under 13 years of age, § 18.2-67.4 where the perpetrator is 18 years of age or older and the victim is under the age of six, subsections A and B of § 18.2-67.5, § 18.2-370, subdivision (1), (2), or (4) of former § 18.1-213, former § 18.1-214, § 18.2-370.1, or § 18.2-374.1;

2. § 18.2-63, § 18.2-64.1, former § 18.2-67.2:1, § 18.2-90 with the intent to commit rape or, where the victim is a minor or is physically helpless or mentally incapacitated as defined in § 18.2-67.10, subsection A of § 18.2-47, § 18.2-67.4, subsection C of § 18.2-67.5, clause (i) of § 18.2-48, § 18.2-361, § 18.2-366, or subsection C of § 18.2-374.1:1. An offense listed under this subdivision shall be deemed a sexually violent offense only if the person has been convicted or adjudicated delinquent of any two or more such offenses, provided that person had been at liberty between such convictions or adjudications;

3. If the offense was committed on or after July 1, 2006, § 18.2-91 with the intent to commit any felony offense listed in this section. An offense listed under this subdivision shall be deemed a sexually violent offense only if the person has been convicted or adjudicated delinquent of any two or more such offenses, provided that the person had been at liberty between such convictions or adjudications; or

4. Chapter 117 (18 U.S.C. § 2421 et seq.) of Title 18 of the United States Code or sex trafficking (as described in § 1591 of Title 18, U.S.C.).

F. "Any offense listed in subsection B," "criminal homicide" as defined in this section, "murder" as defined in this section, and "sexually violent offense" as defined in this section includes (i) any similar offense under the laws of any foreign country or any political subdivision thereof or the United States or any political subdivision thereof or (ii) any offense for which registration in a sex offender and crimes against minors registry is required under the laws of the jurisdiction where the offender was convicted.

G. Juveniles adjudicated delinquent shall not be required to register; however, where the offender is a juvenile over the age of 13 at the time of the offense who is tried as a juvenile and is adjudicated delinquent on or after July 1, 2005, of any offense for which registration is required, the court may, in its discretion and upon motion of the attorney for the Commonwealth, find that the circumstances of the offense require offender registration. In making its determination, the court shall consider all of the following factors that are relevant to the case: (i) the degree to which the delinquent act was committed with the use of force, threat, or intimidation, (ii) the age and maturity of the complaining witness, (iii) the age and maturity of the offender, (iv) the difference in the ages of the complaining witness and the offender, (v) the nature of the relationship between the complaining witness and the offender, (vi) the offender's prior criminal history, and (vii) any other aggravating or mitigating factors relevant to the case. The attorney for the Commonwealth may file such a motion at any

time during which the offender is within the jurisdiction of the court for the offense that is the basis for such motion. Prior to any hearing on such motion, the court shall appoint a qualified and competent attorney-at-law to represent the offender unless an attorney has been retained and appears on behalf of the offender or counsel has already been appointed.

H. Prior to entering judgment of conviction of an offense for which registration is required if the victim of the offense was a minor, physically helpless, or mentally incapacitated, when the indictment, warrant, or information does not allege that the victim of the offense was a minor, physically helpless, or mentally incapacitated, the court shall determine by a preponderance of the evidence whether the victim of the offense was a minor, physically helpless, or mentally incapacitated, as defined in § 18.2-67.10, and shall also determine the age of the victim at the time of the offense if it determines the victim to be a minor. When such a determination is required, the court shall advise the defendant of its determination and of the defendant's right to make a motion to withdraw a plea of guilty or nolo contendere pursuant to § 19.2-296. If the court grants the defendant's motion to withdraw his plea of guilty or of nolo contendere, his case shall be heard by another judge, unless the parties agree otherwise. Failure to make such determination or so advise the defendant does not otherwise invalidate the underlying conviction.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 854 of the Acts of Assembly of 2019 requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

CHAPTER 390

An Act to amend and reenact §§ 18.2-308.02 and 18.2-308.06 of the Code of Virginia, relating to concealed handgun permits; demonstration of competence.

[H 264]

Approved March 23, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 18.2-308.02 and 18.2-308.06 of the Code of Virginia are amended and reenacted as follows:

§ 18.2-308.02. Application for a concealed handgun permit; Virginia resident or domiciliary.

A. Any person 21 years of age or older may apply in writing to the clerk of the circuit court of the county or city in which he resides, or if he is a member of the United States Armed Forces and stationed outside the Commonwealth, the county or city in which he is domiciled, for a five-year permit to carry a concealed handgun. There shall be no requirement regarding the length of time an applicant has been a resident or domiciliary of the county or city. The application shall be on a form prescribed by the Department of State Police, in consultation with the Supreme Court, requiring only that information necessary to determine eligibility for the permit. Additionally, the application shall request but not require that the applicant provide an email or other electronic address where a notice of permit expiration can be sent pursuant to subsection C of § 18.2-308.010. The applicant shall present one valid form of photo identification issued by a governmental agency of the Commonwealth or by the U.S. Department of Defense or U.S. State Department (passport). No information or documentation other than that which is allowed on the application in accordance with this section may be requested or required by the clerk or the court.

B. The court shall require proof that the applicant has demonstrated competence with a handgun *in person* and the applicant may demonstrate such competence by one of the following, but no applicant shall be required to submit to any additional demonstration of competence, nor shall any proof of demonstrated competence expire:

1. Completing any hunter education or hunter safety course approved by the Department of Game and Inland Fisheries or a similar agency of another state;
2. Completing any National Rifle Association firearms safety or training course;
3. Completing any firearms safety or training course or class available to the general public offered by a law-enforcement agency, institution of higher education, or private or public institution or organization or firearms training school utilizing instructors certified by the National Rifle Association or the Department of Criminal Justice Services;
4. Completing any law-enforcement firearms safety or training course or class offered for security guards, investigators, special deputies, or any division or subdivision of law enforcement or security enforcement;
5. Presenting evidence of equivalent experience with a firearm through participation in organized shooting competition or current military service or proof of an honorable discharge from any branch of the armed services;
6. Obtaining or previously having held a license to carry a firearm in the Commonwealth or a locality thereof, unless such license has been revoked for cause;
7. Completing any *in-person* firearms training or safety course or class, ~~including an electronic, video, or online course~~, conducted by a state-certified or National Rifle Association-certified firearms instructor;
8. Completing any governmental police agency firearms training course and qualifying to carry a firearm in the course of normal police duties; or
9. Completing any other firearms training ~~which~~ that the court deems adequate.

A photocopy of a certificate of completion of any of the courses or classes; an affidavit from the instructor, school, club, organization, or group that conducted or taught such course or class attesting to the completion of the course or class by the applicant; or a copy of any document that shows completion of the course or class or evidences participation in firearms competition shall constitute evidence of qualification under this subsection.

C. The making of a materially false statement in an application under this article shall constitute perjury, punishable as provided in § 18.2-434.

D. The clerk of court shall withhold from public disclosure the applicant's name and any other information contained in a permit application or any order issuing a concealed handgun permit, except that such information shall not be withheld from any law-enforcement officer acting in the performance of his official duties or from the applicant with respect to his own information. The prohibition on public disclosure of information under this subsection shall not apply to any reference to the issuance of a concealed handgun permit in any order book before July 1, 2008; however, any other concealed handgun records maintained by the clerk shall be withheld from public disclosure.

E. An application is deemed complete when all information required to be furnished by the applicant, including the fee for a concealed handgun permit as set forth in § 18.2-308.03, is delivered to and received by the clerk of court before or concomitant with the conduct of a state or national criminal history records check.

F. For purposes of this section, a member of the United States Armed Forces is domiciled in the county or city where such member claims his home of record with the United States Armed Forces.

§ 18.2-308.06. Nonresident concealed handgun permits.

A. Nonresidents of the Commonwealth 21 years of age or older may apply in writing to the Virginia Department of State Police for a five-year permit to carry a concealed handgun. The applicant shall submit a photocopy of one valid form of photo identification issued by a governmental agency of the applicant's state of residency or by the U.S. Department of Defense or U.S. State Department (passport). Every applicant for a nonresident concealed handgun permit shall also submit two photographs of a type and kind specified by the Department of State Police for inclusion on the permit and shall submit fingerprints on a card provided by the Department of State Police for the purpose of obtaining the applicant's state or national criminal history record. As a condition for issuance of a concealed handgun permit, the applicant shall submit to fingerprinting by his local or state law-enforcement agency and provide personal descriptive information to be forwarded with the fingerprints through the Central Criminal Records Exchange to the U.S. Federal Bureau of Investigation for the purpose of obtaining criminal history record information regarding the applicant and obtaining fingerprint identification information from federal records pursuant to criminal investigations by state and local law-enforcement agencies. The application shall be on a form provided by the Department of State Police, requiring only that information necessary to determine eligibility for the permit. If the permittee is later found by the Department of State Police to be disqualified, the permit shall be revoked and the person shall return the permit after being so notified by the Department of State Police. The permit requirement and restriction provisions of subsection C of § 18.2-308.02 and § 18.2-308.09 shall apply, *mutatis mutandis*, to the provisions of this subsection.

B. The applicant shall demonstrate competence with a handgun *in person* by one of the following:

1. Completing a hunter education or hunter safety course approved by the Virginia Department of Game and Inland Fisheries or a similar agency of another state;
2. Completing any National Rifle Association firearms safety or training course;
3. Completing any firearms safety or training course or class available to the general public offered by a law-enforcement agency, institution of higher education, or private or public institution or organization or firearms training school utilizing instructors certified by the National Rifle Association or the Department of Criminal Justice Services or a similar agency of another state;
4. Completing any law-enforcement firearms safety or training course or class offered for security guards, investigators, special deputies, or any division or subdivision of law enforcement or security enforcement;
5. Presenting evidence of equivalent experience with a firearm through participation in organized shooting competition approved by the Department of State Police or current military service or proof of an honorable discharge from any branch of the armed services;
6. Obtaining or previously having held a license to carry a firearm in the Commonwealth or a locality thereof, unless such license has been revoked for cause;
7. Completing any *in-person* firearms training or safety course or class, ~~including an electronic, video, or on-line course~~, conducted by a state-certified or National Rifle Association-certified firearms instructor;
8. Completing any governmental police agency firearms training course and qualifying to carry a firearm in the course of normal police duties; or
9. Completing any other firearms training that the Virginia Department of State Police deems adequate.

A photocopy of a certificate of completion of any such course or class; an affidavit from the instructor, school, club, organization, or group that conducted or taught such course or class attesting to the completion of the course or class by the applicant; or a copy of any document that shows completion of the course or class or evidences participation in firearms competition shall satisfy the requirement for demonstration of competence with a handgun.

C. The Department of State Police may charge a fee not to exceed \$100 to cover the cost of the background check and issuance of the permit. Any fees collected shall be deposited in a special account to be used to offset the costs of administering the nonresident concealed handgun permit program.

D. The permit to carry a concealed handgun shall contain only the following information: name, address, date of birth, gender, height, weight, color of hair, color of eyes, and photograph of the permittee; the signature of the Superintendent of the Virginia Department of State Police or his designee; the date of issuance; and the expiration date.

E. The Superintendent of the State Police shall promulgate regulations, pursuant to the Administrative Process Act (§ 2.2-4000 et seq.), for the implementation of an application process for obtaining a nonresident concealed handgun permit.

2. That the provisions of this act shall become effective on January 1, 2021.

CHAPTER 391

An Act to amend the Code of Virginia by adding a section numbered 55.1-1308.1, relating to manufactured home parks; sale of park; notice.

[H 334]

Approved March 23, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 55.1-1308.1 as follows:

§ 55.1-1308.1. Sale of manufactured home park to developer; relocation expenses.

If the termination of a rental agreement is due to the sale of the manufactured home park to a buyer that is going to redevelop the park and change its use, the landlord shall provide to each manufactured home owner in the park \$2,500 in relocation expenses within the 180-day notice period provided for in subsection B of § 55.1-1308 for the purpose of removing the manufactured home from the park. For manufactured home parks located in Planning District 8, the landlord shall provide to each manufactured home owner in the park \$3,500 in relocation expenses within the 180-day notice period provided for in subsection B of § 55.1-1308 for the purpose of removing the manufactured home from the park. Such relocation expenses shall be subject to a written agreement between the landlord and the manufactured home owner to remove the manufactured home from the park. Notwithstanding any other provision of law, a landlord shall not be subject to any other requirement under a zoning ordinance or conditional use or other permit under Title 15.2 to pay additional funds or provide additional financial assistance to a manufactured home owner if a rental agreement is terminated due to the sale of the manufactured home park to a buyer that is going to redevelop the park and change its use.

CHAPTER 392

An Act to amend the Code of Virginia by adding in Title 9.1 a chapter numbered 14, consisting of a section numbered 9.1-1400, relating to Youth and Gang Violence Prevention Grant Fund and Program; creation.

[H 422]

Approved March 23, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 9.1 a chapter numbered 14, consisting of a section numbered 9.1-1400, as follows:

CHAPTER 14.

YOUTH AND GANG VIOLENCE PREVENTION GRANT FUND AND PROGRAM.

§ 9.1-1400. Youth and Gang Violence Prevention Grant Fund and Program.

A. For the purposes of this chapter:

"Department" means the Department of Criminal Justice Services.

"Fund" means the Youth and Gang Violence Prevention Grant Fund.

"Program" means the Youth and Gang Violence Prevention Grant Program.

B. There is hereby created in the state treasury a special nonreverting fund to be known as the Youth and Gang Violence Prevention Grant Fund. The Fund shall be established on the books of the Comptroller. All funds appropriated for such purpose and any gifts, donations, grants, bequests, and other funds received on its behalf shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for purposes of (i) awarding grants on a competitive basis through the Youth and Gang Violence Prevention Grant Program established pursuant to subsection C or (ii) implementing and administering the Youth and Gang Violence Prevention Grant Program. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Director of the Department.

C. The Youth and Gang Violence Prevention Grant Program is hereby established for the purpose of awarding grants on a competitive basis from such funds as may be available from the Fund to the Cities of Hampton, Newport News, Norfolk, Portsmouth, Richmond, and Roanoke for the purpose of performing community assessments for youth and gang violence prevention. The program shall be administered by the Department. In administering the program, the Department shall

establish and publish guidelines and criteria for grant awards, including guidelines and criteria governing agreements between the Department and grant recipients relating to conducting community assessments for youth and gang violence prevention. The Department shall oversee each grant awarded through the program and ensure thorough reporting on each such grant.

D. Grants shall be awarded in an amount of \$25,000 to each city to perform a community assessment for youth and gang violence prevention. No more than \$150,000 per year shall be allocated by the program.

CHAPTER 393

An Act to amend and reenact §§ 46.2-1004, 46.2-1012, 46.2-1020, and 46.2-2099.50 of the Code of Virginia, relating to light units; lumens.

[H 445]

Approved March 23, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-1004, 46.2-1012, 46.2-1020, and 46.2-2099.50 of the Code of Virginia are amended and reenacted as follows:

§ 46.2-1004. Trademark or name and instructions required.

Each device or other equipment mentioned in § 46.2-1002 and offered for sale in the Commonwealth shall bear a trademark or name or be identified in keeping with the Superintendent's regulations and shall be accompanied by printed instructions as to the proper mounting, use, and candlepower *or lumens* of any bulbs to be used therewith and any particular methods of mounting or adjustments necessary to meet the requirements of this title and any regulation of the Superintendent.

§ 46.2-1012. Headlights, auxiliary headlights, tail lights, brake lights, auxiliary lights, and illumination of license plates on motorcycles or autocycles.

Every motorcycle or autocycle shall be equipped with at least one headlight which shall be of a type that has been approved by the Superintendent and shall be capable of projecting sufficient light to the front of such motorcycle or autocycle to render discernible a person or object at a distance of 200 feet. However, the lights shall not project a glaring or dazzling light to persons approaching such motorcycles or autocycles. In addition, each motorcycle or autocycle may be equipped with not more than two auxiliary headlights of a type approved by the Superintendent except as otherwise provided in this section.

Motorcycles or autocycles may be equipped with means of modulating the high beam of their headlights between high and low beam at a rate of 200 to 280 flashes per minute. Such headlights shall not be so modulated during periods when headlights would ordinarily be required to be lighted under § 46.2-1030.

Notwithstanding § 46.2-1002, motorcycles or autocycles may be equipped with standard bulb running lights or light-emitting diode (LED) pods or strips as auxiliary lighting. Such lighting shall be (i) either red or amber in color, (ii) directed toward the ground in such a manner that no part of the beam will strike the level of the surface on which the motorcycle or autocycle stands at a distance of more than 10 feet from the vehicle, and (iii) designed for vehicular use. Such lighting shall not (a) project a beam of light of an intensity greater than 25 candlepower *or 314.25 lumens* or its equivalent from a single lamp or bulb; (b) be blinking, flashing, oscillating, or rotating; or (c) be attached to the wheels of the motorcycle or autocycle.

Every motorcycle or autocycle registered in the Commonwealth and operated on the highways of the Commonwealth shall be equipped with at least one brake light of a type approved by the Superintendent. Motorcycles or autocycles may be equipped with one or more auxiliary brake lights of a type approved by the Superintendent. The Superintendent may by regulation prescribe or limit the size, number, location, and configuration of such auxiliary brake lights.

Every motorcycle or autocycle shall carry at the rear at least one or more red lights plainly visible in clear weather from a distance of 500 feet to the rear of such vehicle. Such tail lights shall be constructed and so mounted in their relation to the rear license plate as to illuminate the license plate with a white light so that the same may be read from a distance of 50 feet to the rear of such vehicle. Alternatively, a separate white light shall be so mounted as to illuminate the rear license plate from a distance of 50 feet to the rear of such vehicle. Any such tail lights or special white light shall be of a type approved by the Superintendent.

Motorcycles or autocycles may be equipped with a means of varying the brightness of the vehicle's brake light upon application of the vehicle's brakes.

§ 46.2-1020. Other permissible lights.

Any motor vehicle may be equipped with fog lights, not more than two of which can be illuminated at any time, one or two auxiliary driving lights if so equipped by the manufacturer, two daytime running lights, two side lights of not more than six candlepower *or 75.42 lumens*, an interior light or lights of not more than 15 candlepower *or 188.55 lumens* each, and signal lights.

The provision of this section limiting interior lights to no more than 15 candlepower *or 188.55 lumens* shall not apply to (i) alternating, blinking, or flashing colored emergency lights mounted inside law-enforcement motor vehicles which may otherwise legally be equipped with such colored emergency lights, or (ii) flashing shielded red or red and white lights,

authorized under § 46.2-1024, mounted inside vehicles owned or used by (a) members of volunteer fire companies or volunteer emergency medical services agencies, (b) professional firefighters, or (c) police chaplains. A vehicle equipped with lighting devices as authorized in this section shall be operated by a police chaplain only if he has successfully completed a course of training in the safe operation of a motor vehicle under emergency conditions and a certificate attesting to such successful completion, signed by the course instructor, is carried at all times in the vehicle when operated by the police chaplain to whom the certificate applies.

Unless such lighting device (i) is both covered and unlit or (ii) has a clear lens, any reflector in such lighting device is clear, and such lighting device is unlit, no motor vehicle that is equipped with any lighting device other than lights required or permitted in this article, required or approved by the Superintendent, or required by the federal Department of Transportation shall be operated on any highway in the Commonwealth. Nothing in this section shall permit any vehicle, not otherwise authorized, to be equipped with colored emergency lights, whether blinking or steady-burning.

§ 46.2-2099.50. Requirements for TNC partner vehicles; trade dress issued by transportation network company.

A. A TNC partner vehicle shall:

1. Be a personal vehicle;
2. Have a seating capacity of no more than eight persons, including the driver;
3. Be validly titled and registered in the Commonwealth or in another state;
4. Not have been issued a certificate of title, either in Virginia or in any other state, branding the vehicle as salvage, nonrepairable, rebuilt, or any equivalent classification;
5. Have a valid Virginia safety inspection or an annual inspection conducted in another state for which the Department of State Police has determined that such motor vehicle safety inspection standards adequately ensure public safety and carry proof of that inspection on or in the vehicle; and
6. Be covered under a TNC insurance policy meeting the requirements of § 46.2-2099.51 or 46.2-2099.52, as applicable.

No TNC partner shall operate a TNC partner vehicle unless that vehicle meets the requirements of this subsection.

B. Before authorizing a vehicle to be used as a TNC partner vehicle, a transportation network company shall confirm that the vehicle meets the requirements of subsection A and shall provide each TNC partner with proof of any TNC insurance policy maintained by the transportation network company.

For each TNC partner vehicle it authorizes, a transportation network company shall issue trade dress to the TNC partner associated with that vehicle. The trade dress shall be sufficient to identify the transportation network company or digital platform with which the vehicle is affiliated and shall be displayed in a manner that complies with Virginia law. The trade dress shall be of such size, shape, and color as to be readily identifiable during daylight hours from a distance of 50 feet while the vehicle is not in motion and shall be reflective, illuminated, or otherwise patently visible in darkness. The trade dress may take the form of a removable device that meets the identification and visibility requirements of this subsection.

Notwithstanding any other provision of this title, a TNC partner vehicle may be equipped with no more than two removable, illuminated, interior, TNC-issued, trade dress devices that assist passengers in identifying and communicating with TNC partners. Such devices may use a single steady-burning color while the TNC partner is logged in to a transportation network company's associated digital platform and may change to a different steady-burning color once the TNC partner accepts a request to transport a passenger and is within 0.4 miles of such passenger. The illuminated display on each such device shall not (i) exceed five candlepower *or* 62.85 lumens; (ii) exceed 20 square inches; (iii) utilize red, blue, or amber lights; (iv) project a glaring or dazzling light; or (v) attach to the windshield.

The transportation network company shall submit to the Department proof that the transportation network company has established the trade dress required under this subsection by filing with the Department an illustration or photograph of the trade dress. Any TNC that issues an illuminated removable interior trade dress device for use in the Commonwealth shall file with the Department the specifications of such device, including the default color.

A TNC partner shall keep the trade dress issued under this subsection visible at all times while the vehicle is being operated as a TNC partner vehicle.

No person shall operate a vehicle bearing trade dress issued under this subsection without the authorization of the transportation network company issuing the trade dress.

CHAPTER 394

An Act to amend and reenact § 3.1 of Chapters 243 and 299 of the Acts of Assembly of 2007, which provided a charter for the Town of Cheriton in Northampton County, relating to town election.

[H 564]

Approved March 23, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 3.1 of Chapters 243 and 299 of the Acts of Assembly of 2007 is amended and reenacted as follows:

§ 3.1. Election, qualification and term of office of councilmen and mayor.

(a) The Town of Cheriton shall be governed by a town council composed of six councilmen and a mayor, all of whom shall be qualified voters of the town to be elected from the town at large.

(b) The mayor and councilmen in office at the time of the passage of this act shall continue in office until their successors are elected and qualified. An election for mayor and councilmen shall be held on the ~~first~~ Tuesday following the ~~first Monday~~ in ~~May~~ November, in two thousand ~~eight~~ twenty, and on the ~~first~~ Tuesday following the ~~first Monday~~ in ~~May~~ November of every even-numbered year thereafter. The council members and mayor so elected shall take office on the first day of the following ~~July~~ January, and shall each serve until their successors are elected and have qualified.

(c) No mayor or member of Council shall be an employee of the Town and upon the qualification of any such person for such position, his employment with the Town shall cease.

CHAPTER 395

An Act to direct the Department of Corrections to create a workgroup to review guidelines and make recommendations to assist people with developmental disabilities.

[H 659]

Approved March 23, 2020

Be it enacted by the General Assembly of Virginia:

1. *§ 1. That the Department of Corrections (the Department) shall create a workgroup composed of disability advocates and other stakeholders to review current Department guidelines and develop recommendations that recognize and make accommodations for people with developmental disabilities, as defined in the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (P.L. 106-402), including intellectual disabilities and autism spectrum disorders.*

CHAPTER 396

An Act to amend and reenact § 16.1-272 of the Code of Virginia, relating to sentencing of juvenile tried as adult.

[H 744]

Approved March 23, 2020

Be it enacted by the General Assembly of Virginia:

1. **That § 16.1-272 of the Code of Virginia is amended and reenacted as follows:**

§ 16.1-272. Power of circuit court over juvenile offender.

A. In any case in which a juvenile is indicted, the offense for which he is indicted and all ancillary charges shall be tried in the same manner as provided for in the trial of adults, except as otherwise provided with regard to sentencing. Upon a finding of guilty of any charge, the court shall fix the sentence without the intervention of a jury. Nothing in this subsection shall be construed to require a court to review the results of an investigation completed pursuant to § 16.1-273.

1. If a juvenile is convicted of a violent juvenile felony, for that offense and for all ancillary crimes the court may order that (i) the juvenile serve a portion of the sentence as a serious juvenile offender under § 16.1-285.1 and the remainder of such sentence in the same manner as provided for adults; (ii) the juvenile serve the entire sentence in the same manner as provided for adults; or (iii) the portion of the sentence to be served in the same manner as provided for adults be suspended conditioned upon successful completion of such terms and conditions as may be imposed in a juvenile court upon disposition of a delinquency case including, but not limited to, commitment under subdivision A 14 of § 16.1-278.8 or § 16.1-285.1.

2. If the juvenile is convicted of any other felony, the court may sentence or commit the juvenile offender in accordance with the criminal laws of this Commonwealth or may in its discretion deal with the juvenile in the manner prescribed in this chapter for the hearing and disposition of cases in the juvenile court, including, but not limited to, commitment under § 16.1-285.1 or may in its discretion impose an adult sentence and suspend the sentence conditioned upon successful completion of such terms and conditions as may be imposed in a juvenile court upon disposition of a delinquency case.

3. *Notwithstanding any other provision of law, if the juvenile is convicted of any felony, the court may in its discretion depart from any mandatory minimum sentence required by law or suspend any portion of an otherwise applicable sentence.*

4. If the juvenile is not convicted of a felony but is convicted of a misdemeanor, the court shall deal with the juvenile in the manner prescribed by law for the disposition of a delinquency case in the juvenile court.

B. If the circuit court decides to deal with the juvenile in the same manner as a case in the juvenile court and places the juvenile on probation, the juvenile may be supervised by a juvenile probation officer.

C. Whether the court sentences and commits the juvenile as a juvenile under this chapter or under the criminal law, in cases where the juvenile is convicted of a felony in violation of § 18.2-61, 18.2-63, 18.2-64.1, 18.2-67.1, 18.2-67.2, 18.2-67.3, 18.2-67.5, 18.2-370 or 18.2-370.1 or, where the victim is a minor or is physically helpless or mentally incapacitated as defined in § 18.2-67.10, subsection B of § 18.2-361 or subsection B of § 18.2-366, the clerk shall make the report required by § 19.2-390 to the Sex Offender and Crimes Against Minors Registry established pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1.

D. *In any case in which a juvenile is not sentenced as a juvenile under this chapter, the court shall, in addition to considering any other factor and prior to imposing a sentence, consider (i) the juvenile's exposure to adverse childhood experiences, early childhood trauma, or any child welfare agency and (ii) the differences between juvenile and adult offenders.*

E. A juvenile sentenced pursuant to clause (i) of subdivision A 1 shall be eligible to earn sentence credits in the manner prescribed by § 53.1-202.2 for the portion of the sentence served as a serious juvenile offender under § 16.1-285.1.

F. If the court sentences the juvenile as a juvenile under this chapter, the clerk shall provide a copy of the court's final order or judgment to the court service unit in the same locality as the juvenile court to which the case had been transferred.

CHAPTER 397

An Act to amend the Code of Virginia by adding a section numbered 36-7.2, relating to housing; housing authorities; notice of intent to demolish, liquidate, or otherwise dispose of housing projects.

[H 921]

Approved March 23, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 36-7.2 as follows:

§ 36-7.2. Notice of intent to demolish, liquidate, or otherwise dispose of housing projects.

A. *Any housing authority required to submit an application to the U.S. Department of Housing and Urban Development (HUD) to demolish, liquidate, or otherwise dispose of a housing project shall serve a notice of intent to demolish, liquidate, or otherwise dispose of such housing project containing the requirements listed in subsection C at least 12 months prior to any application submission date to (i) the Virginia Department of Housing and Community Development, (ii) any agency that would be responsible for administering tenant-based rental assistance to persons who would otherwise be displaced from the housing project, and (iii) each tenant residing in the housing project.*

B. *The authority shall also provide notice containing the requirements listed in subsection C to any prospective tenant who is offered a rental agreement subsequent to the initial notice sent pursuant to subsection A prior to the prospective tenant signing the rental agreement or paying any deposit.*

C. *Notice of intent to demolish, liquidate, or otherwise dispose of a housing project shall include:*

1. *The anticipated date upon which an application to demolish, liquidate, or otherwise dispose of the housing project will be submitted to HUD;*

2. *The name, address, and phone number of any local legal aid societies;*

3. *Instructions for requesting more information pertaining to the application process, timeline, and implications for the tenant; and*

4. *Instructions for submitting written comment to the housing authority regarding the demolition, liquidation, or disposal of the housing project.*

D. *During the 12-month period subsequent to the provision of the 12-month notice required by subsection A, the housing authority shall not (i) increase rent for any tenant above the amount authorized by any federal assistance program applicable to the housing project; (ii) change the terms of the rental agreement for any tenant, except as permitted under the existing rental agreement; or (iii) evict a tenant or demand possession of any dwelling unit in the housing project, except for a lease violation or violation of law that threatens the health and safety of the building residents.*

E. *Any party who is entitled to receive notice under this section may bring a civil action to enjoin action by the housing authority or recover actual damages for any violation of this section, including any court costs and reasonable attorney fees.*

2. That the provisions of this act shall become effective on January 1, 2021.

CHAPTER 398

An Act to amend and reenact §§ 23.1-3101 and 23.1-3104 of the Code of Virginia, relating to the A.L. Philpott Manufacturing Extension Partnership; employees; classification; benefits.

[H 992]

Approved March 23, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 23.1-3101 and 23.1-3104 of the Code of Virginia are amended and reenacted as follows:

§ 23.1-3101. A.L. Philpott Manufacturing Extension Partnership established; purpose and duties.

A. *The A.L. Philpott Manufacturing Extension Partnership (the Extension Partnership), doing business as Genedge Alliance, is established as a political subdivision of the Commonwealth to help create and maintain industrial and manufacturing jobs. The Extension Partnership shall:*

1. *Develop, demonstrate, test, and assist in the implementation of advanced manufacturing technologies;*

2. Promote industrial expansion by providing manufacturing technology consulting services to manufacturers in the Commonwealth;

3. Foster the creation of manufacturing networks and the development of buyer and supplier relationships in the region and throughout the Commonwealth;

4. Serve as a resource center for industrial training and technology transfer programs for the renewal, enhancement, and expansion of existing manufacturing enterprises and manufacturing modernization outreach;

5. Be available as a federal demonstration center for the training of displaced workers in any manufacturing area; and

6. Receive and accept any available grants from any federal, state, or private agency, corporation, association, or person to be expended in fulfilling the duties enumerated in this subsection.

B. The Extension Partnership is a local or regional industrial or economic development authority or organization for purposes of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).

§ 23.1-3104. Executive director.

A. The board shall appoint an executive director who shall (i) supervise and manage the Extension Partnership, (ii) perform such functions as may be directed by the board, and (iii) prepare and submit, upon the direction and approval of the board, all requests for appropriations. The executive director may employ such staff as necessary to enable the Extension Partnership to perform its duties as set forth in this article. The board may determine staff duties and fix salaries and compensation from such funds as may be appropriated or received. *Staff of the Extension Partnership shall be treated as state employees for purposes of participation in the Virginia Retirement System, health insurance, and all other employee benefits offered by the Commonwealth to its classified employees.* In addition, the board may make arrangements with institutions of higher education to extend course credit to graduate students employed by the Extension Partnership.

B. Additional staff support for the functions of the Extension Partnership may be provided by the Center for Innovative Technology, the Weldon Cooper Center for Public Service at the University of Virginia ~~Center for Public Service~~, public institutions of higher education, small business development centers, and private businesses.

CHAPTER 399

An Act to amend and reenact § 15.2-901 of the Code of Virginia, relating to cutting of overgrown vegetation; local authority.

[S 340]

Approved March 23, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-901 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-901. Locality may provide for removal or disposal of trash, cutting of grass, weeds, and running bamboo; penalty in certain counties; penalty.

A. Any locality may, by ordinance, provide that:

1. The owners of property therein shall, at such time or times as the governing body may prescribe, remove therefrom any and all trash, garbage, refuse, litter and other substances which might endanger the health or safety of other residents of such locality; or may, whenever the governing body deems it necessary, after reasonable notice, have such trash, garbage, refuse, litter and other like substances which might endanger the health of other residents of the locality, removed by its own agents or employees, in which event the cost or expenses thereof shall be chargeable to and paid by the owners of such property and may be collected by the locality as taxes are collected;

2. Trash, garbage, refuse, litter and other debris shall be disposed of in personally owned or privately owned receptacles that are provided for such use and for the use of the persons disposing of such matter or in authorized facilities provided for such purpose and in no other manner not authorized by law;

3. The owners of occupied or vacant developed or undeveloped property therein, including such property upon which buildings or other improvements are located, shall cut the grass, weeds and other foreign growth, including running bamboo as defined in § 15.2-901.1, on such property or any part thereof at such time or times as the governing body shall prescribe; or may, whenever the governing body deems it necessary, after reasonable notice as determined by the locality, have such grass, weeds or other foreign growth cut by its agents or employees, in which event the cost and expenses thereof shall be chargeable to and paid by the owner of such property and may be collected by the locality as taxes are collected. For purposes of this provision, one written notice per growing season to the owner of record of the subject property shall be considered reasonable notice. No such ordinance adopted by any county shall have any force and effect within the corporate limits of any town. No such ordinance adopted by any county having a density of population of less than 500 per square mile shall have any force or effect except within the boundaries of platted subdivisions or any other areas zoned for residential, business, commercial or industrial use. No such ordinance shall be applicable to land zoned for or in active farming operation. *In any locality within Planning District 23, such ordinance may also include provisions for cutting overgrown shrubs, trees, and other such vegetation.*

B. Every charge authorized by this section with which the owner of any such property shall have been assessed and which remains unpaid shall constitute a lien against such property ranking on a parity with liens for unpaid local real estate taxes and enforceable in the same manner as provided in Articles 3 (§ 58.1-3940 et seq.) and 4 (§ 58.1-3965 et seq.) of

Chapter 39 of Title 58.1. A locality may waive such liens in order to facilitate the sale of the property. Such liens may be waived only as to a purchaser who is unrelated by blood or marriage to the owner and who has no business association with the owner. All such liens shall remain a personal obligation of the owner of the property at the time the liens were imposed.

C. The governing body of any locality may by ordinance provide that violations of this section shall be subject to a civil penalty, not to exceed \$50 for the first violation, or violations arising from the same set of operative facts. The civil penalty for subsequent violations not arising from the same set of operative facts within 12 months of the first violation shall not exceed \$200. Each business day during which the same violation is found to have existed shall constitute a separate offense. In no event shall a series of specified violations arising from the same set of operative facts result in civil penalties that exceed a total of \$3,000 in a 12-month period.

D. Except as provided in this subsection, adoption of an ordinance pursuant to subsection C shall be in lieu of criminal penalties and shall preclude prosecution of such violation as a misdemeanor. The governing body of any locality may, however, by ordinance provide that such violations shall be a Class 3 misdemeanor in the event three civil penalties have previously been imposed on the same defendant for the same or similar violation, not arising from the same set of operative facts, within a 24-month period. Classifying such subsequent violations as criminal offenses shall preclude the imposition of civil penalties for the same violation.

CHAPTER 400

An Act to amend and reenact § 4.1-210 of the Code of Virginia, relating to alcoholic beverage control; mixed beverage restaurant license; mini bottles.

[S 497]

Approved March 23, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 4.1-210 of the Code of Virginia is amended and reenacted as follows:

§ 4.1-210. Mixed beverages licenses.

A. Subject to the provisions of § 4.1-124, the Board may grant the following licenses relating to mixed beverages:

1. Mixed beverage restaurant licenses, which shall authorize the licensee to sell and serve mixed beverages for consumption in dining areas and other designated areas of such restaurant. Such license may be granted only to persons (i) who operate a restaurant and (ii) whose gross receipts from the sale of food cooked or prepared, and consumed on the premises and nonalcoholic beverages served on the premises, after issuance of such license, amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food. For the purposes of this subdivision, other designated areas shall include outdoor dining areas, whether or not contiguous to the licensed premises, which outdoor dining areas may have more than one means of ingress and egress to an adjacent public thoroughfare, provided such areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201.

If the restaurant is located on the premises of a hotel or motel with not less than four permanent bedrooms where food and beverage service is customarily provided by the restaurant in designated areas, bedrooms and other private rooms of such hotel or motel, such licensee may (i) sell and serve mixed beverages for consumption in such designated areas, bedrooms and other private rooms and (ii) sell spirits packaged in original closed containers purchased from the Board for on-premises consumption to registered guests and at scheduled functions of such hotel or motel only in such bedrooms or private rooms. However, with regard to a hotel classified as a resort complex, the Board may authorize the sale and on-premises consumption of alcoholic beverages in all areas within the resort complex deemed appropriate by the Board. Nothing herein shall prohibit any person from keeping and consuming his own lawfully acquired spirits in bedrooms or private rooms.

If the restaurant is located on the premises of and operated by a private, nonprofit or profit club exclusively for its members and their guests, or members of another private, nonprofit or profit club in another city with which it has an agreement for reciprocal dining privileges, such license shall also authorize the licensee to (a) sell and serve mixed beverages for on-premises consumption and (b) sell spirits that are packaged in original closed containers with a maximum capacity of two fluid ounces or 50 milliliters and purchased from the Board for on-premises consumption. Where such club prepares no food in its restaurant but purchases its food requirements from a restaurant licensed by the Board and located on another portion of the premises of the same hotel or motel building, this fact shall not prohibit the granting of a license by the Board to such club qualifying in all other respects. The club's gross receipts from the sale of nonalcoholic beverages consumed on the premises and food resold to its members and guests and consumed on the premises shall amount to at least 45 percent of its gross receipts from the sale of mixed beverages and food. The food sales made by a restaurant to such a club shall be excluded in any consideration of the qualifications of such restaurant for a license from the Board.

If the restaurant is located on the premises of and operated by a municipal golf course, the Board shall recognize the seasonal nature of the business and waive any applicable monthly food sales requirements for those months when weather conditions may reduce patronage of the golf course, provided that prepared food, including meals, is available to patrons during the same months. The gross receipts from the sale of food cooked, or prepared, and consumed on the premises and

nonalcoholic beverages served on the premises, after the issuance of such license, shall amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food on an annualized basis.

2. Mixed beverage caterer's licenses, which may be granted only to a person regularly engaged in the business of providing food and beverages to others for service at private gatherings or at special events, which shall authorize the licensee to sell and serve alcoholic beverages for on-premises consumption. The annual gross receipts from the sale of food cooked and prepared for service and nonalcoholic beverages served at gatherings and events referred to in this subdivision shall amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food.

3. Mixed beverage limited caterer's licenses, which may be granted only to a person regularly engaged in the business of providing food and beverages to others for service at private gatherings or at special events, not to exceed 12 gatherings or events per year, which shall authorize the licensee to sell and serve alcoholic beverages for on-premises consumption. The annual gross receipts from the sale of food cooked and prepared for service and nonalcoholic beverages served at gatherings and events referred to in this subdivision shall amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food.

4. Mixed beverage special events licenses, to a duly organized nonprofit corporation or association in charge of a special event, which shall authorize the licensee to sell and serve mixed beverages for on-premises consumption in areas approved by the Board on the premises of the place designated in the license. A separate license shall be required for each day of each special event.

5. Annual mixed beverage special events licenses to (i) a duly organized nonprofit corporation or association operating either a performing arts facility or an art education and exhibition facility; (ii) a nonprofit corporation or association chartered by Congress for the preservation of sites, buildings, and objects significant in American history and culture; (iii) persons operating an agricultural event and entertainment park or similar facility that has a minimum of 50,000 square feet of indoor exhibit space and equine and other livestock show areas, which includes barns, pavilions, or other structures equipped with roofs, exterior walls, and open or closed-door access; or (iv) a locality for special events conducted on the premises of a museum for historic interpretation that is owned and operated by the locality. The operation in all cases shall be upon premises owned by such licensee or occupied under a bona fide lease the original term of which was for more than one year's duration. Such license shall authorize the licensee to sell alcoholic beverages during scheduled events and performances for on-premises consumption in areas upon the licensed premises approved by the Board.

6. Mixed beverage carrier licenses to persons operating a common carrier of passengers by train, boat or airplane, which shall authorize the licensee to sell and serve mixed beverages anywhere in the Commonwealth to passengers while in transit aboard any such common carrier, and in designated rooms of establishments of air carriers at airports in the Commonwealth. For purposes of supplying its airplanes, as well as any airplanes of a licensed express carrier flying under the same brand, an air carrier licensee may appoint an authorized representative to load distilled spirits onto the same airplanes and to transport and store distilled spirits at or in close proximity to the airport where the distilled spirits will be delivered onto airplanes of the air carrier and any such licensed express carrier. The air carrier licensee shall (i) designate for purposes of its license all locations where the inventory of distilled spirits may be stored and from which the distilled spirits will be delivered onto airplanes of the air carrier and any such licensed express carrier and (ii) maintain records of all distilled spirits to be transported, stored, and delivered by its authorized representative.

7. Mixed beverage club events licenses, which shall authorize a club holding a beer or wine and beer club license to sell and serve mixed beverages for on-premises consumption by club members and their guests in areas approved by the Board on the club premises. A separate license shall be required for each day of each club event. No more than 12 such licenses shall be granted to a club in any calendar year.

8. Annual mixed beverage amphitheater licenses to persons operating food concessions at any outdoor performing arts amphitheater, arena or similar facility that has seating for more than 20,000 persons and is located in Prince William County or the City of Virginia Beach. Such license shall authorize the licensee to sell alcoholic beverages during the performance of any event, in paper, plastic or similar disposable containers or in single original metal cans, to patrons within all seating areas, concourses, walkways, concession areas, or similar facilities, for on-premises consumption.

9. Annual mixed beverage amphitheater licenses to persons operating food concessions at any outdoor performing arts amphitheater, arena or similar facility that has seating for more than 5,000 persons and is located in the City of Alexandria or the City of Portsmouth. Such license shall authorize the licensee to sell alcoholic beverages during the performance of any event, in paper, plastic or similar disposable containers or in single original metal cans, to patrons within all seating areas, concourses, walkways, concession areas, or similar facilities, for on-premises consumption.

10. Annual mixed beverage motor sports facility license to persons operating food concessions at any outdoor motor sports road racing club facility, of which the track surface is 3.27 miles in length, on 1,200 acres of rural property bordering the Dan River, which shall authorize the licensee to sell mixed beverages, in paper, plastic, or similar disposable containers or in single original metal cans, during scheduled events, as well as events or performances immediately subsequent thereto, to patrons in all dining facilities, seating areas, viewing areas, walkways, concession areas or similar facilities, for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license.

11. Annual mixed beverage banquet licenses to duly organized private nonprofit fraternal, patriotic or charitable membership organizations that are exempt from state and federal taxation and in charge of banquets conducted exclusively for its members and their guests, which shall authorize the licensee to serve mixed beverages for on-premises consumption

in areas approved by the Board on the premises of the place designated in the license. Such license shall authorize the licensee to conduct no more than 12 banquets per calendar year.

12. Limited mixed beverage restaurant licenses, which shall authorize the licensee to sell and serve dessert wines as defined by Board regulation and no more than six varieties of liqueurs, which liqueurs shall be combined with coffee or other nonalcoholic beverages, for consumption in dining areas of the restaurant. Such license may be granted only to persons who operate a restaurant and in no event shall the sale of such wine or liqueur-based drinks, together with the sale of any other alcoholic beverages, exceed 10 percent of the total annual gross sales of all food and alcoholic beverages.

13. Annual mixed beverage motor sports facility licenses to persons operating concessions at an outdoor motor sports facility that hosts a NASCAR national touring race, which shall authorize the licensee to sell mixed beverages, in paper, plastic, or similar disposable containers or in single original metal cans, during scheduled events, as well as events or performances immediately subsequent thereto, to patrons in all dining facilities, seating areas, viewing areas, walkways, concession areas or similar facilities, for on-premises consumption.

14. Annual mixed beverage performing arts facility license to corporations or associations operating a performing arts facility, provided the performing arts facility (i) is owned by a governmental entity; (ii) is occupied by a for-profit entity under a bona fide lease, the original term of which was for more than one year's duration; and (iii) has been rehabilitated in accordance with historic preservation standards. Such license shall authorize the sale, on the dates of performances or events, of alcoholic beverages for on-premises consumption in areas upon the licensed premises approved by the Board.

15. Annual mixed beverage performing arts facility license to persons operating food concessions at any performing arts facility located in the City of Norfolk or the City of Richmond, provided that the performing arts facility (i) is occupied under a bona fide long-term lease or concession agreement, the original term of which was more than five years; (ii) has a capacity in excess of 1,400 patrons; (iii) has been rehabilitated in accordance with historic preservation standards; and (iv) has monthly gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises that meet or exceed the monthly minimum established by Board regulations for mixed beverage restaurants. Such license shall authorize the sale, on the dates of performances or events, of alcoholic beverages for on-premises consumption in areas upon the licensed premises approved by the Board.

16. Annual mixed beverage performing arts facility license to persons operating food concessions at any performing arts facility located in the City of Waynesboro, provided that the performing arts facility (i) is occupied under a bona fide long-term lease or concession agreement, the original term of which was more than five years; (ii) has a total capacity in excess of 550 patrons; and (iii) has been rehabilitated in accordance with historic preservation standards. Such license shall authorize the sale, on the dates of performances or private or special events, of alcoholic beverages for on-premises consumption in areas upon the licensed premises approved by the Board.

17. Annual mixed beverage performing arts facility license to persons operating food concessions at any performing arts facility located in the arts and cultural district of the City of Harrisonburg, provided that the performing arts facility (i) is occupied under a bona fide long-term lease or concession agreement, the original term of which was more than five years; (ii) has been rehabilitated in accordance with historic preservation standards; (iii) has monthly gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises that meet or exceed the monthly minimum established by Board regulations for mixed beverage restaurants; and (iv) has a total capacity in excess of 900 patrons. Such license shall authorize the sale, on the dates of performances or private or special events, of alcoholic beverages for on-premises consumption in areas upon the licensed premises approved by the Board.

18. A combined mixed beverage restaurant and caterer's license, which may be granted to any restaurant or hotel that meets the qualifications for both a mixed beverage restaurant pursuant to subdivision A 1 and mixed beverage caterer pursuant to subdivision A 2 for the same business location, and which license shall authorize the licensee to operate as both a mixed beverage restaurant and mixed beverage caterer at the same business premises designated in the license, with a common alcoholic beverage inventory for purposes of the restaurant and catering operations. Such licensee shall meet the separate food qualifications established for the mixed beverage restaurant license pursuant to subdivision A 1 and mixed beverage caterer's license pursuant to subdivision A 2.

19. Annual mixed beverage performing arts facility license to persons operating food concessions at any multipurpose theater located in the historical district of the Town of Bridgewater, provided that the theater (i) is owned and operated by a governmental entity and (ii) has a total capacity in excess of 100 patrons. Such license shall authorize the sale, on the dates of performances or events, of alcoholic beverages for on-premises consumption in areas upon the licensed premises approved by the Board.

B. The granting of any license under subdivision A 1, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, or 19 shall automatically include a license to sell and serve wine and beer for on-premises consumption. The licensee shall pay the state and local taxes required by §§ 4.1-231 and 4.1-233.

CHAPTER 401

An Act to amend and reenact §§ 18.2-23, 18.2-80, 18.2-81, 18.2-95 through 18.2-97, 18.2-102, 18.2-103, 18.2-108.01, 18.2-145.1, 18.2-150, 18.2-152.3, 18.2-162, 18.2-181, 18.2-181.1, 18.2-182, 18.2-186, 18.2-186.3, 18.2-187.1,

18.2-188, 18.2-195, 18.2-195.2, 18.2-197, 18.2-340.37, 19.2-289, 19.2-290, 19.2-386.16, and 29.1-553 of the Code of Virginia, relating to grand larceny and certain property crimes; threshold.

[S 788]

Approved March 23, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 18.2-23, 18.2-80, 18.2-81, 18.2-95 through 18.2-97, 18.2-102, 18.2-103, 18.2-108.01, 18.2-145.1, 18.2-150, 18.2-152.3, 18.2-162, 18.2-181, 18.2-181.1, 18.2-182, 18.2-186, 18.2-186.3, 18.2-187.1, 18.2-188, 18.2-195, 18.2-195.2, 18.2-197, 18.2-340.37, 19.2-289, 19.2-290, 19.2-386.16, and 29.1-553 of the Code of Virginia are amended and reenacted as follows:

§ 18.2-23. Conspiring to trespass or commit larceny.

A. If any person shall conspire, confederate or combine with another or others in the Commonwealth to go upon or remain upon the lands, buildings or premises of another, or any part, portion or area thereof, having knowledge that any of them have been forbidden, either orally or in writing, to do so by the owner, lessee, custodian or other person lawfully in charge thereof, or having knowledge that any of them have been forbidden to do so by a sign or signs posted on such lands, buildings, premises or part, portion or area thereof at a place or places where it or they may reasonably be seen, he shall be deemed guilty of a Class 3 misdemeanor.

B. If any person shall conspire, confederate or combine with another or others in the Commonwealth to commit larceny or counsel, assist, aid or abet another in the performance of a larceny, where the aggregate value of the goods or merchandise involved is ~~\$500~~ \$1,000 or more, he is guilty of a felony punishable by confinement in a state correctional facility for not less than one year nor more than 20 years. The willful concealment of goods or merchandise of any store or other mercantile establishment, while still on the premises thereof, shall be prima facie evidence of an intent to convert and defraud the owner thereof out of the value of the goods or merchandise. A violation of this subsection constitutes a separate and distinct felony.

C. Jurisdiction for the trial of any person charged under this section shall be in the county or city wherein any part of such conspiracy is planned, or in the county or city wherein any act is done toward the consummation of such plan or conspiracy.

§ 18.2-80. Burning or destroying any other building or structure.

If any person maliciously, or with intent to defraud an insurance company or other person, burn, or by the use of any explosive device or substance, maliciously destroy, in whole or in part, or cause to be burned or destroyed, or aid, counsel or procure the burning or destruction of any building, bridge, lock, dam or other structure, whether the property of himself or of another, at a time when any person is therein or thereon, the burning or destruction whereof is not punishable under any other section of this chapter, he shall be guilty of a Class 3 felony. If he commits such offense at a time when no person is in such building, or other structure, and such building, or other structure, with the property therein, be of the value of ~~\$500~~ \$1,000 or more, he shall be guilty of a Class 4 felony, and if it and the property therein be of less value, he shall be guilty of a Class 1 misdemeanor.

§ 18.2-81. Burning or destroying personal property, standing grain, etc.

If any person maliciously, or with intent to defraud an insurance company or other person, set fire to or burn or destroy by any explosive device or substance, or cause to be burned, or destroyed by any explosive device or substance, or aid, counsel, or procure the burning or destroying by any explosive device or substance, of any personal property, standing grain or other crop, he shall, if the thing burnt or destroyed be of the value of ~~\$500~~ \$1,000 or more, be guilty of a Class 4 felony; and if the thing burnt or destroyed be of less value, he shall be guilty of a Class 1 misdemeanor.

§ 18.2-95. Grand larceny defined; how punished.

Any person who (i) commits larceny from the person of another of money or other thing of value of \$5 or more, (ii) commits simple larceny not from the person of another of goods and chattels of the value of ~~\$500~~ \$1,000 or more, or (iii) commits simple larceny not from the person of another of any firearm, regardless of the firearm's value, shall be guilty of grand larceny, punishable by imprisonment in a state correctional facility for not less than one nor more than 20 years or, in the discretion of the jury or court trying the case without a jury, be confined in jail for a period not exceeding 12 months or fined not more than \$2,500, either or both.

§ 18.2-96. Petit larceny defined; how punished.

Any person who:

1. Commits larceny from the person of another of money or other thing of value of less than \$5, or
2. Commits simple larceny not from the person of another of goods and chattels of the value of less than ~~\$500~~ \$1,000, except as provided in clause (iii) of § 18.2-95, shall be deemed guilty of petit larceny, which shall be punishable as a Class 1 misdemeanor.

§ 18.2-96.1. Identification of certain personalty.

A. The owner of personal property may permanently mark such property, including any part thereof, for the purpose of identification with the social security number of the owner, preceded by the letters "VA."

B. [Repealed.]

C. It shall be unlawful for any person to remove, alter, deface, destroy, conceal, or otherwise obscure the manufacturer's serial number or marks, including personalty marked with a social security number preceded by the letters

"VA," from such personal property or any part thereof, without the consent of the owner, with intent to render it or other property unidentifiable.

D. It shall be unlawful for any person to possess such personal property or any part thereof, without the consent of the owner, knowing that the manufacturer's serial number or any other distinguishing identification number or mark, including personalty marked with a social security number preceded by the letters "VA," has been removed, altered, defaced, destroyed, concealed, or otherwise obscured with the intent to violate the provisions of this section.

E. A person in possession of such property which is otherwise in violation of this section may apply in writing to the Bureau of Criminal Investigation, Virginia State Police, for assignment of a number for the personal property providing he can show that he is the lawful owner of the property. If a number is issued in conformity with the provisions of this section, then the person to whom it was issued and any person to whom the property is lawfully disposed of shall not be in violation of this section. This subsection shall apply only when the application has been filed by a person prior to arrest or authorization of a warrant of arrest for that person by a court.

F. Any person convicted of an offense under this section, when the value of the personalty is less than ~~\$500~~ \$1,000, shall be guilty of a Class 1 misdemeanor and, when the value of the personalty is ~~\$500~~ \$1,000 or more, shall be guilty of a Class 5 felony.

§ 18.2-97. Larceny of certain animals and poultry.

Any person who shall be guilty of the larceny of a dog, horse, pony, mule, cow, steer, bull, or calf shall be guilty of a Class 5 felony, and any person who shall be guilty of the larceny of any poultry of the value of \$5 or more, but of the value of less than ~~\$500~~ \$1,000, or of a sheep, lamb, swine, or goat, of the value of less than ~~\$500~~ \$1,000, shall be guilty of a Class 6 felony.

§ 18.2-102. Unauthorized use of animal, aircraft, vehicle or boat; consent; accessories or accomplices.

Any person who shall take, drive or use any animal, aircraft, vehicle, boat or vessel, not his own, without the consent of the owner thereof and in the absence of the owner, and with intent temporarily to deprive the owner thereof of his possession thereof, without intent to steal the same, shall be guilty of a Class 6 felony, provided, however, that if the value of such animal, aircraft, vehicle, boat or vessel shall be less than ~~\$500~~ \$1,000, such person shall be guilty of a Class 1 misdemeanor. The consent of the owner of an animal, aircraft, vehicle, boat or vessel to its taking, driving or using shall not in any case be presumed or implied because of such owner's consent on a previous occasion to the taking, driving or using of such animal, aircraft, vehicle, boat or vessel by the same or a different person. Any person who assists in, or is a party or accessory to, or an accomplice in, any such unauthorized taking, driving or using shall be subject to the same punishment as if he were the principal offender.

§ 18.2-103. Concealing or taking possession of merchandise; altering price tags; transferring goods from one container to another; counseling, etc., another in performance of such acts.

Whoever, without authority, with the intention of converting goods or merchandise to his own or another's use without having paid the full purchase price thereof, or of defrauding the owner of the value of the goods or merchandise, (i) willfully conceals or takes possession of the goods or merchandise of any store or other mercantile establishment, or (ii) alters the price tag or other price marking on such goods or merchandise, or transfers the goods from one container to another, or (iii) counsels, assists, aids or abets another in the performance of any of the above acts, when the value of the goods or merchandise involved in the offense is less than ~~\$500~~ \$1,000, shall be guilty of petit larceny and, when the value of the goods or merchandise involved in the offense is ~~\$500~~ \$1,000 or more, shall be guilty of grand larceny. The willful concealment of goods or merchandise of any store or other mercantile establishment, while still on the premises thereof, shall be prima facie evidence of an intent to convert and defraud the owner thereof out of the value of the goods or merchandise.

§ 18.2-108.01. Larceny with intent to sell or distribute; sale of stolen property; penalty.

A. Any person who commits larceny of property with a value of ~~\$500~~ \$1,000 or more with the intent to sell or distribute such property is guilty of a felony punishable by confinement in a state correctional facility for not less than two years nor more than 20 years. The larceny of more than one item of the same product is prima facie evidence of intent to sell or intent to distribute for sale.

B. Any person who sells, attempts to sell or possesses with intent to sell or distribute any stolen property with an aggregate value of ~~\$500~~ \$1,000 or more where he knew or should have known that the property was stolen is guilty of a Class 5 felony.

C. A violation of this section constitutes a separate and distinct offense.

§ 18.2-145.1. Damaging or destroying research farm product; penalty; restitution.

A. Any person or entity that (i) maliciously damages or destroys any farm product, as defined in § 3.2-4709, and (ii) knows the product is grown for testing or research purposes in the context of product development in conjunction or coordination with a private research facility or a baccalaureate institution of higher education or any federal, state, or local government agency is guilty of a Class 1 misdemeanor if the value of the farm product was less than ~~\$500~~ \$1,000, or a Class 6 felony if the value of the farm product was ~~\$500~~ \$1,000 or more.

B. The court shall order the defendant to make restitution in accordance with § 19.2-305.1 for the damage or destruction caused. For the purpose of awarding restitution under this section, the court shall determine the market value of the farm product prior to its damage or destruction and, in so doing, shall include the cost of: (i) production, (ii) research, (iii) testing, (iv) replacement, and (v) product development directly related to the product damaged or destroyed.

§ 18.2-150. Willfully destroying vessel, etc.

If any person willfully scuttle, cast away or otherwise dispose of, or in any manner destroy, except as otherwise provided, a ship, vessel or other watercraft, with intent to injure or defraud any owner thereof or of any property on board the same, or any insurer of such ship, vessel or other watercraft, or any part thereof, or of any such property on board the same, if the same be of the value of ~~\$500~~ \$1,000 or more, he shall be guilty of a Class 4 felony, but if it be of less value than ~~\$500~~ \$1,000, he shall be guilty of a Class 1 misdemeanor.

§ 18.2-152.3. Computer fraud; penalty.

Any person who uses a computer or computer network, without authority and:

1. Obtains property or services by false pretenses;
2. Embezzles or commits larceny; or
3. Converts the property of another;

is guilty of the crime of computer fraud.

If the value of the property or services obtained is ~~\$500~~ \$1,000 or more, the crime of computer fraud shall be punishable as a Class 5 felony. Where the value of the property or services obtained is less than ~~\$500~~ \$1,000, the crime of computer fraud shall be punishable as a Class 1 misdemeanor.

§ 18.2-162. Damage or trespass to public services or utilities.

Any person who shall intentionally destroy or damage any facility which is used to furnish oil, telegraph, telephone, electric, gas, sewer, wastewater or water service to the public, shall be guilty of a Class 4 felony, provided that in the event that the destruction or damage may be remedied or repaired for less than ~~\$500~~ \$1,000 such act shall constitute a Class 3 misdemeanor. On electric generating property marked with no trespassing signs, the security personnel of a utility may detain a trespasser for a period not to exceed one hour pending arrival of a law-enforcement officer.

Notwithstanding any other provisions of this title, any person who shall intentionally destroy or damage, or attempt to destroy or damage, any such facility, equipment or material connected therewith, the destruction or damage of which might, in any manner, threaten the release of radioactive materials or ionizing radiation beyond the areas in which they are normally used or contained, shall be guilty of a Class 4 felony, provided that in the event the destruction or damage results in the death of another due to exposure to radioactive materials or ionizing radiation, such person shall be guilty of a Class 2 felony; provided further, that in the event the destruction or damage results in injury to another, such person shall be guilty of a Class 3 felony.

§ 18.2-181. Issuing bad checks, etc., larceny.

Any person who, with intent to defraud, shall make or draw or utter or deliver any check, draft, or order for the payment of money, upon any bank, banking institution, trust company, or other depository, knowing, at the time of such making, drawing, uttering or delivering, that the maker or drawer has not sufficient funds in, or credit with, such bank, banking institution, trust company, or other depository, for the payment of such check, draft or order, although no express representation is made in reference thereto, shall be guilty of larceny; and, if this check, draft, or order has a represented value of ~~\$500~~ \$1,000 or more, such person shall be guilty of a Class 6 felony. In cases in which such value is less than ~~\$500~~ \$1,000, the person shall be guilty of a Class 1 misdemeanor.

The word "credit" as used herein, shall be construed to mean any arrangement or understanding with the bank, trust company, or other depository for the payment of such check, draft or order.

Any person making, drawing, uttering or delivering any such check, draft or order in payment as a present consideration for goods or services for the purposes set out in this section shall be guilty as provided herein.

§ 18.2-181.1. Issuance of bad checks.

It shall be a Class 6 felony for any person, within a period of 90 days, to issue two or more checks, drafts or orders for the payment of money in violation of § 18.2-181 that have an aggregate represented value of ~~\$500~~ \$1,000 or more and that (i) are drawn upon the same account of any bank, banking institution, trust company or other depository and (ii) are made payable to the same person, firm or corporation.

§ 18.2-182. Issuing bad checks on behalf of business firm or corporation in payment of wages; penalty.

Any person who shall make, draw, or utter, or deliver any check, draft, or order for the payment of money, upon any bank, banking institution, trust company or other depository on behalf of any business firm or corporation, for the purpose of paying wages to any employee of such firm or corporation, or for the purpose of paying for any labor performed by any person for such firm or corporation, knowing, at the time of such making, drawing, uttering or delivering, that the account upon which such check, draft or order is drawn has not sufficient funds, or credit with, such bank, banking institution, trust company or other depository, for the payment of such check, draft or order, although no express representation is made in reference thereto, shall be guilty of a Class 1 misdemeanor; except that if this check, draft, or order has a represented value of ~~\$500~~ \$1,000 or more, such person shall be guilty of a Class 6 felony.

The word "credit," as used herein, shall be construed to mean any arrangement or understanding with the bank, banking institution, trust company, or other depository for the payment of such check, draft or order.

In addition to the criminal penalty set forth herein, such person shall be personally liable in any civil action brought upon such check, draft or order.

§ 18.2-186. False statements to obtain property or credit.

A. A person shall be guilty of a Class 1 misdemeanor if he makes, causes to be made or conspires to make directly, indirectly or through an agency, any materially false statement in writing, knowing it to be false and intending that it be

relied upon, concerning the financial condition or means or ability to pay of himself, or of any other person for whom he is acting, or any firm or corporation in which he is interested or for which he is acting, for the purpose of procuring, for his own benefit or for the benefit of such person, firm or corporation, the delivery of personal property, the payment of cash, the making of a loan or credit, the extension of a credit, the discount of an account receivable, or the making, acceptance, discount, sale or endorsement of a bill of exchange or promissory note.

B. Any person who knows that a false statement has been made in writing concerning the financial condition or ability to pay of himself or of any person for whom he is acting, or any firm or corporation in which he is interested or for which he is acting and who, with intent to defraud, procures, upon the faith thereof, for his own benefit, or for the benefit of the person, firm or corporation in which he is interested or for which he is acting, any such delivery, payment, loan, credit, extension, discount making, acceptance, sale or endorsement, shall, if the value of the thing or the amount of the loan, credit or benefit obtained is ~~\$500~~ \$1,000 or more, be guilty of grand larceny or, if the value is less than ~~\$500~~ \$1,000, be guilty of petit larceny.

C. Venue for the trial of any person charged with an offense under this section may be in the county or city in which (i) any act was performed in furtherance of the offense, or (ii) the person charged with the offense resided at the time of the offense.

D. As used in this section, "in writing" shall include information transmitted by computer, facsimile, e-mail, Internet, or any other electronic medium, and shall not include information transmitted by any such medium by voice transmission.

§ 18.2-186.3. Identity theft; penalty; restitution; victim assistance.

A. It shall be unlawful for any person, without the authorization or permission of the person or persons who are the subjects of the identifying information, with the intent to defraud, for his own use or the use of a third person, to:

1. Obtain, record, or access identifying information which is not available to the general public that would assist in accessing financial resources, obtaining identification documents, or obtaining benefits of such other person;
2. Obtain money, credit, loans, goods, or services through the use of identifying information of such other person;
3. Obtain identification documents in such other person's name; or
4. Obtain, record, or access identifying information while impersonating a law-enforcement officer or an official of the government of the Commonwealth.

B. It shall be unlawful for any person without the authorization or permission of the person who is the subject of the identifying information, with the intent to sell or distribute the information to another to:

1. Fraudulently obtain, record, or access identifying information that is not available to the general public that would assist in accessing financial resources, obtaining identification documents, or obtaining benefits of such other person;
2. Obtain money, credit, loans, goods, or services through the use of identifying information of such other person;
3. Obtain identification documents in such other person's name; or
4. Obtain, record, or access identifying information while impersonating a law-enforcement officer or an official of the Commonwealth.

B1. It shall be unlawful for any person to use identification documents or identifying information of another person, whether that person is dead or alive, or of a false or fictitious person, to avoid summons, arrest, prosecution, or to impede a criminal investigation.

C. As used in this section, "identifying information" shall include but not be limited to: (i) name; (ii) date of birth; (iii) social security number; (iv) driver's license number; (v) bank account numbers; (vi) credit or debit card numbers; (vii) personal identification numbers (PIN); (viii) electronic identification codes; (ix) automated or electronic signatures; (x) biometric data; (xi) fingerprints; (xii) passwords; or (xiii) any other numbers or information that can be used to access a person's financial resources, obtain identification, act as identification, or obtain money, credit, loans, goods, or services.

D. Violations of this section shall be punishable as a Class 1 misdemeanor. Any violation resulting in financial loss of ~~\$500~~ \$1,000 or more shall be punishable as a Class 6 felony. Any second or subsequent conviction shall be punishable as a Class 6 felony. Any violation of subsection B where five or more persons' identifying information has been obtained, recorded, or accessed in the same transaction or occurrence shall be punishable as a Class 5 felony. Any violation of subsection B where 50 or more persons' identifying information has been obtained, recorded, or accessed in the same transaction or occurrence shall be punishable as a Class 4 felony. Any violation resulting in the arrest and detention of the person whose identification documents or identifying information were used to avoid summons, arrest, prosecution, or to impede a criminal investigation shall be punishable as a Class 5 felony. In any proceeding brought pursuant to this section, the crime shall be considered to have been committed in any locality where the person whose identifying information was appropriated resides, or in which any part of the offense took place, regardless of whether the defendant was ever actually in such locality.

E. Upon conviction, in addition to any other punishment, a person found guilty of this offense shall be ordered by the court to make restitution as the court deems appropriate to any person whose identifying information was appropriated or to the estate of such person. Such restitution may include the person's or his estate's actual expenses associated with correcting inaccuracies or errors in his credit report or other identifying information.

F. Upon the request of a person whose identifying information was appropriated, the Attorney General may provide assistance to the victim in obtaining information necessary to correct inaccuracies or errors in his credit report or other identifying information; however, no legal representation shall be afforded such person.

§ 18.2-187.1. Obtaining or attempting to obtain oil, electric, gas, water, telephone, telegraph, cable television or electronic communication service without payment; penalty; civil liability.

A. It shall be unlawful for any person knowingly, with the intent to defraud, to obtain or attempt to obtain, for himself or for another, oil, electric, gas, water, telephone, telegraph, cable television or electronic communication service by the use of any false information, or in any case where such service has been disconnected by the supplier and notice of disconnection has been given.

B. It shall be unlawful for any person to obtain or attempt to obtain oil, electric, gas, water, telephone, telegraph, cable television or electronic communication service by the use of any scheme, device, means or method, or by a false application for service with intent to avoid payment of lawful charges therefor.

B1. It shall be unlawful for any person to obtain, or attempt to obtain, electronic communication service as defined in § 18.2-190.1 by the use of an unlawful electronic communication device as defined in § 18.2-190.1.

C. The word "notice" as used in subsection A shall be notice given in writing to the person to whom the service was assigned. The sending of a notice in writing by registered or certified mail in the United States mail, duly stamped and addressed to such person at his last known address, requiring delivery to the addressee only with return receipt requested, and the actual signing of the receipt for such mail by the addressee, shall be prima facie evidence that such notice was duly received.

D. Any person who violates any provisions of this section, if the value of service, credit or benefit procured is ~~\$500~~ \$1,000 or more, shall be guilty of a Class 6 felony; or if the value is less than ~~\$500~~ \$1,000, shall be guilty of a Class 1 misdemeanor. In addition, the court may order restitution for the value of the services unlawfully used and for all costs. Such costs shall be limited to actual expenses, including the base wages of employees acting as witnesses for the Commonwealth, and suit costs. However, the total amount of allowable costs granted hereunder shall not exceed \$250, excluding the value of the service.

E. Any party providing oil, electric, gas, water, telephone, telegraph, cable television or electronic communication service who is aggrieved by a violation of this section may, in a civil proceeding in any court of competent jurisdiction, seek both injunctive and equitable relief, and an award of damages, including attorney fees and costs. In addition to any other remedy provided by law, the party aggrieved may recover an award of actual damages or \$500, whichever is greater, for each action.

§ 18.2-188. Defrauding hotels, motels, campgrounds, boardinghouses, etc.

It shall be unlawful for any person, without paying therefor, and with the intent to cheat or defraud the owner or keeper to:

1. Put up at a hotel, motel, campground or boardinghouse;
2. Obtain food from a restaurant or other eating house;
3. Gain entrance to an amusement park; or
4. Without having an express agreement for credit, procure food, entertainment or accommodation from any hotel, motel, campground, boardinghouse, restaurant, eating house or amusement park.

It shall be unlawful for any person, with intent to cheat or defraud the owner or keeper out of the pay therefor to obtain credit at a hotel, motel, campground, boardinghouse, restaurant or eating house for food, entertainment or accommodation by means of any false show of baggage or effects brought thereto.

It shall be unlawful for any person, with intent to cheat or defraud, to obtain credit at a hotel, motel, campground, boardinghouse, restaurant, eating house or amusement park for food, entertainment or accommodation through any misrepresentation or false statement.

It shall be unlawful for any person, with intent to cheat or defraud, to remove or cause to be removed any baggage or effects from a hotel, motel, campground, boardinghouse, restaurant or eating house while there is a lien existing thereon for the proper charges due from him for fare and board furnished.

Any person who violates any provision of this section is, if the value of service, credit or benefit procured or obtained is ~~\$500~~ \$1,000 or more, guilty of a Class 5 felony or is, if the value is less than ~~\$500~~ \$1,000, guilty of a Class 1 misdemeanor.

§ 18.2-195. Credit card fraud; conspiracy; penalties.

(1) A person is guilty of credit card fraud when, with intent to defraud any person, he:

(a) Uses for the purpose of obtaining money, goods, services or anything else of value a credit card or credit card number obtained or retained in violation of § 18.2-192 or a credit card or credit card number which he knows is expired or revoked;

(b) Obtains money, goods, services or anything else of value by representing (i) without the consent of the cardholder that he is the holder of a specified card or credit card number or (ii) that he is the holder of a card or credit card number and such card or credit card number has not in fact been issued;

(c) Obtains control over a credit card or credit card number as security for debt; or

(d) Obtains money from an issuer by use of an unmanned device of the issuer or through a person other than the issuer when he knows that such advance will exceed his available credit with the issuer and any available balances held by the issuer.

(2) A person who is authorized by an issuer to furnish money, goods, services or anything else of value upon presentation of a credit card or credit card number by the cardholder, or any agent or employee of such person, is guilty of a credit card fraud when, with intent to defraud the issuer or the cardholder, he:

(a) Furnishes money, goods, services or anything else of value upon presentation of a credit card or credit card number obtained or retained in violation of § 18.2-192, or a credit card or credit card number which he knows is expired or revoked;

(b) Fails to furnish money, goods, services or anything else of value which he represents or causes to be represented in writing or by any other means to the issuer that he has furnished; or

(c) Remits to an issuer or acquirer a record of a credit card or credit card number transaction which is in excess of the monetary amount authorized by the cardholder.

(3) Conviction of credit card fraud is punishable as a Class 1 misdemeanor if the value of all money, goods, services and other things of value furnished in violation of this section, or if the difference between the value of all money, goods, services and anything else of value actually furnished and the value represented to the issuer to have been furnished in violation of this section, is less than ~~\$500~~ \$1,000 in any six-month period; conviction of credit card fraud is punishable as a Class 6 felony if such value is ~~\$500~~ \$1,000 or more in any six-month period.

(4) Any person who conspires, confederates or combines with another, (i) either within or without the Commonwealth to commit credit card fraud within the Commonwealth or (ii) within the Commonwealth to commit credit card fraud within or without the Commonwealth, is guilty of a Class 6 felony.

§ 18.2-195.2. Fraudulent application for credit card; penalties.

A. A person shall be guilty of a Class 1 misdemeanor if he makes, causes to be made or conspires to make, directly, indirectly or through an agency, any materially false statement in writing concerning the financial condition or means or ability to pay of himself or of any other person for whom he is acting or any firm or corporation in which he is interested or for which he is acting, knowing the statement to be false and intending that it be relied upon for the purpose of procuring a credit card. However, if the statement is made in response to an unrequested written solicitation from the issuer or an agent of the issuer to apply for a credit card, he shall be guilty of a Class 4 misdemeanor.

B. A person who knows that a false statement has been made in writing concerning the financial condition or ability to pay of himself or of any person for whom he is acting or any firm or corporation in which he is interested or for which he is acting and who with intent to defraud, procures a credit card, upon the faith of such false statement, for his own benefit, or for the benefit of the person, firm or corporation in which he is interested or for which he is acting, and obtains by use of the credit card, money, property, services or any thing of value, is guilty of grand larceny if the value of whatever is obtained is ~~\$500~~ \$1,000 or more or petit larceny if the value is less than ~~\$500~~ \$1,000.

C. As used in this section, "in writing" shall include information transmitted by computer, facsimile, e-mail, Internet, or any other electronic medium, and shall not include information transmitted by any such medium by voice transmission.

§ 18.2-197. Criminally receiving goods and services fraudulently obtained.

A person is guilty of criminally receiving goods and services fraudulently obtained when he receives money, goods, services or anything else of value obtained in violation of subsection (1) of § 18.2-195 with the knowledge or belief that the same were obtained in violation of subsection (1) of § 18.2-195. Conviction of criminal receipt of goods and services fraudulently obtained is punishable as a Class 1 misdemeanor if the value of all money, goods, services and anything else of value, obtained in violation of this section, is less than ~~\$500~~ \$1,000 in any six-month period; conviction of criminal receipt of goods and services fraudulently obtained is punishable as a Class 6 felony if such value is ~~\$500~~ \$1,000 or more in any six-month period.

§ 18.2-340.37. Criminal penalties.

A. Any person who violates the provisions of this article or who willfully and knowingly files, or causes to be filed, a false application, report or other document or who willfully and knowingly makes a false statement, or causes a false statement to be made, on any application, report or other document required to be filed with or made to the Department shall be guilty of a Class 1 misdemeanor.

B. Each day in violation shall constitute a separate offense.

C. Any person who converts funds derived from any charitable gaming to his own or another's use, when the amount of funds is less than ~~\$500~~ \$1,000, shall be guilty of petit larceny and, when the amount of funds is ~~\$500~~ \$1,000 or more, shall be guilty of grand larceny. The provisions of this section shall not preclude the applicability of any other provision of the criminal law of the Commonwealth that may apply to any course of conduct that violates this section.

§ 19.2-289. Conviction of petit larceny.

In a prosecution for grand larceny, if it be found that the thing stolen is of less value than ~~\$500~~ \$1,000, the jury may find the accused guilty of petit larceny.

§ 19.2-290. Conviction of petit larceny though thing stolen worth \$1,000 or more.

In a prosecution for petit larceny, though the thing stolen be of the value of ~~\$500~~ \$1,000 or more, the jury may find the accused guilty, and upon a conviction under this section or § 19.2-289 the accused shall be sentenced for petit larceny.

§ 19.2-386.16. Forfeiture of motor vehicles used in commission of certain crimes.

A. Any vehicle knowingly used by the owner thereof or used by another with his knowledge of and during the commission of, or in an attempt to commit, a second or subsequent offense of § 18.2-346, 18.2-347, 18.2-348, 18.2-348.1, 18.2-349, 18.2-355, 18.2-356 or 18.2-357 or of a similar ordinance of any county, city or town or knowingly used for the transportation of any stolen goods, chattels or other property, when the value of such stolen goods, chattels or other property is ~~\$500~~ \$1,000 or more, or any stolen property obtained as a result of a robbery, without regard to the value of the property, shall be forfeited to the Commonwealth. The vehicle shall be seized by any law-enforcement officer arresting the operator

of such vehicle for the criminal offense, and delivered to the sheriff of the county or city in which the offense occurred. The officer shall take a receipt therefor.

B. Any vehicle knowingly used by the owner thereof or used by another with his knowledge of and during the commission of, or in an attempt to commit, a misdemeanor violation of subsection D of § 18.2-47 or a felony violation of (i) Article 3 (§ 18.2-47 et seq.) of Chapter 4 of Title 18.2 or (ii) § 18.2-357 where the prostitute is a minor, shall be forfeited to the Commonwealth. The vehicle shall be seized by any law-enforcement officer arresting the operator of such vehicle for the criminal offense, and delivered to the sheriff of the county or city in which the offense occurred. The officer shall take a receipt therefor.

C. Forfeiture of such vehicle shall be enforced as is provided in Chapter 22.1 (§ 19.2-386.1 et seq.).

§ 29.1-553. Selling or offering for sale; penalty.

A. Any person who offers for sale, sells, offers to purchase, or purchases any wild bird or wild animal, or any part thereof, or any freshwater fish, except as provided by law, shall be guilty of a Class 1 misdemeanor. However, when the aggregate of such sales or purchases, or any combination thereof, by any person totals ~~\$500~~ \$1,000 or more during any 90-day period, that person shall be guilty of a Class 6 felony.

B. Whether or not criminal charges have been placed, when any property is taken possession of by a conservation police officer for the purpose of being used as evidence of a violation of this section or for confiscation, the conservation police officer making such seizure shall immediately report the seizure to the Attorney for the Commonwealth.

C. In any prosecution for a violation of this section, photographs of the wild bird, wild animal, or any freshwater fish, or any part thereof shall be deemed competent evidence of such wild bird, wild animal, or freshwater fish, or part thereof and shall be admissible in any proceeding, hearing, or trial of the case to the same extent as if such wild bird, wild animal, or any freshwater fish, or part thereof had been introduced as evidence. Such photographs shall bear a written description of the wild bird, wild animal, or freshwater fish, or parts thereof, the name of the place where the alleged offense occurred, the date on which the alleged offense occurred, the name of the accused, the name of the arresting officer or investigating officer, the date of the photograph, and the name of the photographer. The photographs shall be identified by the signature of the photographer.

D. Any licensed Virginia auctioneer or licensed auction firm that sells, as a legitimate item of an auction sale, wildlife mounts that have undergone the taxidermy process, shall be exempt from the provisions of this section and subdivision A 11 of § 29.1-521.

CHAPTER 402

An Act to amend and reenact § 15.2-2286 of the Code of Virginia, relating to solar energy projects; national standards.

[S 875]

Approved March 23, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-2286 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-2286. Permitted provisions in zoning ordinances; amendments; applicant to pay delinquent taxes; penalties.

A. A zoning ordinance may include, among other things, reasonable regulations and provisions as to any or all of the following matters:

1. For variances or special exceptions, as defined in § 15.2-2201, to the general regulations in any district.

2. For the temporary application of the ordinance to any property coming into the territorial jurisdiction of the governing body by annexation or otherwise, subsequent to the adoption of the zoning ordinance, and pending the orderly amendment of the ordinance.

3. For the granting of special exceptions under suitable regulations and safeguards; notwithstanding any other provisions of this article, the governing body of any locality may reserve unto itself the right to issue such special exceptions. Conditions imposed in connection with residential special use permits, wherein the applicant proposes affordable housing, shall be consistent with the objective of providing affordable housing. When imposing conditions on residential projects specifying materials and methods of construction or specific design features, the approving body shall consider the impact of the conditions upon the affordability of housing.

The governing body or the board of zoning appeals of the City of Norfolk may impose a condition upon any special exception relating to retail alcoholic beverage control licensees which provides that such special exception will automatically expire upon a change of ownership of the property, a change in possession, a change in the operation or management of a facility or upon the passage of a specific period of time.

The governing body of the City of Richmond may impose a condition upon any special use permit issued after July 1, 2000, relating to retail alcoholic beverage licensees which provides that such special use permit shall be subject to an automatic review by the governing body upon a change in possession, a change in the owner of the business, or a transfer of majority control of the business entity. Upon review by the governing body, it may either amend or revoke the special use permit after notice and a public hearing as required by § 15.2-2206.

4. For the administration and enforcement of the ordinance including the appointment or designation of a zoning administrator who may also hold another office in the locality. The zoning administrator shall have all necessary authority on behalf of the governing body to administer and enforce the zoning ordinance. His authority shall include (i) ordering in writing the remedying of any condition found in violation of the ordinance; (ii) insuring compliance with the ordinance, bringing legal action, including injunction, abatement, or other appropriate action or proceeding subject to appeal pursuant to § 15.2-2311; and (iii) in specific cases, making findings of fact and, with concurrence of the attorney for the governing body, conclusions of law regarding determinations of rights accruing under § 15.2-2307 or subsection C of § 15.2-2311.

Whenever the zoning administrator has reasonable cause to believe that any person has engaged in or is engaging in any violation of a zoning ordinance that limits occupancy in a residential dwelling unit, which is subject to a civil penalty that may be imposed in accordance with the provisions of § 15.2-2209, and the zoning administrator, after a good faith effort to obtain the data or information necessary to determine whether a violation has occurred, has been unable to obtain such information, he may request that the attorney for the locality petition the judge of the general district court for his jurisdiction for a subpoena duces tecum against any such person refusing to produce such data or information. The judge of the court, upon good cause shown, may cause the subpoena to be issued. Any person failing to comply with such subpoena shall be subject to punishment for contempt by the court issuing the subpoena. Any person so subpoenaed may apply to the judge who issued the subpoena to quash it.

Notwithstanding the provisions of § 15.2-2311, a zoning ordinance may prescribe an appeal period of less than 30 days, but not less than 10 days, for a notice of violation involving temporary or seasonal commercial uses, parking of commercial trucks in residential zoning districts, maximum occupancy limitations of a residential dwelling unit, or similar short-term, recurring violations.

Where provided by ordinance, the zoning administrator may be authorized to grant a modification from any provision contained in the zoning ordinance with respect to physical requirements on a lot or parcel of land, including but not limited to size, height, location or features of or related to any building, structure, or improvements, if the administrator finds in writing that: (i) the strict application of the ordinance would produce undue hardship; (ii) such hardship is not shared generally by other properties in the same zoning district and the same vicinity; and (iii) the authorization of the modification will not be of substantial detriment to adjacent property and the character of the zoning district will not be changed by the granting of the modification. Prior to the granting of a modification, the zoning administrator shall give, or require the applicant to give, all adjoining property owners written notice of the request for modification, and an opportunity to respond to the request within 21 days of the date of the notice. The zoning administrator shall make a decision on the application for modification and issue a written decision with a copy provided to the applicant and any adjoining landowner who responded in writing to the notice sent pursuant to this paragraph. The decision of the zoning administrator shall constitute a decision within the purview of § 15.2-2311, and may be appealed to the board of zoning appeals as provided by that section. Decisions of the board of zoning appeals may be appealed to the circuit court as provided by § 15.2-2314.

The zoning administrator shall respond within 90 days of a request for a decision or determination on zoning matters within the scope of his authority unless the requester has agreed to a longer period.

5. For the imposition of penalties upon conviction of any violation of the zoning ordinance. Any such violation shall be a misdemeanor punishable by a fine of not more than \$1,000. If the violation is uncorrected at the time of the conviction, the court shall order the violator to abate or remedy the violation in compliance with the zoning ordinance, within a time period established by the court. Failure to remove or abate a zoning violation within the specified time period shall constitute a separate misdemeanor offense punishable by a fine of not more than \$1,000; any such failure during a succeeding 10-day period shall constitute a separate misdemeanor offense punishable by a fine of not more than \$1,500; and any such failure during any succeeding 10-day period shall constitute a separate misdemeanor offense for each 10-day period punishable by a fine of not more than \$2,000.

However, any conviction resulting from a violation of provisions regulating the number of unrelated persons in single-family residential dwellings shall be punishable by a fine of up to \$2,000. Failure to abate the violation within the specified time period shall be punishable by a fine of up to \$5,000, and any such failure during any succeeding 10-day period shall constitute a separate misdemeanor offense for each 10-day period punishable by a fine of up to \$7,500. However, no such fine shall accrue against an owner or managing agent of a single-family residential dwelling unit during the pendency of any legal action commenced by such owner or managing agent of such dwelling unit against a tenant to eliminate an overcrowding condition in accordance with the Virginia Residential Landlord and Tenant Act (§ 55.1-1200 et seq.). A conviction resulting from a violation of provisions regulating the number of unrelated persons in single-family residential dwellings shall not be punishable by a jail term.

6. For the collection of fees to cover the cost of making inspections, issuing permits, advertising of notices and other expenses incident to the administration of a zoning ordinance or to the filing or processing of any appeal or amendment thereto.

7. For the amendment of the regulations or district maps from time to time, or for their repeal. Whenever the public necessity, convenience, general welfare, or good zoning practice requires, the governing body may by ordinance amend, supplement, or change the regulations, district boundaries, or classifications of property. Any such amendment may be initiated (i) by resolution of the governing body; (ii) by motion of the local planning commission; or (iii) by petition of the owner, contract purchaser with the owner's written consent, or the owner's agent therefor, of the property which is the subject of the proposed zoning map amendment, addressed to the governing body or the local planning commission, who

shall forward such petition to the governing body; however, the ordinance may provide for the consideration of proposed amendments only at specified intervals of time, and may further provide that substantially the same petition will not be reconsidered within a specific period, not exceeding one year. Any such resolution or motion by such governing body or commission proposing the rezoning shall state the above public purposes therefor.

In any county having adopted such zoning ordinance, all motions, resolutions or petitions for amendment to the zoning ordinance, and/or map shall be acted upon and a decision made within such reasonable time as may be necessary which shall not exceed 12 months unless the applicant requests or consents to action beyond such period or unless the applicant withdraws his motion, resolution or petition for amendment to the zoning ordinance or map, or both. In the event of and upon such withdrawal, processing of the motion, resolution or petition shall cease without further action as otherwise would be required by this subdivision.

8. For the submission and approval of a plan of development prior to the issuance of building permits to assure compliance with regulations contained in such zoning ordinance.

9. For areas and districts designated for mixed use developments or planned unit developments as defined in § 15.2-2201.

10. For the administration of incentive zoning as defined in § 15.2-2201.

11. For provisions allowing the locality to enter into a voluntary agreement with a landowner that would result in the downzoning of the landowner's undeveloped or underdeveloped property in exchange for a tax credit equal to the amount of excess real estate taxes that the landowner has paid due to the higher zoning classification. The locality may establish reasonable guidelines for determining the amount of excess real estate tax collected and the method and duration for applying the tax credit. For purposes of this section, "downzoning" means a zoning action by a locality that results in a reduction in a formerly permitted land use intensity or density.

12. Provisions for requiring and considering Phase I environmental site assessments based on the anticipated use of the property proposed for the subdivision or development that meet generally accepted national standards for such assessments, such as those developed by the American Society for Testing and Materials, and Phase II environmental site assessments, that also meet accepted national standards, such as, but not limited to, those developed by the American Society for Testing and Materials, if the locality deems such to be reasonably necessary, based on findings in the Phase I assessment, and in accordance with regulations of the United States Environmental Protection Agency and the American Society for Testing and Materials. A reasonable fee may be charged for the review of such environmental assessments. Such fees shall not exceed an amount commensurate with the services rendered, taking into consideration the time, skill, and administrative expense involved in such review.

13. Provisions to incorporate generally accepted national environmental protection and product safety standards for the use of solar panels and battery technologies for solar photovoltaic (electric energy) projects, such as those developed for existing product certifications and standards including the National Sanitation Foundation/American National Standards Institute No. 457, International Electrotechnical Commission No. 61215-2, Institute of Electrical and Electronics Engineers Standard 1547, and Underwriters Laboratories No. 61730-2.

14. Provisions for requiring disclosure and remediation of contamination and other adverse environmental conditions of the property prior to approval of subdivision and development plans.

~~14.~~ 15. For the enforcement of provisions of the zoning ordinance that regulate the number of persons permitted to occupy a single-family residential dwelling unit, provided such enforcement is in compliance with applicable local, state and federal fair housing laws.

~~15.~~ 16. For the issuance of inspection warrants by a magistrate or court of competent jurisdiction. The zoning administrator or his agent may make an affidavit under oath before a magistrate or court of competent jurisdiction and, if such affidavit establishes probable cause that a zoning ordinance violation has occurred, request that the magistrate or court grant the zoning administrator or his agent an inspection warrant to enable the zoning administrator or his agent to enter the subject dwelling for the purpose of determining whether violations of the zoning ordinance exist. After issuing a warrant under this section, the magistrate or judge shall file the affidavit in the manner prescribed by § 19.2-54. After executing the warrant, the zoning administrator or his agents shall return the warrant to the clerk of the circuit court of the city or county wherein the inspection was made. The zoning administrator or his agent shall make a reasonable effort to obtain consent from the owner or tenant of the subject dwelling prior to seeking the issuance of an inspection warrant under this section.

B. Prior to the initiation of an application by the owner of the subject property, the owner's agent, or any entity in which the owner holds an ownership interest greater than 50 percent, for a special exception, special use permit, variance, rezoning or other land disturbing permit, including building permits and erosion and sediment control permits, or prior to the issuance of final approval, the authorizing body may require the applicant to produce satisfactory evidence that any delinquent real estate taxes, nuisance charges, stormwater management utility fees, and any other charges that constitute a lien on the subject property, that are owed to the locality and have been properly assessed against the subject property, have been paid, unless otherwise authorized by the treasurer.

CHAPTER 403

An Act to amend the Code of Virginia by adding in Chapter 4 of Title 10.1 a section numbered 10.1-418.10, relating to scenic river designation; Maury River.

[H 282]

Approved March 23, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 4 of Title 10.1 a section numbered 10.1-418.10 as follows:

§ 10.1-418.10. Maury State Scenic River.

The Maury River in Rockbridge County from its origination at the confluence of the Calfpasture and Little Calfpasture Rivers to Furrs Mill Road bridge in Beans Bottom on Route 631, a distance of approximately 19.25 miles, is hereby designated as the Maury State Scenic River, a component of the Virginia Scenic Rivers System.

CHAPTER 404

An Act to amend the Code of Virginia by adding in Chapter 4 of Title 10.1 a section numbered 10.1-418.10, relating to scenic river designation; Maury River.

[S 288]

Approved March 23, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 4 of Title 10.1 a section numbered 10.1-418.10 as follows:

§ 10.1-418.10. Maury State Scenic River.

The Maury River in Rockbridge County from its origination at the confluence of the Calfpasture and Little Calfpasture Rivers to Furrs Mill Road bridge in Beans Bottom on Route 631, a distance of approximately 19.25 miles, is hereby designated as the Maury State Scenic River, a component of the Virginia Scenic Rivers System.

CHAPTER 405

An Act to direct the Department of Environmental Quality to study tree planting as a land cover type and stormwater best management practice.

[H 520]

Approved March 23, 2020

Be it enacted by the General Assembly of Virginia:

1. § 1. That the Department of Environmental Quality (DEQ) shall convene a stakeholder advisory group for the purpose of studying the planting or preservation of trees as an urban land cover type and as a stormwater best management practice (BMP).

§ 2. The stakeholder advisory group shall be composed of representatives of the residential and commercial development and construction industry, the community associations industry, the linear infrastructure development industry, the Virginia Forestry Association, and local Virginia stormwater management program authorities; professional environmental technical experts; and other technical experts whom DEQ deems necessary.

§ 3. Technical assistance shall be provided to DEQ by the Department of Forestry and the Department of Conservation and Recreation. All agencies of the Commonwealth shall provide assistance to DEQ for this study, upon request.

§ 4. The Department of Environmental Quality shall publish on its website a report containing the findings of the stakeholder advisory group by November 1, 2020, and shall include in the report a recommendation as to whether the planting or preservation of trees shall be deemed a creditable land cover type or BMP and, if so, how much credit shall be given for its optional use. The Department of Environmental Quality shall, before the first day of the 2021 Session of the General Assembly, report the findings of the stakeholder advisory group to the Chairmen of the House Committee on Agriculture, Chesapeake and Natural Resources and the Senate Committee on Agriculture, Conservation and Natural Resources.

CHAPTER 406

An Act to amend and reenact § 18.2-371.2 of the Code of Virginia, relating to hemp products intended for smoking.

[H 962]

Approved March 23, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-371.2 of the Code of Virginia is amended and reenacted as follows:

§ 18.2-371.2. Prohibiting purchase or possession of tobacco products, nicotine vapor products, alternative nicotine products, and hemp products intended for smoking by a person under 21 years of age or sale of tobacco products, nicotine vapor products, alternative nicotine products, and hemp products intended for smoking to persons under 21 years of age.

A. No person shall sell to, distribute to, purchase for, or knowingly permit the purchase by any person less than 21 years of age, knowing or having reason to believe that such person is less than 21 years of age, any tobacco product, nicotine vapor product, ~~or~~ alternative nicotine product, *or hemp product intended for smoking*.

Tobacco products, nicotine vapor products, ~~and~~ alternative nicotine products, *and hemp products intended for smoking* may be sold from a vending machine only if the machine is (i) posted with a notice, in a conspicuous manner and place, indicating that the purchase or possession of ~~tobacco~~ *such* products by persons under 21 years of age is unlawful and (ii) located in a place that is not open to the general public and is not generally accessible to persons under 21 years of age. An establishment that prohibits the presence of persons under 21 years of age unless accompanied by a person 21 years of age or older is not open to the general public.

B. No person less than 21 years of age shall attempt to purchase, purchase, or possess any tobacco product, nicotine vapor product, ~~or~~ alternative nicotine product, *or hemp product intended for smoking*. The provisions of this subsection shall not be applicable to the possession of tobacco products, nicotine vapor products, ~~or~~ alternative nicotine products, *or hemp products intended for smoking* by a person less than 21 years of age making a delivery of tobacco products, nicotine vapor products, ~~or~~ alternative nicotine products, *or hemp products intended for smoking* in pursuance of his employment. This subsection shall not apply to purchase, attempt to purchase, or possession by a law-enforcement officer or his agent when the same is necessary in the performance of his duties.

C. No person shall sell a tobacco product, nicotine vapor product, ~~or~~ alternative nicotine product, *or hemp product intended for smoking* to any individual who does not demonstrate, by producing a driver's license or similar photo identification issued by a government agency, that the individual is at least 21 years of age. Such identification is not required from an individual whom the person has reason to believe is at least 21 years of age or who the person knows is at least 21 years of age. Proof that the person demanded, was shown, and reasonably relied upon a photo identification stating that the individual was at least 21 years of age shall be a defense to any action brought under this subsection. In determining whether a person had reason to believe an individual is at least 21 years of age, the trier of fact may consider, but is not limited to, proof of the general appearance, facial characteristics, behavior, and manner of the individual.

This subsection shall not apply to mail order or Internet sales, provided that the person offering the tobacco product, nicotine vapor product, ~~or~~ alternative nicotine product, *or hemp product intended for smoking* for sale through mail order or the Internet (i) prior to the sale of the tobacco product, nicotine vapor product, ~~or~~ alternative nicotine product, *or hemp product intended for smoking* verifies that the purchaser is at least 21 years of age through a commercially available database that is regularly used by businesses or governmental entities for the purpose of age and identity verification and (ii) uses a method of mailing, shipping, or delivery that requires the signature of a person at least 21 years of age before the tobacco product, nicotine vapor product, ~~or~~ alternative nicotine product, *or hemp product intended for smoking* will be released to the purchaser.

D. The provisions of subsections B and C shall not apply to the sale, giving, or furnishing of any tobacco product, nicotine vapor product, ~~or~~ alternative nicotine product, *or hemp product intended for smoking* to any active duty military personnel who are 18 years of age or older. An identification card issued by the Armed Forces of the United States shall be accepted as proof of age for this purpose.

E. A violation of subsection A or C by an individual or by a separate retail establishment that involves a nicotine vapor product, alternative nicotine product, *hemp product intended for smoking*, or tobacco product other than a bidi is punishable by a civil penalty not to exceed \$100 for a first violation, a civil penalty not to exceed \$200 for a second violation, and a civil penalty not to exceed \$500 for a third or subsequent violation.

A violation of subsection A or C by an individual or by a separate retail establishment that involves the sale, distribution, or purchase of a bidi is punishable by a civil penalty in the amount of \$500 for a first violation, a civil penalty in the amount of \$1,000 for a second violation, and a civil penalty in the amount of \$2,500 for a third or subsequent violation. Where a defendant retail establishment offers proof that it has trained its employees concerning the requirements of this section, the court shall suspend all of the penalties imposed hereunder. However, where the court finds that a retail establishment has failed to so train its employees, the court may impose a civil penalty not to exceed \$1,000 in lieu of any penalties imposed hereunder for a violation of subsection A or C involving a nicotine vapor product, alternative nicotine product, *hemp product intended for smoking*, or tobacco product other than a bidi.

A violation of subsection B is punishable by a civil penalty not to exceed \$100 for a first violation and a civil penalty not to exceed \$250 for a second or subsequent violation. A court may, as an alternative to the civil penalty, and upon motion of the defendant, prescribe the performance of up to 20 hours of community service for a first violation of subsection B and up to 40 hours of community service for a second or subsequent violation. If the defendant fails or refuses to complete the community service as prescribed, the court may impose the civil penalty. Upon a violation of subsection B, the judge may enter an order pursuant to subdivision A 9 of § 16.1-278.8.

Any attorney for the Commonwealth of the county or city in which an alleged violation occurred may bring an action to recover the civil penalty, which shall be paid into the state treasury. Any law-enforcement officer may issue a summons for a violation of subsection A, B, or C.

F. 1. Cigarettes *and hemp products intended for smoking* shall be sold only in sealed packages provided by the manufacturer, with the required health warning. The proprietor of every retail establishment that offers for sale any tobacco product, nicotine vapor product, ~~or~~ alternative nicotine product, *or hemp product intended for smoking* shall post in a conspicuous manner and place a sign or signs indicating that the sale of tobacco products, nicotine vapor products, ~~or~~ alternative nicotine products, *or hemp products intended for smoking* to any person under 21 years of age is prohibited by law. Any attorney for the county, city, or town in which an alleged violation of this subsection occurred may enforce this subsection by civil action to recover a civil penalty not to exceed \$50. The civil penalty shall be paid into the local treasury. No filing fee or other fee or cost shall be charged to the county, city, or town which instituted the action.

2. For the purpose of compliance with regulations of the Substance Abuse and Mental Health Services Administration published at 61 Federal Register 1492, the Department of Agriculture and Consumer Services may promulgate regulations which allow the Department to undertake the activities necessary to comply with such regulations.

3. Any attorney for the county, city, or town in which an alleged violation of this subsection occurred may enforce this subsection by civil action to recover a civil penalty not to exceed \$100. The civil penalty shall be paid into the local treasury. No filing fee or other fee or cost shall be charged to the county, city, or town which instituted the action.

G. Nothing in this section shall be construed to create a private cause of action.

H. Agents of the Virginia Alcoholic Beverage Control Authority designated pursuant to § 4.1-105 may issue a summons for any violation of this section.

I. As used in this section:

"Alternative nicotine product" means any noncombustible product containing nicotine that is intended for human consumption, whether chewed, absorbed, dissolved, or ingested by any other means. "Alternative nicotine product" does not include any nicotine vapor product, tobacco product, or product regulated as a drug or device by the U.S. Food and Drug Administration (FDA) under Chapter V (21 U.S.C. § 351 et seq.) of the Federal Food, Drug, and Cosmetic Act.

"Bidi" means a product containing tobacco that is wrapped in temburni leaf (*diospyros melanoxylon*) or tendu leaf (*diospyros exculpra*), or any other product that is offered to, or purchased by, consumers as a bidi or beedie.

"Hemp product" means the same as that term is defined in § 3.2-4112.

"Nicotine vapor product" means any noncombustible product containing nicotine that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor from nicotine in a solution or other form. "Nicotine vapor product" includes any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and any cartridge or other container of nicotine in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. "Nicotine vapor product" does not include any product regulated by the FDA under Chapter V (21 U.S.C. § 351 et seq.) of the Federal Food, Drug, and Cosmetic Act.

"Tobacco product" means any product made of tobacco and includes cigarettes, cigars, smokeless tobacco, pipe tobacco, bidis, and wrappings. "Tobacco product" does not include any nicotine vapor product, alternative nicotine product, or product that is regulated by the FDA under Chapter V (21 U.S.C. § 351 et seq.) of the Federal Food, Drug, and Cosmetic Act.

"Wrappings" includes papers made or sold for covering or rolling tobacco or other materials for smoking in a manner similar to a cigarette or cigar.

CHAPTER 407

An Act to amend and reenact § 3.2-4416 of the Code of Virginia, relating to beehive distribution program.

[H 1237]

Approved March 23, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 3.2-4416 of the Code of Virginia is amended and reenacted as follows:

§ 3.2-4416. Beehive distribution program.

Any individual registered with the Department as a beekeeper may apply to the Department for no more than three basic beehive units per year *per household*. The Department shall establish guidelines setting forth the components of a basic beehive unit and the general requirements for qualifying for such unit. ~~Applications shall be processed in the order in which completed eligible applications are received during an application period of not less than 15 days. The Department shall select individuals receiving beehive units at random from the completed eligible applications received during the application period.~~ *The Department shall accept applications for beehive units during an application period of not less than 15 days. The Department shall select individuals receiving beehive units at random from the completed eligible applications received during the application period.* In the event that funds are not available in the Beehive Grant Fund established pursuant to § 3.2-4415 (the Fund), the Department ~~may cease accepting applications and shall notify applicants~~ *may cease accepting applications and shall notify applicants* individuals who submitted applications but were not selected to receive beehive units that the funds available for that fiscal year have been exhausted. The Department shall not be required to carry forward pending applications to the next fiscal year in which funds are available in the Fund.

The Department may use funds from the Fund to pay for the costs of purchasing, building, or distributing the beehive units and for the costs of administering the beehive distribution program. The Department may work cooperatively with the Virginia Cooperative Extension Service and Agricultural Experiment Station Division, established pursuant to Article 2 (§ 23.1-2608 et seq.) of Chapter 26 of Title 23.1, to carry out the provisions of this section.

CHAPTER 408

An Act to amend and reenact §§ 38.2-316, 38.2-4402.1, 38.2-4410, and 59.1-441.2 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 38.2-4410.1, relating to the regulation of legal services plans.

[H 1240]

Approved March 23, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 38.2-316, 38.2-4402.1, 38.2-4410, and 59.1-441.2 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 38.2-4410.1 as follows:

§ 38.2-316. Policy forms to be filed with Commission; notice of approval or disapproval; exceptions.

A. No policy of life insurance, industrial life insurance, variable life insurance, modified guaranteed life insurance, group life insurance, accident and sickness insurance, or group accident and sickness insurance; no annuity, modified guaranteed annuity, pure endowment, variable annuity, group annuity, group modified guaranteed annuity, or group variable annuity contract; no health services plan, legal services plan, dental or optometric services plan, or health maintenance organization contract; no dental plan organization dental benefit contract; and no fraternal benefit certificate nor any certificate or evidence of coverage issued in connection with such policy, contract, or plan issued or issued for delivery in Virginia shall be delivered or issued for delivery in this Commonwealth unless a copy of the form has been filed with the Commission. In addition to the above requirement, no policy of accident and sickness insurance shall be delivered or issued for delivery in this Commonwealth unless the rate manual showing rates, rules, and classification of risks applicable thereto has been filed with the Commission.

B. Except as provided in this section, no application form shall be used with the policy or contract and no rider or endorsement shall be attached to or printed or stamped upon the policy or contract unless the form of such application, rider or endorsement has been filed with the Commission. No individual certificate and no enrollment form shall be used in connection with any group life insurance policy, group accident and sickness insurance policy, group annuity contract, or group variable annuity contract unless the form for the certificate and enrollment form have been filed with the Commission.

C. 1. None of the policies, contracts, and certificates specified in subsection A of this section shall be delivered or issued for delivery in this Commonwealth and no applications, enrollment forms, riders, and endorsements shall be used in connection with the policies, contracts, and certificates unless the forms thereof have been approved in writing by the Commission as conforming to the requirements of this title and not inconsistent with law.

2. In addition to the above requirement, no premium rate change applicable to individual accident and sickness insurance policies, subscriber contracts of health services plans, dental or optometric services plans, or fraternal benefit contracts providing individual accident and sickness coverage as authorized in § 38.2-4116 shall be used unless the premium rate change has been approved in writing by the Commission. No premium rate change applicable to individual or group Medicare supplement policies shall be used unless the premium rate change has been approved in writing by the Commission.

D. The Commission may disapprove or withdraw approval of the form of any policy, contract or certificate specified in subsection A of this section, or of any application, enrollment form, rider or endorsement, if the form:

1. Does not comply with the laws of this Commonwealth;
2. Has any title, heading, backing or other indication of the contents of any or all of its provisions that is likely to mislead the policyholder, contract holder or certificate holder; or
3. Contains any provisions that encourage misrepresentation or are misleading, deceptive or contrary to the public policy of this Commonwealth.

E. Within 30 days after the filing of any form requiring approval, the Commission shall notify the organization filing the form of its approval or disapproval of the form which has been filed, and, in the event of disapproval, its reason therefor. The Commission, at its discretion, may extend for up to an additional 30 days the period within which it shall approve or disapprove the form. Any form received but neither approved nor disapproved by the Commission shall be deemed approved at the expiration of the 30 days if the period is not extended, or at the expiration of the extended period, if any; however, no organization shall use a form deemed approved under the provisions of this section until the organization has filed with the Commission a written notice of its intent to use the form together with a copy of the form and the original transmittal letter thereof. The notice shall be filed in the offices of the Commission at least 10 days prior to the organization's use of the form.

F. If the Commission proposes to withdraw approval previously given or deemed given to the form of any policy, contract or certificate, or of any application, rider or endorsement, it shall notify the insurer in writing at least 15 days prior to the proposed effective date of withdrawal giving its reasons for withdrawal.

G. Any insurer or fraternal benefit society aggrieved by the disapproval or withdrawal of approval of any form may proceed as indicated in § 38.2-1926.

H. This section shall not apply to any special rider or endorsement on any policy, except an accident and sickness insurance policy that relates only to the manner of distribution of benefits or to the reservation of rights and benefits under such policy, and that is used at the request of the individual policyholder, contract holder or certificate holder.

I. The Commission may exempt any categories of such policies, contracts, and certificates and any applicable rate manuals from (i) the filing requirements, (ii) the approval requirements of this section, or (iii) both such requirements. The Commission may modify such requirements, subject to such limitations and conditions which the Commission finds appropriate. In promulgating an exemption, the Commission may consider the nature of the coverage, the person or persons to be insured or covered, the competence of the buyer or other parties to the contract, and other criteria the Commission considers relevant.

J. *In lieu of complying with the requirements of subsections A, B, and C, any legal services organization operating, conducting, or administering a legal services plan may provide the Commission with an informational filing regarding a subscription contract, enrollment form, rider, or endorsement used by the legal services organization in connection with a legal services plan offered in the Commonwealth together with written notice of its intent to use the form. Upon providing such informational filing and notice, the legal services organization may use the subscription contract, enrollment form, rider, or endorsement without its prior approval by the Commission. This subsection shall not limit the authority of the Commission to review a legal services plan and any subscription contract, enrollment form, rider, or endorsement used in connection therewith and to disapprove the use of such form for any of the grounds set forth in subsection D.*

K. Pursuant to the authority granted by § 38.2-223, the Commission may promulgate such rules and regulations as it may deem necessary to set standards for policy and other form submissions required by this section or § 38.2-3501.

§ 38.2-4402.1. Corporate organization required.

Each plan shall be conducted by or through (i) a nonstock or stock corporation organized pursuant to the laws of this Commonwealth ~~or~~; (ii) a foreign corporation that is subject to regulation and licensing under the laws of its domiciliary jurisdiction that are substantially similar to those provided by this chapter; *or (iii) a foreign corporation that is licensed as an insurer in its state of domicile and authorized to operate, conduct, or administer a legal services plan under the laws of any state. Any foreign insurer licensed pursuant to this chapter shall not be authorized to write any other classes of insurance under this title.*

§ 38.2-4410. Financial reports.

~~In addition to the annual statement required by § 38.2-1300, the Commission shall require each organization to file on a quarterly basis any additional reports, exhibits or statements the Commission considers necessary to furnish full information concerning the condition, solvency, experience, transactions or affairs of the organization. The Commission shall establish deadlines for submitting any additional reports, exhibits or statements. The Commission may require verification by any officers of the organization the Commission designates. On or before March 1 of each year, each legal services organization shall file with the Commission a financial statement in accordance with § 38.2-1300. In lieu of a financial statement filed in accordance with § 38.2-1300, a foreign legal services organization may file a financial statement that is (i) prepared using an annual statement convention blank developed by the National Association of Insurance Commissioners (NAIC); (ii) prepared in accordance with the annual statement instructions and the accounting practices and procedures manuals adopted by the NAIC, or any other successor publications; and (iii) filed by the foreign legal services organization in its state of domicile.~~

On or before May 15, August 15, and November 15 of each year, each legal services organization shall file with the Commission a financial statement in accordance with § 38.2-1301. In lieu of a financial statement filed in accordance with § 38.2-1301, a foreign legal services organization, may file a financial statement that is (i) prepared using a quarterly statement convention blank developed by the NAIC; (ii) prepared in accordance with the quarterly statement instructions and the accounting practices and procedures manuals adopted by the NAIC, or any other successor publications; and (iii) filed by the foreign legal services organization in its state of domicile.

On or before June 1 of each year, each legal services organization shall file with the Commission an audited financial statement. The Commission may request supplemental financial information to ensure a legal services organization's financial stability.

A legal services organization operating, conducting, or administering a legal services plan shall not be required to file with the Commission any management discussion and analysis of financial condition and results of operations.

§ 38.2-4410.1. Examinations.

The Commission may investigate or examine the affairs, transactions, accounts, records, and assets of a legal services organization as it deems necessary. Examinations shall be conducted pursuant to Article 4 (§ 38.2-1317 et seq.) of Chapter 13.

§ 59.1-441.2. Registration; fees.

A. It shall be unlawful for any legal services plan seller to offer, advertise, or execute, or cause to be executed by the subscriber, any subscription contract in the Commonwealth unless the legal services plan seller at the time of the offer, advertisement, sale, or execution of a subscription contract has been properly registered with the Commissioner. The registration shall (i) disclose the address, ownership, and affiliation with the legal services organization and such other information as the Commissioner may require consistent with the purposes of this chapter, (ii) be renewed annually on

July 1, and (iii) be accompanied by the appropriate registration fee of \$50 per each annual registration. Further, the registration shall be accompanied by a late fee of \$25 if the registration renewal is neither postmarked nor received on or before July 1. *A legal services plan seller's initial or renewal registration may be accomplished either by the legal services plan seller or on behalf of such seller by the legal services organization for which the seller offers subscription contracts, and the Commissioner shall accept any registration information or fee required to be submitted pursuant to this chapter that is submitted to the Commissioner on a monthly basis by the organization on behalf of such a legal services plan seller.*

B. Any legal services plan seller that sells a subscription contract prior to registering pursuant to this section shall pay a late filing fee of \$100 for each 30-day period the registration is late. This fee shall be in addition to all other penalties allowed by law.

C. A registration shall be amended within 21 days if there is a change in the information included in the registration.

D. Any matter subject to the insurance regulatory authority of the State Corporation Commission pursuant to Title 38.2 shall not be subject to the provisions of this chapter.

E. All fees shall be remitted to the State Treasurer and shall be placed to the credit and special fund of the Virginia Department of Agriculture and Consumer Services to be used in the administration of this chapter.

F. All insurance agent licenses issued by the State Corporation Commission including authority to sell legal services plan subscription contracts shall continue in effect for a period of 90 days following the effective date of this chapter, during which time those holding such authority from the State Corporation Commission shall apply for registration with the Department. At the end of the 90-day period, no insurance agent license shall include the authority to sell legal services plan subscription contracts.

CHAPTER 409

An Act to amend and reenact § 46.2-1148.1 of the Code of Virginia, relating to overweight permits; forest products.

[H 1348]

Approved March 23, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-1148.1 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-1148.1. Overweight permit for hauling forest products.

A. For purposes of this section, "forest products" means raw logs to market, rough-sawn green lumber, and wood residuals, including wood chips, *wood pellets*, sawdust, mulch, and tree bark.

B. In addition to other permits provided for in this article, the Commissioner, upon written application by the owner or operator of any vehicle hauling forest products transported from the place where they are first produced, cut, harvested, or felled to the location where they are first processed, shall issue permits for overweight operation of such vehicles as provided in this section. Such permits shall allow the vehicles to have a single-axle weight of no more than 24,000 pounds, a tandem-axle weight of no more than 40,000 pounds, and a tri-axle grouping weight of no more than 50,000 pounds. Additionally, any five-axle combination having a minimum of 48 feet between the first and last axle may have a gross weight of no more than 90,000 pounds, any four-axle combination may have a gross weight of no more than 70,000 pounds, any three-axle combination may have a gross weight of no more than 60,000 pounds, and any two-axle combination may have a gross weight of no more than 40,000 pounds.

C. No permit issued under this section shall designate the route to be traversed or contain restrictions or conditions not applicable to other vehicles in their general use of the highways. However, no such permit shall authorize violation of the length limitations in § 46.2-1149.2 or any weight limitation applicable to bridges or culverts, as promulgated and posted in accordance with § 46.2-1130. Nothing contained in this section shall authorize any extension of weight limits provided in § 46.2-1127 for operation on interstate highways.

D. The fee for a permit issued under this section shall be as provided in § 46.2-1140.1. Only the Commissioner may issue a permit under this section.

E. Each vehicle when loaded according to the provisions of a permit issued under this section shall be operated at a reduced speed as provided in § 46.2-872.

CHAPTER 410

An Act to amend the Code of Virginia by adding in Title 3.2 a chapter numbered 30.1, consisting of sections numbered 3.2-3007 through 3.2-3013, relating to the establishment of the Virginia Spirits Board and the Virginia Spirits Promotion Fund.

[H 1436]

Approved March 23, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 3.2 a chapter numbered 30.1, consisting of sections numbered 3.2-3007 through 3.2-3013 as follows:

CHAPTER 30.1.
VIRGINIA SPIRITS BOARD.**§ 3.2-3007. Definitions.**

As used in this chapter, unless the context requires a different meaning:

"Board" means the Virginia Spirits Board.

"Cooper" means a commercial producer of wooden casks, barrels, and other staved wooden containers who sells at least \$10,000 worth of such wooden containers of a type used for the production of spirits.

"Fund" means the Virginia Spirits Promotion Fund.

"Maltster" means a commercial producer of malt who (i) sells at least \$10,000 worth of malt annually or (ii) has planted and maintains at least three acres of grains of a type used for the production of spirits.

"Spirits" means the same as that term is defined in § 4.1-100.

§ 3.2-3008. Virginia Spirits Board; purpose; composition and appointment of members; quorum; meeting.

A. The Virginia Spirits Board is established within the Department. The purpose of the Board is to foster the development of the Virginia spirits industry by expanding spirits research, increasing education, and promoting the production of ingredients necessary for alcohol distillation and the production of spirits in the Commonwealth.

B. The Board shall consist of 11 members as follows: the Commissioner and the Chief Executive Officer of the Virginia Alcoholic Beverage Control Authority, both of whom shall serve *ex officio* without voting privileges, or their designees, and nine voting nonlegislative citizen members to be appointed by the Governor, three of whom shall be coopers or maltsters and six of whom shall be owners or operators of a distillery in the Commonwealth. Nonlegislative citizen members shall be citizens of the Commonwealth. The Governor shall make his appointments upon consideration of the recommendations made by any cooper or maltster or any owner or operator of a distillery. Each entity or person shall submit two or more recommendations for each available position at least 90 days before the expiration of the member's term for which the recommendation is being provided. If such entities or persons fail to provide the nominations at least 90 days before the expiration date pursuant to this section, the Governor may appoint other nominees that meet the foregoing criteria.

C. A majority of the members of the Board shall constitute a quorum, but a two-thirds vote of the members present shall be required for passage of items taken up by the Board. The Board shall meet at least four times each year. The meetings of the Board shall be held at the call of the chairman or whenever the majority of the members so request.

§ 3.2-3009. Board membership terms; vacancies.

Following the initial staggering of terms, nonlegislative citizen members shall serve terms of four years, which shall begin on July 1 of the year of the appointment. The Commissioner shall serve a term coincident with his term of office. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. All members may be reappointed. No nonlegislative citizen member shall serve more than two consecutive four-year terms. The remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in determining the member's eligibility for reappointment. Vacancies shall be filled in the same manner as the original appointments.

§ 3.2-3010. Board officers and compensation.

A. The Board shall elect a chairman and other officers as deemed necessary from among its membership.

B. Members of the Board shall receive no compensation for the discharge of their duties, but the nonlegislative citizen members shall be reimbursed for reasonable and necessary expenses incurred in the discharge of their duties as provided in §§ 2.2-2813 and 2.2-2825. Funding for expenses of the nonlegislative citizen members shall be provided from the Virginia Spirits Promotion Fund established under § 3.2-3012.

§ 3.2-3011. Powers and duties of the Board.

The Board shall have the power and duty to:

1. Receive and dispense funds or donations from the Virginia Spirits Promotion Fund;
2. Enter into contracts for the purpose of developing new or improved markets or marketing methods for spirits products;
3. Contract for research services to improve farming practices related to the growing of ingredients necessary for alcohol distillation in Virginia;
4. Enter into agreements with any local, state, or national organization or agency engaged in education for the purpose of disseminating information on spirits projects;
5. Enter into contracts with private or public entities for the purpose of developing marketing, advertising, and other promotional programs designed to promote the orderly growth of Virginia's spirits industry;
6. Rent or purchase office and laboratory space, land, equipment, and supplies as necessary to carry out its duties;
7. Employ such personnel as may be required to carry out those duties conferred by law;
8. Acquire any licenses or permits necessary for the performance of the powers and duties of the Board;
9. Cooperate with other state, regional, national, and international organizations in research, education, and promotion of the growing of ingredients necessary for alcohol production and the production of spirits in the Commonwealth and expend moneys from the Fund for such purposes;
10. Adopt a general statement of policy and procedures; and
11. Receive from the chairman of the Board an annual report, including a statement of total receipts and disbursements for the year, and file a copy of such report with the Commissioner.

§ 3.2-3012. Virginia Spirits Promotion Fund established.

A. *There is hereby created in the state treasury a special nonreverting fund to be known as the Virginia Spirits Promotion Fund, hereafter referred to as "the Fund." The Fund shall be established on the books of the Comptroller. The Fund shall consist of all moneys appropriated to it by the General Assembly, grants of private or government funds designated for specified activities authorized pursuant to this chapter, fees for services rendered pursuant to this chapter, and payments for products, equipment, or material or other goods supplied. All moneys shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purposes of carrying out the provisions of this chapter. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the duly authorized officer of the Board.*

B. *The Board shall meet and evaluate proposals from applicants for funding from the Fund. The Board's final recommendations shall be made by recorded vote.*

C. *The Auditor of Public Accounts shall audit all accounts as provided in § 30-133.*

§ 3.2-3013. Revenue-producing activities of the Board.

To help defray the costs of its program, the Board may (i) publish materials with printed advertisements; (ii) sell printed materials; (iii) rent exhibit space at meetings or other events; (iv) charge entrance or participation fees; and (v) engage in other revenue-producing activities related to research, education, and promotion of the growing of ingredients necessary for alcohol distillation and the production of spirits in Virginia. The Board shall promptly deposit the proceeds of any revenue-producing activities into the Fund. The provisions of Article 3 (§ 2.2-1109 et seq.) of Chapter 11 of Title 2.2 and of Articles 1 (§ 2.2-4300 et seq.), 2 (§ 2.2-4303 et seq.), 3 (§ 2.2-4343 et seq.), and 5 (§ 2.2-4357 et seq.) of Chapter 43 of Title 2.2 shall not apply to contracts for advertising, marketing, or publishing entered into by the Board. The provisions of Articles 4 (§ 2.2-4347 et seq.) and 6 (§ 2.2-4367 et seq.) of Chapter 43 of Title 2.2 shall apply to such contracts.

2. That initial appointments to the Virginia Spirits Board shall be made by the Governor by July 1, 2020 and shall be staggered as follows: two members, who are owners or operators of distilleries in the Commonwealth, shall be appointed for a term to end June 30, 2021; two members, who are owners or operators of distilleries in the Commonwealth, shall be appointed for a term to end June 30, 2022; two members, who are owners or operators of distilleries in the Commonwealth, shall be appointed for a term to end June 30, 2023; one member, who is a cooper or maltster with no controlling financial interest in a distillery, shall be appointed for a term to end June 30, 2021; one member, who is a cooper or maltster with no controlling financial interest in a distillery, shall be appointed for a term to end June 30, 2022; and one member, who is a cooper or maltster with no controlling financial interest in a distillery, shall be appointed for a term to end June 30, 2023.

3. That on or before October 1, 2020, the Virginia Spirits Board, with assistance from the Virginia Alcoholic Beverage Control Authority, shall submit a report to the Department of Agriculture and Consumer Services detailing how the Board plans to fund the Virginia Spirits Promotion Fund after July 1, 2021.

CHAPTER 411

An Act to amend and reenact § 3.2-6400 of the Code of Virginia, relating to agritourism activities; horseback riding and stabling.

[S 24]

Approved March 23, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 3.2-6400 of the Code of Virginia is amended and reenacted as follows:

§ 3.2-6400. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Agricultural products" means any livestock, aquaculture, poultry, horticultural, floricultural, viticulture, silvicultural, or other farm crops.

"Agritourism activity" means any activity carried out on a farm or ranch that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including farming, wineries, ranching, *horseback riding*, historical, cultural, harvest-your-own activities, or natural activities and attractions. An activity is an agritourism activity whether or not the participant paid to participate in the activity.

"Agritourism professional" means any person who is engaged in the business of providing one or more agritourism activities, whether or not for compensation.

"Farm or ranch" means one or more areas of land used for the production, cultivation, growing, harvesting or processing of agricultural products.

"Inherent risks of agritourism activity" mean those dangers or conditions that are an integral part of an agritourism activity including certain hazards, including surface and subsurface conditions; natural conditions of land, vegetation, and waters; the behavior of wild or domestic animals; and ordinary dangers of structures or equipment ordinarily used in farming and ranching operations. Inherent risks of agritourism activity also include the potential of a participant to act in a

negligent manner that may contribute to injury to the participant or others, including failing to follow instructions given by the agritourism professional or failing to exercise reasonable caution while engaging in the agritourism activity.

"Participant" means any person, other than an agritourism professional, who engages in an agritourism activity.

CHAPTER 412

An Act to amend and reenact §§ 3.2-6513.1, 3.2-6514, 3.2-6515, 3.2-6519, and 59.1-200 of the Code of Virginia, relating to comprehensive animal care; enforceable under Virginia Consumer Protection Act.

[S 114]

Approved March 23, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 3.2-6513.1, 3.2-6514, 3.2-6515, 3.2-6519, and 59.1-200 of the Code of Virginia are amended and reenacted as follows:

§ 3.2-6513.1. Pet shops; posting of information about dogs.

A. Any pet shop that sells dogs shall place a clear and conspicuous sign near the cages in the public sales area stating: "USDA APHIS Inspection Reports Available Prior to Purchase." The sign shall be no smaller than eight and one-half inches high by 11 inches wide, and the print shall be no smaller than one-half inch.

B. Any pet shop that sells dogs shall maintain for each dog in its possession a written record that includes the following information:

1. The breed, age, and date of birth of the dog, if known;

2. The sex, color, and any identifying markings of the dog;

3. Any additional identifying information, including a tag, tattoo, collar number, or microchip;

4. Documentation of all inoculations, worming treatments, and other medical treatments, if known, including the date of the medical treatment, the diagnosis, and the name and title of the treatment provider;

5. For a dog obtained from a breeder or dealer, (i) the state in which the breeder and, if applicable, the dealer are located; (ii) the U.S. Department of Agriculture license number of the breeder and, if applicable, the dealer; (iii) the final inspection reports for the breeder and, if applicable, the dealer, issued by the U.S. Department of Agriculture from the two years immediately before the date the pet store received the dog; and (iv) the facility where the dog was born and the transporter or carrier of the dog, if any;

6. For a dog obtained from a public animal shelter, the name of the shelter; and

7. For a dog obtained from a private animal shelter or humane society, the name of the shelter or organization and the locality in which it is located.

C. Any pet shop that sells dogs shall maintain a copy of the written record required by subsection B for at least two years after the date of sale of the dog and shall make such record available to the Office of the State Veterinarian upon reasonable notice, to any bona fide prospective purchaser upon request, and to the purchaser at the time of sale. Any such pet shop shall transmit the information required by subdivisions B 5, 6, and 7 to the local animal control officer upon request.

D. Any violation of this section, except for a violation of the requirement of subsection C to make records available to the Office of the State Veterinarian or transmit information to the local animal control officer, shall also constitute a prohibited practice under § 59.1-200 and shall be subject to the enforcement provisions of the Virginia Consumer Protection Act (§ 59.1-196 et seq.).

§ 3.2-6514. Consumer remedies for receipt of diseased animal upon certification by veterinarian.

A. If, at any time within 10 days following receipt of an animal, a licensed veterinarian certifies such animal to be unfit for purchase due to illness, a congenital defect deleterious to the health of the animal, or the presence of symptoms of a contagious or infectious disease other than parvovirus, or if at any time within 14 days following the receipt of an animal a licensed veterinarian certifies such animal to be unfit for purchase due to being infected with parvovirus, the pet dealer shall afford the consumer the right to choose one of the following options:

1. The right to return the animal or, in the case of an animal that has died, to present the veterinary certification, within three business days of certification and receive a refund of the purchase price including sales tax; or

2. The right to return the animal or, in the case of an animal that has died, to present the veterinary certification, within three business days of certification and to receive an exchange animal of equivalent value from the dealer, subject to the choice of the consumer; or

3. In the case of an animal purchased from a pet shop or a USDA licensed dealer, the right to retain the animal and to receive the reimbursement of veterinary fees in an amount up to the purchase price of the animal, including sales tax and the cost of the veterinary certification, incurred up to the time the consumer notifies the pet dealer of the intent to keep the animal. Such notification shall occur within three business days of certification. Veterinary costs incurred by the consumer after such notification shall be the responsibility of the consumer.

B. The refund or reimbursement required by subsection A shall be made by the pet dealer not later than 10 business days following receipt of a signed veterinary certification as provided in § 3.2-6515.

C. Any violation of this section shall also constitute a prohibited practice under § 59.1-200 and shall be subject to the enforcement provisions of the Virginia Consumer Protection Act (§ 59.1-196 et seq.).

§ 3.2-6515. Written notice of consumer remedies required to be supplied by pet dealers.

A. A pet dealer shall give the notice hereinafter set forth in writing to a consumer prior to the delivery of a dog or cat. Such notice shall be embodied in a written contract, the pet dealer's animal history certificate, or a separate document and shall state in ten-point boldface type the following:

"NOTICE

The sale of dogs and cats is subject to the provisions of the Virginia Consumer Protection Act (§ 59.1-196 et seq.). In the event that a licensed veterinarian certifies your animal to be unfit for purchase within 10 days following receipt of your animal, or within 14 days following receipt if the animal is infected with parvovirus, you may choose: (i) to return your animal, or in the case of an animal that has died, the veterinary certification, and receive a refund of the purchase price including sales tax; or (ii) to return the animal and receive an exchange animal of your choice of equivalent value. In the case of an animal purchased from a pet shop or a USDA licensed dealer, you also may choose to retain the animal and receive reimbursement of the cost of veterinary certification and veterinary fees in an amount up to the purchase price of the animal.

In order to exercise these rights you must present a written veterinary certification that the animal is unfit to the pet dealer within three business days after receiving such certification.

If the pet dealer has promised to register your animal or to provide the papers necessary therefor and fails to do so within 120 days following the date of contract, you are entitled to return the animal and receive a refund of the purchase price or to retain the animal and receive a refund of an amount not to exceed 50 percent of the purchase price."

B. Any violation of this section shall also constitute a prohibited practice under § 59.1-200 and shall be subject to the enforcement provisions of the Virginia Consumer Protection Act (§ 59.1-196 et seq.).

§ 3.2-6519. Written notice of consumer remedies required to be supplied by boarding establishments; penalty.

A. A boarding establishment shall give the notice hereinafter set forth in writing to a consumer prior to the consumer's delivery of the animal to the boarding establishment. Such notice shall be embodied in a written document and shall state in ten-point boldfaced type the following:

NOTICE

The boarding of animals is subject to Article 4 (§ 3.2-6518 et seq.) of Chapter 65 of Title 3.2. If your animal becomes ill or injured while in the custody of the boarding establishment, the boarding establishment shall provide the animal with emergency veterinary treatment for the illness or injury.

The consumer shall bear the reasonable and necessary costs of emergency veterinary treatment for any illness or injury occurring while the animal is in the custody of the boarding establishment. The boarding establishment shall bear the expenses of veterinary treatment for any injury the animal sustains while at the boarding establishment if the injury resulted from the establishment's failure, whether accidental or intentional, to provide the care required by § 3.2-6503. Boarding establishments shall not be required to bear the cost of veterinary treatment for injuries resulting from the animal's self-mutilation.

B. In addition, the boarding establishment shall display the following notice, in ten-point boldfaced type, on a sign placed in a conspicuous location and manner at the boarding establishment's intake area:

PUBLIC NOTICE

THE BOARDING OF ANIMALS BY A BOARDING ESTABLISHMENT IS SUBJECT TO ARTICLE 4 (§ 3.2-6518 et seq.) OF CHAPTER 65 OF TITLE 3.2 OF THE CODE OF VIRGINIA. YOU HAVE SPECIFIC REMEDIES WHEN BOARDING ANIMALS IN THIS OR ANY OTHER BOARDING ESTABLISHMENT IN VIRGINIA. A COPY IS AVAILABLE IMMEDIATELY UPON REQUEST AND IS TO BE PRESENTED TO YOU AT THE TIME OF INTAKE IN THE FORM OF A WRITTEN DOCUMENT. IF YOU HAVE A COMPLAINT, YOU MAY CONTACT YOUR LOCAL LAW-ENFORCEMENT OFFICER OR THE VIRGINIA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES, RICHMOND, VIRGINIA.

C. Failure to display or provide the consumer with the written notice as required by this section is a Class 3 misdemeanor.

D. Any violation of this section shall also constitute a prohibited practice under § 59.1-200 and shall be subject to the enforcement provisions of the Virginia Consumer Protection Act (§ 59.1-196 et seq.).

§ 59.1-200. Prohibited practices.

A. The following fraudulent acts or practices committed by a supplier in connection with a consumer transaction are hereby declared unlawful:

1. Misrepresenting goods or services as those of another;
2. Misrepresenting the source, sponsorship, approval, or certification of goods or services;
3. Misrepresenting the affiliation, connection, or association of the supplier, or of the goods or services, with another;
4. Misrepresenting geographic origin in connection with goods or services;
5. Misrepresenting that goods or services have certain quantities, characteristics, ingredients, uses, or benefits;
6. Misrepresenting that goods or services are of a particular standard, quality, grade, style, or model;
7. Advertising or offering for sale goods that are used, secondhand, repossessed, defective, blemished, deteriorated, or reconditioned, or that are "seconds," irregulars, imperfects, or "not first class," without clearly and unequivocally indicating

in the advertisement or offer for sale that the goods are used, secondhand, repossessed, defective, blemished, deteriorated, reconditioned, or are "seconds," irregulars, imperfects or "not first class";

8. Advertising goods or services with intent not to sell them as advertised, or with intent not to sell at the price or upon the terms advertised.

In any action brought under this subdivision, the refusal by any person, or any employee, agent, or servant thereof, to sell any goods or services advertised or offered for sale at the price or upon the terms advertised or offered, shall be prima facie evidence of a violation of this subdivision. This paragraph shall not apply when it is clearly and conspicuously stated in the advertisement or offer by which such goods or services are advertised or offered for sale, that the supplier or offeror has a limited quantity or amount of such goods or services for sale, and the supplier or offeror at the time of such advertisement or offer did in fact have or reasonably expected to have at least such quantity or amount for sale;

9. Making false or misleading statements of fact concerning the reasons for, existence of, or amounts of price reductions;

10. Misrepresenting that repairs, alterations, modifications, or services have been performed or parts installed;

11. Misrepresenting by the use of any written or documentary material that appears to be an invoice or bill for merchandise or services previously ordered;

12. Notwithstanding any other provision of law, using in any manner the words "wholesale," "wholesaler," "factory," or "manufacturer" in the supplier's name, or to describe the nature of the supplier's business, unless the supplier is actually engaged primarily in selling at wholesale or in manufacturing the goods or services advertised or offered for sale;

13. Using in any contract or lease any liquidated damage clause, penalty clause, or waiver of defense, or attempting to collect any liquidated damages or penalties under any clause, waiver, damages, or penalties that are void or unenforceable under any otherwise applicable laws of the Commonwealth, or under federal statutes or regulations;

13a. Failing to provide to a consumer, or failing to use or include in any written document or material provided to or executed by a consumer, in connection with a consumer transaction any statement, disclosure, notice, or other information however characterized when the supplier is required by 16 C.F.R. Part 433 to so provide, use, or include the statement, disclosure, notice, or other information in connection with the consumer transaction;

14. Using any other deception, fraud, false pretense, false promise, or misrepresentation in connection with a consumer transaction;

15. Violating any provision of § 3.2-6509, 3.2-6512, 3.2-6513, ~~or 3.2-6513.1, 3.2-6514, 3.2-6515, 3.2-6516, relating to the sale of certain animals by pet dealers which is described in such sections, or 3.2-6519~~ is a violation of this chapter;

16. Failing to disclose all conditions, charges, or fees relating to:

a. The return of goods for refund, exchange, or credit. Such disclosure shall be by means of a sign attached to the goods, or placed in a conspicuous public area of the premises of the supplier, so as to be readily noticeable and readable by the person obtaining the goods from the supplier. If the supplier does not permit a refund, exchange, or credit for return, he shall so state on a similar sign. The provisions of this subdivision shall not apply to any retail merchant who has a policy of providing, for a period of not less than 20 days after date of purchase, a cash refund or credit to the purchaser's credit card account for the return of defective, unused, or undamaged merchandise upon presentation of proof of purchase. In the case of merchandise paid for by check, the purchase shall be treated as a cash purchase and any refund may be delayed for a period of 10 banking days to allow for the check to clear. This subdivision does not apply to sale merchandise that is obviously distressed, out of date, post season, or otherwise reduced for clearance; nor does this subdivision apply to special order purchases where the purchaser has requested the supplier to order merchandise of a specific or unusual size, color, or brand not ordinarily carried in the store or the store's catalog; nor shall this subdivision apply in connection with a transaction for the sale or lease of motor vehicles, farm tractors, or motorcycles as defined in § 46.2-100;

b. A layaway agreement. Such disclosure shall be furnished to the consumer (i) in writing at the time of the layaway agreement, or (ii) by means of a sign placed in a conspicuous public area of the premises of the supplier, so as to be readily noticeable and readable by the consumer, or (iii) on the bill of sale. Disclosure shall include the conditions, charges, or fees in the event that a consumer breaches the agreement;

16a. Failing to provide written notice to a consumer of an existing open-end credit balance in excess of \$5 (i) on an account maintained by the supplier and (ii) resulting from such consumer's overpayment on such account. Suppliers shall give consumers written notice of such credit balances within 60 days of receiving overpayments. If the credit balance information is incorporated into statements of account furnished consumers by suppliers within such 60-day period, no separate or additional notice is required;

17. If a supplier enters into a written agreement with a consumer to resolve a dispute that arises in connection with a consumer transaction, failing to adhere to the terms and conditions of such an agreement;

18. Violating any provision of the Virginia Health Club Act, Chapter 24 (§ 59.1-294 et seq.);

19. Violating any provision of the Virginia Home Solicitation Sales Act, Chapter 2.1 (§ 59.1-21.1 et seq.);

20. Violating any provision of the Automobile Repair Facilities Act, Chapter 17.1 (§ 59.1-207.1 et seq.);

21. Violating any provision of the Virginia Lease-Purchase Agreement Act, Chapter 17.4 (§ 59.1-207.17 et seq.);

22. Violating any provision of the Prizes and Gifts Act, Chapter 31 (§ 59.1-415 et seq.);

23. Violating any provision of the Virginia Public Telephone Information Act, Chapter 32 (§ 59.1-424 et seq.);

24. Violating any provision of § 54.1-1505;

25. Violating any provision of the Motor Vehicle Manufacturers' Warranty Adjustment Act, Chapter 17.6 (§ 59.1-207.34 et seq.);
26. Violating any provision of § 3.2-5627, relating to the pricing of merchandise;
27. Violating any provision of the Pay-Per-Call Services Act, Chapter 33 (§ 59.1-429 et seq.);
28. Violating any provision of the Extended Service Contract Act, Chapter 34 (§ 59.1-435 et seq.);
29. Violating any provision of the Virginia Membership Camping Act, Chapter 25 (§ 59.1-311 et seq.);
30. Violating any provision of the Comparison Price Advertising Act, Chapter 17.7 (§ 59.1-207.40 et seq.);
31. Violating any provision of the Virginia Travel Club Act, Chapter 36 (§ 59.1-445 et seq.);
32. Violating any provision of §§ 46.2-1231 and 46.2-1233.1;
33. Violating any provision of Chapter 40 (§ 54.1-4000 et seq.) of Title 54.1;
34. Violating any provision of Chapter 10.1 (§ 58.1-1031 et seq.) of Title 58.1;
35. Using the consumer's social security number as the consumer's account number with the supplier, if the consumer has requested in writing that the supplier use an alternate number not associated with the consumer's social security number;
36. Violating any provision of Chapter 18 (§ 6.2-1800 et seq.) of Title 6.2;
37. Violating any provision of § 8.01-40.2;
38. Violating any provision of Article 7 (§ 32.1-212 et seq.) of Chapter 6 of Title 32.1;
39. Violating any provision of Chapter 34.1 (§ 59.1-441.1 et seq.);
40. Violating any provision of Chapter 20 (§ 6.2-2000 et seq.) of Title 6.2;
41. Violating any provision of the Virginia Post-Disaster Anti-Price Gouging Act, Chapter 46 (§ 59.1-525 et seq.);
42. Violating any provision of Chapter 47 (§ 59.1-530 et seq.);
43. Violating any provision of § 59.1-443.2;
44. Violating any provision of Chapter 48 (§ 59.1-533 et seq.);
45. Violating any provision of Chapter 25 (§ 6.2-2500 et seq.) of Title 6.2;
46. Violating the provisions of clause (i) of subsection B of § 54.1-1115;
47. Violating any provision of § 18.2-239;
48. Violating any provision of Chapter 26 (§ 59.1-336 et seq.);
49. Selling, offering for sale, or manufacturing for sale a children's product the supplier knows or has reason to know was recalled by the U.S. Consumer Product Safety Commission. There is a rebuttable presumption that a supplier has reason to know a children's product was recalled if notice of the recall has been posted continuously at least 30 days before the sale, offer for sale, or manufacturing for sale on the website of the U.S. Consumer Product Safety Commission. This prohibition does not apply to children's products that are used, secondhand or "seconds";
50. Violating any provision of Chapter 44.1 (§ 59.1-518.1 et seq.);
51. Violating any provision of Chapter 22 (§ 6.2-2200 et seq.) of Title 6.2;
52. Violating any provision of § 8.2-317.1;
53. Violating subsection A of § 9.1-149.1;
54. Selling, offering for sale, or using in the construction, remodeling, or repair of any residential dwelling in the Commonwealth, any drywall that the supplier knows or has reason to know is defective drywall. This subdivision shall not apply to the sale or offering for sale of any building or structure in which defective drywall has been permanently installed or affixed;
55. Engaging in fraudulent or improper or dishonest conduct as defined in § 54.1-1118 while engaged in a transaction that was initiated (i) during a declared state of emergency as defined in § 44-146.16 or (ii) to repair damage resulting from the event that prompted the declaration of a state of emergency, regardless of whether the supplier is licensed as a contractor in the Commonwealth pursuant to Chapter 11 (§ 54.1-1100 et seq.) of Title 54.1;
56. Violating any provision of Chapter 33.1 (§ 59.1-434.1 et seq.);
57. Violating any provision of § 18.2-178, 18.2-178.1, or 18.2-200.1;
58. Violating any provision of Chapter 17.8 (§ 59.1-207.45 et seq.);
59. Violating any provision of subsection E of § 32.1-126; and
60. Violating any provision of § 54.1-111 relating to the unlicensed practice of a profession licensed under Chapter 11 (§ 54.1-1100 et seq.) or Chapter 21 (§ 54.1-2100 et seq.) of Title 54.1.

B. Nothing in this section shall be construed to invalidate or make unenforceable any contract or lease solely by reason of the failure of such contract or lease to comply with any other law of the Commonwealth or any federal statute or regulation, to the extent such other law, statute, or regulation provides that a violation of such law, statute, or regulation shall not invalidate or make unenforceable such contract or lease.

CHAPTER 413

An Act to amend and reenact §§ 3.2-3602 and 3.2-3602.1 of the Code of Virginia, relating to lawn fertilizer contractor-applicators.

Be it enacted by the General Assembly of Virginia:**1. That §§ 3.2-3602 and 3.2-3602.1 of the Code of Virginia are amended and reenacted as follows:****§ 3.2-3602. Local government regulation of fertilizer.**

A. No locality shall regulate the registration, packaging, labeling, sale, use, application, storage or distribution of fertilizers except by ordinance as provided for in the requirements of the Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq.), the Erosion and Sediment Control Law (§ 62.1-44.15:51 et seq.), the Stormwater Management Act (§ 62.1-44.15:24 et seq.) or other nonpoint source regulations adopted by the Department of Environmental Quality or the State Water Control Board. The provisions of this section shall not preempt the adoption, amendment, or enforcement of the Statewide Fire Prevention Code pursuant to § 27-97 and the Uniform Statewide Building Code pursuant to § 36-98.

B. *The Commissioner may enter into an agreement with a locality to provide oversight and data collection assistance related to the requirements of certified contractor-applicators pursuant to § 3.2-3602.1.*

§ 3.2-3602.1. Board authorized to adopt regulations for the application of regulated products to nonagricultural property; civil penalty.

A. The Board shall adopt regulations to certify the competence of (i) contractor-applicators, (ii) licensees, and (iii) employees, representatives, or agents of state agencies, localities, or other governmental entities who apply any regulated product to nonagricultural lands.

B. The regulations shall establish (i) training requirements; (ii) proper nutrient management practices in accordance with § 10.1-104.2, including soil analysis techniques, equipment calibration, and the timing of the application; and (iii) reporting requirements, including the submission of an annual report as specified by the Commissioner regarding the location of lawn fertilizer and lawn maintenance fertilizer applications. Contractor-applicators and licensees who apply lawn fertilizer and lawn maintenance fertilizer to more than a total of ~~400~~ 50 acres of nonagricultural lands annually and employees, representatives, or agents of state agencies, localities, or other governmental entities who apply lawn fertilizer and lawn maintenance fertilizer to nonagricultural lands shall submit an annual report on or before February 1 and on a form prescribed by the Commissioner. The annual report shall include the total acreage or square footage by zip code of the land receiving lawn fertilizer and lawn maintenance fertilizer in the preceding calendar year. The Department shall provide for optional reporting by electronic methods. The Department shall make publicly available every year the total acreage or square footage by zip code. Any personal information collected pursuant to this section shall be exempt from the Virginia Freedom of Information Act (§ 2.2-3700 et seq.), except that the Commissioner may release information that has been transformed into a statistical or aggregate form that does not allow identification of the persons who supplied, or are the subject of, particular information.

C. The Board may impose a civil penalty of up to ~~\$250~~ \$1,000 on any contractor-applicator or licensee who fails to comply with the regulations. The amount of the civil penalty shall be paid into the special fund established in § 3.2-3617.

D. The Board shall form a technical advisory committee of stakeholders. The Board shall consult with the technical advisory committee of stakeholders and the Department of Conservation and Recreation in the development of the regulations.

E. Any person who is subject to regulation and who applies any regulated product to nonagricultural lands shall comply with the regulations within 12 months of the effective date of the regulations.

F. Contractor-applicators and licensees in compliance with regulations adopted by the Board pursuant to this section shall not be subject to local ordinances governing the use or application of lawn fertilizer and lawn maintenance fertilizer.

CHAPTER 414

An Act to amend the Code of Virginia by adding a section numbered 15.2-2288.8, relating to special exceptions for solar photovoltaic projects.

[S 870]

Approved March 23, 2020

Be it enacted by the General Assembly of Virginia:**1. That the Code of Virginia is amended by adding a section numbered 15.2-2288.8 as follows:****§ 15.2-2288.8. Special exceptions for solar photovoltaic projects.**

A. *Any locality may grant a special exception pursuant to § 15.2-2286, and include in its zoning ordinance reasonable regulations and provisions for a special exception as defined in § 15.2-2201, for any solar photovoltaic (electric energy) project.*

B. *The governing body of such locality may grant a condition that includes (i) dedication of real property of substantial value or (ii) substantial cash payments for or construction of substantial public improvements, the need for which is not generated solely by the granting of a conditional use permit, so long as such conditions are reasonably related to the project.*

C. *Once a condition is granted pursuant to subsection B, such condition shall continue in effect until a subsequent amendment changes the zoning on the property for which the conditions were granted. However, such conditions shall continue if the subsequent amendment is part of a comprehensive implementation of a new or substantially revised zoning ordinance.*

CHAPTER 415

An Act to amend and reenact §§ 29.1-340, 29.1-341.1, 29.1-344, and 29.1-349 of the Code of Virginia, relating to hunting waterfowl; duck blinds.

[S 987]

Approved March 23, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 29.1-340, 29.1-341.1, 29.1-344, and 29.1-349 of the Code of Virginia are amended and reenacted as follows:

§ 29.1-340. Hunting waterfowl from unlicensed blinds and without season license.

It shall be unlawful to hunt migratory waterfowl on the public waters and shores east of Interstate Route 95 in the Commonwealth from unlicensed stationary or floating blinds. For the purposes of this article, ~~the term~~ "public waters" means public waters ~~which~~ that are navigable in fact. Any person hunting waterfowl ~~or applying to license a stationary blind in public waters~~ shall also have a season license to hunt ~~and a state and federal duck stamp~~.

§ 29.1-341.1. Number of stationary blinds permitted; when erected.

~~Clubs or individuals~~ *Notwithstanding the provisions of § 29.1-340, clubs holding stationary waterfowl blind licenses in Virginia Beach may continue to renew stationary blinds in the public waters. In areas other than Virginia Beach, individuals who do not own riparian rights shall be permitted to license no more than two stationary blinds in the public waters in any one season. Stationary blinds shall be erected not later than November 1 of each year.*

§ 29.1-344. Stationary blinds on shore and in the public waters for owners of riparian rights.

~~Each~~ *Notwithstanding the provisions of § 29.1-340, each year, the owners of riparian rights, their lessees or permittees shall have the exclusive privilege of licensing and erecting stationary blinds on their shoreline, and the prior right of licensing and erecting stationary blinds in the public waters in front of their shoreline, to shoot waterfowl over the public waters. Such blinds shall not be located in water having a depth greater than eight feet at mean high tide, nor shall they be located farther than halfway across the body of water from the riparian owner's shoreline, except on the shores and waters of Back Bay in the City of Virginia Beach where such blinds are limited to (i) the riparian owner's shoreline at the mean low water mark or (ii) blinds erected and licensed by the riparian owner in 2011. When licensing a stationary blind, the location of each blind licensed shall be provided as latitude and longitude coordinates. When such a license has been obtained and a stake or a stationary blind has been erected on the site with the license for that season properly affixed, no other stationary or floating blind shall be located in the public waters within 500 yards of the licensed site without the consent of the riparian owner, lessee or permittee.*

§ 29.1-349. Hunting, erecting blind within 500 yards of licensed blind.

A. No person shall hunt or shoot migratory waterfowl in the public waters of this Commonwealth from a boat, float, raft or other buoyant craft or device within 500 yards of any legally licensed erected stationary blind of another without the consent of the licensee, *or within 150 yards of a residence without the consent of the landowner*, except when in active pursuit of a ~~visible~~ *visibly* crippled waterfowl ~~which~~ that was legally shot by the person.

B. No person shall erect a stationary blind in the public waters within 500 yards of any other licensed blind without the consent of the licensee. Any person who violates this subsection shall be guilty of a trespass, and the affected blind licensee may maintain an action for damages. Furthermore, the trial court shall immediately revoke the blind owner's license for the stationary blind where the offense was committed. The blind owner may be eligible for a license in the following open season upon the same conditions that would apply to a new applicant. When a license for a stationary blind has been revoked, the blind shall be destroyed by the former licensee.

CHAPTER 416

An Act to require the Department of Health to provide recommendations regarding newborn screening for Krabbe disease.

[H 97]

Approved March 23, 2020

Be it enacted by the General Assembly of Virginia:

1. § 1. That the Department of Health shall review Krabbe disease and provide recommendations to the Board of Health regarding whether Krabbe disease should be included in the core panel of heritable disorders and genetic diseases for which newborn screening is conducted.

CHAPTER 417

An Act to amend and reenact § 2.2-3300 of the Code of Virginia, relating to legal holidays; Lee-Jackson Day; Election Day.

[H 108]

Approved March 23, 2020

Be it enacted by the General Assembly of Virginia:**1. That § 2.2-3300 of the Code of Virginia is amended and reenacted as follows:****§ 2.2-3300. Legal holidays.**

It is the policy of the Commonwealth to fix and set aside certain days in the calendar year as legal holidays for the people of Virginia. In each year, the following days are designated as legal holidays:

January 1 — New Year's Day.

~~The Friday preceding the third Monday in January — Lee Jackson Day to honor Robert Edward Lee (1807-1870) and Thomas Jonathan (Stonewall) Jackson (1824-1863); defenders of causes.~~

The third Monday in January — Martin Luther King, Jr., Day to honor Martin Luther King, Jr., (1929-1968), defender of causes.

The third Monday in February — George Washington Day to honor George Washington (1732-1799), the first President of the United States.

The last Monday in May — Memorial Day to honor all persons who made the supreme sacrifice in giving their lives in defense of Virginia and the United States in the following wars and engagements and otherwise: Indian Uprising (1622), French and Indian Wars (1754-1763), Revolutionary War (1775-1783), War of 1812 (1812-1815), Mexican War (1846-1848), War Between the States (1861-1865), Spanish-American War (1898), World War I (1917-1918), World War II (1941-1945), Korean War (1950-1953), Vietnam War (1965-1973), Operation Desert Shield-Desert Storm (1990-1991), Global War on Terrorism (2000-), Operation Enduring Freedom (2001-), and Operation Iraqi Freedom (2003-). On this day all flags, national, state, and local, shall be flown at half-staff or mast to honor and acknowledge respect for those who made the supreme sacrifice.

July 4 — Independence Day to honor the signing of the Declaration of Independence.

The first Monday in September — Labor Day to honor all people who work in Virginia.

The second Monday in October — Columbus Day and Yorktown Victory Day to honor Christopher Columbus (1451-1506), a discoverer of the Americas, and the final victory at Yorktown on October 19, 1781, in the Revolutionary War.

~~The Tuesday following the first Monday in November — Election Day for the right of citizens of a free society to exercise the right to vote.~~

November 11 — Veterans Day to honor all persons who served in the Armed Forces of Virginia and the United States in the following wars and engagements and otherwise: Indian Uprising (1622), French and Indian Wars (1754-1763), Revolutionary War (1775-1783), War of 1812 (1812-1815), Mexican War (1846-1848), War Between the States (1861-1865), Spanish American War (1898), World War I (1917-1918), World War II (1941-1945), Korean War (1950-1953), Vietnam War (1965-1973), Operation Desert Shield-Desert Storm (1990-1991), Global War on Terrorism (2000-), Operation Enduring Freedom (2001-), and Operation Iraqi Freedom (2003-).

The fourth Thursday in November and the Friday next following — Thanksgiving Day to honor and give thanks in each person's own manner for the blessings bestowed upon the people of Virginia and honoring the first Thanksgiving in 1619.

December 25 — Christmas Day.

Whenever any of such days falls on Saturday, the Friday next preceding such day, or whenever any of such days falls on Sunday, the Monday next following such day, and any day so appointed by the Governor of the Commonwealth or the President of the United States, shall be a legal holiday as to the transaction of all business.

CHAPTER 418

An Act to amend and reenact § 2.2-3300 of the Code of Virginia, relating to legal holidays; Lee-Jackson Day; Election Day.

[S 601]

Approved March 23, 2020

Be it enacted by the General Assembly of Virginia:**1. That § 2.2-3300 of the Code of Virginia is amended and reenacted as follows:****§ 2.2-3300. Legal holidays.**

It is the policy of the Commonwealth to fix and set aside certain days in the calendar year as legal holidays for the people of Virginia. In each year, the following days are designated as legal holidays:

January 1 — New Year's Day.

~~The Friday preceding the third Monday in January — Lee Jackson Day to honor Robert Edward Lee (1807-1870) and Thomas Jonathan (Stonewall) Jackson (1824-1863); defenders of causes.~~

The third Monday in January — Martin Luther King, Jr., Day to honor Martin Luther King, Jr., (1929-1968), defender of causes.

The third Monday in February — George Washington Day to honor George Washington (1732-1799), the first President of the United States.

The last Monday in May — Memorial Day to honor all persons who made the supreme sacrifice in giving their lives in defense of Virginia and the United States in the following wars and engagements and otherwise: Indian Uprising (1622), French and Indian Wars (1754-1763), Revolutionary War (1775-1783), War of 1812 (1812-1815), Mexican War (1846-1848), War Between the States (1861-1865), Spanish-American War (1898), World War I (1917-1918), World War II

(1941-1945), Korean War (1950-1953), Vietnam War (1965-1973), Operation Desert Shield-Desert Storm (1990-1991), Global War on Terrorism (2000-), Operation Enduring Freedom (2001-), and Operation Iraqi Freedom (2003-). On this day all flags, national, state, and local, shall be flown at half -staff or mast to honor and acknowledge respect for those who made the supreme sacrifice.

July 4 — Independence Day to honor the signing of the Declaration of Independence.

The first Monday in September — Labor Day to honor all people who work in Virginia.

The second Monday in October — Columbus Day and Yorktown Victory Day to honor Christopher Columbus (1451-1506), a discoverer of the Americas, and the final victory at Yorktown on October 19, 1781, in the Revolutionary War.

The Tuesday following the first Monday in November — Election Day for the right of citizens of a free society to exercise the right to vote.

November 11 — Veterans Day to honor all persons who served in the Armed Forces of Virginia and the United States in the following wars and engagements and otherwise: Indian Uprising (1622), French and Indian Wars (1754-1763), Revolutionary War (1775-1783), War of 1812 (1812-1815), Mexican War (1846-1848), War Between the States (1861-1865), Spanish American War (1898), World War I (1917-1918), World War II (1941-1945), Korean War (1950-1953), Vietnam War (1965-1973), Operation Desert Shield-Desert Storm (1990-1991), Global War on Terrorism (2000-), Operation Enduring Freedom (2001-), and Operation Iraqi Freedom (2003-).

The fourth Thursday in November and the Friday next following — Thanksgiving Day to honor and give thanks in each person's own manner for the blessings bestowed upon the people of Virginia and honoring the first Thanksgiving in 1619.

December 25 — Christmas Day.

Whenever any of such days falls on Saturday, the Friday next preceding such day, or whenever any of such days falls on Sunday, the Monday next following such day, and any day so appointed by the Governor of the Commonwealth or the President of the United States, shall be a legal holiday as to the transaction of all business.

CHAPTER 419

An Act to amend and reenact § 51.5-154 of the Code of Virginia, relating to Alzheimer's Disease and Related Disorders Commission; sunset.

[H 310]

Approved March 23, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 51.5-154 of the Code of Virginia is amended and reenacted as follows:

§ 51.5-154. (Expires July 1, 2020) Alzheimer's Disease and Related Disorders Commission; report.

A. The Alzheimer's Disease and Related Disorders Commission (the Commission) is established as an advisory commission in the executive branch of state government. The purpose of the entity is to assist people with Alzheimer's disease and related disorders and their caregivers.

B. The Commission shall consist of 15 nonlegislative citizen members. Members shall be appointed as follows: three members to be appointed by the Speaker of the House of Delegates; two members to be appointed by the Senate Committee on Rules; and 10 members to be appointed by the Governor, of whom seven shall be from among the boards, staffs, and volunteers of the Virginia chapters of the Alzheimer's Disease and Related Disorders Association and three shall be from the public at large.

Nonlegislative citizen members shall be appointed for a term of four years. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. All members may be reappointed. However, no nonlegislative citizen member shall serve more than two consecutive four-year terms. The remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in determining the member's eligibility for reappointment. Vacancies shall be filled in the same manner as the original appointments.

The Commission shall elect a chairman and vice-chairman from among its membership. A majority of the voting members shall constitute a quorum. The Commission shall meet at least four times each year. The meetings of the Commission shall be held at the call of the chairman or whenever the majority of the voting members so request.

C. Members shall receive such compensation for the discharge of their duties as provided in § 2.2-2813. All members shall be reimbursed for reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Funding for the costs of compensation and expenses of the members shall be provided by the Department.

D. The Commission shall have the power and duty to:

1. Examine the needs of persons with Alzheimer's disease and related disorders, as well as the needs of their caregivers, and ways that state government can most effectively and efficiently assist in meeting those needs;

2. Develop and promote strategies to encourage brain health and reduce cognitive decline;

3. Advise the Governor and General Assembly on policy, funding, regulatory, and other issues related to persons suffering from Alzheimer's disease and related disorders and their caregivers;

4. Develop the Commonwealth's plan for meeting the needs of patients with Alzheimer's disease and related disorders and their caregivers, and advocate for such plan;

5. Submit to the Governor, General Assembly, and Department by October 1 of each year an electronic report regarding the activities and recommendations of the Commission, which shall be submitted for publication as a report document as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website and the Department's website; and

6. Establish priorities for programs among state agencies related to Alzheimer's disease and related disorders and criteria to evaluate these programs.

E. The Department shall provide staff support to the Commission. All agencies of the Commonwealth shall provide assistance to the Commission, upon request.

F. The Commission may apply for and expend such grants, gifts, or bequests from any source as may become available in connection with its duties under this section and may comply with such conditions and requirements as may be imposed in connections therewith.

G. This section shall expire on July 1, ~~2020~~ 2023.

CHAPTER 420

An Act to amend and reenact § 54.1-2900 of the Code of Virginia, relating to definition of birth control.

[H 552]

Approved March 23, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-2900 of the Code of Virginia is amended and reenacted as follows:

§ 54.1-2900. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Acupuncturist" means an individual approved by the Board to practice acupuncture. This is limited to "licensed acupuncturist" which means an individual other than a doctor of medicine, osteopathy, chiropractic or podiatry who has successfully completed the requirements for licensure established by the Board (approved titles are limited to: Licensed Acupuncturist, Lic.Ac., and L.Ac.).

"Auricular acupuncture" means the subcutaneous insertion of sterile, disposable acupuncture needles in predetermined, bilateral locations in the outer ear when used exclusively and specifically in the context of a chemical dependency treatment program.

"*Birth control*" means contraceptive methods that are approved by the U.S. Food and Drug Administration. "*Birth control*" shall not be considered abortion for the purposes of Title 18.2.

"Board" means the Board of Medicine.

"Certified nurse midwife" means an advanced practice registered nurse who is certified in the specialty of nurse midwifery and who is jointly licensed by the Boards of Medicine and Nursing as a nurse practitioner pursuant to § 54.1-2957.

"Certified registered nurse anesthetist" means an advanced practice registered nurse who is certified in the specialty of nurse anesthesia, who is jointly licensed by the Boards of Medicine and Nursing as a nurse practitioner pursuant to § 54.1-2957, and who practices under the supervision of a doctor of medicine, osteopathy, podiatry, or dentistry but is not subject to the practice agreement requirement described in § 54.1-2957.

"Collaboration" means the communication and decision-making process among health care providers who are members of a patient care team related to the treatment of a patient that includes the degree of cooperation necessary to provide treatment and care of the patient and includes (i) communication of data and information about the treatment and care of a patient, including the exchange of clinical observations and assessments, and (ii) development of an appropriate plan of care, including decisions regarding the health care provided, accessing and assessment of appropriate additional resources or expertise, and arrangement of appropriate referrals, testing, or studies.

"Consultation" means communicating data and information, exchanging clinical observations and assessments, accessing and assessing additional resources and expertise, problem-solving, and arranging for referrals, testing, or studies.

"Genetic counselor" means a person licensed by the Board to engage in the practice of genetic counseling.

"Healing arts" means the arts and sciences dealing with the prevention, diagnosis, treatment and cure or alleviation of human physical or mental ailments, conditions, diseases, pain or infirmities.

"Medical malpractice judgment" means any final order of any court entering judgment against a licensee of the Board that arises out of any tort action or breach of contract action for personal injuries or wrongful death, based on health care or professional services rendered, or that should have been rendered, by a health care provider, to a patient.

"Medical malpractice settlement" means any written agreement and release entered into by or on behalf of a licensee of the Board in response to a written claim for money damages that arises out of any personal injuries or wrongful death, based on health care or professional services rendered, or that should have been rendered, by a health care provider, to a patient.

"Nurse practitioner" means an advanced practice registered nurse who is jointly licensed by the Boards of Medicine and Nursing pursuant to § 54.1-2957.

"Occupational therapy assistant" means an individual who has met the requirements of the Board for licensure and who works under the supervision of a licensed occupational therapist to assist in the practice of occupational therapy.

"Patient care team" means a multidisciplinary team of health care providers actively functioning as a unit with the management and leadership of one or more patient care team physicians for the purpose of providing and delivering health care to a patient or group of patients.

"Patient care team physician" means a physician who is actively licensed to practice medicine in the Commonwealth, who regularly practices medicine in the Commonwealth, and who provides management and leadership in the care of patients as part of a patient care team.

"Patient care team podiatrist" means a podiatrist who is actively licensed to practice podiatry in the Commonwealth, who regularly practices podiatry in the Commonwealth, and who provides management and leadership to physician assistants in the care of patients as part of a patient care team.

"Physician assistant" means a health care professional who has met the requirements of the Board for licensure as a physician assistant.

"Practice of acupuncture" means the stimulation of certain points on or near the surface of the body by the insertion of needles to prevent or modify the perception of pain or to normalize physiological functions, including pain control, for the treatment of certain ailments or conditions of the body and includes the techniques of electroacupuncture, cupping and moxibustion. The practice of acupuncture does not include the use of physical therapy, chiropractic, or osteopathic manipulative techniques; the use or prescribing of any drugs, medications, serums or vaccines; or the procedure of auricular acupuncture as exempted in § 54.1-2901 when used in the context of a chemical dependency treatment program for patients eligible for federal, state or local public funds by an employee of the program who is trained and approved by the National Acupuncture Detoxification Association or an equivalent certifying body.

"Practice of athletic training" means the prevention, recognition, evaluation, and treatment of injuries or conditions related to athletic or recreational activity that requires physical skill and utilizes strength, power, endurance, speed, flexibility, range of motion or agility or a substantially similar injury or condition resulting from occupational activity immediately upon the onset of such injury or condition; and subsequent treatment and rehabilitation of such injuries or conditions under the direction of the patient's physician or under the direction of any doctor of medicine, osteopathy, chiropractic, podiatry, or dentistry, while using heat, light, sound, cold, electricity, exercise or mechanical or other devices.

"Practice of behavior analysis" means the design, implementation, and evaluation of environmental modifications, using behavioral stimuli and consequences, to produce socially significant improvement in human behavior, including the use of direct observation, measurement, and functional analysis of the relationship between environment and behavior.

"Practice of chiropractic" means the adjustment of the 24 movable vertebrae of the spinal column, and assisting nature for the purpose of normalizing the transmission of nerve energy, but does not include the use of surgery, obstetrics, osteopathy or the administration or prescribing of any drugs, medicines, serums or vaccines. "Practice of chiropractic" shall include performing the physical examination of an applicant for a commercial driver's license or commercial learner's permit pursuant to § 46.2-341.12 if the practitioner has (i) applied for and received certification as a medical examiner pursuant to 49 C.F.R. Part 390, Subpart D and (ii) registered with the National Registry of Certified Medical Examiners.

"Practice of genetic counseling" means (i) obtaining and evaluating individual and family medical histories to assess the risk of genetic medical conditions and diseases in a patient, his offspring, and other family members; (ii) discussing the features, history, diagnosis, environmental factors, and risk management of genetic medical conditions and diseases; (iii) ordering genetic laboratory tests and other diagnostic studies necessary for genetic assessment; (iv) integrating the results with personal and family medical history to assess and communicate risk factors for genetic medical conditions and diseases; (v) evaluating the patient's and family's responses to the medical condition or risk of recurrence and providing client-centered counseling and anticipatory guidance; (vi) identifying and utilizing community resources that provide medical, educational, financial, and psychosocial support and advocacy; and (vii) providing written documentation of medical, genetic, and counseling information for families and health care professionals.

"Practice of medicine or osteopathic medicine" means the prevention, diagnosis and treatment of human physical or mental ailments, conditions, diseases, pain or infirmities by any means or method.

"Practice of occupational therapy" means the therapeutic use of occupations for habilitation and rehabilitation to enhance physical health, mental health, and cognitive functioning and includes the evaluation, analysis, assessment, and delivery of education and training in basic and instrumental activities of daily living; the design, fabrication, and application of orthoses (splints); the design, selection, and use of adaptive equipment and assistive technologies; therapeutic activities to enhance functional performance; vocational evaluation and training; and consultation concerning the adaptation of physical, sensory, and social environments.

"Practice of podiatry" means the prevention, diagnosis, treatment, and cure or alleviation of physical conditions, diseases, pain, or infirmities of the human foot and ankle, including the medical, mechanical and surgical treatment of the ailments of the human foot and ankle, but does not include amputation of the foot proximal to the transmetatarsal level through the metatarsal shafts. Amputations proximal to the metatarsal-phalangeal joints may only be performed in a hospital or ambulatory surgery facility accredited by an organization listed in § 54.1-2939. The practice includes the diagnosis and treatment of lower extremity ulcers; however, the treatment of severe lower extremity ulcers proximal to the foot and ankle may only be performed by appropriately trained, credentialed podiatrists in an approved hospital or ambulatory surgery center at which the podiatrist has privileges, as described in § 54.1-2939. The Board of Medicine shall determine whether a specific type of treatment of the foot and ankle is within the scope of practice of podiatry.

"Practice of radiologic technology" means the application of ionizing radiation to human beings for diagnostic or therapeutic purposes.

"Practice of respiratory care" means the (i) administration of pharmacological, diagnostic, and therapeutic agents related to respiratory care procedures necessary to implement a treatment, disease prevention, pulmonary rehabilitative, or diagnostic regimen prescribed by a practitioner of medicine or osteopathic medicine; (ii) transcription and implementation of the written or verbal orders of a practitioner of medicine or osteopathic medicine pertaining to the practice of respiratory care; (iii) observation and monitoring of signs and symptoms, general behavior, general physical response to respiratory care treatment and diagnostic testing, including determination of whether such signs, symptoms, reactions, behavior or general physical response exhibit abnormal characteristics; and (iv) implementation of respiratory care procedures, based on observed abnormalities, or appropriate reporting, referral, respiratory care protocols or changes in treatment pursuant to the written or verbal orders by a licensed practitioner of medicine or osteopathic medicine or the initiation of emergency procedures, pursuant to the Board's regulations or as otherwise authorized by law. The practice of respiratory care may be performed in any clinic, hospital, skilled nursing facility, private dwelling or other place deemed appropriate by the Board in accordance with the written or verbal order of a practitioner of medicine or osteopathic medicine, and shall be performed under qualified medical direction.

"Qualified medical direction" means, in the context of the practice of respiratory care, having readily accessible to the respiratory therapist a licensed practitioner of medicine or osteopathic medicine who has specialty training or experience in the management of acute and chronic respiratory disorders and who is responsible for the quality, safety, and appropriateness of the respiratory services provided by the respiratory therapist.

"Radiologic technologist" means an individual, other than a licensed doctor of medicine, osteopathy, podiatry, or chiropractic or a dentist licensed pursuant to Chapter 27 (§ 54.1-2700 et seq.), who (i) performs, may be called upon to perform, or is licensed to perform a comprehensive scope of diagnostic or therapeutic radiologic procedures employing ionizing radiation and (ii) is delegated or exercises responsibility for the operation of radiation-generating equipment, the shielding of patient and staff from unnecessary radiation, the appropriate exposure of radiographs, the administration of radioactive chemical compounds under the direction of an authorized user as specified by regulations of the Department of Health, or other procedures that contribute to any significant extent to the site or dosage of ionizing radiation to which a patient is exposed.

"Radiologic technologist, limited" means an individual, other than a licensed radiologic technologist, dental hygienist, or person who is otherwise authorized by the Board of Dentistry under Chapter 27 (§ 54.1-2700 et seq.) and the regulations pursuant thereto, who performs diagnostic radiographic procedures employing equipment that emits ionizing radiation that is limited to specific areas of the human body.

"Radiologist assistant" means an individual who has met the requirements of the Board for licensure as an advanced-level radiologic technologist and who, under the direct supervision of a licensed doctor of medicine or osteopathy specializing in the field of radiology, is authorized to (i) assess and evaluate the physiological and psychological responsiveness of patients undergoing radiologic procedures; (ii) evaluate image quality, make initial observations, and communicate observations to the supervising radiologist; (iii) administer contrast media or other medications prescribed by the supervising radiologist; and (iv) perform, or assist the supervising radiologist to perform, any other procedure consistent with the guidelines adopted by the American College of Radiology, the American Society of Radiologic Technologists, and the American Registry of Radiologic Technologists.

"Respiratory care" means the practice of the allied health profession responsible for the direct and indirect services, including inhalation therapy and respiratory therapy, in the treatment, management, diagnostic testing, control, and care of patients with deficiencies and abnormalities associated with the cardiopulmonary system under qualified medical direction.

CHAPTER 421

An Act to amend and reenact §§ 2.2-608 and 30-34.4:1 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 2.2-608.1, relating to administration of government; general provisions; state publications to be made available in electronic format.

[H 719]

Approved March 23, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-608 and 30-34.4:1 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 2.2-608.1 as follows:

§ 2.2-608. Furnishing reports; Governor authorized to require reports.

A. Agencies, institutions, collegial bodies, and other governmental entities that are specifically required by the Code of Virginia to report annually or biennially to the Governor and General Assembly shall post such annual or biennial reports on the respective entity's website on or before October 1 of each year, unless otherwise specified. No hard copies of annual and biennial reports shall be printed except in instances where copies are requested by a member of the General Assembly in accordance with the provisions of § 30-34.4:1. The Governor may require any agency to furnish an annual or biennial report in a written or electronic format.

B. Each state entity required to submit a report to multiple legislative branch entities pursuant to subsection C may develop a single consolidated report ~~in a written or electronic format~~ containing the required information. Such report shall be (i) formatted to comply with any specific reporting requirement, and (ii) provided in a manner designed to clearly delineate each legislative branch entity for which specific information is provided.

C. Any agency, institution, collegial body, or other governmental entity outside of the legislative branch of government required to submit a report to the General Assembly or any committee, subcommittee, commission, agency, or other body within the legislative branch or to the chairman or agency head of such entity shall distribute a ~~hard~~ copy of such report to each member of the General Assembly who requests a copy in accordance with the provisions of § 30-34.4:1. A consolidated report developed pursuant to subsection B shall satisfy any reporting requirement under this subsection. The cost of printing and distributing reports shall be borne by the reporting entity or its supporting agency.

D. Any agency, institution, collegial body, or other governmental entity outside of the legislative branch of government required to submit a report to (i) the General Assembly or any committee, subcommittee, commission, agency, or other body within the legislative branch or (ii) the chairman or agency head of any such entity shall make such reports available as read-only and text-searchable Portable Document Format (.pdf) files or some other widely used and accessible read-only and text-searchable electronic document format. All requests for such reports shall be made electronically unless expressly requested otherwise.

§ 2.2-608.1. State publications to be made available electronically.

A. Publications, as defined in § 42.1-93, of any agency, institution, collegial body, or other governmental entity shall be available as read-only and text-searchable Portable Document Format (.pdf) files or some other widely used and accessible read-only and text-searchable electronic document format. All requests for such publications shall be made electronically unless expressly requested otherwise.

§ 30-34.4:1. Request and distribution of state publications.

A. The Commission, through the Division of Legislative Automated Systems, shall distribute to each member of the General Assembly a *request form containing a checklist for selection of the Acts of Assembly, the Journals of the Senate and House of Delegates, and reports submitted to the General Assembly or any committee, subcommittee, commission, agency, or other body within the legislative branch.* ~~Any person who returns a completed form or written request shall be deemed to have requested the publications so indicated on the form or request.~~ *All requested materials shall be delivered electronically as read-only and text-searchable Portable Document Format (.pdf) files or as another widely used and accessible read-only and text-searchable electronic document format unless expressly requested otherwise.*

B. The Division of Legislative Automated Systems shall notify each individual entitled to receive state publications listed in subsection A of the availability of the publications and that each will be forwarded to them by the appropriate entity upon written request. The Division shall forward requested reports of legislative entities and shall notify each agency, institution, collegial body, or other governmental entity outside of the legislative branch of the names of the members of the General Assembly requesting such entity's report.

CHAPTER 422

An Act to amend the Code of Virginia by adding sections numbered 2.2-2812.1 and 15.2-1505.3, relating to public employment; limitations on inquiries by state agencies and localities regarding criminal arrests, charges, or convictions.

[H 757]

Approved March 23, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding sections numbered 2.2-2812.1 and 15.2-1505.3 as follows:

§ 2.2-2812.1. State agencies prohibited from inquiring about arrests, charges, or convictions on employment applications; exceptions.

A. As used in this section:

"Conviction" means any adjudication that an individual committed a crime, any finding of guilt after a criminal trial by a court of competent jurisdiction, or any plea of guilty or nolo contendere to a criminal charge.

"Staff interview" means any interview of a prospective employee for a job by current state agency staff.

"State agency" means any authority, board, department, instrumentality, institution, agency, or other unit of state government.

B. *No state agency shall request a prospective employee to complete an application for employment that includes a question inquiring whether the prospective employee has ever been arrested for, charged with, or convicted of any crime. This prohibition shall not apply to any employment-related applications or questionnaires provided during or after a staff interview.*

C. *No state agency shall inquire whether a prospective employee has ever been arrested for, charged with, or convicted of any crime unless the inquiry takes place during or after a staff interview of the prospective employee.*

D. *Nothing in this section shall prevent a state agency from considering information received during or after a staff interview pertaining to a prospective employee having been arrested for, charged with, or convicted of any crime.*

E. The prohibition in this section shall not apply to positions designated as sensitive pursuant to § 2.2-1201.1, to law-enforcement agency positions or positions related to law-enforcement agencies, or to state agencies that are expressly permitted to inquire into an individual's criminal arrests or charges for employment purposes pursuant to any provision of federal or state law.

§ 15.2-1505.3. Localities prohibited from inquiring about arrests, charges, or convictions on employment applications; exceptions.

A. As used in this section, "conviction" means any adjudication that an individual committed a crime, any finding of guilt after a criminal trial by a court of competent jurisdiction, or any plea of guilty or nolo contendere to a criminal charge.

B. No locality shall request a prospective employee to complete an application for employment that includes a question inquiring whether the prospective employee has ever been arrested for, charged with, or convicted of any crime. This prohibition shall not apply to (i) law-enforcement agency positions or positions related to law-enforcement agencies, (ii) positions for employment by the local school board, (iii) sensitive positions, or (iv) any employment-related applications or questionnaires provided during or after a staff interview. For purposes of this subsection, "sensitive positions" shall include those positions:

1. Responsible for the health, safety, and welfare of citizens or the protection of critical infrastructure;

2. That have access to sensitive information, including access to federal tax information in approved exchange agreements with the Internal Revenue Service or Social Security Administration; and

3. That are otherwise required by state or federal law to be designated as sensitive.

C. No locality shall inquire whether a prospective employee has ever been arrested for, or charged with, or convicted of any crime unless the inquiry takes place during or after a staff interview of the prospective employee.

D. Nothing in this section shall prevent a locality from considering information received during or after a staff interview pertaining to a prospective employee having been arrested for, charged with, or convicted of any crime.

CHAPTER 423

An Act to amend and reenact §§ 2.2-2423, 56-484.12, 56-484.13, 56-484.14, and 56-484.17 of the Code of Virginia, to amend the Code of Virginia by adding sections numbered 44-146.18:5 through 44-146.18:9, and to repeal §§ 2.2-2025 through 2.2-2031 of the Code of Virginia, relating to the Virginia Geographic Information Network; transfer of responsibilities from the Virginia Information Technologies Agency to the Virginia Department of Emergency Management.

[H 1003]

Approved March 23, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-2423, 56-484.12, 56-484.13, 56-484.14, and 56-484.17 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 44-146.18:5 through 44-146.18:9 as follows:

§ 2.2-2423. Virginia Geographic Information Network Advisory Board; membership; terms; quorum; compensation and expenses.

*A. The Virginia Geographic Information Network Advisory Board (the Board) is hereby established as an advisory board, within the meaning of § 2.2-2100, in the executive branch of state government. The Board shall advise the Geographic Information Network Division (the Division) of the ~~Virginia Information Technologies Agency~~ *Department of Emergency Management* on issues related to the exercise of the Division's powers and duties.*

*B. The Board shall consist of ~~16~~ 17 members appointed as follows: seven nonlegislative citizen members to be appointed by the Governor that consist of one agency director from one of the natural resources agencies, one official from a baccalaureate public institution of higher education in the Commonwealth, one elected official representing a local government in the Commonwealth, one member of the Virginia Association of Surveyors, one representative of a utility or transportation industry utilizing geographic data, and two representatives of private businesses with expertise and experience in the establishment, operation, and maintenance of geographic information systems; four members of the House of Delegates to be appointed by the Speaker of the House of Delegates; two members of the Senate to be appointed by the Senate Committee on Rules; the Chief Information Officer, *the State Coordinator of Emergency Management*, the Commissioner of Highways, and the Chief Executive Officer of the Economic Development Partnership Authority or their designees who shall serve as ex officio, voting members. Gubernatorial appointees may be nonresidents of the Commonwealth. All members of the Board appointed by the Governor shall be confirmed by each house of the General Assembly. The agency director and official from a baccalaureate public institution of higher education in the Commonwealth appointed by the Governor may each designate a member of his organization as an alternate who may attend meetings in his place and be counted as a member of the Board for the purposes of a quorum.*

Any members of the Board who are representatives of private businesses that provide geographic information services, and their companies, are precluded from contracting to provide goods or services to the Division.

C. Legislative members' terms shall be coincident with their terms of office. The gubernatorial appointees to the Board shall serve five-year terms, except for the initial appointees whose terms were staggered. Members appointed by the Governor shall serve no more than two consecutive five-year terms. Vacancies occurring other than by expiration of a term shall be filled for the unexpired term. Vacancies shall be filled in the same manner as the original appointments. The remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in determining the member's eligibility to serve.

D. The Board shall elect from its membership a chairman, vice-chairman, and any other officers deemed necessary. The duties and terms of the officers shall be prescribed by the members. A majority of the Board shall constitute a quorum. The Board shall meet at least quarterly or at the call of its chairman or the ~~Chief Information Officer~~ *State Coordinator of Emergency Management*.

E. Legislative members of the Board shall receive such compensation as provided in § 30-19.12 and nonlegislative citizen members shall receive such compensation as provided in § 2.2-2813 for their services. All members shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Funding for the costs of compensation and expenses of the members shall be provided by the Virginia Geographic Information Network Division of the ~~Virginia Information Technologies Agency~~ *Department of Emergency Management*.

F. The Geographic Information Network Division shall provide staff support to the Board.

§ 44-146.18:5. Division of Public Safety Communications established; appointment of Virginia Public Safety Communications Coordinator; duties of Division.

A. *There is established within the Department of Emergency Management a Division of Public Safety Communications (the Division), which shall be headed by a Virginia Public Safety Communications Coordinator, appointed by the State Coordinator with the advice and consent of the 9-1-1 Services Board. The Division shall consist of such personnel as the State Coordinator deems necessary. The operating expenses, administrative costs, and salaries of the employees of the Division shall be paid from the Wireless E-911 Fund created pursuant to § 56-484.17.*

B. *The Division shall provide staff support to the 9-1-1 Services Board and encourage, promote, and assist in the development and deployment of statewide enhanced emergency telecommunications systems.*

§ 44-146.18:6. Geographic Information Network Division established; powers and duties; Division Coordinator.

A. *As used in this section, unless the context requires a different meaning:*

"Base map data" means the digitized common geographic data that is used by most geographic information systems applications to reference or link attribute or other geographic data.

"Division" means the Geographic Information Network Division.

"Geographic data" means data that contains either coordinates that reference a geographic location or area or attribute data that can be related to a geographic area or location.

"Geographic information system (GIS)" means a computerized system that stores and links geographic data to allow a wide range of information processing and display operations, as well as map production, analysis, and modeling.

B. *There is established within the Department of Emergency Management a Geographic Information Network Division (the Division), which shall foster the creative utilization of geographic information and oversee the development of a catalog of GIS data available in the Commonwealth. The Division shall be headed by a Division Coordinator who shall be under the supervision of and report to the State Coordinator of Emergency Management.*

C. *The powers and duties of the Division shall include:*

1. *Requesting the services, expertise, supplies, and facilities of the Department of Emergency Management from the State Coordinator of Emergency Management on issues concerning the Division;*

2. *Accepting grants from the United States government and agencies and instrumentalities thereof and any other source. To those ends, the Division shall have the power to comply with such conditions and execute such agreements as may be necessary or desirable;*

3. *Fixing, altering, charging, and collecting rates, rentals, and other charges for the use or sale of products of, or services rendered by, the Division, at rates that reflect the fair market value;*

4. *Soliciting, receiving, and considering proposals for funding projects or initiatives from any state or federal agency, local or regional government, public institution of higher education, nonprofit organization, or private person or corporation;*

5. *Soliciting and accepting funds, goods, and in-kind services that are part of any accepted project proposal;*

6. *Establishing ad hoc committees or project teams to investigate related technology or technical issues and providing results and recommendations for Division action; and*

7. *Establishing such bureaus, sections, or units as the Division deems appropriate to carry out its powers and duties.*

D. *The Division Coordinator shall:*

1. *Oversee the development of and recommend to the Department of Emergency Management the development of those policies, standards, and guidelines required to support state and local government exchange, acquisition, storage, use, sharing, and distribution of geographic or base map data and related technologies;*

2. *Foster the development of a coordinated comprehensive system for providing ready access to electronic state government geographic data products for individuals, businesses, and other entities;*

3. Initiate and manage projects or conduct procurement activities relating to the development or acquisition of geographic data or statewide base map data or both;

4. Plan for and coordinate the development or procurement of priority geographic base map data;

5. Develop, maintain, and provide, in the most cost-effective manner, access to the catalog of Virginia geographic data and governmental geographic data users;

6. Provide, upon request, advice and guidance on all agreements and contracts from all branches of state government for geographic data acquisition and design and the installation and maintenance of geographic information systems;

7. Compile a data catalog consisting of descriptions of GIS coverages maintained by individual executive branch and local government agencies. Nothing in this article shall be construed to require that GIS data be physically delivered to the Division. All executive branch agencies that maintain GIS databases shall report to the Division the details of the data that they develop, acquire, and maintain. Each agency shall submit quarterly reports to the Division specifying all updates to existing data as well as all data development and acquisition currently in progress. Data exempt from the Virginia Freedom of Information Act (§ 2.2-3700 et seq.) need not be reported to the Division.

8. Identify and collect information and technical requirements to assist the Division in setting priorities for the development of state digital geographic data and base maps that meet the needs of state agencies, institutions of higher education, and local governments;

9. Provide services, geographic data products, and access to the repository at rates established by the Division; and

10. Ensure the compliance of those policies, standards, and guidelines developed by VITA required to support and govern the security of state and local government exchange, acquisition, storage, use, sharing, and distribution of geographic or base map data and related technologies.

§ 44-146.18:7. GIS Fund created.

There is hereby created in the state treasury a special nonreverting fund to be known as the GIS Fund, hereafter referred to as the Fund. The Fund shall be established on the books of the Comptroller. All moneys collected pursuant to subsection C of § 44-146.18:6 shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purposes set forth in this article. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the State Coordinator of Emergency Management.

§ 44-146.18:8. Additional powers and duties of the State Coordinator of Emergency Management.

The State Coordinator of Emergency Management shall, on the recommendation of the Division Coordinator, (i) receive and disburse funds; (ii) enter into contracts for the purpose of carrying out the provisions of this article; and (iii) rent office space and procure equipment, goods, and services that are necessary to carry out the provisions of § 44-146.18:6.

§ 44-146.18:9. Nonstock corporation to assist in the development of GIS data.

The Department of Emergency Management is hereby authorized to establish a nonstock corporation under Chapter 10 (§ 13.1-801 et seq.) of Title 13.1 as an instrumentality to assist the Department of Emergency Management and the Division in the development and acquisition of geographic data and statewide base map data. On or before December 1 of each year, the Department of Emergency Management shall report on the activities of the nonstock corporation to the Governor and the General Assembly.

§ 56-484.12. Definitions.

As used in this article, unless the context requires a different meaning:

"Automatic location identification" or "ALI" means a telecommunications network capability that enables the automatic display of information defining the geographical location of the telephone used to place a wireless enhanced 9-1-1 call.

"Automatic number identification" or "ANI" means a telecommunications network capability that enables the automatic display of the telephone number used to place a wireless Enhanced 9-1-1 call.

"Board" means the 9-1-1 Services Board created pursuant to this article.

"Chief Information Officer" or "CIO" means the Chief Information Officer appointed pursuant to § 2.2-2005.

"Coordinator" means the Virginia Public Safety Communications Systems Coordinator employed by the Division.

"CMRS" means mobile telecommunications service as defined in the federal Mobile Telecommunications Sourcing Act, 4 U.S.C. § 124, as amended.

"CMRS provider" means an entity authorized by the Federal Communications Commission to provide CMRS within the Commonwealth.

"Division" means the Division of Public Safety Communications created in § ~~2-2-2031~~ 44-146.18:5.

"Emergency services IP network" or "ESInet" means a shared public safety agency-managed Internet protocol (IP) network that (i) is used for emergency services communications, (ii) provides an IP transport infrastructure that is capable of carrying voice and data and that supports next generation 9-1-1 service core functions such as routing and location validation of emergency service requests, and (iii) is engineered, managed, and intended to support emergency public safety communications and 9-1-1 service.

"Enhanced 9-1-1 service" or "E-911" means a service consisting of telephone network features and PSAPs provided for users of telephone systems enabling such users to reach a PSAP by dialing the digits "9-1-1." Such service automatically directs 9-1-1 emergency telephone calls to the appropriate PSAPs by selective routing based on the geographical location from which the emergency call originated and provides the capability for ANI and ALI features.

"ESInet point of interconnection" means the demarcation point at which the NG9-1-1 Service Provider receives and assumes responsibility for 9-1-1 call traffic from originating service providers.

"Local exchange carrier" means any public service company granted a certificate to furnish public utility service for the provision of local exchange telephone service pursuant to Chapter 10.1 (§ 56-265.1 et seq.) of Title 56.

"Next generation 9-1-1 service" or "NG9-1-1" means a service that (i) consists of coordinated intrastate 9-1-1 IP networks serving residents of the Commonwealth with the routing of emergency service requests, by voice or data, across public safety ESInets; (ii) automatically directs 9-1-1 emergency telephone calls and other emergency service requests in data formats to the appropriate PSAPs by routing using geographical information system data; (iii) provides for ANI and ALI features; and (iv) interconnects with enhanced 9-1-1 service.

"9-1-1 service" includes E-911 and NG9-1-1.

"Originating service provider" means the local exchange carrier, VoIP provider, or CMRS provider that serves the end user over which a 9-1-1 call is made.

"Place of primary use" has the meaning as defined in the federal Mobile Telecommunications Sourcing Act, 4 U.S.C. § 124, as amended.

"Postpaid CMRS" means CMRS that is not prepaid CMRS, as defined in § 56-484.17:1.

"Public safety answering point" or "PSAP" means a facility (i) equipped and staffed on a 24-hour basis to receive and process 9-1-1 calls or (ii) that intends to receive and process 9-1-1 calls and has notified CMRS providers in its jurisdiction of its intention to receive and process such calls.

"VoIP service" means interconnected voice over Internet protocol service as defined in the Code of Federal Regulations, Title 47, Part 9, section 9.3, as amended.

"Wireless E-911 Fund" means a dedicated fund consisting of all moneys collected pursuant to the wireless E-911 surcharge, all prepaid wireless E-911 charges collected pursuant to § 56-484.17:1, and any additional funds otherwise allocated or donated to the Wireless E-911 Fund.

"Wireless E-911 surcharge" means a monthly fee of \$0.75 billed with respect to postpaid CMRS customers by each CMRS provider and CMRS reseller on each CMRS device capable of two-way interactive voice communication.

§ 56-484.13. 9-1-1 Services Board; membership; terms; compensation.

A. The E-911 Services Board, formerly the Wireless E-911 Services Board, is hereby continued as the 9-1-1 Services Board. The Board shall exercise the powers and duties conferred in this article.

B. The 9-1-1 Services Board shall:

1. Support and assist PSAPs in the provision of 9-1-1 operations and services, including through provision of funding and development of best practices;
2. Plan, promote, and assist in the statewide development, deployment, and maintenance of an emergency services IP network that will support future 9-1-1 and other public safety applications and technologies; and
3. Consult and coordinate with PSAPs, state and local public bodies in the Commonwealth, public bodies in other states, CMRS providers, VoIP service providers affiliated with cable companies, and other entities as needed in the exercise of the Board's powers and duties.

C. The Board shall consist of 16 members as follows: the Director of the Virginia Department of Emergency Management, who shall serve as chairman of the Board; the Comptroller, who shall serve as the treasurer of the Board; the Chief Information Officer; and the following 13 members to be appointed by the Governor: one member representing the Virginia State Police; one member representing a local exchange carrier providing E-911 service in Virginia; one member representing VoIP service providers affiliated with cable companies and authorized to transact business in Virginia; two members representing wireless service providers authorized to do business in Virginia; three county, city, or town PSAP directors or managers representing diverse regions of Virginia; one Virginia sheriff; one chief of police; one fire chief; one emergency medical services manager; and one finance officer of a county, city, or town.

D. The Commonwealth Interoperability Coordinator shall serve as an advisor to the Board in the exercise of the powers and duties conferred in this article so as to ensure, among other matters, that enhanced wireless emergency telecommunications services and technologies are compliant with the statewide interoperability strategic plan.

E. All members appointed by the Governor shall serve five-year terms. The CIO and the Comptroller shall serve terms coincident with their terms of office. No gubernatorial appointee shall serve more than two consecutive terms.

F. A majority of the Board shall constitute a quorum. The Board shall meet at least quarterly or at the call of its chairman.

G. Members of the Board shall serve without compensation; however, members of the Board shall be reimbursed for expenses as provided in §§ 2.2-2813 through 2.2-2826.

H. The Division shall provide staff support to the Board. The ~~Geographic Information Network Division created in § 2.2-2026~~ *Division of Public Safety Communications created in § 44-146.18:5* and the Virginia Department of Transportation shall provide such technical advice as the Board requires.

§ 56-484.14. Powers and duties of the 9-1-1 Services Board.

The 9-1-1 Services Board shall have the power and duty to:

1. Make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers, including purchase agreements payable from (i) the Wireless E-911 Fund and (ii) other moneys appropriated for the provision of 9-1-1 services.
2. Pursue all legal remedies to enforce any provision of this article, or any contract entered into pursuant to this article.
3. Develop a comprehensive, statewide enhanced 9-1-1 plan for wireless E-911, VoIP E-911, and any other future communications technologies accessing 9-1-1 for emergency purposes. In constructing and periodically updating this plan as appropriate, the Board shall monitor trends and advances in enhanced wireless, VoIP, and other emergency telecommunications technologies, plan and forecast future needs for these enhanced technologies, and formulate strategies for the efficient and effective delivery of 9-1-1 services in the future.
4. Grant such extensions of time for compliance with the provisions of § 56-484.16 as the Board deems appropriate.
5. Take all steps necessary to inform the public of the use of the digits "9-1-1" as the designated emergency telephone number and the use of the digits "#-7-7" as a designated non-emergency telephone number.
6. Report annually to the Governor, the Senate Committee on Finance and the House Committee on Appropriations, and the Virginia State Crime Commission on (i) the state of enhanced 9-1-1 services in the Commonwealth, (ii) the impact of, or need for, legislation affecting enhanced 9-1-1 services in the Commonwealth, and (iii) the need for changes in the E-911 funding mechanism provided to the Board, as appropriate.
7. Provide advisory technical assistance to PSAPs and state and local law enforcement, and fire and emergency medical services agencies, upon request.
8. Collect, distribute, and withhold moneys from the Wireless E-911 Fund as provided in this article.
9. Develop a comprehensive single, statewide electronic addressing database to support geographic data and statewide base map data programs pursuant to ~~§ 2-2-2027~~ *subsection D of § 44-146.18:6*.
10. Receive such funds as may be appropriated for purposes consistent with this article and such gifts, donations, grants, bequests, or other funds as may be received from, applied for or offered by either public or private sources.
11. Manage other moneys appropriated for the provision of enhanced emergency telecommunications services.
12. Perform all acts necessary, convenient, or desirable to carrying out the purposes of this article.
13. Drawing from the work of 9-1-1 professional organizations, in its sole discretion, publish best practices for PSAPs. These best practices shall be voluntary and recommended by a subcommittee composed of PSAP representatives.
14. Develop or adopt and publish standards for an emergency services IP network and core NG9-1-1 services on that network to ensure that enhanced public safety telephone services seamlessly interoperate within the Commonwealth and with surrounding states.
15. Monitor developments in 9-1-1 service and multiline telephone systems and the impact of such technologies upon the implementation of Article 8 (§ 56-484.19 et seq.). The Board shall include its assessment of such impact in the annual report filed pursuant to subdivision 6.

§ 56-484.17. Wireless E-911 Fund; uses of Fund; enforcement; audit required.

A. There is hereby created in the state treasury a special nonreverting fund to be known as the Wireless E-911 Fund (the Fund). The Fund shall be established on the books of the Comptroller. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Except as provided in ~~§ 2-2-2034~~ *44-146.18:5*, moneys in the Fund shall be used for the purposes stated in subsections C and D. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Tax Commissioner or the ~~Chief Information Officer of the Commonwealth~~ *State Coordinator of Emergency Management*.

B. Each CMRS provider and each CMRS reseller shall collect a wireless E-911 surcharge from each of its customers whose place of primary use is within the Commonwealth. However, no surcharge shall be imposed on federal, state and local government agencies. A payment equal to all wireless E-911 surcharges shall be remitted within 30 days to the Department of Taxation. The Department of Taxation, after subtracting its direct costs of administration, shall deposit all remitted wireless E-911 surcharges into the state treasury. The Comptroller shall as soon as practicable deposit such moneys into the Fund. Each CMRS provider and CMRS reseller may retain an amount equal to three percent of the wireless E-911 surcharges collected to defray the costs of collecting the surcharges. State and local taxes shall not apply to any wireless E-911 surcharge collected from customers. Surcharges collected from customers shall be subject to the provisions of the federal Mobile Telecommunications Sourcing Act (4 U.S.C. § 116 et seq., as amended).

The CMRS provider and CMRS reseller shall collect the surcharge through regular periodic billing.

C. Sixty percent of the Wireless E-911 Fund shall be distributed on a monthly basis to the PSAPs according to each PSAP's average pro rata distribution from the Wireless E-911 Fund for fiscal years 2007-2012, taking into account any funding adjustments made pursuant to subsection E. On or before July 1, 2018, and every five years thereafter, the Department of Taxation shall recalculate the distribution percentage for each PSAP based on the population and call load data of the PSAP for the previous five fiscal years, which data shall continue to be received by the Board and then reported to the Department of Taxation. The distribution from the Wireless E-911 Fund shall be made on a monthly basis to the PSAPs according to such distribution percentage beginning July 1 of such fiscal year.

D. The remaining 40 percent of the Fund shall be distributed to PSAPs or on behalf of PSAPs based on grant requests received by the Board each fiscal year. The Board shall establish criteria for receiving and making grants from the Fund,

including procedures for determining the amount of a grant and payment schedule; however, priority shall be given to grants that support the deployment and sustainment of NG9-1-1. If requested by an originating service provider, the Board shall execute a contract to reimburse that originating service provider for its costs incurred to deliver 9-1-1 calls to the ESInet points of interconnection. The Board shall ensure that cost is minimized while still achieving necessary 9-1-1 service and ESInet objectives. The Board may retain some or all of this uncommitted funding for an identified 9-1-1 funding need or for a reserve balance pursuant to a reserve balance policy adopted by the Board.

E. After the end of each fiscal year, on a schedule adopted by the Board, the Board shall audit the grant funding received by all recipients to ensure it was utilized in accordance with the grant requirements. Each funding recipient shall provide such verification of such costs as may be requested by the Board. Any overpayment shall be refunded to the Board or credited to payments during the then-current fiscal year, on such schedule as the Board shall determine. If payments are less than the actual costs reported, the Board may include the additional funding in the then-current fiscal year.

F. The Auditor of Public Accounts, or his legally authorized representatives, shall audit the Wireless E-911 Fund as determined necessary by the Auditor of Public Accounts. The cost of such audit shall be borne by the Board and be payable from the Wireless E-911 Fund, as appropriate. The Board shall furnish copies of the audits to the Governor, the Public Safety Subcommittees of the Senate Committee on Finance and the House Committee on Appropriations, and the Virginia State Crime Commission.

G. The special tax authorized by § 58.1-1730 shall not be imposed on consumers of CMRS.

2. That §§ 2.2-2025 through 2.2-2031 of the Code of Virginia are repealed.

CHAPTER 424

An Act to amend and reenact § 15.2-1517 of the Code of Virginia, relating to insurance for certain retired employees of political subdivisions.

[H 1385]

Approved March 23, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-1517 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-1517. Insurance for employees and retired employees of localities and other local governmental entities; participation by certain volunteers.

A. Any locality may provide group life, accident, and health insurance programs for its officers and employees; employees of boards, commissions, agencies, or authorities created by or controlled by such locality; or employees of boards, commissions, agencies, or authorities that are political subdivisions of the Commonwealth and work in close cooperation with such locality. In addition, any locality that provides such a health insurance program may allow eligible members of approved volunteer fire or rescue companies, as determined by the locality, to participate in such a health insurance program. Such programs may be through a program of self-insurance, purchased insurance, or partial self-insurance and purchased insurance, whichever is determined to be the most cost effective. The total cost of such policies or protection may be paid entirely by the locality or shared with the employee. The governing body of any locality may provide for its retired officers and retired employees, *including retired employees of boards, commissions, agencies, or authorities that are political subdivisions of the Commonwealth and work in close cooperation with such locality*, to be eligible for such group life, accident, and health insurance programs. The cost of such insurance for retired officers and retired employees may be paid in whole or in part by the locality. The governing body of any locality may permit members of approved volunteer fire or rescue companies to participate in its group health insurance programs, subject to the eligibility criteria established by the locality. The cost of a volunteer's participation in such a health insurance program shall be paid for in full by the participating volunteer. Any locality may fund the cost of a volunteer's participation in a mental health treatment and counseling program that is offered to individual members of approved volunteer fire or rescue companies and is comparable to an employee assistance program offered to paid employees of the locality.

B. In the event a county or city elects to provide one or more of such programs for its officers and employees, it shall provide such programs to the constitutional officers and their employees on the same basis as provided to other officers and employees, unless the constitutional officers and employees are covered under a state program, and the cost of such local program shall be borne entirely by the locality or shared with the employee.

C. 1. Except as otherwise provided herein, in the event the governing body of any locality elects to provide group accident and health insurance for its officers and employees, including constitutional officers and their employees, such programs shall require that upon retirement, or upon the effective date of this provision for those who have previously retired, any such individual with (i) at least 15 years of continuous employment with the locality or (ii) less than 15 years of continuous employment who has retired due to line-of-duty injuries may choose to continue his coverage with the insurer at the retiree's expense until such individual attains 65 years of age at the insurer's customary premium rate applicable (a) to such policies, (b) to the class of risk to which the person then belongs, and (c) to his age.

2. The governing body, when providing this coverage, may further provide that the retiree be rated separately from the active employees covered under the group plan offered by such governing body.

3. Any locality that has not offered the opportunity to continue group health coverage provided by the locality as required by subdivision 1 to its retirees who had retired on or before June 30, 1993, and who meet the criteria for such coverage as set forth in subdivision 1, shall do so by July 1, 2000. Any retiree from the service of a locality who had retired on or before June 30, 1993, and who meets the criteria to continue his group health coverage from the locality under subdivision 1 who has not yet elected to continue his group health coverage from the locality shall elect whether to do so by July 1, 2000.

4. Nothing herein shall prohibit a locality from providing group accident and health coverage or benefits for its retirees in addition to the coverage required under this section.

D. Any locality that offers group health plans to its employees and the employees of constitutional officers and its retirees, as provided by this section or otherwise, may provide in the plan providing such coverage that any retiree who is participating in a group health plan provided by the locality who subsequently terminates his participation in such plan may not thereafter rejoin a group health plan provided by the locality.

CHAPTER 425

An Act to amend and reenact § 15.2-1517 of the Code of Virginia, relating to insurance for certain retired employees of political subdivisions.

[S 349]

Approved March 23, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-1517 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-1517. Insurance for employees and retired employees of localities and other local governmental entities; participation by certain volunteers.

A. Any locality may provide group life, accident, and health insurance programs for its officers and employees; employees of boards, commissions, agencies, or authorities created by or controlled by such locality; or employees of boards, commissions, agencies, or authorities that are political subdivisions of the Commonwealth and work in close cooperation with such locality. In addition, any locality that provides such a health insurance program may allow eligible members of approved volunteer fire or rescue companies, as determined by the locality, to participate in such a health insurance program. Such programs may be through a program of self-insurance, purchased insurance, or partial self-insurance and purchased insurance, whichever is determined to be the most cost effective. The total cost of such policies or protection may be paid entirely by the locality or shared with the employee. The governing body of any locality may provide for its retired officers and retired employees, *including retired employees of boards, commissions, agencies, or authorities that are political subdivisions of the Commonwealth and work in close cooperation with such locality*, to be eligible for such group life, accident, and health insurance programs. The cost of such insurance for retired officers and retired employees may be paid in whole or in part by the locality. The governing body of any locality may permit members of approved volunteer fire or rescue companies to participate in its group health insurance programs, subject to the eligibility criteria established by the locality. The cost of a volunteer's participation in such a health insurance program shall be paid for in full by the participating volunteer. Any locality may fund the cost of a volunteer's participation in a mental health treatment and counseling program that is offered to individual members of approved volunteer fire or rescue companies and is comparable to an employee assistance program offered to paid employees of the locality.

B. In the event a county or city elects to provide one or more of such programs for its officers and employees, it shall provide such programs to the constitutional officers and their employees on the same basis as provided to other officers and employees, unless the constitutional officers and employees are covered under a state program, and the cost of such local program shall be borne entirely by the locality or shared with the employee.

C. 1. Except as otherwise provided herein, in the event the governing body of any locality elects to provide group accident and health insurance for its officers and employees, including constitutional officers and their employees, such programs shall require that upon retirement, or upon the effective date of this provision for those who have previously retired, any such individual with (i) at least 15 years of continuous employment with the locality or (ii) less than 15 years of continuous employment who has retired due to line-of-duty injuries may choose to continue his coverage with the insurer at the retiree's expense until such individual attains 65 years of age at the insurer's customary premium rate applicable (a) to such policies, (b) to the class of risk to which the person then belongs, and (c) to his age.

2. The governing body, when providing this coverage, may further provide that the retiree be rated separately from the active employees covered under the group plan offered by such governing body.

3. Any locality that has not offered the opportunity to continue group health coverage provided by the locality as required by subdivision 1 to its retirees who had retired on or before June 30, 1993, and who meet the criteria for such coverage as set forth in subdivision 1, shall do so by July 1, 2000. Any retiree from the service of a locality who had retired on or before June 30, 1993, and who meets the criteria to continue his group health coverage from the locality under subdivision 1 who has not yet elected to continue his group health coverage from the locality shall elect whether to do so by July 1, 2000.

4. Nothing herein shall prohibit a locality from providing group accident and health coverage or benefits for its retirees in addition to the coverage required under this section.

D. Any locality that offers group health plans to its employees and the employees of constitutional officers and its retirees, as provided by this section or otherwise, may provide in the plan providing such coverage that any retiree who is participating in a group health plan provided by the locality who subsequently terminates his participation in such plan may not thereafter rejoin a group health plan provided by the locality.

CHAPTER 426

An Act to repeal § 2 of the first enactment and the second and third enactments of Chapter 737 of the Acts of Assembly of 2018, relating to the special license plate bearing the legend STOP GUN VIOLENCE; revenue-sharing provisions.

[H 160]

Approved March 23, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 2 of the first enactment and the second and third enactments of Chapter 737 of the Acts of Assembly of 2018 are repealed.

CHAPTER 427

An Act to amend and reenact §§ 58.1-602, 58.1-605, 58.1-605.1, and 58.1-606.1 of the Code of Virginia, relating to additional local sales and use tax in Mecklenburg County; appropriations of Mecklenburg County to incorporated towns for educational purposes.

[H 200]

Approved March 23, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 58.1-602, 58.1-605, 58.1-605.1, and 58.1-606.1 of the Code of Virginia are amended and reenacted as follows:

§ 58.1-602. Definitions.

As used in this chapter, unless the context clearly shows otherwise:

"Advertising" means the planning, creating, or placing of advertising in newspapers, magazines, billboards, broadcasting and other media, including, without limitation, the providing of concept, writing, graphic design, mechanical art, photography and production supervision. Any person providing advertising as defined in this section shall be deemed to be the user or consumer of all tangible personal property purchased for use in such advertising.

"Amplification, transmission and distribution equipment" means, but is not limited to, production, distribution, and other equipment used to provide Internet-access services, such as computer and communications equipment and software used for storing, processing and retrieving end-user subscribers' requests.

"Business" includes any activity engaged in by any person, or caused to be engaged in by him, with the object of gain, benefit or advantage, either directly or indirectly.

"Cost price" means the actual cost of an item or article of tangible personal property computed in the same manner as the sales price as defined in this section without any deductions therefrom on account of the cost of materials used, labor, or service costs, transportation charges, or any expenses whatsoever.

"Custom program" means a computer program that is specifically designed and developed only for one customer. The combining of two or more prewritten programs does not constitute a custom computer program. A prewritten program that is modified to any degree remains a prewritten program and does not become custom.

"Distribution" means the transfer or delivery of tangible personal property for use, consumption, or storage by the distributee, and the use, consumption, or storage of tangible personal property by a person that has processed, manufactured, refined, or converted such property, but does not include the transfer or delivery of tangible personal property for resale or any use, consumption, or storage otherwise exempt under this chapter.

"Gross proceeds" means the charges made or voluntary contributions received for the lease or rental of tangible personal property or for furnishing services, computed with the same deductions, where applicable, as for sales price as defined in this section over the term of the lease, rental, service, or use, but not less frequently than monthly. "Gross proceeds" does not include finance charges, carrying charges, service charges, or interest from credit extended on the lease or rental of tangible personal property under conditional lease or rental contracts or other conditional contracts providing for the deferred payments of the lease or rental price.

"Gross sales" means the sum total of all retail sales of tangible personal property or services as defined in this chapter, without any deduction, except as provided in this chapter. "Gross sales" does not include the federal retailers' excise tax or the federal diesel fuel excise tax imposed in § 4091 of the Internal Revenue Code if the excise tax is billed to the purchaser separately from the selling price of the article, or the Virginia retail sales or use tax, or any sales or use tax imposed by any county or city under § 58.1-605 or 58.1-606.

"Import" and "imported" are words applicable to tangible personal property imported into the Commonwealth from other states as well as from foreign countries, and "export" and "exported" are words applicable to tangible personal property exported from the Commonwealth to other states as well as to foreign countries.

"In this Commonwealth" or "in the Commonwealth" means within the limits of the Commonwealth of Virginia and includes all territory within these limits owned by or ceded to the United States of America.

"Integrated process," when used in relation to semiconductor manufacturing, means a process that begins with the research or development of semiconductor products, equipment, or processes, includes the handling and storage of raw materials at a plant site, and continues to the point that the product is packaged for final sale and either shipped or conveyed to a warehouse. Without limiting the foregoing, any semiconductor equipment, fuel, power, energy, supplies, or other tangible personal property shall be deemed used as part of the integrated process if its use contributes, before, during, or after production, to higher product quality, production yields, or process efficiencies. Except as otherwise provided by law, "integrated process" does not mean general maintenance or administration.

"Internet" means collectively, the myriad of computer and telecommunications facilities, which comprise the interconnected worldwide network of computer networks.

"Internet service" means a service that enables users to access proprietary and other content, information electronic mail, and the Internet as part of a package of services sold to end-user subscribers.

"Lease or rental" means the leasing or renting of tangible personal property and the possession or use thereof by the lessee or renter for a consideration, without transfer of the title to such property.

"Manufacturing, processing, refining, or conversion" includes the production line of the plant starting with the handling and storage of raw materials at the plant site and continuing through the last step of production where the product is finished or completed for sale and conveyed to a warehouse at the production site, and also includes equipment and supplies used for production line testing and quality control. "Manufacturing" also includes the necessary ancillary activities of newspaper and magazine printing when such activities are performed by the publisher of any newspaper or magazine for sale daily or regularly at average intervals not exceeding three months.

The determination of whether any manufacturing, mining, processing, refining or conversion activity is industrial in nature shall be made without regard to plant size, existence or size of finished product inventory, degree of mechanization, amount of capital investment, number of employees or other factors relating principally to the size of the business. Further, "industrial in nature" includes, but is not limited to, those businesses classified in codes 10 through 14 and 20 through 39 published in the Standard Industrial Classification Manual for 1972 and any supplements issued thereafter.

"Modular building" means, but is not limited to, single and multifamily houses, apartment units, commercial buildings, and permanent additions thereof, comprised of one or more sections that are intended to become real property, primarily constructed at a location other than the permanent site, built to comply with the Virginia Industrialized Building Safety Law (§ 36-70 et seq.) as regulated by the Virginia Department of Housing and Community Development, and shipped with most permanent components in place to the site of final assembly. For purposes of this chapter, "modular building" does not include a mobile office as defined in § 58.1-2401 or any manufactured building subject to and certified under the provisions of the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. § 5401 et seq.).

"Modular building manufacturer" means a person that owns or operates a manufacturing facility and is engaged in the fabrication, construction and assembling of building supplies and materials into modular buildings, as defined in this section, at a location other than at the site where the modular building will be assembled on the permanent foundation and may or may not be engaged in the process of affixing the modules to the foundation at the permanent site.

"Modular building retailer" means any person that purchases or acquires a modular building from a modular building manufacturer, or from another person, for subsequent sale to a customer residing within or outside of the Commonwealth, with or without installation of the modular building to the foundation at the permanent site.

"Motor vehicle" means a "motor vehicle" as defined in § 58.1-2401, taxable under the provisions of the Virginia Motor Vehicles Sales and Use Tax Act (§ 58.1-2400 et seq.) and upon the sale of which all applicable motor vehicle sales and use taxes have been paid.

"Occasional sale" means a sale of tangible personal property not held or used by a seller in the course of an activity for which it is required to hold a certificate of registration, including the sale or exchange of all or substantially all the assets of any business and the reorganization or liquidation of any business, provided that such sale or exchange is not one of a series of sales and exchanges sufficient in number, scope and character to constitute an activity requiring the holding of a certificate of registration.

"Open video system" means an open video system authorized pursuant to 47 U.S.C. § 573 and, for purposes of this chapter only, also includes Internet service regardless of whether the provider of such service is also a telephone common carrier.

"Person" includes any individual, firm, copartnership, cooperative, nonprofit membership corporation, joint venture, association, corporation, estate, trust, business trust, trustee in bankruptcy, receiver, auctioneer, syndicate, assignee, club, society, or other group or combination acting as a unit, body politic or political subdivision, whether public or private, or quasi-public, and the plural of "person" means the same as the singular.

"Prewritten program" means a computer program that is prepared, held or existing for general or repeated sale or lease, including a computer program developed for in-house use and subsequently sold or leased to unrelated third parties.

"Qualifying locality" means Halifax County or Mecklenburg County.

"Railroad rolling stock" means locomotives, of whatever motive power, autocars, railroad cars of every kind and description, and all other equipment determined by the Tax Commissioner to constitute railroad rolling stock.

"Remote seller" means any dealer deemed to have sufficient activity within the Commonwealth to require registration under § 58.1-613 under the criteria specified in subdivision C 10 or 11 of § 58.1-612 or any software provider acting on behalf of such dealer.

"Retail sale" or a "sale at retail" means a sale to any person for any purpose other than for resale in the form of tangible personal property or services taxable under this chapter, and shall include any such transaction as the Tax Commissioner upon investigation finds to be in lieu of a sale. All sales for resale must be made in strict compliance with regulations applicable to this chapter. Any dealer making a sale for resale which is not in strict compliance with such regulations shall be personally liable for payment of the tax.

The terms "retail sale" and a "sale at retail" specifically include the following: (i) the sale or charges for any room or rooms, lodgings, or accommodations furnished to transients for less than 90 continuous days by any hotel, motel, inn, tourist camp, tourist cabin, camping grounds, club, or any other place in which rooms, lodging, space, or accommodations are regularly furnished to transients for a consideration; (ii) sales of tangible personal property to persons for resale when because of the operation of the business, or its very nature, or the lack of a place of business in which to display a certificate of registration, or the lack of a place of business in which to keep records, or the lack of adequate records, or because such persons are minors or transients, or because such persons are engaged in essentially service businesses, or for any other reason there is likelihood that the Commonwealth will lose tax funds due to the difficulty of policing such business operations; (iii) the separately stated charge made for automotive refinish repair materials that are permanently applied to or affixed to a motor vehicle during its repair; and (iv) the separately stated charge for equipment available for lease or purchase by a provider of satellite television programming to the customer of such programming. Equipment sold to a provider of satellite television programming for subsequent lease or purchase by the customer of such programming shall be deemed a sale for resale. The Tax Commissioner is authorized to promulgate regulations requiring vendors of or sellers to such persons to collect the tax imposed by this chapter on the cost price of such tangible personal property to such persons and may refuse to issue certificates of registration to such persons. The terms "retail sale" and a "sale at retail" also specifically include the separately stated charge made for supplies used during automotive repairs whether or not there is transfer of title or possession of the supplies and whether or not the supplies are attached to the automobile. The purchase of such supplies by an automotive repairer for sale to the customer of such repair services shall be deemed a sale for resale.

The term "transient" does not include a purchaser of camping memberships, time-shares, condominiums, or other similar contracts or interests that permit the use of, or constitute an interest in, real estate, however created or sold and whether registered with the Commonwealth or not. Further, a purchaser of a right or license which entitles the purchaser to use the amenities and facilities of a specific real estate project on an ongoing basis throughout its term shall not be deemed a transient, provided, however, that the term or time period involved is for seven years or more.

The terms "retail sale" and "sale at retail" do not include a transfer of title to tangible personal property after its use as tools, tooling, machinery or equipment, including dies, molds, and patterns, if (i) at the time of purchase, the purchaser is obligated, under the terms of a written contract, to make the transfer and (ii) the transfer is made for the same or a greater consideration to the person for whom the purchaser manufactures goods.

"Retailer" means every person engaged in the business of making sales at retail, or for distribution, use, consumption, or storage to be used or consumed in the Commonwealth.

"Sale" means any transfer of title or possession, or both, exchange, barter, lease or rental, conditional or otherwise, in any manner or by any means whatsoever, of tangible personal property and any rendition of a taxable service for a consideration, and includes the fabrication of tangible personal property for consumers who furnish, either directly or indirectly, the materials used in fabrication, and the furnishing, preparing, or serving for a consideration of any tangible personal property consumed on the premises of the person furnishing, preparing, or serving such tangible personal property. A transaction whereby the possession of property is transferred but the seller retains title as security for the payment of the price shall be deemed a sale.

"Sales price" means the total amount for which tangible personal property or services are sold, including any services that are a part of the sale, valued in money, whether paid in money or otherwise, and includes any amount for which credit is given to the purchaser, consumer, or lessee by the dealer, without any deduction therefrom on account of the cost of the property sold, the cost of materials used, labor or service costs, losses or any other expenses whatsoever. "Sales price" does not include (i) any cash discount allowed and taken; (ii) finance charges, carrying charges, service charges or interest from credit extended on sales of tangible personal property under conditional sale contracts or other conditional contracts providing for deferred payments of the purchase price; (iii) separately stated local property taxes collected; (iv) that portion of the amount paid by the purchaser as a discretionary gratuity added to the price of a meal; or (v) that portion of the amount paid by the purchaser as a mandatory gratuity or service charge added by a restaurant to the price of a meal, but only to the extent that such mandatory gratuity or service charge does not exceed 20 percent of the price of the meal. Where used articles are taken in trade, or in a series of trades as a credit or part payment on the sale of new or used articles, the tax levied by this chapter shall be paid on the net difference between the sales price of the new or used articles and the credit for the used articles.

"Semiconductor cleanrooms" means the integrated systems, fixtures, piping, partitions, flooring, lighting, equipment, and all other property used to reduce contamination or to control airflow, temperature, humidity, vibration, or other environmental conditions required for the integrated process of semiconductor manufacturing.

"Semiconductor equipment" means (i) machinery or tools or repair parts or replacements thereof; (ii) the related accessories, components, pedestals, bases, or foundations used in connection with the operation of the equipment, without regard to the proximity to the equipment, the method of attachment, or whether the equipment or accessories are affixed to the realty; (iii) semiconductor wafers and other property or supplies used to install, test, calibrate or recalibrate, characterize, condition, measure, or maintain the equipment and settings thereof; and (iv) equipment and supplies used for quality control testing of product, materials, equipment, or processes; or the measurement of equipment performance or production parameters regardless of where or when the quality control, testing, or measuring activity takes place, how the activity affects the operation of equipment, or whether the equipment and supplies come into contact with the product.

"Storage" means any keeping or retention of tangible personal property for use, consumption or distribution in the Commonwealth, or for any purpose other than sale at retail in the regular course of business.

"Tangible personal property" means personal property that may be seen, weighed, measured, felt, or touched, or is in any other manner perceptible to the senses. "Tangible personal property" does not include stocks, bonds, notes, insurance or other obligations or securities. "Tangible personal property" includes (i) telephone calling cards upon their initial sale, which shall be exempt from all other state and local utility taxes, and (ii) manufactured signs.

"Use" means the exercise of any right or power over tangible personal property incident to the ownership thereof, except that it does not include the sale at retail of that property in the regular course of business. "Use" does not include the exercise of any right or power, including use, distribution, or storage, over any tangible personal property sold to a nonresident donor for delivery outside of the Commonwealth to a nonresident recipient pursuant to an order placed by the donor from outside the Commonwealth via mail or telephone. "Use" does not include any sale determined to be a gift transaction, subject to tax under § 58.1-604.6.

"Use tax" refers to the tax imposed upon the use, consumption, distribution, and storage as defined in this section.

"Used directly," when used in relation to manufacturing, processing, refining, or conversion, refers to those activities that are an integral part of the production of a product, including all steps of an integrated manufacturing or mining process, but not including ancillary activities such as general maintenance or administration. When used in relation to mining, "used directly" refers to the activities specified in this definition and, in addition, any reclamation activity of the land previously mined by the mining company required by state or federal law.

"Video programmer" means a person that provides video programming to end-user subscribers.

"Video programming" means video and/or information programming provided by or generally considered comparable to programming provided by a cable operator, including, but not limited to, Internet service.

§ 58.1-605. To what extent and under what conditions cities and counties may levy local sales taxes; collection thereof by Commonwealth and return of revenue to each city or county entitled thereto.

A. No county, city or town shall impose any local general sales or use tax or any local general retail sales or use tax except as authorized by this section or § 58.1-605.1.

B. The council of any city and the governing body of any county may levy a general retail sales tax at the rate of one percent to provide revenue for the general fund of such city or county. Such tax shall be added to the rate of the state sales tax imposed by §§ 58.1-603 and 58.1-604 and shall be subject to all the provisions of this chapter and the rules and regulations published with respect thereto. No discount under § 58.1-622 shall be allowed on a local sales tax.

C. 1. The council of any city and the governing body of any county desiring to impose a local sales tax under this section may do so by the adoption of an ordinance stating its purpose and referring to this section, and providing that such ordinance shall be effective on the first day of a month at least 60 days after its adoption. A certified copy of such ordinance shall be forwarded to the Tax Commissioner so that it will be received within five days after its adoption.

2. Prior to any change in the rate of any local sales and use tax, the Tax Commissioner shall provide remote sellers with at least 30 days' notice. Any change in the rate of any local sales and use tax shall only become effective on the first day of a calendar quarter. Failure to provide notice pursuant to this section shall require the Commonwealth and the locality to apply the preceding effective rate until 30 days after notification is provided.

D. Any local sales tax levied under this section shall be administered and collected by the Tax Commissioner in the same manner and subject to the same penalties as provided for the state sales tax.

E. All local sales tax moneys collected by the Tax Commissioner under this section shall be paid into the state treasury to the credit of a special fund which is hereby created on the Comptroller's books under the name "Collections of Local Sales Taxes." Such local sales tax moneys shall be credited to the account of each particular city or county levying a local sales tax under this section. The basis of such credit shall be the city or county in which the sales were made as shown by the records of the Department and certified by it monthly to the Comptroller, namely, the city or county of location of each place of business of every dealer paying the tax to the Commonwealth without regard to the city or county of possible use by the purchasers. If a dealer has any place of business located in more than one political subdivision by reason of the boundary line or lines passing through such place of business, the amount of sales tax paid by such a dealer with respect to such place of business shall be treated for the purposes of this section as follows: one-half shall be assignable to each political subdivision where two are involved, one-third where three are involved, and one-fourth where four are involved.

F. As soon as practicable after the local sales tax moneys have been paid into the state treasury in any month for the preceding month, the Comptroller shall draw his warrant on the Treasurer of Virginia in the proper amount in favor of each city or county entitled to the monthly return of its local sales tax moneys, and such payments shall be charged to the account of each such city or county under the special fund created by this section. If errors are made in any such payment, or adjustments are otherwise necessary, whether attributable to refunds to taxpayers, or to some other fact, the errors shall be corrected and adjustments made in the payments for the next two months as follows: one-half of the total adjustment shall be included in the payments for the next two months. In addition, the payment shall include a refund of amounts erroneously not paid to the city or county and not previously refunded during the three years preceding the discovery of the error. A correction and adjustment in payments described in this subsection due to the misallocation of funds by the dealer shall be made within three years of the date of the payment error.

G. Such payments to counties are subject to the qualification that in any county wherein is situated any incorporated town constituting a special school district and operated as a separate school district under a town school board of three members appointed by the town council, the county treasurer shall pay into the town treasury for general governmental purposes the proper proportionate amount received by him in the ratio that the school age population of such town bears to the school age population of the entire county. If the school age population of any town constituting a separate school district is increased by the annexation of territory since the last estimate of school age population provided by the Weldon Cooper Center for Public Service, such increase shall, for the purposes of this section, be added to the school age population of such town as shown by the last such estimate and a proper reduction made in the school age population of the county or counties from which the annexed territory was acquired.

H. One-half of such payments to counties are subject to the further qualification, other than as set out in subsection G, that in any county wherein is situated any incorporated town not constituting a separate special school district that has complied with its charter provisions providing for the election of its council and mayor for a period of at least four years immediately prior to the adoption of the sales tax ordinance, the county treasurer shall pay into the town treasury of each such town for general governmental purposes the proper proportionate amount received by him in the ratio that the school age population of each such town bears to the school age population of the entire county, based on the latest estimate provided by the Weldon Cooper Center for Public Service. The preceding requirement pertaining to the time interval between compliance with election provisions and adoption of the sales tax ordinance shall not apply to a tier-city. If the school age population of any such town not constituting a separate special school district is increased by the annexation of territory or otherwise since the last estimate of school age population provided by the Weldon Cooper Center for Public Service, such increase shall, for the purposes of this section, be added to the school age population of such town as shown by the last such estimate and a proper reduction made in the school age population of the county or counties from which the annexed territory was acquired.

I. Notwithstanding the provisions of subsection H, the board of supervisors of a county may, in its discretion, appropriate funds to any incorporated town not constituting a separate school district within such county that has not complied with the provisions of its charter relating to the elections of its council and mayor, an amount not to exceed the amount it would have received from the tax imposed by this chapter if such election had been held; however, Halifax County and Mecklenburg County may appropriate any amount to any such incorporated town.

J. It is further provided that if any incorporated town which would otherwise be eligible to receive funds from the county treasurer under subsection G or H be located in a county that does not levy a general retail sales tax under the provisions of this law, such town may levy a general retail sales tax at the rate of one percent to provide revenue for the general fund of the town, subject to all the provisions of this section generally applicable to cities and counties. Any tax levied under the authority of this subsection shall in no case continue to be levied on or after the effective date of a county ordinance imposing a general retail sales tax in the county within which such town is located.

§ 58.1-605.1. Additional local sales tax in certain localities; use of revenues for construction or renovation of schools.

A. 1. In addition to the sales tax authorized under § 58.1-605, ~~Halifax County~~ *a qualifying locality* may levy a general retail sales tax at a rate not to exceed one percent as determined by its governing body to provide revenue solely for capital projects for the construction or renovation of schools in ~~Halifax County~~ *each such locality*. Such tax shall be added to the rates of the state and local sales tax imposed by this chapter and shall be subject to all the provisions of this chapter and the rules and regulations published with respect thereto. No discount under § 58.1-622 shall be allowed on this local sales tax.

2. Any tax imposed pursuant to this section shall expire (i) if the capital projects for the construction or renovation of schools are to be financed by bonds or loans, on the date by which such bonds or loans shall be repaid or (ii) if the capital projects for the construction or renovation of schools are not to be financed by bonds or loans, on a date chosen by the governing body and specified in any resolution passed pursuant to the provisions of subdivision B 1. Such expiration date shall not be more than 20 years after the date of the resolution passed pursuant to the provisions of subdivision B 1.

B. 1. This tax may be levied only if the tax is approved in a referendum within ~~Halifax County~~ *the qualifying locality* held in accordance with § 24.2-684 and initiated by a resolution of the local governing body. Such resolution shall state (i) if the capital projects for the construction or renovation of schools are to be financed by bonds or loans, the date by which such bonds or loans shall be repaid or (ii) if the capital projects for the construction or renovation of schools are not to be financed by bonds or loans, a specified date on which the sales tax shall expire.

2. The clerk of the circuit court shall publish notice of the referendum in a newspaper of general circulation in ~~Halifax County~~ *the qualifying locality* once a week for three consecutive weeks prior to the election. The question on the ballot for the referendum shall include language stating (i) that the revenues from the sales tax shall be used solely for capital projects for the construction or renovation of schools and (ii) the date on which the sales tax shall expire.

C. The governing body of ~~Halifax County~~ *the qualifying locality*, if it elects to impose a local sales tax under this section after approval at a referendum as provided in subsection B shall do so by the adoption of an ordinance stating its purpose and referring to this section and providing that such ordinance shall be effective on the first day of a month at least 120 days after its adoption. Such ordinance shall state the date on which the sales tax shall expire. A certified copy of such ordinance shall be forwarded to the Tax Commissioner so that it will be received within five days after its adoption.

D. Any local sales tax levied under this section shall be administered and collected by the Tax Commissioner in the same manner and subject to the same exemptions and penalties as provided for the state sales tax; however, the local sales tax levied under this section shall not be levied on food purchased for human consumption, as defined in § 58.1-611.1.

E. All local sales tax moneys collected by the Tax Commissioner under this section shall be paid into the state treasury to the credit of a special fund that is hereby created on the Comptroller's books for *each qualifying locality* under the name "Collections of Additional Local Sales Taxes in ~~Halifax County~~ _____ (INSERT NAME OF THE QUALIFYING LOCALITY)." ~~The~~ *Each* fund shall be administered as provided in § 58.1-605. *A separate fund shall be created for each qualifying locality. Only local sales tax moneys collected in that qualifying locality shall be deposited in that locality's fund.*

F. As soon as practicable after the local sales tax moneys have been paid into the state treasury in any month for the preceding month, the Comptroller shall draw his warrant on the State Treasurer in the proper amount in favor of ~~Halifax County~~ *each qualifying locality*, and such payments shall be charged to the account of ~~Halifax County~~ *the qualifying locality* under ~~the~~ *its* special fund created by this section. If errors are made in any such payment, or adjustments are otherwise necessary, whether attributable to refunds to taxpayers or to some other fact, the errors shall be corrected and adjustments made in the payments for the next two months as follows: one-half of the total adjustment shall be included in the payment for each of the next two months. In addition, the payment shall include a refund of amounts erroneously not paid to ~~Halifax County~~ *each qualifying locality* and not previously refunded during the three years preceding the discovery of the error. A correction and adjustment in payments described in this subsection due to the misallocation of funds by the dealer shall be made within three years of the date of the payment error.

G. The revenues from this tax shall be used solely for capital projects for new construction or major renovation of schools in ~~Halifax County~~ *the qualifying locality*, including bond and loan financing costs related to such construction or renovation.

§ 58.1-606.1. Additional local use tax in certain localities; use of revenues for construction or renovation of schools.

A. 1. The governing body of ~~Halifax County~~ *a qualifying locality* may levy a use tax at the rate of such sales tax under § 58.1-605.1 to provide revenue for capital projects for the construction or renovation of schools in ~~Halifax County~~ *such locality*. Such tax shall be added to the rates of the state and local use tax imposed by this chapter and shall be subject to all the provisions of this chapter, and all amendments thereof, and the rules and regulations published with respect thereto, except that no discount under § 58.1-622 shall be allowed on a local use tax.

2. Any tax imposed pursuant to this section shall expire (i) if the capital projects for the construction or renovation of schools are to be financed by bonds or loans, on the date by which such bonds or loans shall be repaid or (ii) if the capital projects for the construction or renovation of schools are not to be financed by bonds or loans, on a date chosen by the governing body and specified in any resolution passed pursuant to the provisions of subsection B. Such expiration date shall not be more than 20 years after the date of the resolution passed pursuant to the provisions of subsection B.

B. The governing body of ~~Halifax County~~ *the qualifying locality*, if it elects to impose a local use tax under this section may do so only if it has previously imposed the local sales tax authorized by § 58.1-605.1, by the adoption of an ordinance stating its purpose and referring to this section and providing that the local use tax shall become effective on the first day of a month at least 120 days after its adoption. Such ordinance shall state the date on which the use tax shall expire. A certified copy of such ordinance shall be forwarded to the Tax Commissioner so that it will be received within five days after its adoption.

C. Any local use tax levied under this section shall be administered and collected by the Tax Commissioner in the same manner and subject to the same exemptions and penalties as provided for the state use tax; however, the local sales tax levied under this section shall not be levied on food purchased for human consumption, as defined in § 58.1-611.1.

D. The local use tax authorized by this section shall not apply to transactions to which the sales tax applies, the situs of which for state and local sales tax purposes is the locality of location of each place of business of every dealer paying the tax to the Commonwealth without regard to the locality of possible use by the purchasers. However, the local use tax authorized by this section shall apply to tangible personal property purchased outside the Commonwealth for use or consumption within the locality imposing the local use tax, or stored within the locality for use or consumption, where the property would have been subject to the sales tax if it had been purchased within the Commonwealth. The local use tax shall also apply to leases or rentals of tangible personal property where the place of business of the lessor is outside the Commonwealth and such leases or rentals are subject to the state tax. Moreover, the local use tax shall apply in all cases in which the state use tax applies.

E. Out-of-state dealers who hold certificates of registration to collect the use tax from their customers for remittance to the Commonwealth shall, to the extent reasonably practicable, in filing their monthly use tax returns with the Tax Commissioner, break down their shipments into the Commonwealth by counties and cities so as to show the county or city of destination. If, however, the out-of-state dealer is unable accurately to assign any shipment to a particular county or city, the local use tax on the tangible personal property involved shall be remitted to the Commonwealth by such dealer without attempting to assign the shipment to any county or city.

F. Local use tax revenue shall be deposited in the special fund established pursuant to subsection E of § 58.1-605.1. The Comptroller shall distribute the revenue to ~~Halifax County~~ *the qualifying locality*.

G. All revenue from this local use tax revenue shall be used solely for capital projects for new construction or major renovation of schools in ~~Halifax County~~ *the qualifying locality*, including bond and loan financing costs related to such construction or renovation.

CHAPTER 428

An Act to amend and reenact §§ 58.1-602, 58.1-605, 58.1-605.1, and 58.1-606.1 of the Code of Virginia, relating to additional local sales and use tax in Mecklenburg County; appropriations of Mecklenburg County to incorporated towns for educational purposes.

[S 943]

Approved March 23, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 58.1-602, 58.1-605, 58.1-605.1, and 58.1-606.1 of the Code of Virginia are amended and reenacted as follows:

§ 58.1-602. Definitions.

As used in this chapter, unless the context clearly shows otherwise:

"Advertising" means the planning, creating, or placing of advertising in newspapers, magazines, billboards, broadcasting and other media, including, without limitation, the providing of concept, writing, graphic design, mechanical art, photography and production supervision. Any person providing advertising as defined in this section shall be deemed to be the user or consumer of all tangible personal property purchased for use in such advertising.

"Amplification, transmission and distribution equipment" means, but is not limited to, production, distribution, and other equipment used to provide Internet-access services, such as computer and communications equipment and software used for storing, processing and retrieving end-user subscribers' requests.

"Business" includes any activity engaged in by any person, or caused to be engaged in by him, with the object of gain, benefit or advantage, either directly or indirectly.

"Cost price" means the actual cost of an item or article of tangible personal property computed in the same manner as the sales price as defined in this section without any deductions therefrom on account of the cost of materials used, labor, or service costs, transportation charges, or any expenses whatsoever.

"Custom program" means a computer program that is specifically designed and developed only for one customer. The combining of two or more prewritten programs does not constitute a custom computer program. A prewritten program that is modified to any degree remains a prewritten program and does not become custom.

"Distribution" means the transfer or delivery of tangible personal property for use, consumption, or storage by the distributee, and the use, consumption, or storage of tangible personal property by a person that has processed, manufactured, refined, or converted such property, but does not include the transfer or delivery of tangible personal property for resale or any use, consumption, or storage otherwise exempt under this chapter.

"Gross proceeds" means the charges made or voluntary contributions received for the lease or rental of tangible personal property or for furnishing services, computed with the same deductions, where applicable, as for sales price as defined in this section over the term of the lease, rental, service, or use, but not less frequently than monthly. "Gross proceeds" does not include finance charges, carrying charges, service charges, or interest from credit extended on the lease or rental of tangible personal property under conditional lease or rental contracts or other conditional contracts providing for the deferred payments of the lease or rental price.

"Gross sales" means the sum total of all retail sales of tangible personal property or services as defined in this chapter, without any deduction, except as provided in this chapter. "Gross sales" does not include the federal retailers' excise tax or the federal diesel fuel excise tax imposed in § 4091 of the Internal Revenue Code if the excise tax is billed to the purchaser separately from the selling price of the article, or the Virginia retail sales or use tax, or any sales or use tax imposed by any county or city under § 58.1-605 or 58.1-606.

"Import" and "imported" are words applicable to tangible personal property imported into the Commonwealth from other states as well as from foreign countries, and "export" and "exported" are words applicable to tangible personal property exported from the Commonwealth to other states as well as to foreign countries.

"In this Commonwealth" or "in the Commonwealth" means within the limits of the Commonwealth of Virginia and includes all territory within these limits owned by or ceded to the United States of America.

"Integrated process," when used in relation to semiconductor manufacturing, means a process that begins with the research or development of semiconductor products, equipment, or processes, includes the handling and storage of raw materials at a plant site, and continues to the point that the product is packaged for final sale and either shipped or conveyed to a warehouse. Without limiting the foregoing, any semiconductor equipment, fuel, power, energy, supplies, or other tangible personal property shall be deemed used as part of the integrated process if its use contributes, before, during, or after production, to higher product quality, production yields, or process efficiencies. Except as otherwise provided by law, "integrated process" does not mean general maintenance or administration.

"Internet" means collectively, the myriad of computer and telecommunications facilities, which comprise the interconnected worldwide network of computer networks.

"Internet service" means a service that enables users to access proprietary and other content, information electronic mail, and the Internet as part of a package of services sold to end-user subscribers.

"Lease or rental" means the leasing or renting of tangible personal property and the possession or use thereof by the lessee or renter for a consideration, without transfer of the title to such property.

"Manufacturing, processing, refining, or conversion" includes the production line of the plant starting with the handling and storage of raw materials at the plant site and continuing through the last step of production where the product is finished or completed for sale and conveyed to a warehouse at the production site, and also includes equipment and supplies used for production line testing and quality control. "Manufacturing" also includes the necessary ancillary activities of newspaper and magazine printing when such activities are performed by the publisher of any newspaper or magazine for sale daily or regularly at average intervals not exceeding three months.

The determination of whether any manufacturing, mining, processing, refining or conversion activity is industrial in nature shall be made without regard to plant size, existence or size of finished product inventory, degree of mechanization, amount of capital investment, number of employees or other factors relating principally to the size of the business. Further, "industrial in nature" includes, but is not limited to, those businesses classified in codes 10 through 14 and 20 through 39 published in the Standard Industrial Classification Manual for 1972 and any supplements issued thereafter.

"Modular building" means, but is not limited to, single and multifamily houses, apartment units, commercial buildings, and permanent additions thereof, comprised of one or more sections that are intended to become real property, primarily constructed at a location other than the permanent site, built to comply with the Virginia Industrialized Building Safety Law (§ 36-70 et seq.) as regulated by the Virginia Department of Housing and Community Development, and shipped with most permanent components in place to the site of final assembly. For purposes of this chapter, "modular building" does not include a mobile office as defined in § 58.1-2401 or any manufactured building subject to and certified under the provisions of the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. § 5401 et seq.).

"Modular building manufacturer" means a person that owns or operates a manufacturing facility and is engaged in the fabrication, construction and assembling of building supplies and materials into modular buildings, as defined in this section, at a location other than at the site where the modular building will be assembled on the permanent foundation and may or may not be engaged in the process of affixing the modules to the foundation at the permanent site.

"Modular building retailer" means any person that purchases or acquires a modular building from a modular building manufacturer, or from another person, for subsequent sale to a customer residing within or outside of the Commonwealth, with or without installation of the modular building to the foundation at the permanent site.

"Motor vehicle" means a "motor vehicle" as defined in § 58.1-2401, taxable under the provisions of the Virginia Motor Vehicles Sales and Use Tax Act (§ 58.1-2400 et seq.) and upon the sale of which all applicable motor vehicle sales and use taxes have been paid.

"Occasional sale" means a sale of tangible personal property not held or used by a seller in the course of an activity for which it is required to hold a certificate of registration, including the sale or exchange of all or substantially all the assets of any business and the reorganization or liquidation of any business, provided that such sale or exchange is not one of a series of sales and exchanges sufficient in number, scope and character to constitute an activity requiring the holding of a certificate of registration.

"Open video system" means an open video system authorized pursuant to 47 U.S.C. § 573 and, for purposes of this chapter only, also includes Internet service regardless of whether the provider of such service is also a telephone common carrier.

"Person" includes any individual, firm, copartnership, cooperative, nonprofit membership corporation, joint venture, association, corporation, estate, trust, business trust, trustee in bankruptcy, receiver, auctioneer, syndicate, assignee, club, society, or other group or combination acting as a unit, body politic or political subdivision, whether public or private, or quasi-public, and the plural of "person" means the same as the singular.

"Prewritten program" means a computer program that is prepared, held or existing for general or repeated sale or lease, including a computer program developed for in-house use and subsequently sold or leased to unrelated third parties.

"Qualifying locality" means Halifax County or Mecklenburg County.

"Railroad rolling stock" means locomotives, of whatever motive power, autocars, railroad cars of every kind and description, and all other equipment determined by the Tax Commissioner to constitute railroad rolling stock.

"Remote seller" means any dealer deemed to have sufficient activity within the Commonwealth to require registration under § 58.1-613 under the criteria specified in subdivision C 10 or 11 of § 58.1-612 or any software provider acting on behalf of such dealer.

"Retail sale" or a "sale at retail" means a sale to any person for any purpose other than for resale in the form of tangible personal property or services taxable under this chapter, and shall include any such transaction as the Tax Commissioner upon investigation finds to be in lieu of a sale. All sales for resale must be made in strict compliance with regulations applicable to this chapter. Any dealer making a sale for resale which is not in strict compliance with such regulations shall be personally liable for payment of the tax.

The terms "retail sale" and a "sale at retail" specifically include the following: (i) the sale or charges for any room or rooms, lodgings, or accommodations furnished to transients for less than 90 continuous days by any hotel, motel, inn, tourist camp, tourist cabin, camping grounds, club, or any other place in which rooms, lodging, space, or accommodations are regularly furnished to transients for a consideration; (ii) sales of tangible personal property to persons for resale when because of the operation of the business, or its very nature, or the lack of a place of business in which to display a certificate of registration, or the lack of a place of business in which to keep records, or the lack of adequate records, or because such persons are minors or transients, or because such persons are engaged in essentially service businesses, or for any other reason there is likelihood that the Commonwealth will lose tax funds due to the difficulty of policing such business operations; (iii) the separately stated charge made for automotive refinish repair materials that are permanently applied to or affixed to a motor vehicle during its repair; and (iv) the separately stated charge for equipment available for lease or purchase by a provider of satellite television programming to the customer of such programming. Equipment sold to a provider of satellite television programming for subsequent lease or purchase by the customer of such programming shall be deemed a sale for resale. The Tax Commissioner is authorized to promulgate regulations requiring vendors of or sellers to such persons to collect the tax imposed by this chapter on the cost price of such tangible personal property to such persons and may refuse to issue certificates of registration to such persons. The terms "retail sale" and a "sale at retail" also specifically include the separately stated charge made for supplies used during automotive repairs whether or not there is transfer of title or possession of the supplies and whether or not the supplies are attached to the automobile. The purchase of such supplies by an automotive repairer for sale to the customer of such repair services shall be deemed a sale for resale.

The term "transient" does not include a purchaser of camping memberships, time-shares, condominiums, or other similar contracts or interests that permit the use of, or constitute an interest in, real estate, however created or sold and whether registered with the Commonwealth or not. Further, a purchaser of a right or license which entitles the purchaser to use the amenities and facilities of a specific real estate project on an ongoing basis throughout its term shall not be deemed a transient, provided, however, that the term or time period involved is for seven years or more.

The terms "retail sale" and "sale at retail" do not include a transfer of title to tangible personal property after its use as tools, tooling, machinery or equipment, including dies, molds, and patterns, if (i) at the time of purchase, the purchaser is obligated, under the terms of a written contract, to make the transfer and (ii) the transfer is made for the same or a greater consideration to the person for whom the purchaser manufactures goods.

"Retailer" means every person engaged in the business of making sales at retail, or for distribution, use, consumption, or storage to be used or consumed in the Commonwealth.

"Sale" means any transfer of title or possession, or both, exchange, barter, lease or rental, conditional or otherwise, in any manner or by any means whatsoever, of tangible personal property and any rendition of a taxable service for a consideration, and includes the fabrication of tangible personal property for consumers who furnish, either directly or indirectly, the materials used in fabrication, and the furnishing, preparing, or serving for a consideration of any tangible personal property consumed on the premises of the person furnishing, preparing, or serving such tangible personal property. A transaction whereby the possession of property is transferred but the seller retains title as security for the payment of the price shall be deemed a sale.

"Sales price" means the total amount for which tangible personal property or services are sold, including any services that are a part of the sale, valued in money, whether paid in money or otherwise, and includes any amount for which credit is given to the purchaser, consumer, or lessee by the dealer, without any deduction therefrom on account of the cost of the property sold, the cost of materials used, labor or service costs, losses or any other expenses whatsoever. "Sales price" does not include (i) any cash discount allowed and taken; (ii) finance charges, carrying charges, service charges or interest from credit extended on sales of tangible personal property under conditional sale contracts or other conditional contracts providing for deferred payments of the purchase price; (iii) separately stated local property taxes collected; (iv) that portion of the amount paid by the purchaser as a discretionary gratuity added to the price of a meal; or (v) that portion of the amount paid by the purchaser as a mandatory gratuity or service charge added by a restaurant to the price of a meal, but only to the extent that such mandatory gratuity or service charge does not exceed 20 percent of the price of the meal. Where used articles are taken in trade, or in a series of trades as a credit or part payment on the sale of new or used articles, the tax levied by this chapter shall be paid on the net difference between the sales price of the new or used articles and the credit for the used articles.

"Semiconductor cleanrooms" means the integrated systems, fixtures, piping, partitions, flooring, lighting, equipment, and all other property used to reduce contamination or to control airflow, temperature, humidity, vibration, or other environmental conditions required for the integrated process of semiconductor manufacturing.

"Semiconductor equipment" means (i) machinery or tools or repair parts or replacements thereof; (ii) the related accessories, components, pedestals, bases, or foundations used in connection with the operation of the equipment, without regard to the proximity to the equipment, the method of attachment, or whether the equipment or accessories are affixed to the realty; (iii) semiconductor wafers and other property or supplies used to install, test, calibrate or recalibrate,

characterize, condition, measure, or maintain the equipment and settings thereof; and (iv) equipment and supplies used for quality control testing of product, materials, equipment, or processes; or the measurement of equipment performance or production parameters regardless of where or when the quality control, testing, or measuring activity takes place, how the activity affects the operation of equipment, or whether the equipment and supplies come into contact with the product.

"Storage" means any keeping or retention of tangible personal property for use, consumption or distribution in the Commonwealth, or for any purpose other than sale at retail in the regular course of business.

"Tangible personal property" means personal property that may be seen, weighed, measured, felt, or touched, or is in any other manner perceptible to the senses. "Tangible personal property" does not include stocks, bonds, notes, insurance or other obligations or securities. "Tangible personal property" includes (i) telephone calling cards upon their initial sale, which shall be exempt from all other state and local utility taxes, and (ii) manufactured signs.

"Use" means the exercise of any right or power over tangible personal property incident to the ownership thereof, except that it does not include the sale at retail of that property in the regular course of business. "Use" does not include the exercise of any right or power, including use, distribution, or storage, over any tangible personal property sold to a nonresident donor for delivery outside of the Commonwealth to a nonresident recipient pursuant to an order placed by the donor from outside the Commonwealth via mail or telephone. "Use" does not include any sale determined to be a gift transaction, subject to tax under § 58.1-604.6.

"Use tax" refers to the tax imposed upon the use, consumption, distribution, and storage as defined in this section.

"Used directly," when used in relation to manufacturing, processing, refining, or conversion, refers to those activities that are an integral part of the production of a product, including all steps of an integrated manufacturing or mining process, but not including ancillary activities such as general maintenance or administration. When used in relation to mining, "used directly" refers to the activities specified in this definition and, in addition, any reclamation activity of the land previously mined by the mining company required by state or federal law.

"Video programmer" means a person that provides video programming to end-user subscribers.

"Video programming" means video and/or information programming provided by or generally considered comparable to programming provided by a cable operator, including, but not limited to, Internet service.

§ 58.1-605. To what extent and under what conditions cities and counties may levy local sales taxes; collection thereof by Commonwealth and return of revenue to each city or county entitled thereto.

A. No county, city or town shall impose any local general sales or use tax or any local general retail sales or use tax except as authorized by this section or § 58.1-605.1.

B. The council of any city and the governing body of any county may levy a general retail sales tax at the rate of one percent to provide revenue for the general fund of such city or county. Such tax shall be added to the rate of the state sales tax imposed by §§ 58.1-603 and 58.1-604 and shall be subject to all the provisions of this chapter and the rules and regulations published with respect thereto. No discount under § 58.1-622 shall be allowed on a local sales tax.

C. 1. The council of any city and the governing body of any county desiring to impose a local sales tax under this section may do so by the adoption of an ordinance stating its purpose and referring to this section, and providing that such ordinance shall be effective on the first day of a month at least 60 days after its adoption. A certified copy of such ordinance shall be forwarded to the Tax Commissioner so that it will be received within five days after its adoption.

2. Prior to any change in the rate of any local sales and use tax, the Tax Commissioner shall provide remote sellers with at least 30 days' notice. Any change in the rate of any local sales and use tax shall only become effective on the first day of a calendar quarter. Failure to provide notice pursuant to this section shall require the Commonwealth and the locality to apply the preceding effective rate until 30 days after notification is provided.

D. Any local sales tax levied under this section shall be administered and collected by the Tax Commissioner in the same manner and subject to the same penalties as provided for the state sales tax.

E. All local sales tax moneys collected by the Tax Commissioner under this section shall be paid into the state treasury to the credit of a special fund which is hereby created on the Comptroller's books under the name "Collections of Local Sales Taxes." Such local sales tax moneys shall be credited to the account of each particular city or county levying a local sales tax under this section. The basis of such credit shall be the city or county in which the sales were made as shown by the records of the Department and certified by it monthly to the Comptroller, namely, the city or county of location of each place of business of every dealer paying the tax to the Commonwealth without regard to the city or county of possible use by the purchasers. If a dealer has any place of business located in more than one political subdivision by reason of the boundary line or lines passing through such place of business, the amount of sales tax paid by such a dealer with respect to such place of business shall be treated for the purposes of this section as follows: one-half shall be assignable to each political subdivision where two are involved, one-third where three are involved, and one-fourth where four are involved.

F. As soon as practicable after the local sales tax moneys have been paid into the state treasury in any month for the preceding month, the Comptroller shall draw his warrant on the Treasurer of Virginia in the proper amount in favor of each city or county entitled to the monthly return of its local sales tax moneys, and such payments shall be charged to the account of each such city or county under the special fund created by this section. If errors are made in any such payment, or adjustments are otherwise necessary, whether attributable to refunds to taxpayers, or to some other fact, the errors shall be corrected and adjustments made in the payments for the next two months as follows: one-half of the total adjustment shall be included in the payments for the next two months. In addition, the payment shall include a refund of amounts erroneously not paid to the city or county and not previously refunded during the three years preceding the discovery of the error. A

correction and adjustment in payments described in this subsection due to the misallocation of funds by the dealer shall be made within three years of the date of the payment error.

G. Such payments to counties are subject to the qualification that in any county wherein is situated any incorporated town constituting a special school district and operated as a separate school district under a town school board of three members appointed by the town council, the county treasurer shall pay into the town treasury for general governmental purposes the proper proportionate amount received by him in the ratio that the school age population of such town bears to the school age population of the entire county. If the school age population of any town constituting a separate school district is increased by the annexation of territory since the last estimate of school age population provided by the Weldon Cooper Center for Public Service, such increase shall, for the purposes of this section, be added to the school age population of such town as shown by the last such estimate and a proper reduction made in the school age population of the county or counties from which the annexed territory was acquired.

H. One-half of such payments to counties are subject to the further qualification, other than as set out in subsection G, that in any county wherein is situated any incorporated town not constituting a separate special school district that has complied with its charter provisions providing for the election of its council and mayor for a period of at least four years immediately prior to the adoption of the sales tax ordinance, the county treasurer shall pay into the town treasury of each such town for general governmental purposes the proper proportionate amount received by him in the ratio that the school age population of each such town bears to the school age population of the entire county, based on the latest estimate provided by the Weldon Cooper Center for Public Service. The preceding requirement pertaining to the time interval between compliance with election provisions and adoption of the sales tax ordinance shall not apply to a tier-city. If the school age population of any such town not constituting a separate special school district is increased by the annexation of territory or otherwise since the last estimate of school age population provided by the Weldon Cooper Center for Public Service, such increase shall, for the purposes of this section, be added to the school age population of such town as shown by the last such estimate and a proper reduction made in the school age population of the county or counties from which the annexed territory was acquired.

I. Notwithstanding the provisions of subsection H, the board of supervisors of a county may, in its discretion, appropriate funds to any incorporated town not constituting a separate school district within such county that has not complied with the provisions of its charter relating to the elections of its council and mayor, an amount not to exceed the amount it would have received from the tax imposed by this chapter if such election had been held; however, Halifax County and Mecklenburg County may appropriate any amount to any such incorporated town.

J. It is further provided that if any incorporated town which would otherwise be eligible to receive funds from the county treasurer under subsection G or H be located in a county that does not levy a general retail sales tax under the provisions of this law, such town may levy a general retail sales tax at the rate of one percent to provide revenue for the general fund of the town, subject to all the provisions of this section generally applicable to cities and counties. Any tax levied under the authority of this subsection shall in no case continue to be levied on or after the effective date of a county ordinance imposing a general retail sales tax in the county within which such town is located.

§ 58.1-605.1. Additional local sales tax in certain localities; use of revenues for construction or renovation of schools.

A. 1. In addition to the sales tax authorized under § 58.1-605, ~~Halifax County~~ *a qualifying locality* may levy a general retail sales tax at a rate not to exceed one percent as determined by its governing body to provide revenue solely for capital projects for the construction or renovation of schools in ~~Halifax County~~ *each such locality*. Such tax shall be added to the rates of the state and local sales tax imposed by this chapter and shall be subject to all the provisions of this chapter and the rules and regulations published with respect thereto. No discount under § 58.1-622 shall be allowed on this local sales tax.

2. Any tax imposed pursuant to this section shall expire (i) if the capital projects for the construction or renovation of schools are to be financed by bonds or loans, on the date by which such bonds or loans shall be repaid or (ii) if the capital projects for the construction or renovation of schools are not to be financed by bonds or loans, on a date chosen by the governing body and specified in any resolution passed pursuant to the provisions of subdivision B 1. Such expiration date shall not be more than 20 years after the date of the resolution passed pursuant to the provisions of subdivision B 1.

B. 1. This tax may be levied only if the tax is approved in a referendum within ~~Halifax County~~ *the qualifying locality* held in accordance with § 24.2-684 and initiated by a resolution of the local governing body. Such resolution shall state (i) if the capital projects for the construction or renovation of schools are to be financed by bonds or loans, the date by which such bonds or loans shall be repaid or (ii) if the capital projects for the construction or renovation of schools are not to be financed by bonds or loans, a specified date on which the sales tax shall expire.

2. The clerk of the circuit court shall publish notice of the referendum in a newspaper of general circulation in ~~Halifax County~~ *the qualifying locality* once a week for three consecutive weeks prior to the election. The question on the ballot for the referendum shall include language stating (i) that the revenues from the sales tax shall be used solely for capital projects for the construction or renovation of schools and (ii) the date on which the sales tax shall expire.

C. The governing body of ~~Halifax County~~ *the qualifying locality*, if it elects to impose a local sales tax under this section after approval at a referendum as provided in subsection B shall do so by the adoption of an ordinance stating its purpose and referring to this section and providing that such ordinance shall be effective on the first day of a month at least 120 days after its adoption. Such ordinance shall state the date on which the sales tax shall expire. A certified copy of such ordinance shall be forwarded to the Tax Commissioner so that it will be received within five days after its adoption.

D. Any local sales tax levied under this section shall be administered and collected by the Tax Commissioner in the same manner and subject to the same exemptions and penalties as provided for the state sales tax; however, the local sales tax levied under this section shall not be levied on food purchased for human consumption, as defined in § 58.1-611.1.

E. All local sales tax moneys collected by the Tax Commissioner under this section shall be paid into the state treasury to the credit of a special fund that is hereby created on the Comptroller's books *for each qualifying locality* under the name "Collections of Additional Local Sales Taxes in ~~Halifax County~~ *(INSERT NAME OF THE QUALIFYING LOCALITY)*." ~~The~~ *Each* fund shall be administered as provided in § 58.1-605. *A separate fund shall be created for each qualifying locality. Only local sales tax moneys collected in that qualifying locality shall be deposited in that locality's fund.*

F. As soon as practicable after the local sales tax moneys have been paid into the state treasury in any month for the preceding month, the Comptroller shall draw his warrant on the State Treasurer in the proper amount in favor of ~~Halifax County~~ *each qualifying locality*, and such payments shall be charged to the account of ~~Halifax County~~ *the qualifying locality* under ~~the~~ *its* special fund created by this section. If errors are made in any such payment, or adjustments are otherwise necessary, whether attributable to refunds to taxpayers or to some other fact, the errors shall be corrected and adjustments made in the payments for the next two months as follows: one-half of the total adjustment shall be included in the payment for each of the next two months. In addition, the payment shall include a refund of amounts erroneously not paid to ~~Halifax County~~ *each qualifying locality* and not previously refunded during the three years preceding the discovery of the error. A correction and adjustment in payments described in this subsection due to the misallocation of funds by the dealer shall be made within three years of the date of the payment error.

G. The revenues from this tax shall be used solely for capital projects for new construction or major renovation of schools in ~~Halifax County~~ *the qualifying locality*, including bond and loan financing costs related to such construction or renovation.

§ 58.1-606.1. Additional local use tax in certain localities; use of revenues for construction or renovation of schools.

A. 1. The governing body of ~~Halifax County~~ *a qualifying locality* may levy a use tax at the rate of such sales tax under § 58.1-605.1 to provide revenue for capital projects for the construction or renovation of schools in ~~Halifax County~~ *such locality*. Such tax shall be added to the rates of the state and local use tax imposed by this chapter and shall be subject to all the provisions of this chapter, and all amendments thereof, and the rules and regulations published with respect thereto, except that no discount under § 58.1-622 shall be allowed on a local use tax.

2. Any tax imposed pursuant to this section shall expire (i) if the capital projects for the construction or renovation of schools are to be financed by bonds or loans, on the date by which such bonds or loans shall be repaid or (ii) if the capital projects for the construction or renovation of schools are not to be financed by bonds or loans, on a date chosen by the governing body and specified in any resolution passed pursuant to the provisions of subsection B. Such expiration date shall not be more than 20 years after the date of the resolution passed pursuant to the provisions of subsection B.

B. The governing body of ~~Halifax County~~ *the qualifying locality*, if it elects to impose a local use tax under this section may do so only if it has previously imposed the local sales tax authorized by § 58.1-605.1, by the adoption of an ordinance stating its purpose and referring to this section and providing that the local use tax shall become effective on the first day of a month at least 120 days after its adoption. Such ordinance shall state the date on which the use tax shall expire. A certified copy of such ordinance shall be forwarded to the Tax Commissioner so that it will be received within five days after its adoption.

C. Any local use tax levied under this section shall be administered and collected by the Tax Commissioner in the same manner and subject to the same exemptions and penalties as provided for the state use tax; however, the local sales tax levied under this section shall not be levied on food purchased for human consumption, as defined in § 58.1-611.1.

D. The local use tax authorized by this section shall not apply to transactions to which the sales tax applies, the situs of which for state and local sales tax purposes is the locality of location of each place of business of every dealer paying the tax to the Commonwealth without regard to the locality of possible use by the purchasers. However, the local use tax authorized by this section shall apply to tangible personal property purchased outside the Commonwealth for use or consumption within the locality imposing the local use tax, or stored within the locality for use or consumption, where the property would have been subject to the sales tax if it had been purchased within the Commonwealth. The local use tax shall also apply to leases or rentals of tangible personal property where the place of business of the lessor is outside the Commonwealth and such leases or rentals are subject to the state tax. Moreover, the local use tax shall apply in all cases in which the state use tax applies.

E. Out-of-state dealers who hold certificates of registration to collect the use tax from their customers for remittance to the Commonwealth shall, to the extent reasonably practicable, in filing their monthly use tax returns with the Tax Commissioner, break down their shipments into the Commonwealth by counties and cities so as to show the county or city of destination. If, however, the out-of-state dealer is unable accurately to assign any shipment to a particular county or city, the local use tax on the tangible personal property involved shall be remitted to the Commonwealth by such dealer without attempting to assign the shipment to any county or city.

F. Local use tax revenue shall be deposited in the special fund established pursuant to subsection E of § 58.1-605.1. The Comptroller shall distribute the revenue to ~~Halifax County~~ *the qualifying locality*.

G. All revenue from this local use tax revenue shall be used solely for capital projects for new construction or major renovation of schools in ~~Halifax County~~ *the qualifying locality*, including bond and loan financing costs related to such construction or renovation.

CHAPTER 429

An Act to amend and reenact § 58.1-439.12:05 of the Code of Virginia, relating to green job creation tax credit; sunset date.

[H 408]

Approved March 23, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-439.12:05 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-439.12:05. Green job creation tax credit.

A. For taxable years beginning on or after January 1, 2010, but before January 1, ~~2021~~ 2025, a taxpayer shall be allowed a credit against the tax levied pursuant to § 58.1-320 or 58.1-400 for each new green job created within the Commonwealth by the taxpayer. The amount of the annual credit for each new green job shall be \$500 for each annual salary that is \$50,000 or more. The credit shall be first allowed for the taxable year in which the job has been filled for at least one year and for each of the four succeeding taxable years provided the job is continuously filled during the respective taxable year. Each taxpayer qualifying under this section shall be allowed the credit for up to 350 green jobs.

B. As used in this section:

"Green job" means employment in industries relating to the field of renewable, alternative energies, including the manufacture and operation of products used to generate electricity and other forms of energy from alternative sources that include hydrogen and fuel cell technology, landfill gas, geothermal heating systems, solar heating systems, hydropower systems, wind systems, and biomass and biofuel systems. The Secretary of Commerce and Trade shall develop a detailed definition and list of jobs that qualify for the credit provided in this section and shall post them on his website.

"Job" means employment of an indefinite duration of an individual whose primary work activity is related directly to the field of renewable, alternative energies and for which the standard fringe benefits are paid by the taxpayer, requiring a minimum of either (i) 35 hours of an employee's time per week for the entire normal year of such taxpayer's operations, which "normal year" must consist of at least 48 weeks, or (ii) 1,680 hours per year. Positions created when a job function is shifted from an existing location in the Commonwealth shall not qualify as a job under this section.

C. To qualify for the tax credit provided in subsection A, a taxpayer shall demonstrate that the green job was created by the taxpayer, and that such job was continuously filled in the Commonwealth during the respective taxable year.

D. The amount of the credit *that may be claimed in any single taxable year* shall not exceed the ~~total amount of tax taxpayer's liability for taxes~~ imposed by this chapter for ~~the~~ that taxable year ~~in which the green job was continuously filled~~. If the amount of credit allowed *under this section* exceeds the taxpayer's tax liability for *the taxable year in which the green job was continuously filled* such taxable year, the amount that exceeds the tax liability may be carried over for credit against the income taxes of the taxpayer in the next five taxable years or until the total amount of the tax credit has been taken, whichever is sooner.

E. Credits granted to a partnership, limited liability company, or electing small business corporation (S corporation) shall be allocated to the individual partners, members, or shareholders, respectively, in proportion to their ownership or interest in such business entities.

F. If the taxpayer is eligible for the tax credits under this section and creates green jobs in an enterprise zone, as defined in § 59.1-539, such taxpayer may also qualify for the benefits under the Enterprise Zone Grant Program (§ 59.1-538 et seq.).

G. A taxpayer shall not be allowed a tax credit pursuant to this section for any green job for which the taxpayer is allowed (i) a major business facility job tax credit pursuant to § 58.1-439 or (ii) a federal tax credit for investments in manufacturing facilities for clean energy technologies that would foster investment and job creation in clean energy manufacturing.

CHAPTER 430

An Act to amend and reenact § 58.1-439.12:04 of the Code of Virginia, relating to tax credit for participating landlords.

[H 590]

Approved March 23, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-439.12:04 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-439.12:04. Tax credit for participating landlords.

A. As used in this section, unless the context clearly shows otherwise, the term or phrase:

"Dwelling unit" means an individual housing unit in an apartment building, an individual housing unit in multifamily residential housing, a single-family residence, or any similar individual housing unit.

"Eligible census tract" means a census tract in Virginia in which less than 10 percent of the residents live below the poverty level, as defined by the United States government and determined by the most recent United States census.

"Eligible housing area" means ~~a~~ an eligible census tract in (i) the Richmond Metropolitan Statistical Area, (ii) the Washington-Arlington-Alexandria Metropolitan Statistical Area, or (iii) the Virginia Beach-Norfolk-Newport News Metropolitan Statistical Area ~~in which less than 10 percent of the residents live below the poverty level, as defined by the United States government and determined by the most recent United States census.~~

"Housing authority" means a housing authority created under Article 1 (§ 36-1 et seq.) of Chapter 1 of Title 36 or other government agency that is authorized by the United States government under the United States Housing Act of 1937 (42 U.S.C. § 1437 et seq.) to administer a housing choice voucher program, or the authorized agent of such a housing authority that is authorized to act upon that authority's behalf. The term shall also include the Virginia Housing Development Authority.

"Housing choice voucher" means tenant-based assistance by a housing authority pursuant to 42 U.S.C. § 1437f et seq.

"Participating landlord" means any person engaged in the business of the rental of dwelling units who is (i) subject to the Virginia Residential Landlord and Tenant Act (§ 55.1-1200 et seq.) and (ii) performing obligations under a contract with a housing authority relating to the rental of qualified housing units.

"Qualified housing unit" means a dwelling unit that is located in an eligible housing area for which a portion of the rent is paid by a housing authority, which payment is pursuant to a housing choice voucher program.

B. For taxable years beginning on or after January 1, 2010, *but before January 1, 2025*, a participating landlord renting a qualified housing unit shall be eligible for a credit against the tax levied pursuant to § 58.1-320 or 58.1-400 in an amount equal to 10 percent of the fair market value of the rent for the unit, computed for that portion of the taxable year in which the unit was rented by such landlord to a tenant participating in a housing choice voucher program. The Department of Housing and Community Development shall administer and issue the tax credit under this section. If (i) the same parcel of real property contains four or more dwelling units and (ii) the total number of qualified housing units on the parcel in the relevant taxable year exceeds 25 percent of the total dwelling units on the parcel, then the tax credit under this section shall apply only to a limited number of qualified housing units with regard to such parcel of real property, with the limited number being equal to 25 percent of the total dwelling units on such parcel of real property in the taxable year.

C. The Department of Housing and Community Development shall issue tax credits under this section on a fiscal year basis. The maximum amount of tax credits that may be issued under this section in each fiscal year shall be \$250,000.

D. Participating landlords shall apply to the Department of Housing and Community Development for tax credits under this section. The Department of Housing and Community Development shall determine the credit amount allowable to the participating landlord for the taxable year and shall also determine the fair market value of the rent for the qualified housing unit based on the fair market rent approved by the United States Department of Housing and Urban Development as the basis for the tenant-based assistance provided through the housing choice voucher program for the qualified housing unit. In issuing tax credits under this section, the Department of Housing and Community Development shall provide a written certification to the participating landlord, which certification shall report the amount of the tax credit approved by the Department. The participating landlord shall attach the certification to the applicable income tax return.

E. The Board of Housing and Community Development shall establish and issue guidelines for purposes of implementing the provisions of this section. The guidelines shall provide for the allocation of tax credits among participating landlords requesting credits. The guidelines shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq.).

F. In no case shall the amount of credit taken by a participating landlord for any taxable year exceed the total amount of tax imposed by this chapter for the taxable year. If the amount of credit issued by the Department of Housing and Community Development for a taxable year exceeds the landlord's tax liability imposed by this chapter for such taxable year, then the amount that exceeds the tax liability may be carried over for credit against the income taxes of the participating landlord in the next five taxable years or until the total amount of the tax credit issued has been taken, whichever is sooner. Credits granted to a partnership, limited liability company, or electing small business corporation (S corporation) shall be allocated to the individual partners, members, or shareholders, respectively, in proportion to their ownership or interest in such business entities.

G. In the event that the amount of the qualified requests for tax credits for participating landlords in the fiscal year exceeds \$250,000, the Department of Housing and Community Development shall pro rate the tax credits among the qualified applicants.

CHAPTER 431

An Act to amend and reenact §§ 2.2-4303.01 and 2.2-4303.1 of the Code of Virginia, relating to procurement; rail.

[H 1099]

Approved March 23, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-4303.01 and 2.2-4303.1 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-4303.01. High-risk contracts; definition; review.

A. For the purposes of this section, "high-risk contract" means any public contract with a state public body for the procurement of goods, services, insurance, or construction that is anticipated to either (i) cost in excess of \$10 million over the initial term of the contract or (ii) cost in excess of \$5 million over the initial term of the contract and meet at least one of the following criteria: (a) the goods, services, insurance, or construction that is the subject of the contract is being procured by two or more state public bodies; (b) the anticipated term of the initial contract, excluding renewals, is greater than five years; or (c) the state public body procuring the goods, services, insurance, or construction has not procured similar goods, services, insurance, or construction within the last five years.

B. Prior to issuing a solicitation for a high-risk contract, a state public body shall submit such solicitation for review by (i) the Office of the Attorney General, (ii) the Department of General Services for solicitations for goods and nonprofessional and professional services that are not for (a) information technology or (b) road *or* rail construction or design, and (iii) the Virginia Information Technologies Agency for solicitations for goods and services related to information technology. Such reviews shall be completed within 30 business days and include an evaluation of the extent to which the solicitation complies with applicable state law and policy, as well as an evaluation of the appropriateness of the solicitation's terms and conditions. In addition, the review shall ensure that such solicitations for high-risk contracts contain distinct and measurable performance metrics and clear enforcement provisions, including penalties or incentives, to be used in the event that contract performance metrics or other provisions are not met.

C. Prior to awarding a high-risk contract, a state public body shall submit such contract for review by (i) the Office of the Attorney General, (ii) the Department of General Services for contracts for goods and nonprofessional and professional services that are not for (a) information technology or (b) road *or* rail construction or design, and (iii) the Virginia Information Technologies Agency for contracts for goods and services related to information technology. Such reviews shall be completed within 30 business days and include an evaluation of the extent to which the contract complies with applicable state law and policy, as well as an evaluation of the legality and appropriateness of the contract's terms and conditions. In addition, the review shall ensure that such high-risk contracts contain distinct and measurable performance metrics and clear enforcement provisions, including penalties or incentives, to be used in the event that contract performance metrics or other provisions are not met.

D. (Effective July 1, 2020) The Department of General Services' central electronic procurement system shall serve as a centralized resource for all state public bodies on information related to the performance of high-risk contracts. All state public bodies shall submit information on high-risk contracts for inclusion in the system. Such information shall include, but not be limited to, the following information on each high-risk contract:

1. Scheduled contract performance dates and actual contract completion dates;
2. Contract award value and actual contract expenditures; and
3. Information on vendor performance, including any cure letters, formal complaints, and end-of-contract evaluations.

§ 2.2-4303.1. Architectural and professional engineering term contracting; limitations.

A. A contract for architectural or professional engineering services relating to multiple construction projects may be awarded by a public body, provided (i) the projects require similar experience and expertise, (ii) the nature of the projects is clearly identified in the Request for Proposal, and (iii) the contract is limited to a term of one year or when the cumulative total project fees reach the maximum authorized in this section, whichever occurs first.

Such contracts may be renewable for four additional one-year terms at the option of the public body. The fair and reasonable prices as negotiated shall be used in determining the cost of each project performed.

B. The sum of all projects performed in a one-year contract term shall not exceed \$750,000, except that for:

1. A state agency, as defined in § 2.2-4347, the sum of all projects performed in a one-year contract term shall not exceed \$1 million;

2. Any locality with a population in excess of 78,000 or school division within such locality, or any authority, sanitation district, metropolitan planning organization, transportation district commission, or planning district commission, or any city within Planning District 8, the sum of all projects performed in a one-year contract term shall not exceed \$6 million and those awarded for any airport as defined in § 5.1-1 and aviation transportation projects, the sum of all such projects shall not exceed \$1.5 million;

3. Architectural and engineering services for rail and public transportation projects by the Director of the Department of Rail and Public Transportation, the sum of all projects in a one-year contract term shall not exceed \$2 \$5 million. Such contract may be renewable for two additional one-year terms at the option of the Director; and

4. Environmental location, design, and inspection work regarding highways and bridges by the Commissioner of Highways, the initial contract term shall be limited to two years or when the cumulative total project fees reach \$5 million, whichever occurs first. Such contract may be renewable for two additional one-year terms at the option of the Commissioner, and the sum of all projects in each one-year contract term shall not exceed \$5 million.

C. Competitive negotiations for such architectural or professional engineering services contracts may result in awards to more than one offeror, provided (i) the Request for Proposal so states and (ii) the public body has established procedures for distributing multiple projects among the selected contractors during the contract term. Such procedures shall prohibit requiring the selected contractors to compete for individual projects based on price.

D. The fee for any single project shall not exceed \$150,000; however, for architectural or engineering services for airports as defined in § 5.1-1 and aviation transportation projects, the project fee of any single project shall not exceed \$500,000, except that for:

1. A state agency as defined in § 2.2-4347, the project fee shall not exceed \$200,000, as may be determined by the Director of the Department of General Services or as otherwise provided by the Restructured Higher Education Financial and Administrative Operations Act (§ 23.1-1000 et seq.); and

2. Any locality with a population in excess of 78,000 or school division within such locality, or any authority, transportation district commission, or sanitation district, or any city within Planning District 8, the project fee shall not exceed \$2.5 million.

The limitations imposed upon single-project fees pursuant to this subsection shall not apply to environmental, location, design, and inspection work regarding highways and bridges by the Commissioner of Highways or architectural and engineering services for rail and public transportation projects by the Director of the Department of Rail and Public Transportation.

E. For the purposes of subsection B, any unused amounts from one contract term shall not be carried forward to any additional term, except as otherwise provided by the Restructured Higher Education Financial and Administrative Operations Act (§ 23.1-1000 et seq.).

CHAPTER 432

An Act to authorize the issuance of special license plates for supporters of the City of Virginia Beach bearing the legend VB STRONG.

[S 87]

Approved March 23, 2020

Be it enacted by the General Assembly of Virginia:

1. § 1. *Special license plates for supporters of the City of Virginia Beach bearing the legend VB STRONG.*

On receipt of an application and following the provisions of § 46.2-725 of the Code of Virginia, the Commissioner of the Department of Motor Vehicles shall issue to the applicant special license plates for supporters of the City of Virginia Beach bearing the legend VB STRONG. Notwithstanding the provisions of subdivision B 1 of § 46.2-725, the deadline for the receipt of 450 prepaid applications by the Commissioner of the Department of Motor Vehicles shall be November 1, 2020.

CHAPTER 433

An Act to amend and reenact § 23.1-900 of the Code of Virginia, relating to certain institutions of higher education; transcript notations; expungement.

[H 103]

Approved March 23, 2020

Be it enacted by the General Assembly of Virginia:

1. **That § 23.1-900 of the Code of Virginia is amended and reenacted as follows:**

§ 23.1-900. Academic transcripts; suspension, permanent dismissal, or withdrawal from institution.

A. As used in this section, "sexual violence" means physical sexual acts perpetrated against a person's will or against a person incapable of giving consent.

B. The registrar of each (i) private institution of higher education that is eligible to participate in the Tuition Assistance Grant Program pursuant to the Tuition Assistance Grant Act (§ 23.1-628 et seq.) or to receive project financing from the Virginia College Building Authority pursuant to Article 2 (§ 23.1-1220 et seq.) of Chapter 12 and (ii) public institution of higher education, or the other employee, office, or department of the institution that is responsible for maintaining student academic records, shall include a prominent notation on the academic transcript of each student who has been suspended for, has been permanently dismissed for, or withdraws from the institution while under investigation for an offense involving sexual violence under the institution's code, rules, or set of standards governing student conduct stating that such student was suspended for, was permanently dismissed for, or withdrew from the institution while under investigation for an offense involving sexual violence under the institution's code, rules, or set of standards. Such notation shall be substantially in the following form: "[Suspended, Dismissed, or Withdrew while under investigation] for a violation of [insert name of institution's code, rules, or set of standards]." Each such institution shall (a) notify each student that any such suspension, permanent dismissal, or withdrawal will be documented on the student's academic transcript ~~and~~; (b) adopt a procedure for removing such notation from the academic transcript of any student who is subsequently found not to have committed an offense involving sexual violence under the institution's code, rules, or set of standards governing student conduct; *and* (c) *adopt a policy for the expungement of such notation for good cause shown and after a period of three years.*

C. The institution shall remove from a student's academic transcript any notation placed on such transcript pursuant to subsection B due to such student's suspension if the student (i) completed the term and any conditions of the suspension and (ii) has been determined by the institution to be in good standing according to the institution's code, rules, or set of standards governing such a determination.

D. The provisions of this section shall apply only to a student who is taking or has taken a course at a public institution of higher education or private institution of higher education on a campus that is located in the Commonwealth; however, the provisions of this section shall not apply to any public institution of higher education established pursuant to Chapter 25 (§ 23.1-2500 et seq.).

CHAPTER 434

An Act to amend the Code of Virginia by adding a section numbered 23.1-607.1, relating to public institutions of higher education; veterans; withdrawal; tuition refund.

[H 456]

Approved March 23, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 23.1-607.1 as follows:

§ 23.1-607.1. Veterans; withdrawal; tuition refund.

A. As used in this section, "veteran" has the same meaning as provided in § 23.1-500.

B. Each public institution of higher education shall provide a refund of the tuition and mandatory fees paid by any veteran student for any course from which such veteran student is forced to withdraw, for the first time, due to a service-connected medical condition during a semester, as certified in writing to the institution by a physician licensed to practice medicine pursuant to Chapter 29 (§ 54.1-2900 et seq.) of Title 54.1 who treated the veteran student for such medical condition. Such refund shall not be issued when three-quarters of a course has been completed at the time that the veteran student withdraws from the course. The time period that constitutes three-quarters of a course shall be determined by the institution.

C. Nothing in this section shall be construed to affect any such student's ability to reenroll at the institution.

CHAPTER 435

An Act to amend and reenact § 23.1-307 of the Code of Virginia, relating to governing boards of public institutions of higher education; increases in undergraduate tuition or mandatory fees; certain disclosures.

[H 715]

Approved March 23, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 23.1-307 of the Code of Virginia is amended and reenacted as follows:

§ 23.1-307. Public institutions of higher education; tuition and fees.

A. The governing board of each public institution of higher education shall continue to fix, revise, charge, and collect tuition, fees, rates, rentals, and other charges for the services, goods, or facilities furnished by or on behalf of such institution and may adopt policies regarding any such service rendered or the use, occupancy, or operation of any such facility.

B. Except to the extent included in the institution's six-year plan as provided in subsection C, if the total of an institution's tuition and educational and general fees for any fiscal year for Virginia students exceeds the difference for such fiscal year between (i) the institution's cost of education for all students, as calculated pursuant to clause (i) of subsection B of § 23.1-303 and (ii) the sum of the tuition and educational and general fees for non-Virginia students, the state general funds appropriated for its basic operations and instruction pursuant to subsection A of § 23.1-303, and its per student funding provided pursuant to § 23.1-304, the institution shall forgo new state funding at a level above the general funds received by the institution during the 2011-2012 fiscal year, at the discretion of the General Assembly, and shall be obligated to provide increased financial aid to maintain affordability for students from low-income and middle-income families. This limitation shall not apply to any portion of tuition and educational and general fees for Virginia students allocated to student financial aid, an institution's share of state-mandated salary or fringe benefit increases, increases in funds other than state general funds for the improvement of faculty salary competitiveness above the level included in the calculation in clause (i) of subsection B of § 23.1-303, the institution's progress towards achieving any financial incentive pursuant to § 23.1-305, unavoidable cost increases such as operation and maintenance for new facilities and utility rate increases, or other items directly attributable to an institution's unique mission and contributions.

C. Nothing in subsection B shall prohibit an institution from including in its six-year plan required by § 23.1-306 (i) new programs or initiatives including quality improvements or (ii) institution-specific funding based on particular state policies or institution-specific programs, or both, that will cause the total of the institution's tuition and educational and general fees for any fiscal year for Virginia students to exceed the difference for such fiscal year between (a) the institution's cost of education for all students, as calculated pursuant to clause (i) of subsection B of § 23.1-303, and (b) the sum of the tuition and educational and general fees for the institution's non-Virginia students, the state general funds appropriated for its basic operations and instruction pursuant to subsection A of § 23.1-303, and its per student funding provided pursuant to § 23.1-304.

D. No governing board of any public institution of higher education shall approve an increase in undergraduate tuition or mandatory fees without providing students and the public a projected range of the planned increase, ~~an explanation of the need for the increase~~, *an explanation of the need for the increase*, and notice of (i) *the date, time, and location of the meeting at which public comment is permitted pursuant to subsection E on the institution's website and through any other standard means of communication utilized by the institution with students at least 10 days prior to such meeting and* (ii) the date and location of any vote on such increase at least 30 days prior to such vote.

E. Prior to any vote referenced in subsection D, the governing board of each public institution of higher education shall permit public comment on the proposed increase at a meeting, as that term is defined in § 2.2-3701, of the governing board. Each such governing board shall establish policies for such public comment, which may include reasonable time limitations.

F. At any meeting at which the governing board of a public institution of higher education approves an increase in undergraduate tuition and mandatory fees, the governing board shall provide an explanation of any deviation from the projected range provided pursuant to subsection D.

G. No later than August 1 of each year, the Council shall provide to the Governor and the Chairmen of the House Committee on Appropriations, the House Committee on Education, the Senate Committee on Education and Health, and the Senate Committee on Finance a report on any increase in undergraduate tuition and mandatory fees at a public institution of higher education, the public comment relating to such increase in undergraduate tuition and mandatory fees, and any deviation in the increase in undergraduate tuition and mandatory fees from the increase projected in the institutional six-year plan provided pursuant to § 23.1-306.

CHAPTER 436

An Act to amend the Code of Virginia by adding a section numbered 23.1-233.1, relating to qualified education loans; certain providers; contact information and summary.

[H 743]

Approved March 23, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 23.1-233.1 as follows:

§ 23.1-233.1. *Qualified education loans; certain providers; contact information and summary.*

Any provider of private education loans, as defined in 12 C.F.R. § 1026.46(b)(5), shall disclose to any student attending an institution of higher education in the Commonwealth, prior to issuing a qualified education loan to such student, the contact information for the Office of the Qualified Education Loan Ombudsman and a summary of the student loan information applicable to private education loans that may be found on the Council's website. Any such disclosure may be made in conjunction with or incorporated into another disclosure to such student prior to issuing the qualified education loan. The summary shall be developed by the Office of the Qualified Education Loan Ombudsman in consultation with relevant stakeholders.

2. That the provisions of this act shall become effective on July 1, 2021.

CHAPTER 437

An Act to amend and reenact §§ 22.1-23, 22.1-70.3, 22.1-79, and 51.1-155 of the Code of Virginia, relating to school bus drivers; critical shortages.

[S 324]

Approved March 23, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 22.1-23, 22.1-70.3, 22.1-79, and 51.1-155 of the Code of Virginia are amended and reenacted as follows:

§ 22.1-23. *Duties in general.*

The Superintendent of Public Instruction shall:

1. Serve as secretary of the Board of Education;
2. Provide such assistance in his office as shall be necessary for the proper and uniform enforcement of the provisions of the school laws in cooperation with the local school authorities;
3. Prepare and furnish such forms for attendance officers, teachers and other school officials as are required by law;
4. (Expires July 1, 2025) At least annually, survey all local school divisions to identify critical shortages of (i) teachers and administrative personnel by geographic area, by school division, or by subject matter; and (ii) *school bus drivers by geographic area and local school division* and report such critical shortages to each local school division and to the Virginia Retirement System;
5. Develop and provide to local school divisions a model exit questionnaire for teachers;
6. Along with the State Health Commissioner, work to combat childhood obesity and other chronic health conditions that affect school-age children;

7. Designate an employee of the Department of Education to serve as its liaison to the State Council of Higher Education for Virginia and the State Board for Community Colleges; and
8. Perform such other duties as the Board of Education may prescribe.

§ 22.1-70.3. (Expires July 1, 2025) Designation of teacher shortage areas.

Each division superintendent shall at least annually, if so requested by the local school board pursuant to subdivision 9 of § 22.1-79, survey the relevant local school division to identify critical shortages of (i) teachers and administrative personnel by subject matter and (ii) *school bus drivers* and report such critical shortages to the school board, Superintendent of Public Instruction, and to the Virginia Retirement System.

§ 22.1-79. Powers and duties.

A school board shall:

1. See that the school laws are properly explained, enforced and observed;
2. Secure, by visitation or otherwise, as full information as possible about the conduct of the public schools in the school division and take care that they are conducted according to law and with the utmost efficiency;
3. Care for, manage and control the property of the school division and provide for the erecting, furnishing, equipping, and noninstructional operating of necessary school buildings and appurtenances and the maintenance thereof by purchase, lease, or other contracts;
4. Provide for the consolidation of schools or redistricting of school boundaries or adopt pupil assignment plans whenever such procedure will contribute to the efficiency of the school division;
5. Insofar as not inconsistent with state statutes and regulations of the Board of Education, operate and maintain the public schools in the school division and determine the length of the school term, the studies to be pursued, the methods of teaching and the government to be employed in the schools;
6. In instances in which no grievance procedure has been adopted prior to January 1, 1991, establish and administer by July 1, 1992, a grievance procedure for all school board employees, except the division superintendent and those employees covered under the provisions of Article 2 (§ 22.1-293 et seq.) and Article 3 (§ 22.1-306 et seq.) of Chapter 15 of this title, who have completed such probationary period as may be required by the school board, not to exceed 18 months. The grievance procedure shall afford a timely and fair method of the resolution of disputes arising between the school board and such employees regarding dismissal or other disciplinary actions, excluding suspensions, and shall be consistent with the provisions of the Board of Education's procedures for adjusting grievances. Except in the case of dismissal, suspension, or other disciplinary action, the grievance procedure prescribed by the Board of Education pursuant to § 22.1-308 shall apply to all full-time employees of a school board, except supervisory employees;
7. Perform such other duties as shall be prescribed by the Board of Education or as are imposed by law;
8. Obtain public comment through a public hearing not less than 10 days after reasonable notice to the public in a newspaper of general circulation in the school division prior to providing (i) for the consolidation of schools; (ii) the transfer from the public school system of the administration of all instructional services for any public school classroom or all noninstructional services in the school division pursuant to a contract with any private entity or organization; or (iii) in school divisions having 15,000 pupils or more in average daily membership, for redistricting of school boundaries or adopting any pupil assignment plan affecting the assignment of 15 percent or more of the pupils in average daily membership in the affected school. Such public hearing may be held at the same time and place as the meeting of the school board at which the proposed action is taken if the public hearing is held before the action is taken. If a public hearing has been held prior to the effective date of this provision on a proposed consolidation, redistricting or pupil assignment plan which is to be implemented after the effective date of this provision, an additional public hearing shall not be required;
9. (Expires July 1, 2025) At least annually, survey the school division to identify critical shortages of (i) teachers and administrative personnel by subject matter; and (ii) *school bus drivers* and report such critical shortages to the Superintendent of Public Instruction and to the Virginia Retirement System; however, the school board may request the division superintendent to conduct such survey and submit such report to the school board, the Superintendent, and the Virginia Retirement System; and
10. Ensure that the public schools within the school division are registered with the Department of State Police to receive from the State Police electronic notice of the registration or reregistration of any sex offender within that school division pursuant to § 9.1-914.

§ 51.1-155. Service retirement allowance.

A. Retirement allowance. — A member shall receive an annual retirement allowance, payable for life, as follows:

1. Normal retirement. — The allowance shall equal 1.70 percent of his average final compensation multiplied by the amount of his creditable service. Notwithstanding the foregoing, for a member who (i) is a person who becomes a member on or after July 1, 2010, or (ii) does not have at least 60 months of creditable service as of January 1, 2013, the allowance shall equal the sum of (a) 1.65 percent of his average final compensation multiplied by the amount of his creditable service performed or purchased on or after January 1, 2013, and (b) 1.70 percent of his average final compensation multiplied by the amount of all other creditable service.
2. Early retirement; applicable to teachers, state employees, and certain others. — The allowance shall be determined in the same manner as for normal retirement with creditable service and average final compensation being determined as of the date of actual retirement. If the member has less than 30 years of service at retirement, the amount of the retirement allowance shall be reduced on an actuarial equivalent basis for the period by which the actual retirement date precedes the

earlier of (i) his normal retirement date or (ii) the first date on which he would have completed a total of 30 years of creditable service. The provisions of this subdivision shall apply to teachers and state employees. These provisions shall also apply to employees of any political subdivision that participates in the retirement system if the political subdivision makes the election provided in subdivision 3.

3. Early retirement; applicable to employees of certain political subdivisions, any person who becomes a member on or after July 1, 2010, and any member who does not have at least 60 months of creditable service as of January 1, 2013. — The allowance shall be determined in the same manner as for normal retirement with creditable service and average final compensation being determined as of the date of actual retirement. If the creditable service of the member equals 30 or more years but the sum of his age at retirement plus his creditable service at retirement is less than 90, the amount of the retirement allowance shall be reduced on an actuarial equivalent basis for the period by which the actual retirement date precedes the earlier of (i) his normal retirement date or (ii) the first date on which the sum of his then attained age plus his then creditable service would have been equal to 90 or more had he remained in service until such date. If the member has less than 30 years of creditable service, the retirement allowance shall be reduced for the period by which the actual retirement date precedes the earlier of (i) his normal retirement date or (ii) the first date on which he would have completed a total of at least 30 years of creditable service and his then creditable service plus his then attained age would have been equal to 90 or more.

The provisions of this subdivision shall apply to the employees of any political subdivision that participates in the retirement system and any other employees as provided by law. The participating political subdivision may, however, elect to provide its employees with the early retirement allowance set forth in subdivision 2. No such election shall be made for a person who becomes a member on or after July 1, 2010, or a member who does not have at least 60 months of creditable service as of January 1, 2013. Any election pursuant to this subdivision shall be set forth in a legally adopted resolution.

Notwithstanding the foregoing, a political subdivision by legally adopted resolution may declare to the Board that, for purposes of this subdivision, subdivisions B 1 and B 3 and subsection D of § 51.1-153, any person who meets the definition of "emergency medical services personnel" in § 32.1-111.1 or is employed as a firefighter or law-enforcement officer as those terms are defined in § 15.2-1512.2 (i) shall not be considered a person who becomes a member on or after July 1, 2010, and (ii) shall be deemed to have at least 60 months of creditable service as of January 1, 2013. Such resolution shall be irrevocable.

4. Additional allowance. — In addition to the allowance payable under subdivisions 1, 2, and 3, a member shall receive an additional allowance which shall be the actuarial equivalent, for his attained age at the time of retirement, of the excess of his accumulated contributions transferred from the abolished system to the retirement system, including interest credited at the rate of two percent compounded annually since the transfer to the date of retirement, over the annual amounts equal to four percent of his annual creditable compensation at the date of abolishment for a period equal to his period of membership in the abolished system.

5. 50/10 retirement. — The allowance shall be payable in a monthly stream of payments equal to the greater of (i) the actuarial equivalent of the benefit the member would have received had he terminated service and deferred retirement to age 55 or (ii) the actuarially calculated present value of the member's accumulated contributions, including accrued interest.

B. Beneficiary serving in position covered by this title.

1. Except as provided in subdivisions 2 and 3, if a beneficiary of a service retirement allowance under this chapter or the provisions of Chapters 2 (§ 51.1-200 et seq.), 2.1 (§ 51.1-211 et seq.), or 3 (§ 51.1-300 et seq.) is at any time in service as an employee in a position covered for retirement purposes under the provisions of this or any chapter other than Chapter 6 (§ 51.1-600 et seq.), 6.1 (§ 51.1-607 et seq.), or 7 (§ 51.1-700 et seq.), his retirement allowance shall cease while so employed. Any member who retires and later returns to covered employment shall not be entitled to select a different retirement option for a subsequent retirement.

2. Active members of the General Assembly who are eligible to receive a retirement allowance under this title, excluding their service as a member of the General Assembly, shall be eligible to receive a retirement allowance based on their creditable service and average final compensation for service other than as a member of the General Assembly. Such members of the General Assembly shall continue to be reported as any other members of the retirement system. Upon ceasing to serve in the General Assembly, members of the General Assembly receiving a retirement allowance based on their creditable service and average final compensation for service other than as a member of the General Assembly shall have their retirement allowance recomputed prospectively to include their service as a member of the General Assembly. Active members of the General Assembly shall be prohibited from receiving a service retirement allowance under this title based solely on their service as a member of the General Assembly.

3. (Expires July 1, 2025) Any person receiving a service retirement allowance under this chapter, who is hired ~~as~~ by a local school board as an instructional or administrative employee required to be licensed by the Board of Education or as a school bus driver, may elect to continue to receive the retirement allowance during such employment, under the following conditions:

(a) The person has been receiving such retirement allowance for a certain period of time preceding his employment as provided by law;

(b) The person is not receiving a retirement benefit pursuant to an early retirement incentive program from any local school division within the Commonwealth; and

(c) At the time the person is employed, the position to which he is assigned is among those identified by the Superintendent of Public Instruction pursuant to subdivision 4 of § 22.1-23, by the relevant division superintendent, pursuant to § 22.1-70.3, or by the relevant local school board, pursuant to subdivision 9 of § 22.1-79.

If the person elects to continue to receive the retirement allowance during the period of such employment, then his service performed and compensation received during such period of time will not increase, decrease, or affect in any way his retirement benefits before, during, or after such employment.

CHAPTER 438

An Act to amend and reenact § 59.1-200 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 2.2-2001.5, relating to assignments of the right to receive veteran's benefits.

[H 135]

Approved March 25, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 59.1-200 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 2.2-2001.5 as follows:

§ 2.2-2001.5. Assignment of right to receive veterans' benefits.

A. *As used in this section:*

"Assignment of right to receive veterans' benefits" means any financial transaction in which a person provides a cash payment to a veteran in consideration for the veteran's assignment of his right to receive future pension or retirement benefits, without regard to whether the transaction is characterized or structured as a loan, assignment, loan secured by assignment, pledge, or other arrangement.

"Pension or retirement benefits" means any periodic benefit payable to a veteran by an agency of the federal government on account of the veteran's service in the Armed Forces of the United States, including any military retirement, pension, or disability benefit payments.

B. No person shall advertise, arrange, offer, or enter into any assignment of right to receive veterans' benefits if such assignment of right to receive veterans' benefits is prohibited or void under the provisions of 37 U.S.C. § 701 or 38 U.S.C. § 5301(a).

C. A violation of this section constitutes a prohibited practice under the provisions of § 59.1-200 and shall be subject to any and all of the enforcement provisions of the Virginia Consumer Protection Act (§ 59.1-196 et seq.).

§ 59.1-200. Prohibited practices.

A. The following fraudulent acts or practices committed by a supplier in connection with a consumer transaction are hereby declared unlawful:

1. Misrepresenting goods or services as those of another;
2. Misrepresenting the source, sponsorship, approval, or certification of goods or services;
3. Misrepresenting the affiliation, connection, or association of the supplier, or of the goods or services, with another;
4. Misrepresenting geographic origin in connection with goods or services;
5. Misrepresenting that goods or services have certain quantities, characteristics, ingredients, uses, or benefits;
6. Misrepresenting that goods or services are of a particular standard, quality, grade, style, or model;
7. Advertising or offering for sale goods that are used, secondhand, repossessed, defective, blemished, deteriorated, or reconditioned, or that are "seconds," irregulars, imperfects, or "not first class," without clearly and unequivocally indicating in the advertisement or offer for sale that the goods are used, secondhand, repossessed, defective, blemished, deteriorated, reconditioned, or are "seconds," irregulars, imperfects or "not first class";
8. Advertising goods or services with intent not to sell them as advertised, or with intent not to sell at the price or upon the terms advertised.

In any action brought under this subdivision, the refusal by any person, or any employee, agent, or servant thereof, to sell any goods or services advertised or offered for sale at the price or upon the terms advertised or offered, shall be prima facie evidence of a violation of this subdivision. This paragraph shall not apply when it is clearly and conspicuously stated in the advertisement or offer by which such goods or services are advertised or offered for sale, that the supplier or offeror has a limited quantity or amount of such goods or services for sale, and the supplier or offeror at the time of such advertisement or offer did in fact have or reasonably expected to have at least such quantity or amount for sale;

9. Making false or misleading statements of fact concerning the reasons for, existence of, or amounts of price reductions;

10. Misrepresenting that repairs, alterations, modifications, or services have been performed or parts installed;

11. Misrepresenting by the use of any written or documentary material that appears to be an invoice or bill for merchandise or services previously ordered;

12. Notwithstanding any other provision of law, using in any manner the words "wholesale," "wholesaler," "factory," or "manufacturer" in the supplier's name, or to describe the nature of the supplier's business, unless the supplier is actually engaged primarily in selling at wholesale or in manufacturing the goods or services advertised or offered for sale;

13. Using in any contract or lease any liquidated damage clause, penalty clause, or waiver of defense, or attempting to collect any liquidated damages or penalties under any clause, waiver, damages, or penalties that are void or unenforceable under any otherwise applicable laws of the Commonwealth, or under federal statutes or regulations;

13a. Failing to provide to a consumer, or failing to use or include in any written document or material provided to or executed by a consumer, in connection with a consumer transaction any statement, disclosure, notice, or other information however characterized when the supplier is required by 16 C.F.R. Part 433 to so provide, use, or include the statement, disclosure, notice, or other information in connection with the consumer transaction;

14. Using any other deception, fraud, false pretense, false promise, or misrepresentation in connection with a consumer transaction;

15. Violating any provision of § 3.2-6512, 3.2-6513, or 3.2-6516, relating to the sale of certain animals by pet dealers which is described in such sections, is a violation of this chapter;

16. Failing to disclose all conditions, charges, or fees relating to:

a. The return of goods for refund, exchange, or credit. Such disclosure shall be by means of a sign attached to the goods, or placed in a conspicuous public area of the premises of the supplier, so as to be readily noticeable and readable by the person obtaining the goods from the supplier. If the supplier does not permit a refund, exchange, or credit for return, he shall so state on a similar sign. The provisions of this subdivision shall not apply to any retail merchant who has a policy of providing, for a period of not less than 20 days after date of purchase, a cash refund or credit to the purchaser's credit card account for the return of defective, unused, or undamaged merchandise upon presentation of proof of purchase. In the case of merchandise paid for by check, the purchase shall be treated as a cash purchase and any refund may be delayed for a period of 10 banking days to allow for the check to clear. This subdivision does not apply to sale merchandise that is obviously distressed, out of date, post season, or otherwise reduced for clearance; nor does this subdivision apply to special order purchases where the purchaser has requested the supplier to order merchandise of a specific or unusual size, color, or brand not ordinarily carried in the store or the store's catalog; nor shall this subdivision apply in connection with a transaction for the sale or lease of motor vehicles, farm tractors, or motorcycles as defined in § 46.2-100;

b. A layaway agreement. Such disclosure shall be furnished to the consumer (i) in writing at the time of the layaway agreement, or (ii) by means of a sign placed in a conspicuous public area of the premises of the supplier, so as to be readily noticeable and readable by the consumer, or (iii) on the bill of sale. Disclosure shall include the conditions, charges, or fees in the event that a consumer breaches the agreement;

16a. Failing to provide written notice to a consumer of an existing open-end credit balance in excess of \$5 (i) on an account maintained by the supplier and (ii) resulting from such consumer's overpayment on such account. Suppliers shall give consumers written notice of such credit balances within 60 days of receiving overpayments. If the credit balance information is incorporated into statements of account furnished consumers by suppliers within such 60-day period, no separate or additional notice is required;

17. If a supplier enters into a written agreement with a consumer to resolve a dispute that arises in connection with a consumer transaction, failing to adhere to the terms and conditions of such an agreement;

18. Violating any provision of the Virginia Health Club Act, Chapter 24 (§ 59.1-294 et seq.);

19. Violating any provision of the Virginia Home Solicitation Sales Act, Chapter 2.1 (§ 59.1-21.1 et seq.);

20. Violating any provision of the Automobile Repair Facilities Act, Chapter 17.1 (§ 59.1-207.1 et seq.);

21. Violating any provision of the Virginia Lease-Purchase Agreement Act, Chapter 17.4 (§ 59.1-207.17 et seq.);

22. Violating any provision of the Prizes and Gifts Act, Chapter 31 (§ 59.1-415 et seq.);

23. Violating any provision of the Virginia Public Telephone Information Act, Chapter 32 (§ 59.1-424 et seq.);

24. Violating any provision of § 54.1-1505;

25. Violating any provision of the Motor Vehicle Manufacturers' Warranty Adjustment Act, Chapter 17.6 (§ 59.1-207.34 et seq.);

26. Violating any provision of § 3.2-5627, relating to the pricing of merchandise;

27. Violating any provision of the Pay-Per-Call Services Act, Chapter 33 (§ 59.1-429 et seq.);

28. Violating any provision of the Extended Service Contract Act, Chapter 34 (§ 59.1-435 et seq.);

29. Violating any provision of the Virginia Membership Camping Act, Chapter 25 (§ 59.1-311 et seq.);

30. Violating any provision of the Comparison Price Advertising Act, Chapter 17.7 (§ 59.1-207.40 et seq.);

31. Violating any provision of the Virginia Travel Club Act, Chapter 36 (§ 59.1-445 et seq.);

32. Violating any provision of §§ 46.2-1231 and 46.2-1233.1;

33. Violating any provision of Chapter 40 (§ 54.1-4000 et seq.) of Title 54.1;

34. Violating any provision of Chapter 10.1 (§ 58.1-1031 et seq.) of Title 58.1;

35. Using the consumer's social security number as the consumer's account number with the supplier, if the consumer has requested in writing that the supplier use an alternate number not associated with the consumer's social security number;

36. Violating any provision of Chapter 18 (§ 6.2-1800 et seq.) of Title 6.2;

37. Violating any provision of § 8.01-40.2;

38. Violating any provision of Article 7 (§ 32.1-212 et seq.) of Chapter 6 of Title 32.1;

39. Violating any provision of Chapter 34.1 (§ 59.1-441.1 et seq.);

40. Violating any provision of Chapter 20 (§ 6.2-2000 et seq.) of Title 6.2;

41. Violating any provision of the Virginia Post-Disaster Anti-Price Gouging Act, Chapter 46 (§ 59.1-525 et seq.);

42. Violating any provision of Chapter 47 (§ 59.1-530 et seq.);
43. Violating any provision of § 59.1-443.2;
44. Violating any provision of Chapter 48 (§ 59.1-533 et seq.);
45. Violating any provision of Chapter 25 (§ 6.2-2500 et seq.) of Title 6.2;
46. Violating the provisions of clause (i) of subsection B of § 54.1-1115;
47. Violating any provision of § 18.2-239;
48. Violating any provision of Chapter 26 (§ 59.1-336 et seq.);
49. Selling, offering for sale, or manufacturing for sale a children's product the supplier knows or has reason to know was recalled by the U.S. Consumer Product Safety Commission. There is a rebuttable presumption that a supplier has reason to know a children's product was recalled if notice of the recall has been posted continuously at least 30 days before the sale, offer for sale, or manufacturing for sale on the website of the U.S. Consumer Product Safety Commission. This prohibition does not apply to children's products that are used, secondhand or "seconds";
50. Violating any provision of Chapter 44.1 (§ 59.1-518.1 et seq.);
51. Violating any provision of Chapter 22 (§ 6.2-2200 et seq.) of Title 6.2;
52. Violating any provision of § 8.2-317.1;
53. Violating subsection A of § 9.1-149.1;
54. Selling, offering for sale, or using in the construction, remodeling, or repair of any residential dwelling in the Commonwealth, any drywall that the supplier knows or has reason to know is defective drywall. This subdivision shall not apply to the sale or offering for sale of any building or structure in which defective drywall has been permanently installed or affixed;
55. Engaging in fraudulent or improper or dishonest conduct as defined in § 54.1-1118 while engaged in a transaction that was initiated (i) during a declared state of emergency as defined in § 44-146.16 or (ii) to repair damage resulting from the event that prompted the declaration of a state of emergency, regardless of whether the supplier is licensed as a contractor in the Commonwealth pursuant to Chapter 11 (§ 54.1-1100 et seq.) of Title 54.1;
56. Violating any provision of Chapter 33.1 (§ 59.1-434.1 et seq.);
57. Violating any provision of § 18.2-178, 18.2-178.1, or 18.2-200.1;
58. Violating any provision of Chapter 17.8 (§ 59.1-207.45 et seq.);
59. Violating any provision of subsection E of § 32.1-126; ~~and~~
60. Violating any provision of § 54.1-111 relating to the unlicensed practice of a profession licensed under Chapter 11 (§ 54.1-1100 et seq.) or Chapter 21 (§ 54.1-2100 et seq.) of Title 54.1; *and*
61. *Violating any provision of § 2.2-2001.5.*
- B. Nothing in this section shall be construed to invalidate or make unenforceable any contract or lease solely by reason of the failure of such contract or lease to comply with any other law of the Commonwealth or any federal statute or regulation, to the extent such other law, statute, or regulation provides that a violation of such law, statute, or regulation shall not invalidate or make unenforceable such contract or lease.

CHAPTER 439

An Act to amend and reenact § 15.2-953 of the Code of Virginia, relating to donation by locality of in-kind resources to certain volunteer or nonprofit organizations.

[H 343]

Approved March 25, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-953 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-953. Donations to charitable institutions and associations, volunteer and nonprofit organizations, chambers of commerce, etc.

A. Any locality may make appropriations of public funds, of personal property or of any real estate and donations to the Virginia Indigent Health Care Trust Fund and to any charitable institution or association, located within their respective limits or outside their limits if such institution or association provides services to residents of the locality; however, such institution or association shall not be controlled in whole or in part by any church or sectarian society. The words "sectarian society" shall not be construed to mean a nondenominational Young Men's Christian Association, a nondenominational Young Women's Christian Association, Habitat for Humanity, or the Salvation Army. Nothing in this section shall be construed to prohibit any county or city from making contracts with any sectarian institution for the care of indigent, sick or injured persons.

B. Any locality may make gifts and donations of property, real or personal, or money to (i) any charitable institution or nonprofit or other organization providing housing for persons 60 years of age or older or operating a hospital or nursing home; (ii) any association or other organization furnishing voluntary firefighting services; (iii) any nonprofit or volunteer emergency medical services agency, within or outside the boundaries of the locality; (iv) any nonprofit recreational association or organization; (v) any nonprofit organization providing recreational or daycare services to persons 65 years of age or older; or (vi) any nonprofit association or organization furnishing services to beautify and maintain communities or

to prevent neighborhood deterioration. Gifts or donations of property, real or personal, or money by any locality to any nonprofit association, recreational association, or organization described in provision (iv), (v), or (vi) may be made provided the nonprofit association, recreational association, or organization is not controlled in whole or in part by any church or sectarian society. Donations of property or money to any such charitable, nonprofit or other hospital or nursing home, institution or organization or nonprofit recreational associations or organizations may be made for construction purposes, for operating expenses, or both.

A locality may make like gifts and donations to chambers of commerce which are nonprofit and nonsectarian.

A locality may make like gifts, donations and appropriations of money to industrial development authorities for the purposes of promoting economic development.

A locality may make like gifts and donations to any and all public and private nonprofit organizations and agencies engaged in commemorating historical events.

A locality may make like gifts and donations to any nonprofit organization that is exempt from taxation under § 501(c)(3) of the Internal Revenue Code that is engaged in providing energy efficiency services or promoting energy efficiency within or without the boundaries of the locality.

A locality may make like gifts and donations to any nonprofit organization that is exempt from taxation under § 501(c)(3) of the Internal Revenue Code that is engaged in providing emergency relief to residents, including providing the repair or replacement of private property damaged or destroyed by a natural disaster.

A locality may make like gifts and donations to nonprofit foundations established to support the locality's public parks, libraries, and law enforcement. For the purposes of this paragraph, "donations" to any such foundation shall include the lawful provision of in-kind resources.

A locality may make monetary gifts, donations, and appropriations of money to a public institution of higher education in the Commonwealth that provides services to such locality's residents.

Public library materials that are discarded from their collections may be given to nonprofit organizations that support library functions, including, but not limited to, friends of the library, library advisory boards, library foundations, library trusts and library boards of trustees.

C. Any locality may make gifts and donations of personal property and may deliver such gifts and donations to another governmental entity in or outside of the Commonwealth within the United States.

D. Any locality may by ordinance provide for payment to any volunteer emergency medical services agency that meets the required minimum standards for such volunteer emergency medical services agency set forth in the ordinance a sum for each rescue call the volunteer emergency medical services agency makes for an automobile accident in which a person has been injured on any of the highways or streets in the locality. In addition, unless otherwise prohibited by law, any locality may make appropriations of money to volunteer fire companies or any volunteer emergency medical services agency in an amount sufficient to enroll any qualified member of such volunteer fire company or emergency medical services agency in any program available within the locality intended to defray out-of-pocket expenses for transportation by an emergency medical services vehicle.

E. For the purposes of this section, "donations" shall include the lawful provision of in-kind resources for any event sponsored by the donee *and, with respect to any association or other organization furnishing voluntary firefighting services or a nonprofit or volunteer emergency medical services agency, the provision of in-kind resources for contract management services for capital projects; assistance in preparing requests for information, bids, or proposals; and budgeting services.*

F. Nothing in this section shall be construed to obligate any locality to appropriate funds to any entity. Such charitable contribution shall be voluntary.

CHAPTER 440

An Act to amend and reenact § 15.2-953 of the Code of Virginia, relating to donation by locality of in-kind resources to certain volunteer or nonprofit organizations.

[S 465]

Approved March 25, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-953 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-953. Donations to charitable institutions and associations, volunteer and nonprofit organizations, chambers of commerce, etc.

A. Any locality may make appropriations of public funds, of personal property or of any real estate and donations to the Virginia Indigent Health Care Trust Fund and to any charitable institution or association, located within their respective limits or outside their limits if such institution or association provides services to residents of the locality; however, such institution or association shall not be controlled in whole or in part by any church or sectarian society. The words "sectarian society" shall not be construed to mean a nondenominational Young Men's Christian Association, a nondenominational Young Women's Christian Association, Habitat for Humanity, or the Salvation Army. Nothing in this section shall be construed to prohibit any county or city from making contracts with any sectarian institution for the care of indigent, sick or injured persons.

B. Any locality may make gifts and donations of property, real or personal, or money to (i) any charitable institution or nonprofit or other organization providing housing for persons 60 years of age or older or operating a hospital or nursing home; (ii) any association or other organization furnishing voluntary firefighting services; (iii) any nonprofit or volunteer emergency medical services agency, within or outside the boundaries of the locality; (iv) any nonprofit recreational association or organization; (v) any nonprofit organization providing recreational or daycare services to persons 65 years of age or older; or (vi) any nonprofit association or organization furnishing services to beautify and maintain communities or to prevent neighborhood deterioration. Gifts or donations of property, real or personal, or money by any locality to any nonprofit association, recreational association, or organization described in provision (iv), (v), or (vi) may be made provided the nonprofit association, recreational association, or organization is not controlled in whole or in part by any church or sectarian society. Donations of property or money to any such charitable, nonprofit or other hospital or nursing home, institution or organization or nonprofit recreational associations or organizations may be made for construction purposes, for operating expenses, or both.

A locality may make like gifts and donations to chambers of commerce which are nonprofit and nonsectarian.

A locality may make like gifts, donations and appropriations of money to industrial development authorities for the purposes of promoting economic development.

A locality may make like gifts and donations to any and all public and private nonprofit organizations and agencies engaged in commemorating historical events.

A locality may make like gifts and donations to any nonprofit organization that is exempt from taxation under § 501(c)(3) of the Internal Revenue Code that is engaged in providing energy efficiency services or promoting energy efficiency within or without the boundaries of the locality.

A locality may make like gifts and donations to any nonprofit organization that is exempt from taxation under § 501(c)(3) of the Internal Revenue Code that is engaged in providing emergency relief to residents, including providing the repair or replacement of private property damaged or destroyed by a natural disaster.

A locality may make like gifts and donations to nonprofit foundations established to support the locality's public parks, libraries, and law enforcement. For the purposes of this paragraph, "donations" to any such foundation shall include the lawful provision of in-kind resources.

A locality may make monetary gifts, donations, and appropriations of money to a public institution of higher education in the Commonwealth that provides services to such locality's residents.

Public library materials that are discarded from their collections may be given to nonprofit organizations that support library functions, including, but not limited to, friends of the library, library advisory boards, library foundations, library trusts and library boards of trustees.

C. Any locality may make gifts and donations of personal property and may deliver such gifts and donations to another governmental entity in or outside of the Commonwealth within the United States.

D. Any locality may by ordinance provide for payment to any volunteer emergency medical services agency that meets the required minimum standards for such volunteer emergency medical services agency set forth in the ordinance a sum for each rescue call the volunteer emergency medical services agency makes for an automobile accident in which a person has been injured on any of the highways or streets in the locality. In addition, unless otherwise prohibited by law, any locality may make appropriations of money to volunteer fire companies or any volunteer emergency medical services agency in an amount sufficient to enroll any qualified member of such volunteer fire company or emergency medical services agency in any program available within the locality intended to defray out-of-pocket expenses for transportation by an emergency medical services vehicle.

E. For the purposes of this section, "donations" shall include the lawful provision of in-kind resources for any event sponsored by the donee *and, with respect to any association or other organization furnishing voluntary firefighting services or a nonprofit or volunteer emergency medical services agency, the provision of in-kind resources for contract management services for capital projects; assistance in preparing requests for information, bids, or proposals; and budgeting services.*

F. Nothing in this section shall be construed to obligate any locality to appropriate funds to any entity. Such charitable contribution shall be voluntary.

CHAPTER 441

An Act to amend and reenact §§ 55.1-1809 and 55.1-1814 of the Code of Virginia, relating to Property Owners' Association Act; notice of restrictions on display of political signs.

[H 720]

Approved March 25, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 55.1-1809 and 55.1-1814 of the Code of Virginia are amended and reenacted as follows:

§ 55.1-1809. Contents of association disclosure packet; delivery of packet.

A. Within 14 days after receipt of a written request and instructions by a seller or the seller's authorized agent, the association shall deliver an association disclosure packet as directed in the written request. The information contained in the association disclosure packet shall be current as of a date specified on the association disclosure packet. If hand or

electronically delivered, the written request is deemed received on the date of delivery. If sent by United States mail, the request is deemed received six days after the postmark date. An association disclosure packet shall contain the following:

1. The name of the association and, if incorporated, the state in which the association is incorporated and the name and address of its registered agent in the Commonwealth;

2. A statement of any expenditure of funds approved by the association or the board of directors that requires an assessment in addition to the regular assessment during the current year or the immediately succeeding fiscal year;

3. A statement, including the amount of all assessments and any other mandatory fees or charges currently imposed by the association, together with any post-closing fee charged by the common interest community manager, if any, and associated with the purchase, disposition, and maintenance of the lot and to the right of use of common areas, and the status of the account;

4. A statement of whether there is any other entity or facility to which the lot owner may be liable for fees or other charges;

5. The current reserve study report or summary of such report, a statement of the status and amount of any reserve or replacement fund, and any portion of the fund allocated by the board of directors for a specified project;

6. A copy of the association's current budget or a summary of such budget, prepared by the association, and a copy of its statement of income and expenses or statement of its financial position (balance sheet) for the last fiscal year for which such statement is available, including a statement of the balance due of any outstanding loans of the association;

7. A statement of the nature and status of any pending action or unpaid judgment (i) to which the association is a party and (ii) that could or would have a material impact on the association or its members or that relates to the lot being purchased;

8. A statement setting forth the insurance coverage that is provided for all lot owners by the association, including the fidelity coverage maintained by the association, and any additional insurance that is required or recommended for each lot owner;

9. A statement that any improvement or alteration made to the lot, or uses made of the lot or common area assigned to such lot, is or is not in violation of the declaration, bylaws, rules and regulations, architectural guidelines, and articles of incorporation, if any, of the association;

10. A statement setting forth any restriction, limitation, or prohibition on the right of a lot owner to place a sign on the owner's lot advertising the lot for sale;

11. A statement setting forth any restriction, limitation, or prohibition on the right of a lot owner to display any flag on the owner's lot, including reasonable restrictions as to the size, place, and manner of placement or display of such flag and the installation of any flagpole or similar structure necessary to display such flag;

~~12.~~ *A statement setting forth any restrictions as to the size, place, duration, or manner of placement or display of political signs by a lot owner on his lot;*

13. A statement setting forth any restriction, limitation, or prohibition on the right of a lot owner to install or use solar energy collection devices on the owner's property;

~~13.~~ 14. A copy of the current declaration, the association's articles of incorporation and bylaws, and any rules and regulations or architectural guidelines adopted by the association;

~~14.~~ 15. A copy of any approved minutes of the board of directors and association meetings for the six calendar months preceding the request for the disclosure packet;

~~15.~~ 16. A copy of the notice given to the lot owner by the association of any current or pending rule or architectural violation;

~~16.~~ 17. A copy of the fully completed form developed by the Common Interest Community Board pursuant to § 54.1-2350;

~~17.~~ 18. Certification that the association has filed with the Common Interest Community Board the annual report required by § 55.1-1835. Such certification shall indicate the filing number assigned by the Common Interest Community Board and the expiration date of such filing; and

~~18.~~ 19. A statement indicating any known project approvals currently in effect issued by secondary mortgage market agencies.

B. Failure to receive copies of an association disclosure packet shall not excuse any failure to comply with the provisions of the declaration, articles of incorporation, bylaws, or rules or regulations.

C. The disclosure packet shall be delivered in accordance with the written request and instructions of the seller or the seller's authorized agent, including whether the disclosure packet shall be delivered electronically or in hard copy, and shall specify the complete contact information for the parties to whom the disclosure packet shall be delivered. The disclosure packet required by this section shall not, in and of itself, be deemed a security as defined in § 13.1-501.

D. The seller or the seller's authorized agent may request that the disclosure packet be provided in hard copy or in electronic form. An association or common interest community manager may provide the disclosure packet electronically; however, the seller or the seller's authorized agent shall have the right to request that the association disclosure packet be provided in hard copy. The seller or the seller's authorized agent shall continue to have the right to request a hard copy of the disclosure packet in person at the principal place of business of the association. If the seller or the seller's authorized agent requests that the disclosure packet be provided in electronic format, neither the association nor its common interest community manager may require the seller or the seller's authorized agent to pay any fees to use the provider's electronic

network or system. The disclosure packet shall not be delivered in hard copy if the requester has requested delivery of such disclosure packet electronically. If the disclosure packet is provided electronically by a website link, the preparer shall not cause the website link to expire within the subsequent 90-day period. The preparer shall not charge another fee during the subsequent 12-month period, except that the preparer may charge an update fee for a financial update or for an inspection as provided in § 55.1-1810. If the seller or the seller's authorized agent asks that the disclosure packet be provided in electronic format, the seller or the seller's authorized agent may request that an electronic copy be provided to each of the following named in the request: the seller, the seller's authorized agent, the purchaser, the purchaser's authorized agent, and not more than one other person designated by the requester. If so requested, the property owners' association or its common interest community manager may require the seller or the seller's authorized agent to pay the fee specified in § 55.1-1810. Regardless of whether the disclosure packet is delivered in paper form or electronically, the preparer of the disclosure packet shall provide such disclosure packet directly to the persons designated by the requester to the addresses or, if applicable, the email addresses provided by the requester.

§ 55.1-1814. Exceptions to disclosure requirements.

A. The contract disclosures required by § 55.1-1808 and the association disclosure packet required by § 55.1-1809 shall not be provided in the case of:

1. A disposition of a lot by gift;
2. A disposition of a lot pursuant to court order if the court so directs;
3. A disposition of a lot by foreclosure or deed in lieu of foreclosure;
4. A disposition of a lot by a sale at an auction, where the association disclosure packet was made available as part of an auction package for prospective purchasers prior to the auction sale; or
5. A disposition of a lot to a person or entity who is not acquiring the lot for his own residence or for the construction thereon of a dwelling unit to be occupied as his own residence, unless requested by such person or entity. If such disclosures are not requested, a statement in the contract of sale that the purchaser is not acquiring the lot for such purpose shall be conclusive and may be relied upon by the seller of the lot. The person or entity acquiring the lot shall nevertheless be obligated to abide by the declaration, bylaws, rules and regulations, and architectural guidelines of the association as to all matters.

B. In any transaction in which an association disclosure packet is required and a trustee acts as the seller in the sale or resale of a lot, the trustee shall obtain the association disclosure packet from the association and provide the packet to the purchaser.

C. In the case of an initial disposition of a lot by the declarant, the association disclosure packet required by § 55.1-1809 need not include the information referenced in subdivisions A 2, 3, 5, or 9 of § 55.1-1809, and it shall include the information referenced in subdivision A 47 18 of § 55.1-1809 only if the association has filed an annual report prior to the date of such disclosure packet.

CHAPTER 442

An Act to amend and reenact § 15.2-2286 of the Code of Virginia, relating to zoning; alcoholic beverage control licenses.

[H 731]

Approved March 25, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-2286 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-2286. Permitted provisions in zoning ordinances; amendments; applicant to pay delinquent taxes; penalties.

A. A zoning ordinance may include, among other things, reasonable regulations and provisions as to any or all of the following matters:

1. For variances or special exceptions, as defined in § 15.2-2201, to the general regulations in any district.
2. For the temporary application of the ordinance to any property coming into the territorial jurisdiction of the governing body by annexation or otherwise, subsequent to the adoption of the zoning ordinance, and pending the orderly amendment of the ordinance.
3. For the granting of special exceptions under suitable regulations and safeguards; notwithstanding any other provisions of this article, the governing body of any locality may reserve unto itself the right to issue such special exceptions. Conditions imposed in connection with residential special use permits, wherein the applicant proposes affordable housing, shall be consistent with the objective of providing affordable housing. When imposing conditions on residential projects specifying materials and methods of construction or specific design features, the approving body shall consider the impact of the conditions upon the affordability of housing.

The governing body or the board of zoning appeals of the ~~City of~~ *Cities of Hampton and Norfolk* may impose a condition upon any special exception *or use permit* relating to retail alcoholic beverage control licenses which provides that such special exception *or use permit* will automatically expire upon a change of ownership of the property, a change in possession, a change in the operation or management of a facility, or ~~upon~~ the passage of a specific period of time.

The governing body of the City of Richmond may impose a condition upon any special use permit issued after July 1, 2000, relating to retail alcoholic beverage licensees which provides that such special use permit shall be subject to an automatic review by the governing body upon a change in possession, a change in the owner of the business, or a transfer of majority control of the business entity. Upon review by the governing body, it may either amend or revoke the special use permit after notice and a public hearing as required by § 15.2-2206.

4. For the administration and enforcement of the ordinance including the appointment or designation of a zoning administrator who may also hold another office in the locality. The zoning administrator shall have all necessary authority on behalf of the governing body to administer and enforce the zoning ordinance. His authority shall include (i) ordering in writing the remedying of any condition found in violation of the ordinance; (ii) insuring compliance with the ordinance, bringing legal action, including injunction, abatement, or other appropriate action or proceeding subject to appeal pursuant to § 15.2-2311; and (iii) in specific cases, making findings of fact and, with concurrence of the attorney for the governing body, conclusions of law regarding determinations of rights accruing under § 15.2-2307 or subsection C of § 15.2-2311.

Whenever the zoning administrator has reasonable cause to believe that any person has engaged in or is engaging in any violation of a zoning ordinance that limits occupancy in a residential dwelling unit, which is subject to a civil penalty that may be imposed in accordance with the provisions of § 15.2-2209, and the zoning administrator, after a good faith effort to obtain the data or information necessary to determine whether a violation has occurred, has been unable to obtain such information, he may request that the attorney for the locality petition the judge of the general district court for his jurisdiction for a subpoena duces tecum against any such person refusing to produce such data or information. The judge of the court, upon good cause shown, may cause the subpoena to be issued. Any person failing to comply with such subpoena shall be subject to punishment for contempt by the court issuing the subpoena. Any person so subpoenaed may apply to the judge who issued the subpoena to quash it.

Notwithstanding the provisions of § 15.2-2311, a zoning ordinance may prescribe an appeal period of less than 30 days, but not less than 10 days, for a notice of violation involving temporary or seasonal commercial uses, parking of commercial trucks in residential zoning districts, maximum occupancy limitations of a residential dwelling unit, or similar short-term, recurring violations.

Where provided by ordinance, the zoning administrator may be authorized to grant a modification from any provision contained in the zoning ordinance with respect to physical requirements on a lot or parcel of land, including but not limited to size, height, location or features of or related to any building, structure, or improvements, if the administrator finds in writing that: (i) the strict application of the ordinance would produce undue hardship; (ii) such hardship is not shared generally by other properties in the same zoning district and the same vicinity; and (iii) the authorization of the modification will not be of substantial detriment to adjacent property and the character of the zoning district will not be changed by the granting of the modification. Prior to the granting of a modification, the zoning administrator shall give, or require the applicant to give, all adjoining property owners written notice of the request for modification, and an opportunity to respond to the request within 21 days of the date of the notice. The zoning administrator shall make a decision on the application for modification and issue a written decision with a copy provided to the applicant and any adjoining landowner who responded in writing to the notice sent pursuant to this paragraph. The decision of the zoning administrator shall constitute a decision within the purview of § 15.2-2311, and may be appealed to the board of zoning appeals as provided by that section. Decisions of the board of zoning appeals may be appealed to the circuit court as provided by § 15.2-2314.

The zoning administrator shall respond within 90 days of a request for a decision or determination on zoning matters within the scope of his authority unless the requester has agreed to a longer period.

5. For the imposition of penalties upon conviction of any violation of the zoning ordinance. Any such violation shall be a misdemeanor punishable by a fine of not more than \$1,000. If the violation is uncorrected at the time of the conviction, the court shall order the violator to abate or remedy the violation in compliance with the zoning ordinance, within a time period established by the court. Failure to remove or abate a zoning violation within the specified time period shall constitute a separate misdemeanor offense punishable by a fine of not more than \$1,000; any such failure during a succeeding 10-day period shall constitute a separate misdemeanor offense punishable by a fine of not more than \$1,500; and any such failure during any succeeding 10-day period shall constitute a separate misdemeanor offense for each 10-day period punishable by a fine of not more than \$2,000.

However, any conviction resulting from a violation of provisions regulating the number of unrelated persons in single-family residential dwellings shall be punishable by a fine of up to \$2,000. Failure to abate the violation within the specified time period shall be punishable by a fine of up to \$5,000, and any such failure during any succeeding 10-day period shall constitute a separate misdemeanor offense for each 10-day period punishable by a fine of up to \$7,500. However, no such fine shall accrue against an owner or managing agent of a single-family residential dwelling unit during the pendency of any legal action commenced by such owner or managing agent of such dwelling unit against a tenant to eliminate an overcrowding condition in accordance with the Virginia Residential Landlord and Tenant Act (§ 55.1-1200 et seq.). A conviction resulting from a violation of provisions regulating the number of unrelated persons in single-family residential dwellings shall not be punishable by a jail term.

6. For the collection of fees to cover the cost of making inspections, issuing permits, advertising of notices and other expenses incident to the administration of a zoning ordinance or to the filing or processing of any appeal or amendment thereto.

7. For the amendment of the regulations or district maps from time to time, or for their repeal. Whenever the public necessity, convenience, general welfare, or good zoning practice requires, the governing body may by ordinance amend, supplement, or change the regulations, district boundaries, or classifications of property. Any such amendment may be initiated (i) by resolution of the governing body; (ii) by motion of the local planning commission; or (iii) by petition of the owner, contract purchaser with the owner's written consent, or the owner's agent therefor, of the property which is the subject of the proposed zoning map amendment, addressed to the governing body or the local planning commission, who shall forward such petition to the governing body; however, the ordinance may provide for the consideration of proposed amendments only at specified intervals of time, and may further provide that substantially the same petition will not be reconsidered within a specific period, not exceeding one year. Any such resolution or motion by such governing body or commission proposing the rezoning shall state the above public purposes therefor.

In any county having adopted such zoning ordinance, all motions, resolutions or petitions for amendment to the zoning ordinance, and/or map shall be acted upon and a decision made within such reasonable time as may be necessary which shall not exceed 12 months unless the applicant requests or consents to action beyond such period or unless the applicant withdraws his motion, resolution or petition for amendment to the zoning ordinance or map, or both. In the event of and upon such withdrawal, processing of the motion, resolution or petition shall cease without further action as otherwise would be required by this subdivision.

8. For the submission and approval of a plan of development prior to the issuance of building permits to assure compliance with regulations contained in such zoning ordinance.

9. For areas and districts designated for mixed use developments or planned unit developments as defined in § 15.2-2201.

10. For the administration of incentive zoning as defined in § 15.2-2201.

11. For provisions allowing the locality to enter into a voluntary agreement with a landowner that would result in the downzoning of the landowner's undeveloped or underdeveloped property in exchange for a tax credit equal to the amount of excess real estate taxes that the landowner has paid due to the higher zoning classification. The locality may establish reasonable guidelines for determining the amount of excess real estate tax collected and the method and duration for applying the tax credit. For purposes of this section, "downzoning" means a zoning action by a locality that results in a reduction in a formerly permitted land use intensity or density.

12. Provisions for requiring and considering Phase I environmental site assessments based on the anticipated use of the property proposed for the subdivision or development that meet generally accepted national standards for such assessments, such as those developed by the American Society for Testing and Materials, and Phase II environmental site assessments, that also meet accepted national standards, such as, but not limited to, those developed by the American Society for Testing and Materials, if the locality deems such to be reasonably necessary, based on findings in the Phase I assessment, and in accordance with regulations of the United States Environmental Protection Agency and the American Society for Testing and Materials. A reasonable fee may be charged for the review of such environmental assessments. Such fees shall not exceed an amount commensurate with the services rendered, taking into consideration the time, skill, and administrative expense involved in such review.

13. Provisions for requiring disclosure and remediation of contamination and other adverse environmental conditions of the property prior to approval of subdivision and development plans.

14. For the enforcement of provisions of the zoning ordinance that regulate the number of persons permitted to occupy a single-family residential dwelling unit, provided such enforcement is in compliance with applicable local, state and federal fair housing laws.

15. For the issuance of inspection warrants by a magistrate or court of competent jurisdiction. The zoning administrator or his agent may make an affidavit under oath before a magistrate or court of competent jurisdiction and, if such affidavit establishes probable cause that a zoning ordinance violation has occurred, request that the magistrate or court grant the zoning administrator or his agent an inspection warrant to enable the zoning administrator or his agent to enter the subject dwelling for the purpose of determining whether violations of the zoning ordinance exist. After issuing a warrant under this section, the magistrate or judge shall file the affidavit in the manner prescribed by § 19.2-54. After executing the warrant, the zoning administrator or his agents shall return the warrant to the clerk of the circuit court of the city or county wherein the inspection was made. The zoning administrator or his agent shall make a reasonable effort to obtain consent from the owner or tenant of the subject dwelling prior to seeking the issuance of an inspection warrant under this section.

B. Prior to the initiation of an application by the owner of the subject property, the owner's agent, or any entity in which the owner holds an ownership interest greater than 50 percent, for a special exception, special use permit, variance, rezoning or other land disturbing permit, including building permits and erosion and sediment control permits, or prior to the issuance of final approval, the authorizing body may require the applicant to produce satisfactory evidence that any delinquent real estate taxes, nuisance charges, stormwater management utility fees, and any other charges that constitute a lien on the subject property, that are owed to the locality and have been properly assessed against the subject property, have been paid, unless otherwise authorized by the treasurer.

CHAPTER 443

An Act to amend and reenact § 15.2-2286 of the Code of Virginia, relating to zoning; alcoholic beverage control licensees. [S 676]

Approved March 25, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-2286 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-2286. Permitted provisions in zoning ordinances; amendments; applicant to pay delinquent taxes; penalties.

A. A zoning ordinance may include, among other things, reasonable regulations and provisions as to any or all of the following matters:

1. For variances or special exceptions, as defined in § 15.2-2201, to the general regulations in any district.

2. For the temporary application of the ordinance to any property coming into the territorial jurisdiction of the governing body by annexation or otherwise, subsequent to the adoption of the zoning ordinance, and pending the orderly amendment of the ordinance.

3. For the granting of special exceptions under suitable regulations and safeguards; notwithstanding any other provisions of this article, the governing body of any locality may reserve unto itself the right to issue such special exceptions. Conditions imposed in connection with residential special use permits, wherein the applicant proposes affordable housing, shall be consistent with the objective of providing affordable housing. When imposing conditions on residential projects specifying materials and methods of construction or specific design features, the approving body shall consider the impact of the conditions upon the affordability of housing.

The governing body or the board of zoning appeals of the ~~City of~~ *Cities of Hampton and Norfolk* may impose a condition upon any special exception *or use permit* relating to retail alcoholic beverage control licensees which provides that such special exception *or use permit* will automatically expire upon a change of ownership of the property, a change in possession, a change in the operation or management of a facility, or ~~upon~~ the passage of a specific period of time.

The governing body of the City of Richmond may impose a condition upon any special use permit issued after July 1, 2000, relating to retail alcoholic beverage licensees which provides that such special use permit shall be subject to an automatic review by the governing body upon a change in possession, a change in the owner of the business, or a transfer of majority control of the business entity. Upon review by the governing body, it may either amend or revoke the special use permit after notice and a public hearing as required by § 15.2-2206.

4. For the administration and enforcement of the ordinance including the appointment or designation of a zoning administrator who may also hold another office in the locality. The zoning administrator shall have all necessary authority on behalf of the governing body to administer and enforce the zoning ordinance. His authority shall include (i) ordering in writing the remedying of any condition found in violation of the ordinance; (ii) insuring compliance with the ordinance, bringing legal action, including injunction, abatement, or other appropriate action or proceeding subject to appeal pursuant to § 15.2-2311; and (iii) in specific cases, making findings of fact and, with concurrence of the attorney for the governing body, conclusions of law regarding determinations of rights accruing under § 15.2-2307 or subsection C of § 15.2-2311.

Whenever the zoning administrator has reasonable cause to believe that any person has engaged in or is engaging in any violation of a zoning ordinance that limits occupancy in a residential dwelling unit, which is subject to a civil penalty that may be imposed in accordance with the provisions of § 15.2-2209, and the zoning administrator, after a good faith effort to obtain the data or information necessary to determine whether a violation has occurred, has been unable to obtain such information, he may request that the attorney for the locality petition the judge of the general district court for his jurisdiction for a subpoena duces tecum against any such person refusing to produce such data or information. The judge of the court, upon good cause shown, may cause the subpoena to be issued. Any person failing to comply with such subpoena shall be subject to punishment for contempt by the court issuing the subpoena. Any person so subpoenaed may apply to the judge who issued the subpoena to quash it.

Notwithstanding the provisions of § 15.2-2311, a zoning ordinance may prescribe an appeal period of less than 30 days, but not less than 10 days, for a notice of violation involving temporary or seasonal commercial uses, parking of commercial trucks in residential zoning districts, maximum occupancy limitations of a residential dwelling unit, or similar short-term, recurring violations.

Where provided by ordinance, the zoning administrator may be authorized to grant a modification from any provision contained in the zoning ordinance with respect to physical requirements on a lot or parcel of land, including but not limited to size, height, location or features of or related to any building, structure, or improvements, if the administrator finds in writing that: (i) the strict application of the ordinance would produce undue hardship; (ii) such hardship is not shared generally by other properties in the same zoning district and the same vicinity; and (iii) the authorization of the modification will not be of substantial detriment to adjacent property and the character of the zoning district will not be changed by the granting of the modification. Prior to the granting of a modification, the zoning administrator shall give, or require the applicant to give, all adjoining property owners written notice of the request for modification, and an opportunity to respond to the request within 21 days of the date of the notice. The zoning administrator shall make a decision on the application for modification and issue a written decision with a copy provided to the applicant and any adjoining landowner who responded

in writing to the notice sent pursuant to this paragraph. The decision of the zoning administrator shall constitute a decision within the purview of § 15.2-2311, and may be appealed to the board of zoning appeals as provided by that section. Decisions of the board of zoning appeals may be appealed to the circuit court as provided by § 15.2-2314.

The zoning administrator shall respond within 90 days of a request for a decision or determination on zoning matters within the scope of his authority unless the requester has agreed to a longer period.

5. For the imposition of penalties upon conviction of any violation of the zoning ordinance. Any such violation shall be a misdemeanor punishable by a fine of not more than \$1,000. If the violation is uncorrected at the time of the conviction, the court shall order the violator to abate or remedy the violation in compliance with the zoning ordinance, within a time period established by the court. Failure to remove or abate a zoning violation within the specified time period shall constitute a separate misdemeanor offense punishable by a fine of not more than \$1,000; any such failure during a succeeding 10-day period shall constitute a separate misdemeanor offense punishable by a fine of not more than \$1,500; and any such failure during any succeeding 10-day period shall constitute a separate misdemeanor offense for each 10-day period punishable by a fine of not more than \$2,000.

However, any conviction resulting from a violation of provisions regulating the number of unrelated persons in single-family residential dwellings shall be punishable by a fine of up to \$2,000. Failure to abate the violation within the specified time period shall be punishable by a fine of up to \$5,000, and any such failure during any succeeding 10-day period shall constitute a separate misdemeanor offense for each 10-day period punishable by a fine of up to \$7,500. However, no such fine shall accrue against an owner or managing agent of a single-family residential dwelling unit during the pendency of any legal action commenced by such owner or managing agent of such dwelling unit against a tenant to eliminate an overcrowding condition in accordance with the Virginia Residential Landlord and Tenant Act (§ 55.1-1200 et seq.). A conviction resulting from a violation of provisions regulating the number of unrelated persons in single-family residential dwellings shall not be punishable by a jail term.

6. For the collection of fees to cover the cost of making inspections, issuing permits, advertising of notices and other expenses incident to the administration of a zoning ordinance or to the filing or processing of any appeal or amendment thereto.

7. For the amendment of the regulations or district maps from time to time, or for their repeal. Whenever the public necessity, convenience, general welfare, or good zoning practice requires, the governing body may by ordinance amend, supplement, or change the regulations, district boundaries, or classifications of property. Any such amendment may be initiated (i) by resolution of the governing body; (ii) by motion of the local planning commission; or (iii) by petition of the owner, contract purchaser with the owner's written consent, or the owner's agent therefor, of the property which is the subject of the proposed zoning map amendment, addressed to the governing body or the local planning commission, who shall forward such petition to the governing body; however, the ordinance may provide for the consideration of proposed amendments only at specified intervals of time, and may further provide that substantially the same petition will not be reconsidered within a specific period, not exceeding one year. Any such resolution or motion by such governing body or commission proposing the rezoning shall state the above public purposes therefor.

In any county having adopted such zoning ordinance, all motions, resolutions or petitions for amendment to the zoning ordinance, and/or map shall be acted upon and a decision made within such reasonable time as may be necessary which shall not exceed 12 months unless the applicant requests or consents to action beyond such period or unless the applicant withdraws his motion, resolution or petition for amendment to the zoning ordinance or map, or both. In the event of and upon such withdrawal, processing of the motion, resolution or petition shall cease without further action as otherwise would be required by this subdivision.

8. For the submission and approval of a plan of development prior to the issuance of building permits to assure compliance with regulations contained in such zoning ordinance.

9. For areas and districts designated for mixed use developments or planned unit developments as defined in § 15.2-2201.

10. For the administration of incentive zoning as defined in § 15.2-2201.

11. For provisions allowing the locality to enter into a voluntary agreement with a landowner that would result in the downzoning of the landowner's undeveloped or underdeveloped property in exchange for a tax credit equal to the amount of excess real estate taxes that the landowner has paid due to the higher zoning classification. The locality may establish reasonable guidelines for determining the amount of excess real estate tax collected and the method and duration for applying the tax credit. For purposes of this section, "downzoning" means a zoning action by a locality that results in a reduction in a formerly permitted land use intensity or density.

12. Provisions for requiring and considering Phase I environmental site assessments based on the anticipated use of the property proposed for the subdivision or development that meet generally accepted national standards for such assessments, such as those developed by the American Society for Testing and Materials, and Phase II environmental site assessments, that also meet accepted national standards, such as, but not limited to, those developed by the American Society for Testing and Materials, if the locality deems such to be reasonably necessary, based on findings in the Phase I assessment, and in accordance with regulations of the United States Environmental Protection Agency and the American Society for Testing and Materials. A reasonable fee may be charged for the review of such environmental assessments. Such fees shall not exceed an amount commensurate with the services rendered, taking into consideration the time, skill, and administrative expense involved in such review.

13. Provisions for requiring disclosure and remediation of contamination and other adverse environmental conditions of the property prior to approval of subdivision and development plans.

14. For the enforcement of provisions of the zoning ordinance that regulate the number of persons permitted to occupy a single-family residential dwelling unit, provided such enforcement is in compliance with applicable local, state and federal fair housing laws.

15. For the issuance of inspection warrants by a magistrate or court of competent jurisdiction. The zoning administrator or his agent may make an affidavit under oath before a magistrate or court of competent jurisdiction and, if such affidavit establishes probable cause that a zoning ordinance violation has occurred, request that the magistrate or court grant the zoning administrator or his agent an inspection warrant to enable the zoning administrator or his agent to enter the subject dwelling for the purpose of determining whether violations of the zoning ordinance exist. After issuing a warrant under this section, the magistrate or judge shall file the affidavit in the manner prescribed by § 19.2-54. After executing the warrant, the zoning administrator or his agents shall return the warrant to the clerk of the circuit court of the city or county wherein the inspection was made. The zoning administrator or his agent shall make a reasonable effort to obtain consent from the owner or tenant of the subject dwelling prior to seeking the issuance of an inspection warrant under this section.

B. Prior to the initiation of an application by the owner of the subject property, the owner's agent, or any entity in which the owner holds an ownership interest greater than 50 percent, for a special exception, special use permit, variance, rezoning or other land disturbing permit, including building permits and erosion and sediment control permits, or prior to the issuance of final approval, the authorizing body may require the applicant to produce satisfactory evidence that any delinquent real estate taxes, nuisance charges, stormwater management utility fees, and any other charges that constitute a lien on the subject property, that are owed to the locality and have been properly assessed against the subject property, have been paid, unless otherwise authorized by the treasurer.

CHAPTER 444

An Act to amend and reenact §§ 46.2-862 and 46.2-878.3 of the Code of Virginia, relating to reckless driving; exceeding speed limit.

[H 885]

Approved March 25, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-862 and 46.2-878.3 of the Code of Virginia are amended and reenacted as follows:

§ 46.2-862. Exceeding speed limit.

A person ~~shall be~~ *is* guilty of reckless driving who drives a motor vehicle on the highways in the Commonwealth (i) at a speed of ~~twenty~~ 20 miles per hour or more in excess of the applicable maximum speed limit or (ii) in excess of ~~eighty~~ 85 miles per hour regardless of the applicable maximum speed limit.

§ 46.2-878.3. Prepayment of fines for violations of speed limits.

Except as otherwise provided in this section, the Traffic Infractions and Uniform Fine Schedule adopted by the Supreme Court for prepayment of fines shall, in all instances where prepayment of a fine is permitted, include a fine of \$6 per mile-per-hour in excess of posted speed limits provided for in this article. However, such Traffic Infractions and Uniform Fine Schedule shall include a fine of \$7 per mile-per-hour in excess of posted speed limits for a violation of §§ 46.2-873 and 46.2-878.1 and \$8 per mile-per-hour in excess of posted speed limits for a violation of § 46.2-878.2. *Any person who drives a motor vehicle at a speed in excess of 80 miles per hour but below 86 miles per hour on any highway in the Commonwealth having a maximum speed limit of 65 miles per hour shall be subject to an additional fine of \$100.*

CHAPTER 445

An Act to amend and reenact §§ 46.2-862 and 46.2-878.3 of the Code of Virginia, relating to reckless driving; exceeding speed limit.

[S 63]

Approved March 25, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-862 and 46.2-878.3 of the Code of Virginia are amended and reenacted as follows:

§ 46.2-862. Exceeding speed limit.

A person ~~shall be~~ *is* guilty of reckless driving who drives a motor vehicle on the highways in the Commonwealth (i) at a speed of ~~twenty~~ 20 miles per hour or more in excess of the applicable maximum speed limit or (ii) in excess of ~~eighty~~ 85 miles per hour regardless of the applicable maximum speed limit.

§ 46.2-878.3. Prepayment of fines for violations of speed limits.

Except as otherwise provided in this section, the Traffic Infractions and Uniform Fine Schedule adopted by the Supreme Court for prepayment of fines shall, in all instances where prepayment of a fine is permitted, include a fine of \$6 per mile-per-hour in excess of posted speed limits provided for in this article. However, such Traffic Infractions and

Uniform Fine Schedule shall include a fine of \$7 per mile-per-hour in excess of posted speed limits for a violation of §§ 46.2-873 and 46.2-878.1 and \$8 per mile-per-hour in excess of posted speed limits for a violation of § 46.2-878.2. *Any person who drives a motor vehicle at a speed in excess of 80 miles per hour but below 86 miles per hour on any highway in the Commonwealth having a maximum speed limit of 65 miles per hour shall be subject to an additional fine of \$100.*

CHAPTER 446

An Act to amend and reenact § 19.2-368.4 of the Code of Virginia, relating to compensating victims of crime; persons eligible for award; grandchildren.

[H 988]

Approved March 25, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-368.4 of the Code of Virginia is amended and reenacted as follows:

§ 19.2-368.4. Persons eligible for awards.

A. The following persons shall be eligible for awards pursuant to this chapter unless the award would directly and unjustly benefit the person who is criminally responsible:

1. A victim of a crime or the parent or guardian of a minor who is the victim of a crime.
2. A surviving spouse, parent, grandparent, sibling, *grandchild who is alive at the time of the commission of the crime*, or child, including posthumous children, of a victim of a crime who died as a direct result of such crime.
3. Any person, except a law-enforcement officer engaged in the performance of his duties, who is injured or killed while trying to prevent a crime or an attempted crime from occurring in his presence, or trying to apprehend a person who had committed a crime in his presence or had, in fact, committed a felony.
4. A surviving spouse, parent, grandparent, sibling, *grandchild who is alive at the time of the commission of the crime*, or child, including posthumous children, of any person who dies as a direct result of trying to prevent a crime or attempted crime from occurring in his presence, or trying to apprehend a person who had committed a crime in his presence or had, in fact, committed a felony.

5. Any other person legally dependent for his principal support upon a victim of crime who dies as a result of such crime, or legally dependent for his principal support upon any person who dies as a direct result of trying to prevent a crime or an attempted crime from occurring in his presence or trying to apprehend a person who had committed a crime in his presence or had, in fact, committed a felony.

B. A person who is criminally responsible for the crime upon which a claim is based, or an accomplice or accessory of such person, shall not be eligible to receive an award with respect to such claim.

C. A resident of Virginia who is the victim of a crime occurring outside Virginia and any other person as defined in subsection A who is injured as a result of a crime occurring outside Virginia shall be eligible for an award pursuant to this chapter if (i) the person would be eligible for benefits had the crime occurred in Virginia and (ii) the state, country or territory in which the crime occurred does not have a crime victims' compensation program deemed eligible pursuant to the provisions of the federal Victims of Crime Act and does not compensate nonresidents.

CHAPTER 447

An Act to amend and reenact §§ 1.3, 3.1, 3.4, 3.7, 4.1, 4.2, 4.5, 4.9, and 4.12 of Chapter 76 of the Acts of Assembly of 1978, which provided a charter for the Town of Abingdon in Washington County, and to repeal §§ 4.6 and 4.7 of Chapter 76 of the Acts of Assembly of 1978, relating to town boundaries, council, mayor, town manager, and salaries.

[H 1720]

Approved March 25, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 1.3, 3.1, 3.4, 3.7, 4.1, 4.2, 4.5, 4.9, and 4.12 of Chapter 76 of the Acts of Assembly of 1978 are amended and reenacted as follows:

§ 1.3. Boundaries.

The boundaries of the town shall be as established by the annexation order of the Circuit Court of Washington County, Virginia, entered in Law Order Book "S", page 173, on the 17th day of April, 1948, and an order of the Circuit Court of Washington County, Virginia, contracting the corporate limits of the town of Abingdon as entered on November 22, 1950, in Law Order Book 27, page 24, *an order of annexation of the Circuit Court of Washington County, Virginia, entered on May 28, 1987, in Law Order Book 55, page 456, a supplemental order of the Circuit Court of Washington County, Virginia, entered on July 6, 1987, in Law Order Book 55, page 583, and an order of the Circuit Court of Washington County, Virginia, entered on August 14, 1991, in Law Order Book 72, page 565 (amending and restating a prior order of the Circuit Court of Washington County, Virginia, entered on July 25, 1991, in Law Order Book 72, page 488)*, which are incorporated herein by reference and made a part hereof, *and including such boundaries that may be annexed as memorialized by orders of court.*

§ 3.1. Election, qualification and term of office for ~~councilmen~~ *councilmembers*.

The town of Abingdon shall be governed by a town council composed of five ~~councilmen~~ *councilmembers*, all of whom shall be qualified voters of the town, to be elected from the town at large. Any person qualified to vote in the town shall be eligible for the office of ~~councilman~~ *councilmember*. The ~~councilmen~~ *councilmembers* in office at the time of the adoption of this charter shall continue in office until the expiration of the terms for which they were elected or until their successors are duly elected and qualified. An election for ~~councilman~~ *councilmember* shall be held on the first Tuesday in May, 1978, and on the first Tuesday in May of every second year thereafter. The ~~councilmen~~ *councilmembers* elected the first Tuesday in May, 1978, and thereafter shall enter upon their duties on the first day of July next succeeding their election, and shall each serve for a term of four years or until their successors have qualified.

§ 3.4. Mayor.

At its first meeting, the council shall choose by a majority vote of all the members thereof one of their number to be mayor and one to be vice-mayor for the ensuing two years. The mayor shall preside over the meetings of the council, *shall* have the same right to speak therein as other members, and shall have a vote but no veto. ~~He~~ *The mayor* shall be recognized as the head of the town government for all ceremonial purposes, the purposes of military law, and the service of civil process, and shall authenticate by ~~his~~ *the mayor's* signature; such documents or instruments as the council, this charter, or the laws of the Commonwealth shall require. The vice-mayor shall in the absence or disability of the mayor perform the duties of the mayor. In the absence or disability of both mayor and vice-mayor the council shall, by majority vote of those present, choose one of their number as acting mayor.

§ 3.7. Salaries.

The salaries of all ~~councilmen~~ *councilmembers* shall be fixed by ~~a commission of five resident taxpayers~~ *council* according to the procedure in ~~§ 15.1-939 et seq.~~ *15.2-1414.7* of the Code of Virginia. The council is hereby authorized to fix the salaries of all ~~appointed officers and employees of the town~~ *council appointees*.

§ 4.1. Appointments.

At the first meeting in July following each ~~councilman's~~ *councilmember* election, or as soon thereafter as practicable, the council shall appoint:

§ 4.2. Town manager.

A town manager who shall be the administrative and executive head of the municipal government. ~~He~~ *The town manager* shall be chosen by the council without regard to political beliefs and solely upon the basis of ~~his~~ *his* executive and administrative qualifications. At the time of ~~his~~ *his* appointment ~~he~~, *the town manager* need not be a resident of the town or the Commonwealth, but during ~~his~~ *the town manager's* tenure of office shall reside within the town. ~~His~~ *The town manager's* duties shall be as prescribed by the council.

§ 4.5. Town attorney.

A town attorney, who shall be an attorney at law licensed to practice under the laws of the Commonwealth and shall have actively practiced ~~his~~ *that* profession therein for at least five years immediately preceding ~~his~~ *the* appointment. ~~He~~ *The town attorney* shall receive such compensation and fees as shall be provided by the council by ordinance or resolution. ~~His~~ *The town attorney's* duties shall be as prescribed by the council.

§ 4.9. Bonds.

Officers; ~~deputies and assistants~~ shall execute such bonds as may be required by resolution of the council.

§ 4.12. Boards and commissions.

The council may, in its discretion, appoint such boards and commissions as it deems necessary; ~~including the Board of Zoning Appeals.~~

2. That §§ 4.6 and 4.7 of Chapter 76 of the Acts of Assembly of 1978 are repealed.

CHAPTER 448

An Act to amend and reenact §§ 1.3, 3.1, 3.4, 3.7, 4.1, 4.2, 4.5, 4.9, and 4.12 of Chapter 76 of the Acts of Assembly of 1978, which provided a charter for the Town of Abingdon in Washington County, and to repeal §§ 4.6 and 4.7 of Chapter 76 of the Acts of Assembly of 1978, relating to town boundaries, council, mayor, town manager, and salaries.

[S 1084]

Approved March 25, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 1.3, 3.1, 3.4, 3.7, 4.1, 4.2, 4.5, 4.9, and 4.12 of Chapter 76 of the Acts of Assembly of 1978 are amended and reenacted as follows:

§ 1.3. Boundaries.

The boundaries of the town shall be as established by the annexation order of the Circuit Court of Washington County, Virginia, entered in Law Order Book "S", page 173, on the 17th day of April, 1948, and an order of the Circuit Court of Washington County, Virginia, contracting the corporate limits of the town of Abingdon as entered on November 22, 1950, in Law Order Book 27, page 24, *an order of annexation of the Circuit Court of Washington County, Virginia, entered on May 28, 1987, in Law Order Book 55, page 456, a supplemental order of the Circuit Court of Washington County, Virginia, entered on July 6, 1987, in Law Order Book 55, page 583, and an order of the Circuit Court of Washington County, Virginia, entered on August 14, 1991, in Law Order Book 72, page 565 (amending and restating a prior order of the Circuit Court of*

Washington County, Virginia, entered on July 25, 1991, in Law Order Book 72, page 488), which are incorporated herein by reference and made a part hereof, and including such boundaries that may be annexed as memorialized by orders of court.

§ 3.1. Election, qualification and term of office for ~~councilmen~~ councilmembers.

The town of Abingdon shall be governed by a town council composed of five ~~councilmen~~ councilmembers, all of whom shall be qualified voters of the town, to be elected from the town at large. Any person qualified to vote in the town shall be eligible for the office of ~~councilman~~ councilmember. The ~~councilmen~~ councilmembers in office at the time of the adoption of this charter shall continue in office until the expiration of the terms for which they were elected or until their successors are duly elected and qualified. An election for ~~councilman~~ councilmember shall be held on the first Tuesday in May, 1978, and on the first Tuesday in May of every second year thereafter. The ~~councilmen~~ councilmembers elected the first Tuesday in May, 1978, and thereafter shall enter upon their duties on the first day of July next succeeding their election, and shall each serve for a term of four years or until their successors have qualified.

§ 3.4. Mayor.

At its first meeting, the council shall choose by a majority vote of all the members thereof one of their number to be mayor and one to be vice-mayor for the ensuing two years. The mayor shall preside over the meetings of the council, shall have the same right to speak therein as other members, and shall have a vote but no veto. ~~He~~ The mayor shall be recognized as the head of the town government for all ceremonial purposes, the purposes of military law, and the service of civil process, and shall authenticate by ~~his~~ the mayor's signature, such documents or instruments as the council, this charter, or the laws of the Commonwealth shall require. The vice-mayor shall in the absence or disability of the mayor perform the duties of the mayor. In the absence or disability of both mayor and vice-mayor the council shall, by majority vote of those present, choose one of their number as acting mayor.

§ 3.7. Salaries.

The salaries of all ~~councilmen~~ councilmembers shall be fixed by a ~~commission of five resident taxpayers~~ council according to the procedure in ~~§ 15.1-939 et seq.~~ 15.2-1414.7 of the Code of Virginia. The council is hereby authorized to fix the salaries of all ~~appointed officers and employees of the town~~ council appointees.

§ 4.1. Appointments.

At the first meeting in July following each ~~councilman~~ councilmember election, or as soon thereafter as practicable, the council shall appoint:

§ 4.2. Town manager.

A town manager who shall be the administrative and executive head of the municipal government. ~~He~~ The town manager shall be chosen by the council without regard to political beliefs and solely upon the basis of ~~his~~ executive and administrative qualifications. At the time of ~~his~~ appointment ~~he~~, the town manager need not be a resident of the town or the Commonwealth, but during ~~his~~ the town manager's tenure of office shall reside within the town. ~~His~~ The town manager's duties shall be as prescribed by the council.

§ 4.5. Town attorney.

A town attorney, who shall be an attorney at law licensed to practice under the laws of the Commonwealth and shall have actively practiced ~~his~~ that profession therein for at least five years immediately preceding ~~his~~ the appointment. ~~He~~ The town attorney shall receive such compensation and fees as shall be provided by the council by ordinance or resolution. ~~His~~ The town attorney's duties shall be as prescribed by the council.

§ 4.9. Bonds.

Officers, ~~deputies and assistants~~ shall execute such bonds as may be required by resolution of the council.

§ 4.12. Boards and commissions.

The council may, in its discretion, appoint such boards and commissions as it deems necessary, ~~including the Board of Zoning Appeals.~~

2. That §§ 4.6 and 4.7 of Chapter 76 of the Acts of Assembly of 1978 are repealed.

CHAPTER 449

An Act to amend and reenact § 62.1-44.15, as it is currently effective and as it shall become effective, of the Code of Virginia, relating to pipeline permit violations; penalty amounts.

[H 646]

Approved March 25, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 62.1-44.15, as it is currently effective and as it shall become effective, of the Code of Virginia is amended and reenacted as follows:

§ 62.1-44.15. (For expiration date, see Acts 2016, cc. 68 and 758, as amended by Acts 2017, c. 345) Powers and duties; civil penalties.

It shall be the duty of the Board and it shall have the authority:

(1) [Repealed.]

(2) To study and investigate all problems concerned with the quality of state waters and to make reports and recommendations.

(2a) To study and investigate methods, procedures, devices, appliances, and technologies that could assist in water conservation or water consumption reduction.

(2b) To coordinate its efforts toward water conservation with other persons or groups, within or without the Commonwealth.

(2c) To make reports concerning, and formulate recommendations based upon, any such water conservation studies to ensure that present and future water needs of the citizens of the Commonwealth are met.

(3a) To establish such standards of quality and policies for any state waters consistent with the general policy set forth in this chapter, and to modify, amend or cancel any such standards or policies established and to take all appropriate steps to prevent quality alteration contrary to the public interest or to standards or policies thus established, except that a description of provisions of any proposed standard or policy adopted by regulation which are more restrictive than applicable federal requirements, together with the reason why the more restrictive provisions are needed, shall be provided to the standing committee of each house of the General Assembly to which matters relating to the content of the standard or policy are most properly referable. The Board shall, from time to time, but at least once every three years, hold public hearings pursuant to § 2.2-4007.01 but, upon the request of an affected person or upon its own motion, hold hearings pursuant to § 2.2-4009, for the purpose of reviewing the standards of quality, and, as appropriate, adopting, modifying, or canceling such standards. Whenever the Board considers the adoption, modification, amendment or cancellation of any standard, it shall give due consideration to, among other factors, the economic and social costs and benefits which can reasonably be expected to obtain as a consequence of the standards as adopted, modified, amended or cancelled. The Board shall also give due consideration to the public health standards issued by the Virginia Department of Health with respect to issues of public health policy and protection. If the Board does not follow the public health standards of the Virginia Department of Health, the Board's reason for any deviation shall be made in writing and published for any and all concerned parties.

(3b) Except as provided in subdivision (3a), such standards and policies are to be adopted or modified, amended or cancelled in the manner provided by the Administrative Process Act (§ 2.2-4000 et seq.).

(4) To conduct or have conducted scientific experiments, investigations, studies, and research to discover methods for maintaining water quality consistent with the purposes of this chapter. To this end the Board may cooperate with any public or private agency in the conduct of such experiments, investigations and research and may receive in behalf of the Commonwealth any moneys that any such agency may contribute as its share of the cost under any such cooperative agreement. Such moneys shall be used only for the purposes for which they are contributed and any balance remaining after the conclusion of the experiments, investigations, studies, and research, shall be returned to the contributors.

(5) To issue, revoke or amend certificates under prescribed conditions for: (a) the discharge of sewage, industrial wastes and other wastes into or adjacent to state waters; (b) the alteration otherwise of the physical, chemical or biological properties of state waters; (c) excavation in a wetland; or (d) on and after October 1, 2001, the conduct of the following activities in a wetland: (i) new activities to cause draining that significantly alters or degrades existing wetland acreage or functions, (ii) filling or dumping, (iii) permanent flooding or impounding, or (iv) new activities that cause significant alteration or degradation of existing wetland acreage or functions. However, to the extent allowed by federal law, any person holding a certificate issued by the Board that is intending to upgrade the permitted facility by installing technology, control equipment, or other apparatus that the permittee demonstrates to the satisfaction of the Director will result in improved energy efficiency, reduction in the amount of nutrients discharged, and improved water quality shall not be required to obtain a new, modified, or amended permit. The permit holder shall provide the demonstration anticipated by this subdivision to the Department no later than 30 days prior to commencing construction.

(5a) All certificates issued by the Board under this chapter shall have fixed terms. The term of a Virginia Pollution Discharge Elimination System permit shall not exceed five years. The term of a Virginia Water Protection Permit shall be based upon the projected duration of the project, the length of any required monitoring, or other project operations or permit conditions; however, the term shall not exceed 15 years. The term of a Virginia Pollution Abatement permit shall not exceed 10 years, except that the term of a Virginia Pollution Abatement permit for confined animal feeding operations shall be 10 years. The Department of Environmental Quality shall inspect all facilities for which a Virginia Pollution Abatement permit has been issued to ensure compliance with statutory, regulatory, and permit requirements. Department personnel performing inspections of confined animal feeding operations shall be certified under the voluntary nutrient management training and certification program established in § 10.1-104.2. The term of a certificate issued by the Board shall not be extended by modification beyond the maximum duration and the certificate shall expire at the end of the term unless an application for a new permit has been timely filed as required by the regulations of the Board and the Board is unable, through no fault of the permittee, to issue a new permit before the expiration date of the previous permit.

(5b) Any certificate issued by the Board under this chapter may, after notice and opportunity for a hearing, be amended or revoked on any of the following grounds or for good cause as may be provided by the regulations of the Board:

1. The owner has violated any regulation or order of the Board, any condition of a certificate, any provision of this chapter, or any order of a court, where such violation results in a release of harmful substances into the environment or poses a substantial threat of release of harmful substances into the environment or presents a hazard to human health or the violation is representative of a pattern of serious or repeated violations which, in the opinion of the Board, demonstrates the owner's disregard for or inability to comply with applicable laws, regulations, or requirements;

2. The owner has failed to disclose fully all relevant material facts or has misrepresented a material fact in applying for a certificate, or in any other report or document required under this law or under the regulations of the Board;

3. The activity for which the certificate was issued endangers human health or the environment and can be regulated to acceptable levels by amendment or revocation of the certificate; or

4. There exists a material change in the basis on which the permit was issued that requires either a temporary or a permanent reduction or elimination of any discharge controlled by the certificate necessary to protect human health or the environment.

(5c) Any certificate issued by the Board under this chapter relating to dredging projects governed under Chapter 12 (§ 28.2-1200 et seq.) or Chapter 13 (§ 28.2-1300 et seq.) of Title 28.2 may be conditioned upon a demonstration of financial responsibility for the completion of compensatory mitigation requirements. Financial responsibility may be demonstrated by a letter of credit, a certificate of deposit or a performance bond executed in a form approved by the Board. If the U.S. Army Corps of Engineers requires demonstration of financial responsibility for the completion of compensatory mitigation required for a particular project, then the mechanism and amount approved by the U.S. Army Corps of Engineers shall be used to meet this requirement.

(6) To make investigations and inspections, to ensure compliance with any certificates, standards, policies, rules, regulations, rulings and special orders which it may adopt, issue or establish and to furnish advice, recommendations, or instructions for the purpose of obtaining such compliance. In recognition of §§ 32.1-164 and 62.1-44.18, the Board and the State Department of Health shall enter into a memorandum of understanding establishing a common format to consolidate and simplify inspections of sewage treatment plants and coordinate the scheduling of the inspections. The new format shall ensure that all sewage treatment plants are inspected at appropriate intervals in order to protect water quality and public health and at the same time avoid any unnecessary administrative burden on those being inspected.

(7) To adopt rules governing the procedure of the Board with respect to: (a) hearings; (b) the filing of reports; (c) the issuance of certificates and special orders; and (d) all other matters relating to procedure; and to amend or cancel any rule adopted. Public notice of every rule adopted under this section shall be by such means as the Board may prescribe.

(8a) Except as otherwise provided in Articles 2.4 (§ 62.1-44.15:51 et seq.) and 2.5 (§ 62.1-44.15:67 et seq.), to issue special orders to owners *who* (i) ~~who~~ are permitting or causing the pollution, as defined by § 62.1-44.3, of state waters to cease and desist from such pollution, (ii) ~~who~~ have failed to construct facilities in accordance with final approved plans and specifications to construct such facilities in accordance with final approved plans and specifications, (iii) ~~who~~ have violated the terms and provisions of a certificate issued by the Board to comply with such terms and provisions, (iv) ~~who~~ have failed to comply with a directive from the Board to comply with such directive, (v) ~~who~~ have contravened duly adopted and promulgated water quality standards and policies to cease and desist from such contravention and to comply with such water quality standards and policies, (vi) ~~who~~ have violated the terms and provisions of a pretreatment permit issued by the Board or by the owner of a publicly owned treatment works to comply with such terms and provisions or (vii) ~~who~~ have contravened any applicable pretreatment standard or requirement to comply with such standard or requirement; and also to issue such orders to require any owner to comply with the provisions of this chapter and any decision of the Board. Except as otherwise provided by a separate article, orders issued pursuant to this ~~subsection~~ *subdivision* may include civil penalties of up to \$32,500 per violation, not to exceed \$100,000 per order. The Board may assess penalties under this ~~subsection~~ *subdivision* if (a) the person has been issued at least two written notices of alleged violation by the Department for the same or substantially related violations at the same site, (b) such violations have not been resolved by demonstration that there was no violation, by an order issued by the Board or the Director, or by other means, (c) at least 130 days have passed since the issuance of the first notice of alleged violation, and (d) there is a finding that such violations have occurred after a hearing conducted in accordance with subdivision (8b). The actual amount of any penalty assessed shall be based upon the severity of the violations, the extent of any potential or actual environmental harm, the compliance history of the facility or person, any economic benefit realized from the noncompliance, and the ability of the person to pay the penalty. The Board shall provide the person with the calculation for the proposed penalty prior to any hearing conducted for the issuance of an order that assesses penalties pursuant to this ~~subsection~~ *subdivision*. The issuance of a notice of alleged violation by the Department shall not be considered a case decision as defined in § 2.2-4001. Any notice of alleged violation shall include a description of each violation, the specific provision of law violated, and information on the process for obtaining a final decision or fact finding from the Department on whether or not a violation has occurred, and nothing in this section shall preclude an owner from seeking such a determination. Such civil penalties shall be paid into the state treasury and deposited by the State Treasurer into the Virginia Environmental Emergency Response Fund (§ 10.1-2500 et seq.), except that civil penalties assessed for violations of Article 9 (§ 62.1-44.34:8 et seq.) or Article 11 (§ 62.1-44.34:14 et seq.) shall be paid into the Virginia Petroleum Storage Tank Fund in accordance with § 62.1-44.34:11, and except that civil penalties assessed for violations of Article 2.3 (§ 62.1-44.15:24 et seq.) shall be paid in accordance with the provisions of § 62.1-44.15:48.

(8b) Such special orders are to be issued only after a hearing before a hearing officer appointed by the Supreme Court in accordance with § 2.2-4020 or, if requested by the person, before a quorum of the Board with at least 30 days' notice to the affected owners, of the time, place and purpose thereof, and they shall become effective not less than 15 days after service as provided in § 62.1-44.12; provided that if the Board finds that any such owner is grossly affecting or presents an imminent and substantial danger to (i) the public health, safety or welfare, or the health of animals, fish or aquatic life; (ii) a public water supply; or (iii) recreational, commercial, industrial, agricultural or other reasonable uses, it may issue, without advance notice or hearing, an emergency special order directing the owner to cease such pollution or discharge immediately, and shall provide an opportunity for a hearing, after reasonable notice as to the time and place thereof to the owner, to affirm, modify, amend or cancel such emergency special order. If an owner who has been issued such a special order or an

emergency special order is not complying with the terms thereof, the Board may proceed in accordance with § 62.1-44.23, and where the order is based on a finding of an imminent and substantial danger, the court shall issue an injunction compelling compliance with the emergency special order pending a hearing by the Board. If an emergency special order requires cessation of a discharge, the Board shall provide an opportunity for a hearing within 48 hours of the issuance of the injunction.

(8c) The provisions of this section notwithstanding, the Board may proceed directly under § 62.1-44.32 for any past violation or violations of any provision of this chapter or any regulation duly promulgated hereunder.

(8d) With the consent of any owner who has violated or failed, neglected or refused to obey any regulation or order of the Board, any condition of a permit or any provision of this chapter, the Board may provide, in an order issued by the Board against such person, for the payment of civil charges for past violations in specific sums not to exceed the limit specified in § 62.1-44.32 (a). Such civil charges shall be instead of any appropriate civil penalty which could be imposed under § 62.1-44.32 (a) and shall not be subject to the provisions of § 2.2-514. Such civil charges shall be paid into the state treasury and deposited by the State Treasurer into the Virginia Environmental Emergency Response Fund (§ 10.1-2500 et seq.), excluding civil charges assessed for violations of Article 9 (§ 62.1-44.34:8 et seq.) or 10 (§ 62.1-44.34:10 et seq.) of Chapter 3.1, or a regulation, administrative or judicial order, or term or condition of approval relating to or issued under those articles, or civil charges assessed for violations of Article 2.3 (§ 62.1-44.15:24 et seq.), or a regulation, administrative or judicial order, or term or condition of approval relating to or issued under that article.

The amendments to this section adopted by the 1976 Session of the General Assembly shall not be construed as limiting or expanding any cause of action or any other remedy possessed by the Board prior to the effective date of said amendments.

(8e) The Board shall develop and provide an opportunity for public comment on guidelines and procedures that contain specific criteria for calculating the appropriate penalty for each violation based upon the severity of the violations, the extent of any potential or actual environmental harm, the compliance history of the facility or person, any economic benefit realized from the noncompliance, and the ability of the person to pay the penalty.

(8f) Before issuing a special order under subdivision (8a) or by consent under (8d), with or without an assessment of a civil penalty, to an owner of a sewerage system requiring corrective action to prevent or minimize overflows of sewage from such system, the Board shall provide public notice of and reasonable opportunity to comment on the proposed order. Any such order under subdivision (8d) may impose civil penalties in amounts up to the maximum amount authorized in § 309(g) of the Clean Water Act. Any person who comments on the proposed order shall be given notice of any hearing to be held on the terms of the order. In any hearing held, such person shall have a reasonable opportunity to be heard and to present evidence. If no hearing is held before issuance of an order under subdivision (8d), any person who commented on the proposed order may file a petition, within 30 days after the issuance of such order, requesting the Board to set aside such order and provide a formal hearing thereon. If the evidence presented by the petitioner in support of the petition is material and was not considered in the issuance of the order, the Board shall immediately set aside the order, provide a formal hearing, and make such petitioner a party. If the Board denies the petition, the Board shall provide notice to the petitioner and make available to the public the reasons for such denial, and the petitioner shall have the right to judicial review of such decision under § 62.1-44.29 if he meets the requirements thereof.

(8g) *To issue special orders for violations of this chapter to persons constructing or operating any natural gas transmission pipeline greater than 36 inches inside diameter. An order issued pursuant to this subdivision may include a civil penalty of up to \$50,000 per violation, not to exceed \$500,000 per order. The Board may assess a penalty under this subdivision if (i) the person has been issued at least two written notices of alleged violation by the Department for violations involving the same pipeline; (ii) such violations have not been resolved by a demonstration that there was no violation, by an order issued by the Board or the Director, including an order pursuant to subdivision (8d), or by other means; and (iii) there is a finding that such violation occurred after a hearing was conducted (a) before a hearing officer appointed by the Supreme Court, (b) in accordance with § 2.2-4020, and (c) with at least 30 days' notice to such person of the time, place, and purpose thereof. Such order shall become effective not less than 15 days after service as provided in § 62.1-44.12. The actual amount of any penalty assessed shall be based upon the severity of the violation, the extent of any potential or actual environmental harm, the compliance history of the person, any economic benefit realized from the noncompliance, and the ability of the person to pay the penalty. The Board shall provide the person with the calculation for the proposed penalty prior to any hearing conducted for the issuance of an order that assesses penalties pursuant to this subdivision. The issuance of a notice of alleged violation by the Department shall not be a case decision as defined in § 2.2-4001. Any notice of alleged violation shall include a description of each violation, the specific provision of law violated, and information on the process for obtaining a final decision or fact-finding from the Department on whether or not a violation has occurred, and nothing in this subdivision shall preclude a person from seeking such a determination. Such civil penalties shall be paid into the state treasury and deposited by the State Treasurer into the Virginia Environmental Emergency Response Fund (§ 10.1-2500 et seq.), except that civil penalties assessed for violations of Article 2.3 (§ 62.1-44.15:24 et seq.) or 2.4 (§ 62.1-44.15:51 et seq.) shall be paid into the state treasury and deposited by the State Treasurer into the Virginia Stormwater Management Fund (§ 62.1-44.15:29).*

(9) To make such rulings under §§ 62.1-44.16, 62.1-44.17, and 62.1-44.19 as may be required upon requests or applications to the Board, the owner or owners affected to be notified by certified mail as soon as practicable after the Board makes them and such rulings to become effective upon such notification.

(10) To adopt such regulations as it deems necessary to enforce the general water quality management program of the Board in all or part of the Commonwealth, except that a description of provisions of any proposed regulation which are more restrictive than applicable federal requirements, together with the reason why the more restrictive provisions are needed, shall be provided to the standing committee of each house of the General Assembly to which matters relating to the content of the regulation are most properly referable.

(11) To investigate any large-scale killing of fish.

(a) Whenever the Board shall determine that any owner, whether or not he shall have been issued a certificate for discharge of waste, has discharged sewage, industrial waste, or other waste into state waters in such quantity, concentration or manner that fish are killed as a result thereof, it may effect such settlement with the owner as will cover the costs incurred by the Board and by the Department of Game and Inland Fisheries in investigating such killing of fish, plus the replacement value of the fish destroyed, or as it deems proper, and if no such settlement is reached within a reasonable time, the Board shall authorize its executive secretary to bring a civil action in the name of the Board to recover from the owner such costs and value, plus any court or other legal costs incurred in connection with such action.

(b) If the owner is a political subdivision of the Commonwealth, the action may be brought in any circuit court within the territory embraced by such political subdivision. If the owner is an establishment, as defined in this chapter, the action shall be brought in the circuit court of the city or the circuit court of the county in which such establishment is located. If the owner is an individual or group of individuals, the action shall be brought in the circuit court of the city or circuit court of the county in which such person or any of them reside.

(c) For the purposes of this ~~subsection~~ *subdivision 11*, the State Water Control Board shall be deemed the owner of the fish killed and the proceedings shall be as though the State Water Control Board were the owner of the fish. The fact that the owner has or held a certificate issued under this chapter shall not be raised as a defense in bar to any such action.

(d) The proceeds of any recovery had under this ~~subsection~~ *subdivision 11* shall, when received by the Board, be applied, first, to reimburse the Board for any expenses incurred in investigating such killing of fish. The balance shall be paid to the Board of Game and Inland Fisheries to be used for the fisheries' management practices as in its judgment will best restore or replace the fisheries' values lost as a result of such discharge of waste, including, where appropriate, replacement of the fish killed with game fish or other appropriate species. Any such funds received are hereby appropriated for that purpose.

(e) Nothing in this ~~subsection~~ *subdivision 11* shall be construed in any way to limit or prevent any other action which is now authorized by law by the Board against any owner.

(f) Notwithstanding the foregoing, the provisions of this ~~subsection~~ *subdivision 11* shall not apply to any owner who adds or applies any chemicals or other substances that are recommended or approved by the State Department of Health to state waters in the course of processing or treating such waters for public water supply purposes, except where negligence is shown.

(12) To administer programs of financial assistance for planning, construction, operation, and maintenance of water quality control facilities for political subdivisions in the Commonwealth.

(13) To establish policies and programs for effective area-wide or basin-wide water quality control and management. The Board may develop comprehensive pollution abatement and water quality control plans on an area-wide or basin-wide basis. In conjunction with this, the Board, when considering proposals for waste treatment facilities, is to consider the feasibility of combined or joint treatment facilities and is to ensure that the approval of waste treatment facilities is in accordance with the water quality management and pollution control plan in the watershed or basin as a whole. In making such determinations, the Board is to seek the advice of local, regional, or state planning authorities.

(14) To establish requirements for the treatment of sewage, industrial wastes and other wastes that are consistent with the purposes of this chapter; however, no treatment shall be less than secondary or its equivalent, unless the owner can demonstrate that a lesser degree of treatment is consistent with the purposes of this chapter.

(15) To promote and establish requirements for the reclamation and reuse of wastewater that are protective of state waters and public health as an alternative to directly discharging pollutants into waters of the state. The requirements shall address various potential categories of reuse and may include general permits and provide for greater flexibility and less stringent requirements commensurate with the quality of the reclaimed water and its intended use. The requirements shall be developed in consultation with the Department of Health and other appropriate state agencies. This authority shall not be construed as conferring upon the Board any power or duty duplicative of those of the State Board of Health.

(16) To establish and implement policies and programs to protect and enhance the Commonwealth's wetland resources. Regulatory programs shall be designed to achieve no net loss of existing wetland acreage and functions. Voluntary and incentive-based programs shall be developed to achieve a net resource gain in acreage and functions of wetlands. The Board shall seek and obtain advice and guidance from the Virginia Institute of Marine Science in implementing these policies and programs.

(17) To establish additional procedures for obtaining a Virginia Water Protection Permit pursuant to §§ 62.1-44.15:20 and 62.1-44.15:22 for a proposed water withdrawal involving the transfer of water resources between major river basins within the Commonwealth that may impact water basins in another state. Such additional procedures shall not apply to any water withdrawal in existence as of July 1, 2012, except where the expansion of such withdrawal requires a permit under §§ 62.1-44.15:20 and 62.1-44.15:22, in which event such additional procedures may apply to the extent of the expanded withdrawal only. The applicant shall provide as part of the application (i) an analysis of alternatives to such a transfer, (ii) a

comprehensive analysis of the impacts that would occur in the source and receiving basins, (iii) a description of measures to mitigate any adverse impacts that may arise, (iv) a description of how notice shall be provided to interested parties, and (v) any other requirements that the Board may adopt that are consistent with the provisions of this section and §§ 62.1-44.15:20 and 62.1-44.15:22 or regulations adopted thereunder. This subdivision shall not be construed as limiting or expanding the Board's authority under §§ 62.1-44.15:20 and 62.1-44.15:22 to issue permits and impose conditions or limitations on the permitted activity.

(18) To be the lead agency for the Commonwealth's nonpoint source pollution management program, including coordination of the nonpoint source control elements of programs developed pursuant to certain state and federal laws, including § 319 of the federal Clean Water Act and § 6217 of the federal Coastal Zone Management Act. Further responsibilities include the adoption of regulations necessary to implement a nonpoint source pollution management program in the Commonwealth, the distribution of assigned funds, the identification and establishment of priorities to address nonpoint source related water quality problems, the administration of the Statewide Nonpoint Source Advisory Committee, and the development of a program for the prevention and control of soil erosion, sediment deposition, and nonagricultural runoff to conserve Virginia's natural resources.

§ 62.1-44.15. (For effective date, see Acts 2016, cc. 68 and 758, as amended by Acts 2017, c. 345) Powers and duties; civil penalties.

It shall be the duty of the Board and it shall have the authority:

(1) [Repealed.]

(2) To study and investigate all problems concerned with the quality of state waters and to make reports and recommendations.

(2a) To study and investigate methods, procedures, devices, appliances, and technologies that could assist in water conservation or water consumption reduction.

(2b) To coordinate its efforts toward water conservation with other persons or groups, within or without the Commonwealth.

(2c) To make reports concerning, and formulate recommendations based upon, any such water conservation studies to ensure that present and future water needs of the citizens of the Commonwealth are met.

(3a) To establish such standards of quality and policies for any state waters consistent with the general policy set forth in this chapter, and to modify, amend, or cancel any such standards or policies established and to take all appropriate steps to prevent quality alteration contrary to the public interest or to standards or policies thus established, except that a description of provisions of any proposed standard or policy adopted by regulation which are more restrictive than applicable federal requirements, together with the reason why the more restrictive provisions are needed, shall be provided to the standing committee of each house of the General Assembly to which matters relating to the content of the standard or policy are most properly referable. The Board shall, from time to time, but at least once every three years, hold public hearings pursuant to § 2.2-4007.01 but, upon the request of an affected person or upon its own motion, hold hearings pursuant to § 2.2-4009, for the purpose of reviewing the standards of quality, and, as appropriate, adopting, modifying, or canceling such standards. Whenever the Board considers the adoption, modification, amendment, or cancellation of any standard, it shall give due consideration to, among other factors, the economic and social costs and benefits which can reasonably be expected to obtain as a consequence of the standards as adopted, modified, amended, or cancelled. The Board shall also give due consideration to the public health standards issued by the Virginia Department of Health with respect to issues of public health policy and protection. If the Board does not follow the public health standards of the Virginia Department of Health, the Board's reason for any deviation shall be made in writing and published for any and all concerned parties.

(3b) Except as provided in subdivision (3a), such standards and policies are to be adopted or modified, amended, or cancelled in the manner provided by the Administrative Process Act (§ 2.2-4000 et seq.).

(4) To conduct or have conducted scientific experiments, investigations, studies, and research to discover methods for maintaining water quality consistent with the purposes of this chapter. To this end the Board may cooperate with any public or private agency in the conduct of such experiments, investigations, and research and may receive in behalf of the Commonwealth any moneys that any such agency may contribute as its share of the cost under any such cooperative agreement. Such moneys shall be used only for the purposes for which they are contributed and any balance remaining after the conclusion of the experiments, investigations, studies, and research, shall be returned to the contributors.

(5) To issue, revoke, or amend certificates and land-disturbance approvals under prescribed conditions for (a) the discharge of sewage, stormwater, industrial wastes, and other wastes into or adjacent to state waters; (b) the alteration otherwise of the physical, chemical, or biological properties of state waters; (c) excavation in a wetland; or (d) on and after October 1, 2001, the conduct of the following activities in a wetland: (i) new activities to cause draining that significantly alters or degrades existing wetland acreage or functions, (ii) filling or dumping, (iii) permanent flooding or impounding, or (iv) new activities that cause significant alteration or degradation of existing wetland acreage or functions. However, to the extent allowed by federal law, any person holding a certificate issued by the Board that is intending to upgrade the permitted facility by installing technology, control equipment, or other apparatus that the permittee demonstrates to the satisfaction of the Director will result in improved energy efficiency, reduction in the amount of nutrients discharged, and improved water quality shall not be required to obtain a new, modified, or amended permit. The permit holder shall provide the demonstration anticipated by this subdivision to the Department no later than 30 days prior to commencing construction.

(5a) All certificates issued by the Board under this chapter shall have fixed terms. The term of a Virginia Pollution Discharge Elimination System permit shall not exceed five years. The term of a Virginia Water Protection Permit shall be based upon the projected duration of the project, the length of any required monitoring, or other project operations or permit conditions; however, the term shall not exceed 15 years. The term of a Virginia Pollution Abatement permit shall not exceed 10 years, except that the term of a Virginia Pollution Abatement permit for confined animal feeding operations shall be 10 years. The Department of Environmental Quality shall inspect all facilities for which a Virginia Pollution Abatement permit has been issued to ensure compliance with statutory, regulatory, and permit requirements. Department personnel performing inspections of confined animal feeding operations shall be certified under the voluntary nutrient management training and certification program established in § 10.1-104.2. The term of a certificate issued by the Board shall not be extended by modification beyond the maximum duration and the certificate shall expire at the end of the term unless an application for a new permit has been timely filed as required by the regulations of the Board and the Board is unable, through no fault of the permittee, to issue a new permit before the expiration date of the previous permit.

(5b) Any certificate or land-disturbance approval issued by the Board under this chapter may, after notice and opportunity for a hearing, be amended or revoked on any of the following grounds or for good cause as may be provided by the regulations of the Board:

1. The owner has violated any regulation or order of the Board, any condition of a certificate or land-disturbance approval, any provision of this chapter, or any order of a court, where such violation results in a release of harmful substances into the environment, poses a substantial threat of release of harmful substances into the environment, causes unreasonable property degradation, or presents a hazard to human health or the violation is representative of a pattern of serious or repeated violations which, in the opinion of the Board, demonstrates the owner's disregard for or inability to comply with applicable laws, regulations, or requirements;

2. The owner has failed to disclose fully all relevant material facts or has misrepresented a material fact in applying for a certificate or land-disturbance approval, or in any other report or document required under this law or under the regulations of the Board;

3. The activity for which the certificate or land-disturbance approval was issued endangers human health or the environment or causes unreasonable property degradation and can be regulated to acceptable levels or practices by amendment or revocation of the certificate or land-disturbance approval; or

4. There exists a material change in the basis on which the certificate, land-disturbance approval, or permit was issued that requires either a temporary or a permanent reduction or elimination of any discharge or land-disturbing activity controlled by the certificate, land-disturbance approval, or permit necessary to protect human health or the environment or stop or prevent unreasonable degradation of property.

(5c) Any certificate issued by the Board under this chapter relating to dredging projects governed under Chapter 12 (§ 28.2-1200 et seq.) or Chapter 13 (§ 28.2-1300 et seq.) of Title 28.2 may be conditioned upon a demonstration of financial responsibility for the completion of compensatory mitigation requirements. Financial responsibility may be demonstrated by a letter of credit, a certificate of deposit, or a performance bond executed in a form approved by the Board. If the U.S. Army Corps of Engineers requires demonstration of financial responsibility for the completion of compensatory mitigation required for a particular project, then the mechanism and amount approved by the U.S. Army Corps of Engineers shall be used to meet this requirement.

(6) To make investigations and inspections, to ensure compliance with the conditions of any certificates, land-disturbance approvals, standards, policies, rules, regulations, rulings, and orders that it may adopt, issue, or establish, and to furnish advice, recommendations, or instructions for the purpose of obtaining such compliance. In recognition of §§ 32.1-164 and 62.1-44.18, the Board and the State Department of Health shall enter into a memorandum of understanding establishing a common format to consolidate and simplify inspections of sewage treatment plants and coordinate the scheduling of the inspections. The new format shall ensure that all sewage treatment plants are inspected at appropriate intervals in order to protect water quality and public health and at the same time avoid any unnecessary administrative burden on those being inspected.

(7) To adopt rules governing the procedure of the Board with respect to (a) hearings; (b) the filing of reports; (c) the issuance of certificates and orders; and (d) all other matters relating to procedure; and to amend or cancel any rule adopted. Public notice of every rule adopted under this section shall be by such means as the Board may prescribe.

(8a) Except as otherwise provided in subdivision (19) and Article 2.3 (§ 62.1-44.15:24 et seq.), to issue special orders to owners, including owners as defined in § 62.1-44.15:24, who (i) are permitting or causing the pollution, as defined by § 62.1-44.3, of state waters or the unreasonable degradation of property to cease and desist from such pollution or degradation, (ii) have failed to construct facilities in accordance with final approved plans and specifications to construct such facilities in accordance with final approved plans and specifications, (iii) have violated the terms and provisions of a certificate or land-disturbance approval issued by the Board to comply with such terms and provisions, (iv) have failed to comply with a directive from the Board to comply with such directive, (v) have contravened duly adopted and promulgated water quality standards and policies to cease and desist from such contravention and to comply with such water quality standards and policies, (vi) have violated the terms and provisions of a pretreatment permit issued by the Board or by the owner of a publicly owned treatment works to comply with such terms and provisions, or (vii) have contravened any applicable pretreatment standard or requirement to comply with such standard or requirement; and also to issue such orders to require any owner to comply with the provisions of this chapter and any decision of the Board. Except as otherwise

provided by a separate article, orders issued pursuant to this subdivision may include civil penalties of up to \$32,500 per violation, not to exceed \$100,000 per order. The Board may assess penalties under this subdivision if (a) the person has been issued at least two written notices of alleged violation by the Department for the same or substantially related violations at the same site, (b) such violations have not been resolved by demonstration that there was no violation, by an order issued by the Board or the Director, or by other means, (c) at least 130 days have passed since the issuance of the first notice of alleged violation, and (d) there is a finding that such violations have occurred after a hearing conducted in accordance with subdivision (8b). The actual amount of any penalty assessed shall be based upon the severity of the violations, the extent of any potential or actual environmental harm, the compliance history of the facility or person, any economic benefit realized from the noncompliance, and the ability of the person to pay the penalty. The Board shall provide the person with the calculation for the proposed penalty prior to any hearing conducted for the issuance of an order that assesses penalties pursuant to this subdivision. The issuance of a notice of alleged violation by the Department shall not be considered a case decision as defined in § 2.2-4001. Any notice of alleged violation shall include a description of each violation, the specific provision of law violated, and information on the process for obtaining a final decision or fact finding from the Department on whether or not a violation has occurred, and nothing in this section shall preclude an owner from seeking such a determination. Such civil penalties shall be paid into the state treasury and deposited by the State Treasurer into the Virginia Environmental Emergency Response Fund (§ 10.1-2500 et seq.), except that civil penalties assessed for violations of Article 9 (§ 62.1-44.34:8 et seq.) or Article 11 (§ 62.1-44.34:14 et seq.) shall be paid into the Virginia Petroleum Storage Tank Fund in accordance with § 62.1-44.34:11, and except that civil penalties assessed for violations of subdivision (19) or Article 2.3 (§ 62.1-44.15:24 et seq.) shall be paid into the Stormwater Local Assistance Fund in accordance with § 62.1-44.15:29.1.

(8b) Such special orders are to be issued only after a hearing before a hearing officer appointed by the Supreme Court in accordance with § 2.2-4020 or, if requested by the person, before a quorum of the Board with at least 30 days' notice to the affected owners, of the time, place, and purpose thereof, and they shall become effective not less than 15 days after service as provided in 62.1-44.12, provided that if the Board finds that any such owner is grossly affecting or presents an imminent and substantial danger to (i) the public health, safety, or welfare, or the health of animals, fish, or aquatic life; (ii) a public water supply; or (iii) recreational, commercial, industrial, agricultural, or other reasonable uses, it may issue, without advance notice or hearing, an emergency special order directing the owner to cease such pollution or discharge immediately, and shall provide an opportunity for a hearing, after reasonable notice as to the time and place thereof to the owner, to affirm, modify, amend, or cancel such emergency special order. If an owner who has been issued such a special order or an emergency special order is not complying with the terms thereof, the Board may proceed in accordance with 62.1-44.23, and where the order is based on a finding of an imminent and substantial danger, the court shall issue an injunction compelling compliance with the emergency special order pending a hearing by the Board. If an emergency special order requires cessation of a discharge, the Board shall provide an opportunity for a hearing within 48 hours of the issuance of the injunction.

(8c) The provisions of this section notwithstanding, the Board may proceed directly under § 62.1-44.32 for any past violation or violations of any provision of this chapter or any regulation duly promulgated hereunder.

(8d) Except as otherwise provided in subdivision (19), subdivision 2 of § 62.1-44.15:25, or § 62.1-44.15:63, with the consent of any owner who has violated or failed, neglected, or refused to obey any regulation or order of the Board, any condition of a certificate, land-disturbance approval, or permit, or any provision of this chapter, the Board may provide, in an order issued by the Board against such person, for the payment of civil charges for past violations in specific sums not to exceed the limit specified in subsection (a) of § 62.1-44.32. Such civil charges shall be instead of any appropriate civil penalty which could be imposed under subsection (a) of § 62.1-44.32 and shall not be subject to the provisions of § 2.2-514. Such civil charges shall be paid into the state treasury and deposited by the State Treasurer into the Virginia Environmental Emergency Response Fund (§ 10.1-2500 et seq.), excluding civil charges assessed for violations of Article 9 (§ 62.1-44.34:8 et seq.) or 10 (§ 62.1-44.34:10 et seq.) of Chapter 3.1, or a regulation, administrative or judicial order, or term or condition of approval relating to or issued under those articles, or civil charges assessed for violations of Article 2.3 (§ 62.1-44.15:24 et seq.) or 2.5 (§ 62.1-44.15:67 et seq.) or a regulation, administrative or judicial order, or term or condition of approval relating to or issued under Article 2.3 or 2.5.

The amendments to this section adopted by the 1976 Session of the General Assembly shall not be construed as limiting or expanding any cause of action or any other remedy possessed by the Board prior to the effective date of said amendments.

(8e) The Board shall develop and provide an opportunity for public comment on guidelines and procedures that contain specific criteria for calculating the appropriate penalty for each violation based upon the severity of the violations, the extent of any potential or actual environmental harm, the compliance history of the facility or person, any economic benefit realized from the noncompliance, and the ability of the person to pay the penalty.

(8f) Before issuing a special order under subdivision (8a) or by consent under (8d), with or without an assessment of a civil penalty, to an owner of a sewerage system requiring corrective action to prevent or minimize overflows of sewage from such system, the Board shall provide public notice of and reasonable opportunity to comment on the proposed order. Any such order under subdivision (8d) may impose civil penalties in amounts up to the maximum amount authorized in § 309(g) of the Clean Water Act. Any person who comments on the proposed order shall be given notice of any hearing to be held on the terms of the order. In any hearing held, such person shall have a reasonable opportunity to be heard and to present

evidence. If no hearing is held before issuance of an order under subdivision (8d), any person who commented on the proposed order may file a petition, within 30 days after the issuance of such order, requesting the Board to set aside such order and provide a formal hearing thereon. If the evidence presented by the petitioner in support of the petition is material and was not considered in the issuance of the order, the Board shall immediately set aside the order, provide a formal hearing, and make such petitioner a party. If the Board denies the petition, the Board shall provide notice to the petitioner and make available to the public the reasons for such denial, and the petitioner shall have the right to judicial review of such decision under § 62.1-44.29 if he meets the requirements thereof.

(8g) *To issue special orders for violations of this chapter to persons constructing or operating any natural gas transmission pipeline greater than 36 inches inside diameter. An order issued pursuant to this subdivision may include a civil penalty of up to \$50,000 per violation, not to exceed \$500,000 per order. The Board may assess a penalty under this subdivision if (i) the person has been issued at least two written notices of alleged violation by the Department for violations involving the same pipeline; (ii) such violations have not been resolved by a demonstration that there was no violation, by an order issued by the Board or the Director, including an order pursuant to subdivision (8d), or by other means; and (iii) there is a finding that such violation occurred after a hearing was conducted (a) before a hearing officer appointed by the Supreme Court, (b) in accordance with § 2.2-4020, and (c) with at least 30 days' notice to such person of the time, place, and purpose thereof. Such order shall become effective not less than 15 days after service as provided in § 62.1-44.12. The actual amount of any penalty assessed shall be based upon the severity of the violation, the extent of any potential or actual environmental harm, the compliance history of the person, any economic benefit realized from the noncompliance, and the ability of the person to pay the penalty. The Board shall provide the person with the calculation for the proposed penalty prior to any hearing conducted for the issuance of an order that assesses penalties pursuant to this subdivision. The issuance of a notice of alleged violation by the Department shall not be a case decision as defined in § 2.2-4001. Any notice of alleged violation shall include a description of each violation, the specific provision of law violated, and information on the process for obtaining a final decision or fact-finding from the Department on whether or not a violation has occurred, and nothing in this subdivision shall preclude a person from seeking such a determination. Such civil penalties shall be paid into the state treasury and deposited by the State Treasurer into the Virginia Environmental Emergency Response Fund (§ 10.1-2500 et seq.), except that civil penalties assessed for violations of Article 2.3 (§ 62.1-44.15:24 et seq.) or 2.4 (§ 62.1-44.15:51 et seq.) shall be paid into the state treasury and deposited by the State Treasurer into the Virginia Stormwater Management Fund (§ 62.1-44.15:29).*

(9) To make such rulings under §§ 62.1-44.16, 62.1-44.17, and 62.1-44.19 as may be required upon requests or applications to the Board, the owner or owners affected to be notified by certified mail as soon as practicable after the Board makes them and such rulings to become effective upon such notification.

(10) To adopt such regulations as it deems necessary to enforce the general soil erosion control and stormwater management program and water quality management program of the Board in all or part of the Commonwealth, except that a description of provisions of any proposed regulation which are more restrictive than applicable federal requirements, together with the reason why the more restrictive provisions are needed, shall be provided to the standing committee of each house of the General Assembly to which matters relating to the content of the regulation are most properly referable.

(11) To investigate any large-scale killing of fish.

(a) Whenever the Board shall determine that any owner, whether or not he shall have been issued a certificate for discharge of waste, has discharged sewage, industrial waste, or other waste into state waters in such quantity, concentration, or manner that fish are killed as a result thereof, it may effect such settlement with the owner as will cover the costs incurred by the Board and by the Department of Game and Inland Fisheries in investigating such killing of fish, plus the replacement value of the fish destroyed, or as it deems proper, and if no such settlement is reached within a reasonable time, the Board shall authorize its executive secretary to bring a civil action in the name of the Board to recover from the owner such costs and value, plus any court or other legal costs incurred in connection with such action.

(b) If the owner is a political subdivision of the Commonwealth, the action may be brought in any circuit court within the territory embraced by such political subdivision. If the owner is an establishment, as defined in this chapter, the action shall be brought in the circuit court of the city or the circuit court of the county in which such establishment is located. If the owner is an individual or group of individuals, the action shall be brought in the circuit court of the city or circuit court of the county in which such person or any of them reside.

(c) For the purposes of this ~~subsection~~ *subdivision 11*, the State Water Control Board shall be deemed the owner of the fish killed and the proceedings shall be as though the State Water Control Board were the owner of the fish. The fact that the owner has or held a certificate issued under this chapter shall not be raised as a defense in bar to any such action.

(d) The proceeds of any recovery had under this ~~subsection~~ *subdivision 11* shall, when received by the Board, be applied, first, to reimburse the Board for any expenses incurred in investigating such killing of fish. The balance shall be paid to the Board of Game and Inland Fisheries to be used for the fisheries' management practices as in its judgment will best restore or replace the fisheries' values lost as a result of such discharge of waste, including, where appropriate, replacement of the fish killed with game fish or other appropriate species. Any such funds received are hereby appropriated for that purpose.

(e) Nothing in this ~~subsection~~ *subdivision 11* shall be construed in any way to limit or prevent any other action which is now authorized by law by the Board against any owner.

(f) Notwithstanding the foregoing, the provisions of this ~~subsection~~ *subdivision 11* shall not apply to any owner who adds or applies any chemicals or other substances that are recommended or approved by the State Department of Health to state waters in the course of processing or treating such waters for public water supply purposes, except where negligence is shown.

(12) To administer programs of financial assistance for planning, construction, operation, and maintenance of water quality control facilities for political subdivisions in the Commonwealth.

(13) To establish policies and programs for effective area-wide or basin-wide water quality control and management. The Board may develop comprehensive pollution abatement and water quality control plans on an area-wide or basin-wide basis. In conjunction with this, the Board, when considering proposals for waste treatment facilities, is to consider the feasibility of combined or joint treatment facilities and is to ensure that the approval of waste treatment facilities is in accordance with the water quality management and pollution control plan in the watershed or basin as a whole. In making such determinations, the Board is to seek the advice of local, regional, or state planning authorities.

(14) To establish requirements for the treatment of sewage, industrial wastes, and other wastes that are consistent with the purposes of this chapter; however, no treatment shall be less than secondary or its equivalent, unless the owner can demonstrate that a lesser degree of treatment is consistent with the purposes of this chapter.

(15) To promote and establish requirements for the reclamation and reuse of wastewater that are protective of state waters and public health as an alternative to directly discharging pollutants into waters of the state. The requirements shall address various potential categories of reuse and may include general permits and provide for greater flexibility and less stringent requirements commensurate with the quality of the reclaimed water and its intended use. The requirements shall be developed in consultation with the Department of Health and other appropriate state agencies. This authority shall not be construed as conferring upon the Board any power or duty duplicative of those of the State Board of Health.

(16) To establish and implement policies and programs to protect and enhance the Commonwealth's wetland resources. Regulatory programs shall be designed to achieve no net loss of existing wetland acreage and functions. Voluntary and incentive-based programs shall be developed to achieve a net resource gain in acreage and functions of wetlands. The Board shall seek and obtain advice and guidance from the Virginia Institute of Marine Science in implementing these policies and programs.

(17) To establish additional procedures for obtaining a Virginia Water Protection Permit pursuant to §§ 62.1-44.15:20 and 62.1-44.15:22 for a proposed water withdrawal involving the transfer of water resources between major river basins within the Commonwealth that may impact water basins in another state. Such additional procedures shall not apply to any water withdrawal in existence as of July 1, 2012, except where the expansion of such withdrawal requires a permit under §§ 62.1-44.15:20 and 62.1-44.15:22, in which event such additional procedures may apply to the extent of the expanded withdrawal only. The applicant shall provide as part of the application (i) an analysis of alternatives to such a transfer, (ii) a comprehensive analysis of the impacts that would occur in the source and receiving basins, (iii) a description of measures to mitigate any adverse impacts that may arise, (iv) a description of how notice shall be provided to interested parties, and (v) any other requirements that the Board may adopt that are consistent with the provisions of this section and §§ 62.1-44.15:20 and 62.1-44.15:22 or regulations adopted thereunder. This subdivision shall not be construed as limiting or expanding the Board's authority under §§ 62.1-44.15:20 and 62.1-44.15:22 to issue permits and impose conditions or limitations on the permitted activity.

(18) To be the lead agency for the Commonwealth's nonpoint source pollution management program, including coordination of the nonpoint source control elements of programs developed pursuant to certain state and federal laws, including § 319 of the federal Clean Water Act and § 6217 of the federal Coastal Zone Management Act. Further responsibilities include the adoption of regulations necessary to implement a nonpoint source pollution management program in the Commonwealth, the distribution of assigned funds, the identification and establishment of priorities to address nonpoint source related water quality problems, the administration of the Statewide Nonpoint Source Advisory Committee, and the development of a program for the prevention and control of soil erosion, sediment deposition, and nonagricultural runoff to conserve Virginia's natural resources.

(19) To review for compliance with the provisions of this chapter the Virginia Erosion and Stormwater Management Programs adopted by localities pursuant to § 62.1-44.15:27, the Virginia Erosion and Sediment Control Programs adopted by localities pursuant to subdivision B 3 of § 62.1-44.15:27, and the programs adopted by localities pursuant to the Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq.). The Board shall develop and implement a schedule for conducting such program reviews as often as necessary but at least once every five years. Following the completion of a compliance review in which deficiencies are found, the Board shall establish a schedule for the locality to follow in correcting the deficiencies and bringing its program into compliance. If the locality fails to bring its program into compliance in accordance with the compliance schedule, then the Board is authorized to (i) issue a special order to any locality imposing a civil penalty not to exceed \$5,000 per violation with the maximum amount not to exceed \$50,000 per order for noncompliance with the state program, to be paid into the state treasury and deposited in the Stormwater Local Assistance Fund established in § 62.1-44.15:29.1 or (ii) with the consent of the locality, provide in an order issued against the locality for the payment of civil charges for violations in lieu of civil penalties, in specific sums not to exceed the limit stated in this subdivision. Such civil charges shall be in lieu of any appropriate civil penalty that could be imposed under subsection (a) of § 62.1-44.32 and shall not be subject to the provisions of § 2.2-514. The Board shall not delegate to the

Department its authority to issue special orders pursuant to clause (i). In lieu of issuing an order, the Board is authorized to take legal action against a locality pursuant to § 62.1-44.23 to ensure compliance.

CHAPTER 450

An Act to amend and reenact § 56-46.1 of the Code of Virginia, relating to electrical transmission lines; State Corporation Commission to consider impact on historic resources.

[H 665]

Approved March 25, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 56-46.1 of the Code of Virginia is amended and reenacted as follows:

§ 56-46.1. Commission to consider environmental, economic and improvements in service reliability factors in approving construction of electrical utility facilities; approval required for construction of certain electrical transmission lines; notice and hearings.

A. Whenever the Commission is required to approve the construction of any electrical utility facility, it shall give consideration to the effect of that facility on the environment and establish such conditions as may be desirable or necessary to minimize adverse environmental impact. In order to avoid duplication of governmental activities, any valid permit or approval required for an electric generating plant and associated facilities issued or granted by a federal, state or local governmental entity charged by law with responsibility for issuing permits or approvals regulating environmental impact and mitigation of adverse environmental impact or for other specific public interest issues such as building codes, transportation plans, and public safety, whether such permit or approval is granted prior to or after the Commission's decision, shall be deemed to satisfy the requirements of this section with respect to all matters that (i) are governed by the permit or approval or (ii) are within the authority of, and were considered by, the governmental entity in issuing such permit or approval, and the Commission shall impose no additional conditions with respect to such matters. Nothing in this section shall affect the ability of the Commission to keep the record of a case open. Nothing in this section shall affect any right to appeal such permits or approvals in accordance with applicable law. In the case of a proposed facility located in a region that was designated as of July 1, 2001, as serious nonattainment for the one-hour ozone standard as set forth in the federal Clean Air Act, the Commission shall not issue a decision approving such proposed facility that is conditioned upon issuance of any environmental permit or approval. In every proceeding under this subsection, the Commission shall receive and give consideration to all reports that relate to the proposed facility by state agencies concerned with environmental protection; and if requested by any county or municipality in which the facility is proposed to be built, to local comprehensive plans that have been adopted pursuant to Article 3 (§ 15.2-2223 et seq.) of Chapter 22 of Title 15.2. Additionally, the Commission (a) shall consider the effect of the proposed facility on economic development within the Commonwealth, including but not limited to furtherance of the economic and job creation objectives of the Commonwealth Energy Policy set forth in §§ 67-101 and 67-102, and (b) shall consider any improvements in service reliability that may result from the construction of such facility.

B. Subject to the provisions of subsection J, no electrical transmission line of 138 kilovolts or more shall be constructed unless the State Corporation Commission shall, after at least 30 days' advance notice by (i) publication in a newspaper or newspapers of general circulation in the counties and municipalities through which the line is proposed to be built, (ii) written notice to the governing body of each such county and municipality, and (iii) causing to be sent a copy of the notice by first class mail to all owners of property within the route of the proposed line, as indicated on the map or sketch of the route filed with the Commission, which requirement shall be satisfied by mailing the notice to such persons at such addresses as are indicated in the land books maintained by the commissioner of revenue, director of finance or treasurer of the county or municipality, approve such line. Such notices shall include a written description of the proposed route the line is to follow, as well as a map or sketch of the route including a digital geographic information system (GIS) map provided by the public utility showing the location of the proposed route. The Commission shall make GIS maps provided under this subsection available to the public on the Commission's website. Such notices shall be in addition to the advance notice to the chief administrative officer of the county or municipality required pursuant to § 15.2-2202.

As a condition to approval the Commission shall determine that the line is needed and that the corridor or route *chosen for the line is to follow* will ~~reasonably minimize avoid adverse impact on the scenic assets, historic districts and environment of the area concerned.~~ *or reasonably minimize adverse impact to the greatest extent reasonably practicable on the scenic assets, historic resources recorded with the Department of Historic Resources, and environment of the area concerned.* To assist the Commission in this determination, as part of the application for Commission approval of the line, the applicant shall summarize its efforts to ~~avoid or reasonably minimize adverse impact on the scenic assets, historic districts adverse impact to the greatest extent reasonably practicable on the scenic assets, historic resources recorded with the Department of Historic Resources,~~ and environment of the area concerned. In making the determinations about need, corridor or route, and method of installation, the Commission shall verify the applicant's load flow modeling, contingency analyses, and reliability needs presented to justify the new line and its proposed method of installation. If the local comprehensive plan of an affected county or municipality designates corridors or routes for electric transmission lines and the line is proposed to be constructed outside such corridors or routes, in any hearing the county or municipality may

provide adequate evidence that the existing planned corridors or routes designated in the plan can adequately serve the needs of the company. Additionally, the Commission shall consider, upon the request of the governing body of any county or municipality in which the line is proposed to be constructed, (a) the costs and economic benefits likely to result from requiring the underground placement of the line and (b) any potential impediments to timely construction of the line.

C. If, prior to such approval, any interested party shall request a public hearing, the Commission shall, as soon as reasonably practicable after such request, hold such hearing or hearings at such place as may be designated by the Commission. In any hearing the public service company shall provide adequate evidence that existing rights-of-way cannot adequately serve the needs of the company.

If, prior to such approval, written requests therefor are received from the governing body of any county or municipality through which the line is proposed to be built or from 20 or more interested parties, the Commission shall hold at least one hearing in the area that would be affected by construction of the line, for the purpose of receiving public comment on the proposal. If any hearing is to be held in the area affected, the Commission shall direct that a copy of the transcripts of any previous hearings held in the case be made available for public inspection at a convenient location in the area for a reasonable time before such local hearing.

D. As used in this section, unless the context requires a different meaning:

"Environment" or "environmental" shall be deemed to include in meaning "historic," as well as a consideration of the probable effects of the line on the health and safety of the persons in the area concerned.

"Interested parties" shall include the governing bodies of any counties or municipalities through which the line is proposed to be built, and persons residing or owning property in each such county or municipality.

"Public utility" means a public utility as defined in § 56-265.1.

"Qualifying facilities" means a cogeneration or small power production facility which meets the criteria of 18 C.F.R. Part 292.

"Reasonably accommodate requests to wheel or transmit power" means:

1. That the applicant will make available to new electric generation facilities constructed after January 9, 1991, qualifying facilities and other nonutilities, a minimum of one-fourth of the total megawatts of the additional transmission capacity created by the proposed line, for the purpose of wheeling to public utility purchasers the power generated by such qualifying facilities and other nonutility facilities which are awarded a power purchase contract by a public utility purchaser in compliance with applicable state law or regulations governing bidding or capacity acquisition programs for the purchase of electric capacity from nonutility sources, provided that the obligation of the applicant will extend only to those requests for wheeling service made within the 12 months following certification by the State Corporation Commission of the transmission line and with effective dates for commencement of such service within the 12 months following completion of the transmission line; and

2. That the wheeling service offered by the applicant, pursuant to subdivision D 1, will reasonably further the purposes of the Public Utilities Regulatory Policies Act of 1978 (P. L. 95-617), as demonstrated by submitting to the Commission, with its application for approval of the line, the cost methodologies, terms, conditions, and dispatch and interconnection requirements the applicant intends, subject to any applicable requirements of the Federal Energy Regulatory Commission, to include in its agreements for such wheeling service.

E. In the event that, at any time after the giving of the notice required in subsection B, it appears to the Commission that consideration of a route or routes significantly different from the route described in the notice is desirable, the Commission shall cause notice of the new route or routes to be published and mailed in accordance with subsection B. The Commission shall thereafter comply with the provisions of this section with respect to the new route or routes to the full extent necessary to give affected localities and interested parties in the newly affected areas the same protection afforded to affected localities and interested parties affected by the route described in the original notice.

F. Approval of a transmission line pursuant to this section shall be deemed to satisfy the requirements of § 15.2-2232 and local zoning ordinances with respect to such transmission line.

G. The Commission shall enter into a memorandum of agreement with the Department of Environmental Quality regarding the coordination of their reviews of the environmental impact of electric generating plants and associated facilities.

H. An applicant that is required to obtain (i) a certificate of public convenience and necessity from the Commission for any electric generating facility, electric transmission line, natural or manufactured gas transmission line as defined in 49 Code of Federal Regulations § 192.3, or natural or manufactured gas storage facility (hereafter, an energy facility) and (ii) an environmental permit for the energy facility that is subject to issuance by any agency or board within the Secretariat of Natural Resources, may request a pre-application planning and review process. In any such request to the Commission or the Secretariat of Natural Resources, the applicant shall identify the proposed energy facility for which it requests the pre-application planning and review process. The Commission, the Department of Environmental Quality, the Marine Resources Commission, the Department of Game and Inland Fisheries, the Department of Historic Resources, the Department of Conservation and Recreation, and other appropriate agencies of the Commonwealth shall participate in the pre-application planning and review process. Participation in such process shall not limit the authority otherwise provided by law to the Commission or other agencies or boards of the Commonwealth. The Commission and other participating agencies of the Commonwealth may invite federal and local governmental entities charged by law with responsibility for issuing permits or approvals to participate in the pre-application planning and review process. Through the pre-application

planning and review process, the applicant, the Commission, and other agencies and boards shall identify the potential impacts and approvals that may be required and shall develop a plan that will provide for an efficient and coordinated review of the proposed energy facility. The plan shall include (a) a list of the permits or other approvals likely to be required based on the information available, (b) a specific plan and preliminary schedule for the different reviews, (c) a plan for coordinating those reviews and the related public comment process, and (d) designation of points of contact, either within each agency or for the Commonwealth as a whole, to facilitate this coordination. The plan shall be made readily available to the public and shall be maintained on a dedicated website to provide current information on the status of each component of the plan and each approval process including opportunities for public comment.

I. The provisions of this section shall not apply to the construction and operation of a small renewable energy project, as defined in § 10.1-1197.5, by a utility regulated pursuant to this title for which the Department of Environmental Quality has issued a permit by rule pursuant to Article 5 (§ 10.1-1197.5 et seq.) of Chapter 11.1 of Title 10.1.

J. Approval under this section shall not be required for any transmission line for which a certificate of public convenience and necessity is not required pursuant to subdivision A of § 56-265.2.

CHAPTER 451

An Act to amend and reenact §§ 28.2-1208 and 67-300 of the Code of Virginia and to repeal § 67-301 of the Code of Virginia, relating to offshore oil and gas drilling; policy.

[H 706]

Approved March 25, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 28.2-1208 and 67-300 of the Code of Virginia are amended and reenacted as follows:

§ 28.2-1208. Granting easements in, permitting the use of, or leasing the beds of certain waters.

A. The ~~Marine Resources~~ Commission may, with the approval of the Attorney General and the Governor, grant easements over or under or lease the beds of the waters of the Commonwealth outside of the Baylor Survey. Every easement or lease executed pursuant to this section shall be for a period not to exceed five years, except in the case of offshore renewable energy leases described in clause (ii), in which case the period shall not exceed 30 years, and shall specify the rent and such other terms deemed expedient and proper. Such easements and leases may include the right to renew the same for an additional period not to exceed five years. Any lease that authorizes grantees or lessees to (i) prospect for and take from the bottoms covered thereby; ~~oil, gas, and other~~ specified minerals and mineral substances; or (ii) generate electrical energy from wave or tidal action, currents, offshore winds, or thermal or salinity gradients, and transmit energy from such sources to shore shall require a royalty. Except for offshore renewable energy leases, purchase payment for any easement granted to a public service corporation, certificated telephone company, interstate natural gas company or provider of cable television or other multichannel video programming service shall be \$100 and shall be for a period of 40 years. However, no easement or lease shall in any way affect or interfere with the rights vouchsafed to the people of the Commonwealth concerning fishing, fowling, and the catching and taking of oysters and other shellfish in and from the leased bottoms or the waters above.

B. All easements granted and leases made pursuant to this section shall be executed for, and in the name and on behalf of, the Commonwealth by the Attorney General and shall be countersigned by the Governor.

C. All ~~oil, gas and other minerals~~ mineral royalties collected from such easements or leases on and after July 1, 2000, shall be paid into the state treasury to the credit of the Marine Habitat and Waterways Improvement Fund. All royalties collected as a result of the generation or transmission of electrical or compressed air energy from offshore renewable sources including wave or tidal action, currents, offshore winds, and thermal or salinity gradients shall be paid into the state treasury and appropriated to the Virginia Coastal Energy Research Consortium established pursuant to § 67-600.

D. Prior to December 1 of each year, the Commissioner and the Attorney General shall make reports to the General Assembly on all easements and leases executed pursuant to this section during the preceding 12 months.

E. The Commission shall, in cooperation with the Division of Geology and Mineral Resources of the Department of Mines, Minerals and Energy and with the assistance of affected state agencies, departments and institutions, including the Virginia Coastal Energy Research Consortium, maintain a State Subaqueous Minerals and Coastal Energy Management Plan that shall supplement the State Minerals Management Plan set forth in § 2.2-1157 and the Virginia Energy Plan (§ 67-200 et seq.). The State Subaqueous Minerals and Coastal Energy Management Plan shall include provisions for (i) the holding of public hearings, (ii) public advertising for competitive bids or proposals for mineral and renewable energy leasing and extraction activities, (iii) preparation of environmental impact reports to be reviewed by the appropriate agency of the Commonwealth, and (iv) review and approval of leases by the Attorney General and the Governor as required by subsection A. The environmental impact reports shall address, but not be limited to:

1. The environmental impact of the proposed activity;
2. Any adverse environmental effects that cannot be avoided if the proposed activity is undertaken;
3. Measures proposed to minimize the impact of the proposed activity;
4. Any alternative to the proposed activity; and
5. Any irreversible environmental changes which would be involved in the proposed activity.

For the purposes of subdivision 4 of this subsection, the report shall contain all alternatives considered and the reasons why the alternatives were rejected. If a report does not set forth alternatives, it shall state why alternatives were not considered.

F. Neither the Commission nor the Department of Mines, Minerals and Energy shall grant any lease, easement, or permit allowing on the beds of any of the coastal waters of the Commonwealth any infrastructure for conveying to shore oil or gas produced from an offshore oil or gas lease in the portion of the Atlantic Ocean identified as the Outer Continental Shelf (OCS) Planning Area by the U.S. Bureau of Ocean Energy Management. For purposes of this section, the term "infrastructure" includes pipelines, gathering systems, processing facilities, and storage facilities.

§ 67-300. Offshore wind energy resources.

A. In recognition of the need for energy independence, it shall be the policy of the Commonwealth to support federal efforts to:

1. Determine the extent of oil and natural gas resources 50 miles or more off the Atlantic shoreline, including appropriate federal funding for such an investigation; and

2. Permit the production and development of oil and natural gas resources 50 miles or more off the Atlantic shoreline taking into account the impact on affected localities; the armed forces of the United States of America; and the mid-Atlantic regional spaceport.

B. The policy of the Commonwealth shall further support the inclusion of the Atlantic Planning Areas in the Minerals Management Service's draft environmental impact statement with respect to oil and natural gas exploration, production, and development 50 miles or more off the Atlantic shoreline.

C. It shall be is the policy of the Commonwealth to support federal efforts to examine the feasibility of offshore wind energy being utilized in an environmentally responsible fashion.

2. That § 67-301 of the Code of Virginia is repealed.

3. That the provisions of subsection F of § 28.2-1208 of the Code of Virginia, as amended by this act, shall not apply to any infrastructure, as defined in subsection F of § 28.2-1208 of the Code of Virginia, as amended by this act, in existence as of the effective date of this act.

CHAPTER 452

An Act to amend and reenact §§ 28.2-1208 and 67-300 of the Code of Virginia and to repeal § 67-301 of the Code of Virginia, relating to offshore oil and gas drilling; policy.

[S 795]

Approved March 25, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 28.2-1208 and 67-300 of the Code of Virginia are amended and reenacted as follows:

§ 28.2-1208. Granting easements in, permitting the use of, or leasing the beds of certain waters.

A. The ~~Marine Resources~~ Commission may, with the approval of the Attorney General and the Governor, grant easements over or under or lease the beds of the waters of the Commonwealth outside of the Baylor Survey. Every easement or lease executed pursuant to this section shall be for a period not to exceed five years, except in the case of offshore renewable energy leases described in clause (ii), in which case the period shall not exceed 30 years, and shall specify the rent and such other terms deemed expedient and proper. Such easements and leases may include the right to renew the same for an additional period not to exceed five years. Any lease that authorizes grantees or lessees to (i) prospect for and take from the bottoms covered thereby, ~~oil, gas, and other~~ specified minerals and mineral substances; or (ii) generate electrical energy from wave or tidal action, currents, offshore winds, or thermal or salinity gradients, and transmit energy from such sources to shore shall require a royalty. Except for offshore renewable energy leases, purchase payment for any easement granted to a public service corporation, certificated telephone company, interstate natural gas company or provider of cable television or other multichannel video programming service shall be \$100 and shall be for a period of 40 years. However, no easement or lease shall in any way affect or interfere with the rights vouchsafed to the people of the Commonwealth concerning fishing, fowling, and the catching and taking of oysters and other shellfish in and from the leased bottoms or the waters above.

B. All easements granted and leases made pursuant to this section shall be executed for, and in the name and on behalf of, the Commonwealth by the Attorney General and shall be countersigned by the Governor.

C. All ~~oil, gas and other minerals~~ mineral royalties collected from such easements or leases on and after July 1, 2000, shall be paid into the state treasury to the credit of the Marine Habitat and Waterways Improvement Fund. All royalties collected as a result of the generation or transmission of electrical or compressed air energy from offshore renewable sources including wave or tidal action, currents, offshore winds, and thermal or salinity gradients shall be paid into the state treasury and appropriated to the Virginia Coastal Energy Research Consortium established pursuant to § 67-600.

D. Prior to December 1 of each year, the Commissioner and the Attorney General shall make reports to the General Assembly on all easements and leases executed pursuant to this section during the preceding 12 months.

E. The Commission shall, in cooperation with the Division of Geology and Mineral Resources of the Department of Mines, Minerals and Energy and with the assistance of affected state agencies, departments and institutions, including the

Virginia Coastal Energy Research Consortium, maintain a State Subaqueous Minerals and Coastal Energy Management Plan that shall supplement the State Minerals Management Plan set forth in § 2.2-1157 and the Virginia Energy Plan (§ 67-200 et seq.). The State Subaqueous Minerals and Coastal Energy Management Plan shall include provisions for (i) the holding of public hearings, (ii) public advertising for competitive bids or proposals for mineral and renewable energy leasing and extraction activities, (iii) preparation of environmental impact reports to be reviewed by the appropriate agency of the Commonwealth, and (iv) review and approval of leases by the Attorney General and the Governor as required by subsection A. The environmental impact reports shall address, but not be limited to:

1. The environmental impact of the proposed activity;
2. Any adverse environmental effects that cannot be avoided if the proposed activity is undertaken;
3. Measures proposed to minimize the impact of the proposed activity;
4. Any alternative to the proposed activity; and
5. Any irreversible environmental changes which would be involved in the proposed activity.

For the purposes of subdivision 4 of this subsection, the report shall contain all alternatives considered and the reasons why the alternatives were rejected. If a report does not set forth alternatives, it shall state why alternatives were not considered.

F. Neither the Commission nor the Department of Mines, Minerals and Energy shall grant any lease, easement, or permit allowing on the beds of any of the coastal waters of the Commonwealth any infrastructure for conveying to shore oil or gas produced from an offshore oil or gas lease in the portion of the Atlantic Ocean identified as the Outer Continental Shelf (OCS) Planning Area by the U.S. Bureau of Ocean Energy Management. For purposes of this section, the term "infrastructure" includes pipelines, gathering systems, processing facilities, and storage facilities.

§ 67-300. Offshore wind energy resources.

~~A. In recognition of the need for energy independence, it shall be the policy of the Commonwealth to support federal efforts to:~~

- ~~1. Determine the extent of oil and natural gas resources 50 miles or more off the Atlantic shoreline, including appropriate federal funding for such an investigation; and~~
- ~~2. Permit the production and development of oil and natural gas resources 50 miles or more off the Atlantic shoreline taking into account the impact on affected localities, the armed forces of the United States of America, and the mid-Atlantic regional spaceport.~~

~~B. The policy of the Commonwealth shall further support the inclusion of the Atlantic Planning Areas in the Minerals Management Service's draft environmental impact statement with respect to oil and natural gas exploration, production, and development 50 miles or more off the Atlantic shoreline.~~

~~C. It shall be is the policy of the Commonwealth to support federal efforts to examine the feasibility of offshore wind energy being utilized in an environmentally responsible fashion.~~

2. That § 67-301 of the Code of Virginia is repealed.

3. That the provisions of subsection F of § 28.2-1208 of the Code of Virginia, as amended by this act, shall not apply to any infrastructure, as defined in subsection F of § 28.2-1208 of the Code of Virginia, as amended by this act, in existence as of the effective date of this act.

CHAPTER 453

An Act to amend the Code of Virginia by adding in Title 3.2 a chapter numbered 64.1, consisting of a section numbered 3.2-6403, relating to domesticated animal premises; liability for domesticated animal pathogen.

[H 764]

Approved March 25, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 3.2 a chapter numbered 64.1, consisting of a section numbered 3.2-6403, as follows:

CHAPTER 64.1.

DOMESTICATED ANIMAL PATHOGEN LIABILITY.

§ 3.2-6403. Domesticated animal premises; liability for domesticated animal pathogen.

A. For purposes of this chapter, unless the context requires a different meaning:

"Domesticated animal pathogen" or "pathogen" means a microorganism, biological agent, or toxin that (i) causes disease, illness, or death to a human and (ii) is primarily transmitted by human contact with a domesticated animal or manure or other excretions or body fluids from a domesticated animal.

"Domesticated animal premises" or "premises" means a place at a petting zoo, fair, or agricultural exhibition at which a domesticated animal is regularly kept for three or more consecutive hours.

B. No owner or operator of a domesticated animal premises shall be liable for damages arising from a claim by a person who visits such premises, including a participant or spectator, alleging injury or death caused by a domesticated animal pathogen transmitted at such premises, regardless of whether a domesticated animal is present at the premises when

such pathogen is transmitted, if such owner or operator took reasonable precautions to prevent the transmission of such pathogen.

C. Subsection B shall not apply to the extent that the person proves that no warning sign was posted at a conspicuous place at the premises as required in subsection D or that no hand-washing station was available as required in subsection E. Subsection B shall not apply if the transmission of the domesticated animal pathogen occurred due to the gross negligence, willful and wanton conduct, or intentional act of the owner or operator of a domesticated animal premises.

D. A warning sign shall be posted at a conspicuous place at any premises so that it is clearly visible to a person visiting the premises for the first time. Such sign shall have a white background and display a notice printed in black letters a minimum of one inch high in the following form:

"WARNING

DOMESTICATED ANIMAL PREMISES

Under Virginia Code § 3.2-6403, the owner or operator of these premises is not liable for a domesticated animal pathogen transmitted from these premises. Take necessary sanitary precautions, including not touching your face or consuming any food or drink until you have thoroughly washed and dried your hands after your visit. As soon as possible after your visit, thoroughly wash your hands using an appropriate soap and water, and thoroughly dry your hands after washing."

E. Each domesticated animal premises shall provide a working hand-washing station with soap, water, and a means of drying the hands located at a conspicuous place at such premises.

CHAPTER 454

An Act to amend and reenact §§ 10.1-1182 and 10.1-1183 of the Code of Virginia, relating to Department of Environmental Quality; environmental justice.

[H 1162]

Approved March 25, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 10.1-1182 and 10.1-1183 of the Code of Virginia are amended and reenacted as follows:

§ 10.1-1182. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Department" means the Department of Environmental Quality.

"Director" means the Director of the Department of Environmental Quality.

"Environment" means the natural, scenic, and historic attributes of the Commonwealth.

"Environmental justice" means the fair treatment and meaningful involvement of every person, regardless of race, color, national origin, faith, disability, or income, in the development, implementation, and enforcement of environmental laws, regulations, and policies.

"Special order" means an administrative order issued to any party that has a stated duration of not more than twelve months and that may include a civil penalty of not more than \$10,000.

§ 10.1-1183. Creation of Department of Environmental Quality; statement of policy.

A. There is hereby created a Department of Environmental Quality by the consolidation of the programs, functions, staff, facilities, assets, and obligations of the following agencies: the State Water Control Board, the Department of Air Pollution Control, the Department of Waste Management, and the Council on the Environment. Wherever in this title and in the Code of Virginia reference is made to the Department of Air Pollution Control, the Department of Waste Management, or the Council on the Environment, or any division thereof, it shall mean the Department of Environmental Quality.

B. It shall be the policy of the Department of Environmental Quality to protect the environment of Virginia in order to promote the health and well-being of the Commonwealth's citizens. The purposes of the Department are:

1. To assist in the effective implementation of the Constitution of Virginia by carrying out state policies aimed at conserving the Commonwealth's natural resources and protecting its atmosphere, land, and waters from pollution.
2. To coordinate permit review and issuance procedures to protect all aspects of Virginia's environment.
3. To further environmental justice and enhance public participation in the regulatory and permitting processes.
4. To establish and effectively implement a pollution prevention program to reduce the impact of pollutants on Virginia's natural resources.
5. To establish procedures for, and undertake, long-range environmental program planning and policy analysis.
6. To conduct comprehensive evaluations of the Commonwealth's environmental protection programs.
7. To develop uniform administrative systems to ensure coherent environmental policies.
8. To coordinate state reviews with federal agencies on environmental issues, such as environmental impact statements.
9. To promote environmental quality through public hearings and expeditious and comprehensive permitting, inspection, monitoring, and enforcement programs, and provide effective service delivery to the regulated community.
10. To advise the Governor and General Assembly, and, on request, assist other officers, employees, and public bodies of the Commonwealth, on matters relating to environmental quality and the effectiveness of actions and programs designed to enhance that quality.

11. To ensure that there is consistency in the enforcement of the laws, regulations, and policies as they apply to holders of permits or certificates issued by the Department, whether the owners or operators of such regulated facilities are public sector or private sector entities, including the development of electronic recordkeeping and document transmittal systems that encourage the use of electronic methods in performing the Department's business as a means of furthering both resource conservation and transaction efficiency. ~~To serve that end, wherever~~

C. *Wherever the term is used in this chapter or in other statutory or regulatory provisions that the Department administers, (i) "certified mail" means electronically certified or postal certified mail, except that this provision shall apply only to the mailing of plan approvals, permits, or certificates issued under the provisions of this chapter and those of the Air Pollution Control Law (§ 10.1-1300 et seq.), the Virginia Waste Management Act (§ 10.1-1400 et seq.), and the State Water Control Law (§ 62.1-44.2 et seq.), and only where the recipient has notified the Department of his consent to receive plan approvals, permits, or certificates by electronic mail, and (ii) "mail" means electronic or postal delivery. Any statutory provisions requiring use of "certified mail" to transmit special orders or administrative orders pursuant to enforcement proceedings shall mean postal certified mail.*

CHAPTER 455

An Act to amend and reenact §§ 10.1-2202 and 10.1-2211.2 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 10.1-2211.3, relating to historical African American cemeteries and graves; fund.

[H 1523]

Approved March 25, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 10.1-2202 and 10.1-2211.2 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 10.1-2211.3 as follows:

§ 10.1-2202. Powers and duties of the Director.

In addition to the powers and duties conferred upon the Director elsewhere and in order to encourage, stimulate, and support the identification, evaluation, protection, preservation, and rehabilitation of the Commonwealth's significant historic, architectural, archaeological, and cultural resources; in order to establish and maintain a permanent record of those resources; and in order to foster a greater appreciation of these resources among the citizens of the Commonwealth, the Director shall have the following powers and duties which may be delegated by the Director:

1. To employ such personnel as may be required to carry out those duties conferred by law;
2. To make and enter into all contracts and agreements necessary or incidental to the performance of his duties and the execution of his powers, including but not limited to contracts with private nonprofit organizations, the United States, other state agencies and political subdivisions of the Commonwealth;
3. To apply for and accept bequests, grants and gifts of real and personal property as well as endowments, funds, and grants from the United States government, its agencies and instrumentalities, and any other source. The Director shall have the authority to comply with such conditions and execute such agreements as may be necessary, convenient or desirable;
4. To perform acts necessary or convenient to carry out the duties conferred by law;
5. To promulgate regulations, in accordance with the Virginia Administrative Process Act (§ 2.2-4000 et seq.) and not inconsistent with the National Historic Preservation Act (P.L. 89-665) and its attendant regulations, as are necessary to carry out all responsibilities incumbent upon the State Historic Preservation Officer, including at a minimum criteria and procedures for submitting nominations of properties to the National Park Service for inclusion in the National Register of Historic Places or for designation as National Historic Landmarks;
6. To conduct a broad survey and to maintain an inventory of buildings, structures, districts, objects, and sites of historic, architectural, archaeological, or cultural interest which constitute the tangible remains of the Commonwealth's cultural, political, economic, military, or social history;
7. To publish lists of properties, including buildings, structures, districts, objects, and sites, designated as landmarks by the Board, to inspect designated properties from time to time, and periodically publish a complete register of designated properties setting forth appropriate information concerning those properties;
8. With the consent of the landowners, to provide appropriately designed markers for designated buildings, structures, districts, objects and sites;
9. To acquire and to administer battlefield properties and designated landmarks, or easements or interests therein;
10. To aid and to encourage counties, cities and towns to establish historic zoning districts for designated landmarks and to adopt regulations for the preservation of historical, architectural, archaeological, or cultural values;
11. To provide technical advice and assistance to individuals, groups and governments conducting historic preservation programs and regularly to seek advice from the same on the effectiveness of Department programs;
12. To prepare and place, in cooperation with the Department of Transportation, highway historical markers approved by the Board of Historic Resources on or along the highway or street closest to the location which is intended to be identified by the marker;
13. To develop a procedure for the certification of historic districts and structures within the historic districts for federal income tax purposes;

14. To aid and to encourage counties, cities, and towns in the establishment of educational programs and materials for school use on the importance of Virginia's historic, architectural, archaeological, and cultural resources;

15. To conduct a program of archaeological research with the assistance of the State Archaeologist which includes excavation of significant sites, acquisition and maintenance of artifact collections for the purposes of study and display, and dissemination of data and information derived from the study of sites and collections;

16. To manage and administer the Historic Resources Fund as provided in § 10.1-2202.1; and

17. ~~Expired.] To manage and administer the Historical African American Cemeteries and Graves Fund as provided in § 10.1-2211.3.~~

§ 10.1-2211.2. Disbursement of funds appropriated for caring for historical African American cemeteries and graves.

A. For purposes of this section:

"Fund" means the Historical African American Cemeteries and Graves Fund created pursuant to § 10.1-2211.3.

"Historical African American cemetery" means a cemetery that was established prior to January 1, 1900, for interments of African Americans.

"Qualified organization" means a charitable corporation, charitable association, or charitable trust that has been granted tax-exempt status under § 501(c)(3) of the Internal Revenue Code and whose primary purpose is the preservation of historical cemeteries and graves or any person or locality that owns a historical African American cemetery.

B. At the direction of the Director, the Comptroller of the Commonwealth shall draw an annual warrant upon the State Treasurer from any sum that may be provided to *the Department* in the general appropriation act ~~in favor of the treasurer of a qualified organization caring for any cemetery set forth in this subsection~~ *for the purpose of maintaining qualifying cemeteries and graves pursuant to this section. Any representative of a qualified organization desiring to receive funding from such appropriation for the maintenance of qualifying cemeteries and graves pursuant to this section shall submit an application to the Department on or before May 30 each year.* Such appropriations shall be allocated on the basis of the number of graves, monuments, and markers in a cemetery of African Americans who lived at any time between January 1, 1800, and January 1, 1900, the dates to be determined by reference to grave markers or, at the discretion of the Director, other historical records. Such number of graves, monuments, and markers, ~~as set forth opposite the cemetery name~~ *or* as documented by the qualified organization, shall be multiplied by the rate of \$5 or the average actual cost of routine maintenance of a grave, monument, or marker, whichever is greater, to determine the amount of the allocation. The Department shall determine the average actual cost of routine maintenance of a grave, monument, or marker in a biennial survey of at least four properly maintained cemeteries, each located in a different geographical region of the Commonwealth. *The Director shall deposit any appropriated funds that are not disbursed during the same fiscal year into the Fund.*

IN THE COUNTY OF:	NUMBER:
<i>Arlington</i>	
<i>Calloway Cemetery</i>	29
<i>Lomax Cemetery</i>	66
<i>Mount Salvation Cemetery</i>	29
<i>Buckingham</i>	
<i>Stanton Family Cemetery</i>	36
<i>Henrico</i>	
<i>East End Cemetery</i>	4,875
<i>Loudoun</i>	
<i>African-American Burial Ground for the Enslaved at Belmont</i>	44
<i>Pulaski</i>	
<i>New River Cemetery</i>	33
<i>West Dublin Cemetery</i>	44
<i>IN THE CITY OF:</i>	
<i>Alexandria</i>	
<i>Baptist Cemetery of the African American Heritage Park</i>	28
<i>Contrabands and Freedmen Cemetery</i>	631
<i>Douglass Cemetery</i>	83
<i>Lebanon Union Cemetery</i>	53
<i>Methodist Protestant Cemetery</i>	1,134

Penny Hill Cemetery	14
Charlottesville	
Daughters of Zion Cemetery	192
Chesapeake	
Cuffeytown Cemetery	52
Hampton	
Bassette's Cemetery	212
Elmerton Cemetery	339
Good Samaritan Cemetery	37
Pleasant Shade Cemetery	29
Queen Street Cemetery	14
Tucker Family Cemetery	15
Union Street Cemetery	125
Harrisonburg	
Newtown Cemetery	400
Martinsville	
Matthews Cemetery	8
The People's Cemetery	178
Smith Street Cemetery	9
Portsmouth	
Mt. Calvary Cemetery	266
Richmond	
Evergreen Cemetery	2,100
Suffolk	
Oak Lawn Cemetery	468

C. In addition to any sum provided to a qualified organization as set forth in subsection B, the Director may disburse funds to any qualified organization to fund maintenance and care of additional historical African American graves in the Commonwealth that have been certified by the Department and documented in the Department's cultural resources database. Funds disbursed under this subsection shall be disbursed at the rate set forth in subsection B.

D. ~~As~~ A qualified organization receiving funds shall expend the funds for the routine maintenance of its historical African American cemetery and its, associated graves, and graves certified by the Department and documented in the Department's cultural resources database and the erection of and caring for markers, memorials, and monuments to the memory of such African Americans.

~~D.~~ E. Each qualified organization, through its proper officer, shall after July 1 of each year submit to the Director a certified statement that the funds appropriated to the organization during the preceding fiscal year were or will be expended for the purposes set forth in subsection ~~D~~. No organization that fails to comply with any of the requirements of this section shall receive moneys allocated under this section for any subsequent fiscal year until the organization fully complies with the requirements.

~~E.~~ F. In addition to funds that may be provided pursuant to subsection B or C, any organization set forth in that receives funds pursuant to subsection B or C may apply to the Director for a grant to perform extraordinary maintenance, renovation, repair, or reconstruction of any of its historical African American cemeteries and graves. Such a grant shall be made from any appropriation made available by the General Assembly for such purpose or from the Fund.

~~F.~~ G. Any locality may receive and hold funds drawn pursuant to subsection B or C on behalf of any qualified organization until such time as the organization is able to receive or utilize such funds. No local matching funds shall be required for any grants made pursuant to this section.

~~G.~~ H. The owner of a historical African American cemetery shall reasonably cooperate with a qualified organization that receives funds pursuant to subsection B or C.

§ 10.1-2211.3. Historical African American Cemeteries and Graves Fund.

There is hereby created in the state treasury a special nonreverting fund to be known as the Historical African American Cemeteries and Graves Fund, referred to in this section as "the Fund." The Fund shall be established on the books of the Comptroller. All funds appropriated for such purpose, all funds deposited in the Fund pursuant to subsection B or C of § 10.1-2211.2, and any gifts, donations, grants, bequests, and other funds received on its behalf shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited

to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purposes set out in subsections B and C of § 10.1-2211.2. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Director.

CHAPTER 456

An Act to amend and reenact §§ 10.1-2202 and 10.1-2211.2 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 10.1-2211.3, relating to historical African American cemeteries and graves; fund.

[S 881]

Approved March 25, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 10.1-2202 and 10.1-2211.2 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 10.1-2211.3 as follows:

§ 10.1-2202. Powers and duties of the Director.

In addition to the powers and duties conferred upon the Director elsewhere and in order to encourage, stimulate, and support the identification, evaluation, protection, preservation, and rehabilitation of the Commonwealth's significant historic, architectural, archaeological, and cultural resources; in order to establish and maintain a permanent record of those resources; and in order to foster a greater appreciation of these resources among the citizens of the Commonwealth, the Director shall have the following powers and duties which may be delegated by the Director:

1. To employ such personnel as may be required to carry out those duties conferred by law;
2. To make and enter into all contracts and agreements necessary or incidental to the performance of his duties and the execution of his powers, including but not limited to contracts with private nonprofit organizations, the United States, other state agencies and political subdivisions of the Commonwealth;
3. To apply for and accept bequests, grants and gifts of real and personal property as well as endowments, funds, and grants from the United States government, its agencies and instrumentalities, and any other source. The Director shall have the authority to comply with such conditions and execute such agreements as may be necessary, convenient or desirable;
4. To perform acts necessary or convenient to carry out the duties conferred by law;
5. To promulgate regulations, in accordance with the Virginia Administrative Process Act (§ 2.2-4000 et seq.) and not inconsistent with the National Historic Preservation Act (P.L. 89-665) and its attendant regulations, as are necessary to carry out all responsibilities incumbent upon the State Historic Preservation Officer, including at a minimum criteria and procedures for submitting nominations of properties to the National Park Service for inclusion in the National Register of Historic Places or for designation as National Historic Landmarks;
6. To conduct a broad survey and to maintain an inventory of buildings, structures, districts, objects, and sites of historic, architectural, archaeological, or cultural interest which constitute the tangible remains of the Commonwealth's cultural, political, economic, military, or social history;
7. To publish lists of properties, including buildings, structures, districts, objects, and sites, designated as landmarks by the Board, to inspect designated properties from time to time, and periodically publish a complete register of designated properties setting forth appropriate information concerning those properties;
8. With the consent of the landowners, to provide appropriately designed markers for designated buildings, structures, districts, objects and sites;
9. To acquire and to administer battlefield properties and designated landmarks, or easements or interests therein;
10. To aid and to encourage counties, cities and towns to establish historic zoning districts for designated landmarks and to adopt regulations for the preservation of historical, architectural, archaeological, or cultural values;
11. To provide technical advice and assistance to individuals, groups and governments conducting historic preservation programs and regularly to seek advice from the same on the effectiveness of Department programs;
12. To prepare and place, in cooperation with the Department of Transportation, highway historical markers approved by the Board of Historic Resources on or along the highway or street closest to the location which is intended to be identified by the marker;
13. To develop a procedure for the certification of historic districts and structures within the historic districts for federal income tax purposes;
14. To aid and to encourage counties, cities, and towns in the establishment of educational programs and materials for school use on the importance of Virginia's historic, architectural, archaeological, and cultural resources;
15. To conduct a program of archaeological research with the assistance of the State Archaeologist which includes excavation of significant sites, acquisition and maintenance of artifact collections for the purposes of study and display, and dissemination of data and information derived from the study of sites and collections;
16. To manage and administer the Historic Resources Fund as provided in § 10.1-2202.1; and
17. ~~Expired.] To manage and administer the Historical African American Cemeteries and Graves Fund as provided in § 10.1-2211.3.~~

§ 10.1-2211.2. Disbursement of funds appropriated for caring for historical African American cemeteries and graves.

A. For purposes of this section:

"Fund" means the *Historical African American Cemeteries and Graves Fund* created pursuant to § 10.1-2211.3.

"Historical African American cemetery" means a cemetery that was established prior to January 1, 1900, for interments of African Americans.

"Qualified organization" means a charitable corporation, charitable association, or charitable trust that has been granted tax-exempt status under § 501(c)(3) of the Internal Revenue Code and whose primary purpose is the preservation of historical cemeteries and graves or any person or locality that owns a historical African American cemetery.

B. At the direction of the Director, the Comptroller of the Commonwealth shall draw an annual warrant upon the State Treasurer from any sum that may be provided to the Department in the general appropriation act in favor of the treasurer of a qualified organization caring for any cemetery set forth in this subsection for the purpose of maintaining qualifying cemeteries and graves pursuant to this section. Any representative of a qualified organization desiring to receive funding from such appropriation for the maintenance of qualifying cemeteries and graves pursuant to this section shall submit an application to the Department on or before May 30 each year. Such appropriations shall be allocated on the basis of the number of graves, monuments, and markers in a cemetery of African Americans who lived at any time between January 1, 1800, and January 1, 1900, the dates to be determined by reference to grave markers or, at the discretion of the Director, other historical records. Such number of graves, monuments, and markers, as set forth opposite the cemetery name or as documented by the qualified organization, shall be multiplied by the rate of \$5 or the average actual cost of routine maintenance of a grave, monument, or marker, whichever is greater, to determine the amount of the allocation. The Department shall determine the average actual cost of routine maintenance of a grave, monument, or marker in a biennial survey of at least four properly maintained cemeteries, each located in a different geographical region of the Commonwealth. The Director shall deposit any appropriated funds that are not disbursed during the same fiscal year into the Fund.

IN THE COUNTY OF:	NUMBER:
<i>Arlington</i>	
<i>Calloway Cemetery</i>	29
<i>Lomax Cemetery</i>	66
<i>Mount Salvation Cemetery</i>	29
<i>Buckingham</i>	
<i>Stanton Family Cemetery</i>	36
<i>Henrico</i>	
<i>East End Cemetery</i>	4,875
<i>Loudoun</i>	
<i>African-American Burial Ground for the Enslaved at Belmont</i>	44
<i>Pulaski</i>	
<i>New River Cemetery</i>	33
<i>West Dublin Cemetery</i>	44
IN THE CITY OF:	
<i>Alexandria</i>	
<i>Baptist Cemetery of the African American Heritage Park</i>	28
<i>Contrabands and Freedmen Cemetery</i>	631
<i>Douglass Cemetery</i>	83
<i>Lebanon Union Cemetery</i>	53
<i>Methodist Protestant Cemetery</i>	1,134
<i>Penny Hill Cemetery</i>	14
<i>Charlottesville</i>	
<i>Daughters of Zion Cemetery</i>	192
<i>Chesapeake</i>	
<i>Cuffeytown Cemetery</i>	52
<i>Hampton</i>	
<i>Bassette's Cemetery</i>	212

Elmerton Cemetery	339
Good Samaritan Cemetery	37
Pleasant Shade Cemetery	29
Queen Street Cemetery	14
Tucker Family Cemetery	15
Union Street Cemetery	125
<i>Harrisonburg</i>	
<i>Newtown Cemetery</i>	400
<i>Martinsville</i>	
Matthews Cemetery	8
The People's Cemetery	178
Smith Street Cemetery	9
<i>Portsmouth</i>	
Mt. Calvary Cemetery	266
<i>Richmond</i>	
Evergreen Cemetery	2,100
<i>Suffolk</i>	
Oak Lawn Cemetery	468

C. In addition to any sum provided to a qualified organization as set forth in subsection B, the Director may disburse funds to any qualified organization to fund maintenance and care of additional historical African American graves in the Commonwealth that have been certified by the Department and documented in the Department's cultural resources database. Funds disbursed under this subsection shall be disbursed at the rate set forth in subsection B.

~~A~~ *D. A qualified organization receiving funds shall expend the funds for the routine maintenance of its historical African American cemetery and its, associated graves, and graves certified by the Department and documented in the Department's cultural resources database and the erection of and caring for markers, memorials, and monuments to the memory of such African Americans.*

~~D~~ *E. Each qualified organization, through its proper officer, shall after July 1 of each year submit to the Director a certified statement that the funds appropriated to the organization during the preceding fiscal year were or will be expended for the purposes set forth in subsection C. No organization that fails to comply with any of the requirements of this section shall receive moneys allocated under this section for any subsequent fiscal year until the organization fully complies with the requirements.*

~~E~~ *F. In addition to funds that may be provided pursuant to subsection B or C, any organization set forth in that receives funds pursuant to subsection B or C may apply to the Director for a grant to perform extraordinary maintenance, renovation, repair, or reconstruction of any of its historical African American cemeteries and graves. Such a grant shall be made from any appropriation made available by the General Assembly for such purpose or from the Fund.*

~~F~~ *G. Any locality may receive and hold funds drawn pursuant to subsection B or C on behalf of any qualified organization until such time as the organization is able to receive or utilize such funds. No local matching funds shall be required for any grants made pursuant to this section.*

~~G~~ *H. The owner of a historical African American cemetery shall reasonably cooperate with a qualified organization that receives funds pursuant to subsection B or C.*

§ 10.1-2211.3. Historical African American Cemeteries and Graves Fund.

There is hereby created in the state treasury a special nonreverting fund to be known as the Historical African American Cemeteries and Graves Fund, referred to in this section as "the Fund." The Fund shall be established on the books of the Comptroller. All funds appropriated for such purpose, all funds deposited in the Fund pursuant to subsection B or C of § 10.1-2211.2, and any gifts, donations, grants, bequests, and other funds received on its behalf shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purposes set out in subsections B and C of § 10.1-2211.2. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Director.

CHAPTER 457

An Act to amend the Code of Virginia by adding a section numbered 10.1-411.5, relating to scenic rivers; Grays Creek in Surry County.

[S 1090]

Approved March 25, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 10.1-411.5 as follows:

§ 10.1-411.5. Grays Creek State Scenic River.

Grays Creek in Surry County from Southwark Road (Route 618) to its confluence with the James River, a distance of approximately six miles, is hereby designated as the Grays Creek State Scenic River, a component of the Virginia Scenic Rivers System.

CHAPTER 458

An Act to authorize the Department of Conservation and Recreation to divest itself of certain property that was conveyed to it by Norfolk Southern Railroad for the New River Trail State Park.

[S 1094]

Approved March 25, 2020

Be it enacted by the General Assembly of Virginia:

1. § 1. *That the Department of Conservation and Recreation (the Department) with the approval of the Governor pursuant to § 10.1-109 of the Code of Virginia is hereby authorized to convey by quitclaim deed any right, title, or interest that it may have in 0.084 acre, more or less, lying adjacent to New River Trail State Park in Pulaski County, Draper, Virginia, as shown on a plat of survey by NRV Land Surveyors, Inc. dated October 22, 2019, as it may be revised, to Charles L. O'Dell III, his successors and assigns, upon terms and conditions as the Department deems proper. Such conveyance shall be made without consideration. Such conveyance shall be for the purpose of resolving a boundary encroachment issue; the use of the property by the grantee preceded the donation of the property to the Department by Norfolk Southern Railroad.*

§ 2. *The conveyance shall be made in a form approved by the Attorney General. The appropriate officials of the Commonwealth are hereby authorized to prepare, execute, and deliver such deed and other documents as may be necessary to accomplish the conveyance.*

CHAPTER 459

An Act to amend and reenact §§ 8.01-225 and 54.1-3408 of the Code of Virginia, relating to professional use by practitioners; asthma medications.

[H 860]

Approved March 25, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 8.01-225 and 54.1-3408 of the Code of Virginia are amended and reenacted as follows:

§ 8.01-225. Persons rendering emergency care, obstetrical services exempt from liability.

A. Any person who:

1. In good faith, renders emergency care or assistance, without compensation, to any ill or injured person (i) at the scene of an accident, fire, or any life-threatening emergency; (ii) at a location for screening or stabilization of an emergency medical condition arising from an accident, fire, or any life-threatening emergency; or (iii) en route to any hospital, medical clinic, or doctor's office, shall not be liable for any civil damages for acts or omissions resulting from the rendering of such care or assistance. For purposes of this subdivision, emergency care or assistance includes the forcible entry of a motor vehicle in order to remove an unattended minor at risk of serious bodily injury or death, provided the person has attempted to contact a law-enforcement officer, as defined in § 9.1-101, a firefighter, as defined in § 65.2-102, emergency medical services personnel, as defined in § 32.1-111.1, or an emergency 911 system, if feasible under the circumstances.

2. In the absence of gross negligence, renders emergency obstetrical care or assistance to a female in active labor who has not previously been cared for in connection with the pregnancy by such person or by another professionally associated with such person and whose medical records are not reasonably available to such person shall not be liable for any civil damages for acts or omissions resulting from the rendering of such emergency care or assistance. The immunity herein granted shall apply only to the emergency medical care provided.

3. In good faith and without compensation, including any emergency medical services provider who holds a valid certificate issued by the Commissioner of Health, administers epinephrine in an emergency to an individual shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment if

such person has reason to believe that the individual receiving the injection is suffering or is about to suffer a life-threatening anaphylactic reaction.

4. Provides assistance upon request of any police agency, fire department, emergency medical services agency, or governmental agency in the event of an accident or other emergency involving the use, handling, transportation, transmission, or storage of liquefied petroleum gas, liquefied natural gas, hazardous material, or hazardous waste as defined in § 10.1-1400 or regulations of the Virginia Waste Management Board shall not be liable for any civil damages resulting from any act of commission or omission on his part in the course of his rendering such assistance in good faith.

5. Is an emergency medical services provider possessing a valid certificate issued by authority of the State Board of Health who in good faith renders emergency care or assistance, whether in person or by telephone or other means of communication, without compensation, to any injured or ill person, whether at the scene of an accident, fire, or any other place, or while transporting such injured or ill person to, from, or between any hospital, medical facility, medical clinic, doctor's office, or other similar or related medical facility, shall not be liable for any civil damages for acts or omissions resulting from the rendering of such emergency care, treatment, or assistance, including but in no way limited to acts or omissions which involve violations of State Department of Health regulations or any other state regulations in the rendering of such emergency care or assistance.

6. In good faith and without compensation, renders or administers emergency cardiopulmonary resuscitation (CPR); cardiac defibrillation, including, but not limited to, the use of an automated external defibrillator (AED); or other emergency life-sustaining or resuscitative treatments or procedures which have been approved by the State Board of Health to any sick or injured person, whether at the scene of a fire, an accident, or any other place, or while transporting such person to or from any hospital, clinic, doctor's office, or other medical facility, shall be deemed qualified to administer such emergency treatments and procedures and shall not be liable for acts or omissions resulting from the rendering of such emergency resuscitative treatments or procedures.

7. Operates an AED at the scene of an emergency, trains individuals to be operators of AEDs, or orders AEDs, shall be immune from civil liability for any personal injury that results from any act or omission in the use of an AED in an emergency where the person performing the defibrillation acts as an ordinary, reasonably prudent person would have acted under the same or similar circumstances, unless such personal injury results from gross negligence or willful or wanton misconduct of the person rendering such emergency care.

8. Maintains an AED located on real property owned or controlled by such person shall be immune from civil liability for any personal injury that results from any act or omission in the use in an emergency of an AED located on such property unless such personal injury results from gross negligence or willful or wanton misconduct of the person who maintains the AED or his agent or employee.

9. Is an employee of a school board or of a local health department approved by the local governing body to provide health services pursuant to § 22.1-274 who, while on school property or at a school-sponsored event, (i) renders emergency care or assistance to any sick or injured person; (ii) renders or administers emergency cardiopulmonary resuscitation (CPR); cardiac defibrillation, including, but not limited to, the use of an automated external defibrillator (AED); or other emergency life-sustaining or resuscitative treatments or procedures that have been approved by the State Board of Health to any sick or injured person; (iii) operates an AED, trains individuals to be operators of AEDs, or orders AEDs; or (iv) maintains an AED, shall not be liable for civil damages for ordinary negligence in acts or omissions on the part of such employee while engaged in the acts described in this subdivision.

10. Is a volunteer in good standing and certified to render emergency care by the National Ski Patrol System, Inc., who, in good faith and without compensation, renders emergency care or assistance to any injured or ill person, whether at the scene of a ski resort rescue, outdoor emergency rescue, or any other place or while transporting such injured or ill person to a place accessible for transfer to any available emergency medical system unit, or any resort owner voluntarily providing a ski patroller employed by him to engage in rescue or recovery work at a resort not owned or operated by him, shall not be liable for any civil damages for acts or omissions resulting from the rendering of such emergency care, treatment, or assistance, including but not limited to acts or omissions which involve violations of any state regulation or any standard of the National Ski Patrol System, Inc., in the rendering of such emergency care or assistance, unless such act or omission was the result of gross negligence or willful misconduct.

11. Is an employee of (i) a school board, (ii) a school for students with disabilities as defined in § 22.1-319 licensed by the Board of Education, or (iii) a private school accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education and is authorized by a prescriber and trained in the administration of insulin and glucagon, who, upon the written request of the parents as defined in § 22.1-1, assists with the administration of insulin or, in the case of a school board employee, with the insertion or reinsertion of an insulin pump or any of its parts pursuant to subsection B of § 22.1-274.01:1 or administers glucagon to a student diagnosed as having diabetes who requires insulin injections during the school day or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment if the insulin is administered according to the child's medication schedule or such employee has reason to believe that the individual receiving the glucagon is suffering or is about to suffer life-threatening hypoglycemia. Whenever any such employee is covered by the immunity granted herein, the school board or school employing him shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such insulin or glucagon treatment.

12. Is an employee of a public institution of higher education or a private institution of higher education who is authorized by a prescriber and trained in the administration of insulin and glucagon, who assists with the administration of insulin or administers glucagon to a student diagnosed as having diabetes who requires insulin injections or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment if the insulin is administered according to the student's medication schedule or such employee has reason to believe that the individual receiving the glucagon is suffering or is about to suffer life-threatening hypoglycemia. Whenever any employee is covered by the immunity granted in this subdivision, the institution shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such insulin or glucagon treatment.

13. Is a school nurse, an employee of a school board, an employee of a local governing body, or an employee of a local health department who is authorized by a prescriber and trained in the administration of epinephrine and who provides, administers, or assists in the administration of epinephrine to a student believed in good faith to be having an anaphylactic reaction, or is the prescriber of the epinephrine, shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment.

14. Is an employee of a school for students with disabilities, as defined in § 22.1-319 and licensed by the Board of Education, or an employee of a private school that is accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education who is authorized by a prescriber and trained in the administration of epinephrine and who administers or assists in the administration of epinephrine to a student believed in good faith to be having an anaphylactic reaction, or is the prescriber of the epinephrine, shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment. Whenever any employee is covered by the immunity granted in this subdivision, the school shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from such administration or assistance.

15. Is an employee of a public institution of higher education or a private institution of higher education who is authorized by a prescriber and trained in the administration of epinephrine and who administers or assists in the administration of epinephrine to a student believed in good faith to be having an anaphylactic reaction, or is the prescriber of the epinephrine, shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment. Whenever any employee is covered by the immunity granted in this subdivision, the institution shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from such administration or assistance.

16. Is an employee of an organization providing outdoor educational experiences or programs for youth who is authorized by a prescriber and trained in the administration of epinephrine and who administers or assists in the administration of epinephrine to a participant in the outdoor experience or program for youth believed in good faith to be having an anaphylactic reaction, or is the prescriber of the epinephrine, shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment. Whenever any employee is covered by the immunity granted in this subdivision, the organization shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from such administration or assistance.

17. Is an employee of a provider licensed by the Department of Behavioral Health and Developmental Services, or provides services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services, who has been trained in the administration of insulin and glucagon and who administers or assists with the administration of insulin or administers glucagon to a person diagnosed as having diabetes who requires insulin injections or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia in accordance with § 54.1-3408 shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment if the insulin is administered in accordance with the prescriber's instructions or such person has reason to believe that the individual receiving the glucagon is suffering or is about to suffer life-threatening hypoglycemia. Whenever any employee of a provider licensed by the Department of Behavioral Health and Developmental Services or a person who provides services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services is covered by the immunity granted herein, the provider shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such insulin or glucagon treatment.

18. Is an employee of a provider licensed by the Department of Behavioral Health and Developmental Services, or provides services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services, who has been trained in the administration of epinephrine and who administers or assists in the administration of epinephrine to a person believed in good faith to be having an anaphylactic reaction in accordance with the prescriber's instructions shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment.

19. In good faith prescribes, dispenses, or administers naloxone or other opioid antagonist used for overdose reversal in an emergency to an individual who is believed to be experiencing or about to experience a life-threatening opiate overdose shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment if acting in accordance with the provisions of subsection X or Y of § 54.1-3408 or in his role as a member of an emergency medical services agency.

20. Is an employee of a school board, school for students with disabilities as defined in § 22.1-319 licensed by the Board of Education, or private school accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private

Education who is trained in the administration of injected medications for the treatment of adrenal crisis resulting from a condition causing adrenal insufficiency and who administers or assists in the administration of such medications to a student diagnosed with a condition causing adrenal insufficiency when the student is believed to be experiencing or about to experience an adrenal crisis pursuant to a written order or standing protocol issued by a prescriber within the course of his professional practice and in accordance with the prescriber's instructions shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment.

21. Is a school nurse, an employee of a school board, an employee of a local governing body, or an employee of a local health department who is authorized by a prescriber and trained in the administration of albuterol inhalers or nebulized albuterol and who provides, administers, or assists in the administration of an albuterol inhaler or nebulized albuterol for a student believed in good faith to be in need of such medication, or is the prescriber of such medication, shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment.

B. Any licensed physician serving without compensation as the operational medical director for an emergency medical services agency that holds a valid license as an emergency medical services agency issued by the Commissioner of Health shall not be liable for any civil damages for any act or omission resulting from the rendering of emergency medical services in good faith by the personnel of such licensed agency unless such act or omission was the result of such physician's gross negligence or willful misconduct.

Any person serving without compensation as a dispatcher for any licensed public or nonprofit emergency medical services agency in the Commonwealth shall not be liable for any civil damages for any act or omission resulting from the rendering of emergency services in good faith by the personnel of such licensed agency unless such act or omission was the result of such dispatcher's gross negligence or willful misconduct.

Any individual, certified by the State Office of Emergency Medical Services as an emergency medical services instructor and pursuant to a written agreement with such office, who, in good faith and in the performance of his duties, provides instruction to persons for certification or recertification as a certified basic life support or advanced life support emergency medical services provider shall not be liable for any civil damages for acts or omissions on his part directly relating to his activities on behalf of such office unless such act or omission was the result of such emergency medical services instructor's gross negligence or willful misconduct.

Any licensed physician serving without compensation as a medical advisor to an E-911 system in the Commonwealth shall not be liable for any civil damages for any act or omission resulting from rendering medical advice in good faith to establish protocols to be used by the personnel of the E-911 service, as defined in § 58.1-1730, when answering emergency calls unless such act or omission was the result of such physician's gross negligence or willful misconduct.

Any licensed physician who directs the provision of emergency medical services, as authorized by the State Board of Health, through a communications device shall not be liable for any civil damages for any act or omission resulting from the rendering of such emergency medical services unless such act or omission was the result of such physician's gross negligence or willful misconduct.

Any licensed physician serving without compensation as a supervisor of an AED in the Commonwealth shall not be liable for any civil damages for any act or omission resulting from rendering medical advice in good faith to the owner of the AED relating to personnel training, local emergency medical services coordination, protocol approval, AED deployment strategies, and equipment maintenance plans and records unless such act or omission was the result of such physician's gross negligence or willful misconduct.

C. Any communications services provider, as defined in § 58.1-647, including mobile service, and any provider of Voice-over-Internet Protocol service, in the Commonwealth shall not be liable for any civil damages for any act or omission resulting from rendering such service with or without charge related to emergency calls unless such act or omission was the result of such service provider's gross negligence or willful misconduct.

Any volunteer engaging in rescue or recovery work at a mine, or any mine operator voluntarily providing personnel to engage in rescue or recovery work at a mine not owned or operated by such operator, shall not be liable for civil damages for acts or omissions resulting from the rendering of such rescue or recovery work in good faith unless such act or omission was the result of gross negligence or willful misconduct. For purposes of this subsection, "Voice-over-Internet Protocol service" or "VoIP service" means any Internet protocol-enabled services utilizing a broadband connection, actually originating or terminating in Internet Protocol from either or both ends of a channel of communication offering real time, multidirectional voice functionality, including, but not limited to, services similar to traditional telephone service.

D. Nothing contained in this section shall be construed to provide immunity from liability arising out of the operation of a motor vehicle.

E. For the purposes of this section, "compensation" shall not be construed to include (i) the salaries of police, fire, or other public officials or personnel who render such emergency assistance; (ii) the salaries or wages of employees of a coal producer engaging in emergency medical services or first aid services pursuant to the provisions of § 45.1-161.38, 45.1-161.101, 45.1-161.199, or 45.1-161.263; (iii) complimentary lift tickets, food, lodging, or other gifts provided as a gratuity to volunteer members of the National Ski Patrol System, Inc., by any resort, group, or agency; (iv) the salary of any person who (a) owns an AED for the use at the scene of an emergency, (b) trains individuals, in courses approved by the Board of Health, to operate AEDs at the scene of emergencies, (c) orders AEDs for use at the scene of emergencies, or (d) operates an AED at the scene of an emergency; or (v) expenses reimbursed to any person providing care or assistance pursuant to this section.

For the purposes of this section, "emergency medical services provider" shall include a person licensed or certified as such or its equivalent by any other state when he is performing services that he is licensed or certified to perform by such other state in caring for a patient in transit in the Commonwealth, which care originated in such other state.

Further, the public shall be urged to receive training on how to use CPR and an AED in order to acquire the skills and confidence to respond to emergencies using both CPR and an AED.

§ 54.1-3408. Professional use by practitioners.

A. A practitioner of medicine, osteopathy, podiatry, dentistry, or veterinary medicine or a licensed nurse practitioner pursuant to § 54.1-2957.01, a licensed physician assistant pursuant to § 54.1-2952.1, or a TPA-certified optometrist pursuant to Article 5 (§ 54.1-3222 et seq.) of Chapter 32 shall only prescribe, dispense, or administer controlled substances in good faith for medicinal or therapeutic purposes within the course of his professional practice.

B. The prescribing practitioner's order may be on a written prescription or pursuant to an oral prescription as authorized by this chapter. The prescriber may administer drugs and devices, or he may cause drugs or devices to be administered by:

1. A nurse, physician assistant, or intern under his direction and supervision;
2. Persons trained to administer drugs and devices to patients in state-owned or state-operated hospitals or facilities licensed as hospitals by the Board of Health or psychiatric hospitals licensed by the Department of Behavioral Health and Developmental Services who administer drugs under the control and supervision of the prescriber or a pharmacist;
3. Emergency medical services personnel certified and authorized to administer drugs and devices pursuant to regulations of the Board of Health who act within the scope of such certification and pursuant to an oral or written order or standing protocol; or
4. A licensed respiratory therapist as defined in § 54.1-2954 who administers by inhalation controlled substances used in inhalation or respiratory therapy.

C. Pursuant to an oral or written order or standing protocol, the prescriber, who is authorized by state or federal law to possess and administer radiopharmaceuticals in the scope of his practice, may authorize a nuclear medicine technologist to administer, under his supervision, radiopharmaceuticals used in the diagnosis or treatment of disease.

D. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize registered nurses and licensed practical nurses to possess (i) epinephrine and oxygen for administration in treatment of emergency medical conditions and (ii) heparin and sterile normal saline to use for the maintenance of intravenous access lines.

Pursuant to the regulations of the Board of Health, certain emergency medical services technicians may possess and administer epinephrine in emergency cases of anaphylactic shock.

Pursuant to an order or standing protocol issued by the prescriber within the course of his professional practice, any school nurse, school board employee, employee of a local governing body, or employee of a local health department who is authorized by a prescriber and trained in the administration of (a) epinephrine may possess and administer epinephrine and (b) *albuterol inhalers or nebulized albuterol may possess or administer an albuterol inhaler or nebulized albuterol to a student diagnosed with a condition requiring an albuterol inhaler or nebulized albuterol when the student is believed to be experiencing or about to experience an asthmatic crisis.*

Pursuant to an order or a standing protocol issued by the prescriber within the course of his professional practice, any employee of a school for students with disabilities, as defined in § 22.1-319 and licensed by the Board of Education, or any employee of a private school that is accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education who is authorized by a prescriber and trained in the administration of (1) epinephrine may possess and administer epinephrine and (2) *albuterol inhalers or nebulized albuterol may possess or administer an albuterol inhaler or nebulized albuterol to a student diagnosed with a condition requiring an albuterol inhaler or nebulized albuterol when the student is believed to be experiencing or about to experience an asthmatic crisis.*

Pursuant to an order or a standing protocol issued by the prescriber within the course of his professional practice, any employee of a public institution of higher education or a private institution of higher education who is authorized by a prescriber and trained in the administration of epinephrine may possess and administer epinephrine.

Pursuant to an order or a standing protocol issued by the prescriber within the course of his professional practice, any employee of an organization providing outdoor educational experiences or programs for youth who is authorized by a prescriber and trained in the administration of epinephrine may possess and administer epinephrine.

Pursuant to an order issued by the prescriber within the course of his professional practice, an employee of a provider licensed by the Department of Behavioral Health and Developmental Services or a person providing services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services may possess and administer epinephrine, provided such person is authorized and trained in the administration of epinephrine.

Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize pharmacists to possess epinephrine and oxygen for administration in treatment of emergency medical conditions.

E. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize licensed physical therapists to possess and administer topical corticosteroids, topical lidocaine, and any other Schedule VI topical drug.

F. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize licensed athletic trainers to possess and administer topical corticosteroids, topical lidocaine, or other Schedule VI topical drugs; oxygen for use in emergency situations; and epinephrine for use in emergency cases of anaphylactic shock.

G. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, and in accordance with policies and guidelines established by the Department of Health pursuant to § 32.1-50.2, such prescriber may authorize registered nurses or licensed practical nurses under the supervision of a registered nurse to possess and administer tuberculin purified protein derivative (PPD) in the absence of a prescriber. The Department of Health's policies and guidelines shall be consistent with applicable guidelines developed by the Centers for Disease Control and Prevention for preventing transmission of mycobacterium tuberculosis and shall be updated to incorporate any subsequently implemented standards of the Occupational Safety and Health Administration and the Department of Labor and Industry to the extent that they are inconsistent with the Department of Health's policies and guidelines. Such standing protocols shall explicitly describe the categories of persons to whom the tuberculin test is to be administered and shall provide for appropriate medical evaluation of those in whom the test is positive. The prescriber shall ensure that the nurse implementing such standing protocols has received adequate training in the practice and principles underlying tuberculin screening.

The Health Commissioner or his designee may authorize registered nurses, acting as agents of the Department of Health, to possess and administer, at the nurse's discretion, tuberculin purified protein derivative (PPD) to those persons in whom tuberculin skin testing is indicated based on protocols and policies established by the Department of Health.

H. Pursuant to a written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize, with the consent of the parents as defined in § 22.1-1, an employee of (i) a school board, (ii) a school for students with disabilities as defined in § 22.1-319 licensed by the Board of Education, or (iii) a private school accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education who is trained in the administration of insulin and glucagon to assist with the administration of insulin or administer glucagon to a student diagnosed as having diabetes and who requires insulin injections during the school day or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia. Such authorization shall only be effective when a licensed nurse, nurse practitioner, physician, or physician assistant is not present to perform the administration of the medication.

Pursuant to a written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize an employee of a public institution of higher education or a private institution of higher education who is trained in the administration of insulin and glucagon to assist with the administration of insulin or administration of glucagon to a student diagnosed as having diabetes and who requires insulin injections or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia. Such authorization shall only be effective when a licensed nurse, nurse practitioner, physician, or physician assistant is not present to perform the administration of the medication.

Pursuant to a written order issued by the prescriber within the course of his professional practice, such prescriber may authorize an employee of a provider licensed by the Department of Behavioral Health and Developmental Services or a person providing services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services to assist with the administration of insulin or to administer glucagon to a person diagnosed as having diabetes and who requires insulin injections or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia, provided such employee or person providing services has been trained in the administration of insulin and glucagon.

I. A prescriber may authorize, pursuant to a protocol approved by the Board of Nursing, the administration of vaccines to adults for immunization, when a practitioner with prescriptive authority is not physically present, by (i) licensed pharmacists, (ii) registered nurses, or (iii) licensed practical nurses under the supervision of a registered nurse. A prescriber acting on behalf of and in accordance with established protocols of the Department of Health may authorize the administration of vaccines to any person by a pharmacist, nurse, or designated emergency medical services provider who holds an advanced life support certificate issued by the Commissioner of Health under the direction of an operational medical director when the prescriber is not physically present. The emergency medical services provider shall provide documentation of the vaccines to be recorded in the Virginia Immunization Information System.

J. A dentist may cause Schedule VI topical drugs to be administered under his direction and supervision by either a dental hygienist or by an authorized agent of the dentist.

Further, pursuant to a written order and in accordance with a standing protocol issued by the dentist in the course of his professional practice, a dentist may authorize a dental hygienist under his general supervision, as defined in § 54.1-2722, or his remote supervision, as defined in subsection E or F of § 54.1-2722, to possess and administer topical oral fluorides, topical oral anesthetics, topical and directly applied antimicrobial agents for treatment of periodontal pocket lesions, and any other Schedule VI topical drug approved by the Board of Dentistry.

In addition, a dentist may authorize a dental hygienist under his direction to administer Schedule VI nitrous oxide and oxygen inhalation analgesia and, to persons 18 years of age or older, Schedule VI local anesthesia.

K. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize registered professional nurses certified as sexual assault nurse

examiners-A (SANE-A) under his supervision and when he is not physically present to possess and administer preventive medications for victims of sexual assault as recommended by the Centers for Disease Control and Prevention.

L. This section shall not prevent the administration of drugs by a person who has satisfactorily completed a training program for this purpose approved by the Board of Nursing and who administers such drugs in accordance with a prescriber's instructions pertaining to dosage, frequency, and manner of administration, and in accordance with regulations promulgated by the Board of Pharmacy relating to security and record keeping, when the drugs administered would be normally self-administered by (i) an individual receiving services in a program licensed by the Department of Behavioral Health and Developmental Services; (ii) a resident of the Virginia Rehabilitation Center for the Blind and Vision Impaired; (iii) a resident of a facility approved by the Board or Department of Juvenile Justice for the placement of children in need of services or delinquent or alleged delinquent youth; (iv) a program participant of an adult day-care center licensed by the Department of Social Services; (v) a resident of any facility authorized or operated by a state or local government whose primary purpose is not to provide health care services; (vi) a resident of a private children's residential facility, as defined in § 63.2-100 and licensed by the Department of Social Services, Department of Education, or Department of Behavioral Health and Developmental Services; or (vii) a student in a school for students with disabilities, as defined in § 22.1-319 and licensed by the Board of Education.

In addition, this section shall not prevent a person who has successfully completed a training program for the administration of drugs via percutaneous gastrostomy tube approved by the Board of Nursing and been evaluated by a registered nurse as having demonstrated competency in administration of drugs via percutaneous gastrostomy tube from administering drugs to a person receiving services from a program licensed by the Department of Behavioral Health and Developmental Services to such person via percutaneous gastrostomy tube. The continued competency of a person to administer drugs via percutaneous gastrostomy tube shall be evaluated semiannually by a registered nurse.

M. Medication aides registered by the Board of Nursing pursuant to Article 7 (§ 54.1-3041 et seq.) of Chapter 30 may administer drugs that would otherwise be self-administered to residents of any assisted living facility licensed by the Department of Social Services. A registered medication aide shall administer drugs pursuant to this section in accordance with the prescriber's instructions pertaining to dosage, frequency, and manner of administration; in accordance with regulations promulgated by the Board of Pharmacy relating to security and recordkeeping; in accordance with the assisted living facility's Medication Management Plan; and in accordance with such other regulations governing their practice promulgated by the Board of Nursing.

N. In addition, this section shall not prevent the administration of drugs by a person who administers such drugs in accordance with a physician's instructions pertaining to dosage, frequency, and manner of administration and with written authorization of a parent, and in accordance with school board regulations relating to training, security and record keeping, when the drugs administered would be normally self-administered by a student of a Virginia public school. Training for such persons shall be accomplished through a program approved by the local school boards, in consultation with the local departments of health.

O. In addition, this section shall not prevent the administration of drugs by a person to (i) a child in a child day program as defined in § 63.2-100 and regulated by the State Board of Social Services or a local government pursuant to § 15.2-914, or (ii) a student of a private school that is accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education, provided such person (a) has satisfactorily completed a training program for this purpose approved by the Board of Nursing and taught by a registered nurse, licensed practical nurse, nurse practitioner, physician assistant, doctor of medicine or osteopathic medicine, or pharmacist; (b) has obtained written authorization from a parent or guardian; (c) administers drugs only to the child identified on the prescription label in accordance with the prescriber's instructions pertaining to dosage, frequency, and manner of administration; and (d) administers only those drugs that were dispensed from a pharmacy and maintained in the original, labeled container that would normally be self-administered by the child or student, or administered by a parent or guardian to the child or student.

P. In addition, this section shall not prevent the administration or dispensing of drugs and devices by persons if they are authorized by the State Health Commissioner in accordance with protocols established by the State Health Commissioner pursuant to § 32.1-42.1 when (i) the Governor has declared a disaster or a state of emergency or the United States Secretary of Health and Human Services has issued a declaration of an actual or potential bioterrorism incident or other actual or potential public health emergency; (ii) it is necessary to permit the provision of needed drugs or devices; and (iii) such persons have received the training necessary to safely administer or dispense the needed drugs or devices. Such persons shall administer or dispense all drugs or devices under the direction, control, and supervision of the State Health Commissioner.

Q. Nothing in this title shall prohibit the administration of normally self-administered drugs by unlicensed individuals to a person in his private residence.

R. This section shall not interfere with any prescriber issuing prescriptions in compliance with his authority and scope of practice and the provisions of this section to a Board agent for use pursuant to subsection G of § 18.2-258.1. Such prescriptions issued by such prescriber shall be deemed to be valid prescriptions.

S. Nothing in this title shall prevent or interfere with dialysis care technicians or dialysis patient care technicians who are certified by an organization approved by the Board of Health Professions or persons authorized for provisional practice pursuant to Chapter 27.01 (§ 54.1-2729.1 et seq.), in the ordinary course of their duties in a Medicare-certified renal dialysis facility, from administering heparin, topical needle site anesthetics, dialysis solutions, sterile normal saline solution, and

blood volumizers, for the purpose of facilitating renal dialysis treatment, when such administration of medications occurs under the orders of a licensed physician, nurse practitioner, or physician assistant and under the immediate and direct supervision of a licensed registered nurse. Nothing in this chapter shall be construed to prohibit a patient care dialysis technician trainee from performing dialysis care as part of and within the scope of the clinical skills instruction segment of a supervised dialysis technician training program, provided such trainee is identified as a "trainee" while working in a renal dialysis facility.

The dialysis care technician or dialysis patient care technician administering the medications shall have demonstrated competency as evidenced by holding current valid certification from an organization approved by the Board of Health Professions pursuant to Chapter 27.01 (§ 54.1-2729.1 et seq.).

T. Persons who are otherwise authorized to administer controlled substances in hospitals shall be authorized to administer influenza or pneumococcal vaccines pursuant to § 32.1-126.4.

U. Pursuant to a specific order for a patient and under his direct and immediate supervision, a prescriber may authorize the administration of controlled substances by personnel who have been properly trained to assist a doctor of medicine or osteopathic medicine, provided the method does not include intravenous, intrathecal, or epidural administration and the prescriber remains responsible for such administration.

V. A physician assistant, nurse, or dental hygienist may possess and administer topical fluoride varnish pursuant to an oral or written order or a standing protocol issued by a doctor of medicine, osteopathic medicine, or dentistry.

W. A prescriber, acting in accordance with guidelines developed pursuant to § 32.1-46.02, may authorize the administration of influenza vaccine to minors by a licensed pharmacist, registered nurse, licensed practical nurse under the direction and immediate supervision of a registered nurse, or emergency medical services provider who holds an advanced life support certificate issued by the Commissioner of Health when the prescriber is not physically present.

X. Notwithstanding the provisions of § 54.1-3303, pursuant to an oral, written, or standing order issued by a prescriber or a standing order issued by the Commissioner of Health or his designee authorizing the dispensing of naloxone or other opioid antagonist used for overdose reversal in the absence of an oral or written order for a specific patient issued by a prescriber, and in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health, a pharmacist, a health care provider providing services in a hospital emergency department, and emergency medical services personnel, as that term is defined in § 32.1-111.1, may dispense naloxone or other opioid antagonist used for overdose reversal and a person to whom naloxone or other opioid antagonist has been dispensed pursuant to this subsection may possess and administer naloxone or other opioid antagonist used for overdose reversal to a person who is believed to be experiencing or about to experience a life-threatening opioid overdose. Law-enforcement officers as defined in § 9.1-101, employees of the Department of Forensic Science, employees of the Office of the Chief Medical Examiner, employees of the Department of General Services Division of Consolidated Laboratory Services, employees of the Department of Corrections designated as probation and parole officers or as correctional officers as defined in § 53.1-1, employees of regional jails, school nurses, local health department employees that are assigned to a public school pursuant to an agreement between the local health department and the school board, other school board employees or individuals contracted by a school board to provide school health services, and firefighters who have completed a training program may also possess and administer naloxone or other opioid antagonist used for overdose reversal and may dispense naloxone or other opioid antagonist used for overdose reversal pursuant to an oral, written, or standing order issued by a prescriber or a standing order issued by the Commissioner of Health or his designee in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health.

Y. Notwithstanding any other law or regulation to the contrary, a person who is acting on behalf of an organization that provides services to individuals at risk of experiencing an opioid overdose or training in the administration of naloxone for overdose reversal may dispense naloxone to a person who has received instruction on the administration of naloxone for opioid overdose reversal, provided that such dispensing is (i) pursuant to a standing order issued by a prescriber and (ii) in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health. If the person acting on behalf of an organization dispenses naloxone in an injectable formulation with a hypodermic needle or syringe, he shall first obtain authorization from the Department of Behavioral Health and Developmental Services to train individuals on the proper administration of naloxone by and proper disposal of a hypodermic needle or syringe, and he shall obtain a controlled substance registration from the Board of Pharmacy. The Board of Pharmacy shall not charge a fee for the issuance of such controlled substance registration. The dispensing may occur at a site other than that of the controlled substance registration provided the entity possessing the controlled substances registration maintains records in accordance with regulations of the Board of Pharmacy. No person who dispenses naloxone on behalf of an organization pursuant to this subsection shall charge a fee for the dispensing of naloxone that is greater than the cost to the organization of obtaining the naloxone dispensed. A person to whom naloxone has been dispensed pursuant to this subsection may possess naloxone and may administer naloxone to a person who is believed to be experiencing or about to experience a life-threatening opioid overdose.

Z. Pursuant to a written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize, with the consent of the parents as defined in § 22.1-1, an employee of (i) a school board, (ii) a school for students with disabilities as defined in § 22.1-319 licensed by the Board of Education, or (iii) a private school accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education who is trained

in the administration of injected medications for the treatment of adrenal crisis resulting from a condition causing adrenal insufficiency to administer such medication to a student diagnosed with a condition causing adrenal insufficiency when the student is believed to be experiencing or about to experience an adrenal crisis. Such authorization shall be effective only when a licensed nurse, nurse practitioner, physician, or physician assistant is not present to perform the administration of the medication.

CHAPTER 460

An Act to amend and reenact §§ 8.01-225 and 54.1-3408 of the Code of Virginia, relating to professional use by practitioners; asthma medications.

[H 1174]

Approved March 25, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 8.01-225 and 54.1-3408 of the Code of Virginia are amended and reenacted as follows:

§ 8.01-225. Persons rendering emergency care, obstetrical services exempt from liability.

A. Any person who:

1. In good faith, renders emergency care or assistance, without compensation, to any ill or injured person (i) at the scene of an accident, fire, or any life-threatening emergency; (ii) at a location for screening or stabilization of an emergency medical condition arising from an accident, fire, or any life-threatening emergency; or (iii) en route to any hospital, medical clinic, or doctor's office, shall not be liable for any civil damages for acts or omissions resulting from the rendering of such care or assistance. For purposes of this subdivision, emergency care or assistance includes the forcible entry of a motor vehicle in order to remove an unattended minor at risk of serious bodily injury or death, provided the person has attempted to contact a law-enforcement officer, as defined in § 9.1-101, a firefighter, as defined in § 65.2-102, emergency medical services personnel, as defined in § 32.1-111.1, or an emergency 911 system, if feasible under the circumstances.

2. In the absence of gross negligence, renders emergency obstetrical care or assistance to a female in active labor who has not previously been cared for in connection with the pregnancy by such person or by another professionally associated with such person and whose medical records are not reasonably available to such person shall not be liable for any civil damages for acts or omissions resulting from the rendering of such emergency care or assistance. The immunity herein granted shall apply only to the emergency medical care provided.

3. In good faith and without compensation, including any emergency medical services provider who holds a valid certificate issued by the Commissioner of Health, administers epinephrine in an emergency to an individual shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment if such person has reason to believe that the individual receiving the injection is suffering or is about to suffer a life-threatening anaphylactic reaction.

4. Provides assistance upon request of any police agency, fire department, emergency medical services agency, or governmental agency in the event of an accident or other emergency involving the use, handling, transportation, transmission, or storage of liquefied petroleum gas, liquefied natural gas, hazardous material, or hazardous waste as defined in § 10.1-1400 or regulations of the Virginia Waste Management Board shall not be liable for any civil damages resulting from any act of commission or omission on his part in the course of his rendering such assistance in good faith.

5. Is an emergency medical services provider possessing a valid certificate issued by authority of the State Board of Health who in good faith renders emergency care or assistance, whether in person or by telephone or other means of communication, without compensation, to any injured or ill person, whether at the scene of an accident, fire, or any other place, or while transporting such injured or ill person to, from, or between any hospital, medical facility, medical clinic, doctor's office, or other similar or related medical facility, shall not be liable for any civil damages for acts or omissions resulting from the rendering of such emergency care, treatment, or assistance, including but in no way limited to acts or omissions which involve violations of State Department of Health regulations or any other state regulations in the rendering of such emergency care or assistance.

6. In good faith and without compensation, renders or administers emergency cardiopulmonary resuscitation (CPR); cardiac defibrillation, including, but not limited to, the use of an automated external defibrillator (AED); or other emergency life-sustaining or resuscitative treatments or procedures which have been approved by the State Board of Health to any sick or injured person, whether at the scene of a fire, an accident, or any other place, or while transporting such person to or from any hospital, clinic, doctor's office, or other medical facility, shall be deemed qualified to administer such emergency treatments and procedures and shall not be liable for acts or omissions resulting from the rendering of such emergency resuscitative treatments or procedures.

7. Operates an AED at the scene of an emergency, trains individuals to be operators of AEDs, or orders AEDs, shall be immune from civil liability for any personal injury that results from any act or omission in the use of an AED in an emergency where the person performing the defibrillation acts as an ordinary, reasonably prudent person would have acted under the same or similar circumstances, unless such personal injury results from gross negligence or willful or wanton misconduct of the person rendering such emergency care.

8. Maintains an AED located on real property owned or controlled by such person shall be immune from civil liability for any personal injury that results from any act or omission in the use in an emergency of an AED located on such property unless such personal injury results from gross negligence or willful or wanton misconduct of the person who maintains the AED or his agent or employee.

9. Is an employee of a school board or of a local health department approved by the local governing body to provide health services pursuant to § 22.1-274 who, while on school property or at a school-sponsored event, (i) renders emergency care or assistance to any sick or injured person; (ii) renders or administers emergency cardiopulmonary resuscitation (CPR); cardiac defibrillation, including, but not limited to, the use of an automated external defibrillator (AED); or other emergency life-sustaining or resuscitative treatments or procedures that have been approved by the State Board of Health to any sick or injured person; (iii) operates an AED, trains individuals to be operators of AEDs, or orders AEDs; or (iv) maintains an AED, shall not be liable for civil damages for ordinary negligence in acts or omissions on the part of such employee while engaged in the acts described in this subdivision.

10. Is a volunteer in good standing and certified to render emergency care by the National Ski Patrol System, Inc., who, in good faith and without compensation, renders emergency care or assistance to any injured or ill person, whether at the scene of a ski resort rescue, outdoor emergency rescue, or any other place or while transporting such injured or ill person to a place accessible for transfer to any available emergency medical system unit, or any resort owner voluntarily providing a ski patroller employed by him to engage in rescue or recovery work at a resort not owned or operated by him, shall not be liable for any civil damages for acts or omissions resulting from the rendering of such emergency care, treatment, or assistance, including but not limited to acts or omissions which involve violations of any state regulation or any standard of the National Ski Patrol System, Inc., in the rendering of such emergency care or assistance, unless such act or omission was the result of gross negligence or willful misconduct.

11. Is an employee of (i) a school board, (ii) a school for students with disabilities as defined in § 22.1-319 licensed by the Board of Education, or (iii) a private school accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education and is authorized by a prescriber and trained in the administration of insulin and glucagon, who, upon the written request of the parents as defined in § 22.1-1, assists with the administration of insulin or, in the case of a school board employee, with the insertion or reinsertion of an insulin pump or any of its parts pursuant to subsection B of § 22.1-274.01:1 or administers glucagon to a student diagnosed as having diabetes who requires insulin injections during the school day or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment if the insulin is administered according to the child's medication schedule or such employee has reason to believe that the individual receiving the glucagon is suffering or is about to suffer life-threatening hypoglycemia. Whenever any such employee is covered by the immunity granted herein, the school board or school employing him shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such insulin or glucagon treatment.

12. Is an employee of a public institution of higher education or a private institution of higher education who is authorized by a prescriber and trained in the administration of insulin and glucagon, who assists with the administration of insulin or administers glucagon to a student diagnosed as having diabetes who requires insulin injections or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment if the insulin is administered according to the student's medication schedule or such employee has reason to believe that the individual receiving the glucagon is suffering or is about to suffer life-threatening hypoglycemia. Whenever any employee is covered by the immunity granted in this subdivision, the institution shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such insulin or glucagon treatment.

13. Is a school nurse, an employee of a school board, an employee of a local governing body, or an employee of a local health department who is authorized by a prescriber and trained in the administration of epinephrine and who provides, administers, or assists in the administration of epinephrine to a student believed in good faith to be having an anaphylactic reaction, or is the prescriber of the epinephrine, shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment.

14. Is an employee of a school for students with disabilities, as defined in § 22.1-319 and licensed by the Board of Education, or an employee of a private school that is accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education who is authorized by a prescriber and trained in the administration of epinephrine and who administers or assists in the administration of epinephrine to a student believed in good faith to be having an anaphylactic reaction, or is the prescriber of the epinephrine, shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment. Whenever any employee is covered by the immunity granted in this subdivision, the school shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from such administration or assistance.

15. Is an employee of a public institution of higher education or a private institution of higher education who is authorized by a prescriber and trained in the administration of epinephrine and who administers or assists in the administration of epinephrine to a student believed in good faith to be having an anaphylactic reaction, or is the prescriber of the epinephrine, shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment. Whenever any employee is covered by the immunity granted in this subdivision, the institution

shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from such administration or assistance.

16. Is an employee of an organization providing outdoor educational experiences or programs for youth who is authorized by a prescriber and trained in the administration of epinephrine and who administers or assists in the administration of epinephrine to a participant in the outdoor experience or program for youth believed in good faith to be having an anaphylactic reaction, or is the prescriber of the epinephrine, shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment. Whenever any employee is covered by the immunity granted in this subdivision, the organization shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from such administration or assistance.

17. Is an employee of a provider licensed by the Department of Behavioral Health and Developmental Services, or provides services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services, who has been trained in the administration of insulin and glucagon and who administers or assists with the administration of insulin or administers glucagon to a person diagnosed as having diabetes who requires insulin injections or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia in accordance with § 54.1-3408 shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment if the insulin is administered in accordance with the prescriber's instructions or such person has reason to believe that the individual receiving the glucagon is suffering or is about to suffer life-threatening hypoglycemia. Whenever any employee of a provider licensed by the Department of Behavioral Health and Developmental Services or a person who provides services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services is covered by the immunity granted herein, the provider shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such insulin or glucagon treatment.

18. Is an employee of a provider licensed by the Department of Behavioral Health and Developmental Services, or provides services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services, who has been trained in the administration of epinephrine and who administers or assists in the administration of epinephrine to a person believed in good faith to be having an anaphylactic reaction in accordance with the prescriber's instructions shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment.

19. In good faith prescribes, dispenses, or administers naloxone or other opioid antagonist used for overdose reversal in an emergency to an individual who is believed to be experiencing or about to experience a life-threatening opiate overdose shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment if acting in accordance with the provisions of subsection X or Y of § 54.1-3408 or in his role as a member of an emergency medical services agency.

20. Is an employee of a school board, school for students with disabilities as defined in § 22.1-319 licensed by the Board of Education, or private school accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education who is trained in the administration of injected medications for the treatment of adrenal crisis resulting from a condition causing adrenal insufficiency and who administers or assists in the administration of such medications to a student diagnosed with a condition causing adrenal insufficiency when the student is believed to be experiencing or about to experience an adrenal crisis pursuant to a written order or standing protocol issued by a prescriber within the course of his professional practice and in accordance with the prescriber's instructions shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment.

21. Is a school nurse, an employee of a school board, an employee of a local governing body, or an employee of a local health department who is authorized by a prescriber and trained in the administration of albuterol inhalers or nebulized albuterol and who provides, administers, or assists in the administration of an albuterol inhaler or nebulized albuterol for a student believed in good faith to be in need of such medication, or is the prescriber of such medication, shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment.

B. Any licensed physician serving without compensation as the operational medical director for an emergency medical services agency that holds a valid license as an emergency medical services agency issued by the Commissioner of Health shall not be liable for any civil damages for any act or omission resulting from the rendering of emergency medical services in good faith by the personnel of such licensed agency unless such act or omission was the result of such physician's gross negligence or willful misconduct.

Any person serving without compensation as a dispatcher for any licensed public or nonprofit emergency medical services agency in the Commonwealth shall not be liable for any civil damages for any act or omission resulting from the rendering of emergency services in good faith by the personnel of such licensed agency unless such act or omission was the result of such dispatcher's gross negligence or willful misconduct.

Any individual, certified by the State Office of Emergency Medical Services as an emergency medical services instructor and pursuant to a written agreement with such office, who, in good faith and in the performance of his duties, provides instruction to persons for certification or recertification as a certified basic life support or advanced life support emergency medical services provider shall not be liable for any civil damages for acts or omissions on his part directly relating to his activities on behalf of such office unless such act or omission was the result of such emergency medical services instructor's gross negligence or willful misconduct.

Any licensed physician serving without compensation as a medical advisor to an E-911 system in the Commonwealth shall not be liable for any civil damages for any act or omission resulting from rendering medical advice in good faith to establish protocols to be used by the personnel of the E-911 service, as defined in § 58.1-1730, when answering emergency calls unless such act or omission was the result of such physician's gross negligence or willful misconduct.

Any licensed physician who directs the provision of emergency medical services, as authorized by the State Board of Health, through a communications device shall not be liable for any civil damages for any act or omission resulting from the rendering of such emergency medical services unless such act or omission was the result of such physician's gross negligence or willful misconduct.

Any licensed physician serving without compensation as a supervisor of an AED in the Commonwealth shall not be liable for any civil damages for any act or omission resulting from rendering medical advice in good faith to the owner of the AED relating to personnel training, local emergency medical services coordination, protocol approval, AED deployment strategies, and equipment maintenance plans and records unless such act or omission was the result of such physician's gross negligence or willful misconduct.

C. Any communications services provider, as defined in § 58.1-647, including mobile service, and any provider of Voice-over-Internet Protocol service, in the Commonwealth shall not be liable for any civil damages for any act or omission resulting from rendering such service with or without charge related to emergency calls unless such act or omission was the result of such service provider's gross negligence or willful misconduct.

Any volunteer engaging in rescue or recovery work at a mine, or any mine operator voluntarily providing personnel to engage in rescue or recovery work at a mine not owned or operated by such operator, shall not be liable for civil damages for acts or omissions resulting from the rendering of such rescue or recovery work in good faith unless such act or omission was the result of gross negligence or willful misconduct. For purposes of this subsection, "Voice-over-Internet Protocol service" or "VoIP service" means any Internet protocol-enabled services utilizing a broadband connection, actually originating or terminating in Internet Protocol from either or both ends of a channel of communication offering real time, multidirectional voice functionality, including, but not limited to, services similar to traditional telephone service.

D. Nothing contained in this section shall be construed to provide immunity from liability arising out of the operation of a motor vehicle.

E. For the purposes of this section, "compensation" shall not be construed to include (i) the salaries of police, fire, or other public officials or personnel who render such emergency assistance; (ii) the salaries or wages of employees of a coal producer engaging in emergency medical services or first aid services pursuant to the provisions of § 45.1-161.38, 45.1-161.101, 45.1-161.199, or 45.1-161.263; (iii) complimentary lift tickets, food, lodging, or other gifts provided as a gratuity to volunteer members of the National Ski Patrol System, Inc., by any resort, group, or agency; (iv) the salary of any person who (a) owns an AED for the use at the scene of an emergency, (b) trains individuals, in courses approved by the Board of Health, to operate AEDs at the scene of emergencies, (c) orders AEDs for use at the scene of emergencies, or (d) operates an AED at the scene of an emergency; or (v) expenses reimbursed to any person providing care or assistance pursuant to this section.

For the purposes of this section, "emergency medical services provider" shall include a person licensed or certified as such or its equivalent by any other state when he is performing services that he is licensed or certified to perform by such other state in caring for a patient in transit in the Commonwealth, which care originated in such other state.

Further, the public shall be urged to receive training on how to use CPR and an AED in order to acquire the skills and confidence to respond to emergencies using both CPR and an AED.

§ 54.1-3408. Professional use by practitioners.

A. A practitioner of medicine, osteopathy, podiatry, dentistry, or veterinary medicine or a licensed nurse practitioner pursuant to § 54.1-2957.01, a licensed physician assistant pursuant to § 54.1-2952.1, or a TPA-certified optometrist pursuant to Article 5 (§ 54.1-3222 et seq.) of Chapter 32 shall only prescribe, dispense, or administer controlled substances in good faith for medicinal or therapeutic purposes within the course of his professional practice.

B. The prescribing practitioner's order may be on a written prescription or pursuant to an oral prescription as authorized by this chapter. The prescriber may administer drugs and devices, or he may cause drugs or devices to be administered by:

1. A nurse, physician assistant, or intern under his direction and supervision;
2. Persons trained to administer drugs and devices to patients in state-owned or state-operated hospitals or facilities licensed as hospitals by the Board of Health or psychiatric hospitals licensed by the Department of Behavioral Health and Developmental Services who administer drugs under the control and supervision of the prescriber or a pharmacist;
3. Emergency medical services personnel certified and authorized to administer drugs and devices pursuant to regulations of the Board of Health who act within the scope of such certification and pursuant to an oral or written order or standing protocol; or
4. A licensed respiratory therapist as defined in § 54.1-2954 who administers by inhalation controlled substances used in inhalation or respiratory therapy.

C. Pursuant to an oral or written order or standing protocol, the prescriber, who is authorized by state or federal law to possess and administer radiopharmaceuticals in the scope of his practice, may authorize a nuclear medicine technologist to administer, under his supervision, radiopharmaceuticals used in the diagnosis or treatment of disease.

D. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize registered nurses and licensed practical nurses to possess (i) epinephrine and oxygen for administration in treatment of emergency medical conditions and (ii) heparin and sterile normal saline to use for the maintenance of intravenous access lines.

Pursuant to the regulations of the Board of Health, certain emergency medical services technicians may possess and administer epinephrine in emergency cases of anaphylactic shock.

Pursuant to an order or standing protocol issued by the prescriber within the course of his professional practice, any school nurse, school board employee, employee of a local governing body, or employee of a local health department who is authorized by a prescriber and trained in the administration of (a) epinephrine may possess and administer epinephrine and (b) *albuterol inhalers or nebulized albuterol may possess or administer an albuterol inhaler or nebulized albuterol to a student diagnosed with a condition requiring an albuterol inhaler or nebulized albuterol when the student is believed to be experiencing or about to experience an asthmatic crisis.*

Pursuant to an order or a standing protocol issued by the prescriber within the course of his professional practice, any employee of a school for students with disabilities, as defined in § 22.1-319 and licensed by the Board of Education, or any employee of a private school that is accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education who is authorized by a prescriber and trained in the administration of (1) epinephrine may possess and administer epinephrine and (2) *albuterol inhalers or nebulized albuterol may possess or administer an albuterol inhaler or nebulized albuterol to a student diagnosed with a condition requiring an albuterol inhaler or nebulized albuterol when the student is believed to be experiencing or about to experience an asthmatic crisis.*

Pursuant to an order or a standing protocol issued by the prescriber within the course of his professional practice, any employee of a public institution of higher education or a private institution of higher education who is authorized by a prescriber and trained in the administration of epinephrine may possess and administer epinephrine.

Pursuant to an order or a standing protocol issued by the prescriber within the course of his professional practice, any employee of an organization providing outdoor educational experiences or programs for youth who is authorized by a prescriber and trained in the administration of epinephrine may possess and administer epinephrine.

Pursuant to an order issued by the prescriber within the course of his professional practice, an employee of a provider licensed by the Department of Behavioral Health and Developmental Services or a person providing services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services may possess and administer epinephrine, provided such person is authorized and trained in the administration of epinephrine.

Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize pharmacists to possess epinephrine and oxygen for administration in treatment of emergency medical conditions.

E. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize licensed physical therapists to possess and administer topical corticosteroids, topical lidocaine, and any other Schedule VI topical drug.

F. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize licensed athletic trainers to possess and administer topical corticosteroids, topical lidocaine, or other Schedule VI topical drugs; oxygen for use in emergency situations; and epinephrine for use in emergency cases of anaphylactic shock.

G. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, and in accordance with policies and guidelines established by the Department of Health pursuant to § 32.1-50.2, such prescriber may authorize registered nurses or licensed practical nurses under the supervision of a registered nurse to possess and administer tuberculin purified protein derivative (PPD) in the absence of a prescriber. The Department of Health's policies and guidelines shall be consistent with applicable guidelines developed by the Centers for Disease Control and Prevention for preventing transmission of mycobacterium tuberculosis and shall be updated to incorporate any subsequently implemented standards of the Occupational Safety and Health Administration and the Department of Labor and Industry to the extent that they are inconsistent with the Department of Health's policies and guidelines. Such standing protocols shall explicitly describe the categories of persons to whom the tuberculin test is to be administered and shall provide for appropriate medical evaluation of those in whom the test is positive. The prescriber shall ensure that the nurse implementing such standing protocols has received adequate training in the practice and principles underlying tuberculin screening.

The Health Commissioner or his designee may authorize registered nurses, acting as agents of the Department of Health, to possess and administer, at the nurse's discretion, tuberculin purified protein derivative (PPD) to those persons in whom tuberculin skin testing is indicated based on protocols and policies established by the Department of Health.

H. Pursuant to a written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize, with the consent of the parents as defined in § 22.1-1, an employee of (i) a school board, (ii) a school for students with disabilities as defined in § 22.1-319 licensed by the Board of Education, or (iii) a private school accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education who is trained in the administration of insulin and glucagon to assist with the administration of insulin or administer glucagon to a student diagnosed as having diabetes and who requires insulin injections during the school day or for whom glucagon has been

prescribed for the emergency treatment of hypoglycemia. Such authorization shall only be effective when a licensed nurse, nurse practitioner, physician, or physician assistant is not present to perform the administration of the medication.

Pursuant to a written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize an employee of a public institution of higher education or a private institution of higher education who is trained in the administration of insulin and glucagon to assist with the administration of insulin or administration of glucagon to a student diagnosed as having diabetes and who requires insulin injections or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia. Such authorization shall only be effective when a licensed nurse, nurse practitioner, physician, or physician assistant is not present to perform the administration of the medication.

Pursuant to a written order issued by the prescriber within the course of his professional practice, such prescriber may authorize an employee of a provider licensed by the Department of Behavioral Health and Developmental Services or a person providing services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services to assist with the administration of insulin or to administer glucagon to a person diagnosed as having diabetes and who requires insulin injections or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia, provided such employee or person providing services has been trained in the administration of insulin and glucagon.

I. A prescriber may authorize, pursuant to a protocol approved by the Board of Nursing, the administration of vaccines to adults for immunization, when a practitioner with prescriptive authority is not physically present, by (i) licensed pharmacists, (ii) registered nurses, or (iii) licensed practical nurses under the supervision of a registered nurse. A prescriber acting on behalf of and in accordance with established protocols of the Department of Health may authorize the administration of vaccines to any person by a pharmacist, nurse, or designated emergency medical services provider who holds an advanced life support certificate issued by the Commissioner of Health under the direction of an operational medical director when the prescriber is not physically present. The emergency medical services provider shall provide documentation of the vaccines to be recorded in the Virginia Immunization Information System.

J. A dentist may cause Schedule VI topical drugs to be administered under his direction and supervision by either a dental hygienist or by an authorized agent of the dentist.

Further, pursuant to a written order and in accordance with a standing protocol issued by the dentist in the course of his professional practice, a dentist may authorize a dental hygienist under his general supervision, as defined in § 54.1-2722, or his remote supervision, as defined in subsection E or F of § 54.1-2722, to possess and administer topical oral fluorides, topical oral anesthetics, topical and directly applied antimicrobial agents for treatment of periodontal pocket lesions, and any other Schedule VI topical drug approved by the Board of Dentistry.

In addition, a dentist may authorize a dental hygienist under his direction to administer Schedule VI nitrous oxide and oxygen inhalation analgesia and, to persons 18 years of age or older, Schedule VI local anesthesia.

K. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize registered professional nurses certified as sexual assault nurse examiners-A (SANE-A) under his supervision and when he is not physically present to possess and administer preventive medications for victims of sexual assault as recommended by the Centers for Disease Control and Prevention.

L. This section shall not prevent the administration of drugs by a person who has satisfactorily completed a training program for this purpose approved by the Board of Nursing and who administers such drugs in accordance with a prescriber's instructions pertaining to dosage, frequency, and manner of administration, and in accordance with regulations promulgated by the Board of Pharmacy relating to security and record keeping, when the drugs administered would be normally self-administered by (i) an individual receiving services in a program licensed by the Department of Behavioral Health and Developmental Services; (ii) a resident of the Virginia Rehabilitation Center for the Blind and Vision Impaired; (iii) a resident of a facility approved by the Board or Department of Juvenile Justice for the placement of children in need of services or delinquent or alleged delinquent youth; (iv) a program participant of an adult day-care center licensed by the Department of Social Services; (v) a resident of any facility authorized or operated by a state or local government whose primary purpose is not to provide health care services; (vi) a resident of a private children's residential facility, as defined in § 63.2-100 and licensed by the Department of Social Services, Department of Education, or Department of Behavioral Health and Developmental Services; or (vii) a student in a school for students with disabilities, as defined in § 22.1-319 and licensed by the Board of Education.

In addition, this section shall not prevent a person who has successfully completed a training program for the administration of drugs via percutaneous gastrostomy tube approved by the Board of Nursing and been evaluated by a registered nurse as having demonstrated competency in administration of drugs via percutaneous gastrostomy tube from administering drugs to a person receiving services from a program licensed by the Department of Behavioral Health and Developmental Services to such person via percutaneous gastrostomy tube. The continued competency of a person to administer drugs via percutaneous gastrostomy tube shall be evaluated semiannually by a registered nurse.

M. Medication aides registered by the Board of Nursing pursuant to Article 7 (§ 54.1-3041 et seq.) of Chapter 30 may administer drugs that would otherwise be self-administered to residents of any assisted living facility licensed by the Department of Social Services. A registered medication aide shall administer drugs pursuant to this section in accordance with the prescriber's instructions pertaining to dosage, frequency, and manner of administration; in accordance with regulations promulgated by the Board of Pharmacy relating to security and recordkeeping; in accordance with the assisted

living facility's Medication Management Plan; and in accordance with such other regulations governing their practice promulgated by the Board of Nursing.

N. In addition, this section shall not prevent the administration of drugs by a person who administers such drugs in accordance with a physician's instructions pertaining to dosage, frequency, and manner of administration and with written authorization of a parent, and in accordance with school board regulations relating to training, security and record keeping, when the drugs administered would be normally self-administered by a student of a Virginia public school. Training for such persons shall be accomplished through a program approved by the local school boards, in consultation with the local departments of health.

O. In addition, this section shall not prevent the administration of drugs by a person to (i) a child in a child day program as defined in § 63.2-100 and regulated by the State Board of Social Services or a local government pursuant to § 15.2-914, or (ii) a student of a private school that is accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education, provided such person (a) has satisfactorily completed a training program for this purpose approved by the Board of Nursing and taught by a registered nurse, licensed practical nurse, nurse practitioner, physician assistant, doctor of medicine or osteopathic medicine, or pharmacist; (b) has obtained written authorization from a parent or guardian; (c) administers drugs only to the child identified on the prescription label in accordance with the prescriber's instructions pertaining to dosage, frequency, and manner of administration; and (d) administers only those drugs that were dispensed from a pharmacy and maintained in the original, labeled container that would normally be self-administered by the child or student, or administered by a parent or guardian to the child or student.

P. In addition, this section shall not prevent the administration or dispensing of drugs and devices by persons if they are authorized by the State Health Commissioner in accordance with protocols established by the State Health Commissioner pursuant to § 32.1-42.1 when (i) the Governor has declared a disaster or a state of emergency or the United States Secretary of Health and Human Services has issued a declaration of an actual or potential bioterrorism incident or other actual or potential public health emergency; (ii) it is necessary to permit the provision of needed drugs or devices; and (iii) such persons have received the training necessary to safely administer or dispense the needed drugs or devices. Such persons shall administer or dispense all drugs or devices under the direction, control, and supervision of the State Health Commissioner.

Q. Nothing in this title shall prohibit the administration of normally self-administered drugs by unlicensed individuals to a person in his private residence.

R. This section shall not interfere with any prescriber issuing prescriptions in compliance with his authority and scope of practice and the provisions of this section to a Board agent for use pursuant to subsection G of § 18.2-258.1. Such prescriptions issued by such prescriber shall be deemed to be valid prescriptions.

S. Nothing in this title shall prevent or interfere with dialysis care technicians or dialysis patient care technicians who are certified by an organization approved by the Board of Health Professions or persons authorized for provisional practice pursuant to Chapter 27.01 (§ 54.1-2729.1 et seq.), in the ordinary course of their duties in a Medicare-certified renal dialysis facility, from administering heparin, topical needle site anesthetics, dialysis solutions, sterile normal saline solution, and blood volumizers, for the purpose of facilitating renal dialysis treatment, when such administration of medications occurs under the orders of a licensed physician, nurse practitioner, or physician assistant and under the immediate and direct supervision of a licensed registered nurse. Nothing in this chapter shall be construed to prohibit a patient care dialysis technician trainee from performing dialysis care as part of and within the scope of the clinical skills instruction segment of a supervised dialysis technician training program, provided such trainee is identified as a "trainee" while working in a renal dialysis facility.

The dialysis care technician or dialysis patient care technician administering the medications shall have demonstrated competency as evidenced by holding current valid certification from an organization approved by the Board of Health Professions pursuant to Chapter 27.01 (§ 54.1-2729.1 et seq.).

T. Persons who are otherwise authorized to administer controlled substances in hospitals shall be authorized to administer influenza or pneumococcal vaccines pursuant to § 32.1-126.4.

U. Pursuant to a specific order for a patient and under his direct and immediate supervision, a prescriber may authorize the administration of controlled substances by personnel who have been properly trained to assist a doctor of medicine or osteopathic medicine, provided the method does not include intravenous, intrathecal, or epidural administration and the prescriber remains responsible for such administration.

V. A physician assistant, nurse, or dental hygienist may possess and administer topical fluoride varnish pursuant to an oral or written order or a standing protocol issued by a doctor of medicine, osteopathic medicine, or dentistry.

W. A prescriber, acting in accordance with guidelines developed pursuant to § 32.1-46.02, may authorize the administration of influenza vaccine to minors by a licensed pharmacist, registered nurse, licensed practical nurse under the direction and immediate supervision of a registered nurse, or emergency medical services provider who holds an advanced life support certificate issued by the Commissioner of Health when the prescriber is not physically present.

X. Notwithstanding the provisions of § 54.1-3303, pursuant to an oral, written, or standing order issued by a prescriber or a standing order issued by the Commissioner of Health or his designee authorizing the dispensing of naloxone or other opioid antagonist used for overdose reversal in the absence of an oral or written order for a specific patient issued by a prescriber, and in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health, a pharmacist, a health care provider providing services in a hospital emergency

department, and emergency medical services personnel, as that term is defined in § 32.1-111.1, may dispense naloxone or other opioid antagonist used for overdose reversal and a person to whom naloxone or other opioid antagonist has been dispensed pursuant to this subsection may possess and administer naloxone or other opioid antagonist used for overdose reversal to a person who is believed to be experiencing or about to experience a life-threatening opioid overdose. Law-enforcement officers as defined in § 9.1-101, employees of the Department of Forensic Science, employees of the Office of the Chief Medical Examiner, employees of the Department of General Services Division of Consolidated Laboratory Services, employees of the Department of Corrections designated as probation and parole officers or as correctional officers as defined in § 53.1-1, employees of regional jails, school nurses, local health department employees that are assigned to a public school pursuant to an agreement between the local health department and the school board, other school board employees or individuals contracted by a school board to provide school health services, and firefighters who have completed a training program may also possess and administer naloxone or other opioid antagonist used for overdose reversal and may dispense naloxone or other opioid antagonist used for overdose reversal pursuant to an oral, written, or standing order issued by a prescriber or a standing order issued by the Commissioner of Health or his designee in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health.

Y. Notwithstanding any other law or regulation to the contrary, a person who is acting on behalf of an organization that provides services to individuals at risk of experiencing an opioid overdose or training in the administration of naloxone for overdose reversal may dispense naloxone to a person who has received instruction on the administration of naloxone for opioid overdose reversal, provided that such dispensing is (i) pursuant to a standing order issued by a prescriber and (ii) in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health. If the person acting on behalf of an organization dispenses naloxone in an injectable formulation with a hypodermic needle or syringe, he shall first obtain authorization from the Department of Behavioral Health and Developmental Services to train individuals on the proper administration of naloxone by and proper disposal of a hypodermic needle or syringe, and he shall obtain a controlled substance registration from the Board of Pharmacy. The Board of Pharmacy shall not charge a fee for the issuance of such controlled substance registration. The dispensing may occur at a site other than that of the controlled substance registration provided the entity possessing the controlled substances registration maintains records in accordance with regulations of the Board of Pharmacy. No person who dispenses naloxone on behalf of an organization pursuant to this subsection shall charge a fee for the dispensing of naloxone that is greater than the cost to the organization of obtaining the naloxone dispensed. A person to whom naloxone has been dispensed pursuant to this subsection may possess naloxone and may administer naloxone to a person who is believed to be experiencing or about to experience a life-threatening opioid overdose.

Z. Pursuant to a written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize, with the consent of the parents as defined in § 22.1-1, an employee of (i) a school board, (ii) a school for students with disabilities as defined in § 22.1-319 licensed by the Board of Education, or (iii) a private school accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education who is trained in the administration of injected medications for the treatment of adrenal crisis resulting from a condition causing adrenal insufficiency to administer such medication to a student diagnosed with a condition causing adrenal insufficiency when the student is believed to be experiencing or about to experience an adrenal crisis. Such authorization shall be effective only when a licensed nurse, nurse practitioner, physician, or physician assistant is not present to perform the administration of the medication.

CHAPTER 461

An Act to amend and reenact § 63.2-1509 of the Code of Virginia, relating to child abuse and neglect reporting; public sports programs.

[H 904]

Approved March 25, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 63.2-1509 of the Code of Virginia is amended and reenacted as follows:

§ 63.2-1509. Requirement that certain injuries to children be reported by physicians, nurses, teachers, etc.; penalty for failure to report.

A. The following persons who, in their professional or official capacity, have reason to suspect that a child is an abused or neglected child, shall report the matter immediately to the local department of the county or city wherein the child resides or wherein the abuse or neglect is believed to have occurred or to the Department's toll-free child abuse and neglect hotline:

1. Any person licensed to practice medicine or any of the healing arts;
2. Any hospital resident or intern, and any person employed in the nursing profession;
3. Any person employed as a social worker or family-services specialist;
4. Any probation officer;
5. Any teacher or other person employed in a public or private school, kindergarten or nursery school;
6. Any person providing full-time or part-time child care for pay on a regularly planned basis;

7. Any mental health professional;
8. Any law-enforcement officer or animal control officer;
9. Any mediator eligible to receive court referrals pursuant to § 8.01-576.8;
10. Any professional staff person, not previously enumerated, employed by a private or state-operated hospital, institution or facility to which children have been committed or where children have been placed for care and treatment;
11. Any person 18 years of age or older associated with or employed by any public or private organization responsible for the care, custody or control of children;
12. Any person who is designated a court-appointed special advocate pursuant to Article 5 (§ 9.1-151 et seq.) of Chapter 1 of Title 9.1;
13. Any person 18 years of age or older who has received training approved by the Department of Social Services for the purposes of recognizing and reporting child abuse and neglect;
14. Any person employed by a local department as defined in § 63.2-100 who determines eligibility for public assistance;
15. Any emergency medical services provider certified by the Board of Health pursuant to § 32.1-111.5, unless such provider immediately reports the matter directly to the attending physician at the hospital to which the child is transported, who shall make such report forthwith;
16. Any athletic coach, director or other person 18 years of age or older employed by or volunteering with a *public or private sports organization or team*;
17. Administrators or employees 18 years of age or older of public or private day camps, youth centers and youth recreation programs;
18. Any person employed by a public or private institution of higher education other than an attorney who is employed by a public or private institution of higher education as it relates to information gained in the course of providing legal representation to a client; and
19. Any minister, priest, rabbi, imam, or duly accredited practitioner of any religious organization or denomination usually referred to as a church, unless the information supporting the suspicion of child abuse or neglect (i) is required by the doctrine of the religious organization or denomination to be kept in a confidential manner or (ii) would be subject to § 8.01-400 or 19.2-271.3 if offered as evidence in court.

If neither the locality in which the child resides nor where the abuse or neglect is believed to have occurred is known, then such report shall be made to the local department of the county or city where the abuse or neglect was discovered or to the Department's toll-free child abuse and neglect hotline.

If an employee of the local department is suspected of abusing or neglecting a child, the report shall be made to the court of the county or city where the abuse or neglect was discovered. Upon receipt of such a report by the court, the judge shall assign the report to a local department that is not the employer of the suspected employee for investigation or family assessment. The judge may consult with the Department in selecting a local department to respond to the report or the complaint.

If the information is received by a teacher, staff member, resident, intern or nurse in the course of professional services in a hospital, school or similar institution, such person may, in place of said report, immediately notify the person in charge of the institution or department, or his designee, who shall make such report forthwith. If the initial report of suspected abuse or neglect is made to the person in charge of the institution or department, or his designee, pursuant to this subsection, such person shall notify the teacher, staff member, resident, intern or nurse who made the initial report when the report of suspected child abuse or neglect is made to the local department or to the Department's toll-free child abuse and neglect hotline, and of the name of the individual receiving the report, and shall forward any communication resulting from the report, including any information about any actions taken regarding the report, to the person who made the initial report.

The initial report may be an oral report but such report shall be reduced to writing by the child abuse coordinator of the local department on a form prescribed by the Board. Any person required to make the report pursuant to this subsection shall disclose all information that is the basis for his suspicion of abuse or neglect of the child and, upon request, shall make available to the child-protective services coordinator and the local department, which is the agency of jurisdiction, any information, records, or reports that document the basis for the report. All persons required by this subsection to report suspected abuse or neglect who maintain a record of a child who is the subject of such a report shall cooperate with the investigating agency and shall make related information, records and reports available to the investigating agency unless such disclosure violates the federal Family Educational Rights and Privacy Act (20 U.S.C. § 1232g). Provision of such information, records, and reports by a health care provider shall not be prohibited by § 8.01-399. Criminal investigative reports received from law-enforcement agencies shall not be further disseminated by the investigating agency nor shall they be subject to public disclosure.

B. For purposes of subsection A, "reason to suspect that a child is abused or neglected" shall, due to the special medical needs of infants affected by substance exposure, include (i) a finding made by a health care provider within six weeks of the birth of a child that the child was born affected by substance abuse or experiencing withdrawal symptoms resulting from in utero drug exposure; (ii) a diagnosis made by a health care provider within four years following a child's birth that the child has an illness, disease, or condition that, to a reasonable degree of medical certainty, is attributable to maternal abuse of a controlled substance during pregnancy; or (iii) a diagnosis made by a health care provider within four years following a child's birth that the child has a fetal alcohol spectrum disorder attributable to in utero exposure to alcohol. When "reason to

suspect" is based upon this subsection, such fact shall be included in the report along with the facts relied upon by the person making the report. Such reports shall not constitute a per se finding of child abuse or neglect. If a health care provider in a licensed hospital makes any finding or diagnosis set forth in clause (i), (ii), or (iii), the hospital shall require the development of a written discharge plan under protocols established by the hospital pursuant to subdivision B 6 of § 32.1-127.

C. Any person who makes a report or provides records or information pursuant to subsection A or who testifies in any judicial proceeding arising from such report, records, or information shall be immune from any civil or criminal liability or administrative penalty or sanction on account of such report, records, information, or testimony, unless such person acted in bad faith or with malicious purpose.

D. Any person required to file a report pursuant to this section who fails to do so as soon as possible, but not longer than 24 hours after having reason to suspect a reportable offense of child abuse or neglect, shall be fined not more than \$500 for the first failure and for any subsequent failures not less than \$1,000. In cases evidencing acts of rape, sodomy, or object sexual penetration as defined in Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2, a person who knowingly and intentionally fails to make the report required pursuant to this section shall be guilty of a Class 1 misdemeanor.

E. No person shall be required to make a report pursuant to this section if the person has actual knowledge that the same matter has already been reported to the local department or the Department's toll-free child abuse and neglect hotline.

CHAPTER 462

An Act to repeal the fourth and fifth enactments of Chapter 189 of the Acts of Assembly of 2017, as amended by Chapters 146 and 278 of the Acts of Assembly of 2018, and to repeal the fourth and fifth enactments of Chapter 751 of the Acts of Assembly of 2017, as amended by Chapters 146 and 278 of the Acts of Assembly of 2018, relating to child care providers; fingerprint-based criminal background check; sunset and contingency.

[H 997]

Approved March 25, 2020

Be it enacted by the General Assembly of Virginia:

- 1. That the fourth and fifth enactments of Chapter 189 of the Acts of Assembly of 2017, as amended by Chapters 146 and 278 of the Acts of Assembly of 2018, are repealed.**
- 2. That the fourth and fifth enactments of Chapter 751 of the Acts of Assembly of 2017, as amended by Chapters 146 and 278 of the Acts of Assembly of 2018, are repealed.**

CHAPTER 463

An Act to repeal the fourth and fifth enactments of Chapter 189 of the Acts of Assembly of 2017, as amended by Chapters 146 and 278 of the Acts of Assembly of 2018, and to repeal the fourth and fifth enactments of Chapter 751 of the Acts of Assembly of 2017, as amended by Chapters 146 and 278 of the Acts of Assembly of 2018, relating to child care providers; fingerprint-based criminal background check; sunset and contingency.

[S 675]

Approved March 25, 2020

Be it enacted by the General Assembly of Virginia:

- 1. That the fourth and fifth enactments of Chapter 189 of the Acts of Assembly of 2017, as amended by Chapters 146 and 278 of the Acts of Assembly of 2018, are repealed.**
- 2. That the fourth and fifth enactments of Chapter 751 of the Acts of Assembly of 2017, as amended by Chapters 146 and 278 of the Acts of Assembly of 2018, are repealed.**

CHAPTER 464

An Act to amend and reenact §§ 54.1-3303, as it is currently effective, 54.1-3408.01, and 54.1-3410 of the Code of Virginia and to repeal the third enactment of Chapter 790 of the Acts of Assembly of 2018, relating to prescription drugs; expedited partner therapy; labels.

[H 1000]

Approved March 25, 2020

Be it enacted by the General Assembly of Virginia:

- 1. That §§ 54.1-3303, as it is currently effective, 54.1-3408.01, and 54.1-3410 of the Code of Virginia are amended and reenacted as follows:**
 - § 54.1-3303. (Effective until July 1, 2020) Prescriptions to be issued and drugs to be dispensed for medical or therapeutic purposes only.**

A. A prescription for a controlled substance may be issued only by a practitioner of medicine, osteopathy, podiatry, dentistry or veterinary medicine who is authorized to prescribe controlled substances, or by a licensed nurse practitioner pursuant to § 54.1-2957.01, a licensed physician assistant pursuant to § 54.1-2952.1, or a TPA-certified optometrist pursuant to Article 5 (§ 54.1-3222 et seq.) of Chapter 32.

B. A prescription shall be issued only to persons or animals with whom the practitioner has a bona fide practitioner-patient relationship or veterinarian-client-patient relationship. *If a practitioner is providing expedited partner therapy consistent with the recommendations of the Centers for Disease Control and Prevention, then a bona fide practitioner-patient relationship shall not be required.*

A bona fide practitioner-patient relationship shall exist if the practitioner has (i) obtained or caused to be obtained a medical or drug history of the patient; (ii) provided information to the patient about the benefits and risks of the drug being prescribed; (iii) performed or caused to be performed an appropriate examination of the patient, either physically or by the use of instrumentation and diagnostic equipment through which images and medical records may be transmitted electronically; and (iv) initiated additional interventions and follow-up care, if necessary, especially if a prescribed drug may have serious side effects. Except in cases involving a medical emergency, the examination required pursuant to clause (iii) shall be performed by the practitioner prescribing the controlled substance, a practitioner who practices in the same group as the practitioner prescribing the controlled substance, or a consulting practitioner. ~~In cases in which the practitioner is an employee of or contracted by the Department of Health or a local health department and is providing expedited partner therapy consistent with the recommendations of the Centers for Disease Control and Prevention, the examination required by clause (iii) shall not be required.~~

A practitioner who has established a bona fide practitioner-patient relationship with a patient in accordance with the provisions of this subsection may prescribe Schedule II through VI controlled substances to that patient, provided that, in cases in which the practitioner has performed the examination required pursuant to clause (iii) by use of instrumentation and diagnostic equipment through which images and medical records may be transmitted electronically, the prescribing of such Schedule II through V controlled substance is in compliance with federal requirements for the practice of telemedicine.

For the purpose of prescribing a Schedule VI controlled substance to a patient via telemedicine services as defined in § 38.2-3418.16, a prescriber may establish a bona fide practitioner-patient relationship by an examination through face-to-face interactive, two-way, real-time communications services or store-and-forward technologies when all of the following conditions are met: (a) the patient has provided a medical history that is available for review by the prescriber; (b) the prescriber obtains an updated medical history at the time of prescribing; (c) the prescriber makes a diagnosis at the time of prescribing; (d) the prescriber conforms to the standard of care expected of in-person care as appropriate to the patient's age and presenting condition, including when the standard of care requires the use of diagnostic testing and performance of a physical examination, which may be carried out through the use of peripheral devices appropriate to the patient's condition; (e) the prescriber is actively licensed in the Commonwealth and authorized to prescribe; (f) if the patient is a member or enrollee of a health plan or carrier, the prescriber has been credentialed by the health plan or carrier as a participating provider and the diagnosing and prescribing meets the qualifications for reimbursement by the health plan or carrier pursuant to § 38.2-3418.16; and (g) upon request, the prescriber provides patient records in a timely manner in accordance with the provisions of § 32.1-127.1:03 and all other state and federal laws and regulations. Nothing in this paragraph shall permit a prescriber to establish a bona fide practitioner-patient relationship for the purpose of prescribing a Schedule VI controlled substance when the standard of care dictates that an in-person physical examination is necessary for diagnosis. Nothing in this paragraph shall apply to: (1) a prescriber providing on-call coverage per an agreement with another prescriber or his prescriber's professional entity or employer; (2) a prescriber consulting with another prescriber regarding a patient's care; or (3) orders of prescribers for hospital out-patients or in-patients.

For purposes of this section, a bona fide veterinarian-client-patient relationship is one in which a veterinarian, another veterinarian within the group in which he practices, or a veterinarian with whom he is consulting has assumed the responsibility for making medical judgments regarding the health of and providing medical treatment to an animal as defined in § 3.2-6500, other than an equine as defined in § 3.2-6200, a group of agricultural animals as defined in § 3.2-6500, or bees as defined in § 3.2-4400, and a client who is the owner or other caretaker of the animal, group of agricultural animals, or bees has consented to such treatment and agreed to follow the instructions of the veterinarian. Evidence that a veterinarian has assumed responsibility for making medical judgments regarding the health of and providing medical treatment to an animal, group of agricultural animals, or bees shall include evidence that the veterinarian (A) has sufficient knowledge of the animal, group of agricultural animals, or bees to provide a general or preliminary diagnosis of the medical condition of the animal, group of agricultural animals, or bees; (B) has made an examination of the animal, group of agricultural animals, or bees, either physically or by the use of instrumentation and diagnostic equipment through which images and medical records may be transmitted electronically or has become familiar with the care and keeping of that species of animal or bee on the premises of the client, including other premises within the same operation or production system of the client, through medically appropriate and timely visits to the premises at which the animal, group of agricultural animals, or bees are kept; and (C) is available to provide follow-up care.

C. A prescription shall only be issued for a medicinal or therapeutic purpose in the usual course of treatment or for authorized research. A prescription not issued in the usual course of treatment or for authorized research is not a valid prescription. A practitioner who prescribes any controlled substance with the knowledge that the controlled substance will

be used otherwise than for medicinal or therapeutic purposes shall be subject to the criminal penalties provided in § 18.2-248 for violations of the provisions of law relating to the distribution or possession of controlled substances.

D. No prescription shall be filled unless a bona fide practitioner-patient-pharmacist relationship exists. A bona fide practitioner-patient-pharmacist relationship shall exist in cases in which a practitioner prescribes, and a pharmacist dispenses, controlled substances in good faith to a patient for a medicinal or therapeutic purpose within the course of his professional practice.

In cases in which it is not clear to a pharmacist that a bona fide practitioner-patient relationship exists between a prescriber and a patient, a pharmacist shall contact the prescribing practitioner or his agent and verify the identity of the patient and name and quantity of the drug prescribed.

Any person knowingly filling an invalid prescription shall be subject to the criminal penalties provided in § 18.2-248 for violations of the provisions of law relating to the sale, distribution or possession of controlled substances.

E. Notwithstanding any provision of law to the contrary and consistent with recommendations of the Centers for Disease Control and Prevention or the Department of Health, a practitioner may prescribe Schedule VI antibiotics and antiviral agents to other persons in close contact with a diagnosed patient when (i) the practitioner meets all requirements of a bona fide practitioner-patient relationship, as defined in subsection B, with the diagnosed patient; and (ii) in the practitioner's professional judgment, the practitioner deems there is urgency to begin treatment to prevent the transmission of a communicable disease; ~~(iii) the practitioner has met all requirements of a bona fide practitioner-patient relationship, as defined in subsection B, for the close contact except for the physical examination required in clause (iii) of subsection B; and (iv) when such emergency treatment is necessary to prevent imminent risk of death, life-threatening illness, or serious disability.~~ In cases in which the practitioner is an employee of or contracted by the Department of Health or a local health department, the ~~bona fide~~ bona fide practitioner-patient relationship with the diagnosed patient, as required by clause (i), shall not be required.

F. A pharmacist may dispense a controlled substance pursuant to a prescription of an out-of-state practitioner of medicine, osteopathy, podiatry, dentistry, optometry, or veterinary medicine, a nurse practitioner, or a physician assistant authorized to issue such prescription if the prescription complies with the requirements of this chapter and the Drug Control Act (§ 54.1-3400 et seq.).

G. A licensed nurse practitioner who is authorized to prescribe controlled substances pursuant to § 54.1-2957.01 may issue prescriptions or provide manufacturers' professional samples for controlled substances and devices as set forth in the Drug Control Act (§ 54.1-3400 et seq.) in good faith to his patient for a medicinal or therapeutic purpose within the scope of his professional practice.

H. A licensed physician assistant who is authorized to prescribe controlled substances pursuant to § 54.1-2952.1 may issue prescriptions or provide manufacturers' professional samples for controlled substances and devices as set forth in the Drug Control Act (§ 54.1-3400 et seq.) in good faith to his patient for a medicinal or therapeutic purpose within the scope of his professional practice.

I. A TPA-certified optometrist who is authorized to prescribe controlled substances pursuant to Article 5 (§ 54.1-3222 et seq.) of Chapter 32 may issue prescriptions in good faith or provide manufacturers' professional samples to his patients for medicinal or therapeutic purposes within the scope of his professional practice for the drugs specified on the TPA-Formulary, established pursuant to § 54.1-3223, which shall be limited to (i) analgesics included on Schedule II controlled substances as defined in § 54.1-3448 of the Drug Control Act (§ 54.1-3400 et seq.) consisting of hydrocodone in combination with acetaminophen; (ii) oral analgesics included in Schedules III through VI, as defined in §§ 54.1-3450 and 54.1-3455 of the Drug Control Act (§ 54.1-3400 et seq.), which are appropriate to relieve ocular pain; (iii) other oral Schedule VI controlled substances, as defined in § 54.1-3455 of the Drug Control Act, appropriate to treat diseases and abnormal conditions of the human eye and its adnexa; (iv) topically applied Schedule VI drugs, as defined in § 54.1-3455 of the Drug Control Act; and (v) intramuscular administration of epinephrine for treatment of emergency cases of anaphylactic shock.

J. The requirement for a bona fide practitioner-patient relationship shall be deemed to be satisfied by a member or committee of a hospital's medical staff when approving a standing order or protocol for the administration of influenza vaccinations and pneumococcal vaccinations in a hospital in compliance with § 32.1-126.4.

K. Notwithstanding any other provision of law, a prescriber may authorize a registered nurse or licensed practical nurse to approve additional refills of a prescribed drug for no more than 90 consecutive days, provided that (i) the drug is classified as a Schedule VI drug; (ii) there are no changes in the prescribed drug, strength, or dosage; (iii) the prescriber has a current written protocol, accessible by the nurse, that identifies the conditions under which the nurse may approve additional refills; and (iv) the nurse documents in the patient's chart any refills authorized for a specific patient pursuant to the protocol and the additional refills are transmitted to a pharmacist in accordance with the allowances for an authorized agent to transmit a prescription orally or by facsimile pursuant to subsection C of § 54.1-3408.01 and regulations of the Board.

§ 54.1-3408.01. Requirements for prescriptions.

A. The written prescription referred to in § 54.1-3408 shall be written with ink or individually typed or printed. The prescription shall contain the name, address, and telephone number of the prescriber. A prescription for a controlled substance other than one controlled in Schedule VI shall also contain the federal controlled substances registration number

assigned to the prescriber. The prescriber's information shall be either preprinted upon the prescription blank, electronically printed, typewritten, rubber stamped, or printed by hand.

The written prescription shall contain the first and last name of the patient for whom the drug is prescribed. The address of the patient shall either be placed upon the written prescription by the prescriber or his agent, or by the dispenser of the prescription. *If the prescriber is providing expedited partner therapy pursuant to § 54.1-3303 and the contact patient's name and address are unavailable, then "Expedited Partner Therapy" or "EPT" shall be affixed on the written prescription, in lieu of the contact patient's name and address.* If not otherwise prohibited by law, the dispenser may record the address of the patient in an electronic prescription dispensing record for that patient in lieu of recording it on the prescription. Each written prescription shall be dated as of, and signed by the prescriber on, the day when issued. The prescription may be prepared by an agent for the prescriber's signature.

This section shall not prohibit a prescriber from using preprinted prescriptions for drugs classified in Schedule VI if all requirements concerning dates, signatures, and other information specified above are otherwise fulfilled.

No written prescription order form shall include more than one prescription. However, this provision shall not apply (i) to prescriptions written as chart orders for patients in hospitals and long-term-care facilities, patients receiving home infusion services or hospice patients, or (ii) to a prescription ordered through a pharmacy operated by or for the Department of Corrections or the Department of Juvenile Justice, the central pharmacy of the Department of Health, or the central outpatient pharmacy operated by the Department of Behavioral Health and Developmental Services; or (iii) to prescriptions written for patients residing in adult and juvenile detention centers, local or regional jails, or work release centers operated by the Department of Corrections.

B. Prescribers' orders, whether written as chart orders or prescriptions, for Schedules II, III, IV, and V controlled drugs to be administered to (i) patients or residents of long-term care facilities served by a Virginia pharmacy from a remote location or (ii) patients receiving parenteral, intravenous, intramuscular, subcutaneous or intraspinal infusion therapy and served by a home infusion pharmacy from a remote location, may be transmitted to that remote pharmacy by an electronic communications device over telephone lines which send the exact image to the receiver in hard copy form, and such facsimile copy shall be treated as a valid original prescription order. If the order is for a radiopharmaceutical, a physician authorized by state or federal law to possess and administer medical radioactive materials may authorize a nuclear medicine technologist to transmit a prescriber's verbal or written orders for radiopharmaceuticals.

C. The oral prescription referred to in § 54.1-3408 shall be transmitted to the pharmacy of the patient's choice by the prescriber or his authorized agent. For the purposes of this section, an authorized agent of the prescriber shall be an employee of the prescriber who is under his immediate and personal supervision, or if not an employee, an individual who holds a valid license allowing the administration or dispensing of drugs and who is specifically directed by the prescriber.

§ 54.1-3410. When pharmacist may sell and dispense drugs.

A. A pharmacist, acting in good faith, may sell and dispense drugs and devices to any person pursuant to a prescription of a prescriber as follows:

1. A drug listed in Schedule II shall be dispensed only upon receipt of a written prescription that is properly executed, dated and signed by the person prescribing on the day when issued and bearing the full name and address of the patient for whom, or of the owner of the animal for which, the drug is dispensed, and the full name, address, and registry number under the federal laws of the person prescribing, if he is required by those laws to be so registered. If the prescription is for an animal, it shall state the species of animal for which the drug is prescribed;

2. In emergency situations, Schedule II drugs may be dispensed pursuant to an oral prescription in accordance with the Board's regulations;

3. Whenever a pharmacist dispenses any drug listed within Schedule II on a prescription issued by a prescriber, he shall affix to the container in which such drug is dispensed, a label showing the prescription serial number or name of the drug; the date of initial filling; his name and address, or the name and address of the pharmacy; the name of the patient or, if the patient is an animal, the name of the owner of the animal and the species of the animal; the name of the prescriber by whom the prescription was written, except for those drugs dispensed to a patient in a hospital pursuant to a chart order; and such directions as may be stated on the prescription.

B. A drug controlled by Schedules III through VI or a device controlled by Schedule VI shall be dispensed upon receipt of a written or oral prescription as follows:

1. If the prescription is written, it shall be properly executed, dated and signed by the person prescribing on the day when issued and bear the full name and address of the patient for whom, or of the owner of the animal for which, the drug is dispensed, and the full name and address of the person prescribing. If the prescription is for an animal, it shall state the species of animal for which the drug is prescribed. *If the prescription is for expedited partner therapy pursuant to § 54.1-3303 and the contact patient's name and address are unavailable, the prescription shall state "Expedited Partner Therapy" or "EPT" in lieu of the full name and address of the contact patient.*

2. If the prescription is oral, the prescriber shall furnish the pharmacist with the same information as is required by law in the case of a written prescription for drugs and devices, except for the signature of the prescriber.

A pharmacist who dispenses a Schedule III through VI drug or device shall label the drug or device as required in subdivision A 3 of this section. *However, if the pharmacist dispenses a Schedule III through VI drug or device for expedited partner therapy pursuant to § 54.1-3303 and the contact patient's name and address are unavailable, the prescription shall state "Expedited Partner Therapy" or "EPT" in lieu of the full name and address of the contact patient.*

C. A drug controlled by Schedule VI may be refilled without authorization from the prescriber if, after reasonable effort has been made to contact him, the pharmacist ascertains that he is not available and the patient's health would be in imminent danger without the benefits of the drug. The refill shall be made in compliance with the provisions of § 54.1-3411.

If the written or oral prescription is for a Schedule VI drug or device and does not contain the address or registry number of the prescriber, or the address of the patient, the pharmacist need not reduce such information to writing if such information is readily retrievable within the pharmacy. *If the prescription is for a Schedule VI drug or device for expedited partner therapy pursuant to § 54.1-3303 and the contact patient's name and address are unavailable, then labeling the name and address of the contact patient is not required.*

D. Pursuant to authorization of the prescriber, an agent of the prescriber on his behalf may orally transmit a prescription for a drug classified in Schedules III through VI if, in such cases, the written record of the prescription required by this subsection specifies the full name of the agent of the prescriber transmitting the prescription.

E. (Effective July 1, 2020) A dispenser who receives a non-electronic prescription for a controlled substance containing an opioid is not required to verify that one of the exceptions set forth in § 54.1-3408.02 applies and may dispense such controlled substance pursuant to such prescription and applicable law.

2. That the third enactment of Chapter 790 of the Acts of Assembly of 2018 is repealed.

CHAPTER 465

An Act to amend and reenact §§ 32.1-261 and 32.1-269 of the Code of Virginia, relating to Board of Health; certificate of birth; change of sex.

[H 1041]

Approved March 25, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 32.1-261 and 32.1-269 of the Code of Virginia are amended and reenacted as follows:

§ 32.1-261. New certificate of birth established on proof of adoption, legitimation or determination of paternity, or change of sex.

A. The State Registrar shall establish a new certificate of birth for a person born in the Commonwealth upon receipt of the following:

1. An adoption report as provided in § 32.1-262, a report of adoption prepared and filed in accordance with the laws of another state or foreign country, or a certified copy of the decree of adoption together with the information necessary to identify the original certificate of birth and to establish a new certificate of birth; except that a new certificate of birth shall not be established if so requested by the court decreeing the adoption, the adoptive parents, or the adopted person if 18 years of age or older.

2. A request that a new certificate be established and such evidence as may be required by regulation of the Board proving that such person has been legitimated or that a court of the Commonwealth has, by final order, determined the paternity of such person. The request shall state that no appeal has been taken from the final order and that the time allowed to perfect an appeal has expired.

3. An order entered pursuant to subsection D of § 20-160. The order shall contain sufficient information to identify the original certificate of birth and to establish a new certificate of birth in the names of the intended parents.

4. A surrogate consent and report form as authorized by § 20-162. The report shall contain sufficient information to identify the original certificate of birth and to establish a new certificate of birth in the names of the intended parents.

5. *Upon request of a person and in accordance with requirements of the Board, the State Registrar shall issue a new certificate of birth to show a change of sex of the person and, if a certified copy of a court order changing the person's name is submitted, to show a new name. Requirements related to obtaining a new certificate of birth to show a change of sex shall include a requirement that the person requesting the new certificate of birth submit a form furnished by the state registrar and completed by a health care provider from whom the person has received treatment stating that the person has undergone clinically appropriate treatment for gender transition. Requirements related to obtaining a new certificate of birth to show a change of sex shall not include any requirement for evidence or documentation of any medical procedure.*

6. *Nothing in this section shall deprive the circuit court of equitable jurisdiction to adjudicate, upon application of a person, that the sex of such person residing within the territorial jurisdiction of the circuit court has been changed. In such an action, the person may petition for the application of the standard of the person's jurisdiction of birth; otherwise, the requirements of this section shall apply.*

B. When a new certificate of birth is established pursuant to subsection A, the actual place and date of birth shall be shown. It shall be substituted for the original certificate of birth. Thereafter, the original certificate and the evidence of adoption, paternity or legitimation shall be sealed and filed and not be subject to inspection except upon order of a court of the Commonwealth or in accordance with § 32.1-252. However, upon receipt of notice of a decision or order granting an adult adopted person access to identifying information regarding his birth parents from the Commissioner of Social Services or a circuit court, and proof of identification and payment, the State Registrar shall mail an adult adopted person a copy of the original certificate of birth.

C. Upon receipt of a report of an amended decree of adoption, the certificate of birth shall be amended as provided by regulation.

D. Upon receipt of notice or decree of annulment of adoption, the original certificate of birth shall be restored to its place in the files and the new certificate and evidence shall not be subject to inspection except upon order of a court of the Commonwealth or in accordance with § 32.1-252.

E. The State Registrar shall, upon request, establish and register a Virginia certificate of birth for a person born in a foreign country (i) upon receipt of a report of adoption for an adoption finalized pursuant to the laws of the foreign country as provided in subsection B of § 63.2-1200.1, or (ii) upon receipt of a report or final order of adoption entered in a court of the Commonwealth as provided in § 32.1-262; however, a Virginia certificate of birth shall not be established or registered if so requested by the court decreeing the adoption, the adoptive parents or the adopted person if 18 years of age or older. If a circuit court of the Commonwealth corrects or establishes a date of birth for a person born in a foreign country during the adoption proceedings or upon a petition to amend a certificate of foreign birth, the State Registrar shall issue a certificate showing the date of birth established by the court. After registration of the birth certificate in the new name of the adopted person, the State Registrar shall seal and file the report of adoption which shall not be subject to inspection except upon order of a court of the Commonwealth or in accordance with § 32.1-252. The birth certificate shall (i) show the true or probable foreign country of birth and (ii) state that the certificate is not evidence of United States citizenship for the child for whom it is issued or for the adoptive parents. However, for any adopted person who has attained United States citizenship, the State Registrar shall, upon request and receipt of evidence demonstrating such citizenship, establish and register a new certificate of birth that does not contain the statement required by clause (ii).

F. If no certificate of birth is on file for the person for whom a new certificate is to be established under this section, a delayed certificate of birth shall be filed with the State Registrar as provided in § 32.1-259 or 32.1-260 before a new certificate of birth is established, except that when the date and place of birth and parentage have been established in the adoption proceedings, a delayed certificate shall not be required.

G. When a new certificate of birth is established pursuant to subdivision A 1, the State Registrar shall issue along with the new certificate of birth a document, furnished by the Department of Social Services pursuant to § 63.2-1220, listing all post-adoption services available to adoptive families.

§ 32.1-269. Amending vital records; change of name; acknowledgment of paternity.

A. A vital record registered under this chapter, with the exception of a death certificate, may be amended only in accordance with this section and such regulations as may be adopted by the Board to protect the integrity and accuracy of such vital records. Such regulations shall specify the minimum evidence required for a change in any such vital record.

B. Except in the case of an amendment provided for in subsection D, a vital record that is amended under this section shall be marked "amended" and the date of amendment and a summary description of the evidence submitted in support of the amendment shall be endorsed on or made a part of the vital record. The Board shall prescribe by regulation the conditions under which omissions or errors on certificates, including designation of sex, may be corrected within one year after the date of the event without the certificate being marked amended. In a case of hermaphroditism or pseudo-hermaphroditism, the certificate of birth may be corrected at any time without being considered as amended upon presentation to the State Registrar of such medical evidence as the Board may require by regulation.

C. Upon receipt of a certified copy of a court order changing the name of a person as listed in a vital record and upon request of such person or his parent, guardian, or legal representative or the registrant, the State Registrar shall amend such vital records to reflect the new name.

D. Upon written request of both parents and receipt of a sworn acknowledgment of paternity executed subsequent to the birth and signed by both parents of a child born out of wedlock, the State Registrar shall amend the certificate of birth to show such paternity if paternity is not shown on the birth certificate. Upon request of the parents, the surname of the child shall be changed on the certificate to that of the father.

~~E. Upon receipt of a certified copy of an order of a court of competent jurisdiction indicating that the sex of an individual has been changed by medical procedure and upon request of such person, the State Registrar shall amend such person's certificate of birth to show the change of sex and, if a certified copy of a court order changing the person's name is submitted, to show a new name.~~

~~F. When an applicant does not submit the minimum documentation required by regulation to amend a vital record or when the State Registrar finds reason to question the validity or sufficiency of the evidence, the vital record shall not be amended and the State Registrar shall so advise the applicant. An aggrieved applicant may petition the circuit court of the county or city in which he resides or the Circuit Court of the City of Richmond, Division I, for an order compelling the State Registrar to amend the vital record; an aggrieved applicant who was born in Virginia, but is currently residing out of State, may petition any circuit court in the Commonwealth for such an order. The State Registrar or his authorized representative may appear and testify in such proceeding.~~

2. That the State Registrar shall develop the form required by § 32.1-261, as amended and reenacted in this act, by September 1, 2020.

CHAPTER 466

An Act to amend and reenact §§ 32.1-261 and 32.1-269 of the Code of Virginia, relating to Board of Health; certificate of birth; change of sex.

[S 657]

Approved March 25, 2020

Be it enacted by the General Assembly of Virginia:**1. That §§ 32.1-261 and 32.1-269 of the Code of Virginia are amended and reenacted as follows:****§ 32.1-261. New certificate of birth established on proof of adoption, legitimation or determination of paternity, or change of sex.**

A. The State Registrar shall establish a new certificate of birth for a person born in the Commonwealth upon receipt of the following:

1. An adoption report as provided in § 32.1-262, a report of adoption prepared and filed in accordance with the laws of another state or foreign country, or a certified copy of the decree of adoption together with the information necessary to identify the original certificate of birth and to establish a new certificate of birth; except that a new certificate of birth shall not be established if so requested by the court decreeing the adoption, the adoptive parents, or the adopted person if 18 years of age or older.

2. A request that a new certificate be established and such evidence as may be required by regulation of the Board proving that such person has been legitimated or that a court of the Commonwealth has, by final order, determined the paternity of such person. The request shall state that no appeal has been taken from the final order and that the time allowed to perfect an appeal has expired.

3. An order entered pursuant to subsection D of § 20-160. The order shall contain sufficient information to identify the original certificate of birth and to establish a new certificate of birth in the names of the intended parents.

4. A surrogate consent and report form as authorized by § 20-162. The report shall contain sufficient information to identify the original certificate of birth and to establish a new certificate of birth in the names of the intended parents.

5. *Upon request of a person and in accordance with requirements of the Board, the State Registrar shall issue a new certificate of birth to show a change of sex of the person and, if a certified copy of a court order changing the person's name is submitted, to show a new name. Requirements related to obtaining a new certificate of birth to show a change of sex shall include a requirement that the person requesting the new certificate of birth submit a form furnished by the State Registrar and completed by a health care provider from whom the person has received treatment stating that the person has undergone clinically appropriate treatment for gender transition. Requirements related to obtaining a new certificate of birth to show a change of sex shall not include any requirement for evidence or documentation of any medical procedure.*

6. *Nothing in this section shall deprive the circuit court of equitable jurisdiction to adjudicate, upon application of a person, that the sex of such person residing within the territorial jurisdiction of the circuit court has been changed. In such an action, the person may petition for the application of the standard of the person's jurisdiction of birth; otherwise, the requirements of this section shall apply.*

B. When a new certificate of birth is established pursuant to subsection A, the actual place and date of birth shall be shown. It shall be substituted for the original certificate of birth. Thereafter, the original certificate and the evidence of adoption, paternity or legitimation shall be sealed and filed and not be subject to inspection except upon order of a court of the Commonwealth or in accordance with § 32.1-252. However, upon receipt of notice of a decision or order granting an adult adopted person access to identifying information regarding his birth parents from the Commissioner of Social Services or a circuit court, and proof of identification and payment, the State Registrar shall mail an adult adopted person a copy of the original certificate of birth.

C. Upon receipt of a report of an amended decree of adoption, the certificate of birth shall be amended as provided by regulation.

D. Upon receipt of notice or decree of annulment of adoption, the original certificate of birth shall be restored to its place in the files and the new certificate and evidence shall not be subject to inspection except upon order of a court of the Commonwealth or in accordance with § 32.1-252.

E. The State Registrar shall, upon request, establish and register a Virginia certificate of birth for a person born in a foreign country (i) upon receipt of a report of adoption for an adoption finalized pursuant to the laws of the foreign country as provided in subsection B of § 63.2-1200.1, or (ii) upon receipt of a report or final order of adoption entered in a court of the Commonwealth as provided in § 32.1-262; however, a Virginia certificate of birth shall not be established or registered if so requested by the court decreeing the adoption, the adoptive parents or the adopted person if 18 years of age or older. If a circuit court of the Commonwealth corrects or establishes a date of birth for a person born in a foreign country during the adoption proceedings or upon a petition to amend a certificate of foreign birth, the State Registrar shall issue a certificate showing the date of birth established by the court. After registration of the birth certificate in the new name of the adopted person, the State Registrar shall seal and file the report of adoption which shall not be subject to inspection except upon order of a court of the Commonwealth or in accordance with § 32.1-252. The birth certificate shall (i) show the true or probable foreign country of birth and (ii) state that the certificate is not evidence of United States citizenship for the child for whom it is issued or for the adoptive parents. However, for any adopted person who has attained United States

citizenship, the State Registrar shall, upon request and receipt of evidence demonstrating such citizenship, establish and register a new certificate of birth that does not contain the statement required by clause (ii).

F. If no certificate of birth is on file for the person for whom a new certificate is to be established under this section, a delayed certificate of birth shall be filed with the State Registrar as provided in § 32.1-259 or 32.1-260 before a new certificate of birth is established, except that when the date and place of birth and parentage have been established in the adoption proceedings, a delayed certificate shall not be required.

G. When a new certificate of birth is established pursuant to subdivision A 1, the State Registrar shall issue along with the new certificate of birth a document, furnished by the Department of Social Services pursuant to § 63.2-1220, listing all post-adoption services available to adoptive families.

§ 32.1-269. Amending vital records; change of name; acknowledgment of paternity.

A. A vital record registered under this chapter, with the exception of a death certificate, may be amended only in accordance with this section and such regulations as may be adopted by the Board to protect the integrity and accuracy of such vital records. Such regulations shall specify the minimum evidence required for a change in any such vital record.

B. Except in the case of an amendment provided for in subsection D, a vital record that is amended under this section shall be marked "amended" and the date of amendment and a summary description of the evidence submitted in support of the amendment shall be endorsed on or made a part of the vital record. The Board shall prescribe by regulation the conditions under which omissions or errors on certificates, including designation of sex, may be corrected within one year after the date of the event without the certificate being marked amended. In a case of hermaphroditism or pseudo-hermaphroditism, the certificate of birth may be corrected at any time without being considered as amended upon presentation to the State Registrar of such medical evidence as the Board may require by regulation.

C. Upon receipt of a certified copy of a court order changing the name of a person as listed in a vital record and upon request of such person or his parent, guardian, or legal representative or the registrant, the State Registrar shall amend such vital records to reflect the new name.

D. Upon written request of both parents and receipt of a sworn acknowledgment of paternity executed subsequent to the birth and signed by both parents of a child born out of wedlock, the State Registrar shall amend the certificate of birth to show such paternity if paternity is not shown on the birth certificate. Upon request of the parents, the surname of the child shall be changed on the certificate to that of the father.

~~E. Upon receipt of a certified copy of an order of a court of competent jurisdiction indicating that the sex of an individual has been changed by medical procedure and upon request of such person, the State Registrar shall amend such person's certificate of birth to show the change of sex and, if a certified copy of a court order changing the person's name is submitted, to show a new name.~~

F. When an applicant does not submit the minimum documentation required by regulation to amend a vital record or when the State Registrar finds reason to question the validity or sufficiency of the evidence, the vital record shall not be amended and the State Registrar shall so advise the applicant. An aggrieved applicant may petition the circuit court of the county or city in which he resides or the Circuit Court of the City of Richmond, Division I, for an order compelling the State Registrar to amend the vital record; an aggrieved applicant who was born in Virginia, but is currently residing out of State, may petition any circuit court in the Commonwealth for such an order. The State Registrar or his authorized representative may appear and testify in such proceeding.

2. That the State Registrar shall develop the form required by § 32.1-261, as amended and reenacted in this act, by September 1, 2020.

CHAPTER 467

An Act to amend and reenact §§ 15.2-5113, 15.2-5928, 15.2-5931, 15.2-5932, and 15.2-5933 of the Code of Virginia, relating to Virginia Beach Sports or Entertainment Project; extend expiration date of tax incentive; modify financing structure.

[H 120]

Approved March 25, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 15.2-5113, 15.2-5928, 15.2-5931, 15.2-5932, and 15.2-5933 of the Code of Virginia are amended and reenacted as follows:

§ 15.2-5113. Members of authority board; chief administrative or executive officer.

A. 1. The powers of each authority created by the governing body of a single locality shall be exercised by an authority board of five members, or at the option of the board of supervisors of a county, a number of board members equal to the number of members of the board of supervisors. The powers of each authority created by the governing bodies of two or more localities shall be exercised by the number of authority board members specified in its articles of incorporation, which shall be not less than one member from each participating locality and not less than a total of five members. The board members of an authority shall be selected in the manner and for the terms provided by the agreement or ordinance or resolution or concurrent ordinances or resolutions creating the authority. One or more members of the governing body or one or more directors of an industrial or economic development authority of a locality may be appointed board members of

the authority, the provisions of any other law to the contrary notwithstanding. No board member shall be appointed for a term of more than four years. When one or more additional political subdivisions join an existing authority, each of such joining political subdivisions shall have at least one member on the board. Board members shall hold office until their successors have been appointed and may succeed themselves. The board members of the authority shall elect one of their number chairman, and shall elect a secretary and treasurer who need not be members. The offices of secretary and treasurer may be combined.

2. *Notwithstanding the provisions of subdivision A 1, if the City of Virginia Beach forms a community development authority pursuant to the provisions of Article 6 (§ 15.2-5152 et seq.) for the purpose of developing the sports and entertainment district, as defined in § 15.2-5928, the board of such authority may consist of a number of members equal to the number of members of the governing body of the City of Virginia Beach.*

B. A majority of board members shall constitute a quorum and the vote of a majority of board members shall be necessary for any action taken by the authority. An authority may, by bylaw, provide a method to resolve tie votes or deadlocked issues.

C. No vacancy in the board membership of the authority shall impair the right of a quorum to exercise all the rights and perform all the duties of the authority. If a vacancy occurs by reason of the death, disqualification or resignation of a board member, the governing body of the political subdivision which appointed the authority board member shall appoint a successor to fill the unexpired term. Whenever a political subdivision withdraws its membership from an authority, the term of any board member appointed to the board of the authority from such political subdivision shall immediately terminate. Board members shall receive such compensation as fixed by resolution of the governing body or bodies which are members of the authority, and shall be reimbursed for any actual expenses necessarily incurred in the performance of their duties.

D. Alternate board members may also be selected. Such alternates shall be selected in the same manner and shall have the same qualifications as the board members except that an alternate for an elected board member need not be an elected official. The term of each alternate shall be the same as the term of the board member for whom each serves as an alternate; however, the alternate's term shall not expire because of the board member's death, disqualification, resignation, or termination of employment with the member's political subdivision. If a board member is not present at a meeting of the authority, the alternate for that board member shall have all the voting and other rights of a board member and shall be counted for purposes of determining a quorum.

E. The board members may appoint a chief administrative or executive officer who shall serve at the pleasure of the board members. He shall execute and enforce the orders and resolutions adopted by the board members and perform such duties as may be delegated to him by the board members.

§ 15.2-5928. Definitions.

As used in this chapter, unless the context requires a different meaning:

"City" or "City of Virginia Beach" means the City of Virginia Beach ~~or~~, the City of Virginia Beach Development Authority, or any community development authority formed by the City of Virginia Beach pursuant to the provisions of Article 6 (§ 15.2-5152 et seq.) of Chapter 51 for the purpose of developing the sports and entertainment district.

"Sales and use tax revenues" means tax collections under the Virginia Retail Sales and Use Tax Act (§ 58.1-600 et seq.), as limited herein, generated by transactions taking place upon the premises of a sports or entertainment project, including transactions generating revenues in connection with the development and construction of such project that would not be generated but for the existence of such project. For purposes of this chapter, "sales and use tax revenues" does not include the revenue generated by (i) the one-half percent sales and use tax increase enacted by Chapters 11, 12, and 15 of the Acts of Assembly of 1986, Special Session I, which shall be paid into the Transportation Trust Fund as defined in § 33.2-1524; (ii) the one percent of the state sales and use tax revenue distributed among the counties and cities of the Commonwealth pursuant to subsection D of § 58.1-638 on the basis of school-age population; and (iii) the additional state sales and use tax in certain counties and cities assessed pursuant to Chapter 766 of the Acts of Assembly of 2013 and any amendments thereto.

"Sports and entertainment district" means the geographic area in the City of Virginia Beach located south of 21st Street, north of Norfolk Avenue, east of Birdneck Road, and west of ~~Atlantic Avenue~~ the Virginia Beach Boardwalk.

"Sports or entertainment project" means a project including sports facilities, entertainment facilities, or both, representing at least \$100 million of investment in the sports and entertainment district of the City of Virginia Beach, including any office, restaurant, concessions, retail, residential, and lodging facilities that are owned and operated adjacent to or in connection with such sports or entertainment project; film and sound studios and any other sports or entertainment-related infrastructure; and any other directly related properties, including onsite and offsite parking lots, garages, and other properties. "Sports or entertainment project" includes multiple facilities located on multiple properties, provided that such facilities share a nexus of ownership or management.

§ 15.2-5931. Bond issues.

A. The City of Virginia Beach may at any time and from time to time issue bonds for any valid purpose, including the establishment of reserves and the payment of interest. As used in this chapter, "bonds" includes notes of any kind, interim certificates, refunding bonds, or any other evidence of obligation, *provided that such bonds are issued by the City of Virginia Beach, the City of Virginia Beach Development Authority, or a community development authority formed by the City of Virginia Beach pursuant to the provisions of Article 6 (§ 15.2-5152 et seq.) of Chapter 51 for the purpose of developing the sports and entertainment district.*

B. The bonds of any issue shall be payable solely from the property or receipts of the City of Virginia Beach, or other security specifically pledged by the City of Virginia Beach to the payment thereof, including, but not limited to:

1. Taxes, fees, charges, or other revenues;
2. Payments by financial institutions, insurance companies, or others pursuant to letters or lines of credit, policies of insurance, or purchase agreements;
3. Investment earnings from funds or accounts maintained pursuant to a bond resolution or trust agreement;
4. Sales and use tax revenues remitted to the City of Virginia Beach by the State Comptroller pursuant to § 15.2-5933; and

5. Proceeds of refunding bonds.

C. Bonds shall be authorized by resolution of the City of Virginia Beach and may be secured by a trust agreement by and between the City of Virginia Beach and a corporate trustee or trustees, which may be any trust company or bank having the powers of a trust company within or outside the Commonwealth. The bonds shall:

1. Be issued at, above, or below par value, for cash or other valuable consideration, and mature at a time or times, whether as serial bonds or as term bonds or both, not exceeding 20 years from their respective dates of issue;
2. Bear interest at the fixed or variable rate or rates determined by the method provided in the resolution or trust agreement;
3. Be payable at a time or times, in the denominations and form, and carry the registration and privileges as to conversion and for the replacement of mutilated, lost, or destroyed bonds as the resolution or trust agreement may provide;
4. Be payable in lawful money of the United States at a designated place;
5. Be subject to the terms of purchase, payment, redemption, refunding, or refinancing that the resolution or trust agreement provides; and
6. Be sold in the manner and upon the terms determined by the City of Virginia Beach, including private (negotiated) sale.

D. Any resolution or trust agreement may contain provisions that shall be a part of the contract with the holders of the bonds as to:

1. Pledging, assigning, or directing the use, investment, or disposition of receipts of the City of Virginia Beach or proceeds or benefits of any contract and conveying or otherwise securing any property rights;
2. The setting aside of loan funding deposits, debt service reserves, capitalized interest accounts, cost of issuance accounts, and sinking funds, and the regulation, investment, and disposition thereof;
3. Limitations on the purpose to which or the investments in which the proceeds of sale of any issue of bonds may be applied and restrictions to investments of revenues or bond proceeds in government obligations for which principal and interest are unconditionally guaranteed by the United States of America;
4. Limitations on the issuance of additional bonds and the terms upon which additional bonds may be issued and secured and may rank on a parity with, or be subordinate or superior to, other bonds;
5. The refunding or refinancing of outstanding bonds;
6. The procedure, if any, by which the terms of any contract with bondholders may be altered or amended and the amount of bonds the holders of which must consent thereto, and the manner in which consent shall be given;
7. Defining the acts or omissions that shall constitute a default in the duties of the City of Virginia Beach to bondholders and providing the rights or remedies of such holders in the event of a default, which may include provisions restricting individual right of action by bondholders;
8. Providing for guarantees, pledges of property, letters of credit, or other security, or insurance for the benefit of bondholders; and
9. Any other matter relating to the bonds that the City of Virginia Beach determines appropriate.

E. No member of the governing body of the City of Virginia Beach nor any person executing the bonds on behalf of the City of Virginia Beach shall be liable personally for the bonds or subject to any personal liability by reason of the issuance of the bonds.

F. The City of Virginia Beach may enter into agreements with agents, banks, insurers, any political subdivision of the Commonwealth, or others for the purpose of enhancing the marketability of, or as security for, its bonds.

G. A pledge by the City of Virginia Beach of its revenues as security for an issue of bonds shall be valid and binding from the time the pledge is made.

The revenues pledged shall immediately be subject to the lien of the pledge without any physical delivery or further act, and the lien of any pledge shall be valid and binding against any person having any claim of any kind in tort, contract, or otherwise against the City of Virginia Beach, irrespective of whether the person has notice.

No resolution, trust agreement or financing statement, continuation statement, or other instrument adopted or entered into by the City of Virginia Beach need be filed or recorded in any public record other than the records of the City of Virginia Beach in order to perfect the lien against third persons, regardless of any contrary provision of public general or public local law.

H. Except to the extent restricted by an applicable resolution or trust agreement, any holder of bonds issued under this chapter or a trustee acting under a trust agreement entered into under this chapter may, by any suitable form of legal proceedings, protect and enforce any rights granted under the laws of the Commonwealth or by any applicable resolution or trust agreement.

I. The City of Virginia Beach may issue bonds to refund any of its bonds then outstanding, including the payment of any redemption premium and any interest accrued or to accrue to the earliest or any subsequent date of redemption, purchase, or maturity of the bonds. Refunding bonds may be issued for the public purposes of realizing savings in the effective costs of debt service, directly or through a debt restructuring, for alleviating impending or actual default and may be issued in one or more series in an amount in excess of that of the bonds to be refunded.

§ 15.2-5932. Sports or Entertainment Project Financing Fund; use.

A. The City of Virginia Beach may, in its discretion, create a Sports or Entertainment Project Financing Fund, hereafter referred to as "the Fund." The City of Virginia Beach may use the Fund as a non-lapsing revolving fund for the purposes of carrying out the provisions of this chapter and providing security for any bonds issued under this chapter.

B. All of the following receipts of the City of Virginia Beach may be placed in the Fund: (i) proceeds from the sale of bonds, (ii) revenues collected or received from any source under the provisions of this chapter, (iii) sales and use tax revenues remitted to the City of Virginia Beach by the State Comptroller pursuant to § 15.2-5933, and (iv) any other revenues under the jurisdiction of the City of Virginia Beach.

C. The City of Virginia Beach may pay expenses and make expenditures from the Fund. To the extent deemed appropriate by the City of Virginia Beach, the receipts of the Fund may be pledged to and charged with the payment of debt service on City of Virginia Beach bonds and all reasonable charges and expenses related to the City borrowing and the management of the City's obligations. *The City of Virginia Beach may use the Fund to pay for expenses or debt service associated with or incurred by a community development authority formed by the City of Virginia Beach pursuant to the provisions of Article 6 (§ 15.2-5152 et seq.) of Chapter 51 for the purpose of developing the sports and entertainment district.*

§ 15.2-5933. Entitlement to tax revenues derived from the operation of facilities.

A. 1. Upon execution of a binding development agreement for a sports or entertainment project, the City of Virginia Beach shall be entitled, subject to appropriation, to sales and use tax revenues defined in this chapter. The State Comptroller shall remit such sales and use tax revenues to the City of Virginia Beach on a quarterly basis, subject to such reasonable processing delays as may be required by the Department of Taxation. The State Comptroller shall make such remittances to the City of Virginia Beach, as provided herein, notwithstanding any provisions to the contrary in the Virginia Retail Sales and Use Tax Act (§ 58.1-600 et seq.).

2. Any entitlement of the City of Virginia Beach to receive sales and use tax revenues pursuant to the provisions of this chapter shall expire on July 1, ~~2039~~ *following the twentieth anniversary of the completion of construction of the sports or entertainment project.*

B. The local governing body of the City of Virginia Beach may, by ordinance or resolution, fix and revise from time to time and charge and collect rates, rents, fees, ticket surcharges, or other charges for a sports or entertainment project and any temporary sports or entertainment project developed under the provisions of this chapter.

C. If a sports and entertainment project qualifies for entitlement to sales and use tax revenues pursuant to the provisions of § 58.1-3851.1 or 58.1-3851.2, the City of Virginia Beach shall remain eligible to receive sales and use tax revenues pursuant to the provisions of this chapter; however, the amount received pursuant to this chapter shall be reduced by the amount received pursuant to the provisions of § 58.1-3851.1 or 58.1-3851.2.

CHAPTER 468

An Act to amend and reenact § 58.1-1709 of the Code of Virginia, relating to litter tax; penalty.

[H 502]

Approved March 25, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-1709 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-1709. Penalty.

A penalty of \$100 plus an amount equal to the taxes due, including all delinquent taxes due under this article, and the amount that the Department of Taxation has expended in collecting these delinquent taxes, shall be added to the tax levied in § 58.1-1707 for failure to pay the tax within the time limits established by regulations.

CHAPTER 469

An Act to amend and reenact §§ 58.1-439.12:08 and 58.1-439.12:11 of the Code of Virginia, relating to research and development tax credits; sunset; aggregate caps.

[H 748]

Approved March 25, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 58.1-439.12:08 and 58.1-439.12:11 of the Code of Virginia are amended and reenacted as follows:

§ 58.1-439.12:08. Research and development expenses tax credit.

A. As used in this section, unless the context requires a different meaning:

"Virginia base amount" means the base amount as defined in § 41(c) of the Internal Revenue Code, as amended, that is attributable to Virginia, determined by (i) substituting "Virginia qualified research and development expense" for "qualified research expense"; (ii) substituting "Virginia qualified research" for "qualified research"; and (iii) instead of "fixed base percentage," using:

1. The percentage that the Virginia qualified research and development expense for the three taxable years immediately preceding the current taxable year in which the expense is incurred is of the taxpayer's total gross receipts for such years; or

2. The percentage that the Virginia qualified research and development expense for the applicable number of taxable years immediately preceding the current taxable year in which the expense is incurred is of the taxpayer's total gross receipts for such years, for the taxpayer that has fewer than three but at least one prior taxable year.

"Virginia gross receipts" means the same as "gross receipts" as defined in § 58.1-3700.1.

"Virginia qualified research" means qualified research, as defined in § 41(d) of the Internal Revenue Code, as amended, that is conducted in the Commonwealth.

"Virginia qualified research and development expenses" means qualified research expenses, as defined in § 41(b) of the Internal Revenue Code, as amended, incurred for Virginia qualified research.

B. For taxable years beginning on or after January 1, 2011, but before January 1, ~~2022~~ 2025, a taxpayer shall be allowed a credit against the tax levied pursuant to § 58.1-320 or 58.1-400 in an amount equal to (i) 15 percent of the first \$300,000 in Virginia qualified research and development expenses paid or incurred by the taxpayer during the taxable year or (ii) 20 percent of the first \$300,000 in Virginia qualified research and development expenses paid or incurred by the taxpayer during the taxable year if the Virginia qualified research was conducted in conjunction with a public or private institution of higher education in the Commonwealth, to the extent the expenses exceed the Virginia base amount for the taxpayer.

C. 1. Effective for taxable years beginning on or after January 1, 2016, at the election of the taxpayer, the credit otherwise allowed under this section shall be computed under this subsection and shall equal 10 percent of the difference of (i) the Virginia qualified research and development expenses paid or incurred by the taxpayer during the taxable year and (ii) 50 percent of the average Virginia qualified research and development expenses paid or incurred by the taxpayer for the three taxable years immediately preceding the taxable year for which the credit is being determined. If the taxpayer did not pay or incur Virginia qualified research and development expenses in any one of the three taxable years immediately preceding the taxable year for which the credit is being determined, the tax credit shall equal five percent of the Virginia qualified research and development expenses paid or incurred by the taxpayer during the relevant taxable year.

2. The aggregate amount of credits allowed to each taxpayer under this subsection shall not exceed \$45,000 for the taxable year, except that the aggregate amount of credits allowed to each taxpayer shall not exceed \$60,000 for the taxable year if the Virginia qualified research was conducted in conjunction with a public institution of higher education in the Commonwealth or a private institution of higher education in the Commonwealth.

D. The aggregate amount of credits available under this section for each fiscal year of the Commonwealth shall be as follows:

1. For taxable years beginning on ~~or~~ and after January 1, 2014, but ~~prior to~~ before January 1, 2016, the total amount of credits granted for each of fiscal years 2015 and 2016 shall not exceed \$6 million.

2. For taxable years beginning on ~~or~~ and after January 1, 2016, *but before January 1, 2021*, the total amount of credits granted for each fiscal year of the Commonwealth beginning with fiscal year 2017 shall not exceed \$7 million.

3. *For taxable years beginning on and after January 1, 2021, the total amount of credits granted for each fiscal year of the Commonwealth beginning with fiscal year 2022 shall not exceed \$7.77 million.*

E. A taxpayer meeting the requirements of this section shall be eligible to receive a tax credit as provided herein. The Department shall develop and publish guidelines for applications and such guidelines shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq.). Applications must be received by the Department no later than ~~July 1~~ *September 1* of the calendar year following the close of the taxable year in which the expenses were paid or incurred. In the event *that* approved applications for the tax credits allowed under this section exceed the amount of credits specified in subsection D for the taxable year, the Department shall apportion the credits by dividing the amount of credits specified in subsection D by the total amount of tax credits approved, to determine the percentage of allowed tax credits each taxpayer shall receive. In the event that the total amount of approved tax credits under this section for all applications for any taxable year is less than the maximum amount of credits for the year as specified in subsection D, the Department shall allocate credits up to the maximum amount as specified in subsection D, on a pro rata basis, to taxpayers who are already approved for the tax credit for the taxable year, in the following amounts:

1. If the taxpayer computed the credit pursuant to subsection B, in an amount equal to 15 percent of the second \$300,000 in qualified research expenses during the taxable year or 20 percent of the second \$300,000 in qualified research expenses if the Virginia qualified research was conducted in conjunction with a public institution of higher education in the Commonwealth or a private institution of higher education in the Commonwealth; or

2. If the taxpayer computed the credit under subdivision C 1, in an amount equal to the excess of the limitation set forth in subdivision C 2, up to an additional \$45,000 per taxpayer, or \$60,000 per taxpayer if the Virginia qualified research was conducted in conjunction with a public institution of higher education in the Commonwealth or a private institution of higher education in the Commonwealth.

F. If the amount of the credit allowed exceeds the taxpayer's tax liability for the taxable year, the amount that exceeds the tax liability shall be refunded to the taxpayer, subject to the limitations set forth in the guidelines developed by the Department.

G. Any taxpayer who claims the tax credit for Virginia qualified research and development expenses pursuant to this section shall not use such expenses as the basis for claiming any other credit provided under the Code of Virginia.

H. Effective for taxable years beginning on or after January 1, 2016, no taxpayer with Virginia qualified research and development expenses in excess of \$5 million for the taxable year shall claim both the credit allowed pursuant to this section and the credit allowed under § 58.1-439.12:11 for such year.

I. Credits granted to a partnership, limited liability company, or electing small business corporation (S corporation) shall be allocated to the individual partners, members, or shareholders, respectively, in proportion to their ownership interests in such entities or in accordance with a written agreement entered into by such individual partners, members, or shareholders, unless the partnership, limited liability company, or electing small business corporation (S corporation) elects for such credits not to be so allocated but to be received and claimed at the entity level by the partnership, limited liability company, or electing small business corporation (S corporation) pursuant to guidelines that shall be issued by the Department for purposes of such election.

J. The Department shall adopt guidelines to prescribe standards for determining when research and development is considered conducted in the Commonwealth for purposes of allowing the credit under this section. In adopting guidelines, the Department may consider (i) the location where the research and development is performed; (ii) the residence or business location of the taxpayer or taxpayers conducting the research and development; (iii) the location where supplies used in the research and development are consumed; and (iv) any other factors that the Department deems to be relevant.

K. The Tax Commissioner's annual report to the Governor on revenue collections by tax source shall include (i) the total number of applicants approved for tax credits pursuant to this section for the applicable tax year and (ii) the total amount of such tax credits approved for the applicable tax year.

L. The Department shall require taxpayers applying for the credit to provide information including (i) the number of full-time employees employed by the taxpayer in the Commonwealth during the taxable year for which the credit is sought; (ii) the taxpayer's sector or sectors according to the 2012 edition of the North American Industry Classification System (NAICS) as published by the United States Census Bureau; (iii) a brief description of the area, discipline, or field of Virginia qualified research performed by the taxpayer; (iv) the total gross receipts or anticipated total gross receipts of the taxpayer for the taxable year for which the credit is sought; and (v) whether the Virginia qualified research was conducted in conjunction with a Virginia public or private college or university. The Department shall aggregate and summarize the information collected and make it available to the Governor and any member of the General Assembly upon request, regardless of the number of taxpayers applying for the credit.

M. No tax credit shall be allowed pursuant to this section if the otherwise qualified research and development expenses are paid for or incurred by a taxpayer for research conducted in the Commonwealth on human cells or tissue derived from induced abortions or from stem cells obtained from human embryos. The foregoing provision shall not apply to research conducted using stem cells other than embryonic stem cells.

§ 58.1-439.12:11. Major research and development expenses tax credit.

A. As used in this section, unless the context requires a different meaning:

"Virginia qualified research" means qualified research, as defined in § 41(d) of the Internal Revenue Code, as amended, that is conducted in the Commonwealth.

"Virginia qualified research and development expenses" means qualified research expenses, as defined in § 41(b) of the Internal Revenue Code, as amended, incurred for Virginia qualified research.

B. For taxable years beginning on or after January 1, 2016, but before January 1, ~~2022~~ 2025, a taxpayer with Virginia qualified research and development expenses for the taxable year in excess of \$5 million shall be allowed a credit against the tax levied pursuant to § 58.1-320 or 58.1-400 in an amount equal to 10 percent of the difference between (i) the Virginia qualified research and development expenses paid or incurred by the taxpayer during the taxable year and (ii) 50 percent of the average Virginia qualified research and development expenses paid or incurred by the taxpayer for the three taxable years immediately preceding the taxable year for which the credit is being determined. If the taxpayer did not pay or incur Virginia qualified research and development expenses in any one of the three taxable years immediately preceding the taxable year for which the credit is being determined, the tax credit shall equal five percent of the Virginia qualified research and development expenses paid or incurred by the taxpayer during the relevant taxable year.

C. ~~The 1.~~ For taxable years beginning before January 1, 2021, the aggregate amount of credits granted for each fiscal year of the Commonwealth pursuant to this section shall not exceed \$20 million.

2. For taxable years beginning on and after January 1, 2021, the aggregate amount of credits granted for each fiscal year of the Commonwealth pursuant to this section shall not exceed \$24 million.

D. In the event that approved applications for the tax credits allowed under this section exceed ~~\$20 million~~ the limit described in subsection C for any taxable year, the Department shall apportion the credits by dividing ~~\$20 million~~ such limit by the total amount of tax credits approved, to determine the percentage of allowed tax credits each taxpayer shall receive.

E. The amount of the credit claimed for the taxable year shall not exceed 75 percent of the total amount of tax imposed by this chapter upon the taxpayer for the taxable year. Any credit not usable for the taxable year for which the credit was

first allowed may be carried over for credit against the income taxes of the taxpayer in the next 10 succeeding taxable years or until the total amount of the tax credit has been taken, whichever is sooner.

F. Any taxpayer who claims the tax credit for Virginia qualified research and development expenses pursuant to this section shall not use such expenses as the basis for claiming any other credit provided under the Code of Virginia.

G. Credits granted to a partnership, limited liability company, or electing small business corporation (S corporation) shall be allocated to the individual partners, members, or shareholders, respectively, in proportion to their ownership interests in such entities or in accordance with a written agreement entered into by such individual partners, members, or shareholders.

H. The Department shall develop and publish guidelines under this section including guidelines for applying for the tax credit. Such guidelines shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq.). Applications for the tax credit must be received by the Department no later than ~~July 4~~ *September 1* of the calendar year following the close of the taxable year in which the expenses were paid or incurred.

The Department shall also adopt guidelines to prescribe standards for determining when research and development is considered conducted in the Commonwealth for purposes of allowing the credit under this section. In adopting guidelines, the Department may consider (i) the location where the research and development is performed; (ii) the residence or business location of the taxpayer or taxpayers conducting the research and development; (iii) the location where supplies used in the research and development are consumed; and (iv) any other factors that the Department deems to be relevant.

I. No tax credit shall be allowed pursuant to this section, if the otherwise qualified research and development expenses are paid for or incurred by a taxpayer for research conducted in the Commonwealth on human cells or tissue derived from induced abortions or from stem cells obtained from human embryos. The foregoing provision shall not apply to research conducted using stem cells other than embryonic stem cells.

CHAPTER 470

An Act to amend and reenact §§ 58.1-439.12:08 and 58.1-439.12:11 of the Code of Virginia, relating to research and development tax credits; sunset; aggregate caps.

[S 110]

Approved March 25, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 58.1-439.12:08 and 58.1-439.12:11 of the Code of Virginia are amended and reenacted as follows:

§ 58.1-439.12:08. Research and development expenses tax credit.

A. As used in this section, unless the context requires a different meaning:

"Virginia base amount" means the base amount as defined in § 41(c) of the Internal Revenue Code, as amended, that is attributable to Virginia, determined by (i) substituting "Virginia qualified research and development expense" for "qualified research expense"; (ii) substituting "Virginia qualified research" for "qualified research"; and (iii) instead of "fixed base percentage," using:

1. The percentage that the Virginia qualified research and development expense for the three taxable years immediately preceding the current taxable year in which the expense is incurred is of the taxpayer's total gross receipts for such years; or

2. The percentage that the Virginia qualified research and development expense for the applicable number of taxable years immediately preceding the current taxable year in which the expense is incurred is of the taxpayer's total gross receipts for such years, for the taxpayer that has fewer than three but at least one prior taxable year.

"Virginia gross receipts" means the same as "gross receipts" as defined in § 58.1-3700.1.

"Virginia qualified research" means qualified research, as defined in § 41(d) of the Internal Revenue Code, as amended, that is conducted in the Commonwealth.

"Virginia qualified research and development expenses" means qualified research expenses, as defined in § 41(b) of the Internal Revenue Code, as amended, incurred for Virginia qualified research.

B. For taxable years beginning on or after January 1, 2011, but before January 1, ~~2022~~ 2025, a taxpayer shall be allowed a credit against the tax levied pursuant to § 58.1-320 or 58.1-400 in an amount equal to (i) 15 percent of the first \$300,000 in Virginia qualified research and development expenses paid or incurred by the taxpayer during the taxable year or (ii) 20 percent of the first \$300,000 in Virginia qualified research and development expenses paid or incurred by the taxpayer during the taxable year if the Virginia qualified research was conducted in conjunction with a public or private institution of higher education in the Commonwealth, to the extent the expenses exceed the Virginia base amount for the taxpayer.

C. 1. Effective for taxable years beginning on or after January 1, 2016, at the election of the taxpayer, the credit otherwise allowed under this section shall be computed under this subsection and shall equal 10 percent of the difference of (i) the Virginia qualified research and development expenses paid or incurred by the taxpayer during the taxable year and (ii) 50 percent of the average Virginia qualified research and development expenses paid or incurred by the taxpayer for the three taxable years immediately preceding the taxable year for which the credit is being determined. If the taxpayer did not pay or incur Virginia qualified research and development expenses in any one of the three taxable years immediately

preceding the taxable year for which the credit is being determined, the tax credit shall equal five percent of the Virginia qualified research and development expenses paid or incurred by the taxpayer during the relevant taxable year.

2. The aggregate amount of credits allowed to each taxpayer under this subsection shall not exceed \$45,000 for the taxable year, except that the aggregate amount of credits allowed to each taxpayer shall not exceed \$60,000 for the taxable year if the Virginia qualified research was conducted in conjunction with a public institution of higher education in the Commonwealth or a private institution of higher education in the Commonwealth.

D. The aggregate amount of credits available under this section for each fiscal year of the Commonwealth shall be as follows:

1. For taxable years beginning on ~~or~~ and after January 1, 2014, but ~~prior to~~ before January 1, 2016, the total amount of credits granted for each of fiscal years 2015 and 2016 shall not exceed \$6 million.

2. For taxable years beginning on ~~or~~ and after January 1, 2016, but before January 1, 2021, the total amount of credits granted for each fiscal year of the Commonwealth beginning with fiscal year 2017 shall not exceed \$7 million.

3. For taxable years beginning on and after January 1, 2021, the total amount of credits granted for each fiscal year of the Commonwealth beginning with fiscal year 2022 shall not exceed \$7.77 million.

E. A taxpayer meeting the requirements of this section shall be eligible to receive a tax credit as provided herein. The Department shall develop and publish guidelines for applications and such guidelines shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq.). Applications must be received by the Department no later than ~~July 1~~ *September 1* of the calendar year following the close of the taxable year in which the expenses were paid or incurred. In the event *that* approved applications for the tax credits allowed under this section exceed the amount of credits specified in subsection D for the taxable year, the Department shall apportion the credits by dividing the amount of credits specified in subsection D by the total amount of tax credits approved, to determine the percentage of allowed tax credits each taxpayer shall receive. In the event that the total amount of approved tax credits under this section for all applications for any taxable year is less than the maximum amount of credits for the year as specified in subsection D, the Department shall allocate credits up to the maximum amount as specified in subsection D, on a pro rata basis, to taxpayers who are already approved for the tax credit for the taxable year, in the following amounts:

1. If the taxpayer computed the credit pursuant to subsection B, in an amount equal to 15 percent of the second \$300,000 in qualified research expenses during the taxable year or 20 percent of the second \$300,000 in qualified research expenses if the Virginia qualified research was conducted in conjunction with a public institution of higher education in the Commonwealth or a private institution of higher education in the Commonwealth; or

2. If the taxpayer computed the credit under subdivision C 1, in an amount equal to the excess of the limitation set forth in subdivision C 2, up to an additional \$45,000 per taxpayer, or \$60,000 per taxpayer if the Virginia qualified research was conducted in conjunction with a public institution of higher education in the Commonwealth or a private institution of higher education in the Commonwealth.

F. If the amount of the credit allowed exceeds the taxpayer's tax liability for the taxable year, the amount that exceeds the tax liability shall be refunded to the taxpayer, subject to the limitations set forth in the guidelines developed by the Department.

G. Any taxpayer who claims the tax credit for Virginia qualified research and development expenses pursuant to this section shall not use such expenses as the basis for claiming any other credit provided under the Code of Virginia.

H. Effective for taxable years beginning on or after January 1, 2016, no taxpayer with Virginia qualified research and development expenses in excess of \$5 million for the taxable year shall claim both the credit allowed pursuant to this section and the credit allowed under § 58.1-439.12:11 for such year.

I. Credits granted to a partnership, limited liability company, or electing small business corporation (S corporation) shall be allocated to the individual partners, members, or shareholders, respectively, in proportion to their ownership interests in such entities or in accordance with a written agreement entered into by such individual partners, members, or shareholders, unless the partnership, limited liability company, or electing small business corporation (S corporation) elects for such credits not to be so allocated but to be received and claimed at the entity level by the partnership, limited liability company, or electing small business corporation (S corporation) pursuant to guidelines that shall be issued by the Department for purposes of such election.

J. The Department shall adopt guidelines to prescribe standards for determining when research and development is considered conducted in the Commonwealth for purposes of allowing the credit under this section. In adopting guidelines, the Department may consider (i) the location where the research and development is performed; (ii) the residence or business location of the taxpayer or taxpayers conducting the research and development; (iii) the location where supplies used in the research and development are consumed; and (iv) any other factors that the Department deems to be relevant.

K. The Tax Commissioner's annual report to the Governor on revenue collections by tax source shall include (i) the total number of applicants approved for tax credits pursuant to this section for the applicable tax year and (ii) the total amount of such tax credits approved for the applicable tax year.

L. The Department shall require taxpayers applying for the credit to provide information including (i) the number of full-time employees employed by the taxpayer in the Commonwealth during the taxable year for which the credit is sought; (ii) the taxpayer's sector or sectors according to the 2012 edition of the North American Industry Classification System (NAICS) as published by the United States Census Bureau; (iii) a brief description of the area, discipline, or field of Virginia qualified research performed by the taxpayer; (iv) the total gross receipts or anticipated total gross receipts of the

taxpayer for the taxable year for which the credit is sought; and (v) whether the Virginia qualified research was conducted in conjunction with a Virginia public or private college or university. The Department shall aggregate and summarize the information collected and make it available to the Governor and any member of the General Assembly upon request, regardless of the number of taxpayers applying for the credit.

M. No tax credit shall be allowed pursuant to this section if the otherwise qualified research and development expenses are paid for or incurred by a taxpayer for research conducted in the Commonwealth on human cells or tissue derived from induced abortions or from stem cells obtained from human embryos. The foregoing provision shall not apply to research conducted using stem cells other than embryonic stem cells.

§ 58.1-439.12:11. Major research and development expenses tax credit.

A. As used in this section, unless the context requires a different meaning:

"Virginia qualified research" means qualified research, as defined in § 41(d) of the Internal Revenue Code, as amended, that is conducted in the Commonwealth.

"Virginia qualified research and development expenses" means qualified research expenses, as defined in § 41(b) of the Internal Revenue Code, as amended, incurred for Virginia qualified research.

B. For taxable years beginning on or after January 1, 2016, but before January 1, ~~2022~~ 2025, a taxpayer with Virginia qualified research and development expenses for the taxable year in excess of \$5 million shall be allowed a credit against the tax levied pursuant to § 58.1-320 or 58.1-400 in an amount equal to 10 percent of the difference between (i) the Virginia qualified research and development expenses paid or incurred by the taxpayer during the taxable year and (ii) 50 percent of the average Virginia qualified research and development expenses paid or incurred by the taxpayer for the three taxable years immediately preceding the taxable year for which the credit is being determined. If the taxpayer did not pay or incur Virginia qualified research and development expenses in any one of the three taxable years immediately preceding the taxable year for which the credit is being determined, the tax credit shall equal five percent of the Virginia qualified research and development expenses paid or incurred by the taxpayer during the relevant taxable year.

C. ~~The 1.~~ For taxable years beginning before January 1, 2021, the aggregate amount of credits granted for each fiscal year of the Commonwealth pursuant to this section shall not exceed \$20 million.

2. For taxable years beginning on and after January 1, 2021, the aggregate amount of credits granted for each fiscal year of the Commonwealth pursuant to this section shall not exceed \$24 million.

D. In the event that approved applications for the tax credits allowed under this section exceed ~~\$20 million~~ the limit described in subsection C for any taxable year, the Department shall apportion the credits by dividing ~~\$20 million~~ such limit by the total amount of tax credits approved, to determine the percentage of allowed tax credits each taxpayer shall receive.

E. The amount of the credit claimed for the taxable year shall not exceed 75 percent of the total amount of tax imposed by this chapter upon the taxpayer for the taxable year. Any credit not usable for the taxable year for which the credit was first allowed may be carried over for credit against the income taxes of the taxpayer in the next 10 succeeding taxable years or until the total amount of the tax credit has been taken, whichever is sooner.

F. Any taxpayer who claims the tax credit for Virginia qualified research and development expenses pursuant to this section shall not use such expenses as the basis for claiming any other credit provided under the Code of Virginia.

G. Credits granted to a partnership, limited liability company, or electing small business corporation (S corporation) shall be allocated to the individual partners, members, or shareholders, respectively, in proportion to their ownership interests in such entities or in accordance with a written agreement entered into by such individual partners, members, or shareholders.

H. The Department shall develop and publish guidelines under this section including guidelines for applying for the tax credit. Such guidelines shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq.). Applications for the tax credit must be received by the Department no later than ~~July 1~~ September 1 of the calendar year following the close of the taxable year in which the expenses were paid or incurred.

The Department shall also adopt guidelines to prescribe standards for determining when research and development is considered conducted in the Commonwealth for purposes of allowing the credit under this section. In adopting guidelines, the Department may consider (i) the location where the research and development is performed; (ii) the residence or business location of the taxpayer or taxpayers conducting the research and development; (iii) the location where supplies used in the research and development are consumed; and (iv) any other factors that the Department deems to be relevant.

I. No tax credit shall be allowed pursuant to this section, if the otherwise qualified research and development expenses are paid for or incurred by a taxpayer for research conducted in the Commonwealth on human cells or tissue derived from induced abortions or from stem cells obtained from human embryos. The foregoing provision shall not apply to research conducted using stem cells other than embryonic stem cells.

CHAPTER 471

An Act to amend the Code of Virginia by adding a section numbered 22.1-298.6, relating to public schools; mental health awareness training required.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 22.1-298.6 as follows:

§ 22.1-298.6. Mental health awareness training.

A. Each school board shall adopt and implement policies that require each teacher and other relevant personnel, as determined by the school board, employed on a full-time basis, to complete a mental health awareness training or similar program at least once.

B. Each school board shall provide required personnel the training required by subsection A and may contract with the Department of Behavioral Health and Developmental Services, a community services board, a behavioral health authority, a nonprofit organization, or other certified trainer as defined in § 37.2-312.2 to provide such training. Such training may be provided via an online module.

CHAPTER 472

An Act to amend the Code of Virginia by adding a section numbered 22.1-298.6, relating to public schools; mental health awareness training required.

[S 619]

Approved March 25, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 22.1-298.6 as follows:

§ 22.1-298.6. Mental health awareness training.

A. Each school board shall adopt and implement policies that require each teacher and other relevant personnel, as determined by the school board, employed on a full-time basis, to complete a mental health awareness training or similar program at least once.

B. Each school board shall provide required personnel the training required by subsection A and may contract with the Department of Behavioral Health and Developmental Services, a community services board, a behavioral health authority, a nonprofit organization, or other certified trainer as defined in § 37.2-312.2 to provide such training. Such training may be provided via an online module.

CHAPTER 473

An Act to amend the Code of Virginia by adding in Chapter 4 of Title 23.1 a section numbered 23.1-412, relating to public institutions of higher education; non-academic student codes of conduct.

[H 104]

Approved March 25, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 4 of Title 23.1 a section numbered 23.1-412 as follows:

§ 23.1-412. Non-academic student codes of conduct.

A. Each public institution of higher education shall adopt non-academic student codes of conduct.

B. Students and student organizations that participate in the non-academic student codes of conduct process as a complainant or respondent shall have the responsibilities and rights afforded to them by the institution's codes of conduct and related policies and procedures. The codes of conduct shall describe and define the rights and responsibilities of all enrolled students and student organizations and shall outline each step in the institution's procedures for responding to and resolving allegations of violations.

C. For violations that may result in a student or student organization facing the sanctions of suspension or expulsion, the non-academic student codes of conduct shall include:

1. The requirement that the accused student or student organization receive reasonable notice of the alleged violation, a general summary of the complaint, contact information of an institution's employee to receive additional information, and the date by which such contact must occur;

2. The opportunity for the accused student or student organization to present their version of events giving rise to the allegations;

3. The opportunity for the accused student or student organization to review and respond to information presented to the decision maker;

4. The opportunity for the accused student or student organization to select an advisor of their choice;

5. The opportunity for the accused student or student organization to present information by relevant and noncumulative witnesses;

6. The right of the accused student or student organization to not participate in proceedings;

7. The requirement that the complainant and respondent receive notice of the outcome of the proceedings;

8. A decision maker free from actual bias; and

9. A description of any internal appeal process.

D. The provisions of this section shall not apply to any public institution of higher education established pursuant to Chapter 25 (§ 23.1-2500 et seq.).

CHAPTER 474

An Act to amend and reenact § 22.1-3.4 of the Code of Virginia, relating to school enrollment; students formerly in foster care.

[H 368]

Approved March 25, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-3.4 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-3.4. Enrollment of certain children placed in foster care.

A. Whenever a student has been placed in foster care by a local social services agency and the placing social services agency is unable to produce any of the documents required for enrollment pursuant to § 22.1-3.1, 22.1-270, or 22.1-271.2, the student shall immediately be enrolled; however, the person enrolling the student shall provide a written statement that, to the best of his knowledge, sets forth (i) the student's age, (ii) compliance with the requirements of § 22.1-3.2, and (iii) that the student is in good health and is free from communicable or contagious disease.

B. The sending and receiving school divisions shall cooperate in facilitating the enrollment of any child placed in foster care across jurisdictional lines for the purpose of enhancing continuity of instruction. The child shall be allowed to continue to attend the school in which he was enrolled prior to the most recent foster care placement, upon the joint determination of the placing social services agency and the local school division that such attendance is in the best interest of the child.

C. In the event the student continues to attend the school in which he was enrolled prior to the most recent foster care placement, the receiving school division shall be accorded foster children education payments pursuant to § 22.1-101.1; further, the receiving school division may enter into financial arrangements with the sending school division pursuant to subsection C of § 22.1-5. Under no circumstances shall a child placed in foster care be charged tuition regardless of whether such child is attending the school in which he was enrolled prior to the most recent foster care placement or attending a school in the receiving school division.

D. For the purposes of subsections A, B, and C:

"A child or student placed in foster care" means a pupil who is the subject of a foster care placement through an entrustment or commitment of such child to the local social services board or licensed child-placing agency pursuant to clause (ii) of the definition of "foster care placement" as set forth in § 63.2-100.

For the purposes of this section:

"Receiving school division" means the school division in which the residence of the student's foster care placement is located.

"Sending school division" means the school division in which the student last attended school.

E. Notwithstanding the provisions of subsections A, B, and C or § 22.1-3 or 22.1-5, no person of school age who is the subject of a foster care placement, as such term is defined in § 63.2-100, shall be charged tuition.

F. The provisions of this section shall apply to any student who was in foster care upon reaching 18 years of age but who has not yet reached 22 years of age.

CHAPTER 475

An Act to amend and reenact § 22.1-3.4 of the Code of Virginia, relating to school enrollment; students formerly in foster care.

[S 275]

Approved March 25, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-3.4 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-3.4. Enrollment of certain children placed in foster care.

A. Whenever a student has been placed in foster care by a local social services agency and the placing social services agency is unable to produce any of the documents required for enrollment pursuant to § 22.1-3.1, 22.1-270, or 22.1-271.2, the student shall immediately be enrolled; however, the person enrolling the student shall provide a written statement that, to the best of his knowledge, sets forth (i) the student's age, (ii) compliance with the requirements of § 22.1-3.2, and (iii) that the student is in good health and is free from communicable or contagious disease.

B. The sending and receiving school divisions shall cooperate in facilitating the enrollment of any child placed in foster care across jurisdictional lines for the purpose of enhancing continuity of instruction. The child shall be allowed to continue to attend the school in which he was enrolled prior to the most recent foster care placement, upon the joint

determination of the placing social services agency and the local school division that such attendance is in the best interest of the child.

C. In the event the student continues to attend the school in which he was enrolled prior to the most recent foster care placement, the receiving school division shall be accorded foster children education payments pursuant to § 22.1-101.1; further, the receiving school division may enter into financial arrangements with the sending school division pursuant to subsection C of § 22.1-5. Under no circumstances shall a child placed in foster care be charged tuition regardless of whether such child is attending the school in which he was enrolled prior to the most recent foster care placement or attending a school in the receiving school division.

D. For the purposes of subsections A, B, and C:

"A child or student placed in foster care" means a pupil who is the subject of a foster care placement through an entrustment or commitment of such child to the local social services board or licensed child-placing agency pursuant to clause (ii) of the definition of "foster care placement" as set forth in § 63.2-100.

For the purposes of this section:

"Receiving school division" means the school division in which the residence of the student's foster care placement is located.

"Sending school division" means the school division in which the student last attended school.

E. Notwithstanding the provisions of subsections A, B, and C or § 22.1-3 or 22.1-5, no person of school age who is the subject of a foster care placement, as such term is defined in § 63.2-100, shall be charged tuition.

F. The provisions of this section shall apply to any student who was in foster care upon reaching 18 years of age but who has not yet reached 22 years of age.

CHAPTER 476

An Act to amend and reenact § 22.1-274.2 of the Code of Virginia, relating to school board policies; epinephrine; accessibility.

[H 999]

Approved March 25, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-274.2 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-274.2. Possession and self-administration of inhaled asthma medications and epinephrine by certain students or school board employees.

A. Local school boards shall develop and implement policies permitting a student with a diagnosis of asthma or anaphylaxis, or both, to possess and self-administer inhaled asthma medications or auto-injectable epinephrine, or both, as the case may be, during the school day, at school-sponsored activities, or while on a school bus or other school property. Such policies shall include, but not be limited to, provisions for:

1. Written consent of the parent, as defined in § 22.1-1, of a student with a diagnosis of asthma or anaphylaxis, or both, that the student may self-administer inhaled asthma medications or auto-injectable epinephrine, or both, as the case may be.

2. Written notice from the student's primary care provider or medical specialist, or a licensed physician or licensed nurse practitioner that (i) identifies the student; (ii) states that the student has a diagnosis of asthma or anaphylaxis, or both, and has approval to self-administer inhaled asthma medications or auto-injectable epinephrine, or both, as the case may be, that have been prescribed or authorized for the student; (iii) specifies the name and dosage of the medication, the frequency in which it is to be administered and certain circumstances which may warrant the use of inhaled asthma medications or auto-injectable epinephrine, such as before exercising or engaging in physical activity to prevent the onset of asthma symptoms or to alleviate asthma symptoms after the onset of an asthma episode; and (iv) attests to the student's demonstrated ability to safely and effectively self-administer inhaled asthma medications or auto-injectable epinephrine, or both, as the case may be.

3. Development of an individualized health care plan, including emergency procedures for any life-threatening conditions.

4. Consultation with the student's parent before any limitations or restrictions are imposed upon a student's possession and self-administration of inhaled asthma medications and auto-injectable epinephrine, and before the permission to possess and self-administer inhaled asthma medications and auto-injectable epinephrine at any point during the school year is revoked.

5. Self-administration of inhaled asthma medications and auto-injectable epinephrine to be consistent with the purposes of the Virginia School Health Guidelines and the Guidelines for Specialized Health Care Procedure Manuals, which are jointly issued by the Department of Education and the Department of Health.

6. Disclosure or dissemination of information pertaining to the health condition of a student to school board employees to comply with §§ 22.1-287 and 22.1-289 and the federal Family Education Rights and Privacy Act of 1974, as amended, 20 U.S.C. § 1232g, which govern the disclosure and dissemination of information contained in student scholastic records.

B. The permission granted a student with a diagnosis of asthma or anaphylaxis, or both, to possess and self-administer inhaled asthma medications or auto-injectable epinephrine, or both, shall be effective for one school year. Permission to

possess and self-administer such medications shall be renewed annually. For the purposes of this section, "one school year" means 365 calendar days.

C. ~~By the beginning of the 2013-2014 school year, local~~ Local school boards shall adopt and implement policies for the possession and administration of epinephrine in every school, to be administered by any school nurse, employee of the school board, employee of a local governing body, or employee of a local health department who is authorized by a prescriber and trained in the administration of epinephrine to any student believed to be having an anaphylactic reaction. *Such policies shall require that at least one school nurse, employee of the school board, employee of a local governing body, or employee of a local health department who is authorized by a prescriber and trained in the administration of epinephrine has the means to access at all times during regular school hours any such epinephrine that is stored in a locked or otherwise generally inaccessible container or area.*

CHAPTER 477

An Act to amend and reenact §§ 36-96.1 through 36-96.3 of the Code of Virginia, relating to the Virginia Fair Housing Law; unlawful discriminatory housing practices.

[H 6]

Approved March 27, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 36-96.1 through 36-96.3 of the Code of Virginia are amended and reenacted as follows:

§ 36-96.1. Declaration of policy.

A. This chapter shall be known and referred to as the Virginia Fair Housing Law.

B. It is the policy of the Commonwealth of Virginia to provide for fair housing throughout the Commonwealth; to all its citizens, regardless of race, color, religion, national origin, sex, elderliness, familial status, *source of funds*, or handicap, and to that end to prohibit discriminatory practices with respect to residential housing by any person or group of persons; in order that the peace, health, safety, prosperity, and general welfare of all the inhabitants of the Commonwealth may be protected and ~~insured~~ *ensured*. This law shall be deemed an exercise of the police power of the Commonwealth of Virginia for the protection of the people of the Commonwealth.

§ 36-96.1:1. Definitions.

For the purposes of this chapter, unless the context clearly indicates otherwise:

"Aggrieved person" means any person who (i) claims to have been injured by a discriminatory housing practice or (ii) believes that such person will be injured by a discriminatory housing practice that is about to occur.

"Assistance animal" means an animal that works, provides assistance, or performs tasks for the benefit of a person with a disability, or provides emotional support that alleviates one or more identified symptoms or effects of a person's disability. Assistance animals perform many disability-related functions, including guiding individuals who are blind or have low vision, alerting individuals who are deaf or hard of hearing to sounds, providing protection or rescue assistance, pulling a wheelchair, fetching items, alerting persons to impending seizures, or providing emotional support to persons with disabilities who have a disability-related need for such support. An assistance animal is not required to be individually trained or certified. While dogs are the most common type of assistance animal, other animals can also be assistance animals. An assistance animal is not a pet.

"Complainant" means a person, including the Fair Housing Board, who files a complaint under § 36-96.9.

"Conciliation" means the attempted resolution of issues raised by a complainant, or by the investigation of such complaint, through informal negotiations involving the aggrieved person, the respondent, their respective authorized representatives and the Fair Housing Board.

"Conciliation agreement" means a written agreement setting forth the resolution of the issues in conciliation.

"Discriminatory housing practices" means an act that is unlawful under § 36-96.3, 36-96.4, 36-96.5, or 36-96.6.

"Dwelling" means any building, structure, or portion thereof, that is occupied as, or designated or intended for occupancy as, a residence by one or more families, and any vacant land that is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.

"Elderliness" means an individual who has attained his fifty-fifth birthday.

"Familial status" means one or more individuals who have not attained the age of 18 years being domiciled with (i) a parent or other person having legal custody of such individual or individuals or (ii) the designee of such parent or other person having custody with the written permission of such parent or other person. The term "familial status" also includes any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of 18 years. For purposes of this section, "in the process of securing legal custody" means having filed an appropriate petition to obtain legal custody of such minor in a court of competent jurisdiction.

"Family" includes a single individual, whether male or female.

"Handicap" means, with respect to a person, (i) a physical or mental impairment that substantially limits one or more of such person's major life activities; (ii) a record of having such an impairment; or (iii) being regarded as having such an impairment. The term does not include current, illegal use of or addiction to a controlled substance as defined in Virginia or federal law. For the purposes of this chapter, the terms "handicap" and "disability" shall be interchangeable.

"Lending institution" includes any bank, savings institution, credit union, insurance company or mortgage lender.

"Major life activities" means, but shall not be limited to, any the following functions: caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

"Person" means one or more individuals, whether male or female, corporations, partnerships, associations, labor organizations, fair housing organizations, civil rights organizations, organizations, governmental entities, legal representatives, mutual companies, joint stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers and fiduciaries.

"Physical or mental impairment" means, but shall not be limited to, any of the following: (i) any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; or endocrine or (ii) any mental or psychological disorder, such as an intellectual or developmental disability, organic brain syndrome, emotional or mental illness, or specific learning disability. "Physical or mental impairment" includes such diseases and conditions as orthopedic, visual, speech, and hearing impairments; cerebral palsy; autism; epilepsy; muscular dystrophy; multiple sclerosis; cancer; heart disease; diabetes; human immunodeficiency virus infection; intellectual and developmental disabilities; emotional illness; drug addiction other than addiction caused by current, illegal use of a controlled substance; and alcoholism.

"Respondent" means any person or other entity alleged to have violated the provisions of this chapter, as stated in a complaint filed under the provisions of this chapter and any other person joined pursuant to the provisions of § 36-96.9.

"Restrictive covenant" means any specification in any instrument affecting title to real property that purports to limit the use, occupancy, transfer, rental, or lease of any dwelling because of race, color, religion, national origin, sex, elderliness, familial status, or handicap.

"Source of funds" means any source that lawfully provides funds to or on behalf of a renter or buyer of housing, including any assistance, benefit, or subsidy program, whether such program is administered by a governmental or nongovernmental entity.

"To rent" means to lease, to sublease, to let, or otherwise to grant for consideration the right to occupy premises not owned by the occupant.

§ 36-96.2. Exemptions.

A. Except as provided in subdivision A 3 of § 36-96.3 and subsections A, B, and C of § 36-96.6, this chapter shall not apply to any single-family house sold or rented by an owner, provided that such private individual does not own more than three single-family houses at any one time. In the case of the sale of any single-family house by a private individual-owner not residing in the house at the time of the sale or who was not the most recent resident of the house prior to sale, the exemption granted shall apply only with respect to one such sale within any 24-month period; provided that such bona fide private individual owner does not own any interest in, nor is there owned or reserved on his behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of, more than three such single-family houses at any one time. The sale or rental of any such single-family house shall be exempt from the application of this chapter only if the house is sold or rented (i) without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent, salesperson, or of the facilities or the services of any person in the business of selling or renting dwellings, or of any employee, independent contractor, or agent of any broker, agent, salesperson, or person and (ii) without the publication, posting, or mailing, after notice, of any advertisement or written notice in violation of this chapter. However, nothing herein shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other professional assistance as necessary to perfect or transfer the title. This exemption shall not apply to or inure to the benefit of any licensee of the Real Estate Board or regulant of the Fair Housing Board, regardless of whether the licensee is acting in his personal or professional capacity.

B. Except for subdivision A 3 of § 36-96.3, this chapter shall not apply to rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence.

C. Nothing in this chapter shall prohibit a religious organization, association or society, or any nonprofit institution or organization operated, supervised, or controlled by or in conjunction with a religious organization, association or society, from limiting the sale, rental, or occupancy of dwellings that it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preferences to such persons, unless membership in such religion is restricted on account of race, color, national origin, sex, elderliness, familial status, or handicap. Nor shall anything in this chapter apply to a private membership club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodging which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members. Nor, where matters of personal privacy are involved, shall anything in this chapter be construed to prohibit any private, state-owned or state-supported educational institution, hospital, nursing home, religious or correctional institution, from requiring that persons of both sexes not occupy any single-family residence or room or unit of dwellings or other buildings, or restrooms in such room or unit in dwellings or other buildings, which it owns or operates.

D. Nothing in this chapter prohibits conduct against a person because such person has been convicted by any court of competent jurisdiction of the illegal manufacture or distribution of a controlled substance as defined in federal law.

E. It shall not be unlawful under this chapter for any owner to deny or limit the rental of housing to persons who pose a clear and present threat of substantial harm to others or to the dwelling itself.

F. A rental application may require disclosure by the applicant of any criminal convictions and the owner or managing agent may require as a condition of acceptance of the rental application that applicant consent in writing to a criminal record check to verify the disclosures made by applicant in the rental application. The owner or managing agent may collect from the applicant moneys to reimburse the owner or managing agent for the exact amount of the out-of-pocket costs for such criminal record checks. Nothing in this chapter shall require an owner or managing agent to rent a dwelling to an individual who, based on a prior record of criminal convictions involving harm to persons or property, would constitute a clear and present threat to the health or safety of other individuals.

G. Nothing in this chapter limits the applicability of any reasonable local, state or federal restriction regarding the maximum number of occupants permitted to occupy a dwelling. Owners or managing agents of dwellings may develop and implement reasonable occupancy and safety standards based on factors such as the number and size of sleeping areas or bedrooms and overall size of a dwelling unit so long as the standards do not violate local, state or federal restrictions. Nothing in this chapter prohibits the rental application or similar document from requiring information concerning the number, ages, sex and familial relationship of the applicants and the dwelling's intended occupants.

H. Nothing in this chapter shall prohibit an owner or an owner's managing agent from denying or limiting the rental or occupancy of a rental dwelling unit to a person because of such person's source of funds, provided that such owner does not own more than four rental dwelling units in the Commonwealth at the time of the alleged discriminatory housing practice. However, if an owner, whether individually or through a business entity, owns more than a 10 percent interest in more than four rental dwelling units in the Commonwealth at the time of the alleged discriminatory housing practice, the exemption provided in this subsection shall not apply.

I. It shall not be unlawful under this chapter for an owner or an owner's managing agent to deny or limit a person's rental or occupancy of a rental dwelling unit based on the person's source of funds for that unit if such source is not approved within 15 days of the person's submission of the request for tenancy approval.

§ 36-96.3. Unlawful discriminatory housing practices.

A. It shall be an unlawful discriminatory housing practice for any person to:

1. ~~To refuse~~ *Refuse* to sell or rent after the making of a bona fide offer or ~~to~~ refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, national origin, sex, elderliness, *source of funds*, or familial status;

2. ~~To discriminate~~ *Discriminate* against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in the connection therewith to any person because of race, color, religion, national origin, sex, elderliness, *source of funds*, or familial status;

3. ~~To make~~ *Make*, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination or an intention to make any such preference, limitation, or discrimination based on race, color, religion, national origin, sex, elderliness, familial status, *source of funds*, or handicap. The use of words or symbols associated with a particular religion, national origin, sex, or race shall be prima facie evidence of an illegal preference under this chapter ~~which~~ *that* shall not be overcome by a general disclaimer. However, reference alone to places of worship, including; ~~but not limited to~~; churches, synagogues, temples, or mosques, in any such notice, statement, or advertisement shall not be prima facie evidence of an illegal preference;

4. ~~To represent~~ *Represent* to any person because of race, color, religion, national origin, sex, elderliness, familial status, *source of funds*, or handicap that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available;

5. ~~To deny~~ *Deny* any person access to membership in or participation in any multiple listing service, real estate brokers' organization, or other service, organization, or facility relating to the business of selling or renting dwellings; or ~~to~~ discriminate against such person in the terms or conditions of such access, membership, or participation because of race, color, religion, national origin, sex, elderliness, familial status, *source of funds*, or handicap;

6. ~~To include~~ *Include* in any transfer, sale, rental, or lease of housing; any restrictive covenant that discriminates because of race, color, religion, national origin, sex, elderliness, familial status, *source of funds*, or handicap or for any person to honor or exercise, or attempt to honor or exercise, any such discriminatory covenant pertaining to housing;

7. ~~To induce~~ *Induce* or attempt to induce to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, national origin, sex, elderliness, familial status, *source of funds*, or handicap;

8. ~~To refuse~~ *Refuse* to sell or rent, or refuse to negotiate for the sale or rental of, or otherwise discriminate or make unavailable or deny a dwelling because of a handicap of (i) the buyer or renter; (ii) a person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or (iii) any person associated with the buyer or renter; *or*

9. ~~To discriminate~~ *Discriminate* against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of a handicap of (i) that person; (ii) a person residing in or intending to reside in that dwelling after it was so sold, rented, or made available; or (iii) any person associated with that buyer or renter.

B. For the purposes of this section, discrimination includes: (i) a refusal to permit, at the expense of the handicapped person, reasonable modifications of existing premises occupied or to be occupied by any person if such modifications may be necessary to afford such person full enjoyment of the premises; except that, in the case of a rental, the landlord may, where it is reasonable to do so, condition permission for a modification on the renter's agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted; (ii) a refusal to make reasonable accommodations in rules, practices, policies, or services when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling; or (iii) in connection with the design and construction of covered multi-family dwellings for first occupancy after March 13, 1991, a failure to design and construct dwellings in such a manner that:

1. The public use and common use areas of the dwellings are readily accessible to and usable by handicapped persons;
2. All the doors designed to allow passage into and within all premises are sufficiently wide to allow passage by handicapped persons in wheelchairs; and
3. All premises within covered multi-family dwelling units contain an accessible route into and through the dwelling; light switches, electrical outlets, thermostats, and other environmental controls are in accessible locations; there are reinforcements in the bathroom walls to allow later installation of grab bars; and there are usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space. As used in this subdivision, the term "covered multi-family dwellings" means buildings consisting of four or more units if such buildings have one or more elevators and ground floor units in other buildings consisting of four or more units.

C. Compliance with the appropriate requirements of the American National Standards for Building and Facilities (commonly cited as "ANSI A117.1") or with any other standards adopted as part of regulations promulgated by HUD providing accessibility and usability for physically handicapped people shall be deemed to satisfy the requirements of subdivision B 3.

D. Nothing in this chapter shall be construed to invalidate or limit any Virginia law or regulation ~~which~~ *that* requires dwellings to be designed and constructed in a manner that affords handicapped persons greater access than is required by this chapter.

CHAPTER 478

An Act to amend and reenact § 46.2-1315 of the Code of Virginia, relating to local regulation of certain transportation companies.

[H 465]

Approved March 27, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-1315 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-1315. Powers of localities to regulate use of motorized skateboards or scooters, bicycles, or electric power-assisted bicycles for hire.

A. Any county, city, town, or political subdivision may (i) by ordinance regulate or (ii) by any governing body action or administrative action establish a demonstration project or pilot program regulating the operation of motorized skateboards or scooters, bicycles, or electric power-assisted bicycles for hire, provided that such regulation or other governing body or administrative action is consistent with this title. Such ordinance or other governing body or administrative action may require persons offering motorized skateboards or scooters, bicycles, or electric power-assisted bicycles for hire to be licensed, provided that on or after ~~January~~ *October* 1, 2020, in the absence of any licensing ordinance, regulation, or other action, a person may offer motorized skateboards or scooters, bicycles, or electric power-assisted bicycles for hire.

B. *The provisions of this section shall not be construed to limit the authority of any locality (i) as authorized by any other provision of law or (ii) to first enact, revise, or amend any ordinance or action created pursuant to subsection A prior to or subsequent to a person offering motorized skateboards or scooters, bicycles, or electric power-assisted bicycles for hire in the locality.*

2. That any person who offers motorized skateboards or scooters, bicycles, or electric power-assisted bicycles for hire in any locality that has not enacted any licensing ordinance, regulation, or other action regulating such business on or after January 1, 2020, and prior to the effective date of this act may continue to operate in such locality and shall be subject to any subsequent regulations.

3. That an emergency exists and this act is in force from its passage.

CHAPTER 479

An Act to amend and reenact § 18.2-64.2 of the Code of Virginia, relating to carnal knowledge of pretrial or posttrial offender; bail bondsman; penalty.

[H 557]

Approved March 27, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-64.2 of the Code of Virginia is amended and reenacted as follows:

§ 18.2-64.2. Carnal knowledge of an inmate, parolee, probationer, detainee, or pretrial or posttrial offender; penalty.

An accused is guilty of carnal knowledge of an inmate, parolee, probationer, detainee, or pretrial defendant or posttrial offender if he is an employee or contractual employee of, or a volunteer with, a state or local correctional facility or regional jail, the Department of Corrections, the Department of Juvenile Justice, a secure facility or detention home, as defined in § 16.1-228, a state or local court services unit, as defined in § 16.1-235, a local community-based probation services agency or a pretrial services agency; is in a position of authority over the inmate, probationer, parolee, detainee, or a pretrial defendant or posttrial offender; knows that the inmate, probationer, parolee, detainee, or pretrial defendant or posttrial offender is under the jurisdiction of the state or local correctional facility, a regional jail, the Department of Corrections, the Department of Juvenile Justice, a secure facility or detention home, as defined in § 16.1-228, a state or local court services unit, as defined in § 16.1-235, a local community-based probation services agency, or a pretrial services agency; and carnally knows, without the use of force, threat or intimidation (i) an inmate who has been committed to jail or convicted and sentenced to confinement in a state or local correctional facility or regional jail or (ii) a probationer, parolee, detainee, or a pretrial defendant or posttrial offender under the jurisdiction of the Department of Corrections, the Department of Juvenile Justice, a secure facility or detention home, as defined in § 16.1-228, a state or local court services unit, as defined in § 16.1-235, a local community-based probation services agency, a pretrial services agency, a local or regional jail for the purposes of imprisonment, a work program or any other parole/probationary or pretrial services program or agency. Such offense is a Class 6 felony.

An accused is guilty of carnal knowledge of a pretrial defendant or posttrial offender if he (a) is an owner or employee of the bail bond company that posted the pretrial defendant's or posttrial offender's bond, (b) has the authority to revoke the pretrial defendant's or posttrial offender's bond, and (c) carnally knows, without use of force, threat, or intimidation, a pretrial defendant or posttrial offender. Such offense is a Class 4 ~~misdemeanor~~ 6 felony.

For the purposes of this section, "carnal knowledge" includes the acts of sexual intercourse, cunnilingus, fellatio, anilingus, anal intercourse and animate or inanimate object sexual penetration.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 854 of the Acts of Assembly of 2019 requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation is \$0 for periods of commitment to the custody of the Department of Juvenile Justice.

CHAPTER 480

An Act to amend the Code of Virginia by adding a section numbered 16.1-247.1, relating to custodial interrogation of a child; parental notification and contact.

[H 746]

Approved March 27, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 16.1-247.1 as follows:

§ 16.1-247.1. Custodial interrogation of a child; parental notification and contact.

A. Prior to any custodial interrogation of a child by a law-enforcement officer who has arrested such child pursuant to subsection C, C1, or D of § 16.1-246, the child's parent, guardian, or legal custodian shall be notified of his arrest and the child shall have contact with his parent, guardian, or legal custodian. The notification and contact required by this subsection may be in person, electronically, by telephone, or by video conference.

B. Notwithstanding the provisions of subsection A, a custodial interrogation may be conducted if (i) the child's parent, guardian, or legal custodian is a codefendant in the alleged offense; (ii) the child's parent, guardian, or legal custodian has been arrested for, has been charged with, or is being investigated for a crime against the child; (iii) if, after every reasonable effort has been made to comply with subsection A, the child's parent, guardian, or legal custodian cannot be located or refuses contact with the child; or (iv) if the law-enforcement officer conducting the custodial interrogation reasonably believes the information sought is necessary to protect life, limb, or property from an imminent danger and the law-enforcement officer's questions are limited to those that are reasonably necessary to obtain such information.

CHAPTER 481

An Act to amend and reenact § 59.1-200 of the Code of Virginia and to amend the Code of Virginia by adding in Title 54.1 a chapter numbered 5.2, consisting of sections numbered 54.1-519 through 54.1-535, relating to the Department of Professional and Occupational Regulation; registration of athlete agents; penalty; civil penalty.

[H 832]

Approved March 27, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 59.1-200 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Title 54.1 a chapter numbered 5.2, consisting of sections numbered 54.1-519 through 54.1-535, as follows:

CHAPTER 5.2.

ATHLETE AGENTS.

§ 54.1-519. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Agency contract" means an agreement in which a student-athlete authorizes a person to negotiate or solicit on behalf of the student-athlete a professional sports services contract or endorsement contract.

"Athlete agent" means an individual, whether or not registered under this chapter, who (i) directly or indirectly recruits or solicits a student-athlete to enter into an agency contract or, for compensation, procures employment or offers, promises, attempts, or negotiates to obtain employment for a student-athlete as a professional athlete or member of a professional sports team or organization; (ii) for compensation or in anticipation of compensation related to a student-athlete's participation in athletics (a) serves the student-athlete in an advisory capacity on a matter related to finances, business pursuits, or career management decisions, unless the individual is an employee of an educational institution acting exclusively as an employee of the institution for the benefit of the institution, or (b) manages the business affairs of the student-athlete by providing assistance with bills, payments, contracts, or taxes; or (iii) in anticipation of representing a student-athlete for a purpose related to the student-athlete's participation in athletics (a) gives consideration to the student-athlete or another person, (b) serves the student-athlete in an advisory capacity on a matter related to finances, business pursuits, or career management decisions, or (c) manages the business affairs of the student-athlete by providing assistance with bills, payments, contracts, or taxes. "Athlete agent" does not include an individual who (a) acts solely on behalf of a professional sports team or organization or (b) is a licensed, registered, or certified professional and offers or provides services to a student-athlete customarily provided by members of the profession, unless the individual (1) also recruits or solicits the student-athlete to enter into an agency contract, (2) also, for compensation, procures employment or offers, promises, attempts, or negotiates to obtain employment for the student-athlete as a professional athlete or member of a professional sports team or organization, or (3) receives consideration for providing the services calculated using a different method than for an individual who is not a student-athlete.

"Athletic director" means the individual responsible for administering the overall athletic program of an educational institution or, if an educational institution has separately administered athletic programs for male students and female students, the athletic program for males or the athletic program for females, as appropriate.

"Director" means the Director of the Department of Professional and Occupational Regulation.

"Educational institution" means a public or private (i) elementary school, (ii) secondary school, (iii) technical or vocational school, (iv) community college, or (v) institution of higher education.

"Endorsement contract" means an agreement under which a student-athlete is employed or receives consideration to use on behalf of the other party any value that the student-athlete may have because of publicity, reputation, following, or fame obtained because of athletic ability or performance.

"Enrolled" or "enrolls" means registered for courses and attending athletic practice or class.

"Intercollegiate sport" means a sport played at the collegiate level for which eligibility requirements for participation by a student-athlete are established by a national association that promotes or regulates collegiate athletics.

"Interscholastic sport" means a sport played between educational institutions that are not community colleges or institutions of higher education.

"Licensed, registered, or certified professional" means an individual, other than an athlete agent, who is licensed, registered, or certified as an attorney, dealer in securities, financial planner, insurance agent, real estate broker or sales agent, tax consultant, accountant, or member of a profession by the Commonwealth or a nationally recognized organization that licenses, registers, or certifies members of the profession on the basis of experience, education, or testing.

"Person" means an individual, estate, business or nonprofit entity, public corporation, government or governmental subdivision, agency, or instrumentality or other legal entity.

"Professional sports services contract" means an agreement under which an individual is employed as a professional athlete or agrees to render services as a player on a professional sports team or with a professional sports organization.

"Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

"Recruit or solicit" means an attempt to influence the choice of an athlete agent by a student-athlete or, if the student-athlete is a minor, a parent or guardian of the student-athlete. "Recruit or solicit" does not include giving advice on

the selection of a particular agent in a family, coaching, or social situation unless the individual giving the advice does so because of the receipt or anticipated receipt of an economic benefit, directly or indirectly, from the agent.

"Registration" means registration as an athlete agent.

"Sign" means, with present intent to authenticate or adopt a record, (i) to execute or adopt a tangible symbol or (ii) to attach to or logically associate with the record an electronic symbol, sound, or process.

"State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

"Student-athlete" means an individual who is eligible to attend an educational institution and engages in, is eligible to engage in, or may be eligible in the future to engage in any interscholastic or intercollegiate sport. "Student-athlete" does not include, for a particular interscholastic or intercollegiate sport, an individual permanently ineligible to participate in that sport.

§ 54.1-520. Authority; procedure.

A. The Director shall administer and enforce the provisions of this chapter. In addition to the powers and duties otherwise authorized by law, the Director shall have the powers and duties of a regulatory board authorized by § 54.1-202 that are consistent with this chapter and shall have the power and duty to (i) promulgate such regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) as are necessary to implement this chapter, (ii) charge each applicant for registration or renewal of registration a nonrefundable fee subject to the provisions of § 54.1-113, and (iii) issue cease and desist orders and otherwise seek to prevent continuing violations of this chapter.

B. This chapter, and any existing relevant regulations that are consistent with this chapter, shall govern the regulation of athlete agents in the Commonwealth unless and until the Director promulgates new or revised regulations pursuant to subsection A.

C. By acting as an athlete agent in the Commonwealth, a nonresident individual appoints the Secretary of the Commonwealth as the individual's agent for service of process in any civil action in the Commonwealth related to the individual acting as an athlete agent in the Commonwealth.

D. The Director may issue a subpoena for material that is relevant to the administration of this chapter.

§ 54.1-521. Athlete agent; registration required; void contract.

A. Except as otherwise provided in subsection B, an individual may not act as an athlete agent in the Commonwealth without holding a valid certificate of registration under this chapter.

B. Before being issued a certificate of registration under this chapter, an individual may act as an athlete agent in the Commonwealth for all purposes except signing an agency contract if (i) a student-athlete or another person acting on behalf of the student-athlete initiates communication with the individual and (ii) not later than seven days after an initial act that requires the individual to register as an athlete agent under this chapter, the individual submits an application for registration as an athlete agent in the Commonwealth.

C. An agency contract resulting from conduct in violation of this section is void, and the athlete agent shall return any consideration received under the contract.

§ 54.1-522. Registration as athlete agent; application; requirements; reciprocal registration; penalty.

A. An applicant for registration as an athlete agent shall submit an application for registration to the Director in a form prescribed by the Director. The applicant shall be an individual, and the application shall be signed by the applicant under penalty of perjury and shall contain at least the following:

1. The name and date and place of birth of the applicant and the following contact information for the applicant: (i) the address of the applicant's principal place of business; (ii) work and mobile telephone numbers; and (iii) any means of communicating electronically, including a facsimile number, email address, and personal and business or employer websites;

2. The name of the applicant's business or employer, if applicable, including for each business or employer, its mailing address, telephone number, organization form, and the nature of the business;

3. Each social media account with which the applicant or the applicant's business or employer is affiliated;

4. Each business or occupation in which the applicant engaged within five years before the date of the application, including self-employment and employment by others, and any professional or occupational license, registration, or certification held by the applicant during that time;

5. A description of the applicant's (i) formal training as an athlete agent, (ii) practical experience as an athlete agent, and (iii) educational background relating to the applicant's activities as an athlete agent;

6. The name of each student-athlete for whom the applicant acted as an athlete agent within five years before the date of the application or, if the student-athlete is a minor, the name of the parent or guardian of the student-athlete, together with the student-athlete's sport and last known team;

7. The name and address of each person that (i) is a partner, member, officer, manager, associate, or profit sharer or directly or indirectly holds an equity interest of five percent or greater of the athlete agent's business if it is not a corporation and (ii) is an officer or director of a corporation employing the athlete agent or a shareholder having an interest of five percent or greater in the corporation;

8. A description of the status of any application by the applicant, or any person named under subdivision 7, for a state or federal business, professional, or occupational license, other than as an athlete agent, from a state or federal agency,

including any denial, refusal to renew, suspension, withdrawal, or termination of the license and any reprimand or censure related to the license;

9. Whether the applicant, or any person named under subdivision 7, has pleaded guilty or no contest to, has been convicted of, or has charges pending for a crime that would involve moral turpitude or be a felony if committed in the Commonwealth and, if so, identification of (i) the crime, (ii) the law-enforcement agency involved, and (iii) if applicable, the date of the conviction and the fine or penalty imposed;

10. Whether, within 15 years before the date of application, the applicant, or any person named under subdivision 7, has been a defendant or respondent in a civil proceeding, including a proceeding seeking an adjudication of legal incompetence, and, if so, the date and a full explanation of each proceeding;

11. Whether the applicant, or any person named under subdivision 7, has an unsatisfied judgment or a judgment of continuing effect, including alimony or a domestic order in the nature of child support, which is not current at the date of the application;

12. Whether, within 10 years before the date of application, the applicant, or any person named under subdivision 7, was adjudicated bankrupt or was an owner of a business that was adjudicated bankrupt;

13. Whether there has been any administrative or judicial determination that the applicant, or any person named under subdivision 7, made a false, misleading, deceptive, or fraudulent representation;

14. Each instance in which conduct of the applicant, or any person named under subdivision 7, resulted in the imposition of a sanction, suspension, or declaration of ineligibility to participate in an interscholastic or intercollegiate athletic event of a student-athlete or a sanction on an educational institution;

15. Each sanction, suspension, or disciplinary action taken against the applicant, or any person named under subdivision 7, arising out of occupational or professional conduct;

16. Whether there has been a denial of an application for, suspension or revocation of, refusal to renew, or abandonment of, the registration of the applicant, or any person named under subdivision 7, as an athlete agent in any state;

17. Each state in which the applicant currently is registered as an athlete agent or has applied to be registered as an athlete agent;

18. If the applicant is certified or registered by a professional league or players association, (i) the name of the league or association; (ii) the date of certification or registration and the date of expiration of the certification or registration, if any; and (iii) if applicable, the date of any denial of an application for, suspension or revocation of, refusal to renew, withdrawal of, or termination of the certification or registration or any reprimand or censure related to the certification or registration;

19. Whether the applicant is seeking an annual or two-year license; and

20. Any additional information required by the Director.

B. Instead of proceeding under subsection A, an individual registered as an athlete agent in another state may apply for registration as an athlete agent in the Commonwealth by submitting to the Director (i) a copy of the application for registration in the other state; (ii) a statement that identifies any material change in the information on that application or verifies there is no material change in the information, signed under penalty of perjury; and (iii) a copy of the certificate of registration from the other state.

C. The Director shall issue a certificate of registration to an individual who applies for registration under subsection B if the Director determines that (i) the application and registration requirements of the other state are substantially similar to or more restrictive than the requirements in this chapter and (ii) the registration has not been revoked or suspended and no action involving the individual's conduct as an athlete agent is pending against the individual or the individual's registration in any state.

D. For purposes of implementing subsection C, the Director shall (i) cooperate with national organizations concerned with athlete agent issues and agencies in other states that register athlete agents to develop a common registration form and determine which states have laws that are substantially similar to or more restrictive than this chapter and (ii) exchange information, including information related to actions taken against registered athlete agents or their registrations, with those organizations and agencies.

§ 54.1-523. Certificate of registration; issuance or denials; renewal.

A. Except as otherwise provided in subsection B, the Director shall issue a certificate of registration to an applicant for registration who complies with subsection A of § 54.1-522.

B. The Director may refuse to issue a certificate of registration to an applicant for registration under subsection A of § 54.1-522 if the Director determines that the applicant has engaged in conduct that significantly adversely reflects on the applicant's fitness to act as an athlete agent. In making the determination, the Director may consider whether the applicant has (i) pleaded guilty or no contest to, has been convicted of, or has charges pending for a crime that would involve moral turpitude or be a felony if committed in the Commonwealth; (ii) made a materially false, misleading, deceptive, or fraudulent representation in the application or as an athlete agent; (iii) engaged in conduct that would disqualify the applicant from serving in a fiduciary capacity; (iv) engaged in conduct prohibited by § 54.1-531; (v) had a registration as an athlete agent suspended, revoked, or denied in any state; (vi) been refused renewal of registration as an athlete agent in any state; (vii) engaged in conduct resulting in imposition of a sanction, suspension, or declaration of ineligibility to participate in an interscholastic or intercollegiate athletic event of a student-athlete or a sanction on an educational institution; or (viii) engaged in conduct that adversely reflects on the applicant's credibility, honesty, or integrity.

C. In making a determination under subsection B, the Director shall consider (i) how recently the conduct occurred, (ii) the nature of the conduct and the context in which it occurred, and (iii) other relevant conduct of the applicant.

D. An athlete agent registered under subsection A may apply to renew the registration by submitting an application for renewal in a form prescribed by the Director. The applicant shall sign the application for renewal under penalty of perjury and include current information on all matters required in an original application for registration.

E. An athlete agent registered under subsection C of § 54.1-522 may renew the registration by proceeding under subsection D or, if the registration in the other state has been renewed, by submitting to the Director copies of the application for renewal in the other state and the renewed registration from the other state. The Director shall renew the registration if the Director determines (i) the registration requirements of the other state are substantially similar to or more restrictive than the requirements in this chapter and (ii) the renewed registration has not been suspended or revoked and no action involving the individual's conduct as an athlete agent is pending against the individual or the individual's registration in any state.

F. A certificate of registration or renewal of registration under this chapter is valid for one or two years, as indicated in the applicant's application.

§ 54.1-524. Suspension, revocation, or refusal to renew registration.

A. The Director may limit, suspend, revoke, or refuse to renew a registration of an individual registered under subsection A of § 54.1-523 for conduct that would have justified refusal to issue a certificate of registration under subsection B of § 54.1-523.

B. The Director may suspend or revoke the registration of an individual registered under subsection C of § 54.1-522 or renewed under subsection E of § 54.1-523 for any reason for which the Director could have refused to grant or renew registration or for conduct that would justify refusal to issue a certificate of registration under subsection B of § 54.1-523.

§ 54.1-525. Temporary registration.

The Director may issue a temporary certificate of registration as an athlete agent while an application for registration or renewal of registration is pending.

§ 54.1-526. Registration and renewal fees.

An application for registration or renewal of registration as an athlete agent shall be accompanied by a nonrefundable fee for each of the following: (i) an initial application for registration, (ii) an application for registration based on a certificate of registration or its equivalent issued by another state, (iii) an application for renewal of registration, and (iv) an application for renewal of registration based on a renewal of registration or its equivalent in another state.

That fee shall be:

1. For a one-year registration or renewal, in the amount of \$700;
2. For a two-year registration or renewal, in the amount of \$1,150; or
3. For the fee set forth in subdivision 1 or 2, or both, of this section, a higher or lower fee that the Director determines by regulation is necessary and consistent with § 54.1-113.

§ 54.1-527. Required form of agency contract.

A. An agency contract shall be in a record signed by the parties.

B. An agency contract shall contain:

1. A statement that the athlete agent is registered as an athlete agent in the Commonwealth and a list of any other states in which the agent is registered as an athlete agent;
2. The amount and method of calculating the consideration to be paid by the student-athlete for services to be provided by the agent under the contract and any other consideration the agent has received or will receive from any other source for entering into the contract or providing the services;
3. The name of any person not listed in the agent's application for registration or renewal of registration which will be compensated because the student-athlete signed the contract;
4. A description of any expenses the student-athlete agrees to reimburse;
5. A description of the services to be provided to the student-athlete;
6. The duration of the contract; and
7. The date of execution.

C. Subject to subsection G, an agency contract shall contain a conspicuous notice in boldface type and in substantially the following form:

"WARNING TO STUDENT-ATHLETE

IF YOU SIGN THIS CONTRACT:

- (1) YOU MAY LOSE YOUR ELIGIBILITY TO COMPETE AS A STUDENT-ATHLETE IN YOUR SPORT;
- (2) IF YOUR EDUCATIONAL INSTITUTION HAS AN ATHLETIC DIRECTOR, WITHIN 72 HOURS OF SIGNING THIS CONTRACT OR BEFORE THE NEXT SCHEDULED ATHLETIC EVENT IN WHICH YOU PARTICIPATE, WHICHEVER OCCURS FIRST, BOTH YOU AND YOUR ATHLETE AGENT MUST NOTIFY YOUR ATHLETIC DIRECTOR THAT YOU HAVE ENTERED INTO THIS CONTRACT AND PROVIDE THE NAME AND CONTACT INFORMATION OF THE ATHLETE AGENT; AND
- (3) YOU MAY CANCEL THIS CONTRACT WITHIN 14 DAYS. HOWEVER, CANCELLATION OF THIS CONTRACT DOES NOT GUARANTEE REINSTATEMENT OF YOUR ELIGIBILITY AS A STUDENT-ATHLETE IN YOUR SPORT."

D. An agency contract shall be accompanied by a separate record signed by the student-athlete or, if the student-athlete is a minor, the parent or guardian of the student-athlete acknowledging that signing the contract may result in the loss of the student-athlete's eligibility to participate in the student-athlete's sport.

E. A student-athlete or, if the student-athlete is a minor, the parent or guardian of the student-athlete may void an agency contract that does not conform to this section. If the contract is voided, any consideration received from the athlete agent under the contract to induce entering into the contract is not required to be returned.

F. At the time an agency contract is executed, the athlete agent shall give the student-athlete or, if the student-athlete is a minor, the parent or guardian of the student-athlete a copy in a record of the contract and the separate acknowledgement required by subsection D.

G. If a student-athlete is a minor, an agency contract shall be signed by the parent or guardian of the student-athlete and the notice required by subsection C shall be revised accordingly.

§ 54.1-528. Notice to educational institution.

A. For purposes of this section, "communication or attempt to communicate" or any variation thereof means contacting or attempting to contact by an in-person meeting, a record, or any other method that conveys or attempts to convey a message.

B. Not later than 72 hours after entering into an agency contract or before the next scheduled athletic event in which the student-athlete may participate, whichever occurs first, the athlete agent shall give notice in a record of the existence of the contract to the athletic director of the educational institution at which the student-athlete is enrolled or at which the agent has reasonable grounds to believe the student-athlete intends to enroll.

C. Not later than 72 hours after entering into an agency contract or before the next scheduled athletic event in which the student-athlete may participate, whichever occurs first, the student-athlete shall inform the athletic director of the educational institution at which the student-athlete is enrolled that the student-athlete has entered into an agency contract and the name and contact information of the athlete agent.

D. If an athlete agent enters into an agency contract with a student-athlete and the student-athlete subsequently enrolls at an educational institution, the agent shall notify the athletic director of the institution of the existence of the contract not later than 72 hours after the agent knew or should have known the student-athlete enrolled.

E. If an athlete agent has a relationship with a student-athlete before the student-athlete enrolls in an educational institution and receives an athletic scholarship from the institution, the agent shall notify the institution of the relationship not later than 10 days after the enrollment if the agent knows or should have known of the enrollment and (i) the relationship was motivated in whole or in part by the intention of the agent to recruit or solicit the student-athlete to enter an agency contract in the future or (ii) the agent directly or indirectly recruited or solicited the student-athlete to enter an agency contract before the enrollment.

F. An athlete agent shall give notice in a record to the athletic director of any educational institution at which a student-athlete is enrolled before the agent communicates or attempts to communicate with (i) the student-athlete or, if the student-athlete is a minor, a parent or guardian of the student-athlete to influence the student-athlete or parent or guardian to enter into an agency contract or (ii) another individual to have that individual influence the student-athlete or, if the student-athlete is a minor, the parent or guardian of the student-athlete to enter into an agency contract.

G. If a communication or attempt to communicate with an athlete agent is initiated by a student-athlete or another individual on behalf of the student-athlete, the agent shall notify in a record the athletic director of any educational institution at which the student-athlete is enrolled. The notification shall be made not later than 10 days after the communication or attempt to communicate.

H. An educational institution that becomes aware of a violation of this chapter by an athlete agent shall notify the Director and any professional league or players association with which the institution is aware the agent is licensed or registered of the violation.

§ 54.1-529. Student-athlete's right to cancel.

A. A student-athlete or, if the student-athlete is a minor, the parent or guardian of the student-athlete may cancel an agency contract by giving notice in a record of cancellation to the athlete agent not later than 14 days after the contract is signed.

B. A student-athlete or, if the student-athlete is a minor, the parent or guardian of the student-athlete may not waive the right to cancel an agency contract.

C. If a student-athlete or, if the student-athlete is a minor, a parent or guardian of the student-athlete cancels an agency contract, the student-athlete or, if the student-athlete is a minor, the parent or guardian of the student-athlete is not required to pay any consideration under the contract or return any consideration received from the athlete agent to influence the student-athlete to enter into the contract.

§ 54.1-530. Required records.

A. An athlete agent shall create and retain for five years records of the following:

1. The name and address of each student-athlete represented by the agent;
2. Each agency contract entered into by the agent; and
3. The direct costs incurred by the agent in the recruitment or solicitation of each student-athlete to enter into an agency contract.

agency contract.

B. Records described in subsection A shall be open to inspection by the Director during normal business hours.

§ 54.1-531. Prohibited conduct.

An athlete agent may not intentionally:

1. Give a student-athlete or, if the student-athlete is a minor, a parent or guardian of the student-athlete materially false or misleading information or make a materially false promise or representation with the intent to influence the student-athlete or, if the student-athlete is a minor, a parent or guardian of the student-athlete to enter into an agency contract;

2. Furnish anything of value to a student-athlete or another individual, if to do so may result in loss of the student-athlete's eligibility to participate in the student-athlete's sport, unless (i) the agent notifies the athletic director of the educational institution at which the student-athlete is enrolled or at which the agent has reasonable grounds to believe the student-athlete intends to enroll, not later than 72 hours after giving the thing of value and (ii) the student-athlete or, if the student-athlete is a minor, a parent or guardian of the student-athlete acknowledges to the agent in a record that receipt of the thing of value may result in loss of the student-athlete's eligibility to participate in the student-athlete's sport;

3. Initiate contact, directly or indirectly, with a student-athlete or, if the student-athlete is a minor, a parent or guardian of the student-athlete to recruit or solicit the student-athlete or, if the student-athlete is a minor, a parent or guardian of the student-athlete to enter an agency contract unless registered under this chapter;

4. Fail to create, retain, or permit inspection of the records required by § 54.1-530;

5. Fail to register when required by § 54.1-521;

6. Provide materially false or misleading information in an application for registration or renewal of registration;

7. Predate or postdate an agency contract;

8. Fail to notify a student-athlete or, if the student-athlete is a minor, a parent or guardian of the student-athlete before the student-athlete or, if the student-athlete is a minor, a parent or guardian of the student-athlete signs an agency contract for a particular sport that the signing may result in loss of the student-athlete's eligibility to participate in the student-athlete's sport;

9. Encourage another individual to do any of the acts described in subdivisions 1 through 8 on behalf of the agent; or

10. Encourage another individual to assist any other individual in doing any of the acts described in subdivisions 1 through 8 on behalf of the agent.

§ 54.1-532. Criminal penalty.

An athlete agent who violates § 54.1-531 is guilty of a Class 1 misdemeanor and in addition, the Director may suspend the agent's certificate of registration for no more than 12 months.

§ 54.1-533. Civil remedy; penalty.

A. An educational institution or student-athlete may bring an action for damages against an athlete agent if the institution or student-athlete is adversely affected by an act or omission of the agent in violation of this chapter. An educational institution or student-athlete is adversely affected by an act or omission of the agent only if, because of the act or omission, the institution or an individual who was a student-athlete at the time of the act or omission and enrolled in the institution (i) is suspended or disqualified from participation in an interscholastic or intercollegiate sports event by or under the rules of a state or national federation or association that promotes or regulates interscholastic or intercollegiate sports or (ii) suffers financial damage.

B. A plaintiff that prevails in an action under this section may recover actual damages, punitive damages, costs, and reasonable attorney fees. An athlete agent found liable under this section forfeits any right of payment for anything of benefit or value provided to the student-athlete and shall refund any consideration paid to the agent by or on behalf of the student-athlete.

C. A violation of this chapter also shall constitute a violation of the Virginia Consumer Protection Act (§ 59.1-196 et seq.).

D. The Director may assess a civil penalty against an athlete agent not to exceed \$50,000 for a violation of this chapter.

§ 54.1-534. Uniformity of application of construction.

Consideration shall be given to the need to promote uniformity of the law with respect to its subject matter among states that enact substantially similar laws.

§ 54.1-535. Relation to Electronic Signatures in Global and National Commerce Act.

This chapter modifies, limits, or supersedes the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. § 7001 et seq., but does not modify, limit, or supersede § 101(c) of that act, 15 U.S.C. § 7001(c), or authorize electronic delivery of any of the notices described in § 103(b) of that act, 15 U.S.C. § 7003(c).

§ 59.1-200. Prohibited practices.

A. The following fraudulent acts or practices committed by a supplier in connection with a consumer transaction are hereby declared unlawful:

1. Misrepresenting goods or services as those of another;

2. Misrepresenting the source, sponsorship, approval, or certification of goods or services;

3. Misrepresenting the affiliation, connection, or association of the supplier, or of the goods or services, with another;

4. Misrepresenting geographic origin in connection with goods or services;

5. Misrepresenting that goods or services have certain quantities, characteristics, ingredients, uses, or benefits;

6. Misrepresenting that goods or services are of a particular standard, quality, grade, style, or model;

7. Advertising or offering for sale goods that are used, secondhand, repossessed, defective, blemished, deteriorated, or reconditioned, or that are "seconds," irregulars, imperfects, or "not first class," without clearly and unequivocally indicating in the advertisement or offer for sale that the goods are used, secondhand, repossessed, defective, blemished, deteriorated, reconditioned, or are "seconds," irregulars, imperfects or "not first class";

8. Advertising goods or services with intent not to sell them as advertised, or with intent not to sell at the price or upon the terms advertised.

In any action brought under this subdivision, the refusal by any person, or any employee, agent, or servant thereof, to sell any goods or services advertised or offered for sale at the price or upon the terms advertised or offered, shall be prima facie evidence of a violation of this subdivision. This paragraph shall not apply when it is clearly and conspicuously stated in the advertisement or offer by which such goods or services are advertised or offered for sale, that the supplier or offeror has a limited quantity or amount of such goods or services for sale, and the supplier or offeror at the time of such advertisement or offer did in fact have or reasonably expected to have at least such quantity or amount for sale;

9. Making false or misleading statements of fact concerning the reasons for, existence of, or amounts of price reductions;

10. Misrepresenting that repairs, alterations, modifications, or services have been performed or parts installed;

11. Misrepresenting by the use of any written or documentary material that appears to be an invoice or bill for merchandise or services previously ordered;

12. Notwithstanding any other provision of law, using in any manner the words "wholesale," "wholesaler," "factory," or "manufacturer" in the supplier's name, or to describe the nature of the supplier's business, unless the supplier is actually engaged primarily in selling at wholesale or in manufacturing the goods or services advertised or offered for sale;

13. Using in any contract or lease any liquidated damage clause, penalty clause, or waiver of defense, or attempting to collect any liquidated damages or penalties under any clause, waiver, damages, or penalties that are void or unenforceable under any otherwise applicable laws of the Commonwealth, or under federal statutes or regulations;

13a. Failing to provide to a consumer, or failing to use or include in any written document or material provided to or executed by a consumer, in connection with a consumer transaction any statement, disclosure, notice, or other information however characterized when the supplier is required by 16 C.F.R. Part 433 to so provide, use, or include the statement, disclosure, notice, or other information in connection with the consumer transaction;

14. Using any other deception, fraud, false pretense, false promise, or misrepresentation in connection with a consumer transaction;

15. Violating any provision of § 3.2-6512, 3.2-6513, or 3.2-6516, relating to the sale of certain animals by pet dealers which is described in such sections, is a violation of this chapter;

16. Failing to disclose all conditions, charges, or fees relating to:

a. The return of goods for refund, exchange, or credit. Such disclosure shall be by means of a sign attached to the goods, or placed in a conspicuous public area of the premises of the supplier, so as to be readily noticeable and readable by the person obtaining the goods from the supplier. If the supplier does not permit a refund, exchange, or credit for return, he shall so state on a similar sign. The provisions of this subdivision shall not apply to any retail merchant who has a policy of providing, for a period of not less than 20 days after date of purchase, a cash refund or credit to the purchaser's credit card account for the return of defective, unused, or undamaged merchandise upon presentation of proof of purchase. In the case of merchandise paid for by check, the purchase shall be treated as a cash purchase and any refund may be delayed for a period of 10 banking days to allow for the check to clear. This subdivision does not apply to sale merchandise that is obviously distressed, out of date, post season, or otherwise reduced for clearance; nor does this subdivision apply to special order purchases where the purchaser has requested the supplier to order merchandise of a specific or unusual size, color, or brand not ordinarily carried in the store or the store's catalog; nor shall this subdivision apply in connection with a transaction for the sale or lease of motor vehicles, farm tractors, or motorcycles as defined in § 46.2-100;

b. A layaway agreement. Such disclosure shall be furnished to the consumer (i) in writing at the time of the layaway agreement, or (ii) by means of a sign placed in a conspicuous public area of the premises of the supplier, so as to be readily noticeable and readable by the consumer, or (iii) on the bill of sale. Disclosure shall include the conditions, charges, or fees in the event that a consumer breaches the agreement;

16a. Failing to provide written notice to a consumer of an existing open-end credit balance in excess of \$5 (i) on an account maintained by the supplier and (ii) resulting from such consumer's overpayment on such account. Suppliers shall give consumers written notice of such credit balances within 60 days of receiving overpayments. If the credit balance information is incorporated into statements of account furnished consumers by suppliers within such 60-day period, no separate or additional notice is required;

17. If a supplier enters into a written agreement with a consumer to resolve a dispute that arises in connection with a consumer transaction, failing to adhere to the terms and conditions of such an agreement;

18. Violating any provision of the Virginia Health Club Act, Chapter 24 (§ 59.1-294 et seq.);

19. Violating any provision of the Virginia Home Solicitation Sales Act, Chapter 2.1 (§ 59.1-21.1 et seq.);

20. Violating any provision of the Automobile Repair Facilities Act, Chapter 17.1 (§ 59.1-207.1 et seq.);

21. Violating any provision of the Virginia Lease-Purchase Agreement Act, Chapter 17.4 (§ 59.1-207.17 et seq.);

22. Violating any provision of the Prizes and Gifts Act, Chapter 31 (§ 59.1-415 et seq.);

23. Violating any provision of the Virginia Public Telephone Information Act, Chapter 32 (§ 59.1-424 et seq.);

24. Violating any provision of § 54.1-1505;
25. Violating any provision of the Motor Vehicle Manufacturers' Warranty Adjustment Act, Chapter 17.6 (§ 59.1-207.34 et seq.);
26. Violating any provision of § 3.2-5627, relating to the pricing of merchandise;
27. Violating any provision of the Pay-Per-Call Services Act, Chapter 33 (§ 59.1-429 et seq.);
28. Violating any provision of the Extended Service Contract Act, Chapter 34 (§ 59.1-435 et seq.);
29. Violating any provision of the Virginia Membership Camping Act, Chapter 25 (§ 59.1-311 et seq.);
30. Violating any provision of the Comparison Price Advertising Act, Chapter 17.7 (§ 59.1-207.40 et seq.);
31. Violating any provision of the Virginia Travel Club Act, Chapter 36 (§ 59.1-445 et seq.);
32. Violating any provision of §§ 46.2-1231 and 46.2-1233.1;
33. Violating any provision of Chapter 40 (§ 54.1-4000 et seq.) of Title 54.1;
34. Violating any provision of Chapter 10.1 (§ 58.1-1031 et seq.) of Title 58.1;
35. Using the consumer's social security number as the consumer's account number with the supplier, if the consumer has requested in writing that the supplier use an alternate number not associated with the consumer's social security number;
36. Violating any provision of Chapter 18 (§ 6.2-1800 et seq.) of Title 6.2;
37. Violating any provision of § 8.01-40.2;
38. Violating any provision of Article 7 (§ 32.1-212 et seq.) of Chapter 6 of Title 32.1;
39. Violating any provision of Chapter 34.1 (§ 59.1-441.1 et seq.);
40. Violating any provision of Chapter 20 (§ 6.2-2000 et seq.) of Title 6.2;
41. Violating any provision of the Virginia Post-Disaster Anti-Price Gouging Act, Chapter 46 (§ 59.1-525 et seq.);
42. Violating any provision of Chapter 47 (§ 59.1-530 et seq.);
43. Violating any provision of § 59.1-443.2;
44. Violating any provision of Chapter 48 (§ 59.1-533 et seq.);
45. Violating any provision of Chapter 25 (§ 6.2-2500 et seq.) of Title 6.2;
46. Violating the provisions of clause (i) of subsection B of § 54.1-1115;
47. Violating any provision of § 18.2-239;
48. Violating any provision of Chapter 26 (§ 59.1-336 et seq.);
49. Selling, offering for sale, or manufacturing for sale a children's product the supplier knows or has reason to know was recalled by the U.S. Consumer Product Safety Commission. There is a rebuttable presumption that a supplier has reason to know a children's product was recalled if notice of the recall has been posted continuously at least 30 days before the sale, offer for sale, or manufacturing for sale on the website of the U.S. Consumer Product Safety Commission. This prohibition does not apply to children's products that are used, secondhand or "seconds";
50. Violating any provision of Chapter 44.1 (§ 59.1-518.1 et seq.);
51. Violating any provision of Chapter 22 (§ 6.2-2200 et seq.) of Title 6.2;
52. Violating any provision of § 8.2-317.1;
53. Violating subsection A of § 9.1-149.1;
54. Selling, offering for sale, or using in the construction, remodeling, or repair of any residential dwelling in the Commonwealth, any drywall that the supplier knows or has reason to know is defective drywall. This subdivision shall not apply to the sale or offering for sale of any building or structure in which defective drywall has been permanently installed or affixed;
55. Engaging in fraudulent or improper or dishonest conduct as defined in § 54.1-1118 while engaged in a transaction that was initiated (i) during a declared state of emergency as defined in § 44-146.16 or (ii) to repair damage resulting from the event that prompted the declaration of a state of emergency, regardless of whether the supplier is licensed as a contractor in the Commonwealth pursuant to Chapter 11 (§ 54.1-1100 et seq.) of Title 54.1;
56. Violating any provision of Chapter 33.1 (§ 59.1-434.1 et seq.);
57. Violating any provision of § 18.2-178, 18.2-178.1, or 18.2-200.1;
58. Violating any provision of Chapter 17.8 (§ 59.1-207.45 et seq.);
59. Violating any provision of subsection E of § 32.1-126; ~~and~~
60. Violating any provision of § 54.1-111 relating to the unlicensed practice of a profession licensed under Chapter 11 (§ 54.1-1100 et seq.) or Chapter 21 (§ 54.1-2100 et seq.) of Title 54.1; *and*
61. *Violating any provision of Chapter 5.2 (§ 54.1-519 et seq.) of Title 54.1.*
- B. Nothing in this section shall be construed to invalidate or make unenforceable any contract or lease solely by reason of the failure of such contract or lease to comply with any other law of the Commonwealth or any federal statute or regulation, to the extent such other law, statute, or regulation provides that a violation of such law, statute, or regulation shall not invalidate or make unenforceable such contract or lease.
- 2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 854 of the Acts of Assembly of 2019 requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.**

CHAPTER 482

An Act to request the Department of Housing and Community Development and the Virginia Housing and Development Authority to study ways to incentivize the development of affordable housing in the Commonwealth of Virginia; report.
[H 854]

Approved March 27, 2020

Whereas, affordable housing is becoming more and more difficult for many individuals and families to acquire throughout all regions (suburban, urban, and rural) of the Commonwealth; and

Whereas, anticipated economic and workforce growth will significantly increase the need for affordable housing in the Commonwealth; and

Whereas, the preservation and expansion of assisted, affordable multifamily housing is one of the most important housing issues facing the Commonwealth; and

Whereas, the high cost burden of housing, especially for lower-wage earners or those with special needs, is contributing to housing instability and homelessness; now, therefore,

Be it enacted by the General Assembly of Virginia:

1. § 1. *That the Department of Housing and Community Development and the Virginia Housing and Development Authority be requested to study ways to incentivize the development of affordable housing in the Commonwealth of Virginia.*

In conducting its study, the Department of Housing and Community Development and the Virginia Housing and Development Authority shall convene a stakeholder advisory group consisting of individuals with expertise in land development, construction, affordable housing, real estate finance, tax credit syndication, and other areas of expertise as determined by the Department of Housing and Community Development and the Virginia Housing and Development Authority, and at least one resident of an affordable housing property. Such advisory group shall (i) determine the quantity and quality of affordable housing and workforce housing across the Commonwealth, (ii) conduct a review of current programs and policies to determine the effectiveness of current housing policy efforts, (iii) develop an informed projection of future housing needs in the Commonwealth and determine the order of priority of those needs, and (iv) make recommendations for the improvement of housing policy in the Commonwealth.

The advisory group shall consider the following proposals as well as other proposals it considers advisable during the course of its analysis and deliberations: (a) a Virginia rent subsidy program to work in conjunction with the federal Housing Choice Voucher Program, (b) utility rate reduction for qualified affordable housing, (c) real property tax reduction for qualified affordable housing for localities that desire to provide such an incentive, (d) bond financing options for qualified affordable housing, and (e) existing programs to increase the supply of qualified affordable housing.

All agencies of the Commonwealth shall provide assistance to the Department of Housing and Community Development and the Virginia Housing and Development Authority for this study, upon request.

The Department of Housing and Community Development and the Virginia Housing and Development Authority shall complete its meetings by November 30, 2020, and shall submit to the Governor and the General Assembly an executive summary and a report of the findings and recommendations of the stakeholder advisory group for publication as a House or Senate document. The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports no later than the first day of the 2021 Regular Session of the General Assembly and shall be posted on the General Assembly's website.

CHAPTER 483

An Act to amend and reenact § 44-146.16 of the Code of Virginia, relating to Emergency Services and Disaster Law; definition of disaster; incidents involving cyber systems.

[H 1082]

Approved March 27, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 44-146.16 of the Code of Virginia is amended and reenacted as follows:

§ 44-146.16. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Communicable disease of public health threat" means an illness of public health significance, as determined by the State Health Commissioner in accordance with regulations of the Board of Health, caused by a specific or suspected infectious agent that may be reasonably expected or is known to be readily transmitted directly or indirectly from one individual to another and has been found to create a risk of death or significant injury or impairment; this definition shall not, however, be construed to include human immunodeficiency viruses or tuberculosis, unless used as a bioterrorism weapon. "Individual" shall include any companion animal. Further, whenever "person or persons" is used in Article 3.02 (§ 32.1-48.05 et seq.) of Chapter 2 of Title 32.1, it shall be deemed, when the context requires it, to include any individuals.

"Cyber incident" means an event occurring on or conducted through a computer network that actually or imminently jeopardizes the integrity, confidentiality, or availability of computers, information or communications systems or networks,

physical or virtual infrastructure controlled by computers or information systems, or information resident thereon. "Cyber incident" includes a vulnerability in information systems, system security procedures, internal controls, or implementations that could be exploited by a threat source.

"Disaster" means (i) any man-made disaster, including any condition following an attack by any enemy or foreign nation upon the United States resulting in substantial damage of property or injury to persons in the United States ~~and may be including~~ by use of bombs, missiles, shell fire, *or* nuclear, radiological, chemical, or biological means or other weapons or by overt paramilitary actions; terrorism, foreign and domestic; ~~also~~ *cyber incidents*; and any industrial, nuclear, or transportation accident, explosion, conflagration, power failure, resources shortage, or other condition such as sabotage, oil spills, and other injurious environmental contaminations that threaten or cause damage to property, human suffering, hardship, or loss of life; and (ii) any natural disaster, including any hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, earthquake, drought, fire, communicable disease of public health threat, or other natural catastrophe resulting in damage, hardship, suffering, or possible loss of life.

"Discharge" means spillage, leakage, pumping, pouring, seepage, emitting, dumping, emptying, injecting, escaping, leaching, fire, explosion, or other releases.

"Emergency" means any occurrence, or threat thereof, whether natural or man-made, which results or may result in substantial injury or harm to the population or substantial damage to or loss of property or natural resources and may involve governmental action beyond that authorized or contemplated by existing law because governmental inaction for the period required to amend the law to meet the exigency would work immediate and irrevocable harm upon the citizens or the environment of the Commonwealth or some clearly defined portion or portions thereof.

"Emergency services" means the preparation for and the carrying out of functions, other than functions for which military forces are primarily responsible, to prevent, minimize, and repair injury and damage resulting from disasters, together with all other activities necessary or incidental to the preparation for and carrying out of the foregoing functions. These functions include, without limitation, ~~fire-fighting~~ *firefighting* services, police services, medical and health services, rescue, engineering, warning services, communications, radiological, chemical, and other special weapons defense, evacuation of persons from stricken areas, emergency welfare services, emergency transportation, emergency resource management, existing or properly assigned functions of plant protection, temporary restoration of public utility services, and other functions related to civilian protection. These functions also include the administration of approved state and federal disaster recovery and assistance programs.

"Hazard mitigation" means any action taken to reduce or eliminate the long-term risk to human life and property from natural hazards.

"Hazardous substances" means all materials or substances ~~which~~ *that* now or hereafter are designated, defined, or characterized as hazardous by law or regulation of the Commonwealth or regulation of the United States government.

"Interjurisdictional agency for emergency management" is any organization established between contiguous political subdivisions to facilitate the cooperation and protection of the subdivisions in the work of disaster prevention, preparedness, response, and recovery.

"Local emergency" means the condition declared by the local governing body when in its judgment the threat or actual occurrence of an emergency or disaster is or threatens to be of sufficient severity and magnitude to warrant coordinated local government action to prevent or alleviate the damage, loss, hardship, or suffering threatened or caused thereby; provided, however, that a local emergency arising wholly or substantially out of a resource shortage may be declared only by the Governor, upon petition of the local governing body, when he deems the threat or actual occurrence of such an emergency or disaster to be of sufficient severity and magnitude to warrant coordinated local government action to prevent or alleviate the damage, loss, hardship, or suffering threatened or caused thereby; *and* provided, however, nothing in this chapter shall be construed as prohibiting a local governing body from the prudent management of its water supply to prevent or manage a water shortage.

"Local emergency management organization" means an organization created in accordance with the provisions of this chapter by local authority to perform local emergency service functions.

"Major disaster" means any natural catastrophe, including any: hurricane, tornado, storm, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, or drought, or regardless of cause, any fire, flood, or explosion, in any part of the United States, which, in the determination of the President of the United States is, or thereafter determined to be, of sufficient severity and magnitude to warrant major disaster assistance under the Stafford Act (P.L. 93-288 as amended) to supplement the efforts and available resources of states, local governments, and disaster relief organizations in alleviating the damage, loss, hardship, or suffering caused thereby and is so declared by him.

"Political subdivision" means any city or county in the Commonwealth and, for the purposes of this chapter, the Town of Chincoteague and any town of more than 5,000 population that chooses to have an emergency management program separate from that of the county in which such town is located.

"Resource shortage" means the absence, unavailability, or reduced supply of any raw or processed natural resource; or any commodities, goods, or services of any kind that bear a substantial relationship to the health, safety, welfare, and economic well-being of the citizens of the Commonwealth.

"State of emergency" means the condition declared by the Governor when in his judgment, the threat or actual occurrence of an emergency or a disaster in any part of the Commonwealth is of sufficient severity and magnitude to

warrant disaster assistance by the Commonwealth to supplement the efforts and available resources of the several localities; and relief organizations in preventing or alleviating the damage, loss, hardship, or suffering threatened or caused thereby and is so declared by him.

CHAPTER 484

An Act to amend and reenact § 53.1-116.1:02 of the Code of Virginia and to amend the Code of Virginia by adding in Article 1 of Chapter 2 of Title 53.1 a section numbered 53.1-31.4, relating to prisoners; obtaining certain identification and documentation upon release.

[H 1093]

Approved March 27, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 53.1-116.1:02 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Article 1 of Chapter 2 of Title 53.1 a section numbered 53.1-31.4 as follows:

§ 53.1-31.4. Department of Corrections-issued identification.

Prior to the release or discharge of any prisoner who has been confined for at least 90 days and does not possess a government-issued identification card, birth certificate, and Social Security card, the Department shall provide the assistance necessary for such prisoner to apply for and obtain such identification and documents prior to his release or discharge, provided that the Department has or can readily obtain all records and information necessary for their issuance. If the prisoner is unable to obtain a government-issued identification card prior to his release or discharge, the Department shall provide the prisoner with a Department of Corrections Offender Identification form. If the Department receives a government-issued identification card, birth certificate, or Social Security card for a prisoner after his release or discharge, the Department shall forward such identification or document to the prisoner. Unless the prisoner is determined to be indigent pursuant to § 19.2-159, all costs and fees associated with applying for and obtaining any identification or documents pursuant to this section shall be paid by the prisoner.

§ 53.1-116.1:02. Jailer-issued identification.

Prior to the release or discharge of any prisoner, ~~if the prisoner~~ who has been confined for at least 90 days and does not ~~already~~ possess a government-issued identification card, birth certificate, and Social Security card, the sheriff, jail superintendent, or other jail administrator ~~may issue that~~ shall provide the assistance necessary for such prisoner ~~a special identification card to be given to the prisoner upon~~ to apply for and obtain such identification and documents prior to his release or discharge, provided that the sheriff, superintendent, or administrator has or can readily obtain all records and information necessary for their issuance and the prisoner has not declined an offer by the sheriff, superintendent, or administrator to provide such assistance. If the sheriff, jail superintendent, or other jail administrator receives a government-issued identification card, birth certificate, or Social Security card for a prisoner after his release or discharge, the sheriff, superintendent, or administrator shall make reasonable efforts to ensure that the prisoner obtains possession of such identification or document. The sheriff, jail superintendent, or other jail administrator may establish a procedure for securing such identification through the Department of Motor Vehicles. ~~At~~ Unless the prisoner has funds in his account to cover all or part of the costs and fees associated with applying for and obtaining such ~~special identification card~~ any identification or documents pursuant to this section, such costs shall be paid by the ~~prisoner~~ jail.

CHAPTER 485

An Act to amend and reenact § 18.2-127 of the Code of Virginia, relating to injuries to churches or church property; dead animals.

[H 1096]

Approved March 27, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-127 of the Code of Virginia is amended and reenacted as follows:

§ 18.2-127. Injuries to churches, church property, cemeteries, burial grounds, etc.; penalty.

A. Any person who willfully or maliciously commits any of the following acts is guilty of a Class 1 misdemeanor:

1. Destroys, removes, cuts, breaks, or injures any tree, shrub, or plant on any church property or within any cemetery or lot of any memorial or monumental association;

2. Destroys, mutilates, injures, or removes and carries away any flowers, wreaths, vases, or other ornaments placed within any church or on church property, or placed upon or around any grave, tomb, monument, or lot in any cemetery, graveyard, or other place of burial; or

3. Obstructs proper ingress to and egress from any church or any cemetery or lot belonging to any memorial or monumental association.

B. Any person who maliciously places any dead animal within any church or on church property is guilty of a Class 1 misdemeanor.

C. Any person who willfully or maliciously destroys, mutilates, defaces, injures, or removes any object or structure permanently attached or affixed within any church or on church property, any tomb, monument, gravestone, or other structure placed within any cemetery, graveyard, or place of burial, or within any lot belonging to any memorial or monumental association, or any fence, railing, or other work for the protection or ornament of any tomb, monument, gravestone, or other structure aforesaid, or of any cemetery lot within any cemetery is guilty of a Class 6 felony. A person convicted under this section who is required to pay restitution by the court shall be required to pay restitution to the church, if the property damaged is property of the church, or to the owner of a cemetery, if the property damaged is located within such cemetery regardless of whether the property damaged is owned by the cemetery or by another person.

€- D. This section shall not apply to any work which is done by the authorities of a church or congregation in the maintenance or improvement of any church property or any burial ground or cemetery belonging to it and under its management or control and which does not injure or result in the removal of a tomb, monument, gravestone, grave marker or vault. For purposes of this section, "church" shall mean any place of worship, and "church property" shall mean any educational building or community center owned or rented by a church.

CHAPTER 486

An Act to amend and reenact § 15.2-2304 of the Code of Virginia, relating to affordable housing; City of Charlottesville.

[H 1105]

Approved March 27, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-2304 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-2304. Affordable dwelling unit ordinances in certain localities.

In furtherance of the purpose of providing affordable shelter for all residents of the Commonwealth, the governing body of any county where the urban county executive form of government or the county manager plan of government is in effect, the Counties of Albemarle and Loudoun, and the Cities of Alexandria, *Charlottesville*, and Fairfax may by amendment to the zoning ordinances of such locality provide for an affordable housing dwelling unit program. The program shall address housing needs, promote a full range of housing choices, and encourage the construction and continued existence of moderately priced housing by providing for optional increases in density in order to reduce land costs for such moderately priced housing. Any project that is subject to an affordable housing dwelling unit program adopted pursuant to this section shall not be subject to an additional requirement outside of such program to contribute to a county or city housing fund.

Any local ordinance of any other locality providing optional increases in density for provision of low and moderate income housing adopted before December 31, 1988, shall continue in full force and effect.

CHAPTER 487

An Act to amend and reenact §§ 16.1-253.2 and 18.2-60.4 of the Code of Virginia, relating to violation of provisions of protective order; venue.

[H 1181]

Approved March 27, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 16.1-253.2 and 18.2-60.4 of the Code of Virginia are amended and reenacted as follows:

§ 16.1-253.2. Violation of provisions of protective orders; penalty.

A. In addition to any other penalty provided by law, any person who violates any provision of a protective order issued pursuant to § 16.1-253, 16.1-253.1, 16.1-253.4, 16.1-278.14, or 16.1-279.1 or subsection B of § 20-103, when such violation involves a provision of the protective order that prohibits such person from (i) going or remaining upon land, buildings, or premises; (ii) further acts of family abuse; or (iii) committing a criminal offense, or which prohibits contacts by the respondent with the allegedly abused person or family or household members of the allegedly abused person as the court deems appropriate, is guilty of a Class 1 misdemeanor. The punishment for any person convicted of a second offense of violating a protective order, when the offense is committed within five years of the prior conviction and when either the instant or prior offense was based on an act or threat of violence, shall include a mandatory minimum term of confinement of 60 days. Any person convicted of a third or subsequent offense of violating a protective order, when the offense is committed within 20 years of the first conviction and when either the instant or one of the prior offenses was based on an act or threat of violence is guilty of a Class 6 felony and the punishment shall include a mandatory minimum term of confinement of six months. The mandatory minimum terms of confinement prescribed for violations of this section shall be served consecutively with any other sentence.

B. In addition to any other penalty provided by law, any person who, while knowingly armed with a firearm or other deadly weapon, violates any provision of a protective order with which he has been served issued pursuant to § 16.1-253, 16.1-253.1, 16.1-253.4, 16.1-278.14, or 16.1-279.1 or subsection B of § 20-103 is guilty of a Class 6 felony.

C. If the respondent commits an assault and battery upon any party protected by the protective order resulting in bodily injury to the party or stalks any party protected by the protective order in violation of § 18.2-60.3, he is guilty of a Class 6 felony. Any person who violates such a protective order by furtively entering the home of any protected party while the party is present, or by entering and remaining in the home of the protected party until the party arrives, is guilty of a Class 6 felony, in addition to any other penalty provided by law.

D. Upon conviction of any offense hereunder for which a mandatory minimum term of confinement is not specified, the person shall be sentenced to a term of confinement and in no case shall the entire term imposed be suspended. Upon conviction, the court shall, in addition to the sentence imposed, enter a protective order pursuant to § 16.1-279.1 for a specified period not exceeding two years from the date of conviction.

E. A violation of this section may be prosecuted in the jurisdiction where the protective order was issued or in any county or city where any act constituting the violation of the protective order occurred.

§ 18.2-60.4. Violation of protective orders; penalty.

A. Any person who violates any provision of a protective order issued pursuant to § 19.2-152.8, 19.2-152.9, or 19.2-152.10 is guilty of a Class 1 misdemeanor. Conviction hereunder shall bar a finding of contempt for the same act. The punishment for any person convicted of a second offense of violating a protective order, when the offense is committed within five years of the prior conviction and when either the instant or prior offense was based on an act or threat of violence, shall include a mandatory minimum term of confinement of 60 days. Any person convicted of a third or subsequent offense of violating a protective order, when the offense is committed within 20 years of the first conviction and when either the instant or one of the prior offenses was based on an act or threat of violence, is guilty of a Class 6 felony and the punishment shall include a mandatory minimum term of confinement of six months. The mandatory minimum terms of confinement prescribed for violations of this section shall be served consecutively with any other sentence.

B. In addition to any other penalty provided by law, any person who, while knowingly armed with a firearm or other deadly weapon, violates any provision of a protective order with which he has been served issued pursuant to § 19.2-152.8, 19.2-152.9, or 19.2-152.10 is guilty of a Class 6 felony.

C. If the respondent commits an assault and battery upon any party protected by the protective order resulting in bodily injury to the party or stalks any party protected by the protective order in violation of § 18.2-60.3, he is guilty of a Class 6 felony. Any person who violates such a protective order by furtively entering the home of any protected party while the party is present, or by entering and remaining in the home of the protected party until the party arrives, is guilty of a Class 6 felony, in addition to any other penalty provided by law.

D. Upon conviction of any offense hereunder for which a mandatory minimum term of confinement is not specified, the person shall be sentenced to a term of confinement and in no case shall the entire term imposed be suspended.

E. Upon conviction, the court shall, in addition to the sentence imposed, enter a protective order pursuant to § 19.2-152.10 for a specified period not exceeding two years from the date of conviction.

F. A violation of this section may be prosecuted in the jurisdiction where the protective order was issued or in any county or city where any act constituting the violation of the protective order occurred.

CHAPTER 488

An Act to amend and reenact § 44-54.6 of the Code of Virginia, relating to Virginia Defense Force; maximum age for recruitment.

[H 1253]

Approved March 27, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 44-54.6 of the Code of Virginia is amended and reenacted as follows:

§ 44-54.6. Members, appointment and enlistment.

The age limitations of § 44-1 to the contrary notwithstanding, the Virginia Defense Force shall consist of:

1. Such volunteers who of their own volition agree to service in conformity with regulations prescribed by the Adjutant General who are (i) residents of the Commonwealth or any contiguous state, (ii) at least 16, provided that any volunteer under the age of 18 shall have the written consent of at least one parent or guardian, and (iii) less than 65 years of age may join the Virginia Defense Force, *except that the Adjutant General may, on a case-by-case basis, authorize volunteer members of the Virginia Defense Force to be accessed or retained beyond the age of 65 to the age of 75.*

2. Such persons of the unorganized militia who may be drafted to fill the force structure of the Virginia Defense Force or who may be ordered out for active duty until released from such service.

~~The Adjutant General may, on a case-by-case basis, authorize volunteer members of the Virginia Defense Force to be retained beyond age 65 to age 75.~~

The officers of the Virginia Defense Force shall be appointed by the Governor in conformity with regulations prescribed by the Adjutant General.

Enlisted members shall be enlisted and retained in conformity with regulations prescribed by the Adjutant General.

CHAPTER 489

An Act to amend and reenact §§ 18.2-374.1 and 18.2-374.1:1 of the Code of Virginia, relating to possession, distribution, production, publication, sale, financing, etc., of child pornography; venue.

[H 1330]

Approved March 27, 2020

Be it enacted by the General Assembly of Virginia:**1. That §§ 18.2-374.1 and 18.2-374.1:1 of the Code of Virginia are amended and reenacted as follows:****§ 18.2-374.1. Production, publication, sale, financing, etc., of child pornography; presumption as to age.**

A. For purposes of this article and Article 4 (§ 18.2-362 et seq.) of this chapter, "child pornography" means sexually explicit visual material which utilizes or has as a subject an identifiable minor. An identifiable minor is a person who was a minor at the time the visual depiction was created, adapted, or modified; or whose image as a minor was used in creating, adapting or modifying the visual depiction; and who is recognizable as an actual person by the person's face, likeness, or other distinguishing characteristic, such as a unique birthmark or other recognizable feature; and shall not be construed to require proof of the actual identity of the identifiable minor.

For the purposes of this article and Article 4 (§ 18.2-362 et seq.) of this chapter, the term "sexually explicit visual material" means a picture, photograph, drawing, sculpture, motion picture film, digital image, including such material stored in a computer's temporary Internet cache when three or more images or streaming videos are present, or similar visual representation which depicts sexual bestiality, a lewd exhibition of nudity, as nudity is defined in § 18.2-390, or sexual excitement, sexual conduct or sadomasochistic abuse, as also defined in § 18.2-390, or a book, magazine or pamphlet which contains such a visual representation. An undeveloped photograph or similar visual material may be sexually explicit material notwithstanding that processing or other acts may be required to make its sexually explicit content apparent.

B. A person shall be guilty of production of child pornography who:

1. Accosts, entices or solicits a person less than 18 years of age with intent to induce or force such person to perform in or be a subject of child pornography; or

2. Produces or makes or attempts or prepares to produce or make child pornography; or

3. Who knowingly takes part in or participates in the filming, photographing, or other production of child pornography by any means; or

4. Knowingly finances or attempts or prepares to finance child pornography.

5. [Repealed.]

B1. [Repealed.]

C1. Any person who violates this section, when the subject of the child pornography is a child less than 15 years of age, shall be punished by not less than five years nor more than 30 years in a state correctional facility. However, if the person is at least seven years older than the subject of the child pornography the person shall be punished by a term of imprisonment of not less than five years nor more than 30 years in a state correctional facility, five years of which shall be a mandatory minimum term of imprisonment. Any person who commits a second or subsequent violation of this section where the person is at least seven years older than the subject shall be punished by a term of imprisonment of not less than 15 years nor more than 40 years, 15 years of which shall be a mandatory minimum term of imprisonment.

C2. Any person who violates this section, when the subject of the child pornography is a person at least 15 but less than 18 years of age, shall be punished by not less than one year nor more than 20 years in a state correctional facility. However, if the person is at least seven years older than the subject of the child pornography the person shall be punished by term of imprisonment of not less than three years nor more than 30 years in a state correctional facility, three years of which shall be a mandatory minimum term of imprisonment. Any person who commits a second or subsequent violation of this section when he is at least seven years older than the subject shall be punished by a term of imprisonment of not less than 10 years nor more than 30 years, 10 years of which shall be a mandatory minimum term of imprisonment.

C3. The mandatory minimum terms of imprisonment prescribed for violations of this section shall be served consecutively with any other sentence.

D. For the purposes of this section it may be inferred by text, title or appearance that a person who is depicted as or presents the appearance of being less than 18 years of age in sexually explicit visual material is less than 18 years of age.

E. Venue for a prosecution under this section may lie in the jurisdiction where the unlawful act occurs, *where the alleged offender resides*, or where any sexually explicit visual material associated with a violation of this section is produced, reproduced, found, stored, or possessed.

§ 18.2-374.1:1. Possession, reproduction, distribution, solicitation, and facilitation of child pornography; penalty.

A. Any person who knowingly possesses child pornography is guilty of a Class 6 felony.

B. Any person who commits a second or subsequent violation of subsection A is guilty of a Class 5 felony.

C. Any person who knowingly (i) reproduces by any means, including by computer, sells, gives away, distributes, electronically transmits, displays, purchases, or possesses with intent to sell, give away, distribute, transmit, or display child pornography or (ii) commands, entreats, or otherwise attempts to persuade another person to send, submit, transfer or provide to him any child pornography in order to gain entry into a group, association, or assembly of persons engaged in

trading or sharing child pornography shall be punished by not less than five years nor more than 20 years in a state correctional facility. Any person who commits a second or subsequent violation under this subsection shall be punished by a term of imprisonment of not less than five years nor more than 20 years in a state correctional facility, five years of which shall be a mandatory minimum term of imprisonment. The mandatory minimum terms of imprisonment prescribed for violations of this section shall be served consecutively with any other sentence.

D. Any person who intentionally operates an Internet website for the purpose of facilitating the payment for access to child pornography is guilty of a Class 4 felony.

E. All child pornography shall be subject to lawful seizure and forfeiture pursuant to § 19.2-386.31.

F. For purposes of this section it may be inferred by text, title or appearance that a person who is depicted as or presents the appearance of being less than 18 years of age in sexually explicit visual material is less than 18 years of age.

G. Venue for a prosecution under this section may lie in the jurisdiction where the unlawful act occurs, *where the alleged offender resides*, or where any child pornography is produced, reproduced, found, stored, received, or possessed in violation of this section.

H. The provisions of this section shall not apply to any such material that is possessed for a bona fide medical, scientific, governmental, law-enforcement, or judicial purpose by a physician, psychologist, scientist, attorney, employee of the Department of Social Services or a local department of social services, employee of a law-enforcement agency, judge, or clerk and such person possesses such material in the course of conducting his professional duties as such.

CHAPTER 490

An Act to amend and reenact §§ 2.2-614.5, 56-1.2, 56-1.2:1, and 56-232.2:1 of the Code of Virginia and to repeal §§ 10.1-104.01, 23.1-1301.1, and 23.1-2908.1 of the Code of Virginia, relating to electric vehicle charging stations; operation by state agencies.

[H 511]

Approved March 27, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-614.5, 56-1.2, 56-1.2:1, and 56-232.2:1 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-614.5. Electric vehicle charging stations.

~~The Department of General Services, Department of Motor Vehicles, and Department of Transportation~~ *Each agency, as defined in § 2.2-128, may locate and operate a retail fee-based electric vehicle charging station on any property or facility that such agency controls if the electric vehicle charging services are offered at prevailing market rates. For the purposes of this section, "prevailing market rates" means rates that include applicable taxes and are similar to those generally available to consumers in competitive areas for the same services.*

§ 56-1.2. Persons, localities, and school boards not designated as public utility, public service corporation, etc.

The terms public utility, public service corporation, or public service company, as used in Chapters 1 (§ 56-1 et seq.), 10 (§ 56-232 et seq.), 10.1 (§ 56-265.1 et seq.), and 10.2:1 (§ 56-265.13:1 et seq.) of this title, shall not refer to:

1. Any person who owns or operates property and provides electricity, natural gas, water, or sewer service to residents or tenants on the property, provided that (i) the electricity, natural gas, water, or sewer service provided to the residents or tenants is purchased by the person from a public utility, public service corporation, public service company, or person licensed by the Commission as a competitive provider of energy services, or a county, city or town, or other publicly regulated political subdivision or public body, (ii) the person or his agent charges to the resident or tenant on the property only that portion of the person's utility charges for the electricity, natural gas, water, or sewer service which is attributable to usage by the resident or tenant on the property, and additional service charges permitted by § 55.1-1212 or 55.1-1404, as applicable, and (iii) the person maintains three years' billing records for such charges.

2. Any (i) person who is not a public service corporation and who provides electric vehicle charging service at retail, (ii) school board that operates retail fee-based electric vehicle charging stations on school property pursuant to § 22.1-131, or (iii) locality that operates a retail fee-based electric vehicle charging station on property owned or leased by the locality pursuant to § 15.2-967.2; ~~or (iv) board of visitors of any baccalaureate public institution of higher education that operates a retail fee-based electric vehicle charging station on the grounds of such institution pursuant to § 23.1-1301.1.~~ The ownership or operation of a facility at which electric vehicle charging service is sold, and the selling of electric vehicle charging service from that facility, does not render such person, school board, locality, or board of visitors a public utility, public service corporation, or public service company as used in Chapters 1 (§ 56-1 et seq.), 10 (§ 56-232 et seq.), 10.1 (§ 56-265.1 et seq.), and 10.2:1 (§ 56-265.13:1 et seq.) solely because of that sale, ownership, or operation.

3. ~~The Department of Conservation and Recreation~~ *Any agency, as defined in § 2.2-128, when operating a retail fee-based electric vehicle charging station pursuant to § 2.2-614.5 on any property of any existing state park or similar recreational facility the Department agency controls pursuant to § 40.1-104.01.* The ownership or operation of a facility at which electric vehicle charging service is sold, or the selling of electric vehicle charging service from that facility, does not render the ~~Department of Conservation and Recreation~~ *agency* a public utility, public service corporation, or public service company as used in Chapters 1 (§ 56-1 et seq.), 10 (§ 56-232 et seq.), 10.1 (§ 56-265.1 et seq.), and 10.2:1 (§ 56-265.13:1 et seq.) solely because of that sale, ownership, or operation.

4. The Chancellor of the Virginia Community College System when operating a retail fee-based electric vehicle charging station on the grounds of any comprehensive community college pursuant to § 23.1-2908.1. The ownership or operation of a facility at which electric vehicle charging service is sold, or the selling of electric vehicle charging service from that facility, does not render the Chancellor of the Virginia Community College System a public utility, public service corporation, or public service company as used in Chapters 1 (§ 56-1 et seq.); 10 (§ 56-232 et seq.); 10.1 (§ 56-265.1 et seq.); and 10.2:1 (§ 56-265.13:1 et seq.) solely because of that sale, ownership, or operation.

5. The Department of General Services, Department of Motor Vehicles, or Department of Transportation when operating a retail fee-based electric vehicle charging station on any property or facility that such agency controls. The ownership or operation of a facility at which electric vehicle charging service is sold, or the selling of electric vehicle charging service from that facility, does not render the agency a public utility, public service corporation, or public service company as used in Chapters 1 (§ 56-1 et seq.); 10 (§ 56-232 et seq.); 10.1 (§ 56-265.1 et seq.); and 10.2:1 (§ 56-265.13:1 et seq.) solely because of that sale, ownership, or operation.

§ 56-1.2:1. Retail sale of electricity in connection with the provision of electric vehicle charging service.

A. The provision of electric vehicle charging service by a person, locality, public institution of higher education, or a school board, or any agency as defined in § 2.2-128 that is not a public utility, public service corporation, or public service company; or by the Department of Conservation and Recreation, Department of General Services, Department of Motor Vehicles, or Department of Transportation, shall not constitute the retail sale of electricity if:

1. The electricity furnished in connection with the provision of electric vehicle charging service is used solely for transportation purposes; and

2. The person, locality, public institution of higher education, or school board, or agency as defined in § 2.2-128 providing the electric vehicle charging service; or the Department of Conservation and Recreation, Department of General Services, Department of Motor Vehicles, or Department of Transportation, has procured the furnished electricity from the public utility that is authorized by the Commission to engage in the retail sale of electricity within the exclusive service territory in which the electric vehicle charging service is provided.

B. The provision of electric vehicle charging service shall:

1. Be a permitted electric utility activity of a certificated electric utility; and

2. Not affect the status as a public utility of a certificated public utility that provides such service.

§ 56-232.2:1. Regulation of electric vehicle charging service.

The Commission shall not regulate or prescribe the rates, charges, and fees for the provision of retail electric vehicle charging service provided by any agency as defined in § 2.2-128, persons, localities, public institutions of higher education, the Department of Conservation and Recreation, the Department of General Services, the Department of Motor Vehicles, the Department of Transportation, or school boards other than public service corporations. Sales of electricity by public utilities to an agency as defined in § 2.2-128, a person, a locality, a public institution of higher education, the Department of Conservation and Recreation, the Department of General Services, the Department of Motor Vehicles, the Department of Transportation, or a school board that (i) is not a public service corporation and (ii) provides electric vehicle charging service shall continue to be regulated by the Commission to the same extent as are other services provided by public utilities. The Commission may adopt regulations implementing this section.

2. That §§ 10.1-104.01, 23.1-1301.1, and 23.1-2908.1 of the Code of Virginia are repealed.

CHAPTER 491

An Act to amend the Code of Virginia by adding a section numbered 10.1-1186.1:1, relating to Hazardous Waste Site Inventory.

[H 1136]

Approved March 27, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 10.1-1186.1:1 as follows:

§ 10.1-1186.1:1. Hazardous Waste Site Inventory.

A. The Department shall compile and maintain a Hazardous Waste Site Inventory (the Inventory) comprising a current listing of sites permitted by or in corrective action under the Department at which the disposal of hazardous waste, as defined in § 10.1-1400 and not otherwise excluded from regulation as hazardous waste, has occurred. The Inventory shall contain specific information about each listed site, including (i) the location of the site, (ii) the nature and known characteristics of the wastes disposed of at the site, and (iii) the status of any remedial or corrective action undertaken or planned for the site. The Department shall only disclose in the Inventory information that is not otherwise subject to an exemption from the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).

B. The Department shall publish the Inventory by July 1, 2021, update it at least annually thereafter, and post it on the Department's website.

CHAPTER 492

An Act to amend and reenact § 10.1-1183 of the Code of Virginia, relating to the Department of Environmental Quality; policy statement.

[H 1164]

Approved March 27, 2020

Be it enacted by the General Assembly of Virginia:**1. That § 10.1-1183 of the Code of Virginia is amended and reenacted as follows:****§ 10.1-1183. Creation of Department of Environmental Quality; statement of policy.**

There is hereby created a Department of Environmental Quality by the consolidation of the programs, functions, staff, facilities, assets and obligations of the following agencies: the State Water Control Board, the Department of Air Pollution Control, the Department of Waste Management, and the Council on the Environment. Wherever in this title and in the Code of Virginia reference is made to the Department of Air Pollution Control, the Department of Waste Management or the Council on the Environment, or any division thereof, it shall mean the Department of Environmental Quality.

It shall be the policy of the Department of Environmental Quality to protect and enhance the environment of Virginia in order to promote the health and well-being of the Commonwealth's citizens, residents, and visitors in accordance with applicable laws and regulations. The purposes of the Department are:

1. To assist in the effective implementation of the Constitution of Virginia by carrying out state policies aimed at conserving the Commonwealth's natural resources and protecting its atmosphere, land and waters from pollution.

2. To address climate change by developing and implementing policy and regulatory approaches to reducing climate pollution and promoting climate resilience in the Commonwealth and by ensuring that climate impacts and climate resilience are taken into account across all programs and permitting processes.

3. To coordinate permit review and issuance procedures to protect all aspects of Virginia's environment.

~~3-~~ 4. To enhance public participation in the regulatory and permitting processes.

~~4-~~ 5. To establish and effectively implement a pollution prevention program to reduce the impact of pollutants on Virginia's natural resources.

~~5-~~ 6. To establish procedures for, and undertake, long-range environmental program planning and policy analysis, including assessments of emerging environmental challenges.

~~6-~~ 7. To conduct comprehensive evaluations of the Commonwealth's environmental protection programs.

~~7-~~ 8. To develop uniform administrative systems to ensure coherent environmental policies.

~~8-~~ 9. To coordinate state reviews with federal agencies on environmental issues, such as environmental impact statements.

~~9-~~ 10. To promote environmental quality through public hearings and expeditious and comprehensive permitting, inspection, monitoring and enforcement programs, and provide effective service delivery to the regulated community.

~~10-~~ 11. To advise the Governor and General Assembly, and, on request, assist other officers, employees, and public bodies of the Commonwealth, on matters relating to environmental quality and the effectiveness of actions and programs designed to enhance that quality.

~~11-~~ 12. To ensure that there is consistency in the enforcement of the laws, regulations, and policies as they apply to holders of permits or certificates issued by the Department, whether the owners or operators of such regulated facilities are public sector or private sector entities, including the development of electronic recordkeeping and document transmittal systems that encourage the use of electronic methods in performing the Department's business as a means of furthering both resource conservation and transaction efficiency. To serve that end, wherever used in this chapter or in other statutory or regulatory provisions that the Department administers, (i) "certified mail" means electronically certified or postal certified mail, except that this provision shall apply only to the mailing of plan approvals, permits, or certificates issued under the provisions of this chapter and those of the Air Pollution Control Law (§ 10.1-1300 et seq.), the Virginia Waste Management Act (§ 10.1-1400 et seq.), and the State Water Control Law (§ 62.1-44.2 et seq.), and only where the recipient has notified the Department of his consent to receive plan approvals, permits, or certificates by electronic mail, and (ii) "mail" means electronic or postal delivery. Any statutory provisions requiring use of "certified mail" to transmit special orders or administrative orders pursuant to enforcement proceedings shall mean postal certified mail.

13. To ensure the fair treatment and meaningful involvement of all people regardless of race, color, national origin, faith, disability, or income with respect to the administration of environmental laws, regulations, and policies.

CHAPTER 493

An Act to amend and reenact §§ 2.2-435.11, 10.1-658, and 10.1-659 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 2.2-222.4, relating to Chief Resilience Officer; flood control.

[H 1313]

Approved March 27, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-435.11, 10.1-658, and 10.1-659 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 2.2-222.4 as follows:

§ 2.2-222.4. Chief Resilience Officer.

A. *The Governor shall designate a Chief Resilience Officer. The Chief Resilience Officer shall serve as the primary coordinator of resilience and adaptation initiatives in Virginia and as the primary point of contact regarding issues related to resilience and recurrent flooding. The Chief Resilience Officer shall be equally responsible for all urban, suburban, and rural areas of the Commonwealth.*

B. *The Chief Resilience Officer, in consultation with the Special Assistant to the Governor for Coastal Adaptation and Protection, shall:*

1. *Identify and monitor those areas of the Commonwealth that are at greatest risk from recurrent flooding and increased future flooding and recommend actions that both the private and public sectors should consider in order to increase the resilience of such areas;*

2. *Upon the request of any locality in the Commonwealth in which is located a substantial flood defense or catchment area, including a levee, reservoir, dam, catch basin, or wetland or lake improved or constructed for the purpose of flood control, review and comment on plans for the construction or substantial reinforcement of such flood defense or catchment area; and*

3. *Initiate and assist with the pursuit of funding opportunities for resilience initiatives at both the state and local levels and help to oversee and coordinate funding initiatives of all agencies of the Commonwealth.*

§ 2.2-435.11. Special Assistant to the Governor for Coastal Adaptation and Protection; duties.

A. The position of Special Assistant to the Governor for Coastal Adaptation and Protection (the Special Assistant) is created. The Special Assistant shall be the primary point of contact for the resources to address coastal adaptation and flooding mitigation. The Special Assistant shall be the lead in developing and in providing direction and ensuring accountability for a statewide coastal flooding adaptation strategy. ~~He~~ *and shall initiate and assist with economic development opportunities associated with adaptation, development opportunities for the creation of business incubators, the advancement of the academic expertise at the Commonwealth Center for Recurrent Flooding Resiliency, coordination with the Virginia Growth and Opportunity Board, safeguarding strategic national assets threatened by coastal flooding, and pursuing federal, state, and local funding opportunities for adaptation initiatives.*

B. *In consultation with the Chief Resilience Officer designated pursuant to § 2.2-222.4, the Special Assistant shall:*

1. *Identify and monitor those areas of the Commonwealth that are at greatest risk from recurrent flooding and increased future flooding and recommend actions that both the private and public sectors should consider in order to increase the resilience of such areas;*

2. *Upon the request of any locality in the Commonwealth in which is located a substantial flood defense or catchment area, including a levee, reservoir, dam, catch basin, or wetland or lake improved or constructed for the purpose of flood control, review and comment on plans for the construction or substantial reinforcement of such flood defense or catchment area; and*

3. *Initiate and assist with the pursuit of funding opportunities for resilience initiatives at both the state and local levels and assist in overseeing and coordinating funding initiatives of all agencies of the Commonwealth.*

§ 10.1-658. State interest in flood control.

A. The General Assembly declares that storm events *and rising tidal waters* cause recurrent flooding of Virginia's land resources and result in the loss of life, damage to property, unsafe and unsanitary conditions and the disruption of commerce and government services, placing at risk the health, safety and welfare of those citizens living in flood-prone areas of the Commonwealth. Flood waters disregard jurisdictional boundaries, and the public interest requires the management of flood-prone areas in a manner which prevents injuries to persons, damage to property and pollution of state waters.

B. The General Assembly, therefore, supports and encourages those measures which prevent, mitigate and alleviate the effects of stormwater surges and flooding, and declares that the expenditure of public funds and any obligations incurred in the development of flood control and other civil works projects, the benefits of which may accrue to any county, municipality or region in the Commonwealth, are necessary expenses of local and state government.

§ 10.1-659. Flood protection programs; coordination.

The provisions of this chapter shall be coordinated with the *Virginia Coastal Resilience Master Plan* and federal, state, and local flood prevention and water quality programs to minimize loss of life, property damage, and negative impacts on the environment. This program coordination shall include but not be limited to the following: flood prevention, flood plain management, small watershed protection, dam safety, *shoreline erosion and public beach preservation*, and soil conservation programs of the Department of Conservation and Recreation; the construction activities of the Department of Transportation ~~which~~, *including projects that result in hydrologic modification of rivers, streams, and flood plains; the nontidal wetlands, water quality, Chesapeake Bay Preservation Area criteria, stormwater management, erosion and sediment control, and other water management programs of the State Water Control Board; the Virginia Coastal Zone Management Program at the Department of Environmental Quality; forested watershed management programs of the Department of Forestry; the agricultural stewardship, farmland preservation, and disaster assistance programs of the Department of Agriculture and Consumer Services; the statewide building code and other land use control programs of the Department of Housing and Community Development; the habitat management programs of the Virginia Marine Resources*

Commission; the hazard mitigation planning and disaster response programs of the Department of Emergency Management; the fish habitat protection programs of the Department of Game and Inland Fisheries; the mineral extraction regulatory program of the Department of Mines, Minerals and Energy; the flood plain restrictions of the Virginia Waste Management Board; ~~and flooding-related research programs of the state universities~~; local government assistance programs of the Virginia Soil and Water Conservation Board; *the Virginia Antiquities Act program of the Department of Historic Resources; and any other state agency programs deemed necessary by the Director, the Chief Resilience Officer of the Commonwealth, and the Special Assistant to the Governor for Coastal Adaptation and Protection.* The Department shall also coordinate *with soil and water conservation districts, Virginia Cooperative Extension agents, and planning district commissions, and shall coordinate* and cooperate with localities in rendering assistance to such localities in their efforts to comply with the planning, subdivision of land, and zoning provisions of Chapter 22 (§ 15.2-2200 et seq.) of Title 15.2. *The Director and either the Special Assistant to the Governor for Coastal Adaptation and Protection or the Chief Resilience Officer shall jointly hold meetings of representatives of these programs, entities, and localities in order to determine, coordinate, and prioritize the Commonwealth's efforts and expenditures to increase flooding resilience.* The Department shall cooperate with other public and private agencies having flood plain management programs; and shall coordinate its responsibilities under this article and any other law. These activities shall constitute the Commonwealth's flood prevention and protection program.

CHAPTER 494

An Act to amend and reenact § 63.2-1716 of the Code of Virginia, relating to religious-exempt child day centers; staff-to-children ratios.

[H 1235]

Approved March 27, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 63.2-1716 of the Code of Virginia is amended and reenacted as follows:

§ 63.2-1716. Child day center operated by religious institution exempt from licensure; annual statement and documentary evidence required; enforcement; injunctive relief.

A. Notwithstanding any other provisions of this chapter, a child day center, including a child day center that is a child welfare agency operated or conducted under the auspices of a religious institution, shall be exempt from the licensure requirements of this subtitle, but shall comply with the provisions of this section unless it chooses to be licensed. If such religious institution chooses not to be licensed, it shall file with the Commissioner, prior to beginning operation of a child day center and thereafter annually, a statement of intent to operate a child day center, certification that the child day center has disclosed in writing to the parents or guardians of the children in the center the fact that it is exempt from licensure and has posted the fact that it is exempt from licensure in a visible location on the premises, the qualifications of the personnel employed therein, and documentary evidence that:

1. Such religious institution has tax exempt status as a nonprofit religious institution in accordance with § 501(c) of the Internal Revenue Code of 1954, as amended, or that the real property owned and exclusively occupied by the religious institution is exempt from local taxation.

2. Within the prior 90 days for the initial exemption and within the prior 180 days for exemptions thereafter, the local health department and local fire marshal or Office of the State Fire Marshal, whichever is appropriate, have inspected the physical facilities of the child day center and have determined that the center is in compliance with applicable laws and regulations with regard to food service activities, health and sanitation, water supply, building codes, and the Statewide Fire Prevention Code or the Uniform Statewide Building Code.

3. The child day center employs supervisory personnel according to the following ratio of staff to children:

- a. One staff member to four children from ages zero to 16 months.
- b. One staff member to five children from ages 16 months to 24 months.
- c. One staff member to eight children from ages 24 months to 36 months.
- d. One staff member to 10 children from ages 36 months to five years.
- e. One staff member to 20 children from ages five years to nine years.
- f. One staff member to 25 children from ages nine years to 12 years.

Staff shall be counted in the required staff-to-children ratios only when they are directly supervising children. ~~In each grouping~~ *When a group of children receiving care includes children from different age brackets, the age of the youngest child in the group shall be used to determine the staff-to-children ratio that applies to that group. For each group of children receiving care, at least one adult staff member shall be regularly present. However, during designated daily rest periods and designated sleep periods of evening and overnight care programs, for children ages 16 months to six years, only one staff member shall be required to be present with the children under supervision. In such cases, at least one staff member shall be physically present in the same space as the children under supervision at all times. Other staff members counted for purposes of the staff-to-child ratio need not be physically present in the same space as the resting or sleeping children, but shall be present on the same floor as the resting or sleeping children and shall have no barrier to their immediate access to the resting or sleeping children. The staff member who is physically present in the same space as the*

sleeping children shall be able to summon additional staff counted in the staff-to-child ratio without leaving the space in which the resting or sleeping children are located.

Staff members shall be at least 16 years of age. Staff members under 18 years of age shall be under the supervision of an adult staff member. Adult staff members shall supervise no more than two staff members under 18 years of age at any given time.

4. Each person in a supervisory position has been certified by a practicing physician or physician assistant to be free from any disability which would prevent him from caring for children under his supervision.

5. The center is in compliance with the requirements of:

a. This section.

b. Section 63.2-1724 relating to background checks.

c. Section 63.2-1509 relating to the reporting of suspected cases of child abuse and neglect.

d. Chapter 3 (§ 46.2-300 et seq.) of Title 46.2 regarding a valid Virginia driver's license or commercial driver's license; Article 21 (§ 46.2-1157 et seq.) of Chapter 10 of Title 46.2, regarding vehicle inspections; ensuring that any vehicle used to transport children is an insured motor vehicle as defined in § 46.2-705; and Article 13 (§ 46.2-1095 et seq.) of Chapter 10 of Title 46.2, regarding child restraint devices.

6. The following aspects of the child day center's operations are described in a written statement provided to the parents or guardians of the children in the center and made available to the general public: physical facilities, enrollment capacity, food services, health requirements for the staff and public liability insurance.

7. The individual seeking to operate the child day center is not currently ineligible to operate another child welfare agency due to a suspension or revocation of his license or license exemption for reasons involving child safety or any criminal conviction, including fraud, related to such child welfare agency.

8. A person trained and certified in first aid and cardiopulmonary resuscitation (CPR) will be present at the child day center whenever children are present or at any other location in which children attending the child day center are present.

9. The child day center is in compliance with all safe sleep guidelines recommended by the American Academy of Pediatrics.

B. The center shall establish and implement procedures for:

1. Hand washing by staff and children before eating and after toileting and diapering.

2. Appropriate supervision of all children in care, including daily intake and dismissal procedures to ensure safety of children.

3. A daily simple health screening and exclusion of sick children by a person trained to perform such screenings.

4. Ensuring that all children in the center are in compliance with the provisions of § 32.1-46 regarding the immunization of children against certain diseases.

5. Ensuring that all areas of the premises accessible to children are free of obvious injury hazards, including providing and maintaining sand or other cushioning material under playground equipment.

6. Ensuring that all staff are able to recognize the signs of child abuse and neglect.

7. Ensuring that all incidents involving serious physical injury to or death of children attending the child day center are reported to the Commissioner. Reports of serious physical injuries, which shall include any physical injuries that require an emergency referral to an offsite health care professional or treatment in a hospital, shall be submitted annually. Reports of deaths shall be submitted no later than one business day after the death occurred.

C. The Commissioner may perform on-site inspections of religious institutions to confirm compliance with the provisions of this section and to investigate complaints that the religious institution is not in compliance with the provisions of this section. The Commissioner may revoke the exemption for any child day center in serious or persistent violation of the requirements of this section. If a religious institution operates a child day center and does not file the statement and documentary evidence required by this section, the Commissioner shall give reasonable notice to such religious institution of the nature of its noncompliance and may thereafter take such action as he determines appropriate, including a suit to enjoin the operation of the child day center.

D. Any person who has reason to believe that a child day center falling within the provisions of this section is not in compliance with the requirements of this section may report the same to the local department, the local health department or the local fire marshal, each of which may inspect the child day center for noncompliance, give reasonable notice to the religious institution, and thereafter may take appropriate action as provided by law, including a suit to enjoin the operation of the child day center.

E. Nothing in this section shall prohibit a child day center operated by or conducted under the auspices of a religious institution from obtaining a license pursuant to this chapter.

CHAPTER 495

An Act to amend and reenact § 63.2-1716 of the Code of Virginia, relating to religious-exempt child day centers; staff-to-children ratios.

Approved March 27, 2020

[S 927]

Be it enacted by the General Assembly of Virginia:

1. That § 63.2-1716 of the Code of Virginia is amended and reenacted as follows:

§ 63.2-1716. Child day center operated by religious institution exempt from licensure; annual statement and documentary evidence required; enforcement; injunctive relief.

A. Notwithstanding any other provisions of this chapter, a child day center, including a child day center that is a child welfare agency operated or conducted under the auspices of a religious institution, shall be exempt from the licensure requirements of this subtitle, but shall comply with the provisions of this section unless it chooses to be licensed. If such religious institution chooses not to be licensed, it shall file with the Commissioner, prior to beginning operation of a child day center and thereafter annually, a statement of intent to operate a child day center, certification that the child day center has disclosed in writing to the parents or guardians of the children in the center the fact that it is exempt from licensure and has posted the fact that it is exempt from licensure in a visible location on the premises, the qualifications of the personnel employed therein, and documentary evidence that:

1. Such religious institution has tax exempt status as a nonprofit religious institution in accordance with § 501(c) of the Internal Revenue Code of 1954, as amended, or that the real property owned and exclusively occupied by the religious institution is exempt from local taxation.

2. Within the prior 90 days for the initial exemption and within the prior 180 days for exemptions thereafter, the local health department and local fire marshal or Office of the State Fire Marshal, whichever is appropriate, have inspected the physical facilities of the child day center and have determined that the center is in compliance with applicable laws and regulations with regard to food service activities, health and sanitation, water supply, building codes, and the Statewide Fire Prevention Code or the Uniform Statewide Building Code.

3. The child day center employs supervisory personnel according to the following ratio of staff to children:

- a. One staff member to four children from ages zero to 16 months.
- b. One staff member to five children from ages 16 months to 24 months.
- c. One staff member to eight children from ages 24 months to 36 months.
- d. One staff member to 10 children from ages 36 months to five years.
- e. One staff member to 20 children from ages five years to nine years.
- f. One staff member to 25 children from ages nine years to 12 years.

Staff shall be counted in the required staff-to-children ratios only when they are directly supervising children. ~~In each grouping~~ *When a group of children receiving care includes children from different age brackets, the age of the youngest child in the group shall be used to determine the staff-to-children ratio that applies to that group. For each group of children receiving care, at least one adult staff member shall be regularly present. However, during designated daily rest periods and designated sleep periods of evening and overnight care programs, for children ages 16 months to six years, only one staff member shall be required to be present with the children under supervision. In such cases, at least one staff member shall be physically present in the same space as the children under supervision at all times. Other staff members counted for purposes of the staff-to-child ratio need not be physically present in the same space as the resting or sleeping children, but shall be present on the same floor as the resting or sleeping children and shall have no barrier to their immediate access to the resting or sleeping children. The staff member who is physically present in the same space as the sleeping children shall be able to summon additional staff counted in the staff-to-child ratio without leaving the space in which the resting or sleeping children are located.*

Staff members shall be at least 16 years of age. Staff members under 18 years of age shall be under the supervision of an adult staff member. Adult staff members shall supervise no more than two staff members under 18 years of age at any given time.

4. Each person in a supervisory position has been certified by a practicing physician or physician assistant to be free from any disability which would prevent him from caring for children under his supervision.

5. The center is in compliance with the requirements of:

- a. This section.
- b. Section 63.2-1724 relating to background checks.
- c. Section 63.2-1509 relating to the reporting of suspected cases of child abuse and neglect.
- d. Chapter 3 (§ 46.2-300 et seq.) of Title 46.2 regarding a valid Virginia driver's license or commercial driver's license; Article 21 (§ 46.2-1157 et seq.) of Chapter 10 of Title 46.2, regarding vehicle inspections; ensuring that any vehicle used to transport children is an insured motor vehicle as defined in § 46.2-705; and Article 13 (§ 46.2-1095 et seq.) of Chapter 10 of Title 46.2, regarding child restraint devices.

6. The following aspects of the child day center's operations are described in a written statement provided to the parents or guardians of the children in the center and made available to the general public: physical facilities, enrollment capacity, food services, health requirements for the staff and public liability insurance.

7. The individual seeking to operate the child day center is not currently ineligible to operate another child welfare agency due to a suspension or revocation of his license or license exemption for reasons involving child safety or any criminal conviction, including fraud, related to such child welfare agency.

8. A person trained and certified in first aid and cardiopulmonary resuscitation (CPR) will be present at the child day center whenever children are present or at any other location in which children attending the child day center are present.

9. The child day center is in compliance with all safe sleep guidelines recommended by the American Academy of Pediatrics.

B. The center shall establish and implement procedures for:

1. Hand washing by staff and children before eating and after toileting and diapering.
2. Appropriate supervision of all children in care, including daily intake and dismissal procedures to ensure safety of children.
3. A daily simple health screening and exclusion of sick children by a person trained to perform such screenings.
4. Ensuring that all children in the center are in compliance with the provisions of § 32.1-46 regarding the immunization of children against certain diseases.
5. Ensuring that all areas of the premises accessible to children are free of obvious injury hazards, including providing and maintaining sand or other cushioning material under playground equipment.
6. Ensuring that all staff are able to recognize the signs of child abuse and neglect.
7. Ensuring that all incidents involving serious physical injury to or death of children attending the child day center are reported to the Commissioner. Reports of serious physical injuries, which shall include any physical injuries that require an emergency referral to an offsite health care professional or treatment in a hospital, shall be submitted annually. Reports of deaths shall be submitted no later than one business day after the death occurred.

C. The Commissioner may perform on-site inspections of religious institutions to confirm compliance with the provisions of this section and to investigate complaints that the religious institution is not in compliance with the provisions of this section. The Commissioner may revoke the exemption for any child day center in serious or persistent violation of the requirements of this section. If a religious institution operates a child day center and does not file the statement and documentary evidence required by this section, the Commissioner shall give reasonable notice to such religious institution of the nature of its noncompliance and may thereafter take such action as he determines appropriate, including a suit to enjoin the operation of the child day center.

D. Any person who has reason to believe that a child day center falling within the provisions of this section is not in compliance with the requirements of this section may report the same to the local department, the local health department or the local fire marshal, each of which may inspect the child day center for noncompliance, give reasonable notice to the religious institution, and thereafter may take appropriate action as provided by law, including a suit to enjoin the operation of the child day center.

E. Nothing in this section shall prohibit a child day center operated by or conducted under the auspices of a religious institution from obtaining a license pursuant to this chapter.

CHAPTER 496

An Act to amend and reenact §§ 2.2-4340, 8.01-232, and 23.1-1017 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 2.2-4340.1 and 2.2-4340.2, relating to Virginia Public Procurement Act; statute of limitations on actions on construction contracts; statute of limitations on actions on performance bonds.

[H 1300]

Approved March 27, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-4340, 8.01-232, and 23.1-1017 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 2.2-4340.1 and 2.2-4340.2 as follows:

§ 2.2-4340. Action on performance bond.

No action against the surety on a performance bond shall be brought unless within five years after completion of the work on the project to the satisfaction of the Department of Transportation, in cases where the public body is the Department of Transportation, or, in all other cases, within one year after (i) completion of the contract, including the expiration of all warranties and guarantees, or (ii) discovery of the defect or breach of warranty that gave rise to the action contract. For the purposes of this section, completion of the contract is the final payment to the contractor pursuant to the terms of the contract. However, if a final certificate of occupancy, or written final acceptance of the project, is issued prior to final payment, the five-year period to bring an action shall commence no later than 12 months from the date of the certificate of occupancy or written final acceptance of the project.

§ 2.2-4340.1. Statute of limitations on construction contracts.

No action may be brought by a state public body on any construction contract, including construction contracts governed by Chapter 43.1 (§ 2.2-4378 et seq.), unless such action is brought within 15 years after completion of the contract. For the purposes of this section, completion of the contract is the final payment to the contractor pursuant to the terms of the contract. However, if a final certificate of occupancy or written final acceptance of the project is issued prior to final payment, the 15-year period to bring an action shall commence no later than 12 months from the date of the certificate of occupancy or written final acceptance of the project. In no case shall such action be brought more than five years after written notice by the state public body to the contractor of a defect or breach giving rise to the cause of action. The state public body shall not unreasonably delay written notice to the contractor.

§ 2.2-4340.2. Statute of limitations on architectural and engineering contracts.

No action may be brought by a state public body on any architectural or engineering services contract, including architectural or engineering services contracts governed by Chapter 43.1 (§ 2.2-4378 et seq.), unless such action is brought within 15 years after completion of the contract. For the purposes of this section, completion of the contract is the final payment to the contractor pursuant to the terms of the contract. However, if the architectural or engineering services are for a construction project for which a final certificate of occupancy or written final acceptance of the project is issued prior to final payment, the 15-year period to bring an action shall commence no later than 12 months from the date of the certificate of occupancy or written final acceptance of the project. In no case shall such action be brought more than five years after written notice by the state public body to the contractor of a defect or breach giving rise to the cause of action. The state public body shall not unreasonably delay written notice to the contractor.

§ 8.01-232. Effect of promises not to plead statute.

A. Whenever the failure to enforce a promise, written or unwritten, not to plead the statute of limitations would operate as a fraud on the promisee, the promisor shall be estopped to plead the statute. In all other cases, an unwritten promise not to plead the statute shall be void, and a written promise not to plead such statute shall be valid when (i) it is made to avoid or defer litigation pending settlement of any case, (ii) it is not made contemporaneously with any other contract, and (iii) it is made for an additional term not longer than the applicable limitations period. No provision of this subsection shall operate contrary to subsections B and C of this section.

B. No acknowledgment or promise by any personal representative of a decedent shall charge the estate of the decedent, revive a cause of action otherwise barred, or relieve the personal representative of his duty to defend under § 64.2-1415 in any case in which but for such acknowledgment or promise, the decedent's estate could have been protected under a statute of limitations.

C. No acknowledgment or promise by one of two or more joint contractors shall charge any of such contractors in any case in which but for such acknowledgment another contractor would have been protected under a statute of limitations.

D. *Subsections A and C shall not apply to, limit, or prohibit written promises to waive or not to plead the statute of limitations that are made in, or contemporaneously with, subcontracts of any tier that are related to contracts for construction, construction management, design-build, architecture, or engineering under Chapter 43 (§ 2.2-4300 et seq.) or 43.1 (§ 2.2-4378 et seq.) of Title 2.2; under the policies and procedures adopted by any county, city, or town or school board; under Title 23.1; or under authorizing provisions, policies, or procedures for procurement of such contracts by any public body exempted from the foregoing; however, such waiver or promise not to plead applies only to demands, claims, or actions asserted under such contracts by a public body. As used in this subsection, "subcontract" includes any contract or purchase order to supply labor, equipment, materials, or services to an entity awarded a contract with a public body or to any lower-tier entity performing work provided for in such a contract.*

§ 23.1-1017. Covered institutions; operational authority; procurement.

A. Subject to the express provisions of the management agreement, each covered institution may be exempt from the provisions of the Virginia Public Procurement Act (§ 2.2-4300 et seq.), except for §§ 2.2-4340, 2.2-4340.1, 2.2-4340.2, and 2.2-4342, which shall not be construed to require compliance with the prequalification application procedures of subsection B of § 2.2-4317, provided, however, that (i) any deviations from the Virginia Public Procurement Act in the management agreement shall be uniform across all covered institutions and (ii) the governing board of the covered institution shall adopt, and the covered institution shall comply with, policies for the procurement of goods and services, including professional services, that shall (a) be based upon competitive principles, (b) in each instance seek competition to the maximum practical degree, (c) implement a system of competitive negotiation for professional services pursuant to §§ 2.2-4303.1 and 2.2-4302.2, (d) prohibit discrimination in the solicitation and award of contracts based on the bidder's or offeror's race, religion, color, sex, national origin, age, or disability or on any other basis prohibited by state or federal law, (e) incorporate the prompt payment principles of §§ 2.2-4350 and 2.2-4354, (f) consider the impact on correctional enterprises under § 53.1-47, and (g) provide that whenever solicitations are made seeking competitive procurement of goods or services, it shall be a priority of the institution to provide for fair and reasonable consideration of small, women-owned, and minority-owned businesses and to promote and encourage a diversity of suppliers.

B. Such policies may (i) provide for consideration of the dollar amount of the intended procurement, the term of the anticipated contract, and the likely extent of competition; (ii) implement a prequalification procedure for contractors or products; and (iii) include provisions for cooperative arrangements with other covered institutions, other public or private educational institutions, or other public or private organizations or entities, including public-private partnerships, public bodies, charitable organizations, health care provider alliances or purchasing organizations or entities, state agencies or institutions of the Commonwealth or the other states, the District of Columbia, the territories, or the United States, and any combination of such organizations and entities.

C. Nothing in this section shall preclude a covered institution from requesting and utilizing the assistance of the Virginia Information Technologies Agency for information technology procurements and covered institutions are encouraged to utilize such assistance.

D. Each covered institution shall post on the Department of General Services' central electronic procurement website all Invitations to Bid, Requests for Proposal, sole source award notices, and emergency award notices to ensure visibility and access to the Commonwealth's procurement opportunities on one website.

E. As part of any procurement provisions of the management agreement, the governing board of a covered institution shall identify the public, educational, and operational interests served by any procurement rule that deviates from procurement rules in the Virginia Public Procurement Act (§ 2.2-4300 et seq.).

CHAPTER 497

An Act to amend and reenact §§ 2.2-4340, 8.01-232, and 23.1-1017 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 2.2-4340.1 and 2.2-4340.2, relating to Virginia Public Procurement Act; statute of limitations on actions on construction contracts; statute of limitations on actions on performance bonds.

[S 607]

Approved March 27, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-4340, 8.01-232, and 23.1-1017 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 2.2-4340.1 and 2.2-4340.2 as follows:

§ 2.2-4340. Action on performance bond.

No action against the surety on a performance bond shall be brought unless within five years after completion of the work on the project to the satisfaction of the Department of Transportation, in cases where the public body is the Department of Transportation, or, in all other cases, within one year after (i) completion of the contract, including the expiration of all warranties and guarantees, or (ii) discovery of the defect or breach of warranty that gave rise to the action contract. For the purposes of this section, completion of the contract is the final payment to the contractor pursuant to the terms of the contract. However, if a final certificate of occupancy, or written final acceptance of the project, is issued prior to final payment, the five-year period to bring an action shall commence no later than 12 months from the date of the certificate of occupancy or written final acceptance of the project.

§ 2.2-4340.1. Statute of limitations on construction contracts.

No action may be brought by a state public body on any construction contract, including construction contracts governed by Chapter 43.1 (§ 2.2-4378 et seq.), unless such action is brought within 15 years after completion of the contract. For the purposes of this section, completion of the contract is the final payment to the contractor pursuant to the terms of the contract. However, if a final certificate of occupancy or written final acceptance of the project is issued prior to final payment, the 15-year period to bring an action shall commence no later than 12 months from the date of the certificate of occupancy or written final acceptance of the project. In no case shall such action be brought more than five years after written notice by the state public body to the contractor of a defect or breach giving rise to the cause of action. The state public body shall not unreasonably delay written notice to the contractor.

§ 2.2-4340.2. Statute of limitations on architectural and engineering contracts.

No action may be brought by a state public body on any architectural or engineering services contract, including architectural or engineering services contracts governed by Chapter 43.1 (§ 2.2-4378 et seq.), unless such action is brought within 15 years after completion of the contract. For the purposes of this section, completion of the contract is the final payment to the contractor pursuant to the terms of the contract. However, if the architectural or engineering services are for a construction project for which a final certificate of occupancy or written final acceptance of the project is issued prior to final payment, the 15-year period to bring an action shall commence no later than 12 months from the date of the certificate of occupancy or written final acceptance of the project. In no case shall such action be brought more than five years after written notice by the state public body to the contractor of a defect or breach giving rise to the cause of action. The state public body shall not unreasonably delay written notice to the contractor.

§ 8.01-232. Effect of promises not to plead statute.

A. Whenever the failure to enforce a promise, written or unwritten, not to plead the statute of limitations would operate as a fraud on the promisee, the promisor shall be estopped to plead the statute. In all other cases, an unwritten promise not to plead the statute shall be void, and a written promise not to plead such statute shall be valid when (i) it is made to avoid or defer litigation pending settlement of any case, (ii) it is not made contemporaneously with any other contract, and (iii) it is made for an additional term not longer than the applicable limitations period. No provision of this subsection shall operate contrary to subsections B and C of this section.

B. No acknowledgment or promise by any personal representative of a decedent shall charge the estate of the decedent, revive a cause of action otherwise barred, or relieve the personal representative of his duty to defend under § 64.2-1415 in any case in which but for such acknowledgment or promise, the decedent's estate could have been protected under a statute of limitations.

C. No acknowledgment or promise by one of two or more joint contractors shall charge any of such contractors in any case in which but for such acknowledgment another contractor would have been protected under a statute of limitations.

D. Subsections A and C shall not apply to, limit, or prohibit written promises to waive or not to plead the statute of limitations that are made in, or contemporaneously with, subcontracts of any tier that are related to contracts for construction, construction management, design-build, architecture, or engineering under Chapter 43 (§ 2.2-4300 et seq.) or 43.1 (§ 2.2-4378 et seq.) of Title 2.2; under the policies and procedures adopted by any county, city, or town or school board; under Title 23.1; or under authorizing provisions, policies, or procedures for procurement of such contracts by any

public body exempted from the foregoing; however, such waiver or promise not to plead applies only to demands, claims, or actions asserted under such contracts by a public body. As used in this subsection, "subcontract" includes any contract or purchase order to supply labor, equipment, materials, or services to an entity awarded a contract with a public body or to any lower-tier entity performing work provided for in such a contract.

§ 23.1-1017. Covered institutions; operational authority; procurement.

A. Subject to the express provisions of the management agreement, each covered institution may be exempt from the provisions of the Virginia Public Procurement Act (§ 2.2-4300 et seq.), except for §§ 2.2-4340, 2.2-4340.1, 2.2-4340.2, and 2.2-4342, which shall not be construed to require compliance with the prequalification application procedures of subsection B of § 2.2-4317, provided, however, that (i) any deviations from the Virginia Public Procurement Act in the management agreement shall be uniform across all covered institutions and (ii) the governing board of the covered institution shall adopt, and the covered institution shall comply with, policies for the procurement of goods and services, including professional services, that shall (a) be based upon competitive principles, (b) in each instance seek competition to the maximum practical degree, (c) implement a system of competitive negotiation for professional services pursuant to §§ 2.2-4303.1 and 2.2-4302.2, (d) prohibit discrimination in the solicitation and award of contracts based on the bidder's or offeror's race, religion, color, sex, national origin, age, or disability or on any other basis prohibited by state or federal law, (e) incorporate the prompt payment principles of §§ 2.2-4350 and 2.2-4354, (f) consider the impact on correctional enterprises under § 53.1-47, and (g) provide that whenever solicitations are made seeking competitive procurement of goods or services, it shall be a priority of the institution to provide for fair and reasonable consideration of small, women-owned, and minority-owned businesses and to promote and encourage a diversity of suppliers.

B. Such policies may (i) provide for consideration of the dollar amount of the intended procurement, the term of the anticipated contract, and the likely extent of competition; (ii) implement a prequalification procedure for contractors or products; and (iii) include provisions for cooperative arrangements with other covered institutions, other public or private educational institutions, or other public or private organizations or entities, including public-private partnerships, public bodies, charitable organizations, health care provider alliances or purchasing organizations or entities, state agencies or institutions of the Commonwealth or the other states, the District of Columbia, the territories, or the United States, and any combination of such organizations and entities.

C. Nothing in this section shall preclude a covered institution from requesting and utilizing the assistance of the Virginia Information Technologies Agency for information technology procurements and covered institutions are encouraged to utilize such assistance.

D. Each covered institution shall post on the Department of General Services' central electronic procurement website all Invitations to Bid, Requests for Proposal, sole source award notices, and emergency award notices to ensure visibility and access to the Commonwealth's procurement opportunities on one website.

E. As part of any procurement provisions of the management agreement, the governing board of a covered institution shall identify the public, educational, and operational interests served by any procurement rule that deviates from procurement rules in the Virginia Public Procurement Act (§ 2.2-4300 et seq.).

CHAPTER 498

An Act to amend and reenact § 65.2-402 of the Code of Virginia, relating to workers' compensation; presumption of compensability for certain diseases.

[H 783]

Approved March 27, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 65.2-402 of the Code of Virginia is amended and reenacted as follows:

§ 65.2-402. Presumption as to death or disability from respiratory disease, hypertension or heart disease, cancer.

A. Respiratory diseases that cause (i) the death of volunteer or salaried firefighters or Department of Emergency Management hazardous materials officers or (ii) any health condition or impairment of such firefighters or Department of Emergency Management hazardous materials officers resulting in total or partial disability shall be presumed to be occupational diseases, suffered in the line of duty, that are covered by this title unless such presumption is overcome by a preponderance of competent evidence to the contrary.

B. Hypertension or heart disease causing the death of, or any health condition or impairment resulting in total or partial disability of *any of the following persons who have completed five years of service in their position as* (i) salaried or volunteer firefighters, (ii) members of the State Police Officers' Retirement System, (iii) members of county, city or town police departments, (iv) sheriffs and deputy sheriffs, (v) Department of Emergency Management hazardous materials officers, (vi) city sergeants or deputy city sergeants of the City of Richmond, (vii) Virginia Marine Police officers, (viii) conservation police officers who are full-time sworn members of the enforcement division of the Department of Game and Inland Fisheries, (ix) Capitol Police officers, (x) special agents of the Virginia Alcoholic Beverage Control Authority appointed under the provisions of Chapter 1 (§ 4.1-100 et seq.) of Title 4.1, (xi) for such period that the Metropolitan Washington Airports Authority voluntarily subjects itself to the provisions of this chapter as provided in § 65.2-305, officers of the police force established and maintained by the Metropolitan Washington Airports Authority, (xii) officers of the

police force established and maintained by the Norfolk Airport Authority, (xiii) sworn officers of the police force established and maintained by the Virginia Port Authority, and (xiv) campus police officers appointed under Article 3 (§ 23.1-809 et seq.) of Chapter 8 of Title 23.1 and employed by any public institution of higher education shall be presumed to be occupational diseases, suffered in the line of duty, that are covered by this title unless such presumption is overcome by a preponderance of competent evidence to the contrary.

C. Leukemia or pancreatic, prostate, rectal, throat, ovarian ~~or~~, breast, *colon, brain, or testicular* cancer causing the death of, or any health condition or impairment resulting in total or partial disability of, any volunteer or salaried firefighter, Department of Emergency Management hazardous materials officer, commercial vehicle enforcement officer or motor carrier safety trooper employed by the Department of State Police, or full-time sworn member of the enforcement division of the Department of Motor Vehicles having completed ~~at least~~ *five* years of ~~continuous~~ service ~~who has a contact with a toxic substance encountered in the line of duty~~ shall be presumed to be an occupational disease, suffered in the line of duty, that is covered by this title, unless such presumption is overcome by a preponderance of competent evidence to the contrary. ~~For the purposes of this section, a "toxic substance" is one which is a known or suspected carcinogen, as defined by the International Agency for Research on Cancer, and which causes, or is suspected to cause, leukemia or pancreatic, prostate, rectal, throat, ovarian or breast cancer. For colon, brain, or testicular cancer, the presumption shall not apply for any individual who was diagnosed with such a condition before July 1, 2020.~~

D. The presumptions described in subsections A, B, and C shall only apply if persons entitled to invoke them have, if requested by the private employer, appointing authority or governing body employing them, undergone preemployment physical examinations that (i) were conducted prior to the making of any claims under this title that rely on such presumptions, (ii) were performed by physicians whose qualifications are as prescribed by the private employer, appointing authority or governing body employing such persons, (iii) included such appropriate laboratory and other diagnostic studies as the private employer, appointing authorities or governing bodies may have prescribed, and (iv) found such persons free of respiratory diseases, hypertension, cancer or heart disease at the time of such examinations.

E. Persons making claims under this title who rely on such presumptions shall, upon the request of private employers, appointing authorities or governing bodies employing such persons, submit to physical examinations (i) conducted by physicians selected by such employers, authorities, bodies or their representatives and (ii) consisting of such tests and studies as may reasonably be required by such physicians. However, a qualified physician, selected and compensated by the claimant, may, at the election of such claimant, be present at such examination.

F. Whenever a claim for death benefits is made under this title and the presumptions of this section are invoked, any person entitled to make such claim shall, upon the request of the appropriate private employer, appointing authority or governing body that had employed the deceased, submit the body of the deceased to a postmortem examination as may be directed by the Commission. A qualified physician, selected and compensated by the person entitled to make the claim, may, at the election of such claimant, be present at such postmortem examination.

G. Volunteer emergency medical services personnel, volunteer law-enforcement chaplains, auxiliary and reserve deputy sheriffs, and auxiliary and reserve police are not included within the coverage of this section.

H. For purposes of this section, "firefighter" includes special forest wardens designated pursuant to § 10.1-1135 and any persons who are employed by or contract with private employers primarily to perform firefighting services.

CHAPTER 499

An Act to amend and reenact § 65.2-402 of the Code of Virginia, relating to workers' compensation; presumption of compensability for certain diseases.

[S 9]

Approved March 27, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 65.2-402 of the Code of Virginia is amended and reenacted as follows:

§ 65.2-402. Presumption as to death or disability from respiratory disease, hypertension or heart disease, cancer.

A. Respiratory diseases that cause (i) the death of volunteer or salaried firefighters or Department of Emergency Management hazardous materials officers or (ii) any health condition or impairment of such firefighters or Department of Emergency Management hazardous materials officers resulting in total or partial disability shall be presumed to be occupational diseases, suffered in the line of duty, that are covered by this title unless such presumption is overcome by a preponderance of competent evidence to the contrary.

B. Hypertension or heart disease causing the death of, or any health condition or impairment resulting in total or partial disability of *any of the following persons who have completed five years of service in their position as* (i) salaried or volunteer firefighters, (ii) members of the State Police Officers' Retirement System, (iii) members of county, city or town police departments, (iv) sheriffs and deputy sheriffs, (v) Department of Emergency Management hazardous materials officers, (vi) city sergeants or deputy city sergeants of the City of Richmond, (vii) Virginia Marine Police officers, (viii) conservation police officers who are full-time sworn members of the enforcement division of the Department of Game and Inland Fisheries, (ix) Capitol Police officers, (x) special agents of the Virginia Alcoholic Beverage Control Authority appointed under the provisions of Chapter 1 (§ 4.1-100 et seq.) of Title 4.1, (xi) for such period that the Metropolitan

Washington Airports Authority voluntarily subjects itself to the provisions of this chapter as provided in § 65.2-305, officers of the police force established and maintained by the Metropolitan Washington Airports Authority, (xii) officers of the police force established and maintained by the Norfolk Airport Authority, (xiii) sworn officers of the police force established and maintained by the Virginia Port Authority, and (xiv) campus police officers appointed under Article 3 (§ 23.1-809 et seq.) of Chapter 8 of Title 23.1 and employed by any public institution of higher education shall be presumed to be occupational diseases, suffered in the line of duty, that are covered by this title unless such presumption is overcome by a preponderance of competent evidence to the contrary.

C. Leukemia or pancreatic, prostate, rectal, throat, ovarian ~~or~~ breast, *colon, brain, or testicular* cancer causing the death of, or any health condition or impairment resulting in total or partial disability of, any volunteer or salaried firefighter, Department of Emergency Management hazardous materials officer, commercial vehicle enforcement officer or motor carrier safety trooper employed by the Department of State Police, or full-time sworn member of the enforcement division of the Department of Motor Vehicles having completed ~~at least five years of continuous service who has a contact with a toxic substance encountered in the line of duty~~ shall be presumed to be an occupational disease, suffered in the line of duty, that is covered by this title, unless such presumption is overcome by a preponderance of competent evidence to the contrary. ~~For the purposes of this section, a "toxic substance" is one which is a known or suspected carcinogen, as defined by the International Agency for Research on Cancer, and which causes, or is suspected to cause, leukemia or pancreatic, prostate, rectal, throat, ovarian or breast cancer. For colon, brain, or testicular cancer, the presumption shall not apply for any individual who was diagnosed with such a condition before July 1, 2020.~~

D. The presumptions described in subsections A, B, and C shall only apply if persons entitled to invoke them have, if requested by the private employer, appointing authority or governing body employing them, undergone preemployment physical examinations that (i) were conducted prior to the making of any claims under this title that rely on such presumptions, (ii) were performed by physicians whose qualifications are as prescribed by the private employer, appointing authority or governing body employing such persons, (iii) included such appropriate laboratory and other diagnostic studies as the private employer, appointing authorities or governing bodies may have prescribed, and (iv) found such persons free of respiratory diseases, hypertension, cancer or heart disease at the time of such examinations.

E. Persons making claims under this title who rely on such presumptions shall, upon the request of private employers, appointing authorities or governing bodies employing such persons, submit to physical examinations (i) conducted by physicians selected by such employers, authorities, bodies or their representatives and (ii) consisting of such tests and studies as may reasonably be required by such physicians. However, a qualified physician, selected and compensated by the claimant, may, at the election of such claimant, be present at such examination.

F. Whenever a claim for death benefits is made under this title and the presumptions of this section are invoked, any person entitled to make such claim shall, upon the request of the appropriate private employer, appointing authority or governing body that had employed the deceased, submit the body of the deceased to a postmortem examination as may be directed by the Commission. A qualified physician, selected and compensated by the person entitled to make the claim, may, at the election of such claimant, be present at such postmortem examination.

G. Volunteer emergency medical services personnel, volunteer law-enforcement chaplains, auxiliary and reserve deputy sheriffs, and auxiliary and reserve police are not included within the coverage of this section.

H. For purposes of this section, "firefighter" includes special forest wardens designated pursuant to § 10.1-1135 and any persons who are employed by or contract with private employers primarily to perform firefighting services.

CHAPTER 500

An Act to amend and reenact §§ 24.2-674 and 24.2-802, as it is currently effective and as it shall become effective, of the Code of Virginia, relating to recounts; special election to be held in the case of a tie vote.

[H 198]

Approved March 27, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-674 and 24.2-802, as it is currently effective and as it shall become effective, of the Code of Virginia are amended and reenacted as follows:

§ 24.2-674. Determination by lot in case of tie.

If, *prior to a recount*, two or more persons have an equal number of votes for any county, city, town, or district office, and a higher number than any other person, the electoral board shall proceed publicly to determine by lot which of the candidates shall be declared elected.

If, *prior to a recount*, any two or more persons have an equal number of votes and a higher number than any other person for member of the General Assembly or of the Congress of the United States, or *if any two or more persons have an equal number of votes and a higher number than any other person for* elector of President and Vice President of the United States, the State Board of Elections shall proceed publicly to determine by lot which of them shall be declared elected. Reasonable notice shall be given to such candidates of the time when such elections shall be so determined; and if they, or either of them, shall fail to appear in accordance with such notice, the Board shall proceed so as to determine the election in their absence.

Any person who loses the determination by lot may petition for a recount pursuant to Article 1 (§ 24.2-800 et seq.) of Chapter 8 of this title.

§ 24.2-802. (Effective until July 1, 2020) Procedure for recount.

A. The State Board of Elections shall promulgate standards for (i) the proper handling and security of voting and counting machines, ballots, and other materials required for a recount, (ii) accurate determination of votes based upon objective evidence and taking into account the counting machine and form of ballots approved for use in the Commonwealth, and (iii) any other matters that will promote a timely and accurate resolution of the recount. The chief judge of the circuit court or the full recount court may, consistent with State Board of Elections standards, resolve disputes over the application of the standards and direct all other appropriate measures to ensure the proper conduct of the recount.

The recount procedures to be followed throughout the election district shall be as uniform as practicable, taking into account the types of ballots and voting and counting machines in use in the election district.

In preparation for the recount, the clerks of the circuit courts shall (a) secure all printed ballots and other election materials in sealed boxes; (b) place all of the sealed boxes in a vault or room not open to the public or to anyone other than the clerk and his staff; (c) cause such vault or room to be securely locked except when access is necessary for the clerk and his staff; and (d) certify that these security measures have been taken in whatever form is deemed appropriate by the chief judge.

B. Within seven calendar days of the filing of the petition for a recount of any election other than an election for presidential electors, or within five calendar days of the filing of a petition for a recount of an election for presidential electors, the chief judge of the circuit court shall call a preliminary hearing at which (i) motions may be disposed of and (ii) the rules of procedure may be fixed, both subject to review by the full court. As part of the preliminary hearing, the chief judge may permit the petitioner and his counsel, together with each other party and his counsel and at least two members of the electoral board and the custodians, to examine any direct recording electronic machine of the type that prints returns when the print-out sheets are not clearly legible. The petitioner and his counsel and each other party and their counsel under supervision of the electoral board and its agents shall also have access to pollbooks and other materials used in the election for examination purposes, provided that individual ballots cast in the election shall not be examined at the preliminary hearing. The chief judge during the preliminary hearing shall review all security measures taken for all ballots and voting and counting machines and direct, as he deems necessary, all appropriate measures to ensure proper security to conduct the recount.

The chief judge, subject to review by the full court, may set the place or places for the recount and may order the delivery of election materials to a central location and the transportation of voting and counting machines to a central location in each county or city under appropriate safeguards.

After the full court is appointed under § 24.2-801 or 24.2-801.1, it shall call a hearing at which all motions shall be disposed of and the rules of procedure shall be fixed finally, and it shall issue a written order setting out such rules of procedure. The court shall call for the advice and cooperation of the Department, the State Board, or any local electoral board, as appropriate, and such boards or agency shall have the duty and authority to assist the court. The court shall fix procedures that shall provide for the accurate determination of votes in the election.

The determination of the votes in a recount shall be based on votes cast in the election and shall not take into account (a) any absentee ballots or provisional ballots sought to be cast but ruled invalid and not cast in the election, (b) ballots cast only for administrative or test purposes and voided by the officers of election, or (c) ballots spoiled by a voter and replaced with a new ballot.

The eligibility of any voter to have voted shall not be an issue in a recount. Commencing upon the filing of the recount, nothing shall prevent the discovery or disclosure of any evidence that could be used pursuant to § 24.2-803 in contesting the results of an election.

C. The court shall permit each candidate, or petitioner and governing body or chief executive officer, to select an equal number of the officers of election to be recount officials and to count printed ballots, or in the case of direct recording electronic machines, to redetermine the vote. The number shall be fixed by the court and be sufficient to conduct the recount within a reasonable period. The court may permit each party to the recount to submit a list of alternate officials in the number the court directs. There shall be at least one team of recount officials to recount printed ballots and to redetermine the vote cast on direct recording electronic machines of the type that prints returns for the election district at large in which the recount is being held. There shall be at least one team from each locality using ballot scanner machines to insert the ballots into one or more scanners. The ballot scanner machines shall be programmed to count only votes cast for parties to the recount or for or against the question in a referendum recount. Each team shall be composed of one representative of each party.

The court may provide that if, at the time of the recount, any recount official fails to appear, the remaining recount officials present shall appoint substitute recount officials who shall possess the same qualifications as the recount officials for whom they substitute. The court may select pairs of recount coordinators to serve for each county or city in the election district who shall be members of the county or city electoral board and represent different political parties. The court shall have authority to summon such officials and coordinators. On the request of any party to the recount, the court shall allow that party to appoint one representative observer for each team of recount officials. The representative observers shall have an unobstructed view of the work of the recount officials. The expenses of its representatives shall be borne by each party.

D. The court (i) shall supervise the recount and (ii) may require delivery of any or all pollbooks used and any or all ballots cast at the election, or may assume supervision thereof through the recount coordinators and officials.

The redetermination of the vote in a recount shall be conducted as follows:

1. For paper ballots, the recount officials shall hand count the paper ballots using the standards promulgated by the State Board pursuant to subsection A.

2. For direct recording electronic machines (DREs), the recount officials shall open the envelopes with the printouts and read the results from the printouts. If the printout is not clear, or on the request of the court, the recount officials shall rerun the printout from the machine or examine the counters as appropriate.

3. For ballot scanner machines, the recount officials shall rerun all the machine-readable ballots through a scanner programmed to count only the votes for the office or issue in question in the recount and to set aside all ballots containing write-in votes, overvotes, and undervotes. The ballots that are set aside, any ballots not accepted by the scanner, and any ballots for which a scanner could not be programmed to meet the programming requirements of this subdivision, shall be hand counted using the standards promulgated by the State Board pursuant to subsection A. If the total number of machine-readable ballots reported as counted by the scanner plus the total number of ballots set aside by the scanner do not equal the total number of ballots rerun through the scanner, then all ballots cast on ballot scanner machines for that precinct shall be set aside to be counted by hand using the standards promulgated by the State Board pursuant to subsection A. Prior to running the machine-readable ballots through the ballot scanner machine, the recount officials shall ensure that logic and accuracy tests have been successfully performed on each scanner after the scanner has been programmed. The result calculated for ballots accepted by the ballot scanner machine during the recount shall be considered the correct determination for those machine-readable ballots unless the court finds sufficient cause to rule otherwise.

There shall be only one redetermination of the vote in each precinct.

At the conclusion of the recount of each precinct, the recount officials shall write down the number of valid ballots cast, this number being obtained from the ballots cast in the precinct, or from the ballots cast as shown on the statement of results if the ballots cannot be found, for each of the two candidates or for and against the question. They shall submit the ballots or the statement of results used, as to the validity of which questions exist, to the court. The written statement of any one recount official challenging a ballot shall be sufficient to require its submission to the court. If, on all direct recording electronic machines, the number of persons voting in the election, or the number of votes cast for the office or on the question, totals more than the number of names on the pollbooks of persons voting on the voting machines, the figures recorded by the machines shall be accepted as correct.

At the conclusion of the recount of all precincts, after allowing the parties to inspect the questioned ballots, and after hearing arguments, the court shall rule on the validity of all questioned ballots and votes. After determining all matters pertaining to the recount and redetermination of the vote as raised by the parties, the court shall certify to the State Board and the electoral board or boards (a) the vote for each party to the recount and declare the person who received the higher number of votes to be nominated or elected, as appropriate, or (b) the votes for and against the question and declare the outcome of the referendum. The Department shall post on the Internet any and all changes made during the recount to the results as previously certified by it pursuant to § 24.2-679.

Except in the case of a recount of an election for Governor, Lieutenant Governor, or Attorney General, or for elector of President and Vice President of the United States, if the court finds that each party to the recount has received an equal number of votes, it shall issue a writ promptly ordering a special election be held to determine which candidate is elected to the office.

E. Costs of the recount shall be assessed against the counties and cities comprising the election district when (i) the candidate petitioning for the recount is declared the winner; (ii) the petitioners in a recount of a referendum win the recount; or (iii) there was between the candidate apparently nominated or elected and the candidate petitioning for the recount a difference of not more than one-half of one percent of the total vote cast for the two such candidates as determined by the State Board or electoral board prior to the recount. Otherwise the costs of the recount shall be assessed against the candidate petitioning for the recount or the petitioners in a recount of a referendum. If more than one candidate petitions for a recount, the court may assess costs in an equitable manner between the counties and cities and any such candidate if both are liable for costs under this subsection. Costs incurred to date shall be assessed against any candidate or petitioner who defaults or withdraws his petition.

F. The court shall determine the costs of the recount subject to the following limitations: (i) no per diem payment shall be assessed for salaried election officials; (ii) no per diem payment to officers of election serving as recount officials shall exceed two-thirds of the per diem paid such officers by the county or city for service on election day; and (iii) per diem payments to alternates shall be allowed only if they serve.

G. Any petitioner who may be assessed with costs under subsection E shall post a bond with surety with the court in the amount of \$10 per precinct in the area subject to recount. If the petitioner wins the recount, the bond shall not be forfeit. If the petitioner loses the recount, the bond shall be forfeit only to the extent of the assessed costs. If the assessed costs exceed the bond, he shall be liable for such excess.

H. The recount proceeding shall be final and not subject to appeal.

I. For the purposes of this section:

"Overvote" means a ballot on which a voter casts a vote for a greater number of candidates or positions than the number for which he was lawfully entitled to vote and no vote shall be counted with respect to that office or issue.

"Undervote" means a ballot on which a voter casts a vote for a lesser number of candidates or positions than the number for which he was lawfully entitled to vote.

§ 24.2-802. (Effective July 1, 2020) Procedure for recount.

A. The State Board of Elections shall promulgate standards for (i) the proper handling and security of voting systems, ballots, and other materials required for a recount, (ii) accurate determination of votes based upon objective evidence and taking into account the voting system and form of ballots approved for use in the Commonwealth, and (iii) any other matters that will promote a timely and accurate resolution of the recount. The chief judge of the circuit court or the full recount court may, consistent with State Board of Elections standards, resolve disputes over the application of the standards and direct all other appropriate measures to ensure the proper conduct of the recount.

The recount procedures to be followed throughout the election district shall be as uniform as practicable, taking into account the types of ballots and voting systems in use in the election district.

In preparation for the recount, the clerks of the circuit courts shall (a) secure all printed ballots and other election materials in sealed boxes; (b) place all of the sealed boxes in a vault or room not open to the public or to anyone other than the clerk and his staff; (c) cause such vault or room to be securely locked except when access is necessary for the clerk and his staff; and (d) certify that these security measures have been taken in whatever form is deemed appropriate by the chief judge.

B. Within seven calendar days of the filing of the petition for a recount of any election other than an election for presidential electors, or within five calendar days of the filing of a petition for a recount of an election for presidential electors, the chief judge of the circuit court shall call a preliminary hearing at which (i) motions may be disposed of and (ii) the rules of procedure may be fixed, both subject to review by the full court. The petitioner and his counsel and each other party and their counsel under supervision of the electoral board and its agents shall have access to pollbooks and other materials used in the election for examination purposes, provided that individual ballots cast in the election shall not be examined at the preliminary hearing. The chief judge during the preliminary hearing shall review all security measures taken for all ballots and voting systems and direct, as he deems necessary, all appropriate measures to ensure proper security to conduct the recount.

The chief judge, subject to review by the full court, may set the place or places for the recount and may order the delivery of election materials to a central location and the transportation of voting systems to a central location in each county or city under appropriate safeguards.

After the full court is appointed under § 24.2-801 or 24.2-801.1, it shall call a hearing at which all motions shall be disposed of and the rules of procedure shall be fixed finally, and it shall issue a written order setting out such rules of procedure. The court shall call for the advice and cooperation of the Department, the State Board, or any local electoral board, as appropriate, and such boards or agency shall have the duty and authority to assist the court. The court shall fix procedures that shall provide for the accurate determination of votes in the election.

The determination of the votes in a recount shall be based on votes cast in the election and shall not take into account (a) any absentee ballots or provisional ballots sought to be cast but ruled invalid and not cast in the election, (b) ballots cast only for administrative or test purposes and voided by the officers of election, or (c) ballots spoiled by a voter and replaced with a new ballot.

The eligibility of any voter to have voted shall not be an issue in a recount. Commencing upon the filing of the recount, nothing shall prevent the discovery or disclosure of any evidence that could be used pursuant to § 24.2-803 in contesting the results of an election.

C. The court shall permit each candidate, or petitioner and governing body or chief executive officer, to select an equal number of the officers of election to be recount officials and to count printed ballots. The number shall be fixed by the court and be sufficient to conduct the recount within a reasonable period. The court may permit each party to the recount to submit a list of alternate officials in the number the court directs. There shall be at least one team from each locality using ballot scanner machines to insert the ballots into one or more scanners. The ballot scanner machines shall be programmed to count only votes cast for parties to the recount or for or against the question in a referendum recount. Each team shall be composed of one representative of each party.

The court may provide that if, at the time of the recount, any recount official fails to appear, the remaining recount officials present shall appoint substitute recount officials who shall possess the same qualifications as the recount officials for whom they substitute. The court may select pairs of recount coordinators to serve for each county or city in the election district who shall be members of the county or city electoral board and represent different political parties. The court shall have authority to summon such officials and coordinators. On the request of any party to the recount, the court shall allow that party to appoint one representative observer for each team of recount officials. The representative observers shall have an unobstructed view of the work of the recount officials. The expenses of its representatives shall be borne by each party.

D. The court (i) shall supervise the recount and (ii) may require delivery of any or all pollbooks used and any or all ballots cast at the election, or may assume supervision thereof through the recount coordinators and officials.

The redetermination of the vote in a recount shall be conducted as follows:

1. For paper ballots, the recount officials shall hand count the paper ballots using the standards promulgated by the State Board pursuant to subsection A.

2. For ballot scanner machines, the recount officials shall rerun all the machine-readable ballots through a scanner programmed to count only the votes for the office or issue in question in the recount and to set aside all ballots containing

write-in votes, overvotes, and undervotes. The ballots that are set aside, any ballots not accepted by the scanner, and any ballots for which a scanner could not be programmed to meet the programming requirements of this subdivision, shall be hand counted using the standards promulgated by the State Board pursuant to subsection A. If the total number of machine-readable ballots reported as counted by the scanner plus the total number of ballots set aside by the scanner do not equal the total number of ballots rerun through the scanner, then all ballots cast on ballot scanner machines for that precinct shall be set aside to be counted by hand using the standards promulgated by the State Board pursuant to subsection A. Prior to running the machine-readable ballots through the ballot scanner machine, the recount officials shall ensure that logic and accuracy tests have been successfully performed on each scanner after the scanner has been programmed. The result calculated for ballots accepted by the ballot scanner machine during the recount shall be considered the correct determination for those machine-readable ballots unless the court finds sufficient cause to rule otherwise.

There shall be only one redetermination of the vote in each precinct.

At the conclusion of the recount of each precinct, the recount officials shall write down the number of valid ballots cast, this number being obtained from the ballots cast in the precinct, or from the ballots cast as shown on the statement of results if the ballots cannot be found, for each of the two candidates or for and against the question. They shall submit the ballots or the statement of results used, as to the validity of which questions exist, to the court. The written statement of any one recount official challenging a ballot shall be sufficient to require its submission to the court. If, on all ballot scanners, the number of persons voting in the election, or the number of votes cast for the office or on the question, totals more than the number of names on the pollbooks of persons voting on the voting machines, the figures recorded by the machines shall be accepted as correct.

At the conclusion of the recount of all precincts, after allowing the parties to inspect the questioned ballots, and after hearing arguments, the court shall rule on the validity of all questioned ballots and votes. After determining all matters pertaining to the recount and redetermination of the vote as raised by the parties, the court shall certify to the State Board and the electoral board or boards (a) the vote for each party to the recount and declare the person who received the higher number of votes to be nominated or elected, as appropriate, or (b) the votes for and against the question and declare the outcome of the referendum. The Department shall post on the Internet any and all changes made during the recount to the results as previously certified by it pursuant to § 24.2-679.

Except in the case of a recount of an election for Governor, Lieutenant Governor, or Attorney General, or for elector of President and Vice President of the United States, if the court finds that each party to the recount has received an equal number of votes, it shall issue a writ promptly ordering a special election be held to determine which candidate is elected to the office.

E. Costs of the recount shall be assessed against the counties and cities comprising the election district when (i) the candidate petitioning for the recount is declared the winner; (ii) the petitioners in a recount of a referendum win the recount; or (iii) there was between the candidate apparently nominated or elected and the candidate petitioning for the recount a difference of not more than one-half of one percent of the total vote cast for the two such candidates as determined by the State Board or electoral board prior to the recount. Otherwise the costs of the recount shall be assessed against the candidate petitioning for the recount or the petitioners in a recount of a referendum. If more than one candidate petitions for a recount, the court may assess costs in an equitable manner between the counties and cities and any such candidate if both are liable for costs under this subsection. Costs incurred to date shall be assessed against any candidate or petitioner who defaults or withdraws his petition.

F. The court shall determine the costs of the recount subject to the following limitations: (i) no per diem payment shall be assessed for salaried election officials; (ii) no per diem payment to officers of election serving as recount officials shall exceed two-thirds of the per diem paid such officers by the county or city for service on election day; and (iii) per diem payments to alternates shall be allowed only if they serve.

G. Any petitioner who may be assessed with costs under subsection E shall post a bond with surety with the court in the amount of \$10 per precinct in the area subject to recount. If the petitioner wins the recount, the bond shall not be forfeit. If the petitioner loses the recount, the bond shall be forfeit only to the extent of the assessed costs. If the assessed costs exceed the bond, he shall be liable for such excess.

H. The recount proceeding shall be final and not subject to appeal.

I. For the purposes of this section:

"Overvote" means a ballot on which a voter casts a vote for a greater number of candidates or positions than the number for which he was lawfully entitled to vote and no vote shall be counted with respect to that office or issue.

"Undervote" means a ballot on which a voter casts a vote for a lesser number of candidates or positions than the number for which he was lawfully entitled to vote.

CHAPTER 501

An Act to amend and reenact §§ 24.2-506, 24.2-521, and 24.2-543 of the Code of Virginia, relating to candidate petitions; residency of petition circulators; signed statement required for nonresident circulators.

[H 214]

Approved March 27, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-506, 24.2-521, and 24.2-543 of the Code of Virginia are amended and reenacted as follows:

§ 24.2-506. Petition of qualified voters required; number of signatures required; certain towns excepted.

A. The name of any candidate for any office, other than a party nominee, shall not be printed upon any official ballots provided for the election unless he shall file along with his declaration of candidacy a petition therefor, on a form prescribed by the State Board, signed by the number of qualified voters specified in this subsection after January 1 of the year in which the election is held and listing the residence address of each such voter. Each signature on the petition shall have been witnessed by a person ~~who is himself a legal resident of the Commonwealth and~~ who is not a minor or a felon whose voting rights have not been restored and whose affidavit to that effect appears on each page of the petition. *Each such person circulating a petition who is not a legal resident of the Commonwealth shall sign a statement on the affidavit that he consents to the jurisdiction of the courts of Virginia in resolving any disputes concerning the circulation of petitions, or signatures contained therein, by that person. The signatures of qualified voters collected by a nonresident petition circulator who fails to sign such statement, or who later fails to appear or produce documents when properly served with a subpoena to do so, shall not be counted towards the minimum number of signatures required pursuant to this subsection.*

Each voter signing the petition may provide on the petition the last four digits of his social security number, if any; however, noncompliance with this requirement shall not be cause to invalidate the voter's signature on the petition.

The minimum number of signatures of qualified voters required for candidate petitions shall be as follows:

1. For a candidate for the United States Senate, Governor, Lieutenant Governor, or Attorney General, 10,000 signatures, including the signatures of at least 400 qualified voters from each congressional district in the Commonwealth;

2. For a candidate for the United States House of Representatives, 1,000 signatures;

3. For a candidate for the Senate of Virginia, 250 signatures;

4. For a candidate for the House of Delegates or for a constitutional office, 125 signatures;

5. For a candidate for membership on the governing body or elected school board of any county or city, 125 signatures; or if from an election district not at large containing 1,000 or fewer registered voters, 50 signatures;

6. For a candidate for membership on the governing body or elected school board of any town that has more than 3,500 registered voters, 125 signatures; or if from a ward or other district not at large, 25 signatures;

7. For a candidate for membership on the governing body or elected school board of any town that has at least 1,500 but not more than 3,500 registered voters, 50 signatures; or if from a ward or other district not at large, 25 signatures;

8. For a candidate for membership on the governing body or elected school board of any town that has fewer than 1,500 registered voters, no petition shall be required;

9. For a candidate for director of a soil and water conservation district created pursuant to Article 3 (§ 10.1-506 et seq.) of Chapter 5 of Title 10.1, 25 signatures; and

10. For any other candidate, 50 signatures.

B. The State Board shall approve uniform standards by which petitions filed by a candidate for office, other than a party nominee, are reviewed to determine if the petitions contain sufficient signatures of qualified voters as required in subsection A.

The State Board of Elections, on or before January 1, 2020, shall revise its processes and associated regulations for reviewing and processing candidate petitions. Such revisions shall provide a process for checking petition signatures that includes a method for determining if a petition signature belongs to an individual whose prior registration has been canceled and the reason for such cancellation. The process shall provide for the tracking of such information associated with each petition. The process shall provide for the escalation of cases of suspected fraud to the electoral board, the State Board, or the office of the attorney for the Commonwealth, as appropriate.

C. If a candidate, other than a party nominee, does not qualify to have his name appear on the ballot by reason of the candidate's filed petition not containing the minimum number of signatures of qualified voters for the office sought, the candidate may appeal that determination within five calendar days of the issuance of the notice of disqualification pursuant to § 24.2-612 or notice from the State Board that the candidate did not meet the requirements to have his name appear on the ballot.

Appeals made by candidates for a county, city, or town office shall be filed with the electoral board. Appeals made by candidates for all other offices shall be filed with the State Board. The appeal shall be heard by the State Board or the electoral board, as appropriate, within five business days of its filing. The electoral board shall notify the State Board of any appeal that is filed with the electoral board.

The State Board shall develop procedures for the conduct of such an appeal. The consideration on appeal shall be limited to whether or not the signatures on the petitions that were filed were reasonably rejected according to the requirements of this title and the uniform standards approved by the State Board for the review of petitions. Immediately after the conclusion of the appeal hearing, the entity conducting the appeal shall notify the candidate and, if applicable, the State Board, of its decision in writing. The decision on appeal shall be final and not subject to further appeal.

§ 24.2-521. Petition required to accompany declaration; number of signatures required.

A. A candidate for nomination by primary for any office shall be required to file with his declaration of candidacy a petition for his name to be printed on the official primary ballot, on a form prescribed by the State Board, signed by the number of qualified voters specified in this section after January 1 of the year in which the election is held or before or after

said date in the case of a March primary, and listing the residence address of each such voter. Each signature on the petition shall have been witnessed by a person ~~who is himself a legal resident of the Commonwealth and~~ who is not a minor or a felon whose voting rights have not been restored and whose affidavit to that effect appears on each page of the petition. *Each such person circulating a petition who is not a legal resident of the Commonwealth shall sign a statement on the affidavit that he consents to the jurisdiction of the courts of Virginia in resolving any disputes concerning the circulation of petitions, or signatures contained therein, by that person. The signatures of qualified voters collected by a nonresident petition circulator who fails to sign such statement, or who later fails to appear or produce documents when properly served with a subpoena to do so, shall not be counted towards the minimum number of signatures required pursuant to subsection B.*

Each voter signing the petition may provide on the petition the last four digits of his social security number, if any; however, noncompliance with this requirement shall not be cause to invalidate the voter's signature on the petition.

B. The minimum number of signatures of qualified voters required for primary candidate petitions shall be as follows:

1. For a candidate for the United States Senate, Governor, Lieutenant Governor, or Attorney General, 10,000 signatures, including the signatures of at least 400 qualified voters from each congressional district in the Commonwealth;

2. For a candidate for the United States House of Representatives, 1,000 signatures;

3. For a candidate for the Senate of Virginia, 250 signatures;

4. For a candidate for the House of Delegates or for a constitutional office, 125 signatures;

5. For a candidate for membership on the governing body of any county or city, 125 signatures; or if from an election district not at large containing 1,000 or fewer registered voters, 50 signatures;

6. For a candidate for membership on the governing body of any town that has more than 3,500 registered voters, 125 signatures; or if from a ward or other district not at large, 25 signatures;

7. For a candidate for membership on the governing body of any town that has at least 1,500 but not more than 3,500 registered voters, 50 signatures; or if from a ward or other district not at large, 25 signatures;

8. For a candidate for membership on the governing body of any town that has fewer than 1,500 registered voters, no petition shall be required; and

9. For any other candidate, 50 signatures.

§ 24.2-543. How other groups may submit names of electors; oaths of electors.

A. A group of qualified voters, not constituting a political party as defined in § 24.2-101, may have the names of electors selected by them, including one elector residing in each congressional district and two from the Commonwealth at large, printed upon the official ballot to be used in the election of electors for President and Vice President by filing a petition pursuant to this section. The petition shall be filed with the State Board by noon of the seventy-fourth day before the presidential election. The petition shall be signed by at least 5,000 qualified voters and include signatures of at least 200 qualified voters from each congressional district. The petition shall be signed by petitioners on and after January 1 of the year of the presidential election only and contain the residence address of each petitioner. The signature of each petitioner shall be witnessed either by a person who is a constitutionally qualified candidate for President of the United States, who may witness his own petition, or by a person ~~who is a resident of the Commonwealth and~~ who is not a minor or a felon whose voting rights have not been restored and whose affidavit to that effect appears on each page of the petition. *Each such person circulating a petition who is not a legal resident of the Commonwealth shall sign a statement on the affidavit that he consents to the jurisdiction of the courts of Virginia in resolving any disputes concerning the circulation of petitions, or signatures contained therein, by that person. The signatures of qualified voters collected by a nonresident petition circulator who fails to sign such statement, or who later fails to appear or produce documents when properly served with a subpoena to do so, shall not be counted towards the minimum number of signatures required pursuant to this subsection.*

The petition shall state the names of the electors selected by the petitioners, the party name under which they desire the named electors to be listed on the ballot, and the names of the candidates for President and Vice President for whom the electors are required to vote in the Electoral College. The persons filing the petition shall file with it a copy of a subscribed and notarized oath by each elector stating that he will, if elected, cast his ballot for the candidates for President and Vice President named in the petition, or as the party may direct in the event of death, withdrawal or disqualification of the party nominee. In order to utilize a selected party name on the ballot, the petitioners shall have had a state central committee composed of registered voters from each congressional district of the Commonwealth, a party plan and bylaws, and a duly designated chairman and secretary in existence and holding office for at least six months prior to filing the petition. The State Board may require proof that the petitioners meet these requirements before permitting use of a party name on the ballot. The party name shall not be identical with or substantially similar to the name of any political party qualifying under § 24.2-101 and then in existence.

In the event of the death or withdrawal of a candidate for President or Vice President qualified to appear on the ballot by party name, that party may substitute the name of a different candidate before the State Board certifies to the county and city electoral boards the form of the official ballots.

In the event that a group of qualified voters meets the requirements set forth in this section except that they cannot utilize a party name, the electors selected and the candidates for President and Vice President shall be identified and designated as "Independent" on the ballot. Substitution of a different candidate for Vice President may be made by the candidate for President before the State Board certifies to the county and city electoral boards the form of the official ballot.

In the event of the death or disqualification of any person listed as an elector for candidates for President and Vice President on a petition filed pursuant to this section, the party or candidate for President, as applicable, may substitute the name of a different elector. Such substitution shall not invalidate any petition of qualified voters circulated with the name of the deceased or disqualified elector provided that notice of the substitution is filed with the State Board by noon of the seventy-fourth day before the presidential election. Notice of the substitution and the name of any substitute elector shall be submitted on a form prepared by the State Board.

B. If the State Board determines that a candidate for President does not qualify to have his name appear on the ballot pursuant to this section by reason of the candidate's filed petition not containing the minimum number of signatures of qualified voters for the office sought, the candidate may appeal the determination to the State Board within seven calendar days of the issuance of the notice of disqualification. The notice of disqualification shall be sent by email or regular mail to the address on file for the candidate, and such notice shall be deemed sufficient. The State Board shall hear the appeal within three business days of its filing.

The State Board shall develop procedures for the conduct of such an appeal. The consideration on appeal shall be limited to whether or not the signatures on the petitions that were filed were reasonably rejected according to the requirements of this title and the rules and procedures set forth by the State Board for checking petitions. Immediately after the conclusion of the appeal hearing, the State Board shall notify the candidate of its decision in writing. The decision on appeal shall be final and not subject to further appeal.

CHAPTER 502

An Act to amend and reenact §§ 32.1-45.1, 32.1-45.2, 32.1-48.015, and 32.1-116.3 of the Code of Virginia, relating to exposure to decedent's body fluids; testing.

[H 664]

Approved March 27, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 32.1-45.1, 32.1-45.2, 32.1-48.015, and 32.1-116.3 of the Code of Virginia are amended and reenacted as follows:

§ 32.1-45.1. Deemed consent to testing and release of test results related to infection with human immunodeficiency virus or hepatitis B or C viruses.

A. Whenever any health care provider, or any person employed by or under the direction and control of a health care provider, is directly exposed to body fluids of a patient in a manner that may, according to the then current guidelines of the Centers for Disease Control and Prevention, transmit human immunodeficiency virus or hepatitis B or C viruses, the patient whose body fluids were involved in the exposure shall be deemed to have consented to testing for infection with human immunodeficiency virus or hepatitis B or C viruses. Such patient shall also be deemed to have consented to the release of such test results to the person who was exposed. In other than emergency situations, it shall be the responsibility of the health care provider to inform patients of this provision prior to providing them with health care services which create a risk of such exposure.

B. Whenever any patient is directly exposed to body fluids of a health care provider, or of any person employed by or under the direction and control of a health care provider, in a manner that may, according to the then current guidelines of the Centers for Disease Control and Prevention, transmit human immunodeficiency virus or hepatitis B or C viruses, the person whose body fluids were involved in the exposure shall be deemed to have consented to testing for infection with human immunodeficiency virus or hepatitis B or C viruses. Such person shall also be deemed to have consented to the release of such test results to the patient who was exposed.

C. For the purposes of this section, "health care provider" means any person, facility or agency licensed or certified to provide care or treatment by the Department of Health, Department of Behavioral Health and Developmental Services, Department of Rehabilitative Services, or the Department of Social Services, any person licensed or certified by a health regulatory board within the Department of Health Professions except for the Boards of Funeral Directors and Embalmers and Veterinary Medicine or any personal care agency contracting with the Department of Medical Assistance Services.

D. "Health care provider," as defined in subsection C, shall be deemed to include any person who renders emergency care or assistance, without compensation and in good faith, at the scene of an accident, fire, or any life-threatening emergency, or while en route therefrom to any hospital, medical clinic or doctor's office during the period while rendering such emergency care or assistance. The Department of Health shall provide appropriate counseling and opportunity for face-to-face disclosure of any test results to any such person.

E. Whenever any law-enforcement officer, salaried or volunteer firefighter, or salaried or volunteer emergency medical services provider is directly exposed to body fluids of a person in a manner that may, according to the then current guidelines of the Centers for Disease Control and Prevention, transmit human immunodeficiency virus or hepatitis B or C viruses, the person whose body fluids were involved in the exposure shall be deemed to have consented to testing for infection with human immunodeficiency virus or hepatitis B or C viruses. Such person shall also be deemed to have consented to the release of such test results to the person who was exposed. *If the person whose body fluids were involved in the exposure is deceased, the decedent's next of kin shall be deemed to have consented to testing of the decedent's blood for*

infection with human immunodeficiency virus or hepatitis B or C viruses and release of such test results to the person who was exposed.

F. Whenever a person is directly exposed to the body fluids of a law-enforcement officer, salaried or volunteer firefighter, or salaried or volunteer emergency medical services provider in a manner that may, according to the then current guidelines of the Centers for Disease Control and Prevention, transmit human immunodeficiency virus or hepatitis B or C viruses, the person whose body fluids were involved in the exposure shall be deemed to have consented to testing for infection with human immunodeficiency virus or hepatitis B or C viruses. The law-enforcement officer, salaried or volunteer firefighter, or salaried or volunteer emergency medical services provider shall also be deemed to have consented to the release of such test results to the person who was exposed.

G. For the purposes of this section, "law-enforcement officer" means a person who is both (i) engaged in his public duty at the time of such exposure and (ii) employed by any sheriff's office, any adult or youth correctional facility, or any state or local law-enforcement agency, or any agency or department under the direction and control of the Commonwealth or any local governing body that employs persons who have law-enforcement authority.

H. Whenever any school board employee is directly exposed to body fluids of any person in a manner that may, according to the then current guidelines of the Centers for Disease Control and Prevention, transmit human immunodeficiency virus or hepatitis B or C viruses, the person whose body fluids were involved in the exposure shall be deemed to have consented to testing for infection with human immunodeficiency virus or hepatitis B or C viruses. Such person shall also be deemed to have consented to the release of such test results to the school board employee who was exposed.

I. Whenever any person is directly exposed to the body fluids of a school board employee in a manner that may, according to the then current guidelines of the Centers for Disease Control and Prevention, transmit human immunodeficiency virus or hepatitis B or C viruses, the school board employee whose body fluids were involved in the exposure shall be deemed to have consented to testing for infection with human immunodeficiency virus or hepatitis B or C viruses. The school board employee shall also be deemed to have consented to the release of such test results to the person.

J. For the purposes of this section, "school board employee" means a person who is both (i) acting in the course of employment at the time of such exposure and (ii) employed by any local school board in the Commonwealth.

K. For purposes of this section, if the person whose blood specimen is sought for testing is a minor, consent for obtaining such specimen shall be obtained from the parent, guardian, or person standing in loco parentis of such minor prior to initiating such testing. If the parent or guardian or person standing in loco parentis withholds such consent, or is not reasonably available, the person potentially exposed to the human immunodeficiency virus or hepatitis B or C viruses, or the employer of such person, may petition the juvenile and domestic relations district court in the county or city where the minor resides or resided, or, in the case of a nonresident, the county or city where the health care provider, law-enforcement agency or school board has its principal office or, in the case of a health care provider rendering emergency care pursuant to subsection D, the county or city where the exposure occurred, for an order requiring the minor to provide a blood specimen or to submit to testing and to disclose the test results in accordance with this section.

L. Except as provided in subsection K, if the person whose blood specimen is sought for testing refuses to provide such specimen, any person identified by this section who was potentially exposed to the human immunodeficiency virus or the hepatitis B or C viruses in the manner described by this section, or the employer of such person, may petition, on a form to be provided by the Office of the Executive Secretary of the Supreme Court of Virginia, the general district court of the county or city in which the person whose specimen is sought resides or resided, or, in the case of a nonresident, the county or city where the health care provider, law-enforcement agency or school board has its principal office or, in the case of a health care provider rendering emergency care pursuant to subsection D, the county or city where the exposure occurred, for an order requiring the person to provide a blood specimen or to submit to testing and to disclose the test results in accordance with this section. A hearing on such a petition shall be given precedence on the docket so as to be heard by the court within 48 hours of the filing of the petition, or, if the court is closed during such time period, such petition shall be heard on the next day that the court is in session. A copy of the petition, which shall specify the date and location of the hearing, shall be provided to the person whose specimen is sought. At any hearing before the court, the person whose specimen is sought or his counsel may appear. The court may be advised by the Commissioner or his designee prior to entering any testing order. If the general district court determines that there is probable cause to believe that a person identified by this section has been exposed in the manner prescribed by this section, the court shall issue an order requiring the person whose bodily fluids were involved in the exposure to provide a blood specimen or to submit to testing and to disclose the test results in accordance with this section. If a testing order is issued, both the petitioner and the person from whom the blood specimen is sought shall receive counseling and opportunity for face-to-face disclosure of any test results by a licensed practitioner or trained counselor.

M. Any person who is subject to a testing order may appeal the order of the general district court to the circuit court of the same jurisdiction within 10 days of receiving notice of the order. Any hearing conducted pursuant to this subsection shall be held in camera as soon as practicable. The record shall be sealed. The order of the circuit court shall be final and nonappealable.

N. No specimen obtained pursuant to this section shall be tested for any purpose other than for the purpose provided for in this section, nor shall the specimen or the results of any testing pursuant to this section be used for any purpose in any

criminal matter or investigation. Any violation of this subsection shall constitute reversible error in any criminal case in which the specimen or results were used.

§ 32.1-45.2. Public safety employees; testing for blood-borne pathogens; procedure available for certain citizens; definitions.

A. If, in the course of employment, an employee of a public safety agency is involved in a possible exposure prone incident, the employee shall immediately, or as soon thereafter as practicable, notify the agency of the incident in accordance with the agency's procedures for reporting workplace accidents.

B. If, after reviewing the facts of the possible exposure prone incident with the employee and after medical consultation, the agency concludes that it is reasonable to believe that an exposure prone incident may have occurred, *and the person whose body fluids were involved in the exposure prone incident is deceased, the agency shall (i) immediately contact the custodian of the remains and request that a specimen of blood be preserved for testing and (ii) contact the next of kin of the decedent and inform the next of kin that the specimen will be tested for hepatitis B or C viruses and human immunodeficiency virus and the results of such testing released to the person who was exposed.*

C. If, after reviewing the facts of the possible exposure prone incident with the employee and after medical consultation, the agency concludes that it is reasonable to believe that an exposure prone incident may have occurred and the person whose body fluids were involved in the exposure prone incident is alive, the agency shall request the person whose body fluids were involved to submit to testing for hepatitis B or C virus and human immunodeficiency virus as provided in § 32.1-37.2 and to authorize disclosure of the test results or (ii) if the person is deceased, the agency shall request the custodian of the remains to preserve a specimen of blood and shall request the decedent's next of kin to consent, as provided in § 32.1-37.2, to such testing and to authorize disclosure of the test results.

~~C. D.~~ If a person is involved in a possible exposure prone incident involving the body fluids of an employee of a public safety agency, the person may request the agency to review the facts of the possible exposure prone incident for purposes of obtaining the employee's consent to test for hepatitis B or C virus and human immunodeficiency virus as provided in § 32.1-37.2 and to authorize disclosure of the test results. If, after reviewing the facts and after medical consultation, the agency concludes it is reasonable to believe an exposure prone incident involving the person and the employee may have occurred, (i) the agency shall request the employee whose body fluids were involved to give consent to submit to testing for hepatitis B or C virus and human immunodeficiency virus and to authorize disclosure of the test results or (ii) if the employee is deceased, the agency shall request the custodian of the remains to preserve a specimen of blood and shall request the decedent's next of kin to provide consent, as provided in § 32.1-37.2, to such testing and to authorize disclosure of the test results.

~~D. E.~~ If consent is refused under subsection ~~B~~ of this section *C*, the public safety agency or the employee may petition the general district court of the city or county in which the person resides or resided, or in the case of a nonresident, the city or county of the public safety agency's principal office, to determine whether an exposure prone incident has occurred and to order testing and disclosure of the test results.

If consent is refused under subsection ~~C~~ of this section *D*, the person involved in the possible exposure prone incident may petition the general district court of the city or county of the public safety agency's principal office to determine whether an exposure prone incident has occurred and to order testing and disclosure of the test results.

~~E. F.~~ If the court finds by a preponderance of the evidence that an exposure prone incident has occurred, it shall order testing for hepatitis B or C virus and human immunodeficiency virus and disclosure of the test results. The court shall be advised by the Commissioner or his designee in making this finding. The hearing shall be held in camera as soon as practicable after the petition is filed. The record shall be sealed.

~~F. G.~~ A party may appeal an order of the general district court to the circuit court of the same jurisdiction within ten days from the date of the order. Any such appeal shall be de novo, in camera, and shall be heard as soon as possible by the circuit court. The circuit court shall be advised by the Commissioner or his designee. The record shall be sealed. The order of the circuit court shall be final and nonappealable.

~~G. H.~~ Disclosure of any test results provided by this section shall be made to the district health director of the jurisdiction in which the petition was brought or the district in which the person or employee was tested. The district health director or his designee shall inform the parties of the test results and counsel them in accordance with subsection ~~B C~~ of § 32.1-37.2.

~~H. I.~~ The results of the tests shall be confidential as provided in § 32.1-36.1.

~~I. J.~~ No person known or suspected to be positive for infection with hepatitis B or C virus or human immunodeficiency virus shall be refused services for that reason by any public safety agency personnel.

~~J. K.~~ For the purpose of this section and for no other purpose, the term "employee" shall include: (i) any person providing assistance to a person employed by a public safety agency who is directly affected by a possible exposure prone incident as a result of the specific crime or specific circumstances involved in the assistance and (ii) any victim of or witness to a crime who is directly affected by a possible exposure prone incident as a result of the specific crime.

~~K. L.~~ This section shall not be deemed to create any duty on the part of any person where none exists otherwise, and a cause of action shall not arise from any failure to request consent or to consent to testing under this section. The remedies available under this section shall be exclusive.

~~L. M.~~ For the purposes of this section, ~~the following terms shall apply:~~

"Exposure prone incident" means a direct exposure to body fluids of another person in a manner which may, according to the then current guidelines of the Centers for Disease Control and Prevention, transmit hepatitis B or C virus or human immunodeficiency virus and which occurred during the commission of a criminal act, during the performance of emergency procedures, care or assistance, or in the course of public safety or law-enforcement duties.

"Public safety agency" means any sheriff's office; any adult or youth correctional, law-enforcement, or fire safety organization; the Department of Forensic Science; or any agency or department that employs persons who have law-enforcement authority and which is under the direction and control of the Commonwealth or any local governing body.

§ 32.1-48.015. Authorization to disclose health records.

A. The provisions of this article are hereby declared to be necessary to prevent serious harm and serious threats to the health and safety of individuals and the public in Virginia for purposes of authorizing the State Health Commissioner or his designee to examine and review any health records of any person or persons subject to any order of quarantine or order of isolation pursuant to this article and the regulations of the Department of Health and Human Services promulgated in compliance with the Health Insurance Portability and Accountability Act of 1996, as amended. The State Health Commissioner shall authorize any designee in writing to so examine and review any health records of any person or persons subject to any order of quarantine or order of isolation pursuant to this article.

B. Pursuant to the regulations concerning patient privacy promulgated by the federal Department of Health and Human Services, covered entities may disclose protected health information to the State Health Commissioner or his designee without obtaining consent or authorization for such disclosure from the person who is the subject of the records. Such protected health information shall be used to facilitate the health care of any person or persons who are subject to an order of quarantine or an order of isolation. The State Health Commissioner or his designee shall only redisclose such protected health information in compliance with the aforementioned federal regulations. Further, the protected health information disclosed to the State Health Commissioner or his designee shall be held confidential and shall not be disclosed pursuant to the provisions of subdivision 12 of § 2.2-3705.5.

C. Pursuant to subsection G of § 32.1-116.3, any person requesting or requiring any employee of a public safety agency as defined in subsection F of § 32.1-45.2 to arrest, transfer, or otherwise exercise custodial supervision over an individual known to the requesting person (i) to be infected with any communicable disease or (ii) to be subject to an order of quarantine or an order of isolation pursuant to Article 3.02 (§ 32.1-48.05 et seq.) of Chapter 2 shall inform such employee of a public safety agency of the potential risk of exposure to a communicable disease.

§ 32.1-116.3. Reporting of communicable diseases; definitions.

A. For the purposes of this section:

"Communicable disease of public health threat" means an illness of public health significance, as determined by the State Health Commissioner in accordance with regulations of the Board of Health, caused by a specific or suspected infectious agent that may be reasonably expected or is known to be readily transmitted directly or indirectly from one individual or person to another or to uninfected persons through airborne or nonairborne means and has been found to create a risk of death or significant injury or impairment; this definition shall not, however, be construed to include human immunodeficiency viruses or tuberculosis, unless used as a bioterrorism weapon. "Individual" shall include any companion animal.

"Communicable diseases" means any airborne infection or disease, including, but not limited to, tuberculosis, measles, certain meningococcal infections, mumps, chicken pox and Hemophilus Influenzae Type b, and those transmitted by contact with blood or other human body fluids, including, but not limited to, human immunodeficiency virus, Hepatitis B and Non-A, Non-B Hepatitis.

B. Every licensed health care facility that transfers or receives patients via emergency medical services vehicles shall notify the emergency medical services agencies providing such patient transport of the name and telephone number of the individual who is the infection control practitioner with the responsibility of investigating exposure to infectious diseases in the facility.

Every emergency medical services agency that holds a valid license issued by the Commissioner and that is established in the Commonwealth shall notify all facilities to which it transports patients or from which it transfers patients of the names and telephone numbers of the members, not to exceed three persons, who have been appointed to serve as the exposure control officers. Every emergency medical services agency that holds a valid license issued by the Commissioner shall implement universal precautions and shall ensure that these precautions are appropriately followed and enforced.

C. Upon requesting any emergency medical services agency that holds a valid license issued by the Commissioner to transfer a patient who is known to be positive for or who suffers from any communicable disease, the transferring facility shall inform the attendant-in-charge of the transferring crew of the general condition of the patient and the types of precautions to be taken to prevent the spread of the disease. The identity of the patient shall be confidential.

D. If any firefighter, law-enforcement officer, or emergency medical services provider has an exposure of blood or body fluid to mucous membrane or non-intact skin or a contaminated needlestick injury, his exposure control officer shall be notified, a report completed, and the infection control practitioner at the receiving facility notified.

E. If, during the course of medical care and treatment, any physician determines that a patient who was transported to a receiving facility by any emergency medical services agency that holds a valid license issued by the Commissioner (i) is positive for or has been diagnosed as suffering from an airborne infectious disease or (ii) is subject to an order of quarantine or an order of isolation pursuant to Article 3.02 (§ 32.1-48.05 et seq.) of Chapter 2, then the infection control practitioner in

the facility shall immediately notify the exposure control officer who represents the transporting emergency medical services agency of the name of the patient and the date and time of the patient's admittance to the facility. The exposure control officer for the transporting emergency medical services agency shall investigate the incident to determine if any exposure of emergency medical services personnel or other emergency personnel occurred. The identity of the patient and all personnel involved in any such investigation shall be confidential.

F. If any firefighter, law-enforcement officer, or emergency medical services provider is exposed to a communicable disease, the exposure control officer shall immediately notify the infection control practitioner of the receiving facility. The infection control practitioner of the facility shall conduct an investigation and provide information concerning the extent and severity of the exposure and the recommended course of action to the exposure control officer of the transporting agency.

G. Any person requesting or requiring any employee of a public safety agency as defined in subsection ~~F~~ M of § 32.1-45.2 to arrest, transfer, or otherwise exercise custodial supervision over an individual known to the requesting person (i) to be infected with any communicable disease or (ii) to be subject to an order of quarantine or an order of isolation pursuant to Article 3.02 (§ 32.1-48.05 et seq.) of Chapter 2 shall inform such public safety agency employee of a potential risk of exposure to a communicable disease.

H. Local or state correctional facilities which transfer patients known to have a communicable disease or to be subject to an order of quarantine or an order of isolation pursuant to Article 3.02 (§ 32.1-48.05 et seq.) of Chapter 2 shall notify the emergency medical services agency providing transportation services of a potential risk of exposure to a communicable disease, including a communicable disease of public health threat. For the purposes of this section, the chief medical person at a local or state correctional facility or the facility director or his designee shall be responsible for providing such information to the transporting agency.

I. Any person who, as a result of this provision, becomes aware of the identity or condition of a person known to be (i) positive for or to suffer from any communicable disease, or to have suffered exposure to a communicable disease or (ii) subject to an order of quarantine or an order of isolation pursuant to Article 3.02 (§ 32.1-48.05 et seq.) of Chapter 2, shall keep such information confidential, except as expressly authorized by this provision.

J. No person known to be (i) positive for or to suffer from any communicable disease, including any communicable disease of public health threat, or (ii) subject to an order of quarantine or an order of isolation pursuant to Article 3.02 (§ 32.1-48.05 et seq.) of Chapter 2, shall be refused transportation or service for that reason by an emergency medical services, law-enforcement, or public safety agency.

CHAPTER 503

An Act to amend and reenact § 32.1-68 of the Code of Virginia, relating to Department of Health; sickle cell anemia; adult and pediatric comprehensive sickle cell clinic network.

[H 907]

Approved March 27, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 32.1-68 of the Code of Virginia is amended and reenacted as follows:

§ 32.1-68. Commissioner to establish screening and treatment program; review by Board; program to include education and post-screening counseling; laboratory tests.

A. The Commissioner, in cooperation with local health directors, shall establish a voluntary program for the screening of ~~individuals~~ *adults and children* for the disease of sickle cell anemia or the sickle cell trait and for such other genetically related diseases and genetic traits and inborn errors of metabolism as the Board may deem necessary.

B. The Board shall review the program from time to time to determine the appropriate age and the method of screening for such conditions or traits in the light of technological changes.

C. The screening program shall include provisions for education concerning the nature and treatment of sickle cell anemia, other genetically related diseases and inborn errors of metabolism and a post-screening counseling program for the treatment of any person determined to have such a condition.

D. The program may include the provision of laboratory testing.

E. *The Board shall adopt regulations to implement an adult and pediatric comprehensive sickle cell clinic network.*

CHAPTER 504

An Act to amend and reenact § 15.2-826 of the Code of Virginia, relating to collection of town taxes by county.

[H 1534]

Approved March 27, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-826 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-826. Department of finance; director; general duties.

A. The director of finance shall be the head of the department of finance and as such have charge of (i) the administration of the county's financial affairs, including the budget; (ii) the assessment of property for taxation; (iii) the collection of taxes, license fees and other revenues; (iv) the custody of all public funds belonging to or handled by the county; (v) the supervision of the expenditures of the county and its subdivisions; (vi) the disbursement of county funds; (vii) the purchase, storage and distribution of all supplies, materials, equipment and contractual service needed by any department, office or other using agency of the county unless some other officer or employee is designated for this purpose; (viii) the keeping and supervision of all accounts; and (ix) such other duties as the board requires.

B. *Notwithstanding any other provision of law, the board may enter into an agreement, similar to such agreements as are authorized under § 58.1-3910.1, with any town located partially or wholly within the county for the official responsible for the assessment or collection of taxes to collect and enforce delinquent or non-delinquent real or personal property taxes owed to such town. The responsible official collecting town taxes pursuant to an agreement made under this section shall account for and pay over to the town the amounts collected, as provided by law. Any such agreement shall establish the terms for such collection and enforcement, including payment of reasonable compensation by the town for the services of the director of tax administration or other official and the order in which credit will be given for partial payments between taxes owed to the county and those owed to the town.*

C. The board may assign the budget function to the urban county executive or a budget officer.

CHAPTER 505

An Act to amend and reenact § 15.2-826 of the Code of Virginia, relating to collection of town taxes by county.

[S 649]

Approved March 27, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-826 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-826. Department of finance; director; general duties.

A. The director of finance shall be the head of the department of finance and as such have charge of (i) the administration of the county's financial affairs, including the budget; (ii) the assessment of property for taxation; (iii) the collection of taxes, license fees and other revenues; (iv) the custody of all public funds belonging to or handled by the county; (v) the supervision of the expenditures of the county and its subdivisions; (vi) the disbursement of county funds; (vii) the purchase, storage and distribution of all supplies, materials, equipment and contractual service needed by any department, office or other using agency of the county unless some other officer or employee is designated for this purpose; (viii) the keeping and supervision of all accounts; and (ix) such other duties as the board requires.

B. *Notwithstanding any other provision of law, the board may enter into an agreement, similar to such agreements as are authorized under § 58.1-3910.1, with any town located partially or wholly within the county for the official responsible for the assessment or collection of taxes to collect and enforce delinquent or non-delinquent real or personal property taxes owed to such town. The responsible official collecting town taxes pursuant to an agreement made under this section shall account for and pay over to the town the amounts collected, as provided by law. Any such agreement shall establish the terms for such collection and enforcement, including payment of reasonable compensation by the town for the services of the director of tax administration or other official and the order in which credit will be given for partial payments between taxes owed to the county and those owed to the town.*

C. The board may assign the budget function to the urban county executive or a budget officer.

CHAPTER 506

An Act to direct the Virginia College Savings Plan to, in consultation with a group of stakeholders, analyze current state and federal programs that encourage citizens to save for retirement by participating in retirement savings plans.

[H 775]

Approved March 27, 2020

Be it enacted by the General Assembly of Virginia:

1. § 1. *That the Virginia College Savings Plan shall analyze current state and federal programs that encourage citizens to save for retirement by participating in retirement savings plans, including plans pursuant to §§ 401(k), 403(b), 408(k), 408(p), and 457(b) of the Internal Revenue Code. The scope of the analysis shall include (i) an examination of potential retirement savings options for self-employed individuals, part-time employees, and full-time employees whose employers do not offer a retirement savings plan; (ii) the level of interest by Virginia employers in participating in a voluntary state-sponsored private retirement option; (iii) the likely costs to start up such a plan and an estimate of time to reach self-sufficiency and potential funding options; (iv) the experience of other states that have implemented or are implementing a state-sponsored private retirement solution for employers and employees; and (v) the appropriate state agency and structure to implement the solution. The analysis may include recommendations for statutory changes or amendments to the general appropriation act. The Virginia College Savings Plan, in undertaking the analysis, shall convene a group of*

stakeholders to assist and provide insight into the feasibility and preferred structure of such a plan. The Virginia College Savings Plan shall report its findings and recommendations to the General Assembly on or before December 15, 2020.

CHAPTER 507

An Act to amend and reenact § 58.1-609.10 of the Code of Virginia, relating to sales tax; exemption for gun safes.

[H 888]

Approved March 27, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-609.10 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-609.10. Miscellaneous exemptions.

The tax imposed by this chapter or pursuant to the authority granted in §§ 58.1-605 and 58.1-606 shall not apply to the following:

1. Artificial or propane gas, firewood, coal or home heating oil used for domestic consumption. "Domestic consumption" means the use of artificial or propane gas, firewood, coal or home heating oil by an individual purchaser for other than business, commercial or industrial purposes. The Tax Commissioner shall establish by regulation a system for use by dealers in classifying individual purchases for domestic or nondomestic use based on the principal usage of such gas, wood, coal or oil. Any person making a nondomestic purchase and paying the tax pursuant to this chapter who uses any portion of such purchase for domestic use may, between the first day of the first month and the fifteenth day of the fourth month following the year of purchase, apply for a refund of the tax paid on the domestic use portion.

2. An occasional sale, as defined in § 58.1-602. A nonprofit organization that is eligible to be granted an exemption on its purchases pursuant to § 58.1-609.11, and that is otherwise eligible for the exemption pursuant to this subdivision, shall be exempt pursuant to this subdivision on its sales of (i) food, prepared food and meals and (ii) tickets to events that include the provision of food, prepared food and meals, so long as such sales take place on fewer than 24 occasions in a calendar year.

3. Tangible personal property for future use by a person for taxable lease or rental as an established business or part of an established business, or incidental or germane to such business, including a simultaneous purchase and taxable leaseback.

4. Delivery of tangible personal property outside the Commonwealth for use or consumption outside of the Commonwealth. Delivery of goods destined for foreign export to a factor or export agent shall be deemed to be delivery of goods for use or consumption outside of the Commonwealth.

5. Tangible personal property purchased with food coupons issued by the United States Department of Agriculture under the Food Stamp Program or drafts issued through the Virginia Special Supplemental Food Program for Women, Infants, and Children.

6. Tangible personal property purchased for use or consumption in the performance of maintenance and repair services at Nuclear Regulatory Commission-licensed nuclear power plants located outside the Commonwealth.

7. Beginning July 1, 1997, and ending July 1, 2006, a professional's provision of original, revised, edited, reformatted or copied documents, including but not limited to documents stored on or transmitted by electronic media, to its client or to third parties in the course of the professional's rendition of services to its clientele.

8. School lunches sold and served to pupils and employees of schools and subsidized by government; school textbooks sold by a local board or authorized agency thereof; and school textbooks sold for use by students attending a college or other institution of learning, when sold (i) by such institution of learning or (ii) by any other dealer, when such textbooks have been certified by a department or instructor of such institution of learning as required textbooks for students attending courses at such institution.

9. Medicines, drugs, hypodermic syringes, artificial eyes, contact lenses, eyeglasses, eyeglass cases, and contact lens storage containers when distributed free of charge, all solutions or sterilization kits or other devices applicable to the wearing or maintenance of contact lenses or eyeglasses when distributed free of charge, and hearing aids dispensed by or sold on prescriptions or work orders of licensed physicians, dentists, optometrists, ophthalmologists, opticians, audiologists, hearing aid dealers and fitters, nurse practitioners, physician assistants, and veterinarians; controlled drugs purchased for use by a licensed physician, optometrist, licensed nurse practitioner, or licensed physician assistant in his professional practice, regardless of whether such practice is organized as a sole proprietorship, partnership, or professional corporation, or any other type of corporation in which the shareholders and operators are all licensed physicians, optometrists, licensed nurse practitioners, or licensed physician assistants engaged in the practice of medicine, optometry, or nursing; medicines and drugs purchased for use or consumption by a licensed hospital, nursing home, clinic, or similar corporation not otherwise exempt under this section; and samples of prescription drugs and medicines and their packaging distributed free of charge to authorized recipients in accordance with the federal Food, Drug, and Cosmetic Act (21 U.S.C.A. § 301 et seq., as amended). With the exceptions of those medicines and drugs used for agricultural production animals that are exempt to veterinarians under subdivision 1 of § 58.1-609.2, any veterinarian dispensing or selling medicines or drugs on prescription shall be deemed to be the user or consumer of all such medicines and drugs.

10. Wheelchairs and parts therefor, braces, crutches, prosthetic devices, orthopedic appliances, catheters, urinary accessories, other durable medical equipment and devices, and related parts and supplies specifically designed for those

products; and insulin and insulin syringes, and equipment, devices or chemical reagents that may be used by a diabetic to test or monitor blood or urine, when such items or parts are purchased by or on behalf of an individual for use by such individual. Durable medical equipment is equipment that (i) can withstand repeated use, (ii) is primarily and customarily used to serve a medical purpose, (iii) generally is not useful to a person in the absence of illness or injury, and (iv) is appropriate for use in the home.

11. Drugs and supplies used in hemodialysis and peritoneal dialysis.

12. Special equipment installed on a motor vehicle when purchased by a handicapped person to enable such person to operate the motor vehicle.

13. Special typewriters and computers and related parts and supplies specifically designed for those products used by handicapped persons to communicate when such equipment is prescribed by a licensed physician.

14. a. (i) Any nonprescription drugs and proprietary medicines purchased for the cure, mitigation, treatment, or prevention of disease in human beings and (ii) any samples of nonprescription drugs and proprietary medicines distributed free of charge by the manufacturer, including packaging materials and constituent elements and ingredients.

b. The terms "nonprescription drugs" and "proprietary medicines" shall be defined pursuant to regulations promulgated by the Department of Taxation. The exemption authorized in this subdivision shall not apply to cosmetics.

15. Tangible personal property withdrawn from inventory and donated to (i) an organization exempt from taxation under § 501(c)(3) of the Internal Revenue Code or (ii) the Commonwealth, any political subdivision of the Commonwealth, or any school, agency, or instrumentality thereof.

16. Tangible personal property purchased by nonprofit churches that are exempt from taxation under § 501(c)(3) of the Internal Revenue Code, or whose real property is exempt from local taxation pursuant to the provisions of § 58.1-3606, for use (i) in religious worship services by a congregation or church membership while meeting together in a single location and (ii) in the libraries, offices, meeting or counseling rooms or other rooms in the public church buildings used in carrying out the work of the church and its related ministries, including kindergarten, elementary and secondary schools. The exemption for such churches shall also include baptistries; bulletins, programs, newspapers and newsletters that do not contain paid advertising and are used in carrying out the work of the church; gifts including food for distribution outside the public church building; food, disposable serving items, cleaning supplies and teaching materials used in the operation of camps or conference centers by the church or an organization composed of churches that are exempt under this subdivision and which are used in carrying out the work of the church or churches; and property used in caring for or maintaining property owned by the church including, but not limited to, mowing equipment; and building materials installed by the church, and for which the church does not contract with a person or entity to have installed, in the public church buildings used in carrying out the work of the church and its related ministries, including, but not limited to worship services; administrative rooms; and kindergarten, elementary, and secondary schools.

17. Medical products and supplies, which are otherwise taxable, such as bandages, gauze dressings, incontinence products and wound-care products, when purchased by a Medicaid recipient through a Department of Medical Assistance Services provider agreement.

18. Beginning July 1, 2007, and ending July 1, 2012, multifuel heating stoves used for heating an individual purchaser's residence. "Multifuel heating stoves" are stoves that are capable of burning a wide variety of alternative fuels, including, but not limited to, shelled corn, wood pellets, cherry pits, and olive pits.

19. Fabrication of animal meat, grains, vegetables, or other foodstuffs when the purchaser (i) supplies the foodstuffs and they are consumed by the purchaser or his family, (ii) is an organization exempt from taxation under § 501(c)(3) or (c)(4) of the Internal Revenue Code, or (iii) donates the foodstuffs to an organization exempt from taxation under § 501(c)(3) or (c)(4) of the Internal Revenue Code.

20. Beginning July 1, 2018, and ending July 1, 2022, parts, engines, and supplies used for maintaining, repairing, or reconditioning aircraft or any aircraft's avionics system, engine, or component parts. This exemption shall not apply to tools and other equipment not attached to or that does not become a part of the aircraft. For purposes of this subdivision, "aircraft" shall include both manned and unmanned systems.

21. *A gun safe with a selling price of \$1,500 or less. For purposes of this subdivision, "gun safe" means a safe or vault that is (i) commercially available, (ii) secured with a digital or dial combination locking mechanism or biometric locking mechanism, and (iii) designed for the storage of a firearm or of ammunition for use in a firearm. "Gun safe" does not include a glass-faced cabinet. Any discount, coupon, or other credit offered by the retailer or a vendor of the retailer to reduce the final price to the customer shall be taken into account in determining the selling price for purposes of this exemption.*

CHAPTER 508

An Act to amend and reenact § 58.1-2606 of the Code of Virginia, relating to property taxes; generating equipment of electric suppliers utilizing wind turbines.

[H 1327]

Approved March 27, 2020

Be it enacted by the General Assembly of Virginia:**1. That § 58.1-2606 of the Code of Virginia is amended and reenacted as follows:****§ 58.1-2606. Local taxation of real and tangible personal property of public service corporations; other persons.**

A. Notwithstanding the provisions of this section and §§ 58.1-2607 and 58.1-2690, all local taxes on the real estate and tangible personal property of public service corporations referred to in such sections and other persons with property assessed pursuant to this chapter shall be at the real estate rate applicable in the respective locality.

B. Notwithstanding any of the foregoing provisions, all aircraft, automobiles and trucks of such corporations and other persons shall be taxed at the same rate or rates applicable to other aircraft, automobiles and trucks in the respective locality.

C. Notwithstanding any of the foregoing provisions, generating equipment that is reported to the Commission by electric suppliers shall be taxed at a rate determined by the locality but shall not exceed the real estate rate applicable in the respective localities. However, generating equipment that is reported to the Commission by electric suppliers utilizing wind turbines, *for which an initial interconnection request form has been filed with an electric utility or a regional transmission organization on or before July 1, 2020, may be taxed by the locality at a rate that exceeds the real estate rate by up to \$0.20 per \$100 of assessed value. All other generating equipment that is reported to the Commission by electric suppliers utilizing wind turbines* may be taxed by the locality at a rate that exceeds the real estate rate; but that does not exceed the general class of personal property tax rate applicable in the respective localities.

D. Notwithstanding the provisions of any of the foregoing provisions, no additional tax otherwise authorized under § 58.1-3221.3 shall be imposed by the counties of Isle of Wight, James City, and York and the cities of Chesapeake, Hampton, Newport News, Norfolk, Poquoson, Portsmouth, Suffolk, Virginia Beach, and Williamsburg upon any real or tangible personal property of a public service corporation or electric supplier unless a final certificate of occupancy for a commercial or industrial use has been issued and remains in effect.

CHAPTER 509

An Act to amend and reenact § 22.1-79.7 of the Code of Virginia, relating to school meal policies.

[H 697]

Approved March 27, 2020

Be it enacted by the General Assembly of Virginia:**1. That § 22.1-79.7 of the Code of Virginia is amended and reenacted as follows:****§ 22.1-79.7. School meal policies.**

Each local school board shall adopt policies that:

1. Prohibit school board employees from requiring a student who cannot pay for a meal at school or who owes a school meal debt to *throw away or discard a meal after it has been served to him*, do chores or other work to pay for such meals, or wear a wristband or hand stamp; and

2. Require school board employees to direct any communication relating to a school meal debt to the student's parent. Such policy may permit such communication to be made by a letter addressed to the parent to be sent home with the student.

CHAPTER 510

An Act to require the Department of Education to develop a plan to adopt and implement standards for microcredentials.

[H 836]

Approved March 27, 2020

Be it enacted by the General Assembly of Virginia:

1. § 1. *The Department of Education shall develop a plan to adopt and implement standards for microcredentials used toward add-on endorsements and renewal of licenses earned by Virginia license holders in science, technology, engineering, and mathematics (STEM) fields. Such plan shall include (i) a process for reviewing and administering educator microcredentials; (ii) assurances that educator microcredentials rely upon demonstrable evidence from the submission of artifacts, such as student projects and teacher lesson plans, that are then objectively scored against existing rubrics; and (iii) assurances that educator microcredentials focus on interrelated competencies leading to logical teacher professional development pathways and stacks of educator microcredentials and align with the Board of Education's ongoing work on educator professional development. Such plan shall also include the resources needed for statewide implementation. The Department of Education shall complete and submit the plan to the Chairmen of the House Committee on Education, the House Committee on Appropriations, the Senate Committee on Education and Health, and the Senate Committee on Finance and Appropriations no later than December 1, 2020.*

CHAPTER 511

An Act to amend the Code of Virginia by adding in Article 2 of Chapter 1 of Title 23.1 a section numbered 23.1-108, relating to public institutions of higher education; foundations; annual reporting requirements.

[H 1223]

Approved March 27, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 2 of Chapter 1 of Title 23.1 a section numbered 23.1-108 as follows:

§ 23.1-108. Foundations; annual reporting requirements.

A. Each public institution of higher education shall release an annual report regarding foundations associated with the institution setting forth foundation expenses. The annual report shall include:

- 1. The total annual expenditures by each foundation;*
- 2. The percentage of expenditures used for scholarships or financial aid by each foundation;*
- 3. The percentage of expenditures used for faculty compensation by each foundation;*
- 4. The percentage of expenditures used for program costs by each foundation;*
- 5. The percentage of expenditures used for equipment and technology by each foundation;*
- 6. The percentage of expenditures used for administrative support by each foundation; and*
- 7. The percentage of expenditures used for executive compensation by each foundation.*

B. This section shall not apply to the Virginia Community College System.

CHAPTER 512

An Act to amend and reenact § 23.1-503 of the Code of Virginia, relating to public institutions of higher education; students; determination of domicile.

[H 1315]

Approved March 27, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 23.1-503 of the Code of Virginia is amended and reenacted as follows:

§ 23.1-503. Determination of domicile; rules; presumptions.

A. Students shall not ordinarily establish domicile by the performance of acts that are auxiliary to fulfilling educational objectives or are required or routinely performed by temporary residents of the Commonwealth. Students shall not establish domicile by mere physical presence or residence primarily for educational purposes.

B. A married individual may establish domicile in the same manner as an unmarried individual.

C. A nonmilitary student whose parent or spouse is a member of the Armed Forces of the United States may establish domicile in the same manner as any other student.

D. Any alien holding an immigration visa or classified as a political refugee may establish domicile in the same manner as any other student. However, absent congressional intent to the contrary, any individual holding a student visa or another temporary visa does not have the capacity to intend to remain in the Commonwealth indefinitely and is therefore ineligible to establish domicile and receive in-state tuition charges.

E. The domicile of a dependent student shall be rebuttably presumed to be the domicile of the parent or legal guardian (i) claiming him as an exemption on federal or state income tax returns currently and for the tax year prior to the date of the alleged entitlement or (ii) providing him with substantial financial support. The spouse of an active duty military service member, if such spouse has established domicile and claimed the dependent student on federal or state income tax returns, is not subject to minimum income tests or requirements.

F. The domicile of an unemancipated minor or a dependent student 18 years old or older may be the domicile of either the parent with whom he resides, the parent who claims the student as a dependent for federal or Virginia income tax purposes for the tax year prior to the date of the alleged entitlement and is currently so claiming the student, or the parent who provides the student with substantial financial support. If there is no surviving parent or the whereabouts of the parents are unknown, then the domicile of an unemancipated minor shall be the domicile of the legal guardian of such unemancipated minor unless circumstances indicate that such guardianship was created primarily for the purpose of establishing domicile.

G. Continuously enrolled non-Virginia students shall be presumed to be in the Commonwealth for educational purposes unless they rebut such presumption with clear and convincing evidence of domicile.

H. A non-Virginia student is not eligible for reclassification as a Virginia student unless he applies for and is approved for such reclassification. Any such reclassification shall only be granted prospectively from the date such application is received.

I. A student who knowingly provides erroneous information in an attempt to evade payment of out-of-state tuition charges shall be charged out-of-state tuition for each term, semester, or quarter attended and may be subject to dismissal

from the institution. All disputes relating to the veracity of information provided to establish domicile in the Commonwealth are appealable as set forth in § 23.1-510.

J. No student shall be deemed ineligible to establish domicile and receive in-state tuition charges solely on the basis of the immigration status of his parent.

CHAPTER 513

An Act to amend and reenact §§ 22.1-298.1 and 22.1-304 of the Code of Virginia, relating to Board of Education; teacher licensure; written reprimand; suspension.

[H 1344]

Approved March 27, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 22.1-298.1 and 22.1-304 of the Code of Virginia are amended and reenacted as follows:

§ 22.1-298.1. Regulations governing licensure.

A. As used in this section:

"Alternate route to licensure" means a nontraditional route to teacher licensure available to individuals who meet the criteria specified in the guidelines developed pursuant to subsection N or regulations issued by the Board of Education.

"Industry certification credential" means an active career and technical education credential that is earned by successfully completing a Board of Education-approved industry certification examination, being issued a professional license in the Commonwealth, or successfully completing an occupational competency examination.

"Licensure by reciprocity" means a process used to issue a license to an individual coming into the Commonwealth from another state when that individual meets certain conditions specified in the Board of Education's regulations.

"Professional teacher's assessment" means those tests mandated for licensure as prescribed by the Board of Education.

"Provisional license" means a nonrenewable license issued by the Board of Education for a specified period of time, not to exceed three years, to an individual who may be employed by a school division in the Commonwealth and who generally meets the requirements specified in the Board of Education's regulations for licensure, but who may need to take additional coursework, pass additional assessments, or meet alternative evaluation standards to be fully licensed with a renewable license.

"Renewable license" means a license issued by the Board of Education for 10 years to an individual who meets the requirements specified in the Board of Education's regulations.

B. The Board of Education shall prescribe, by regulation, the requirements for the licensure of teachers and other school personnel required to hold a license. Such regulations shall include procedures for (i) the denial, suspension, cancellation, revocation, and reinstatement of licensure; (ii) written reprimand of license holders *on grounds established by the Board, in accordance with law*, notice of which shall be made by the Superintendent of Public Instruction to division superintendents or their designated representatives; and (iii) the immediate and thorough investigation by the division superintendent or his designee of any complaint alleging that a license holder has engaged in conduct that may form the basis for the revocation of his license. At a minimum, such procedures for investigations contained in such regulations shall require (a) the division superintendent to petition for the revocation of the license upon completing such investigation and finding that there is reasonable cause to believe that the license holder has engaged in conduct that forms the basis for revocation of a license; (b) the school board to proceed to a hearing on such petition for revocation within 90 days of the mailing of a copy of the petition to the license holder, unless the license holder requests the cancellation of his license in accordance with Board regulations; and (c) the school board to provide a copy of the investigative file and such petition for revocation to the Superintendent of Public Instruction at the time that the hearing is scheduled. The Board of Education shall revoke the license of any person for whom it has received a notice of dismissal or resignation pursuant to subsection F of § 22.1-313 and, in the case of a person who is the subject of a founded complaint of child abuse or neglect, after all rights to any administrative appeal provided by § 63.2-1526 have been exhausted. Regardless of the authority of any other agency of the Commonwealth to approve educational programs, only the Board of Education shall have the authority to license teachers to be regularly employed by school boards, including those teachers employed to provide nursing education.

The Board of Education shall prescribe by regulation the licensure requirements for teachers who teach only online courses, as defined in § 22.1-212.23. Such license shall be valid only for teaching online courses. Teachers who hold a 10-year renewable license issued by the Board of Education may teach online courses for which they are properly endorsed.

C. The Board of Education's regulations shall include requirements that a person seeking initial licensure:

1. Demonstrate proficiency in the relevant content area, communication, literacy, and other core skills for educators by achieving a qualifying score on professional assessments or meeting alternative evaluation standards as prescribed by the Board;

2. Complete study in attention deficit disorder;

3. Complete study in gifted education, including the use of multiple criteria to identify gifted students; and

4. Complete study in methods of improving communication between schools and families and ways of increasing family involvement in student learning at home and at school.

D. In addition, such regulations shall include requirements that:

1. Every person seeking initial licensure and persons seeking licensure renewal as teachers who have not completed such study shall complete study in child abuse recognition and intervention in accordance with curriculum guidelines developed by the Board of Education in consultation with the Department of Social Services that are relevant to the specific teacher licensure routes;

2. Every person seeking renewal of a license shall complete all renewal requirements, including professional development in a manner prescribed by the Board, except that no person seeking renewal of a license shall be required to satisfy any such requirement by completing coursework and earning credit at an institution of higher education;

3. Every person seeking initial licensure or renewal of a license shall provide evidence of completion of certification or training in emergency first aid, cardiopulmonary resuscitation, and the use of automated external defibrillators. The certification or training program shall (i) be based on the current national evidence-based emergency cardiovascular care guidelines for cardiopulmonary resuscitation and the use of an automated external defibrillator, such as a program developed by the American Heart Association or the American Red Cross, and (ii) include hands-on practice of the skills necessary to perform cardiopulmonary resuscitation. The Board shall provide a waiver for this requirement for any person with a disability whose disability prohibits such person from completing the certification or training;

4. Every person seeking licensure with an endorsement as a teacher of the blind and visually impaired shall demonstrate proficiency in reading and writing Braille;

5. Every teacher seeking an initial license in the Commonwealth with an endorsement in the area of career and technical education shall have an industry certification credential in the area in which the teacher seeks endorsement. If a teacher seeking an initial license in the Commonwealth has not attained an industry certification credential in the area in which the teacher seeks endorsement, the Board may, upon request of the employing school division or educational agency, issue the teacher a provisional license to allow time for the teacher to attain such credential;

6. Every person seeking initial licensure or renewal of a license shall complete awareness training, provided by the Department of Education, on the indicators of dyslexia, as that term is defined by the Board pursuant to regulations, and the evidence-based interventions and accommodations for dyslexia; and

7. Every person seeking initial licensure or renewal of a license with an endorsement as a school counselor shall complete training in the recognition of mental health disorder and behavioral distress, including depression, trauma, violence, youth suicide, and substance abuse.

E. No teacher who seeks a provisional license shall be required to meet any requirement set forth in subdivision D 1, 3, or 6 as a condition of such licensure, but each such teacher shall complete each such requirement during the first year of provisional licensure.

F. The Board shall issue a license to an individual seeking initial licensure who has not completed professional assessments as prescribed by the Board, if such individual (i) holds a provisional license that will expire within three months; (ii) is employed by a school board; (iii) is recommended for licensure by the division superintendent; (iv) has attempted, unsuccessfully, to obtain a qualifying score on the professional assessments as prescribed by the Board; (v) has received an evaluation rating of proficient or above on the performance standards for each year of the provisional license, and such evaluation was conducted in a manner consistent with the Guidelines for Uniform Performance Standards and Evaluation Criteria for Teachers, Principals, and Superintendents; and (vi) meets all other requirements for initial licensure.

G. Each local school board or division superintendent may waive for any individual whom it seeks to employ as a career and technical education teacher and who is also seeking initial licensure or renewal of a license with an endorsement in the area of career and technical education any applicable requirement set forth in subsection C or subdivision D 2, 4, or 6.

H. The Board's regulations shall require that initial licensure for principals and assistant principals be contingent upon passage of an assessment as prescribed by the Board.

I. The Board shall establish criteria in its regulations to effectuate the substitution of experiential learning for coursework for those persons seeking initial licensure through an alternate route as defined in Board regulations. Such alternate routes shall include eligibility for any individual to receive, notwithstanding any provision of law to the contrary, a renewable one-year license to teach in public high schools in the Commonwealth if he has:

1. Received a graduate degree from a regionally accredited institution of higher education;

2. Completed at least 30 credit hours of teaching experience as an instructor at a regionally accredited institution of higher education;

3. Received qualifying scores on the professional teacher's assessments prescribed by the Board, including the communication and literacy assessment and the content-area assessment for the endorsement sought; and

4. Met the requirements set forth in subdivisions D 1 and 3.

J. Notwithstanding any provision of law to the contrary, the Board (i) may provide for the issuance of a provisional license, valid for a period not to exceed three years, pursuant to subdivision D 5 or to any person who does not meet the requirements of this section or any other requirement for licensure imposed by law and (ii) shall provide for the issuance of a provisional license, valid for a period not to exceed three years, to any former member of the Armed Forces of the United States or the Virginia National Guard who has received an honorable discharge and has the appropriate level of experience or training but does not meet the requirements for a renewable license.

K. The Board's licensure regulations shall also provide for licensure by reciprocity:

1. With comparable endorsement areas for those individuals holding a valid out-of-state teaching license and national certification from the National Board for Professional Teaching Standards or a nationally recognized certification program

approved by the Board of Education. The application for such individuals shall require evidence of such valid licensure and national certification and shall not require official student transcripts;

2. For any spouse of an active duty member of the Armed Forces of the United States or the Commonwealth who has obtained a valid out-of-state license, with full credentials and without deficiencies, that is in force at the time the application for a Virginia license is received by the Department of Education. Each such individual shall establish a file in the Department of Education by submitting a complete application packet, which shall include official student transcripts. No service requirements or licensing assessments shall be required for any such individual; and

3. For individuals who have obtained a valid out-of-state license, with full credentials and without deficiencies, that is in force at the time the application for a Virginia license is received by the Department of Education. Each such individual shall establish a file in the Department of Education by submitting a complete application packet, which shall include official student transcripts. No service requirements or licensing assessments shall be required for any such individual.

L. The Board shall include in its regulations an alternate route to licensure for elementary education preK-6 and an alternate route to licensure for special education general curriculum K-12. Each such alternate route to licensure shall require individuals to (i) meet the qualifying scores on the content area assessment prescribed by the Board for the endorsements sought and (ii) complete an alternative certification program that provides training in the pedagogy and methodology of the respective content or special education areas prescribed by the Board. The curriculum of any such alternative certification program shall be approved by the Board. Nothing in this subsection shall preclude the Board from establishing other alternate routes to licensure.

M. The Board, in its regulations providing for licensure by reciprocity established pursuant to subsection K, shall (i) permit applicants to submit third-party employment verification forms and (ii) grant special consideration to individuals who have successfully completed a program offered by a provider that is accredited by the Council for the Accreditation of Educator Preparation.

N. The Board shall develop guidelines that establish a process to permit a school board or any organization sponsored by a school board to petition the Board for approval of an alternate route to licensure that may be used to meet the requirements for a provisional or renewable license or any endorsement. Any such alternate route may include alternatives to the regulatory requirements for teacher preparation, including alternative professional assessments and coursework. The petitioner may proffer or the Board may impose conditions in conjunction with the approval of such petition.

§ 22.1-304. Reemployment of teacher who has not achieved continuing contract status; effect of continuing contract; resignation of teacher; reduction in number of teachers.

A. If a teacher who has not achieved continuing contract status receives notice of reemployment, he must accept or reject in writing within 15 days of receipt of such notice. Except as provided in § 22.1-305 and except in the case of a reduction in force as provided in subsection F, written notice of nonrenewal of the probationary contract must be given by the school board on or before June 15 of each year. If no such notice is given a teacher by June 15, the teacher shall be entitled to a contract for the ensuing year in accordance with local salary stipulations including increments.

B. Teachers employed after completing the probationary period shall be entitled to continuing contracts during good behavior and competent service. Written notice of noncontinuation of the contract by either party must be given by June 15 of each year; otherwise the contract continues in effect for the ensuing year in conformity with local salary stipulations including increments.

C. A teacher may resign after June 15 of any school year with the approval of the local school board or, upon authorization by the school board, with the approval of the division superintendent. The teacher shall request release from contract at least two weeks in advance of intended date of resignation. Such request shall be in writing and shall set forth the cause of resignation.

If the division superintendent has been authorized to approve resignations, a teacher may, within one week, withdraw a request to resign. Upon the expiration of the one-week period, the division superintendent shall notify the school board of his decision to accept or reject the resignation. The school board, within two weeks, may reverse the decision of the division superintendent.

In the event that the board or the division superintendent declines to grant the request for release on the grounds of insufficient or unjustifiable cause, and the teacher breaches such contract, disciplinary action, which may include written reprimand, *suspension*, or revocation of the teacher's license, may be taken pursuant to regulations prescribed by the Board of Education.

D. As soon after June 15 as the school budget shall have been approved by the appropriating body, the school board shall furnish each teacher a statement confirming continuation of employment, setting forth assignment and salary.

Nothing in the continuing contract shall be construed to authorize the school board to contract for any financial obligation beyond the period for which funds have been made available with which to meet such obligation.

E. A school board may reduce the number of teachers, whether or not such teachers have reached continuing contract status, because of decrease in enrollment or abolition of particular subjects.

F. Within two weeks of the approval of the school budget by the appropriating body, but no later than July 1, school boards shall notify all teachers who may be subject to a reduction in force due to a decrease in the school board's budget as approved by the appropriating body.

G. If a school board implements a reduction in workforce pursuant to this section, such reduction shall not be made solely on the basis of seniority but must include consideration of, among other things, the performance evaluations of the teachers potentially affected by the reduction in workforce.

CHAPTER 514

An Act to amend and reenact § 9.1-188 of the Code of Virginia, relating to Department of Criminal Justice Services; crisis intervention team training.

[H 1231]

Approved March 31, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 9.1-188 of the Code of Virginia is amended and reenacted as follows:

§ 9.1-188. Crisis intervention team training.

The Department, in consultation with the Department of Behavioral Health and Developmental Services, *the Department for Aging and Rehabilitative Services*, and law-enforcement, *brain injury*, and mental health stakeholders, shall develop a training program for all persons involved in the crisis intervention team programs, and all team members shall receive this training. The curriculum shall be approved for Department-certified in-service training credits for law-enforcement officers from each crisis intervention team and shall include *a module on brain injury as part of* four hours of mandatory training in legal issues.

CHAPTER 515

An Act to amend and reenact § 9.1-188 of the Code of Virginia, relating to Department of Criminal Justice Services; crisis intervention team training.

[S 494]

Approved March 31, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 9.1-188 of the Code of Virginia is amended and reenacted as follows:

§ 9.1-188. Crisis intervention team training.

The Department, in consultation with the Department of Behavioral Health and Developmental Services, *the Department for Aging and Rehabilitative Services*, and law-enforcement, *brain injury*, and mental health stakeholders, shall develop a training program for all persons involved in the crisis intervention team programs, and all team members shall receive this training. The curriculum shall be approved for Department-certified in-service training credits for law-enforcement officers from each crisis intervention team and shall include *a module on brain injury as part of* four hours of mandatory training in legal issues.

CHAPTER 516

An Act to amend and reenact § 36-11.1:1 of the Code of Virginia, relating to redevelopment and housing authority; compensation of commissioners.

[H 396]

Approved March 31, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 36-11.1:1 of the Code of Virginia is amended and reenacted as follows:

§ 36-11.1:1. Compensation of commissioners generally.

Notwithstanding any other provision of law, any redevelopment and housing authority may, from funds of the *redevelopment and housing* authority and with the approval of the governing body, pay each commissioner *a stipend not exceeding \$150 to exceed \$500* per month for services as a commissioner, in addition to such expenses as are allowed by law.

CHAPTER 517

An Act to direct the Department of Housing and Community Development and the Virginia Housing Development Authority to convene a stakeholder meeting on the establishment of a Virginia opportunity tax credit program.

[H 810]

Approved March 31, 2020

Be it enacted by the General Assembly of Virginia:

1. § 1. *The Department of Housing and Community Development (the Department) and the Virginia Housing Development Authority (the Authority) shall convene a stakeholder advisory group to develop draft legislation establishing a Virginia housing opportunity tax credit program for the purpose of providing incentives for the utilization of private equity in the development and construction of affordable housing in the Commonwealth and regulations for implementing such program. The stakeholder advisory group shall also conduct financial modeling to determine the fiscal impact to the Commonwealth of various levels of funding for a Virginia housing opportunity tax credit. The stakeholder advisory group shall determine the most effective and efficient way to administer the program in conjunction with the federal Low-Income Housing Tax Credit Program.*

§ 2. *The stakeholder advisory group shall consist of individuals with expertise in land development, construction, affordable housing, real-estate finance, tax credit syndication, the federal Low-Income Housing Tax Credit Program, or other areas of expertise as determined by the Department and the Authority. The stakeholder advisory group shall also include representatives from the Department and the Authority.*

§ 3. *The stakeholder advisory group shall receive support from the staff of the Department and the Authority.*

§ 4. *The stakeholder advisory group shall report its recommendations to the Governor, the Secretary of Commerce and Trade, the Director of the Department of Housing and Community Development, and the commissioners of the Virginia Housing Development Authority by September 1, 2020.*

CHAPTER 518

An Act to direct the State Corporation Commission to establish rules governing fair market valuations of water utility or sewer utility asset acquisitions.

[H 835]

Approved March 31, 2020

Be it enacted by the General Assembly of Virginia:

1. § 1. *The State Corporation Commission (the Commission) shall establish rules governing petitions by an acquiring public utility that has elected to seek use of the fair market value of a municipal or other governmental selling utility's water or sewer assets to determine the initial rate base for the purpose of post-acquisition rate recovery. Such rules shall identify information to be filed in addition to all other filing requirements in the Utility Transfers Act (§ 56-88 et seq. of the Code of Virginia). Such rules shall:*

1. *Establish the process for determining the acquired water or sewer utility rate base, taking into consideration the use of the lesser of (i) the agreed-upon purchase price established during a voluntary arm's-length transaction by the selling and acquiring utilities and (ii) the fair market value established using the average of the valuations provided by three qualified and impartial utility valuation experts.*

2. *Provide for the acquiring utility to submit complete and unredacted copies of two qualified, independent, and impartial utility valuation expert's appraisals of the system assets to be acquired in compliance with the uniform standards of professional appraisal practices. The appraisals shall be treated confidentially. Such appraisals shall be completed and submitted in accordance with the following:*

a. *One appraisal shall be sponsored by the public utility acquiring the utility system assets, and one appraisal shall be sponsored by the government entity selling the utility system assets.*

b. *The qualifications of such utility valuation experts, specifically as they relate to water or wastewater utility systems, shall be clearly identified in the application.*

c. *The appraisals shall clearly identify whether they are based on a cost, market, income, or other methodology.*

d. *The appraisals shall quantify only the fair market value associated with assets that are to be currently used and useful in utility service. To the extent assets are acquired beyond those to be currently used and useful in utility service, a narrative shall be provided of the acquiring utility's intended purpose of such assets.*

e. *Commission staff and other intervenors may seek discovery to confirm the reasonableness of such appraisals and may provide testimony and recommendations regarding such.*

f. *When combined with a third appraisal sponsored by the Commission staff, the average of the three appraisals shall be deemed the fair market value for the purposes of this proceeding. The applicant may seek discovery to confirm the reasonableness of such appraisal and may provide testimony and recommendations regarding such.*

3. *Provide for the submission of a complete and unredacted copy of an assessment performed by a professional engineer licensed in Virginia, jointly retained by the acquiring and selling utilities, regarding tangible assets of the utility system to be acquired. Such assessment shall be used by the utility valuation experts as a basis for their valuations in determining fair market value and shall be treated confidentially. Such assessments shall be completed and submitted in accordance with the following:*

a. *The qualifications of such licensed engineer, specifically as they relate to water and/or wastewater utility systems, shall be clearly identified in the application.*

b. *Commission staff and other intervenors may seek discovery to confirm the reasonableness of the assessment and may provide testimony and recommendations regarding such.*

c. To the extent assets are to be acquired beyond those to be currently used and useful in utility service, such assessment shall separately quantify only the assets that are to be currently used and useful in utility service.

4. Provide that to the extent the proposed purchase price is different from that provided in the appraisals, the application shall identify such proposed purchase price.

5. Provide for the acquiring utility to submit the proposed journal entries resulting from the proposed acquisition, including tax entries, including account numbers recognized by the National Association of Regulatory Utility Commissioners.

6. Provide for the acquiring utility to submit an analysis identifying the qualitative and quantitative benefits and estimated customer rate impacts for the next five years as a result of the proposed acquisition for each of (i) the customers of the desired system and (ii) the legacy customers of the acquiring utility. Such analysis should clearly identify all assumptions relied upon.

7. Provide that if depreciation rates for the acquired system are not based on a depreciation study:

a. The acquiring utility may apply a three percent composite depreciation rate to the fair market value of the utility system assets acquired.

b. A depreciation study on the acquired system shall be performed within five years of acquisition and provided for review by Commission staff. Upon acceptance of the depreciation rates by Commission staff for booking purposes, such rates shall be utilized for the system effective as of the date of the study.

c. However, if the acquired system is of a size that would qualify under the Small Water or Sewer Public Utility Act (§ 56-265.13:1 et seq. of the Code of Virginia), such assets may be exempted from the requirement of performing a depreciation study.

8. Establish the ability to evaluate and include reasonable transaction costs and fees of the utility valuation experts in the fair market value determination in addition to reasonable transaction and closing costs when establishing the rate base.

9. Provide that the rate base value of the acquired system assets shall be the fees and costs of the utility valuation experts authorized by the acquiring and selling utilities in addition to reasonable transaction and closing costs, plus the lesser of (i) the purchase price negotiated between the acquiring utility and selling utility as the result of a voluntary arm's-length transaction and (ii) the fair market value for subsequent rate-making purposes in the acquiring utility's next base rate case.

Nothing in the established rules shall be construed to relieve the petitioners from the duty to demonstrate adequate service to the public at just and reasonable rates that will not be impaired or jeopardized by granting the prayer of the petition as provided in § 56-90 of the Code of Virginia.

Such rules shall be developed in coordination and consultation with industry experts and stakeholders and established by January 1, 2021.

CHAPTER 519

An Act to direct the State Corporation Commission to establish rules governing fair market valuations of water utility or sewer utility asset acquisitions.

[S 831]

Approved March 31, 2020

Be it enacted by the General Assembly of Virginia:

1. § 1. *The State Corporation Commission (the Commission) shall establish rules governing petitions by an acquiring public utility that has elected to seek use of the fair market value of a municipal or other governmental selling utility's water or sewer assets to determine the initial rate base for the purpose of post-acquisition rate recovery. Such rules shall identify information to be filed in addition to all other filing requirements in the Utility Transfers Act (§ 56-88 et seq. of the Code of Virginia). Such rules shall:*

1. Establish the process for determining the acquired water or sewer utility rate base, taking into consideration the use of the lesser of (i) the agreed-upon purchase price established during a voluntary arm's-length transaction by the selling and acquiring utilities and (ii) the fair market value established using the average of the valuations provided by three qualified and impartial utility valuation experts.

2. Provide for the acquiring utility to submit complete and unredacted copies of two qualified, independent, and impartial utility valuation expert's appraisals of the system assets to be acquired in compliance with the uniform standards of professional appraisal practices. The appraisals shall be treated confidentially. Such appraisals shall be completed and submitted in accordance with the following:

a. One appraisal shall be sponsored by the public utility acquiring the utility system assets, and one appraisal shall be sponsored by the government entity selling the utility system assets.

b. The qualifications of such utility valuation experts, specifically as they relate to water or wastewater utility systems, shall be clearly identified in the application.

c. The appraisals shall clearly identify whether they are based on a cost, market, income, or other methodology.

d. The appraisals shall quantify only the fair market value associated with assets that are to be currently used and useful in utility service. To the extent assets are acquired beyond those to be currently used and useful in utility service, a narrative shall be provided of the acquiring utility's intended purpose of such assets.

e. Commission staff and other intervenors may seek discovery to confirm the reasonableness of such appraisals and may provide testimony and recommendations regarding such.

f. When combined with a third appraisal sponsored by the Commission staff, the average of the three appraisals shall be deemed the fair market value for the purposes of this proceeding. The applicant may seek discovery to confirm the reasonableness of such appraisal and may provide testimony and recommendations regarding such.

3. Provide for the submission of a complete and unredacted copy of an assessment performed by a professional engineer licensed in Virginia, jointly retained by the acquiring and selling utilities, regarding tangible assets of the utility system to be acquired. Such assessment shall be used by the utility valuation experts as a basis for their valuations in determining fair market value and shall be treated confidentially. Such assessments shall be completed and submitted in accordance with the following:

a. The qualifications of such licensed engineer, specifically as they relate to water and/or wastewater utility systems, shall be clearly identified in the application.

b. Commission staff and other intervenors may seek discovery to confirm the reasonableness of the assessment and may provide testimony and recommendations regarding such.

c. To the extent assets are to be acquired beyond those to be currently used and useful in utility service, such assessment shall separately quantify only the assets that are to be currently used and useful in utility service.

4. Provide that to the extent the proposed purchase price is different from that provided in the appraisals, the application shall identify such proposed purchase price.

5. Provide for the acquiring utility to submit the proposed journal entries resulting from the proposed acquisition, including tax entries, including account numbers recognized by the National Association of Regulatory Utility Commissioners.

6. Provide for the acquiring utility to submit an analysis identifying the qualitative and quantitative benefits and estimated customer rate impacts for the next five years as a result of the proposed acquisition for each of (i) the customers of the desired system and (ii) the legacy customers of the acquiring utility. Such analysis should clearly identify all assumptions relied upon.

7. Provide that if depreciation rates for the acquired system are not based on a depreciation study:

a. The acquiring utility may apply a three percent composite depreciation rate to the fair market value of the utility system assets acquired.

b. A depreciation study on the acquired system shall be performed within five years of acquisition and provided for review by Commission staff. Upon acceptance of the depreciation rates by Commission staff for booking purposes, such rates shall be utilized for the system effective as of the date of the study.

c. However, if the acquired system is of a size that would qualify under the Small Water or Sewer Public Utility Act (§ 56-265.13:1 et seq. of the Code of Virginia), such assets may be exempted from the requirement of performing a depreciation study.

8. Establish the ability to evaluate and include reasonable transaction costs and fees of the utility valuation experts in the fair market value determination in addition to reasonable transaction and closing costs when establishing the rate base.

9. Provide that the rate base value of the acquired system assets shall be the fees and costs of the utility valuation experts authorized by the acquiring and selling utilities in addition to reasonable transaction and closing costs, plus the lesser of (i) the purchase price negotiated between the acquiring utility and selling utility as the result of a voluntary arm's-length transaction and (ii) the fair market value for subsequent rate-making purposes in the acquiring utility's next base rate case.

Nothing in the established rules shall be construed to relieve the petitioners from the duty to demonstrate adequate service to the public at just and reasonable rates that will not be impaired or jeopardized by granting the prayer of the petition as provided in § 56-90 of the Code of Virginia.

Such rules shall be developed in coordination and consultation with industry experts and stakeholders and established by January 1, 2021.

CHAPTER 520

An Act to amend and reenact §§ 54.1-2133 and 55.1-703 of the Code of Virginia, relating to Virginia Residential Property Disclosure Act; required disclosures for buyer to beware; lead pipes.

[H 1161]

Approved March 31, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-2133 and 55.1-703 of the Code of Virginia are amended and reenacted as follows:

§ 54.1-2133. Licensees engaged by landlords to lease property.

A. A licensee engaged by a landlord shall:

1. Perform in accordance with the terms of the brokerage agreement;
2. Promote the interests of the landlord by:
 - a. Conducting marketing activities on behalf of the landlord pursuant to the brokerage agreement with the landlord. In so doing, the licensee shall seek a tenant at the rent and terms agreed in the brokerage agreement or at a rent and terms acceptable to the landlord; however, the licensee shall not be obligated to seek additional offers to lease the property while the property is subject to a lease or a letter of intent to lease under which the tenant has not yet taken possession, unless agreed as part of the brokerage agreement, or unless the lease or the letter of intent to lease so provides;
 - b. Assisting the landlord in drafting and negotiating leases and letters of intent to lease, and presenting in a timely manner all written leasing offers or counteroffers to and from the landlord and tenant pursuant to § 54.1-2101.1, even when the property is already subject to a lease or a letter of intent to lease; and
 - c. Providing reasonable assistance to the landlord to finalize the lease agreement;
3. Maintain confidentiality of all personal and financial information received from the client during the brokerage relationship and any other information that the client requests during the brokerage relationship be maintained confidential, unless otherwise provided by law or the landlord consents in writing to the release of such information;
4. Exercise ordinary care;
5. Account in a timely manner for all money and property received by the licensee in which the landlord has or may have an interest;
6. Disclose to the landlord material facts related to the property or concerning the transaction of which the licensee has actual knowledge; and
7. Comply with all requirements of this article, fair housing statutes and regulations for residential real estate transactions as applicable, and all other applicable statutes and regulations which are not in conflict with this article.

B. Licensees shall treat all prospective tenants honestly and shall not knowingly give them false information. A licensee engaged by a landlord shall disclose to prospective tenants all material adverse facts pertaining to the physical condition of the property which are actually known by the licensee. If a licensee has actual knowledge of the existence of ~~defective drywall~~ any pipe, pipe or plumbing fitting, fixture, solder, or flux that does not meet the federal Safe Drinking Water Act definition of "lead free" pursuant to 42 U.S.C. § 300g-6 in a residential property, the licensee shall disclose the same to the prospective tenant. ~~For purposes of this section, "defective drywall" means all defective drywall as defined in § 36-156.1.~~ As used in this section, the term "physical condition of the property" shall refer to the physical condition of the land and any improvements thereon, and shall not refer to: (i) matters outside the boundaries of the land or relating to adjacent or other properties in proximity thereto, (ii) matters relating to governmental land use regulations, and (iii) matters relating to highways or public streets. Such disclosure shall be made in writing. No cause of action shall arise against any licensee for revealing information as required by this article or applicable law. Nothing in this subsection shall limit the right of a prospective tenant to inspect the physical condition of the property.

C. A licensee engaged by a landlord in a real estate transaction may, unless prohibited by law or the brokerage agreement, provide assistance to a tenant, or potential tenant, by performing ministerial acts. Performing such ministerial acts that are not inconsistent with subsection A shall not be construed to violate the licensee's brokerage relationship with the landlord unless expressly prohibited by the terms of the brokerage agreement, nor shall performing such ministerial acts be construed to form a brokerage relationship with such tenant or potential tenant.

D. A licensee engaged by a landlord does not breach any duty or obligation owed to the landlord by showing alternative properties to prospective tenants, whether as clients or customers, or by representing other landlords who have other properties for lease.

E. Licensees in residential real estate transactions shall disclose brokerage relationships pursuant to the provisions of this article.

§ 55.1-703. Required disclosures for buyer to beware; buyer to exercise necessary due diligence.

A. The owner of the residential real property shall furnish to a purchaser a residential property disclosure statement for the buyer to beware of certain matters that may affect the buyer's decision to purchase such real property. Such statement shall be provided by the Real Estate Board on its website.

B. The residential property disclosure statement provided by the Real Estate Board on its website shall include the following:

1. The owner makes no representations or warranties as to the condition of the real property or any improvements thereon, or with regard to any covenants and restrictions, or any conveyances of mineral rights, as may be recorded among the land records affecting the real property or any improvements thereon, and purchasers are advised to exercise whatever due diligence a particular purchaser deems necessary, including obtaining a home inspection, as defined in § 54.1-500, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event prior to settlement pursuant to such contract;

2. The owner makes no representations with respect to any matters that may pertain to parcels adjacent to the subject parcel, including zoning classification or permitted uses of adjacent parcels, and purchasers are advised to exercise whatever due diligence a particular purchaser deems necessary with respect to adjacent parcels in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event prior to settlement pursuant to such contract;

3. The owner makes no representations to any matters that pertain to whether the provisions of any historic district ordinance affect the property, and purchasers are advised to exercise whatever due diligence a particular purchaser deems necessary with respect to any historic district designated by the locality pursuant to § 15.2-2306, including review of (i) any local ordinance creating such district, (ii) any official map adopted by the locality depicting historic districts, and (iii) any materials available from the locality that explain (a) any requirements to alter, reconstruct, renovate, restore, or demolish buildings or signs in the local historic district and (b) the necessity of any local review board or governing body approvals prior to doing any work on a property located in a local historic district, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event prior to settlement pursuant to such contract;

4. The owner makes no representations with respect to whether the property contains any resource protection areas established in an ordinance implementing the Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq.) adopted by the locality where the property is located pursuant to § 62.1-44.15:74, and purchasers are advised to exercise whatever due diligence a particular purchaser deems necessary to determine whether the provisions of any such ordinance affect the property, including review of any official map adopted by the locality depicting resource protection areas, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event prior to settlement pursuant to such contract;

5. The owner makes no representations with respect to information on any sexual offenders registered under Chapter 23 (§ 19.2-387 et seq.) of Title 19.2, and purchasers are advised to exercise whatever due diligence they deem necessary with respect to such information, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event prior to settlement pursuant to such contract;

6. The owner makes no representations with respect to whether the property is within a dam break inundation zone. Such disclosure statement shall advise purchasers to exercise whatever due diligence they deem necessary with respect to whether the property resides within a dam break inundation zone, including a review of any map adopted by the locality depicting dam break inundation zones;

7. The owner makes no representations with respect to the presence of any stormwater detention facilities located on the property, or the existence or recordation of any maintenance agreement for such facilities, and purchasers are advised to exercise whatever due diligence they deem necessary to determine the presence of any stormwater detention facilities on the property, or any maintenance agreement for such facilities, such as contacting their settlement provider, consulting the locality in which the property is located, or reviewing any survey of the property that may have been conducted, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event prior to settlement pursuant to such contract;

8. The owner makes no representations with respect to the presence of any wastewater system, including the type or size of the wastewater system or associated maintenance responsibilities related to the wastewater system, located on the property, and purchasers are advised to exercise whatever due diligence they deem necessary to determine the presence of any wastewater system on the property and the costs associated with maintaining, repairing, or inspecting any wastewater system, including any costs or requirements related to the pump-out of septic tanks, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event prior to settlement pursuant to such contract;

9. The owner makes no representations with respect to any right to install or use solar energy collection devices on the property;

10. The owner makes no representations with respect to whether the property is located in one or more special flood hazard areas, and purchasers are advised to exercise whatever due diligence they deem necessary, including (i) obtaining a flood certification or mortgage lender determination of whether the property is located in one or more special flood hazard areas, (ii) reviewing any map depicting special flood hazard areas, (iii) contacting the Federal Emergency Management Agency (FEMA) or visiting the website for FEMA's National Flood Insurance Program or for the Virginia Department of Conservation and Recreation's Flood Risk Information System, and (iv) determining whether flood insurance is required, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event prior to settlement pursuant to such contract;

11. The owner makes no representations with respect to whether the property is subject to one or more conservation or other easements, and purchasers are advised to exercise whatever due diligence a particular purchaser deems necessary in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event prior to settlement pursuant to such contract; ~~and~~

12. The owner makes no representations with respect to whether the property is subject to a community development authority approved by a local governing body pursuant to Article 6 (§ 15.2-5152 et seq.) of Chapter 51 of Title 15.2, and purchasers are advised to exercise whatever due diligence a particular purchaser deems necessary in accordance with terms and conditions as may be contained in the real estate purchase contract, including determining whether a copy of the resolution or ordinance has been recorded in the land records of the circuit court for the locality in which the community development authority district is located for each tax parcel included in the district pursuant to § 15.2-5157, but in any event prior to settlement pursuant to such contract; *and*

13. *The owner makes no representations with respect to whether the property contains any pipe, pipe or plumbing fitting, fixture, solder, or flux that does not meet the federal Safe Drinking Water Act definition of "lead free" pursuant to 42 U.S.C. § 300g-6, and purchasers are advised to exercise whatever due diligence they deem necessary to determine whether the property contains any pipe, pipe or plumbing fitting, fixture, solder, or flux that does not meet the federal Safe*

Drinking Water Act definition of "lead free," in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event prior to settlement pursuant to such contract.

C. The residential property disclosure statement shall be delivered in accordance with § 55.1-709.

CHAPTER 521

An Act to amend and reenact §§ 59.1-310.9 and 59.1-310.10 of the Code of Virginia, relating to septic system inspectors; requirements to perform a septic system inspection.

[H 1266]

Approved March 31, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 59.1-310.9 and 59.1-310.10 of the Code of Virginia are amended and reenacted as follows:

§ 59.1-310.9. Requirements for accredited septic system inspectors and performance of septic system inspections.

A. In order to use the title of "accredited septic system inspector" in connection with any real estate transaction, including refinancings, an applicant shall be accredited by the National Sanitation Foundation or an equivalent national accrediting organization, which accreditation shall include the passage of both a written and practical examination on the principles and practice of septic system inspections.

In addition, the applicant shall satisfy the following requirements:

1. Hold a high school diploma or equivalent; and
2. Have evidence of at least one year of active field experience conducting onsite septic systems inspections or completion of a nationally approved training course.

B. *Any individual who holds a valid onsite sewage system operator, onsite sewage system installer, or onsite soil evaluator license pursuant to Chapter 23 (§ 54.1-2300 et seq.) of Title 54.1 shall be authorized to perform a septic system inspection in connection with any real estate transaction, including refinancings.*

§ 59.1-310.10. Penalty for violation.

No person shall use the title "accredited septic system inspector" or perform a septic system inspection in connection with any real estate transaction unless he meets the requirements of this chapter. Any person who violates the provisions of this chapter shall be guilty of a Class 3 misdemeanor.

CHAPTER 522

An Act to direct the Board of Corrections to conduct a review of the standards and requirements governing, and the application and use of, isolated confinement in local correctional facilities.

[H 1284]

Approved March 31, 2020

Be it enacted by the General Assembly of Virginia:

1. § 1. That the Board of Corrections (the Board) shall, in consultation with a stakeholder work group formed for the purpose of gathering input, conduct a review of the standards and requirements governing, and the application and use of, isolated confinement in local correctional facilities. The stakeholder work group shall comprise interested parties including at least one representative from each of the following groups: sheriffs, regional superintendents, public defenders, formerly incarcerated people, mental health experts, disability rights advocates, and civil liberties advocates. The Board shall report its findings and recommendations to the Secretary of Public Safety and Homeland Security and the Chairs of the House Committee for Courts of Justice, the House Committee on Public Safety, the Senate Committee on the Judiciary, and the Senate Committee on Rehabilitation and Social Services by December 1, 2020, and publish the report on its website. The Board may thereafter promulgate standards consistent with the findings of the report on the use of isolated confinement in local correctional facilities. For purposes of this act, "isolated confinement" means confinement of a prisoner to a cell, alone or with another prisoner, for 20 or more hours per day.

CHAPTER 523

An Act to amend and reenact § 53.1-116.1:02 of the Code of Virginia and to amend the Code of Virginia by adding in Article 1 of Chapter 2 of Title 53.1 a section numbered 53.1-31.4, relating to prisoners; obtaining certain identification and documentation upon release.

[H 1467]

Approved March 31, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 53.1-116.1:02 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Article 1 of Chapter 2 of Title 53.1 a section numbered 53.1-31.4 as follows:

§ 53.1-31.4. Department of Corrections-issued identification.

Prior to the release or discharge of any prisoner who has been confined for at least 90 days and does not possess a government-issued identification card, birth certificate, and Social Security card, the Department shall provide the assistance necessary for such prisoner to apply for and obtain such identification and documents prior to his release or discharge, provided that the Department has or can readily obtain all records and information necessary for their issuance. If the prisoner is unable to obtain a government-issued identification card prior to his release or discharge, the Department shall provide the prisoner with a Department of Corrections Offender Identification form. If the Department receives a government-issued identification card, birth certificate, or Social Security card for a prisoner after his release or discharge, the Department shall forward such identification or document to the prisoner. Unless the prisoner is determined to be indigent pursuant to § 19.2-159, all costs and fees associated with applying for and obtaining any identification or documents pursuant to this section shall be paid by the prisoner.

§ 53.1-116.1:02. Jailer-issued identification.

Prior to the release or discharge of any prisoner, ~~if the prisoner~~ who has been confined for at least 90 days and does not ~~already~~ possess a government-issued identification card, birth certificate, and Social Security card, the sheriff, jail superintendent, or other jail administrator ~~may issue that shall provide the assistance necessary for such prisoner a special identification card to be given to the prisoner upon~~ to apply for and obtain such identification and documents prior to his release or discharge, provided that the sheriff, superintendent, or administrator has or can readily obtain all records and information necessary for their issuance and the prisoner has not declined an offer by the sheriff, superintendent, or administrator to provide such assistance. If the sheriff, jail superintendent, or other jail administrator receives a government-issued identification card, birth certificate, or Social Security card for a prisoner after his release or discharge, the sheriff, superintendent, or administrator shall make reasonable efforts to ensure that the prisoner obtains possession of such identification or document. The sheriff, jail superintendent, or other jail administrator may establish a procedure for securing such identification through the Department of Motor Vehicles. ~~All~~ Unless the prisoner has funds in his account to cover all or part of the costs and fees associated with applying for and obtaining ~~such special identification card~~ any identification or documents pursuant to this section, such costs shall be paid by the ~~prisoner~~ jail.

CHAPTER 524

An Act to amend and reenact § 18.2-371.2 of the Code of Virginia, relating to possession of tobacco products, nicotine vapor products, and alternative nicotine products by persons under 21 years of age; exception; scientific study.

[H 1570]

Approved March 31, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-371.2 of the Code of Virginia is amended and reenacted as follows:

§ 18.2-371.2. Prohibiting purchase or possession of tobacco products, nicotine vapor products, and alternative nicotine products by a person under 21 years of age or sale of tobacco products, nicotine vapor products, and alternative nicotine products to persons under 21 years of age.

A. No person shall sell to, distribute to, purchase for, or knowingly permit the purchase by any person less than 21 years of age, knowing or having reason to believe that such person is less than 21 years of age, any tobacco product, nicotine vapor product, or alternative nicotine product.

Tobacco products, nicotine vapor products, and alternative nicotine products may be sold from a vending machine only if the machine is (i) posted with a notice, in a conspicuous manner and place, indicating that the purchase or possession of tobacco products by persons under 21 years of age is unlawful and (ii) located in a place that is not open to the general public and is not generally accessible to persons under 21 years of age. An establishment that prohibits the presence of persons under 21 years of age unless accompanied by a person 21 years of age or older is not open to the general public.

B. No person less than 21 years of age shall attempt to purchase, purchase, or possess any tobacco product, nicotine vapor product, or alternative nicotine product. The provisions of this subsection shall not be applicable to the possession of tobacco products, nicotine vapor products, or alternative nicotine products by a person less than 21 years of age (i) making a delivery of tobacco products, nicotine vapor products, or alternative nicotine products in pursuance of his employment or (ii) as part of a scientific study being conducted by an organization for the purpose of medical research to further efforts in cigarette and tobacco use prevention and cessation and tobacco product regulation, provided that such medical research has been approved by an institutional review board pursuant to applicable federal regulations or by a research review committee pursuant to Chapter 5.1 (§ 32.1-162.16 et seq.) of Title 32.1. This subsection shall not apply to purchase, attempt to purchase, or possession by a law-enforcement officer or his agent when the same is necessary in the performance of his duties.

C. No person shall sell a tobacco product, nicotine vapor product, or alternative nicotine product to any individual who does not demonstrate, by producing a driver's license or similar photo identification issued by a government agency, that the individual is at least 21 years of age. Such identification is not required from an individual whom the person has reason to believe is at least 21 years of age or who the person knows is at least 21 years of age. Proof that the person demanded, was shown, and reasonably relied upon a photo identification stating that the individual was at least 21 years of age shall be a

defense to any action brought under this subsection. In determining whether a person had reason to believe an individual is at least 21 years of age, the trier of fact may consider, but is not limited to, proof of the general appearance, facial characteristics, behavior, and manner of the individual.

This subsection shall not apply to mail order or Internet sales, provided that the person offering the tobacco product, nicotine vapor product, or alternative nicotine product for sale through mail order or the Internet (i) prior to the sale of the tobacco product, nicotine vapor product, or alternative nicotine product verifies that the purchaser is at least 21 years of age through a commercially available database that is regularly used by businesses or governmental entities for the purpose of age and identity verification and (ii) uses a method of mailing, shipping, or delivery that requires the signature of a person at least 21 years of age before the tobacco product, nicotine vapor product, or alternative nicotine product will be released to the purchaser.

D. The provisions of subsections B and C shall not apply to the sale, giving, or furnishing of any tobacco product, nicotine vapor product, or alternative nicotine product to any active duty military personnel who are 18 years of age or older. An identification card issued by the Armed Forces of the United States shall be accepted as proof of age for this purpose.

E. A violation of subsection A or C by an individual or by a separate retail establishment that involves a nicotine vapor product, alternative nicotine product, or tobacco product other than a bidi is punishable by a civil penalty not to exceed \$100 for a first violation, a civil penalty not to exceed \$200 for a second violation, and a civil penalty not to exceed \$500 for a third or subsequent violation.

A violation of subsection A or C by an individual or by a separate retail establishment that involves the sale, distribution, or purchase of a bidi is punishable by a civil penalty in the amount of \$500 for a first violation, a civil penalty in the amount of \$1,000 for a second violation, and a civil penalty in the amount of \$2,500 for a third or subsequent violation. Where a defendant retail establishment offers proof that it has trained its employees concerning the requirements of this section, the court shall suspend all of the penalties imposed hereunder. However, where the court finds that a retail establishment has failed to so train its employees, the court may impose a civil penalty not to exceed \$1,000 in lieu of any penalties imposed hereunder for a violation of subsection A or C involving a nicotine vapor product, alternative nicotine product, or tobacco product other than a bidi.

A violation of subsection B is punishable by a civil penalty not to exceed \$100 for a first violation and a civil penalty not to exceed \$250 for a second or subsequent violation. A court may, as an alternative to the civil penalty, and upon motion of the defendant, prescribe the performance of up to 20 hours of community service for a first violation of subsection B and up to 40 hours of community service for a second or subsequent violation. If the defendant fails or refuses to complete the community service as prescribed, the court may impose the civil penalty. Upon a violation of subsection B, the judge may enter an order pursuant to subdivision A 9 of § 16.1-278.8.

Any attorney for the Commonwealth of the county or city in which an alleged violation occurred may bring an action to recover the civil penalty, which shall be paid into the state treasury. Any law-enforcement officer may issue a summons for a violation of subsection A, B, or C.

F. 1. Cigarettes shall be sold only in sealed packages provided by the manufacturer, with the required health warning. The proprietor of every retail establishment that offers for sale any tobacco product, nicotine vapor product, or alternative nicotine product shall post in a conspicuous manner and place a sign or signs indicating that the sale of tobacco products, nicotine vapor products, or alternative nicotine products to any person under 21 years of age is prohibited by law. Any attorney for the county, city, or town in which an alleged violation of this subsection occurred may enforce this subsection by civil action to recover a civil penalty not to exceed \$50. The civil penalty shall be paid into the local treasury. No filing fee or other fee or cost shall be charged to the county, city, or town which instituted the action.

2. For the purpose of compliance with regulations of the Substance Abuse and Mental Health Services Administration published at 61 Federal Register 1492, the Department of Agriculture and Consumer Services may promulgate regulations which allow the Department to undertake the activities necessary to comply with such regulations.

3. Any attorney for the county, city, or town in which an alleged violation of this subsection occurred may enforce this subsection by civil action to recover a civil penalty not to exceed \$100. The civil penalty shall be paid into the local treasury. No filing fee or other fee or cost shall be charged to the county, city, or town which instituted the action.

G. Nothing in this section shall be construed to create a private cause of action.

H. Agents of the Virginia Alcoholic Beverage Control Authority designated pursuant to § 4.1-105 may issue a summons for any violation of this section.

I. As used in this section:

"Alternative nicotine product" means any noncombustible product containing nicotine that is intended for human consumption, whether chewed, absorbed, dissolved, or ingested by any other means. "Alternative nicotine product" does not include any nicotine vapor product, tobacco product, or product regulated as a drug or device by the U.S. Food and Drug Administration (FDA) under Chapter V (21 U.S.C. § 351 et seq.) of the Federal Food, Drug, and Cosmetic Act.

"Bidi" means a product containing tobacco that is wrapped in temburni leaf (*diospyros melanoxylon*) or tendu leaf (*diospyros exculpra*), or any other product that is offered to, or purchased by, consumers as a bidi or beedie.

"Nicotine vapor product" means any noncombustible product containing nicotine that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor from nicotine in a solution or other form. "Nicotine vapor product" includes any electronic cigarette,

electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and any cartridge or other container of nicotine in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. "Nicotine vapor product" does not include any product regulated by the FDA under Chapter V (21 U.S.C. § 351 et seq.) of the Federal Food, Drug, and Cosmetic Act.

"Tobacco product" means any product made of tobacco and includes cigarettes, cigars, smokeless tobacco, pipe tobacco, bidis, and wrappings. "Tobacco product" does not include any nicotine vapor product, alternative nicotine product, or product that is regulated by the FDA under Chapter V (21 U.S.C. § 351 et seq.) of the Federal Food, Drug, and Cosmetic Act.

"Wrappings" includes papers made or sold for covering or rolling tobacco or other materials for smoking in a manner similar to a cigarette or cigar.

CHAPTER 525

An Act to amend and reenact § 2.2-2489 of the Code of Virginia, relating to GO Virginia grants; matching funds.

[H 1597]

Approved March 31, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-2489 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-2489. Award of grants to regional councils.

A. The Board shall establish guidelines, procedures, and objective criteria for the award and distribution of grants from the Fund to regional councils.

B. In order to qualify to receive grants from the Fund, a regional council shall develop an economic growth and diversification plan to (i) promote private-sector growth and opportunity in the region; (ii) identify issues of economic competitiveness for the region, including gaps in education and skills required to meet existing and prospective employer needs within the region; and (iii) outline steps that the collaborating business, education, and government entities in the region will pursue to expand economic opportunity, diversify the economy, and align workforce development activities with the education and skills needed by employers in the region. A regional council shall review such plan not less than biennially while the regional council is receiving grants from the Fund.

C. The Board shall only consider those regional activities endorsed by a regional council in its application for grants from the Fund. For any regional activity included in a regional council's application, the regional council shall identify (i) the amount of grants requested and the number of years for which grants are sought; (ii) the participating business, education, and government entities and their respective roles and contributions; (iii) the private, local, and other sources of nonstate funding that the grant from the Fund will assist in generating, including specific amounts pledged by such sources as of the application date; (iv) how the regional activity addresses the skills gaps identified in the council's economic growth and diversification plan; and (v) the economic impact or other outcomes that are reasonably expected to result from the proposed regional activity, including timetables and means of measurement.

D. Regional activities eligible for grants from the Fund shall be focused on high-impact, collaborative projects in a region that promote new job creation, entrepreneurship, and new capital investment; leverage nonstate resources to enhance collaboration; foster research, development, and commercialization activities; encourage cooperation among public bodies to reduce costs and duplication of government services; and promote other economic or workforce development activities consistent with this article that are authorized by the Board. The Board shall give initial priority to grant proposals that promote workforce development and other activities focused on eliminating skills gaps identified in a region's economic growth and diversification plan.

E. In determining a regional council's eligibility to receive grants from the Fund, and the amount of such grants, the Board shall review and score the proposed regional activities. Scores shall be assigned on the basis of predetermined criteria established by the Board in its guidelines and procedures based on the following factors:

1. The expected economic impact or outcome of the activity, with particular emphasis on goals identified in the regional council's plan for economic growth and diversification;

2. The fiscal resources from non-Fund sources that will be committed to the activity, including local or federal funds, private contributions, and cost savings expected to be achieved through regional collaboration;

3. The number and percentage of localities, including political subdivisions and bodies corporate and politic, within the region that are participating in the activity, the portion of the region's population represented by the participating localities, and the participation of localities that are outside of the applicant region;

4. The compatibility with other projects, programs, or existing infrastructure in a region to maximize the leverage of grants from the Fund to encourage new collaborative activities;

5. The expected economic impact and outcomes of the project and the complexity of the project relative to the size of the economy of the region or to the population of the participating localities;

6. The projected cost savings and other efficiencies generated by the proposed activity, and the local resources generated by collaboration that have been or will be repurposed to support the activity;

7. The character of the regional collaboration, including the nature and extent of the regional effort involved in developing and implementing the proposed activity, the complexity of the activity, the prospective impact on relations

between and among the affected localities, and the prospective impact on collaboration between and among business, education, and government entities in the region;

8. Interstate, inter-regional, and other beneficial forms of collaboration, if any, that will accompany, result from, or be encouraged by the activity;

9. Efficiency in the administration and oversight of regional activities; and

10. Other factors deemed to be appropriate by the Board.

F. Each regional council awarded a grant from the Fund shall issue an annual report that shall include, at a minimum, an assessment of the impact and outcomes from regional activities supported by grants from the Fund and the region's overall progress in addressing the goals and strategies identified in the region's plan for economic growth and diversification. Such assessment shall address performance criteria prescribed in the program guidelines and procedures.

G. Subject to the provisions of § 2.2-2488 and this section, once a regional council becomes eligible for grants from the Fund, the regional council may continue to apply for and receive grants from the Fund to support economic activities consistent with the regional council's economic growth and diversification plan in such amounts and for such duration as the Board may determine in accordance with its guidelines and procedures. The Board may terminate any payments to regional councils that fail to perform in accordance with this article, the Board's guidelines or procedures, or any conditions expressly agreed upon as part of a grant award, or for malfeasance. The Board may require the refund of moneys from the Fund upon such termination. Grants that are terminated shall revert to the Fund for distribution on an unallocated competitive basis.

H. In making Fund recommendations and awards, the Board may consider regional activities that commenced prior to the enactment of this article, provided that the grant-funded program or project will expand the scope of, or increase the number of localities participating in, such preexisting activity.

I. No regional council may have outstanding grant commitments of more than 25 percent of the total amount appropriated to the Fund.

J. The year for grant payments shall be the Commonwealth's fiscal year following the calendar year in which the region qualifies, with payments made annually by the Comptroller upon certification by the Board. Grant amounts shall be made at the sole discretion of the Board.

K. Any grant awarded from the Fund to a regional council shall require matching funds at least equal to the grant, provided, however, that the Board shall have the authority to reduce the match requirement to no less than half of the grant upon a finding by the Board of fiscal distress or an exceptional economic opportunity in a region. Such matching funds may be from local, regional, federal, or private funds; *Matching funds may also be from grants awarded to a locality by the Tobacco Region Revitalization Commission* but shall not include any other state general or nongeneral funds, from whatever source.

L. Decisions of the Board shall be final and not subject to review or appeal.

2. That the provisions of this act shall expire on July 1, 2021.

CHAPTER 526

An Act to amend and reenact §§ 9.1-102, 53.1-20, 53.1-25.1, and 66-10 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 53.1-35.2 and by adding in Chapter 2 of Title 53.1 an article numbered 2.2, consisting of sections numbered 53.1-40.11 through 53.1-40.16, relating to state correctional facilities; treatment of prisoners known to be pregnant or parents of minor dependents.

[H 1648]

Approved March 31, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 9.1-102, 53.1-20, 53.1-25.1, and 66-10 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 53.1-35.2 and by adding in Chapter 2 of Title 53.1 an article numbered 2.2, consisting of sections numbered 53.1-40.11 through 53.1-40.16, as follows:

§ 9.1-102. Powers and duties of the Board and the Department.

The Department, under the direction of the Board, which shall be the policy-making body for carrying out the duties and powers hereunder, shall have the power and duty to:

1. Adopt regulations, pursuant to the Administrative Process Act (§ 2.2-4000 et seq.), for the administration of this chapter including the authority to require the submission of reports and information by law-enforcement officers within the Commonwealth. Any proposed regulations concerning the privacy, confidentiality, and security of criminal justice information shall be submitted for review and comment to any board, commission, or committee or other body which may be established by the General Assembly to regulate the privacy, confidentiality, and security of information collected and maintained by the Commonwealth or any political subdivision thereof;

2. Establish compulsory minimum training standards subsequent to employment as a law-enforcement officer in (i) permanent positions; and (ii) temporary or probationary status, and establish the time required for completion of such training;

3. Establish minimum training standards and qualifications for certification and recertification for law-enforcement officers serving as field training officers;
4. Establish compulsory minimum curriculum requirements for in-service and advanced courses and programs for schools, whether located in or outside the Commonwealth, which are operated for the specific purpose of training law-enforcement officers;
5. Establish (i) compulsory minimum training standards for law-enforcement officers who utilize radar or an electrical or microcomputer device to measure the speed of motor vehicles as provided in § 46.2-882 and establish the time required for completion of the training and (ii) compulsory minimum qualifications for certification and recertification of instructors who provide such training;
6. [Repealed];
7. Establish compulsory minimum entry-level, in-service and advanced training standards for those persons designated to provide courthouse and courtroom security pursuant to the provisions of § 53.1-120, and to establish the time required for completion of such training;
8. Establish compulsory minimum entry-level, in-service and advanced training standards for deputy sheriffs designated to serve process pursuant to the provisions of § 8.01-293, and establish the time required for the completion of such training;
9. Establish compulsory minimum entry-level, in-service, and advanced training standards, as well as the time required for completion of such training, for persons employed as deputy sheriffs and jail officers by local criminal justice agencies and correctional officers employed by the Department of Corrections under the provisions of Title 53.1. *For correctional officers employed by the Department of Corrections, such standards shall include training on the general care of pregnant women, the impact of restraints on pregnant inmates and fetuses, the impact of being placed in restrictive housing or solitary confinement on pregnant inmates, and the impact of body cavity searches on pregnant inmates;*
10. Establish compulsory minimum training standards for all dispatchers employed by or in any local or state government agency, whose duties include the dispatching of law-enforcement personnel. Such training standards shall apply only to dispatchers hired on or after July 1, 1988;
11. Establish compulsory minimum training standards for all auxiliary police officers employed by or in any local or state government agency. Such training shall be graduated and based on the type of duties to be performed by the auxiliary police officers. Such training standards shall not apply to auxiliary police officers exempt pursuant to § 15.2-1731;
12. Consult and cooperate with counties, municipalities, agencies of the Commonwealth, other state and federal governmental agencies, and institutions of higher education within or outside the Commonwealth, concerning the development of police training schools and programs or courses of instruction;
13. Approve institutions, curricula and facilities, whether located in or outside the Commonwealth, for school operation for the specific purpose of training law-enforcement officers; but this shall not prevent the holding of any such school whether approved or not;
14. Establish and maintain police training programs through such agencies and institutions as the Board deems appropriate;
15. Establish compulsory minimum qualifications of certification and recertification for instructors in criminal justice training schools approved by the Department;
16. Conduct and stimulate research by public and private agencies which shall be designed to improve police administration and law enforcement;
17. Make recommendations concerning any matter within its purview pursuant to this chapter;
18. Coordinate its activities with those of any interstate system for the exchange of criminal history record information, nominate one or more of its members to serve upon the council or committee of any such system, and participate when and as deemed appropriate in any such system's activities and programs;
19. Conduct inquiries and investigations it deems appropriate to carry out its functions under this chapter and, in conducting such inquiries and investigations, may require any criminal justice agency to submit information, reports, and statistical data with respect to its policy and operation of information systems or with respect to its collection, storage, dissemination, and usage of criminal history record information and correctional status information, and such criminal justice agencies shall submit such information, reports, and data as are reasonably required;
20. Conduct audits as required by § 9.1-131;
21. Conduct a continuing study and review of questions of individual privacy and confidentiality of criminal history record information and correctional status information;
22. Advise criminal justice agencies and initiate educational programs for such agencies with respect to matters of privacy, confidentiality, and security as they pertain to criminal history record information and correctional status information;
23. Maintain a liaison with any board, commission, committee, or other body which may be established by law, executive order, or resolution to regulate the privacy and security of information collected by the Commonwealth or any political subdivision thereof;
24. Adopt regulations establishing guidelines and standards for the collection, storage, and dissemination of criminal history record information and correctional status information, and the privacy, confidentiality, and security thereof necessary to implement state and federal statutes, regulations, and court orders;

25. Operate a statewide criminal justice research center, which shall maintain an integrated criminal justice information system, produce reports, provide technical assistance to state and local criminal justice data system users, and provide analysis and interpretation of criminal justice statistical information;

26. Develop a comprehensive, statewide, long-range plan for strengthening and improving law enforcement and the administration of criminal justice throughout the Commonwealth, and periodically update that plan;

27. Cooperate with, and advise and assist, all agencies, departments, boards and institutions of the Commonwealth, and units of general local government, or combinations thereof, including planning district commissions, in planning, developing, and administering programs, projects, comprehensive plans, and other activities for improving law enforcement and the administration of criminal justice throughout the Commonwealth, including allocating and subgranting funds for these purposes;

28. Define, develop, organize, encourage, conduct, coordinate, and administer programs, projects and activities for the Commonwealth and units of general local government, or combinations thereof, in the Commonwealth, designed to strengthen and improve law enforcement and the administration of criminal justice at every level throughout the Commonwealth;

29. Review and evaluate programs, projects, and activities, and recommend, where necessary, revisions or alterations to such programs, projects, and activities for the purpose of improving law enforcement and the administration of criminal justice;

30. Coordinate the activities and projects of the state departments, agencies, and boards of the Commonwealth and of the units of general local government, or combination thereof, including planning district commissions, relating to the preparation, adoption, administration, and implementation of comprehensive plans to strengthen and improve law enforcement and the administration of criminal justice;

31. Do all things necessary on behalf of the Commonwealth and its units of general local government, to determine and secure benefits available under the Omnibus Crime Control and Safe Streets Act of 1968 (P.L. 90-351, 82 Stat. 197), as amended, and under any other federal acts and programs for strengthening and improving law enforcement, the administration of criminal justice, and delinquency prevention and control;

32. Receive, administer, and expend all funds and other assistance available to the Board and the Department for carrying out the purposes of this chapter and the Omnibus Crime Control and Safe Streets Act of 1968, as amended;

33. Apply for and accept grants from the United States government or any other source in carrying out the purposes of this chapter and accept any and all donations both real and personal, and grants of money from any governmental unit or public agency, or from any institution, person, firm or corporation, and may receive, utilize and dispose of the same. Any arrangements pursuant to this section shall be detailed in the annual report of the Board. Such report shall include the identity of the donor, the nature of the transaction, and the conditions, if any. Any moneys received pursuant to this section shall be deposited in the state treasury to the account of the Department. To these ends, the Board shall have the power to comply with conditions and execute such agreements as may be necessary;

34. Make and enter into all contracts and agreements necessary or incidental to the performance of its duties and execution of its powers under this chapter, including but not limited to, contracts with the United States, units of general local government or combinations thereof, in Virginia or other states, and with agencies and departments of the Commonwealth;

35. Adopt and administer reasonable regulations for the planning and implementation of programs and activities and for the allocation, expenditure and subgranting of funds available to the Commonwealth and to units of general local government, and for carrying out the purposes of this chapter and the powers and duties set forth herein;

36. Certify and decertify law-enforcement officers in accordance with §§ 15.2-1706 and 15.2-1707;

37. Establish training standards and publish and periodically update model policies for law-enforcement personnel in the following subjects:

a. The handling of family abuse, domestic violence, sexual assault, and stalking cases, including standards for determining the predominant physical aggressor in accordance with § 19.2-81.3. The Department shall provide technical support and assistance to law-enforcement agencies in carrying out the requirements set forth in subsection A of § 9.1-1301;

b. Communication with and facilitation of the safe return of individuals diagnosed with Alzheimer's disease;

c. Sensitivity to and awareness of cultural diversity and the potential for biased policing;

d. Protocols for local and regional sexual assault response teams;

e. Communication of death notifications;

f. The questioning of individuals suspected of driving while intoxicated concerning the physical location of such individual's last consumption of an alcoholic beverage and the communication of such information to the Virginia Alcoholic Beverage Control Authority;

g. Vehicle patrol duties that embody current best practices for pursuits and for responding to emergency calls;

h. Criminal investigations that embody current best practices for conducting photographic and live lineups;

i. Sensitivity to and awareness of human trafficking offenses and the identification of victims of human trafficking offenses for personnel involved in criminal investigations or assigned to vehicle or street patrol duties; and

j. Missing children, missing adults, and search and rescue protocol;

38. Establish compulsory training standards for basic training and the recertification of law-enforcement officers to ensure sensitivity to and awareness of cultural diversity and the potential for biased policing;

39. Review and evaluate community-policing programs in the Commonwealth, and recommend where necessary statewide operating procedures, guidelines, and standards which strengthen and improve such programs, including sensitivity to and awareness of cultural diversity and the potential for biased policing;

40. Establish a Virginia Law-Enforcement Accreditation Center. The Center may, in cooperation with Virginia law-enforcement agencies, provide technical assistance and administrative support, including staffing, for the establishment of voluntary state law-enforcement accreditation standards. The Center may provide accreditation assistance and training, resource material, and research into methods and procedures that will assist the Virginia law-enforcement community efforts to obtain Virginia accreditation status;

41. Promote community policing philosophy and practice throughout the Commonwealth by providing community policing training and technical assistance statewide to all law-enforcement agencies, community groups, public and private organizations and citizens; developing and distributing innovative policing curricula and training tools on general community policing philosophy and practice and contemporary critical issues facing Virginia communities; serving as a consultant to Virginia organizations with specific community policing needs; facilitating continued development and implementation of community policing programs statewide through discussion forums for community policing leaders, development of law-enforcement instructors; promoting a statewide community policing initiative; and serving as a statewide information source on the subject of community policing including, but not limited to periodic newsletters, a website and an accessible lending library;

42. Establish, in consultation with the Department of Education and the Virginia State Crime Commission, compulsory minimum standards for employment and job-entry and in-service training curricula and certification requirements for school security officers, including school security officers described in clause (b) of § 22.1-280.2:1, which training and certification shall be administered by the Virginia Center for School and Campus Safety (VCSCS) pursuant to § 9.1-184. Such training standards shall include, but shall not be limited to, the role and responsibility of school security officers, relevant state and federal laws, school and personal liability issues, security awareness in the school environment, mediation and conflict resolution, disaster and emergency response, and student behavioral dynamics. The Department shall establish an advisory committee consisting of local school board representatives, principals, superintendents, and school security personnel to assist in the development of the standards and certification requirements in this subdivision. The Department shall require any school security officer who carries a firearm in the performance of his duties to provide proof that he has completed a training course provided by a federal, state, or local law-enforcement agency that includes training in active shooter emergency response, emergency evacuation procedure, and threat assessment;

43. License and regulate property bail bondsmen and surety bail bondsmen in accordance with Article 11 (§ 9.1-185 et seq.);

44. License and regulate bail enforcement agents in accordance with Article 12 (§ 9.1-186 et seq.);

45. In conjunction with the Virginia State Police and the State Compensation Board, advise criminal justice agencies regarding the investigation, registration, and dissemination of information requirements as they pertain to the Sex Offender and Crimes Against Minors Registry Act (§ 9.1-900 et seq.);

46. Establish minimum standards for (i) employment, (ii) job-entry and in-service training curricula, and (iii) certification requirements for campus security officers. Such training standards shall include, but not be limited to, the role and responsibility of campus security officers, relevant state and federal laws, school and personal liability issues, security awareness in the campus environment, and disaster and emergency response. The Department shall provide technical support and assistance to campus police departments and campus security departments on the establishment and implementation of policies and procedures, including but not limited to: the management of such departments, investigatory procedures, judicial referrals, the establishment and management of databases for campus safety and security information sharing, and development of uniform record keeping for disciplinary records and statistics, such as campus crime logs, judicial referrals and Clery Act statistics. The Department shall establish an advisory committee consisting of college administrators, college police chiefs, college security department chiefs, and local law-enforcement officials to assist in the development of the standards and certification requirements and training pursuant to this subdivision;

47. Assess and report, in accordance with § 9.1-190, the crisis intervention team programs established pursuant to § 9.1-187;

48. In conjunction with the Office of the Attorney General, advise law-enforcement agencies and attorneys for the Commonwealth regarding the identification, investigation, and prosecution of human trafficking offenses using the common law and existing criminal statutes in the Code of Virginia;

49. Register tow truck drivers in accordance with § 46.2-116 and carry out the provisions of § 46.2-117;

50. Administer the activities of the Virginia Sexual and Domestic Violence Program Professional Standards Committee by providing technical assistance and administrative support, including staffing, for the Committee;

51. In accordance with § 9.1-102.1, design and approve the issuance of photo-identification cards to private security services registrants registered pursuant to Article 4 (§ 9.1-138 et seq.);

52. In consultation with the State Council of Higher Education for Virginia and the Virginia Association of Campus Law Enforcement Administrators, develop multidisciplinary curricula on trauma-informed sexual assault investigation;

53. In consultation with the Department of Behavioral Health and Developmental Services, develop a model addiction recovery program that may be administered by sheriffs, deputy sheriffs, jail officers, administrators, or superintendents in any local or regional jail. Such program shall be based on any existing addiction recovery programs that are being

administered by any local or regional jails in the Commonwealth. Participation in the model addiction recovery program shall be voluntary, and such program may address aspects of the recovery process, including medical and clinical recovery, peer-to-peer support, availability of mental health resources, family dynamics, and aftercare aspects of the recovery process;

54. Establish compulsory minimum training standards for certification and recertification of law-enforcement officers serving as school resource officers. Such training shall be specific to the role and responsibility of a law-enforcement officer working with students in a school environment; and

55. Perform such other acts as may be necessary or convenient for the effective performance of its duties.

§ 53.1-20. Commitment of convicted persons to custody of Director.

A. Every person convicted of a felony committed before January 1, 1995, and sentenced to the Department for a total period of more than two years shall be committed by the court to the custody of the Director of the Department. The Director shall receive all such persons into the state corrections system within sixty days of the date on which the final sentencing order is mailed by certified letter or sent by electronic transmission to the Director by the clerk.

B. Persons convicted of felonies committed on or after January 1, 1995, and sentenced to the Department or sentenced to confinement in jail for a year or more shall be placed in the custody of the Department and received by the Director into the state corrections system within sixty days of the date on which the final sentencing order is mailed by certified letter or sent by electronic transmission to the Director by the clerk.

C. If the Governor finds that the number of prisoners in state facilities poses a threat to public safety, it shall be within the discretion of the Director to determine the priority for receiving prisoners into the state corrections system from local correctional facilities.

D. All felons sentenced to a period of incarceration and not placed in an adult state correctional facility pursuant to this section shall serve their sentences in local correctional facilities which shall not include a secure facility or detention home as defined in § 16.1-228.

E. Felons committed to the custody of the Department for a new felony offense shall be received by the Director into the state corrections system in accordance with the provisions of this section without any delay for resolution of (i) issues of alleged parole violations set for hearing before the Parole Board or (ii) any other pending parole-related administrative matter.

F. After accounting for safety, security, and operational factors, the Director shall place prisoners who are known primary caretakers of minor children in a facility as close as possible to such children.

§ 53.1-25.1. Rules of state correctional facilities.

A. The Director shall prescribe rules for state correctional facilities to ensure that, when physical contact is required between an officer and an inmate and when the inmate is required by circumstances to disrobe, *to the greatest extent possible*, the officer shall be the same gender as the inmate. However, such rules may allow for the suspension of the provisions of this section subsection during the period of a declared emergency.

B. When contact is required between an officer and an inmate and when the inmate is required by circumstances to disrobe and the officer is not the same gender as the inmate, the officer involved shall submit a written report to the warden or other official in charge of the state correctional facility within 72 hours following the incident, containing the justification for the suspension of the provisions of subsection A.

§ 53.1-35.2. Visitation of certain prisoners by minor dependents.

A. *The Director is authorized to prescribe reasonable rules regarding visitation that shall include authorization of visitation by minor dependents of prisoners who are primary caretakers of minor children with Level 1 or Level 2 security classifications that include (i) opportunities for dependent children under the age of 18 to visit their incarcerated primary caretakers at least twice per week unless an employee of the Department has a reasonable belief that the child (a) may be harmed during visitation or (b) poses a security risk due to a gang affiliation, prior conviction, or past violation of a correctional facility's contraband policy; (ii) the elimination of restrictions on the number of dependent children under the age of 18 that may be permitted visitation privileges; and (iii) authorization for contact visits for prisoners who are primary caretakers of minor children.*

B. Nothing in this section shall prevent the Department from refusing visitation of a minor child based on an individualized determination by the Director, warden, or superintendent that such visitation presents security or operational risks.

Article 2.2.

Treatment and Control of Prisoners Known to Be Pregnant.

§ 53.1-40.11. Definitions.

As used in this article, unless the context requires a different meaning:

"Postpartum recovery" means the eight-week period, or longer as determined by the health care professional responsible for the health and safety of the prisoner, following childbirth.

"Restraints" means any mechanical device, medication, physical intervention, or hands-on hold to prevent an individual from moving her body.

"Restrictive housing" means the same as that term is defined in § 53.1-39.1.

"Solitary confinement" means isolation of a prisoner from the general population through confinement to a cell or other place for 22 or more hours within a 24-hour period.

§ 53.1-40.12. Treatment of prisoners known to be pregnant.

A. *The following restraints shall not be used on any prisoner known to be pregnant upon notification or diagnosis of the pregnancy and for the duration of the pregnancy, unless there is an individualized determination that the prisoner will harm herself, the fetus, the newborn child, or any other person or poses a substantial flight risk: (i) leg restraints, (ii) handcuffs or other wrist restraints, except to restrain the prisoner's wrists in front of her, or (iii) restraints connected to other inmates. If there is an individualized determination that the prisoner will harm herself, the fetus, the newborn child, or any other person or poses a substantial flight risk and restraints are used, such restraints shall be the least restrictive possible.*

B. *No restraints shall be used on any prisoner known to be pregnant while in labor or during delivery unless there is an individualized determination that the prisoner will harm herself, the fetus, the newborn child, or any other person or poses a substantial flight risk. If there is an individualized determination that the prisoner will harm herself, the fetus, the newborn child, or any other person or poses a substantial flight risk and restraints are used, such restraints shall be the least restrictive possible. In such case, the employee ordering the use of restraints on any prisoner known to be pregnant while in labor or during delivery shall submit a written report to the warden or other official in charge of the state correctional facility within 72 hours following the use of restraints, containing the justification for restraining the prisoner.*

C. *No employee of the Department other than a licensed health care professional shall conduct body cavity searches of prisoners known to be pregnant unless the employee has a reasonable belief that the prisoner is concealing contraband. In such case, the employee shall submit a written report to the warden or other official in charge of the state correctional facility within 72 hours following the body cavity search, containing the justification for the search and what contraband was found, if any.*

D. *The Department shall not place any prisoner known to be pregnant in restrictive housing or solitary confinement unless an employee of the Department has a reasonable belief that the inmate will harm herself, the fetus, the newborn child, or any other person or poses a substantial flight risk. In such case, the employee authorizing the placement of the inmate in restrictive housing or solitary confinement shall submit a written report to the warden or other official in charge of the state correctional facility within 72 hours following the transfer, containing the justification for confining the prisoner in restrictive housing or solitary confinement.*

E. *The Department shall ensure that prisoners known to be pregnant are provided sufficient food and dietary supplements as ordered by a licensed physician or physician staff member to meet generally accepted prenatal nutritional guidelines for pregnant women.*

F. *The Department shall not assign any prisoner known to be pregnant to any bed that is elevated more than three feet from the floor of the facility.*

§ 53.1-40.13. Treatment of prisoners during postpartum recovery.

A. *No restraints shall be used on any prisoner who is in postpartum recovery, unless an employee of the Department has a reasonable belief that the prisoner will harm herself, her newborn child, or any other person or poses a substantial flight risk. If there is a reasonable belief that the prisoner will harm herself, her newborn child, or any other person or poses a substantial flight risk and restraints are used, such restraints shall be the least restrictive possible. In such case, the employee ordering the use of restraints shall submit a written report to the warden or other official in charge of the state correctional facility within 72 hours following the use of restraints, containing justification for restraining the prisoner.*

B. *The Department shall not place any prisoner who has given birth in the past 30 days and is in postpartum recovery in restrictive housing or solitary confinement unless an employee of the Department has a reasonable belief that the inmate will harm herself, her newborn child, or any other person or poses a substantial flight risk. In such case, the employee authorizing the placement of the inmate in restrictive housing or solitary confinement shall submit a written report to the warden or other official in charge of the state correctional facility within 72 hours following the transfer, containing the justification for confining the prisoner in restrictive housing or solitary confinement.*

C. *Following the delivery of a newborn child by a prisoner, the Department shall permit the newborn child to remain with the mother for 72 hours unless a licensed medical or mental health care professional has a reasonable belief that the newborn child remaining with the mother poses a health or safety risk to the newborn child. During the 72 hours, the Department shall make available the necessary nutritional and hygiene products to care for the newborn child, including diapers, and the necessary postpartum recovery products for the mother. If the prisoner qualifies as indigent, such products shall be provided without cost.*

§ 53.1-40.14. Reporting requirement.

The warden or other official in charge of a state correctional facility shall compile a monthly summary of all written reports received pursuant to §§ 53.1-25.1, 53.1-40.12, and 53.1-40.13 and shall submit the summary to the Director each month.

§ 53.1-40.15. Training of correctional facility employees regarding pregnant inmates.

For correctional officers, and juvenile correctional officers who may have contact with pregnant inmates, the compulsory minimum entry-level training standards established pursuant to § 9.1-102 shall include training on the general care of pregnant women, the impact of restraints on pregnant inmates and fetuses, the impact of being placed in restrictive housing or solitary confinement on pregnant inmates, and the impact of body cavity searches on pregnant inmates.

§ 53.1-40.16. Education for pregnant prisoners.

The Department shall provide, to the extent practicable, educational programming for prisoners known to be pregnant related to (i) prenatal care, (ii) pregnancy-specific hygiene, (iii) parenting skills, (iv) the impact of alcohol and drugs on the fetus, (v) postpartum recovery health, and (vi) the general health of children.

§ 66-10. Powers and duties of Board.

The Board shall have the following powers and duties:

1. To establish and monitor policies for the programs and facilities for which the Department is responsible under this law.
2. To ensure the development of a long-range youth services policy.
3. To monitor the activities of the Department and its effectiveness in implementing the policies developed by the Board.
4. To advise the Governor and Director on matters relating to youth services.
5. To promulgate such regulations as may be necessary to carry out the provisions of this title and other laws of the Commonwealth.
6. To ensure the development of programs to educate citizens and elicit public support for the activities of the Department.
7. To establish length-of-stay guidelines for juveniles indeterminately committed to the Department and to make such guidelines available for public comment.
8. To adopt all necessary regulations for the management and operation of the schools in the Department except that the regulations adopted hereunder shall not conflict with regulations relating to security of the institutions in which the juveniles are committed.
9. To establish compulsory minimum entry-level, in-service, and advanced training standards, as well as the time required for completion of such training, for persons employed as juvenile correctional officers employed at a juvenile correctional facility as defined in § 66-25.3. *For such juvenile correctional officers who may have contact with pregnant inmates, such standards shall include training on the general care of pregnant women, the impact of restraints on pregnant inmates and fetuses, the impact of being placed in restrictive housing or solitary confinement on pregnant inmates, and the impact of body cavity searches on pregnant inmates.*

CHAPTER 527

An Act to amend the Code of Virginia by adding a section numbered 18.2-308.5:1, relating to manufacture, importation, sale, etc., of trigger activators; prohibition; penalty.

[S 14]

Approved March 31, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 18.2-308.5:1 as follows:

§ 18.2-308.5:1. *Manufacture, importation, sale, possession, transfer, or transportation of trigger activators prohibited; penalty.*

A. As used in this section, "trigger activator" means a device designed to allow a semi-automatic firearm to shoot more than one shot with a single pull of the trigger by harnessing the recoil energy of any semi-automatic firearm to which it is affixed so that the trigger resets and continues firing without additional physical manipulation of the trigger by the shooter.

B. It is unlawful for any person to manufacture, import, sell, offer for sale, possess, transfer, or transport a trigger activator in the Commonwealth.

C. A violation of this section is punishable as a Class 6 felony.

D. Nothing in this section shall be construed to prohibit a person from manufacturing, importing, selling, offering for sale, possessing, receiving, transferring, or transporting any item for which such person is in compliance with the National Firearms Act (26 U.S.C. § 5801 et seq.).

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 854 of the Acts of Assembly of 2019 requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

CHAPTER 528

An Act to amend and reenact §§ 2, 11, and 114, as amended, of Chapter 34 of the Acts of Assembly of 1918, which provided a charter for the City of Norfolk, relating to employees of officers; vagrants.

[S 96]

Approved March 31, 2020

Be it enacted by the General Assembly of Virginia:**1. That §§ 2, 11, and 114, as amended, of Chapter 34 of the Acts of Assembly of 1918 are amended and reenacted as follows:**

§ 2. Power of the city.

In addition to the powers mentioned in the preceding section, the said city shall have power:

(1) To raise annually by taxes and assessments in said city such sums of money as the council hereinafter provided for shall deem necessary for the purposes of said city, and in such manner as said council shall deem expedient, in accordance with the Constitution and the laws of this State and of the United States; provided, however, that it shall impose no tax on the bonds of this city.

(2) To impose special or local assessments for local improvements and enforce payment thereof, subject, however, to such limitations prescribed by the Constitution of Virginia as may be in force at the time of the imposition of such special or local assessments.

(3) Subject to the provisions of the Constitution of Virginia and of § 86, as amended, of this charter, to contract debts, borrow money and make and issue evidence of indebtedness.

(4) To expend the money of the city for all lawful purposes.

(5) To acquire by purchase, gift, devise, condemnation or otherwise, property, real or personal, or any estate or interest therein within or without the city or State and for any of the purposes of the city; and to hold, improve, sell, lease, mortgage, pledge or otherwise dispose of the same or any part thereof.

(6) To acquire, in any lawful manner, for the purpose of encouraging commerce and manufacture, lands within and without the city not exceeding at any one time 5,000 acres in the aggregate, and from time to time to sell or lease the same or any part thereof for industrial or commercial uses and purposes.

(7) To make and maintain public improvements of all kinds, including municipal and other public buildings, armories, markets and all buildings and structures necessary or appropriate for the use of the departments of fire and police; and to acquire by condemnation or otherwise all lands, riparian and other rights and easements necessary for such improvements, or any of them.

(8) To furnish all local public service; to purchase, hire, construct, own, maintain and operate, or lease local public utilities, to acquire by condemnation or otherwise, within or without the corporate limits, land and property necessary for any such purposes.

(9) To acquire, in any lawful manner, in any county of the State, or without the State, such water, lands and lands under water as the council of said city may deem necessary for the purpose of providing an adequate water supply for said city and of piping or conducting the same; to lay all necessary mains; to erect and maintain all necessary dams, pumping stations and other works in connection therewith; to make reasonable rules and regulations for promoting the purity of its said water supply and for protecting the same from pollution; and for this purpose to exercise full police powers and sanitary patrol over all lands comprised within the limits of the watershed tributary to any such water supply wherever such lands may be located in this State; to impose and enforce adequate penalties for the violation of any such rules and regulations; and to prevent by injunction any pollution or threatened pollution of such water supply and any and all acts likely to impair the purity thereof; and for the purpose of acquiring lands or material for any such use to exercise within the State all powers of eminent domain possessed by railroad corporations under the laws of this State; provided that the lands and lands under water which may be held in this State by said city for such purpose shall not exceed, in the aggregate, 30,000 acres at any one time. For any of the purposes aforesaid, said city may, if the council shall so determine, acquire by condemnation, purchase or otherwise, any estate or interest in such lands or any of them, or any right or easement therein, or may acquire such lands or any of them in fee, reserving to the owner or owners thereof such rights or easements therein as may be prescribed in the ordinance providing for such condemnation or purchase. The said city may sell or supply to persons, firms or industries residing or located outside of the city limits any surplus of water it may have over and above the amount required to supply its own inhabitants.

(10) To establish, impose and enforce water rates and rates and charges for public utilities, or other service, products, or conveniences, operated, rendered or furnished by the city.

(10 1/2) To establish, in the manner hereinafter provided, adjacent to or near the lines of existing streets, on either or both sides thereof, building lines, and to provide that no new buildings shall thereafter be erected upon the property (hereinafter called the interlying property) lying between said building lines and the street lines. Said building lines may be established for the whole or any part of a street (but not for less than one block or the distance between two cross streets), as the council may determine. Before any such lines shall be established, the council shall cause to be published, for at least 10 days in some paper of general circulation in the city, a notice addressed generally, but without naming them, to the owners of the property on which building lines are proposed to be established, stating that it is proposed to establish building lines thereon and naming a day when a hearing will be had in respect thereof. After said hearing the council may proceed to establish such lines, and the ordinance establishing the same shall be recorded by the city clerk and indexed in the name of the street near which said building lines are to be established; and thereafter all persons shall be deemed to be affected with notice of the establishment of such lines, and no permits shall be granted for the construction of any building on the interlying property.

But the ordinance establishing said lines shall become null and void as against any owner of property objecting thereto, unless:

(a) When the interlying property shall be unoccupied by buildings, the city shall, within 60 days after the passage of the ordinance establishing said lines, purchase the same or institute condemnation proceedings for the acquisition thereof; or

(b) When the interlying property is occupied, in whole or in part, by buildings, the city shall, within 60 days after receipt of notice in writing that the said buildings have been removed from said interlying property (it being hereby made the duty of the said owner to give such notice), purchase said interlying property or institute condemnation proceedings for the acquisition thereof, and thereafter complete its acquisition of property in said proceedings.

The rights of the city shall not be prejudiced by any defect in the proceedings instituted under paragraph (a) and (b) hereof, resulting in their dismissal, if within 30 days after said dismissal new proceedings shall be instituted for the same purpose. Nothing herein contained shall be construed as limiting or abridging in any degree the power of eminent domain now possessed by the city under existing law.

(11) To establish, open, widen, extend, grade, improve, construct, maintain, light, sprinkle and clean, public highways, streets, alleys, boulevards and parkways, and to alter or close the same; to establish and maintain parks, playgrounds and other public grounds; to construct, maintain and operate bridges, viaducts, subways, tunnels, sewers and drains and to regulate the use of all such highways, parks, public grounds and works; to plant and maintain shade trees along the streets and upon such public grounds; to prevent the obstructing of such streets and highways, abolish and prevent grade crossings over the same by railroads; regulate the operation and speed of all cars and vehicles using the same, as well as the operation and speed of all engines, cars and trains on railroads within the city; to regulate the services to be rendered and rates to be charged by busses, motor cars, cabs and other vehicles for the carrying of passengers and by vehicles for the transfer of baggage; require all telephone and telegraph wires and all wires and cables carrying electricity to be placed in conduits under ground and prescribe rules and regulations for the construction and use of such conduits; and to do all other things whatsoever adapted to make said streets and highways safe, convenient and attractive.

(12) To construct and maintain, or aid in constructing and maintaining, public roads, boulevards, parkways and bridges beyond the limits of the city, in order to facilitate public travel to and from said city and its suburbs, and to and from said city and any property owned by said city and situated beyond the corporate limits thereof, and to acquire land necessary for such purpose by condemnation or otherwise.

(13) To establish, construct, maintain and operate public lands, public wharves and docks either within or without the city; to acquire by condemnation or otherwise all lands, riparian and other rights and easements necessary for the purposes aforesaid; to lay and collect reasonable duties or wharfage fees on vessels coming to or using said landings, wharves or docks; to regulate the manner of using other wharves and docks within the city and rates of wharfage to be paid by vessels using the same; to dredge or deepen the harbor or river or any branch or portion thereof; to prescribe and enforce reasonable rules and regulations for the protection and use of its said properties, whether within or without the city; and to impose and enforce adequate penalties for the violation of such rules and regulations.

(14) Subject to the provisions of the Constitution of Virginia and of §§ 100, 104 and 105 of this charter, both inclusive, to grant franchises for public utilities.

(15) To collect and dispose of sewage, offal, ashes, garbage, carcasses of dead animals and other refuse, and to acquire and operate reduction or other plants for the utilization or destruction of such materials, or any of them; or to contract for and regulate the collection and disposal thereof.

(16) To compel the abatement and removal of all nuisances within the city or upon property owned by the city beyond its limits at the expense of the person or persons causing the same, or of the owner or occupant of the ground or premises whereon the same may be; to require all lands, lots and other premises within said city to be kept clean, sanitary and free from weeds, or to make them so at the expense of the owners or occupants thereof; to regulate or prevent slaughter houses or other noisome or offensive business within said city, the keeping of animals, poultry or other fowl therein, or the exercise of any dangerous or unwholesome business, trade or employment therein; to regulate the transportation of all articles through the streets of the city; to compel the abatement of smoke and dust, and prevent unnecessary noise therein; to regulate the location of stables and the manner in which they shall be kept and constructed, and generally to define, prohibit, abate, suppress and prevent all things detrimental to the health, morals, comfort, safety, convenience and welfare of the inhabitants of the city.

(17) To inspect, test, measure and weigh any commodity or article of consumption or use within the city and to establish, regulate, license and inspect weights, meters, measures and scales.

(18) To extinguish and prevent fires and to compel citizens to render assistance to the fire department in case of need, and to establish, regulate and control a fire department or division; to regulate the size, materials and construction of buildings, fences and other structures hereafter erected in such manner as the public safety and convenience may require; to remove, or require to be removed, any building, structure or addition thereto which by reason of dilapidation, defect of structure or other causes may have become dangerous to life or property, or which may be erected contrary to law; to establish and designate from time to time fire limits, within which limits wooden buildings shall not be constructed, removed, added to or enlarged, and to direct that any or all future buildings within such limits shall be constructed of stone, natural or artificial, concrete, brick, iron or other fireproof material; provided, however, that by a vote of four-fifths of all the members of the council permission may be granted for storage sheds constructed on pile piers or wharves on the waterfront, the sides and roofs of which shall be covered with corrugated iron or other fireproof material.

(19) To provide for the care, support and maintenance of children and of sick, aged, insane or poor persons and paupers.

(20) To organize and administer public schools and libraries subject to the general laws establishing a standard of education for the State.

(21) To provide and maintain, either within or without the city, charitable, recreative, curative, corrective, detentive or penal institutions.

~~(22) To prevent persons having no visible means of support, paupers and persons who may be dangerous to the peace or safety of the city from coming to said city from without the same; and for this purpose to require any railroad company, the master of any ship or vessel or the owners of any conveyance bringing such person to the city; to take such person back to the place whence he was brought, or enter into bond with satisfactory security that such person shall not become a charge upon said city within one year from the date of his arrival; and also to expel therefrom any such person who has been in said city less than 90 days.~~

~~(23)~~ (23) To provide for the preservation of the general health of the inhabitants of said city, make regulations to secure the same, inspect all foods and foodstuffs and prevent the introduction and sale in said city of any article or thing intended for human consumption which is adulterated, impure or otherwise dangerous to health, and to condemn, seize and destroy or otherwise dispose of any such article or thing without liability to the owner thereof; prevent the introduction or spread of contagious or infectious diseases, and prevent and suppress diseases generally; to provide and regulate hospitals within or without the city limits and to enforce the removal of persons afflicted with contagious or infectious diseases to hospitals provided for them; to provide for the organization of a department or bureau of health, to supplement the salary paid by the Commonwealth to the Director of Public Health, to have the powers of a board of health, for said city, with the authority necessary for the prompt and efficient performance of its duties, with power to invest any or all the officials or employees of such department of health with such powers as the police officers of the city have; to establish a quarantine ground within or without the city limits, and such quarantine regulations against infectious and contagious diseases as the said council may see fit, subject to the laws of the State and of the United States; to provide and keep records of vital statistics and compel the return of all births, deaths and other information necessary thereto.

~~(24)~~ (23) To acquire, by purchase, gift, devise, condemnation or otherwise, lands, either within or without the city, to be used, kept and improved as a place for the interment of the dead, and to make and enforce all necessary rules and regulations for the protection and use thereof, and generally regulate the burial and disposition of the dead.

~~(25)~~ (24) To exercise full police powers, and establish and maintain a department or division of police.

~~(26)~~ (25) To do all things whatsoever necessary or expedient for promoting or maintaining the general welfare, comfort, education, morals, peace, government, health, trade, commerce or industries of the city or its inhabitants.

~~(27)~~ (26) To make and enforce all ordinances, rules and regulations necessary or expedient for the purpose of carrying into effect the powers conferred by this charter or by any general law, and to provide and impose suitable penalties for the violation of such ordinances, rules and regulations, or any of them in a manner consistent with § 2(e), as amended, of this charter. The city may maintain a suit to restrain by injunction the violation of any ordinance, notwithstanding such ordinance may provide punishment for its violation.

The council may, by ordinance, establish certain voluntary design guidelines for new construction or rehabilitation of residential real property in certain designated districts. The guidelines shall be voluntary and may only be applied at the request of the property owner. A fee may be charged for review, which shall not exceed the actual cost of such review process or \$200, whichever is less.

The enumeration of particular powers in this charter shall not be deemed or held to be exclusive, but in addition to the powers enumerated herein, implied thereby, or appropriate to the exercise thereof, the said city shall have and may exercise all other powers which are now or may hereafter be possessed or enjoyed by cities under the Constitution and general laws of this State.

§ 11. ~~Elections~~ *Appointments* by council; ~~when held, terms, etc.~~

The council shall appoint a city manager, a city assessor, a city clerk, a city attorney, a city auditor and a high constable, each of whom shall be appointed for an indefinite period and serve at the will of the council. *The employees serving these officers, regardless of whether their representatives are confirmed by the council, shall serve at the will of their respective officers.*

§ 114. Officers exempted from classified service.

Officers who are elected by the people or who are ~~elected~~ *appointed* or confirmed by the council, pursuant to this charter, members of the school board, the teachers in the public schools and all other persons employed by said school board, heads of the administrative departments of the city, the deputy chief of police, assistant city managers, employees who report directly to and whose positions require the personal trust and confidence of the city manager, employees, regardless of their positions, hired and permanently assigned to work for and under the supervision of the constitutional officers of the city or of the circuit court judges of the city, assistant heads of administrative departments, and heads or chiefs of bureaus and divisions within said departments, but not including such positions within the departments of fire and police other than that of the deputy chief of police, members of the law department, *all those who serve in the offices of the officers appointed by the council pursuant to § 11, as amended, of this charter* and civil service examiners; shall not be included in such classified service; provided, however, that the council may by ordinance provide that the health officer of said city and such of his trained medical assistants as may be required to give full time to the duties of their positions shall be included in the classified service.

CHAPTER 529

An Act to amend and reenact §§ 19.2-387, 19.2-389, as it is currently effective and as it shall become effective, 19.2-391, 53.1-136, and 53.1-165.1 of the Code of Virginia, relating to juvenile offenders; parole.

[S 103]

Approved March 31, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 19.2-387, 19.2-389, as it is currently effective and as it shall become effective, 19.2-391, 53.1-136, and 53.1-165.1 of the Code of Virginia are amended and reenacted as follows:

§ 19.2-387. Exchange to operate as a division of Department of State Police; authority of Superintendent of State Police.

A. The Central Criminal Records Exchange shall operate as a separate division within the Department of State Police and shall be the sole criminal ~~record-keeping~~ *recordkeeping* agency of the Commonwealth, except for (i) the Department of Juvenile Justice pursuant to Chapter 10 (§ 16.1-222 et seq.) of Title 16.1, (ii) the Department of Motor Vehicles, (iii) for purposes of the DNA data bank, the Department of Forensic Science, and (iv) for the purpose of making parole determinations pursuant to subdivisions 1, 2, 3, 4, and § 6 of § 53.1-136, the Virginia Parole Board.

B. The Superintendent of State Police is hereby authorized to employ such personnel, establish such offices, and acquire such equipment as shall be necessary to carry out the purposes of this chapter and is also authorized to enter into agreements with other state agencies for services to be performed for it by employees of such other agencies.

§ 19.2-389. (Effective until January 1, 2021) Dissemination of criminal history record information.

A. Criminal history record information shall be disseminated, whether directly or through an intermediary, only to:

1. Authorized officers or employees of criminal justice agencies, as defined by § 9.1-101, for purposes of the administration of criminal justice and the screening of an employment application or review of employment by a criminal justice agency with respect to its own employees or applicants, and dissemination to the Virginia Parole Board, pursuant to this subdivision, of such information on all state-responsible inmates for the purpose of making parole determinations pursuant to subdivisions 1, 2, 3, 4, and § 6 of § 53.1-136 shall include collective dissemination by electronic means every 30 days. For purposes of this subdivision, criminal history record information includes information sent to the Central Criminal Records Exchange pursuant to §§ 37.2-819 and 64.2-2014 when disseminated to any full-time or part-time employee of the State Police, a police department or sheriff's office that is a part of or administered by the Commonwealth or any political subdivision thereof, and who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic, or highway laws of the Commonwealth for the purposes of the administration of criminal justice;

2. Such other individuals and agencies that require criminal history record information to implement a state or federal statute or executive order of the President of the United States or Governor that expressly refers to criminal conduct and contains requirements or exclusions expressly based upon such conduct, except that information concerning the arrest of an individual may not be disseminated to a noncriminal justice agency or individual if an interval of one year has elapsed from the date of the arrest and no disposition of the charge has been recorded and no active prosecution of the charge is pending;

3. Individuals and agencies pursuant to a specific agreement with a criminal justice agency to provide services required for the administration of criminal justice pursuant to that agreement which shall specifically authorize access to data, limit the use of data to purposes for which given, and ensure the security and confidentiality of the data;

4. Individuals and agencies for the express purpose of research, evaluative, or statistical activities pursuant to an agreement with a criminal justice agency that shall specifically authorize access to data, limit the use of data to research, evaluative, or statistical purposes, and ensure the confidentiality and security of the data;

5. Agencies of state or federal government that are authorized by state or federal statute or executive order of the President of the United States or Governor to conduct investigations determining employment suitability or eligibility for security clearances allowing access to classified information;

6. Individuals and agencies where authorized by court order or court rule;

7. Agencies of any political subdivision of the Commonwealth, public transportation companies owned, operated or controlled by any political subdivision, and any public service corporation that operates a public transit system owned by a local government for the conduct of investigations of applicants for employment, permit, or license whenever, in the interest of public welfare or safety, it is necessary to determine under a duly enacted ordinance if the past criminal conduct of a person with a conviction record would be compatible with the nature of the employment, permit, or license under consideration;

7a. Commissions created pursuant to the Transportation District Act of 1964 (§ 33.2-1900 et seq.) of Title 33.2 and their contractors, for the conduct of investigations of individuals who have been offered a position of employment whenever, in the interest of public welfare or safety and as authorized in the Transportation District Act of 1964, it is necessary to determine if the past criminal conduct of a person with a conviction record would be compatible with the nature of the employment under consideration;

8. Public or private agencies when authorized or required by federal or state law or interstate compact to investigate (i) applicants for foster or adoptive parenthood or (ii) any individual, and the adult members of that individual's household, with whom the agency is considering placing a child or from whom the agency is considering removing a child due to abuse

or neglect, on an emergency, temporary, or permanent basis pursuant to §§ 63.2-901.1 and 63.2-1505, subject to the restriction that the data shall not be further disseminated to any party other than a federal or state authority or court as may be required to comply with an express requirement of law;

9. To the extent permitted by federal law or regulation, public service companies as defined in § 56-1, for the conduct of investigations of applicants for employment when such employment involves personal contact with the public or when past criminal conduct of an applicant would be incompatible with the nature of the employment under consideration;

10. The appropriate authority for purposes of granting citizenship and for purposes of international travel, including, but not limited to, issuing visas and passports;

11. A person requesting a copy of his own criminal history record information as defined in § 9.1-101 at his cost, except that criminal history record information shall be supplied at no charge to a person who has applied to be a volunteer with (i) a Virginia affiliate of Big Brothers/Big Sisters of America; (ii) a volunteer fire company; (iii) the Volunteer Emergency Families for Children; (iv) any affiliate of Prevent Child Abuse, Virginia; (v) any Virginia affiliate of Compeer; or (vi) any board member or any individual who has been offered membership on the board of a Crime Stoppers, Crime Solvers or Crime Line program as defined in § 15.2-1713.1;

12. Administrators and board presidents of and applicants for licensure or registration as a child welfare agency as defined in § 63.2-100 for dissemination to the Commissioner of Social Services' representative pursuant to § 63.2-1702 for the conduct of investigations with respect to employees of and volunteers at such facilities, caretakers, and other adults living in family day homes or homes approved by family day systems, and foster and adoptive parent applicants of private child-placing agencies, pursuant to §§ 63.2-1719, 63.2-1720, 63.2-1720.1, 63.2-1721, and 63.2-1721.1, subject to the restriction that the data shall not be further disseminated by the facility or agency to any party other than the data subject, the Commissioner of Social Services' representative or a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination;

13. The school boards of the Commonwealth for the purpose of screening individuals who are offered or who accept public school employment and those current school board employees for whom a report of arrest has been made pursuant to § 19.2-83.1;

14. The Virginia Lottery for the conduct of investigations as set forth in the Virginia Lottery Law (§ 58.1-4000 et seq.), and the Department of Agriculture and Consumer Services for the conduct of investigations as set forth in Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2;

15. Licensed nursing homes, hospitals and home care organizations for the conduct of investigations of applicants for compensated employment in licensed nursing homes pursuant to § 32.1-126.01, hospital pharmacies pursuant to § 32.1-126.02, and home care organizations pursuant to § 32.1-162.9:1, subject to the limitations set out in subsection E;

16. Licensed assisted living facilities and licensed adult day care centers for the conduct of investigations of applicants for compensated employment in licensed assisted living facilities and licensed adult day care centers pursuant to § 63.2-1720, subject to the limitations set out in subsection F;

17. The Virginia Alcoholic Beverage Control Authority for the conduct of investigations as set forth in § 4.1-103.1;

18. The State Board of Elections and authorized officers and employees thereof and general registrars appointed pursuant to § 24.2-110 in the course of conducting necessary investigations with respect to voter registration, limited to any record of felony convictions;

19. The Commissioner of Behavioral Health and Developmental Services for those individuals who are committed to the custody of the Commissioner pursuant to §§ 19.2-169.2, 19.2-169.6, 19.2-182.2, 19.2-182.3, 19.2-182.8, and 19.2-182.9 for the purpose of placement, evaluation, and treatment planning;

20. Any alcohol safety action program certified by the Commission on the Virginia Alcohol Safety Action Program for (i) assessments of habitual offenders under § 46.2-360, (ii) interventions with first offenders under § 18.2-251, or (iii) services to offenders under § 18.2-51.4, 18.2-266, or 18.2-266.1;

21. Residential facilities for juveniles regulated or operated by the Department of Social Services, the Department of Education, or the Department of Behavioral Health and Developmental Services for the purpose of determining applicants' fitness for employment or for providing volunteer or contractual services;

22. The Department of Behavioral Health and Developmental Services and facilities operated by the Department for the purpose of determining an individual's fitness for employment pursuant to departmental instructions;

23. Pursuant to § 22.1-296.3, the governing boards or administrators of private elementary or secondary schools which are accredited pursuant to § 22.1-19 or a private organization coordinating such records information on behalf of such governing boards or administrators pursuant to a written agreement with the Department of State Police;

24. Public institutions of higher education and nonprofit private institutions of higher education for the purpose of screening individuals who are offered or accept employment;

25. Members of a threat assessment team established by a local school board pursuant to § 22.1-79.4, by a public institution of higher education pursuant to § 23.1-805, or by a private nonprofit institution of higher education, for the purpose of assessing or intervening with an individual whose behavior may present a threat to safety; however, no member of a threat assessment team shall redisclose any criminal history record information obtained pursuant to this section or otherwise use any record of an individual beyond the purpose that such disclosure was made to the threat assessment team;

26. Executive directors of community services boards or the personnel director serving the community services board for the purpose of determining an individual's fitness for employment, approval as a sponsored residential service provider,

or permission to enter into a shared living arrangement with a person receiving medical assistance services pursuant to a waiver pursuant to §§ 37.2-506 and 37.2-607;

27. Executive directors of behavioral health authorities as defined in § 37.2-600 for the purpose of determining an individual's fitness for employment, approval as a sponsored residential service provider, or permission to enter into a shared living arrangement with a person receiving medical assistance services pursuant to a waiver pursuant to §§ 37.2-506 and 37.2-607;

28. The Commissioner of Social Services for the purpose of locating persons who owe child support or who are alleged in a pending paternity proceeding to be a putative father, provided that only the name, address, demographics and social security number of the data subject shall be released;

29. Authorized officers or directors of agencies licensed pursuant to Article 2 (§ 37.2-403 et seq.) of Chapter 4 of Title 37.2 by the Department of Behavioral Health and Developmental Services for the purpose of determining if any applicant who accepts employment in any direct care position or requests approval as a sponsored residential service provider or permission to enter into a shared living arrangement with a person receiving medical assistance services pursuant to a waiver has been convicted of a crime that affects his fitness to have responsibility for the safety and well-being of individuals with mental illness, intellectual disability, or substance abuse pursuant to §§ 37.2-416, 37.2-506, and 37.2-607;

30. The Commissioner of the Department of Motor Vehicles, for the purpose of evaluating applicants for and holders of a motor carrier certificate or license subject to the provisions of Chapters 20 (§ 46.2-2000 et seq.) and 21 (§ 46.2-2100 et seq.) of Title 46.2;

31. The chairmen of the Committees for Courts of Justice of the Senate or the House of Delegates for the purpose of determining if any person being considered for election to any judgeship has been convicted of a crime;

32. Heads of state agencies in which positions have been identified as sensitive for the purpose of determining an individual's fitness for employment in positions designated as sensitive under Department of Human Resource Management policies developed pursuant to § 2.2-1201.1;

33. The Office of the Attorney General, for all criminal justice activities otherwise permitted under subdivision A 1 and for purposes of performing duties required by the Civil Commitment of Sexually Violent Predators Act (§ 37.2-900 et seq.);

34. Shipyards, to the extent permitted by federal law or regulation, engaged in the design, construction, overhaul, or repair of nuclear vessels for the United States Navy, including their subsidiary companies, for the conduct of investigations of applications for employment or for access to facilities, by contractors, leased laborers, and other visitors;

35. Any employer of individuals whose employment requires that they enter the homes of others, for the purpose of screening individuals who apply for, are offered, or have accepted such employment;

36. Public agencies when and as required by federal or state law to investigate (i) applicants as providers of adult foster care and home-based services or (ii) any individual with whom the agency is considering placing an adult on an emergency, temporary, or permanent basis pursuant to § 63.2-1601.1, subject to the restriction that the data shall not be further disseminated by the agency to any party other than a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination, subject to limitations set out in subsection G;

37. The Department of Medical Assistance Services, or its designee, for the purpose of screening individuals who, through contracts, subcontracts, or direct employment, volunteer, apply for, are offered, or have accepted a position related to the provision of transportation services to enrollees in the Medicaid Program or the Family Access to Medical Insurance Security (FAMIS) Program, or any other program administered by the Department of Medical Assistance Services;

38. The State Corporation Commission for the purpose of investigating individuals who are current or proposed members, senior officers, directors, and principals of an applicant or person licensed under Chapter 16 (§ 6.2-1600 et seq.) or Chapter 19 (§ 6.2-1900 et seq.) of Title 6.2. Notwithstanding any other provision of law, if an application is denied based in whole or in part on information obtained from the Central Criminal Records Exchange pursuant to Chapter 16 or 19 of Title 6.2, the Commissioner of Financial Institutions or his designee may disclose such information to the applicant or its designee;

39. The Department of Professional and Occupational Regulation for the purpose of investigating individuals for initial licensure pursuant to § 54.1-2106.1;

40. The Department for Aging and Rehabilitative Services and the Department for the Blind and Vision Impaired for the purpose of evaluating an individual's fitness for various types of employment and for the purpose of delivering comprehensive vocational rehabilitation services pursuant to Article 11 (§ 51.5-170 et seq.) of Chapter 14 of Title 51.5 that will assist the individual in obtaining employment;

41. Bail bondsmen, in accordance with the provisions of § 19.2-120;

42. The State Treasurer for the purpose of determining whether a person receiving compensation for wrongful incarceration meets the conditions for continued compensation under § 8.01-195.12;

43. The Department of Social Services and directors of local departments of social services for the purpose of screening individuals seeking to enter into a contract with the Department of Social Services or a local department of social services for the provision of child care services for which child care subsidy payments may be provided;

44. The Department of Juvenile Justice to investigate any parent, guardian, or other adult members of a juvenile's household when completing a predispositional or postdispositional report required by § 16.1-273 or a Board of Juvenile Justice regulation promulgated pursuant to § 16.1-233; and

45. Other entities as otherwise provided by law.

Upon an ex parte motion of a defendant in a felony case and upon the showing that the records requested may be relevant to such case, the court shall enter an order requiring the Central Criminal Records Exchange to furnish the defendant, as soon as practicable, copies of any records of persons designated in the order on whom a report has been made under the provisions of this chapter.

Notwithstanding any other provision of this chapter to the contrary, upon a written request sworn to before an officer authorized to take acknowledgments, the Central Criminal Records Exchange, or the criminal justice agency in cases of offenses not required to be reported to the Exchange, shall furnish a copy of conviction data covering the person named in the request to the person making the request; however, such person on whom the data is being obtained shall consent in writing, under oath, to the making of such request. A person receiving a copy of his own conviction data may utilize or further disseminate that data as he deems appropriate. In the event no conviction data is maintained on the data subject, the person making the request shall be furnished at his cost a certification to that effect.

B. Use of criminal history record information disseminated to noncriminal justice agencies under this section shall be limited to the purposes for which it was given and may not be disseminated further.

C. No criminal justice agency or person shall confirm the existence or nonexistence of criminal history record information for employment or licensing inquiries except as provided by law.

D. Criminal justice agencies shall establish procedures to query the Central Criminal Records Exchange prior to dissemination of any criminal history record information on offenses required to be reported to the Central Criminal Records Exchange to ensure that the most up-to-date disposition data is being used. Inquiries of the Exchange shall be made prior to any dissemination except in those cases where time is of the essence and the normal response time of the Exchange would exceed the necessary time period. A criminal justice agency to whom a request has been made for the dissemination of criminal history record information that is required to be reported to the Central Criminal Records Exchange may direct the inquirer to the Central Criminal Records Exchange for such dissemination. Dissemination of information regarding offenses not required to be reported to the Exchange shall be made by the criminal justice agency maintaining the record as required by § 15.2-1722.

E. Criminal history information provided to licensed nursing homes, hospitals and to home care organizations pursuant to subdivision A 15 shall be limited to the convictions on file with the Exchange for any offense specified in §§ 32.1-126.01, 32.1-126.02, and 32.1-162.9:1.

F. Criminal history information provided to licensed assisted living facilities and licensed adult day care centers pursuant to subdivision A 16 shall be limited to the convictions on file with the Exchange for any offense specified in § 63.2-1720.

G. Criminal history information provided to public agencies pursuant to subdivision A 36 shall be limited to the convictions on file with the Exchange for any offense set forth in clause (i) of the definition of barrier crime in § 19.2-392.02.

H. Upon receipt of a written request from an employer or prospective employer, the Central Criminal Records Exchange, or the criminal justice agency in cases of offenses not required to be reported to the Exchange, shall furnish at the employer's cost a copy of conviction data covering the person named in the request to the employer or prospective employer making the request, provided that the person on whom the data is being obtained has consented in writing to the making of such request and has presented a photo-identification to the employer or prospective employer. In the event no conviction data is maintained on the person named in the request, the requesting employer or prospective employer shall be furnished at his cost a certification to that effect. The criminal history record search shall be conducted on forms provided by the Exchange.

I. Nothing in this section shall preclude the dissemination of a person's criminal history record information pursuant to the rules of court for obtaining discovery or for review by the court.

§ 19.2-389. (Effective January 1, 2021) Dissemination of criminal history record information.

A. Criminal history record information shall be disseminated, whether directly or through an intermediary, only to:

1. Authorized officers or employees of criminal justice agencies, as defined by § 9.1-101, for purposes of the administration of criminal justice and the screening of an employment application or review of employment by a criminal justice agency with respect to its own employees or applicants, and dissemination to the Virginia Parole Board, pursuant to this subdivision, of such information on all state-responsible inmates for the purpose of making parole determinations pursuant to subdivisions 1, 2, 3, 4, and 5 6 of § 53.1-136 shall include collective dissemination by electronic means every 30 days. For purposes of this subdivision, criminal history record information includes information sent to the Central Criminal Records Exchange pursuant to §§ 37.2-819 and 64.2-2014 when disseminated to any full-time or part-time employee of the State Police, a police department or sheriff's office that is a part of or administered by the Commonwealth or any political subdivision thereof, and who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth for the purposes of the administration of criminal justice;

2. Such other individuals and agencies that require criminal history record information to implement a state or federal statute or executive order of the President of the United States or Governor that expressly refers to criminal conduct and

contains requirements or exclusions expressly based upon such conduct, except that information concerning the arrest of an individual may not be disseminated to a noncriminal justice agency or individual if an interval of one year has elapsed from the date of the arrest and no disposition of the charge has been recorded and no active prosecution of the charge is pending;

3. Individuals and agencies pursuant to a specific agreement with a criminal justice agency to provide services required for the administration of criminal justice pursuant to that agreement which shall specifically authorize access to data, limit the use of data to purposes for which given, and ensure the security and confidentiality of the data;

4. Individuals and agencies for the express purpose of research, evaluative, or statistical activities pursuant to an agreement with a criminal justice agency that shall specifically authorize access to data, limit the use of data to research, evaluative, or statistical purposes, and ensure the confidentiality and security of the data;

5. Agencies of state or federal government that are authorized by state or federal statute or executive order of the President of the United States or Governor to conduct investigations determining employment suitability or eligibility for security clearances allowing access to classified information;

6. Individuals and agencies where authorized by court order or court rule;

7. Agencies of any political subdivision of the Commonwealth, public transportation companies owned, operated or controlled by any political subdivision, and any public service corporation that operates a public transit system owned by a local government for the conduct of investigations of applicants for employment, permit, or license whenever, in the interest of public welfare or safety, it is necessary to determine under a duly enacted ordinance if the past criminal conduct of a person with a conviction record would be compatible with the nature of the employment, permit, or license under consideration;

7a. Commissions created pursuant to the Transportation District Act of 1964 (§ 33.2-1900 et seq.) of Title 33.2 and their contractors, for the conduct of investigations of individuals who have been offered a position of employment whenever, in the interest of public welfare or safety and as authorized in the Transportation District Act of 1964, it is necessary to determine if the past criminal conduct of a person with a conviction record would be compatible with the nature of the employment under consideration;

8. Public or private agencies when authorized or required by federal or state law or interstate compact to investigate (i) applicants for foster or adoptive parenthood or (ii) any individual, and the adult members of that individual's household, with whom the agency is considering placing a child or from whom the agency is considering removing a child due to abuse or neglect, on an emergency, temporary, or permanent basis pursuant to §§ 63.2-901.1 and 63.2-1505, subject to the restriction that the data shall not be further disseminated to any party other than a federal or state authority or court as may be required to comply with an express requirement of law;

9. To the extent permitted by federal law or regulation, public service companies as defined in § 56-1, for the conduct of investigations of applicants for employment when such employment involves personal contact with the public or when past criminal conduct of an applicant would be incompatible with the nature of the employment under consideration;

10. The appropriate authority for purposes of granting citizenship and for purposes of international travel, including, but not limited to, issuing visas and passports;

11. A person requesting a copy of his own criminal history record information as defined in § 9.1-101 at his cost, except that criminal history record information shall be supplied at no charge to a person who has applied to be a volunteer with (i) a Virginia affiliate of Big Brothers/Big Sisters of America; (ii) a volunteer fire company; (iii) the Volunteer Emergency Families for Children; (iv) any affiliate of Prevent Child Abuse, Virginia; (v) any Virginia affiliate of Compeer; or (vi) any board member or any individual who has been offered membership on the board of a Crime Stoppers, Crime Solvers or Crime Line program as defined in § 15.2-1713.1;

12. Administrators and board presidents of and applicants for licensure or registration as a child welfare agency as defined in § 63.2-100 for dissemination to the Commissioner of Social Services' representative pursuant to § 63.2-1702 for the conduct of investigations with respect to employees of and volunteers at such facilities, caretakers, and other adults living in family day homes or homes approved by family day systems, and foster and adoptive parent applicants of private child-placing agencies, pursuant to §§ 63.2-1719, 63.2-1720, 63.2-1720.1, 63.2-1721, and 63.2-1721.1, subject to the restriction that the data shall not be further disseminated by the facility or agency to any party other than the data subject, the Commissioner of Social Services' representative or a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination;

13. The school boards of the Commonwealth for the purpose of screening individuals who are offered or who accept public school employment and those current school board employees for whom a report of arrest has been made pursuant to § 19.2-83.1;

14. The Virginia Lottery for the conduct of investigations as set forth in the Virginia Lottery Law (§ 58.1-4000 et seq.), and the Department of Agriculture and Consumer Services for the conduct of investigations as set forth in Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2;

15. Licensed nursing homes, hospitals and home care organizations for the conduct of investigations of applicants for compensated employment in licensed nursing homes pursuant to § 32.1-126.01, hospital pharmacies pursuant to § 32.1-126.02, and home care organizations pursuant to § 32.1-162.9:1, subject to the limitations set out in subsection E;

16. Licensed assisted living facilities and licensed adult day care centers for the conduct of investigations of applicants for compensated employment in licensed assisted living facilities and licensed adult day care centers pursuant to § 63.2-1720, subject to the limitations set out in subsection F;

17. The Virginia Alcoholic Beverage Control Authority for the conduct of investigations as set forth in § 4.1-103.1;
18. The State Board of Elections and authorized officers and employees thereof and general registrars appointed pursuant to § 24.2-110 in the course of conducting necessary investigations with respect to voter registration, limited to any record of felony convictions;
19. The Commissioner of Behavioral Health and Developmental Services for those individuals who are committed to the custody of the Commissioner pursuant to §§ 19.2-169.2, 19.2-169.6, 19.2-182.2, 19.2-182.3, 19.2-182.8, and 19.2-182.9 for the purpose of placement, evaluation, and treatment planning;
20. Any alcohol safety action program certified by the Commission on the Virginia Alcohol Safety Action Program for (i) assessments of habitual offenders under § 46.2-360, (ii) interventions with first offenders under § 18.2-251, or (iii) services to offenders under § 18.2-51.4, 18.2-266, or 18.2-266.1;
21. Residential facilities for juveniles regulated or operated by the Department of Social Services, the Department of Education, or the Department of Behavioral Health and Developmental Services for the purpose of determining applicants' fitness for employment or for providing volunteer or contractual services;
22. The Department of Behavioral Health and Developmental Services and facilities operated by the Department for the purpose of determining an individual's fitness for employment pursuant to departmental instructions;
23. Pursuant to § 22.1-296.3, the governing boards or administrators of private elementary or secondary schools which are accredited pursuant to § 22.1-19 or a private organization coordinating such records information on behalf of such governing boards or administrators pursuant to a written agreement with the Department of State Police;
24. Public institutions of higher education and nonprofit private institutions of higher education for the purpose of screening individuals who are offered or accept employment;
25. Members of a threat assessment team established by a local school board pursuant to § 22.1-79.4, by a public institution of higher education pursuant to § 23.1-805, or by a private nonprofit institution of higher education, for the purpose of assessing or intervening with an individual whose behavior may present a threat to safety; however, no member of a threat assessment team shall redisclose any criminal history record information obtained pursuant to this section or otherwise use any record of an individual beyond the purpose that such disclosure was made to the threat assessment team;
26. Executive directors of community services boards or the personnel director serving the community services board for the purpose of determining an individual's fitness for employment, approval as a sponsored residential service provider, or permission to enter into a shared living arrangement with a person receiving medical assistance services pursuant to a waiver pursuant to §§ 37.2-506 and 37.2-607;
27. Executive directors of behavioral health authorities as defined in § 37.2-600 for the purpose of determining an individual's fitness for employment, approval as a sponsored residential service provider, or permission to enter into a shared living arrangement with a person receiving medical assistance services pursuant to a waiver pursuant to §§ 37.2-506 and 37.2-607;
28. The Commissioner of Social Services for the purpose of locating persons who owe child support or who are alleged in a pending paternity proceeding to be a putative father, provided that only the name, address, demographics and social security number of the data subject shall be released;
29. Authorized officers or directors of agencies licensed pursuant to Article 2 (§ 37.2-403 et seq.) of Chapter 4 of Title 37.2 by the Department of Behavioral Health and Developmental Services for the purpose of determining if any applicant who accepts employment in any direct care position or requests approval as a sponsored residential service provider or permission to enter into a shared living arrangement with a person receiving medical assistance services pursuant to a waiver has been convicted of a crime that affects his fitness to have responsibility for the safety and well-being of individuals with mental illness, intellectual disability, or substance abuse pursuant to §§ 37.2-416, 37.2-506, and 37.2-607;
30. The Commissioner of the Department of Motor Vehicles, for the purpose of evaluating applicants for and holders of a motor carrier certificate or license subject to the provisions of Chapters 20 (§ 46.2-2000 et seq.) and 21 (§ 46.2-2100 et seq.) of Title 46.2;
31. The chairmen of the Committees for Courts of Justice of the Senate or the House of Delegates for the purpose of determining if any person being considered for election to any judgeship has been convicted of a crime;
32. Heads of state agencies in which positions have been identified as sensitive for the purpose of determining an individual's fitness for employment in positions designated as sensitive under Department of Human Resource Management policies developed pursuant to § 2.2-1201.1;
33. The Office of the Attorney General, for all criminal justice activities otherwise permitted under subdivision A 1 and for purposes of performing duties required by the Civil Commitment of Sexually Violent Predators Act (§ 37.2-900 et seq.);
34. Shipyards, to the extent permitted by federal law or regulation, engaged in the design, construction, overhaul, or repair of nuclear vessels for the United States Navy, including their subsidiary companies, for the conduct of investigations of applications for employment or for access to facilities, by contractors, leased laborers, and other visitors;
35. Any employer of individuals whose employment requires that they enter the homes of others, for the purpose of screening individuals who apply for, are offered, or have accepted such employment;
36. Public agencies when and as required by federal or state law to investigate (i) applicants as providers of adult foster care and home-based services or (ii) any individual with whom the agency is considering placing an adult on an emergency,

temporary, or permanent basis pursuant to § 63.2-1601.1, subject to the restriction that the data shall not be further disseminated by the agency to any party other than a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination, subject to limitations set out in subsection G;

37. The Department of Medical Assistance Services, or its designee, for the purpose of screening individuals who, through contracts, subcontracts, or direct employment, volunteer, apply for, are offered, or have accepted a position related to the provision of transportation services to enrollees in the Medicaid Program or the Family Access to Medical Insurance Security (FAMIS) Program, or any other program administered by the Department of Medical Assistance Services;

38. The State Corporation Commission for the purpose of investigating individuals who are current or proposed members, senior officers, directors, and principals of an applicant or person licensed under Chapter 16 (§ 6.2-1600 et seq.) or Chapter 19 (§ 6.2-1900 et seq.) of Title 6.2. Notwithstanding any other provision of law, if an application is denied based in whole or in part on information obtained from the Central Criminal Records Exchange pursuant to Chapter 16 or 19 of Title 6.2, the Commissioner of Financial Institutions or his designee may disclose such information to the applicant or its designee;

39. The Department of Professional and Occupational Regulation for the purpose of investigating individuals for initial licensure pursuant to § 54.1-2106.1;

40. The Department for Aging and Rehabilitative Services and the Department for the Blind and Vision Impaired for the purpose of evaluating an individual's fitness for various types of employment and for the purpose of delivering comprehensive vocational rehabilitation services pursuant to Article 11 (§ 51.5-170 et seq.) of Chapter 14 of Title 51.5 that will assist the individual in obtaining employment;

41. Bail bondsmen, in accordance with the provisions of § 19.2-120;

42. The State Treasurer for the purpose of determining whether a person receiving compensation for wrongful incarceration meets the conditions for continued compensation under § 8.01-195.12;

43. The Department of Social Services and directors of local departments of social services for the purpose of screening individuals seeking to enter into a contract with the Department of Social Services or a local department of social services for the provision of child care services for which child care subsidy payments may be provided;

44. The Department of Juvenile Justice to investigate any parent, guardian, or other adult members of a juvenile's household when completing a predispositional or postdispositional report required by § 16.1-273 or a Board of Juvenile Justice regulation promulgated pursuant to § 16.1-233;

45. The State Corporation Commission, for the purpose of screening applicants for insurance licensure under Chapter 18 (§ 38.2-1800 et seq.) of Title 38.2; and

46. Other entities as otherwise provided by law.

Upon an ex parte motion of a defendant in a felony case and upon the showing that the records requested may be relevant to such case, the court shall enter an order requiring the Central Criminal Records Exchange to furnish the defendant, as soon as practicable, copies of any records of persons designated in the order on whom a report has been made under the provisions of this chapter.

Notwithstanding any other provision of this chapter to the contrary, upon a written request sworn to before an officer authorized to take acknowledgments, the Central Criminal Records Exchange, or the criminal justice agency in cases of offenses not required to be reported to the Exchange, shall furnish a copy of conviction data covering the person named in the request to the person making the request; however, such person on whom the data is being obtained shall consent in writing, under oath, to the making of such request. A person receiving a copy of his own conviction data may utilize or further disseminate that data as he deems appropriate. In the event no conviction data is maintained on the data subject, the person making the request shall be furnished at his cost a certification to that effect.

B. Use of criminal history record information disseminated to noncriminal justice agencies under this section shall be limited to the purposes for which it was given and may not be disseminated further.

C. No criminal justice agency or person shall confirm the existence or nonexistence of criminal history record information for employment or licensing inquiries except as provided by law.

D. Criminal justice agencies shall establish procedures to query the Central Criminal Records Exchange prior to dissemination of any criminal history record information on offenses required to be reported to the Central Criminal Records Exchange to ensure that the most up-to-date disposition data is being used. Inquiries of the Exchange shall be made prior to any dissemination except in those cases where time is of the essence and the normal response time of the Exchange would exceed the necessary time period. A criminal justice agency to whom a request has been made for the dissemination of criminal history record information that is required to be reported to the Central Criminal Records Exchange may direct the inquirer to the Central Criminal Records Exchange for such dissemination. Dissemination of information regarding offenses not required to be reported to the Exchange shall be made by the criminal justice agency maintaining the record as required by § 15.2-1722.

E. Criminal history information provided to licensed nursing homes, hospitals and to home care organizations pursuant to subdivision A 15 shall be limited to the convictions on file with the Exchange for any offense specified in §§ 32.1-126.01, 32.1-126.02, and 32.1-162.9:1.

F. Criminal history information provided to licensed assisted living facilities and licensed adult day care centers pursuant to subdivision A 16 shall be limited to the convictions on file with the Exchange for any offense specified in § 63.2-1720.

G. Criminal history information provided to public agencies pursuant to subdivision A 36 shall be limited to the convictions on file with the Exchange for any offense set forth in clause (i) of the definition of barrier crime in § 19.2-392.02.

H. Upon receipt of a written request from an employer or prospective employer, the Central Criminal Records Exchange, or the criminal justice agency in cases of offenses not required to be reported to the Exchange, shall furnish at the employer's cost a copy of conviction data covering the person named in the request to the employer or prospective employer making the request, provided that the person on whom the data is being obtained has consented in writing to the making of such request and has presented a photo-identification to the employer or prospective employer. In the event no conviction data is maintained on the person named in the request, the requesting employer or prospective employer shall be furnished at his cost a certification to that effect. The criminal history record search shall be conducted on forms provided by the Exchange.

I. Nothing in this section shall preclude the dissemination of a person's criminal history record information pursuant to the rules of court for obtaining discovery or for review by the court.

§ 19.2-391. Records to be made available to Exchange by state officials and agencies; duplication of records.

Each state official and agency shall make available to the Central Criminal Records Exchange such of their records as are pertinent to its functions and shall cooperate with the Exchange in the development and use of equipment and facilities on a joint basis, where feasible. No state official or agency shall maintain records which are a duplication of the records on deposit in the Central Criminal Records Exchange, except to the extent necessary for efficient internal administration of such agency. Furthermore, the Virginia Parole Board may receive and use electronically disseminated criminal history record information from the Central Criminal Records Exchange as required to make parole determinations pursuant to subdivisions 1, 2, 3, 4, and ~~5~~ 6 of § 53.1-136, provided the data is (i) temporarily stored with the Board solely for operational purposes, (ii) purged within ~~thirty~~ 30 days of receipt of updated data by the Board, and (iii) accessed and viewed solely by Parole Board members and authorized staff pursuant to §§ 9.1-101 and § 9.1-130.

§ 53.1-136. Powers and duties of Board; notice of release of certain inmates.

In addition to the other powers and duties imposed upon the Board by this article, the Board shall:

1. Adopt, subject to approval by the Governor, general rules governing the granting of parole and eligibility requirements, which shall be published and posted for public review;

2. ~~(a)~~ Adopt, subject to approval by the Governor, rules providing for the granting of parole to those prisoners who are eligible for parole pursuant to § 53.1-165.1 on the basis of demonstrated maturity and rehabilitation and the lesser culpability of juvenile offenders;

3. a. Release on parole for such time and upon such terms and conditions as the Board shall prescribe, persons convicted of felonies and confined under the laws of the Commonwealth in any correctional facility in Virginia when those persons become eligible and are found suitable for parole, according to those rules adopted pursuant to ~~subdivision~~ subdivisions 1 and 2;

~~(b)~~ b. Establish the conditions of postrelease supervision authorized pursuant to §§ § 18.2-10 and *subsection A* of § 19.2-295.2 A;

~~(c)~~ c. Notify by certified mail at least 21 business days prior to release on discretionary parole of any inmate convicted of a felony and sentenced to a term of 10 or more years, the attorney for the Commonwealth in the jurisdiction where the inmate was sentenced. In the case of parole granted for medical reasons, where death is imminent, the ~~Commonwealth's~~ ~~Commonwealth's~~ Attorney attorney for the Commonwealth may be notified by telephone or other electronic means prior to release. Nothing in this ~~subsection~~ section shall be construed to alter the obligations of the Board under § 53.1-155 for investigation prior to release;

~~(d)~~ ~~In~~ d. Provide that in any case where a person who is released on parole or postrelease supervision has been committed to the Department of Behavioral Health and Developmental Services under the provisions of Chapter 9 (§ 37.2-900 et seq.) of Title 37.2; the conditions of his parole or postrelease supervision shall include the requirement that the person comply with all conditions given him by the Department of Behavioral Health and Developmental Services; and that he follow all of the terms of his treatment plan;

~~3-~~ 4. Revoke parole and any period of postrelease and order the reincarceration of any parolee or felon serving a period of postrelease supervision or impose a condition of participation in any component of the Statewide Community-Based Corrections System for State-Responsible Offenders (§ 53.1-67.2 et seq.) on any eligible parolee, when, in the judgment of the Board, he has violated the conditions of his parole; *or* postrelease supervision or is otherwise unfit to be on parole or on postrelease supervision;

4- 5. Issue final discharges to persons released by the Board on parole when the Board is of the opinion that the discharge of the parolee will not be incompatible with the welfare of such person or of society;

5- 6. Make investigations and reports with respect to any commutation of sentence, pardon, reprieve or remission of fine, or penalty when requested by the Governor;

6- 7. Publish monthly a statement regarding the action taken by the Board on the parole of prisoners. The statement shall list the name of each prisoner considered for parole and indicate whether parole was granted or denied, as well as the basis for denial of parole as described in subdivision ~~2~~ ~~(a)~~ 3 a; and

7- 8. Ensure that each person eligible for parole receives a timely and thorough review of his suitability for release on parole, including a review of any relevant post-sentencing information. If parole is denied, the basis for the denial of parole shall be in writing and shall give specific reasons for such denial to such inmate.

§ 53.1-165.1. Limitation on the application of parole statutes.

A. The provisions of this article, except §§ 53.1-160 and 53.1-160.1, shall not apply to any sentence imposed or to any prisoner incarcerated upon a conviction for a felony offense committed on or after January 1, 1995. Any person sentenced to a term of incarceration for a felony offense committed on or after January 1, 1995, shall not be eligible for parole upon that offense.

B. *Notwithstanding the provisions of subsection A or any other provision of this article to the contrary, any person sentenced to a term of life imprisonment for a single felony or multiple felonies committed while the person was a juvenile and who has served at least 20 years of such sentence shall be eligible for parole and any person who has active sentences that total more than 20 years for a single felony or multiple felonies committed while the person was a juvenile and who has served at least 20 years of such sentences shall be eligible for parole. The Board shall review and decide the case of each prisoner who is eligible for parole in accordance with § 53.1-154 and rules adopted pursuant to subdivision 2 of § 53.1-136.*

CHAPTER 530

An Act to amend and reenact § 18.2-270.1 of the Code of Virginia, relating to ignition interlock for first offense driving under the influence of drugs.

[S 282]

Approved March 31, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-270.1 of the Code of Virginia is amended and reenacted as follows:

§ 18.2-270.1. Ignition interlock systems; penalty.

A. For purposes of this section and § 18.2-270.2:

"Commission" means the Commission on VASAP.

"Department" means the Department of Motor Vehicles.

"Ignition interlock system" means a device that (i) connects a motor vehicle ignition system to an analyzer that measures a driver's blood alcohol content; (ii) prevents a motor vehicle ignition from starting if a driver's blood alcohol content exceeds 0.02 percent; and (iii) is equipped with the ability to perform a rolling retest and to electronically log the blood alcohol content during ignition, attempted ignition and rolling retest.

"Rolling retest" means a test of the vehicle operator's blood alcohol content required at random intervals during operation of the vehicle, which triggers the sounding of the horn and flashing of lights if (i) the test indicates that the operator has a blood alcohol content which exceeds 0.02 percent or (ii) the operator fails to take the test.

B. In addition to any penalty provided by law for a conviction under § 18.2-51.4 or *clauses (i), (ii), or (iv) of § 18.2-266 or a substantially similar ordinance of any county, city, or town, any court of proper jurisdiction shall, as a condition of a restricted license, prohibit an offender from operating a motor vehicle that is not equipped with a functioning, certified ignition interlock system for any period of time not to exceed the period of license suspension and restriction, not less than six consecutive months without alcohol-related violations of the interlock requirements. In addition to any penalty provided by law for a conviction under clauses (iii) or (v) of § 18.2-266 or a substantially similar ordinance of any county, city, or town, any court of proper jurisdiction may, for a first offense, as a condition of a restricted license, prohibit an offender from operating a motor vehicle that is not equipped with a functioning, certified ignition interlock system for any period of time not to exceed the period of license suspension and restriction, not less than six consecutive months without alcohol-related violations of the interlock requirements.* The court shall, for a conviction under § 18.2-51.4, a second or subsequent offense of § 18.2-266 or a substantially similar ordinance of any county, city or town, or as a condition of license restoration pursuant to subsection C of § 18.2-271.1 or § 46.2-391, require that such a system be installed on each motor vehicle, as defined in § 46.2-100, owned by or registered to the offender, in whole or in part, for such period of time. Such condition shall be in addition to any purposes for which a restricted license may be issued pursuant to § 18.2-271.1. The court may order the installation of an ignition interlock system to commence immediately upon conviction. A fee of \$20 to cover court and administrative costs related to the ignition interlock system shall be paid by any such offender to the clerk of the court. The court shall require the offender to install an electronic log device with the ignition interlock system on a vehicle designated by the court to measure the blood alcohol content at each attempted ignition and random rolling retest during operation of the vehicle. The offender shall be enrolled in and supervised by an alcohol safety action program pursuant to § 18.2-271.1 and to conditions established by regulation under § 18.2-270.2 by the Commission during the period for which the court has ordered installation of the ignition interlock system. The offender shall be further required to provide to such program, at least quarterly during the period of court ordered ignition interlock installation, a printout from such electronic log indicating the offender's blood alcohol content during such ignitions, attempted ignitions, and rolling retests, and showing attempts to circumvent or tamper with the equipment. The period of time during which the offender (i) is prohibited from operating a motor vehicle that is not equipped with an ignition interlock system or (ii) is required to

have an ignition interlock system installed on each motor vehicle owned by or registered to the offender, in whole or in part, shall be calculated from the date the offender is issued a restricted license by the court; however, such period of time shall be tolled upon the expiration of the restricted license issued by the court until such time as the person is issued a restricted license by the Department.

C. In any case in which the court requires the installation of an ignition interlock system, the court shall order the offender not to operate any motor vehicle that is not equipped with such a system for the period of time that the interlock restriction is in effect. The clerk of the court shall file with the Department of Motor Vehicles a copy of the order, which shall become a part of the offender's operator's license record maintained by the Department. The Department shall issue to the offender for the period during which the interlock restriction is imposed a restricted license which shall appropriately set forth the restrictions required by the court under this subsection and any other restrictions imposed upon the offender's driving privilege, and shall also set forth any exception granted by the court under subsection F.

D. The offender shall be ordered to provide the appropriate ASAP program, within 30 days of the effective date of the order of court, proof of the installation of the ignition interlock system. The Program shall require the offender to have the system monitored and calibrated for proper operation at least every 30 days by an entity approved by the Commission under the provisions of § 18.2-270.2 and to demonstrate proof thereof. The offender shall pay the cost of leasing or buying and monitoring and maintaining the ignition interlock system. Absent good cause shown, the court may revoke the offender's driving privilege for failing to (i) timely install such system or (ii) have the system properly monitored and calibrated.

E. No person shall start or attempt to start a motor vehicle equipped with an ignition interlock system for the purpose of providing an operable motor vehicle to a person who is prohibited under this section from operating a motor vehicle that is not equipped with an ignition interlock system. No person shall tamper with, or in any way attempt to circumvent the operation of, an ignition interlock system that has been installed in the motor vehicle of a person under this section. Except as authorized in subsection F, no person shall knowingly furnish a motor vehicle not equipped with a functioning ignition interlock system to any person prohibited under subsection B from operating any motor vehicle which is not equipped with such system. A violation of this subsection is punishable as a Class 1 misdemeanor.

F. Any person prohibited from operating a motor vehicle under subsection B may, solely in the course of his employment, operate a motor vehicle that is owned or provided by his employer without installation of an ignition interlock system, if the court expressly permits such operation as a condition of a restricted license at the request of the employer; such person shall not be permitted to operate any other vehicle without a functioning ignition interlock system and, in no event, shall such person be permitted to operate a school bus, school vehicle, or a commercial motor vehicle as defined in § 46.2-341.4. This subsection shall not apply if such employer is an entity wholly or partially owned or controlled by the person otherwise prohibited from operating a vehicle without an ignition interlock system.

G. The Commission shall promulgate such regulations and forms as are necessary to implement the procedures outlined in this section.

CHAPTER 531

An Act to amend and reenact § 19.2-149 of the Code of Virginia, relating to bail bondsman; petition for return of deposit for surrender of principal; deposited funds credited to Literary Fund.

[S 294]

Approved March 31, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-149 of the Code of Virginia is amended and reenacted as follows:

§ 19.2-149. How surety on a bond in recognizance may surrender principal and be discharged from liability; deposit for surrender of principal.

A. A bail bondsman or his licensed bail enforcement agent on a bond in a recognizance may at any time arrest his principal and surrender him to the court before which the recognizance was taken or before which such principal's appearance is required, or to the sheriff, sergeant or jailer of the county or city wherein the court before which such principal's appearance is required is located; in addition to the above authority, upon the application of the surety, the court, or the clerk thereof, before which the recognizance was taken, or before which such principal's appearance is required, or any magistrate shall issue a *capias* for the arrest of such principal, and such *capias* may be executed by such bail bondsman or his licensed bail enforcement agent, or by any sheriff, sergeant or police officer, and the person executing such *capias* shall deliver such principal and such *capias* to the sheriff or jailer of the county or the sheriff, sergeant or jailer of the city in which the appearance of such principal is required, and thereupon the surety or the property bail bondsman shall be discharged from liability for any act of the principal subsequent thereto. Upon application of the surety for a *capias*, the surety shall state the basis for which the *capias* is being requested. Such sheriff, sergeant or jailer shall thereafter deliver such *capias* to the clerk of such court, with his endorsement thereon acknowledging delivery of such principal to his custody.

If a magistrate issues a *capias* pursuant to this section, the magistrate shall transmit a copy of the *capias* to the court before which such principal's appearance is required by the close of business on the next day that is not a Saturday, Sunday, legal holiday, or day on which the court is lawfully closed.

B. If a bail bondsman on a bond in a recognizance surrenders his principal for any reason other than a summons to show cause issued by the court for which the principal is to appear, the bondsman shall deposit with the clerk or magistrate the greater of 10 percent of the amount of the bond or \$50, which shall be made at such time the bondsman makes application for a *capias*. The bondsman shall petition the court within 15 days from the surrender of the principal to show cause, if any can be shown, why the bondsman is entitled to the amount deposited. If the court finds that there was sufficient cause to surrender the principal, the court shall return the deposited funds to the bondsman. If the court finds that the surrender of the principal by the bondsman was unreasonable, the deposited funds shall be returned to the principal. Remission of funds shall not be issued by the court until the sixteenth day after the finding. *If the bondsman does not petition the court for the return of the deposited funds within 15 days from the surrender of the principal, the deposited funds shall be paid into the state treasury to be credited to the Literary Fund.* Nothing in this subsection shall apply to a private citizen who posted cash or real estate to secure the release of a defendant.

CHAPTER 532

An Act to amend and reenact § 16.1-284 of the Code of Virginia, relating to adults sentenced for juvenile offenses; good conduct credit.

[S 307]

Approved March 31, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 16.1-284 of the Code of Virginia is amended and reenacted as follows:

§ 16.1-284. When adult sentenced for juvenile offense.

A. When the juvenile court sentences an adult who has committed, before attaining the age of 18, an offense that would be a crime if committed by an adult, the court may impose, for each offense, the penalties that are authorized to be imposed on adults for such violations, not to exceed the punishment for a Class 1 misdemeanor, provided that the total jail sentence imposed shall not exceed 36 continuous months and the total fine shall not exceed \$2,500 or the court may order a disposition as provided in subdivision A 4, 5, 7, 11, 12, 14, or 17 and subsection B of § 16.1-278.8.

B. A person sentenced pursuant to this section shall ~~be entitled to earn~~ good time credit ~~as authorized by § 53.1-116~~ at the rate of one day for each one day served, including all days served while confined in jail or secured detention prior to conviction and sentencing, in which the person has not violated the written rules and regulations of the jail.

CHAPTER 533

An Act to direct the Department of Housing and Community Development to convene stakeholders for the purpose of developing proposals for changes to the Uniform Statewide Building Code and the Statewide Fire Prevention Code to address active shooters or hostile threats.

[S 333]

Approved March 31, 2020

Be it enacted by the General Assembly of Virginia:

1. § 1. *That the Department of Housing and Community Development is directed to convene stakeholders representing entities that enforce the Uniform Statewide Building Code (USBC) (§ 36-97 et seq.) and the Statewide Fire Prevention Code (SFPC) (§ 27-94 et seq.), other law-enforcement organizations, and representatives of local governments throughout the Commonwealth of Virginia to develop proposals for changes to the USBC and SFPC for submission to the Board of Housing and Community Development. Such proposals shall have the goal of assisting in the provision of safety and security measures for the Commonwealth's public buildings for active shooter or hostile threats while maintaining compliance with basic accessibility requirements under the Americans with Disabilities Act (42 U.S.C. § 12131 et seq.). The review of the stakeholders shall include the examination of (i) door locking devices, (ii) barricade devices, and (iii) other safety measures on doors and windows for the purpose of preventing both ingress and egress in the event of a threat to the physical security of persons in such buildings.*

CHAPTER 534

An Act to amend and reenact § 4.1-222 of the Code of Virginia, relating to alcoholic beverage control; residency requirement for licensure.

[S 395]

Approved March 31, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 4.1-222 of the Code of Virginia is amended and reenacted as follows:

§ 4.1-222. Conditions under which Board may refuse to grant licenses.

~~A~~ The Board may refuse to grant any license if it has reasonable cause to believe that:

1. The applicant, or if the applicant is a partnership, any general partner thereof, or if the applicant is an association, any member thereof, or limited partner of 10 percent or more with voting rights, or if the applicant is a corporation, any officer, director, or shareholder owning 10 percent or more of its capital stock, or if the applicant is a limited liability company, any member-manager or any member owning 10 percent or more of the membership interest of the limited liability company:

- a. Is not 21 years of age or older;
- b. Has been convicted in any court of a felony or any crime or offense involving moral turpitude under the laws of any state, or of the United States;
- c. Has been convicted, within the five years immediately preceding the date of the application for such license, of a violation of any law applicable to the manufacture, transportation, possession, use or sale of alcoholic beverages;
- d. Is not a person of good moral character and repute;
- e. Is not the legitimate owner of the business proposed to be licensed, or other persons have ownership interests in the business which have not been disclosed;
- f. Has not demonstrated financial responsibility sufficient to meet the requirements of the business proposed to be licensed;
- g. Has maintained a noisy, lewd, disorderly or unsanitary establishment;
- h. Has demonstrated, either by his police record or by his record as a former licensee of the Board, a lack of respect for law and order;
- i. Is unable to speak, understand, read and write the English language in a reasonably satisfactory manner;
- j. Is a person to whom alcoholic beverages may not be sold under § 4.1-304;
- k. Has the general reputation of drinking alcoholic beverages to excess or is addicted to the use of narcotics;
- l. Has misrepresented a material fact in applying to the Board for a license;
- m. Has defrauded or attempted to defraud the Board, or any federal, state or local government or governmental agency or authority, by making or filing any report, document or tax return required by statute or regulation which is fraudulent or contains a false representation of a material fact; or has willfully deceived or attempted to deceive the Board, or any federal, state or local government, or governmental agency or authority, by making or maintaining business records required by statute or regulation which are false and fraudulent;
- n. Is violating or allowing the violation of any provision of this title in his establishment at the time his application for a license is pending;
- o. Is a police officer with police authority in the political subdivision within which the establishment designated in the application is located;
- p. Is physically unable to carry on the business for which the application for a license is filed or has been adjudicated incapacitated; or
- q. Is a member, agent or employee of the Board.

2. The place to be occupied by the applicant:

- a. Does not conform to the requirements of the governing body of the county, city or town in which such place is located with respect to sanitation, health, construction or equipment, or to any similar requirements established by the laws of the Commonwealth or by Board regulation;
- b. Is so located that granting a license and operation thereunder by the applicant would result in violations of this title, Board regulations, or violation of the laws of the Commonwealth or local ordinances relating to peace and good order;
- c. Is so located with respect to any church; synagogue; hospital; public, private, or parochial school or an institution of higher education; public or private playground or other similar recreational facility; or any state, local, or federal government-operated facility, that the operation of such place under such license will adversely affect or interfere with the normal, orderly conduct of the affairs of such facilities or institutions;
- d. Is so located with respect to any residence or residential area that the operation of such place under such license will adversely affect real property values or substantially interfere with the usual quietude and tranquility of such residence or residential area; or
- e. Under a retail on-premises license is so constructed, arranged or illuminated that law-enforcement officers and special agents of the Board are prevented from ready access to and reasonable observation of any room or area within which alcoholic beverages are to be sold or consumed.

3. The number of licenses existent in the locality is such that the granting of a license is detrimental to the interest, morals, safety or welfare of the public. In reaching such conclusion the Board shall consider the (i) character of, population of, the number of similar licenses and the number of all licenses existent in the particular county, city or town and the immediate neighborhood concerned; (ii) effect which a new license may have on such county, city, town or neighborhood in conforming with the purposes of this title; and (iii) objections, if any, which may have been filed by a local governing body or local residents.

4. There exists any law, ordinance, or regulation of the United States, the Commonwealth or any political subdivision thereof, which warrants refusal by the Board to grant any license.

5. The Board is not authorized under this chapter to grant such license.

~~B. The Board may refuse to grant any retail wine and beer license, retail beer license or retail wine or winery license to any person who has not resided in the Commonwealth for at least one year immediately preceding application therefor, or to any corporation a majority of the stock of which is owned by persons who have not resided in the Commonwealth for at least one year immediately preceding application therefor, unless refusal to grant the license would in the opinion of the Board substantially impair the transferability of the real property upon which the licensed establishment would be located.~~

CHAPTER 535

An Act to amend and reenact § 9.1-102 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 9.1-114.2, relating to powers and duties of Board and Department of Criminal Justice Services; detector canines and handlers.

[S 1024]

Approved March 31, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 9.1-102 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 9.1-114.2 as follows:

§ 9.1-102. Powers and duties of the Board and the Department.

The Department, under the direction of the Board, which shall be the policy-making body for carrying out the duties and powers hereunder, shall have the power and duty to:

1. Adopt regulations, pursuant to the Administrative Process Act (§ 2.2-4000 et seq.), for the administration of this chapter including the authority to require the submission of reports and information by law-enforcement officers within the Commonwealth. Any proposed regulations concerning the privacy, confidentiality, and security of criminal justice information shall be submitted for review and comment to any board, commission, or committee or other body which may be established by the General Assembly to regulate the privacy, confidentiality, and security of information collected and maintained by the Commonwealth or any political subdivision thereof;

2. Establish compulsory minimum training standards subsequent to employment as a law-enforcement officer in (i) permanent positions, and (ii) temporary or probationary status, and establish the time required for completion of such training;

3. Establish minimum training standards and qualifications for certification and recertification for law-enforcement officers serving as field training officers;

4. Establish compulsory minimum curriculum requirements for in-service and advanced courses and programs for schools, whether located in or outside the Commonwealth, which are operated for the specific purpose of training law-enforcement officers;

5. Establish (i) compulsory minimum training standards for law-enforcement officers who utilize radar or an electrical or microcomputer device to measure the speed of motor vehicles as provided in § 46.2-882 and establish the time required for completion of the training and (ii) compulsory minimum qualifications for certification and recertification of instructors who provide such training;

6. [Repealed];

7. Establish compulsory minimum entry-level, in-service and advanced training standards for those persons designated to provide courthouse and courtroom security pursuant to the provisions of § 53.1-120, and to establish the time required for completion of such training;

8. Establish compulsory minimum entry-level, in-service and advanced training standards for deputy sheriffs designated to serve process pursuant to the provisions of § 8.01-293, and establish the time required for the completion of such training;

9. Establish compulsory minimum entry-level, in-service, and advanced training standards, as well as the time required for completion of such training, for persons employed as deputy sheriffs and jail officers by local criminal justice agencies and correctional officers employed by the Department of Corrections under the provisions of Title 53.1;

10. Establish compulsory minimum training standards for all dispatchers employed by or in any local or state government agency, whose duties include the dispatching of law-enforcement personnel. Such training standards shall apply only to dispatchers hired on or after July 1, 1988;

11. Establish compulsory minimum training standards for all auxiliary police officers employed by or in any local or state government agency. Such training shall be graduated and based on the type of duties to be performed by the auxiliary police officers. Such training standards shall not apply to auxiliary police officers exempt pursuant to § 15.2-1731;

12. Consult and cooperate with counties, municipalities, agencies of the Commonwealth, other state and federal governmental agencies, and institutions of higher education within or outside the Commonwealth, concerning the development of police training schools and programs or courses of instruction;

13. Approve institutions, curricula and facilities, whether located in or outside the Commonwealth, for school operation for the specific purpose of training law-enforcement officers; but this shall not prevent the holding of any such school whether approved or not;

14. Establish and maintain police training programs through such agencies and institutions as the Board deems appropriate;

15. Establish compulsory minimum qualifications of certification and recertification for instructors in criminal justice training schools approved by the Department;

16. Conduct and stimulate research by public and private agencies which shall be designed to improve police administration and law enforcement;

17. Make recommendations concerning any matter within its purview pursuant to this chapter;

18. Coordinate its activities with those of any interstate system for the exchange of criminal history record information, nominate one or more of its members to serve upon the council or committee of any such system, and participate when and as deemed appropriate in any such system's activities and programs;

19. Conduct inquiries and investigations it deems appropriate to carry out its functions under this chapter and, in conducting such inquiries and investigations, may require any criminal justice agency to submit information, reports, and statistical data with respect to its policy and operation of information systems or with respect to its collection, storage, dissemination, and usage of criminal history record information and correctional status information, and such criminal justice agencies shall submit such information, reports, and data as are reasonably required;

20. Conduct audits as required by § 9.1-131;

21. Conduct a continuing study and review of questions of individual privacy and confidentiality of criminal history record information and correctional status information;

22. Advise criminal justice agencies and initiate educational programs for such agencies with respect to matters of privacy, confidentiality, and security as they pertain to criminal history record information and correctional status information;

23. Maintain a liaison with any board, commission, committee, or other body which may be established by law, executive order, or resolution to regulate the privacy and security of information collected by the Commonwealth or any political subdivision thereof;

24. Adopt regulations establishing guidelines and standards for the collection, storage, and dissemination of criminal history record information and correctional status information, and the privacy, confidentiality, and security thereof necessary to implement state and federal statutes, regulations, and court orders;

25. Operate a statewide criminal justice research center, which shall maintain an integrated criminal justice information system, produce reports, provide technical assistance to state and local criminal justice data system users, and provide analysis and interpretation of criminal justice statistical information;

26. Develop a comprehensive, statewide, long-range plan for strengthening and improving law enforcement and the administration of criminal justice throughout the Commonwealth, and periodically update that plan;

27. Cooperate with, and advise and assist, all agencies, departments, boards and institutions of the Commonwealth, and units of general local government, or combinations thereof, including planning district commissions, in planning, developing, and administering programs, projects, comprehensive plans, and other activities for improving law enforcement and the administration of criminal justice throughout the Commonwealth, including allocating and subgranting funds for these purposes;

28. Define, develop, organize, encourage, conduct, coordinate, and administer programs, projects and activities for the Commonwealth and units of general local government, or combinations thereof, in the Commonwealth, designed to strengthen and improve law enforcement and the administration of criminal justice at every level throughout the Commonwealth;

29. Review and evaluate programs, projects, and activities, and recommend, where necessary, revisions or alterations to such programs, projects, and activities for the purpose of improving law enforcement and the administration of criminal justice;

30. Coordinate the activities and projects of the state departments, agencies, and boards of the Commonwealth and of the units of general local government, or combination thereof, including planning district commissions, relating to the preparation, adoption, administration, and implementation of comprehensive plans to strengthen and improve law enforcement and the administration of criminal justice;

31. Do all things necessary on behalf of the Commonwealth and its units of general local government, to determine and secure benefits available under the Omnibus Crime Control and Safe Streets Act of 1968 (P.L. 90-351, 82 Stat. 197), as amended, and under any other federal acts and programs for strengthening and improving law enforcement, the administration of criminal justice, and delinquency prevention and control;

32. Receive, administer, and expend all funds and other assistance available to the Board and the Department for carrying out the purposes of this chapter and the Omnibus Crime Control and Safe Streets Act of 1968, as amended;

33. Apply for and accept grants from the United States government or any other source in carrying out the purposes of this chapter and accept any and all donations both real and personal, and grants of money from any governmental unit or public agency, or from any institution, person, firm or corporation, and may receive, utilize and dispose of the same. Any arrangements pursuant to this section shall be detailed in the annual report of the Board. Such report shall include the identity of the donor, the nature of the transaction, and the conditions, if any. Any moneys received pursuant to this section shall be deposited in the state treasury to the account of the Department. To these ends, the Board shall have the power to comply with conditions and execute such agreements as may be necessary;

34. Make and enter into all contracts and agreements necessary or incidental to the performance of its duties and execution of its powers under this chapter, including but not limited to, contracts with the United States, units of general local government or combinations thereof, in Virginia or other states, and with agencies and departments of the Commonwealth;

35. Adopt and administer reasonable regulations for the planning and implementation of programs and activities and for the allocation, expenditure and subgranting of funds available to the Commonwealth and to units of general local government, and for carrying out the purposes of this chapter and the powers and duties set forth herein;

36. Certify and decertify law-enforcement officers in accordance with §§ 15.2-1706 and 15.2-1707;

37. Establish training standards and publish and periodically update model policies for law-enforcement personnel in the following subjects:

a. The handling of family abuse, domestic violence, sexual assault, and stalking cases, including standards for determining the predominant physical aggressor in accordance with § 19.2-81.3. The Department shall provide technical support and assistance to law-enforcement agencies in carrying out the requirements set forth in subsection A of § 9.1-1301;

b. Communication with and facilitation of the safe return of individuals diagnosed with Alzheimer's disease;

c. Sensitivity to and awareness of cultural diversity and the potential for biased policing;

d. Protocols for local and regional sexual assault response teams;

e. Communication of death notifications;

f. The questioning of individuals suspected of driving while intoxicated concerning the physical location of such individual's last consumption of an alcoholic beverage and the communication of such information to the Virginia Alcoholic Beverage Control Authority;

g. Vehicle patrol duties that embody current best practices for pursuits and for responding to emergency calls;

h. Criminal investigations that embody current best practices for conducting photographic and live lineups;

i. Sensitivity to and awareness of human trafficking offenses and the identification of victims of human trafficking offenses for personnel involved in criminal investigations or assigned to vehicle or street patrol duties; and

j. Missing children, missing adults, and search and rescue protocol;

38. Establish compulsory training standards for basic training and the recertification of law-enforcement officers to ensure sensitivity to and awareness of cultural diversity and the potential for biased policing;

39. Review and evaluate community-policing programs in the Commonwealth, and recommend where necessary statewide operating procedures, guidelines, and standards which strengthen and improve such programs, including sensitivity to and awareness of cultural diversity and the potential for biased policing;

40. Establish a Virginia Law-Enforcement Accreditation Center. The Center may, in cooperation with Virginia law-enforcement agencies, provide technical assistance and administrative support, including staffing, for the establishment of voluntary state law-enforcement accreditation standards. The Center may provide accreditation assistance and training, resource material, and research into methods and procedures that will assist the Virginia law-enforcement community efforts to obtain Virginia accreditation status;

41. Promote community policing philosophy and practice throughout the Commonwealth by providing community policing training and technical assistance statewide to all law-enforcement agencies, community groups, public and private organizations and citizens; developing and distributing innovative policing curricula and training tools on general community policing philosophy and practice and contemporary critical issues facing Virginia communities; serving as a consultant to Virginia organizations with specific community policing needs; facilitating continued development and implementation of community policing programs statewide through discussion forums for community policing leaders, development of law-enforcement instructors; promoting a statewide community policing initiative; and serving as a statewide information source on the subject of community policing including, but not limited to periodic newsletters, a website and an accessible lending library;

42. Establish, in consultation with the Department of Education and the Virginia State Crime Commission, compulsory minimum standards for employment and job-entry and in-service training curricula and certification requirements for school security officers, including school security officers described in clause (b) of § 22.1-280.2:1, which training and certification shall be administered by the Virginia Center for School and Campus Safety (VSCS) pursuant to § 9.1-184. Such training standards shall include, but shall not be limited to, the role and responsibility of school security officers, relevant state and federal laws, school and personal liability issues, security awareness in the school environment, mediation and conflict resolution, disaster and emergency response, and student behavioral dynamics. The Department shall establish an advisory committee consisting of local school board representatives, principals, superintendents, and school security personnel to assist in the development of the standards and certification requirements in this subdivision. The Department shall require any school security officer who carries a firearm in the performance of his duties to provide proof that he has completed a training course provided by a federal, state, or local law-enforcement agency that includes training in active shooter emergency response, emergency evacuation procedure, and threat assessment;

43. License and regulate property bail bondsmen and surety bail bondsmen in accordance with Article 11 (§ 9.1-185 et seq.);

44. License and regulate bail enforcement agents in accordance with Article 12 (§ 9.1-186 et seq.);

45. In conjunction with the Virginia State Police and the State Compensation Board, advise criminal justice agencies regarding the investigation, registration, and dissemination of information requirements as they pertain to the Sex Offender and Crimes Against Minors Registry Act (§ 9.1-900 et seq.);

46. Establish minimum standards for (i) employment, (ii) job-entry and in-service training curricula, and (iii) certification requirements for campus security officers. Such training standards shall include, but not be limited to, the role and responsibility of campus security officers, relevant state and federal laws, school and personal liability issues, security awareness in the campus environment, and disaster and emergency response. The Department shall provide technical support and assistance to campus police departments and campus security departments on the establishment and implementation of policies and procedures, including but not limited to: the management of such departments, investigatory procedures, judicial referrals, the establishment and management of databases for campus safety and security information sharing, and development of uniform record keeping for disciplinary records and statistics, such as campus crime logs, judicial referrals and Clery Act statistics. The Department shall establish an advisory committee consisting of college administrators, college police chiefs, college security department chiefs, and local law-enforcement officials to assist in the development of the standards and certification requirements and training pursuant to this subdivision;

47. Assess and report, in accordance with § 9.1-190, the crisis intervention team programs established pursuant to § 9.1-187;

48. In conjunction with the Office of the Attorney General, advise law-enforcement agencies and attorneys for the Commonwealth regarding the identification, investigation, and prosecution of human trafficking offenses using the common law and existing criminal statutes in the Code of Virginia;

49. Register tow truck drivers in accordance with § 46.2-116 and carry out the provisions of § 46.2-117;

50. Administer the activities of the Virginia Sexual and Domestic Violence Program Professional Standards Committee by providing technical assistance and administrative support, including staffing, for the Committee;

51. In accordance with § 9.1-102.1, design and approve the issuance of photo-identification cards to private security services registrants registered pursuant to Article 4 (§ 9.1-138 et seq.);

52. In consultation with the State Council of Higher Education for Virginia and the Virginia Association of Campus Law Enforcement Administrators, develop multidisciplinary curricula on trauma-informed sexual assault investigation;

53. In consultation with the Department of Behavioral Health and Developmental Services, develop a model addiction recovery program that may be administered by sheriffs, deputy sheriffs, jail officers, administrators, or superintendents in any local or regional jail. Such program shall be based on any existing addiction recovery programs that are being administered by any local or regional jails in the Commonwealth. Participation in the model addiction recovery program shall be voluntary, and such program may address aspects of the recovery process, including medical and clinical recovery, peer-to-peer support, availability of mental health resources, family dynamics, and aftercare aspects of the recovery process;

54. Establish compulsory minimum training standards for certification and recertification of law-enforcement officers serving as school resource officers. Such training shall be specific to the role and responsibility of a law-enforcement officer working with students in a school environment; ~~and~~

55. *Establish compulsory minimum training standards for detector canine handlers employed by the Department of Corrections, standards for the training and retention of detector canines used by the Department of Corrections, and a central database on the performance and effectiveness of such detector canines that requires the Department of Corrections to submit comprehensive information on each canine handler and detector canine, including the number and types of calls and searches, substances searched for and whether or not detected, and the number of false positives, false negatives, true positives, and true negatives; and*

56. Perform such other acts as may be necessary or convenient for the effective performance of its duties.

§ 9.1-114.2. Compliance with minimum training standards and reporting requirements for detector canine handlers and detector canines.

Within a period of time established by the Board, every correctional officer employed by the Department of Corrections who performs the duties of a detector canine handler shall comply with the compulsory minimum training standards for detector canine handlers, and the Department of Corrections shall ensure that any canines used at state correctional facilities are trained in accordance with the compulsory training standards established by the Board. Each state correctional facility shall submit information to the central database on the performance and effectiveness of detector canines as required by the Board. The Department shall ensure that such required training is available throughout the Commonwealth.

CHAPTER 536

An Act to amend Chapter 128 of the Acts of Assembly of 1989, which provided a charter for the Town of Blackstone in the County of Nottoway, by adding in Chapter 4 sections numbered 4.5 and 4.6, relating to advisory referendums.

[S 1036]

Approved March 31, 2020

Be it enacted by the General Assembly of Virginia:

1. That Chapter 128 of the Acts of Assembly of 1989 is amended by adding in Chapter 4 sections numbered 4.5 and 4.6 as follows:

§ 4.5. *Advisory referendum for the Harris Memorial Armory.*

The Town of Blackstone shall have authority, by resolution directed to the Circuit Court of Nottoway County or the judge thereof in vacation, to order the submission of an advisory referendum to the qualified voters of the Town thereon regarding the use by the Town of Blackstone of town funds to construct, repair, remodel, or improve the Harris Memorial Armory. Upon the receipt of such resolution, the Circuit Court of Nottoway County or the judge thereof in vacation shall order an election to be held thereon at a time that is in conformity with § 24.2-682 of the Code of Virginia. The election shall be conducted and the result thereof ascertained and determined in the manner provided by law for the conduct of general elections and by the regular election officials of Nottoway County or the Town of Blackstone.

§ 4.6. *Advisory referendum for a community center.*

The Town of Blackstone shall have authority, by resolution directed to the Circuit Court of Nottoway County or the judge thereof in vacation, to order the submission of an advisory referendum to the qualified voters of the Town thereon regarding the use by the Town of Blackstone of town funds to construct, repair, remodel, or improve a community center. Upon the receipt of such resolution, the Circuit Court of Nottoway County or the judge thereof in vacation shall order an election to be held thereon at a time that is in conformity with § 24.2-682 of the Code of Virginia. The election shall be conducted and the result thereof ascertained and determined in the manner provided by law for the conduct of general elections and by the regular election officials of Nottoway County or the Town of Blackstone.

CHAPTER 537

An Act to amend and reenact § 54.1-2312.01 of the Code of Virginia, relating to cemeteries, special interments; pets.

[S 1070]

Approved March 31, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-2312.01 of the Code of Virginia is amended and reenacted as follows:

§ 54.1-2312.01. Special interments; definitions; regulations by Board.

A. A cemetery company may have a section in the cemetery devoted to the interment of human remains and the pets of such deceased humans, provided:

1. The section of the cemetery property dedicated for this purpose is segregated entirely from the remainder of the cemetery devoted to the interment of human remains;

2. No *uncremated* pet is interred in the same grave, crypt, or niche as the remains of a human; and

3. The section of the cemetery is clearly marked and advertised as such by the cemetery company.

B. A cemetery company may have a section in the cemetery devoted to the interment of pets, provided:

1. The section of the cemetery property dedicated for this purpose is segregated entirely from the remainder of the cemetery devoted to the interment of human remains; and

2. The section of the cemetery is clearly marked and advertised as such by the cemetery company.

C. As used in the section, "pet" means the same as that term is defined in § 57-39.20.

D. The Board shall adopt such regulations as the Board deems appropriate and necessary to implement the provisions of this section. Regulations of the Board shall be in accordance with the Administrative Process Act (§ 2.2-4000 et seq.).

CHAPTER 538

An Act to amend the Code of Virginia by adding in Title 15.2 a chapter numbered 59.3, consisting of sections numbered 15.2-5935 through 15.2-5949, and to repeal Chapter 59 (§§ 15.2-5900 through 15.2-5916) of Title 15.2 of the Code of Virginia, relating to Hampton Roads Regional Arena Authority created; financing of a Hampton Roads arena and Facility.

[H 1102]

Approved March 31, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 15.2 a chapter numbered 59.3, consisting of sections numbered 15.2-5935 through 15.2-5949, as follows:

CHAPTER 59.3.

HAMPTON ROADS REGIONAL ARENA AUTHORITY.

§ 15.2-5935. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Arena" means an arena or stadium that is located in a Hampton Roads locality or Hampton Roads localities, has a seating capacity of at least 15,000, and (i) is built for the purpose of holding entertainment events, conventions, and conferences; (ii) is built for the purpose of conducting athletic events; or (iii) is built for the purposes described in clauses (i) and (ii).

"Athletic events" means events conducted by a sports team.

"Bond issuer" means the Authority and any participating locality.

"Bond" means a note of any kind, an interim certificate, a refunding bond, and any other evidence of obligation, including private bonds and other forms of private financing.

"Eligible transactions" means transactions taking place upon the premises of a Facility, including (i) transactions generating revenues in connection with the development and construction of a Facility that would not be generated but for the existence of the Facility and (ii) transactions that occur while a Facility is under construction.

"Facility" means an arena with either related facilities or related properties or both, provided that such related facilities or related properties are both appurtenant to and directly or indirectly benefited by the presence of such arena. "Facility" includes any temporary construction related to the Facility.

"Facility Site" means real estate designated, donated, purchased, or otherwise acquired for the purpose of constructing a Facility.

"Hampton Roads locality" means the City of Chesapeake, Norfolk, or Virginia Beach.

"Hampton Roads Regional Arena Authority" or "the Authority" means the authority created pursuant to § 15.2-5936.

"Participating locality" means a Hampton Roads locality that joins the Authority.

"Related facilities" means any office, restaurant, concessions, retail, and lodging facilities that are owned and operated adjacent to or in connection with a Facility. If a Facility is built for the purpose of conducting athletic events, "related facilities" includes practice facilities and related offices.

"Related properties" means onsite and offsite offices, parking lots, and garages.

"Sales and use tax revenues" means tax collections under the Virginia Retail Sales and Use Tax Act (§ 58.1-600 et seq.), as limited herein, generated by eligible transactions. For purposes of this chapter, "sales and use tax revenues" does not include the revenue generated by (i) the one-half percent sales and use tax increase enacted by Chapters 11, 12, and 15 of the Acts of Assembly of 1986, Special Session I, which shall be paid into the Transportation Trust Fund as defined in § 33.2-1524; (ii) the one percent of the state sales and use tax revenue distributed among the counties and cities of the Commonwealth pursuant to subsection D of § 58.1-638 on the basis of school-age population; and (iii) the additional state sales and use tax in certain counties and cities assessed pursuant to Chapter 766 of the Acts of Assembly of 2013 and any amendments thereto.

"Sponsoring locality" means the participating locality in which the Facility is located.

"Sports team" means a sports franchise holder that is a part of the National Basketball Association, the National Basketball Association Development League, the Women's National Basketball Association, the National Hockey League, the American Hockey League, the ECHL, the Federal Prospects Hockey League, the Ligue Nord-Américaine de Hockey, or the Southern Professional Hockey League, and any other national sports league.

§ 15.2-5936. Creation of Authority.

There is hereby established a body corporate and politic known as the Hampton Roads Regional Arena Authority. The Authority is a political subdivision of the Commonwealth.

§ 15.2-5937. Members of Authority; chairman; terms.

A. The Authority shall consist of seven members as follows: four nonlegislative citizen members to be appointed by the Governor in consultation with the chief elected officer of each Hampton Roads locality or his designee, provided that at least one member shall be a resident of the City of Chesapeake, at least one member shall be a resident of the City of Norfolk, and at least one member shall be a resident of the City of Virginia Beach; and the chief elected officer of each Hampton Roads locality or his designee, who shall serve ex officio with voting privileges. Each member appointed by the Governor shall be subject to confirmation by the General Assembly. The members of the Authority annually shall elect a chairman and a vice-chairman from their membership; the vice-chairman shall perform the duties of the chairman in his absence. If a member of the Authority who is a chief elected officer of a locality is unable to attend a meeting of the Authority, he may designate another current elected official of such governing body to attend a meeting of the Authority. Such designation shall be for the purposes of one meeting and shall be submitted in writing or electronically to the chairman of the Authority prior to the affected meeting.

B. Members of the Authority who are elected shall serve terms coincident with their terms of office. After the initial staggering of terms, members of the Authority appointed by the Governor shall serve terms of four years.

At the end of a term, a member shall continue to serve until a successor is appointed and qualifies. A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies. The members of the Authority shall receive no compensation for their services, but a member may be reimbursed by the Authority for reasonable expenses actually incurred in the performance of the duties of that office.

§ 15.2-5938. Quorum; actions of Authority; meetings.

Four members of the Authority shall constitute a quorum for the purpose of conducting business. Actions of the Authority shall receive the affirmative vote of a majority of the quorum to be effective. No vacancy on the Authority shall impair the right of a quorum to exercise all rights and perform all the duties of the Authority. The Authority shall determine the times and places of its regular meetings. Special meetings of the Authority shall be held when requested by two or more members of the Authority. Any such request for a special meeting shall be in writing, and the request shall specify the time and place of the meeting and the matters to be considered at the meeting. A reasonable effort shall be made to provide each member with notice of any special meeting. Only matters specified in the notice shall be considered at such special meeting unless all the members of the Authority are present.

§ 15.2-5939. Executive Director appointment; duties.

A. The Authority shall appoint an Executive Director, who is the chief administrative officer and secretary of the Authority and serves at the pleasure of the Authority. The Executive Director shall be paid from funds received by the Authority. No state funds shall be used to pay the salary or the expenses of this office.

B. In addition to any other duties set forth in this chapter, the Executive Director shall:

1. Direct and supervise the administrative affairs and activities of the Authority in accordance with its rules, regulations, and policies;
2. Attend all meetings and keep minutes of all proceedings;
3. Approve all accounts for salaries, per diem payments, and allowable expenses of the Authority and its employees and consultants and approve all expenses incidental to the operation of the Authority;
4. Report and make recommendations to the Authority on the merits and status of any proposed Facility; and
5. Perform any other duty that the Authority requires for carrying out the provisions of this chapter.

§ 15.2-5940. Participation in the Authority by a Hampton Roads locality.

Any Hampton Roads locality may, by a majority vote of its governing body, become a participating locality in the Authority.

§ 15.2-5941. Powers.

In addition to all other powers it possesses, the Authority may:

1. Determine the location of, develop, establish, construct, erect, acquire, own, repair, remodel, add to, extend, improve, equip, operate, regulate, and maintain a Facility and Facility Site to the extent necessary to accomplish the purposes of this chapter, including contracting for materials, products, and services related to such Facility or Facility Site;
2. Enter into development agreements related to the Facility or Facility Site, including leases, subleases, and any other forms of private financing;
3. Develop a model for participating localities to share costs and revenues of a Facility and Facility Site;
4. Operate, enter into contracts for the operation of, and regulate the use and operation of a Facility and Facility Site developed under the provisions of this chapter;
5. Fix and revise from time to time and charge and collect rates, rents, fees, ticket surcharges, or other charges for the use of a Facility or Facility Site or for services rendered in connection with a Facility or Facility Site;
6. Dedicate any funds that accrue to the Authority pursuant to the provisions of this chapter for the construction, development, financing, operation, or maintenance of the Facility and Facility Site;
7. Issue bonds and similar financial instruments under this chapter;
8. Finance the construction of a Facility using loans, notes, private equity financing, or any other method of financing the Authority deems appropriate; and
9. Do all things necessary or convenient to carry out the powers granted by this chapter.

§ 15.2-5942. Public hearings; notice; reports.

A. At least 30 days before (i) acquiring or entering into a lease involving a Facility Site and (ii) entering into a construction contract for a Facility, the Authority shall submit to the General Assembly a detailed written report and findings of the Authority on the proposed acquisition, lease, or contract. The report and findings shall include a detailed plan of the method of funding and the economic benefits of the proposal.

B. The State Treasurer shall be provided with copies of (i) all documents relating to the proposed issuance of any bonds pursuant to § 15.2-5943 and (ii) all documents relating to a proposed acquisition, lease, or contract described in subsection A. Such copies shall be provided sufficiently in advance of such bond issuance or acquisition, lease, or contract to conduct such reviews as the State Treasurer deems necessary. Such reviews shall be completed within 60 days after the date that the Treasurer is provided such documents. In the event that the Commonwealth is an obligated person determined to be material to an evaluation of the offering for which financial information will be included or referenced in the offering document in accordance with Securities and Exchange Commission Rule 15c 2-12 under the federal Securities Exchange Act of 1934, or in the event that in the opinion of the State Treasurer, with the concurrence of the Debt Capacity Advisory Committee established under Article 5 (§ 2.2-2712 et seq.) of Chapter 27 of Title 2.2, such bond issue or contractual obligation will be considered tax-supported debt of the Commonwealth or have an adverse impact on the debt capacity or the credit ratings of the Commonwealth, such bond issue or contractual obligation must be authorized by the General Assembly. Within 60 days of receiving the documents described in this subsection, the Treasurer shall deliver a written opinion to the Authority and participating localities regarding whether the bond issue or contractual obligation will be considered tax-supported debt of the Commonwealth or have an adverse impact on the debt capacity or the credit ratings of the Commonwealth.

§ 15.2-5943. Bond issues.

A. A bond issuer may at any time and from time to time issue bonds for any valid purpose, including the establishment of reserves and the payment of interest.

B. The bonds of any issue shall be payable solely from the property or receipts of the bond issuer, or other security specifically pledged by the bond issuer to the payment thereof, including but not limited to:

1. Taxes, fees, charges, or other revenues;
2. Payments by financial institutions, insurance companies, or others pursuant to letters or lines of credit, policies of insurance, or purchase agreements;

3. Investment earnings from funds or accounts maintained pursuant to a bond resolution or trust agreement;
4. Sales and use tax revenues remitted to the Authority by the State Comptroller pursuant to § 15.2-5940; and
5. Proceeds of refunding bonds.

C. Bonds shall be authorized by resolution of the bond issuer and may be secured by a trust agreement by and between the bond issuer and a corporate trustee or trustees, which may be any trust company or bank having the powers of a trust company within or outside the Commonwealth. The bonds shall:

1. Be issued at, above, or below par value, for cash or other valuable consideration, and mature at a time or times, whether as serial bonds or as term bonds or both, not exceeding 40 years from their respective dates of issue;
 2. Bear interest at the fixed or variable rate or rates determined by the method provided in the resolution or trust agreement;
 3. Be payable at a time or times, in the denominations and form, and carry the registration and privileges as to conversion and for the replacement of mutilated, lost, or destroyed bonds as the resolution or trust agreement may provide;
 4. Be payable in lawful money of the United States at a designated place;
 5. Be subject to the terms of purchase, payment, redemption, refunding, or refinancing that the resolution or trust agreement provides; and
 6. Be sold in the manner and upon the terms determined by the bond issuer, including private and negotiated sales.
- D. Any resolution or trust agreement may contain provisions that shall be a part of the contract with the holders of the bonds as to:

1. Pledging, assigning, or directing the use, investment, or disposition of receipts of the bond issuer or proceeds or benefits of any contract and conveying or otherwise securing any property rights;
2. The setting aside of loan funding deposits, debt service reserves, capitalized interest accounts, cost of issuance accounts, and sinking funds, and the regulation, investment, and disposition thereof;
3. Limitations on the purpose to which or the investments in which the proceeds of sale of any issue of bonds may be applied and restrictions to investments of revenues or bond proceeds in government obligations for which principal and interest are unconditionally guaranteed by the United States of America;
4. Limitations on the issuance of additional bonds and the terms upon which additional bonds may be issued and secured and may rank on a parity with, or be subordinate or superior to, other bonds;
5. The refunding or refinancing of outstanding bonds;
6. The procedure, if any, by which the terms of any contract with bondholders may be altered or amended and the amount of bonds the holders of which must consent thereto, and the manner in which consent shall be given;
7. Defining the acts or omissions that shall constitute a default in the duties of the bond issuer to bondholders and providing the rights or remedies of such holders in the event of a default, which may include provisions restricting individual right of action by bondholders;
8. Providing for guarantees, pledges of property, letters of credit, or other security, or insurance for the benefit of bondholders; and
9. Any other matter relating to the bonds that the bond issuer determines appropriate.

E. No member of the governing body of the bond issuer nor any person executing the bonds on behalf of the bond issuer shall be liable personally for the bonds or subject to any personal liability by reason of the issuance of the bonds.

F. The bond issuer may enter into agreements with agents, banks, insurers, any political subdivision of the Commonwealth, or others for the purpose of enhancing the marketability of, or as security for, its bonds.

G. A pledge by the bond issuer of its revenues as security for an issue of bonds shall be valid and binding from the time the pledge is made.

The revenues pledged shall immediately be subject to the lien of the pledge without any physical delivery or further act, and the lien of any pledge shall be valid and binding against any person having any claim of any kind in tort, contract, or otherwise against the bond issuer, irrespective of whether the person has notice.

No resolution, trust agreement or financing statement, continuation statement, or other instrument adopted or entered into by the bond issuer need be filed or recorded in any public record other than the records of the bond issuer in order to perfect the lien against third persons, regardless of any contrary provision of public general or public local law.

H. Except to the extent restricted by an applicable resolution or trust agreement, any holder of bonds issued under this chapter or a trustee acting under a trust agreement entered into under this chapter may, by any suitable form of legal proceedings, protect and enforce any rights granted under the laws of the Commonwealth or by any applicable resolution or trust agreement.

I. The bond issuer may issue bonds to refund any of its bonds then outstanding, including the payment of any redemption premium and any interest accrued or to accrue to the earliest or any subsequent date of redemption, purchase, or maturity of the bonds. Refunding bonds may be issued for the public purposes of realizing savings in the effective costs of debt service, directly or through a debt restructuring, for alleviating impending or actual default and may be issued in one or more series in an amount in excess of that of the bonds to be refunded.

§ 15.2-5944. Restrictions related to sports teams.

A. If the Authority plans to use a Facility for the sole purpose of conducting athletic events involving a sports team, the Authority shall not enter into any contractual agreement with such sports team unless such contractual agreement requires

that the sports team (i) not relocate until any bonds issued under this chapter are repaid or defeased and (ii) operate the Facility until any bonds issued under this chapter are repaid or defeased.

B. If the Authority plans to use a Facility for the sole purpose of conducting athletic events involving a sports team, the Authority shall not issue bonds under this chapter until it executes a long-term lease with (i) the owner of the sports team or (ii) a third party that has entered into a long-term sublease with the owner of the sports team.

C. If the Authority plans to use a Facility for the sole purpose of conducting athletic events involving a sports team, the Authority shall not issue bonds under this chapter until the league of which the sports team is a member publicly approves a proposal for the sports team to be located in a Hampton Roads locality.

D. The provisions of this subsection shall not apply if the Authority plans to use a Facility also for the purpose of holding entertainment events and conferences.

§ 15.2-5945. Facility Financing Fund; use.

A. If the Authority issues bonds pursuant to § 15.2-5943 or enters into a contractual agreement pursuant to § 15.2-5942, it shall create a Facility Financing Fund, hereafter referred to as "the Fund." The Authority shall use the Fund as a non-lapsing revolving fund for the purposes of carrying out the provisions of this chapter.

B. 1. The following receipts of the Authority shall be placed in the Fund: (i) proceeds from the sale of bonds issued pursuant to § 15.2-5943; (ii) revenues collected or received from any Hampton Roads locality, including local tax revenues appropriated for the purpose of deposit in the Fund; (iii) sales and use tax revenue remitted to the Authority pursuant to § 15.2-5946; (iv) development fees; and (v) revenues collected or received from any source under the provisions of this chapter. The Authority may place in the Fund any other revenues under its jurisdiction.

2. Any Hampton Roads locality may appropriate funds to the Fund for the Authority to use in accomplishing the purposes identified in this chapter.

C. The Authority shall pay expenses and make expenditures from the Fund, subject to appropriation by its governing board. Money in the Fund shall be used only (i) to pay debt service on bonds issued pursuant to § 15.2-5938, (ii) to make expenditures related to contractual obligations for the construction, development, operation, and maintenance of a Facility, (iii) to pay all reasonable charges and expenses related to borrowing and management of obligations by the Authority, and (iv) to remit to each participating locality its share of revenues from the Facility.

§ 15.2-5946. Entitlement to tax revenues derived from the operation of a Facility.

A. 1. The Authority shall be entitled, subject to appropriation, to sales and use tax revenues defined in this chapter. Such entitlement shall include transactions that occur while a Facility is under construction. The State Comptroller shall remit such sales and use tax revenues to the Authority on a quarterly basis, subject to such reasonable processing delays as may be required by the Department of Taxation. The State Comptroller shall make such remittances to the Authority, as provided herein, notwithstanding any provisions to the contrary in the Virginia Retail Sales and Use Tax Act (§ 58.1-600 et seq.).

2. The revenues accruing to the Authority pursuant to the provisions of this section shall be used by the Authority only to pay debt service, to distribute to any lessee of the Facility for the purpose of paying debt service, to meet contractual obligations entered into pursuant to § 15.2-5942, or to remit to each participating locality its share of revenues from the Facility.

B. The governing body of the Authority may fix and revise from time to time and charge and collect rates, rents, fees, ticket surcharges, or other charges for a Facility developed under the provisions of this chapter.

C. If a Facility qualifies for entitlement to sales and use tax revenues pursuant to the provisions of § 58.1-3851.1 or 58.1-3851.2, the Authority shall remain eligible to receive sales and use tax revenues pursuant to the provisions of this chapter; however, the amount received pursuant to this chapter shall be reduced by the amount received pursuant to the provisions of § 58.1-3851.1 or 58.1-3851.2.

D. The Tax Commissioner, as defined in § 58.1-1, shall report to the Chairmen of the Senate Committee on Finance, the House Committee on Appropriations, and the House Committee on Finance by July 1 of each year the amount of tax revenues accruing to the Authority pursuant to the provisions of this chapter.

§ 15.2-5947. Sharing of revenue among participating localities.

The Authority shall develop and administer a plan to distribute sales and use tax revenues from the Facility to each participating locality. The Authority shall not distribute such revenues to any participating locality until it has paid off any debt incurred pursuant to the provisions of this chapter. The plan to distribute sales and use tax revenues shall reasonably account for each participating locality's contributions to the costs of financing, constructing, maintaining, and operating the Facility and Facility Site.

§ 15.2-5948. Tax revenues of the Commonwealth or any other political subdivision not pledged.

Nothing in this chapter shall be construed as authorizing the pledging of the faith and credit of the Commonwealth, or the faith and credit of any other political subdivision of the Commonwealth, for the payment of any bonds. No bonds issued pursuant to § 15.2-5943 shall pledge the full faith and credit of the Commonwealth, nor shall such bonds constitute a debt of the Commonwealth, and the bonds shall so state on their face. Bondholders shall have no recourse whatsoever against the Commonwealth for the payment of principal, interest, or redemption premium, if any, on such bonds.

§ 15.2-5949. Expiration of entitlement to certain sales tax revenues.

The provisions of this chapter shall expire on the earlier of (i) the maturity date of any bonds issued for the construction of a Facility, including any refunding or refinancing of such bonds, or (ii) July 1, 2060.

2. That the initial terms of the Governor's appointees to the Hampton Roads Regional Arena Authority shall be staggered as follows: the initial term of one of the members shall be four years; the initial term of one of the members shall be three years; the initial term of one of the members shall be two years; and the initial term of the remaining member shall be one year. The Governor shall designate the initial term to be served by each appointee.
3. That Chapter 59 (§§ 15.2-5900 through 15.2-5916) of Title 15.2 of the Code of Virginia is repealed.

CHAPTER 539

An Act to amend the Code of Virginia by adding in Title 15.2 a chapter numbered 59.3, consisting of sections numbered 15.2-5935 through 15.2-5949, and to repeal Chapter 59 (§§ 15.2-5900 through 15.2-5916) of Title 15.2 of the Code of Virginia, relating to Hampton Roads Regional Arena Authority created; financing of a Hampton Roads arena and Facility.

[S 787]

Approved March 31, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 15.2 a chapter numbered 59.3, consisting of sections numbered 15.2-5935 through 15.2-5949, as follows:

CHAPTER 59.3.

HAMPTON ROADS REGIONAL ARENA AUTHORITY.

§ 15.2-5935. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Arena" means an arena or stadium that is located in a Hampton Roads locality or Hampton Roads localities, has a seating capacity of at least 15,000, and (i) is built for the purpose of holding entertainment events, conventions, and conferences; (ii) is built for the purpose of conducting athletic events; or (iii) is built for the purposes described in clauses (i) and (ii).

"Athletic events" means events conducted by a sports team.

"Bond issuer" means the Authority and any participating locality.

"Bond" means a note of any kind, an interim certificate, a refunding bond, and any other evidence of obligation, including private bonds and other forms of private financing.

"Eligible transactions" means transactions taking place upon the premises of a Facility, including (i) transactions generating revenues in connection with the development and construction of a Facility that would not be generated but for the existence of the Facility and (ii) transactions that occur while a Facility is under construction.

"Facility" means an arena with either related facilities or related properties or both, provided that such related facilities or related properties are both appurtenant to and directly or indirectly benefited by the presence of such arena. "Facility" includes any temporary construction related to the Facility.

"Facility Site" means real estate designated, donated, purchased, or otherwise acquired for the purpose of constructing a Facility.

"Hampton Roads locality" means the City of Chesapeake, Norfolk, or Virginia Beach.

"Hampton Roads Regional Arena Authority" or "the Authority" means the authority created pursuant to § 15.2-5936.

"Participating locality" means a Hampton Roads locality that joins the Authority.

"Related facilities" means any office, restaurant, concessions, retail, and lodging facilities that are owned and operated adjacent to or in connection with a Facility. If a Facility is built for the purpose of conducting athletic events, "related facilities" includes practice facilities and related offices.

"Related properties" means onsite and offsite offices, parking lots, and garages.

"Sales and use tax revenues" means tax collections under the Virginia Retail Sales and Use Tax Act (§ 58.1-600 et seq.), as limited herein, generated by eligible transactions. For purposes of this chapter, "sales and use tax revenues" does not include the revenue generated by (i) the one-half percent sales and use tax increase enacted by Chapters 11, 12, and 15 of the Acts of Assembly of 1986, Special Session I, which shall be paid into the Transportation Trust Fund as defined in § 33.2-1524; (ii) the one percent of the state sales and use tax revenue distributed among the counties and cities of the Commonwealth pursuant to subsection D of § 58.1-638 on the basis of school-age population; and (iii) the additional state sales and use tax in certain counties and cities assessed pursuant to Chapter 766 of the Acts of Assembly of 2013 and any amendments thereto.

"Sponsoring locality" means the participating locality in which the Facility is located.

"Sports team" means a sports franchise holder that is a part of the National Basketball Association, the National Basketball Association Development League, the Women's National Basketball Association, the National Hockey League, the American Hockey League, the ECHL, the Federal Prospects Hockey League, the Ligue Nord-Américaine de Hockey, or the Southern Professional Hockey League, and any other national sports league.

§ 15.2-5936. Creation of Authority.

There is hereby established a body corporate and politic known as the Hampton Roads Regional Arena Authority. The Authority is a political subdivision of the Commonwealth.

§ 15.2-5937. Members of Authority; chairman; terms.

A. The Authority shall consist of seven members as follows: four nonlegislative citizen members to be appointed by the Governor in consultation with the chief elected officer of each Hampton Roads locality or his designee, provided that at least one member shall be a resident of the City of Chesapeake, at least one member shall be a resident of the City of Norfolk, and at least one member shall be a resident of the City of Virginia Beach; and the chief elected officer of each Hampton Roads locality or his designee, who shall serve *ex officio* with voting privileges. Each member appointed by the Governor shall be subject to confirmation by the General Assembly. The members of the Authority annually shall elect a chairman and a vice-chairman from their membership; the vice-chairman shall perform the duties of the chairman in his absence. If a member of the Authority who is a chief elected officer of a locality is unable to attend a meeting of the Authority, he may designate another current elected official of such governing body to attend a meeting of the Authority. Such designation shall be for the purposes of one meeting and shall be submitted in writing or electronically to the chairman of the Authority prior to the affected meeting.

B. Members of the Authority who are elected shall serve terms coincident with their terms of office. After the initial staggering of terms, members of the Authority appointed by the Governor shall serve terms of four years.

At the end of a term, a member shall continue to serve until a successor is appointed and qualifies. A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies. The members of the Authority shall receive no compensation for their services, but a member may be reimbursed by the Authority for reasonable expenses actually incurred in the performance of the duties of that office.

§ 15.2-5938. Quorum; actions of Authority; meetings.

Four members of the Authority shall constitute a quorum for the purpose of conducting business. Actions of the Authority shall receive the affirmative vote of a majority of the quorum to be effective. No vacancy on the Authority shall impair the right of a quorum to exercise all rights and perform all the duties of the Authority. The Authority shall determine the times and places of its regular meetings. Special meetings of the Authority shall be held when requested by two or more members of the Authority. Any such request for a special meeting shall be in writing, and the request shall specify the time and place of the meeting and the matters to be considered at the meeting. A reasonable effort shall be made to provide each member with notice of any special meeting. Only matters specified in the notice shall be considered at such special meeting unless all the members of the Authority are present.

§ 15.2-5939. Executive Director appointment; duties.

A. The Authority shall appoint an Executive Director, who is the chief administrative officer and secretary of the Authority and serves at the pleasure of the Authority. The Executive Director shall be paid from funds received by the Authority. No state funds shall be used to pay the salary or the expenses of this office.

B. In addition to any other duties set forth in this chapter, the Executive Director shall:

1. Direct and supervise the administrative affairs and activities of the Authority in accordance with its rules, regulations, and policies;
2. Attend all meetings and keep minutes of all proceedings;
3. Approve all accounts for salaries, per diem payments, and allowable expenses of the Authority and its employees and consultants and approve all expenses incidental to the operation of the Authority;
4. Report and make recommendations to the Authority on the merits and status of any proposed Facility; and
5. Perform any other duty that the Authority requires for carrying out the provisions of this chapter.

§ 15.2-5940. Participation in the Authority by a Hampton Roads locality.

Any Hampton Roads locality may, by a majority vote of its governing body, become a participating locality in the Authority.

§ 15.2-5941. Powers.

In addition to all other powers it possesses, the Authority may:

1. Determine the location of, develop, establish, construct, erect, acquire, own, repair, remodel, add to, extend, improve, equip, operate, regulate, and maintain a Facility and Facility Site to the extent necessary to accomplish the purposes of this chapter; including contracting for materials, products, and services related to such Facility or Facility Site;
2. Enter into development agreements related to the Facility or Facility Site, including leases, subleases, and any other forms of private financing;
3. Develop a model for participating localities to share costs and revenues of a Facility and Facility Site;
4. Operate, enter into contracts for the operation of, and regulate the use and operation of a Facility and Facility Site developed under the provisions of this chapter;
5. Fix and revise from time to time and charge and collect rates, rents, fees, ticket surcharges, or other charges for the use of a Facility or Facility Site or for services rendered in connection with a Facility or Facility Site;
6. Dedicate any funds that accrue to the Authority pursuant to the provisions of this chapter for the construction, development, financing, operation, or maintenance of the Facility and Facility Site;
7. Issue bonds and similar financial instruments under this chapter;
8. Finance the construction of a Facility using loans, notes, private equity financing, or any other method of financing the Authority deems appropriate; and
9. Do all things necessary or convenient to carry out the powers granted by this chapter.

§ 15.2-5942. Public hearings; notice; reports.

A. At least 30 days before (i) acquiring or entering into a lease involving a Facility Site and (ii) entering into a construction contract for a Facility, the Authority shall submit to the General Assembly a detailed written report and findings of the Authority on the proposed acquisition, lease, or contract. The report and findings shall include a detailed plan of the method of funding and the economic benefits of the proposal.

B. The State Treasurer shall be provided with copies of (i) all documents relating to the proposed issuance of any bonds pursuant to § 15.2-5943 and (ii) all documents relating to a proposed acquisition, lease, or contract described in subsection A. Such copies shall be provided sufficiently in advance of such bond issuance or acquisition, lease, or contract to conduct such reviews as the State Treasurer deems necessary. Such reviews shall be completed within 60 days after the date that the Treasurer is provided such documents. In the event that the Commonwealth is an obligated person determined to be material to an evaluation of the offering for which financial information will be included or referenced in the offering document in accordance with Securities and Exchange Commission Rule 15c 2-12 under the federal Securities Exchange Act of 1934, or in the event that in the opinion of the State Treasurer, with the concurrence of the Debt Capacity Advisory Committee established under Article 5 (§ 2.2-2712 et seq.) of Chapter 27 of Title 2.2, such bond issue or contractual obligation will be considered tax-supported debt of the Commonwealth or have an adverse impact on the debt capacity or the credit ratings of the Commonwealth, such bond issue or contractual obligation must be authorized by the General Assembly. Within 60 days of receiving the documents described in this subsection, the Treasurer shall deliver a written opinion to the Authority and participating localities regarding whether the bond issue or contractual obligation will be considered tax-supported debt of the Commonwealth or have an adverse impact on the debt capacity or the credit ratings of the Commonwealth.

§ 15.2-5943. Bond issues.

A. A bond issuer may at any time and from time to time issue bonds for any valid purpose, including the establishment of reserves and the payment of interest.

B. The bonds of any issue shall be payable solely from the property or receipts of the bond issuer, or other security specifically pledged by the bond issuer to the payment thereof, including but not limited to:

1. Taxes, fees, charges, or other revenues;
2. Payments by financial institutions, insurance companies, or others pursuant to letters or lines of credit, policies of insurance, or purchase agreements;
3. Investment earnings from funds or accounts maintained pursuant to a bond resolution or trust agreement;
4. Sales and use tax revenues remitted to the Authority by the State Comptroller pursuant to § 15.2-5940; and
5. Proceeds of refunding bonds.

C. Bonds shall be authorized by resolution of the bond issuer and may be secured by a trust agreement by and between the bond issuer and a corporate trustee or trustees, which may be any trust company or bank having the powers of a trust company within or outside the Commonwealth. The bonds shall:

1. Be issued at, above, or below par value, for cash or other valuable consideration, and mature at a time or times, whether as serial bonds or as term bonds or both, not exceeding 40 years from their respective dates of issue;
2. Bear interest at the fixed or variable rate or rates determined by the method provided in the resolution or trust agreement;
3. Be payable at a time or times, in the denominations and form, and carry the registration and privileges as to conversion and for the replacement of mutilated, lost, or destroyed bonds as the resolution or trust agreement may provide;
4. Be payable in lawful money of the United States at a designated place;
5. Be subject to the terms of purchase, payment, redemption, refunding, or refinancing that the resolution or trust agreement provides; and
6. Be sold in the manner and upon the terms determined by the bond issuer, including private and negotiated sales.

D. Any resolution or trust agreement may contain provisions that shall be a part of the contract with the holders of the bonds as to:

1. Pledging, assigning, or directing the use, investment, or disposition of receipts of the bond issuer or proceeds or benefits of any contract and conveying or otherwise securing any property rights;
2. The setting aside of loan funding deposits, debt service reserves, capitalized interest accounts, cost of issuance accounts, and sinking funds, and the regulation, investment, and disposition thereof;
3. Limitations on the purpose to which or the investments in which the proceeds of sale of any issue of bonds may be applied and restrictions to investments of revenues or bond proceeds in government obligations for which principal and interest are unconditionally guaranteed by the United States of America;
4. Limitations on the issuance of additional bonds and the terms upon which additional bonds may be issued and secured and may rank on a parity with, or be subordinate or superior to, other bonds;
5. The refunding or refinancing of outstanding bonds;
6. The procedure, if any, by which the terms of any contract with bondholders may be altered or amended and the amount of bonds the holders of which must consent thereto, and the manner in which consent shall be given;
7. Defining the acts or omissions that shall constitute a default in the duties of the bond issuer to bondholders and providing the rights or remedies of such holders in the event of a default, which may include provisions restricting individual right of action by bondholders;

8. Providing for guarantees, pledges of property, letters of credit, or other security, or insurance for the benefit of bondholders; and

9. Any other matter relating to the bonds that the bond issuer determines appropriate.

E. No member of the governing body of the bond issuer nor any person executing the bonds on behalf of the bond issuer shall be liable personally for the bonds or subject to any personal liability by reason of the issuance of the bonds.

F. The bond issuer may enter into agreements with agents, banks, insurers, any political subdivision of the Commonwealth, or others for the purpose of enhancing the marketability of, or as security for, its bonds.

G. A pledge by the bond issuer of its revenues as security for an issue of bonds shall be valid and binding from the time the pledge is made.

The revenues pledged shall immediately be subject to the lien of the pledge without any physical delivery or further act, and the lien of any pledge shall be valid and binding against any person having any claim of any kind in tort, contract, or otherwise against the bond issuer, irrespective of whether the person has notice.

No resolution, trust agreement or financing statement, continuation statement, or other instrument adopted or entered into by the bond issuer need be filed or recorded in any public record other than the records of the bond issuer in order to perfect the lien against third persons, regardless of any contrary provision of public general or public local law.

H. Except to the extent restricted by an applicable resolution or trust agreement, any holder of bonds issued under this chapter or a trustee acting under a trust agreement entered into under this chapter may, by any suitable form of legal proceedings, protect and enforce any rights granted under the laws of the Commonwealth or by any applicable resolution or trust agreement.

I. The bond issuer may issue bonds to refund any of its bonds then outstanding, including the payment of any redemption premium and any interest accrued or to accrue to the earliest or any subsequent date of redemption, purchase, or maturity of the bonds. Refunding bonds may be issued for the public purposes of realizing savings in the effective costs of debt service, directly or through a debt restructuring, for alleviating impending or actual default and may be issued in one or more series in an amount in excess of that of the bonds to be refunded.

§ 15.2-5944. Restrictions related to sports teams.

A. If the Authority plans to use a Facility for the sole purpose of conducting athletic events involving a sports team, the Authority shall not enter into any contractual agreement with such sports team unless such contractual agreement requires that the sports team (i) not relocate until any bonds issued under this chapter are repaid or defeased and (ii) operate the Facility until any bonds issued under this chapter are repaid or defeased.

B. If the Authority plans to use a Facility for the sole purpose of conducting athletic events involving a sports team, the Authority shall not issue bonds under this chapter until it executes a long-term lease with (i) the owner of the sports team or (ii) a third party that has entered into a long-term sublease with the owner of the sports team.

C. If the Authority plans to use a Facility for the sole purpose of conducting athletic events involving a sports team, the Authority shall not issue bonds under this chapter until the league of which the sports team is a member publicly approves a proposal for the sports team to be located in a Hampton Roads locality.

D. The provisions of this subsection shall not apply if the Authority plans to use a Facility also for the purpose of holding entertainment events and conferences.

§ 15.2-5945. Facility Financing Fund; use.

A. If the Authority issues bonds pursuant to § 15.2-5943 or enters into a contractual agreement pursuant to § 15.2-5942, it shall create a Facility Financing Fund, hereafter referred to as "the Fund." The Authority shall use the Fund as a non-lapsing revolving fund for the purposes of carrying out the provisions of this chapter.

B. 1. The following receipts of the Authority shall be placed in the Fund: (i) proceeds from the sale of bonds issued pursuant to § 15.2-5943; (ii) revenues collected or received from any Hampton Roads locality, including local tax revenues appropriated for the purpose of deposit in the Fund; (iii) sales and use tax revenue remitted to the Authority pursuant to § 15.2-5946; (iv) development fees; and (v) revenues collected or received from any source under the provisions of this chapter. The Authority may place in the Fund any other revenues under its jurisdiction.

2. Any Hampton Roads locality may appropriate funds to the Fund for the Authority to use in accomplishing the purposes identified in this chapter.

C. The Authority shall pay expenses and make expenditures from the Fund, subject to appropriation by its governing board. Money in the Fund shall be used only (i) to pay debt service on bonds issued pursuant to § 15.2-5938, (ii) to make expenditures related to contractual obligations for the construction, development, operation, and maintenance of a Facility, (iii) to pay all reasonable charges and expenses related to borrowing and management of obligations by the Authority, and (iv) to remit to each participating locality its share of revenues from the Facility.

§ 15.2-5946. Entitlement to tax revenues derived from the operation of a Facility.

A. 1. The Authority shall be entitled, subject to appropriation, to sales and use tax revenues defined in this chapter. Such entitlement shall include transactions that occur while a Facility is under construction. The State Comptroller shall remit such sales and use tax revenues to the Authority on a quarterly basis, subject to such reasonable processing delays as may be required by the Department of Taxation. The State Comptroller shall make such remittances to the Authority, as provided herein, notwithstanding any provisions to the contrary in the Virginia Retail Sales and Use Tax Act (§ 58.1-600 et seq.).

2. The revenues accruing to the Authority pursuant to the provisions of this section shall be used by the Authority only to pay debt service, to distribute to any lessee of the Facility for the purpose of paying debt service, to meet contractual obligations entered into pursuant to § 15.2-5942, or to remit to each participating locality its share of revenues from the Facility.

B. The governing body of the Authority may fix and revise from time to time and charge and collect rates, rents, fees, ticket surcharges, or other charges for a Facility developed under the provisions of this chapter.

C. If a Facility qualifies for entitlement to sales and use tax revenues pursuant to the provisions of § 58.1-3851.1 or 58.1-3851.2, the Authority shall remain eligible to receive sales and use tax revenues pursuant to the provisions of this chapter; however, the amount received pursuant to this chapter shall be reduced by the amount received pursuant to the provisions of § 58.1-3851.1 or 58.1-3851.2.

D. The Tax Commissioner, as defined in § 58.1-1, shall report to the Chairmen of the Senate Committee on Finance, the House Committee on Appropriations, and the House Committee on Finance by July 1 of each year the amount of tax revenues accruing to the Authority pursuant to the provisions of this chapter.

§ 15.2-5947. Sharing of revenue among participating localities.

The Authority shall develop and administer a plan to distribute sales and use tax revenues from the Facility to each participating locality. The Authority shall not distribute such revenues to any participating locality until it has paid off any debt incurred pursuant to the provisions of this chapter. The plan to distribute sales and use tax revenues shall reasonably account for each participating locality's contributions to the costs of financing, constructing, maintaining, and operating the Facility and Facility Site.

§ 15.2-5948. Tax revenues of the Commonwealth or any other political subdivision not pledged.

Nothing in this chapter shall be construed as authorizing the pledging of the faith and credit of the Commonwealth, or the faith and credit of any other political subdivision of the Commonwealth, for the payment of any bonds. No bonds issued pursuant to § 15.2-5943 shall pledge the full faith and credit of the Commonwealth, nor shall such bonds constitute a debt of the Commonwealth, and the bonds shall so state on their face. Bondholders shall have no recourse whatsoever against the Commonwealth for the payment of principal, interest, or redemption premium, if any, on such bonds.

§ 15.2-5949. Expiration of entitlement to certain sales tax revenues.

The provisions of this chapter shall expire on the earlier of (i) the maturity date of any bonds issued for the construction of a Facility, including any refunding or refinancing of such bonds, or (ii) July 1, 2060.

2. That the initial terms of the Governor's appointees to the Hampton Roads Regional Arena Authority shall be staggered as follows: the initial term of one of the members shall be four years; the initial term of one of the members shall be three years; the initial term of one of the members shall be two years; and the initial term of the remaining member shall be one year. The Governor shall designate the initial term to be served by each appointee.

3. That Chapter 59 (§§ 15.2-5900 through 15.2-5916) of Title 15.2 of the Code of Virginia is repealed.

CHAPTER 540

An Act to provide for the submission to the voters of a proposed amendment to Section 6 of Article X of the Constitution of Virginia, relating to personal property tax exemption; motor vehicle owned by a veteran who is disabled.

[H 1268]

Approved March 31, 2020

Be it enacted by the General Assembly of Virginia:

1. § 1. It shall be the duty of the officers conducting the election directed by law to be held on the Tuesday after the first Monday in November 2020, at the places appointed for holding the same, to open a poll and take the sense of the qualified voters upon the ratification or rejection of the proposed amendment to the Constitution of Virginia, contained herein and in the joint resolution proposing such amendment, to wit:

Amend Section 6 of Article X of the Constitution of Virginia as follows:

ARTICLE X

TAXATION AND FINANCE

Section 6. Exempt property.

(a) Except as otherwise provided in this Constitution, the following property and no other shall be exempt from taxation, State and local, including inheritance taxes:

(1) Property owned directly or indirectly by the Commonwealth or any political subdivision thereof, and obligations of the Commonwealth or any political subdivision thereof exempt by law.

(2) Real estate and personal property owned and exclusively occupied or used by churches or religious bodies for religious worship or for the residences of their ministers.

(3) Private or public burying grounds or cemeteries, provided the same are not operated for profit.

(4) Property owned by public libraries or by institutions of learning not conducted for profit, so long as such property is primarily used for literary, scientific, or educational purposes or purposes incidental thereto. This provision may also apply to leasehold interests in such property as may be provided by general law.

(5) Intangible personal property, or any class or classes thereof, as may be exempted in whole or in part by general law.

(6) Property used by its owner for religious, charitable, patriotic, historical, benevolent, cultural, or public park and playground purposes, as may be provided by classification or designation by an ordinance adopted by the local governing body and subject to such restrictions and conditions as provided by general law.

(7) Land subject to a perpetual easement permitting inundation by water as may be exempted in whole or in part by general law.

(8) *One motor vehicle owned and used primarily by or for a veteran of the armed forces of the United States or the Virginia National Guard who has been rated by the United States Department of Veterans Affairs or its successor agency pursuant to federal law with a one hundred percent service-connected, permanent, and total disability. For purposes of this subdivision, the term "motor vehicle" shall include only automobiles and pickup trucks. Any such motor vehicle owned by a married person may qualify if either spouse is a veteran who is one hundred percent disabled pursuant to this subdivision. This exemption shall be applicable on the date the motor vehicle is acquired or the effective date of this subdivision, whichever is later, but shall not be applicable for any period of time prior to the effective date.*

(b) The General Assembly may by general law authorize the governing body of any county, city, town, or regional government to provide for the exemption from local property taxation, or a portion thereof, within such restrictions and upon such conditions as may be prescribed, of real estate and personal property designed for continuous habitation owned by, and occupied as the sole dwelling of, persons not less than sixty-five years of age or persons permanently and totally disabled as established by general law. A local governing body may be authorized to establish either income or financial worth limitations, or both, in order to qualify for such relief.

(c) Except as to property of the Commonwealth, the General Assembly by general law may restrict or condition, in whole or in part, but not extend, any or all of the above exemptions.

(d) The General Assembly may define as a separate subject of taxation any property, including real or personal property, equipment, facilities, or devices, used primarily for the purpose of abating or preventing pollution of the atmosphere or waters of the Commonwealth or for the purpose of transferring or storing solar energy, and by general law may allow the governing body of any county, city, town, or regional government to exempt or partially exempt such property from taxation, or by general law may directly exempt or partially exempt such property from taxation.

(e) The General Assembly may define as a separate subject of taxation household goods, personal effects and tangible farm property and products, and by general law may allow the governing body of any county, city, town, or regional government to exempt or partially exempt such property from taxation, or by general law may directly exempt or partially exempt such property from taxation.

(f) Exemptions of property from taxation as established or authorized hereby shall be strictly construed; provided, however, that all property exempt from taxation on the effective date of this section shall continue to be exempt until otherwise provided by the General Assembly as herein set forth.

(g) The General Assembly may by general law authorize any county, city, town, or regional government to impose a service charge upon the owners of a class or classes of exempt property for services provided by such governments.

(h) The General Assembly may by general law authorize the governing body of any county, city, town, or regional government to provide for a partial exemption from local real property taxation, within such restrictions and upon such conditions as may be prescribed, (i) of real estate whose improvements, by virtue of age and use, have undergone substantial renovation, rehabilitation or replacement or (ii) of real estate with new structures and improvements in conservation, redevelopment, or rehabilitation areas.

(i) The General Assembly may by general law allow the governing body of any county, city, or town to exempt or partially exempt from taxation any generating equipment installed after December thirty-one, nineteen hundred seventy-four, for the purpose of converting from oil or natural gas to coal or to wood, wood bark, wood residue, or to any other alternate energy source for manufacturing, and any co-generation equipment installed since such date for use in manufacturing.

(j) The General Assembly may by general law allow the governing body of any county, city, or town to have the option to exempt or partially exempt from taxation any business, occupational or professional license or any merchants' capital, or both.

(k) The General Assembly may by general law authorize the governing body of any county, city, or town to provide for a partial exemption from local real property taxation, within such restrictions and upon such conditions as may be prescribed, of improved real estate subject to recurrent flooding upon which flooding abatement, mitigation, or resiliency efforts have been undertaken.

§ 2. The ballot shall contain the following question:

"Question: Should an automobile or pickup truck be exempt from state and local taxation if it is owned and used primarily by or for a veteran of the armed forces of the United States or the Virginia National Guard who has a 100% service-connected, permanent, and total disability?"

The ballots shall be prepared, distributed and voted, and the results of the election shall be ascertained and certified, in the manner prescribed by § 24.2-684 of the Code of Virginia. The State Board of Elections shall comply with § 30-19.9 of the Code and shall cause to be sent to the electoral boards of each county and city sufficient copies of the full text of the amendment and question contained herein for the officers of election to post in each polling place on election day.

The electoral board of each county and city shall make out, certify and forward an abstract of the votes cast for and against such proposed amendment in the manner now prescribed by law in relation to votes cast in general elections.

The State Board of Elections shall open and canvass such abstracts and examine and report the whole number of votes cast at the election for and against such amendment in the manner now prescribed by law in relation to votes cast in general elections. The State Board of Elections shall record a certified copy of such report in its office and without delay make out and transmit to the Governor an official copy of such report, certified by it. The Governor shall without delay make proclamation of the result, stating therein the aggregate vote for and against the amendment.

If a majority of those voting vote in favor of the amendment, it shall become effective on January 1, 2021.

The expenses incurred in conducting this election shall be defrayed as in the case of election of members of the General Assembly.

CHAPTER 541

An Act to amend and reenact § 58.1-3510.02 of the Code of Virginia, relating to merchants' capital tax; separate classification; retailers.

[H 1575]

Approved March 31, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-3510.02 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-3510.02. Separate classification of certain merchants' capital of wholesalers and retailers.

Merchants' capital of (i) any wholesaler reported as inventory that is located, and is normally located, in a structure that contains at least 100,000 square feet, with at least 100,000 square feet used solely to store such inventory, and (ii) any retailer reported as inventory that is located, and is normally located, in a structure that contains at least 200,000 square feet, with at least 200,000 square feet used solely to store such inventory, shall constitute a classification for local taxation separate from other classifications of merchants' capital as defined in § 58.1-3510. The governing body of any county, city, or town may levy a tax on such inventory at different rates from the tax levied on other merchants' capital. The rates of tax and the rates of assessment shall not exceed that applicable generally to merchants' capital.

CHAPTER 542

An Act to amend and reenact § 59.1-443.3 of the Code of Virginia, relating to personal information privacy; scanning information from an identification card or driver's license.

[S 101]

Approved March 31, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 59.1-443.3 of the Code of Virginia is amended and reenacted as follows:

§ 59.1-443.3. Scanning information from driver's license or identification card; retention, sale, or dissemination of information.

A. No merchant may scan the machine-readable zone of a Department of Motor Vehicles-issued identification card or driver's license, except for the following purposes:

1. To verify authenticity of the identification card or driver's license or to verify the identity of the individual if the individual requests a service pursuant to a membership or a service agreement, pays for goods or services with a method other than cash, returns an item, or requests a refund or an exchange;

2. To verify the individual's age when providing age-restricted goods or services to the individual if there is a reasonable doubt of the individual having reached 18 years of age or older;

3. To prevent fraud or other criminal activity if the individual returns an item or requests a refund or an exchange and the merchant uses a fraud prevention service company or system. Information collected by scanning an individual's identification card or driver's license pursuant to this subdivision shall be limited to the individual's name, address, date of birth, and driver's license number or identification card number;

4. To comply with a requirement imposed on the merchant by state or federal law;

5. To provide to a check services company regulated by the federal Fair Credit Reporting Act, (15 U.S.C. § 1681 et seq.), that receives information obtained from an individual's identification card or driver's license to administer or enforce a transaction or to prevent fraud or other criminal activity; or

6. To complete a transaction permitted under the Gramm-Leach-Bliley Act, (15 U.S.C. § 6801 et seq.), or the federal Fair Credit Reporting Act, (15 U.S.C. § 1681 et seq.).

B. No merchant shall retain any information obtained from a scan of the machine-readable zone of an individual's identification card or driver's license except as permitted in subdivision A 1, 3, 4, 5, or 6. *The merchant shall destroy the retained information when the purpose for which it was provided and retained under this section has been satisfied.*

C. No merchant shall sell or disseminate to a third party any information obtained from a scan of the machine-readable zone of an individual's identification card or driver's license for any marketing, advertising, or promotional purpose. This

subsection shall not prohibit a merchant from disseminating to a third party any such information for a purpose described in subdivision A 3, 4, 5, or 6.

D. Any waiver of a provision of this section is contrary to public policy and is void and unenforceable.

CHAPTER 543

An Act to amend and reenact § 46.2-868 of the Code of Virginia, to amend the Code of Virginia by adding in Article 1 of Chapter 8 of Title 46.2 a section numbered 46.2-818.2, and to repeal § 46.2-1078.1 of the Code of Virginia, relating to holding handheld personal communication devices while driving a motor vehicle; report.

[S 160]

Approved March 31, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-868 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Article 1 of Chapter 8 of Title 46.2 a section numbered 46.2-818.2 as follows:

§ 46.2-818.2. Use of handheld personal communications devices in certain motor vehicles; exceptions; penalty.

A. It is unlawful for any person, while driving a moving motor vehicle on the highways in the Commonwealth, to hold a handheld personal communications device.

B. The provisions of this section shall not apply to:

1. The operator of any emergency vehicle while he is engaged in the performance of his official duties;

2. An operator who is lawfully parked or stopped;

3. Any person using a handheld personal communications device to report an emergency;

4. The use of an amateur or a citizens band radio; or

5. The operator of any Department of Transportation vehicle or vehicle operated pursuant to the Department of Transportation safety service patrol program or pursuant to a contract with the Department of Transportation for, or that includes, traffic incident management services as defined in subsection B of § 46.2-920.1 during the performance of traffic incident management services.

C. A violation of this section is a traffic infraction punishable, for a first offense, by a fine of \$125 and, for a second or subsequent offense, by a fine of \$250. If a violation of this section occurs in a highway work zone, it shall be punishable by a mandatory fine of \$250.

D. For the purposes of this section:

"Emergency vehicle" means:

1. Any law-enforcement vehicle operated by or under the direction of a federal, state, or local law-enforcement officer while engaged in the performance of official duties;

2. Any regional detention center vehicle operated by or under the direction of a correctional officer responding to an emergency call or operating in an emergency situation;

3. Any vehicle used to fight fire, including publicly owned state forest warden vehicles, when traveling in response to a fire alarm or emergency call;

4. Any emergency medical services vehicle designed or used for the principal purpose of supplying resuscitation or emergency relief where human life is endangered;

5. Any Department of Emergency Management vehicle or Office of Emergency Medical Services vehicle, when responding to an emergency call or operating in an emergency situation;

6. Any Department of Corrections vehicle designated by the Director of the Department of Corrections, when (i) responding to an emergency call at a correctional facility, (ii) participating in a drug-related investigation, (iii) pursuing escapees from a correctional facility, or (iv) responding to a request for assistance from a law-enforcement officer; and

7. Any vehicle authorized to be equipped with alternating, blinking, or flashing red or red and white secondary warning lights pursuant to § 46.2-1029.2.

"Highway work zone" means a construction or maintenance area that is located on or beside a highway and is marked by appropriate warning signs with attached flashing lights or other traffic control devices indicating that work is in progress.

E. Distracted driving shall be included as a part of the driver's license knowledge examination.

§ 46.2-868. Reckless driving; penalties.

A. Every person convicted of reckless driving under the provisions of this article is guilty of a Class 1 misdemeanor.

B. Every person convicted of reckless driving under the provisions of this article who, when he committed the offense, (i) was driving without a valid operator's license due to a suspension or revocation for a moving violation and, (ii) as the sole and proximate result of his reckless driving, caused the death of another, is guilty of a Class 6 felony.

C. The punishment for every person convicted of reckless driving under the provisions of this article who, when he committed the offense, was in violation of ~~§ 46.2-1078.1~~ § 46.2-818.2 shall include a mandatory minimum fine of \$250.

2. That § 46.2-1078.1 of the Code of Virginia is repealed.

3. That the provisions of this act shall become effective on January 1, 2021.

4. That the Virginia Association of Chiefs of Police and DRIVE SMART Virginia shall create training and educational materials on the implementation and enforcement of this act to be made available to law-enforcement agencies.
5. That DRIVE SMART Virginia and other traffic safety organizations shall develop and provide educational materials to the public regarding the provisions of this act prior to its effective date.
6. That the Chairmen of the Senate Committee on the Judiciary and the House Committee for Courts of Justice shall annually request the Office of the Executive Secretary to report all of the citations issued pursuant to the provisions of this act and, to the extent available, the relevant demographic characteristics of those persons issued a citation.

CHAPTER 544

An Act to amend and reenact §§ 46.2-323, 46.2-341.12, as it is currently effective and as it may become effective, 46.2-345, and 46.2-345.2 of the Code of Virginia, relating to Department of Motor Vehicles; sex designation.

[S 246]

Approved March 31, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-323, 46.2-341.12, as it is currently effective and as it may become effective, 46.2-345, and 46.2-345.2 of the Code of Virginia are amended and reenacted as follows:

§ 46.2-323. Application for driver's license; proof of completion of driver education program; penalty.

A. Every application for a driver's license, temporary driver's permit, learner's permit, or motorcycle learner's permit shall be made on a form prescribed by the Department and the applicant shall write his usual signature in ink in the space provided on the form. The form shall include notice to the applicant of the duty to register with the Department of State Police as provided in Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, if the applicant has been convicted of an offense for which registration with the Sex Offender and Crimes Against Minors Registry is required.

B. Every application shall state the full legal name, year, month, and date of birth, social security number, sex, and residence address of the applicant; whether or not the applicant has previously been licensed as a driver and, if so, when and by what state, and whether or not his license has ever been suspended or revoked and, if so, the date of and reason for such suspension or revocation. *Applicants shall be permitted to choose between "male," "female," or "non-binary" when designating the applicant's sex on the driver's license application form.* The Department, as a condition for the issuance of any driver's license, temporary driver's permit, learner's permit, or motorcycle learner's permit shall require the surrender of any driver's license or, in the case of a motorcycle learner's permit, a motorcycle license issued by another state and held by the applicant. The applicant shall also answer any questions on the application form or otherwise propounded by the Department incidental to the examination. The applicant may also be required to present proof of identity, residency, and social security number or non-work authorized status, if required to appear in person before the Department to apply.

The Commissioner shall require that each application include a certification statement to be signed by the applicant under penalty of perjury, certifying that the information presented on the application is true and correct.

If the applicant fails or refuses to sign the certification statement, the Department shall not issue the applicant a driver's license, temporary driver's permit, learner's permit or motorcycle learner's permit.

Any applicant who knowingly makes a false certification or supplies false or fictitious evidence shall be punished as provided in § 46.2-348.

C. Every application for a driver's license shall include a photograph of the applicant supplied under arrangements made by the Department. The photograph shall be processed by the Department so that the photograph can be made part of the issued license.

D. Notwithstanding the provisions of § 46.2-334, every applicant for a driver's license who is under 18 years of age shall furnish the Department with satisfactory proof of his successful completion of a driver education program approved by the State Department of Education.

E. Every application for a driver's license submitted by a person less than 18 years old and attending a public school in the Commonwealth shall be accompanied by a document, signed by the applicant's parent or legal guardian, authorizing the principal, or his designee, of the school attended by the applicant to notify the juvenile and domestic relations district court within whose jurisdiction the minor resides when the applicant has had 10 or more unexcused absences from school on consecutive school days.

F. The Department shall electronically transmit application information to the Department of State Police, in a format approved by the State Police, for comparison with information contained in the Virginia Criminal Information Network and National Crime Information Center Convicted Sexual Offender Registry Files, at the time of issuance of a driver's license, temporary driver's permit, learner's permit, or motorcycle learner's permit. Whenever it appears from the records of the State Police that a person has failed to comply with the duty to register or reregister pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, the State Police shall promptly investigate and, if there is probable cause to believe a violation has occurred, obtain a warrant or assist in obtaining an indictment charging a violation of § 18.2-472.1 in the jurisdiction in which the person made application of licensure.

§ 46.2-341.12. (For expiration date, see Acts 2019, c. 750, cl. 3) Application for commercial driver's license or commercial learner's permit.

A. Every application to the Department for a commercial driver's license or commercial learner's permit shall be made upon a form approved and furnished by the Department, and the applicant shall write his usual signature in ink in the space provided. The applicant shall provide the following information:

1. Full legal name;
2. Current mailing and residential addresses;
3. Physical description including sex, height, weight, and eye and hair color;
4. Year, month, and date of birth;
5. Social security number;

6. Domicile or, if not domiciled in the Commonwealth, proof of status as a member of the active duty military, military reserves, National Guard, active duty United States Coast Guard, or Coast Guard Auxiliary pursuant to 49 U.S.C. § 31311(a)(12); and

7. Any other information required on the application form.

Applicants shall be permitted to choose between "male," "female," or "non-binary" when designating the applicant's sex on the commercial driver's license or commercial learner's permit application form.

The applicant's social security number shall be provided to the Commercial Driver's License Information System as required by 49 C.F.R. § 383.153.

B. Every applicant for a commercial driver's license or commercial learner's permit shall also submit to the Department the following:

1. A consent to release driving record information;

2. Certifications that:

a. He either meets the federal qualification requirements of 49 C.F.R. Parts 383 and 391, or he is exempt from or is not subject to such federal requirements;

b. He either meets the state qualification requirements established pursuant to § 52-8.4, or he is exempt from or is not subject to such requirements;

c. The motor vehicle in which the applicant takes the skills test is representative of the class and, if applicable, the type of motor vehicle for which the applicant seeks to be licensed;

d. He is not subject to any disqualification, suspension, revocation or cancellation of his driving privileges;

e. He does not have more than one driver's license;

3. Other certifications required by the Department;

4. Any evidence required by the Department to establish proof of identity, citizenship or lawful permanent residency, domicile, and social security number notwithstanding the provisions of § 46.2-328.1 and pursuant to 49 C.F.R. Part 383;

5. A statement indicating whether (i) the applicant has previously been licensed to drive any type of motor vehicle during the previous 10 years and, if so, all states that licensed the applicant and the dates he was licensed, and (ii) whether or not he has ever been disqualified, or his license suspended, revoked or canceled and, if so, the date of and reason therefor; and

6. An unexpired employment authorization document (EAD) issued by the U.S. Citizenship and Immigration Services (USCIS) or an unexpired foreign passport accompanied by an approved Form I-94 documenting the applicant's most recent admittance into the United States for persons applying for a nondomiciled commercial driver's license or nondomiciled commercial learner's permit.

C. Every application for a commercial driver's license shall include a photograph of the applicant supplied under arrangements made therefor by the Department in accordance with § 46.2-323.

D. The Department shall disqualify any commercial driver for a period of one year when the records of the Department clearly show to the satisfaction of the Commissioner that such person has made a material false statement on any application or certification made for a commercial driver's license or commercial learner's permit. The Department shall take such action within 30 days after discovering such falsification.

E. (For expiration date, see Acts 2019, c. 750, cl. 2) The Department shall review the driving record of any person who applies for a Virginia commercial driver's license or commercial learner's permit, for the renewal or reinstatement of such license or permit or for an additional commercial classification or endorsement, including the driving record from all jurisdictions where, during the previous 10 years, the applicant was licensed to drive any type of motor vehicle. Such review shall include checking the photograph on record whenever the applicant or holder appears in person to renew, upgrade, transfer, reinstate, or obtain a duplicate commercial driver's license or to renew, upgrade, reinstate, or obtain a duplicate commercial learner's permit. If appropriate, the Department shall incorporate information from such other jurisdictions' records into the applicant's Virginia driving record, and shall make a notation on the applicant's driving record confirming that such review has been completed and the date it was completed. The Department's review shall include research through the Commercial Driver License Information System established pursuant to the Commercial Motor Vehicle Safety Act and the National Driver Register Problem Driver Pointer System in addition to the driver record maintained by the applicant's previous jurisdictions of licensure. This research shall be completed prior to the issuance, renewal, transfer, or reinstatement of a commercial driver's license or additional commercial classification or endorsement.

The Department shall verify the name, date of birth, and social security number provided by the applicant with the information on file with the Social Security Administration for initial issuance of a commercial learner's permit or transfer

of a commercial driver's license from another state. The Department shall make a notation in the driver's record confirming that the necessary verification has been completed and noting the date it was done. The Department shall also make a notation confirming that proof of citizenship or lawful permanent residency has been presented and the date it was done.

E. (For effective date, see Acts 2019, c. 750, cl. 2) The Department shall review the driving record of any person who applies for a Virginia commercial driver's license or commercial learner's permit, for the renewal or reinstatement of such license or permit or for an additional commercial classification or endorsement, including the driving record from all jurisdictions where, during the previous 10 years, the applicant was licensed to drive any type of motor vehicle. Such review shall include checking the photograph on record whenever the applicant or holder appears in person to renew, upgrade, transfer, reinstate, or obtain a duplicate commercial driver's license or to renew, upgrade, reinstate, or obtain a duplicate commercial learner's permit. If appropriate, the Department shall incorporate information from such other jurisdictions' records into the applicant's Virginia driving record, and shall make a notation on the applicant's driving record confirming that such review has been completed and the date it was completed. The Department's review shall include (i) research through the Commercial Driver License Information System established pursuant to the Commercial Motor Vehicle Safety Act and the National Driver Register Problem Driver Pointer System in addition to the driver record maintained by the applicant's previous jurisdictions of licensure and (ii) requesting information from the Drug and Alcohol Clearinghouse in accordance with 49 C.F.R. § 382.725. This research shall be completed prior to the issuance, renewal, transfer, or reinstatement of a commercial driver's license or additional commercial classification or endorsement.

The Department shall verify the name, date of birth, and social security number provided by the applicant with the information on file with the Social Security Administration for initial issuance of a commercial learner's permit or transfer of a commercial driver's license from another state. The Department shall make a notation in the driver's record confirming that the necessary verification has been completed and noting the date it was done. The Department shall also make a notation confirming that proof of citizenship or lawful permanent residency has been presented and the date it was done.

F. Every new applicant for a commercial driver's license or commercial learner's permit, including any person applying for a commercial driver's license or permit after revocation of his driving privileges, who certifies that he will operate a commercial motor vehicle in non-excepted interstate or intrastate commerce shall provide the Department with an original or certified copy of a medical examiner's certificate prepared by a medical examiner as defined in 49 C.F.R. § 390.5. Upon receipt of an appropriate medical examiner's certificate, the Department shall post a certification status of "certified" on the record of the driver on the Commercial Driver's License Information System. Any new applicant for a commercial driver's license or commercial learner's permit who fails to comply with the requirements of this subsection shall be denied the issuance of a commercial driver's license or commercial learner's permit by the Department.

G. Every existing holder of a commercial driver's license or commercial learner's permit who certifies that he will operate a commercial motor vehicle in non-excepted interstate or intrastate commerce shall provide the Department with an original or certified copy of a medical examiner's certificate prepared by a medical examiner as defined in 49 C.F.R. § 390.5. Upon receipt of an appropriate medical examiner's certificate, the Department shall post a certification status of "certified" and any other necessary information on the record of the driver on the Commercial Driver's License Information System. If an existing holder of a commercial driver's license fails to provide the Department with a medical certificate as required by this subsection, the Department shall post a certification status of "noncertified" on the record of the driver on the Commercial Driver's License Information System and initiate a downgrade of his commercial driver's license as defined in 49 C.F.R. § 383.5.

H. Any person who provides a medical certificate to the Department pursuant to the requirements of subsections F and G shall keep the medical certificate information current and shall notify the Department of any change in the status of the medical certificate. If the Department determines that the medical certificate is no longer valid, the Department shall initiate a downgrade of the driver's commercial driver's license as defined in 49 C.F.R. § 383.5.

I. If the Department receives notice that the holder of a commercial driver's license has been issued a medical variance as defined in 49 C.F.R. § 390.5, the Department shall indicate the existence of such medical variance on the commercial driver's license document of the driver and on the record of the driver on the Commercial Driver's License Information System using the restriction code "V."

J. Any holder of a commercial driver's license who has been issued a medical variance shall keep the medical variance information current and shall notify the Department of any change in the status of the medical variance. If the Department determines that the medical variance is no longer valid, the Department shall initiate a downgrade of the driver's commercial driver's license as defined in 49 C.F.R. § 383.5.

K. Any applicant applying for a hazardous materials endorsement must comply with Transportation Security Administration requirements in 49 C.F.R. Part 1572. A lawful permanent resident of the United States requesting a hazardous materials endorsement must additionally provide his U.S. Citizenship and Immigration Services (USCIS) alien registration number.

§ 46.2-341.12. (For effective date, see Acts 2019, c. 750, cl. 3) Application for commercial driver's license or commercial learner's permit.

A. No entry-level driver shall be eligible to (i) apply for a Virginia Class A or Class B commercial driver's license for the first time, (ii) upgrade to a Class A or Class B commercial driver's license for the first time, or (iii) apply for a hazardous materials, passenger, or school bus endorsement for the first time, unless he has completed an entry-level driver training course related to the license, classification, or endorsement he is applying for and the training is provided by a training

provider. An individual is not required to complete an entry-level driver training course related to the license, classification, or endorsement he is applying for if he is exempted from such requirements under 49 C.F.R. § 380.603.

B. Every application to the Department for a commercial driver's license or commercial learner's permit shall be made upon a form approved and furnished by the Department, and the applicant shall write his usual signature in ink in the space provided. The applicant shall provide the following information:

1. Full legal name;
2. Current mailing and residential addresses;
3. Physical description including sex, height, weight, and eye and hair color;
4. Year, month, and date of birth;
5. Social security number;

6. Domicile or, if not domiciled in the Commonwealth, proof of status as a member of the active duty military, military reserves, National Guard, active duty United States Coast Guard, or Coast Guard Auxiliary pursuant to 49 U.S.C. § 31311(a)(12); and

7. Any other information required on the application form.

Applicants shall be permitted to choose between "male," "female," or "non-binary" when designating the applicant's sex on the commercial driver's license or commercial learner's permit application form.

The applicant's social security number shall be provided to the Commercial Driver's License Information System as required by 49 C.F.R. § 383.153.

C. Every applicant for a commercial driver's license or commercial learner's permit shall also submit to the Department the following:

1. A consent to release driving record information;

2. Certifications that:

a. He either meets the federal qualification requirements of 49 C.F.R. Parts 383 and 391, or he is exempt from or is not subject to such federal requirements;

b. He either meets the state qualification requirements established pursuant to § 52-8.4, or he is exempt from or is not subject to such requirements;

c. The motor vehicle in which the applicant takes the skills test is representative of the class and, if applicable, the type of motor vehicle for which the applicant seeks to be licensed;

d. He is not subject to any disqualification, suspension, revocation or cancellation of his driving privileges;

e. He does not have more than one driver's license;

3. Other certifications required by the Department;

4. Any evidence required by the Department to establish proof of identity, citizenship or lawful permanent residency, domicile, and social security number notwithstanding the provisions of § 46.2-328.1 and pursuant to 49 C.F.R. Part 383;

5. A statement indicating whether (i) the applicant has previously been licensed to drive any type of motor vehicle during the previous 10 years and, if so, all states that licensed the applicant and the dates he was licensed, and (ii) whether or not he has ever been disqualified, or his license suspended, revoked or canceled and, if so, the date of and reason therefor; and

6. An unexpired employment authorization document (EAD) issued by the U.S. Citizenship and Immigration Services (USCIS) or an unexpired foreign passport accompanied by an approved Form I-94 documenting the applicant's most recent admittance into the United States for persons applying for a nondomiciled commercial driver's license or nondomiciled commercial learner's permit.

D. Every application for a commercial driver's license shall include a photograph of the applicant supplied under arrangements made therefor by the Department in accordance with § 46.2-323.

E. The Department shall disqualify any commercial driver for a period of one year when the records of the Department clearly show to the satisfaction of the Commissioner that such person has made a material false statement on any application or certification made for a commercial driver's license or commercial learner's permit. The Department shall take such action within 30 days after discovering such falsification.

F. (For expiration date, see Acts 2019, c. 750, cl. 2) The Department shall review the driving record of any person who applies for a Virginia commercial driver's license or commercial learner's permit, for the renewal or reinstatement of such license or permit or for an additional commercial classification or endorsement, including the driving record from all jurisdictions where, during the previous 10 years, the applicant was licensed to drive any type of motor vehicle. Such review shall include checking the photograph on record whenever the applicant or holder appears in person to renew, upgrade, transfer, reinstate, or obtain a duplicate commercial driver's license or to renew, upgrade, reinstate, or obtain a duplicate commercial learner's permit. If appropriate, the Department shall incorporate information from such other jurisdictions' records into the applicant's Virginia driving record, and shall make a notation on the applicant's driving record confirming that such review has been completed and the date it was completed. The Department's review shall include research through the Commercial Driver License Information System established pursuant to the Commercial Motor Vehicle Safety Act and the National Driver Register Problem Driver Pointer System in addition to the driver record maintained by the applicant's previous jurisdictions of licensure. This research shall be completed prior to the issuance, renewal, transfer, or reinstatement of a commercial driver's license or additional commercial classification or endorsement.

The Department shall verify the name, date of birth, and social security number provided by the applicant with the information on file with the Social Security Administration for initial issuance of a commercial learner's permit or transfer

of a commercial driver's license from another state. The Department shall make a notation in the driver's record confirming that the necessary verification has been completed and noting the date it was done. The Department shall also make a notation confirming that proof of citizenship or lawful permanent residency has been presented and the date it was done.

F. (For effective date, see Acts 2019, c. 750, cl. 2) The Department shall review the driving record of any person who applies for a Virginia commercial driver's license or commercial learner's permit, for the renewal or reinstatement of such license or permit or for an additional commercial classification or endorsement, including the driving record from all jurisdictions where, during the previous 10 years, the applicant was licensed to drive any type of motor vehicle. Such review shall include checking the photograph on record whenever the applicant or holder appears in person to renew, upgrade, transfer, reinstate, or obtain a duplicate commercial driver's license or to renew, upgrade, reinstate, or obtain a duplicate commercial learner's permit. If appropriate, the Department shall incorporate information from such other jurisdictions' records into the applicant's Virginia driving record, and shall make a notation on the applicant's driving record confirming that such review has been completed and the date it was completed. The Department's review shall include (i) research through the Commercial Driver License Information System established pursuant to the Commercial Motor Vehicle Safety Act and the National Driver Register Problem Driver Pointer System in addition to the driver record maintained by the applicant's previous jurisdictions of licensure and (ii) requesting information from the Drug and Alcohol Clearinghouse in accordance with 49 C.F.R. § 382.725. This research shall be completed prior to the issuance, renewal, transfer, or reinstatement of a commercial driver's license or additional commercial classification or endorsement.

The Department shall verify the name, date of birth, and social security number provided by the applicant with the information on file with the Social Security Administration for initial issuance of a commercial learner's permit or transfer of a commercial driver's license from another state. The Department shall make a notation in the driver's record confirming that the necessary verification has been completed and noting the date it was done. The Department shall also make a notation confirming that proof of citizenship or lawful permanent residency has been presented and the date it was done.

G. Every new applicant for a commercial driver's license or commercial learner's permit, including any person applying for a commercial driver's license or permit after revocation of his driving privileges, who certifies that he will operate a commercial motor vehicle in non-excepted interstate or intrastate commerce shall provide the Department with an original or certified copy of a medical examiner's certificate prepared by a medical examiner as defined in 49 C.F.R. § 390.5. Upon receipt of an appropriate medical examiner's certificate, the Department shall post a certification status of "certified" on the record of the driver on the Commercial Driver's License Information System. Any new applicant for a commercial driver's license or commercial learner's permit who fails to comply with the requirements of this subsection shall be denied the issuance of a commercial driver's license or commercial learner's permit by the Department.

H. Every existing holder of a commercial driver's license or commercial learner's permit who certifies that he will operate a commercial motor vehicle in non-excepted interstate or intrastate commerce shall provide the Department with an original or certified copy of a medical examiner's certificate prepared by a medical examiner as defined in 49 C.F.R. § 390.5. Upon receipt of an appropriate medical examiner's certificate, the Department shall post a certification status of "certified" and any other necessary information on the record of the driver on the Commercial Driver's License Information System. If an existing holder of a commercial driver's license fails to provide the Department with a medical certificate as required by this subsection, the Department shall post a certification status of "noncertified" on the record of the driver on the Commercial Driver's License Information System and initiate a downgrade of his commercial driver's license as defined in 49 C.F.R. § 383.5.

I. Any person who provides a medical certificate to the Department pursuant to the requirements of subsections G and H shall keep the medical certificate information current and shall notify the Department of any change in the status of the medical certificate. If the Department determines that the medical certificate is no longer valid, the Department shall initiate a downgrade of the driver's commercial driver's license as defined in 49 C.F.R. § 383.5.

J. If the Department receives notice that the holder of a commercial driver's license has been issued a medical variance as defined in 49 C.F.R. § 390.5, the Department shall indicate the existence of such medical variance on the commercial driver's license document of the driver and on the record of the driver on the Commercial Driver's License Information System using the restriction code "V."

K. Any holder of a commercial driver's license who has been issued a medical variance shall keep the medical variance information current and shall notify the Department of any change in the status of the medical variance. If the Department determines that the medical variance is no longer valid, the Department shall initiate a downgrade of the driver's commercial driver's license as defined in 49 C.F.R. § 383.5.

L. Any applicant applying for a hazardous materials endorsement must comply with Transportation Security Administration requirements in 49 C.F.R. Part 1572. A lawful permanent resident of the United States requesting a hazardous materials endorsement must additionally provide his U.S. Citizenship and Immigration Services (USCIS) alien registration number.

§ 46.2-345. Issuance of special identification cards; fee; confidentiality; penalties.

A. On the application of any person who is a resident of the Commonwealth or the parent or legal guardian of any such person who is under the age of 15, the Department shall issue a special identification card to the person, provided that:

1. Application is made on a form prescribed by the Department and includes the applicant's full legal name; year, month, and date of birth; social security number; sex; and residence address. *Applicants shall be permitted to choose between "male," "female," or "non-binary" when designating the applicant's sex on the application form;*

2. The applicant presents, when required by the Department, proof of identity, legal presence, residency, and social security number or non-work authorized status;

3. The Department is satisfied that the applicant needs an identification card or the applicant shows he has a bona fide need for such a card; and

4. The applicant does not hold a driver's license, commercial driver's license, temporary driver's permit, learner's permit, motorcycle learner's permit, or special identification card without a photograph.

Persons 70 years of age or older may exchange a valid Virginia driver's license for a special identification card at no fee. Special identification cards subsequently issued to such persons shall be subject to the regular fees for special identification cards.

B. The fee for the issuance of an original, duplicate, reissue, or renewal special identification card is \$2 per year, with a \$10 minimum fee. Persons 21 years old or older may be issued a scenic special identification card for an additional fee of \$5.

C. Every special identification card shall expire on the applicant's birthday at the end of the period of years for which a special identification card has been issued. At no time shall any special identification card be issued for less than three nor more than eight years, except under the provisions of subsection B of § 46.2-328.1 and except that those cards issued to children under the age of 15 shall expire on the child's sixteenth birthday. Notwithstanding these limitations, the Commissioner may extend the validity period of an expiring card if (i) the Department is unable to process an application for renewal due to circumstances beyond its control, (ii) the extension has been authorized under a directive from the Governor, and (iii) the card was not issued as a temporary special identification card under the provisions of subsection B of § 46.2-328.1. However, in no event shall the validity period be extended more than 90 days per occurrence of such conditions. Any special identification card issued to a person required to register pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1 shall expire on the applicant's birthday in years which the applicant attains an age equally divisible by five. For each person required to register pursuant to Chapter 9 of Title 9.1, the Department may not waive the requirement that each such person shall appear for each renewal or the requirement to obtain a photograph in accordance with subsection C of § 46.2-323.

D. A special identification card issued under this section may be similar in size, shape, and design to a driver's license, and include a photograph of its holder, but the card shall be readily distinguishable from a driver's license and shall clearly state that it does not authorize the person to whom it is issued to drive a motor vehicle. Every applicant for a special identification card shall appear in person before the Department to apply for a renewal, duplicate or reissue unless specifically permitted by the Department to apply in another manner.

E. Special identification cards, for persons at least 15 years old but less than 21 years old, shall be immediately and readily distinguishable from those issued to persons 21 years old or older. Distinguishing characteristics shall include unique design elements of the document and descriptors within the photograph area to identify persons who are at least 15 years old but less than 21 years old. These descriptors shall include the month, day, and year when the person will become 21 years old.

F. Special identification cards for persons under age 15 shall bear a full face photograph. The special identification card issued to persons under age 15 shall be readily distinguishable from a driver's license and from other special identification cards issued by the Department. Such cards shall clearly indicate that it does not authorize the person to whom it is issued to drive a motor vehicle.

G. Unless otherwise prohibited by law, a valid Virginia driver's license shall be surrendered upon application for a special identification card without the applicant's having to present proof of legal presence as required by § 46.2-328.1 if the Virginia driver's license is unexpired and it has not been revoked, suspended, or cancelled. The special identification card shall be considered a reissue and the expiration date shall be the last day of the month of the surrendered driver's license's month of expiration.

H. Any personal information, as identified in § 2.2-3801, which is retained by the Department from an application for the issuance of a special identification card is confidential and shall not be divulged to any person, association, corporation, or organization, public or private, except to the legal guardian or the attorney of the applicant or to a person, association, corporation, or organization nominated in writing by the applicant, his legal guardian, or his attorney. This subsection shall not prevent the Department from furnishing the application or any information thereon to any law-enforcement agency.

I. Any person who uses a false or fictitious name or gives a false or fictitious address in any application for an identification card or knowingly makes a false statement or conceals a material fact or otherwise commits a fraud in any such application shall be guilty of a Class 2 misdemeanor. However, where the name or address is given, or false statement is made, or fact is concealed, or fraud committed, with the intent to purchase a firearm or where the identification card is obtained for the purpose of committing any offense punishable as a felony, a violation of this section shall constitute a Class 4 felony.

J. The Department shall utilize the various communications media throughout the Commonwealth to inform Virginia residents of the provisions of this section and to promote and encourage the public to take advantage of its provisions.

K. The Department shall electronically transmit application information to the Department of State Police, in a format approved by the State Police, for comparison with information contained in the Virginia Criminal Information Network and National Crime Information Center Convicted Sexual Offender Registry Files, at the time of issuance of a special identification card. Whenever it appears from the records of the State Police that a person has failed to comply with the duty to register or reregister pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, the State Police shall promptly investigate and,

if there is probable cause to believe a violation has occurred, obtain a warrant or assist in obtaining an indictment charging a violation of § 18.2-472.1 in the jurisdiction in which the person made application for the special identification card.

L. When requested by the applicant, the applicant's parent if the applicant is a minor, or the applicant's guardian, and upon presentation of a signed statement by a licensed physician confirming the applicant's condition, the Department shall indicate on the applicant's special identification card that the applicant has any condition listed in subsection K of § 46.2-342 or that the applicant is blind or vision impaired.

§ 46.2-345.2. Issuance of special identification cards without photographs; fee; confidentiality; penalties.

A. On the application of any person with a sincerely held religious belief prohibiting the taking of a photograph who is a resident of the Commonwealth and who is at least 15 years of age, the Department shall issue a special identification card without a photograph to the person, provided that:

1. Application is made on a form prescribed by the Department and includes the applicant's full legal name; year, month, and date of birth; social security number; sex; and residence address. *Applicants shall be permitted to choose between "male," "female," or "non-binary" when designating the applicant's sex on the application form;*

2. The applicant presents, when required by the Department, proof of identity, legal presence, residency, and social security number or non-work authorized status;

3. The applicant presents an approved and signed U.S. Department of the Treasury Internal Revenue Service (IRS) Form 4029 or if such applicant is a minor, the applicant's parent or legal guardian presents an approved and signed IRS Form 4029; and

4. The applicant does not hold a driver's license, commercial driver's license, temporary driver's permit, learner's permit, motorcycle learner's permit, or special identification card.

B. The fee for the issuance of an original, duplicate, or reissue special identification card without a photograph is \$10 per year, with a \$20 minimum fee.

C. Every special identification card without a photograph shall expire on the applicant's birthday at the end of the period of years for which a special identification card without a photograph has been issued. At no time shall any special identification card without a photograph be issued for more than eight years. Notwithstanding these limitations, the Commissioner may extend the validity period of an expiring card if (i) the Department is unable to process an application for re-issue due to circumstances beyond its control or (ii) the extension has been authorized under a directive from the Governor. However, in no event shall the validity period be extended more than 90 days per occurrence of such conditions.

D. A special identification card without a photograph issued under this section may be similar in size, shape, and design to a driver's license and shall not include a photograph of its holder. The card shall be readily distinguishable from a driver's license and shall clearly state that federal limits apply, that the card is not valid identification to vote, and that the card does not authorize the person to whom it is issued to drive a motor vehicle. Every applicant for a special identification card without a photograph shall appear in person before the Department to apply for a duplicate or reissue unless specifically permitted by the Department to apply in another manner.

E. Unless otherwise prohibited by law, a valid Virginia driver's license or special identification card shall be surrendered for a special identification card without a photograph without the applicant's having to present proof of legal presence as required by § 46.2-328.1 if the Virginia driver's license or special identification card is unexpired and has not been revoked, suspended, or canceled. The special identification card without a photograph shall be considered a reissue, and the expiration date shall be the last day of the month of the surrendered driver's license's or special identification card's month of expiration.

F. Any personal information, as identified in § 2.2-3801, that is retained by the Department from an application for the issuance of a special identification card without a photograph is confidential and shall not be divulged to any person, association, corporation, or organization, public or private, except to the legal guardian or the attorney of the applicant or to a person, association, corporation, or organization nominated in writing by the applicant, his legal guardian, or his attorney. This subsection shall not prevent the Department from furnishing the application or any information thereon to any law-enforcement agency.

G. Any person who uses a false or fictitious name or gives a false or fictitious address in any application for a special identification card without a photograph or knowingly makes a false statement or conceals a material fact or otherwise commits a fraud in any such application is guilty of a Class 2 misdemeanor. However, where the special identification card without a photograph is obtained for the purpose of committing any offense punishable as a felony, a violation of this section shall constitute a Class 4 felony.

H. When requested by the applicant, the applicant's parent if the applicant is a minor, or the applicant's guardian, and upon presentation of a signed statement by a licensed physician confirming the applicant's condition, the Department shall indicate on the applicant's special identification card without a photograph that the applicant has any condition listed in subsection K of § 46.2-342.

I. Unless the Code specifies that a photograph is required, a special identification card without a photograph shall be treated as a special identification card.

CHAPTER 545

An Act to amend and reenact § 46.2-342 of the Code of Virginia, relating to driver's license designation; traumatic brain injury.

[S 289]

Approved March 31, 2020

Be it enacted by the General Assembly of Virginia:**1. That § 46.2-342 of the Code of Virginia is amended and reenacted as follows:****§ 46.2-342. What license to contain; organ donor information; Uniform Donor Document.**

A. Every license issued under this chapter shall bear:

1. For licenses issued or renewed on or after July 1, 2003, a license number which shall be assigned by the Department to the licensee and shall not be the same as the licensee's social security number;

2. A photograph of the licensee;

3. The licensee's full name, year, month, and date of birth;

4. The licensee's address, subject to the provisions of subsection B;

5. A brief description of the licensee for the purpose of identification;

6. A space for the signature of the licensee; and

7. Any other information deemed necessary by the Commissioner for the administration of this title.

No abbreviated names or nicknames shall be shown on any license.

B. At the option of the licensee, the address shown on the license may be either the post office box, business, or residence address of the licensee, provided such address is located in Virginia. However, regardless of which address is shown on the license, the licensee shall supply the Department with his residence address, which shall be an address in Virginia. This residence address shall be maintained in the Department's records. Whenever the licensee's address shown either on his license or in the Department's records changes, he shall notify the Department of such change as required by § 46.2-324.

C. The Department may contract with the United States Postal Service or an authorized agent to use the National Change of Address System for the purpose of obtaining current address information for a person whose name appears in customer records maintained by the Department. If the Department receives information from the National Change of Address System indicating that a person whose name appears in a Department record has submitted a permanent change of address to the Postal Service, the Department may then update its records with the mailing address obtained from the National Change of Address System.

D. The license shall be made of a material and in a form to be determined by the Commissioner.

E. Licenses issued to persons less than 21 years old shall be immediately and readily distinguishable from those issued to persons 21 years old or older. Distinguishing characteristics shall include unique design elements of the document and descriptors within the photograph area to identify persons who are at least 15 years old but less than 21 years old. These descriptors shall include the month, day, and year when the person will become 21 years old.

F. The Department shall establish a method by which an applicant for a driver's license or an identification card may indicate his consent to make an anatomical gift for transplantation, therapy, research, and education pursuant to § 32.1-291.5, and shall cooperate with the Virginia Transplant Council to ensure that such method is designed to encourage organ, tissue, and eye donation with a minimum of effort on the part of the donor and the Department.

G. If an applicant indicates his consent to be a donor pursuant to subsection F, the Department may make a notation of this designation on his license or card and shall make a notation of this designation in his driver record. The notation shall remain on the individual's license or card until he revokes his consent to make an anatomical gift by requesting removal of the notation from his license or card or otherwise in accordance with § 32.1-291.6. Inclusion of a notation indicating consent to making an organ donation on an applicant's license or card pursuant to this subsection shall be sufficient legal authority for removal, following death, of the subject's organs or tissues without additional authority from the donor or his family or estate, in accordance with the provisions of § 32.1-291.8.

H. A minor may make a donor designation pursuant to subsection F without the consent of a parent or legal guardian as authorized by the Revised Uniform Anatomical Gift Act (§ 32.1-291.1 et seq.).

I. The Department shall provide a method by which an applicant conducting a Department of Motor Vehicles transaction using electronic means may make a voluntary contribution to the Virginia Donor Registry and Public Awareness Fund (Fund) established pursuant to § 32.1-297.1. The Department shall inform the applicant of the existence of the Fund and also that contributing to the Fund is voluntary.

J. The Department shall collect all moneys contributed pursuant to subsection I and transmit the moneys on a regular basis to the Virginia Transplant Council, which shall credit the contributions to the Fund.

K. When requested by the applicant, and upon presentation of a signed statement by a licensed physician confirming the applicant's condition, the Department shall indicate on the applicant's driver's license that the applicant (i) is an insulin-dependent diabetic, (ii) is deaf or hard of hearing or speech impaired, (iii) *has a traumatic brain injury*, or ~~(iii)~~ (iv) has an intellectual disability, as defined in § 37.2-100, or autism spectrum disorder, as defined in § 38.2-3418.17.

Any request for a traumatic brain injury indicator on an applicant's driver's license shall be accompanied by a form prescribed by the Commissioner and completed by a licensed physician.

L. In the absence of gross negligence or willful misconduct, the Department and its employees shall be immune from any civil or criminal liability in connection with the making of or failure to make a notation of donor designation on any license or card or in any person's driver record.

M. The Department shall, in coordination with the Virginia Transplant Council, prepare an organ donor information brochure describing the organ donor program and providing instructions for completion of the uniform donor document information describing the bone marrow donation program and instructions for registration in the National Bone Marrow Registry. The Department shall include a copy of such brochure with every driver's license renewal notice or application mailed to licensed drivers in Virginia.

CHAPTER 546

An Act to amend and reenact §§ 46.2-341.12, as it is currently effective and as it may become effective, 46.2-341.14, as it is currently effective and as it may become effective, 46.2-341.14:01, 46.2-1708, as it may become effective, and 46.2-1709, as it may become effective, of the Code of Virginia and the second and third enactments of Chapter 750 of the Acts of Assembly of 2019, relating to commercial driver's licenses; entry-level driver training.

[S 290]

Approved March 31, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-341.12, as it is currently effective and as it may become effective, 46.2-341.14, as it is currently effective and as it may become effective, 46.2-341.14:01, 46.2-1708, as it may become effective, and 46.2-1709, as it may become effective, of the Code of Virginia are amended and reenacted as follows:

§ 46.2-341.12. (For expiration date, see Acts 2019, c. 750, cl. 3) Application for commercial driver's license or commercial learner's permit.

A. Every application to the Department for a commercial driver's license or commercial learner's permit shall be made upon a form approved and furnished by the Department, and the applicant shall write his usual signature in ink in the space provided. The applicant shall provide the following information:

1. Full legal name;
2. Current mailing and residential addresses;
3. Physical description including sex, height, weight, and eye and hair color;
4. Year, month, and date of birth;
5. Social security number;
6. Domicile or, if not domiciled in the Commonwealth, proof of status as a member of the active duty military, military reserves, National Guard, active duty United States Coast Guard, or Coast Guard Auxiliary pursuant to 49 U.S.C. § 31311(a)(12); and
7. Any other information required on the application form.

The applicant's social security number shall be provided to the Commercial Driver's License Information System as required by 49 C.F.R. § 383.153.

B. Every applicant for a commercial driver's license or commercial learner's permit shall also submit to the Department the following:

1. A consent to release driving record information;
2. Certifications that:
 - a. He either meets the federal qualification requirements of 49 C.F.R. Parts 383 and 391, or he is exempt from or is not subject to such federal requirements;
 - b. He either meets the state qualification requirements established pursuant to § 52-8.4, or he is exempt from or is not subject to such requirements;
 - c. The motor vehicle in which the applicant takes the skills test is representative of the class and, if applicable, the type of motor vehicle for which the applicant seeks to be licensed;
 - d. He is not subject to any disqualification, suspension, revocation or cancellation of his driving privileges;
 - e. He does not have more than one driver's license;
3. Other certifications required by the Department;
4. Any evidence required by the Department to establish proof of identity, citizenship or lawful permanent residency, domicile, and social security number notwithstanding the provisions of § 46.2-328.1 and pursuant to 49 C.F.R. Part 383;
5. A statement indicating whether (i) the applicant has previously been licensed to drive any type of motor vehicle during the previous 10 years and, if so, all states that licensed the applicant and the dates he was licensed, and (ii) whether or not he has ever been disqualified, or his license suspended, revoked or canceled and, if so, the date of and reason therefor; and
6. An unexpired employment authorization document (EAD) issued by the U.S. Citizenship and Immigration Services (USCIS) or an unexpired foreign passport accompanied by an approved Form I-94 documenting the applicant's most recent

admittance into the United States for persons applying for a nondomiciled commercial driver's license or nondomiciled commercial learner's permit.

C. Every application for a commercial driver's license shall include a photograph of the applicant supplied under arrangements made therefor by the Department in accordance with § 46.2-323.

D. The Department shall disqualify any commercial driver for a period of one year when the records of the Department clearly show to the satisfaction of the Commissioner that such person has made a material false statement on any application or certification made for a commercial driver's license or commercial learner's permit. The Department shall take such action within 30 days after discovering such falsification.

E. (For expiration date, see Acts 2019, c. 750, cl. 2) The Department shall review the driving record of any person who applies for a Virginia commercial driver's license or commercial learner's permit, for the renewal or reinstatement of such license or permit or for an additional commercial classification or endorsement, including the driving record from all jurisdictions where, during the previous 10 years, the applicant was licensed to drive any type of motor vehicle. Such review shall include checking the photograph on record whenever the applicant or holder appears in person to renew, upgrade, transfer, reinstate, or obtain a duplicate commercial driver's license or to renew, upgrade, reinstate, or obtain a duplicate commercial learner's permit. If appropriate, the Department shall incorporate information from such other jurisdictions' records into the applicant's Virginia driving record, and shall make a notation on the applicant's driving record confirming that such review has been completed and the date it was completed. The Department's review shall include research through the Commercial Driver License Information System established pursuant to the Commercial Motor Vehicle Safety Act and the National Driver Register Problem Driver Pointer System in addition to the driver record maintained by the applicant's previous jurisdictions of licensure. This research shall be completed prior to the issuance, renewal, transfer, or reinstatement of a commercial driver's license or additional commercial classification or endorsement.

The Department shall verify the name, date of birth, and social security number provided by the applicant with the information on file with the Social Security Administration for initial issuance of a commercial learner's permit or transfer of a commercial driver's license from another state. The Department shall make a notation in the driver's record confirming that the necessary verification has been completed and noting the date it was done. The Department shall also make a notation confirming that proof of citizenship or lawful permanent residency has been presented and the date it was done.

E. (For effective date, see Acts 2019, c. 750, cl. 2) The Department shall review the driving record of any person who applies for a Virginia commercial driver's license or commercial learner's permit, for the renewal or reinstatement of such license or permit or for an additional commercial classification or endorsement, including the driving record from all jurisdictions where, during the previous 10 years, the applicant was licensed to drive any type of motor vehicle. Such review shall include checking the photograph on record whenever the applicant or holder appears in person to renew, upgrade, transfer, reinstate, or obtain a duplicate commercial driver's license or to renew, upgrade, reinstate, or obtain a duplicate commercial learner's permit. If appropriate, the Department shall incorporate information from such other jurisdictions' records into the applicant's Virginia driving record, and shall make a notation on the applicant's driving record confirming that such review has been completed and the date it was completed. The Department's review shall include (i) research through the Commercial Driver License Information System established pursuant to the Commercial Motor Vehicle Safety Act and the National Driver Register Problem Driver Pointer System in addition to the driver record maintained by the applicant's previous jurisdictions of licensure and (ii) requesting information from the Drug and Alcohol Clearinghouse in accordance with 49 C.F.R. § 382.725. This research shall be completed prior to the issuance, renewal, transfer, or reinstatement of a commercial driver's license or additional commercial classification or endorsement.

The Department shall verify the name, date of birth, and social security number provided by the applicant with the information on file with the Social Security Administration for initial issuance of a commercial learner's permit or transfer of a commercial driver's license from another state. The Department shall make a notation in the driver's record confirming that the necessary verification has been completed and noting the date it was done. The Department shall also make a notation confirming that proof of citizenship or lawful permanent residency has been presented and the date it was done.

F. Every new applicant for a commercial driver's license or commercial learner's permit, including any person applying for a commercial driver's license or permit after revocation of his driving privileges, who certifies that he will operate a commercial motor vehicle in non-excepted interstate or intrastate commerce shall provide the Department with an original or certified copy of a medical examiner's certificate prepared by a medical examiner as defined in 49 C.F.R. § 390.5. Upon receipt of an appropriate medical examiner's certificate, the Department shall post a certification status of "certified" on the record of the driver on the Commercial Driver's License Information System. Any new applicant for a commercial driver's license or commercial learner's permit who fails to comply with the requirements of this subsection shall be denied the issuance of a commercial driver's license or commercial learner's permit by the Department.

G. Every existing holder of a commercial driver's license or commercial learner's permit who certifies that he will operate a commercial motor vehicle in non-excepted interstate or intrastate commerce shall provide the Department with an original or certified copy of a medical examiner's certificate prepared by a medical examiner as defined in 49 C.F.R. § 390.5. Upon receipt of an appropriate medical examiner's certificate, the Department shall post a certification status of "certified" and any other necessary information on the record of the driver on the Commercial Driver's License Information System. If an existing holder of a commercial driver's license fails to provide the Department with a medical certificate as required by this subsection, the Department shall post a certification status of "noncertified" on the record of the driver on

the Commercial Driver's License Information System and initiate a downgrade of his commercial driver's license as defined in 49 C.F.R. § 383.5.

H. Any person who provides a medical certificate to the Department pursuant to the requirements of subsections F and G shall keep the medical certificate information current and shall notify the Department of any change in the status of the medical certificate. If the Department determines that the medical certificate is no longer valid, the Department shall initiate a downgrade of the driver's commercial driver's license as defined in 49 C.F.R. § 383.5.

I. If the Department receives notice that the holder of a commercial driver's license has been issued a medical variance as defined in 49 C.F.R. § 390.5, the Department shall indicate the existence of such medical variance on the commercial driver's license document of the driver and on the record of the driver on the Commercial Driver's License Information System using the restriction code "V."

J. Any holder of a commercial driver's license who has been issued a medical variance shall keep the medical variance information current and shall notify the Department of any change in the status of the medical variance. If the Department determines that the medical variance is no longer valid, the Department shall initiate a downgrade of the driver's commercial driver's license as defined in 49 C.F.R. § 383.5.

K. Any applicant applying for a hazardous materials endorsement must comply with Transportation Security Administration requirements in 49 C.F.R. Part 1572. A lawful permanent resident of the United States requesting a hazardous materials endorsement must additionally provide his U.S. Citizenship and Immigration Services (USCIS) alien registration number.

L. Notwithstanding the provisions of § 46.2-208, the Department may release to the FMCSA medical information relating to the issuance of a commercial driver's license or a commercial learner's permit collected by the Department pursuant to the provisions of subsections F, G, H, I, and J.

§ 46.2-341.12. (For effective date, see Acts 2019, c. 750, cl. 3) Application for commercial driver's license or commercial learner's permit.

A. No entry-level driver shall be eligible to (i) apply for a Virginia Class A or Class B commercial driver's license for the first time, (ii) upgrade to a Class A or Class B commercial driver's license for the first time, or (iii) apply for a hazardous materials, passenger, or school bus endorsement for the first time, unless he has completed an entry-level driver training course related to the license, classification, or endorsement he is applying for and the training is provided by a training provider. An individual is not required to complete an entry-level driver training course related to the license, classification, or endorsement he is applying for if he is exempted from such requirements under 49 C.F.R. § 380.603.

B. Every application to the Department for a commercial driver's license or commercial learner's permit shall be made upon a form approved and furnished by the Department, and the applicant shall write his usual signature in ink in the space provided. The applicant shall provide the following information:

1. Full legal name;
2. Current mailing and residential addresses;
3. Physical description including sex, height, weight, and eye and hair color;
4. Year, month, and date of birth;
5. Social security number;
6. Domicile or, if not domiciled in the Commonwealth, proof of status as a member of the active duty military, military reserves, National Guard, active duty United States Coast Guard, or Coast Guard Auxiliary pursuant to 49 U.S.C. § 31311(a)(12); and
7. Any other information required on the application form.

The applicant's social security number shall be provided to the Commercial Driver's License Information System as required by 49 C.F.R. § 383.153.

C. Every applicant for a commercial driver's license or commercial learner's permit shall also submit to the Department the following:

1. A consent to release driving record information;
2. Certifications that:
 - a. He either meets the federal qualification requirements of 49 C.F.R. Parts 383 and 391, or he is exempt from or is not subject to such federal requirements;
 - b. He either meets the state qualification requirements established pursuant to § 52-8.4, or he is exempt from or is not subject to such requirements;
 - c. The motor vehicle in which the applicant takes the skills test is representative of the class and, if applicable, the type of motor vehicle for which the applicant seeks to be licensed;
 - d. He is not subject to any disqualification, suspension, revocation or cancellation of his driving privileges;
 - e. He does not have more than one driver's license;
3. Other certifications required by the Department;
4. Any evidence required by the Department to establish proof of identity, citizenship or lawful permanent residency, domicile, and social security number notwithstanding the provisions of § 46.2-328.1 and pursuant to 49 C.F.R. Part 383;
5. A statement indicating whether (i) the applicant has previously been licensed to drive any type of motor vehicle during the previous 10 years and, if so, all states that licensed the applicant and the dates he was licensed, and (ii) whether or not he has ever been disqualified, or his license suspended, revoked or canceled and, if so, the date of and reason therefor; and

6. An unexpired employment authorization document (EAD) issued by the U.S. Citizenship and Immigration Services (USCIS) or an unexpired foreign passport accompanied by an approved Form I-94 documenting the applicant's most recent admittance into the United States for persons applying for a nondomiciled commercial driver's license or nondomiciled commercial learner's permit.

D. Every application for a commercial driver's license shall include a photograph of the applicant supplied under arrangements made therefor by the Department in accordance with § 46.2-323.

E. The Department shall disqualify any commercial driver for a period of one year when the records of the Department clearly show to the satisfaction of the Commissioner that such person has made a material false statement on any application or certification made for a commercial driver's license or commercial learner's permit. The Department shall take such action within 30 days after discovering such falsification.

F. (For expiration date, see Acts 2019, c. 750, cl. 2) The Department shall review the driving record of any person who applies for a Virginia commercial driver's license or commercial learner's permit, for the renewal or reinstatement of such license or permit or for an additional commercial classification or endorsement, including the driving record from all jurisdictions where, during the previous 10 years, the applicant was licensed to drive any type of motor vehicle. Such review shall include checking the photograph on record whenever the applicant or holder appears in person to renew, upgrade, transfer, reinstate, or obtain a duplicate commercial driver's license or to renew, upgrade, reinstate, or obtain a duplicate commercial learner's permit. If appropriate, the Department shall incorporate information from such other jurisdictions' records into the applicant's Virginia driving record, and shall make a notation on the applicant's driving record confirming that such review has been completed and the date it was completed. The Department's review shall include research through the Commercial Driver License Information System established pursuant to the Commercial Motor Vehicle Safety Act and the National Driver Register Problem Driver Pointer System in addition to the driver record maintained by the applicant's previous jurisdictions of licensure. This research shall be completed prior to the issuance, renewal, transfer, or reinstatement of a commercial driver's license or additional commercial classification or endorsement.

The Department shall verify the name, date of birth, and social security number provided by the applicant with the information on file with the Social Security Administration for initial issuance of a commercial learner's permit or transfer of a commercial driver's license from another state. The Department shall make a notation in the driver's record confirming that the necessary verification has been completed and noting the date it was done. The Department shall also make a notation confirming that proof of citizenship or lawful permanent residency has been presented and the date it was done.

F. (For effective date, see Acts 2019, c. 750, cl. 2) The Department shall review the driving record of any person who applies for a Virginia commercial driver's license or commercial learner's permit, for the renewal or reinstatement of such license or permit or for an additional commercial classification or endorsement, including the driving record from all jurisdictions where, during the previous 10 years, the applicant was licensed to drive any type of motor vehicle. Such review shall include checking the photograph on record whenever the applicant or holder appears in person to renew, upgrade, transfer, reinstate, or obtain a duplicate commercial driver's license or to renew, upgrade, reinstate, or obtain a duplicate commercial learner's permit. If appropriate, the Department shall incorporate information from such other jurisdictions' records into the applicant's Virginia driving record, and shall make a notation on the applicant's driving record confirming that such review has been completed and the date it was completed. The Department's review shall include (i) research through the Commercial Driver License Information System established pursuant to the Commercial Motor Vehicle Safety Act and the National Driver Register Problem Driver Pointer System in addition to the driver record maintained by the applicant's previous jurisdictions of licensure and (ii) requesting information from the Drug and Alcohol Clearinghouse in accordance with 49 C.F.R. § 382.725. This research shall be completed prior to the issuance, renewal, transfer, or reinstatement of a commercial driver's license or additional commercial classification or endorsement.

The Department shall verify the name, date of birth, and social security number provided by the applicant with the information on file with the Social Security Administration for initial issuance of a commercial learner's permit or transfer of a commercial driver's license from another state. The Department shall make a notation in the driver's record confirming that the necessary verification has been completed and noting the date it was done. The Department shall also make a notation confirming that proof of citizenship or lawful permanent residency has been presented and the date it was done.

G. Every new applicant for a commercial driver's license or commercial learner's permit, including any person applying for a commercial driver's license or permit after revocation of his driving privileges, who certifies that he will operate a commercial motor vehicle in non-excepted interstate or intrastate commerce shall provide the Department with an original or certified copy of a medical examiner's certificate prepared by a medical examiner as defined in 49 C.F.R. § 390.5. Upon receipt of an appropriate medical examiner's certificate, the Department shall post a certification status of "certified" on the record of the driver on the Commercial Driver's License Information System. Any new applicant for a commercial driver's license or commercial learner's permit who fails to comply with the requirements of this subsection shall be denied the issuance of a commercial driver's license or commercial learner's permit by the Department.

H. Every existing holder of a commercial driver's license or commercial learner's permit who certifies that he will operate a commercial motor vehicle in non-excepted interstate or intrastate commerce shall provide the Department with an original or certified copy of a medical examiner's certificate prepared by a medical examiner as defined in 49 C.F.R. § 390.5. Upon receipt of an appropriate medical examiner's certificate, the Department shall post a certification status of "certified" and any other necessary information on the record of the driver on the Commercial Driver's License Information System. If an existing holder of a commercial driver's license fails to provide the Department with a medical certificate as

required by this subsection, the Department shall post a certification status of "noncertified" on the record of the driver on the Commercial Driver's License Information System and initiate a downgrade of his commercial driver's license as defined in 49 C.F.R. § 383.5.

I. Any person who provides a medical certificate to the Department pursuant to the requirements of subsections G and H shall keep the medical certificate information current and shall notify the Department of any change in the status of the medical certificate. If the Department determines that the medical certificate is no longer valid, the Department shall initiate a downgrade of the driver's commercial driver's license as defined in 49 C.F.R. § 383.5.

J. If the Department receives notice that the holder of a commercial driver's license has been issued a medical variance as defined in 49 C.F.R. § 390.5, the Department shall indicate the existence of such medical variance on the commercial driver's license document of the driver and on the record of the driver on the Commercial Driver's License Information System using the restriction code "V."

K. Any holder of a commercial driver's license who has been issued a medical variance shall keep the medical variance information current and shall notify the Department of any change in the status of the medical variance. If the Department determines that the medical variance is no longer valid, the Department shall initiate a downgrade of the driver's commercial driver's license as defined in 49 C.F.R. § 383.5.

L. Any applicant applying for a hazardous materials endorsement must comply with Transportation Security Administration requirements in 49 C.F.R. Part 1572. A lawful permanent resident of the United States requesting a hazardous materials endorsement must additionally provide his U.S. Citizenship and Immigration Services (USCIS) alien registration number.

M. Notwithstanding the provisions of § 46.2-208, the Department may release to the FMCSA medical information relating to the issuance of a commercial driver's license or a commercial learner's permit collected by the Department pursuant to the provisions of subsections F, G, H, I, and J.

§ 46.2-341.14. (For expiration date, see Acts 2019, c. 750, cl. 3) Testing requirements for commercial driver's license; behind-the-wheel and knowledge examinations.

A. The Department shall conduct an examination of every applicant for a commercial driver's license, which examination shall comply with the minimum federal standards established pursuant to the federal Commercial Motor Vehicle Safety Act. The examination shall be designed to test the vision, knowledge, and skills required for the safe operation of the class and type of commercial motor vehicle for which the applicant seeks a license.

B. An applicant's skills test shall be conducted in a vehicle that is representative of or meets the description of the class of vehicle for which the applicant seeks to be licensed. In addition, applicants who seek to be licensed to drive vehicles with air brakes, passenger-carrying vehicles, or school buses must take the skills test in a vehicle that is representative of such vehicle type. Such vehicle shall be furnished by the applicant and shall be properly licensed, inspected and insured.

C. The Commissioner may designate such persons as he deems fit, including private or governmental entities, including comprehensive community colleges in the Virginia Community College System, to administer the knowledge and skills tests required of applicants for a commercial driver's license. Any person so designated shall comply with all statutes and regulations with respect to the administration of such tests.

The Commissioner shall require all state and third party test examiners to successfully complete a formal commercial driver's license test examiner training course and examination before certifying them to administer commercial driver's license knowledge and skills tests. All state and third party test examiners shall complete a refresher training course and examination every four years to maintain their commercial driver's license test examiner certification. The refresher training course shall comply with 49 C.F.R. § 384.228. At least once every two years, the Department shall conduct covert and overt monitoring of examinations performed by state and third party commercial driver's license test examiners.

The Commissioner shall require a nationwide criminal background check of all test examiners at the time of hiring or prior to certifying them to administer commercial driver's license testing. The Commissioner shall complete a nationwide criminal background check for any state or third party test examiners who are current examiners and who have not had a nationwide criminal background check.

The Commissioner shall revoke the certification to administer commercial driver's license tests for any test examiner who (i) does not successfully complete the required refresher training every four years or (ii) does not pass the required nationwide criminal background check. Criteria for not passing the criminal background check include but are not limited to having a felony conviction within the past 10 years or any conviction involving fraudulent activities.

D. Every applicant for a commercial driver's license who is required by the Commissioner to take a vision test shall either (i) appear before a license examiner of the Department of Motor Vehicles to demonstrate his visual acuity and horizontal field of vision; or (ii) submit with his application a copy of the vision examination report which was used as the basis for such examination made within 90 days of the application date by an ophthalmologist or optometrist. The Commissioner may, by regulation, determine whether any other visual tests will satisfy the requirements of this title for commercial drivers.

E. No person who fails the behind-the-wheel examination for a commercial driver's license administered by the Department three times shall be permitted to take such examination a fourth time until he successfully completes, subsequent to the third examination failure, the in-vehicle component of driver instruction at a driver training school licensed under Chapter 17 (§ 46.2-1700 et seq.) or a comprehensive community college in the Virginia Community College System, or a comparable course approved by the Department or the Department of Education. In addition, no person who

fails the general knowledge examination for a commercial driver's license administered by the Department three times shall be permitted to take such examination a fourth time until he successfully completes, subsequent to the third examination failure, the knowledge component of driver instruction at a driver training school licensed under Chapter 17 (§ 46.2-1700 et seq.) or a comprehensive community college in the Virginia Community College System, or a comparable course approved by the Department or the Department of Education. All persons required to attend a driver training school, a comprehensive community college, or a comparable course pursuant to this section shall be required, after successful completion of necessary courses, to have the applicable examination administered by the Department.

Comprehensive community colleges offering courses pursuant to this section shall meet course curriculum requirements established and made available by the Department and be comparable to the curriculum offered by Class A licensed schools. A course curriculum meeting the established requirements shall be submitted to the Department and shall be approved by the Department prior to the beginning of course instruction.

The Department shall provide and update the list of course curriculum requirements from time to time, as deemed appropriate and necessary by the Department. The Department shall notify the affected schools and comprehensive community colleges if new relevant topics are added to the course curriculum. Schools and comprehensive community colleges shall have 45 calendar days after such notice is issued to update their course curriculum and to certify to the Department in a format prescribed by the Department that the school or comprehensive community college has added the new topics to the course curriculum.

The provisions of this subsection shall not apply to persons placed under medical control pursuant to § 46.2-322.

F. Knowledge tests may be administered in written form, verbally, or in automated format and can be administered in a foreign language, provided no interpreter is used in administering the test.

G. Interpreters are prohibited during the administration of the skills tests. Applicants must be able to understand and respond to verbal commands and instructions in English by a skills test examiner. Neither the applicant nor the examiner may communicate in a language other than English during the skills test.

H. Skills tests may be administered to an applicant who has taken training in the Commonwealth at a driver training school licensed under Chapter 17 (§ 46.2-1700 et seq.) or a comprehensive community college in the Virginia Community College System, or a comparable course approved by the Department or the Department of Education, and is to be licensed in another state. Such test results shall be electronically transmitted directly from the Commonwealth to the licensing state in an efficient and secure manner. The Department may charge a fee of not more than \$85 to any such applicant.

I. The Department shall accept the results of skills tests administered to applicants by any other state in fulfillment of the applicant's testing requirements for commercial licensure in the Commonwealth.

J. The Department may administer skills performance evaluations in accordance with its agreement with the FMCSA. Notwithstanding the provisions of § 46.2-208, any medical information that is collected as part of the evaluation may be released to and inspected by the FMCSA.

§ 46.2-341.14. (For effective date, see Acts 2019, c. 750, cl. 3) Testing requirements for commercial driver's license; behind-the-wheel and knowledge examinations.

A. The Department shall conduct an examination of every applicant for a commercial driver's license, which examination shall comply with the minimum federal standards established pursuant to the federal Commercial Motor Vehicle Safety Act. The examination shall be designed to test the vision, knowledge, and skills required for the safe operation of the class and type of commercial motor vehicle for which the applicant seeks a license.

No skills test shall be conducted by the Department for a first-time applicant for a Class A or Class B commercial driver's license, a passenger endorsement, or a school bus endorsement, or knowledge test for a first-time applicant for a hazardous materials endorsement, until (i) the Department has verified that the applicant has completed the appropriate entry-level driver training course administered by a training provider required for that skills or knowledge test, if the applicant is so required, or (ii) the applicant has certified that he is exempted from such requirement under § 46.2-341.12.

B. An applicant's skills test shall be conducted in a vehicle that is representative of or meets the description of the class of vehicle for which the applicant seeks to be licensed. In addition, applicants who seek to be licensed to drive vehicles with air brakes, passenger-carrying vehicles, or school buses must take the skills test in a vehicle that is representative of such vehicle type. Such vehicle shall be furnished by the applicant and shall be properly licensed, inspected and insured.

C. The Commissioner may designate such persons as he deems fit, including private or governmental entities, including comprehensive community colleges in the Virginia Community College System, to administer the knowledge and skills tests required of applicants for a commercial driver's license. Any person so designated shall comply with all statutes and regulations with respect to the administration of such tests.

The Commissioner shall require all state and third party test examiners to successfully complete a formal commercial driver's license test examiner training course and examination before certifying them to administer commercial driver's license knowledge and skills tests. All state and third party test examiners shall complete a refresher training course and examination every four years to maintain their commercial driver's license test examiner certification. The refresher training course shall comply with 49 C.F.R. § 384.228. At least once every two years, the Department shall conduct covert and overt monitoring of examinations performed by state and third party commercial driver's license test examiners.

The Commissioner shall require a nationwide criminal background check of all test examiners at the time of hiring or prior to certifying them to administer commercial driver's license testing. The Commissioner shall complete a nationwide

criminal background check for any state or third party test examiners who are current examiners and who have not had a nationwide criminal background check.

The Commissioner shall revoke the certification to administer commercial driver's license tests for any test examiner who (i) does not successfully complete the required refresher training every four years or (ii) does not pass the required nationwide criminal background check. Criteria for not passing the criminal background check include but are not limited to having a felony conviction within the past 10 years or any conviction involving fraudulent activities.

D. Every applicant for a commercial driver's license who is required by the Commissioner to take a vision test shall either (i) appear before a license examiner of the Department of Motor Vehicles to demonstrate his visual acuity and horizontal field of vision or (ii) submit with his application a copy of the vision examination report that was used as the basis for such examination made within 90 days of the application date by an ophthalmologist or optometrist. The Commissioner may, by regulation, determine whether any other visual tests will satisfy the requirements of this title for commercial drivers.

~~E. No person who fails the behind-the-wheel examination for a commercial driver's license administered by the Department three times shall be permitted to take such examination a fourth time until he successfully completes, subsequent to the third examination failure, the in-vehicle component of driver instruction at a driver training school licensed under Chapter 17 (§ 46.2-1700 et seq.) or a comprehensive community college in the Virginia Community College System, or a comparable course approved by the Department or the Department of Education. In addition, no person who fails the general knowledge examination for a commercial driver's license administered by the Department three times shall be permitted to take such examination a fourth time until he successfully completes, subsequent to the third examination failure, the knowledge component of driver instruction at a driver training school licensed under Chapter 17 (§ 46.2-1700 et seq.) or a comprehensive community college in the Virginia Community College System, or a comparable course approved by the Department or the Department of Education. All persons required to attend a driver training school, a comprehensive community college, or a comparable course pursuant to this section shall be required, after successful completion of necessary courses, to have the applicable examination administered by the Department.~~

~~Comprehensive community colleges offering courses pursuant to this section shall meet course curriculum requirements established and made available by the Department and be comparable to the curriculum offered by Class A licensed schools. A course curriculum meeting the established requirements shall be submitted to the Department and shall be approved by the Department prior to the beginning of course instruction.~~

~~The Department shall provide and update the list of course curriculum requirements from time to time, as deemed appropriate and necessary by the Department. The Department shall notify the affected schools and comprehensive community colleges if new relevant topics are added to the course curriculum. Schools and comprehensive community colleges shall have 45 calendar days after such notice is issued to update their course curriculum and to certify to the Department in a format prescribed by the Department that the school or comprehensive community college has added the new topics to the course curriculum.~~

~~The provisions of this subsection shall not apply to persons placed under medical control pursuant to § 46.2-322.~~

~~F. Knowledge tests may be administered in written form, verbally, or in automated format and can be administered in a foreign language, provided no interpreter is used in administering the test.~~

~~G. F. Interpreters are prohibited during the administration of the skills tests. Applicants must be able to understand and respond to verbal commands and instructions in English by a skills test examiner. Neither the applicant nor the examiner may communicate in a language other than English during the skills test.~~

~~H. G. Skills tests may be administered to an applicant who has taken training in the Commonwealth at a driver training school licensed under Chapter 17 (§ 46.2-1700 et seq.) or a comprehensive community college in the Virginia Community College System, or a comparable course approved by the Department or the Department of Education, and is to be licensed in another state. Such test results shall be electronically transmitted directly from the Commonwealth to the licensing state in an efficient and secure manner. The Department may charge a fee of not more than \$85 to any such applicant.~~

~~I. H. The Department shall accept the results of skills tests administered to applicants by any other state in fulfillment of the applicant's testing requirements for commercial licensure in the Commonwealth.~~

~~J. I. The Department may administer skills performance evaluations in accordance with its agreement with the FMCSA. Notwithstanding the provisions of § 46.2-208, any medical information that is collected as part of the evaluation may be released to and inspected by the FMCSA.~~

§ 46.2-341.14:01. Military third party testers and military third party examiners; substitute for knowledge and driving skills tests for drivers with military commercial motor vehicle experience.

A. Pursuant to § 46.2-341.14, the Commissioner ~~shall~~ *may* permit military bases that have entered into an agreement with the Department to serve as third party testers in administering state knowledge and skills tests for issuing commercial driver's licenses. Military third party testers and military third party examiners shall comply with the requirements set forth in §§ 46.2-341.14:1 through 46.2-341.14:9 with respect to knowledge and skills tests.

B. Pursuant to 49 C.F.R. § 383.77, the Commissioner ~~shall~~ *may* waive the driving skills test required by 49 C.F.R. § 383.23 and as specified in 49 C.F.R. § 383.113 for a commercial motor vehicle driver with military commercial motor vehicle experience who is currently licensed at the time of his application for a commercial driver's license and substitute an applicant's driving record in combination with certain driving experience for the skills test.

C. To obtain a skills test waiver, the following conditions and limitations must be met:

1. An applicant must certify that, during the two-year period immediately prior to applying for a commercial driver's license, he:

- a. Has not simultaneously held more than one license except for a military license;
- b. Has not had any license suspended, revoked, canceled, or disqualified;
- c. Has not had any convictions for any type of motor vehicle for the disqualifying offenses contained in this article;
- d. Has not had more than one conviction for any type of motor vehicle for serious traffic violations contained in this article; and
- e. Has not had any conviction for a violation of military, state, or local law relating to motor vehicle traffic control, other than a parking violation, arising in connection with any traffic crash and has no record of a crash in which he was at fault; and

2. An applicant must provide evidence and certify that he:

- a. Is regularly employed or was regularly employed within the last year or any other period authorized by the FMCSA in a military position requiring operation of a commercial motor vehicle;
- b. Was exempted from the commercial driver's license requirements in 49 C.F.R. § 383.3(c); and
- c. Was operating a vehicle representative of the commercial motor vehicle the driver applicant operates, or expects to operate, for at least the two years immediately preceding discharge from the military.

D. The Commissioner ~~shall~~ *may* waive the knowledge test for certain current or former military service members applying for a commercial learner's permit or commercial driver's license as permitted by 49 C.F.R. § 383.77, provided that such current or former military service member meets the conditions and limitations provided by 49 C.F.R. § 383.77.

E. The Commissioner ~~shall~~ *may* waive the knowledge test and driving skills test for certain current or former military service members applying for certain endorsements as permitted by 49 C.F.R. § 383.77, provided that such current or former military service member meets the conditions and limitations provided by 49 C.F.R. § 383.77.

§ 46.2-1708. (For effective date, see Acts 2019, c. 750, cl. 3) Licenses required for school and instructors.

A. If a Class A driver training school elects to provide entry-level driver training to driver trainees, that Class A driver training school shall not provide such training until it has (i) been licensed to provide training in the Commonwealth pursuant to this section; ~~and (ii) electronically transmitted an Entry-Level Driver Training Provider Registration Form through the federal Training Provider Registry website, maintained by FMCSA, which attests under the penalty of perjury that the training provider meets all of the applicable requirements under 49 C.F.R. § 380.703 for every campus or training location to obtain a unique Training Provider Registry number; and (iii) provided the Commissioner with its unique Training Provider Registry number issued by FMCSA pursuant to 49 C.F.R. § 380.703 in a form prescribed by the Department.~~

B. If a Class A driver training school elects to provide entry-level driver training, upon application for a Class A license by such driver training school the applicant driver training school shall also provide evidence that:

1. The curriculum used for theory instruction and behind-the-wheel training complies with the curriculum requirements prescribed by the Department;
2. The facilities used for entry-level driver training for both theory instruction and behind-the-wheel training comply with all federal and state safety requirements;
3. The instructors employed by the applicant driver training school are licensed under this section;
4. The applicant driver training school (i) uses written assessments that comply with the requirements prescribed by the Department to determine the driver trainee's proficiency in the knowledge objectives of each unit of instruction in the curriculum and (ii) requires driver trainees to achieve an overall minimum score of 80 percent for passage of the theory instruction portion of the course; and

5. The applicant driver training school instructors evaluate and document the driver trainee's proficiency in the behind-the-wheel skills in accordance with the curriculum requirements prescribed by the Department.

C. The Commissioner shall not license a behind-the-wheel instructor or theory instructor unless the applicant provides evidence that his commercial driver's license has not been disqualified, canceled, suspended, or revoked due to any of the disqualifying offenses identified in 49 C.F.R. § 383.51, unless his commercial driver's license was reinstated more than two years prior to the application date, and that he either:

1. Currently holds a commercial driver's license of the same class or higher with all endorsements necessary to operate the commercial motor vehicle for which training will be provided and has at least two years of experience driving a commercial motor vehicle requiring a commercial driver's license of the same or higher class or the same endorsement; or
2. Currently holds a commercial driver's license of the same class or higher with all endorsements necessary to operate the commercial motor vehicle for which training will be provided, and has at least two years of experience as a behind-the-wheel commercial motor vehicle instructor.

D. The Commissioner may issue an order suspending, revoking, cancelling, or denying renewal of a training provider's license, certification, or authorization to provide training effective immediately if the order is based upon the removal of the school from the federal Training Provider Registry pursuant to 49 C.F.R. § 380.723. Notice of such order shall be in writing and mailed to the training provider by registered mail to the address as shown on the training provider's most recent application and shall be considered served when mailed. Upon receipt of a request for a hearing appealing such order, the training provider shall be afforded the opportunity for a hearing as soon as practicable, but in no case later than 30 days from receipt of the hearing request. The order shall remain in effect pending the outcome of the hearing.

§ 46.2-1709. (For effective date, see Acts 2019, c. 750, cl. 3) Business and equipment requirements.

- A. A training provider shall:
1. Permit the Department and FMCSA to conduct random examinations, inspections, and audits of its records, facilities, and operations that relate to the entry-level driver training program without prior notice;
 2. Use vehicles that comply with all federal and state safety requirements and are in the same group and type that the driver trainees intend to operate for the commercial driver's license skills test;
 3. Require all driver trainees to certify that they will comply with state and federal laws and regulations and local laws related to alcohol and controlled substances testing, age requirements for driving commercial vehicles, medical certifications, licensing, and driver records;
 4. Verify that all accepted behind-the-wheel applicants hold a valid commercial learner's permit or commercial driver's license;
 5. Electronically transmit, by midnight of the second business day after the driver trainee completes the training, the driver trainee's certification information through the federal Training Provider Registry website including:
 - a. Driver-trainee name, license or permit number, and state of licensure;
 - b. Type of class or endorsement training the driver trainee completed;
 - c. Total number of clock hours the driver trainee spent to complete the behind-the-wheel training, if applicable;
 - d. Name of the training provider and its unique Training Provider Registry number; and
 - e. Date or dates of successful training completion.
 6. Update the Entry-Level Driver Training Provider Registration Form once every two years;
 7. ~~Electronically report~~ *Report* to FMCSA changes to key information on the Entry-Level Driver Training Provider Registration Form within 30 days of such changes;
 8. Maintain documentation of the school's licensure, registration, certification or authorization to provide training in Virginia;
 9. Ensure that all records specified in § 46.2-1710 are available to FMCSA or its authorized representative, upon request, and provide such records to FMCSA within 48 hours of such request; and
 10. Administer both the range and public road portion of the behind-the-wheel curriculum.
- B. If a training provider receives notice of proposed removal from FMCSA pursuant to 49 C.F.R. § 380.723, the training provider shall (i) notify all current driver trainees and driver trainees scheduled for future training of such receipt and (ii) provide a copy of the notice to the Department within one business day of receiving such notice.
- C. If a training provider is removed from the federal Training Provider Registry by FMCSA pursuant to 49 C.F.R. § 380.723, such training provider shall (i) cease providing entry-level driver training upon receipt and in accordance with FMCSA guidance and (ii) provide the Department with a copy of the notice of proposed removal within one business day of receipt. No training conducted after the date of removal from the federal Training Provider Registry shall be considered valid.
- 2. That the provisions of § 46.2-341.14 of the Code of Virginia, as it may become effective, as amended by this act, shall become effective at such time as the Federal Motor Carrier Safety Administration has made available to the Department of Motor Vehicles the information necessary to comply with the provisions of the Minimum Training Requirements for Entry-level Commercial Motor Vehicle Operators Rule codified in 49 C.F.R. Parts 383 and 384, as amended, as certified by the Secretary of Transportation.**
- 3. That the second and third enactments of Chapter 750 of the Acts of Assembly of 2019 are amended and reenacted as follows:**
2. That the provision in § 46.2-341.12 relating to the Drug and Alcohol Clearinghouse shall become effective ~~the later of February 6, 2020, or~~ at such time as the Federal Motor Carrier Safety Administration ~~makes the Drug and Alcohol Clearinghouse available to~~ *requires* the Department of Motor Vehicles *to request information from the Drug and Alcohol Clearinghouse*, as certified by the Secretary of Transportation.
 3. That the provisions of §§ 46.2-324.1, 46.2-341.4, and 46.2-341.12, and subsection A of § 46.2-341.14 relating to eligibility for application to the Department for a Class A or Class B commercial driver's license or a school bus, passenger, or hazardous materials endorsement, ~~46.2-341.14, and §§ 46.2-341.14:1, 46.2-1700, 46.2-1708, 46.2-1709, 46.2-1710, and 46.2-1711 shall become effective the later of February 7, 2020, or~~ at such time as the Federal Motor Carrier Safety Administration has made available to the Department of Motor Vehicles the information necessary to comply with such provisions ~~through the Commercial Driver's License Information System~~, as certified by the Secretary of Transportation.

CHAPTER 547

An Act to amend and reenact § 6.2-1352 of the Code of Virginia, relating to credit unions; compensation of directors.

[S 296]

Approved March 31, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 6.2-1352 of the Code of Virginia is amended and reenacted as follows:
 - § 6.2-1352. Compensation of officials.

~~No member A. Compensation of members of the board of directors shall receive any compensation for his services as a member of the board. The and members of the credit or and supervisory committee may receive for their services, as members, such compensation as committees shall be determined by a written policy approved by the board of directors may determine, provided that annual compensation for an individual member does not exceed \$6,000.~~

B. Health, accident, and term life insurance protection for a director or committee member shall not be considered compensation.

C. Directors and committee members, while on official business of the credit union, may be reimbursed for ~~necessary~~ expenses ~~incidental to performing the business of the credit union. Official business of the credit union shall include attendance at regular or special meetings of the board of directors or committees thereof consistent with Internal Revenue Service guidelines.~~

CHAPTER 548

An Act to amend and reenact §§ 2.2-1201 and 51.1-1101 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 12 of Title 2.2 a section numbered 2.2-1211, relating to the Department of Human Resource Management; required online training for diversity and cultural competency.

[H 581]

Approved March 31, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-1201 and 51.1-1101 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Chapter 12 of Title 2.2 a section numbered 2.2-1211 as follows:

§ 2.2-1201. Duties of Department; Director.

A. The Department shall have the following duties:

1. Make recommendations to the Governor regarding the establishment and maintenance of a classification plan for the service of the Commonwealth, and recommend necessary amendments thereto.

2. Make recommendations to the Governor regarding the establishment and administration of a compensation plan for all employees, and recommend necessary amendments thereto.

3. Design and maintain a personnel information system that shall support the operational needs of the Department and of state agencies, and that shall provide for the management information needs of the Governor, his secretaries, and the General Assembly. The system shall provide at a minimum a roster of all employees in the service of the Commonwealth, in which there shall be set forth as to each employee, the employing agency, the class title, pay, status and such other data as may be deemed desirable to produce significant facts pertaining to personnel administration.

4. Establish and direct a program of employee-management relations designed to improve communications between employees and agencies of the Commonwealth.

5. Establish and administer a system of performance evaluation for all employees in the service of the Commonwealth, based on the quality of service rendered, related where practicable to specific standards of performance. In no event shall workers' compensation leave affect the total number of hours credited during a performance cycle for purposes of calculating incentive increases in salary based on such performance evaluations.

6. Establish and administer a system of recruitment designed to attract high quality employees to the service of the Commonwealth. In administering this system, applicants shall be rated on the basis of relative merit and classified in accordance with their suitability for the various classes of positions in the service of the Commonwealth, and a record thereof shall be maintained in the open register.

7. Design and utilize an application form which shall include, but not be limited to, information on prior volunteer work performed by the applicant.

8. Establish and administer a comprehensive and integrated program of employee training and management development.

9. *In coordination with the Governor or his designee, develop an online training module addressing diversity and cultural competency that shall be available for use by all employees and agencies of the Commonwealth. Such training module shall include (i) information related to race, ethnicity, disabilities, gender, religion, and other protected classes under state law; (ii) strategies to create an inclusive and equitable culture; (iii) strategies to ensure equity and inclusion in state employee recruitment and hiring; and (iv) strategies to ensure that state employees provide equitable, competent, and welcoming services to all persons.*

10. Establish and administer a program of evaluation of the effectiveness of performance of the personnel activities of the agencies of the Commonwealth.

~~10.~~ 11. Establish and administer a program to ensure equal employment opportunity to applicants for state employment and to state employees in all incidents of employment.

~~11.~~ 12. Establish and administer regulations relating to disciplinary actions; however, no disciplinary action shall include the suspension without pay for more than 10 days of any state employee who is under investigation without a hearing conducted either by a level of supervision above the employee's immediate supervisor or by his agency head.

~~42-~~ 13. Adopt and implement a centralized program to provide awards to employees who propose procedures or ideas that are adopted and that will result in eliminating or reducing state expenditures or improving operations, provided such proposals are placed in effect. The centralized program shall be designed to (i) protect the identity of the individual making the proposal while it is being evaluated for implementation by a state agency, (ii) publicize the acceptance of proposals and financial awards to state employees, and (iii) include a reevaluation process that individuals making proposals may access if their proposals are rejected by the evaluating agency. The reevaluation process must include individuals from the private sector. State employees who make a suggestion or proposal under this section shall receive initial confirmation of receipt within 30 days. A determination of the feasibility of the suggestion or proposal shall occur within 60 days of initial receipt.

~~43-~~ 14. Develop state personnel policies and, after approval by the Governor, disseminate and interpret state personnel policies and procedures to all agencies. Such personnel policies shall permit an employee, with the written approval of his agency head, to substitute (i) up to 33 percent of his accrued paid sick leave, (ii) up to 100 percent of any other paid leave, or (iii) any combination of accrued paid sick leave and any other paid leave for leave taken pursuant to the Family and Medical Leave Act of 1993 (29 U.S.C. § 2601 et seq.). On and after December 1, 1999, such personnel policy shall include an acceptable use policy for the Internet. At a minimum, the Department's acceptable use policy shall contain provisions that (i) prohibit use by state employees of the Commonwealth's computer equipment and communications services for sending, receiving, viewing, or downloading illegal material via the Internet and (ii) establish strict disciplinary measures for violation of the acceptable use policy. An agency head may supplement the Department's acceptable use policy with such other terms, conditions, and requirements as he deems appropriate. The Director of the Department shall have the final authority to establish and interpret personnel policies and procedures and shall have the authority to ensure full compliance with such policies. However, unless specifically authorized by law, the Director of the Department shall have no authority with respect to the state grievance procedures.

~~43a-~~ 14a. Develop state personnel policies, with the approval of the Governor, that permit any full-time state employee who is also a member of the organized reserve forces of any of the armed services of the United States or of the Virginia National Guard to carry forward from year to year the total of his accrued annual leave time without regard to the regulation or policy of his agency regarding the maximum number of hours allowed to be carried forward at the end of a calendar year. Any amount over the usual amount allowed to be carried forward shall be reserved for use only as leave taken pursuant to active military service as provided by § 2.2-2903.1. Such leave and its use shall be in addition to leave provided under § 44-93. Any leave carried forward for the purposes described remaining upon termination of employment with the Commonwealth or any department, institution or agency thereof that has not been used in accordance with § 2.2-2903.1 shall not be paid or credited in any way to the employee.

~~43b-~~ 14b. Develop state personnel policies that provide break time for nursing mothers to express breast milk. Such policies shall require an agency to provide (i) a reasonable break time for an employee to express breast milk for her nursing child after the child's birth each time such employee has need to express the breast milk and (ii) a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public and that may be used by an employee to express breast milk. Such break time shall, if possible, run concurrently with any break time already provided to the employee. An agency shall not be required to compensate an employee receiving reasonable break time for any work time spent for such purpose. For purposes of this subdivision, "reasonable," with regard to break time provided for nursing mothers to express breast milk, means a break time that complies with the guidance for employers in assessing the frequency and timing of breaks to express breast milk set forth in the U.S. Department of Labor's Request for Information RIN 1235-ZA00, 75 Federal Register 80073 (December 21, 2010).

~~44-~~ 15. Ascertain and publish on an annual basis, by agency, the number of employees in the service of the Commonwealth, including permanent full-time and part-time employees, those employed on a temporary or contractual basis, and constitutional officers and their employees whose salaries are funded by the Commonwealth. The publication shall contain the net gain or loss to the agency in personnel from the previous fiscal year and the net gains and losses in personnel for each agency for a three-year period.

~~45-~~ 16. Submit a report to the members of the General Assembly on or before September 30 of each year showing (i) the total number of full-time and part-time employees, (ii) contract temporary employees, (iii) hourly temporary employees, and (iv) the number of employees who voluntarily and involuntarily terminated their employment with each department, agency or institution in the previous fiscal year.

~~46-~~ 17. Administer the workers' compensation insurance plan for state employees in accordance with § 2.2-2821.

~~47-~~ 18. Work jointly with the Department of General Services and the Virginia Information Technologies Agency to develop expedited processes for the procurement of staff augmentation to supplement salaried and wage employees of state agencies. Such processes shall be consistent with the Virginia Public Procurement Act (§ 2.2-4300 et seq.). The Department may perform contract administration duties and responsibilities for any resulting statewide augmentation contracts.

B. The Director may convene such ad hoc working groups as the Director deems appropriate to address issues regarding the state workforce.

§ 2.2-1211. Required diversity and cultural competency training.

All state employees commencing or recommencing employment with the Commonwealth on or after January 1, 2021, shall complete an online diversity and cultural competency training module provided by the Department pursuant to subdivision A 9 of § 2.2-1201 within 90 days of commencing or recommencing such employment. Each state agency shall

maintain records showing that each employee has completed the training required by this section and the date on which such training was completed.

§ 51.1-1101. Sickness and disability program; disability insurance policies.

A. The Board shall develop, implement, and administer a sick leave, short-term disability, and long-term disability benefits program in accordance with the provisions of this chapter. The Board is authorized to delegate or assign to any person any of the duties required to be performed by the Board pursuant to this chapter. The Board is authorized to purchase long-term disability insurance policies for participating employees. The policies shall be purchased from and carried with a disability insurance company which is authorized to do business in the Commonwealth. Each policy shall contain a provision stipulating the maximum expense and risk charges that are determined by the Board to be on a basis consistent with the general level of charges made by disability insurance companies under policies of long-term disability insurance issued to large employers. The Board may require that the policies have reinsurance with a disability insurance company incorporated or organized under the laws of and authorized to do business in the Commonwealth. This section is not intended to abrogate the final authority of the Director of the Department of Human Resource Management under subdivision A ~~13~~ 14 of § 2.2-1201 to establish and interpret personnel policy and procedures, such as the sick leave policy.

B. Notwithstanding the provisions of subsection A, the Board may self-insure long-term disability benefits in accordance with the standards set forth in § 51.1-124.30.

2. That the Department of Human Resource Management shall develop an online training module addressing diversity and cultural competency that shall be available by January 1, 2021, for use by all employees and agencies of the Commonwealth.

3. That any person employed with the Commonwealth on January 1, 2021, shall complete the training required by § 2.2-1211 of the Code of Virginia, as created by this act, no later than April 1, 2021.

CHAPTER 549

An Act to direct the Virginia Workers' Compensation Commission to engage a national research organization to examine the implications of covering workers' injuries caused by repetitive motion through the Virginia workers' compensation system.

[H 617]

Approved March 31, 2020

Be it enacted by the General Assembly of Virginia:

1. § 1. *That the Virginia Workers' Compensation Commission shall engage an independent and reputable national research organization with expertise in workers' compensation policy to conduct an analysis to (i) develop options for covering workers' injuries caused by repetitive motion through the Virginia workers' compensation system and (ii) summarize key policy considerations associated with modifying the Code of Virginia to cover injuries caused by repetitive motion. The analysis shall take into consideration (a) the annual number of injuries caused by repetitive motion to workers in Virginia and other states; (b) other states' evidentiary requirements for claiming workers' compensation benefits for such injuries; (c) necessary changes to Virginia's statutory provisions; and (d) impacts on workers, employers, and insurers. The Virginia Workers' Compensation Commission shall ensure that the proposed options and policy considerations be submitted to the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance and Appropriations by November 30, 2020.*

CHAPTER 550

An Act to amend and reenact §§ 63.2-609 and 63.2-1908 of the Code of Virginia and to repeal § 63.2-604 of the Code of Virginia, relating to TANF; family cap.

[H 690]

Approved March 31, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 63.2-609 and 63.2-1908 of the Code of Virginia are amended and reenacted as follows:

§ 63.2-609. VIEW exemptions.

The following TANF recipients shall be exempt from mandatory participation in VIEW and shall remain eligible for TANF financial assistance:

1. Any individual, including all minor caretakers, under 16 years of age;

2. Any individual at least 16, but no more than 19 years of age, who is enrolled full-time in elementary or secondary school, including career and technical education programs. The career and technical education program must be equivalent to secondary school. Whenever feasible, such recipients should participate in summer work;

3. Any individual who is unable to participate because of a temporary medical condition that is preventing employment or training, as determined by a physician or other qualified medical professional and certified by a written medical statement. Such an exemption shall be reevaluated every 60 days to determine whether the person is still exempt;

4. Any individual who is disabled, as determined by receipt of Social Security Disability Benefits or Supplemental Security Income;

5. Any individual 60 years of age or older;

6. Any individual who is the sole caregiver of another member of the household who is disabled as determined by receipt of Social Security Disability Benefits or Supplemental Security Income or who is incapacitated by another condition as determined by the Board and whose presence is essential for the care of the other member on a substantially continuous basis;

7. A parent or caretaker-relative of a child under 12 months of age who personally provides care for the child. A parent or caretaker-relative exempt from mandatory participation in VIEW pursuant to this subdivision shall be exempt for a period of no more than 12 months. Months during which a parent or caretaker-relative is exempt may be consecutive or nonconsecutive. ~~A parent of a child not considered part of the TANF public assistance unit under § 63.2-604 may be granted a temporary exemption of not more than six weeks after the birth of such child.~~

In a TANF-UP case, both parents shall be referred for participation unless one meets an exemption; only one parent can be exempt. If both parents meet an exemption criterion, they shall decide who will be referred for participation.

§ 63.2-1908. Payment of public assistance for child or custodial parent constitutes debt to Department by noncustodial parents; limitations; Department subrogated to rights.

Any payment of public assistance money made to or for the benefit of any dependent child or children or their custodial parent creates a debt due and owing to the Department by the person or persons who are responsible for support of such children or custodial parent in an amount equal to the amount of public assistance money so paid. ~~However, if a custodial parent receives TANF payments for some of the custodial parent's dependent children but not for other children pursuant to § 63.2-604, the custodial parent shall receive the total amount of support collected for the children for whom no TANF benefits are received. Such support payments shall not create a debt due and owing to the Department and the value of such payments shall not be counted as income for purposes of TANF eligibility and grant determination.~~ Where there has been a court order for support, final decree of divorce ordering support, or administrative order under the provisions of this chapter for support, the debt shall be limited to the amount of such order or decree. The Commissioner, pursuant to § 63.2-1922, shall establish the debt in an amount determined to be consistent with a noncustodial parent's ability to pay. The Department shall have the right to petition the appropriate court for modification of a court order on the same grounds as either party to such cause.

The Department shall be subrogated to the right of such child or children or custodial parent to prosecute or maintain any support action or execute any administrative remedy existing under the laws of the Commonwealth to obtain reimbursement of moneys thus expended and may collect on behalf of any such child, children or custodial parent any amount contained in any court order of support or any administrative order of support regardless of whether or not the amount of such orders exceeds the amount of public assistance paid. Any support paid in excess of the total amount of public assistance paid shall be returned to the custodial parent by the Department. If a court order for support or final decree of divorce ordering support enters judgment for an amount of support to be paid by such noncustodial parent, the Department shall be subrogated to the debt created by such order, and said money judgment shall be deemed to be in favor of the Department. In any judicial proceeding brought by an attorney on behalf of the Department pursuant to this section to enforce a support obligation in which the Department prevails, attorney's fees shall be assessed pursuant to § 63.2-1960.

The Department shall have the authority to pursue establishment and enforcement actions against the person responsible for support after the closure of the public assistance case unless the custodial parent notifies the Department in writing that child support enforcement services are no longer desired.

Debt created by an administrative support order under this section shall not be incurred by nor at any time be collected from a noncustodial parent who is the recipient of public assistance moneys for the benefit of minor dependent children for the period such person or persons are in such status. Recipients of federal supplemental security income shall not be subject to the establishment of an administrative support order while they receive benefits from that source.

2. That § 63.2-604 of the Code of Virginia is repealed.

CHAPTER 551

An Act to amend and reenact §§ 24.2-955, 24.2-955.1, 24.2-957, and 24.2-958 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 9.5 of Title 24.2 an article numbered 6, consisting of a section numbered 24.2-960, relating to political campaign advertisements; applicability of disclosure requirements to advertisements placed or promoted for a fee on an online platform; identification and certification requirements.

[H 849]

Approved March 31, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-955, 24.2-955.1, 24.2-957, and 24.2-958 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Chapter 9.5 of Title 24.2 an article numbered 6, consisting of a section numbered 24.2-960, as follows:

§ 24.2-955. Scope of disclosure requirements.

The disclosure requirements of this chapter apply to any sponsor of an advertisement in the print media ~~or~~, on radio or television, *or placed or promoted for a fee on an online platform*, the cost or value of which constitutes an expenditure or contribution required to be disclosed under Chapter 9.3 (§ 24.2-945 et seq.) except that the disclosure requirements of this chapter do not apply to (i) an individual who makes independent expenditures aggregating less than \$1,000 in an election cycle for or against a candidate for statewide office or less than \$200 in an election cycle for or against a candidate for any other office or (ii) an individual who incurs expenses only with respect to a referendum.

§ 24.2-955.1. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Advertisement" means any message appearing in the print media, on television, ~~or~~ on radio, *or on an online platform*, that constitutes a contribution or expenditure under Chapter 9.3 (§ 24.2-945 et seq.). "Advertisement" shall not include novelty items authorized by a candidate including, but not limited to, pens, pencils, magnets, and buttons to be attached to wearing apparel.

"Authorized by _____" means the same as "authorization" as defined in § 24.2-945.1.

"Campaign telephone calls" means a series of telephone calls, electronic or otherwise, made (i) to 25 or more telephone numbers in the Commonwealth, (ii) during the 180 days before a general or special election or during the 90 days before a primary or other political party nominating event, (iii) conveying or soliciting information relating to any candidate or political party participating in the election, primary or other nominating event, and (iv) under an agreement to compensate the telephone callers.

"Candidate" means "candidate" as defined in § 24.2-101.

"Candidate campaign committee" or "campaign committee" means "campaign committee" as defined in § 24.2-945.1.

"Coordinated" or "coordination" means an expenditure that is made (i) at the express request or suggestion of a candidate, a candidate's campaign committee, or an agent of the candidate or his campaign committee or (ii) with material involvement of the candidate, a candidate's campaign committee, or an agent of the candidate or his campaign committee in devising the strategy, content, means of dissemination, or timing of the expenditure.

"Conspicuous" means so written, displayed, or communicated that a reasonable person ought to have noticed it.

"Full-screen" means the only picture appearing on the television screen during the oral disclosure statement that (i) contains the disclosing person, (ii) occupies all visible space on the television screen, and (iii) contains the image of the disclosing person that occupies at least 50% of the vertical height of the television screen.

"Independent expenditure" means "independent expenditure" as defined in § 24.2-945.1.

"Occurrence" means one broadcast of a radio or television political campaign advertisement.

"Online platform" means any public-facing website, web application, or digital application, including a social network, ad network, or search engine, that sells advertisements.

"Online political advertisement" means an advertisement that is placed or promoted for a fee on an online platform.

"Online political advertiser" means any person who purchases an advertisement from an online platform or promotes an advertisement on an online platform for a fee.

"Political action committee" means "political action committee" as defined in § 24.2-945.1.

"Political committee" means "political committee" as defined in § 24.2-945.1.

"Political party" has the same meaning as "party" or "political party" as defined in § 24.2-101.

"Political party committee" means any state political party committee, congressional district political party committee, county or city political party committee, or organized political party group of elected officials. The term shall not include any other organization or auxiliary associated with or using the name of a political party.

"Print media" means billboards, cards, newspapers, newspaper inserts, magazines, printed material disseminated through the mail, pamphlets, fliers, bumper stickers, periodicals, ~~website~~ *websites*, electronic mail, *non-video or non-audio messages placed or promoted for a fee on an online platform*, yard signs, and outdoor advertising facilities. If a single print media advertisement consists of multiple pages, folds, or faces, the disclosure requirement of this section applies only to one page, fold, or face.

"Radio" means any radio broadcast station that is subject to the provisions of 47 U.S.C. §§ 315 and 317.

"Scan line" means a standard term of measurement used in the electronic media industry calculating a certain area in a television advertisement.

"Sponsor" means a candidate, candidate campaign committee, political committee, or person that purchases an advertisement.

"Television" means any television broadcast station, cable television system, wireless-cable multipoint distribution system, satellite company, or telephone company transmitting video programming that is subject to the provisions of 47 U.S.C. §§ 315 and 317.

"Unobscured" means that the only printed material that may appear on the television screen is a visual disclosure statement required by law, and that nothing is blocking the view of the disclosing person's face.

"Yard sign" means a sign paid for or distributed by a candidate, campaign committee, or political committee to be placed on public or private property. Yard signs paid for or distributed prior to July 1, 2015, shall not be subject to the provisions of §§ 24.2-956 and 24.2-956.1.

Article 3.

Television and Certain Video Advertisement Requirements.

§ 24.2-957. General provisions; applicability to advertisements in video format.

A. Television outlets *and online platforms* shall not be liable under this article for carriage of political advertisements that fail to include the disclosure requirements provided for in this article. This provision supersedes any contrary provisions of the Code of Virginia.

B. If the sponsor does not have the option of controlling the audio, if any, heard during the television advertisement, the disclosure requirements shall be the same as for print media.

C. The person accepting an advertisement for a television outlet shall require, and for one year shall retain a copy of, proof of identity of the person who submits the advertisement for broadcast. Proof of identity shall be submitted either (i) in person and include a valid Virginia driver's license, or any other identification card issued by a government agency of the Commonwealth, one of its political subdivisions, or the United States, or (ii) other than in person, in which case, the person submitting the advertisement shall provide a telephone number and the person accepting the advertisement may phone the person to verify the validity of the person's identifying information before broadcasting the advertisement.

D. Any disclosure statement required by this article shall be displayed in a conspicuous manner.

E. *An advertisement that is in video format and is placed or promoted for a fee on an online platform shall be subject to the same disclosure requirements to which television advertisements are subject pursuant to this article.*

Article 4.

Radio and Certain Audio Advertisement Requirements.

§ 24.2-958. General provisions; applicability to advertisements in audio format.

A. Radio outlets *and online platforms* shall not be liable under this article for carriage of political advertisements that fail to include the disclosure requirements provided for in this article. This provision supersedes any contrary provisions of the Code of Virginia.

B. The person accepting an advertisement for a radio outlet shall require, and for one year shall retain a copy of, proof of identity of the person who submits the advertisement for broadcast. Proof of identity shall be submitted either (i) in person and include a valid Virginia driver's license, or any other identification card issued by a government agency of the Commonwealth, one of its political subdivisions, or the United States, or (ii) other than in person, in which case, the person submitting the advertisement shall provide a telephone number and the person accepting the advertisement may phone the person to verify the validity of the person's identifying information before broadcasting the advertisement.

C. Any disclosure statement required by this section shall be communicated in a conspicuous manner.

D. *An advertisement that is in audio format and is placed or promoted for a fee on an online platform shall be subject to the same disclosure requirements to which radio advertisements are subject pursuant to this article.*

Article 6.

Online Political Advertisements.

§ 24.2-960. Identification and certification by online political advertisers.

A. *Prior to purchasing an online political advertisement from or promoting an online political advertisement on an online platform, a person shall identify himself to the online platform as an online political advertiser and certify to the online platform that he is permitted under state and local laws to lawfully purchase or promote for a fee online political advertisements.*

B. *An online platform shall establish reasonable procedures to enable online political advertisers to comply with the identification and certification requirements of subsection A.*

C. *An online platform may rely in good faith on the information provided by online political advertisers under this section when selling online political advertisements to online political advertisers.*

CHAPTER 552

An Act to repeal the third enactment of Chapter 790 of the Acts of Assembly of 2018, relating to prescription requirements; treatment of sexually transmitted diseases; sunset.

[H 1013]

Approved March 31, 2020

Be it enacted by the General Assembly of Virginia:

1. That the third enactment of Chapter 790 of the Acts of Assembly of 2018 is repealed.

CHAPTER 553

An Act to require the Department of Aging and Rehabilitative Services and law-enforcement agencies in the Commonwealth to make information about vocational rehabilitation programs and employment services available to certain law-enforcement officers.

[H 1025]

Approved March 31, 2020

Be it enacted by the General Assembly of Virginia:

1. § 1. That the Department for Aging and Rehabilitative Services shall make information regarding vocational rehabilitation programs and employment services available to assist former law-enforcement officers who have a disability as a result of their service with preparing for, obtaining, and maintaining suitable employment, including information on the types of programs available and the process by which former law-enforcement officers who have a disability as a result of their service can access such programs and services, available to law-enforcement agencies in the Commonwealth.

§ 2. That every law-enforcement agency in the Commonwealth shall provide to every law-enforcement officer who separates from the agency due to a disability resulting from his service information regarding vocational rehabilitation programs and employment services available to assist former law-enforcement officers who have a disability as a result of their service with preparing for, obtaining, and maintaining suitable employment, including information on the types of programs available and the process by which such law-enforcement officers may access such programs and services.

CHAPTER 554

An Act to amend and reenact § 24.2-955.1 of the Code of Virginia, relating to elections; political campaign advertisements; definition of campaign telephone calls and telephone call; text messages.

[H 1062]

Approved March 31, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 24.2-955.1 of the Code of Virginia is amended and reenacted as follows:

§ 24.2-955.1. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Advertisement" means any message appearing in the print media, on television, or on radio that constitutes a contribution or expenditure under Chapter 9.3 (§ 24.2-945 et seq.). "Advertisement" shall not include novelty items authorized by a candidate including, but not limited to, pens, pencils, magnets, and buttons to be attached to wearing apparel.

"Authorized by _____" means the same as "authorization" as defined in § 24.2-945.1.

"Campaign telephone calls" means a series of telephone calls *or text messages*, electronic or otherwise, made (i) to 25 or more telephone numbers in the Commonwealth, (ii) during the 180 days before a general or special election or during the 90 days before a primary or other political party nominating event, (iii) conveying or soliciting information relating to any candidate or political party participating in the election, primary, or other nominating event, and (iv) under an agreement to compensate the telephone callers.

"Candidate" means "candidate" as defined in § 24.2-101.

"Candidate campaign committee" or "campaign committee" means "campaign committee" as defined in § 24.2-945.1.

"Coordinated" or "coordination" means an expenditure that is made (i) at the express request or suggestion of a candidate, a candidate's campaign committee, or an agent of the candidate or his campaign committee or (ii) with material involvement of the candidate, a candidate's campaign committee, or an agent of the candidate or his campaign committee in devising the strategy, content, means of dissemination, or timing of the expenditure.

"Conspicuous" means so written, displayed, or communicated that a reasonable person ought to have noticed it.

"Full-screen" means the only picture appearing on the television screen during the oral disclosure statement that (i) contains the disclosing person, (ii) occupies all visible space on the television screen, and (iii) contains the image of the disclosing person that occupies at least 50% of the vertical height of the television screen.

"Independent expenditure" means "independent expenditure" as defined in § 24.2-945.1.

"Occurrence" means one broadcast of a radio or television political campaign advertisement.

"Political action committee" means "political action committee" as defined in § 24.2-945.1.

"Political committee" means "political committee" as defined in § 24.2-945.1.

"Political party" has the same meaning as "party" or "political party" as defined in § 24.2-101.

"Political party committee" means any state political party committee, congressional district political party committee, county or city political party committee, or organized political party group of elected officials. The term shall not include any other organization or auxiliary associated with or using the name of a political party.

"Print media" means billboards, cards, newspapers, newspaper inserts, magazines, printed material disseminated through the mail, pamphlets, fliers, bumper stickers, periodicals, website, electronic mail, yard signs, and outdoor advertising facilities. If a single print media advertisement consists of multiple pages, folds, or faces, the disclosure requirement of this section applies only to one page, fold, or face.

"Radio" means any radio broadcast station that is subject to the provisions of 47 U.S.C. §§ 315 and 317.

"Scan line" means a standard term of measurement used in the electronic media industry calculating a certain area in a television advertisement.

"Sponsor" means a candidate, candidate campaign committee, political committee, or person that purchases an advertisement.

"Telephone call" means any single telephone call or text message, electronic or otherwise, that when combined with other telephone calls or text messages constitutes campaign telephone calls.

"Television" means any television broadcast station, cable television system, wireless-cable multipoint distribution system, satellite company, or telephone company transmitting video programming that is subject to the provisions of 47 U.S.C. §§ 315 and 317.

"Unobscured" means that the only printed material that may appear on the television screen is a visual disclosure statement required by law, and that nothing is blocking the view of the disclosing person's face.

"Yard sign" means a sign paid for or distributed by a candidate, campaign committee, or political committee to be placed on public or private property. Yard signs paid for or distributed prior to July 1, 2015, shall not be subject to the provisions of §§ 24.2-956 and 24.2-956.1.

CHAPTER 555

An Act to amend and reenact § 2.2-1204 of the Code of Virginia, relating to health insurance program for local government employees; transit companies.

[H 1106]

Approved March 31, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-1204 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-1204. Health insurance program for employees of local governments, local officers, teachers, etc.; definitions.

A. The Department shall establish a plan or plans, hereinafter "plan" or "plans," subject to the approval of the Governor, for providing health insurance coverage for employees of local governments, local officers, teachers, and retirees, and the dependents of such employees, officers, teachers, and retirees. The plan or plans shall be rated separately from the plan established pursuant to § 2.2-2818 to provide health and related insurance coverage for state employees. Participation in such insurance plan or plans shall be (i) voluntary, (ii) approved by the participant's respective governing body, or by the local school board in the case of teachers, and (iii) subject to regulations adopted by the Department. In addition, at the option of a governing body or school board that has elected to participate in the health insurance plan or plans offered by the Department, the governing body or school board may elect to participate in the voluntary employee-pay-all long-term care program offered by the Commonwealth.

B. The plan or plans established by the Department, one of which may be similar to the state employee plan, shall satisfy the requirements of the Virginia Public Procurement Act (§ 2.2-4300 et seq.), shall consist of a flexible benefits structure that permits the creation of multiple plans of benefits, and may provide for single or separate rating groups based upon criteria established by the Department. The Department shall adopt regulations regarding the establishment of such a plan or plans, including, but not limited to, requirements for eligibility, participation, access and egress, mandatory employer contributions and financial reserves, adverse experience adjustments, and the administration of the plan or plans. The Department may engage the services of other professional advisors and vendors as necessary for the prudent administration of the plan or plans. The assets of the plan or plans, together with all appropriations, premiums, and other payments, shall be deposited in the employee health insurance fund, from which payments for claims, premiums, cost containment programs, and administrative expenses shall be withdrawn from time to time. The assets of the fund shall be held for the sole benefit of the employee health insurance fund. The fund shall be held in the state treasury. Any interest on unused balances in the fund shall revert back to the credit of the fund. The State Treasurer shall charge reasonable fees to recover the actual costs of investing the assets of the plan or plans.

In establishing the participation requirements, the Department may provide that those employees, officers, and teachers without access to employer-sponsored health care coverage may participate in the plan. It shall collect all premiums directly from the employers of such employees, officers, and teachers.

C. In the event that the financial reserves of the plan fall to an unacceptably low level as determined by the Department, it shall have the authority to secure from the State Treasurer a loan sufficient to raise the reserve level to one that is considered adequate. The State Treasurer may make such a loan, to be repaid on such terms and conditions as established by him.

D. For the purposes of this section:

"Employees of local governments" ~~shall include~~ *includes* all officers and employees of the governing body of any county, city, or town, and the directing or governing body of any political entity, subdivision, branch, or unit of the Commonwealth or of any commission or public authority or body corporate created by or under an act of the General Assembly specifying the power or powers, privileges, or authority capable of exercise by the commission or public authority or body corporate, as distinguished from § 15.2-1300, 15.2-1303, or similar statutes, provided that the officers and employees of a *transit company*, social services department, welfare board, community services board or behavioral health authority, or library board of a county, city, or town shall be deemed to be employees of local government. For purposes of this section, private nonprofit organizations are not governmental agencies or instrumentalities.

"Local officer" means the treasurer, registrar, commissioner of the revenue, attorney for the Commonwealth, clerk of a circuit court, sheriff, or constable of any county or city or deputies or employees of any of the preceding local officers.

"Teacher" means any employee of a county, city, or other local public school board.

"Transit company" means a public service corporation, as defined in § 56-1, that is wholly owned by any county, city, or town, or any combination thereof, that provides public transportation services.

2. That nothing in this act shall be construed to authorize the participation of any entity in the local choice health plan that would jeopardize the status of the plan as a governmental plan under the federal Employee Retirement Income Security Act (ERISA).

CHAPTER 556

An Act to amend and reenact §§ 8.01-225 and 54.1-3408 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 54.1-3408.5, relating to epinephrine; required in certain public places.

[H 1147]

Approved March 31, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 8.01-225 and 54.1-3408 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 54.1-3408.5 as follows:

§ 8.01-225. Persons rendering emergency care, obstetrical services exempt from liability.

A. Any person who:

1. In good faith, renders emergency care or assistance, without compensation, to any ill or injured person (i) at the scene of an accident, fire, or any life-threatening emergency; (ii) at a location for screening or stabilization of an emergency medical condition arising from an accident, fire, or any life-threatening emergency; or (iii) en route to any hospital, medical clinic, or doctor's office, shall not be liable for any civil damages for acts or omissions resulting from the rendering of such care or assistance. For purposes of this subdivision, emergency care or assistance includes the forcible entry of a motor vehicle in order to remove an unattended minor at risk of serious bodily injury or death, provided the person has attempted to contact a law-enforcement officer, as defined in § 9.1-101, a firefighter, as defined in § 65.2-102, emergency medical services personnel, as defined in § 32.1-111.1, or an emergency 911 system, if feasible under the circumstances.

2. In the absence of gross negligence, renders emergency obstetrical care or assistance to a female in active labor who has not previously been cared for in connection with the pregnancy by such person or by another professionally associated with such person and whose medical records are not reasonably available to such person shall not be liable for any civil damages for acts or omissions resulting from the rendering of such emergency care or assistance. The immunity herein granted shall apply only to the emergency medical care provided.

3. In good faith and without compensation, including any emergency medical services provider who holds a valid certificate issued by the Commissioner of Health, administers epinephrine in an emergency to an individual shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment if such person has reason to believe that the individual receiving the injection is suffering or is about to suffer a life-threatening anaphylactic reaction.

4. Provides assistance upon request of any police agency, fire department, emergency medical services agency, or governmental agency in the event of an accident or other emergency involving the use, handling, transportation, transmission, or storage of liquefied petroleum gas, liquefied natural gas, hazardous material, or hazardous waste as defined in § 10.1-1400 or regulations of the Virginia Waste Management Board shall not be liable for any civil damages resulting from any act of commission or omission on his part in the course of his rendering such assistance in good faith.

5. Is an emergency medical services provider possessing a valid certificate issued by authority of the State Board of Health who in good faith renders emergency care or assistance, whether in person or by telephone or other means of communication, without compensation, to any injured or ill person, whether at the scene of an accident, fire, or any other place, or while transporting such injured or ill person to, from, or between any hospital, medical facility, medical clinic, doctor's office, or other similar or related medical facility, shall not be liable for any civil damages for acts or omissions resulting from the rendering of such emergency care, treatment, or assistance, including but in no way limited to acts or omissions which involve violations of State Department of Health regulations or any other state regulations in the rendering of such emergency care or assistance.

6. In good faith and without compensation, renders or administers emergency cardiopulmonary resuscitation (CPR); cardiac defibrillation, including, but not limited to, the use of an automated external defibrillator (AED); or other emergency life-sustaining or resuscitative treatments or procedures which have been approved by the State Board of Health to any sick or injured person, whether at the scene of a fire, an accident, or any other place, or while transporting such person to or from any hospital, clinic, doctor's office, or other medical facility, shall be deemed qualified to administer such emergency treatments and procedures and shall not be liable for acts or omissions resulting from the rendering of such emergency resuscitative treatments or procedures.

7. Operates an AED at the scene of an emergency, trains individuals to be operators of AEDs, or orders AEDs, shall be immune from civil liability for any personal injury that results from any act or omission in the use of an AED in an

emergency where the person performing the defibrillation acts as an ordinary, reasonably prudent person would have acted under the same or similar circumstances, unless such personal injury results from gross negligence or willful or wanton misconduct of the person rendering such emergency care.

8. Maintains an AED located on real property owned or controlled by such person shall be immune from civil liability for any personal injury that results from any act or omission in the use in an emergency of an AED located on such property unless such personal injury results from gross negligence or willful or wanton misconduct of the person who maintains the AED or his agent or employee.

9. Is an employee of a school board or of a local health department approved by the local governing body to provide health services pursuant to § 22.1-274 who, while on school property or at a school-sponsored event, (i) renders emergency care or assistance to any sick or injured person; (ii) renders or administers emergency cardiopulmonary resuscitation (CPR); cardiac defibrillation, including, but not limited to, the use of an automated external defibrillator (AED); or other emergency life-sustaining or resuscitative treatments or procedures that have been approved by the State Board of Health to any sick or injured person; (iii) operates an AED, trains individuals to be operators of AEDs, or orders AEDs; or (iv) maintains an AED, shall not be liable for civil damages for ordinary negligence in acts or omissions on the part of such employee while engaged in the acts described in this subdivision.

10. Is a volunteer in good standing and certified to render emergency care by the National Ski Patrol System, Inc., who, in good faith and without compensation, renders emergency care or assistance to any injured or ill person, whether at the scene of a ski resort rescue, outdoor emergency rescue, or any other place or while transporting such injured or ill person to a place accessible for transfer to any available emergency medical system unit, or any resort owner voluntarily providing a ski patroller employed by him to engage in rescue or recovery work at a resort not owned or operated by him, shall not be liable for any civil damages for acts or omissions resulting from the rendering of such emergency care, treatment, or assistance, including but not limited to acts or omissions which involve violations of any state regulation or any standard of the National Ski Patrol System, Inc., in the rendering of such emergency care or assistance, unless such act or omission was the result of gross negligence or willful misconduct.

11. Is an employee of (i) a school board, (ii) a school for students with disabilities as defined in § 22.1-319 licensed by the Board of Education, or (iii) a private school accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education and is authorized by a prescriber and trained in the administration of insulin and glucagon, who, upon the written request of the parents as defined in § 22.1-1, assists with the administration of insulin or, in the case of a school board employee, with the insertion or reinsertion of an insulin pump or any of its parts pursuant to subsection B of § 22.1-274.01:1 or administers glucagon to a student diagnosed as having diabetes who requires insulin injections during the school day or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment if the insulin is administered according to the child's medication schedule or such employee has reason to believe that the individual receiving the glucagon is suffering or is about to suffer life-threatening hypoglycemia. Whenever any such employee is covered by the immunity granted herein, the school board or school employing him shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such insulin or glucagon treatment.

12. Is an employee of a public institution of higher education or a private institution of higher education who is authorized by a prescriber and trained in the administration of insulin and glucagon, who assists with the administration of insulin or administers glucagon to a student diagnosed as having diabetes who requires insulin injections or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment if the insulin is administered according to the student's medication schedule or such employee has reason to believe that the individual receiving the glucagon is suffering or is about to suffer life-threatening hypoglycemia. Whenever any employee is covered by the immunity granted in this subdivision, the institution shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such insulin or glucagon treatment.

13. Is a school nurse, an employee of a school board, an employee of a local governing body, or an employee of a local health department who is authorized by a prescriber and trained in the administration of epinephrine and who provides, administers, or assists in the administration of epinephrine to a student believed in good faith to be having an anaphylactic reaction, or is the prescriber of the epinephrine, shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment.

14. Is an employee of a school for students with disabilities, as defined in § 22.1-319 and licensed by the Board of Education, or an employee of a private school that is accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education who is authorized by a prescriber and trained in the administration of epinephrine and who administers or assists in the administration of epinephrine to a student believed in good faith to be having an anaphylactic reaction, or is the prescriber of the epinephrine, shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment. Whenever any employee is covered by the immunity granted in this subdivision, the school shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from such administration or assistance.

15. Is an employee of a public institution of higher education or a private institution of higher education who is authorized by a prescriber and trained in the administration of epinephrine and who administers or assists in the

administration of epinephrine to a student believed in good faith to be having an anaphylactic reaction, or is the prescriber of the epinephrine, shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment. Whenever any employee is covered by the immunity granted in this subdivision, the institution shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from such administration or assistance.

16. Is an employee of an organization providing outdoor educational experiences or programs for youth who is authorized by a prescriber and trained in the administration of epinephrine and who administers or assists in the administration of epinephrine to a participant in the outdoor experience or program for youth believed in good faith to be having an anaphylactic reaction, or is the prescriber of the epinephrine, shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment. Whenever any employee is covered by the immunity granted in this subdivision, the organization shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from such administration or assistance.

17. Is an employee of a provider licensed by the Department of Behavioral Health and Developmental Services, or provides services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services, who has been trained in the administration of insulin and glucagon and who administers or assists with the administration of insulin or administers glucagon to a person diagnosed as having diabetes who requires insulin injections or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia in accordance with § 54.1-3408 shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment if the insulin is administered in accordance with the prescriber's instructions or such person has reason to believe that the individual receiving the glucagon is suffering or is about to suffer life-threatening hypoglycemia. Whenever any employee of a provider licensed by the Department of Behavioral Health and Developmental Services or a person who provides services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services is covered by the immunity granted herein, the provider shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such insulin or glucagon treatment.

18. Is an employee of a provider licensed by the Department of Behavioral Health and Developmental Services, or provides services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services, who has been trained in the administration of epinephrine and who administers or assists in the administration of epinephrine to a person believed in good faith to be having an anaphylactic reaction in accordance with the prescriber's instructions shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment.

19. In good faith prescribes, dispenses, or administers naloxone or other opioid antagonist used for overdose reversal in an emergency to an individual who is believed to be experiencing or about to experience a life-threatening opiate overdose shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment if acting in accordance with the provisions of subsection X or Y of § 54.1-3408 or in his role as a member of an emergency medical services agency.

20. Is an employee of a school board, school for students with disabilities as defined in § 22.1-319 licensed by the Board of Education, or private school accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education who is trained in the administration of injected medications for the treatment of adrenal crisis resulting from a condition causing adrenal insufficiency and who administers or assists in the administration of such medications to a student diagnosed with a condition causing adrenal insufficiency when the student is believed to be experiencing or about to experience an adrenal crisis pursuant to a written order or standing protocol issued by a prescriber within the course of his professional practice and in accordance with the prescriber's instructions shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment.

21. Is an employee of a public place, as defined in § 15.2-2820, who is authorized by a prescriber and trained in the administration of epinephrine and who administers or assists in the administration of epinephrine to a person present in the public place believed in good faith to be having an anaphylactic reaction, or is the prescriber of the epinephrine, shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment. Whenever any employee is covered by the immunity granted in this subdivision, the organization shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from such administration or assistance.

B. Any licensed physician serving without compensation as the operational medical director for an emergency medical services agency that holds a valid license as an emergency medical services agency issued by the Commissioner of Health shall not be liable for any civil damages for any act or omission resulting from the rendering of emergency medical services in good faith by the personnel of such licensed agency unless such act or omission was the result of such physician's gross negligence or willful misconduct.

Any person serving without compensation as a dispatcher for any licensed public or nonprofit emergency medical services agency in the Commonwealth shall not be liable for any civil damages for any act or omission resulting from the rendering of emergency services in good faith by the personnel of such licensed agency unless such act or omission was the result of such dispatcher's gross negligence or willful misconduct.

Any individual, certified by the State Office of Emergency Medical Services as an emergency medical services instructor and pursuant to a written agreement with such office, who, in good faith and in the performance of his duties, provides instruction to persons for certification or recertification as a certified basic life support or advanced life support

emergency medical services provider shall not be liable for any civil damages for acts or omissions on his part directly relating to his activities on behalf of such office unless such act or omission was the result of such emergency medical services instructor's gross negligence or willful misconduct.

Any licensed physician serving without compensation as a medical advisor to an E-911 system in the Commonwealth shall not be liable for any civil damages for any act or omission resulting from rendering medical advice in good faith to establish protocols to be used by the personnel of the E-911 service, as defined in § 58.1-1730, when answering emergency calls unless such act or omission was the result of such physician's gross negligence or willful misconduct.

Any licensed physician who directs the provision of emergency medical services, as authorized by the State Board of Health, through a communications device shall not be liable for any civil damages for any act or omission resulting from the rendering of such emergency medical services unless such act or omission was the result of such physician's gross negligence or willful misconduct.

Any licensed physician serving without compensation as a supervisor of an AED in the Commonwealth shall not be liable for any civil damages for any act or omission resulting from rendering medical advice in good faith to the owner of the AED relating to personnel training, local emergency medical services coordination, protocol approval, AED deployment strategies, and equipment maintenance plans and records unless such act or omission was the result of such physician's gross negligence or willful misconduct.

C. Any communications services provider, as defined in § 58.1-647, including mobile service, and any provider of Voice-over-Internet Protocol service, in the Commonwealth shall not be liable for any civil damages for any act or omission resulting from rendering such service with or without charge related to emergency calls unless such act or omission was the result of such service provider's gross negligence or willful misconduct.

Any volunteer engaging in rescue or recovery work at a mine, or any mine operator voluntarily providing personnel to engage in rescue or recovery work at a mine not owned or operated by such operator, shall not be liable for civil damages for acts or omissions resulting from the rendering of such rescue or recovery work in good faith unless such act or omission was the result of gross negligence or willful misconduct. For purposes of this subsection, "Voice-over-Internet Protocol service" or "VoIP service" means any Internet protocol-enabled services utilizing a broadband connection, actually originating or terminating in Internet Protocol from either or both ends of a channel of communication offering real time, multidirectional voice functionality, including, but not limited to, services similar to traditional telephone service.

D. Nothing contained in this section shall be construed to provide immunity from liability arising out of the operation of a motor vehicle.

E. For the purposes of this section, "compensation" shall not be construed to include (i) the salaries of police, fire, or other public officials or personnel who render such emergency assistance; (ii) the salaries or wages of employees of a coal producer engaging in emergency medical services or first aid services pursuant to the provisions of § 45.1-161.38, 45.1-161.101, 45.1-161.199, or 45.1-161.263; (iii) complimentary lift tickets, food, lodging, or other gifts provided as a gratuity to volunteer members of the National Ski Patrol System, Inc., by any resort, group, or agency; (iv) the salary of any person who (a) owns an AED for the use at the scene of an emergency, (b) trains individuals, in courses approved by the Board of Health, to operate AEDs at the scene of emergencies, (c) orders AEDs for use at the scene of emergencies, or (d) operates an AED at the scene of an emergency; or (v) expenses reimbursed to any person providing care or assistance pursuant to this section.

For the purposes of this section, "emergency medical services provider" shall include a person licensed or certified as such or its equivalent by any other state when he is performing services that he is licensed or certified to perform by such other state in caring for a patient in transit in the Commonwealth, which care originated in such other state.

Further, the public shall be urged to receive training on how to use CPR and an AED in order to acquire the skills and confidence to respond to emergencies using both CPR and an AED.

§ 54.1-3408. Professional use by practitioners.

A. A practitioner of medicine, osteopathy, podiatry, dentistry, or veterinary medicine or a licensed nurse practitioner pursuant to § 54.1-2957.01, a licensed physician assistant pursuant to § 54.1-2952.1, or a TPA-certified optometrist pursuant to Article 5 (§ 54.1-3222 et seq.) of Chapter 32 shall only prescribe, dispense, or administer controlled substances in good faith for medicinal or therapeutic purposes within the course of his professional practice.

B. The prescribing practitioner's order may be on a written prescription or pursuant to an oral prescription as authorized by this chapter. The prescriber may administer drugs and devices, or he may cause drugs or devices to be administered by:

1. A nurse, physician assistant, or intern under his direction and supervision;
2. Persons trained to administer drugs and devices to patients in state-owned or state-operated hospitals or facilities licensed as hospitals by the Board of Health or psychiatric hospitals licensed by the Department of Behavioral Health and Developmental Services who administer drugs under the control and supervision of the prescriber or a pharmacist;
3. Emergency medical services personnel certified and authorized to administer drugs and devices pursuant to regulations of the Board of Health who act within the scope of such certification and pursuant to an oral or written order or standing protocol; or
4. A licensed respiratory therapist as defined in § 54.1-2954 who administers by inhalation controlled substances used in inhalation or respiratory therapy.

C. Pursuant to an oral or written order or standing protocol, the prescriber, who is authorized by state or federal law to possess and administer radiopharmaceuticals in the scope of his practice, may authorize a nuclear medicine technologist to administer, under his supervision, radiopharmaceuticals used in the diagnosis or treatment of disease.

D. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize registered nurses and licensed practical nurses to possess (i) epinephrine and oxygen for administration in treatment of emergency medical conditions and (ii) heparin and sterile normal saline to use for the maintenance of intravenous access lines.

Pursuant to the regulations of the Board of Health, certain emergency medical services technicians may possess and administer epinephrine in emergency cases of anaphylactic shock.

Pursuant to an order or standing protocol issued by the prescriber within the course of his professional practice, any school nurse, school board employee, employee of a local governing body, or employee of a local health department who is authorized by a prescriber and trained in the administration of epinephrine may possess and administer epinephrine.

Pursuant to an order or a standing protocol issued by the prescriber within the course of his professional practice, any employee of a school for students with disabilities, as defined in § 22.1-319 and licensed by the Board of Education, or any employee of a private school that is accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education who is authorized by a prescriber and trained in the administration of epinephrine may possess and administer epinephrine.

Pursuant to an order or a standing protocol issued by the prescriber within the course of his professional practice, any employee of a public institution of higher education or a private institution of higher education who is authorized by a prescriber and trained in the administration of epinephrine may possess and administer epinephrine.

Pursuant to an order or a standing protocol issued by the prescriber within the course of his professional practice, any employee of an organization providing outdoor educational experiences or programs for youth who is authorized by a prescriber and trained in the administration of epinephrine may possess and administer epinephrine.

Pursuant to an order issued by the prescriber within the course of his professional practice, an employee of a provider licensed by the Department of Behavioral Health and Developmental Services or a person providing services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services may possess and administer epinephrine, provided such person is authorized and trained in the administration of epinephrine.

Pursuant to an order or standing protocol issued by the prescriber within the course of his professional practice, any employee of a public place, as defined in § 15.2-2820, who is authorized by a prescriber and trained in the administration of epinephrine may possess and administer epinephrine.

Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize pharmacists to possess epinephrine and oxygen for administration in treatment of emergency medical conditions.

E. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize licensed physical therapists to possess and administer topical corticosteroids, topical lidocaine, and any other Schedule VI topical drug.

F. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize licensed athletic trainers to possess and administer topical corticosteroids, topical lidocaine, or other Schedule VI topical drugs; oxygen for use in emergency situations; and epinephrine for use in emergency cases of anaphylactic shock.

G. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, and in accordance with policies and guidelines established by the Department of Health pursuant to § 32.1-50.2, such prescriber may authorize registered nurses or licensed practical nurses under the supervision of a registered nurse to possess and administer tuberculin purified protein derivative (PPD) in the absence of a prescriber. The Department of Health's policies and guidelines shall be consistent with applicable guidelines developed by the Centers for Disease Control and Prevention for preventing transmission of mycobacterium tuberculosis and shall be updated to incorporate any subsequently implemented standards of the Occupational Safety and Health Administration and the Department of Labor and Industry to the extent that they are inconsistent with the Department of Health's policies and guidelines. Such standing protocols shall explicitly describe the categories of persons to whom the tuberculin test is to be administered and shall provide for appropriate medical evaluation of those in whom the test is positive. The prescriber shall ensure that the nurse implementing such standing protocols has received adequate training in the practice and principles underlying tuberculin screening.

The Health Commissioner or his designee may authorize registered nurses, acting as agents of the Department of Health, to possess and administer, at the nurse's discretion, tuberculin purified protein derivative (PPD) to those persons in whom tuberculin skin testing is indicated based on protocols and policies established by the Department of Health.

H. Pursuant to a written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize, with the consent of the parents as defined in § 22.1-1, an employee of (i) a school board, (ii) a school for students with disabilities as defined in § 22.1-319 licensed by the Board of Education, or (iii) a private school accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education who is trained in the administration of insulin and glucagon to assist with the administration of insulin or administer glucagon to a student diagnosed as having diabetes and who requires insulin injections during the school day or for whom glucagon has been

prescribed for the emergency treatment of hypoglycemia. Such authorization shall only be effective when a licensed nurse, nurse practitioner, physician, or physician assistant is not present to perform the administration of the medication.

Pursuant to a written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize an employee of a public institution of higher education or a private institution of higher education who is trained in the administration of insulin and glucagon to assist with the administration of insulin or administration of glucagon to a student diagnosed as having diabetes and who requires insulin injections or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia. Such authorization shall only be effective when a licensed nurse, nurse practitioner, physician, or physician assistant is not present to perform the administration of the medication.

Pursuant to a written order issued by the prescriber within the course of his professional practice, such prescriber may authorize an employee of a provider licensed by the Department of Behavioral Health and Developmental Services or a person providing services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services to assist with the administration of insulin or to administer glucagon to a person diagnosed as having diabetes and who requires insulin injections or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia, provided such employee or person providing services has been trained in the administration of insulin and glucagon.

I. A prescriber may authorize, pursuant to a protocol approved by the Board of Nursing, the administration of vaccines to adults for immunization, when a practitioner with prescriptive authority is not physically present, by (i) licensed pharmacists, (ii) registered nurses, or (iii) licensed practical nurses under the supervision of a registered nurse. A prescriber acting on behalf of and in accordance with established protocols of the Department of Health may authorize the administration of vaccines to any person by a pharmacist, nurse, or designated emergency medical services provider who holds an advanced life support certificate issued by the Commissioner of Health under the direction of an operational medical director when the prescriber is not physically present. The emergency medical services provider shall provide documentation of the vaccines to be recorded in the Virginia Immunization Information System.

J. A dentist may cause Schedule VI topical drugs to be administered under his direction and supervision by either a dental hygienist or by an authorized agent of the dentist.

Further, pursuant to a written order and in accordance with a standing protocol issued by the dentist in the course of his professional practice, a dentist may authorize a dental hygienist under his general supervision, as defined in § 54.1-2722, or his remote supervision, as defined in subsection E or F of § 54.1-2722, to possess and administer topical oral fluorides, topical oral anesthetics, topical and directly applied antimicrobial agents for treatment of periodontal pocket lesions, and any other Schedule VI topical drug approved by the Board of Dentistry.

In addition, a dentist may authorize a dental hygienist under his direction to administer Schedule VI nitrous oxide and oxygen inhalation analgesia and, to persons 18 years of age or older, Schedule VI local anesthesia.

K. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize registered professional nurses certified as sexual assault nurse examiners-A (SANE-A) under his supervision and when he is not physically present to possess and administer preventive medications for victims of sexual assault as recommended by the Centers for Disease Control and Prevention.

L. This section shall not prevent the administration of drugs by a person who has satisfactorily completed a training program for this purpose approved by the Board of Nursing and who administers such drugs in accordance with a prescriber's instructions pertaining to dosage, frequency, and manner of administration, and in accordance with regulations promulgated by the Board of Pharmacy relating to security and record keeping, when the drugs administered would be normally self-administered by (i) an individual receiving services in a program licensed by the Department of Behavioral Health and Developmental Services; (ii) a resident of the Virginia Rehabilitation Center for the Blind and Vision Impaired; (iii) a resident of a facility approved by the Board or Department of Juvenile Justice for the placement of children in need of services or delinquent or alleged delinquent youth; (iv) a program participant of an adult day-care center licensed by the Department of Social Services; (v) a resident of any facility authorized or operated by a state or local government whose primary purpose is not to provide health care services; (vi) a resident of a private children's residential facility, as defined in § 63.2-100 and licensed by the Department of Social Services, Department of Education, or Department of Behavioral Health and Developmental Services; or (vii) a student in a school for students with disabilities, as defined in § 22.1-319 and licensed by the Board of Education.

In addition, this section shall not prevent a person who has successfully completed a training program for the administration of drugs via percutaneous gastrostomy tube approved by the Board of Nursing and been evaluated by a registered nurse as having demonstrated competency in administration of drugs via percutaneous gastrostomy tube from administering drugs to a person receiving services from a program licensed by the Department of Behavioral Health and Developmental Services to such person via percutaneous gastrostomy tube. The continued competency of a person to administer drugs via percutaneous gastrostomy tube shall be evaluated semiannually by a registered nurse.

M. Medication aides registered by the Board of Nursing pursuant to Article 7 (§ 54.1-3041 et seq.) of Chapter 30 may administer drugs that would otherwise be self-administered to residents of any assisted living facility licensed by the Department of Social Services. A registered medication aide shall administer drugs pursuant to this section in accordance with the prescriber's instructions pertaining to dosage, frequency, and manner of administration; in accordance with regulations promulgated by the Board of Pharmacy relating to security and recordkeeping; in accordance with the assisted

living facility's Medication Management Plan; and in accordance with such other regulations governing their practice promulgated by the Board of Nursing.

N. In addition, this section shall not prevent the administration of drugs by a person who administers such drugs in accordance with a physician's instructions pertaining to dosage, frequency, and manner of administration and with written authorization of a parent, and in accordance with school board regulations relating to training, security and record keeping, when the drugs administered would be normally self-administered by a student of a Virginia public school. Training for such persons shall be accomplished through a program approved by the local school boards, in consultation with the local departments of health.

O. In addition, this section shall not prevent the administration of drugs by a person to (i) a child in a child day program as defined in § 63.2-100 and regulated by the State Board of Social Services or a local government pursuant to § 15.2-914, or (ii) a student of a private school that is accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education, provided such person (a) has satisfactorily completed a training program for this purpose approved by the Board of Nursing and taught by a registered nurse, licensed practical nurse, nurse practitioner, physician assistant, doctor of medicine or osteopathic medicine, or pharmacist; (b) has obtained written authorization from a parent or guardian; (c) administers drugs only to the child identified on the prescription label in accordance with the prescriber's instructions pertaining to dosage, frequency, and manner of administration; and (d) administers only those drugs that were dispensed from a pharmacy and maintained in the original, labeled container that would normally be self-administered by the child or student, or administered by a parent or guardian to the child or student.

P. In addition, this section shall not prevent the administration or dispensing of drugs and devices by persons if they are authorized by the State Health Commissioner in accordance with protocols established by the State Health Commissioner pursuant to § 32.1-42.1 when (i) the Governor has declared a disaster or a state of emergency or the United States Secretary of Health and Human Services has issued a declaration of an actual or potential bioterrorism incident or other actual or potential public health emergency; (ii) it is necessary to permit the provision of needed drugs or devices; and (iii) such persons have received the training necessary to safely administer or dispense the needed drugs or devices. Such persons shall administer or dispense all drugs or devices under the direction, control, and supervision of the State Health Commissioner.

Q. Nothing in this title shall prohibit the administration of normally self-administered drugs by unlicensed individuals to a person in his private residence.

R. This section shall not interfere with any prescriber issuing prescriptions in compliance with his authority and scope of practice and the provisions of this section to a Board agent for use pursuant to subsection G of § 18.2-258.1. Such prescriptions issued by such prescriber shall be deemed to be valid prescriptions.

S. Nothing in this title shall prevent or interfere with dialysis care technicians or dialysis patient care technicians who are certified by an organization approved by the Board of Health Professions or persons authorized for provisional practice pursuant to Chapter 27.01 (§ 54.1-2729.1 et seq.), in the ordinary course of their duties in a Medicare-certified renal dialysis facility, from administering heparin, topical needle site anesthetics, dialysis solutions, sterile normal saline solution, and blood volumizers, for the purpose of facilitating renal dialysis treatment, when such administration of medications occurs under the orders of a licensed physician, nurse practitioner, or physician assistant and under the immediate and direct supervision of a licensed registered nurse. Nothing in this chapter shall be construed to prohibit a patient care dialysis technician trainee from performing dialysis care as part of and within the scope of the clinical skills instruction segment of a supervised dialysis technician training program, provided such trainee is identified as a "trainee" while working in a renal dialysis facility.

The dialysis care technician or dialysis patient care technician administering the medications shall have demonstrated competency as evidenced by holding current valid certification from an organization approved by the Board of Health Professions pursuant to Chapter 27.01 (§ 54.1-2729.1 et seq.).

T. Persons who are otherwise authorized to administer controlled substances in hospitals shall be authorized to administer influenza or pneumococcal vaccines pursuant to § 32.1-126.4.

U. Pursuant to a specific order for a patient and under his direct and immediate supervision, a prescriber may authorize the administration of controlled substances by personnel who have been properly trained to assist a doctor of medicine or osteopathic medicine, provided the method does not include intravenous, intrathecal, or epidural administration and the prescriber remains responsible for such administration.

V. A physician assistant, nurse, or dental hygienist may possess and administer topical fluoride varnish pursuant to an oral or written order or a standing protocol issued by a doctor of medicine, osteopathic medicine, or dentistry.

W. A prescriber, acting in accordance with guidelines developed pursuant to § 32.1-46.02, may authorize the administration of influenza vaccine to minors by a licensed pharmacist, registered nurse, licensed practical nurse under the direction and immediate supervision of a registered nurse, or emergency medical services provider who holds an advanced life support certificate issued by the Commissioner of Health when the prescriber is not physically present.

X. Notwithstanding the provisions of § 54.1-3303, pursuant to an oral, written, or standing order issued by a prescriber or a standing order issued by the Commissioner of Health or his designee authorizing the dispensing of naloxone or other opioid antagonist used for overdose reversal in the absence of an oral or written order for a specific patient issued by a prescriber, and in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health, a pharmacist, a health care provider providing services in a hospital emergency

department, and emergency medical services personnel, as that term is defined in § 32.1-111.1, may dispense naloxone or other opioid antagonist used for overdose reversal and a person to whom naloxone or other opioid antagonist has been dispensed pursuant to this subsection may possess and administer naloxone or other opioid antagonist used for overdose reversal to a person who is believed to be experiencing or about to experience a life-threatening opioid overdose. Law-enforcement officers as defined in § 9.1-101, employees of the Department of Forensic Science, employees of the Office of the Chief Medical Examiner, employees of the Department of General Services Division of Consolidated Laboratory Services, employees of the Department of Corrections designated as probation and parole officers or as correctional officers as defined in § 53.1-1, employees of regional jails, school nurses, local health department employees that are assigned to a public school pursuant to an agreement between the local health department and the school board, other school board employees or individuals contracted by a school board to provide school health services, and firefighters who have completed a training program may also possess and administer naloxone or other opioid antagonist used for overdose reversal and may dispense naloxone or other opioid antagonist used for overdose reversal pursuant to an oral, written, or standing order issued by a prescriber or a standing order issued by the Commissioner of Health or his designee in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health.

Y. Notwithstanding any other law or regulation to the contrary, a person who is acting on behalf of an organization that provides services to individuals at risk of experiencing an opioid overdose or training in the administration of naloxone for overdose reversal may dispense naloxone to a person who has received instruction on the administration of naloxone for opioid overdose reversal, provided that such dispensing is (i) pursuant to a standing order issued by a prescriber and (ii) in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health. If the person acting on behalf of an organization dispenses naloxone in an injectable formulation with a hypodermic needle or syringe, he shall first obtain authorization from the Department of Behavioral Health and Developmental Services to train individuals on the proper administration of naloxone by and proper disposal of a hypodermic needle or syringe, and he shall obtain a controlled substance registration from the Board of Pharmacy. The Board of Pharmacy shall not charge a fee for the issuance of such controlled substance registration. The dispensing may occur at a site other than that of the controlled substance registration provided the entity possessing the controlled substances registration maintains records in accordance with regulations of the Board of Pharmacy. No person who dispenses naloxone on behalf of an organization pursuant to this subsection shall charge a fee for the dispensing of naloxone that is greater than the cost to the organization of obtaining the naloxone dispensed. A person to whom naloxone has been dispensed pursuant to this subsection may possess naloxone and may administer naloxone to a person who is believed to be experiencing or about to experience a life-threatening opioid overdose.

Z. Pursuant to a written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize, with the consent of the parents as defined in § 22.1-1, an employee of (i) a school board, (ii) a school for students with disabilities as defined in § 22.1-319 licensed by the Board of Education, or (iii) a private school accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education who is trained in the administration of injected medications for the treatment of adrenal crisis resulting from a condition causing adrenal insufficiency to administer such medication to a student diagnosed with a condition causing adrenal insufficiency when the student is believed to be experiencing or about to experience an adrenal crisis. Such authorization shall be effective only when a licensed nurse, nurse practitioner, physician, or physician assistant is not present to perform the administration of the medication.

§ 54.1-3408.5. Epinephrine required in certain public places.

Every public place, as defined in § 15.2-2820, may make epinephrine available for administration. Pursuant to an order or standing protocol issued by the prescriber within the course of his professional practice and in accordance with policies and guidelines established by the Department of Health, any employee of a public place, as defined in § 15.2-2820, who is authorized by a prescriber and trained in the administration of epinephrine may possess and administer epinephrine to a person present in the public place believed in good faith to be having an anaphylactic reaction.

2. That the Department of Health, in conjunction with the Department of Health Professions, shall develop policies and guidelines for the recognition and treatment of anaphylaxis in public places. Such Departments shall develop policies with input from, but not limited to, representatives of the following organizations and entities: the Virginia Nurses Association, the Virginia Chapter of the American Academy of Pediatrics, the Medical Society of Virginia, and the Office of the Attorney General. Such Departments shall consider (i) the issuance and implementation of oral or written orders or standing protocols; (ii) who may qualify as a prescriber; (iii) specification of training needs and requirements for the administration of epinephrine; (iv) appropriate storage, maintenance, and general oversight of epinephrine; (v) appropriate liability protections; and (vi) any issues requiring statutory or regulatory amendment. Such Departments shall provide such policies and guidelines to the Commissioner of Health by no later than July 1, 2021.

CHAPTER 557

An Act to amend and reenact §§ 24.2-956 and 24.2-956.1 of the Code of Virginia, relating to elections; political campaign advertisements; print media requirements.

[H 1238]

Approved March 31, 2020

Be it enacted by the General Assembly of Virginia:**1. That §§ 24.2-956 and 24.2-956.1 of the Code of Virginia are amended and reenacted as follows:****§ 24.2-956. Requirements for print media advertisements sponsored by a candidate campaign committee.**

It shall be unlawful for any candidate or candidate campaign committee to sponsor a print media advertisement that constitutes an expenditure or contribution required to be disclosed under Chapter 9.3 (§ 24.2-945 et seq.) unless all of the following conditions are met:

1. It bears the legend or includes the statement: "Paid for by _____ [Name of candidate or campaign committee]." Alternatively, if the advertisement is supporting a candidate who is the sponsor and the advertisement makes no reference to any other clearly identified candidate, then the statement "Paid for by _____ [Name of sponsor]" may be replaced by the statement "Authorized by _____ [Name of sponsor]."

2. In an advertisement sponsored by a candidate or a candidate campaign committee that makes reference to any other clearly identified candidate who is not sponsoring the advertisement, the sponsor shall state whether it is authorized by the candidate not sponsoring the advertisement. The visual legend in the advertisement shall state either "Authorized by [Name of candidate], candidate for [Name of office]" or "Not authorized by any other candidate." This subdivision does not apply if the sponsor of the advertisement is the candidate the advertisement supports or that candidate's campaign committee.

3. If an advertisement is jointly sponsored, the disclosure statement shall name all the sponsors.

4. Any disclosure statement required by this section shall be displayed in a conspicuous manner in a ~~minimum~~ font size ~~of seven point~~ proportionate to the size of the advertisement. The State Board of Elections shall promulgate standards for meeting the requirements of this subdivision.

5. Any print media advertisement appearing in electronic format shall display the disclosure statement in a minimum font size of seven point; however, if the advertisement lacks sufficient space for a disclosure statement in a minimum font size of seven point, the advertisement may meet disclosure requirements if, by clicking on the print media advertisement appearing in electronic format, the viewer is taken to a landing page or a home page that displays the disclosure statement in a conspicuous manner.

§ 24.2-956.1. Requirements for print media advertisements sponsored by a person or political committee, other than a candidate campaign committee.

It shall be unlawful for any person or political committee to sponsor a print media advertisement that constitutes an expenditure or contribution required to be disclosed under Chapter 9.3 (§ 24.2-945 et seq.) unless the following requirements are met:

1. It bears the legend or includes the statement: "Paid for by _____ [Name of person or political committee]."

2. In an advertisement supporting or opposing the nomination or election of one or more clearly identified candidates, the sponsor states whether it is authorized by a candidate. The visual legend in the advertisement shall state either "Authorized by [Name of candidate], candidate for [Name of office]" or "Not authorized by a candidate."

3. In an advertisement that identifies a candidate the sponsor is opposing, the sponsor must disclose in the advertisement the name of the candidate who is intended to benefit from the advertisement, if the sponsor coordinates with, or has the authorization of, the benefited candidate.

4. If an advertisement is jointly sponsored, the disclosure statement shall name all the sponsors.

5. Any disclosure statement required by this section shall be displayed in a conspicuous manner in a ~~minimum~~ font size ~~of seven point~~ proportionate to the size of the advertisement. The State Board of Elections shall promulgate standards for meeting the requirements of this subdivision.

6. Any print media advertisement appearing in electronic format shall display the disclosure statement in a minimum font size of seven point; however, if the advertisement lacks sufficient space for a disclosure statement in a minimum font size of seven point, the advertisement may meet disclosure requirements if, by clicking on the print media advertisement appearing in electronic format, the viewer is taken to a landing page or a home page that displays the disclosure statement in a conspicuous manner.

2. That the State Board of Elections shall promulgate regulations to implement the provisions of this act no later than July 1, 2021, with enforcement of such regulations delayed until January 1, 2024. Upon promulgation, such regulations shall be included in the provisions of law summarized by the State Board pursuant to subsection A of § 24.2-946.

3. That the provisions of the first enactment of this act affecting regulants shall become effective January 1, 2024.

4. That print media advertisements paid for or distributed prior to July 1, 2024, shall not be subject to the regulations promulgated by the State Board of Elections pursuant to this act.

CHAPTER 558

An Act to amend and reenact § 32.1-102.3 of the Code of Virginia, relating to certificate of public need; criteria for determining need.

[H 1549]

Approved March 31, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 32.1-102.3 of the Code of Virginia is amended and reenacted as follows:

§ 32.1-102.3. Certificate required; criteria for determining need.

A. No person shall commence any project without first obtaining a certificate issued by the Commissioner. No certificate may be issued unless the Commissioner has determined that a public need for the project has been demonstrated. If it is determined that a public need exists for only a portion of a project, a certificate may be issued for that portion and any appeal may be limited to the part of the decision with which the appellant disagrees without affecting the remainder of the decision. Any decision to issue or approve the issuance of a certificate shall be consistent with the most recent applicable provisions of the State Medical Facilities Plan; however, if the Commissioner finds, upon presentation of appropriate evidence, that the provisions of such plan are not relevant to a rural locality's needs, inaccurate, outdated, inadequate or otherwise inapplicable, the Commissioner, consistent with such finding, may issue or approve the issuance of a certificate and shall initiate procedures to make appropriate amendments to such plan. In cases in which a provision of the State Medical Facilities Plan has been previously set aside by the Commissioner and relevant amendments to the Plan have not yet taken effect, the Commissioner's decision shall be consistent with the applicable portions of the State Medical Facilities Plan that have not been set aside and the remaining considerations in subsection B.

B. In determining whether a public need for a project has been demonstrated, the Commissioner shall consider:

1. The extent to which the proposed service or facility will provide or increase access to needed services for ~~residents~~ *people in the area* to be served, and the effects that the proposed service or facility will have on access to needed services in areas having distinct and unique geographic, socioeconomic, cultural, transportation, and other barriers to access to care;

2. The extent to which the project will meet the needs of ~~the residents of~~ *people in the area* to be served, as demonstrated by each of the following: (i) the level of community support for the project demonstrated by ~~citizens~~ *people*, businesses, and governmental leaders representing the area to be served; (ii) the availability of reasonable alternatives to the proposed service or facility that would meet the needs of ~~the population~~ *people in the area* to be served in a less costly, more efficient, or more effective manner; (iii) any recommendation or report of the regional health planning agency regarding an application for a certificate that is required to be submitted to the Commissioner pursuant to subsection B of § 32.1-102.6; (iv) any costs and benefits of the project; (v) the financial accessibility of the project to ~~the residents of~~ *people in the area* to be served, including indigent ~~residents~~ *people*; and (vi) at the discretion of the Commissioner, any other factors as may be relevant to the determination of public need for a project;

3. The extent to which the application is consistent with the State Medical Facilities Plan;

4. The extent to which the proposed service or facility fosters institutional competition that benefits the area to be served while improving access to essential health care services for all ~~persons~~ *people* in the area to be served;

5. The relationship of the project to the existing health care system of the area to be served, including the utilization and efficiency of existing services or facilities;

6. The feasibility of the project, including the financial benefits of the project to the applicant, the cost of construction, the availability of financial and human resources, and the cost of capital;

7. The extent to which the project provides improvements or innovations in the financing and delivery of health services, as demonstrated by: (i) the introduction of new technology that promotes quality, cost effectiveness, or both in the delivery of health care services; (ii) the potential for provision of services on an outpatient basis; (iii) any cooperative efforts to meet regional health care needs; and (iv) at the discretion of the Commissioner, any other factors as may be appropriate; and

8. In the case of a project proposed by or affecting a teaching hospital associated with a public institution of higher education or a medical school in the area to be served, (i) the unique research, training, and clinical mission of the teaching hospital or medical school; and (ii) any contribution the teaching hospital or medical school may provide in the delivery, innovation, and improvement of health care for citizens of the Commonwealth, including indigent or underserved populations.

CHAPTER 559

An Act to amend and reenact § 9.1-400 of the Code of Virginia, relating to Line of Duty Act; coverage for a dependent born after the disability or death of an employee.

[S 40]

Approved March 31, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 9.1-400 of the Code of Virginia is amended and reenacted as follows:

§ 9.1-400. Title of chapter; definitions.

A. This chapter shall be known and designated as the Line of Duty Act.

B. As used in this chapter, unless the context requires a different meaning:

"Beneficiary" means the spouse of a deceased person and such persons as are entitled to take under the will of a deceased person if testate, or as his heirs at law if intestate.

"Deceased person" means any individual whose death occurs on or after April 8, 1972, in the line of duty as the direct or proximate result of the performance of his duty, including the presumptions under §§ 27-40.1, 27-40.2, 51.1-813, 65.2-402, and 65.2-402.1 if his position is covered by the applicable statute, as a law-enforcement officer of the Commonwealth or any of its political subdivisions, except employees designated pursuant to § 53.1-10 to investigate allegations of criminal behavior affecting the operations of the Department of Corrections, employees designated pursuant to § 66-3 to investigate allegations of criminal behavior affecting the operations of the Department of Juvenile Justice, and members of the investigations unit of the State Inspector General designated pursuant to § 2.2-311 to investigate allegations of criminal behavior affecting the operations of a state or nonstate agency; a correctional officer as defined in § 53.1-1; a jail officer; a regional jail or jail farm superintendent; a sheriff, deputy sheriff, or city sergeant or deputy city sergeant of the City of Richmond; a police chaplain; a member of any fire company or department or emergency medical services agency that has been recognized by an ordinance or a resolution of the governing body of any county, city, or town of the Commonwealth as an integral part of the official safety program of such county, city, or town, including a person with a recognized membership status with such fire company or department who is enrolled in a Fire Service Training course offered by the Virginia Department of Fire Programs or any fire company or department training required in pursuit of qualification to become a certified firefighter; a member of any fire company providing fire protection services for facilities of the Virginia National Guard or the Virginia Air National Guard; a member of the Virginia National Guard or the Virginia Defense Force while such member is serving in the Virginia National Guard or the Virginia Defense Force on official state duty or federal duty under Title 32 of the United States Code; any special agent of the Virginia Alcoholic Beverage Control Authority; any regular or special conservation police officer who receives compensation from a county, city, or town or from the Commonwealth appointed pursuant to the provisions of § 29.1-200; any commissioned forest warden appointed under the provisions of § 10.1-1135; any member or employee of the Virginia Marine Resources Commission granted the power of arrest pursuant to § 28.2-900; any Department of Emergency Management hazardous materials officer; any other employee of the Department of Emergency Management who is performing official duties of the agency, when those duties are related to a major disaster or emergency, as defined in § 44-146.16, that has been or is later declared to exist under the authority of the Governor in accordance with § 44-146.28; any employee of any county, city, or town performing official emergency management or emergency services duties in cooperation with the Department of Emergency Management, when those duties are related to a major disaster or emergency, as defined in § 44-146.16, that has been or is later declared to exist under the authority of the Governor in accordance with § 44-146.28 or a local emergency, as defined in § 44-146.16, declared by a local governing body; any nonfirefighter regional hazardous materials emergency response team member; any conservation officer of the Department of Conservation and Recreation commissioned pursuant to § 10.1-115; or any full-time sworn member of the enforcement division of the Department of Motor Vehicles appointed pursuant to § 46.2-217.

"Disabled person" means any individual who has been determined to be mentally or physically incapacitated so as to prevent the further performance of his duties at the time of his disability where such incapacity is likely to be permanent, and whose incapacity occurs in the line of duty as the direct or proximate result of the performance of his duty, including the presumptions under §§ 27-40.1, 27-40.2, 51.1-813, 65.2-402, and 65.2-402.1 if his position is covered by the applicable statute, in any position listed in the definition of deceased person in this section. "Disabled person" does not include any individual who has been determined to be no longer disabled pursuant to subdivision A 2 of § 9.1-404. "Disabled person" includes any state employee included in the definition of a deceased person who was disabled on or after January 1, 1966.

"Eligible dependent" for purposes of continued health insurance pursuant to § 9.1-401 means the natural or adopted child or children of a deceased person or disabled person or of a deceased or disabled person's eligible spouse, provided that any such natural child is born as the result of a pregnancy that occurred prior to the time of the employee's death or disability and that any such adopted child is (i) adopted prior to the time of the employee's death or disability or (ii) adopted after the employee's death or disability if the adoption is pursuant to a preadoptive agreement entered into prior to the death or disability. *Notwithstanding the foregoing, "eligible dependent" shall also include the natural or adopted child or children of a deceased person or disabled person born as the result of a pregnancy or adoption that occurred after the time of the employee's death or disability, but prior to July 1, 2017.* Eligibility will continue until the end of the year in which the eligible dependent reaches age 26 or when the eligible dependent ceases to be eligible based on the Virginia Administrative Code or administrative guidance as determined by the Department of Human Resource Management.

"Eligible spouse" for purposes of continued health insurance pursuant to § 9.1-401 means the spouse of a deceased person or a disabled person at the time of the death or disability. Eligibility will continue until the eligible spouse dies, ceases to be married to a disabled person, or in the case of the spouse of a deceased person, dies, remarries on or after July 1, 2017, or otherwise ceases to be eligible based on the Virginia Administrative Code or administrative guidance as determined by the Department of Human Resource Management.

"Employee" means any person who would be covered or whose spouse, dependents, or beneficiaries would be covered under the benefits of this chapter if the person became a disabled person or a deceased person.

"Employer" means (i) the employer of a person who is a covered employee or (ii) in the case of a volunteer who is a member of any fire company or department or rescue squad described in the definition of "deceased person," the county, city, or town that by ordinance or resolution recognized such fire company or department or rescue squad as an integral part of the official safety program of such locality.

"Fund" means the Line of Duty Death and Health Benefits Trust Fund established pursuant to § 9.1-400.1.

"Line of duty" means any action the deceased or disabled person was obligated or authorized to perform by rule, regulation, condition of employment or service, or law.

"LODA Health Benefit Plans" means the separate health benefits plans established pursuant to § 9.1-401.

"Nonparticipating employer" means any employer that is a political subdivision of the Commonwealth that elected to directly fund the cost of benefits provided under this chapter and not participate in the Fund.

"Participating employer" means any employer that is a state agency or is a political subdivision of the Commonwealth that did not make an election to become a nonparticipating employer.

"VRS" means the Virginia Retirement System.

CHAPTER 560

An Act to amend and reenact § 54.1-3408 of the Code of Virginia, relating to medical assistants; administration of fluoride varnish.

[S 239]

Approved March 31, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-3408 of the Code of Virginia is amended and reenacted as follows:

§ 54.1-3408. Professional use by practitioners.

A. A practitioner of medicine, osteopathy, podiatry, dentistry, or veterinary medicine or a licensed nurse practitioner pursuant to § 54.1-2957.01, a licensed physician assistant pursuant to § 54.1-2952.1, or a TPA-certified optometrist pursuant to Article 5 (§ 54.1-3222 et seq.) of Chapter 32 shall only prescribe, dispense, or administer controlled substances in good faith for medicinal or therapeutic purposes within the course of his professional practice.

B. The prescribing practitioner's order may be on a written prescription or pursuant to an oral prescription as authorized by this chapter. The prescriber may administer drugs and devices, or he may cause drugs or devices to be administered by:

1. A nurse, physician assistant, or intern under his direction and supervision;

2. Persons trained to administer drugs and devices to patients in state-owned or state-operated hospitals or facilities licensed as hospitals by the Board of Health or psychiatric hospitals licensed by the Department of Behavioral Health and Developmental Services who administer drugs under the control and supervision of the prescriber or a pharmacist;

3. Emergency medical services personnel certified and authorized to administer drugs and devices pursuant to regulations of the Board of Health who act within the scope of such certification and pursuant to an oral or written order or standing protocol; or

4. A licensed respiratory therapist as defined in § 54.1-2954 who administers by inhalation controlled substances used in inhalation or respiratory therapy.

C. Pursuant to an oral or written order or standing protocol, the prescriber, who is authorized by state or federal law to possess and administer radiopharmaceuticals in the scope of his practice, may authorize a nuclear medicine technologist to administer, under his supervision, radiopharmaceuticals used in the diagnosis or treatment of disease.

D. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize registered nurses and licensed practical nurses to possess (i) epinephrine and oxygen for administration in treatment of emergency medical conditions and (ii) heparin and sterile normal saline to use for the maintenance of intravenous access lines.

Pursuant to the regulations of the Board of Health, certain emergency medical services technicians may possess and administer epinephrine in emergency cases of anaphylactic shock.

Pursuant to an order or standing protocol issued by the prescriber within the course of his professional practice, any school nurse, school board employee, employee of a local governing body, or employee of a local health department who is authorized by a prescriber and trained in the administration of epinephrine may possess and administer epinephrine.

Pursuant to an order or a standing protocol issued by the prescriber within the course of his professional practice, any employee of a school for students with disabilities, as defined in § 22.1-319 and licensed by the Board of Education, or any employee of a private school that is accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education who is authorized by a prescriber and trained in the administration of epinephrine may possess and administer epinephrine.

Pursuant to an order or a standing protocol issued by the prescriber within the course of his professional practice, any employee of a public institution of higher education or a private institution of higher education who is authorized by a prescriber and trained in the administration of epinephrine may possess and administer epinephrine.

Pursuant to an order or a standing protocol issued by the prescriber within the course of his professional practice, any employee of an organization providing outdoor educational experiences or programs for youth who is authorized by a prescriber and trained in the administration of epinephrine may possess and administer epinephrine.

Pursuant to an order issued by the prescriber within the course of his professional practice, an employee of a provider licensed by the Department of Behavioral Health and Developmental Services or a person providing services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services may possess and administer epinephrine, provided such person is authorized and trained in the administration of epinephrine.

Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize pharmacists to possess epinephrine and oxygen for administration in treatment of emergency medical conditions.

E. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize licensed physical therapists to possess and administer topical corticosteroids, topical lidocaine, and any other Schedule VI topical drug.

F. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize licensed athletic trainers to possess and administer topical corticosteroids, topical lidocaine, or other Schedule VI topical drugs; oxygen for use in emergency situations; and epinephrine for use in emergency cases of anaphylactic shock.

G. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, and in accordance with policies and guidelines established by the Department of Health pursuant to § 32.1-50.2, such prescriber may authorize registered nurses or licensed practical nurses under the supervision of a registered nurse to possess and administer tuberculin purified protein derivative (PPD) in the absence of a prescriber. The Department of Health's policies and guidelines shall be consistent with applicable guidelines developed by the Centers for Disease Control and Prevention for preventing transmission of mycobacterium tuberculosis and shall be updated to incorporate any subsequently implemented standards of the Occupational Safety and Health Administration and the Department of Labor and Industry to the extent that they are inconsistent with the Department of Health's policies and guidelines. Such standing protocols shall explicitly describe the categories of persons to whom the tuberculin test is to be administered and shall provide for appropriate medical evaluation of those in whom the test is positive. The prescriber shall ensure that the nurse implementing such standing protocols has received adequate training in the practice and principles underlying tuberculin screening.

The Health Commissioner or his designee may authorize registered nurses, acting as agents of the Department of Health, to possess and administer, at the nurse's discretion, tuberculin purified protein derivative (PPD) to those persons in whom tuberculin skin testing is indicated based on protocols and policies established by the Department of Health.

H. Pursuant to a written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize, with the consent of the parents as defined in § 22.1-1, an employee of (i) a school board, (ii) a school for students with disabilities as defined in § 22.1-319 licensed by the Board of Education, or (iii) a private school accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education who is trained in the administration of insulin and glucagon to assist with the administration of insulin or administer glucagon to a student diagnosed as having diabetes and who requires insulin injections during the school day or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia. Such authorization shall only be effective when a licensed nurse, nurse practitioner, physician, or physician assistant is not present to perform the administration of the medication.

Pursuant to a written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize an employee of a public institution of higher education or a private institution of higher education who is trained in the administration of insulin and glucagon to assist with the administration of insulin or administration of glucagon to a student diagnosed as having diabetes and who requires insulin injections or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia. Such authorization shall only be effective when a licensed nurse, nurse practitioner, physician, or physician assistant is not present to perform the administration of the medication.

Pursuant to a written order issued by the prescriber within the course of his professional practice, such prescriber may authorize an employee of a provider licensed by the Department of Behavioral Health and Developmental Services or a person providing services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services to assist with the administration of insulin or to administer glucagon to a person diagnosed as having diabetes and who requires insulin injections or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia, provided such employee or person providing services has been trained in the administration of insulin and glucagon.

I. A prescriber may authorize, pursuant to a protocol approved by the Board of Nursing, the administration of vaccines to adults for immunization, when a practitioner with prescriptive authority is not physically present, by (i) licensed pharmacists, (ii) registered nurses, or (iii) licensed practical nurses under the supervision of a registered nurse. A prescriber acting on behalf of and in accordance with established protocols of the Department of Health may authorize the administration of vaccines to any person by a pharmacist, nurse, or designated emergency medical services provider who holds an advanced life support certificate issued by the Commissioner of Health under the direction of an operational

medical director when the prescriber is not physically present. The emergency medical services provider shall provide documentation of the vaccines to be recorded in the Virginia Immunization Information System.

J. A dentist may cause Schedule VI topical drugs to be administered under his direction and supervision by either a dental hygienist or by an authorized agent of the dentist.

Further, pursuant to a written order and in accordance with a standing protocol issued by the dentist in the course of his professional practice, a dentist may authorize a dental hygienist under his general supervision, as defined in § 54.1-2722, or his remote supervision, as defined in subsection E or F of § 54.1-2722, to possess and administer topical oral fluorides, topical oral anesthetics, topical and directly applied antimicrobial agents for treatment of periodontal pocket lesions, and any other Schedule VI topical drug approved by the Board of Dentistry.

In addition, a dentist may authorize a dental hygienist under his direction to administer Schedule VI nitrous oxide and oxygen inhalation analgesia and, to persons 18 years of age or older, Schedule VI local anesthesia.

K. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize registered professional nurses certified as sexual assault nurse examiners-A (SANE-A) under his supervision and when he is not physically present to possess and administer preventive medications for victims of sexual assault as recommended by the Centers for Disease Control and Prevention.

L. This section shall not prevent the administration of drugs by a person who has satisfactorily completed a training program for this purpose approved by the Board of Nursing and who administers such drugs in accordance with a prescriber's instructions pertaining to dosage, frequency, and manner of administration, and in accordance with regulations promulgated by the Board of Pharmacy relating to security and record keeping, when the drugs administered would be normally self-administered by (i) an individual receiving services in a program licensed by the Department of Behavioral Health and Developmental Services; (ii) a resident of the Virginia Rehabilitation Center for the Blind and Vision Impaired; (iii) a resident of a facility approved by the Board or Department of Juvenile Justice for the placement of children in need of services or delinquent or alleged delinquent youth; (iv) a program participant of an adult day-care center licensed by the Department of Social Services; (v) a resident of any facility authorized or operated by a state or local government whose primary purpose is not to provide health care services; (vi) a resident of a private children's residential facility, as defined in § 63.2-100 and licensed by the Department of Social Services, Department of Education, or Department of Behavioral Health and Developmental Services; or (vii) a student in a school for students with disabilities, as defined in § 22.1-319 and licensed by the Board of Education.

In addition, this section shall not prevent a person who has successfully completed a training program for the administration of drugs via percutaneous gastrostomy tube approved by the Board of Nursing and been evaluated by a registered nurse as having demonstrated competency in administration of drugs via percutaneous gastrostomy tube from administering drugs to a person receiving services from a program licensed by the Department of Behavioral Health and Developmental Services to such person via percutaneous gastrostomy tube. The continued competency of a person to administer drugs via percutaneous gastrostomy tube shall be evaluated semiannually by a registered nurse.

M. Medication aides registered by the Board of Nursing pursuant to Article 7 (§ 54.1-3041 et seq.) of Chapter 30 may administer drugs that would otherwise be self-administered to residents of any assisted living facility licensed by the Department of Social Services. A registered medication aide shall administer drugs pursuant to this section in accordance with the prescriber's instructions pertaining to dosage, frequency, and manner of administration; in accordance with regulations promulgated by the Board of Pharmacy relating to security and recordkeeping; in accordance with the assisted living facility's Medication Management Plan; and in accordance with such other regulations governing their practice promulgated by the Board of Nursing.

N. In addition, this section shall not prevent the administration of drugs by a person who administers such drugs in accordance with a physician's instructions pertaining to dosage, frequency, and manner of administration and with written authorization of a parent, and in accordance with school board regulations relating to training, security and record keeping, when the drugs administered would be normally self-administered by a student of a Virginia public school. Training for such persons shall be accomplished through a program approved by the local school boards, in consultation with the local departments of health.

O. In addition, this section shall not prevent the administration of drugs by a person to (i) a child in a child day program as defined in § 63.2-100 and regulated by the State Board of Social Services or a local government pursuant to § 15.2-914, or (ii) a student of a private school that is accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education, provided such person (a) has satisfactorily completed a training program for this purpose approved by the Board of Nursing and taught by a registered nurse, licensed practical nurse, nurse practitioner, physician assistant, doctor of medicine or osteopathic medicine, or pharmacist; (b) has obtained written authorization from a parent or guardian; (c) administers drugs only to the child identified on the prescription label in accordance with the prescriber's instructions pertaining to dosage, frequency, and manner of administration; and (d) administers only those drugs that were dispensed from a pharmacy and maintained in the original, labeled container that would normally be self-administered by the child or student, or administered by a parent or guardian to the child or student.

P. In addition, this section shall not prevent the administration or dispensing of drugs and devices by persons if they are authorized by the State Health Commissioner in accordance with protocols established by the State Health Commissioner pursuant to § 32.1-42.1 when (i) the Governor has declared a disaster or a state of emergency or the United States Secretary of Health and Human Services has issued a declaration of an actual or potential bioterrorism incident or other actual or

potential public health emergency; (ii) it is necessary to permit the provision of needed drugs or devices; and (iii) such persons have received the training necessary to safely administer or dispense the needed drugs or devices. Such persons shall administer or dispense all drugs or devices under the direction, control, and supervision of the State Health Commissioner.

Q. Nothing in this title shall prohibit the administration of normally self-administered drugs by unlicensed individuals to a person in his private residence.

R. This section shall not interfere with any prescriber issuing prescriptions in compliance with his authority and scope of practice and the provisions of this section to a Board agent for use pursuant to subsection G of § 18.2-258.1. Such prescriptions issued by such prescriber shall be deemed to be valid prescriptions.

S. Nothing in this title shall prevent or interfere with dialysis care technicians or dialysis patient care technicians who are certified by an organization approved by the Board of Health Professions or persons authorized for provisional practice pursuant to Chapter 27.01 (§ 54.1-2729.1 et seq.), in the ordinary course of their duties in a Medicare-certified renal dialysis facility, from administering heparin, topical needle site anesthetics, dialysis solutions, sterile normal saline solution, and blood volumizers, for the purpose of facilitating renal dialysis treatment, when such administration of medications occurs under the orders of a licensed physician, nurse practitioner, or physician assistant and under the immediate and direct supervision of a licensed registered nurse. Nothing in this chapter shall be construed to prohibit a patient care dialysis technician trainee from performing dialysis care as part of and within the scope of the clinical skills instruction segment of a supervised dialysis technician training program, provided such trainee is identified as a "trainee" while working in a renal dialysis facility.

The dialysis care technician or dialysis patient care technician administering the medications shall have demonstrated competency as evidenced by holding current valid certification from an organization approved by the Board of Health Professions pursuant to Chapter 27.01 (§ 54.1-2729.1 et seq.).

T. Persons who are otherwise authorized to administer controlled substances in hospitals shall be authorized to administer influenza or pneumococcal vaccines pursuant to § 32.1-126.4.

U. Pursuant to a specific order for a patient and under his direct and immediate supervision, a prescriber may authorize the administration of controlled substances by personnel who have been properly trained to assist a doctor of medicine or osteopathic medicine, provided the method does not include intravenous, intrathecal, or epidural administration and the prescriber remains responsible for such administration.

V. A physician assistant, nurse, ~~or~~ dental hygienist, *or authorized agent of a doctor of medicine, osteopathic medicine, or dentistry* may possess and administer topical fluoride varnish pursuant to an oral or written order or a standing protocol issued by a doctor of medicine, osteopathic medicine, or dentistry.

W. A prescriber, acting in accordance with guidelines developed pursuant to § 32.1-46.02, may authorize the administration of influenza vaccine to minors by a licensed pharmacist, registered nurse, licensed practical nurse under the direction and immediate supervision of a registered nurse, or emergency medical services provider who holds an advanced life support certificate issued by the Commissioner of Health when the prescriber is not physically present.

X. Notwithstanding the provisions of § 54.1-3303, pursuant to an oral, written, or standing order issued by a prescriber or a standing order issued by the Commissioner of Health or his designee authorizing the dispensing of naloxone or other opioid antagonist used for overdose reversal in the absence of an oral or written order for a specific patient issued by a prescriber, and in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health, a pharmacist, a health care provider providing services in a hospital emergency department, and emergency medical services personnel, as that term is defined in § 32.1-111.1, may dispense naloxone or other opioid antagonist used for overdose reversal and a person to whom naloxone or other opioid antagonist has been dispensed pursuant to this subsection may possess and administer naloxone or other opioid antagonist used for overdose reversal to a person who is believed to be experiencing or about to experience a life-threatening opioid overdose. Law-enforcement officers as defined in § 9.1-101, employees of the Department of Forensic Science, employees of the Office of the Chief Medical Examiner, employees of the Department of General Services Division of Consolidated Laboratory Services, employees of the Department of Corrections designated as probation and parole officers or as correctional officers as defined in § 53.1-1, employees of regional jails, school nurses, local health department employees that are assigned to a public school pursuant to an agreement between the local health department and the school board, other school board employees or individuals contracted by a school board to provide school health services, and firefighters who have completed a training program may also possess and administer naloxone or other opioid antagonist used for overdose reversal and may dispense naloxone or other opioid antagonist used for overdose reversal pursuant to an oral, written, or standing order issued by a prescriber or a standing order issued by the Commissioner of Health or his designee in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health.

Y. Notwithstanding any other law or regulation to the contrary, a person who is acting on behalf of an organization that provides services to individuals at risk of experiencing an opioid overdose or training in the administration of naloxone for overdose reversal may dispense naloxone to a person who has received instruction on the administration of naloxone for opioid overdose reversal, provided that such dispensing is (i) pursuant to a standing order issued by a prescriber and (ii) in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health. If the person acting on behalf of an organization dispenses naloxone in an injectable formulation with

a hypodermic needle or syringe, he shall first obtain authorization from the Department of Behavioral Health and Developmental Services to train individuals on the proper administration of naloxone by and proper disposal of a hypodermic needle or syringe, and he shall obtain a controlled substance registration from the Board of Pharmacy. The Board of Pharmacy shall not charge a fee for the issuance of such controlled substance registration. The dispensing may occur at a site other than that of the controlled substance registration provided the entity possessing the controlled substances registration maintains records in accordance with regulations of the Board of Pharmacy. No person who dispenses naloxone on behalf of an organization pursuant to this subsection shall charge a fee for the dispensing of naloxone that is greater than the cost to the organization of obtaining the naloxone dispensed. A person to whom naloxone has been dispensed pursuant to this subsection may possess naloxone and may administer naloxone to a person who is believed to be experiencing or about to experience a life-threatening opioid overdose.

Z. Pursuant to a written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize, with the consent of the parents as defined in § 22.1-1, an employee of (i) a school board, (ii) a school for students with disabilities as defined in § 22.1-319 licensed by the Board of Education, or (iii) a private school accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education who is trained in the administration of injected medications for the treatment of adrenal crisis resulting from a condition causing adrenal insufficiency to administer such medication to a student diagnosed with a condition causing adrenal insufficiency when the student is believed to be experiencing or about to experience an adrenal crisis. Such authorization shall be effective only when a licensed nurse, nurse practitioner, physician, or physician assistant is not present to perform the administration of the medication.

CHAPTER 561

An Act to amend and reenact §§ 24.2-604, 24.2-649, 24.2-700, and 24.2-701 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 24.2-604.4, 24.2-604.5, and 24.2-604.6, relating to polling place activities; reorganization of sections; technical amendments.

[S 442]

Approved March 31, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-604, 24.2-649, 24.2-700, and 24.2-701 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 24.2-604.4, 24.2-604.5, and 24.2-604.6 as follows:

§ 24.2-604. Polling places; prohibited activities; prohibited area; penalties.

A. During the times the polls are open and ballots are being counted, it ~~shall be~~ *is* unlawful for any person (i) to loiter or congregate within 40 feet of any entrance of any polling place; (ii) within such distance to give, tender, or exhibit any ballot, ticket, or other campaign material to any person or to solicit or in any manner attempt to influence any person in casting his vote; or (iii) to hinder or delay a qualified voter in entering or leaving a polling place.

B. Prior to opening the polls, the officers of election shall post, in the area within 40 feet of any entrance to the polling place, sufficient notices which state "Prohibited Area" in two-inch type. The notices shall also state the provisions of this section in not less than 24-point type. The officers of election shall post the notices within the prohibited area to be visible to voters and the public.

C. ~~The officers of election shall permit one authorized representative of each political party or independent candidate in a general or special election, or one authorized representative of each candidate in a primary election, to remain in the room in which the election is being conducted at all times. A representative may serve part of the day and be replaced by successive representatives. The officers of election shall have discretion to permit up to three authorized representatives of each political party or independent candidate in a general or special election, or up to three authorized representatives of each candidate in a primary election, to remain in the room in which the election is being conducted. The officers shall permit one such representative for each pollbook station. However, no more than one such representative for each pollbook station or three representatives of any political party or independent candidate, whichever number is larger, shall be permitted in the room at any one time. Each authorized representative shall be a qualified voter of any jurisdiction of the Commonwealth. Each representative shall present to the officers of election a written statement designating him to be a representative of the party or candidate and signed by the county or city chairman of his political party, the independent candidate, or the primary candidate, as appropriate. If the county or city chairman is unavailable to sign such a written designation, such a designation may be made by the state or district chairman of the political party. However, no written designation made by a state or district chairman shall take precedence over a written designation made by the county or city chairman. Such statement, bearing the chairman's or candidate's original signature, may be photocopied, and such photocopy shall be as valid as if the copy had been signed. No candidate whose name is printed on the ballot shall serve as a representative of a party or candidate for purposes of this section. Authorized representatives shall be allowed, whether in a regular polling place or central absentee voter precinct, to be close enough to the voter check-in table to be able to hear and see what is occurring; however, such observation shall not violate the secret vote provision of Article II, Section 3 of the Constitution of Virginia or otherwise interfere with the orderly process of the election. Any representative who complains to the chief officer of election that he is unable to hear or see the process may accept the chief officer's decision or, if~~

dissatisfied, he may immediately appeal the decision to the local electoral board or general registrar. Authorized representatives shall be allowed, whether in a regular polling place or central absentee voter precinct, to use a handheld wireless communications device, but shall not be allowed to use such a device to capture a digital image inside the polling place or central absentee voter precinct. The officers of election may prohibit the use of cellular telephones or other handheld wireless communications devices if such use will result in a violation of subsection A or D or § 24.2-607. Authorized representatives shall not be allowed in any case to provide assistance to any voter as permitted under § 24.2-649 or to wear any indication that they are authorized to assist voters either inside the polling place or within 40 feet of any entrance to the polling place.

D. C. It shall be unlawful for any authorized representative permitted in the polling place pursuant to § 24.2-604.4, any voter, or any other person in the room to (i) hinder or delay a qualified voter; (ii) give, tender, or exhibit any ballot, ticket, or other campaign material to any person; (iii) solicit or in any manner attempt to influence any person in casting his vote; (iv) hinder or delay any officer of election; (v) be in a position to see the marked ballot of any other voter; or (vi) otherwise impede the orderly conduct of the election.

E. The officers of election may require any person who is found by a majority of the officers present to be in violation of this section to remain outside of the prohibited area. Any person violating subsection A or D is guilty of a Class 1 misdemeanor.

F. This section shall not be construed to prohibit a candidate from entering any polling place on the day of the election to vote, or to visit a polling place for no longer than 10 minutes per polling place per election day, provided that he complies with the restrictions stated in subsections A, D, and J.

G. This section shall not be construed to prohibit a minor from entering a polling place on the day of the election to vote in a simulated election at that polling place, provided that the local electoral board or general registrar has determined that such polling place can accommodate simulated election activities without interference or substantial delay in the orderly conduct of the official voting process. Persons supervising or working in a simulated election in which minors vote may remain within such polling place. The local electoral board or general registrar and the chief officer for the polling place shall exercise authority over, but shall have no responsibility for the administration of, simulated election related activities at the polling place.

H. A local electoral board or general registrar may authorize in writing the presence of additional neutral observers as may be deemed appropriate, except as otherwise prohibited or limited by this section. Such observers shall comply with the restrictions in subsections A and D and shall not be allowed in any case to provide assistance to any voter as permitted under § 24.2-649 or to wear any indication that they are authorized to assist voters either inside the polling place or within 40 feet of any entrance to the polling place.

I. The officers of election shall permit representatives of the news media to visit and film or photograph inside the polling place for a reasonable and limited period of time while the polls are open. However, the media (i) shall comply with the restrictions in subsections A and D; (ii) shall not film or photograph any person who specifically asks the media representative at that time that he not be filmed or photographed; (iii) shall not film or photograph the voter or the ballot in such a way that divulges how any individual voter is voting; and (iv) shall not film or photograph the voter list or any other voter record or material in such a way that it divulges the name or other information concerning any individual voter. Any interviews with voters, candidates or other persons, live broadcasts, or taping of reporters' remarks, shall be conducted outside of the polling place and the prohibited area. The officers of election may require any person who is found by a majority of the officers present to be in violation of this subsection to leave the polling place and the prohibited area.

J. D. The provisions of subsections A and D C shall not be construed to prohibit a person who approaches or enters the polling place for the purpose of voting from wearing a shirt, hat, or other apparel on which a candidate's name or a political slogan appears or from having a sticker or button attached to his apparel on which a candidate's name or a political slogan appears. This exemption shall not apply to candidates, representatives of candidates, or any other person who approaches or enters the polling place for any purpose other than voting.

E. This section shall not be construed to prohibit a candidate from entering any polling place on the day of the election to vote, or to visit a polling place for no longer than 10 minutes per polling place per election day, provided that he complies with the restrictions stated in subsections A, C, and D.

F. The officers of election may require any person who is found by a majority of the officers present to be in violation of this section to remain outside of the prohibited area. Any person violating subsection A or C is guilty of a Class 1 misdemeanor.

§ 24.2-604.4. Polling places; authorized representatives of party or candidate; prohibited activities.

A. The officers of election shall permit one authorized representative of each political party or independent candidate in a general or special election, or one authorized representative of each candidate in a primary election, to remain in the room in which the election is being conducted at all times. A representative may serve part of the day and be replaced by successive representatives. The officers of election shall have discretion to permit up to three authorized representatives of each political party or independent candidate in a general or special election, or up to three authorized representatives of each candidate in a primary election, to remain in the room in which the election is being conducted. The officers shall permit one such representative for each pollbook station. However, no more than one such representative for each pollbook station or three representatives of any political party or independent candidate, whichever number is larger, shall be permitted in the room at any one time.

B. Each authorized representative shall be a qualified voter of any jurisdiction of the Commonwealth. No candidate whose name is printed on the ballot shall serve as a representative of a party or candidate for purposes of this section.

Each representative shall present to the officers of election a written statement designating him to be a representative of the party or candidate that is signed by the county or city chairman of his political party, the independent candidate, or the primary candidate, as appropriate. If the county or city chairman is unavailable to sign such a written designation, such a designation may be made by the state or district chairman of the political party. However, no written designation made by a state or district chairman shall take precedence over a written designation made by the county or city chairman. Such statement, bearing the chairman's or candidate's original signature, may be photocopied, and such photocopy shall be as valid as if the copy had been signed.

C. Authorized representatives shall be allowed, whether in a regular polling place or central absentee voter precinct, to be close enough to the voter check-in table to be able to hear and see what is occurring; however, such observation shall not violate the secret vote provision of Article II, Section 3 of the Constitution of Virginia or otherwise interfere with the orderly process of the election. Any representative who complains to the chief officer of election that he is unable to hear or see the process may accept the chief officer's decision or, if dissatisfied, he may immediately appeal the decision to the local electoral board or general registrar.

D. Authorized representatives shall be allowed, whether in a regular polling place or central absentee voter precinct, to use a handheld wireless communications device but shall not be allowed to use such a device to capture a digital image inside the polling place or central absentee voter precinct. The officers of election may prohibit the use of cellular telephones or other handheld wireless communications devices if such use will result in a violation of subsection A or C of § 24.2-604 or § 24.2-607.

E. Authorized representatives shall not be allowed in any case to provide assistance to any voter as permitted under § 24.2-649 or to wear any indication that they are authorized to assist voters either inside the polling place or within 40 feet of any entrance to the polling place.

F. The officers of election may require any person who is found by a majority of the officers present to be in violation of this section to remain outside of the prohibited area.

§ 24.2-604.5. Polling places; presence of additional persons authorized.

A. A local electoral board or general registrar may authorize in writing the presence in the polling place of additional neutral observers as may be deemed appropriate, except as otherwise prohibited or limited by the provisions of § 24.2-604. Such observers shall comply with the restrictions in subsections A and C of § 24.2-604 and shall not be allowed in any case to provide assistance to any voter as permitted under § 24.2-649 or to wear any indication that they are authorized to assist voters either inside the polling place or within 40 feet of any entrance to the polling place. The officers of election may require any person who is found by a majority of the officers present to be in violation of this subsection to remain outside of the prohibited area.

B. The officers of election shall permit representatives of the news media to visit and film or photograph inside the polling place for a reasonable and limited period of time while the polls are open. However, the media (i) shall comply with the restrictions in subsections A and C of § 24.2-604; (ii) shall not film or photograph any person who specifically asks the media representative at that time that he not be filmed or photographed; (iii) shall not film or photograph the voter or the ballot in such a way that divulges how any individual voter is voting; and (iv) shall not film or photograph the voter list or any other voter record or material at the precinct in such a way that it divulges the name or other information concerning any individual voter. Any interviews with voters, candidates, or other persons; live broadcasts; or taping of reporters' remarks shall be conducted outside of the polling place and the prohibited area. The officers of election may require any person who is found by a majority of the officers present to be in violation of this subsection to leave the polling place and the prohibited area.

§ 24.2-604.6. Polling places; simulated election activities.

Minors may be permitted to enter a polling place on the day of the election to vote in a simulated election at that polling place, provided that the local electoral board or general registrar has determined that such polling place can accommodate simulated election activities without interference or substantial delay in the orderly conduct of the official voting process. Persons supervising or working in a simulated election in which minors vote may remain within such polling place. The local electoral board or general registrar and the chief officer for the polling place shall exercise authority over, but shall have no responsibility for the administration of, simulated election related activities at the polling place.

§ 24.2-649. Assistance for certain voters; penalties.

A. Any voter age 65 or older or physically disabled may request and then shall be handed a printed ballot by an officer of election outside the polling place but within 150 feet of the entrance to the polling place. The voter shall mark the printed ballot in the officer's presence but in a secret manner and, obscuring his vote, return the ballot to the officer. The officer shall immediately return to the polling place and shall deposit a paper ballot in the ballot container in accordance with § 24.2-646 or a machine-readable ballot in the ballot scanner machine in accordance with the instructions of the State Board.

Any county or city that has acquired an electronic voting machine that is so constructed as to be easily portable may use the voting machine in lieu of a printed ballot for the voter requiring assistance pursuant to this subsection. However, the electronic voting machine may be used in lieu of a printed ballot only so long as: (i) the voting machine remains in the plain view of two officers of election representing two political parties, or in a primary election, two officers of election representing the party conducting the primary, provided that if the use of two officers for this purpose would result in too

few officers remaining in the polling place to meet legal requirements, the voting machine shall remain in plain view of one officer who shall be either the chief officer or the assistant chief officer and (ii) the voter casts his ballot in a secret manner unless the voter requests assistance pursuant to this section. After the voter has completed voting his ballot, the officer or officers shall immediately return the voting machine to its assigned location inside the polling place. The machine number, the time that the machine was removed and the time that it was returned, the number on the machine's public counter before the machine was removed and the number on the same counter when it was returned, and the name or names of the officer or officers who accompanied the machine shall be recorded on the statement of results.

B. Any qualified voter who requires assistance to vote by reason of physical disability or inability to read or write may, if he so requests, be assisted in voting. If he is blind, he may designate an officer of election or any other person to assist him. If he is unable to read and write or disabled for any cause other than blindness, he may designate an officer of election or some other person to assist him other than the voter's employer or agent of that employer, or officer or agent of the voter's union.

The officer of election or other person so designated shall not enter the booth with the voter unless (i) the voter signs a request stating that he requires assistance by reason of physical disability or inability to read or write and (ii) the officer of election or other person signs a statement that he is not the voter's employer or an agent of that employer, or an officer or agent of the voter's union, and that he will act in accordance with the requirements of this section. The request and statement shall be on a single form furnished by the State Board. If the voter is unable to sign the request, his own mark acknowledged by him before an officer of election shall be sufficient signature, provided no mark shall be required of a voter who is blind. An officer of election shall advise the voter and person assisting the voter of the requirements of this section and record the name of the voter and the name and address of the person assisting him.

The officer of election or other person so designated shall assist the qualified voter in the preparation of his ballot in accordance with his instructions and without soliciting his vote or in any manner attempting to influence his vote and shall not in any manner divulge or indicate, by signs or otherwise, how the voter voted on any office or question. If a printed ballot is used, the officer or other person so designated shall deposit the ballot in the ballot container in accordance with § 24.2-646 or in the ballot scanner machine in accordance with the instructions of the State Board.

C. If the voter requires assistance in a language other than English and has not designated a person to assist him, an officer of election, before he assists as interpreter, shall inquire of the representatives authorized to be present pursuant to § ~~24.2-604~~ § 24.2-604.4 whether they have a volunteer available who can interpret for the voter. One representative interpreter for each party or candidate, insofar as available, shall be permitted to observe the officer of election communicate with the voter. The voter may designate one of the volunteer party or candidate interpreters to provide assistance. A person so designated by the voter shall meet all the requirements of this section for a person providing assistance.

D. A person who willfully violates subsection B or C is guilty of a Class 1 misdemeanor. In addition, the provisions of § 24.2-1016 and its felony penalties for false statements shall be applicable to any request or statement signed pursuant to this section, and the provisions of §§ 24.2-704 and 24.2-1012 and the felony penalties for violations of the law related to providing assistance to absentee voters shall be applicable in such cases.

E. In any precinct in which an electronic voting machine is available that provides an audio ballot, the officers of election shall notify a voter requiring assistance pursuant to this section that such machine is available for him to use to vote in privacy without assistance and the officers of election shall instruct the voter on the use of the voting machine. Nothing in this section shall be construed to require a voter to use the machine unassisted.

§ 24.2-700. Persons entitled to vote by absentee ballot.

A. The following registered voters may vote by absentee ballot in accordance with the provisions of this chapter in any election in which they are qualified to vote:

1. Any person who, in the regular and orderly course of his business, profession, or occupation or while on personal business or vacation, will be absent from the county or city in which he is entitled to vote;
2. Any person who is (i) a member of a uniformed service, as defined in § 24.2-452, on active duty, (ii) temporarily residing outside of the United States, or (iii) the spouse or dependent residing with any person listed in clause (i) or (ii), and who will be absent on the day of the election from the county or city in which he is entitled to vote;
3. Any student attending a school or institution of higher education, or his spouse, who will be absent on the day of election from the county or city in which he is entitled to vote;
4. Any duly registered person with a disability, as defined in § 24.2-101, who is unable to go in person to the polls on the day of election because of his disability, illness, or pregnancy;
5. Any person who is confined while awaiting trial or for having been convicted of a misdemeanor, provided that the trial or release date is scheduled on or after the third day preceding the election. Any person who is awaiting trial and is a resident of the county or city where he is confined shall, on his request, be taken to the polls to vote on election day if his trial date is postponed and he did not have an opportunity to vote absentee;
6. Any person who is a member of an electoral board, registrar, officer of election, or custodian of voting equipment;
7. Any duly registered person who is unable to go in person to the polls on the day of the election because he is primarily and personally responsible for the care of an ill or disabled family member who is confined at home;
8. Any duly registered person who is unable to go in person to the polls on the day of the election because of an obligation occasioned by his religion;

9. Any person who, in the regular and orderly course of his business, profession, or occupation, will be at his place of work and commuting to and from his home to his place of work for 11 or more hours of the 13 hours that the polls are open pursuant to § 24.2-603;

10. Any person who is a law-enforcement officer, as defined in § 18.2-51.1; firefighter, as defined in § 65.2-102; volunteer firefighter, as defined in § 27-42; search and rescue personnel, as defined in § 18.2-51.1; or emergency medical services personnel, as defined in § 32.1-111.1;

11. Any person who has been designated by a political party, independent candidate, or candidate in a primary election to be a representative of the party or candidate inside a polling place on the day of the election pursuant to ~~subsection C of § 24.2-604 and § 24.2-639~~ §§ 24.2-604.4 and 24.2-639; or

12. Any person granted a protective order issued by or under the authority of any court of competent jurisdiction.

B. Any registered voter may vote by absentee ballot in person beginning on the second Saturday immediately preceding any election in which he is qualified to vote.

§ 24.2-701. Application for absentee ballot.

A. The State Board shall furnish each general registrar with a sufficient number of applications for official absentee ballots. The registrars shall furnish applications to persons requesting them.

The State Board shall implement a system that enables eligible persons to request and receive an absentee ballot application electronically through the Internet. Electronic absentee ballot applications shall be in a form approved by the State Board.

Except as provided in § 24.2-703, a separate application shall be completed for each election in which the applicant offers to vote. An application for an absentee ballot may be accepted the later of (i) 12 months before an election or (ii) the day following any election held in the twelfth month prior to the election in which the applicant is applying to vote.

An application that is completed in person at the same time that the applicant registers to vote shall be held and processed no sooner than the fifth day after the date that the applicant registered to vote; however, this requirement shall not be applicable to any person who is qualified to vote absentee under subdivision A 2 of § 24.2-700.

Any application received before the ballots are printed shall be held and processed as soon as the printed ballots for the election are available.

For the purposes of this chapter, the general registrar's office shall be open a minimum of eight hours between the hours of 8:00 a.m. and 5:00 p.m. on the first and second Saturday immediately preceding all elections.

Unless the applicant is disabled, all applications for absentee ballots shall be signed by the applicant who shall state, subject to felony penalties for making false statements pursuant to § 24.2-1016, that to the best of his knowledge and belief the facts contained in the application are true and correct and that he has not and will not vote in the election at any other place in Virginia or in any other state. If the applicant is unable to sign the application, a person assisting the applicant will note this fact on the applicant signature line and provide his signature, name, and address.

B. Applications for absentee ballots shall be completed in the following manner:

1. An application completed in person shall be completed only in the office of the general registrar and signed by the applicant in the presence of a registrar. The applicant shall provide one of the forms of identification specified in subsection B of § 24.2-643. Any applicant who does not show one of the forms of identification specified in subsection B of § 24.2-643 shall be offered a provisional ballot under the provisions of § 24.2-653. The State Board of Elections shall provide instructions to the general registrar for the handling and counting of such provisional ballots pursuant to subsection B of § 24.2-653 and this section.

2. Any other application may be made by mail, electronic or telephonic transmission to a facsimile device if one is available to the office of the general registrar or the office of the State Board if a device is not available locally, or other means. The application shall be on a form furnished by the registrar or, if made under subdivision A 2 of § 24.2-700, may be on a federal postcard application prescribed pursuant to 52 U.S.C. § 20301(b)(2). The federal postcard application may be accepted the later of (i) 12 months before an election or (ii) the day following any election held in the twelfth month prior to the election in which the applicant is applying to vote. The application shall be made to the appropriate registrar no later than 5:00 p.m. on the seventh day prior to the election in which the applicant offers to vote.

C. Applications for absentee ballots shall contain the following information:

1. The applicant's printed name, the last four digits of the applicant's social security number, and the reason the applicant will be absent or cannot vote at his polling place on the day of the election. However, an applicant completing the application in person shall not be required to provide the last four digits of his social security number;

2. A statement that he is registered in the county or city in which he offers to vote and his residence address in such county or city. Any person temporarily residing outside the United States shall provide the last date of residency at his Virginia residence address, if that residence is no longer available to him. Any person who makes application under subdivision A 2 of § 24.2-700 who is not a registered voter may file the applications to register and for a ballot simultaneously;

3. The complete address to which the ballot is to be sent directly to the applicant, unless the application is made in person at a time when the printed ballots for the election are available and the applicant chooses to vote in person at the time of completing his application. The address given shall be (i) the address of the applicant on file in the registration records; (ii) the address at which he will be located while absent from his county or city; or (iii) the address at which he will be located while temporarily confined due to a disability or illness. No ballot shall be sent to, or in care of, any other person; and

4. In the case of a person, or the spouse or dependent of a person, who is on active duty as a member of the uniformed services as defined in § 24.2-452, the branch of service to which he or the spouse belongs; or

5. In the case of a student, or the spouse of a student, who is attending a school or institution of higher education, the name of the school or institution of higher education; or

6. In the case of any duly registered person with a disability, as defined in § 24.2-101, who is unable to go in person to the polls on the day of the election because of his disability, illness, or pregnancy, that he is a person with a disability, illness, or pregnancy; or

7. In the case of a person who is confined awaiting trial or for having been convicted of a misdemeanor, the name of the institution of confinement; or

8. In the case of a person who will be absent on election day for business reasons, the name of his employer or business; or

9. In the case of a person who will be absent on election day for personal business or vacation reasons, the name of the county or city in Virginia or the state or country to which he is traveling; or

10. In the case of a person who is unable to go to the polls on the day of election because he is primarily and personally responsible for the care of an ill or disabled family member who is confined at home, his relationship to the family member; or

11. In the case of a person who is unable to go to the polls on the day of election because of an obligation occasioned by his religion, that he has an obligation occasioned by his religion; or

12. In the case of a person who, in the regular and orderly course of his business, profession, or occupation, will be at his place of work and commuting to and from his home to his place of work for 11 or more hours of the 13 hours that the polls are open pursuant to § 24.2-603, the name of his business or employer and hours he will be at the workplace and commuting on election day; or

13. In the case of a law-enforcement officer, as defined in § 18.2-51.1; firefighter, as defined in § 65.2-102; volunteer firefighter, as defined in § 27-42; search and rescue personnel, as defined in § 18.2-51.1; or emergency medical services personnel, as defined in § 32.1-111.1, that he is a first responder; or

14. In the case of a person who has been designated by a political party, independent candidate, or candidate in a primary election to be a representative of the party or candidate inside a polling place on the day of the election pursuant to ~~subsection C of § 24.2-604 and § 24.2-639~~ §§ 24.2-604.4 and 24.2-639, the fact that he is so designated; or

15. In the case of a person who has been granted a protective order issued by or under the authority of any court of competent jurisdiction, the name of the county or city in Virginia or the state of the issuing court.

D. An application shall not be required for any registered voter appearing in person to cast an absentee ballot during the period beginning on the second Saturday immediately preceding the election in which he is offering to vote.

CHAPTER 562

An Act to amend and reenact § 63.2-900.1 of the Code of Virginia, relating to kinship foster care; training and approval processes.

[S 1025]

Approved March 31, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 63.2-900.1 of the Code of Virginia is amended and reenacted as follows:

§ 63.2-900.1. Kinship foster care.

A. The local board shall, in accordance with regulations adopted by the Board, determine whether the child has any relative who may be eligible to become a kinship foster parent. Searches for relatives eligible to serve as kinship foster parents shall be conducted at the time the child enters foster care, at least annually thereafter, and prior to any subsequent changes to the child's placement setting. The local board shall take all reasonable steps to provide notice to such relatives of their potential eligibility to become kinship foster parents and explain any opportunities such relatives may have to participate in the placement and care of the child, including opportunities available through kinship foster care or kinship guardianship.

B. Kinship foster care placements pursuant to this section shall be subject to all requirements of, and shall be eligible for all services related to, foster care placement contained in this chapter. Subject to approval by the Commissioner, a local board may grant a waiver of the Board's standards for foster home approval, set forth in regulations, that are not related to safety. *Training requirements may be waived for purposes of initial approval; however, such training requirements shall be completed within six months of the initial approval. If a local board determines that training requirements are a barrier to placement with a kinship foster parent and that placement with such kinship foster parent is in the child's best interest, the local board shall submit a waiver request to the Commissioner.* Waivers granted pursuant to this subsection shall be considered and, if appropriate, granted on a case-by-case basis and shall include consideration of the unique needs of each child to be placed. Upon request by a local board, the Commissioner shall review the local board's decision and reasoning to grant a waiver and shall verify that the foster home approval standard being waived is not related to safety. *If the Commissioner grants the waiver and allows approval of the home in accordance with Board regulations, the child may be*

placed in the home immediately. The approval or disapproval by the Commissioner of the local board's waiver shall not be considered a case decision as defined in § 2.2-4001.

C. The kinship foster parent shall be eligible to receive payment at the full foster care rate for the care of the child.

D. During the process of determining whether a person should be approved as a kinship foster parent, a local board shall not require that the child be removed from the physical custody of the kinship foster parent who is the subject of such approval process, provided the placement remains in the child's best interest.

E. A child placed in kinship foster care pursuant to this section shall not be removed from the physical custody of the kinship foster parent, provided that the child has been living with the kinship foster parent for six consecutive months and the placement continues to meet approval standards for foster care, unless (i) the kinship foster parent consents to the removal; (ii) removal is agreed upon at a family partnership meeting as defined by the Department; (iii) removal is ordered by a court of competent jurisdiction; or (iv) removal is warranted pursuant to § 63.2-1517.

2. That the Department of Social Services shall develop a training program that is tailored to persons seeking approval as a kinship foster parent. Such program shall take into consideration the unique characteristics of kinship foster care placements and include information regarding services, funding, options, and other resources that will be available to the kinship foster parent.

3. That the Department of Social Services (the Department) shall develop a document that provides comprehensive information regarding kinship foster care, including information about available services, funding, options, and other resources. The Department shall make such document available on its website and require local boards of social services to provide information about such document to all potential kinship foster parents.

4. That the Department of Social Services shall provide training to local boards of social services regarding the process through which a person may be approved as a kinship foster parent without requiring removal of the child from the physical custody of such person.

5. That the Board of Social Services (the Board) shall promulgate regulations to implement the provisions of this act, including the process for relative foster home approval. The Board's initial adoption of regulations necessary to implement the provisions of this act shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia), except that the Board shall provide an opportunity for public comment on the regulations prior to adoption.

CHAPTER 563

An Act to amend the Code of Virginia by adding a section numbered 10.1-1402.04, relating to closure of certain coal combustion residuals impoundments; Giles and Russell Counties.

[H 443]

Approved March 31, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 10.1-1402.04 as follows:

§ 10.1-1402.04. Closure of certain coal combustion residuals units; Giles and Russell Counties.

A. For the purposes of this section:

"Carrying cost" means the cost associated with financing expenditures incurred but not yet recovered from the electric utility's customers and shall be calculated by applying the electric utility's weighted average cost of debt and equity capital, as determined by the State Corporation Commission, with no additional margin or profit, to any unrecovered balances.

"CCR landfill" means an area of land or an excavation that receives CCR and is not a surface impoundment, underground injection well, salt dome formation, salt bed formation, underground or surface coal mine, or cave and that is owned or operated by an electric utility.

"CCR surface impoundment" means a natural topographic depression, man-made excavation, or diked area that (i) is designed to hold an accumulation of CCR and liquids; (ii) treats, stores, or disposes of CCR; and (iii) is owned or operated by an electric utility.

"CCR unit" means any CCR landfill, CCR surface impoundment, lateral expansion of a CCR unit, or combination of two or more such units that is owned by an electric utility. Notwithstanding the provisions of 40 C.F.R. Part 257, "CCR unit" also includes any CCR below the unit boundary of the CCR landfill or CCR surface impoundment.

"Coal combustion residuals" or "CCR" means fly ash, bottom ash, boiler slag, and flue gas desulfurization materials generated from burning coal for the purpose of generating electricity by an electric utility.

"Commission" means the State Corporation Commission.

"Encapsulated beneficial use" means a beneficial use of CCR that binds the CCR into a solid matrix and minimizes its mobilization into the surrounding environment.

The definitions in this subsection shall be interpreted in a manner consistent with 40 C.F.R. Part 257, except as expressly provided in this section.

B. The owner or operator of any CCR unit located in Giles County or Russell County at the Glen Lyn Plant and the Clinch River Plant shall, if all CCR units at such plant ceased receiving CCR and submitted notification of completion of a final cap to the Department prior to January 1, 2019, complete post-closure care and any required corrective action of such

unit. If all CCR units at such plant have not submitted notification of completion of a final cap to the Department prior to January 1, 2019, the owner or operator shall close all CCR units at such plant by (i) removing all of the CCR in accordance with applicable standards established by Virginia Solid Waste Management Regulations (9VAC20-81) and (ii) either (a) beneficially reusing all such CCR in a recycling process for encapsulated beneficial use or (b) disposing of the CCR in a permitted landfill on the property upon which the CCR unit is located, adjacent to the property upon which the CCR unit is located, or off of the property on which the CCR unit is located, that includes, at a minimum, a composite liner and leachate collection system that meets or exceeds the federal Criteria for Municipal Solid Waste Landfills pursuant to 40 C.F.R. Part 258. The owner or operator shall beneficially reuse CCR removed from its CCR unit if beneficial use of such removed CCR is anticipated to reduce costs incurred under this section.

C. The owner or operator shall complete the closure of any such CCR unit required by this section no later than 15 years after initiating the excavation process at that CCR unit. During the closure process, the owner or operator shall, at its expense, offer to provide a connection to a municipal water supply, or where such connection is not feasible provide water testing, for any residence within one-half mile of the CCR unit.

D. Where closure pursuant to this section requires that CCR that has been beneficially reused be removed off-site, the owner or operator shall develop a transportation plan in consultation with any county, city, or town in which the CCR units are located and any county, city, or town within two miles of the CCR units that minimizes the impact of any transport of CCR on adjacent property owners and surrounding communities. The transportation plan shall include (i) alternative transportation options to be utilized, including rail and barge transport, if feasible, in combination with other transportation methods necessary to meet the closure timeframe established in subsection C and (ii) plans for any transportation by truck, including the frequency of truck travel, the route of truck travel, and measures to control noise, traffic impact, safety, and fugitive dust caused by such truck travel. Once such transportation plan is completed, the owner or operator shall post it on a publicly accessible website. The owner or operator shall provide notice of the availability of the plan to the Department and the chief administrative officers of the consulting localities and shall publish such notice once in a newspaper of general circulation in such locality.

E. The owner or operator of any CCR unit subject to the provisions of subsection B shall accept and review proposals for the encapsulated beneficial use of CCR pursuant to the provisions of subsection B every four years beginning July 1, 2023. Any entity submitting such a proposal shall provide information from which the owner or operator can determine (i) the amount of CCR that will be utilized for encapsulated beneficial use; (ii) the cost of the proposed beneficial use of such CCR; and (iii) the guaranteed timeframe in which the CCR will be utilized.

F. In conducting closure activities described in subsection B, the owner or operator shall (i) identify options for utilizing local workers; (ii) consult with the Commonwealth's Chief Workforce Development Officer on opportunities to advance the Commonwealth's workforce goals, including furtherance of apprenticeship and other workforce training programs to develop the local workforce; and (iii) give priority to the hiring of local workers.

G. No later than October 1, 2023, and no less frequently than every two years thereafter until closure of or corrective action at all of its CCR units is complete, the owner or operator of any CCR unit subject to the provisions of subsection B shall compile the following two reports:

1. A report describing the owner's or operator's closure plan for all such CCR units; the closure progress to date, both per unit and in total; a detailed accounting of the amounts of CCR that have been and are expected to be beneficially reused from such units, both per unit and in total; a detailed accounting of the amounts of CCR that have been and are expected to be landfilled from such units, both per unit and in total; a detailed accounting of the utilization of transportation options and a transportation plan as required by subsection D; and a discussion of groundwater and surface water monitoring results and any corrective actions or other measures taken to address such results as closure is being completed.

2. A report that contains the proposals and analysis for proposals required by subsection E.

The owner or operator shall post each such report on a publicly accessible website and shall submit each such report to the Governor, the Secretary of Natural Resources, the Chairman of the Senate Committee on Agriculture, Conservation and Natural Resources, the Chairman of the House Committee on Agriculture, Chesapeake and Natural Resources, the Chairman of the Senate Committee on Commerce and Labor, the Chairman of the House Committee on Labor and Commerce, and the Director.

H. All costs associated with closure by removal of a CCR unit or encapsulated beneficial use of CCR material in accordance with subsection B shall be recoverable through a rate adjustment clause authorized by the Commission under the provisions of subdivision A 5 e of § 56-585.1, provided that (i) when determining the reasonableness of such costs the Commission shall not consider closure in place of the CCR unit as an option; (ii) the annual revenue requirement recoverable through a rate adjustment clause authorized under this section, exclusive of any other rate adjustment clauses approved by the Commission under the provisions of subdivision A 5 e of § 56-585.1, shall not exceed \$40 million on a Virginia jurisdictional basis for the Commonwealth in any 12-month period, provided that any under-recovery amount of revenue requirements incurred in excess of \$40 million in a given 12-month period, limited to the under-recovery amount and the carrying cost, shall be deferred and recovered through the rate adjustment clause over up to three succeeding 12-month periods without regard to this limitation, and with the length of the amortization period being determined by the Commission; (iii) costs may begin accruing on July 1, 2020, but no approved rate adjustment clause charges shall be included in customer bills until July 1, 2022; (iv) any such costs shall be allocated to all customers of the utility in the Commonwealth as a non-bypassable charge, irrespective of the generation supplier of any such customer; and (v) any such

costs that are allocated to the utility's system customers outside of the Commonwealth that are not actually recovered from such customers shall be included for cost recovery from jurisdictional customers in the Commonwealth through the rate adjustment clause.

I. Any electric public utility subject to the requirements of this section may, without regard for whether it has petitioned for any rate adjustment clause pursuant to subdivision A 5 e of § 56-585.1, petition the Commission for approval of a plan for CCR unit closure at any or all of its CCR unit sites listed in subsection B. Any such plan shall take into account site-specific conditions and shall include proposals to beneficially reuse CCR from the sites if beneficial use is anticipated to reduce the costs allocated to customers. The Commission shall issue its final order with regard to any such petition within six months of its filing, and in doing so shall determine whether the utility's plan for CCR unit closure, and the projected costs associated therewith, are reasonable and prudent, taking into account that closure in place of any CCR unit is not to be considered as an option. The Commission shall not consider plans that do not comply with subsection B.

J. Nothing in this section shall be construed to require additional beneficial reuse of CCR at any active coal-fired electric generation facility if such additional beneficial reuse results in a net increase in truck traffic on the public roads of the locality in which the facility is located as compared with such traffic during calendar year 2019.

K. The Commonwealth shall not authorize any cost recovery by an owner or operator subject to the provisions of this section for any fines or civil penalties resulting from violations of federal and state law or regulation.

CHAPTER 564

An Act to amend and reenact § 29.1-302.1 of the Code of Virginia, relating to senior resident lifetime license for hunting bear, deer, and turkey.

[H 1272]

Approved March 31, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 29.1-302.1 of the Code of Virginia is amended and reenacted as follows:

§ 29.1-302.1. Special lifetime hunting and fishing licenses for residents and nonresidents.

A. Any resident or nonresident individual may apply for and receive from the Department, after payment of the appropriate fee, any of the following lifetime licenses which shall be valid for the life of the individual, nontransferable, and permit the person to engage in the licensed activity on any property in the Commonwealth according to restrictions and regulations of law:

1. A basic resident lifetime hunting license, to be obtained for a fee of \$250. This license is valid for the lifetime of the license holder even if the license holder becomes a nonresident of the Commonwealth subsequent to the purchase of the license.

2. A basic resident lifetime fishing license, to be obtained for a fee of \$250. This license is valid for the lifetime of the license holder even if the license holder becomes a nonresident of the Commonwealth subsequent to the purchase of the license.

3. A basic nonresident lifetime hunting license, to be obtained for a fee of \$500.

4. A basic nonresident lifetime fishing license, to be obtained for a fee of \$500.

5. A basic senior resident lifetime hunting license and bear, deer, and turkey license, to be obtained for a fee of \$200. This license is available only to a resident of the Commonwealth who is 80 years of age or older and shall be valid for the lifetime of the license holder even if the license holder becomes a nonresident of the Commonwealth subsequent to the purchase of the license. This license shall include any special license necessary under § 29.1-305 for hunting bear, deer, and turkey.

6. A junior resident lifetime hunting license that is valid until an individual's twelfth birthday, and which is transferable to a resident lifetime hunting license for no additional fee upon proof of completion of a hunter education course or equivalent, may be obtained for a fee of \$250.

~~6~~ 7. A junior nonresident lifetime hunting license that is valid until an individual's twelfth birthday, and which is transferable to a nonresident lifetime hunting license for no additional fee upon proof of completion of a hunter education course or equivalent, may be obtained for a fee of \$500.

~~7~~ 8. An infant resident lifetime hunting license, to be obtained for a fee of \$125. This license shall be issued only to an individual who is younger than two years of age and shall be valid to be used as prescribed under subsection D1 of § 29.1-301 until an individual's twelfth birthday. Upon proof of completion of a hunter education course or equivalent, this license shall be transferable to a resident lifetime hunting license for no additional fee. This license shall remain valid even if the license holder becomes a nonresident of the Commonwealth subsequent to the purchase of the license.

~~8~~ 9. An infant nonresident lifetime hunting license, to be obtained for a fee of \$250. This license shall be issued only to an individual who is younger than two years of age and shall be valid to be used as prescribed under subsection D1 of § 29.1-301 until an individual's twelfth birthday. Upon proof of completion of a hunter education course or equivalent, this license shall be transferable to a nonresident lifetime hunting license for no additional fee. This license shall remain valid even if the license holder becomes a resident of the Commonwealth subsequent to the purchase of the license.

~~9.~~ 10. An infant resident lifetime fishing license, to be obtained for a fee of \$125. This license shall be issued only to an individual who is younger than two years of age. This license is valid for the lifetime of the license holder even if the license holder becomes a nonresident of the Commonwealth subsequent to the purchase of the license.

~~10.~~ 11. An infant nonresident lifetime fishing license, to be obtained for a fee of \$250. This license shall be issued only to an individual who is younger than two years of age. This license is valid for the lifetime of the license holder even if the license holder becomes a resident of the Commonwealth subsequent to the purchase of the license.

Such basic lifetime hunting licenses shall serve in lieu of the state resident hunting license as provided for in subdivision 2 of § 29.1-303, or state nonresident hunting license as provided for in subdivision 3 of § 29.1-303. Such basic lifetime fishing licenses shall serve in lieu of the state resident fishing license as provided for in subdivision A 2 of § 29.1-310 or state nonresident fishing license as provided for in subdivision A 3 of § 29.1-310.

B. Applications for all lifetime hunting and fishing licenses authorized by this section shall be made to the Department. The form and issuance of such a license shall conform to the provisions of this chapter for all licenses.

Except as otherwise specifically provided by law, all money credited to, held by, or to be received by the Department from the sale of licenses authorized by this section shall be consolidated and placed in the Lifetime Hunting and Fishing Endowment Fund established in § 29.1-101.1.

C. Any resident who is permanently disabled, as defined in § 58.1-3217, who applies for either of the resident lifetime licenses authorized by this section shall receive such a license for a fee of \$5. The applicant shall provide proof of permanent disability acceptable to the Director of the Department of Game and Inland Fisheries.

D. Any resident 45 years of age or older who applies for either of the resident lifetime licenses authorized by ~~this section~~ subdivision A 1 or A 2 shall receive such a license for one of the following fees based on age: age 45 through 50, \$200; age 51 through 55, \$150; age 56 through 60, \$100; age 61 through 64, \$50; and age 65 or older, \$10.

E. The Board may subsequently revise the cost of licenses set forth in this section pursuant to § 29.1-103.

CHAPTER 565

An Act to require the Department of Environmental Quality to establish a process for notice of disposal of certain fill materials.

[H 1310]

Approved March 31, 2020

Be it enacted by the General Assembly of Virginia:

1. § 1. *That the Department of Environmental Quality (the Department) shall establish a process whereby any person that receives coverage under the General Virginia Pollutant Discharge Elimination System (VPDES) Permit for Discharges of Stormwater from Construction Activities and that will be transporting fill from a project site for disposal as part of its land-disturbing activities shall disclose to the Department the following information, which the Department shall disclose to every locality where such fill will be disposed of: (i) the source of the fill to be disposed of, (ii) the contents of the fill, and (iii) the location of the disposal.*

CHAPTER 566

An Act to amend and reenact § 28.2-104.1 of the Code of Virginia, relating to living shorelines; resiliency.

[H 1375]

Approved March 31, 2020

Be it enacted by the General Assembly of Virginia:

1. **That § 28.2-104.1 of the Code of Virginia is amended and reenacted as follows:**

§ 28.2-104.1. Living shorelines; development of general permit; guidance.

A. As used in this section, unless the context requires a different meaning:

"Living shoreline" means a shoreline management practice that provides erosion control and water quality benefits; protects, restores, or enhances natural shoreline habitat; and maintains coastal processes through the strategic placement of plants, stone, sand fill, and other structural and organic materials. *When practicable, a living shoreline may enhance coastal resiliency and attenuation of wave energy and storm surge.*

B. The Commission, in cooperation with the Department of Conservation and Recreation, the Department of Environmental Quality, and local wetlands boards, and with technical assistance from the Virginia Institute of Marine Science, shall establish and implement a general permit regulation that authorizes and encourages the use of living shorelines as the preferred alternative for stabilizing tidal shorelines in the Commonwealth. The regulation shall provide for an expedited permit review process for qualifying living shoreline projects requiring authorization under Chapters 12 (§ 28.2-1200 et seq.), 13 (§ 28.2-1300 et seq.), and 14 (§ 28.2-1400 et seq.). In developing the general permit, the Commission shall consult with the U.S. Army Corps of Engineers to ensure the minimization of conflicts with federal law and regulation.

C. The Commission, in cooperation with the Department of Conservation and Recreation and with technical assistance from the Virginia Institute of Marine Science, shall develop integrated guidance for the management of tidal shoreline systems to provide a technical basis for the coordination of permit decisions required by any regulatory entity exercising authority over a shoreline management project. The guidance shall:

1. Communicate to stakeholders and regulatory authorities that it is the policy of the Commonwealth to support living shorelines as the preferred alternative for stabilizing tidal shorelines;
2. Identify preferred shoreline management approaches for the shoreline types found in the Commonwealth;
3. Explain the risks and benefits of protection provided by various shoreline system elements associated with each management option; and
4. Recommend procedures to achieve efficiency and effectiveness by the various regulatory entities exercising authority over a shoreline management project.

CHAPTER 567

An Act to amend and reenact § 10.1-1801.1 of the Code of Virginia, relating to the Open-Space Lands Preservation Trust Fund; acquisition of interests in property.

[H 1622]

Approved March 31, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 10.1-1801.1 of the Code of Virginia is amended and reenacted as follows:

§ 10.1-1801.1. Open-Space Lands Preservation Trust Fund.

A. The Foundation shall establish, administer, manage, including the creation of reserves, and make expenditures and allocations from a special nonreverting fund in the state treasury to be known as the Open-Space Lands Preservation Trust Fund, hereinafter referred to as the Fund. The Foundation shall establish and administer the Fund solely for the purpose of providing grants in accordance with this section to localities acquiring ~~open-space easements~~ *fee simple title or other rights, interests, or privileges in property* or persons conveying ~~conservation or open-space easements~~ *to the Foundation fee simple title or other rights, interests, or privileges in property* on agricultural, forestal, or other open-space land pursuant to the Open-Space Land Act (§ 10.1-1700 et seq.) and, if applicable, the Virginia Conservation Easement Act (§ 10.1-1009 et seq.).

B. The Fund shall consist of general fund moneys, gifts, endowments or grants from the United States government, its agencies and instrumentalities, and funds from any other available sources, public or private.

C. Any moneys remaining in the Fund at the end of a biennium shall remain in the Fund, and shall not revert to the general fund. Interest earned on moneys received by the Fund shall remain in the Fund and be credited to it.

D. The purpose of grants made from the Fund shall be to aid localities acquiring ~~open-space easements~~ *fee simple title or other rights, interests, or privileges in property* or persons conveying ~~conservation or open-space easements~~ *to the Foundation fee simple title or other rights, interests, or privileges in property* with the costs associated with the conveyance of the ~~easements~~ *property interest*, which may include legal costs, appraisal costs, or all or part of the value of the ~~easement~~ *property interest*. In cases where a grant is used to purchase all or part of the value of ~~an easement~~ *a property interest*, moneys from the Fund may also be used by the Foundation to pay for an appraisal, provided that the appraisal is the only appraisal paid for by the Foundation in the acquisition of a particular ~~easement~~ *property interest*. To be eligible for a grant award, the ~~conservation or open-space easement~~ *property interest* shall ~~provide that:~~

- ~~1. The easement is perpetual in duration; and~~
- ~~2. The easement is conveyed to the Foundation or, if the Foundation consents, the Foundation and a local coholder.~~

~~For the purposes of this section, "local coholder" means the governing body of the locality in which the easement is located; a holder as defined in § 10.1-1009; a public recreational facilities authority; other local entity authorized by statute to hold open-space or preservation easements; or a soil and water conservation district, if authorized to hold an easement under be compliant with the Open-Space Land Act (§ 10.1-1700 et seq.). The Board of Historic Resources may be a local coholder if the easement is on land that abuts land on which a designated historic landmark, building, structure, district, object or site is located.~~

E. The Foundation shall establish guidelines for submittal and evaluation of grant applications. In evaluating grant applications, the Foundation may give priority to applications that:

1. Request a grant to pay only legal and appraisal fees for a ~~conservation or open-space easement~~ *property interest* that is being donated by the landowner;
2. Request a grant to pay costs associated with conveying a ~~conservation or open-space easement~~ *property interest* on a family-owned or family-operated farm; or
3. Demonstrate the applicant's financial need for a grant.

F. No open-space land for which a grant has been awarded under this section shall be converted or diverted from open-space land use unless:

1. Such conversion or diversion is in compliance with subsection A of § 10.1-1704; and

2. ~~The~~ Any open-space easement on the land substituted for land subject to an easement with respect to which a grant has been made under this section meets the eligibility requirements of this section.

G. Up to \$100,000 per year of any interest generated by the Fund may be used for the Foundation's administrative expenses.

CHAPTER 568

An Act to amend and reenact §§ 18.2-340.19, 18.2-340.24, 18.2-340.25, 18.2-340.27, 18.2-340.28, 18.2-340.28:1, and 18.2-340.33 of the Code of Virginia, and to repeal § 18.2-340.27:1, relating to the conduct of charitable gaming.

[S 199]

Approved March 31, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 18.2-340.19, 18.2-340.24, 18.2-340.25, 18.2-340.27, 18.2-340.28, 18.2-340.28:1, and 18.2-340.33 of the Code of Virginia are amended and reenacted as follows:

§ 18.2-340.19. Regulations of the Board.

A. The Board shall adopt regulations that:

1. Require, as a condition of receiving a permit, that the applicant use a predetermined percentage of its gross receipts for (i) those lawful religious, charitable, community or educational purposes for which the organization is specifically chartered or organized or (ii) those expenses relating to the acquisition, construction, maintenance or repair of any interest in real property involved in the operation of the organization and used for lawful religious, charitable, community or educational purposes. The regulation may provide for a graduated scale of percentages of gross receipts to be used in the foregoing manner based upon factors the Board finds appropriate to and consistent with the purpose of charitable gaming.

2. Specify the conditions under which a complete list of the organization's members who participate in the management, operation or conduct of charitable gaming may be required in order for the Board to ascertain the percentage of Virginia residents in accordance with subdivision A 3 of § 18.2-340.24.

Membership lists furnished to the Board or Department in accordance with this subdivision shall not be a matter of public record and shall be exempt from disclosure under the provisions of the Freedom of Information Act (§ 2.2-3700 et seq.).

3. Prescribe fees for processing applications for charitable gaming permits. Such fees may reflect the nature and extent of the charitable gaming activity proposed to be conducted.

4. Establish requirements for the audit of all reports required in accordance with § 18.2-340.30.

5. Define electronic and mechanical equipment used in the conduct of charitable gaming. Board regulations shall include capacity for such equipment to provide full automatic daubing as numbers are called. For the purposes of this subdivision, electronic or mechanical equipment for instant bingo, pull tabs, or seal cards shall include such equipment that displays facsimiles of instant bingo, pull tabs, or seal cards and are used solely for the purpose of dispensing or opening such paper or electronic cards, or both; but shall not include (i) devices operated by dropping one or more coins or tokens into a slot and pulling a handle or pushing a button or touchpoint on a touchscreen to activate one to three or more reels marked into horizontal segments by varying symbols, where the predetermined prize amount depends on how and how many of the symbols line up when the rotating reels come to rest, or (ii) other similar devices that display flashing lights or illuminations, or bells, whistles, or other sounds, solely intended to entice players to play.

6. Prescribe the conditions under which a qualified organization may (i) provide food and nonalcoholic beverages to its members who participate in the management, operation or conduct of bingo; (ii) permit members who participate in the management, operation or conduct of bingo to play bingo; and (iii) subject to the provisions of subdivision ~~43~~ 12 of § 18.2-340.33, permit nonmembers to participate in the conduct of bingo so long as the nonmembers are under the direct supervision of a bona fide member of the organization during the bingo game.

7. Prescribe the conditions under which a qualified organization may sell raffle tickets for a raffle drawing that will be held outside the Commonwealth pursuant to subsection B of § 18.2-340.26.

8. Prescribe the conditions under which persons who are bona fide members of a qualified organization or a child, above the age of 13 years, of a bona fide member of such organization may participate in the conduct or operation of bingo games.

9. Prescribe the conditions under which a person below the age of 18 years may play bingo, provided such person is accompanied by his parent or legal guardian.

10. Require all qualified organizations that are subject to Board regulations to post in a conspicuous place in every place where charitable gaming is conducted a sign which bears a toll-free telephone number for "Gamblers Anonymous" or other organization which provides assistance to compulsive gamblers.

11. Prescribe the conditions under which a qualified organization may sell network bingo cards in accordance with § 18.2-340.28:1 and establish a percentage of proceeds derived from network bingo sales to be allocated to (i) prize pools, (ii) the organization conducting the network bingo, and (iii) the network bingo provider. The regulations shall also establish procedures for the retainage and ultimate distribution of any unclaimed prize.

B. In addition to the powers and duties granted pursuant to § 2.2-2456 and this article, the Board may, by regulation, approve variations to the card formats for bingo games provided such variations result in bingo games that are conducted in a manner consistent with the provisions of this article. Board-approved variations may include, but are not limited to, bingo games commonly referred to as player selection games and 90-number bingo.

§ 18.2-340.24. Eligibility for permit; exceptions; where valid.

A. To be eligible for a permit to conduct charitable gaming, an organization shall:

1. Have been in existence and met on a regular basis in the Commonwealth for a period of at least three years immediately prior to applying for a permit.

The three-year residency requirement shall not apply (i) to any lodge or chapter of a national or international fraternal order or of a national or international civic organization which is exempt under § 501(c) of the United States Internal Revenue Code and which has a lodge or chapter holding a charitable gaming permit issued under the provisions of this article anywhere within the Commonwealth; (ii) to booster clubs which have been operating for less than three years and which have been established solely to raise funds for school-sponsored activities in public schools or private schools accredited pursuant to § 22.1-19; (iii) to recently established volunteer fire and rescue companies or departments, after county, city or town approval; or (iv) to an organization which relocates its meeting place on a permanent basis from one jurisdiction to another, complies with the requirements of subdivision 2 of this section, and was the holder of a valid permit at the time of its relocation.

2. Be operating currently and have always been operated as a nonprofit organization.

3. Have at least 50 percent of its membership consist of residents of the Commonwealth; however, if an organization (i) does not consist of bona fide members and (ii) is exempt under § 501(c)(3) of the United States Internal Revenue Code, the Board shall exempt such organizations from the requirements of this subdivision.

B. Any organization whose gross receipts from all charitable gaming exceeds or can be expected to exceed \$40,000 in any calendar year shall have been granted tax-exempt status pursuant to § 501(c) of the United States Internal Revenue Code. At the same time tax-exempt status is sought from the Internal Revenue Service, the same documentation may be filed with the Department in conjunction with an application for a charitable gaming permit. If such documentation is filed, the Department may, after reviewing such documentation it deems necessary, issue a charitable gaming permit.

C. A permit shall be valid only for the ~~locations,~~ dates, and times designated in the permit.

§ 18.2-340.25. Permit required; application fee; form of application.

A. Except as provided for in § 18.2-340.23, prior to the commencement of any charitable game, an organization shall obtain a permit from the Department.

B. All complete applications for a permit shall be acted upon by the Department within 45 days from the filing thereof. Upon compliance by the applicant with the provisions of this article, and at the discretion of the Department, a permit may be issued. All permits when issued shall be valid for the period specified in the permit unless it is sooner suspended or revoked. No permit shall be valid for longer than two years. The application shall be a matter of public record.

All permits shall be subject to regulation by the Department to ensure the public safety and welfare in the operation of charitable games. The permit shall only be granted after a reasonable investigation has been conducted by the Department. The Department may require any prospective employee, permit holder or applicant to submit to fingerprinting and to provide personal descriptive information to be forwarded along with employee's, licensee's or applicant's fingerprints through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the purposes of obtaining criminal history record information regarding such prospective employee, permit holder or applicant. The Central Criminal Records Exchange upon receipt of a prospective employee, licensee or applicant record or notification that no record exists, shall forward the report to the Commissioner of the Department or his designee, who shall belong to a governmental entity. However, nothing in this subsection shall be construed to require the routine fingerprinting of volunteer bingo workers.

C. In no case shall an organization receive more than one permit allowing it to conduct charitable gaming; ~~however, nothing in this section shall be construed to prohibit granting special permits pursuant to § 18.2-340.27-1.~~

D. Application for a charitable gaming permit shall be made on forms prescribed by the Department and shall be accompanied by payment of the fee for processing the application.

E. Applications for renewal of permits shall be made in accordance with Board Regulations. If a complete renewal application is received 45 days or more prior to the expiration of the permit, the permit shall continue to be effective until such time as the Department has taken final action. Otherwise, the permit shall expire at the end of its term.

F. The failure to meet any of the requirements of § 18.2-340.24 shall cause the automatic denial of the permit, and no organization shall conduct any charitable gaming until the requirements are met and a permit is obtained.

§ 18.2-340.27. Conduct of bingo games.

A. A qualified organization shall accept only cash or, at its option, checks or debit cards in payment of any charges or assessments for players to participate in bingo games. However, no such organization shall accept postdated checks in payment of any charges or assessments for players to participate in bingo games.

B. No qualified organization or any person on the premises shall extend lines of credit or accept any credit or other electronic fund transfer other than debit cards in payment of any charges or assessments for players to participate in bingo games.

C. Bingo games may be held by qualified organizations ~~no more frequently than two calendar days in any calendar week, except in accordance with § 18.2-340.27-1 on any calendar day.~~

D. ~~No more than two sessions of bingo games may be held by qualified organizations in~~ *Qualified organizations may hold an unlimited number of bingo sessions on any calendar day; nor shall there be more than 55 bingo games per session.*

E. ~~Any organization may conduct bingo games only in the county, city or town or in any adjoining county, city or town in which they regularly have been in existence or met. The Department may approve exceptions to this requirement where there is a special circumstance or documented need at any location within the Commonwealth.~~

§ 18.2-340.28. Conduct of instant bingo, network bingo, pull tabs and seal cards.

A. Any organization qualified to conduct bingo games pursuant to the provisions of this article may play instant bingo, network bingo, pull tabs, or seal cards as a part of such bingo game and, if a permit is required pursuant to § 18.2-340.25, such games shall be played only at such ~~location and at such times as~~ designated in the permit for regular bingo games.

B. Any organization conducting instant bingo, network bingo, pull tabs, or seal cards shall maintain a record of the date, quantity and card value of instant bingo supplies purchased as well as the name and address of the supplier of such supplies. The organization shall also maintain a written invoice or receipt from a nonmember of the organization verifying any information required by this subsection. Such supplies shall be paid for only by check drawn on the gaming account of the organization. A complete inventory of all such gaming supplies shall be maintained by the organization on the premises where the gaming is being conducted.

C. No qualified organization shall sell any instant bingo, network bingo, pull tabs, or seal cards to any individual younger than 18 years of age. No individual younger than 18 years of age shall play or redeem any instant bingo, network bingo, pull tabs, or seal cards.

§ 18.2-340.28:1. Conduct of network bingo.

A. Any organization qualified to conduct bingo games pursuant to the provisions of this article may sell network bingo cards as a part of a regular bingo game and, if a permit is required pursuant to § 18.2-340.25, network bingo shall be sold only at such ~~location and at such times as~~ designated in the permit for regular bingo games.

B. Any organization selling network bingo cards shall maintain a record of the date and quantity of network bingo cards purchased from a licensed network bingo provider. The organization shall also maintain a written invoice or receipt from a licensed supplier verifying any information required by this subsection. Such supplies shall be paid for only by check drawn on the gaming account of the organization or by electronic fund transfer. A complete inventory of all such gaming supplies shall be maintained by the organization on the premises where network bingo cards are sold.

C. No qualified organization shall sell any network bingo cards to any individual younger than 18 years of age. No individual younger than 18 years of age shall play or redeem any network bingo cards.

D. A qualified organization shall accept only cash or, at its option, checks or debit cards in payment of any charges or assessments for players to participate in any network bingo game. However, no such organization shall accept postdated checks in payment of any charges or assessments for players to participate in network bingo games.

E. No qualified organization or any person on the premises shall extend lines of credit or accept any credit or other electronic fund transfer other than debit cards in payment of any charges or assessments for players to participate in network bingo games.

F. No qualified organization shall conduct network bingo more frequently than one day in any calendar week, which shall not be the same day of each week.

G. No network bingo games shall be permitted in the social quarters of an organization that are open only to the organization's members and their guests.

H. No qualified organization shall sell network bingo cards on the Internet or other online service or allow the play of network bingo on the Internet or other online service. However, the location where network bingo games are conducted shall be equipped with a video monitor, television, or video screen, or any other similar means of visually displaying a broadcast or signal, that relays live, real-time video of the numbers as they are called by a live caller. The Internet or other online service may be used to relay information about winning players.

I. Qualified organizations may award network bingo prizes on a graduated scale; however, no single network bingo prize shall exceed \$25,000.

J. Nothing in this section shall be construed to prohibit an organization from participating in more than one network bingo network.

§ 18.2-340.33. Prohibited practices.

In addition to those other practices prohibited by this article, the following acts or practices are prohibited:

1. No part of the gross receipts derived by a qualified organization may be used for any purpose other than (i) reasonable and proper gaming expenses, (ii) reasonable and proper business expenses, (iii) those lawful religious, charitable, community or educational purposes for which the organization is specifically chartered or organized, and (iv) expenses relating to the acquisition, construction, maintenance, or repair of any interest in the real property involved in the operation of the organization and used for lawful religious, charitable, community or educational purposes. For the purposes of clause (iv), such expenses may include the expenses of a corporation formed for the purpose of serving as the real estate holding entity of a qualified organization, provided (a) such holding entity is qualified as a tax exempt organization under § 501(c) of the Internal Revenue Code and (b) the membership of the qualified organization is identical to such holding entity.

2. Except as provided in § 18.2-340.34:1, no qualified organization shall enter into a contract with or otherwise employ for compensation any person for the purpose of organizing, managing, or conducting any charitable games. However,

organizations composed of or for deaf or blind persons may use a part of their gross receipts for costs associated with providing clerical assistance in the management and operation but not the conduct of charitable gaming.

The provisions of this subdivision shall not prohibit the joint operation of bingo games held in accordance with § 18.2-340.29.

3. No person shall pay or receive for use of any premises devoted, in whole or in part, to the conduct of any charitable games, any consideration in excess of the current fair market rental value of such property. Fair market rental value consideration shall not be based upon or determined by reference to a percentage of the proceeds derived from the operation of any charitable games or to the number of people in attendance at such charitable games.

~~4. No building or other premises shall be utilized in whole or in part for the purpose of conducting charitable gaming more frequently than two calendar days in any one calendar week. However, no building or other premises owned by (i) a qualified organization which is exempt from taxation pursuant to § 501(c) of the Internal Revenue Code or (ii) any county, city or town shall be utilized in whole or in part for the purpose of conducting bingo games more frequently than four calendar days in any one calendar week.~~

~~The provisions of this subdivision shall not apply to the playing of bingo games pursuant to a special permit issued in accordance with § 18.2-340.27-1.~~

~~5.~~ No person shall participate in the management or operation of any charitable game unless such person is and, for a period of at least 30 days immediately preceding such participation, has been a bona fide member of the organization. For any organization that is not composed of members, a person who is not a bona fide member may volunteer in the conduct of a charitable game as long as that person is directly supervised by a bona fide official member of the organization.

The provisions of this subdivision shall not apply to (i) persons employed as clerical assistants by qualified organizations composed of or for deaf or blind persons; (ii) employees of a corporate sponsor of a qualified organization, provided such employees' participation is limited to the management, operation or conduct of no more than one raffle per year; (iii) the spouse or family member of any such bona fide member of a qualified organization provided at least one bona fide member is present; or (iv) persons employed by a qualified organization authorized to sell pull tabs or seal cards in accordance with § 18.2-340.16, provided (a) such sales are conducted by no more than two on-duty employees, (b) such employees receive no compensation for or based on the sale of the pull tabs or seal cards, and (c) such sales are conducted in the private social quarters of the organization.

~~6.~~ 5. No person shall receive any remuneration for participating in the management, operation or conduct of any charitable game, except that:

a. Persons employed by organizations composed of or for deaf or blind persons may receive remuneration not to exceed \$30 per event for providing clerical assistance in the management and operation but not the conduct of charitable games only for such organizations;

b. Persons under the age of 19 who sell raffle tickets for a qualified organization to raise funds for youth activities in which they participate may receive nonmonetary incentive awards or prizes from the organization;

c. Remuneration may be paid to off-duty law-enforcement officers from the jurisdiction in which such bingo games are played for providing uniformed security for such bingo games even if such officer is a member of the sponsoring organization, provided the remuneration paid to such member is in accordance with off-duty law-enforcement personnel work policies approved by the local law-enforcement official and further provided that such member is not otherwise engaged in the management, operation or conduct of the bingo games of that organization, or to private security services businesses licensed pursuant to § 9.1-139 providing uniformed security for such bingo games, provided that employees of such businesses shall not otherwise be involved in the management, operation, or conduct of the bingo games of that organization;

d. A member of a qualified organization lawfully participating in the management, operation or conduct of a bingo game may be provided food and nonalcoholic beverages by such organization for on-premises consumption during the bingo game provided the food and beverages are provided in accordance with Board regulations;

e. Remuneration may be paid to bingo managers or callers who have a current registration certificate issued by the Department in accordance with § 18.2-340.34:1, or who are exempt from such registration requirement. Such remuneration shall not exceed \$100 per session; and

f. Volunteers of a qualified organization may be reimbursed for their reasonable and necessary travel expenses, not to exceed \$50 per session.

~~7.~~ 6. No landlord shall, at bingo games conducted on the landlord's premises, (i) participate in the conduct, management, or operation of any bingo games; (ii) sell, lease or otherwise provide for consideration any bingo supplies, including, but not limited to, bingo cards, instant bingo cards, or other game pieces; or (iii) require as a condition of the lease or by contract that a particular manufacturer, distributor or supplier of bingo supplies or equipment be used by the organization.

The provisions of this subdivision shall not apply to any qualified organization conducting bingo games on its own behalf at premises owned by it.

~~8.~~ 7. No qualified organization shall enter into any contract with or otherwise employ or compensate any member of the organization on account of the sale of bingo supplies or equipment.

~~9.~~ 8. No organization shall award any bingo prize money or any merchandise valued in excess of the following amounts:

a. No bingo door prize shall exceed \$50 for a single door prize or \$250 in cumulative door prizes in any one session;

b. No regular bingo or special bingo game prize shall exceed \$100;

c. No instant bingo, pull tab, or seal card prize for a single card shall exceed \$1,000;

d. Except as provided in *this* subdivision 9 8, no bingo jackpot of any nature whatsoever shall exceed \$1,000, nor shall the total amount of bingo jackpot prizes awarded in any one session exceed \$1,000. Proceeds from the sale of bingo cards and the sheets used for bingo jackpot games shall be accounted for separately from the bingo cards or sheets used for any other bingo games; and

e. No single network bingo prize shall exceed \$25,000. Proceeds from the sale of network bingo cards shall be accounted for separately from bingo cards and sheets used for any other bingo game.

~~10~~ 9. The provisions of subdivision 9 8 shall not apply to:

Any progressive bingo game, in which (a) a regular or special prize, not to exceed \$100, is awarded on the basis of predetermined numbers or patterns selected at random and (b) a progressive prize, not to exceed \$500 for the initial progressive prize and \$5,000 for the maximum progressive prize, is awarded if the predetermined numbers or patterns are covered when a certain number of numbers is called, provided (i) there are no more than six such games per session per organization, (ii) the amount of increase of the progressive prize per session is no more than \$100, (iii) the bingo cards or sheets used in such games are sold separately from the bingo cards or sheets used for any other bingo games, (iv) the organization separately accounts for the proceeds from such sale, and (v) such games are otherwise operated in accordance with the Department's rules of play.

~~11~~ 10. No organization shall award any raffle prize valued at more than \$100,000.

The provisions of this subdivision shall not apply to a raffle conducted no more than three times per calendar year by a qualified organization qualified as a tax-exempt organization pursuant to § 501(c) of the Internal Revenue Code for a prize consisting of a lot improved by a residential dwelling where 100 percent of the moneys received from such a raffle, less deductions for the fair market value for the cost of acquisition of the land and materials, are donated to lawful religious, charitable, community, or educational organizations specifically chartered or organized under the laws of the Commonwealth and qualified as a § 501(c) tax-exempt organization. No more than one such raffle shall be conducted in any one geographical region of the Commonwealth.

~~12~~ 11. No qualified organization composed of or for deaf or blind persons which employs a person not a member to provide clerical assistance in the management and operation but not the conduct of any charitable games shall conduct such games unless it has in force fidelity insurance, as defined in § 38.2-120, written by an insurer licensed to do business in the Commonwealth.

~~13~~ 12. No person shall participate in the management or operation of any charitable game if he has ever been convicted of any felony or if he has been convicted of any misdemeanor involving fraud, theft, or financial crimes within the preceding five years. No person shall participate in the conduct of any charitable game if, within the preceding 10 years, he has been convicted of any felony or if, within the preceding five years he has been convicted of any misdemeanor involving fraud, theft, or financial crimes. In addition, no person shall participate in the management, operation or conduct of any charitable game if that person, within the preceding five years, has participated in the management, operation, or conduct of any charitable game which was found by the Department or a court of competent jurisdiction to have been operated in violation of state law, local ordinance or Board regulation.

~~14~~ 13. Qualified organizations jointly conducting bingo games pursuant to § 18.2-340.29 shall not circumvent any restrictions and prohibitions which would otherwise apply if a single organization were conducting such games. These restrictions and prohibitions shall include, but not be limited to, the frequency with which bingo games may be held, the value of merchandise or money awarded as prizes, or any other practice prohibited under this section.

~~15~~ 14. A qualified organization shall not purchase any charitable gaming supplies for use in the Commonwealth from any person who is not currently registered with the Department as a supplier pursuant to § 18.2-340.34.

~~16~~ 15. Unless otherwise permitted in this article, no part of an organization's charitable gaming gross receipts shall be used for an organization's social or recreational activities.

2. That § 18.2-340.27:1 of the Code of Virginia is repealed.

CHAPTER 569

An Act to amend the Code of Virginia by adding a section numbered 3.2-6511.2, relating to import and sale of dogs from certain breeders; penalty.

[S 303]

Approved March 31, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 3.2-6511.2 as follows:

§ 3.2-6511.2. Dealers; importation and sale of dogs; penalty.

A. No dealer or commercial dog breeder shall import for sale, sell, or offer for sale any dog bred by a person who has received from the U.S. Department of Agriculture, pursuant to enforcement of the federal Animal Welfare Act (7 U.S.C. § 2131 et seq.) or regulations adopted thereunder, (i) a citation for a direct or critical violation or citations for three or

more indirect or noncritical violations for at least two years prior to the procurement of the dog or (ii) two consecutive citations for no access to the facility prior to the procurement of the dog.

B. Any person violating any provision of this section is guilty of a Class 1 misdemeanor for each dog imported, sold, or offered for sale.

CHAPTER 570

An Act to amend and reenact § 29.1-316 of the Code of Virginia, relating to special fishing permits for certain youth camps.

[S 336]

Approved March 31, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 29.1-316 of the Code of Virginia is amended and reenacted as follows:

§ 29.1-316. Special fishing permits for certain youth camps.

A. Upon receipt of an application from an officer or designated representative of any organized nonprofit tax-exempt youth camp, the Director shall issue a permit for the duration of any season of such youth camp ~~which~~ that allows camp members under ~~eighteen~~ 18 years of age *and camp employees* to fish without licenses in public waters adjacent to property owned by the camp. ~~The permit~~ Such permit shall not be issued for use in designated waters stocked with trout or in waters where a daily fishing fee has been imposed pursuant to § 29.1-318.

B. The application for the permit shall state the name and description of the group, certification of the group's tax-exempt status, the period of time during which it will be used, the general area in which it will be used, and the name of the ~~persons~~ person or organization responsible for the group.

CHAPTER 571

An Act to direct the Department of Agriculture and Consumer Services to investigate and negotiate public assistance and operation of the Virginia Horse Center Foundation.

[S 1048]

Approved March 31, 2020

Be it enacted by the General Assembly of Virginia:

1. § 1. *The Department of Agriculture and Consumer Services (the Department) shall investigate and enter into negotiations for the involvement of the Commonwealth in the whole or partial operation or management of the Virginia Horse Center Foundation (the Foundation), including the addition of state-appointed members to the Board of Directors of the Foundation. In investigating, the Department may take any steps necessary to accomplish the investigation, including negotiations with the Board of Directors, but shall not expend state funds for the purchase, transfer, or lease of real property unless specifically appropriated for that purpose or approved by the General Assembly.*

CHAPTER 572

An Act to amend the Code of Virginia by adding a section numbered 22.1-208.02, relating to Culturally Relevant and Inclusive Education Practices Advisory Committee; established.

[H 916]

Approved March 31, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 22.1-208.02 as follows:

§ 22.1-208.02. Culturally Relevant and Inclusive Education Practices Advisory Committee.

A. *The Department of Education, in consultation with the Commonwealth's Director of Diversity, Equity, and Inclusion, shall establish and appoint such members as deemed appropriate to the Culturally Relevant and Inclusive Education Practices Advisory Committee (the Advisory Committee) for the purpose of strengthening culturally relevant education practices and supporting anti-bias education and response in the Commonwealth. The Advisory Committee shall include but not be limited to a geographically, ethnically, and religiously diverse representation of teachers, curriculum specialists, principals, superintendents, advocates, higher education institutions, parents, legislators, and community-based organizations. The Advisory Committee shall report its recommendations to the Board of Education, the Governor, and the Chairpersons of the House Committee on Education and the Senate Committee on Education and Health no later than July 1, 2021. The Committee shall issue interim reports as it deems necessary.*

B. *The Advisory Committee shall provide standards recommendations to the Virginia Department of Education, and they shall be considered by the Board of Education, during the 2021-2022 review of the history and social science Standards of Learning. Such recommendations shall include:*

1. The historical underpinnings of the Holocaust and other historical genocides in the context of how increased lower levels of hate, ridicule, and dehumanization led to larger acts of violence and state-sponsored discrimination and violence;
2. Slavery, anti-Semitism, Islamophobia, and other forms of historical dehumanizing injustice and discrimination;
3. The ignored and untold history of the indigenous people of Virginia and North America; and
4. The untold histories of other groups historically underrepresented in American and world history.

C. The Advisory Committee shall provide recommendations for the issuance of Board of Education guidelines for local school division staff, including teachers and school counselors, to offer age-appropriate anti-bias education to students. The recommendations for such guidelines shall include:

1. Recognition that anti-bias and anti-discrimination education is the work and responsibility of all staff within the local school division;
 2. An emphasis on diversity and building a community of empathy, respect, understanding, and connection;
 3. Examination of how lower levels of hate, ridicule, and dehumanization lead to larger acts of violence, discrimination and violence;
 4. Acknowledgment of inequity on the individual level, such as biased speech and harassment, and injustice at the institutional or systemic level, such as discrimination, and the harmful impact of inequity and injustice on the community, historically and today;
 5. School-based and classroom-based responses, which are student centered and proven effective, to various forms of racism, bigotry, and discrimination through empathy, respect, understanding, and connection; and
 6. Updates to the Department of Education's teacher's manual, as required by action taken by the 2009 Session of the General Assembly, that emphasizes the causes and ramifications of the Holocaust and genocide.
- D. The Advisory Committee shall provide recommendations on meaningful professional development with school personnel related to culturally relevant and inclusive education practices. In addition to the Board of Education, the Governor, and the Chairpersons of the House Committee on Education and the Senate Committee on Education and Health, these recommendations shall also be provided to the Advisory Board on Teacher Education and Licensure and the State Council for Higher Education in Virginia. This shall include but not be limited to considerations for:
1. The policies and regulations governing teacher preparation programs; and
 2. The policies and regulations governing teacher licensure and professional development requirements for licensure renewal.

CHAPTER 573

An Act to amend the Code of Virginia by adding a section numbered 22.1-208.02, relating to Culturally Relevant and Inclusive Education Practices Advisory Committee; established.

[S 853]

Approved March 31, 2020

Be it enacted by the General Assembly of Virginia:

- 1. That the Code of Virginia is amended by adding a section numbered 22.1-208.02 as follows:**
§ 22.1-208.02. Culturally Relevant and Inclusive Education Practices Advisory Committee.

A. The Department of Education, in consultation with the Commonwealth's Director of Diversity, Equity, and Inclusion, shall establish and appoint such members as deemed appropriate to the Culturally Relevant and Inclusive Education Practices Advisory Committee (the Advisory Committee) for the purpose of strengthening culturally relevant education practices and supporting anti-bias education and response in the Commonwealth. The Advisory Committee shall include but not be limited to a geographically, ethnically, and religiously diverse representation of teachers, curriculum specialists, principals, superintendents, advocates, higher education institutions, parents, legislators, and community-based organizations. The Advisory Committee shall report its recommendations to the Board of Education, the Governor, and the Chairpersons of the House Committee on Education and the Senate Committee on Education and Health no later than July 1, 2021. The Committee shall issue interim reports as it deems necessary.

B. The Advisory Committee shall provide standards recommendations to the Virginia Department of Education, and they shall be considered by the Board of Education, during the 2021-2022 review of the history and social science Standards of Learning. Such recommendations shall include:

1. The historical underpinnings of the Holocaust and other historical genocides in the context of how increased lower levels of hate, ridicule, and dehumanization led to larger acts of violence and state-sponsored discrimination and violence;
2. Slavery, anti-Semitism, Islamophobia, and other forms of historical dehumanizing injustice and discrimination;
3. The ignored and untold history of the indigenous people of Virginia and North America; and
4. The untold histories of other groups historically underrepresented in American and world history.

C. The Advisory Committee shall provide recommendations for the issuance of Board of Education guidelines for local school division staff, including teachers and school counselors, to offer age-appropriate anti-bias education to students. The recommendations for such guidelines shall include:

1. Recognition that anti-bias and anti-discrimination education is the work and responsibility of all staff within the local school division;

2. *An emphasis on diversity and building a community of empathy, respect, understanding, and connection;*
 3. *Examination of how lower levels of hate, ridicule, and dehumanization lead to larger acts of violence, discrimination and violence;*
 4. *Acknowledgment of inequity on the individual level, such as biased speech and harassment, and injustice at the institutional or systemic level, such as discrimination, and the harmful impact of inequity and injustice on the community, historically and today;*
 5. *School-based and classroom-based responses, which are student centered and proven effective, to various forms of racism, bigotry, and discrimination through empathy, respect, understanding, and connection; and*
 6. *Updates to the Department of Education's teacher's manual, as required by action taken by the 2009 Session of the General Assembly, that emphasizes the causes and ramifications of the Holocaust and genocide.*
- D. The Advisory Committee shall provide recommendations on meaningful professional development with school personnel related to culturally relevant and inclusive education practices. In addition to the Board of Education, the Governor, and the Chairpersons of the House Committee on Education and the Senate Committee on Education and Health, these recommendations shall also be provided to the Advisory Board on Teacher Education and Licensure and the State Council for Higher Education in Virginia. This shall include but not be limited to considerations for:*
1. *The policies and regulations governing teacher preparation programs; and*
 2. *The policies and regulations governing teacher licensure and professional development requirements for licensure renewal.*

CHAPTER 574

An Act to amend the Code of Virginia by adding a section numbered 22.1-207.3:1, relating to school boards; distribution of excess food.

[H 698]

Approved March 31, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 22.1-207.3:1 as follows:

§ 22.1-207.3:1. Distribution of excess food.

A. As used in this section, "excess food" means any remaining unexpired, unopened, and unconsumed food intended to be served as part of a reimbursable meal that was unable to be utilized for a current or future meal provision after a school has served breakfast and lunch to students during a school day.

B. Each school board may distribute excess food to enrolled students eligible for the School Breakfast Program or National School Lunch Program administered by the U.S. Department of Agriculture who the school board determines are eligible to receive excess food.

C. The method by which a school board distributes excess food shall be established by the school board in accordance with the U.S. Department of Agriculture and the U.S. Food and Drug Administration requirements and guidelines for the distribution of excess food.

D. A school board may develop a policy describing the process for distributing excess food under this section, saving excess food for later consumption, or donating excess food.

CHAPTER 575

An Act to amend and reenact § 22.1-79.7 of the Code of Virginia, relating to school meal debt; donations.

[H 703]

Approved March 31, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-79.7 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-79.7. School meal policies; donations.

A. Each local school board shall adopt policies that:

1. Prohibit school board employees from requiring a student who cannot pay for a meal at school or who owes a school meal debt to do chores or other work to pay for such meals or wear a wristband or hand stamp; and

2. Require school board employees to direct any communication relating to a school meal debt to the student's parent. Such policy may permit such communication to be made by a letter addressed to the parent to be sent home with the student.

B. Any school board may solicit and receive any donation or other funds for the purpose of eliminating or offsetting any school meal debt at any time and shall use any such funds solely for such purpose.

CHAPTER 576

An Act to amend the Code of Virginia by adding a section numbered 22.1-176.2, relating to certain students; waiver to access student transportation in certain cases.

[H 1208]

Approved March 31, 2020

Be it enacted by the General Assembly of Virginia:**1. That the Code of Virginia is amended by adding a section numbered 22.1-176.2 as follows:****§ 22.1-176.2. Certain students; waiver to access student transportation in certain cases.**

Each school board that provides for the transportation of students pursuant to § 22.1-176 and that has established a rule, regulation, or policy to exclude certain students who reside within a certain distance from the school at which they are enrolled from accessing such transportation shall establish a process for waiving, on a case-by-case and space-available basis, such exclusion and providing transportation to any such student whose parent is unable to provide adequate transportation for his child to attend school because the parent is providing necessary medical care to another family member who resides in the same household, as evidenced by a written explanation submitted by a licensed health care provider who provides care to such family member.

CHAPTER 577

An Act to amend and reenact §§ 2.2-4806 and 58.1-522 of the Code of Virginia, relating to collection of debts by hospitals affiliated with public institutions of higher education.

[H 1226]

Approved March 31, 2020

Be it enacted by the General Assembly of Virginia:**1. That §§ 2.2-4806 and 58.1-522 of the Code of Virginia are amended and reenacted as follows:****§ 2.2-4806. Utilization of certain collection techniques.**

A. Each state agency and institution shall take all appropriate and cost-effective actions to aggressively collect its accounts receivable. Each agency and institution shall utilize, but not be limited to, the following collection techniques, according to the policies and procedures required by the Department of Accounts and the Division: (i) credit reporting bureaus, (ii) collection agencies, (iii) garnishments, liens and judgments, (iv) administrative offset, and (v) participation in the Treasury Offset Program of the United States under 31 U.S.C. § 3716.

B. Except as provided otherwise herein, for collection of accounts receivable of \$3,000 or more that are 60 days past due, each agency and institution shall forward those claims to the Division for collection. The Division shall review forwarded accounts, determine the appropriate collection efforts, if any, for each account, and take such actions on the accounts as the Division may so determine.

C. Except as provided otherwise herein, for collection of accounts receivable under \$3,000 that are 60 days past due, each agency and institution shall contract with a private collection agency for the collection of those debts. Prior to referring accounts receivable of less than \$3,000, agencies and institutions may refer such accounts to the Division. The Division may accept the account for collection or return it to the agency or institution for collection by a private collection agency.

D. Except as otherwise provided in this subsection, where a debtor is paying a debt in periodic payments to an agency or institution, the agency or institution may elect to retain the claim in excess of 60 days provided that such periodic payments are promptly paid until the account is satisfied. In the event the debtor is delinquent (i) by 60 days in paying a periodic payment or (ii) for such other period of time approved by the Division, the account shall be handled in the manner provided by subsections B and C of this section.

E. A public institution of higher education shall provide a debtor who is currently enrolled in such institution the option to pay his debt in periodic payments over the course of the term or semester in which the account became past due or, at the discretion of such institution, over a longer period, provided that such periodic payments are promptly paid until the account is satisfied. In the event that the debtor is delinquent (i) by 60 days in paying a periodic payment or (ii) for such other period of time approved by the Division, the account shall be handled in the manner provided by subsections B and C.

F. *Notwithstanding any other provision of this chapter or any other law to the contrary, neither the Virginia Commonwealth University Health System Authority (the Authority) nor the University of Virginia Medical Center (the Center) shall engage in extraordinary collection actions, as defined in § 501(r) of the Internal Revenue Code as it was in effect on January 1, 2020, to collect patient accounts receivable related to medical treatment at such Authority or Center or its affiliated facilities unless the Authority or Center has undertaken all reasonable efforts to determine whether an individual with delinquent debt is eligible for Medicaid or other assistance under the Authority's or Center's financial assistance policy.*

G. Each state agency and institution shall report and pay required fees to the Division as required by subsection C of § 2.2-518.

§ 58.1-522. Participation in setoff program not permitted in certain instances.

A. If the claimant agency determines that the administrative cost, as defined in the rules promulgated by the Tax Commissioner, of utilizing this article will exceed the amount of the delinquent debt, then such claimant agency shall not participate in the setoff program below such levels determined economically infeasible.

B. *Neither the Virginia Commonwealth University Health System Authority (the Authority) nor the University of Virginia Medical Center (the Center) shall participate in the setoff program for debts related to medical treatment unless the Authority or Center has undertaken all reasonable efforts to determine whether an individual with delinquent debt is eligible for Medicaid or other assistance under the Authority's or the Center's financial assistance policy.*

CHAPTER 578

An Act to amend and reenact § 23.1-201 of the Code of Virginia, relating to State Council of Higher Education for Virginia; student advisory committee; Director of the Council.

[H 1335]

Approved March 31, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 23.1-201 of the Code of Virginia is amended and reenacted as follows:

§ 23.1-201. Student advisory committee.

A. The *Director of the Council* shall appoint a student advisory committee consisting of students enrolled in public institutions of higher education and accredited private institutions of higher education whose primary purpose is to provide collegiate or graduate education and not to provide religious training. Appointments shall be made in a manner to ensure broad student representation from among such institutions.

B. Members shall serve for terms of one year. Vacancies occurring other than by expiration of a term shall be filled for the unexpired term. Members may be reappointed to serve subsequent or consecutive terms.

C. The *Director of the Council* shall ensure that at least one member of the student advisory committee is reappointed each year. The student advisory committee shall elect a chairman from among its members.

D. The student advisory committee shall meet at least twice annually and advise the *Director of the Council* regarding such matters as may come before it.

CHAPTER 579

An Act to amend the Code of Virginia by adding a section numbered 22.1-274.5, relating to public elementary and secondary school students; topical sunscreen.

[S 44]

Approved March 31, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 22.1-274.5 as follows:

§ 22.1-274.5. Topical sunscreen.

Any public elementary or secondary school student may possess and use unscented topical sunscreen in its original packaging on a school bus, on school property, or at a school-sponsored event without a note or prescription from a licensed health care professional if the topical sunscreen is approved by the U.S. Food and Drug Administration for nonprescription use for the purpose of limiting damage to skin caused by exposure to ultraviolet light.

CHAPTER 580

An Act to amend and reenact § 22.1-253.13:4 of the Code of Virginia, relating to public schools; standard diploma requirements; dual enrollment and work-based learning options.

[S 112]

Approved March 31, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-253.13:4 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-253.13:4. Standard 4. Student achievement and graduation requirements.

A. Each local school board shall award diplomas to all secondary school students, including students who transfer from nonpublic schools or from home instruction, who meet the requirements prescribed by the Board of Education and meet such other requirements as may be prescribed by the local school board and approved by the Board of Education. Provisions shall be made to facilitate the transfer and appropriate grade placement of students from other public secondary schools, from nonpublic schools, or from home instruction as outlined in the standards for accreditation. The standards for accreditation shall include provisions relating to the completion of graduation requirements through Virtual Virginia.

Further, reasonable accommodation to meet the requirements for diplomas shall be provided for otherwise qualified students with disabilities as needed.

In addition, each local school board may devise, vis-a-vis the award of diplomas to secondary school students, a mechanism for calculating class rankings that takes into consideration whether the student has taken a required class more than one time and has had any prior earned grade for such required class expunged.

Each local school board shall notify the parents of rising eleventh and twelfth grade students of (i) the requirements for graduation pursuant to the standards for accreditation and (ii) the requirements that have yet to be completed by the individual student.

B. Students identified as disabled who complete the requirements of their individualized education programs and meet certain requirements prescribed by the Board pursuant to regulations but do not meet the requirements for any named diploma shall be awarded Applied Studies diplomas by local school boards.

Each local school board shall notify the parent of such students with disabilities who have an individualized education program and who fail to meet the graduation requirements of the student's right to a free and appropriate education to age 21, inclusive, pursuant to Article 2 (§ 22.1-213 et seq.) of Chapter 13.

C. Students who have completed a prescribed course of study as defined by the local school board shall be awarded certificates of program completion by local school boards if they are not eligible to receive a Board of Education-approved diploma.

Each local school board shall provide notification of the right to a free public education for students who have not reached 20 years of age on or before August 1 of the school year, pursuant to Chapter 1 (§ 22.1-1 et seq.), to the parent of students who fail to graduate or who have failed to achieve graduation requirements as provided in the standards for accreditation. If such student who does not graduate or complete such requirements is a student for whom English is a second language, the local school board shall notify the parent of the student's opportunity for a free public education in accordance with § 22.1-5.

D. (From Acts 2016, cc. 720 & 750: The graduation requirements established by the Board of Education pursuant to the provisions of subdivisions D 1, 2, and 3 shall apply to each student who enrolls in high school as (i) a freshman after July 1, 2018; (ii) a sophomore after July 1, 2019; (iii) a junior after July 1, 2020; or (iv) a senior after July 1, 2021) In establishing graduation requirements, the Board shall:

1. Develop and implement, in consultation with stakeholders representing elementary and secondary education, higher education, and business and industry in the Commonwealth and including parents, policymakers, and community leaders in the Commonwealth, a Profile of a Virginia Graduate that identifies the knowledge and skills that students should attain during high school in order to be successful contributors to the economy of the Commonwealth, giving due consideration to critical thinking, creative thinking, collaboration, communication, and citizenship.

2. Emphasize the development of core skill sets in the early years of high school.

3. Establish multiple paths toward college and career readiness for students to follow in the later years of high school. Each such pathway shall include opportunities for internships, externships, and credentialing.

4. Provide for the selection of integrated learning courses meeting the Standards of Learning and approved by the Board to satisfy graduation requirements, which shall include Standards of Learning testing, as necessary.

5. Require students to complete at least one course in fine or performing arts or career and technical education, one course in United States and Virginia history, and two sequential elective courses chosen from a concentration of courses selected from a variety of options that may be planned to ensure the completion of a focused sequence of elective courses that provides a foundation for further education or training or preparation for employment.

6. Require that students ~~either~~ (i) complete an Advanced Placement, honors, ~~or~~ International Baccalaureate, *or dual enrollment* course; ~~or~~ (ii) *complete a high-quality work-based learning experience, as defined by the Board*; *or* (iii) earn a career and technical education credential that has been approved by the Board, except when a career and technical education credential in a particular subject area is not readily available or appropriate or does not adequately measure student competency, in which case the student shall receive satisfactory competency-based instruction in the subject area to earn credit. The career and technical education credential, when required, could include the successful completion of an industry certification, a state licensure examination, a national occupational competency assessment, the Armed Services Vocational Aptitude Battery, or the Virginia workplace readiness skills assessment. The Department of Education shall develop, maintain, and make available to each local school board a catalogue of the testing accommodations available to English language learners for each such certification, examination, assessment, and battery. Each local school board shall develop and implement policies to require each high school principal or his designee to notify each English language learner of the availability of such testing accommodations prior to the student's participation in any such certification, examination, assessment, or battery.

7. Beginning with first-time ninth grade students in the 2016-2017 school year, require students to be trained in emergency first aid, cardiopulmonary resuscitation, and the use of automated external defibrillators, including hands-on practice of the skills necessary to perform cardiopulmonary resuscitation.

8. Make provision in its regulations for students with disabilities to earn a diploma.

9. Require students to complete one virtual course, which may be a noncredit-bearing course.

10. Provide that students who complete elective classes into which the Standards of Learning for any required course have been integrated and achieve a passing score on the relevant Standards of Learning test for the relevant required course receive credit for such elective class.

11. Establish a procedure to facilitate the acceleration of students that allows qualified students, with the recommendation of the division superintendent, without completing the 140-hour class, to obtain credit for such class upon demonstrating mastery of the course content and objectives and receiving a passing score on the relevant Standards of Learning assessment. Nothing in this section shall preclude relevant school division personnel from enforcing compulsory attendance in public schools.

12. Provide for the award of credit for passing scores on industry certifications, state licensure examinations, and national occupational competency assessments approved by the Board of Education.

School boards shall report annually to the Board of Education the number of Board-approved industry certifications obtained, state licensure examinations passed, national occupational competency assessments passed, Armed Services Vocational Aptitude Battery assessments passed, and Virginia workplace readiness skills assessments passed, and the number of career and technical education completers who graduated. These numbers shall be reported as separate categories on the School Performance Report Card.

For the purposes of this subdivision, "career and technical education completer" means a student who has met the requirements for a career and technical concentration or specialization and all requirements for high school graduation or an approved alternative education program.

In addition, the Board may:

a. For the purpose of awarding credit, approve the use of additional or substitute tests for the correlated Standards of Learning assessment, such as academic achievement tests, industry certifications or state licensure examinations; and

b. Permit students completing career and technical education programs designed to enable such students to pass such industry certification examinations or state licensure examinations to be awarded, upon obtaining satisfactory scores on such industry certification or licensure examinations, appropriate credit for one or more career and technical education classes into which relevant Standards of Learning for various classes taught at the same level have been integrated. Such industry certification and state licensure examinations may cover relevant Standards of Learning for various required classes and may, at the discretion of the Board, address some Standards of Learning for several required classes.

13. Provide for the waiver of certain graduation requirements (i) upon the Board's initiative or (ii) at the request of a local school board. Such waivers shall be granted only for good cause and shall be considered on a case-by-case basis.

14. Consider all computer science course credits earned by students to be science course credits, mathematics course credits, or career and technical education credits. The Board of Education shall develop guidelines addressing how computer science courses can satisfy graduation requirements.

15. Permit local school divisions to waive the requirement for students to receive 140 clock hours of instruction upon providing the Board with satisfactory proof, based on Board guidelines, that the students for whom such requirements are waived have learned the content and skills included in the relevant Standards of Learning.

16. Provide for the award of verified units of credit for a satisfactory score, as determined by the Board, on the Preliminary ACT (PreACT) or Preliminary SAT/National Merit Scholarship Qualifying Test (PSAT/NMSQT) examination.

17. Permit students to exceed a full course load in order to participate in courses offered by an institution of higher education that lead to a degree, certificate, or credential at such institution.

18. Permit local school divisions to waive the requirement for students to receive 140 clock hours of instruction after the student has completed the course curriculum and relevant Standards of Learning end-of-course assessment, or Board-approved substitute, provided that such student subsequently receives instruction, coursework, or study toward an industry certification approved by the local school board.

19. Permit any English language learner who previously earned a sufficient score on an Advanced Placement or International Baccalaureate foreign language examination or an SAT II Subject Test in a foreign language to substitute computer coding course credit for any foreign language course credit required to graduate, except in cases in which such foreign language course credit is required to earn an advanced diploma offered by a nationally recognized provider of college-level courses.

E. In the exercise of its authority to recognize exemplary performance by providing for diploma seals:

1. The Board shall develop criteria for recognizing exemplary performance in career and technical education programs by students who have completed the requirements for a Board of Education-approved diploma and shall award seals on the diplomas of students meeting such criteria.

2. The Board shall establish criteria for awarding a diploma seal for science, technology, engineering, and mathematics (STEM) for the Board of Education-approved diplomas. The Board shall consider including criteria for (i) relevant coursework; (ii) technical writing, reading, and oral communication skills; (iii) relevant training; and (iv) industry, professional, and trade association national certifications.

3. The Board shall establish criteria for awarding a diploma seal for excellence in civics education and understanding of our state and federal constitutions and the democratic model of government for the Board of Education-approved diplomas. The Board shall consider including criteria for (i) successful completion of history, government, and civics courses, including courses that incorporate character education; (ii) voluntary participation in community service or

extracurricular activities that includes the types of activities that shall qualify as community service and the number of hours required; and (iii) related requirements as it deems appropriate.

4. The Board shall establish criteria for awarding a diploma seal of biliteracy to any student who demonstrates proficiency in English and at least one other language for the Board of Education-approved diplomas. The Board shall consider criteria including the student's (i) score on a College Board Advanced Placement foreign language examination, (ii) score on an SAT II Subject Test in a foreign language, (iii) proficiency level on an ACTFL Assessment of Performance toward Proficiency in Languages (AAPPL) measure or another nationally or internationally recognized language proficiency test, or (iv) cumulative grade point average in a sequence of foreign language courses approved by the Board.

F. The Board shall establish, by regulation, requirements for the award of a general achievement adult high school diploma for those persons who are not subject to the compulsory school attendance requirements of § 22.1-254 and have (i) achieved a passing score on a high school equivalency examination approved by the Board of Education; (ii) successfully completed an education and training program designated by the Board of Education; (iii) earned a Board of Education-approved career and technical education credential such as the successful completion of an industry certification, a state licensure examination, a national occupational competency assessment, the Armed Services Vocational Aptitude Battery, or the Virginia workplace readiness skills assessment; and (iv) satisfied other requirements as may be established by the Board for the award of such diploma.

G. To ensure the uniform assessment of high school graduation rates, the Board shall collect, analyze, report, and make available to the public high school graduation and dropout data using a formula prescribed by the Board.

H. The Board shall also collect, analyze, report, and make available to the public high school graduation and dropout data using a formula that excludes any student who fails to graduate because such student is in the custody of the Department of Corrections, the Department of Juvenile Justice, or local law enforcement. For the purposes of the Standards of Accreditation, the Board shall use the graduation rate required by this subsection.

I. The Board may promulgate such regulations as may be necessary and appropriate for the collection, analysis, and reporting of such data required by subsections G and H.

CHAPTER 581

An Act to amend and reenact § 64.2-2003 of the Code of Virginia, relating to guardianship; review of Individualized Education Plan.

[S 214]

Approved March 31, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 64.2-2003 of the Code of Virginia is amended and reenacted as follows:

§ 64.2-2003. Appointment of guardian ad litem.

A. On the filing of every petition for guardianship or conservatorship, the court shall appoint a guardian ad litem to represent the interests of the respondent. The guardian ad litem shall be paid a fee that is fixed by the court to be paid by the petitioner or taxed as costs, as the court directs.

B. Duties of the guardian ad litem include (i) personally visiting the respondent; (ii) advising the respondent of rights pursuant to §§ 64.2-2006 and 64.2-2007 and certifying to the court that the respondent has been so advised; (iii) recommending that legal counsel be appointed for the respondent, pursuant to § 64.2-2006, if the guardian ad litem believes that counsel for the respondent is necessary; (iv) investigating the petition and evidence, requesting additional evaluation if necessary, and filing a report pursuant to subsection C; and (v) personally appearing at all court proceedings and conferences. *If the respondent is between 17 and a half and 21 years of age and has an Individualized Education Plan (IEP), the guardian ad litem shall review such IEP and include the results of his review in the report required by clause (iv).*

C. In the report required by clause (iv) of subsection B, the guardian ad litem shall address the following major areas of concern: (i) whether the court has jurisdiction; (ii) whether a guardian or conservator is needed; (iii) the extent of the duties and powers of the guardian or conservator; (iv) the propriety and suitability of the person selected as guardian or conservator after consideration of the person's geographic location, familial or other relationship with the respondent, ability to carry out the powers and duties of the office, commitment to promoting the respondent's welfare, any potential conflicts of interests, wishes of the respondent, and recommendations of relatives; (v) a recommendation as to the amount of surety on the conservator's bond, if any; and (vi) consideration of proper residential placement of the respondent.

D. A health care provider *and local school division* shall disclose or make available to the guardian ad litem, upon request, any information, records, and reports concerning the respondent that the guardian ad litem determines necessary to perform his duties under this section.

CHAPTER 582

An Act to amend and reenact §§ 22.1-79.1 and 22.1-253.13:2 of the Code of Virginia, relating to public schools; kindergarten instructional time.

[S 238]

Approved March 31, 2020

Be it enacted by the General Assembly of Virginia:**1. That §§ 22.1-79.1 and 22.1-253.13:2 of the Code of Virginia are amended and reenacted as follows:****§ 22.1-79.1. Opening of the school year; approvals for certain alternative schedules.**

A. Each local school board shall set the school calendar so that the first day students are required to attend school shall be no earlier than 14 days before Labor Day. In each school division in which the school board sets the school calendar so that the first day students are required to attend school is before Labor Day, such school board shall close each school in the school division from the Friday immediately preceding Labor Day through Labor Day. The Board of Education may waive this requirement based on a school board certifying that it meets the good cause requirements of subsection B.

B. For purposes of this section, "good cause" means a school division is providing its students, in the school year for which the waiver is sought, with instructional programs that are offered on a year-round basis by the school division in one or more of its elementary or middle or high schools. Any waiver provided pursuant to this subsection shall only apply to the opening date for those schools where such year-round instructional programs are offered.

C. Individual schools may propose, and local school boards may approve, pursuant to guidelines developed by the Board of Education, alternative school schedule plans providing for the operation of schools on a four-day weekly calendar, so long as a minimum of 990 hours of instructional time is provided for grades ~~one kindergarten~~ through 12 ~~and 540 hours for kindergarten.~~

D. Notwithstanding the provisions of this section or any other provision of law, the school board of any school division located in Planning District 16 that was not granted a good cause waiver pursuant to this section for the 2018-2019 school year but would qualify for such a waiver pursuant to this section as it was in effect prior to July 1, 2019, for the 2019-2020 school year may set the school calendar so that the first day students are required to attend is earlier than Labor Day, including earlier than 14 days before Labor Day. Additionally, the school board of any school division located in Planning District 16 that is entirely surrounded by two school divisions that either were granted a waiver pursuant to Chapter 3 of the Acts of Assembly of 2012, Special Session I, or would qualify for a good cause waiver pursuant to this section as it was in effect prior to July 1, 2019, for the 2019-2020 school year may open schools on the same opening date as either such surrounding school division.

§ 22.1-253.13:2. Standard 2. Instructional, administrative, and support personnel.

A. The Board shall establish requirements for the licensing of teachers, principals, superintendents, and other professional personnel.

B. School boards shall employ licensed instructional personnel qualified in the relevant subject areas.

C. Each school board shall assign licensed instructional personnel in a manner that produces divisionwide ratios of students in average daily membership to full-time equivalent teaching positions, excluding special education teachers, principals, assistant principals, school counselors, and librarians, that are not greater than the following ratios: (i) 24 to one in kindergarten with no class being larger than 29 students; if the average daily membership in any kindergarten class exceeds 24 pupils, a full-time teacher's aide shall be assigned to the class; (ii) 24 to one in grades one, two, and three with no class being larger than 30 students; (iii) 25 to one in grades four through six with no class being larger than 35 students; and (iv) 24 to one in English classes in grades six through 12. After September 30 of any school year, anytime the number of students in a class exceeds the class size limit established by this subsection, the local school division shall notify the parent of each student in such class of such fact no later than 10 days after the date on which the class exceeded the class size limit. Such notification shall state the reason that the class size exceeds the class size limit and describe the measures that the local school division will take to reduce the class size to comply with this subsection.

Within its regulations governing special education programs, the Board shall seek to set pupil/teacher ratios for pupils with intellectual disability that do not exceed the pupil/teacher ratios for self-contained classes for pupils with specific learning disabilities.

Further, school boards shall assign instructional personnel in a manner that produces schoolwide ratios of students in average daily memberships to full-time equivalent teaching positions of 21 to one in middle schools and high schools. School divisions shall provide all middle and high school teachers with one planning period per day or the equivalent, unencumbered of any teaching or supervisory duties.

D. Each local school board shall employ with state and local basic, special education, gifted, and career and technical education funds a minimum number of licensed, full-time equivalent instructional personnel for each 1,000 students in average daily membership (ADM) as set forth in the appropriation act. ~~Calculations of kindergarten positions shall be based on full-day kindergarten programs. Beginning with the March 31 report of average daily membership, those school divisions offering half-day kindergarten with pupil/teacher ratios that exceed 30 to one shall adjust their average daily membership for kindergarten to reflect 85 percent of the total kindergarten average daily memberships, as provided in the appropriation act.~~

E. In addition to the positions supported by basic aid and in support of regular school year programs of prevention, intervention, and remediation, state funding, pursuant to the appropriation act, shall be provided to fund certain full-time equivalent instructional positions for each 1,000 students in grades K through 12 who are identified as needing prevention, intervention, and remediation services. State funding for prevention, intervention, and remediation programs provided pursuant to this subsection and the appropriation act may be used to support programs for educationally at-risk students as identified by the local school boards.

To provide algebra readiness intervention services required by § 22.1-253.13:1, school divisions may employ mathematics teacher specialists to provide the required algebra readiness intervention services. School divisions using the Standards of Learning Algebra Readiness Initiative funding in this manner shall only employ instructional personnel licensed by the Board of Education.

F. In addition to the positions supported by basic aid and those in support of regular school year programs of prevention, intervention, and remediation, state funding, pursuant to the appropriation act, shall be provided to support 17 full-time equivalent instructional positions for each 1,000 students identified as having limited English proficiency, which positions may include dual language teachers who provide instruction in English and in a second language.

To provide flexibility in the instruction of English language learners who have limited English proficiency and who are at risk of not meeting state accountability standards, school divisions may use state and local funds from the Standards of Quality Prevention, Intervention, and Remediation account to employ additional English language learner teachers or dual language teachers to provide instruction to identified limited English proficiency students. Using these funds in this manner is intended to supplement the instructional services provided in this section. School divisions using the SOQ Prevention, Intervention, and Remediation funds in this manner shall employ only instructional personnel licensed by the Board of Education.

G. In addition to the full-time equivalent positions required elsewhere in this section, each local school board shall employ the following reading specialists in elementary schools, one full-time in each elementary school at the discretion of the local school board. One reading specialist employed by each local school board that employs a reading specialist shall have training in the identification of and the appropriate interventions, accommodations, and teaching techniques for students with dyslexia or a related disorder and shall serve as an advisor on dyslexia and related disorders. Such reading specialist shall have an understanding of the definition of dyslexia and a working knowledge of (i) techniques to help a student on the continuum of skills with dyslexia; (ii) dyslexia characteristics that may manifest at different ages and grade levels; (iii) the basic foundation of the keys to reading, including multisensory, explicit, systemic, and structured reading instruction; and (iv) appropriate interventions, accommodations, and assistive technology supports for students with dyslexia.

To provide reading intervention services required by § 22.1-253.13:1, school divisions may employ reading specialists to provide the required reading intervention services. School divisions using the Early Reading Intervention Initiative funds in this manner shall employ only instructional personnel licensed by the Board of Education.

H. Each local school board shall employ, at a minimum, the following full-time equivalent positions for any school that reports fall membership, according to the type of school and student enrollment:

1. Principals in elementary schools, one half-time to 299 students, one full-time at 300 students; principals in middle schools, one full-time, to be employed on a 12-month basis; principals in high schools, one full-time, to be employed on a 12-month basis;

2. Assistant principals in elementary schools, one half-time at 600 students, one full-time at 900 students; assistant principals in middle schools, one full-time for each 600 students; assistant principals in high schools, one full-time for each 600 students; and school divisions that employ a sufficient number of assistant principals to meet this staffing requirement may assign assistant principals to schools within the division according to the area of greatest need, regardless of whether such schools are elementary, middle, or secondary;

3. Librarians in elementary schools, one part-time to 299 students, one full-time at 300 students; librarians in middle schools, one-half time to 299 students, one full-time at 300 students, two full-time at 1,000 students; librarians in high schools, one half-time to 299 students, one full-time at 300 students, two full-time at 1,000 students. Local school divisions that employ a sufficient number of librarians to meet this staffing requirement may assign librarians to schools within the division according to the area of greatest need, regardless of whether such schools are elementary, middle, or secondary; and

4. School counselors:

a. Effective with the 2019-2020 school year, in elementary schools, one hour per day per 75 students, one full-time at 375 students, one hour per day additional time per 75 students or major fraction thereof; in middle schools, one period per 65 students, one full-time at 325 students, one additional period per 65 students or major fraction thereof; in high schools, one period per 60 students, one full-time at 300 students, one additional period per 60 students or major fraction thereof.

b. Local school divisions that employ a sufficient number of school counselors to meet the school counselor staffing requirements set forth in this subdivision may assign school counselors to schools within the division according to the area of greatest need, regardless of whether such schools are elementary, middle, or high schools.

I. Local school boards shall employ five full-time equivalent positions per 1,000 students in grades kindergarten through five to serve as elementary resource teachers in art, music, and physical education.

J. Local school boards shall employ two full-time equivalent positions per 1,000 students in grades kindergarten through 12, one to provide technology support and one to serve as an instructional technology resource teacher.

To provide flexibility, school divisions may use the state and local funds for instructional technology resource teachers to employ a data coordinator position, an instructional technology resource teacher position, or a data coordinator/instructional resource teacher blended position. The data coordinator position is intended to serve as a resource to principals and classroom teachers in the area of data analysis and interpretation for instructional and school improvement purposes, as well as for overall data management and administration of state assessments. School divisions using these funds in this manner shall employ only instructional personnel licensed by the Board of Education.

K. Local school boards may employ additional positions that exceed these minimal staffing requirements. These additional positions may include, but are not limited to, those funded through the state's incentive and categorical programs as set forth in the appropriation act.

L. A combined school, such as kindergarten through 12, shall meet at all grade levels the staffing requirements for the highest grade level in that school; this requirement shall apply to all staff, except for school counselors, and shall be based on the school's total enrollment; school counselor staff requirements shall, however, be based on the enrollment at the various school organization levels, i.e., elementary, middle, or high school. The Board of Education may grant waivers from these staffing levels upon request from local school boards seeking to implement experimental or innovative programs that are not consistent with these staffing levels.

M. School boards shall, however, annually, on or before December 31, report to the public (i) the actual pupil/teacher ratios in elementary school classrooms in the local school division by school for the current school year; and (ii) the actual pupil/teacher ratios in middle school and high school in the local school division by school for the current school year. Actual pupil/teacher ratios shall include only the teachers who teach the grade and class on a full-time basis and shall exclude resource personnel. School boards shall report pupil/teacher ratios that include resource teachers in the same annual report. Any classes funded through the voluntary kindergarten through third grade class size reduction program shall be identified as such classes. Any classes having waivers to exceed the requirements of this subsection shall also be identified. Schools shall be identified; however, the data shall be compiled in a manner to ensure the confidentiality of all teacher and pupil identities.

N. Students enrolled in a public school on a less than full-time basis shall be counted in ADM in the relevant school division. Students who are either (i) enrolled in a nonpublic school or (ii) receiving home instruction pursuant to § 22.1-254.1, and who are enrolled in public school on a less than full-time basis in any mathematics, science, English, history, social science, career and technical education, fine arts, foreign language, or health education or physical education course shall be counted in the ADM in the relevant school division on a pro rata basis as provided in the appropriation act. Each such course enrollment by such students shall be counted as 0.25 in the ADM; however, no such nonpublic or home school student shall be counted as more than one-half a student for purposes of such pro rata calculation. Such calculation shall not include enrollments of such students in any other public school courses.

O. Each local school board shall provide those support services that are necessary for the efficient and cost-effective operation and maintenance of its public schools.

For the purposes of this title, unless the context otherwise requires, "support services positions" shall include the following:

1. Executive policy and leadership positions, including school board members, superintendents and assistant superintendents;

2. Fiscal and human resources positions, including fiscal and audit operations;

3. Student support positions, including (i) social workers and social work administrative positions; (ii) school counselor administrative positions not included in subdivision H 4; (iii) homebound administrative positions supporting instruction; (iv) attendance support positions related to truancy and dropout prevention; and (v) health and behavioral positions, including school nurses and school psychologists;

4. Instructional personnel support, including professional development positions and library and media positions not included in subdivision H 3;

5. Technology professional positions not included in subsection J;

6. Operation and maintenance positions, including facilities; pupil transportation positions; operation and maintenance professional and service positions; and security service, trade, and laborer positions;

7. Technical and clerical positions for fiscal and human resources, student support, instructional personnel support, operation and maintenance, administration, and technology; and

8. School-based clerical personnel in elementary schools; part-time to 299 students, one full-time at 300 students; clerical personnel in middle schools; one full-time and one additional full-time for each 600 students beyond 200 students and one full-time for the library at 750 students; clerical personnel in high schools; one full-time and one additional full-time for each 600 students beyond 200 students and one full-time for the library at 750 students. Local school divisions that employ a sufficient number of school-based clerical personnel to meet this staffing requirement may assign the clerical personnel to schools within the division according to the area of greatest need, regardless of whether such schools are elementary, middle, or secondary.

Pursuant to the appropriation act, support services shall be funded from basic school aid.

School divisions may use the state and local funds for support services to provide additional instructional services.

P. Notwithstanding the provisions of this section, when determining the assignment of instructional and other licensed personnel in subsections C through J, a local school board shall not be required to include full-time students of approved virtual school programs.

2. That the provisions of the first enactment of this act shall become effective on July 1, 2022.

3. That the Board of Education shall adopt regulations establishing standards for accreditation that include a requirement that the standard school day for students in kindergarten average at least 5.5 instructional hours in order to qualify for full accreditation. The Board of Education shall adopt such regulations by July 1, 2022.

CHAPTER 583

An Act to amend and reenact § 1-510 of the Code of Virginia, relating to official emblems and designations; state opry.

[S 283]

Approved March 31, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 1-510 of the Code of Virginia is amended and reenacted as follows:

§ 1-510. Official emblems and designations.

The following are hereby designated official emblems and designations of the Commonwealth:

Artisan Center — "Virginia Artisans Center," located in the City of Waynesboro.

Bat — Virginia Big-eared bat (*Corynorhinus townsendii virginianus*).

Beverage — Milk.

Bird — Northern Cardinal (*Cardinalis cardinalis*).

Blue Ridge Folklore State Center — Blue Ridge Institute located in the village of Ferrum.

Boat — "Chesapeake Bay Deadrise."

Cabin Capital of Virginia — Page County.

Coal Miners' Memorial — The Richlands Coal Miners' Memorial located in Tazewell County.

Covered Bridge Capital of the Commonwealth — Patrick County.

Covered Bridge Festival — Virginia Covered Bridge Festival held in Patrick County.

Dog — American Foxhound.

Fish (Freshwater) — Brook Trout.

Fish (Saltwater) — Striped Bass.

Flag of Remembrance of September 11, 2001 — Freedom Flag, designed by a Virginian, as the flag of remembrance of September 11, 2001.

Fleet — Replicas of the three ships, Susan Constant, Godspeed, and Discovery, which comprised the Commonwealth's founding fleet that brought the first permanent English settlers to Jamestown in 1607, and which are exhibited at the Jamestown Settlement in Williamsburg.

Flower — American Dogwood (*Cornus florida*).

Folk dance — Square dancing, the American folk dance that traces its ancestry to the English Country Dance and the French Ballroom Dance, and is called, cued, or prompted to the dancers, and includes squares, rounds, clogging, contra, line, the Virginia Reel, and heritage dances.

Fossil — *Chesapecten jeffersonius*.

Gold mining interpretive center — Monroe Park, located in the County of Fauquier.

Insect — Tiger Swallowtail Butterfly (*Papilio glaucus* Linne).

Maple Festival — The Highland County Maple Festival.

Motor sports museum — "Wood Brothers Racing Museum and Virginia Motor Sports Hall of Fame," located in Patrick County.

Opry — *The Virginia Opry*.

Outdoor drama — "The Trail of the Lonesome Pine Outdoor Drama," adapted for the stage by Clara Lou Kelly and performed in the Town of Big Stone Gap.

Outdoor drama, historical — "The Long Way Home" based on the life of Mary Draper Ingles, adapted for the stage by Earl Hobson Smith, and performed in the City of Radford.

Rock — Nelsonite.

Salamander — Red Salamander (*Pseudotriton ruber*).

Shakespeare festival — The Virginia Shakespeare Festival held in the City of Williamsburg.

Shell — Oyster shell (*Crassostrea virginica*).

Snake — Eastern Garter Snake (*Thamnophis sirtalis sirtalis*).

Song emeritus — "Carry Me Back to Old Virginny," by James A. Bland, as set out in the House Joint Resolution 10, adopted by the General Assembly of Virginia at the Session of 1940.

Song (Popular) — "Sweet Virginia Breeze," by Robbin Thompson and Steve Bassett.

Song (Traditional) — "Our Great Virginia," lyrics by Mike Greenly and arranged by Jim Papoulis with music from the original American folk song "Oh Shenandoah."

Spirit — George Washington's rye whiskey produced at Mount Vernon, Virginia.
 Sports hall of fame — "Virginia Sports Hall of Fame," located in the City of Portsmouth.
 Television series — "Song of the Mountains."
 Tree — American Dogwood (*Cornus florida*).
 War memorial museum — "Virginia War Museum," (formerly known as the War Memorial Museum of Virginia), located in the City of Newport News.

CHAPTER 584

An Act to direct the State Council of Higher Education for Virginia to facilitate the development of a statewide coalition of public institutions of higher education to gather and share information on the latest evidence-based methods and approaches to prepare teachers to effectively educate K–12 students in reading, including multisensory structured language education to instruct students with dyslexia.

[S 904]

Approved March 31, 2020

Be it enacted by the General Assembly of Virginia:

1. *§ 1. That the State Council of Higher Education for Virginia shall facilitate the development of a statewide coalition of public institutions of higher education in the Commonwealth, by December 1, 2020, to gather and share information on the latest evidence-based methods and approaches to prepare teachers to effectively educate K–12 students in reading, including multisensory structured language education to instruct students with dyslexia. Each public institution's school of education, education department, or relevant department for the career paths of K–12 reading specialists and teachers may collect such information and collaborate with other public institutions of higher education in the Commonwealth regarding the latest reliable research for reading instruction for all K–12 students, with an emphasis on improving reading instruction to students with dyslexia. Each public institution of higher education may implement information learned through the coalition in the institution's undergraduate and graduate degree programs in education.*

CHAPTER 585

An Act to amend and reenact § 20-109 of the Code of Virginia, relating to modification of spousal support.

[H 1501]

Approved March 31, 2020

Be it enacted by the General Assembly of Virginia:

1. **That § 20-109 of the Code of Virginia is amended and reenacted as follows:**

§ 20-109. Changing maintenance and support for a spouse; effect of stipulations as to maintenance and support for a spouse; cessation upon cohabitation, remarriage, or death; effect of retirement.

A. Upon petition of either party the court may increase, decrease, or terminate the amount or duration of any spousal support and maintenance that may thereafter accrue, whether previously or hereafter awarded, as the circumstances may make proper. Upon order of the court based upon clear and convincing evidence that the spouse receiving support has been habitually cohabiting with another person in a relationship analogous to a marriage for one year or more commencing on or after July 1, 1997, the court shall terminate spousal support and maintenance unless (i) otherwise provided by stipulation or contract or (ii) the spouse receiving support proves by a preponderance of the evidence that termination of such support would be unconscionable. The provisions of this subsection shall apply to all orders and decrees for spousal support, regardless of the date of the suit for initial setting of support, the date of entry of any such order or decree, or the date of any petition for modification of support.

B. The court may consider a modification of an award of spousal support for a defined duration upon petition of either party filed within the time covered by the duration of the award. Upon consideration of the factors set forth in subsection E of § 20-107.1, the court may increase, decrease or terminate the amount or duration of the award upon finding that (i) there has been a material change in the circumstances of the parties, not reasonably in the contemplation of the parties when the award was made or (ii) an event which the court anticipated would occur during the duration of the award and which was significant in the making of the award, does not in fact occur through no fault of the party seeking the modification. The provisions of this subsection shall apply only to suits for initial spousal support orders filed on or after July 1, 1998, and suits for modification of spousal support orders arising from suits for initial support orders filed on or after July 1, 1998.

C. In suits for divorce, annulment and separate maintenance, and in proceedings arising under subdivision A 3 or subsection L of § 16.1-241, if a stipulation or contract signed by the party to whom such relief might otherwise be awarded is filed before entry of a final decree, no decree or order directing the payment of support and maintenance for the spouse, suit money, or counsel fee or establishing or imposing any other condition or consideration, monetary or nonmonetary, shall be entered except in accordance with that stipulation or contract. If such a stipulation or contract is filed after entry of a final decree and if any party so moves, the court shall modify its decree to conform to such stipulation or contract. No request for modification of spousal support based on a material change in circumstances or the terms of stipulation or contract shall be

denied solely on the basis of the terms of any stipulation or contract that is executed on or after July 1, 2018, unless such stipulation or contract contains the following language: "The amount or duration of spousal support contained in this [AGREEMENT] is not modifiable except as specifically set forth in this [AGREEMENT]."¹ expressly states that the amount or duration of spousal support is non-modifiable.

D. Unless otherwise provided by stipulation or contract, spousal support and maintenance shall terminate upon the death of either party or remarriage of the spouse receiving support. The spouse entitled to support shall have an affirmative duty to notify the payor spouse immediately of remarriage at the last known address of the payor spouse.

E. For purposes of the modification of an award of spousal support, and without precluding the ability of a party to otherwise file for a modification of spousal support based upon any other material change in circumstances, the payor spouse's attainment of full retirement age shall be considered a material change in circumstances. For the purposes of this subsection, "full retirement age" means the normal retirement age at which a person is eligible to receive full retirement benefits under the federal Social Security Act, but "full retirement age" does not mean "early retirement age" as defined under the federal Social Security Act (42 U.S.C. § 416, as amended).

F. In an action for the increase, decrease, or termination of spousal support based on the retirement of the payor spouse pursuant to subsection E, where the court finds that there has been a material change in circumstances, the court shall determine whether any modification or termination of such spousal support should be granted. In making such determination, the court may consider the factors set forth in subsection E of § 20-107.1 and shall consider the following factors:

1. Whether retirement was contemplated by the court and specifically considered by the court when the spousal support was awarded;
2. Whether the retirement is mandatory or voluntary, and the terms and conditions related to such retirement;
3. Whether the retirement would result in a change in the income of either the payor or the payee spouse;
4. The age and health of the parties;
5. The duration and amount of spousal support already paid; and
6. The assets or property interest of each of the parties during the period from the date of the support order and up to the date of the hearing on modification or termination.

The provisions of this subsection (i) shall be subject to the provisions regarding stipulations or contracts as set forth in subsection C, and (ii) shall not apply to a contract or stipulation that is non-modifiable.

The provisions of this subsection and subsection E shall apply to suits for modification or termination of spousal support orders regardless of the date of the suit for initial setting of support or the date of entry of any such order or decree.

G. In any action for the increase, decrease, or termination of spousal support, if the court finds that there has been a material change in circumstances, the court may consider the factors set forth in subsection E of § 20-107.1 and subsection F of this section in making its determination as to whether any modification or termination of such support should be granted. The court shall further consider the assets or property interest of each of the parties from the date of the support order and up to the time of the hearing on modification or termination, and any income generated from the asset or property interest. Any order granting or denying a request for the modification or termination of spousal support shall be accompanied by written findings and conclusions of the court identifying the factors set forth in subsection E of § 20-107.1 and subsection F of this section that support the court's order.

CHAPTER 586

An Act to amend and reenact § 16.1-69.6:1 of the Code of Virginia, relating to the maximum number of judges in each judicial district.

[S 209]

Approved March 31, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 16.1-69.6:1 of the Code of Virginia is amended and reenacted as follows:

§ 16.1-69.6:1. Number of judges.

For the several judicial districts there shall be full-time general district court judges and juvenile and domestic relations district court judges, the maximum number as hereinafter set forth, who shall during their service reside within their respective districts, except as provided in § 16.1-69.16, and whose compensation and powers shall be the same as now and hereafter prescribed for general district court judges and juvenile and domestic relations district court judges.

The maximum number of judges of the districts shall be as follows:

	General District Court Judges	Juvenile and Domestic Relations District Court Judges
First	4	4
Second	7	6
Two-A	2	1

Third	2	3
Fourth	6	5
Fifth	3	2
Sixth	5	3
Seventh	4	4
Eighth	3	3
Ninth	3	4
Tenth	3	3
Eleventh	3	3
Twelfth	5	6
Thirteenth	6	5
Fourteenth	5	5
Fifteenth	8	9
Sixteenth	4	6
Seventeenth	3	2
Eighteenth	2	2
Nineteenth	4 12	8
Twentieth	4	3
Twenty-first	2	2
Twenty-second	2	4
Twenty-third	4	5
Twenty-fourth	3	6
Twenty-fifth	4	5
Twenty-sixth	5	7
Twenty-seventh	5	5
Twenty-eighth	3	3
Twenty-ninth	2	3
Thirtieth	2	3
Thirty-first	5	5

The election or appointment of any district judge shall be subject to the provisions of § 16.1-69.9:3.

CHAPTER 587

An Act to amend and reenact § 2.2-3705.7 of the Code of Virginia, relating to the Virginia Freedom of Information Act; library records.

[S 259]

Approved March 31, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-3705.7 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-3705.7. Exclusions to application of chapter; records of specific public bodies and certain other limited exclusions.

The following information contained in a public record is excluded from the mandatory disclosure provisions of this chapter but may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law. Redaction of information excluded under this section from a public record shall be conducted in accordance with § 2.2-3704.01.

1. State income, business, and estate tax returns, personal property tax returns, and confidential records held pursuant to § 58.1-3.

2. Working papers and correspondence of the Office of the Governor, the Lieutenant Governor, or the Attorney General; the members of the General Assembly, the Division of Legislative Services, or the Clerks of the House of Delegates or the Senate of Virginia; the mayor or chief executive officer of any political subdivision of the Commonwealth;

or the president or other chief executive officer of any public institution of higher education in the Commonwealth. However, no information that is otherwise open to inspection under this chapter shall be deemed excluded by virtue of the fact that it has been attached to or incorporated within any working paper or correspondence. Further, information publicly available or not otherwise subject to an exclusion under this chapter or other provision of law that has been aggregated, combined, or changed in format without substantive analysis or revision shall not be deemed working papers. Nothing in this subdivision shall be construed to authorize the withholding of any resumes or applications submitted by persons who are appointed by the Governor pursuant to § 2.2-106 or 2.2-107.

As used in this subdivision:

"Members of the General Assembly" means each member of the Senate of Virginia and the House of Delegates and their legislative aides when working on behalf of such member.

"Office of the Governor" means the Governor; the Governor's chief of staff, counsel, director of policy, and Cabinet Secretaries; the Assistant to the Governor for Intergovernmental Affairs; and those individuals to whom the Governor has delegated his authority pursuant to § 2.2-104.

"Working papers" means those records prepared by or for a public official identified in this subdivision for his personal or deliberative use.

3. Information contained in library records that can be used to identify (i) both (a) any library patron who has borrowed or accessed material or resources from a library and (b) the material or resources such patron borrowed or accessed or (ii) any library patron under 18 years of age. For the purposes of clause (ii), access shall not be denied to the parent, including a noncustodial parent, or guardian of such library patron.

4. Contract cost estimates prepared for the confidential use of the Department of Transportation in awarding contracts for construction or the purchase of goods or services, and records and automated systems prepared for the Department's Bid Analysis and Monitoring Program.

5. Lists of registered owners of bonds issued by a political subdivision of the Commonwealth, whether the lists are maintained by the political subdivision itself or by a single fiduciary designated by the political subdivision.

6. Information furnished by a member of the General Assembly to a meeting of a standing committee, special committee, or subcommittee of his house established solely for the purpose of reviewing members' annual disclosure statements and supporting materials filed under § 30-110 or of formulating advisory opinions to members on standards of conduct, or both.

7. Customer account information of a public utility affiliated with a political subdivision of the Commonwealth, including the customer's name and service address, but excluding the amount of utility service provided and the amount of money charged or paid for such utility service.

8. Personal information, as defined in § 2.2-3801, (i) filed with the Virginia Housing Development Authority concerning individuals who have applied for or received loans or other housing assistance or who have applied for occupancy of or have occupied housing financed, owned or otherwise assisted by the Virginia Housing Development Authority; (ii) concerning persons participating in or persons on the waiting list for federally funded rent-assistance programs; (iii) filed with any local redevelopment and housing authority created pursuant to § 36-4 concerning persons participating in or persons on the waiting list for housing assistance programs funded by local governments or by any such authority; or (iv) filed with any local redevelopment and housing authority created pursuant to § 36-4 or any other local government agency concerning persons who have applied for occupancy or who have occupied affordable dwelling units established pursuant to § 15.2-2304 or 15.2-2305. However, access to one's own information shall not be denied.

9. Information regarding the siting of hazardous waste facilities, except as provided in § 10.1-1441, if disclosure of such information would have a detrimental effect upon the negotiating position of a governing body or on the establishment of the terms, conditions, and provisions of the siting agreement.

10. Information on the site-specific location of rare, threatened, endangered, or otherwise imperiled plant and animal species, natural communities, caves, and significant historic and archaeological sites if, in the opinion of the public body that has the responsibility for such information, disclosure of the information would jeopardize the continued existence or the integrity of the resource. This exclusion shall not apply to requests from the owner of the land upon which the resource is located.

11. Memoranda, graphics, video or audio tapes, production models, data, and information of a proprietary nature produced by or for or collected by or for the Virginia Lottery relating to matters of a specific lottery game design, development, production, operation, ticket price, prize structure, manner of selecting the winning ticket, manner of payment of prizes to holders of winning tickets, frequency of drawings or selections of winning tickets, odds of winning, advertising, or marketing, where such information not been publicly released, published, copyrighted, or patented. Whether released, published, or copyrighted, all game-related information shall be subject to public disclosure under this chapter upon the first day of sales for the specific lottery game to which it pertains.

12. Information held by the Virginia Retirement System, acting pursuant to § 51.1-124.30, or a local retirement system, acting pursuant to § 51.1-803, or by a local finance board or board of trustees of a trust established by one or more local public bodies to invest funds for post-retirement benefits other than pensions, acting pursuant to Article 8 (§ 15.2-1544 et seq.) of Chapter 15 of Title 15.2, or by the board of visitors of the University of Virginia, acting pursuant to § 23.1-2210, or by the board of visitors of The College of William and Mary in Virginia, acting pursuant to § 23.1-2803, or by the Virginia College Savings Plan, acting pursuant to § 23.1-704, relating to the acquisition, holding, or disposition of a security

or other ownership interest in an entity, where such security or ownership interest is not traded on a governmentally regulated securities exchange, if disclosure of such information would (i) reveal confidential analyses prepared for the board of visitors of the University of Virginia, prepared for the board of visitors of The College of William and Mary in Virginia, prepared by the retirement system, a local finance board or board of trustees, or the Virginia College Savings Plan, or provided to the retirement system, a local finance board or board of trustees, or the Virginia College Savings Plan under a promise of confidentiality of the future value of such ownership interest or the future financial performance of the entity and (ii) have an adverse effect on the value of the investment to be acquired, held, or disposed of by the retirement system, a local finance board or board of trustees, the board of visitors of the University of Virginia, the board of visitors of The College of William and Mary in Virginia, or the Virginia College Savings Plan. Nothing in this subdivision shall be construed to prevent the disclosure of information relating to the identity of any investment held, the amount invested, or the present value of such investment.

13. Financial, medical, rehabilitative, and other personal information concerning applicants for or recipients of loan funds submitted to or maintained by the Assistive Technology Loan Fund Authority under Chapter 11 (§ 51.5-53 et seq.) of Title 51.5.

14. Information held by the Virginia Commonwealth University Health System Authority pertaining to any of the following: an individual's qualifications for or continued membership on its medical or teaching staffs; proprietary information gathered by or in the possession of the Authority from third parties pursuant to a promise of confidentiality; contract cost estimates prepared for confidential use in awarding contracts for construction or the purchase of goods or services; information of a proprietary nature produced or collected by or for the Authority or members of its medical or teaching staffs; financial statements not publicly available that may be filed with the Authority from third parties; the identity, accounts, or account status of any customer of the Authority; consulting or other reports paid for by the Authority to assist the Authority in connection with its strategic planning and goals; the determination of marketing and operational strategies where disclosure of such strategies would be harmful to the competitive position of the Authority; and information of a proprietary nature produced or collected by or for employees of the Authority, other than the Authority's financial or administrative records, in the conduct of or as a result of study or research on medical, scientific, technical, or scholarly issues, whether sponsored by the Authority alone or in conjunction with a governmental body or a private concern, when such information has not been publicly released, published, copyrighted, or patented. This exclusion shall also apply when such information is in the possession of Virginia Commonwealth University.

15. Information held by the Department of Environmental Quality, the State Water Control Board, the State Air Pollution Control Board, or the Virginia Waste Management Board relating to (i) active federal environmental enforcement actions that are considered confidential under federal law and (ii) enforcement strategies, including proposed sanctions for enforcement actions. Upon request, such information shall be disclosed after a proposed sanction resulting from the investigation has been proposed to the director of the agency. This subdivision shall not be construed to prevent the disclosure of information related to inspection reports, notices of violation, and documents detailing the nature of any environmental contamination that may have occurred or similar documents.

16. Information related to the operation of toll facilities that identifies an individual, vehicle, or travel itinerary, including vehicle identification data or vehicle enforcement system information; video or photographic images; Social Security or other identification numbers appearing on driver's licenses; credit card or bank account data; home addresses; phone numbers; or records of the date or time of toll facility use.

17. Information held by the Virginia Lottery pertaining to (i) the social security number, tax identification number, state sales tax number, home address and telephone number, personal and lottery banking account and transit numbers of a retailer, and financial information regarding the nonlottery operations of specific retail locations and (ii) individual lottery winners, except that a winner's name, hometown, and amount won shall be disclosed. If the value of the prize won by the winner exceeds \$10 million, the information described in clause (ii) shall not be disclosed unless the winner consents in writing to such disclosure.

18. Information held by the Board for Branch Pilots relating to the chemical or drug testing of a person regulated by the Board, where such person has tested negative or has not been the subject of a disciplinary action by the Board for a positive test result.

19. Information pertaining to the planning, scheduling, and performance of examinations of holder records pursuant to the Virginia Disposition of Unclaimed Property Act (§ 55.1-2500 et seq.) prepared by or for the State Treasurer or his agents or employees or persons employed to perform an audit or examination of holder records.

20. Information held by the Virginia Department of Emergency Management or a local governing body relating to citizen emergency response teams established pursuant to an ordinance of a local governing body that reveal the name, address, including e-mail address, telephone or pager numbers, or operating schedule of an individual participant in the program.

21. Information held by state or local park and recreation departments and local and regional park authorities concerning identifiable individuals under the age of 18 years. However, nothing in this subdivision shall operate to prevent the disclosure of information defined as directory information under regulations implementing the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, unless the public body has undertaken the parental notification and opt-out requirements provided by such regulations. Access shall not be denied to the parent, including a noncustodial parent, or guardian of such person, unless the parent's parental rights have been terminated or a court of competent jurisdiction has

restricted or denied such access. For such information of persons who are emancipated, the right of access may be asserted by the subject thereof. Any parent or emancipated person who is the subject of the information may waive, in writing, the protections afforded by this subdivision. If the protections are so waived, the public body shall open such information for inspection and copying.

22. Information submitted for inclusion in the Statewide Alert Network administered by the Department of Emergency Management that reveal names, physical addresses, email addresses, computer or internet protocol information, telephone numbers, pager numbers, other wireless or portable communications device information, or operating schedules of individuals or agencies, where the release of such information would compromise the security of the Statewide Alert Network or individuals participating in the Statewide Alert Network.

23. Information held by the Judicial Inquiry and Review Commission made confidential by § 17.1-913.

24. Information held by the Virginia Retirement System acting pursuant to § 51.1-124.30, a local retirement system acting pursuant to § 51.1-803 (hereinafter collectively referred to as the retirement system), or the Virginia College Savings Plan, acting pursuant to § 23.1-704 relating to:

a. Internal deliberations of or decisions by the retirement system or the Virginia College Savings Plan on the pursuit of particular investment strategies, or the selection or termination of investment managers, prior to the execution of such investment strategies or the selection or termination of such managers, if disclosure of such information would have an adverse impact on the financial interest of the retirement system or the Virginia College Savings Plan; and

b. Trade secrets provided by a private entity to the retirement system or the Virginia College Savings Plan if disclosure of such records would have an adverse impact on the financial interest of the retirement system or the Virginia College Savings Plan.

For the records specified in subdivision b to be excluded from the provisions of this chapter, the entity shall make a written request to the retirement system or the Virginia College Savings Plan:

(1) Invoking such exclusion prior to or upon submission of the data or other materials for which protection from disclosure is sought;

(2) Identifying with specificity the data or other materials for which protection is sought; and

(3) Stating the reasons why protection is necessary.

The retirement system or the Virginia College Savings Plan shall determine whether the requested exclusion from disclosure meets the requirements set forth in subdivision b.

Nothing in this subdivision shall be construed to prevent the disclosure of the identity or amount of any investment held or the present value and performance of all asset classes and subclasses.

25. Information held by the Department of Corrections made confidential by § 53.1-233.

26. Information maintained by the Department of the Treasury or participants in the Local Government Investment Pool (§ 2.2-4600 et seq.) and required to be provided by such participants to the Department to establish accounts in accordance with § 2.2-4602.

27. Personal information, as defined in § 2.2-3801, contained in the Veterans Care Center Resident Trust Funds concerning residents or patients of the Department of Veterans Services Care Centers, except that access shall not be denied to the person who is the subject of the information.

28. Information maintained in connection with fundraising activities by the Veterans Services Foundation pursuant to § 2.2-2716 that reveal the address, electronic mail address, facsimile or telephone number, social security number or other identification number appearing on a driver's license, or credit card or bank account data of identifiable donors, except that access shall not be denied to the person who is the subject of the information. Nothing in this subdivision, however, shall be construed to prevent the disclosure of information relating to the amount, date, purpose, and terms of the pledge or donation or the identity of the donor, unless the donor has requested anonymity in connection with or as a condition of making a pledge or donation. The exclusion provided by this subdivision shall not apply to protect from disclosure (i) the identities of sponsors providing grants to or contracting with the foundation for the performance of services or other work or (ii) the terms and conditions of such grants or contracts.

29. Information prepared for and utilized by the Commonwealth's Attorneys' Services Council in the training of state prosecutors or law-enforcement personnel, where such information is not otherwise available to the public and the disclosure of such information would reveal confidential strategies, methods, or procedures to be employed in law-enforcement activities or materials created for the investigation and prosecution of a criminal case.

30. Information provided to the Department of Aviation by other entities of the Commonwealth in connection with the operation of aircraft where the information would not be subject to disclosure by the entity providing the information. The entity providing the information to the Department of Aviation shall identify the specific information to be protected and the applicable provision of this chapter that excludes the information from mandatory disclosure.

31. Information created or maintained by or on the behalf of the judicial performance evaluation program related to an evaluation of any individual justice or judge made confidential by § 17.1-100.

32. Information reflecting the substance of meetings in which (i) individual sexual assault cases are discussed by any sexual assault response team established pursuant to § 15.2-1627.4, (ii) individual child abuse or neglect cases or sex offenses involving a child are discussed by multidisciplinary child sexual abuse response teams established pursuant to § 15.2-1627.5, or (iii) individual cases of abuse, neglect, or exploitation of adults as defined in § 63.2-1603 are discussed by

multidisciplinary teams established pursuant to §§ 15.2-1627.5 and 63.2-1605. The findings of any such team may be disclosed or published in statistical or other aggregated form that does not disclose the identity of specific individuals.

33. Information contained in the strategic plan, marketing plan, or operational plan prepared by the Virginia Economic Development Partnership Authority pursuant to § 2.2-2237.1 regarding target companies, specific allocation of resources and staff for marketing activities, and specific marketing activities that would reveal to the Commonwealth's competitors for economic development projects the strategies intended to be deployed by the Commonwealth, thereby adversely affecting the financial interest of the Commonwealth. The executive summaries of the strategic plan, marketing plan, and operational plan shall not be redacted or withheld pursuant to this subdivision.

34. Information discussed in a closed session of the Physical Therapy Compact Commission or the Executive Board or other committees of the Commission for purposes set forth in subsection E of § 54.1-3491.

CHAPTER 588

An Act to amend the Code of Virginia by adding a section numbered 19.2-262.01, relating to voir dire examination of persons called as jurors; criminal case.

[S 325]

Approved March 31, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 19.2-262.01 as follows:

§ 19.2-262.01. Voir dire examination of persons called as jurors.

In any criminal case, the court and counsel for either party shall have the right to examine under oath any person who is called as a juror therein and shall have the right to ask such person or juror directly any relevant question to ascertain whether the juror can sit impartially in either the guilt or sentencing phase of the case. Such questions may include whether the person or juror is related to either party, has any interest in the cause, has expressed or formed any opinion, or is sensible of any bias or prejudice therein. The court and counsel for either party may inform any such person or juror as to the potential range of punishment to ascertain if the person or juror can sit impartially in the sentencing phase of the case. The party objecting to any juror may introduce competent evidence in support of the objection, and if it appears to the court that the juror does not stand indifferent in the cause, another shall be drawn or called and placed in his stead for the trial of that case.

A juror, knowing anything relative to the fact in issue, shall disclose the same in open court.

CHAPTER 589

An Act to amend and reenact §§ 17.1-275 and 64.2-409 of the Code of Virginia, relating to circuit court clerk's fee; lodging of wills.

[S 940]

Approved March 31, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 17.1-275 and 64.2-409 of the Code of Virginia are amended and reenacted as follows:

§ 17.1-275. Fees collected by clerks of circuit courts; generally.

A. A clerk of a circuit court shall, for services performed by virtue of his office, charge the following fees:

1. [Repealed.]

2. For recording and indexing in the proper book any writing and all matters therewith, or for recording and indexing anything not otherwise provided for, \$16 for an instrument or document consisting of 10 or fewer pages or sheets; \$30 for an instrument or document consisting of 11 to 30 pages or sheets; and \$50 for an instrument or document consisting of 31 or more pages or sheets. Whenever any writing to be recorded includes plat or map sheets no larger than eight and one-half inches by 14 inches, such plat or map sheets shall be counted as ordinary pages for the purpose of computing the recording fee due pursuant to this section. A fee of \$15 per page or sheet shall be charged with respect to plat or map sheets larger than eight and one-half inches by 14 inches. Only a single fee as authorized by this subdivision shall be charged for recording a certificate of satisfaction that releases the original deed of trust and any corrected or revised deeds of trust. One dollar and fifty cents of the fee collected for recording and indexing shall be designated for use in preserving the permanent records of the circuit courts. The sum collected for this purpose shall be administered by The Library of Virginia in cooperation with the circuit court clerks.

3. For appointing and qualifying any personal representative, committee, trustee, guardian, or other fiduciary, in addition to any fees for recording allowed by this section, \$20 for estates not exceeding \$50,000, \$25 for estates not exceeding \$100,000 and \$30 for estates exceeding \$100,000. No fee shall be charged for estates of \$5,000 or less.

4. For entering and granting and for issuing any license, other than a marriage license or a hunting and fishing license, and administering an oath when necessary, \$10.

5. For issuing a marriage license, attaching certificate, administering or receiving all necessary oaths or affidavits, indexing and recording, \$10. For recording an order to celebrate the rites of marriage pursuant to § 20-25, \$25 to be paid by the petitioner.

6. For making out any bond, other than those under § 17.1-267 or subdivision A 4, administering all necessary oaths and writing proper affidavits, \$3.

7. For all services rendered by the clerk in any garnishment or attachment proceeding, the clerk's fee shall be \$15 in cases not exceeding \$500 and \$25 in all other cases.

8. For making out a copy of any paper, record, or electronic record to go out of the office, which is not otherwise specifically provided for herein, a fee of \$0.50 for each page or, if an electronic record, each image. From such fees, the clerk shall reimburse the locality the costs of making out the copies and pay the remaining fees directly to the Commonwealth. The funds to recoup the cost of making out the copies shall be deposited with the county or city treasurer or Director of Finance, and the governing body shall budget and appropriate such funds to be used to support the cost of copies pursuant to this subdivision. For purposes of this section, the costs of making out the copies authorized under this section shall include costs included in the lease and maintenance agreements for the equipment and the technology needed to operate electronic systems in the clerk's office used to make out the copies, but shall not include salaries or related benefits. The costs of copies shall otherwise be determined in accordance with § 2.2-3704. However, there shall be no charge to the recipient of a final order or decree to send an attested copy to such party.

9. For annexing the seal of the court to any paper, writing the certificate of the clerk accompanying it, the clerk shall charge \$2 and for attaching the certificate of the judge, if the clerk is requested to do so, the clerk shall charge an additional \$0.50.

10. In any case in which a person is convicted of a violation of any provision of Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2 or is subject to a disposition under § 18.2-251, the clerk shall assess a fee of \$150 for each felony conviction and each felony disposition under § 18.2-251 which shall be taxed as costs to the defendant and shall be paid into the Drug Offender Assessment and Treatment Fund.

11. In any case in which a person is convicted of a violation of any provision of Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2 or is subject to a disposition under § 18.2-251, the clerk shall assess a fee for each misdemeanor conviction and each misdemeanor disposition under § 18.2-251, which shall be taxed as costs to the defendant and shall be paid into the Drug Offender Assessment and Treatment Fund as provided in § 17.1-275.8.

12. Upon the defendant's being required to successfully complete traffic school, a mature driver motor vehicle crash prevention course, or a driver improvement clinic in lieu of a finding of guilty, the court shall charge the defendant fees and costs as if he had been convicted.

13. In all civil actions that include one or more claims for the award of monetary damages the clerk's fee chargeable to the plaintiff shall be \$100 in cases seeking recovery not exceeding \$49,999; \$200 in cases seeking recovery exceeding \$49,999, but not exceeding \$100,000; \$250 in cases seeking recovery exceeding \$100,000, but not exceeding \$500,000; and \$300 in cases seeking recovery exceeding \$500,000. Ten dollars of each such fee shall be apportioned to the Courts Technology Fund established under § 17.1-132. A fee of \$25 shall be paid by the plaintiff at the time of instituting a condemnation case, in lieu of any other fees. There shall be no fee charged for the filing of a cross-claim or setoff in any pending action. However, the fees prescribed by this subdivision shall be charged upon the filing of a counterclaim or a claim impleading a third-party defendant. The fees prescribed above shall be collected upon the filing of papers for the commencement of civil actions. This subdivision shall not be applicable to cases filed in the Supreme Court of Virginia.

13a. For the filing of any petition seeking court approval of a settlement where no action has yet been filed, the clerk's fee, chargeable to the petitioner, shall be \$50, to be paid by the petitioner at the time of filing the petition.

14. In addition to the fees chargeable for civil actions, for the costs of proceedings for judgments by confession under §§ 8.01-432 through 8.01-440, the clerk shall tax as costs (i) the cost of registered or certified mail; (ii) the statutory writ tax, in the amount required by law to be paid on a suit for the amount of the confessed judgment; (iii) for the sheriff for serving each copy of the order entering judgment, \$12; and (iv) for docketing the judgment and issuing executions thereon, the same fees as prescribed in subdivision A 17.

15. For qualifying notaries public, including the making out of the bond and any copies thereof, administering the necessary oaths, and entering the order, \$10.

16. For each habeas corpus proceeding, the clerk shall receive \$10 for all services required thereunder. This subdivision shall not be applicable to such suits filed in the Supreme Court of Virginia.

17. For docketing and indexing a judgment from any other court of the Commonwealth, for docketing and indexing a judgment in the new name of a judgment debtor pursuant to the provisions of § 8.01-451, but not when incident to a divorce, for noting and filing the assignment of a judgment pursuant to § 8.01-452, a fee of \$5; and for issuing an abstract of any recorded judgment, when proper to do so, a fee of \$5; and for filing, docketing, indexing and mailing notice of a foreign judgment, a fee of \$20.

18. For all services rendered by the clerk in any court proceeding for which no specific fee is provided by law, the clerk shall charge \$10, to be paid by the party filing said papers at the time of filing; however, this subdivision shall not be applicable in a divorce cause prior to and including the entry of a decree of divorce from the bond of matrimony.

19, 20. [Repealed.]

21. For making the endorsements on a forthcoming bond and recording the matters relating to such bond pursuant to the provisions of § 8.01-529, \$1.

22. For all services rendered by the clerk in any proceeding pursuant to § 57-8 or 57-15, \$10.

23. For preparation and issuance of a subpoena duces tecum, \$5.

24. For all services rendered by the clerk in matters under § 8.01-217 relating to change of name, \$20; however, this subdivision shall not be applicable in cases where the change of name is incident to a divorce.

25. For providing court records or documents on microfilm, per frame, \$0.50.

26. In all divorce and separate maintenance proceedings, and all civil actions that do not include one or more claims for the award of monetary damages, the clerk's fee chargeable to the plaintiff shall be \$60, \$10 of which shall be apportioned to the Courts Technology Fund established under § 17.1-132 to be paid by the plaintiff at the time of instituting the suit, which shall include the furnishing of a duly certified copy of the final decree. The fees prescribed by this subdivision shall be charged upon the filing of a counterclaim or a claim impleading a third-party defendant. However, no fee shall be charged for (i) the filing of a cross-claim or setoff in any pending suit or (ii) the filing of a counterclaim or any other responsive pleading in any annulment, divorce, or separate maintenance proceeding. In divorce cases, when there is a merger of a divorce of separation a mensa et thoro into a decree of divorce a vinculo, the above mentioned fee shall include the furnishing of a duly certified copy of both such decrees.

27. For the acceptance of credit or debit cards in lieu of money to collect and secure all fees, including filing fees, fines, restitution, forfeiture, penalties and costs, the clerk shall collect from the person presenting such credit or debit card a reasonable convenience fee for the processing of such credit or debit card. Such convenience fee shall not exceed four percent of the amount paid for the transaction or a flat fee of \$2 per transaction. The clerk may set a lower convenience fee for electronic filing of civil or criminal proceedings pursuant to § 17.1-258.3. Nothing herein shall be construed to prohibit the clerk from outsourcing the processing of credit and debit card transactions to a third-party private vendor engaged by the clerk. Convenience fees shall be used to cover operational expenses as defined in § 17.1-295.

28. For the return of any check unpaid by the financial institution on which it was drawn or notice is received from the credit or debit card issuer that payment will not be made for any reason, the clerk may collect a fee of \$50 or 10 percent of the amount of the payment, whichever is greater.

29. For all services rendered, except in cases in which costs are assessed pursuant to § 17.1-275.1, 17.1-275.2, 17.1-275.3, or 17.1-275.4, in an adoption proceeding, a fee of \$20, in addition to the fee imposed under § 63.2-1246, to be paid by the petitioner or petitioners. For each petition for adoption filed pursuant to § 63.2-1201, except those filed pursuant to subdivisions 5 and 6 of § 63.2-1210, an additional \$50 filing fee as required under § 63.2-1201 shall be deposited in the Virginia Birth Father Registry Fund pursuant to § 63.2-1249.

30. For issuing a duplicate license for one lost or destroyed as provided in § 29.1-334, a fee in the same amount as the fee for the original license.

31. For the filing of any petition as provided in §§ 33.2-1023, 33.2-1024, and 33.2-1027, a fee of \$5 to be paid by the petitioner; and for the recordation of a certificate or copy thereof, as provided for in § 33.2-1021, as well as for any order of the court relating thereto, the clerk shall charge the same fee as for recording a deed as provided for in this section, to be paid by the party upon whose request such certificate is recorded or order is entered.

32. For making up, certifying and transmitting original record pursuant to the Rules of the Supreme Court, including all papers necessary to be copied and other services rendered, except in cases in which costs are assessed pursuant to § 17.1-275.1, 17.1-275.2, 17.1-275.3, 17.1-275.4, 17.1-275.7, 17.1-275.8, or 17.1-275.9, a fee of \$20.

33. [Repealed.]

34. For filings, etc., under the Uniform Federal Lien Registration Act (§ 55.1-653 et seq.), the fees shall be as prescribed in that Act.

35. For filing the appointment of a resident agent for a nonresident property owner in accordance with § 55.1-1211 or 55.1-1401, a fee of \$10.

36. [Repealed.]

37. For recordation of certificate and registration of names of nonresident owners in accordance with § 59.1-74, a fee of \$10.

38. For maintaining the information required under the Overhead High Voltage Line Safety Act (§ 59.1-406 et seq.), the fee as prescribed in § 59.1-411.

39. For lodging, indexing, and preserving a will in accordance with § 64.2-409, a fee of ~~\$2~~ \$5.

40. For filing a financing statement in accordance with § 8.9A-505, the fee shall be as prescribed under § 8.9A-525.

41. For filing a termination statement in accordance with § 8.9A-513, the fee shall be as prescribed under § 8.9A-525.

42. For filing assignment of security interest in accordance with § 8.9A-514, the fee shall be as prescribed under § 8.9A-525.

43. For filing a petition as provided in §§ 64.2-2001 and 64.2-2013, the fee shall be \$10.

44. For issuing any execution, and recording the return thereof, a fee of \$1.50.

45. For the preparation and issuance of a summons for interrogation by an execution creditor, a fee of \$5. If there is no outstanding execution, and one is requested herewith, the clerk shall be allowed an additional fee of \$1.50, in accordance with subdivision A 44.

B. In accordance with § 17.1-281, the clerk shall collect fees under subdivisions A 7, A 13, A 16, A 18 if applicable, A 20, A 22, A 24, A 26, A 29, and A 31 to be designated for courthouse construction, renovation or maintenance.

C. In accordance with § 17.1-278, the clerk shall collect fees under subdivisions A 7, A 13, A 16, A 18 if applicable, A 20, A 22, A 24, A 26, A 29, and A 31 to be designated for services provided for the poor, without charge, by a nonprofit legal aid program.

D. In accordance with § 42.1-70, the clerk shall collect fees under subdivisions A 7, A 13, A 16, A 18 if applicable, A 20, A 22, A 24, A 26, A 29, and A 31 to be designated for public law libraries.

E. All fees collected pursuant to subdivision A 27 and § 17.1-276 shall be deposited by the clerk into a special revenue fund held by the clerk, which will restrict the funds to their statutory purpose.

F. The provisions of this section shall control the fees charged by clerks of circuit courts for the services above described.

§ 64.2-409. Wills of living persons lodged for safekeeping with clerks of certain courts.

A. A person or his attorney may, during the person's lifetime, lodge for safekeeping with the clerk of the circuit court serving the jurisdiction where the person resides any will executed by such person. The clerk shall receive such will and give the person lodging it a receipt. The clerk shall (i) place the will in an envelope and seal it securely, (ii) number the envelope and endorse upon it the name of the testator and the date on which it was lodged, and (iii) index the same alphabetically in a permanent index that shows the number and date such will was deposited.

B. An attorney-at-law, bank, or trust company that has held a will for safekeeping for a client for at least seven years and that has no knowledge of whether the client is alive or dead after such time may lodge such will with the clerk as provided in subsection A.

C. The clerk shall carefully preserve the envelope containing the will unopened until it is returned to the testator or his nominee in the testator's lifetime upon request of the testator or his nominee in writing or until the death of the testator. If such will is returned during the testator's lifetime and is later returned to the clerk, it shall be considered to be a separate lodging under the provisions of this section.

D. Upon notice of the testator's death, the clerk shall open the will and deliver the same to any person entitled to offer it for probate.

E. The clerk shall charge a fee of \$2 \$5 for lodging, indexing, and preserving a will pursuant to this section.

F. The provisions of this section are applicable only to the clerk's office of a court where the judge or judges of such court have entered an order authorizing the use of the clerk's office for such purpose.

G. The clerk may destroy any will that has been lodged in his office for safekeeping under this section for 100 years or more.

CHAPTER 590

An Act to direct the Department of Emergency Management to review emergency services and disaster preparedness plans.

[H 420]

Approved April 2, 2020

Be it enacted by the General Assembly of Virginia:

1. § 1. *The Department of Emergency Management shall review its emergency services and disaster preparedness programs to determine if changes to those programs are necessary in order to address the needs of individuals with limited English proficiency and individuals with access or functional needs. The Department shall complete its review no later than November 1, 2020, and report its findings to the Chairs of the Senate Committee on General Laws and Technology and the House Committee on General Laws. Such report shall include any recommendations for legislation that would be required to fully address the needs of individuals with limited English proficiency and individuals with access or functional needs. As used in this section, "individuals with limited English proficiency" means individuals who do not speak English as their primary language and who have limited ability to read, write, speak, or understand English.*

CHAPTER 591

An Act to amend and reenact §§ 2.2-115, 2.2-2237.1, 2.2-2237.3, 2.2-2238, and 2.2-2242 of the Code of Virginia and to repeal §§ 2.2-206.2 and 2.2-2238.1 of the Code of Virginia, relating to economic development programs; reporting requirements.

[H 935]

Approved April 2, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-115, 2.2-2237.1, 2.2-2237.3, 2.2-2238, and 2.2-2242 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-115. Commonwealth's Development Opportunity Fund.

A. As used in this section, unless the context requires otherwise:

"New job" means employment of an indefinite duration, created as the direct result of the private investment, for which the firm pays the wages and standard fringe benefits for its employee, requiring a minimum of either (i) 35 hours of the employee's time a week for the entire normal year of the firm's operations, which "normal year" must consist of at least 48 weeks or (ii) 1,680 hours per year.

Seasonal or temporary positions, positions created when a job function is shifted from an existing location in the Commonwealth to the location of the economic development project, positions with suppliers, and multiplier or spin-off jobs shall not qualify as new jobs. The term "new job" shall include positions with contractors provided that all requirements included within the definition of the term are met.

"Prevailing average wage" means that amount determined by the Virginia Employment Commission to be the average wage paid workers in the city or county of the Commonwealth where the economic development project is located. The prevailing average wage shall be determined without regard to any fringe benefits.

"Private investment" means the private investment required under this section.

B. There is created the Commonwealth's Development Opportunity Fund (the Fund) to be used by the Governor to attract economic development prospects and secure the expansion of existing industry in the Commonwealth. The Fund shall consist of any funds appropriated to it by the general appropriation act and revenue from any other source, public or private. The Fund shall be established on the books of the Comptroller, and any funds remaining in the Fund at the end of a biennium shall not revert to the general fund but shall remain in the Fund. Interest earned on the Fund shall be credited to the Fund. The Governor shall report to the Chairmen of the House Committees on Appropriations and Finance and the Senate Committee on Finance and Appropriations as funds are awarded in accordance with this section.

C. Funds shall be awarded from the Fund by the Governor as grants or loans to political subdivisions. The criteria for making such grants or loans shall include (i) job creation, (ii) private capital investment, and (iii) anticipated additional state tax revenue expected to accrue to the state and affected localities as a result of the capital investment and jobs created. Loans shall be approved by the Governor and made in accordance with guidelines established by the Virginia Economic Development Partnership and approved by the Comptroller. Loans shall be interest-free unless otherwise determined by the Governor and shall be repaid to the Fund. The Governor may establish the interest rate to be charged; otherwise, any interest charged shall be at market rates as determined by the State Treasurer and shall be indicative of the duration of the loan. The Virginia Economic Development Partnership shall be responsible for monitoring repayment of such loans and reporting the receivables to the Comptroller as required.

Beginning with the five fiscal years from fiscal year 2006-2007 through fiscal year 2010-2011, and for every five fiscal years' period thereafter, in general, no less than one-third of the moneys appropriated to the Fund in every such five-year period shall be awarded to counties and cities having an annual average unemployment rate that is greater than the final statewide average unemployment rate for the calendar year that immediately precedes the calendar year of the award. However, if such one-third requirement will not be met because economic development prospects in such counties and cities are unable to fulfill the applicable minimum private investment and new jobs requirements set forth in this section, then any funds remaining in the Fund at the end of the five-year period that would have otherwise been awarded to such counties and cities shall be made available for awards in the next five fiscal years' period.

D. Funds may be used for public and private utility extension or capacity development on and off site; public and private installation, extension, or capacity development of high-speed or broadband Internet access, whether on or off site; road, rail, or other transportation access costs beyond the funding capability of existing programs; site acquisition; grading, drainage, paving, and any other activity required to prepare a site for construction; construction or build-out of publicly or privately owned buildings; training; or grants or loans to an industrial development authority, housing and redevelopment authority, or other political subdivision for purposes directly relating to any of the foregoing. However, in no case shall funds from the Fund be used, directly or indirectly, to pay or guarantee the payment for any rental, lease, license, or other contractual right to the use of any property.

It shall be the policy of the Commonwealth that moneys in the Fund shall not be used for any economic development project in which a business relocates or expands its operations in one or more Virginia localities and simultaneously closes its operations or substantially reduces the number of its employees in another Virginia locality, unless the procedures set forth in § 30-310 are followed. The Secretary of Commerce and Trade shall enforce this policy and for any exception thereto shall, pursuant to § 30-310, submit such projects to the MEI Project Approval Commission established pursuant to § 30-309.

E. 1. a. Except as provided in this subdivision, no grant or loan shall be awarded from the Fund unless the project involves a minimum private investment of \$5 million and creates at least 50 new jobs for which the average wage, excluding fringe benefits, is no less than the prevailing average wage. For projects, including but not limited to projects involving emerging technologies, for which the average wage of the new jobs created, excluding fringe benefits, is at least twice the prevailing average wage for that locality or region, the Governor shall have the discretion to require no less than one-half the number of new jobs as set forth for that locality in this subdivision.

b. Notwithstanding the provisions of subdivision a, a grant or loan may be awarded from the Fund if the project involves a minimum private investment of \$100 million and creates at least 25 new jobs for which the average wage, excluding fringe benefits, is no less than the prevailing average wage.

2. Notwithstanding the provisions of subdivision 1 a, in localities (i) with an annual unemployment rate for the most recent calendar year for which such data is available that is greater than the final statewide average unemployment rate for

that calendar year or (ii) with a poverty rate for the most recent calendar year for which such data is available that exceeds the statewide average poverty rate for that year, a grant or loan may be awarded from the Fund pursuant to subdivision 1 a if the project involves a minimum private investment of \$2.5 million and creates at least 25 new jobs for which the average wage, excluding fringe benefits, is no less than 85 percent of the prevailing average wage.

3. Notwithstanding the provisions of subdivisions 1 a and 2, in localities (i) with an annual unemployment rate for the most recent calendar year for which such data is available that is greater than the final statewide average unemployment rate for that calendar year and (ii) with a poverty rate for the most recent calendar year for which such data is available that exceeds the statewide average poverty rate for that year, a grant or loan may be awarded from the Fund pursuant to such subdivisions if the project involves a minimum private investment of \$1.5 million and creates at least 15 new jobs for which the average wage, excluding fringe benefits, is no less than 85 percent of the prevailing average wage.

4. For projects that are eligible under subdivision 2 or 3, the average wage of the new jobs, excluding fringe benefits, shall be no less than 85 percent of the prevailing average wage. In addition, for projects in such localities, the Governor may award a grant or loan for a project paying less than 85 percent of the prevailing average wage but still providing customary employee benefits, only after the Secretary of Commerce and Trade has made a written finding that the economic circumstances in the area are sufficiently distressed (i.e., high unemployment or underemployment and negative economic forecasts) that assistance to the locality to attract the project is nonetheless justified. However, the minimum private investment and number of new jobs required to be created as set forth in this subsection shall still be a condition of eligibility for an award from the Fund. Such written finding shall promptly be provided to the chairs of the Senate Committee on Finance and Appropriations and the House Committee on Appropriations.

F. 1. The Virginia Economic Development Partnership shall assist the Governor in developing objective guidelines and criteria that shall be used in awarding grants or making loans from the Fund. The guidelines may require that as a condition of receiving any grant or loan incentive that is based on employment goals, a recipient company must provide copies of employer quarterly payroll reports that have been provided to the Virginia Employment Commission to verify the employment status of any position included in the employment goal. The guidelines may include a requirement for the affected locality or localities to provide matching funds which may be cash or in-kind, at the discretion of the Governor. The guidelines and criteria shall include provisions for geographic diversity and a cap on the amount of funds to be provided to any individual project. At the discretion of the Governor, this cap may be waived for qualifying projects of regional or statewide interest. In developing the guidelines and criteria, the Virginia Economic Development Partnership shall use the measure for Fiscal Stress published by the Commission on Local Government of the Department of Housing and Community Development for the locality in which the project is located or will be located as one method of determining the amount of assistance a locality shall receive from the Fund.

2. a. Notwithstanding any provision in this section or in the guidelines, each political subdivision that receives a grant or loan from the Fund shall enter into a contract with the Commonwealth, through the Virginia Economic Development Partnership Authority as its agent, and each business beneficiary of funds from the Fund. A person or entity shall be a business beneficiary of funds from the Fund if grant or loan moneys awarded from the Fund by the Governor are paid to a political subdivision and (i) subsequently distributed by the political subdivision to the person or entity or (ii) used by the political subdivision for the benefit of the person or entity but never distributed to the person or entity.

b. The contract between the political subdivision, the Commonwealth, and the business beneficiary shall provide in detail (i) the fair market value of all funds that the Commonwealth has committed to provide, (ii) the fair market value of all matching funds (or in-kind match) that the political subdivision has agreed to provide, (iii) how funds committed by the Commonwealth (including but not limited to funds from the Fund committed by the Governor) and funds that the political subdivision has agreed to provide are to be spent, (iv) the minimum private investment to be made and the number of new jobs to be created agreed to by the business beneficiary, (v) the average wage (excluding fringe benefits) agreed to be paid in the new jobs, (vi) the prevailing average wage, and (vii) the formula, means, or processes agreed to be used for measuring compliance with the minimum private investment and new jobs requirements, including consideration of any layoffs instituted by the business beneficiary over the course of the period covered by the contract.

The contract shall state the date by which the agreed upon private investment and new job requirements shall be met by the business beneficiary of funds from the Fund and may provide for the political subdivision and the Commonwealth to grant up to a 15-month extension of such date if deemed appropriate by the political subdivision and the Commonwealth subsequent to the execution of the contract. Any extension of such date granted by the political subdivision shall be in writing and promptly delivered to the business beneficiary, and the political subdivision shall simultaneously provide a copy of the extension to the Virginia Economic Development Partnership.

The contract shall provide that if the private investment and new job contractual requirements are not met by the expiration of the date stipulated in the contract, including any extension granted by the political subdivision and the Commonwealth, the business beneficiary shall be liable to the political subdivision and the Commonwealth for repayment of a portion of the funds provided by the political subdivision under the contract and liable to the Commonwealth for repayment of a portion of the funds provided from the Commonwealth's Development Opportunity Fund. The contract shall include a formula for purposes of determining the portion of such funds to be repaid. The formula shall, in part, be based upon the fair market value of all funds that have been provided by the Commonwealth and the political subdivision and the extent to which the business beneficiary has met the private investment and new job contractual requirements. All such funds repaid to the political subdivision or the Commonwealth that relate to the award from the Commonwealth's

Development Opportunity Fund shall promptly be remitted to the State Treasurer. Upon receipt by the State Treasurer of such payment, the Comptroller shall deposit such repaid funds into the Commonwealth's Development Opportunity Fund.

c. The contract shall be amended to reflect changes in the funds committed by the Commonwealth or agreed to be provided by the political subdivision.

d. Notwithstanding any provision in this section or in the guidelines, whenever layoffs instituted by a business beneficiary over the course of the period covered by a contract cause the net total number of the new jobs created to be fewer than the number agreed to, then the business beneficiary shall return the portion of any funds received pursuant to the repayment formula established by the contract.

3. Notwithstanding any provision in this section or in the guidelines, prior to executing any such contract with a business beneficiary, the political subdivision shall provide a copy of the proposed contract to the Attorney General. The Attorney General shall review the proposed contract (i) for enforceability as to its provisions and (ii) to ensure that it is in appropriate legal form. The Attorney General shall provide any written suggestions to the political subdivision within seven days of his receipt of the copy of the contract. The Attorney General's suggestions shall be limited to the enforceability of the contract's provisions and the legal form of the contract.

4. Notwithstanding any provision in this section or in the guidelines, a political subdivision shall not expend, distribute, pledge, use as security, or otherwise use any award from the Fund unless and until such contract as described herein is executed with the business beneficiary.

G. Within the 30 days immediately following ~~June 30 and December 30 of each year~~ *each quarter*, the ~~Governor Virginia Economic Development Partnership~~ shall provide a report to the Chairmen of the House Committees on Appropriations and Finance and the Senate Committee on Finance and Appropriations which shall include, but is not limited to, the following information regarding grants and loans awarded from the Fund during the immediately preceding six-month period for economic development projects: the name of the company that is the business beneficiary of the grant or loan and the type of business in which it engages; the location (county, city, or town) of the project; the amount of the grant or loan committed from the Fund and the amount of all other funds committed by the Commonwealth from other sources and the purpose for which such grants, loans, or other funds will be used; the amount of all moneys or funds agreed to be provided by political subdivisions and the purposes for which they will be used; the number of new jobs agreed to be created by the business beneficiary; the amount of investment in the project agreed to be made by the business beneficiary; the timetable for the completion of the project and new jobs created; the prevailing average wage; and the average wage (excluding fringe benefits) agreed to be paid in the new jobs.

H. The Governor shall provide grants and commitments from the Fund in an amount not to exceed the dollar amount contained in the Fund. If the Governor commits funds for years beyond the fiscal years covered under the existing appropriation act, the State Treasurer shall set aside and reserve the funds the Governor has committed, and the funds shall remain in the Fund for those future fiscal years. No grant or loan shall be payable in the years beyond the existing appropriation act unless the funds are currently available in the Fund.

I. On a quarterly basis, the Virginia Economic Development Partnership shall notify the Governor, his campaign committee, and his political action committee of awards from the Fund made in the prior quarter. Within 18 months of the date of each award from the Fund, the Governor, his campaign committee, and his political action committee shall submit to the Virginia Conflict of Interest and Ethics Advisory Council established in § 30-355 a report listing any contribution, gift, or other item with a value greater than \$100 provided by the business beneficiary of such award to the Governor, his campaign committee, or his political action committee, respectively, during (i) the period in which the business beneficiary's application for such award was pending and (ii) the one-year period immediately after any such award was made.

J. 1. Notwithstanding any provision of this section, the Governor may give grants or loans to any eligible company, as defined in § 58.1-405.1, provided that such company shall be required to distribute at least half of such grant or loan to its employees in jobs located in a qualified locality, as defined in § 58.1-405.1. If the Governor gives a grant or loan pursuant to this subsection, it shall not be required to meet other provisions in this section, including provisions, restrictions, and procedural requirements related to job creation, investment, local matching funds, or contracts with business beneficiaries.

2. The grant or loan shall not exceed \$2,000 per new job, as defined in § 58.1-405.1; however, the Governor may give a new grant or loan each year to the same eligible company.

3. An eligible company's eligibility for or receipt of a grant or loan pursuant to this subsection shall not prevent it from receiving any other grant or loan for which it may be qualified pursuant to this section.

§ 2.2-2237.1. Board of directors to develop strategic plan for economic development; marketing plan; operational plan; submission.

A. The Board and the Chief Executive Officer shall develop and update biennially, *prior to the start of each of the Commonwealth's biennial budget periods*, a strategic plan for specific economic development activities for the Commonwealth as a whole. The strategic plan shall be responsive to the comprehensive economic development policy developed pursuant to § 2.2-205. The strategic plan of the Authority shall, at a minimum, include:

1. The identification of specific goals and objectives for the Authority and the development of quantifiable metrics and performance measures for attaining each such goal and objective;

2. A systematic assessment of how the Authority can best add value in carrying out each of its statutory powers and duties; and

3. Such other information deemed appropriate by the Board to ensure that the Authority fully executes its powers and duties.

B. The Authority shall report annually *by November 1* on its strategic plan, any modifications to the strategic plan, and its progress toward meeting the goals and objectives as stated in the strategic plan. *The report shall be submitted to the Governor, the Director of the Department of Planning and Budget, the special subcommittee on economic development of the Joint Legislative Audit and Review Commission, and the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance and Appropriations.*

C. The Board shall include in its strategic planning process the participation of key economic development partners, including state, regional, and local economic development agencies and organizations, *rural stakeholders*, and international trade organizations.

D. In addition, the Board and the Chief Executive Officer shall develop and update ~~biennially~~ *annually prior to the start of the fiscal year*:

1. A marketing plan for the Commonwealth as a whole. The marketing plan of the Authority shall, at a minimum, include:

- a. Identification of the Authority's specific and measurable marketing goals and the timetable to achieve such goals;
- b. Identification of specific marketing activities, *including efforts intended to secure economic development opportunities in proximity to high unemployment areas*;
- c. The resources and staff allocated to such marketing activities; and
- d. The development of quantifiable metrics and performance measures for attaining each such goal.

The Authority shall report annually *by November 1* on its marketing plan, any modifications to the marketing plan, and its progress toward meeting the goals and objectives as stated in the marketing plan. *The report shall be submitted to the Governor, the special subcommittee on economic development of the Joint Legislative Audit and Review Commission, and the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance and Appropriations*; and

2. An operational plan for carrying out the powers and duties of the Authority. The operational plan of the Authority shall, at a minimum, include:

- a. A process to evaluate the Authority's effectiveness in exercising the powers and duties conferred by this article, including the Authority's ability to work with other state, regional, and local economic development organizations and international trade organizations; and
- b. A strategy for coordinating with state agencies that administer economic development incentive programs and relevant executive branch committees, councils, authorities, and commissions to maximize the effectiveness of state economic development programs and activities.

The Authority shall report annually *by November 1* on its operational plan, any modifications to the operational plan, and its progress toward meeting the goals and objectives as stated in the operational plan. *Such report shall contain the audited financial statements of the Authority for the year ending the previous June 30 and shall be submitted to the Governor, the special subcommittee on economic development of the Joint Legislative Audit and Review Commission, and the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance and Appropriations.*

§ 2.2-2237.3. Division of Incentives.

A. Within the Authority shall be created a Division of Incentives that shall be responsible for reviewing, vetting, tracking, and coordinating economic development incentives administered by or through the Authority ~~or for aligning those incentives with economic development incentives offered by the other entities in the Commonwealth or a locality in conjunction with Authority administered incentives, including those listed in § 2.2-206.2.~~

B. No project that includes an offer of economic development incentives by the Commonwealth, including grants or loans from the Commonwealth's Development Opportunity Fund, shall be approved by the Governor until (i) the Division of Incentives has undertaken appropriate due diligence regarding the proposed project and the Secretary of Commerce and Trade has certified that the proposed incentives to be offered are appropriate based on the investment and job creation anticipated to be generated by the project and (ii) when required by § 30-310, the MEI Project Approval Commission has reviewed the proposed incentives.

C. Any contract or memorandum of understanding for the award of economic development incentives by the Commonwealth shall set forth the investment and job creation requirements for the payment of the incentive and shall include a stipulation that the business beneficiary of the incentives shall be liable for the repayment of all or a portion of the incentives to the Commonwealth if the business beneficiary fails to make the required investments or create the required number of jobs. For purposes of this section, an incentive awarded by the Commonwealth shall include an incentive awarded from a fund operated by the Commonwealth, including the Commonwealth's Development Opportunity Fund. If it is determined that a business beneficiary is liable for the repayment of all or a portion of an economic development incentive awarded by the Commonwealth, the Board may refer the matter to the Office of the Attorney General pursuant to § 2.2-518. Prior to the referral to the Office of the Attorney General, the Board shall direct any political subdivision that is a party to the relevant contract or memorandum of understanding to assign its rights to the Commonwealth arising under such contract or memorandum of understanding in which the business beneficiary is liable to repay all or a portion of an economic development incentive awarded by the Commonwealth. In any such matter referred to the Office of the Attorney General, a business beneficiary liable to repay all or a portion of an economic development incentive awarded by the Commonwealth shall also be liable to pay interest, administrative charges, attorney fees, and other applicable fees.

D. Notwithstanding any other provision of law, approval of the Board shall be required to grant an extension for an approved project to meet the investment and job creation requirements set forth in the contract or memorandum of understanding. Notwithstanding any other provision of law, approval of both the Board and the MEI Project Approval Commission shall be required to grant any additional extensions.

E. The Division of Incentives shall provide semiannual updates to the Board of the status and progress of investment and job creation requirements for all projects for which economic development incentives have been awarded, until such time as the investment and job creation requirements are met or the incentives are repaid to the Commonwealth. Updates shall be provided more frequently upon the request of the Board, or if deemed necessary by the Division of Incentives.

F. The Board shall establish a subcommittee, consisting of ex officio members of the Board authorized pursuant to § 60.2-114 and federal law to receive and review employment information received from the Virginia Employment Commission, in order to assist the Division of Incentives with the verification of employment and wage claims of those businesses that have received incentive awards. Such information shall be confidential and shall not be (i) redisclosed to other members of the Board or to the public in accordance with the provisions of subdivision C 2 of § 60.2-114 or (ii) subject to disclosure under the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).

G. For purposes of this section, the award of economic development incentives by the Commonwealth shall include an award of funds from the Commonwealth's Development Opportunity Fund, regardless of whether the contract or memorandum of understanding for the disbursement of funds is with the Commonwealth or a political subdivision thereof and the business beneficiary.

§ 2.2-2238. Economic development services.

A. It shall be the duty of the Authority to encourage, stimulate, and support the development and expansion of the economy of the Commonwealth. The Authority is charged with the following duties and responsibilities to:

1. See that there are prepared and carried out effective economic development marketing and promotional programs;
2. Make available, in conjunction and cooperation with localities, chambers of commerce, industrial authorities, and other public and private groups, to prospective new businesses basic information and pertinent factors of interest and concern to such businesses;
3. Formulate, promulgate, and advance programs throughout the Commonwealth for encouraging the location of new businesses in the Commonwealth and the retention and growth of existing businesses;
4. Encourage and solicit private sector involvement, support, and funding for economic development in the Commonwealth;
5. Encourage the coordination of the economic development efforts of public institutions, regions, communities, and private industry and collect and maintain data on the development and utilization of economic development capabilities;
6. Establish such offices within and without the Commonwealth that are necessary to the expansion and development of industries and trade;
7. Encourage the export of products and services from the Commonwealth to international markets;
8. Advise, upon request, the State Board for Community Colleges in designating technical training programs in Virginia's comprehensive community colleges for the Community College Incentive Scholarship Program pursuant to former § 23-220.4; and

9. Offer a program for the issuance of export documentation for companies located in Virginia exporting goods and services if no federal agency or other regulatory body or issuing entity will provide export documentation in a form deemed necessary for international commerce.

~~B. The Authority shall prepare a specific plan annually that shall serve as the basis for marketing high unemployment areas of Virginia. This plan shall be submitted to the Governor and General Assembly annually on or before November 1 of each year. The report shall contain the plan and activities conducted by the Authority to market these high unemployment areas. The annual report shall be part of the report required by § 2.2-2242.~~

~~€.~~ The Authority may develop a site and building assessment program to identify and assess the Commonwealth's industrial sites of at least 100 acres. In developing such a program, the Authority shall establish assessment guidelines and procedures for identification of industrial sites, resource requirements, and development oversight. The Authority shall invite participation by regional and industry stakeholders to assess potential sites, identify product shortfalls, and make recommendations to the Governor and General Assembly for marketing such sites, in alignment with the goals outlined in the Governor's economic development plan.

~~Ɔ.~~ C. The Authority may encourage the import of products and services from international markets to the Commonwealth.

§ 2.2-2242. Forms of accounts and records.

The accounts and records of the Authority showing the receipt and disbursement of funds from whatever source derived shall be in a form prescribed by the Auditor of Public Accounts. The Auditor of Public Accounts or his legally authorized representatives, shall annually examine the accounts and books of the Authority.

~~The Authority shall submit an annual report to the Governor and General Assembly on or before November 1 of each year. Such report shall contain the audited annual financial statements of the Authority for the year ending the previous June 30.~~

~~The Authority shall submit a detailed annual operational plan and budget to the Secretary of Commerce and Trade and the Director of the Department of Planning and Budget by November 1. Notwithstanding other provisions of this article, the~~

form and content of the operating plan and budget shall be determined by the Director of the Department of Planning and Budget and shall include information on salaries, expenditures, indebtedness and other information as determined by the Director of the Department of Planning and Budget.

2. That §§ 2.2-206.2 and 2.2-2238.1 of the Code of Virginia are repealed.

CHAPTER 592

An Act to amend and reenact §§ 54.1-2345, 55.1-1602, 55.1-1805, 55.1-1808, 55.1-1810, 55.1-1815, 55.1-1904, 55.1-1906, 55.1-1911, 55.1-1919, 55.1-1937, 55.1-1940, 55.1-1945, and 55.1-1974 of the Code of Virginia, relating to recodification of Title 55; corrections.

[H 1340]

Approved April 2, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-2345, 55.1-1602, 55.1-1805, 55.1-1808, 55.1-1810, 55.1-1815, 55.1-1904, 55.1-1906, 55.1-1911, 55.1-1919, 55.1-1937, 55.1-1940, 55.1-1945, and 55.1-1974 of the Code of Virginia are amended and reenacted as follows:

§ 54.1-2345. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Association" includes condominium, cooperative, or property owners' associations.

"Board" means the Common Interest Community Board.

"Common interest community" means real estate subject to a declaration with respect containing lots, at least some of which are residential or occupied for recreational purposes, and common areas to which a person, by virtue of the person's ownership of a lot subject to that declaration, is a member of the association and is obligated to pay assessments of common expenses, provided that for the purposes of this chapter only, a common interest community does not include any time-share project registered pursuant to the Virginia Real Estate Time-Share Act (§ 55.1-2200 et seq.) or any additional land that is a part of such registration. "Common interest community" does not include an arrangement described in § 54.1-2345.1.

"Common interest community manager" means a person or business entity, including a partnership, association, corporation, or limited liability company, that, for compensation or valuable consideration, provides management services to a common interest community.

"Declaration" means any instrument, however denominated, recorded among the land records of the county or city in which the development or any part thereof is located, that either (i) imposes on the association maintenance or operational responsibilities for the common area as a regular annual assessment or (ii) creates the authority in the association to impose on lots, or on the owners or occupants of such lots, or on any other entity any mandatory payment of money as a regular annual assessment in connection with the provision of maintenance or services or both for the benefit of some or all of the lots, the owners or occupants of the lots, or the common area. "Declaration" includes any amendment or supplement to the instruments described in this definition.

"Governing board" means the governing board of an association, including the executive organ of a condominium unit owners' association, the executive board of a cooperative proprietary lessees' association, and the board of directors or other governing body of a property owners' association.

"Lot" means (i) any plot or parcel of land designated for separate ownership or occupancy shown on a recorded subdivision plat for a development or the boundaries of which are described in the declaration or in a recorded instrument referred to or expressly contemplated by the declaration, other than a common area, and (ii) a unit in a condominium association or a unit in a real estate cooperative.

"Management services" means (i) acting with the authority of an association in its business, legal, financial, or other transactions with association members and nonmembers; (ii) executing the resolutions and decisions of an association or, with the authority of the association, enforcing the rights of the association secured by statute, contract, covenant, rule, or bylaw; (iii) collecting, disbursing, or otherwise exercising dominion or control over money or other property belonging to an association; (iv) preparing budgets, financial statements, or other financial reports for an association; (v) arranging, conducting, or coordinating meetings of an association or the governing body of an association; (vi) negotiating contracts or otherwise coordinating or arranging for services or the purchase of property and goods for or on behalf of an association; or (vii) offering or soliciting to perform any of the aforesaid acts or services on behalf of an association.

§ 55.1-1602. Certain covenants of lessee "to pay the rent" and "to pay the taxes."

In a lease, (i) a covenant by the lessee "to pay the rent" shall have the effect of a covenant that the rent reserved by the lease shall be paid to the lessor, or those entitled under the lessor, in the manner stated in the deed lease, and (ii) a covenant by the lessee "to pay the taxes" shall have the effect of a covenant that all the taxes, levies, and assessments upon the demised premises, or upon the lessor on account thereof, shall be paid by the lessee or those claiming under the lessee.

§ 55.1-1805. Association charges.

Except as expressly authorized in this chapter, in the declaration, or otherwise provided by law, no association shall (i) make an assessment or impose a charge against a lot or a lot owner unless the charge is a fee for services provided or related to use of the common area or (ii) charge a fee related to the provisions set out in § 55.1-1810 or 55.1-1811 that is not

expressly authorized in those sections. Nothing in this chapter shall be construed to authorize an association or common interest community manager to charge an inspection fee for an unimproved or improved lot except as provided in § 55.1-1810 or 55.1-1811. The Common Interest Community Board may assess a monetary penalty for a violation of this section against any (a) association pursuant to § 54.1-2351 or (b) common interest community manager pursuant to § 54.1-2349, and may issue a cease and desist order against the violator pursuant to § ~~54.1-2349~~ or 54.1-2352; as applicable.

§ 55.1-1808. Contract disclosure statement; right of cancellation.

A. For purposes of this article, unless the context requires a different meaning:

"Delivery" means that the disclosure packet is delivered to the purchaser or purchaser's authorized agent by one of the methods specified in this section.

"Purchaser's authorized agent" means any person designated by such purchaser in a ratified real estate contract for purchase and sale of residential real property or other writing designating such agent.

"Receives," "received," or "receiving" the disclosure packet means that the purchaser or purchaser's authorized agent has received the disclosure packet by one of the methods specified in this section.

"Seller's authorized agent" means a person designated by such seller in a ratified real estate contract for purchase and sale of residential real property or other writing designating such agent.

B. Subject to the provisions of subsection A of § 55.1-1814, an owner selling a lot shall disclose in the contract that (i) the lot is located within a development that is subject to the Property Owners' Association Act (§ 55.1-1800 et seq.); (ii) the Property Owners' Association Act (§ 55.1-1800 et seq.) requires the seller to obtain from the property owners' association an association disclosure packet and provide it to the purchaser; (iii) the purchaser may cancel the contract within three days after receiving the association disclosure packet or being notified that the association disclosure packet will not be available; (iv) if the purchaser has received the association disclosure packet, the purchaser has a right to request an update of such disclosure packet in accordance with subsection ~~H~~ G of § 55.1-1810 or subsection D of § 55.1-1811, as appropriate; and (v) the right to receive the association disclosure packet and the right to cancel the contract are waived conclusively if not exercised before settlement.

For purposes of clause (iii), the association disclosure packet shall be deemed not to be available if (a) a current annual report has not been filed by the association with either the State Corporation Commission pursuant to § 13.1-936 or the Common Interest Community Board pursuant to § 55.1-1835, (b) the seller has made a written request to the association that the packet be provided and no such packet has been received within 14 days in accordance with subsection A of § 55.1-1809, or (c) written notice has been provided by the association that a packet is not available.

C. If the contract does not contain the disclosure required by subsection B, the purchaser's sole remedy is to cancel the contract prior to settlement.

D. The information contained in the association disclosure packet shall be current as of a date specified on the association disclosure packet prepared in accordance with this section; however, a disclosure packet update or financial update may be requested in accordance with subsection G or H of § 55.1-1810 or subsection D or E of § 55.1-1811, as appropriate. The purchaser may cancel the contract (i) within three days after the date of the contract if, on or before the date that the purchaser signs the contract, the purchaser receives the association disclosure packet, is notified that the association disclosure packet will not be available, or receives an association disclosure packet that is not in conformity with the provisions of § 55.1-1809; (ii) within three days after receiving the association disclosure packet if the association disclosure packet, notice that the association disclosure packet will not be available, or an association disclosure packet that is not in conformity with the provisions of § 55.1-1809 is hand delivered, delivered by electronic means, or delivered by a commercial overnight delivery service or the United States Postal Service, and a receipt is obtained; or (iii) within six days after the postmark date if the association disclosure packet, notice that the association disclosure packet will not be available, or an association disclosure packet that is not in conformity with the provisions of § 55.1-1809 is sent to the purchaser by United States mail. The purchaser also may cancel the contract at any time prior to settlement if the purchaser has not been notified that the association disclosure packet will not be available and the association disclosure packet is not delivered to the purchaser.

Notice of cancellation shall be provided to the lot owner or his agent by one of the following methods:

1. Hand delivery;
2. United States mail, postage prepaid, provided that the sender retains sufficient proof of mailing in the form of a certificate of service prepared by the sender confirming such mailing;
3. Electronic means, provided that the sender retains sufficient proof of the electronic delivery, which may be in the form of an electronic receipt of delivery, a confirmation that the notice was sent by facsimile, or a certificate of service prepared by the sender confirming the electronic delivery; or
4. Overnight delivery using a commercial service or the United States Postal Service.

In the event of a dispute, the sender shall have the burden to demonstrate delivery of the notice of cancellation. Such cancellation shall be without penalty, and the seller shall cause any deposit to be returned promptly to the purchaser.

E. Whenever any contract is canceled based on a failure to comply with subsection B or D or pursuant to subsection C, any deposit or escrowed funds shall be returned within 30 days of the cancellation, unless the parties to the contract specify in writing a shorter period.

F. Any rights of the purchaser to cancel the contract provided by this chapter are waived if not exercised prior to settlement.

G. Except as expressly provided in this chapter, the provisions of this section and § 55.1-1809 may not be varied by agreement, and the rights conferred by this section and § 55.1-1809 may not be waived.

H. Unless otherwise provided in the ratified real estate contract or other writing, delivery to the purchaser's authorized agent shall require delivery to such agent and not to a person other than such agent. Delivery of the disclosure packet may be made by the lot owner or the lot owner's authorized agent.

I. If the lot is governed by more than one association, the purchaser's right of cancellation may be exercised within the required time frames following delivery of the last disclosure packet or resale certificate.

§ 55.1-1810. Fees for disclosure packet; professionally managed associations.

A. A professionally managed association or its common interest community manager may charge certain fees as authorized by this section for the inspection of the property, the preparation and issuance of the disclosure packet required by § 55.1-1809, and for such other services as set out in this section. The seller or the seller's authorized agent shall specify in writing whether the disclosure packet shall be delivered electronically or in hard copy, at the option of the seller or the seller's authorized agent, and shall specify the complete contact information for the parties to whom the disclosure packet shall be delivered.

B. A reasonable fee may be charged by the preparer as follows:

1. For the inspection of the exterior of the dwelling unit and the lot, as authorized in the declaration and as required to prepare the association disclosure packet, a fee not to exceed \$100;

2. For the preparation and delivery of the disclosure packet in (i) paper format, a fee not to exceed \$150 for no more than two hard copies or (ii) electronic format, a fee not to exceed a total of \$125 for an electronic copy to each of the following named in the request: the seller, the seller's authorized agent, the purchaser, the purchaser's authorized agent, and not more than one other person designated by the requester. The preparer of the disclosure packet shall provide the disclosure packet directly to the designated persons. Only one fee shall be charged for the preparation and delivery of the disclosure packet;

3. At the option of the seller or the seller's authorized agent, with the consent of the association or the common interest community manager, for expediting the inspection, preparation, and delivery of the disclosure packet, an additional expedite fee not to exceed \$50;

4. At the option of the seller or the seller's authorized agent, for an additional hard copy of the disclosure packet, a fee not to exceed \$25 per hard copy;

5. At the option of the seller or the seller's authorized agent, for hand delivery or overnight delivery of the overnight disclosure packet, a fee not to exceed an amount equal to the actual cost paid to a third-party commercial delivery service; and

6. A post-closing fee to the purchaser of the property, collected at settlement, for the purpose of establishing the purchaser as the owner of the property in the records of the association, a fee not to exceed \$50.

Except as otherwise provided in subsection E, neither the association nor its common interest community manager shall require cash, check, certified funds, or credit card payments at the time the request for the disclosure packet is made. The disclosure packet shall state that all fees and costs for the disclosure packet shall be the personal obligation of the lot owner and shall be an assessment against the lot and collectible as any other assessment in accordance with the provisions of the declaration and § 55.1-1833, if not paid at settlement or within 60 days of the delivery of the disclosure packet, whichever occurs first.

For purposes of this section, an expedite fee shall be charged only if the inspection and preparation of delivery of the disclosure packet are completed within five business days of the request for a disclosure packet.

C. No fees other than those specified in this section, and as limited by this section, shall be charged by the association or its common interest community manager for compliance with the duties and responsibilities of the association under this chapter. No additional fee shall be charged for access to the association's or common interest community manager's website. The association or its common interest community manager shall publish and make available in paper or electronic format, or both, a schedule of the applicable fees so the seller or the seller's authorized agent will know such fees at the time of requesting the packet.

D. Any fees charged pursuant to this section shall be collected at the time of settlement on the sale of the lot and shall be due and payable out of the settlement proceeds in accordance with this section. The settlement agent shall escrow a sum sufficient to pay such costs of the seller at settlement. The seller shall be responsible for all costs associated with the preparation and delivery of the association disclosure packet, except for the costs of any disclosure packet update or financial update, which costs shall be the responsibility of the requester, payable at settlement. Neither the association nor its common interest community manager shall require cash, check, certified funds, or credit card payments at the time the request is made for the association disclosure packet.

E. If settlement does not occur within 60 days of the delivery of the disclosure packet, or funds are not collected at settlement and disbursed to the association or the common interest community manager, all fees, including those costs that would have otherwise been the responsibility of the purchaser or settlement agent, shall be (i) assessed within one year after delivery of the disclosure packet against the lot owner, (ii) the personal obligation of the lot owner, and (iii) an assessment against the lot and collectible as any other assessment in accordance with the provisions of the declaration and § 55.1-1834. The seller may pay the association by cash, check, certified funds, or credit card, if credit card payment is an option offered by the association. The association shall pay the common interest community manager the amount due from the lot owner within 30 days after invoice.

F. The maximum allowable fees charged in accordance with this section shall adjust every five years, as of January 1 of that year, in an amount equal to the annual increases for that five-year period in the United States Average Consumer Price Index for all items, all urban consumers (CPI-U), as published by the Bureau of Labor Statistics of the U.S. Department of Labor.

G. If an association disclosure packet has been issued for a lot within the preceding 12-month period, a person specified in the written instructions of the seller or the seller's authorized agent, including the seller or the seller's authorized agent, or the purchaser or his authorized agent may request a disclosure packet update. The requester shall specify whether the disclosure packet update shall be delivered electronically or in hard copy and shall specify the complete contact information of the parties to whom the update shall be delivered. The disclosure packet update shall be delivered within 10 days of the written request.

H. The settlement agent may request a financial update. The requester shall specify whether the financial update shall be delivered electronically or in hard copy and shall specify the complete contact information of the parties to whom the update shall be delivered. The financial update shall be delivered within three business days of the written request.

I. A reasonable fee for the disclosure packet update or financial update may be charged by the preparer not to exceed \$50. At the option of the purchaser or the purchaser's authorized agent, the requester may request that the association or the common interest community manager perform an additional inspection of the exterior of the dwelling unit and the lot, as authorized in the declaration, for a fee not to exceed \$100. Any fees charged for the specified update shall be collected at the time settlement occurs on the sale of the property. The settlement agent shall escrow a sum sufficient to pay such costs of the seller at settlement. Neither the association nor its common interest community manager, if any, shall require cash, check, certified funds, or credit card payments at the time the request is made for the disclosure packet update. The requester may request that the specified update be provided in hard copy or in electronic form.

J. No association or common interest community manager may require the requester to request the specified update electronically. The seller or the seller's authorized agent shall continue to have the right to request a hard copy of the specified update in person at the principal place of business of the association. If the requester asks that the specified update be provided in electronic format, neither the association nor its common interest community manager may require the requester to pay any fees to use the provider's electronic network or system. A copy of the specified update shall be provided to the seller or the seller's authorized agent.

K. When an association disclosure packet has been delivered as required by § 55.1-1809, the association shall, as to the purchaser, be bound by the statements set forth in the disclosure packet as to the status of the assessment account and the status of the lot with respect to any violation of the declaration, bylaws, rules and regulations, architectural guidelines, and articles of incorporation, if any, of the association as of the date of the statement unless the purchaser had actual knowledge that the contents of the disclosure packet were in error.

L. If the association or its common interest community manager has been requested in writing to furnish the association disclosure packet required by § 55.1-1809, failure to provide the association disclosure packet substantially in the form provided in this section shall be deemed a waiver of any claim for delinquent assessments or of any violation of the declaration, bylaws, rules and regulations, or architectural guidelines existing as of the date of the request with respect to the subject lot. The preparer of the association disclosure packet shall be liable to the seller in an amount equal to the actual damages sustained by the seller in an amount not to exceed \$1,000. The purchaser shall nevertheless be obligated to abide by the declaration, bylaws, rules and regulations, and architectural guidelines of the association as to all matters arising after the date of the settlement of the sale.

M. The Common Interest Community Board may assess a monetary penalty for failure to deliver the association disclosure packet within 14 days against any (i) property owners' association pursuant to § 54.1-2351 or (ii) common interest community manager pursuant to § 54.1-2349 and regulations promulgated thereto, and may issue a cease and desist order pursuant to ~~§ 54.1-2349 or 54.1-2352, as applicable.~~

N. No association may collect fees authorized by this section unless the association (i) is registered with the Common Interest Community Board, (ii) is current in filing the most recent annual report and fee with the Common Interest Community Board pursuant to § 55.1-1835, (iii) is current in paying any assessment made by the Common Interest Community Board pursuant to § 54.1-2354.5, and (iv) provides the disclosure packet electronically if so requested by the requester.

§ 55.1-1815. Access to association records; association meetings; notice.

A. The association shall keep detailed records of receipts and expenditures affecting the operation and administration of the association. All financial books and records shall be kept in accordance with generally accepted accounting practices.

B. Subject to the provisions of subsection C and so long as the request is for a proper purpose related to his membership in the association, all books and records kept by or on behalf of the association shall be available for examination and copying by a member in good standing or his authorized agent, including:

1. The association's membership list and addresses, which shall not be used for purposes of pecuniary gain or commercial solicitation; and

2. The actual salary of the six highest compensated employees of the association earning over \$75,000 and aggregate salary information of all other employees of the association; however, individual salary information shall not be available for examination and copying during the declarant control period.

Notwithstanding any provision of law to the contrary, this right of examination shall exist without reference to the duration of membership and may be exercised (i) only during reasonable business hours or at a mutually convenient time and location and (ii) upon five business days' written notice for an association managed by a common interest community manager and 10 business days' written notice for a self-managed association, which notice reasonably identifies the purpose for the request and the specific books and records of the association requested.

C. Books and records kept by or on behalf of an association may be withheld from inspection and copying to the extent that they concern:

1. Personnel matters relating to specific, identified persons or a person's medical records;
2. Contracts, leases, and other commercial transactions to purchase or provide goods or services, currently in or under negotiation;
3. Pending or probable litigation. For purposes of this subdivision, "probable litigation" means those instances where there has been a specific threat of litigation from a person ~~having standing to bring legal action~~ or the legal counsel of such person;
4. Matters involving state or local administrative or other formal proceedings before a government tribunal for enforcement of the association documents or rules and regulations promulgated pursuant to § 55.1-1819;
5. Communications with legal counsel that relate to subdivisions 1 through 4 or that are protected by the attorney-client privilege or the attorney work product doctrine;
6. Disclosure of information in violation of law;
7. Meeting minutes or other confidential records of an executive session of the board of directors held in accordance with subsection C of § 55.1-1816;
8. Documentation, correspondence, or management or board reports compiled for or on behalf of the association or the board by its agents or committees for consideration by the board in executive session; or
9. Individual lot owner or member files, other than those of the requesting lot owner, including any individual lot owner's or member's files kept by or on behalf of the association.

D. Books and records kept by or on behalf of an association shall be withheld from inspection and copying in their entirety only to the extent that an exclusion from disclosure under subsection C applies to the entire content of such books and records. Otherwise, only those portions of the books and records containing information subject to an exclusion under subsection C may be withheld or redacted, and all portions of the books and records that are not so excluded shall be available for examination and copying, provided that the requesting member shall be responsible to the association for paying or reimbursing the association for any reasonable costs incurred by the association in responding to the request for the books and records and review for redaction of the same.

E. Prior to providing copies of any books and records to a member in good standing under this section, the association may impose and collect a charge, reflecting the reasonable costs of materials and labor, not to exceed the actual costs of such materials and labor. Charges may be imposed only in accordance with a cost schedule adopted by the board of directors in accordance with this subsection. The cost schedule shall (i) specify the charges for materials and labor, (ii) apply equally to all members in good standing, and (iii) be provided to such requesting member at the time the request is made.

F. Notwithstanding the provisions of subsections B and C, all books and records of the association, including individual salary information for all employees and payments to independent contractors, shall be available for examination and copying upon request by a member of the board of directors in the discharge of his duties as a director.

G. Meetings of the association shall be held in accordance with the provisions of the bylaws at least once each year after the formation of the association. The bylaws shall specify an officer or his agent who shall, at least 14 days in advance of any annual or regularly scheduled meeting and at least seven days in advance of any other meeting, send to each member notice of the time, place, and purposes of such meeting. In the event of cancellation of any annual meeting of the association at which directors are elected, the seven-day notice of any subsequent meeting scheduled to elect such directors shall include a statement that the meeting is scheduled for the purpose of the election of directors.

Notice shall be sent by United States mail to all members at the address of their respective lots unless the member has provided to such officer or his agent an address other than the address of the member's lot. In lieu of sending such notice by United States mail, notice may instead be (i) hand delivered by the officer or his agent, provided that the officer or his agent certifies in writing that notice was delivered to the member, or (ii) sent to the member by electronic mail, provided that the member has elected to receive such notice by electronic mail and, in the event that such electronic mail is returned as undeliverable, notice is subsequently sent by United States mail. Except as provided in subdivision C 7, draft minutes of the board of directors shall be open for inspection and copying (a) within 60 days from the conclusion of the meeting to which such minutes appertain or (b) when such minutes are distributed to board members as part of an agenda package for the next meeting of the board of directors, whichever occurs first.

§ 55.1-1904. Association charges.

Except as expressly authorized in this chapter, in the condominium instruments, or as otherwise provided by law, no unit owners' association may make an assessment or impose a charge against a unit owner unless the charge is (i) authorized under § 55.1-1964, (ii) a fee for services provided, or (iii) related to the provisions set out in § 55.1-1992. The Common Interest Community Board may assess a monetary penalty for a violation of this section against any (a) unit owners' association pursuant to § 54.1-2351 or (b) common interest community manager pursuant to § 54.1-2349 and may issue a cease and desist order pursuant to § ~~54.1-2349 or 54.1-2352~~, as applicable.

§ 55.1-1906. Eminent domain.

A. If any portion of the common elements is taken by eminent domain, the award for such taking shall be paid to the unit owners' association, provided, however, that the portion of the award attributable to the taking of any permanently assigned limited common element shall be allocated by the order to the unit owner of the unit to which that limited common element was so assigned at the time of the taking. If that limited common element was permanently assigned to more than one unit at the time of the taking, then the portion of the award attributable to the taking of such limited common element shall be allocated in equal shares to the unit owners of the units to which it was so assigned or in such other shares as the condominium instruments may specify for this express purpose. A permanently assigned limited common element is a limited common element that cannot be reassigned or that can be reassigned only with the consent of the unit owner of the unit to which it is assigned in accordance with § 55.1-1919.

B. If one or more units are taken by eminent domain, the undivided interest in the common elements appertaining to any such unit shall thenceforth appertain to the remaining units, being allocated to them in proportion to their respective undivided interests in the common elements. The court shall enter an order reflecting the reallocation of undivided interests produced by such taking, and the award shall include just compensation to the unit owner of any unit taken for his undivided interest in the common elements as well as for his unit.

C. 1. If portions of any unit are taken by eminent domain, the court shall determine the fair market value of the portions of such unit not taken, and the undivided interest in the common elements appertaining to any such units shall be reduced, in the case of each such unit, in proportion to the diminution in the fair market value of such unit resulting from the taking.

2. The portions of undivided interest in the common elements thereby divested from the unit owners of any such units shall be reallocated among those units and the other units in the condominium in proportion to their respective undivided interests in the common elements, with any units partially taken participating in such reallocation on the basis of their undivided interests as reduced in accordance with subdivision 1.

3. The court shall enter an order reflecting the reallocation of undivided interests produced thereby, and the award shall include just compensation to the unit owner of any unit partially taken for that portion of his undivided interest in the common elements divested by operation of subdivision 1 and not revested by operation of subdivision 2, as well as for that portion of his unit taken by eminent domain.

D. If, however, the taking of a portion of any unit makes it impractical to use the remaining portion of that unit for any lawful purpose permitted by the condominium instruments, then the entire undivided interest in the common elements appertaining to that unit shall thenceforth appertain to the remaining units, being allocated to them in proportion to their respective undivided interests in the common elements, and the remaining portion of that unit shall thenceforth be a common element. The court shall enter an order reflecting the reallocation of undivided interests produced thereby, and the award shall include just compensation to the unit owner of such unit for his entire undivided interest in the common elements and for his entire unit.

E. Votes in the unit owners' association, rights to future common profits ~~surpluses~~, and liabilities for future common expenses not specially assessed, appertaining to any unit taken or partially taken by eminent domain, shall thenceforth appertain to the remaining units, being allocated to them in proportion to their relative voting strength in the unit owners' association, with any units partially taken participating in such reallocation as though their voting strength in the unit owners' association had been reduced in proportion to the reduction in their undivided interests in the common elements, and the order of the court shall provide accordingly.

F. The order of the court shall require the recordation of such order among the land records of the county or city in which the condominium is located.

§ 55.1-1911. Recordation of condominium instruments.

~~All amendments and certifications of condominium instruments shall set forth the name of the county or city in which the condominium is located and the deed book and page number where the first page of the declaration is recorded.~~ All condominium instruments and all amendments and certifications of such condominium instruments shall be recorded in every county and city in which any portion of the condominium is located. The condominium instruments, amendments, and certifications shall set forth the *county or city in which the condominium is located*, the name of the condominium, and either the deed book and page number where the first page of the declaration is recorded or the document number assigned to the declaration by the clerk.

§ 55.1-1919. Assignments of limited common elements; conversion to common element.

A. All assignments and reassignments of limited common elements shall be reflected by the condominium instruments. No limited common element shall be assigned or reassigned except in accordance with the provisions of this chapter. No amendment to any condominium instrument shall alter any rights or obligations with respect to any limited common elements without the consent of all unit owners adversely affected by such amendment as evidenced by their execution of such amendment, except to the extent that the condominium instruments expressly provided otherwise prior to the first assignment of that limited common element.

B. Unless expressly prohibited by the condominium instruments, a limited common element may be reassigned or converted to a common element upon written application of the unit owners concerned to the principal officer of the unit owners' association, or to such other officer as the condominium instruments may specify. The officer to whom such application is duly made shall forthwith prepare and execute an amendment to the declaration reassigning all rights and obligations with respect to the limited common element involved. Such amendment shall be executed by ~~at~~ ~~of~~ the unit

owners concerned and recorded by an officer of the unit owners' association or his agent following payment by the unit owners of the units concerned of all reasonable costs for the preparation, acknowledgment, and recordation of such amendment. The amendment is effective when recorded.

C. A common element not previously assigned as a limited common element shall be so assigned only pursuant to subdivision A 6 of § 55.1-1916. The amendment to the declaration making such an assignment shall be prepared and executed by the declarant, the principal officer of the unit owners' association, or by such other officer as the condominium instruments may specify. Such amendment shall be recorded by the declarant or his agent, without charge to any unit owner, or by an officer of the unit owners' association or his agent following payment by ~~att~~ of the unit owners of the units concerned of all reasonable costs for the preparation, acknowledgment, and recordation of such amendment. The amendment is effective when recorded, and the recordation of such amendment shall be conclusive evidence that the method prescribed pursuant to subdivision A 6 of § 55.1-1916 was adhered to. A copy of the amendment shall be delivered to the unit owners of the units concerned. If executed by the declarant, such an amendment recorded prior to July 1, 1983, shall not be invalid because it was not prepared by an officer of the unit owners' association.

D. If the declarant does not prepare and record an amendment to the declaration to effect the assignment of common elements as limited common elements in accordance with rights reserved in the condominium instruments, but has reflected an intention to make such assignments in deeds conveying units, then the principal officer of the unit owners' association may prepare, execute, and record such an amendment at any time after the declarant ceases to be a unit owner.

E. The declarant may unilaterally record an amendment to the declaration converting a limited common element appertenant to a unit owned by the declarant into a common element as long as the declarant continues to own the unit.

§ 55.1-1937. Termination of condominium.

A. If there is no unit owner other than the declarant, the declarant may unilaterally terminate the condominium. An instrument terminating a condominium signed by the declarant is effective upon recordation of such instrument. But this section shall not be construed to nullify, limit, or otherwise affect the validity or enforceability of any agreement renouncing or to renounce, in whole or in part, the right hereby conferred.

B. Except in the case of a taking of all the units by eminent domain, if any of the units in the condominium is restricted exclusively to residential use and there is any unit owner other than the declarant, the condominium may be terminated only by the agreement of unit owners of units to which four-fifths of the votes in the unit owners' association appertain, or such larger majority as the condominium instruments may specify. If none of the units in the condominium is restricted exclusively to residential use, the condominium instruments may specify a majority smaller than the minimum specified in this subsection.

C. Agreement of the required majority of unit owners to termination of the condominium shall be evidenced by their execution of a termination agreement, or ratifications of such agreement, and such agreement is effective when a copy of the termination agreement is recorded together with a certification, signed by the principal officer of the unit owners' association or by such other officer as the condominium instruments may specify, that the requisite majority of the unit owners signed the termination agreement or ratifications. Unless the termination agreement otherwise provides, prior to recordation of the termination agreement, a unit owner's prior agreement to terminate the condominium may be revoked only with the approval of unit owners of units to which a majority of the votes in the unit owners' association appertain. The termination agreement shall specify a date after which the termination agreement is void if the termination agreement is not recorded. For the purposes of this section, an instrument terminating a condominium and any ratification of such instrument shall be deemed a condominium instrument subject to the provisions of § 55.1-1911.

D. In the case of a condominium that contains only units having horizontal boundaries described in the condominium instruments, a termination agreement may provide that all of the common elements and units of the condominium shall be sold following termination. If, pursuant to the termination agreement, any property in the condominium is sold following termination, the termination agreement shall set forth the minimum terms of the sale.

E. In the case of a condominium that contains any units not having horizontal boundaries described in the condominium instruments, a termination agreement may provide for sale of the common elements. The termination agreement may not require that the units be sold following termination, unless the condominium instruments as originally recorded provide otherwise or all the unit owners consent to the sale. In the case of a master condominium that contains a unit that is a part of another condominium, a termination agreement for the master condominium shall not terminate the other condominium.

F. On behalf of the unit owners, the unit owners' association may contract for the disposition of property in the condominium, but the contract shall not be binding on the unit owners until approved pursuant to subsections B and C. If the termination agreement requires that any property in the condominium be sold following termination, title to the property, upon termination, shall vest in the unit owners' association as trustee for the holders of all interest in the units. Thereafter, the unit owners' association shall have powers necessary and appropriate to effect the sale. Until the termination has been concluded and the proceeds have been distributed, the unit owners' association shall continue in existence with all the powers the unit owners' association had before termination. Proceeds of the sale shall be distributed to unit owners and lien holders as their interests may appear, in proportion to the respective interests of the unit owners as provided in subsection I. Unless otherwise specified in the termination agreement, for as long as the unit owners' association holds title to the property, each unit owner or his successor in interest shall have an exclusive right to occupancy of the portion of the property that formerly constituted his unit. During the period of occupancy by the unit owner or his successor in interest,

each unit owner or his successor in interest shall remain liable for any assessment or other obligation imposed on the unit owner by this chapter or the condominium instruments.

G. If the property that constitutes the condominium is not sold following termination, title to the common elements and, in the case of a condominium containing only units that have horizontal boundaries described in the condominium instruments, title to all the property in the condominium shall vest in the unit owners, upon termination, as tenants in common in proportion to the unit owners' respective interests as provided in subsection I. Any liens on the units shall shift accordingly. While the tenancy in common exists, each unit owner or his successor in interest shall have the exclusive right to occupancy of the portion of the property that formerly constituted the unit owner's unit.

H. Following termination of the condominium, the proceeds of any sale of property, together with the assets of the unit owners' association, shall be held by the unit owners' association as trustee for unit owners or lien holders on the units as their interests may appear. Following termination, any creditor of the unit owners' association who holds a lien on the unit that was recorded before termination may enforce the lien in the same manner as any lien holder. Any other creditor of the unit owners' association shall be treated as if he had perfected a lien on the units immediately before termination.

I. Unless the condominium instruments as originally recorded or as amended by 100 percent of the unit owners provide otherwise, the respective interests of unit owners referred to in subsections F, G, and H shall be as follows:

1. Except as provided in subdivision 2, the respective interests of the unit owners shall be the fair market values of their units, limited common elements, and common element interests immediately before the termination, as determined by one or more independent appraisers selected by the unit owners' association. The decision of the independent appraisers shall be distributed to the unit owners and become final unless disapproved within 30 days after distribution by unit owners of units to which one quarter of the votes in the unit owners' association appertain. The proportion of any unit owner's interest to the interest of all unit owners is determined by dividing the fair market value of that unit owner's unit and common element interest by the total fair market values of all the units and their common element interests.

2. If any unit or limited common element is destroyed to the extent that an appraisal of the fair market value of such unit or limited common element before destruction cannot be made, the interests of all unit owners are the unit owners' respective common element interests immediately before the termination.

J. Except as provided in subsection K, foreclosure of any mortgage, deed of trust, or other lien, or enforcement of a lien or encumbrance against the entire condominium, shall not alone terminate the condominium, and foreclosure or enforcement of a lien or encumbrance against a portion of the condominium, other than withdrawable land, shall not withdraw that portion from the condominium. Foreclosure or enforcement of a lien or encumbrance against withdrawable land shall not alone withdraw the land from the condominium, but the person who takes title to the withdrawable land shall have the right to require from the unit owners' association, upon request, an amendment that excludes the land from the condominium.

K. If a lien or encumbrance against a portion of the property that comprises the condominium has priority over the condominium instruments and the lien or encumbrance has not been partially released, upon foreclosure, the parties foreclosing the lien or encumbrance may record an instrument that excludes the property subject to the lien or encumbrance from the condominium.

~~L. The foreclosure of any mortgage, deed of trust, or other lien shall not be deemed, ex proprio vigore, to terminate the condominium.~~

§ 55.1-1940. Bylaws to be recorded with declaration; contents; unit owners' association; executive board; amendment of bylaws.

A. Bylaws providing for governance of the condominium by an association of all of the unit owners shall be recorded simultaneously with the declaration. The unit owners' association may be incorporated.

B. The bylaws shall provide whether or not the unit owners' association shall elect an executive board. If there is to be such a board, the bylaws shall specify the powers and responsibilities of the board and the number and terms of its members. Except to the extent the condominium instruments provide otherwise, any vacancy occurring in the executive board shall be filled by a vote of a majority of the remaining members of the executive board at a meeting of the executive board, even though the members of the executive board present at such meeting may constitute less than a quorum because a quorum is impossible to obtain. Each person so elected shall serve until the next annual meeting of the unit owners' association at which time a successor shall be elected by a vote of the unit owners. The bylaws may delegate to such board, inter alia, any of the powers and responsibilities assigned by this chapter to the unit owners' association. The bylaws shall also specify which, if any, of its powers and responsibilities the unit owners' association or its executive board may delegate to a managing agent.

C. The bylaws may provide for arbitration of disputes or other means of alternative dispute resolution in accordance with subsection C of § 55.1-1915.

D. In any case where an amendment to the declaration is required by subsection B, C, or D of § 55.1-1918, the person required to execute such amendment shall also prepare and execute, and record simultaneously with such amendment, an amendment to the bylaws. The amendment to the bylaws shall allocate votes in the unit owners' association to new units on the same basis as was used for the allocation of such votes to the units depicted on plats and plans recorded pursuant to subsections A and B of § 55.1-1920 or shall abolish the votes appertaining to former units, as appropriate. The amendment to the bylaws shall also reallocate rights to future common profits surpluses, and liabilities for future common expenses not specially assessed, in proportion to relative voting strengths as reflected by the amendment.

§ 55.1-1945. Books, minutes, and records; inspection.

A. The declarant, managing agent, unit owners' association, or person specified in the bylaws of the association shall keep detailed records of the receipts and expenditures affecting the operation and administration of the condominium and specifying the maintenance and repair expenses of the common elements and any other expenses incurred by or on behalf of the association. Subject to the provisions of subsections B, C, and E, upon request, any unit owner shall be provided a copy of such records and minutes. All financial books and records shall be kept in accordance with generally accepted accounting practices.

B. Subject to the provisions of subsection C, all books and records kept by or on behalf of the unit owners' association, including the unit owners' association membership list, and addresses and aggregate salary information of unit owners' association employees, shall be available for examination and copying by a unit owner in good standing or his authorized agent so long as the request is for a proper purpose related to his membership in the unit owners' association and not for pecuniary gain or commercial solicitation. Notwithstanding any provision of law to the contrary, this right of examination shall exist without reference to the duration of membership and may be exercised (i) only during reasonable business hours or at a mutually convenient time and location and (ii) upon five business days' written notice for a unit owner association managed by a common interest community manager and 10 business days' written notice for a self-managed unit owners' association, which notice shall reasonably identify the purpose for the request and the specific books and records of the unit owners' association requested.

C. Books and records kept by or on behalf of a unit owners' association may be withheld from examination or copying by unit owners and contract purchasers to the extent that they are drafts not yet incorporated into the books and records of the unit owners' association or if such books and records concern:

1. Personnel matters relating to specific, identified persons or a person's medical records;
2. Contracts, leases, and other commercial transactions to purchase or provide goods or services, currently in or under negotiation;
3. Pending or probable litigation. For purposes of this subdivision, "probable litigation" means those instances where there has been a specific threat of litigation from a person ~~having standing to bring legal action~~ or the legal counsel of such person;
4. Matters involving state or local administrative or other formal proceedings before a government tribunal for enforcement of the condominium instruments or rules and regulations promulgated by the executive board;
5. Communications with legal counsel that relate to subdivisions 1 through 4 or that are protected by the attorney-client privilege or the attorney work product doctrine;
6. Disclosure of information in violation of law;
7. Meeting minutes or other confidential records of an executive session of the executive board held pursuant to subsection C of § 55.1-1949;
8. Documentation, correspondence or management or executive board reports compiled for or on behalf of the unit owners' association or the executive board by its agents or committees for consideration by the executive board in executive session; or
9. Individual unit owner or member files, other than those of the requesting unit owner, including any individual unit owner's files kept by or on behalf of the unit owners' association.

D. Books and records kept by or on behalf of a unit owners' association shall be withheld from examination and copying in their entirety only to the extent that an exclusion from disclosure under subsection C applies to the entire content of such books and records. Otherwise, only those portions of the books and records containing information subject to an exclusion under subsection C may be withheld or redacted, and all portions of the books and records that are not so excluded shall be available for examination and copying, provided that the requesting member shall be responsible to the association for paying or reimbursing the association for any reasonable costs incurred by the association in responding to the request for the books and records and review for redaction of the same.

E. Prior to providing copies of any books and records, the unit owners' association may impose and collect a charge, not to exceed the reasonable costs of materials and labor, incurred to provide such copies. Charges may be imposed only in accordance with a cost schedule adopted by the executive board in accordance with this subsection. The cost schedule shall (i) specify the charges for materials and labor, (ii) apply equally to all unit owners in good standing, and (iii) be provided to such requesting unit owner at the time the request is made.

§ 55.1-1974. Limitations on dispositions of units.

Unless exempt by § 55.1-1972:

1. No declarant may offer or dispose of any interest in a condominium unit located in the Commonwealth, nor offer or dispose of in the Commonwealth any interest in a condominium unit located outside of the Commonwealth prior to the time the condominium including such unit is registered in accordance with this chapter.

2. No declarant may dispose of any interest in a condominium unit unless he delivers to the purchaser a current public offering statement by the time of such disposition and such disposition is expressly and without qualification or condition subject to cancellation by the purchaser within five calendar days from the contract date of the disposition or delivery of the current public offering statement, whichever is later. If the purchaser elects to cancel, he may do so by notice of such cancellation hand-delivered or sent by United States mail, return receipt requested, to the declarant. Such cancellation shall be without penalty, and any deposit made by the purchaser shall be promptly refunded in its entirety.

3. The purchaser's right to cancel the purchase contract pursuant to subdivision 2 shall be set forth on the first page of the purchase contract in boldface print of not less than 12-point type.

4. The prospective purchaser may cancel a *nonbinding reservation agreement* by written notice, hand-delivered or sent by United States mail, return receipt requested, to the declarant or to any sales agent of the declarant at any time prior to the formation of a contract for the sale or lease of a condominium unit or an interest in such unit. Such agreement shall not contain any provision for waiver or any other provision in derogation of the rights of the prospective purchaser as contemplated by this section, nor shall any such provision be a part of any ancillary agreement.

CHAPTER 593

An Act to amend and reenact § 16.1-292 of the Code of Virginia, relating to juvenile confinement for violation of court order.

[H 1437]

Approved April 2, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 16.1-292 of the Code of Virginia is amended and reenacted as follows:

§ 16.1-292. Violation of court order by any person.

A. Any person violating an order of the juvenile court entered pursuant to §§ 16.1-278.2 through 16.1-278.19 or § 16.1-284, including a parent subject to an order issued pursuant to subdivision 3 of § 16.1-278.8, may be proceeded against (i) by an order requiring the person to show cause why the order of the court entered pursuant to §§ 16.1-278.2 through 16.1-278.19 has not been complied with, (ii) for contempt of court pursuant to § 16.1-69.24 or as otherwise provided in this section, or (iii) by both. Except as otherwise expressly provided herein, nothing in this chapter shall deprive the court of its power to punish summarily for contempt for such acts as set forth in § 18.2-456, or to punish for contempt after notice and an opportunity for a hearing on the contempt except that confinement in the case of a juvenile shall be in a secure facility for juveniles rather than in jail and shall not exceed a period of ~~ten~~ *seven* days for each offense. However, if the person violating the order was a juvenile at the time of the original act and is ~~eighteen~~ *18* years of age or older when the court enters a disposition for violation of the order, the judge may order confinement in jail. *If a juvenile is found to have violated a court order as a status offender, any order of disposition of such violation confining the juvenile in a secure facility for juveniles shall (a) identify the valid court order that has been violated; (b) specify the factual basis for determining that there is reasonable cause to believe that the juvenile has violated such order; (c) state the findings of fact that support a determination that there is no appropriate less restrictive alternative available to placing the juvenile in such a facility, with due consideration to the best interest of the juvenile; (d) specify the length of time of such confinement, not to exceed seven days; and (e) include a plan for the juvenile's release from such facility. Such order of confinement shall not be renewed or extended.*

B. Upon conviction of any party for contempt of court in failing or refusing to comply with an order of a juvenile court for spousal support or child support under § 16.1-278.15, the court may commit and sentence such party to confinement in a jail, workhouse, city farm, or work squad as provided in §§ 20-61 and 20-62, for a fixed or indeterminate period or until the further order of the court. In no event, however, shall such sentence be imposed for a period of more than ~~twelve~~ *12* months. The sum or sums as provided for in § 20-63 shall be paid as therein set forth, to be used for the support and maintenance of the spouse or the child or children for whose benefit such order or decree provided.

C. Notwithstanding the contempt power of the court, the court shall be limited in the actions it may take with respect to a child violating the terms and conditions of an order to those which the court could have taken at the time of the court's original disposition pursuant to §§ 16.1-278.2 through 16.1-278.10, except as hereinafter provided. However, this limitation shall not be construed to deprive the court of its power to (i) punish a child summarily for contempt for acts set forth in § 18.2-456 *subject to the provisions of subsection A* or (ii) punish a child for contempt for violation of a dispositional order in a delinquency proceeding after notice and an opportunity for a hearing regarding such contempt, including acts of disobedience of the court's dispositional order which are committed outside the presence of the court.

D. In the event a child in need of services is found to have willfully and materially violated for a second or subsequent time the order of the court pursuant to § 16.1-278.4, the dispositional alternatives specified in subdivision 9 of § 16.1-278.8 shall be available to the court.

E. In the event *that* a child in need of supervision is found to have willfully and materially violated an order of the court pursuant to § 16.1-278.5, the court may enter any of the following orders of disposition:

1. Suspend the child's motor vehicle driver's license;

2. Order any such child ~~fourteen~~ *14* years of age or older to be (i) placed in a foster home, group home, or other nonsecure residential facility; or, (ii) if the court finds that such placement is not likely to meet the child's needs, that all other treatment options in the community have been exhausted, and that secure placement is necessary in order to meet the child's service needs, detained in a secure facility for a period of time not to exceed ~~ten~~ *seven* consecutive days for violation of any order of the court arising out of the same petition. The court shall state in its order for detention the basis for all findings required by this section. *In addition, any order of disposition for such violation confining the child in a secure facility for juveniles shall (a) identify the valid court order that has been violated; (b) specify the factual basis for*

determining that there is reasonable cause to believe that the child has violated such order; (c) state the findings of fact that support a determination that there is no appropriate less restrictive alternative available to placing the child in such a facility, with due consideration to the best interest of the child; (iv) specify the length of time of such confinement, not to exceed seven days; and (v) include a plan for the child's release from such facility. Such order of confinement shall not be renewed or extended. When any child is detained in a secure facility pursuant to this section, the court shall direct the agency evaluating the child pursuant to § 16.1-278.5 to reconvene the interdisciplinary team participating in such evaluation as promptly as possible to review its evaluation, develop further treatment plans as may be appropriate and submit its report to the court for its determination as to further treatment efforts either during or following the period the child is in secure detention. A juvenile may only be detained pursuant to this section in a detention home or other secure facility in compliance with standards established by the State Board. Any order issued pursuant to this subsection is a final order and is appealable to the circuit court as provided by law.

F. Nothing in this section shall be construed to reclassify a child in need of services or in need of supervision as a delinquent.

CHAPTER 594

An Act to amend and reenact §§ 3.1, as amended, and 4.1 of Chapter 163 of the Acts of Assembly of 1979, which provided a charter for the Town of Parksley in the County of Accomack, relating to November elections.

[H 1492]

Approved April 2, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 3.1, as amended, and 4.1 of Chapter 163 of the Acts of Assembly of 1979 are amended and reenacted as follows:

§ 3.1. Election, qualification and term of office for mayor and council.

The Town of Parksley shall be governed by a town council composed of six councilmen and a mayor, all of whom shall be qualified voters of the town and shall be elected by the qualified voters of the town in the manner provided by law from the town at large. The councilmen and mayor in office at the time of adoption of this charter shall continue in office until the expiration of the terms for which they were elected or until their successors are duly elected and qualify. An election for three councilmen shall be held on the first Tuesday in May, 1986, and on the first Tuesday in May of every even-numbered year thereafter. A mayor shall be elected at the election held on the first Tuesday in May, 1984, and every four years thereafter. The councilmen and mayor so elected shall take office on the first day of the following July, and shall each serve until their successors are elected and have qualified.

In the May 1984 general election six members of council shall be elected and shall take office July one following their election and hold office as follows: the three councilmen receiving the highest number of votes shall serve terms of four years; the three remaining councilmen shall serve terms of two years. Thereafter, all terms shall be for four years.

Beginning in 2020, the mayor and six members of council shall be elected at the November general election and shall take office January 1 following their election. The mayor and town council members who were elected in a May general election and whose terms are to expire on June 30, 2020, shall continue in office until their successors have been elected at the following November general election and have been qualified to serve.

§ 4.1. Appointments.

At the first meeting in ~~July~~ *January* following each election or as soon thereafter as practicable, the council shall appoint or reappoint the following officers whose duties shall be as prescribed by the council not inconsistent or in conflict with general law: a town treasurer, a town clerk who may also be the town treasurer, a town attorney who shall be an attorney-at-law licensed to practice under the laws of the Commonwealth of Virginia and who shall be actively practicing in Accomack County.

2. That an emergency exists and this act is in force from its passage.

CHAPTER 595

An Act to amend and reenact §§ 18.2-346, 18.2-348, and 18.2-356 of the Code of Virginia, relating to prostitution; touching the unclothed genitals or anus of another; penalty.

[H 1524]

Approved April 2, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 18.2-346, 18.2-348, and 18.2-356 of the Code of Virginia are amended and reenacted as follows:

§ 18.2-346. Prostitution; commercial sexual conduct; commercial exploitation of a minor; penalties.

A. Any person who, for money or its equivalent, (i) commits adultery, fornication, or any act in violation of § 18.2-361; performs cunnilingus, fellatio, or anilingus upon or by another person; ~~or~~; engages in anal intercourse; *touches the unclothed genitals or anus of another person with the intent to sexually arouse or gratify; or allows another to touch his*

unclothed genitals or anus with the intent to sexually arouse or gratify or (ii) offers to commit adultery, fornication, or any act in violation of § 18.2-361; perform cunnilingus, fellatio, or anilingus upon or by another person; ~~or~~; engage in anal intercourse; *touch the unclothed genitals or anus of another person with the intent to sexually arouse or gratify*; or allow another to touch his unclothed genitals or anus with the intent to sexually arouse or gratify and thereafter does any substantial act in furtherance thereof is guilty of prostitution, which is punishable as a Class 1 misdemeanor.

B. Any person who offers money or its equivalent to another for the purpose of engaging in sexual acts as enumerated in subsection A and thereafter does any substantial act in furtherance thereof is guilty of solicitation of prostitution, which is punishable as a Class 1 misdemeanor. However, any person who solicits prostitution from a minor (i) 16 years of age or older is guilty of a Class 6 felony or (ii) younger than 16 years of age is guilty of a Class 5 felony.

§ 18.2-348. Aiding prostitution or illicit sexual intercourse, etc.; penalty.

It is unlawful for any person or any officer, employee, or agent of any firm, association, or corporation with knowledge of, or good reason to believe, the immoral purpose of such visit, to take or transport or assist in taking or transporting, or offer to take or transport on foot or in any way, any person to a place, whether within or outside any building or structure, used or to be used for the purpose of lewdness, assignation, or prostitution within the Commonwealth or to procure or assist in procuring for the purpose of illicit sexual intercourse, anal intercourse, cunnilingus, fellatio, or anilingus or any act violative of § 18.2-361, or *touching of the unclothed genitals or anus of another person with the intent to sexually arouse or gratify*, or to give any information or direction to any person with intent to enable such person to commit an act of prostitution. A violation of this section is a Class 1 misdemeanor. However, any adult who violates this section with a person under the age of 18 is guilty of a Class 6 felony.

§ 18.2-356. Receiving money for procuring person; penalties.

Any person who receives any money or other valuable thing for or on account of (i) procuring for or placing in a house of prostitution or elsewhere any person for the purpose of causing such person to engage in unlawful sexual intercourse, anal intercourse, cunnilingus, fellatio, or anilingus or any act in violation of § 18.2-361, or *touching of the unclothed genitals or anus of another person with the intent to sexually arouse or gratify*, or (ii) causing any person to engage in forced labor or services, concubinage, prostitution, or the manufacture of any obscene material or child pornography is guilty of a Class 4 felony. Any person who violates clause (i) or (ii) with a person under the age of 18 is guilty of a Class 3 felony.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 854 of the Acts of Assembly of 2019 requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

CHAPTER 596

An Act to amend and reenact § 2 of Chapter XVIII of Chapter 431 of the Acts of Assembly of 1950, which provided a charter for the City of Hopewell, relating to the issuance of bonds.

[H 1616]

Approved April 2, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 2 of Chapter XVIII of Chapter 431 of the Acts of Assembly of 1950 is amended and reenacted as follows:

§ 2. *Exemption.*

The following bonds shall be exempted from the requirement to be approved by a referendum of voters:

(~~i~~) ~~bonds~~ (a) Bonds issued for ~~improvements to the construction, improvement, expansion, or replacement of existing public buildings or facilities; the city may replace existing buildings or facilities on an alternative site;~~

(~~ii~~) ~~bonds~~ (b) Bonds not exceeding \$10 million, as adjusted for inflation based upon increases in the annual All Items Consumer Price Index for Urban Consumers, as published by the U.S. Bureau of Labor Statistics, issued for economic development purposes as determined by the city council;

(~~iii~~) ~~revenue~~ (c) Revenue bonds;

(~~iv~~) ~~refunding~~ (d) Refunding bonds; and

(~~v~~) ~~tax~~ (e) Tax and revenue anticipation obligations that mature within one year from the date of their issue.

Such bonds so ~~excepted~~ *exempted* may be issued upon an affirmative vote of a majority of all members of city council.

CHAPTER 597

An Act to amend and reenact § 15.2-901 of the Code of Virginia, relating to cemeteries; grass cutting.

[H 1688]

Approved April 2, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-901 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-901. Locality may provide for removal or disposal of trash, cutting of grass, weeds, and running bamboo; penalty in certain counties; penalty.

A. Any locality may, by ordinance, provide that:

1. The owners of property therein shall, at such time or times as the governing body may prescribe, remove therefrom any and all trash, garbage, refuse, litter and other substances which might endanger the health or safety of other residents of such locality; or may, whenever the governing body deems it necessary, after reasonable notice, have such trash, garbage, refuse, litter and other like substances which might endanger the health of other residents of the locality, removed by its own agents or employees, in which event the cost or expenses thereof shall be chargeable to and paid by the owners of such property and may be collected by the locality as taxes are collected;

2. Trash, garbage, refuse, litter and other debris shall be disposed of in personally owned or privately owned receptacles that are provided for such use and for the use of the persons disposing of such matter or in authorized facilities provided for such purpose and in no other manner not authorized by law;

3. The owners of occupied or vacant developed or undeveloped property therein, including such property upon which buildings or other improvements are located, shall cut the grass, weeds and other foreign growth, including running bamboo as defined in § 15.2-901.1, on such property or any part thereof at such time or times as the governing body shall prescribe; or may, whenever the governing body deems it necessary, after reasonable notice as determined by the locality, have such grass, weeds or other foreign growth cut by its agents or employees, in which event the cost and expenses thereof shall be chargeable to and paid by the owner of such property and may be collected by the locality as taxes are collected. For purposes of this provision, one written notice per growing season to the owner of record of the subject property shall be considered reasonable notice. No such ordinance adopted by any county shall have any force and effect within the corporate limits of any town. No such ordinance adopted by any county having a density of population of less than 500 per square mile shall have any force or effect except within the boundaries of platted subdivisions or any other areas zoned for residential, business, commercial or industrial use. No such ordinance shall be applicable to land zoned for or in active farming operation.

4. *The owners of any land, regardless of zoning classification, used for the interment of human remains shall cut the grass, weeds, and other foreign growth, including running bamboo as defined in § 15.2-901.1, on such property or any part thereof at such time or times as the governing body shall prescribe; or may, whenever the governing body deems it necessary, after reasonable notice as determined by the locality, have such grass, weeds, or other foreign growth cut by its agents or employees, in which event the cost and expenses thereof shall be chargeable to and paid by the owner of such property and may be collected by the locality as taxes are collected. For purposes of this provision, one written notice per growing season to the owner of record of the subject property shall be considered reasonable notice. No such ordinance shall be applicable to land owned by an individual, family, property owners' association as defined in § 55.1-1800, or church.*

B. Every charge authorized by this section with which the owner of any such property shall have been assessed and which remains unpaid shall constitute a lien against such property ranking on a parity with liens for unpaid local real estate taxes and enforceable in the same manner as provided in Articles 3 (§ 58.1-3940 et seq.) and 4 (§ 58.1-3965 et seq.) of Chapter 39 of Title 58.1. A locality may waive such liens in order to facilitate the sale of the property. Such liens may be waived only as to a purchaser who is unrelated by blood or marriage to the owner and who has no business association with the owner. All such liens shall remain a personal obligation of the owner of the property at the time the liens were imposed.

C. The governing body of any locality may by ordinance provide that violations of this section shall be subject to a civil penalty, not to exceed \$50 for the first violation, or violations arising from the same set of operative facts. The civil penalty for subsequent violations not arising from the same set of operative facts within 12 months of the first violation shall not exceed \$200. Each business day during which the same violation is found to have existed shall constitute a separate offense. In no event shall a series of specified violations arising from the same set of operative facts result in civil penalties that exceed a total of \$3,000 in a 12-month period.

D. Except as provided in this subsection, adoption of an ordinance pursuant to subsection C shall be in lieu of criminal penalties and shall preclude prosecution of such violation as a misdemeanor. The governing body of any locality may, however, by ordinance provide that such violations shall be a Class 3 misdemeanor in the event three civil penalties have previously been imposed on the same defendant for the same or similar violation, not arising from the same set of operative facts, within a 24-month period. Classifying such subsequent violations as criminal offenses shall preclude the imposition of civil penalties for the same violation.

CHAPTER 598

An Act to amend and reenact § 14.01, as amended, of Chapter 39 of the Acts of Assembly of 1932, which provided a charter for the City of Winchester, relating to the school board.

Approved April 2, 2020

[H 1734]

Be it enacted by the General Assembly of Virginia:**1. That § 14.01, as amended, of Chapter 39 of the Acts of Assembly of 1932 is amended and reenacted as follows:**

§ 14.01. Appointment and term of school board members.

A. The School Board of the City of Winchester shall consist of ~~nine~~ seven members, who shall be ~~appointed by the Common Council~~ elected to serve four-year terms. One member shall be ~~appointed~~ elected for each of the four districts (wards) in the City, and ~~five~~ three members shall be ~~appointed~~ elected at-large; however, no more than three members shall be residents of the same district. Notwithstanding the residency requirement of this provision, any school board member in office on July 1, 2007, who is otherwise eligible for reappointment, shall be eligible for reappointment upon expiration of his or her term in order to facilitate the transition to the four district or ward system initiated in 2005.

B. ~~At the vacancy of the terms of school board members in office on July 1, 2007, any new term shall be filled consistent with the provisions of this section.~~

~~C.~~ In the event that any vacancy occurs on the School Board, ~~the Council shall fill~~ the vacancy for the unexpired term shall be filled in accordance with general law.

~~D.~~ C. The School Board shall be a continuing body, and no measure pending before the School Board shall abate or be discontinued by reason of the change in terms of the School Board members or change in membership of the School Board as provided herein.

CHAPTER 599

An Act to require the Board of Juvenile Justice to promulgate regulations governing youth detained in juvenile correctional facilities pursuant to contracts with the federal government.

[S 20]

Approved April 2, 2020

Be it enacted by the General Assembly of Virginia:

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

1. Standards that (i) govern the use of physical force, mechanical restraints, and spit guards and (ii) avoid the use of isolation;

2. Staff training requirements regarding cognitive behavioral interventions, trauma-informed care, cultural background implications, de-escalation techniques, and the use of physical and mechanical restraints;

3. Requirements for an appropriate number of bilingual staff and culturally relevant programs;

4. Methods to ensure that such youth detained understand their rights and responsibilities;

5. Standards to ensure the provision of necessary physical and mental health care;

6. A requirement that any contract entered into by a juvenile correctional facility with the federal government to house youth provide staff of the Department of Juvenile Justice (the Department) with the same level of access to such youth that the Department would ordinarily have regarding any other youth committed to such facility; and

7. Standards for recordkeeping, including extended recordkeeping requirements for records and video footage related to reported incidents.

CHAPTER 600

An Act to amend and reenact § 22.1-361 of the Code of Virginia, relating to the Virginia Council on the Interstate Compact on Educational Opportunity for Military Children; membership.

[S 41]

Approved April 2, 2020

Be it enacted by the General Assembly of Virginia:**1. That § 22.1-361 of the Code of Virginia is amended and reenacted as follows:****§ 22.1-361. Virginia Council on the Interstate Compact on Educational Opportunity for Military Children.**

In accordance with the Interstate Compact on Educational Opportunity for Military Children, there is hereby created the Virginia Council on the Interstate Compact on Educational Opportunity for Military Children, hereinafter referred to in this section as the "Virginia Council." The Virginia Council shall consist of one member of the House of Delegates, to be appointed by the Speaker of the House of Delegates; one member of the Senate, to be appointed by the Senate Committee on Rules; ~~five~~ seven nonlegislative citizen members, including the Superintendent of Public Instruction, *one parent of a military child*, and one representative from a military installation in Virginia, to be appointed by the Governor; the superintendent of a school district with a high concentration of military children *and one military spouse who serves on the Department of Education's Military Student Support Process Action Team*, to be appointed by the Superintendent of Public Instruction; and also the Governor, or his designee. The Department of Education shall employ a military family education

liaison to provide staff support to the Virginia Council and to assist military families and the state in facilitating the implementation of this compact.

Legislative members shall serve terms coincident with their terms of office. Nonlegislative citizen members shall serve at the pleasure of the Governor. All members may be reappointed. Appointments to fill vacancies, other than by expiration of a term, shall be made for the unexpired terms. Vacancies shall be filled in the same manner as the original appointments.

The Governor shall designate one member of the Virginia Council to serve as compact chairman for a two-year term. The Virginia Council shall meet on the call of the chairman or at the request of a majority of members. A majority of members shall constitute a quorum. The Virginia Council may consider any and all matters related to the Interstate Compact on Educational Opportunity for Military Children or the general activities and business of the organization and shall have the authority to represent the Commonwealth in all actions of the Compact.

The Virginia Council members shall serve without compensation. All members shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. The costs of expenses of the legislative members incurred in the performance of their duties shall be paid from appropriations to the Virginia Commission on Intergovernmental Cooperation for the attendance of conferences. The costs of expenses of nonlegislative citizen members incurred in the performance of their duties shall be paid from such funds as may be provided for this purpose in the appropriation act.

The chairman of the Virginia Council shall submit to the Governor and the General Assembly an annual executive summary of the interim activity and work of the Virginia Council no later than the first day of each regular session of the General Assembly. The executive summary shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

CHAPTER 601

An Act to amend and reenact § 18.2-433.2 of the Code of Virginia, relating to paramilitary activities; penalty.

[S 64]

Approved April 2, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-433.2 of the Code of Virginia is amended and reenacted as follows:

§ 18.2-433.2. Paramilitary activity prohibited; penalty.

A person ~~shall be~~ *is* guilty of unlawful paramilitary activity, punishable as a Class 5 felony, if he:

1. Teaches or demonstrates to any other person the use, application, or making of any firearm, explosive or incendiary device, or technique capable of causing injury or death to persons, knowing or having reason to know or intending that such training will be employed for use in, or in furtherance of, a civil disorder; ~~or~~

2. Assembles with one or more persons for the purpose of training with, practicing with, or being instructed in the use of any firearm, explosive or incendiary device, or technique capable of causing injury or death to persons, intending to employ such training for use in, or in furtherance of, a civil disorder; *or*

3. *Violates subsection A of § 18.2-282 while assembled with one or more persons for the purpose of and with the intent to intimidate any person or group of persons.*

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 854 of the Acts of Assembly of 2019 requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

CHAPTER 602

An Act to amend and reenact § 53.1-120 of the Code of Virginia, relating to courthouse and courtroom security; assessment.

[S 149]

Approved April 2, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 53.1-120 of the Code of Virginia is amended and reenacted as follows:

§ 53.1-120. Sheriff to provide for courthouse and courtroom security; designation of deputies for such purpose; assessment.

A. Each sheriff shall ensure that the courthouses and courtrooms within his jurisdiction are secure from violence and disruption and shall designate deputies for this purpose. A list of such designations shall be forwarded to the Director of the Department of Criminal Justice Services.

B. The chief circuit court judge, the chief general district court judge and the chief juvenile and domestic relations district court judge shall be responsible by agreement with the sheriff of the jurisdiction for the designation of courtroom security deputies for their respective courts. If the respective chief judges and sheriff are unable to agree on the number, type and working schedules of courtroom security deputies for the court, the matter shall be referred to the Compensation Board for resolution in accordance with existing budgeted funds and personnel.

C. The sheriff shall have the sole responsibility for the identity of the deputies designated for courtroom security.

D. Any county or city, through its governing body, may assess a sum not in excess of ~~\$10~~ \$20 as part of the costs in each criminal or traffic case in its district or circuit court in which the defendant is convicted of a violation of any statute or ordinance. If a town provides court facilities for a county, the governing body of the county shall return to the town a portion of the assessments collected based on the number of criminal and traffic cases originating and heard in the town. The imposition of such assessment shall be by ordinance of the governing body that may provide for different sums in the circuit courts and district courts. The assessment shall be collected by the clerk of the court in which the case is heard, remitted to the treasurer of the appropriate county or city and held by such treasurer to be appropriated by the governing body to the sheriff's office. The assessment shall be used solely for the funding of courthouse security personnel, and, if requested by the sheriff, equipment and other personal property used in connection with courthouse security.

CHAPTER 603

An Act to amend and reenact § 18.2-254.2 of the Code of Virginia, relating to specialty dockets; veterans docket.

[S 499]

Approved April 2, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-254.2 of the Code of Virginia is amended and reenacted as follows:

§ 18.2-254.2. Specialty dockets; report.

A. The Office of the Executive Secretary of the Supreme Court shall develop a statewide evaluation model and conduct ongoing evaluations of the effectiveness and efficiency of all local specialty dockets established in accordance with the Rules of Supreme Court of Virginia. Each local specialty docket shall submit evaluative reports to the Office of the Executive Secretary as requested. The Office of the Executive Secretary of the Supreme Court of Virginia shall submit a report of such evaluations to the General Assembly by December 1 of each year.

B. Any veterans docket authorized and established as a local specialty docket in accordance with the Rules of Supreme Court of Virginia shall be deemed a "Veterans Treatment Court Program," as that term is used under federal law or by any other entity, for the purposes of applying for, qualifying for, or receiving any federal grants, other federal money, or money from any other entity designated to assist or fund such state programs.

2. That an emergency exists and this act is in force from its passage.

CHAPTER 604

An Act to amend the Code of Virginia by adding in Title 59.1 a chapter numbered 22.14, consisting of a section numbered 59.1-284.33, relating to the Truck Manufacturing Grant Fund; creation.

[S 611]

Approved April 2, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 59.1 a chapter numbered 22.14, consisting of a section numbered 59.1-284.33, as follows:

CHAPTER 22.14.

TRUCK MANUFACTURING GRANT FUND.

§ 59.1-284.33. Truck Manufacturing Grant Fund.

A. As used in this section, unless the context requires a different meaning:

"Capital investment" means an expenditure or an asset transfer from a site of a qualified company located outside of an eligible county to the facility, by or on behalf of the qualified company, on or after October 1, 2018, in real property, tangible personal property, or both, at a facility located in an eligible county that is properly chargeable to a capital account or would be so chargeable with a proper election. The purchase or lease of furniture; fixtures; business personal property; machinery and tools, including under an operating lease; and expected building expansion and up-fit by or on behalf of a qualified company shall qualify as a capital investment.

"Eligible county" means the County of Pulaski.

"Facility" means a truck manufacturing facility to be expanded, equipped, improved, or operated by a qualified company in an eligible county.

"Fund" means the Truck Manufacturing Grant Fund.

"Grants" means grants from the Fund awarded to a qualified company, in an aggregate not to exceed \$16.5 million, intended to be used to pay or reimburse a qualified company for costs related to construction and renovation of a facility. A qualified company may use the grant payment for any lawful purpose.

"Memorandum of understanding" means a performance agreement or related document entered into on or before August 1, 2020, by a qualified company, the Commonwealth, and VEDP that sets forth the requirements for capital investments and the creation of new full-time jobs by a qualified company in order for a qualified company to be eligible for grants from the Fund.

"New full-time job" means a job position, in which position the employee of a qualified company works at a facility, for which the average annual wage is at least equal to the wage required by the memorandum of understanding, and for which a qualified company provides standard fringe benefits. Such position shall require a minimum of either (i) 35 hours of an employee's time per week for the entire normal year of a qualified company's operations, which "normal year" shall consist of at least 48 weeks, or (ii) 1,680 hours per year. Seasonal or temporary positions, and positions created when a job function is shifted from an existing location in the Commonwealth, shall not qualify as new full-time jobs. Other positions, including employees of affiliates and certain suppliers, may be considered new full-time jobs if designated as such in a memorandum of understanding. New full-time jobs shall be in addition to the baseline of 3,219 full-time employees at a facility. The Commonwealth may gauge compliance with the new full-time job requirements for a qualified company by reference to the new payroll generated by a qualified company, as set forth in a memorandum of understanding.

"Qualified company" means a truck manufacturer, including its affiliates, that engages in truck manufacturing in an eligible county, that between October 1, 2018, and September 30, 2029, is expected to (i) make or cause to be made a capital investment at a facility of at least \$397 million, which shall include at least \$93.6 million of investments related to the construction or renovation of real property at a facility, and (ii) create at least 777 new full-time jobs related to, or supportive of, its business.

"Secretary" means the Secretary of Commerce and Trade or his designee.

"VEDP" means the Virginia Economic Development Partnership Authority.

B. There is hereby created in the state treasury a special nonreverting fund to be known as the Truck Manufacturing Grant Fund. The Fund shall be established on the books of the Comptroller. All funds appropriated to the Fund shall be paid into the state treasury and credited to it. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used to pay grants pursuant to this section. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller pursuant to subsection F.

C. A qualified company shall be eligible to receive grants each fiscal year beginning with the Commonwealth's fiscal year starting on July 1, 2020, and ending with the Commonwealth's fiscal year starting on July 1, 2029, unless such timeframe is extended in accordance with a memorandum of understanding. Grants paid pursuant to this chapter shall be subject to appropriation by the General Assembly during each such fiscal year, and contingent on a qualified company meeting the requirements set forth in this chapter and the memorandum of understanding for the number of new full-time jobs created and maintained and the amount of capital investment made related to the construction or renovation of a facility. The first grant installment of \$2 million shall not be awarded until a qualified company has made a capital investment related to the construction and renovation of a facility of at least \$46.8 million and has retained at least 2,700 full-time positions at the facility.

D. The aggregate amount of grants payable under this section shall not exceed \$16.5 million. Grants are expected to be paid in 10 annual installments, calculated in accordance with a memorandum of understanding, with the grants that may be awarded in a particular fiscal year not to exceed the following:

1. \$2,000,000 for the Commonwealth's fiscal year beginning July 1, 2020;
2. \$4,000,000, less the total amount of grants previously awarded pursuant to this subsection, for the Commonwealth's fiscal year beginning July 1, 2021;
3. \$4,300,000, less the total amount of grants previously awarded pursuant to this subsection, for the Commonwealth's fiscal year beginning July 1, 2022;
4. \$6,042,857, less the total amount of grants previously awarded pursuant to this subsection, for the Commonwealth's fiscal year beginning July 1, 2023;
5. \$7,785,714, less the total amount of grants previously awarded pursuant to this subsection, for the Commonwealth's fiscal year beginning July 1, 2024;
6. \$9,528,571, less the total amount of grants previously awarded pursuant to this subsection, for the Commonwealth's fiscal year beginning July 1, 2025;
7. \$11,271,428, less the total amount of grants previously awarded pursuant to this subsection, for the Commonwealth's fiscal year beginning July 1, 2026;
8. \$13,014,285, less the total amount of grants previously awarded pursuant to this subsection, for the Commonwealth's fiscal year beginning July 1, 2027;
9. \$14,757,142, less the total amount of grants previously awarded pursuant to this subsection, for the Commonwealth's fiscal year beginning July 1, 2028; and

10. \$16,500,000, less the total amount of grants previously awarded pursuant to this subsection, for the Commonwealth's fiscal year beginning July 1, 2029.

E. A qualified company applying for a grant installment under this section shall provide evidence, satisfactory to the Secretary, of (i) the aggregate number of new full-time jobs in place in the grant year that immediately precedes the expected date on which the grant installment is to be paid and (ii) the aggregate amount of capital investment, and the capital investment related to the construction and renovation of a facility, made as of the last day of the grant year that immediately precedes the expected date on which the grant installment is to be paid. The application and evidence shall be filed with the Secretary in person, by mail, or as otherwise agreed upon in a memorandum of understanding, by no later than October 31 of each year reflecting performance in and through the prior grant year. Failure to meet the filing deadline shall result in a deferral of a scheduled grant installment payment. For filings by mail, the postmark cancellation shall govern the date of the filing determination.

F. Within 30 days of receiving an application and evidence pursuant to subsection E, the Secretary shall certify to the Comptroller and the qualified company the amount of grants to which such qualified company is entitled for payment. Payment of such grant shall be made by check issued by the State Treasurer on warrant of the Comptroller by the end of the calendar year of the submission of the application and evidence. The Comptroller shall not draw any warrant to issue checks for grants under this chapter without a specific appropriation for the same.

G. As a condition of receipt of grants, a qualified company shall make available to the Secretary for inspection, upon request, of all documents relevant and applicable to determining whether a qualified company has met the requirements for receipt of grants as set forth in this chapter and subject to a memorandum of understanding. All such documents appropriately identified by a qualified company shall be considered confidential and proprietary.

CHAPTER 605

An Act to amend and reenact §§ 55.1-1808 and 55.1-1990 of the Code of Virginia, relating to Property Owners' Association Act and Virginia Condominium Act; contract disclosure statement; extension of right of cancellation.

[S 672]

Approved April 2, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 55.1-1808 and 55.1-1990 of the Code of Virginia are amended and reenacted as follows:

§ 55.1-1808. Contract disclosure statement; right of cancellation.

A. For purposes of this article, unless the context requires a different meaning:

"Delivery" means that the disclosure packet is delivered to the purchaser or purchaser's authorized agent by one of the methods specified in this section.

"Purchaser's authorized agent" means any person designated by such purchaser in a ratified real estate contract for purchase and sale of residential real property or other writing designating such agent.

"Ratified real estate contract" includes any addendum to such contract.

"Receives," "received," or "receiving" the disclosure packet means that the purchaser or purchaser's authorized agent has received the disclosure packet by one of the methods specified in this section.

"Seller's authorized agent" means a person designated by such seller in a ratified real estate contract for purchase and sale of residential real property or other writing designating such agent.

B. Subject to the provisions of subsection A of § 55.1-1814, an owner selling a lot shall disclose in the contract that (i) the lot is located within a development that is subject to the Property Owners' Association Act (§ 55.1-1800 et seq.); (ii) the Property Owners' Association Act (§ 55.1-1800 et seq.) requires the seller to obtain from the property owners' association an association disclosure packet and provide it to the purchaser; (iii) the purchaser may cancel the contract within three days, *or up to seven days if extended by the ratified real estate contract*, after receiving the association disclosure packet or being notified that the association disclosure packet will not be available; (iv) if the purchaser has received the association disclosure packet, the purchaser has a right to request an update of such disclosure packet in accordance with subsection H of § 55.1-1810 or subsection D of § 55.1-1811, as appropriate; and (v) the right to receive the association disclosure packet and the right to cancel the contract are waived conclusively if not exercised before settlement.

For purposes of clause (iii), the association disclosure packet shall be deemed not to be available if (a) a current annual report has not been filed by the association with either the State Corporation Commission pursuant to § 13.1-936 or the Common Interest Community Board pursuant to § 55.1-1835, (b) the seller has made a written request to the association that the packet be provided and no such packet has been received within 14 days in accordance with subsection A of § 55.1-1809, or (c) written notice has been provided by the association that a packet is not available.

C. If the contract does not contain the disclosure required by subsection B, the purchaser's sole remedy is to cancel the contract prior to settlement.

D. The information contained in the association disclosure packet shall be current as of a date specified on the association disclosure packet prepared in accordance with this section; however, a disclosure packet update or financial update may be requested in accordance with subsection G of § 55.1-1810 or subsection D of § 55.1-1811, as appropriate. The purchaser may cancel the contract (i) within three days, *or up to seven days if extended by the ratified real estate*

contract, after the date of the contract if, on or before the date that the purchaser signs the contract, the purchaser receives the association disclosure packet, is notified that the association disclosure packet will not be available, or receives an association disclosure packet that is not in conformity with the provisions of § 55.1-1809; (ii) within three days, *or up to seven days if extended by the ratified real estate contract*, after receiving the association disclosure packet if the association disclosure packet, notice that the association disclosure packet will not be available, or an association disclosure packet that is not in conformity with the provisions of § 55.1-1809 is hand delivered, delivered by electronic means, or delivered by a commercial overnight delivery service or the United States Postal Service, and a receipt is obtained; or (iii) within six days, *or up to 10 days if extended by the ratified real estate contract*, after the postmark date if the association disclosure packet, notice that the association disclosure packet will not be available, or an association disclosure packet that is not in conformity with the provisions of § 55.1-1809 is sent to the purchaser by United States mail. The purchaser also may cancel the contract at any time prior to settlement if the purchaser has not been notified that the association disclosure packet will not be available and the association disclosure packet is not delivered to the purchaser.

Notice of cancellation shall be provided to the lot owner or his agent by one of the following methods:

1. Hand delivery;
2. United States mail, postage prepaid, provided that the sender retains sufficient proof of mailing in the form of a certificate of service prepared by the sender confirming such mailing;
3. Electronic means, provided that the sender retains sufficient proof of the electronic delivery, which may be in the form of an electronic receipt of delivery, a confirmation that the notice was sent by facsimile, or a certificate of service prepared by the sender confirming the electronic delivery; or
4. Overnight delivery using a commercial service or the United States Postal Service.

In the event of a dispute, the sender shall have the burden to demonstrate delivery of the notice of cancellation. Such cancellation shall be without penalty, and the seller shall cause any deposit to be returned promptly to the purchaser.

E. Whenever any contract is canceled based on a failure to comply with subsection B or D or pursuant to subsection C, any deposit or escrowed funds shall be returned within 30 days of the cancellation, unless the parties to the contract specify in writing a shorter period.

F. Any rights of the purchaser to cancel the contract provided by this chapter are waived if not exercised prior to settlement.

G. Except as expressly provided in this chapter, the provisions of this section and § 55.1-1809 may not be varied by agreement, and the rights conferred by this section and § 55.1-1809 may not be waived.

H. Unless otherwise provided in the ratified real estate contract or other writing, delivery to the purchaser's authorized agent shall require delivery to such agent and not to a person other than such agent. Delivery of the disclosure packet may be made by the lot owner or the lot owner's authorized agent.

I. If the lot is governed by more than one association, the purchaser's right of cancellation may be exercised within the required time frames following delivery of the last disclosure packet or resale certificate.

§ 55.1-1990. Resale by purchaser; contract disclosure; right of cancellation.

A. For purposes of this article, *unless the context requires a different meaning*:

"Delivery" means that the resale certificate is delivered to the purchaser or purchaser's authorized agent by one of the methods specified in this article.

"Financial update" means an update of the financial information referenced in subdivisions A 2 through 7 of § 55.1-1991.

"Purchaser's authorized agent" means any person designated by such purchaser in a ratified real estate contract for purchase and sale of residential real property or other writing designating such agent.

"*Ratified real estate contract*" includes any addendum to such contract.

"Receives," "received," or "receiving" the resale certificate means that the purchaser or purchaser's authorized agent has received the resale certificate by one of the methods specified in this article.

"Resale certificate update" means an update of the financial information referenced in subdivisions A 2 through 9 and 12 of § 55.1-1991. The update shall include a copy of the original resale certificate.

"Seller's authorized agent" means a person designated by such seller in a ratified real estate contract for purchase and sale of residential real property or other writing designating such agent.

B. In the event of any resale of a condominium unit by a unit owner other than the declarant, and subject to the provisions of subsection F and subsection A of § 55.1-1972, the unit owner shall disclose in the contract that (i) the unit is located within a development that is subject to the Condominium Act; (ii) the Condominium Act requires the seller to obtain from the unit owners' association a resale certificate and provide it to the purchaser; (iii) the purchaser may cancel the contract within three days, *or up to seven days if extended by the ratified real estate contract*, after receiving the resale certificate or being notified that the resale certificate will not be available; (iv) if the purchaser has received the resale certificate, the purchaser has a right to request a resale certificate update or financial update in accordance with § 55.1-1992, as appropriate; and (v) the right to receive the resale certificate and the right to cancel the contract are waived conclusively if not exercised before settlement.

For purposes of clause (iii), the resale certificate shall be deemed not to be available if (a) a current annual report has not been filed by the unit owners' association with either the State Corporation Commission pursuant to § 13.1-936 or the Common Interest Community Board pursuant to § 55.1-1980, (b) the seller has made a written request to the unit owners'

association that the resale certificate be provided and no such resale certificate has been received within 14 days in accordance with subsection C of § 55.1-1991, or (c) written notice has been provided by the unit owners' association that a resale certificate is not available.

C. If the contract does not contain the disclosure required by subsection B, the purchaser's sole remedy is to cancel the contract prior to settlement.

D. The information contained in the resale certificate shall be current as of a date specified on the resale certificate. A resale certificate update or a financial update may be requested as provided in § 55.1-1992, as appropriate. The purchaser may cancel the contract (i) within three days after the date of the contract, *or up to seven days if extended by the ratified real estate contract*, if on or before the date that the purchaser signs the contract, the purchaser receives the resale certificate, is notified that the resale certificate will not be available, or receives a resale certificate that does not contain the information required by this subsection to be included in the resale certificate; (ii) within three days, *or up to seven days if extended by the ratified real estate contract*, after receiving the resale certificate if the resale certificate, notice that the resale certificate will not be available, or a resale certificate that does not contain the information required by this subsection to be included in the resale certificate is hand delivered, delivered by electronic means, or delivered by a commercial overnight delivery service or the United States Postal Service, and a receipt is obtained; or (iii) within six days, *or up to 10 days if extended by the ratified real estate contract*, after the postmark date if the resale certificate, notice that the resale certificate will not be available, or a resale certificate that does not contain the information required by this subsection to be included in the resale certificate is sent to the purchaser by United States mail. The purchaser may also cancel the contract at any time prior to settlement if the purchaser has not been notified that the resale certificate will not be available and the resale certificate is not delivered to the purchaser.

Notice of cancellation shall be provided to the unit owner or his agent by one of the following methods:

1. Hand delivery;
2. United States mail, postage prepaid, provided that the sender retains sufficient proof of mailing in the form of a certificate of service prepared by the sender confirming such mailing;
3. Electronic means, provided that the sender retains sufficient proof of the electronic delivery, which may be an electronic receipt of delivery, a confirmation that the notice was sent by facsimile, or a certificate of service prepared by the sender confirming the electronic delivery; or
4. Overnight delivery using a commercial service or the United States Postal Service.

In the event of a dispute, the sender shall have the burden to demonstrate delivery of the notice of cancellation. Such cancellation shall be without penalty, and the unit owner shall cause any deposit to be returned promptly to the purchaser.

CHAPTER 606

An Act to amend and reenact § 58.1-321 of the Code of Virginia, relating to income tax exclusion; student loan forgiveness; disabled veterans.

[S 745]

Approved April 2, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-321 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-321. Exemptions and exclusions.

A. No tax levied pursuant to § 58.1-320 is imposed, nor any return required to be filed, by:

1. A single individual where the Virginia adjusted gross income plus the modification specified in subdivision 5 of § 58.1-322.03 for such taxable year is less than \$11,650 for taxable years beginning on and after January 1, 2010, but before January 1, 2012.

A single individual where the Virginia adjusted gross income plus the modification specified in subdivision 5 of § 58.1-322.03 for such taxable year is less than \$11,950 for taxable years beginning on and after January 1, 2012.

2. An individual and spouse if their combined Virginia adjusted gross income plus the modification specified in subdivision 5 of § 58.1-322.03 is less than \$23,300 for taxable years beginning on and after January 1, 2010 (or one-half of such amount in the case of a married individual filing a separate return) but before January 1, 2012, and less than \$23,900 for taxable years beginning on and after January 1, 2012 (or one-half of such amount in the case of a married individual filing a separate return).

For the purposes of this section, "Virginia adjusted gross income" means federal adjusted gross income for the taxable years with the modifications specified in §§ 58.1-322.01 and 58.1-322.02.

B. Persons in the Armed Forces of the United States stationed on military or naval reservations within Virginia who are not domiciled in Virginia shall not be held liable to income taxation for compensation received from military or naval service.

C. *For taxable years beginning on and after January 1, 2020, but before January 1, 2026, any amount that is includible in the federal adjusted gross income of an eligible veteran by reason of the whole or partial discharge of any loan described in § 108(f)(5)(B) of the Internal Revenue Code shall be excluded from Virginia adjusted gross income. This exclusion shall apply only to those discharges that (i) are described in clauses (i), (ii), and (iii) of § 108(f)(5)(A) of the*

Internal Revenue Code and (ii) occur after December 31, 2017. For the purposes of this subsection, "eligible veteran" means a veteran who has been rated by the U.S. Department of Veterans Affairs, or its successor agency pursuant to federal law, to have a 100 percent service-connected, permanent, and total disability.

CHAPTER 607

An Act to amend and reenact §§ 59.1-510, 59.1-513, 59.1-515, and 59.1-517 of the Code of Virginia, relating to the Virginia Telephone Privacy Protection Act.

[S 812]

Approved April 2, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 59.1-510, 59.1-513, 59.1-515, and 59.1-517 of the Code of Virginia are amended and reenacted as follows:

§ 59.1-510. Definitions; rule of construction.

As used in this chapter:

"Established business relationship" means a relationship between the called person and the person on whose behalf the telephone solicitation call is being made or initiated based on (i) the called person's purchase from, or transaction with, the person on whose behalf the telephone solicitation call is being made or initiated within the 18 months immediately preceding the date of the call or (ii) the called person's inquiry or application regarding any property, good, or service offered by the person on whose behalf the telephone solicitation call is being made or initiated within the three months immediately preceding the date of the call.

"Personal relationship" means the relationship between a telephone solicitor making or initiating a telephone solicitation call and any family member, friend, or acquaintance of that telephone solicitor.

"Responsible person" means either or both of (i) a telephone solicitor or (ii) a seller if the telephone solicitation call offering or advertising the seller's property, goods, or services is presumed to have been made or initiated on behalf of or for the benefit of the seller and the presumption is not rebutted as provided in subsection B of § 59.1-514.1.

"Seller" means any person on whose behalf or for whose benefit a telephone solicitation call offering or advertising the person's property, goods, or services is made or initiated.

"Telephone solicitation call" means (i) any telephone call made or initiated to any natural person's residence in the Commonwealth, ~~or to any landline or wireless telephone with a Virginia area code, or to a landline or wireless telephone registered to any natural person who is a resident of the Commonwealth or~~ (ii) *any text message sent to any wireless telephone with a Virginia area code or to a wireless telephone registered to any natural person who is a resident of the Commonwealth, for the purpose of offering or advertising any property, goods, or services for sale, lease, license, or investment, including offering or advertising an extension of credit or for the purpose of fraudulent activity, including engaging in any conduct that results in the display of false or misleading caller identification information on the called person's telephone.*

"Telephone solicitor" means any person who makes or initiates, or causes another person to make or initiate, a telephone solicitation call on its own behalf or for its own benefit or on behalf of or for the benefit of a seller.

§ 59.1-513. Transmission of caller identification information required.

A. A telephone solicitor who makes a telephone solicitation call shall transmit the telephone number, and, when available by the telephone solicitor's carrier, the name of the telephone solicitor. ~~It shall not be a violation of this section to substitute (for the name and telephone number used in, or billed for, making the call) the name of the person on whose behalf the telephone solicitation call is being made and that person's customer service telephone number.~~ The number so provided must permit, during regular business hours, any individual to make a request not to receive telephone solicitation calls.

B. No telephone solicitor shall take any intentional action to prevent the transmission of the telephone solicitor's name or telephone number to any person receiving a telephone solicitation call *or engage in any conduct that results in the display of false or misleading caller identification information on the called person's telephone.*

C. *It shall not be a violation of this section to substitute for the name and telephone number used in, or billed for, making the call the name of the person on whose behalf the telephone solicitation call is being made and that person's customer service telephone number.*

§ 59.1-515. Individual action for damages.

A. Any natural person who is aggrieved by a violation of this chapter shall be entitled to initiate an action against any responsible person to enjoin such violation and to recover from any responsible person damages in the amount of \$500 for ~~each such~~ *a first violation, \$1,000 for a second violation, and \$5,000 for each subsequent violation.*

B. If the court finds a willful violation, the court may, in its discretion, increase the amount of any damages awarded *for a first or second violation* under subsection A to an amount not exceeding ~~\$1,500~~ *\$5,000.*

C. Notwithstanding any other provision of law to the contrary, in addition to any damages awarded, such person may be awarded under subsection A or B reasonable attorney fees and court costs.

D. An action for damages, attorney fees, and costs brought under this section may be filed in an appropriate general district court or small claims court against any responsible person so long as the amount claimed does not exceed the

jurisdictional limits set forth in § 16.1-77 or 16.1-122.2, as applicable. Any action brought under this section that includes a request for an injunction shall be filed in an appropriate circuit court.

§ 59.1-517. Enforcement; civil penalties.

A. The Attorney General, an attorney for the Commonwealth, or the attorney for any locality may cause an action to be brought in the name of the Commonwealth or of the locality, as applicable, to enjoin any violation of this chapter by any responsible person and to recover from any responsible person damages for aggrieved persons in the amount of \$500 for ~~each such~~ a first violation, \$1,000 for a second violation, and \$5,000 for each subsequent violation.

B. If the court finds a willful violation, the court may, in its discretion, also assess against any responsible person a civil penalty of not more than ~~\$1,000~~ \$5,000 for each such violation.

C. In any action brought under this section, the Attorney General, the attorney for the Commonwealth, or the attorney for the locality may recover reasonable expenses incurred by the state or local agency in investigating and preparing the case, and attorney fees.

D. Any civil penalties assessed under subsection B in an action brought in the name of the Commonwealth shall be paid into the Literary Fund. Any civil penalties assessed under subsection B in an action brought in the name of a locality shall be paid into the general fund of the locality.

CHAPTER 608

An Act to amend and reenact § 2 of Chapter XVIII of Chapter 431 of the Acts of Assembly of 1950, which provided a charter for the City of Hopewell, relating to the issuance of bonds.

[S 961]

Approved April 2, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 2 of Chapter XVIII of Chapter 431 of the Acts of Assembly of 1950 is amended and reenacted as follows:

§ 2. Exemption.

The following bonds shall be exempted from the requirement to be approved by a referendum of voters:

(~~i~~) ~~bonds~~ (a) Bonds issued for ~~improvements to the construction, improvement, expansion, or replacement of existing public buildings or facilities. The city may replace existing buildings or facilities on an alternative site;~~

(~~ii~~) ~~bonds~~ (b) Bonds not exceeding \$10 million, as adjusted for inflation based upon increases in the annual All Items Consumer Price Index for Urban Consumers, as published by the U.S. Bureau of Labor Statistics, issued for economic development purposes as determined by the city council;

(~~iii~~) ~~revenue~~ (c) Revenue bonds;

(~~iv~~) ~~refunding~~ (d) Refunding bonds; and

(~~v~~) ~~tax~~ (e) Tax and revenue anticipation obligations that mature within one year from the date of their issue.

Such bonds so ~~excepted~~ exempted may be issued upon an affirmative vote of a majority of all members of city council.

CHAPTER 609

An Act to amend and reenact §§ 54.1-3304.1 and 54.1-3467 of the Code of Virginia, relating to Schedule VI controlled substances; hypodermic syringes and needles; limited-use license.

[H 1654]

Approved April 2, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-3304.1 and 54.1-3467 of the Code of Virginia are amended and reenacted as follows:

§ 54.1-3304.1. Authority to license and regulate practitioners; permits.

A. The Board of Pharmacy shall have the authority to license and regulate the dispensing of controlled substances by practitioners of the healing arts. Except as prescribed in this chapter or by Board regulations, it shall be unlawful for any practitioner of the healing arts to dispense controlled substances within the Commonwealth unless licensed by the Board to sell controlled substances.

B. Facilities from which practitioners of the healing arts dispense controlled substances shall obtain a permit from the Board and comply with the regulations for practitioners of the healing arts to sell controlled substances. Facilities in which only one practitioner of the healing arts is licensed by the Board to sell controlled substances shall be exempt from fees associated with obtaining and renewing such permit.

C. The Board of Pharmacy may issue a limited-use license for the purpose of dispensing Schedule VI controlled substances, excluding the combination of misoprostol and methotrexate, and hypodermic syringes and needles for the administration of prescribed controlled substances to a doctor of medicine, osteopathic medicine, or podiatry, a nurse practitioner, or a physician assistant, provided that such limited-use licensee is practicing at a nonprofit facility. Such facility shall obtain a limited-use permit from the Board and comply with regulations for such a permit.

§ 54.1-3467. Distribution of hypodermic needles or syringes, gelatin capsules, quinine or any of its salts.

A. Distribution by any method, of any hypodermic needles or syringes, gelatin capsules, quinine or any of its salts, in excess of one-fourth ounce shall be restricted to licensed pharmacists or to others who have received a license or a permit from the Board.

B. (Expires July 1, 2020) Nothing in this section shall prohibit the dispensing or distributing of hypodermic needles and syringes by persons authorized by the State Health Commissioner pursuant to a comprehensive harm reduction program established pursuant to § 32.1-45.4 who are acting in accordance with the standards and protocols of such program for the duration of the declared public health emergency.

C. Nothing in this section shall prohibit the dispensing or distributing of hypodermic needles and syringes by persons authorized to dispense naloxone in accordance with the provisions of subsection Y of § 54.1-3408 and who, in conjunction with such dispensing of naloxone, dispenses or distributes hypodermic needles and syringes. *Nothing in this section shall prohibit the dispensing of hypodermic needles and syringes for the administration of prescribed drugs by prescribers licensed to dispense Schedule VI controlled substances at a nonprofit facility pursuant to § 54.1-3304.1.*

2. That the Board of Pharmacy shall promulgate regulations to implement the provisions of this act to be effective within 280 days of its enactment.

CHAPTER 610

An Act to amend and reenact §§ 54.1-3304.1 and 54.1-3467 of the Code of Virginia, relating to Schedule VI controlled substances; hypodermic syringes and needles; limited-use license.

[S 1074]

Approved April 2, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-3304.1 and 54.1-3467 of the Code of Virginia are amended and reenacted as follows:

§ 54.1-3304.1. Authority to license and regulate practitioners; permits.

A. The Board of Pharmacy shall have the authority to license and regulate the dispensing of controlled substances by practitioners of the healing arts. Except as prescribed in this chapter or by Board regulations, it shall be unlawful for any practitioner of the healing arts to dispense controlled substances within the Commonwealth unless licensed by the Board to sell controlled substances.

B. Facilities from which practitioners of the healing arts dispense controlled substances shall obtain a permit from the Board and comply with the regulations for practitioners of the healing arts to sell controlled substances. Facilities in which only one practitioner of the healing arts is licensed by the Board to sell controlled substances shall be exempt from fees associated with obtaining and renewing such permit.

C. The Board of Pharmacy may issue a limited-use license for the purpose of dispensing Schedule VI controlled substances, excluding the combination of misoprostol and methotrexate, and hypodermic syringes and needles for the administration of prescribed controlled substances to a doctor of medicine, osteopathic medicine, or podiatry, a nurse practitioner, or a physician assistant, provided that such limited-use licensee is practicing at a nonprofit facility. Such facility shall obtain a limited-use permit from the Board and comply with regulations for such a permit.

§ 54.1-3467. Distribution of hypodermic needles or syringes, gelatin capsules, quinine or any of its salts.

A. Distribution by any method, of any hypodermic needles or syringes, gelatin capsules, quinine or any of its salts, in excess of one-fourth ounce shall be restricted to licensed pharmacists or to others who have received a license or a permit from the Board.

B. (Expires July 1, 2020) Nothing in this section shall prohibit the dispensing or distributing of hypodermic needles and syringes by persons authorized by the State Health Commissioner pursuant to a comprehensive harm reduction program established pursuant to § 32.1-45.4 who are acting in accordance with the standards and protocols of such program for the duration of the declared public health emergency.

C. Nothing in this section shall prohibit the dispensing or distributing of hypodermic needles and syringes by persons authorized to dispense naloxone in accordance with the provisions of subsection Y of § 54.1-3408 and who, in conjunction with such dispensing of naloxone, dispenses or distributes hypodermic needles and syringes. *Nothing in this section shall prohibit the dispensing of hypodermic needles and syringes for the administration of prescribed drugs by prescribers licensed to dispense Schedule VI controlled substances at a nonprofit facility pursuant to § 54.1-3304.1.*

2. That the Board of Pharmacy shall promulgate regulations to implement the provisions of this act to be effective within 280 days of its enactment.

CHAPTER 611

An Act to require the Commissioner of Health to convene a work group to study the occurrence of perfluorooctanoic acid (PFOA), perfluorooctane sulfonate (PFOS), perfluorobutyrate (PFBA), perfluoroheptanoic acid (PFHpA),

perfluorohexane sulfonate (PFHxS), perfluorononanoic acid (PFNA), and other perfluoroalkyl and polyfluoroalkyl substances (PFAS) in the Commonwealth's public drinking water; report.

[H 586]

Approved April 2, 2020

Be it enacted by the General Assembly of Virginia:

1. § 1. *That the Commissioner of Health shall convene a work group to study the occurrence of perfluorooctanoic acid (PFOA), perfluorooctane sulfonate (PFOS), perfluorobutyrate (PFBA), perfluoroheptanoic acid (PFHpA), perfluorohexane sulfonate (PFHxS), perfluorononanoic acid (PFNA), and other perfluoroalkyl and polyfluoroalkyl substances (PFAS), as deemed necessary, in the Commonwealth's public drinking water and may develop recommendations for specific maximum contaminant levels for PFOA, PFOS, PFBA, PFHpA, PFHxS, PFNA, and other PFAS, as deemed necessary, for inclusion in regulations of the Board of Health applicable to waterworks. Such work group shall include representatives of waterworks owners and operators, including owners and operators of community waterworks, private companies that operate waterworks, advocacy groups representing owners and operators of waterworks, consumers of public drinking water, a manufacturer with chemistry experience, and such other stakeholders as the Commissioner of Health shall deem appropriate. The Office of Drinking Water of the Department of Health shall provide administrative and technical support for the work group. In completing its work, the work group (i) shall (a) determine current levels of PFOA, PFOS, PFBA, PFHpA, PFHxS, PFNA, and other PFAS, as deemed necessary, contamination in the Commonwealth's public drinking water, provided that in making such determination of current levels, the Department of Health shall sample no more than 50 representative waterworks and major sources of water; (b) identify possible sources of such contamination, where identified; and (c) evaluate existing approaches to regulating PFOA, PFOS, PFBA, PFHpA, PFHxS, PFNA, and other PFAS, as deemed necessary, in drinking water, including regulatory approaches adopted by other states and the federal government, and (ii) may develop recommendations for specific maximum contaminant levels for PFOA, PFOS, PFBA, PFHpA, PFHxS, PFNA, and other PFAS, as deemed necessary, to be included in regulations of the Board of Health applicable to waterworks. The work group shall report its findings and recommendations to the Governor and the Chairmen of the House Committees on Agriculture, Chesapeake and Natural Resources and Health, Welfare and Institutions and the Senate Committees on Agriculture, Conservation and Natural Resources and Education and Health by December 1, 2021.*

CHAPTER 612

An Act to amend the Code of Virginia by adding a section numbered 22.1-203.4, relating to student voters; Virginia voter registration.

[H 1491]

Approved April 2, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 22.1-203.4 as follows:

§ 22.1-203.4. Public high schools; Virginia voter registration.

Each public high school shall provide to any enrolled student who is of voting age or is eligible to register to vote pursuant to § 24.2-403 (i) mail voter registration applications and voter registration information provided by the Department of Elections or (ii) access to the Virginia online voter registration system on a school-owned computing device that is accessible to such student. Each student who is eligible to register to vote shall be provided the opportunity to complete an application form during the normal course of the school day.

CHAPTER 613

An Act to amend and reenact § 38.2-3418.17 of the Code of Virginia, relating to health insurance; coverage for autism spectrum disorder; individual and small group markets.

[H 1503]

Approved April 2, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 38.2-3418.17 of the Code of Virginia is amended and reenacted as follows:

§ 38.2-3418.17. Coverage for autism spectrum disorder.

A. Notwithstanding the provisions of § 38.2-3419 and any other provision of law, each insurer proposing to issue accident and sickness insurance policies providing hospital, medical and surgical, or major medical coverage on an expense-incurred basis; each corporation providing accident and sickness subscription contracts; and each health maintenance organization providing a health care plan for health care services shall, as provided in this section, provide coverage for the diagnosis of autism spectrum disorder and the treatment of autism spectrum disorder, in individuals (i) from January 1, 2012, until January 1, 2016, from age two years through age six years; (ii) from January 1, 2016, until January 1, 2020, from age two years through age 10 years; and (iii) from and after January 1, 2020, of any age, subject to the

annual maximum benefit limitation set forth in subsection K and to the provisions of subsection G. If an individual who is being treated for autism spectrum disorder becomes older than the applicable maximum age set forth in the preceding sentence and continues to need treatment, this section does not preclude coverage of treatment and services. In addition to the requirements imposed on health insurance issuers by § 38.2-3436, an insurer shall not terminate coverage or refuse to deliver, issue, amend, adjust, or renew coverage of an individual solely because the individual is diagnosed with autism spectrum disorder or has received treatment for autism spectrum disorder.

B. For purposes of this section:

"Applied behavior analysis" means the design, implementation, and evaluation of environmental modifications, using behavioral stimuli and consequences, to produce socially significant improvement in human behavior, including the use of direct observation, measurement, and functional analysis of the relationship between environment and behavior.

"Autism spectrum disorder" means any pervasive developmental disorder, including (i) autistic disorder, (ii) Asperger's Syndrome, (iii) Rett syndrome, (iv) childhood disintegrative disorder, or (v) Pervasive Developmental Disorder — Not Otherwise Specified, as defined in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association.

"Behavioral health treatment" means professional, counseling, and guidance services and treatment programs that are necessary to develop, maintain, or restore, to the maximum extent practicable, the functioning of an individual.

"Diagnosis of autism spectrum disorder" means medically necessary assessments, evaluations, or tests to diagnose whether an individual has an autism spectrum disorder.

"Medically necessary" means based upon evidence and reasonably expected to do any of the following: (i) prevent the onset of an illness, condition, injury, or disability; (ii) reduce or ameliorate the physical, mental, or developmental effects of an illness, condition, injury, or disability; or (iii) assist to achieve or maintain maximum functional capacity in performing daily activities, taking into account both the functional capacity of the individual and the functional capacities that are appropriate for individuals of the same age.

"Pharmacy care" means medications prescribed by a licensed physician and any health-related services deemed medically necessary to determine the need or effectiveness of the medications.

"Psychiatric care" means direct or consultative services provided by a psychiatrist licensed in the state in which the psychiatrist practices.

"Psychological care" means direct or consultative services provided by a psychologist licensed in the state in which the psychologist practices.

"Therapeutic care" means services provided by licensed or certified speech therapists, occupational therapists, physical therapists, or clinical social workers.

"Treatment for autism spectrum disorder" shall be identified in a treatment plan and includes the following care prescribed or ordered for an individual diagnosed with autism spectrum disorder by a licensed physician or a licensed psychologist who determines the care to be medically necessary: (i) behavioral health treatment, (ii) pharmacy care, (iii) psychiatric care, (iv) psychological care, (v) therapeutic care, and (vi) applied behavior analysis when provided or supervised by a board certified behavior analyst who shall be licensed by the Board of Medicine. The prescribing practitioner shall be independent of the provider of applied behavior analysis.

"Treatment plan" means a plan for the treatment of autism spectrum disorder developed by a licensed physician or a licensed psychologist pursuant to a comprehensive evaluation or reevaluation performed in a manner consistent with the most recent clinical report or recommendation of the American Academy of Pediatrics or the American Academy of Child and Adolescent Psychiatry.

C. Except for inpatient services, if an individual is receiving treatment for an autism spectrum disorder, an insurer, corporation, or health maintenance organization shall have the right to request a review of that treatment, including an independent review, not more than once every 12 months unless the insurer, corporation, or health maintenance organization and the individual's licensed physician or licensed psychologist agree that a more frequent review is necessary. The cost of obtaining any review, including an independent review, shall be covered under the policy, contract, or plan.

D. Coverage under this section will not be subject to any visit limits, and shall be neither different nor separate from coverage for any other illness, condition, or disorder for purposes of determining deductibles, lifetime dollar limits, copayment and coinsurance factors, and benefit year maximum for deductibles and copayment and coinsurance factors.

E. Nothing shall preclude the undertaking of usual and customary procedures, including prior authorization, to determine the appropriateness of, and medical necessity for, treatment of autism spectrum disorder under this section, provided that all such appropriateness and medical necessity determinations are made in the same manner as those determinations are made for the treatment of any other illness, condition, or disorder covered by such policy, contract, or plan.

F. The provisions of this section shall not apply to (i) short-term travel, accident only, limited, or specified disease policies; (ii) short-term nonrenewable policies of not more than six months' duration; ~~or (iii) policies, contracts, or plans issued in the individual market or small group markets; or (iv) policies or contracts designed for issuance to persons eligible for coverage under Title XVIII of the Social Security Act, known as Medicare, or any other similar coverage under state or federal governmental plans.~~

G. The requirements of this section requiring that coverage be provided with regard to individuals from age two years through age six years shall apply to all insurance policies, subscription contracts, and health care plans delivered, issued for delivery, reissued, or extended on or after January 1, 2012, but prior to January 1, 2016; the requirements of this section

requiring that coverage be provided with regard to individuals from age two years through age 10 years shall apply to all insurance policies, subscription contracts, and health care plans delivered, issued for delivery, reissued, or extended on or after January 1, 2016, but prior to January 1, 2020; ~~and~~ the requirements of this section requiring that coverage be provided with regard to individuals of any age shall apply to all insurance policies, subscription contracts, and health care plans delivered, issued for delivery, reissued, or extended on or after January 1, 2020, and to all such policies, contracts, or plans to which a term is changed or any premium adjustment is made on or after such date; *and the requirements of this section requiring that coverage be provided by policies, contracts, or plans issued in the individual market or small group markets shall apply to all insurance policies, subscription contracts, and health care plans in the individual and small group markets delivered, issued for delivery, reissued, or extended on or after January 1, 2021, and to all such policies, contracts, or plans to which a term is changed or any premium adjustment is made on or after such date.*

H. Any coverage required pursuant to this section shall be in addition to the coverage required by § 38.2-3418.5 and other provisions of law. This section shall not be construed as diminishing any coverage required by § 38.2-3412.1. This section shall not be construed as affecting any obligation to provide services to an individual under an individualized family service plan, an individualized education program, or an individualized service plan.

I. Pursuant to the provisions of § 2.2-2818.2, this section shall apply to health coverage offered to state employees pursuant to § 2.2-2818 and to health insurance coverage offered to employees of local governments, local officers, teachers, and retirees, and the dependents of such employees, teachers, and retirees pursuant to § 2.2-1204.

J. Notwithstanding any provision of this section to the contrary:

1. An insurer, corporation, or health maintenance organization, or a governmental entity providing coverage for such treatment pursuant to subsection I, is exempt from providing coverage for behavioral health treatment required under this section and not covered by the insurer, corporation, health maintenance organization, or governmental entity providing coverage for such treatment pursuant to subsection I as of December 31, 2011, if:

a. An actuary, affiliated with the insurer, corporation, or health maintenance organization, who is a member of the American Academy of Actuaries and meets the American Academy of Actuaries' professional qualification standards for rendering an actuarial opinion related to health insurance rate making, certifies in writing to the Commissioner of Insurance that:

(1) Based on an analysis to be completed no more frequently than one time per year by each insurer, corporation, or health maintenance organization, or such governmental entity, for the most recent experience period of at least one year's duration, the costs associated with coverage of behavioral health treatment required under this section, and not covered as of December 31, 2011, exceeded one percent of the premiums charged over the experience period by the insurer, corporation, or health maintenance organization; and

(2) Those costs solely would lead to an increase in average premiums charged of more than one percent for all insurance policies, subscription contracts, or health care plans commencing on inception or the next renewal date, based on the premium rating methodology and practices the insurer, corporation, or health maintenance organization, or such governmental entity, employs; and

b. The Commissioner approves the certification of the actuary;

2. An exemption allowed under subdivision 1 shall apply for a one-year coverage period following inception or next renewal date of all insurance policies, subscription contracts, or health care plans issued or renewed during the one-year period following the date of the exemption, after which the insurer, corporation, or health maintenance organization, or such governmental entity, shall again provide coverage for behavioral health treatment required under this section;

3. An insurer, corporation, or health maintenance organization, or such governmental entity, may claim an exemption for a subsequent year, but only if the conditions specified in subdivision 1 again are met; and

4. Notwithstanding the exemption allowed under subdivision 1, an insurer, corporation, or health maintenance organization, or such a governmental entity, may elect to continue to provide coverage for behavioral health treatment required under this section.

K. Coverage for applied behavior analysis under this section will be subject to an annual maximum benefit of \$35,000, unless the insurer, corporation, or health maintenance organization elects to provide coverage in a greater amount.

L. As of January 1, 2014, to the extent that this section requires benefits that exceed the essential health benefits specified under § 1302(b) of the federal Patient Protection and Affordable Care Act (H.R. 3590), as amended (the ACA), the specific benefits that exceed the specified essential health benefits shall not be required of a qualified health plan when the plan is offered in the Commonwealth by a health carrier through a health benefit exchange established under § 1311 of the ACA. Nothing in this subsection shall nullify application of this section to plans offered outside such an exchange.

CHAPTER 614

An Act to require the Board of Pharmacy to develop public awareness of proper methods of drug disposal.

[H 1531]

Approved April 2, 2020

Be it enacted by the General Assembly of Virginia:

1. § 1. That the Board of Pharmacy shall determine methods to enhance public awareness of proper drug disposal methods, which may include requirements for pharmacies or hospitals or clinics with an on-site pharmacy to provide such information to customers and the public through the provision of informative pamphlets, the posting of signs in public areas of the pharmacy, and the posting of information on public-facing websites. The Board of Pharmacy shall also assemble a group of stakeholders to develop strategies to increase the number of permissible drug disposal sites and options for the legal disposal of drugs, including pharmacies and hospitals and clinics with an on-site pharmacy that are authorized collectors and other sites legally permitted for drug disposal, and the legal return of unused drugs by mail. Such stakeholders shall include the Virginia Pharmacists Association, the Virginia Association of Free Clinics, the Virginia Hospital and Healthcare Association, the Virginia Society of Health System Pharmacists, the Virginia Association of Drug Stores, and any other relevant stakeholders. Strategies developed by the Board of Pharmacy and stakeholders shall take into account the geographic proximity and availability of drug disposal sites in localities across the Commonwealth and existing resources. The Board shall report its findings and recommendations to the Chairmen of the House Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health no later than November 15, 2020.

CHAPTER 615

An Act to amend and reenact §§ 24.2-955.1, 24.2-956, 24.2-957.1, 24.2-958.1, and 24.2-959 of the Code of Virginia, relating to political campaign advertisements; authorization statement; name of candidate defined.

[H 1556]

Approved April 2, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-955.1, 24.2-956, 24.2-957.1, 24.2-958.1, and 24.2-959 of the Code of Virginia are amended and reenacted as follows:

§ 24.2-955.1. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Advertisement" means any message appearing in the print media, on television, or on radio that constitutes a contribution or expenditure under Chapter 9.3 (§ 24.2-945 et seq.). "Advertisement" shall not include novelty items authorized by a candidate including, but not limited to, pens, pencils, magnets, and buttons to be attached to wearing apparel.

"Authorized by _____" means the same as "authorization" as defined in § 24.2-945.1.

"Campaign telephone calls" means a series of telephone calls, electronic or otherwise, made (i) to 25 or more telephone numbers in the Commonwealth, (ii) during the 180 days before a general or special election or during the 90 days before a primary or other political party nominating event, (iii) conveying or soliciting information relating to any candidate or political party participating in the election, primary or other nominating event, and (iv) under an agreement to compensate the telephone callers.

"Candidate" means "candidate" as defined in § 24.2-101.

"Candidate campaign committee" or "campaign committee" means "campaign committee" as defined in § 24.2-945.1.

"Coordinated" or "coordination" means an expenditure that is made (i) at the express request or suggestion of a candidate, a candidate's campaign committee, or an agent of the candidate or his campaign committee or (ii) with material involvement of the candidate, a candidate's campaign committee, or an agent of the candidate or his campaign committee in devising the strategy, content, means of dissemination, or timing of the expenditure.

"Conspicuous" means so written, displayed, or communicated that a reasonable person ought to have noticed it.

"Full-screen" means the only picture appearing on the television screen during the oral disclosure statement that (i) contains the disclosing person, (ii) occupies all visible space on the television screen, and (iii) contains the image of the disclosing person that occupies at least 50% of the vertical height of the television screen.

"Independent expenditure" means "independent expenditure" as defined in § 24.2-945.1.

"Name of candidate" means (i) the full name of the candidate as it appears on the statement of qualification filed pursuant to § 24.2-501 or as it will appear on the ballot or (ii) the first name, middle name, or "nickname" of the candidate as it appears on his statement of qualification and a last name of the candidate as it appears on his statement of qualification.

"Occurrence" means one broadcast of a radio or television political campaign advertisement.

"Political action committee" means "political action committee" as defined in § 24.2-945.1.

"Political committee" means "political committee" as defined in § 24.2-945.1.

"Political party" has the same meaning as "party" or "political party" as defined in § 24.2-101.

"Political party committee" means any state political party committee, congressional district political party committee, county or city political party committee, or organized political party group of elected officials. The term shall not include any other organization or auxiliary associated with or using the name of a political party.

"Print media" means billboards, cards, newspapers, newspaper inserts, magazines, printed material disseminated through the mail, pamphlets, fliers, bumper stickers, periodicals, website, electronic mail, yard signs, and outdoor

advertising facilities. If a single print media advertisement consists of multiple pages, folds, or faces, the disclosure requirement of this section applies only to one page, fold, or face.

"Radio" means any radio broadcast station that is subject to the provisions of 47 U.S.C. §§ 315 and 317.

"Scan line" means a standard term of measurement used in the electronic media industry calculating a certain area in a television advertisement.

"Sponsor" means a candidate, candidate campaign committee, political committee, or person that purchases an advertisement.

"Television" means any television broadcast station, cable television system, wireless-cable multipoint distribution system, satellite company, or telephone company transmitting video programming that is subject to the provisions of 47 U.S.C. §§ 315 and 317.

"Unobscured" means that the only printed material that may appear on the television screen is a visual disclosure statement required by law, and that nothing is blocking the view of the disclosing person's face.

"Yard sign" means a sign paid for or distributed by a candidate, campaign committee, or political committee to be placed on public or private property. Yard signs paid for or distributed prior to July 1, 2015, shall not be subject to the provisions of §§ 24.2-956 and 24.2-956.1.

§ 24.2-956. Requirements for print media advertisements sponsored by a candidate campaign committee.

It shall be unlawful for any candidate or candidate campaign committee to sponsor a print media advertisement that constitutes an expenditure or contribution required to be disclosed under Chapter 9.3 (§ 24.2-945 et seq.) unless all of the following conditions are met:

1. It bears the legend or includes the statement: "Paid for by _____ [Name of candidate or campaign committee *as it appears on the statement of organization*]." Alternatively, if the advertisement is supporting a candidate who is the sponsor and the advertisement makes no reference to any other clearly identified candidate, then the statement "Paid for by _____ [Name of sponsor candidate]" may be replaced by the statement "Authorized by _____ [Name of sponsor candidate]."

2. In an advertisement sponsored by a candidate or a candidate campaign committee that makes reference to any other clearly identified candidate who is not sponsoring the advertisement, the sponsor shall state whether it is authorized by the candidate not sponsoring the advertisement. The visual legend in the advertisement shall state either "Authorized by [Name of candidate], candidate for [Name of office]" or "Not authorized by any other candidate." This subdivision does not apply if the sponsor of the advertisement is the candidate the advertisement supports or that candidate's campaign committee.

3. If an advertisement is jointly sponsored, the disclosure statement shall name all the sponsors.

4. Any disclosure statement required by this section shall be displayed in a conspicuous manner in a minimum font size of seven point.

5. Any print media advertisement appearing in electronic format shall display the disclosure statement in a minimum font size of seven point; however, if the advertisement lacks sufficient space for a disclosure statement in a minimum font size of seven point, the advertisement may meet disclosure requirements if, by clicking on the print media advertisement appearing in electronic format, the viewer is taken to a landing page or a home page that displays the disclosure statement in a conspicuous manner.

§ 24.2-957.1. Requirements for television advertisements sponsored by a candidate or candidate campaign committee.

It shall be unlawful for any candidate or a candidate campaign committee to sponsor a television advertisement that constitutes an expenditure or contribution required to be disclosed under Chapter 9.3 (§ 24.2-945 et seq.) unless the following requirements are met:

1. It bears the legend or includes the statement: "Paid for by _____ [Name of candidate or campaign committee *as it appears on the statement of organization*]." Alternatively, if the advertisement is supporting that candidate and the advertisement makes no reference to any other clearly identified candidate, then the statement "Paid for by _____ [Name of sponsor]" may be replaced by the statement "Authorized by _____ [Name of sponsor]."

The disclosure shall be made by visual legend, which shall constitute 20 scan lines in size. The content of these visual legends is specified by the Communications Act of 1934, 47 U.S.C. §§ 315 and 317 and this section.

2. If the advertisement sponsored by the candidate or the candidate campaign committee makes reference to another clearly identified candidate, it must include a disclosure statement spoken by the sponsoring candidate containing at least the following words: "I am _____ (or 'This is _____') [Name of candidate], candidate for [Name of] office, and I (or 'my campaign') sponsored this ad."

The candidate or the candidate campaign committee may provide the oral disclosure statement required by this section at the same time as the visual disclosure required under the Communications Act of 1934, 47 U.S.C. §§ 315 and 317, is shown.

3. The advertisement shall include throughout the disclosure statement an unobscured, full-screen picture containing the candidate, either in photographic form or through the actual appearance of the candidate on camera.

4. The candidate or the campaign committee may place the disclosure statement required by this section at any point during the advertisement, except if the duration of the advertisement is more than five minutes, the disclosure statement shall be made both at the beginning and end of the advertisement.

5. In its oral disclosure statement, the sponsor may choose to identify an advertisement as either supporting or opposing the nomination or election of one or more clearly identified candidates.

6. If an advertisement is jointly sponsored, the disclosure statement shall include the names of all the sponsors and the candidate shall be the disclosing individual. If more than one candidate is the sponsor, at least one of the candidates shall be the disclosing individual.

§ 24.2-958.1. Requirements for radio advertisements sponsored by a candidate or candidate campaign committee.

It shall be unlawful for a candidate or a candidate campaign committee to sponsor a radio advertisement that constitutes an expenditure or contribution required to be disclosed under Chapter 9.3 (§ 24.2-945 et seq.) unless all of the following requirements are met:

1. The advertisement shall include the statement "Paid for by..... [Name of candidate or candidate campaign committee *as it appears on the statement of organization*]." Alternatively, if the advertisement makes no reference to any clearly identified candidate other than the candidate who is sponsoring the advertisement or whose campaign committee is sponsoring the advertisement, then the statement "Paid for by..... [Name of candidate or candidate campaign committee *as it appears on the statement of organization*]" may be replaced by the statement "Authorized by..... [Name of candidate or candidate campaign committee *as it appears on the statement of organization*]."

2. If the advertisement supports or opposes the election or nomination of a clearly identified candidate other than the sponsoring candidate or supports or opposes the election or nomination of the sponsoring candidate and makes reference to another clearly identified candidate, it must include a disclosure statement spoken by the sponsoring candidate containing at least the following words: "I am (or 'This is.....') [Name of candidate], candidate for [Name of office], and this ad was paid for by (or 'sponsored by' or 'furnished by') [Name of candidate or candidate campaign committee *as it appears on the statement of organization*]."

3. The disclosure statement shall last at least two seconds and the statement shall be spoken so that its contents may be easily understood. The placement of the oral disclosure statement shall also comply with the requirements of the Communications Act of 1934, 47 U.S.C. §§ 315 and 317.

4. In its oral disclosure statement, the candidate or the candidate campaign committee may choose to identify an advertisement as either supporting or opposing the nomination or election of one or more clearly identified candidates.

5. If an advertisement is jointly sponsored, the disclosure statement shall include the names of all the sponsors and the candidate shall be the disclosing individual. If more than one candidate is the sponsor, at least one of the candidates shall be the disclosing individual.

§ 24.2-959. Requirements for campaign telephone calls sponsored by a candidate or candidate campaign committee.

It shall be unlawful for any candidate or candidate campaign committee to make campaign telephone calls without disclosing, before the conclusion of each telephone call, information to identify the candidate or candidate campaign committee who has authorized and is paying for the calls unless such call is terminated prematurely by means beyond the maker's control.

The person making the telephone call shall disclose the name of the candidate.

It shall be unlawful for any candidate or candidate campaign committee making campaign telephone calls to intentionally modify the caller identification information of any campaign telephone call for the purpose of misleading the recipient as to the identity of the caller. If the call is made from an automatic dialing-announcing device and caller identification information includes a name associated with the telephone number, then the caller identification information shall include either the name of the candidate or candidate campaign committee *as it appears on the statement of organization* that has authorized and is paying for the calls, or the vendor conducting the calls on behalf of the candidate or candidate campaign committee. "Automatic dialing-announcing device" means the same as that term is defined in § 59.1-518.1.

It shall also be unlawful (i) for any candidate or candidate campaign committee who contracts for campaign telephone calls to fail to provide to the persons making the telephone calls the identifying information required by this section or (ii) for any person to provide a false or fictitious name or address when providing the identifying information required.

2. That the provisions of this act shall become effective on January 1, 2021.

3. That print media advertisements paid for or distributed prior to the effective date of this act shall not be subject to the provisions of this act.

CHAPTER 616

An Act to amend the Code of Virginia by adding in Chapter 2 of Title 65.2 a section numbered 65.2-205, relating to the Virginia Workers' Compensation Act; creation of Ombudsman program.

[H 1558]

Approved April 2, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 2 of Title 65.2 a section numbered 65.2-205 as follows:

§ 65.2-205. Ombudsman program; confidentiality.

A. The Commission may create an Ombudsman program and appoint an ombudsman to administer such program. The purpose of the Ombudsman program shall be to provide neutral educational information and assistance to persons who are not represented by an attorney, including those persons who have claims pending or docketed before the Commission. The ombudsman shall be an attorney licensed by the Virginia State Bar, in active status, and in good standing. The ombudsman and any Ombudsman program personnel shall carry out their duties with impartiality and shall not serve as an advocate for any person or provide legal advice.

B. All memoranda, work products, and other materials contained in the case files of the ombudsman or Ombudsman program personnel shall be confidential. Any communication between the ombudsman or Ombudsman program personnel and a person receiving assistance as provided by this section that is made during or in connection with the provision of Ombudsman program services, including screening, intake, and scheduling, shall be confidential.

Confidential materials and communications are not subject to disclosure and shall not be admissible in any judicial or administrative proceeding except where (i) a threat to inflict bodily injury is made; (ii) communications are intentionally used to plan, attempt to commit, or commit a crime or conceal an ongoing crime; (iii) a complaint is made against Ombudsman program personnel by a person receiving assistance to the extent necessary for the complainant to prove misconduct or the Ombudsman program personnel to defend against such complaint; or (iv) communications are sought or offered to prove or disprove a claim or complaint of misconduct or malpractice filed against the legal representative of a person who received assistance from the Ombudsman program.

Confidential materials and communications as described in this section are not subject to mandatory disclosure under the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).

C. The ombudsman and Ombudsman program personnel are immune from civil liability in their performance of the duties specified in this section.

CHAPTER 617

An Act to direct the Board of Social Work to pursue the establishment of reciprocal agreements with jurisdictions that are contiguous with the Commonwealth for the licensure of social workers.

[S 53]

Approved April 2, 2020

Be it enacted by the General Assembly of Virginia:

1. § 1. That the Board of Social Work shall pursue the establishment of reciprocal agreements with jurisdictions that are contiguous with the Commonwealth for the licensure of baccalaureate social workers, master's social workers, and clinical social workers. Reciprocal agreements shall require that a person hold a comparable, current, unrestricted license in the other jurisdiction and that no grounds exist for denial based on the Code of Virginia and regulations of the Board.

CHAPTER 618

An Act to amend and reenact § 2.2-4303.1 of the Code of Virginia, relating to the Virginia Public Procurement Act; architectural and professional engineering term contracts; limitations on project fees; localities.

[S 368]

Approved April 2, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-4303.1 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-4303.1. Architectural and professional engineering term contracting; limitations.

A. A contract for architectural or professional engineering services relating to multiple construction projects may be awarded by a public body, provided (i) the projects require similar experience and expertise, (ii) the nature of the projects is clearly identified in the Request for Proposal, and (iii) the contract is limited to a term of one year or when the cumulative total project fees reach the maximum authorized in this section, whichever occurs first.

Such contracts may be renewable for four additional one-year terms at the option of the public body. The fair and reasonable prices as negotiated shall be used in determining the cost of each project performed.

B. The sum of all projects performed in a one-year contract term shall not exceed \$750,000, except that for:

1. A state agency, as defined in § 2.2-4347, the sum of all projects performed in a one-year contract term shall not exceed \$1 million;

2. Any locality with a population in excess of ~~78,000~~ 50,000 or school division within such locality, or any authority, sanitation district, metropolitan planning organization, transportation district commission, or planning district commission, or any city within Planning District 8, the sum of all projects performed in a one-year contract term shall not exceed \$6 million and those awarded for any airport as defined in § 5.1-1 and aviation transportation projects, the sum of all such projects shall not exceed \$1.5 million;

3. Architectural and engineering services for rail and public transportation projects by the Director of the Department of Rail and Public Transportation, the sum of all projects in a one-year contract term shall not exceed \$2 million. Such contract may be renewable for two additional one-year terms at the option of the Director; and

4. Environmental location, design, and inspection work regarding highways and bridges by the Commissioner of Highways, the initial contract term shall be limited to two years or when the cumulative total project fees reach \$5 million, whichever occurs first. Such contract may be renewable for two additional one-year terms at the option of the Commissioner, and the sum of all projects in each one-year contract term shall not exceed \$5 million.

C. Competitive negotiations for such architectural or professional engineering services contracts may result in awards to more than one offeror, provided (i) the Request for Proposal so states and (ii) the public body has established procedures for distributing multiple projects among the selected contractors during the contract term. Such procedures shall prohibit requiring the selected contractors to compete for individual projects based on price.

D. The fee for any single project shall not exceed \$150,000; however, for architectural or engineering services for airports as defined in § 5.1-1 and aviation transportation projects, the project fee of any single project shall not exceed \$500,000, except that for:

1. A state agency as defined in § 2.2-4347, the project fee shall not exceed \$200,000, as may be determined by the Director of the Department of General Services or as otherwise provided by the Restructured Higher Education Financial and Administrative Operations Act (§ 23.1-1000 et seq.); and

2. Any locality with a population in excess of ~~78,000~~ 50,000 or school division within such locality, or any authority, transportation district commission, or sanitation district, or any city within Planning District 8, the project fee shall not exceed \$2.5 million.

The limitations imposed upon single-project fees pursuant to this subsection shall not apply to environmental, location, design, and inspection work regarding highways and bridges by the Commissioner of Highways or architectural and engineering services for rail and public transportation projects by the Director of the Department of Rail and Public Transportation.

E. For the purposes of subsection B, any unused amounts from one contract term shall not be carried forward to any additional term, except as otherwise provided by the Restructured Higher Education Financial and Administrative Operations Act (§ 23.1-1000 et seq.).

CHAPTER 619

An Act to amend and reenact §§ 24.2-102 and 24.2-103 of the Code of Virginia, relating to State Board of Elections; increase membership and terms; Commissioner of Elections; role and eligibility; report.

[S 856]

Approved April 2, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-102 and 24.2-103 of the Code of Virginia are amended and reenacted as follows:

§ 24.2-102. Appointment; terms; Commissioner of Elections; prohibited activities.

A. The State Board of Elections is continued and shall consist of ~~three~~ *five* members appointed by the Governor from the qualified voters of the Commonwealth, subject to confirmation by the General Assembly. In the appointment of the Board, representation shall be given to each of the political parties having the highest and next highest number of votes in the Commonwealth for Governor at the last preceding gubernatorial election. ~~Two~~ *Three* Board members shall be of the political party ~~which~~ *that* cast the highest number of votes for Governor at that election. When the Governor was not elected as the candidate of a political party, representation shall be given to each of the political parties having the highest and next highest number of members of the General Assembly at the time of the appointment and ~~two~~ *three* Board members shall be of the political party having the highest number of members in the General Assembly. Each political party entitled to an appointment may make and file recommendations with the Governor for the appointment. Its recommendations shall contain the names of at least three qualified voters of the Commonwealth. *Appointments shall be made with due consideration of geographical representation, and no two Board members shall reside in the same congressional district.*

After the initial staggering of terms, Board members shall serve four-year terms beginning February 1, 1995, and each fourth year thereafter of four years, which shall begin on February 1 of the year of the appointment. Vacancies shall be filled for the unexpired terms. No member shall be eligible for more than two successive four-year terms. A member appointed for an unexpired term may be appointed for the two succeeding four-year terms.

~~The Governor shall appoint a Commissioner of Elections, who shall receive the salary fixed by law. The Commissioner of Elections may employ the personnel required to carry out the duties imposed by the State Board of Elections.~~

Each year the Governor shall designate one Board member to be the chair of the Board and one Board member to be the vice-chair. The chair and vice-chair shall be members of opposite political parties.

No member of the Board shall be eligible to offer for or hold an office to be filled in whole or in part by qualified voters in the Commonwealth. If a member resigns to offer for or hold such office, the vacancy shall be filled as provided in this section.

No member of the Board shall serve as the chairman of a state, local, or district level political party committee or as a paid or volunteer worker in the campaign of a candidate for nomination or election to an office filled by election in whole or in part by qualified voters in the Commonwealth.

B. The Governor shall appoint a Commissioner of Elections, subject to confirmation by the General Assembly, to head the Department of Elections and to act as its principal administrative officer. The Commissioner shall be appointed to a term of four years, which shall begin on July 1 of the year following a gubernatorial election. The Commissioner shall be a qualified voter of the Commonwealth.

The Commissioner shall receive the salary fixed by law. He may employ the personnel required to carry out the duties required by law and imposed by the Board.

The Commissioner shall not be eligible to offer for or hold an office to be filled in whole or in part by qualified voters in the Commonwealth. His candidacy for or election to such office shall vacate his position as Commissioner, and the Governor shall fill the vacancy for the unexpired term.

The Governor shall not appoint as Commissioner (i) any person who is the spouse of a member of the Board or of a person seeking election to an office or holding an elective office that is filled in whole or in part by qualified voters in the Commonwealth; (ii) any person, or the spouse of any person, who is the grandparent, parent, sibling, child, or grandchild of a member of the Board; or (iii) any person, or the spouse of any person, who is the grandparent, parent, sibling, child, or grandchild of a person seeking election to an office or holding an elective office that is filled in whole or in part by qualified voters in the Commonwealth. The Commissioner shall submit his resignation to the Governor on the date that any such person files as a candidate for election to an office that is filled in whole or in part by qualified voters in the Commonwealth.

The Commissioner shall not serve as the chairman of a state, local, or district level political party committee or as a paid or volunteer worker in the campaign of a candidate for nomination or election to an office filled by election in whole or in part by qualified voters in the Commonwealth.

§ 24.2-103. Powers and duties in general; report.

A. The State Board, through the Department of Elections, shall supervise and coordinate the work of the county and city electoral boards and of the registrars to obtain uniformity in their practices and proceedings and legality and purity in all elections. It shall make rules and regulations and issue instructions and provide information consistent with the election laws to the electoral boards and registrars to promote the proper administration of election laws. Electoral boards and registrars shall provide information requested by the State Board and shall follow (i) the elections laws and (ii) the rules and regulations of the State Board insofar as they do not conflict with Virginia or federal law. The State Board shall post on the Internet within three business days any rules or regulations made by the State Board. Upon request and at a reasonable charge not to exceed the actual cost incurred, the State Board shall provide to any requesting political party or candidate, within three days of the receipt of the request, copies of any instructions or information provided by the State Board to the local electoral boards and registrars.

B. The State Board, through the Department of Elections, shall ensure that the members of the electoral boards and general registrars are properly trained to carry out their duties by offering training annually, or more often, as it deems appropriate, and without charging any fees to the electoral boards and general registrars for the training. The State Board shall set the training standards for the officers of election and shall develop standardized training programs for the officers of election to be conducted by the local electoral boards and the general registrars. Training of the officers of election shall be conducted and certified as provided by § 24.2-115.2. The State Board shall provide standardized training materials for such training and shall also offer on the Department of Elections website a training course for officers of election. The content of the online training course shall be consistent with the standardized training programs developed pursuant to this section. The State Board shall review the standardized training materials and the content of the online training course every two years in the year immediately following a general election for federal office.

C. The State Board may institute proceedings pursuant to § 24.2-234 for the removal of any member of an electoral board who fails to discharge the duties of his office in accordance with law. The State Board may petition the local electoral board to remove from office any general registrar who fails to discharge the duties of his office according to law. The State Board may institute proceedings pursuant to § 24.2-234 for the removal of a general registrar if the local electoral board refuses to remove the general registrar and the State Board finds that the failure to remove the general registrar has a material adverse effect upon the conduct of either the registrar's office or any election. Any action taken by the State Board pursuant to this subsection shall require a recorded majority vote of the Board.

D. The State Board may petition a circuit court or the Supreme Court, whichever is appropriate, for a writ of mandamus or prohibition, or other available legal relief, for the purpose of ensuring that elections are conducted as provided by law.

E. The Department of Elections shall supervise its own staff to assure that no member of its staff shall serve (i) as the chairman of a political party or other officer of a state-, local-, or district-level political party committee or (ii) as a paid or volunteer worker in the campaign of a candidate for nomination or election to an office filled by election in whole or in part by the qualified voters of the Commonwealth.

F. The State Board shall adopt a seal for its use and bylaws for its own proceedings.

~~G. A telephone call between two members of the Board preparing for a meeting shall not constitute a meeting under the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.), provided that no discussion or deliberation takes~~

~~place that would otherwise constitute a meeting.~~ *The State Board shall submit an annual report to the Governor and the General Assembly on the activities of the State Board and the Department of Elections in the previous year. Such report shall be governed by the provisions of § 2.2-608.*

2. That the provisions of this act shall become effective on January 1, 2021.

3. That the two members added to the State Board of Elections pursuant to this act shall be appointed for terms of four years, to begin February 1, 2021, and to end on January 31, 2025. One member shall represent the political party of the Governor, and one member shall represent the political party that had the next highest number of votes in the Commonwealth at the last preceding gubernatorial election.

CHAPTER 620

An Act to amend and reenact § 3.2-4114 of the Code of Virginia, relating to industrial hemp; federal regulations; emergency.

[H 942]

Approved April 2, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 3.2-4114 of the Code of Virginia is amended and reenacted as follows:

§ 3.2-4114. Regulations.

A. The Board may adopt regulations pursuant to this chapter as necessary to register persons to grow, deal in, or process industrial hemp or implement the provisions of this chapter.

B. *Upon publication by the U.S. Department of Agriculture in the Federal Register of any final rule regarding industrial hemp that materially expands opportunities for growing, producing, or dealing in industrial hemp in the Commonwealth, the Board shall immediately adopt amendments conforming Department regulations to such federal final rule. Such adoption of regulations by the Board shall be exempt from the provisions of the Administrative Process Act (§ 2.2-4000 et seq.).*

2. That an emergency exists and this act is in force from its passage.

CHAPTER 621

An Act to amend and reenact §§ 10.1-1402 and 10.1-1408.1 of the Code of Virginia, relating to responsible solid waste disposal.

[H 1352]

Approved April 2, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 10.1-1402 and 10.1-1408.1 of the Code of Virginia are amended and reenacted as follows:

§ 10.1-1402. Powers and duties of the Board.

The Board shall carry out the purposes and provisions of this chapter and compatible provisions of federal acts and is authorized to:

1. Supervise and control waste management activities in the Commonwealth.
2. Consult, advise and coordinate with the Governor, the Secretary, the General Assembly, and other state and federal agencies for the purpose of implementing this chapter and the federal acts.
3. Provide technical assistance and advice concerning all aspects of waste management.
4. Develop and keep current state waste management plans and provide technical assistance, advice and other aid for the development and implementation of local and regional waste management plans.
5. Promote the development of resource conservation and resource recovery systems and provide technical assistance and advice on resource conservation, resource recovery and resource recovery systems.
6. Collect data necessary to conduct the state waste programs, including data on the identification of and amounts of waste generated, transported, stored, treated or disposed, and resource recovery.
7. Require any person who generates, collects, transports, stores or provides treatment or disposal of a hazardous waste to maintain records, manifests and reporting systems required pursuant to federal statute or regulation.
8. Designate, in accordance with criteria and listings identified under federal statute or regulation, classes, types or lists of waste that it deems to be hazardous.
9. Consult and coordinate with the heads of appropriate state and federal agencies, independent regulatory agencies and other governmental instrumentalities for the purpose of achieving maximum effectiveness and enforcement of this chapter while imposing the least burden of duplicative requirements on those persons subject to the provisions of this chapter.
10. Apply for federal funds and transmit such funds to appropriate persons.
11. Promulgate and enforce regulations, and provide for reasonable variances and exemptions necessary to carry out its powers and duties and the intent of this chapter and the federal acts, except that a description of provisions of any proposed

regulation which are more restrictive than applicable federal requirements, together with the reason why the more restrictive provisions are needed, shall be provided to the standing committee of each house of the General Assembly to which matters relating to the content of the regulation are most properly referable.

12. Subject to the approval of the Governor, acquire by purchase, exercise of the right of eminent domain as provided in Chapter 2 (§ 25.1-200 et seq.) of Title 25.1, grant, gift, devise or otherwise, the fee simple title to any lands, selected in the discretion of the Board as constituting necessary and appropriate sites to be used for the management of hazardous waste as defined in this chapter, including lands adjacent to the site as the Board may deem necessary or suitable for restricted areas. In all instances the Board shall dedicate lands so acquired in perpetuity to such purposes. In its selection of a site pursuant to this subdivision, the Board shall consider the appropriateness of any state-owned property for a disposal site in accordance with the criteria for selection of a hazardous waste management site.

13. Assume responsibility for the perpetual custody and maintenance of any hazardous waste management facilities.

14. Collect, from any person operating or using a hazardous waste management facility, fees sufficient to finance such perpetual custody and maintenance due to that facility as may be necessary. All fees received by the Board pursuant to this subdivision shall be used exclusively to satisfy the responsibilities assumed by the Board for the perpetual custody and maintenance of hazardous waste management facilities.

15a. Collect, from any person operating or proposing to operate a hazardous waste treatment, storage or disposal facility or any person transporting hazardous waste, permit fees sufficient to defray only costs related to the issuance of permits as required in this chapter in accordance with Board regulations, but such fees shall not exceed costs necessary to implement this subdivision. All fees received by the Board pursuant to this subdivision shall be used exclusively for the hazardous waste management program set forth herein.

15b. Collect fees from large quantity generators of hazardous wastes.

16. Collect, from any person operating or proposing to operate a sanitary landfill or other facility for the disposal, treatment or storage of nonhazardous solid waste: (i) permit application fees sufficient to defray only costs related to the issuance, reissuance, amendment or modification of permits as required in this chapter in accordance with Board regulations, but such fees shall not exceed costs necessary to issue, reissue, amend or modify such permits and (ii) annual fees established pursuant to § 10.1-1402.1:1. All such fees received by the Board shall be used exclusively for the solid waste management program set forth herein. The Board shall establish a schedule of fees by regulation as provided in §§ 10.1-1402.1, 10.1-1402.2 and 10.1-1402.3.

17. Issue, deny, amend and revoke certification of site suitability for hazardous waste facilities in accordance with this chapter.

18. Make separate orders and regulations it deems necessary to meet any emergency to protect public health, natural resources and the environment from the release or imminent threat of release of waste.

19. Take actions to contain or clean up ~~sites any site~~ or to issue orders to require cleanup of ~~sites any site~~ where (i) solid or hazardous waste, or ~~other substances another substance~~ within the jurisdiction of the Board, ~~have~~ *has* been improperly managed or (ii) *an open dump has been created*, and to institute legal proceedings to recover the costs of the containment or clean-up activities from ~~the any responsible parties party~~. *Such responsible party shall include any party, including the owner or operator or any other person, who caused the site to become an open dump or who caused or arranged for the improper management of such solid or hazardous waste or other substance within the jurisdiction of the Board.*

20. Collect, hold, manage and disburse funds received for violations of solid and hazardous waste laws and regulations or court orders pertaining thereto pursuant to subdivision 19 of this section for the purpose of responding to solid or hazardous waste incidents and clean-up of sites that have been improperly managed, including sites eligible for a joint federal and state remedial project under the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, Public Law 96-510, as amended by the Superfund Amendments and Reauthorization Act of 1986, Public Law 99-499, and for investigations to identify parties responsible for such mismanagement.

21. Abate hazards and nuisances dangerous to public health, safety or the environment, both emergency and otherwise, created by the improper disposal, treatment, storage, transportation or management of substances within the jurisdiction of the Board.

22. Notwithstanding any other provision of law to the contrary, regulate the management of mixed radioactive waste.

23. [Expired.]

§ 10.1-1408.1. Permit required; open dumps prohibited.

A. No person shall operate any sanitary landfill or other facility for the disposal, treatment or storage of nonhazardous solid waste without a permit from the Director.

B. No application for (i) a new solid waste management facility permit or (ii) application for a permit amendment or variance allowing a category 2 landfill, as defined in this section, to expand or increase in capacity shall be complete unless it contains the following:

1. Certification from the governing body of the county, city or town in which the facility is to be located that the location and operation of the facility are consistent with all applicable ordinances. The governing body shall inform the applicant and the Department of the facility's compliance or noncompliance not more than 120 days from receipt of a request from the applicant. No such certification shall be required for the application for the renewal of a permit or transfer of a permit as authorized by regulations of the Board;

2. A disclosure statement, except that the Director, upon request and in his sole discretion, and when in his judgment other information is sufficient and available, may waive the requirement for a disclosure statement for a captive industrial landfill when such a statement would not serve the purposes of this chapter;

3. If the applicant proposes to locate the facility on property not governed by any county, city or town zoning ordinance, certification from the governing body that it has held a public hearing, in accordance with the applicable provisions of § 15.2-2204, to receive public comment on the proposed facility. Such certification shall be provided to the applicant and the Department within 120 days from receipt of a request from the applicant;

4. If the applicant proposes to operate a new sanitary landfill or transfer station, a statement, including a description of the steps taken by the applicant to seek the comments of the residents of the area where the sanitary landfill or transfer station is proposed to be located, regarding the siting and operation of the proposed sanitary landfill or transfer station. The public comment steps shall be taken prior to filing with the Department the notice of intent to apply for a permit for the sanitary landfill or transfer station as required by the Department's solid waste management regulations. The public comment steps shall include publication of a public notice once a week for two consecutive weeks in a newspaper of general circulation serving the locality where the sanitary landfill or transfer station is proposed to be located and holding at least one public meeting within the locality to identify issues of concern, to facilitate communication and to establish a dialogue between the applicant and persons who may be affected by the issuance of a permit for the sanitary landfill or transfer station. The public notice shall include a statement of the applicant's intent to apply for a permit to operate the proposed sanitary landfill or transfer station, the proposed sanitary landfill or transfer station site location, the date, time and location of the public meeting the applicant will hold and the name, address and telephone number of a person employed by the applicant, who can be contacted by interested persons to answer questions or receive comments on the siting and operation of the proposed sanitary landfill or transfer station. The first publication of the public notice shall be at least fourteen days prior to the public meeting date.

The provisions of this subdivision shall not apply to applicants for a permit to operate a new captive industrial landfill or a new construction-demolition-debris landfill;

5. If the applicant is a local government or public authority that proposes to operate a new municipal sanitary landfill or transfer station, a statement, including a description of the steps taken by the applicant to seek the comments of the residents of the area where the sanitary landfill or transfer station is proposed to be located, regarding the siting and operation of the proposed sanitary landfill or transfer station. The public comment steps shall be taken prior to filing with the Department the notice of intent to apply for a permit for the sanitary landfill or transfer station as required by the Department's solid waste management regulations. The public comment steps shall include the formation of a citizens' advisory group to assist the locality or public authority with the selection of a proposed site for the sanitary landfill or transfer station, publication of a public notice once a week for two consecutive weeks in a newspaper of general circulation serving the locality where the sanitary landfill or transfer station is proposed to be located, and holding at least one public meeting within the locality to identify issues of concern, to facilitate communication and to establish a dialogue between the applicant and persons who may be affected by the issuance of a permit for the sanitary landfill or transfer station. The public notice shall include a statement of the applicant's intent to apply for a permit to operate the proposed sanitary landfill or transfer station, the proposed sanitary landfill or transfer station site location, the date, time and location of the public meeting the applicant will hold and the name, address and telephone number of a person employed by the applicant, who can be contacted by interested persons to answer questions or receive comments on the siting and operation of the proposed sanitary landfill or transfer station. The first publication of the public notice shall be at least fourteen days prior to the public meeting date. For local governments that have zoning ordinances, such public comment steps as required under §§ 15.2-2204 and 15.2-2285 shall satisfy the public comment requirements for public hearings and public notice as required under this section. Any applicant which is a local government or public authority that proposes to operate a new transfer station on land where a municipal sanitary landfill is already located shall be exempt from the public comment requirements for public hearing and public notice otherwise required under this section;

6. If the application is for a new municipal solid waste landfill or for an expansion of an existing municipal solid waste landfill, a statement, signed by the applicant, guaranteeing that sufficient disposal capacity will be available in the facility to enable localities within the Commonwealth to comply with solid waste management plans developed pursuant to § 10.1-1411, and certifying that such localities will be allowed to contract for and to reserve disposal capacity in the facility. This provision shall not apply to permit applications from one or more political subdivisions for new landfills or expanded landfills that will only accept municipal solid waste generated within those political subdivisions' jurisdiction or municipal solid waste generated within other political subdivisions pursuant to an interjurisdictional agreement;

7. If the application is for a new municipal solid waste landfill or for an expansion of an existing municipal solid waste landfill, certification from the governing body of the locality in which the facility would be located that a host agreement has been reached between the applicant and the governing body unless the governing body or a public service authority of which the governing body is a member would be the owner and operator of the landfill. The agreement shall, at a minimum, have provisions covering (i) the amount of financial compensation the applicant will provide the host locality, (ii) daily travel routes and traffic volumes, (iii) the daily disposal limit, and (iv) the anticipated service area of the facility. The host agreement shall contain a provision that the applicant will pay the full cost of at least one full-time employee of the locality whose responsibility it will be to monitor and inspect waste transportation and disposal practices in the locality. The host agreement shall also provide that the applicant shall, when requested by the host locality, split air and water samples so that

the host locality may independently test the sample, with all associated costs paid for by the applicant. All such sampling results shall be provided to the Department. For purposes of this subdivision, "host agreement" means any lease, contract, agreement or land use permit entered into or issued by the locality in which the landfill is situated which includes terms or conditions governing the operation of the landfill;

8. If the application is for a locality-owned and locality-operated new municipal solid waste landfill or for an expansion of an existing such municipal solid waste landfill, information on the anticipated (i) daily travel routes and traffic volumes, (ii) daily disposal limit, and (iii) service area of the facility; and

9. If the application is for a new solid waste management facility permit or for modification of a permit to allow an existing solid waste management facility to expand or increase its capacity, the application shall include certification from the governing body for the locality in which the facility is or will be located that: (i) the proposed new facility or the expansion or increase in capacity of the existing facility is consistent with the applicable local or regional solid waste management plan developed and approved pursuant to § 10.1-1411; or (ii) the local government or solid waste management planning unit has initiated the process to revise the solid waste management plan to include the new or expanded facility. Inclusion of such certification shall be sufficient to allow processing of the permit application, up to but not including publication of the draft permit or permit amendment for public comment, but shall not bind the Director in making the determination required by subdivision D 1.

C. Notwithstanding any other provision of law:

1. Every holder of a permit issued under this article who has not earlier filed a disclosure statement shall, prior to July 1, 1991, file a disclosure statement with the Director.

2. Every applicant for a permit under this article shall file a disclosure statement with the Director, together with the permit application or prior to September 1, 1990, whichever comes later. No permit application shall be deemed incomplete for lack of a disclosure statement prior to September 1, 1990.

3. Every applicant shall update its disclosure statement quarterly to indicate any change of condition that renders any portion of the disclosure statement materially incomplete or inaccurate.

4. The Director, upon request and in his sole discretion, and when in his judgment other information is sufficient and available, may waive the requirements of this subsection for a captive industrial waste landfill when such requirements would not serve the purposes of this chapter.

D. 1. Except as provided in subdivision D 2, no permit for a new solid waste management facility nor any amendment to a permit allowing facility expansion or an increase in capacity shall be issued until the Director has determined, after an investigation and analysis of the potential human health, environmental, transportation infrastructure, and transportation safety impacts and needs and an evaluation of comments by the host local government, other local governments and interested persons, that (i) the proposed facility, expansion, or increase protects present and future human health and safety and the environment; (ii) there is a need for the additional capacity; (iii) sufficient infrastructure will exist to safely handle the waste flow; (iv) the increase is consistent with locality-imposed or state-imposed daily disposal limits; (v) the public interest will be served by the proposed facility's operation or the expansion or increase in capacity of a facility; and (vi) the proposed solid waste management facility, facility expansion, or additional capacity is consistent with regional and local solid waste management plans developed pursuant to § 10.1-1411. The Department shall hold a public hearing within the said county, city or town prior to the issuance of any such permit for the management of nonhazardous solid waste. Subdivision D 2, in lieu of this subdivision, shall apply to nonhazardous industrial solid waste management facilities owned or operated by the generator of the waste managed at the facility, and that accept only waste generated by the facility owner or operator. The Board shall have the authority to promulgate regulations to implement this subdivision.

2. No new permit for a nonhazardous industrial solid waste management facility that is owned or operated by the generator of the waste managed at the facility, and that accepts only waste generated by the facility owner or operator, shall be issued until the Director has determined, after investigation and evaluation of comments by the local government, that the proposed facility poses no substantial present or potential danger to human health or the environment. The Department shall hold a public hearing within the county, city or town where the facility is to be located prior to the issuance of any such permit for the management of nonhazardous industrial solid waste.

E. The permit shall contain such conditions or requirements as are necessary to comply with the requirements of this Code and the regulations of the Board and to protect present and future human health and the environment. To the extent allowed by federal law, any person holding a permit that is intending to upgrade the permitted solid waste management facility by installing technology, control equipment, or other apparatus that the permittee demonstrates to the satisfaction of the Director will result in improved energy efficiency, protect waters of the state, including both surface and ground water, and protect air quality shall not be required to obtain a modified or amended permit.

The Director may include in any permit such recordkeeping, testing and reporting requirements as are necessary to ensure that the local governing body of the county, city or town where the waste management facility is located is kept timely informed regarding the general nature and quantity of waste being disposed of at the facility. Such recordkeeping, testing and reporting requirements shall require disclosure of proprietary information only as is necessary to carry out the purposes of this chapter. At least once every ten years, the Director shall review and issue written findings on the environmental compliance history of each permittee, material changes, if any, in key personnel, and technical limitations, standards, or regulations on which the original permit was based. The time period for review of each category of permits shall be established by Board regulation. If, upon such review, the Director finds that repeated material or substantial

violations of the permittee or material changes in the permittee's key personnel would make continued operation of the facility not in the best interests of human health or the environment, the Director shall amend or revoke the permit, in accordance herewith. Whenever such review is undertaken, the Director may amend the permit to include additional limitations, standards, or conditions when the technical limitations, standards, or regulations on which the original permit was based have been changed by statute or amended by regulation or when any of the conditions in subsection B of § 10.1-1409 exist. The Director may deny, revoke, or suspend any permit for any of the grounds listed under subsection A of § 10.1-1409.

F. There shall exist no right to operate a landfill or other facility for the disposal, treatment or storage of nonhazardous solid waste or hazardous waste within the Commonwealth. Permits for solid waste management facilities shall not be transferable except as authorized in regulations promulgated by the Board. The issuance of a permit shall not convey or establish any property rights or any exclusive privilege, nor shall it authorize any injury to private property or any invasion of personal rights or any infringement of federal, state, or local law or regulation.

G. No person shall dispose of solid waste in *an open ~~dumps~~ dump or dispose of or manage solid waste in an unpermitted facility, including by disposing, causing to be disposed, or arranging for the disposal of solid waste upon a property for which the Director has not issued a permit and that is not otherwise exempt from permitting requirements.*

H. No person shall own, operate or allow to be operated on his property an open dump.

I. No person shall allow waste to be disposed of on his property without a permit. Any person who removes trees, brush, or other vegetation from land used for agricultural or forestal purposes shall not be required to obtain a permit if such material is deposited or placed on the same or other property of the same landowner from which such materials were cleared. The Board shall by regulation provide for other reasonable exemptions from permitting requirements for the disposal of trees, brush and other vegetation when such materials are removed for agricultural or forestal purposes.

When promulgating any regulation pursuant to this section, the Board shall consider the character of the land affected, the density of population, and the volume of waste to be disposed, as well as other relevant factors.

J. No permit shall be required pursuant to this section for recycling or for temporary storage incidental to recycling. As used in this subsection, "recycling" means any process whereby material which would otherwise be solid waste is used or reused, or prepared for use or reuse, as an ingredient in an industrial process to make a product, or as an effective substitute for a commercial product.

K. The Board shall provide for reasonable exemptions from the permitting requirements, both procedural and substantive, in order to encourage the development of yard waste composting facilities. To accomplish this, the Board is authorized to exempt such facilities from regulations governing the treatment of waste and to establish an expedited approval process. Agricultural operations receiving only yard waste for composting shall be exempt from permitting requirements provided that (i) the composting area is located not less than 300 feet from a property boundary, is located not less than 1,000 feet from an occupied dwelling not located on the same property as the composting area, and is not located within an area designated as a flood plain as defined in § 10.1-600; (ii) the agricultural operation has at least one acre of ground suitable to receive yard waste for each 150 cubic yards of finished compost generated; (iii) the total time for the composting process and storage of material that is being composted or has been composted shall not exceed eighteen months prior to its field application or sale as a horticultural or agricultural product; and (iv) the owner or operator of the agricultural operation notifies the Director in writing of his intent to operate a yard waste composting facility and the amount of land available for the receipt of yard waste. In addition to the requirements set forth in clauses (i) through (iv) of the preceding sentence, the owner and operator of any agricultural operation that receives more than 6,000 cubic yards of yard waste generated from property not within the control of the owner or the operator in any twelve-month period shall be exempt from permitting requirements provided (i) the owner and operator submit to the Director an annual report describing the volume and types of yard waste received by such operation for composting and (ii) the operator shall certify that the yard waste composting facility complies with local ordinances. The Director shall establish a procedure for the filing of the notices, annual reports and certificates required by this subsection and shall prescribe the forms for the annual reports and certificates. Nothing contained in this article shall prohibit the sale of composted yard waste for horticultural or agricultural use, provided that any composted yard waste sold as a commercial fertilizer with claims of specific nutrient values, promoting plant growth, or of conditioning soil shall be sold in accordance with Chapter 36 (§ 3.2-3600 et seq.) of Title 3.2. As used in this subsection, "agricultural operation" shall have the same meaning ascribed to it in § 3.2-300.

The operation of a composting facility as provided in this subsection shall not relieve the owner or operator of such a facility from liability for any violation of this chapter.

L. The Board shall provide for reasonable exemptions from the permitting requirements, both procedural and substantive, in order to encourage the development of facilities for the decomposition of vegetative waste. To accomplish this, the Board shall approve an expedited approval process. As used in this subsection, the decomposition of vegetative waste means a natural aerobic or anaerobic process, active or passive, which results in the decay and chemical breakdown of the vegetative waste. Nothing in this subsection shall be construed to prohibit a city or county from exercising its existing authority to regulate such facilities by requiring, among other things, permits and proof of financial security.

M. In receiving and processing applications for permits required by this section, the Director shall assign top priority to applications which (i) agree to accept nonhazardous recycling residues and (ii) pledge to charge tipping fees for disposal of nonhazardous recycling residues which do not exceed those charged for nonhazardous municipal solid waste. Applications meeting these requirements shall be acted upon no later than six months after they are deemed complete.

N. Every solid waste management facility shall be operated in compliance with the regulations promulgated by the Board pursuant to this chapter. To the extent consistent with federal law, those facilities which were permitted prior to March 15, 1993, and upon which solid waste has been disposed of prior to October 9, 1993, may continue to receive solid waste until they have reached their vertical design capacity, provided that the facility is in compliance with the requirements for liners and leachate control in effect at the time of permit issuance, and further provided that on or before October 9, 1993, the owner or operator of the solid waste management facility submits to the Director:

1. An acknowledgement that the owner or operator is familiar with state and federal law and regulations pertaining to solid waste management facilities operating after October 9, 1993, including postclosure care, corrective action and financial responsibility requirements;

2. A statement signed by a registered professional engineer that he has reviewed the regulations established by the Department for solid waste management facilities, including the open dump criteria contained therein; that he has inspected the facility and examined the monitoring data compiled for the facility in accordance with applicable regulations; and that, on the basis of his inspection and review, he has concluded that: (i) the facility is not an open dump, (ii) the facility does not pose a substantial present or potential hazard to human health and the environment, and (iii) the leachate or residues from the facility do not pose a threat of contamination or pollution of the air, surface water or ground water in a manner constituting an open dump or resulting in a substantial present or potential hazard to human health or the environment; and

3. A statement signed by the owner or operator (i) that the facility complies with applicable financial assurance regulations and (ii) estimating when the facility will reach its vertical design capacity.

The facility may not be enlarged prematurely to avoid compliance with state or federal regulations when such enlargement is not consistent with past operating practices, the permit or modified operating practices to ensure good management.

Facilities which are authorized by this subsection to accept waste for disposal beyond the waste boundaries existing on October 9, 1993, shall be as follows:

Category 1: Nonhazardous industrial waste facilities that are located on property owned or controlled by the generator of the waste disposed of in the facility;

Category 2: Nonhazardous industrial waste facilities other than those that are located on property owned or controlled by the generator of the waste disposed of in the facility, provided that the facility accepts only industrial waste streams which the facility has lawfully accepted prior to July 1, 1995, or other nonhazardous industrial waste as approved by the Department on a case-by-case basis; and

Category 3: Facilities that accept only construction-demolition-debris waste as defined in the Board's regulations.

The Director may prohibit or restrict the disposal of waste in facilities described in this subsection which contains hazardous constituents as defined in applicable regulations which, in the opinion of the Director, would pose a substantial risk to health or the environment. Facilities described in category 3 may expand laterally beyond the waste disposal boundaries existing on October 9, 1993, provided that there is first installed, in such expanded areas, liners and leachate control systems meeting the applicable performance requirements of the Board's regulations, or a demonstration is made to the satisfaction of the Director that such facilities satisfy the applicable variance criteria in the Board's regulations.

Owners or operators of facilities which are authorized under this subsection to accept waste for disposal beyond the waste boundaries existing on October 9, 1993, shall ensure that such expanded disposal areas maintain setback distances applicable to such facilities under the Board's current regulations and local ordinances. Prior to the expansion of any facility described in category 2 or 3, the owner or operator shall provide the Director with written notice of the proposed expansion at least sixty days prior to commencement of construction. The notice shall include recent groundwater monitoring data sufficient to determine that the facility does not pose a threat of contamination of groundwater in a manner constituting an open dump or creating a substantial present or potential hazard to human health or the environment. The Director shall evaluate the data included with the notification and may advise the owner or operator of any additional requirements that may be necessary to ensure compliance with applicable laws and prevent a substantial present or potential hazard to health or the environment.

Facilities, or portions thereof, which have reached their vertical design capacity shall be closed in compliance with regulations promulgated by the Board.

Nothing in this subsection shall alter any requirement for groundwater monitoring, financial responsibility, operator certification, closure, postclosure care, operation, maintenance or corrective action imposed under state or federal law or regulation, or impair the powers of the Director pursuant to § 10.1-1409.

O. Portions of a permitted solid waste management facility used solely for the storage of household hazardous waste may store household hazardous waste for a period not to exceed one year, provided that such wastes are properly contained and are segregated to prevent mixing of incompatible wastes.

P. Any permit for a new municipal solid waste landfill, and any permit amendment authorizing expansion of an existing municipal solid waste landfill, shall incorporate conditions to require that capacity in the landfill will be available to localities within the Commonwealth that choose to contract for and reserve such capacity for disposal of such localities' solid waste in accordance with solid waste management plans developed by such localities pursuant to § 10.1-1411. This provision shall not apply to permit applications from one or more political subdivisions for new landfills or expanded landfills that will only accept municipal solid waste generated within the political subdivision or subdivisions' jurisdiction or municipal solid waste generated within other political subdivisions pursuant to an interjurisdictional agreement.

Q. No application for coverage under a permit-by-rule or for modification of coverage under a permit-by-rule shall be complete unless it contains certification from the governing body of the locality in which the facility is to be located that the facility is consistent with the solid waste management plan developed and approved in accordance with § 10.1-1411.

CHAPTER 622

An Act to amend and reenact § 62.1-44.15:21 of the Code of Virginia, relating to water protection permits; administrative withdrawal.

[H 1458]

Approved April 2, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 62.1-44.15:21 of the Code of Virginia is amended and reenacted as follows:

§ 62.1-44.15:21. Impacts to wetlands.

A. Permits shall address avoidance and minimization of wetland impacts to the maximum extent practicable. A permit shall be issued only if the Board finds that the effect of the impact, together with other existing or proposed impacts to wetlands, will not cause or contribute to a significant impairment of state waters or fish and wildlife resources.

B. Permits shall contain requirements for compensating impacts on wetlands. Such compensation requirements shall be sufficient to achieve no net loss of existing wetland acreage and functions and may be met through (i) wetland creation or restoration, (ii) purchase or use of mitigation bank credits pursuant to § 62.1-44.15:23, (iii) contribution to the Wetland and Stream Replacement Fund established pursuant to § 62.1-44.15:23.1 to provide compensation for impacts to wetlands, streams, or other state waters that occur in areas where neither mitigation bank credits nor credits from a Board-approved fund that have met the success criteria are available at the time of permit application, or (iv) contribution to a Board-approved fund dedicated to achieving no net loss of wetland acreage and functions. The Board shall evaluate the appropriate compensatory mitigation option on a case-by-case basis with consideration for which option is practicable and ecologically and environmentally preferable, including, in terms of replacement of acreage and functions, which option offers the greatest likelihood of success and avoidance of temporal loss of acreage and function. This evaluation shall be consistent with the U.S. Army Corps of Engineers Compensatory Mitigation for Losses of Aquatic Resources (33 C.F.R. Part 332). When utilized in conjunction with creation, restoration, or mitigation bank credits, compensation may incorporate (a) preservation or restoration of upland buffers adjacent to wetlands or other state waters or (b) preservation of wetlands.

C. The Board shall utilize the U.S. Army Corps of Engineers' "Wetlands Delineation Manual, Technical Report Y-87-1, January 1987, Final Report" as the approved method for delineating wetlands. The Board shall adopt appropriate guidance and regulations to ensure consistency with the U.S. Army Corps of Engineers' implementation of delineation practices. The Board shall also adopt guidance and regulations for review and approval of the geographic area of a delineated wetland. Any such approval of a delineation shall remain effective for a period of five years; however, if the Board issues a permit pursuant to this article for an activity in the delineated wetland within the five-year period, the approval shall remain effective for the term of the permit. Any delineation accepted by the U.S. Army Corps of Engineers as sufficient for its exercise of jurisdiction pursuant to § 404 of the Clean Water Act shall be determinative of the geographic area of that delineated wetland.

D. The Board shall develop general permits for such activities in wetlands as it deems appropriate. General permits shall include such terms and conditions as the Board deems necessary to protect state waters and fish and wildlife resources from significant impairment. The Board is authorized to waive the requirement for a general permit or deem an activity in compliance with a general permit when it determines that an isolated wetland is of minimal ecological value. The Board shall develop general permits for:

1. Activities causing wetland impacts of less than one-half of an acre;
2. Facilities and activities of utilities and public service companies regulated by the Federal Energy Regulatory Commission or State Corporation Commission, except for construction of any natural gas transmission pipeline that is greater than 36 inches inside diameter pursuant to a certificate of public convenience and necessity under § 7c of the federal Natural Gas Act (15 U.S.C. § 717f(c)). No Board action on an individual or general permit for such facilities shall alter the siting determination made through Federal Energy Regulatory Commission or State Corporation Commission approval. The Board and the State Corporation Commission shall develop a memorandum of agreement pursuant to §§ 56-46.1, 56-265.2, 56-265.2:1, and 56-580 to ensure that consultation on wetland impacts occurs prior to siting determinations;
3. Coal, natural gas, and coalbed methane gas mining activities authorized by the Department of Mines, Minerals and Energy, and sand mining;
4. Virginia Department of Transportation or other linear transportation projects; and
5. Activities governed by nationwide or regional permits approved by the Board and issued by the U.S. Army Corps of Engineers. Conditions contained in the general permits shall include, but not be limited to, filing with the Board any copies of preconstruction notification, postconstruction report, and certificate of compliance required by the U.S. Army Corps of Engineers.

E. Within 15 days of receipt of an individual permit application, the Board shall review the application for completeness and either accept the application or request additional specific information from the applicant. ~~Within~~

Provided the application is not administratively withdrawn, the Board shall, within 120 days of receipt of a complete application, the Board shall issue the permit, issue the permit with conditions, deny the permit, or decide to conduct a public meeting or hearing. If a public meeting or hearing is held, it shall be held within 60 days of the decision to conduct such a proceeding, and a final decision as to the permit shall be made within 90 days of completion of the public meeting or hearing. A permit application may be administratively withdrawn from processing by the Board if the application is incomplete or for failure by the applicant to provide the required information after 60 days from the date of the latest written information request made by the Board. Such administrative withdrawal shall occur after the Board has provided (i) notice to the applicant and (ii) an opportunity for an informal fact-finding proceeding pursuant to § 2.2-4019. An applicant may request a suspension of application review by the Board. A submission by the applicant making such a request shall not preclude the Board from administratively withdrawing an application. Resubmittal of a permit application for the same or similar project, after such time that the original permit application was administratively withdrawn, shall require submittal of an additional permit application fee and may be subject to additional notice requirements. In addition, for an individual permit application related to an application to the Federal Energy Regulatory Commission for a certificate of public convenience and necessity pursuant to § 7c of the federal Natural Gas Act (15 U.S.C. § 717f(c)) for construction of any natural gas transmission pipeline greater than 36 inches inside diameter, the Board shall complete its consideration within the one-year period established under 33 U.S.C. § 1341(a).

F. Within 15 days of receipt of a general permit *coverage* application, the Board shall review the application for completeness and either accept the application or request additional specific information from the applicant. ~~A determination that an application is complete shall not mean the Board will issue the permit but means only that the applicant has submitted sufficient information to process the application.~~ *Provided the application is not administratively withdrawn, the Board shall, within 45 days of receipt of a complete application, deny, approve, or approve with conditions any application for coverage under a general permit within 45 days of receipt of a complete preconstruction application. The application shall be deemed approved if the Board fails to act within 45 days. A permit coverage application may be administratively withdrawn from processing by the Board if the application is incomplete or for failure by the applicant to provide the required information after 60 days from the date of the latest written application request made by the Board. Such administrative withdrawal shall occur after the Board has provided (i) notice to the applicant and (ii) an opportunity for an informal fact-finding proceeding pursuant to § 2.2-4019. An applicant may request suspension of an application review by the Board. A submission by the applicant making such a request shall not preclude the Board from administratively withdrawing an application. Resubmittal of a permit coverage application for the same or similar project, after such time that the original permit application was administratively withdrawn, shall require submittal of an additional permit application fee and may be subject to additional notice requirements.*

G. No Virginia Water Protection Permit shall be required for impacts to wetlands caused by activities governed under Chapter 13 (§ 28.2-1300 et seq.) of Title 28.2 or normal agricultural activities or normal silvicultural activities. This section shall also not apply to normal residential gardening, lawn and landscape maintenance, or other similar activities that are incidental to an occupant's ongoing residential use of property and of minimal ecological impact. The Board shall develop criteria governing this exemption and shall specifically identify the activities meeting these criteria in its regulations.

H. No Virginia Water Protection Permit shall be required for impacts caused by the construction or maintenance of farm or stock ponds, but other permits may be required pursuant to state and federal law. For purposes of this exclusion, farm or stock ponds shall include all ponds and impoundments that do not fall under the authority of the Virginia Soil and Water Conservation Board pursuant to Article 2 (§ 10.1-604 et seq.) of Chapter 6 pursuant to normal agricultural or silvicultural activities.

I. No Virginia Water Protection Permit shall be required for wetland and open water impacts to a stormwater management facility that was created on dry land for the purpose of conveying, treating, or storing stormwater, but other permits may be required pursuant to local, state, or federal law. The Department shall adopt guidance to ensure that projects claiming this exemption create no more than minimal ecological impact.

J. An individual Virginia Water Protection Permit shall be required for impacts to state waters for the construction of any natural gas transmission pipeline greater than 36 inches inside diameter pursuant to a certificate of public convenience and necessity under § 7c of the federal Natural Gas Act (15 U.S.C. § 717f(c)). For purposes of this subsection:

1. Each wetland and stream crossing shall be considered as a single and complete project; however, only one individual Virginia Water Protection Permit addressing all such crossings shall be required for any such pipeline. Notwithstanding the requirement for only one such individual permit addressing all such crossings, individual review of each proposed water body crossing with an upstream drainage area of five square miles or greater shall be performed.

2. All pipelines shall be constructed in a manner that minimizes temporary and permanent impacts to state waters and protects water quality to the maximum extent practicable, including by the use of applicable best management practices that the Board determines to be necessary to protect water quality.

3. The Department shall assess an administrative charge to any applicant for such project to cover the direct costs of services rendered associated with its responsibilities pursuant to this subsection. This administrative charge shall be in addition to any fee assessed pursuant to § 62.1-44.15:6.

CHAPTER 623

An Act to amend and reenact §§ 58.1-812 and 58.1-817 of the Code of Virginia, relating to fee for open-space preservation.
[H 1623]

Approved April 2, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 58.1-812 and 58.1-817 of the Code of Virginia are amended and reenacted as follows:

§ 58.1-812. Payment prerequisite to recordation; exceptions; assessment and collection of tax; penalty for misrepresentation.

A. Except as otherwise provided in this chapter, no deed, deed of trust, contract or other instrument shall be admitted to record without the payment of the tax imposed thereon by law and the fee pursuant to § 58.1-817, as applicable. However, after payment of the tax imposed by this chapter, when an instrument is first offered for recordation, such instrument may thereafter be recorded in the office of any other clerk without the payment of any tax except any local recordation tax as provided in Article 1 (§ 58.1-3800 et seq.) of Chapter 38. Any instrument may also be recorded free of tax and fee in the office of the clerk where such instrument was originally recorded when the record containing such instrument has been destroyed.

B. The tax on every deed, deed of trust, contract or other instrument shall be determined and collected by the clerk in whose office the instrument is first offered for recordation. The clerk may ascertain the consideration of the deed or of the instrument, the actual value of the property conveyed, and the qualification of the deed or instrument for any exemption claimed by inquiry, affidavit, declaration or other extrinsic evidence acceptable to the clerk. The fee shall be ~~\$4~~ \$3 on every recorded deed, *deed of trust, contract, or other instrument* pursuant to § 58.1-817 and shall be collected by the clerk in whose office the deed is offered for recordation.

C. Any person who knowingly misrepresents the consideration for the interest in property conveyed by a deed or other instrument or any of the other information requested by the clerk of court pursuant to this section shall be guilty of a Class 1 misdemeanor. If an understatement of the consideration is false or fraudulent with intent to evade a tax, a penalty equal to 100 percent of the tax due on the understatement shall be added to the amount of the tax due, plus interest on the tax at a rate determined in accordance with § 58.1-15 from the time the tax was required by law to be filed until paid.

D. Except as otherwise specifically provided, nothing contained in this chapter shall limit the right of the parties to any deed, deed of trust, contract, lease, or other instrument to allocate responsibility for the payment of the recordation taxes and fees imposed under this chapter among themselves in any manner they determine. A clerk who in good faith collects such taxes and fees upon recordation of a deed, deed of trust, contract, lease, or other instrument in reliance upon information provided by the person submitting such deed, deed of trust, contract, lease, or other instrument for recordation shall have no personal liability for any deficiency in the amount of such taxes or fees collected that is later determined to be due and payable.

§ 58.1-817. Fee for open-space preservation.

In addition to all other taxes and fees imposed by this chapter, beginning July 1, ~~2004~~ 2020, there is hereby imposed a ~~\$4~~ \$3 fee on every deed, *deed of trust, contract, or other instrument* admitted to record in those jurisdictions in which open-space easements are held by the Virginia Outdoors Foundation. The fee shall be collected as provided in § 58.1-812 and the clerk shall deposit all fees collected hereunder into a special fund within the state treasury which shall be created on the books of the Comptroller for this revenue. On a monthly basis, the Comptroller shall distribute all revenue collected from such fee to the Virginia Outdoors Foundation, which shall accept, hold, and administer such funds in accordance with its purpose and powers as set forth in Chapter 18 (§ 10.1-1800 et seq.) of Title 10.1.

CHAPTER 624

An Act to direct the Department of Environmental Quality to convene a work group to develop recommendations on the issue of the disposal of construction fill and debris on rural lands.

[H 1639]

Approved April 2, 2020

Be it enacted by the General Assembly of Virginia:

1. § 1. *That the Department of Environmental Quality (DEQ) shall convene a work group to discuss the issue of the disposal of construction fill and debris on rural lands. The work group shall include representatives of DEQ, the Department of Forestry, the Department of Agriculture and Consumer Services, the Virginia Department of Transportation, nonprofit environmental organizations, the waste disposal industry, the trucking industry, the Virginia Chapter of the American Planning Association, the Virginia Farm Bureau Federation, the Virginia Agribusiness Council, the Virginia Association of Counties, the Home Builders Association of Virginia, the road construction industry, and the Virginia Association of Soil and Water Conservation Districts. The work group shall discuss (i) the need of road construction and development projects to dispose of dirt in a cost-effective manner; (ii) the practice of rural landowners charging a fee to allow the use of their lands as disposal sites; (iii) the extent of monitoring for possible contaminants or effects on groundwater when dirt and*

rubble is deposited on agricultural fields; (iv) the adequacy of existing state and local enforcement remedies against responsible land disturbers disposing of dirt in unauthorized or unapproved locations; and (v) the use of rural roads by dump trucks traveling to disposal sites and any effects of such travel, including road damage, traffic congestion, noise, and the loss of a portion of the dirt during transit in the form of dust or mud. The work group shall consider recommending (a) changes to guidance or regulations for agencies having the authority to regulate activities associated with the work group's work, including recommendations regarding a model ordinance for adoption by localities, and (b) statutory changes, including changes related to agricultural engineering operations and construction of terraces as those terms are used in the State Water Control Law (§ 62.1-44.2 et seq. of the Code of Virginia). The work group shall report its recommendations to the Director of DEQ, the State Forester, the Commissioner of the Department of Agriculture and Consumer Services, and the Commissioner of the Department of Transportation by December 1, 2020. The work group also may provide any recommendations to the Virginia Municipal League and the Virginia Association of Counties.

CHAPTER 625

An Act to amend the Code of Virginia by adding in Article 2.1 of Chapter 14 of Title 10.1 a section numbered 10.1-1413.3, relating to coal ash ponds; testing private wells and public water supply wells; resident notification.

[H 1641]

Approved April 2, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 2.1 of Chapter 14 of Title 10.1 a section numbered 10.1-1413.3 as follows:

§ 10.1-1413.3. Testing private wells and public water supply wells near coal ash ponds; resident notification.

A. For the purposes of this section:

"Coal ash pond" means any natural topographic depression, man-made excavation, or diked area that (i) is designed to hold an accumulation of coal combustion residuals and liquids; (ii) treats, stores, or disposes of coal combustion residuals; and (iii) is located in the Chesapeake Bay watershed at the Bremo Power Station in Fluvanna County, Chesapeake Energy Center in the City of Chesapeake, Chesterfield Power Station in Chesterfield County, or Possum Point Power Station in Prince William County.

"Utility" means the owner or operator of a coal ash pond.

B. No later than October 1, 2020, each utility shall submit to the Department a complete survey identifying all private wells and public water supply wells within 1.5 miles of any coal ash pond boundary. The utility shall use reasonable efforts to determine the locations of all such wells within 1.5 miles of the coal ash pond boundary and shall not rely solely on records maintained by the Virginia Department of Health or other public records. Such reasonable efforts shall include the distribution of notices that explain the purpose of the survey to each landowner. The utility shall distribute such notices through the United States mail to the owner of each parcel of land any part of which is located within 1.5 miles of a coal ash pond boundary and shall post a notice in at least one newspaper of general circulation in the locality.

CHAPTER 626

An Act to amend the Code of Virginia by adding a section numbered 62.1-195.3, relating to hydraulic fracturing; groundwater management area; prohibition.

[S 106]

Approved April 2, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 62.1-195.3 as follows:

§ 62.1-195.3. Hydraulic fracturing; groundwater management area.

No person shall conduct any hydraulic fracturing in any well that has been drilled through any portion of a groundwater management area declared by regulation prior to January 1, 2020, pursuant to the provisions of the Ground Water Management Act of 1992 (§ 62.1-254 et seq.). For purposes of this section, "hydraulic fracturing" means the treatment of a well by the application of hydraulic fracturing fluid, including a base fluid and any additive, under pressure for the express purpose of initiating or propagating fractures in a target geologic formation to enhance production of oil or natural gas.

CHAPTER 627

An Act to amend and reenact § 30-209 of the Code of Virginia, relating to the scheduled expiration of the Commission on Electric Utility Regulation.

[S 130]

Approved April 2, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 30-209 of the Code of Virginia is amended and reenacted as follows:

§ 30-209. Sunset.

This chapter shall expire on July 1, ~~2020~~ 2022.

CHAPTER 628

An Act to amend and reenact § 59.1-296 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 59.1-296.2:2, relating to Virginia Health Club Act; automated external defibrillators required in health clubs.

[S 394]

Approved April 2, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 59.1-296 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 59.1-296.2:2 as follows:

§ 59.1-296. Definitions.

As used in this chapter, *unless the context requires a different meaning:*

"Automated external defibrillator" means a device that combines a heart monitor and defibrillator and (i) has been approved by the U.S. Food and Drug Administration; (ii) is capable of recognizing the presence or absence of ventricular fibrillation or rapid ventricular tachycardia; (iii) is capable of determining, without intervention by an operator, whether defibrillation should be performed; and (iv) automatically charges and requests delivery of an electrical impulse to an individual's heart upon determining that defibrillation should be performed.

"Business day" means any day except a Sunday or a legal holiday.

"Buyer" means a natural person who enters into a health club contract.

"Commissioner" means the Commissioner of Agriculture and Consumer Services, or a member of his staff to whom he may delegate his duties under this chapter.

"Comparable alternate facility" means a health club facility that is reasonably of like kind, in nature and quality, to the health club facility originally contracted, whether such facility is in the same location but owned or operated by a different health club or is at another location of the same health club.

"Contract price" means the sum of the initiation fee, if any, and all monthly fees except interest required by the health club contract.

"Facility" means a location where health club services are offered as designated in a health club contract.

"Health club" means any person, firm, corporation, organization, club or association whose primary purpose is to engage in the sale of memberships in a program consisting primarily of physical exercise with exercise machines or devices, or whose primary purpose is to engage in the sale of the right or privilege to use exercise machines or devices. The term "health club" shall not include the following: (i) bona fide nonprofit organizations, including, but not limited to, the Young Men's Christian Association, Young Women's Christian Association, or similar organizations whose functions as health clubs are only incidental to their overall functions and purposes; (ii) any private club owned and operated by its members; (iii) any organization primarily operated for the purpose of teaching a particular form of self-defense such as judo or karate; (iv) any facility owned or operated by the United States; (v) any facility owned or operated by the Commonwealth of Virginia or any of its political subdivisions; (vi) any nonprofit public or private school or institution of higher education; (vii) any club providing tennis or swimming facilities located in a residential planned community or subdivision, developed in conjunction with the development of such community or subdivision, and deriving at least 80 percent of its membership from residents of such community or subdivision; and (viii) any facility owned and operated by a private employer exclusively for the benefit of its employees, retirees, and family members and which facility is only incidental to the overall functions and purposes of the employer's business and is operated on a nonprofit basis.

"Health club contract" means an agreement whereby the buyer of health club services purchases, or becomes obligated to purchase, health club services.

"Health club services" means and includes services, privileges, or rights offered for sale or provided by a health club.

"Initiation fee" means a nonrecurring fee charged at or near the beginning of a health club membership, and includes all fees or charges not part of the monthly fee.

"Monthly fee" means the total consideration, including but not limited to, equipment or locker rental, credit check, finance, medical and dietary evaluation, class and training fees, and all other similar fees or charges and interest, but excluding any initiation fee, to be paid by a buyer, divided by the total number of months of health club service use allowed

by the buyer's contract, including months or time periods called "free" or "bonus" months or time periods and such months or time periods that are described in any other terms suggesting that they are provided free of charge, which months or time periods are given or contemplated when the contract is initially executed.

"Out of business" means the status of a facility that is permanently closed and for which there is no comparable alternate facility.

"Prepayment" means payment of any consideration for services or the use of facilities made prior to the day on which the services or facilities of the health club are fully open and available for regular use by the members.

"Relocation" means the provision of health club services by the health club that entered into the membership contract at a location other than that designated in the member's contract.

§ 59.1-296.2:2. Automated external defibrillator required.

Each health club location shall have a working automated external defibrillator.

CHAPTER 629

An Act to amend and reenact §§ 10.1-408 and 10.1-410.2 of the Code of Virginia, relating to Clinch State Scenic River.

[S 478]

Approved April 2, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 10.1-408 and 10.1-410.2 of the Code of Virginia are amended and reenacted as follows:

§ 10.1-408. Uses not affected by scenic river designation.

A. Except as provided in § 10.1-407, all riparian land and water uses along or in the designated section of a river that are permitted by law shall not be restricted by this chapter.

B. Designation as a scenic river shall not be used:

1. To designate the lands along the river and its tributaries as unsuitable for mining pursuant to § 45.1-252 or regulations promulgated with respect to such section, or as unsuitable for use as a location for a surface mineral mine as defined in § 45.1-161.292:2; however, the Department shall still be permitted to exercise the powers granted under § 10.1-402; or

2. To be a criterion for purposes of imposing water quality standards under the federal Clean Water Act.

C. Nothing in this chapter shall preclude the federal government, the Commonwealth, or a locality or local governing body from using, constructing, reconstructing, replacing, repairing, operating, or performing necessary maintenance on any road or bridge.

D. Nothing in § 10.1-414 or 10.1-418.6 shall preclude the Commonwealth or a local governing body or authority from constructing, reconstructing, operating, or performing necessary maintenance on any transportation or public water supply project.

E. Nothing in this chapter shall preclude the continued:

1. Use, operation, and maintenance of the existing Loudoun County Sanitation Authority water impoundment or the installation of new water intake facilities in the existing reservoir located within the section of Goose Creek designated by § 10.1-411;

2. Operation and maintenance of existing dams in the section of the Rappahannock River designated by § 10.1-415; ~~or~~

3. Operation, maintenance, alteration, expansion, or destruction of the Embrey Dam or its appurtenances by the City of Fredericksburg, including the old VEPCO canal and the existing City Reservoir behind the Embrey Dam, or any other part of the City's waterworks; *or*

4. *Operation and maintenance of existing dams in the section of the Clinch River designated by § 10.1-410.2.*

F. The City of Richmond shall be allowed to reconstruct, operate, and maintain existing facilities at the Byrd Park and Hollywood Hydroelectric Power Stations at current capacity. Nothing in this chapter shall be construed to prevent the Commonwealth, the City of Richmond, or any common carrier railroad from constructing or reconstructing floodwalls or public common carrier facilities that may traverse the section of the James River designated by § 10.1-412, such as road or railroad bridges, raw water intake structures, or water or sewer lines that would be constructed below water level.

G. The owner of the Harvell Dam in the City of Petersburg may construct, reconstruct, operate, and maintain the Harvell Dam subject to other law and regulation.

H. Nothing in this chapter shall preclude ~~(i) the continued operation and maintenance of existing dams in the section of the Rappahannock River designated by § 10.1-415 or (ii) the Commonwealth, the City of Fredericksburg, or the County of Stafford, Spotsylvania, or Culpeper from constructing any new raw water intake structures or devices, including pipes and reservoirs but not dams, or laying water or sewer lines below water level.~~

I. Nothing in this chapter shall:

1. Preclude the construction, operation, repair, maintenance, or replacement of (i) a natural gas pipeline for which the State Corporation Commission has issued a certificate of public convenience and necessity or any connections with such pipeline owned by the Richmond Gas Utility and connected to such pipeline or (ii) the natural gas pipeline, case number PUE 860065, for which the State Corporation Commission has issued a certificate of public convenience and necessity; or

2. Be construed to prevent the construction, use, operation, and maintenance of a natural gas pipeline (i) traversing the portion of the river designated by § 10.1-411.1 at, or at any point north of, the existing power line that is located approximately 200 feet north of the northern entrance to the Swede Tunnel or (ii) on or beneath the two existing railroad trestles, one located just south of the Swede Tunnel and the other located just north of the confluence of the Guest River with the Clinch River, or to prevent the use, operation, and maintenance of such railroad trestles in furtherance of the construction, operation, use, and maintenance of such pipeline.

§ 10.1-410.2. Clinch State Scenic River.

The Clinch River in ~~Tazewell and Russell County Counties~~ from its confluence with ~~the Little River Indian Creek in Cedar Bluff to the Nash Ford Bridge at mile 279.5 Russell-Scott county line~~, a distance of approximately ~~20~~ 66.8 miles and including its tributary, Big Cedar Creek from ~~the confluence to river mile 5.8 near Lebanon to the confluence~~, is hereby designated as the Clinch State Scenic River, a component of the Virginia Scenic Rivers System.

CHAPTER 630

An Act to amend the Code of Virginia by adding a section numbered 3.2-6513.2, relating to rental or leasing of dog or cat prohibited; civil penalty.

[S 742]

Approved April 2, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 3.2-6513.2 as follows:

§ 3.2-6513.2. Rental or lease of dog or cat prohibited; civil penalty.

A. As used in this section, "covered person" means any pet shop, commercial dog breeder, pet dealer, firm, or other pet selling business.

B. The rental or leasing of a dog or cat to a Virginia consumer, including by a purported sale of the animal in such a manner as to vest less than full equity in the consumer at the time of the purported sale, is prohibited.

C. No covered person shall offer in Virginia an agreement for the transfer or sale of a dog or cat to the consumer in which the animal is subject to repossession in any manner upon default of the agreement by the consumer.

D. No financial institution, as defined in § 6.2-100, shall offer in Virginia a loan or financing agreement for the rental, lease, or sale of a dog or cat where the animal is subject to repossession upon default under the terms of the financing agreement.

E. Any violation of this section shall also constitute a prohibited practice under § 59.1-200 and shall be subject to the enforcement provisions of the Virginia Consumer Protection Act (§ 59.1-196 et seq.). In addition, any covered person that violates any provision of this section may have its business license, retail license, or local pet shop permit issued pursuant to § 3.2-6537 suspended or revoked after a hearing by the issuing authority. The court may also suspend or revoke the retail license of any business found to be in violation of this section.

F. The provisions of this section shall not apply to the temporary rental or lease of any of the following animals, so long as the animal is used in accordance with applicable federal, state, and local animal protection laws:

1. A purebred dog that is rented for the express purpose of breeding pursuant to a written lease that sets out a specific time period, contains a firm end date, and is recorded with a national purebred dog registry;

2. A dog or cat that is used in spectator events, shows, exhibitions, motion pictures, or other entertainment, including animal exhibitions, racing events, field trials, polo matches, rodeo events, or any audiovisual media; or

3. A service dog as defined in § 51.5-40.1, guide or leader dog as defined in § 3.2-6588, security dog, police or law-enforcement dog, military working dog, or certified facility dog as defined in § 18.2-67.9:1.

2. That the provisions of this act shall become effective on January 1, 2021.

CHAPTER 631

An Act to amend and reenact § 29.1-521 of the Code of Virginia, relating to big game hunting; guaranteed kills prohibited; penalty.

[S 774]

Approved April 2, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 29.1-521 of the Code of Virginia is amended and reenacted as follows:

§ 29.1-521. Unlawful to hunt, trap, possess, sell, or transport wild birds and wild animals except as permitted; exception; penalty.

A. The following shall be unlawful:

1. To hunt or kill any wild bird or wild animal, including any nuisance species, with a gun, firearm, or other weapon, or to hunt or kill any deer or bear with a gun, firearm, or other weapon with the aid or assistance of dogs, on Sunday. The provision of this subdivision that prohibits the hunting or killing of any wild bird or wild animal, including nuisance species,

on Sunday shall not apply to (i) any person who hunts or kills raccoons; (ii) any person who hunts or kills birds in the family Rallidae or waterfowl, subject to geographical limitations established by the Director and except within 200 yards of a place of worship or any accessory structure thereof; or (iii) any landowner or member of his family or any person with written permission from the landowner who hunts or kills any wild bird or wild animal, including any nuisance species, on the landowner's property, except within 200 yards of a place of worship or any accessory structure thereof. However, a person lawfully carrying a gun, firearm, or other weapon on Sunday in an area that could be used for hunting shall not be presumed to be hunting on Sunday, absent evidence to the contrary.

2. To destroy or molest the nest, eggs, dens, or young of any wild bird or wild animal, except nuisance species, at any time without a permit as required by law.

3. To hunt or attempt to kill or trap any species of wild bird or wild animal after having obtained the daily bag or season limit during such day or season. However, any properly licensed person, or a person exempt from having to obtain a license, who has obtained such daily bag or season limit while hunting may assist others who are hunting game by calling game, retrieving game, handling dogs, or conducting drives if the weapon in his possession is an unloaded firearm, a bow without a nocked arrow, an unloaded slingbow, an unloaded arrowgun, or an unloaded crossbow. Any properly licensed person, or person exempt from having to obtain a license, who has obtained such season limit prior to commencement of the hunt may assist others who are hunting game by calling game, retrieving game, handling dogs, or conducting drives, provided he does not have a firearm, bow, slingbow, arrowgun, or crossbow in his possession.

4. To knowingly occupy any baited blind or other baited place for the purpose of taking or attempting to take any wild bird or wild animal or to put out bait or salt for any wild bird or wild animal for the purpose of taking or killing it. There shall be a rebuttable presumption that a person charged with violating this subdivision knows that he is occupying a baited blind or other baited place for the purpose of taking or attempting to take any wild bird or wild animal. However, this shall not apply to baiting nuisance species of animals and birds, or to baiting traps for the purpose of taking fur-bearing animals that may be lawfully trapped.

5. To kill or capture any wild bird or wild animal adjacent to any area while a field or forest fire is in progress.

6. To shoot or attempt to take any wild bird or wild animal from an automobile or other vehicle, except (i) as provided in § 29.1-521.3 or (ii) for the killing of nuisance species as defined in § 29.1-100 on private property by the owner of such property or his designee from a stationary automobile or other stationary vehicle.

7. To set a trap of any kind on the lands or waters of another without attaching to the trap: (i) the name and address of the trapper; or (ii) an identification number issued by the Department.

8. To set a trap where it would be likely to injure persons, dogs, stock, or fowl.

9. To fail to visit all traps once each day and remove all animals caught, and immediately report to the landowner as to stock, dogs, or fowl that are caught and the date. However, the Director or his designee may authorize employees of federal, state, and local government agencies, and persons holding a valid Commercial Nuisance Animal Permit issued by the Department, to visit body-gripping traps that are completely submerged at least once every 72 hours, and the Board may adopt regulations permitting trappers to visit traps less frequently under specified conditions. The Board shall adopt regulations permitting trappers to use remote trap-checking technology to check traps under specified conditions.

10. To hunt, trap, take, capture, kill, attempt to take, capture, or kill, possess, deliver for transportation, transport, cause to be transported, by any means whatever, receive for transportation or export, or import, at any time or in any manner, any wild bird or wild animal or the carcass or any part thereof, except as specifically permitted by law and only by the manner or means and within the numbers stated. However, the provisions of this section shall not be construed to prohibit the (i) use or transportation of legally taken turkey carcasses, or portions thereof, for the purposes of making or selling turkey callers; (ii) the manufacture or sale of implements, including tools or utensils made from legally harvested deer skeletal parts, including antlers; (iii) the possession of shed antlers; or (iv) the possession, manufacture, or sale of other parts or implements authorized by regulations adopted by the Board.

11. To offer for sale, sell, offer to purchase, or purchase, at any time or in any manner, any wild bird or wild animal or the carcass or any part thereof, except as specifically permitted by law, including subsection D of § 29.1-553. However, any nonprofit organization exempt from taxation under § 501(c)(3) of the Internal Revenue Code that is (i) organized to provide wild game as food to the hungry and (ii) authorized by the Department to possess, transport, and distribute donated or unclaimed meat to the hungry may pay a processing fee in order to obtain such meat. Such fee shall not exceed the actual cost for processing the meat. In addition, any nonprofit organization exempt from taxation under § 501(c)(3) of the Internal Revenue Code that is (a) organized to support wildlife habitat conservation and (b) approved by the Department shall be allowed to offer wildlife mounts that have undergone the taxidermy process for sale in conjunction with fundraising activities. A violation of this subdivision shall be punishable as provided in § 29.1-553.

12. To offer for sale, sell, offer to purchase, or purchase a hunt guaranteeing the killing of a deer, bear, or wild turkey. Nothing in this subdivision shall prevent a landowner from leasing land for hunting. A violation of this subdivision shall be punishable as provided in § 29.1-553.

B. Notwithstanding any other provision of this article, any American Indian who produces verification that he is an enrolled member of a tribe recognized by the Commonwealth, another state, or the U.S. government, may possess, offer for sale, or sell to another American Indian, or offer to purchase or purchase from another American Indian, parts of legally obtained fur-bearing animals, nonmigratory game birds, and game animals, except bear. Such legally obtained parts shall include antlers, hooves, feathers, claws, and bones.

"Verification" as used in this section shall include (i) display of a valid tribal identification card, (ii) confirmation through a central tribal registry, (iii) a letter from a tribal chief or council, or (iv) certification from a tribal office that the person is an enrolled member of the tribe.

C. Notwithstanding any other provision of this chapter, the Department may authorize the use of snake exclusion devices by public utilities at their transmission or distribution facilities and the incidental taking of snakes resulting from the use of such devices.

D. A violation of subdivisions A 1 through 10 shall be punishable as a Class 3 misdemeanor.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation is \$0 for periods of imprisonment in state adult correctional facilities and cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

CHAPTER 632

An Act to amend the Code of Virginia by adding in Chapter 65 of Title 3.2 an article numbered 14, consisting of sections numbered 3.2-6594, 3.2-6595, and 3.2-6596, relating to dangerous captive animal exhibits; penalty.

[S 1030]

Approved April 2, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 65 of Title 3.2 an article numbered 14, consisting of sections numbered 3.2-6594, 3.2-6595, and 3.2-6596, as follows:

Article 14.

Dangerous Captive Animal Exhibits.

§ 3.2-6594. Definitions.

As used in this article:

"Dangerous captive animal" means any bear, cougar, jaguar, leopard, lion, nonhuman primate, or tiger, or any hybrid of any such animal. "Dangerous captive animal" does not include a clouded leopard.

"Direct contact" means physical contact or proximity where physical contact is possible, including an opportunity for photography without a permanent physical barrier designed to prevent physical contact between the public and a dangerous captive animal.

"Keeper" means any person, as defined in § 1-230, who owns, has custody of, or is in control of a dangerous captive animal.

§ 3.2-6595. Direct contact with dangerous captive animals prohibited.

It is unlawful for any keeper to provide or offer to provide to any member of the public, for free or for a cost, direct contact with a dangerous captive animal.

§ 3.2-6596. Violation; penalty.

Any person who violates any provision of this article is guilty of a Class 3 misdemeanor and is subject to a fine of not more than \$500.

2. That the provisions of this act shall become effective on July 1, 2021.

CHAPTER 633

An Act to amend and reenact § 58.1-3661 of the Code of Virginia, relating to classification of solar energy and recycling equipment.

[S 1039]

Approved April 2, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-3661 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-3661. Certified solar energy equipment, facilities, or devices and certified recycling equipment, facilities, or devices.

A. Certified solar energy equipment, facilities, or devices and certified recycling equipment, facilities, or devices, as defined herein, are hereby declared to be a separate class of property and shall constitute a classification for local taxation separate from other classifications of real or personal property. The governing body of any county, city or town may, by ordinance, exempt or partially exempt such property from local taxation in the manner provided by subsection D.

B. As used in this section:

"Certified recycling equipment, facilities, or devices" means machinery and equipment which is certified by the Department of Environmental Quality as integral to the recycling process and for use primarily for the purpose of abating or preventing pollution of the atmosphere or waters of the Commonwealth, and used in manufacturing facilities or plant units

which manufacture, process, compound, or produce for sale recyclable items of tangible personal property at fixed locations in the Commonwealth.

"Certified solar energy equipment, facilities, or devices" means any property, including real or personal property, equipment, facilities, or devices, excluding any portion of such property that is exempt under § 58.1-3660, certified by the local certifying authority to be designed and used primarily for the purpose of collecting, generating, transferring, or storing thermal or electric energy.

"Local certifying authority" means the local building departments or the Department of Environmental Quality. The State Board of Housing and Community Development shall promulgate regulations setting forth criteria for certifiable solar energy equipment. The Department of Environmental Quality shall promulgate regulations establishing criteria for recycling equipment, facilities, or devices.

C. Any person residing in a county, city or town which has adopted an ordinance pursuant to subsection A may proceed to have solar energy equipment, facilities, or devices certified as exempt, wholly or partially, from taxation by applying to the local building department. If, after examination of such equipment, facility, or device, the local building department determines that the unit primarily performs any of the functions set forth in subsection B and conforms to the requirements set by regulations of the Board of Housing and Community Development, such department shall approve and certify such application. The local department shall forthwith transmit to the local assessing officer those applications properly approved and certified by the local building department as meeting all requirements qualifying such equipment, facility, or device for exemption from taxation. Any person aggrieved by a decision of the local building department may appeal such decision to the local board of building code appeals, which may affirm or reverse such decision.

D. Upon receipt of the certificate from the local building department or the Department of Environmental Quality, the local assessing officer shall, if such local ordinance is in effect, proceed to determine the value of such qualifying solar energy equipment, facilities, or devices or certified recycling equipment, facilities, or devices. The exemption provided by this section shall be determined by applying the local tax rate to the value of such equipment, facilities, or devices and subtracting such amount, wholly or partially, either (i) from the total real property tax due on the real property to which such equipment, facilities, or devices are attached or (ii) if such equipment, facilities, or devices are taxable as machinery and tools under § 58.1-3507, from the total machinery and tools tax due on such equipment, facilities, or devices, at the election of the taxpayer. This exemption shall be effective beginning in the next succeeding tax year, and shall be permitted for a term of not less than five years; *however, if the taxpayer installs equipment, facilities, or devices and obtains certification for such equipment, facilities, or devices within one year of installation, the locality may provide by ordinance that the exemption shall be effective as of the date of installation, and if the taxpayer has paid any taxes on such equipment, facilities, or devices, the locality shall reimburse the taxpayer for any such taxes paid.* In the event the locality assesses real estate pursuant to § 58.1-3292, the exemption shall be first effective when such real estate is first assessed, but not prior to the date of such application for exemption.

E. It shall be presumed for purposes of the administration of ordinances pursuant to this section, and for no other purposes, that the value of such qualifying solar energy equipment, facilities, and devices is not less than the normal cost of purchasing and installing such equipment, facilities, and devices.

CHAPTER 634

An Act to direct compliance with regulations of certain combined sewer overflow outfalls; James River watershed.

[S 1064]

Approved April 2, 2020

Be it enacted by the General Assembly of Virginia:

1. § 1. *That the owner or operator of any combined sewer overflow (CSO) system east of Charlottesville that discharges into the James River watershed shall submit to the Department of Environmental Quality (the Department) the following:*

A. By July 1, 2021, an interim plan detailing all known actions the owner or operator can initiate by July 1, 2022, to address the requirements of any consent special order issued by the State Water Control Board (the Board) to the owner or operator regarding the CSO system; and

B. By July 1, 2024, a final plan updating the interim plan and detailing all actions the owner or operator will take to satisfy all requirements of any consent special order issued by the Board to the owner or operator regarding the CSO system.

Both the interim plan and the final plan shall be divided into discrete projects or phases that may be planned or constructed individually or in combination and shall include for each project or phase (i) an estimated timeline from the start of detailed planning to completion of construction, (ii) an estimated cost, (iii) the projected resultant water quality improvements, and (iv) proposed funding sources. The owner or operator, subject to Department approval, may substitute for any proposed action in either the interim or final plan an alternative action or actions to address the requirements of any consent special order issued by the Board to the owner or operator regarding the CSO system, provided that such alternative is at least as cost-effective as the original proposed action. The Department shall assist the owner or operator in developing both the interim plan and the final plan and in identifying available sources of funding and financing.

§ 2. *Any such owner or operator of a CSO system shall:*

A. By July 1, 2022, initiate construction and related activities pursuant to the interim plan required in subsection A of § 1;
 B. By July 1, 2025, initiate construction and related activities pursuant to the final plan required in subsection B of § 1;
 C. By July 1, 2027, complete construction and related activities pursuant to the interim plan required in subsection A of § 1;

D. By July 1, 2030, identify any additional action that is applicable to the owner or operator of a CSO system and is necessary to meet, by 2036, the requirements of the total maximum daily load (TMDL) for bacterial impairments of the James River and its tributaries in the Richmond area, as described in the implementation plan for such TMDL issued by the Department in 2011; and

E. By July 1, 2035, complete construction and related activities pursuant to the final plan required in subsection B of § 1.

§ 3. Any such owner or operator of a CSO system shall report annually to the Department on its progress pursuant to § 1 and § 2, with the first annual report due no later than December 1, 2020, and the final annual report due after completion of (i) the construction activities pursuant to the final plan required in subsection B of § 1 and (ii) additional actions identified in subsection D of § 2. The report, which may be included as part of any annual report required under a consent special order issued by the Department to the owner or operator regarding the CSO system, shall include information on the level and sources of funding and financing such owner or operator has applied to the CSO system in each of the past five fiscal years, as well an assessment of funding needs in future years with a request that appropriation amounts sufficient to carry out the purposes of this act be included in the budget bill. No later than January 1 of each year, the Department shall transmit, with any additional information the Director of the Department determines to be appropriate, the CSO system progress reports to the Chairmen of the Senate Committee on Finance and Appropriations, the Senate Committee on Agriculture, Conservation and Natural Resources, the House Committee on Appropriations, and the House Committee on Agriculture, Chesapeake and Natural Resources; the Virginia delegation to the Chesapeake Bay Commission; the Secretary of Natural Resources; and the Governor. The Department may recommend extending the deadlines in § 2 to allow adaptive management by the owner or operator due to a natural disaster or other act of God, or because of a lack of available funding and financing.

§ 4. The Governor shall take into account the reports required in § 3 during the preparation of the biennial budget bill and subsequent amendments thereto. The General Assembly may take such reports into account in enacting the general appropriation act and may evaluate the feasibility of the deadlines in § 2 on a biennial basis beginning in 2022 and modify such deadlines as necessary, taking into account any potential adverse effects on (i) the owner's or operator's bond rating; (ii) the utility rates, fees, or charges assessed by the owner or operator; (iii) any environmental justice community, or owner's or operator's customers living below the federal poverty level; or (iv) any other relevant aspect of the owner's or operator's operations. No sooner than July 1, 2025, and no more frequently than every two years thereafter, the owner or operator may petition the Board for, and the Board may grant, an extension to one or more of the deadlines in § 2 if the Board determines that (a) the General Assembly has not extended such deadline and (b) funding sufficient to meet such deadline has not been secured and the owner or operator has exhausted all reasonable options for securing such funding.

§ 5. Notwithstanding the provisions of § 1 or § 2, no such owner or operator of a CSO system shall be prohibited from seeking modifications to a consent special order with the concurrence of the Department and the Board if alternative actions for protecting water quality are determined to be more cost-effective.

CHAPTER 635

An Act to amend and reenact § 22.1-253.13:2 of the Code of Virginia, relating to school boards; support services positions; licensed behavior analysts and licensed assistant behavior analysts.

[H 1143]

Approved April 2, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-253.13:2 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-253.13:2. Standard 2. Instructional, administrative, and support personnel.

A. The Board shall establish requirements for the licensing of teachers, principals, superintendents, and other professional personnel.

B. School boards shall employ licensed instructional personnel qualified in the relevant subject areas.

C. Each school board shall assign licensed instructional personnel in a manner that produces divisionwide ratios of students in average daily membership to full-time equivalent teaching positions, excluding special education teachers, principals, assistant principals, school counselors, and librarians, that are not greater than the following ratios: (i) 24 to one in kindergarten with no class being larger than 29 students; if the average daily membership in any kindergarten class exceeds 24 pupils, a full-time teacher's aide shall be assigned to the class; (ii) 24 to one in grades one, two, and three with no class being larger than 30 students; (iii) 25 to one in grades four through six with no class being larger than 35 students; and (iv) 24 to one in English classes in grades six through 12. After September 30 of any school year, anytime the number of students in a class exceeds the class size limit established by this subsection, the local school division shall notify the parent of each student in such class of such fact no later than 10 days after the date on which the class exceeded the class size limit.

Such notification shall state the reason that the class size exceeds the class size limit and describe the measures that the local school division will take to reduce the class size to comply with this subsection.

Within its regulations governing special education programs, the Board shall seek to set pupil/teacher ratios for pupils with intellectual disability that do not exceed the pupil/teacher ratios for self-contained classes for pupils with specific learning disabilities.

Further, school boards shall assign instructional personnel in a manner that produces schoolwide ratios of students in average daily memberships to full-time equivalent teaching positions of 21 to one in middle schools and high schools. School divisions shall provide all middle and high school teachers with one planning period per day or the equivalent, unencumbered of any teaching or supervisory duties.

D. Each local school board shall employ with state and local basic, special education, gifted, and career and technical education funds a minimum number of licensed, full-time equivalent instructional personnel for each 1,000 students in average daily membership (ADM) as set forth in the appropriation act. Calculations of kindergarten positions shall be based on full-day kindergarten programs. Beginning with the March 31 report of average daily membership, those school divisions offering half-day kindergarten with pupil/teacher ratios that exceed 30 to one shall adjust their average daily membership for kindergarten to reflect 85 percent of the total kindergarten average daily memberships, as provided in the appropriation act.

E. In addition to the positions supported by basic aid and in support of regular school year programs of prevention, intervention, and remediation, state funding, pursuant to the appropriation act, shall be provided to fund certain full-time equivalent instructional positions for each 1,000 students in grades K through 12 who are identified as needing prevention, intervention, and remediation services. State funding for prevention, intervention, and remediation programs provided pursuant to this subsection and the appropriation act may be used to support programs for educationally at-risk students as identified by the local school boards.

To provide algebra readiness intervention services required by § 22.1-253.13:1, school divisions may employ mathematics teacher specialists to provide the required algebra readiness intervention services. School divisions using the Standards of Learning Algebra Readiness Initiative funding in this manner shall only employ instructional personnel licensed by the Board of Education.

F. In addition to the positions supported by basic aid and those in support of regular school year programs of prevention, intervention, and remediation, state funding, pursuant to the appropriation act, shall be provided to support 17 full-time equivalent instructional positions for each 1,000 students identified as having limited English proficiency, which positions may include dual language teachers who provide instruction in English and in a second language.

To provide flexibility in the instruction of English language learners who have limited English proficiency and who are at risk of not meeting state accountability standards, school divisions may use state and local funds from the Standards of Quality Prevention, Intervention, and Remediation account to employ additional English language learner teachers or dual language teachers to provide instruction to identified limited English proficiency students. Using these funds in this manner is intended to supplement the instructional services provided in this section. School divisions using the SOQ Prevention, Intervention, and Remediation funds in this manner shall employ only instructional personnel licensed by the Board of Education.

G. In addition to the full-time equivalent positions required elsewhere in this section, each local school board shall employ the following reading specialists in elementary schools, one full-time in each elementary school at the discretion of the local school board. One reading specialist employed by each local school board that employs a reading specialist shall have training in the identification of and the appropriate interventions, accommodations, and teaching techniques for students with dyslexia or a related disorder and shall serve as an advisor on dyslexia and related disorders. Such reading specialist shall have an understanding of the definition of dyslexia and a working knowledge of (i) techniques to help a student on the continuum of skills with dyslexia; (ii) dyslexia characteristics that may manifest at different ages and grade levels; (iii) the basic foundation of the keys to reading, including multisensory, explicit, systemic, and structured reading instruction; and (iv) appropriate interventions, accommodations, and assistive technology supports for students with dyslexia.

To provide reading intervention services required by § 22.1-253.13:1, school divisions may employ reading specialists to provide the required reading intervention services. School divisions using the Early Reading Intervention Initiative funds in this manner shall employ only instructional personnel licensed by the Board of Education.

H. Each local school board shall employ, at a minimum, the following full-time equivalent positions for any school that reports fall membership, according to the type of school and student enrollment:

1. Principals in elementary schools, one half-time to 299 students, one full-time at 300 students; principals in middle schools, one full-time, to be employed on a 12-month basis; principals in high schools, one full-time, to be employed on a 12-month basis;

2. Assistant principals in elementary schools, one half-time at 600 students, one full-time at 900 students; assistant principals in middle schools, one full-time for each 600 students; assistant principals in high schools, one full-time for each 600 students; and school divisions that employ a sufficient number of assistant principals to meet this staffing requirement may assign assistant principals to schools within the division according to the area of greatest need, regardless of whether such schools are elementary, middle, or secondary;

3. Librarians in elementary schools, one part-time to 299 students, one full-time at 300 students; librarians in middle schools, one-half time to 299 students, one full-time at 300 students, two full-time at 1,000 students; librarians in high schools, one half-time to 299 students, one full-time at 300 students, two full-time at 1,000 students. Local school divisions that employ a sufficient number of librarians to meet this staffing requirement may assign librarians to schools within the division according to the area of greatest need, regardless of whether such schools are elementary, middle, or secondary; and

4. School counselors:

a. Effective with the 2019-2020 school year, in elementary schools, one hour per day per 75 students, one full-time at 375 students, one hour per day additional time per 75 students or major fraction thereof; in middle schools, one period per 65 students, one full-time at 325 students, one additional period per 65 students or major fraction thereof; in high schools, one period per 60 students, one full-time at 300 students, one additional period per 60 students or major fraction thereof.

b. Local school divisions that employ a sufficient number of school counselors to meet the school counselor staffing requirements set forth in this subdivision may assign school counselors to schools within the division according to the area of greatest need, regardless of whether such schools are elementary, middle, or high schools.

I. Local school boards shall employ five full-time equivalent positions per 1,000 students in grades kindergarten through five to serve as elementary resource teachers in art, music, and physical education.

J. Local school boards shall employ two full-time equivalent positions per 1,000 students in grades kindergarten through 12, one to provide technology support and one to serve as an instructional technology resource teacher.

To provide flexibility, school divisions may use the state and local funds for instructional technology resource teachers to employ a data coordinator position, an instructional technology resource teacher position, or a data coordinator/instructional resource teacher blended position. The data coordinator position is intended to serve as a resource to principals and classroom teachers in the area of data analysis and interpretation for instructional and school improvement purposes, as well as for overall data management and administration of state assessments. School divisions using these funds in this manner shall employ only instructional personnel licensed by the Board of Education.

K. Local school boards may employ additional positions that exceed these minimal staffing requirements. These additional positions may include, but are not limited to, those funded through the state's incentive and categorical programs as set forth in the appropriation act.

L. A combined school, such as kindergarten through 12, shall meet at all grade levels the staffing requirements for the highest grade level in that school; this requirement shall apply to all staff, except for school counselors, and shall be based on the school's total enrollment; school counselor staff requirements shall, however, be based on the enrollment at the various school organization levels, i.e., elementary, middle, or high school. The Board of Education may grant waivers from these staffing levels upon request from local school boards seeking to implement experimental or innovative programs that are not consistent with these staffing levels.

M. School boards shall, however, annually, on or before December 31, report to the public (i) the actual pupil/teacher ratios in elementary school classrooms in the local school division by school for the current school year; and (ii) the actual pupil/teacher ratios in middle school and high school in the local school division by school for the current school year. Actual pupil/teacher ratios shall include only the teachers who teach the grade and class on a full-time basis and shall exclude resource personnel. School boards shall report pupil/teacher ratios that include resource teachers in the same annual report. Any classes funded through the voluntary kindergarten through third grade class size reduction program shall be identified as such classes. Any classes having waivers to exceed the requirements of this subsection shall also be identified. Schools shall be identified; however, the data shall be compiled in a manner to ensure the confidentiality of all teacher and pupil identities.

N. Students enrolled in a public school on a less than full-time basis shall be counted in ADM in the relevant school division. Students who are either (i) enrolled in a nonpublic school or (ii) receiving home instruction pursuant to § 22.1-254.1, and who are enrolled in public school on a less than full-time basis in any mathematics, science, English, history, social science, career and technical education, fine arts, foreign language, or health education or physical education course shall be counted in the ADM in the relevant school division on a pro rata basis as provided in the appropriation act. Each such course enrollment by such students shall be counted as 0.25 in the ADM; however, no such nonpublic or home school student shall be counted as more than one-half a student for purposes of such pro rata calculation. Such calculation shall not include enrollments of such students in any other public school courses.

O. Each local school board shall provide those support services that are necessary for the efficient and cost-effective operation and maintenance of its public schools.

For the purposes of this title, unless the context otherwise requires, "support services positions" shall include the following:

1. Executive policy and leadership positions, including school board members, superintendents and assistant superintendents;

2. Fiscal and human resources positions, including fiscal and audit operations;

3. Student support positions, including (i) social workers and social work administrative positions; (ii) school counselor administrative positions not included in subdivision H 4; (iii) homebound administrative positions supporting instruction; (iv) attendance support positions related to truancy and dropout prevention; and (v) health and behavioral positions, including *licensed behavior analysts*, *licensed assistant behavior analysts*, school nurses, and school psychologists;

4. Instructional personnel support, including professional development positions and library and media positions not included in subdivision H 3;

5. Technology professional positions not included in subsection J;

6. Operation and maintenance positions, including facilities; pupil transportation positions; operation and maintenance professional and service positions; and security service, trade, and laborer positions;

7. Technical and clerical positions for fiscal and human resources, student support, instructional personnel support, operation and maintenance, administration, and technology; and

8. School-based clerical personnel in elementary schools; part-time to 299 students, one full-time at 300 students; clerical personnel in middle schools; one full-time and one additional full-time for each 600 students beyond 200 students and one full-time for the library at 750 students; clerical personnel in high schools; one full-time and one additional full-time for each 600 students beyond 200 students and one full-time for the library at 750 students. Local school divisions that employ a sufficient number of school-based clerical personnel to meet this staffing requirement may assign the clerical personnel to schools within the division according to the area of greatest need, regardless of whether such schools are elementary, middle, or secondary.

Pursuant to the appropriation act, support services shall be funded from basic school aid.

School divisions may use the state and local funds for support services to provide additional instructional services.

P. Notwithstanding the provisions of this section, when determining the assignment of instructional and other licensed personnel in subsections C through J, a local school board shall not be required to include full-time students of approved virtual school programs.

CHAPTER 636

An Act to amend the Code of Virginia by adding a section numbered 23.1-610.1, relating to the establishment of the Veteran Student Transition Grant Fund and Program.

[H 1275]

Approved April 2, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 23.1-610.1 as follows:

§ 23.1-610.1. Veteran Student Transition Grant Fund and Program.

A. *There is hereby created in the state treasury a special nonreverting fund to be known as the Veteran Student Transition Grant Fund, referred to in this section as "the Fund." The Fund shall be established on the books of the Comptroller. All funds appropriated for such purpose and any gifts, donations, grants, bequests, and other funds received on its behalf shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purposes of providing grants through the Veteran Student Transition Grant Program established pursuant to subsection B. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the director of the Council.*

B. *The Council shall establish the Veteran Student Transition Grant Program (the Program) for the purpose of providing grants through the Veteran Student Transition Grant Fund established in subsection A on a competitive basis to a public institution of higher education, private institution of higher education eligible to participate in the Tuition Assistance Grant Program pursuant to § 23.1-628, or group of such institutions that proposes a new and innovative program or research project relating to improving the transition of veteran students from military to higher education or from higher education to the civilian workforce.*

C. *The Council shall administer the Program and shall establish such guidelines and procedures as it deems necessary for the administration of the Program, including guidelines and procedures for grant applications, awards, and renewals.*

CHAPTER 637

An Act to amend and reenact § 22.1-253.13:1 of the Code of Virginia, relating to school boards; career and technical education; academic and career plans; contents.

[H 1276]

Approved April 2, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-253.13:1 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-253.13:1. Standard 1. Instructional programs supporting the Standards of Learning and other educational objectives.

A. *The General Assembly and the Board of Education believe that the fundamental goal of the public schools of the Commonwealth must be to enable each student to develop the skills that are necessary for success in school, preparation for*

life, and reaching their full potential. The General Assembly and the Board of Education find that the quality of education is dependent upon the provision of (i) the appropriate working environment, benefits, and salaries necessary to ensure the availability of high-quality instructional personnel; (ii) the appropriate learning environment designed to promote student achievement; (iii) quality instruction that enables each student to become a productive and educated citizen of Virginia and the United States of America; and (iv) the adequate commitment of other resources. In keeping with this goal, the General Assembly shall provide for the support of public education as set forth in Article VIII, Section 1 of the Constitution of Virginia.

B. The Board of Education shall establish educational objectives known as the Standards of Learning, which shall form the core of Virginia's educational program, and other educational objectives, which together are designed to ensure the development of the skills that are necessary for success in school and for preparation for life in the years beyond. At a minimum, the Board shall establish Standards of Learning for English, mathematics, science, and history and social science. The Standards of Learning shall not be construed to be regulations as defined in § 2.2-4001.

The Board shall seek to ensure that the Standards of Learning are consistent with a high-quality foundation educational program. The Standards of Learning shall include, but not be limited to, the basic skills of communication (listening, speaking, reading, and writing); computation and critical reasoning, including problem solving and decision making; proficiency in the use of computers and related technology; computer science and computational thinking, including computer coding; and the skills to manage personal finances and to make sound financial decisions.

The English Standards of Learning for reading in kindergarten through grade three shall be based on components of effective reading instruction, to include, at a minimum, phonemic awareness, phonics, fluency, vocabulary development, and text comprehension.

The Standards of Learning in all subject areas shall be subject to regular review and revision to maintain rigor and to reflect a balance between content knowledge and the application of knowledge in preparation for eventual employment and lifelong learning. The Board of Education shall establish a regular schedule, in a manner it deems appropriate, for the review, and revision as may be necessary, of the Standards of Learning in all subject areas. Such review of each subject area shall occur at least once every seven years. Nothing in this section shall be construed to prohibit the Board from conducting such review and revision on a more frequent basis.

To provide appropriate opportunity for input from the general public, teachers, and local school boards, the Board of Education shall conduct public hearings prior to establishing revised Standards of Learning. Thirty days prior to conducting such hearings, the Board shall give notice of the date, time, and place of the hearings to all local school boards and any other persons requesting to be notified of the hearings and publish notice of its intention to revise the Standards of Learning in the Virginia Register of Regulations. Interested parties shall be given reasonable opportunity to be heard and present information prior to final adoption of any revisions of the Standards of Learning.

In addition, the Department of Education shall make available and maintain a website, either separately or through an existing website utilized by the Department of Education, enabling public elementary, middle, and high school educators to submit recommendations for improvements relating to the Standards of Learning, when under review by the Board according to its established schedule, and related assessments required by the Standards of Quality pursuant to this chapter. Such website shall facilitate the submission of recommendations by educators.

School boards shall implement the Standards of Learning or objectives specifically designed for their school divisions that are equivalent to or exceed the Board's requirements. Students shall be expected to achieve the educational objectives established by the school division at appropriate age or grade levels. The curriculum adopted by the local school division shall be aligned to the Standards of Learning.

The Board of Education shall include in the Standards of Learning for history and social science the study of contributions to society of diverse people. For the purposes of this subsection, "diverse" includes consideration of disability, ethnicity, race, and gender.

The Board of Education shall include in the Standards of Learning for health instruction in emergency first aid, cardiopulmonary resuscitation, and the use of an automated external defibrillator, including hands-on practice of the skills necessary to perform cardiopulmonary resuscitation. Such instruction shall be based on the current national evidence-based emergency cardiovascular care guidelines for cardiopulmonary resuscitation and the use of an automated external defibrillator, such as a program developed by the American Heart Association or the American Red Cross. No teacher who is in compliance with subdivision D 3 of § 22.1-298.1 shall be required to be certified as a trainer of cardiopulmonary resuscitation to provide instruction for non-certification.

With such funds as are made available for this purpose, the Board shall regularly review and revise the competencies for career and technical education programs to require the full integration of English, mathematics, science, and history and social science Standards of Learning. Career and technical education programs shall be aligned with industry and professional standard certifications, where they exist.

The Board shall establish content standards and curriculum guidelines for courses in career investigation in elementary school, middle school, and high school. Each school board shall (i) require each middle school student to take at least one course in career investigation or (ii) select an alternate means of delivering the career investigation course to each middle school student, provided that such alternative is equivalent in content and rigor and provides the foundation for such students to develop their academic and career plans. Any school board may require (a) such courses in career investigation at the high school level as it deems appropriate, subject to Board approval as required in subsection A of § 22.1-253.13:4,

and (b) such courses in career investigation at the elementary school level as it deems appropriate. The Board shall develop and disseminate to each school board career investigation resource materials that are designed to ensure that students have the ability to further explore interest in career and technical education opportunities in middle and high school. In developing such resource materials, the Board shall consult with representatives of career and technical education, industry, skilled trade associations, chambers of commerce or similar organizations, and contractor organizations.

C. Local school boards shall develop and implement a program of instruction for grades K through 12 that is aligned to the Standards of Learning and meets or exceeds the requirements of the Board of Education. The program of instruction shall emphasize reading, writing, speaking, mathematical concepts and computations, proficiency in the use of computers and related technology, computer science and computational thinking, including computer coding, and scientific concepts and processes; essential skills and concepts of citizenship, including knowledge of Virginia history and world and United States history, economics, government, foreign languages, international cultures, health and physical education, environmental issues, and geography necessary for responsible participation in American society and in the international community; fine arts, which may include, but need not be limited to, music and art, and practical arts; knowledge and skills needed to qualify for further education, gainful employment, or training in a career or technical field; and development of the ability to apply such skills and knowledge in preparation for eventual employment and lifelong learning and to achieve economic self-sufficiency.

Local school boards shall also develop and implement programs of prevention, intervention, or remediation for students who are educationally at risk including, but not limited to, those who fail to achieve a passing score on any Standards of Learning assessment in grades three through eight or who fail an end-of-course test required for the award of a verified unit of credit. Such programs shall include components that are research-based.

Any student who achieves a passing score on one or more, but not all, of the Standards of Learning assessments for the relevant grade level in grades three through eight may be required to attend a remediation program.

Any student who fails to achieve a passing score on all of the Standards of Learning assessments for the relevant grade level in grades three through eight or who fails an end-of-course test required for the award of a verified unit of credit shall be required to attend a remediation program or to participate in another form of remediation. Division superintendents shall require such students to take special programs of prevention, intervention, or remediation, which may include attendance in public summer school programs, in accordance with clause (ii) of subsection A of § 22.1-254 and § 22.1-254.01.

Remediation programs shall include, when applicable, a procedure for early identification of students who are at risk of failing the Standards of Learning assessments in grades three through eight or who fail an end-of-course test required for the award of a verified unit of credit. Such programs may also include summer school for all elementary and middle school grades and for all high school academic courses, as defined by regulations promulgated by the Board of Education, or other forms of remediation. Summer school remediation programs or other forms of remediation shall be chosen by the division superintendent to be appropriate to the academic needs of the student. Students who are required to attend such summer school programs or to participate in another form of remediation shall not be charged tuition by the school division.

The requirement for remediation may, however, be satisfied by the student's attendance in a program of prevention, intervention or remediation that has been selected by his parent, in consultation with the division superintendent or his designee, and is either (i) conducted by an accredited private school or (ii) a special program that has been determined to be comparable to the required public school remediation program by the division superintendent. The costs of such private school remediation program or other special remediation program shall be borne by the student's parent.

The Board of Education shall establish standards for full funding of summer remedial programs that shall include, but not be limited to, the minimum number of instructional hours or the equivalent thereof required for full funding and an assessment system designed to evaluate program effectiveness. Based on the number of students attending and the Commonwealth's share of the per pupil instructional costs, state funds shall be provided for the full cost of summer and other remediation programs as set forth in the appropriation act, provided such programs comply with such standards as shall be established by the Board, pursuant to § 22.1-199.2.

D. Local school boards shall also implement the following:

1. Programs in grades K through three that emphasize developmentally appropriate learning to enhance success.
2. Programs based on prevention, intervention, or remediation designed to increase the number of students who earn a high school diploma and to prevent students from dropping out of school. Such programs shall include components that are research-based.
3. Career and technical education programs incorporated into the K through 12 curricula that include:
 - a. Knowledge of careers and all types of employment opportunities, including, but not limited to, apprenticeships, entrepreneurship and small business ownership, the military, and the teaching profession, and emphasize the advantages of completing school with marketable skills;
 - b. Career exploration opportunities in the middle school grades;
 - c. Competency-based career and technical education programs that integrate academic outcomes, career guidance, and job-seeking skills for all secondary students. Programs shall be based upon labor market needs and student interest. Career guidance shall include counseling about available employment opportunities and placement services for students exiting school. Each school board shall develop and implement a plan to ensure compliance with the provisions of this subdivision. Such plan shall be developed with the input of area business and industry representatives and local comprehensive

community colleges and shall be submitted to the Superintendent of Public Instruction in accordance with the timelines established by federal law; ~~and~~

d. Annual notice on its website to enrolled high school students and their parents of (i) the availability of the postsecondary education and employment data published by the State Council of Higher Education on its website pursuant to § 23.1-204.1 and (ii) the opportunity for such students to obtain a nationally recognized career readiness certificate at a local public high school, comprehensive community college, or workforce center; *and*

e. As part of each student's academic and career plan, a list of (i) the top 100 professions in the Commonwealth by median pay and the education, training, and skills required for each such profession and (ii) the top 10 degree programs at institutions of higher education in the Commonwealth by median pay of program graduates. The Department of Education shall annually compile such lists and provide them to each local school board.

4. Educational objectives in middle and high school that emphasize economic education and financial literacy pursuant to § 22.1-200.03.

5. Early identification of students with disabilities and enrollment of such students in appropriate instructional programs consistent with state and federal law.

6. Early identification of gifted students and enrollment of such students in appropriately differentiated instructional programs.

7. Educational alternatives for students whose needs are not met in programs prescribed elsewhere in these standards. Such students shall be counted in average daily membership (ADM) in accordance with the regulations of the Board of Education.

8. Adult education programs for individuals functioning below the high school completion level. Such programs may be conducted by the school board as the primary agency or through a collaborative arrangement between the school board and other agencies.

9. A plan to make achievements for students who are educationally at risk a divisionwide priority that shall include procedures for measuring the progress of such students.

10. An agreement for postsecondary degree attainment with a comprehensive community college in the Commonwealth specifying the options for students to complete an associate degree or a one-year Uniform Certificate of General Studies from a comprehensive community college concurrent with a high school diploma. Such agreement shall specify the credit available for dual enrollment courses and Advanced Placement courses with qualifying exam scores of three or higher.

11. A plan to notify students and their parents of the availability of dual enrollment and advanced placement classes; career and technical education programs, including internships, externships, apprenticeships, credentialing programs, certification programs, licensure programs, and other work-based learning experiences; the International Baccalaureate Program and Academic Year Governor's School Programs; the qualifications for enrolling in such classes, programs, and experiences; and the availability of financial assistance to low-income and needy students to take the advanced placement and International Baccalaureate examinations. This plan shall include notification to students and parents of the agreement with a comprehensive community college in the Commonwealth to enable students to complete an associate degree or a one-year Uniform Certificate of General Studies concurrent with a high school diploma.

12. Identification of students with limited English proficiency and enrollment of such students in appropriate instructional programs, which programs may include dual language programs whereby such students receive instruction in English and in a second language.

13. Early identification, diagnosis, and assistance for students with reading and mathematics problems and provision of instructional strategies and reading and mathematics practices that benefit the development of reading and mathematics skills for all students.

Local school divisions shall provide reading intervention services to students in kindergarten through grade three who demonstrate deficiencies based on their individual performance on the Standards of Learning reading test or any reading diagnostic test that meets criteria established by the Department of Education. Local school divisions shall report the results of the diagnostic tests to the Department of Education on an annual basis, at a time to be determined by the Superintendent of Public Instruction. Each student who receives early intervention reading services will be assessed again at the end of that school year. The local school division, in its discretion, shall provide such reading intervention services prior to promoting a student from grade three to grade four. Reading intervention services may include the use of: special reading teachers; trained aides; volunteer tutors under the supervision of a certified teacher; computer-based reading tutorial programs; aides to instruct in-class groups while the teacher provides direct instruction to the students who need extra assistance; and extended instructional time in the school day or school year for these students. Funds appropriated for prevention, intervention, and remediation; summer school remediation; at-risk; or early intervention reading may be used to meet the requirements of this subdivision.

Local school divisions shall provide algebra readiness intervention services to students in grades six through nine who are at risk of failing the Algebra I end-of-course test, as demonstrated by their individual performance on any diagnostic test that has been approved by the Department of Education. Local school divisions shall report the results of the diagnostic tests to the Department of Education on an annual basis, at a time to be determined by the Superintendent of Public Instruction. Each student who receives algebra readiness intervention services will be assessed again at the end of that school year.

Funds appropriated for prevention, intervention, and remediation; summer school remediation; at-risk; or algebra readiness intervention services may be used to meet the requirements of this subdivision.

14. Incorporation of art, music, and physical education as a part of the instructional program at the elementary school level.

15. A program of physical activity available to all students in grades kindergarten through five consisting of at least 20 minutes per day or an average of 100 minutes per week during the regular school year and available to all students in grades six through 12 with a goal of at least 150 minutes per week on average during the regular school year. Such program may include any combination of (i) physical education classes, (ii) extracurricular athletics, (iii) recess, or (iv) other programs and physical activities deemed appropriate by the local school board. Each local school board shall implement such program during the regular school year.

16. A program of student services for kindergarten through grade 12 that shall be designed to aid students in their educational, social, and career development.

17. The collection and analysis of data and the use of the results to evaluate and make decisions about the instructional program.

18. A program of instruction in the high school Virginia and U.S. Government course on all information and concepts contained in the civics portion of the U.S. Naturalization Test.

E. From such funds as may be appropriated or otherwise received for such purpose, there shall be established within the Department of Education a unit to (i) conduct evaluative studies; (ii) provide the resources and technical assistance to increase the capacity for school divisions to deliver quality instruction; and (iii) assist school divisions in implementing those programs and practices that will enhance pupil academic performance and improve family and community involvement in the public schools. Such unit shall identify and analyze effective instructional programs and practices and professional development initiatives; evaluate the success of programs encouraging parental and family involvement; assess changes in student outcomes prompted by family involvement; and collect and disseminate among school divisions information regarding effective instructional programs and practices, initiatives promoting family and community involvement, and potential funding and support sources. Such unit may also provide resources supporting professional development for administrators and teachers. In providing such information, resources, and other services to school divisions, the unit shall give priority to those divisions demonstrating a less than 70 percent passing rate on the Standards of Learning assessments.

F. Each local school board may enter into agreements for postsecondary course credit, credential, certification, or license attainment, hereinafter referred to as College and Career Access Pathways Partnerships (Partnerships), with comprehensive community colleges or other public institutions of higher education or educational institutions established pursuant to Title 23.1 that offer a career and technical education curriculum. Such Partnerships shall (i) specify the options for students to take courses as part of the career and technical education curriculum that lead to course credit or an industry-recognized credential, certification, or license concurrent with a high school diploma; (ii) specify the credit, credentials, certifications, or licenses available for such courses; and (iii) specify available options for students to participate in pre-apprenticeship and apprenticeship programs at comprehensive community colleges concurrent with the pursuit of a high school diploma and receive college credit and high school credit for successful completion of any such program.

CHAPTER 638

An Act to amend and reenact § 9.1-102 of the Code of Virginia, relating to school resource officers and school security officers; training standards.

[H 1419]

Approved April 2, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 9.1-102 of the Code of Virginia is amended and reenacted as follows:

§ 9.1-102. Powers and duties of the Board and the Department.

The Department, under the direction of the Board, which shall be the policy-making body for carrying out the duties and powers hereunder, shall have the power and duty to:

1. Adopt regulations, pursuant to the Administrative Process Act (§ 2.2-4000 et seq.), for the administration of this chapter including the authority to require the submission of reports and information by law-enforcement officers within the Commonwealth. Any proposed regulations concerning the privacy, confidentiality, and security of criminal justice information shall be submitted for review and comment to any board, commission, or committee or other body which may be established by the General Assembly to regulate the privacy, confidentiality, and security of information collected and maintained by the Commonwealth or any political subdivision thereof;

2. Establish compulsory minimum training standards subsequent to employment as a law-enforcement officer in (i) permanent positions, and (ii) temporary or probationary status, and establish the time required for completion of such training;

3. Establish minimum training standards and qualifications for certification and recertification for law-enforcement officers serving as field training officers;

4. Establish compulsory minimum curriculum requirements for in-service and advanced courses and programs for schools, whether located in or outside the Commonwealth, which are operated for the specific purpose of training law-enforcement officers;
5. Establish (i) compulsory minimum training standards for law-enforcement officers who utilize radar or an electrical or microcomputer device to measure the speed of motor vehicles as provided in § 46.2-882 and establish the time required for completion of the training and (ii) compulsory minimum qualifications for certification and recertification of instructors who provide such training;
6. [Repealed];
7. Establish compulsory minimum entry-level, in-service and advanced training standards for those persons designated to provide courthouse and courtroom security pursuant to the provisions of § 53.1-120, and to establish the time required for completion of such training;
8. Establish compulsory minimum entry-level, in-service and advanced training standards for deputy sheriffs designated to serve process pursuant to the provisions of § 8.01-293, and establish the time required for the completion of such training;
9. Establish compulsory minimum entry-level, in-service, and advanced training standards, as well as the time required for completion of such training, for persons employed as deputy sheriffs and jail officers by local criminal justice agencies and correctional officers employed by the Department of Corrections under the provisions of Title 53.1;
10. Establish compulsory minimum training standards for all dispatchers employed by or in any local or state government agency, whose duties include the dispatching of law-enforcement personnel. Such training standards shall apply only to dispatchers hired on or after July 1, 1988;
11. Establish compulsory minimum training standards for all auxiliary police officers employed by or in any local or state government agency. Such training shall be graduated and based on the type of duties to be performed by the auxiliary police officers. Such training standards shall not apply to auxiliary police officers exempt pursuant to § 15.2-1731;
12. Consult and cooperate with counties, municipalities, agencies of the Commonwealth, other state and federal governmental agencies, and institutions of higher education within or outside the Commonwealth, concerning the development of police training schools and programs or courses of instruction;
13. Approve institutions, curricula and facilities, whether located in or outside the Commonwealth, for school operation for the specific purpose of training law-enforcement officers; but this shall not prevent the holding of any such school whether approved or not;
14. Establish and maintain police training programs through such agencies and institutions as the Board deems appropriate;
15. Establish compulsory minimum qualifications of certification and recertification for instructors in criminal justice training schools approved by the Department;
16. Conduct and stimulate research by public and private agencies which shall be designed to improve police administration and law enforcement;
17. Make recommendations concerning any matter within its purview pursuant to this chapter;
18. Coordinate its activities with those of any interstate system for the exchange of criminal history record information, nominate one or more of its members to serve upon the council or committee of any such system, and participate when and as deemed appropriate in any such system's activities and programs;
19. Conduct inquiries and investigations it deems appropriate to carry out its functions under this chapter and, in conducting such inquiries and investigations, may require any criminal justice agency to submit information, reports, and statistical data with respect to its policy and operation of information systems or with respect to its collection, storage, dissemination, and usage of criminal history record information and correctional status information, and such criminal justice agencies shall submit such information, reports, and data as are reasonably required;
20. Conduct audits as required by § 9.1-131;
21. Conduct a continuing study and review of questions of individual privacy and confidentiality of criminal history record information and correctional status information;
22. Advise criminal justice agencies and initiate educational programs for such agencies with respect to matters of privacy, confidentiality, and security as they pertain to criminal history record information and correctional status information;
23. Maintain a liaison with any board, commission, committee, or other body which may be established by law, executive order, or resolution to regulate the privacy and security of information collected by the Commonwealth or any political subdivision thereof;
24. Adopt regulations establishing guidelines and standards for the collection, storage, and dissemination of criminal history record information and correctional status information, and the privacy, confidentiality, and security thereof necessary to implement state and federal statutes, regulations, and court orders;
25. Operate a statewide criminal justice research center, which shall maintain an integrated criminal justice information system, produce reports, provide technical assistance to state and local criminal justice data system users, and provide analysis and interpretation of criminal justice statistical information;
26. Develop a comprehensive, statewide, long-range plan for strengthening and improving law enforcement and the administration of criminal justice throughout the Commonwealth, and periodically update that plan;

27. Cooperate with, and advise and assist, all agencies, departments, boards and institutions of the Commonwealth, and units of general local government, or combinations thereof, including planning district commissions, in planning, developing, and administering programs, projects, comprehensive plans, and other activities for improving law enforcement and the administration of criminal justice throughout the Commonwealth, including allocating and subgranting funds for these purposes;

28. Define, develop, organize, encourage, conduct, coordinate, and administer programs, projects and activities for the Commonwealth and units of general local government, or combinations thereof, in the Commonwealth, designed to strengthen and improve law enforcement and the administration of criminal justice at every level throughout the Commonwealth;

29. Review and evaluate programs, projects, and activities, and recommend, where necessary, revisions or alterations to such programs, projects, and activities for the purpose of improving law enforcement and the administration of criminal justice;

30. Coordinate the activities and projects of the state departments, agencies, and boards of the Commonwealth and of the units of general local government, or combination thereof, including planning district commissions, relating to the preparation, adoption, administration, and implementation of comprehensive plans to strengthen and improve law enforcement and the administration of criminal justice;

31. Do all things necessary on behalf of the Commonwealth and its units of general local government, to determine and secure benefits available under the Omnibus Crime Control and Safe Streets Act of 1968 (P.L. 90-351, 82 Stat. 197), as amended, and under any other federal acts and programs for strengthening and improving law enforcement, the administration of criminal justice, and delinquency prevention and control;

32. Receive, administer, and expend all funds and other assistance available to the Board and the Department for carrying out the purposes of this chapter and the Omnibus Crime Control and Safe Streets Act of 1968, as amended;

33. Apply for and accept grants from the United States government or any other source in carrying out the purposes of this chapter and accept any and all donations both real and personal, and grants of money from any governmental unit or public agency, or from any institution, person, firm or corporation, and may receive, utilize and dispose of the same. Any arrangements pursuant to this section shall be detailed in the annual report of the Board. Such report shall include the identity of the donor, the nature of the transaction, and the conditions, if any. Any moneys received pursuant to this section shall be deposited in the state treasury to the account of the Department. To these ends, the Board shall have the power to comply with conditions and execute such agreements as may be necessary;

34. Make and enter into all contracts and agreements necessary or incidental to the performance of its duties and execution of its powers under this chapter, including but not limited to, contracts with the United States, units of general local government or combinations thereof, in Virginia or other states, and with agencies and departments of the Commonwealth;

35. Adopt and administer reasonable regulations for the planning and implementation of programs and activities and for the allocation, expenditure and subgranting of funds available to the Commonwealth and to units of general local government, and for carrying out the purposes of this chapter and the powers and duties set forth herein;

36. Certify and decertify law-enforcement officers in accordance with §§ 15.2-1706 and 15.2-1707;

37. Establish training standards and publish and periodically update model policies for law-enforcement personnel in the following subjects:

a. The handling of family abuse, domestic violence, sexual assault, and stalking cases, including standards for determining the predominant physical aggressor in accordance with § 19.2-81.3. The Department shall provide technical support and assistance to law-enforcement agencies in carrying out the requirements set forth in subsection A of § 9.1-1301;

b. Communication with and facilitation of the safe return of individuals diagnosed with Alzheimer's disease;

c. Sensitivity to and awareness of cultural diversity and the potential for biased policing;

d. Protocols for local and regional sexual assault response teams;

e. Communication of death notifications;

f. The questioning of individuals suspected of driving while intoxicated concerning the physical location of such individual's last consumption of an alcoholic beverage and the communication of such information to the Virginia Alcoholic Beverage Control Authority;

g. Vehicle patrol duties that embody current best practices for pursuits and for responding to emergency calls;

h. Criminal investigations that embody current best practices for conducting photographic and live lineups;

i. Sensitivity to and awareness of human trafficking offenses and the identification of victims of human trafficking offenses for personnel involved in criminal investigations or assigned to vehicle or street patrol duties; and

j. Missing children, missing adults, and search and rescue protocol;

38. Establish compulsory training standards for basic training and the recertification of law-enforcement officers to ensure sensitivity to and awareness of cultural diversity and the potential for biased policing;

39. Review and evaluate community-policing programs in the Commonwealth, and recommend where necessary statewide operating procedures, guidelines, and standards which strengthen and improve such programs, including sensitivity to and awareness of cultural diversity and the potential for biased policing;

40. Establish a Virginia Law-Enforcement Accreditation Center. The Center may, in cooperation with Virginia law-enforcement agencies, provide technical assistance and administrative support, including staffing, for the establishment

of voluntary state law-enforcement accreditation standards. The Center may provide accreditation assistance and training, resource material, and research into methods and procedures that will assist the Virginia law-enforcement community efforts to obtain Virginia accreditation status;

41. Promote community policing philosophy and practice throughout the Commonwealth by providing community policing training and technical assistance statewide to all law-enforcement agencies, community groups, public and private organizations and citizens; developing and distributing innovative policing curricula and training tools on general community policing philosophy and practice and contemporary critical issues facing Virginia communities; serving as a consultant to Virginia organizations with specific community policing needs; facilitating continued development and implementation of community policing programs statewide through discussion forums for community policing leaders, development of law-enforcement instructors; promoting a statewide community policing initiative; and serving as a statewide information source on the subject of community policing including, but not limited to periodic newsletters, a website and an accessible lending library;

42. Establish, in consultation with the Department of Education and the Virginia State Crime Commission, compulsory minimum standards for employment and job-entry and in-service training curricula and certification requirements for school security officers, including school security officers described in clause (b) of § 22.1-280.2:1, which training and certification shall be administered by the Virginia Center for School and Campus Safety (VCSCS) pursuant to § 9.1-184. Such training standards shall ~~include, but shall not be limited to;~~ *be specific to the role and responsibility of school security officers; and shall include (i) relevant state and federal laws; (ii) school and personal liability issues; (iii) security awareness in the school environment; (iv) mediation and conflict resolution; including de-escalation techniques such as a physical alternative to restraint; (v) disaster and emergency response; (vi) awareness of cultural diversity and implicit bias; (vii) working with students with disabilities, mental health needs, substance abuse disorders, and past traumatic experiences; and (viii) student behavioral dynamics, including child and adolescent development and brain research.* The Department shall establish an advisory committee consisting of local school board representatives, principals, superintendents, and school security personnel to assist in the development of the standards and certification requirements in this subdivision. The Department shall require any school security officer who carries a firearm in the performance of his duties to provide proof that he has completed a training course provided by a federal, state, or local law-enforcement agency that includes training in active shooter emergency response, emergency evacuation procedure, and threat assessment;

43. License and regulate property bail bondsmen and surety bail bondsmen in accordance with Article 11 (§ 9.1-185 et seq.);

44. License and regulate bail enforcement agents in accordance with Article 12 (§ 9.1-186 et seq.);

45. In conjunction with the Virginia State Police and the State Compensation Board, advise criminal justice agencies regarding the investigation, registration, and dissemination of information requirements as they pertain to the Sex Offender and Crimes Against Minors Registry Act (§ 9.1-900 et seq.);

46. Establish minimum standards for (i) employment, (ii) job-entry and in-service training curricula, and (iii) certification requirements for campus security officers. Such training standards shall include, but not be limited to, the role and responsibility of campus security officers, relevant state and federal laws, school and personal liability issues, security awareness in the campus environment, and disaster and emergency response. The Department shall provide technical support and assistance to campus police departments and campus security departments on the establishment and implementation of policies and procedures, including but not limited to: the management of such departments, investigatory procedures, judicial referrals, the establishment and management of databases for campus safety and security information sharing, and development of uniform record keeping for disciplinary records and statistics, such as campus crime logs, judicial referrals and Clery Act statistics. The Department shall establish an advisory committee consisting of college administrators, college police chiefs, college security department chiefs, and local law-enforcement officials to assist in the development of the standards and certification requirements and training pursuant to this subdivision;

47. Assess and report, in accordance with § 9.1-190, the crisis intervention team programs established pursuant to § 9.1-187;

48. In conjunction with the Office of the Attorney General, advise law-enforcement agencies and attorneys for the Commonwealth regarding the identification, investigation, and prosecution of human trafficking offenses using the common law and existing criminal statutes in the Code of Virginia;

49. Register tow truck drivers in accordance with § 46.2-116 and carry out the provisions of § 46.2-117;

50. Administer the activities of the Virginia Sexual and Domestic Violence Program Professional Standards Committee by providing technical assistance and administrative support, including staffing, for the Committee;

51. In accordance with § 9.1-102.1, design and approve the issuance of photo-identification cards to private security services registrants registered pursuant to Article 4 (§ 9.1-138 et seq.);

52. In consultation with the State Council of Higher Education for Virginia and the Virginia Association of Campus Law Enforcement Administrators, develop multidisciplinary curricula on trauma-informed sexual assault investigation;

53. In consultation with the Department of Behavioral Health and Developmental Services, develop a model addiction recovery program that may be administered by sheriffs, deputy sheriffs, jail officers, administrators, or superintendents in any local or regional jail. Such program shall be based on any existing addiction recovery programs that are being administered by any local or regional jails in the Commonwealth. Participation in the model addiction recovery program

shall be voluntary, and such program may address aspects of the recovery process, including medical and clinical recovery, peer-to-peer support, availability of mental health resources, family dynamics, and aftercare aspects of the recovery process;

54. Establish compulsory minimum training standards for certification and recertification of law-enforcement officers serving as school resource officers. Such training shall be specific to the role and responsibility of a law-enforcement officer working with students in a school environment *and shall include (i) relevant state and federal laws; (ii) school and personal liability issues; (iii) security awareness in the school environment; (iv) mediation and conflict resolution, including de-escalation techniques; (v) disaster and emergency response; (vi) awareness of cultural diversity and implicit bias; (vii) working with students with disabilities, mental health needs, substance abuse disorders, or past traumatic experiences; and (viii) student behavioral dynamics, including current child and adolescent development and brain research;* and

55. Perform such other acts as may be necessary or convenient for the effective performance of its duties.

CHAPTER 639

An Act to amend and reenact § 22.1-299 of the Code of Virginia, relating to teachers employed in certain private schools; provisional licenses; extension.

[H 1469]

Approved April 2, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-299 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-299. License required of teachers; provisional licenses; exceptions.

A. No teacher shall be regularly employed by a school board or paid from public funds unless such teacher holds a license or provisional license issued by the Board.

B. Notwithstanding the provision in § 22.1-298.1 that the provisional license is limited to three years, the following exceptions shall apply:

1. If a teacher employed in the Commonwealth under a provisional license is activated or deployed for military service within a school year (July 1-June 30), an additional year shall be added to the teacher's provisional license for each school year or portion thereof during which the teacher is activated or deployed. The additional year shall be granted the year following the return of the teacher from deployment or activation.

2. The Board shall extend for at least one additional year, but for no more than two additional years, the three-year provisional license of a teacher upon receiving from the division superintendent (i) a recommendation for such extension and (ii) satisfactory performance evaluations for such teacher for each year of the original three-year provisional license.

3. *The Board shall extend for at least one additional year, but for no more than two additional years, the three-year provisional license of a teacher employed in an accredited private elementary or secondary school or a school for students with disabilities that is licensed pursuant to Chapter 16 (§ 22.1-319 et seq.) upon receiving from the school administrator of such school (i) a recommendation for such extension and (ii) satisfactory performance evaluations for such teacher for each year of the original three-year provisional license.*

C. In accordance with regulations prescribed by the Board, a person not meeting the requirements for a license or provisional license may be employed and paid from public funds by a school board temporarily as a substitute teacher to meet an emergency.

CHAPTER 640

An Act to amend and reenact § 22.1-298.1 of the Code of Virginia, relating to public schools; provisional teacher licensure; certain individuals.

[H 1630]

Approved April 2, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-298.1 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-298.1. Regulations governing licensure.

A. As used in this section:

"Alternate route to licensure" means a nontraditional route to teacher licensure available to individuals who meet the criteria specified in the guidelines developed pursuant to subsection N or regulations issued by the Board of Education.

"Industry certification credential" means an active career and technical education credential that is earned by successfully completing a Board of Education-approved industry certification examination, being issued a professional license in the Commonwealth, or successfully completing an occupational competency examination.

"Licensure by reciprocity" means a process used to issue a license to an individual coming into the Commonwealth from another state when that individual meets certain conditions specified in the Board of Education's regulations.

"Professional teacher's assessment" means those tests mandated for licensure as prescribed by the Board of Education.

"Provisional license" means a nonrenewable license issued by the Board of Education for a specified period of time, not to exceed three years, to an individual who may be employed by a school division in the Commonwealth and who generally meets the requirements specified in the Board of Education's regulations for licensure, but who may need to take additional coursework, pass additional assessments, or meet alternative evaluation standards to be fully licensed with a renewable license.

"Renewable license" means a license issued by the Board of Education for 10 years to an individual who meets the requirements specified in the Board of Education's regulations.

B. The Board of Education shall prescribe, by regulation, the requirements for the licensure of teachers and other school personnel required to hold a license. Such regulations shall include procedures for (i) the denial, suspension, cancellation, revocation, and reinstatement of licensure; (ii) written reprimand of license holders, notice of which shall be made by the Superintendent of Public Instruction to division superintendents or their designated representatives; and (iii) immediate and thorough investigation by the division superintendent or his designee of any complaint alleging that a license holder has engaged in conduct that may form the basis for the revocation of his license. At a minimum, such procedures for investigations contained in such regulations shall require (a) the division superintendent to petition for the revocation of the license upon completing such investigation and finding that there is reasonable cause to believe that the license holder has engaged in conduct that forms the basis for revocation of a license; (b) the school board to proceed to a hearing on such petition for revocation within 90 days of the mailing of a copy of the petition to the license holder, unless the license holder requests the cancellation of his license in accordance with Board regulations; and (c) the school board to provide a copy of the investigative file and such petition for revocation to the Superintendent of Public Instruction at the time that the hearing is scheduled. The Board of Education shall revoke the license of any person for whom it has received a notice of dismissal or resignation pursuant to subsection F of § 22.1-313 and, in the case of a person who is the subject of a founded complaint of child abuse or neglect, after all rights to any administrative appeal provided by § 63.2-1526 have been exhausted. Regardless of the authority of any other agency of the Commonwealth to approve educational programs, only the Board of Education shall have the authority to license teachers to be regularly employed by school boards, including those teachers employed to provide nursing education.

The Board of Education shall prescribe by regulation the licensure requirements for teachers who teach only online courses, as defined in § 22.1-212.23. Such license shall be valid only for teaching online courses. Teachers who hold a 10-year renewable license issued by the Board of Education may teach online courses for which they are properly endorsed.

C. The Board of Education's regulations shall include requirements that a person seeking initial licensure:

1. Demonstrate proficiency in the relevant content area, communication, literacy, and other core skills for educators by achieving a qualifying score on professional assessments or meeting alternative evaluation standards as prescribed by the Board;
2. Complete study in attention deficit disorder;
3. Complete study in gifted education, including the use of multiple criteria to identify gifted students; and
4. Complete study in methods of improving communication between schools and families and ways of increasing family involvement in student learning at home and at school.

D. In addition, such regulations shall include requirements that:

1. Every person seeking initial licensure and persons seeking licensure renewal as teachers who have not completed such study shall complete study in child abuse recognition and intervention in accordance with curriculum guidelines developed by the Board of Education in consultation with the Department of Social Services that are relevant to the specific teacher licensure routes;
2. Every person seeking renewal of a license shall complete all renewal requirements, including professional development in a manner prescribed by the Board, except that no person seeking renewal of a license shall be required to satisfy any such requirement by completing coursework and earning credit at an institution of higher education;
3. Every person seeking initial licensure or renewal of a license shall provide evidence of completion of certification or training in emergency first aid, cardiopulmonary resuscitation, and the use of automated external defibrillators. The certification or training program shall (i) be based on the current national evidence-based emergency cardiovascular care guidelines for cardiopulmonary resuscitation and the use of an automated external defibrillator, such as a program developed by the American Heart Association or the American Red Cross, and (ii) include hands-on practice of the skills necessary to perform cardiopulmonary resuscitation. The Board shall provide a waiver for this requirement for any person with a disability whose disability prohibits such person from completing the certification or training;
4. Every person seeking licensure with an endorsement as a teacher of the blind and visually impaired shall demonstrate proficiency in reading and writing Braille;
5. Every teacher seeking an initial license in the Commonwealth with an endorsement in the area of career and technical education shall have an industry certification credential in the area in which the teacher seeks endorsement. If a teacher seeking an initial license in the Commonwealth has not attained an industry certification credential in the area in which the teacher seeks endorsement, the Board may, upon request of the employing school division or educational agency, issue the teacher a provisional license to allow time for the teacher to attain such credential;
6. Every person seeking initial licensure or renewal of a license shall complete awareness training, provided by the Department of Education, on the indicators of dyslexia, as that term is defined by the Board pursuant to regulations, and the evidence-based interventions and accommodations for dyslexia; and

7. Every person seeking initial licensure or renewal of a license with an endorsement as a school counselor shall complete training in the recognition of mental health disorder and behavioral distress, including depression, trauma, violence, youth suicide, and substance abuse.

E. No teacher who seeks a provisional license shall be required to meet any requirement set forth in subdivision D 1, 3, or 6 as a condition of such licensure, but each such teacher shall complete each such requirement during the first year of provisional licensure.

F. The Board shall issue a license to an individual seeking initial licensure who has not completed professional assessments as prescribed by the Board, if such individual (i) holds a provisional license that will expire within three months *or, at the discretion of the school board and division superintendent, within six months if the individual has received a satisfactory mid-year performance review in the current school year*; (ii) is employed by a school board; (iii) is recommended for licensure by the division superintendent; (iv) has attempted, unsuccessfully, to obtain a qualifying score on the professional assessments as prescribed by the Board; (v) has received an evaluation rating of proficient or above on the performance standards for each year of the provisional license, and such evaluation was conducted in a manner consistent with the Guidelines for Uniform Performance Standards and Evaluation Criteria for Teachers, Principals, and Superintendents; and (vi) meets all other requirements for initial licensure.

G. Each local school board or division superintendent may waive for any individual whom it seeks to employ as a career and technical education teacher and who is also seeking initial licensure or renewal of a license with an endorsement in the area of career and technical education any applicable requirement set forth in subsection C or subdivision D 2, 4, or 6.

H. The Board's regulations shall require that initial licensure for principals and assistant principals be contingent upon passage of an assessment as prescribed by the Board.

I. The Board shall establish criteria in its regulations to effectuate the substitution of experiential learning for coursework for those persons seeking initial licensure through an alternate route as defined in Board regulations. Such alternate routes shall include eligibility for any individual to receive, notwithstanding any provision of law to the contrary, a renewable one-year license to teach in public high schools in the Commonwealth if he has:

1. Received a graduate degree from a regionally accredited institution of higher education;
2. Completed at least 30 credit hours of teaching experience as an instructor at a regionally accredited institution of higher education;
3. Received qualifying scores on the professional teacher's assessments prescribed by the Board, including the communication and literacy assessment and the content-area assessment for the endorsement sought; and
4. Met the requirements set forth in subdivisions D 1 and 3.

J. Notwithstanding any provision of law to the contrary, the Board (i) may provide for the issuance of a provisional license, valid for a period not to exceed three years, pursuant to subdivision D 5 or to any person who does not meet the requirements of this section or any other requirement for licensure imposed by law and (ii) shall provide for the issuance of a provisional license, valid for a period not to exceed three years, to any former member of the Armed Forces of the United States or the Virginia National Guard who has received an honorable discharge and has the appropriate level of experience or training but does not meet the requirements for a renewable license.

K. The Board's licensure regulations shall also provide for licensure by reciprocity:

1. With comparable endorsement areas for those individuals holding a valid out-of-state teaching license and national certification from the National Board for Professional Teaching Standards or a nationally recognized certification program approved by the Board of Education. The application for such individuals shall require evidence of such valid licensure and national certification and shall not require official student transcripts;

2. For any spouse of an active duty member of the Armed Forces of the United States or the Commonwealth who has obtained a valid out-of-state license, with full credentials and without deficiencies, that is in force at the time the application for a Virginia license is received by the Department of Education. Each such individual shall establish a file in the Department of Education by submitting a complete application packet, which shall include official student transcripts. No service requirements or licensing assessments shall be required for any such individual; and

3. For individuals who have obtained a valid out-of-state license, with full credentials and without deficiencies, that is in force at the time the application for a Virginia license is received by the Department of Education. Each such individual shall establish a file in the Department of Education by submitting a complete application packet, which shall include official student transcripts. No service requirements or licensing assessments shall be required for any such individual.

L. The Board shall include in its regulations an alternate route to licensure for elementary education preK-6 and an alternate route to licensure for special education general curriculum K-12. Each such alternate route to licensure shall require individuals to (i) meet the qualifying scores on the content area assessment prescribed by the Board for the endorsements sought and (ii) complete an alternative certification program that provides training in the pedagogy and methodology of the respective content or special education areas prescribed by the Board. The curriculum of any such alternative certification program shall be approved by the Board. Nothing in this subsection shall preclude the Board from establishing other alternate routes to licensure.

M. The Board, in its regulations providing for licensure by reciprocity established pursuant to subsection K, shall (i) permit applicants to submit third-party employment verification forms and (ii) grant special consideration to individuals who have successfully completed a program offered by a provider that is accredited by the Council for the Accreditation of Educator Preparation.

N. The Board shall develop guidelines that establish a process to permit a school board or any organization sponsored by a school board to petition the Board for approval of an alternate route to licensure that may be used to meet the requirements for a provisional or renewable license or any endorsement. Any such alternate route may include alternatives to the regulatory requirements for teacher preparation, including alternative professional assessments and coursework. The petitioner may proffer or the Board may impose conditions in conjunction with the approval of such petition.

CHAPTER 641

An Act to require the Department of Education to collect data from school boards regarding their ability to fill school counselor positions.

[H 1653]

Approved April 2, 2020

Be it enacted by the General Assembly of Virginia:

1. § 1. *The Department of Education shall collect data from school boards regarding their ability to fill school counselor positions, including (i) the number of school counselors employed in elementary, middle, and high schools in the local school division; (ii) the number and duration of school counselor vacancies; (iii) the number, role, and license type of other licensed counseling professionals employed by the school board; and (iv) information about their preferences for meeting updated school counselor to student ratios with other licensed counseling professionals. The Department of Education shall report the results of such data collection to the Governor, the Secretary of Education, the House Committee on Appropriations, and the Senate Committee on Finance and Appropriations no later than June 30, 2021.*

CHAPTER 642

An Act to amend and reenact § 23.1-506 of the Code of Virginia, relating to public institutions of higher education; in-state tuition; children of active duty service members or veterans.

[S 462]

Approved April 2, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 23.1-506 of the Code of Virginia is amended and reenacted as follows:

§ 23.1-506. Eligibility for in-state tuition; exception; certain out-of-state and high school students.

A. Notwithstanding § 23.1-502 or any other provision of law to the contrary, the following students are eligible for in-state tuition charges regardless of domicile:

1. Any non-Virginia student who resides outside the Commonwealth and has been employed full time in the Commonwealth for at least one year immediately prior to the date of the alleged entitlement if such student has paid Virginia income taxes on all taxable income earned in the Commonwealth for the tax year prior to the date of the alleged entitlement. Such student shall continue to be eligible for in-state tuition charges for so long as the student is employed full time in the Commonwealth and the student pays Virginia income taxes on all taxable income earned in the Commonwealth.

2. Any non-Virginia student who resides outside the Commonwealth and is claimed as a dependent for federal and Virginia income tax purposes if the nonresident parent claiming the student as a dependent has been employed full time in the Commonwealth for at least one year immediately prior to the date of the alleged entitlement and paid Virginia income taxes on all taxable income earned in the Commonwealth for the tax year prior to the date of the alleged entitlement. Such student shall continue to be eligible for in-state tuition charges for so long as his qualifying parent is employed full time in the Commonwealth, pays Virginia income taxes on all taxable income earned in the Commonwealth, and claims the student as a dependent for Virginia and federal income tax purposes.

3. Any active duty member, activated guard or reserve member, or guard or reserve member mobilized or on temporary active orders for 180 days or more who resides in the Commonwealth.

4. Any veteran who resides in the Commonwealth.

5. Any surviving spouse who resides in the Commonwealth.

6. Following completion of active duty service, any non-Virginia student who established domicile before being called to active duty in the National Guard of another state if during such active duty he maintained at least one of the following in the Commonwealth: a driver's license, motor vehicle registration, voter registration, employment, property ownership, or sources of financial support.

7. Any member of the foreign service office who resided in the Commonwealth for at least 90 days immediately prior to receiving a foreign service assignment and who continues to be assigned overseas, and any dependents of such member.

8. *Any child of an active duty member or veteran who claims Virginia as his home state and filed Virginia tax returns for at least 10 years during active duty service.*

Any non-Virginia student granted in-state tuition pursuant to this subsection shall be counted as a Virginia student for the purposes of determining college admissions, enrollment, and tuition and fee revenue policies.

B. Notwithstanding the provisions of § 23.1-502 or any other provision of law to the contrary, the governing board of any public institution of higher education may charge in-state tuition to the following students regardless of domicile:

1. Any non-Virginia student enrolled in one of the institution's programs designated by the Council who (i) is entitled to reduced tuition charges at the institutions of higher education in any other state that is a party to the Southern Regional Education Compact and that has similar reciprocal provisions for Virginia students and (ii) is domiciled in such other state;

2. Any non-Virginia student from a foreign country who is enrolled in a foreign exchange program approved by the institution of higher education during the same period in which a Virginia student from such institution is attending such foreign institution as an exchange student; and

3. Any high school or magnet school student, not otherwise qualified for in-state tuition, who is enrolled in courses specifically designed as part of the high school or magnet school curriculum in a comprehensive community college for which he may, upon successful completion, receive high school and college credit pursuant to a dual enrollment agreement between the high school or magnet school and the comprehensive community college.

Any non-Virginia student granted in-state tuition pursuant to this subsection shall be counted as a non-Virginia student for the purposes of determining college admissions, enrollment, and tuition and fee revenue policies.

C. The State Board shall charge in-state tuition to any non-Virginia student enrolled at a comprehensive community college who resides in another state within a 30-mile radius of a public institution of higher education in the Commonwealth, is domiciled in such other state, and is entitled to in-state tuition charges at the institutions of higher education in any state that is contiguous to the Commonwealth and that has similar reciprocal provisions for Virginia students.

Any non-Virginia student granted in-state tuition pursuant to this subsection shall be counted as a Virginia student for the purposes of determining college admissions, enrollment, and tuition and fee revenue policies.

CHAPTER 643

An Act to amend and reenact § 58.1-810 of the Code of Virginia, relating to deeds not taxable; deeds involving only spouses. [H 1580]

Approved April 2, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-810 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-810. What other deeds not taxable.

When the tax has been paid at the time of the recordation of the original deed, no additional recordation tax shall be required for admitting to record:

1. A deed of confirmation;
2. A deed of correction;
3. A deed to which a husband and wife spouses are the only parties;
4. A deed arising out of a contract to purchase real estate; if the tax already paid is less than a proper tax based upon the full amount of consideration or actual value of the property involved in the transaction, an additional tax shall be paid based on the difference between the full amount of such consideration or actual value and the amount on which the tax has been paid; or
5. A notice of assignment of a note secured by a deed of trust or mortgage.

CHAPTER 644

An Act to amend and reenact §§ 8.01-98 and 58.1-3981 of the Code of Virginia, relating to sale of tax delinquent real property; correction of tax records. [H 1581]

Approved April 2, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 8.01-98 and 58.1-3981 of the Code of Virginia are amended and reenacted as follows:

§ 8.01-98. Sales of land when purchase price insufficient to pay taxes, etc.

In any proceedings for the sale of real estate or to subject real estate to the payment of debts, it appears to the court that the real estate cannot be sold for enough to pay off the liens of taxes, levies, and assessments returned delinquent against it, and it further appears that the purchase price offered is adequate and reasonable, such sale shall be confirmed, and the court shall decree the payment and distribution of the proceeds of such sale pro rata to the taxes, levies, and assessments due the Commonwealth or any political subdivision thereof, after having first deducted the cost of such proceedings in court. Such decree shall be certified to the ~~clerk of the appropriate court~~ *treasurer* who has charge of the delinquent tax books, and such ~~clerk~~ *treasurer* shall cause the lien of such taxes, levies, and assessments to be marked satisfied upon the list of delinquent lands regardless of whether the same shall have been paid in full.

§ 58.1-3981. Correction by commissioner or other official performing his duties.

A. If the commissioner of the revenue, or other official performing the duties imposed on commissioners of the revenue under this title, is satisfied that he has erroneously assessed such applicant with any such tax, he shall correct such assessment. If the assessment exceeds the proper amount, he shall exonerate the applicant from the payment of so much as is erroneously charged if not paid into the treasury of the county or city. If the assessment has been paid, the governing body of the county or city shall, upon the certificate of the commissioner with the consent of the town, city or county attorney, or if none, the attorney for the Commonwealth, that such assessment was erroneous, direct the treasurer of the county, city or town to refund the excess to the taxpayer, with interest if authorized pursuant to § 58.1-3918 or in the ordinance authorized by § 58.1-3916, or as otherwise authorized in that section. However, the governing body of the county, city or town may authorize the treasurer to approve and issue any refund up to \$2,500 as a result of an erroneous assessment.

B. If the assessment is less than the proper amount, the commissioner shall assess such applicant with the proper amount. If any assessment is erroneous because of a mere clerical error or calculation, the same may be corrected as herein provided and with or without petition from the taxpayer. If such error or calculation was made in work performed by others in connection with conducting general assessments, such mistake may be corrected by the commissioner of the revenue.

C. If the commissioner of the revenue, or other official performing the duties imposed on commissioners of the revenue under this title, is satisfied that any assessment is erroneous because of a factual error made in work performed by others in connection with conducting general reassessments, he shall correct such assessment as herein provided and with or without petition from the taxpayer.

D. An error in the valuation of property subject to the rollback tax imposed under § 58.1-3237 for those years to which such tax is applicable may be corrected within three years of the assessment of the rollback tax.

E. A copy of any correction made under this section shall be certified by the commissioner or such other official to the treasurer of his county, city, or town. ~~When an unpaid erroneous assessment of real estate is corrected under this section and such real estate has been sold at a delinquent land sale, the commissioner or such other official making such correction shall certify a copy of such correction to the clerk of the circuit court of his county or city; and such clerk shall note such correction in the delinquent land book opposite the entry of the tract or lot for the year or years for which such correction is made.~~

F. In any action on application for correction under § 58.1-3980, if so requested by the applicant, the commissioner or other such official shall state in writing the facts and law supporting the action on such application and mail a copy of such writing to the applicant at his last known address.

CHAPTER 645

An Act to amend and reenact § 33.2-319 of the Code of Virginia, relating to Town of Dublin, highway maintenance.

[H 1611]

Approved April 2, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 33.2-319 of the Code of Virginia is amended and reenacted as follows:

§ 33.2-319. Payments to cities and certain towns for maintenance of certain highways.

A. The Commissioner of Highways, subject to the approval of the Board, shall make payments for maintenance, construction, or reconstruction of highways to all cities and towns eligible for funds under this section. Such payments, however, shall only be made if those highways functionally classified as principal and minor arterial roads are maintained to a standard satisfactory to the Department. Whenever any city or town qualifies under this section for allocation of funds, such qualification shall continue to apply to such city or town regardless of any subsequent change in population and shall cease to apply only when so specifically provided by an act of the General Assembly.

Funds are allocated to urban highways in (i) all towns that have a population of more than 3,500 according to the last preceding United States census; (ii) all towns that, according to evidence satisfactory to the Board, have attained a population of more than 3,500 since the last preceding United States census; (iii) Chase City, Elkton, Grottoes, Narrows, Pearisburg, and Saltville, which, on June 30, 1985, maintained certain streets under former § 33.1-80 as then in effect; (iv) all cities regardless of their populations; and (v) the Towns of Altavista, *Dublin*, Lebanon, and Wise.

B. No payments shall be made to any such city or town unless the portion of the highway for which such payment is made either (i) has (a) an unrestricted right-of-way at least 50 feet wide and (b) a hard-surface width of at least 30 feet; (ii) has (a) an unrestricted right-of-way at least 80 feet wide, (b) a hard-surface width of at least 24 feet, and (c) approved engineering plans for the ultimate construction of an additional hard-surface width of at least 24 feet within the same right-of-way; (iii)(a) is a cul-de-sac, (b) has an unrestricted right-of-way at least 40 feet wide, and (c) has a turnaround that meets applicable standards set by the Department; (iv) either (a) has been paved and has constituted part of the primary or secondary state highway system prior to annexation or incorporation or (b) has constituted part of the secondary state highway system prior to annexation or incorporation and is paved to a minimum width of 16 feet subsequent to such annexation or incorporation and with the further exception of streets or portions thereof that have previously been maintained under the provisions of § 33.2-339 or 33.2-340; (v) was eligible for and receiving such payments under the laws of the Commonwealth in effect on June 30, 1985; (vi) is a street established prior to July 1, 1950, that has an unrestricted right-of-way width of not less than 30 feet and a hard-surface width of not less than 16 feet; (vii) is a street functionally

classified as a local street that was constructed on or after January 1, 1996, and that at the time of approval by the city or town met the criteria for pavement width and right-of-way of the then-current design standards for subdivision streets as set forth in regulations adopted by the Board; (viii) is a street previously eligible to receive street payments that is located in the City of Norfolk or the City of Richmond and is closed to public travel, pursuant to legislation enacted by the governing body of the locality in which it is located, for public safety reasons, within the boundaries of a publicly funded housing development owned and operated by the local housing authority; or (ix) is a local street, otherwise eligible, containing one or more physical protuberances placed within the right-of-way for the purpose of controlling the speed of traffic.

However, the Commissioner of Highways may waive the requirements as to hard-surface pavement or right-of-way width for highways where the width modification is at the request of the governing body of the locality and is to protect the quality of the affected locality's drinking water supply or, for highways constructed on or after July 1, 1994, to accommodate some other special circumstance where such action would not compromise the health, safety, or welfare of the public. The modification is subject to such conditions as the Commissioner of Highways may prescribe.

C. For the purpose of calculating allocations and making payments under this section, the Department shall divide affected highways into two categories, which shall be distinct from but based on functional classifications established by the Federal Highway Administration: (i) principal and minor arterial roads and (ii) collector roads and local streets. Payments made to affected localities shall be based on the number of moving-lane-miles of highways or portions thereof available to peak-hour traffic in that locality.

D. Any city converting an existing moving-lane that qualifies for payments under this section to a transit-only lane after July 1, 2014, shall remain eligible for such payments but shall not receive additional funds as a result of such conversion. Any city or town converting an existing moving-lane that qualifies for payments under this section to a bicycle-only lane after July 1, 2014, shall remain eligible for such payments, provided that (i) the number of moving-lane-miles converted is not more than 50 moving-lane-miles or three percent of the city's or town's total number of moving-lane-miles on July 1, 2014, whichever is less, and (ii) prior to any such conversion, the city or town certifies that the conversion design has been assessed by a professional engineer licensed in the Commonwealth pursuant to Chapter 4 (§ 54.1-400 et seq.) of Title 54.1 and that the assessment has demonstrated that (a) the level of service of the street to be converted will not be reduced or if it will be reduced that the associated roadway network will retain adequate capacity to meet current and future mobility needs of all users and (b) the conversion has been designed in accordance with the National Association of City Transportation Officials' Urban Bikeway Design Guide. Any such city or town shall not receive additional funds as a result of such conversion to a bicycle-only lane and shall annually expend funds on road and street maintenance and operations that are at least equal to funds spent on road and street maintenance and operations in the year prior to such conversion. For purposes of this subsection, "level of service" has the meaning provided in the Transportation Research Board's Highway Capacity Manual.

E. The Department shall recommend to the Board an annual rate per category to be computed using the base rate of growth planned for the Department's Highway Maintenance and Operations program. The Board shall establish the annual rates of such payments as part of its allocation for such purpose, and the Department shall use those rates to calculate and put into effect annual changes in each qualifying city's or town's payment under this section.

The payments by the Department shall be paid in equal sums in each quarter of the fiscal year, and payments shall not exceed the allocation of the Board.

F. The chief administrative officer of the city or town receiving these funds shall make annual categorical reports of expenditures to the Department, in such form as the Board shall prescribe, accounting for all expenditures, certifying that none of the money received has been expended for other than maintenance, construction, or reconstruction of the streets, and reporting on their performance as specified in subsection B of § 33.2-352. Such reports shall be included in the scope of the annual audit of each municipality conducted by independent certified public accountants.

CHAPTER 646

An Act to amend and reenact § 30-133 of the Code of Virginia, relating to the Auditor of Public Accounts; duties; Commonwealth Data Point.

[S 586]

Approved April 2, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 30-133 of the Code of Virginia is amended and reenacted as follows:

§ 30-133. Duties and powers generally.

A. The Auditor of Public Accounts shall audit all the accounts of every state department, officer, board, commission, institution, or other agency handling any state funds as determined necessary by the Auditor of Public Accounts. In the performance of such duties and the exercise of such powers he may employ the services of certified public accountants, provided the cost thereof shall not exceed such sums as may be available out of the appropriation provided by law for the conduct of his office.

B. The Auditor of Public Accounts shall review the information required in § 2.2-1501 to determine that state agencies are providing and reporting appropriate information on financial and performance measures, and the Auditor shall review

the accuracy of the management systems used to accumulate and report the results. The Auditor shall report to the General Assembly the results of such audits and make recommendations, if indicated, for new or revised accountability or performance measures to be implemented for the agencies audited.

C. The Auditor of Public Accounts shall prepare, by November 1, a summary of the results of all of the audits and other oversight responsibilities performed for the most recently ended fiscal year. The Auditor of Public Accounts shall present this summary to the Senate Finance, House Appropriations, and House Finance Committees on the day the Governor presents to the General Assembly the Executive Budget in accordance with §§ 2.2-1508 and 2.2-1509 or at the direction of the respective Chairman of the Senate Finance, House Appropriations, or House Finance Committees at one of their committee meetings prior to the meeting above.

D. As part of his normal oversight responsibilities, the Auditor of Public Accounts shall incorporate into his audit procedures and processes a review process to ensure that the Commonwealth's payments to counties, cities, and towns under Chapter 35.1 (§ 58.1-3523 et seq.) of Title 58.1 are consistent with the provisions of § 58.1-3524. The Auditor of Public Accounts shall report to the Governor and the Chairman of the Senate Finance Committee annually any material failure by a locality or the Commonwealth to comply with the provisions of Chapter 35.1 of Title 58.1.

E. The Auditor of Public Accounts when called upon by the Governor shall examine the accounts of any institution maintained in whole or in part by the Commonwealth and, upon the direction of the Comptroller, shall examine the accounts of any officer required to settle his accounts with him; and upon the direction of any other state officer at the seat of government he shall examine the accounts of any person required to settle his accounts with such officer.

F. Upon the written request of any member of the General Assembly, the Auditor of Public Accounts shall furnish the requested information and provide technical assistance upon any matter requested by such member.

G. In compliance with the provisions of the federal Single Audit Act Amendments of 1996, Public Law 104-156, the Joint Legislative Audit and Review Commission may authorize the Auditor of Public Accounts to audit biennially the accounts pertaining to federal funds received by state departments, officers, boards, commissions, institutions, or other agencies.

H. 1. The Auditor of Public Accounts shall compile and maintain on its Internet website a searchable database providing certain state expenditure, revenue, and demographic information as described in this subsection. In maintaining the database, the Auditor of Public Accounts shall work with and coordinate his efforts with the Joint Legislative Audit and Review Commission in obtaining, summarizing, and compiling the information to avoid duplication of efforts. The database shall be updated each year by October 15 to provide the information required in this subsection for the 10 most recently ended fiscal years of the Commonwealth.

The online database shall be made available to citizens of the Commonwealth to allow public access to historical revenue collections and appropriations with related demographic information, to the extent that the information is available and provided to the Auditor of Public Accounts. All state departments, courts officers, boards, commissions, institutions, or other agencies of the Commonwealth shall furnish all information requested by the Auditor of Public Accounts and shall cooperate with him to the fullest extent.

For purposes of reporting information and implementing the database pursuant to this subsection, the Auditor of Public Accounts shall include all appropriated funds and other sources under the control of public institutions of higher education, except for the activity of private gifts, including endowment funds and unrestricted gifts referenced in § 23.1-101. The exclusion of this activity does not affect the public access to these records unless otherwise specifically exempted by law.

2. The database shall contain the following for each of the 10 most recently ended fiscal years of the Commonwealth:

a. Major categories of spending by each secretariat and each agency and institution, including each independent agency, and including within each major category a register of all funds expended, showing vendor name, date of payment, amount, and a description of the type of expense, including credit card purchases with the same information to the extent that the information exists. The database shall include the name, phone number, and email address for a contact at the agency or institution who may be contacted for additional information;

b. The number of full-time state employees for whom the annual rate of pay is more than \$10,000, an identifier associated with each such employee, and the actual salary, bonuses, and total compensation paid during the fiscal year to the employee associated with each identifier, organized by agency;

c. Total fiscal year revenues from state taxes, fees, and other charges, and total fiscal year revenues from state taxes, fees, and other charges all sources broken down by funding source and computed on a per capita basis and as a percentage of personal income in the Commonwealth;

d. With regard to state taxes, fees, and other charges computed on a per capita basis and as a percentage of personal income, a comparison of such statistics for Virginia with the same statistics for other states;

e. Total fiscal year revenues spending from federal sources, including the major categories of spending for such revenues broken down by major category;

f. Total population and total population by various age groups including school-age population and the population of persons 65 years of age and older

e. Population estimates for the Commonwealth by locality;

g. Student enrollment in grades K through 12 by locality;

h. g. Enrollment in public institutions of higher education of the Commonwealth by institution;

i. h. Enrollment in private institutions of higher education in the Commonwealth by institution;

- ~~j~~. i. The annual prison population;
 - ~~k~~. j. Virginia adjusted gross income and Virginia taxable income by ~~various age groups~~ locality;
 - ~~l~~. k. The number of citizens in the Commonwealth receiving ~~food stamps~~ benefits from the Supplemental Nutrition Assistance Program;
 - ~~m~~. l. The number of driver's licenses issued;
 - ~~n~~. m. The number of registered motor vehicles;
 - ~~o~~. n. The number of full-time private sector employees;
 - ~~p~~. ~~The number of households;~~
 - ~~q~~. o. The number of prepaid tuition contracts outstanding pursuant to Chapter 7 (§ 23.1-700 et seq.) of Title 23.1 and the estimated total liability under such contracts;
 - ~~r~~. p. Any state audit or report relating to the programs or activities of an agency;
 - ~~s~~. q. Information on capital outlay payments including project title, funding date, completion date, appropriations, year-to-date expenditures, and unexpended appropriations;
 - ~~t~~. r. Annual bonded indebtedness that shall include the amount of the total original obligation stated in terms of principal and interest, the term of the obligation, the amounts of principal and interest previously paid to reduce the obligation, the balance remaining of the obligation, and any refinancing of the obligation; and
 - ~~u~~. s. Other data as the Auditor deems appropriate relating to the Commonwealth of Virginia.
3. The Auditor of Public Accounts shall incorporate into the database the following additional elements as they become available through improved enterprise applications or other systems:
- a. Commodities including line item expenditures;
 - b. Virginia Performs data as it directly relates to funding actions or expenditures;
 - c. Descriptive purpose for funding action or expenditure;
 - d. Statute or act of General Assembly authorizing the issuance of bonds; and
 - e. Copies of actual grants and contracts.
4. The Auditor of Public Accounts shall incorporate in the database the following enhancements:
- a. Graphs, charts, or other visual displays of aggregated data showing (i) current state spending by expense category, (ii) year-to-year state spending, and (iii) other data deemed appropriate by the Auditor, including display of available line item expenditures; and
 - b. Frequently asked questions and their responses.
5. By October 15 of each year, the Auditor shall also produce a paper copy or a computer file containing the information described in this subsection and shall distribute the copy or file to newspapers of general circulation in the Commonwealth. The distribution shall include the address of the Internet website for the searchable database.
- I. As a part of audits conducted pursuant to subsection A, the Auditor of Public Accounts shall review compliance with requirements established pursuant to the provisions of § 2.2-519 and the requirements of the Virginia Debt Collection Act (§ 2.2-4800 et seq.).

CHAPTER 647

An Act to designate the bridge on Guinea Station Road over Interstate 95 in Spotsylvania County the "CPL Ryan C. McGhee Memorial Bridge."

[S 1005]

Approved April 2, 2020

Be it enacted by the General Assembly of Virginia:

1. § 1. *The bridge on Guinea Station Road over Interstate 95 in Spotsylvania County is hereby designated the "CPL Ryan C. McGhee Memorial Bridge." The Department of Transportation shall place and maintain appropriate markers indicating the designation of this bridge. This designation shall not affect any other designation heretofore or hereafter applied to this bridge.*

CHAPTER 648

An Act to amend and reenact § 8.01-195.11 of the Code of Virginia, relating to compensation for wrongful incarceration; annuity term.

[S 415]

Approved April 2, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 8.01-195.11 of the Code of Virginia is amended and reenacted as follows:

§ 8.01-195.11. Compensation for wrongful incarceration.

A. Any person who is convicted of a felony by a county or city circuit court of the Commonwealth and is wrongfully incarcerated for such felony may be awarded compensation in an amount equal to 90 percent of the inflation adjusted

Virginia per capita personal income as reported by the Bureau of Economic Analysis of the U.S. Department of Commerce for each year of incarceration, or portion thereof.

B. Any compensation computed pursuant to subsection A and approved by the General Assembly shall be paid by the Comptroller by his warrant on the State Treasurer in favor of the person found to have been wrongfully incarcerated. The person wrongfully incarcerated shall be paid an initial lump sum equal to 20 percent of the compensation award with the remaining 80 percent of the principal of the compensation award to be used by the State Treasurer to purchase an annuity from any A+ rated company, including any A+ rated company from which the Virginia Lottery may purchase an annuity, to provide equal monthly payments to such person for a period certain of 25 years commencing no later than one year after the effective date of the appropriation; *however, if such person's life expectancy, as calculated pursuant to the provisions of § 8.01-419 based on his age on the effective date of the appropriation, is less than 25 years, then, upon his election, the annuity period shall be equal to his life expectancy.* The annuity shall provide that it shall not be sold, discounted, or used as securitization for loans and mortgages by the person awarded compensation. The annuity shall, however, contain beneficiary provisions providing for the annuity's continued disbursement in the event of the death of the person awarded compensation. All payments or costs of annuities under this section shall be made by check issued by the State Treasurer on warrant of the Comptroller.

C. Any person who is convicted of a felony by a county or city circuit court of the Commonwealth and is wrongfully incarcerated for such felony shall receive a transition assistance grant of \$15,000 to be paid from the Criminal Fund, which amount shall be deducted from any award received pursuant to subsection B, within 30 days of receipt of the written request for the disbursement of the transition assistance grant to the Executive Secretary of the Supreme Court of Virginia. Payment of the transition assistance grant from the Criminal Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Executive Secretary of the Supreme Court of Virginia. In addition, such person shall be entitled to receive reimbursement up to \$10,000 for tuition for career and technical training within the Virginia Community College System contingent upon successful completion of the training. Reimbursement for tuition shall be provided by the comprehensive community college at which the career or technical training was completed.

2. That nothing in this act shall be construed to require modification of or otherwise affect an annuity issued pursuant to the provisions of Article 18.2 (§ 8.01-195.10 et seq.) of Chapter 3 of Title 8.01 of the Code of Virginia prior to July 1, 2020.

CHAPTER 649

An Act to amend and reenact § 64.2-2007 of the Code of Virginia, relating to prohibition against appointing certain persons as guardian or conservator.

[S 1072]

Approved April 2, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 64.2-2007 of the Code of Virginia is amended and reenacted as follows:

§ 64.2-2007. Hearing on petition to appoint.

A. The respondent is entitled to a jury trial upon request, and may compel the attendance of witnesses, present evidence on his own behalf, and confront and cross-examine witnesses.

B. The court or the jury, if a jury is requested, shall hear the petition for the appointment of a guardian or conservator. The hearing may be held at such convenient place as the court directs, including the place where the respondent is located. The hearing shall be conducted within 120 days from the filing of the petition unless the court postpones it for cause. The proposed guardian or conservator shall attend the hearing except for good cause shown and, where appropriate, shall provide the court with a recommendation as to living arrangements and a treatment plan for the respondent. The respondent is entitled to be present at the hearing and all other stages of the proceedings. The respondent shall be present if he so requests or if his presence is requested by the guardian ad litem. Whether or not present, the respondent shall be regarded as having denied the allegations in the petition.

C. In determining the need for a guardian or a conservator and the powers and duties of any guardian or conservator, if needed, consideration shall be given to the following factors: (i) the limitations of the respondent; (ii) the development of the respondent's maximum self-reliance and independence; (iii) the availability of less restrictive alternatives, including advance directives and durable powers of attorney; (iv) the extent to which it is necessary to protect the respondent from neglect, exploitation, or abuse; (v) the actions needed to be taken by the guardian or conservator; (vi) the suitability of the proposed guardian or conservator; and (vii) the best interests of the respondent.

D. If, after considering the evidence presented at the hearing, the court or jury determines on the basis of clear and convincing evidence that the respondent is incapacitated and in need of a guardian or conservator, the court shall appoint a suitable person, who may be the spouse of the respondent, to be the guardian or the conservator or both, giving due deference to the wishes of the respondent. *Except for good cause shown, including a determination by the court that there is no acceptable alternative available to serve, the court shall not appoint as guardian or conservator for the respondent an attorney who has been engaged by the petitioner to represent the petitioner within three calendar years of the appointment. Such prohibition also applies to all other attorneys and employees of the law firm with which such attorney is associated.*

The court shall require the proposed guardian or conservator to certify at the time of appointment that he has disclosed to the court any such representation of the petitioner or association with a law firm that represented the petitioner within the three calendar years preceding the appointment. Compensation paid by a petitioner to an attorney or law firm for serving as a guardian or conservator shall not constitute representation of the petitioner by such attorney or law firm. In the case of a petitioner that is a medical care facility as defined in § 32.1-102.1, the court may, for good cause shown, order that the reasonable costs for the guardian or conservator be paid by the petitioner during the time the respondent is under the care of such medical care facility.

The court in its order shall make specific findings of fact and conclusions of law in support of each provision of any orders entered.

CHAPTER 650

An Act to amend the Code of Virginia by adding in Article 1 of Chapter 16 of Title 19.2 a section numbered 19.2-271.5, relating to protected information; newspersons engaged in journalism.

[H 113]

Approved April 6, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 1 of Chapter 16 of Title 19.2 a section numbered 19.2-271.5 as follows:

§ 19.2-271.5. Protected information; newspersons engaged in journalism.

A. As used in this section, unless the context requires a different meaning:

"Journalism" means the gathering, preparing, collecting, photographing, recording, writing, editing, reporting, or publishing of news or information that concerns local, national, or international events or other matters of public interest for dissemination to the public.

"News organization" means any (i) newspaper or magazine issued at regular intervals and having a general circulation; (ii) recognized press association or wire service; (iii) licensed radio or television station that engages in journalism; or (iv) business that, by means of photographic or electronic media, engages in journalism and employs an editor overseeing the journalism function that follows commonly accepted journalistic practice as evidenced by (a) membership in a state-based journalism organization, including the Virginia Press Association and the Virginia Association of Broadcasters; (b) membership in a national journalism organization, including the National Press Club, the Society of Professional Journalists, and the Online News Association; (c) membership in a statewide or national wire news service, including the Capital News Service, The Associated Press, and Reuters; or (d) its continuous operation since 1994 or earlier.

"Newsperson" means any person who, for a substantial portion of his livelihood or for substantial financial gain, engages in journalism for a news organization. "Newsperson" includes any person supervising or assisting another person in engaging in journalism for a news organization.

"Protected information" means information identifying a source who provided information to a newsperson under a promise or agreement of confidentiality made by a news organization or newsperson while such news organization or newsperson was engaging in journalism.

B. Except as provided in subsection C, no newsperson shall be compelled by the Commonwealth or a locality in any criminal proceeding to testify about, disclose, or produce protected information. Any protected information obtained in violation of this subsection is inadmissible for any purpose in an administrative or criminal proceeding.

C. A court may compel a newsperson to testify about, disclose, or produce protected information only if the court finds, after notice and an opportunity to be heard by such newsperson, that:

1. The protected information is necessary to the proof of an issue material to an administrative or criminal proceeding;
2. The protected information is not obtainable from any alternative source;
3. The Commonwealth or locality exhausted all reasonable methods for obtaining the protected information from all relevant alternative sources, if applicable; and
4. There is an overriding public interest in the disclosure of the protected information, including preventing the imminent threat of bodily harm to or death of a person or ending actual bodily harm being inflicted upon a person.

D. The publication by a news organization or the dissemination by a newsperson of protected information obtained while engaging in journalism shall not constitute a waiver of the protection from compelled testimony, disclosure, and production provided by subsection B.

CHAPTER 651

An Act to amend and reenact §§ 16.1-278.17:1 and 20-103 of the Code of Virginia, relating to pendente lite spousal support; guidelines.

[H 1500]

Approved April 6, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 16.1-278.17:1 and 20-103 of the Code of Virginia are amended and reenacted as follows:

§ 16.1-278.17:1. Formula for determination of pendente lite spousal support.

A. There shall be a presumption in any judicial proceeding for pendente lite spousal support and maintenance under this title that the amount of the award that would result from the application of the formula set forth in this section is the correct amount of spousal support to be awarded. The court may deviate from the presumptive amount as provided in subsection D.

B. If the court is determining both an award of pendente lite spousal support and maintenance and an award of child support, the court shall first make a determination of the amount of the award of pendente lite spousal support, if any, owed by one party to the other under this section.

C. If the parties have minor children in common, the presumptive amount of an award of pendente lite spousal support and maintenance shall be the difference between ~~28%~~ 26 percent of the payor spouse's monthly gross income and 58% percent of the payee spouse's monthly gross income. If the parties have no minor children in common, the presumptive amount of the award shall be the difference between ~~30%~~ 27 percent of the payor spouse's monthly gross income and 50% percent of the payee spouse's monthly gross income. For the purposes of this section, monthly gross income shall have the same meaning as it does in section § 20-108.2; ~~as amended.~~

D. The court may deviate from the presumptive amount for good cause shown, including any relevant evidence relating to the parties' current financial circumstances or *the impact of any tax exemption and any credits resulting from such exemption* that indicates the presumptive amount is inappropriate.

E. The *presumptive* formula set forth in this section shall only apply to cases where the parties' combined monthly gross income does not exceed \$10,000.

§ 20-103. Court may make orders pending suit for divorce, custody or visitation, etc.

A. In suits for divorce, annulment and separate maintenance, and in proceedings arising under subdivision A 3 or subsection L of § 16.1-241, the court having jurisdiction of the matter may, at any time pending a suit pursuant to this chapter, in the discretion of such court, make any order that may be proper (i) to compel a spouse to pay any sums necessary for the maintenance and support of the petitioning spouse, including (a) an order that the other spouse provide health care coverage for the petitioning spouse, unless it is shown that such coverage cannot be obtained, or (b) an order that a party pay secured or unsecured debts incurred jointly or by either party, (ii) to enable such spouse to carry on the suit, (iii) to prevent either spouse from imposing any restraint on the personal liberty of the other spouse, (iv) to provide for the custody and maintenance of the minor children of the parties, including an order that either party or both parties provide health care coverage or cash medical support, or both, for the children, (v) to provide support, calculated in accordance with § 20-108.2, for any child of the parties to whom a duty of support is owed and to pay or continue to pay support for any child over the age of 18 who meets the requirements set forth in subsection C of § 20-124.2, (vi) for the exclusive use and possession of the family residence during the pendency of the suit, (vii) to preserve the estate of either spouse, so that it be forthcoming to meet any decree which may be made in the suit, (viii) to compel either spouse to give security to abide such decree, or (ix)(a) to compel a party to maintain any existing policy owned by that party insuring the life of either party or to require a party to name as a beneficiary of the policy the other party or an appropriate person for the exclusive use and benefit of the minor children of the parties and (b) to allocate the premium cost of such life insurance between the parties, provided that all premiums are billed to the policyholder. Nothing in clause (ix) shall be construed to create an independent cause of action on the part of any beneficiary against the insurer or to require an insurer to provide information relating to such policy to any person other than the policyholder without the written consent of the policyholder. The parties to any petition where a child whose custody, visitation, or support is contested shall show proof that they have attended within the 12 months prior to their court appearance or that they shall attend within 45 days thereafter an educational seminar or other like program conducted by a qualified person or organization approved by the court except that the court may require the parties to attend such seminar or program in uncontested cases only if the court finds good cause. The seminar or other program shall be a minimum of four hours in length and shall address the effects of separation or divorce on children, parenting responsibilities, options for conflict resolution and financial responsibilities. Once a party has completed one educational seminar or other like program, the required completion of additional programs shall be at the court's discretion. Parties under this section shall include natural or adoptive parents of the child, or any person with a legitimate interest as defined in § 20-124.1. The fee charged a party for participation in such program shall be based on the party's ability to pay; however, no fee in excess of \$50 may be charged. Whenever possible, before participating in mediation or alternative dispute resolution to address custody, visitation or support, each party shall have attended the educational seminar or other like program. The court may grant an exemption from attendance of such program for good cause shown or if there is no program reasonably available. Other than statements or admissions by a party admitting criminal activity or child abuse, no

statement or admission by a party in such seminar or program shall be admissible into evidence in any subsequent proceeding.

A1. Any award or order made by the court pursuant to subsection A shall be paid from the post-separation income of the obligor unless the court, for good cause shown, orders otherwise. Upon the request of either party, the court may identify and state in such order or award the specific source from which the financial obligation imposed is to be paid.

B. In addition to the terms provided in subsection A, upon a showing by a party of reasonable apprehension of physical harm to that party by such party's family or household member as that term is defined in § 16.1-228, and consistent with rules of the Supreme Court of Virginia, the court may enter an order excluding that party's family or household member from the jointly owned or jointly rented family dwelling. In any case where an order is entered under this paragraph, pursuant to an ex parte hearing, the order shall not exclude a family or household member from the family dwelling for a period in excess of 15 days from the date the order is served, in person, upon the person so excluded. The order may provide for an extension of time beyond the 15 days, to become effective automatically. The person served may at any time file a written motion in the clerk's office requesting a hearing to dissolve or modify the order. Nothing in this section shall be construed to prohibit the court from extending an order entered under this subsection for such longer period of time as is deemed appropriate, after a hearing on notice to the parties. If the party subject to the order fails to appear at this hearing, the court may extend the order for a period not to exceed six months.

C. In cases other than those for divorce in which a custody or visitation arrangement for a minor child is sought, the court may enter an order providing for custody, visitation or maintenance pending the suit as provided in subsection A. The order shall be directed to either parent or any person with a legitimate interest who is a party to the suit.

D. Orders entered pursuant to this section which provide for custody or visitation arrangements pending the suit shall be made in accordance with the standards set out in Chapter 6.1 (§ 20-124.1 et seq.). Orders entered pursuant to subsection B shall be certified by the clerk and forwarded as soon as possible to the local police department or sheriff's office which shall, on the date of receipt, enter the name of the person subject to the order and other appropriate information required by the Department of State Police into the Virginia crime information network system established and maintained by the Department of State Police pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52. If the order is later dissolved or modified, a copy of the dissolution or modification shall also be certified, forwarded and entered in the system as described above.

E. *There shall be a presumption in any judicial proceeding for pendente lite spousal support and maintenance under this section that the amount of the award that would result from the application of the formula set forth in this section is the correct amount of spousal support to be awarded. The court may deviate from the presumptive amount as provided in subsection H.*

F. *If the court is determining both an award of pendente lite spousal support and maintenance and an award of child support, the court shall first make a determination of the amount of the award of pendente lite spousal support, if any, owed by one party to the other under this section.*

G. *If the parties have minor children in common, the presumptive amount of an award of pendente lite spousal support and maintenance shall be the difference between 26 percent of the payor spouse's monthly gross income and 58 percent of the payee spouse's monthly gross income. If the parties have no minor children in common, the presumptive amount of the award shall be the difference between 27 percent of the payor spouse's monthly gross income and 50 percent of the payee spouse's monthly gross income. For the purposes of this section, monthly gross income shall have the same meaning as it does in section § 20-108.2.*

H. *The court may deviate from the presumptive amount for good cause shown, including any relevant evidence relating to the parties' current financial circumstances or the impact of any tax exemption and any credits resulting from such exemptions that indicates the presumptive amount is inappropriate.*

I. *The presumptive formula set forth in this section shall only apply to cases where the parties' combined monthly gross income does not exceed \$10,000.*

J. An order entered pursuant to this section shall have no presumptive effect and shall not be determinative when adjudicating the underlying cause.

2. That the provisions of this act shall apply only to suits commenced on or after July 1, 2020, and that the provisions of this act shall not be construed to create a material change in circumstances for the purposes of modifying an existing support order.

CHAPTER 652

An Act to permit the district courts for Augusta County and the juvenile and domestic relations district court for the City of Staunton to be temporarily seated in a certain location in Augusta County.

[S 929]

Approved April 6, 2020

Be it enacted by the General Assembly of Virginia:

1. § 1. The Augusta County General District Court and Juvenile and Domestic Relations District Court and the City of Staunton Juvenile and Domestic Relations District Court may sit and exercise full authority in Augusta County on the

property on which sits the building formerly used as the Beverley Manor Elementary School, located at 116 Cedar Green Road, Staunton, Virginia. Such courts shall continue to hold their respective sessions in such place until other court facilities have been built and fitted for occupation by such courts or until some other place or places are designated by order of the chief judge of the Twenty-Fifth Judicial Circuit. A copy of any such order shall, if practicable, be posted by the clerk of the affected district court at the door of (i) the clerk's office, (ii) the current district court facility, and (iii) the place that the chief judge has so designated.

CHAPTER 653

An Act to amend and reenact § 17.1-275 of the Code of Virginia, relating to fees collected by circuit court clerks for recording and indexing; use of fee in preserving permanent records of the circuit courts.

[S 938]

Approved April 6, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 17.1-275 of the Code of Virginia is amended and reenacted as follows:

§ 17.1-275. Fees collected by clerks of circuit courts; generally.

A. A clerk of a circuit court shall, for services performed by virtue of his office, charge the following fees:

1. [Repealed.]
2. For recording and indexing in the proper book any writing and all matters therewith, or for recording and indexing anything not otherwise provided for, ~~\$16~~ \$18 for an instrument or document consisting of 10 or fewer pages or sheets; ~~\$30~~ \$32 for an instrument or document consisting of 11 to 30 pages or sheets; and ~~\$50~~ \$52 for an instrument or document consisting of 31 or more pages or sheets. Whenever any writing to be recorded includes plat or map sheets no larger than eight and one-half inches by 14 inches, such plat or map sheets shall be counted as ordinary pages for the purpose of computing the recording fee due pursuant to this section. A fee of ~~\$15~~ \$17 per page or sheet shall be charged with respect to plat or map sheets larger than eight and one-half inches by 14 inches. Only a single fee as authorized by this subdivision shall be charged for recording a certificate of satisfaction that releases the original deed of trust and any corrected or revised deeds of trust. ~~One dollar~~ Three dollars and fifty cents of the fee collected for recording and indexing shall be designated for use in preserving the permanent records of the circuit courts. The sum collected for this purpose shall be administered by The Library of Virginia in cooperation with the circuit court clerks.
3. For appointing and qualifying any personal representative, committee, trustee, guardian, or other fiduciary, in addition to any fees for recording allowed by this section, \$20 for estates not exceeding \$50,000, \$25 for estates not exceeding \$100,000 and \$30 for estates exceeding \$100,000. No fee shall be charged for estates of \$5,000 or less.
4. For entering and granting and for issuing any license, other than a marriage license or a hunting and fishing license, and administering an oath when necessary, \$10.
5. For issuing a marriage license, attaching certificate, administering or receiving all necessary oaths or affidavits, indexing and recording, \$10. For recording an order to celebrate the rites of marriage pursuant to § 20-25, \$25 to be paid by the petitioner.
6. For making out any bond, other than those under § 17.1-267 or subdivision A 4, administering all necessary oaths and writing proper affidavits, \$3.
7. For all services rendered by the clerk in any garnishment or attachment proceeding, the clerk's fee shall be \$15 in cases not exceeding \$500 and \$25 in all other cases.
8. For making out a copy of any paper, record, or electronic record to go out of the office, which is not otherwise specifically provided for herein, a fee of \$0.50 for each page or, if an electronic record, each image. From such fees, the clerk shall reimburse the locality the costs of making out the copies and pay the remaining fees directly to the Commonwealth. The funds to recoup the cost of making out the copies shall be deposited with the county or city treasurer or Director of Finance, and the governing body shall budget and appropriate such funds to be used to support the cost of copies pursuant to this subdivision. For purposes of this section, the costs of making out the copies authorized under this section shall include costs included in the lease and maintenance agreements for the equipment and the technology needed to operate electronic systems in the clerk's office used to make out the copies, but shall not include salaries or related benefits. The costs of copies shall otherwise be determined in accordance with § 2.2-3704. However, there shall be no charge to the recipient of a final order or decree to send an attested copy to such party.
9. For annexing the seal of the court to any paper, writing the certificate of the clerk accompanying it, the clerk shall charge \$2 and for attaching the certificate of the judge, if the clerk is requested to do so, the clerk shall charge an additional \$0.50.
10. In any case in which a person is convicted of a violation of any provision of Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2 or is subject to a disposition under § 18.2-251, the clerk shall assess a fee of \$150 for each felony conviction and each felony disposition under § 18.2-251 which shall be taxed as costs to the defendant and shall be paid into the Drug Offender Assessment and Treatment Fund.
11. In any case in which a person is convicted of a violation of any provision of Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2 or is subject to a disposition under § 18.2-251, the clerk shall assess a fee for each misdemeanor

conviction and each misdemeanor disposition under § 18.2-251, which shall be taxed as costs to the defendant and shall be paid into the Drug Offender Assessment and Treatment Fund as provided in § 17.1-275.8.

12. Upon the defendant's being required to successfully complete traffic school, a mature driver motor vehicle crash prevention course, or a driver improvement clinic in lieu of a finding of guilty, the court shall charge the defendant fees and costs as if he had been convicted.

13. In all civil actions that include one or more claims for the award of monetary damages the clerk's fee chargeable to the plaintiff shall be \$100 in cases seeking recovery not exceeding \$49,999; \$200 in cases seeking recovery exceeding \$49,999, but not exceeding \$100,000; \$250 in cases seeking recovery exceeding \$100,000, but not exceeding \$500,000; and \$300 in cases seeking recovery exceeding \$500,000. Ten dollars of each such fee shall be apportioned to the Courts Technology Fund established under § 17.1-132. A fee of \$25 shall be paid by the plaintiff at the time of instituting a condemnation case, in lieu of any other fees. There shall be no fee charged for the filing of a cross-claim or setoff in any pending action. However, the fees prescribed by this subdivision shall be charged upon the filing of a counterclaim or a claim impleading a third-party defendant. The fees prescribed above shall be collected upon the filing of papers for the commencement of civil actions. This subdivision shall not be applicable to cases filed in the Supreme Court of Virginia.

13a. For the filing of any petition seeking court approval of a settlement where no action has yet been filed, the clerk's fee, chargeable to the petitioner, shall be \$50, to be paid by the petitioner at the time of filing the petition.

14. In addition to the fees chargeable for civil actions, for the costs of proceedings for judgments by confession under §§ 8.01-432 through 8.01-440, the clerk shall tax as costs (i) the cost of registered or certified mail; (ii) the statutory writ tax, in the amount required by law to be paid on a suit for the amount of the confessed judgment; (iii) for the sheriff for serving each copy of the order entering judgment, \$12; and (iv) for docketing the judgment and issuing executions thereon, the same fees as prescribed in subdivision A 17.

15. For qualifying notaries public, including the making out of the bond and any copies thereof, administering the necessary oaths, and entering the order, \$10.

16. For each habeas corpus proceeding, the clerk shall receive \$10 for all services required thereunder. This subdivision shall not be applicable to such suits filed in the Supreme Court of Virginia.

17. For docketing and indexing a judgment from any other court of the Commonwealth, for docketing and indexing a judgment in the new name of a judgment debtor pursuant to the provisions of § 8.01-451, but not when incident to a divorce, for noting and filing the assignment of a judgment pursuant to § 8.01-452, a fee of \$5; and for issuing an abstract of any recorded judgment, when proper to do so, a fee of \$5; and for filing, docketing, indexing and mailing notice of a foreign judgment, a fee of \$20.

18. For all services rendered by the clerk in any court proceeding for which no specific fee is provided by law, the clerk shall charge \$10, to be paid by the party filing said papers at the time of filing; however, this subdivision shall not be applicable in a divorce cause prior to and including the entry of a decree of divorce from the bond of matrimony.

19, 20. [Repealed.]

21. For making the endorsements on a forthcoming bond and recording the matters relating to such bond pursuant to the provisions of § 8.01-529, \$1.

22. For all services rendered by the clerk in any proceeding pursuant to § 57-8 or 57-15, \$10.

23. For preparation and issuance of a subpoena duces tecum, \$5.

24. For all services rendered by the clerk in matters under § 8.01-217 relating to change of name, \$20; however, this subdivision shall not be applicable in cases where the change of name is incident to a divorce.

25. For providing court records or documents on microfilm, per frame, \$0.50.

26. In all divorce and separate maintenance proceedings, and all civil actions that do not include one or more claims for the award of monetary damages, the clerk's fee chargeable to the plaintiff shall be \$60, \$10 of which shall be apportioned to the Courts Technology Fund established under § 17.1-132 to be paid by the plaintiff at the time of instituting the suit, which shall include the furnishing of a duly certified copy of the final decree. The fees prescribed by this subdivision shall be charged upon the filing of a counterclaim or a claim impleading a third-party defendant. However, no fee shall be charged for (i) the filing of a cross-claim or setoff in any pending suit or (ii) the filing of a counterclaim or any other responsive pleading in any annulment, divorce, or separate maintenance proceeding. In divorce cases, when there is a merger of a divorce of separation a mensa et thoro into a decree of divorce a vinculo, the above mentioned fee shall include the furnishing of a duly certified copy of both such decrees.

27. For the acceptance of credit or debit cards in lieu of money to collect and secure all fees, including filing fees, fines, restitution, forfeiture, penalties and costs, the clerk shall collect from the person presenting such credit or debit card a reasonable convenience fee for the processing of such credit or debit card. Such convenience fee shall not exceed four percent of the amount paid for the transaction or a flat fee of \$2 per transaction. The clerk may set a lower convenience fee for electronic filing of civil or criminal proceedings pursuant to § 17.1-258.3. Nothing herein shall be construed to prohibit the clerk from outsourcing the processing of credit and debit card transactions to a third-party private vendor engaged by the clerk. Convenience fees shall be used to cover operational expenses as defined in § 17.1-295.

28. For the return of any check unpaid by the financial institution on which it was drawn or notice is received from the credit or debit card issuer that payment will not be made for any reason, the clerk may collect a fee of \$50 or 10 percent of the amount of the payment, whichever is greater.

29. For all services rendered, except in cases in which costs are assessed pursuant to § 17.1-275.1, 17.1-275.2, 17.1-275.3, or 17.1-275.4, in an adoption proceeding, a fee of \$20, in addition to the fee imposed under § 63.2-1246, to be paid by the petitioner or petitioners. For each petition for adoption filed pursuant to § 63.2-1201, except those filed pursuant to subdivisions 5 and 6 of § 63.2-1210, an additional \$50 filing fee as required under § 63.2-1201 shall be deposited in the Virginia Birth Father Registry Fund pursuant to § 63.2-1249.

30. For issuing a duplicate license for one lost or destroyed as provided in § 29.1-334, a fee in the same amount as the fee for the original license.

31. For the filing of any petition as provided in §§ 33.2-1023, 33.2-1024, and 33.2-1027, a fee of \$5 to be paid by the petitioner; and for the recordation of a certificate or copy thereof, as provided for in § 33.2-1021, as well as for any order of the court relating thereto, the clerk shall charge the same fee as for recording a deed as provided for in this section, to be paid by the party upon whose request such certificate is recorded or order is entered.

32. For making up, certifying and transmitting original record pursuant to the Rules of the Supreme Court, including all papers necessary to be copied and other services rendered, except in cases in which costs are assessed pursuant to § 17.1-275.1, 17.1-275.2, 17.1-275.3, 17.1-275.4, 17.1-275.7, 17.1-275.8, or 17.1-275.9, a fee of \$20.

33. [Repealed.]

34. For filings, etc., under the Uniform Federal Lien Registration Act (§ 55.1-653 et seq.), the fees shall be as prescribed in that Act.

35. For filing the appointment of a resident agent for a nonresident property owner in accordance with § 55.1-1211 or 55.1-1401, a fee of \$10.

36. [Repealed.]

37. For recordation of certificate and registration of names of nonresident owners in accordance with § 59.1-74, a fee of \$10.

38. For maintaining the information required under the Overhead High Voltage Line Safety Act (§ 59.1-406 et seq.), the fee as prescribed in § 59.1-411.

39. For lodging, indexing and preserving a will in accordance with § 64.2-409, a fee of \$2.

40. For filing a financing statement in accordance with § 8.9A-505, the fee shall be as prescribed under § 8.9A-525.

41. For filing a termination statement in accordance with § 8.9A-513, the fee shall be as prescribed under § 8.9A-525.

42. For filing assignment of security interest in accordance with § 8.9A-514, the fee shall be as prescribed under § 8.9A-525.

43. For filing a petition as provided in §§ 64.2-2001 and 64.2-2013, the fee shall be \$10.

44. For issuing any execution, and recording the return thereof, a fee of \$1.50.

45. For the preparation and issuance of a summons for interrogation by an execution creditor, a fee of \$5. If there is no outstanding execution, and one is requested herewith, the clerk shall be allowed an additional fee of \$1.50, in accordance with subdivision A 44.

B. In accordance with § 17.1-281, the clerk shall collect fees under subdivisions A 7, A 13, A 16, A 18 if applicable, A 20, A 22, A 24, A 26, A 29, and A 31 to be designated for courthouse construction, renovation or maintenance.

C. In accordance with § 17.1-278, the clerk shall collect fees under subdivisions A 7, A 13, A 16, A 18 if applicable, A 20, A 22, A 24, A 26, A 29, and A 31 to be designated for services provided for the poor, without charge, by a nonprofit legal aid program.

D. In accordance with § 42.1-70, the clerk shall collect fees under subdivisions A 7, A 13, A 16, A 18 if applicable, A 20, A 22, A 24, A 26, A 29, and A 31 to be designated for public law libraries.

E. All fees collected pursuant to subdivision A 27 and § 17.1-276 shall be deposited by the clerk into a special revenue fund held by the clerk, which will restrict the funds to their statutory purpose.

F. The provisions of this section shall control the fees charged by clerks of circuit courts for the services above described.

CHAPTER 654

An Act to amend and reenact § 17.1-606 of the Code of Virginia, relating to civil actions; determination of indigency.

[S 1032]

Approved April 6, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 17.1-606 of the Code of Virginia is amended and reenacted as follows:

§ 17.1-606. Persons allowed services without fees or costs.

A. Any person who is (i) a plaintiff in a civil action in a court of the Commonwealth and a resident of the Commonwealth or (ii) a defendant in a civil action in a court of the Commonwealth, and who is on account of his poverty unable to pay fees or costs, may be allowed by a court to sue or defend a suit therein, without paying fees or costs; whereupon he shall have, from any counsel whom the court may assign him, and from all officers, all needful services and process, without any fees, except what may be included in the costs recovered from the opposite party.

B. In determining a person's inability to pay fees or costs on account of his poverty, the court shall consider ~~the factors set forth in subsection B of § 19.2-159, provided that, whether such person is a current recipient of a state or federally funded public assistance program for the indigent or is represented by a legal aid society, subject to § 54.1-3916, including an attorney appearing as counsel, pro bono, or assigned or referred by a legal aid society. If so, such person shall be presumed unable to pay such fees or costs. Except in the case of a no-fault divorce proceeding under subdivision A (9) of § 20-91, a person who is a current recipient of a state or federally funded public assistance program for the indigent shall not be subject to fees and costs. In such no-fault divorce proceeding, such person shall certify to the receipt of such benefits under oath such presumption shall be rebuttable where the court finds that a more thorough examination of the person's financial resources is necessary.~~

C. If a person claims indigency but is not presumptively unable to pay under subsection B, or a court, where applicable, finds that a more thorough examination of the financial resources of the petitioner is needed, the court shall consider:

1. The net income of such person, which shall include his total salary and wages, less deductions required by law and tax withholdings;

2. Such person's liquid assets, including all cash on hand as well as assets in checking, savings, and similar accounts; and

3. Any exceptional expenses of such person and his dependents, including costs for medical care, family support obligations, and child care payments.

The available funds of the person shall be calculated as the sum of his total income and liquid assets less exceptional expenses as provided in subdivision 3. If the available funds are equal to or less than 125 percent of the federal poverty income guidelines prescribed for the size of the household of such person by the federal Department of Health and Human Services, he shall be presumed unable to pay. The Supreme Court of Virginia shall be responsible for distributing to all courts the annual updates of the federal poverty income guidelines made by the Department.

CHAPTER 655

An Act to amend and reenact § 55.1-703 of the Code of Virginia, relating to Real Estate Board; required residential property disclosures; dams.

[H 1569]

Approved April 6, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 55.1-703 of the Code of Virginia is amended and reenacted as follows:

§ 55.1-703. Required disclosures for buyer to beware; buyer to exercise necessary due diligence.

A. The owner of the residential real property shall furnish to a purchaser a residential property disclosure statement for the buyer to beware of certain matters that may affect the buyer's decision to purchase such real property. Such statement shall be provided by the Real Estate Board on its website.

B. The residential property disclosure statement provided by the Real Estate Board on its website shall include the following:

1. The owner makes no representations or warranties as to the condition of the real property or any improvements thereon, or with regard to any covenants and restrictions, or any conveyances of mineral rights, as may be recorded among the land records affecting the real property or any improvements thereon, and purchasers are advised to exercise whatever due diligence a particular purchaser deems necessary, including obtaining a home inspection, as defined in § 54.1-500, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event prior to settlement pursuant to such contract;

2. The owner makes no representations with respect to any matters that may pertain to parcels adjacent to the subject parcel, including zoning classification or permitted uses of adjacent parcels, and purchasers are advised to exercise whatever due diligence a particular purchaser deems necessary with respect to adjacent parcels in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event prior to settlement pursuant to such contract;

3. The owner makes no representations to any matters that pertain to whether the provisions of any historic district ordinance affect the property, and purchasers are advised to exercise whatever due diligence a particular purchaser deems necessary with respect to any historic district designated by the locality pursuant to § 15.2-2306, including review of (i) any local ordinance creating such district, (ii) any official map adopted by the locality depicting historic districts, and (iii) any materials available from the locality that explain (a) any requirements to alter, reconstruct, renovate, restore, or demolish buildings or signs in the local historic district and (b) the necessity of any local review board or governing body approvals prior to doing any work on a property located in a local historic district, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event prior to settlement pursuant to such contract;

4. The owner makes no representations with respect to whether the property contains any resource protection areas established in an ordinance implementing the Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq.) adopted by the locality where the property is located pursuant to § 62.1-44.15:74, and purchasers are advised to exercise whatever due

diligence a particular purchaser deems necessary to determine whether the provisions of any such ordinance affect the property, including review of any official map adopted by the locality depicting resource protection areas, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event prior to settlement pursuant to such contract;

5. The owner makes no representations with respect to information on any sexual offenders registered under Chapter 23 (§ 19.2-387 et seq.) of Title 19.2, and purchasers are advised to exercise whatever due diligence they deem necessary with respect to such information, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event prior to settlement pursuant to such contract;

6. The owner makes no representations with respect to whether the property is within a dam break inundation zone. Such disclosure statement shall advise purchasers to exercise whatever due diligence they deem necessary with respect to whether the property resides within a dam break inundation zone, including a review of any map adopted by the locality depicting dam break inundation zones;

7. The owner makes no representations with respect to the presence of any stormwater detention facilities located on the property, or the existence or recordation of any maintenance agreement for such facilities, and purchasers are advised to exercise whatever due diligence they deem necessary to determine the presence of any stormwater detention facilities on the property, or any maintenance agreement for such facilities, such as contacting their settlement provider, consulting the locality in which the property is located, or reviewing any survey of the property that may have been conducted, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event prior to settlement pursuant to such contract;

8. The owner makes no representations with respect to the presence of any wastewater system, including the type or size of the wastewater system or associated maintenance responsibilities related to the wastewater system, located on the property, and purchasers are advised to exercise whatever due diligence they deem necessary to determine the presence of any wastewater system on the property and the costs associated with maintaining, repairing, or inspecting any wastewater system, including any costs or requirements related to the pump-out of septic tanks, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event prior to settlement pursuant to such contract;

9. The owner makes no representations with respect to any right to install or use solar energy collection devices on the property;

10. The owner makes no representations with respect to whether the property is located in one or more special flood hazard areas, and purchasers are advised to exercise whatever due diligence they deem necessary, including (i) obtaining a flood certification or mortgage lender determination of whether the property is located in one or more special flood hazard areas, (ii) reviewing any map depicting special flood hazard areas, (iii) contacting the Federal Emergency Management Agency (FEMA) or visiting the website for FEMA's National Flood Insurance Program or for the Virginia Department of Conservation and Recreation's Flood Risk Information System, and (iv) determining whether flood insurance is required, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event prior to settlement pursuant to such contract;

11. The owner makes no representations with respect to whether the property is subject to one or more conservation or other easements, and purchasers are advised to exercise whatever due diligence a particular purchaser deems necessary in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event prior to settlement pursuant to such contract; ~~and~~

12. The owner makes no representations with respect to whether the property is subject to a community development authority approved by a local governing body pursuant to Article 6 (§ 15.2-5152 et seq.) of Chapter 51 of Title 15.2, and purchasers are advised to exercise whatever due diligence a particular purchaser deems necessary in accordance with terms and conditions as may be contained in the real estate purchase contract, including determining whether a copy of the resolution or ordinance has been recorded in the land records of the circuit court for the locality in which the community development authority district is located for each tax parcel included in the district pursuant to § 15.2-5157, but in any event prior to settlement pursuant to such contract; *and*

13. The owner makes no representation with respect to the condition or regulatory status of any impounding structure or dam on the property or under the ownership of the common interest community that the owner of the property is required to join, and purchasers are advised to exercise whatever due diligence a particular purchaser deems necessary to determine the condition, regulatory status, cost of required maintenance and operation, or other relevant information pertaining to the impounding structure or dam, including contacting the Department of Conservation and Recreation or a licensed professional engineer.

C. The residential property disclosure statement shall be delivered in accordance with § 55.1-709.

CHAPTER 656

An Act to amend and reenact § 55.1-703 of the Code of Virginia, relating to Real Estate Board; required residential property disclosures; dams.

Be it enacted by the General Assembly of Virginia:

1. That § 55.1-703 of the Code of Virginia is amended and reenacted as follows:

§ 55.1-703. Required disclosures for buyer to beware; buyer to exercise necessary due diligence.

A. The owner of the residential real property shall furnish to a purchaser a residential property disclosure statement for the buyer to beware of certain matters that may affect the buyer's decision to purchase such real property. Such statement shall be provided by the Real Estate Board on its website.

B. The residential property disclosure statement provided by the Real Estate Board on its website shall include the following:

1. The owner makes no representations or warranties as to the condition of the real property or any improvements thereon, or with regard to any covenants and restrictions, or any conveyances of mineral rights, as may be recorded among the land records affecting the real property or any improvements thereon, and purchasers are advised to exercise whatever due diligence a particular purchaser deems necessary, including obtaining a home inspection, as defined in § 54.1-500, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event prior to settlement pursuant to such contract;

2. The owner makes no representations with respect to any matters that may pertain to parcels adjacent to the subject parcel, including zoning classification or permitted uses of adjacent parcels, and purchasers are advised to exercise whatever due diligence a particular purchaser deems necessary with respect to adjacent parcels in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event prior to settlement pursuant to such contract;

3. The owner makes no representations to any matters that pertain to whether the provisions of any historic district ordinance affect the property, and purchasers are advised to exercise whatever due diligence a particular purchaser deems necessary with respect to any historic district designated by the locality pursuant to § 15.2-2306, including review of (i) any local ordinance creating such district, (ii) any official map adopted by the locality depicting historic districts, and (iii) any materials available from the locality that explain (a) any requirements to alter, reconstruct, renovate, restore, or demolish buildings or signs in the local historic district and (b) the necessity of any local review board or governing body approvals prior to doing any work on a property located in a local historic district, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event prior to settlement pursuant to such contract;

4. The owner makes no representations with respect to whether the property contains any resource protection areas established in an ordinance implementing the Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq.) adopted by the locality where the property is located pursuant to § 62.1-44.15:74, and purchasers are advised to exercise whatever due diligence a particular purchaser deems necessary to determine whether the provisions of any such ordinance affect the property, including review of any official map adopted by the locality depicting resource protection areas, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event prior to settlement pursuant to such contract;

5. The owner makes no representations with respect to information on any sexual offenders registered under Chapter 23 (§ 19.2-387 et seq.) of Title 19.2, and purchasers are advised to exercise whatever due diligence they deem necessary with respect to such information, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event prior to settlement pursuant to such contract;

6. The owner makes no representations with respect to whether the property is within a dam break inundation zone. Such disclosure statement shall advise purchasers to exercise whatever due diligence they deem necessary with respect to whether the property resides within a dam break inundation zone, including a review of any map adopted by the locality depicting dam break inundation zones;

7. The owner makes no representations with respect to the presence of any stormwater detention facilities located on the property, or the existence or recordation of any maintenance agreement for such facilities, and purchasers are advised to exercise whatever due diligence they deem necessary to determine the presence of any stormwater detention facilities on the property, or any maintenance agreement for such facilities, such as contacting their settlement provider, consulting the locality in which the property is located, or reviewing any survey of the property that may have been conducted, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event prior to settlement pursuant to such contract;

8. The owner makes no representations with respect to the presence of any wastewater system, including the type or size of the wastewater system or associated maintenance responsibilities related to the wastewater system, located on the property, and purchasers are advised to exercise whatever due diligence they deem necessary to determine the presence of any wastewater system on the property and the costs associated with maintaining, repairing, or inspecting any wastewater system, including any costs or requirements related to the pump-out of septic tanks, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event prior to settlement pursuant to such contract;

9. The owner makes no representations with respect to any right to install or use solar energy collection devices on the property;

10. The owner makes no representations with respect to whether the property is located in one or more special flood hazard areas, and purchasers are advised to exercise whatever due diligence they deem necessary, including (i) obtaining a flood certification or mortgage lender determination of whether the property is located in one or more special flood hazard areas, (ii) reviewing any map depicting special flood hazard areas, (iii) contacting the Federal Emergency Management

Agency (FEMA) or visiting the website for FEMA's National Flood Insurance Program or for the Virginia Department of Conservation and Recreation's Flood Risk Information System, and (iv) determining whether flood insurance is required, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event prior to settlement pursuant to such contract;

11. The owner makes no representations with respect to whether the property is subject to one or more conservation or other easements, and purchasers are advised to exercise whatever due diligence a particular purchaser deems necessary in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event prior to settlement pursuant to such contract; ~~and~~

12. The owner makes no representations with respect to whether the property is subject to a community development authority approved by a local governing body pursuant to Article 6 (§ 15.2-5152 et seq.) of Chapter 51 of Title 15.2, and purchasers are advised to exercise whatever due diligence a particular purchaser deems necessary in accordance with terms and conditions as may be contained in the real estate purchase contract, including determining whether a copy of the resolution or ordinance has been recorded in the land records of the circuit court for the locality in which the community development authority district is located for each tax parcel included in the district pursuant to § 15.2-5157, but in any event prior to settlement pursuant to such contract; *and*

13. *The owner makes no representation with respect to the condition or regulatory status of any impounding structure or dam on the property or under the ownership of the common interest community that the owner of the property is required to join, and purchasers are advised to exercise whatever due diligence a particular purchaser deems necessary to determine the condition, regulatory status, cost of required maintenance and operation, or other relevant information pertaining to the impounding structure or dam, including contacting the Department of Conservation and Recreation or a licensed professional engineer.*

C. The residential property disclosure statement shall be delivered in accordance with § 55.1-709.

CHAPTER 657

An Act to amend and reenact § 67-200 of the Code of Virginia and to amend the Code of Virginia by adding in Title 67 a chapter numbered 17, consisting of a section numbered 67-1700, relating to nuclear energy; strategic plan.

[H 1303]

Approved April 6, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 67-200 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Title 67 a chapter numbered 17, consisting of a section numbered 67-1700, as follows:

§ 67-200. Definitions.

As used in this title:

"Department" means the Department of Mines, Minerals and Energy.

"Division" means the Division of Energy of the Department of Mines, Minerals and Energy.

"Plan" means the Virginia Energy Plan prepared pursuant to this chapter, including any updates thereto.

CHAPTER 17.

NUCLEAR ENERGY PLANNING.

§ 67-1700. Nuclear energy; strategic plan.

A. *The Department and the Secretaries of Commerce and Trade and Education shall work in coordination with the Virginia Nuclear Energy Consortium Authority (VNECA), established pursuant to Chapter 14 (§ 67-1400 et seq.), and the Virginia Economic Development Partnership Authority, established pursuant to Article 4 (§ 2.2-2234 et seq.) of Chapter 22 of Title 2.2, to develop a strategic plan for nuclear energy as part of the Commonwealth's overall goal of carbon-free energy.*

B. *Such plan may include (i) the promotion of new technologies and opportunities for innovation, including advanced manufacturing; (ii) the establishment of a collaborative research center and university nuclear leadership program to promote education in fields that meet the workforce demands of Virginia's nuclear industry; and (iii) recognition of the role of nuclear energy in the Commonwealth's goal of employing 100 percent carbon-free sources of energy by 2050.*

C. *Such plan shall be completed by October 1, 2020, shall be updated every four years thereafter, and shall be published on the Internet by VNECA.*

CHAPTER 658

An Act to amend and reenact § 67-200 of the Code of Virginia and to amend the Code of Virginia by adding in Title 67 a chapter numbered 17, consisting of a section numbered 67-1700, relating to nuclear energy; strategic plan.

[S 549]

Approved April 6, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 67-200 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Title 67 a chapter numbered 17, consisting of a section numbered 67-1700, as follows:

§ 67-200. Definitions.

As used in this title:

"Department" means the Department of Mines, Minerals and Energy.

"Division" means the Division of Energy of the Department of Mines, Minerals and Energy.

"Plan" means the Virginia Energy Plan prepared pursuant to this chapter, including any updates thereto.

CHAPTER 17.

NUCLEAR ENERGY PLANNING.

§ 67-1700. Nuclear energy; strategic plan.

A. The Department and the Secretaries of Commerce and Trade and Education shall work in coordination with the Virginia Nuclear Energy Consortium Authority (VNECA), established pursuant to Chapter 14 (§ 67-1400 et seq.), and the Virginia Economic Development Partnership Authority, established pursuant to Article 4 (§ 2.2-2234 et seq.) of Chapter 22 of Title 2.2, to develop a strategic plan for nuclear energy as part of the Commonwealth's overall goal of carbon-free energy.

B. Such plan may include (i) the promotion of new technologies and opportunities for innovation, including advanced manufacturing; (ii) the establishment of a collaborative research center and university nuclear leadership program to promote education in fields that meet the workforce demands of Virginia's nuclear industry; and (iii) recognition of the role of nuclear energy in the Commonwealth's goal of employing 100 percent carbon-free sources of energy by 2050.

C. Such plan shall be completed by October 1, 2020, shall be updated every four years thereafter, and shall be published on the Internet by VNECA.

CHAPTER 659

An Act to amend the Code of Virginia by adding in Chapter 41.1 of Title 3.2 a section numbered 3.2-4121 and by adding in Chapter 51 of Title 3.2 an article numbered 5, consisting of sections numbered 3.2-5145.1 through 3.2-5145.5, relating to industrial hemp; standards for extracts; regulations; fund; emergency.

[H 1430]

Approved April 6, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 41.1 of Title 3.2 a section numbered 3.2-4121 and by adding in Chapter 51 of Title 3.2 an article numbered 5, consisting of sections numbered 3.2-5145.1 through 3.2-5145.5, as follows:

§ 3.2-4121. Virginia Industrial Hemp Fund.

There is hereby created in the state treasury a special nonreverting fund to be known as the Virginia Industrial Hemp Fund, hereafter referred to as "the Fund." The Fund shall be established on the books of the Comptroller. All moneys levied and collected under the provisions of this chapter shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used by the Department solely for carrying out the purposes of this chapter. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Commissioner.

Article 5.

Industrial Hemp Extract Intended for Human Consumption.

§ 3.2-5145.1. Definitions.

As used in this article, unless the context requires a different meaning:

"Food" means any article that is intended for human consumption and introduction into commerce, whether the article is simple, mixed, or compound, and all substances or ingredients used in the preparation thereof. "Food" does not mean drug as defined in § 54.1-3401.

"Industrial hemp extract" means an extract (i) of a *Cannabis sativa* plant that has a concentration of tetrahydrocannabinol that is no greater than that allowed for hemp by federal law and (ii) that is intended for human consumption.

§ 3.2-5145.2. Industrial hemp extract; approved food.

An industrial hemp extract is a food and is subject to the requirements of this chapter and regulations adopted pursuant to this chapter.

§ 3.2-5145.3. Manufacturer of industrial hemp extract or food containing an industrial hemp extract.

A manufacturer of an industrial hemp extract or food containing an industrial hemp extract shall be an approved source if the manufacturer operates:

1. Under inspection by the responsible food regulatory agency in the location in which such manufacturing occurs; and

2. In compliance with the laws, regulations, or criteria that pertain to the manufacturer of industrial hemp extracts or food containing an industrial hemp extract in the location in which such manufacturing occurs.

§ 3.2-5145.4. Industrial hemp extract requirements.

A. An industrial hemp extract shall (i) be produced from industrial hemp grown in compliance with applicable law and (ii) notwithstanding any authority under federal law to have a greater concentration of tetrahydrocannabinol, have a tetrahydrocannabinol concentration of no greater than 0.3 percent.

B. In addition to the requirements of this chapter, an industrial hemp extract or food containing an industrial hemp extract shall comply with regulations adopted by the Board pursuant to § 3.2-5145.5.

§ 3.2-5145.5. Regulations.

A. The Board is authorized to adopt regulations for the efficient enforcement of this article.

B. The Board shall adopt regulations identifying contaminants of an industrial hemp extract or a food containing an industrial hemp extract and establishing tolerances for such identified contaminants.

C. The Board shall adopt regulations establishing labeling requirements for an industrial hemp extract or a food containing an industrial hemp extract.

D. The Board shall adopt regulations establishing batch testing requirements for industrial hemp extracts. The Board shall require that batch testing of industrial hemp extracts be conducted by an independent testing laboratory that meets criteria established by the Board.

E. With the exception of § 2.2-4031, neither the provisions of the Administrative Process Act (§ 2.2-4000 et seq.) nor public participation guidelines adopted pursuant thereto shall apply to the adoption of any regulation pursuant to this section. Prior to adopting any regulation pursuant to this section, the Board shall publish a notice of opportunity to comment in the Virginia Register of Regulations and post the action on the Virginia Regulatory Town Hall. Such notice of opportunity to comment shall contain (i) a summary of the proposed regulation; (ii) the text of the proposed regulation; and (iii) the name, address, and telephone number of the agency contact person responsible for receiving public comments. Such notice shall be made at least 60 days in advance of the last date prescribed in such notice for submittals of public comment. The legislative review provisions of subsections A and B of § 2.2-4014 shall apply to the promulgation or final adoption process for regulations pursuant to this section. The Board shall consider and keep on file all public comments received for any regulation adopted pursuant to this section.

2. That the Secretary of Agriculture and Forestry, in consultation with the Secretary of Administration, shall by November 1, 2020, report to the Governor and the General Assembly a plan for the long-term sustainability of funding for the industrial hemp program, including consideration of the cost of testing the tetrahydrocannabinol concentration of hemp crops grown in Virginia as required by state or federal law.

3. That the Department of Agriculture and Consumer Services shall, by November 1, 2020, report to the Chairmen of the Senate Committee on Agriculture, Conservation and Natural Resources and the House Committee on Agriculture, Chesapeake and Natural Resources regarding recommended legislative or regulatory amendments necessary to (i) allow a registered industrial hemp grower to grow industrial hemp with a tetrahydrocannabinol concentration of no greater than one percent and (ii) authorize the Department to modify its existing industrial hemp program as quickly and efficiently as possible to respond to any final regulation adopted by the U.S. Department of Agriculture regarding the domestic production of hemp.

4. That nothing in this act shall be construed to prohibit the Department of Agriculture and Consumer Services from adopting a tiered approach to testing of tetrahydrocannabinol concentrations at the processor level if such approach is not prohibited by federal law or by any rule or regulation of the U.S. Department of Agriculture.

5. That an emergency exists and this act is in force from its passage.

CHAPTER 660

An Act to amend the Code of Virginia by adding in Chapter 41.1 of Title 3.2 a section numbered 3.2-4121 and by adding in Chapter 51 of Title 3.2 an article numbered 5, consisting of sections numbered 3.2-5145.1 through 3.2-5145.5, relating to industrial hemp; standards for extracts; regulations; fund; emergency.

[S 918]

Approved April 6, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 41.1 of Title 3.2 a section numbered 3.2-4121 and by adding in Chapter 51 of Title 3.2 an article numbered 5, consisting of sections numbered 3.2-5145.1 through 3.2-5145.5, as follows:

§ 3.2-4121. Virginia Industrial Hemp Fund.

There is hereby created in the state treasury a special nonreverting fund to be known as the Virginia Industrial Hemp Fund, hereafter referred to as "the Fund." The Fund shall be established on the books of the Comptroller. All moneys levied and collected under the provisions of this chapter shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in

the Fund shall be used by the Department solely for carrying out the purposes of this chapter. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Commissioner.

Article 5.

Industrial Hemp Extract Intended for Human Consumption.

§ 3.2-5145.1. Definitions.

As used in this article, unless the context requires a different meaning:

"Food" means any article that is intended for human consumption and introduction into commerce, whether the article is simple, mixed, or compound, and all substances or ingredients used in the preparation thereof. "Food" does not mean drug as defined in § 54.1-3401.

"Industrial hemp extract" means an extract (i) of a Cannabis sativa plant that has a concentration of tetrahydrocannabinol that is no greater than that allowed for hemp by federal law and (ii) that is intended for human consumption.

§ 3.2-5145.2. Industrial hemp extract; approved food.

An industrial hemp extract is a food and is subject to the requirements of this chapter and regulations adopted pursuant to this chapter.

§ 3.2-5145.3. Manufacturer of industrial hemp extract or food containing an industrial hemp extract.

A manufacturer of an industrial hemp extract or food containing an industrial hemp extract shall be an approved source if the manufacturer operates:

- 1. Under inspection by the responsible food regulatory agency in the location in which such manufacturing occurs; and*
- 2. In compliance with the laws, regulations, or criteria that pertain to the manufacturer of industrial hemp extracts or food containing an industrial hemp extract in the location in which such manufacturing occurs.*

§ 3.2-5145.4. Industrial hemp extract requirements.

A. An industrial hemp extract shall (i) be produced from industrial hemp grown in compliance with applicable law and (ii) notwithstanding any authority under federal law to have a greater concentration of tetrahydrocannabinol, have a tetrahydrocannabinol concentration of no greater than 0.3 percent.

B. In addition to the requirements of this chapter, an industrial hemp extract or food containing an industrial hemp extract shall comply with regulations adopted by the Board pursuant to § 3.2-5145.5.

§ 3.2-5145.5. Regulations.

A. The Board is authorized to adopt regulations for the efficient enforcement of this article.

B. The Board shall adopt regulations identifying contaminants of an industrial hemp extract or a food containing an industrial hemp extract and establishing tolerances for such identified contaminants.

C. The Board shall adopt regulations establishing labeling requirements for an industrial hemp extract or a food containing an industrial hemp extract.

D. The Board shall adopt regulations establishing batch testing requirements for industrial hemp extracts. The Board shall require that batch testing of industrial hemp extracts be conducted by an independent testing laboratory that meets criteria established by the Board.

E. With the exception of § 2.2-4031, neither the provisions of the Administrative Process Act (§ 2.2-4000 et seq.) nor public participation guidelines adopted pursuant thereto shall apply to the adoption of any regulation pursuant to this section. Prior to adopting any regulation pursuant to this section, the Board shall publish a notice of opportunity to comment in the Virginia Register of Regulations and post the action on the Virginia Regulatory Town Hall. Such notice of opportunity to comment shall contain (i) a summary of the proposed regulation; (ii) the text of the proposed regulation; and (iii) the name, address, and telephone number of the agency contact person responsible for receiving public comments. Such notice shall be made at least 60 days in advance of the last date prescribed in such notice for submittals of public comment. The legislative review provisions of subsections A and B of § 2.2-4014 shall apply to the promulgation or final adoption process for regulations pursuant to this section. The Board shall consider and keep on file all public comments received for any regulation adopted pursuant to this section.

2. That the Secretary of Agriculture and Forestry, in consultation with the Secretary of Administration, shall by November 1, 2020, report to the Governor and the General Assembly a plan for the long-term sustainability of funding for the industrial hemp program, including consideration of the cost of testing the tetrahydrocannabinol concentration of hemp crops grown in Virginia as required by state or federal law.

3. That the Department of Agriculture and Consumer Services shall, by November 1, 2020, report to the Chairmen of the Senate Committee on Agriculture, Conservation and Natural Resources and the House Committee on Agriculture, Chesapeake and Natural Resources regarding recommended legislative or regulatory amendments necessary to (i) allow a registered industrial hemp grower to grow industrial hemp with a tetrahydrocannabinol concentration of no greater than one percent and (ii) authorize the Department to modify its existing industrial hemp program as quickly and efficiently as possible to respond to any final regulation adopted by the U.S. Department of Agriculture regarding the domestic production of hemp.

4. That nothing in this act shall be construed to prohibit the Department of Agriculture and Consumer Services from adopting a tiered approach to testing of tetrahydrocannabinol concentrations at the processor level if such approach is not prohibited by federal law or by any rule or regulation of the U.S. Department of Agriculture.

5. That an emergency exists and this act is in force from its passage.**CHAPTER 661**

An Act to amend and reenact § 56-249.6 of the Code of Virginia, relating to electric utility regulation; fuel factor.

[H 167]

Approved April 6, 2020

Be it enacted by the General Assembly of Virginia:**1. That § 56-249.6 of the Code of Virginia is amended and reenacted as follows:****§ 56-249.6. Recovery of fuel and purchased power costs.**

A. 1. Each electric utility that purchases fuel for the generation of electricity or purchases power and that was not, as of July 1, 1999, bound by a rate case settlement adopted by the Commission that extended in its application beyond January 1, 2002, shall submit to the Commission its estimate of fuel costs, including the cost of purchased power, for the 12-month period beginning on the date prescribed by the Commission. Upon investigation of such estimates and hearings in accordance with law, the Commission shall direct each company to place in effect tariff provisions designed to recover the fuel costs determined by the Commission to be appropriate for that period, adjusted for any over-recovery or under-recovery of fuel costs previously incurred.

2. The Commission shall continuously review fuel costs and if it finds that any utility described in subdivision A 1 is in an over-recovery position by more than five percent, or likely to be so, it may reduce the fuel cost tariffs to correct the over-recovery.

3. Beginning July 1, 2009, for all utilities described in subdivision A 1 and subsection B, if the Commission approves any increase in fuel factor charges pursuant to this section that would increase the total rates of the residential class of customers of any such utility by more than 20 percent, the Commission, within six months following the effective date of such increase, shall review fuel costs, and if the Commission finds that the utility is, or is likely to be, in an over-recovery position with respect to fuel costs for the 12-month period for which the increase in fuel factor charges was approved by more than five percent, it may reduce the utility's fuel cost tariffs to correct the over-recovery.

B. All fuel costs recovery tariff provisions in effect on January 1, 2004, for any electric utility that purchases fuel for the generation of electricity and that was, as of July 1, 1999, bound by a rate case settlement adopted by the Commission that extended in its application beyond January 1, 2002, shall remain in effect until the later of (i) July 1, 2007 or (ii) the establishment of tariff provisions under subsection C. Any such utility shall continue to report to the Commission annually its actual fuel costs, including the cost of purchased power.

C. Each electric utility described in subsection B shall submit annually to the Commission its estimate of fuel costs, including the cost of purchased power, for successive 12-month periods beginning on July 1, 2007, and each July 1 thereafter. Upon investigation of such estimates and hearings in accordance with law, the Commission shall direct each such utility to place in effect tariff provisions designed to recover the fuel costs determined by the Commission to be appropriate for such periods, adjusted for any over-recovery or under-recovery of fuel costs previously incurred; however, (i) no such adjustment for any over-recovery or under-recovery of fuel costs previously incurred shall be made for any period prior to July 1, 2007, and (ii) the Commission shall order that the deferral portion, if any, of the total increase in fuel tariffs for all classes as determined by the Commission to be appropriate for the 12-month period beginning July 1, 2007, above the fuel tariffs previously existing, shall be deferred without interest and recovered from all classes of customers as follows: (i) in the 12-month period beginning July 1, 2008, that part of the deferral portion of the increase in fuel tariffs that the Commission determines would increase the total rates of the residential class of customers of the utility by four percent over the level of such total rates in existence on June 30, 2008, shall be recovered; (ii) in the 12-month period beginning July 1, 2009, that part of the balance of the deferral portion of the increase in fuel tariffs, if any, that the Commission determines would increase the total rates of the residential class of customers of the utility by four percent over the level of such total rates in existence on June 30, 2009, shall be recovered; and (iii) in the 12-month period beginning July 1, 2010, the entire balance of the deferral portion of the increase in fuel tariffs, if any, shall be recovered. The "deferral portion of the increase in fuel tariffs" means the portion of such increase in fuel tariffs that exceeds the amount of such increase in fuel tariffs that the Commission determines would increase the total rates of the residential class of customers of the utility by more than four percent over the level of such total rates in existence on June 30, 2007.

D. In proceedings under subsections A and C:

1. Energy revenues associated with off-system sales of power shall be credited against fuel factor expenses in an amount equal to the total incremental fuel factor costs incurred in the production and delivery of such sales. In addition, 75 percent of the total annual margins from off-system sales shall be credited against fuel factor expenses; however, the Commission, upon application and after notice and opportunity for hearing, may require that a smaller percentage of such margins be so credited if it finds by clear and convincing evidence that such requirement is in the public interest. The remaining margins from off-system sales shall not be considered in the biennial reviews of electric utilities conducted pursuant to § 56-585.1. In the event such margins result in a net loss to the electric utility, (i) no charges shall be applied to fuel factor expenses and (ii) any such net losses shall not be considered in the biennial reviews of electric utilities conducted

pursuant to § 56-585.1. For purposes of this subsection, "margins from off-system sales" shall mean the total revenues received from off-system sales transactions less the total incremental costs incurred; and

2. The Commission shall disallow recovery of any fuel costs that it finds without just cause to be the result of failure of the utility to make every reasonable effort to minimize fuel costs or any decision of the utility resulting in unreasonable fuel costs, giving due regard to reliability of service and the need to maintain reliable sources of supply, economical generation mix, generating experience of comparable facilities, and minimization of the total cost of providing service.

In any proceeding for the recovery of fuel costs under this subdivision in which the costs a utility seeks to recover include costs incurred under a natural gas capacity contract for a term of more than 10 years that procures more than 250,000 dekatherms per day that has not previously been subject to a review under this subdivision, the Commission shall require the utility to prove by a preponderance of the evidence that the utility has (i) determined that the utility cannot meet its service obligations, giving due regard, in the Commission's sole discretion, to reliability of service and the need to maintain reliable sources of supply, without an additional fuel resource; (ii) reasonably identified and determined the date and amount of the new fuel resource it needs; (iii) objectively studied available alternative fuel resource options, as verified by the Commission, including options other than a new natural gas capacity contract or contracts to meet the identified and determined need; and (iv) determined that the natural gas capacity contract or contracts are the lowest-cost available option, taking into consideration fixed and variable costs and a reasonable projection of utilization. Absent the Commission's finding that the utility has proven by a preponderance of the evidence that the utility had complied with the requirements of clauses (i), (ii), (iii), and (iv), the Commission shall deny the utility's recovery of such costs. Nothing in this subdivision shall limit the Commission's discretion to review and make a determination as to the reasonableness of the recovery by a utility of costs, including costs incurred under a natural gas capacity contract, that were previously subject to a review under this subdivision.

E. The Commission is authorized to promulgate, in accordance with the provisions of this section, all rules and regulations necessary to allow the recovery by electric utilities of all of their prudently incurred fuel costs under subsections A and C, including the cost of purchased power, as precisely and promptly as possible, with no over-recovery or under-recovery, except as provided in subsection C, in a manner that will tend to assure public confidence and minimize abrupt changes in charges to consumers.

CHAPTER 662

An Act to direct the State Corporation Commission to determine when electric utilities should retire coal-fired or natural gas-fired electric generation facilities.

[H 528]

Approved April 6, 2020

Be it enacted by the General Assembly of Virginia:

1. *§ 1. Notwithstanding any other provision of law, the State Corporation Commission shall determine the amortization period for recovery of any appropriate costs due to the early retirement of any electric generation facilities owned or operated by any Phase I Utility or Phase II Utility, as such terms are defined in subdivision A 1 of § 56-585.1 of the Code of Virginia. In making such determination, the State Corporation Commission shall (i) perform an independent analysis of the remaining undepreciated capital costs; (ii) establish a recovery period that best serves ratepayers; and (iii) allow for the recovery of any carrying costs that the Commission deems appropriate.*

CHAPTER 663

An Act to amend and reenact § 56-585.1:3 of the Code of Virginia, relating to electric utilities; community solar development pilot program; facilities in low-income communities.

[H 573]

Approved April 6, 2020

Be it enacted by the General Assembly of Virginia:

1. **That § 56-585.1:3 of the Code of Virginia is amended and reenacted as follows:**

§ 56-585.1:3. Pilot programs for community solar development.

A. As used in this section:

"Eligible generation facility" means an electrical generation facility that:

1. Exclusively uses energy derived from sunlight;
2. Is placed in service on or after July 1, 2017;
3. Is not constructed by an investor-owned utility and either (i) is acquired by an investor-owned utility through an asset purchase agreement or (ii) is subject to a power purchase agreement under which an investor-owned utility purchases the facility's output from a third party; and
4. Has a generating capacity of:
 - a. Not more than two megawatts; or

b. More than two megawatts if not more than two megawatts of the output from the electrical generation facility is selected in an investor-owned utility's RFP for dedication to its pilot program.

"Generating capacity" means an electrical generation facility's nameplate rated capacity measured in direct current megawatts.

"Investor-owned utility" means an electric utility that is a Phase I Utility or a Phase II Utility.

"Low-income community" means a census tract within the Commonwealth designated by the U.S. Department of Housing and Urban Development in 2019 or any year thereafter as a qualified census tract for purposes of the Low-Income Housing Tax Credit pursuant to § 42 of the Internal Revenue Code.

"Participating generating facility" means an eligible generation facility that is selected by an investor-owned utility through its RFP for inclusion in its pilot program.

"Participating third party" means, for investor-owned utilities, a Virginia nonresidential-class customer, an affiliate, a solar development entity, or a nonjurisdictional customer that takes on the obligation, as part of a variable-output contract, of pilot program costs not recovered through the voluntary companion rate schedule as specified in subdivision B 8.

"Participating utility" means (i) each investor-owned utility and (ii) any utility consumer services cooperative that elects to conduct a pilot program under subsection C.

"Phase I Utility" means an investor-owned incumbent electric utility that was, as of July 1, 1999, not bound by a rate case settlement adopted by the Commission that extended in its application beyond January 1, 2002.

"Phase II Utility" means an investor-owned incumbent electric utility that was, as of July 1, 1999, bound by a rate case settlement adopted by the Commission that extended in its application beyond January 1, 2002.

"Pilot program" means a community solar pilot program conducted by a participating utility pursuant to this section following approval by the Commission, under which the participating utility sells electric power to subscribing customers under a voluntary companion rate schedule and the participating utility generates or purchases electric power from participating generation facilities selected by the participating utility.

"Pilot program costs" means all of a participating utility's identified, projected, and actual costs of its pilot program, including costs for (i) purchased power; (ii) renewable and other environmental attributes; (iii) transmission and distribution services; (iv) generating capacity and energy balancing; (v) RFP process costs; (vi) administrative and marketing charges; (vii) capital costs and operations and maintenance expenses related to building, owning, and operating eligible generating facilities; and (viii) a reasonable margin, which margin shall be the weighted average cost of capital.

"Pilot program period" means the three-year period ending three years following the date the first subscription is entered into by a customer.

"RFP" means the request for proposal process conducted by an investor-owned utility.

"Small eligible generation facility" means an eligible generation facility with a generating capacity of less than 0.5 megawatt.

"Solar development entity" means a business entity organized primarily for the purpose of proposing, developing, constructing, purchasing, or selling at wholesale all or part of the output of an eligible generation facility. A solar development entity may be organized in any form and may be a special purpose entity.

"Utility aggregation cooperative" has the same meaning ascribed to "cooperative" in § 56-231.38.

"Utility consumer services cooperative" has the same meaning ascribed to "cooperative" in § 56-231.15.

"Voluntary companion rate schedule" means a rate schedule approved by the Commission upon application by a participating utility that provides for the recovery of the pilot program costs by the participating utility.

B. Notwithstanding the provisions of subsection B of § 56-234 and §§ 56-249.6 and 56-585.1, each investor-owned utility shall conduct a pilot program for retail customers as follows:

1. Each investor-owned utility shall design its own pilot program and within six months of receiving Commission approval shall make subscriptions for participation in its pilot program available to its retail customers on a voluntary basis.

2. An investor-owned utility shall select eligible generating facilities for dedication to its pilot program through an RFP process, under which process:

a. Each investor-owned utility shall have issued one or more public RFPs for eligible generating facilities and the purchase of all energy output and associated renewable energy certificates and other environmental attributes.

b. Each RFP shall:

(1) State the price and non-price criteria used by the investor-owned utility in selecting proposals for dedication to its pilot program; and

(2) Require as a criterion for selection that eligible generating facilities with a combined generating capacity of not less than two megawatts, and any eligible generating facility with a generating capacity of more than two megawatts, be first placed in service on or after July 1, 2017.

c. Each investor-owned utility is authorized to select, under an asset purchase or power purchase agreement, small eligible generating facilities for dedication to its pilot program without regard to whether price criteria are satisfied by their selection if the selection of the small eligible generating facilities (i) materially advances non-price criteria, including a criterion favoring geographic distribution of eligible generating facilities, provided that the generating capacity of small eligible generating facilities does not exceed 25 percent of the utility's pilot program's minimum generating capacity specified in subdivision 3, or (ii) is located in a low-income community as provided in subdivision 15.

d. An investor-owned utility shall not select through its RFP an electrical generation facility with a generating capacity of more than two megawatts for its pilot program unless (i) the costs can be appropriately documented for the portion of the facility's output, which portion shall not exceed two megawatts, that is dedicated to the pilot program and (ii) for a Phase II Utility only, the portion of the facility's generating capacity selected pursuant to this subdivision does not exceed 50 percent of the investor-owned utility's pilot program's minimum generating capacity specified in subdivision 3. The portion of the facility's generating capacity that exceeds the portion of the facility's generating capacity that is selected pursuant to this subdivision shall not be applied in determining whether the pilot program satisfies requirements of subdivision 3 regarding a pilot program's minimum generating capacity.

e. In selecting eligible generating facilities for dedication to its pilot program, an investor-owned utility shall give due consideration to relative costs, economic development benefits, and geographic diversity of eligible generating facilities *and ensure that the selection of such facilities complies with the requirements of subdivision 15 regarding the location of eligible generating facilities in low-income communities.*

f. The investor-owned utility's application to the Commission shall include a description of the application of the price and non-price criteria in the investor-owned utility's selection of participating generating facilities from among the proposals submitted in response to the RFP.

3. The amount of generating capacity of the eligible generating facilities in an investor-owned utility's pilot program shall not be less than (i) 0.5 megawatt if the pilot program is conducted by a Phase I Utility or (ii) 10 megawatts if the pilot program is conducted by a Phase II Utility.

4. The amount of generating capacity of the eligible generating facilities in an investor-owned utility's pilot program shall not exceed (i) 10 megawatts if the pilot program is conducted by a Phase I Utility or (ii) 40 megawatts if the pilot program is conducted by a Phase II Utility.

5. An investor-owned utility shall have the option of increasing the amount of generating capacity of the eligible generating facilities in its pilot program above the amount most recently approved by the Commission, in such increments as the investor-owned utility elects, as follows:

a. Any such increase shall not result in an amount of generating capacity that exceeds the cap specified for the investor-owned utility's pilot program under subdivision 4;

b. No such increase shall be authorized until such time that 90 percent of the amount of generating capacity of the eligible generating facilities then approved for its pilot program has been subscribed by customers through the investor-owned utility's voluntary companion rate schedule;

c. An investor-owned utility may seek any number of increases in the amount of generating capacity of the eligible generating facilities in its pilot program, subject to the conditions in subdivisions a and b; and

d. The investor-owned utility shall select eligible generating facilities for any increase in the generating capacity of its pilot program through an RFP process that complies with the requirements of subdivision 2.

6. Each pilot program shall expire at the end of its pilot program period, unless renewed or made permanent as provided in subsection G.

7. The renewable energy certificates and other environmental attributes associated with the voluntary companion rate schedule shall be retired by the investor-owned utility on the subscribing customer's behalf.

8. An investor-owned utility shall recover all its pilot program costs primarily through its voluntary companion rate schedule. However, pilot program costs that are not recovered through the voluntary companion rate schedule shall be recoverable from a participating third party and not from the investor-owned utility's Virginia jurisdictional customers. To the extent participating third parties are obligated for pilot program costs not recovered through the voluntary companion rate schedule, variable-output contracts between participating third parties other than affiliates and investor-owned utilities shall be negotiated at arm's length and shall not be reviewable by the Commission and shall require no further Commission approvals pursuant to Chapter 4 (§ 56-76 et seq.) or other applicable law.

9. At the conclusion of the pilot program period, to the extent that the pilot program is not made permanent or extended, each participating generating facility shall cease to be part of the pilot program and shall return to operation under the variable-output contract with a participating third party.

10. Any fixed generation costs and fixed purchased power costs shall remain fixed for subscribing customers throughout the duration of the subscribing customers' continuous and uninterrupted participation in the voluntary companion rate schedule. A subscribing customer's participation in the voluntary companion rate schedule shall be deemed to be continuous and uninterrupted notwithstanding a change in the location where the customer receives service if the new location continues to be within the investor-owned utility's service territory and the customer provides the investor-owned utility with notice of the change prior to or within 90 days following the change. Investor-owned utilities are authorized to decrease the generation or purchased power rate, or both, at any time to reflect cost reductions, if any, subject to Commission review. If, pursuant to subdivision 9, the pilot program is not made permanent or continued, the subscribing customers' subscriptions to the voluntary companion rate schedule shall survive the termination of the pilot program.

11. A subscribing customer's usage that exceeds the amount subscribed for under the voluntary companion rate schedule shall be billed under the customer's applicable standard rate.

12. An investor-owned utility shall not require a subscribing customer to enter an agreement or subscription for participation in a pilot program of more than 12 months' duration unless the subscribing customer's subscription exceeds 100 kW, or its equivalent in kWh, at the time the customer initially enters into the agreement or subscription.

13. As part of an arrangement with a solar development entity, a utility may enter into an agreement that provides for risk sharing and collaboration in marketing a utility's pilot program if the solar development entity is a participating third party.

14. An investor-owned utility shall have the ability to close its pilot program to new subscribers according to the terms of the voluntary companion rate schedule upon notice to the Commission. This option shall be exercisable once per year, upon the anniversary date of the Commission's order approving the voluntary companion rate schedule.

15. Notwithstanding any provision of this section to the contrary, effective July 1, 2020, an investor-owned utility shall not select an eligible generating facility that is located outside a low-income community for dedication to its pilot program unless the investor-owned utility contemporaneously selects for dedication to its pilot program one or more eligible generating facilities that are located within a low-income community and of which the pilot program costs equal or exceed the pilot program costs of the eligible generating facility that is located outside a low-income community.

C. Notwithstanding the provisions of subsection B of § 56-234 and §§ 56-249.6 and 56-585.1, upon application of a utility consumer services cooperative the Commission shall review a proposal submitted by the cooperative for a voluntary companion rate schedule. If the Commission finds that the proposal is reasonable and prudent, it shall approve the voluntary companion rate schedule for the cooperative to conduct a pilot program pursuant to this section. No utility consumer services cooperative shall be required to conduct a pilot program pursuant to this section. In making an application to the Commission pursuant to this subsection, a utility consumer services cooperative shall have flexibility to design its voluntary companion rate schedule in a manner that, notwithstanding anything to the contrary in this section, provides the cooperative the ability to:

1. Construct or purchase its generating facilities, or dedicate a portion of its existing power supply portfolio, for its community solar pilot program along with one or more other utility consumer services cooperatives, one or both Phase I or Phase II Utilities, or a utility aggregation cooperative, through requests for proposal or through a contract with a third party or a utility aggregation cooperative;

2. If constructing or purchasing its generating facilities, or dedicating a portion of its existing power supply portfolio, for its pilot program through a utility aggregation cooperative, include generating facilities that may be already in service or may be first placed into service at any time;

3. Utilize generating facilities of any generating capacity for its pilot program;

4. Physically locate the generating facilities used for the pilot program inside or outside of its certificated service territory;

5. Design its voluntary companion rate schedule in coordination with one or more utility consumer services cooperatives, such that participating subscribers from both cooperatives subscribe to an identical rate schedule;

6. Permanently end its pilot program for all subscribers according to the terms of the voluntary companion rate schedule; and

7. Recover pilot program costs that are not recovered through the voluntary companion rate schedule by including unrecovered purchased power expense in the cooperative's cost of purchased power and through a regulatory asset for unrecovered costs that are not purchased power expense, subject to the oversight of the cooperative's board of directors, which regulatory asset shall be approved by the Commission.

D. The participation of retail customers in a pilot program administered by a participating utility in the Commonwealth is in the public interest. Voluntary companion rate schedules approved by the Commission pursuant to this section are necessary in order to acquire information which is in furtherance of the public interest. The Commission shall approve the recovery of pilot program costs that it deems to be reasonable and prudent. The Commission shall also approve the pilot program design, the voluntary companion rate schedule, and the portfolio of participating generating facilities. No Commission review or approval of individual participating generating facilities, agreements, sites, or RFPs shall be required pursuant to this section or any other section of the Code.

E. Any voluntary companion rate schedule approved by the Commission pursuant to this section shall not be considered a tariff for electric energy provided 100 percent from renewable energy pursuant to § 56-577.

F. Each participating utility shall report on the status of its pilot program, including the number of subscribing customers, to the Governor, the Commission, and the Chairmen of the House and Senate Commerce and Labor Committees. The report shall be filed the earlier of (i) three years after the date a customer of the participating utility first subscribes to its pilot program or (ii) July 1, 2022. If a participating utility closes its pilot program to new subscribers pursuant to subdivision B 14, it shall notify the Governor, the Commission, and the Chairmen of the House and Senate Commerce and Labor Committees not later than three months after such closure, which notification shall (a) describe the reasons for the closure and (b) be provided in lieu of the status report otherwise required by this subsection.

G. At any time after filing its report on the status of its pilot program as required by subsection F, a participating utility may, in its application proceeding, move the Commission to make its pilot program permanent. The motion shall include a compliance filing with conforming changes to the participating utility's applicable rate schedules. Upon the Commission's granting of the motion, the pilot program shall become a regular rate schedule of the participating utility.

CHAPTER 664

An Act to amend and reenact § 15.2-958.3 of the Code of Virginia, relating to clean energy financing program.

[H 654]

Approved April 6, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-958.3 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-958.3. Financing clean energy, resiliency, and stormwater management programs.

A. Any locality may, by ordinance, authorize contracts to provide loans for the initial acquisition and installation of clean energy, resiliency, or stormwater management improvements with free and willing property owners of both existing properties and new construction. Such an ordinance shall include but not be limited to the following:

1. The kinds of renewable energy production and distribution facilities, energy usage efficiency improvements, resiliency improvements, water usage efficiency improvements, or stormwater management improvements for which loans may be offered. Resiliency improvements may include mitigation of flooding or the impacts of flooding or stormwater management improvements with a preference for natural or nature-based features and living shorelines as defined in § 28.2-104.1;

2. The proposed arrangement for such loan program, including (i) a statement concerning the source of funding that will be used to pay for work performed pursuant to the contracts; (ii) the interest rate and time period during which contracting property owners would repay the loan; and (iii) the method of apportioning all or any portion of the costs incidental to financing, administration, and collection of the arrangement among the consenting property owners and the locality;

3. (i) A minimum and maximum aggregate dollar amount that may be financed with respect to a property and (ii) if a locality or other public body is originating the loan, a maximum aggregate dollar amount that may be financed with respect to loans originated by the locality or other public body;

4. In the case of a loan program described in clause (ii) of subdivision 3, a method for setting requests from property owners for financing in priority order in the event that requests appear likely to exceed the authorization amount of the loan program. Priority shall be given to those requests from property owners who meet established income or assessed property value eligibility requirements;

5. Identification of a local official authorized to enter into contracts on behalf of the locality. A locality may contract with a third party for professional services to administer such loan program;

6. Identification of any fee that the locality intends to impose on the property owner requesting to participate in the loan program to offset the cost of administering the loan program. The fee may be assessed as (i) a program application fee paid by the property owner requesting to participate in the program, (ii) a component of the interest rate on the assessment in the written contract between the locality and the property owner, or (iii) a combination of clauses (i) and (ii); and

7. A draft contract specifying the terms and conditions proposed by the locality.

B. The locality may combine the loan payments required by the contracts with billings for water or sewer charges, real property tax assessments, or other billings; in such cases, the locality may establish the order in which loan payments will be applied to the different charges. The locality may not combine its billings for loan payments required by a contract authorized pursuant to this section with billings of another locality or political subdivision, including an authority operating pursuant to Chapter 51 (§ 15.2-5100 et seq.), unless such locality or political subdivision has given its consent by duly adopted resolution or ordinance.

C. The locality shall offer private lending institutions the opportunity to participate in local loan programs established pursuant to this section.

D. In order to secure the loan authorized pursuant to this section, the locality shall be authorized to place a voluntary special assessment lien equal in value to the loan against any property where such clean energy systems, resiliency improvements, or stormwater management improvements are being installed. The locality may bundle or package said loans for transfer to private lenders in such a manner that would allow the voluntary special assessment liens to remain in full force to secure the loans.

E. A voluntary special assessment lien on real property other than a residential dwelling with fewer than five dwelling units or a condominium project as defined in § 55.1-2000:

1. Shall have the same priority status as a property tax lien against real property, except that such voluntary special assessment lien shall have priority over any previously recorded mortgage or deed of trust lien only if (i) a written subordination agreement, in a form and substance acceptable to each prior lienholder in its sole and exclusive discretion, is executed by the holder of each mortgage or deed of trust lien on the property and recorded with the special assessment lien in the land records where the property is located, and (ii) evidence that the property owner is current on payments on loans secured by a mortgage or deed of trust lien on the property and on property tax payments, that the property owner is not insolvent or in bankruptcy proceedings, and that the title of the benefited property is not in dispute is submitted to the locality prior to recording of the special assessment lien;

2. Shall run with the land, and that portion of the assessment under the assessment contract that has not yet become due is not eliminated by foreclosure of a property tax lien;

3. May be enforceable by the local government in the same manner that a property tax lien against real property may be enforced by the local government. A local government shall be entitled to recover costs and expenses, including attorney fees, in a suit to collect a delinquent installment of an assessment in the same manner as in a suit to collect a delinquent property tax; and

4. May incur interest and penalties for delinquent installments of the assessment in the same manner as delinquent property taxes.

F. Prior to the enactment of an ordinance pursuant to this section, a public hearing shall be held at which interested persons may object to or inquire about the proposed loan program or any of its particulars. The public hearing shall be advertised once a week for two successive weeks in a newspaper of general circulation in the locality.

G. *The Department of Mines, Minerals and Energy shall have the authority to serve as a statewide sponsor for a clean energy financing program that meets the requirements of this section. The Department of Mines, Minerals and Energy shall engage a private entity through a competitive selection process to develop and administer the program.*

CHAPTER 665

An Act to amend and reenact § 15.2-2232 of the Code of Virginia, relating to the comprehensive plan; solar facilities review.

[H 657]

Approved April 6, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-2232 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-2232. Legal status of plan.

A. Whenever a local planning commission recommends a comprehensive plan or part thereof for the locality and such plan has been approved and adopted by the governing body, it shall control the general or approximate location, character and extent of each feature shown on the plan. Thereafter, unless a feature is already shown on the adopted master plan or part thereof or is deemed so under subsection D, no street or connection to an existing street, park or other public area, public building or public structure, public utility facility or public service corporation facility other than a railroad facility or an underground natural gas or underground electric distribution facility of a public utility as defined in subdivision (b) of § 56-265.1 within its certificated service territory, whether publicly or privately owned, shall be constructed, established or authorized, unless and until the general location or approximate location, character, and extent thereof has been submitted to and approved by the commission as being substantially in accord with the adopted comprehensive plan or part thereof. In connection with any such determination, the commission may, and at the direction of the governing body shall, hold a public hearing, after notice as required by § 15.2-2204. Following the adoption of the Statewide Transportation Plan by the Commonwealth Transportation Board pursuant to § 33.2-353 and written notification to the affected local governments, each local government through which one or more of the designated corridors of statewide significance traverses, shall, at a minimum, note such corridor or corridors on the transportation plan map included in its comprehensive plan for information purposes at the next regular update of the transportation plan map. Prior to the next regular update of the transportation plan map, the local government shall acknowledge the existence of corridors of statewide significance within its boundaries.

B. The commission shall communicate its findings to the governing body, indicating its approval or disapproval with written reasons therefor. The governing body may overrule the action of the commission by a vote of a majority of its membership. Failure of the commission to act within 60 days of a submission, unless the time is extended by the governing body, shall be deemed approval. The owner or owners or their agents may appeal the decision of the commission to the governing body within 10 days after the decision of the commission. The appeal shall be by written petition to the governing body setting forth the reasons for the appeal. The appeal shall be heard and determined within 60 days from its filing. A majority vote of the governing body shall overrule the commission.

C. Widening, narrowing, extension, enlargement, vacation or change of use of streets or public areas shall likewise be submitted for approval, but paving, repair, reconstruction, improvement, drainage or similar work and normal service extensions of public utilities or public service corporations shall not require approval unless such work involves a change in location or extent of a street or public area.

D. Any public area, facility or use as set forth in subsection A which is identified within, but not the entire subject of, a submission under either § 15.2-2258 for subdivision or subdivision A 8 of § 15.2-2286 for development or both may be deemed a feature already shown on the adopted master plan, and, therefore, excepted from the requirement for submittal to and approval by the commission or the governing body; provided, that the governing body has by ordinance or resolution defined standards governing the construction, establishment or authorization of such public area, facility or use or has approved it through acceptance of a proffer made pursuant to § 15.2-2303.

E. Approval and funding of a public telecommunications facility on or before July 1, 2012, by the Virginia Public Broadcasting Board pursuant to Article 12 (§ 2.2-2426 et seq.) of Chapter 24 of Title 2.2 or after July 1, 2012, by the Board of Education pursuant to § 22.1-20.1 shall be deemed to satisfy the requirements of this section and local zoning ordinances with respect to such facility with the exception of television and radio towers and structures not necessary to house electronic apparatus. The exemption provided for in this subsection shall not apply to facilities existing or approved by the

Virginia Public Telecommunications Board prior to July 1, 1990. The Board of Education shall notify the governing body of the locality in advance of any meeting where approval of any such facility shall be acted upon.

F. On any application for a telecommunications facility, the commission's decision shall comply with the requirements of the Federal Telecommunications Act of 1996. Failure of the commission to act on any such application for a telecommunications facility under subsection A submitted on or after July 1, 1998, within 90 days of such submission shall be deemed approval of the application by the commission unless the governing body has authorized an extension of time for consideration or the applicant has agreed to an extension of time. The governing body may extend the time required for action by the local commission by no more than 60 additional days. If the commission has not acted on the application by the end of the extension, or by the end of such longer period as may be agreed to by the applicant, the application is deemed approved by the commission.

G. A proposed telecommunications tower or a facility constructed by an entity organized pursuant to Chapter 9.1 (§ 56-231.15 et seq.) of Title 56 shall be deemed to be substantially in accord with the comprehensive plan and commission approval shall not be required if the proposed telecommunications tower or facility is located in a zoning district that allows such telecommunications towers or facilities by right.

H. A solar facility subject to subsection A shall be deemed to be substantially in accord with the comprehensive plan if (i) such proposed solar facility is located in a zoning district that allows such solar facilities by right ~~or~~; (ii) such proposed solar facility is designed to serve the electricity or thermal needs of the property upon which such facility is located, or will be owned or operated by an eligible customer-generator or eligible agricultural customer-generator under § 56-594 or 56-594.01 or by a small agricultural generator under § 56-594.2; or (iii) *the locality waives the requirement that solar facilities be reviewed for substantial accord with the comprehensive plan.* All other solar facilities shall be reviewed for substantial accord with the comprehensive plan in accordance with this section. However, a locality may allow for a substantial accord review for such solar facilities to be advertised and approved concurrently in a public hearing process with a rezoning, special exception, or other approval process.

CHAPTER 666

An Act to amend the Code of Virginia by adding a section numbered 56-257.5, relating to underground utility lines; agricultural operation.

[H 723]

Approved April 6, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 56-257.5 as follows:

§ 56-257.5. Manner of installing underground utility lines through agricultural operation.

A. For purposes of this section:

"Topsoil" means at least 12 inches of the surface soil layer or a six-inch layer of soil that includes the surface soil and the unconsolidated subsoil immediately below it.

"Underground utility line" means an underground pipeline or conduit of an inside diameter greater than 12 inches or an underground electrical transmission or distribution line of a capacity greater than 115 kilovolts.

B. Every operator, as defined in § 56-265.15, having the right to install an underground utility line shall install such underground utility line in accordance with regulations adopted pursuant to subsection C.

C. The Commission shall adopt regulations applicable to any operator that is subject to the provisions of subsection B. The regulations shall require that if such operator, in the course of installing the underground utility line, disturbs an area of land that measures 10,000 square feet or more and constitutes one or more agricultural operations, as defined in § 3.2-300, the operator shall, if desired by the landowner or land management agency, either (i) redistribute the topsoil removed from the disturbed area to graded areas elsewhere on the land of the affected property owner or (ii) if insufficient graded areas are available as sites for such redistribution, stockpile the topsoil removed from the disturbed area until it can be redistributed on the area initially disturbed. The regulations shall require that redistributed topsoil be placed on scarified land and that stockpiled topsoil be protected from erosion and compaction. If the property owner does not agree, then the topsoil shall be disposed of in accordance with applicable law.

CHAPTER 667

An Act to amend and reenact § 62.1-44.15:28, as it is currently effective and as it shall become effective, of the Code of Virginia, relating to proprietary best management practices; reciprocity.

[H 882]

Approved April 6, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 62.1-44.15:28, as it is currently effective and as it shall become effective, of the Code of Virginia is amended and reenacted as follows:

§ 62.1-44.15:28. (For expiration date, see Acts 2016, cc. 68 and 758, as amended by Acts 2017, c. 345) Development of regulations.

A. The Board is authorized to adopt regulations that specify minimum technical criteria and administrative procedures for Virginia Stormwater Management Programs. The regulations shall:

1. Establish standards and procedures for administering a VSMP;
2. Establish minimum design criteria for measures to control nonpoint source pollution and localized flooding, and incorporate the stormwater management regulations adopted pursuant to the Erosion and Sediment Control Law (§ 62.1-44.15:51 et seq.), as they relate to the prevention of stream channel erosion. These criteria shall be periodically modified as required in order to reflect current engineering methods;

3. Require the provision of long-term responsibility for and maintenance of stormwater management control devices and other techniques specified to manage the quality and quantity of runoff;

4. Require as a minimum the inclusion in VSMPs of certain administrative procedures that include, but are not limited to, specifying the time period within which a VSMP authority shall grant land-disturbing activity approval, the conditions and processes under which approval shall be granted, the procedures for communicating disapproval, the conditions under which an approval may be changed, and requirements for inspection of approved projects;

5. Establish by regulations a statewide permit fee schedule to cover all costs associated with the implementation of a VSMP related to land-disturbing activities of one acre or greater. Such fee attributes include the costs associated with plan review, VSMP registration statement review, permit issuance, state-coverage verification, inspections, reporting, and compliance activities associated with the land-disturbing activities as well as program oversight costs. The fee schedule shall also include a provision for a reduced fee for land-disturbing activities between 2,500 square feet and up to one acre in Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq.) localities. The fee schedule shall be governed by the following:

- a. The revenue generated from the statewide stormwater permit fee shall be collected utilizing, where practicable, an online payment system, and the Department's portion shall be remitted to the State Treasurer for deposit in the Virginia Stormwater Management Fund established pursuant to § 62.1-44.15:29. However, whenever the Board has approved a VSMP, no more than 30 percent of the total revenue generated by the statewide stormwater permit fees collected shall be remitted to the State Treasurer for deposit in the Virginia Stormwater Management Fund, with the balance going to the VSMP authority.

- b. Fees collected pursuant to this section shall be in addition to any general fund appropriation made to the Department or other supporting revenue from a VSMP; however, the fees shall be set at a level sufficient for the Department and the VSMP to fully carry out their responsibilities under this article and its attendant regulations and local ordinances or standards and specifications where applicable. When establishing a VSMP, the VSMP authority shall assess the statewide fee schedule and shall have the authority to reduce or increase such fees, and to consolidate such fees with other program-related charges, but in no case shall such fee changes affect the amount established in the regulations as available to the Department for program oversight responsibilities pursuant to subdivision 5 a. A VSMP's portion of the fees shall be used solely to carry out the VSMP's responsibilities under this article and its attendant regulations, ordinances, or annual standards and specifications.

- c. Until July 1, 2014, the fee for coverage under the General Permit for Discharges of Stormwater from Construction Activities issued by the Board, or where the Board has issued an individual permit or coverage under the General Permit for Discharges of Stormwater from Construction Activities for an entity for which it has approved annual standards and specifications, shall be \$750 for each large construction activity with sites or common plans of development equal to or greater than five acres and \$450 for each small construction activity with sites or common plans of development equal to or greater than one acre and less than five acres. On and after July 1, 2014, such fees shall only apply where coverage has been issued under the Board's General Permit for Discharges of Stormwater from Construction Activities to a state agency or federal entity for which it has approved annual standards and specifications. After establishment, such fees may be modified in the future through regulatory actions.

- d. Until July 1, 2014, the Department is authorized to assess a \$125 reinspection fee for each visit to a project site that was necessary to check on the status of project site items noted to be in noncompliance and documented as such on a prior project inspection.

- e. In establishing the fee schedule under this subdivision, the Department shall ensure that the VSMP authority portion of the statewide permit fee for coverage under the General Permit for Discharges of Stormwater from Construction Activities for small construction activity involving a single family detached residential structure with a site or area, within or outside a common plan of development or sale, that is equal to or greater than one acre but less than five acres shall be no greater than the VSMP authority portion of the fee for coverage of sites or areas with a land-disturbance acreage of less than one acre within a common plan of development or sale.

- f. When any fees are collected pursuant to this section by credit cards, business transaction costs associated with processing such payments may be additionally assessed;

6. Establish statewide standards for stormwater management from land-disturbing activities of one acre or greater, except as specified otherwise within this article, and allow for the consolidation in the permit of a comprehensive approach to addressing stormwater management and erosion and sediment control, consistent with the provisions of the Erosion and Sediment Control Law (§ 62.1-44.15:51 et seq.) and this article. However, such standards shall also apply to land-disturbing

activity exceeding an area of 2,500 square feet in all areas of the jurisdictions designated as subject to the Chesapeake Bay Preservation Area Designation and Management Regulations;

7. Establish a procedure by which a stormwater management plan that is approved for a residential, commercial, or industrial subdivision shall govern the development of the individual parcels, including those parcels developed under subsequent owners;

8. Notwithstanding the provisions of subdivision ~~A~~ 5, establish a procedure by which neither a registration statement nor payment of the Department's portion of the statewide permit fee established pursuant to that subdivision shall be required for coverage under the General Permit for Discharges of Stormwater from Construction Activities for construction activity involving a single-family detached residential structure, within or outside a common plan of development or sale;

9. Provide for ~~reciprocity with programs in other states for the certification~~ *the use of a proprietary best management practices practice only if another state, regional, or national certification program has verified and certified its nutrient or sediment removal effectiveness;*

10. Require that VSMPs maintain after-development runoff rate of flow and characteristics that replicate, as nearly as practicable, the existing predevelopment runoff characteristics and site hydrology, or improve upon the contributing share of the existing predevelopment runoff characteristics and site hydrology if stream channel erosion or localized flooding is an existing predevelopment condition. Except where more stringent requirements are necessary to address total maximum daily load requirements or to protect exceptional state waters, any land-disturbing activity that provides for stormwater management shall satisfy the conditions of this subsection if the practices are designed to (i) detain the water quality volume and to release it over 48 hours; (ii) detain and release over a 24-hour period the expected rainfall resulting from the one year, 24-hour storm; and (iii) reduce the allowable peak flow rate resulting from the 1.5-year, two-year, and 10-year, 24-hour storms to a level that is less than or equal to the peak flow rate from the site assuming it was in a good forested condition, achieved through multiplication of the forested peak flow rate by a reduction factor that is equal to the runoff volume from the site when it was in a good forested condition divided by the runoff volume from the site in its proposed condition, and shall be exempt from any flow rate capacity and velocity requirements for natural or man-made channels as defined in any regulations promulgated pursuant to this section or any ordinances adopted pursuant to § 62.1-44.15:27 or 62.1-44.15:33;

11. Encourage low-impact development designs, regional and watershed approaches, and nonstructural means for controlling stormwater;

12. Promote the reclamation and reuse of stormwater for uses other than potable water in order to protect state waters and the public health and to minimize the direct discharge of pollutants into state waters;

13. Establish procedures to be followed when a locality that operates a VSMP wishes to transfer administration of the VSMP to the Department;

14. Establish a statewide permit fee schedule for stormwater management related to municipal separate storm sewer system permits;

15. Provide for the evaluation and potential inclusion of emerging or innovative *nonproprietary* stormwater control technologies that may prove effective in reducing nonpoint source pollution; and

16. Require that all final plan elements, specifications, or calculations whose preparation requires a license under Chapter 4 (§ 54.1-400 et seq.) or 22 (§ 54.1-2200 et seq.) of Title 54.1 be appropriately signed and sealed by a professional who is licensed to engage in practice in the Commonwealth. Nothing in this subdivision shall authorize any person to engage in practice outside his area of professional competence.

B. The Board may integrate and consolidate components of the regulations implementing the Erosion and Sediment Control program and the Chesapeake Bay Preservation Area Designation and Management program with the regulations governing the Virginia Stormwater Management Program (VSMP) Permit program or repeal components so that these programs may be implemented in a consolidated manner that provides greater consistency, understanding, and efficiency for those regulated by and administering a VSMP.

§ 62.1-44.15:28. (For effective date, see Acts 2016, cc. 68 and 758, as amended by Acts 2017, c. 345) Development of regulations.

The Board is authorized to adopt regulations that establish requirements for the effective control of soil erosion, sediment deposition, and stormwater, including nonagricultural runoff, that shall be met in any VESMP to prevent the unreasonable degradation of properties, stream channels, waters, and other natural resources, and that specify minimum technical criteria and administrative procedures for VESMPs. The regulations shall:

1. Establish standards and procedures for administering a VESMP;

2. Establish minimum standards of effectiveness of the VESMP and criteria and procedures for reviewing and evaluating its effectiveness. The minimum standards of program effectiveness established by the Board shall provide that (i) no soil erosion control and stormwater management plan shall be approved until it is reviewed by a plan reviewer certified pursuant to § 62.1-44.15:30, (ii) each inspection of a land-disturbing activity shall be conducted by an inspector certified pursuant to § 62.1-44.15:30, and (iii) each VESMP shall contain a program administrator, a plan reviewer, and an inspector, each of whom is certified pursuant to § 62.1-44.15:30 and all of whom may be the same person;

3. Be based upon relevant physical and developmental information concerning the watersheds and drainage basins of the Commonwealth, including data relating to land use, soils, hydrology, geology, size of land area being disturbed, proximate water bodies and their characteristics, transportation, and public facilities and services;

4. Include any survey of lands and waters as the Board deems appropriate or as any applicable law requires to identify areas, including multijurisdictional and watershed areas, with critical soil erosion and sediment problems;
5. Contain conservation standards for various types of soils and land uses, which shall include criteria, techniques, and methods for the control of soil erosion and sediment resulting from land-disturbing activities;
6. Establish water quality and water quantity technical criteria. These criteria shall be periodically modified as required in order to reflect current engineering methods;
7. Require the provision of long-term responsibility for and maintenance of stormwater management control devices and other techniques specified to manage the quality and quantity of runoff;
8. Require as a minimum the inclusion in VESMPs of certain administrative procedures that include, but are not limited to, specifying the time period within which a VESMP authority shall grant land-disturbance approval, the conditions and processes under which such approval shall be granted, the procedures for communicating disapproval, the conditions under which an approval may be changed, and requirements for inspection of approved projects;
9. Establish a statewide fee schedule to cover all costs associated with the implementation of a VESMP related to land-disturbing activities where permit coverage is required, and for land-disturbing activities where the Board serves as a VESMP authority or VSMP authority. Such fee attributes include the costs associated with plan review, permit registration statement review, permit issuance, permit coverage verification, inspections, reporting, and compliance activities associated with the land-disturbing activities as well as program oversight costs. The fee schedule shall also include a provision for a reduced fee for a land-disturbing activity that disturbs 2,500 square feet or more but less than one acre in an area of a locality designated as a Chesapeake Bay Preservation Area pursuant to the Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq.). The fee schedule shall be governed by the following:
 - a. The revenue generated from the statewide fee shall be collected utilizing, where practicable, an online payment system, and the Department's portion shall be remitted to the State Treasurer for deposit in the Virginia Stormwater Management Fund established pursuant to § 62.1-44.15:29. However, whenever the Board has approved a VESMP, no more than 30 percent of the total revenue generated by the statewide fees collected shall be remitted to the State Treasurer for deposit in the Virginia Stormwater Management Fund, with the balance going to the VESMP authority;
 - b. Fees collected pursuant to this section shall be in addition to any general fund appropriation made to the Department or other supporting revenue from a VESMP; however, the fees shall be set at a level sufficient for the Department, the Board, and the VESMP to fully carry out their responsibilities under this article and local ordinances or standards and specifications where applicable. When establishing a VESMP, the VESMP authority shall assess the statewide fees pursuant to the schedule and shall have the authority to reduce or increase such fees, and to consolidate such fees with other program-related charges, but in no case shall such fee changes affect the amount established in the regulations as available to the Department for program oversight responsibilities pursuant to subdivision a. A VESMP's portion of the fees shall be used solely to carry out the VESMP's responsibilities under this article and associated ordinances;
 - c. In establishing the fee schedule under this subdivision, the Department shall ensure that the VESMP authority portion of the statewide fee for coverage under the General Permit for Discharges of Stormwater from Construction Activities for small construction activity involving a single-family detached residential structure with a site or area, within or outside a common plan of development or sale, that is equal to or greater than one acre but less than five acres shall be no greater than the VESMP authority portion of the fee for coverage of sites or areas with a land-disturbance acreage of less than one acre within a common plan of development or sale;
 - d. When any fees are collected pursuant to this section by credit cards, business transaction costs associated with processing such payments may be additionally assessed;
 - e. Notwithstanding the other provisions of this subdivision 9, establish a procedure by which neither a registration statement nor payment of the Department's portion of the statewide fee established pursuant to this subdivision 9 shall be required for coverage under the General Permit for Discharges of Stormwater from Construction Activities for construction activity involving a single-family detached residential structure, within or outside a common plan of development or sale;
10. Establish statewide standards for soil erosion control and stormwater management from land-disturbing activities;
11. Establish a procedure by which a soil erosion control and stormwater management plan or stormwater management plan that is approved for a residential, commercial, or industrial subdivision shall govern the development of the individual parcels, including those parcels developed under subsequent owners;
12. Provide for ~~reciprocity with programs in other states for the certification~~ *the use of a proprietary best management practices practice only if another state, regional, or national certification program has verified and certified its nutrient or sediment removal effectiveness;*
13. Require that VESMPs maintain after-development runoff rate of flow and characteristics that replicate, as nearly as practicable, the existing predevelopment runoff characteristics and site hydrology, or improve upon the contributing share of the existing predevelopment runoff characteristics and site hydrology if stream channel erosion or localized flooding is an existing predevelopment condition.
 - a. Except where more stringent requirements are necessary to address total maximum daily load requirements or to protect exceptional state waters, any land-disturbing activity that was subject to the water quantity requirements that were in effect pursuant to this article prior to July 1, 2014, shall be deemed to satisfy the conditions of this subsection if the practices are designed to (i) detain the water volume equal to the first one-half inch of runoff multiplied by the impervious surface of the land development project and to release it over 48 hours; (ii) detain and release over a 24-hour period the expected

rainfall resulting from the one year, 24-hour storm; and (iii) reduce the allowable peak flow rate resulting from the 1.5-year, two-year, and 10-year, 24-hour storms to a level that is less than or equal to the peak flow rate from the site assuming it was in a good forested condition, achieved through multiplication of the forested peak flow rate by a reduction factor that is equal to the runoff volume from the site when it was in a good forested condition divided by the runoff volume from the site in its proposed condition. Any land-disturbing activity that complies with these requirements shall be exempt from any flow rate capacity and velocity requirements for natural or man-made channels as defined in any regulations promulgated pursuant to this section or any ordinances adopted pursuant to § 62.1-44.15:27 or 62.1-44.15:33;

b. Any stream restoration or relocation project that incorporates natural channel design concepts is not a man-made channel and shall be exempt from any flow rate capacity and velocity requirements for natural or man-made channels as defined in any regulations promulgated pursuant to this article;

14. Encourage low-impact development designs, regional and watershed approaches, and nonstructural means for controlling stormwater;

15. Promote the reclamation and reuse of stormwater for uses other than potable water in order to protect state waters and the public health and to minimize the direct discharge of pollutants into state waters;

16. Establish procedures to be followed when a locality chooses to change the type of program it administers pursuant to subsection D of § 62.1-44.15:27;

17. Establish a statewide permit fee schedule for stormwater management related to MS4 permits;

18. Provide for the evaluation and potential inclusion of emerging or innovative *nonproprietary* stormwater control technologies that may prove effective in reducing nonpoint source pollution; and

19. Require that all final plan elements, specifications, or calculations whose preparation requires a license under Chapter 4 (§ 54.1-400 et seq.) or 22 (§ 54.1-2200 et seq.) of Title 54.1 be appropriately signed and sealed by a professional who is licensed to engage in practice in the Commonwealth. Nothing in this subdivision shall authorize any person to engage in practice outside his area of professional competence.

2. That any proprietary best management practice (BMP) that is included by the Department of Environmental Quality (the Department) on the Virginia Stormwater BMP Clearinghouse website prior to July 1, 2020, shall by December 31, 2021, provide documentation to the Department showing that another state, regional, or national certification program has verified and certified its nutrient or sediment removal effectiveness.

3. That any proprietary best management practice (BMP) that fails to provide the Department of Environmental Quality (the Department) with the documentation required by the second enactment of this act shall not be approved for use in any stormwater management plan submitted on or after January 1, 2022, until such proprietary BMP provides the Department with such required documentation.

CHAPTER 668

An Act to amend and reenact § 56-247.1 of the Code of Virginia, relating to notice prior to termination of electric utility service; enforcement by State Corporation Commission of procedural requirements.

[H 1225]

Approved April 6, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 56-247.1 of the Code of Virginia is amended and reenacted as follows:

§ 56-247.1. Commission to require public utilities to follow certain procedures.

A. The Commission shall require that public utilities adhere to the following procedures for services not found to be competitive:

1. Every public utility shall provide its residential customers one full billing period to pay for one month's local or basic services, before initiating any proceeding against a residential customer for nonpayment of local service.

2. Pay the residential customer a fair rate of interest as determined by the Commission on money deposited and return the deposit with the interest after not more than one year of satisfactory credit has been established.

3. Every public utility shall establish customer complaint procedures ~~which~~ that will ~~insure~~ ensure prompt and effective handling of all customer inquiries, service requests, and complaints. Such procedure shall be approved by the Commission before its implementation and it shall be distributed to its residential customers. *The utility shall disclose to the customer that the Commission is the responsible regulatory agency and that the customer may contact the Commission on regulatory matters and provide the customer with the contact information for the Commission.*

4. No electric or gas utility shall terminate a customer's service without 10 days' notice by mail to the customer.

5. No public utility shall terminate the residential service of a customer for such customer's nonpayment of basic nonresidential services as defined by its terms and conditions on file with the Virginia State Corporation Commission.

6. A public utility providing water service shall not terminate service for nonpayment until it first sends the customer written notice by mail 10 days in advance of making the termination but, in no event, shall it terminate the customer's service until 20 days after the customer's bill has become due. Any such notice shall also include contact information for the customer's use in contacting the public utility regarding the notice.

7. Any electric utility formed under or subject to Chapter 9.1 (§ 56-231.15 et seq.) may install and operate, upon a customer's request and pursuant to an appropriate tariff for any type or classification of service, a prepaid metering equipment and system that is configured to terminate electric service immediately and automatically when the customer has incurred charges for electric service equal to the customer's prepayments for such service. Subdivisions 1, 2, 4, and 5 shall not apply to services provided pursuant to electric service provided on a prepaid basis by a prepaid metering equipment and system pursuant to this subsection. Such tariffs shall be filed with the Commission for its review and determination that the tariff is not contrary to the public interest.

8. *No electric utility shall terminate the residential service of a customer for such customer's nonpayment for metered services when the electric utility believes that the customer is receiving or has received electric utility services for which the customer was not properly billed as the result of tampering with the electric utility's meter in a manner that prevented the meter from accurately recording usage, until the electric utility has complied with the procedure set forth in subsection C. However, the requirement that the electric utility comply with the procedure set forth in subsection C before terminating service shall not apply if (i) the condition of a customer's wiring, equipment, or appliances is either unsafe or unsuitable for receiving the electric utility service; (ii) the customer's use of the electric utility service or equipment interferes with or may be detrimental to the electric utility's facilities or to the provision of electric utility service by the electric utility to any other customer; (iii) a tamper-evident meter seal securing the meter is broken, damaged, or missing; (iv) electric service is furnished over a line that is not owned or leased by the electric utility and the line is either not in a safe and suitable condition or is inadequate to receive electric utility service; (v) emergency repairs or alterations are needed; (vi) there are unavoidable shortages or interruptions in a supply of utility service; (vii) the electric utility is acting upon orders from an authority having jurisdiction; or (viii) the actions taken are to preserve life or property, or to avoid or abate utility or fire hazard.*

B. Any and all Commission rules and regulations concerning the denial of telephone service for nonpayment of such service shall not apply to services found to be competitive.

C. *If an electric utility believes that a customer is receiving or has received electric utility services for which the customer was not properly billed as the result of tampering with the electric utility's meter in a manner that prevented the meter from accurately recording usage, the electric utility shall (i) retrieve the meter from the customer's premises, which may be done without providing prior notice to the customer; (ii) immediately replace it with a new meter; and (iii) determine whether the meter has been tampered with. Within 60 days after any such determination of meter tampering has been made, the electric utility shall provide evidence of such tampering to the customer. If, after determining the meter has been tampered with, the electric utility seeks payment for electric utility services not properly billed, the electric utility shall provide the customer with an invoice with a reasonable and final estimate of the amount owed by the customer as a result of the meter's failure to accurately record the customer's usage. The invoice shall explain the electric utility's calculation of the estimated amount owed as a result of any suspected failure. The electric utility shall provide the customer one full billing period to pay the amount billed in such invoice before initiating any proceeding against the customer for nonpayment. During such billing period, the customer may submit an informal complaint to the Commission disputing the amount sought by the utility. The customer may commence a formal proceeding after the informal complaint process has been exhausted in accordance with Commission regulations.*

CHAPTER 669

An Act to amend and reenact §§ 57-39.2 through 57-39.7 of the Code of Virginia, relating to cemeteries; acquisition of abandoned lots in cities and certain towns.

[S 445]

Approved April 6, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 57-39.2 through 57-39.7 of the Code of Virginia are amended and reenacted as follows:

Article 5.

Acquisition of Abandoned Lots in ~~Certain~~ Cities and Certain Towns.

§ 57-39.2. Reversion of unoccupied cemetery lots in cities and certain towns; rebuttable presumption.

The ownership of or right or interest in any unoccupied cemetery lot in any cemetery located in any city or in any town in ~~any county, which county has a population of not less than 24,500 nor more than 25,600~~ the Counties of Scott and Wythe, or in any town in any county having the urban county executive form of government, which cemetery is under the ownership and charge of such city or town, or any corporation, association, or trustees, shall, upon abandonment, revert to such city, town, corporation, association, or trustees having ownership and charge of the cemetery containing any such lot. The continued failure to maintain or care for an unoccupied cemetery lot in ~~any cemetery~~ for a period of at least ~~thirty~~ 30 years; ~~whether such period shall have elapsed prior to the effective date hereof or subsequent thereto~~; shall create and establish a rebuttable presumption that ~~the same~~ such lot has been abandoned.

§ 57-39.3. Proceedings; determination of abandonment.

Any city, town, corporation, association, or trustees having ownership and charge of a cemetery ~~which that~~ is located in a city, or town in a county, as provided in ~~the preceding section~~ (§ 57-39.2), may file a ~~verified bill in equity~~ petition in

the circuit court ~~having equity jurisdiction~~ within whose jurisdiction the cemetery is situated, setting forth its ~~or their~~ ownership of the cemetery and facts relating to the continued failure by the owner of an unoccupied cemetery lot in such cemetery to maintain and care for ~~the same such lot~~ for at least ~~thirty~~ 30 consecutive years immediately preceding ~~thereto~~, and ~~pray for requesting~~ an order adjudging any such lot to be abandoned. Upon the filing of such ~~bill petition~~, the court upon proper motion shall set a date for a hearing ~~thereon~~.

§ 57-39.4. Notice to owner of record; publication.

~~Not less than twenty~~ At least 20 days before the date fixed for the hearing, a notice declaring that the unoccupied cemetery lot has been presumed to be abandoned, and setting forth the date fixed for the hearing, shall be (i) (a) served personally upon the recorded owner thereof, or his heirs, if the recorded owner is known by the cemetery to be dead and upon such heirs whose names and addresses have been filed with the cemetery, or ~~shall be~~ (b) served by mailing the notice by registered mail to the last known address of the recorded owner thereof, or his heirs, if the recorded owner is known by the cemetery to be dead and to such heirs whose names and addresses have been filed with the cemetery, and ~~by publishing the notice~~ (ii) published once a week for four consecutive weeks in a newspaper having general circulation in the city or town in which the cemetery is located. ~~Thereupon, it~~ It shall be the duty of such recorded owner or his heirs, ~~as the case may be,~~ to appear and ~~make~~ answer to the allegations of ~~said bill and any~~ a petition filed pursuant to § 57-39.3. Any such appearance and answer shall rebut the presumption of abandonment.

§ 57-39.5. Judicial determination; conveyance of title.

At the hearing authorized by ~~the preceding section~~ § 57-39.4, the proofs of the parties ~~or the petition in the event of the failure of the recorded owner or his heirs to appear and answer~~ shall be presented, and ~~if~~ the court shall determine ~~therefrom, or upon the verified bill in event of the failure of the recorded owner or his heirs, as the case may be, to appear and answer, that~~ if the unoccupied cemetery lot set forth in the ~~bill petition~~ has been abandoned, ~~If the court shall enter enters a decree adjudging the same such lot to be abandoned, and it shall further provide that the city, town, corporation, association, or trustees having ownership and charge of the cemetery containing any such lot shall have the right to sell the same, conveying good title thereto, such lot and to use the proceeds derived therefrom in the manner and for the purposes hereinafter provided by this article.~~

§ 57-39.6. Sale of abandoned cemetery lot.

At any time after entry of the decree adjudicating any unoccupied cemetery lot to be abandoned *pursuant to* § 57-39.5, the city, town, corporation, association, or trustees having ownership and charge of the cemetery containing any such lot may sell ~~the same such lot~~ in accordance with the rules and regulations of the cemetery then in force governing generally the sale of cemetery lots. Any proceeds derived ~~therefrom~~ *from this sale* shall first be used to defray the costs and expenses incurred in any abandonment proceedings, ~~and the balance thereof. Unless otherwise directed by the court, the remaining balance shall, unless otherwise directed by the court,~~ be placed in a special fund, known as the "Perpetual Care Fund" of the cemetery, to be used by the cemetery solely for the future maintenance, care, and upkeep of the cemetery.

§ 57-39.7. Applicability; abandonment determination limited in certain circumstances.

Sections 57-39.2 through 57-39.6 shall be construed to apply to and authorize a determination of abandonment of any unoccupied part of a cemetery lot. In any proceeding to determine the abandonment of an unoccupied part of a cemetery lot, the court shall ~~in the exercise of its equity jurisdiction,~~ also determine what part, if any, shall be considered as having been abandoned. Such sections shall not be construed to apply to and authorize a determination of abandonment of ~~the following:~~ ~~(1)~~ (i) that part of a cemetery lot wherein there has been an interment; ~~or~~ ~~(2)~~, (ii) any cemetery lot or part thereof to which unrestricted fee simple title has been conveyed by a cemetery; ~~or~~ ~~(3)~~, or (iii) any cemetery lot or part thereof for which perpetual care has been provided by contract with the city, town, corporation, association, or trustees having ownership and charge of the cemetery containing any such lot or part thereof.

CHAPTER 670

An Act to amend and reenact §§ 62.1-255, 62.1-262, and 62.1-266 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 62.1-258.1, relating to nonagricultural irrigation wells; prohibited outside surficial aquifer.

[S 673]

Approved April 6, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 62.1-255, 62.1-262, and 62.1-266 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 62.1-258.1 as follows:

§ 62.1-255. Definitions.

As used in this chapter, unless the context requires otherwise:

"Agricultural irrigation" means irrigation that is used to support any operation devoted to the bona fide production of crops, animals, or fowl, including the production of fruits and vegetables of any kind; meat, dairy, and poultry products; nuts, tobacco, nursery, and floral products; and the production and harvest of products from silvicultural activity.

"Beneficial use" includes domestic (including public water supply), agricultural, commercial, and industrial uses.

"Board" means the State Water Control Board.

"Department" means the Department of Environmental Quality.

"Eastern Shore Groundwater Management Area" means the ground water management area declared by the Board encompassing the Counties of Accomack and Northampton.

"Ground water" means any water, except capillary moisture, beneath the land surface in the zone of saturation or beneath the bed of any stream, lake, reservoir or other body of surface water wholly or partially within the boundaries of the Commonwealth, whatever the subsurface geologic structure in which such water stands, flows, percolates or otherwise occurs.

"Ground water withdrawal permit" means a certificate issued by the Board permitting the withdrawal of a specified quantity of ground water in a ground water management area.

"Irrigation" means the controlled application of water through man-made systems to supply water requirements not satisfied by rainfall to assist in the growing or maintenance of vegetative growth.

"Nonagricultural irrigation" means all irrigation other than agricultural irrigation.

"Person" means any and all persons, including individuals, firms, partnerships, associations, public or private institutions, municipalities or political subdivisions, governmental agencies, or private or public corporations organized under the laws of the Commonwealth or any other state or country.

"Surficial aquifer" means the upper surface of a zone of saturation, where the body of ground water is not confined by an overlying impermeable zone.

§ 62.1-258.1. Irrigation wells for nonagricultural use prohibited; exceptions.

Unless the Department of Environmental Quality has determined that the quantity or quality of the ground water in the surficial aquifer is not adequate to supply the proposed beneficial use, it shall be unlawful in a ground water management area for any person to construct a well for nonagricultural irrigation purposes except in the surficial aquifer. The provisions of this section shall not apply to wells constructed prior to the effective date of regulations adopted pursuant to subsection H of § 62.1-266.

§ 62.1-262. Permits for other ground water withdrawals.

Any application for a ground water withdrawal permit, except as provided in §§ 62.1-260 and 62.1-261 and subsection H of § 62.1-266, shall include a water conservation and management plan approved by the Board. A water conservation and management plan shall include: (i) use of water-saving plumbing and processes including, where appropriate, use of water-saving fixtures in new and renovated plumbing as provided under the Uniform Statewide Building Code; (ii) a water-loss reduction program; (iii) a water-use education program; and (iv) mandatory reductions during water-shortage emergencies including, where appropriate, ordinances prohibiting waste of water generally and providing for mandatory water-use restrictions, with penalties, during water-shortage emergencies. The Board shall approve all water conservation plans in compliance with ~~subdivisions clauses~~ (i) through (iv) of this section.

§ 62.1-266. Ground water withdrawal permits.

A. The Board may issue any ground water withdrawal permit upon terms, conditions, and limitations necessary for the protection of the public welfare, safety, and health.

B. Applications for ground water withdrawal permits shall be in a form prescribed by the Board and shall contain such information, consistent with this chapter, as the Board deems necessary.

C. All ground water withdrawal permits issued by the Board under this chapter shall have a fixed term not to exceed 15 years. The term of a ground water withdrawal permit issued by the Board shall not be extended by modification beyond the maximum duration, and the permit shall expire at the end of the term unless a complete application for a new permit has been filed in a timely manner as required by the regulations of the Board, and the Board is unable, through no fault of the permittee, to issue a new permit before the expiration date of the previous permit.

D. Renewed ground water withdrawal permits shall be for a withdrawal amount that includes such savings as can be demonstrated to have been achieved through water conservation, provided that a beneficial use of the permitted ground water can be demonstrated for the following permit term.

E. Any permit issued by the Board under this chapter may, after notice and opportunity for a hearing, be amended or revoked on any of the following grounds or for good cause as may be provided by the regulations of the Board:

1. The permittee has violated any regulation or order of the Board pertaining to ground water, any condition of a ground water withdrawal permit, any provision of this chapter, or any order of a court, where such violation presents a hazard or potential hazard to human health or the environment or is representative of a pattern of serious or repeated violations that, in the opinion of the Board, demonstrates the permittee's disregard for or inability to comply with applicable laws, regulations, or requirements;

2. The permittee has failed to disclose fully all relevant material facts or has misrepresented a material fact in applying for a permit, or in any other report or document required under this chapter or under the ground water withdrawal regulations of the Board;

3. The activity for which the permit was issued endangers human health or the environment and can be regulated to acceptable levels by amendment or revocation of the permit; or

4. There exists a material change in the basis on which the permit was issued that requires either a temporary or a permanent reduction or elimination of the withdrawal controlled by the permit necessary to protect human health or the environment.

F. No application for a ground water withdrawal permit shall be considered complete unless the applicant has provided the Executive Director of the Board with notification from the governing body of the locality in which the withdrawal is to occur that the location and operation of the withdrawing facility is in compliance with all ordinances adopted pursuant to Chapter 22 (§ 15.2-2200 et seq.) of Title 15.2. The provisions of this subsection shall not apply to any applicant exempt from compliance under Chapter 22 (§ 15.2-2200 et seq.) of Title 15.2.

G. A ground water withdrawal permit shall authorize withdrawal of a specific amount of ground water through a single well or system of wells, including a backup well or wells, or such other means as the withdrawer specifies.

H. The Board may adopt regulations to develop a general permit for the regulation of irrigation withdrawals from the surficial aquifer greater than 300,000 gallons in any one month. Regulations adopted pursuant to this subsection shall provide that withdrawals from the surficial aquifer may be permitted under either a general permit developed pursuant to this subsection or another ground water withdrawal permit.

2. That the State Water Control Board shall promulgate regulations establishing criteria for determining whether the quantity or quality of the ground water in a surficial aquifer is adequate to meet a proposed beneficial use. Such regulations shall specify the information required to be submitted to the Department of Environmental Quality (the Department) by a golf course or any other person seeking a determination from the Department that either the quantity or quality of the ground water in a surficial aquifer is not adequate to meet a proposed beneficial use. Such regulations shall require the Department, within 30 days of receipt of a complete request, to make a determination as to the adequacy of the quantity or quality of the ground water in a surficial aquifer.

CHAPTER 671

An Act to amend and reenact § 29.1-200 of the Code of Virginia, relating to conservation police officers; external appointment.

[S 882]

Approved April 6, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 29.1-200 of the Code of Virginia is amended and reenacted as follows:

§ 29.1-200. Appointment of conservation police officers.

~~A.~~ The Director shall appoint regular and special conservation police officers as he may deem necessary to enforce the game and inland fish laws and shall issue a certificate of appointment to each conservation police officer. Any special conservation police officer initially appointed after October 1, 2009, shall have a valid registration as a Special Conservator of the Peace from the Department of Criminal Justice Services.

~~B. All appointments to sworn law enforcement positions above the rank of conservation police officer within the Department shall be made by the Director of the Department from among the sworn conservation police officers, except for those positions designated in subdivision 20 of § 2-2-2905, or whenever the Director determines, in writing, that a position requires knowledge, skills, or abilities such that a sufficient pool of qualified candidates does not exist within the Department.~~

CHAPTER 672

An Act to amend the Code of Virginia by adding a section numbered 10.1-1188.1 and by adding in Chapter 5 of Title 29.1 an article numbered 8, consisting of sections numbered 29.1-578 and 29.1-579, relating to Wildlife Corridor Action Plan.

[S 1004]

Approved April 6, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 10.1-1188.1 and by adding in Chapter 5 of Title 29.1 an article numbered 8, consisting of sections numbered 29.1-578 and 29.1-579, as follows:

§ 10.1-1188.1. Department of Transportation to consider wildlife corridors.

The Department of Transportation (VDOT) shall, as part of the environmental review it conducts for a road or highway construction project, include in an environmental impact statement a list of any existing terrestrial or aquatic wildlife corridor identified in the Wildlife Corridor Action Plan (the Plan) created pursuant to Article 8 (§ 29.1-578 et seq.) of Chapter 5 of Title 29.1 that will be affected by such construction project. In the design options for any road or highway construction project that threatens wildlife connectivity in a corridor identified in the Plan, VDOT shall consider measures for the mitigation of harm caused by such road to terrestrial and aquatic wildlife.

Article 8.

Wildlife Corridors.

§ 29.1-578. Definitions.

As used in this article, unless the context requires a different meaning:

"Human-caused barrier" means a road, culvert, fence, wall, commercial or residential development, or other human-made structure that has the potential to affect the natural movement of fish or wildlife across a landscape.

"Plan" means the Wildlife Corridor Action Plan established pursuant to this article.

"Wildlife corridor" means an area connecting fragmented wildlife habitats separated by human activities or infrastructure.

§ 29.1-579. Wildlife Corridor Action Plan; adoption.

A. The Department, in collaboration with the Department of Transportation and the Department of Conservation and Recreation, shall create a Wildlife Corridor Action Plan.

B. The Plan shall:

1. Identify wildlife corridors, existing or planned barriers to movement along such corridors, and areas with a high risk of wildlife-vehicle collisions. The Plan shall list habitat that is identified as of high quality for priority species and ecosystem health; migration routes of native, game, and migratory species using the best available science and Department surveys, including landscape-scale data from the ConserveVirginia database or a similar land conservation strategy database maintained by the Department of Conservation and Recreation; lands containing a high prevalence of existing human barriers, including roads, dams, power lines, and pipelines; areas identified as of high risk of wildlife-vehicle collisions; habitat identified by the Department as being occupied by rare or at-risk species; and habitat identified as Critical Habitat under the federal Endangered Species Act of 1973, P.L. 93-205, as amended.

2. Prioritize and recommend wildlife crossing projects intended to promote driver safety and wildlife connectivity. The Plan shall describe each such project and include descriptions of wildlife crossing infrastructure or other mitigation techniques recommended to meet Plan goals.

3. Contain maps utilizing the ConserveVirginia public portal, or a similar land conservation strategy public portal maintained by the Department of Conservation and Recreation, and other relevant state databases that detail high-priority areas for wildlife corridor infrastructure and any other information necessary to meet the goals of the Plan.

C. The Secretary of Natural Resources and the Secretary of Transportation shall jointly submit the Plan to the Chairs of the House Committee on Agriculture, Chesapeake and Natural Resources and the Senate Committee on Agriculture, Conservation and Natural Resources no later than September 1, 2022, and shall jointly submit an updated version of the Plan every four years thereafter.

CHAPTER 673

An Act to amend and reenact §§ 13.1-301, 13.1-307, and 13.1-308 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 3 of Title 13.1 an article numbered 3, consisting of sections numbered 13.1-346 through 13.1-355, relating to worker cooperatives.

[H 55]

Approved April 6, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 13.1-301, 13.1-307, and 13.1-308 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Chapter 3 of Title 13.1 an article numbered 3, consisting of sections numbered 13.1-346 through 13.1-355, as follows:

§ 13.1-301. Organization of cooperative associations; purposes; name; par value stock required.

A. Any number of persons, not less than five, may, under the provisions of Article 3 (§ 13.1-618 et seq.) of Chapter 9 of this title or Article 3 (§ 13.1-818 et seq.) of Chapter 10 of this title, associate themselves together as a cooperative association, society, company or exchange, for the purpose of (i) conducting any housing, agricultural, fishing, dairy, mercantile, merchandise, brokerage, water, sewer, manufacturing, service or mechanical business on the cooperative plan or (ii) representing or providing financing for cooperative associations, societies, companies, or exchanges organized pursuant to the laws of this Commonwealth or any other state, provided that the word "cooperative" shall be included as a part of the name. Except for a cooperative association organized to conduct business as a water or sewer company, no cooperative association organized under this article shall conduct any business in this Commonwealth as a public service company or exercise any privileges of such company.

B. The provisions of Chapter 9 (§ 13.1-601 et seq.) and Chapter 10 (§ 13.1-801 et seq.) of this title, as the case may be, shall apply to cooperative associations created under this section or subject to the provisions of this article, except so far as the same are in conflict with the following sections of this article which shall be applicable only to such cooperative associations, and except that no stock cooperative association shall issue stock without nominal or par value.

C. To the extent that the application of the provisions of this article to any worker cooperative established under Article 3 (§ 13.1-346 et seq.) conflicts with the provisions of Article 3, the provisions of Article 3 shall control.

§ 13.1-307. Permissible limitation of stock ownership or voting rights.

Any cooperative association may, either in its charter or by bylaws, provide and require that no membership or share of its stock shall be issued to or owned by any person not a member of a nonstock corporation or nonstock corporations named or designated in such charter or bylaws, or may in like manner provide that memberships or shares of its stock may be issued to or owned by persons not members of such designated nonstock corporation or nonstock corporations, but that

when so owned such stock shall have no voting power. *The provisions of this section shall not apply to any worker cooperative established under Article 3 (§ 13.1-346 et seq.).*

§ 13.1-308. Limitation of use of "cooperative" in corporate name.

A. No corporation or association organized or doing business for profit in this Commonwealth shall be entitled to use the term "cooperative" as part of its corporate or other business name or title, unless it has complied with the provisions of this article or of Article 2 (§ 13.1-312 et seq.) or 3 (§ 13.1-346 et seq.) of this chapter or of Chapter 9.1 (§ 56-231.15 et seq.) or Chapter 16 (§ 56-485 et seq.) of Title 56 or of any other statute providing for cooperative corporations or associations now existing or hereafter enacted; and any corporation or association violating the provisions of this section may be enjoined from doing business under such name at the instance of any stockholder or member of any corporation or association legally organized under any law giving it the right to use the word cooperative as a part of its corporate or business name.

B. Subsection A shall not apply to a corporation or association, domestic or foreign, whose purpose is to promote housing opportunities or to represent, coordinate and further the purposes of groups organized to construct, operate, or promote housing, and such corporation or association may use the term "cooperative" as part of its corporate or other business name or title.

Article 3.

Worker Cooperatives.

§ 13.1-346. Definitions.

As used in this article:

"Collective reserve account" means an account on the corporate books representing the worker cooperative's entire net book value minus balances in any other equity accounts.

"Member" means an individual who has been accepted for membership in, and owns a membership share issued by, a worker cooperative.

"Membership fee" means an initial payment, if required by the articles of incorporation or bylaws of the worker cooperative, made by a worker to a worker cooperative as a condition of becoming a member.

"Patronage" means the amount of work performed for a worker cooperative, measured in accordance with criteria set forth in the articles of incorporation or bylaws of the worker cooperative.

"Worker" means an individual employed by a worker cooperative.

"Worker cooperative" means a corporation incorporated under the provisions of Article 3 (§ 13.1-618 et seq.) of Chapter 9 that has elected to be governed by this article.

§ 13.1-347. Formation of worker cooperative; purpose.

A. Any corporation incorporated under Article 3 (§ 13.1-618 et seq.) of Chapter 9 may elect to be governed as a worker cooperative in accordance with the provisions of this article by so stating in its articles of incorporation or articles of amendment filed in accordance with § 13.1-710. The offering of an employee stock ownership plan governed by 26 U.S.C. § 401 by a corporation incorporated under Article 3 (§ 13.1-618 et seq.) of Chapter 9 to its employees shall not be considered an election to be governed as a worker cooperative.

B. A worker cooperative may be formed for any lawful purpose, provided that it shall be organized and shall conduct its business primarily for the mutual benefit of its members.

§ 13.1-348. Name.

A. A worker cooperative may include the word "cooperative" or "co-op" in its corporate name.

B. No person hereafter commencing business in the Commonwealth may use the phrase "worker cooperative," "worker co-op," "employee cooperative," or "employee co-op" as a part of its corporate name unless it has elected to be governed as a worker cooperative in accordance with this article.

§ 13.1-349. Application of other laws.

Except as otherwise provided in this article, worker cooperatives shall be governed by Article 1 (§ 13.1-301 et seq.) and Chapter 9 (§ 13.1-601 et seq.).

§ 13.1-350. Revocation of election to be governed as worker cooperative; limitation on mergers.

A. A worker cooperative may revoke its election to be governed as a worker cooperative under this article by a vote of two-thirds of the members and through filing appropriate articles of amendment in accordance with § 13.1-710.

B. When any worker cooperative revokes its election in accordance with subsection A, the articles of amendment shall provide for conversion of membership shares and internal capital accounts or their conversion to securities or other property in a manner consistent with Chapter 9 (§ 13.1-601 et seq.).

C. A worker cooperative may not merge with another corporation other than a worker cooperative. Two or more worker cooperatives may merge in accordance with Article 12 (§ 13.1-715.1 et seq.) of Chapter 9.

§ 13.1-351. Qualifications of members; membership shares.

A. The articles of incorporation or bylaws of a worker cooperative shall establish qualifications for membership and procedures for acceptance and termination of members.

B. A worker cooperative's qualifications and procedures shall require, among such other provisions established in its articles of incorporation or bylaws, that:

1. No individual may be accepted as a member unless the individual is employed by the worker cooperative on a full-time or part-time basis at the time of acceptance;

2. Not fewer than two-thirds of the employees of any worker cooperative shall be individuals who are members of the worker cooperative; and

3. No person may own more than one membership share issued by the worker cooperative.

C. An individual accepted as a member shall cease to be a member upon termination of employment with the worker cooperative except that the articles of incorporation or the bylaws may provide that an individual who retires from employment may continue to be a member of the worker cooperative without voting rights subject to terms and conditions as may be provided in the articles of incorporation or bylaws. The articles of incorporation or the bylaws shall require that (i) a retired member's membership share shall be converted to another class of shares that has no voting power and (ii) nonvoting shares may only be acquired by the conversion of membership shares to another class of shares without voting power upon their owner's retirement or upon such other event specified in the worker cooperative's articles of incorporation or bylaws.

D. A worker cooperative shall issue a class of voting shares designated as membership shares. Each member of a worker cooperative shall be issued a membership share upon payment of a membership fee, the amount of which shall be determined from time to time by the board of directors. Each member shall own only one membership share. Only members employed by the worker cooperative may own a membership share. The redemption price of membership shares shall be determined by reference to internal capital accounts established as set forth in § 13.1-354.

E. Members of a worker cooperative shall have all the rights and responsibilities of shareholders of a corporation organized under Chapter 9 (§ 13.1-601) except as otherwise provided in this article. No member shall be personally liable for any debt or liability of the worker cooperative.

§ 13.1-352. Voting rights.

A. No shares other than membership shares shall be given voting rights in a worker cooperative.

B. The power to amend or repeal bylaws of a worker cooperative shall be in the members only, except to the extent that directors are authorized to amend or repeal the bylaws.

C. Voting on amendments to the articles of incorporation of a worker cooperative shall be limited to the members qualified to vote membership shares.

D. Each member with a membership share shall have one vote in any matter requiring voting by shareholders.

§ 13.1-353. Net earnings or losses; apportionment, distribution, and payment.

A. The net earnings or losses of a worker cooperative shall be apportioned and distributed at such times and in such manner as the articles of incorporation or bylaws shall specify.

B. Net earnings declared as patronage allocations with respect to a period of time, and paid or credited to members, shall be apportioned among the members in accordance with the ratio that each member's patronage during the period involved bears to total patronage by all members during that period.

C. The apportionment, distribution, and payment of net earnings required by subsection B may be in cash, credits, written notices of allocation, or shares without voting rights issued by the worker cooperative.

§ 13.1-354. Internal capital accounts; redemption of shares; collective reserve account.

A. A worker cooperative shall establish through its articles of incorporation or bylaws a system of internal capital accounts to reflect the book value and to determine the redemption price of membership shares, nonvoting shares, and written notices of allocation. As used in this section, "written notice of allocation" means a written instrument that discloses to a member the stated dollar amount of such member's patronage allocation and the terms for payment of that amount by the worker cooperative.

B. The articles of incorporation or bylaws of a worker cooperative may permit the periodic redemption of written notices of allocation and nonvoting shares and shall provide for recall and redemption of the membership share upon termination of membership in the cooperative.

C. The articles of incorporation or bylaws may provide for the worker cooperative to pay or credit interest on the balance in each member's internal capital account.

D. The articles of incorporation or bylaws may authorize assignment of a portion of retained net earnings and net losses to a collective reserve account. Earnings assigned to the collective reserve account may be used for any and all corporate purposes as determined by the board of directors.

E. A worker cooperative may issue nonvoting shares to members and nonmembers. Nonvoting shares may be redeemed or retired by the worker cooperative on such terms and conditions as may be provided in the articles of incorporation or bylaws. Payment for nonvoting shares may be made in cash, services, or property as determined by the board.

F. Any worker cooperative issuing shares under this article may accept registrations of such shares in the names of two or more persons, payable to any one of them, or to any one of them or the survivor, and any person so named, whether the others be living or not, may accept dividend payments and withdraw from the association and receive the amount payable on withdrawal in the same manner and on the same terms as are allowed by law and the articles of incorporation and bylaws in case of any other member or shareholder, and the receipt or acceptance of dividends or amounts payable on withdrawal by the person so paid shall be a valid and sufficient release and discharge of the association for any payment so made.

§ 13.1-355. Internal capital accounting.

A. The entire net book value of a worker cooperative shall be reflected in internal capital accounts, one for each member, and a collective reserve account.

B. A worker cooperative shall credit the paid-in membership fee and additional paid-in capital of a member to the member's internal capital account and shall also record the apportionment of retained net earnings or net losses to the members in accordance with patronage by appropriately crediting or debiting the internal capital accounts of members. The collective reserve account in an internal capital account cooperative shall reflect any paid-in capital, net losses, and retained net earnings not allocated to individual members.

C. The balances in all the internal capital accounts and collective reserve account, if any, shall be adjusted at the end of each accounting period so that the sum of the balances is equal to the net book value of the worker cooperative.

CHAPTER 674

An Act to amend the Code of Virginia by adding a section numbered 22.1-290.2, relating to teacher, other instructional personnel, and support staff shortages; data; reporting.

[H 376]

Approved April 6, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 22.1-290.2 as follows:

§ 22.1-290.2. Teacher, other instructional personnel, and support staff shortages; data.

A. Each school board shall report to the Department of Education annually the number and type of teacher, other instructional personnel, and support staff vacancies in the school division.

B. Each approved education preparation program shall report to the Department of Education annually the number of individuals who completed the program by endorsement area.

C. The Department of Education shall (i) establish deadlines for and the format of the reporting of the data pursuant to subsections A and B and (ii) aggregate and report such data annually on the Department's website.

CHAPTER 675

An Act to amend the Code of Virginia by adding a section numbered 22.1-6.1, relating to menstrual supplies; availability; public elementary, middle, and high schools.

[H 405]

Approved April 6, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 22.1-6.1 as follows:

§ 22.1-6.1. Menstrual supplies; availability; public elementary, middle, and high schools.

A. As used in this section, "menstrual supplies" means tampons or pads for use in connection with the menstrual cycle.

B. Each school board shall make menstrual supplies available, at all times and at no cost to students, in such accessible locations as it deems appropriate in each elementary school in the local school division.

C. Each school board shall make menstrual supplies available, at all times and at no cost to students, in the bathrooms of each middle school and high school in the local school division.

CHAPTER 676

An Act to amend the Code of Virginia by adding a section numbered 22.1-6.1, relating to menstrual supplies; availability; public elementary, middle, and high schools.

[S 232]

Approved April 6, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 22.1-6.1 as follows:

§ 22.1-6.1. Menstrual supplies; availability; public elementary, middle, and high schools.

A. As used in this section, "menstrual supplies" means tampons or pads for use in connection with the menstrual cycle.

B. Each school board shall make menstrual supplies available, at all times and at no cost to students, in such accessible locations as it deems appropriate in each elementary school in the local school division.

C. Each school board shall make menstrual supplies available, at all times and at no cost to students, in the bathrooms of each middle school and high school in the local school division.

CHAPTER 677

An Act to require the Department of Education, in collaboration with the Department of Health and medical professional societies, to develop and distribute health and safety best practice guidelines for the use of digital devices in public schools.

[H 817]

Approved April 6, 2020

Be it enacted by the General Assembly of Virginia:

1. § 1. *That the Department of Education, in collaboration with the Department of Health and medical professional societies, shall develop and distribute for use by local school boards health and safety best practice guidelines for the effective integration of digital devices in public schools no later than the 2021–2022 school year. The guidelines shall be based on peer-reviewed, independently funded studies and shall at a minimum address digital device use for different age ranges and developmental levels, the amount of time spent on digital devices in the classroom, appropriate break frequency from the use of digital devices, physical positioning of digital devices in the classroom, the use of digital devices for homework, and recommended teacher training to ensure best practice implementation.*

CHAPTER 678

An Act to amend and reenact §§ 22.1-276.01 and 22.1-279.6 of the Code of Virginia, relating to the Board of Education; school boards; dress or grooming codes.

[H 837]

Approved April 6, 2020

Be it enacted by the General Assembly of Virginia:

1. **That §§ 22.1-276.01 and 22.1-279.6 of the Code of Virginia are amended and reenacted as follows:**

§ 22.1-276.01. Definitions.

A. For the purposes of this article, unless the context requires a different meaning:

"Alternative education program" includes night school, adult education, or any other education program designed to offer instruction to students for whom the regular program of instruction may be inappropriate.

"Bullying" means any aggressive and unwanted behavior that is intended to harm, intimidate, or humiliate the victim; involves a real or perceived power imbalance between the aggressor or aggressors and victim; and is repeated over time or causes severe emotional trauma. "Bullying" includes cyber bullying. "Bullying" does not include ordinary teasing, horseplay, argument, or peer conflict.

"Disruptive behavior" means a violation of school board regulations governing student conduct that interrupts or obstructs the learning environment.

"Dress or grooming code" means any practice, policy, or portion of a code of student conduct adopted by a school board that governs or restricts the attire, appearance, or grooming, including hairstyle, of any enrolled student.

"Exclusion" means a Virginia school board's denial of school admission to a student who has been expelled or has been placed on a long-term suspension of more than 30 calendar days by another school board or a private school, either in Virginia or another state, or for whom admission has been withdrawn by a private school in Virginia or another state.

"Expulsion" means any disciplinary action imposed by a school board or a committee thereof, as provided in school board policy, whereby a student is not permitted to attend school within the school division and is ineligible for readmission for 365 calendar days after the date of the expulsion.

"Long-term suspension" means any disciplinary action whereby a student is not permitted to attend school for 11 to 45 school days.

"Short-term suspension" means any disciplinary action whereby a student is not permitted to attend school for a period not to exceed 10 school days.

B. For the purposes of §§ 22.1-277.04, 22.1-277.05, 22.1-277.2, and 22.1-277.2:1, "superintendent's designee" means a (i) trained hearing officer or (ii) professional employee within the administrative offices of the school division who reports directly to the division superintendent and who is not a school-based instructional or administrative employee.

§ 22.1-279.6. Board of Education guidelines and model policies for codes of student conduct; school board regulations.

A. The Board of Education shall establish guidelines and develop model policies for codes of student conduct to aid local school boards in the implementation of such policies. The guidelines and model policies shall include, ~~but not be limited to~~, (i) criteria for the removal of a student from a class, the use of suspension, expulsion, and exclusion as disciplinary measures, the grounds for suspension and expulsion and exclusion, and the procedures to be followed in such cases, including proceedings for such suspension, expulsion, and exclusion decisions and all applicable appeals processes; (ii) standards, consistent with state, federal and case laws, for school board policies on alcohol and drugs, gang-related activity, hazing, vandalism, trespassing, threats, search and seizure, disciplining of students with disabilities, intentional injury of others, self-defense, bullying, the use of electronic means for purposes of bullying, harassment, and intimidation,

and dissemination of such policies to students, their parents, and school personnel; ~~and~~ (iii) standards for in-service training of school personnel in and examples of the appropriate management of student conduct and student offenses in violation of school board policies; (iv) *standards for dress or grooming codes*; and (v) *standards for reducing bias and harassment in the enforcement of any code of student conduct*.

In accordance with the most recent enunciation of constitutional principles by the Supreme Court of the United States of America, the Board's standards for school board policies on alcohol and drugs and search and seizure shall include guidance for procedures relating to voluntary and mandatory drug testing in schools, including, ~~but not limited to~~, which groups may be tested, use of test results, confidentiality of test information, privacy considerations, consent to the testing, need to know, and release of the test results to the appropriate school authority.

In the case of suspension and expulsion, the procedures set forth in this article shall be the minimum procedures that the school board may prescribe.

B. School boards shall adopt and revise, as required by § 22.1-253.13:7 and in accordance with the requirements of this section, regulations on codes of student conduct that are consistent with, but may be more stringent than, the guidelines of the Board. School boards shall include; in the regulations on codes of student conduct; procedures for suspension, expulsion, and exclusion decisions and shall biennially review the model student conduct code to incorporate discipline options and alternatives to preserve a safe, nondisruptive environment for effective teaching and learning.

C. Each school board shall include in its code of student conduct prohibitions against hazing and profane or obscene language or conduct. School boards shall also cite in their codes of student conduct the provisions of § 18.2-56, which defines and prohibits hazing and imposes a Class 1 misdemeanor penalty for violations, that is, confinement in jail for not more than 12 months and a fine of not more than \$2,500, either or both.

D. Each school board shall include in its code of student conduct policies and procedures that include a prohibition against bullying. Such policies and procedures shall (i) be consistent with the standards for school board policies on bullying and the use of electronic means for purposes of bullying developed by the Board pursuant to subsection A and (ii) direct the principal to notify the parent of any student involved in an alleged incident of bullying of the status of any investigation within five school days of the allegation of bullying.

Such policies and procedures shall not be interpreted to infringe upon the First Amendment rights of students and are not intended to prohibit expression of religious, philosophical, or political views, provided that such expression does not cause an actual, material disruption of the work of the school.

E. A school board may regulate the use or possession of beepers or other portable communications devices and laser pointers by students on school property or attending school functions or activities and establish disciplinary procedures pursuant to this article to which students violating such regulations will be subject.

F. Nothing in this section shall be construed to require any school board to adopt policies requiring or encouraging any drug testing in schools. However, a school board may, in its discretion, require or encourage drug testing in accordance with the Board of Education's guidelines and model student conduct policies required by subsection A and the Board's guidelines for student searches required by § 22.1-279.7.

G. The Board of Education shall establish standards to ensure compliance with the federal Improving America's Schools Act of 1994 (Part F-Gun-Free Schools Act of 1994), as amended, in accordance with § 22.1-277.07.

This subsection shall not be construed to diminish the authority of the Board of Education or to diminish the Governor's authority to coordinate and provide policy direction on official communications between the Commonwealth and the United States government.

H. Each school board shall include in its code of student conduct a prohibition on possessing any tobacco product or nicotine vapor product, as those terms are defined in § 18.2-371.2, on a school bus, on school property, or at an on-site or off-site school-sponsored activity.

I. Any school board may include in its code of student conduct a dress or grooming code. Any dress or grooming code included in a school board's code of student conduct or otherwise adopted by a school board shall (i) permit any student to wear any religiously and ethnically specific or significant head covering or hairstyle, including hijabs, yarmulkes, headwraps, braids, locs, and cornrows; (ii) maintain gender neutrality by subjecting any student to the same set of rules and standards regardless of gender; (iii) not have a disparate impact on students of a particular gender; (iv) be clear, specific, and objective in defining terms, if used; (v) prohibit any school board employee from enforcing the dress or grooming code by direct physical contact with a student or a student's attire; and (vi) prohibit any school board employee from requiring a student to undress in front of any other individual, including the enforcing school board employee, to comply with the dress or grooming code.

CHAPTER 679

An Act to amend the Code of Virginia by adding a section numbered 22.1-273.3, relating to parental educational information; tobacco and nicotine vapor products.

[H 1073]

Approved April 6, 2020

Be it enacted by the General Assembly of Virginia:**1. That the Code of Virginia is amended by adding a section numbered 22.1-273.3 as follows:****§ 22.1-273.3. Parent educational information regarding tobacco and nicotine vapor products.**

Each school board shall annually provide educational information to parents of pupils in grades kindergarten through 12 regarding the health dangers of tobacco and nicotine vapor products. Such information shall be consistent with guidelines set forth by the Department of Education.

CHAPTER 680

An Act to amend and reenact § 23.1-506 of the Code of Virginia, relating to public institutions of higher education; in-state tuition; refugees and individuals with certain Special Immigrant Visas.

[H 1179]

Approved April 6, 2020

Be it enacted by the General Assembly of Virginia:**1. That § 23.1-506 of the Code of Virginia is amended and reenacted as follows:****§ 23.1-506. Eligibility for in-state tuition; exception; certain out-of-state and high school students.**

A. Notwithstanding § 23.1-502 or any other provision of law to the contrary, the following students are eligible for in-state tuition charges regardless of domicile:

1. Any non-Virginia student who resides outside the Commonwealth and has been employed full time in the Commonwealth for at least one year immediately prior to the date of the alleged entitlement if such student has paid Virginia income taxes on all taxable income earned in the Commonwealth for the tax year prior to the date of the alleged entitlement. Such student shall continue to be eligible for in-state tuition charges for so long as the student is employed full time in the Commonwealth and the student pays Virginia income taxes on all taxable income earned in the Commonwealth.

2. Any non-Virginia student who resides outside the Commonwealth and is claimed as a dependent for federal and Virginia income tax purposes if the nonresident parent claiming the student as a dependent has been employed full time in the Commonwealth for at least one year immediately prior to the date of the alleged entitlement and paid Virginia income taxes on all taxable income earned in the Commonwealth for the tax year prior to the date of the alleged entitlement. Such student shall continue to be eligible for in-state tuition charges for so long as his qualifying parent is employed full time in the Commonwealth, pays Virginia income taxes on all taxable income earned in the Commonwealth, and claims the student as a dependent for Virginia and federal income tax purposes.

3. Any active duty member, activated guard or reserve member, or guard or reserve member mobilized or on temporary active orders for 180 days or more who resides in the Commonwealth.

4. Any veteran who resides in the Commonwealth.

5. Any surviving spouse who resides in the Commonwealth.

6. Following completion of active duty service, any non-Virginia student who established domicile before being called to active duty in the National Guard of another state if during such active duty he maintained at least one of the following in the Commonwealth: a driver's license, motor vehicle registration, voter registration, employment, property ownership, or sources of financial support.

7. Any member of the foreign service office who resided in the Commonwealth for at least 90 days immediately prior to receiving a foreign service assignment and who continues to be assigned overseas, and any dependents of such member.

8. Any individual who (i) was admitted to the United States as a refugee under 8 U.S.C. § 1157 within the previous two calendar years or (ii) received a Special Immigrant Visa that has been granted a status under P.L. 110-181 § 1244, P.L. 109-163 § 1059, or P.L. 111-8 § 602 within the previous two calendar years and, upon entering the United States, resided in the Commonwealth and continues to reside in the Commonwealth as a refugee or pursuant to such Special Immigrant Visa.

Any non-Virginia student granted in-state tuition pursuant to this subsection shall be counted as a Virginia student for the purposes of determining college admissions, enrollment, and tuition and fee revenue policies.

B. Notwithstanding the provisions of § 23.1-502 or any other provision of law to the contrary, the governing board of any public institution of higher education may charge in-state tuition to the following students regardless of domicile:

1. Any non-Virginia student enrolled in one of the institution's programs designated by the Council who (i) is entitled to reduced tuition charges at the institutions of higher education in any other state that is a party to the Southern Regional Education Compact and that has similar reciprocal provisions for Virginia students and (ii) is domiciled in such other state;

2. Any non-Virginia student from a foreign country who is enrolled in a foreign exchange program approved by the institution of higher education during the same period in which a Virginia student from such institution is attending such foreign institution as an exchange student; and

3. Any high school or magnet school student, not otherwise qualified for in-state tuition, who is enrolled in courses specifically designed as part of the high school or magnet school curriculum in a comprehensive community college for which he may, upon successful completion, receive high school and college credit pursuant to a dual enrollment agreement between the high school or magnet school and the comprehensive community college.

Any non-Virginia student granted in-state tuition pursuant to this subsection shall be counted as a non-Virginia student for the purposes of determining college admissions, enrollment, and tuition and fee revenue policies.

C. The State Board shall charge in-state tuition to any non-Virginia student enrolled at a comprehensive community college who resides in another state within a 30-mile radius of a public institution of higher education in the Commonwealth, is domiciled in such other state, and is entitled to in-state tuition charges at the institutions of higher education in any state that is contiguous to the Commonwealth and that has similar reciprocal provisions for Virginia students.

Any non-Virginia student granted in-state tuition pursuant to this subsection shall be counted as a Virginia student for the purposes of determining college admissions, enrollment, and tuition and fee revenue policies.

CHAPTER 681

An Act to amend and reenact §§ 2.2-4321, 2.2-4343, 58.1-1821, and 58.1-1825 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 58.1-3.4 and by adding in Title 58.1 a chapter numbered 19, consisting of sections numbered 58.1-1900 through 58.1-1905, relating to misclassification of employees as independent contractors; Department of Taxation to investigate and enforce; civil penalties.

[H 1407]

Approved April 6, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-4321, 2.2-4343, 58.1-1821, and 58.1-1825 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 58.1-3.4 and by adding in Title 58.1 a chapter numbered 19, consisting of sections numbered 58.1-1900 through 58.1-1905, as follows:

§ 2.2-4321. Debarment.

A. Prospective contractors may be debarred from contracting for particular types of supplies, services, insurance or construction, for specified periods of time. Any debarment procedure shall be established in writing for state agencies and institutions by the agency designated by the Governor and for political subdivisions by their governing bodies. Any debarment procedure may provide for debarment on the basis of a contractor's unsatisfactory performance for a public body.

B. In addition, a prospective contractor shall be debarred from contracting with all public bodies and covered institutions whenever the Tax Commissioner so determines pursuant to § 58.1-1902.

As used in this section, "covered institution" means a public institution of higher education operating (i) subject to a management agreement set forth in Article 4 (§ 23.1-1004 et seq.) of Chapter 10 of Title 23.1, (ii) under a memorandum of understanding pursuant to § 23.1-1003, or (iii) under the pilot program authorized in the appropriation act.

§ 2.2-4343. Exemption from operation of chapter for certain transactions.

A. The provisions of this chapter shall not apply to:

1. The Virginia Port Authority in the exercise of any of its powers in accordance with Chapter 10 (§ 62.1-128 et seq.) of Title 62.1, provided the Authority implements, by policy or regulation adopted by the Board of Commissioners, procedures to ensure fairness and competitiveness in the procurement of goods and services and in the administration of its capital outlay program. This exemption shall be applicable only so long as such policies and procedures meeting the requirements remain in effect.

2. The Virginia Retirement System for selection of services related to the management, purchase or sale of authorized investments, actuarial services, and disability determination services. Selection of these services shall be governed by the standard set forth in § 51.1-124.30.

3. The State Treasurer in the selection of investment management services related to the external management of funds shall be governed by the standard set forth in § 2.2-4514, and shall be subject to competitive guidelines and policies that are set by the Commonwealth Treasury Board and approved by the Department of General Services.

4. The Department of Social Services or local departments of social services for the acquisition of motor vehicles for sale or transfer to Temporary Assistance to Needy Families (TANF) recipients.

5. The College of William and Mary in Virginia, Virginia Commonwealth University, the University of Virginia, and Virginia Polytechnic Institute and State University in the selection of services related to the management and investment of their endowment funds, endowment income, gifts, all other nongeneral fund reserves and balances, or local funds of or held by the respective public institution of higher education pursuant to § 23.1-2210, 23.1-2306, 23.1-2604, or 23.1-2803. However, selection of these services shall be governed by the Uniform Prudent Management of Institutional Funds Act (§ 64.2-1100 et seq.) as required by §§ 23.1-2210, 23.1-2306, 23.1-2604, and 23.1-2803.

6. The Board of the Virginia College Savings Plan for the selection of services related to the operation and administration of the Plan, including, but not limited to, contracts or agreements for the management, purchase, or sale of authorized investments or actuarial, record keeping, or consulting services. However, such selection shall be governed by the standard set forth in § 23.1-706.

7. Public institutions of higher education for the purchase of items for resale at retail bookstores and similar retail outlets operated by such institutions. However, such purchase procedures shall provide for competition where practicable.

8. The purchase of goods and services by agencies of the legislative branch that may be specifically exempted therefrom by the Chairman of the Committee on Rules of either the House of Delegates or the Senate. Nor shall the contract review provisions of § 2.2-2012 apply to such procurements. The exemption shall be in writing and kept on file with the agency's disbursement records.

9. Any town with a population of less than 3,500, except as stipulated in the provisions of §§ 2.2-4305, 2.2-4311, 2.2-4315, 2.2-4330, 2.2-4333 through 2.2-4338, 2.2-4343.1, and 2.2-4367 through 2.2-4377 and Chapter 43.1 (§ 2.2-4378 et seq.).

10. Any county, city or town whose governing body has adopted, by ordinance or resolution, alternative policies and procedures which are (i) based on competitive principles and (ii) generally applicable to procurement of goods and services by such governing body and its agencies, except as stipulated in subdivision 12.

This exemption shall be applicable only so long as such policies and procedures, or other policies and procedures meeting the requirements of § 2.2-4300, remain in effect in such county, city or town. Such policies and standards may provide for incentive contracting that offers a contractor whose bid is accepted the opportunity to share in any cost savings realized by the locality when project costs are reduced by such contractor, without affecting project quality, during construction of the project. The fee, if any, charged by the project engineer or architect for determining such cost savings shall be paid as a separate cost and shall not be calculated as part of any cost savings.

11. Any school division whose school board has adopted, by policy or regulation, alternative policies and procedures that are (i) based on competitive principles and (ii) generally applicable to procurement of goods and services by the school board, except as stipulated in subdivision 12.

This exemption shall be applicable only so long as such policies and procedures, or other policies or procedures meeting the requirements of § 2.2-4300, remain in effect in such school division. This provision shall not exempt any school division from any centralized purchasing ordinance duly adopted by a local governing body.

12. Notwithstanding the exemptions set forth in subdivisions 9 through 11, the provisions of subsections B, C, and D of § 2.2-4303, §§ 2.2-4305, 2.2-4311, 2.2-4315, 2.2-4317, 2.2-4330, 2.2-4333 through 2.2-4338, 2.2-4342, 2.2-4343.1, and 2.2-4367 through 2.2-4377, and Chapter 43.1 (§ 2.2-4378 et seq.), and § 58.1-1902 shall apply to all counties, cities, and school divisions, and to all towns having a population greater than 3,500 in the Commonwealth.

The method for procurement of professional services through competitive negotiation set forth in §§ 2.2-4302.2, 2.2-4303.1, and 2.2-4303.2 shall also apply to all counties, cities, and school divisions, and to all towns having a population greater than 3,500, where the cost of the professional service is expected to exceed \$80,000 in the aggregate or for the sum of all phases of a contract or project. A school board that makes purchases through its public school foundation or purchases educational technology through its educational technology foundation, either as may be established pursuant to § 22.1-212.2:2 shall be exempt from the provisions of this chapter, except, relative to such purchases, the school board shall comply with the provisions of §§ 2.2-4311 and 2.2-4367 through 2.2-4377.

13. A public body that is also a utility operator may purchase services through or participate in contracts awarded by one or more utility operators that are not public bodies for utility marking services as required by the Underground Utility Damage Prevention Act (§ 56-265.14 et seq.). A purchase of services under this subdivision may deviate from the procurement procedures set forth in this chapter upon a determination made in advance by the public body and set forth in writing that competitive sealed bidding is either not practicable or not fiscally advantageous to the public, and the contract is awarded based on competitive principles.

14. Procurement of any construction or planning and design services for construction by a Virginia nonprofit corporation or organization not otherwise specifically exempted when (i) the planning, design or construction is funded by state appropriations of \$10,000 or less or (ii) the Virginia nonprofit corporation or organization is obligated to conform to procurement procedures that are established by federal statutes or regulations, whether those federal procedures are in conformance with the provisions of this chapter.

15. Purchases, exchanges, gifts or sales by the Citizens' Advisory Council on Furnishing and Interpreting the Executive Mansion.

16. The Eastern Virginia Medical School in the selection of services related to the management and investment of its endowment and other institutional funds. The selection of these services shall, however, be governed by the Uniform Prudent Management of Institutional Funds Act (§ 64.2-1100 et seq.).

17. The Department of Corrections in the selection of pre-release and post-incarceration services and the Department of Juvenile Justice in the selection of pre-release and post-commitment services.

18. The University of Virginia Medical Center to the extent provided by subdivision A 3 of § 23.1-2213.

19. The purchase of goods and services by a local governing body or any authority, board, department, instrumentality, institution, agency or other unit of state government when such purchases are made under a remedial plan established by the Governor pursuant to subsection C of § 2.2-4310 or by a chief administrative officer of a county, city or town pursuant to § 15.2-965.1.

20. The contract by community services boards or behavioral health authorities with an administrator or management body pursuant to a joint agreement authorized by § 37.2-512 or 37.2-615.

21. [Expired].

22. The purchase of Virginia-grown food products for use by a public body where the annual cost of the product is not expected to exceed \$100,000, provided that the procurement is accomplished by (i) obtaining written informal solicitation

of a minimum of three bidders or offerors if practicable and (ii) including a written statement regarding the basis for awarding the contract.

23. The Virginia Industries for the Blind when procuring components, materials, supplies, or services for use in commodities and services furnished to the federal government in connection with its operation as an AbilityOne Program-qualified nonprofit agency for the blind under the Javits-Wagner-O'Day Act, 41 U.S.C. §§ 8501-8506, provided that the procurement is accomplished using procedures that ensure that funds are used as efficiently as practicable. Such procedures shall require documentation of the basis for awarding contracts. Notwithstanding the provisions of § 2.2-1117, no public body shall be required to purchase such components, materials, supplies, services, or commodities.

B. Where a procurement transaction involves the expenditure of federal assistance or contract funds, the receipt of which is conditioned upon compliance with mandatory requirements in federal laws or regulations not in conformance with the provisions of this chapter, a public body may comply with such federal requirements, notwithstanding the provisions of this chapter, only upon the written determination of the Governor, in the case of state agencies, or the governing body, in the case of political subdivisions, that acceptance of the grant or contract funds under the applicable conditions is in the public interest. Such determination shall state the specific provision of this chapter in conflict with the conditions of the grant or contract.

§ 58.1-3.4. Tax Commissioner's authority to request and share information regarding employer worker reclassification.

Notwithstanding the provisions of § 58.1-3, the Tax Commissioner is authorized to work and share information with the following agencies to identify employers who fail to properly classify individuals as employees pursuant to the provisions of Chapter 19 (§ 58.1-1900 et seq.) and to enforce the provisions of Chapters 3 (§ 58.1-300 et seq.) and 19: the Department of Labor and Industry, the Virginia Employment Commission, the Department of Small Business and Supplier Diversity, the Department of General Services, the Workers' Compensation Commission, and the Department of Professional and Occupational Regulation. If any such agency has reason to believe that an employer has failed to properly classify individuals as employees in violation of Chapter 19, it shall notify the Department. Except as otherwise provided by law, such agencies shall share with the Department any information that may assist the Department in enforcing the provisions of Chapters 3 and 19.

§ 58.1-1821. Application to Tax Commissioner for correction.

Any person assessed with any tax administered by the Department of Taxation may, within ninety days from the date of such assessment, apply for relief to the Tax Commissioner. Such application shall be in the form prescribed by the Department, and shall fully set forth the grounds upon which the taxpayer relies and all facts relevant to the taxpayer's contention. The Tax Commissioner may also require such additional information, testimony or documentary evidence as he deems necessary to a fair determination of the application. Any person aggrieved by an action by the Department with respect to a transferred credit or other tax attribute may apply for relief under this section or request to join an application already filed by another person assessed with tax or aggrieved by an action with respect to the same credit or other tax attribute. *Any person aggrieved by an action by the Department with respect to debarment pursuant to § 58.1-1902 may apply for relief under this section.* Notwithstanding the provisions of § 58.1-3, the Tax Commissioner shall have the discretion to permit the joinder of a party or consolidate proceedings on applications filed by different taxpayers if the interest of the party or the applications involve adjustments to credits or other tax attributes arising from the same transaction or occurrence, provided that no interests are prejudiced and the joinder or consolidation advances administrative economy.

On receipt of a notice of intent to file under this section, the Tax Commissioner shall refrain from collecting the tax until the time for filing hereunder has expired, unless he determines that collection is in jeopardy.

Any person whose tax assessment has been improperly collected by the Department may apply hereunder to assert a claim that any amount so collected was exempt from process.

The initial assessment of any tax administered by the Department of Taxation shall include a notice to the taxpayer that specifies all of the taxpayer's rights under this section, including but not limited to the right to have the Tax Commissioner refrain from collecting the tax upon the Commissioner's receipt from the taxpayer of a notice of intent to file for relief under this section.

§ 58.1-1825. Application to court for correction of erroneous or improper assessments of state taxes generally.

A. Any person assessed with any tax administered by the Department of Taxation and aggrieved by any such assessment, or aggrieved by an action by the Department with respect to a transferred credit or other tax attribute, *or aggrieved by an action by the Department with respect to debarment pursuant to § 58.1-1902*, may, unless otherwise specifically provided by law, within (i) three years from the date such assessment is made or (ii) one year from the date of the Tax Commissioner's determination under § 58.1-1822, whichever is later, apply to a circuit court for relief. The venue for such proceeding shall be as specified in subdivision 13 b of § 8.01-261. The application shall be before the court when it is filed in the clerk's office.

B. Except as provided in subsection C, the court shall require the applicant to pay the assessment before proceeding with its application upon granting a motion by the Tax Commissioner seeking to compel such payment and showing to the satisfaction of the court that the Department is likely to prevail on the merits of the case, that the application is (i) not well grounded in fact; (ii) not warranted by existing law or a good faith argument for the extension, modification, or reversal of

existing law; (iii) interposed for an improper purpose, such as to harass, to cause unnecessary delay in the collection of the revenue, or to create needless cost to the Commonwealth from the litigation; or (iv) otherwise frivolous.

C. In lieu of the payment required in subsection B, the taxpayer may, within 60 days of the court's ruling, (i) post a bond pursuant to the provisions of § 16.1-107, with a corporate surety licensed to do business in Virginia, or (ii) file an irrevocable letter of credit satisfactory to the Tax Commissioner as to the bank or savings institution, the form and substance, and payable to the Commonwealth in the face amount of the contested assessment increased by twice the interest rate for underpayments published by the Department and in effect at the time the application is filed. The letter of credit shall be from a bank incorporated or authorized to conduct banking business under the laws of this Commonwealth or authorized to do business in this Commonwealth under the banking laws of the United States, or a federally insured savings institution located in this Commonwealth. Such bond or irrevocable letter of credit shall be conditioned upon payment by the applicant of the amount of the taxes, penalty and interest ordered by the court pursuant to § 58.1-1826, if any.

D. Any person whose assessment has been improperly collected from property exempt from process may within three years from the date such assessment is made, or if later, within one year of the Tax Commissioner's decision on a process exemption claim under § 58.1-1821 apply to a circuit court for relief. The venue for such proceeding shall be as specified in subdivision 13 b of § 8.01-261.

The Department shall be named as defendant, and the proceedings shall be conducted as an action at law before the court sitting without a jury. It shall be the burden of the applicant in any such proceeding to show that the assessment or collection or action on a transferred credit or other tax attribute complained of is erroneous or otherwise improper. The court's order shall be entered pursuant to § 58.1-1826.

E. Nothing in this section shall prevent the Tax Commissioner from collecting the assessment if he determines that collection is in jeopardy.

CHAPTER 19. WORKER MISCLASSIFICATION.

§ 58.1-1900. Classification of employees.

A. For the purposes of this title and Title 40.1, Title 60.2, and Title 65.2, if an individual performs services for an employer for remuneration, that individual shall be considered an employee of the party that pays that remuneration unless such individual or his employer demonstrates that such individual is an independent contractor. The Department shall determine whether an individual is an independent contractor by applying Internal Revenue Service guidelines.

B. Unless otherwise provided in this chapter, the Department shall administer this chapter according to the provisions of Article 16 (§ 58.1-460 et seq.) of Chapter 3, *mutatis mutandis*.

C. For the purposes of this chapter, all occurrences of misclassification of employees as described hereinafter made by the same employer at the same time, or within 72 hours, shall be deemed to be a single offense.

§ 58.1-1901. Civil penalties.

Any employer, or any officer or agent of the employer, that fails to properly classify an individual as an employee in accordance with § 58.1-1900 for purposes of this title, Title 40.1, Title 60.2, or Title 65.2 and fails to pay taxes, benefits, or other contributions required to be paid with respect to an employee shall, upon notice by the Department to the affected party, be subject to a civil penalty of up to \$1,000 per misclassified individual for a first offense, up to \$2,500 per misclassified individual for a second offense, and up to \$5,000 per misclassified individual for a third or subsequent offense. Each civil penalty assessed under this chapter shall be paid into the general fund.

§ 58.1-1902. Debarment; civil penalty.

A. Whenever the Department determines, after notice to the employer, that an employer failed to properly classify an individual as an employee under the provisions of § 58.1-1900, the Department shall notify all public bodies and covered institutions of the name of the employer.

B. Upon an employer's subsequent violations of subsection A, all public bodies and covered institutions shall not award a contract to such employer or to any firm, corporation, or partnership in which the employer has an interest in the following manner:

1. For a period of up to one year, as determined by the Department, from the date of the notice for a second offense.

2. For a period of up to two years, as determined by the Department, from the date of the notice for a third or subsequent offense.

§ 58.1-1903. Certain agreements prohibited.

No person shall require or request that an individual enter into an agreement or sign a document that results in the misclassification of the individual as an independent contractor or otherwise does not accurately reflect the relationship with the employer.

§ 58.1-1904. Unlawful acts.

It shall be unlawful for an employer or any other party to discriminate in any manner or take adverse action against any person in retaliation for exercising rights protected under this chapter.

§ 58.1-1905. Reporting.

The Department shall report annually on its enforcement of this chapter to the Governor and the General Assembly regarding compliance with and enforcement of this chapter. The Department's report shall include information regarding the number of investigated reports of worker misclassification; the findings of such reports; the amount of combined tax, interest, and fines collected; the number of referrals to the Department of Labor and Industry, Virginia Employment

Commission, Department of Small Business and Supplier Diversity, Workers' Compensation Commission, and Department of Professional and Occupational Regulation; and the number of notifications of failure to properly classify to all public bodies and institutions.

2. That the Department of Taxation shall develop guidelines implementing the provisions of this act. Such guidelines shall be exempt from the provisions of the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia).

3. That the provisions of this act shall become effective on January 1, 2021.

CHAPTER 682

An Act to amend and reenact §§ 2.2-4321, 2.2-4343, 58.1-1821, and 58.1-1825 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 58.1-3.4 and by adding in Title 58.1 a chapter numbered 19, consisting of sections numbered 58.1-1900 through 58.1-1905, relating to misclassification of employees as independent contractors; Department of Taxation to investigate and enforce; civil penalties.

[S 744]

Approved April 6, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-4321, 2.2-4343, 58.1-1821, and 58.1-1825 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 58.1-3.4 and by adding in Title 58.1 a chapter numbered 19, consisting of sections numbered 58.1-1900 through 58.1-1905, as follows:

§ 2.2-4321. Debarment.

A. Prospective contractors may be debarred from contracting for particular types of supplies, services, insurance or construction, for specified periods of time. Any debarment procedure shall be established in writing for state agencies and institutions by the agency designated by the Governor and for political subdivisions by their governing bodies. Any debarment procedure may provide for debarment on the basis of a contractor's unsatisfactory performance for a public body.

B. In addition, a prospective contractor shall be debarred from contracting with all public bodies and covered institutions whenever the Tax Commissioner so determines pursuant to § 58.1-1902.

As used in this section, "covered institution" means a public institution of higher education operating (i) subject to a management agreement set forth in Article 4 (§ 23.1-1004 et seq.) of Chapter 10 of Title 23.1, (ii) under a memorandum of understanding pursuant to § 23.1-1003, or (iii) under the pilot program authorized in the appropriation act.

§ 2.2-4343. Exemption from operation of chapter for certain transactions.

A. The provisions of this chapter shall not apply to:

1. The Virginia Port Authority in the exercise of any of its powers in accordance with Chapter 10 (§ 62.1-128 et seq.) of Title 62.1, provided the Authority implements, by policy or regulation adopted by the Board of Commissioners, procedures to ensure fairness and competitiveness in the procurement of goods and services and in the administration of its capital outlay program. This exemption shall be applicable only so long as such policies and procedures meeting the requirements remain in effect.

2. The Virginia Retirement System for selection of services related to the management, purchase or sale of authorized investments, actuarial services, and disability determination services. Selection of these services shall be governed by the standard set forth in § 51.1-124.30.

3. The State Treasurer in the selection of investment management services related to the external management of funds shall be governed by the standard set forth in § 2.2-4514, and shall be subject to competitive guidelines and policies that are set by the Commonwealth Treasury Board and approved by the Department of General Services.

4. The Department of Social Services or local departments of social services for the acquisition of motor vehicles for sale or transfer to Temporary Assistance to Needy Families (TANF) recipients.

5. The College of William and Mary in Virginia, Virginia Commonwealth University, the University of Virginia, and Virginia Polytechnic Institute and State University in the selection of services related to the management and investment of their endowment funds, endowment income, gifts, all other nongeneral fund reserves and balances, or local funds of or held by the respective public institution of higher education pursuant to § 23.1-2210, 23.1-2306, 23.1-2604, or 23.1-2803. However, selection of these services shall be governed by the Uniform Prudent Management of Institutional Funds Act (§ 64.2-1100 et seq.) as required by §§ 23.1-2210, 23.1-2306, 23.1-2604, and 23.1-2803.

6. The Board of the Virginia College Savings Plan for the selection of services related to the operation and administration of the Plan, including, but not limited to, contracts or agreements for the management, purchase, or sale of authorized investments or actuarial, record keeping, or consulting services. However, such selection shall be governed by the standard set forth in § 23.1-706.

7. Public institutions of higher education for the purchase of items for resale at retail bookstores and similar retail outlets operated by such institutions. However, such purchase procedures shall provide for competition where practicable.

8. The purchase of goods and services by agencies of the legislative branch that may be specifically exempted therefrom by the Chairman of the Committee on Rules of either the House of Delegates or the Senate. Nor shall the contract review provisions of § 2.2-2012 apply to such procurements. The exemption shall be in writing and kept on file with the agency's disbursement records.

9. Any town with a population of less than 3,500, except as stipulated in the provisions of §§ 2.2-4305, 2.2-4311, 2.2-4315, 2.2-4330, 2.2-4333 through 2.2-4338, 2.2-4343.1, and 2.2-4367 through 2.2-4377 and Chapter 43.1 (§ 2.2-4378 et seq.).

10. Any county, city or town whose governing body has adopted, by ordinance or resolution, alternative policies and procedures which are (i) based on competitive principles and (ii) generally applicable to procurement of goods and services by such governing body and its agencies, except as stipulated in subdivision 12.

This exemption shall be applicable only so long as such policies and procedures, or other policies and procedures meeting the requirements of § 2.2-4300, remain in effect in such county, city or town. Such policies and standards may provide for incentive contracting that offers a contractor whose bid is accepted the opportunity to share in any cost savings realized by the locality when project costs are reduced by such contractor, without affecting project quality, during construction of the project. The fee, if any, charged by the project engineer or architect for determining such cost savings shall be paid as a separate cost and shall not be calculated as part of any cost savings.

11. Any school division whose school board has adopted, by policy or regulation, alternative policies and procedures that are (i) based on competitive principles and (ii) generally applicable to procurement of goods and services by the school board, except as stipulated in subdivision 12.

This exemption shall be applicable only so long as such policies and procedures, or other policies or procedures meeting the requirements of § 2.2-4300, remain in effect in such school division. This provision shall not exempt any school division from any centralized purchasing ordinance duly adopted by a local governing body.

12. Notwithstanding the exemptions set forth in subdivisions 9 through 11, the provisions of subsections B, C, and D of § 2.2-4303, §§ 2.2-4305, 2.2-4311, 2.2-4315, 2.2-4317, 2.2-4330, 2.2-4333 through 2.2-4338, 2.2-4342, 2.2-4343.1, and 2.2-4367 through 2.2-4377, and Chapter 43.1 (§ 2.2-4378 et seq.), and § 58.1-1902 shall apply to all counties, cities, and school divisions, and to all towns having a population greater than 3,500 in the Commonwealth.

The method for procurement of professional services through competitive negotiation set forth in §§ 2.2-4302.2, 2.2-4303.1, and 2.2-4303.2 shall also apply to all counties, cities, and school divisions, and to all towns having a population greater than 3,500, where the cost of the professional service is expected to exceed \$80,000 in the aggregate or for the sum of all phases of a contract or project. A school board that makes purchases through its public school foundation or purchases educational technology through its educational technology foundation, either as may be established pursuant to § 22.1-212.2:2 shall be exempt from the provisions of this chapter, except, relative to such purchases, the school board shall comply with the provisions of §§ 2.2-4311 and 2.2-4367 through 2.2-4377.

13. A public body that is also a utility operator may purchase services through or participate in contracts awarded by one or more utility operators that are not public bodies for utility marking services as required by the Underground Utility Damage Prevention Act (§ 56-265.14 et seq.). A purchase of services under this subdivision may deviate from the procurement procedures set forth in this chapter upon a determination made in advance by the public body and set forth in writing that competitive sealed bidding is either not practicable or not fiscally advantageous to the public, and the contract is awarded based on competitive principles.

14. Procurement of any construction or planning and design services for construction by a Virginia nonprofit corporation or organization not otherwise specifically exempted when (i) the planning, design or construction is funded by state appropriations of \$10,000 or less or (ii) the Virginia nonprofit corporation or organization is obligated to conform to procurement procedures that are established by federal statutes or regulations, whether those federal procedures are in conformance with the provisions of this chapter.

15. Purchases, exchanges, gifts or sales by the Citizens' Advisory Council on Furnishing and Interpreting the Executive Mansion.

16. The Eastern Virginia Medical School in the selection of services related to the management and investment of its endowment and other institutional funds. The selection of these services shall, however, be governed by the Uniform Prudent Management of Institutional Funds Act (§ 64.2-1100 et seq.).

17. The Department of Corrections in the selection of pre-release and post-incarceration services and the Department of Juvenile Justice in the selection of pre-release and post-commitment services.

18. The University of Virginia Medical Center to the extent provided by subdivision A 3 of § 23.1-2213.

19. The purchase of goods and services by a local governing body or any authority, board, department, instrumentality, institution, agency or other unit of state government when such purchases are made under a remedial plan established by the Governor pursuant to subsection C of § 2.2-4310 or by a chief administrative officer of a county, city or town pursuant to § 15.2-965.1.

20. The contract by community services boards or behavioral health authorities with an administrator or management body pursuant to a joint agreement authorized by § 37.2-512 or 37.2-615.

21. [Expired].

22. The purchase of Virginia-grown food products for use by a public body where the annual cost of the product is not expected to exceed \$100,000, provided that the procurement is accomplished by (i) obtaining written informal solicitation of a minimum of three bidders or offerors if practicable and (ii) including a written statement regarding the basis for awarding the contract.

23. The Virginia Industries for the Blind when procuring components, materials, supplies, or services for use in commodities and services furnished to the federal government in connection with its operation as an AbilityOne

Program-qualified nonprofit agency for the blind under the Javits-Wagner-O'Day Act, 41 U.S.C. §§ 8501-8506, provided that the procurement is accomplished using procedures that ensure that funds are used as efficiently as practicable. Such procedures shall require documentation of the basis for awarding contracts. Notwithstanding the provisions of § 2.2-1117, no public body shall be required to purchase such components, materials, supplies, services, or commodities.

B. Where a procurement transaction involves the expenditure of federal assistance or contract funds, the receipt of which is conditioned upon compliance with mandatory requirements in federal laws or regulations not in conformance with the provisions of this chapter, a public body may comply with such federal requirements, notwithstanding the provisions of this chapter, only upon the written determination of the Governor, in the case of state agencies, or the governing body, in the case of political subdivisions, that acceptance of the grant or contract funds under the applicable conditions is in the public interest. Such determination shall state the specific provision of this chapter in conflict with the conditions of the grant or contract.

§ 58.1-3.4. Tax Commissioner's authority to request and share information regarding employer worker reclassification.

Notwithstanding the provisions of § 58.1-3, the Tax Commissioner is authorized to work and share information with the following agencies to identify employers who fail to properly classify individuals as employees pursuant to the provisions of Chapter 19 (§ 58.1-1900 et seq.) and to enforce the provisions of Chapters 3 (§ 58.1-300 et seq.) and 19: the Department of Labor and Industry, the Virginia Employment Commission, the Department of Small Business and Supplier Diversity, the Department of General Services, the Workers' Compensation Commission, and the Department of Professional and Occupational Regulation. If any such agency has reason to believe that an employer has failed to properly classify individuals as employees in violation of Chapter 19, it shall notify the Department. Except as otherwise provided by law, such agencies shall share with the Department any information that may assist the Department in enforcing the provisions of Chapters 3 and 19.

§ 58.1-1821. Application to Tax Commissioner for correction.

Any person assessed with any tax administered by the Department of Taxation may, within ninety days from the date of such assessment, apply for relief to the Tax Commissioner. Such application shall be in the form prescribed by the Department, and shall fully set forth the grounds upon which the taxpayer relies and all facts relevant to the taxpayer's contention. The Tax Commissioner may also require such additional information, testimony or documentary evidence as he deems necessary to a fair determination of the application. Any person aggrieved by an action by the Department with respect to a transferred credit or other tax attribute may apply for relief under this section or request to join an application already filed by another person assessed with tax or aggrieved by an action with respect to the same credit or other tax attribute. *Any person aggrieved by an action by the Department with respect to debarment pursuant to § 58.1-1902 may apply for relief under this section.* Notwithstanding the provisions of § 58.1-3, the Tax Commissioner shall have the discretion to permit the joinder of a party or consolidate proceedings on applications filed by different taxpayers if the interest of the party or the applications involve adjustments to credits or other tax attributes arising from the same transaction or occurrence, provided that no interests are prejudiced and the joinder or consolidation advances administrative economy.

On receipt of a notice of intent to file under this section, the Tax Commissioner shall refrain from collecting the tax until the time for filing hereunder has expired, unless he determines that collection is in jeopardy.

Any person whose tax assessment has been improperly collected by the Department may apply hereunder to assert a claim that any amount so collected was exempt from process.

The initial assessment of any tax administered by the Department of Taxation shall include a notice to the taxpayer that specifies all of the taxpayer's rights under this section, including but not limited to the right to have the Tax Commissioner refrain from collecting the tax upon the Commissioner's receipt from the taxpayer of a notice of intent to file for relief under this section.

§ 58.1-1825. Application to court for correction of erroneous or improper assessments of state taxes generally.

A. Any person assessed with any tax administered by the Department of Taxation and aggrieved by any such assessment, or aggrieved by an action by the Department with respect to a transferred credit or other tax attribute, *or aggrieved by an action by the Department with respect to debarment pursuant to § 58.1-1902*, may, unless otherwise specifically provided by law, within (i) three years from the date such assessment is made or (ii) one year from the date of the Tax Commissioner's determination under § 58.1-1822, whichever is later, apply to a circuit court for relief. The venue for such proceeding shall be as specified in subdivision 13 b of § 8.01-261. The application shall be before the court when it is filed in the clerk's office.

B. Except as provided in subsection C, the court shall require the applicant to pay the assessment before proceeding with its application upon granting a motion by the Tax Commissioner seeking to compel such payment and showing to the satisfaction of the court that the Department is likely to prevail on the merits of the case, that the application is (i) not well grounded in fact; (ii) not warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law; (iii) interposed for an improper purpose, such as to harass, to cause unnecessary delay in the collection of the revenue, or to create needless cost to the Commonwealth from the litigation; or (iv) otherwise frivolous.

C. In lieu of the payment required in subsection B, the taxpayer may, within 60 days of the court's ruling, (i) post a bond pursuant to the provisions of § 16.1-107, with a corporate surety licensed to do business in Virginia, or (ii) file an irrevocable letter of credit satisfactory to the Tax Commissioner as to the bank or savings institution, the form and

substance, and payable to the Commonwealth in the face amount of the contested assessment increased by twice the interest rate for underpayments published by the Department and in effect at the time the application is filed. The letter of credit shall be from a bank incorporated or authorized to conduct banking business under the laws of this Commonwealth or authorized to do business in this Commonwealth under the banking laws of the United States, or a federally insured savings institution located in this Commonwealth. Such bond or irrevocable letter of credit shall be conditioned upon payment by the applicant of the amount of the taxes, penalty and interest ordered by the court pursuant to § 58.1-1826, if any.

D. Any person whose assessment has been improperly collected from property exempt from process may within three years from the date such assessment is made, or if later, within one year of the Tax Commissioner's decision on a process exemption claim under § 58.1-1821 apply to a circuit court for relief. The venue for such proceeding shall be as specified in subdivision 13 b of § 8.01-261.

The Department shall be named as defendant, and the proceedings shall be conducted as an action at law before the court sitting without a jury. It shall be the burden of the applicant in any such proceeding to show that the assessment or collection or action on a transferred credit or other tax attribute complained of is erroneous or otherwise improper. The court's order shall be entered pursuant to § 58.1-1826.

E. Nothing in this section shall prevent the Tax Commissioner from collecting the assessment if he determines that collection is in jeopardy.

CHAPTER 19. WORKER MISCLASSIFICATION.

§ 58.1-1900. Classification of employees.

A. For the purposes of this title and Title 40.1, Title 60.2, and Title 65.2, if an individual performs services for an employer for remuneration, that individual shall be considered an employee of the party that pays that remuneration unless such individual or his employer demonstrates that such individual is an independent contractor. The Department shall determine whether an individual is an independent contractor by applying Internal Revenue Service guidelines.

B. Unless otherwise provided in this chapter, the Department shall administer this chapter according to the provisions of Article 16 (§ 58.1-460 et seq.) of Chapter 3, *mutatis mutandis*.

C. For the purposes of this chapter, all occurrences of misclassification of employees as described hereinafter made by the same employer at the same time, or within 72 hours, shall be deemed to be a single offense.

§ 58.1-1901. Civil penalties.

Any employer, or any officer or agent of the employer, that fails to properly classify an individual as an employee in accordance with § 58.1-1900 for purposes of this title, Title 40.1, Title 60.2, or Title 65.2 and fails to pay taxes, benefits, or other contributions required to be paid with respect to an employee shall, upon notice by the Department to the affected party, be subject to a civil penalty of up to \$1,000 per misclassified individual for a first offense, up to \$2,500 per misclassified individual for a second offense, and up to \$5,000 per misclassified individual for a third or subsequent offense. Each civil penalty assessed under this chapter shall be paid into the general fund.

§ 58.1-1902. Debarment; civil penalty.

A. Whenever the Department determines, after notice to the employer, that an employer failed to properly classify an individual as an employee under the provisions of § 58.1-1900, the Department shall notify all public bodies and covered institutions of the name of the employer.

B. Upon an employer's subsequent violations of subsection A, all public bodies and covered institutions shall not award a contract to such employer or to any firm, corporation, or partnership in which the employer has an interest in the following manner:

1. For a period of up to one year, as determined by the Department, from the date of the notice for a second offense.

2. For a period of up to three years, as determined by the Department, from the date of the notice for a third or subsequent offense.

§ 58.1-1903. Certain agreements prohibited.

No person shall require or request that an individual enter into an agreement or sign a document that results in the misclassification of the individual as an independent contractor or otherwise does not accurately reflect the relationship with the employer.

§ 58.1-1904. Unlawful acts.

It shall be unlawful for an employer or any other party to discriminate in any manner or take adverse action against any person in retaliation for exercising rights protected under this chapter.

§ 58.1-1905. Reporting.

The Department shall report annually to the Governor and the General Assembly regarding compliance with and enforcement of this chapter. The Department's report shall include information regarding the number of investigated reports of worker misclassification; the findings of such reports; the amount of combined tax, interest, and fines collected; the number of referrals to the Department of Labor and Industry, Virginia Employment Commission, Department of Small Business and Supplier Diversity, Virginia Workers' Compensation Commission, and Department of Professional and Occupational Regulation; and the number of notifications of failure to properly classify to all public bodies and institutions.

2. That the Department of Taxation shall develop guidelines implementing the provisions of this act. Such guidelines shall be exempt from the provisions of the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia).

3. That the provisions of this act shall become effective on January 1, 2021.

CHAPTER 683

An Act to amend the Code of Virginia by adding a section numbered 22.1-79.7:1, relating to school boards; school meals; availability to students.

[H 1426]

Approved April 6, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 22.1-79.7:1 as follows:

§ 22.1-79.7:1. School meals; availability to students.

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

B. Nothing in this section shall be construed to limit the ability of a school board to collect payment for meals provided pursuant to subsection A, provided, however, that no such school board shall utilize a nongovernmental third-party debt collector to collect on such debt.

2. That the provisions of this act shall become effective on July 1, 2021.

CHAPTER 684

An Act to amend the Code of Virginia by adding a section numbered 22.1-299.8, relating to public school teachers; technical professional licenses; eligibility criteria.

[H 1613]

Approved April 6, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 22.1-299.8 as follows:

§ 22.1-299.8. Technical professional licenses; substitution of certain professional development activities for required coursework.

The Board shall permit any individual who seeks a technical professional license to substitute the successful completion of an intensive, job-embedded, three-year program of professional development for the nine semester hours of professional studies required for such license.

2. That the Board of Education shall adopt such regulations as it deems necessary to implement the provisions of this act.

CHAPTER 685

An Act to amend and reenact § 54.1-1102 of the Code of Virginia, relating to the Department of Professional and Occupational Regulation; Board for Contractors; misclassification of worker prohibited.

[H 1646]

Approved April 6, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-1102 of the Code of Virginia is amended and reenacted as follows:

§ 54.1-1102. Board for Contractors membership; offices; meetings; seal; record.

A. The Board for Contractors shall be composed of 16 members as follows: one member shall be a licensed Class A general contractor; the larger part of the business of one member shall be the construction of utilities; the larger part of the business of one member shall be the construction of commercial and industrial buildings; the larger part of the business of one member shall be the construction of single-family residences; the larger part of the business of one member shall be the construction of home improvements; one member shall be a subcontractor as generally regarded in the construction industry; one member shall be in the business of sales of construction materials and supplies; one member shall be a local building official; one member shall be a licensed plumbing contractor; one member shall be a licensed electrical contractor; one member shall be a licensed heating, ventilation and air conditioning contractor; one member shall be a certified elevator mechanic or a licensed elevator contractor; one member shall be a certified water well systems provider; one member shall be a professional engineer licensed in accordance with Chapter 4 (§ 54.1-400 et seq.); and two members shall be nonlegislative citizen members. The terms of the Board members shall be four years.

The Board shall meet at least once each year and at such other times as may be deemed necessary. Annually, the Board shall elect from its membership a chairman and a vice-chairman to serve for a one-year term. Nine members of the Board shall constitute a quorum.

B. The Board shall promulgate regulations not inconsistent with statute necessary for the licensure of contractors and tradesmen and the certification of backflow prevention device workers, and for the relicensure of contractors and tradesmen and for the recertification of backflow prevention device workers, after license or certificate suspension or revocation. The Board shall include in its regulations a requirement that as a condition for initial licensure as a contractor, the designated employee or a member of the responsible management personnel of the contractor shall have successfully completed a Board-approved basic business course, which shall not exceed eight hours of classroom instruction. *In addition, the Board shall (i) require a contractor to appropriately classify all workers as employees or independent contractors, as provided by law and (ii) provide that any contractor who is found to have intentionally misclassified any worker is subject to sanction by the Board.*

C. The Board may adopt regulations requiring all Class A, B, and C residential contractors, excluding subcontractors to the contracting parties and those who engage in routine maintenance or service contracts, to use legible written contracts including the following terms and conditions:

1. General description of the work to be performed;
2. Fixed price or an estimate of the total cost of the work, the amounts and schedule of progress payments, a listing of specific materials requested by the consumer and the amount of down payment;
3. Estimates of time of commencement and completion of the work; and
4. Contractor's name, address, office telephone number and license or certification number and class.

In transactions involving door-to-door solicitations, the Board may require that a statement of protections be provided by the contractor to the homeowner, consumer or buyer, as the case may be.

D. The Board shall adopt a seal with the words "Board for Contractors, Commonwealth of Virginia." The Director shall have charge, care and custody of the seal.

~~B.~~ E. The Director shall maintain a record of the proceedings of the Board.

CHAPTER 686

An Act to amend and reenact § 22.1-280.2:2 of the Code of Virginia, relating to the Public School Security Equipment Grant Act of 2013; eligible security equipment; vaping detectors.

[S 595]

Approved April 6, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-280.2:2 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-280.2:2. Public School Security Equipment Grant Act of 2013.

A. This section shall be known and may be cited as the "Public School Security Equipment Grant Act of 2013."

B. For purposes of this section:

"Authority" means the Virginia Public School Authority.

"Department" means the Department of Education.

"Eligible school division" means a (i) local school division or (ii) regional vocational center, special education center, alternative education center, or academic year Governor's School serving public school students in grades K through 12. The term shall also include the Virginia School for the Deaf and the Blind.

"Local school division" means a school division with schools subject to state accreditation and whose students are required to be reported in fall membership for grades K through 12.

"Security equipment" includes building modifications and fixtures ~~such as~~, including security vestibules, and vaping detectors.

C. The Authority shall issue bonds for the purpose of grant payments to eligible school divisions of the Commonwealth to be used exclusively for purchasing security equipment for schools, including any related installation, which is designed to improve and help ensure the safety of students attending public schools in Virginia. Such grants shall not be used to pay for security equipment that is not included or described in a grant application approved by the Department pursuant to subsection D. The amount of grants provided to each eligible school division pursuant to this section shall not exceed \$100,000 for each fiscal year of the Commonwealth. Funds for the payment of such grants shall be provided from the issuance of bonds by the Authority, provided that the Authority shall not issue more than an aggregate of \$6 million in bonds, after all costs, for such grants during each fiscal year of the Commonwealth. In addition, the Authority shall ensure that no more than an aggregate principal amount of \$30 million in bonds issued under this section shall be outstanding at any time. Eligible school divisions seeking a grant shall apply to the Department, which shall be responsible for administering the grant program.

The Authority shall work with the Department to determine the schedule for the issuance of the bonds, which shall be based in part upon eligible school divisions having sufficient funds to purchase such security equipment. The payment of debt service on such bonds shall be as provided in the general appropriation act.

Such grants shall be in addition to all other grants made to local governments, school boards, or school divisions according to law. In addition, such grants shall not replace or be in lieu of loans to local school boards or interest rate subsidy payments to local school boards pursuant to Chapter 11.1 (§ 22.1-175.1 et seq.) of Title 22.1, and the issuance of such bonds and the payment of such grants shall not, except as herein provided, affect or otherwise amend the provisions of such chapter as they relate to the powers and duties of the Authority, local school boards, local governments, or any other entity.

D. Based on the criteria developed by the Department in collaboration with the Department of Criminal Justice Services, eligible school divisions shall apply for a grant by August 1 of each year. As a condition of receiving a grant, a local match of 25 percent of the grant amount shall be required. The Superintendent of Public Instruction is authorized to reduce the local match for local school divisions with a composite index of local ability-to-pay less than 0.2000, including any such school division participating in a regional vocational center, special education center, alternative education center, or academic year Governor's School. The Virginia School for the Deaf and the Blind shall be exempt from the match requirement.

Grants shall be awarded by the Department on a competitive basis. As part of the application for a grant, each eligible school division shall (i) identify with specificity the security equipment for which grants are being sought, as well as the estimated costs to purchase and install the security equipment, and (ii) certify that it is the intent of the eligible school division to purchase the security equipment within six months of approval of any grant by the Department.

If the Department determines that a grant shall be paid to an eligible school division under this section, it shall provide a written certification to the chairman of the Authority directing him to make a grant payment in a specific amount to the eligible school division. The Department, however, shall not make such written certification until it has established that the Authority has sufficient funds to make such grant payment. The Authority shall only make grant payments to an eligible school division for the grants provided under this section upon receipt of such written certification. The Authority shall make such grant payments, and in the amounts as directed by the Department, within 30 days of receipt of the certification.

E. The Department shall develop guidelines concerning the requirements for applying for a grant and the administration of such grants. Such guidelines shall not be subject to the Administrative Process Act (§ 2.2-4000 et seq.).

F. In the event that two or more local school divisions became one local school division, whether by consolidation of only the local school divisions or by consolidation of the local governments, such resulting local school division shall be eligible for grants on the basis of the same number of local school divisions as existed prior to September 30, 2012.

G. The Authority shall take all necessary and proper steps as it is authorized to take under law to carry out the provisions of this section.

H. Beginning in 2014, the Department shall make an annual report to the General Assembly by September 1 of each year reporting (i) the total grants paid during the immediately prior fiscal year to each eligible school division and (ii) a general description of the security equipment purchased by eligible school divisions.

CHAPTER 687

An Act to amend and reenact § 22.1-207.1 of the Code of Virginia, relating to family life education; Standards of Learning and curriculum guidelines; contemporary community standards; review.

[H 1336]

Approved April 6, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-207.1 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-207.1. Family life education.

A. As used in this section, "abstinence education" means an educational or motivational component that has as its exclusive purpose teaching the social, psychological, and health gains to be realized by teenagers' abstaining from sexual activity before marriage.

B. The Board of Education shall develop Standards of Learning and curriculum guidelines for a comprehensive, sequential family life education curriculum in grades kindergarten through 12. Such curriculum guidelines shall include instruction as appropriate for the age of the student in family living and community relationships; the benefits, challenges, responsibilities, and value of marriage for men, women, children, and communities; the value of family relationships; abstinence education; the value of postponing sexual activity; the benefits of adoption as a positive choice in the event of an unwanted pregnancy; human sexuality; human reproduction; the prevention of human trafficking; dating violence, the characteristics of abusive relationships, steps to take to deter sexual assault, the availability of counseling and legal resources, and, in the event of such sexual assault, the importance of immediate medical attention and advice, as well as the requirements of the law; the etiology, prevention, and effects of sexually transmitted diseases; and mental health education and awareness.

C. All such instruction shall be designed to promote parental involvement, foster positive self-concepts, and provide mechanisms for coping with peer pressure and the stresses of modern living according to the students' developmental stages and abilities. The Board shall also establish requirements for appropriate training for teachers of family life education, which shall include training in instructional elements to support the various curriculum components.

D. Each school board shall conduct a review of its family life education curricula at least once every seven years, shall evaluate whether such curricula reflect contemporary community standards, and shall revise such curricula if necessary.

CHAPTER 688

An Act to amend and reenact § 22.1-253.13:9 of the Code of Virginia, relating to public school accreditation; triennial review.

[H 1388]

Approved April 6, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-253.13:9 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-253.13:9. Exemplar School Recognition Program.

~~A.~~ Schools and local school divisions shall be recognized by the Board of Education in accordance with guidelines it shall establish for the Exemplar School Recognition Program (the Program). The Program shall be designed to recognize and reward (i) schools that exceed Board-established requirements or show continuous improvement on academic and school quality indicators and (ii) schools, school divisions, and school boards that implement effective, innovative practices that are aligned with the Commonwealth's goals for public education. Such recognition may include:

1. Public announcements recognizing individual schools and divisions;
2. Tangible rewards;
3. Waivers of certain board regulations;
4. Exemptions from certain reporting requirements; or
5. Other commendations deemed appropriate to recognize high achievement.

In addition to Board recognition, local school boards shall adopt policies to recognize individual schools through public announcements or media releases as well as other appropriate recognition.

~~B. A school that maintains a passing rate on Virginia assessment program tests or additional tests approved by the Board of 95 percent or above in each of the four core academic areas for two consecutive years may, upon application to the Department of Education, receive a waiver from accreditation. A school receiving such a waiver shall be fully accredited for a three-year period. However, such school shall continue to annually submit documentation in compliance with the pre-accreditation eligibility requirements.~~

CHAPTER 689

An Act to amend and reenact § 22.1-207.2 of the Code of Virginia, relating to family life education programs; materials; summaries.

[H 1394]

Approved April 6, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-207.2 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-207.2. Right of parents to review certain materials; summaries distributed.

Every parent, guardian or other person in the Commonwealth having control or charge of any child who is required by subsection A of § 22.1-254 to send such child to a public school shall have the right to review the complete family life curricula, including all supplemental materials used in any family life education program. A complete copy of all printed materials *not subject to copyright protection* and a description of all audio-visual materials shall be *made available through any available parental portal* and kept in the school library or office and made available for review to any parent or guardian during school office hours before and during the school year. The audio-visual materials shall be made available to parents for *in-person* review, upon request, on the same basis as printed materials are made available.

Each school board shall develop and distribute to the parents or guardians of a student participating in the family life education program *and post for public viewing on the local school division's official website* a summary designed to assist parents in understanding the program implemented in its school division as such program progresses and to encourage parental guidance and involvement in the instruction of the students. Such information shall reflect the curricula of the program as taught in the classroom. The school division shall include the following information on the summary:

"Parents and guardians have the right to review the family life education program offered by their school division, including written and audio-visual educational materials used in the program. Parents and guardians also have the right to excuse their child from all or part of family life education instruction."

2. That each local school board shall implement the provisions of this act no later than the start of the 2021–2022 school year.

CHAPTER 690

An Act to amend and reenact § 22.1-289.1 of the Code of Virginia, relating to Department of Education; biennial teacher compensation review; report.

[H 1443]

Approved April 6, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-289.1 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-289.1. Teacher compensation; biennial review required.

It is a goal of the Commonwealth that its public school teachers be compensated at a rate that is competitive in order to attract and keep highly qualified teachers. As used in this section, "competitive" means, at a minimum, at or above the national average teacher salary. The ~~Director of Human Resource Management~~ *Department of Education* shall conduct a biennial review of the compensation of teachers ~~and other occupations requiring similar education and training~~ and shall consider the Commonwealth's compensation for teachers relative to ~~member states in the Southern Regional Education Board~~ *the national average teacher salary*. The results of these reviews shall be reported to the Governor, the General Assembly, and the Board of Education by June 1 of each odd-numbered year.

CHAPTER 691

An Act to amend the Code of Virginia by adding a section numbered 23.1-1304.1, relating to governing boards of public institutions of higher education; acceptance of terms and conditions associated with donations, gifts, and other private philanthropic support.

[H 1529]

Approved April 6, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 23.1-1304.1 as follows:

§ 23.1-1304.1. Governing boards; additional duties; policy; acceptance of terms and conditions associated with donations, gifts, and other private philanthropic support.

The governing board of each public institution of higher education shall establish a policy for the acceptance of terms and conditions associated with any donation, gift, or other private philanthropic support. Each such policy shall include an administrative process for reviewing, accepting, and documenting terms and conditions associated with (i) gifts that direct academic decision-making and (ii) gifts of \$1,000,000 or more that impose a new obligation on the institution of higher education, excluding gifts for scholarships or other financial aid. Each public institution of higher education shall retain documentation of such terms and conditions in compliance with the Virginia Public Records Act (§ 42.1-76 et seq.) and such documentation shall be subject to the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).

CHAPTER 692

An Act to require the Board of Education to review and revise its Career and Technical Education Work-Based Learning Guide.

[H 1680]

Approved April 6, 2020

Be it enacted by the General Assembly of Virginia:

1. § 1. The Board of Education shall review and revise its Career and Technical Education Work-Based Learning Guide (the Guide) to expand the opportunities available for students to earn credit for graduation through high-quality, work-based learning experiences, or in the case of agricultural education, supervised agricultural experiences, in addition to job shadowing, mentorships, internships, and externships. In performing such review, the Board shall consult with (i) stakeholders representing a variety of industries and (ii) organizations representing the business community and shall consider (a) the diversity of school divisions across the Commonwealth, (b) the need for local flexibility to establish credit-bearing work-based learning experiences through a variety of methods, (c) permitting twelfth grade students to substitute core curriculum with work-based learning experiences, and (d) the needs of industries across the Commonwealth.

§ 2. The Board of Education shall complete its work to revise the Guide no later than December 1, 2020.

CHAPTER 693

An Act to amend and reenact § 18.2-308.1 of the Code of Virginia, relating to prohibition on possession of stun weapon on school property; exemptions.

[S 173]

Approved April 6, 2020

Be it enacted by the General Assembly of Virginia:**1. That § 18.2-308.1 of the Code of Virginia is amended and reenacted as follows:****§ 18.2-308.1. Possession of firearm, stun weapon, or other weapon on school property prohibited; penalty.**

A. If any person knowingly possesses any (i) stun weapon as defined in this section; (ii) knife, except a pocket knife having a folding metal blade of less than three inches; or (iii) weapon, including a weapon of like kind, designated in subsection A of § 18.2-308, other than a firearm; upon (a) the property of any public, private or religious elementary, middle or high school, including buildings and grounds; (b) that portion of any property open to the public and then exclusively used for school-sponsored functions or extracurricular activities while such functions or activities are taking place; or (c) any school bus owned or operated by any such school, he is guilty of a Class 1 misdemeanor.

B. If any person knowingly possesses any firearm designed or intended to expel a projectile by action of an explosion of a combustible material while such person is upon (i) any public, private or religious elementary, middle or high school, including buildings and grounds; (ii) that portion of any property open to the public and then exclusively used for school-sponsored functions or extracurricular activities while such functions or activities are taking place; or (iii) any school bus owned or operated by any such school, he is guilty of a Class 6 felony.

C. If any person knowingly possesses any firearm designed or intended to expel a projectile by action of an explosion of a combustible material within a public, private or religious elementary, middle or high school building and intends to use, or attempts to use, such firearm, or displays such weapon in a threatening manner, such person is guilty of a Class 6 felony and sentenced to a mandatory minimum term of imprisonment of five years to be served consecutively with any other sentence.

The exemptions set out in §§ 18.2-308 and 18.2-308.016 shall apply, mutatis mutandis, to the provisions of this section. The provisions of this section shall not apply to (i) persons who possess such weapon or weapons as a part of the school's curriculum or activities; (ii) a person possessing a knife customarily used for food preparation or service and using it for such purpose; (iii) persons who possess such weapon or weapons as a part of any program sponsored or facilitated by either the school or any organization authorized by the school to conduct its programs either on or off the school premises; (iv) any law-enforcement officer, or retired law-enforcement officer qualified pursuant to subsection C of § 18.2-308.016; (v) any person who possesses a knife or blade which he uses customarily in his trade; (vi) a person who possesses an unloaded firearm *or a stun weapon* that is in a closed container, or a knife having a metal blade, in or upon a motor vehicle, or an unloaded shotgun or rifle in a firearms rack in or upon a motor vehicle; (vii) a person who has a valid concealed handgun permit and possesses a concealed handgun *or a stun weapon* while in a motor vehicle in a parking lot, traffic circle, or other means of vehicular ingress or egress to the school; (viii) a school security officer authorized to carry a firearm pursuant to § 22.1-280.2:1; or (ix) an armed security officer, licensed pursuant to Article 4 (§ 9.1-138 et seq.) of Chapter 1 of Title 9.1, hired by a private or religious school for the protection of students and employees as authorized by such school. For the purposes of this paragraph, "weapon" includes a knife having a metal blade of three inches or longer and "closed container" includes a locked vehicle trunk.

As used in this section:

"Stun weapon" means any device that emits a momentary or pulsed output, which is electrical, audible, optical or electromagnetic in nature and which is designed to temporarily incapacitate a person.

CHAPTER 694

An Act to amend the Code of Virginia by adding a section numbered 22.1-271.8, relating to sudden cardiac arrest prevention in student-athletes.

[S 463]

Approved April 6, 2020

Be it enacted by the General Assembly of Virginia:**1. That the Code of Virginia is amended by adding a section numbered 22.1-271.8 as follows:****§ 22.1-271.8. Sudden cardiac arrest prevention in student-athletes.**

A. *The Board of Education shall develop, biennially update, and distribute to each local school division guidelines on policies to inform and educate coaches, student-athletes, and student-athletes' parents or guardians about the nature and risk of sudden cardiac arrest, procedures for removal from and return to play, and the risks of not reporting symptoms. The guidelines shall also be posted on the Department's website.*

B. *Each local school division shall develop and biennially update policies and procedures regarding the identification and handling of symptoms that may lead to sudden cardiac arrest in student-athletes. Such policies shall:*

1. Require that in order to participate in any extracurricular physical activity, each student-athlete and the student-athlete's parent or guardian shall review, on an annual basis, information provided by the local school division on symptoms that may lead to sudden cardiac arrest. After reviewing the materials, each student-athlete and the student-athlete's parent or guardian shall sign a statement acknowledging receipt of such information, in a manner approved by the Board of Education.

2. Require that a student-athlete who is experiencing symptoms that may lead to sudden cardiac arrest be immediately removed from play. A student-athlete who is removed from play shall not return to play until he is evaluated by and receives written clearance to return to physical activity by an appropriate licensed health care provider as determined by the Board of Education. The licensed health care provider evaluating student-athletes may be a volunteer.

CHAPTER 695

An Act to amend and reenact § 22.1-79.1 of the Code of Virginia, relating to the opening of the school year; Northern Neck Technical Center.

[S 515]

Approved April 6, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-79.1 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-79.1. Opening of the school year; approvals for certain alternative schedules.

A. Each local school board shall set the school calendar so that the first day students are required to attend school shall be no earlier than 14 days before Labor Day. In each school division in which the school board sets the school calendar so that the first day students are required to attend school is before Labor Day, such school board shall close each school in the school division from the Friday immediately preceding Labor Day through Labor Day. The Board of Education may waive this requirement based on a school board certifying that it meets the good cause requirements of subsection B.

B. For purposes of this section, "good cause" means a school division is providing its students, in the school year for which the waiver is sought, with instructional programs that are offered on a year-round basis by the school division in one or more of its elementary or middle or high schools. Any waiver provided pursuant to this subsection shall only apply to the opening date for those schools where such year-round instructional programs are offered.

C. Individual schools may propose, and local school boards may approve, pursuant to guidelines developed by the Board of Education, alternative school schedule plans providing for the operation of schools on a four-day weekly calendar, so long as a minimum of 990 hours of instructional time is provided for grades one through 12 and 540 hours for kindergarten.

D. Notwithstanding the provisions of this section or any other provision of law, the school board of any school division located in Planning District 16 that was not granted a good cause waiver pursuant to this section for the 2018-2019 school year but would qualify for such a waiver pursuant to this section as it was in effect prior to July 1, 2019, for the 2019-2020 school year may set the school calendar so that the first day students are required to attend is earlier than Labor Day, including earlier than 14 days before Labor Day. Additionally, the school board of any school division located in Planning District 16 that is entirely surrounded by two school divisions that either were granted a waiver pursuant to Chapter 3 of the Acts of Assembly of 2012, Special Session I, or would qualify for a good cause waiver pursuant to this section as it was in effect prior to July 1, 2019, for the 2019-2020 school year may open schools on the same opening date as either such surrounding school division.

E. Notwithstanding the provisions of this section or any other provision of law, the school board of any school division from which students attend Northern Neck Technical Center may set the school calendar so that the first day that students are required to attend school is earlier than Labor Day, including earlier than 14 days before Labor Day.

CHAPTER 696

An Act to require the Department of Education and Board of Education to take certain actions relating to students with limited or interrupted formal education.

[S 933]

Approved April 6, 2020

Be it enacted by the General Assembly of Virginia:

1. § 1. The Department of Education shall develop and adopt a common statewide definition for the term "students with limited or interrupted formal education" and shall require local school divisions to report the number of students who fall under such definition as part of the required data collection and reporting on average daily membership for the purposes of documenting any changes in such numbers over time.

§ 2. The Board of Education shall evaluate the supports and programs available to "students with limited or interrupted formal education" in local school divisions to determine whether the calculations for the school quality indicators within the Board's Regulations Establishing the Standards for Accrediting Public Schools in Virginia

(8VAC20-131-5 et seq.) are appropriate or whether changes in methodology could be made to more comprehensively measure the academic and nonacademic achievement of such student population. Such evaluation shall be completed to make the necessary revisions to impact the methodology for the calculation of school accreditation ratings for the 2021-2022 school year.

CHAPTER 697

An Act to amend and reenact §§ 58.1-2660, 58.1-2900, and 58.1-2904 of the Code of Virginia, relating to increasing the maximum allowable rates of special regulatory taxes that can be imposed by the State Corporation Commission on public service companies.

[H 129]

Approved April 6, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 58.1-2660, 58.1-2900, and 58.1-2904 of the Code of Virginia are amended and reenacted as follows:

§ 58.1-2660. Special revenue tax; levy.

A. In addition to any other taxes upon the subjects of taxation listed herein, there is hereby levied, subject to the provisions of § 58.1-2664, a special regulatory revenue tax equal to ~~two tenths~~ *twenty-six hundredths* of one percent of the gross receipts such person receives from business done within the Commonwealth upon:

- 1. Corporations furnishing water, heat, light or power, by means of gas or steam, except for electric suppliers, gas utilities, and gas suppliers as defined in § 58.1-400.2 and pipeline distribution companies as defined in § 58.1-2600;
- 2. Telegraph companies owning and operating a telegraph line apparatus necessary to communicate by telecommunications in the Commonwealth;
- 3. Telephone companies whose gross receipts from business done within the Commonwealth exceed \$50,000 or a company, the majority of stock or other property of which is owned or controlled by another telephone company, whose gross receipts exceed the amount set forth herein;
- 4. The Virginia Pilots' Association;
- 5. Railroads, except those exempt by virtue of federal law from the payment of state taxes, subject to the provisions of § 58.1-2661;
- 6. Common carriers of passengers by motor vehicle, except urban and suburban bus lines, a majority of whose passengers use the buses for traveling a daily distance of not more than 40 miles measured one way between their place of work, school or recreation and their place of abode; and
- 7. Any county, city or town that obtains a certificate pursuant to § 56-265.4:4.

B. Notwithstanding the rate specified in subsection A, the maximum rate of the special regulatory revenue tax shall be increased above such specified rate to the extent necessary to permit the Commission to recover the additional costs incurred by the Commission in implementing subdivision B 4 of § 56-265.4:4 that cannot be recovered through the specified rate.

§ 58.1-2900. Imposition of tax.

A. Effective January 1, 2001, there is hereby imposed, in addition to the local consumer utility tax of Article 4 (§ 58.1-3812 et seq.) of Chapter 38 and subject to the adjustments authorized by subdivision A 5 and by § 58.1-2902, a tax on the consumers of electricity in the Commonwealth based on kilowatt hours delivered by the incumbent distribution utility and used per month as follows:

1. Each consumer of electricity in the Commonwealth shall pay electric utility consumption tax on all electricity consumed per month not in excess of 2,500 kWh at the rate of ~~\$0.00155~~ *\$0.001595* per kWh, as follows:

State consumption	Special regulatory	Local consumption
tax rate	tax rate	tax rate
\$0.00102/kWh	\$0.00015/kWh <i>\$0.000195/kWh</i>	\$0.00038/kWh

2. Each consumer of electricity in the Commonwealth shall pay electric utility consumption tax on all electricity consumed per month in excess of 2,500 kWh but not in excess of 50,000 kWh at the rate of ~~\$0.00099~~ *\$0.00102* per kWh, as follows:

State consumption	Special regulatory	Local consumption
tax rate	tax rate	tax rate
\$0.00065/kWh	\$0.00010/kWh <i>\$0.00013/kWh</i>	\$0.00024/kWh

3. Each consumer of electricity in the Commonwealth shall pay electric utility consumption tax on all electricity consumed per month in excess of 50,000 kWh at the rate of ~~\$0.00075~~ *\$0.000771* per kWh, as follows:

State consumption	Special regulatory	Local consumption
tax rate	tax rate	tax rate
\$0.00050/kWh	\$0.00007/kWh \$0.000091/kWh	\$0.00018/kWh

4. The tax rates set forth in subdivisions 1, 2, and 3 are in lieu of and replace the state gross receipts tax (§ 58.1-2626), the special regulatory revenue tax (§ 58.1-2660), and the local license tax (§ 58.1-3731) levied on corporations furnishing heat, light or power by means of electricity.

5. The tax on consumers under this section shall not be imposed on consumers served by an electric utility owned or operated by a municipality if such municipal electric utility elects to have an amount equivalent to the tax added on the bill such utility (or an association or agency of which it is a member) pays for bundled or unbundled transmission service as a separate item. Such amount, equivalent to the tax, shall be calculated under the tax rate schedule as if the municipal electric utility were selling and collecting the tax from its consumers, adjusted to exclude the amount which represents the local consumption tax if the locality in which a consumer is located does not impose a license fee rate pursuant to § 58.1-3731, and shall be remitted to the Commission pursuant to § 58.1-2901. Municipal electric utilities may bundle the tax in the rates charged to their retail customers. Notwithstanding anything contained herein to the contrary, the election permitted under this subdivision shall not be exercised by any municipal electric utility if the entity to whom the municipal electric utility (or an association or agency of which it is a member) pays for transmission service is not subject to the taxing jurisdiction of the Commonwealth, unless such entity agrees to remit to the Commonwealth all amounts equivalent to the tax pursuant to § 58.1-2901.

6. The tax on consumers set forth in subdivisions 1, 2, and 3 shall only be imposed in accordance with this subdivision on consumers of electricity purchased from a utility consumer services cooperative to the extent that such cooperative purchases, for the purpose of resale within the Commonwealth, electricity from a federal entity that made payments in accordance with federal law (i) in lieu of taxes during such taxable period to the Commonwealth and (ii) on the basis of such federal entity's gross proceeds resulting from the sale of such electricity. Such tax shall instead be calculated by deducting from each of the respective tax amounts calculated in accordance with subdivisions 1, 2, and 3 an amount equal to the calculated tax amount multiplied by the ratio of the total cost of power supplied by the federal entity, including facilities rental, during the taxable period to the utility consumer services cooperative's total operating revenue within the Commonwealth during the taxable period. The State Corporation Commission may audit the records and books of any utility consumer services cooperative that determines the tax on consumers in accordance with this subdivision to verify that the tax imposed has been correctly determined and properly remitted.

B. The tax authorized by this chapter shall not apply to municipalities' own use or to use by divisions or agencies of federal, state and local governments.

C. For purposes of this section, "kilowatt hours delivered" ~~shall mean~~ means in the case of eligible customer-generators, as defined in § 56-594, those kilowatt hours supplied from the electric grid to such customer-generators, minus the kilowatt hours generated and fed back to the electric grid by such customer-generators.

§ 58.1-2904. Imposition of tax.

A. ~~Effective January 1, 2001, there~~ There is hereby imposed, in addition to the local consumer utility tax of Article 4 (§ 58.1-3812 et seq.) of Chapter 38 of this title, a tax on the consumers of natural gas in the Commonwealth based on volume of gas at standard pressure and temperature in units of 100 cubic feet (CCF) delivered by the pipeline distribution company or gas utility and used per month. Each consumer of natural gas in the Commonwealth shall pay tax on the consumption of all natural gas consumed per month not in excess of 500 CCF at the following rates: (i) state consumption tax rate of \$0.0135 per CCF, (ii) local consumption tax rate of \$0.004 per CCF, and (iii) a special regulatory tax rate of up to ~~\$0.002~~ \$0.0026 per CCF.

B. The tax rates set forth in subsection A are in lieu of and replace the state gross receipts tax pursuant to § 58.1-2626, the special regulatory revenue tax pursuant to § 58.1-2660, and the local license tax pursuant to § 58.1-3731 levied on corporations furnishing heat, light or power by means of natural gas.

C. The tax of consumers under this section shall not be imposed on consumers served by a gas utility owned or operated by a municipality.

D. The tax authorized by this chapter shall not apply to use by divisions or agencies of federal, state and local governments.

CHAPTER 698

An Act to amend the Code of Virginia by adding in Article 1 of Chapter 2 of Title 46.2 a section numbered 46.2-221.5, relating to Department of Motor Vehicles; information for veterans.

Approved April 6, 2020

[H 411]

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 1 of Chapter 2 of Title 46.2 a section numbered 46.2-221.5 as follows:

§ 46.2-221.5. Information on veterans services provided.

A. If any person indicates that he is a veteran on any form or application submitted to the Department for the purpose of a driver or vehicle transaction, the Department shall offer such person information on veterans services that are available in the Commonwealth. Such information may be electronic, provided that printed materials are made available upon request.

B. The Department of Veterans Services shall furnish the Department with all materials required to be offered pursuant to this section. Distribution of materials shall be in a manner prescribed by the Commissioner in consultation with the Department of Veterans Services.

C. Nothing in this section shall require the Department to verify a person's veteran status.

2. That the provisions of this act shall become effective on January 1, 2021.

CHAPTER 699

An Act to amend and reenact § 15.2-2511 of the Code of Virginia, relating to annual local audit; enforcement; civil penalty.
[H 760]

Approved April 6, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-2511 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-2511. Audit of local government records, etc.; Auditor of Public Accounts; audit of shortages; civil penalty.

A. Localities shall have all their accounts and records, including all accounts and records of their constitutional officers, audited annually as of June 30 by an independent certified public accountant in accordance with the specifications furnished by the Auditor of Public Accounts. The certified public accountant shall present a detailed written report to the local governing body at a public session by the following December 31. Every locality shall contract for the performance of the annual audit not later than April 1 of each fiscal year, and such contract shall incorporate the provisions of this section relating to audit specifications and report date. The report shall be (i) submitted to the Auditor of Public Accounts, (ii) preserved by the clerk of the local governing body, and (iii) open to public inspection at all times by any qualified voter. If the audit is not completed as required by this section, the locality shall promptly post a statement on its website, if such website exists, declaring that the required audit is pending, the reasons for the delay, and the estimated date of completion. Such statement shall also be posted and made available to the public at the next scheduled meeting of the local governing body and also be sent to the Auditor of Public Accounts. The statement shall continue to be posted and updated until the audit is complete. If a locality fails to post such notice or make such notice available to the public, any aggrieved person may proceed to enforce such action by filing a petition for mandamus to the general district court, supported by an affidavit showing good cause. The court, if it finds that a violation has occurred, may issue a writ of mandamus and impose a civil penalty of not less than \$500 nor more than \$2,000 against the locality, which amount shall be paid into the Literary Fund.

The accounts and records of any county or city officer listed in Article VII, Section 4 of the Constitution of Virginia, hereinafter referred to as "constitutional officers," shall be subject to the provisions of this section.

When the annual audit conducted pursuant to this subsection includes the clerk of the circuit court, the audit shall satisfy the requirement of an audit pursuant to § 30-134.

In the event that a locality fails to obtain the annual audit prescribed by this subsection, the Auditor of Public Accounts may undertake the audit or may employ the services of certified public accountants and charge the full cost of such services to the locality. However, no part of the cost and expense of such audit shall be paid by any locality whose governing body has its accounts audited for the fiscal years in question as prescribed above and furnishes the Auditor of Public Accounts with a copy of such audit.

B. Except where otherwise authorized by statute, the Auditor of Public Accounts shall audit the accounts of local governments and constitutional officers only when (i) special circumstances require an audit or (ii) there is suspected fraud or inappropriate handling of funds that may affect the financial interests of the Commonwealth. However, the Auditor of Public Accounts shall also audit the accounts of a local government at any other time upon a majority vote of the local governing body, with all expenses of the audit to be borne by the requesting locality. In all instances, such audits shall be carried out with the approval of the Joint Legislative Audit and Review Commission.

Any shortage existing in the accounts of the locality or constitutional officer, as ascertained by the audit, shall be made public within 30 days after the shortage is discovered, and a brief statement thereof shall be sent by the Auditor of Public Accounts to the members and clerk of the local governing body and to the circuit court for the locality and shall be filed in the clerk's office of such court.

C. The provisions of this section shall apply to all counties and cities, to all towns having a population of 3,500 or over, and to all towns constituting a separate school division regardless of their population. However, any town with a population

of less than 3,500 that voluntarily has an audit prepared shall also submit the results of such audit to the Auditor of Public Accounts.

D. Notwithstanding the provisions of this section, any town not required to submit an audit pursuant to subsection C that voluntarily contracts for or performs an audit shall submit the results of such audit to the Auditor of Public Accounts upon completion of the audit.

CHAPTER 700

An Act to amend the Code of Virginia by adding sections numbered 55.1-1009.1 and 55.1-1015.1 and to repeal § 55.1-904 of the Code of Virginia, relating to real estate settlements and settlement agents; prohibited conduct; penalties.

[H 819]

Approved April 6, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding sections numbered 55.1-1009.1 and 55.1-1015.1 as follows:

§ 55.1-1009.1. Prohibition against payment or receipt of settlement services kickbacks, rebates, commissions, and other payments.

A. No person selling real property, or performing services as a settlement agent, lay real estate settlement agent, real estate agent, attorney, or lender incident to any real estate settlement or sale, shall pay or receive, directly or indirectly, any kickback, rebate, commission, thing of value, or other payment pursuant to any agreement or understanding, oral or otherwise, that business incident to services required to complete a settlement be referred to any person.

B. Nothing in this section shall be construed to prohibit:

1. Expenditures for bona fide advertising and marketing promotions otherwise permissible under the provisions of the federal Real Estate Settlement Procedures Act (12 U.S.C. § 2601 et seq.);

2. The provision of educational materials or classes, if such materials or classes are provided to a group of persons or entities pursuant to a bona fide marketing or educational effort;

3. The payment to any person of a bona fide salary or compensation or other payment for services actually performed for the business of the settlement service provider; or

4. An employer's payment to its own bona fide employees for referrals of mortgage loan or insurance business. An employer's payment to its own employees for the referral of insurance business shall be subject to the requirements of subdivision B 8 of § 38.2-1821.1.

C. No person shall be in violation of this section solely by reason of ownership in a settlement service provider, where such person receives returns on investments arising from the ownership interest, provided that such person discloses in writing to the consumer an ownership interest in those settlement services, including its ownership percentage in the settlement service provider pursuant to the requirements of § 55.1-905.

§ 55.1-1015.1. Civil penalties; attorney fees.

A. In addition to the penalties and liabilities set forth in §§ 55.1-1009.1 and 55.1-1015, in any action brought under this chapter, if a court finds that a person has willfully engaged in an act or practice in violation of this chapter, the Attorney General may recover for the Literary Fund, upon petition to the court, a civil penalty of not more than \$5,000 per violation. For purposes of this section, prima facie evidence of a willful violation may be shown when the Attorney General notifies the alleged violator by certified mail that an act or practice is a violation of this chapter and the alleged violator, after receipt of the notice, continues to engage in the act or practice.

B. The Attorney General recovering a civil penalty under subsection A, or the appropriate licensing authority or the Commission instituting an enforcement action under § 55.1-1015, may recover costs and reasonable expenses incurred by it in investigating and preparing the case and attorney fees.

2. That § 55.1-904 of the Code of Virginia is repealed.

CHAPTER 701

An Act to amend and reenact §§ 46.2-203.1, 46.2-208, 46.2-208.1, and 46.2-380 of the Code of Virginia; to amend the Code of Virginia by adding a section numbered 46.2-208.3; and to repeal §§ 46.2-208.2 and 46.2-213 of the Code of Virginia relating to Department of Motor Vehicles; release of information.

[H 1092]

Approved April 6, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-203.1, 46.2-208, 46.2-208.1, and 46.2-380 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 46.2-208.3 as follows:

§ 46.2-203.1. Provision of updated addresses by persons completing forms; acknowledgment of future receipt of official notices.

Whenever any person completes a form for an application, certificate of title, registration card, license plate, driver's license, and any other form requisite for the purpose of this title, or whenever any person is issued a summons for a violation of the motor vehicle laws of the Commonwealth, he shall provide his current address on the form or summons. By signing the form or summons, the person acknowledges that (i) the address is correct; (ii) any official notice, including an order of suspension, will be sent by (a) prepaid first class mail to the address on the signed form with the most current date; or (b) by other means of communication, including email or other electronic address, if such electronic address is provided to the Department on the signed form; and (iii) the notice shall be deemed to have been accepted by the person ~~at that~~ if sent to any such address. In addition, upon signing a summons for a violation of the motor vehicle laws, the person shall acknowledge that his failure to appear in court and pay fines and costs could result in suspension of his operator's license.

§ 46.2-208. Records of Department; when open for inspection; release of privileged information.

A. ~~All records in the office of the Department containing the specific classes of~~ The information outlined below shall be considered privileged records and, unless otherwise provided for in this title, shall not be released except as provided in subsection B:

1. Personal information, including all data as defined as "personal information" in § 2.2-3801;
2. Driver information, including defined as all data that relates to driver's license status and driver activity; and
3. Special identification card information, defined as all data that relates to identification card status; and
4. Vehicle information, including all descriptive vehicle data and title, registration, and vehicle activity data, but excluding crash data.

B. The Commissioner shall release such information only under the following conditions:

1. Notwithstanding other provisions of this section, medical data information included in personal data information shall be released only to a physician, physician assistant, or nurse practitioner as provided in § accordance with a proceeding under §§ 46.2-321 and 46.2-322.

2. Insurance data may be released as specified in §§ 46.2-372, 46.2-380, and 46.2-706.

3. Notwithstanding other provisions of this section, information disclosed or furnished shall be assessed a fee as specified in § 46.2-214.

4. ~~When the person requesting the information is~~ Upon the request of (i) the subject of the information, (ii) the parent or guardian of a minor who is the subject of the information, (iii) the guardian of the subject of the information, (iv) the authorized representative of the subject of the information, or ~~(iv)~~ (v) the owner of the vehicle that is the subject of the information, the Commissioner shall provide him with the requested information and a complete explanation of it. Requests for such information need not be made in writing or in person and may be made orally or by telephone, provided that the Department is satisfied that there is adequate verification of the requester's identity. When so requested in writing by (a) the subject of the information, (b) the parent or guardian of a minor who is the subject of the information, (c) the guardian of the subject of the information, (d) the authorized representative of the subject of the information, or ~~(d)~~ (e) the owner of the vehicle that is the subject of the information, the Commissioner shall verify and, if necessary, correct the personal information provided and furnish driver and, special identification card, or vehicle information in the form of an abstract of the record. If the requester is requesting such information in the scope of his official business as counsel from a public defender's office or as counsel appointed by a court, such records shall be provided free of charge.

5. ~~On~~ Upon the written request of any insurance carrier, surety, or representative of an insurance carrier or surety either, the Commissioner shall furnish to such insurance carrier, surety, or representative an abstract of requester information in the record of any person subject to the provisions of this title. The abstract transcript shall include any record of any conviction of a violation of any provision of any statute or ordinance relating to the operation or ownership of a motor vehicle or of any injury or damage in which he was involved and a report of which is required by § 46.2-372 filed pursuant to § 46.2-373. No such report of any conviction or accident crash shall be made after 60 months from the date of the conviction or accident crash unless the Commissioner or court used the conviction or accident crash as a reason for the suspension or revocation of a driver's license or driving privilege, in which case the revocation or suspension and any conviction or accident crash pertaining thereto shall not be reported after 60 months from the date that the driver's license or driving privilege has been reinstated. ~~This abstract~~ The response of the Commissioner under this subdivision shall not be admissible in evidence in any court proceedings.

6. ~~On~~ Upon the written request of any business organization or its authorized agent, in the conduct of its business, the Commissioner shall compare personal information supplied by the business organization or agent requester with that contained in the Department's records and, when the information supplied by the business organization or agent requester is different from that contained in the Department's records, provide the business organization or agent requester with correct information as contained in the Department's records. Personal information provided under this subdivision shall be used solely for the purpose of pursuing remedies that require locating an individual.

7. ~~The~~ Upon the written request of any business organization or its authorized agent, the Commissioner shall provide vehicle information to any business organization or agent on such business' or agent's written request the requester. Disclosures made under this subdivision shall not include any personal information and shall not be subject to the limitations contained in subdivision 6.

8. ~~On~~ Upon the written request of any motor vehicle rental or leasing company or its designated authorized agent, the Commissioner shall (i) compare personal information supplied by the company or agent requester with that contained in the Department's records and, when the information supplied by the company or agent requester is different from that contained

in the Department's records, provide the ~~company or agent~~ requester with correct information as contained in the Department's records and (ii) provide the ~~company or agent~~ requester with driver information ~~in the form of an abstract~~ of any person subject to the provisions of this title. Such ~~abstract~~ information shall include any record of any conviction of a violation of any provision of any statute or ordinance relating to the operation or ownership of a motor vehicle or of any injury or damage in which the subject of the ~~abstract~~ information was involved and a report of which ~~is required by § 46.2-372 was filed pursuant to § 46.2-373~~. No such ~~abstract~~ information shall include any record of any conviction or ~~accident~~ crash more than 60 months after the date of such conviction or ~~accident~~ crash unless the Commissioner or court used the conviction or ~~accident~~ crash as a reason for the suspension or revocation of a driver's license or driving privilege, in which case the revocation or suspension and any conviction or ~~accident~~ crash pertaining thereto shall cease to be included in such ~~abstract~~ information after 60 months from the date on which the driver's license or driving privilege was reinstated. ~~No abstract released~~ The response of the Commissioner under this subdivision shall *not* be admissible in evidence in any court proceedings.

9. ~~On~~ Upon the request of any federal, state, or local governmental entity, local government group self-insurance pool, law-enforcement officer, attorney for the Commonwealth, court, or the authorized agent of any of the foregoing, the Commissioner shall ~~(i) compare personal information supplied by the governmental entity, local government group self-insurance pool, law-enforcement officer, attorney for the Commonwealth, court, or the authorized agent of any of the foregoing, requester with that contained in the Department's records and, when the information supplied by the governmental entity, local government group self-insurance pool, law-enforcement officer, attorney for the Commonwealth, court, or the authorized agent of any of the foregoing, requester is different from that contained in the Department's records, provide the governmental entity, local government group self-insurance pool, law-enforcement officer, attorney for the Commonwealth, court, or the authorized agent of any of the foregoing requester with correct information as contained in the Department's records and (ii). The Commissioner shall also provide driver, special identification card, and vehicle information in the form of an abstract of the record showing all convictions, accidents, and driver's license suspensions or revocations as requested pursuant to this subdivision. The Commissioner may also release other appropriate information as to the governmental entity, local government group self-insurance pool, law-enforcement officer, attorney for the Commonwealth, court, or the authorized agent of any of the foregoing, may require in order to carry out its official functions upon request. Upon request in accordance with this subdivision, the Commissioner shall furnish a certificate, under seal of the Department, setting forth a distinguishing number or license plate of a motor vehicle, trailer, or semitrailer, together with the name and address of its owner. The certificate shall be prima facie evidence in any court in the Commonwealth of the ownership of the vehicle, trailer, or semitrailer to which the distinguishing number or license plate has been assigned by the Department. However, the Commissioner shall not release any photographs pursuant to this subdivision unless the requester provides the depicted individual's name and other sufficient identifying information contained on such individual's record. The abstract information in this subdivision shall be provided free of charge.~~

The Department shall release to a requester information that is required for a requester to carry out the requester's official functions in accordance with this subdivision. If the requester has entered into an agreement with the Department, such agreement shall be in a manner prescribed by the Department, and such agreement shall contain the legal authority that authorizes the performance of the requester's official functions and a description of how such information will be used to carry out such official functions. If the Commissioner determines that sufficient authority has not been provided by the requester to show that the purpose for which the information shall be used is one of the requester's official functions, the Commissioner shall refuse to enter into any agreement. If the requester submits a request for information in accordance with this subdivision without an existing agreement to receive the information, the request shall be in a manner prescribed by the Department, and such request shall contain the legal authority that authorizes the performance of the requester's official functions and a description of how such information will be used to carry out such official functions. If the Commissioner determines that sufficient authority has not been provided by the requester to show that the purpose for which such information shall be used is one of the requester's official functions, the Commissioner shall deny such request.

10. ~~On~~ Upon the request of the driver licensing authority in any ~~other state or~~ foreign country, the Commissioner shall provide whatever ~~classes of driver and vehicle~~ information the requesting authority shall require ~~in order~~ to carry out its official functions. The information shall be provided free of charge.

11. ~~On~~ a. For the purpose of obtaining information regarding noncommercial driver's license holders, upon the written request of any employer, prospective employer, or authorized agent of either, and with the written consent of the individual concerned, the Commissioner shall (i) compare personal information supplied by the ~~employer, prospective employer, or agent~~ requester with that contained in the Department's records and, when the information supplied by the ~~employer, prospective employer, or agent~~ requester is different from that contained in the Department's records, provide the ~~employer, prospective employer, or agent~~ requester with correct information as contained in the Department's records and (ii) provide the ~~employer, prospective employer, or agent~~ requester with driver information in the form of an ~~abstract~~ a transcript of an individual's record showing, including all convictions, ~~accidents all crashes, driver's license suspensions or revocations, and~~ any type of driver's license that the individual currently possesses, and all driver's license suspensions, revocations, cancellations, or forfeiture, provided that ~~the~~ such individual's position or the position that the individual is being considered for involves the operation of a motor vehicle.

b. For the purpose of obtaining information regarding commercial driver's license holders, upon the written request of any employer, prospective employer, or authorized agent of either, the Commissioner shall (i) compare personal information

supplied by the requester with that contained in the Department's records and, when the information supplied by the requester is different from that contained in the Department's records, provide the requester with correct information as contained in the Department's records and (ii) provide the requester with driver information in the form of a transcript of such individual's record, including all convictions, all crashes, any type of driver's license that the individual currently possesses, and all driver's license suspensions, revocations, cancellations, forfeitures, or disqualifications, provided that such individual's position or the position that the individual is being considered for involves the operation of a commercial motor vehicle.

12. ~~On~~ Upon the written request of any member of a volunteer fire company or volunteer emergency medical services agency and with written consent of the individual concerned, or upon the request of an applicant for membership in a volunteer fire company or ~~any volunteer emergency medical services personnel or applicant~~ to serve as volunteer emergency medical services personnel, the Commissioner shall (i) compare personal information supplied by the ~~volunteer fire company or volunteer emergency medical services agency requester~~ with that contained in the Department's records and, when the information supplied by the ~~volunteer fire company or volunteer emergency medical services agency requester~~ is different from that contained in the Department's records, provide the ~~volunteer fire company or volunteer emergency medical services agency requester~~ with correct information as contained in the Department's records and (ii) provide driver information in the form of ~~an abstract~~ a transcript of the ~~member's, personnel, or applicant's individual's~~ record showing, including all convictions, ~~accidents all crashes, license suspensions or revocations,~~ and any type of driver's license that the individual currently possesses, ~~and all license suspensions, revocations, cancellations, or forfeitures.~~ Such ~~abstract transcript~~ shall be provided free of charge if the request is accompanied by appropriate written evidence that the person is a member of or applicant for membership in a volunteer fire company or a volunteer emergency medical services agency to serve as a member of a ~~volunteer emergency medical services agency~~ and the ~~abstract transcript~~ is needed by a ~~volunteer fire company or volunteer emergency medical services agency~~ the requester to establish the qualifications of the member, volunteer, or applicant to operate equipment owned by the volunteer fire company or volunteer emergency medical services agency.

13. ~~On~~ Upon the written request of ~~any person who has applied to be a volunteer with a Virginia affiliate of Big Brothers/Big Sisters of America, a Virginia affiliate of Compeer, or the Virginia Council of the Girl Scouts of the USA, and with the consent of the individual who is the subject of the information and has applied to be a volunteer with the requester, or on the written request of a Virginia chapter of the American Red Cross, a Virginia chapter of the Civil Air Patrol, or Faith in Action, and with the consent of the individual who is the subject of the information and applied to be a volunteer vehicle operator with the requester,~~ the Commissioner shall (i) compare personal information supplied by ~~a Virginia affiliate of Big Brothers/Big Sisters of America the requester~~ with that contained in the Department's records and, when the information supplied by a ~~Virginia affiliate of Big Brothers/Big Sisters of America the requester~~ is different from that contained in the Department's records, provide the ~~Virginia affiliate of Big Brothers/Big Sisters of America requester~~ with correct information as contained in the Department's records and (ii) provide driver information in the form of ~~an abstract~~ a transcript of the applicant's record showing, including all convictions, ~~accidents all crashes, license suspensions or revocations,~~ and any type of driver's license that the individual currently possesses, ~~and all license suspensions, revocations, cancellations, or forfeitures.~~ Such ~~abstract transcript~~ shall be provided at a fee that is one-half the normal charge if the request is accompanied by appropriate written evidence that the person has applied to be a volunteer or volunteer vehicle operator with a ~~Virginia affiliate of Big Brothers/Big Sisters of America the requester as provided in this subdivision.~~

14. On the written request of any person who has applied to be a volunteer with a court-appointed special advocate program pursuant to § 9.1-153, the Commissioner shall provide ~~an abstract~~ a transcript of the applicant's record showing, including all convictions, ~~accidents all crashes, license suspensions or revocations,~~ and any type of driver's license that the individual currently possesses, ~~and all license suspensions, revocations, cancellations, or forfeitures.~~ Such ~~abstract transcript~~ shall be provided free of charge if the request is accompanied by appropriate written evidence that the person has applied to be a volunteer with a court-appointed special advocate program pursuant to § 9.1-153.

15. Upon the request of any employer, prospective employer, or authorized representative of either, the Commissioner shall (i) compare personal information supplied by the employer, prospective employer, or agent with that contained in the Department's records and, when the information supplied by the employer, prospective employer, or agent is different from that contained in the Department's records, provide the employer, prospective employer, or agent with correct information as contained in the Department's records and (ii) provide driver information in the form of an abstract of the driving record of any individual who has been issued a commercial driver's license, provided that the individual's position or the position that the individual is being considered for involves the operation of a commercial motor vehicle. Such abstract shall show all convictions, accidents, license suspensions, revocations, or disqualifications, and any type of driver's license that the individual currently possesses.

16. Upon the receipt of a completed application and payment of applicable processing fees, the Commissioner may enter into an agreement with any governmental authority or business to exchange information specified in this section by electronic or other means.

17. Upon the request of an attorney representing a person involved in a motor vehicle ~~accident~~ crash, the Commissioner shall provide the vehicle information for any vehicle involved in the crash, including and the owner's name and address; ~~to the attorney of the owner of any such vehicle.~~

18. Upon the request, in the course of business, of any authorized representative of an insurance company or of any not-for-profit entity organized to prevent and detect insurance fraud, or perform rating and underwriting activities, the Commissioner shall provide to ~~such person~~ (i) all vehicle information, ~~including~~ the owner's name and address, descriptive data and title, registration, and vehicle activity data, as requested, or (ii) all driver information, including name, license number and classification, date of birth, and address information for each driver under the age of 22 licensed in the Commonwealth of Virginia ~~meeting the request criteria designated by such person, with provided that such request criteria consisting of includes the driver's license number or address information. No such information shall be used for solicitation of sales, marketing, or other commercial purposes of such driver. Use of such information shall be limited to use in connection with insurance claims investigation activities, antifraud activities, rating, or underwriting.~~

19. ~~Upon the request of an officer authorized to issue criminal warrants, for the purpose of issuing a warrant for arrest for unlawful disposal of trash or refuse in violation of § 33.2-802 the Commissioner shall provide vehicle information, including the owner's name and address.~~

20. Upon the written request of the compliance agent of a private security services business, as defined in § 9.1-138, which is licensed by the Virginia Department of Criminal Justice Services, the Commissioner shall provide the name and address of the owner of the vehicle under procedures determined by the Commissioner.

21. Upon the request of the operator of a toll facility ~~or, a traffic light photo-monitoring system acting on behalf of a government entity, or of the Dulles Access Highway, or an authorized agent or employee of a toll facility operator or traffic light photo-monitoring system operator acting on behalf of a government entity or the Dulles Access Highway,~~ for the purpose of obtaining vehicle owner data under subsection M of § 46.2-819.1 or subsection H of § 15.2-968.1 or subsection N of § 46.2-819.5. Information released pursuant to this subdivision shall be limited to the name and address of the owner of the vehicle having failed to pay a toll or having failed to comply with a traffic light signal or having improperly used the Dulles Access Highway and the vehicle information, including all descriptive vehicle data and title and registration data of the same vehicle.

22. ~~On the written request of any person who has applied to be a volunteer with a Virginia affiliate of Compeer, the Commissioner shall (i) compare personal information supplied by a Virginia affiliate of Compeer with that contained in the Department's records and, when the information supplied by a Virginia affiliate of Compeer is different from that contained in the Department's records, provide the Virginia affiliate of Compeer with correct information as contained in the Department's records and (ii) provide driver information in the form of an abstract of the applicant's record showing all convictions, accidents, license suspensions or revocations, and any type of driver's license that the individual currently possesses. Such abstract shall be provided at a fee that is one-half the normal charge if the request is accompanied by appropriate written evidence that the person has applied to be a volunteer with a Virginia affiliate of Compeer.~~

23. ~~Upon the request of the Department of Environmental Quality for the purpose of obtaining vehicle owner data in connection with enforcement actions involving on-road testing of motor vehicles, pursuant to § 46.2-1178.1.~~

24. ~~On the written request of any person who has applied to be a volunteer vehicle operator with a Virginia chapter of the American Red Cross, the Commissioner shall (i) compare personal information supplied by a Virginia chapter of the American Red Cross with that contained in the Department's records and, when the information supplied by a Virginia chapter of the American Red Cross is different from that contained in the Department's records, provide the Virginia chapter of the American Red Cross with correct information as contained in the Department's records and (ii) provide driver information in the form of an abstract of the applicant's record showing all convictions, accidents, license suspensions or revocations, and any type of driver's license that the individual currently possesses. Such abstract shall be provided at a fee that is one-half the normal charge if the request is accompanied by appropriate written evidence that the person has applied to be a volunteer vehicle operator with a Virginia chapter of the American Red Cross.~~

25. ~~On the written request of any person who has applied to be a volunteer vehicle operator with a Virginia chapter of the Civil Air Patrol, the Commissioner shall (i) compare personal information supplied by a Virginia chapter of the Civil Air Patrol with that contained in the Department's records and, when the information supplied by a Virginia chapter of the Civil Air Patrol is different from that contained in the Department's records, provide the Virginia chapter of the Civil Air Patrol with correct information as contained in the Department's records and (ii) provide driver information in the form of an abstract of the applicant's record showing all convictions, accidents, license suspensions or revocations, and any type of driver's license that the individual currently possesses. Such abstract shall be provided at a fee that is one-half the normal charge if the request is accompanied by appropriate written evidence that the person has applied to be a volunteer vehicle operator with a Virginia chapter of the Civil Air Patrol.~~

26. ~~On the written request of any person who has applied to be a volunteer vehicle operator with Faith in Action, the Commissioner shall (i) compare personal information supplied by Faith in Action with that contained in the Department's records and, when the information supplied by Faith in Action is different from that contained in the Department's records, provide Faith in Action with correct information as contained in the Department's records and (ii) provide driver information in the form of an abstract of the applicant's record showing all convictions, accidents, license suspensions or revocations, and any type of driver's license that the individual currently possesses. Such abstract shall be provided at a fee that is one-half the normal charge if the request is accompanied by appropriate written evidence that the person has applied to be a volunteer vehicle operator with Faith in Action.~~

27. ~~On Upon the written request of the surviving spouse or child of a deceased person or the executor or administrator of a deceased person's estate, the Department shall, if the deceased person had been issued a driver's license or special~~

identification card by the Department, supply the ~~requester~~ *requester* with a hard copy image of any photograph of the deceased person kept in the Department's records.

28. ~~On the written request of any person who has applied to be a volunteer with a Virginia Council of the Girl Scouts of the USA, the Commissioner shall (i) compare personal information supplied by a Virginia Council of the Girl Scouts of the USA with that contained in the Department's records and, when the information supplied by a Virginia Council of the Girl Scouts of the USA is different from that contained in the Department's records, provide a Virginia Council of the Girl Scouts of the USA with correct information as contained in the Department's records and (ii) provide driver information in the form of an abstract of the applicant's record showing all convictions, accidents, license suspensions or revocations, and any type of driver's license that the individual currently possesses. Such abstract shall be provided at a fee that is one-half the normal charge if the request is accompanied by appropriate written evidence that the person has applied to be a volunteer with the Virginia Council of the Girl Scouts of the USA.~~

29. *a.* Upon written agreement, the Commissioner may digitally verify the authenticity and validity of a driver's license, learner's permit, or special identification card to the American Association of Motor Vehicle Administrators, a motor vehicle dealer as defined in § 46.2-1500, or ~~other~~ *another* organization approved by the Commissioner.

b. ~~The Commissioner may release information in the Department's record through any American Association of Motor Vehicle Administrators service program created for the purpose of the exchange of information to any business, government agency, or authorized agent who would otherwise be authorized to receive the information requested pursuant to this section.~~

30. Upon the request of the operator of a video-monitoring system as defined in § 46.2-844 acting on behalf of a government entity, the Commissioner shall provide vehicle owner data pursuant to subsection B of § 46.2-844. Information released pursuant to this subdivision shall be limited to the name and address of the owner of the vehicle having passed a stopped school bus and the vehicle information, including all descriptive vehicle data and title and registration data for such vehicle.

31. ~~Notwithstanding the provisions of this section other than subdivision 32, the Department shall not release, except upon request by the subject of the information, the guardian of the subject of the information, the parent of a minor who is the subject of the information, or the authorized representative of the subject of the information, or pursuant to a court order, (i) proof documents submitted for the purpose of obtaining a driving credential or a special identification card, (ii) the information in the Department's records indicating the type of proof documentation that was provided, or (iii) applications relating to the issuance of a driving credential or a special identification card. As used in this subdivision, "proof document" means any document not originally created by the Department that is submitted to the Department for the issuance of any driving credential or special identification card. "Proof document" does not include any information contained on a driving credential or special identification card.~~

32. ~~Notwithstanding the provisions of this section, the Department may release the information in the Department's records that it deems reasonable and necessary for the purpose of federal compliance audits.~~

~~C. Whenever the Commissioner issues an order to suspend or revoke the driver's license or driving privilege of any individual, he may notify the National Driver Register Service operated by the United States Department of Transportation and any similar national driver information system and provide whatever classes of information the authority may require. Information disclosed or furnished shall be assessed a fee as specified in § 46.2-214, unless as otherwise provided in this section.~~

~~D. Accident reports may be inspected under the provisions of §§ 46.2-379 and 46.2-380.~~

~~E. Whenever the Commissioner takes any licensing action pursuant to the provisions of the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.), he may provide information to the Commercial Driver License Information System, or any similar national commercial driver information system, regarding such action.~~

~~F. In addition to the foregoing provisions of this section, vehicle information may also be inspected under the provisions of §§ 46.2-633, 46.2-644.02, 46.2-644.03, and §§ 46.2-1200.1 through 46.2-1237.~~

~~G. The Department may promulgate regulations to govern the means by which personal, vehicle, and driver information is requested and disseminated.~~

~~H. Driving records of any person accused of an offense involving the operation of a motor vehicle shall be provided by the Commissioner upon request to any person acting as counsel for the accused. If such counsel is from the public defender's office or has been appointed by the court, such records shall be provided free of charge.~~

~~I. The Department shall maintain the records of persons convicted of violations of § 18.2-36.2, subsection B of § 29.1-738, and §§ 29.1-738.02, 29.1-738.2, and 29.1-738.4 which shall be forwarded by every general district court or circuit court or the clerk thereof, pursuant to § 46.2-383. Such records shall be electronically available to any law enforcement officer as provided for under clause (ii) of subdivision B 9.~~

~~J. Whenever the Commissioner issues a certificate of title for a motor vehicle, he may notify the National Motor Vehicle Title Information System, or any other nationally recognized system providing similar information, or any entity contracted to collect information for such system, and may provide whatever classes of information are required by such system.~~

D. Upon the receipt of a completed application and payment of applicable processing fees, the Commissioner may enter into an agreement with any governmental authority or business to exchange information specified in this section by electronic or other means.

§ 46.2-208.1. Electronic transfer of information in Department records for voter registration purposes.

Notwithstanding the provisions of § 46.2-208, the Commissioner shall provide for the electronic transfer of information from the Department's records to the ~~State Board~~ Department of Elections and the general registrars for the purpose of voter registration as required by Chapter 4 (§ 24.2-400 *et seq.*) of Title 24.2, including but not limited to the purposes of § 24.2-410.1. Except as provided in §§ 24.2-404 and 24.2-444, the ~~State Board~~ Department of Elections and the general registrars shall not make information provided by the Department available to the public and shall not provide such information to any third party.

§ 46.2-208.3. Notice by Department.

The Department may send notice of a driver's license renewal pursuant to § 46.2-330 or a vehicle registration renewal in the form of a postcard to a customer at the address shown on the records of the Department. Notwithstanding the provisions of § 46.2-208, the Department may put sufficient information on the face of the postcard to provide the recipient with adequate notice of renewal. Such information shall only be disclosed as permitted in this section.

§ 46.2-380. Reports made under certain sections open to inspection by certain persons; copies; maintenance of reports and photographs for three-year period.

A. Any report of ~~an accident~~ a crash made pursuant to § 46.2-372, 46.2-373, 46.2-375, or 46.2-377 shall be maintained by the Department in either hard copy or electronic form for a period of at least 36 months from the date of the ~~accident and~~ crash. The report shall be open to the inspection of (i) any person involved or injured in the ~~accident~~ crash or as a result thereof, or his attorney, *or any person owning a vehicle or property involved in the crash, or his attorney*, (ii) any authorized representative of any insurance carrier reasonably anticipating exposure to civil liability as a consequence of the ~~accident~~ crash or to which the person has applied for issuance or renewal of a policy of automobile insurance, or (iii) the FMCSA or any authorized agent thereof. The Commissioner shall, ~~on~~ upon written request of the person authorized to inspect the report, furnish a copy of the report, in either hard copy or electronic form, at the expense of the requester. Any such report shall also be open to inspection by the personal representative of any person injured or killed in the ~~accident~~ crash, including his guardian, conservator, executor, committee, next of kin as defined in § 54.1-2800, or administrator, or, if the person injured or killed is under 18 years of age, his parent or guardian. The Commissioner shall only be required to furnish under this section copies of reports required by the provisions of this article to be made directly to the Commissioner. The Commissioner may set a reasonable fee for furnishing a copy of any report, provide to whom payment shall be made, and establish a procedure for payment.

B. The Commissioner or Superintendent of State Police having a copy of any photograph taken by a law-enforcement officer relating to a nonfatal ~~accident~~ crash shall maintain the negatives for or an electronic record of such photographs in their records for at least 36 months from the date of the ~~accident~~ crash.

2. That §§ 46.2-208.2 and 46.2-213 of the Code of Virginia are repealed.

3. That an emergency exists and this act is in force from its passage.

CHAPTER 702

An Act to amend and reenact § 64.2-2011 of the Code of Virginia and to amend the Code of Virginia by adding in Article 3 of Chapter 5 of Title 64.2 a section numbered 64.2-520.2, relating to fiduciaries; good faith reliance on certificate of qualification.

[H 1411]

Approved April 6, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 64.2-2011 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Article 3 of Chapter 5 of Title 64.2 a section numbered 64.2-520.2 as follows:

§ 64.2-520.2. Reliance on certificate of qualification of a personal representative.

A. Any individual or entity conducting business in good faith with a personal representative who presents a currently effective certificate of qualification may presume that the personal representative is properly authorized to act as to any matter or transaction. A person that refuses in violation of this section to accept a certificate of qualification is subject to (i) a court order mandating acceptance of the certificate of qualification and (ii) liability for reasonable attorney fees and costs incurred in any action or proceeding that confirms the validity of the certificate of qualification or mandates acceptance of the certificate of qualification.

B. A person shall either accept or reject a certificate of qualification no later than seven business days after presentation of such certificate of qualification for acceptance. A person is not required to accept a certificate of qualification for a transaction if:

1. Engaging in the transaction with the personal representative would be inconsistent with state or federal law;
2. The person has actual knowledge of the termination of the personal representative's authority or of the certificate of qualification before exercise of the power;
3. The person in good faith believes that the certificate of qualification is not valid or that the personal representative does not have the authority to perform the act requested; or

4. *The person believes in good faith that the transaction may involve, facilitate, result in, or contribute to financial exploitation.*

§ 64.2-2011. Qualification of guardian or conservator; clerk to record order and issue certificate; reliance on certificate.

A. A guardian or conservator appointed in the court order shall qualify before the clerk upon the following:

1. Subscribing to an oath promising to faithfully perform the duties of the office in accordance with all provisions of this chapter;

2. Posting of bond, but no surety shall be required on the bond of the guardian, and the conservator's bond may be with or without surety, as ordered by the court; and

3. Acceptance in writing by the guardian or conservator of any educational materials provided by the court.

B. Upon qualification, the clerk shall issue to the guardian or conservator a certificate with a copy of the order appended thereto. The clerk shall record the order in the same manner as a power of attorney would be recorded and shall, in addition to the requirements of § 64.2-2014, provide a copy of the order to the commissioner of accounts. It shall be the duty of a conservator having the power to sell real estate to record the order in the office of the clerk of any jurisdiction where the respondent owns real property. If the order appoints a guardian, the clerk shall promptly forward a copy of the order to the local department of social services in the jurisdiction where the respondent then resides and to the Department of Medical Assistance Services.

C. A conservator shall have all powers granted pursuant to § 64.2-2021 as are necessary and proper for the performance of his duties in accordance with this chapter, subject to the limitations that are prescribed in the order. The powers granted to a guardian shall only be those powers enumerated in the court order.

D. Any individual or entity conducting business in good faith with a guardian or conservator who presents a currently effective certificate of qualification may presume that the guardian or conservator is properly authorized to act as to any matter or transaction, except to the extent of any limitations upon the fiduciary's powers contained in the court's order of appointment.

1. *A person that refuses in violation of this subsection to accept a certificate of qualification is subject to (i) a court order mandating acceptance of the certificate of qualification and (ii) liability for reasonable attorney fees and costs incurred in any action or proceeding that confirms the validity of the certificate of qualification or mandates acceptance of the certificate of qualification.*

2. *A person shall either accept or reject a certificate of qualification no later than seven business days after presentation of such certificate of qualification for acceptance. A person is not required to accept a certificate of qualification for a transaction if:*

a. *Engaging in the transaction with the guardian or conservator would be inconsistent with state or federal law;*

b. *The person has actual knowledge of the termination of the authority of the guardian or conservator or of the certificate of qualification before exercise of the power;*

c. *The person in good faith believes that the certificate of qualification is not valid or that the guardian or conservator does not have the authority to perform the act requested; or*

d. *The person believes in good faith that the transaction may involve, facilitate, result in, or contribute to financial exploitation.*

CHAPTER 703

An Act to authorize the Hampton Roads Transportation Accountability Commission to impose and collect tolls in high-occupancy toll lanes on certain portions of Interstate 64.

[H 1438]

Approved April 6, 2020

Be it enacted by the General Assembly of Virginia:

1. *§ 1. That without limiting the powers of the Hampton Roads Transportation Accountability Commission (the Commission), established under Chapter 26 (§ 33.2-2600 et seq.) of Title 33.2 of the Code of Virginia, the Commission shall, subject to the conditions provided in this act, have the authority to impose and collect tolls on high-occupancy toll lanes on Interstate 64 in the facility. For the purposes of this act, "the facility" means the vicinity of the interchange of Interstate 64 and Jefferson Avenue to the interchange of Interstate 64, Interstate 264, and Interstate 664. The tolls shall be collected by an electronic toll system that, to the extent possible, shall not impede the traffic flow of the facility. The tolls authorized by this section may only be imposed on a portion of the facility that has been designated as high-occupancy toll lanes by the Commonwealth Transportation Board pursuant to § 33.2-502 of the Code of Virginia, and the amount of the tolls shall be varied by congestion level. All such tolls may be used for programs and projects that are reasonably related to or that benefit users of the facility and, without limiting the foregoing, may be used to pay the debt service on and related reserves and financing costs for, and pledged to support, bonds and other evidences of indebtedness the proceeds of which are or were used for construction or improvement of the facility.*

§ 2. *That, prior to the imposition of tolls pursuant to this act, the Commission shall enter into an agreement with the Commonwealth Transportation Board and the Department of Transportation that (i) sets the standards for the operations of*

the facility, including the collection of tolls; (ii) addresses the use and application of toll revenues and toll-backed debt proceeds and the reimbursement of any funds expended by the Commonwealth Transportation Board or the Department of Transportation to convert any portion of the facility from high-occupancy vehicle lanes to high-occupancy toll lanes, as these terms are defined in § 33.2-500 of the Code of Virginia; and (iii) contains such other provisions deemed appropriate and necessary to ensure the safe and efficient operations of the general purpose and high-occupancy toll lanes on any portion of the facility where the Commission intends to exercise the authority provided in § 1 of this act.

CHAPTER 704

An Act to amend the Code of Virginia by adding a section numbered 33.2-275.1, relating to Department of Transportation; primary evacuation routes.

[H 1560]

Approved April 6, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 33.2-275.1 as follows:

§ 33.2-275.1. Primary evacuation routes; public information.

The Department of Transportation (the Department), in consultation with the Department of Emergency Management, shall develop and maintain a map of primary evacuation routes in the Commonwealth. Such map shall be made available on Department's public website.

The Department shall review the quality of the transportation infrastructure along such routes and submit a report on the findings of the Department and any recommended improvements at least once every five years. Such report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and shall be posted on the General Assembly's website, and the first of such reports shall be submitted no later than the first day of the 2021 Regular Session of the General Assembly.

CHAPTER 705

An Act to amend and reenact §§ 58.1-602, 58.1-605, 58.1-605.1, and 58.1-606.1 of the Code of Virginia, relating to additional local sales and use tax in Charlotte County; appropriations of Charlotte County to incorporated towns for educational purposes.

[H 1631]

Approved April 6, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 58.1-602, 58.1-605, 58.1-605.1, and 58.1-606.1 of the Code of Virginia are amended and reenacted as follows:

§ 58.1-602. Definitions.

As used in this chapter, unless the context clearly shows otherwise:

"Advertising" means the planning, creating, or placing of advertising in newspapers, magazines, billboards, broadcasting and other media, including, without limitation, the providing of concept, writing, graphic design, mechanical art, photography and production supervision. Any person providing advertising as defined in this section shall be deemed to be the user or consumer of all tangible personal property purchased for use in such advertising.

"Amplification, transmission and distribution equipment" means, but is not limited to, production, distribution, and other equipment used to provide Internet-access services, such as computer and communications equipment and software used for storing, processing and retrieving end-user subscribers' requests.

"Business" includes any activity engaged in by any person, or caused to be engaged in by him, with the object of gain, benefit or advantage, either directly or indirectly.

"Cost price" means the actual cost of an item or article of tangible personal property computed in the same manner as the sales price as defined in this section without any deductions therefrom on account of the cost of materials used, labor, or service costs, transportation charges, or any expenses whatsoever.

"Custom program" means a computer program that is specifically designed and developed only for one customer. The combining of two or more prewritten programs does not constitute a custom computer program. A prewritten program that is modified to any degree remains a prewritten program and does not become custom.

"Distribution" means the transfer or delivery of tangible personal property for use, consumption, or storage by the distributee, and the use, consumption, or storage of tangible personal property by a person that has processed, manufactured, refined, or converted such property, but does not include the transfer or delivery of tangible personal property for resale or any use, consumption, or storage otherwise exempt under this chapter.

"Gross proceeds" means the charges made or voluntary contributions received for the lease or rental of tangible personal property or for furnishing services, computed with the same deductions, where applicable, as for sales price as defined in this section over the term of the lease, rental, service, or use, but not less frequently than monthly. "Gross

proceeds" does not include finance charges, carrying charges, service charges, or interest from credit extended on the lease or rental of tangible personal property under conditional lease or rental contracts or other conditional contracts providing for the deferred payments of the lease or rental price.

"Gross sales" means the sum total of all retail sales of tangible personal property or services as defined in this chapter, without any deduction, except as provided in this chapter. "Gross sales" does not include the federal retailers' excise tax or the federal diesel fuel excise tax imposed in § 4091 of the Internal Revenue Code if the excise tax is billed to the purchaser separately from the selling price of the article, or the Virginia retail sales or use tax, or any sales or use tax imposed by any county or city under § 58.1-605 or 58.1-606.

"Import" and "imported" are words applicable to tangible personal property imported into the Commonwealth from other states as well as from foreign countries, and "export" and "exported" are words applicable to tangible personal property exported from the Commonwealth to other states as well as to foreign countries.

"In this Commonwealth" or "in the Commonwealth" means within the limits of the Commonwealth of Virginia and includes all territory within these limits owned by or ceded to the United States of America.

"Integrated process," when used in relation to semiconductor manufacturing, means a process that begins with the research or development of semiconductor products, equipment, or processes, includes the handling and storage of raw materials at a plant site, and continues to the point that the product is packaged for final sale and either shipped or conveyed to a warehouse. Without limiting the foregoing, any semiconductor equipment, fuel, power, energy, supplies, or other tangible personal property shall be deemed used as part of the integrated process if its use contributes, before, during, or after production, to higher product quality, production yields, or process efficiencies. Except as otherwise provided by law, "integrated process" does not mean general maintenance or administration.

"Internet" means collectively, the myriad of computer and telecommunications facilities, which comprise the interconnected worldwide network of computer networks.

"Internet service" means a service that enables users to access proprietary and other content, information electronic mail, and the Internet as part of a package of services sold to end-user subscribers.

"Lease or rental" means the leasing or renting of tangible personal property and the possession or use thereof by the lessee or renter for a consideration, without transfer of the title to such property.

"Manufacturing, processing, refining, or conversion" includes the production line of the plant starting with the handling and storage of raw materials at the plant site and continuing through the last step of production where the product is finished or completed for sale and conveyed to a warehouse at the production site, and also includes equipment and supplies used for production line testing and quality control. "Manufacturing" also includes the necessary ancillary activities of newspaper and magazine printing when such activities are performed by the publisher of any newspaper or magazine for sale daily or regularly at average intervals not exceeding three months.

The determination of whether any manufacturing, mining, processing, refining or conversion activity is industrial in nature shall be made without regard to plant size, existence or size of finished product inventory, degree of mechanization, amount of capital investment, number of employees or other factors relating principally to the size of the business. Further, "industrial in nature" includes, but is not limited to, those businesses classified in codes 10 through 14 and 20 through 39 published in the Standard Industrial Classification Manual for 1972 and any supplements issued thereafter.

"Modular building" means, but is not limited to, single and multifamily houses, apartment units, commercial buildings, and permanent additions thereof, comprised of one or more sections that are intended to become real property, primarily constructed at a location other than the permanent site, built to comply with the Virginia Industrialized Building Safety Law (§ 36-70 et seq.) as regulated by the Virginia Department of Housing and Community Development, and shipped with most permanent components in place to the site of final assembly. For purposes of this chapter, "modular building" does not include a mobile office as defined in § 58.1-2401 or any manufactured building subject to and certified under the provisions of the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. § 5401 et seq.).

"Modular building manufacturer" means a person that owns or operates a manufacturing facility and is engaged in the fabrication, construction and assembling of building supplies and materials into modular buildings, as defined in this section, at a location other than at the site where the modular building will be assembled on the permanent foundation and may or may not be engaged in the process of affixing the modules to the foundation at the permanent site.

"Modular building retailer" means any person that purchases or acquires a modular building from a modular building manufacturer, or from another person, for subsequent sale to a customer residing within or outside of the Commonwealth, with or without installation of the modular building to the foundation at the permanent site.

"Motor vehicle" means a "motor vehicle" as defined in § 58.1-2401, taxable under the provisions of the Virginia Motor Vehicles Sales and Use Tax Act (§ 58.1-2400 et seq.) and upon the sale of which all applicable motor vehicle sales and use taxes have been paid.

"Occasional sale" means a sale of tangible personal property not held or used by a seller in the course of an activity for which it is required to hold a certificate of registration, including the sale or exchange of all or substantially all the assets of any business and the reorganization or liquidation of any business, provided that such sale or exchange is not one of a series of sales and exchanges sufficient in number, scope and character to constitute an activity requiring the holding of a certificate of registration.

"Open video system" means an open video system authorized pursuant to 47 U.S.C. § 573 and, for purposes of this chapter only, also includes Internet service regardless of whether the provider of such service is also a telephone common carrier.

"Person" includes any individual, firm, copartnership, cooperative, nonprofit membership corporation, joint venture, association, corporation, estate, trust, business trust, trustee in bankruptcy, receiver, auctioneer, syndicate, assignee, club, society, or other group or combination acting as a unit, body politic or political subdivision, whether public or private, or quasi-public, and the plural of "person" means the same as the singular.

"Prewritten program" means a computer program that is prepared, held or existing for general or repeated sale or lease, including a computer program developed for in-house use and subsequently sold or leased to unrelated third parties.

"Qualifying locality" means Halifax County or Charlotte County.

"Railroad rolling stock" means locomotives, of whatever motive power, autocars, railroad cars of every kind and description, and all other equipment determined by the Tax Commissioner to constitute railroad rolling stock.

"Remote seller" means any dealer deemed to have sufficient activity within the Commonwealth to require registration under § 58.1-613 under the criteria specified in subdivision C 10 or 11 of § 58.1-612 or any software provider acting on behalf of such dealer.

"Retail sale" or a "sale at retail" means a sale to any person for any purpose other than for resale in the form of tangible personal property or services taxable under this chapter, and shall include any such transaction as the Tax Commissioner upon investigation finds to be in lieu of a sale. All sales for resale must be made in strict compliance with regulations applicable to this chapter. Any dealer making a sale for resale which is not in strict compliance with such regulations shall be personally liable for payment of the tax.

The terms "retail sale" and a "sale at retail" specifically include the following: (i) the sale or charges for any room or rooms, lodgings, or accommodations furnished to transients for less than 90 continuous days by any hotel, motel, inn, tourist camp, tourist cabin, camping grounds, club, or any other place in which rooms, lodging, space, or accommodations are regularly furnished to transients for a consideration; (ii) sales of tangible personal property to persons for resale when because of the operation of the business, or its very nature, or the lack of a place of business in which to display a certificate of registration, or the lack of a place of business in which to keep records, or the lack of adequate records, or because such persons are minors or transients, or because such persons are engaged in essentially service businesses, or for any other reason there is likelihood that the Commonwealth will lose tax funds due to the difficulty of policing such business operations; (iii) the separately stated charge made for automotive refinish repair materials that are permanently applied to or affixed to a motor vehicle during its repair; and (iv) the separately stated charge for equipment available for lease or purchase by a provider of satellite television programming to the customer of such programming. Equipment sold to a provider of satellite television programming for subsequent lease or purchase by the customer of such programming shall be deemed a sale for resale. The Tax Commissioner is authorized to promulgate regulations requiring vendors of or sellers to such persons to collect the tax imposed by this chapter on the cost price of such tangible personal property to such persons and may refuse to issue certificates of registration to such persons. The terms "retail sale" and a "sale at retail" also specifically include the separately stated charge made for supplies used during automotive repairs whether or not there is transfer of title or possession of the supplies and whether or not the supplies are attached to the automobile. The purchase of such supplies by an automotive repairer for sale to the customer of such repair services shall be deemed a sale for resale.

The term "transient" does not include a purchaser of camping memberships, time-shares, condominiums, or other similar contracts or interests that permit the use of, or constitute an interest in, real estate, however created or sold and whether registered with the Commonwealth or not. Further, a purchaser of a right or license which entitles the purchaser to use the amenities and facilities of a specific real estate project on an ongoing basis throughout its term shall not be deemed a transient, provided, however, that the term or time period involved is for seven years or more.

The terms "retail sale" and "sale at retail" do not include a transfer of title to tangible personal property after its use as tools, tooling, machinery or equipment, including dies, molds, and patterns, if (i) at the time of purchase, the purchaser is obligated, under the terms of a written contract, to make the transfer and (ii) the transfer is made for the same or a greater consideration to the person for whom the purchaser manufactures goods.

"Retailer" means every person engaged in the business of making sales at retail, or for distribution, use, consumption, or storage to be used or consumed in the Commonwealth.

"Sale" means any transfer of title or possession, or both, exchange, barter, lease or rental, conditional or otherwise, in any manner or by any means whatsoever, of tangible personal property and any rendition of a taxable service for a consideration, and includes the fabrication of tangible personal property for consumers who furnish, either directly or indirectly, the materials used in fabrication, and the furnishing, preparing, or serving for a consideration of any tangible personal property consumed on the premises of the person furnishing, preparing, or serving such tangible personal property. A transaction whereby the possession of property is transferred but the seller retains title as security for the payment of the price shall be deemed a sale.

"Sales price" means the total amount for which tangible personal property or services are sold, including any services that are a part of the sale, valued in money, whether paid in money or otherwise, and includes any amount for which credit is given to the purchaser, consumer, or lessee by the dealer, without any deduction therefrom on account of the cost of the property sold, the cost of materials used, labor or service costs, losses or any other expenses whatsoever. "Sales price" does not include (i) any cash discount allowed and taken; (ii) finance charges, carrying charges, service charges or interest from

credit extended on sales of tangible personal property under conditional sale contracts or other conditional contracts providing for deferred payments of the purchase price; (iii) separately stated local property taxes collected; (iv) that portion of the amount paid by the purchaser as a discretionary gratuity added to the price of a meal; or (v) that portion of the amount paid by the purchaser as a mandatory gratuity or service charge added by a restaurant to the price of a meal, but only to the extent that such mandatory gratuity or service charge does not exceed 20 percent of the price of the meal. Where used articles are taken in trade, or in a series of trades as a credit or part payment on the sale of new or used articles, the tax levied by this chapter shall be paid on the net difference between the sales price of the new or used articles and the credit for the used articles.

"Semiconductor cleanrooms" means the integrated systems, fixtures, piping, partitions, flooring, lighting, equipment, and all other property used to reduce contamination or to control airflow, temperature, humidity, vibration, or other environmental conditions required for the integrated process of semiconductor manufacturing.

"Semiconductor equipment" means (i) machinery or tools or repair parts or replacements thereof; (ii) the related accessories, components, pedestals, bases, or foundations used in connection with the operation of the equipment, without regard to the proximity to the equipment, the method of attachment, or whether the equipment or accessories are affixed to the realty; (iii) semiconductor wafers and other property or supplies used to install, test, calibrate or recalibrate, characterize, condition, measure, or maintain the equipment and settings thereof; and (iv) equipment and supplies used for quality control testing of product, materials, equipment, or processes; or the measurement of equipment performance or production parameters regardless of where or when the quality control, testing, or measuring activity takes place, how the activity affects the operation of equipment, or whether the equipment and supplies come into contact with the product.

"Storage" means any keeping or retention of tangible personal property for use, consumption or distribution in the Commonwealth, or for any purpose other than sale at retail in the regular course of business.

"Tangible personal property" means personal property that may be seen, weighed, measured, felt, or touched, or is in any other manner perceptible to the senses. "Tangible personal property" does not include stocks, bonds, notes, insurance or other obligations or securities. "Tangible personal property" includes (i) telephone calling cards upon their initial sale, which shall be exempt from all other state and local utility taxes, and (ii) manufactured signs.

"Use" means the exercise of any right or power over tangible personal property incident to the ownership thereof, except that it does not include the sale at retail of that property in the regular course of business. "Use" does not include the exercise of any right or power, including use, distribution, or storage, over any tangible personal property sold to a nonresident donor for delivery outside of the Commonwealth to a nonresident recipient pursuant to an order placed by the donor from outside the Commonwealth via mail or telephone. "Use" does not include any sale determined to be a gift transaction, subject to tax under § 58.1-604.6.

"Use tax" refers to the tax imposed upon the use, consumption, distribution, and storage as defined in this section.

"Used directly," when used in relation to manufacturing, processing, refining, or conversion, refers to those activities that are an integral part of the production of a product, including all steps of an integrated manufacturing or mining process, but not including ancillary activities such as general maintenance or administration. When used in relation to mining, "used directly" refers to the activities specified in this definition and, in addition, any reclamation activity of the land previously mined by the mining company required by state or federal law.

"Video programmer" means a person that provides video programming to end-user subscribers.

"Video programming" means video and/or information programming provided by or generally considered comparable to programming provided by a cable operator, including, but not limited to, Internet service.

§ 58.1-605. To what extent and under what conditions cities and counties may levy local sales taxes; collection thereof by Commonwealth and return of revenue to each city or county entitled thereto.

A. No county, city or town shall impose any local general sales or use tax or any local general retail sales or use tax except as authorized by this section or § 58.1-605.1.

B. The council of any city and the governing body of any county may levy a general retail sales tax at the rate of one percent to provide revenue for the general fund of such city or county. Such tax shall be added to the rate of the state sales tax imposed by §§ 58.1-603 and 58.1-604 and shall be subject to all the provisions of this chapter and the rules and regulations published with respect thereto. No discount under § 58.1-622 shall be allowed on a local sales tax.

C. 1. The council of any city and the governing body of any county desiring to impose a local sales tax under this section may do so by the adoption of an ordinance stating its purpose and referring to this section, and providing that such ordinance shall be effective on the first day of a month at least 60 days after its adoption. A certified copy of such ordinance shall be forwarded to the Tax Commissioner so that it will be received within five days after its adoption.

2. Prior to any change in the rate of any local sales and use tax, the Tax Commissioner shall provide remote sellers with at least 30 days' notice. Any change in the rate of any local sales and use tax shall only become effective on the first day of a calendar quarter. Failure to provide notice pursuant to this section shall require the Commonwealth and the locality to apply the preceding effective rate until 30 days after notification is provided.

D. Any local sales tax levied under this section shall be administered and collected by the Tax Commissioner in the same manner and subject to the same penalties as provided for the state sales tax.

E. All local sales tax moneys collected by the Tax Commissioner under this section shall be paid into the state treasury to the credit of a special fund which is hereby created on the Comptroller's books under the name "Collections of Local Sales Taxes." Such local sales tax moneys shall be credited to the account of each particular city or county levying a local

sales tax under this section. The basis of such credit shall be the city or county in which the sales were made as shown by the records of the Department and certified by it monthly to the Comptroller, namely, the city or county of location of each place of business of every dealer paying the tax to the Commonwealth without regard to the city or county of possible use by the purchasers. If a dealer has any place of business located in more than one political subdivision by reason of the boundary line or lines passing through such place of business, the amount of sales tax paid by such a dealer with respect to such place of business shall be treated for the purposes of this section as follows: one-half shall be assignable to each political subdivision where two are involved, one-third where three are involved, and one-fourth where four are involved.

F. As soon as practicable after the local sales tax moneys have been paid into the state treasury in any month for the preceding month, the Comptroller shall draw his warrant on the Treasurer of Virginia in the proper amount in favor of each city or county entitled to the monthly return of its local sales tax moneys, and such payments shall be charged to the account of each such city or county under the special fund created by this section. If errors are made in any such payment, or adjustments are otherwise necessary, whether attributable to refunds to taxpayers, or to some other fact, the errors shall be corrected and adjustments made in the payments for the next two months as follows: one-half of the total adjustment shall be included in the payments for the next two months. In addition, the payment shall include a refund of amounts erroneously not paid to the city or county and not previously refunded during the three years preceding the discovery of the error. A correction and adjustment in payments described in this subsection due to the misallocation of funds by the dealer shall be made within three years of the date of the payment error.

G. Such payments to counties are subject to the qualification that in any county wherein is situated any incorporated town constituting a special school district and operated as a separate school district under a town school board of three members appointed by the town council, the county treasurer shall pay into the town treasury for general governmental purposes the proper proportionate amount received by him in the ratio that the school age population of such town bears to the school age population of the entire county. If the school age population of any town constituting a separate school district is increased by the annexation of territory since the last estimate of school age population provided by the Weldon Cooper Center for Public Service, such increase shall, for the purposes of this section, be added to the school age population of such town as shown by the last such estimate and a proper reduction made in the school age population of the county or counties from which the annexed territory was acquired.

H. One-half of such payments to counties are subject to the further qualification, other than as set out in subsection G, that in any county wherein is situated any incorporated town not constituting a separate special school district that has complied with its charter provisions providing for the election of its council and mayor for a period of at least four years immediately prior to the adoption of the sales tax ordinance, the county treasurer shall pay into the town treasury of each such town for general governmental purposes the proper proportionate amount received by him in the ratio that the school age population of each such town bears to the school age population of the entire county, based on the latest estimate provided by the Weldon Cooper Center for Public Service. The preceding requirement pertaining to the time interval between compliance with election provisions and adoption of the sales tax ordinance shall not apply to a tier-city. If the school age population of any such town not constituting a separate special school district is increased by the annexation of territory or otherwise since the last estimate of school age population provided by the Weldon Cooper Center for Public Service, such increase shall, for the purposes of this section, be added to the school age population of such town as shown by the last such estimate and a proper reduction made in the school age population of the county or counties from which the annexed territory was acquired.

I. Notwithstanding the provisions of subsection H, the board of supervisors of a county may, in its discretion, appropriate funds to any incorporated town not constituting a separate school district within such county that has not complied with the provisions of its charter relating to the elections of its council and mayor, an amount not to exceed the amount it would have received from the tax imposed by this chapter if such election had been held; however, Halifax County and Charlotte County may appropriate any amount to any such incorporated town.

J. It is further provided that if any incorporated town which would otherwise be eligible to receive funds from the county treasurer under subsection G or H be located in a county that does not levy a general retail sales tax under the provisions of this law, such town may levy a general retail sales tax at the rate of one percent to provide revenue for the general fund of the town, subject to all the provisions of this section generally applicable to cities and counties. Any tax levied under the authority of this subsection shall in no case continue to be levied on or after the effective date of a county ordinance imposing a general retail sales tax in the county within which such town is located.

§ 58.1-605.1. Additional local sales tax in certain localities; use of revenues for construction or renovation of schools.

A. 1. In addition to the sales tax authorized under § 58.1-605, ~~Halifax County~~ a qualifying locality may levy a general retail sales tax at a rate not to exceed one percent as determined by its governing body to provide revenue solely for capital projects for the construction or renovation of schools in ~~Halifax County~~ each such locality. Such tax shall be added to the rates of the state and local sales tax imposed by this chapter and shall be subject to all the provisions of this chapter and the rules and regulations published with respect thereto. No discount under § 58.1-622 shall be allowed on this local sales tax.

2. Any tax imposed pursuant to this section shall expire (i) if the capital projects for the construction or renovation of schools are to be financed by bonds or loans, on the date by which such bonds or loans shall be repaid or (ii) if the capital projects for the construction or renovation of schools are not to be financed by bonds or loans, on a date chosen by the

governing body and specified in any resolution passed pursuant to the provisions of subdivision B 1. Such expiration date shall not be more than 20 years after the date of the resolution passed pursuant to the provisions of subdivision B 1.

B. 1. This tax may be levied only if the tax is approved in a referendum within ~~Halifax County~~ *the qualifying locality* held in accordance with § 24.2-684 and initiated by a resolution of the local governing body. Such resolution shall state (i) if the capital projects for the construction or renovation of schools are to be financed by bonds or loans, the date by which such bonds or loans shall be repaid or (ii) if the capital projects for the construction or renovation of schools are not to be financed by bonds or loans, a specified date on which the sales tax shall expire.

2. The clerk of the circuit court shall publish notice of the referendum in a newspaper of general circulation in ~~Halifax County~~ *the qualifying locality* once a week for three consecutive weeks prior to the election. The question on the ballot for the referendum shall include language stating (i) that the revenues from the sales tax shall be used solely for capital projects for the construction or renovation of schools and (ii) the date on which the sales tax shall expire.

C. The governing body of ~~Halifax County~~ *the qualifying locality*, if it elects to impose a local sales tax under this section after approval at a referendum as provided in subsection B shall do so by the adoption of an ordinance stating its purpose and referring to this section and providing that such ordinance shall be effective on the first day of a month at least 120 days after its adoption. Such ordinance shall state the date on which the sales tax shall expire. A certified copy of such ordinance shall be forwarded to the Tax Commissioner so that it will be received within five days after its adoption.

D. Any local sales tax levied under this section shall be administered and collected by the Tax Commissioner in the same manner and subject to the same exemptions and penalties as provided for the state sales tax; however, the local sales tax levied under this section shall not be levied on food purchased for human consumption, as defined in § 58.1-611.1.

E. All local sales tax moneys collected by the Tax Commissioner under this section shall be paid into the state treasury to the credit of a special fund that is hereby created on the Comptroller's books *for each qualifying locality* under the name "Collections of Additional Local Sales Taxes in ~~Halifax County~~ _____ (INSERT NAME OF THE QUALIFYING LOCALITY)." ~~The~~ *Each* fund shall be administered as provided in § 58.1-605. *A separate fund shall be created for each qualifying locality. Only local sales tax moneys collected in that qualifying locality shall be deposited in that locality's fund.*

F. As soon as practicable after the local sales tax moneys have been paid into the state treasury in any month for the preceding month, the Comptroller shall draw his warrant on the State Treasurer in the proper amount in favor of ~~Halifax County~~ *each qualifying locality*, and such payments shall be charged to the account of ~~Halifax County~~ *the qualifying locality* under ~~the~~ *its* special fund created by this section. If errors are made in any such payment, or adjustments are otherwise necessary, whether attributable to refunds to taxpayers or to some other fact, the errors shall be corrected and adjustments made in the payments for the next two months as follows: one-half of the total adjustment shall be included in the payment for each of the next two months. In addition, the payment shall include a refund of amounts erroneously not paid to ~~Halifax County~~ *each qualifying locality* and not previously refunded during the three years preceding the discovery of the error. A correction and adjustment in payments described in this subsection due to the misallocation of funds by the dealer shall be made within three years of the date of the payment error.

G. The revenues from this tax shall be used solely for capital projects for new construction or major renovation of schools in ~~Halifax County~~ *the qualifying locality*, including bond and loan financing costs related to such construction or renovation.

§ 58.1-606.1. Additional local use tax in certain localities; use of revenues for construction or renovation of schools.

A. 1. The governing body of ~~Halifax County~~ *a qualifying locality* may levy a use tax at the rate of such sales tax under § 58.1-605.1 to provide revenue for capital projects for the construction or renovation of schools in ~~Halifax County~~ *such locality*. Such tax shall be added to the rates of the state and local use tax imposed by this chapter and shall be subject to all the provisions of this chapter, and all amendments thereof, and the rules and regulations published with respect thereto, except that no discount under § 58.1-622 shall be allowed on a local use tax.

2. Any tax imposed pursuant to this section shall expire (i) if the capital projects for the construction or renovation of schools are to be financed by bonds or loans, on the date by which such bonds or loans shall be repaid or (ii) if the capital projects for the construction or renovation of schools are not to be financed by bonds or loans, on a date chosen by the governing body and specified in any resolution passed pursuant to the provisions of subsection B. Such expiration date shall not be more than 20 years after the date of the resolution passed pursuant to the provisions of subsection B.

B. The governing body of ~~Halifax County~~ *the qualifying locality*, if it elects to impose a local use tax under this section may do so only if it has previously imposed the local sales tax authorized by § 58.1-605.1, by the adoption of an ordinance stating its purpose and referring to this section and providing that the local use tax shall become effective on the first day of a month at least 120 days after its adoption. Such ordinance shall state the date on which the use tax shall expire. A certified copy of such ordinance shall be forwarded to the Tax Commissioner so that it will be received within five days after its adoption.

C. Any local use tax levied under this section shall be administered and collected by the Tax Commissioner in the same manner and subject to the same exemptions and penalties as provided for the state use tax; however, the local sales tax levied under this section shall not be levied on food purchased for human consumption, as defined in § 58.1-611.1.

D. The local use tax authorized by this section shall not apply to transactions to which the sales tax applies, the situs of which for state and local sales tax purposes is the locality of location of each place of business of every dealer paying the tax to the Commonwealth without regard to the locality of possible use by the purchasers. However, the local use tax authorized

by this section shall apply to tangible personal property purchased outside the Commonwealth for use or consumption within the locality imposing the local use tax, or stored within the locality for use or consumption, where the property would have been subject to the sales tax if it had been purchased within the Commonwealth. The local use tax shall also apply to leases or rentals of tangible personal property where the place of business of the lessor is outside the Commonwealth and such leases or rentals are subject to the state tax. Moreover, the local use tax shall apply in all cases in which the state use tax applies.

E. Out-of-state dealers who hold certificates of registration to collect the use tax from their customers for remittance to the Commonwealth shall, to the extent reasonably practicable, in filing their monthly use tax returns with the Tax Commissioner, break down their shipments into the Commonwealth by counties and cities so as to show the county or city of destination. If, however, the out-of-state dealer is unable accurately to assign any shipment to a particular county or city, the local use tax on the tangible personal property involved shall be remitted to the Commonwealth by such dealer without attempting to assign the shipment to any county or city.

F. Local use tax revenue shall be deposited in the special fund established pursuant to subsection E of § 58.1-605.1. The Comptroller shall distribute the revenue to ~~Halifax County~~ *the qualifying locality*.

G. All revenue from this local use tax revenue shall be used solely for capital projects for new construction or major renovation of schools in ~~Halifax County~~ *the qualifying locality*, including bond and loan financing costs related to such construction or renovation.

CHAPTER 706

An Act to amend and reenact §§ 46.2-1503.4 and 46.2-1582 of the Code of Virginia and to repeal § 46.2-1580 of the Code of Virginia, relating to motor vehicle dealer advertising.

[S 524]

Approved April 6, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-1503.4 and 46.2-1582 of the Code of Virginia are amended and reenacted as follows:

§ 46.2-1503.4. General powers and duties of Board.

The powers and duties of the Board shall include, but not be limited to the following:

1. To establish the qualifications of applicants for certification or licensure, provided that all qualifications shall be necessary to ensure competence and integrity.

2. To examine, or cause to be examined, the qualifications of each applicant for certification or licensure, including the preparation, administration and grading of examinations.

3. To certify or license qualified applicants as motor vehicle dealers and motor vehicle salespersons.

4. To levy and collect fees for certification or licensure and renewal that are sufficient to cover all expenses for the administration and operation of the Board.

5. To levy on licensees special assessments necessary to cover expenses of the Board.

6. To revoke, suspend, or fail to renew a certificate or license for just cause as set out in Articles 2 (§ 46.2-1508 et seq.), 3.1 (§ 46.2-1527.1 et seq.), 4 (§ 46.2-1528 et seq.), 8 (§ 46.2-1574 et seq.), and 9 (§ ~~46.2-1580~~ 46.2-1581 et seq.) of this chapter or enumerated in regulations promulgated by the Board.

7. To ensure that inspections are conducted relating to the motor vehicle sales industry and to ensure that all licensed dealers and salespersons are conducting business in a professional manner, not in violation of any provision of Articles 2 (§ 46.2-1508 et seq.), 3.1 (§ 46.2-1527.1 et seq.), 4 (§ 46.2-1528 et seq.), 7 (§ 46.2-1566 et seq.), 8 (§ 46.2-1574 et seq.), and 9 (§ ~~46.2-1580~~ 46.2-1581 et seq.) of this chapter and within the lawful regulations promulgated by the Board.

8. To receive complaints concerning the conduct of persons and businesses licensed by the Board and to take appropriate disciplinary action if warranted.

9. To enter into contracts necessary or convenient for carrying out the provisions of this chapter or the functions of the Board.

10. To establish committees of the Board, appoint persons to such committees, and to promulgate regulations establishing the responsibilities of these committees. Each of these committees shall include at least one Board member and the Advertising, Dealer Practices and Transaction Recovery Fund committees shall include at least one citizen member who is not licensed or certified by the Board. The Board may establish one of each committee in each DMV District. Committees to be established shall include, but not be limited to the following:

a. Advertising;

b. Licensing;

c. Dealer Practices;

d. Franchise Review and Advisory Committee; and

e. Transaction Recovery Fund.

11. To do all things necessary and convenient for carrying into effect Articles 2, 3.1, 4, 8 and 9 of this chapter or as enumerated in regulations promulgated by the Board.

§ 46.2-1582. Enforcement; regulations.

A. The Board may promulgate regulations reasonably necessary for enforcement of this article.

B. In addition to any other sanctions or remedies available to the Board under this chapter, the Board may assess a civil penalty not to exceed \$1,000 for any single violation of this article. Each day that a violation continues shall constitute a separate violation.

C. *The authority granted in this article shall be in addition to and not a substitute for the powers and authority granted pursuant to the provisions of the Virginia Consumer Protection Act (§ 59.1-196 et seq.).*

2. That § 46.2-1580 of the Code of Virginia is repealed.

CHAPTER 707

An Act to repeal §§ 46.2-1106 and 46.2-1107 of the Code of Virginia, relating to width requirements for passenger buses.

[S 525]

Approved April 6, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-1106 and 46.2-1107 of the Code of Virginia are repealed.

CHAPTER 708

An Act to amend and reenact §§ 58.1-602, 58.1-605, 58.1-605.1, and 58.1-606.1 of the Code of Virginia, relating to additional local sales and use tax in Northampton County; appropriations of Northampton County to incorporated towns for educational purposes.

[S 1028]

Approved April 6, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 58.1-602, 58.1-605, 58.1-605.1, and 58.1-606.1 of the Code of Virginia are amended and reenacted as follows:

§ 58.1-602. Definitions.

As used in this chapter, unless the context clearly shows otherwise:

"Advertising" means the planning, creating, or placing of advertising in newspapers, magazines, billboards, broadcasting and other media, including, without limitation, the providing of concept, writing, graphic design, mechanical art, photography and production supervision. Any person providing advertising as defined in this section shall be deemed to be the user or consumer of all tangible personal property purchased for use in such advertising.

"Amplification, transmission and distribution equipment" means, but is not limited to, production, distribution, and other equipment used to provide Internet-access services, such as computer and communications equipment and software used for storing, processing and retrieving end-user subscribers' requests.

"Business" includes any activity engaged in by any person, or caused to be engaged in by him, with the object of gain, benefit or advantage, either directly or indirectly.

"Cost price" means the actual cost of an item or article of tangible personal property computed in the same manner as the sales price as defined in this section without any deductions therefrom on account of the cost of materials used, labor, or service costs, transportation charges, or any expenses whatsoever.

"Custom program" means a computer program that is specifically designed and developed only for one customer. The combining of two or more prewritten programs does not constitute a custom computer program. A prewritten program that is modified to any degree remains a prewritten program and does not become custom.

"Distribution" means the transfer or delivery of tangible personal property for use, consumption, or storage by the distributee, and the use, consumption, or storage of tangible personal property by a person that has processed, manufactured, refined, or converted such property, but does not include the transfer or delivery of tangible personal property for resale or any use, consumption, or storage otherwise exempt under this chapter.

"Gross proceeds" means the charges made or voluntary contributions received for the lease or rental of tangible personal property or for furnishing services, computed with the same deductions, where applicable, as for sales price as defined in this section over the term of the lease, rental, service, or use, but not less frequently than monthly. "Gross proceeds" does not include finance charges, carrying charges, service charges, or interest from credit extended on the lease or rental of tangible personal property under conditional lease or rental contracts or other conditional contracts providing for the deferred payments of the lease or rental price.

"Gross sales" means the sum total of all retail sales of tangible personal property or services as defined in this chapter, without any deduction, except as provided in this chapter. "Gross sales" does not include the federal retailers' excise tax or the federal diesel fuel excise tax imposed in § 4091 of the Internal Revenue Code if the excise tax is billed to the purchaser separately from the selling price of the article, or the Virginia retail sales or use tax, or any sales or use tax imposed by any county or city under § 58.1-605 or 58.1-606.

"Import" and "imported" are words applicable to tangible personal property imported into the Commonwealth from other states as well as from foreign countries, and "export" and "exported" are words applicable to tangible personal property exported from the Commonwealth to other states as well as to foreign countries.

"In this Commonwealth" or "in the Commonwealth" means within the limits of the Commonwealth of Virginia and includes all territory within these limits owned by or ceded to the United States of America.

"Integrated process," when used in relation to semiconductor manufacturing, means a process that begins with the research or development of semiconductor products, equipment, or processes, includes the handling and storage of raw materials at a plant site, and continues to the point that the product is packaged for final sale and either shipped or conveyed to a warehouse. Without limiting the foregoing, any semiconductor equipment, fuel, power, energy, supplies, or other tangible personal property shall be deemed used as part of the integrated process if its use contributes, before, during, or after production, to higher product quality, production yields, or process efficiencies. Except as otherwise provided by law, "integrated process" does not mean general maintenance or administration.

"Internet" means collectively, the myriad of computer and telecommunications facilities, which comprise the interconnected worldwide network of computer networks.

"Internet service" means a service that enables users to access proprietary and other content, information electronic mail, and the Internet as part of a package of services sold to end-user subscribers.

"Lease or rental" means the leasing or renting of tangible personal property and the possession or use thereof by the lessee or renter for a consideration, without transfer of the title to such property.

"Manufacturing, processing, refining, or conversion" includes the production line of the plant starting with the handling and storage of raw materials at the plant site and continuing through the last step of production where the product is finished or completed for sale and conveyed to a warehouse at the production site, and also includes equipment and supplies used for production line testing and quality control. "Manufacturing" also includes the necessary ancillary activities of newspaper and magazine printing when such activities are performed by the publisher of any newspaper or magazine for sale daily or regularly at average intervals not exceeding three months.

The determination of whether any manufacturing, mining, processing, refining or conversion activity is industrial in nature shall be made without regard to plant size, existence or size of finished product inventory, degree of mechanization, amount of capital investment, number of employees or other factors relating principally to the size of the business. Further, "industrial in nature" includes, but is not limited to, those businesses classified in codes 10 through 14 and 20 through 39 published in the Standard Industrial Classification Manual for 1972 and any supplements issued thereafter.

"Modular building" means, but is not limited to, single and multifamily houses, apartment units, commercial buildings, and permanent additions thereof, comprised of one or more sections that are intended to become real property, primarily constructed at a location other than the permanent site, built to comply with the Virginia Industrialized Building Safety Law (§ 36-70 et seq.) as regulated by the Virginia Department of Housing and Community Development, and shipped with most permanent components in place to the site of final assembly. For purposes of this chapter, "modular building" does not include a mobile office as defined in § 58.1-2401 or any manufactured building subject to and certified under the provisions of the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. § 5401 et seq.).

"Modular building manufacturer" means a person that owns or operates a manufacturing facility and is engaged in the fabrication, construction and assembling of building supplies and materials into modular buildings, as defined in this section, at a location other than at the site where the modular building will be assembled on the permanent foundation and may or may not be engaged in the process of affixing the modules to the foundation at the permanent site.

"Modular building retailer" means any person that purchases or acquires a modular building from a modular building manufacturer, or from another person, for subsequent sale to a customer residing within or outside of the Commonwealth, with or without installation of the modular building to the foundation at the permanent site.

"Motor vehicle" means a "motor vehicle" as defined in § 58.1-2401, taxable under the provisions of the Virginia Motor Vehicles Sales and Use Tax Act (§ 58.1-2400 et seq.) and upon the sale of which all applicable motor vehicle sales and use taxes have been paid.

"Occasional sale" means a sale of tangible personal property not held or used by a seller in the course of an activity for which it is required to hold a certificate of registration, including the sale or exchange of all or substantially all the assets of any business and the reorganization or liquidation of any business, provided that such sale or exchange is not one of a series of sales and exchanges sufficient in number, scope and character to constitute an activity requiring the holding of a certificate of registration.

"Open video system" means an open video system authorized pursuant to 47 U.S.C. § 573 and, for purposes of this chapter only, also includes Internet service regardless of whether the provider of such service is also a telephone common carrier.

"Person" includes any individual, firm, copartnership, cooperative, nonprofit membership corporation, joint venture, association, corporation, estate, trust, business trust, trustee in bankruptcy, receiver, auctioneer, syndicate, assignee, club, society, or other group or combination acting as a unit, body politic or political subdivision, whether public or private, or quasi-public, and the plural of "person" means the same as the singular.

"Prewritten program" means a computer program that is prepared, held or existing for general or repeated sale or lease, including a computer program developed for in-house use and subsequently sold or leased to unrelated third parties.

"Qualifying locality" means Halifax County or Northampton County.

"Railroad rolling stock" means locomotives, of whatever motive power, autocars, railroad cars of every kind and description, and all other equipment determined by the Tax Commissioner to constitute railroad rolling stock.

"Remote seller" means any dealer deemed to have sufficient activity within the Commonwealth to require registration under § 58.1-613 under the criteria specified in subdivision C 10 or 11 of § 58.1-612 or any software provider acting on behalf of such dealer.

"Retail sale" or a "sale at retail" means a sale to any person for any purpose other than for resale in the form of tangible personal property or services taxable under this chapter, and shall include any such transaction as the Tax Commissioner upon investigation finds to be in lieu of a sale. All sales for resale must be made in strict compliance with regulations applicable to this chapter. Any dealer making a sale for resale which is not in strict compliance with such regulations shall be personally liable for payment of the tax.

The terms "retail sale" and a "sale at retail" specifically include the following: (i) the sale or charges for any room or rooms, lodgings, or accommodations furnished to transients for less than 90 continuous days by any hotel, motel, inn, tourist camp, tourist cabin, camping grounds, club, or any other place in which rooms, lodging, space, or accommodations are regularly furnished to transients for a consideration; (ii) sales of tangible personal property to persons for resale when because of the operation of the business, or its very nature, or the lack of a place of business in which to display a certificate of registration, or the lack of a place of business in which to keep records, or the lack of adequate records, or because such persons are minors or transients, or because such persons are engaged in essentially service businesses, or for any other reason there is likelihood that the Commonwealth will lose tax funds due to the difficulty of policing such business operations; (iii) the separately stated charge made for automotive refinish repair materials that are permanently applied to or affixed to a motor vehicle during its repair; and (iv) the separately stated charge for equipment available for lease or purchase by a provider of satellite television programming to the customer of such programming. Equipment sold to a provider of satellite television programming for subsequent lease or purchase by the customer of such programming shall be deemed a sale for resale. The Tax Commissioner is authorized to promulgate regulations requiring vendors of or sellers to such persons to collect the tax imposed by this chapter on the cost price of such tangible personal property to such persons and may refuse to issue certificates of registration to such persons. The terms "retail sale" and a "sale at retail" also specifically include the separately stated charge made for supplies used during automotive repairs whether or not there is transfer of title or possession of the supplies and whether or not the supplies are attached to the automobile. The purchase of such supplies by an automotive repairer for sale to the customer of such repair services shall be deemed a sale for resale.

The term "transient" does not include a purchaser of camping memberships, time-shares, condominiums, or other similar contracts or interests that permit the use of, or constitute an interest in, real estate, however created or sold and whether registered with the Commonwealth or not. Further, a purchaser of a right or license which entitles the purchaser to use the amenities and facilities of a specific real estate project on an ongoing basis throughout its term shall not be deemed a transient, provided, however, that the term or time period involved is for seven years or more.

The terms "retail sale" and "sale at retail" do not include a transfer of title to tangible personal property after its use as tools, tooling, machinery or equipment, including dies, molds, and patterns, if (i) at the time of purchase, the purchaser is obligated, under the terms of a written contract, to make the transfer and (ii) the transfer is made for the same or a greater consideration to the person for whom the purchaser manufactures goods.

"Retailer" means every person engaged in the business of making sales at retail, or for distribution, use, consumption, or storage to be used or consumed in the Commonwealth.

"Sale" means any transfer of title or possession, or both, exchange, barter, lease or rental, conditional or otherwise, in any manner or by any means whatsoever, of tangible personal property and any rendition of a taxable service for a consideration, and includes the fabrication of tangible personal property for consumers who furnish, either directly or indirectly, the materials used in fabrication, and the furnishing, preparing, or serving for a consideration of any tangible personal property consumed on the premises of the person furnishing, preparing, or serving such tangible personal property. A transaction whereby the possession of property is transferred but the seller retains title as security for the payment of the price shall be deemed a sale.

"Sales price" means the total amount for which tangible personal property or services are sold, including any services that are a part of the sale, valued in money, whether paid in money or otherwise, and includes any amount for which credit is given to the purchaser, consumer, or lessee by the dealer, without any deduction therefrom on account of the cost of the property sold, the cost of materials used, labor or service costs, losses or any other expenses whatsoever. "Sales price" does not include (i) any cash discount allowed and taken; (ii) finance charges, carrying charges, service charges or interest from credit extended on sales of tangible personal property under conditional sale contracts or other conditional contracts providing for deferred payments of the purchase price; (iii) separately stated local property taxes collected; (iv) that portion of the amount paid by the purchaser as a discretionary gratuity added to the price of a meal; or (v) that portion of the amount paid by the purchaser as a mandatory gratuity or service charge added by a restaurant to the price of a meal, but only to the extent that such mandatory gratuity or service charge does not exceed 20 percent of the price of the meal. Where used articles are taken in trade, or in a series of trades as a credit or part payment on the sale of new or used articles, the tax levied by this chapter shall be paid on the net difference between the sales price of the new or used articles and the credit for the used articles.

"Semiconductor cleanrooms" means the integrated systems, fixtures, piping, partitions, flooring, lighting, equipment, and all other property used to reduce contamination or to control airflow, temperature, humidity, vibration, or other environmental conditions required for the integrated process of semiconductor manufacturing.

"Semiconductor equipment" means (i) machinery or tools or repair parts or replacements thereof; (ii) the related accessories, components, pedestals, bases, or foundations used in connection with the operation of the equipment, without regard to the proximity to the equipment, the method of attachment, or whether the equipment or accessories are affixed to the realty; (iii) semiconductor wafers and other property or supplies used to install, test, calibrate or recalibrate, characterize, condition, measure, or maintain the equipment and settings thereof; and (iv) equipment and supplies used for quality control testing of product, materials, equipment, or processes; or the measurement of equipment performance or production parameters regardless of where or when the quality control, testing, or measuring activity takes place, how the activity affects the operation of equipment, or whether the equipment and supplies come into contact with the product.

"Storage" means any keeping or retention of tangible personal property for use, consumption or distribution in the Commonwealth, or for any purpose other than sale at retail in the regular course of business.

"Tangible personal property" means personal property that may be seen, weighed, measured, felt, or touched, or is in any other manner perceptible to the senses. "Tangible personal property" does not include stocks, bonds, notes, insurance or other obligations or securities. "Tangible personal property" includes (i) telephone calling cards upon their initial sale, which shall be exempt from all other state and local utility taxes, and (ii) manufactured signs.

"Use" means the exercise of any right or power over tangible personal property incident to the ownership thereof, except that it does not include the sale at retail of that property in the regular course of business. "Use" does not include the exercise of any right or power, including use, distribution, or storage, over any tangible personal property sold to a nonresident donor for delivery outside of the Commonwealth to a nonresident recipient pursuant to an order placed by the donor from outside the Commonwealth via mail or telephone. "Use" does not include any sale determined to be a gift transaction, subject to tax under § 58.1-604.6.

"Use tax" refers to the tax imposed upon the use, consumption, distribution, and storage as defined in this section.

"Used directly," when used in relation to manufacturing, processing, refining, or conversion, refers to those activities that are an integral part of the production of a product, including all steps of an integrated manufacturing or mining process, but not including ancillary activities such as general maintenance or administration. When used in relation to mining, "used directly" refers to the activities specified in this definition and, in addition, any reclamation activity of the land previously mined by the mining company required by state or federal law.

"Video programmer" means a person that provides video programming to end-user subscribers.

"Video programming" means video and/or information programming provided by or generally considered comparable to programming provided by a cable operator, including, but not limited to, Internet service.

§ 58.1-605. To what extent and under what conditions cities and counties may levy local sales taxes; collection thereof by Commonwealth and return of revenue to each city or county entitled thereto.

A. No county, city or town shall impose any local general sales or use tax or any local general retail sales or use tax except as authorized by this section or § 58.1-605.1.

B. The council of any city and the governing body of any county may levy a general retail sales tax at the rate of one percent to provide revenue for the general fund of such city or county. Such tax shall be added to the rate of the state sales tax imposed by §§ 58.1-603 and 58.1-604 and shall be subject to all the provisions of this chapter and the rules and regulations published with respect thereto. No discount under § 58.1-622 shall be allowed on a local sales tax.

C. 1. The council of any city and the governing body of any county desiring to impose a local sales tax under this section may do so by the adoption of an ordinance stating its purpose and referring to this section, and providing that such ordinance shall be effective on the first day of a month at least 60 days after its adoption. A certified copy of such ordinance shall be forwarded to the Tax Commissioner so that it will be received within five days after its adoption.

2. Prior to any change in the rate of any local sales and use tax, the Tax Commissioner shall provide remote sellers with at least 30 days' notice. Any change in the rate of any local sales and use tax shall only become effective on the first day of a calendar quarter. Failure to provide notice pursuant to this section shall require the Commonwealth and the locality to apply the preceding effective rate until 30 days after notification is provided.

D. Any local sales tax levied under this section shall be administered and collected by the Tax Commissioner in the same manner and subject to the same penalties as provided for the state sales tax.

E. All local sales tax moneys collected by the Tax Commissioner under this section shall be paid into the state treasury to the credit of a special fund which is hereby created on the Comptroller's books under the name "Collections of Local Sales Taxes." Such local sales tax moneys shall be credited to the account of each particular city or county levying a local sales tax under this section. The basis of such credit shall be the city or county in which the sales were made as shown by the records of the Department and certified by it monthly to the Comptroller, namely, the city or county of location of each place of business of every dealer paying the tax to the Commonwealth without regard to the city or county of possible use by the purchasers. If a dealer has any place of business located in more than one political subdivision by reason of the boundary line or lines passing through such place of business, the amount of sales tax paid by such a dealer with respect to such place of business shall be treated for the purposes of this section as follows: one-half shall be assignable to each political subdivision where two are involved, one-third where three are involved, and one-fourth where four are involved.

F. As soon as practicable after the local sales tax moneys have been paid into the state treasury in any month for the preceding month, the Comptroller shall draw his warrant on the Treasurer of Virginia in the proper amount in favor of each city or county entitled to the monthly return of its local sales tax moneys, and such payments shall be charged to the account of each such city or county under the special fund created by this section. If errors are made in any such payment, or adjustments are otherwise necessary, whether attributable to refunds to taxpayers, or to some other fact, the errors shall be corrected and adjustments made in the payments for the next two months as follows: one-half of the total adjustment shall be included in the payments for the next two months. In addition, the payment shall include a refund of amounts erroneously not paid to the city or county and not previously refunded during the three years preceding the discovery of the error. A correction and adjustment in payments described in this subsection due to the misallocation of funds by the dealer shall be made within three years of the date of the payment error.

G. Such payments to counties are subject to the qualification that in any county wherein is situated any incorporated town constituting a special school district and operated as a separate school district under a town school board of three members appointed by the town council, the county treasurer shall pay into the town treasury for general governmental purposes the proper proportionate amount received by him in the ratio that the school age population of such town bears to the school age population of the entire county. If the school age population of any town constituting a separate school district is increased by the annexation of territory since the last estimate of school age population provided by the Weldon Cooper Center for Public Service, such increase shall, for the purposes of this section, be added to the school age population of such town as shown by the last such estimate and a proper reduction made in the school age population of the county or counties from which the annexed territory was acquired.

H. One-half of such payments to counties are subject to the further qualification, other than as set out in subsection G, that in any county wherein is situated any incorporated town not constituting a separate special school district that has complied with its charter provisions providing for the election of its council and mayor for a period of at least four years immediately prior to the adoption of the sales tax ordinance, the county treasurer shall pay into the town treasury of each such town for general governmental purposes the proper proportionate amount received by him in the ratio that the school age population of each such town bears to the school age population of the entire county, based on the latest estimate provided by the Weldon Cooper Center for Public Service. The preceding requirement pertaining to the time interval between compliance with election provisions and adoption of the sales tax ordinance shall not apply to a tier-city. If the school age population of any such town not constituting a separate special school district is increased by the annexation of territory or otherwise since the last estimate of school age population provided by the Weldon Cooper Center for Public Service, such increase shall, for the purposes of this section, be added to the school age population of such town as shown by the last such estimate and a proper reduction made in the school age population of the county or counties from which the annexed territory was acquired.

I. Notwithstanding the provisions of subsection H, the board of supervisors of a county may, in its discretion, appropriate funds to any incorporated town not constituting a separate school district within such county that has not complied with the provisions of its charter relating to the elections of its council and mayor, an amount not to exceed the amount it would have received from the tax imposed by this chapter if such election had been held; however, Halifax County and Northampton County may appropriate any amount to any such incorporated town.

J. It is further provided that if any incorporated town which would otherwise be eligible to receive funds from the county treasurer under subsection G or H be located in a county that does not levy a general retail sales tax under the provisions of this law, such town may levy a general retail sales tax at the rate of one percent to provide revenue for the general fund of the town, subject to all the provisions of this section generally applicable to cities and counties. Any tax levied under the authority of this subsection shall in no case continue to be levied on or after the effective date of a county ordinance imposing a general retail sales tax in the county within which such town is located.

§ 58.1-605.1. Additional local sales tax in certain localities; use of revenues for construction or renovation of schools.

A. 1. In addition to the sales tax authorized under § 58.1-605, ~~Halifax County~~ a qualifying locality may levy a general retail sales tax at a rate not to exceed one percent as determined by its governing body to provide revenue solely for capital projects for the construction or renovation of schools in ~~Halifax County~~ each such locality. Such tax shall be added to the rates of the state and local sales tax imposed by this chapter and shall be subject to all the provisions of this chapter and the rules and regulations published with respect thereto. No discount under § 58.1-622 shall be allowed on this local sales tax.

2. Any tax imposed pursuant to this section shall expire (i) if the capital projects for the construction or renovation of schools are to be financed by bonds or loans, on the date by which such bonds or loans shall be repaid or (ii) if the capital projects for the construction or renovation of schools are not to be financed by bonds or loans, on a date chosen by the governing body and specified in any resolution passed pursuant to the provisions of subdivision B 1. Such expiration date shall not be more than 20 years after the date of the resolution passed pursuant to the provisions of subdivision B 1.

B. 1. This tax may be levied only if the tax is approved in a referendum within ~~Halifax County~~ the qualifying locality held in accordance with § 24.2-684 and initiated by a resolution of the local governing body. Such resolution shall state (i) if the capital projects for the construction or renovation of schools are to be financed by bonds or loans, the date by which such bonds or loans shall be repaid or (ii) if the capital projects for the construction or renovation of schools are not to be financed by bonds or loans, a specified date on which the sales tax shall expire.

2. The clerk of the circuit court shall publish notice of the referendum in a newspaper of general circulation in ~~Halifax County~~ *the qualifying locality* once a week for three consecutive weeks prior to the election. The question on the ballot for the referendum shall include language stating (i) that the revenues from the sales tax shall be used solely for capital projects for the construction or renovation of schools and (ii) the date on which the sales tax shall expire.

C. The governing body of ~~Halifax County~~ *the qualifying locality*, if it elects to impose a local sales tax under this section after approval at a referendum as provided in subsection B shall do so by the adoption of an ordinance stating its purpose and referring to this section and providing that such ordinance shall be effective on the first day of a month at least 120 days after its adoption. Such ordinance shall state the date on which the sales tax shall expire. A certified copy of such ordinance shall be forwarded to the Tax Commissioner so that it will be received within five days after its adoption.

D. Any local sales tax levied under this section shall be administered and collected by the Tax Commissioner in the same manner and subject to the same exemptions and penalties as provided for the state sales tax; however, the local sales tax levied under this section shall not be levied on food purchased for human consumption, as defined in § 58.1-611.1.

E. All local sales tax moneys collected by the Tax Commissioner under this section shall be paid into the state treasury to the credit of a special fund that is hereby created on the Comptroller's books *for each qualifying locality* under the name "Collections of Additional Local Sales Taxes in ~~Halifax County~~ _____ (*INSERT NAME OF THE QUALIFYING LOCALITY*)." ~~The Each~~ fund shall be administered as provided in § 58.1-605. *A separate fund shall be created for each qualifying locality. Only local sales tax moneys collected in that qualifying locality shall be deposited in that locality's fund.*

F. As soon as practicable after the local sales tax moneys have been paid into the state treasury in any month for the preceding month, the Comptroller shall draw his warrant on the State Treasurer in the proper amount in favor of ~~Halifax County~~ *each qualifying locality*, and such payments shall be charged to the account of ~~Halifax County~~ *the qualifying locality* under ~~the~~ *its* special fund created by this section. If errors are made in any such payment, or adjustments are otherwise necessary, whether attributable to refunds to taxpayers or to some other fact, the errors shall be corrected and adjustments made in the payments for the next two months as follows: one-half of the total adjustment shall be included in the payment for each of the next two months. In addition, the payment shall include a refund of amounts erroneously not paid to ~~Halifax County~~ *each qualifying locality* and not previously refunded during the three years preceding the discovery of the error. A correction and adjustment in payments described in this subsection due to the misallocation of funds by the dealer shall be made within three years of the date of the payment error.

G. The revenues from this tax shall be used solely for capital projects for new construction or major renovation of schools in ~~Halifax County~~ *the qualifying locality*, including bond and loan financing costs related to such construction or renovation.

§ 58.1-606.1. Additional local use tax in certain localities; use of revenues for construction or renovation of schools.

A. 1. The governing body of ~~Halifax County~~ *a qualifying locality* may levy a use tax at the rate of such sales tax under § 58.1-605.1 to provide revenue for capital projects for the construction or renovation of schools in ~~Halifax County~~ *such locality*. Such tax shall be added to the rates of the state and local use tax imposed by this chapter and shall be subject to all the provisions of this chapter, and all amendments thereof, and the rules and regulations published with respect thereto, except that no discount under § 58.1-622 shall be allowed on a local use tax.

2. Any tax imposed pursuant to this section shall expire (i) if the capital projects for the construction or renovation of schools are to be financed by bonds or loans, on the date by which such bonds or loans shall be repaid or (ii) if the capital projects for the construction or renovation of schools are not to be financed by bonds or loans, on a date chosen by the governing body and specified in any resolution passed pursuant to the provisions of subsection B. Such expiration date shall not be more than 20 years after the date of the resolution passed pursuant to the provisions of subsection B.

B. The governing body of ~~Halifax County~~ *the qualifying locality*, if it elects to impose a local use tax under this section may do so only if it has previously imposed the local sales tax authorized by § 58.1-605.1, by the adoption of an ordinance stating its purpose and referring to this section and providing that the local use tax shall become effective on the first day of a month at least 120 days after its adoption. Such ordinance shall state the date on which the use tax shall expire. A certified copy of such ordinance shall be forwarded to the Tax Commissioner so that it will be received within five days after its adoption.

C. Any local use tax levied under this section shall be administered and collected by the Tax Commissioner in the same manner and subject to the same exemptions and penalties as provided for the state use tax; however, the local ~~sales~~ *use* tax levied under this section shall not be levied on food purchased for human consumption, as defined in § 58.1-611.1.

D. The local use tax authorized by this section shall not apply to transactions to which the sales tax applies, the situs of which for state and local sales tax purposes is the locality of location of each place of business of every dealer paying the tax to the Commonwealth without regard to the locality of possible use by the purchasers. However, the local use tax authorized by this section shall apply to tangible personal property purchased outside the Commonwealth for use or consumption within the locality imposing the local use tax, or stored within the locality for use or consumption, where the property would have been subject to the sales tax if it had been purchased within the Commonwealth. The local use tax shall also apply to leases or rentals of tangible personal property where the place of business of the lessor is outside the Commonwealth and such leases or rentals are subject to the state tax. Moreover, the local use tax shall apply in all cases in which the state use tax applies.

E. Out-of-state dealers who hold certificates of registration to collect the use tax from their customers for remittance to the Commonwealth shall, to the extent reasonably practicable, in filing their monthly use tax returns with the Tax Commissioner, break down their shipments into the Commonwealth by counties and cities so as to show the county or city of destination. If, however, the out-of-state dealer is unable accurately to assign any shipment to a particular county or city, the local use tax on the tangible personal property involved shall be remitted to the Commonwealth by such dealer without attempting to assign the shipment to any county or city.

F. Local use tax revenue shall be deposited in the special fund established pursuant to subsection E of § 58.1-605.1. The Comptroller shall distribute the revenue to ~~Halifax County~~ *the qualifying locality*.

G. All revenue from this local use tax revenue shall be used solely for capital projects for new construction or major renovation of schools in ~~Halifax County~~ *the qualifying locality*, including bond and loan financing costs related to such construction or renovation.

CHAPTER 709

An Act to require the Board of Medicine to annually communicate to relevant practitioners the importance of screening patients for prenatal and postnatal depression and other depression.

[H 42]

Approved April 6, 2020

Be it enacted by the General Assembly of Virginia:

1. § 1. *The Board of Medicine shall annually issue a communication to every practitioner licensed by the Board who provides primary, maternity, obstetrical, or gynecological health care services reiterating the standard of care pertaining to prenatal or postnatal depression or other depression. Such communication shall encourage practitioners to screen every patient who is pregnant or who has been pregnant within the previous five years for prenatal or postnatal depression or other depression, as clinically appropriate and shall provide information to practitioners regarding the factors that may increase susceptibility of certain patients to prenatal or postnatal depression or other depression, including racial and economic disparities, and encourage providers to remain cognizant of the increased risk of depression for such patients.*

CHAPTER 710

An Act to amend and reenact § 24.2-418 of the Code of Virginia, relating to protected voter status; certain evidence not required.

[H 241]

Approved April 6, 2020

Be it enacted by the General Assembly of Virginia:

1. **That § 24.2-418 of the Code of Virginia is amended and reenacted as follows:**

§ 24.2-418. Application for registration.

A. Each applicant to register shall provide, subject to felony penalties for making false statements pursuant to § 24.2-1016, the information necessary to complete the application to register. Unless physically disabled, he shall sign the application. The application to register shall be only on a form or forms prescribed by the State Board.

The form of the application to register shall require the applicant to provide the following information: full name; gender; date of birth; social security number, if any; whether the applicant is presently a United States citizen; address of residence in the precinct; place of last previous registration to vote; and whether the applicant has ever been adjudicated incapacitated and disqualified to vote or convicted of a felony, and if so, whether the applicant's right to vote has been restored. The form shall contain a statement that whoever votes more than once in any election in the same or different jurisdictions is guilty of a Class 6 felony. Unless directed by the applicant or as permitted in § 24.2-411.1 or 24.2-411.2, the registration application shall not be pre-populated with information the applicant is required to provide.

B. The form shall permit any individual, as follows, or member of his household, to furnish, in addition to his residence street address, a post office box address located within the Commonwealth to be included in lieu of his street address on the lists of registered voters and persons who voted, which are furnished pursuant to §§ 24.2-405 and 24.2-406, on voter registration records made available for public inspection pursuant to § 24.2-444, or on lists of absentee voter applicants furnished pursuant to § 24.2-706 or 24.2-710. The voter shall comply with the provisions of § 24.2-424 for any change in the post office box address provided under this subsection.

1. Any active or retired law-enforcement officer, as defined in § 9.1-101 and in 5 U.S.C. § 8331(20), but excluding officers whose duties relate to detention as defined in 5 U.S.C. § 8331(20);

2. Any party granted a protective order issued by or under the authority of any court of competent jurisdiction, including but not limited to courts of the Commonwealth of Virginia;

3. Any party who has furnished a signed written statement by the party that he is in fear for his personal safety from another person who has threatened or stalked him, ~~accompanied by evidence that he has filed a complaint with a magistrate or law-enforcement official against such other person;~~

4. Any party participating in the address confidentiality program pursuant to § 2.2-515.2;
 5. Any active or retired federal or Virginia justice or judge and any active or retired attorney employed by the United States Attorney General or Virginia Attorney General; and
 6. Any person who has been approved to be a foster parent pursuant to Chapter 9 (§ 63.2-900 et seq.) of Title 63.2.
- C. If the applicant formerly resided in another state, the general registrar shall send the information contained in the applicant's registration application to the appropriate voter registration official or other authority of another state where the applicant formerly resided, as prescribed in subdivision 15 of § 24.2-114.

CHAPTER 711

An Act to require the Secretary of Health and Human Resources to convene a work group to review the Commonwealth's medical cannabis program and provide recommendations. Report.

[H 347]

Approved April 6, 2020

Be it enacted by the General Assembly of Virginia:

1. § 1. That the Secretary of Health and Human Resources shall convene a work group to review the Commonwealth's medical cannabis program and issues of critical importance to the medical cannabis industry and patients, including expansion of the medical cannabis program and the medical use of cannabis flowers. Work group members shall include the Secretary of Health and Human Resources, the Director of the Department of Health Professions, the executive director of the Board of Pharmacy, one member of the House of Delegates, one member of the Senate, three representatives of the medical cannabis industry who are currently licensed as pharmaceutical processors by the Board of Pharmacy, one person with expertise in issues of importance to patients who use medical cannabis for treatment or alleviation of the symptoms of a diagnosed condition or disease, and one member who is a physician who is currently registered with Board of Pharmacy to issue written certifications for use of cannabidiol oil and THC-A oil. The work group shall report its findings and recommendations, including any legislative recommendations, to the Governor, the Attorney General, and the Chairmen of the House Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health no later than October 1, 2020.

CHAPTER 712

An Act to amend the Code of Virginia by adding in Title 2.2 a chapter numbered 4.2:2, consisting of a section numbered 2.2-435.12, relating to the creation of the Director of Diversity, Equity, and Inclusion.

[H 394]

Approved April 6, 2020

Be it enacted by the General Assembly of Virginia:

1. That Code of Virginia is amended by adding in Title 2.2 a chapter numbered 4.2:2, consisting of a section numbered 2.2-435.12, as follows:

CHAPTER 4.2:2.

DIRECTOR OF DIVERSITY, EQUITY, AND INCLUSION.

§ 2.2-435.12. Director of Diversity, Equity, and Inclusion; duties.

The position of Director of Diversity, Equity, and Inclusion (the Director) is created. The Director shall be appointed by the Governor. The Director shall (i) develop a sustainable framework to promote inclusive practices across state government; (ii) implement a measurable, strategic plan to address systemic inequities in state government practices; and (iii) facilitate methods to turn feedback and suggestions from state employees, external stakeholders, and community leaders into concrete equity policy.

CHAPTER 713

An Act to amend and reenact § 15.2-705 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 15.2-705.1, relating to county manager plan; election of board members by instant runoff voting.

[H 506]

Approved April 6, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-705 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 15.2-705.1 as follows:

§ 15.2-705. Election of members of board; filling vacancies.

A. In any county operating as of December 1, 1993, under the county manager plan provided for in this chapter, the members of the board shall be elected and vacancies on the board shall be filled as provided in this section. The members of the board shall be elected from the county at large.

B. Two board members shall be elected at the November 1995 election to succeed the members whose terms are expiring, and one member each shall be elected at the 1994, 1996, and 1997 November elections to succeed the members whose terms respectively are expiring. Thereafter at each regular November election one or more board members shall be elected to succeed the members whose terms expire on or before January 1 next succeeding such election. The members so elected shall be elected for terms of four years each, shall take office on January 1 next succeeding their election, and shall hold office until their successors are elected and qualify. *The board may provide, by ordinance, for the nomination or election of candidates by instant runoff voting pursuant to § 15.2-705.1.*

C. Notwithstanding the provisions of § 24.2-226, when any vacancy occurs in the membership of the board, the judge of the circuit court of the county shall call a special election for the remainder of the unexpired term to be held not less than 60 days and not more than 80 days thereafter, and the local electoral board shall determine and announce within three business days after such call the candidate filing deadline for that special election. However, if any vacancy occurs within 180 days before the expiration of a term of office, the vacancy shall be filled by appointment by a majority vote of the remaining members of the board within 30 days of the occurrence of the vacancy after holding a public hearing on the appointment. The appointment shall be for the duration of the unexpired term.

§ 15.2-705.1. Instant runoff voting.

A. For purposes of this section:

"Instant runoff voting" means a method of casting and tabulating votes in which (i) voters rank candidates in order of preference, (ii) tabulation proceeds in rounds such that in each round either a candidate or candidates are elected or the last-place candidate is defeated, (iii) votes for voters' next-ranked candidates are transferred from elected or defeated candidates, and (iv) tabulation ends when the number of candidates elected equals the number of offices to be filled. "Instant runoff voting" is also known as "ranked choice voting."

"Ranking" means the ordinal number assigned on a ballot by a voter to a candidate to express the voter's preference for that candidate. Ranking number one is the highest ranking, ranking number two is the next-highest ranking, and so on, consecutively, up to the number of candidates indicated on the ballot.

B. Elections to nominate candidates for and to elect members to the board of supervisors in a county operating under the county manager plan may be conducted by instant runoff voting pursuant to this section.

C. The State Board may promulgate regulations for the proper and efficient administration of elections determined by instant runoff voting, including (i) procedures for tabulating votes in rounds, (ii) procedures for determining winners in elections for offices to which only one candidate is being elected and for offices to which more than one candidate is being elected, and (iii) standards for ballots pursuant to § 24.2-613, notwithstanding the provisions of subsection E of that section.

D. The State Board may administer or prescribe standards for a voter outreach and public information program for use by any locality conducting instant runoff voting pursuant to this section.

2. That any costs incurred by the Department of Elections related to changes in technology that are necessary for the implementation of this act, including changes to technology for receiving the results of elections conducted pursuant to this act, shall be charged to the localities exercising the option to proceed with instant runoff voting.

CHAPTER 714

An Act to amend and reenact § 32.1-127 of the Code of Virginia, relating to hospitals; notification; physical therapy.

[H 763]

Approved April 6, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 32.1-127 of the Code of Virginia is amended and reenacted as follows:

§ 32.1-127. Regulations.

A. The regulations promulgated by the Board to carry out the provisions of this article shall be in substantial conformity to the standards of health, hygiene, sanitation, construction and safety as established and recognized by medical and health care professionals and by specialists in matters of public health and safety, including health and safety standards established under provisions of Title XVIII and Title XIX of the Social Security Act, and to the provisions of Article 2 (§ 32.1-138 et seq.).

B. Such regulations:

1. Shall include minimum standards for (i) the construction and maintenance of hospitals, nursing homes and certified nursing facilities to ensure the environmental protection and the life safety of its patients, employees, and the public; (ii) the operation, staffing and equipping of hospitals, nursing homes and certified nursing facilities; (iii) qualifications and training of staff of hospitals, nursing homes and certified nursing facilities, except those professionals licensed or certified by the Department of Health Professions; (iv) conditions under which a hospital or nursing home may provide medical and nursing services to patients in their places of residence; and (v) policies related to infection prevention, disaster preparedness, and

facility security of hospitals, nursing homes, and certified nursing facilities. For purposes of this paragraph, facilities in which five or more first trimester abortions per month are performed shall be classified as a category of "hospital";

2. Shall provide that at least one physician who is licensed to practice medicine in this Commonwealth shall be on call at all times, though not necessarily physically present on the premises, at each hospital which operates or holds itself out as operating an emergency service;

3. May classify hospitals and nursing homes by type of specialty or service and may provide for licensing hospitals and nursing homes by bed capacity and by type of specialty or service;

4. Shall also require that each hospital establish a protocol for organ donation, in compliance with federal law and the regulations of the Centers for Medicare and Medicaid Services (CMS), particularly 42 C.F.R. § 482.45. Each hospital shall have an agreement with an organ procurement organization designated in CMS regulations for routine contact, whereby the provider's designated organ procurement organization certified by CMS (i) is notified in a timely manner of all deaths or imminent deaths of patients in the hospital and (ii) is authorized to determine the suitability of the decedent or patient for organ donation and, in the absence of a similar arrangement with any eye bank or tissue bank in Virginia certified by the Eye Bank Association of America or the American Association of Tissue Banks, the suitability for tissue and eye donation. The hospital shall also have an agreement with at least one tissue bank and at least one eye bank to cooperate in the retrieval, processing, preservation, storage, and distribution of tissues and eyes to ensure that all usable tissues and eyes are obtained from potential donors and to avoid interference with organ procurement. The protocol shall ensure that the hospital collaborates with the designated organ procurement organization to inform the family of each potential donor of the option to donate organs, tissues, or eyes or to decline to donate. The individual making contact with the family shall have completed a course in the methodology for approaching potential donor families and requesting organ or tissue donation that (a) is offered or approved by the organ procurement organization and designed in conjunction with the tissue and eye bank community and (b) encourages discretion and sensitivity according to the specific circumstances, views, and beliefs of the relevant family. In addition, the hospital shall work cooperatively with the designated organ procurement organization in educating the staff responsible for contacting the organ procurement organization's personnel on donation issues, the proper review of death records to improve identification of potential donors, and the proper procedures for maintaining potential donors while necessary testing and placement of potential donated organs, tissues, and eyes takes place. This process shall be followed, without exception, unless the family of the relevant decedent or patient has expressed opposition to organ donation, the chief administrative officer of the hospital or his designee knows of such opposition, and no donor card or other relevant document, such as an advance directive, can be found;

5. Shall require that each hospital that provides obstetrical services establish a protocol for admission or transfer of any pregnant woman who presents herself while in labor;

6. Shall also require that each licensed hospital develop and implement a protocol requiring written discharge plans for identified, substance-abusing, postpartum women and their infants. The protocol shall require that the discharge plan be discussed with the patient and that appropriate referrals for the mother and the infant be made and documented. Appropriate referrals may include, but need not be limited to, treatment services, comprehensive early intervention services for infants and toddlers with disabilities and their families pursuant to Part H of the Individuals with Disabilities Education Act, 20 U.S.C. § 1471 et seq., and family-oriented prevention services. The discharge planning process shall involve, to the extent possible, the father of the infant and any members of the patient's extended family who may participate in the follow-up care for the mother and the infant. Immediately upon identification, pursuant to § 54.1-2403.1, of any substance-abusing, postpartum woman, the hospital shall notify, subject to federal law restrictions, the community services board of the jurisdiction in which the woman resides to appoint a discharge plan manager. The community services board shall implement and manage the discharge plan;

7. Shall require that each nursing home and certified nursing facility fully disclose to the applicant for admission the home's or facility's admissions policies, including any preferences given;

8. Shall require that each licensed hospital establish a protocol relating to the rights and responsibilities of patients which shall include a process reasonably designed to inform patients of such rights and responsibilities. Such rights and responsibilities of patients, a copy of which shall be given to patients on admission, shall be consistent with applicable federal law and regulations of the Centers for Medicare and Medicaid Services;

9. Shall establish standards and maintain a process for designation of levels or categories of care in neonatal services according to an applicable national or state-developed evaluation system. Such standards may be differentiated for various levels or categories of care and may include, but need not be limited to, requirements for staffing credentials, staff/patient ratios, equipment, and medical protocols;

10. Shall require that each nursing home and certified nursing facility train all employees who are mandated to report adult abuse, neglect, or exploitation pursuant to § 63.2-1606 on such reporting procedures and the consequences for failing to make a required report;

11. Shall permit hospital personnel, as designated in medical staff bylaws, rules and regulations, or hospital policies and procedures, to accept emergency telephone and other verbal orders for medication or treatment for hospital patients from physicians, and other persons lawfully authorized by state statute to give patient orders, subject to a requirement that such verbal order be signed, within a reasonable period of time not to exceed 72 hours as specified in the hospital's medical staff bylaws, rules and regulations or hospital policies and procedures, by the person giving the order, or, when such person is not available within the period of time specified, co-signed by another physician or other person authorized to give the order;

12. Shall require, unless the vaccination is medically contraindicated or the resident declines the offer of the vaccination, that each certified nursing facility and nursing home provide or arrange for the administration to its residents of (i) an annual vaccination against influenza and (ii) a pneumococcal vaccination, in accordance with the most recent recommendations of the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention;

13. Shall require that each nursing home and certified nursing facility register with the Department of State Police to receive notice of the registration or reregistration of any sex offender within the same or a contiguous zip code area in which the home or facility is located, pursuant to § 9.1-914;

14. Shall require that each nursing home and certified nursing facility ascertain, prior to admission, whether a potential patient is a registered sex offender, if the home or facility anticipates the potential patient will have a length of stay greater than three days or in fact stays longer than three days;

15. Shall require that each licensed hospital include in its visitation policy a provision allowing each adult patient to receive visits from any individual from whom the patient desires to receive visits, subject to other restrictions contained in the visitation policy including, but not limited to, those related to the patient's medical condition and the number of visitors permitted in the patient's room simultaneously;

16. Shall require that each nursing home and certified nursing facility shall, upon the request of the facility's family council, send notices and information about the family council mutually developed by the family council and the administration of the nursing home or certified nursing facility, and provided to the facility for such purpose, to the listed responsible party or a contact person of the resident's choice up to six times per year. Such notices may be included together with a monthly billing statement or other regular communication. Notices and information shall also be posted in a designated location within the nursing home or certified nursing facility. No family member of a resident or other resident representative shall be restricted from participating in meetings in the facility with the families or resident representatives of other residents in the facility;

17. Shall require that each nursing home and certified nursing facility maintain liability insurance coverage in a minimum amount of \$1 million, and professional liability coverage in an amount at least equal to the recovery limit set forth in § 8.01-581.15, to compensate patients or individuals for injuries and losses resulting from the negligent or criminal acts of the facility. Failure to maintain such minimum insurance shall result in revocation of the facility's license;

18. Shall require each hospital that provides obstetrical services to establish policies to follow when a stillbirth, as defined in § 32.1-69.1, occurs that meet the guidelines pertaining to counseling patients and their families and other aspects of managing stillbirths as may be specified by the Board in its regulations;

19. Shall require each nursing home to provide a full refund of any unexpended patient funds on deposit with the facility following the discharge or death of a patient, other than entrance-related fees paid to a continuing care provider as defined in § 38.2-4900, within 30 days of a written request for such funds by the discharged patient or, in the case of the death of a patient, the person administering the person's estate in accordance with the Virginia Small Estates Act (§ 64.2-600 et seq.);

20. Shall require that each hospital that provides inpatient psychiatric services establish a protocol that requires, for any refusal to admit (i) a medically stable patient referred to its psychiatric unit, direct verbal communication between the on-call physician in the psychiatric unit and the referring physician, if requested by such referring physician, and prohibits on-call physicians or other hospital staff from refusing a request for such direct verbal communication by a referring physician and (ii) a patient for whom there is a question regarding the medical stability or medical appropriateness of admission for inpatient psychiatric services due to a situation involving results of a toxicology screening, the on-call physician in the psychiatric unit to which the patient is sought to be transferred to participate in direct verbal communication, either in person or via telephone, with a clinical toxicologist or other person who is a Certified Specialist in Poison Information employed by a poison control center that is accredited by the American Association of Poison Control Centers to review the results of the toxicology screen and determine whether a medical reason for refusing admission to the psychiatric unit related to the results of the toxicology screen exists, if requested by the referring physician;

21. Shall require that each hospital that is equipped to provide life-sustaining treatment shall develop a policy governing determination of the medical and ethical appropriateness of proposed medical care, which shall include (i) a process for obtaining a second opinion regarding the medical and ethical appropriateness of proposed medical care in cases in which a physician has determined proposed care to be medically or ethically inappropriate; (ii) provisions for review of the determination that proposed medical care is medically or ethically inappropriate by an interdisciplinary medical review committee and a determination by the interdisciplinary medical review committee regarding the medical and ethical appropriateness of the proposed health care; and (iii) requirements for a written explanation of the decision reached by the interdisciplinary medical review committee, which shall be included in the patient's medical record. Such policy shall ensure that the patient, his agent, or the person authorized to make medical decisions pursuant to § 54.1-2986 (a) are informed of the patient's right to obtain his medical record and to obtain an independent medical opinion and (b) afforded reasonable opportunity to participate in the medical review committee meeting. Nothing in such policy shall prevent the patient, his agent, or the person authorized to make medical decisions pursuant to § 54.1-2986 from obtaining legal counsel to represent the patient or from seeking other remedies available at law, including seeking court review, provided that the patient, his agent, or the person authorized to make medical decisions pursuant to § 54.1-2986, or legal counsel provides

written notice to the chief executive officer of the hospital within 14 days of the date on which the physician's determination that proposed medical treatment is medically or ethically inappropriate is documented in the patient's medical record;

22. Shall require every hospital with an emergency department to establish protocols to ensure that security personnel of the emergency department, if any, receive training appropriate to the populations served by the emergency department, which may include training based on a trauma-informed approach in identifying and safely addressing situations involving patients or other persons who pose a risk of harm to themselves or others due to mental illness or substance abuse or who are experiencing a mental health crisis;

23. Shall require that each hospital establish a protocol requiring that, before a health care provider arranges for air medical transportation services for a patient who does not have an emergency medical condition as defined in 42 U.S.C. § 1395dd(e)(1), the hospital shall provide the patient or his authorized representative with written or electronic notice that the patient (i) may have a choice of transportation by an air medical transportation provider or medically appropriate ground transportation by an emergency medical services provider and (ii) will be responsible for charges incurred for such transportation in the event that the provider is not a contracted network provider of the patient's health insurance carrier or such charges are not otherwise covered in full or in part by the patient's health insurance plan; ~~and~~

24. Shall establish an exemption, for a period of no more than 30 days, from the requirement to obtain a license to add temporary beds in an existing hospital or nursing home when the Commissioner has determined that a natural or man-made disaster has caused the evacuation of a hospital or nursing home and that a public health emergency exists due to a shortage of hospital or nursing home beds; *and*

25. *Shall establish protocols to ensure that any patient scheduled to receive an elective surgical procedure for which the patient can reasonably be expected to require outpatient physical therapy as a follow-up treatment after discharge is informed that he (i) is expected to require outpatient physical therapy as a follow-up treatment and (ii) will be required to select a physical therapy provider prior to being discharged from the hospital.*

C. Upon obtaining the appropriate license, if applicable, licensed hospitals, nursing homes, and certified nursing facilities may operate adult day care centers.

D. All facilities licensed by the Board pursuant to this article which provide treatment or care for hemophiliacs and, in the course of such treatment, stock clotting factors, shall maintain records of all lot numbers or other unique identifiers for such clotting factors in order that, in the event the lot is found to be contaminated with an infectious agent, those hemophiliacs who have received units of this contaminated clotting factor may be apprised of this contamination. Facilities which have identified a lot which is known to be contaminated shall notify the recipient's attending physician and request that he notify the recipient of the contamination. If the physician is unavailable, the facility shall notify by mail, return receipt requested, each recipient who received treatment from a known contaminated lot at the individual's last known address.

CHAPTER 715

An Act to amend and reenact § 38.2-3407.4 of the Code of Virginia, relating to health care; explanation of benefits; sensitive health care services.

[H 807]

Approved April 6, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 38.2-3407.4 of the Code of Virginia is amended and reenacted as follows:

§ 38.2-3407.4. Explanation of benefits.

A. Each insurer issuing an accident and sickness insurance policy, a corporation issuing subscription contracts, and each health maintenance organization shall file for approval explanation of benefits forms. These explanation of benefit forms shall be subject to the requirements of § 38.2-316 or § 38.2-4306 as applicable.

B. The explanation of benefits shall accurately and clearly set forth the benefits payable under the contract.

C. The Commission may issue regulations to establish (i) standards for the accuracy and clarity of the information presented in an explanation of benefits and (ii) *alternative methods of delivery of the explanation of benefits that permit (a) a subscriber who is legally authorized to consent to care for a covered person or recipient, (b) a covered person or recipient who is legally authorized to consent to that covered person's or recipient's own care, or (c) another party who has the exclusive legal authorization to consent to care for the covered person or recipient to receive the explanation of benefits by an alternative method, provided that each such alternative method is in compliance with the provisions of 45 C.F.R. § 164.522 regarding the right to request privacy protection for protected health information.*

D. The term "explanation of benefits" as used in this section shall include any form provided by an insurer, health services plan, or health maintenance organization which explains the amounts covered under a policy or plan or shows the amounts payable by a covered person to a health care provider.

CHAPTER 716

An Act to amend and reenact § 38.2-3407.4 of the Code of Virginia, relating to health care; explanation of benefits; sensitive health care services.

[S 766]

Approved April 6, 2020

Be it enacted by the General Assembly of Virginia:**1. That § 38.2-3407.4 of the Code of Virginia is amended and reenacted as follows:****§ 38.2-3407.4. Explanation of benefits.**

A. Each insurer issuing an accident and sickness insurance policy, a corporation issuing subscription contracts, and each health maintenance organization shall file for approval explanation of benefits forms. These explanation of benefit forms shall be subject to the requirements of § 38.2-316 or § 38.2-4306 as applicable.

B. The explanation of benefits shall accurately and clearly set forth the benefits payable under the contract.

C. The Commission may issue regulations to establish (i) standards for the accuracy and clarity of the information presented in an explanation of benefits and (ii) alternative methods of delivery of the explanation of benefits that permit (a) a subscriber who is legally authorized to consent to care for a covered person or recipient, (b) a covered person or recipient who is legally authorized to consent to that covered person's or recipient's own care, or (c) another party who has the exclusive legal authorization to consent to care for the covered person or recipient to receive the explanation of benefits by an alternative method, provided that each such alternative method is in compliance with the provisions of 45 C.F.R. § 164.522 regarding the right to request privacy protection for protected health information.

D. The term "explanation of benefits" as used in this section shall include any form provided by an insurer, health services plan, or health maintenance organization which explains the amounts covered under a policy or plan or shows the amounts payable by a covered person to a health care provider.

CHAPTER 717

An Act to amend and reenact § 2.2-2009 of the Code of Virginia, relating to the Virginia Information Technologies Agency; required information security training program for state employees.

[H 852]

Approved April 6, 2020

Be it enacted by the General Assembly of Virginia:**1. That § 2.2-2009 of the Code of Virginia is amended and reenacted as follows:****§ 2.2-2009. Additional duties of the CIO relating to security of government information.**

A. To provide for the security of state government electronic information from unauthorized uses, intrusions or other security threats, the CIO shall direct the development of policies, standards, and guidelines for assessing security risks, determining the appropriate security measures and performing security audits of government electronic information. Such policies, standards, and guidelines shall apply to the Commonwealth's executive, legislative, and judicial branches and independent agencies. The CIO shall work with representatives of the Chief Justice of the Supreme Court and Joint Rules Committee of the General Assembly to identify their needs. Such policies, standards, and guidelines shall, at a minimum:

1. Address the scope and frequency of security audits. In developing and updating such policies, standards, and guidelines, the CIO shall designate a government entity to oversee, plan, and coordinate the conduct of periodic security audits of all executive branch agencies and independent agencies. The CIO shall coordinate these audits with the Auditor of Public Accounts and the Joint Legislative Audit and Review Commission. The Chief Justice of the Supreme Court and the Joint Rules Committee of the General Assembly shall determine the most appropriate methods to review the protection of electronic information within their branches;

2. Control unauthorized uses, intrusions, or other security threats;

3. Provide for the protection of confidential data maintained by state agencies against unauthorized access and use in order to ensure the security and privacy of citizens of the Commonwealth in their interaction with state government. Such policies, standards, and guidelines shall include requirements that (i) any state employee or other authorized user of a state technology asset provide passwords or other means of authentication to use a technology asset and access a state-owned or state-operated computer network or database and (ii) a digital rights management system or other means of authenticating and controlling an individual's ability to access electronic records be utilized to limit access to and use of electronic records that contain confidential information to authorized individuals;

4. Address the creation and operation of a risk management program designed to identify information technology security gaps and develop plans to mitigate the gaps. All agencies in the Commonwealth shall cooperate with the CIO, including (i) providing the CIO with information required to create and implement a Commonwealth risk management program, (ii) creating an agency risk management program, and (iii) complying with all other risk management activities; and

5. Require that any contract for information technology entered into by the Commonwealth's executive, legislative, and judicial branches and independent agencies require compliance with applicable federal laws and regulations pertaining to information security and privacy.

B. 1. The CIO shall annually report to the Governor, the Secretary, and General Assembly on the results of security audits, the extent to which security policy, standards, and guidelines have been adopted by executive branch and independent agencies, and a list of those executive branch agencies and independent agencies that have not implemented acceptable security and risk management regulations, policies, standards, and guidelines to control unauthorized uses, intrusions, or other security threats. For any executive branch agency or independent agency whose security audit results and plans for corrective action are unacceptable, the CIO shall report such results to (i) the Secretary, (ii) any other affected cabinet secretary, (iii) the Governor, and (iv) the Auditor of Public Accounts. Upon review of the security audit results in question, the CIO may take action to suspend the executive branch agency's or independent agency's information technology projects pursuant to subsection B of § 2.2-2016.1, limit additional information technology investments pending acceptable corrective actions, and recommend to the Governor and Secretary any other appropriate actions.

2. Executive branch agencies and independent agencies subject to such audits as required by this section shall fully cooperate with the entity designated to perform such audits and bear any associated costs. Public bodies that are not required to but elect to use the entity designated to perform such audits shall also bear any associated costs.

C. In addition to coordinating security audits as provided in subdivision B 1, the CIO shall conduct an annual comprehensive review of cybersecurity policies of every executive branch agency, with a particular focus on any breaches in information technology that occurred in the reviewable year and any steps taken by agencies to strengthen cybersecurity measures. Upon completion of the annual review, the CIO shall issue a report of his findings to the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance. Such report shall not contain technical information deemed by the CIO to be security sensitive or information that would expose security vulnerabilities.

D. The provisions of this section shall not infringe upon responsibilities assigned to the Comptroller, the Auditor of Public Accounts, or the Joint Legislative Audit and Review Commission by other provisions of the Code of Virginia.

E. The CIO shall promptly receive reports from directors of departments in the executive branch of state government made in accordance with § 2.2-603 and shall take such actions as are necessary, convenient or desirable to ensure the security of the Commonwealth's electronic information and confidential data.

F. The CIO shall provide technical guidance to the Department of General Services in the development of policies, standards, and guidelines for the recycling and disposal of computers and other technology assets. Such policies, standards, and guidelines shall include the expunging, in a manner as determined by the CIO, of all confidential data and personal identifying information of citizens of the Commonwealth prior to such sale, disposal, or other transfer of computers or other technology assets.

G. The CIO shall provide all directors of agencies and departments with all such information, guidance, and assistance required to ensure that agencies and departments understand and adhere to the policies, standards, and guidelines developed pursuant to this section.

H. The CIO shall promptly notify all public bodies as defined in § 2.2-5514 of hardware, software, or services that have been prohibited pursuant to Chapter 55.3 (§ 2.2-5514).

1. This subsection applies to the Commonwealth's executive, legislative, and judicial branches and independent agencies.

2. In collaboration with the heads of executive branch and independent agencies and representatives of the Chief Justice of the Supreme Court and the Joint Rules Committee of the General Assembly, the CIO shall develop and annually update a curriculum and materials for training all state employees in information security awareness and in proper procedures for detecting, assessing, reporting, and addressing information security threats. The curriculum shall include activities, case studies, hypothetical situations, and other methods of instruction (i) that focus on forming good information security habits and procedures among state employees and (ii) that teach best practices for detecting, assessing, reporting, and addressing information security threats.

3. Every state agency shall provide annual information security training for each of its employees using the curriculum and materials developed by the CIO pursuant to subdivision 2. Employees shall complete such training within 30 days of initial employment and by January 31 each year thereafter.

State agencies may develop additional training materials that address specific needs of such agency, provided that such materials do not contradict the training curriculum and materials developed by the CIO.

The CIO shall coordinate with and assist state agencies in implementing the annual information security training requirement.

4. Each state agency shall (i) monitor and certify the training activity of its employees to ensure compliance with the annual information security training requirement, (ii) evaluate the efficacy of the information security training program, and (iii) forward to the CIO such certification and evaluation, together with any suggestions for improving the curriculum and materials, or any other aspects of the training program. The CIO shall consider such evaluations when it annually updates its curriculum and materials.

2. That the Chief Information Officer of the Virginia Information Technologies Agency shall develop the information security training program curriculum and materials required by subdivision 1 2 of § 2.2-2009 of the Code of Virginia, as created by this act, no later than November 30, 2020.

3. That the requirement that all state employees complete a training program in information security pursuant to subdivision I 3 of § 2.2-2009 of the Code of Virginia, as created by this act, shall become effective on January 1, 2021.

CHAPTER 718

An Act to amend and reenact § 24.2-416.1 of the Code of Virginia, relating to voter registration by mail; certain first-time voters permitted to vote by absentee ballot.

[H 872]

Approved April 6, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 24.2-416.1 of the Code of Virginia is amended and reenacted as follows:

§ 24.2-416.1. Voter registration by mail.

A. A person may apply to register to vote by mail by completing and returning a mail voter registration application form in the manner and time provided by law.

B. Any person, who applies to register to vote by mail pursuant to this article and who has not previously voted in the county or city in which he registers to vote, shall be required to vote in person, either at the polls on election day or in-person absentee. However, this requirement to vote in person shall not apply to a person so long as he (i) is entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. § 20302 et seq.); (ii) is provided the right to vote otherwise than in person under § 3(b)(2)(B)(ii) of the Voting Accessibility for the Elderly and Handicapped Act (52 U.S.C. § 20102(b)(2)(B)(ii)), including any disabled voter and any voter age 65 or older who is otherwise qualified to vote absentee under § 24.2-700; (iii) *is entitled to vote by absentee ballot by reason of his confinement while awaiting trial or for having been convicted of a misdemeanor*; (iv) is entitled to vote otherwise than in person under other federal law; ~~(iv)~~ (v) is a full-time student in an institution of higher education; or ~~(v)~~ (vi) requests to vote an absentee ballot by mail for presidential and vice-presidential elections only, for any reason, as entitled by federal law.

CHAPTER 719

An Act to amend and reenact § 24.2-105 of the Code of Virginia and to amend the Code of Virginia by adding in Article 6 of Chapter 1 of Title 24.2 a section numbered 24.2-124, relating to minority language accessibility; voting and election materials.

[H 1210]

Approved April 6, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 24.2-105 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Article 6 of Chapter 1 of Title 24.2 a section numbered 24.2-124 as follows:

§ 24.2-105. Prescribing various forms.

A. The State Board shall prescribe appropriate forms and records for the registration of voters, conduct of elections, and implementation of this title, which shall be used throughout the Commonwealth.

B. *The State Board shall prescribe voting and election materials in languages other than English for use by a county, city, or town that is subject to the requirements of § 24.2-124. For purposes of this subsection, voting and election materials mean registration or voting notices, forms, and instructions. For purposes of this subsection, registration notices mean any notice of voter registration approval, denial, or cancellation, required by the provisions of Chapter 4 (§ 24.2-400 et seq.).*

The State Board may make available voting and election materials in any additional languages other than those required by subsection A of § 24.2-124 as it deems necessary and appropriate. The State Board may accept voting and election materials translated by volunteers but shall verify the accuracy of such translations prior to making the translated materials available to a county, city, or town, or any voter.

§ 24.2-124. Minority language accessibility; covered localities.

A. *The State Board shall designate a county, city, or town as a covered locality if it determines, in consultation with the Director of the Census, based on the 2010 American Community Survey census data and subsequent American Community Survey data in five-year increments, or comparable census data that (i) either (a) more than five percent of the citizens of voting age of such county, city, or town are members of a single language minority and are unable to speak or understand English adequately enough to participate in the electoral process; (b) more than 10,000 of the citizens of voting age of such county, city, or town are members of a single language minority and are unable to speak or understand English adequately enough to participate in the electoral process; or (c) in the case of a county, city, or town containing all or any part of an Indian reservation, more than five percent of the American Indian citizens of voting age within the Indian reservation are members of a single language minority and are unable to speak or understand English adequately enough to participate in the electoral process and (ii) the illiteracy rate of the citizens of the language minority as a group is higher than the national illiteracy rate.*

B. Whenever a covered locality provides any voting or election materials, it shall provide such materials in the language of the applicable minority group as well as in the English language. For purposes of this requirement, voting and election materials mean registration or voting notices, forms, instructions, assistance, voter information pamphlets, ballots, sample ballots, candidate qualification information, and notices regarding changes to local election districts, precincts, or polling places. For purposes of this requirement, registration notices mean any notice of voter registration approval, denial, or cancellation, required by the provisions of Chapter 4 (§ 24.2-400 et seq.). A covered locality may distribute such materials in the preferred language identified by the voter.

2. That the provisions of this act shall become effective on September 1, 2021.

CHAPTER 720

An Act to amend and reenact §§ 24.2-503, 24.2-507, 24.2-510, 24.2-603, 24.2-700, as it is currently effective and as it shall become effective, and 24.2-701, as it is currently effective and as it shall become effective, of the Code of Virginia, relating to extending polling place hours and other related deadlines.

[H 1678]

Approved April 6, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-503, 24.2-507, 24.2-510, 24.2-603, 24.2-700, as it is currently effective and as it shall become effective, and 24.2-701, as it is currently effective and as it shall become effective, of the Code of Virginia are amended and reenacted as follows:

§ 24.2-503. Deadlines for filing required statements; extensions.

The written statements of qualification and economic interests shall be filed by (i) primary candidates not later than the filing deadline for the primary, (ii) all other candidates for city and town offices to be filled at a May general election by ~~7:00~~ 8:00 p.m. on the first Tuesday in March, (iii) candidates in special elections by the time of qualifying as a candidate, and (iv) all other candidates by ~~7:00~~ 8:00 p.m. on the second Tuesday in June.

A statement shall be deemed to be timely filed if it is mailed postage prepaid to the appropriate office by registered or certified mail and if the official receipt therefor, which shall be exhibited on demand, shows mailing within the prescribed time limits.

The State Board may grant an extension of any deadline for filing either or both written statements and shall notify all candidates who have not filed their statements of the extension. Any extension shall be granted for a fixed period of time of ten days from the date of the mailing of the notice of the extension.

§ 24.2-507. Deadlines for filing declarations and petitions of candidacy.

For any office, declarations of candidacy and the petitions therefor shall be filed according to the following schedule:

1. For a general election in November, by ~~7:00~~ 8:00 p.m. on the second Tuesday in June;
2. For a general election in May, by ~~7:00~~ 8:00 p.m. on the first Tuesday in March;
3. For a special election held at the same time as a November general election, either (i) at least 81 days before the election or (ii) if the special election is being held at the second November election after the vacancy occurred, by ~~7:00~~ 8:00 p.m. on the second Tuesday in June before that November election;
4. For a special election held at the same time as a May general election, by ~~7:00~~ 8:00 p.m. on the first Tuesday in March; or
5. For a special election held at a time other than a general election, (i) at least 60 days before the election or (ii) within five days of any writ of election or order calling a special election to be held less than 60 days after the issuance of the writ or order.

§ 24.2-510. Deadlines for parties to nominate by methods other than primary.

For any office, nominations by political parties by methods other than a primary shall be made and completed in the manner prescribed by law according to the following schedule:

1. For a general election in November, by ~~7:00~~ 8:00 p.m. on the second Tuesday in June;
2. For a general election in May, by ~~7:00~~ 8:00 p.m. on the first Tuesday in March;
3. For a special election held at the same time as a November general election, either (i) at least 81 days before the election or (ii) if the special election is held at the second November election after the vacancy occurred, by ~~7:00~~ 8:00 p.m. on the second Tuesday in June before that November election;
4. For a special election held at the same time as a May general election, by ~~7:00~~ 8:00 p.m. on the first Tuesday in March; or
5. For a special election held at a time other than a general election, (i) at least 60 days before the election or (ii) within five days of any writ of election or order calling a special election to be held less than 60 days after the issuance of the writ or order.

In the case of all general elections a party shall nominate its candidate for any office by a nonprimary method only within the 47 days immediately preceding the primary date established for nominating candidates for the office in question. This limitation shall have no effect, however, on nominations for special elections or pursuant to § 24.2-539.

§ 24.2-603. Hours polls to be open; closing the polls.

At all elections, the polls shall be open at each polling place at 6:00 a.m. on the day of the election and closed at ~~7:00~~ 8:00 p.m. on the same day except as provided for central absentee voter precincts pursuant to subsection F of § 24.2-712.

At ~~6:45~~ 7:45 p.m., an officer of election shall announce that the polls will close in ~~fifteen~~ 15 minutes. The officers of election shall list the names of all qualified voters in line before the polling place at ~~7:00~~ 8:00 p.m. and permit those voters and no others to vote after ~~7:00~~ 8:00 p.m.

§ 24.2-700. (Effective for elections prior to the general election on November 3, 2020) Persons entitled to vote by absentee ballot.

The following registered voters may vote by absentee ballot in accordance with the provisions of this chapter in any election in which they are qualified to vote:

1. Any person who, in the regular and orderly course of his business, profession, or occupation or while on personal business or vacation, will be absent from the county or city in which he is entitled to vote;

2. Any person who is (i) a member of a uniformed service, as defined in § 24.2-452, on active duty, (ii) temporarily residing outside of the United States, or (iii) the spouse or dependent residing with any person listed in clause (i) or (ii), and who will be absent on the day of the election from the county or city in which he is entitled to vote;

3. Any student attending a school or institution of higher education, or his spouse, who will be absent on the day of election from the county or city in which he is entitled to vote;

4. Any duly registered person with a disability, as defined in § 24.2-101, who is unable to go in person to the polls on the day of election because of his disability, illness, or pregnancy;

5. Any person who is confined while awaiting trial or for having been convicted of a misdemeanor, provided that the trial or release date is scheduled on or after the third day preceding the election. Any person who is awaiting trial and is a resident of the county or city where he is confined shall, on his request, be taken to the polls to vote on election day if his trial date is postponed and he did not have an opportunity to vote absentee;

6. Any person who is a member of an electoral board, registrar, officer of election, or custodian of voting equipment;

7. Any duly registered person who is unable to go in person to the polls on the day of the election because he is primarily and personally responsible for the care of an ill or disabled family member who is confined at home;

8. Any duly registered person who is unable to go in person to the polls on the day of the election because of an obligation occasioned by his religion;

9. Any person who, in the regular and orderly course of his business, profession, or occupation, will be at his place of work and commuting to and from his home to his place of work for 11 or more hours of the ~~14~~ 14 hours that the polls are open pursuant to § 24.2-603;

10. Any person who is a law-enforcement officer, as defined in § 18.2-51.1; firefighter, as defined in § 65.2-102; volunteer firefighter, as defined in § 27-42; search and rescue personnel, as defined in § 18.2-51.1; or emergency medical services personnel, as defined in § 32.1-111.1;

11. Any person who has been designated by a political party, independent candidate, or candidate in a primary election to be a representative of the party or candidate inside a polling place on the day of the election pursuant to subsection C of § 24.2-604 and § 24.2-639; or

12. Any person granted a protective order issued by or under the authority of any court of competent jurisdiction.

§ 24.2-700. (Effective for elections beginning with the general election on November 3, 2020) Persons entitled to vote by absentee ballot.

A. The following registered voters may vote by absentee ballot in accordance with the provisions of this chapter in any election in which they are qualified to vote:

1. Any person who, in the regular and orderly course of his business, profession, or occupation or while on personal business or vacation, will be absent from the county or city in which he is entitled to vote;

2. Any person who is (i) a member of a uniformed service, as defined in § 24.2-452, on active duty, (ii) temporarily residing outside of the United States, or (iii) the spouse or dependent residing with any person listed in clause (i) or (ii), and who will be absent on the day of the election from the county or city in which he is entitled to vote;

3. Any student attending a school or institution of higher education, or his spouse, who will be absent on the day of election from the county or city in which he is entitled to vote;

4. Any duly registered person with a disability, as defined in § 24.2-101, who is unable to go in person to the polls on the day of election because of his disability, illness, or pregnancy;

5. Any person who is confined while awaiting trial or for having been convicted of a misdemeanor, provided that the trial or release date is scheduled on or after the third day preceding the election. Any person who is awaiting trial and is a resident of the county or city where he is confined shall, on his request, be taken to the polls to vote on election day if his trial date is postponed and he did not have an opportunity to vote absentee;

6. Any person who is a member of an electoral board, registrar, officer of election, or custodian of voting equipment;

7. Any duly registered person who is unable to go in person to the polls on the day of the election because he is primarily and personally responsible for the care of an ill or disabled family member who is confined at home;

8. Any duly registered person who is unable to go in person to the polls on the day of the election because of an obligation occasioned by his religion;

9. Any person who, in the regular and orderly course of his business, profession, or occupation, will be at his place of work and commuting to and from his home to his place of work for 11 or more hours of the ~~13~~ 14 hours that the polls are open pursuant to § 24.2-603;

10. Any person who is a law-enforcement officer, as defined in § 18.2-51.1; firefighter, as defined in § 65.2-102; volunteer firefighter, as defined in § 27-42; search and rescue personnel, as defined in § 18.2-51.1; or emergency medical services personnel, as defined in § 32.1-111.1;

11. Any person who has been designated by a political party, independent candidate, or candidate in a primary election to be a representative of the party or candidate inside a polling place on the day of the election pursuant to subsection C of § 24.2-604 and § 24.2-639; or

12. Any person granted a protective order issued by or under the authority of any court of competent jurisdiction.

B. Any registered voter may vote by absentee ballot in person beginning on the second Saturday immediately preceding any election in which he is qualified to vote.

§ 24.2-701. (Effective for elections prior to the general election on November 3, 2020) Application for absentee ballot.

A. The State Board shall furnish each general registrar with a sufficient number of applications for official absentee ballots. The registrars shall furnish applications to persons requesting them.

The State Board shall implement a system that enables eligible persons to request and receive an absentee ballot application electronically through the Internet. Electronic absentee ballot applications shall be in a form approved by the State Board.

Except as provided in § 24.2-703, a separate application shall be completed for each election in which the applicant offers to vote. An application for an absentee ballot may be accepted the later of (i) 12 months before an election or (ii) the day following any election held in the twelfth month prior to the election in which the applicant is applying to vote.

An application that is completed in person at the same time that the applicant registers to vote shall be held and processed no sooner than the fifth day after the date that the applicant registered to vote; however, this requirement shall not be applicable to any person who is qualified to vote absentee under subdivision 2 of § 24.2-700.

Any application received before the ballots are printed shall be held and processed as soon as the printed ballots for the election are available.

For the purposes of this chapter, the general registrar's office shall be open a minimum of eight hours between the hours of 8:00 a.m. and 5:00 p.m. on the first and second Saturday immediately preceding all general elections, except May general elections, and on the Saturday immediately preceding any primary election, May general election, or special election.

Unless the applicant is disabled, all applications for absentee ballots shall be signed by the applicant who shall state, subject to felony penalties for making false statements pursuant to § 24.2-1016, that to the best of his knowledge and belief the facts contained in the application are true and correct and that he has not and will not vote in the election at any other place in Virginia or in any other state. If the applicant is unable to sign the application, a person assisting the applicant will note this fact on the applicant signature line and provide his signature, name, and address.

B. Applications for absentee ballots shall be completed in the following manner:

1. An application completed in person shall be made not less than three days prior to the election in which the applicant offers to vote and completed only in the office of the general registrar. The applicant shall sign the application in the presence of a registrar. The applicant shall provide one of the forms of identification specified in subsection B of § 24.2-643. Any applicant who does not show one of the forms of identification specified in subsection B of § 24.2-643 shall be offered a provisional ballot under the provisions of § 24.2-653. The State Board of Elections shall provide instructions to the general registrar for the handling and counting of such provisional ballots pursuant to subsection B of § 24.2-653 and this section.

2. Any other application may be made by mail, electronic or telephonic transmission to a facsimile device if one is available to the office of the general registrar or the office of the State Board if a device is not available locally, or other means. The application shall be on a form furnished by the registrar or, if made under subdivision 2 of § 24.2-700, may be on a federal postcard application prescribed pursuant to 52 U.S.C. § 20301(b)(2). The federal postcard application may be accepted the later of (i) 12 months before an election or (ii) the day following any election held in the twelfth month prior to the election in which the applicant is applying to vote. The application shall be made to the appropriate registrar no later than 5:00 p.m. on the seventh day prior to the election in which the applicant offers to vote.

C. Applications for absentee ballots shall contain the following information:

1. The applicant's printed name, the last four digits of the applicant's social security number, and the reason the applicant will be absent or cannot vote at his polling place on the day of the election. However, an applicant completing the application in person shall not be required to provide the last four digits of his social security number;

2. A statement that he is registered in the county or city in which he offers to vote and his residence address in such county or city. Any person temporarily residing outside the United States shall provide the last date of residency at his Virginia residence address, if that residence is no longer available to him. Any person who makes application under subdivision 2 of § 24.2-700 who is not a registered voter may file the applications to register and for a ballot simultaneously;

3. The complete address to which the ballot is to be sent directly to the applicant, unless the application is made in person at a time when the printed ballots for the election are available and the applicant chooses to vote in person at the time of completing his application. The address given shall be (i) the address of the applicant on file in the registration records; (ii) the address at which he will be located while absent from his county or city; or (iii) the address at which he will be located while temporarily confined due to a disability or illness. No ballot shall be sent to, or in care of, any other person; and

4. In the case of a person, or the spouse or dependent of a person, who is on active duty as a member of the uniformed services as defined in § 24.2-452, the branch of service to which he or the spouse belongs; or

5. In the case of a student, or the spouse of a student, who is attending a school or institution of higher education, the name of the school or institution of higher education; or

6. In the case of any duly registered person with a disability, as defined in § 24.2-101, who is unable to go in person to the polls on the day of the election because of his disability, illness, or pregnancy, that he is a person with a disability, illness, or pregnancy; or

7. In the case of a person who is confined awaiting trial or for having been convicted of a misdemeanor, the name of the institution of confinement; or

8. In the case of a person who will be absent on election day for business reasons, the name of his employer or business; or

9. In the case of a person who will be absent on election day for personal business or vacation reasons, the name of the county or city in Virginia or the state or country to which he is traveling; or

10. In the case of a person who is unable to go to the polls on the day of election because he is primarily and personally responsible for the care of an ill or disabled family member who is confined at home, his relationship to the family member; or

11. In the case of a person who is unable to go to the polls on the day of election because of an obligation occasioned by his religion, that he has an obligation occasioned by his religion; or

12. In the case of a person who, in the regular and orderly course of his business, profession, or occupation, will be at his place of work and commuting to and from his home to his place of work for 11 or more hours of the ~~13~~ 14 hours that the polls are open pursuant to § 24.2-603, the name of his business or employer and hours he will be at the workplace and commuting on election day; or

13. In the case of a law-enforcement officer, as defined in § 18.2-51.1; firefighter, as defined in § 65.2-102; volunteer firefighter, as defined in § 27-42; search and rescue personnel, as defined in § 18.2-51.1; or emergency medical services personnel, as defined in § 32.1-111.1, that he is a first responder; or

14. In the case of a person who has been designated by a political party, independent candidate, or candidate in a primary election to be a representative of the party or candidate inside a polling place on the day of the election pursuant to subsection C of § 24.2-604 and § 24.2-639, the fact that he is so designated; or

15. In the case of a person who has been granted a protective order issued by or under the authority of any court of competent jurisdiction, the name of the county or city in Virginia or the state of the issuing court.

§ 24.2-701. (Effective for elections beginning with the general election on November 3, 2020) Application for absentee ballot.

A. The State Board shall furnish each general registrar with a sufficient number of applications for official absentee ballots. The registrars shall furnish applications to persons requesting them.

The State Board shall implement a system that enables eligible persons to request and receive an absentee ballot application electronically through the Internet. Electronic absentee ballot applications shall be in a form approved by the State Board.

Except as provided in § 24.2-703, a separate application shall be completed for each election in which the applicant offers to vote. An application for an absentee ballot may be accepted the later of (i) 12 months before an election or (ii) the day following any election held in the twelfth month prior to the election in which the applicant is applying to vote.

An application that is completed in person at the same time that the applicant registers to vote shall be held and processed no sooner than the fifth day after the date that the applicant registered to vote; however, this requirement shall not be applicable to any person who is qualified to vote absentee under subdivision A 2 of § 24.2-700.

Any application received before the ballots are printed shall be held and processed as soon as the printed ballots for the election are available.

For the purposes of this chapter, the general registrar's office shall be open a minimum of eight hours between the hours of 8:00 a.m. and 5:00 p.m. on the first and second Saturday immediately preceding all elections.

Unless the applicant is disabled, all applications for absentee ballots shall be signed by the applicant who shall state, subject to felony penalties for making false statements pursuant to § 24.2-1016, that to the best of his knowledge and belief the facts contained in the application are true and correct and that he has not and will not vote in the election at any other place in Virginia or in any other state. If the applicant is unable to sign the application, a person assisting the applicant will note this fact on the applicant signature line and provide his signature, name, and address.

B. Applications for absentee ballots shall be completed in the following manner:

1. An application completed in person shall be completed only in the office of the general registrar and signed by the applicant in the presence of a registrar. The applicant shall provide one of the forms of identification specified in subsection B of § 24.2-643. Any applicant who does not show one of the forms of identification specified in subsection B of § 24.2-643 shall be offered a provisional ballot under the provisions of § 24.2-653. The State Board of Elections shall

provide instructions to the general registrar for the handling and counting of such provisional ballots pursuant to subsection B of § 24.2-653 and this section.

2. Any other application may be made by mail, electronic or telephonic transmission to a facsimile device if one is available to the office of the general registrar or the office of the State Board if a device is not available locally, or other means. The application shall be on a form furnished by the registrar or, if made under subdivision A 2 of § 24.2-700, may be on a federal postcard application prescribed pursuant to 52 U.S.C. § 20301(b)(2). The federal postcard application may be accepted the later of (i) 12 months before an election or (ii) the day following any election held in the twelfth month prior to the election in which the applicant is applying to vote. The application shall be made to the appropriate registrar no later than 5:00 p.m. on the seventh day prior to the election in which the applicant offers to vote.

C. Applications for absentee ballots shall contain the following information:

1. The applicant's printed name, the last four digits of the applicant's social security number, and the reason the applicant will be absent or cannot vote at his polling place on the day of the election. However, an applicant completing the application in person shall not be required to provide the last four digits of his social security number;

2. A statement that he is registered in the county or city in which he offers to vote and his residence address in such county or city. Any person temporarily residing outside the United States shall provide the last date of residency at his Virginia residence address, if that residence is no longer available to him. Any person who makes application under subdivision A 2 of § 24.2-700 who is not a registered voter may file the applications to register and for a ballot simultaneously;

3. The complete address to which the ballot is to be sent directly to the applicant, unless the application is made in person at a time when the printed ballots for the election are available and the applicant chooses to vote in person at the time of completing his application. The address given shall be (i) the address of the applicant on file in the registration records; (ii) the address at which he will be located while absent from his county or city; or (iii) the address at which he will be located while temporarily confined due to a disability or illness. No ballot shall be sent to, or in care of, any other person; and

4. In the case of a person, or the spouse or dependent of a person, who is on active duty as a member of the uniformed services as defined in § 24.2-452, the branch of service to which he or the spouse belongs; or

5. In the case of a student, or the spouse of a student, who is attending a school or institution of higher education, the name of the school or institution of higher education; or

6. In the case of any duly registered person with a disability, as defined in § 24.2-101, who is unable to go in person to the polls on the day of the election because of his disability, illness, or pregnancy, that he is a person with a disability, illness, or pregnancy; or

7. In the case of a person who is confined awaiting trial or for having been convicted of a misdemeanor, the name of the institution of confinement; or

8. In the case of a person who will be absent on election day for business reasons, the name of his employer or business; or

9. In the case of a person who will be absent on election day for personal business or vacation reasons, the name of the county or city in Virginia or the state or country to which he is traveling; or

10. In the case of a person who is unable to go to the polls on the day of election because he is primarily and personally responsible for the care of an ill or disabled family member who is confined at home, his relationship to the family member; or

11. In the case of a person who is unable to go to the polls on the day of election because of an obligation occasioned by his religion, that he has an obligation occasioned by his religion; or

12. In the case of a person who, in the regular and orderly course of his business, profession, or occupation, will be at his place of work and commuting to and from his home to his place of work for 11 or more hours of the ~~13~~ 14 hours that the polls are open pursuant to § 24.2-603, the name of his business or employer and hours he will be at the workplace and commuting on election day; or

13. In the case of a law-enforcement officer, as defined in § 18.2-51.1; firefighter, as defined in § 65.2-102; volunteer firefighter, as defined in § 27-42; search and rescue personnel, as defined in § 18.2-51.1; or emergency medical services personnel, as defined in § 32.1-111.1, that he is a first responder; or

14. In the case of a person who has been designated by a political party, independent candidate, or candidate in a primary election to be a representative of the party or candidate inside a polling place on the day of the election pursuant to subsection C of § 24.2-604 and § 24.2-639, the fact that he is so designated; or

15. In the case of a person who has been granted a protective order issued by or under the authority of any court of competent jurisdiction, the name of the county or city in Virginia or the state of the issuing court.

D. An application shall not be required for any registered voter appearing in person to cast an absentee ballot during the period beginning on the second Saturday immediately preceding the election in which he is offering to vote.

2. That the provisions of this act shall not become effective unless reenacted by the 2021 Session of the General Assembly.

CHAPTER 721

An Act to amend the Code of Virginia by adding in Chapter 24 of Title 54.1 a section numbered 54.1-2409.5, relating to Department of Health Professions; conversion therapy prohibited.

[S 245]

Approved April 6, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 24 of Title 54.1 a section numbered 54.1-2409.5 as follows:

§ 54.1-2409.5. Conversion therapy prohibited.

A. As used in this section, "conversion therapy" means any practice or treatment that seeks to change an individual's sexual orientation or gender identity, including efforts to change behaviors or gender expressions or to eliminate or reduce sexual or romantic attractions or feelings toward individuals of the same gender. "Conversion therapy" does not include counseling that provides acceptance, support, and understanding of a person or facilitates a person's coping, social support, and identity exploration and development, including sexual-orientation-neutral interventions to prevent or address unlawful conduct or unsafe sexual practices, as long as such counseling does not seek to change an individual's sexual orientation or gender identity.

B. No person licensed pursuant to this subtitle or who performs counseling as part of his training for any profession licensed pursuant to this subtitle shall engage in conversion therapy with a person under 18 years of age. Any conversion therapy efforts with a person under 18 years of age engaged in by a provider licensed in accordance with the provisions of this subtitle or who performs counseling as part of his training for any profession licensed pursuant to this subtitle shall constitute unprofessional conduct and shall be grounds for disciplinary action by the appropriate health regulatory board within the Department of Health Professions.

2. That no state funds shall be expended for the purpose of conducting conversion therapy with a person under 18 years of age, referring a person under 18 years of age for conversion therapy, or extending health benefits coverage for conversion therapy with a person under 18 years of age.

CHAPTER 722

An Act to amend and reenact §§ 16.1-278.16, 20-79.1, 20-79.2, 20-79.3, 63.2-1900, 63.2-1903, 63.2-1929, 63.2-1944, and 63.2-1946 of the Code of Virginia, relating to withholding of income for child support; independent contractors.

[S 429]

Approved April 6, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 16.1-278.16, 20-79.1, 20-79.2, 20-79.3, 63.2-1900, 63.2-1903, 63.2-1929, 63.2-1944, and 63.2-1946 of the Code of Virginia are amended and reenacted as follows:

§ 16.1-278.16. Failure to comply with support obligation; payroll deduction; commitment.

In cases involving (i) the custody, visitation, or support of a child arising under subdivision A 3 of § 16.1-241, (ii) spousal support arising under subsection L of § 16.1-241, (iii) support, maintenance, care, and custody of a child or support and maintenance of a spouse transferred to the juvenile and domestic relations district court pursuant to § 20-79, or (iv) motions to enforce administrative support orders entered pursuant to Chapter 19 (§ 63.2-1900 et seq.) of Title 63.2, when the court finds that the respondent ~~(i)~~ (a) has failed to perform or comply with a court order concerning the custody and visitation of a child or a court or administrative order concerning the support and maintenance of a child or a court order concerning the support and maintenance of a spouse or ~~(ii)~~ (b) under existing circumstances, is under a duty to render support or additional support to a child or pay the support and maintenance of a spouse, the court may order a payroll deduction as provided in § 20-79.1, or the giving of a recognizance as provided in § 20-114. If the court finds that the respondent has failed to perform or comply with such order, and personal or substitute service has been obtained, the court may issue a civil show cause summons or a capias pursuant to this section. The court also may order the commitment of the person as provided in § 20-115 or the court may, in its discretion, impose a sentence of up to 12 months in jail, notwithstanding the provisions of §§ 16.1-69.24 and 18.2-458, relating to punishment for contempt. If the court finds that an employer, who is under a payroll deduction order pursuant to § 20-79.1, has failed to comply with such order after being given a reasonable opportunity to show cause why he failed to comply with such order, then the court may proceed to impose sanctions on the employer pursuant to subdivision ~~A~~ B 9 of § 20-79.3.

§ 20-79.1. Enforcement of support orders; income deduction; penalty for wrongful discharge.

A. For the purposes of this section, the terms "employee," "employer," "income," and "independent contractor" shall have the same meanings ascribed to them in § 63.2-1900.

B. As part of any order directing a person to pay child support, except for initial orders entered pursuant to § 20-79.2, or spousal support pursuant to this chapter or §§ 16.1-278.15 through 16.1-278.18, 20-103, 20-107.2, or § 20-109.1, or by separate order at any time thereafter, a court of competent jurisdiction may order a person's employer to deduct from the

amounts due or payable to such person, the entitlement to which is based upon income as defined in § 63.2-1900, the amount of current support due and an amount to be applied to arrearages, if any. ~~The terms "employer" and "income" shall have the meanings prescribed in § 63.2-1900.~~ The court shall order such income deductions (i) if so provided in a stipulation or contract signed by the party ordered to pay such support and filed with the pleadings or depositions, (ii) upon receipt of a notice of arrearages in a case in which an order has been entered pursuant to § 20-60.3, or (iii) upon a finding that the respondent is in arrears for an amount equal to one month's support obligation. The court may, in its discretion, order such payroll deduction (a) ~~based upon~~ *on the basis of* the obligor's past financial responsibility, history of prior payments pursuant to any such support order, and any other matter ~~which~~ *that* the court considers relevant in determining the likelihood of payment in accordance with the support order or (b) at the request of the obligor.

~~B.~~ C. Any income deduction order shall be entered upon motion and concurrent proper notice sent by the clerk or counsel. The notice shall cite this section. If the notice is sent by the clerk, it shall be served in accordance with the provisions of § 8.01-296 or 8.01-329, or sent by certified mail or by electronic means, including facsimile transmission, to the employer. An employer paying wages *or other income* subject to deduction shall deliver the notice to the person ordered to pay such support.

The notice shall advise the obligor (i) of the amount proposed to be withheld; (ii) that the order of the court will apply to current and future income; (iii) of the right to contest the order; (iv) that the obligor must file a written notice of contest of such deduction with the court within 10 days of the date of issuance of the notice; (v) that if the notice is contested, a hearing will be held and a decision rendered within 10 days from the receipt of the notice of contest by the court, unless good cause is shown for additional time, which shall in no event exceed ~~forty-five~~ 45 days from receipt of the notice by the obligor; (vi) that only disputes as to mistakes of fact as defined in § 63.2-1900 will be heard; (vii) that any order for income deduction entered will state when the deductions will start and the information that will be provided to the person's employer; and (viii) that payment of overdue support upon receipt of the notice shall not be a bar to the implementation of withholding.

Whenever the obligor and the obligee agree to income deductions in a contract or stipulation, the obligor shall be deemed to have waived notice as required in this subsection and the deduction shall be ordered only upon the stipulation or contract being approved by the court.

~~C.~~ D. The income deduction order of the court shall by its terms direct the clerk to issue an order in accordance with § 20-79.3 to any employer and, if required, to each future employer, as necessary to implement the order. The order shall cite this section as authority for the entry of the order.

~~D.~~ E. The rights and responsibilities of employers with respect to income deduction orders are set out in § 20-79.3.

~~E.~~ F. The order to the employer pursuant to this section shall be effective when a certified copy thereof has been served upon or sent to the employer by electronic means, including facsimile transmission. A copy shall be provided to the employee *or independent contractor* by the employer. If the employer is a corporation, such service shall be accomplished as is provided in § 8.01-513.

~~F.~~ G. Any order issued pursuant to this section shall be promptly terminated or modified, as appropriate, after notice and an opportunity for a hearing for the parties when (i) the whereabouts of the children entitled to support and their custodian become unknown, or (ii) the support obligation to an obligee ceases. Any such order shall be promptly modified, as appropriate, when arrearages have been paid in full.

~~G.~~ H. The Department of Social Services may charge an obligee an appropriate fee when complying with an order entered under this section sufficient to cover the Department's cost.

~~H.~~ I. If a court of competent jurisdiction in any state or territory of the United States or the District of Columbia has ordered a person to pay child support, a court of competent jurisdiction in ~~this~~ *the* Commonwealth, upon motion, notice, and opportunity for a hearing as provided in this section, shall enter an income deduction order, conforming with § 20-79.3 as provided in this section. The rights and responsibilities of the employer with respect to the order are set out in § 20-79.3. Similar orders of the courts of ~~this~~ *the* Commonwealth may be enforced in a similar manner in such other state, territory, or district.

~~I.~~ ~~The~~ J. *If the employee is not an independent contractor, the court or clerk shall attempt to ascertain the obligor's pay period interval prior to service of the clerk's order. If, after the order is served, the employer replies to the court that the pay period interval in the income deduction order differs from the obligor's pay period interval, the clerk shall convert the single monetary amount in the income deduction order to an equivalent single monetary amount for the obligor's pay period interval pursuant to a formula approved by the Committee on District Courts. The equivalent single monetary amount shall be contained in a new order issued by the clerk and served on the employer and which conforms to § 20-79.3.*

~~J.~~ K. If the Department of Social Services or the Department's designee receives payments deducted from income of the obligor pursuant to more than one judicial order or a combination of judicial and administrative orders, the Department or the Department's designee shall first allocate such payments among the obligees under such orders with priority given to payment of the order for current support. Where payments are received pursuant to two or more orders for current support, the Department or the Department's designee shall prorate the payments received on the basis of the amounts due under each such order. Upon satisfaction of any amounts due for current support the Department or the Department's designee shall prorate the remainder of the payments received on the basis of amounts due under any orders for accrued arrearages.

§ 20-79.2. Immediate income deduction; income withholding.

A. For the purposes of this section, the terms "employer" and "income" shall have the same meanings ascribed to them in § 63.2-1900.

B. Every initial order entered on or after July 1, 1995, directing a person to pay child support shall include a provision for immediate withholding from the income of the obligor for the amount of the support order, plus an amount for the liquidation of arrearages, if any, unless the obligor and either the obligee or the Department on behalf of the obligee, agree in writing to an alternative payment arrangement or one of the parties demonstrates and the court finds good cause for not imposing immediate withholding. In determining whether good cause is shown, the court shall consider the obligor's past financial responsibility, history of prior payment under any support order, and any other matter that the court considers relevant to the likelihood of payment in accordance with the support order. An alternative payment arrangement may include but is not limited to, a voluntary income assignment pursuant to § 20-79.1 or § 63.2-1945.

An order ~~which~~ *that* modifies an initial order may include a provision for immediate income withholding.

The total amount withheld shall not exceed the maximum amount permitted under § 34-29.

A withholding order issued to an obligor's employer pursuant to this section shall conform to § 20-79.3. The rights and obligations of the employer with respect to the order are set out in § 20-79.3. The order shall direct the employer to forward payments to the Department for recording and disbursement to the obligee, or as otherwise required by law. The Department shall not charge a fee for recording and disbursing payments when it is providing support enforcement services to the obligee pursuant to § 63.2-1904 or § 63.2-1908.

§ 20-79.3. Information required in income deduction order.

A. For the purposes of this section, the terms "employee," "employer," "income," and "independent contractor" shall have the same meanings ascribed to them in § 63.2-1900.

B. Orders for withholding from the income of an employee or independent contractor shall state and include the following:

1. The name and correct social security number of the obligor and the name and correct address of the payee;

2. That the employer shall withhold and pay out of the disposable income as defined in § 63.2-100, a single monetary amount or the maximum amount permitted under § 34-29, whichever is less, for each regular pay period of the obligor and *such* payment may be by check. ~~The terms "employer" and "income" shall have the meanings prescribed in § 63.2-1900~~ *If the employee is an independent contractor, then the order shall state that the employer shall withhold and pay out of the obligor's income a single monetary amount or the maximum amount permitted under § 34-29, whichever is less, for each instance of compensation of the obligor, once the aggregate amount of remuneration reaches \$600 or more in a calendar year, and such payment may be by check;*

3. That the income deduction shall begin with the next regular pay period of the obligor following service of the order on the employer, and payment shall be made at regular intervals consistent with the pay periods of the obligor, *or, if the obligor is an independent contractor, the order shall begin with the next instance of compensation of the obligor, and payment shall be made at each instance of compensation of the obligor;*

4. A statement of the maximum percentage under § 34-29 ~~which~~ *that* may be withheld from the obligor's disposable income;

5. That, to the extent required by the provisions for health care coverage contained in the order, the employer shall (i) enroll the employee, the employee's spouse or former spouse, and the employee's dependent children listed in the order as covered persons in a group health insurance plan or other similar plan providing health care services or coverage offered by the employer, without regard to enrollment season restrictions, if the subject spouse, former spouse, or children are eligible for such coverage under the employer's enrollment provisions; and (ii) deduct any required premiums from the employee's income to pay for the insurance. If more than one plan is offered by the employer, the spouse, former spouse, or children shall be enrolled prospectively in the insurance plan in which the employee is enrolled or, if the employee is not enrolled, in the least costly plan otherwise available. The employer shall also enroll the children of an employee in the appropriate health coverage plan upon application by the children's other parent or legal guardian or upon application by the Department of Medical Assistance Services. In each case ~~which~~ *that* is being enforced by the Department of Social Services, the employer shall respond to such orders by advising the Department in which plan the children are enrolled or if the children are ineligible for any plan through the employer. The order to the employer shall specify either support withholdings or insurance premium deductions as having priority for the duration of the order in the event the maximum total deduction permitted at any time by § 34-29 is insufficient to fully cover both; the employer shall consider and direct insurance premium deductions and support withholdings the same for purposes of § 34-29. The employer shall not be held liable for any medical expenses incurred on behalf of the spouse, former spouse, or dependent children because of the employer's failure to enroll the spouse, former spouse, or dependent children in a health care plan after being directed to do so by a court or the Department. The employer shall not be obligated to subsequently make or change such enrollment if the group health insurance plan or other factors change after the spouse's, former spouse's, or child's eligibility or ineligibility for coverage is initially determined in response to the order for withholding. However, the employer shall not disenroll such children unless the employer (i) is provided satisfactory written evidence that such court or administrative order is no longer in effect, (ii) is provided satisfactory written evidence that the children are or will be enrolled in a comparable health coverage plan ~~which~~ *that* will take effect not later than the effective date of such disenrollment, or (iii) has eliminated family health coverage for all of its employees. A one-time fee of no more than ~~five dollars~~ \$5 may be charged by the employer to the employee for the administration of this requirement;

6. That a fee of ~~five dollars~~ \$5 for each reply or remittance on account of the obligor may be charged by the employer and withheld from the obligor's income in addition to the support amount to be withheld; however, child support withholding amounts collected from unemployment insurance benefits shall not be subject to this fee;

7. That the order is binding upon the employer and obligor and withholding is to continue until further notice by order of the court or the Department is served, or the obligor is no longer employed, whichever occurs first;

8. That the order shall have priority over any other types of liens created by state law against such income, except that if there is more than one court or administrative order for withholding for support against an obligor, the employer shall prorate among the orders based upon the current amounts due pursuant to more than one judicial or administrative order or a combination thereof, with any remaining amounts prorated among the accrued arrearages, if any, to the extent that the amounts withheld, when combined, do not exceed the maximum limits imposed under § 34-29 as specified in the order being honored;

9. That the obligor's rights are protected pursuant to § 63.2-1944 and that no employer shall discharge any employee, take disciplinary action against an employee, or *terminate a contract with* or refuse to employ a person by reason of the fact that his income has been made subject to a deduction pursuant to Chapter 19 (§ 63.2-1900 et seq.) of Title 63.2 or § 20-79.1 or 20-79.2 and an employer who discharges or takes disciplinary action against an employee, or *terminates a contract with* or refuses to employ any person because of an order for withholding under these sections shall be liable for a civil fine of not more than \$1,000;

10. The address to which the withholding is to be sent at the Department of Social Services and the case number, if available;

11. That the employer shall be liable for payments ~~which~~ *that* he fails to withhold or mail as specified in the order;

12. That employers shall remit payments on each regular pay date of the obligor, *or instance of compensation if the obligor is an independent contractor*, or, if electronic funds transfer is used, within four days of the pay date, directly to the Division of Child Support Enforcement for disbursement. All employers with at least 100 employees and all payroll processing firms with at least 50 clients shall remit payments by electronic funds transfer;

13. That the employer shall be deemed to have complied with the order by (i) mailing on each regular pay date of the obligor, *or instance of compensation if the obligor is an independent contractor*, to the Department, by first-class mail, any amount required to be deducted or (ii) ~~by~~ submitting such amounts by electronic funds transfer transmitted within ~~four~~ *four* days of the obligor's regular pay date *or instance of compensation*;

14. That the employer and obligor shall notify the Department promptly when the obligor terminates employment and shall provide the last known address of the obligor and name and address of the new employer, if known;

15. That amounts withheld from multiple employees identified as such by (i) amount, (ii) name, (iii) social security number, (iv) case number if provided in the order, and (v) date payment was withheld from obligor's income, may be combined into a single payment when payable to the same payee;

16. No order or directive shall require employers of 10,000 or more employees to make payments other than by combined single payment to the Department's central office in Richmond, without the employer's express written consent, unless the order is from a support enforcement agency outside the Commonwealth;

17. Payment pursuant to an order issued under this section shall serve as full acquittance of the employer under any contract of employment;

18. Notice that any employer who fails to timely withhold payments pursuant to this section shall be liable for any amount not timely withheld;

19. That the employer shall provide to the employee *or independent contractor* a copy of the withholding order and the notice to the employee sent by the court.

~~B. C.~~ If the employer receives an order that (i) does not contain the obligor's correct social security number, (ii) does not specify a single monetary amount to be withheld per regular pay period interval of the obligor, *unless the obligor is an independent contractor or the order is for lump sum withholding*, (iii) does not state the maximum percentage ~~which~~ *that* may be withheld pursuant to § 34-29, (iv) contains information ~~which~~ *that* is in conflict with the employer's current payroll records, or (v) orders payment to an entity other than to the Department of Social Services or the Department's designee, the employer may deposit in the mail or otherwise file a reply to that effect within five business days from service of such order. The order shall be void from transmission or filing of such reply unless the court or the Department, as applicable, finds that the reply is materially false. In addition, an employer of 10,000 or more persons may also file a reply, with like effect, if payment is ordered other than by combined single payment in the case of withholdings from multiple employees to the Department's central office in Richmond, without the employer's express written consent, unless the order is from a support enforcement agency outside the Commonwealth.

§ 63.2-1900. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Administrative order" or "administrative support order" means a noncourt-ordered legally enforceable support obligation having the force and effect of a support order established by the court.

"Assignment of rights" means the legal procedure whereby an individual assigns support rights to the Commonwealth on behalf of a dependent child or spouse and dependent child.

"Authorization to seek or enforce a support obligation" means a signed authorization to the Commonwealth to seek or enforce support on behalf of a dependent child or a spouse and dependent child or on behalf of a person deemed to have submitted an application by operation of law.

"Cash medical support" means the proportional amount the court or the Department shall order both parents to pay toward reasonable and necessary unreimbursed medical or dental expenses pursuant to subsection D of § 20-108.2.

"Court order" means any judgment or order of any court having jurisdiction to order payment of support or an order of a court of comparable jurisdiction of another state ordering payment of a set or determinable amount of support moneys.

"Custodial parent" means the natural or adoptive parent with whom the child resides; a stepparent or other person who has physical custody of the child and with whom the child resides; or a local board that has legal custody of a child in foster care.

"Debt" means the total unpaid support obligation established by court order, administrative process or by the payment of public assistance and owed by a noncustodial parent to either the Commonwealth or to his dependent(s).

"Department-sponsored health care coverage" means any health care coverage that the Department may make available through a private contractor for children receiving child support services from the Department.

"Dependent child" means any person who meets the eligibility criteria set forth in § 63.2-602, whose support rights have been assigned or whose authorization to seek or enforce a support obligation has been given to the Commonwealth and whose support is required by Titles 16.1 and 20.

"Electronic means" means service of a required notice by the Department through its secure online child support portal to any person who has agreed to accept service through the portal and has created a user account. The portal shall record and maintain the date and time service is accepted by the user.

"Employee" means any individual receiving income.

"Employer" means the source of any income.

"Financial institution" means a depository institution, an institution-affiliated party, any federal credit union or state credit union including an institution-affiliated party of such a credit union, and any benefit association, insurance company, safe deposit company, money market mutual fund, or similar entity authorized to do business in ~~this~~ the Commonwealth.

"Financial records" includes, but is not limited to, records held by employers showing income, profit sharing contributions and benefits paid or payable and records held by financial institutions, broker-dealers and other institutions and entities showing bank accounts, IRA and separate contributions, gross winnings, dividends, interest, distributive share, stocks, bonds, agricultural subsidies, royalties, prizes and awards held for or due and payable to a responsible person.

"Foreign support order" means any order issued outside of the Commonwealth by a court or tribunal as defined in § 20-88.32.

"Health care coverage" means any plan providing hospital, medical or surgical care coverage for dependent children provided such coverage is available and can be obtained by a parent, parents, or a parent's spouse at a reasonable cost.

"Income" means any periodic *or other* form of payment due an individual from any source and shall include, but not be limited to, income from salaries, wages, commissions, royalties, bonuses, dividends, severance pay, payments pursuant to a pension or retirement program, interest, trust income, annuities, capital gains, social security benefits, workers' compensation benefits, unemployment insurance benefits, disability insurance benefits, veterans' benefits, spousal support, net rental income, gifts, prizes or awards.

"Independent contractor" means an individual who (i) provides any service performed for remuneration or under any contract of hire, written or oral, express or implied, and (ii) is not an employee pursuant to the definition of "employment" in § 60.2-212.

"Mistake of fact" means an error in the identity of the payor or the amount of current support or arrearage.

"Net income" means that income remaining after the following deductions have been taken from gross income: federal income tax, state income tax, federal income compensation act benefits, any union dues where collection thereof is required under federal law, and any other amounts required by law.

"Noncustodial parent" means a responsible person who is or may be obligated under Virginia law for support of a dependent child or child's caretaker.

"Obligee" means (i) an individual to whom a duty of support is or is alleged to be owed or in whose favor a support order has been issued or a judgment determining parentage has been rendered, (ii) a state or political subdivision to which the rights under a duty of support or support order have been assigned or that has independent claims based on financial assistance provided to an individual obligee, or (iii) an individual seeking a judgment determining parentage of the individual's child.

"Obligor" means an individual, or the estate of a decedent, who (i) owes or is alleged to owe a duty of support, (ii) is alleged but has not been adjudicated to be a parent of a child, or (iii) is liable under a support order.

"Payee" means any person to whom spousal or child support is to be paid.

"Reasonable cost" pertaining to health care coverage for dependent children means available, in an amount not to exceed five percent of the parents' combined gross income, and accessible through employers, unions, or other groups, or Department-sponsored health care coverage, without regard to service delivery mechanism; unless the court deems otherwise in the best interests of the child or by agreement of the parties.

§ 63.2-1903. Authority to issue certain orders; civil penalty.

A. In the absence of a court order, the Department shall have the authority to issue orders directing the payment of child; and child and spousal support and, if available at reasonable cost as defined in § 63.2-1900, to require a provision for health care coverage, including Department-sponsored health care coverage, or cash medical support, or both, for dependent children of the parents, which shall include the requirements specified for employers pursuant to subdivision A B 5 of § 20-79.3. The Department shall have the authority to make available Department-sponsored health care coverage for children receiving child support services from the Department. If health care coverage is unavailable at a reasonable cost, as defined in § 63.2-1900, or inaccessible to either parent, the Department shall refer the dependent children to the Family Access to Medical Insurance Security plan pursuant to § 32.1-351. However, prior to referring the dependent children to the Family Access to Medical Insurance Security plan, the Department shall confirm that neither parent has access to health care coverage at a reasonable cost for the dependent children. If a child is enrolled in Department-sponsored health care coverage, the Department shall collect the cost of the coverage pursuant to subsection E of § 20-108.2.

In ordering the payment of child support, the Department shall set such support at the amount resulting from computation pursuant to the guideline set out in § 20-108.2, subject to the provisions of § 63.2-1918.

B. When a payee, ~~as defined in § 63.2-1900~~, no longer has physical custody of a child, the Department shall have the authority to redirect child support payments to a custodial parent who has physical custody of the child when an assignment of rights has been made to the Department or an application for services has been made by such custodial parent with the Division of Child Support Enforcement.

C. The Department shall have the authority, upon notice from the Department of Medical Assistance Services, to use any existing enforcement mechanisms provided by this chapter to collect the wages, salary, or other employment income or to withhold amounts from state tax refunds of any obligor who has not used payments received from a third party to reimburse, as appropriate, either the other parent of such child or the provider of such services, to the extent necessary to reimburse the Department of Medical Assistance Services.

D. The Department may order the obligor and payee to notify each other or the Department upon request of current gross income as defined in § 20-108.2 and any other pertinent information ~~which~~ *that* may affect child support amounts. For good cause shown, the Department may order that such information be provided to the Department and made available to the parties for inspection in lieu of the parties' providing such information directly to each other. The Department shall record the social security number of each party or control number issued to a party by the Department of Motor Vehicles pursuant to § 46.2-342 in the Department's file of the case.

E. The Department shall develop procedures governing the method and timing of periodic review and adjustment of child support orders established or enforced or both pursuant to Title IV-D of the Social Security Act, as amended. If there is an assignment under Title IV-A of the Social Security Act or at the request of either parent subject to the order, the Department shall initiate a review of such order every three years without requiring proof or showing of a change in circumstances; and shall initiate appropriate action to adjust such order in accordance with the provisions of § 20-108.2 and subject to the provisions of § 63.2-1918.

F. In order to provide essential information for whatever establishment or enforcement actions are necessary for the collection of child support, the Commissioner, the Director of the Division of Child Support Enforcement, and district managers of Division of Child Support Enforcement offices shall have the right to (i) subpoena financial records of, or other information relating to, the noncustodial parent and obligee from any person, firm, corporation, association, or political subdivision or department of the Commonwealth and (ii) summons the noncustodial parent and obligee to appear in the Division's offices. The Commissioner, Director, and district managers may also subpoena copies of state and federal income tax returns. The district managers shall be trained in the correct use of the subpoena process prior to exercising subpoena authority. A civil penalty not to exceed \$1,000 may be assessed by the Commissioner for a failure to respond to a subpoena issued pursuant to this subsection.

G. In the absence of a court order, the Department may establish an administrative support order on an out-of-state obligor pursuant to subdivision A 8 or ~~A 9~~ of § 8.01-328.1 or § 20-88.35. The Department may also take action to enforce an administrative or court order on an out-of-state obligor. Service of such actions shall be in accordance with the provisions of § 8.01-296, 8.01-327 or 8.01-329 or by certified mail, return receipt requested, or electronic means in accordance with § 63.2-1917.

H. If a support order has been issued in another state but the obligor, the obligee, and the child now live in the Commonwealth, the Department may (i) enforce the order without registration, using all enforcement remedies available under this chapter, and (ii) register the order in the appropriate tribunal of the Commonwealth for enforcement or modification.

§ 63.2-1929. Orders to withhold and to deliver property of debtor; issuance and service; contents; right to appeal; answer; effect; delivery of property; bond to release; fee; exemptions.

A. After notice containing an administrative support order has been served or service has been waived or accepted, an opportunity for a hearing has been exhausted, and a copy of the order furnished as provided for in § 63.2-1916, or whenever a court order for child or child and spousal support has been entered, the Commissioner is authorized to issue to any person, firm, corporation, association, *or* political subdivision or department of the Commonwealth; orders to withhold and to deliver property of any kind, including, but not restricted to, income of the debtor, when the Commissioner has reason to believe that there is in the possession of such person, firm, corporation, association, *or* political subdivision or department of the Commonwealth; property that is due, owing, or belonging to such debtor. The orders to withhold and to deliver shall

take priority over all other debts and creditors under state law of such debtor, including the proceeds or anticipated proceeds of a personal injury or wrongful death award or settlement, except that the Department's lien shall be inferior to those liens created under § 8.01-66.2 or § 8.01-66.9, any statutory right of subrogation accruing to a health insurance provider, and the lien of the attorney representing the injured person in the personal injury or wrongful death action. However, orders to withhold and to deliver shall not take priority with respect to a prior payroll deduction or income withholding order pursuant to §§ 20-79.1, 20-79.2, 63.2-1923, or § 63.2-1924. The Department shall have the sole authority to negotiate settlement of its liens. Settlement of the Department's support liens does not affect the remaining support arrearages.

B. The order to withhold shall also be served upon the debtor within a reasonable time thereafter, and shall state the amount of the support debt accrued. The order shall state in summary the terms of §§ 63.2-1925 and 63.2-1930 and shall be served in the manner prescribed for the service of a warrant in a civil action, by certified mail, return receipt requested, or by electronic means. The order to withhold shall advise the debtor that this order has been issued to cause the property of the debtor to be taken to satisfy the debt and advise of property that may be exempted from this order. The order shall also advise the debtor of a right to appeal such order based upon a mistake of fact and that if no appeal is made within 10 days of being served, his property is subject to be taken.

C. If the debtor believes such property is exempt from this debt, within 10 days of the date of service of the order to withhold, the debtor may file an appeal to the Commissioner stating any exemptions that may be applicable. If the Commissioner receives a timely appeal, a hearing shall be promptly scheduled before a hearing officer upon reasonable notice to the obligee. The Commissioner may delegate authority to conduct the hearing to a duly qualified hearing officer who shall consider the debtor's appeal. Action by the Commissioner under the provisions of this chapter to collect such support debt shall be valid and enforceable during the pendency of any appeal.

The decision of the hearing officer shall be in writing and shall set forth the debtor's rights to appeal an adverse decision of the hearing officer pursuant to § 63.2-1943. The decision shall be served upon the debtor in accordance with the provisions of § 8.01-296, 8.01-327, or 8.01-329, mailed to the debtor at his last known address by certified mail, return receipt requested, or provided by electronic means or service may be waived. A copy of such decision shall also be provided to the obligee. Such decision shall establish whether the debtor's property is exempt under state or federal laws and regulations.

D. Any person, firm, corporation, association, *or* political subdivision or department of the Commonwealth upon whom service has been made is hereby required to answer such order to withhold within 10 days, exclusive of the day of service, under oath and in writing, and shall file true answers to the matters inquired of therein. In the event *that* there is in the possession of any such person, firm, corporation, association, *or* political subdivision or department of the Commonwealth, any property that may be subject to the claim of the Department, such property shall be withheld immediately upon receipt of the order to withhold, together with any additional property received by such person, firm, corporation, association, *or* political subdivision, *or* department of the Commonwealth valued up to the amount of the order until receipt of an order to deliver or release. The property shall be delivered to the Commissioner upon receipt of an order to deliver; however, distribution of the property shall not be made during pendency of all appeals. Where money is due and owing under any contract of employment, express or implied, or is held by any person, firm, corporation, ~~or~~ association, *or* political subdivision or department of the Commonwealth subject to withdrawal by the debtor, such money shall be delivered by remittance payable to the order of the Treasurer of Virginia. The person, firm, corporation, *association, or* political subdivision or department of the Commonwealth herein specified shall be entitled to receive from such debtor a fee of \$5 for each answer or remittance on account of such debtor. The foregoing is subject to the exemptions contained in §§ 63.2-1925 and 63.2-1933.

E. Delivery to the Commissioner shall serve as full acquittance and the Commonwealth warrants and represents that it shall defend and hold harmless for such actions persons delivering money or property to the Commissioner pursuant to this chapter.

F. An order issued to an employer for withholding from the earnings of an employee *or independent contractor* pursuant to this section shall conform to § 20-79.3. The rights and obligations of an employer with respect to the order are set out in § 20-79.3.

§ 63.2-1944. Employee debtor rights protected; limitation.

No employer shall discharge an employee *or terminate a contract with an independent contractor solely* for reason that a voluntary assignment of earnings under § 63.2-1945 has been presented in settlement of a support debt or that a support lien or order to withhold and deliver has been served against such employee's *or independent contractor's* earnings *or income*.

§ 63.2-1946. Virginia New Hire Reporting Center; State Directory of New Hires; reporting by employers.

A. For the purposes of this section:

"New independent contractor" means an independent contractor who (i) has not previously had a contract with an employer or (ii) had previously entered into a contract and has received a payment pursuant to the agreement after receiving no payments for at least 60 consecutive days.

"Newly hired employee" means an individual in employment, as defined in § 60.2-212, who (i) has not previously been in the employment of the employer or (ii) was previously in the employment of the employer but has been separated from such prior employment for at least 60 consecutive days.

B. The Virginia New Hire Reporting Center shall be operated under the authority of the Division of Child Support Enforcement. The Center shall operate and maintain the Virginia State Directory of New Hires. The Center is authorized to share information with the Virginia Employment Commission.

~~B. C.~~ Each employing unit shall submit information concerning each newly hired employee, as defined in subsection ~~H.~~ to the Center within 20 days of the employment, as defined in § 60.2-212, of the newly hired employee. The information shall include the items required by § 453A of the Social Security Act, 42 U.S.C. § 653a, as amended.

~~C. D.~~ Any employer that contracts with an independent contractor shall submit information concerning each new independent contractor to the Center within 20 days of the start of the contract. The information shall include items required by § 453A of the Social Security Act, 42 U.S.C. § 653a, as amended.

E. Employers who transmit such reports magnetically or electronically shall, if necessary, report by two monthly transmissions not less than 12 days nor more than 16 days apart. Employers that have employees who are employed in or independent contractors who are contracted to provide services in two or more states and that transmit reports magnetically or electronically may comply by designating one state in which such employer has employees or independent contractors to which the employer will transmit the report and transmitting such report to such state. Such employers shall notify the federal Secretary of Health and Human Services in writing as to which state is designated for the purpose of sending reports and shall provide a copy of that notification to the Virginia New Hire Reporting Center.

~~D. F.~~ Employers shall not report an employee or independent contractor of a state agency performing intelligence or counterintelligence functions, if the head of such agency has determined that such reporting could endanger the safety of the employee or independent contractor or compromise an ongoing investigation or intelligence mission.

E. G. Information to be provided shall include only that information that is required by federal law. This information may be provided by mailing a copy of the employee's W-4 form or the independent contractor's W-9 form, transmitting information magnetically or electronically in the prescribed format or by any other means determined by the Virginia New Hire Reporting Center to result in timely reporting. Within three business days after the date information regarding a newly hired employee or new independent contractor is entered into the Virginia State Directory of New Hires, the Center shall furnish the information to the National Directory of New Hires established under § 453(i) of the Social Security Act, as amended.

~~F. H.~~ The Division of Child Support Enforcement shall use information received pursuant to this section to locate individuals for purposes of establishing paternity and establishing, modifying, and enforcing child support obligations; and may disclose such information in accordance with existing law to carry out such purposes. The Division shall have access to information reported by employers pursuant to this section.

~~G. I.~~ The Board shall have the authority to adopt regulations as necessary, consistent with the federal law and its implementing regulations, to administer this provision, including any exemptions and waivers which that are needed to reduce unnecessary or burdensome reporting.

H. As used in this section, "newly hired employee" means an individual in employment, as defined in § 60.2-212, who (i) has not previously been in the employment of the employer or (ii) was previously in the employment of the employer but has been separated from such prior employment for at least 60 consecutive days.

2. That any employer required to submit information concerning each new independent contractor, as defined in § 63.2-1946 of the Code of Virginia, as amended by this act, pursuant to the provisions of this act shall submit a report to the Virginia New Hire Reporting Center by September 1, 2020, that includes information for all current independent contractors.

3. That nothing in this act shall be construed to define or redefine "independent contractor" under the common law or for any purpose other than the withholding of income of an independent contractor for the payment of a support obligation.

CHAPTER 723

An Act to amend and reenact §§ 63.2-1701 and 63.2-1702 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 37.2-405.2, relating to group homes and children's residential facilities; licensure; certain information required.

[H 597]

Approved April 6, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 63.2-1701 and 63.2-1702 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 37.2-405.2 as follows:

§ 37.2-405.2. Certain information required of applicants to operate a licensed service.

A. Every applicant for licensure to establish, conduct, maintain, or operate or continue to operate a licensed service in the Commonwealth shall submit, together with an application for licensure:

1. A working budget showing projected revenue and expenses for the first year of operation, including a revenue plan;

2. Documentation of working capital to include (i) documentation of funds or a line of credit in the name of the applicant or owner sufficient to cover at least 90 days of operating expenses if the provider is a corporation, an

unincorporated organization or association, a sole proprietor, or a partnership or (ii) appropriated revenue if the provider is a state or local government agency, board, or commission;

3. Documentation of authority to conduct business in the Commonwealth;

4. A statement of (i) the legal name of the applicant and, if the applicant is an association, partnership, limited liability company, or corporation, the names and addresses of its officers, agents, sponsors, partners, shareholders, or members and (ii) the legal name under which the applicant, any entity that operates group homes that is affiliated with or under common ownership or control with the applicant, and any entity that operates group homes and that is affiliated with or under common ownership or control with any officer, agent, sponsor, partner, shareholder or member of the applicant to which a license to operate a service has been issued in any other state, together with a list of the states in which such licenses have been issued and the dates for which such licenses were issued;

5. A statement of any previous revocation, suspensions, or sanction comparable to those set forth in § 37.2-419 against any license to operate a service issued to the applicant or any entity affiliated with the applicant in any other state, including the dates and descriptions of such disciplinary actions or sanctions;

6. A description of the specific services to be offered by the applicant including such elements as may be specified by the Department in regulations;

7. A staffing plan, including information regarding employee credentials and job descriptions, containing such elements as may be specified by the Department in regulations;

8. Operating policies that contain such elements as may be specified by the Department in regulations; and

9. Any additional documentation as may be required by the Department.

B. The Commissioner may refuse to grant a license to any application who fails or refuses to provide any information required to be submitted pursuant to subsection A.

§ 63.2-1701. Licenses required; issuance, expiration, and renewal; maximum number of residents, participants or children; posting of licenses.

A. As used in this section, "person" means any individual; corporation; partnership; association; limited liability company; local government; state agency, including any department, institution, authority, instrumentality, board, or other administrative agency of the Commonwealth; or other legal or commercial entity that operates or maintains a child welfare agency, adult day care center, or assisted living facility.

B. Every person who constitutes, or who operates or maintains, an assisted living facility, adult day care center, or child welfare agency shall obtain the appropriate license from the Commissioner, which may be renewed. However, no license shall be required for an adult day care center that provides services only to individuals enrolled in a Programs of All-Inclusive Care for the Elderly program operated in accordance with an agreement between the provider, the Department of Medical Assistance Services and the Centers for Medicare and Medicaid Services. The Commissioner, upon request, shall consult with, advise, and assist any person interested in securing and maintaining any such license. Each application for a license shall be made to the Commissioner, in such form as he may prescribe. It shall contain the name and address of the applicant and, if the applicant is an association, partnership, limited liability company, or corporation, the names and addresses of its officers and agents. The application shall also contain a description of the activities proposed to be engaged in and the facilities and services to be employed, together with other pertinent information as the Commissioner may require. *In the case of an application for licensure as a children's residential facility, the application shall also contain information regarding any complaints, enforcement actions, or sanctions against a license to operate a children's residential facility held by the applicant in another state.*

C. The licenses shall be issued on forms prescribed by the Commissioner. Any two or more licenses may be issued for concurrent operation of more than one assisted living facility, adult day care center, or child welfare agency, but each license shall be issued upon a separate form. Each license and renewals thereof for an assisted living facility, adult day care center, or child welfare agency may be issued for periods of up to three successive years, unless sooner revoked or surrendered. Licenses issued to child day centers under this chapter shall have a duration of two years from date of issuance.

D. The length of each license or renewal thereof for an assisted living facility shall be based on the judgment of the Commissioner regarding the compliance history of the facility and the extent to which it meets or exceeds state licensing standards. On the basis of this judgment, the Commissioner may issue licenses or renewals thereof for periods of six months, one year, two years, or three years.

E. The Commissioner may extend or shorten the duration of licensure periods for a child welfare agency whenever, in his sole discretion, it is administratively necessary to redistribute the workload for greater efficiency in staff utilization.

F. Each license shall indicate the maximum number of persons who may be cared for in the assisted living facility, adult day care center, or child welfare agency for which it is issued.

G. The license and any other documents required by the Commissioner shall be posted in a conspicuous place on the licensed premises.

H. Every person issued a license that has not been suspended or revoked shall renew such license prior to its expiration.

§ 63.2-1702. Investigation on receipt of application.

Upon receipt of the application, the Commissioner shall cause an investigation to be made of the activities, services, and facilities of the applicant and of his character and reputation or, if the applicant is an association, partnership, limited liability company, or corporation, the character and reputation of its officers and agents, and upon receipt of the initial application, an investigation of the applicant's financial responsibility. The financial records of an applicant shall not be

subject to inspection if the applicant submits an operating budget and at least one credit reference. In the case of child welfare agencies and assisted living facilities, the character and reputation investigation upon application shall include background checks pursuant to §§ 63.2-1721 and 63.2-1721.1; however, a children's residential facility shall comply with the background check requirements contained in § 63.2-1726. *In the case of a children's residential facility, the character and reputation investigation shall also include consideration of any complaints, enforcement actions, or sanctions against a license to operate a children's residential facility held by the applicant in another state.* Records that contain confidential proprietary information furnished to the Department pursuant to this section shall be exempt from disclosure pursuant to subdivision 4 of § 2.2-3705.5.

CHAPTER 724

An Act to amend the Code of Virginia by adding a section numbered 32.1-77.1, relating to doulas; certification.

[H 687]

Approved April 6, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 32.1-77.1 as follows:

§ 32.1-77.1. State-certified doulas; certification.

A. As used in this section, "state-certified doula" means a trained, community-based nonmedical professional who provides continuous physical, emotional, and informational support to a pregnant person during the antepartum or intrapartum period or during the period up to one year postpartum and who has been certified by a body approved by the Board for such purpose in accordance with the provisions of this section.

B. No person shall use or assume the title "state-certified doula" unless such person is a community-based doula who (i) has received training and education as a doula from an entity approved by a body approved by the Board for such purpose and (ii) has been certified as a doula by a body approved by the Board for such purpose.

C. No entity shall hold itself out as providing training and education necessary to meet the requirements of clause (i) of subsection B unless its curriculum and training program has been approved by a body approved by the Board for such purpose.

D. The Board shall adopt regulations setting forth the requirements for (i) use of the title "state-certified doula" and (ii) training and education necessary to satisfy the requirements for certification by the Department as a state-certified doula.

E. Notwithstanding the provisions of subsection B, a person who is certified by a national credentialing organization that is approved by a body approved by the Board for such purpose who does not meet the requirements of clause (i) of subsection B shall also be eligible for state certification.

F. Certification requirements for state-certified doulas shall reflect national best practices pertaining to community-based doula training and certification.

G. The Department shall make a registry of state-certified doulas in the Commonwealth available to the public through a body approved by the Board to certify doulas. The Department shall also make a list of entities approved to provide training and education necessary to meet the requirements of clause (i) of subsection B available to the public through a body approved by the Board to certify doulas.

H. Nothing in this section shall prohibit any person from practicing as a doula in the Commonwealth, regardless of whether such person is certified in accordance with the provisions of this act.

CHAPTER 725

An Act to amend the Code of Virginia by adding in Chapter 5 of Title 32.1 an article numbered 8, consisting of sections numbered 32.1-162.15:2 through 32.1-162.15:11, by adding in Article 1 of Chapter 29 of Title 54.1 a section numbered 54.1-2910.5, and by adding in Article 2 of Chapter 30 of Title 54.1 a section numbered 54.1-3018.2, relating to treatment of sexual assault survivors; requirements.

[H 808]

Approved April 6, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 5 of Title 32.1 an article numbered 8, consisting of sections numbered 32.1-162.15:2 through 32.1-162.15:11, by adding in Article 1 of Chapter 29 of Title 54.1 a section numbered 54.1-2910.5, and by adding in Article 2 of Chapter 30 of Title 54.1 a section numbered 54.1-3018.2 as follows:

Article 8.

Services for Survivors of Sexual Assault.

§ 32.1-162.15:2. Definitions.

"Anonymous physical evidence recovery kit" has the same meaning as in § 19.2-11.5.

"Approved pediatric health care facility" means a pediatric health care facility for which a plan for the delivery of services to pediatric survivors of sexual assault has been approved pursuant to § 32.1-162.15:6.

"Board" means the Board of Health.

"Department" means the Department of Health.

"Emergency contraception" means medication approved by the U.S. Food and Drug Administration that can significantly reduce the risk of pregnancy if taken within 72 hours after sexual assault.

"Follow-up health care" means any physical examination, laboratory tests to determine the presence of sexually transmitted infection, or appropriate medications, including HIV-prophylaxis, provided to a survivor of sexual assault by a health care provider within 90 days after the date on which treatment or transfer services pursuant to this article are first provided.

"Forensic medical examination" means health care services provided to a survivor of sexual assault that include medical history, physical examination, laboratory testing, assessment for drug-facilitated or alcohol-facilitated sexual assault, collection of evidence in accordance with the requirements of Chapter 1.2 (§ 19.2-11.5 et seq.) of Title 19.2, and discharge and follow-up health care planning necessary to ensure the health, safety, and welfare of the survivor of sexual assault and the collection and preservation of evidence that may be used in a criminal proceeding.

"Hospital" means any hospital licensed by the Department pursuant to this chapter.

"Pediatric health care facility" means a hospital, clinic, or physician's office that provides health care services to pediatric patients.

"Pediatric survivor of sexual assault" means a survivor of sexual assault who is under 13 years of age.

"Physical evidence recovery kit" has the same meaning as in § 19.2-11.5.

"Sexual assault forensic examiner" means a sexual assault nurse examiner, physician, physician assistant, nurse practitioner, or registered nurse who has completed training that meets or is substantially similar to the Sexual Assault Nurse Examiner Education Guidelines established by the International Association of Forensic Nurses.

"Sexual assault survivor transfer services" means an appropriate medical examination and such stabilizing treatment as may be necessary prior to the transfer of a sexual assault survivor from a transfer hospital to a treatment hospital in accordance with the provisions of a transfer plan approved by the Department.

"Sexual assault survivor treatment services" means a forensic medical examination and other health care services provided to a sexual assault survivor by a hospital in accordance with § 32.1-162.15:4 or pediatric health care facility in accordance with § 32.1-162.15:6.

"Transfer hospital" means a hospital with a sexual assault survivor transfer plan approved by the Department.

"Transportation service" means transportation provided to a survivor of sexual assault who is transferred from a transfer hospital, treatment hospital, or approved pediatric health care facility to a treatment hospital or approved pediatric care facility pursuant to a transfer plan approved in accordance with this article.

"Treatment hospital" means a hospital with a sexual assault survivor treatment plan approved by the Department to provide sexual assault survivor treatment services to all survivors of sexual assault who present with a complaint of sexual assault within the previous seven days or who have disclosed past sexual assault by a specific individual and were in the care of that individual within the previous seven days.

§ 32.1-162.15:3. Services for survivors of sexual assault; plan required.

A. Every hospital licensed by the Department shall develop and, upon approval by the Department, implement a plan to provide either sexual assault survivor treatment services or sexual assault survivor transfer services for survivors of sexual assault.

B. Sexual assault survivor treatment plans shall include provisions for (i) the delivery of services described in § 32.1-162.15:4 and (ii) the storage, retention, and dissemination of photographic evidence in accordance with § 32.1-162.15:8.

C. Sexual assault survivor transfer service plans shall include (i) provisions for the delivery of services described in § 32.1-162.15:5 and (ii) the written agreement of a treatment hospital to accept transfer of survivors of sexual assault.

D. A treatment hospital for which a plan has been approved pursuant to subsection B or a transfer hospital for which a plan has been approved pursuant to subsection C may enter into an agreement for the transfer of pediatric survivors of sexual assault from the treatment hospital or transfer hospital to an approved pediatric health care facility pursuant to a pediatric sexual assault survivor transfer plan. Such plan shall include (i) provisions for the delivery of services described in § 32.1-162.15:6 and (ii) the written agreement of an approved pediatric health care facility to accept transfer of survivors of sexual assault.

E. Sexual assault survivor treatment plans, sexual assault survivor transfer plans, and pediatric sexual assault survivor transfer plans shall be submitted in a form and in accordance with procedures specified by the Board. The Department shall approve or deny such plans, in writing, within 30 days of receipt of such plans. If the Department denies a plan submitted pursuant to this section, the Department shall provide the hospital with a written statement setting forth the reasons for such denial.

§ 32.1-162.15:4. Treatment services.

A. The Board shall adopt regulations to establish standards for review and approval of sexual assault survivor treatment plans, which shall include provisions for the following services, when ordered by a health care provider and with the consent of the survivor of sexual assault:

1. Appropriate forensic medical examination;
2. Appropriate oral and written information concerning the possibility of infection or sexually transmitted disease, including human immunodeficiency virus (HIV) resulting from the sexual assault, accepted medical procedures and medications for the prevention or treatment of such infection or sexually transmitted disease, and the indications, contraindications, and potential risks of such medical procedures or medications;
3. Appropriate evaluations to determine the survivor of sexual assault's risk of infection or sexually transmitted disease, including HIV, resulting from the sexual assault;
4. Appropriate oral and written information regarding the possibility of pregnancy resulting from the sexual assault and medically and factually accurate oral and written information about emergency contraception, the indications and contraindications and potential risks associated with the use of emergency contraception, and the availability of emergency contraception for survivors of sexual assault;
5. Prescriptions of such medications as may be appropriate for treatment of the survivor of sexual assault both during treatment at the hospital and upon discharge, including, in cases in which prophylactic treatment for infection with HIV is deemed appropriate, an initial dose or all required doses of HIV prophylaxis;
6. Oral and written information regarding the need for follow-up care, including examinations and laboratory tests to determine the presence or absence of sexually transmitted infection or disease and follow-up care related to HIV prophylaxis;

7. Information about medical advocacy services provided by a rape crisis center with which the hospital has entered into a memorandum of understanding pursuant to subsection D; and

8. Referral for appropriate counseling and other support services.

B. All appropriate sexual assault survivor treatment services shall be provided without delay in a private location and in an age-appropriate or developmentally appropriate manner.

C. Forensic medical examinations provided pursuant to a sexual assault survivor treatment plan approved by the Board shall include an offer to complete a physical evidence recovery kit. Every treatment hospital for which a sexual assault survivor treatment plan has been approved by the Department shall report to the Department by December 1 of each year:

1. The total number of patients to whom a forensic medical examination was provided; and
2. The total number of physical evidence recovery kits offered and completed.

D. Every treatment hospital shall (i) enter into a memorandum of understanding with at least one rape crisis center for medical advocacy services for survivors of sexual assault and (ii) adopt procedures to ensure compliance with mandatory reporting requirements pursuant to §§ 63.2-1509 and 63.2-1606.

E. Records of services provided to survivors of sexual assault, including the results of any examination or laboratory test conducted pursuant to subsection A, shall be maintained by the treatment hospital and made available to law enforcement upon request of the survivor of sexual assault. Records of services provided to survivors of sexual assault 18 years of age and older shall be maintained by the hospital for a period of 20 years from the date the record was created. Records of services provided to survivors of sexual assault under 18 years of age shall be maintained for a period of 20 years after the date on which the survivor of sexual assault reaches 18 years of age.

F. Every treatment hospital, including every treatment hospital with an approved pediatric sexual assault survivor plan, shall include in its sexual assault survivor treatment plan provisions requiring appropriate health care providers who provide services in the hospital's emergency department to annually complete training developed and made available by the Department on the topic of sexual assault, detection of sexual assault, provision of services for survivors of sexual assault, and collection of evidence in cases involving alleged sexual assault. Such training shall be consistent with best practices outlined by the International Association of Forensic Nurses.

§ 32.1-162.15:5. Transfer services.

The Board shall adopt regulations to establish standards for review and approval of sexual assault survivor transfer plans and pediatric sexual assault survivor transfer plans, which shall include provisions for the following services, when ordered by a health care provider and with the consent of the survivor of sexual assault:

1. Appropriate medical examination and such stabilizing treatment as may be necessary prior to the transfer of a survivor of sexual assault from the transfer hospital to a treatment hospital;

2. Medically and factually accurate written and oral information about emergency contraception, the indications and contraindications and potential risks associated with the use of emergency contraception, and the availability of emergency contraception for survivors of sexual assault; and

3. Prompt transfer of the survivor of sexual assault to a treatment hospital or approved pediatric health care facility, as may be appropriate, including provisions necessary to ensure that transfer of the survivor of sexual assault or pediatric survivor of sexual assault would not unduly burden the survivor of sexual assault or pediatric survivor of sexual assault.

§ 32.1-162.15:6. Services for pediatric survivors of sexual assault; plan required.

A. A pediatric health care facility may provide treatment services or transfer services to pediatric survivors of sexual assault in accordance with a pediatric sexual assault survivor treatment plan or pediatric sexual assault survivor transfer plan approved by the Department. No pediatric health care facility shall provide pediatric sexual assault treatment or transfer services to a pediatric survivor of sexual assault unless a pediatric sexual assault survivor treatment plan for the pediatric health care facility has been approved by the Department.

B. A pediatric health care facility wishing to provide pediatric sexual assault survivor treatment services shall submit a pediatric sexual assault survivor treatment plan to the Department. The Board shall adopt regulations to establish standards for the review and approval of pediatric sexual assault survivor treatment plans, which shall include provisions for the delivery of treatment services described in § 32.1-162.15:4.

In cases in which the pediatric health care facility is not able to provide the full range of treatment services required by § 32.1-162.15:4, the plan shall include (i) the specific treatment services that the pediatric health care facility will provide for pediatric survivors of sexual assault; (ii) provisions for transfer services required by § 32.1-162.15:5 for pediatric survivors of sexual assault for whom treatment services are not provided by the pediatric health care facility; (iii) the written agreement of a treatment hospital to accept transfer of pediatric survivors of sexual assault for whom treatment services are not provided by the pediatric health care facility; and (iv) if the pediatric health care facility does not provide services 24 hours per day, seven days per week, provisions to inform the public regarding the need to seek an alternative source of treatment, including emergency medical services, which may include requirements for appropriate signage.

C. A pediatric health care facility wishing to provide pediatric sexual assault survivor transfer services shall submit a pediatric sexual assault survivor transfer plan to the Department. The Board shall adopt regulations to establish standards for review and approval of pediatric sexual assault survivor transfer plans, which shall include provisions for (i) the delivery of sexual assault survivor transfer services in accordance with the requirements of § 32.1-162.15:5 and (ii) the written agreement of a treatment hospital to accept transfer of pediatric survivors of sexual assault.

D. Pediatric sexual assault survivor treatment plans and pediatric sexual assault survivor transfer plans shall be submitted in a form and in accordance with procedures specified by the Board. The Department shall approve or deny such plans, in writing, within 30 days of receipt of such plans. If the Department denies a plan submitted pursuant to this section, the Department shall provide the hospital with a written statement setting forth the reasons for such denial.

§ 32.1-162.15:7. Inspections; report required.

A. The Department shall periodically conduct such inspections of hospitals licensed by the Department as may be necessary to ensure that sexual assault survivor treatment plans, sexual assault survivor transfer plans, and pediatric sexual assault survivor transfer plans are implemented in accordance with the requirements of this article.

B. The Department shall report to the Governor and the General Assembly by December 1 of each year on:

1. The name of each hospital that has submitted a sexual assault survivor treatment plan, sexual assault survivor transfer plan, or pediatric sexual assault survivor transfer plan in accordance with the requirements of this section and, for each hospital, the specific type of plan, the date on which the plan was submitted, and the date on which the plan was approved;

2. The name of each hospital that has failed to submit a sexual assault survivor treatment plan, sexual assault survivor transfer plan, or pediatric sexual assault survivor transfer plan in accordance with the requirements of this section;

3. The name of each hospital for which an inspection was performed pursuant to subsection A and for each such hospital, the date of such inspection, and whether the hospital was found to be in compliance with the provisions of the sexual assault survivor treatment plan, sexual assault survivor transfer plan, or pediatric sexual assault survivor transfer plan for such hospital approved by the Department; and

4. For each hospital determined to be out of compliance with the requirements of the sexual assault survivor treatment plan, sexual assault survivor transfer plan, or pediatric sexual assault survivor transfer plan for such hospital approved by the Department, whether a plan of correction was submitted in accordance with the provisions of subsection A.

§ 32.1-162.15:8. Storage, retention, and dissemination of photographic documentation.

Photographic documentation collected by a treatment hospital or approved pediatric health care facility shall be maintained by the treatment hospital or approved pediatric health care facility as part of the patient's forensic medical examination. In the case of an anonymous physical evidence recovery kit, photographic documentation shall be maintained by the treatment hospital or approved pediatric health care facility, but the anonymous physical evidence recovery kit shall be maintained in accordance with § 19.2-11.6.

§ 32.1-162.15:9. Submission of evidence.

Every treatment hospital and approved pediatric health care facility that provides a forensic medical examination that includes completion of a physical evidence recovery kit to a survivor of sexual assault who has elected to report the assault to law enforcement shall notify the law-enforcement agency with the primary responsibility for investigating an alleged sexual assault within four hours of the forensic medical examination and arrange for collection of the physical evidence recovery kit within a reasonable timeframe. A treatment hospital or approved pediatric health care facility that provides a forensic medical examination that includes completion of a physical evidence recovery kit to a survivor of sexual assault who elects not to report the sexual assault to law enforcement shall comply with the provisions of § 19.2-11.6 relating to anonymous physical evidence recovery kits.

§ 32.1-162.15:10. Complaints.

The Department shall establish a process for receiving complaints regarding alleged violations of this article.

§ 32.1-162.15:11. Task Force on Services for Survivors of Sexual Assault.

A. There is hereby created the Task Force on Services for Survivors of Sexual Assault (the Task Force), which shall consist of (i) two members of the House of Delegates appointed by the Speaker of the House of Delegates; (ii) one member of the Senate appointed by the Senate Committee on Rules; (iii) the Attorney General, or his designee; (iv) the Commissioners of Health and Social Services, or their designees; (v) the Director of the Department of State Police;

(vi) two representatives of hospitals licensed by the Department of Health appointed by the Governor; (vii) three physicians licensed by the Board of Medicine to practice medicine or osteopathy appointed by the Governor, each of whom is a practitioner of emergency medicine and at least one of whom is a pediatrician; (viii) three nurses licensed to practice in the Commonwealth appointed by the Governor, each of whom is a sexual assault nurse examiner; (ix) two representatives of organizations providing advocacy on behalf of survivors of sexual assault appointed by the Governor; and (x) one representative of an organization providing advocacy on behalf of children appointed by the Governor. The Commissioner of Health or his designee shall serve as chairman of the Task Force. Staff support for the Task Force shall be provided by the Department of Health.

B. The Task Force shall:

1. Develop model treatment and transfer plans for use by transfer hospitals, treatment hospitals, and pediatric health care facilities and work with hospitals and pediatric health care facilities to facilitate the development of treatment and transfer plans in accordance with the requirements of this article;

2. Develop model written transfer agreements for use by treatment hospitals, transfer hospitals, and pediatric health care facilities and work with treatment hospitals, transfer hospitals, and pediatric health care facilities to facilitate the development of transfer agreements in accordance with the requirements of this article;

3. Develop model written agreements for use by treatment hospitals and approved pediatric health care facilities required to enter into agreements with rape crisis centers pursuant to subsection D of § 32.1-162.15:4;

4. Work with treatment hospitals and approved pediatric health care facilities to develop plans to employ or contract with sexual assault forensic examiners to ensure the provision of treatment services to survivors of sexual assault by sexual assault forensic examiners, including plans for implementation of on-call systems to ensure availability of sexual assault forensic examiners;

5. Work with treatment hospitals and approved pediatric health care facilities to identify and recommend processes to ensure compliance with the provisions of this article related to creation, storage, and retention of photographic and other documentation and evidence;

6. Develop and distribute educational materials regarding implementation of the provisions of this article to hospitals, health care providers, rape crisis centers, children's advocacy centers, and others;

7. Study and provide recommendations to the Department for the use of telemedicine in meeting the requirements of this article; and

8. Report to the Governor and the General Assembly by December 1 of each year regarding its activities and the status of implementation of the provisions of this article.

§ 54.1-2910.5. Pediatric sexual assault survivor services; requirements.

Any health care practitioner licensed by the Board to practice medicine or osteopathy or as a physician assistant, or jointly licensed by the Board and the Board of Nursing as a nurse practitioner, who wishes to provide sexual assault survivor treatment services or sexual assault survivor transfer services, as defined in § 32.1-162.15:2, to pediatric survivors of sexual assault, as defined in § 32.1-162.15:2, shall comply with the provisions of Article 8 (§ 32.1-162.15:2 et seq.) of Chapter 5 of Title 32.1 applicable to pediatric medical care facilities.

§ 54.1-3018.2. Pediatric sexual assault survivor services; requirements.

Any person licensed by the Board as a registered nurse who wishes to provide sexual assault survivor treatment services or sexual assault survivor transfer services, as defined in § 32.1-162.15:2, to pediatric survivors of sexual assault, as defined in § 32.1-162.15:2, shall comply with the provisions of Article 8 (§ 32.1-162.15:2 et seq.) of Chapter 5 of Title 32.1 applicable to pediatric medical care facilities.

2. That the provisions of this act shall become effective on July 1, 2023, except that the provisions of (i) subsection A of § 32.1-162.15:4 of the Code of Virginia, as added by this act, requiring the Board of Health to adopt regulations to establish standards for the review and approval of sexual assault survivor treatment plans, (ii) § 32.1-162.15:5 of the Code of Virginia, as added by this act, requiring the Board of Health to adopt regulations to establish standards for the review and approval of sexual assault survivor transfer plans and pediatric sexual assault survivor transfer plans, and (iii) § 32.1-162.15:11 of the Code of Virginia, as added by this act, establishing the Task Force on Services for Survivors of Sexual Assault shall become effective in due course.

CHAPTER 726

An Act to amend and reenact §§ 13.1-543, 13.1-1102, 38.2-3408, 38.2-3412.1, and 38.2-4221 of the Code of Virginia, relating to health insurance; reimbursement for services provided by a clinical nurse specialist.

[H 1057]

Approved April 6, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 13.1-543, 13.1-1102, 38.2-3408, 38.2-3412.1, and 38.2-4221 of the Code of Virginia are amended and reenacted as follows:

§ 13.1-543. Definitions.

A. As used in this chapter:

"Eligible employee stock ownership plan" means an employee stock ownership plan as such term is defined in § 4975(e)(7) of the Internal Revenue Code of 1986, as amended, sponsored by a professional corporation and with respect to which:

1. All of the trustees of the employee stock ownership plan are individuals who are duly licensed or otherwise legally authorized to render the professional services for which the professional corporation is organized under this chapter; however, if a conflict of interest exists for one or more trustees with respect to a specific issue or transaction, such trustees may appoint a special independent trustee or special fiduciary, who is not duly licensed or otherwise legally authorized to render the professional services for which the professional corporation is organized under this chapter, which special independent trustee shall be authorized to make decisions only with respect to the specific issue or transaction that is the subject of the conflict;

2. The employee stock ownership plan provides that no shares, fractional shares, or rights or options to purchase shares of the professional corporation shall at any time be issued, sold, or otherwise transferred directly to anyone other than an individual duly licensed or otherwise legally authorized to render the professional services for which the professional corporation is organized under this chapter, unless such shares are transferred as a plan distribution to a plan beneficiary and subject to immediate repurchase by the professional corporation, the employee stock ownership plan or another person authorized to hold such shares; however:

a. With respect to a professional corporation rendering the professional services of public accounting or certified public accounting:

(1) The employee stock ownership plan may permit individuals who are not duly licensed or otherwise legally authorized to render these services to participate in such plan, provided such individuals are employees of the corporation and hold less than a majority of the beneficial interests in such plan; and

(2) At least 51 percent of the total of allocated and unallocated equity interests in the corporation sponsoring such employee stock ownership plan are held (i) by the trustees of such employee stock ownership plan for the benefit of persons holding a valid CPA certificate as defined in § 54.1-4400, with unallocated shares allocated for these purposes pursuant to § 409(p) of the Internal Revenue Code of 1986, as amended, or (ii) by individual employees holding a valid CPA certificate separate from any interests held by such employee stock ownership plan; and

b. With respect to a professional corporation rendering the professional services of architects, professional engineers, land surveyors, landscape architects, or certified interior designers, the employee stock ownership plan may permit individuals who are not duly licensed to render the services of architects, professional engineers, land surveyors, or landscape architects, or individuals legally authorized to use the title of certified interior designers to participate in such plan, provided such individuals are employees of the corporation and together hold not more than one-third of the beneficial interests in such plan, and that the total of the shares (i) held by individuals who are employees but not duly licensed to render such services or legally authorized to use a title and (ii) held by the trustees of such employee stock ownership plan for the benefit of individuals who are employees but not duly licensed to render such services or legally authorized to use a title, shall not exceed one-third of the shares of the corporation; and

3. The professional corporation, the trustees of the employee stock ownership plan, and the other shareholders of the professional corporation comply with the foregoing provisions of the plan.

"Professional business entity" means any entity as defined in § 13.1-603 that is duly licensed or otherwise legally authorized under the laws of the Commonwealth or the laws of the jurisdiction under whose laws the entity is formed to render the same professional service as that for which a professional corporation or professional limited liability company may be organized, including, but not limited to, (i) a professional limited liability company as defined in § 13.1-1102, (ii) a professional corporation as defined in this subsection, or (iii) a partnership that is registered as a registered limited liability partnership registered under § 50-73.132, all of the partners of which are duly licensed or otherwise legally authorized to render the same professional services as those for which the partnership was organized.

"Professional corporation" means a corporation whose articles of incorporation set forth a sole and specific purpose permitted by this chapter and that is either (i) organized under this chapter for the sole and specific purpose of rendering professional service other than that of architects, professional engineers, land surveyors, or landscape architects, or using a title other than that of certified interior designers and, except as expressly otherwise permitted by this chapter, that has as its shareholders or members only individuals or professional business entities that are duly licensed or otherwise legally authorized to render the same professional service as the corporation, including the trustees of an eligible employee stock ownership plan or (ii) organized under this chapter for the sole and specific purpose of rendering the professional services of architects, professional engineers, land surveyors, or landscape architects, or using the title of certified interior designers, or any combination thereof, and at least two-thirds of whose shares are held by persons duly licensed within the Commonwealth to perform the services of an architect, professional engineer, land surveyor, or landscape architect, including the trustees of an eligible employee stock ownership plan, or by persons legally authorized within the Commonwealth to use the title of certified interior designer; or (iii) organized under this chapter or under Chapter 10 (§ 13.1-801 et seq.) for the sole and specific purpose of rendering the professional services of one or more practitioners of the healing arts, licensed under the provisions of Chapter 29 (§ 54.1-2900 et seq.) of Title 54.1, or one or more nurse practitioners, licensed under Chapter 29 (§ 54.1-2900 et seq.) of Title 54.1, or one or more optometrists licensed under the provisions of Chapter 32 (§ 54.1-3200 et seq.) of Title 54.1, or one or more physical therapists and physical therapist assistants licensed under the provisions of Chapter 34.1 (§ 54.1-3473 et seq.) of Title 54.1, or one or more practitioners of

the behavioral science professions, licensed under the provisions of Chapter 35 (§ 54.1-3500 et seq.), 36 (§ 54.1-3600 et seq.) or 37 (§ 54.1-3700 et seq.) of Title 54.1, or one or more practitioners of audiology or speech pathology, licensed under the provisions of Chapter 26 (§ 54.1-2600 et seq.) of Title 54.1, or one or more clinical nurse specialists who render mental health services licensed under Chapter 30 (§ 54.1-3000 et seq.) of Title 54.1 and registered with the Board of Nursing, or any combination of practitioners of the healing arts, optometry, physical therapy, the behavioral science professions, and audiology or speech pathology, and all of whose shares are held by or all of whose members are individuals or professional business entities duly licensed or otherwise legally authorized to perform the services of a practitioner of the healing arts, nurse practitioners, optometry, physical therapy, the behavioral science professions, audiology or speech pathology or of a clinical nurse specialist ~~who renders mental health services~~, including the trustees of an eligible employee stock ownership plan; however, nothing herein shall be construed so as to allow any member of the healing arts, optometry, physical therapy, the behavioral science professions, audiology or speech pathology or a nurse practitioner or clinical nurse specialist to conduct his practice in a manner contrary to the standards of ethics of his branch of the healing arts, optometry, physical therapy, the behavioral science professions, audiology or speech pathology, or nursing, as the case may be.

"Professional service" means any type of personal service to the public that requires as a condition precedent to the rendering of such service or use of such title the obtaining of a license, certification, or other legal authorization and shall be limited to the personal services rendered by pharmacists, optometrists, physical therapists and physical therapist assistants, practitioners of the healing arts, nurse practitioners, practitioners of the behavioral science professions, veterinarians, surgeons, dentists, architects, professional engineers, land surveyors, landscape architects, certified interior designers, public accountants, certified public accountants, attorneys-at-law, insurance consultants, audiologists or speech pathologists, and clinical nurse specialists. For the purposes of this chapter, the following shall be deemed to be rendering the same professional service:

1. Architects, professional engineers, and land surveyors; and
2. Practitioners of the healing arts, licensed under the provisions of Chapter 29 (§ 54.1-2900 et seq.) of Title 54.1; nurse practitioners, licensed under the provisions of Chapter 29 (§ 54.1-2900 et seq.) of Title 54.1; optometrists, licensed under the provisions of Chapter 32 (§ 54.1-3200 et seq.) of Title 54.1; physical therapists and physical therapist assistants, licensed under the provisions of Chapter 34.1 (§ 54.1-3473 et seq.) of Title 54.1; practitioners of the behavioral science professions, licensed under the provisions of Chapters 35 (§ 54.1-3500 et seq.), 36 (§ 54.1-3600 et seq.), and 37 (§ 54.1-3700 et seq.) of Title 54.1; and one or more clinical nurse specialists who render mental health services, licensed under Chapter 30 (§ 54.1-3000 et seq.) of Title 54.1 and are registered with the Board of Nursing.

B. Persons who practice the healing art of performing professional clinical laboratory services within a hospital pathology laboratory shall be legally authorized to do so for purposes of this chapter if such persons (i) hold a doctorate degree in the biological sciences or a board certification in the clinical laboratory sciences and (ii) are tenured faculty members of an accredited medical school that is an "institution" as that term is defined in § 23.1-1100.

§ 13.1-1102. Definitions.

A. As used in this chapter:

"Professional business entity" means any entity as defined in § 13.1-603 that is duly licensed or otherwise legally authorized under the laws of the Commonwealth or the laws of the jurisdiction under whose laws the entity is formed to render the same professional service as that for which a professional corporation or professional limited liability company may be organized, including, but not limited to, (i) a professional limited liability company as defined in this subsection, (ii) a professional corporation as defined in subsection A of § 13.1-543, or (iii) a partnership that is registered as a registered limited liability partnership under § 50-73.132, all of the partners of which are duly licensed or otherwise legally authorized to render the same professional services as those for which the partnership was organized.

"Professional limited liability company" means a limited liability company whose articles of organization set forth a sole and specific purpose permitted by this chapter and that is either (i) organized under this chapter for the sole and specific purpose of rendering professional service other than that of architects, professional engineers, land surveyors, or landscape architects, or using a title other than that of certified interior designers and, except as expressly otherwise permitted by this chapter, that has as its members only individuals or professional business entities that are duly licensed or otherwise legally authorized to render the same professional service as the professional limited liability company or (ii) organized under this chapter for the sole and specific purpose of rendering professional service of architects, professional engineers, land surveyors, or landscape architects or using the title of certified interior designers, or any combination thereof, and at least two-thirds of whose membership interests are held by persons duly licensed within the Commonwealth to perform the services of an architect, professional engineer, land surveyor, or landscape architect, or by persons legally authorized within the Commonwealth to use the title of certified interior designer; or (iii) organized under this chapter for the sole and specific purpose of rendering the professional services of one or more practitioners of the healing arts, licensed under the provisions of Chapter 29 (§ 54.1-2900 et seq.) of Title 54.1, or one or more nurse practitioners, licensed under Chapter 29 (§ 54.1-2900 et seq.) of Title 54.1, or one or more optometrists licensed under the provisions of Chapter 32 (§ 54.1-3200 et seq.) of Title 54.1, or one or more physical therapists and physical therapist assistants licensed under the provisions of Chapter 34.1 (§ 54.1-3473 et seq.) of Title 54.1, or one or more practitioners of the behavioral science professions, licensed under the provisions of Chapter 35 (§ 54.1-3500 et seq.), 36 (§ 54.1-3600 et seq.) or 37 (§ 54.1-3700 et seq.) of Title 54.1, or one or more practitioners of audiology or speech pathology, licensed under the provisions of Chapter 26 (§ 54.1-2600 et seq.) of Title 54.1, or one or more clinical nurse specialists who render mental health services licensed under Chapter 30

(§ 54.1-3000 et seq.) of Title 54.1 and registered with the Board of Nursing, or any combination of practitioners of the healing arts, of optometry, physical therapy, the behavioral science professions, and audiology or speech pathology and all of whose members are individuals or professional business entities duly licensed or otherwise legally authorized to perform the services of a practitioner of the healing arts, nurse practitioners, optometry, physical therapy, the behavioral science professions, audiology or speech pathology or of a clinical nurse specialist ~~who renders mental health services~~; however, nothing herein shall be construed so as to allow any member of the healing arts, optometry, physical therapy, the behavioral science professions, audiology or speech pathology or a nurse practitioner or clinical nurse specialist to conduct that person's practice in a manner contrary to the standards of ethics of that person's branch of the healing arts, optometry, physical therapy, the behavioral science professions, or audiology or speech pathology, or nursing as the case may be.

"Professional services" means any type of personal service to the public that requires as a condition precedent to the rendering of that service or the use of that title the obtaining of a license, certification, or other legal authorization and shall be limited to the personal services rendered by pharmacists, optometrists, physical therapists and physical therapist assistants, practitioners of the healing arts, nurse practitioners, practitioners of the behavioral science professions, veterinarians, surgeons, dentists, architects, professional engineers, land surveyors, landscape architects, certified interior designers, public accountants, certified public accountants, attorneys at law, insurance consultants, audiologists or speech pathologists and clinical nurse specialists. For the purposes of this chapter, the following shall be deemed to be rendering the same professional services:

1. Architects, professional engineers, and land surveyors; and

2. Practitioners of the healing arts, licensed under the provisions of Chapter 29 (§ 54.1-2900 et seq.) of Title 54.1, nurse practitioners, licensed under Chapter 29 (§ 54.1-2900 et seq.) of Title 54.1, optometrists, licensed under the provisions of Chapter 32 (§ 54.1-3200 et seq.) of Title 54.1, physical therapists, licensed under the provisions of Chapter 34.1 (§ 54.1-3473 et seq.) of Title 54.1, practitioners of the behavioral science professions, licensed under the provisions of Chapters 35 (§ 54.1-3500 et seq.), 36 (§ 54.1-3600 et seq.), and 37 (§ 54.1-3700 et seq.) of Title 54.1, and clinical nurse specialists who render mental health services licensed under Chapter 30 (§ 54.1-3000 et seq.) of Title 54.1 and registered with the Board of Nursing.

B. Persons who practice the healing art of performing professional clinical laboratory services within a hospital pathology laboratory shall be legally authorized to do so for purposes of this chapter if such persons (i) hold a doctorate degree in the biological sciences or a board certification in the clinical laboratory sciences and (ii) are tenured faculty members of an accredited medical school that is an "institution" as that term is defined in § 23.1-1100.

C. Except as expressly otherwise provided, all terms defined in § 13.1-1002 shall have the same meanings for purposes of this chapter.

§ 38.2-3408. Policy providing for reimbursement for services that may be performed by certain practitioners other than physicians.

A. If an accident and sickness insurance policy provides reimbursement for any service that may be legally performed by a person licensed in this Commonwealth as a chiropractor, optometrist, optician, professional counselor, psychologist, clinical social worker, podiatrist, physical therapist, chiroprapist, clinical nurse specialist ~~who renders mental health services~~, audiologist, speech pathologist, certified nurse midwife or other nurse practitioner, marriage and family therapist, or licensed acupuncturist, reimbursement under the policy shall not be denied because the service is rendered by the licensed practitioner.

B. If an accident and sickness insurance policy provides reimbursement for a service that may be legally performed by a licensed pharmacist, reimbursement under the policy shall not be denied because the service is rendered by the licensed pharmacist provided that (i) the service is performed for an insured for a condition under the terms of a collaborative agreement, as defined in § 54.1-3300, between a pharmacist and the physician with whom the insured is undergoing a course of treatment or (ii) the service is for the administration of vaccines for immunization. Notwithstanding the provisions of § 38.2-3407, the insurer may require the pharmacist, any pharmacy or provider that may employ such pharmacist, or the collaborating physician to enter into a written agreement with the insurer as a condition for reimbursement for such services. In addition, reimbursement to pharmacists acting under the terms of a collaborative agreement under this subsection shall not be subject to the provisions of § 38.2-3407.7.

C. This section shall not apply to Medicaid, or any state fund.

§ 38.2-3412.1. Coverage for mental health and substance use disorders.

A. As used in this section:

"Adult" means any person who is 19 years of age or older.

"Alcohol or drug rehabilitation facility" means a facility in which a state-approved program for the treatment of alcoholism or drug addiction is provided. The facility shall be either (i) licensed by the State Board of Health pursuant to Chapter 5 (§ 32.1-123 et seq.) of Title 32.1 or by the Department of Behavioral Health and Developmental Services pursuant to Article 2 (§ 37.2-403 et seq.) of Chapter 4 of Title 37.2 or (ii) a state agency or institution.

"Child or adolescent" means any person under the age of 19 years.

"Inpatient treatment" means mental health or substance abuse services delivered on a 24-hour per day basis in a hospital, alcohol or drug rehabilitation facility, an intermediate care facility or an inpatient unit of a mental health treatment center.

"Intermediate care facility" means a licensed, residential public or private facility that is not a hospital and that is operated primarily for the purpose of providing a continuous, structured 24-hour per day, state-approved program of inpatient substance abuse services.

"Medication management visit" means a visit no more than 20 minutes in length with a licensed physician or other licensed health care provider with prescriptive authority for the sole purpose of monitoring and adjusting medications prescribed for mental health or substance abuse treatment.

"Mental health services" or "mental health benefits" means benefits with respect to items or services for mental health conditions as defined under the terms of the health benefit plan. Any condition defined by the health benefit plan as being or as not being a mental health condition shall be defined to be consistent with generally recognized independent standards of current medical practice.

"Mental health treatment center" means a treatment facility organized to provide care and treatment for mental illness through multiple modalities or techniques pursuant to a written plan approved and monitored by a physician, clinical psychologist, or a psychologist licensed to practice in this Commonwealth. The facility shall be (i) licensed by the Commonwealth, (ii) funded or eligible for funding under federal or state law, or (iii) affiliated with a hospital under a contractual agreement with an established system for patient referral.

"Outpatient treatment" means mental health or substance abuse treatment services rendered to a person as an individual or part of a group while not confined as an inpatient. Such treatment shall not include services delivered through a partial hospitalization or intensive outpatient program as defined herein.

"Partial hospitalization" means a licensed or approved day or evening treatment program that includes the major diagnostic, medical, psychiatric and psychosocial rehabilitation treatment modalities designed for patients with mental, emotional, or nervous disorders, and alcohol or other drug dependence who require coordinated, intensive, comprehensive and multi-disciplinary treatment. Such a program shall provide treatment over a period of six or more continuous hours per day to individuals or groups of individuals who are not admitted as inpatients. Such term shall also include intensive outpatient programs for the treatment of alcohol or other drug dependence which provide treatment over a period of three or more continuous hours per day to individuals or groups of individuals who are not admitted as inpatients.

"Substance abuse services" or "substance use disorder benefits" means benefits with respect to items or services for substance use disorders as defined under the terms of the health benefit plan. Any disorder defined by the health benefit plan as being or as not being a substance use disorder shall be defined to be consistent with generally recognized independent standards of current medical practice.

"Treatment" means services including diagnostic evaluation, medical, psychiatric and psychological care, and psychotherapy for mental, emotional or nervous disorders or alcohol or other drug dependence rendered by a hospital, alcohol or drug rehabilitation facility, intermediate care facility, mental health treatment center, a physician, psychologist, clinical psychologist, licensed clinical social worker, licensed professional counselor, licensed substance abuse treatment practitioner, licensed marriage and family therapist or clinical nurse specialist ~~who renders mental health services~~. Treatment for physiological or psychological dependence on alcohol or other drugs shall also include the services of counseling and rehabilitation as well as services rendered by a state certified alcoholism, drug, or substance abuse counselor or substance abuse counseling assistant, limited to the scope of practice set forth in § 54.1-3507.1 or 54.1-3507.2, respectively, employed by a facility or program licensed to provide such treatment.

B. Except as provided in subsections C and D, group and individual health insurance coverage, as defined in § 38.2-3431, shall provide mental health and substance use disorder benefits. Such benefits shall be in parity with the medical and surgical benefits contained in the coverage in accordance with the Mental Health Parity and Addiction Equity Act of 2008, P.L. 110-343, even where those requirements would not otherwise apply directly.

C. Any grandfathered plan as defined in § 38.2-3438 in the small group market shall either continue to provide benefits in accordance with subsection B or continue to provide coverage for inpatient and partial hospitalization mental health and substance abuse services as follows:

1. Treatment for an adult as an inpatient at a hospital, inpatient unit of a mental health treatment center, alcohol or drug rehabilitation facility or intermediate care facility for a minimum period of 20 days per policy or contract year.

2. Treatment for a child or adolescent as an inpatient at a hospital, inpatient unit of a mental health treatment center, alcohol or drug rehabilitation facility or intermediate care facility for a minimum period of 25 days per policy or contract year.

3. Up to 10 days of the inpatient benefit set forth in subdivisions 1 and 2 of this subsection may be converted when medically necessary at the option of the person or the parent, as defined in § 16.1-336, of a child or adolescent receiving such treatment to a partial hospitalization benefit applying a formula which shall be no less favorable than an exchange of 1.5 days of partial hospitalization coverage for each inpatient day of coverage. An insurance policy or subscription contract described herein that provides inpatient benefits in excess of 20 days per policy or contract year for adults or 25 days per policy or contract year for a child or adolescent may provide for the conversion of such excess days on the terms set forth in this subdivision.

4. The limits of the benefits set forth in this subsection shall not be more restrictive than for any other illness, except that the benefits may be limited as set out in this subsection.

5. This subsection shall not apply to any excepted benefits policy as defined in § 38.2-3431, nor to policies or contracts designed for issuance to persons eligible for coverage under Title XVIII of the Social Security Act, known as Medicare, or any other similar coverage under state or federal governmental plans.

D. Any grandfathered plan as defined in § 38.2-3438 in the small group market shall also either continue to provide benefits in accordance with subsection B or continue to provide coverage for outpatient mental health and substance abuse services as follows:

1. A minimum of 20 visits for outpatient treatment of an adult, child or adolescent shall be provided in each policy or contract year.

2. The limits of the benefits set forth in this subsection shall be no more restrictive than the limits of benefits applicable to physical illness; however, the coinsurance factor applicable to any outpatient visit beyond the first five of such visits covered in any policy or contract year shall be at least 50 percent.

3. For the purpose of this section, medication management visits shall be covered in the same manner as a medication management visit for the treatment of physical illness and shall not be counted as an outpatient treatment visit in the calculation of the benefit set forth herein.

4. For the purpose of this subsection, if all covered expenses for a visit for outpatient mental health or substance abuse treatment apply toward any deductible required by a policy or contract, such visit shall not count toward the outpatient visit benefit maximum set forth in the policy or contract.

5. This subsection shall not apply to any excepted benefits policy as defined in § 38.2-3431, nor to policies or contracts designed for issuance to persons eligible for coverage under Title XVIII of the Social Security Act, known as Medicare, or any other similar coverage under state or federal governmental plans.

E. The requirements of this section shall apply to all insurance policies and subscription contracts delivered, issued for delivery, reissued, renewed, or extended, or at any time when any term of the policy or contract is changed or any premium adjustment made.

F. The provisions of this section shall not apply in any instance in which the provisions of this section are inconsistent or in conflict with a provision of Article 6 (§ 38.2-3438 et seq.) of Chapter 34.

§ 38.2-4221. Services of certain practitioners other than physicians to be covered.

A. A nonstock corporation shall not fail or refuse, either directly or indirectly, to allow or to pay to a subscriber for all or any part of the health services rendered by any doctor of podiatry, doctor of chiropody, optometrist, optician, chiropractor, professional counselor, psychologist, physical therapist, clinical social worker, clinical nurse specialist ~~who renders mental health services~~, audiologist, speech pathologist, certified nurse midwife or other nurse practitioner, marriage and family therapist, or licensed acupuncturist licensed to practice in Virginia, if the services rendered (i) are services provided for by the subscription contract and (ii) are services which the doctor of podiatry, doctor of chiropody, optometrist, optician, chiropractor, professional counselor, psychologist, physical therapist, clinical social worker, clinical nurse specialist ~~who renders mental health services~~, audiologist, speech pathologist, certified nurse midwife or other nurse practitioner, marriage and family therapist, or licensed acupuncturist is licensed to render in this Commonwealth.

B. If a subscription contract provides reimbursement for a service that may be legally performed by a licensed pharmacist, reimbursement under the subscription contract by the nonstock corporation shall not be denied because the service is rendered by the licensed pharmacist provided that (i) the service is performed for a subscriber for a condition under the terms of a collaborative agreement, as defined in § 54.1-3300, between a pharmacist and the physician with whom the subscriber is undergoing a course of treatment or (ii) the service is for the administration of vaccines for immunization. Notwithstanding the provisions of § 38.2-4209, the nonstock corporation may require the pharmacist, any pharmacy or provider that may employ such pharmacist, or the collaborating physician to enter into a written agreement with the nonstock corporation as a condition for reimbursement for such services. In addition, reimbursement to pharmacists acting under the terms of a collaborative agreement under this subsection shall not be subject to the provisions of § 38.2-4209.1.

CHAPTER 727

An Act to amend and reenact § 54.1-3029 of the Code of Virginia, relating to massage therapists; qualifications; license.

[H 1121]

Approved April 6, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-3029 of the Code of Virginia is amended and reenacted as follows:

§ 54.1-3029. Qualifications for a licensed massage therapist.

A. In order to be licensed as a massage therapist, the applicant shall furnish evidence satisfactory to the Board that the applicant:

1. Is at least 18 years old;

2. Has successfully completed ~~a minimum of 500 hours of training from~~ a massage therapy educational program; *that required a minimum of 500 hours of training. The massage therapy educational program shall be certified or approved by the State Council of Higher Education for Virginia or an agency in another state, the District of Columbia, or a United States territory that approves educational programs, notwithstanding the provisions of § 23.1-226;*

3. Has passed the Licensing Examination of the Federation of State Massage Therapy Boards or an examination deemed acceptable to the Board of Nursing; and

4. Has not committed any acts or omissions that would be grounds for disciplinary action or denial of licensure as set forth in this chapter.

B. The Board may issue a provisional license to an applicant prior to passing the Licensing Examination of the Federation of State Massage Therapy Boards for such time and in such manner as prescribed by the Board. No more than one provisional license shall be issued to any applicant.

C. The Board may license without examination any applicant who is licensed as a massage therapist in another state, the District of Columbia, a United States possession or territory, or another country, and, in the opinion of the Board, meets the requirements for licensed massage therapists in the Commonwealth.

D. An applicant who completed a massage therapy educational program in a foreign country may apply for licensure as a massage therapist upon submission of evidence, satisfactory to the Board, that the applicant:

1. Is at least 18 years old;

2. Has successfully completed a massage therapy educational program in a foreign country that is comparable to a massage therapy educational program required for licensure by the Board as demonstrated by submission of evidence of comparability and equivalency provided by an agency that evaluates credentials for persons who have studied outside the United States;

3. Has passed a Board-approved English language proficiency examination; and

4. Has not committed any acts or omissions that would be grounds for disciplinary action or denial of licensure as set forth in this chapter.

The Board shall issue a license to an applicant who meets the requirements in this subsection upon submission by the applicant of evidence satisfactory to the Board that the applicant has completed an English version of the Licensing Examination of the Federation of State Massage Therapy Boards or a comparable examination deemed acceptable to the Board.

CHAPTER 728

An Act to amend and reenact §§ 51.5-125, 51.5-128, 51.5-131, 51.5-132, 51.5-134 through 51.5-138, 51.5-150, and 51.5-152 of the Code of Virginia; to amend the Code of Virginia by adding in Chapter 14 of Title 51.5 an article numbered 13, consisting of sections numbered 51.5-182 through 51.5-185; and to repeal §§ 51.5-139 through 51.5-142 and Article 8 (§§ 51.5-155 through 51.5-158) of Chapter 14 of Title 51.5 of the Code of Virginia, relating to Department for Aging and Rehabilitative Services, Respite Care Grant Program, State Long-Term Care Ombudsman Program.

[H 1148]

Approved April 6, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 51.5-125, 51.5-128, 51.5-131, 51.5-132, 51.5-134 through 51.5-138, 51.5-150, and 51.5-152 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Chapter 14 of Title 51.5 an article numbered 13, consisting of sections numbered 51.5-182 through 51.5-185, as follows:

§ 51.5-125. Gifts and donations.

The Department is authorized to receive such gifts and donations, either from public or private sources, as may be offered unconditionally or under such conditions as in the judgment of the Department are proper and consistent with this title. All moneys received as gifts or donations shall be deposited in the state treasury; ~~and shall constitute a permanent special fund to be called the special fund for the rehabilitation of persons with disabilities; and shall be used by the Department to defray the expenses of rehabilitation and other services, including independent living services and advocacy services, and constructing, equipping, and operating necessary rehabilitation facilities.~~ Such moneys may also be used in matching federal grants ~~for the foregoing purposes.~~ The Department shall annually submit to the Governor a full report of all gifts and donations offered and accepted, the names of the donors, the respective amounts contributed by each donor, and all disbursements of such gifts and donations.

§ 51.5-128. Duties of the Commonwealth Council on Aging.

A. The Commonwealth Council on Aging shall have the following duties:

1. Examine the needs of older Virginians and their caregivers and ways in which state government can most effectively and efficiently assist in meeting those needs;

2. Advise the Governor and General Assembly on aging issues and aging policy for the Commonwealth;

3. Advise the Governor on any proposed regulations deemed by the Director of the Department of Planning and Budget to have a substantial and distinct impact on older Virginians and their caregivers. Such advice shall be provided in addition to other regulatory reviews required by the Administrative Process Act (§ 2.2-4000 et seq.);

4. Advocate for and assist in developing the Commonwealth's planning for meeting the needs of the growing number of older Virginians and their caregivers; *and*

5. ~~Assist and advise the Department with the development and ongoing review of the Virginia Respite Care Grant Program pursuant to Article 8 (§ 51.5-155 et seq.); and~~

~~6.~~ Assist and advise the Department regarding strategies to improve nutritional health, alleviate hunger, and prevent malnutrition among older adults.

B. The Commonwealth Council on Aging may apply for and expend such grants, gifts, or bequests from any source as may become available in connection with its duties under this section, and may comply with such conditions and requirements as may be imposed in connection therewith.

§ 51.5-131. Powers and duties of Commissioner.

The Commissioner shall have the following powers and duties:

1. To employ such personnel, qualified by knowledge, skills, and abilities, as may be required to carry out the purposes of this chapter relating to the Department;

2. To make and enter into all contracts and agreements necessary for or incidental to the performance of the Department's duties and the execution of its powers under this title, including but not limited to contracts with the United States, other states, agencies, and governmental subdivisions of the Commonwealth;

3. To accept grants from the United States government and agencies and instrumentalities thereof and any other source and, to these ends, to comply with such conditions and execute such agreements as may be necessary, convenient, or desirable;

4. To perform all acts necessary or convenient to carry out the purposes of this chapter;

5. To develop and analyze information on the needs of older Virginians and persons with disabilities;

6. To establish plans, policies, and programs for the delivery of services to older Virginians and persons with disabilities for consideration by the Governor and the General Assembly. Such policies, plans, and programs for services for those who cannot benefit from vocational rehabilitation shall be prepared over time and as funds become available for such efforts;

7. To operate and maintain the Wilson Workforce and Rehabilitation Center and to organize, supervise, and provide other necessary services and facilities (i) to prepare persons with disabilities for useful and productive lives, including suitable employment, and (ii) to enable persons with disabilities, to the degree possible, to become self-sufficient and have a sense of well-being;

8. To develop criteria for the evaluation of plans and programs relative to the provision of ~~long-term aging services and supports~~ for older Virginians and persons with disabilities *as required by the Older Americans Act, 42 U.S.C. § 3001 et seq., as amended*;

9. To investigate the availability of funds from any source for planning, developing, and providing services to older Virginians and persons with disabilities, particularly those not capable of being gainfully employed;

10. To coordinate the Department's plans, policies, programs, and services, and such programs and services required under § 51.5-123, with those of the other state agencies providing services to persons with disabilities so as to achieve maximum utilization of available resources to meet the needs of such persons;

11. To compile and provide information on the availability of federal, state, regional, and local funds and services for older Virginians and persons with disabilities;

12. To accept, execute, and administer any trust in which the Department may have an interest, under the terms of the instruments creating the trust, subject to the approval of the Governor;

13. To promulgate regulations necessary to carry out the provisions of the laws of the Commonwealth administered by the Department;

14. To work with the Department of Veterans Services and the Department of Behavioral Health and Developmental Services to establish a program for mental health and rehabilitative services for Virginia veterans and members of the Virginia National Guard and Virginia residents in the Armed Forces Reserves not in active federal service and their family members pursuant to § 2.2-2001.1;

15. To promote the use of technologies to realize communication access and increase livability across the Commonwealth; and

16. To perform such other duties as may be required by the Governor and the Secretary of Health and Human Resources.

§ 51.5-132. Commissioner to establish regulations regarding human research.

The Commissioner shall promulgate regulations pursuant to the Administrative Process Act (§ 2.2-4000 et seq.) to effectuate the provisions of Chapter 5.1 (§ 32.1-162.16 et seq.) of Title 32.1 for human research, as defined in § 32.1-162.16, to be conducted or authorized by the Department, *any area agency on aging*, any sheltered workshop, any independent living center, or the Wilson Workforce and Rehabilitation Center. The regulations shall require the human research review committee, as provided in § 32.1-162.19, to submit to the Governor, the General Assembly, and the Commissioner or his designee, at least annually, a report on the human research projects reviewed and approved by the committee and shall require the committee to report any significant deviations from the proposals as approved.

§ 51.5-134. Definitions.

As used in this article, unless the context requires a different meaning:

~~"Daily living services" includes homemaker, companion, personal care and chore services, home repair, weatherization, and adult day care.~~

~~"Educational services" includes information on the long-term care services provided by agencies of the Commonwealth, its localities, and private sector agencies, and public information as provided in § 2.2-213.1.~~

"Health care services" includes home health care and community medical care.

"Housing services" includes community-based residential opportunities and retrofitting existing housing as needed.

"Long-term care services" means socialization services, health care services, nutrition services, daily living services, educational services, housing services, transportation services, and supportive services that include (i) a balanced range of health, social, and supportive services to deliver long-term care services to older persons with chronic illnesses or functional impairments; (ii) meaningful choice, increased functional ability, and affordability as determining factors in defining long-term care service needs, which needs shall be determined by a uniform system for comprehensively assessing the needs and preferences of individuals requiring such services; (iii) service delivery, consistent with the needs and preferences of individuals requiring such services, that occurs in the most independent, least restrictive, and most appropriate living situation possible; and (iv) opportunities for self-care and independent living, as appropriate, by encouraging all long-term care programs to maximize self-care and independent living within the mainstream of life in the community.

"Nutrition services" includes home-delivered meals, food stamps, and congregate meals.

"Socialization services" includes telephone reassurance, friendly visiting, and congregate meals.

"Supportive services" includes adult protective services, mental health and developmental services, counseling services, and legal aid.

"Transportation services" includes readily available access to public transportation or area coordinated paratransit systems.

"Access services" means care coordination; care transitions; communication, referral, information, and assistance; options counseling; transportation; and assisted transportation.

"Aging services" means access services, Care Coordination for Elderly Virginians, caregiver services, client services, disease prevention and health promotion services, in-home services, legal assistance, nutrition services, and elder abuse prevention services that are supported with federal and state funds.

"Caregiver services" means counseling services, including individual counseling, support groups, and caregiver training; respite services, including institutional respite and direct respite services; and supplemental services.

"Client services" means emergency services, employment services pursuant to Title III of the Older Americans Act, 42 U.S.C. § 3001 et seq., as amended, health education and screening, long-term care coordinating activities, medication management, money management, public information and education, socialization and recreation, and volunteer programs.

"In-home services" means adult day care, checking, chore, homemaker, personal care, and residential repair and renovation services.

"Long-term care" means any service, care, or item, including a disease prevention and health promotion service, an in-home service, and a case management service that is (i) intended to assist individuals in coping with, and to the extent practicable in compensating for, a functional impairment in carrying out activities of daily living; (ii) furnished at home, in a community care setting, or in a long-term care facility; and (iii) not furnished to prevent, diagnose, treat, or cure a medical disease or condition.

"Long-term care ombudsman program" means the program established in Article 13 (§ 51.5-182 et seq.).

"Nutrition services" means congregate and home-delivered nutrition services.

§ 51.5-135. Powers and duties of Department with respect to aging persons; area agencies on aging.

A. The Department shall provide ~~supports and~~ aging services to improve the quality of life for older persons in the Commonwealth and shall act as a focal point among state agencies for research, policy analysis, long-range planning, and education on aging issues. The Department shall also serve as the lead agency in coordinating the work of state agencies on meeting the needs of an aging society. The Department's policies and programs shall be designed to enable older persons to be as independent and self-sufficient as possible. The Department shall promote local participation in programs for older persons, evaluate and monitor ~~the aging services provided for older persons~~, and provide information to the general public. In furtherance of this mission, the Department shall have, without limitation, the following duties to:

1. Study the economic and physical condition of the residents in the Commonwealth whose age qualifies them for coverage under the Older Americans Act (42, 42 U.S.C. § 3001 et seq.), or any law amendatory or supplemental thereto, and the employment, medical, educational, recreational, and housing facilities available to them, with the view of determining the needs and problems of such persons;

2. Determine the services and facilities, private and governmental and state and local, provided for and available to older persons and recommend to the appropriate persons such coordination of and changes in such services and facilities as will make them of greater benefit to older persons and more responsive to their needs;

3. Act as the designated state unit on aging for the purposes of carrying out the requirements under P.L. 89-73 or any law amendatory or supplemental thereto, and as the sole agency for administering or supervising the administration of such plans as may be adopted in accordance with the provisions of such laws. The Department may prepare, submit, and carry out state plans and shall be the agency primarily responsible for coordinating state programs and activities related to the purposes of, or undertaken under, such plans or laws;

4. Apply, with the approval of the Governor, for and expend such grants, gifts, or bequests from any source that becomes available in connection with its duties under this section, and may comply with such conditions and requirements as may be imposed in connection therewith;

5. Hold hearings and conduct investigations necessary to pass upon applications for approval of a project under the plans and laws set out in subdivision 3, and shall make reports to the U.S. Secretary of Health and Human Services as may be required;

6. Designate area agencies on aging pursuant to P.L. 89-73 or any law amendatory or supplemental thereto of the Congress of the United States and to adopt regulations for the composition and operation of such area agencies on aging, each of which shall be designated as the lead agency in each respective area for the No Wrong Door system of aging and disability resource centers;

~~7. Provide information to consumers and their representatives concerning the recognized features of special care units. Such information shall educate consumers and their representatives on how to choose special care and may include brochures and electronic bulletin board notices;~~

~~8. Provide staff support to the Commonwealth Council on Aging;~~

~~9. 8. Assist state, local, and nonprofit agencies, including, but not limited to, area agencies on aging, in identifying grant and public-private partnership opportunities for improving services to older Virginians;~~

~~10. 9. Provide or contract for the administration of the state long-term care ombudsman program. Such program or contract shall provide a minimum staffing ratio of one ombudsman to every 2,000 long-term care beds, subject to sufficient appropriations by the General Assembly. The Department may also contract with such entities for the administration of elder rights programs as authorized under P.L. 89-73, such as insurance counseling and assistance, and the creation of an elder information/elder rights center;~~

~~11. 10. Serve as the focal point for the rights of older persons and their families by establishing, maintaining, and publicizing (i) a toll-free number and (ii) a means of electronic access to provide resource and referral information and other assistance and advice as may be requested; and~~

~~12. 11. Develop and maintain a four-year plan for aging services in the Commonwealth, pursuant to § 51.5-136.~~

B. The governing body of any county, city, or town may appropriate funds for support of area agencies on aging designated pursuant to subdivision A 6.

C. All agencies of the Commonwealth shall assist the Department in effectuating its functions in accordance with its designation as the single state agency as required in subdivision A 3.

§ 51.5-136. Strategic long-range planning for aging services; four-year plan; report.

A. The Department shall develop and maintain a four-year plan for aging services in the Commonwealth. Such plan shall serve to inform the State Plan for Aging Services as required by the U.S. Administration on Aging. In developing the plan, the Department shall consult (i) various state and local services agencies, (ii) businesses, (iii) nonprofit organizations, (iv) advocacy organizations, (v) baccalaureate institutions of higher education, (vi) providers, (vii) organizations involved in providing services for and advocating for older Virginians and their caregivers, and (viii) stakeholders, including but not limited to the Virginia Association of Area Agencies on Aging; the state's health and human resources agencies, boards, councils, and commissions; the Departments of Transportation, Rail and Public Transportation, Housing and Community Development, and Corrections; and the Virginia Housing Development Authority.

In addition, the plan shall inform and serve as a resource to a long-term blueprint for state and community planning for aging populations that shall be comprehensive and not limited to traditional health and human services issues, but rather consists of broad-based issues of active daily life in communities throughout the Commonwealth.

B. The four-year plan shall include:

1. A description of Virginia's aging population and its impact on the Commonwealth, and issues related to ensuring and providing services to this population at both the state and local levels;

2. Factors for the Department to consider in determining when additional funding may be required for ~~certain programs of~~ aging services;

3. Information on changes in the aging population, with particular attention to the growing diversity of the population including low-income, minority, and non-English speaking older Virginians;

4. Information on unmet needs and waiting list data for ~~aging-related~~ aging services as reported by the Virginia Association of Area Agencies on Aging and those state agencies that may maintain and provide this information;

5. Results from periodic needs surveys and customer satisfaction surveys targeted to older Virginians that may be conducted by the Department, the Virginia Association of Area Agencies on Aging, or any other state or local agency from time to time;

6. An analysis by every state agency of how the aging of the population impacts the agency and its services and how the agency is responding to this impact. Such analysis shall be provided to the Department every four years on a schedule and in a format determined by the Secretary of Health and Human Resources in coordination with the Department;

7. The impact of changes in federal and state funding for aging services;

8. The current status and future development of Virginia's No Wrong Door Initiative; and

9. Any other factors the Department deems appropriate.

C. In carrying out the duties provided by this section, the Commissioner shall submit the plan to the Governor and the General Assembly by October 1, 2015. Thereafter, the plan shall be submitted every four years.

§ 51.5-137. Administrative responsibilities of Department regarding aging services.

The Department shall have the following responsibilities regarding ~~long-term care~~ aging services in the Commonwealth:

1. Develop appropriate fiscal and administrative controls over ~~public long-term care~~ aging services in the Commonwealth;
2. Develop a state long-term care plan to guide the coordination and delivery of ~~aging services by the human resources agencies, including transportation services.~~ The plan shall ensure the development of a continuum of ~~long-term care programs and aging services for impaired~~ older persons in need of services;
3. Identify ~~programmatic resources~~ and assure the equitable statewide distribution of ~~these resources for aging services;~~ and
4. Perform ongoing evaluations of the cost-effective utilization of ~~long-term care aging services resources.~~

§ 51.5-138. Coordination of local aging services and long-term care by localities.

The governing body of each county or city, or a combination thereof, may designate a lead agency and member agencies to accomplish the coordination of local ~~aging services and~~ long-term care ~~services and supports.~~ If established, the agencies ~~shall may~~ establish a long-term care coordination committee composed of, but not limited to, representatives of each agency. The coordination committee ~~shall may~~ guide the coordination and administration of ~~public long-term care aging services and long-term services care and supports~~ in the locality. The membership of the coordination committee ~~shall be comprised of~~ ~~may include,~~ but is not limited to, representatives of the local department of public health, the local department of social services, the community services board or community mental health clinic, the area agency on aging, the local nursing home pre-admission screening team, and representatives of housing, transportation, and other appropriate local organizations that provide long-term care ~~services.~~ A plan ~~shall may~~ be implemented that ensures the cost-effective utilization of all funds available for ~~aging services and long-term care services and supports~~ in the locality. Localities are encouraged to provide services and supports within each category of service in the continuum and to allow one person to deliver multiple ~~aging services,~~ when possible.

§ 51.5-150. Powers and duties of the Department with respect to public guardian and conservator program.

A. The Department shall fund from appropriations received for such purpose a statewide system of local or regional public guardian and conservator programs.

B. The Department shall:

1. Make and enter into all contracts necessary or incidental to the performance of its duties and in furtherance of the purposes as specified in this article in conformance with the Public Procurement Act (§ 2.2-4300 et seq.);

2. Contract with local or regional public or private entities to provide services as guardians and conservators operating as local or regional Virginia public guardian and conservator programs in those cases in which a court, pursuant to §§ 64.2-2010 and 64.2-2015, determines that a person is eligible to have a public guardian or conservator appointed;

3. Adopt reasonable regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) as appropriate to implement, administer, and manage the state and local or regional programs authorized by this article, including, but not limited to, the adoption of:

a. Minimum training and experience requirements for volunteers and professional staff of the local and regional programs;

b. An ideal range of staff to client ratios for the programs, and adoption of procedures to be followed whenever a local or regional program falls below or exceeds the ideal range of staff to client ratios, which shall include, but not be limited to, procedures to ensure that services shall continue to be available to those in need and that appropriate notice is given to the courts, sheriffs, where appropriate, and the Department;

c. Procedures governing disqualification of any program falling below or exceeding the ideal range of staff to client ratios, which shall include a process for evaluating any program that has exceeded the ratio to assess the effects falling below or exceeding the ideal range of ratios has, had, or is having upon the program and upon the incapacitated persons served by the program.

The regulations shall require that evaluations occur no less frequently than every six months and shall continue until the staff to client ratio returns to within the ideal range; and

d. Person-centered practice procedures that shall:

(1) Focus on the preferences and needs of the individual receiving public guardianship services; and

(2) Empower and support the individual receiving public guardianship services, to the extent feasible, in defining the direction for his life and promoting self-determination and community involvement.

4. Establish procedures and administrative guidelines to ensure the separation of local or regional Virginia public guardian and conservator programs from any other guardian or conservator program operated by the entity with whom the Department contracts, specifically addressing the need for separation in programs that may be fee-generating;

5. Establish recordkeeping and accounting procedures to ensure that each local or regional program (i) maintains confidential, accurate, and up-to-date records of the personal and property matters over which it has control for each incapacitated person for whom it is appointed guardian or conservator and (ii) files with the Department an account of all public and private funds received;

6. Establish criteria for the conduct of and filing with the Department and as otherwise required by law: values history surveys, annual decisional accounting and assessment reports, the care plan designed for the incapacitated person, and such other information as the Department may by regulation require;

7. Establish criteria to be used by the local and regional programs in setting priorities with regard to services to be provided;

8. Take such other actions as are necessary to ensure coordinated services and a reasonable review of all local and regional programs;

9. Maintain statistical data on the *operation of the* programs and report such data to the General Assembly on or before January 1 of each even-numbered year as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents regarding the status of the Virginia Public Guardian and Conservator Program and the ~~developing trends with regard to the need for guardians, conservators, and other types of surrogate decision-making services identified operational needs of the program.~~ Such ~~statistical data report~~ shall be posted on the Department's website. In addition, the Department shall enter into a contract with an appropriate research entity with expertise in gerontology, disabilities, and public administration to conduct an evaluation of local public guardian and conservator programs from funds specifically appropriated and allocated for this purpose, and the evaluator shall provide a report with recommendations to the Department and to the Public Guardian and Conservator Advisory Board established pursuant to § 51.5-149.1. Trends identified in the report, *including the need for public guardians, conservators, and other types of surrogate decision-making services*, shall be presented to the General Assembly. The Department shall request such a report from an appropriate research entity every four years, provided the General Assembly appropriates funds for that purpose; and

10. Recommend appropriate legislative or executive actions.

C. Nothing in this article shall prohibit the Department from contracting pursuant to subdivision B 2 with an entity that may also provide privately funded surrogate decision-making services, including guardian and conservator services funded with fees generated by the estates of incapacitated persons, provided such private programs are administered by the contracting entity entirely separately from the local or regional Virginia public guardian and conservator programs, in conformity with regulations established by the Department in that respect.

D. In accordance with the Public Procurement Act (§ 2.2-4300 et seq.) and recommendations of the Public Guardian and Conservator Advisory Board, the Department may contract with a not-for-profit private entity that does not provide services to incapacitated persons as guardian or conservator to administer the program, and, if it does, the term "Department" when used in this article shall refer to the contract administrator.

§ 51.5-152. Powers and duties of the Department with respect to Alzheimer's disease and related disorders.

The Department shall:

1. Serve as a referral point for linking families caring for persons with Alzheimer's disease and related disorders with Virginia's chapters of the Alzheimer's Disease and Related Disorders Association;
2. Provide information, counseling, *education*, and referral about services and programs, *including safe, secure environments as defined in § 63.2-1802*, that may support individuals and families dealing with Alzheimer's disease and related disorders;
3. Collect and monitor data related to the impact of Alzheimer's disease and related disorders on Virginians;
4. Evaluate the needs of individuals with Alzheimer's disease and related disorders and their caregivers, and identify the services, resources, and policies that may be needed to address such needs for individuals with Alzheimer's disease and related disorders and their caregivers;
5. Recommend strategies for coordination of services and resources among agencies involved in the delivery of services to Virginians with Alzheimer's disease and related disorders;
6. Monitor development and implementation of the state plan for meeting the needs of ~~patients~~ *individuals* with Alzheimer's disease and related disorders and their caregivers required pursuant to subdivision D 4 of § 51.5-154; and
7. Recommend policies, legislation, and funding necessary to implement the state plan for meeting the needs of ~~patients~~ *individuals* with Alzheimer's disease and related disorders and their caregivers required pursuant to subdivision D 4 of § 51.5-154.

Article 13.

State Long-Term Care Ombudsman Program.

§ 51.5-182. Responsibility for complaints and investigations.

In addition to its responsibilities for complaints regarding services provided by long-term care facilities pursuant to the Older Americans Act, 42 U.S.C. § 3001 et seq., as amended, the Office of the State Long-Term Care Ombudsman shall investigate complaints regarding services provided by (i) licensed adult day care centers as defined in § 63.2-100, (ii) home care organizations as defined in § 32.1-162.7, (iii) hospice facilities as defined in § 32.1-162.1, (iv) providers as defined in § 37.2-403, (v) state hospitals operated by the Department of Behavioral Health and Developmental Services, and (vi) an area agency on aging or any private nonprofit or proprietary agency providing services.

Nothing in this section shall affect the services provided by local departments of social services pursuant to § 63.2-1605.

§ 51.5-183. Access to clients, patients, individuals, providers, and records by Office of the State Long-Term Care Ombudsman; interference, retaliation, and reprisals against complainants.

A. The Office of the State Long-Term Care Ombudsman pursuant to the Older Americans Act, 42 U.S.C. § 3001 et seq., shall, in the performance of its functions, responsibilities, and duties, have access to (i) licensed assisted living facilities and adult day care centers as those terms are defined in § 63.2-100, (ii) home care organizations as defined in § 32.1-162.7, (iii) hospice facilities as defined in § 32.1-162.1, (iv) certified nursing facilities and nursing homes as those terms are defined in § 32.1-123, (v) providers as defined in § 37.2-403, (vi) state hospitals operated by the Department of Behavioral Health and Developmental Services, and (vii) providers of services by an area agency on aging or any private nonprofit or

proprietary agency providing services; the clients, patients, and individuals receiving services; and the records of such clients, patients, and individuals whenever the Office of the State Long-Term Care Ombudsman has the consent of the client, patient, or individual receiving services or his legal representative. However, if a client, patient, or individual receiving services is unable to consent to the review of his medical and social records and has no legal representative, and access to the records is necessary to investigate a complaint, access shall be granted to the extent necessary to conduct the investigation. Further, access shall be granted to the Office of the State Long-Term Care Ombudsman if a legal representative of the client, patient, or individual receiving services refuses to give consent and the Office of the State Long-Term Care Ombudsman has reasonable cause to believe that the legal representative is not acting in the best interests of the client, patient, or individual receiving services. Notwithstanding the provisions of § 32.1-125.1, the Office of the State Long-Term Care Ombudsman shall have access to state hospitals in accordance with this section. Access to patients, residents, and individuals receiving services and their records and to providers shall be available at any time during a provider's regular business or visiting hours and at any other time when access is required by the circumstances to be investigated. Records that are confidential under federal or state law shall be maintained as confidential by the Office of the State Long-Term Care Ombudsman and shall not be further disclosed, except as permitted by law. However, notwithstanding the provisions of this section, there shall be no right of access to privileged communications pursuant to § 8.01-581.17.

B. No provider, entity, or person may interfere with, retaliate against, or subject to reprisals a person who in good faith complains or provides information to, or otherwise cooperates with, the Office of the State Long-Term Care Ombudsman or any of its representatives or designees. The Commissioner shall promulgate regulations regarding the investigation of allegations of interference, retaliation, or reprisals and the implementation of sanctions with respect to such interference, retaliation, or reprisals as required under the Older Americans Act, 42 U.S.C. § 3001 et seq.

§ 51.5-184. Confidentiality of records of Office of the State Long-Term Care Ombudsman.

A. All documentary and other evidence received or maintained by the Office of the State Long-Term Care Ombudsman, the Department, or their agents in connection with specific complaints or investigations under any program of the Office of the State Long-Term Care Ombudsman shall be confidential and not subject to the Virginia Freedom of Information Act (§ 2.2-3700 et seq.), except that such information may be released on a confidential basis in compliance with regulations adopted by the Department and consistent with provisions of subdivision 4 of § 2.2-601 and with the requirements of the Older Americans Act, 42 U.S.C. § 3001 et seq.

B. The Office of the State Long-Term Care Ombudsman shall release information concerning completed investigations of complaints made under the programs of the Office of the State Long-Term Care Ombudsman but shall in no event release the identity of any complainant or individual receiving services from a long-term care provider that was the subject of a complaint unless (i) the complainant, or if the complainant is not the individual receiving services, the individual receiving services, or his legal representative and the complainant, consents to disclosure or (ii) disclosure is required by court order. The Office of the State Long-Term Care Ombudsman shall establish procedures to notify long-term care providers of the nature of complaints and its findings.

§ 51.5-185. Protection for representatives of the Office of the State Long-Term Care Ombudsman; interference, retaliation, and reprisals.

A. Any designated representative of the Office of the State Long-Term Care Ombudsman who in good faith with reasonable cause and without malice performs the official duties of ombudsman, including acting to report, investigate, or cause any investigation to be made regarding a long-term care provider, shall be immune from any civil liability that might otherwise be incurred or imposed as the result of making the report or investigation.

B. No provider, entity, or person may interfere with, retaliate against, or subject to reprisals the Office of the State Long-Term Care Ombudsman or any of its representatives or designees for actions taken in fulfillment of its functions, responsibilities, or duties. The Commissioner shall promulgate regulations regarding the investigation of allegations of interference, retaliation, or reprisals and the implementation of sanctions with respect to such interference, retaliation, or reprisals as required under the Older Americans Act, 42 U.S.C. § 3001 et seq.

C. The Department shall put in place mechanisms to ensure that the Office of the State Long-Term Care Ombudsman may (i) analyze, comment on, and monitor the development and implementation of federal, state, and local laws, regulations, and policies and actions related to long-term care services and providers or to the health, safety, welfare, and rights of individuals receiving long-term care services; (ii) recommend changes to such laws, regulations, and policies; and (iii) provide information, recommendations, and the position of the Office of the State Long-Term Care Ombudsman to public and private agencies, legislators, media, and other persons regarding concerns of individuals receiving long-term care services. Any comments, determinations, recommendations, and positions of the Office of the State Long-Term Care Ombudsman shall be clearly labeled as those of the Office of the State Long-Term Care Ombudsman and shall not be binding on the Department.

2. That §§ 51.5-139 through 51.5-142 and Article 8 (§§ 51.5-155 through 51.5-158) of Chapter 14 of Title 51.5 of the Code of Virginia are repealed.

CHAPTER 729

An Act to amend the Code of Virginia by adding a section numbered 32.1-122.03:1, relating to Statewide Telehealth Plan.

[H 1332]

Approved April 6, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 32.1-122.03:1 as follows:

§ 32.1-122.03:1. Statewide Telehealth Plan.

A. As used in this section:

"Remote patient monitoring services" has the same meaning as in § 38.2-3418.16.

"Telehealth services" means the use of telecommunications and information technology to provide access to health assessments, diagnosis, intervention, consultation, supervision, and information across distance. "Telehealth services" includes the use of such technologies as telephones, facsimile machines, electronic mail systems, store-and-forward technologies, and remote patient monitoring devices that are used to collect and transmit patient data for monitoring and interpretation. Nothing in this definition shall be construed or interpreted to amend the appropriate establishment of a bona fide practitioner-patient relationship, as defined in § 54.1-3303.

"Telemedicine services" has the same meaning as in § 38.2-3418.16.

B. The Board shall develop, by January 1, 2021, and maintain as a component of the State Health Plan a Statewide Telehealth Plan to promote an integrated approach to the introduction and use of telehealth services and telemedicine services.

C. The Statewide Telehealth Plan shall include provisions for:

1. The promotion of the inclusion of telehealth services and telemedicine services in the operating procedures of hospitals, primary care facilities, public primary and secondary schools, state-funded post-secondary schools, emergency medical services agencies, and such other state agencies and practices deemed necessary by the Board;

2. The promotion of the use of remote patient monitoring services and store-and-forward technologies, including in cases involving patients with chronic illness;

3. A uniform and integrated set of proposed criteria for the use of telehealth technologies for prehospital and interhospital triage and transportation of patients initiating or in need of emergency medical services developed by the Board in consultation with the Department of Health Professions, the Virginia College of Emergency Physicians, the Virginia Hospital and Healthcare Association, the Virginia Chapter of the American College of Surgeons, the American Stroke Association, the American Telemedicine Association, and prehospital care providers. The Board may revise such criteria from time to time to incorporate accepted changes in medical practice and appropriate use of new and effective innovations in telehealth or telemedicine technologies, or to respond to needs indicated by analysis of data on patient outcomes. Such criteria shall be used as a guide and resource for health care providers and are not intended to establish, in and of themselves, standards of care or to abrogate the requirements of § 8.01-581.20. A decision by a health care provider to deviate from the criteria shall not constitute negligence per se;

4. A strategy for integration of the Statewide Telehealth Plan with the State Health Plan, the Statewide Emergency Medical Services Plan, the Statewide Trauma Triage Plan, and the Stroke Triage Plan to support the purposes of each plan;

5. A strategy for the maintenance of the Statewide Telehealth Plan through (i) the development of an innovative payment model for emergency medical services that covers the transportation of a patient to a destination providing services of appropriate patient acuity and facilitates in-place treatment of a patient at the scene of an emergency response or via telehealth services and telemedicine services, where appropriate; (ii) the development of collaborative and uniform operating procedures for establishing and recording informed patient consent for the use of telehealth services and telemedicine services that are easily accessible by those medical professionals engaging in telehealth services and telemedicine services; and (iii) appropriate liability protection for providers involved in such telehealth and telemedicine consultation and treatment; and

6. A strategy for the collection of data regarding the use of telehealth services and telemedicine services in the delivery of inpatient and outpatient services, treatment of chronic illnesses, remote patient monitoring, and emergency medical services to determine the effect of use of telehealth services and telemedicine services on the medical system in the Commonwealth, including (i) the potential for reducing unnecessary inpatient hospital stays, particularly among patients with chronic illnesses or conditions; (ii) the impact of the use of telehealth services and telemedicine services on patient morbidity, mortality, and quality of life; (iii) the potential for reducing unnecessary prehospital and interhospital transfers; and (iv) the impact on annual expenditures for health care services for all payers, including expenditures by third-party payers and out-of-pocket expenditures by patients.

CHAPTER 730

An Act to amend and reenact §§ 54.1-3408.3 and 54.1-3442.7 of the Code of Virginia, relating to cannabidiol oil and THC-A oil; telemedicine; non-Virginia residents.

[H 1460]

Approved April 6, 2020

Be it enacted by the General Assembly of Virginia:**1. That §§ 54.1-3408.3 and 54.1-3442.7 of the Code of Virginia are amended and reenacted as follows:****§ 54.1-3408.3. Certification for use of cannabidiol oil or THC-A oil for treatment.**

A. As used in this section:

"Cannabidiol oil" means any formulation of processed Cannabis plant extract that contains at least 15 percent cannabidiol but no more than five percent tetrahydrocannabinol, or a dilution of the resin of the Cannabis plant that contains at least five milligrams of cannabidiol per dose but not more than five percent tetrahydrocannabinol. "Cannabidiol oil" does not include industrial hemp, as defined in § 3.2-4112, that is grown, dealt, or processed in compliance with state or federal law.

"Practitioner" means a practitioner of medicine or osteopathy licensed by the Board of Medicine, a physician assistant licensed by the Board of Medicine, or a nurse practitioner jointly licensed by the Board of Medicine and the Board of Nursing.

"Registered agent" means an individual designated by a patient who has been issued a written certification, or, if such patient is a minor or an incapacitated adult as defined in § 18.2-369, designated by such patient's parent or legal guardian, and registered with the Board pursuant to subsection G.

"THC-A oil" means any formulation of processed Cannabis plant extract that contains at least 15 percent tetrahydrocannabinol acid but not more than five percent tetrahydrocannabinol, or a dilution of the resin of the Cannabis plant that contains at least five milligrams of tetrahydrocannabinol acid per dose but not more than five percent tetrahydrocannabinol.

B. A practitioner in the course of his professional practice may issue a written certification for the use of cannabidiol oil or THC-A oil for treatment or to alleviate the symptoms of any diagnosed condition or disease determined by the practitioner to benefit from such use. *The practitioner shall use his professional judgment to determine the manner and frequency of patient care and evaluation and may employ the use of telemedicine, consistent with federal requirements for the prescribing of Schedule II through V controlled substances.*

C. The written certification shall be on a form provided by the Office of the Executive Secretary of the Supreme Court developed in consultation with the Board of Medicine. Such written certification shall contain the name, address, and telephone number of the practitioner, the name and address of the patient issued the written certification, the date on which the written certification was made, and the signature of the practitioner. Such written certification issued pursuant to subsection B shall expire no later than one year after its issuance unless the practitioner provides in such written certification an earlier expiration.

D. No practitioner shall be prosecuted under § 18.2-248 or 18.2-248.1 for dispensing or distributing cannabidiol oil or THC-A oil for the treatment or to alleviate the symptoms of a patient's diagnosed condition or disease pursuant to a written certification issued pursuant to subsection B. Nothing in this section shall preclude the Board of Medicine from sanctioning a practitioner for failing to properly evaluate or treat a patient's medical condition or otherwise violating the applicable standard of care for evaluating or treating medical conditions.

E. A practitioner who issues a written certification to a patient pursuant to this section shall register with the Board. The Board shall, in consultation with the Board of Medicine, set a limit on the number of patients to whom a practitioner may issue a written certification.

F. A patient who has been issued a written certification shall register with the Board or, if such patient is a minor or an incapacitated adult as defined in § 18.2-369, a patient's parent or legal guardian shall register and shall register such patient with the Board.

G. A patient, or, if such patient is a minor or an incapacitated adult as defined in § 18.2-369, such patient's parent or legal guardian, may designate an individual to act as his registered agent for the purposes of receiving cannabidiol oil or THC-A oil pursuant to a valid written certification. Such designated individual shall register with the Board. The Board may set a limit on the number patients for whom any individual is authorized to act as a registered agent.

H. The Board shall promulgate regulations to implement the registration process. Such regulations shall include (i) a mechanism for sufficiently identifying the practitioner issuing the written certification, the patient being treated by the practitioner, his registered agent, and, if such patient is a minor or an incapacitated adult as defined in § 18.2-369, the patient's parent or legal guardian; (ii) a process for ensuring that any changes in the information are reported in an appropriate timeframe; and (iii) a prohibition for the patient to be issued a written certification by more than one practitioner during any given time period.

I. Information obtained under the registration process shall be confidential and shall not be subject to the disclosure provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.). However, reasonable access to registry information shall be provided to (i) the Chairmen of the House and Senate Committees for Courts of Justice, (ii) state and federal agencies or local law enforcement for the purpose of investigating or prosecuting a specific individual for a specific

violation of law, (iii) licensed physicians or pharmacists for the purpose of providing patient care and drug therapy management and monitoring of drugs obtained by a registered patient, (iv) a pharmaceutical processor involved in the treatment of a registered patient, or (v) a registered patient, his registered agent, or, if such patient is a minor or an incapacitated adult as defined in § 18.2-369, the patient's parent or legal guardian, but only with respect to information related to such registered patient.

§ 54.1-3442.7. Dispensing cannabidiol oil and THC-A oil; report.

A. A pharmaceutical processor shall dispense or deliver cannabidiol oil or THC-A oil only in person to (i) a patient who is ~~a Virginia resident~~, *a Virginia resident or temporarily resides in Virginia as made evident to the Board*, has been issued a valid written certification, and is registered with the Board pursuant to § 54.1-3408.3; (ii) such patient's registered agent; or (iii) if such patient is a minor or an incapacitated adult as defined in § 18.2-369, such patient's parent or legal guardian who is ~~a Virginia resident~~ *a Virginia resident or temporarily resides in Virginia as made evident to the Board* and is registered with the Board pursuant to § 54.1-3408.3. Prior to the initial dispensing of each written certification, the pharmacist or pharmacy technician at the location of the pharmaceutical processor shall make and maintain for two years a paper or electronic copy of the written certification that provides an exact image of the document that is clearly legible; shall view a current photo identification of the patient, registered agent, parent, or legal guardian; and shall verify current board registration of the practitioner and the corresponding patient, registered agent, parent, or legal guardian. Prior to any subsequent dispensing of each written certification, the pharmacist, pharmacy technician, or delivery agent shall view the current written certification; a current photo identification of the patient, registered agent, parent, or legal guardian; and the current board registration issued to the patient, registered agent, parent, or legal guardian. No pharmaceutical processor shall dispense more than a 90-day supply for any patient during any 90-day period. The Board shall establish in regulation an amount of cannabidiol oil or THC-A oil that constitutes a 90-day supply to treat or alleviate the symptoms of a patient's diagnosed condition or disease.

B. A pharmaceutical processor shall dispense only cannabidiol oil and THC-A oil that has been cultivated and produced on the premises of a pharmaceutical processor permitted by the Board. A pharmaceutical processor may begin cultivation upon being issued a permit by the Board.

C. The Board shall report annually by December 1 to the Chairmen of the House and Senate Committees for Courts of Justice on the operation of pharmaceutical processors issued a permit by the Board, including the number of practitioners, patients, registered agents, and parents or legal guardians of patients who have registered with the Board and the number of written certifications issued pursuant to § 54.1-3408.3.

D. The concentration of tetrahydrocannabinol in any THC-A oil on site may be up to 10 percent greater than or less than the level of tetrahydrocannabinol measured for labeling. A pharmaceutical processor shall ensure that such concentration in any THC-A onsite is within such range and shall establish a stability testing schedule of THC-A oil.

CHAPTER 731

An Act to amend and reenact §§ 38.2-3408, 54.1-3300, and 54.1-3300.1 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 54.1-3303.1, relating to pharmacists; initiating treatment with and dispensing and administering of controlled substances.

[H 1506]

Approved April 6, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 38.2-3408, 54.1-3300, and 54.1-3300.1 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 54.1-3303.1 as follows:

§ 38.2-3408. Policy providing for reimbursement for services that may be performed by certain practitioners other than physicians.

A. If an accident and sickness insurance policy provides reimbursement for any service that may be legally performed by a person licensed in this Commonwealth as a chiropractor, optometrist, optician, professional counselor, psychologist, clinical social worker, podiatrist, physical therapist, chiropodist, clinical nurse specialist who renders mental health services, audiologist, speech pathologist, certified nurse midwife or other nurse practitioner, marriage and family therapist, or licensed acupuncturist, reimbursement under the policy shall not be denied because the service is rendered by the licensed practitioner.

B. If an accident and sickness insurance policy provides reimbursement for a service that may be legally performed by a licensed pharmacist, reimbursement under the policy shall not be denied because the service is rendered by the licensed pharmacist, provided that (i) the service is performed for an insured for a condition under the terms of a collaborative agreement, as defined in § 54.1-3300, ~~between a pharmacist and the physician with whom the insured is undergoing a course of treatment or~~ (ii) the service is for the administration of vaccines for immunization. ~~Notwithstanding the provisions of § 38.2-3407, the insurer may require the pharmacist, any pharmacy or provider that may employ such pharmacist, or the collaborating physician to enter into a written agreement with the insurer as a condition for reimbursement for such services. In addition, reimbursement to pharmacists acting under the terms of a collaborative agreement under this subsection shall not be subject to the provisions of § 38.2-3407.7, or (iii) the service is provided in accordance with § 54.1-3303.1.~~

C. This section shall not apply to Medicaid, or any state fund.

§ 54.1-3300. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Board" means the Board of Pharmacy.

"Collaborative agreement" means a voluntary, written, or electronic arrangement between one pharmacist and his designated alternate pharmacists involved directly in patient care at a single physical location where patients receive services and (i) any person licensed to practice medicine, osteopathy, or podiatry together with any person licensed, registered, or certified by a health regulatory board of the Department of Health Professions who provides health care services to patients of such person licensed to practice medicine, osteopathy, or podiatry; (ii) a physician's office as defined in § 32.1-276.3, provided that such collaborative agreement is signed by each physician participating in the collaborative ~~practice~~ agreement; (iii) any licensed physician assistant working under the supervision of a person licensed to practice medicine, osteopathy, or podiatry; or (iv) any licensed nurse practitioner working in accordance with the provisions of § 54.1-2957, involved directly in patient care which authorizes cooperative procedures with respect to patients of such practitioners. Collaborative procedures shall be related to treatment using drug therapy, laboratory tests, or medical devices, under defined conditions or limitations, for the purpose of improving patient outcomes. A collaborative agreement is not required for the management of patients of an inpatient facility.

"Dispense" means to deliver a drug to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, including the prescribing and administering, packaging, labeling, or compounding necessary to prepare the substance for delivery.

"Pharmacist" means a person holding a license issued by the Board to practice pharmacy.

"Pharmacy" means every establishment or institution in which drugs, medicines, or medicinal chemicals are dispensed or offered for sale, or a sign is displayed bearing the word or words "pharmacist," "pharmacy," "apothecary," "drugstore," "druggist," "drugs," "medicine store," "drug sundries," "prescriptions filled," or any similar words intended to indicate that the practice of pharmacy is being conducted.

"Pharmacy intern" means a student currently enrolled in or a graduate of an approved school of pharmacy who is registered with the Board for the purpose of gaining the practical experience required to apply for licensure as a pharmacist.

"Pharmacy technician" means a person registered with the Board to assist a pharmacist under the pharmacist's supervision.

"Practice of pharmacy" means the personal health service that is concerned with the art and science of selecting, procuring, recommending, administering, preparing, compounding, packaging, and dispensing of drugs, medicines, and devices used in the diagnosis, treatment, or prevention of disease, whether compounded or dispensed on a prescription or otherwise legally dispensed or distributed, and shall include (i) the proper and safe storage and distribution of drugs; (ii) the maintenance of proper records; (iii) the responsibility of providing information concerning drugs and medicines and their therapeutic values and uses in the treatment and prevention of disease; ~~and~~ (iv) the management of patient care under the terms of a collaborative agreement as defined in this section; and (v) *the initiating of treatment with or dispensing or administering of certain drugs in accordance with the provisions of § 54.1-3303.1.*

"Supervision" means the direction and control by a pharmacist of the activities of a pharmacy intern or a pharmacy technician whereby the supervising pharmacist is physically present in the pharmacy or in the facility in which the pharmacy is located when the intern or technician is performing duties restricted to a pharmacy intern or technician, respectively, and is available for immediate oral communication.

Other terms used in the context of this chapter shall be defined as provided in Chapter 34 (§ 54.1-3400 et seq.) unless the context requires a different meaning.

§ 54.1-3300.1. Participation in collaborative agreements; regulations to be promulgated by the Boards of Medicine and Pharmacy.

A. A pharmacist and his designated alternate pharmacists involved directly in patient care may participate with (i) any person licensed to practice medicine, osteopathy, or podiatry together with any person licensed, registered, or certified by a health regulatory board of the Department of Health Professions who provides health care services to patients of such person licensed to practice medicine, osteopathy, or podiatry; (ii) a physician's office as defined in § 32.1-276.3, provided that such collaborative agreement is signed by each physician participating in the collaborative ~~practice~~ agreement; (iii) any licensed physician assistant working under the supervision of a person licensed to practice medicine, osteopathy, or podiatry; or (iv) any licensed nurse practitioner working in accordance with the provisions of § 54.1-2957, involved directly in patient care in collaborative agreements which authorize cooperative procedures related to treatment using drug therapy, laboratory tests, or medical devices, under defined conditions or limitations, for the purpose of improving patient outcomes *for patients who meet the criteria set forth in the collaborative agreement.* However, no person licensed to practice medicine, osteopathy, or podiatry shall be required to participate in a collaborative agreement with a pharmacist and his designated alternate pharmacists, regardless of whether a professional business entity on behalf of which the person is authorized to act enters into a collaborative agreement with a pharmacist and his designated alternate pharmacists.

~~No patient shall be required to participate in a collaborative procedure without such patient's consent.~~ B. A patient who meets the criteria for inclusion in the category of patients whose care is subject to a collaborative agreement and who chooses to not participate in a collaborative procedure shall notify the prescriber of his refusal to participate in such

collaborative procedure. A prescriber may elect to have a patient not participate in a collaborative procedure by contacting the pharmacist or his designated alternative pharmacists or by documenting the same on the patient's prescription.

C. Collaborative agreements may include the implementation, modification, continuation, or discontinuation of drug therapy pursuant to written or electronic protocols, provided implementation of drug therapy occurs following diagnosis by the prescriber; the ordering of laboratory tests; or other patient care management measures related to monitoring or improving the outcomes of drug or device therapy. No such collaborative agreement shall exceed the scope of practice of the respective parties. Any pharmacist who deviates from or practices in a manner inconsistent with the terms of a collaborative agreement shall be in violation of § 54.1-2902; such violation shall constitute grounds for disciplinary action pursuant to §§ 54.1-2400 and 54.1-3316.

D. Collaborative agreements may only be used for conditions which have protocols that are clinically accepted as the standard of care, or are approved by the Boards of Medicine and Pharmacy. The Boards of Medicine and Pharmacy shall jointly develop and promulgate regulations to implement the provisions of this section and to facilitate the development and implementation of safe and effective collaborative agreements between the appropriate practitioners and pharmacists. The regulations shall include guidelines concerning the use of protocols, and a procedure to allow for the approval or disapproval of specific protocols by the Boards of Medicine and Pharmacy if review is requested by a practitioner or pharmacist.

E. Nothing in this section shall be construed to supersede the provisions of § 54.1-3303.

§ 54.1-3303.1. Initiating of treatment with and dispensing and administering of controlled substances by pharmacists.

A. Notwithstanding the provisions of § 54.1-3303, a pharmacist may initiate treatment with, dispense, or administer the following drugs and devices to persons 18 years of age or older in accordance with a statewide protocol developed by the Board in collaboration with the Board of Medicine and the Department of Health and set forth in regulations of the Board:

1. Naloxone or other opioid antagonist, including such controlled paraphernalia, as defined in § 54.1-3466, as may be necessary to administer such naloxone or other opioid antagonist;

2. Epinephrine;

3. Injectable or self-administered hormonal contraceptives, provided the patient completes an assessment consistent with the United States Medical Eligibility Criteria for Contraceptive Use;

4. Prenatal vitamins for which a prescription is required;

5. Dietary fluoride supplements, in accordance with recommendations of the American Dental Association for prescribing of such supplements for persons whose drinking water has a fluoride content below the concentration recommended by the U.S. Department of Health and Human Services; and

6. Medications covered by the patient's health carrier when the patient's out-of-pocket cost is lower than the out-of-pocket cost to purchase an over-the-counter equivalent of the same drug.

B. A pharmacist who initiates treatment with or dispenses or administers a drug or device pursuant to this section shall notify the patient's primary health care provider that the pharmacist has initiated treatment with such drug or device or that such drug or device has been dispensed or administered to the patient, provided that the patient consents to such notification. If the patient does not have a primary health care provider, the pharmacist shall counsel the patient regarding the benefits of establishing a relationship with a primary health care provider and, upon request, provide information regarding primary health care providers, including federally qualified health centers, free clinics, or local health departments serving the area in which the patient is located. If the pharmacist is initiating treatment with, dispensing, or administering injectable or self-administered hormonal contraceptives, the pharmacist shall counsel the patient regarding seeking preventative care, including (i) routine well-woman visits, (ii) testing for sexually transmitted infections, and (iii) pap smears.

2. That the Board of Pharmacy, in collaboration with the Board of Medicine and the Department of Health, shall establish protocols for the initiating of treatment with and dispensing and administering of drugs and devices by pharmacists in accordance with § 54.1-3303.1 of the Code of Virginia, as created by this act, by November 1, 2020, and shall promulgate regulations to implement the provisions of the first enactment of this act to be effective within 280 days of its enactment. Such regulations shall include provisions for ensuring that physical settings in which treatment is provided pursuant to this act shall be in compliance with the Health Insurance Portability and Accountability Act, 42 U.S.C. § 1320d et seq.

3. That the Board of Pharmacy (the Board) shall establish a work group consisting of representatives of the Board of Medicine, the Department of Health, schools of medicine and pharmacy located in the Commonwealth, and such other stakeholders as the Board may deem appropriate to provide recommendations regarding the development of protocols for the initiating of treatment with and dispensing and administering by pharmacists to persons 18 years of age or older of drugs and devices, including (i) vaccines included on the Immunization Schedule published by the Centers for Disease Control and Prevention; (ii) drugs approved by the U.S. Food and Drug Administration for tobacco cessation therapy, including nicotine replacement therapy; (iii) tuberculin purified protein derivative for tuberculosis testing; (iv) controlled substances or devices for the treatment of diseases or conditions for which clinical decision making can be guided by a clinical test that is classified as waived under the federal Clinical Laboratory Improvement Amendments of 1988, including influenza virus, *Helicobacter pylori* bacteria, urinary

tract infection, and group A Streptococcus bacteria; (v) controlled substances for the prevention of human immunodeficiency virus, including controlled substances prescribed for pre-exposure and post-exposure prophylaxis pursuant to guidelines and recommendations of the Centers for Disease Control and Prevention; and (vi) drugs other than controlled substances, including drugs sold over the counter, for which the patient's health insurance provider requires a prescription. The work group shall report its findings and recommendations to the Governor and the Chairmen of the House Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health by November 1, 2020.

CHAPTER 732

An Act to amend and reenact §§ 9.1-151, 16.1-228, 16.1-241, and 63.2-100 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 16.1-283.3 and by adding in Chapter 9 of Title 63.2 an article numbered 2, consisting of sections numbered 63.2-917 through 63.2-923, relating to Fostering Futures program.

[S 156]

Approved April 6, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 9.1-151, 16.1-228, 16.1-241, and 63.2-100 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 16.1-283.3 and by adding in Chapter 9 of Title 63.2 an article numbered 2, consisting of sections numbered 63.2-917 through 63.2-923, as follows:

§ 9.1-151. Court-Appointed Special Advocate Program; appointment of advisory committee.

A. There is established a Court-Appointed Special Advocate Program (the Program) that shall be administered by the Department. The Program shall provide services in accordance with this article to children who are subjects of judicial proceedings (i) involving allegations that the child is abused, neglected, in need of services, or in need of supervision or (ii) for the restoration of parental rights pursuant to § 16.1-283.2 and for whom the juvenile and domestic relations district court judge determines such services are appropriate. Court-Appointed Special Advocate volunteer appointments may continue for youth 18 years of age and older who are in foster care if the court has retained jurisdiction pursuant to *subsection Z of § 16.1-241* or § 16.1-242 and the juvenile and domestic relations district court judge determines such services are appropriate. The Department shall adopt regulations necessary and appropriate for the administration of the Program.

B. The Board shall appoint an Advisory Committee to the Court-Appointed Special Advocate Program, consisting of 15 members, one of whom shall be a judge of the juvenile and domestic relations district court or circuit court, knowledgeable of court matters, child welfare, and juvenile justice issues and representative of both state and local interests. The duties of the Advisory Committee shall be to advise the Board on all matters relating to the Program and the needs of the clients served by the Program, and to make such recommendations as it may deem desirable.

§ 16.1-228. Definitions.

When used in this chapter, unless the context otherwise requires:

"Abused or neglected child" means any child:

1. Whose parents or other person responsible for his care creates or inflicts, threatens to create or inflict, or allows to be created or inflicted upon such child a physical or mental injury by other than accidental means, or creates a substantial risk of death, disfigurement or impairment of bodily or mental functions, including, but not limited to, a child who is with his parent or other person responsible for his care either (i) during the manufacture or attempted manufacture of a Schedule I or II controlled substance, or (ii) during the unlawful sale of such substance by that child's parents or other person responsible for his care, where such manufacture, or attempted manufacture or unlawful sale would constitute a felony violation of § 18.2-248;

2. Whose parents or other person responsible for his care neglects or refuses to provide care necessary for his health; however, no child who in good faith is under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination shall for that reason alone be considered to be an abused or neglected child;

3. Whose parents or other person responsible for his care abandons such child;

4. Whose parents or other person responsible for his care commits or allows to be committed any sexual act upon a child in violation of the law;

5. Who is without parental care or guardianship caused by the unreasonable absence or the mental or physical incapacity of the child's parent, guardian, legal custodian, or other person standing in loco parentis;

6. Whose parents or other person responsible for his care creates a substantial risk of physical or mental injury by knowingly leaving the child alone in the same dwelling, including an apartment as defined in § 55.1-2000, with a person to whom the child is not related by blood or marriage and who the parent or other person responsible for his care knows has been convicted of an offense against a minor for which registration is required as a violent sexual offender pursuant to § 9.1-902; or

7. Who has been identified as a victim of sex trafficking or severe forms of trafficking as defined in the Trafficking Victims Protection Act of 2000, 22 U.S.C. § 7102 et seq., and in the Justice for Victims of Trafficking Act of 2015, 42 U.S.C. § 5101 et seq.

If a civil proceeding under this chapter is based solely on the parent having left the child at a hospital or emergency medical services agency, it shall be an affirmative defense that such parent safely delivered the child to a hospital that provides 24-hour emergency services or to an attended emergency medical services agency that employs emergency medical services personnel, within 14 days of the child's birth. For purposes of terminating parental rights pursuant to § 16.1-283 and placement for adoption, the court may find such a child is a neglected child upon the ground of abandonment.

"Adoptive home" means the place of residence of any natural person in which a child resides as a member of the household and in which he has been placed for the purposes of adoption or in which he has been legally adopted by another member of the household.

"Adult" means a person 18 years of age or older.

"Ancillary crime" or "ancillary charge" means any delinquent act committed by a juvenile as a part of the same act or transaction as, or which constitutes a part of a common scheme or plan with, a delinquent act which would be a felony if committed by an adult.

"Boot camp" means a short term secure or nonsecure juvenile residential facility with highly structured components including, but not limited to, military style drill and ceremony, physical labor, education and rigid discipline, and no less than six months of intensive aftercare.

"Child," "juvenile," or "minor" means a person *who is (i) less than 18 years of age or (ii) for purposes of the Fostering Futures program set forth in Article 2 (§ 63.2-917 et seq.) of Chapter 9 of Title 63.2, less than 21 years of age and meets the eligibility criteria set forth in § 63.2-919.*

"Child in need of services" means (i) a child whose behavior, conduct or condition presents or results in a serious threat to the well-being and physical safety of the child or (ii) a child under the age of 14 whose behavior, conduct or condition presents or results in a serious threat to the well-being and physical safety of another person; however, no child who in good faith is under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination shall for that reason alone be considered to be a child in need of services, nor shall any child who habitually remains away from or habitually deserts or abandons his family as a result of what the court or the local child protective services unit determines to be incidents of physical, emotional or sexual abuse in the home be considered a child in need of services for that reason alone.

However, to find that a child falls within these provisions, (i) the conduct complained of must present a clear and substantial danger to the child's life or health or to the life or health of another person, (ii) the child or his family is in need of treatment, rehabilitation or services not presently being received, and (iii) the intervention of the court is essential to provide the treatment, rehabilitation or services needed by the child or his family.

"Child in need of supervision" means:

1. A child who, while subject to compulsory school attendance, is habitually and without justification absent from school, and (i) the child has been offered an adequate opportunity to receive the benefit of any and all educational services and programs that are required to be provided by law and which meet the child's particular educational needs, (ii) the school system from which the child is absent or other appropriate agency has made a reasonable effort to effect the child's regular attendance without success, and (iii) the school system has provided documentation that it has complied with the provisions of § 22.1-258; or

2. A child who, without reasonable cause and without the consent of his parent, lawful custodian or placement authority, remains away from or deserts or abandons his family or lawful custodian on more than one occasion or escapes or remains away without proper authority from a residential care facility in which he has been placed by the court, and (i) such conduct presents a clear and substantial danger to the child's life or health, (ii) the child or his family is in need of treatment, rehabilitation or services not presently being received, and (iii) the intervention of the court is essential to provide the treatment, rehabilitation or services needed by the child or his family.

"Child welfare agency" means a child-placing agency, child-caring institution or independent foster home as defined in § 63.2-100.

"The court" or the "juvenile court" or the "juvenile and domestic relations court" means the juvenile and domestic relations district court of each county or city.

"Delinquent act" means (i) an act designated a crime under the law of the Commonwealth, or an ordinance of any city, county, town, or service district, or under federal law, (ii) a violation of § 18.2-308.7, or (iii) a violation of a court order as provided for in § 16.1-292, but shall not include an act other than a violation of § 18.2-308.7, which is otherwise lawful, but is designated a crime only if committed by a child. For purposes of §§ 16.1-241 and 16.1-278.9, the term shall include a refusal to take a breath test in violation of § 18.2-268.2 or a similar ordinance of any county, city, or town.

"Delinquent child" means a child who has committed a delinquent act or an adult who has committed a delinquent act prior to his 18th birthday, except where the jurisdiction of the juvenile court has been terminated under the provisions of § 16.1-269.6.

"Department" means the Department of Juvenile Justice and "Director" means the administrative head in charge thereof or such of his assistants and subordinates as are designated by him to discharge the duties imposed upon him under this law.

"Family abuse" means any act involving violence, force, or threat that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury and that is committed by a person against such person's family or household member. Such act includes, but is not limited to, any forceful detention, stalking, criminal sexual assault in violation of Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2, or any criminal offense that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury.

"Family or household member" means (i) the person's spouse, whether or not he or she resides in the same home with the person, (ii) the person's former spouse, whether or not he or she resides in the same home with the person, (iii) the person's parents, stepparents, children, stepchildren, brothers, sisters, half-brothers, half-sisters, grandparents and grandchildren, regardless of whether such persons reside in the same home with the person, (iv) the person's mother-in-law, father-in-law, sons-in-law, daughters-in-law, brothers-in-law and sisters-in-law who reside in the same home with the person, (v) any individual who has a child in common with the person, whether or not the person and that individual have been married or have resided together at any time, or (vi) any individual who cohabits or who, within the previous 12 months, cohabited with the person, and any children of either of them then residing in the same home with the person.

"Fictive kin" means persons who are not related to a child by blood or adoption but have an established relationship with the child or his family.

"Foster care services" means the provision of a full range of casework, treatment and community services for a planned period of time to a child who is abused or neglected as defined in § 63.2-100 or in need of services as defined in this section and his family when the child (i) has been identified as needing services to prevent or eliminate the need for foster care placement, (ii) has been placed through an agreement between the local board of social services or a public agency designated by the community policy and management team and the parents or guardians where legal custody remains with the parents or guardians, (iii) has been committed or entrusted to a local board of social services or child welfare agency, or (iv) has been placed under the supervisory responsibility of the local board pursuant to § 16.1-293.

"Independent living arrangement" means placement of (i) a child at least 16 years of age who is in the custody of a local board or licensed child-placing agency by the local board or licensed child-placing agency or (ii) a child at least 16 years of age or a person between the ages of 18 and 21 who was committed to the Department of Juvenile Justice immediately prior to placement by the Department of Juvenile Justice, in a living arrangement in which such child or person does not have daily substitute parental supervision.

"Independent living services" means services and activities provided to a child in foster care 14 years of age or older and who has been committed or entrusted to a local board of social services, child welfare agency, or private child-placing agency. "Independent living services" may also mean services and activities provided to a person who (i) was in foster care on his 18th birthday and has not yet reached the age of 21 years; (ii) is between the ages of 18 and 21 and who, immediately prior to his commitment to the Department of Juvenile Justice, was in the custody of a local board of social services; or (iii) is a child at least 16 years of age or a person between the ages of 18 and 21 who was committed to the Department of Juvenile Justice immediately prior to placement in an independent living arrangement. Such services shall include counseling, education, housing, employment, and money management skills development and access to essential documents and other appropriate services to help children or persons prepare for self-sufficiency.

"Intake officer" means a juvenile probation officer appointed as such pursuant to the authority of this chapter.

"Jail" or "other facility designed for the detention of adults" means a local or regional correctional facility as defined in § 53.1-1, except those facilities utilized on a temporary basis as a court holding cell for a child incident to a court hearing or as a temporary lock-up room or ward incident to the transfer of a child to a juvenile facility.

"The judge" means the judge or the substitute judge of the juvenile and domestic relations district court of each county or city.

"This law" or "the law" means the Juvenile and Domestic Relations District Court Law embraced in this chapter.

"Legal custody" means (i) a legal status created by court order which vests in a custodian the right to have physical custody of the child, to determine and redetermine where and with whom he shall live, the right and duty to protect, train and discipline him and to provide him with food, shelter, education and ordinary medical care, all subject to any residual parental rights and responsibilities or (ii) the legal status created by court order of joint custody as defined in § 20-107.2.

"Permanent foster care placement" means the place of residence in which a child resides and in which he has been placed pursuant to the provisions of §§ 63.2-900 and 63.2-908 with the expectation and agreement between the placing agency and the place of permanent foster care that the child shall remain in the placement until he reaches the age of majority unless modified by court order or unless removed pursuant to § 16.1-251 or 63.2-1517. A permanent foster care placement may be a place of residence of any natural person or persons deemed appropriate to meet a child's needs on a long-term basis.

"Qualified individual" means a trained professional or licensed clinician who is not an employee of the local board of social services or licensed child-placing agency that placed the child in a qualified residential treatment program and is not affiliated with any placement setting in which children are placed by such local board of social services or licensed child-placing agency.

"Qualified residential treatment program" means a program that (i) provides 24-hour residential placement services for children in foster care; (ii) has adopted a trauma-informed treatment model that meets the clinical and other needs of children with serious emotional or behavioral disorders, including any clinical or other needs identified through assessments conducted pursuant to clause (viii) of this definition; (iii) employs registered or licensed nursing and other clinical staff who provide care, on site and within the scope of their practice, and are available 24 hours a day, 7 days a week; (iv) conducts outreach with the child's family members, including efforts to maintain connections between the child and his siblings and other family; documents and maintains records of such outreach efforts; and maintains contact information for any known biological family and fictive kin of the child; (v) whenever appropriate and in the best interest of the child, facilitates participation by family members in the child's treatment program before and after discharge and documents the manner in which such participation is facilitated; (vi) provides discharge planning and family-based aftercare support for at least six months after discharge; (vii) is licensed in accordance with 42 U.S.C. § 671(a)(10) and accredited by an organization approved by the federal Secretary of Health and Human Services; and (viii) requires that any child placed in the program receive an assessment within 30 days of such placement by a qualified individual that (a) assesses the strengths and needs of the child using an age-appropriate, evidence-based, validated, and functional assessment tool approved by the Commissioner of Social Services; (b) identifies whether the needs of the child can be met through placement with a family member or in a foster home or, if not, in a placement setting authorized by 42 U.S.C. § 672(k)(2), including a qualified residential treatment program, that would provide the most effective and appropriate level of care for the child in the least restrictive environment and be consistent with the short-term and long-term goals established for the child in his foster care or permanency plan; (c) establishes a list of short-term and long-term mental and behavioral health goals for the child; and (d) is documented in a written report to be filed with the court prior to any hearing on the child's placement pursuant to § 16.1-281, 16.1-282, 16.1-282.1, or 16.1-282.2.

"Residual parental rights and responsibilities" means all rights and responsibilities remaining with the parent after the transfer of legal custody or guardianship of the person, including but not limited to the right of visitation, consent to adoption, the right to determine religious affiliation and the responsibility for support.

"Secure facility" or "detention home" means a local, regional or state public or private locked residential facility that has construction fixtures designed to prevent escape and to restrict the movement and activities of children held in lawful custody.

"Shelter care" means the temporary care of children in physically unrestricting facilities.

"State Board" means the State Board of Juvenile Justice.

"Status offender" means a child who commits an act prohibited by law which would not be criminal if committed by an adult.

"Status offense" means an act prohibited by law which would not be an offense if committed by an adult.

"Violent juvenile felony" means any of the delinquent acts enumerated in subsection B or C of § 16.1-269.1 when committed by a juvenile 14 years of age or older.

§ 16.1-241. Jurisdiction; consent for abortion.

The judges of the juvenile and domestic relations district court elected or appointed under this law shall be conservators of the peace within the corporate limits of the cities and the boundaries of the counties for which they are respectively chosen and within one mile beyond the limits of such cities and counties. Except as hereinafter provided, each juvenile and domestic relations district court shall have, within the limits of the territory for which it is created, exclusive original jurisdiction, and within one mile beyond the limits of said city or county, concurrent jurisdiction with the juvenile court or courts of the adjoining city or county, over all cases, matters and proceedings involving:

A. The custody, visitation, support, control or disposition of a child:

1. Who is alleged to be abused, neglected, in need of services, in need of supervision, a status offender, or delinquent except where the jurisdiction of the juvenile court has been terminated or divested;

2. Who is abandoned by his parent or other custodian or who by reason of the absence or physical or mental incapacity of his parents is without parental care and guardianship;

2a. Who is at risk of being abused or neglected by a parent or custodian who has been adjudicated as having abused or neglected another child in the care of the parent or custodian;

3. Whose custody, visitation or support is a subject of controversy or requires determination. In such cases jurisdiction shall be concurrent with and not exclusive of courts having equity jurisdiction, except as provided in § 16.1-244;

4. Who is the subject of an entrustment agreement entered into pursuant to § 63.2-903 or 63.2-1817 or whose parent or parents for good cause desire to be relieved of his care and custody;

5. Where the termination of residual parental rights and responsibilities is sought. In such cases jurisdiction shall be concurrent with and not exclusive of courts having equity jurisdiction, as provided in § 16.1-244;

6. Who is charged with a traffic infraction as defined in § 46.2-100; or

7. Who is alleged to have refused to take a blood test in violation of § 18.2-268.2.

In any case in which the juvenile is alleged to have committed a violent juvenile felony enumerated in subsection B of § 16.1-269.1, and for any charges ancillary thereto, the jurisdiction of the juvenile court shall be limited to conducting a preliminary hearing to determine if there is probable cause to believe that the juvenile committed the act alleged and that the juvenile was 14 years of age or older at the time of the commission of the alleged offense, and any matters related thereto. In any case in which the juvenile is alleged to have committed a violent juvenile felony enumerated in subsection C of

§ 16.1-269.1, and for all charges ancillary thereto, if the attorney for the Commonwealth has given notice as provided in subsection C of § 16.1-269.1, the jurisdiction of the juvenile court shall be limited to conducting a preliminary hearing to determine if there is probable cause to believe that the juvenile committed the act alleged and that the juvenile was 14 years of age or older at the time of the commission of the alleged offense, and any matters related thereto. A determination by the juvenile court following a preliminary hearing pursuant to subsection B or C of § 16.1-269.1 to certify a charge to the grand jury shall divest the juvenile court of jurisdiction over the charge and any ancillary charge. In any case in which a transfer hearing is held pursuant to subsection A of § 16.1-269.1, if the juvenile court determines to transfer the case, jurisdiction of the juvenile court over the case shall be divested as provided in § 16.1-269.6.

In all other cases involving delinquent acts, and in cases in which an ancillary charge remains after a violent juvenile felony charge has been dismissed or a violent juvenile felony has been reduced to a lesser offense not constituting a violent juvenile felony, the jurisdiction of the juvenile court shall not be divested unless there is a transfer pursuant to subsection A of § 16.1-269.1.

The authority of the juvenile court to adjudicate matters involving the custody, visitation, support, control or disposition of a child shall not be limited to the consideration of petitions filed by a mother, father or legal guardian but shall include petitions filed at any time by any party with a legitimate interest therein. A party with a legitimate interest shall be broadly construed and shall include, but not be limited to, grandparents, step-grandparents, stepparents, former stepparents, blood relatives and family members. A party with a legitimate interest shall not include any person (i) whose parental rights have been terminated by court order, either voluntarily or involuntarily, (ii) whose interest in the child derives from or through a person whose parental rights have been terminated by court order, either voluntarily or involuntarily, including, but not limited to, grandparents, stepparents, former stepparents, blood relatives and family members, if the child subsequently has been legally adopted, except where a final order of adoption is entered pursuant to § 63.2-1241, or (iii) who has been convicted of a violation of subsection A of § 18.2-61, § 18.2-63, subsection B of § 18.2-366, or an equivalent offense of another state, the United States, or any foreign jurisdiction, when the child who is the subject of the petition was conceived as a result of such violation. The authority of the juvenile court to consider a petition involving the custody of a child shall not be proscribed or limited where the child has previously been awarded to the custody of a local board of social services.

A1. Making specific findings of fact required by state or federal law to enable a child to apply for or receive a state or federal benefit.

B. The admission of minors for inpatient treatment in a mental health facility in accordance with the provisions of Article 16 (§ 16.1-335 et seq.) and the involuntary admission of a person with mental illness or judicial certification of eligibility for admission to a training center for persons with intellectual disability in accordance with the provisions of Chapter 8 (§ 37.2-800 et seq.) of Title 37.2. Jurisdiction of the involuntary admission and certification of adults shall be concurrent with the general district court.

C. Except as provided in subsections D and H, judicial consent to such activities as may require parental consent may be given for a child who has been separated from his parents, guardian, legal custodian or other person standing in loco parentis and is in the custody of the court when such consent is required by law.

D. Judicial consent for emergency surgical or medical treatment for a child who is neither married nor has ever been married, when the consent of his parent, guardian, legal custodian or other person standing in loco parentis is unobtainable because such parent, guardian, legal custodian or other person standing in loco parentis (i) is not a resident of the Commonwealth, (ii) has his whereabouts unknown, (iii) cannot be consulted with promptness, reasonable under the circumstances, or (iv) fails to give such consent or provide such treatment when requested by the judge to do so.

E. Any person charged with deserting, abandoning or failing to provide support for any person in violation of law.

F. Any parent, guardian, legal custodian or other person standing in loco parentis of a child:

1. Who has been abused or neglected;
2. Who is the subject of an entrustment agreement entered into pursuant to § 63.2-903 or 63.2-1817 or is otherwise before the court pursuant to subdivision A 4; or
3. Who has been adjudicated in need of services, in need of supervision, or delinquent, if the court finds that such person has by overt act or omission induced, caused, encouraged or contributed to the conduct of the child complained of in the petition.

G. Petitions filed by or on behalf of a child or such child's parent, guardian, legal custodian or other person standing in loco parentis for the purpose of obtaining treatment, rehabilitation or other services that are required by law to be provided for that child or such child's parent, guardian, legal custodian or other person standing in loco parentis. Jurisdiction in such cases shall be concurrent with and not exclusive of that of courts having equity jurisdiction as provided in § 16.1-244.

H. Judicial consent to apply for a work permit for a child when such child is separated from his parents, legal guardian or other person standing in loco parentis.

I. The prosecution and punishment of persons charged with ill-treatment, abuse, abandonment or neglect of children or with any violation of law that causes or tends to cause a child to come within the purview of this law, or with any other offense against the person of a child. In prosecution for felonies over which the court has jurisdiction, jurisdiction shall be limited to determining whether or not there is probable cause.

J. All offenses in which one family or household member is charged with an offense in which another family or household member is the victim and all offenses under § 18.2-49.1.

In prosecution for felonies over which the court has jurisdiction, jurisdiction shall be limited to determining whether or not there is probable cause. Any objection based on jurisdiction under this subsection shall be made before a jury is impaneled and sworn in a jury trial or, in a nonjury trial, before the earlier of when the court begins to hear or receive evidence or the first witness is sworn, or it shall be conclusively waived for all purposes. Any such objection shall not affect or be grounds for challenging directly or collaterally the jurisdiction of the court in which the case is tried.

K. Petitions filed by a natural parent, whose parental rights to a child have been voluntarily relinquished pursuant to a court proceeding, to seek a reversal of the court order terminating such parental rights. No such petition shall be accepted, however, after the child has been placed in the home of adoptive parents.

L. Any person who seeks spousal support after having separated from his spouse. A decision under this subdivision shall not be res judicata in any subsequent action for spousal support in a circuit court. A circuit court shall have concurrent original jurisdiction in all causes of action under this subdivision.

M. Petitions filed for the purpose of obtaining an order of protection pursuant to § 16.1-253.1, 16.1-253.4, or 16.1-279.1, and all petitions filed for the purpose of obtaining an order of protection pursuant to § 19.2-152.8, 19.2-152.9, or 19.2-152.10 if either the alleged victim or the respondent is a juvenile.

N. Any person who escapes or remains away without proper authority from a residential care facility in which he had been placed by the court or as a result of his commitment to the Virginia Department of Juvenile Justice.

O. Petitions for emancipation of a minor pursuant to Article 15 (§ 16.1-331 et seq.).

P. Petitions for enforcement of administrative support orders entered pursuant to Chapter 19 (§ 63.2-1900 et seq.) of Title 63.2, or by another state in the same manner as if the orders were entered by a juvenile and domestic relations district court upon the filing of a certified copy of such order in the juvenile and domestic relations district court.

Q. Petitions for a determination of parentage pursuant to Chapter 3.1 (§ 20-49.1 et seq.) of Title 20. A circuit court shall have concurrent original jurisdiction to the extent provided for in § 20-49.2.

R. [Repealed.]

S. Petitions filed by school boards against parents pursuant to §§ 16.1-241.2 and 22.1-279.3.

T. Petitions to enforce any request for information or subpoena that is not complied with or to review any refusal to issue a subpoena in an administrative appeal regarding child abuse and neglect pursuant to § 63.2-1526.

U. Petitions filed in connection with parental placement adoption consent hearings pursuant to § 63.2-1233. Such proceedings shall be advanced on the docket so as to be heard by the court within 10 days of filing of the petition, or as soon thereafter as practicable so as to provide the earliest possible disposition.

V. Petitions filed for the purpose of obtaining the court's assistance with the execution of consent to an adoption when the consent to an adoption is executed pursuant to the laws of another state and the laws of that state provide for the execution of consent to an adoption in the court of the Commonwealth.

W. Petitions filed by a juvenile seeking judicial authorization for a physician to perform an abortion if a minor elects not to seek consent of an authorized person.

After a hearing, a judge shall issue an order authorizing a physician to perform an abortion, without the consent of any authorized person, if he finds that (i) the minor is mature enough and well enough informed to make her abortion decision, in consultation with her physician, independent of the wishes of any authorized person, or (ii) the minor is not mature enough or well enough informed to make such decision, but the desired abortion would be in her best interest.

If the judge authorizes an abortion based on the best interests of the minor, such order shall expressly state that such authorization is subject to the physician or his agent giving notice of intent to perform the abortion; however, no such notice shall be required if the judge finds that such notice would not be in the best interest of the minor. In determining whether notice is in the best interest of the minor, the judge shall consider the totality of the circumstances; however, he shall find that notice is not in the best interest of the minor if he finds that (i) one or more authorized persons with whom the minor regularly and customarily resides is abusive or neglectful, and (ii) every other authorized person, if any, is either abusive or neglectful or has refused to accept responsibility as parent, legal guardian, custodian or person standing in loco parentis.

The minor may participate in the court proceedings on her own behalf, and the court may appoint a guardian ad litem for the minor. The court shall advise the minor that she has a right to counsel and shall, upon her request, appoint counsel for her.

Notwithstanding any other provision of law, the provisions of this subsection shall govern proceedings relating to consent for a minor's abortion. Court proceedings under this subsection and records of such proceedings shall be confidential. Such proceedings shall be given precedence over other pending matters so that the court may reach a decision promptly and without delay in order to serve the best interests of the minor. Court proceedings under this subsection shall be heard and decided as soon as practicable but in no event later than four days after the petition is filed.

An expedited confidential appeal to the circuit court shall be available to any minor for whom the court denies an order authorizing an abortion without consent or without notice. Any such appeal shall be heard and decided no later than five days after the appeal is filed. The time periods required by this subsection shall be subject to subsection B of § 1-210. An order authorizing an abortion without consent or without notice shall not be subject to appeal.

No filing fees shall be required of the minor at trial or upon appeal.

If either the original court or the circuit court fails to act within the time periods required by this subsection, the court before which the proceeding is pending shall immediately authorize a physician to perform the abortion without consent or notice to an authorized person.

Nothing contained in this subsection shall be construed to authorize a physician to perform an abortion on a minor in circumstances or in a manner that would be unlawful if performed on an adult woman.

A physician shall not knowingly perform an abortion upon an unemancipated minor unless consent has been obtained or the minor delivers to the physician a court order entered pursuant to this section and the physician or his agent provides such notice as such order may require. However, neither consent nor judicial authorization nor notice shall be required if the minor declares that she is abused or neglected and the attending physician has reason to suspect that the minor may be an abused or neglected child as defined in § 63.2-100 and reports the suspected abuse or neglect in accordance with § 63.2-1509; or if there is a medical emergency, in which case the attending physician shall certify the facts justifying the exception in the minor's medical record.

For purposes of this subsection:

"Authorization" means the minor has delivered to the physician a notarized, written statement signed by an authorized person that the authorized person knows of the minor's intent to have an abortion and consents to such abortion being performed on the minor.

"Authorized person" means (i) a parent or duly appointed legal guardian or custodian of the minor or (ii) a person standing in loco parentis, including, but not limited to, a grandparent or adult sibling with whom the minor regularly and customarily resides and who has care and control of the minor. Any person who knows he is not an authorized person and who knowingly and willfully signs an authorization statement consenting to an abortion for a minor is guilty of a Class 3 misdemeanor.

"Consent" means that (i) the physician has given notice of intent to perform the abortion and has received authorization from an authorized person, or (ii) at least one authorized person is present with the minor seeking the abortion and provides written authorization to the physician, which shall be witnessed by the physician or an agent thereof. In either case, the written authorization shall be incorporated into the minor's medical record and maintained as a part thereof.

"Medical emergency" means any condition which, on the basis of the physician's good faith clinical judgment, so complicates the medical condition of the pregnant minor as to necessitate the immediate abortion of her pregnancy to avert her death or for which a delay will create a serious risk of substantial and irreversible impairment of a major bodily function.

"Notice of intent to perform the abortion" means that (i) the physician or his agent has given actual notice of his intention to perform such abortion to an authorized person, either in person or by telephone, at least 24 hours previous to the performance of the abortion; or (ii) the physician or his agent, after a reasonable effort to notify an authorized person, has mailed notice to an authorized person by certified mail, addressed to such person at his usual place of abode, with return receipt requested, at least 72 hours prior to the performance of the abortion.

"Perform an abortion" means to interrupt or terminate a pregnancy by any surgical or nonsurgical procedure or to induce a miscarriage as provided in § 18.2-72, 18.2-73, or 18.2-74.

"Unemancipated minor" means a minor who has not been emancipated by (i) entry into a valid marriage, even though the marriage may have been terminated by dissolution; (ii) active duty with any of the Armed Forces of the United States; (iii) willingly living separate and apart from his or her parents or guardian, with the consent or acquiescence of the parents or guardian; or (iv) entry of an order of emancipation pursuant to Article 15 (§ 16.1-331 et seq.).

X. Petitions filed pursuant to Article 17 (§ 16.1-349 et seq.) relating to standby guardians for minor children.

Y. Petitions involving minors filed pursuant to § 32.1-45.1 relating to obtaining a blood specimen or test results.

Z. *Petitions filed pursuant to § 16.1-283.3 for review of voluntary agreements for continuation of services and support for persons who meet the eligibility criteria for the Fostering Futures program set forth in § 63.2-919.*

The ages specified in this law refer to the age of the child at the time of the acts complained of in the petition.

Notwithstanding any other provision of law, no fees shall be charged by a sheriff for the service of any process in a proceeding pursuant to subdivision A 3, except as provided in subdivision A 6 of § 17.1-272, or subsection B, D, M, or R.

Notwithstanding the provisions of § 18.2-71, any physician who performs an abortion in violation of subsection W shall be guilty of a Class 3 misdemeanor.

§ 16.1-283.3. Review of voluntary continuing services and support agreements for former foster youth.

A. *Whenever a program participant, as defined in § 63.2-918, enters into a voluntary continuing services and support agreement with a local department of social services pursuant to § 63.2-921, a hearing shall be held to review the agreement and the program participant's case plan. In determining whether to approve the case plan, the court shall determine whether remaining in the care and placement responsibility of the local department of social services is in the program participant's best interests and whether the program participant's case plan is sufficient to achieve the goal of independence. Such hearing shall be held by the juvenile and domestic relations district court that last had jurisdiction over the program participant's foster care proceedings when the program participant was a minor. The petition for review of the voluntary continuing services and support agreement and the program participant's case plan shall be filed by the local department of social services no later than 30 days after execution of the voluntary continuing services and support agreement. The petition shall include documentation of the program participant's last foster care placement as a minor and the responsible local department of social services, a copy of the signed voluntary continuing services and support agreement, a copy of the program participant's case plan, and any other information the local department of social services or the program participant wishes the court to consider.*

B. Upon receiving a petition for review of the voluntary continuing services and support agreement and the program participant's case plan, the court shall schedule a hearing to be held within 45 days after receipt of the petition. The court may appoint counsel or a guardian ad litem for the program participant pursuant to § 16.1-266. The court may, reappoint or continue the appointment of the court-appointed special advocate volunteer who served the program participant as a minor or, if the previous volunteer is unavailable, appoint another special advocate volunteer. The court shall provide notice of the hearing and copies of the petition to the program participant, the program participant's legal counsel, the local department of social services, and any other persons who, in the court's discretion, have a legitimate interest in the hearing. The local department of social services shall identify for the court all persons who may have a legitimate interest in the hearing.

C. At the conclusion of the hearing, the court shall enter an order that:

1. Determines whether remaining under the care and placement responsibility of the local department of social services is in the best interests of the program participant; and

2. Approves or denies the program participant's case plan.

In determining whether to approve or deny the program participant's case plan, the court shall consider whether the services and support provided under the case plan are sufficient to support the program participant's goal of achieving independence. If the court makes any revision to the case plan, a copy of such revisions shall be sent by the court to all persons who received a copy of the original case plan.

D. After the initial hearing, the court may close the case or schedule a subsequent hearing to be held within six months to review the program participant's case plan. Subsequent review hearings may be held at six-month or shorter intervals in the discretion of the court. The local department of social services shall file a petition for review of the program participant's case plan within 30 days prior to any such scheduled hearing. If a hearing was not previously scheduled, the court shall schedule a hearing to be held within 30 days of receipt of the petition. The court shall provide notice of the hearing and a copy of the petition in accordance with subsection B. If subsequent review hearings are not held by the court, the local department of social services shall conduct administrative reviews pursuant to § 63.2-923.

E. In all hearings held pursuant to this section, the court shall consult with the program participant in an age-appropriate manner regarding his case plan.

§ 63.2-100. Definitions.

As used in this title, unless the context requires a different meaning:

"Abused or neglected child" means any child less than 18 years of age:

1. Whose parents or other person responsible for his care creates or inflicts, threatens to create or inflict, or allows to be created or inflicted upon such child a physical or mental injury by other than accidental means, or creates a substantial risk of death, disfigurement, or impairment of bodily or mental functions, including, but not limited to, a child who is with his parent or other person responsible for his care either (i) during the manufacture or attempted manufacture of a Schedule I or II controlled substance, or (ii) during the unlawful sale of such substance by that child's parents or other person responsible for his care, where such manufacture, or attempted manufacture or unlawful sale would constitute a felony violation of § 18.2-248;

2. Whose parents or other person responsible for his care neglects or refuses to provide care necessary for his health. However, no child who in good faith is under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination shall for that reason alone be considered to be an abused or neglected child. Further, a decision by parents who have legal authority for the child or, in the absence of parents with legal authority for the child, any person with legal authority for the child, who refuses a particular medical treatment for a child with a life-threatening condition shall not be deemed a refusal to provide necessary care if (i) such decision is made jointly by the parents or other person with legal authority and the child; (ii) the child has reached 14 years of age and is sufficiently mature to have an informed opinion on the subject of his medical treatment; (iii) the parents or other person with legal authority and the child have considered alternative treatment options; and (iv) the parents or other person with legal authority and the child believe in good faith that such decision is in the child's best interest. Nothing in this subdivision shall be construed to limit the provisions of § 16.1-278.4;

3. Whose parents or other person responsible for his care abandons such child;

4. Whose parents or other person responsible for his care commits or allows to be committed any act of sexual exploitation or any sexual act upon a child in violation of the law;

5. Who is without parental care or guardianship caused by the unreasonable absence or the mental or physical incapacity of the child's parent, guardian, legal custodian or other person standing in loco parentis;

6. Whose parents or other person responsible for his care creates a substantial risk of physical or mental injury by knowingly leaving the child alone in the same dwelling, including an apartment as defined in § 55.1-2000, with a person to whom the child is not related by blood or marriage and who the parent or other person responsible for his care knows has been convicted of an offense against a minor for which registration is required as a violent sexual offender pursuant to § 9.1-902; or

7. Who has been identified as a victim of sex trafficking or severe forms of trafficking as defined in the Trafficking Victims Protection Act of 2000, 22 U.S.C. § 7102 et seq., and in the Justice for Victims of Trafficking Act of 2015, 42 U.S.C. § 5101 et seq.

If a civil proceeding under this title is based solely on the parent having left the child at a hospital or emergency medical services agency, it shall be an affirmative defense that such parent safely delivered the child to a hospital that provides 24-hour emergency services or to an attended emergency medical services agency that employs emergency medical services providers, within 14 days of the child's birth. For purposes of terminating parental rights pursuant to § 16.1-283 and placement for adoption, the court may find such a child is a neglected child upon the ground of abandonment.

"Adoptive home" means any family home selected and approved by a parent, local board or a licensed child-placing agency for the placement of a child with the intent of adoption.

"Adoptive placement" means arranging for the care of a child who is in the custody of a child-placing agency in an approved home for the purpose of adoption.

"Adult abuse" means the willful infliction of physical pain, injury or mental anguish or unreasonable confinement of an adult as defined in § 63.2-1603.

"Adult day care center" means any facility that is either operated for profit or that desires licensure and that provides supplementary care and protection during only a part of the day to four or more aged, infirm or disabled adults who reside elsewhere, except (i) a facility or portion of a facility licensed by the State Board of Health or the Department of Behavioral Health and Developmental Services, and (ii) the home or residence of an individual who cares for only persons related to him by blood or marriage. Included in this definition are any two or more places, establishments or institutions owned, operated or controlled by a single entity and providing such supplementary care and protection to a combined total of four or more aged, infirm or disabled adults.

"Adult exploitation" means the illegal, unauthorized, improper, or fraudulent use of an adult as defined in § 63.2-1603 or his funds, property, benefits, resources, or other assets for another's profit, benefit, or advantage, including a caregiver or person serving in a fiduciary capacity, or that deprives the adult of his rightful use of or access to such funds, property, benefits, resources, or other assets. "Adult exploitation" includes (i) an intentional breach of a fiduciary obligation to an adult to his detriment or an intentional failure to use the financial resources of an adult in a manner that results in neglect of such adult; (ii) the acquisition, possession, or control of an adult's financial resources or property through the use of undue influence, coercion, or duress; and (iii) forcing or coercing an adult to pay for goods or services or perform services against his will for another's profit, benefit, or advantage if the adult did not agree, or was tricked, misled, or defrauded into agreeing, to pay for such goods or services or to perform such services.

"Adult foster care" means room and board, supervision, and special services to an adult who has a physical or mental condition. Adult foster care may be provided by a single provider for up to three adults. *"Adult foster care" does not include services or support provided to individuals through the Fostering Futures program set forth in Article 2 (§ 63.2-917 et seq.) of Chapter 9.*

"Adult neglect" means that an adult as defined in § 63.2-1603 is living under such circumstances that he is not able to provide for himself or is not being provided services necessary to maintain his physical and mental health and that the failure to receive such necessary services impairs or threatens to impair his well-being. However, no adult shall be considered neglected solely on the basis that such adult is receiving religious nonmedical treatment or religious nonmedical nursing care in lieu of medical care, provided that such treatment or care is performed in good faith and in accordance with the religious practices of the adult and there is a written or oral expression of consent by that adult.

"Adult protective services" means services provided by the local department that are necessary to protect an adult as defined in § 63.2-1603 from abuse, neglect or exploitation.

"Assisted living care" means a level of service provided by an assisted living facility for adults who may have physical or mental impairments and require at least a moderate level of assistance with activities of daily living.

"Assisted living facility" means any congregate residential setting that provides or coordinates personal and health care services, 24-hour supervision, and assistance (scheduled and unscheduled) for the maintenance or care of four or more adults who are aged, infirm or disabled and who are cared for in a primarily residential setting, except (i) a facility or portion of a facility licensed by the State Board of Health or the Department of Behavioral Health and Developmental Services, but including any portion of such facility not so licensed; (ii) the home or residence of an individual who cares for or maintains only persons related to him by blood or marriage; (iii) a facility or portion of a facility serving infirm or disabled persons between the ages of 18 and 21, or 22 if enrolled in an educational program for the handicapped pursuant to § 22.1-214, when such facility is licensed by the Department as a children's residential facility under Chapter 17 (§ 63.2-1700 et seq.), but including any portion of the facility not so licensed; and (iv) any housing project for persons 62 years of age or older or the disabled that provides no more than basic coordination of care services and is funded by the U.S. Department of Housing and Urban Development, by the U.S. Department of Agriculture, or by the Virginia Housing Development Authority. Included in this definition are any two or more places, establishments or institutions owned or operated by a single entity and providing maintenance or care to a combined total of four or more aged, infirm or disabled adults. Maintenance or care means the protection, general supervision and oversight of the physical and mental well-being of an aged, infirm or disabled individual.

"Auxiliary grants" means cash payments made to certain aged, blind or disabled individuals who receive benefits under Title XVI of the Social Security Act, as amended, or would be eligible to receive these benefits except for excess income.

"Birth family" or "birth sibling" means the child's biological family or biological sibling.

"Birth parent" means the child's biological parent and, for purposes of adoptive placement, means parent(s) by previous adoption.

"Board" means the State Board of Social Services.

"Child" means any natural person *who is (i) under 18 years of age or (ii) for purposes of the Fostering Futures program set forth in Article 2 (§ 63.2-917 et seq.) of Chapter 9, under 21 years of age and meets the eligibility criteria set forth in § 63.2-919.*

"Child day center" means a child day program offered to (i) two or more children under the age of 13 in a facility that is not the residence of the provider or of any of the children in care or (ii) 13 or more children at any location.

"Child day program" means a regularly operating service arrangement for children where, during the absence of a parent or guardian, a person or organization has agreed to assume responsibility for the supervision, protection, and well-being of a child under the age of 13 for less than a 24-hour period.

"Child-placing agency" means (i) any person who places children in foster homes, adoptive homes or independent living arrangements pursuant to § 63.2-1819, (ii) a local board that places children in foster homes or adoptive homes pursuant to §§ 63.2-900, 63.2-903, and 63.2-1221, or (iii) an entity that assists parents with the process of delegating parental and legal custodial powers of their children pursuant to Chapter 10 (§ 20-166 et seq.) of Title 20. "Child-placing agency" does not include the persons to whom such parental or legal custodial powers are delegated pursuant to Chapter 10 (§ 20-166 et seq.) of Title 20. Officers, employees, or agents of the Commonwealth, or any locality acting within the scope of their authority as such, who serve as or maintain a child-placing agency, shall not be required to be licensed.

"Child-protective services" means the identification, receipt and immediate response to complaints and reports of alleged child abuse or neglect for children under 18 years of age. It also includes assessment, and arranging for and providing necessary protective and rehabilitative services for a child and his family when the child has been found to have been abused or neglected or is at risk of being abused or neglected.

"Child support services" means any civil, criminal or administrative action taken by the Division of Child Support Enforcement to locate parents; establish paternity; and establish, modify, enforce, or collect child support, or child and spousal support.

"Child-welfare agency" means a child day center, child-placing agency, children's residential facility, family day home, family day system, or independent foster home.

"Children's residential facility" means any facility, child-caring institution, or group home that is maintained for the purpose of receiving children separated from their parents or guardians for full-time care, maintenance, protection and guidance, or for the purpose of providing independent living services to persons between 18 and 21 years of age who are in the process of transitioning out of foster care. Children's residential facility shall not include:

1. A licensed or accredited educational institution whose pupils, in the ordinary course of events, return annually to the homes of their parents or guardians for not less than two months of summer vacation;
2. An establishment required to be licensed as a summer camp by § 35.1-18; and
3. A licensed or accredited hospital legally maintained as such.

"Commissioner" means the Commissioner of the Department, his designee or authorized representative.

"Department" means the State Department of Social Services.

"Department of Health and Human Services" means the Department of Health and Human Services of the United States government or any department or agency thereof that may hereafter be designated as the agency to administer the Social Security Act, as amended.

"Disposable income" means that part of the income due and payable of any individual remaining after the deduction of any amount required by law to be withheld.

"Energy assistance" means benefits to assist low-income households with their home heating and cooling needs, including, but not limited to, purchase of materials or substances used for home heating, repair or replacement of heating equipment, emergency intervention in no-heat situations, purchase or repair of cooling equipment, and payment of electric bills to operate cooling equipment, in accordance with § 63.2-805, or provided under the Virginia Energy Assistance Program established pursuant to the Low-Income Home Energy Assistance Act of 1981 (Title XXVI of Public Law 97-35), as amended.

"Family and permanency team" means the group of individuals assembled by the local department to assist with determining planning and placement options for a child, which shall include, as appropriate, all biological relatives and fictive kin of the child, as well as any professionals who have served as a resource to the child or his family, such as teachers, medical or mental health providers, and clergy members. In the case of a child who is 14 years of age or older, the family and permanency team shall also include any members of the child's case planning team that were selected by the child in accordance with subsection A of § 16.1-281.

"Family day home" means a child day program offered in the residence of the provider or the home of any of the children in care for one through 12 children under the age of 13, exclusive of the provider's own children and any children who reside in the home, when at least one child receives care for compensation. The provider of a licensed or registered family day home shall disclose to the parents or guardians of children in their care the percentage of time per week that persons other than the provider will care for the children. Family day homes serving five through 12 children, exclusive of the provider's own children and any children who reside in the home, shall be licensed. However, no family day home shall care for more than four children under the age of two, including the provider's own children and any children who reside in

the home, unless the family day home is licensed or voluntarily registered. However, a family day home where the children in care are all related to the provider by blood or marriage shall not be required to be licensed.

"Family day system" means any person who approves family day homes as members of its system; who refers children to available family day homes in that system; and who, through contractual arrangement, may provide central administrative functions including, but not limited to, training of operators of member homes; technical assistance and consultation to operators of member homes; inspection, supervision, monitoring, and evaluation of member homes; and referral of children to available health and social services.

"Fictive kin" means persons who are not related to a child by blood or adoption but have an established relationship with the child or his family.

"Foster care placement" means placement of a child through (i) an agreement between the parents or guardians and the local board where legal custody remains with the parents or guardians or (ii) an entrustment or commitment of the child to the local board or licensed child-placing agency. "Foster care placement" does not include placement of a child in accordance with a power of attorney pursuant to Chapter 10 (§ 20-166 et seq.) of Title 20.

"Foster home" means a residence licensed by a child-placing agency or local board in which any child, other than a child by birth or adoption of such person or a child who is the subject of a power of attorney to delegate parental or legal custodial powers by his parents or legal custodian to the natural person who has been designated the child's legal guardian pursuant to Chapter 10 (§ 20-166 et seq.) of Title 20 and who exercises legal authority over the child on a continuous basis for at least 24 hours without compensation, resides as a member of the household.

"General relief" means money payments and other forms of relief made to those persons mentioned in § 63.2-802 in accordance with the regulations of the Board and reimbursable in accordance with § 63.2-401.

"Independent foster home" means a private family home in which any child, other than a child by birth or adoption of such person, resides as a member of the household and has been placed therein independently of a child-placing agency except (i) a home in which are received only children related by birth or adoption of the person who maintains such home and children of personal friends of such person; (ii) a home in which is received a child or children committed under the provisions of subdivision A 4 of § 16.1-278.2, subdivision 6 of § 16.1-278.4, or subdivision A 13 of § 16.1-278.8; and (iii) a home in which are received only children who are the subject of a properly executed power of attorney pursuant to Chapter 10 (§ 20-166 et seq.) of Title 20.

"Independent living" means a planned program of services designed to assist a child age 16 and over and persons who are former foster care children or were formerly committed to the Department of Juvenile Justice and are between the ages of 18 and 21 in transitioning to self-sufficiency.

"Independent living arrangement" means placement of (i) a child at least 16 years of age who is in the custody of a local board or licensed child-placing agency by the local board or licensed child-placing agency or (ii) a child at least 16 years of age or a person between the ages of 18 and 21 who was committed to the Department of Juvenile Justice immediately prior to placement by the Department of Juvenile Justice, in a living arrangement in which such child or person does not have daily substitute parental supervision.

"Independent living services" means services and activities provided to a child in foster care 14 years of age or older who was committed or entrusted to a local board of social services, child welfare agency, or private child-placing agency. "Independent living services" may also mean services and activities provided to a person who (i) was in foster care on his 18th birthday and has not yet reached the age of 21 years; (ii) is between the ages of 18 and 21 and who, immediately prior to his commitment to the Department of Juvenile Justice, was in the custody of a local board of social services; or (iii) is a child at least 16 years of age or a person between the ages of 18 and 21 who was committed to the Department of Juvenile Justice immediately prior to placement in an independent living arrangement. Such services shall include counseling, education, housing, employment, and money management skills development, access to essential documents, and other appropriate services to help children or persons prepare for self-sufficiency.

"Independent physician" means a physician who is chosen by the resident of the assisted living facility and who has no financial interest in the assisted living facility, directly or indirectly, as an owner, officer, or employee or as an independent contractor with the residence.

"Intercountry placement" means the arrangement for the care of a child in an adoptive home or foster care placement into or out of the Commonwealth by a licensed child-placing agency, court, or other entity authorized to make such placements in accordance with the laws of the foreign country under which it operates.

"Interstate placement" means the arrangement for the care of a child in an adoptive home, foster care placement or in the home of the child's parent or with a relative or nonagency guardian, into or out of the Commonwealth, by a child-placing agency or court when the full legal right of the child's parent or nonagency guardian to plan for the child has been voluntarily terminated or limited or severed by the action of any court.

"Kinship care" means the full-time care, nurturing, and protection of children by relatives.

"Kinship guardian" means the adult relative of a child in a kinship guardianship established in accordance with § 63.2-1305 who has been awarded custody of the child by the court after acting as the child's foster parent.

"Kinship guardianship" means a relationship established in accordance with § 63.2-1305 between a child and an adult relative of the child who has formerly acted as the child's foster parent that is intended to be permanent and self-sustaining as evidenced by the transfer by the court to the adult relative of the child of the authority necessary to ensure the protection, education, care and control, and custody of the child and the authority for decision making for the child.

"Kinship Guardianship Assistance program" means a program consistent with 42 U.S.C. § 673 that provides, subject to a kinship guardianship assistance agreement developed in accordance with § 63.2-1305, payments to eligible individuals who have received custody of a relative child of whom they had been the foster parents.

"Local board" means the local board of social services representing one or more counties or cities.

"Local department" means the local department of social services of any county or city in this Commonwealth.

"Local director" means the director or his designated representative of the local department of the city or county.

"Merit system plan" means those regulations adopted by the Board in the development and operation of a system of personnel administration meeting requirements of the federal Office of Personnel Management.

"Parental placement" means locating or effecting the placement of a child or the placing of a child in a family home by the child's parent or legal guardian for the purpose of foster care or adoption.

"Public assistance" means Temporary Assistance for Needy Families (TANF); auxiliary grants to the aged, blind and disabled; medical assistance; energy assistance; food stamps; employment services; child care; and general relief.

"Qualified assessor" means an entity contracting with the Department of Medical Assistance Services to perform nursing facility pre-admission screening or to complete the uniform assessment instrument for a home and community-based waiver program, including an independent physician contracting with the Department of Medical Assistance Services to complete the uniform assessment instrument for residents of assisted living facilities, or any hospital that has contracted with the Department of Medical Assistance Services to perform nursing facility pre-admission screenings.

"Qualified individual" means a trained professional or licensed clinician who is not an employee of the local board of social services or licensed child-placing agency that placed the child in a qualified residential treatment program and is not affiliated with any placement setting in which children are placed by such local board of social services or licensed child-placing agency.

"Qualified residential treatment program" means a program that (i) provides 24-hour residential placement services for children in foster care; (ii) has adopted a trauma-informed treatment model that meets the clinical and other needs of children with serious emotional or behavioral disorders, including any clinical or other needs identified through assessments conducted pursuant to clause (viii) of this definition; (iii) employs registered or licensed nursing and other clinical staff who provide care, on site and within the scope of their practice, and are available 24 hours a day, 7 days a week; (iv) conducts outreach with the child's family members, including efforts to maintain connections between the child and his siblings and other family; documents and maintains records of such outreach efforts; and maintains contact information for any known biological family and fictive kin of the child; (v) whenever appropriate and in the best interest of the child, facilitates participation by family members in the child's treatment program before and after discharge and documents the manner in which such participation is facilitated; (vi) provides discharge planning and family-based aftercare support for at least six months after discharge; (vii) is licensed in accordance with 42 U.S.C. § 671(a)(10) and accredited by an organization approved by the federal Secretary of Health and Human Services; and (viii) requires that any child placed in the program receive an assessment within 30 days of such placement by a qualified individual that (a) assesses the strengths and needs of the child using an age-appropriate, evidence-based, validated, and functional assessment tool approved by the Commissioner of Social Services; (b) identifies whether the needs of the child can be met through placement with a family member or in a foster home or, if not, in a placement setting authorized by 42 U.S.C. § 672(k)(2), including a qualified residential treatment program, that would provide the most effective and appropriate level of care for the child in the least restrictive environment and be consistent with the short-term and long-term goals established for the child in his foster care or permanency plan; (c) establishes a list of short-term and long-term mental and behavioral health goals for the child; and (d) is documented in a written report to be filed with the court prior to any hearing on the child's placement pursuant to § 16.1-281, 16.1-282, 16.1-282.1, or 16.1-282.2.

"Registered family day home" means any family day home that has met the standards for voluntary registration for such homes pursuant to regulations adopted by the Board and that has obtained a certificate of registration from the Commissioner.

"Residential living care" means a level of service provided by an assisted living facility for adults who may have physical or mental impairments and require only minimal assistance with the activities of daily living. The definition of "residential living care" includes the services provided by independent living facilities that voluntarily become licensed.

"Sibling" means each of two or more children having one or more parents in common.

"Social services" means foster care, adoption, adoption assistance, child-protective services, domestic violence services, or any other services program implemented in accordance with regulations adopted by the Board. Social services also includes adult services pursuant to Article 4 (§ 51.5-144 et seq.) of Chapter 14 of Title 51.5 and adult protective services pursuant to Article 5 (§ 51.5-148) of Chapter 14 of Title 51.5 provided by local departments of social services in accordance with regulations and under the supervision of the Commissioner for Aging and Rehabilitative Services.

"Special order" means an order imposing an administrative sanction issued to any party licensed pursuant to this title by the Commissioner that has a stated duration of not more than 12 months. A special order shall be considered a case decision as defined in § 2.2-4001.

"Supervised independent living setting" means the residence of a person 18 years of age or older who is participating in the Fostering Futures program set forth in Article 2 (§ 63.2-917 et seq.) of Chapter 9 where supervision includes a

monthly visit with a service worker or, when appropriate, contracted supervision. "Supervised independent living setting" does not include residential facilities or group homes.

"Temporary Assistance for Needy Families" or "TANF" means the program administered by the Department through which a relative can receive monthly cash assistance for the support of his eligible children.

"Temporary Assistance for Needy Families-Unemployed Parent" or "TANF-UP" means the Temporary Assistance for Needy Families program for families in which both natural or adoptive parents of a child reside in the home and neither parent is exempt from Virginia Initiative for Education and Work (VIEW) participation under § 63.2-609.

"Title IV-E Foster Care" means a federal program authorized under §§ 472 and 473 of the Social Security Act, as amended, and administered by the Department through which foster care is provided on behalf of qualifying children.

Article 2.

Fostering Futures.

§ 63.2-917. Fostering Futures program; established.

The Fostering Futures program is established to provide services and support to individuals 18 years of age or older but less than 21 years of age who were in foster care upon turning 18 years of age. Such services and support shall be designed to assist the program participant in transitioning to adulthood, becoming self-sufficient, and creating permanent, positive relationships. The program is voluntary and shall at all times recognize and respect the autonomy of the participant. The Fostering Futures program shall not be construed to abrogate any other rights that a person 18 years of age or older may have as an adult under state law.

§ 63.2-918. Definitions.

For purposes of this article:

"Case plan" means the plan developed by the local department for a program participant in accordance with 42 U.S.C. § 675(1).

"Child" means an individual who is (i) less than 18 years of age or (ii) for purposes of the Fostering Futures program set forth in this article, less than 21 years of age and meets the eligibility criteria set forth in § 63.2-919.

"Fostering Futures" means the services and support available to individuals between 18 and 21 years of age who are participating in the Fostering Futures program.

"Local department" means the local department of social services under the local board having care and custody of the program participant when he reached 18 years of age.

"Program participant" means an individual who meets the eligibility criteria set forth in § 63.2-919.

"Voluntary continuing services and support agreement" means a binding written agreement entered into by the local department and program participant in accordance with § 63.2-921.

§ 63.2-919. Fostering Futures program; eligibility.

The Fostering Futures program is available, on a voluntary basis, to an individual between 18 and 21 years of age who:

1. Was (i) in the custody of a local department immediately prior to reaching 18 years of age, remained in foster care upon turning 18 years of age, and entered foster care pursuant to a court order; or (ii) in the custody of a local department immediately prior to commitment to the Department of Juvenile Justice and is transitioning from such commitment to self-sufficiency; and

2. Is (i) completing secondary education or an equivalent credential; (ii) enrolled in an institution that provides postsecondary or vocational education; (iii) employed for at least 80 hours per month; (iv) participating in a program or activity designed to promote employment or remove barriers to employment; or (v) incapable of doing any of the activities described in clauses (i) through (iv) due to a medical condition, which incapability is supported by regularly updated information in the program participant's case plan.

§ 63.2-920. Continuing services and support.

Continuing services and support provided under the Fostering Futures program shall include the following, where necessary:

1. Medical care under the state plan for medical assistance;

2. Housing, placement, and support in the form of continued foster care maintenance payments in an amount not less than the rate set immediately prior to the program participant's exit from foster care. Policies and decisions regarding housing options shall take into consideration the program participant's autonomy and developmental maturity, and safety assessments of such living arrangements shall be age-appropriate and consistent with federal guidance on supervised settings in which program participants live independently. For program participants residing in an independent living setting, the local department may send all or part of the foster care maintenance payments directly to the program participant, as agreed upon by the local department and the program participant. For program participants residing in a foster family home, foster care maintenance payments shall be paid to the foster parents; and

3. Case management services, including a case plan that describes (i) the program participant's housing or living arrangement; (ii) the resources available to the program participant in the transition from the Fostering Futures program to independent adulthood; and (iii) the services and support to be provided to meet the program participant's individual goals, provided such services and support are appropriate for and consented to by the program participant. All case plans shall be developed in consultation with the program participant and, at the participant's option, with up to two members of the case planning team who are chosen by the program participant and are not a foster parent of or caseworker for such program participant. An individual selected by a program participant to be a member of the case planning team may be removed

from the team at any time if there is good cause to believe that the individual would not act in the best interests of the program participant.

§ 63.2-921. Voluntary continuing services and support agreement; services provided; service worker; duties.

A. In order to participate in the Fostering Futures program, the eligible program participant shall enter into a written voluntary continuing services and support agreement with the local department. Such agreement shall include, at a minimum, the following:

1. A requirement that the program participant maintain eligibility to participate in the Fostering Futures program in accordance with the provisions of § 63.2-919 for the duration of the voluntary continuing services and support agreement;

2. A disclosure to the program participant that participation in the Fostering Futures program is voluntary and that the program participant may terminate the voluntary continuing services and support agreement at any time;

3. The specific conditions that may result in the termination of the voluntary continuing services and support agreement and the program participant's early discharge from the Fostering Futures program; and

4. The program participant's right to appeal the denial or delay of a service required in the case plan.

B. The services and support to be provided to the program participant pursuant to the voluntary continuing services and support agreement shall begin no later than 30 days after both the program participant and the local department sign the voluntary continuing services and support agreement in accordance with § 63.2-921.

C. The local department shall assign a service worker for each participant in the Fostering Futures program to provide case management services. Every service worker shall have specialized training in providing transition services and support for program participants and knowledge of resources available in the community.

D. The local department shall make continuing efforts to achieve permanency and create permanent connections for all program participants.

E. The local department shall fulfill all case plan obligations consistent with the applicable provisions of 42 U.S.C. § 675(1) for all program participants.

F. Upon the signing of the voluntary continuing services and support agreement by the program participant and the local department, the local department shall conduct a redetermination of income eligibility for purposes of Title IV-E of the federal Social Security Act, 42 U.S.C. § 672.

§ 63.2-922. Termination of voluntary continuing services and support agreement; notice; appeal.

A. A program participant may terminate the voluntary continuing services and support agreement at any time. Upon such termination, the local department shall provide the program participant with a written notice informing the program participant of the potential negative effects resulting from termination, the option to reenter the Fostering Futures program at any time before reaching 21 years of age, and the procedures for reentering if the participant meets the eligibility criteria of § 63.2-919.

B. If the local department determines that the program participant is no longer eligible to participate in the Fostering Futures program under § 63.2-919, the local department shall terminate the voluntary continuing services and support agreement and cease the provision of all services and support to the program participant. The local department shall give written notice to the program participant 30 days prior to termination that the voluntary continuing services and support agreement will be terminated and provide (i) an explanation of the basis for termination, (ii) information about the process for appealing the termination, (iii) information about the option to enter into another voluntary continuing services and support agreement once the program participant reestablishes eligibility under § 63.2-919, and (iv) information about and contact information for community resources that may benefit the program participant, including state programs established pursuant to 42 U.S.C. § 677. Academic breaks in postsecondary education attendance, such as semester and seasonal breaks, and other transitions between eligibility requirements under § 63.2-919, including education and employment transitions not longer than 30 days, shall not be a basis for termination.

C. Appeals of terminations of voluntary continuing services and support agreements or denials or delays of the provision of services specified in the agreement shall be conducted in accordance with the provisions of § 63.2-915 and Board regulations.

§ 63.2-923. Court proceedings; administrative reviews.

A local department that enters into a voluntary continuing services and support agreement with a program participant shall file a petition for review of the agreement and the program participant's case plan in accordance with § 16.1-283.3. If no subsequent hearings are held by the court to review the agreement and case plan after the initial review hearing held pursuant to § 16.1-283.3, the local department shall conduct administrative reviews of the case for the remaining term of the voluntary continuing services and support agreement no less than every six months.

2. That the Department of Social Services shall, regarding the Fostering Futures program, (i) establish criteria for identifying appropriate services for program participants; (ii) establish requirements for program participants to be included in the voluntary continuing services and support agreement, including regular contact with the program participant's service worker, timely payment of rental fees, and other requirements deemed necessary based on the unique circumstances and needs of the program participant; (iii) allow local departments of social services to disenroll participants from the Fostering Futures program for substantial violations of the voluntary continuing services and support agreement; and (iv) develop budget or payment forms to monitor the manner in which program participants are using maintenance payment funds and allow increased oversight of such use when necessary.

3. That the Board of Social Services (the Board) shall promulgate regulations to implement the provisions of this act. The Board's initial adoption of regulations necessary to implement the provisions of this act shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia), except that the Board shall provide an opportunity for public comment on the regulations prior to adoption.

4. That the Department of Social Services shall analyze the feasibility of and opportunities for allowing local departments of social services to use video conferencing for monthly visits with participants in the Fostering Futures program in a manner that complies with federal laws and regulations.

CHAPTER 733

An Act to amend and reenact § 30-329 of the Code of Virginia, relating to Autism Advisory Council; sunset.

[S 177]

Approved April 6, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 30-329 of the Code of Virginia is amended and reenacted as follows:

§ 30-329. (Expires July 1, 2020) Sunset.

This chapter shall expire on July 1, ~~2020~~ 2022.

CHAPTER 734

An Act to amend and reenact § 2.2-1129 of the Code of Virginia and to repeal § 2.2-1130 of the Code of Virginia, relating to Department of General Services; Division of Engineering and Buildings; custody, control, and supervision of the Virginia War Memorial Carillon.

[S 403]

Approved April 6, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-1129 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-1129. Division of Engineering and Buildings.

A. Within the Department shall be established the Division of Engineering and Buildings (the "Division"), which shall exercise the powers and duties described in this article.

B. The Division shall have charge of all public buildings, grounds and all other property at the seat of government not placed in the charge of others, and shall protect such properties from depredations and injury.

C. ~~Except as provided in § 2.2-1130, the~~ The Division shall have custody, control, and supervision of the Virginia War Memorial Carillon.

D. To execute the duties imposed by this article, the Division may obtain information and assistance from other state agencies and institutions.

2. That § 2.2-1130 of the Code of Virginia is repealed.

CHAPTER 735

An Act to amend and reenact §§ 24.2-651.1, 24.2-652, 24.2-653, 24.2-653.1, 24.2-701, 24.2-701.1, 24.2-706, and 24.2-710 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 24.2-653.01 and 24.2-653.2, relating to provisional voting; reorganization of sections; technical amendments.

[S 443]

Approved April 6, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-651.1, 24.2-652, 24.2-653, 24.2-653.1, 24.2-701, 24.2-701.1, 24.2-706, and 24.2-710 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 24.2-653.01 and 24.2-653.2 as follows:

§ 24.2-651.1. Voter who is shown as having already voted; provisional ballots.

Any person who offers to vote, who is listed on the pollbook, and whose name is marked to indicate that he has already voted in person in the election shall cast a provisional ballot ~~as provided in pursuant to~~ § 24.2-653. The State Board of Elections shall provide instructions to the electoral boards for the handling and counting of such provisional ballots.

§ 24.2-652. Voter whose name erroneously omitted from pollbook; provisional ballots.

A. When a person offers to vote and his name does not appear on the pollbook, the officers of election shall permit him to vote only if all of the following conditions are met:

1. An officer of election is informed by the general registrar that the voter is registered to vote, that his registration has not been cancelled, and that his name is erroneously omitted from the pollbook.

2. The voter signs a statement, subject to felony penalties for false statements pursuant to § 24.2-1016, that he is a qualified and registered voter of that precinct, a resident of that precinct, and his registration is not subject to cancellation pursuant to §§ 24.2-430, 24.2-431, and 24.2-432; and he provides, subject to such penalties, all the information required to identify himself including the last four digits of his social security number, if any, full name including the maiden or any other prior legal name, birthdate, and complete address.

3. The officer of election enters the identifying information for the voter on the pollbook.

When the voter has signed the statement and is permitted to vote, the officers of election shall mark his name on the pollbook with the next consecutive number from the voter count form, or shall enter that the voter has voted if the pollbook is in electronic form, and shall indicate on the pollbook that he has signed the required statement in accordance with the instructions of the State Board.

B. If the general registrar is not available or cannot state that the person is registered to vote, such person shall be allowed to vote by provisional ballot pursuant to § 24.2-653. The officers of election shall provide to him an application for registration. The State Board of Elections shall provide instructions to the electoral boards for the handling and counting of such provisional ballots.

§ 24.2-653. Provisional voting; procedures in polling place.

~~A. When a person offers to vote pursuant to § 24.2-652 and the general registrar is not available or cannot state that the person is registered to vote, then such person shall be allowed to vote by printed ballot in the manner provided in this section. This procedure shall also apply when required by § 24.2-643 or 24.2-651.1.~~

~~Such Any person voting provisionally pursuant to subsection B of § 24.2-643, § 24.2-651.1, subsection B of § 24.2-652, or § 24.2-653.1 or 24.2-653.2 shall be given a printed ballot and provide, subject to the penalties for making false statements pursuant to § 24.2-1016, on a green envelope supplied by the Department of Elections, the identifying information required on the envelope, including the last four digits of his social security number, if any, full name including the maiden or any other prior legal name, date of birth, complete address, and signature. Such person shall be asked to present one of the forms of identification specified in subsection B of § 24.2-643. The officers of election shall note on the green envelope whether or not the voter has presented one of the specified forms of identification. The officers of election shall enter the appropriate information for the person in the precinct provisional ballots log in accordance with the instructions of the State Board but shall not enter a consecutive number for the voter on the pollbook nor otherwise mark his name as having voted. The officers of election shall provide an application for registration to the person offering to vote in the manner provided in this section.~~

The voter shall then, in the presence of an officer of election, but in a secret manner, mark the printed ballot as provided in § 24.2-644 and seal it in the green envelope. The envelope containing the ballot shall then promptly be placed in the ballot container by an officer of election.

~~B. An officer of election, by a written notice given to the voter, shall (i) inform him that a determination of his right to vote shall be made by the electoral board; (ii) and advise the voter of the beginning time and place for the board's meeting and of the voter's right to be present at that meeting; and (iii) inform a. If the voter is voting provisionally when as required by § 24.2-643, an officer of election, by written notice given to the voter, shall also inform him that he may submit a copy of one of the forms of identification specified in subsection B of § 24.2-643 to the electoral board by facsimile, electronic mail, in-person submission, or timely United States Postal Service or commercial mail delivery, to be received by the electoral board no later than noon on the third day after the election. At the meeting, the voter may request an extension of the determination of the provisional vote in order to provide information to prove that the voter is entitled to vote in the precinct pursuant to § 24.2-401. The electoral board shall have the authority to grant such extensions which it deems reasonable to determine the status of a provisional vote.~~

~~B- C. The provisional votes submitted pursuant to subsection A, in their unopened envelopes, shall be sealed in a special envelope marked "Provisional Votes," inscribed with the number of envelopes contained therein, and signed by the officers of election who counted them. All provisional votes envelopes shall be delivered either (i) to the clerk of the circuit court who shall deliver all such envelopes to the secretary of the electoral board or (ii) to the general registrar in localities in which the electoral board has directed delivery of election materials to the general registrar pursuant to § 24.2-668.~~

~~The electoral board shall meet on the day following the election and determine whether each person having submitted such a provisional vote was entitled to do so as a qualified voter in the precinct in which he offered the provisional vote. If the board is unable to determine the validity of all the provisional ballots offered in the election, or has granted any voter who has offered a provisional ballot an extension as provided in subsection A, the meeting shall stand adjourned; not to exceed seven calendar days from the date of the election; until the board has determined the validity of all provisional ballots offered in the election.~~

~~One authorized representative of each political party or independent candidate in a general or special election or one authorized representative of each candidate in a primary election shall be permitted to remain in the room in which the determination is being made as an observer so long as he does not participate in the proceedings and does not impede the orderly conduct of the determination. Each authorized representative shall be a qualified voter of any jurisdiction of the Commonwealth. Each representative, who is not himself a candidate or party chairman, shall present to the electoral board a written statement designating him to be a representative of the party or candidate and signed by the county or city chairman of his political party, the independent candidate, or the primary candidate, as appropriate. If the county or city chairman is unavailable to sign such a written designation, such a designation may be made by the state or district chairman of the~~

political party. However, no written designation made by a state or district chairman shall take precedence over a written designation made by the county or city chairman. Such statement, bearing the chairman's or candidate's original signature, may be photocopied and such photocopy shall be as valid as if the copy had been signed.

Notwithstanding the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.), attendance at meetings of the electoral board to determine the validity of provisional ballots shall be permitted only for the authorized representatives provided for in this subsection, for the persons whose provisional votes are being considered and their representative or legal counsel, and for appropriate staff and legal counsel for the electoral board.

If the electoral board determines that such person was not entitled to vote as a qualified voter in the precinct in which he offered the provisional vote; is unable to determine his right to vote; or has not been provided one of the forms of identification specified in subsection B of § 24.2-643, the envelope containing his ballot shall not be opened and his vote shall not be counted. The provisional vote shall be counted if (a) such person is entitled to vote in the precinct pursuant to § 24.2-401 or (b) the Department of Elections or the voter presents proof that indicates the voter submitted an application for registration to the Department of Motor Vehicles or other state-designated voter registration agency prior to the close of registration pursuant to § 24.2-416 and the registrar determines that the person was qualified for registration based upon the application for registration submitted by the person pursuant to subsection A. The general registrar shall notify in writing pursuant to § 24.2-114 those persons found not properly registered or whose provisional vote was not counted.

If the electoral board determines that such person was entitled to vote, the name of the voter shall be entered in a provisional votes pollbook and marked as having voted; the envelope shall be opened; and the ballot placed in a ballot container without any inspection further than that provided for in § 24.2-646.

On completion of its determination, the electoral board shall proceed to count such ballots and certify the results of its count. Its certified results shall be added to those found pursuant to § 24.2-671. No adjustment shall be made to the statement of results for the precinct in which the person offered to vote. However, any voter who cast a provisional ballot and is determined by the electoral board to have been entitled to vote shall have his name included on the list of persons who voted that is submitted to the Department of Elections pursuant to § 24.2-406.

The certification of the results of the count together with all ballots and envelopes, whether open or unopened, and other related material shall be delivered by the electoral board to the clerk of the circuit court and retained by him as provided for in §§ 24.2-668 and 24.2-669.

C. Whenever the polling hours are extended by an order of a court of competent jurisdiction, any ballots marked after the normal polling hours by persons who were not already in line at the time the polls would have closed, notwithstanding the court order, shall be treated as provisional ballots under this section. The officers of election shall mark the green envelope for each such provisional ballot to indicate that it was cast after normal polling hours due to the court order, and when preparing the materials to deliver to the registrar or electoral board, shall separate these provisional ballots from any provisional ballots used for any other reason. The electoral board shall treat these provisional ballots as provided in subsection B; however, the counted and uncounted provisional ballots marked after the normal polling hours shall be kept separate from all other ballots and recorded in a separate provisional ballots pollbook. The Department of Elections shall provide instructions to the electoral boards for the handling and counting of such provisional ballots pursuant to this section.

§ 24.2-653.01. Provisional ballots; electoral boards to make determination as to validity.

A. The electoral board shall meet on the day following the election and determine whether each person having submitted a provisional vote pursuant to § 24.2-653 was entitled to do so as a qualified voter in the precinct in which he offered the provisional vote. At the meeting, the voter may request an extension of the determination of the provisional vote in order to provide information to prove that the voter is entitled to vote in the precinct pursuant to § 24.2-401. The electoral board shall have the authority to grant such extensions that it deems reasonable to determine the status of a provisional vote.

If the board is unable to determine the validity of all the provisional ballots offered in the election, or has granted any voter who has offered a provisional ballot an extension, the meeting shall stand adjourned, not to exceed seven calendar days from the date of the election, until the board has determined the validity of all provisional ballots offered in the election.

B. The electoral board shall permit one authorized representative of each political party or independent candidate in a general or special election or one authorized representative of each candidate in a primary election to remain in the room in which the determination is being made as an observer so long as he does not participate in the proceedings and does not impede the orderly conduct of the determination. Each authorized representative shall be a qualified voter of any jurisdiction of the Commonwealth. Each representative, who is not himself a candidate or party chairman, shall present to the electoral board a written statement designating him to be a representative of the party or candidate and signed by the county or city chairman of his political party, the independent candidate, or the primary candidate, as appropriate. If the county or city chairman is unavailable to sign such a written designation, such a designation may be made by the state or district chairman of the political party. However, no written designation made by a state or district chairman shall take precedence over a written designation made by the county or city chairman. Such statement, bearing the chairman's or candidate's original signature, may be photocopied and such photocopy shall be as valid as if the copy had been signed.

Notwithstanding the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.), attendance at meetings of the electoral board to determine the validity of provisional ballots shall be permitted only for the authorized representatives provided for in this subsection, for the persons whose provisional votes are being considered and their representative or legal counsel, and for appropriate staff and legal counsel for the electoral board.

C. If the electoral board determines that such person was not entitled to vote as a qualified voter in the precinct in which he offered the provisional vote, is unable to determine his right to vote, or has not been provided one of the forms of identification specified in subsection B of § 24.2-643, the envelope containing his ballot shall not be opened and his vote shall not be counted. The general registrar shall notify in writing pursuant to § 24.2-114 those persons found not properly registered or whose provisional vote was not counted.

The provisional vote shall be counted if (i) such person is entitled to vote in the precinct pursuant to § 24.2-401 or (ii) the Department of Elections or the voter presents proof that indicates the voter submitted an application for registration to the Department of Motor Vehicles or other state-designated voter registration agency prior to the close of registration pursuant to § 24.2-416 and the registrar determines that the person was qualified for registration based upon the application for registration submitted by the person pursuant to subsection B of § 24.2-652.

If the electoral board determines that such person was entitled to vote, the name of the voter shall be entered in a provisional votes pollbook and marked as having voted, the envelope shall be opened, and the ballot shall be placed in a ballot container without any inspection further than that provided for in § 24.2-646.

D. On completion of its determination, the electoral board shall proceed to count such ballots and certify the results of its count. Its certified results shall be added to those found pursuant to § 24.2-671. No adjustment shall be made to the statement of results for the precinct in which the person offered to vote. However, any voter who cast a provisional ballot and is determined by the electoral board to have been entitled to vote shall have his name included on the list of persons who voted that is submitted to the Department of Elections pursuant to § 24.2-406.

E. The certification of the results of the count together with all ballots and envelopes, whether open or unopened, and other related material shall be delivered by the electoral board to the clerk of the circuit court and retained by him as provided for in §§ 24.2-668 and 24.2-669.

§ 24.2-653.1. Voters who did not receive absentee ballots; provisional ballots.

~~A. The provisions of this section shall apply when~~ (i) Any person who offers to vote pursuant to § 24.2-643 at his proper polling place or at a central absentee voter precinct established by the governing body of the county or city where he is registered to vote, ~~(ii) his~~ but whose name is shown on the pollbook as having applied for an absentee ballot, ~~and (iii) shall be entitled to cast a provisional ballot if,~~ for any reason, he did not receive or has lost the absentee ballot. In such case, he shall be entitled to cast a provisional ballot after presenting required to present to the officer of election a statement signed by him that he did not receive the ballot or has lost the ballot, subject to felony penalties for making false statements as pursuant to § 24.2-1016.

~~B. Such person shall be, before being given a printed ballot and be permitted to vote the provisional ballot in accordance with the provisions of § 24.2-653 and the instructions of the State Board.~~ The electoral board shall process the ballot in accordance with the provisions of § 24.2-653 § 24.2-653.01 and the instructions of the State Board.

§ 24.2-653.2. Ballots cast after normal close of polling hours due to court-ordered extension; provisional ballots.

Whenever the polling hours are extended by an order of a court of competent jurisdiction, any ballots marked after the normal polling hours by persons who were not already in line at the time the polls would have closed, notwithstanding the court order, shall be treated as provisional ballots under this section. The officers of election shall mark the green envelope for each such provisional ballot to indicate that it was cast after normal polling hours due to the court order, and when preparing the materials to deliver to the registrar or electoral board, shall separate these provisional ballots from any provisional ballots used for any other reason. The electoral board shall treat these provisional ballots as provided in § 24.2-653.01; however, the counted and uncounted provisional ballots marked after the normal polling hours shall be kept separate from all other ballots and recorded in a separate provisional ballots pollbook. The Department of Elections shall provide instructions to the electoral boards for the handling and counting of such provisional ballots pursuant to this section.

§ 24.2-701. Application for absentee ballot.

A. The State Board shall furnish each general registrar with a sufficient number of applications for official absentee ballots. The registrars shall furnish applications to persons requesting them.

The State Board shall implement a system that enables eligible persons to request and receive an absentee ballot application electronically through the Internet. Electronic absentee ballot applications shall be in a form approved by the State Board.

Except as provided in § 24.2-703, a separate application shall be completed for each election in which the applicant offers to vote. An application for an absentee ballot may be accepted the later of (i) 12 months before an election or (ii) the day following any election held in the twelfth month prior to the election in which the applicant is applying to vote.

An application that is completed in person at the same time that the applicant registers to vote shall be held and processed no sooner than the fifth day after the date that the applicant registered to vote; however, this requirement shall not be applicable to any person who is qualified to vote absentee under subdivision A 2 of § 24.2-700.

Any application received before the ballots are printed shall be held and processed as soon as the printed ballots for the election are available.

For the purposes of this chapter, the general registrar's office shall be open a minimum of eight hours between the hours of 8:00 a.m. and 5:00 p.m. on the first and second Saturday immediately preceding all elections.

Unless the applicant is disabled, all applications for absentee ballots shall be signed by the applicant who shall state, subject to felony penalties for making false statements pursuant to § 24.2-1016, that to the best of his knowledge and belief

the facts contained in the application are true and correct and that he has not and will not vote in the election at any other place in Virginia or in any other state. If the applicant is unable to sign the application, a person assisting the applicant will note this fact on the applicant signature line and provide his signature, name, and address.

B. Applications for absentee ballots shall be completed in the following manner:

1. An application completed in person shall be completed only in the office of the general registrar and signed by the applicant in the presence of a registrar. The applicant shall provide one of the forms of identification specified in subsection B of § 24.2-643. Any applicant who does not show one of the forms of identification specified in subsection B of § 24.2-643 shall be offered a provisional ballot under the provisions of § 24.2-653. The State Board of Elections shall provide instructions to the general registrar for the handling and counting of such provisional ballots pursuant to ~~subsection B of § 24.2-653~~ § 24.2-653.01 and this section.

2. Any other application may be made by mail, electronic or telephonic transmission to a facsimile device if one is available to the office of the general registrar or the office of the State Board if a device is not available locally, or other means. The application shall be on a form furnished by the registrar or, if made under subdivision A 2 of § 24.2-700, may be on a federal postcard application prescribed pursuant to 52 U.S.C. § 20301(b)(2). The federal postcard application may be accepted the later of (i) 12 months before an election or (ii) the day following any election held in the twelfth month prior to the election in which the applicant is applying to vote. The application shall be made to the appropriate registrar no later than 5:00 p.m. on the seventh day prior to the election in which the applicant offers to vote.

C. Applications for absentee ballots shall contain the following information:

1. The applicant's printed name, the last four digits of the applicant's social security number, and the reason the applicant will be absent or cannot vote at his polling place on the day of the election. However, an applicant completing the application in person shall not be required to provide the last four digits of his social security number;

2. A statement that he is registered in the county or city in which he offers to vote and his residence address in such county or city. Any person temporarily residing outside the United States shall provide the last date of residency at his Virginia residence address, if that residence is no longer available to him. Any person who makes application under subdivision A 2 of § 24.2-700 who is not a registered voter may file the applications to register and for a ballot simultaneously;

3. The complete address to which the ballot is to be sent directly to the applicant, unless the application is made in person at a time when the printed ballots for the election are available and the applicant chooses to vote in person at the time of completing his application. The address given shall be (i) the address of the applicant on file in the registration records; (ii) the address at which he will be located while absent from his county or city; or (iii) the address at which he will be located while temporarily confined due to a disability or illness. No ballot shall be sent to, or in care of, any other person; and

4. In the case of a person, or the spouse or dependent of a person, who is on active duty as a member of the uniformed services as defined in § 24.2-452, the branch of service to which he or the spouse belongs; or

5. In the case of a student, or the spouse of a student, who is attending a school or institution of higher education, the name of the school or institution of higher education; or

6. In the case of any duly registered person with a disability, as defined in § 24.2-101, who is unable to go in person to the polls on the day of the election because of his disability, illness, or pregnancy, that he is a person with a disability, illness, or pregnancy; or

7. In the case of a person who is confined awaiting trial or for having been convicted of a misdemeanor, the name of the institution of confinement; or

8. In the case of a person who will be absent on election day for business reasons, the name of his employer or business; or

9. In the case of a person who will be absent on election day for personal business or vacation reasons, the name of the county or city in Virginia or the state or country to which he is traveling; or

10. In the case of a person who is unable to go to the polls on the day of election because he is primarily and personally responsible for the care of an ill or disabled family member who is confined at home, his relationship to the family member; or

11. In the case of a person who is unable to go to the polls on the day of election because of an obligation occasioned by his religion, that he has an obligation occasioned by his religion; or

12. In the case of a person who, in the regular and orderly course of his business, profession, or occupation, will be at his place of work and commuting to and from his home to his place of work for 11 or more hours of the 13 hours that the polls are open pursuant to § 24.2-603, the name of his business or employer and hours he will be at the workplace and commuting on election day; or

13. In the case of a law-enforcement officer, as defined in § 18.2-51.1; firefighter, as defined in § 65.2-102; volunteer firefighter, as defined in § 27-42; search and rescue personnel, as defined in § 18.2-51.1; or emergency medical services personnel, as defined in § 32.1-111.1, that he is a first responder; or

14. In the case of a person who has been designated by a political party, independent candidate, or candidate in a primary election to be a representative of the party or candidate inside a polling place on the day of the election pursuant to subsection C of § 24.2-604 and § 24.2-639, the fact that he is so designated; or

15. In the case of a person who has been granted a protective order issued by or under the authority of any court of competent jurisdiction, the name of the county or city in Virginia or the state of the issuing court.

D. An application shall not be required for any registered voter appearing in person to cast an absentee ballot during the period beginning on the second Saturday immediately preceding the election in which he is offering to vote.

§ 24.2-701.1. Absentee voting in person.

A. Absentee voting in person shall be available on the forty-fifth day prior to any election and shall continue until 5:00 p.m. on the Saturday immediately preceding the election.

1. Any registered voter eligible to vote absentee pursuant to subsection A of § 24.2-700 may vote absentee in person beginning on the forty-fifth day prior to the election in which he is offering to vote and continuing until the second Friday immediately preceding such election. He shall complete the application for an absentee ballot required by § 24.2-701, and the general registrar shall process that application in accordance with the provisions of § 24.2-706.

2. Any registered voter may vote absentee in person on or after the second Saturday immediately preceding the election in which he is offering to vote. He shall provide his name and his residence address in the county or city in which he is offering to vote. After verifying that the voter is a registered voter of that county or city, the general registrar shall enroll the voter's name and address on the absentee voter applicant list maintained pursuant to § 24.2-706.

A registered voter voting by absentee ballot in person shall provide one of the forms of identification specified in subsection B of § 24.2-643. If he does not show one of the forms of identification specified in subsection B of § 24.2-643, he shall be offered a provisional ballot under the provisions of § 24.2-653. The State Board shall provide instructions to the general registrar for the handling and counting of such provisional ballots pursuant to ~~subsection B of § 24.2-653~~ § 24.2-653.01 and this section.

B. Absentee voting in person shall be available during regular business hours. The electoral board of each county and city shall provide for absentee voting in person in the office of the general registrar. For purposes of this chapter, such office shall be open a minimum of eight hours between the hours of 8:00 a.m. and 5:00 p.m. on the first and second Saturday immediately preceding all elections. Any applicant who is in line to cast his ballot when the office of the general registrar or location being used for in-person absentee voting closes shall be permitted to cast his absentee ballot that day.

C. Additional locations in the county or city approved by the electoral boards may be available for absentee voting in person. Any such location shall be in a public building owned or leased by the county, city, or town within the county and may be in a facility that is owned or leased by the Commonwealth and used as a location for Department of Motor Vehicles facilities or as an office of the general registrar. Any such location shall have adequate facilities for the protection of all elections materials produced in the process of absentee voting in person, the voted and unvoted absentee ballots, and any voting systems in use at the location.

D. The general registrar may provide for the casting of absentee ballots in person pursuant to this section on voting systems. The Department shall prescribe the procedures for use of voting systems. The procedures shall provide for absentee voting in person on voting systems that have been certified and are currently approved by the State Board. The procedures shall be applicable and uniformly applied by the Department to all localities using comparable voting systems.

E. At least two officers of election shall be present during all hours that absentee voting in person is available and shall represent the two major political parties, except in the case of a party primary, when they may represent the party conducting the primary. However, such requirement shall not apply when (i) voting systems that are being used pursuant to subsection D are located in the office of the general registrar and (ii) the general registrar or an assistant registrar is present.

F. The Department shall include absentee ballots voted in person in its instructions for the preparation, maintenance, and reporting of ballots, pollbooks, records, and returns.

§ 24.2-706. Duty of general registrar on receipt of application; statement of voter.

A. On receipt of an application for an absentee ballot, the general registrar shall enroll the name and address of each registered applicant on an absentee voter applicant list that shall be maintained in the office of the general registrar with a file of the applications received. The list shall be available for inspection and copying and the applications shall be available for inspection only by any registered voter during regular office hours. Upon request and for a reasonable fee, the Department of Elections shall provide an electronic copy of the absentee voter applicant list to any political party or candidate. Such list shall be used only for campaign and political purposes. Any list made available for inspection and copying under this section shall contain the post office box address in lieu of the residence street address for any individual who has furnished at the time of registration or subsequently, in addition to his street address, a post office box address pursuant to subsection B of § 24.2-418.

No list or application containing an individual's social security number, or any part thereof, or the individual's day and month of birth, shall be made available for inspection or copying by anyone. The Department of Elections shall prescribe procedures for general registrars to make the information in the lists and applications available in a manner that does not reveal social security numbers or parts thereof, or an individual's day and month of birth.

B. The completion and timely delivery of an application for an absentee ballot shall be construed to be an offer by the applicant to vote in the election.

The general registrar shall note on each application received whether the applicant is or is not a registered voter. In reviewing the application for an absentee ballot, the general registrar shall not reject the application of any individual because of an error or omission on any record or paper relating to the application, if such error or omission is not material in determining whether such individual is qualified to vote absentee.

If the application has been properly completed and signed and the applicant is a registered voter of the precinct in which he offers to vote, the general registrar shall, at the time when the printed ballots for the election are available, send by

the deadline set out in § 24.2-612, obtaining a certificate or other evidence of either first-class or expedited mailing or delivery from the United States Postal Service or other commercial delivery provider, or deliver to him in person in the office of the registrar, the following items and nothing else:

1. An envelope containing the folded ballot, sealed and marked "Ballot within. Do not open except in presence of a witness."

2. An envelope, with printing only on the flap side, for resealing the marked ballot, on which envelope is printed the following:

"Statement of Voter."

"I do hereby state, subject to felony penalties for making false statements pursuant to § 24.2-1016, that my FULL NAME is _____ (last, first, middle); that I am now or have been at some time since last November's general election a legal resident of _____ (STATE YOUR LEGAL RESIDENCE IN VIRGINIA including the house number, street name or rural route address, city, zip code); that I received the enclosed ballot(s) upon application to the registrar of such county or city; that I opened the envelope marked 'ballot within' and marked the ballot(s) in the presence of the witness, without assistance or knowledge on the part of anyone as to the manner in which I marked it (or I am returning the form required to report how I was assisted); that I then sealed the ballot(s) in this envelope; and that I have not voted and will not vote in this election at any other time or place.

Signature of Voter _____

Date _____

Signature of witness _____"

For elections held after January 1, 2004, instead of the envelope containing the above oath, an envelope containing the standard oath prescribed by the presidential designee under § 101(b)(7) of the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. § 20301 et seq.) shall be sent to voters who are qualified to vote absentee under that Act.

When this statement has been properly completed and signed by the registered voter and witnessed, his ballot shall not be subject to challenge pursuant to § 24.2-651.

3. A properly addressed envelope for the return of the ballot to the general registrar by mail or by the applicant in person.

4. Printed instructions for completing the ballot and statement on the envelope and returning the ballot.

For federal elections held after January 1, 2004, for any voter who is required by subparagraph (b) of 52 U.S.C. § 21083 of the Help America Vote Act of 2002 to show identification the first time the voter votes in a federal election in the state, the printed instructions shall direct the voter to submit with his ballot (i) a copy of a current and valid photo identification or (ii) a copy of a current utility bill, bank statement, government check, paycheck or other government document that shows the name and address of the voter. Such individual who desires to vote by mail but who does not submit one of the forms of identification specified in this paragraph may cast such ballot by mail and the ballot shall be counted as a provisional ballot under the provisions of § ~~24.2-653~~ 24.2-653.01. The Department of Elections shall provide instructions to the electoral boards for the handling and counting of such provisional ballots pursuant to ~~subsection B of § 24.2-653~~ § 24.2-653.01 and this section.

5. For any voter entitled to vote absentee under the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. § 20301 et seq.), information provided by the Department of Elections specific to the voting rights and responsibilities for such citizens, or information provided by the registrar specific to the status of the voter registration and absentee ballot application of such voter, may be included.

The envelopes and instructions shall be in the form prescribed by the Department of Elections.

C. If the applicant completes his application in person under § 24.2-701 at a time when the printed ballots for the election are available, he may request that the general registrar send to him by mail the items set forth in subdivisions B 1 through 4, instead of casting the ballot in person. Such request shall be made no later than 5:00 p.m. on the seventh day prior to the election in which the applicant offers to vote, and the general registrar shall send those items to the applicant by mail, obtaining a certificate or other evidence of mailing.

D. If the applicant states as the reason for his absence on election day any of the reasons set forth in subdivision A 2 of § 24.2-700, the general registrar, at the time when the printed ballots for the election are available, shall mail by the deadline set forth in § 24.2-612 or deliver in person to the applicant in the office of the general registrar the items as set forth in subdivisions B 1 through 4 and, if necessary, an application for registration. A certificate or other evidence of mailing shall not be required. If the applicant requests that such items be sent by electronic transmission, the general registrar, at the time when the printed ballots for the election are available but not later than the deadline set forth in § 24.2-612, shall send by electronic transmission the blank ballot, the form for the envelope for returning the marked ballot, and instructions to the voter. Such materials shall be sent using the official email address or fax number of the office of the general registrar published on the Department of Elections website. The State Board of Elections may prescribe by regulation the format of the email address used for transmitting ballots to eligible voters. A general registrar may also use electronic transmission facilities provided by the Federal Voting Assistance Program. The voted ballot shall be returned to the general registrar as otherwise required by this chapter.

E. The circuit courts shall have jurisdiction to issue an injunction to enforce the provisions of this section upon the application of (i) any aggrieved voter, (ii) any candidate in an election district in whole or in part in the court's jurisdiction where a violation of this section has occurred, or is likely to occur, or (iii) the campaign committee or the appropriate district

political party chairman of such candidate. Any person who fails to discharge his duty as provided in this section through willful neglect of duty and with malicious intent shall be guilty of a Class 1 misdemeanor as provided in subsection A of § 24.2-1001.

§ 24.2-710. Further duties of electoral board and general registrar; absentee voter applicant lists.

On receipt of an absentee ballot, the electoral board or general registrar shall mark the date of receipt in the appropriate column opposite the name and address of the voter on the absentee voter applicant list maintained in the general registrar's office. A board member or registrar shall deposit the return envelope and the unopened ballot envelope in an appropriate container provided for the purpose, in which they shall remain until the day of the election, unless the registrar opts to open sealed ballot envelopes in order to expedite the counting of absentee ballots in accordance with § 24.2-709.1.

On the day before the election, the general registrar shall (i) make out in triplicate on a form prescribed by the State Board the absentee voter applicant list containing the names of all persons who applied for an absentee ballot through the third day before the election and (ii) by noon on the day before the election, deliver two copies of the list to the electoral board. The general registrar shall make out a supplementary list containing the names of all persons voting absentee in person pursuant to §§ 24.2-705.1 and 24.2-705.2, or applying to vote absentee pursuant to § 24.2-705, for delivery by 5:00 p.m. on the day before the election. The supplementary list shall be deemed part of the absentee voter applicant list and shall be prepared and delivered in accordance with the instructions of the State Board. The general registrar shall maintain one copy of the list in his office for two years as a public record open for inspection upon request during regular office hours.

On the day before the election, the electoral board shall deliver one copy of the list provided to it by the general registrar to the chief officer of election for each precinct. The list shall be attested by the secretary of the electoral board who shall be responsible for the delivery of the attested lists to the chief officer of election for each precinct.

Absentee ballots shall be accepted only from voters whose names appear on the attested list.

Before the polls close on the day of the election, the electoral board shall deliver the absentee ballot containers to, and obtain a receipt from, the officers of election at each appropriate precinct. Any ballot returned to the electoral board or general registrar prior to the closing of the polls, but after the ballot container has been delivered, shall be delivered in an appropriate container to the officers of election at each appropriate precinct. The containers shall be sealed prior to delivery to the officers and shall contain the sealed absentee ballots, the accompanying return envelopes, and a copy of the absentee voter applicant list for each precinct.

If the county or city uses a central absentee voter precinct pursuant to § 24.2-712, the lists and containers shall be delivered, as provided in this section, to the officers of election for the absentee precinct.

Before noon on the day following the election, the general registrar shall deliver all applications for absentee ballots for the election, under seal, to the clerk of the circuit court for the county or city, except that the general registrar may retain all applications for absentee ballots until the electoral board has ascertained the results of the election pursuant to § 24.2-671, and has determined the validity of and counted all provisional ballots pursuant to ~~§ 24.2-653~~ 24.2-653.01, at which point all applications shall then be delivered, under seal, to the clerk of the circuit court for the county or city. The clerk shall retain the sealed applications with the counted ballots.

The secretary of the electoral board shall deliver all absentee ballots received after the election to the clerk of the circuit court.

Upon request, the State Board shall provide an electronic copy of the absentee voter applicant list to any political party or candidate. Such lists shall be used only for campaign and political purposes. In no event shall any list furnished under this section contain ~~(†)~~ (a) any voter's social security number or any part thereof, ~~(††)~~ (b) any voter's day and month of birth, or ~~(†††)~~ (c) the residence address of any voter who has provided a post office box address to be used on public lists pursuant to § 24.2-418.

CHAPTER 736

An Act to amend and reenact §§ 59.1-550 through 59.1-553 and 59.1-555 of the Code of Virginia, relating to the Electronic Identity Management Act; federated digital identity systems.

[S 665]

Approved April 6, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 59.1-550 through 59.1-553 and 59.1-555 of the Code of Virginia are amended and reenacted as follows:

§ 59.1-550. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Attribute provider" means an entity, or a supplier, employee, or agent thereof, that acts as the authoritative record of identifying information about an identity credential holder.

"Commonwealth identity management standards" means the minimum specifications and standards that must be included in an identity trust framework so as to define liability pursuant to this chapter that are set forth in guidance documents approved by the Secretary of Technology pursuant to Chapter 4.3 (§ 2.2-436 et seq.) of Title 2.2.

"Federated digital identity system" or "federation" means a digital identity system that (i) utilizes federated identity management to enable the portability of identity information across otherwise autonomous security domains; (ii) is

compliant with the Commonwealth's identity management standards and with the provisions of the governing identity trust framework; (iii) has established identity, security, privacy, technology, and enforcement rules and policies adhered to by certified identity providers that are members of the federated digital identity system; (iv) includes as members federation administrators, federation operators, identity trust framework operators, and identity providers; and (v) allows, but does not require, relying parties to be members of the federated digital identity system in order to accept an identity credential issued by a certified identity provider to verify an identity credential holder's identity.

"Federated identity management" means a process that allows the conveyance of identity credentials and authentication information across digital identity systems through the use of a common set of policies, practices, and protocols for managing the identity of users and devices across security domains.

"Federation administrator" means a person or entity that certifies compliance with the Commonwealth's identity management standards by either a federation operator or an identity trust framework operator at the time of issuance of identity credentials, identity and entitlement attributes, or trustmarks.

"Federation operator" means the entity that (i) defines rule and policies for member parties to a federation; (ii) certifies identity and entitlement attribute providers to be members of and issue identity credentials pursuant to the federation; and (iii) evaluates participation in the federation to ensure compliance by members of the federation with its rules and policies, including the ability to request audits of participants for verification of compliance.

"Identity attribute" means identifying information associated with an identity credential holder.

"Identity credential" means the data, or the physical object upon which the data may reside, that an identity credential holder may present to verify or authenticate his identity in a digital or online transaction.

"Identity credential holder" means a person bound to or in possession of an identity credential who has agreed to the terms and conditions of the identity provider.

"Identity proofer" means a person or entity authorized to act as a representative of an identity provider in the confirmation of a potential identity credential holder's identification and identity attributes prior to issuing an identity credential to a person.

"Identity provider" means an entity, or a supplier, employee, or agent thereof, certified by an identity trust framework operator to provide identity credentials that may be used by an identity credential holder to assert his identity, or any related attributes, in a digital or online transaction. For purposes of this chapter, "identity provider" includes an attribute provider, an identity proofer, and any suppliers, employees, or agents thereof.

"Identity trust framework" means a digital identity system with established identity, security, privacy, technology, and enforcement rules and policies adhered to by certified identity providers that are members of the identity trust framework. Members of an identity trust framework include identity trust framework operators and identity providers. Relying parties may be, but are not required to be, a member of an identity trust framework in order to accept an identity credential issued by a certified identity provider to verify an identity credential holder's identity.

"Identity trust framework operator" means the entity that (i) defines rules and policies for member parties to an identity trust framework, (ii) certifies identity providers to be members of and issue identity credentials pursuant to the identity trust framework, and (iii) evaluates participation in the identity trust framework to ensure compliance by members of the identity trust framework with its rules and policies, including the ability to request audits of participants for verification of compliance.

"Relying party" is an individual or entity that relies on the validity of an identity credential or an associated trustmark.

"Trustmark" means a machine-readable official seal, authentication feature, certification, license, or logo that may be provided by an identity trust framework operator to certified identity providers within its identity trust framework or federation to signify that the identity provider complies with the written rules and policies of the identity trust framework or federation.

§ 59.1-551. Trustmark; warranty.

The use of a trustmark on an identity credential provides a warranty by the identity provider that the written rules and policies of the identity trust framework *or federation* of which it is a member have been adhered to in asserting the identity and any related attributes contained on the identity credential. No other warranties are applicable unless expressly provided by the identity provider.

§ 59.1-552. Establishment of liability; limitation of liability.

A. An identity trust framework operator ~~or~~, identity provider, *federation administrator, or federation operator* shall be liable if the issuance of an identity credential or assignment of an identity attribute, or a trustmark, is not in compliance with the Commonwealth's identity management standards in place at the time of issuance. Further, the identity trust framework operator or identity provider shall be liable for noncompliance with applicable terms of any contractual agreement with a contracting party and any written rules and policies of the identity trust framework *or federation* of which it is a member.

B. An identity trust framework operator ~~or~~, identity provider, *federation administrator, or federation operator* shall not be liable if the issuance of the identity credential or assignment of an identity attribute or a trustmark was in compliance with (i) the Commonwealth's identity management standards in place at the time of issuance or assignment, (ii) applicable terms of any contractual agreement with a contracting party, and (iii) any written rules and policies of the identity trust framework *or federation* of which it is a member, provided such identity trust framework operator or identity provider did not commit an act or omission that constitutes gross negligence or willful misconduct. An identity trust framework operator

or identity provider shall not be liable for misuse of an identity credential by the identity credential holder or by any other person who misuses an identity credential.

§ 59.1-553. Commercially reasonable security procedures for electronic fund transfers.

Use of an identity credential or identity attribute shall satisfy any requirement for a commercially reasonable security or attribution procedure in Title 8.4A, the Uniform Electronic Transactions Act (§ 59.1-479 et seq.), and the Uniform Computer Information Transactions Act (§ 59.1-501.1 et seq.), provided that the identity credential or identity attribute was issued or assigned in accordance with (i) the Commonwealth's identity management standards in place at the time of issuance or assignment, (ii) the terms of any contractual agreement, and (iii) any written rules and policies of the identity trust framework *or federation* of which the issuer is a member.

§ 59.1-555. Sovereign immunity.

No provisions of this chapter nor any act or omission of a state, regional, or local governmental entity related to the issuance of electronic identity credentials or attributes or the administration or participation in an identity trust framework *or federation* related to the issuance of electronic identity credentials or attributes shall be deemed a waiver of sovereign immunity to which the governmental entity or its officers, employees, or agents are otherwise entitled.

CHAPTER 737

An Act to direct the Secretaries of Education and Health and Human Resources to establish a work group to study the current process for approval of residential psychiatric services. Report.

[S 734]

Approved April 6, 2020

Be it enacted by the General Assembly of Virginia:

1. *§ 1. That the Secretaries of Education and Health and Human Resources shall establish a work group to consist of the Commissioner of Behavioral Health and Developmental Services, the Superintendent of Public Education, the Director of Medical Assistance Services, the Commissioner of Social Services, and the Director of the Office of Children's Services, or their designees, and representatives of hospitals providing services to children and adolescents, providers of residential psychiatric services for children and adolescents, community services boards, and behavioral health advocacy groups to (i) review the current process for approval of residential psychiatric placements and barriers to timely approval of residential psychiatric services for adolescents and children, (ii) develop recommendations for improving such process and ensuring timely approval of residential psychiatric placements and services for adolescents and children, and (iii) develop recommendations for a process to expedite approval of requests for residential psychiatric placements and services for adolescents and children who are receiving acute inpatient psychiatric services. The Commissioner of Behavioral Health and Developmental Services and the Director of Medical Assistance Services shall serve as co-chairs of the work group. The work group shall report its findings and recommendations to the Chairmen of the House Committee on Appropriations, the Senate Committee on Finance and Appropriations, and the Joint Subcommittee to Study Mental Health Services in the Commonwealth in the 21st Century by December 1, 2020.*

CHAPTER 738

An Act to amend and reenact §§ 2.2-200, 2.2-203, 2.2-203.1, 2.2-204, 2.2-205, 2.2-205.2, 2.2-213.3, 2.2-436, 2.2-437, 2.2-2005, 2.2-2006, 2.2-2007, 2.2-2220, 2.2-2221, 2.2-2221.1, 2.2-2233.1, 2.2-2240.1, 2.2-2485, 2.2-2698, 2.2-2699.1, 2.2-2699.4, 2.2-2699.5, 2.2-2699.7, 2.2-2738, 2.2-2817.1, 2.2-2822, 2.2-3503, 2.2-3504, 2.2-3803, 15.2-2425, 23.1-2911.1, 23.1-3102, 30-279, 58.1-322.02, 58.1-402, 59.1-497, and 59.1-550 of the Code of Virginia; to amend the Code of Virginia by adding in Article 2 of Chapter 2 of Title 2.2 a section numbered 2.2-203.2:5 and by adding a section numbered 2.2-206.3; and to repeal Article 9 (§§ 2.2-225 and 2.2-225.1) of Chapter 2 of Title 2.2 of the Code of Virginia, relating to the transfer of the duties of the Secretary of Technology to the Secretaries of Administration and Commerce and Trade.

[S 877]

Approved April 6, 2020

Be it enacted by the General Assembly of Virginia:

1. *That §§ 2.2-200, 2.2-203, 2.2-203.1, 2.2-204, 2.2-205, 2.2-205.2, 2.2-213.3, 2.2-436, 2.2-437, 2.2-2005, 2.2-2006, 2.2-2007, 2.2-2220, 2.2-2221, 2.2-2221.1, 2.2-2233.1, 2.2-2240.1, 2.2-2485, 2.2-2698, 2.2-2699.1, 2.2-2699.4, 2.2-2699.5, 2.2-2699.7, 2.2-2738, 2.2-2817.1, 2.2-2822, 2.2-3503, 2.2-3504, 2.2-3803, 15.2-2425, 23.1-2911.1, 23.1-3102, 30-279, 58.1-322.02, 58.1-402, 59.1-497, and 59.1-550 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Article 2 of Chapter 2 of Title 2.2 a section numbered 2.2-203.2:5 and by adding a section numbered 2.2-206.3 as follows:*

§ 2.2-200. Appointment of Governor's Secretaries; general powers; severance.

A. The Governor's Secretaries shall be appointed by the Governor, subject to confirmation by the General Assembly if in session when the appointment is made, and if not in session, then at its next succeeding session. Each Secretary shall hold

office at the pleasure of the Governor for a term coincident with that of the Governor making the appointment or until a successor is appointed and qualified. Before entering upon the discharge of duties, each Secretary shall take an oath to faithfully execute the duties of the office.

B. Each Secretary shall be subject to direction and supervision by the Governor. Except as provided in Article 4 (§ 2.2-208 et seq.), the agencies assigned to each Secretary shall:

1. Exercise their respective powers and duties in accordance with the general policy established by the Governor or by the Secretary acting on behalf of the Governor;
2. Provide such assistance to the Governor or the Secretary as may be required; and
3. Forward all reports to the Governor through the Secretary.

C. Unless the Governor expressly reserves such power to himself and except as provided in Article 4 (§ 2.2-208 et seq.), each Secretary may:

1. Resolve administrative, jurisdictional, operational, program, or policy conflicts between agencies or officials assigned;
2. Direct the formulation of a comprehensive program budget for the functional area identified in § 2.2-1508 encompassing the services of agencies assigned for consideration by the Governor;
3. Hold agency heads accountable for their administrative, fiscal and program actions in the conduct of the respective powers and duties of the agencies;
4. Direct the development of goals, objectives, policies and plans that are necessary to the effective and efficient operation of government;
5. Sign documents on behalf of the Governor that originate with agencies assigned to the Secretary; and
6. Employ such personnel and to contract for such consulting services as may be required to perform the powers and duties conferred upon the Secretary by law or executive order.

D. Severance benefits provided to any departing Secretary shall be publicly announced by the Governor prior to such departure.

E. As used in this chapter, "Governor's Secretaries" means the Secretary of Administration, the Secretary of Agriculture and Forestry, the Secretary of Commerce and Trade, the Secretary of Education, the Secretary of Finance, the Secretary of Health and Human Resources, the Secretary of Natural Resources, the Secretary of Public Safety and Homeland Security, ~~the Secretary of Technology~~, the Secretary of Transportation, and the Secretary of Veterans and Defense Affairs.

§ 2.2-203. Position established; agencies for which responsible.

The position of Secretary of Administration (the Secretary) is created. The Secretary shall be responsible to the Governor for the following agencies and boards: Department of Human Resource Management, *Information Technology Advisory Council*, Department of General Services, Compensation Board, ~~and~~ Secretary of the Commonwealth, *Virginia Information Technologies Agency*, *Virginia Geographic Information Network Advisory Board*, and *9-1-1 Services Board*. The Governor may, by executive order, assign any other state executive agency to the Secretary, or reassign any agency listed above to another Secretary.

§ 2.2-203.1. Secretary to establish telecommuting policy; duties.

A. The Secretary, ~~in cooperation with the Secretary of Technology~~, shall establish a comprehensive statewide telecommuting and alternative work schedule policy under which eligible employees of state agencies, as determined by state agencies, may telecommute or participate in alternative work schedules, and the Secretary shall periodically update such policy as necessary.

B. The telecommuting and alternative work schedule policy described in subsection A shall include, but not be limited to, model guidelines, rules and procedures for telecommuting and participation in alternative work schedules, and identification of the broad categories of positions determined to be ineligible to participate in telecommuting and the justification for such a determination. Such policy may also include an incentive program, to be established and administered by the Department of Human Resource Management, that may encourage state employees to telecommute or participate in alternative work schedules and that may encourage the state agencies' management personnel to promote telecommuting and alternative work schedules for eligible employees.

C. *The Secretary shall have the following duties related to promoting the telecommuting and alternative work schedule:*

1. Promote and encourage use of telework alternatives for public and private employees, including but not limited to appropriate policy and legislative initiatives. Upon request, the Secretary may advise and assist private-sector employers in the Commonwealth in planning, developing, and administering programs, projects, plans, policies, and other activities for telecommuting by private-sector employees and in developing incentives provided by the private sector to encourage private sector employers in the Commonwealth to utilize employee telecommuting.

2. Advise and assist state agencies and, upon request of the localities, advise and assist localities in planning, developing, and administering programs, projects, plans, policies, and other activities to promote telecommuting by employees of state agencies or localities.

3. Coordinate activities regarding telework with, and regularly report to, a panel consisting of the Secretaries of Commerce and Trade, Finance, and Transportation. The Secretary of Administration shall serve as chair of the panel. Additional members may be designated by the Governor. Staff support for the panel shall be provided by the offices of the

Secretaries of Administration and Transportation, and the Governor shall designate additional agencies to provide staff support as necessary.

4. Report annually to the General Assembly on telework participation levels and trends of both private and public-sector employees in the Commonwealth.

§ 2.2-203.2:5. Additional duties of the Secretary; technology programs.

Unless the Governor expressly reserves such power to himself, the Secretary may, with regard to strategy development, planning, and budgeting for technology programs in the Commonwealth:

1. Continuously monitor and analyze the technology investments and strategic initiatives of other states to ensure that the Commonwealth remains competitive.

2. Designate specific projects as enterprise information technology projects, prioritize the implementation of enterprise information technology projects, and establish enterprise oversight committees to provide ongoing oversight for enterprise information technology projects. At the discretion of the Governor, the Secretary shall designate a state agency or public institution of higher education as the business sponsor responsible for implementing an enterprise information technology project and shall define the responsibilities of lead agencies that implement enterprise information technology projects. For purposes of this subdivision, "enterprise" means an organization with common or unifying business interests. An enterprise may be defined at the Commonwealth level or Secretariat level for programs and project integration within the Commonwealth, Secretariats, or multiple agencies.

3. Establish Internal Agency Oversight Committees and Secretariat Oversight Committees as necessary and in accordance with § 2.2-2021.

4. Review and approve the Commonwealth strategic plan for information technology, as developed and recommended by the Chief Information Officer pursuant to subdivision A 3 of § 2.2-2007.1.

5. Communicate regularly with the Governor and other Secretaries regarding issues related to the provision of information technology services in the Commonwealth, statewide technology initiatives, and investments and other efforts needed to achieve the Commonwealth's information technology strategic goals.

§ 2.2-204. Position established; agencies for which responsible; additional duties.

The position of Secretary of Commerce and Trade (the Secretary) is created. The Secretary shall be responsible to the Governor for the following agencies: Virginia Economic Development Partnership Authority, Virginia International Trade Corporation, Virginia Tourism Authority, Department of Labor and Industry, Department of Mines, Minerals and Energy, Virginia Employment Commission, Department of Professional and Occupational Regulation, Department of Housing and Community Development, Department of Small Business and Supplier Diversity, Virginia Housing Development Authority, Tobacco Region Revitalization Commission, *Innovation and Entrepreneurship Investment Authority*, and Board of Accountancy. The Governor, by executive order, may assign any state executive agency to the Secretary, or reassign any agency listed in this section to another Secretary.

The Secretary shall implement the provisions of the Virginia Biotechnology Research Act (§ 2.2-5500 et seq.).

§ 2.2-205. Economic development policy for the Commonwealth.

A. During the first year of each new gubernatorial administration, the Secretary, with the assistance of a cabinet-level committee appointed in accordance with subsection B, shall develop and implement a written comprehensive economic development policy for the Commonwealth. In developing this policy, the Secretary and the committee shall review the economic development policy in effect at the commencement of the Governor's term of office. The Secretary shall make such revisions to the existing policy as the Secretary deems necessary to ensure that it is appropriate for the Commonwealth. Once the policy has been adopted by the Secretary and the committee and approved by the Governor, it shall be submitted to the General Assembly for its consideration.

B. During the first year of each new gubernatorial administration, the Governor shall issue an executive order creating a cabinet-level committee to assist the Secretary in the development of the comprehensive economic development policy for the Commonwealth. The Secretary shall be the chairman of the committee, and the Secretaries of Administration, Agriculture and Forestry, Education, Health and Human Resources, Natural Resources, ~~Technology~~, and Transportation shall serve as committee members. The Governor may also appoint members of regional and local economic development groups and members of the business community to serve on the committee.

§ 2.2-205.2. Commonwealth Broadband Chief Advisor.

A. The position of Commonwealth Broadband Chief Advisor (Chief Advisor) is hereby established within the office of the Secretary of Commerce and Trade.

1. The purpose of the Chief Advisor is to serve as Virginia's single point of contact and integration for broadband issues, efforts, and initiatives and to increase the availability and affordability of broadband throughout all regions of the Commonwealth.

2. The Chief Advisor shall be selected for his knowledge of, background in, and experience with information technology, broadband telecommunications, and economic development in a private, for-profit, or not-for-profit organization.

B. The Chief Advisor shall be designated by the Secretary of Commerce and Trade. Staff for the Chief Advisor shall be provided by the Center for Innovative Technology (CIT) and the Department of Housing and Community Development (DHCD). All agencies of the Commonwealth shall provide assistance to the Chief Advisor, upon request.

C. ~~As the single point of contact, the~~ The Chief Advisor shall:

1. Integrate activities among different federal and state agencies and departments, and localities, and coordinate with Internet service providers in the Commonwealth;
2. Provide continual research into public grants and loans, in addition to private and nonprofit funding opportunities, available to provide incentives and help defray the costs of broadband infrastructure buildouts and upgrades;
3. Maintain broadband maps, the Integrated Broadband Planning and Analysis Toolbox, and other data to help decision makers understand where broadband needs exist and help develop strategies to address these needs;
4. Continually monitor and analyze broadband legislative and policy activities, as well as investments, in other nations, states, and localities to ensure that the Commonwealth remains competitive and up to date on best practices to address the Commonwealth's unique broadband needs, create efficiencies, target funding, and streamline operations;
5. Monitor the trends in the availability and deployment of and access to broadband communications services, which include, but are not limited to, high-speed data services and Internet access services of general application, throughout the Commonwealth and advancements in communications technology for deployment potential;
6. Research and evaluate emerging technologies to determine the most effective applications for these technologies and their benefits to the Commonwealth;
7. Monitor federal legislation and policy, in order to maximize the Commonwealth's effective use of and access to federal funding available for broadband development programs, including but not limited to the Connect America Fund program;
8. Coordinate with Virginia agencies and departments to target funding activities for the purpose of ensuring that Commonwealth funds are spent effectively to increase economic and social opportunities through widespread and affordable broadband deployment;
9. Coordinate with Virginia agencies and departments, including, but not limited to, DHCD, the Virginia Tobacco Region Revitalization Commission, and the Virginia Resources Authority, to review funding proposals and provide recommendations for Virginia grants and loans for the purpose of ensuring that Commonwealth funds are spent effectively on projects most likely to result in a solid return on investment for broadband deployment throughout the Commonwealth;
10. Serve as a central coordinating position and repository for any broadband-related projects and grants related to the mission herein, including, but not limited to, information from DHCD, the Virginia Tobacco Region Revitalization Commission, the CIT, the Virginia Growth and Opportunity Board, and the Virginia Resources Authority;
11. *Support the efforts of both public and private entities within the Commonwealth to enhance or facilitate the deployment of and access to competitively priced advanced electronic communications services and Internet access services of general application throughout the Commonwealth;*
12. *Specifically work toward establishing affordable, accessible broadband services to unserved areas of the Commonwealth and monitor advancements in communication that will facilitate this goal;*
13. *Advocate for and facilitate the development and deployment of applications, programs, and services, including but not limited to telework, telemedicine, and e-learning, that will bolster the usage of and demand for broadband level telecommunications;*
14. *Serve as a broadband information and applications clearinghouse for the Commonwealth and a coordination point for broadband-related services and programs in the Commonwealth;*
15. After consultation with the Virginia Growth and Opportunity Board, the Broadband Advisory Council, and the Joint Commission on Technology and Science, ~~the Chief Advisor shall~~ (i) develop a strategic plan that includes specific objectives, metrics, and benchmarks for developing and deploying broadband communications, including in rural areas, which minimize the risk to the Commonwealth's assets and encourage public-private partnerships, across the Commonwealth; such strategic plan and any changes thereto shall be submitted to the Governor, the Chairman of the House Appropriations Committee, the Chairman of the Senate Finance Committee, the Chairman of the Joint Commission on Technology and Science, the Chairman of the Broadband Advisory Council, and the Chairman of the Virginia Growth and Opportunity Board and (ii) present to these organizations annually on updates, changes, and progress made relative to this strategic plan, other relevant broadband activities in the Commonwealth, and suggestions to further the objectives of increased broadband development and deployment, including areas such as, but not limited to, the following: education, telehealth, economic development, and workforce development, as well as policies that may facilitate broadband deployment at the state and local level; *and*
- ~~12.~~ 16. Submit to the Governor and the General Assembly an annual report for publication as a report document as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports on broadband development and deployment activities that shall include, but not be limited to, the following areas: education, telehealth, workforce development, and economic development in regard to (i) broadband deployment and program successes, (ii) obstacles to program and resource coordination, (iii) strategies for improving such programs and resources needed to help close the Commonwealth's rural digital divide, and (iv) progress made on the objectives detailed in the strategic plan. The Chief Advisor shall submit to the Governor and the General Assembly an annual executive summary of the interim activity and work of the Chief Advisor no later than the first day of each regular session of the General Assembly. The executive summary shall be submitted for publication as a report document as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

D. The Chief Advisor may form such advisory panels and commissions as deemed necessary, convenient, or desirable to advise and assist in exercising the powers and performing the duties conferred by this section. Persons appointed to advisory committees shall be selected for their knowledge of, background in, or experience with information technology, broadband telecommunications, or economic development in a private, for-profit, or not-for-profit organization.

E. The disclosure requirements of Article 5 (§ 2.2-3113 et seq.) of the State and Local Government Conflict of Interests Act shall apply to members of the advisory committees.

§ 2.2-206.3. Additional duties of the Secretary; advancement of technology.

Unless the Governor expressly reserves such power to himself, the Secretary may, with regard to strategy development, planning, and budgeting for technology programs in the Commonwealth:

1. Monitor trends and advances in fundamental technologies of interest and importance to the economy of the Commonwealth and direct and approve a stakeholder-driven technology strategy development process that results in a comprehensive and coordinated view of research and development goals for industry, academia, and government in the Commonwealth. This strategy shall be updated biennially and submitted to the Governor, the Speaker of the House of Delegates, and the President pro tempore of the Senate;

2. Work closely with the appropriate federal research and development agencies and program managers to maximize the participation of Commonwealth industries and baccalaureate institutions of higher education in these programs consistent with agreed strategy goals;

3. Direct the development of plans and programs for strengthening the technology resources of the Commonwealth's high technology industry sectors and for assisting in the strengthening and development of the Commonwealth's Regional Technology Councils;

4. Direct the development of plans and programs for improving access to capital for technology-based entrepreneurs;

5. Assist the Joint Commission on Technology and Science created pursuant to § 30-85 in its efforts to stimulate, encourage, and promote the development of technology in the Commonwealth;

6. Strengthen interstate and international partnerships and relationships in the public and private sectors to bolster the Commonwealth's reputation as a global technology center;

7. Develop and implement strategies to accelerate and expand the commercialization of intellectual property created within the Commonwealth;

8. Ensure that the Commonwealth remains competitive in cultivating and expanding growth industries, including life sciences, advanced materials and nanotechnology, biotechnology, and aerospace;

9. Monitor the trends in the availability and deployment of and access to broadband communications services, which include but are not limited to competitively priced, high-speed data services and Internet access services of general application, throughout the Commonwealth and advancements in communications technology for deployment potential. The Secretary shall report annually by December 1 to the Governor and General Assembly on those trends; and

10. Provide consultation on guidelines, at the recommendation of the Innovation and Entrepreneurship Investment Authority, for the application, review, and award of funds from the Commonwealth Research Commercialization Fund pursuant to § 2.2-2233.1.

§ 2.2-213.3. Secretary to coordinate electronic prescribing clearinghouse.

A. In order to promote the implementation of electronic prescribing by health practitioners, health care facilities, and pharmacies in order to prevent prescription drug abuse, improve patient safety, and reduce unnecessary prescriptions, the Secretary of Health and Human Resources, in consultation with the Secretary of ~~Technology Administration~~, shall establish a website with information on electronic prescribing for health practitioners. The website shall contain (i) information concerning the process and advantages of electronic prescribing, including using medical history data to prevent drug interactions, prevent allergic reactions, and deter abuse of controlled substances; (ii) information regarding the availability of electronic prescribing products, including no-cost or low-cost products; (iii) links to federal and private-sector websites that provide guidance on selecting electronic prescribing products; and (iv) links to state, federal, and private-sector incentive programs for the implementation of electronic prescribing.

B. The Secretary of Health and Human Resources, in consultation with the Secretary of ~~Technology Administration~~, shall regularly consult with relevant public and private stakeholders to assess and accelerate the implementation of electronic prescribing in Virginia. For purposes of this section, relevant stakeholders include, but are not limited to, organizations that represent health practitioners, organizations that represent health care facilities, organizations that represent pharmacies, organizations that operate electronic prescribing networks, organizations that create electronic prescribing products, and regional health information organizations.

§ 2.2-436. Approval of electronic identity standards.

A. The Secretary of ~~Technology Administration~~, in consultation with the Secretary of Transportation, shall review and approve or disapprove, upon the recommendation of the Identity Management Standards Advisory Council pursuant to § 2.2-437, guidance documents that adopt (i) nationally recognized technical and data standards regarding the verification and authentication of identity in digital and online transactions; (ii) the minimum specifications and standards that should be included in an identity trust framework, as defined in § 59.1-550, so as to warrant liability protection pursuant to the Electronic Identity Management Act (§ 59.1-550 et seq.); and (iii) any other related data standards or specifications concerning reliance by third parties on identity credentials, as defined in § 59.1-550.

B. Final guidance documents approved pursuant to subsection A shall be posted on the Virginia Regulatory Town Hall and published in the Virginia Register of Regulations as a general notice. The Secretary of ~~Technology Administration~~ shall send a copy of the final guidance documents to the Joint Commission on Administrative Rules established pursuant to § 30-73.1 at least 90 days prior to the effective date of such guidance documents. The Secretary of ~~Technology Administration~~ shall also annually file a list of available guidance documents developed pursuant to this chapter pursuant to § 2.2-4103.1 of the Virginia Administrative Process Act (§ 2.2-4000 et seq.) and shall send a copy of such list to the Joint Commission on Administrative Rules.

§ 2.2-437. Identity Management Standards Advisory Council.

A. The Identity Management Standards Advisory Council (the Advisory Council) is established to advise the Secretary of ~~Technology Administration~~ on the adoption of identity management standards and the creation of guidance documents pursuant to § 2.2-436.

B. The Advisory Council shall consist of seven members, to be appointed by and serve at the pleasure of the Governor, with expertise in electronic identity management and information technology. Members shall include a representative of the Department of Motor Vehicles, a representative of the Virginia Information Technologies Agency, and five representatives of the business community with appropriate experience and expertise. In addition to the seven appointed members, the Chief Information Officer of the Commonwealth, or his designee, may also serve as an ex officio member of the Advisory Council. Beginning July 1, 2019, appointments shall be staggered as follows: one member for a term of one year, two members for a term of two years, two members for a term of three years, and two members for a term of four years. After the initial staggering of terms, members shall be appointed for terms of four years. Members may be reappointed.

The Advisory Council shall designate one of its members as chairman.

Members shall serve without compensation but shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in § 2.2-2825.

Staff to the Advisory Council shall be provided by the Office of the Secretary of ~~Technology Administration~~.

C. Proposed guidance documents and general opportunity for oral or written submittals as to those guidance documents shall be posted on the Virginia Regulatory Town Hall and published in the Virginia Register of Regulations as a general notice following the processes and procedures set forth in subsection B of § 2.2-4031 of the Virginia Administrative Process Act (§ 2.2-4000 et seq.). The Advisory Council shall allow at least 30 days for the submission of written comments following the posting and publication and shall hold at least one meeting dedicated to the receipt of oral comment no less than 15 days after the posting and publication. The Advisory Council shall also develop methods for the identification and notification of interested parties and specific means of seeking input from interested persons and groups. The Advisory Council shall send a copy of such notices, comments, and other background material relative to the development of the recommended guidance documents to the Joint Commission on Administrative Rules.

§ 2.2-2005. Creation of Agency; appointment of Chief Information Officer.

A. There is hereby created the Virginia Information Technologies Agency (VITA), which shall serve as the agency responsible for administration and enforcement of the provisions of this Chapter.

B. The Governor shall appoint a Chief Information Officer of the Commonwealth (the CIO) to oversee the operation of VITA. The CIO shall exercise the powers and perform the duties conferred or imposed upon him by law and perform such other duties as may be required by the Governor and the Secretary of ~~Technology Administration~~.

§ 2.2-2006. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Commonwealth information technology project" means any state agency information technology project that is under Commonwealth governance and oversight.

"Commonwealth Project Management Standard" means a document developed and adopted by the Chief Information Officer (CIO) pursuant to § 2.2-2016.1 that describes the methodology for conducting information technology projects, and the governance and oversight used to ensure project success.

"Confidential data" means information made confidential by federal or state law that is maintained in an electronic format.

"Enterprise" means an organization with common or unifying business interests. An enterprise may be defined at the Commonwealth level or secretariat level for program and project integration within the Commonwealth, secretariats, or multiple agencies.

"Executive branch agency" or "agency" means any agency, institution, board, bureau, commission, council, public institution of higher education, or instrumentality of state government in the executive department listed in the appropriation act. However, "executive branch agency" or "agency" does not include the University of Virginia Medical Center, a public institution of higher education to the extent exempt from this chapter pursuant to the Restructured Higher Education Financial and Administrative Operations Act (§ 23.1-1000 et seq.) or other law, or the Virginia Port Authority.

"Information technology" means communications, telecommunications, automated data processing, applications, databases, data networks, the Internet, management information systems, and related information, equipment, goods, and services. The provisions of this chapter shall not be construed to hamper the pursuit of the missions of the institutions in instruction and research.

"ITAC" means the Information Technology Advisory Council created in § 2.2-2699.5.

"Major information technology project" means any Commonwealth information technology project that has a total estimated cost of more than \$1 million or that has been designated a major information technology project by the CIO pursuant to the Commonwealth Project Management Standard developed under § 2.2-2016.1.

"Secretary" means the Secretary of ~~Technology~~ *Administration*.

"Technology asset" means hardware and communications equipment not classified as traditional mainframe-based items, including personal computers, mobile computers, and other devices capable of storing and manipulating electronic data.

"Telecommunications" means any origination, transmission, emission, or reception of data, signs, signals, writings, images, and sounds or intelligence of any nature, by wire, radio, television, optical, or other electromagnetic systems.

§ 2.2-2007. Powers of the CIO.

A. The CIO shall promulgate regulations necessary or incidental to the performance of duties or execution of powers conferred under this chapter. The CIO shall also develop policies, standards, and guidelines for the planning, budgeting, procurement, development, maintenance, security, and operations of information technology for executive branch agencies. Such policies, standards, and guidelines shall include those necessary to:

1. Support state and local government exchange, acquisition, storage, use, sharing, and distribution of data and related technologies.

2. Support the development of electronic transactions including the use of electronic signatures as provided in § 59.1-496.

3. Support a unified approach to information technology across the totality of state government, thereby assuring that the citizens and businesses of the Commonwealth receive the greatest possible security, value, and convenience from investments made in technology.

4. Ensure that the costs of information technology systems, products, data, and services are contained through the shared use of existing or planned equipment, data, or services.

5. Provide for the effective management of information technology investments through their entire life cycles, including identification, business case development, selection, procurement, implementation, operation, performance evaluation, and enhancement or retirement. Such policies, standards, and guidelines shall include, at a minimum, the periodic review by the CIO of agency Commonwealth information technology projects.

6. Establish an Information Technology Investment Management Standard based on acceptable technology investment methods to ensure that all executive branch agency technology expenditures are an integral part of the Commonwealth's performance management system, produce value for the agency and the Commonwealth, and are aligned with (i) agency strategic plans, (ii) the Governor's policy objectives, and (iii) the long-term objectives of the Council on Virginia's Future.

B. In addition to other such duties as the Secretary may assign, the CIO shall:

1. Oversee and administer the Virginia Technology Infrastructure Fund created pursuant to § 2.2-2023.

2. Report annually to the Governor, the Secretary, and the Joint Commission on Technology and Science created pursuant to § 30-85 on the use and application of information technology by executive branch agencies to increase economic efficiency, citizen convenience, and public access to state government.

3. Prepare annually a report for submission to the Secretary, the Information Technology Advisory Council, and the Joint Commission on Technology and Science on a prioritized list of Recommended Technology Investment Projects (RTIP Report) based upon major information technology projects submitted for business case approval pursuant to this chapter. As part of the RTIP Report, the CIO shall develop and regularly update a methodology for prioritizing projects based upon the allocation of points to defined criteria. The criteria and their definitions shall be presented in the RTIP Report. For each project recommended for funding in the RTIP Report, the CIO shall indicate the number of points and how they were awarded. For each listed project, the CIO shall also report (i) all projected costs of ongoing operations and maintenance activities of the project for the next three biennia following project implementation; (ii) a justification and description for each project baseline change; and (iii) whether the project fails to incorporate existing standards for the maintenance, exchange, and security of data. This report shall also include trends in current projected information technology spending by executive branch agencies and secretariats, including spending on projects, operations and maintenance, and payments to VITA. Agencies shall provide all project and cost information required to complete the RTIP Report to the CIO prior to May 31 immediately preceding any budget biennium in which the project appears in the Governor's budget bill.

4. Provide oversight for executive branch agency efforts to modernize the planning, development, implementation, improvement, operations and maintenance, and retirement of Commonwealth information technology, including oversight for the selection, development and management of enterprise information technology.

5. Develop statewide technical and data standards and specifications for information technology and related systems, including (i) the efficient exchange of electronic information and technology, including infrastructure, between the public and private sectors in the Commonwealth and (ii) the utilization of nationally recognized technical and data standards for health information technology systems or software purchased by an executive branch agency.

6. Direct the compilation and maintenance of an inventory of information technology, including but not limited to personnel, facilities, equipment, goods, and contracts for services.

7. Provide for the centralized marketing, provision, leasing, and executing of licensing agreements for electronic access to public information and government services through the Internet, wireless devices, personal digital assistants, kiosks, or other such related media on terms and conditions as may be determined to be in the best interest of the

Commonwealth. VITA may fix and collect fees and charges for (i) public information, media, and other incidental services furnished by it to any private individual or entity, notwithstanding the charges set forth in § 2.2-3704, and (ii) such use and services it provides to any executive branch agency or local government. Nothing in this subdivision authorizing VITA to fix and collect fees for providing information services shall be construed to prevent access to the public records of any public body pursuant to the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.). VITA is authorized, subject to the approval by the Secretary of ~~Technology Administration~~ and any other affected Secretariat, to delegate the powers and responsibilities granted in this subdivision to any agency within the executive branch.

8. Periodically evaluate the feasibility of outsourcing information technology resources and services, and outsource those resources and services that are feasible and beneficial to the Commonwealth.

9. Have the authority to enter into and amend contracts, including contracts with one or more other public bodies, or public agencies or institutions or localities of the several states, of the United States or its territories, or the District of Columbia, for the provision of information technology services.

C. Consistent with § 2.2-2012, the CIO may enter into public-private partnership contracts to finance or implement information technology programs and projects. The CIO may issue a request for information to seek out potential private partners interested in providing programs or projects pursuant to an agreement under this subsection. The compensation for such services shall be computed with reference to and paid from the increased revenue or cost savings attributable to the successful implementation of the program or project for the period specified in the contract. The CIO shall be responsible for reviewing and approving the programs and projects and the terms of contracts for same under this subsection. The CIO shall determine annually the total amount of increased revenue or cost savings attributable to the successful implementation of a program or project under this subsection and such amount shall be deposited in the Virginia Technology Infrastructure Fund created in § 2.2-2023. The CIO is authorized to use moneys deposited in the Fund to pay private partners pursuant to the terms of contracts under this subsection. All moneys in excess of that required to be paid to private partners, as determined by the CIO, shall be reported to the Comptroller and retained in the Fund. The CIO shall prepare an annual report to the Governor, the Secretary, and General Assembly on all contracts under this subsection, describing each information technology program or project, its progress, revenue impact, and such other information as may be relevant.

D. Executive branch agencies shall cooperate with VITA in identifying the development and operational requirements of proposed information technology systems, products, data, and services, including the proposed use, functionality, and capacity, and the total cost of acquisition, operation, and maintenance.

§ 2.2-2220. Board of directors; members; President.

The Authority shall be governed by a board of directors consisting of 17 members appointed as follows: (i) two presidents of the major research public institutions of higher education, and one president representing the other public institutions of higher education, appointed by the Governor; (ii) three nonlegislative citizen members appointed by the Governor; (iii) eight nonlegislative citizen members appointed by the General Assembly as follows: four nonlegislative citizen members appointed by the Speaker of the House from a list recommended by the House Committee on Science and Technology and the Joint Commission on Technology and Science and four nonlegislative citizen members appointed by the Senate Committee on Rules from a list recommended by the Senate Committee on General Laws and Technology and the Joint Commission on Technology and Science; and (iv) ~~the Secretary of Technology, the Secretary of Commerce and Trade, and the Secretary of Education~~ *three Secretaries as defined in § 2.2-200, to be appointed by the Governor, who shall serve ex officio with full voting privileges.*

One nonlegislative citizen member appointed by the Governor, one nonlegislative citizen member appointed by the Speaker of the House, and one nonlegislative citizen member appointed by the Senate Committee on Rules shall each have experience as a founding member of a technology company based upon intellectual property that has secured private investment capital. One nonlegislative citizen member appointed by the Governor, one nonlegislative citizen member appointed by the Speaker of the House, and one nonlegislative citizen member appointed by the Senate Committee on Rules shall each have experience as an institutional venture capital investment partner. One nonlegislative citizen member appointed by the Governor, one nonlegislative citizen member appointed by the Speaker of the House, and one nonlegislative citizen member appointed by the Senate Committee on Rules shall each have experience as a senior executive in a technology or scientific research and development company with annual revenues in excess of \$5 million. One nonlegislative citizen member appointed by the Governor, one nonlegislative citizen member appointed by the Speaker of the House and one nonlegislative citizen member appointed by the Senate Committee on Rules shall be from rural areas of the Commonwealth.

The Secretary of ~~Technology Administration~~, Secretary of Commerce and Trade, and Secretary of Education shall serve terms coincident with their terms of office. After the initial staggering of terms, nonlegislative citizen members and presidents shall be appointed for terms of two years. Vacancies in the membership of the Board shall be filled in the same manner as the original appointments for the unexpired portion of the term. No nonlegislative citizen member or president shall be eligible to serve for more than three successive two-year terms; however, after the expiration of a term of one year, or after the expiration of the remainder of a term to which appointed to fill a vacancy, three additional terms may be served by such member if appointed thereto. Members of the Board shall be subject to removal from office in like manner as are state, county, town and district officers under the provisions of §§ 24.2-230 through 24.2-238. Immediately after appointment, the members of the Board shall enter upon the performance of their duties.

The Board shall annually elect from among its members a chairman and a vice-chairman. The Board shall also elect annually a secretary, who need not be a member of the Board, and may also elect such other subordinate officers who need not be members of the Board, as it deems proper. The chairman, or in his absence, the vice-chairman, shall preside at all meetings of the Board. In the absence of both the chairman and vice-chairman, the Board shall appoint a chairman pro tempore, who shall preside at such meetings. Nine members shall constitute a quorum of the Board.

The Board shall employ a President of the Authority, who shall serve at the pleasure of the Board, to direct the day-to-day operations and activities of the Authority and carry out such of the powers and duties conferred upon him by the Board. The President and employees of the Authority shall be compensated in the manner provided by the Board and shall not be subject to the provisions of the Virginia Personnel Act (§ 2.2-2900 et seq.).

§ 2.2-2221. Powers of the Authority.

The Authority is granted all powers necessary or convenient for the carrying out of its statutory purposes, including, but not limited to, the following rights and powers to:

1. Sue and be sued, implead and be impleaded, complain and defend in all courts.
2. Adopt, use, and alter at will a corporate seal.
3. Acquire, purchase, hold, use, lease or otherwise dispose of any project and property, real, personal or mixed, tangible or intangible, or any interest therein necessary or desirable for carrying out the purposes of the Authority, and, without limitation of the foregoing, to lease as lessee, any project and any property, real, personal or mixed, or any interest therein, at such annual rental and on such terms and conditions as may be determined by the Board and to lease as lessor to any person, any project and any property, real, personal or mixed, tangible or intangible, or any interest therein, at any time acquired by the Authority, whether wholly or partially completed, at such annual rental and on such terms and conditions as may be determined by the Board, and to sell, transfer or convey any property, real, personal or mixed, tangible or intangible or any interest therein, at any time acquired or held by the Authority on such terms and conditions as may be determined by the board of the Authority.
4. Plan, develop, undertake, carry out, construct, improve, rehabilitate, repair, furnish, maintain, and operate projects.
5. Adopt bylaws for the management and regulation of its affairs.
6. Establish and maintain satellite offices within the Commonwealth.
7. Fix, alter, charge, and collect rates, rentals, and other charges for the use of projects of, or for the sale of products of or for the services rendered by, the Authority, at rates to be determined by it for the purpose of providing for the payment of the expenses of the Authority, the planning, development, construction, improvement, rehabilitation, repair, furnishing, maintenance, and operation of its projects and properties, the payment of the costs accomplishing its purposes set forth in § 2.2-2219, the payment of the principal of and interest on its obligations, and to fulfill the terms and provisions of any agreements made with the purchasers or holders of any such obligations.
8. Borrow money, make and issue bonds including bonds as the Authority may determine to issue for the purpose of accomplishing the purposes set forth in § 2.2-2219 or of refunding bonds previously issued by the Authority, and to secure the payment of all bonds, or any part thereof, by pledge or deed of trust of all or any of its revenues, rentals, and receipts or of any project or property, real, personal or mixed, tangible or intangible, or any interest therein, and to make agreements with the purchasers or holders of such bonds or with others in connection with any such bonds, whether issued or to be issued, as the Authority deems advisable, and in general to provide for the security for the bonds and the rights of holders thereof.
9. Make and enter into all contracts and agreements necessary or incidental to the performance of its duties, the furtherance of its purposes and the execution of its powers under this article, including agreements with any person or federal agency.
10. Employ, in its discretion, consultants, attorneys, architects, engineers, accountants, financial experts, investment bankers, superintendents, managers and such other employees and agents as may be necessary, and to fix their compensation to be payable from funds made available to the Authority.
11. Receive and accept from any federal or private agency, foundation, corporation, association or person grants to be expended in accomplishing the objectives of the Authority, and to receive and accept from the Commonwealth or any state, and any municipality, county or other political subdivision thereof and from any other source, aid or contributions of either money, property, or other things of value, to be held, used and applied only for the purposes for which such grants and contributions may be made.
12. Render advice and assistance, and to provide services, to institutions of higher education and to other persons providing services or facilities for scientific and technological research or graduate education, provided that credit towards a degree, certificate or diploma shall be granted only if such education is provided in conjunction with an institution of higher education authorized to operate in Virginia.
13. Develop, undertake and provide programs, alone or in conjunction with any person or federal agency, for scientific and technological research, technology management, continuing education and in-service training, provided that credit towards a degree, certificate or diploma shall be granted only if such education is provided in conjunction with an institution of higher education authorized to operate in Virginia; to foster the utilization of scientific and technological research information, discoveries and data and to obtain patents, copyrights and trademarks thereon; to coordinate the scientific and technological research efforts of public institutions and private industry and to collect and maintain data on the development

and utilization of scientific and technological research capabilities. The institutions of higher education set forth in § 2.2-2220 shall be the principal leading institutions of higher education in the research institutes.

14. Pledge or otherwise encumber all or any of the revenues or receipts of the Authority as security for all or any of the obligations of the Authority.

15. Receive, administer, and market any interest in patents, copyrights and materials that were potentially patentable or copyrightable developed by or for state agencies, public institutions of higher education and political subdivisions of the Commonwealth. The Authority shall return to the agency, institution or political subdivision any revenue in excess of its administrative and marketing costs. When general funds are used to develop the patent or copyright or material that was potentially patentable or copyrightable, any state agency, except a public institution of higher education in the Commonwealth, shall return any revenues it receives from the Authority to the general fund unless the Governor authorizes a percentage of the net royalties to be shared with the developer of the patented, copyrighted, or potentially patentable or copyrightable property.

16. Provide assistance to the Virginia Research Investment Committee related to the development of the Commonwealth Research and Technology Strategic Roadmap, pursuant to § 23.1-3134, for the Commonwealth to use to identify research areas worthy of institutional focus and Commonwealth investment in order to promote commercialization and economic development efforts in the Commonwealth.

17. Foster innovative partnerships and relationships among the Commonwealth, the Commonwealth's state institutions of higher education, the private sector, federal labs, and not-for-profit organizations to improve research and development commercialization efforts.

18. Receive and review annual reports from state institutions of higher education regarding the progress of projects funded through the Commonwealth Research Initiative or the Commonwealth Research and Commercialization Fund. The Authority shall develop guidelines, methodologies, and criteria for the reports. The Authority shall aggregate the reports and submit an annual omnibus report on the status of research and development initiatives in the Commonwealth to the Governor and the chairmen of the Senate Finance Committee, the House Appropriations Committee, the Senate Committee on General Laws and Technology, the House Committee on Science and Technology, and the Joint Commission on Technology and Science.

19. In consultation with the Secretary of ~~Technology Administration~~, develop guidelines for the application, review, and award of funds from the Commonwealth Research Commercialization Fund pursuant to § 2.2-2233.1. These guidelines shall address, at a minimum, the application process and shall give special emphasis to fostering collaboration between institutions of higher education and partnerships between institutions of higher education and business and industry.

20. Exclusively, or with any other person, form and otherwise develop, own, operate, govern, and otherwise direct the disposition of assets of, or any combination thereof, separate legal entities, on any such terms and conditions and in any such manner as may be determined by the Board, provided that such separate legal entities shall be formed solely for the purpose of managing and administering any assets disposed of by the Authority. These legal entities may include limited liability companies, limited partnerships, charitable foundations, real estate holding companies, investment holding companies, nonstock corporations, and benefit corporations. Any entities created by the Authority shall be operated under the governance of the Authority. The Board shall be provided with quarterly performance reports for all governed entities. The articles of incorporation, partnership, or organization for these entities shall provide that, upon dissolution, the assets of the entities that are owned on behalf of the Commonwealth shall be transferred to the Authority. The legal entity shall ensure that the economic benefits attributable to the income and property rights arising from any transactions in which the entity is involved are allocated on a basis that is equitable in the reasonable business judgment of the Board, with due account being given to the interest of the citizens of the Commonwealth and the needs of the formed entity. No legal entity shall be deemed to be a state or governmental agency, advisory agency, or public body or instrumentality. No director, officer, or employee of any such entity shall be deemed to be an officer or employee for purposes of the State and Local Government Conflict of Interests Act (§ 2.2-3100 et seq.). Notwithstanding the foregoing, the Auditor of Public Accounts or his legally authorized representatives shall annually audit the financial accounts of the Authority and any such entity, provided that the working papers and records of the Auditor of Public Accounts relating to such audits shall not be subject to the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).

21. Do all acts and things necessary or convenient to carry out the powers granted to it by law.

§ 2.2-2221.1. Reporting and transparency requirement for the Center for Innovative Technology.

A. The president of the Center for Innovative Technology shall report annually to the Joint Commission on Technology and Science, created pursuant to § 30-85, regarding a review of the Center's initiatives and projects, its work plan for the year and the expected results therefrom, and an overview of the results that it has achieved to date, to assist the Commission in its effort to stimulate, encourage, and promote the development of technology and science in the Commonwealth and sound public policies related thereto.

B. No later than July 15 of each year, the Innovation and Entrepreneurship Investment Authority shall provide to the Chairmen of the House Appropriations and Senate Finance Committees, the Secretary of ~~Technology Commerce and Trade~~, and the Director of the Department of Planning and Budget a report of its operating plan for each year of the biennium. Within three months after the end of the fiscal year, the Center shall submit to the same persons a detailed expenditure report for the concluded fiscal year. Both reports shall be prepared in the format as approved by the Director of the Department of Planning and Budget and include, but not be limited to, the following:

1. All planned and actual revenue and expenditures along with funding sources, including state, federal, and other revenue sources, of both the Innovation and Entrepreneurship Investment Authority and the Center for Innovative Technology;

2. A listing of the salaries, bonuses, and benefits of all employees of the Innovation and Entrepreneurship Investment Authority and the Center for Innovative Technology;

3. By program, total grants made and investments awarded for each grant and investment program, to include the Commonwealth Research Commercialization Fund;

4. By program, the projected economic impact on the Commonwealth and recoveries of previous grants or investments and sales of equity positions; and

5. Cash balances by funding source, and report, by program, available, committed, and projected expenditures of all cash balances.

C. The president of the Center for Innovative Technology shall report quarterly to the Center's board of directors, the Chairmen of the House Appropriations and Senate Finance Committees, the Secretary of ~~Technology~~ *Commerce and Trade*, and the Director of the Department of Planning and Budget in a format approved by the Board the following:

1. The quarterly financial performance, determined by comparing the budgeted and actual revenues and expenditures with planned revenues and expenditures for the fiscal year;

2. All investments and grants executed compared with projected investment closings and the return on prior investments and grants including all gains and losses; and

3. The financial and programmatic performance of all operating entities owned by the Center.

D. The president of the Center for Innovative Technology shall provide an annual report describing key programs and their economic performance for the Commonwealth in a format understandable by the citizens of the Commonwealth and available on the Center's website.

§ 2.2-2233.1. Commonwealth Research Commercialization Fund; continued; purposes; report.

A. For purposes of this section:

"Guidelines" means guidelines developed in consultation with the Secretary of ~~Technology~~ *Commerce and Trade* and published by the Authority regarding the administration of the Commonwealth Research Commercialization Fund.

"Qualified research and technologies" means research programs or technologies identified in the Commonwealth Research and Technology Strategic Roadmap as areas of focus for technology investment in the Commonwealth, which may include but are not limited to the fields of energy, conservation, environment, microelectronics, robotics and unmanned vehicle systems, advanced shipbuilding, or lifespan biology and medicine.

"Qualifying institution" means (i) a public or private institution of higher education in the Commonwealth or its associated intellectual property foundation that adopts a policy regarding the ownership, protection, assignment, and use of intellectual property pursuant to subdivision B 14 of § 23.1-1303 or (ii) a federal research facility located in the Commonwealth.

"SBIR" means the Small Business Innovation Research Program authorized under 15 U.S.C. § 638.

"STTR" means the Small Business Technology Transfer Program authorized under 15 U.S.C. § 638.

B. From such funds as may be appropriated by the General Assembly and any gifts, grants, or donations from public or private sources, there is created in the state treasury a special nonreverting, permanent fund, to be known as the Commonwealth Research Commercialization Fund (the Fund), to be administered by the Authority pursuant to the guidelines. The Fund shall be established on the books of the Comptroller. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund at the end of each fiscal year, including interest thereon, shall not revert to the general fund but shall remain in the Fund. Expenditures and disbursements from the Fund, which may consist of grants or loans, shall be made by the State Treasurer on warrants issued by the Comptroller upon written request bearing the signature of the chairman or the vice-chairman of the Authority, or, if so authorized by the Authority, bearing his facsimile signature, and the official seal of the Authority.

C. Awards from the Fund shall be made by the Authority, pursuant to the guidelines and upon the recommendation of the Research and Technology Investment Advisory Committee. Awards from the Fund shall only be made to applications that further the goals set forth in the Commonwealth Research and Technology Strategic Roadmap.

D. Awards from the Fund may be granted for the following programs:

1. For fiscal years beginning with a Fund balance of less than \$7 million, an SBIR matching funds program for Virginia-based technology businesses. Businesses meeting the following criteria shall be eligible to apply for an award:

a. The applicant has received a Phase I SBIR award from the National Institute of Health targeted at the development of qualified research or technologies;

b. The applicant employs fewer than 12 full-time employees;

c. At least 51 percent of the applicant's employees reside in Virginia; and

d. At least 51 percent of the applicant's property is located in Virginia.

The length of time that a business has been incorporated shall have no bearing on an applicant's eligibility for an award. Applicants shall be eligible for matching grants of up to \$50,000 of the Phase I award. All applicants shall be required to submit a commercialization plan with their application.

2. For fiscal years beginning with a Fund balance of \$7 million or greater, an SBIR and STTR matching funds program for Virginia-based technology businesses. Businesses meeting the following criteria shall be eligible to apply for an award:

a. The applicant has received an SBIR or STTR award targeted at the development of qualified research or technologies;

b. The applicant employs fewer than 12 full-time employees;

c. At least 51 percent of the applicant's employees reside in Virginia; and

d. At least 51 percent of the applicant's property is located in Virginia.

The length of time that a business has been incorporated shall have no bearing on an applicant's eligibility for an award. Applicants shall be eligible for matching grants of up to \$100,000 for Phase I awards and up to \$500,000 for Phase II awards. All applicants shall be required to submit a commercialization plan with their application.

3. A matching funds program to assist qualifying institutions and other research institutions in leveraging federal and private funds designated for the commercialization of qualified research or technologies. The chairman of the Authority is authorized to issue letters of financial commitment to assist applicants in leveraging federal and private funds.

4. A commercialization program to incentivize the commercialization of a product or service related to a qualifying technology. An eligible applicant shall have operations in the Commonwealth, and the project proposed by the applicant shall:

a. Commercialize a product or service related to a qualifying technology;

b. Have a demonstrable economic development benefit to the Commonwealth;

c. Match the award, on at least a one-to-one basis, from other available funds, including funds from an institution of higher education collaborating on the project; and

d. Have a reasonable probability of enhancing the Commonwealth's national and global competitiveness.

Priority shall be given to those applications that propose projects that (i) are collaborative between private and nonprofit entities, public or private agencies, and qualifying institutions or research institutions; (ii) project a short time to commercialization, although transformative projects with a longer projected time to commercialization shall not be discounted; (iii) have active third-party equity holders; (iv) have technology and management in place that are likely to successfully bring the product or service to the marketplace; or (v) are from applicants who have a history of successful projects funded by the Fund. The length of time that a business has been incorporated shall have no bearing on an applicant's eligibility for an award.

5. An eminent researcher recruitment program to acquire and enhance research superiority at public qualifying institutions. For purposes of applications pursuant to this subdivision, the applicant shall be a public institution of higher education. In order to qualify for an award, the applicant shall:

a. Demonstrate that the researcher being recruited would create research superiority at the institution;

b. Demonstrate that the institution making the application has sufficient technology transfer processes and other research capabilities in place to meet the needs of the researcher being recruited;

c. Involve a private sector partner with business operations in the Commonwealth;

d. Demonstrate that the research conducted by the researcher is in a qualifying technology; and

e. Match the award, on at least a one-to-one basis, with 50 percent of the match from the applicant and 50 percent of the match from the private sector partner.

E. Any application for an award from the Fund shall include a strategic plan that, at a minimum, identifies (i) how the proposed project fits into the Commonwealth Research and Technology Strategic Roadmap, (ii) other funds that may be reasonably expected from other sources as a result of an award from the Fund, (iii) the potential for commercialization of the research or technology underlying the application, and (iv) opportunities for public and private collaboration.

F. No award shall be made from the Fund until a performance agreement or memorandum of understanding is agreed to by the Authority and the recipient of the award memorializing the terms and conditions of the award. Such agreement or memorandum of understanding shall set forth any conditions for receipt of the award, any dates certain for the completion of certain acts by the recipient, and provisions for the repayment of any award, including the rate of interest to be charged if any, if the recipient does not meet the terms of the agreement. In the event that an award is to be made over a multi-year period, the performance agreement or memorandum of understanding shall establish certain benchmarks or performance standards against which to measure the interim success of the project before additional funds are disbursed from the Fund.

G. The chairman of the Authority shall provide the Governor and the General Assembly with an annual report to include a detailed list of awards and loans committed, the amount of each approved award or loan, a description of the approved proposals, and the amount of federal or private matching funds anticipated where applicable, a statement concerning how the approved proposals further the goals of the Commonwealth Research and Technology Strategic Roadmap, and an assessment of the effectiveness of the Fund.

H. Administrative expenses related to implementing the guidelines and review process may be reimbursed from the Fund.

§ 2.2-2240.1. Grants paid to the Authority to promote research, development, and commercialization of products.

A. The General Assembly may appropriate grants to the Authority for use by a nonprofit, public benefit research institute that (i) conducts research and development for government agencies, commercial businesses, foundations, and other organizations and (ii) commercializes technology.

B. The Authority is hereby authorized to create a nonprofit, nonstock corporation to receive such grants and to oversee the administration of the payment of the grants. As a condition to the payment of any grants to the Authority under this section, the General Assembly may require that such nonprofit, nonstock corporation be created.

C. Notwithstanding the provisions of § 2.2-2240, the Board of Directors of the nonprofit, nonstock corporation shall consist of nine voting members as follows: (i) the president of the University of Virginia, or his designee, (ii) the president of Virginia Polytechnic Institute and State University, or his designee, (iii) the president of James Madison University, or his designee, (iv) the president (or the designee of such president) of Virginia Commonwealth University, Christopher Newport University, the University of Mary Washington, Radford University, Virginia State University, Norfolk State University, Old Dominion University, George Mason University, or Longwood University, as appointed by the Governor, with appointments to this position rotated equally among such baccalaureate public institutions of higher education, (v) one citizen member who shall have substantial experience in research and development in the fields of pharmaceuticals, engineering, energy, or similar sciences, appointed by the Governor, (vi) a representative of a nonprofit, public benefit research institute that has entered into a Memorandum of Agreement with the Commonwealth, (vii) the Secretary of Commerce and Trade, or his designee, (viii) the Secretary of ~~Technology Administration~~, or his designee, and (ix) a representative of a local government that has concluded a Memorandum of Agreement with such research institute. Citizen members appointed by the Governor shall serve for four-year terms, but no citizen member shall serve for more than two full successive terms. A vacancy for a citizen member shall be filled by the Governor for the unexpired term.

D. The Board is authorized to make grant payments only to those nonprofit, public benefit research institutes described in subsection A that have entered into a Memorandum of Agreement (MOA) with the Commonwealth. The MOA shall, at a minimum, (i) require the research institute to perform research, development, and commercialization activities that improve society and facilitate economic growth; (ii) require research to be conducted collaboratively with Virginia public and private institutions and that such collaborative research benefit the capabilities, facilities, and staff of all organizations involved; (iii) require the research institute to develop protocols for the commercialization efforts of the institute, including protocols addressing intellectual property rights; (iv) require the Board to evaluate fulfillment of key milestones for the research institute, which shall include but not be limited to milestones relating to job creation, research institute reinvestment goals, research proposals submissions, and royalties, and to annually evaluate the Commonwealth's investment in the research institute by reporting on the institute's progress in meeting such milestones; and (v) establish relationships and expectations between the research institutes and public institutions of higher education in the Commonwealth, including opportunities for principal investigators to serve as adjunct faculty and the creation of internships for students and postdoctoral appointees.

E. The maximum amount of grants awarded by the Board shall not exceed a total of \$22 million per recipient through June 30, 2013.

F. The Board of any nonprofit, nonstock corporation created under this section shall be established in the executive branch of state government. The records of the corporation, its Board members, and employees that are deemed confidential or proprietary shall be exempt from disclosure pursuant to subdivision 3 of § 2.2-3705.6 of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).

§ 2.2-2485. Virginia Growth and Opportunity Board; membership; terms; compensation.

A. The Virginia Growth and Opportunity Board is established as a policy board in the executive branch of state government. The purpose of the Board is to promote collaborative regional economic and workforce development opportunities and activities.

B. The Board shall have a total membership of 24 members that shall consist of seven legislative members, 14 nonlegislative citizen members, and three ex officio members. Members shall be appointed as follows: four members of the House of Delegates, consisting of the Chairman of the House Committee on Appropriations and three members appointed by the Speaker of the House of Delegates; three members of the Senate, consisting of the Chairman of the Senate Committee on Finance and two members appointed by the Senate Committee on Rules; two nonlegislative citizen members to be appointed by the Speaker of the House of Delegates, who shall be from different regions of the Commonwealth and have significant private-sector business experience; two nonlegislative citizen members to be appointed by the Senate Committee on Rules, who shall be from different regions of the Commonwealth and have significant private-sector business experience; two nonlegislative citizen members to be appointed by the Governor, who shall be from different regions of the Commonwealth and have significant private-sector business experience; and eight nonlegislative citizen members to be appointed by the Governor, subject to the confirmation of the General Assembly, who shall have significant private-sector business experience. Of the Governor's nonlegislative citizen appointments subject to General Assembly confirmation, no more than two appointees may be from any one region of the Commonwealth. The Speaker of the House of Delegates and the Senate Committee on Rules shall submit a list of recommended nonlegislative citizens with significant private-sector business experience for the Governor to consider in making his nonlegislative citizen appointments. The Governor shall also appoint three Secretaries from the following, who shall serve ex officio with voting privileges: the Secretary of Agriculture and Forestry, the Secretary of Commerce and Trade, the Secretary of Education, *and* the Secretary of Finance; ~~and the Secretary of Technology~~. Nonlegislative citizen members shall be citizens of the Commonwealth.

C. Legislative members and ex officio members of the Board shall serve terms coincident with their terms of office. After the initial staggering of terms, nonlegislative citizen members shall be appointed for a term of four years. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. Vacancies shall be filled in the same manner as the original appointments. No House member appointed by the Speaker of the House shall serve more than four consecutive two-year terms, no Senate member appointed by the Senate Committee on Rules shall serve more than two consecutive four-year terms, and no nonlegislative citizen member shall serve more than two consecutive

four-year terms. The remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in determining the member's eligibility for reappointment.

D. The Board shall elect a chairman and vice-chairman from among its membership. The chairman shall be a nonlegislative citizen member. A majority of the members shall constitute a quorum.

E. Any decision by the Board shall require an affirmative vote of a majority of the members of the Board.

F. Legislative members of the Board shall receive such compensation as provided in § 30-19.12, and nonlegislative citizen members shall receive compensation as provided in § 2.2-2813 for the performance of their duties. All members shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825.

G. Staff support and technical assistance to the Board and the Governor in carrying out the provisions of this article shall be provided by the agencies of the Secretariats of Commerce and Trade, Education, and Finance.

§ 2.2-2698. Modeling and Simulation Advisory Council; purpose; membership; chairman.

A. The Modeling and Simulation Advisory Council (the Council) is established as an advisory council, within the meaning of § 2.2-2100, in the executive branch of state government. The purpose of the Council shall be to advise the Governor on policy and funding priorities to promote the modeling and simulation industry in the Commonwealth.

B. The Council shall consist of 15 members as follows: three legislative members of the House of Delegates to be appointed by the Speaker of the House of Delegates; one legislative member of the Senate to be appointed by the Senate Committee on Rules; *and* six citizen representatives of the modeling and simulation industry and two citizen members representing Virginia public institutions of higher education with modeling and simulation capabilities to be appointed by the Governor; ~~the Secretary of Technology and the Secretary of Commerce and Trade or their designees~~; *Two Secretaries as defined in § 2.2-200 to be appointed by the Governor and the Executive Director of the Virginia Modeling, Analysis and Simulation Center shall serve ex officio.*

~~Beginning July 1, 2012, the Governor's appointments shall be staggered as follows: two members for a term of two years, two members for a term of three years, and two members for a term of four years. Thereafter, appointments~~ Appointments by the Governor shall be for terms of four years, except an appointment to fill a vacancy, which shall be for the unexpired term. Ex officio members and legislative members shall serve terms coincident with their terms of office. All members shall be eligible for reappointment. Vacancies shall be filled in the manner of the original appointments.

C. The Council shall elect a chairman and a vice-chairman annually from among its membership. A majority of the members shall constitute a quorum. The Council shall meet biannually and at such other times as may be called by the chairman or a majority of the Council. Staff to the Council shall be provided by the office of the Secretary of ~~Technology Administration~~.

§ 2.2-2699.1. Aerospace Advisory Council; purpose; membership; compensation; chairman.

A. The Aerospace Advisory Council (the Council) is established as an advisory council, within the meaning of § 2.2-2100, in the executive branch of state government. The purpose of the Council shall be to advise the Governor, the Joint Commission on Technology and Science, and the Secretaries of Commerce and Trade, ~~Technology~~, and Education on policy and funding priorities with respect to aerospace economic development, workforce training, educational programs, and educational curriculum. The Council shall suggest strategies to attract and promote the development of existing aerospace companies, new aerospace companies, federal aerospace agencies, aerospace research, venture and human capital, and applied research and technology that contribute to the growth and development of the aerospace sector in the Commonwealth.

B. The Council shall have a total membership of 20 members that shall consist of four legislative members, nine nonlegislative citizen members, and seven ex officio members. Members shall be appointed as follows: three members of the House of Delegates to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; one member of the Senate, to be appointed by the Senate Committee on Rules; and nine nonlegislative citizen members, of whom one shall represent the Mid-Atlantic Regional Spaceport, one shall represent Old Dominion University, one shall represent the University of Virginia, one shall represent Virginia Tech, and five shall represent aerospace companies or suppliers within the Commonwealth, to be appointed by the Governor, and serve with voting privileges. The Director of the Department of Aviation, Director of the National Institute of Aerospace, President and CEO of the Virginia Tourism Authority, Director of the Virginia Space Grant Consortium, and President and CEO of the Virginia Economic Development Partnership, or their designees, shall serve as ex officio members with voting privileges. A representative of NASA Wallops Flight Facility and a representative of NASA's Langley Research Center shall be requested to serve by the Governor as ex officio members with nonvoting privileges. Nonlegislative citizen members of the Council shall be citizens of the Commonwealth.

Legislative members and ex officio members shall serve terms coincident with their terms of office. Other members shall be appointed for terms of two years. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. Vacancies shall be filled in the same manner as the original appointments. All members may be reappointed.

C. Legislative members of the Council shall receive such compensation as provided in § 30-19.12. Nonlegislative citizen members shall serve without compensation or reimbursement for reasonable and necessary expenses. Funding for compensation and expenses of legislative members shall be provided by the operating budgets of the Clerk of the House of

Delegates and the Clerk of the Senate upon approval of the Joint Rules Committee. All other expenses of the Council shall be provided by the Department of Aviation.

D. The Council shall elect a chairman and a vice-chairman annually from among its legislative membership. A majority of the members shall constitute a quorum. The Council shall meet at such times as may be called by the chairman or a majority of the Council.

E. Staff to the Council shall be provided by the Department of Aviation. The Division of Legislative Services shall provide additional staff support to legislative members serving on the Council.

§ 2.2-2699.4. Powers and duties of the Council.

The Council shall have the power and duty to:

1. Monitor the broadband-based development efforts of other states and nations in areas such as business, education, and health;
2. Advise the Governor, *the Secretary of Technology Commerce and Trade*, and the General Assembly on policies and strategies related to making affordable broadband services available to every Virginia home and business;
3. Monitor broadband-related activities at the federal level;
4. Encourage public-private partnerships to increase the deployment and adoption of broadband services and applications;
5. Annually report to the Governor and the Joint Commission on Technology and Science on the progress towards the goal of universal access for businesses and on the assessment of Commonwealth broadband infrastructure investments and utilization of Council-supported resources to promote broadband access;
6. Periodically review and comment on the quality, availability, and accessibility of state-maintained or funded broadband resources and programs, including but not limited to: Virginia Resources Authority Act funding of the "Online Community Toolkit"; the Center for Innovative Technology's mapping and outreach initiatives; investments made through programs administered by the Department of Education, Department of Housing and Community Development, Department of Public Rail and Transportation, and the Tobacco Region Revitalization Commission; and
7. Monitor regulatory and policy changes for potential impact on broadband deployment and sustainability in the Commonwealth.

§ 2.2-2699.5. Information Technology Advisory Council; membership; terms; quorum; compensation; staff.

A. The Information Technology Advisory Council (ITAC) is established as an advisory council, within the meaning of § 2.2-2100, in the executive branch of state government. The ITAC shall be responsible for advising the Chief Information Officer (CIO) and the Secretary of *Technology Administration* on the planning, budgeting, acquiring, using, disposing, managing, and administering of information technology in the Commonwealth.

B. The ITAC shall consist of not more than 16 members as follows: (i) one representative from an agency under each of the Governor's Secretaries, as set out in Chapter 2 (§ 2.2-200 et seq.), to be appointed by the Governor and serve with voting privileges; (ii) the Secretary of *Technology Administration* and the CIO, who shall serve ex officio with voting privileges; (iii) the Secretary of the Commonwealth or his designee; and (iv) at the Governor's discretion, not more than two nonlegislative citizen members to be appointed by the Governor and serve with voting privileges.

Nonlegislative citizen members shall be appointed for terms of four years. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. All members may be reappointed. However, no nonlegislative citizen member shall serve more than two consecutive four-year terms. The remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in determining the member's eligibility for reappointment. Vacancies shall be filled in the same manner as the original appointments.

C. The ITAC shall elect a chairman and vice-chairman annually from among the members, except that neither the Secretary of *Technology Administration* nor the CIO may serve as chairman. A majority of the members shall constitute a quorum. The meetings of the ITAC shall be held at the call of the chairman, the Secretary of *Technology Administration*, or the CIO, or whenever the majority of the members so request.

D. Nonlegislative citizen members shall receive compensation and shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties, as provided in §§ 2.2-2813 and 2.2-2825. Funding for the costs of compensation and expenses of the members shall be provided by the Virginia Information Technologies Agency.

E. The disclosure requirements of subsection B of § 2.2-3114 of the State and Local Government Conflict of Interests Act shall apply to citizen members of the ITAC.

F. The Virginia Information Technologies Agency shall serve as staff to the ITAC.

§ 2.2-2699.7. Health Information Technology Standards Advisory Committee.

The ITAC may appoint an advisory committee of persons with expertise in health care and information technology to advise the ITAC on the utilization of nationally recognized technical and data standards for health information technology systems or software pursuant to subdivision A 5 of § 2.2-2699.6. The ITAC, in consultation with the Secretary of Health and Human Resources, may appoint up to five persons to serve on the advisory committee. Members appointed to the advisory committee shall serve without compensation, but shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in § 2.2-2825. The CIO, the Secretary of *Technology Administration*, and the Secretary of Health and Human Resources, or their designees, may also serve on the advisory committee.

§ 2.2-2738. Virginia International Trade Corporation; purpose; membership; meetings.

A. The Virginia International Trade Corporation (the Corporation) is established in the executive branch of state government. The purpose of the Corporation shall be to promote international trade in the Commonwealth.

B. The Corporation shall be governed by a board of directors (the Board) composed of ~~47~~ 16 members as follows: the Secretaries of Agriculture and Forestry, Commerce and Trade, Finance, ~~Technology~~, and Transportation, or their designees, serving ex officio with voting privileges, and 12 nonlegislative citizen members appointed by the Governor, subject to confirmation by the General Assembly. The members appointed by the Governor shall have experience as senior management personnel or leaders in the areas of agriculture, finance, development, international business, manufacturing, and trade with at least two having background and experience specific to agriculture. Ex officio members of the Board shall serve terms coincident with their terms of office. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. After the initial staggering of terms, nonlegislative citizen members shall be appointed for a term of six years. Nonlegislative citizen members shall be citizens of the Commonwealth.

C. The Board shall elect a chairman and a vice-chairman from among its members. The Secretaries of Agriculture and Forestry, Commerce and Trade, Finance, ~~Technology~~, and Transportation shall not be eligible to serve as chairman or vice-chairman.

D. The Board shall meet at least four times annually and more often if deemed necessary or advisable by the chairman.

E. Members of the Board shall receive no compensation for their services but shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825.

§ 2.2-2817.1. State agencies to establish alternative work schedules; reporting requirement.

A. In accordance with the statewide telecommuting and alternative work schedule policy, to be developed by the Secretary of Administration pursuant to § 2.2-203.1, the head of each state agency shall establish a telecommuting and alternative work policy under which eligible employees of such agency may telecommute, participate in alternative work schedules, or both, to the maximum extent possible without diminished employee performance or service delivery. The policy shall identify types of employees eligible for telecommuting and alternative work schedules, the broad categories of positions determined to be ineligible for telecommuting and the justification therefor, any benefits of telecommuting including the use of alternate work locations that are separate from the agency's central workplace, and any benefits of using alternative work schedules. The policy shall promote use of Commonwealth information technology assets where feasible but may allow for eligible employees to use computers, computing devices, or related electronic equipment not owned or leased by the Commonwealth to telecommute, if such use is technically and economically practical, and so long as such use meets information security standards as established by the Virginia Information Technologies Agency, or receives an exception from such standards approved by the CIO of the Commonwealth or his designee. The policy shall be updated periodically as necessary.

B. The head of each agency shall set annual percentage targets for the number of positions eligible for alternative work schedules. By July 1, 2009, each state agency shall have a goal of not less than 25 percent of its eligible workforce participating in alternative work schedules. By January 1, 2010, each state agency, except the Department of State Police, shall have a goal of not less than 20 percent of its eligible workforce telecommuting.

C. The head of each state agency shall annually report to the ~~(i)~~ Secretary of Administration or his designee on the status and efficiency of telecommuting and participation in alternative work schedules and ~~(ii) Secretary of Technology or his designee~~ concerning specific budget requests for information technology, software, telecommunications connectivity (i.e., broadband Internet access, additional telephone lines, and online collaborative tools), or other equipment or services needed to increase opportunities for telecommuting and participation in alternate work locations.

D. As used in this section:

"Alternate work locations" means approved locations other than the employee's central workplace where official state business is performed. Such locations may include, but not be limited to the home of an employee and satellite offices.

"Alternative work schedule" means schedules that differ from the standard workweek, 40-hour workweek schedule, if such schedules are deemed to promote efficient agency operations. Alternative work schedules may include, but not be limited to, four 10-hour days, rotational shifts, and large-scale job sharing.

"Central workplace" means an employer's place of work where employees normally are located.

"Telecommuting" means a work arrangement in which supervisors direct or permit employees to perform their usual job duties away from their central workplace at least one day per week and in accordance with work agreements.

"Work agreement" means a written agreement between the employer and employee that details the terms and conditions of an employee's work away from his central workplace.

§ 2.2-2822. Ownership and use of patents and copyrights developed by certain public employees; Creative Commons copyrights.

A. Patents, copyrights or materials that were potentially patentable or copyrightable developed by a state employee during working hours or within the scope of his employment or when using state-owned or state-controlled facilities shall be the property of the Commonwealth.

B. The Secretary of Administration, ~~in consultation with the Secretary of Technology~~, shall establish policies, subject to the approval of the Governor, regarding the protection and release of patents and copyrights owned by the Commonwealth. Such policies shall include, at a minimum, the following:

1. A policy granting state agencies the authority over the protection and release of patents and copyrights created by employees of the agency. Such policy shall authorize state agencies to release all potentially copyrightable materials under the Creative Commons or Open Source Initiative licensing system, as appropriate.

2. A provision authorizing state agencies to seek patent protection only in those instances where the agency reasonably determines the patent has significant commercial value. The responsible state agency shall file with the Secretary a summary of the expected commercial value of the patent.

3. A procedure authorizing state agencies to determine whether to license or transfer to a state employee any interest in potentially patentable material developed by that employee during work hours, as well as to determine the terms of such license or transfer.

4. A procedure authorizing state agencies to determine whether to license or transfer to a private entity any interest in potentially patentable material developed by that agency, as well as to determine the terms of such license or transfer.

C. Nothing in this section shall be construed to limit access to public records as provided in the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).

D. This section shall not apply to employees of public institutions of higher education who shall be subject to the patent and copyright policies of the institution employing them.

§ 2.2-3503. Procurement requirements.

A. The technology access clause specified in clause (iii) of § 2.2-3502 shall be developed by the Secretary of ~~Technology Administration~~ and shall require compliance with the nonvisual access standards established in subsection B ~~of this section~~. The clause shall be included in all future contracts for the procurement of information technology by, or for the use of, entities covered by this chapter on or after the effective date of this chapter.

B. At a minimum, the nonvisual access standards shall include the following: (i) the effective, interactive control and use of the technology (including the operating system), applications programs, and format of the data presented, shall be readily achievable by nonvisual means; (ii) the technology equipped for nonvisual access shall be compatible with information technology used by other individuals with whom the blind or visually impaired individual interacts; (iii) nonvisual access technology shall be integrated into networks used to share communications among employees, program participants, and the public; and (iv) the technology for nonvisual access shall have the capability of providing equivalent access by nonvisual means to telecommunications or other interconnected network services used by persons who are not blind or visually impaired. A covered entity may stipulate additional specifications in any procurement.

Compliance with the nonvisual access standards shall not be required if the head of a covered entity determines that ~~(a)~~ (a) the information technology is not available with nonvisual access because the essential elements of the information technology are visual and ~~(b)~~ (b) nonvisual equivalence is not available.

§ 2.2-3504. Implementation.

A. The head of any covered entity may, with respect to nonvisual access software or peripheral devices, approve the exclusion of the technology access clause only to the extent that the cost of the software or devices for the covered entity would increase the total cost of the procurement by more than five percent. All exclusions of the technology access clause from any contract shall be reported annually to the Secretary of ~~Technology Administration~~.

B. The acquisition and installation of hardware, software, or peripheral devices used for nonvisual access when the information technology is being used exclusively by individuals who are not blind or visually impaired shall not be required.

C. Notwithstanding the provisions of subsection B, the applications programs and underlying operating systems (including the format of the data) used for the manipulation and presentation of information shall permit the installation and effective use of nonvisual access software and peripheral devices.

§ 2.2-3803. Administration of systems including personal information; Internet privacy policy; exceptions.

A. Any agency maintaining an information system that includes personal information shall:

1. Collect, maintain, use, and disseminate only that personal information permitted or required by law to be so collected, maintained, used, or disseminated, or necessary to accomplish a proper purpose of the agency;

2. Collect information to the greatest extent feasible from the data subject directly, or through the sharing of data with other agencies, in order to accomplish a proper purpose of the agency;

3. Establish categories for maintaining personal information to operate in conjunction with confidentiality requirements and access controls;

4. Maintain information in the system with accuracy, completeness, timeliness, and pertinence as necessary to ensure fairness in determinations relating to a data subject;

5. Make no dissemination to another system without (i) specifying requirements for security and usage including limitations on access thereto, and (ii) receiving reasonable assurances that those requirements and limitations will be observed. This subdivision shall not apply, however, to a dissemination made by an agency to an agency in another state, district or territory of the United States where the personal information is requested by the agency of such other state, district or territory in connection with the application of the data subject therein for a service, privilege or right under the laws thereof, nor shall this apply to information transmitted to family advocacy representatives of the United States Armed Forces in accordance with subsection N of § 63.2-1503;

6. Maintain a list of all persons or organizations having regular access to personal information in the information system;

7. Maintain for a period of three years or until such time as the personal information is purged, whichever is shorter, a complete and accurate record, including identity and purpose, of every access to any personal information in a system, including the identity of any persons or organizations not having regular access authority but excluding access by the personnel of the agency wherein data is put to service for the purpose for which it is obtained;

8. Take affirmative action to establish rules of conduct and inform each person involved in the design, development, operation, or maintenance of the system, or the collection or use of any personal information contained therein, about all the requirements of this chapter, the rules and procedures, including penalties for noncompliance, of the agency designed to assure compliance with such requirements;

9. Establish appropriate safeguards to secure the system from any reasonably foreseeable threat to its security; and

10. Collect no personal information concerning the political or religious beliefs, affiliations, and activities of data subjects that is maintained, used, or disseminated in or by any information system operated by any agency unless authorized explicitly by statute or ordinance. Nothing in this subdivision shall be construed to allow an agency to disseminate to federal government authorities information concerning the religious beliefs and affiliations of data subjects for the purpose of compiling a list, registry, or database of individuals based on religious affiliation, national origin, or ethnicity, unless such dissemination is specifically required by state or federal law.

B. Every public body, as defined in § 2.2-3701, that has an Internet website associated with that public body shall develop an Internet privacy policy and an Internet privacy policy statement that explains the policy to the public. The policy shall be consistent with the requirements of this chapter. The statement shall be made available on the public body's website in a conspicuous manner. The Secretary of ~~Technology Administration~~ or his designee shall provide guidelines for developing the policy and the statement, and each public body shall tailor the policy and the statement to reflect the information practices of the individual public body. At minimum, the policy and the statement shall address (i) what information, including personally identifiable information, will be collected, if any; (ii) whether any information will be automatically collected simply by accessing the website and, if so, what information; (iii) whether the website automatically places a computer file, commonly referred to as a "cookie," on the Internet user's computer and, if so, for what purpose; and (iv) how the collected information is being used or will be used.

C. Notwithstanding the provisions of subsection A, the Virginia Retirement System may disseminate information as to the retirement status or benefit eligibility of any employee covered by the Virginia Retirement System, the Judicial Retirement System, the State Police Officers' Retirement System, or the Virginia Law Officers' Retirement System, to the chief executive officer or personnel officers of the state or local agency by which he is employed.

D. Notwithstanding the provisions of subsection A, the Department of Social Services may disseminate client information to the Department of Taxation for the purposes of providing specified tax information as set forth in clause (ii) of subsection C of § 58.1-3.

E. Notwithstanding the provisions of subsection A, the State Council of Higher Education for Virginia may disseminate student information to agencies acting on behalf or in place of the U.S. government to gain access to data on wages earned outside the Commonwealth or through federal employment, for the purposes of complying with § 23.1-204.1.

§ 15.2-2425. Prioritization of loans.

In approving loans, the Authority shall give preference to loans for projects that will (i) utilize private industry in the operation and maintenance of such projects where a material savings in cost can be shown over public operation and maintenance, (ii) serve two or more local governments to encourage regional cooperation, or (iii) provide broadband services in areas with a demonstrated need that, in the opinion of the Secretary of ~~Technology Administration~~ and the Secretary of Commerce and Trade, are currently unserved by broadband providers.

§ 23.1-2911.1. Northern Virginia Community College; computer science training and professional development activities for public school teachers.

A. Northern Virginia Community College, in consultation with the Department of Education, shall contract with a partner organization to develop, market, and implement high-quality and effective computer science training and professional development activities for public school teachers throughout the Commonwealth for the purpose of improving the computer science literacy of all public school students in the Commonwealth.

B. Northern Virginia Community College shall also establish an advisory committee for the purpose of advising the college and its partner organization on the development, marketing, and implementation of training and professional development activities pursuant to subsection A. The Secretary of Commerce and Trade, the Secretary of Education, and the Secretary of ~~Technology Administration~~ shall each submit to the college a list of names of qualified individuals, and the college shall appoint members to such advisory committee from such lists.

§ 23.1-3102. Board of trustees.

A. The Extension Partnership shall be governed by a 24-member board of trustees (the board) consisting of (i) three presidents of comprehensive community colleges; two presidents of baccalaureate public institutions of higher education; one president of a baccalaureate private institution of higher education; and 15 nonlegislative citizen members representing manufacturing industries, to be appointed by the Governor and (ii) the director of the Center for Innovative Technology; ~~the Secretary of Commerce and Trade; and the Secretary of Technology~~ and two Secretaries as defined in § 2.2-200 to be appointed by the Governor, to serve ex officio with voting privileges.

B. Appointments shall be for terms of four years. Ex officio members of the board shall serve terms coincident with their terms of office. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms.

Vacancies shall be filled in the same manner as the original appointments. All members may be reappointed. No member shall serve more than two consecutive four-year terms; however, a member appointed to serve an unexpired term is eligible to serve two consecutive four-year terms immediately succeeding such unexpired term.

C. The board shall elect a chairman and a vice-chairman from among its membership. The board shall elect a secretary and a treasurer who need not be members of the board. The board may elect other subordinate officers who need not be members of the board.

D. Eight members shall constitute a quorum. The meetings of the board shall be held at the call of the chairman or whenever the majority of the members so request.

E. The board may adopt, alter, or repeal its own bylaws that govern the manner in which its business may be transacted and may form committees and advisory councils, which may include representatives who are not board members.

§ 30-279. Public-Private Partnership Advisory Commission established; membership; terms; compensation; staff; quorum.

A. The Public-Private Partnership Advisory Commission (the Commission) is established as an advisory commission in the legislative branch. The purpose of the Commission shall be to advise responsible public entities that are agencies or institutions of the Commonwealth on proposals received pursuant to the Public-Private Education Facilities and Infrastructure Act of 2002 (§ 56-575.1 et seq.).

B. The Commission shall consist of 11 members, including eight legislative members, as follows: (i) the Chair of the House Committee on Appropriations or his designee and four members of the House of Delegates appointed by the Speaker of the House, (ii) the Chair of the Senate Committee on Finance or his designee and two members of the Senate appointed by the Senate Committee on Rules, and (iii) ~~the Secretary of Administration, the Secretary of Finance, and the Secretary of Technology or their designees~~ *three Secretaries as defined in § 2.2-200 to be appointed by the Governor to serve ex officio.* Legislative members shall serve on the Commission until the expiration of their terms of office or until their successors shall qualify. Executive branch agency members shall serve only as long as they retain their positions.

C. The members of the Commission shall elect from among the legislative membership a chairman and a vice-chairman who shall serve for two-year terms. The Commission shall hold meetings quarterly or upon the call of the chairman. A majority of the Commission shall constitute a quorum.

D. Members of the Commission shall receive no compensation for their services but shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813, 2.2-2825, and 30-19.12, as appropriate.

E. Administrative staff support shall be provided by the Office of the Clerk of the Senate or the Office of the Clerk of the House of Delegates as may be appropriate for the house in which the chairman of the Commission serves. The Division of Legislative Services shall provide legal, research, and policy analysis services to the Commission. Technical assistance shall be provided by the staffs of the House Committee on Appropriations and the Senate Finance Committee and the Auditor of Public Accounts. Additional assistance as needed shall be provided by the Department of General Services.

F. A copy of the proceedings of the Commission shall be filed with the Division of Legislative Services.

§ 58.1-322.02. Virginia taxable income; subtractions.

In computing Virginia taxable income pursuant to § 58.1-322, to the extent included in federal adjusted gross income, there shall be subtracted:

1. Income derived from obligations, or on the sale or exchange of obligations, of the United States and on obligations or securities of any authority, commission, or instrumentality of the United States to the extent exempt from state income taxes under the laws of the United States, including, but not limited to, stocks, bonds, treasury bills, and treasury notes but not including interest on refunds of federal taxes, interest on equipment purchase contracts, or interest on other normal business transactions.

2. Income derived from obligations, or on the sale or exchange of obligations, of the Commonwealth or of any political subdivision or instrumentality of the Commonwealth.

3. Benefits received under Title II of the Social Security Act and other benefits subject to federal income taxation solely pursuant to § 86 of the Internal Revenue Code.

4. Up to \$20,000 of disability income, as defined in § 22(c)(2)(B)(iii) of the Internal Revenue Code; however, any person who claims a deduction under subdivision 5 of § 58.1-322.03 may not also claim a subtraction under this subdivision.

5. The amount of any refund or credit for overpayment of income taxes imposed by the Commonwealth or any other taxing jurisdiction.

6. The amount of wages or salaries eligible for the federal Work Opportunity Credit which was not deducted for federal purposes on account of the provisions of § 280C(a) of the Internal Revenue Code.

7. Any amount included therein less than \$600 from a prize awarded by the Virginia Lottery.

8. The wages or salaries received by any person for active and inactive service in the National Guard of the Commonwealth of Virginia, not to exceed the amount of income derived from 39 calendar days of such service or \$3,000, whichever amount is less; however, only those persons in the ranks of O3 and below shall be entitled to the deductions specified in this subdivision.

9. Amounts received by an individual, not to exceed \$1,000 in any taxable year, as a reward for information provided to a law-enforcement official or agency, or to a nonprofit corporation created exclusively to assist such law-enforcement

official or agency, in the apprehension and conviction of perpetrators of crimes. This subdivision shall not apply to the following: an individual who is an employee of, or under contract with, a law-enforcement agency, a victim or the perpetrator of the crime for which the reward was paid, or any person who is compensated for the investigation of crimes or accidents.

10. The amount of "qualified research expenses" or "basic research expenses" eligible for deduction for federal purposes, but which were not deducted, on account of the provisions of § 280C(c) of the Internal Revenue Code and which shall be available to partners, shareholders of S corporations, and members of limited liability companies to the extent and in the same manner as other deductions may pass through to such partners, shareholders, and members.

11. Any income received during the taxable year derived from a qualified pension, profit-sharing, or stock bonus plan as described by § 401 of the Internal Revenue Code, an individual retirement account or annuity established under § 408 of the Internal Revenue Code, a deferred compensation plan as defined by § 457 of the Internal Revenue Code, or any federal government retirement program, the contributions to which were deductible from the taxpayer's federal adjusted gross income, but only to the extent the contributions to such plan or program were subject to taxation under the income tax in another state.

12. Any income attributable to a distribution of benefits or a refund from a prepaid tuition contract or savings trust account with the Virginia College Savings Plan, created pursuant to Chapter 7 (§ 23.1-700 et seq.) of Title 23.1. The subtraction for any income attributable to a refund shall be limited to income attributable to a refund in the event of a beneficiary's death, disability, or receipt of a scholarship.

13. All military pay and allowances, to the extent included in federal adjusted gross income and not otherwise subtracted, deducted, or exempted under this section, earned by military personnel while serving by order of the President of the United States with the consent of Congress in a combat zone or qualified hazardous duty area that is treated as a combat zone for federal tax purposes pursuant to § 112 of the Internal Revenue Code.

14. For taxable years beginning before January 1, 2015, the gain derived from the sale or exchange of real property or the sale or exchange of an easement to real property which results in the real property or the easement thereto being devoted to open-space use, as that term is defined in § 58.1-3230, for a period of time not less than 30 years. To the extent that a subtraction is taken in accordance with this subdivision, no tax credit under this chapter for donating land for its preservation shall be allowed for three years following the year in which the subtraction is taken.

15. Fifteen thousand dollars of military basic pay for military service personnel on extended active duty for periods in excess of 90 days; however, the subtraction amount shall be reduced dollar-for-dollar by the amount by which the taxpayer's military basic pay exceeds \$15,000 and shall be reduced to zero if such military basic pay amount is equal to or exceeds \$30,000.

16. The first \$15,000 of salary for each federal and state employee whose total annual salary from all employment for the taxable year is \$15,000 or less.

17. Unemployment benefits taxable pursuant to § 85 of the Internal Revenue Code.

18. Any amount received as military retirement income by an individual awarded the Congressional Medal of Honor.

19. Items of income attributable to, derived from, or in any way related to (i) assets stolen from, hidden from, or otherwise lost by an individual who was a victim or target of Nazi persecution or (ii) damages, reparations, or other consideration received by a victim or target of Nazi persecution to compensate such individual for performing labor against his will under the threat of death, during World War II and its prelude and direct aftermath. This subtraction shall not apply to assets acquired with such items of income or with the proceeds from the sale of assets stolen from, hidden from, or otherwise lost to, during World War II and its prelude and direct aftermath, a victim or target of Nazi persecution. The provisions of this subdivision shall only apply to an individual who was the first recipient of such items of income and who was a victim or target of Nazi persecution, or a spouse, widow, widower, or child or stepchild of such victim.

As used in this subdivision:

"Nazi regime" means the country of Nazi Germany, areas occupied by Nazi Germany, those European countries allied with Nazi Germany, or any other neutral European country or area in Europe under the influence or threat of Nazi invasion.

"Victim or target of Nazi persecution" means any individual persecuted or targeted for persecution by the Nazi regime who had assets stolen from, hidden from, or otherwise lost as a result of any act or omission in any way relating to (i) the Holocaust, (ii) World War II and its prelude and direct aftermath, (iii) transactions with or actions of the Nazi regime, (iv) treatment of refugees fleeing Nazi persecution, or (v) the holding of such assets by entities or persons in the Swiss Confederation during World War II and its prelude and aftermath. A "victim or target of Nazi persecution" also includes any individual forced into labor against his will, under the threat of death, during World War II and its prelude and direct aftermath.

20. The military death gratuity payment made after September 11, 2001, to the survivor of deceased military personnel killed in the line of duty, pursuant to 10 U.S.C. Chapter 75; however, the subtraction amount shall be reduced dollar-for-dollar by the amount that the survivor may exclude from his federal gross income in accordance with § 134 of the Internal Revenue Code.

21. The death benefit payments from an annuity contract that are received by a beneficiary of such contract, provided that (i) the death benefit payment is made pursuant to an annuity contract with an insurance company and (ii) the death benefit payment is paid solely by lump sum. The subtraction under this subdivision shall be allowed only for that portion of the death benefit payment that is included in federal adjusted gross income.

22. Any gain recognized from the sale of launch services to space flight participants, as defined in 49 U.S.C. § 70102, or launch services intended to provide individuals with the training or experience of a launch, without performing an actual launch. To qualify for a deduction under this subdivision, launch services must be performed in Virginia or originate from an airport or spaceport in Virginia.

23. Any gain recognized as a result of resupply services contracts for delivering payload, as defined in 49 U.S.C. § 70102, entered into with the Commercial Orbital Transportation Services division of the National Aeronautics and Space Administration or other space flight entity, as defined in § 8.01-227.8, and launched from an airport or spaceport in Virginia.

24. Any income taxed as a long-term capital gain for federal income tax purposes, or any income taxed as investment services partnership interest income (otherwise known as investment partnership carried interest income) for federal income tax purposes. To qualify for a subtraction under this subdivision, such income shall be attributable to an investment in a "qualified business," as defined in § 58.1-339.4, or in any other technology business approved by the Secretary of ~~Technology Administration~~, provided that the business has its principal office or facility in the Commonwealth and less than \$3 million in annual revenues in the fiscal year prior to the investment. To qualify for a subtraction under this subdivision, the investment shall be made between the dates of April 1, 2010, and June 30, 2020. No taxpayer who has claimed a tax credit for an investment in a "qualified business" under § 58.1-339.4 shall be eligible for the subtraction under this subdivision for an investment in the same business.

25. For taxable years beginning on and after January 1, 2014, any income of an account holder for the taxable year taxed as (i) a capital gain for federal income tax purposes attributable to such person's first-time home buyer savings account established pursuant to Chapter 12 (§ 36-171 et seq.) of Title 36 and (ii) interest income or other income for federal income tax purposes attributable to such person's first-time home buyer savings account.

Notwithstanding the statute of limitations on assessments contained in § 58.1-312, any subtraction taken under this subdivision shall be subject to recapture in the taxable year or years in which moneys or funds withdrawn from the first-time home buyer savings account were used for any purpose other than the payment of eligible costs by or on behalf of a qualified beneficiary, as provided under § 36-174. The amount subject to recapture shall be a portion of the amount withdrawn in the taxable year that was used for other than the payment of eligible costs, computed by multiplying the amount withdrawn and used for other than the payment of eligible costs by the ratio of the aggregate earnings in the account at the time of the withdrawal to the total balance in the account at such time.

However, recapture shall not apply to the extent of moneys or funds withdrawn that were (i) withdrawn by reason of the qualified beneficiary's death or disability; (ii) a disbursement of assets of the account pursuant to a filing for protection under the United States Bankruptcy Code, 11 U.S.C. §§ 101 through 1330; or (iii) transferred from an account established pursuant to Chapter 12 (§ 36-171 et seq.) of Title 36 into another account established pursuant to such chapter for the benefit of another qualified beneficiary.

For purposes of this subdivision, "account holder," "eligible costs," "first-time home buyer savings account," and "qualified beneficiary" mean the same as those terms are defined in § 36-171.

26. For taxable years beginning on and after January 1, 2015, any income for the taxable year attributable to the discharge of a student loan solely by reason of the student's death. For purposes of this subdivision, "student loan" means the same as that term is defined under § 108(f) of the Internal Revenue Code.

27. a. Income, including investment services partnership interest income (otherwise known as investment partnership carried interest income), attributable to an investment in a Virginia venture capital account. To qualify for a subtraction under this subdivision, the investment shall be made on or after January 1, 2018, but before December 31, 2023. No subtraction shall be allowed under this subdivision for an investment in a company that is owned or operated by a family member or an affiliate of the taxpayer. No subtraction shall be allowed under this subdivision for a taxpayer who has claimed a subtraction under subdivision 24 or a tax credit under § 58.1-339.4 for the same investment.

b. As used in this subdivision 27:

"Qualified portfolio company" means a company that (i) has its principal place of business in the Commonwealth; (ii) has a primary purpose of production, sale, research, or development of a product or service other than the management or investment of capital; and (iii) provides equity in the company to the Virginia venture capital account in exchange for a capital investment. "Qualified portfolio company" does not include a company that is an individual or sole proprietorship.

"Virginia venture capital account" means an investment fund that has been certified by the Department as a Virginia venture capital account. In order to be certified as a Virginia venture capital account, the operator of the investment fund shall register the investment fund with the Department prior to December 31, 2023, (i) indicating that it intends to invest at least 50 percent of the capital committed to its fund in qualified portfolio companies and (ii) providing documentation that it employs at least one investor who has at least four years of professional experience in venture capital investment or substantially equivalent experience. "Substantially equivalent experience" includes, but is not limited to, an undergraduate degree from an accredited college or university in economics, finance, or a similar field of study. The Department may require an investment fund to provide documentation of the investor's training, education, or experience as deemed necessary by the Department to determine substantial equivalency. If the Department determines that the investment fund employs at least one investor with the experience set forth herein, the Department shall certify the investment fund as a Virginia venture capital account at such time as the investment fund actually invests at least 50 percent of the capital committed to its fund in qualified portfolio companies.

28. a. Income attributable to an investment in a Virginia real estate investment trust. To qualify for a subtraction under this subdivision, the investment shall be made on or after January 1, 2019, but before December 31, 2024. No subtraction shall be allowed for an investment in a trust that is managed by a family member or an affiliate of the taxpayer. No subtraction shall be allowed under this subdivision for a taxpayer who has claimed a subtraction under subdivision 24 or 27 or a tax credit under § 58.1-339.4 for the same investment.

b. As used in this subdivision 28:

"Distressed" means satisfying the criteria applicable to a locality described in subdivision E 2 of § 2.2-115.

"Double distressed" means satisfying the criteria applicable to a locality described in subdivision E 3 of § 2.2-115.

"Virginia real estate investment trust" means a real estate investment trust, as defined in 26 U.S.C. § 856, that has been certified by the Department as a Virginia real estate investment trust. In order to be certified as a Virginia real estate investment trust, the trustee shall register the trust with the Department prior to December 31, 2024, indicating that it intends to invest at least 90 percent of trust funds in Virginia and at least 40 percent of trust funds in real estate in localities that are distressed or double distressed. If the Department determines that the trust satisfies the preceding criteria, the Department shall certify the trust as a Virginia real estate investment trust at such time as the trust actually invests at least 90 percent of trust funds in Virginia and at least 40 percent of trust funds in real estate in localities that are distressed or double distressed.

29. For taxable years beginning on and after January 1, 2019, any gain recognized from the taking of real property by condemnation proceedings.

§ 58.1-402. Virginia taxable income.

A. For purposes of this article, Virginia taxable income for a taxable year means the federal taxable income and any other income taxable to the corporation under federal law for such year of a corporation adjusted as provided in subsections B, C, D, E, and G.

For a regulated investment company and a real estate investment trust, such term means the "investment company taxable income" and "real estate investment trust taxable income," respectively, to which shall be added in each case any amount of capital gains and any other income taxable to the corporation under federal law which shall be further adjusted as provided in subsections B, C, D, E, and G.

B. There shall be added to the extent excluded from federal taxable income:

1. Interest, less related expenses to the extent not deducted in determining federal taxable income, on obligations of any state other than Virginia, or of a political subdivision of any such other state unless created by compact or agreement to which the Commonwealth is a party;

2. Interest or dividends, less related expenses to the extent not deducted in determining federal taxable income, on obligations or securities of any authority, commission or instrumentality of the United States, which the laws of the United States exempt from federal income tax but not from state income taxes;

3. [Repealed.]

4. The amount of any net income taxes and other taxes, including franchise and excise taxes, which are based on, measured by, or computed with reference to net income, imposed by the Commonwealth or any other taxing jurisdiction, to the extent deducted in determining federal taxable income;

5. Unrelated business taxable income as defined by § 512 of the Internal Revenue Code;

6. [Repealed.]

7. The amount required to be included in income for the purpose of computing the partial tax on an accumulation distribution pursuant to § 667 of the Internal Revenue Code;

8. a. For taxable years beginning on and after January 1, 2004, the amount of any intangible expenses and costs directly or indirectly paid, accrued, or incurred to, or in connection directly or indirectly with one or more direct or indirect transactions with one or more related members to the extent such expenses and costs were deductible or deducted in computing federal taxable income for Virginia purposes. This addition shall not be required for any portion of the intangible expenses and costs if one of the following applies:

(1) The corresponding item of income received by the related member is subject to a tax based on or measured by net income or capital imposed by Virginia, another state, or a foreign government that has entered into a comprehensive tax treaty with the United States government;

(2) The related member derives at least one-third of its gross revenues from the licensing of intangible property to parties who are not related members, and the transaction giving rise to the expenses and costs between the corporation and the related member was made at rates and terms comparable to the rates and terms of agreements that the related member has entered into with parties who are not related members for the licensing of intangible property; or

(3) The corporation can establish to the satisfaction of the Tax Commissioner that the intangible expenses and costs meet both of the following: (i) the related member during the same taxable year directly or indirectly paid, accrued or incurred such portion to a person who is not a related member, and (ii) the transaction giving rise to the intangible expenses and costs between the corporation and the related member did not have as a principal purpose the avoidance of any portion of the tax due under this chapter.

b. A corporation required to add to its federal taxable income intangible expenses and costs pursuant to subdivision a may petition the Tax Commissioner, after filing the related income tax return for the taxable year and remitting to the Tax Commissioner all taxes, penalties, and interest due under this article for such taxable year including tax upon any amount of

intangible expenses and costs required to be added to federal taxable income pursuant to subdivision a, to consider evidence relating to the transaction or transactions between the corporation and a related member or members that resulted in the corporation's taxable income being increased, as required under subdivision a, for such intangible expenses and costs.

If the corporation can demonstrate to the Tax Commissioner's sole satisfaction, by clear and convincing evidence, that the transaction or transactions between the corporation and a related member or members resulting in such increase in taxable income pursuant to subdivision a had a valid business purpose other than the avoidance or reduction of the tax due under this chapter, the Tax Commissioner shall permit the corporation to file an amended return. For purposes of such amended return, the requirements of subdivision a shall not apply to any transaction for which the Tax Commissioner is satisfied (and has identified) that the transaction had a valid business purpose other than the avoidance or reduction of the tax due under this chapter. Such amended return shall be filed by the corporation within one year of the written permission granted by the Tax Commissioner and any refund of the tax imposed under this article shall include interest at a rate equal to the rate of interest established under § 58.1-15 and such interest shall accrue as provided under § 58.1-1833. However, upon the filing of such amended return, any related member of the corporation that subtracted from taxable income amounts received pursuant to subdivision C 21 shall be subject to the tax imposed under this article on that portion of such amounts for which the corporation has filed an amended return pursuant to this subdivision. In addition, for such transactions identified by the Tax Commissioner herein by which he has been satisfied by clear and convincing evidence, the Tax Commissioner may permit the corporation in filing income tax returns for subsequent taxable years to deduct the related intangible expenses and costs without making the adjustment under subdivision a.

The Tax Commissioner may charge a fee for all direct and indirect costs relating to the review of any petition pursuant to this subdivision, to include costs necessary to secure outside experts in evaluating the petition. The Tax Commissioner may condition the review of any petition pursuant to this subdivision upon payment of such fee.

No suit for the purpose of contesting any action of the Tax Commissioner under this subdivision shall be maintained in any court of this Commonwealth.

c. Nothing in subdivision B 8 shall be construed to limit or negate the Department's authority under § 58.1-446;

9. a. For taxable years beginning on and after January 1, 2004, the amount of any interest expenses and costs directly or indirectly paid, accrued, or incurred to, or in connection directly or indirectly with one or more direct or indirect transactions with one or more related members to the extent such expenses and costs were deductible or deducted in computing federal taxable income for Virginia purposes. This addition shall not be required for any portion of the interest expenses and costs, if:

(1) The related member has substantial business operations relating to interest-generating activities, in which the related member pays expenses for at least five full-time employees who maintain, manage, defend or are otherwise responsible for operations or administration relating to the interest-generating activities; and

(2) The interest expenses and costs are not directly or indirectly for, related to or in connection with the direct or indirect acquisition, maintenance, management, sale, exchange, or disposition of intangible property; and

(3) The transaction giving rise to the expenses and costs between the corporation and the related member has a valid business purpose other than the avoidance or reduction of taxation and payments between the parties are made at arm's length rates and terms; and

(4) One of the following applies:

(i) The corresponding item of income received by the related member is subject to a tax based on or measured by net income or capital imposed by Virginia, another state, or a foreign government that has entered into a comprehensive tax treaty with the United States government;

(ii) Payments arise pursuant to a pre-existing contract entered into when the parties were not related members provided the payments continue to be made at arm's length rates and terms;

(iii) The related member engages in transactions with parties other than related members that generate revenue in excess of \$2 million annually; or

(iv) The transaction giving rise to the interest payments between the corporation and a related member was done at arm's length rates and terms and meets any of the following: (a) the related member uses funds that are borrowed from a party other than a related member or that are paid, incurred or passed-through to a person who is not a related member; (b) the debt is part of a regular and systematic funds management or portfolio investment activity conducted by the related member, whereby the funds of two or more related members are aggregated for the purpose of achieving economies of scale, the internal financing of the active business operations of members, or the benefit of centralized management of funds; (c) financing the expansion of the business operations; or (d) restructuring the debt of related members, or the pass-through of acquisition-related indebtedness to related members.

b. A corporation required to add to its federal taxable income interest expenses and costs pursuant to subdivision a may petition the Tax Commissioner, after filing the related income tax return for the taxable year and remitting to the Tax Commissioner all taxes, penalties, and interest due under this article for such taxable year including tax upon any amount of interest expenses and costs required to be added to federal taxable income pursuant to subdivision a, to consider evidence relating to the transaction or transactions between the corporation and a related member or members that resulted in the corporation's taxable income being increased, as required under subdivision a, for such interest expenses and costs.

If the corporation can demonstrate to the Tax Commissioner's sole satisfaction, by clear and convincing evidence, that the transaction or transactions between the corporation and a related member or members resulting in such increase in

taxable income pursuant to subdivision a had a valid business purpose other than the avoidance or reduction of the tax due under this chapter and that the related payments between the parties were made at arm's length rates and terms, the Tax Commissioner shall permit the corporation to file an amended return. For purposes of such amended return, the requirements of subdivision a shall not apply to any transaction for which the Tax Commissioner is satisfied (and has identified) that the transaction had a valid business purpose other than the avoidance or reduction of the tax due under this chapter and that the related payments between the parties were made at arm's length rates and terms. Such amended return shall be filed by the corporation within one year of the written permission granted by the Tax Commissioner and any refund of the tax imposed under this article shall include interest at a rate equal to the rate of interest established under § 58.1-15 and such interest shall accrue as provided under § 58.1-1833. However, upon the filing of such amended return, any related member of the corporation that subtracted from taxable income amounts received pursuant to subdivision C 21 shall be subject to the tax imposed under this article on that portion of such amounts for which the corporation has filed an amended return pursuant to this subdivision. In addition, for such transactions identified by the Tax Commissioner herein by which he has been satisfied by clear and convincing evidence, the Tax Commissioner may permit the corporation in filing income tax returns for subsequent taxable years to deduct the related interest expenses and costs without making the adjustment under subdivision a.

The Tax Commissioner may charge a fee for all direct and indirect costs relating to the review of any petition pursuant to this subdivision, to include costs necessary to secure outside experts in evaluating the petition. The Tax Commissioner may condition the review of any petition pursuant to this subdivision upon payment of such fee.

No suit for the purpose of contesting any action of the Tax Commissioner under this subdivision shall be maintained in any court of this Commonwealth.

c. Nothing in subdivision B 9 shall be construed to limit or negate the Department's authority under § 58.1-446.

d. For purposes of subdivision B 9:

"Arm's-length rates and terms" means that (i) two or more related members enter into a written agreement for the transaction, (ii) such agreement is of a duration and contains payment terms substantially similar to those that the related member would be able to obtain from an unrelated entity, (iii) the interest is at or below the applicable federal rate compounded annually for debt instruments under § 1274(d) of the Internal Revenue Code that was in effect at the time of the agreement, and (iv) the borrower or payor adheres to the payment terms of the agreement governing the transaction or any amendments thereto.

"Valid business purpose" means one or more business purposes that alone or in combination constitute the motivation for some business activity or transaction, which activity or transaction improves, apart from tax effects, the economic position of the taxpayer, as further defined by regulation.

10. a. For taxable years beginning on and after January 1, 2009, the amount of dividends deductible under §§ 561 and 857 of the Internal Revenue Code by a Captive Real Estate Investment Trust (REIT). For purposes of this subdivision, a REIT is a Captive REIT if:

(1) It is not regularly traded on an established securities market;

(2) More than 50 percent of the voting power or value of beneficial interests or shares of which, at any time during the last half of the taxable year, is owned or controlled, directly or indirectly, by a single entity that is (i) a corporation or an association taxable as a corporation under the Internal Revenue Code; and (ii) not exempt from federal income tax pursuant to § 501(a) of the Internal Revenue Code; and

(3) More than 25 percent of its income consists of rents from real property as defined in § 856(d) of the Internal Revenue Code.

b. For purposes of applying the ownership test of subdivision 10 a (2), the following entities shall not be considered a corporation or an association taxable as a corporation:

(1) Any REIT that is not treated as a Captive REIT;

(2) Any REIT subsidiary under § 856 of the Internal Revenue Code other than a qualified REIT subsidiary of a Captive REIT;

(3) Any Listed Australian Property Trust, or an entity organized as a trust, provided that a Listed Australian Property Trust owns or controls, directly or indirectly, 75 percent or more of the voting or value of the beneficial interests or shares of such trust; and

(4) Any Qualified Foreign Entity.

c. For purposes of subdivision B 10, the constructive ownership rules prescribed under § 318(a) of the Internal Revenue Code, as modified by § 856(d)(5) of the Internal Revenue Code, shall apply in determining the ownership of stock, assets, or net profits of any person.

d. For purposes of subdivision B 10:

"Listed Australian Property Trust" means an Australian unit trust registered as a Management Investment Scheme, pursuant to the Australian Corporations Act, in which the principal class of units is listed on a recognized stock exchange in Australia and is regularly traded on an established securities market.

"Qualified Foreign Entity" means a corporation, trust, association or partnership organized outside the laws of the United States and that satisfies all of the following criteria:

(1) At least 75 percent of the entity's total asset value at the close of its taxable year is represented by real estate assets, as defined in § 856(c)(5)(B) of the Internal Revenue Code, thereby including shares or certificates of beneficial interest in any REIT, cash and cash equivalents, and U.S. Government securities;

(2) The entity is not subject to a tax on amounts distributed to its beneficial owners, or is exempt from entity level tax;

(3) The entity distributes, on an annual basis, at least 85 percent of its taxable income, as computed in the jurisdiction in which it is organized, to the holders of its shares or certificates of beneficial interest;

(4) The shares or certificates of beneficial interest of such entity are regularly traded on an established securities market or, if not so traded, not more than 10 percent of the voting power or value in such entity is held directly, indirectly, or constructively by a single entity or individual; and

(5) The entity is organized in a country that has a tax treaty with the United States.

e. For taxable years beginning on or after January 1, 2016, for purposes of subdivision B 10, any voting power or value of the beneficial interests or shares in a REIT that is held in a segregated asset account of a life insurance corporation as described in § 817 of the Internal Revenue Code shall not be taken into consideration when determining if such REIT is a Captive REIT.

11. For taxable years beginning on or after January 1, 2016, to the extent that tax credit is allowed for the same donation pursuant to § 58.1-439.12:12, any amount claimed as a federal income tax deduction for such donation under § 170 of the Internal Revenue Code, as amended or renumbered.

C. There shall be subtracted to the extent included in and not otherwise subtracted from federal taxable income:

1. Income derived from obligations, or on the sale or exchange of obligations, of the United States and on obligations or securities of any authority, commission or instrumentality of the United States to the extent exempt from state income taxes under the laws of the United States including, but not limited to, stocks, bonds, treasury bills, and treasury notes, but not including interest on refunds of federal taxes, interest on equipment purchase contracts, or interest on other normal business transactions.

2. Income derived from obligations, or on the sale or exchange of obligations of this Commonwealth or of any political subdivision or instrumentality of this Commonwealth.

3. Dividends upon stock in any domestic international sales corporation, as defined by § 992 of the Internal Revenue Code, 50 percent or more of the income of which was assessable for the preceding year, or the last year in which such corporation has income, under the provisions of the income tax laws of the Commonwealth.

4. The amount of any refund or credit for overpayment of income taxes imposed by this Commonwealth or any other taxing jurisdiction.

5. Any amount included therein by the operation of the provisions of § 78 of the Internal Revenue Code (foreign dividend gross-up).

6. The amount of wages or salaries eligible for the federal Targeted Jobs Credit which was not deducted for federal purposes on account of the provisions of § 280C(a) of the Internal Revenue Code.

7. Any amount included therein by the operation of § 951 of the Internal Revenue Code (subpart F income) or, for taxable years beginning on and after January 1, 2018, § 951A of the Internal Revenue Code (Global Intangible Low-Taxed Income).

8. Any amount included therein which is foreign source income as defined in § 58.1-302.

9. [Repealed.]

10. The amount of any dividends received from corporations in which the taxpaying corporation owns 50 percent or more of the voting stock.

11. [Repealed.]

12, 13. [Expired.]

14. For taxable years beginning on or after January 1, 1995, the amount for "qualified research expenses" or "basic research expenses" eligible for deduction for federal purposes, but which were not deducted, on account of the provisions of § 280C(c) of the Internal Revenue Code.

15. For taxable years beginning on or after January 1, 2000, the total amount actually contributed in funds to the Virginia Public School Construction Grants Program and Fund established in Chapter 11.1 (§ 22.1-175.1 et seq.) of Title 22.1.

16. For taxable years beginning on or after January 1, 2000, but before January 1, 2015, the gain derived from the sale or exchange of real property or the sale or exchange of an easement to real property which results in the real property or the easement thereto being devoted to open-space use, as that term is defined in § 58.1-3230, for a period of time not less than 30 years. To the extent a subtraction is taken in accordance with this subdivision, no tax credit under this chapter for donating land for its preservation shall be allowed for three years following the year in which the subtraction is taken.

17. For taxable years beginning on and after January 1, 2001, any amount included therein with respect to § 58.1-440.1.

18. For taxable years beginning on and after January 1, 1999, income received as a result of (i) the "Master Settlement Agreement," as defined in § 3.2-3100; and (ii) the National Tobacco Grower Settlement Trust dated July 19, 1999, by (a) tobacco farming businesses; (b) any business holding a tobacco marketing quota, or tobacco farm acreage allotment, under the Agricultural Adjustment Act of 1938; or (c) any business having the right to grow tobacco pursuant to such a quota allotment.

19, 20. [Repealed.]

21. For taxable years beginning on and after January 1, 2004, any amount of intangible expenses and costs or interest expenses and costs added to the federal taxable income of a corporation pursuant to subdivision B 8 or B 9 shall be subtracted from the federal taxable income of the related member that received such amount if such related member is subject to Virginia income tax on the same amount.

22. For taxable years beginning on and after January 1, 2009, any gain recognized from the sale of launch services to space flight participants, as defined in 49 U.S.C. § 70102, or launch services intended to provide individuals the training or experience of a launch, without performing an actual launch. To qualify for a deduction under this subdivision, launch services must be performed in Virginia or originate from an airport or spaceport in Virginia.

23. For taxable years beginning on and after January 1, 2009, any gain recognized as a result of resupply services contracts for delivering payload, as defined in 49 U.S.C. § 70102, entered into with the Commercial Orbital Transportation Services division of the National Aeronautics and Space Administration or other space flight entity, as defined in § 8.01-227.8, and launched from an airport or spaceport in Virginia.

24. For taxable years beginning on or after January 1, 2011, any income taxed as a long-term capital gain for federal income tax purposes, or any income taxed as investment services partnership interest income (otherwise known as investment partnership carried interest income) for federal income tax purposes. To qualify for a subtraction under this subdivision, such income must be attributable to an investment in a "qualified business," as defined in § 58.1-339.4, or in any other technology business approved by the Secretary of ~~Technology Administration~~ *Technology Administration*, provided the business has its principal office or facility in the Commonwealth and less than \$3 million in annual revenues in the fiscal year prior to the investment. To qualify for a subtraction under this subdivision, the investment must be made between the dates of April 1, 2010, and June 30, 2020. No taxpayer who has claimed a tax credit for an investment in a "qualified business" under § 58.1-339.4 shall be eligible for the subtraction under this subdivision for an investment in the same business.

25. a. Income, including investment services partnership interest income (otherwise known as investment partnership carried interest income), attributable to an investment in a Virginia venture capital account. To qualify for a subtraction under this subdivision, the investment shall be made on or after January 1, 2018, but before December 31, 2023. No subtraction shall be allowed under this subdivision for an investment in a company that is owned or operated by an affiliate of the taxpayer. No subtraction shall be allowed under this subdivision for a taxpayer who has claimed a subtraction under subdivision C 24 for the same investment.

b. As used in this subdivision 25:

"Qualified portfolio company" means a company that (i) has its principal place of business in the Commonwealth; (ii) has a primary purpose of production, sale, research, or development of a product or service other than the management or investment of capital; and (iii) provides equity in the company to the Virginia venture capital account in exchange for a capital investment. "Qualified portfolio company" does not include a company that is an individual or sole proprietorship.

"Virginia venture capital account" means an investment fund that has been certified by the Department as a Virginia venture capital account. In order to be certified as a Virginia venture capital account, the operator of the investment fund shall register the investment fund with the Department prior to December 31, 2023, (i) indicating that it intends to invest at least 50 percent of the capital committed to its fund in qualified portfolio companies and (ii) providing documentation that it employs at least one investor who has at least four years of professional experience in venture capital investment or substantially equivalent experience. "Substantially equivalent experience" includes, but is not limited to, an undergraduate degree from an accredited college or university in economics, finance, or a similar field of study. The Department may require an investment fund to provide documentation of the investor's training, education, or experience as deemed necessary by the Department to determine substantial equivalency. If the Department determines that the investment fund employs at least one investor with the experience set forth herein, the Department shall certify the investment fund as a Virginia venture capital account at such time as the investment fund actually invests at least 50 percent of the capital committed to its fund in qualified portfolio companies.

26. a. Income attributable to an investment in a Virginia real estate investment trust. To qualify for a subtraction under this subdivision, the investment shall be made on or after January 1, 2019, but before December 31, 2024. No subtraction shall be allowed for an investment in a trust that is managed by an affiliate of the taxpayer. No subtraction shall be allowed under this subdivision for a taxpayer who has claimed a subtraction under subdivision C 24 or 25 for the same investment.

b. As used in this subdivision 26:

"Distressed" means satisfying the criteria applicable to a locality described in subdivision E 2 of § 2.2-115.

"Double distressed" means satisfying the criteria applicable to a locality described in subdivision E 3 of § 2.2-115.

"Virginia real estate investment trust" means a real estate investment trust, as defined in 26 U.S.C. § 856, that has been certified by the Department as a Virginia real estate investment trust. In order to be certified as a Virginia real estate investment trust, the trustee shall register the trust with the Department prior to December 31, 2024, indicating that it intends to invest at least 90 percent of trust funds in Virginia and at least 40 percent of trust funds in real estate in localities that are distressed or double distressed. If the Department determines that the trust satisfies the preceding criteria, the Department shall certify the trust as a Virginia real estate investment trust at such time as the trust actually invests at least 90 percent of trust funds in Virginia and at least 40 percent of trust funds in real estate in localities that are distressed or double distressed.

27. For taxable years beginning on and after January 1, 2019, any gain recognized from the taking of real property by condemnation proceedings.

D. For taxable years beginning on and after January 1, 2006, there shall be subtracted from federal taxable income contract payments to a producer of quota tobacco or a tobacco quota holder as provided under the American Jobs Creation Act of 2004 (P.L. 108-357) as follows:

1. If the payment is received in installment payments, then the recognized gain, including any gain recognized in taxable year 2005, may be subtracted in the taxable year immediately following the year in which the installment payment is received.

2. If the payment is received in a single payment, then 10 percent of the recognized gain may be subtracted in the taxable year immediately following the year in which the single payment is received. The taxpayer may then deduct an equal amount in each of the nine succeeding taxable years.

E. Adjustments to federal taxable income shall be made to reflect the transitional modifications provided in § 58.1-315.

F. Notwithstanding any other provision of law, the income from any disposition of real property which is held by the taxpayer for sale to customers in the ordinary course of the taxpayer's trade or business, as defined in § 453(l)(1)(B) of the Internal Revenue Code, of property made on or after January 1, 2009, may, at the election of the taxpayer, be recognized under the installment method described under § 453 of the Internal Revenue Code, provided that (i) the election relating to the dealer disposition of the property has been made on or before the due date prescribed by law (including extensions) for filing the taxpayer's return of the tax imposed under this chapter for the taxable year in which the disposition occurs, and (ii) the dealer disposition is in accordance with restrictions or conditions established by the Department, which shall be set forth in guidelines developed by the Department. Along with such restrictions or conditions, the guidelines shall also address the recapture of such income under certain circumstances. The development of the guidelines shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq.).

G. For taxable years beginning on and after January 1, 2018, there shall be deducted to the extent included in and not otherwise subtracted from federal taxable income 20 percent of business interest disallowed as a deduction pursuant to § 163(j) of the Internal Revenue Code. For purposes of this subsection, "business interest" means the same as that term is defined under § 163(j) of the Internal Revenue Code.

§ 59.1-497. Interoperability.

A public body of the Commonwealth ~~which~~ *that* adopts standards pursuant to § 59.1-496 and the Secretary of ~~Technology Administration~~ may encourage and promote consistency and interoperability with similar requirements adopted by other public bodies of the Commonwealth, other states and the federal government and nongovernmental persons interacting with public bodies of the Commonwealth. If appropriate, those standards may specify differing levels of standards from which public bodies of the Commonwealth may choose in implementing the most appropriate standard for a particular application.

§ 59.1-550. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Attribute provider" means an entity, or a supplier, employee, or agent thereof, that acts as the authoritative record of identifying information about an identity credential holder.

"Commonwealth identity management standards" means the minimum specifications and standards that must be included in an identity trust framework so as to define liability pursuant to this chapter that are set forth in guidance documents approved by the Secretary of ~~Technology Administration~~ pursuant to Chapter 4.3 (§ 2.2-436 et seq.) of Title 2.2.

"Identity attribute" means identifying information associated with an identity credential holder.

"Identity credential" means the data, or the physical object upon which the data may reside, that an identity credential holder may present to verify or authenticate his identity in a digital or online transaction.

"Identity credential holder" means a person bound to or in possession of an identity credential who has agreed to the terms and conditions of the identity provider.

"Identity proofer" means a person or entity authorized to act as a representative of an identity provider in the confirmation of a potential identity credential holder's identification and identity attributes prior to issuing an identity credential to a person.

"Identity provider" means an entity, or a supplier, employee, or agent thereof, certified by an identity trust framework operator to provide identity credentials that may be used by an identity credential holder to assert his identity, or any related attributes, in a digital or online transaction. For purposes of this chapter, "identity provider" includes an attribute provider, an identity proofer, and any suppliers, employees, or agents thereof.

"Identity trust framework" means a digital identity system with established identity, security, privacy, technology, and enforcement rules and policies adhered to by certified identity providers that are members of the identity trust framework. Members of an identity trust framework include identity trust framework operators and identity providers. Relying parties may be, but are not required to be, a member of an identity trust framework in order to accept an identity credential issued by a certified identity provider to verify an identity credential holder's identity.

"Identity trust framework operator" means the entity that (i) defines rules and policies for member parties to an identity trust framework, (ii) certifies identity providers to be members of and issue identity credentials pursuant to the identity trust framework, and (iii) evaluates participation in the identity trust framework to ensure compliance by members of the identity trust framework with its rules and policies, including the ability to request audits of participants for verification of compliance.

"Relying party" is an individual or entity that relies on the validity of an identity credential or an associated trustmark.

"Trustmark" means a machine-readable official seal, authentication feature, certification, license, or logo that may be provided by an identity trust framework operator to certified identity providers within its identity trust framework to signify that the identity provider complies with the written rules and policies of the identity trust framework.

2. That Article 9 (§§ 2.2-225 and 2.2-225.1) of Chapter 2 of Title 2.2 of the Code of Virginia is repealed.

CHAPTER 739

An Act to amend and reenact §§ 32.1-162.5:1 and 54.1-3411.2 of the Code of Virginia, relating to home hospice programs; disposal of drugs; opioids.

[S 913]

Approved April 6, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 32.1-162.5:1 and 54.1-3411.2 of the Code of Virginia are amended and reenacted as follows:

§ 32.1-162.5:1. Notice to dispenser of patient's death; disposition of dispensed drugs.

A. Any hospice licensed by the Department or exempt from licensure pursuant to § 32.1-162.2 with a hospice patient residing at home at the time of death shall notify every pharmacy that has dispensed partial quantities of a Schedule II controlled substance for a patient with a medical diagnosis documenting a terminal illness, as authorized by federal law, within 48 hours of the patient's death.

B. Any hospice licensed by the Department or exempt from licensure pursuant to § 32.1-162.2 shall develop policies and procedures for the disposal of drugs, *including opioids*, dispensed as part of the hospice plan of care in accordance with the provisions of § 54.1-3411.2.

§ 54.1-3411.2. Prescription drug disposal programs.

A. As used in this section:

"Authorized pharmacy disposal site" means a pharmacy that qualifies as a collection site pursuant to 21 C.F.R. § 1317.40.

"Pharmacy drug disposal program" means any voluntary drug disposal program located at or operated in accordance with state and federal law by a pharmacy.

B. A pharmacy may participate in a pharmacy drug disposal program in accordance with state and federal law regarding proper collection, storage, and destruction of prescription drugs, including controlled and noncontrolled substances. A pharmacy that chooses to participate in a pharmacy drug disposal program shall notify the Board, and the Board shall maintain a list of all pharmacies in the Commonwealth that have chosen to participate in a pharmacy drug disposal program on a website maintained by the Board.

C. No person that participates in a pharmacy drug disposal program shall be liable for any theft, robbery, or other criminal act related to its participation in the pharmacy drug disposal program nor shall such person be liable for acts of simple negligence in the collection, storage, or destruction of prescription drugs collected through such pharmacy drug disposal program, provided that the pharmacy practice site is acting in good faith and in accordance with applicable state and federal law and regulations.

D. In order to mitigate the risk of diversion of drugs upon the death of a patient, any hospice licensed by the Department or exempt from licensure pursuant to § 32.1-162.2 shall develop policies and procedures for the disposal of drugs, *including opioids*, dispensed as part of the hospice plan of care. Such disposal shall be (i) performed in a manner that complies with all state and federal requirements for the safe disposal of drugs by a licensed nurse, physician assistant, or physician who is employed by or has entered into a contract with the hospice program; (ii) witnessed by a member of the patient's family or a second employee of the hospice program who is licensed by a health regulatory board within the Department of Health Professions; and (iii) documented in the patient's medical record.

CHAPTER 740

An Act to amend and reenact §§ 18.2-251, 46.2-410.1, 46.2-819.2, and 53.1-127.3 of the Code of Virginia and to repeal §§ 18.2-259.1, 46.2-320.2, 46.2-390.1, 46.2-416.1, and 53.1-127.4 of the Code of Virginia, relating to driver's license suspensions for certain non-driving related offenses.

[H 909]

Approved April 6, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 18.2-251, 46.2-410.1, 46.2-819.2, and 53.1-127.3 of the Code of Virginia are amended and reenacted as follows:

§ 18.2-251. Persons charged with first offense may be placed on probation; conditions; substance abuse screening, assessment treatment and education programs or services; drug tests; costs and fees; violations; discharge.

Whenever any person who has not previously been convicted of any offense under this article or under any statute of the United States or of any state relating to narcotic drugs, marijuana, or stimulant, depressant, or hallucinogenic drugs, or

has not previously had a proceeding against him for violation of such an offense dismissed as provided in this section, pleads guilty to or enters a plea of not guilty to possession of a controlled substance under § 18.2-250 or to possession of marijuana under § 18.2-250.1, the court, upon such plea if the facts found by the court would justify a finding of guilt, without entering a judgment of guilt and with the consent of the accused, may defer further proceedings and place him on probation upon terms and conditions. If the court defers further proceedings, at that time the court shall determine whether the clerk of court has been provided with the fingerprint identification information or fingerprints of the person, taken by a law-enforcement officer pursuant to § 19.2-390, and, if not, shall order that the fingerprints and photograph of the person be taken by a law-enforcement officer.

As a term or condition, the court shall require the accused to undergo a substance abuse assessment pursuant to § 18.2-251.01 or 19.2-299.2, as appropriate, and enter treatment and/or education program or services, if available, such as, in the opinion of the court, may be best suited to the needs of the accused based upon consideration of the substance abuse assessment. The program or services may be located in the judicial district in which the charge is brought or in any other judicial district as the court may provide. The services shall be provided by (i) a program licensed by the Department of Behavioral Health and Developmental Services, by a similar program which is made available through the Department of Corrections, (ii) a local community-based probation services agency established pursuant to § 9.1-174, or (iii) an ASAP program certified by the Commission on VASAP.

The court shall require the person entering such program under the provisions of this section to pay all or part of the costs of the program, including the costs of the screening, assessment, testing, and treatment, based upon the accused's ability to pay unless the person is determined by the court to be indigent.

As a condition of probation, the court shall require the accused (a) to successfully complete treatment or education program or services, (b) to remain drug and alcohol free during the period of probation and submit to such tests during that period as may be necessary and appropriate to determine if the accused is drug and alcohol free, (c) to make reasonable efforts to secure and maintain employment, and (d) to comply with a plan of at least 100 hours of community service for a felony and up to 24 hours of community service for a misdemeanor. ~~In addition to any community service required by the court pursuant to clause (d), if the court does not suspend or revoke the accused's license as a term or condition of probation for a violation of § 18.2-250.1, the court shall require the accused to comply with a plan of 50 hours of community service.~~ Such testing shall be conducted by personnel of the supervising probation agency or personnel of any program or agency approved by the supervising probation agency.

Upon violation of a term or condition, the court may enter an adjudication of guilt and proceed as otherwise provided. Upon fulfillment of the terms and conditions, and upon determining that the clerk of court has been provided with the fingerprint identification information or fingerprints of such person, the court shall discharge the person and dismiss the proceedings against him. Discharge and dismissal under this section shall be without adjudication of guilt and is a conviction only for the purposes of applying this section in subsequent proceedings.

Notwithstanding any other provision of this section, whenever a court places an individual on probation upon terms and conditions pursuant to this section, such action shall be treated as a conviction for purposes of §§ 18.2-259.1, § 22.1-315; and ~~46.2-390.1, and the driver's license forfeiture provisions of those sections shall be imposed. However, if the court places an individual on probation upon terms and conditions for a violation of § 18.2-250.1, such action shall not be treated as a conviction for purposes of § 18.2-259.1 or 46.2-390.1, provided that a court (1) may suspend or revoke an individual's driver's license as a term or condition of probation and (2) shall suspend or revoke an individual's driver's license as a term or condition of probation for a period of six months if the violation of § 18.2-250.1 was committed while such person was in operation of a motor vehicle.~~ The provisions of this paragraph shall not be applicable to any offense for which a juvenile has had his license suspended or denied pursuant to § 16.1-278.9 for the same offense.

§ 46.2-410.1. Judicial review of revocation or suspension by Commissioner.

A. Notwithstanding the provisions of § 46.2-410, when the Commissioner orders a revocation or suspension of a person's driver's license under the provisions of this chapter, ~~unless such revocation or suspension is required under § 46.2-390.1,~~ the person so aggrieved may, in cases of manifest injustice, within ~~sixty~~ 60 days of receipt of notice of the suspension or revocation, petition the circuit court of the jurisdiction wherein he resides for a hearing to review the Commissioner's order. Manifest injustice is defined as those instances where the Commissioner's order was the result of an error or was issued without authority or jurisdiction. The person shall provide notice of his petition to the attorney for the Commonwealth of that jurisdiction.

B. At the hearing on the petition, if the court finds that the Commissioner's order is manifestly unjust the court may, notwithstanding any other provision of law, order the Commissioner to modify the order or issue the person a restricted license in accordance with the provisions of § 18.2-271.1. For any action under this section, no appeal shall lie from the determination of the circuit court.

C. This section shall not apply to any disqualification of eligibility to operate a commercial motor vehicle imposed by the Commissioner pursuant to Article 6.1 (§ 46.2-341.1 et seq.) ~~of this chapter.~~

§ 46.2-819.2. Driving a motor vehicle from establishment where motor fuel offered for sale; penalty.

A. No person shall drive a motor vehicle off the premises of an establishment at which motor fuel offered for retail sale was dispensed into the fuel tank of such motor vehicle unless payment for such fuel has been made.

B. Any person who violates this section shall be liable for a civil penalty not to exceed \$250 and applicable court costs if the matter proceeds to court.

C. The driver's license of any person found to have violated this section (i) may be suspended, for the first offense, for a period of up to 30 days and (ii) shall be suspended for a period of 30 days for the second and subsequent offenses.

~~Ð: Nothing herein shall preclude a prosecution for larceny.~~

§ 53.1-127.3. Deferred or installment payment agreement for unpaid fees.

If a person is unable to pay in full the fees owed to the local correctional facility or regional jail pursuant to § 53.1-131.3, the sheriff or jail superintendent shall establish a deferred or installment payment agreement subject to the approval of the general district court. As a condition of every such agreement, a person who enters into a deferred or installment payment agreement shall promptly inform the sheriff or jail superintendent of any change of mailing address during the term of the agreement. ~~The sheriff or jail superintendent shall give notice to the person at the time the deferred or installment payment agreement is entered into and the person shall certify on a form prescribed by the local correctional facility or regional jail that he understands that upon his failure or refusal to pay in accordance with a deferred or installment payment agreement, the person's privilege to operate a motor vehicle shall be suspended pursuant to the provisions of § 46.2-320.2.~~

2. That §§ 18.2-259.1, 46.2-320.2, 46.2-390.1, 46.2-416.1, and 53.1-127.4 of the Code of Virginia are repealed.

3. That the Governor shall provide the necessary certifications required pursuant to 23 U.S.C. § 159(a)(3)(B) by September 21, 2020.

CHAPTER 741

An Act to amend and reenact §§ 18.2-251, 46.2-410.1, 46.2-819.2, and 53.1-127.3 of the Code of Virginia and to repeal §§ 18.2-259.1, 46.2-320.2, 46.2-390.1, 46.2-416.1, and 53.1-127.4 of the Code of Virginia, relating to driver's license suspensions for certain non-driving-related offenses.

[S 513]

Approved April 6, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 18.2-251, 46.2-410.1, 46.2-819.2, and 53.1-127.3 of the Code of Virginia are amended and reenacted as follows:

§ 18.2-251. Persons charged with first offense may be placed on probation; conditions; substance abuse screening, assessment treatment and education programs or services; drug tests; costs and fees; violations; discharge.

Whenever any person who has not previously been convicted of any offense under this article or under any statute of the United States or of any state relating to narcotic drugs, marijuana, or stimulant, depressant, or hallucinogenic drugs, or has not previously had a proceeding against him for violation of such an offense dismissed as provided in this section, pleads guilty to or enters a plea of not guilty to possession of a controlled substance under § 18.2-250 or to possession of marijuana under § 18.2-250.1, the court, upon such plea if the facts found by the court would justify a finding of guilt, without entering a judgment of guilt and with the consent of the accused, may defer further proceedings and place him on probation upon terms and conditions. If the court defers further proceedings, at that time the court shall determine whether the clerk of court has been provided with the fingerprint identification information or fingerprints of the person, taken by a law-enforcement officer pursuant to § 19.2-390, and, if not, shall order that the fingerprints and photograph of the person be taken by a law-enforcement officer.

As a term or condition, the court shall require the accused to undergo a substance abuse assessment pursuant to § 18.2-251.01 or 19.2-299.2, as appropriate, and enter treatment and/or education program or services, if available, such as, in the opinion of the court, may be best suited to the needs of the accused based upon consideration of the substance abuse assessment. The program or services may be located in the judicial district in which the charge is brought or in any other judicial district as the court may provide. The services shall be provided by (i) a program licensed by the Department of Behavioral Health and Developmental Services, by a similar program which is made available through the Department of Corrections, (ii) a local community-based probation services agency established pursuant to § 9.1-174, or (iii) an ASAP program certified by the Commission on VASAP.

The court shall require the person entering such program under the provisions of this section to pay all or part of the costs of the program, including the costs of the screening, assessment, testing, and treatment, based upon the accused's ability to pay unless the person is determined by the court to be indigent.

As a condition of probation, the court shall require the accused (a) to successfully complete treatment or education program or services, (b) to remain drug and alcohol free during the period of probation and submit to such tests during that period as may be necessary and appropriate to determine if the accused is drug and alcohol free, (c) to make reasonable efforts to secure and maintain employment, and (d) to comply with a plan of at least 100 hours of community service for a felony and up to 24 hours of community service for a misdemeanor. ~~In addition to any community service required by the court pursuant to clause (d), if the court does not suspend or revoke the accused's license as a term or condition of probation for a violation of § 18.2-250.1, the court shall require the accused to comply with a plan of 50 hours of community service.~~ Such testing shall be conducted by personnel of the supervising probation agency or personnel of any program or agency approved by the supervising probation agency.

Upon violation of a term or condition, the court may enter an adjudication of guilt and proceed as otherwise provided. Upon fulfillment of the terms and conditions, and upon determining that the clerk of court has been provided with the fingerprint identification information or fingerprints of such person, the court shall discharge the person and dismiss the proceedings against him. Discharge and dismissal under this section shall be without adjudication of guilt and is a conviction only for the purposes of applying this section in subsequent proceedings.

Notwithstanding any other provision of this section, whenever a court places an individual on probation upon terms and conditions pursuant to this section, such action shall be treated as a conviction for purposes of §§ ~~18.2-259.1, 22.1-315, and 46.2-390.1, and the driver's license forfeiture provisions of those sections shall be imposed. However, if the court places an individual on probation upon terms and conditions for a violation of § 18.2-250.1, such action shall not be treated as a conviction for purposes of § 18.2-259.1 or 46.2-390.1, provided that a court (1) may suspend or revoke an individual's driver's license as a term or condition of probation and (2) shall suspend or revoke an individual's driver's license as a term or condition of probation for a period of six months if the violation of § 18.2-250.1 was committed while such person was in operation of a motor vehicle.~~ The provisions of this paragraph shall not be applicable to any offense for which a juvenile has had his license suspended or denied pursuant to § 16.1-278.9 for the same offense.

§ 46.2-410.1. Judicial review of revocation or suspension by Commissioner.

A. Notwithstanding the provisions of § 46.2-410, when the Commissioner orders a revocation or suspension of a person's driver's license under the provisions of this chapter, ~~unless such revocation or suspension is required under § 46.2-390.1,~~ the person so aggrieved may, in cases of manifest injustice, within ~~sixty~~ 60 days of receipt of notice of the suspension or revocation, petition the circuit court of the jurisdiction wherein he resides for a hearing to review the Commissioner's order. Manifest injustice is defined as those instances where the Commissioner's order was the result of an error or was issued without authority or jurisdiction. The person shall provide notice of his petition to the attorney for the Commonwealth of that jurisdiction.

B. At the hearing on the petition, if the court finds that the Commissioner's order is manifestly unjust the court may, notwithstanding any other provision of law, order the Commissioner to modify the order or issue the person a restricted license in accordance with the provisions of § 18.2-271.1. For any action under this section, no appeal shall lie from the determination of the circuit court.

C. This section shall not apply to any disqualification of eligibility to operate a commercial motor vehicle imposed by the Commissioner pursuant to Article 6.1 (§ 46.2-341.1 et seq.) ~~of this chapter.~~

§ 46.2-819.2. Driving a motor vehicle from establishment where motor fuel offered for sale; penalty.

A. No person shall drive a motor vehicle off the premises of an establishment at which motor fuel offered for retail sale was dispensed into the fuel tank of such motor vehicle unless payment for such fuel has been made.

B. Any person who violates this section shall be liable for a civil penalty not to exceed \$250 and applicable court costs if the matter proceeds to court.

C. ~~The driver's license of any person found to have violated this section (i) may be suspended, for the first offense, for a period of up to 30 days and (ii) shall be suspended for a period of 30 days for the second and subsequent offenses.~~

~~D. Nothing herein shall preclude a prosecution for larceny.~~

§ 53.1-127.3. Deferred or installment payment agreement for unpaid fees.

If a person is unable to pay in full the fees owed to the local correctional facility or regional jail pursuant to § 53.1-131.3, the sheriff or jail superintendent shall establish a deferred or installment payment agreement subject to the approval of the general district court. As a condition of every such agreement, a person who enters into a deferred or installment payment agreement shall promptly inform the sheriff or jail superintendent of any change of mailing address during the term of the agreement. ~~The sheriff or jail superintendent shall give notice to the person at the time the deferred or installment payment agreement is entered into and the person shall certify on a form prescribed by the local correctional facility or regional jail that he understands that upon his failure or refusal to pay in accordance with a deferred or installment payment agreement, the person's privilege to operate a motor vehicle shall be suspended pursuant to the provisions of § 46.2-320.2.~~

2. That §§ 18.2-259.1, 46.2-320.2, 46.2-390.1, 46.2-416.1, and 53.1-127.4 of the Code of Virginia are repealed.

3. That the Governor shall provide the necessary certifications required pursuant to 23 U.S.C. § 159(a)(3)(B) by September 21, 2020.

CHAPTER 742

An Act to amend and reenact § 18.2-56.2 of the Code of Virginia, relating to allowing access to firearms by minors; penalty.

[H 1083]

Approved April 6, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-56.2 of the Code of Virginia is amended and reenacted as follows:
§ 18.2-56.2. Allowing access to firearms by children; penalty.

A. It shall be unlawful for any person to recklessly leave a loaded, unsecured firearm in such a manner as to endanger the life or limb of any child under the age of fourteen. Any person violating the provisions of this subsection shall be guilty of a ~~Class 3 misdemeanor~~ *Class 1 misdemeanor*.

B. It shall be unlawful for any person knowingly to authorize a child under the age of twelve to use a firearm except when the child is under the supervision of an adult. Any person violating this subsection shall be guilty of a Class 1 misdemeanor. For purposes of this subsection, "adult" shall mean a parent, guardian, person standing in loco parentis to the child or a person twenty-one years or over who has the permission of the parent, guardian, or person standing in loco parentis to supervise the child in the use of a firearm.

CHAPTER 743

An Act to amend the Code of Virginia by adding in Article 4 of Chapter 7 of Title 18.2 a section numbered 18.2-287.5, relating to reporting lost or stolen firearms; civil penalty.

[H 9]

Approved April 6, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 4 of Chapter 7 of Title 18.2 a section numbered 18.2-287.5 as follows:

§ 18.2-287.5. Reporting lost or stolen firearms; civil penalty.

A. If a firearm is lost or stolen from a person who lawfully possessed it, then such person shall report the loss or theft to any local law-enforcement agency or the Department of State Police within 48 hours after such person discovers the loss or theft or is informed by a person with personal knowledge of the loss or theft. The law-enforcement agency shall enter such report information into the National Crime Information Center maintained by the Federal Bureau of Investigation. The provisions of this subsection shall not apply to the loss or theft of an antique firearm as defined in § 18.2-308.2:2.

B. A violation of this section is punishable by a civil penalty of not more than \$250. The attorney for the county, city, or town in which an alleged violation of this section has occurred is authorized to enforce the provisions of this section and may bring an action to recover the civil penalty, which shall be paid into the local treasury.

C. No person who, in good faith, reports a lost or stolen firearm shall be held criminally or civilly liable for any damages from acts or omissions resulting from the loss or theft. This subsection shall not apply to any person who makes a report in violation of § 18.2-461.

CHAPTER 744

An Act to amend the Code of Virginia by adding a section numbered 56-235.1:2, relating to public utility ratemaking; reasonableness of costs of contracting with small, women-owned, or minority-owned businesses.

[H 432]

Approved April 6, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 56-235.1:2 as follows:

§ 56-235.1:2. Costs of using small, women-owned, or minority-owned businesses.

In any proceeding under this title in which the Commission is required to determine whether costs incurred by a public utility in its delivery or provision of any goods or service are reasonable or prudent, the incremental portion of the costs incurred as a result of the public utility's contracting with a small, woman-owned, or minority-owned business to deliver or provide the goods or service rather than contracting with a business that could have delivered or provided the goods or service at lower costs shall not be found to be unreasonable or imprudently incurred, provided that the costs of the delivery or provision of the goods or services by the small, woman-owned, or minority-owned business do not exceed, by more than three percent, the costs thereof that would have been incurred had the public utility contracted with the lowest-cost qualified business. As used in this section, "small, woman-owned, or minority-owned business" means a business that is certified by the Department of Small Business and Supplier Diversity as a small, women-owned, or minority-owned business pursuant to the conditions and provisions in § 2.2-1604.

CHAPTER 745

An Act directing the Virginia Department of Agriculture and Consumer Services to convene a working group to assess the opportunities for development and manufacturing in the industrial hemp industry.

[H 491]

Approved April 6, 2020

Be it enacted by the General Assembly of Virginia:

1. § 1. That the Virginia Department of Agriculture and Consumer Services shall convene a working group to assess the opportunities for development and manufacturing in the industrial hemp industry. The working group shall consider (i) federal and state requirements, (ii) key drivers and challenges, (iii) anticipated job growth and wage expectations, (iv) talent and skill requirements, (v) site and building needs, and (vi) manufacturing companies and supply chain requirements. The working group shall consist of the chief executive of the Virginia Economic Development Partnership or his designee; the members of the Tobacco Region Revitalization Commission appointed pursuant to Chapter 31 (§ 3.2-3100 et seq.) of Title 3.2 of the Code of Virginia; representatives of the Virginia Agribusiness Council and the Virginia Farm Bureau, who shall be involved in the growing or production of industrial hemp; and the Chief Workforce Development Advisor appointed pursuant to § 2.2-435.6 of the Code of Virginia.

§ 2. The Virginia Department of Agriculture and Consumer Services shall report by November 30, 2020, to the Chairmen of the House Committee on Agriculture, Chesapeake and Natural Resources and the Senate Committee on Agriculture, Conservation and Natural Resources on the analysis required pursuant to § 1 of this act.

CHAPTER 746

An Act to amend and reenact §§ 8.01-42.1, 8.01-49.1, 18.2-57, 18.2-121, and 52-8.5 of the Code of Virginia, relating to hate crimes; gender, disability, gender identity, or sexual orientation; penalty.

[H 618]

Approved April 6, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 8.01-42.1, 8.01-49.1, 18.2-57, 18.2-121, and 52-8.5 of the Code of Virginia are amended and reenacted as follows:

§ 8.01-42.1. Civil action for racial, religious, or ethnic harassment, violence or vandalism.

A. An action for injunctive relief or civil damages, or both, shall lie for any person who is subjected to acts of (i) intimidation or harassment ~~or~~, (ii) violence directed against his person~~s~~, or (iii) vandalism directed against his real or personal property, where such acts are motivated by racial, religious, *gender, disability, gender identity, sexual orientation*, or ethnic animosity.

B. Any aggrieved party who initiates and prevails in an action authorized by this section shall be entitled to damages, including punitive damages, and in the discretion of the court to an award of the cost of the litigation and reasonable ~~attorneys' attorney~~ fees in an amount to be fixed by the court.

C. The provisions of this section shall not apply to any actions between an employee and his employer, or between or among employees of the same employer, for damages arising out of incidents occurring in the workplace or arising out of the employee-employer relationship.

D. As used in this section:

"Disability" means a physical or mental impairment that substantially limits one or more of a person's major life activities.

§ 8.01-49.1. Liability for defamatory material on the Internet.

A. No provider or user of an interactive computer service on the Internet shall be treated as the publisher or speaker of any information provided to it by another information content provider. No provider or user of an interactive computer service shall be liable for (i) any action voluntarily taken by it in good faith to restrict access to, or availability of, material that the provider or user considers to be obscene, lewd, lascivious, excessively violent, harassing, or intended to incite hatred on the basis of race, religious conviction, *gender, disability, gender identity, sexual orientation*, color, or national origin, whether or not such material is constitutionally protected, or (ii) any action taken to enable, or make available to information content providers or others, the technical means to restrict access to information provided by another information content provider.

B. ~~Definitions.~~ As used in this section:

"Disability" means a physical or mental impairment that substantially limits one or more of a person's major life activities.

"Information content provider" means any person or entity that is responsible, in whole or in part, for the creation or development of information provided through the Internet or any other interactive computer service.

"Interactive computer service" means any information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, including specifically a service or system that provides access to the Internet and such systems operated or services offered by libraries or educational institutions.

"Internet" means the international computer network of interoperable packet-switched data networks.

§ 18.2-57. Assault and battery; penalty.

A. Any person who commits a simple assault or assault and battery is guilty of a Class 1 misdemeanor, and if the person intentionally selects the person against whom a simple assault is committed because of his race, religious conviction, *gender, disability, gender identity, sexual orientation*, color, or national origin, the penalty upon conviction shall include a term of confinement of at least six months; ~~30 days of which shall be a mandatory minimum term of confinement.~~

B. However, if a person intentionally selects the person against whom an assault and battery resulting in bodily injury is committed because of his race, religious conviction, *gender, disability, gender identity, sexual orientation*, color, or national origin, the person is guilty of a Class 6 felony, and the penalty upon conviction shall include a term of confinement of at least six months; ~~30 days of which shall be a mandatory minimum term of confinement.~~

C. In addition, if any person commits an assault or an assault and battery against another knowing or having reason to know that such other person is a judge, a magistrate, a law-enforcement officer as defined in subsection F, a correctional officer as defined in § 53.1-1, a person directly involved in the care, treatment, or supervision of inmates in the custody of the Department of Corrections or an employee of a local or regional correctional facility directly involved in the care, treatment, or supervision of inmates in the custody of the facility, a person directly involved in the care, treatment, or supervision of persons in the custody of or under the supervision of the Department of Juvenile Justice, an employee or other individual who provides control, care, or treatment of sexually violent predators committed to the custody of the Department of Behavioral Health and Developmental Services, a firefighter as defined in § 65.2-102, or a volunteer firefighter or any emergency medical services personnel member who is employed by or is a volunteer of an emergency medical services agency or as a member of a bona fide volunteer fire department or volunteer emergency medical services agency, regardless of whether a resolution has been adopted by the governing body of a political subdivision recognizing such firefighters or emergency medical services personnel as employees, engaged in the performance of his public duties anywhere in the Commonwealth, such person is guilty of a Class 6 felony, and, upon conviction, the sentence of such person shall include a mandatory minimum term of confinement of six months.

Nothing in this subsection shall be construed to affect the right of any person charged with a violation of this section from asserting and presenting evidence in support of any defenses to the charge that may be available under common law.

D. In addition, if any person commits a battery against another knowing or having reason to know that such other person is a full-time or part-time employee of any public or private elementary or secondary school and is engaged in the performance of his duties as such, he is guilty of a Class 1 misdemeanor and the sentence of such person upon conviction shall include a sentence of 15 days in jail, two days of which shall be a mandatory minimum term of confinement. However, if the offense is committed by use of a firearm or other weapon prohibited on school property pursuant to § 18.2-308.1, the person shall serve a mandatory minimum sentence of confinement of six months.

E. In addition, any person who commits a battery against another knowing or having reason to know that such individual is a health care provider as defined in § 8.01-581.1 who is engaged in the performance of his duties in a hospital or in an emergency room on the premises of any clinic or other facility rendering emergency medical care is guilty of a Class 1 misdemeanor. The sentence of such person, upon conviction, shall include a term of confinement of 15 days in jail, two days of which shall be a mandatory minimum term of confinement.

F. As used in this section:

"Disability" means a physical or mental impairment that substantially limits one or more of a person's major life activities.

"Hospital" means a public or private institution licensed pursuant to Chapter 5 (§ 32.1-123 et seq.) of Title 32.1 or Article 2 (§ 37.2-403 et seq.) of Chapter 4 of Title 37.2.

"Judge" means any justice or judge of a court of record of the Commonwealth including a judge designated under § 17.1-105, a judge under temporary recall under § 17.1-106, or a judge pro tempore under § 17.1-109, any member of the State Corporation Commission, or of the Virginia Workers' Compensation Commission, and any judge of a district court of the Commonwealth or any substitute judge of such district court.

"Law-enforcement officer" means any full-time or part-time employee of a police department or sheriff's office that is part of or administered by the Commonwealth or any political subdivision thereof who is responsible for the prevention or detection of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth, any conservation officer of the Department of Conservation and Recreation commissioned pursuant to § 10.1-115, any special agent of the Virginia Alcoholic Beverage Control Authority, conservation police officers appointed pursuant to § 29.1-200, full-time sworn members of the enforcement division of the Department of Motor Vehicles appointed pursuant to § 46.2-217, and any employee with internal investigations authority designated by the Department of Corrections pursuant to subdivision 11 of § 53.1-10, and such officer also includes jail officers in local and regional correctional facilities, all deputy sheriffs, whether assigned to law-enforcement duties, court services or local jail responsibilities, auxiliary police officers appointed or provided for pursuant to §§ 15.2-1731 and 15.2-1733, auxiliary deputy sheriffs appointed pursuant to § 15.2-1603, police officers of the Metropolitan Washington Airports Authority pursuant to § 5.1-158, and fire marshals appointed pursuant to § 27-30 when such fire marshals have police powers as set out in §§ 27-34.2 and 27-34.2:1.

"School security officer" means the same as that term is defined in § 9.1-101.

G. *"Simple assault" or "assault and battery" shall not be construed to include the use of, by any school security officer or full-time or part-time employee of any public or private elementary or secondary school while acting in the course and scope of his official capacity, any of the following: (i) incidental, minor or reasonable physical contact or other actions designed to maintain order and control; (ii) reasonable and necessary force to quell a disturbance or remove a student from the scene of a disturbance that threatens physical injury to persons or damage to property; (iii) reasonable and necessary force to prevent a student from inflicting physical harm on himself; (iv) reasonable and necessary force for self-defense or the defense of others; or (v) reasonable and necessary force to obtain possession of weapons or other dangerous objects or controlled substances or associated paraphernalia that are upon the person of the student or within his control.*

In determining whether a person was acting within the exceptions provided in this subsection, due deference shall be given to reasonable judgments that were made by a school security officer or full-time or part-time employee of any public or private elementary or secondary school at the time of the event.

§ 18.2-121. Entering property of another for purpose of damaging it, etc.

A. *As used in this section, "disability" means a physical or mental impairment that substantially limits one or more of a person's major life activities.*

B. It ~~shall be~~ *is* unlawful for any person to enter the land, dwelling, outhouse, or any other building of another for the purpose of damaging such property or any of the contents thereof or in any manner to interfere with the rights of the owner, user, or ~~the~~ occupant thereof to use such property free from interference.

Any person violating the provisions of this section ~~shall be~~ *is* guilty of a Class 1 misdemeanor. However, if a person intentionally selects the property entered because of the race, religious conviction, color, *gender, disability, gender identity, sexual orientation*, or national origin of the owner, user, or occupant of the property, the person ~~shall be~~ *is* guilty of a Class 6 felony, and the penalty upon conviction shall include a term of confinement of at least six months; ~~30 days of which shall be a mandatory minimum term of confinement.~~

§ 52-8.5. Reporting hate crimes.

A. The Superintendent shall establish and maintain within the Department of State Police a central repository for the collection and analysis of information regarding hate crimes and groups and individuals carrying out such acts.

B. State, county, and municipal law-enforcement agencies shall report to the Department all hate crimes occurring in their jurisdictions in a form, time, and manner prescribed by the Superintendent. Such reports shall not be open to public inspection except insofar as the Superintendent shall permit.

C. ~~For purposes of this section, "hate crime"~~ *As used in this section:*

"Disability" means a physical or mental impairment that substantially limits one or more of a person's major life activities.

"Hate crime" means (i) a criminal act committed against a person or his property with the specific intent of instilling fear or intimidation in the individual against whom the act is perpetrated because of race, religion, gender, disability, gender identity, sexual orientation, or ethnic or national origin or that is committed for the purpose of restraining that person from exercising his rights under the Constitution or laws of ~~this~~ the Commonwealth or of the United States; (ii) any illegal act directed against any persons or their property because of those persons' race, religion, gender, disability, gender identity, sexual orientation, or ethnic or national origin; and (iii) all other incidents, as determined by law-enforcement authorities, intended to intimidate or harass any individual or group because of race, religion, gender, disability, gender identity, sexual orientation, or ethnic or national origin.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 854 of the Acts of Assembly of 2019 requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

3. That the provisions of this act shall not become effective unless an appropriation effectuating the purposes of this act is included in a general appropriation act passed in 2020 by the General Assembly that becomes law.

CHAPTER 747

An Act to amend and reenact § 19.2-215.1 of the Code of Virginia, relating to grand jury; hate crimes.

[H 787]

Approved April 6, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-215.1 of the Code of Virginia is amended and reenacted as follows:

§ 19.2-215.1. Functions of a multi-jurisdiction grand jury.

The functions of a multi-jurisdiction grand jury are:

1. To investigate any condition that involves or tends to promote criminal violations of:

a. Title 10.1 for which punishment as a felony is authorized;

b. § 13.1-520;

c. §§ 18.2-47 and 18.2-48;

d. §§ 18.2-111 and 18.2-112;

e. Article 6 (§ 18.2-59 et seq.) of Chapter 4 of Title 18.2;

f. Article 7.1 (§ 18.2-152.1 et seq.) of Chapter 5 of Title 18.2;

g. Article 1 (§ 18.2-247 et seq.) and Article 1.1 (§ 18.2-265.1 et seq.) of Chapter 7 of Title 18.2;

h. Article 1 (§ 18.2-325 et seq.) and Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2, Chapter 29 (§ 59.1-364 et seq.) of Title 59.1 or any other provision prohibiting, limiting, regulating, or otherwise affecting gaming or gambling activity;

- i. § 18.2-434, when violations occur before a multi-jurisdiction grand jury;
 - j. Article 2 (§ 18.2-438 et seq.) and Article 3 (§ 18.2-446 et seq.) of Chapter 10 of Title 18.2;
 - k. § 18.2-460 for which punishment as a felony is authorized;
 - l. Article 1.1 (§ 18.2-498.1 et seq.) of Chapter 12 of Title 18.2;
 - m. Article 1 (§ 32.1-310 et seq.) of Chapter 9 of Title 32.1;
 - n. Chapter 4.2 (§ 59.1-68.6 et seq.) of Title 59.1;
 - o. Article 9 (§ 3.2-6570 et seq.) of Chapter 65 of Title 3.2;
 - p. Article 1 (§ 18.2-30 et seq.) of Chapter 4 of Title 18.2;
 - q. Article 2.1 (§ 18.2-46.1 et seq.) and Article 2.2 (§ 18.2-46.4 et seq.) of Chapter 4 of Title 18.2;
 - r. Article 5 (§ 18.2-186 et seq.) and Article 6 (§ 18.2-191 et seq.) of Chapter 6 of Title 18.2;
 - s. Chapter 6.1 (§ 59.1-92.1 et seq.) of Title 59.1;
 - t. § 18.2-178 where the violation involves insurance fraud;
 - u. § 18.2-346, 18.2-348, or 18.2-349 for which punishment as a felony is authorized or § 18.2-355, 18.2-356, 18.2-357, or 18.2-357.1;
 - v. Article 9 (§ 18.2-246.1 et seq.) of Chapter 6 of Title 18.2;
 - w. Article 2 (§ 18.2-38 et seq.) of Chapter 4 of Title 18.2;
 - x. Malicious felonious assault and malicious bodily wounding under Article 4 (§ 18.2-51 et seq.) of Chapter 4 of Title 18.2;
 - y. Article 5 (§ 18.2-58 et seq.) of Chapter 4 of Title 18.2;
 - z. Felonious sexual assault under Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2;
 - aa. Arson in violation of § 18.2-77 when the structure burned was occupied or a Class 3 felony violation of § 18.2-79;
 - ab. Chapter 13 (§ 18.2-512 et seq.) of Title 18.2;
 - ac. § 18.2-246.14 and Chapter 10 (§ 58.1-1000 et seq.) of Title 58.1; ~~and~~
 - ad. *Subsection A or B of § 18.2-57 where the victim was selected because of his race, religious conviction, gender, disability, gender identity, sexual orientation, color, or national origin;*
 - ae. *§ 18.2-121 for which punishment as a felony is authorized;*
 - af. *Article 5 (§ 18.2-420 et seq.) of Chapter 9 of Title 18.2; and*
 - ag. Any other provision of law when such condition is discovered in the course of an investigation that a multi-jurisdiction grand jury is otherwise authorized to undertake and to investigate any condition that involves or tends to promote any attempt, solicitation, or conspiracy to violate the laws enumerated in this section.
2. To report evidence of any criminal offense enumerated in subdivision 1 and for which a court reporter has recorded all oral testimony as provided by § 19.2-215.9 to the attorney for the Commonwealth or United States attorney of any jurisdiction where such offense could be prosecuted or investigated, or to the chief law-enforcement officer of any jurisdiction where such offense could be prosecuted or investigated, or to a sworn investigator designated pursuant to § 19.2-215.6, or, when appropriate, to the Attorney General.
3. To consider bills of indictment prepared by a special counsel to determine whether there is sufficient probable cause to return each such indictment as a "true bill." Only bills of indictment which allege an offense enumerated in subdivision 1 may be submitted to a multi-jurisdiction grand jury.
4. The provisions of this section shall not abrogate the authority of an attorney for the Commonwealth in a particular jurisdiction to determine the course of a prosecution in that jurisdiction.

CHAPTER 748

An Act to amend and reenact §§ 55.1-300 and 58.1-810 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 55.1-300.1, relating to restrictive covenants, deeds of reformation.

[H 788]

Approved April 6, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 55.1-300 and 58.1-810 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 55.1-300.1 as follows:

§ 55.1-300. Form of a deed.

Every deed and corrected or amended deed may be made in the following form, or to the same effect: "This deed, made the _____ day of _____, in the year _____, between (here insert names of parties as grantors or grantees), witnesseth: that in consideration of (here state the consideration, nominal or actual), the said _____ does (or do) grant (or grant and convey) unto the said _____, all (here describe the property or interest therein to be conveyed, including the name of the city or county in which the property is located, and insert covenants or any other provisions). Witness the following signature (or signatures)."

No deed recorded on or after July 1, 2020, shall contain a reference to the specific portion of a restrictive covenant purporting to restrict the ownership or use of the property as prohibited by subsection A of § 36-96.6. The clerk may refuse to accept any deed submitted for recordation that references the specific portion of any such restrictive covenant. The

attorney who prepares or submits a deed for recordation has the responsibility of ensuring that the specific portion of such a restrictive covenant is not specifically referenced in the deed prior to such deed being submitted for recordation. A deed may include a general provision that states that such deed is subject to any and all covenants and restrictions of record; however, such provision shall not apply to the specific portion of a restrictive covenant purporting to restrict the ownership or use of the property as prohibited by subsection A of § 36-96.6. Any deed that is recorded in the land records on or after July 1, 2020, that mistakenly contains such a restrictive covenant shall nevertheless constitute a valid transfer of real property.

§ 55.1-300.1. Certificate of Release of Certain Prohibited Covenants.

Any restrictive covenant prohibited by subsection A of § 36-96.6 may be released by the owner of real property subject to such covenant by recording a Certificate of Release of Certain Prohibited Covenants. The real property owner may record such certificate (i) prior to recordation of a deed conveying real property to a purchaser or (ii) when such real property owner discovers that such prohibited covenant exists and chooses to affirmatively release the same. Such certificate may be prepared without assistance of an attorney, but shall conform substantially to the following Certificate of Release of Certain Prohibited Covenants form:

"CERTIFICATE OF RELEASE OF CERTAIN PROHIBITED COVENANTS

Place of Record: _____
Date of Instrument containing prohibited covenant(s): _____
Instrument Type: _____
Deed Book _____ Page ____ or Plat Book _____ Page _____
Name(s) of Grantor(s): _____
Name(s) of Current Owner(s): _____
Real Property Description: _____
Brief Description of Prohibited Covenant: _____

The covenant contained in the above-mentioned instrument is released from the above-described real property to the extent that it contains terms purporting to restrict the ownership or use of the property as prohibited by subsection A of § 36-96.6.

The undersigned is/are the legal owner(s) of the property described herein.
Given under my/our hand(s) this _____ day of _____, 20__.

(Current Owners)

Commonwealth of Virginia,

County/City of _____ to wit:

Subscribed, sworn to, and acknowledged before me by _____ this _____ day of _____, 20__.

My Commission Expires: _____

NOTARY PUBLIC

Notary Registration Number: _____
The clerk shall satisfy the requirements of § 17.1-228."

§ 58.1-810. What other deeds not taxable.

When the tax has been paid at the time of the recordation of the original deed, no additional recordation tax shall be required for admitting to record:

1. A deed of confirmation;
2. A deed of correction;
3. A deed to which a husband and wife are the only parties;
4. A deed arising out of a contract to purchase real estate; if the tax already paid is less than a proper tax based upon the full amount of consideration or actual value of the property involved in the transaction, an additional tax shall be paid based on the difference between the full amount of such consideration or actual value and the amount on which the tax has been paid; ~~or~~
5. A notice of assignment of a note secured by a deed of trust or mortgage; *or*
6. A Certificate of Release of Certain Prohibited Covenants pursuant to § 55.1-300.1.

CHAPTER 749

An Act to amend and reenact §§ 54.1-2105.1, 55.1-700, 55.1-709, and 55.1-714 of the Code of Virginia, relating to the Virginia Residential Property Disclosure Act; Real Estate Board; disclosure statement.

[H 838]

Approved April 6, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-2105.1, 55.1-700, 55.1-709, and 55.1-714 of the Code of Virginia are amended and reenacted as follows:

§ 54.1-2105.1. Other powers and duties of the Real Estate Board.

In addition to the provisions of §§ 54.1-2105.01 through 54.1-2105.04, the Board shall:

1. Develop a residential property disclosure statement form for use in accordance with the provisions of the Virginia Residential Property Disclosure Act (§ 55.1-700 et seq.) and maintain such statement on its website. The Board shall also develop and maintain on its website a one-page form to be signed by the parties acknowledging that the purchaser has been advised ~~to review~~ *of the disclosures listed in the residential property disclosure statement located on the Board's website;* and

2. Inform licensed brokers, in a manner deemed appropriate by the Board, of the broker's ability to designate an agent pursuant to § 54.1-2109 in the event of the broker's death or disability.

§ 55.1-700. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Electronic delivery," for purposes of delivery of the disclosures required by this chapter, means sending the required disclosures via the Internet, provided that the sender retains sufficient proof of the electronic delivery, which may be an electronic receipt of delivery, a confirmation that the notice was sent by facsimile, or a certificate of service prepared by the sender confirming the electronic delivery.

"Notification" means a statement ~~of the availability~~ *acknowledging that the purchaser has been advised* of any disclosures required by this chapter on the Real Estate Board's website or delivery of any such disclosures to the purchaser.

"Ratification" means the full execution of a real estate purchase contract by all parties.

"Real estate contract" means a contract for the sale, exchange, or lease with the option to buy of residential real estate subject to this chapter.

§ 55.1-709. Time for disclosure; termination of contract.

A. The owner of residential real property subject to this chapter shall provide notification to the purchaser of any disclosures required by this chapter prior to the ratification of a real estate purchase contract or otherwise be subject to the provisions of subsection B. The disclosures required by this chapter shall be provided by the Real Estate Board on its website. *The disclosures shall be current as of the date of delivery. Nothing herein shall be construed to require the seller to provide subsequent delivery of additional disclosures if a transaction pursuant to a ratified real estate contract proceeds to settlement after the effective date of legislation amending any of the disclosures under this chapter, provided that the correct disclosures were delivered under the law in effect at the time of delivery.*

B. If the disclosures required by this chapter are delivered to the purchaser after ratification of the real estate purchase contract, the purchaser's sole remedy shall be to terminate the real estate purchase contract upon or prior to the earliest of (i) three days after delivery of the disclosure statement in person or by electronic delivery; (ii) five days after the postmark if the disclosure statement is deposited in the United States mail, postage prepaid, and properly addressed to the purchaser; (iii) settlement upon purchase of the property; (iv) occupancy of the property by the purchaser; (v) the purchaser's making written application to a lender for a mortgage loan where such application contains a disclosure that the right of termination shall end upon the application for the mortgage loan; or (vi) the execution by the purchaser after receiving the disclosure statement required by this chapter of a written waiver of the purchaser's right of termination under this chapter contained in a writing separate from the real estate purchase contract. In order to terminate a real estate purchase contract when permitted by this chapter, the purchaser must, within the times required by this chapter, give written notice to the owner by one of the following methods:

1. Hand delivery;
2. United States mail, postage prepaid, provided that the sender retains sufficient proof of mailing, which may be a certificate of service prepared by the sender confirming such mailing;
3. Electronic delivery; or
4. Overnight delivery using a commercial service or the United States Postal Service.

If the purchaser terminates a real estate purchase contract in compliance with this chapter, the termination shall be without penalty to the purchaser, and any deposit shall be promptly returned to the purchaser.

C. Notwithstanding the provisions of subsection B of § 55.1-713, no purchaser of residential real property located in a noise zone designated on the official zoning map of the locality as having a day-night average sound level of less than 65 decibels shall have the right to terminate a real estate purchase contract pursuant to this section for failure of the property owner to timely provide any disclosure required by this chapter.

§ 55.1-714. Real Estate Board to develop form; when effective.

An owner shall be required to make disclosures required by this chapter for real property subject to a real estate purchase contract that is fully executed by all parties. The Real Estate Board shall develop the form for signature by the parties ~~advising~~ *stating that the purchaser to review has been advised of the disclosures listed in the residential property disclosure statement located on the Board's website in accordance with § 54.1-2105.1.* The Board may at any time amend the residential property disclosure statement and the form for signature by the parties as the Board deems necessary and appropriate.

CHAPTER 750

An Act to amend and reenact § 2.2-1617 of the Code of Virginia, relating to the Department of Small Business and Supplier Diversity; one-stop small business permitting program; guidance regarding responsibilities for maintaining a business.

[H 1221]

Approved April 6, 2020

Be it enacted by the General Assembly of Virginia:**1. That § 2.2-1617 of the Code of Virginia is amended and reenacted as follows:****§ 2.2-1617. One-stop small business permitting program.**

A. As used in this article, unless the context requires a different meaning:

"Business Permitting Center" or "Center" means the business registration and permitting center established by this section and located in and under the administrative control of the Department.

"Comprehensive application" means a document incorporating pertinent data from existing applications for permits covered under this section.

"Comprehensive permit" means the single document designed for public display issued by the Business Permitting Center that certifies state agency permit approval and that incorporates the endorsements for individual permits included in the comprehensive permitting program.

"Comprehensive permitting program" or "Program" means the mechanism by which comprehensive permits are issued and renewed, permit and regulatory information is disseminated, and account data is exchanged by state agencies.

"Permit" means the whole or part of any state agency permit, license, certificate, approval, registration, charter, or any form or permission required by law, to engage in activity associated with or involving the establishment of a small business in the Commonwealth.

"Permit information packet" means a collection of information about permitting requirements and application procedures custom assembled for each request.

"Regulatory" means all permitting and other governmental or statutory requirements establishing a small business or professional activities associated with establishing a small business.

"Regulatory agency" means any state agency, board, commission, or division that regulates one or more professions, occupations, industries, businesses, or activities.

"Renewal application" means a document used to collect pertinent data for renewal of permits covered under this section.

"Small business" means an independently owned and operated business that, together with affiliates, has 250 or fewer employees or average annual gross receipts of \$10 million or less averaged over the previous three years.

"Veteran" means an individual who has served in the active military, naval, or air service and who was discharged or released therefrom under conditions other than dishonorable.

B. There is created within the Department the comprehensive permitting program (the Program). The Program is established to serve as a single access point to aid entrepreneurs in filling out the various permit applications associated with establishing a small business in Virginia. The Program in no way supersedes or supplants any regulatory authority granted to any state agency with permits covered by this section. As part of the Program, the Department shall coordinate with the regulatory agency, and the regulatory agency shall determine, consistent with applicable law, what types of permits are appropriate for inclusion in the Program as well as the rules governing the submission of and payment for those permits. The website of the Department shall provide access to information regarding the Program. The Department shall have the power and duty to:

1. Create a comprehensive application that will allow an entrepreneur, or an agent thereof, seeking to establish a small business, to create accounts that will allow them to acquire the appropriate permits required in the Commonwealth. The comprehensive application shall:

a. Allow the business owner to choose a business type and to provide common information, such as name, address, and telephone number, on the front page, eliminating the need to repeatedly provide common information on each permit application;

b. Allow the business owner to preview and answer questions related to the operation of the business;

c. Provide business owners with a customized to-do agency checklist, which checklist shall provide the permit applications pertinent to each business type and provide the rules, regulations, and general laws applicable to each business type as well as local licensing information;

d. Allow the business owner to submit permit applications by electronic means as authorized by § 59.1-496 and to affix thereto his electronic signature as defined in § 59.1-480;

e. Allow the business owner to check on the status of applications online and to receive information from the permitting agencies electronically; and

f. Allow a business owner to submit electronic payment of application or permitting fees for applications that have been accepted by the permitting agency.

2. Develop and administer a computerized system program capable of storing, retrieving, and exchanging permit information while protecting the confidentiality of information submitted to the Department to the extent allowable by law. Information submitted to the Department shall be subject to the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.) as the same would apply were the information submitted directly to the Department or to any permitting agency.

3. Issue and renew comprehensive permits in an efficient manner.

4. Identify the types of permits appropriate for inclusion in the Program. The Department shall coordinate with the regulatory agency, and the regulatory agency shall determine, consistent with applicable law, what types of permits are appropriate for inclusion in the Program.

5. Incorporate permits into the Program.

6. Do all acts necessary or convenient to carry out the purposes of this chapter.

C. *Regulatory agencies shall, by November 30 of each year, provide the Department with information outlining any changes to the agency's policies and regulations.* The Business Permitting Center shall compile information regarding the regulatory programs associated with each of the permits obtainable under the Program. This information shall include, at a minimum, a listing of the statutes and administrative rules requiring the permits and pertaining to the regulatory programs that are directly related to the permit. The Center shall provide information governed by this section to any person requesting it. Materials used by the Center to describe the services provided by the Center shall indicate that this information is available upon request.

D. Each state agency shall cooperate and provide reasonable assistance to the Department in the implementation of this section.

E. The State Corporation Commission and the Department of Small Business and Supplier Diversity shall by January 1, 2020, establish one or more processes by which data or information relevant to the Program can be collected and exchanged electronically.

F. Any person requiring permits that have been incorporated into the Program may submit a comprehensive application to the Department requesting the issuance of the permits. The comprehensive application form shall contain in consolidated form information necessary for the issuance of the permits.

G. The applicant, if not a veteran, shall include with the application the handling fee established by the Department. An applicant who is a veteran shall be exempt from payment of the handling fee prescribed by this subsection. The amount of the handling fee assessed against the applicant shall be set by the Department at a level necessary to cover the costs of administering the comprehensive permitting program.

H. The authority for approving the issuance and renewal of any requested permit that requires investigation, inspection, testing, or other judgmental review by the regulatory agency otherwise legally authorized to issue the permit shall remain with that agency. The Center may issue those permits for which proper fee payment and a completed application form have been received and for which no approval action is required by the regulatory agency.

I. Upon receipt of the application, and proper fee payment for any permit for which issuance is subject to regulatory agency action under subsection H, the Department shall immediately notify the State Corporation Commission or the regulatory agency with authority to approve the permit issuance or renewal requested by the applicant. The State Corporation Commission or the regulatory agency shall advise the Department within a reasonable time after receiving the notice of one of the following:

1. That the State Corporation Commission or the regulatory agency approves the issuance of the requested permit and will advise the applicant of any specific conditions required for issuing the permit;

2. That the State Corporation Commission or the regulatory agency denies the issuance of the permit and gives the applicant reasons for the denial;

3. That the application is pending; or

4. That the application is incomplete and further information from or action by the applicant is necessary.

J. The Department shall issue a comprehensive permit endorsed for all the approved permits to the applicant and advise the applicant of the status of other requested permits. The applicant shall be responsible for contesting any decision regarding conditions imposed or permits denied through the normal process established by statute or by the State Corporation Commission or the regulatory agency with the authority for approving the issuance of the permit.

K. Regulatory agencies shall be provided information from the comprehensive application for their permitting and regulatory functions.

L. The Department shall be responsible for directing the applicant to make all payments for applicable fees established by the regulatory agency directly to the proper agency.

M. There is hereby created in the state treasury a special nonreverting fund to be known as the Comprehensive Permitting Fund, hereafter referred to as "the Fund." The Fund shall be established on the books of the Comptroller. The Fund shall consist of all moneys collected from the handling fee established by the Department pursuant to subsection G and such other funds as may be appropriated by the General Assembly. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely to administer the Program. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Director of the Department.

N. Unless otherwise directed by the regulatory agency, the Department shall not issue or renew a comprehensive permit to any person under any of the following circumstances:

1. The person does not have a valid tax registration, if required;
2. The person is a corporation, limited liability company, business trust, limited partnership, or registered limited liability partnership that (i) is delinquent in the payment of fees or penalties collected by the State Corporation Commission pursuant to the business entity statutes it administers, (ii) does not exist, or (iii) is not authorized to transact business in the Commonwealth pursuant to one of the business entity statutes administered by the State Corporation Commission; or
3. The person has not submitted the sum of all fees and deposits required for the requested individual permit endorsements, any outstanding comprehensive permit delinquency fee, or other fees and penalties to be collected through the comprehensive permitting program.

O. *The Department shall develop and provide guidance to businesses with newly approved permits regarding responsibilities and requirements for maintaining such business. Such guidance shall include information regarding sales tax and unemployment tax requirements, workers' compensation insurance requirements, and postings required by the Virginia Department of Labor and Industry and the U.S. Department of Labor. Any guidance provided for in this subsection may be provided electronically.*

P. The Department may adopt regulations in accordance with § 2.2-1606 as may be necessary to carry out the purposes of this section.

2. That the provisions of this act shall become effective on July 1, 2021.

CHAPTER 751

An Act to amend and reenact §§ 55.1-1308, 55.1-1309, 55.1-1311, and 55.1-1316 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 55.1-1308.1, relating to Manufactured Home Lot Rental Act; manufactured home park; termination due to sale of park; notice.

[H 1249]

Approved April 6, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 55.1-1308, 55.1-1309, 55.1-1311, and 55.1-1316 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 55.1-1308.1 as follows:

§ 55.1-1308. Termination of tenancy.

A. Either party may terminate a rental agreement with a term of 60 days or more by giving written notice to the other at least 60 days prior to the termination date; however, the rental agreement may require a longer period of notice. Notwithstanding the provisions of this section, where a landlord and seller of a manufactured home have in common (i) one or more owners, (ii) immediate family members, or (iii) officers or directors, the rental agreement shall be renewed except for reasons that would justify a termination of the rental agreement or eviction by the landlord as authorized by this chapter. A landlord may not cause the eviction of a tenant by willfully interrupting gas, electricity, water, or any other essential service, or by removal of the manufactured home from the manufactured home lot, or by any other willful self-help measure.

B. If the termination is due to ~~rehabilitation or~~ a change in the use of all or any part of a manufactured home park by the landlord, *including conversion to hotel, motel, or other commercial use, planned unit development, rehabilitation, or demolition*, a 180-day written notice is required to terminate a rental agreement. ~~As used in this subsection, "change" includes conversion to hotel, motel, or other commercial use; planned unit development; rehabilitation; demolition; or sale to a contract purchaser. This 180-day~~ Such termination notice requirement shall not be waived; however, a period of less than 180 days may be agreed upon by both the landlord and tenant in a written agreement separate from the rental agreement executed after such notice is given ~~and applicable only to the 180-day notice period.~~ *The notice required by this section may be sent concurrently with the notice of intent to sell required by § 55.1-1308.1.*

§ 55.1-1308.1. Notice of intent to sell.

A. *A manufactured home park owner who offers or lists the park for sale to a third party shall provide written notice containing the date on which the notice is sent and the price for which the park is to be offered or listed for sale. Such notice shall be sent to the Department of Housing and Community Development, which shall make the information available on its website within five business days of receipt. Such written notice shall also be given to each tenant of the manufactured home park, in accordance with § 55.1-1202, at least 90 days prior to accepting an offer. A manufactured home park owner shall consider any offers to purchase received during such 90-day notice period. For purposes of this section, "third party" does not include a member of the manufactured park owner's family by blood or marriage or a person or entity that owns a portion of the park at the time of the offer or listing of such manufactured home park. Nothing shall be construed to require any subsequent notice by the manufactured home park owner after the written notice provided in this section.*

B. *If a manufactured home park owner receives an offer to purchase the park, acceptance of that offer shall be contingent upon the park owner sending written notice of the proposed sale and the purchase price in the real estate purchase contract at least 60 days before the closing date on such purchase contract to the Department of Housing and Community Development, which shall place the information on its website within five business days of receipt. Such written*

notice shall also be given to each tenant of the manufactured home park. During the 60-day notice period, the park owner shall consider additional offers to purchase the park made by an entity that provides documentation that it represents at least 25 percent of the tenants with a valid lease in the manufactured home park at the time any such offer is made, but shall not be obligated to consider additional offers after the expiration of the 60-day notice period. Nothing shall be construed to require any subsequent notice by the manufactured home park owner after provision of the written notice required by this section.

§ 55.1-1309. Waiver of landlord's right to terminate.

Unless the landlord accepts the rent with reservation, and gives a written notice to the tenant of such acceptance within five business days of receipt of the rent, acceptance of periodic rent payments with knowledge in fact of a material noncompliance by the tenant shall constitute a waiver of the landlord's right to terminate the rental agreement. Except as provided in ~~§ 55.1-1423~~ 55.1-1250, if the landlord has given the tenant written notice that the rent payments have been accepted with reservation, the landlord may accept full payment of all rent payments and still be entitled to receive an order of possession terminating the rental agreement.

§ 55.1-1311. Other provisions of law applicable.

~~Sections~~ Section 55.1-1202, subsection A of § 55.1-1204, §§ 55.1-1207, 55.1-1208, 55.1-1216, 55.1-1224, 55.1-1226, 55.1-1228, 55.1-1234 through 55.1-1249, 55.1-1251, 55.1-1252, and 55.1-1259 shall, insofar as they are not inconsistent with this chapter, apply, mutatis mutandis, to the rental and occupancy of a manufactured home lot.

§ 55.1-1316. Right to sell or rent manufactured home upon eviction.

A. A tenant who has been evicted from a manufactured home park shall have 90 days after judgment has been entered in which to sell the manufactured home or remove the manufactured home from the manufactured home park. Such tenant shall be responsible for paying the rental amount and for regular maintenance of the manufactured home lot during the period between the date of eviction and the sale of the manufactured home or the removal of the manufactured home from the manufactured home park. Such right to keep the manufactured home in the manufactured home park shall be conditioned upon the payment of all rent accrued prior to the date of judgment and prospective monthly rent as it becomes due. During such term, a secured party shall be liable for such charges as provided in § 55.1-1305. The manufactured home park owner shall have a lien on the manufactured home to the extent that such rental payments are not made. Any sale of the manufactured home shall be subject to the rights of any secured party having a security interest in the home, and the lien granted to the manufactured home park owner under this section shall be subject to any such security interest.

B. *A tenant who has been evicted from a manufactured home park shall have 90 days from after the judgment has been entered by a court of competent jurisdiction in which to rent the manufactured home to a subtenant, contingent on the subtenant making a rental application to the manufactured home park owner within such 90-day period and approval by the manufactured home park owner of such rental application from the subtenant. The tenant of the lot shall be responsible for paying the lot rent amount to the park owner and for regular maintenance of the manufactured home lot during the period between the date of eviction and any rental of the manufactured home to a subtenant. Such right to keep the manufactured home on the lot in the manufactured home park shall be conditioned upon the payment of all rent accrued prior to the date of judgment and prospective monthly rent as it becomes due. During such term, a secured party shall be liable for such charges as provided in § 55.1-1305.*

CHAPTER 752

An Act to amend and reenact § 56-585.1:9 of the Code of Virginia, relating to electric utilities; broadband capacity pilot program.

[H 1280]

Approved April 6, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 56-585.1:9 of the Code of Virginia is amended and reenacted as follows:

§ 56-585.1:9. Pilot program for broadband capacity to unserved areas of the Commonwealth.

A. The Commission shall establish pilot programs under which each Phase I Utility and each Phase II Utility, as such are defined in subdivision A 1 of § 56-585.1, may submit one or more petitions to provide or make available broadband capacity to nongovernmental Internet service providers in areas of the Commonwealth unserved by broadband. Any such petitions that a Phase I Utility submits shall not exceed \$60 million in costs annually. Any such petitions that a Phase II Utility submits shall not exceed \$60 million in costs annually. The provision of such broadband capacity to nongovernmental Internet service providers in areas of the Commonwealth unserved by broadband pursuant to this section is in the public interest.

B. The incremental costs of providing broadband capacity pursuant to any such pilot program, net of revenue generated therefrom, shall be eligible for recovery from customers as an electric grid transformation project pursuant to clause (vi) of subdivision A 6 of § 56-585.1 filed on or after July 1, 2020.

C. Notwithstanding the provisions of § 13.1-620 or the articles of incorporation of an investor-owned utility, an investor-owned utility may, either directly or through an affiliate or subsidiary, pursuant to a pilot program that the Commissioner approves pursuant to this section, (i) own, manage, or control any broadband capacity equipment and

electronics, including any plant, works, system, lines, facilities, or properties, or any part or parts thereof, together with all appurtenances thereto, used or useful in connection with the provision and extension of such broadband services; (ii) lease indefeasible rights of use in such broadband capacity equipment and electronics to nongovernmental Internet service providers in areas of the Commonwealth unserved by broadband pursuant to this section; and (iii) provide access points that are outside the utility's energized zone to allow connection between the utility's broadband capacity system and the nongovernmental Internet service provider's system.

D. Each petition to provide broadband capacity pursuant to this section that an investor-owned utility submits to the Commission shall identify the nongovernmental Internet service provider to which the utility shall lease such capacity, together with the area to be served using such capacity. The Commission shall, after notice and opportunity for hearing, initiate proceedings to review each petition submitted. In determining whether an area is unserved by broadband, the Commission shall take into account the impact of any grants or loans made to provide broadband access to the designated area. The Commission's final order regarding any such petition shall be entered by the Commission not more than six months after the date of the filing of such petition. The Commission shall condition any approval of such petition on the requirement that construction shall commence within three years of such approval. If the utility fails to commence construction within such period, the utility may resubmit the petition for Commission approval.

E. An investor-owned utility shall be responsible to obtain all necessary rights-of-way or other easements or real property rights to permit leasing of broadband capacity to nongovernmental Internet service providers. A nongovernmental Internet service provider shall be responsible to obtain all necessary rights-of-way or other easements or real property rights from utility access point to permit the provision of broadband services to end-user customers.

F. As used in this section:

"Broadband" means Internet access at speeds greater than 10 MBps download speed and one MBps upload speed, provided that the Department of Housing and Community Development for its Virginia Telecommunication Initiative may by guideline modify such speeds from time to time.

"Unserved by broadband" means a designated area in which less than 10 percent of residential and commercial units are capable of receiving broadband service, provided that the Department of Housing and Community Development for its Virginia Telecommunication Initiative may by guideline increase such percentage from time to time.

G. No investor-owned utility nor any affiliate thereof may offer broadband or Internet service provider services to residential or commercial end-user customers in the Commonwealth pursuant to this section. Nothing in this section shall be construed to prevent an investor-owned utility or an affiliate thereof from providing transport of or capacity for broadband or Internet service as a wholesaler or intermediate vendor, provided that an unaffiliated nongovernmental third party is the provider of broadband or Internet services to the end-user customer.

H. The provision and extension of broadband capacity by an incumbent electric utility to an area of the Commonwealth unserved by broadband pursuant to a pilot program that the Commission approves pursuant to this section, including any business activity related to the construction or leasing of broadband capacity facilities, shall be exempt from any rules and regulations that the Commission has promulgated or may promulgate governing functional separation of generation, retail transmission, and distribution of incumbent electric utilities. Investor-owned electric utilities may for the purposes of this section engage in such coordination between and among their various corporate divisions as necessary for the purposes of providing broadband capacity to an area of the Commonwealth unserved by broadband.

I. The pilot program established pursuant to this section shall continue for the three-year period ending three years following the date the Commission approves the first petition to provide broadband capacity pursuant to this section, unless the Commission extends the pilot program or makes the pilot program permanent. At the termination of the pilot program, a utility shall continue to provide broadband capacity pursuant to leases existing as of the date of such termination.

J. Notwithstanding the provisions of § 13.1-620 or the articles of incorporation of an investor-owned utility, an investor-owned utility may, either directly or through an affiliate or subsidiary, lease to any third party that is a wholesaler and that is not a government-owned broadband authority, for the purposes of providing broadband connectivity. The leases may, if the parties choose, extend in length beyond the end of the pilot program, notwithstanding any Commission order issued pursuant to subsection I terminating the pilot program. The revenues generated from such leases shall offset (i) the incremental costs of the pilot program recovered through the rate adjustment clause described in subsection B or (ii) the utility's electric cost of service.

CHAPTER 753

An Act to amend and reenact § 16.1-260 of the Code of Virginia, relating to juvenile and domestic relations district court; intake.

[H 1324]

Approved April 6, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 16.1-260 of the Code of Virginia is amended and reenacted as follows:

§ 16.1-260. Intake; petition; investigation.

A. All matters alleged to be within the jurisdiction of the court shall be commenced by the filing of a petition, except as provided in subsection H and in § 16.1-259. The form and content of the petition shall be as provided in § 16.1-262. No individual shall be required to obtain support services from the Department of Social Services prior to filing a petition seeking support for a child. Complaints, requests, and the processing of petitions to initiate a case shall be the responsibility of the intake officer. However, (i) the attorney for the Commonwealth of the city or county may file a petition on his own motion with the clerk; (ii) designated nonattorney employees of the Department of Social Services may complete, sign, and file petitions and motions relating to the establishment, modification, or enforcement of support on forms approved by the Supreme Court of Virginia with the clerk; (iii) designated nonattorney employees of a local department of social services may complete, sign, and file with the clerk, on forms approved by the Supreme Court of Virginia, petitions for foster care review, petitions for permanency planning hearings, petitions to establish paternity, motions to establish or modify support, motions to amend or review an order, and motions for a rule to show cause; and (iv) any attorney may file petitions on behalf of his client with the clerk except petitions alleging that the subject of the petition is a child alleged to be in need of services, in need of supervision, or delinquent. Complaints alleging abuse or neglect of a child shall be referred initially to the local department of social services in accordance with the provisions of Chapter 15 (§ 63.2-1500 et seq.) of Title 63.2. Motions and other subsequent pleadings in a case shall be filed directly with the clerk. The intake officer or clerk with whom the petition or motion is filed shall inquire whether the petitioner is receiving child support services or public assistance. No individual who is receiving support services or public assistance shall be denied the right to file a petition or motion to establish, modify, or enforce an order for support of a child. If the petitioner is seeking or receiving child support services or public assistance, the clerk, upon issuance of process, shall forward a copy of the petition or motion, together with notice of the court date, to the Division of Child Support Enforcement.

B. The appearance of a child before an intake officer may be by (i) personal appearance before the intake officer or (ii) use of two-way electronic video and audio communication. If two-way electronic video and audio communication is used, an intake officer may exercise all powers conferred by law. All communications and proceedings shall be conducted in the same manner as if the appearance were in person, and any documents filed may be transmitted by facsimile process. The facsimile may be served or executed by the officer or person to whom sent, and returned in the same manner, and with the same force, effect, authority, and liability as an original document. All signatures thereon shall be treated as original signatures. Any two-way electronic video and audio communication system used for an appearance shall meet the standards as set forth in subsection B of § 19.2-3.1.

When the court service unit of any court receives a complaint alleging facts which may be sufficient to invoke the jurisdiction of the court pursuant to § 16.1-241, the unit, through an intake officer, may proceed informally to make such adjustment as is practicable without the filing of a petition or may authorize a petition to be filed by any complainant having sufficient knowledge of the matter to establish probable cause for the issuance of the petition.

An intake officer may proceed informally on a complaint alleging a child is in need of services, in need of supervision, or delinquent only if the juvenile (i) is not alleged to have committed a violent juvenile felony or (ii) has not previously been proceeded against informally or adjudicated delinquent for an offense that would be a felony if committed by an adult. A petition alleging that a juvenile committed a violent juvenile felony shall be filed with the court. A petition alleging that a juvenile is delinquent for an offense that would be a felony if committed by an adult shall be filed with the court if the juvenile had previously been proceeded against informally by intake or had been adjudicated delinquent for an offense that would be a felony if committed by an adult.

If a juvenile is alleged to be a truant pursuant to a complaint filed in accordance with § 22.1-258 and the attendance officer has provided documentation to the intake officer that the relevant school division has complied with the provisions of § 22.1-258, then the intake officer shall file a petition with the court. The intake officer may defer filing the ~~complaint for 90 days~~ petition and proceed informally by developing a truancy plan, provided that (a) the juvenile has not previously been proceeded against informally or adjudicated in need of supervision on more than two occasions for failure to comply with compulsory school attendance as provided in § 22.1-254 and (b) the immediately previous informal action or adjudication occurred at least three calendar years prior to the current complaint. The juvenile and his parent or parents, guardian, or other person standing in loco parentis must agree, in writing, for the development of a truancy plan. The truancy plan may include requirements that the juvenile and his parent or parents, guardian, or other person standing in loco parentis participate in such programs, cooperate in such treatment, or be subject to such conditions and limitations as necessary to ensure the juvenile's compliance with compulsory school attendance as provided in § 22.1-254. The intake officer may refer the juvenile to the appropriate public agency for the purpose of developing a truancy plan using an interagency interdisciplinary team approach. The team may include qualified personnel who are reasonably available from the appropriate department of social services, community services board, local school division, court service unit, and other appropriate and available public and private agencies and may be the family assessment and planning team established pursuant to § 2.2-5207. If at the end of the ~~90-day~~ deferral period the juvenile has not successfully completed the truancy plan or the truancy program, then the intake officer shall file the petition.

Whenever informal action is taken as provided in this subsection on a complaint alleging that a child is in need of services, in need of supervision, or delinquent, the intake officer shall (1) develop a plan for the juvenile, which may include restitution and the performance of community service, based upon community resources and the circumstances which resulted in the complaint, (2) create an official record of the action taken by the intake officer and file such record in the juvenile's case file, and (3) advise the juvenile and the juvenile's parent, guardian, or other person standing in loco parentis

and the complainant that any subsequent complaint alleging that the child is in need of supervision or delinquent based upon facts which may be sufficient to invoke the jurisdiction of the court pursuant to § 16.1-241 ~~will~~ may result in the filing of a petition with the court.

C. The intake officer shall accept and file a petition in which it is alleged that (i) the custody, visitation, or support of a child is the subject of controversy or requires determination, (ii) a person has deserted, abandoned, or failed to provide support for any person in violation of law, (iii) a child or such child's parent, guardian, legal custodian, or other person standing in loco parentis is entitled to treatment, rehabilitation, or other services which are required by law, (iv) family abuse has occurred and a protective order is being sought pursuant to § 16.1-253.1, 16.1-253.4, or 16.1-279.1, or (v) an act of violence, force, or threat has occurred, a protective order is being sought pursuant to § 19.2-152.8, 19.2-152.9, or 19.2-152.10, and either the alleged victim or the respondent is a juvenile. If any such complainant does not file a petition, the intake officer may file it. In cases in which a child is alleged to be abused, neglected, in need of services, in need of supervision, or delinquent, if the intake officer believes that probable cause does not exist, or that the authorization of a petition will not be in the best interest of the family or juvenile or that the matter may be effectively dealt with by some agency other than the court, he may refuse to authorize the filing of a petition. The intake officer shall provide to a person seeking a protective order pursuant to § 16.1-253.1, 16.1-253.4, or 16.1-279.1 a written explanation of the conditions, procedures and time limits applicable to the issuance of protective orders pursuant to § 16.1-253.1, 16.1-253.4, or 16.1-279.1. If the person is seeking a protective order pursuant to § 19.2-152.8, 19.2-152.9, or 19.2-152.10, the intake officer shall provide a written explanation of the conditions, procedures, and time limits applicable to the issuance of protective orders pursuant to § 19.2-152.8, 19.2-152.9, or 19.2-152.10.

D. Prior to the filing of any petition alleging that a child is in need of supervision, the matter shall be reviewed by an intake officer who shall determine whether the petitioner and the child alleged to be in need of supervision have utilized or attempted to utilize treatment and services available in the community and have exhausted all appropriate nonjudicial remedies which are available to them. When the intake officer determines that the parties have not attempted to utilize available treatment or services or have not exhausted all appropriate nonjudicial remedies which are available, he shall refer the petitioner and the child alleged to be in need of supervision to the appropriate agency, treatment facility, or individual to receive treatment or services, and a petition shall not be filed. Only after the intake officer determines that the parties have made a reasonable effort to utilize available community treatment or services may he permit the petition to be filed.

E. If the intake officer refuses to authorize a petition relating to an offense that if committed by an adult would be punishable as a Class 1 misdemeanor or as a felony, the complainant shall be notified in writing at that time of the complainant's right to apply to a magistrate for a warrant. If a magistrate determines that probable cause exists, he shall issue a warrant returnable to the juvenile and domestic relations district court. The warrant shall be delivered forthwith to the juvenile court, and the intake officer shall accept and file a petition founded upon the warrant. If the court is closed and the magistrate finds that the criteria for detention or shelter care set forth in § 16.1-248.1 have been satisfied, the juvenile may be detained pursuant to the warrant issued in accordance with this subsection. If the intake officer refuses to authorize a petition relating to a child in need of services or in need of supervision, a status offense, or a misdemeanor other than Class 1, his decision is final.

Upon delivery to the juvenile court of a warrant issued pursuant to subdivision 2 of § 16.1-256, the intake officer shall accept and file a petition founded upon the warrant.

F. The intake officer shall notify the attorney for the Commonwealth of the filing of any petition which alleges facts of an offense which would be a felony if committed by an adult.

G. Notwithstanding the provisions of Article 12 (§ 16.1-299 et seq.), the intake officer shall file a report with the division superintendent of the school division in which any student who is the subject of a petition alleging that such student who is a juvenile has committed an act, wherever committed, which would be a crime if committed by an adult, or that such student who is an adult has committed a crime and is alleged to be within the jurisdiction of the court. The report shall notify the division superintendent of the filing of the petition and the nature of the offense, if the violation involves:

1. A firearm offense pursuant to Article 4 (§ 18.2-279 et seq.), 5 (§ 18.2-288 et seq.), 6 (§ 18.2-299 et seq.), 6.1 (§ 18.2-307.1 et seq.), or 7 (§ 18.2-308.1 et seq.) of Chapter 7 of Title 18.2;
2. Homicide, pursuant to Article 1 (§ 18.2-30 et seq.) of Chapter 4 of Title 18.2;
3. Felonious assault and bodily wounding, pursuant to Article 4 (§ 18.2-51 et seq.) of Chapter 4 of Title 18.2;
4. Criminal sexual assault, pursuant to Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2;
5. Manufacture, sale, gift, distribution or possession of Schedule I or II controlled substances, pursuant to Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2;
6. Manufacture, sale or distribution of marijuana pursuant to Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2;
7. Arson and related crimes, pursuant to Article 1 (§ 18.2-77 et seq.) of Chapter 5 of Title 18.2;
8. Burglary and related offenses, pursuant to §§ 18.2-89 through 18.2-93;
9. Robbery pursuant to § 18.2-58;
10. Prohibited criminal street gang activity pursuant to § 18.2-46.2;
11. Recruitment of other juveniles for a criminal street gang activity pursuant to § 18.2-46.3;
12. An act of violence by a mob pursuant to § 18.2-42.1;
13. Abduction of any person pursuant to § 18.2-47 or 18.2-48; or
14. A threat pursuant to § 18.2-60.

The failure to provide information regarding the school in which the student who is the subject of the petition may be enrolled shall not be grounds for refusing to file a petition.

The information provided to a division superintendent pursuant to this section may be disclosed only as provided in § 16.1-305.2.

H. The filing of a petition shall not be necessary:

1. In the case of violations of the traffic laws, including offenses involving bicycles, hitchhiking and other pedestrian offenses, game and fish laws, or a violation of the ordinance of any city regulating surfing or any ordinance establishing curfew violations, animal control violations, or littering violations. In such cases the court may proceed on a summons issued by the officer investigating the violation in the same manner as provided by law for adults. Additionally, an officer investigating a motor vehicle accident may, at the scene of the accident or at any other location where a juvenile who is involved in such an accident may be located, proceed on a summons in lieu of filing a petition.

2. In the case of seeking consent to apply for the issuance of a work permit pursuant to subsection H of § 16.1-241.

3. In the case of a misdemeanor violation of § 18.2-250.1, 18.2-266, 18.2-266.1, or 29.1-738, or the commission of any other alcohol-related offense, provided the juvenile is released to the custody of a parent or legal guardian pending the initial court date. The officer releasing a juvenile to the custody of a parent or legal guardian shall issue a summons to the juvenile and shall also issue a summons requiring the parent or legal guardian to appear before the court with the juvenile. Disposition of the charge shall be in the manner provided in § 16.1-278.8, 16.1-278.8:01, or 16.1-278.9. If the juvenile so charged with a violation of § 18.2-51.4, 18.2-266, 18.2-266.1, 18.2-272, or 29.1-738 refuses to provide a sample of blood or breath or samples of both blood and breath for chemical analysis pursuant to §§ 18.2-268.1 through 18.2-268.12 or 29.1-738.2, the provisions of these sections shall be followed except that the magistrate shall authorize execution of the warrant as a summons. The summons shall be served on a parent or legal guardian and the juvenile, and a copy of the summons shall be forwarded to the court in which the violation is to be tried. When a violation of § 4.1-305 or 18.2-250.1 is charged by summons, the juvenile shall be entitled to have the charge referred to intake for consideration of informal proceedings pursuant to subsection B, provided such right is exercised by written notification to the clerk not later than 10 days prior to trial. At the time such summons alleging a violation of § 4.1-305 or 18.2-250.1 is served, the officer shall also serve upon the juvenile written notice of the right to have the charge referred to intake on a form approved by the Supreme Court and make return of such service to the court. If the officer fails to make such service or return, the court shall dismiss the summons without prejudice.

4. In the case of offenses which, if committed by an adult, would be punishable as a Class 3 or Class 4 misdemeanor. In such cases the court may direct that an intake officer proceed as provided in § 16.1-237 on a summons issued by the officer investigating the violation in the same manner as provided by law for adults provided that notice of the summons to appear is mailed by the investigating officer within five days of the issuance of the summons to a parent or legal guardian of the juvenile.

I. Failure to comply with the procedures set forth in this section shall not divest the juvenile court of the jurisdiction granted it in § 16.1-241.

CHAPTER 754

An Act to amend and reenact § 30-34.2:1 of the Code of Virginia, relating to the Capitol Police; concurrent jurisdiction.

[H 1626]

Approved April 6, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 30-34.2:1 of the Code of Virginia is amended and reenacted as follows:

§ 30-34.2:1. Powers, duties and functions of Capitol Police.

A. The Capitol Police may exercise within the limits of the Capitol Square, when assigned to any other property owned, leased, or controlled by the Commonwealth or any agency, department, institution, or commission thereof, and pursuant to the provisions of §§ 15.2-1724, 15.2-1726, and 15.2-1728 all the powers, duties, and functions that are exercised by the police of the city or the police or sheriff of the county within which such property is located.

B. The jurisdiction of the Capitol Police shall further extend 300 feet beyond the boundary of any property they are required to protect, such jurisdiction to be concurrent with that of other law-enforcement officers of the locality in which such property is located.

~~Additionally, the~~ C. The Capitol Police shall also have concurrent jurisdiction with law-enforcement officers of the City of Richmond. *In addition, a Capitol Police officer who is a detector canine handler shall have concurrent jurisdiction with the law-enforcement officers of any city or county that has requested the assistance of the Capitol Police in the detection of firearms, ammunition, explosives, propellants, or incendiaries.*

D. In any case involving the theft or misappropriation of the personal property of any member or employee of the General Assembly, the Capitol Police shall have concurrent jurisdiction with law-enforcement officers of any county contiguous to the City of Richmond. Members of the Capitol Police when assigned to accompany the Governor or Governor-elect, members of the Governor's family, the Lieutenant Governor or Lieutenant Governor-elect, the Attorney General or Attorney General-elect, members of the General Assembly, or members of the Supreme Court or Court of

Appeals of Virginia, or when directed to serve a summons issued by the Clerk of the Senate or the Clerk of the House of Delegates, a joint committee or commission thereof, or any committee of either house, shall be vested with all the powers and authority of a law-enforcement officer of any city or county in which they are required to be. All members of the Capitol Police shall be subject to the provisions of § 2.2-1202.1 and Chapter 5 (§ 9.1-500 et seq.) of Title 9.1.

E. The assignment of jurisdiction to any property pursuant to this section shall be approved by the Legislative Support Commission.

F. The Division of Capitol Police shall have the authority to enter into contracts or agreements necessary or incidental to the performance of its duties.

CHAPTER 755

An Act to amend and reenact § 4.1-100 of the Code of Virginia, relating to alcoholic beverage control; commercial lifestyle center; definition.

[S 181]

Approved April 6, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 4.1-100 of the Code of Virginia is amended and reenacted as follows:

§ 4.1-100. Definitions.

As used in this title unless the context requires a different meaning:

"Alcohol" means the product known as ethyl or grain alcohol obtained by distillation of any fermented liquor, rectified either once or more often, whatever the origin, and shall include synthetic ethyl alcohol, but shall not include methyl alcohol and alcohol completely denatured in accordance with formulas approved by the government of the United States.

"Alcohol vaporizing device" means any device, machine, or process that mixes any alcoholic beverages with pure oxygen or other gas to produce a vaporized product for the purpose of consumption by inhalation.

"Alcoholic beverages" includes alcohol, spirits, wine, and beer, and any one or more of such varieties containing one-half of one percent or more of alcohol by volume, including mixed alcoholic beverages, and every liquid or solid, powder or crystal, patented or not, containing alcohol, spirits, wine, or beer and capable of being consumed by a human being. Any liquid or solid containing more than one of the four varieties shall be considered as belonging to that variety which has the higher percentage of alcohol, however obtained, according to the order in which they are set forth in this definition; except that beer may be manufactured to include flavoring materials and other nonbeverage ingredients containing alcohol, as long as no more than 49 percent of the overall alcohol content of the finished product is derived from the addition of flavors and other nonbeverage ingredients containing alcohol for products with an alcohol content of no more than six percent by volume; or, in the case of products with an alcohol content of more than six percent by volume, as long as no more than one and one-half percent of the volume of the finished product consists of alcohol derived from added flavors and other nonbeverage ingredients containing alcohol.

"Art instruction studio" means any commercial establishment that provides to its customers all required supplies and step-by-step instruction in creating a painting or other work of art during a studio instructional session.

"Arts venue" means a commercial or nonprofit establishment that is open to the public and in which works of art are sold or displayed.

"Authority" means the Virginia Alcoholic Beverage Control Authority created pursuant to this title.

"Barrel" means any container or vessel having a capacity of more than 43 ounces.

"Bed and breakfast establishment" means any establishment (i) having no more than 15 bedrooms; (ii) offering to the public, for compensation, transitory lodging or sleeping accommodations; and (iii) offering at least one meal per day, which may but need not be breakfast, to each person to whom overnight lodging is provided. For purposes of the licensing requirements of this title, "bed and breakfast establishment" includes any property offered to the public for short-term rental, as that term is defined in § 15.2-983, other than a hotel as defined in this section, regardless of whether a meal is offered to each person to whom overnight lodging is provided.

"Beer" means any alcoholic beverage obtained by the fermentation of an infusion or decoction of barley, malt, and hops or of any similar products in drinkable water and containing one-half of one percent or more of alcohol by volume.

"Bespoke clothier establishment" means a permanent retail establishment that offers, by appointment only, custom made apparel and that offers a membership program to customers. Such establishment shall be a permanent structure where measurements and fittings are performed on-site but apparel is produced offsite and delivered directly to the customer. Such establishment shall have facilities to properly secure any stock of alcoholic beverages.

"Board" means the Board of Directors of the Virginia Alcoholic Beverage Control Authority.

"Bottle" means any vessel intended to contain liquids and having a capacity of not more than 43 ounces.

"Canal boat operator" means any nonprofit organization that operates tourism-oriented canal boats for recreational purposes on waterways declared nonnavigable by the United States Congress pursuant to 33 U.S.C. § 59ii.

"Club" means any private nonprofit corporation or association which is the owner, lessee, or occupant of an establishment operated solely for a national, social, patriotic, political, athletic, or other like purpose, but not for pecuniary gain, the advantages of which belong to all of the members. It also means the establishment so operated. A corporation or

association shall not lose its status as a club because of the conduct of charitable gaming conducted pursuant to Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2 in which nonmembers participate frequently or in large numbers, provided that no alcoholic beverages are served or consumed in the room where such charitable gaming is being conducted while such gaming is being conducted and that no alcoholic beverages are made available upon the premises to any person who is neither a member nor a bona fide guest of a member.

Any such corporation or association which has been declared exempt from federal and state income taxes as one which is not organized and operated for pecuniary gain or profit shall be deemed a nonprofit corporation or association.

"Commercial lifestyle center" means a mixed-use commercial development covering a minimum of ~~25~~ 10 acres of land and having at least 100,000 square feet of retail space featuring national specialty chain stores and a combination of dining, entertainment, office, residential, or hotel establishments located in a physically integrated outdoor setting that is pedestrian friendly and that is governed by a commercial owners' association that is responsible for the management, maintenance, and operation of the common areas thereof.

"Container" means any barrel, bottle, carton, keg, vessel or other receptacle used for holding alcoholic beverages.

"Contract winemaking facility" means the premises of a licensed winery or farm winery that obtains grapes, fruits, and other agricultural products from a person holding a farm winery license and crushes, processes, ferments, bottles, or provides any combination of such services pursuant to an agreement with the farm winery licensee. For all purposes of this title, wine produced by a contract winemaking facility for a farm winery shall be considered to be wine owned and produced by the farm winery that supplied the grapes, fruits, or other agricultural products used in the production of the wine. The contract winemaking facility shall have no right to sell the wine so produced, unless the terms of payment have not been fulfilled in accordance with the contract. The contract winemaking facility may charge the farm winery for its services.

"Convenience grocery store" means an establishment which (i) has an enclosed room in a permanent structure where stock is displayed and offered for sale and (ii) maintains an inventory of edible items intended for human consumption consisting of a variety of such items of the types normally sold in grocery stores.

"Coworking establishment" means a facility that has at least 100 members, a majority of whom are 21 years of age or older, to whom it offers shared office space and related amenities, including desks, conference rooms, Internet access, printers, copiers, telephones, and fax machines.

"Day spa" means any commercial establishment that offers to the public both massage therapy, performed by persons licensed in accordance with § 54.1-3029, and barbering or cosmetology services performed by persons licensed in accordance with Chapter 7 (§ 54.1-700 et seq.) of Title 54.1.

"Designated area" means a room or area approved by the Board for on-premises licensees.

"Dining area" means a public room or area in which meals are regularly served.

"Establishment" means any place where alcoholic beverages of one or more varieties are lawfully manufactured, sold, or used.

"Farm winery" means (i) an establishment (a) located on a farm in the Commonwealth on land zoned agricultural with a producing vineyard, orchard, or similar growing area and with facilities for fermenting and bottling wine on the premises where the owner or lessee manufactures wine that contains not more than 21 percent alcohol by volume or (b) located in the Commonwealth on land zoned agricultural with a producing vineyard, orchard, or similar growing area or agreements for purchasing grapes or other fruits from agricultural growers within the Commonwealth, and with facilities for fermenting and bottling wine on the premises where the owner or lessee manufactures wine that contains not more than 21 percent alcohol by volume or (ii) an accredited public or private institution of higher education, provided that (a) no wine manufactured by the institution shall be sold, (b) the wine manufactured by the institution shall be used solely for research and educational purposes, (c) the wine manufactured by the institution shall be stored on the premises of such farm winery that shall be separate and apart from all other facilities of the institution, and (d) such farm winery is operated in strict conformance with the requirements of this clause (ii) and Board regulations. As used in this definition, the terms "owner" and "lessee" shall include a cooperative formed by an association of individuals for the purpose of manufacturing wine. In the event that such cooperative is licensed as a farm winery, the term "farm" as used in this definition includes all of the land owned or leased by the individual members of the cooperative as long as such land is located in the Commonwealth. For purposes of this definition, "land zoned agricultural" means (1) land zoned as an agricultural district or classification or (2) land otherwise permitted by a locality for farm winery use. For purposes of this definition, "land zoned agricultural" does not include land zoned "residential conservation." Except for the limitation on land zoned "residential conservation," nothing in the definition of "land zoned agricultural" shall otherwise limit or affect local zoning authority.

"Gift shop" means any bona fide retail store selling, predominantly, gifts, books, souvenirs, specialty items relating to history, original and handmade arts and products, collectibles, crafts, and floral arrangements, which is open to the public on a regular basis. Such shop shall be a permanent structure where stock is displayed and offered for sale and which has facilities to properly secure any stock of wine or beer. Such shop may be located (i) on the premises or grounds of a government registered national, state or local historic building or site or (ii) within the premises of a museum. The Board shall consider the purpose, characteristics, nature, and operation of the shop in determining whether it shall be considered a gift shop.

"Gourmet brewing shop" means an establishment which sells to persons to whom wine or beer may lawfully be sold, ingredients for making wine or brewing beer, including packaging, and rents to such persons facilities for manufacturing, fermenting and bottling such wine or beer.

"Gourmet shop" means an establishment provided with adequate inventory, shelving, and storage facilities, where, in consideration of payment, substantial amounts of domestic and imported wines and beers of various types and sizes and related products such as cheeses and gourmet foods are habitually furnished to persons.

"Government store" means a store established by the Authority for the sale of alcoholic beverages.

"Historic cinema house" means a nonprofit establishment exempt from taxation under § 501(c)(3) of the Internal Revenue Code that was built prior to 1970 and that exists for the primary purpose of showing motion pictures to the public.

"Hotel" means any duly licensed establishment, provided with special space and accommodation, where, in consideration of payment, food and lodging are habitually furnished to persons, and which has four or more bedrooms. It shall also mean the person who operates such hotel.

"Interdicted person" means a person to whom the sale of alcoholic beverages is prohibited by order pursuant to this title.

"Internet beer retailer" means a person who owns or operates an establishment with adequate inventory, shelving, and storage facilities, where, in consideration of payment, Internet or telephone orders are taken and shipped directly to consumers and which establishment is not a retail store open to the public.

"Internet wine retailer" means a person who owns or operates an establishment with adequate inventory, shelving, and storage facilities, where, in consideration of payment, internet or telephone orders are taken and shipped directly to consumers and which establishment is not a retail store open to the public.

"Intoxicated" means a condition in which a person has drunk enough alcoholic beverages to observably affect his manner, disposition, speech, muscular movement, general appearance or behavior.

"Licensed" means the holding of a valid license granted by the Authority.

"Licensee" means any person to whom a license has been granted by the Authority.

"Liqueur" means any of a class of highly flavored alcoholic beverages that do not exceed an alcohol content of 25 percent by volume.

(Effective until July 1, 2020) "Low alcohol beverage cooler" means a drink containing one-half of one percent or more of alcohol by volume, but not more than seven and one-half percent alcohol by volume, and consisting of spirits mixed with nonalcoholic beverages or flavoring or coloring materials; it may also contain water, fruit juices, fruit adjuncts, sugar, carbon dioxide, preservatives or other similar products manufactured by fermenting fruit or fruit juices. Low alcohol beverage coolers shall be treated as wine for all purposes of this title, except that low alcohol beverage coolers (i) may be manufactured by a licensed distiller or a distiller located outside the Commonwealth and (ii) shall not be sold in localities that have not approved the sale of mixed beverages pursuant to § 4.1-124. In addition, low alcohol beverage coolers shall not be sold for on-premises consumption other than by mixed beverage licensees.

(Effective July 1, 2020) "Low alcohol beverage cooler" means a drink containing one-half of one percent or more of alcohol by volume, but not more than seven and one-half percent alcohol by volume, and consisting of spirits mixed with nonalcoholic beverages or flavoring or coloring materials; it may also contain water, fruit juices, fruit adjuncts, sugar, carbon dioxide, preservatives or other similar products manufactured by fermenting fruit or fruit juices. Low alcohol beverage coolers shall be treated as wine for all purposes of this title, except that low alcohol beverage coolers (i) may be manufactured by a licensed distiller or a distiller located outside the Commonwealth and (ii) shall not be sold in localities that prohibit the sale of mixed beverages pursuant to § 4.1-124. In addition, low alcohol beverage coolers shall not be sold for on-premises consumption other than by mixed beverage licensees.

"Meal-assembly kitchen" means any commercial establishment that offers its customers, for off-premises consumption, ingredients for the preparation of meals and entrees in professional kitchen facilities located at the establishment.

"Meals" means, for a mixed beverage license, an assortment of foods commonly ordered in bona fide, full-service restaurants as principal meals of the day. Such restaurants shall include establishments specializing in full course meals with a single substantial entree.

"Member of a bespoke clothier establishment" means a person who maintains a membership in the bespoke clothier establishment for a period of not less than one month by the payment of monthly, quarterly, or annual dues in the manner established by the rules of the bespoke clothier establishment. The minimum membership fee shall be not less than \$25 for any term of membership.

"Member of a club" means (i) a person who maintains his membership in the club by the payment of monthly, quarterly, or annual dues in the manner established by the rules and regulations thereof or (ii) a person who is a member of a bona fide auxiliary, local chapter, or squadron composed of direct lineal descendants of a bona fide member, whether alive or deceased, of a national or international organization to which an individual lodge holding a club license is an authorized member in the same locality. It shall also mean a lifetime member whose financial contribution is not less than 10 times the annual dues of resident members of the club, the full amount of such contribution being paid in advance in a lump sum.

"Member of a coworking establishment" means a person who maintains a membership in the coworking establishment for a period of not less than one month by the payment of monthly, quarterly, or annual dues in the manner established by the rules of the coworking establishment. "Member of a coworking establishment" does not include an employee or any person with an ownership interest in the coworking establishment.

"Mixed beverage" or "mixed alcoholic beverage" means a drink composed in whole or in part of spirits.

"Mixer" means any prepackaged ingredients containing beverages or flavoring or coloring materials, and which may also contain water, fruit juices, fruit adjuncts, sugar, carbon dioxide, or preservatives which are not commonly consumed

unless combined with alcoholic beverages, whether or not such ingredients contain alcohol. Such specialty beverage product shall be manufactured or distributed by a Virginia corporation.

"Municipal golf course" means any golf course that is owned by any town incorporated in 1849 and which is the county seat of Smyth County.

"Place or premises" means the real estate, together with any buildings or other improvements thereon, designated in the application for a license as the place at which the manufacture, bottling, distribution, use or sale of alcoholic beverages shall be performed, except that portion of any such building or other improvement actually and exclusively used as a private residence.

"Principal stockholder" means any person who individually or in concert with his spouse and immediate family members beneficially owns or controls, directly or indirectly, five percent or more of the equity ownership of any person that is a licensee of the Authority, or who in concert with his spouse and immediate family members has the power to vote or cause the vote of five percent or more of any such equity ownership. "Principal stockholder" does not include a broker-dealer registered under the Securities Exchange Act of 1934, as amended, that holds in inventory shares for sale on the financial markets for a publicly traded corporation holding, directly or indirectly, a license from the Authority.

"Public place" means any place, building, or conveyance to which the public has, or is permitted to have, access, including restaurants, soda fountains, hotel dining areas, lobbies and corridors of hotels, and any park, place of public resort or amusement, highway, street, lane, or sidewalk adjoining any highway, street, or lane.

"Public place" does not include (i) hotel or restaurant dining areas or ballrooms while in use for private meetings or private parties limited in attendance to members and guests of a particular group, association or organization; (ii) restaurants licensed by the Authority in office buildings or industrial or similar facilities while such restaurant is closed to the public and in use for private meetings or parties limited in attendance to employees and nonpaying guests of the owner or a lessee of all or part of such building or facility; (iii) offices, office buildings or industrial facilities while closed to the public and in use for private meetings or parties limited in attendance to employees and nonpaying guests of the owner or a lessee of all or part of such building or facility; or (iv) private recreational or chartered boats which are not licensed by the Board and on which alcoholic beverages are not sold.

"Residence" means any building or part of a building or structure where a person resides, but does not include any part of a building which is not actually and exclusively used as a private residence, nor any part of a hotel or club other than a private guest room thereof.

"Resort complex" means a facility (i) with a hotel owning year-round sports and recreational facilities located contiguously on the same property or (ii) owned by a nonstock, nonprofit, taxable corporation with voluntary membership which, as its primary function, makes available golf, ski and other recreational facilities both to its members and the general public. The hotel or corporation shall have a minimum of 140 private guest rooms or dwelling units contained on not less than 50 acres. The Authority may consider the purpose, characteristics, and operation of the applicant establishment in determining whether it shall be considered as a resort complex. All other pertinent qualifications established by the Board for a hotel operation shall be observed by such licensee.

"Restaurant" means, for a beer, or wine and beer license or a limited mixed beverage restaurant license, any establishment provided with special space and accommodation, where, in consideration of payment, meals or other foods prepared on the premises are regularly sold.

"Restaurant" means, for a mixed beverage license other than a limited mixed beverage restaurant license, an established place of business (i) where meals with substantial entrees are regularly sold and (ii) which has adequate facilities and sufficient employees for cooking, preparing, and serving such meals for consumption at tables in dining areas on the premises, and includes establishments specializing in full course meals with a single substantial entree.

"Sale" and "sell" includes soliciting or receiving an order for; keeping, offering or exposing for sale; peddling, exchanging or bartering; or delivering otherwise than gratuitously, by any means, alcoholic beverages.

"Sangria" means a drink consisting of red or white wine mixed with some combination of sweeteners, fruit, fruit juice, soda, or soda water that may also be mixed with brandy, triple sec, or other similar spirits.

"Special agent" means an employee of the Virginia Alcoholic Beverage Control Authority whom the Board has designated as a law-enforcement officer pursuant to § 4.1-105.

"Special event" means an event sponsored by a duly organized nonprofit corporation or association and conducted for an athletic, charitable, civic, educational, political, or religious purpose.

"Spirits" means any beverage that contains alcohol obtained by distillation mixed with drinkable water and other substances, in solution, and includes, among other things, brandy, rum, whiskey, and gin, or any one or more of the last four named ingredients, but shall not include any such liquors completely denatured in accordance with formulas approved by the United States government.

"Wine" means any alcoholic beverage, including cider, obtained by the fermentation of the natural sugar content of fruits or other agricultural products containing (i) sugar, including honey and milk, either with or without additional sugar; (ii) one-half of one percent or more of alcohol by volume; and (iii) no product of distillation. "Wine" includes any wine to which wine spirits have been added, as provided in the Internal Revenue Code, to make products commonly known as "fortified wine" which do not exceed an alcohol content of 21 percent by volume.

"Wine cooler" means a drink containing one-half of one percent or more of alcohol by volume, and not more than three and two-tenths percent of alcohol by weight or four percent by volume consisting of wine mixed with nonalcoholic

beverages or flavoring or coloring materials, and which may also contain water, fruit juices, fruit adjuncts, sugar, carbon dioxide, or preservatives and shall include other similar products manufactured by fermenting fruit or fruit juices. Wine coolers and similar fermented fruit juice beverages shall be treated as wine for all purposes except for taxation under § 4.1-236.

"With or without meals" means the selling and serving of alcoholic beverages by retail licensees for on-premises consumption whether or not accompanied by food so long as the total food-beverage ratio required by § 4.1-210, or the monthly food sale requirement established by Board regulation, is met by such retail licensee.

CHAPTER 756

An Act to amend and reenact § 4.1-206 of the Code of Virginia, relating to alcoholic beverage control; limited distiller's license; allowable gallonage.

[S 414]

Approved April 6, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 4.1-206 of the Code of Virginia is amended and reenacted as follows:

§ 4.1-206. Alcoholic beverage licenses.

A. The Board may grant the following licenses relating to alcoholic beverages generally:

1. Distillers' licenses, which shall authorize the licensee to manufacture alcoholic beverages other than wine and beer, and to sell and deliver or ship the same, in accordance with Board regulations, in closed containers, to the Board and to persons outside the Commonwealth for resale outside the Commonwealth. When the Board has established a government store on the distiller's licensed premises pursuant to subsection D of § 4.1-119, such license shall also authorize the licensee to make a charge to consumers to participate in an organized tasting event conducted in accordance with subsection G of § 4.1-119 and Board regulations.

2. Limited distiller's licenses, to distilleries that ~~manufacture not more than 36,000 gallons of alcoholic beverages other than wine or beer per calendar year, provided~~ (i) the distillery is located on a farm in the Commonwealth on land zoned agricultural and owned or leased by such distillery or its owner and (ii) use agricultural products ~~used by such distillery that are grown on the farm~~ in the manufacture of ~~its their~~ alcoholic beverages ~~are grown on the farm~~. Limited distiller's licensees shall be treated as distillers for all purposes of this title except as otherwise provided in this subdivision. For purposes of this subdivision, "land zoned agricultural" means (a) land zoned as an agricultural district or classification or (b) land otherwise permitted by a locality for limited distillery use. For purposes of this subdivision, "land zoned agricultural" does not include land zoned "residential conservation." Except for the limitation on land zoned "residential conservation," nothing in this definition shall otherwise limit or affect local zoning authority.

3. Fruit distillers' licenses, which shall authorize the licensee to manufacture any alcoholic beverages made from fruit or fruit juices, and to sell and deliver or ship the same, in accordance with Board regulations, in closed containers, to the Board and to persons outside the Commonwealth for resale outside the Commonwealth.

4. Banquet facility licenses to volunteer fire departments and volunteer emergency medical services agencies, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by any person, and bona fide members and guests thereof, otherwise eligible for a banquet license. However, lawfully acquired alcoholic beverages shall not be purchased or sold by the licensee or sold or charged for in any way by the person permitted to use the premises. Such premises shall be a volunteer fire or volunteer emergency medical services agency station or both, regularly occupied as such and recognized by the governing body of the county, city, or town in which it is located. Under conditions as specified by Board regulation, such premises may be other than a volunteer fire or volunteer emergency medical services agency station, provided such other premises are occupied and under the control of the volunteer fire department or volunteer emergency medical services agency while the privileges of its license are being exercised.

5. Bed and breakfast licenses, which shall authorize the licensee to (i) serve alcoholic beverages in dining areas, private guest rooms and other designated areas to persons to whom overnight lodging is being provided, with or without meals, for on-premises consumption only in such rooms and areas, and without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises and (ii) permit the consumption of lawfully acquired alcoholic beverages by persons to whom overnight lodging is being provided in (a) bedrooms or private guest rooms or (b) other designated areas of the bed and breakfast establishment. For purposes of this subdivision, "other designated areas" includes outdoor dining areas, whether or not contiguous to the licensed premises, which may have more than one means of ingress and egress to an adjacent public thoroughfare, provided that such outdoor dining areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201.

6. Tasting licenses, which shall authorize the licensee to sell or give samples of alcoholic beverages of the type specified in the license in designated areas at events held by the licensee. A tasting license shall be issued for the purpose of featuring and educating the consuming public about the alcoholic beverages being tasted. A separate license shall be required for each day of each tasting event. No tasting license shall be required for conduct authorized by § 4.1-201.1.

7. Museum licenses, which may be issued to nonprofit museums exempt from taxation under § 501(c)(3) of the Internal Revenue Code, which shall authorize the licensee to (i) permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by any bona fide member and guests thereof and (ii) serve alcoholic beverages on the premises of the licensee to any bona fide member and guests thereof. However, alcoholic beverages shall not be sold or charged for in any way by the licensee. The privileges of this license shall be limited to the premises of the museum, regularly occupied and utilized as such.

8. Equine sporting event licenses, which may be issued to organizations holding equestrian, hunt and steeplechase events, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by patrons thereof during such event. However, alcoholic beverages shall not be sold or charged for in any way by the licensee. The privileges of this license shall be (i) limited to the premises of the licensee, regularly occupied and utilized for equestrian, hunt and steeplechase events and (ii) exercised on no more than four calendar days per year.

9. Day spa licenses, which shall authorize the licensee to (i) permit the consumption of lawfully acquired wine or beer on the premises of the licensee by any bona fide customer of the day spa and (ii) serve wine or beer on the premises of the licensee to any such bona fide customer; however, the licensee shall not give more than two five-ounce glasses of wine or one 12-ounce glass of beer to any such customer, nor shall it sell or otherwise charge a fee to such customer for the wine or beer served or consumed. The privileges of this license shall be limited to the premises of the day spa regularly occupied and utilized as such.

10. Motor car sporting event facility licenses, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by patrons thereof during such events. However, alcoholic beverages shall not be sold or charged for in any way, directly or indirectly, by the licensee. The privileges of this license shall be limited to those areas of the licensee's premises designated by the Board that are regularly occupied and utilized for motor car sporting events.

11. Meal-assembly kitchen license, which shall authorize the licensee to serve wine or beer on the premises of the licensee to any such bona fide customer attending either a private gathering or a special event; however, the licensee shall not give more than two five-ounce glasses of wine or two 12-ounce glasses of beer to any such customer, nor shall it sell or otherwise charge a fee to such customer for the wine or beer served or consumed. The privileges of this license shall be limited to the premises of the meal-assembly kitchen regularly occupied and utilized as such.

12. Canal boat operator license, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by any bona fide customer attending either a private gathering or a special event; however, the licensee shall not sell or otherwise charge a fee to such customer for the alcoholic beverages so consumed. The privileges of this license shall be limited to the premises of the licensee, including the canal, the canal boats while in operation, and any pathways adjacent thereto. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license.

13. Annual arts venue event licenses, to persons operating an arts venue, which shall authorize the licensee participating in a community art walk that is open to the public to serve lawfully acquired wine or beer on the premises of the licensee to adult patrons thereof during such events. However, alcoholic beverages shall not be sold or charged for in any way, directly or indirectly, by the licensee, and the licensee shall not give more than two five-ounce glasses of wine or one 12-ounce glass of beer to any one adult patron. The privileges of this license shall be (i) limited to the premises of the arts venue regularly occupied and used as such and (ii) exercised on no more than 12 calendar days per year.

14. Art instruction studio licenses, which shall authorize the licensee to serve wine or beer on the premises of the licensee to any such bona fide customer; however, the licensee shall not give more than two five-ounce glasses of wine or one 12-ounce glass of beer to any such customer, nor shall it sell or otherwise charge a fee to such customer for the wine or beer served or consumed. The privileges of this license shall be limited to the premises of the art instruction studio regularly occupied and utilized as such.

15. Commercial lifestyle center license, which may be issued only to a commercial owners' association governing a commercial lifestyle center, which shall authorize any retail on-premises restaurant licensee that is a tenant of the commercial lifestyle center to sell alcoholic beverages to any bona fide customer to whom alcoholic beverages may be lawfully sold for consumption on that portion of the licensed premises of the commercial lifestyle center designated by the Board, including (i) plazas, seating areas, concourses, walkways, or such other similar areas and (ii) the premises of any tenant location of the commercial lifestyle center that is not a retail licensee of the Board, upon approval of such tenant, but excluding any parking areas. Only alcoholic beverages purchased from such retail on-premises restaurant licensees may be consumed on the licensed premises of the commercial lifestyle center, and such alcoholic beverages shall be contained in paper, plastic, or similar disposable containers with the name or logo of the restaurant licensee that sold the alcoholic beverage clearly displayed. Alcoholic beverages shall not be sold or charged for in any way by the commercial lifestyle center licensee. The licensee shall post appropriate signage clearly demarcating for the public the boundaries of the licensed premises; however, no physical barriers shall be required for this purpose. The licensee shall provide adequate security for the licensed premises to ensure compliance with the applicable provisions of this title and Board regulations.

16. Confectionery license, which shall authorize the licensee to prepare and sell on the licensed premises for off-premises consumption confectionery that contains five percent or less alcohol by volume. Any alcohol contained in such confectionery shall not be in liquid form at the time such confectionery is sold.

17. Local special events license, which may be issued only to a locality, business improvement district, or nonprofit organization and which shall authorize (i) the licensee to permit the consumption of alcoholic beverages within the area designated by the Board for the special event and (ii) any permanent retail on-premises licensee that is located within the area designated by the Board for the special event to sell alcoholic beverages within the permanent retail location for consumption in the area designated for the special event, including sidewalks and the premises of businesses not licensed to sell alcoholic beverages at retail, upon approval of such businesses. In determining the designated area for the special event, the Board shall consult with the locality. Local special events licensees shall be limited to 12 special events per year. Only alcoholic beverages purchased from permanent retail on-premises licensees located within the designated area may be consumed at the special event, and such alcoholic beverages shall be contained in paper, plastic, or similar disposable containers that clearly display the name or logo of the retail on-premises licensee from which the alcoholic beverage was purchased. Alcoholic beverages shall not be sold or charged for in any way by the local special events licensee. The local special events licensee shall post appropriate signage clearly demarcating for the public the boundaries of the special event; however, no physical barriers shall be required for this purpose. The local special events licensee shall provide adequate security for the special event to ensure compliance with the applicable provisions of this title and Board regulations.

18. Coworking establishment license, which shall authorize the licensee to (i) permit the consumption of lawfully acquired wine or beer between 4:00 p.m. and 8:00 p.m. on the premises of the licensee by any member and up to two guests of each member, provided that such member and guests are persons who may lawfully consume alcohol and an employee of the coworking establishment is present, and (ii) serve wine and beer on the premises of the licensee between 4:00 p.m. and 8:00 p.m. to any member and up to two guests of each member, provided that such member and guests are persons to whom alcoholic beverages may be lawfully served. However, the licensee shall not give more than two five-ounce glasses of wine or two 12-ounce glasses of beer to any person, nor shall it sell or otherwise charge a fee for the wine or beer served or consumed. For purposes of this subdivision, the payment of membership dues by a member to the coworking establishment shall not constitute a sale or charge for alcohol, provided that the availability of alcohol is not a privilege for which the amount of membership dues increases. The privileges of this license shall be limited to the premises of the coworking establishment, regularly occupied and utilized as such.

19. Bespoke clothier establishment license, which shall authorize the licensee to serve wine or beer for on-premises consumption upon the licensed premises approved by the Board to any member; however, the licensee shall not give more than (i) two five-ounce glasses of wine or (ii) two 12-ounce glasses of beer to any such customer, nor shall it sell or otherwise charge a fee to such customer for the wine or beer served or consumed. For purposes of this subdivision, the payment of membership dues by a member to the bespoke clothier establishment shall not constitute a sale or charge for alcohol, provided that the availability of alcohol is not a privilege for which the amount of membership dues increases. The privileges of this license shall be limited to the premises of the bespoke clothier establishment, regularly occupied and utilized as such.

B. Any limited distillery that, prior to July 1, 2016, (i) holds a valid license granted by the Board in accordance with this title and (ii) is in compliance with the local zoning ordinance as an agricultural district or classification or as otherwise permitted by a locality for limited distillery use shall be allowed to continue such use as provided in § 15.2-2307, notwithstanding (a) the provisions of this section or (b) a subsequent change in ownership of the limited distillery on or after July 1, 2016, whether by transfer, acquisition, inheritance, or other means. Any such limited distillery located on land zoned residential conservation prior to July 1, 2016, may expand any existing building or structure and the uses thereof so long as specifically approved by the locality by special exception. Any such limited distillery located on land zoned residential conservation prior to July 1, 2016, may construct a new building or structure so long as specifically approved by the locality by special exception. All such licensees shall comply with the requirements of this title and Board regulations for renewal of such license or the issuance of a new license in the event of a change in ownership of the limited distillery on or after July 1, 2016.

CHAPTER 757

An Act to amend and reenact §§ 1.2, 3.2, 3.6, and 6.8 of Chapters 690 and 742 of the Acts of Assembly of 2006, which provided a charter for the Town of Elkton in the County of Rockingham, relating to town boundaries; council meetings.

[S 597]

Approved April 6, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 1.2, 3.2, 3.6, and 6.8 of Chapters 690 and 742 of the Acts of Assembly of 2006 are amended and reenacted as follows:

§ 1.2. Boundaries.

The boundaries of the Town until altered shall be as follows:

a. All that area which constituted the Town of Elkton, Virginia, prior to January 1, 2004, which is more particularly described by metes and bounds as set out and recorded in the Clerk's Office of the Circuit Court of Rockingham County, Virginia, as Instrument Number 04035858 at Deed Book 2573, page 216;

b. All that area annexed on January 1, 2004, which is identified in the Ordinance recorded in the Clerk's Office of the Circuit Court of Rockingham County, Virginia, at Deed Book 2415, page 117, dated December 22, 2003; and

c. All that area annexed on January 1, 2005, which is identified in the Ordinance recorded in the Clerk's Office of the Circuit Court of Rockingham County, Virginia, at Deed Book 2602, page 105, dated December 28, 2004.

d. All that area which is identified in an Order of the Joint Petition of the County of Rockingham, Virginia, and the Town of Elkton, Virginia, recorded in the Clerk's Office of the Circuit Court of Rockingham County, Virginia, in Deed Book 2874, page 686, dated June 5, 2006.

e. All that area which is identified in an Order of the Joint Petition of the County of Rockingham, Virginia, and the Town of Elkton, Virginia, recorded in the Clerk's Office of the Circuit Court of Rockingham County, Virginia, in Deed Book 4258, page 24, dated June 14, 2013.

f. All that area which is identified in an Order of the Joint Petition of the County of Rockingham, Virginia, and the Town of Elkton, Virginia, recorded in the Clerk's Office of the Circuit Court of Rockingham County, Virginia, in Deed Book 4820, page 129, dated November 23, 2016.

§ 3.2. Vacancies.

Any vacancy in the council shall be filled within ~~30~~ 45 days, for the unexpired term, by a majority of the remaining voting members, provided that if the term of office to be filled does not expire for two years or more after the next regular election for councilmen following such vacancy and such vacancy occurs in time to permit it, then the council shall fill such vacancy only for the period then remaining until such election, and a qualified person shall then be elected by the qualified voters and shall from and after the date of his election and qualification succeed such appointee and serve the unexpired term. The number of candidates for council equal to the number of vacancies to be filled for full terms receiving the highest number of votes shall be entitled to such full terms and the candidate receiving the next highest number of votes shall be entitled to the unexpired term, caused by such vacancy.

§ 3.6. Meetings of council.

a. The council shall fix the time of its regular meetings, which shall be at least once each month, and, except as herein provided, the council shall follow Robert's Rules of Order, latest edition, for rules of procedure necessary for the orderly conduct of its business, except where inconsistent with the laws of the Commonwealth.

b. Minutes shall be kept of its official proceedings, and its meetings shall be open to the public unless an executive session is called according to law.

c. The mayor or any other two members of the council, may call a special meeting upon a 36-hour written notice or an emergency meeting upon a 12-hour written notice to each council member stating the time, place, and purpose for the meeting and served personally or left at the council members' usual place of business or residence by the Chief of Police, *or his or her designee*. No business shall be transacted by the council in such special or emergency meeting which has not been stated in the notice; however, these requirements shall not apply when all members of the council attend such meetings or waive notice thereof, nor shall this regulation apply to an adjourned session from a regular meeting.

d. The agenda for a regular scheduled monthly council meeting shall include a provision for public comments as defined in the town ordinances.

e. A majority *shall consist of four voting members* of the six voting members of the council *and* shall constitute a quorum.

§ 6.8. How act cited.

This act shall be referred to or cited as the Elkton Charter of 2006, *as amended*.

CHAPTER 758

An Act to amend the Code of Virginia by adding in Title 59.1 a chapter numbered 22.14, consisting of sections numbered 59.1-284.33, 59.1-284.34, and 59.1-284.35, relating to pharmaceutical manufacturing grant program.

[S 610]

Approved April 6, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 59.1 a chapter numbered 22.14, consisting of sections numbered 59.1-284.33, 59.1-284.34, and 59.1-284.35, as follows:

CHAPTER 22.14.

PHARMACEUTICAL MANUFACTURING GRANT PROGRAM.

§ 59.1-284.33. Definitions.

A. As used in this section, unless the context requires a different meaning:

"Capital investment" means an expenditure by or on behalf of a qualified company on or after March 1, 2019, in real property, tangible personal property, or both, at a facility in an eligible county that is properly chargeable to a capital account or would be so chargeable with a proper election. The purchase or lease of furniture; fixtures; business personal property; machinery and tools, including under an operating lease; and expected building expansion and up-fit by or on behalf of a qualified company shall qualify as capital investment.

"Eligible county" means Rockingham County.

"Facility" means the building, group of buildings, or corporate campus, including any related machinery and tools, furniture, fixtures, and business personal property, that is located at or near a qualified company's existing operations in an eligible county and is owned, leased, licensed, occupied, or otherwise operated by a qualified company for use in the administration, management, and operation of its business.

"Fund" means the Pharmaceutical Manufacturing Grant Fund.

"Grants" means grants from the Fund awarded to a qualified company in an aggregate not to exceed \$7.5 million, intended to be used to pay or reimburse a qualified company for the costs of workforce recruitment, development, and training, and for stormwater management. A qualified company may use the grant payment for any lawful purpose.

"Memorandum of understanding" means a performance agreement or related document entered into on or before August 1, 2020, by a qualified company, the Commonwealth, and VEDP, that sets forth the requirements for capital investment and the creation of new full-time jobs by a qualified company in order for a qualified company to be eligible for grants from the Fund.

"New full-time job" means a job position, in which the employee of a qualified company works at a facility, for which the average annual wage is at least \$100,000 and the qualified company provides standard fringe benefits. Such position shall require a minimum of either (i) 35 hours of an employee's time per week for the entire normal year of the qualified company's operations, which "normal year" shall consist of at least 48 weeks, or (ii) 1,680 hours per year. Seasonal or temporary positions, and positions created when a job function is shifted from an existing location in the Commonwealth, shall not qualify as new full-time jobs. "New full-time job" shall not include any existing full-time positions at the facility as of March 1, 2019. The Commonwealth may gauge compliance with the new full-time job requirements for a qualified company by reference to the new payroll generated by a qualified company, as indicated in the memorandum of understanding.

"Qualified company" means a company, including its affiliates, that engages in pharmaceutical manufacturing in an eligible county and that, between March 1, 2019, and February 28, 2025, is expected to make (i) a capital investment of at least \$1 billion and (ii) create at least 152 new full-time jobs related to, or supportive of, its business.

"Secretary" means the Secretary of Commerce and Trade or his designee.

"VEDP" means the Virginia Economic Development Partnership Authority.

§ 59.1-284.34. Pharmaceutical Manufacturing Grant Fund created.

A. There is hereby created in the state treasury a special nonreverting fund to be known as the Pharmaceutical Manufacturing Grant Fund. The Fund shall be established on the books of the Comptroller. All funds appropriated to the Fund shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used to pay grants pursuant to this section. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller pursuant to subsection E.

B. A qualified company shall be eligible to receive grants each fiscal year beginning with the Commonwealth's fiscal year starting on July 1, 2020, and ending with the Commonwealth's fiscal year starting on July 1, 2022, unless such timeframe is extended in accordance with a memorandum of understanding. Grants paid pursuant to this section shall be subject to appropriation by the General Assembly during each such fiscal year and are contingent on a qualified company meeting the requirements set forth in this chapter and the memorandum of understanding for the number of new full-time jobs created and maintained and the amount of capital investment made. The first grant payment of \$2.5 million shall not be awarded until a qualified company has made a capital investment of at least \$420 million and has created at least 85 new full-time jobs.

C. The aggregate amount of grants payable under this section shall not exceed \$7.5 million and such grants are expected to be paid in three annual installments of \$2.5 million each, calculated in accordance with a memorandum of understanding as follows:

1. \$2.5 million for the Commonwealth's fiscal year beginning July 1, 2020;
2. \$2.5 million for the Commonwealth's fiscal year beginning July 1, 2021; and
3. \$2.5 million for the Commonwealth's fiscal year beginning July 1, 2022.

D. A qualified company applying for a grant installment under this section shall provide evidence, satisfactory to the Secretary, of (i) the aggregate number of new full-time jobs created and maintained as of the last day of February in the fiscal year that immediately precedes the fiscal year in which the grant installment is to be paid and (ii) the aggregate amount of capital investment made as of the last day of February in the fiscal year that immediately precedes the fiscal year in which the grant installment is to be paid. The application and evidence shall be filed with the Secretary in person, by mail, or as otherwise agreed upon in a memorandum of understanding no later than June 1 each year reflecting performance through the last day of the prior February. Failure to meet the filing deadline shall result in a deferral of a scheduled grant installment payment set forth in subsection C. For filings by mail, the postmark cancellation shall govern the date of the filing determination.

E. Within 60 days of receiving an application and evidence pursuant to subsection D, the Secretary shall certify to the Comptroller and the qualified company the amount of grants to which such qualified company is entitled for payment. Payment of such grants shall be made by check issued by the State Treasurer on warrant of the Comptroller in the

Commonwealth's fiscal year following the submission of an application. The Comptroller shall not draw any warrant to issue checks for grants without a specific appropriation for the same.

F. As a condition of receipt of grants under this section, a qualified company shall make available to the Secretary for inspection, upon request, all documents relevant and applicable to determining whether the qualified company has met the requirements for receipt of a grant as set forth in this section and subject to a memorandum of understanding. All such documents appropriately identified by a qualified company shall be considered confidential and proprietary.

§ 59.1-284.35. Resources for public institutions of higher education.

A. To support the needs of a qualified company, and other manufacturers and companies engaged in research and development in and near a qualified county, up to \$2,525,000 shall be made available to a comprehensive community college and a baccalaureate public institution of higher education in or near an eligible county. Subject to appropriation, such funds are expected to be available in the Commonwealth's fiscal years beginning July 1, 2020, through July 1, 2024, as follows:

1. \$730,000 for the Commonwealth's fiscal year beginning July 1, 2020;
2. \$493,750 for the Commonwealth's fiscal year beginning July 1, 2021;
3. \$493,750 for the Commonwealth's fiscal year beginning July 1, 2022;
4. \$493,750 for the Commonwealth's fiscal year beginning July 1, 2023; and
5. \$313,750 for the Commonwealth's fiscal year beginning July 1, 2024.

B. Funds awarded pursuant to this section shall be used for (i) enhanced soft-skilled training; (ii) collaboration to ensure an effective workforce development program; (iii) equipment, maintenance, and personnel needs for bioscience training and education; and (iv) increased educational opportunities in science, technology, engineering, and math.

C. Decisions regarding the application and awarding of funds shall be determined annually by the Secretary of Commerce and Trade, upon the recommendation of the President and Chief Executive Officer of VEDP, the Chancellor of the Virginia Community College System or his designee, and the Director of the State Council of Higher Education for Virginia or his designee. Such officials may request from applicant institutions, and base decisions upon, annual reports from such institutions setting forth proposals regarding how such funds would be spent and reviewing how awarded funds have been spent.

CHAPTER 759

An Act to amend and reenact §§ 2.2-507, 2.2-3711, 15.2-1615, 16.1-249, 16.1-269.5, 16.1-309.9, 19.2-354, 53.1-1, 53.1-2, 53.1-5, 53.1-6, 53.1-8, 53.1-10, 53.1-18, 53.1-19, 53.1-24, 53.1-30, 53.1-31, 53.1-32, 53.1-32.01, 53.1-32.1, 53.1-37, 53.1-39, 53.1-42, 53.1-43, 53.1-60, 53.1-63, 53.1-63.1, 53.1-67.4, 53.1-67.5, 53.1-95.20, 53.1-106, 53.1-131, 53.1-131.2, 53.1-133.01, 53.1-133.03, 53.1-145, 53.1-150.1, 53.1-154.1, 53.1-164, 53.1-178, 53.1-179, 53.1-189, 53.1-191, 53.1-199, 53.1-200, 53.1-202.4, 53.1-228.1, 53.1-262, and 53.1-266 of the Code of Virginia, to amend the Code of Virginia by adding sections numbered 53.1-6.1 and 53.1-69.2, and to repeal §§ 53.1-5.1 and 53.1-15 of the Code of Virginia, relating to the State Board of Corrections; rename as State Board of Local and Regional Jails; powers and duties; local correctional facilities; appeals of noncompliance determinations.

[S 622]

Approved April 6, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-507, 2.2-3711, 15.2-1615, 16.1-249, 16.1-269.5, 16.1-309.9, 19.2-354, 53.1-1, 53.1-2, 53.1-5, 53.1-6, 53.1-8, 53.1-10, 53.1-18, 53.1-19, 53.1-24, 53.1-30, 53.1-31, 53.1-32, 53.1-32.01, 53.1-32.1, 53.1-37, 53.1-39, 53.1-42, 53.1-43, 53.1-60, 53.1-63, 53.1-63.1, 53.1-67.4, 53.1-67.5, 53.1-95.20, 53.1-106, 53.1-131, 53.1-131.2, 53.1-133.01, 53.1-133.03, 53.1-145, 53.1-150.1, 53.1-154.1, 53.1-164, 53.1-178, 53.1-179, 53.1-189, 53.1-191, 53.1-199, 53.1-200, 53.1-202.4, 53.1-228.1, 53.1-262, and 53.1-266 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 53.1-6.1 and 53.1-69.2 as follows:

§ 2.2-507. Legal service in civil matters.

A. All legal service in civil matters for the Commonwealth, the Governor, and every state department, institution, division, commission, board, bureau, agency, entity, official, court, or judge, including the conduct of all civil litigation in which any of them are interested, shall be rendered and performed by the Attorney General, except as provided in this chapter and except for any litigation concerning a justice or judge initiated by the Judicial Inquiry and Review Commission. No regular counsel shall be employed for or by the Governor or any state department, institution, division, commission, board, bureau, agency, entity, or official. The Attorney General may represent personally or through one or more of his assistants any number of state departments, institutions, divisions, commissions, boards, bureaus, agencies, entities, officials, courts, or judges that are parties to the same transaction or that are parties in the same civil or administrative proceeding and may represent multiple interests within the same department, institution, division, commission, board, bureau, agency, or entity. The soil and water conservation district directors or districts may request legal advice from local, public, or private sources; however, upon request of the soil and water conservation district directors or districts, the Attorney General shall provide legal service in civil matters for such district directors or districts.

B. The Attorney General may represent personally or through one of his assistants any of the following persons who are made defendant in any civil action for damages arising out of any matter connected with their official duties:

1. Members, agents, or employees of the Virginia Alcoholic Beverage Control Authority;
2. Agents inspecting or investigators appointed by the State Corporation Commission;
3. Agents, investigators, or auditors employed by the Department of Taxation;
4. Members, agents, or employees of the State Board of Behavioral Health and Developmental Services, the Department of Behavioral Health and Developmental Services, the State Board of Health, the State Department of Health, the Department of General Services, the State Board of Social Services, the Department of Social Services, the State Board of Corrections Local and Regional Jails, the Department of Corrections, the State Board of Juvenile Justice, the Department of Juvenile Justice, the Virginia Parole Board, or the Department of Agriculture and Consumer Services;
5. Persons employed by the Commonwealth Transportation Board, the Department of Transportation, or the Department of Rail and Public Transportation;
6. Persons employed by the Commissioner of Motor Vehicles;
7. Persons appointed by the Commissioner of Marine Resources;
8. Police officers appointed by the Superintendent of State Police;
9. Conservation police officers appointed by the Department of Game and Inland Fisheries;
10. Hearing officers appointed to hear a teacher's grievance pursuant to § 22.1-311;
11. Staff members or volunteers participating in a court-appointed special advocate program pursuant to Article 5 (§ 9.1-151 et seq.) of Chapter 1 of Title 9.1;
12. Any emergency medical services agency that is a licensee of the Department of Health in any civil matter and any guardian ad litem appointed by a court in a civil matter brought against him for alleged errors or omissions in the discharge of his court-appointed duties;
13. Conservation officers of the Department of Conservation and Recreation; or
14. A person appointed by written order of a circuit court judge to run an existing corporation or company as the judge's representative, when that person is acting in execution of a lawful order of the court and the order specifically refers to this section and appoints such person to serve as an agent of the Commonwealth.

Upon request of the affected individual, the Attorney General may represent personally or through one of his assistants (i) any basic or advanced emergency medical care attendant or technician possessing a valid certificate issued by authority of the State Board of Health in any civil matter in which a defense of immunity from liability is raised pursuant to § 8.01-225 or (ii) any member of the General Assembly in any civil matter alleging that such member in his official capacity violated the Virginia Freedom of Information Act (§ 2.2-3700 et seq.) pursuant to § 2.2-3713 or 2.2-3714.

C. If, in the opinion of the Attorney General, it is impracticable or uneconomical for such legal service to be rendered by him or one of his assistants, he may employ special counsel for this purpose, whose compensation shall be fixed by the Attorney General. The compensation for such special counsel shall be paid out of the funds appropriated for the administration of the board, commission, division, or department being represented or whose members, officers, inspectors, investigators, or other employees are being represented pursuant to this section. Notwithstanding any provision of this section to the contrary, the Supreme Court may employ its own counsel in any matter arising out of its official duties in which it, or any justice, is a party.

D. Nothing herein shall limit the powers granted in § 16.1-88.03.

§ 2.2-3711. Closed meetings authorized for certain limited purposes.

A. Public bodies may hold closed meetings only for the following purposes:

1. Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body; and evaluation of performance of departments or schools of public institutions of higher education where such evaluation will necessarily involve discussion of the performance of specific individuals. Any teacher shall be permitted to be present during a closed meeting in which there is a discussion or consideration of a disciplinary matter that involves the teacher and some student and the student involved in the matter is present, provided the teacher makes a written request to be present to the presiding officer of the appropriate board. Nothing in this subdivision, however, shall be construed to authorize a closed meeting by a local governing body or an elected school board to discuss compensation matters that affect the membership of such body or board collectively.
2. Discussion or consideration of admission or disciplinary matters or any other matters that would involve the disclosure of information contained in a scholastic record concerning any student of any public institution of higher education in the Commonwealth or any state school system. However, any such student, legal counsel and, if the student is a minor, the student's parents or legal guardians shall be permitted to be present during the taking of testimony or presentation of evidence at a closed meeting, if such student, parents, or guardians so request in writing and such request is submitted to the presiding officer of the appropriate board.
3. Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.
4. The protection of the privacy of individuals in personal matters not related to public business.

5. Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community.

6. Discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected.

7. Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body. For the purposes of this subdivision, "probable litigation" means litigation that has been specifically threatened or on which the public body or its legal counsel has a reasonable basis to believe will be commenced by or against a known party. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.

8. Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.

9. Discussion or consideration by governing boards of public institutions of higher education of matters relating to gifts, bequests and fund-raising activities, and of grants and contracts for services or work to be performed by such institution. However, the terms and conditions of any such gifts, bequests, grants, and contracts made by a foreign government, a foreign legal entity, or a foreign person and accepted by a public institution of higher education in the Commonwealth shall be subject to public disclosure upon written request to the appropriate board of visitors. For the purpose of this subdivision, (i) "foreign government" means any government other than the United States government or the government of a state or a political subdivision thereof, (ii) "foreign legal entity" means any legal entity (a) created under the laws of the United States or of any state thereof if a majority of the ownership of the stock of such legal entity is owned by foreign governments or foreign persons or if a majority of the membership of any such entity is composed of foreign persons or foreign legal entities or (b) created under the laws of a foreign government, and (iii) "foreign person" means any individual who is not a citizen or national of the United States or a trust territory or protectorate thereof.

10. Discussion or consideration by the boards of trustees of the Virginia Museum of Fine Arts, the Virginia Museum of Natural History, the Jamestown-Yorktown Foundation, the Fort Monroe Authority, and The Science Museum of Virginia of matters relating to specific gifts, bequests, and grants from private sources.

11. Discussion or consideration of honorary degrees or special awards.

12. Discussion or consideration of tests, examinations, or other information used, administered, or prepared by a public body and subject to the exclusion in subdivision 4 of § 2.2-3705.1.

13. Discussion, consideration, or review by the appropriate House or Senate committees of possible disciplinary action against a member arising out of the possible inadequacy of the disclosure statement filed by the member, provided the member may request in writing that the committee meeting not be conducted in a closed meeting.

14. Discussion of strategy with respect to the negotiation of a hazardous waste siting agreement or to consider the terms, conditions, and provisions of a hazardous waste siting agreement if the governing body in open meeting finds that an open meeting will have an adverse effect upon the negotiating position of the governing body or the establishment of the terms, conditions and provisions of the siting agreement, or both. All discussions with the applicant or its representatives may be conducted in a closed meeting.

15. Discussion by the Governor and any economic advisory board reviewing forecasts of economic activity and estimating general and nongeneral fund revenues.

16. Discussion or consideration of medical and mental health records subject to the exclusion in subdivision 1 of § 2.2-3705.5.

17. Deliberations of the Virginia Lottery Board in a licensing appeal action conducted pursuant to subsection D of § 58.1-4007 regarding the denial or revocation of a license of a lottery sales agent; and discussion, consideration or review of Virginia Lottery matters related to proprietary lottery game information and studies or investigations excluded from disclosure under subdivision 6 of § 2.2-3705.3 and subdivision 11 of § 2.2-3705.7.

18. Those portions of meetings in which the ~~State Board of Corrections~~ *Local and Regional Jails* discusses or discloses the identity of, or information tending to identify, any prisoner who (i) provides information about crimes or criminal activities, (ii) renders assistance in preventing the escape of another prisoner or in the apprehension of an escaped prisoner, or (iii) voluntarily or at the instance of a prison official renders other extraordinary services, the disclosure of which is likely to jeopardize the prisoner's life or safety.

19. Discussion of plans to protect public safety as it relates to terrorist activity or specific cybersecurity threats or vulnerabilities and briefings by staff members, legal counsel, or law-enforcement or emergency service officials concerning actions taken to respond to such matters or a related threat to public safety; discussion of information subject to the exclusion in subdivision 2 or 14 of § 2.2-3705.2, where discussion in an open meeting would jeopardize the safety of any person or the security of any facility, building, structure, information technology system, or software program; or discussion of reports or plans related to the security of any governmental facility, building or structure, or the safety of persons using such facility, building or structure.

20. Discussion by the Board of the Virginia Retirement System, acting pursuant to § 51.1-124.30, or of any local retirement system, acting pursuant to § 51.1-803, or by a local finance board or board of trustees of a trust established by

one or more local public bodies to invest funds for postemployment benefits other than pensions, acting pursuant to Article 8 (§ 15.2-1544 et seq.) of Chapter 15 of Title 15.2, or by the board of visitors of the University of Virginia, acting pursuant to § 23.1-2210, or by the Board of the Virginia College Savings Plan, acting pursuant to § 23.1-706, regarding the acquisition, holding or disposition of a security or other ownership interest in an entity, where such security or ownership interest is not traded on a governmentally regulated securities exchange, to the extent that such discussion (i) concerns confidential analyses prepared for the board of visitors of the University of Virginia, prepared by the retirement system, or a local finance board or board of trustees, or the Virginia College Savings Plan or provided to the retirement system, a local finance board or board of trustees, or the Virginia College Savings Plan under a promise of confidentiality, of the future value of such ownership interest or the future financial performance of the entity, and (ii) would have an adverse effect on the value of the investment to be acquired, held, or disposed of by the retirement system, a local finance board or board of trustees, the board of visitors of the University of Virginia, or the Virginia College Savings Plan. Nothing in this subdivision shall be construed to prevent the disclosure of information relating to the identity of any investment held, the amount invested or the present value of such investment.

21. Those portions of meetings in which individual child death cases are discussed by the State Child Fatality Review Team established pursuant to § 32.1-283.1, those portions of meetings in which individual child death cases are discussed by a regional or local child fatality review team established pursuant to § 32.1-283.2, those portions of meetings in which individual death cases are discussed by family violence fatality review teams established pursuant to § 32.1-283.3, those portions of meetings in which individual adult death cases are discussed by the state Adult Fatality Review Team established pursuant to § 32.1-283.5, those portions of meetings in which individual adult death cases are discussed by a local or regional adult fatality review team established pursuant to § 32.1-283.6, those portions of meetings in which individual death cases are discussed by overdose fatality review teams established pursuant to § 32.1-283.7, and those portions of meetings in which individual maternal death cases are discussed by the Maternal Mortality Review Team pursuant to § 32.1-283.8.

22. Those portions of meetings of the board of visitors of the University of Virginia or the Eastern Virginia Medical School Board of Visitors, as the case may be, and those portions of meetings of any persons to whom management responsibilities for the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, have been delegated, in which there is discussed proprietary, business-related information pertaining to the operations of the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, including business development or marketing strategies and activities with existing or future joint venturers, partners, or other parties with whom the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, has formed, or forms, any arrangement for the delivery of health care, if disclosure of such information would adversely affect the competitive position of the Medical Center or Eastern Virginia Medical School, as the case may be.

23. Discussion or consideration by the Virginia Commonwealth University Health System Authority or the board of visitors of Virginia Commonwealth University of any of the following: the acquisition or disposition by the Authority of real property, equipment, or technology software or hardware and related goods or services, where disclosure would adversely affect the bargaining position or negotiating strategy of the Authority; matters relating to gifts or bequests to, and fund-raising activities of, the Authority; grants and contracts for services or work to be performed by the Authority; marketing or operational strategies plans of the Authority where disclosure of such strategies or plans would adversely affect the competitive position of the Authority; and members of the Authority's medical and teaching staffs and qualifications for appointments thereto.

24. Those portions of the meetings of the Health Practitioners' Monitoring Program Committee within the Department of Health Professions to the extent such discussions identify any practitioner who may be, or who actually is, impaired pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1.

25. Meetings or portions of meetings of the Board of the Virginia College Savings Plan wherein personal information, as defined in § 2.2-3801, which has been provided to the Board or its employees by or on behalf of individuals who have requested information about, applied for, or entered into prepaid tuition contracts or savings trust account agreements pursuant to Chapter 7 (§ 23.1-700 et seq.) of Title 23.1 is discussed.

26. Discussion or consideration, by the former Wireless Carrier E-911 Cost Recovery Subcommittee created pursuant to former § 56-484.15, of trade secrets submitted by CMRS providers, as defined in § 56-484.12, related to the provision of wireless E-911 service.

27. Those portions of disciplinary proceedings by any regulatory board within the Department of Professional and Occupational Regulation, Department of Health Professions, or the Board of Accountancy conducted pursuant to § 2.2-4019 or 2.2-4020 during which the board deliberates to reach a decision or meetings of health regulatory boards or conference committees of such boards to consider settlement proposals in pending disciplinary actions or modifications to previously issued board orders as requested by either of the parties.

28. Discussion or consideration of information subject to the exclusion in subdivision 11 of § 2.2-3705.6 by a responsible public entity or an affected locality or public entity, as those terms are defined in § 33.2-1800, or any independent review panel appointed to review information and advise the responsible public entity concerning such records.

29. Discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body.

30. Discussion or consideration of grant or loan application information subject to the exclusion in subdivision 17 of § 2.2-3705.6 by (i) the Commonwealth Health Research Board or (ii) the Innovation and Entrepreneurship Investment Authority or the Research and Technology Investment Advisory Committee appointed to advise the Innovation and Entrepreneurship Investment Authority.

31. Discussion or consideration by the Commitment Review Committee of information subject to the exclusion in subdivision 5 of § 2.2-3705.2 relating to individuals subject to commitment as sexually violent predators under Chapter 9 (§ 37.2-900 et seq.) of Title 37.2.

32. Discussion or consideration of confidential proprietary information and trade secrets developed and held by a local public body providing certain telecommunication services or cable television services and subject to the exclusion in subdivision 18 of § 2.2-3705.6. However, the exemption provided by this subdivision shall not apply to any authority created pursuant to the BVU Authority Act (§ 15.2-7200 et seq.).

33. Discussion or consideration by a local authority created in accordance with the Virginia Wireless Service Authorities Act (§ 15.2-5431.1 et seq.) of confidential proprietary information and trade secrets subject to the exclusion in subdivision 19 of § 2.2-3705.6.

34. Discussion or consideration by the State Board of Elections or local electoral boards of voting security matters made confidential pursuant to § 24.2-410.2 or 24.2-625.1.

35. Discussion or consideration by the Forensic Science Board or the Scientific Advisory Committee created pursuant to Article 2 (§ 9.1-1109 et seq.) of Chapter 11 of Title 9.1 of criminal investigative files subject to the exclusion in subdivision B 1 of § 2.2-3706.

36. Discussion or consideration by the Brown v. Board of Education Scholarship Committee of information or confidential matters subject to the exclusion in subdivision A 3 of § 2.2-3705.4, and meetings of the Committee to deliberate concerning the annual maximum scholarship award, review and consider scholarship applications and requests for scholarship award renewal, and cancel, rescind, or recover scholarship awards.

37. Discussion or consideration by the Virginia Port Authority of information subject to the exclusion in subdivision 1 of § 2.2-3705.6 related to certain proprietary information gathered by or for the Virginia Port Authority.

38. Discussion or consideration by the Board of Trustees of the Virginia Retirement System acting pursuant to § 51.1-124.30, by the Investment Advisory Committee appointed pursuant to § 51.1-124.26, by any local retirement system, acting pursuant to § 51.1-803, by the Board of the Virginia College Savings Plan acting pursuant to § 23.1-706, or by the Virginia College Savings Plan's Investment Advisory Committee appointed pursuant to § 23.1-702 of information subject to the exclusion in subdivision 24 of § 2.2-3705.7.

39. Discussion or consideration of information subject to the exclusion in subdivision 3 of § 2.2-3705.6 related to economic development.

40. Discussion or consideration by the Board of Education of information relating to the denial, suspension, or revocation of teacher licenses subject to the exclusion in subdivision 11 of § 2.2-3705.3.

41. Those portions of meetings of the Virginia Military Advisory Council or any commission created by executive order for the purpose of studying and making recommendations regarding preventing closure or realignment of federal military and national security installations and facilities located in Virginia and relocation of such facilities to Virginia, or a local or regional military affairs organization appointed by a local governing body, during which there is discussion of information subject to the exclusion in subdivision 8 of § 2.2-3705.2.

42. Discussion or consideration by the Board of Trustees of the Veterans Services Foundation of information subject to the exclusion in subdivision 28 of § 2.2-3705.7 related to personally identifiable information of donors.

43. Discussion or consideration by the Virginia Tobacco Region Revitalization Commission of information subject to the exclusion in subdivision 23 of § 2.2-3705.6 related to certain information contained in grant applications.

44. Discussion or consideration by the board of directors of the Commercial Space Flight Authority of information subject to the exclusion in subdivision 24 of § 2.2-3705.6 related to rate structures or charges for the use of projects of, the sale of products of, or services rendered by the Authority and certain proprietary information of a private entity provided to the Authority.

45. Discussion or consideration of personal and proprietary information related to the resource management plan program and subject to the exclusion in (i) subdivision 25 of § 2.2-3705.6 or (ii) subsection E of § 10.1-104.7. This exclusion shall not apply to the discussion or consideration of records that contain information that has been certified for release by the person who is the subject of the information or transformed into a statistical or aggregate form that does not allow identification of the person who supplied, or is the subject of, the information.

46. Discussion or consideration by the Board of Directors of the Virginia Alcoholic Beverage Control Authority of information subject to the exclusion in subdivision 1 of § 2.2-3705.3 related to investigations of applicants for licenses and permits and of licensees and permittees.

47. Discussion or consideration of grant or loan application records subject to the exclusion in subdivision 28 of § 2.2-3705.6 related to the submission of an application for an award from the Virginia Research Investment Fund pursuant to Article 8 (§ 23.1-3130 et seq.) of Chapter 31 of Title 23.1 or interviews of parties to an application by a reviewing entity pursuant to subsection D of § 23.1-3133 or by the Virginia Research Investment Committee.

48. Discussion or development of grant proposals by a regional council established pursuant to Article 26 (§ 2.2-2484 et seq.) of Chapter 24 to be submitted for consideration to the Virginia Growth and Opportunity Board.

49. Discussion or consideration of (i) individual sexual assault cases by a sexual assault response team established pursuant to § 15.2-1627.4, (ii) individual child abuse or neglect cases or sex offenses involving a child by a child sexual abuse response team established pursuant to § 15.2-1627.5, or (iii) individual cases involving abuse, neglect, or exploitation of adults as defined in § 63.2-1603 pursuant to §§ 15.2-1627.5 and 63.2-1605.

50. Discussion or consideration by the Board of the Virginia Economic Development Partnership Authority, the Joint Legislative Audit and Review Commission, or any subcommittees thereof, of the portions of the strategic plan, marketing plan, or operational plan exempt from disclosure pursuant to subdivision 33 of § 2.2-3705.7.

51. Those portions of meetings of the subcommittee of the Board of the Virginia Economic Development Partnership Authority established pursuant to subsection F of § 2.2-2237.3 to review and discuss information received from the Virginia Employment Commission pursuant to subdivision C 2 of § 60.2-114.

B. No resolution, ordinance, rule, contract, regulation or motion adopted, passed or agreed to in a closed meeting shall become effective unless the public body, following the meeting, reconvenes in open meeting and takes a vote of the membership on such resolution, ordinance, rule, contract, regulation, or motion that shall have its substance reasonably identified in the open meeting.

C. Public officers improperly selected due to the failure of the public body to comply with the other provisions of this section shall be de facto officers and, as such, their official actions are valid until they obtain notice of the legal defect in their election.

D. Nothing in this section shall be construed to prevent the holding of conferences between two or more public bodies, or their representatives, but these conferences shall be subject to the same procedures for holding closed meetings as are applicable to any other public body.

E. This section shall not be construed to (i) require the disclosure of any contract between the Department of Health Professions and an impaired practitioner entered into pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1 or (ii) require the board of directors of any authority created pursuant to the Industrial Development and Revenue Bond Act (§ 15.2-4900 et seq.), or any public body empowered to issue industrial revenue bonds by general or special law, to identify a business or industry to which subdivision A 5 applies. However, such business or industry shall be identified as a matter of public record at least 30 days prior to the actual date of the board's authorization of the sale or issuance of such bonds.

§ 15.2-1615. Sheriff to deposit funds, keep account of receipts and disbursements, keep books open for inspection.

A. All money received by the sheriff shall be deposited intact and promptly with the county or city treasurer or Director of Finance, except that the sheriff shall maintain an official account for (i) funds collected for or on account of the Commonwealth or any locality or person pursuant to an order of the court and fees as provided by law and (ii) funds held in trust for prisoners held in local correctional facilities, in accordance with procedures established by the *State Board of Corrections Local and Regional Jails* pursuant to § 53.1-68.

The sheriff's official accounts shall be secured in accordance with the Virginia Security for Public Deposits Act (§ 2.2-4400 et seq.).

B. The sheriff shall keep the books, papers, receipt books and statements pertaining to the receipts and disbursements of his office at all times ready for inspection by the Auditor of Public Accounts or any other certified public accountant authorized by the governing body. Furthermore, the accounts and books of the sheriff shall be included in the audit of the local government conducted pursuant to § 15.2-2511.

§ 16.1-249. Places of confinement for juveniles.

A. If it is ordered that a juvenile remain in detention or shelter care pursuant to § 16.1-248.1, such juvenile may be detained, pending a court hearing, in the following places:

1. An approved foster home or a home otherwise authorized by law to provide such care;
2. A facility operated by a licensed child welfare agency;
3. If a juvenile is alleged to be delinquent, in a detention home or group home approved by the Department;
4. Any other suitable place designated by the court and approved by the Department;

5. To the extent permitted by federal law, a separate juvenile detention facility located upon the site of an adult regional jail facility established by any county, city or any combination thereof constructed after 1994, approved by the Department of Juvenile Justice and certified by the Board of Juvenile Justice for the holding and detention of juveniles.

B. No juvenile shall be detained or confined in any jail or other facility for the detention of adult offenders or persons charged with crime except as provided in subsection D, E, F or G.

C. The official in charge of a jail or other facility for the detention of adult offenders or persons charged with crime shall inform the court immediately when a juvenile who is or appears to be under the age of 18 years is received at the facility, and shall deliver him to the court upon request, or transfer him to a detention facility designated by the court.

D. When a case is transferred to the circuit court in accordance with the provisions of subsection A of § 16.1-269.1 and an order is entered by the circuit court in accordance with § 16.1-269.6, or in accordance with the provisions of § 16.1-270 where the juvenile has waived the jurisdiction of the district court, or when the district court has certified a charge to the grand jury pursuant to subsection B or C of § 16.1-269.1, the juvenile, if in confinement, shall be placed in a juvenile secure facility, unless the court determines that the juvenile is a threat to the security or safety of the other juveniles detained or the staff of the facility, in which case the court may transfer the juvenile to a jail or other facility for the detention of adults,

provided that the facility is approved by the State Board of ~~Corrections~~ *Local and Regional Jails* for the detention of juveniles.

E. If, in the judgment of the custodian, a juvenile has demonstrated that he is a threat to the security or safety of the other juveniles detained or the staff of the home or facility, the judge shall determine whether such juvenile should be transferred to another juvenile facility or, if the child is 14 years of age or older, a jail or other facility for the detention of adults, provided that (i) the detention is in a room or ward entirely separate and removed from adults, (ii) adequate supervision is provided, and (iii) the facility is approved by the State Board of ~~Corrections~~ *Local and Regional Jails* for detention of juveniles.

F. If, in the judgment of the custodian, it has been demonstrated that the presence of a juvenile in a facility creates a threat to the security or safety of the other juveniles detained or the staff of the home or facility, the custodian may transfer the juvenile to another juvenile facility, or, if the child is 14 years of age or older, a jail or other facility for the detention of adults pursuant to the limitations of clauses (i), (ii) and (iii) of subsection E for a period not to exceed six hours prior to a court hearing and an additional six hours after the court hearing unless a longer period is ordered pursuant to subsection E.

G. If a juvenile 14 years of age or older is charged with an offense which, if committed by an adult, would be a felony or Class 1 misdemeanor, and the judge or intake officer determines that secure detention is needed for the safety of the juvenile or the community, such juvenile may be detained for a period not to exceed six hours prior to a court hearing and six hours after the court hearing in a temporary lock-up room or ward for juveniles while arrangements are completed to transfer the juvenile to a juvenile facility. Such room or ward may be located in a building which also contains a jail or other facility for the detention of adults, provided that (i) such room or ward is totally separate and removed from adults or juveniles transferred to the circuit court pursuant to Article 7 (§ 16.1-269.1 et seq.), (ii) constant supervision is provided, and (iii) the facility is approved by the State Board of ~~Corrections~~ *Local and Regional Jails* for the detention of juveniles. The State Board of ~~Corrections~~ *Local and Regional Jails* is authorized and directed to prescribe minimum standards for temporary lock-up rooms and wards based on the requirements set out in this subsection.

G1. Any juvenile who has been ordered detained in a secure detention facility pursuant to § 16.1-248.1 may be held incident to a court hearing (i) in a court holding cell for a period not to exceed six hours, provided that the juvenile is entirely separate and removed from detained adults, or (ii) in a nonsecure area, provided that constant supervision is provided.

H. If a judge, intake officer or magistrate orders the predispositional detention of persons 18 years of age or older, such detention shall be in an adult facility; however, if the predispositional detention is ordered for a violation of the terms and conditions of release from a juvenile correctional center, the judge, intake officer or magistrate may order such detention be in a juvenile facility.

I. The Departments of Corrections, Juvenile Justice and Criminal Justice Services shall assist the localities or combinations thereof in implementing this section and ensuring compliance herewith.

§ 16.1-269.5. Placement of juvenile.

The juvenile court may order placement of the transferred juvenile in either a local correctional facility as approved by the State Board of ~~Corrections~~ *Local and Regional Jails* pursuant to the limitations of subsections D and E of § 16.1-249 or a juvenile detention facility.

§ 16.1-309.9. Establishment of standards; determination of compliance.

A. The State Board of Juvenile Justice shall develop, promulgate and approve standards for the development, implementation, operation and evaluation of the range of community-based programs, services and facilities authorized by this article. The State Board shall also approve minimum standards for the construction and equipment of detention homes or other facilities and for food, clothing, medical attention, and supervision of juveniles to be housed in these facilities and programs.

B. The State Board may prohibit, by its order, the placement of juveniles in any place of residence which does not comply with the minimum standards. It may limit the number of juveniles to be detained or housed in a detention home or other facility and may designate some other place of detention or housing for juveniles who would otherwise be held therein.

C. The Department shall periodically review all services established and annually review expenditures made under this article to determine compliance with the approved local plans and operating standards. If the Department determines that a program is not in substantial compliance with the approved plan or standards, the Department may suspend all or any portion of financial aid made available to the locality until there is compliance.

D. Orders of the State Board of Juvenile Justice shall be enforced by circuit courts as is provided for the enforcement of orders of the State Board of ~~Corrections~~ *Local and Regional Jails* under § 53.1-70.

§ 19.2-354. Authority of court to order payment of fine, costs, forfeitures, penalties or restitution in installments or upon other terms and conditions; community work in lieu of payment.

A. Whenever (i) a defendant, convicted of a traffic infraction or a violation of any criminal law of the Commonwealth or of any political subdivision thereof, or found not innocent in the case of a juvenile, is sentenced to pay a fine, restitution, forfeiture or penalty and (ii) the defendant is unable to make payment of the fine, restitution, forfeiture or penalty and costs within 30 days of sentencing, the court shall order the defendant to pay such fine, restitution, forfeiture or penalty and any costs which the defendant may be required to pay in deferred payments or installments. The court assessing the fine, restitution, forfeiture, or penalty and costs may authorize the clerk to establish and approve individual deferred or

installment payment agreements. If the defendant owes court-ordered restitution and enters into a deferred or installment payment agreement, any money collected pursuant to such agreement shall be used first to satisfy such restitution order and any collection costs associated with restitution prior to being used to satisfy any other fine, forfeiture, penalty, or cost owed. Any payment agreement authorized under this section shall be consistent with the provisions of § 19.2-354.1, including any required minimum payments or other required conditions. The requirements set forth in § 19.2-354.1 shall be posted in the clerk's office and on the court's website, if a website is available. As a condition of every such agreement, a defendant who enters into an installment or deferred payment agreement shall promptly inform the court of any change of mailing address during the term of the agreement. If the defendant is unable to make payment within 90 days of sentencing, the court may assess a one-time fee not to exceed \$10 to cover the costs of management of the defendant's account until such account is paid in full. This one-time fee shall not apply to cases in which costs are assessed pursuant to § 17.1-275.1, 17.1-275.2, 17.1-275.3, 17.1-275.4, 17.1-275.7, 17.1-275.8, or 17.1-275.9. Installment or deferred payment agreements shall include terms for payment if the defendant participates in a program as provided in subsection B or C. The court, if such sum or sums are not paid in full by the date ordered, shall proceed in accordance with § 19.2-358.

B. When a person sentenced to the Department of Corrections or a local correctional facility owes any fines, costs, forfeitures, restitution or penalties, he shall be required as a condition of participating in any work release, home/electronic incarceration or nonconsecutive days program as set forth in § 53.1-60, 53.1-131, 53.1-131.1, or 53.1-131.2 to either make full payment or make payments in accordance with his installment or deferred payment agreement while participating in such program. If, after the person has an installment or deferred payment agreement, the person fails to pay as ordered, his participation in the program may be terminated until all fines, costs, forfeitures, restitution and penalties are satisfied. The Director of the Department of Corrections and any sheriff or other administrative head of any local correctional facility shall withhold such ordered payments from any amounts due to such person. Distribution of the money collected shall be made in the following order of priority to:

1. Meet the obligation of any judicial or administrative order to provide support and such funds shall be disbursed according to the terms of such order;
2. Pay any restitution as ordered by the court;
3. Pay any fines or costs as ordered by the court;
4. Pay travel and other such expenses made necessary by his work release employment or participation in an education or rehabilitative program, including the sums specified in § 53.1-150; and
5. Defray the offender's keep.

The balance shall be credited to the offender's account or sent to his family in an amount the offender so chooses.

The ~~State Board of Corrections~~ *Local and Regional Jails* shall promulgate regulations governing the receipt of wages paid to persons *sentenced to local correctional facilities* participating in such programs, the withholding of payments, and the disbursement of appropriate funds. *The Director of the Department of Corrections shall prescribe rules governing the receipt of wages paid to persons sentenced to state correctional facilities participating in such programs, the withholding of payments, and the disbursement of appropriate funds.*

C. The court shall establish a program and may provide an option to any person upon whom a fine and costs have been imposed to discharge all or part of the fine or costs by earning credits for the performance of community service work before or after imprisonment. The program shall specify the rate at which credits are earned and provide for the manner of applying earned credits against the fine or costs. The court assessing the fine or costs against a person shall inform such person of the availability of earning credit toward discharge of the fine or costs through the performance of community service work under this program and provide such person with written notice of terms and conditions of this program. The court shall have such other authority as is reasonably necessary for or incidental to carrying out this program.

D. When the court has authorized deferred payment or installment payments, the clerk shall give notice to the defendant that upon his failure to pay as ordered he may be fined or imprisoned pursuant to § 19.2-358 and his privilege to operate a motor vehicle will be suspended pursuant to § 46.2-395.

E. The failure of the defendant to enter into a deferred payment or installment payment agreement with the court or the failure of the defendant to make payments as ordered by the agreement shall allow the Tax Commissioner to act in accordance with § 19.2-349 to collect all fines, costs, forfeitures and penalties.

§ 53.1-1. Definitions.

As used in this title, unless the context requires otherwise or it is otherwise provided a different meaning:

"Board" or "State Board" means the State Board of ~~Corrections~~ *Local and Regional Jails*.

"Community correctional facility" means any group home, halfway house or other physically unrestricting facility used for the housing, treatment or care of adult offenders established or operated with funds appropriated to the Department of Corrections from the state treasury and maintained or operated by any political subdivision, combination of political subdivisions or privately operated agency within the Commonwealth.

"Community supervision" means probation, parole, postrelease supervision, programs authorized under the Comprehensive Community Corrections Act for local responsible offenders, and programs authorized under Article 7 (§ 53.1-128 et seq.) of Chapter 3 ~~of this title~~.

"Correctional officer" means a duly sworn employee of the Department of Corrections whose normal duties relate to maintaining immediate control, supervision and custody of prisoners confined in any state correctional facility.

"Department" means the Department of Corrections.

"Deputy sheriff" means a duly sworn officer appointed by a sheriff pursuant to § 15.2-1603 whose normal duties include, but are not limited to, maintaining immediate control, supervision and custody of prisoners confined in any local correctional facility and may include those duties of a jail officer.

"Director" means the Director of the Department of Corrections.

"Jail officer" means a duly sworn employee of a local correctional facility, except for deputy sheriffs, whose normal duties relate to maintaining immediate control, supervision and custody of prisoners confined in any local correctional facility. This definition in no way limits any authority otherwise granted to a duly sworn deputy sheriff whose duties may include those of a jail officer.

"Local correctional facility" means any jail, jail farm or other place used for the detention or incarceration of adult offenders, excluding a lock-up, which is owned, maintained or operated by any political subdivision or combination of political subdivisions of the Commonwealth.

"Lock-up" means a facility whose primary use is to detain persons for a short period of time as determined by the Board.

"State correctional facility" means any correctional center or correctional field unit used for the incarceration of adult offenders established and operated by the Department of Corrections, or operated under contract pursuant to § 53.1-262. This term shall include "penitentiary" whenever used in this title or other titles of the Code.

Article 2.

State Board of ~~Corrections~~ *Local and Regional Jails*.

§ 53.1-2. Appointment of members; qualifications; terms and vacancies.

There shall be a State Board of ~~Corrections~~ *Local and Regional Jails*, which shall consist of nine residents of the Commonwealth appointed by the Governor and subject to confirmation by the General Assembly. In making appointments the Governor shall endeavor to select appointees of such qualifications and experience that the membership of the Board shall include persons suitably qualified to consider and act upon the various matters under the Board's jurisdiction. Members of the Board shall be appointed as follows: (i) one former sheriff or one former warden, superintendent, administrator, or operations manager of a state or local correctional facility; (ii) one individual employed by a public mental health services agency with training in or clinical, managerial, or other relevant experience working with individuals subject to the criminal justice system who have mental illness; (iii) one individual with experience overseeing a correctional facility's or mental health facility's compliance with applicable laws, rules, and regulations; (iv) one physician licensed in the Commonwealth; (v) one individual with experience in administering educational or vocational programs in state or local correctional facilities; (vi) one individual with experience in financial management or performing audit investigations; (vii) one citizen member who represents community interests; and (viii) two individuals with experience in conducting criminal, civil, or death investigations.

Members of the Board shall serve at the pleasure of the Governor and shall be appointed for terms of four years. A vacancy other than by expiration of term shall be filled by the Governor for the unexpired term.

No person shall be eligible to serve more than two full consecutive four-year terms.

§ 53.1-5. Powers and duties of Board.

The Board shall have the following powers and duties:

1. To develop and establish operational and fiscal standards governing the operation of local, regional, and community correctional facilities;
2. To advise the Governor and Director on matters relating to corrections;
3. To make, adopt and promulgate such rules and regulations as may be necessary to carry out the provisions of this title and other laws of the Commonwealth pertaining to local, regional, and community correctional facilities;
4. To ensure the development of programs to educate citizens and elicit public support for the activities of the Department;
5. To develop and implement policies and procedures for the review of the death of any inmate that the Board determines warrants review that occurs in any local, regional, or community correctional facility. Such policies and procedures shall incorporate the Board's authority under § 53.1-6 to ensure the production of evidence necessary to conduct a thorough review of any such death;
6. To establish minimum standards for health care services, including medical, dental, pharmaceutical, and behavioral health services, in local, regional, and community correctional facilities and procedures for enforcing such minimum standards, with the advice of and guidance from the Commissioner of Behavioral Health and Developmental Services and State Health Commissioner or their designees. Such minimum standards shall require that each local, regional, and community correctional facility submit a standardized quarterly continuous quality improvement report documenting the delivery of health care services, along with any improvements made to those services, to the Board. The Board shall make such reports available to the public on its website. The Board may determine that any local, regional, or community correctional facility that is accredited by the American Correctional Association or National Commission on Correctional Health Care meets such minimum standards solely on the basis of such facility's accreditation status; however, without exception, the requirement that each local, regional, and community correctional facility submit a standardized quarterly continuous quality improvement report to the Board shall be a mandatory minimum standard;
7. To establish and promulgate regulations regarding the provision of educational and vocational programs within the Department; and

~~8. To adopt and promulgate regulations and require the Director and Department to enforce regulations prohibiting the possession of obscene materials, as defined and described in Article 5 (§ 18.2-372 et seq.) of Chapter 8 of Title 18.2, by prisoners incarcerated in state correctional facilities report annually on or before December 1 to the General Assembly and the Governor on the results of the inspections and audits of local, regional, or community correctional facilities conducted pursuant to § 53.1-68 and the reviews of the deaths of inmates that occur in any local, regional, or community correctional facility conducted pursuant to § 53.1-69.1. The report shall include (i) a summary of the results of such inspections, audits, and reviews, including any trends identified by such inspections, audits, and reviews and the frequency of violations of each standard established for local, regional, or community correctional facilities, and (ii) any recommendations for changes to the standards established for local, regional, or community correctional facilities or the policies and procedures for conducting reviews of the death of inmates to improve the operations, safety, and security of local, regional, or community correctional facilities.~~

§ 53.1-6. Board may administer oaths, conduct hearings, and issue subpoenas.

The Board, in the exercise and performance of its functions, duties, and powers under the provisions of this title, is authorized to hold and conduct hearings, issue subpoenas requiring the attendance of witnesses and the production of records, memoranda, papers, and other documents, ~~to~~ administer oaths, and ~~to~~ take testimony thereunder.

When a review is ordered by the Board concerning any correctional facility subject to the Board's jurisdiction or concerning the conduct of persons connected therewith, the chairman of the Board, by order of the Board, may issue a summons directed to the sheriff of the county or city in which such institution is located commanding him to summon any person to be present on a certain day at such place within such county or city as may be designated by the Board to give evidence before the Board. The Board shall have like powers to issue a summons directed to the sheriff and to direct the sheriff to enforce such summons.

The chairman of the Board shall make the entry required of the clerk by § 17.1-612 concerning the amount any witness is to be paid as if the attendance of the witness was before a court. The sum to which the witness is entitled shall be paid out of the funds appropriated to the Board.

§ 53.1-6.1. Executive director; staff; compensation.

The Board may appoint and employ an executive director and such other persons as it deems necessary to assist it in carrying out its duties. The Board may determine the duties of such staff and fix their salaries or compensation within the amounts appropriate therefor. The duties of the executive director shall include management of (i) inspections and audits of local, regional, or community correctional facilities conducted pursuant to § 53.1-68 and (ii) reviews of the deaths of inmates that occur in any local, regional, or community correctional facility conducted pursuant to § 53.1-69.1.

§ 53.1-8. Department of Corrections.

There shall be in the executive department a Department of Corrections responsible to the Governor. The Department shall be under the supervision and management of the Director. ~~The Director shall carry out his management and supervisory powers in accordance with standards and goals of the Board.~~

§ 53.1-10. Powers and duties of Director.

The Director shall be the chief executive officer of the Department and shall have the following duties and powers:

1. To supervise and manage the Department and its system of state correctional facilities;
2. To implement the standards and goals of the Board as formulated for local and community correctional programs and facilities and lock-ups;
3. To employ such personnel and develop and implement such programs as may be necessary to carry out the provisions of this title, subject to Chapter 29 (§ 2.2-2900 et seq.) of Title 2.2, and within the limits of appropriations made therefor by the General Assembly;
4. To establish and maintain a general system of schools for persons committed to the institutions and community-based programs for adults as set forth in § 53.1-67.9. Such system shall include, as applicable, elementary, secondary, postsecondary, career and technical education, adult, and special education schools.
 - a. The Director shall employ a Superintendent who will oversee the operation of educational and vocational programs in all institutions and community-based programs for adults as set forth in § 53.1-67.9 operated by the Department. The Department shall be designated as a local education agency (LEA) but shall not be eligible to receive state funds appropriated for direct aid to public education.
 - b. When the Department employs a teacher licensed by the Board of Education to provide instruction in the schools of the correctional centers, the Department of Human Resource Management shall establish salary schedules for the teachers which endeavor to be competitive with those in effect for the school division in which the correctional center is located.
 - c. The Superintendent shall develop a functional literacy program for inmates testing below a selected grade level, which shall be at least at the twelfth grade level. The program shall include guidelines for implementation and test administration, participation requirements, criteria for satisfactory completion, and a strategic plan for encouraging enrollment at an institution of higher education or an accredited vocational training program or other accredited continuing education program.
 - d. For the purposes of this section, the term "functional literacy" shall mean those educational skills necessary to function independently in society, including, but not limited to, reading, writing, comprehension, and arithmetic computation.

e. In evaluating a prisoner's educational needs and abilities pursuant to § 53.1-32.1, the Superintendent shall create a system for identifying prisoners with learning disabilities.

5. a. To make and enter into all contracts and agreements necessary or incidental to the performance of the Department's duties and the execution of its powers under this title, including, but not limited to, contracts with the United States, other states, and agencies and governmental subdivisions of this Commonwealth, and contracts with corporations, partnerships, or individuals which include, but are not limited to, the purchase of water or wastewater treatment services or both as necessary for the expansion or construction of correctional facilities; ~~consistent with applicable standards and goals of the Board;~~

b. Notwithstanding the Director's discretion to make and enter into all contracts and agreements necessary or incidental to the performance of the Department's duties and the execution of its powers under this title, upon determining that it shall be desirable to contract with a public or private entity for the provision of community-based residential services pursuant to Chapter 5 (§ 53.1-177 et seq.), the Director shall notify the local governing body of the jurisdiction in which the facility is to be located of the proposal and of the facility's proposed location and provide notice, where requested, to the chief law-enforcement officer for such locality when an offender is placed in the facility at issue;

c. Notwithstanding the Director's discretion to make and enter into all contracts and agreements necessary or incidental to the performance of the Department's duties and the execution of its powers under this title, upon determining that it is necessary to transport Virginia prisoners through or to another state and for other states to transport their prisoners within the Commonwealth, the Director may execute reciprocal agreements with other states' corrections agencies governing such transports that shall include provisions allowing each state to retain authority over its prisoners while in the other state.

6. To accept, hold and enjoy gifts, donations and bequests on behalf of the Department from the United States government and agencies and instrumentalities thereof, and any other source, subject to the approval of the Governor. To these ends, the Director shall have the power to comply with such conditions and execute such agreements as may be necessary, convenient or desirable; ~~consistent with applicable standards and goals of the Board;~~

7. To collect data pertaining to the demographic characteristics of adults, and juveniles who are adjudicated as adults, incarcerated in state correctional institutions, including, but not limited to, the race or ethnicity, age, and gender of such persons, whether they are a member of a criminal gang, and the types of and extent to which health-related problems are prevalent among such persons. Beginning July 1, 1997, such data shall be collected, tabulated quarterly, and reported by the Director to the Governor and the General Assembly at each regular session of the General Assembly thereafter. The report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports;

8. To make application to the appropriate state and federal entities so as to provide any prisoner who is committed to the custody of the state a Department of Motor Vehicles approved identification card that would expire 90 days from issuance, a copy of his birth certificate if such person was born in the Commonwealth, and a social security card from the Social Security Administration;

9. To forward to the Commonwealth's Attorneys' Services Council, updated on a monthly basis, a list of all identified criminal gang members incarcerated in state correctional institutions. The list shall contain identifying information for each criminal gang member, as well as his criminal record;

10. To give notice, to the attorney for the Commonwealth prosecuting a defendant for an offense that occurred in a state correctional facility, of that defendant's known gang membership. The notice shall contain identifying information for each criminal gang member as well as his criminal record;

11. To designate employees of the Department with internal investigations authority to have the same power as a sheriff or a law-enforcement officer in the investigation of allegations of criminal behavior affecting the operations of the Department. Such employees shall be subject to any minimum training standards established by the Department of Criminal Justice Services under § 9.1-102 for law-enforcement officers prior to exercising any law-enforcement power granted under this subdivision. Nothing in this section shall be construed to grant the Department any authority over the operation and security of local jails not specified in any other provision of law. The Department shall investigate allegations of criminal behavior in accordance with a written agreement entered into with the Department of State Police. The Department shall not investigate any action falling within the authority vested in the Office of the State Inspector General pursuant to Chapter 3.2 (§ 2.2-307 et seq.) of Title 2.2 unless specifically authorized by the Office of the State Inspector General;

12. To ~~prescribe and enforce and direct the Department to enforce regulatory policies promulgated by the Board~~ rules prohibiting the possession of obscene materials, as defined in Article 5 (§ 18.2-372 et seq.) of Chapter 8 of Title 18.2, by prisoners incarcerated in state correctional facilities; ~~and~~

13. To develop and administer a survey of each correctional officer, as defined in § 53.1-1, who resigns, is terminated, or is transitioned to a position other than correctional officer for the purpose of evaluating employment conditions and factors that contribute to or impede the retention of correctional officers; *and*

14. *To promulgate regulations pursuant to the Administrative Process Act (§ 2.2-4000 et seq.) to effectuate the provisions of Chapter 5.1 (§ 32.1-162.16 et seq.) of Title 32.1 for human research, as defined in § 32.1-162.16, to be conducted or authorized by the Department. The regulations shall require the human research committee to submit to the Governor, the General Assembly, and the Director or his designee at least annually a report on the human research projects reviewed and approved by the committee and shall require the committee to report any significant deviations from the proposals as approved.*

§ 53.1-18. Department to have custody of property; right to sue to protect property.

The ~~Board~~ *Department* shall have custody of both the real and personal property of state correctional facilities. The ~~Board~~ *Department* is authorized to institute and prosecute in the name of the Commonwealth any suit or proceeding to protect the rights of the Commonwealth in such property.

§ 53.1-19. Establishment of correctional institutions.

The Director, ~~subject to the approval of the Board and the Governor~~, shall determine the necessity for and select the site of any new state correctional facility and any land to be taken or purchased by the Commonwealth for the purposes of any new or existing state correctional facility. The Director shall have charge of the construction of any new building at any state correctional facility, shall determine the design thereof, and for this purpose may employ architects and other experts or hold competitions for plans and designs. On or after January 1, 1996, at least ninety days in advance of the issuance of requests for proposals for construction, notice shall be given by the Director to the chairman of the board of supervisors or mayor of a county, city or town in which the facility is to be established or expanded for the purpose of the confinement of inmates. In addition, if the local governing body in the jurisdiction where the facility is to be located so requests, upon receipt of such request, the Department shall hold a public hearing in that jurisdiction. The Director may, if he finds it practical and economical, use persons sentenced to the Department as laborers in the construction of such structures.

If land or property is taken or purchased by the ~~Board~~ *Department*, title shall be taken in the name of the Commonwealth. The original names of all state correctional facilities shall be designated by the ~~Board~~ *Department* and approved by the Governor.

§ 53.1-24. Record of convictions and register to be kept.

The Director shall file and preserve a copy of the judgment furnished by the clerk of the court of conviction of each prisoner and keep a register describing the term of his confinement, for what offense, and when received into a state correctional facility. The Director may dispose of these records with the consent of ~~the Board and~~ The Library of Virginia in accordance with retention regulations for records maintained by the Department established under the Virginia Public Records Act (§ 42.1-76 et seq.).

§ 53.1-30. Who may enter interior of state correctional facilities; searches of those entering.

A. The Governor, ~~and members of the General Assembly, and members of the Board of Corrections~~ may go into the interior of any state correctional facility. Attorneys shall be permitted in the interior of a state correctional facility to confer with prisoners who are their clients and with prisoners who are witnesses in cases in which they are involved. The Director shall prescribe, ~~subject to approval of the Board~~, the time and conditions on which attorneys and other persons may enter any state correctional facility.

B. The Department shall promulgate a policy to assist a person who was a victim of a crime committed by an offender incarcerated in any state correctional facility to visit with such offender. Such policy may include provisions necessary to preserve the safety and security of those at such visit and the good order of the facility, including consideration of the offender's security level, crime committed, and institutional behavior of the offender. The Department shall make whatever arrangements are necessary to effectuate such a visit. This subsection shall not apply to juvenile victims.

C. Any person seeking to enter the interior of any state correctional facility shall be subject to a search of his person and effects. Such search shall be performed in a manner reasonable under the circumstances and may be a condition precedent to entering a correctional facility.

§ 53.1-31. Sale or lease of gas, oil, or minerals.

The Director, ~~with the approval of the Board~~, is empowered to make and execute contracts, easements and leases in the name of the Commonwealth for the removal or mining of gas, oil or any valuable minerals that may be found in any real estate, title of which is vested in the ~~Board~~ *Department*, whenever it appears to the ~~Board~~ *Department* that it will be in the best interest of the Commonwealth to make such disposition of such gas, oil or minerals. Before a contract, easement or lease is made, the same shall be approved by the Governor, and any contract, easement or lease shall be approved as to form by the Attorney General.

Bids therefor shall be received after notice by publication once a week for four successive weeks in at least two newspapers of general circulation. The Director shall have the right to reject any or all bids and to readvertise for bids. The accepted bidder shall give bond with good and sufficient surety to the satisfaction of the Director and in such amount as he may fix for the faithful performance of all the conditions and covenants of such contract, easement or lease.

Each such contract, easement or lease may be for a period not exceeding five years, may include the right to renew the same for an additional period not exceeding five years each and shall specify the rent royalties and other terms deemed expedient and proper. Such contracts, easements and leases may, in addition to any other rights, authorize the grantees and lessees to prospect for and take from the real estate oil, gas and such other minerals as are therein specified. No such contract, easement or lease shall in any way affect or interfere with the orderly operation of any state correctional facility. All rents or royalties collected from such contracts, easements or leases shall be paid into the state treasury to the credit of the general fund.

§ 53.1-32. Treatment and control of prisoners; recreation; religious services.

A. It shall be the general purpose of the state correctional facilities to provide proper employment, training and education in accordance with this title, medical and mental health care and treatment, discipline and control of prisoners committed or transferred thereto. The health service program established to provide medical services to prisoners shall provide for appropriate means by which prisoners receiving nonemergency medical services may pay fees based upon a

portion of the cost of such services. In no event shall any prisoner be denied medically necessary service due to his inability to pay. ~~The Board shall promulgate regulations governing such a program.~~

B. The Department of Corrections shall establish and maintain a treatment program for prisoners convicted pursuant to Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2 and committed to its custody. The program shall include a clinical assessment of all such prisoners upon receipt into the custody of the Department of Corrections and the development of appropriate treatment plans, if indicated. A licensed psychiatrist or licensed clinical psychologist who is experienced in the diagnosis, treatment, and risk assessment of sex offenders shall oversee the program and the program shall be administered by a licensed psychiatrist, licensed clinical psychologist, or a licensed mental health professional who is a certified sex offender treatment provider as defined in § 54.1-3600.

C. The Director shall provide a program of recreation for prisoners. The Director may establish, with consultation from the Department of Behavioral Health and Developmental Services, a comprehensive substance abuse treatment program which may include utilization of acupuncture and other treatment modalities, and may make such program available to any prisoner requiring the services provided by the program.

D. The Director or his designee who shall be a state employee is authorized to make arrangements for religious services for prisoners at times as he may deem appropriate. When such arrangements are made pursuant to a contract or memorandum of understanding, the final authority for such arrangements shall reside with the Director or his designee.

§ 53.1-32.01. Payment for bodily injury.

The ~~Board~~ Director is authorized to establish administrative procedures for recovering from an inmate the cost for medical treatment of a bodily injury that is inflicted intentionally on any person by the inmate. Such administrative procedures shall ensure that the inmate is afforded due process.

§ 53.1-32.1. Classification system; program assignments; mandatory participation.

A. The Director shall maintain a system of classification which (i) evaluates all prisoners according to background, aptitude, education, and risk and (ii) based on an assessment of needs, determines appropriate program assignments including career and technical education, work activities and employment, academic activities which at a minimum meet the requirements of § 66-13.1, counseling, alcohol and substance abuse treatment, and such related activities as may be necessary to assist prisoners in the successful transition to free society and gainful employment.

B. The Director shall, subject to the availability of resources and sufficient program assignments, place prisoners in appropriate full-time program assignments or a combination thereof to satisfy the objectives of a treatment plan based on an assessment and evaluation of each prisoner's needs. Compliance with specified program requirements and attainment of specific treatment goals shall be required as a condition of placement and continuation in such program assignments. The Director may suspend programs in the event of an institutional emergency.

C. For the purposes of implementing the requirements of subsection B, prisoners shall be required to participate in such programs according to the following schedule:

1. From July 1, 1994, through June 30, 1995, an average of 24 hours per week.
2. From July 1, 1995, through June 30, 1996, an average of 28 hours per week.
3. From July 1, 1996, through June 30, 1997, an average of 30 hours per week.
4. From July 1, 1997, through June 30, 1998, an average of 36 hours per week.
5. From July 1, 1998, and thereafter, an average of 40 hours per week.

D. Notwithstanding any other provision of law, prisoners refusing to accept a program assignment shall not be eligible for good conduct allowances or earned sentence credits authorized pursuant to Chapter 6 (§ 53.1-186 et seq.) of Title 53.1. Such refusal shall also constitute a violation of the rules authorized pursuant to § 53.1-25 and the Director shall prescribe appropriate disciplinary action.

E. The Director shall maintain a master program listing, by facility and program location, of all available permanent and temporary positions. The Director may, consistent with § 53.1-43 ~~and subject to the approval of the Board~~, establish a system of pay incentives for such assignments based upon difficulty and level of effort required.

F. Inmates employed pursuant to Article 2 (§ 53.1-32 et seq.) of Chapter 2 of this title shall not be deemed employees of the Commonwealth of Virginia or its agencies and shall be ineligible for benefits under Chapter 29 (§ 2.2-2900 et seq.) of Title 2.2, Chapter 6 (§ 60.2-600 et seq.) of Title 60.2, Chapter 5 (§ 65.2-500 et seq.) of Title 65.2 or any other provisions of the Code pertaining to the rights of state employees.

§ 53.1-37. Furloughs generally; travel expenses; penalties for violations.

A. The Director may extend the limits of confinement of any prisoner in any state correctional facility to permit him a furlough under the provisions of this section for the purpose of visiting his home or family. Such furlough shall be for a period to be prescribed by the Director or his designee, in his discretion, not to exceed three days in addition to authorized travel time. Except for furloughs permitted under subsection C, the time during which a prisoner is on furlough shall not be counted as time served against any sentence, and during any furlough, no earned sentence credits as defined in § 53.1-116, good conduct allowance, or any other reduction of sentence shall accrue. The ~~Board~~ Director shall promulgate rules and regulations governing extension of limits of confinement hereunder.

B. The Director may, when feasible, require the prisoner or his relatives to bear the travel expense required for such visit or a prescribed portion thereof. Such travel expense shall include all amounts necessarily expended for travel, food and lodging of such prisoner and any accompanying personnel of the Department during such furlough, and a per diem amount set by the Director to reimburse the Department for furnishing custodial personnel.

C. The Director may permit a prisoner a furlough when the prisoner has been approved for release on parole by the Parole Board and 30 days or less remain to be served by the prisoner prior to his date of release on parole. Such a furlough shall not exceed 30 days.

D. Any prisoner who willfully fails to remain within the limits of confinement set by the Director hereunder, or who willfully fails to return within the time prescribed to the place designated by the Director in granting such extension, shall be guilty of an escape and shall be subject to penalty as though he left the state correctional facility itself.

E. Any prisoner who without authority or just cause fails to remain within the limits of confinement set by the Director hereunder, or who without authority or just cause fails to return within the time prescribed to the place designated by the Director in granting such extension, shall be guilty of a Class 2 misdemeanor.

F. Fifteen days prior to a prisoner's participation in the furlough program, the Director shall give the chief of police, sheriff or local chief law-enforcement official of the locality in which the prisoner will stay, notice of the prisoner's participation. Such notice shall include the name, address and criminal history, and any additional information the chief of police or such officer may request. The transmission of information shall be confidential and not subject to the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).

§ 53.1-39. Certain punishment of prisoners prohibited.

Notwithstanding any provision of this Code or of any other law, rule, or regulation to the contrary, it shall be unlawful for the *Director*, the Board, or any other correctional authority having the care, custody, or control of any prisoner in this Commonwealth to make or enforce any rule or regulation providing for the whipping, flogging, or administration of any similar corporal punishment of any prisoner, or to give any specific order for or to cause to be administered or personally to administer or inflict any such corporal punishment.

§ 53.1-42. Allowance for work and disposition thereof.

Every prisoner committed and transferred to the Department and thereafter confined for the sentence for which he was committed in a state or local correctional facility shall be allowed an amount to be established by the ~~Board~~ *Director* for each day of labor satisfactory to the superintendent or sheriff in whose charge he is. The allowance so made shall accumulate and be paid over to the prisoner upon discharge, except that an amount thereof to be determined by the ~~Board~~ *Director* may be drawn upon by the prisoner for such purposes as may be authorized by the regulations of the ~~Board~~ *Director*.

For the purposes of this section only, the phrase "transferred to the Department" means (i) the actual physical receipt by the Department of a prisoner in a state correctional facility or (ii) the complete processing by the Department of a prisoner for the purposes of classifying the person as a state prisoner whether or not the person is physically received into a state correctional facility.

§ 53.1-43. Pay incentives for prisoners.

The Director may, ~~subject to the approval of the Board,~~ establish a system of pay incentives for prisoners confined in any state correctional facility. Such system may provide for the payment of a bonus to any prisoner who is assigned to employment in any position of responsibility or who performs his job in an exemplary manner.

§ 53.1-60. Extending limits of confinement of state prisoners for work and educational programs; disposition of wages; support of certain dependents; penalties for violations.

A. The Director is authorized to establish work release programs; ~~subject to such rules and regulations as the Board may prescribe,~~ whereby (i) a prisoner who is proficient in any trade or occupation and whom the Director is satisfied is trustworthy, may be approved for employment by private individuals, corporations or state agencies at places of business, or (ii) a prisoner whom the Director is satisfied is trustworthy and capable of receiving substantial benefit from educational and other related community activity programs that are not available within a state correctional facility may attend such programs outside of the correctional facility, without a correctional officer during any hour of the day or night. Such prisoner shall travel directly to, from or be in authorized attendance or employment at such place of business, educational or related community activity program.

B. The Director is authorized to arrange for the temporary care of prisoners who are deemed capable of participation in the programs established herein in approved local or community correctional facilities. The hours of employment or attendance shall be arranged by the Director. In the event of a legally sanctioned strike at the prisoner's place of employment, the prisoner in the work release program shall be withdrawn from the employment for the duration of the strike.

C. The compensation for such employment shall be arranged by the Director and shall be the same as that of regular employees in similar occupations. Any wages earned shall be paid to the Director. The Director shall, in accordance with regulations promulgated by the ~~Board~~ *Director*, deduct from such wages, in the following order of priority, an amount to:

1. Meet the obligation of any judicial or administrative order to provide support and such funds shall be disbursed according to the terms of such order;
2. Pay any fines, restitution or costs as ordered by the court;
3. Pay travel and other such expenses made necessary by his work release employment or participation in an educational or rehabilitative program, including the sums specified in § 53.1-150; and
4. Defray the prisoner's keep.

The balance shall be credited to the prisoner's account or sent to his family in an amount the prisoner so chooses.

D. Any prisoner who has been placed in any of the programs authorized herein shall, while outside the state correctional facility or approved local or community correctional facility to which he is assigned, be deemed to be in

custody whether or not he is under the supervision of a correctional officer. If the prisoner, without proper authority or without just cause, leaves the area in which he has been directed to work or to attend educational or community activity programs, or the vehicle or route involved in his traveling to or from such place or program, he may be found guilty of escape as provided for in § 18.2-477 as though he had left the state, local or community correctional facility itself, or, if there are mitigating circumstances or the culpability of the prisoner is minimal, he may be found guilty of a Class 2 misdemeanor.

E. The Director and any sheriff or other administrative head of any local correctional facility are authorized to enter into agreements whereby persons committed to the Department, whether such persons are housed in a state or local correctional facility, and who meet the Department's standards for such release may participate in local work release programs or in educational or other rehabilitative programs operating pursuant to § 53.1-131. Any person so placed shall be governed by the rules and regulations applicable to local work release programs.

F. The provisions of § 53.1-131 shall apply to any person convicted of a felony but confined in jail pursuant to § 53.1-20 and participating in work, rehabilitation, or education programs.

§ 53.1-63. Department to establish facilities for persons committed under Article 2 (§ 19.2-311 et seq.) of Chapter 18 of Title 19.2.

A. The Department shall establish, staff and maintain, at any state correctional facility designated by the ~~Board~~ *Director*, programs and housing for the rehabilitation, training and confinement of persons committed to the Department under the provisions of Article 2 (§ 19.2-311 et seq.) of Chapter 18 of Title 19.2. Persons admitted to these facilities shall be determined by the Department to have the potential for rehabilitation through confinement and treatment therein.

B. Elements of the program shall include but not be limited to (i) an initial period of military style drill, (ii) cognitive behavioral restructuring designed to teach responsibility and accountability through anger management, life skills development, substance abuse education, parenting skills development and peer tutoring, (iii) developmental counseling as needed, (iv) academic education, career and technical education, and apprenticeships, and (v) transitional release, reentry services, aftercare and intensive parole supervision.

§ 53.1-63.1. Department to establish facilities for juveniles sentenced as adults.

The Department shall establish, staff and maintain, at any state correctional facilities designated by the ~~Board~~ *Director*, programs and housing for the rehabilitation, training, and confinement of juveniles sentenced by the circuit courts as adults and committed to the Department pursuant to § 16.1-272. The Department shall establish, staff, and maintain education for such juveniles in accordance with standards established by the Department of Juvenile Justice.

§ 53.1-67.4. Authority of Director; purchase of services authorized; location and notification.

A. Facilities established under this article may, in the discretion of the Director, be purchased, constructed or leased. The Director is further authorized to employ necessary personnel for these facilities. The Director, ~~pursuant to rules and regulations of the Board~~, may purchase such services as are deemed necessary in furtherance of this article. Such services may be provided by qualified public agencies or private agencies.

B. At least 90 days prior to (i) the issuance of a request for proposal for construction, (ii) the execution of a contract for the purchase of improved or unimproved land, or (iii) the execution or renewal of a lease agreement, notice shall be given by the Director to the chairman of the board of supervisors or mayor of the county, city, or town in which the facility is to be located. Such notice shall also be given to each adjacent land owner. In addition, if the local governing body in the jurisdiction where the facility is to be located so requests, the Department shall hold a public hearing in that jurisdiction.

§ 53.1-67.5. Director to prescribe standards.

The ~~Board~~ *Director* shall prescribe standards for the development, implementation, operation, and evaluation of programs, services and facilities authorized by this article. The ~~Board~~ *Director* shall also prescribe guidelines for the transfer of offenders from a state or local correctional facility who the Director has determined should be placed in programs or facilities authorized under this article.

§ 53.1-69.2. Administrative appeal of Board determinations.

If the Board determines that a local correctional facility is not in compliance with the minimum standards for construction, equipment, administration, or operation of local correctional facilities, the Board shall provide written notice of such determination to the local correctional facility. The local correctional facility may appeal the Board's determination. Any local correctional facility that appeals such a determination by the Board shall provide written notice of its request for an appeal to the Board within 30 days of the date upon which the facility received written notice of the Board's determination of noncompliance. Such appeal shall be conducted in accordance with Article 3 (§ 2.2-4018 et seq.) of the Administrative Process Act (§ 2.2-4000 et seq.).

§ 53.1-95.20. Duty to prescribe rules and regulations.

It shall be the duty of an authority created pursuant to this article to prescribe rules and regulations, not inconsistent with standards of the State Board of ~~Corrections~~ *Local and Regional Jails*, for the operation of the project or projects constructed under the provisions of this article.

§ 53.1-106. Members of jail or jail farm board or regional jail authority; powers; payment of pro rata costs.

A. Each regional jail or jail farm shall be supervised and managed by a board or authority to consist of at least the sheriff from each participating political subdivision, and one representative from each political subdivision participating therein who shall be appointed by the local governing body thereof. Any member of the local governing body of each participating political subdivision shall be eligible for appointment to the jail or jail farm board or regional jail authority.

However, no one shall serve as a member of the board or authority who serves as an administrator or superintendent of a correctional facility supervised and managed by the board.

Alternate members may be appointed to the board. Such alternate members shall be selected in the same manner as regular members, except that a sheriff may appoint his own alternate. The term of each alternate shall be determined by the sheriff or the political subdivision, whichever appointed the alternate. If a regular member is not present at a meeting of the board, the alternate for that member shall have all the voting and other rights of a regular member and shall be counted for purposes of determining a quorum at any meeting.

B. The board shall have the power to:

1. Establish rules and regulations governing the operation of the jail or jail farm not inconsistent with standards of the State Board of ~~Corrections~~ *Local and Regional Jails*;
2. Purchase land for the jail or jail farm for joint ownership by the participating political subdivisions with the approval of the local governing bodies;
3. Provide for all necessary stock, equipment and structures for the jail or jail farm within the budget approved therefor by the participating political subdivisions; and
4. Appoint a superintendent of such jail or jail farm and necessary jail officers therefor who shall serve at the pleasure of the board.

The political subdivisions establishing a regional jail or jail farm shall pay their pro rata costs for land, stock, equipment and structures.

§ 53.1-131. Provision for release of prisoner from confinement for employment, educational or other rehabilitative programs; escape; penalty; disposition of earnings.

A. Any court having jurisdiction for the trial of a person charged with a criminal offense or charged with an offense under Chapter 5 (§ 20-61 et seq.) of Title 20 may, if the defendant is convicted and (i) sentenced to confinement in jail or (ii) being held in jail pending completion of a presentence report pursuant to § 19.2-299, and if it appears to the court that such offender is a suitable candidate for work release, assign the offender to a work release program under the supervision of a probation officer, the sheriff or the administrator of a local or regional jail or a program designated by the court. The court further may authorize the offender to participate in educational or other rehabilitative programs designed to supplement his work release employment. The court shall be notified in writing by the director or administrator of the program to which the offender is assigned of the offender's place of employment and the location of any educational or rehabilitative program in which the offender participates.

Any person who has been sentenced to confinement in jail or who has been convicted of a felony but is confined in jail pursuant to § 53.1-20, in the discretion of the sheriff may be assigned by the sheriff to a work release program under the supervision of the sheriff or the administrator of a local or regional jail. The sheriff may further authorize the offender to participate in educational or other rehabilitative programs as defined in this section designed to supplement his work release employment. The court that sentenced the offender shall be notified in writing by the sheriff or the administrator of a local or regional jail of any such assignment and of the offender's place of employment or other rehabilitative program. The court, in its discretion, may thereafter revoke the authority for such an offender to participate in a work release program.

The sheriff and the Director may enter into agreements whereby persons who are committed to the Department, whether such persons are housed in a state or local correctional facility, and who have met all standards for such release, may participate in a local work release program or in educational or other rehabilitative programs as defined in this section. The administrator of a regional jail and the Director may also enter into such agreements where such agreements are approved in advance by a majority of the sheriffs on the regional jail board. All persons accepted in accordance with this section shall be governed by all regulations applying to local work release, notwithstanding the provisions of any other section of the Code. Local jails shall qualify for compensation for cost of incarceration of such persons pursuant to § 53.1-20.1, less any payment for room and board collected from the inmate.

If an offender who has been assigned to such a program by the court is in violation of the rules of the jail pursuant to § 53.1-117, the sheriff or jail administrator may remove the offender from the work release program, either temporarily or for the duration of the offender's confinement. Upon removing an offender from the work release program, the sheriff or jail administrator shall notify in writing the court that sentenced the offender and indicate the specific violations that led to the decision.

Any offender assigned to such a program by the court or sheriff who, without proper authority or just cause, leaves the area to which he has been assigned to work or attend educational or other rehabilitative programs, or leaves the vehicle or route of travel involved in his going to or returning from such place, is guilty of a Class 1 misdemeanor. In the event such offender leaves the Commonwealth, the offender may be found guilty of an escape as provided in § 18.2-477. An offender who is found guilty of a Class 1 misdemeanor in accordance with this section shall be ineligible for further participation in a work release program during his current term of confinement.

The Board shall prescribe regulations to govern the work release, educational and other rehabilitative programs authorized by this section.

Any wages earned pursuant to this section by an offender may, upon order of the court, be paid to the director or administrator of the program after standard payroll deductions required by law. Distribution of such wages shall be made for the following purposes:

1. To pay an amount to defray the cost of his keep;

2. To pay travel and other such expenses made necessary by his work release employment or participation in an educational or rehabilitative program;

3. To provide support and maintenance for his dependents or to make payments to the local department of social services or the Commissioner of Social Services, as appropriate, on behalf of dependents who are receiving public assistance or social services as defined in § 63.2-100; or

4. To pay any fines, restitution or costs as ordered by the court.

Any balance at the end of his sentence shall be paid to the offender upon his release.

B. For the purposes of this section:

"Educational program" means a program of learning recognized by the State Council of Higher Education, the State Board of Education, *the Director*, or the State Board of ~~Corrections~~ *Local and Regional Jails*.

"Rehabilitative program" includes an alcohol and drug treatment program, mental health program, family counseling, community service or other community program approved by the court having jurisdiction over the offender.

"Sheriff" means the sheriff of the jurisdiction where the person charged with the criminal offense was convicted and sentenced, provided that the sheriff may designate a deputy sheriff or regional jail administrator to assign offenders to work release programs under this section.

"Work release" means full-time employment or participation in suitable career and technical education programs.

§ 53.1-131.2. Assignment to a home/electronic incarceration program; payment to defray costs; escape; penalty.

A. Any court having jurisdiction for the trial of a person charged with a criminal offense, a traffic offense or an offense under Chapter 5 (§ 20-61 et seq.) of Title 20, or failure to pay child support pursuant to a court order may, if the defendant is convicted and sentenced to confinement in a state or local correctional facility, and if it appears to the court that such an offender is a suitable candidate for home/electronic incarceration, assign the offender to a home/electronic incarceration program as a condition of probation, if such program exists, under the supervision of the sheriff, the administrator of a local or regional jail, or a Department of Corrections probation and parole district office established pursuant to § 53.1-141. However, any offender who is convicted of any of the following violations of Chapter 4 (§ 18.2-30 et seq.) of Title 18.2 shall not be eligible for participation in the home/electronic incarceration program: (i) first and second degree murder and voluntary manslaughter under Article 1 (§ 18.2-30 et seq.); (ii) mob-related felonies under Article 2 (§ 18.2-38 et seq.); (iii) any kidnapping or abduction felony under Article 3 (§ 18.2-47 et seq.); (iv) any malicious felonious assault or malicious bodily wounding under Article 4 (§ 18.2-51 et seq.); (v) robbery under § 18.2-58.1; or (vi) any criminal sexual assault punishable as a felony under Article 7 (§ 18.2-61 et seq.). The court may further authorize the offender's participation in work release employment or educational or other rehabilitative programs as defined in § 53.1-131 or, as appropriate, in a court-ordered intensive case monitoring program for child support. The court shall be notified in writing by the director or administrator of the program to which the offender is assigned of the offender's place of home/electronic incarceration, place of employment, and the location of any educational or rehabilitative program in which the offender participates.

B. In any city or county in which a home/electronic incarceration program established pursuant to this section is available, the court, subject to approval by the sheriff or the jail superintendent of a local or regional jail, may assign the accused to such a program pending trial if it appears to the court that the accused is a suitable candidate for home/electronic incarceration.

C. Any person who has been sentenced to jail or convicted and sentenced to confinement in prison but is actually serving his sentence in jail, after notice to the attorney for the Commonwealth of the convicting jurisdiction, may be assigned by the sheriff to a home/electronic incarceration program under the supervision of the sheriff, the administrator of a local or regional jail, or a Department of Corrections probation and parole office established pursuant to § 53.1-141. However, if the offender violates any provision of the terms of the home/electronic incarceration agreement, the offender may have the assignment revoked and, if revoked, shall be held in the jail facility to which he was originally sentenced. Such person shall be eligible if his term of confinement does not include a sentence for a conviction of a felony violent crime, a felony sexual offense, burglary or manufacturing, selling, giving, distributing or possessing with the intent to manufacture, sell, give or distribute a Schedule I or Schedule II controlled substance. The court shall retain authority to remove the offender from such home/electronic incarceration program. The court which sentenced the offender shall be notified in writing by the sheriff or the administrator of a local or regional jail of the offender's place of home/electronic incarceration and place of employment or other rehabilitative program.

D. The Board may prescribe regulations to govern home/electronic incarceration programs, *and the Director may prescribe rules to govern home/electronic incarceration programs operated under the supervision of a Department of Corrections probation and parole district office established pursuant to § 53.1-141.*

E. Any offender or accused assigned to such a program by the court or sheriff who, without proper authority or just cause, leaves his place of home/electronic incarceration, the area to which he has been assigned to work or attend educational or other rehabilitative programs, including a court-ordered intensive case monitoring program for child support, or the vehicle or route of travel involved in his going to or returning from such place, is guilty of a Class 1 misdemeanor. An offender or accused who is found guilty of a violation of this section shall be ineligible for further participation in a home/electronic incarceration program during his current term of confinement.

F. The director or administrator of a home/electronic incarceration program who also operates a residential program may remove an offender from a home/electronic incarceration program and place him in such residential program if the

offender commits a noncriminal program violation. The court shall be notified of the violation and of the placement of the offender in the residential program.

G. The director or administrator of a home/electronic incarceration program shall charge the offender or accused a fee for participating in the program to pay for the cost of home/electronic incarceration equipment. The offender or accused shall be required to pay the program for any damage to the equipment which is in his possession or for failure to return the equipment to the program.

H. Any wages earned by an offender or accused assigned to a home/electronic incarceration program and participating in work release shall be paid to the director or administrator after standard payroll deductions required by law. Distribution of the money collected shall be made in the following order of priority to:

1. Meet the obligation of any judicial or administrative order to provide support and such funds shall be disbursed according to the terms of such order;
2. Pay any fines, restitution or costs as ordered by the court;
3. Pay travel and other such expenses made necessary by his work release employment or participation in an education or rehabilitative program, including the sums specified in § 53.1-150; and
4. Defray the offender's keep.

The balance shall be credited to the offender's account or sent to his family in an amount the offender so chooses.

The ~~State Board of Corrections~~ *Local and Regional Jails* shall promulgate regulations governing the receipt of wages paid to persons participating in such programs, *except programs operated under the supervision of a Department of Corrections probation and parole district office established pursuant to § 53.1-141*, the withholding of payments, and the disbursement of appropriate funds. *The Director shall prescribe rules governing the receipt of wages paid to persons participating in such programs operated under the supervision of a Department of Corrections probation and parole district office established pursuant to § 53.1-141, the withholding of payments, and the disbursement of appropriate funds.*

I. For the purposes of this section, "sheriff" means the sheriff of the jurisdiction where the person charged with the criminal offense was convicted and sentenced, provided that the sheriff may designate a deputy sheriff or regional jail administrator to assign offenders to home/electronic incarceration programs pursuant to this section.

§ 53.1-133.01. Medical treatment for prisoners.

Any sheriff or superintendent may establish a medical treatment program for prisoners in which prisoners participate and pay towards a portion of the costs thereof. The ~~State Board of Corrections~~ *Local and Regional Jails* shall develop a model plan and promulgate regulations for such program, and shall provide assistance, if requested, to the sheriff or superintendent in the implementation of a program.

§ 53.1-133.03. Exchange of medical and mental health information and records.

A. Whenever a person is committed to a local or regional correctional facility, the following shall be entitled to obtain medical and mental health information and records concerning such person from a health care provider, even when such person does not provide consent or consent is not readily obtainable:

1. The person in charge of the facility, or his designee, when such information and records are necessary (i) for the provision of health care to the person committed, (ii) to protect the health and safety of the person committed or other residents or staff of the facility, or (iii) to maintain the security and safety of the facility. Such information and records of any person committed to jail and transferred to another correctional facility may be exchanged among administrative personnel of the correctional facilities involved and of the administrative personnel within the holding facility when there is reasonable cause to believe that such information is necessary to maintain the security and safety of the holding facility, its employees, or prisoners. The information exchanged shall continue to be confidential and disclosure shall be limited to that necessary to ensure the security and safety of the facility.

2. Members of the Parole Board or its designees, as specified in § 53.1-138, in order to conduct the investigation required under § 53.1-155.

3. Probation and parole officers and local probation officers for use in parole and probation planning, release, and supervision.

4. Officials of the facilities involved and officials within the holding facility for the purpose of formulating recommendations for treatment and rehabilitative programs; classification, security and work assignments; and determining the necessity for medical, dental and mental health care, treatment and other such programs.

5. Medical and mental health hospitals and facilities, both public and private, including community services boards and health departments, for use in treatment while committed to jail or a correctional facility while under supervision of a probation or parole officer.

B. Substance abuse records subject to federal regulations, Confidentiality of Alcohol and Drug Abuse Patient Records, 42 C.F.R. § 2.11 et seq., shall not be subject to the provisions of this section. The disclosure of results of a test for human immunodeficiency virus shall not be permitted except as provided in §§ 32.1-36.1 and 32.1-116.3.

C. The release of medical and mental health information and records to any other agency or individual shall be subject to all regulations promulgated by the ~~State Board of Corrections~~ *Local and Regional Jails* that govern confidentiality of such records. Medical and mental health information concerning a prisoner that has been exchanged pursuant to this section may be used only as provided herein and shall otherwise remain confidential and protected from disclosure.

D. Nothing contained in this section shall prohibit the release of records to the Department of Health Professions or health regulatory boards consistent with Subtitle III (§ 54.1-2400 et seq.) of Title 54.1.

§ 53.1-145. Powers and duties of probation and parole officers.

In addition to other powers and duties prescribed by this article, each probation and parole officer shall:

1. Investigate and report on any case pending in any court or before any judge in his jurisdiction referred to him by the court or judge;
2. Supervise and assist all persons within his territory placed on probation, secure, as appropriate and when available resources permit, placement of such persons in a substance abuse treatment program which may include utilization of acupuncture and other treatment modalities, and furnish every such person with a written statement of the conditions of his probation and instruct him therein; if any such person has been committed to the Department of Behavioral Health and Developmental Services under the provisions of Chapter 9 (§ 37.2-900 et seq.) of Title 37.2, the conditions of probation shall include the requirement that the person comply with all conditions given him by the Department of Behavioral Health and Developmental Services, and that he follow all of the terms of his treatment plan;
3. Supervise and assist all persons within his territory released on parole or postrelease supervision, secure, as appropriate and when available resources permit, placement of such persons in a substance abuse treatment program which may include utilization of acupuncture and other treatment modalities, and, in his discretion, assist any person within his territory who has completed his parole, postrelease supervision, or has been mandatorily released from any correctional facility in the Commonwealth and requests assistance in finding a place to live, finding employment, or in otherwise becoming adjusted to the community;
4. Arrest and recommit to the place of confinement from which he was released, or in which he would have been confined but for the suspension of his sentence or of its imposition, for violation of the terms of probation, post-release supervision pursuant to § 19.2-295.2 or parole, any probationer, person subject to post-release supervision or parolee under his supervision, or as directed by the Chairman, Board member or the court, pending a hearing by the Board or the court, as the case may be;
5. Keep such records, make such reports, and perform other duties as may be required of him by the Director ~~or by regulations prescribed by the Board of Corrections~~, and the court or judge by whom he was authorized;
6. Order and conduct, in his discretion, drug and alcohol screening tests of any probationer, person subject to post-release supervision pursuant to § 19.2-295.2 or parolee under his supervision who the officer has reason to believe is engaged in the illegal use of controlled substances or marijuana, or the abuse of alcohol. The cost of the test may be charged to the person under supervision. Regulations governing the officer's exercise of this authority shall be promulgated by the ~~Board~~ Director;
7. Have the power to carry a concealed weapon in accordance with regulations promulgated by the ~~Board~~ Director and upon the certification of appropriate training and specific authorization by a judge of a circuit court;
8. Provide services in accordance with any contract entered into between the Department of Corrections and the Department of Behavioral Health and Developmental Services pursuant to § 37.2-912;
9. Pursuant to any contract entered into between the Department of Corrections and the Department of Behavioral Health and Developmental Services, probation and parole officers shall have the power to provide intensive supervision services to persons placed on conditional release, regardless of whether the person has any time remaining to serve on any criminal sentence, pursuant to Chapter 9 (§ 37.2-900 et seq.);
10. Determine by reviewing the Local Inmate Data System upon intake and again prior to release whether a blood, saliva, or tissue sample has been taken for DNA analysis for each person placed on probation or parole required to submit a sample pursuant to Article 1.1 (§ 19.2-310.2 et seq.) of Chapter 18 of Title 19.2 and, if no sample has been taken, require a person placed on probation or parole to submit a sample for DNA analysis;
11. For every offender accepted pursuant to the Interstate Compact for the Supervision of Adult Offenders (§ 53.1-176.1 et seq.) who has been convicted of an offense that, if committed in Virginia, would be considered a felony, take a sample or verify that a sample has been taken and accepted into the data bank for DNA analysis in the Commonwealth;
12. Monitor the collection and payment of restitution to the victims of crime for offenders placed on supervised probation;
13. Prior to the release from supervision of any offender on probation as of July 1, 2019, review the criminal history record of the offender at least 60 days prior to release from supervision, or immediately if the offender is scheduled to be released from supervision within less than 60 days, to determine whether all offenses for which the offender is being supervised appear on such record and, if any such offense that is required to be reported to the Central Criminal Records Exchange pursuant to § 19.2-390 does not appear, (i) take and provide fingerprints and a photograph of the offender to the Central Criminal Records Exchange to be classified and filed as part of the criminal history record information pursuant to subsection D of § 19.2-390 and (ii) provide written or electronic notification to the Central Criminal Records Exchange within the Department of State Police that such offense does not appear on the offender's criminal history record; and
14. Upon intake of any offender on or after July 1, 2019, (i) take and provide fingerprints and a photograph of the offender to the Central Criminal Records Exchange to be classified and filed as part of the criminal history record information pursuant to subsection D of § 19.2-390, (ii) review the criminal history record of the offender to determine whether all offenses for which the offender is being supervised appear on such record, and (iii) if any such offense that is required to be reported to the Central Criminal Records Exchange pursuant to § 19.2-390 does not appear, provide written

or electronic notification to the Central Criminal Records Exchange within the Department of State Police that such offense does not appear on the offender's criminal history record.

Nothing in this article shall require probation and parole officers to investigate or supervise cases before general district or juvenile and domestic relations district courts.

§ 53.1-150.1. Contribution by persons on parole.

Any person who is granted parole and who is required to receive substance abuse treatment as a condition of parole shall contribute towards the cost of such treatment based upon his ability to pay, as established pursuant to regulations promulgated by the ~~Board of Corrections~~ *Director*. The regulations shall provide that (i) any fees collected for such treatment shall be paid directly to the service provider and (ii) any person may be exempt from the payment of such fees on the grounds of unreasonable hardship.

§ 53.1-154.1. Authority of Director to recommend parole review; release upon review.

The Director is authorized; ~~in accordance with rules and regulations adopted by the Board of Corrections~~; to determine those prisoners who may be suitable parole risks and whose interests and those of society will be served by their early parole release and to recommend such prisoners to the Parole Board for early parole consideration. In making such recommendation, the Director shall take into account the prisoner's criminal history record, mental and physical condition, employability, institutional adjustment and such other factors as may be appropriate, including the risk of violence to others. The case of any such prisoner so recommended may be reviewed by the Parole Board prior to such prisoner's date of eligibility for parole. Upon appropriate review the Parole Board may release on parole prior to the date of eligibility for parole any prisoner so recommended by the Director. However, no prisoner shall be released until he has served at least one-fourth of the term of imprisonment imposed, or until he has served twelve years of the term of imprisonment imposed if one-fourth of the term of imprisonment imposed is more than twelve years, except as such time is reduced by any other provision of law.

This section shall have no application to persons not eligible for parole pursuant to subsections B, B1 and E of § 53.1-151.

§ 53.1-164. Procedure for return of parolee or felon serving a period of postrelease supervision.

When any parolee or felon serving a period of postrelease supervision is returned to any facility in accordance with the provisions of § 53.1-161, he shall be held in accordance with rules of the ~~Board of Corrections~~ *Director* and subject to further action of the Parole Board. The officer in charge of the facility shall see that the Parole Board is notified promptly of each such parolee's or felon's return.

§ 53.1-178. Director to establish standards.

The ~~Board~~ *Director* shall establish minimum standards for the operation of the facilities authorized by § 53.1-177. The Director shall maintain a list of approved halfway houses.

§ 53.1-179. Purchase of services authorized.

The Director; ~~pursuant to rules and regulations of the Board~~; may purchase temporary room and board and training, counseling and rehabilitation services for probationers and parolees whom the Director deems to be in need of and eligible for such benefits and services. Implementation of this provision shall conform with the requirements of all locally-adopted zoning regulations.

§ 53.1-189. Forfeiture and restoration of good conduct allowance and earned sentence credits.

A. Except for credits allowed under § 53.1-191, all or any part of a person's accrued good conduct allowance and earned sentence credits earned after admission to a state correctional facility on any sentence or combination of sentences being served may be forfeited in accordance with rules and regulations of the ~~Board~~ *Director* for violation of any written prison rules or regulations.

B. If a prisoner is convicted of escape or attempted escape from any correctional facility, such person shall, upon being returned to custody, forfeit all accrued good conduct allowance and all earned sentence credits on any sentence or combination of sentences being served, except for credits allowed under § 53.1-191.

C. No good conduct allowance or earned sentence credit which has been forfeited shall be restored except by the Director, whose authority shall not be delegated.

§ 53.1-191. Credits allowed in cases of injuries to or extraordinary services performed by prisoners; nonforfeiture of credits hereunder.

The ~~Board~~ *Director*, with the consent of the Governor, may allow to any prisoner confined in a state correctional facility a credit toward his term of confinement if he (i) renders assistance in preventing the escape of another prisoner or in the apprehension of an escaped prisoner; (ii) gives a blood donation to another prisoner; (iii) voluntarily or at the instance of a prison official renders other extraordinary services; or (iv) suffers bodily injury while in the prison system. The ~~Board~~ *Director* shall determine the amount of any such credit for each such service or injury. In unusual circumstances a prisoner may receive credit for donating blood, under regulations prescribed by the ~~Board~~ *Director*, to blood banks licensed by or subject to regulations of the State Board of Health. The ~~Board~~ *Director* may allow the credit permitted by this section to a prisoner who has been sentenced to the Department of Corrections but who is confined in a local correctional facility.

Except as provided hereafter, any credit allowed under the provisions of this section shall be applied as provided in § 53.1-199. A prisoner who has been sentenced to a term of life imprisonment or to two or more life sentences shall be eligible for credits allowed under the provisions of this section. One-half of such credit shall be applied to reduce the period of time such prisoner shall serve before being eligible for parole.

Credits allowed under the provisions of this section may not be forfeited under § 53.1-189. Credits shall not be allowed under the provisions of this section to apply toward a term of confinement imposed upon a conviction of a felony offense committed on or after January 1, 1995.

§ 53.1-199. Eligibility for good conduct allowance; application.

Every person who, on or after July 1, 1981, has been convicted of a felony and every person convicted of a misdemeanor and to whom the provisions of §§ 53.1-151, 53.1-152 or § 53.1-153 apply, and every person who, in accordance with § 53.1-198, chooses the system of good conduct allowances set out herein, may be entitled to good conduct allowance not to exceed the amount set forth in § 53.1-201. Such good conduct allowance shall be applied to reduce the person's maximum term of confinement while he is confined in any state correctional facility. One-half of the credit allowed under the provisions of § 53.1-201 shall be applied to reduce the period of time a person shall serve before being eligible for parole.

Any person who, on or after July 1, 1993, has been sentenced upon a conviction of murder in the first degree, rape in violation of § 18.2-61, forcible sodomy, animate or inanimate object sexual penetration or aggravated sexual battery and any person who has been sentenced to a term of life imprisonment or two or more life sentences shall be classified within the system established by § 53.1-201. Such person shall be eligible for no more than ten days good conduct credit for each thirty days served, regardless of the class to which he is assigned. One-half of such credit shall be applied to reduce the period of time he shall serve before being eligible for parole. Additional good conduct credits may be approved by the ~~Board~~ *Director* for such persons in accordance with § 53.1-191.

§ 53.1-200. Conditions for good conduct allowance.

Regulations approved by the ~~Board~~ *Director* shall govern the earning of good conduct allowance. The regulations shall require, as a condition for earning the allowance, that a prisoner participate in an appropriate educational, training, work, counseling or substance abuse program or other program intended for his rehabilitation, as provided in § 53.1-32.1. The amount of good conduct allowance to be credited to those persons eligible therefor shall be based upon compliance with written prison rules or regulations; a demonstration of responsibility in the performance of assignments; and a demonstration of a desire for self-improvement.

§ 53.1-202.4. Director to establish certain rules, criteria, etc.

The ~~Board~~ *Director* shall:

1. Establish the criteria upon which a person shall be deemed to have earned sentence credits;
2. Establish the bases upon which earned sentence credits may be forfeited;
3. Establish the number of earned sentence credits which will be forfeited for violations of various (i) institutional rules, (ii) program participation requirements or (iii) other requirements for the retention of sentence credits; and
4. Establish such additional requirements for the earning of sentence credits as may be deemed advisable and as are consistent with the purposes of this article.

§ 53.1-228.1. Inmate payment for damaged property.

The ~~Board~~ *Director*, and each jail superintendent or sheriff who operates a correctional facility, are authorized to establish administrative procedures for recovering, from an inmate, the cost of replacing or repairing any facility-owned or facility-issued property which is proven to have been intentionally damaged or destroyed by the inmate. Such administrative procedures shall ensure that the inmate is afforded due process.

§ 53.1-262. State correctional facilities; private contracts.

The Director, ~~subject to any applicable regulations which may be promulgated by the Board pursuant to § 53.1-266 and~~ subject to the provisions of the Virginia Public Procurement Act (§ 2.2-4300 et seq.), is hereby authorized to enter into contracts with prison contractors for the financing, site selection, acquisition, construction, maintenance, leasing, management or operation of prison facilities, or any combination of those services, subject to the requirements and limitations set out below.

1. Contracts entered into under the terms of this chapter shall be with an entity submitting an acceptable response pursuant to a request for proposals. An acceptable response shall be one which meets all the requirements in the request for proposals. However, no contract for correctional services may be entered into unless the private contractor demonstrates that it has:

- a. The qualifications, experience and management personnel necessary to carry out the terms of this contract;
- b. The financial resources to provide indemnification for liability arising from prison management projects;
- c. Evidence of past performance of similar contracts which shall include the experience of persons in management with such entity and may include the experience of the parent of such entity; and
- d. The ability to comply with all applicable federal and state constitutional standards; federal, state, and local laws; court orders; and correctional standards.

2. Contracts awarded under the provisions of this chapter, including contracts for the provision of correctional services or for the lease or use of public lands or buildings for use in the operation of facilities, may be entered into for a period of up to thirty years, subject to the requirements for annual appropriation of funds by the Commonwealth.

3. Contracts awarded under the provisions of this chapter shall, at a minimum, comply with the following:

- a. Provide for internal and perimeter security to protect the public, employees and inmates;
- b. Provide inmates with work or training opportunities while incarcerated; however, the contractor shall not benefit financially from the labor of inmates;

- c. Impose discipline on inmates only in accordance with applicable regulations; and
 - d. Provide proper food, clothing, housing and medical care for inmates.
4. No contract for correctional services shall be entered into unless the following requirements are met:
- a. The contractor provides audited financial statements for the previous five years or for each of the years the contractor has been in operation, if fewer than five years, and provides other financial information as requested; and
 - b. The contractor provides an adequate plan of indemnification, specifically including indemnity for civil rights claims. The indemnification plan shall be adequate to protect the Commonwealth and public officials from all claims and losses incurred as a result of the contract. Nothing herein is intended to deprive a prison contractor or the Commonwealth of the benefits of any law limiting exposure to liability or setting a limit on damages.
5. No contract for correctional services shall be executed by the Director nor shall any funds be expended for the contract unless:
- a. The proposed contract complies with any applicable regulations which may be promulgated by the ~~Board~~ Director pursuant to § 53.1-266;
 - b. An appropriation for the services to be provided under the contract has been expressly approved as is otherwise provided by law;
 - c. The correctional services proposed by the contract are of at least the same quality as those routinely provided by the Department to similar types of inmates; and
 - d. An evaluation of the proposed contract demonstrates a cost benefit to the Commonwealth when compared to alternative means of providing the services through governmental agencies.
6. A site proposed by a contractor for the construction of a prison facility shall not be subject to the approval procedure set forth in § 53.1-19. However, no contract for the construction and operation of a private correctional facility shall be entered into nor shall any funds be expended for the contract unless the local governing body, by duly adopted resolution, consents to the siting and construction of such facility within the boundaries of the locality.

§ 53.1-266. Department shall promulgate regulations.

The ~~Board~~ Director shall make, adopt and promulgate regulations governing the following aspects of private management and operation of prison facilities:

- 1. Contingency plans for state operation of a contractor-operated facility in the event of a termination of the contract;
 - 2. Use of deadly and nondeadly force by prison contractors' security personnel;
 - 3. Methods of monitoring a contractor-operated facility by the Department ~~or the Board~~;
 - 4. Public access to a contractor-operated facility; and
 - 5. Such other regulations as may be necessary to carry out the provisions of this chapter.
- 2. That §§ 53.1-5.1 and 53.1-15 of the Code of Virginia are repealed.**
- 3. That the State Board of Local and Regional Jails, formerly known as the State Board of Corrections, is continued, and wherever "State Board of Corrections" is used in the Code of Virginia, it shall mean the State Board of Local and Regional Jails.**
- 4. That the standards, policies, rules, and regulations adopted by the State Board of Corrections in effect on the effective date of this act shall continue in effect until such time as amended or repealed by the State Board of Local and Regional Jails.**

CHAPTER 760

An Act to amend and reenact §§ 15.2-2226 and 15.2-2229 of the Code of Virginia, relating to comprehensive plan.

[S 746]

Approved April 6, 2020

Be it enacted by the General Assembly of Virginia:

- 1. That §§ 15.2-2226 and 15.2-2229 of the Code of Virginia are amended and reenacted as follows:**

§ 15.2-2226. Adoption or disapproval of plan by governing body.

After certification of the plan or part thereof, the governing body shall post the comprehensive plan or part thereof certified by the local planning commission on a website that is maintained by the governing body or on any other website on which the governing body generally posts information, and that is available to the public or that clearly describes how the public may access information regarding the plan or part thereof being considered for adoption. After a public hearing with notice as required by § 15.2-2204, the governing body shall proceed to a consideration of the plan or part thereof and shall approve and adopt, amend and adopt, or disapprove the plan. In acting on the plan or part thereof, or any amendments to the plan, the governing body shall act within ~~ninety~~ 90 days of the local planning commission's recommending resolution; *however, if a comprehensive plan amendment is initiated by the locality for more than 25 parcels, the governing body shall act within 150 days of the local planning commission's recommending resolution.* Any comprehensive plan or part thereof adopted by the governing body pursuant to this section shall be posted on a website that is maintained by the local governing body or on any other website on which the governing body generally posts information, and that is available to the public or that clearly describes how the public may access information regarding the plan or part thereof adopted by the

local governing body. Inadvertent failure to post information on a website in accordance with this section shall not invalidate action taken by the governing body following notice and public hearing as required herein.

§ 15.2-2229. Amendments.

After the adoption of a comprehensive plan, all amendments to it shall be recommended, and approved and adopted, respectively, as required by § 15.2-2204. If the governing body desires an amendment, it may prepare such amendment and refer it to the local planning commission for public hearing or direct the local planning commission to prepare an amendment and submit it to public hearing within 60 days or such longer timeframe as may be specified after written request by the governing body. In acting on any amendments to the plan, the governing body shall act within 90 days of the local planning commission's recommending resolution; *however, if a comprehensive plan amendment is initiated by the locality for more than 25 parcels, the governing body shall act within 150 days of the local planning commission's recommending resolution.* If the local planning commission fails to make a recommendation on the amendment within the aforesaid timeframe, the governing body may conduct a public hearing, which shall be advertised as required by § 15.2-2204.

CHAPTER 761

An Act to amend and reenact § 15.2-2204 of the Code of Virginia, relating to notice by localities.

[S 869]

Approved April 6, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-2204 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-2204. Advertisement of plans, ordinances, etc.; joint public hearings; written notice of certain amendments.

A. Plans or ordinances, or amendments thereof, recommended or adopted under the powers conferred by this chapter need not be advertised in full, but may be advertised by reference. Every such advertisement shall contain a descriptive summary of the proposed action and a reference to the place or places within the locality where copies of the proposed plans, ordinances or amendments may be examined.

The local planning commission shall not recommend nor the governing body adopt any plan, ordinance or amendment thereof until notice of intention to do so has been published once a week for two successive weeks in some newspaper published or having general circulation in the locality; however, the notice for both the local planning commission and the governing body may be published concurrently. The notice shall specify the time and place of hearing at which persons affected may appear and present their views, not less than five days nor more than 21 days after the second advertisement appears in such newspaper. The local planning commission and governing body may hold a joint public hearing after public notice as set forth hereinabove. If a joint hearing is held, then public notice as set forth above need be given only by the governing body. The term "two successive weeks" as used in this paragraph shall mean that such notice shall be published at least twice in such newspaper with not less than six days elapsing between the first and second publication. *In any instance in which a locality in Planning District 23 has submitted a timely notice request to such newspaper and the newspaper fails to publish the notice, such locality shall be deemed to have met the notice requirements of this subsection so long as the notice was published in the next available edition of a newspaper having general circulation in the locality.* After enactment of any plan, ordinance or amendment, further publication thereof shall not be required.

B. When a proposed amendment of the zoning ordinance involves a change in the zoning map classification of 25 or fewer parcels of land, then, in addition to the advertising as required by subsection A, written notice shall be given by the local planning commission, or its representative, at least five days before the hearing to the owner or owners, their agent or the occupant, of each parcel involved; to the owners, their agent or the occupant, of all abutting property and property immediately across the street or road from the property affected, including those parcels which lie in other localities of the Commonwealth; and, if any portion of the affected property is within a planned unit development, then to such incorporated property owner's associations within the planned unit development that have members owning property located within 2,000 feet of the affected property as may be required by the commission or its agent. However, when a proposed amendment to the zoning ordinance involves a tract of land not less than 500 acres owned by the Commonwealth or by the federal government, and when the proposed change affects only a portion of the larger tract, notice need be given only to the owners of those properties that are adjacent to the affected area of the larger tract. Notice sent by registered or certified mail to the last known address of such owner as shown on the current real estate tax assessment books or current real estate tax assessment records shall be deemed adequate compliance with this requirement. If the hearing is continued, notice shall be remailed. Costs of any notice required under this chapter shall be taxed to the applicant.

When a proposed amendment of the zoning ordinance involves a change in the zoning map classification of more than 25 parcels of land, or a change to the applicable zoning ordinance text regulations that decreases the allowed dwelling unit density of any parcel of land, then, in addition to the advertising as required by subsection A, written notice shall be given by the local planning commission, or its representative, at least five days before the hearing to the owner, owners, or their agent of each parcel of land involved, provided, however, that written notice of such changes to zoning ordinance text regulations shall not have to be mailed to the owner, owners, or their agent of lots shown on a subdivision plat approved and

recorded pursuant to the provisions of Article 6 (§ 15.2-2240 et seq.) where such lots are less than 11,500 square feet. One notice sent by first class mail to the last known address of such owner as shown on the current real estate tax assessment books or current real estate tax assessment records shall be deemed adequate compliance with this requirement, provided that a representative of the local commission shall make affidavit that such mailings have been made and file such affidavit with the papers in the case. Nothing in this subsection shall be construed as to invalidate any subsequently adopted amendment or ordinance because of the inadvertent failure by the representative of the local commission to give written notice to the owner, owners or their agent of any parcel involved.

The governing body may provide that, in the case of a condominium or a cooperative, the written notice may be mailed to the unit owners' association or proprietary lessees' association, respectively, in lieu of each individual unit owner.

Whenever the notices required hereby are sent by an agency, department or division of the local governing body, or their representative, such notices may be sent by first class mail; however, a representative of such agency, department or division shall make affidavit that such mailings have been made and file such affidavit with the papers in the case.

A party's actual notice of, or active participation in, the proceedings for which the written notice provided by this section is required shall waive the right of that party to challenge the validity of the proceeding due to failure of the party to receive the written notice required by this section.

C. When a proposed comprehensive plan or amendment thereto; a proposed change in zoning map classification; or an application for special exception for a change in use or to increase by greater than 50 percent of the bulk or height of an existing or proposed building, but not including renewals of previously approved special exceptions, involves any parcel of land located within one-half mile of a boundary of an adjoining locality of the Commonwealth, then, in addition to the advertising and written notification as required by this section, written notice shall also be given by the local commission, or its representative, at least 10 days before the hearing to the chief administrative officer, or his designee, of such adjoining locality.

D. When (i) a proposed comprehensive plan or amendment thereto, (ii) a proposed change in zoning map classification, or (iii) an application for special exception for a change in use involves any parcel of land located within 3,000 feet of a boundary of a military base, military installation, military airport, excluding armories operated by the Virginia National Guard, or licensed public-use airport then, in addition to the advertising and written notification as required by this section, written notice shall also be given by the local commission, or its representative, at least 30 days before the hearing to the commander of the military base, military installation, military airport, or owner of such public-use airport, and the notice shall advise the military commander or owner of such public-use airport of the opportunity to submit comments or recommendations.

E. The adoption or amendment prior to July 1, 1996, of any plan or ordinance under the authority of prior acts shall not be declared invalid by reason of a failure to advertise or give notice as may be required by such act or by this chapter, provided a public hearing was conducted by the governing body prior to such adoption or amendment. Every action contesting a decision of a locality based on a failure to advertise or give notice as may be required by this chapter shall be filed within 30 days of such decision with the circuit court having jurisdiction of the land affected by the decision. However, any litigation pending prior to July 1, 1996, shall not be affected by the 1996 amendment to this section.

F. Notwithstanding any contrary provision of law, general or special, the City of Richmond may cause such notice to be published in any newspaper of general circulation in the city.

G. When a proposed comprehensive plan or amendment of an existing plan designates or alters previously designated corridors or routes for electric transmission lines of 150 kilovolts or more, written notice shall also be given by the local planning commission, or its representative, at least 10 days before the hearing to each electric utility with a certificated service territory that includes all or any part of such designated electric transmission corridors or routes.

H. When any applicant requesting a written order, requirement, decision, or determination from the zoning administrator, other administrative officer, or a board of zoning appeals that is subject to the appeal provisions contained in § 15.2-2311 or 15.2-2314, is not the owner or the agent of the owner of the real property subject to the written order, requirement, decision or determination, written notice shall be given to the owner of the property within 10 days of the receipt of such request. Such written notice shall be given by the zoning administrator or other administrative officer or, at the direction of the administrator or officer, the requesting applicant shall be required to give the owner such notice and to provide satisfactory evidence to the zoning administrator or other administrative officer that the notice has been given. Written notice mailed to the owner at the last known address of the owner as shown on the current real estate tax assessment books or current real estate tax assessment records shall satisfy the notice requirements of this subsection.

This subsection shall not apply to inquiries from the governing body, planning commission, or employees of the locality made in the normal course of business.

2. That the provisions of this act shall expire on July 1, 2022.

CHAPTER 762

An Act to amend Chapter 147 of the Acts of Assembly of 1962, which provided a charter for the City of Virginia Beach, by adding a section numbered 3.02:3, relating to resignation of council members to run for new seat.

[S 900]

Approved April 6, 2020

Be it enacted by the General Assembly of Virginia:**1. That Chapter 147 of the Acts of Assembly of 1962 is amended by adding a section numbered 3.02:3 as follows:**

§ 3.02:3. Council member resignation to run for new seat.

A. In the event that any council member from one of the residence districts shall decide during his term of office to be a candidate for an at-large seat, the council member shall tender his resignation as a council member not less than 10 days prior to the date for the filing of petitions as required by general law. Such resignation shall be effective on December 31, shall constitute the council member's intention to run for the at-large seat, shall require no formal acceptance by the remaining council members, and shall be final and irrevocable when tendered. The unexpired portion of the term of any council member who has resigned to run for an at-large seat shall be filled at the same general election, or by special election if the at-large seat is to be filled by special election.

B. In the event that any council member from one of the at-large seats shall decide during his term of office to be a candidate for a residence district seat, the council member shall tender his resignation as a council member not less than 10 days prior to the date for the filing of petitions as required by general law. Such resignation shall be effective on December 31, shall constitute the council member's intention to run for the residence district seat, shall require no formal acceptance by the remaining council members, and shall be final and irrevocable when tendered. The unexpired portion of the term of any council member who has resigned to run for a residence district seat shall be filled at the same general election, or by special election if the residence district seat is to be filled by special election.

CHAPTER 763

An Act to amend the Code of Virginia by adding in Title 59.1 a chapter numbered 22.14, consisting of a section numbered 59.1-284.33, relating to creation of the Advanced Production Grant Program and Fund.

[S 1014]

Approved April 6, 2020

Be it enacted by the General Assembly of Virginia:**1. That the Code of Virginia is amended by adding in Title 59.1 a chapter numbered 22.14, consisting of a section numbered 59.1-284.33, as follows:****CHAPTER 22.14.****ADVANCED PRODUCTION GRANT PROGRAM AND FUND.****§ 59.1-284.33. Advanced Production Grant Program and Fund.**

A. As used in this section:

"Capital investment" means an expenditure by or on behalf of a qualified company on or after October 1, 2019, in real property, tangible personal property, or both, at a facility within an eligible county that is properly chargeable to capital account or would be so chargeable with a proper election. The purchase or lease of furniture, fixtures, business personal property, machinery, and equipment, including under an operating lease, and expected building up-fit and improvements by or on behalf of a qualified company shall qualify as capital investment.

"Eligible county" means the County of Pittsylvania.

"Facility" means an advanced production and development facility to be purchased, equipped, improved, and operated by the qualified company in the eligible county.

"Fund" means the Advanced Production Grant Fund created under subsection B.

"Grants" means grants from the Advanced Production Grant Fund awarded to a qualified company in an aggregate amount not to exceed \$7.0 million. A qualified company may use the proceeds of the grants for any lawful purpose.

"Memorandum of understanding" means a performance agreement or related document entered into on or before August 1, 2020, among a qualified company, the Commonwealth, and VEDP that sets forth the requirements for capital investment and the creation of new full-time jobs for the qualified company to be eligible for grants from the Fund.

"New full-time job" means a job position in which the employee of the qualified company works at the facility and for which the average annual wage is at least equal to \$34,274, the qualified company provides standard fringe benefits, and the position requires a minimum of either (i) 35 hours of an employee's time per week for the entire normal year of the qualified company's operations, which "normal year" must consist of at least 48 weeks, or (ii) 1,680 hours per year. Seasonal or temporary positions, positions created when a job function is shifted from an existing location in the Commonwealth, and positions with construction contractors, vendors, suppliers, and similar multiplier or spin-off jobs shall not qualify as new full-time jobs. The Commonwealth may gauge compliance with the new full-time jobs requirements for a qualified company by reference to the new payroll generated by a qualified company, as indicated in a memorandum of understanding.

"Qualified company" means a business transportation manufacturer and producer, including its affiliates, that engages in the production of business trucks in the eligible county, that between October 1, 2019, and December 31, 2027, is expected (i) to make or cause to be made a capital investment at a facility of at least \$57,837,356 and (ii) to create at least 703 new full-time jobs at the facility related to, or supportive of, its business.

"Secretary" means the Secretary of Commerce and Trade or his designee.

"VEDP" means the Virginia Economic Development Partnership Authority.

B. There is hereby created in the state treasury a special nonreverting fund to be known as the Advanced Production Grant Fund, referred to in this section as "the Fund." The Fund shall be established on the books of the Comptroller. All funds appropriated for the Fund shall be paid into the state treasury and credited to it. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used for the purpose to pay grants pursuant to this chapter. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller pursuant to subsection F.

C. A qualified company shall be eligible to receive grants each fiscal year beginning with the Commonwealth's fiscal year starting on July 1, 2021, and ending with the Commonwealth's fiscal year starting on July 1, 2026, unless such time frame is extended in accordance with the memorandum of understanding. The grants under this section shall be paid to a qualified company from the Fund, subject to appropriation by the General Assembly, during each such fiscal year, contingent upon the qualified company's meeting the requirements set forth in the memorandum of understanding for the number of new full-time jobs created and maintained and the amount of capital investment made and retained. The first grant installment of \$500,000 shall not be awarded until the qualified company has made a capital investment of at least \$40,800,000 and has created at least 373 new full-time jobs at the facility.

D. The aggregate amount of grants payable under this section shall not exceed \$7.0 million, and grants are expected to be paid in six annual installments, calculated in accordance with the memorandum of understanding, with the grants that may be awarded in a particular fiscal year not exceeding the following:

1. \$500,000 for the Commonwealth's fiscal year beginning July 1, 2021;
2. \$1,800,000, less the total amount of grants previously awarded pursuant to this subsection, for the Commonwealth's fiscal year beginning July 1, 2022;
3. \$3,100,000, less the total amount of grants previously awarded pursuant to this subsection, for the Commonwealth's fiscal year beginning July 1, 2023;
4. \$4,400,000, less the total amount of grants previously awarded pursuant to this subsection, for the Commonwealth's fiscal year beginning July 1, 2024;
5. \$5,700,000, less the total amount of grants previously awarded pursuant to this subsection, for the Commonwealth's fiscal year beginning July 1, 2025; and
6. \$7,000,000, less the total amount of grants previously awarded pursuant to this subsection, for the Commonwealth's fiscal year beginning July 1, 2026.

E. A qualified company applying for a grant installment under this section shall provide evidence, satisfactory to the Secretary, of (i) the aggregate number of new full-time jobs in place in the calendar year that immediately precedes the expected date on which the grant installment is to be paid and (ii) the aggregate amount of the capital investment made as of the last day of the calendar year that immediately precedes the expected date on which the grant installment is to be paid. The application and evidence shall be filed with the Secretary in person, by mail, or as otherwise agreed upon in the memorandum of understanding by no later than April 1 each year reflecting performance in and through the prior calendar year. Failure to meet the filing deadline shall result in a deferral of a scheduled grant installment payment set forth in subsection D. For filings by mail, the postmark cancellation shall govern the date of the filing determination.

F. Within 60 days of receiving the application and evidence pursuant to subsection E, the Secretary shall certify to the Comptroller and the qualified company the amount of grants to which such qualified company is entitled for payment. Payment of such grants shall be made by check issued by the State Treasurer on warrant of the Comptroller by the September 1 succeeding the submission of such timely filed application. The Comptroller shall not draw any warrants to issue checks for the grants under this section without a specific appropriation for the same.

G. As a condition of receipt of the grants, a qualified company shall make available to the Secretary for inspection, upon request, all documents relevant and applicable to determining whether the qualified company has met the requirements for the receipt of grants as set forth in this section and subject to the memorandum of understanding. All such documents appropriately identified by the qualified company shall be considered confidential and proprietary.

CHAPTER 764

An Act to amend and reenact §§ 18.2-250.1 and 54.1-3442.8 of the Code of Virginia, relating to possession of marijuana; cannabidiol oil or THC-A oil.

[S 1015]

Approved April 6, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 18.2-250.1 and 54.1-3442.8 of the Code of Virginia are amended and reenacted as follows:

§ 18.2-250.1. Possession of marijuana unlawful.

A. It is unlawful for any person knowingly or intentionally to possess marijuana unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his professional practice, or except as otherwise authorized by the Drug Control Act (§ 54.1-3400 et seq.).

Upon the prosecution of a person for violation of this section, ownership or occupancy of the premises or vehicle upon or in which marijuana was found shall not create a presumption that such person either knowingly or intentionally possessed such marijuana.

Any person who violates this section is guilty of a misdemeanor and shall be confined in jail not more than 30 days and fined not more than \$500, either or both; any person, upon a second or subsequent conviction of a violation of this section, is guilty of a Class 1 misdemeanor.

B. The provisions of this section shall not apply to members of state, federal, county, city, or town law-enforcement agencies, jail officers, or correctional officers, as defined in § 53.1-1, certified as handlers of dogs trained in the detection of controlled substances when possession of marijuana is necessary for the performance of their duties.

C. ~~In any prosecution under~~ *The provisions of this section involving marijuana in the form of cannabidiol oil or THC-A oil as those terms are defined in § 54.1-3408.3, it shall be an affirmative defense that the individual possessed shall not apply to any person who possesses such oil pursuant to a valid written certification issued by a practitioner in the course of his professional practice pursuant to § 54.1-3408.3 for treatment or to alleviate the symptoms of (i) the individual's person's diagnosed condition or disease, (ii) if such individual person is the parent or legal guardian of a minor or of an incapacitated adult as defined in § 18.2-369, such minor's or incapacitated adult's diagnosed condition or disease, or (iii) if such individual person has been designated as a registered agent pursuant to § 54.1-3408.3, the diagnosed condition or disease of his principal or, if the principal is the parent or legal guardian of a minor or of an incapacitated adult as defined in § 18.2-369, such minor's or incapacitated adult's diagnosed condition or disease. If the individual files the valid written certification with the court at least 10 days prior to trial and causes a copy of such written certification to be delivered to the attorney for the Commonwealth, such written certification shall be prima facie evidence that such oil was possessed pursuant to a valid written certification.*

§ 54.1-3442.8. Criminal liability; exceptions.

~~In any prosecution of an~~ *No agent or employee of a pharmaceutical processor shall be prosecuted under § 18.2-248, 18.2-248.1, 18.2-250, or 18.2-250.1 for possession or manufacture of marijuana or for possession, manufacture, or distribution of cannabidiol oil or THC-A oil, it shall be an affirmative defense that subject to any civil penalty, denied any right or privilege, or subject to any disciplinary action by a professional licensing board if such agent or employee (i) possessed or manufactured such marijuana for the purposes of producing cannabidiol oil or THC-A oil in accordance with the provisions of this article and Board regulations or (ii) possessed, manufactured, or distributed such cannabidiol oil or THC-A oil in accordance with the provisions of this article and Board regulations. If such agent or employee files a copy of the permit issued to the pharmaceutical processor pursuant to § 54.1-3442.6 with the court at least 10 days prior to trial and causes a copy of such permit to be delivered to the attorney for the Commonwealth, such permit shall be prima facie evidence that (a) such marijuana was possessed or manufactured for the purposes of producing cannabidiol oil or THC-A oil in accordance with the provisions of this article and Board regulations or (b) such cannabidiol oil or THC-A oil was possessed, manufactured, or distributed in accordance with the provisions of this article and Board regulations.*

CHAPTER 765

An Act to amend and reenact § 19.2-303.01 of the Code of Virginia, relating to reduction of sentence; substantial assistance to prosecution.

[S 1018]

Approved April 6, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-303.01 of the Code of Virginia is amended and reenacted as follows:

§ 19.2-303.01. Reduction of sentence; substantial assistance to prosecution.

Notwithstanding any other provision of law or rule of court, upon motion of the attorney for the Commonwealth, the sentencing court may reduce the defendant's sentence if the defendant, after entry of the final judgment order, provided substantial assistance in investigating or prosecuting another person for (i) an act of violence as defined in § 19.2-297.1, *an act of larceny of a firearm in violation of § 18.2-95*, or any violation of § 18.2-248, 18.2-248.01, 18.2-248.02, 18.2-248.03, 18.2-248.1, 18.2-248.5, 18.2-251.2, 18.2-251.3, 18.2-255, 18.2-255.2, 18.2-258, 18.2-258.02, 18.2-258.1, or 18.2-258.2, or any substantially similar offense in any other jurisdiction, which offense would be a felony if committed in the Commonwealth; (ii) a conspiracy to commit any of the offenses listed in clause (i); or (iii) violations as a principal in the second degree or accessory before the fact of any of the offenses listed in clause (i). In determining whether the defendant has provided substantial assistance pursuant to the provisions of this section, the court shall consider (a) the court's evaluation of the significance and usefulness of the defendant's assistance, taking into consideration the Commonwealth's evaluation of the assistance rendered; (b) the truthfulness, completeness, and reliability of any information or testimony provided by the defendant; (c) the nature and extent of the defendant's assistance; (d) any injury suffered or any danger or risk of injury to the defendant or his family resulting from his assistance; and (e) the timeliness of the defendant's assistance. If the motion is made more than one year after entry of the final judgment order, the court may reduce a sentence only if the defendant's substantial assistance involved (1) information not known to the defendant until more than one year after entry of the final judgment order, (2) information provided by the defendant within one year of entry of the final judgment order

but that did not become useful to the Commonwealth until more than one year after entry of the final judgment order, or (3) information the usefulness of which could not reasonably have been anticipated by the defendant until more than one year after entry of the final judgment order and which was promptly provided to the Commonwealth by the defendant after its usefulness was reasonably apparent.

CHAPTER 766

An Act to amend and reenact § 23.1-506 of the Code of Virginia, relating to public institutions of higher education; eligibility for in-state tuition.

[H 1547]

Approved April 7, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 23.1-506 of the Code of Virginia is amended and reenacted as follows:

§ 23.1-506. Eligibility for in-state tuition; exception; certain out-of-state and high school students.

A. Notwithstanding § 23.1-502 or any other provision of law to the contrary, the following students are eligible for in-state tuition charges regardless of domicile:

1. Any non-Virginia student who resides outside the Commonwealth and has been employed full time in the Commonwealth for at least one year immediately prior to the date of the alleged entitlement if such student has paid Virginia income taxes on all taxable income earned in the Commonwealth for the tax year prior to the date of the alleged entitlement. Such student shall continue to be eligible for in-state tuition charges for so long as the student is employed full time in the Commonwealth and the student pays Virginia income taxes on all taxable income earned in the Commonwealth.

2. Any non-Virginia student who resides outside the Commonwealth and is claimed as a dependent for federal and Virginia income tax purposes if the nonresident parent claiming the student as a dependent has been employed full time in the Commonwealth for at least one year immediately prior to the date of the alleged entitlement and paid Virginia income taxes on all taxable income earned in the Commonwealth for the tax year prior to the date of the alleged entitlement. Such student shall continue to be eligible for in-state tuition charges for so long as his qualifying parent is employed full time in the Commonwealth, pays Virginia income taxes on all taxable income earned in the Commonwealth, and claims the student as a dependent for Virginia and federal income tax purposes.

3. Any active duty member, activated guard or reserve member, or guard or reserve member mobilized or on temporary active orders for 180 days or more who resides in the Commonwealth.

4. Any veteran who resides in the Commonwealth.

5. Any surviving spouse who resides in the Commonwealth.

6. Following completion of active duty service, any non-Virginia student who established domicile before being called to active duty in the National Guard of another state if during such active duty he maintained at least one of the following in the Commonwealth: a driver's license, motor vehicle registration, voter registration, employment, property ownership, or sources of financial support.

7. Any member of the foreign service office who resided in the Commonwealth for at least 90 days immediately prior to receiving a foreign service assignment and who continues to be assigned overseas, and any dependents of such member.

8. *Any student who (i) attended high school for at least two years in the Commonwealth and either (a) graduated on or after July 1, 2008, from a public or private high school or program of home instruction in the Commonwealth or (b) passed on or after July 1, 2008, a high school equivalency examination approved by the Secretary of Education; (ii) has submitted evidence that he or, in the case of a dependent student, at least one parent, guardian, or person standing in loco parentis has filed, unless exempted by state law, Virginia income tax returns for at least two years prior to the date of registration or enrollment; and (iii) registers as an entering student or is enrolled in a public institution of higher education in the Commonwealth. Students who meet these criteria shall be eligible for in-state tuition regardless of their citizenship or immigration status, except that students with currently valid visas issued under 8 U.S.C. § 1101(a)(15)(F), 1101(a)(15)(H)(iii), 1101(a)(15)(J) (including only students or trainees), or 1101(a)(15)(M) are not eligible. Information obtained in the implementation of this subdivision shall only be used or disclosed to individuals other than the student for purposes of determining in-state tuition eligibility.*

Any non-Virginia student granted in-state tuition pursuant to this subsection shall be counted as a Virginia student for the purposes of determining college admissions, enrollment, and tuition and fee revenue policies.

B. Notwithstanding the provisions of § 23.1-502 or any other provision of law to the contrary, the governing board of any public institution of higher education may charge in-state tuition to the following students regardless of domicile:

1. Any non-Virginia student enrolled in one of the institution's programs designated by the Council who (i) is entitled to reduced tuition charges at the institutions of higher education in any other state that is a party to the Southern Regional Education Compact and that has similar reciprocal provisions for Virginia students and (ii) is domiciled in such other state;

2. Any non-Virginia student from a foreign country who is enrolled in a foreign exchange program approved by the institution of higher education during the same period in which a Virginia student from such institution is attending such foreign institution as an exchange student; and

3. Any high school or magnet school student, not otherwise qualified for in-state tuition, who is enrolled in courses specifically designed as part of the high school or magnet school curriculum in a comprehensive community college for which he may, upon successful completion, receive high school and college credit pursuant to a dual enrollment agreement between the high school or magnet school and the comprehensive community college.

Any non-Virginia student granted in-state tuition pursuant to this subsection shall be counted as a non-Virginia student for the purposes of determining college admissions, enrollment, and tuition and fee revenue policies.

C. The State Board shall charge in-state tuition to any non-Virginia student enrolled at a comprehensive community college who resides in another state within a 30-mile radius of a public institution of higher education in the Commonwealth, is domiciled in such other state, and is entitled to in-state tuition charges at the institutions of higher education in any state that is contiguous to the Commonwealth and that has similar reciprocal provisions for Virginia students.

Any non-Virginia student granted in-state tuition pursuant to this subsection shall be counted as a Virginia student for the purposes of determining college admissions, enrollment, and tuition and fee revenue policies.

CHAPTER 767

An Act to amend and reenact § 23.1-506 of the Code of Virginia, relating to public institutions of higher education; eligibility for in-state tuition.

[S 935]

Approved April 7, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 23.1-506 of the Code of Virginia is amended and reenacted as follows:

§ 23.1-506. Eligibility for in-state tuition; exception; certain out-of-state and high school students.

A. Notwithstanding § 23.1-502 or any other provision of law to the contrary, the following students are eligible for in-state tuition charges regardless of domicile:

1. Any non-Virginia student who resides outside the Commonwealth and has been employed full time in the Commonwealth for at least one year immediately prior to the date of the alleged entitlement if such student has paid Virginia income taxes on all taxable income earned in the Commonwealth for the tax year prior to the date of the alleged entitlement. Such student shall continue to be eligible for in-state tuition charges for so long as the student is employed full time in the Commonwealth and the student pays Virginia income taxes on all taxable income earned in the Commonwealth.

2. Any non-Virginia student who resides outside the Commonwealth and is claimed as a dependent for federal and Virginia income tax purposes if the nonresident parent claiming the student as a dependent has been employed full time in the Commonwealth for at least one year immediately prior to the date of the alleged entitlement and paid Virginia income taxes on all taxable income earned in the Commonwealth for the tax year prior to the date of the alleged entitlement. Such student shall continue to be eligible for in-state tuition charges for so long as his qualifying parent is employed full time in the Commonwealth, pays Virginia income taxes on all taxable income earned in the Commonwealth, and claims the student as a dependent for Virginia and federal income tax purposes.

3. Any active duty member, activated guard or reserve member, or guard or reserve member mobilized or on temporary active orders for 180 days or more who resides in the Commonwealth.

4. Any veteran who resides in the Commonwealth.

5. Any surviving spouse who resides in the Commonwealth.

6. Following completion of active duty service, any non-Virginia student who established domicile before being called to active duty in the National Guard of another state if during such active duty he maintained at least one of the following in the Commonwealth: a driver's license, motor vehicle registration, voter registration, employment, property ownership, or sources of financial support.

7. Any member of the foreign service office who resided in the Commonwealth for at least 90 days immediately prior to receiving a foreign service assignment and who continues to be assigned overseas, and any dependents of such member.

8. *Any student who (i) attended high school for at least two years in the Commonwealth and either (a) graduated on or after July 1, 2008, from a public or private high school or program of home instruction in the Commonwealth or (b) passed on or after July 1, 2008, a high school equivalency examination approved by the Secretary of Education; (ii) has submitted evidence that he or, in the case of a dependent student, at least one parent, guardian, or person standing in loco parentis has filed, unless exempted by state law, Virginia income tax returns for at least two years prior to the date of registration or enrollment; and (iii) registers as an entering student or is enrolled in a public institution of higher education in the Commonwealth. Students who meet these criteria shall be eligible for in-state tuition regardless of their citizenship or immigration status, except that students with currently valid visas issued under 8 U.S.C. § 1101(a)(15)(F), 1101(a)(15)(H)(iii), 1101(a)(15)(J) (including only students or trainees), or 1101(a)(15)(M) are not eligible. Information obtained in the implementation of this subdivision shall only be used or disclosed to individuals other than the student for purposes of determining in-state tuition eligibility.*

Any non-Virginia student granted in-state tuition pursuant to this subsection shall be counted as a Virginia student for the purposes of determining college admissions, enrollment, and tuition and fee revenue policies.

B. Notwithstanding the provisions of § 23.1-502 or any other provision of law to the contrary, the governing board of any public institution of higher education may charge in-state tuition to the following students regardless of domicile:

1. Any non-Virginia student enrolled in one of the institution's programs designated by the Council who (i) is entitled to reduced tuition charges at the institutions of higher education in any other state that is a party to the Southern Regional Education Compact and that has similar reciprocal provisions for Virginia students and (ii) is domiciled in such other state;

2. Any non-Virginia student from a foreign country who is enrolled in a foreign exchange program approved by the institution of higher education during the same period in which a Virginia student from such institution is attending such foreign institution as an exchange student; and

3. Any high school or magnet school student, not otherwise qualified for in-state tuition, who is enrolled in courses specifically designed as part of the high school or magnet school curriculum in a comprehensive community college for which he may, upon successful completion, receive high school and college credit pursuant to a dual enrollment agreement between the high school or magnet school and the comprehensive community college.

Any non-Virginia student granted in-state tuition pursuant to this subsection shall be counted as a non-Virginia student for the purposes of determining college admissions, enrollment, and tuition and fee revenue policies.

C. The State Board shall charge in-state tuition to any non-Virginia student enrolled at a comprehensive community college who resides in another state within a 30-mile radius of a public institution of higher education in the Commonwealth, is domiciled in such other state, and is entitled to in-state tuition charges at the institutions of higher education in any state that is contiguous to the Commonwealth and that has similar reciprocal provisions for Virginia students.

Any non-Virginia student granted in-state tuition pursuant to this subsection shall be counted as a Virginia student for the purposes of determining college admissions, enrollment, and tuition and fee revenue policies.

CHAPTER 768

An Act to amend and reenact §§ 64.2-701, 64.2-703, 64.2-706, 64.2-752, and 64.2-756 of the Code of Virginia; to amend the Code of Virginia by adding in Chapter 7 of Title 64.2 an article numbered 8.2, consisting of sections numbered 64.2-779.26 through 64.2-779.38; and to repeal § 64.2-770 of the Code of Virginia, relating to the Uniform Directed Trust Act.

[H 1380]

Approved April 7, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 64.2-701, 64.2-703, 64.2-706, 64.2-752, and 64.2-756 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Chapter 7 of Title 64.2 an article numbered 8.2, consisting of sections numbered 64.2-779.26 through 64.2-779.38, as follows:

§ 64.2-701. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Action," with respect to an act of a trustee, includes a failure to act.

"Appointive property" means the property or property interest subject to a power of appointment.

"Ascertainable standard" means a standard relating to an individual's health, education, support, or maintenance within the meaning of § 2041(b)(1)(A) or 2514(c)(1) of the Internal Revenue Code of 1986 and any applicable regulations.

"Authorized fiduciary" means (i) a trustee or other fiduciary, other than a settlor, that has discretion to distribute or direct a trustee to distribute part or all of the income or principal of the first trust to one or more current beneficiaries and that is not (a) a current beneficiary of the first trust or a beneficiary to which the net income or principal of the first trust would be distributed if the first trust were terminated, (b) a trustee of the first trust that may be removed and replaced by a current beneficiary who has the power to remove the existing trustee of the first trust and designate as successor trustee a person that may be a related or subordinate party, as defined in 26 U.S.C. § 672(c), with respect to such current beneficiary, or (c) an individual trustee whose legal obligation to support a beneficiary may be satisfied by distributions of income and principal of the first trust; (ii) a special fiduciary appointed under § 64.2-779.6; or (iii) a special-needs fiduciary under § 64.2-779.10.

"Beneficiary" means a person that (i) has a present or future, vested or contingent, beneficial interest in a trust; (ii) holds a power of appointment over trust property; or (iii) is an identified charitable organization that will or may receive distributions under the terms of the trust.

"Charitable interest" means an interest in a trust that (i) is held by an identified charitable organization and makes the organization a qualified beneficiary; (ii) benefits only charitable organizations and, if the interest were held by an identified charitable organization, would make the organization a qualified beneficiary; or (iii) is held solely for charitable purposes and, if the interest were held by an identified charitable organization, would make the organization a qualified beneficiary.

"Charitable organization" means (i) a person, other than an individual, organized and operated exclusively for charitable purposes or (ii) a government or governmental subdivision, agency, or instrumentality, to the extent that it holds funds exclusively for a charitable purpose.

"Charitable purpose" means the relief of poverty, the advancement of education or religion, the promotion of health, a municipal or other governmental purpose, or another purpose the achievement of which is beneficial to the community.

"Charitable trust" means a trust, or portion of a trust, created for a charitable purpose described in § 64.2-723.

"Conservator" means a person appointed by the court to administer the estate of an adult individual.

"Court" means the court of the Commonwealth having jurisdiction in matters related to trusts.

"Current beneficiary" means a beneficiary that on the date the beneficiary's qualification is determined is a distributee or permissible distributee of trust income or principal. "Current beneficiary" includes the holder of a presently exercisable general power of appointment but does not include a person that is a beneficiary only because the person holds any other power of appointment.

"Decanting power" means the power of an authorized fiduciary under the Uniform Trust Decanting Act (§ 64.2-779.1 et seq.) to distribute property of a first trust to one or more second trusts or to modify the terms of the first trust.

"Directed trustee" means a trustee that is subject to a trust director's power of direction.

"Environmental law" means a federal, state, or local law, rule, regulation, or ordinance relating to protection of the environment.

"Expanded distributive discretion" means a discretionary power of distribution that is not limited to an ascertainable standard or a reasonably definite standard.

"First trust" means a trust over which an authorized fiduciary may exercise the decanting power.

"First-trust instrument" means the trust instrument for a first trust.

"General power of appointment" means a power of appointment exercisable in favor of a powerholder, the powerholder's estate, a creditor of the powerholder, or a creditor of the powerholder's estate.

"Guardian" means a person appointed by the court to make decisions regarding the support, care, education, health, and welfare of a minor or adult individual. The term does not include a guardian ad litem.

"Guardian of the estate" means a person appointed by the court to administer the estate of a minor.

"Interests of the beneficiaries" means the beneficial interests provided in the terms of the trust.

"Jurisdiction," with respect to a geographic area, includes a state or country.

"Person" means an individual; estate; business or nonprofit entity; government; governmental subdivision, agency, or instrumentality; public corporation; or other legal entity.

"Powerholder" means a person in which a donor creates a power of appointment.

"Power of appointment" means a power that enables a powerholder acting in a nonfiduciary capacity to designate a recipient of an ownership interest in or another power of appointment over the appointive property. "Power of appointment" does not include a power of attorney.

"Power of direction" means a power over a trust granted to a person by the terms of the trust to the extent the power is exercisable while the person is not serving as a trustee. The term includes a power over the investment, management, or distribution of trust property or other matters of trust administration. The term excludes the powers described in subsection A of § 64.2-779.28.

"Power of withdrawal" means a presently exercisable general power of appointment other than a power exercisable by a trustee that is limited by an ascertainable standard, or that is exercisable by another person only upon consent of the trustee or a person holding an adverse interest.

"Presently exercisable power of appointment" means a power of appointment exercisable by the powerholder at the relevant time. "Presently exercisable power of appointment" includes a power of appointment exercisable only after the occurrence of a specified event, the satisfaction of an ascertainable standard, or the passage of a specified time, only after (i) the occurrence of the specified event, (ii) the satisfaction of the ascertainable standard, or (iii) the passage of the specified time. "Presently exercisable power of appointment" does not include a power exercisable only at the powerholder's death.

"Property" means anything that may be the subject of ownership, whether real or personal, legal or equitable, or any interest therein.

"Qualified beneficiary" means a beneficiary who, on the date the beneficiary's qualification is determined, (i) is a distributee or permissible distributee of trust income or principal; (ii) would be a distributee or permissible distributee of trust income or principal if the interests of the distributees described in clause (i) terminated on that date without causing the trust to terminate; or (iii) would be a distributee or permissible distributee of trust income or principal if the trust terminated on that date.

"Reasonably definite standard" means a clearly measurable standard under which a holder of a power of distribution is legally accountable within the meaning of § 674(b)(5)(A) of the Internal Revenue Code of 1986 and any applicable regulations.

"Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

"Revocable," as applied to a trust, means revocable by the settlor without the consent of the trustee or a person holding an adverse interest.

"Second trust" means (i) a first trust after modification, including a restatement of the first trust, under the Uniform Trust Decanting Act (§ 64.2-779.1 et seq.) or (ii) a trust to which a distribution of property from a first trust is or may be made under the Uniform Trust Decanting Act (§ 64.2-779.1 et seq.).

"Second-trust instrument" means the trust instrument for a second trust.

"Settlor," except as otherwise provided in § 64.2-779.22, means a person, including a testator, who creates or contributes property to a trust. If more than one person creates or contributes property to a trust, each person is a settlor of the portion of the trust property attributable to that person's contribution except to the extent another person has the power to revoke or withdraw that portion.

"Sign" means, with present intent to authenticate or adopt a record, (i) to execute or adopt a tangible symbol or (ii) to attach to or logically associate with the record an electronic symbol, sound, or process.

"Spendthrift provision" means a term of a trust that restrains both voluntary and involuntary transfer of a beneficiary's interest.

"State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States. The term includes an Indian tribe or band recognized by federal law or formally acknowledged by a state.

"Terms of a trust" means:

1. *Except as otherwise provided in subdivision 2, the manifestation of the settlor's intent regarding a trust's provisions as (i) expressed in the trust instrument or as may be (ii) established by (i) other evidence that would be admissible in a judicial proceeding; or*

2. *The trust's provisions as established, determined, or amended by (i) a trustee or trust director in accordance with applicable law, (ii) court order, or (iii) a nonjudicial settlement agreement under § 64.2-709.*

"Trust director" means a person that is granted a power of direction by the terms of a trust to the extent the power is exercisable while the person is not serving as a trustee. The person is a trust director whether or not the terms of the trust refer to the person as a trust director and whether or not the person is a beneficiary or settlor of the trust.

"Trust instrument" means a record executed by the settlor to create a trust or by any person to create a second trust that contains some or all of the terms of the trust, including any amendments.

"Trustee" includes an original, additional, and successor trustee and a cotrustee.

§ 64.2-703. Default and mandatory rules.

A. Except as otherwise provided in the terms of the trust, this chapter governs the duties and powers of a trustee, relations among trustees, and the rights and interests of a beneficiary.

B. The terms of a trust prevail over any provision of this chapter except:

1. The requirements for creating a trust;
2. ~~The~~ *Subject to subsection 1 of § 64.2-756 and §§ 64.2-779.32 and 64.2-779.34, the duty of a trustee to act in good faith and in accordance with the terms and purposes of the trust and the interests of the beneficiaries;*
3. The requirement that a trust and its terms be for the benefit of its beneficiaries, and that the trust have a purpose that is lawful, not contrary to public policy, and possible to achieve;
4. The power of the court to modify or terminate a trust under §§ 64.2-728 through 64.2-734;
5. The effect of a spendthrift provision and the rights of certain creditors and assignees to reach a trust as provided in Article 5 (§ 64.2-742 et seq.);
6. The power of the court under § 64.2-755 to require, dispense with, or modify or terminate a bond;
7. The power of the court under subsection B of § 64.2-761 to adjust a trustee's compensation specified in the terms of the trust that is unreasonably low or high;
8. The effect of an exculpatory term under § 64.2-799;
9. The rights under §§ 64.2-801 through 64.2-804 of a person other than a trustee or beneficiary;
10. Periods of limitation for commencing a judicial proceeding; and
11. The power of the court to take such action and exercise such jurisdiction as may be necessary in the interests of justice.

§ 64.2-706. Principal place of administration.

A. Without precluding other means for establishing a sufficient connection with the designated jurisdiction, terms of an inter vivos trust designating the principal place of administration are valid and controlling if:

1. A trustee's principal place of business is located in or a trustee is a resident of the designated jurisdiction; ~~or~~
2. *A trust director's principal place of business is located in or a trust director is a resident of the designated jurisdiction; or*

3. All or part of the administration occurs in the designated jurisdiction.

B. Without precluding the right of the court to order, approve, or disapprove a transfer, the trustee of an inter vivos trust may transfer the trust's principal place of administration to another state or to a jurisdiction outside of the United States that is appropriate to the trust's purposes, its administration, and the interests of the beneficiaries.

C. When the proposed transfer of a trust's principal place of administration is to another state or to a jurisdiction outside of the United States, the trustee shall notify the qualified beneficiaries of the proposed transfer not less than 60 days before initiating the transfer. A corporate trustee that maintains a place of business in the Commonwealth where one or more trust officers are available on a regular basis for personal contact with trust customers and beneficiaries shall not be deemed to have transferred its principal place of administration if all or significant portions of the administration of the trust are performed outside the Commonwealth. The notice of proposed transfer shall include:

1. The name of the jurisdiction to which the principal place of administration is to be transferred;
2. The address and telephone number at the new location at which the trustee can be contacted;

3. An explanation of the reasons for the proposed transfer;
4. The date on which the proposed transfer is anticipated to occur; and
5. The date, not less than 60 days after the giving of the notice, by which the qualified beneficiary shall notify the trustee of an objection to the proposed transfer.

D. The authority of a trustee under this section to transfer a trust's principal place of administration to another state or to a jurisdiction outside of the United States terminates if a qualified beneficiary notifies the trustee of an objection to the proposed transfer on or before the date specified in the notice.

E. In connection with a transfer of the trust's principal place of administration, the trustee may transfer some or all of the trust property to a successor trustee designated in the terms of the trust or appointed pursuant to § 64.2-757.

F. The court, for good cause shown, may transfer the principal place of administration of a testamentary trust to another state or to a jurisdiction outside of the United States upon such conditions, if any, as it may deem appropriate.

§ 64.2-752. Settlor's powers; powers of withdrawal.

A. While a trust is revocable, rights of the beneficiaries are subject to the control of, and the duties of the trustee are owed exclusively to, the settlor.

B. *While a trust is revocable, the trustee may follow a direction of the settlor that is contrary to the terms of the trust.*

C. During the period the power may be exercised, the holder of a power of withdrawal has the rights of a settlor of a revocable trust under this section to the extent of the property subject to the power.

§ 64.2-756. Cotrustees.

A. Cotrustees who are unable to reach a unanimous decision may act by majority decision.

B. If a vacancy occurs in a cotrusteeship, the remaining cotrustees may act for the trust.

C. ~~A~~ *Subject to subsection I, a cotrustee shall participate in the performance of a trustee's function unless the cotrustee is unavailable to perform the function because of absence, illness, disqualification under other law, or other temporary incapacity, or the cotrustee has properly delegated the performance of the function to another trustee.*

D. If a cotrustee is unavailable to perform duties because of absence, illness, disqualification under other law, or other temporary incapacity, and prompt action is necessary to achieve the purposes of the trust or to avoid injury to the trust property, the remaining cotrustee or a majority of the remaining cotrustees may act for the trust.

E. A trustee may delegate to a cotrustee the performance of any function other than a function that the terms of the trust expressly require to be performed by the trustees jointly. Unless a delegation was irrevocable, a trustee may revoke a delegation previously made.

F. Except as otherwise provided in subsection G, a trustee who does not join in an action of another trustee is not liable for the action.

G. ~~Each~~ *Subject to subsection I, each trustee shall exercise reasonable care to:*

1. Prevent a cotrustee from committing a serious breach of trust; and
2. Compel a cotrustee to redress a serious breach of trust.

H. A dissenting trustee who joins in an action at the direction of the majority of the trustees and who notified any cotrustee of the dissent at or before the time of the action is not liable for the action unless the action is a serious breach of trust.

I. The terms of a trust may relieve a cotrustee from duty and liability with respect to another cotrustee's exercise or nonexercise of a power of the other cotrustee to the same extent that in a directed trust a directed trustee is relieved from duty and liability with respect to a trust director's power of direction under §§ 64.2-779.32, 64.2-779.33, and 64.2-779.34.

Article 8.2.

Uniform Directed Trust Act.

§ 64.2-779.26. Definitions.

As used in this article, unless the context requires a different meaning:

"Breach of trust" includes a violation by a trust director or trustee of a duty imposed on that trust director or trustee by the terms of the trust, this article, or law of the Commonwealth other than this article pertaining to trusts.

"Directed trust" means a trust for which the terms of the trust grant a power of direction.

§ 64.2-779.27. Application.

A. *Except as otherwise provided in subsection B and § 64.2-779.28, this article applies to a trust that has its principal place of administration in the Commonwealth and that:*

1. *Is created on or after July 1, 2020;*
2. *Is amended by a settlor on or after July 1, 2020;*
3. *Is amended or modified on or after July 1, 2020, by a nonjudicial settlement agreement under § 64.2-709, by a second-trust instrument under the Uniform Trust Decanting Act (§ 64.2-779.1 et seq.), or by the court; or*
4. *In the case of any trust not described in subdivision A 1, A 2, or A 3, was made subject to subsection E of § 64.2-770, as it existed prior to the effective date of this article, by specific reference in the trust instrument.*

B. *In the case of a trust described in subdivision A 2 or A 3, this article applies only to a decision or action on or after the date of the first such amendment or modification.*

C. *Any trust, decision, or action to which this article does not apply shall be governed by the following rules:*

1. If the terms of a trust confer upon a person other than the settlor of a revocable trust power to direct certain actions of the trustee, the trustee shall act in accordance with an exercise of the power unless the attempted exercise is manifestly

contrary to the terms of the trust or the trustee knows the attempted exercise would constitute a serious breach of a fiduciary duty that the person holding the power owes to the beneficiaries of the trust.

2. The terms of a trust may confer upon a trustee or other person a power to direct the modification or termination of the trust.

3. A person, other than a beneficiary, who holds a power to direct is presumptively a fiduciary who, as such, is required to act in good faith with regard to the purposes of the trust and the interests of the beneficiaries. The holder of a power to direct is liable for any loss that results from breach of a fiduciary duty.

§ 64.2-779.28. Exclusions.

A. This article does not apply to a:

1. Power of appointment;
2. Power to appoint or remove a trustee or trust director;
3. Power of a settlor over a trust to the extent the settlor has a power to revoke the trust;
4. Power of a beneficiary over a trust to the extent the exercise or nonexercise of the power affects the beneficial interest of:

a. The beneficiary; or
 b. Another beneficiary represented by the beneficiary under Article 3 (§ 64.2-714 et seq.) with respect to the exercise or nonexercise of the power;

5. Power over a trust if:

a. The terms of the trust provide that the power is held in a nonfiduciary capacity; and
 b. The power must be held in a nonfiduciary capacity to achieve the settlor's tax objectives under the United States Internal Revenue Code; or

6. Power over a trust if the terms of the trust provide that the Uniform Directed Trust Act does not apply to the trust.

B. Unless the terms of a trust provide otherwise, a power granted to a person to designate a recipient of an ownership interest in or power of appointment over trust property which is exercisable while the person is not serving as a trustee is a power of appointment and not a power of direction.

§ 64.2-779.29. Powers of trust director.

A. Subject to § 64.2-779.30, the terms of a trust may grant a power of direction to a trust director.

B. Unless the terms of a trust provide otherwise:

1. A trust director may exercise any further power appropriate to the exercise or nonexercise of a power of direction granted to the trust director under subsection A; and

2. Trust directors with joint powers must act by majority decision.

§ 64.2-779.30. Limitations on trust director.

A trust director is subject to the same rules as a trustee in a like position and under similar circumstances in the exercise or nonexercise of a power of direction or further power under subdivision B 1 of § 64.2-779.29 regarding:

1. A payback provision in the terms of a trust necessary to comply with the reimbursement requirements of Medicaid law in § 1917 of the Social Security Act, 42 U.S.C. § 1396p(d)(4)(A), as amended; and

2. A charitable interest in the trust, including notice regarding the interest to the Attorney General.

§ 64.2-779.31. Duty and liability of trust director.

A. Subject to subsection B, with respect to a power of direction or further power under subdivision B 1 of § 64.2-779.29:

1. A trust director has the same fiduciary duty and liability in the exercise or nonexercise of the power:

a. If the power is held individually, as a sole trustee in a like position and under similar circumstances; or
 b. If the power is held jointly with a trustee or another trust director, as a cotrustee in a like position and under similar circumstances; and

2. The terms of the trust may vary the trust director's duty or liability to the same extent the terms of the trust could vary the duty or liability of a trustee in a like position and under similar circumstances.

B. Unless the terms of a trust provide otherwise, if a trust director is licensed, certified, or otherwise authorized or permitted by law other than this article to provide health care in the ordinary course of the trust director's business or practice of a profession, to the extent the trust director acts in that capacity, the trust director has no duty or liability under this article.

C. The terms of a trust may impose a duty or liability on a trust director in addition to the duties and liabilities imposed under this section.

§ 64.2-779.32. Duty and liability of directed trustee.

A. Subject to subsection B, a directed trustee shall take reasonable action to comply with a trust director's exercise or nonexercise of a power of direction or further power under subdivision B 1 of § 64.2-779.29, and the trustee is not liable for the action.

B. A directed trustee must not comply with a trust director's exercise or nonexercise of a power of direction or further power under subdivision B 1 of § 64.2-779.29 to the extent that by complying the trustee would engage in willful misconduct.

C. An exercise of a power of direction under which a trust director may release a trustee or another trust director from liability for breach of trust is not effective if:

1. The breach involved the trustee's or other trust director's willful misconduct;
 2. The release was induced by improper conduct of the trustee or other trust director in procuring that release; or
 3. At the time of the release, the trust director did not know the material facts relating to the breach.
- D. A directed trustee that has reasonable doubt about its duty under this section may petition the court for instructions.
- E. The terms of a trust may impose a duty or liability on a directed trustee in addition to the duties and liabilities under this section.

§ 64.2-779.33. Duty to provide information to trust director or trustee.

A. Subject to § 64.2-779.34, a trustee shall provide information to a trust director to the extent the information is reasonably related both to:

1. The powers or duties of the trustee; and
2. The powers or duties of the trust director.

B. Subject to § 64.2-779.34, a trust director shall provide information to a trustee or another trust director to the extent the information is reasonably related both to:

1. The powers or duties of the trust director; and
2. The powers or duties of the trustee or other trust director.

C. A trustee that acts in reliance on information provided by a trust director is not liable for a breach of trust to the extent the breach resulted from the reliance, unless by so acting the trustee engages in willful misconduct.

D. A trust director that acts in reliance on information provided by a trustee or another trust director is not liable for a breach of trust to the extent the breach resulted from the reliance, unless by so acting the trust director engages in willful misconduct.

§ 64.2-779.34. No duty to monitor, inform, or advise.

A. Unless the terms of a trust provide otherwise:

1. A trustee does not have a duty to:

- a. Monitor a trust director; or
- b. Inform or give advice to a settlor, beneficiary, trustee, or trust director concerning an instance in which the trustee might have acted differently than the trust director; and

2. By taking an action described in subdivision 1, a trustee does not assume the duty excluded by subdivision 1.

B. Unless the terms of a trust provide otherwise:

1. A trust director does not have a duty to:

- a. Monitor a trustee or another trust director; or
- b. Inform or give advice to a settlor, beneficiary, trustee, or another trust director concerning an instance in which the trust director might have acted differently than a trustee or another trust director; and

2. By taking an action described in subdivision 1, a trust director does not assume the duty excluded by subdivision 1.

§ 64.2-779.35. Limitation of action against trust director.

A. An action against a trust director for breach of trust must be commenced within the same limitation period as under § 64.2-796 for an action for breach of trust against a trustee in a like position and under similar circumstances.

B. A report or accounting has the same effect on the limitation period for an action against a trust director for breach of trust that the report or accounting would have under § 64.2-796 in an action for breach of trust against a trustee in a like position and under similar circumstances.

§ 64.2-779.36. Defenses in action against trust director.

In an action against a trust director for breach of trust, the trust director may assert the same defenses a trustee in a like position and under similar circumstances could assert in an action for breach of trust against the trustee.

§ 64.2-779.37. Jurisdiction over trust director.

A. By accepting appointment as a trust director of a trust subject to this article, the trust director submits to personal jurisdiction of the courts of the Commonwealth regarding any matter related to a power or duty of the trust director.

B. This section does not preclude other methods of obtaining jurisdiction over a trust director.

§ 64.2-779.38. Office of trust director.

Unless the terms of a trust provide otherwise, the rules applicable to a trustee apply to a trust director regarding the following matters:

1. Acceptance under § 64.2-754;
2. Giving of bond to secure performance under § 64.2-755;
3. Reasonable compensation under § 64.2-761;
4. Resignation under § 64.2-758;
5. Removal under § 64.2-759; and
6. Vacancy and appointment of successor under § 64.2-757.

2. That § 64.2-770 of the Code of Virginia is repealed.

CHAPTER 769

An Act to amend and reenact §§ 24.2-946.1 and 24.2-947.5 of the Code of Virginia, relating to campaign finance reports; electronic filing requirement; local and constitutional offices.

[S 57]

Approved April 7, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-946.1 and 24.2-947.5 of the Code of Virginia are amended and reenacted as follows:

§ 24.2-946.1. Standards and requirements for electronic preparation and transmittal of campaign finance disclosure reports; database.

A. The State Board shall review or cause to be developed and shall approve standards for the preparation, production, and transmittal by computer or electronic means of campaign finance reports required by this chapter. The State Board may prescribe the method of execution and certification of and the procedures for receiving electronically filed campaign finance reports required by this chapter in the office of the State Board or any local electoral board. The State Board may provide campaign finance report-creation software to filers without charge or at a reasonable cost.

B. The State Board shall accept any campaign finance report filed by candidates for the General Assembly and statewide office by computer or electronic means in accordance with the standards approved by the Board and using software meeting standards approved by it. This information shall be made available to the public promptly by the Board through the Internet.

C. The State Board of Elections shall develop and implement a centralized system to accept reports from ~~any candidate candidates~~ for local ~~or~~ and constitutional ~~office~~ offices. Such reports shall be filed in accordance with, and using software that meets, standards approved by the State Board. The State Board shall promptly notify the general registrar of the locality in which a candidate resides and make the information contained in the report available to the general registrar. In the case of a former candidate who is no longer seeking election but has not yet filed a final report as required by § 24.2-948.4, the State Board shall promptly notify the general registrar of the locality in which he sought office and make the information contained in the report available to such general registrar.

D. The State Board shall enter or cause to be entered into a campaign finance database, available to the public through the Internet, the information from required campaign finance reports filed by computer, electronic, or other means by candidates for the General Assembly and statewide office.

E. Other campaign finance reports required by this chapter to be filed by a committee with the State Board or a general registrar, or both, may be filed electronically on terms agreed to by the committee and the Board.

§ 24.2-947.5. With whom candidates file reports; electronic filing requirement.

A. Candidates for statewide office and for the General Assembly shall file the reports required by this article by computer or electronic means in accordance with the standards approved by the State Board.

B. Candidates for local or constitutional office in any locality ~~with a population of more than 70,000~~ shall file reports required by this article with the State Board by computer or electronic means in accordance with the standards approved by the State Board. ~~All other candidates for local or constitutional office may file reports required by this article with the State Board by computer or electronic means in accordance with the standards approved by the State Board. Candidates who file by electronic means with the State Board are not and shall not be~~ required to file reports with the general registrar of the locality in which the candidate resides.

C. Except as provided in § 24.2-948.1, candidates for any other office who file reports in nonelectronic format shall file with the general registrar of the locality in which the candidate resides.

D. Notwithstanding the provisions of subsection ~~B~~ or C, a former candidate who is no longer seeking election but has not yet filed a final report as required by § 24.2-948.4 and who files reports in nonelectronic format shall file with the general registrar of the locality in which he sought office.

E. Any report that may be filed with the State Board by mail shall be (i) received by the State Board by the deadline for filing the report or (ii) transmitted to the State Board by telephonic transmission to a facsimile device by the deadline for filing the report with an original copy of the report mailed to the State Board and postmarked by the deadline for filing the report.

2. That the provisions of this act shall become effective on January 1, 2021.

CHAPTER 770

An Act to amend the Code of Virginia by adding a section numbered 24.2-947.10, relating to campaign finance; reporting of certain contributions received immediately prior to a legislative session.

[S 217]

Approved April 7, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 24.2-947.10 as follows:

§ 24.2-947.10. Special report required of certain large pre-legislative session contributions.

A. Any single contribution of \$1,000 or more for a statewide office or the General Assembly knowingly received or reported by the candidate or his treasurer on behalf of his candidacy during the period beginning January 1 and ending on the day immediately before the first day of a regular session of the General Assembly shall be reported as provided in § 24.2-947.5, and the report shall be received by the State Board not later than January 15.

B. Any contribution reported pursuant to subsection A shall also be reported on the first report required by this article following the date of the contribution.

CHAPTER 771

An Act to amend the Code of Virginia by adding a section numbered 19.2-10.4, relating to subpoena duces tecum; attorney-issued subpoena duces tecum; criminal cases.

[S 801]

Approved April 7, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 19.2-10.4 as follows:

§ 19.2-10.4. Subpoena duces tecum; attorney-issued subpoena duces tecum.

In any criminal case a subpoena duces tecum may be issued by the attorney of record who is an active member of the Virginia State Bar at the time of issuance, as an officer of the court. Any such subpoena duces tecum shall be on a form approved by the Executive Secretary of the Supreme Court of Virginia, signed by the attorney of record as if a pleading, and shall include the attorney's address. A copy of the signed subpoena duces tecum, together with the attorney's certificate of service pursuant to Rule 1:12, shall be mailed or delivered to the adverse party and to the clerk's office of the court in which the case is pending on the day of issuance by the attorney. The law governing subpoenas duces tecum issued pursuant to Rule 3A:12(b) shall apply. A sheriff shall not be required to serve an attorney-issued subpoena duces tecum that is not issued at least five business days prior to the date production of evidence is desired. When an attorney transmits one or more subpoenas duces tecum to a sheriff to be served in his jurisdiction, the provisions in § 8.01-407 regarding such transmittals shall apply.

If the time for compliance with a subpoena duces tecum issued by an attorney is less than 14 days after service of the subpoena, the person to whom it is directed may serve upon the party issuing the subpoena a written objection setting forth any grounds upon which such production, inspection, or testing should not be required. If objection is made, the party on whose behalf the subpoena duces tecum was issued and served shall not be entitled to the requested production, inspection, or testing, except pursuant to an order of the court, but may, upon notice to the person to whom the subpoena was directed, move for an order to compel production, inspection, or testing. Upon such timely motion, the court may quash, modify, or sustain the subpoena duces tecum.

Subpoenas duces tecum for medical records issued by an attorney shall be subject to the provisions of §§ 8.01-413 and 32.1-127.1:03, except that no separate fee for issuance shall be imposed.

CHAPTER 772

An Act to amend and reenact §§ 24.2-945 and 24.2-948.1 of the Code of Virginia, relating to Campaign Finance Disclosure Act of 2006; applicability to nominations and elections for directors of soil and water conservation districts; exemption.

[S 979]

Approved April 7, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-945 and 24.2-948.1 of the Code of Virginia are amended and reenacted as follows:

§ 24.2-945. Elections to which chapter applicable; chapter exclusive.

A. The provisions of this chapter shall apply to all elections held in Virginia, including referenda, and to nominating conventions, mass meetings, and other methods to nominate a political party candidate for public office, except nominations and elections for (i) members of the United States Congress, (ii) President and Vice President of the United States, (iii) town office in a town with a population of less than 25,000, ~~or (iv) directors of soil and water conservation districts, or~~ (↔) political party committees.

The provisions of this chapter shall be applicable to a candidate for a town office in a town with a population of less than 25,000 if (a) such candidate accepts contributions or makes expenditures in excess of \$25,000 within the candidate's election cycle, as set forth in § 24.2-947, or (b) the governing body of any such town provides, by ordinance, that such provisions so apply.

B. This chapter shall constitute the exclusive and entire campaign finance disclosure law of the Commonwealth, and elections to which the chapter applies shall not be subject to further regulation by local law.

§ 24.2-948.1. Exemption from reporting requirements for certain candidates for local office and for directors of soil and water conservation districts.

A. This section shall apply to candidates for local office *and for director of soil and water conservation districts*. A candidate for local office *or for director of a soil and water conservation district* may seek an exemption from the requirements for filing campaign finance disclosure reports set out in this chapter except for the filing requirements of §§ 24.2-945.2, 24.2-947.1, 24.2-947.9, and 24.2-948.4 pertaining to certain independent expenditures, the statement of organization, large contributions, and the filing of a final report. The request for an exemption shall be filed with the general registrar of the county or city where the candidate resides on a form prescribed by the State Board and in accordance with instructions by the State Board for the time for filing and the process for approval by the general registrar.

B. To qualify for an exemption, the candidate shall certify on the form that (i) he has not and will not solicit or accept any contribution from any other person or political committee during the course of his campaign, (ii) he has not and will not contribute to his own campaign more than \$1,000, (iii) he has not and will not expend more than \$1,000 in the course of his campaign, and (iv) that he has complied and will comply with the requirements of this chapter. This certification shall apply for the duration of the campaign until the filing of a final report in compliance with § 24.2-948.4 after the election. A candidate may rescind his certification and exemption at any time during the campaign and shall file in accordance with the appropriate filing schedule thereafter, provided that the candidate rescinds his certification prior to engaging in the activities described in clauses (i), (ii), and (iii) of this subsection. The first report filed shall account for all prior contributions and expenditures pertaining to his campaign.

C. Any candidate who has qualified for an exemption from reporting requirements pursuant to this section shall not be permitted to qualify for any office, enter upon the duties thereof, or receive any salary or emoluments therefrom until a final report has been filed that details all financial activity of the candidate's campaign and states that all reporting for the nomination and election is complete and final. No officer authorized by the laws of the Commonwealth to issue certificates of election shall issue one to any person determined to be elected to any such office, until copies of the final report cited above have been filed as required in this chapter.

D. A candidate who has a current exemption under the provisions of this section, or who is otherwise exempt from reporting contributions and expenditures under this chapter, may purchase voter lists from the State Board under the provisions of §§ 24.2-405 and 24.2-406 with a check drawn on the candidate's personal account.

CHAPTER 773

An Act to amend and reenact § 42.1-78 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 7 of Title 42.1 a section numbered 42.1-91.1, relating to Virginia Public Records Act; availability of certain public records.

[S 1051]

Approved April 7, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 42.1-78 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Chapter 7 of Title 42.1 a section numbered 42.1-91.1 as follows:

§ 42.1-78. Confidentiality safeguarded.

Any records made confidential by law shall be so treated. Records ~~which~~ *that* by law are required to be closed to the public shall not be deemed to be made open to the public under the provisions of this chapter. Records in the custody of The Library of Virginia ~~which~~ *that* are required to be closed to the public shall be open for public access 75 years after the date of creation of the record. No provision of this chapter shall be construed to authorize or require the opening of any records ordered to be sealed by a court; *however, upon a petition filed with the clerk, a judge may enter an order releasing any record sealed prior to January 1, 1901.* All records deposited in the archives that are not made confidential by law shall be open to public access.

§ 42.1-91.1. Availability of public records created prior to January 1, 1901.

Notwithstanding any provisions of a previously executed contract with any department, agency, or institution of the Commonwealth or political subdivision, any individual or private entity lawfully in possession of public records created prior to January 1, 1901, or images of such records may display or publish such records in any format, including in an electronic database or on the Internet, without paying a fee to or requesting permission from the original custodian of such records.

CHAPTER 774

An Act to require the Department of Education to develop and publish guidance and resources relating to the provision of applied behavior analysis services for students in public schools.

[H 1722]

Approved April 7, 2020

Be it enacted by the General Assembly of Virginia:

1. § 1. The Department of Education shall develop and publish no later than November 16, 2020, guidance and resources relating to the provision of applied behavior analysis (ABA) services in public schools for students who are in need of such services. Such guidance and resources may address (i) determining the need for and appropriateness of providing ABA

services for students during the school day; (ii) considerations for school boards regarding management and monitoring of personnel who are not employed by the school board and who provide ABA services in public schools; (iii) the financial responsibilities related to hiring and retaining personnel who are not employed by the school board and who provide ABA services in public schools; (iv) developing agreements between such providers of ABA services, families, and schools; and (v) utilizing licensed behavior analysts employed by the school board to provide ABA services.

CHAPTER 775

An Act to amend the Code of Virginia by adding in Article 2 of Chapter 1 of Title 23.1 a section numbered 23.1-108, relating to public institutions of higher education; public-private partnerships; wind and solar power.

[S 271]

Approved April 7, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 2 of Chapter 1 of Title 23.1 a section numbered 23.1-108 as follows:

§ 23.1-108. Public-private partnerships; wind and solar power.

A. Each public institution of higher education may enter into a public-private partnership with any private entity whereby such entity is permitted to use at no cost property owned or controlled by such public institution of higher education for the generation of wind or solar power in exchange for offering educational immersion programs that provide hands-on education and training in the construction, operations, and maintenance of its wind or solar power generators. Such educational immersion programs shall be open to high school students and students at public institutions of higher education on the basis of admissions criteria established by the partner public institution of higher education.

B. Any energy produced by solar or wind power generators as a result of a public-private partnership established pursuant to this section shall be (i) used to provide power for the partner public institution of higher education or (ii) introduced to applicable power grids and sold at market rates, with profits split as agreed upon by the private entity and the partner public institution of higher education. Any such profits gained by the partner public institution of higher education shall be used to further research, expand clean energy education programs, or lower student tuition rates.

CHAPTER 776

An Act to amend and reenact § 22.1-138 of the Code of Virginia, relating to public school buildings; water management program; prevention of Legionnaires' disease.

[S 410]

Approved April 7, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-138 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-138. Minimum standards for public school buildings.

A. The Board of Education shall prescribe by regulation minimum standards for the erection of or addition to public school buildings governing instructional, operational, health and maintenance facilities where these are not specifically addressed in the Uniform Statewide Building Code.

B. By July 1, 1994, every school building in operation in the Commonwealth shall be tested for radon pursuant to procedures established by the ~~United States~~ U.S. Environmental Protection Agency (EPA) for radon measurements in schools.

School buildings and additions opened for operation after July 1, 1994, shall be tested for radon pursuant to such EPA procedures and regulations prescribed by the Board of Education pursuant to subsection A of this section. Each school shall maintain files of its radon test results and make such files available for review. The division superintendent shall report radon test results to the Department of Health.

C. Each school board shall maintain a water management program for the prevention of Legionnaires' disease at each public school building in the local school division. Each school board shall validate each water management program on at least an annual basis to maintain the health and decency of such buildings. Each public school shall maintain files related to its water management program, including the results of all validation and remediation activities, and make such files available for review.

D. Each school board shall, in consultation with the local building official and the state or local fire marshal, develop a procurement plan to ensure that all security enhancements to public school buildings are in compliance with the Uniform Statewide Building Code (§ 36-97 et seq.) and Statewide Fire Prevention Code (§ 27-94 et seq.).

~~D.~~ E. No school employee shall open or close an electronic room partition in any school building unless (i) no student is present in such building, (ii) (a) no student is present in the room or area in which such partition is located and (b) such room or area is locked or otherwise inaccessible to students, or (iii) such partition includes a safety sensor that automatically stops the partition when a body passes between the leading edge and a wall, an opposing partition, or the stacking area.

~~E. F.~~ Any annual safety review or exercise for school employees in a local school division shall include information and demonstrations, as appropriate, regarding the provisions of subsection ~~D~~ E.

~~F. G.~~ The Department of Education shall make available to each school board model safety guidance regarding the operation of electronic room partitions.

2. That the Department of Education shall make recommendations for the establishment, maintenance, and validation of water management programs to prevent Legionella pneumophila growth in public school buildings and shall notify each local school board of its recommendations no later than July 1, 2021.

3. That the provisions of the first enactment of this act shall become effective on July 1, 2021.

CHAPTER 777

An Act to amend and reenact § 2.2-3110 of the Code of Virginia, relating to public institutions of higher education; contracting firms; president of the institution; delegation.

[S 448]

Approved April 7, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-3110 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-3110. Further exceptions.

A. The provisions of Article 3 (§ 2.2-3106 et seq.) shall not apply to:

1. The sale, lease or exchange of real property between an officer or employee and a governmental agency, provided the officer or employee does not participate in any way as such officer or employee in such sale, lease or exchange, and this fact is set forth as a matter of public record by the governing body of the governmental agency or by the administrative head thereof;

2. The publication of official notices;

3. Contracts between the government or school board of a county, city, or town with a population of less than 10,000 and an officer or employee of that county, city, or town government or school board when the total of such contracts between the government or school board and the officer or employee of that government or school board or a business controlled by him does not exceed \$5,000 per year or such amount exceeds \$5,000 and is less than \$25,000 but results from contracts arising from awards made on a sealed bid basis, and such officer or employee has made disclosure as provided for in § 2.2-3115;

4. An officer or employee whose sole personal interest in a contract with the governmental agency is by reason of income from the contracting firm or governmental agency in excess of \$5,000 per year, provided the officer or employee or a member of his immediate family does not participate and has no authority to participate in the procurement or letting of such contract on behalf of the contracting firm and the officer or employee either does not have authority to participate in the procurement or letting of the contract on behalf of his governmental agency or he disqualifies himself as a matter of public record and does not participate on behalf of his governmental agency in negotiating the contract or in approving the contract;

5. When the governmental agency is a public institution of higher education, an officer or employee whose personal interest in a contract with the institution is by reason of an ownership in the contracting firm in excess of three percent of the contracting firm's equity or such ownership interest and income from the contracting firm is in excess of \$5,000 per year, provided that (i) the officer or employee's ownership interest, or ownership and income interest, and that of any immediate family member in the contracting firm is disclosed in writing to the president of the institution, which writing certifies that the officer or employee has not and will not participate in the contract negotiations on behalf of the contracting firm or the institution, (ii) the president of the institution, *or an officer or administrator designated by the president of the institution to make findings imposed by this section*, makes a written finding as a matter of public record that the contract is in the best interests of the institution, (iii) the officer or employee either does not have authority to participate in the procurement or letting of the contract on behalf of the institution or disqualifies himself as a matter of public record, and (iv) the officer or employee does not participate on behalf of the institution in negotiating the contract or approving the contract;

6. Except when the governmental agency is the Virginia Retirement System, contracts between an officer's or employee's governmental agency and a public service corporation, financial institution, or company furnishing public utilities in which the officer or employee has a personal interest, provided the officer or employee disqualifies himself as a matter of public record and does not participate on behalf of his governmental agency in negotiating the contract or in approving the contract;

7. Contracts for the purchase of goods or services when the contract does not exceed \$500;

8. Grants or other payment under any program wherein uniform rates for, or the amounts paid to, all qualified applicants are established solely by the administering governmental agency;

9. An officer or employee whose sole personal interest in a contract with his own governmental agency is by reason of his marriage to his spouse who is employed by the same agency, if the spouse was employed by such agency for five or more years prior to marrying such officer or employee;

10. Contracts entered into by an officer or employee or immediate family member of an officer or employee of a soil and water conservation district created pursuant to Article 3 (§ 10.1-506 et seq.) of Chapter 5 of Title 10.1 to participate in the Virginia Agricultural Best Management Practices Cost-Share Program (the Program) established in accordance with § 10.1-546.1 or to participate in other cost-share programs for the installation of best management practices to improve water quality. This subdivision shall not apply to subcontracts or other agreements entered into by an officer or employee of a soil and water conservation district to provide services for implementation of a cost-share contract established under the Program or such other cost-share programs; or

11. Contracts entered into by an officer or immediate family member of an officer of the Marine Resources Commission for goods or services for shellfish replenishment, provided that such officer or immediate family member does not participate in (i) awarding the contract, (ii) authorizing the procurement, or (iii) authorizing the use of alternate procurement methods pursuant to § 28.2-550.

B. Neither the provisions of this chapter nor, unless expressly provided otherwise, any amendments thereto shall apply to those employment contracts or renewals thereof or to any other contracts entered into prior to August 1, 1987, which were in compliance with either the former Virginia Conflict of Interests Act, Chapter 22 (§ 2.1-347 et seq.) or the former Comprehensive Conflict of Interests Act, Chapter 40 (§ 2.1-599 et seq.) of Title 2.1 at the time of their formation and thereafter. Those contracts shall continue to be governed by the provisions of the appropriate prior Act. Notwithstanding the provisions of subdivision (f)(4) of former § 2.1-348 of Title 2.1 in effect prior to July 1, 1983, the employment by the same governmental agency of an officer or employee and spouse or any other relative residing in the same household shall not be deemed to create a material financial interest except when one of such persons is employed in a direct supervisory or administrative position, or both, with respect to such spouse or other relative residing in his household and the annual salary of such subordinate is \$35,000 or more.

CHAPTER 778

An Act to amend and reenact § 22.1-280.2:2 of the Code of Virginia, relating to the Public School Security Equipment Grant Act of 2013; eligible security equipment.

[S 594]

Approved April 7, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-280.2:2 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-280.2:2. Public School Security Equipment Grant Act of 2013.

A. This section shall be known and may be cited as the "Public School Security Equipment Grant Act of 2013."

B. For purposes of this section:

"Authority" means the Virginia Public School Authority.

"Department" means the Department of Education.

"Eligible school division" means a (i) local school division or (ii) regional vocational center, special education center, alternative education center, or academic year Governor's School serving public school students in grades K through 12. The term shall also include the Virginia School for the Deaf and the Blind.

"Local school division" means a school division with schools subject to state accreditation and whose students are required to be reported in fall membership for grades K through 12.

"Security equipment" includes building modifications and fixtures such as security vestibules, *security-related devices located outside of the school building on school property, and security-related devices located on school buses.*

C. The Authority shall issue bonds for the purpose of grant payments to eligible school divisions of the Commonwealth to be used exclusively for purchasing security equipment for schools, including any related installation, which is designed to improve and help ensure the safety of students attending public schools in Virginia. Such grants shall not be used to pay for security equipment that is not included or described in a grant application approved by the Department pursuant to subsection D. The amount of grants provided to each eligible school division pursuant to this section shall not exceed \$100,000 for each fiscal year of the Commonwealth. Funds for the payment of such grants shall be provided from the issuance of bonds by the Authority, provided that the Authority shall not issue more than an aggregate of \$6 million in bonds, after all costs, for such grants during each fiscal year of the Commonwealth. In addition, the Authority shall ensure that no more than an aggregate principal amount of \$30 million in bonds issued under this section shall be outstanding at any time. Eligible school divisions seeking a grant shall apply to the Department, which shall be responsible for administering the grant program.

The Authority shall work with the Department to determine the schedule for the issuance of the bonds, which shall be based in part upon eligible school divisions having sufficient funds to purchase such security equipment. The payment of debt service on such bonds shall be as provided in the general appropriation act.

Such grants shall be in addition to all other grants made to local governments, school boards, or school divisions according to law. In addition, such grants shall not replace or be in lieu of loans to local school boards or interest rate subsidy payments to local school boards pursuant to Chapter 11.1 (§ 22.1-175.1 et seq.) of Title 22.1, and the issuance of such bonds and the payment of such grants shall not, except as herein provided, affect or otherwise amend the provisions of

such chapter as they relate to the powers and duties of the Authority, local school boards, local governments, or any other entity.

D. Based on the criteria developed by the Department in collaboration with the Department of Criminal Justice Services, eligible school divisions shall apply for a grant by August 1 of each year. As a condition of receiving a grant, a local match of 25 percent of the grant amount shall be required. The Superintendent of Public Instruction is authorized to reduce the local match for local school divisions with a composite index of local ability-to-pay less than 0.2000, including any such school division participating in a regional vocational center, special education center, alternative education center, or academic year Governor's School. The Virginia School for the Deaf and the Blind shall be exempt from the match requirement.

Grants shall be awarded by the Department on a competitive basis. As part of the application for a grant, each eligible school division shall (i) identify with specificity the security equipment for which grants are being sought, as well as the estimated costs to purchase and install the security equipment, and (ii) certify that it is the intent of the eligible school division to purchase the security equipment within six months of approval of any grant by the Department.

If the Department determines that a grant shall be paid to an eligible school division under this section, it shall provide a written certification to the chairman of the Authority directing him to make a grant payment in a specific amount to the eligible school division. The Department, however, shall not make such written certification until it has established that the Authority has sufficient funds to make such grant payment. The Authority shall only make grant payments to an eligible school division for the grants provided under this section upon receipt of such written certification. The Authority shall make such grant payments, and in the amounts as directed by the Department, within 30 days of receipt of the certification.

E. The Department shall develop guidelines concerning the requirements for applying for a grant and the administration of such grants. Such guidelines shall not be subject to the Administrative Process Act (§ 2.2-4000 et seq.).

F. In the event that two or more local school divisions became one local school division, whether by consolidation of only the local school divisions or by consolidation of the local governments, such resulting local school division shall be eligible for grants on the basis of the same number of local school divisions as existed prior to September 30, 2012.

G. The Authority shall take all necessary and proper steps as it is authorized to take under law to carry out the provisions of this section.

H. Beginning in 2014, the Department shall make an annual report to the General Assembly by September 1 of each year reporting (i) the total grants paid during the immediately prior fiscal year to each eligible school division and (ii) a general description of the security equipment purchased by eligible school divisions.

CHAPTER 779

An Act to amend and reenact § 22.1-296.3 of the Code of Virginia, relating to private schools; sexual misconduct; employment assistance prohibited.

[S 832]

Approved April 7, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-296.3 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-296.3. Certain private school employees subject to fingerprinting and criminal records checks.

A. As a condition of employment, the governing boards or administrators of private elementary or secondary schools that are accredited pursuant to § 22.1-19 shall require any applicant who accepts employment, whether full-time or part-time, permanent or temporary, to submit to fingerprinting and to provide personal descriptive information to be forwarded along with the applicant's fingerprints through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining criminal history record information regarding such applicant.

The Central Criminal Records Exchange, upon receipt of an applicant's record or notification that no record exists, shall report to the governing board or administrator, or to a private organization coordinating such records on behalf of such governing board or administrator pursuant to a written agreement with the Department of State Police, that the applicant meets the criteria or does not meet the criteria for employment based on whether or not the applicant has ever been convicted of any barrier crime as defined in § 19.2-392.02.

B. The Central Criminal Records Exchange shall not disclose information to such governing board, administrator, or private organization coordinating such records regarding charges or convictions of any crimes. If any applicant is denied employment because of information appearing on the criminal history record and the applicant disputes the information upon which the denial was based, the Central Criminal Records Exchange shall, upon request, furnish the applicant the procedures for obtaining a copy of the criminal history record from the Federal Bureau of Investigation. The information provided to the governing board, administrator, or private organization coordinating such records shall not be disseminated except as provided in this section. A governing board or administrator employing or previously employing a temporary teacher or a private organization coordinating such records on behalf of such governing board or administrator pursuant to a written agreement with the Department of State Police may disseminate, at the written request of such temporary teacher, whether such teacher meets the criteria or does not meet the criteria for employment pursuant to subsection A to the governing board or administrator of another accredited private elementary or secondary school in which such teacher has

accepted employment. Such governing board, administrator, or private organization transferring criminal records information pursuant to this section shall be immune from civil liability for any official act, decision, or omission done or made in the performance of such transfer, when such acts or omissions are taken in good faith and are not the result of gross negligence or willful misconduct.

Fees charged for the processing and administration of background checks pursuant to this section shall not exceed the actual cost to the state of such processing and administration.

C. Effective July 1, 2017, the governing board or administrator of a private elementary or secondary school that is accredited pursuant to § 22.1-19 that operates a child welfare agency regulated by the Department of Social Services pursuant to Chapter 17 (§ 63.2-1700 et seq.) of Title 63.2 shall accept evidence of a background check in accordance with § 63.2-1720.1 for individuals who are required to undergo a background check in accordance with that section as a condition of employment in lieu of the background check required by subsection A.

D. *The governing boards or administrators of private elementary and secondary schools that are accredited pursuant to § 22.1-19 shall adopt and implement policies prohibiting any individual who is a governing board member, administrator, employee, contractor, or agent of a private elementary or secondary school to assist a governing board member, administrator, employee, contractor, or agent of such private elementary or secondary school in obtaining a new job if such individual knows or has probable cause to believe that the individual seeking new employment engaged in sexual misconduct regarding a minor or student in violation of law.*

E. For purposes of this section, "governing board" or "administrator" means the unit or board or person designated to supervise operations of a system of private schools or a private school accredited pursuant to § 22.1-19.

Nothing in this section or § 19.2-389 shall be construed to require any private or religious school which is not so accredited to comply with this section.

CHAPTER 780

An Act to amend and reenact § 22.1-138 of the Code of Virginia, relating to school buildings; mold testing.

[S 845]

Approved April 7, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-138 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-138. Minimum standards for public school buildings.

A. The Board of Education shall prescribe by regulation minimum standards for the erection of or addition to public school buildings governing instructional, operational, health and maintenance facilities where these are not specifically addressed in the Uniform Statewide Building Code (§ 36-97 et seq.).

B. By July 1, 1994, every school building in operation in the Commonwealth shall be tested for radon pursuant to procedures established by the ~~United States~~ U.S. Environmental Protection Agency (EPA) for radon measurements in schools.

School buildings and additions opened for operation after July 1, 1994, shall be tested for radon pursuant to such EPA procedures and regulations prescribed by the Board of Education pursuant to subsection A ~~of this section~~. Each school shall maintain files of its radon test results and make such files available for review. The division superintendent shall report radon test results to the Department of Health.

C. *Each local school board shall develop and implement a plan to test and, if necessary, a plan to remediate mold in public school buildings in accordance with guidance issued by the U.S. Environmental Protection Agency. Each local school board shall (i) submit such testing plan and report the results of any test performed in accordance with such plan to the Department of Health and (ii) take all steps necessary to notify school staff and the parents of all enrolled students if testing results indicate the presence of mold in a public school building at or above the minimum level that raises a concern for the health of building occupants, as determined by the Department of Health.*

D. Each school board shall, in consultation with the local building official and the state or local fire marshal, develop a procurement plan to ensure that all security enhancements to public school buildings are in compliance with the Uniform Statewide Building Code (§ 36-97 et seq.) and Statewide Fire Prevention Code (§ 27-94 et seq.).

~~D. E.~~ No school employee shall open or close an electronic room partition in any school building unless (i) no student is present in such building, (ii) (a) no student is present in the room or area in which such partition is located and (b) such room or area is locked or otherwise inaccessible to students, or (iii) such partition includes a safety sensor that automatically stops the partition when a body passes between the leading edge and a wall, an opposing partition, or the stacking area.

~~E.~~ Any annual safety review or exercise for school employees in a local school division shall include information and demonstrations, as appropriate, regarding the provisions of *this* subsection ~~D~~.

~~F.~~ The Department of Education shall make available to each school board model safety guidance regarding the operation of electronic room partitions.

2. That the Department of Health shall determine the minimum level of mold in a school building that raises a concern for the health of building occupants for the purpose of a school board's notification of school staff and the parents of enrolled students in accordance with the provisions of this act.

3. That the provisions of this act shall become effective on July 1, 2021.

CHAPTER 781

An Act to amend and reenact §§ 46.2-665 and 46.2-698, as it is currently effective and as it may become effective, of the Code of Virginia, relating to vehicles used for agricultural and farm purposes; other uses.

[H 193]

Approved April 7, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-665 and 46.2-698, as it is currently effective and as it may become effective, of the Code of Virginia are amended and reenacted as follows:

§ 46.2-665. Vehicles used for agricultural or horticultural purposes.

A. No person shall be required to obtain the registration certificate, license plates, or decals for or pay a registration fee for any motor vehicle, trailer, or semitrailer used exclusively for agricultural or horticultural purposes on lands owned or leased by the vehicle's owner.

B. This exemption shall only apply to (i) pickup or panel trucks, (ii) sport utility vehicles, (iii) vehicles having a gross vehicle weight rating greater than 7,500 pounds, and (iv) trailers and semitrailers that are not operated on or over any public highway in the Commonwealth for any purpose other than:

1. Crossing a highway;
2. Operating along a highway for a distance of no more than 75 miles from one part of the owner's land to another, irrespective of whether the tracts adjoin;
3. Taking the vehicle or attached fixtures to and from a repair shop for repairs;
4. Taking another vehicle exempt from registration under any provision of §§ 46.2-664 through 46.2-668 or 46.2-672, or any part or subcomponent of such a vehicle, to or from a repair shop for repairs, including return trips;
5. Operating along a highway to and from a refuse disposal facility for the purpose of disposing of trash and garbage generated on a farm; ~~or~~
6. Operating along a highway for a distance of no more than 75 miles for the purpose of obtaining supplies for agricultural or horticultural purposes, seeds, fertilizers, chemicals, or animal feed and returning; *or*
7. *Transporting the vehicle's owner between his residence and the lands being used for agricultural or horticultural purposes.*

C. Any law-enforcement officer may require any person operating a vehicle, trailer, or semitrailer and claiming the exemption provided pursuant to this section to provide, upon request, the address of the lands owned or leased by the vehicle's owner for agricultural or horticultural purposes *and the address of the residence address of the vehicle's owner*. If such address is unavailable or unknown, the law-enforcement officer may require such person to provide the real property parcel identification number of such lands.

§ 46.2-698. (Contingent expiration date) Fees for farm vehicles.

A. The fees for registration of farm motor vehicles having gross weights of 7,500 pounds or more, when such vehicles are used exclusively for farm use as defined in this section, shall be one-half of the fee per 1,000 pounds of gross weight for private carriers as calculated under the provisions of § 46.2-697, as in effect on January 1, 2019 and notwithstanding the provisions of subsection C of § 46.2-697.2, and one-half of the fee for overload permits under § 46.2-1128, but the annual registration fee to be paid for each farm vehicle shall not be less than \$15.

B. A farm motor vehicle is used exclusively for farm use:

1. When owned by a person who is engaged either as an owner, renter, or operator of a farm of a size reasonably requiring the use of such vehicle or vehicles and when such vehicle is:
 - a. Used in the transportation of agricultural products of the farm he is working to market, or to other points for sale or processing, or when used to transport materials, tools, equipment, or supplies which are to be used or consumed on the farm he is working, or when used for any other transportation incidental to the regular operation of such farm;
 - b. Used in transporting forest products, including forest materials originating on a farm or incidental to the regular operation of a farm, to the farm he is working or transporting for any purpose forest products which originate on the farm he is working; or
 - c. Used in the transportation of farm produce, supplies, equipment, or materials to a farm not worked by him, pursuant to a mutual cooperative agreement.
2. When the nonfarm use of such motor vehicle is limited to the personal use of the owner and his immediate family in attending church or school, securing medical treatment or supplies, ~~or~~ securing other household or family necessities, *or traveling between the operator's residence and the farm.*

C. As used in this section, the term "farm" means one or more areas of land used for the production, cultivation, growing, or harvesting of agricultural products, but does not include a tree farm that is not also a nursery or Christmas tree farm, unless it is part of what otherwise is a farm. As used in this section, the term "agricultural products" means any nursery plants; Christmas trees; horticultural, viticultural, and other cultivated plants and crops; aquaculture; dairy; livestock; poultry; bee; or other farm products.

D. The first application for registration of a vehicle under this section shall be made on forms provided by the Department and shall include:

1. The location and acreage of each farm on which the vehicle to be registered is to be used;
2. The type of agricultural commodities, poultry, dairy products or livestock produced on such farms and the approximate amounts produced annually;
3. A statement, signed by the vehicle's owner, that the vehicle to be registered will only be used for one or more of the purposes specified in subsection B; and
4. Other information required by the Department.

The above information is not required for the renewal of a vehicle's registration under this section.

E. The Department shall issue appropriately designated license plates for those motor vehicles registered under this section. The manner in which such license plates are designated shall be at the discretion of the Commissioner.

F. The owner of a farm vehicle shall inform the Commissioner within 30 days or at the time of his next registration renewal, whichever comes first, when such vehicle is no longer used exclusively for farm use as defined in this section, and shall pay the appropriate registration fee for the vehicle based on its type of operation. It shall constitute a Class 2 misdemeanor to: (i) operate or to permit the operation of any farm motor vehicle for which the fee for registration and license plates is herein prescribed on any highway in the Commonwealth without first having paid the prescribed registration fee; or (ii) operate or permit the operation of any motor vehicle, registered under this section, for purposes other than as provided under subsection B; or (iii) operate as a for-hire vehicle.

G. Nothing in this section shall affect the exemptions of agricultural and horticultural vehicles under §§ 46.2-664 through 46.2-670.

H. Notwithstanding other provisions of this section, vehicles licensed under this section may be used by volunteer emergency medical services personnel and volunteer firefighters in responding to emergency calls, in reporting for regular duty, and in attending emergency medical services agency or fire company meetings and drills.

§ 46.2-698. (Contingent effective date) Fees for farm vehicles.

A. The fees for registration of farm motor vehicles having gross weights of 7,500 pounds or more, when such vehicles are used exclusively for farm use as defined in this section, shall be one-half of the fee per 1,000 pounds of gross weight for private carriers as calculated under the provisions of § 46.2-697 and one-half of the fee for overload permits under § 46.2-1128, but the annual registration fee to be paid for each farm vehicle shall not be less than \$15.

B. A farm motor vehicle is used exclusively for farm use:

1. When owned by a person who is engaged either as an owner, renter, or operator of a farm of a size reasonably requiring the use of such vehicle or vehicles and when such vehicle is:

a. Used in the transportation of agricultural products of the farm he is working to market, or to other points for sale or processing, or when used to transport materials, tools, equipment, or supplies which are to be used or consumed on the farm he is working, or when used for any other transportation incidental to the regular operation of such farm;

b. Used in transporting forest products, including forest materials originating on a farm or incident to the regular operation of a farm, to the farm he is working or transporting for any purpose forest products which originate on the farm he is working; or

c. Used in the transportation of farm produce, supplies, equipment, or materials to a farm not worked by him, pursuant to a mutual cooperative agreement.

2. When the nonfarm use of such motor vehicle is limited to the personal use of the owner and his immediate family in attending church or school, securing medical treatment or supplies, ~~or~~ securing other household or family necessities, *or traveling between the operator's residence and the farm.*

C. As used in this section, the term "farm" means one or more areas of land used for the production, cultivation, growing, or harvesting of agricultural products, but does not include a tree farm that is not also a nursery or Christmas tree farm, unless it is part of what otherwise is a farm. As used in this section, the term "agricultural products" means any nursery plants; Christmas trees; horticultural, viticultural, and other cultivated plants and crops; aquaculture; dairy; livestock; poultry; bee; or other farm products.

D. The first application for registration of a vehicle under this section shall be made on forms provided by the Department and shall include:

1. The location and acreage of each farm on which the vehicle to be registered is to be used;
2. The type of agricultural commodities, poultry, dairy products or livestock produced on such farms and the approximate amounts produced annually;
3. A statement, signed by the vehicle's owner, that the vehicle to be registered will only be used for one or more of the purposes specified in subsection B; and
4. Other information required by the Department.

The above information is not required for the renewal of a vehicle's registration under this section.

E. The Department shall issue appropriately designated license plates for those motor vehicles registered under this section. The manner in which such license plates are designated shall be at the discretion of the Commissioner.

F. The owner of a farm vehicle shall inform the Commissioner within 30 days or at the time of his next registration renewal, whichever comes first, when such vehicle is no longer used exclusively for farm use as defined in this section, and shall pay the appropriate registration fee for the vehicle based on its type of operation. It shall constitute a Class 2

misemeanor to: (i) operate or to permit the operation of any farm motor vehicle for which the fee for registration and license plates is herein prescribed on any highway in the Commonwealth without first having paid the prescribed registration fee; or (ii) operate or permit the operation of any motor vehicle, registered under this section, for purposes other than as provided under subsection B; or (iii) operate as a for-hire vehicle.

G. Nothing in this section shall affect the exemptions of agricultural and horticultural vehicles under §§ 46.2-664 through 46.2-670.

H. Notwithstanding other provisions of this section, vehicles licensed under this section may be used by volunteer emergency medical services personnel and volunteer firefighters in responding to emergency calls, in reporting for regular duty, and in attending emergency medical services agency or fire company meetings and drills.

CHAPTER 782

An Act to amend and reenact § 58.1-1707 of the Code of Virginia, relating to litter taxes; amount of tax.

[H 1154]

Approved April 7, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-1707 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-1707. Tax levied.

A. There is hereby levied and imposed upon every person in the Commonwealth engaged in business as a manufacturer, wholesaler, distributor or retailer of products enumerated in § 58.1-1708 an annual litter tax of ~~\$10~~ \$20 for each establishment from which such business is conducted. However, the tax under this subsection shall not be imposed on an individual who raises and sells agricultural produce, as defined in § 3.2-4738, and an individual who sells eggs, as described in § 3.2-5305, in local farmers markets or at roadside stands provided that his annual income from such sales does not exceed \$1,000, and that any container he provides to hold purchased items has been previously used.

B. In addition to the tax levied in subsection A, each person engaged in business as a manufacturer, wholesaler, distributor or retailer of products enumerated in category 2, 4 or 5 of § 58.1-1708 shall pay an additional annual litter tax of ~~\$15~~ \$30 for each establishment from which such business is conducted. However, the tax under this subsection shall not be imposed on an individual who raises and sells agricultural produce, as defined in § 3.2-4738, and an individual who sells eggs, as described in § 3.2-5305, in local farmers markets or at roadside stands provided that his annual income from such sales does not exceed \$1,000, and that any container he provides to hold purchased items has been previously used.

C. For purposes of the tax levied in this section, a vending machine shall not be deemed a separate establishment. Any person engaged in the business of selling goods, wares and merchandise through the use of coin-operated vending machines shall pay an annual litter tax only with respect to each establishment from which goods, wares or merchandise are stored, kept or assembled for purposes of supplying such vending machines.

CHAPTER 783

An Act to amend and reenact § 46.2-844 of the Code of Virginia, relating to passing stopped school bus; vendor; administrative fee.

[H 1427]

Approved April 7, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-844 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-844. Passing stopped school buses; penalty; prima facie evidence; penalty.

A. The driver of a motor vehicle approaching from any direction a clearly marked school bus that is stopped on any highway, private road, or school driveway for the purpose of taking on or discharging children, the elderly, or mentally or physically handicapped persons, who, in violation of § 46.2-859, fails to stop and remain stopped until all such persons are clear of the highway, private road, or school driveway and the bus is put in motion is subject to a civil penalty of \$250, and any prosecution shall be instituted and conducted in the same manner as prosecutions for traffic infractions.

A prosecution or proceeding under § 46.2-859 is a bar to a prosecution or proceeding under this section for the same act, and a prosecution or proceeding under this section is a bar to a prosecution or proceeding under § 46.2-859 for the same act.

In any prosecution for which a summons charging a violation of this section was issued within 10 days of the alleged violation, proof that the motor vehicle described in the summons was operated in violation of this section, together with proof that the defendant was at the time of such violation the registered owner of the vehicle, as required by Chapter 6 (§ 46.2-600 et seq.) shall give rise to a rebuttable presumption that the registered owner of the vehicle was the person who operated the vehicle at the place where, and for the time during which, the violation occurred. Such presumption shall be rebutted if (i) the owner of the vehicle files an affidavit by regular mail with the clerk of the general district court that he was not the operator of the vehicle at the time of the alleged violation, (ii) the owner testifies in open court under oath that he was not the operator of the vehicle at the time of the alleged violation, or (iii) a certified copy of a police report showing that

the vehicle had been reported to the police as stolen prior to the time of the alleged violation of this section is presented prior to the return date established on the summons issued pursuant to this section to the court adjudicating the alleged violation. Nothing herein shall limit the admission of otherwise admissible evidence.

The testimony of the school bus driver, the supervisor of school buses, or a law-enforcement officer that the vehicle was yellow, conspicuously marked as a school bus, and equipped with warning devices as prescribed in § 46.2-1090 is prima facie evidence that the vehicle is a school bus.

B. 1. *For purposes of this subsection, "video-monitoring system" means a system with one or more camera sensors and computers installed and operated on a school bus that produces live digital and recorded video of motor vehicles being operated in violation of § 46.2-859. All such systems installed shall, at a minimum, produce a recorded image of the license plate and shall record the activation status of at least one warning device as prescribed in § 46.2-1090 and the time, date, and location of the vehicle when the image is recorded.*

2. A locality may, by ordinance, authorize the school division of the locality to install and operate a video-monitoring system in or on the school buses operated by the division or to contract with a private vendor to do so on behalf of the school division for the purpose of recording violations of subsection A. Such ordinance may direct that any civil penalty levied for a violation of subsection A shall be payable to the local school division. In any locality that has adopted such an ordinance, a summons for a violation of subsection A may be executed as provided in § 19.2-76.2 and, notwithstanding the provisions of § 19.2-76, the summons may be executed by mailing by first-class mail a copy thereof to the address of the owner of the vehicle contained in the records of the Department. Every such mailing shall include, in addition to the summons, a notice of (i) the summoned person's ability to rebut the presumption that he was the operator of the vehicle at the time of the alleged violation through the filing of an affidavit as provided in subsection A and (ii) instructions for filing such an affidavit, including the address to which the affidavit is to be sent. If the summoned person fails to appear on the date of return set out in the summons mailed pursuant to this section, the summons shall be executed in the manner set out in § 19.2-76.3. No proceedings for contempt or arrest of a person summoned by mailing shall be instituted for failure to appear on the return date of the summons. Any summons executed for violation of this section shall provide to the person summoned at least 30 business days from the mailing of the summons to inspect information collected by a video-monitoring system in connection with the violation.

~~2. 3. Any private vendor contracting with a school division pursuant to this subsection may impose and collect an administrative fee in addition to the civil penalty imposed for a violation of subsection A and payable pursuant to this subsection, so as to recover the expenses of collecting any unpaid civil penalty when such penalty remains due more than 30 days after the date of the mailing of the summons and notice. The administrative fee shall be reasonably related to the actual cost of collecting the civil penalty and shall not exceed \$100 per violation. The operator of the vehicle shall pay the unpaid civil penalty and any administrative fee detailed in a notice or citation issued by the private vendor. If paid no later than 60 days after the date of the mailing of the summons and notice, the administrative fee shall not exceed \$25.~~

4. Any private vendor contracting with a school division pursuant to this subsection may enter into an agreement with the Department of Motor Vehicles, in accordance with the provisions of subdivision B 30 of § 46.2-208, to obtain vehicle owner information regarding the registered owners of vehicles that improperly pass stopped school buses. Information provided to such private vendor shall be protected in a database with security comparable to that of the Department of Motor Vehicles' system and used only for enforcement against individuals who violate the provisions of this section. The school division shall annually certify compliance with this subdivision and make all records pertaining to such system available for inspection and audit by the Commissioner of Highways or the Commissioner of the Department of Motor Vehicles or their designee. Any person who discloses personal information in violation of the provisions of this subdivision shall be subject to a civil penalty of \$1,000 per disclosure. Any unauthorized use or disclosure of such personal information shall be grounds for termination of the agreement between the Department of Motor Vehicles and the private vendor.

~~3. For purposes of this subsection, "video-monitoring system" means a system with one or more camera sensors and computers installed and operated on a school bus that produces live digital and recorded video of motor vehicles being operated in violation of § 46.2-859. All such systems installed shall, at a minimum, produce a recorded image of the license plate and shall record the activation status of at least one warning device as prescribed in § 46.2-1090 and the time, date, and location of the vehicle when the image is recorded.~~

CHAPTER 784

An Act to amend and reenact § 33.2-338 of the Code of Virginia, relating to compensation of counties for certain construction and improvement of primary and secondary highways.

[H 1518]

Approved April 7, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 33.2-338 of the Code of Virginia is amended and reenacted as follows:

§ 33.2-338. Construction and improvement of primary or secondary highways by counties.

A. Notwithstanding any other provisions of this article, the governing body of any county may expend general revenues or revenues derived from the sale of bonds for the purpose of constructing or improving highways, including

curbs, gutters, drainageways, sound barriers, sidewalks, and all other features or appurtenances conducive to the public safety and convenience, that either have been or may be taken into the primary or secondary state highway system. Project planning and the acquisition of rights-of-way shall be under the control and at the direction of the county, subject to the approval of project plans and specifications by the Department. All costs incurred by the Department in administering such contracts shall be reimbursed from the county's general revenues or from revenues derived from the sale of bonds or such costs may be charged against the funds that the county may be entitled to under the provisions of § 33.2-358.

B. Projects undertaken under the authority of subsection A shall not diminish the funds to which a county may be entitled under the provisions of § 33.2-357 or 33.2-358.

C. At the request of the county, the Department may agree to undertake the design, right-of-way acquisition, or construction of projects funded by the county. In such situations, the Department and the county shall enter into an agreement specifying all relevant procedures and responsibilities concerning the design, right-of-way acquisition, construction, or contract administration of projects to be funded by the county. The county shall reimburse the Department for all costs incurred by the Department in carrying out the aforesaid activities from general revenues or revenues derived from the sale of bonds.

D. Notwithstanding any contrary provision of law, any county may undertake activities toward the design, land acquisition, or construction of primary or secondary state highway projects that have been included in the six-year plan pursuant to § 33.2-331, or in the case of a primary state highway, an approved project included in the six-year improvement program of the Board. In such situations, the Department and the county shall enter into an agreement specifying all relevant procedures and responsibilities concerning the design, right-of-way acquisition, construction, or contract administration of projects to be funded by the Department. Such activities shall be undertaken with the prior concurrence of the Department, and the Department shall ~~reimburse~~ *compensate* the county for *eligible* expenses incurred in carrying out these activities. ~~Such reimbursement shall be derived from primary or secondary highway funds that the county may be entitled to under the provisions of this chapter.~~ The county may undertake these activities in accordance with all applicable county procedures, provided the Commissioner of Highways finds that those county procedures are substantially similar to departmental procedures and specifications.

E. If funding for the construction of a primary or interstate project is scheduled in the Board's Six-Year Improvement Program as defined in § 33.2-214, a locality may choose to advance funds to the project. If such advance is offered, the Board may consider such request and agree to such advancement and the subsequent reimbursement of the locality of the advance in accordance with terms agreed upon by the Board or its designee and the locality.

F. Any county carrying out any construction project as authorized in this section may, in so doing, exercise the powers granted the Commissioner of Highways under Article 1 (§ 33.2-1000 et seq.) of Chapter 10 to enter property for the purpose of making an examination and survey thereof, with a view to ascertainment of its suitability for highway purposes and any other purpose incidental thereto.

G. For the purposes of this section, any county without an existing franchise agreement, when administering a Department-sanctioned project under a land-use permit or transportation project agreement, shall have the same authority as the Department pertaining to the relocation of utilities.

H. Whenever so requested by any county, funding of any project undertaken as provided in this section may be supplemented solely by state funds in order to avoid the necessity of complying with additional federal requirements, provided a determination has been made by the Department that (i) adequate state funds are available to fully match available federal transportation funds and (ii) the Department can meet its federal obligation authority, as permitted by federal law.

CHAPTER 785

An Act to amend and reenact § 59.1-200 of the Code of Virginia and to amend the Code of Virginia by adding in Title 6.2 a chapter numbered 20.1, consisting of sections numbered 6.2-2026 through 6.2-2050, relating to debt settlement services providers; civil and criminal penalties.

[H 1553]

Approved April 7, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 59.1-200 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Title 6.2 a chapter numbered 20.1, consisting of sections numbered 6.2-2026 through 6.2-2050, as follows:

CHAPTER 20.1.

DEBT SETTLEMENT SERVICES PROVIDERS.

§ 6.2-2026. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Consumer" means an individual residing in the Commonwealth who owes money to one or more creditors, for personal, family, or household purposes, including an individual who owes money jointly with one or more other individuals.

"Credit counselor" means an employee or agent of a licensee who engages in debt settlement services on a consumer's behalf.

"Creditor" includes persons that extend credit to, or persons that service loans made to, consumers. "Creditor" or "credit-granting organization" does not include (i) doctors, lawyers, or other professionals who receive payment for their services in installments or (ii) persons whose only participation in a credit transaction is to honor a credit card.

"Debt collector" means a person defined as a debt collector under 15 U.S.C. § 1692a of the federal Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq.

"Debt settlement services" means any action or negotiation initiated or taken on behalf of any consumer with any creditor of the consumer for the purpose of obtaining debt forgiveness of all or a portion of the credit extended by the creditor to the consumer or a reduction of payments, charges, or fees payable by the consumer. For purposes of this chapter, with respect to student loan forgiveness or student loan payment reduction programs established under federal or state law and widely available to similarly situated consumers at no cost, the facilitation of enrollment in or qualification for such programs does not constitute an action or negotiation.

"Duplicate original" means an exact copy with signatures created by the same impression as the original, an exact copy bearing an original signature, or, in the case of an electronic transaction, an electronic version with electronic signatures.

"Electronic signature" means an electronic signature as defined in § 59.1-480.

"Licensee" means a person licensed under this chapter.

"Principal" means any person that, directly or indirectly, owns or controls (i) 10 percent or more of the outstanding stock of a stock corporation or (ii) a 10 percent or greater interest in a person.

§ 6.2-2027. License requirement; exceptions.

A. No person shall engage in the business of providing or offering to provide debt settlement services to any consumer, whether or not the person has an office, facility, agent, or other physical presence in the Commonwealth, unless such person obtains from the Commission a license issued pursuant to this chapter. The provisions of this chapter shall not apply to any bank, savings institution, or credit union or any person licensed to practice law in the Commonwealth.

B. This chapter shall be construed by the Commission to promote sound personal financial advice and management.

C. A person licensed under Chapter 20 (§ 6.2-2000 et seq.) is not required to be licensed under this chapter if it offers to provide or provides debt settlement services solely in connection with offering to provide or providing debt management plans.

D. A person licensed under this chapter shall not receive money from consumers for transmission to consumers' creditors or engage in the business of providing or offering to provide debt management plans to consumers unless such person is also licensed under Chapter 20 (§ 6.2-2000 et seq.).

§ 6.2-2028. Application for license; form; content; fee.

A. An application for a license under this chapter shall be made in writing, under oath, and on a form provided by the Commissioner.

B. The application shall include:

1. The name and address of the applicant and (i) if the applicant is a partnership, firm, or association, the name and address of each partner or member; (ii) if the applicant is a corporation or limited liability company, the name and address of each director, member, registered agent, and principal; or (iii) if the applicant is a business trust, the name and address of each trustee and beneficiary;

2. The name and address of each manager and officer;

3. The addresses of the locations of the business to be licensed;

4. Financial statements for the applicant;

5. A current copy of the applicant's standard debt settlement services agreement;

6. Such other information concerning the financial responsibility, background, experience, and activities of the applicant and the persons referred to in this section as the Commissioner may require;

7. Any other pertinent information as the Commissioner may require; and

8. Payment of an application fee of \$500.

C. The application fee shall not be refundable in any event. The fee shall not be abated by surrender, suspension, or revocation of the license.

§ 6.2-2029. Bond required.

The application for a license shall be accompanied by a bond filed with the Commissioner with corporate surety authorized to execute the bond in the Commonwealth, in the principal amount as determined by the Commission. The amount of the bond shall be not less than \$25,000 nor more than \$350,000. The form of the bond shall be approved by the Commission. The bond shall be continuously maintained thereafter in full force, and the Commission may require the principal amount to be adjusted as it deems necessary. The bond shall be conditioned upon the licensee performing all written agreements with consumers and conducting the licensed business in conformity with this chapter and all applicable law. Any person who may be damaged by noncompliance of the licensee with any condition of the bond may proceed on the bond against the principal or surety thereon, or both, to recover damages. The aggregate liability under the bond shall not exceed the penal sum of the bond.

§ 6.2-2030. Investigation of applications.

The Commissioner may make such investigations as he deems necessary to determine if the applicant has complied with all applicable provisions of law and regulations adopted thereunder.

§ 6.2-2031. Qualifications.

A. Upon the filing and investigation of an application for a license, and compliance by the applicant with the provisions of §§ 6.2-2028 and 6.2-2029, the Commission shall issue and deliver to the applicant the license to engage in business under this chapter at the locations specified in the application if it finds that:

1. The financial responsibility, character, reputation, experience, and general fitness of the applicant and its members, senior officers, directors, trustees, and principals are such as to warrant belief that the business will be operated efficiently and fairly, in the public interest, and in accordance with law;

2. The applicant has made acceptable provision for the avoidance of conflicts of interest;

3. The applicant's credit counselors are certified through a bona fide third-party certification provider unaffiliated with the applicant that authenticates the competence of counselors providing consumer assistance;

4. No more than one-third of the board of directors or managing members are employees, officers, members, principals, trustees, directors, agents, or other representatives of organizations that grant credit to consumers;

5. The applicant has fidelity bond coverage in such principal amount as may be determined by the Commission; and

6. The applicant (i) is not the subject of any current material administrative or regulatory proceedings by any governmental authority and (ii) has not received a material adverse determination in any past administrative or regulatory proceedings by any governmental authority.

B. For purposes of subdivision A 6, the Commission shall have sole discretion to determine the materiality of any proceedings or determinations.

C. If the Commission fails to make such findings, no license shall be issued and the Commissioner shall notify the applicant of the denial and the reasons for such denial.

D. A license shall not be issued to a collection agency, or to any creditor or association of creditors, or to any credit-granting organization or association of such organizations.

§ 6.2-2032. Licenses; places of business; changes.

A. Each license shall state the address or addresses at which the business is to be conducted and shall state fully the legal name of the licensee, as well as any fictitious name by which the licensee is operating in the Commonwealth. Each license shall be posted prominently in each place of business of the licensee. Licenses shall not be transferable or assignable, by operation of law or otherwise. No licensee shall use any name in the Commonwealth other than the legal name or fictitious name set forth on the license issued by the Commission.

B. No licensee shall open an additional office or relocate any place of business without prior approval of the Commission. Applications for such approval shall be made in writing on a form provided by the Commissioner and shall be accompanied by payment of a \$150 nonrefundable application fee. The application shall be approved unless the Commission finds that the applicant has not conducted business under this chapter efficiently, fairly, in the public interest, and in accordance with law. The application shall be deemed approved if notice to the contrary has not been mailed by the Commission to the applicant within 30 days of the date the application is received by the Commission, but this period may be extended for good cause. After approval, the applicant shall give written notice to the Commissioner within 20 days of the commencement of business at the additional location or relocated place of business.

C. Every licensee shall within 20 days notify the Commissioner, in writing, of the closing of any business location and of the name, address, and position of each new senior officer, member, partner, or director and provide such other information with respect to any such change as the Commissioner may reasonably require.

D. Every license shall remain in force until it has been surrendered, revoked, or suspended. The surrender, revocation, or suspension of a license shall not affect any preexisting legal right or obligation of such licensee.

§ 6.2-2033. Acquisition of control; application.

A. Except as provided in this section, no person shall acquire, directly or indirectly, 25 percent or more of the voting shares of a corporation, or 25 percent or more of the ownership of any other person, licensed to conduct business under this chapter unless such person first:

1. Files an application with the Commission in such form as the Commissioner may prescribe from time to time;

2. Delivers such other information to the Commissioner as the Commissioner may require concerning the financial responsibility, background, experience, and activities of the applicant, its directors, senior officers, trustees, beneficiaries, principals, and members, and any proposed new directors, senior officers, principals, or members of the licensee; and

3. Pays such application fee as the Commission may prescribe.

B. Upon the filing and investigation of an application, the Commission shall permit the applicant to acquire the interest in the licensee if it finds that the applicant and its directors, senior officers, members, trustees, beneficiaries, and principals, and any proposed new persons having any such status have the financial responsibility, character, reputation, experience, and general fitness to warrant belief that the business will be operated efficiently and fairly, in the public interest, and in accordance with law. The Commission shall grant or deny the application within 60 days from the date a completed application accompanied by the required fee is filed unless the period is extended by the Commissioner reciting the reasons for the extension. If the application is denied, the Commission shall notify the applicant of the denial and the reasons for the denial.

C. The provisions of this section shall not apply to (i) the acquisition of an interest in a licensee, directly or indirectly, including an acquisition by merger or consolidation, by or with a person licensed by this chapter; (ii) the acquisition of an interest in a licensee, directly or indirectly, including an acquisition by merger or consolidation, by or with a person

affiliated through common ownership with the licensee; or (iii) the acquisition of an interest in a licensee by a person by bequest, descent, survivorship, or operation of law. The person acquiring an interest in a licensee in a transaction that is exempt from filing an application by this subsection shall send written notice to the Commissioner of such acquisition within 30 days of its closing.

§ 6.2-2034. Retention of books, accounts, and records; responding to Bureau.

A. Every licensee shall maintain in its licensed offices such books, accounts, and records as the Commission may reasonably require in order to determine whether the licensee is complying with the provisions of this chapter and regulations adopted thereunder. Such books, accounts, and records shall be maintained apart and separate from any other business in which the licensee is involved. Such records relating to debt settlement services agreements shall be retained for at least three years after the debt settlement services agreements are terminated. To safeguard the privacy of consumers, records containing personal financial information shall be shredded, incinerated, or otherwise disposed of in a secure manner. Licensees may arrange for the shredding, incineration, or other disposal of the records from a business record destruction vendor.

B. When the Bureau requests a written response, books, records, documentation, or other information from a licensee in connection with the Bureau's investigation, enforcement, or examination of compliance with applicable laws, the licensee shall deliver a written response, as well as any requested books, records, documentation, or information within the time period specified in the Bureau's request. If no time period is specified, a written response, as well as any requested books, records, documentation, or information, shall be delivered by the licensee to the Bureau not later than 30 days from the date of such request. In determining the specified time period for responding to the Bureau and when considering a request for an extension of time to respond, the Bureau shall take into consideration the volume and complexity of the requested written response, books, records, documentation, or information and such other factors as the Bureau determines to be relevant under the circumstances.

§ 6.2-2035. Annual report.

Each licensee under this chapter shall annually, on or before March 25, file a written report with the Commissioner containing such information as the Commissioner may require concerning the licensee's business and operations during the preceding calendar year as to each licensed place of business. Reports shall be made under oath and shall be in the form prescribed by the Commissioner.

§ 6.2-2036. Other reporting requirements.

A. Within 15 days following the occurrence of any of the following events, a licensee shall file a written report with the Commission describing such event and its expected impact on the business of the licensee:

1. The filing of bankruptcy, reorganization, or receivership proceedings by or against the licensee;
2. The institution of administrative or regulatory proceedings against the licensee by any governmental authority;
3. Any felony indictments of the licensee or any of its members, partners, directors, officers, trustees, beneficiaries, or principals, if known;
4. Any felony conviction of the licensee or any of its members, partners, directors, officers, trustees, beneficiaries, or principals, if known;
5. The institution of an action against the licensee under the Virginia Consumer Protection Act (§ 59.1-196 et seq.) by the Attorney General or any other governmental authority; or
6. Such other event as the Commission may prescribe by regulation.

B. Within 30 days of judgment against the licensee in a civil action relating to the debt settlement services agreement of a consumer, a licensee shall file a written report with the Commission describing such event and its expected impact on the business of the licensee.

C. Within 10 days of receipt of any qualified audit, a licensee shall notify the Commission and describe what steps are being taken to address concerns raised in the audit.

§ 6.2-2037. Investigations; examinations.

The Commission may, by its designated officers and employees, as often as it deems necessary, investigate and examine the affairs, business, premises, and records of any person licensed or required to be licensed under this chapter insofar as they pertain to any business for which a license is required by this chapter. Examinations of licensees shall be conducted at least once in each three-year period. In the course of such investigations and examinations, the owners, members, officers, directors, partners, trustees, beneficiaries, and employees of such person being investigated or examined shall, upon demand of the person making such investigation or examination, afford full access to all premises, books, records, and information that the person making such investigation or examination deems necessary. For the purposes of this section, the person making such investigation or examination shall have authority to administer oaths, examine under oath all the aforementioned persons, and compel the production of papers and objects of all kinds.

§ 6.2-2038. Annual fees.

A. To defray the costs of the examination, supervision, and regulation of licensees, every licensee under this chapter shall pay an annual fee calculated in accordance with a schedule set by the Commission. The schedule shall bear a reasonable relationship to the total number of agreements to provide debt settlement services maintained by licensees, to the actual costs of their examinations, and to other factors relating to their supervision and regulation. All such fees shall be assessed on or before June 1 for every calendar year. All such fees shall be paid by the licensee to the State Treasurer on or before July 1 following each assessment.

B. In addition to the annual fee prescribed in subsection A, when it becomes necessary to examine or investigate the books and records of a licensee under this chapter at a location outside the Commonwealth, the licensee shall be liable for and shall pay to the Commission within 30 days of the presentation of an itemized statement the actual travel and reasonable living expenses incurred on account of its examination, supervision, and regulation, or shall pay at a reasonable per diem rate approved by the Commission.

§ 6.2-2039. Regulations.

The Commission shall adopt such regulations as it deems appropriate to effect the purposes of this chapter. Before adopting any such regulation, the Commission shall give reasonable notice of its content and shall afford interested parties an opportunity to be heard, in accordance with the Commission's Rules.

§ 6.2-2040. Licensees providing debt settlement services; prohibited and required business methods.

Each licensee engaged in the business of providing or offering to provide debt settlement services to any consumer shall comply with the following requirements:

1. Each debt settlement services agreement shall be evidenced by a written agreement, which shall be maintained in either a hard copy, including a faxed copy, or electronic version and which shall be signed by the consumer and a person authorized by the licensee to sign such agreements and dated the same day the debt settlement services agreement is executed by the consumer. The agreement may be signed by the parties either originally or by electronic signature. The agreement shall set forth, at a minimum, (i) the name and address of both the consumer and the licensee; (ii) a full description of all services to be performed for the consumer by the licensee; (iii) a clear explanation, highlighted in bold type, of the costs to the consumer; (iv) a statement that the debt settlement services agreement may be terminated for any reason by the consumer and that the consumer has no obligation to continue the arrangement unless satisfied with the services provided; (v) an explanation of the method of dispute resolution under the agreement; (vi) an explanation of the obligations of the consumer and the licensee that are subject to the agreement; and (vii) notification of privacy policies in compliance with state and federal laws and regulations.

2. A licensee shall give to the consumer a duplicate original of the agreement executed by the consumer and licensee upon full execution.

3. A licensee shall not request or receive payment or other compensation for any debt settlement services until and unless:

a. The licensee has negotiated, settled, reduced, or otherwise altered the terms of at least one debt pursuant to a debt settlement services agreement it executed with a consumer; and

b. The consumer has made at least one payment to a creditor following the licensee's negotiation, settlement, reduction, or other alteration of at least one debt owned by the consumer to that creditor.

4. Prior to the execution of a debt settlement services agreement with a consumer, a licensee shall disclose to the consumer in writing, and retain a copy of, the following:

a. The amount of time necessary to achieve the represented results and, to the extent that the services may include a settlement offer to any of the customer's creditors or debt collectors, the time by which the licensee will make a bona fide settlement offer to each of them;

b. To the extent that the services may include a settlement offer to any of the customer's creditors or debt collectors, the amount of money or the percentage of each outstanding debt that the customer must accumulate before the licensee will make a bona fide settlement offer to each of them; and

c. To the extent that any aspect of the debt settlement services relies upon or results in the consumer's failure to make timely payments to creditors or debt collectors, that the use of the debt settlement services will likely adversely affect the consumer's creditworthiness, may result in the consumer being subject to collections or sued by creditors or debt collectors, and may increase the amount of money the consumer owes due to the accrual of fees and interest.

5. A licensee shall not require a consumer to execute a power of attorney, as defined in § 64.2-1600, as a condition of receiving debt settlement services.

6. A licensee shall not require a consumer to open an account, as defined in § 6.2-604, as a condition of receiving debt settlement services. A licensee may request that a consumer open an account in connection with its provision of debt settlement services, provided that:

a. The consumer's funds are held in an account at an FDIC-insured financial institution;

b. The consumer owns the funds held in the account and is paid accrued interest on the account, if any;

c. The entity administering the account is not owned or controlled by, or in any way affiliated with, the debt settlement services provider;

d. The entity administering the account does not give or accept any money or other compensation in exchange for referrals of business involving the debt settlement services provider; and

e. The consumer may withdraw from the debt settlement services at any time without penalty and must receive all funds in the account, other than the fee earned by the debt settlement services provider for completed services, if any, subject to the limitations imposed in § 6.2-2041.

7. A licensee shall not receive a gift or bonus, premium, reward, or other compensation, directly or indirectly, for advising, arranging, or assisting an individual in connection with obtaining an extension of credit or other service from a creditor, except for educational or counseling services required in connection with a government-sponsored program.

§ 6.2-2041. Fee.

A. For providing debt settlement services, a licensee may charge or receive a fee totaling either (i) no more than 20 percent of the principal amount of the debt enrolled by a consumer into the licensee's service or (ii) no more than 30 percent of the difference between the amount owed by a consumer at the time the licensee settles the debt and the amount to be paid by the consumer to satisfy the debt.

B. If more than one debt is the subject of a debt settlement services agreement, the licensee may only charge or collect that proportion of the total fee allowable under clause (i) of subsection A that equals the proportion of the aggregate debt the individual settled debt represents.

C. A licensee shall not charge or receive any other fee or compensation from a consumer for providing debt settlement services other than the fee provided for in this section.

§ 6.2-2042. Advertising.

No person licensed or required to be licensed under this chapter shall use or cause to be published any advertisement that (i) contains any false, misleading, or deceptive statement or representation or (ii) identifies the person by any name other than the name set forth on the license issued by the Commission.

§ 6.2-2043. Suspension or revocation of license.

A. The Commission may suspend or revoke any license issued under this chapter upon any of the following grounds:

1. Any ground for denial of a license under this chapter;
2. Any violation of the provisions of this chapter or regulations adopted by the Commission thereunder, or a violation of any other law or regulation applicable to the conduct of the licensee's business;
3. A course of conduct consisting of the failure to perform written agreements with consumers;
4. Conviction of a felony or misdemeanor involving fraud, misrepresentation, or deceit;
5. Entry of a judgment against the licensee involving fraud, misrepresentation, or deceit;
6. Entry of a federal or state administrative order against such licensee for violation of any law or any regulation applicable to the conduct of his business;
7. Refusal to permit an investigation or examination by the Commission;
8. Failure to pay any fee or assessment imposed by this chapter;
9. Failure to comply with any order of the Commission; or
10. Insolvency of the licensee.

B. For the purposes of this section, acts of any officer, director, member, trustee, beneficiary, partner, or principal shall be deemed acts of the licensee.

§ 6.2-2044. Cease and desist orders.

A. If the Commission determines that any person has violated any provision of this chapter or any regulation adopted hereunder, the Commission may, upon 21 days' notice in writing, order such person to cease and desist from such practices and to comply with the provisions of this chapter. The notice shall be sent by certified mail to the principal place of business of such person or other address authorized under § 12.1-19.1 and shall state the grounds for the contemplated action. Within 14 days of mailing the notice, the person or persons named therein may file with the clerk of the Commission a written request for a hearing. If a hearing is requested, the Commission shall not issue a cease and desist order except based upon findings made at such hearing. Such hearing shall be conducted in accordance with the Commission's Rules. The Commission may enforce compliance with any order issued under this section by imposition and collection of such fines and penalties as may be prescribed by law.

B. When, in the opinion of the Commission, immediate action is required to protect the public interest, a cease and desist order may be issued without prior hearing. In such cases, the Commission shall make a hearing available to the person on an expedited basis.

C. The Commission shall have jurisdiction to enter and enforce a cease and desist order against any person, regardless of whether such person is present in the Commonwealth, who violates any provision of this chapter or any regulation adopted hereunder.

§ 6.2-2045. Notice of proposed suspension or revocation.

The Commission shall not revoke or suspend the license of any person licensed under this chapter upon any of the grounds set forth in § 6.2-2043 until it has given the licensee 21 days' notice in writing of the reasons for the proposed revocation or suspension and an opportunity to introduce evidence and be heard. The notice shall be sent by certified mail to the principal place of business of the licensee or other address authorized under § 12.1-19.1 and shall state with particularity the grounds for the contemplated action. Within 14 days of mailing the notice, the person or persons named therein may file with the clerk of the Commission a written request for a hearing. If a hearing is requested, the Commission shall not suspend or revoke the license except on the basis of findings made at such hearing. The hearing shall be conducted in accordance with the Commission's Rules.

§ 6.2-2046. Civil penalties.

In addition to the authority conferred under §§ 6.2-2043 and 6.2-2044, the Commission may impose a civil penalty not exceeding \$1,000 upon any person who it determines, in proceedings commenced in accordance with the Commission's Rules, has violated any of the provisions of this chapter. For the purposes of this section, each separate violation shall be subject to the civil penalty herein prescribed. In the case of a violation of § 6.2-2027, each debt settlement services agreement entered into shall constitute a separate violation.

§ 6.2-2047. Criminal penalty.

Any person violating subsection A of § 6.2-2027 is guilty of a Class 1 misdemeanor. For purposes of this section, each violation shall constitute a separate offense.

§ 6.2-2048. Private right of action.

Any person who suffers loss by reason of a violation of any provision of this chapter may bring a civil action to enforce such provision. Any person who is successful in such action shall recover reasonable attorney fees, expert witness fees, and court costs incurred by bringing such action.

§ 6.2-2049. Authority of Attorney General; referral by Commission to Attorney General.

A. If the Commission determines that a person is in violation, or has violated, any provision of this chapter, the Commission may refer the information to the Attorney General and may request that the Attorney General investigate such violations. With or without such referral, the Attorney General is hereby authorized to seek to enjoin violations of this chapter. The circuit court having jurisdiction may enjoin such violations notwithstanding the existence of an adequate remedy at law.

B. The Attorney General may also seek, and the circuit court may order or decree, damages and such other relief allowed by law, including restitution to the extent available to consumers under applicable law. Persons entitled to any relief as authorized by this section shall be identified by order of the court within 180 days from the date of the order permanently enjoining the unlawful act or practice.

C. In any action brought by the Attorney General by virtue of the authority granted in this provision, the Attorney General shall be entitled to seek reasonable attorney fees and costs.

D. If the Attorney General files an action to enjoin violations of this chapter, the Attorney General shall provide notice of such action to the Commission.

§ 6.2-2050. Violation of the Virginia Consumer Protection Act.

Any violation of the provisions of this chapter shall constitute a prohibited practice in accordance with § 59.1-200 and shall be subject to any and all of the enforcement provisions of the Virginia Consumer Protection Act (§ 59.1-196 et seq.).

§ 59.1-200. Prohibited practices.

A. The following fraudulent acts or practices committed by a supplier in connection with a consumer transaction are hereby declared unlawful:

1. Misrepresenting goods or services as those of another;
2. Misrepresenting the source, sponsorship, approval, or certification of goods or services;
3. Misrepresenting the affiliation, connection, or association of the supplier, or of the goods or services, with another;
4. Misrepresenting geographic origin in connection with goods or services;
5. Misrepresenting that goods or services have certain quantities, characteristics, ingredients, uses, or benefits;
6. Misrepresenting that goods or services are of a particular standard, quality, grade, style, or model;
7. Advertising or offering for sale goods that are used, secondhand, repossessed, defective, blemished, deteriorated, or reconditioned, or that are "seconds," irregulars, imperfects, or "not first class," without clearly and unequivocally indicating in the advertisement or offer for sale that the goods are used, secondhand, repossessed, defective, blemished, deteriorated, reconditioned, or are "seconds," irregulars, imperfects or "not first class";
8. Advertising goods or services with intent not to sell them as advertised, or with intent not to sell at the price or upon the terms advertised.

In any action brought under this subdivision, the refusal by any person, or any employee, agent, or servant thereof, to sell any goods or services advertised or offered for sale at the price or upon the terms advertised or offered, shall be prima facie evidence of a violation of this subdivision. This paragraph shall not apply when it is clearly and conspicuously stated in the advertisement or offer by which such goods or services are advertised or offered for sale, that the supplier or offeror has a limited quantity or amount of such goods or services for sale, and the supplier or offeror at the time of such advertisement or offer did in fact have or reasonably expected to have at least such quantity or amount for sale;

9. Making false or misleading statements of fact concerning the reasons for, existence of, or amounts of price reductions;

10. Misrepresenting that repairs, alterations, modifications, or services have been performed or parts installed;

11. Misrepresenting by the use of any written or documentary material that appears to be an invoice or bill for merchandise or services previously ordered;

12. Notwithstanding any other provision of law, using in any manner the words "wholesaler," "wholesale," "factory," or "manufacturer" in the supplier's name, or to describe the nature of the supplier's business, unless the supplier is actually engaged primarily in selling at wholesale or in manufacturing the goods or services advertised or offered for sale;

13. Using in any contract or lease any liquidated damage clause, penalty clause, or waiver of defense, or attempting to collect any liquidated damages or penalties under any clause, waiver, damages, or penalties that are void or unenforceable under any otherwise applicable laws of the Commonwealth, or under federal statutes or regulations;

13a. Failing to provide to a consumer, or failing to use or include in any written document or material provided to or executed by a consumer, in connection with a consumer transaction any statement, disclosure, notice, or other information however characterized when the supplier is required by 16 C.F.R. Part 433 to so provide, use, or include the statement, disclosure, notice, or other information in connection with the consumer transaction;

14. Using any other deception, fraud, false pretense, false promise, or misrepresentation in connection with a consumer transaction;

15. Violating any provision of § 3.2-6512, 3.2-6513, or 3.2-6516, relating to the sale of certain animals by pet dealers which is described in such sections, is a violation of this chapter;

16. Failing to disclose all conditions, charges, or fees relating to:

a. The return of goods for refund, exchange, or credit. Such disclosure shall be by means of a sign attached to the goods, or placed in a conspicuous public area of the premises of the supplier, so as to be readily noticeable and readable by the person obtaining the goods from the supplier. If the supplier does not permit a refund, exchange, or credit for return, he shall so state on a similar sign. The provisions of this subdivision shall not apply to any retail merchant who has a policy of providing, for a period of not less than 20 days after date of purchase, a cash refund or credit to the purchaser's credit card account for the return of defective, unused, or undamaged merchandise upon presentation of proof of purchase. In the case of merchandise paid for by check, the purchase shall be treated as a cash purchase and any refund may be delayed for a period of 10 banking days to allow for the check to clear. This subdivision does not apply to sale merchandise that is obviously distressed, out of date, post season, or otherwise reduced for clearance; nor does this subdivision apply to special order purchases where the purchaser has requested the supplier to order merchandise of a specific or unusual size, color, or brand not ordinarily carried in the store or the store's catalog; nor shall this subdivision apply in connection with a transaction for the sale or lease of motor vehicles, farm tractors, or motorcycles as defined in § 46.2-100;

b. A layaway agreement. Such disclosure shall be furnished to the consumer (i) in writing at the time of the layaway agreement, or (ii) by means of a sign placed in a conspicuous public area of the premises of the supplier, so as to be readily noticeable and readable by the consumer, or (iii) on the bill of sale. Disclosure shall include the conditions, charges, or fees in the event that a consumer breaches the agreement;

16a. Failing to provide written notice to a consumer of an existing open-end credit balance in excess of \$5 (i) on an account maintained by the supplier and (ii) resulting from such consumer's overpayment on such account. Suppliers shall give consumers written notice of such credit balances within 60 days of receiving overpayments. If the credit balance information is incorporated into statements of account furnished consumers by suppliers within such 60-day period, no separate or additional notice is required;

17. If a supplier enters into a written agreement with a consumer to resolve a dispute that arises in connection with a consumer transaction, failing to adhere to the terms and conditions of such an agreement;

18. Violating any provision of the Virginia Health Club Act, Chapter 24 (§ 59.1-294 et seq.);

19. Violating any provision of the Virginia Home Solicitation Sales Act, Chapter 2.1 (§ 59.1-21.1 et seq.);

20. Violating any provision of the Automobile Repair Facilities Act, Chapter 17.1 (§ 59.1-207.1 et seq.);

21. Violating any provision of the Virginia Lease-Purchase Agreement Act, Chapter 17.4 (§ 59.1-207.17 et seq.);

22. Violating any provision of the Prizes and Gifts Act, Chapter 31 (§ 59.1-415 et seq.);

23. Violating any provision of the Virginia Public Telephone Information Act, Chapter 32 (§ 59.1-424 et seq.);

24. Violating any provision of § 54.1-1505;

25. Violating any provision of the Motor Vehicle Manufacturers' Warranty Adjustment Act, Chapter 17.6 (§ 59.1-207.34 et seq.);

26. Violating any provision of § 3.2-5627, relating to the pricing of merchandise;

27. Violating any provision of the Pay-Per-Call Services Act, Chapter 33 (§ 59.1-429 et seq.);

28. Violating any provision of the Extended Service Contract Act, Chapter 34 (§ 59.1-435 et seq.);

29. Violating any provision of the Virginia Membership Camping Act, Chapter 25 (§ 59.1-311 et seq.);

30. Violating any provision of the Comparison Price Advertising Act, Chapter 17.7 (§ 59.1-207.40 et seq.);

31. Violating any provision of the Virginia Travel Club Act, Chapter 36 (§ 59.1-445 et seq.);

32. Violating any provision of §§ 46.2-1231 and 46.2-1233.1;

33. Violating any provision of Chapter 40 (§ 54.1-4000 et seq.) of Title 54.1;

34. Violating any provision of Chapter 10.1 (§ 58.1-1031 et seq.) of Title 58.1;

35. Using the consumer's social security number as the consumer's account number with the supplier, if the consumer has requested in writing that the supplier use an alternate number not associated with the consumer's social security number;

36. Violating any provision of Chapter 18 (§ 6.2-1800 et seq.) of Title 6.2;

37. Violating any provision of § 8.01-40.2;

38. Violating any provision of Article 7 (§ 32.1-212 et seq.) of Chapter 6 of Title 32.1;

39. Violating any provision of Chapter 34.1 (§ 59.1-441.1 et seq.);

40. Violating any provision of Chapter 20 (§ 6.2-2000 et seq.) of Title 6.2;

41. Violating any provision of the Virginia Post-Disaster Anti-Price Gouging Act, Chapter 46 (§ 59.1-525 et seq.);

42. Violating any provision of Chapter 47 (§ 59.1-530 et seq.);

43. Violating any provision of § 59.1-443.2;

44. Violating any provision of Chapter 48 (§ 59.1-533 et seq.);

45. Violating any provision of Chapter 25 (§ 6.2-2500 et seq.) of Title 6.2;

46. Violating the provisions of clause (i) of subsection B of § 54.1-1115;

47. Violating any provision of § 18.2-239;

48. Violating any provision of Chapter 26 (§ 59.1-336 et seq.);

49. Selling, offering for sale, or manufacturing for sale a children's product the supplier knows or has reason to know was recalled by the U.S. Consumer Product Safety Commission. There is a rebuttable presumption that a supplier has reason to know a children's product was recalled if notice of the recall has been posted continuously at least 30 days before the sale, offer for sale, or manufacturing for sale on the website of the U.S. Consumer Product Safety Commission. This prohibition does not apply to children's products that are used, secondhand or "seconds";

50. Violating any provision of Chapter 44.1 (§ 59.1-518.1 et seq.);

51. Violating any provision of Chapter 22 (§ 6.2-2200 et seq.) of Title 6.2;

52. Violating any provision of § 8.2-317.1;

53. Violating subsection A of § 9.1-149.1;

54. Selling, offering for sale, or using in the construction, remodeling, or repair of any residential dwelling in the Commonwealth, any drywall that the supplier knows or has reason to know is defective drywall. This subdivision shall not apply to the sale or offering for sale of any building or structure in which defective drywall has been permanently installed or affixed;

55. Engaging in fraudulent or improper or dishonest conduct as defined in § 54.1-1118 while engaged in a transaction that was initiated (i) during a declared state of emergency as defined in § 44-146.16 or (ii) to repair damage resulting from the event that prompted the declaration of a state of emergency, regardless of whether the supplier is licensed as a contractor in the Commonwealth pursuant to Chapter 11 (§ 54.1-1100 et seq.) of Title 54.1;

56. Violating any provision of Chapter 33.1 (§ 59.1-434.1 et seq.);

57. Violating any provision of § 18.2-178, 18.2-178.1, or 18.2-200.1;

58. Violating any provision of Chapter 17.8 (§ 59.1-207.45 et seq.);

59. Violating any provision of subsection E of § 32.1-126; ~~and~~

60. Violating any provision of § 54.1-111 relating to the unlicensed practice of a profession licensed under Chapter 11 (§ 54.1-1100 et seq.) or Chapter 21 (§ 54.1-2100 et seq.) of Title 54.1; *and*

61. *Violating any provision of Chapter 20.1 (§ 6.2-2026 et seq.) of Title 6.2.*

B. Nothing in this section shall be construed to invalidate or make unenforceable any contract or lease solely by reason of the failure of such contract or lease to comply with any other law of the Commonwealth or any federal statute or regulation, to the extent such other law, statute, or regulation provides that a violation of such law, statute, or regulation shall not invalidate or make unenforceable such contract or lease.

2. That the provisions of the first enactment of this act shall become effective on July 1, 2021.

3. That the State Corporation Commission shall establish a procedure, to be in effect by March 1, 2021, for any person to apply, prior to July 1, 2021, for a license to be issued pursuant to Chapter 20.1 (§ 6.2-2026 et seq.) of Title 6.2 of the Code of Virginia, as created by this act, when such chapter becomes effective. In addition, upon the effective date of the first enactment of this act, July 1, 2021, the State Corporation Commission shall monitor settlements by all licensees, specifically looking at the number of settlements made pursuant to this act, the fees charged pursuant to § 6.2-2041 of the Code of Virginia, as created by this act, and the principal amount to be paid by the consumer to satisfy the debt, and shall report to the Chairs of the House Committee on Labor and Commerce and the Senate Committee on Commerce and Labor by December 1 of each year 2023, 2024, 2025.

4. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 854 of the Acts of Assembly of 2019 requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

CHAPTER 786

An Act to amend the Code of Virginia by adding a section numbered 46.2-600.1, relating to people with disabilities that can impair communication; vehicle registration.

[H 1666]

Approved April 7, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 46.2-600.1 as follows:

§ 46.2-600.1. Indication of special communication needs.

A. As used in this section, "disability that can impair communication" means a condition with symptoms that can impair the ability of a person with such condition to receive, send, process, or comprehend concepts or verbal, nonverbal, or graphic symbol systems, including autism spectrum disorders as defined in § 38.2-3418.17 and hearing loss.

B. The Department shall include on the application for registration of a motor vehicle an option for the vehicle owner to, if applicable, voluntarily indicate that he has a disability that can impair communication. Any application on which the applicant indicates that he has such a disability shall be accompanied by a certification signed by a licensed physician that such individual has a disability that can impair communication.

C. Any vehicle owner with a driver's license indicator authorized pursuant to subsection K of § 46.2-342 or special identification card indicator authorized pursuant to subsection L of § 46.2-345 shall be eligible for the registration indicator. Vehicle owners with a driver's license indicator or special identification card indicator may apply to the Department for a registration indicator in a manner prescribed by the Commissioner.

D. Notwithstanding the provisions of § 46.2-208, the Department shall provide information regarding vehicle registrants who have indicated, pursuant to subsection B or C, that they have a disability that can impair communication with employees and agents of criminal justice agencies as defined in § 9.1-101. The Department shall confirm the presence or absence of a registration indicator indicating that the registrant has a disability that can impair communication, but it shall not provide information about the type of health condition or disability that the registrant has.

CHAPTER 787

An Act to amend the Code of Virginia by adding a section numbered 58.1-3825.4, relating to additional transient occupancy tax in Prince George County.

[S 255]

Approved April 7, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 58.1-3825.4 as follows:

§ 58.1-3825.4. Additional transient occupancy tax in Prince George County.

A. In addition to such transient occupancy taxes as are authorized by §§ 58.1-3819 through 58.1-3825.3, Prince George County may impose an additional transient occupancy tax not to exceed two percent of the amount of the charge for the occupancy of any room or space occupied. The tax imposed hereunder shall not apply to rooms or spaces rented and continuously occupied by the same individual or same group of individuals for 30 or more days.

B. The governing body of Prince George County shall appropriate the revenue generated and collected from the additional tax solely for the purposes of promoting tourism, including marketing generally and marketing Prince George County as an overnight tourist destination, programs, staff, events, and capital projects. For purposes of this section, "marketing Prince George County as an overnight tourist destination" means advertising that is intended to attract visitors from a sufficient distance so as to require an overnight stay.

CHAPTER 788

An Act to repeal § 46.2-341.2 of the Code of Virginia, relating to Virginia Commercial Driver's License Act; intent and purpose.

[S 527]

Approved April 7, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-341.2 of the Code of Virginia is repealed.

CHAPTER 789

An Act to amend and reenact §§ 58.1-439.7, 58.1-609.3, and 58.1-3507 of the Code of Virginia, relating to advanced recycling; incentives in income tax, sales tax, and machinery and tools tax.

[S 590]

Approved April 7, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 58.1-439.7, 58.1-609.3, and 58.1-3507 of the Code of Virginia are amended and reenacted as follows:

§ 58.1-439.7. Tax credit for purchase of machinery and equipment used for advanced recycling and processing recyclable materials.

A. 1. For taxable years beginning on and after January 1, 1999, but before January 1, ~~2020~~ 2025, a taxpayer shall be allowed a credit against the tax imposed pursuant to Articles 2 (§ 58.1-320 et seq.) and 10 (§ 58.1-400 et seq.) of Chapter 3 of this title, in an amount equal to 20 percent of the purchase price paid during the taxable year for (i) machinery and equipment used predominantly in or on the premises of manufacturing facilities or plant units which manufacture, process, compound, or produce items of tangible personal property from recyclable materials, within the Commonwealth, for sale and (ii) machinery and equipment used predominantly in or on the premises of facilities that are predominantly engaged in advanced recycling. For purposes of determining "purchase price paid" under this section, the taxpayer may use the original total capitalized cost of such machinery and equipment, less capitalized interest. For purposes of this section, "advanced recycling" means the operation of a single-stream or multi-stream recycling plant that converts waste materials into new materials for resale by processing them and breaking them down into their raw constituents. "Advanced recycling" includes

the operation of a materials recovery facility or materials reclamation facility that receives, separates, and prepares recyclable materials for sale to end-user manufacturers.

2. The Department of Environmental Quality shall certify that such machinery and equipment are integral to the recycling process before the taxpayer shall be allowed the tax credit under this section. The taxpayer shall also submit purchase receipts and invoices as may be necessary to confirm the taxpayer's statement of purchase price paid, with the income tax return to verify the amount of purchase price paid for the recycling machinery and equipment.

3. No taxpayer shall be denied the credit under this section based solely on another person's use of the tangible personal property produced by the taxpayer, provided that the tangible personal property was sold by the taxpayer to an unaffiliated person in an arm's-length sale.

4. No credit shall be allowed under this section for machinery and equipment unless the machinery and equipment manufacture, process, compound, or produce items of tangible personal property from recyclable materials.

B. The total credit allowed under this section in any taxable year shall not exceed 40 percent of the Virginia income tax liability of such taxpayer.

C. Any tax credit not used for the taxable year in which the purchase price on recycling machinery and equipment was paid may be carried over for credit against the taxpayer's income taxes in the 10 succeeding taxable years until the total credit amount is used.

D. The Department of Taxation shall administer the tax credits under this section. Beginning with credits allowable for taxable year 2015, in no case shall the Department issue more than \$2 million in tax credits pursuant to this section in any fiscal year of the Commonwealth. A taxpayer shall not be allowed to claim any tax credit unless it has applied to the Department of Environmental Quality for certification as described in subdivision A 2 and the Department of Environmental Quality has issued a written certification stating that the machinery and equipment purchased are integral to the recycling process. If the amount of tax credits approved under this section by the Department of Taxation for any taxable year exceeds \$2 million, the Department shall apportion the credits by dividing \$2 million by the total amount of tax credits so approved, to determine the percentage of otherwise allowed tax credits each taxpayer shall receive.

E. In the event a corporation converts to a partnership, limited liability company, or electing small business corporation (S corporation), such business entity shall be entitled to any unused credits of the corporation. Credits earned by a partnership, limited liability company, electing small business corporation (S corporation), or a predecessor corporation entitled to such credits, shall be allocated to the individual partners, members, or shareholders, respectively, in proportion to their ownership or interest in such business entities.

§ 58.1-609.3. Commercial and industrial exemptions.

The tax imposed by this chapter or pursuant to the authority granted in §§ 58.1-605 and 58.1-606 shall not apply to the following:

1. Personal property purchased by a contractor which is used solely in another state or in a foreign country, which could be purchased by such contractor for such use free from sales tax in such other state or foreign country, and which is stored temporarily in Virginia pending shipment to such state or country.

2. (i) Industrial materials for future processing, manufacturing, refining, or conversion into articles of tangible personal property for resale where such industrial materials either enter into the production of or become a component part of the finished product; (ii) industrial materials that are coated upon or impregnated into the product at any stage of its being processed, manufactured, refined, or converted for resale; (iii) machinery or tools or repair parts therefor or replacements thereof, fuel, power, energy, or supplies, used directly in processing, manufacturing, refining, mining or converting products for sale or resale; (iv) materials, containers, labels, sacks, cans, boxes, drums or bags for future use for packaging tangible personal property for shipment or sale; or (v) equipment, printing or supplies used directly to produce a publication described in subdivision 3 of § 58.1-609.6 whether it is ultimately sold at retail or for resale or distribution at no cost. Machinery, tools and equipment, or repair parts therefor or replacements thereof, shall be exempt if the preponderance of their use is directly in processing, manufacturing, refining, mining or converting products for sale or resale. The provisions of this subsection do not apply to the drilling or extraction of oil, gas, natural gas and coalbed methane gas. In addition, the exemption provided herein shall not be applicable to any machinery, tools, and equipment, or any other tangible personal property used by a public service corporation in the generation of electric power, except for raw materials that are inputs to production of electricity, including fuel, or for machinery, tools, and equipment used to generate energy derived from sunlight or wind. The exemption for machinery, tools, and equipment used to generate energy derived from sunlight or wind shall expire June 30, 2027.

3. Tangible personal property sold or leased to a public service corporation engaged in business as a common carrier of property or passengers by railway, for use or consumption by such common carrier directly in the rendition of its public service.

4. Ships or vessels, or repairs and alterations thereof, used or to be used exclusively or principally in interstate or foreign commerce; fuel and supplies for use or consumption aboard ships or vessels plying the high seas, either in intercoastal trade between ports in the Commonwealth and ports in other states of the United States or its territories or possessions, or in foreign commerce between ports in the Commonwealth and ports in foreign countries, when delivered directly to such ships or vessels; or tangible personal property used directly in the building, conversion or repair of the ships or vessels covered by this subdivision. This exemption shall include dredges, their supporting equipment, attendant vessels,

and fuel and supplies for use or consumption aboard such vessels, provided the dredges are used exclusively or principally in interstate or foreign commerce.

5. Tangible personal property purchased for use or consumption directly and exclusively in basic research or research and development in the experimental or laboratory sense.

6. Notwithstanding the provisions of subdivision 20 of § 58.1-609.10, all tangible personal property sold or leased to an airline operating in intrastate, interstate or foreign commerce as a common carrier providing scheduled air service on a continuing basis to one or more Virginia airports at least one day per week, for use or consumption by such airline directly in the rendition of its common carrier service.

7. Meals furnished by restaurants or food service operators to employees as a part of wages.

8. Tangible personal property including machinery and tools, repair parts or replacements thereof, and supplies and materials used directly in maintaining and preparing textile products for rental or leasing by an industrial processor engaged in the commercial leasing or renting of laundered textile products.

9. Certified pollution control equipment and facilities as defined in § 58.1-3660, except for any equipment that has not been certified to the Department of Taxation by a state certifying authority pursuant to such section.

10. Parts, tires, meters and dispatch radios sold or leased to taxicab operators for use or consumption directly in the rendition of their services.

11. High speed electrostatic duplicators or any other duplicators which have a printing capacity of 4,000 impressions or more per hour purchased or leased by persons engaged primarily in the printing or photocopying of products for sale or resale.

12. From July 1, 1994, and ending July 1, 2022, raw materials, fuel, power, energy, supplies, machinery or tools or repair parts therefor or replacements thereof, used directly in the drilling, extraction, or processing of natural gas or oil and the reclamation of the well area. For the purposes of this section, the term "natural gas" shall mean "gas," "natural gas," and "coalbed methane gas" as defined in § 45.1-361.1. For the purposes of this section, "drilling," "extraction," and "processing" shall include production, inspection, testing, dewatering, dehydration, or distillation of raw natural gas into a usable condition consistent with commercial practices, and the gathering and transportation of raw natural gas to a facility wherein the gas is converted into such a usable condition. Machinery, tools and equipment, or repair parts therefor or replacements thereof, shall be exempt if the preponderance of their use is directly in the drilling, extraction, refining, or processing of natural gas or oil for sale or resale, or in well area reclamation activities required by state or federal law.

13. Beginning July 1, 1997, (i) the sale, lease, use, storage, consumption, or distribution of an orbital or suborbital space facility, space propulsion system, space vehicle, satellite, or space station of any kind possessing space flight capability, including the components thereof, irrespective of whether such facility, system, vehicle, satellite, or station is returned to this Commonwealth for subsequent use, storage or consumption in any manner when used to conduct spaceport activities; (ii) the sale, lease, use, storage, consumption or distribution of tangible personal property placed on or used aboard any orbital or suborbital space facility, space propulsion system, space vehicle, satellite or space station of any kind, irrespective of whether such tangible personal property is returned to this Commonwealth for subsequent use, storage or consumption in any manner when used to conduct spaceport activities; (iii) fuels of such quality not adapted for use in ordinary vehicles, being produced for, sold and exclusively used for space flight when used to conduct spaceport activities; (iv) the sale, lease, use, storage, consumption or distribution of machinery and equipment purchased, sold, leased, rented or used exclusively for spaceport activities and the sale of goods and services provided to operate and maintain launch facilities, launch equipment, payload processing facilities and payload processing equipment used to conduct spaceport activities.

For purposes of this subdivision, "spaceport activities" means activities directed or sponsored at a facility owned, leased, or operated by or on behalf of the Virginia Commercial Space Flight Authority.

The exemptions provided by this subdivision shall not be denied by reason of a failure, postponement or cancellation of a launch of any orbital or suborbital space facility, space propulsion system, space vehicle, satellite or space station of any kind or the destruction of any launch vehicle or any components thereof.

14. Semiconductor cleanrooms or equipment, fuel, power, energy, supplies, or other tangible personal property used primarily in the integrated process of designing, developing, manufacturing, or testing a semiconductor product, a semiconductor manufacturing process or subprocess, or semiconductor equipment without regard to whether the property is actually contained in or used in a cleanroom environment, touches the product, is used before or after production, or is affixed to or incorporated into real estate.

15. Semiconductor wafers for use or consumption by a semiconductor manufacturer.

16. Railroad rolling stock when sold or leased by the manufacturer thereof.

17. Computer equipment purchased or leased on or before June 30, 2011, used in data centers located in a Virginia locality having an unemployment rate above 4.9 percent for the calendar quarter ending November 2007, for the processing, storage, retrieval, or communication of data, including but not limited to servers, routers, connections, and other enabling hardware when part of a new investment of at least \$75 million in such exempt property, when such investment results in the creation of at least 100 new jobs paying at least twice the prevailing average wage in that locality, so long as such investment was made in accordance with a memorandum of understanding with the Virginia Economic Development Partnership Authority entered into or amended between January 1, 2008, and December 31, 2008. The exemption shall also apply to any such computer equipment purchased or leased to upgrade, add to, or replace computer equipment purchased or

leased in the initial investment. The exemption shall not apply to any computer software sold separately from the computer equipment, nor shall it apply to general building improvements or fixtures.

18. Beginning July 1, 2010, and ending June 30, 2035, computer equipment or enabling software purchased or leased for the processing, storage, retrieval, or communication of data, including but not limited to servers, routers, connections, and other enabling hardware, including chillers and backup generators used or to be used in the operation of the equipment exempted in this paragraph, provided that such computer equipment or enabling software is purchased or leased for use in a data center that (i) is located in a Virginia locality, (ii) results in a new capital investment on or after January 1, 2009, of at least \$150 million, and (iii) results in the creation on or after July 1, 2009, of at least 50 new jobs by the data center operator and the tenants of the data center, collectively, associated with the operation or maintenance of the data center provided that such jobs pay at least one and one-half times the prevailing average wage in that locality. The requirement of at least 50 new jobs is reduced to 25 new jobs if the data center is located in a locality that has an unemployment rate for the preceding year of at least 150 percent of the average statewide unemployment rate for such year as determined by the Virginia Economic Development Partnership or is located in an enterprise zone. This exemption applies to the data center operator and the tenants of the data center if they collectively meet the requirements listed in this section. Prior to claiming such exemption, any qualifying person claiming the exemption, including a data center operator on behalf of itself and its tenants, must enter into a memorandum of understanding with the Virginia Economic Development Partnership Authority that at a minimum provides the details for determining the amount of capital investment made and the number of new jobs created, the timeline for achieving the capital investment and new job goals, the repayment obligations should those goals not be achieved, and any conditions under which repayment by the qualifying data center or data center tenant claiming the exemption may be required. In addition, the exemption shall apply to any such computer equipment or enabling software purchased or leased to upgrade, supplement, or replace computer equipment or enabling software purchased or leased in the initial investment. The exemption shall not apply to any other computer software otherwise taxable under Chapter 6 of Title 58.1 that is sold or leased separately from the computer equipment, nor shall it apply to general building improvements or other fixtures.

19. If the preponderance of their use is in the manufacture of beer by a brewer licensed pursuant to subdivision 1 or 2 of § 4.1-208, (i) machinery, tools, and equipment, or repair parts therefor or replacements thereof, fuel, power, energy, or supplies; (ii) materials for future processing, manufacturing, or conversion into beer where such materials either enter into the production of or become a component part of the beer; and (iii) materials, including containers, labels, sacks, cans, bottles, kegs, boxes, drums, or bags for future use, for packaging the beer for shipment or sale.

20. *If the preponderance of their use is in advanced recycling, as defined in § 58.1-439.7, (i) machinery, tools, and equipment, or repair parts therefor or replacements thereof, fuel, power, energy, or supplies; (ii) materials for processing, manufacturing, or conversion for resale where such materials either are recycled or recovered; and (iii) materials, including containers, labels, sacks, cans, boxes, drums, or bags used for packaging recycled or recovered material for shipment or resale.*

§ 58.1-3507. Certain machinery and tools segregated for local taxation only; notice prior to change in valuation, hearing.

A. Machinery and tools, except idle machinery and tools as defined in subsection D and machinery and equipment used by farm wineries as defined in § 4.1-100, used in a manufacturing, mining, water well drilling, processing or reprocessing, radio or television broadcasting, dairy, dry cleaning or laundry business, *or a business primarily engaged in advanced recycling, as defined in § 58.1-439.7*, shall be listed and are hereby segregated as a class of tangible personal property separate from all other classes of property and shall be subject to local taxation only. The rate of tax imposed by a county, city, or town on such machinery and tools shall not exceed the rate imposed upon the general class of tangible personal property. Idle machinery and tools are taxable as capital under § 58.1-1101.

B. Machinery and tools segregated for local taxation pursuant to subsection A, other than energy conservation equipment of manufacturers, shall be valued by means of depreciated cost or a percentage or percentages of original total capitalized cost excluding capitalized interest. In valuing machinery and tools, the commissioner of the revenue shall, upon the written request of the taxpayer, consider any bona fide, independent appraisal presented by the taxpayer.

Whenever the commissioner of the revenue proposes to change the means of valuing machinery and tools, such proposed change shall be published in a newspaper having general circulation in the affected locality at least 30 days before the proposed change would take effect and the citizens of the locality shall be allowed to submit written comments, during the 30-day period, to the commissioner of the revenue regarding the proposed change.

C. All motor vehicles which are registered pursuant to § 46.2-600 with the Department of Motor Vehicles and owned by persons engaged in those businesses set forth in subsection A shall be taxed as tangible personal property by the county, city, or town in accordance with the provisions of this chapter. All other motor vehicles and delivery equipment owned by persons engaged in those businesses set forth in subsection A shall be included in and taxed as machinery and tools.

D. "Idle machinery and tools" means machinery and tools that (i) (a) have been discontinued in use continuously for at least one year prior to any tax day or (b) on and after January 1, 2007, have been specifically identified in writing by the taxpayer to the commissioner of the revenue or other assessing official, on or before April 1 of such year, as machinery and tools that the taxpayer intends to withdraw from service not later than the next succeeding tax day and (ii) are not in use on the tax day and no reasonable prospect exists that such machinery and tools will be returned to use during the tax year.

E. In the event that any machinery and tools taken out of use subsequent to January 1, 2007, are returned to use after having been previously classified as idle machinery and tools pursuant to clause (i) (b) of subsection D, the taxpayer shall

identify such machinery and tools to the commissioner of the revenue or other assessing official in writing on or before the next return due date without extension, and such machinery and tools shall be subject to tax in accordance with the procedures provided in § 58.1-3903 in the same manner as if such machinery and tools had been in use on the tax day of the year in which such return to use occurs. Any interest otherwise payable pursuant to applicable law or ordinance shall apply to taxes imposed pursuant to this subsection and paid after the due date, without regard to the fault of the taxpayer or lack thereof. Notwithstanding the provisions of § 58.1-3903, if the taxpayer has provided timely written notice of return to use in accordance with the provisions of this subsection, no penalty shall be levied with respect to any tax liability arising as a result of the return to use of machinery and tools classified as idle and actually idle prior to such return to use.

F. The Department of Taxation shall promulgate guidelines for the use of local governments in applying the provisions of this section related to idle machinery and tools. In preparing such guidelines, the Department shall not be subject to the provisions of the Administrative Process Act (§ 2.2-4000 et seq.) for guidelines promulgated on or before January 1, 2008, but shall cooperate with and seek the counsel of local officials and interested groups. After January 1, 2008, such guidelines shall be accorded the weight of a regulation under § 58.1-205 and any amendments to such guidelines shall be subject to the Administrative Process Act.

G. The Tax Commissioner shall have the authority to issue advisory written opinions in specific cases to interpret the provisions of this section related to idle machinery and tools and the guidelines issued pursuant to subsection F; however, the Tax Commissioner shall not be required to interpret any local ordinance. The guidelines and opinions issued pursuant to this section shall not be applicable as an interpretation of any other tax law.

2. That the provisions of this act amending § 58.1-439.7 of the Code of Virginia shall apply to taxable years beginning on and after January 1, 2020, and that the provisions of this act amending § 58.1-3507 of the Code of Virginia shall apply to taxable years beginning on and after January 1, 2021.

CHAPTER 790

An Act to amend and reenact § 58.1-3221.1 of the Code of Virginia, classification of land and improvements for tax purposes; City of Richmond.

[S 725]

Approved April 7, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-3221.1 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-3221.1. Classification of land and improvements for tax purposes.

A. In the Cities of Fairfax, Poquoson, *Richmond*, and Roanoke, improvements to real property are declared to be a separate class of property and shall constitute a separate classification for local taxation of real property.

B. The governing body of the City of Fairfax, *the City of Richmond*, and the City of Roanoke, after giving public notice and an opportunity for the public to be heard in the manner provided in § 58.1-3007, may levy a tax on the property enumerated in subsection A at a different rate than the tax imposed upon the land on which it is located, provided that the rate of tax on the property described in subsection A shall not be zero and shall not exceed the rate of tax on the land on which it is located.

C. Nothing in this section shall be construed to permit the City of Fairfax, Poquoson, *Richmond*, or Roanoke to alter in any way its valuation of real property covered by this section.

D. The governing body of the City of Poquoson, after giving public notice and an opportunity for the public to be heard in the manner provided in § 58.1-3007, may levy a tax on the property enumerated in subsection A at a different rate than the tax imposed upon the land on which it is located, provided that the rate of tax on the property described in subsection A shall not be zero.

CHAPTER 791

An Act to amend and reenact § 8.01-216.3 of the Code of Virginia, relating to Virginia Fraud Against Taxpayers Act; illegal gambling device.

[S 752]

Approved April 7, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 8.01-216.3 of the Code of Virginia is amended and reenacted as follows:

§ 8.01-216.3. False claims; civil penalty.

A. Any person who:

1. Knowingly presents, or causes to be presented, a false or fraudulent claim for payment or approval;
2. Knowingly makes, uses, or causes to be made or used, a false record or statement material to a false or fraudulent claim;
3. Conspires to commit a violation of subdivision 1, 2, 4, 5, 6, ~~or 7~~, or 8;

4. Has possession, custody, or control of property or money used, or to be used, by the Commonwealth and knowingly delivers, or causes to be delivered, less than all such money or property;

5. *Has possession, custody, or control of an illegal gambling device, as defined in § 18.2-325, and knowingly conceals, avoids, or decreases an obligation to pay or transmit money to the Commonwealth that is derived from the operation of such device;*

6. Is authorized to make or deliver a document certifying receipt of property used, or to be used, by the Commonwealth and, intending to defraud the Commonwealth, makes or delivers the receipt without completely knowing that the information on the receipt is true;

~~6.~~ 7. Knowingly buys or receives as a pledge of an obligation or debt, public property from an officer or employee of the Commonwealth who lawfully may not sell or pledge the property; or

~~7.~~ 8. Knowingly makes, uses, or causes to be made or used, a false record or statement material to an obligation to pay or transmit money or property to the Commonwealth or knowingly conceals or knowingly and improperly avoids or decreases an obligation to pay or transmit money or property to the Commonwealth;

shall be liable to the Commonwealth for a civil penalty of not less than \$10,957 and not more than \$21,916, except that these lower and upper limits on liability shall automatically be adjusted to equal the amounts allowed under the Federal False Claims Act, 31 U.S.C. § 3729 et seq., as amended, as such penalties in the Federal False Claims Act are adjusted for inflation by the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended (28 U.S.C. § 2461 Note, P.L. 101-410), plus three times the amount of damages sustained by the Commonwealth.

A person violating this section shall be liable to the Commonwealth for reasonable attorney fees and costs of a civil action brought to recover any such penalties or damages. All such fees and costs shall be paid to the Attorney General's Office by the defendant and shall not be included in any damages or civil penalties recovered in a civil action based on a violation of this section.

B. If the court finds that (i) the person committing the violation of this section furnished officials of the Commonwealth responsible for investigating false claims violations with all information known to the person about the violation within 30 days after the date on which the defendant first obtained the information; (ii) such person fully cooperated with any Commonwealth investigation of such violation; (iii) at the time such person furnished the Commonwealth with the information about the violation, no criminal prosecution, civil action, or administrative action had commenced with respect to such violation; and (iv) the person did not have actual knowledge of the existence of an investigation into such violation, the court may assess not less than two times the amount of damages that the Commonwealth sustains because of the act of that person. A person violating this section shall also be liable to the Commonwealth for the costs of a civil action brought to recover any such penalty or damages.

C. For purposes of this section, the terms "knowing" and "knowingly" mean that a person, with respect to information, (i) has actual knowledge of the information; (ii) acts in deliberate ignorance of the truth or falsity of the information; or (iii) acts in reckless disregard of the truth or falsity of the information and require no proof of specific intent to defraud.

D. ~~This~~ *Except as provided in subdivision A 5, this section shall not apply to claims, records, or statements relating to state or local taxes.*

CHAPTER 792

An Act to amend and reenact § 33.2-3403 of the Code of Virginia, relating to the Northern Virginia Transportation Commission; report date.

[S 848]

Approved April 7, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 33.2-3403 of the Code of Virginia is amended and reenacted as follows:

§ 33.2-3403. NVTC report.

By ~~November 1~~ *December 15* of each year that funds are deposited into the Fund, NVTC shall report to the Governor and the General Assembly on the performance and condition of WMATA. Such report shall contain, at a minimum, documentation of the following:

1. The safety and reliability of the rapid heavy rail mass transportation system and bus network;
2. The financial performance of WMATA related to the operations of the rapid heavy rail mass transportation system, including farebox recovery, service per rider, and cost per service hour;
3. The financial performance of WMATA related to the operations of the bus mass transportation system, including farebox recovery, service per rider, and cost per service hour;
4. Potential strategies to reduce the growth in such costs and to improve the efficiency of WMATA operations;
5. Use of the funds provided from the Fund to improve the safety and condition of the rapid heavy rail mass transportation system; and
6. Ridership of the rapid heavy rail mass transportation system and the bus mass transportation system.

CHAPTER 793

An Act to amend and reenact § 25.1-204 of the Code of Virginia, relating to eminent domain; written offer to purchase property.

[S 951]

Approved April 7, 2020

Be it enacted by the General Assembly of Virginia:**1. That § 25.1-204 of the Code of Virginia is amended and reenacted as follows:****§ 25.1-204. Effort to purchase required; prerequisite to effort to purchase or filing certificate.**

A. A condemnor shall not institute proceedings to condemn property until a bona fide but ineffectual effort to purchase from the owner the property sought to be condemned has been made. However, such effort shall not be required if the consent cannot be obtained because one or more of the owners (i) is a person under a disability or is otherwise unable to convey legal title to such property, (ii) is unknown, or (iii) cannot with reasonable diligence be found within this Commonwealth.

B. Such bona fide effort shall include delivery of, or attempt to deliver, a written offer to acquire accompanied by a written statement to the owner that explains the factual basis for the condemnor's offer. The written statement shall include a description of the public use ~~that provides the basis for the condemnor's acquisition~~ *for which it is necessary to acquire the owner's property* and shall contain a certification that the acquisition has been reviewed by the condemnor for purposes of complying with § 1-219.1. *The written offer shall be made upon the state agency's letterhead and shall be signed by an authorized employee of such state agency.*

C. If the condemnor obtains an appraisal of the property pursuant to the provisions of § 25.1-417, such written statement shall include a complete copy of the appraisal of the property upon which such offer is based. If the condemnor obtains more than one appraisal, such written statement shall include a copy of all appraisals obtained prior to making an offer to acquire or initiating negotiations for the real property.

D. Notwithstanding any provision of law to the contrary, a condemnor, prior to making an offer to acquire a fee simple interest in property by purchase or filing a certificate of take or certificate of deposit pursuant to Chapter 3 (§ 25.1-300 et seq.) or § 33.2-1019, shall (i) conduct or cause to be conducted an examination of title to the property in order to ascertain the identity of each owner of such property and to determine the nature and extent of such owner's interests in the property and (ii) provide to such owner or owners a copy of the report of status of title.

E. A state agency's acquisition of real property in connection with any programs or projects pursuant to this title or Title 33.2 shall be conducted in accordance with the following provisions:

1. Before making an offer to acquire or initiating any related negotiations for real property, the state agency shall establish an amount which it believes to be just compensation therefor and shall make a prompt offer to acquire the property for the full amount so established. In no event shall such amount be less than the state agency's approved appraisal of the fair market value of such property, if such an appraisal is required, or the current assessed value of such property for real estate tax purposes, unless the property has physically changed in a material and substantial way since the current assessment date such that the real estate tax assessment no longer represents a fair valuation of the property, when the entire parcel for which the assessment is made is to be acquired, whichever is greater. Any decrease or increase in the fair market value of real property prior to the date of valuation caused by the public improvement for which such property is acquired, or by the likelihood that the property would be acquired for such improvement, other than that due to physical deterioration within the reasonable control of the owner, shall be disregarded in determining the compensation for the property. The state agency concerned shall provide the owner of real property to be acquired with a written statement of, and summary of the basis for, the amount it established as just compensation, and, if an appraisal is required or obtained, such written statement and summary shall include a complete copy of all appraisals of the real property to be acquired that the state agency obtained prior to making an offer to acquire or initiating negotiations for the real property. *The state agency shall provide its written statement of the amount it established as just compensation on its letterhead, which shall be signed by an authorized employee of such state agency.* Where appropriate, the just compensation for the real property acquired and for damages to remaining real property shall be separately stated.

2. No owner shall be required to surrender possession of real property before the state agency pays the agreed purchase price, or deposits with the state court in accordance with applicable law, for the benefit of the owner, (i) an amount not less than the state agency's approved appraisal of the fair market value of such property, if such an appraisal is required, or the current assessed value of such property for real estate tax purposes, unless the property has physically changed in a material and substantial way since the current assessment date such that the real estate tax assessment no longer represents a fair valuation of the property, when the entire parcel for which the assessment is made is to be acquired, whichever is greater, or (ii) the amount of the award of compensation in the condemnation proceeding for such property.

F. Nothing in this section shall make evidence of tax assessments admissible as proof of value in an eminent domain proceeding.

CHAPTER 794

An Act to amend and reenact §§ 45.1-161.5, 67-1208, and 67-1209 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 45.1-161.5:1, relating to Division of Offshore Wind; established.

[H 234]

Approved April 7, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 45.1-161.5, 67-1208, and 67-1209 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 45.1-161.5:1 as follows:

§ 45.1-161.5. Establishment of divisions; division heads.

The following divisions, through which the functions, powers, and duties of the Department may be discharged, are established in the Department: a Division of Mines, a Division of Mined Land Reclamation, a Division of Geology and Mineral Resources, a Division of Gas and Oil, a Division of Mineral Mining, ~~and~~ a Division of Energy, *and a Division of Offshore Wind*. The Director may establish other divisions as he deems necessary. Except as provided in § 45.1-161.15 with respect to the Chief of the Division of Mines, the Director shall appoint persons to direct the various functions and programs of the divisions, and may delegate to the head of any division any of the powers and duties conferred or imposed by law on the Director.

§ 45.1-161.5:1. Division of Offshore Wind; established.

A. The Director shall establish the Division of Offshore Wind (Division) in the Department and shall appoint persons to direct, support, and execute the powers and duties of the Division.

B. The powers and duties of the Division shall include:

1. Identifying specific measures that will facilitate the establishment of the Hampton Roads region as a wind industry hub for offshore wind generation projects in state and federal waters off the United States coast;

2. Coordinating state agencies' activities related to offshore wind, including development of programs that prepare Virginia's workforce to work in the offshore wind industry, create employment opportunities for Virginians within such industry, create opportunities for Virginia-based businesses to participate in the offshore wind industry supply chain, and attract out-of-state offshore wind-related businesses to locate within the Commonwealth;

3. Developing and implementing a stakeholder engagement strategy that identifies key groups, sets forth outreach objectives, and outlines a timeline for outreach and engagement;

4. Identifying regulatory and other barriers to the deployment of offshore wind and attraction of offshore wind supply chain businesses; and

5. Providing staff support for the Virginia Offshore Wind Development Authority and facilitating fulfillment of the Authority's purpose and duties set forth in Chapter 12 (§ 67-1200 et seq.) of Title 67.

C. On or before October 15 of each year, the Division shall submit an annual summary of its activities, the ways in which those activities have furthered the functions and programs of the Division, and the benefits of the efforts of the Division to the Commonwealth and its economy to the Governor and the Chairs of the House Committee on Appropriations, the Senate Committee on Finance and Appropriations, the House Committee on Labor and Commerce, and the Senate Committee on Commerce and Labor. The Division may include its submission with the report of the Virginia Offshore Wind Development Authority required by § 67-1209.

§ 67-1208. Director; staff; counsel to the Authority.

A. The Director of the Department of Mines, Minerals and Energy shall serve as Director of the Authority and shall administer the affairs and business of the Authority in accordance with the provisions of this chapter and subject to the policies, control, and direction of the Authority. The Director shall maintain, and be custodian of, all books, documents, and papers of or filed with the Authority. The Director may cause copies to be made of all minutes and other records and documents of the Authority and may give certificates under seal of the Authority to the effect that such copies are true copies, and all persons dealing with the Authority may rely on such certificates. The Director also shall perform such other duties as prescribed by the Authority in carrying out the purposes of this chapter.

B. The *Division of Offshore Wind* within the Department of Mines, Minerals and Energy shall serve as staff to the Authority.

C. The Office of the Attorney General shall provide counsel to the Authority.

§ 67-1209. Annual report.

On or before October 15 of each year, the Authority shall submit an annual summary of its activities and recommendations to the Governor and the ~~chairmen~~ *Chairs* of the ~~House Committee on Appropriations Committee~~, the ~~Senate Committee on Finance Committee and Appropriations~~, ~~and~~ the ~~House Committee on Labor and Commerce~~, and the ~~Senate Committee on Commerce and Labor Committees~~. *Such report may include the submission of the Division of Offshore Wind within the Department of Mines, Minerals and Energy required by § 45.1-161.5:1.*

CHAPTER 795

An Act to amend and reenact § 67-701 of the Code of Virginia, relating to the Virginia Energy Plan; covenants regarding solar power; reasonable restrictions.

[H 414]

Approved April 7, 2020

Be it enacted by the General Assembly of Virginia:**1. That § 67-701 of the Code of Virginia is amended and reenacted as follows:****§ 67-701. Covenants regarding solar power.**

A. No community association shall prohibit an owner from installing a solar energy collection device on that owner's property unless the recorded declaration for that community association establishes such a prohibition. However a community association may establish reasonable restrictions concerning the size, place, and manner of placement of such solar energy collection devices on property designated and intended for individual ownership and use. Any resale certificate pursuant to § 55.1-1990 and any disclosure packet pursuant to § 55.1-1809, as applicable, given to a purchaser shall contain a statement setting forth any restriction, limitation, or prohibition on the right of an owner to install or use solar energy collection devices on his property.

B. *A restriction shall be deemed not to be reasonable if application of the restriction to a particular proposal (i) increases the cost of installation of the solar energy collection device by five percent over the projected cost of the initially proposed installation or (ii) reduces the energy production by the solar energy collection device by 10 percent below the projected energy production of the initially proposed installation. The owner shall provide documentation prepared by an independent solar panel design specialist, who is certified by the North American Board of Certified Energy Practitioners and is licensed in Virginia, that is satisfactory to the community association to show that the restriction is not reasonable according to the criteria established in this subsection.*

C. The community association may prohibit or restrict the installation of solar energy collection devices on the common elements or common area within the real estate development served by the community association. A community association may establish reasonable restrictions as to the *number*, size, place, and manner of placement or installation of any solar energy collection device installed on the common elements or common area.

CHAPTER 796

An Act to direct the establishment of a pilot program relating to electric utility regulation and retail competition pursuant to § 56-577 of the Code of Virginia.

[H 889]

Approved April 7, 2020

Be it enacted by the General Assembly of Virginia:

1. § 1. *That the State Corporation Commission (the Commission) shall conduct a pilot program under which two or more nonresidential customers that, as of February 25, 2019, had filed applications seeking to aggregate their load pursuant to subdivision A 4 of § 56-577 of the Code of Virginia within the service territory of a Phase II Utility, as that term is defined in subsection A of § 56-585.1 of the Code of Virginia, shall be permitted to purchase electric energy from any supplier of electric energy licensed to sell electric energy within the Commonwealth, subject to the following terms, conditions, and restrictions:*

a. A pilot program shall be conducted within the certified service territory of the Phase II Utility in which such nonresidential customers are located.

b. The aggregated load participating in the pilot program shall not exceed 200 megawatts.

c. All customers participating in the pilot program shall be subject in all respects to the provisions of subdivision A 3 of § 56-577 of the Code of Virginia (with participation in this pilot program being deemed to satisfy subdivision A 4 of § 56-577 of the Code of Virginia), with the load set forth in each application being treated as a single, individual customer for purposes of said subdivision, and shall submit an annual report to the Commission by March 31 each year to demonstrate that, for the preceding calendar year, such load continued to meet the demand limitations of subdivision A 3 of § 56-577 of the Code of Virginia.

§ 2. The Commission shall review the pilot program established pursuant to § 1 of this act in 2022.

CHAPTER 797

An Act to amend and reenact § 8 of the second enactment of Chapter 296 of the Acts of Assembly of 2018, relating to electrical transmission lines.

[H 1030]

Approved April 7, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 8 of the second enactment of Chapter 296 of the Acts of Assembly of 2018 is amended and reenacted as follows:

§ 8. The provisions of this enactment shall not be construed to limit the ability of the State Corporation Commission to approve additional applications for placement of transmission lines underground. *Approval by the State Corporation Commission of a transmission line for inclusion in the program pursuant to § 2 of the second enactment of this act shall preclude the placement of future overhead electrical transmission lines of at least 69 kilovolts in the same right-of-way as described in § 2 of this act for a period of 10 years from the effective date of this act but shall not preclude the placement of (i) any underground transmission lines in such right-of-way or (ii) any electrical distribution lines in such right-of-way.*

CHAPTER 798

An Act to amend the Code of Virginia by adding in Chapter 26 of Title 2.2 an article numbered 36, consisting of sections numbered 2.2-2699.8, 2.2-2699.9, and 2.2-2699.10, relating to Plastic Waste Prevention Advisory Council.

[H 1354]

Approved April 7, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 26 of Title 2.2 an article numbered 36, consisting of sections numbered 2.2-2699.8, 2.2-2699.9, and 2.2-2699.10, as follows:

Article 36.

Plastic Waste Prevention Advisory Council.

§ 2.2-2699.8. Plastic Waste Prevention Advisory Council; purpose; membership; compensation; chairman.

A. *The Plastic Waste Prevention Advisory Council (the Council) is established as an advisory council, within the meaning of § 2.2-2100, in the executive branch of state government. The purpose of the Council is to advise the Governor on policy and funding priorities to eliminate plastic waste impacting native species and polluting the Commonwealth's environment and to contribute to achieving plastics packaging circular economy industry standards.*

B. *The Council shall have a total membership of 10 members that shall consist of two legislative members, four nonlegislative citizen members, and four ex officio members. Members shall be appointed as follows: the Chairmen of the House Committee on Agriculture, Chesapeake and Natural Resources and the Senate Committee on Agriculture, Conservation and Natural Resources, or their designees, and four nonlegislative citizen members to be appointed by the Governor, subject to confirmation by the General Assembly. The Director of the Department of Environmental Quality or his designee, the State Health Commissioner or his designee, and the presidents of the Virginia Chamber of Commerce and the Virginia Manufacturers Association or their designees shall serve ex officio with voting privileges. Nonlegislative citizen members of the Council shall be citizens of the Commonwealth.*

Legislative members and ex officio members of the Council shall serve terms coincident with their terms of office. Gubernatorial appointees shall serve for terms of four years. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. Vacancies shall be filled in the same manner as the original appointments. All members may be reappointed.

No nonlegislative citizen member shall serve more than two consecutive four-year terms. The remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in determining the member's eligibility for reappointment.

C. *Legislative members of the Council shall receive such compensation as provided in § 30-19.12. Nonlegislative citizen members shall serve without compensation. All members shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Funding for the costs of compensation and expenses of legislative members shall be provided by the operating budgets of the Clerk of the House of Delegates and the Clerk of the Senate upon approval of the Joint Rules Committee. Funding for the costs of expenses of the nonlegislative citizen members and all other expenses of the Council shall be provided by the Office of the Secretary of Natural Resources.*

D. *The Council shall elect a chairman and a vice-chairman annually from among its membership. A majority of the members shall constitute a quorum. The meetings of the Council shall be held at the call of the chairman or whenever the majority of the members so request.*

E. *The Department of Environmental Quality shall provide staff support to the Council. All agencies of the Commonwealth shall provide assistance to the Council, upon request.*

§ 2.2-2699.9. Powers and duties of the Council.

The Council shall have the power and duty to:

1. *Study all aspects of plastic pollution problems in the Commonwealth with the mission of (i) eliminating plastic waste that impacts native species and pollutes the Commonwealth's environment and (ii) contributing to the achievement of plastics packaging circular economy industry standards;*

2. *Obtain from other federal, state, or local agencies any relevant data on plastic pollution and any associated costs of cleanup as it relates to eliminating plastic waste;*

3. Perform any relevant analysis and develop a plan or recommendations as appropriate for the legislature, localities, or any other stakeholder;

4. Coordinate the legislative recommendations of all other state entities having responsibilities with respect to plastic pollution issues; and

5. Submit to the Governor and the General Assembly an annual report for publication as a report document as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports. The chairman shall submit to the Governor and the General Assembly an annual executive summary of the interim activity and work of the Council no later than the first day of each regular session of the General Assembly. The executive summary shall be submitted for publication as a report document as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

§ 2.2-2699.10. Sunset.

This article shall expire on June 30, 2023.

2. That the Plastic Waste Prevention Advisory Council shall submit to the Governor and the Chairs of the House Committee on Agriculture, Chesapeake and Natural Resources and the Senate Committee on Agriculture, Conservation and Natural Resources an initial report that provides recommendations on legislation to accelerate the elimination of plastic bags and polystyrene packaging used or sold in the Commonwealth no later than November 1, 2020.

CHAPTER 799

An Act to amend and reenact § 56-585.1 of the Code of Virginia, relating to electric utility regulation; energy efficiency programs; participation by industrial customers.

[H 1576]

Approved April 7, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 56-585.1 of the Code of Virginia is amended and reenacted as follows:

§ 56-585.1. Generation, distribution, and transmission rates after capped rates terminate or expire.

A. During the first six months of 2009, the Commission shall, after notice and opportunity for hearing, initiate proceedings to review the rates, terms and conditions for the provision of generation, distribution and transmission services of each investor-owned incumbent electric utility. Such proceedings shall be governed by the provisions of Chapter 10 (§ 56-232 et seq.), except as modified herein. In such proceedings the Commission shall determine fair rates of return on common equity applicable to the generation and distribution services of the utility. In so doing, the Commission may use any methodology to determine such return it finds consistent with the public interest, but such return shall not be set lower than the average of the returns on common equity reported to the Securities and Exchange Commission for the three most recent annual periods for which such data are available by not less than a majority, selected by the Commission as specified in subdivision 2 b, of other investor-owned electric utilities in the peer group of the utility, nor shall the Commission set such return more than 300 basis points higher than such average. The peer group of the utility shall be determined in the manner prescribed in subdivision 2 b. The Commission may increase or decrease such combined rate of return by up to 100 basis points based on the generating plant performance, customer service, and operating efficiency of a utility, as compared to nationally recognized standards determined by the Commission to be appropriate for such purposes. In such a proceeding, the Commission shall determine the rates that the utility may charge until such rates are adjusted. If the Commission finds that the utility's combined rate of return on common equity is more than 50 basis points below the combined rate of return as so determined, it shall be authorized to order increases to the utility's rates necessary to provide the opportunity to fully recover the costs of providing the utility's services and to earn not less than such combined rate of return. If the Commission finds that the utility's combined rate of return on common equity is more than 50 basis points above the combined rate of return as so determined, it shall be authorized either (i) to order reductions to the utility's rates it finds appropriate, provided that the Commission may not order such rate reduction unless it finds that the resulting rates will provide the utility with the opportunity to fully recover its costs of providing its services and to earn not less than the fair rates of return on common equity applicable to the generation and distribution services; or (ii) to direct that 60 percent of the amount of the utility's earnings that were more than 50 basis points above the fair combined rate of return for calendar year 2008 be credited to customers' bills, in which event such credits shall be amortized over a period of six to 12 months, as determined at the discretion of the Commission, following the effective date of the Commission's order and be allocated among customer classes such that the relationship between the specific customer class rates of return to the overall target rate of return will have the same relationship as the last approved allocation of revenues used to design base rates. Commencing in 2011, the Commission, after notice and opportunity for hearing, shall conduct reviews of the rates, terms and conditions for the provision of generation, distribution and transmission services by each investor-owned incumbent electric utility, subject to the following provisions:

1. Rates, terms and conditions for each service shall be reviewed separately on an unbundled basis, and such reviews shall be conducted in a single, combined proceeding. Pursuant to subsection A of § 56-585.1:1, the Commission shall

conduct a review for a Phase I Utility in 2020, utilizing the three successive 12-month test periods beginning January 1, 2017, and ending December 31, 2019. Thereafter, reviews for a Phase I Utility will be on a triennial basis with subsequent proceedings utilizing the three successive 12-month test periods ending December 31 immediately preceding the year in which such review proceeding is conducted. Pursuant to subsection A of § 56-585.1:1, the Commission shall conduct a review for a Phase II Utility in 2021, utilizing the four successive 12-month test periods beginning January 1, 2017, and ending December 31, 2020, with subsequent reviews on a triennial basis utilizing the three successive 12-month test periods ending December 31 immediately preceding the year in which such review proceeding is conducted. All such reviews occurring after December 31, 2017, shall be referred to as triennial reviews. For purposes of this section, a Phase I Utility is an investor-owned incumbent electric utility that was, as of July 1, 1999, not bound by a rate case settlement adopted by the Commission that extended in its application beyond January 1, 2002, and a Phase II Utility is an investor-owned incumbent electric utility that was bound by such a settlement.

2. Subject to the provisions of subdivision 6, the fair rate of return on common equity applicable separately to the generation and distribution services of such utility, and for the two such services combined, and for any rate adjustment clauses approved under subdivision 5 or 6, shall be determined by the Commission during each such triennial review, as follows:

a. The Commission may use any methodology to determine such return it finds consistent with the public interest, but such return shall not be set lower than the average of the returns on common equity reported to the Securities and Exchange Commission for the three most recent annual periods for which such data are available by not less than a majority, selected by the Commission as specified in subdivision 2 b, of other investor-owned electric utilities in the peer group of the utility subject to such triennial review, nor shall the Commission set such return more than 300 basis points higher than such average.

b. In selecting such majority of peer group investor-owned electric utilities, the Commission shall first remove from such group the two utilities within such group that have the lowest reported returns of the group, as well as the two utilities within such group that have the highest reported returns of the group, and the Commission shall then select a majority of the utilities remaining in such peer group. In its final order regarding such triennial review, the Commission shall identify the utilities in such peer group it selected for the calculation of such limitation. For purposes of this subdivision, an investor-owned electric utility shall be deemed part of such peer group if (i) its principal operations are conducted in the southeastern United States east of the Mississippi River in either the states of West Virginia or Kentucky or in those states south of Virginia, excluding the state of Tennessee, (ii) it is a vertically-integrated electric utility providing generation, transmission and distribution services whose facilities and operations are subject to state public utility regulation in the state where its principal operations are conducted, (iii) it had a long-term bond rating assigned by Moody's Investors Service of at least Baa at the end of the most recent test period subject to such triennial review, and (iv) it is not an affiliate of the utility subject to such triennial review.

c. The Commission may, consistent with its precedent for incumbent electric utilities prior to the enactment of Chapters 888 and 933 of the Acts of Assembly of 2007, increase or decrease the utility's combined rate of return based on the Commission's consideration of the utility's performance.

d. In any Current Proceeding, the Commission shall determine whether the Current Return has increased, on a percentage basis, above the Initial Return by more than the increase, expressed as a percentage, in the United States Average Consumer Price Index for all items, all urban consumers (CPI-U), as published by the Bureau of Labor Statistics of the United States Department of Labor, since the date on which the Commission determined the Initial Return. If so, the Commission may conduct an additional analysis of whether it is in the public interest to utilize such Current Return for the Current Proceeding then pending. A finding of whether the Current Return justifies such additional analysis shall be made without regard to any enhanced rate of return on common equity awarded pursuant to the provisions of subdivision 6. Such additional analysis shall include, but not be limited to, a consideration of overall economic conditions, the level of interest rates and cost of capital with respect to business and industry, in general, as well as electric utilities, the current level of inflation and the utility's cost of goods and services, the effect on the utility's ability to provide adequate service and to attract capital if less than the Current Return were utilized for the Current Proceeding then pending, and such other factors as the Commission may deem relevant. If, as a result of such analysis, the Commission finds that use of the Current Return for the Current Proceeding then pending would not be in the public interest, then the lower limit imposed by subdivision 2 a on the return to be determined by the Commission for such utility shall be calculated, for that Current Proceeding only, by increasing the Initial Return by a percentage at least equal to the increase, expressed as a percentage, in the United States Average Consumer Price Index for all items, all urban consumers (CPI-U), as published by the Bureau of Labor Statistics of the United States Department of Labor, since the date on which the Commission determined the Initial Return. For purposes of this subdivision:

"Current Proceeding" means any proceeding conducted under any provisions of this subsection that require or authorize the Commission to determine a fair combined rate of return on common equity for a utility and that will be concluded after the date on which the Commission determined the Initial Return for such utility.

"Current Return" means the minimum fair combined rate of return on common equity required for any Current Proceeding by the limitation regarding a utility's peer group specified in subdivision 2 a.

"Initial Return" means the fair combined rate of return on common equity determined for such utility by the Commission on the first occasion after July 1, 2009, under any provision of this subsection pursuant to the provisions of subdivision 2 a.

e. In addition to other considerations, in setting the return on equity within the range allowed by this section, the Commission shall strive to maintain costs of retail electric energy that are cost competitive with costs of retail electric energy provided by the other peer group investor-owned electric utilities.

f. The determination of such returns shall be made by the Commission on a stand-alone basis, and specifically without regard to any return on common equity or other matters determined with regard to facilities described in subdivision 6.

g. If the combined rate of return on common equity earned by the generation and distribution services is no more than 50 basis points above or below the return as so determined or, for any test period commencing after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, such return is no more than 70 basis points above or below the return as so determined, such combined return shall not be considered either excessive or insufficient, respectively. However, for any test period commencing after December 31, 2012, for a Phase II Utility, and after December 31, 2013, for a Phase I Utility, if the utility has, during the test period or periods under review, earned below the return as so determined, whether or not such combined return is within 70 basis points of the return as so determined, the utility may petition the Commission for approval of an increase in rates in accordance with the provisions of subdivision 8 a as if it had earned more than 70 basis points below a fair combined rate of return, and such proceeding shall otherwise be conducted in accordance with the provisions of this section. The provisions of this subdivision are subject to the provisions of subdivision 8.

h. Any amount of a utility's earnings directed by the Commission to be credited to customers' bills pursuant to this section shall not be considered for the purpose of determining the utility's earnings in any subsequent triennial review.

3. Each such utility shall make a triennial filing by March 31 of every third year, with such filings commencing for a Phase I Utility in 2020, and such filings commencing for a Phase II Utility in 2021, consisting of the schedules contained in the Commission's rules governing utility rate increase applications. Such filing shall encompass the three successive 12-month test periods ending December 31 immediately preceding the year in which such proceeding is conducted, except that the filing for a Phase II Utility in 2021 shall encompass the four successive 12-month test periods ending December 31, 2020, and in every such case the filing for each year shall be identified separately and shall be segregated from any other year encompassed by the filing. If the Commission determines that rates should be revised or credits be applied to customers' bills pursuant to subdivision 8 or 9, any rate adjustment clauses previously implemented related to facilities utilizing simple-cycle combustion turbines described in subdivision 6, shall be combined with the utility's costs, revenues and investments until the amounts that are the subject of such rate adjustment clauses are fully recovered. The Commission shall combine such clauses with the utility's costs, revenues and investments only after it makes its initial determination with regard to necessary rate revisions or credits to customers' bills, and the amounts thereof, but after such clauses are combined as herein specified, they shall thereafter be considered part of the utility's costs, revenues, and investments for the purposes of future triennial review proceedings. In a triennial filing under this subdivision that does not result in an overall rate change a utility may propose an adjustment to one or more tariffs that are revenue neutral to the utility.

4. (Expires December 31, 2023) The following costs incurred by the utility shall be deemed reasonable and prudent: (i) costs for transmission services provided to the utility by the regional transmission entity of which the utility is a member, as determined under applicable rates, terms and conditions approved by the Federal Energy Regulatory Commission; (ii) costs charged to the utility that are associated with demand response programs approved by the Federal Energy Regulatory Commission and administered by the regional transmission entity of which the utility is a member; and (iii) costs incurred by the utility to construct, operate, and maintain transmission lines and substations installed in order to provide service to a business park. Upon petition of a utility at any time after the expiration or termination of capped rates, but not more than once in any 12-month period, the Commission shall approve a rate adjustment clause under which such costs, including, without limitation, costs for transmission service; charges for new and existing transmission facilities, including costs incurred by the utility to construct, operate, and maintain transmission lines and substations installed in order to provide service to a business park; administrative charges; and ancillary service charges designed to recover transmission costs, shall be recovered on a timely and current basis from customers. Retail rates to recover these costs shall be designed using the appropriate billing determinants in the retail rate schedules.

4. (Effective January 1, 2024) The following costs incurred by the utility shall be deemed reasonable and prudent: (i) costs for transmission services provided to the utility by the regional transmission entity of which the utility is a member, as determined under applicable rates, terms and conditions approved by the Federal Energy Regulatory Commission, and (ii) costs charged to the utility that are associated with demand response programs approved by the Federal Energy Regulatory Commission and administered by the regional transmission entity of which the utility is a member. Upon petition of a utility at any time after the expiration or termination of capped rates, but not more than once in any 12-month period, the Commission shall approve a rate adjustment clause under which such costs, including, without limitation, costs for transmission service, charges for new and existing transmission facilities, administrative charges, and ancillary service charges designed to recover transmission costs, shall be recovered on a timely and current basis from customers. Retail rates to recover these costs shall be designed using the appropriate billing determinants in the retail rate schedules.

5. A utility may at any time, after the expiration or termination of capped rates, but not more than once in any 12-month period, petition the Commission for approval of one or more rate adjustment clauses for the timely and current recovery from customers of the following costs:

a. Incremental costs described in clause (vi) of subsection B of § 56-582 incurred between July 1, 2004, and the expiration or termination of capped rates, if such utility is, as of July 1, 2007, deferring such costs consistent with an order of the Commission entered under clause (vi) of subsection B of § 56-582. The Commission shall approve such a petition allowing the recovery of such costs that comply with the requirements of clause (vi) of subsection B of § 56-582;

b. Projected and actual costs for the utility to design and operate fair and effective peak-shaving programs. The Commission shall approve such a petition if it finds that the program is in the public interest; provided that the Commission shall allow the recovery of such costs as it finds are reasonable;

c. Projected and actual costs for the utility to design, implement, and operate energy efficiency programs, including a margin to be recovered on operating expenses, which margin for the purposes of this section shall be equal to the general rate of return on common equity determined as described in subdivision 2. Any such petition shall include a proposed budget for the design, implementation, and operation of the energy efficiency program. The Commission shall only approve such a petition if it finds that the program is in the public interest. If the Commission determines that an energy efficiency program or portfolio of programs is not in the public interest, its final order shall include all work product and analysis conducted by the Commission's staff in relation to that program that has bearing upon the Commission's determination. Such order shall adhere to existing protocols for extraordinarily sensitive information. As part of such cost recovery, the Commission, if requested by the utility, shall allow for the recovery of revenue reductions related to energy efficiency programs. The Commission shall only allow such recovery to the extent that the Commission determines such revenue has not been recovered through margins from incremental off-system sales as defined in § 56-249.6 that are directly attributable to energy efficiency programs.

~~None of the costs of new energy efficiency programs of an electric utility, including recovery of revenue reductions, shall be assigned to any large general service customer. As used in this subdivision, "large general service customer" means a customer that has a verifiable history of having used more than 500 kilowatts one megawatt of demand from a single meter of delivery site.~~

Large general service customers shall be exempt from requirements that they participate in energy efficiency programs if the Commission finds that the large general service customer has, at the customer's own expense, implemented energy efficiency programs that have produced or will produce measured and verified results consistent with industry standards and other regulatory criteria stated in this section. The Commission shall, no later than June 30, 2021, adopt rules or regulations (i) establishing the process for large general service customers to apply for such an exemption, (ii) establishing the administrative procedures by which eligible customers will notify the utility, and (iii) defining the standard criteria that shall be satisfied by an applicant in order to notify the utility, including means of evaluation measurement and verification and confidentiality requirements. At a minimum, such rules and regulations shall require that each exempted large general service customer certify to the utility and Commission that its implemented energy efficiency programs have delivered measured and verified savings within the prior five years. In adopting such rules or regulations, the Commission shall also specify the timing as to when a utility shall accept and act on such notice, taking into consideration the utility's integrated resource planning process, as well as its administration of energy efficiency programs that are approved for cost recovery by the Commission. Savings from large general service customers shall be accounted for in utility reporting in the standards in § 56-596.2.

The notice of nonparticipation by a large general service customer shall be for the duration of the service life of the customer's energy efficiency measures. The Commission may on its own motion initiate steps necessary to verify such nonparticipant's achievement of energy efficiency if the Commission has a body of evidence that the nonparticipant has knowingly misrepresented its energy efficiency achievement. A utility shall not charge such large general service customer, as defined by the Commission, for the costs of installing energy efficiency equipment beyond what is required to provide electric service and meter such service on the customer's premises if the customer provides, at the customer's expense, equivalent energy efficiency equipment. In all relevant proceedings pursuant to this section, the Commission shall take into consideration the goals of economic development, energy efficiency and environmental protection in the Commonwealth;

d. Projected and actual costs of participation in a renewable energy portfolio standard program pursuant to § 56-585.2 that are not recoverable under subdivision 6. The Commission shall approve such a petition allowing the recovery of such costs as are provided for in a program approved pursuant to § 56-585.2;

e. Projected and actual costs of projects that the Commission finds to be necessary to comply with state or federal environmental laws or regulations applicable to generation facilities used to serve the utility's native load obligations. The Commission shall approve such a petition if it finds that such costs are necessary to comply with such environmental laws or regulations; and

f. Projected and actual costs, not currently in rates, for the utility to design, implement, and operate programs approved by the Commission that accelerate the vegetation management of distribution rights-of-way. No costs shall be allocated to or recovered from customers that are served within the large general service rate classes for a Phase II Utility or that are served at subtransmission or transmission voltage, or take delivery at a substation served from subtransmission or transmission voltage, for a Phase I Utility.

Any rate adjustment clause approved under subdivision 5 c by the Commission shall remain in effect until the utility exhausts the approved budget for the energy efficiency program. The Commission shall have the authority to determine the duration or amortization period for any other rate adjustment clause approved under this subdivision.

6. To ensure the generation and delivery of a reliable and adequate supply of electricity, to meet the utility's projected native load obligations and to promote economic development, a utility may at any time, after the expiration or termination of capped rates, petition the Commission for approval of a rate adjustment clause for recovery on a timely and current basis from customers of the costs of (i) a coal-fueled generation facility that utilizes Virginia coal and is located in the coalfield region of the Commonwealth as described in § 15.2-6002, regardless of whether such facility is located within or without the utility's service territory, (ii) one or more other generation facilities, (iii) one or more major unit modifications of generation facilities, including the costs of any system or equipment upgrade, system or equipment replacement, or other cost reasonably appropriate to extend the combined operating license for or the operating life of one or more generation facilities utilizing nuclear power, (iv) one or more new underground facilities to replace one or more existing overhead distribution facilities of 69 kilovolts or less located within the Commonwealth, (v) one or more pumped hydroelectricity generation and storage facilities that utilize on-site or off-site renewable energy resources as all or a portion of their power source and such facilities and associated resources are located in the coalfield region of the Commonwealth as described in § 15.2-6002, regardless of whether such facility is located within or without the utility's service territory, or (vi) one or more electric distribution grid transformation projects; however, subject to the provisions of the following sentence, the utility shall not file a petition under clause (iv) more often than annually and, in such petition, shall not seek any annual incremental increase in the level of investments associated with such a petition that exceeds five percent of such utility's distribution rate base, as such rate base was determined for the most recently ended 12-month test period in the utility's latest review proceeding conducted pursuant to subdivision 3 and concluded by final order of the Commission prior to the date of filing of such petition under clause (iv). In all proceedings regarding petitions filed under clause (iv) or (vi), the level of investments approved for recovery in such proceedings shall be in addition to, and not in lieu of, levels of investments previously approved for recovery in prior proceedings under clause (iv) or (vi), as applicable. As of December 1, 2028, any costs recovered by a utility pursuant to clause (iv) shall be limited to any remaining costs associated with conversions of overhead distribution facilities to underground facilities that have been previously approved or are pending approval by the Commission through a petition by the utility under this subdivision. Such a petition concerning facilities described in clause (ii) that utilize nuclear power, facilities described in clause (ii) that are coal-fueled and will be built by a Phase I Utility, or facilities described in clause (i) may also be filed before the expiration or termination of capped rates. A utility that constructs or makes modifications to any such facility, or purchases any facility consisting of at least one megawatt of generating capacity using energy derived from sunlight and located in the Commonwealth and that utilizes goods or services sourced, in whole or in part, from one or more Virginia businesses, shall have the right to recover the costs of the facility, as accrued against income, through its rates, including projected construction work in progress, and any associated allowance for funds used during construction, planning, development and construction or acquisition costs, life-cycle costs, costs related to assessing the feasibility of potential sites for new underground facilities, and costs of infrastructure associated therewith, plus, as an incentive to undertake such projects, an enhanced rate of return on common equity calculated as specified below; however, in determining the amounts recoverable under a rate adjustment clause for new underground facilities, the Commission shall not consider, or increase or reduce such amounts recoverable because of (a) the operation and maintenance costs attributable to either the overhead distribution facilities being replaced or the new underground facilities or (b) any other costs attributable to the overhead distribution facilities being replaced. Notwithstanding the preceding sentence, the costs described in clauses (a) and (b) thereof shall remain eligible for recovery from customers through the utility's base rates for distribution service. A utility filing a petition for approval to construct or purchase a facility consisting of at least one megawatt of generating capacity using energy derived from sunlight and located in the Commonwealth and that utilizes goods or services sourced, in whole or in part, from one or more Virginia businesses may propose a rate adjustment clause based on a market index in lieu of a cost of service model for such facility. A utility seeking approval to construct or purchase a generating facility described in clause (i) or (ii) shall demonstrate that it has considered and weighed alternative options, including third-party market alternatives, in its selection process. The costs of the facility, other than return on projected construction work in progress and allowance for funds used during construction, shall not be recovered prior to the date a facility constructed by the utility and described in clause (i), (ii), (iii) or (v) begins commercial operation, the date the utility becomes the owner of a purchased generation facility consisting of at least one megawatt of generating capacity using energy derived from sunlight and located in the Commonwealth and that utilizes goods or services sourced, in whole or in part, from one or more Virginia businesses, or the date new underground facilities are classified by the utility as plant in service.

Such enhanced rate of return on common equity shall be applied to allowance for funds used during construction and to construction work in progress during the construction phase of the facility and shall thereafter be applied to the entire facility during the first portion of the service life of the facility. The first portion of the service life shall be as specified in the table below; however, the Commission shall determine the duration of the first portion of the service life of any facility, within the range specified in the table below, which determination shall be consistent with the public interest and shall reflect the Commission's determinations regarding how critical the facility may be in meeting the energy needs of the citizens of the Commonwealth and the risks involved in the development of the facility. After the first portion of the service life of the facility is concluded, the utility's general rate of return shall be applied to such facility for the remainder of its

service life. As used herein, the service life of the facility shall be deemed to begin on the date a facility constructed by the utility and described in clause (i), (ii), (iii) or (v) begins commercial operation, the date the utility becomes the owner of a purchased generation facility consisting of at least one megawatt of generating capacity using energy derived from sunlight and located in the Commonwealth and that utilizes goods or services sourced, in whole or in part, from one or more Virginia businesses, or the date new underground facilities or new electric distribution grid transformation projects are classified by the utility as plant in service, and such service life shall be deemed equal in years to the life of that facility as used to calculate the utility's depreciation expense. Such enhanced rate of return on common equity shall be calculated by adding the basis points specified in the table below to the utility's general rate of return, and such enhanced rate of return shall apply only to the facility that is the subject of such rate adjustment clause. Allowance for funds used during construction shall be calculated for any such facility utilizing the utility's actual capital structure and overall cost of capital, including an enhanced rate of return on common equity as determined pursuant to this subdivision, until such construction work in progress is included in rates. The construction of any facility described in clause (i) or (v) is in the public interest, and in determining whether to approve such facility, the Commission shall liberally construe the provisions of this title. The construction or purchase by a utility of one or more generation facilities with at least one megawatt of generating capacity, and with an aggregate rated capacity that does not exceed 5,000 megawatts, including rooftop solar installations with a capacity of not less than 50 kilowatts, and with an aggregate capacity of 50 megawatts, that use energy derived from sunlight or from wind and are located in the Commonwealth or off the Commonwealth's Atlantic shoreline, regardless of whether any of such facilities are located within or without the utility's service territory, is in the public interest, and in determining whether to approve such facility, the Commission shall liberally construe the provisions of this title. A utility may enter into short-term or long-term power purchase contracts for the power derived from sunlight generated by such generation facility prior to purchasing the generation facility. The replacement of any subset of a utility's existing overhead distribution tap lines that have, in the aggregate, an average of nine or more total unplanned outage events-per-mile over a preceding 10-year period with new underground facilities in order to improve electric service reliability is in the public interest. In determining whether to approve petitions for rate adjustment clauses for such new underground facilities that meet this criteria, and in determining the level of costs to be recovered thereunder, the Commission shall liberally construe the provisions of this title.

The conversion of any such facilities on or after September 1, 2016, is deemed to provide local and system-wide benefits and to be cost beneficial, and the costs associated with such new underground facilities are deemed to be reasonably and prudently incurred and, notwithstanding the provisions of subsection C or D, shall be approved for recovery by the Commission pursuant to this subdivision, provided that the total costs associated with the replacement of any subset of existing overhead distribution tap lines proposed by the utility with new underground facilities, exclusive of financing costs, shall not exceed an average cost per customer of \$20,000, with such customers, including those served directly by or downline of the tap lines proposed for conversion, and, further, such total costs shall not exceed an average cost per mile of tap lines converted, exclusive of financing costs, of \$750,000. A utility shall, without regard for whether it has petitioned for any rate adjustment clause pursuant to clause (vi), petition the Commission, not more than once annually, for approval of a plan for electric distribution grid transformation projects. Any plan for electric distribution grid transformation projects shall include both measures to facilitate integration of distributed energy resources and measures to enhance physical electric distribution grid reliability and security. In ruling upon such a petition, the Commission shall consider whether the utility's plan for such projects, and the projected costs associated therewith, are reasonable and prudent. Such petition shall be considered on a stand-alone basis without regard to the other costs, revenues, investments, or earnings of the utility; without regard to whether the costs associated with such projects will be recovered through a rate adjustment clause under this subdivision or through the utility's rates for generation and distribution services; and without regard to whether such costs will be the subject of a customer credit offset, as applicable, pursuant to subdivision 8 d. The Commission's final order regarding any such petition for approval of an electric distribution grid transformation plan shall be entered by the Commission not more than six months after the date of filing such petition. The Commission shall likewise enter its final order with respect to any petition by a utility for a certificate to construct and operate a generating facility or facilities utilizing energy derived from sunlight, pursuant to subsection D of § 56-580, within six months after the date of filing such petition. The basis points to be added to the utility's general rate of return to calculate the enhanced rate of return on common equity, and the first portion of that facility's service life to which such enhanced rate of return shall be applied, shall vary by type of facility, as specified in the following table:

Type of Generation Facility	Basis Points	First Portion of Service Life
Nuclear-powered	200	Between 12 and 25 years
Carbon capture compatible, clean-coal powered	200	Between 10 and 20 years
Renewable powered, other than landfill gas powered	200	Between 5 and 15 years
Coalbed methane gas powered	150	Between 5 and 15 years
Landfill gas powered	200	Between 5 and 15 years
Conventional coal or combined-cycle combustion turbine	100	Between 10 and 20 years

For generating facilities other than those utilizing nuclear power constructed pursuant to clause (ii) or those utilizing energy derived from offshore wind, as of July 1, 2013, only those facilities as to which a rate adjustment clause under this subdivision has been previously approved by the Commission, or as to which a petition for approval of such rate adjustment clause was filed with the Commission, on or before January 1, 2013, shall be entitled to the enhanced rate of return on common equity as specified in the above table during the construction phase of the facility and the approved first portion of its service life.

For generating facilities within the Commonwealth utilizing nuclear power or those utilizing energy derived from offshore wind projects located in waters off the Commonwealth's Atlantic shoreline, such facilities shall continue to be eligible for an enhanced rate of return on common equity during the construction phase of the facility and the approved first portion of its service life of between 12 and 25 years in the case of a facility utilizing nuclear power and for a service life of between 5 and 15 years in the case of a facility utilizing energy derived from offshore wind, provided, however, that, as of July 1, 2013, the enhanced return for such facilities constructed pursuant to clause (ii) shall be 100 basis points, which shall be added to the utility's general rate of return as determined under subdivision 2. Thirty percent of all costs of such a facility utilizing nuclear power that the utility incurred between July 1, 2007, and December 31, 2013, and all of such costs incurred after December 31, 2013, may be deferred by the utility and recovered through a rate adjustment clause under this subdivision at such time as the Commission provides in an order approving such a rate adjustment clause. The remaining 70 percent of all costs of such a facility that the utility incurred between July 1, 2007, and December 31, 2013, shall not be deferred for recovery through a rate adjustment clause under this subdivision; however, such remaining 70 percent of all costs shall be recovered ratably through existing base rates as determined by the Commission in the test periods under review in the utility's next review filed after July 1, 2014. Thirty percent of all costs of such a facility utilizing energy derived from offshore wind that the utility incurred between July 1, 2007, and December 31, 2013, and all of such costs incurred after December 31, 2013, may be deferred by the utility and recovered through a rate adjustment clause under this subdivision at such time as the Commission provides in an order approving such a rate adjustment clause. The remaining 70 percent of all costs of such a facility that the utility incurred between July 1, 2007, and December 31, 2013, shall not be deferred for recovery through a rate adjustment clause under this subdivision; however, such remaining 70 percent of all costs shall be recovered ratably through existing base rates as determined by the Commission in the test periods under review in the utility's next review filed after July 1, 2014.

In connection with planning to meet forecasted demand for electric generation supply and assure the adequate and sufficient reliability of service, consistent with § 56-598, planning and development activities for a new nuclear generation facility or facilities are in the public interest.

In connection with planning to meet forecasted demand for electric generation supply and assure the adequate and sufficient reliability of service, consistent with § 56-598, planning and development activities for a new utility-owned and utility-operated generating facility or facilities utilizing energy derived from sunlight or from onshore or offshore wind are in the public interest.

Construction, purchasing, or leasing activities for a new utility-owned and utility-operated generating facility or facilities utilizing energy derived from sunlight or from wind with an aggregate capacity of 5,000 megawatts, including rooftop solar installations with a capacity of not less than 50 kilowatts, and with an aggregate capacity of 50 megawatts, together with a new test or demonstration project for a utility-owned and utility-operated generating facility or facilities utilizing energy derived from offshore wind with an aggregate capacity of not more than 16 megawatts, are in the public interest. To the extent that a utility elects to recover the costs of any such new generation facility or facilities through its rates for generation and distribution services and does not petition and receive approval from the Commission for recovery of such costs through a rate adjustment clause described in clause (ii), the Commission shall, upon the request of the utility in a triennial review proceeding, provide for a customer credit reinvestment offset, as applicable, pursuant to subdivision 8 d with respect to all costs deemed reasonable and prudent by the Commission in a proceeding pursuant to subsection D of § 56-580 or in a triennial review proceeding.

Electric distribution grid transformation projects are in the public interest. To the extent that a utility elects to recover the costs of such electric distribution grid transformation projects through its rates for generation and distribution services, and does not petition and receive approval from the Commission for recovery of such costs through a rate adjustment clause described in clause (vi), the Commission shall, upon the request of the utility in a triennial review proceeding, provide for a customer credit reinvestment offset, as applicable, pursuant to subdivision 8 d with respect to all costs deemed reasonable and prudent by the Commission in a proceeding for approval of a plan for electric distribution grid transformation projects pursuant to subdivision 6 or in a triennial review proceeding.

Neither generation facilities described in clause (ii) that utilize simple-cycle combustion turbines nor new underground facilities shall receive an enhanced rate of return on common equity as described herein, but instead shall receive the utility's general rate of return during the construction phase of the facility and, thereafter, for the entire service life of the facility. No rate adjustment clause for new underground facilities shall allocate costs to, or provide for the recovery of costs from, customers that are served within the large power service rate class for a Phase I Utility and the large general service rate classes for a Phase II Utility. New underground facilities are hereby declared to be ordinary extensions or improvements in the usual course of business under the provisions of § 56-265.2.

As used in this subdivision, a generation facility is (1) "coalbed methane gas powered" if the facility is fired at least 50 percent by coalbed methane gas, as such term is defined in § 45.1-361.1, produced from wells located in the

Commonwealth, and (2) "landfill gas powered" if the facility is fired by methane or other combustible gas produced by the anaerobic digestion or decomposition of biodegradable materials in a solid waste management facility licensed by the Waste Management Board. A landfill gas powered facility includes, in addition to the generation facility itself, the equipment used in collecting, drying, treating, and compressing the landfill gas and in transmitting the landfill gas from the solid waste management facility where it is collected to the generation facility where it is combusted.

For purposes of this subdivision, "general rate of return" means the fair combined rate of return on common equity as it is determined by the Commission for such utility pursuant to subdivision 2.

Notwithstanding any other provision of this subdivision, if the Commission finds during the triennial review conducted for a Phase II Utility in 2021 that such utility has not filed applications for all necessary federal and state regulatory approvals to construct one or more nuclear-powered or coal-fueled generation facilities that would add a total capacity of at least 1500 megawatts to the amount of the utility's generating resources as such resources existed on July 1, 2007, or that, if all such approvals have been received, that the utility has not made reasonable and good faith efforts to construct one or more such facilities that will provide such additional total capacity within a reasonable time after obtaining such approvals, then the Commission, if it finds it in the public interest, may reduce on a prospective basis any enhanced rate of return on common equity previously applied to any such facility to no less than the general rate of return for such utility and may apply no less than the utility's general rate of return to any such facility for which the utility seeks approval in the future under this subdivision.

Notwithstanding any other provision of this subdivision, if a Phase II utility obtains approval from the Commission of a rate adjustment clause pursuant to subdivision 6 associated with a test or demonstration project involving a generation facility utilizing energy from offshore wind, and such utility has not, as of July 1, 2023, commenced construction as defined for federal income tax purposes of an offshore wind generation facility or facilities with a minimum aggregate capacity of 250 megawatts, then the Commission, if it finds it in the public interest, may direct that the costs associated with any such rate adjustment clause involving said test or demonstration project shall thereafter no longer be recovered through a rate adjustment clause pursuant to subdivision 6 and shall instead be recovered through the utility's rates for generation and distribution services, with no change in such rates for generation and distribution services as a result of the combination of such costs with the other costs, revenues, and investments included in the utility's rates for generation and distribution services. Any such costs shall remain combined with the utility's other costs, revenues, and investments included in its rates for generation and distribution services until such costs are fully recovered.

7. Any petition filed pursuant to subdivision 4, 5, or 6 shall be considered by the Commission on a stand-alone basis without regard to the other costs, revenues, investments, or earnings of the utility. Any costs incurred by a utility prior to the filing of such petition, or during the consideration thereof by the Commission, that are proposed for recovery in such petition and that are related to subdivision 5 a, or that are related to facilities and projects described in clause (i) of subdivision 6, or that are related to new underground facilities described in clause (iv) of subdivision 6, shall be deferred on the books and records of the utility until the Commission's final order in the matter, or until the implementation of any applicable approved rate adjustment clauses, whichever is later. Except as otherwise provided in subdivision 6, any costs prudently incurred on or after July 1, 2007, by a utility prior to the filing of such petition, or during the consideration thereof by the Commission, that are proposed for recovery in such petition and that are related to facilities and projects described in clause (ii) or clause (iii) of subdivision 6 that utilize nuclear power, or coal-fueled facilities and projects described in clause (ii) of subdivision 6 if such coal-fueled facilities will be built by a Phase I Utility, shall be deferred on the books and records of the utility until the Commission's final order in the matter, or until the implementation of any applicable approved rate adjustment clauses, whichever is later. Any costs prudently incurred after the expiration or termination of capped rates related to other matters described in subdivision 4, 5, or 6 shall be deferred beginning only upon the expiration or termination of capped rates, provided, however, that no provision of this act shall affect the rights of any parties with respect to the rulings of the Federal Energy Regulatory Commission in PJM Interconnection LLC and Virginia Electric and Power Company, 109 F.E.R.C. P 61,012 (2004). A utility shall establish a regulatory asset for regulatory accounting and ratemaking purposes under which it shall defer its operation and maintenance costs incurred in connection with (i) the refueling of any nuclear-powered generating plant and (ii) other work at such plant normally performed during a refueling outage. The utility shall amortize such deferred costs over the refueling cycle, but in no case more than 18 months, beginning with the month in which such plant resumes operation after such refueling. The refueling cycle shall be the applicable period of time between planned refueling outages for such plant. As of January 1, 2014, such amortized costs are a component of base rates, recoverable in base rates only ratably over the refueling cycle rather than when such outages occur, and are the only nuclear refueling costs recoverable in base rates. This provision shall apply to any nuclear-powered generating plant refueling outage commencing after December 31, 2013, and the Commission shall treat the deferred and amortized costs of such regulatory asset as part of the utility's costs for the purpose of proceedings conducted (a) with respect to triennial filings under subdivision 3 made on and after July 1, 2014, and (b) pursuant to § 56-245 or the Commission's rules governing utility rate increase applications as provided in subsection B. This provision shall not be deemed to change or reset base rates.

The Commission's final order regarding any petition filed pursuant to subdivision 4, 5, or 6 shall be entered not more than three months, eight months, and nine months, respectively, after the date of filing of such petition. If such petition is approved, the order shall direct that the applicable rate adjustment clause be applied to customers' bills not more than 60 days after the date of the order, or upon the expiration or termination of capped rates, whichever is later.

8. In any triennial review proceeding, for the purposes of reviewing earnings on the utility's rates for generation and distribution services, the following utility generation and distribution costs not proposed for recovery under any other subdivision of this subsection, as recorded per books by the utility for financial reporting purposes and accrued against income, shall be attributed to the test periods under review and deemed fully recovered in the period recorded: costs associated with asset impairments related to early retirement determinations made by the utility for utility generation facilities fueled by coal, natural gas, or oil or for automated meter reading electric distribution service meters; costs associated with projects necessary to comply with state or federal environmental laws, regulations, or judicial or administrative orders relating to coal combustion by-product management that the utility does not petition to recover through a rate adjustment clause pursuant to subdivision 5 e; costs associated with severe weather events; and costs associated with natural disasters. Such costs shall be deemed to have been recovered from customers through rates for generation and distribution services in effect during the test periods under review unless such costs, individually or in the aggregate, together with the utility's other costs, revenues, and investments to be recovered through rates for generation and distribution services, result in the utility's earned return on its generation and distribution services for the combined test periods under review to fall more than 50 basis points below the fair combined rate of return authorized under subdivision 2 for such periods or, for any test period commencing after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, to fall more than 70 basis points below the fair combined rate of return authorized under subdivision 2 for such periods. In such cases, the Commission shall, in such triennial review proceeding, authorize deferred recovery of such costs and allow the utility to amortize and recover such deferred costs over future periods as determined by the Commission. The aggregate amount of such deferred costs shall not exceed an amount that would, together with the utility's other costs, revenues, and investments to be recovered through rates for generation and distribution services, cause the utility's earned return on its generation and distribution services to exceed the fair rate of return authorized under subdivision 2, less 50 basis points, for the combined test periods under review or, for any test period commencing after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, to exceed the fair rate of return authorized under subdivision 2 less 70 basis points. Nothing in this section shall limit the Commission's authority, pursuant to the provisions of Chapter 10 (§ 56-232 et seq.), including specifically § 56-235.2, following the review of combined test period earnings of the utility in a triennial review, for normalization of nonrecurring test period costs and annualized adjustments for future costs, in determining any appropriate increase or decrease in the utility's rates for generation and distribution services pursuant to subdivision 8 a or 8 c.

If the Commission determines as a result of such triennial review that:

a. The utility has, during the test period or periods under review, considered as a whole, earned more than 50 basis points below a fair combined rate of return on its generation and distribution services or, for any test period commencing after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, more than 70 basis points below a fair combined rate of return on its generation and distribution services, as determined in subdivision 2, without regard to any return on common equity or other matters determined with respect to facilities described in subdivision 6, the Commission shall order increases to the utility's rates necessary to provide the opportunity to fully recover the costs of providing the utility's services and to earn not less than such fair combined rate of return, using the most recently ended 12-month test period as the basis for determining the amount of the rate increase necessary. However, in the first triennial review proceeding conducted after January 1, 2021, for a Phase II Utility, the Commission may not order a rate increase, and in all triennial reviews of a Phase I or Phase II utility, the Commission may not order such rate increase unless it finds that the resulting rates are necessary to provide the utility with the opportunity to fully recover its costs of providing its services and to earn not less than a fair combined rate of return on both its generation and distribution services, as determined in subdivision 2, without regard to any return on common equity or other matters determined with respect to facilities described in subdivision 6, using the most recently ended 12-month test period as the basis for determining the permissibility of any rate increase under the standards of this sentence, and the amount thereof; and provided that, solely in connection with making its determination concerning the necessity for such a rate increase or the amount thereof, the Commission shall, in any triennial review proceeding conducted prior to July 1, 2028, exclude from this most recently ended 12-month test period any remaining investment levels associated with a prior customer credit reinvestment offset pursuant to subdivision d.

b. The utility has, during the test period or test periods under review, considered as a whole, earned more than 50 basis points above a fair combined rate of return on its generation and distribution services or, for any test period commencing after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, more than 70 basis points above a fair combined rate of return on its generation and distribution services, as determined in subdivision 2, without regard to any return on common equity or other matters determined with respect to facilities described in subdivision 6, the Commission shall, subject to the provisions of subdivisions 8 d and 9, direct that 60 percent of the amount of such earnings that were more than 50 basis points, or, for any test period commencing after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, that 70 percent of the amount of such earnings that were more than 70 basis points, above such fair combined rate of return for the test period or periods under review, considered as a whole, shall be credited to customers' bills. Any such credits shall be amortized over a period of six to 12 months, as determined at the discretion of the Commission, following the effective date of the Commission's order, and shall be allocated among customer classes such that the relationship between the specific customer class rates of return to the overall target rate of return will have the same relationship as the last approved allocation of revenues used to design base rates; or

c. In any triennial review proceeding conducted after January 1, 2020, for a Phase I Utility or after January 1, 2021, for a Phase II Utility in which the utility has, during the test period or test periods under review, considered as a whole, earned more than 50 basis points above a fair combined rate of return on its generation and distribution services or, for any test period commencing after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, more than 70 basis points above a fair combined rate of return on its generation and distribution services, as determined in subdivision 2, without regard to any return on common equity or other matter determined with respect to facilities described in subdivision 6, and the combined aggregate level of capital investment that the Commission has approved other than those capital investments that the Commission has approved for recovery pursuant to a rate adjustment clause pursuant to subdivision 6 made by the utility during the test periods under review in that triennial review proceeding in new utility-owned generation facilities utilizing energy derived from sunlight, or from wind, and in electric distribution grid transformation projects, as determined pursuant to subdivision 8 d, does not equal or exceed 100 percent of the earnings that are more than 70 basis points above the utility's fair combined rate of return on its generation and distribution services for the combined test periods under review in that triennial review proceeding, the Commission shall, subject to the provisions of subdivision 9 and in addition to the actions authorized in subdivision b, also order reductions to the utility's rates it finds appropriate. However, in the first triennial review proceeding conducted after January 1, 2021, for a Phase II Utility, any reduction to the utility's rates ordered by the Commission pursuant to this subdivision shall not exceed \$50 million in annual revenues, with any reduction allocated to the utility's rates for generation services, and in each triennial review of a Phase I or Phase II Utility, the Commission may not order such rate reduction unless it finds that the resulting rates will provide the utility with the opportunity to fully recover its costs of providing its services and to earn not less than a fair combined rate of return on its generation and distribution services, as determined in subdivision 2, without regard to any return on common equity or other matters determined with respect to facilities described in subdivision 6, using the most recently ended 12-month test period as the basis for determining the permissibility of any rate reduction under the standards of this sentence, and the amount thereof; and

d. (Expires July 1, 2028) In any triennial review proceeding conducted after December 31, 2017, upon the request of the utility, the Commission shall determine, prior to directing that 70 percent of earnings that are more than 70 basis points above the utility's fair combined rate of return on its generation and distribution services for the test period or periods under review be credited to customer bills pursuant to subdivision 8 b, the aggregate level of prior capital investment that the Commission has approved other than those capital investments that the Commission has approved for recovery pursuant to a rate adjustment clause pursuant to subdivision 6 made by the utility during the test period or periods under review in both (i) new utility-owned generation facilities utilizing energy derived from sunlight, or from onshore or offshore wind, and (ii) electric distribution grid transformation projects, as determined by the utility's plant in service and construction work in progress balances related to such investments as recorded per books by the utility for financial reporting purposes as of the end of the most recent test period under review. Any such combined capital investment amounts shall offset any customer bill credit amounts, on a dollar for dollar basis, up to the aggregate level of invested or committed capital under clauses (i) and (ii). The aggregate level of qualifying invested or committed capital under clauses (i) and (ii) is referred to in this subdivision as the customer credit reinvestment offset, which offsets the customer bill credit amount that the utility has invested or will invest in new solar or wind generation facilities or electric distribution grid transformation projects for the benefit of customers, in amounts up to 100 percent of earnings that are more than 70 basis points above the utility's fair rate of return on its generation and distribution services, and thereby reduce or eliminate otherwise incremental rate adjustment clause charges and increases to customer bills, which is deemed to be in the public interest. If 100 percent of the amount of earnings that are more than 70 basis points above the utility's fair combined rate of return on its generation and distribution services, as determined in subdivision 2, exceeds the aggregate level of invested capital in new utility-owned generation facilities utilizing energy derived from sunlight, or from wind, and electric distribution grid transformation projects, as provided in clauses (i) and (ii), during the test period or periods under review, then 70 percent of the amount of such excess shall be credited to customer bills as provided in subdivision 8 b in connection with the triennial review proceeding. The portion of any costs associated with new utility-owned generation facilities utilizing energy derived from sunlight, or from wind, or electric distribution grid transformation projects that is the subject of any customer credit reinvestment offset pursuant to this subdivision shall not thereafter be recovered through the utility's rates for generation and distribution services over the service life of such facilities and shall not thereafter be included in the utility's costs, revenues, and investments in future triennial review proceedings conducted pursuant to subdivision 2 and shall not be the subject of a rate adjustment clause petition pursuant to subdivision 6. The portion of any costs associated with new utility-owned generation facilities utilizing energy derived from sunlight, or from wind, or electric distribution grid transformation projects that is not the subject of any customer credit reinvestment offset pursuant to this subdivision may be recovered through the utility's rates for generation and distribution services over the service life of such facilities and shall be included in the utility's costs, revenues, and investments in future triennial review proceedings conducted pursuant to subdivision 2 until such costs are fully recovered, and if such costs are recovered through the utility's rates for generation and distribution services, they shall not be the subject of a rate adjustment clause petition pursuant to subdivision 6. Only the portion of such costs of new utility-owned generation facilities utilizing energy derived from sunlight, or from wind, or electric distribution grid transformation projects that has not been included in any customer credit reinvestment offset pursuant to this subdivision, and not otherwise recovered through the utility's rates for generation and distribution services, may be the subject of a rate adjustment clause petition by the utility pursuant to subdivision 6.

The Commission's final order regarding such triennial review shall be entered not more than eight months after the date of filing, and any revisions in rates or credits so ordered shall take effect not more than 60 days after the date of the order. The fair combined rate of return on common equity determined pursuant to subdivision 2 in such triennial review shall apply, for purposes of reviewing the utility's earnings on its rates for generation and distribution services, to the entire three successive 12-month test periods ending December 31 immediately preceding the year of the utility's subsequent triennial review filing under subdivision 3 and shall apply to applicable rate adjustment clauses under subdivisions 5 and 6 prospectively from the date the Commission's final order in the triennial review proceeding, utilizing rate adjustment clause true-up protocols as the Commission in its discretion may determine.

9. If, as a result of a triennial review required under this subsection and conducted with respect to any test period or periods under review ending later than December 31, 2010 (or, if the Commission has elected to stagger its biennial reviews of utilities as provided in subdivision 1, under review ending later than December 31, 2010, for a Phase I Utility, or December 31, 2011, for a Phase II Utility), the Commission finds, with respect to such test period or periods considered as a whole, that (i) any utility has, during the test period or periods under review, considered as a whole, earned more than 50 basis points above a fair combined rate of return on its generation and distribution services or, for any test period commencing after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, more than 70 basis points above a fair combined rate of return on its generation and distribution services, as determined in subdivision 2, without regard to any return on common equity or other matters determined with respect to facilities described in subdivision 6, and (ii) the total aggregate regulated rates of such utility at the end of the most recently ended 12-month test period exceeded the annual increases in the United States Average Consumer Price Index for all items, all urban consumers (CPI-U), as published by the Bureau of Labor Statistics of the United States Department of Labor, compounded annually, when compared to the total aggregate regulated rates of such utility as determined pursuant to the review conducted for the base period, the Commission shall, unless it finds that such action is not in the public interest or that the provisions of subdivisions 8 b and c are more consistent with the public interest, direct that any or all earnings for such test period or periods under review, considered as a whole that were more than 50 basis points, or, for any test period commencing after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, more than 70 basis points, above such fair combined rate of return shall be credited to customers' bills, in lieu of the provisions of subdivisions 8 b and c, provided that no credits shall be provided pursuant to this subdivision in connection with any triennial review unless such bill credits would be payable pursuant to the provisions of subdivision 8 d, and any credits under this subdivision shall be calculated net of any customer credit reinvestment offset amounts under subdivision 8 d. Any such credits shall be amortized and allocated among customer classes in the manner provided by subdivision 8 b. For purposes of this subdivision:

"Base period" means (i) the test period ending December 31, 2010 (or, if the Commission has elected to stagger its biennial reviews of utilities as provided in subdivision 1, the test period ending December 31, 2010, for a Phase I Utility, or December 31, 2011, for a Phase II Utility), or (ii) the most recent test period with respect to which credits have been applied to customers' bills under the provisions of this subdivision, whichever is later.

"Total aggregate regulated rates" shall include: (i) fuel tariffs approved pursuant to § 56-249.6, except for any increases in fuel tariffs deferred by the Commission for recovery in periods after December 31, 2010, pursuant to the provisions of clause (ii) of subsection C of § 56-249.6; (ii) rate adjustment clauses implemented pursuant to subdivision 4 or 5; (iii) revisions to the utility's rates pursuant to subdivision 8 a; (iv) revisions to the utility's rates pursuant to the Commission's rules governing utility rate increase applications, as permitted by subsection B, occurring after July 1, 2009; and (v) base rates in effect as of July 1, 2009.

10. For purposes of this section, the Commission shall regulate the rates, terms and conditions of any utility subject to this section on a stand-alone basis utilizing the actual end-of-test period capital structure and cost of capital of such utility, excluding any debt associated with securitized bonds that are the obligation of non-Virginia jurisdictional customers, unless the Commission finds that the debt to equity ratio of such capital structure is unreasonable for such utility, in which case the Commission may utilize a debt to equity ratio that it finds to be reasonable for such utility in determining any rate adjustment pursuant to subdivisions 8 a and c, and without regard to the cost of capital, capital structure, revenues, expenses or investments of any other entity with which such utility may be affiliated. In particular, and without limitation, the Commission shall determine the federal and state income tax costs for any such utility that is part of a publicly traded, consolidated group as follows: (i) such utility's apportioned state income tax costs shall be calculated according to the applicable statutory rate, as if the utility had not filed a consolidated return with its affiliates, and (ii) such utility's federal income tax costs shall be calculated according to the applicable federal income tax rate and shall exclude any consolidated tax liability or benefit adjustments originating from any taxable income or loss of its affiliates.

B. Nothing in this section shall preclude an investor-owned incumbent electric utility from applying for an increase in rates pursuant to § 56-245 or the Commission's rules governing utility rate increase applications; however, in any such filing, a fair rate of return on common equity shall be determined pursuant to subdivision A 2. Nothing in this section shall preclude such utility's recovery of fuel and purchased power costs as provided in § 56-249.6.

C. Except as otherwise provided in this section, the Commission shall exercise authority over the rates, terms and conditions of investor-owned incumbent electric utilities for the provision of generation, transmission and distribution services to retail customers in the Commonwealth pursuant to the provisions of Chapter 10 (§ 56-232 et seq.), including specifically § 56-235.2.

D. The Commission may determine, during any proceeding authorized or required by this section, the reasonableness or prudence of any cost incurred or projected to be incurred, by a utility in connection with the subject of the proceeding. A determination of the Commission regarding the reasonableness or prudence of any such cost shall be consistent with the Commission's authority to determine the reasonableness or prudence of costs in proceedings pursuant to the provisions of Chapter 10 (§ 56-232 et seq.). In determining the reasonableness or prudence of a utility providing energy and capacity to its customers from renewable energy resources, the Commission shall consider the extent to which such renewable energy resources, whether utility-owned or by contract, further the objectives of the Commonwealth Energy Policy set forth in §§ 67-101 and 67-102, and shall also consider whether the costs of such resources is likely to result in unreasonable increases in rates paid by customers.

E. The Commission shall promulgate such rules and regulations as may be necessary to implement the provisions of this section.

CHAPTER 800

An Act to amend and reenact §§ 2.2-2336 and 2.2-2905 of the Code of Virginia, relating to the Fort Monroe Authority; exemption from the Virginia Personnel Act.

[H 1608]

Approved April 7, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-2336 and 2.2-2905 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-2336. Short title; declaration of public purpose; Fort Monroe Authority created; successor in interest to Fort Monroe Federal Area Development Authority.

A. This article shall be known and may be cited as the Fort Monroe Authority Act.

B. The General Assembly finds and declares that:

1. Fort Monroe, located on a barrier spit at Hampton Roads Harbor and the southern end of Chesapeake Bay where the Old Point Comfort lighthouse has been welcoming ships since 1802, is one of the Commonwealth's most important cultural treasures. Strategically located near Virginia's Historic Triangle of Williamsburg, Yorktown, and Jamestown, the 565-acre site has been designated a National Historic Landmark District;

2. As a result of decisions made by the federal Defense Base Closure and Realignment Commission (known as the BRAC Commission), Fort Monroe will cease to be an army base in 2011, and at that time most of the site will revert to the Commonwealth;

3. The planning phase of Fort Monroe's transition from use as a United States Army base was managed by the Fort Monroe Federal Area Development Authority (FMFADA), originally established by the City of Hampton pursuant to legislation enacted by the General Assembly in 2007. The Fort Monroe Federal Area Development Authority, a partnership between the City and the Commonwealth, has fulfilled its primary purpose of formulating a reuse plan for Fort Monroe;

4. It is the policy of the Commonwealth to protect the historic resources at Fort Monroe, provide public access to the Fort's historic resources and recreational opportunities, exercise exemplary stewardship of the Fort's natural resources, and maintain Fort Monroe in perpetuity as a place that is a desirable one in which to reside, do business, and visit, all in a way that is economically sustainable;

5. Fort Monroe's status is unique. Municipal services will need to be provided to Fort Monroe's visitors, residents, and businesses. Both the Commonwealth and the FMFADA are signatories to a Programmatic Agreement under Section 106 of the National Historic Preservation Act that requires several specific actions be taken, including the enforcement of design standards to be adopted by the FMFADA or its successor to govern any new development or building restoration or renovation at Fort Monroe. There exists a need for an entity that can manage the property for the Commonwealth and ensure adherence to the findings, declarations, and policies set forth in this section; and

6. The creation of an authority for this purpose is in the public interest, serves a public purpose, and will promote the health, safety, welfare, convenience, and prosperity of the people of the Commonwealth.

C. The Fort Monroe Authority is created, with the duties and powers set forth in this article, as a public body corporate and as a political subdivision of the Commonwealth. The Authority is constituted as a public instrumentality exercising public functions, and the exercise by the Authority of the duties and powers conferred by this article shall be deemed and held to be the performance of an essential governmental function of the Commonwealth. The exercise of the powers granted by this article and its public purpose shall be in all respects for the benefit of the inhabitants of the Commonwealth.

D. The Fort Monroe Authority is the successor in interest to that political subdivision formerly known as the Fort Monroe Federal Area Development Authority. As such, the Authority stands in the place and stead of, and assumes all rights and duties formerly of, the Fort Monroe Federal Area Development Authority, including but not limited to all leases, contracts, grants-in-aid, and all other agreements of whatsoever nature; holds title to all realty and personalty formerly held by the Fort Monroe Federal Area Development Authority; and may exercise all powers that might at any time past have been exercised by the Fort Monroe Federal Area Development Authority, including the powers and authorities of a Local Redevelopment Authority under the provisions of any and all applicable federal laws, including the Defense Base Closure and Realignment Act of 2005.

E. The Fort Monroe Authority shall be subject to the Virginia Public Procurement Act (§ 2.2-4300 et seq.) and the Board shall adopt procedures consistent with that Act to govern its procurement processes.

F. Employees of the Fort Monroe Authority shall be eligible for membership in the Virginia Retirement System and all of the health and related insurance and other benefits, including premium conversion and flexible benefits, available to state employees as provided by law.

G. The provisions of the Virginia Personnel Act (§ 2.2-2900 et seq.) shall not apply to the Fort Monroe Authority.

§ 2.2-2905. Certain officers and employees exempt from chapter.

The provisions of this chapter shall not apply to:

1. Officers and employees for whom the Constitution specifically directs the manner of selection;
2. Officers and employees of the Supreme Court and the Court of Appeals;
3. Officers appointed by the Governor, whether confirmation by the General Assembly or by either house thereof is required or not;
4. Officers elected by popular vote or by the General Assembly or either house thereof;
5. Members of boards and commissions however selected;
6. Judges, referees, receivers, arbiters, masters and commissioners in chancery, commissioners of accounts, and any other persons appointed by any court to exercise judicial functions, and jurors and notaries public;
7. Officers and employees of the General Assembly and persons employed to conduct temporary or special inquiries, investigations, or examinations on its behalf;
8. The presidents and teaching and research staffs of state educational institutions;
9. Commissioned officers and enlisted personnel of the National Guard;
10. Student employees at institutions of higher education and patient or inmate help in other state institutions;
11. Upon general or special authorization of the Governor, laborers, temporary employees, and employees compensated on an hourly or daily basis;
12. County, city, town, and district officers, deputies, assistants, and employees;
13. The employees of the Virginia Workers' Compensation Commission;
14. The officers and employees of the Virginia Retirement System;
15. Employees whose positions are identified by the State Council of Higher Education and the boards of the Virginia Museum of Fine Arts, The Science Museum of Virginia, the Jamestown-Yorktown Foundation, the Frontier Culture Museum of Virginia, the Virginia Museum of Natural History, the New College Institute, the Southern Virginia Higher Education Center, and The Library of Virginia, and approved by the Director of the Department of Human Resource Management as requiring specialized and professional training;
16. Employees of the Virginia Lottery;
17. Employees of the Department for the Blind and Vision Impaired's rehabilitative manufacturing and service industries who have a human resources classification of industry worker;
18. Employees of the Virginia Commonwealth University Health System Authority;
19. Employees of the University of Virginia Medical Center. Any changes in compensation plans for such employees shall be subject to the review and approval of the Board of Visitors of the University of Virginia. The University of Virginia shall ensure that its procedures for hiring University of Virginia Medical Center personnel are based on merit and fitness. Such employees shall remain subject to the provisions of the State Grievance Procedure (§ 2.2-3000 et seq.);
20. In executive branch agencies the employee who has accepted serving in the capacity of chief deputy, or equivalent, and the employee who has accepted serving in the capacity of a confidential assistant for policy or administration. An employee serving in either one of these two positions shall be deemed to serve on an employment-at-will basis. An agency may not exceed two employees who serve in this exempt capacity;
21. Employees of Virginia Correctional Enterprises. Such employees shall remain subject to the provisions of the State Grievance Procedure (§ 2.2-3000 et seq.);
22. Officers and employees of the Virginia Port Authority;
23. Employees of the Virginia College Savings Plan;
24. Directors of state facilities operated by the Department of Behavioral Health and Developmental Services employed or reemployed by the Commissioner after July 1, 1999, under a contract pursuant to § 37.2-707. Such employees shall remain subject to the provisions of the State Grievance Procedure (§ 2.2-3000 et seq.);
25. Employees of the Virginia Foundation for Healthy Youth. Such employees shall be treated as state employees for purposes of participation in the Virginia Retirement System, health insurance, and all other employee benefits offered by the Commonwealth to its classified employees;
26. Employees of the Virginia Indigent Defense Commission;
27. Any chief of a campus police department that has been designated by the governing body of a public institution of higher education as exempt, pursuant to § 23.1-809; ~~and~~
28. The Chief Executive Officer, agents, officers, and employees of the Virginia Alcoholic Beverage Control Authority; *and*
29. *Officers and employees of the Fort Monroe Authority.*

CHAPTER 801

An Act to amend and reenact §§ 56-585.1 and 56-596.2:1 of the Code of Virginia, relating to electric utility regulation; incentives for energy conservation measures and solar energy equipment.

[H 1656]

Approved April 7, 2020

Be it enacted by the General Assembly of Virginia:**1. That §§ 56-585.1 and 56-596.2:1 of the Code of Virginia are amended and reenacted as follows:****§ 56-585.1. Generation, distribution, and transmission rates after capped rates terminate or expire.**

A. During the first six months of 2009, the Commission shall, after notice and opportunity for hearing, initiate proceedings to review the rates, terms and conditions for the provision of generation, distribution and transmission services of each investor-owned incumbent electric utility. Such proceedings shall be governed by the provisions of Chapter 10 (§ 56-232 et seq.), except as modified herein. In such proceedings the Commission shall determine fair rates of return on common equity applicable to the generation and distribution services of the utility. In so doing, the Commission may use any methodology to determine such return it finds consistent with the public interest, but such return shall not be set lower than the average of the returns on common equity reported to the Securities and Exchange Commission for the three most recent annual periods for which such data are available by not less than a majority, selected by the Commission as specified in subdivision 2 b, of other investor-owned electric utilities in the peer group of the utility, nor shall the Commission set such return more than 300 basis points higher than such average. The peer group of the utility shall be determined in the manner prescribed in subdivision 2 b. The Commission may increase or decrease such combined rate of return by up to 100 basis points based on the generating plant performance, customer service, and operating efficiency of a utility, as compared to nationally recognized standards determined by the Commission to be appropriate for such purposes. In such a proceeding, the Commission shall determine the rates that the utility may charge until such rates are adjusted. If the Commission finds that the utility's combined rate of return on common equity is more than 50 basis points below the combined rate of return as so determined, it shall be authorized to order increases to the utility's rates necessary to provide the opportunity to fully recover the costs of providing the utility's services and to earn not less than such combined rate of return. If the Commission finds that the utility's combined rate of return on common equity is more than 50 basis points above the combined rate of return as so determined, it shall be authorized either (i) to order reductions to the utility's rates it finds appropriate, provided that the Commission may not order such rate reduction unless it finds that the resulting rates will provide the utility with the opportunity to fully recover its costs of providing its services and to earn not less than the fair rates of return on common equity applicable to the generation and distribution services; or (ii) to direct that 60 percent of the amount of the utility's earnings that were more than 50 basis points above the fair combined rate of return for calendar year 2008 be credited to customers' bills, in which event such credits shall be amortized over a period of six to 12 months, as determined at the discretion of the Commission, following the effective date of the Commission's order and be allocated among customer classes such that the relationship between the specific customer class rates of return to the overall target rate of return will have the same relationship as the last approved allocation of revenues used to design base rates. Commencing in 2011, the Commission, after notice and opportunity for hearing, shall conduct reviews of the rates, terms and conditions for the provision of generation, distribution and transmission services by each investor-owned incumbent electric utility, subject to the following provisions:

1. Rates, terms and conditions for each service shall be reviewed separately on an unbundled basis, and such reviews shall be conducted in a single, combined proceeding. Pursuant to subsection A of § 56-585.1:1, the Commission shall conduct a review for a Phase I Utility in 2020, utilizing the three successive 12-month test periods beginning January 1, 2017, and ending December 31, 2019. Thereafter, reviews for a Phase I Utility will be on a triennial basis with subsequent proceedings utilizing the three successive 12-month test periods ending December 31 immediately preceding the year in which such review proceeding is conducted. Pursuant to subsection A of § 56-585.1:1, the Commission shall conduct a review for a Phase II Utility in 2021, utilizing the four successive 12-month test periods beginning January 1, 2017, and ending December 31, 2020, with subsequent reviews on a triennial basis utilizing the three successive 12-month test periods ending December 31 immediately preceding the year in which such review proceeding is conducted. All such reviews occurring after December 31, 2017, shall be referred to as triennial reviews. For purposes of this section, a Phase I Utility is an investor-owned incumbent electric utility that was, as of July 1, 1999, not bound by a rate case settlement adopted by the Commission that extended in its application beyond January 1, 2002, and a Phase II Utility is an investor-owned incumbent electric utility that was bound by such a settlement.

2. Subject to the provisions of subdivision 6, the fair rate of return on common equity applicable separately to the generation and distribution services of such utility, and for the two such services combined, and for any rate adjustment clauses approved under subdivision 5 or 6, shall be determined by the Commission during each such triennial review, as follows:

a. The Commission may use any methodology to determine such return it finds consistent with the public interest, but such return shall not be set lower than the average of the returns on common equity reported to the Securities and Exchange Commission for the three most recent annual periods for which such data are available by not less than a majority, selected by the Commission as specified in subdivision 2 b, of other investor-owned electric utilities in the peer group of the utility

subject to such triennial review, nor shall the Commission set such return more than 300 basis points higher than such average.

b. In selecting such majority of peer group investor-owned electric utilities, the Commission shall first remove from such group the two utilities within such group that have the lowest reported returns of the group, as well as the two utilities within such group that have the highest reported returns of the group, and the Commission shall then select a majority of the utilities remaining in such peer group. In its final order regarding such triennial review, the Commission shall identify the utilities in such peer group it selected for the calculation of such limitation. For purposes of this subdivision, an investor-owned electric utility shall be deemed part of such peer group if (i) its principal operations are conducted in the southeastern United States east of the Mississippi River in either the states of West Virginia or Kentucky or in those states south of Virginia, excluding the state of Tennessee, (ii) it is a vertically-integrated electric utility providing generation, transmission and distribution services whose facilities and operations are subject to state public utility regulation in the state where its principal operations are conducted, (iii) it had a long-term bond rating assigned by Moody's Investors Service of at least Baa at the end of the most recent test period subject to such triennial review, and (iv) it is not an affiliate of the utility subject to such triennial review.

c. The Commission may, consistent with its precedent for incumbent electric utilities prior to the enactment of Chapters 888 and 933 of the Acts of Assembly of 2007, increase or decrease the utility's combined rate of return based on the Commission's consideration of the utility's performance.

d. In any Current Proceeding, the Commission shall determine whether the Current Return has increased, on a percentage basis, above the Initial Return by more than the increase, expressed as a percentage, in the United States Average Consumer Price Index for all items, all urban consumers (CPI-U), as published by the Bureau of Labor Statistics of the United States Department of Labor, since the date on which the Commission determined the Initial Return. If so, the Commission may conduct an additional analysis of whether it is in the public interest to utilize such Current Return for the Current Proceeding then pending. A finding of whether the Current Return justifies such additional analysis shall be made without regard to any enhanced rate of return on common equity awarded pursuant to the provisions of subdivision 6. Such additional analysis shall include, but not be limited to, a consideration of overall economic conditions, the level of interest rates and cost of capital with respect to business and industry, in general, as well as electric utilities, the current level of inflation and the utility's cost of goods and services, the effect on the utility's ability to provide adequate service and to attract capital if less than the Current Return were utilized for the Current Proceeding then pending, and such other factors as the Commission may deem relevant. If, as a result of such analysis, the Commission finds that use of the Current Return for the Current Proceeding then pending would not be in the public interest, then the lower limit imposed by subdivision 2 a on the return to be determined by the Commission for such utility shall be calculated, for that Current Proceeding only, by increasing the Initial Return by a percentage at least equal to the increase, expressed as a percentage, in the United States Average Consumer Price Index for all items, all urban consumers (CPI-U), as published by the Bureau of Labor Statistics of the United States Department of Labor, since the date on which the Commission determined the Initial Return. For purposes of this subdivision:

"Current Proceeding" means any proceeding conducted under any provisions of this subsection that require or authorize the Commission to determine a fair combined rate of return on common equity for a utility and that will be concluded after the date on which the Commission determined the Initial Return for such utility.

"Current Return" means the minimum fair combined rate of return on common equity required for any Current Proceeding by the limitation regarding a utility's peer group specified in subdivision 2 a.

"Initial Return" means the fair combined rate of return on common equity determined for such utility by the Commission on the first occasion after July 1, 2009, under any provision of this subsection pursuant to the provisions of subdivision 2 a.

e. In addition to other considerations, in setting the return on equity within the range allowed by this section, the Commission shall strive to maintain costs of retail electric energy that are cost competitive with costs of retail electric energy provided by the other peer group investor-owned electric utilities.

f. The determination of such returns shall be made by the Commission on a stand-alone basis, and specifically without regard to any return on common equity or other matters determined with regard to facilities described in subdivision 6.

g. If the combined rate of return on common equity earned by the generation and distribution services is no more than 50 basis points above or below the return as so determined or, for any test period commencing after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, such return is no more than 70 basis points above or below the return as so determined, such combined return shall not be considered either excessive or insufficient, respectively. However, for any test period commencing after December 31, 2012, for a Phase II Utility, and after December 31, 2013, for a Phase I Utility, if the utility has, during the test period or periods under review, earned below the return as so determined, whether or not such combined return is within 70 basis points of the return as so determined, the utility may petition the Commission for approval of an increase in rates in accordance with the provisions of subdivision 8 a as if it had earned more than 70 basis points below a fair combined rate of return, and such proceeding shall otherwise be conducted in accordance with the provisions of this section. The provisions of this subdivision are subject to the provisions of subdivision 8.

h. Any amount of a utility's earnings directed by the Commission to be credited to customers' bills pursuant to this section shall not be considered for the purpose of determining the utility's earnings in any subsequent triennial review.

3. Each such utility shall make a triennial filing by March 31 of every third year, with such filings commencing for a Phase I Utility in 2020, and such filings commencing for a Phase II Utility in 2021, consisting of the schedules contained in the Commission's rules governing utility rate increase applications. Such filing shall encompass the three successive 12-month test periods ending December 31 immediately preceding the year in which such proceeding is conducted, except that the filing for a Phase II Utility in 2021 shall encompass the four successive 12-month test periods ending December 31, 2020, and in every such case the filing for each year shall be identified separately and shall be segregated from any other year encompassed by the filing. If the Commission determines that rates should be revised or credits be applied to customers' bills pursuant to subdivision 8 or 9, any rate adjustment clauses previously implemented related to facilities utilizing simple-cycle combustion turbines described in subdivision 6, shall be combined with the utility's costs, revenues and investments until the amounts that are the subject of such rate adjustment clauses are fully recovered. The Commission shall combine such clauses with the utility's costs, revenues and investments only after it makes its initial determination with regard to necessary rate revisions or credits to customers' bills, and the amounts thereof, but after such clauses are combined as herein specified, they shall thereafter be considered part of the utility's costs, revenues, and investments for the purposes of future triennial review proceedings. In a triennial filing under this subdivision that does not result in an overall rate change a utility may propose an adjustment to one or more tariffs that are revenue neutral to the utility.

4. (Expires December 31, 2023) The following costs incurred by the utility shall be deemed reasonable and prudent: (i) costs for transmission services provided to the utility by the regional transmission entity of which the utility is a member, as determined under applicable rates, terms and conditions approved by the Federal Energy Regulatory Commission; (ii) costs charged to the utility that are associated with demand response programs approved by the Federal Energy Regulatory Commission and administered by the regional transmission entity of which the utility is a member; and (iii) costs incurred by the utility to construct, operate, and maintain transmission lines and substations installed in order to provide service to a business park. Upon petition of a utility at any time after the expiration or termination of capped rates, but not more than once in any 12-month period, the Commission shall approve a rate adjustment clause under which such costs, including, without limitation, costs for transmission service; charges for new and existing transmission facilities, including costs incurred by the utility to construct, operate, and maintain transmission lines and substations installed in order to provide service to a business park; administrative charges; and ancillary service charges designed to recover transmission costs, shall be recovered on a timely and current basis from customers. Retail rates to recover these costs shall be designed using the appropriate billing determinants in the retail rate schedules.

4. (Effective January 1, 2024) The following costs incurred by the utility shall be deemed reasonable and prudent: (i) costs for transmission services provided to the utility by the regional transmission entity of which the utility is a member, as determined under applicable rates, terms and conditions approved by the Federal Energy Regulatory Commission, and (ii) costs charged to the utility that are associated with demand response programs approved by the Federal Energy Regulatory Commission and administered by the regional transmission entity of which the utility is a member. Upon petition of a utility at any time after the expiration or termination of capped rates, but not more than once in any 12-month period, the Commission shall approve a rate adjustment clause under which such costs, including, without limitation, costs for transmission service, charges for new and existing transmission facilities, administrative charges, and ancillary service charges designed to recover transmission costs, shall be recovered on a timely and current basis from customers. Retail rates to recover these costs shall be designed using the appropriate billing determinants in the retail rate schedules.

5. A utility may at any time, after the expiration or termination of capped rates, but not more than once in any 12-month period, petition the Commission for approval of one or more rate adjustment clauses for the timely and current recovery from customers of the following costs:

a. Incremental costs described in clause (vi) of subsection B of § 56-582 incurred between July 1, 2004, and the expiration or termination of capped rates, if such utility is, as of July 1, 2007, deferring such costs consistent with an order of the Commission entered under clause (vi) of subsection B of § 56-582. The Commission shall approve such a petition allowing the recovery of such costs that comply with the requirements of clause (vi) of subsection B of § 56-582;

b. Projected and actual costs for the utility to design and operate fair and effective peak-shaving programs. The Commission shall approve such a petition if it finds that the program is in the public interest; provided that the Commission shall allow the recovery of such costs as it finds are reasonable;

c. Projected and actual costs for the utility to design, implement, and operate energy efficiency programs, including a margin to be recovered on operating expenses, which margin for the purposes of this section shall be equal to the general rate of return on common equity determined as described in subdivision 2. Any such petition shall include a proposed budget for the design, implementation, and operation of the energy efficiency program. The Commission shall only approve such a petition if it finds that the program is in the public interest. If the Commission determines that an energy efficiency program or portfolio of programs is not in the public interest, its final order shall include all work product and analysis conducted by the Commission's staff in relation to that program that has bearing upon the Commission's determination. Such order shall adhere to existing protocols for extraordinarily sensitive information. As part of such cost recovery, the Commission, if requested by the utility, shall allow for the recovery of revenue reductions related to energy efficiency programs. The Commission shall only allow such recovery to the extent that the Commission determines such revenue has not been recovered through margins from incremental off-system sales as defined in § 56-249.6 that are directly attributable to energy efficiency programs.

None of the costs of new energy efficiency programs of an electric utility, including recovery of revenue reductions, shall be assigned to any large general service customer. A large general service customer is a customer that has a verifiable history of having used more than 500 kilowatts of demand from a single meter of delivery. A utility shall not charge such large general service customer, as defined by the Commission, for the costs of installing energy efficiency equipment beyond what is required to provide electric service and meter such service on the customer's premises if the customer provides, at the customer's expense, equivalent energy efficiency equipment. In all relevant proceedings pursuant to this section, the Commission shall take into consideration the goals of economic development, energy efficiency and environmental protection in the Commonwealth;

d. Projected and actual costs of participation in a renewable energy portfolio standard program pursuant to § 56-585.2 that are not recoverable under subdivision 6. The Commission shall approve such a petition allowing the recovery of such costs as are provided for in a program approved pursuant to § 56-585.2;

e. Projected and actual costs of projects that the Commission finds to be necessary to comply with state or federal environmental laws or regulations applicable to generation facilities used to serve the utility's native load obligations. The Commission shall approve such a petition if it finds that such costs are necessary to comply with such environmental laws or regulations; ~~and~~

f. Projected and actual costs, not currently in rates, for the utility to design, implement, and operate programs approved by the Commission that accelerate the vegetation management of distribution rights-of-way. No costs shall be allocated to or recovered from customers that are served within the large general service rate classes for a Phase II Utility or that are served at subtransmission or transmission voltage, or take delivery at a substation served from subtransmission or transmission voltage, for a Phase I Utility; *and*

g. Projected and actual costs, not currently in rates, for the utility to design, implement, and operate programs approved by the Commission to provide incentives to (i) low-income, elderly, and disabled individuals or (ii) organizations providing residential services to low-income, elderly, and disabled individuals for the installation of, or access to, equipment to generate electric energy derived from sunlight, provided the low-income, elderly, and disabled individuals, or organizations providing residential services to low-income, elderly, and disabled individuals, first participate in incentive programs for the installation of measures that reduce heating or cooling costs.

Any rate adjustment clause approved under subdivision 5 c by the Commission shall remain in effect until the utility exhausts the approved budget for the energy efficiency program. The Commission shall have the authority to determine the duration or amortization period for any other rate adjustment clause approved under this subdivision.

6. To ensure the generation and delivery of a reliable and adequate supply of electricity, to meet the utility's projected native load obligations and to promote economic development, a utility may at any time, after the expiration or termination of capped rates, petition the Commission for approval of a rate adjustment clause for recovery on a timely and current basis from customers of the costs of (i) a coal-fueled generation facility that utilizes Virginia coal and is located in the coalfield region of the Commonwealth as described in § 15.2-6002, regardless of whether such facility is located within or without the utility's service territory, (ii) one or more other generation facilities, (iii) one or more major unit modifications of generation facilities, including the costs of any system or equipment upgrade, system or equipment replacement, or other cost reasonably appropriate to extend the combined operating license for or the operating life of one or more generation facilities utilizing nuclear power, (iv) one or more new underground facilities to replace one or more existing overhead distribution facilities of 69 kilovolts or less located within the Commonwealth, (v) one or more pumped hydroelectricity generation and storage facilities that utilize on-site or off-site renewable energy resources as all or a portion of their power source and such facilities and associated resources are located in the coalfield region of the Commonwealth as described in § 15.2-6002, regardless of whether such facility is located within or without the utility's service territory, or (vi) one or more electric distribution grid transformation projects; however, subject to the provisions of the following sentence, the utility shall not file a petition under clause (iv) more often than annually and, in such petition, shall not seek any annual incremental increase in the level of investments associated with such a petition that exceeds five percent of such utility's distribution rate base, as such rate base was determined for the most recently ended 12-month test period in the utility's latest review proceeding conducted pursuant to subdivision 3 and concluded by final order of the Commission prior to the date of filing of such petition under clause (iv). In all proceedings regarding petitions filed under clause (iv) or (vi), the level of investments approved for recovery in such proceedings shall be in addition to, and not in lieu of, levels of investments previously approved for recovery in prior proceedings under clause (iv) or (vi), as applicable. As of December 1, 2028, any costs recovered by a utility pursuant to clause (iv) shall be limited to any remaining costs associated with conversions of overhead distribution facilities to underground facilities that have been previously approved or are pending approval by the Commission through a petition by the utility under this subdivision. Such a petition concerning facilities described in clause (ii) that utilize nuclear power, facilities described in clause (ii) that are coal-fueled and will be built by a Phase I Utility, or facilities described in clause (i) may also be filed before the expiration or termination of capped rates. A utility that constructs or makes modifications to any such facility, or purchases any facility consisting of at least one megawatt of generating capacity using energy derived from sunlight and located in the Commonwealth and that utilizes goods or services sourced, in whole or in part, from one or more Virginia businesses, shall have the right to recover the costs of the facility, as accrued against income, through its rates, including projected construction work in progress, and any associated allowance for funds used during construction, planning, development and construction or acquisition costs, life-cycle costs, costs related to assessing the feasibility of potential sites for new underground facilities, and costs of infrastructure

associated therewith, plus, as an incentive to undertake such projects, an enhanced rate of return on common equity calculated as specified below; however, in determining the amounts recoverable under a rate adjustment clause for new underground facilities, the Commission shall not consider, or increase or reduce such amounts recoverable because of (a) the operation and maintenance costs attributable to either the overhead distribution facilities being replaced or the new underground facilities or (b) any other costs attributable to the overhead distribution facilities being replaced. Notwithstanding the preceding sentence, the costs described in clauses (a) and (b) thereof shall remain eligible for recovery from customers through the utility's base rates for distribution service. A utility filing a petition for approval to construct or purchase a facility consisting of at least one megawatt of generating capacity using energy derived from sunlight and located in the Commonwealth and that utilizes goods or services sourced, in whole or in part, from one or more Virginia businesses may propose a rate adjustment clause based on a market index in lieu of a cost of service model for such facility. A utility seeking approval to construct or purchase a generating facility described in clause (i) or (ii) shall demonstrate that it has considered and weighed alternative options, including third-party market alternatives, in its selection process. The costs of the facility, other than return on projected construction work in progress and allowance for funds used during construction, shall not be recovered prior to the date a facility constructed by the utility and described in clause (i), (ii), (iii) or (v) begins commercial operation, the date the utility becomes the owner of a purchased generation facility consisting of at least one megawatt of generating capacity using energy derived from sunlight and located in the Commonwealth and that utilizes goods or services sourced, in whole or in part, from one or more Virginia businesses, or the date new underground facilities are classified by the utility as plant in service.

Such enhanced rate of return on common equity shall be applied to allowance for funds used during construction and to construction work in progress during the construction phase of the facility and shall thereafter be applied to the entire facility during the first portion of the service life of the facility. The first portion of the service life shall be as specified in the table below; however, the Commission shall determine the duration of the first portion of the service life of any facility, within the range specified in the table below, which determination shall be consistent with the public interest and shall reflect the Commission's determinations regarding how critical the facility may be in meeting the energy needs of the citizens of the Commonwealth and the risks involved in the development of the facility. After the first portion of the service life of the facility is concluded, the utility's general rate of return shall be applied to such facility for the remainder of its service life. As used herein, the service life of the facility shall be deemed to begin on the date a facility constructed by the utility and described in clause (i), (ii), (iii) or (v) begins commercial operation, the date the utility becomes the owner of a purchased generation facility consisting of at least one megawatt of generating capacity using energy derived from sunlight and located in the Commonwealth and that utilizes goods or services sourced, in whole or in part, from one or more Virginia businesses, or the date new underground facilities or new electric distribution grid transformation projects are classified by the utility as plant in service, and such service life shall be deemed equal in years to the life of that facility as used to calculate the utility's depreciation expense. Such enhanced rate of return on common equity shall be calculated by adding the basis points specified in the table below to the utility's general rate of return, and such enhanced rate of return shall apply only to the facility that is the subject of such rate adjustment clause. Allowance for funds used during construction shall be calculated for any such facility utilizing the utility's actual capital structure and overall cost of capital, including an enhanced rate of return on common equity as determined pursuant to this subdivision, until such construction work in progress is included in rates. The construction of any facility described in clause (i) or (v) is in the public interest, and in determining whether to approve such facility, the Commission shall liberally construe the provisions of this title. The construction or purchase by a utility of one or more generation facilities with at least one megawatt of generating capacity, and with an aggregate rated capacity that does not exceed 5,000 megawatts, including rooftop solar installations with a capacity of not less than 50 kilowatts, and with an aggregate capacity of 50 megawatts, that use energy derived from sunlight or from wind and are located in the Commonwealth or off the Commonwealth's Atlantic shoreline, regardless of whether any of such facilities are located within or without the utility's service territory, is in the public interest, and in determining whether to approve such facility, the Commission shall liberally construe the provisions of this title. A utility may enter into short-term or long-term power purchase contracts for the power derived from sunlight generated by such generation facility prior to purchasing the generation facility. The replacement of any subset of a utility's existing overhead distribution tap lines that have, in the aggregate, an average of nine or more total unplanned outage events-per-mile over a preceding 10-year period with new underground facilities in order to improve electric service reliability is in the public interest. In determining whether to approve petitions for rate adjustment clauses for such new underground facilities that meet this criteria, and in determining the level of costs to be recovered thereunder, the Commission shall liberally construe the provisions of this title.

The conversion of any such facilities on or after September 1, 2016, is deemed to provide local and system-wide benefits and to be cost beneficial, and the costs associated with such new underground facilities are deemed to be reasonably and prudently incurred and, notwithstanding the provisions of subsection C or D, shall be approved for recovery by the Commission pursuant to this subdivision, provided that the total costs associated with the replacement of any subset of existing overhead distribution tap lines proposed by the utility with new underground facilities, exclusive of financing costs, shall not exceed an average cost per customer of \$20,000, with such customers, including those served directly by or downline of the tap lines proposed for conversion, and, further, such total costs shall not exceed an average cost per mile of tap lines converted, exclusive of financing costs, of \$750,000. A utility shall, without regard for whether it has petitioned for any rate adjustment clause pursuant to clause (vi), petition the Commission, not more than once annually, for approval of a

plan for electric distribution grid transformation projects. Any plan for electric distribution grid transformation projects shall include both measures to facilitate integration of distributed energy resources and measures to enhance physical electric distribution grid reliability and security. In ruling upon such a petition, the Commission shall consider whether the utility's plan for such projects, and the projected costs associated therewith, are reasonable and prudent. Such petition shall be considered on a stand-alone basis without regard to the other costs, revenues, investments, or earnings of the utility; without regard to whether the costs associated with such projects will be recovered through a rate adjustment clause under this subdivision or through the utility's rates for generation and distribution services; and without regard to whether such costs will be the subject of a customer credit offset, as applicable, pursuant to subdivision 8 d. The Commission's final order regarding any such petition for approval of an electric distribution grid transformation plan shall be entered by the Commission not more than six months after the date of filing such petition. The Commission shall likewise enter its final order with respect to any petition by a utility for a certificate to construct and operate a generating facility or facilities utilizing energy derived from sunlight, pursuant to subsection D of § 56-580, within six months after the date of filing such petition. The basis points to be added to the utility's general rate of return to calculate the enhanced rate of return on common equity, and the first portion of that facility's service life to which such enhanced rate of return shall be applied, shall vary by type of facility, as specified in the following table:

Type of Generation Facility	Basis Points	First Portion of Service Life
Nuclear-powered	200	Between 12 and 25 years
Carbon capture compatible, clean-coal powered	200	Between 10 and 20 years
Renewable powered, other than landfill gas powered	200	Between 5 and 15 years
Coalbed methane gas powered	150	Between 5 and 15 years
Landfill gas powered	200	Between 5 and 15 years
Conventional coal or combined-cycle combustion turbine	100	Between 10 and 20 years

For generating facilities other than those utilizing nuclear power constructed pursuant to clause (ii) or those utilizing energy derived from offshore wind, as of July 1, 2013, only those facilities as to which a rate adjustment clause under this subdivision has been previously approved by the Commission, or as to which a petition for approval of such rate adjustment clause was filed with the Commission, on or before January 1, 2013, shall be entitled to the enhanced rate of return on common equity as specified in the above table during the construction phase of the facility and the approved first portion of its service life.

For generating facilities within the Commonwealth utilizing nuclear power or those utilizing energy derived from offshore wind projects located in waters off the Commonwealth's Atlantic shoreline, such facilities shall continue to be eligible for an enhanced rate of return on common equity during the construction phase of the facility and the approved first portion of its service life of between 12 and 25 years in the case of a facility utilizing nuclear power and for a service life of between 5 and 15 years in the case of a facility utilizing energy derived from offshore wind, provided, however, that, as of July 1, 2013, the enhanced return for such facilities constructed pursuant to clause (ii) shall be 100 basis points, which shall be added to the utility's general rate of return as determined under subdivision 2. Thirty percent of all costs of such a facility utilizing nuclear power that the utility incurred between July 1, 2007, and December 31, 2013, and all of such costs incurred after December 31, 2013, may be deferred by the utility and recovered through a rate adjustment clause under this subdivision at such time as the Commission provides in an order approving such a rate adjustment clause. The remaining 70 percent of all costs of such a facility that the utility incurred between July 1, 2007, and December 31, 2013, shall not be deferred for recovery through a rate adjustment clause under this subdivision; however, such remaining 70 percent of all costs shall be recovered ratably through existing base rates as determined by the Commission in the test periods under review in the utility's next review filed after July 1, 2014. Thirty percent of all costs of such a facility utilizing energy derived from offshore wind that the utility incurred between July 1, 2007, and December 31, 2013, and all of such costs incurred after December 31, 2013, may be deferred by the utility and recovered through a rate adjustment clause under this subdivision at such time as the Commission provides in an order approving such a rate adjustment clause. The remaining 70 percent of all costs of such a facility that the utility incurred between July 1, 2007, and December 31, 2013, shall not be deferred for recovery through a rate adjustment clause under this subdivision; however, such remaining 70 percent of all costs shall be recovered ratably through existing base rates as determined by the Commission in the test periods under review in the utility's next review filed after July 1, 2014.

In connection with planning to meet forecasted demand for electric generation supply and assure the adequate and sufficient reliability of service, consistent with § 56-598, planning and development activities for a new nuclear generation facility or facilities are in the public interest.

In connection with planning to meet forecasted demand for electric generation supply and assure the adequate and sufficient reliability of service, consistent with § 56-598, planning and development activities for a new utility-owned and utility-operated generating facility or facilities utilizing energy derived from sunlight or from onshore or offshore wind are in the public interest.

Construction, purchasing, or leasing activities for a new utility-owned and utility-operated generating facility or facilities utilizing energy derived from sunlight or from wind with an aggregate capacity of 5,000 megawatts, including

rooftop solar installations with a capacity of not less than 50 kilowatts, and with an aggregate capacity of 50 megawatts, together with a new test or demonstration project for a utility-owned and utility-operated generating facility or facilities utilizing energy derived from offshore wind with an aggregate capacity of not more than 16 megawatts, are in the public interest. To the extent that a utility elects to recover the costs of any such new generation facility or facilities through its rates for generation and distribution services and does not petition and receive approval from the Commission for recovery of such costs through a rate adjustment clause described in clause (ii), the Commission shall, upon the request of the utility in a triennial review proceeding, provide for a customer credit reinvestment offset, as applicable, pursuant to subdivision 8 d with respect to all costs deemed reasonable and prudent by the Commission in a proceeding pursuant to subsection D of § 56-580 or in a triennial review proceeding.

Electric distribution grid transformation projects are in the public interest. To the extent that a utility elects to recover the costs of such electric distribution grid transformation projects through its rates for generation and distribution services, and does not petition and receive approval from the Commission for recovery of such costs through a rate adjustment clause described in clause (vi), the Commission shall, upon the request of the utility in a triennial review proceeding, provide for a customer credit reinvestment offset, as applicable, pursuant to subdivision 8 d with respect to all costs deemed reasonable and prudent by the Commission in a proceeding for approval of a plan for electric distribution grid transformation projects pursuant to subdivision 6 or in a triennial review proceeding.

Neither generation facilities described in clause (ii) that utilize simple-cycle combustion turbines nor new underground facilities shall receive an enhanced rate of return on common equity as described herein, but instead shall receive the utility's general rate of return during the construction phase of the facility and, thereafter, for the entire service life of the facility. No rate adjustment clause for new underground facilities shall allocate costs to, or provide for the recovery of costs from, customers that are served within the large power service rate class for a Phase I Utility and the large general service rate classes for a Phase II Utility. New underground facilities are hereby declared to be ordinary extensions or improvements in the usual course of business under the provisions of § 56-265.2.

As used in this subdivision, a generation facility is (1) "coalbed methane gas powered" if the facility is fired at least 50 percent by coalbed methane gas, as such term is defined in § 45.1-361.1, produced from wells located in the Commonwealth, and (2) "landfill gas powered" if the facility is fired by methane or other combustible gas produced by the anaerobic digestion or decomposition of biodegradable materials in a solid waste management facility licensed by the Waste Management Board. A landfill gas powered facility includes, in addition to the generation facility itself, the equipment used in collecting, drying, treating, and compressing the landfill gas and in transmitting the landfill gas from the solid waste management facility where it is collected to the generation facility where it is combusted.

For purposes of this subdivision, "general rate of return" means the fair combined rate of return on common equity as it is determined by the Commission for such utility pursuant to subdivision 2.

Notwithstanding any other provision of this subdivision, if the Commission finds during the triennial review conducted for a Phase II Utility in 2021 that such utility has not filed applications for all necessary federal and state regulatory approvals to construct one or more nuclear-powered or coal-fueled generation facilities that would add a total capacity of at least 1500 megawatts to the amount of the utility's generating resources as such resources existed on July 1, 2007, or that, if all such approvals have been received, that the utility has not made reasonable and good faith efforts to construct one or more such facilities that will provide such additional total capacity within a reasonable time after obtaining such approvals, then the Commission, if it finds it in the public interest, may reduce on a prospective basis any enhanced rate of return on common equity previously applied to any such facility to no less than the general rate of return for such utility and may apply no less than the utility's general rate of return to any such facility for which the utility seeks approval in the future under this subdivision.

Notwithstanding any other provision of this subdivision, if a Phase II utility obtains approval from the Commission of a rate adjustment clause pursuant to subdivision 6 associated with a test or demonstration project involving a generation facility utilizing energy from offshore wind, and such utility has not, as of July 1, 2023, commenced construction as defined for federal income tax purposes of an offshore wind generation facility or facilities with a minimum aggregate capacity of 250 megawatts, then the Commission, if it finds it in the public interest, may direct that the costs associated with any such rate adjustment clause involving said test or demonstration project shall thereafter no longer be recovered through a rate adjustment clause pursuant to subdivision 6 and shall instead be recovered through the utility's rates for generation and distribution services, with no change in such rates for generation and distribution services as a result of the combination of such costs with the other costs, revenues, and investments included in the utility's rates for generation and distribution services. Any such costs shall remain combined with the utility's other costs, revenues, and investments included in its rates for generation and distribution services until such costs are fully recovered.

7. Any petition filed pursuant to subdivision 4, 5, or 6 shall be considered by the Commission on a stand-alone basis without regard to the other costs, revenues, investments, or earnings of the utility. Any costs incurred by a utility prior to the filing of such petition, or during the consideration thereof by the Commission, that are proposed for recovery in such petition and that are related to subdivision 5 a, or that are related to facilities and projects described in clause (i) of subdivision 6, or that are related to new underground facilities described in clause (iv) of subdivision 6, shall be deferred on the books and records of the utility until the Commission's final order in the matter, or until the implementation of any applicable approved rate adjustment clauses, whichever is later. Except as otherwise provided in subdivision 6, any costs prudently incurred on or after July 1, 2007, by a utility prior to the filing of such petition, or during the consideration thereof

by the Commission, that are proposed for recovery in such petition and that are related to facilities and projects described in clause (ii) or clause (iii) of subdivision 6 that utilize nuclear power, or coal-fueled facilities and projects described in clause (ii) of subdivision 6 if such coal-fueled facilities will be built by a Phase I Utility, shall be deferred on the books and records of the utility until the Commission's final order in the matter, or until the implementation of any applicable approved rate adjustment clauses, whichever is later. Any costs prudently incurred after the expiration or termination of capped rates related to other matters described in subdivision 4, 5, or 6 shall be deferred beginning only upon the expiration or termination of capped rates, provided, however, that no provision of this act shall affect the rights of any parties with respect to the rulings of the Federal Energy Regulatory Commission in PJM Interconnection LLC and Virginia Electric and Power Company, 109 F.E.R.C. P 61,012 (2004). A utility shall establish a regulatory asset for regulatory accounting and ratemaking purposes under which it shall defer its operation and maintenance costs incurred in connection with (i) the refueling of any nuclear-powered generating plant and (ii) other work at such plant normally performed during a refueling outage. The utility shall amortize such deferred costs over the refueling cycle, but in no case more than 18 months, beginning with the month in which such plant resumes operation after such refueling. The refueling cycle shall be the applicable period of time between planned refueling outages for such plant. As of January 1, 2014, such amortized costs are a component of base rates, recoverable in base rates only ratably over the refueling cycle rather than when such outages occur, and are the only nuclear refueling costs recoverable in base rates. This provision shall apply to any nuclear-powered generating plant refueling outage commencing after December 31, 2013, and the Commission shall treat the deferred and amortized costs of such regulatory asset as part of the utility's costs for the purpose of proceedings conducted (a) with respect to triennial filings under subdivision 3 made on and after July 1, 2014, and (b) pursuant to § 56-245 or the Commission's rules governing utility rate increase applications as provided in subsection B. This provision shall not be deemed to change or reset base rates.

The Commission's final order regarding any petition filed pursuant to subdivision 4, 5, or 6 shall be entered not more than three months, eight months, and nine months, respectively, after the date of filing of such petition. If such petition is approved, the order shall direct that the applicable rate adjustment clause be applied to customers' bills not more than 60 days after the date of the order, or upon the expiration or termination of capped rates, whichever is later.

8. In any triennial review proceeding, for the purposes of reviewing earnings on the utility's rates for generation and distribution services, the following utility generation and distribution costs not proposed for recovery under any other subdivision of this subsection, as recorded per books by the utility for financial reporting purposes and accrued against income, shall be attributed to the test periods under review and deemed fully recovered in the period recorded: costs associated with asset impairments related to early retirement determinations made by the utility for utility generation facilities fueled by coal, natural gas, or oil or for automated meter reading electric distribution service meters; costs associated with projects necessary to comply with state or federal environmental laws, regulations, or judicial or administrative orders relating to coal combustion by-product management that the utility does not petition to recover through a rate adjustment clause pursuant to subdivision 5 e; costs associated with severe weather events; and costs associated with natural disasters. Such costs shall be deemed to have been recovered from customers through rates for generation and distribution services in effect during the test periods under review unless such costs, individually or in the aggregate, together with the utility's other costs, revenues, and investments to be recovered through rates for generation and distribution services, result in the utility's earned return on its generation and distribution services for the combined test periods under review to fall more than 50 basis points below the fair combined rate of return authorized under subdivision 2 for such periods or, for any test period commencing after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, to fall more than 70 basis points below the fair combined rate of return authorized under subdivision 2 for such periods. In such cases, the Commission shall, in such triennial review proceeding, authorize deferred recovery of such costs and allow the utility to amortize and recover such deferred costs over future periods as determined by the Commission. The aggregate amount of such deferred costs shall not exceed an amount that would, together with the utility's other costs, revenues, and investments to be recovered through rates for generation and distribution services, cause the utility's earned return on its generation and distribution services to exceed the fair rate of return authorized under subdivision 2, less 50 basis points, for the combined test periods under review or, for any test period commencing after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, to exceed the fair rate of return authorized under subdivision 2 less 70 basis points. Nothing in this section shall limit the Commission's authority, pursuant to the provisions of Chapter 10 (§ 56-232 et seq.), including specifically § 56-235.2, following the review of combined test period earnings of the utility in a triennial review, for normalization of nonrecurring test period costs and annualized adjustments for future costs, in determining any appropriate increase or decrease in the utility's rates for generation and distribution services pursuant to subdivision 8 a or 8 c.

If the Commission determines as a result of such triennial review that:

a. The utility has, during the test period or periods under review, considered as a whole, earned more than 50 basis points below a fair combined rate of return on its generation and distribution services or, for any test period commencing after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, more than 70 basis points below a fair combined rate of return on its generation and distribution services, as determined in subdivision 2, without regard to any return on common equity or other matters determined with respect to facilities described in subdivision 6, the Commission shall order increases to the utility's rates necessary to provide the opportunity to fully recover the costs of providing the utility's services and to earn not less than such fair combined rate of return, using the most recently ended

12-month test period as the basis for determining the amount of the rate increase necessary. However, in the first triennial review proceeding conducted after January 1, 2021, for a Phase II Utility, the Commission may not order a rate increase, and in all triennial reviews of a Phase I or Phase II utility, the Commission may not order such rate increase unless it finds that the resulting rates are necessary to provide the utility with the opportunity to fully recover its costs of providing its services and to earn not less than a fair combined rate of return on both its generation and distribution services, as determined in subdivision 2, without regard to any return on common equity or other matters determined with respect to facilities described in subdivision 6, using the most recently ended 12-month test period as the basis for determining the permissibility of any rate increase under the standards of this sentence, and the amount thereof; and provided that, solely in connection with making its determination concerning the necessity for such a rate increase or the amount thereof, the Commission shall, in any triennial review proceeding conducted prior to July 1, 2028, exclude from this most recently ended 12-month test period any remaining investment levels associated with a prior customer credit reinvestment offset pursuant to subdivision d.

b. The utility has, during the test period or test periods under review, considered as a whole, earned more than 50 basis points above a fair combined rate of return on its generation and distribution services or, for any test period commencing after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, more than 70 basis points above a fair combined rate of return on its generation and distribution services, as determined in subdivision 2, without regard to any return on common equity or other matters determined with respect to facilities described in subdivision 6, the Commission shall, subject to the provisions of subdivisions 8 d and 9, direct that 60 percent of the amount of such earnings that were more than 50 basis points, or, for any test period commencing after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, that 70 percent of the amount of such earnings that were more than 70 basis points, above such fair combined rate of return for the test period or periods under review, considered as a whole, shall be credited to customers' bills. Any such credits shall be amortized over a period of six to 12 months, as determined at the discretion of the Commission, following the effective date of the Commission's order, and shall be allocated among customer classes such that the relationship between the specific customer class rates of return to the overall target rate of return will have the same relationship as the last approved allocation of revenues used to design base rates; or

c. In any triennial review proceeding conducted after January 1, 2020, for a Phase I Utility or after January 1, 2021, for a Phase II Utility in which the utility has, during the test period or test periods under review, considered as a whole, earned more than 50 basis points above a fair combined rate of return on its generation and distribution services or, for any test period commencing after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, more than 70 basis points above a fair combined rate of return on its generation and distribution services, as determined in subdivision 2, without regard to any return on common equity or other matter determined with respect to facilities described in subdivision 6, and the combined aggregate level of capital investment that the Commission has approved other than those capital investments that the Commission has approved for recovery pursuant to a rate adjustment clause pursuant to subdivision 6 made by the utility during the test periods under review in that triennial review proceeding in new utility-owned generation facilities utilizing energy derived from sunlight, or from wind, and in electric distribution grid transformation projects, as determined pursuant to subdivision 8 d, does not equal or exceed 100 percent of the earnings that are more than 70 basis points above the utility's fair combined rate of return on its generation and distribution services for the combined test periods under review in that triennial review proceeding, the Commission shall, subject to the provisions of subdivision 9 and in addition to the actions authorized in subdivision b, also order reductions to the utility's rates it finds appropriate. However, in the first triennial review proceeding conducted after January 1, 2021, for a Phase II Utility, any reduction to the utility's rates ordered by the Commission pursuant to this subdivision shall not exceed \$50 million in annual revenues, with any reduction allocated to the utility's rates for generation services, and in each triennial review of a Phase I or Phase II Utility, the Commission may not order such rate reduction unless it finds that the resulting rates will provide the utility with the opportunity to fully recover its costs of providing its services and to earn not less than a fair combined rate of return on its generation and distribution services, as determined in subdivision 2, without regard to any return on common equity or other matters determined with respect to facilities described in subdivision 6, using the most recently ended 12-month test period as the basis for determining the permissibility of any rate reduction under the standards of this sentence, and the amount thereof; and

d. (Expires July 1, 2028) In any triennial review proceeding conducted after December 31, 2017, upon the request of the utility, the Commission shall determine, prior to directing that 70 percent of earnings that are more than 70 basis points above the utility's fair combined rate of return on its generation and distribution services for the test period or periods under review be credited to customer bills pursuant to subdivision 8 b, the aggregate level of prior capital investment that the Commission has approved other than those capital investments that the Commission has approved for recovery pursuant to a rate adjustment clause pursuant to subdivision 6 made by the utility during the test period or periods under review in both (i) new utility-owned generation facilities utilizing energy derived from sunlight, or from onshore or offshore wind, and (ii) electric distribution grid transformation projects, as determined by the utility's plant in service and construction work in progress balances related to such investments as recorded per books by the utility for financial reporting purposes as of the end of the most recent test period under review. Any such combined capital investment amounts shall offset any customer bill credit amounts, on a dollar for dollar basis, up to the aggregate level of invested or committed capital under clauses (i) and (ii). The aggregate level of qualifying invested or committed capital under clauses (i) and (ii) is referred to in this subdivision as the customer credit reinvestment offset, which offsets the customer bill credit amount that the utility has

invested or will invest in new solar or wind generation facilities or electric distribution grid transformation projects for the benefit of customers, in amounts up to 100 percent of earnings that are more than 70 basis points above the utility's fair rate of return on its generation and distribution services, and thereby reduce or eliminate otherwise incremental rate adjustment clause charges and increases to customer bills, which is deemed to be in the public interest. If 100 percent of the amount of earnings that are more than 70 basis points above the utility's fair combined rate of return on its generation and distribution services, as determined in subdivision 2, exceeds the aggregate level of invested capital in new utility-owned generation facilities utilizing energy derived from sunlight, or from wind, and electric distribution grid transformation projects, as provided in clauses (i) and (ii), during the test period or periods under review, then 70 percent of the amount of such excess shall be credited to customer bills as provided in subdivision 8 b in connection with the triennial review proceeding. The portion of any costs associated with new utility-owned generation facilities utilizing energy derived from sunlight, or from wind, or electric distribution grid transformation projects that is the subject of any customer credit reinvestment offset pursuant to this subdivision shall not thereafter be recovered through the utility's rates for generation and distribution services over the service life of such facilities and shall not thereafter be included in the utility's costs, revenues, and investments in future triennial review proceedings conducted pursuant to subdivision 2 and shall not be the subject of a rate adjustment clause petition pursuant to subdivision 6. The portion of any costs associated with new utility-owned generation facilities utilizing energy derived from sunlight, or from wind, or electric distribution grid transformation projects that is not the subject of any customer credit reinvestment offset pursuant to this subdivision may be recovered through the utility's rates for generation and distribution services over the service life of such facilities and shall be included in the utility's costs, revenues, and investments in future triennial review proceedings conducted pursuant to subdivision 2 until such costs are fully recovered, and if such costs are recovered through the utility's rates for generation and distribution services, they shall not be the subject of a rate adjustment clause petition pursuant to subdivision 6. Only the portion of such costs of new utility-owned generation facilities utilizing energy derived from sunlight, or from wind, or electric distribution grid transformation projects that has not been included in any customer credit reinvestment offset pursuant to this subdivision, and not otherwise recovered through the utility's rates for generation and distribution services, may be the subject of a rate adjustment clause petition by the utility pursuant to subdivision 6.

The Commission's final order regarding such triennial review shall be entered not more than eight months after the date of filing, and any revisions in rates or credits so ordered shall take effect not more than 60 days after the date of the order. The fair combined rate of return on common equity determined pursuant to subdivision 2 in such triennial review shall apply, for purposes of reviewing the utility's earnings on its rates for generation and distribution services, to the entire three successive 12-month test periods ending December 31 immediately preceding the year of the utility's subsequent triennial review filing under subdivision 3 and shall apply to applicable rate adjustment clauses under subdivisions 5 and 6 prospectively from the date the Commission's final order in the triennial review proceeding, utilizing rate adjustment clause true-up protocols as the Commission in its discretion may determine.

9. If, as a result of a triennial review required under this subsection and conducted with respect to any test period or periods under review ending later than December 31, 2010 (or, if the Commission has elected to stagger its biennial reviews of utilities as provided in subdivision 1, under review ending later than December 31, 2010, for a Phase I Utility, or December 31, 2011, for a Phase II Utility), the Commission finds, with respect to such test period or periods considered as a whole, that (i) any utility has, during the test period or periods under review, considered as a whole, earned more than 50 basis points above a fair combined rate of return on its generation and distribution services or, for any test period commencing after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, more than 70 basis points above a fair combined rate of return on its generation and distribution services, as determined in subdivision 2, without regard to any return on common equity or other matters determined with respect to facilities described in subdivision 6, and (ii) the total aggregate regulated rates of such utility at the end of the most recently ended 12-month test period exceeded the annual increases in the United States Average Consumer Price Index for all items, all urban consumers (CPI-U), as published by the Bureau of Labor Statistics of the United States Department of Labor, compounded annually, when compared to the total aggregate regulated rates of such utility as determined pursuant to the review conducted for the base period, the Commission shall, unless it finds that such action is not in the public interest or that the provisions of subdivisions 8 b and c are more consistent with the public interest, direct that any or all earnings for such test period or periods under review, considered as a whole that were more than 50 basis points, or, for any test period commencing after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, more than 70 basis points, above such fair combined rate of return shall be credited to customers' bills, in lieu of the provisions of subdivisions 8 b and c, provided that no credits shall be provided pursuant to this subdivision in connection with any triennial review unless such bill credits would be payable pursuant to the provisions of subdivision 8 d, and any credits under this subdivision shall be calculated net of any customer credit reinvestment offset amounts under subdivision 8 d. Any such credits shall be amortized and allocated among customer classes in the manner provided by subdivision 8 b. For purposes of this subdivision:

"Base period" means (i) the test period ending December 31, 2010 (or, if the Commission has elected to stagger its biennial reviews of utilities as provided in subdivision 1, the test period ending December 31, 2010, for a Phase I Utility, or December 31, 2011, for a Phase II Utility), or (ii) the most recent test period with respect to which credits have been applied to customers' bills under the provisions of this subdivision, whichever is later.

"Total aggregate regulated rates" shall include: (i) fuel tariffs approved pursuant to § 56-249.6, except for any increases in fuel tariffs deferred by the Commission for recovery in periods after December 31, 2010, pursuant to the provisions of clause (ii) of subsection C of § 56-249.6; (ii) rate adjustment clauses implemented pursuant to subdivision 4 or 5; (iii) revisions to the utility's rates pursuant to subdivision 8 a; (iv) revisions to the utility's rates pursuant to the Commission's rules governing utility rate increase applications, as permitted by subsection B, occurring after July 1, 2009; and (v) base rates in effect as of July 1, 2009.

10. For purposes of this section, the Commission shall regulate the rates, terms and conditions of any utility subject to this section on a stand-alone basis utilizing the actual end-of-test period capital structure and cost of capital of such utility, excluding any debt associated with securitized bonds that are the obligation of non-Virginia jurisdictional customers, unless the Commission finds that the debt to equity ratio of such capital structure is unreasonable for such utility, in which case the Commission may utilize a debt to equity ratio that it finds to be reasonable for such utility in determining any rate adjustment pursuant to subdivisions 8 a and c, and without regard to the cost of capital, capital structure, revenues, expenses or investments of any other entity with which such utility may be affiliated. In particular, and without limitation, the Commission shall determine the federal and state income tax costs for any such utility that is part of a publicly traded, consolidated group as follows: (i) such utility's apportioned state income tax costs shall be calculated according to the applicable statutory rate, as if the utility had not filed a consolidated return with its affiliates, and (ii) such utility's federal income tax costs shall be calculated according to the applicable federal income tax rate and shall exclude any consolidated tax liability or benefit adjustments originating from any taxable income or loss of its affiliates.

B. Nothing in this section shall preclude an investor-owned incumbent electric utility from applying for an increase in rates pursuant to § 56-245 or the Commission's rules governing utility rate increase applications; however, in any such filing, a fair rate of return on common equity shall be determined pursuant to subdivision A 2. Nothing in this section shall preclude such utility's recovery of fuel and purchased power costs as provided in § 56-249.6.

C. Except as otherwise provided in this section, the Commission shall exercise authority over the rates, terms and conditions of investor-owned incumbent electric utilities for the provision of generation, transmission and distribution services to retail customers in the Commonwealth pursuant to the provisions of Chapter 10 (§ 56-232 et seq.), including specifically § 56-235.2.

D. The Commission may determine, during any proceeding authorized or required by this section, the reasonableness or prudence of any cost incurred or projected to be incurred, by a utility in connection with the subject of the proceeding. A determination of the Commission regarding the reasonableness or prudence of any such cost shall be consistent with the Commission's authority to determine the reasonableness or prudence of costs in proceedings pursuant to the provisions of Chapter 10 (§ 56-232 et seq.). In determining the reasonableness or prudence of a utility providing energy and capacity to its customers from renewable energy resources, the Commission shall consider the extent to which such renewable energy resources, whether utility-owned or by contract, further the objectives of the Commonwealth Energy Policy set forth in §§ 67-101 and 67-102, and shall also consider whether the costs of such resources is likely to result in unreasonable increases in rates paid by customers.

E. The Commission shall promulgate such rules and regulations as may be necessary to implement the provisions of this section.

§ 56-596.2:1. Incentives for energy conservation measures and solar energy equipment.

A. Each Phase I and Phase II Utility, as such terms are defined in subdivision A 1 of § 56-585.1, shall submit a petition for approval to design, implement, and operate a three-year program of energy conservation measures providing:

~~1. Incentives~~ *incentives* to ~~low income~~ *low-income*, elderly, and disabled individuals in an amount not to exceed \$25 million in the aggregate for the installation of measures that reduce residential heating ~~and~~ *or* cooling costs and enhance the health and safety of residents, including repairs and improvements to home heating ~~and~~ *or* cooling systems and installation of energy-saving measures in the house, such as insulation and air sealing. In developing such incentive program, each utility shall utilize the stakeholder process set forth in § 56-596.2. The utility may provide such incentives directly to customers or to organizations that assist ~~low income~~ *low-income*, elderly, and disabled individuals. Such incentive program shall be deemed to be a part of the \$140 million in energy efficiency programs that a Phase I utility is required to develop pursuant to § 56-596.2 and a part of the \$870 million in energy efficiency programs that a Phase II utility is required to develop pursuant to § 56-596.2; provided that no portion of such incentive programs shall be deemed to be a part of the required five percent of such energy conservation measures set aside for ~~low income~~ *low-income*, elderly, and disabled individuals.

~~2. Incentives to low income, elderly, and disabled individuals, who also participate in the incentive program described above for the installation of measures that reduce residential heating and cooling costs, in an amount not to exceed \$25 million in the aggregate for the installation of B. For (i) low-income, elderly, and disabled individuals or (ii) organizations providing residential services to low-income, elderly, and disabled individuals who participate in, or have already participated in, an incentive program, including the incentive program described in subsection A, for the installation of measures that reduce heating or cooling costs at any premises where people reside, each Phase I and Phase II Utility shall submit a petition for approval to design, implement, and operate a separate three-year incentive program, in an amount not to exceed \$25 million in the aggregate, to enable the installation of, or access to, equipment to ~~develop~~ *generate* electric energy derived from sunlight. The utility may provide such incentives directly to customers or to organizations that assist ~~low income~~ *low-income*, elderly, and disabled individuals. Such incentive program may include~~

installation of equipment directly on the premises or access to equipment located elsewhere, provided such installation or access reduces the total energy costs for persons described in clause (i) or (ii). Such incentive program shall not be deemed to be a part of the \$140 million in energy efficiency programs that a Phase I utility is required to develop pursuant to § 56-596.2 nor a part of the \$870 million in energy efficiency programs that a Phase II utility is required to develop pursuant to § 56-596.2.

~~B-~~ C. In developing such incentive programs, each utility shall give consideration to ~~low income~~ low-income, elderly, and disabled persons residing in housing that a redevelopment and housing authority owns or controls.

CHAPTER 802

An Act to amend the Code of Virginia by adding in Chapter 22 of Title 15.2 an article numbered 7.3, consisting of sections numbered 15.2-2316.6 through 15.2-2316.9, relating to siting of solar energy facilities.

[H 1675]

Approved April 7, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 22 of Title 15.2 an article numbered 7.3, consisting of sections numbered 15.2-2316.6 through 15.2-2316.9, as follows:

Article 7.3.

Siting of Solar Energy Facilities.

§ 15.2-2316.6. Siting of solar facilities in economically disadvantaged localities.

A. As used in this article, unless the context requires a different meaning:

"Host locality" means any locality within the jurisdictional boundaries of which construction of a commercial solar facility is proposed.

"Opportunity zone" means a census tract in an area of the host locality meeting the eligibility requirements for designation as a qualified opportunity zone by the U.S. Secretary of the Treasury via his delegation of authority to the Internal Revenue Service.

"Solar facility" means a commercial solar photovoltaic (electric energy) generation or storage facility, or any portion thereof. "Solar facility" does not include any project that is (i) described in § 56-594, 56-594.01, or 56-594.2 or Chapters 358 and 382 of the Acts of Assembly of 2013, as amended, or (ii) five megawatts or less.

B. This article applies only to a solar facility located in an opportunity zone.

§ 15.2-2316.7. Negotiations; siting agreement.

A. Any applicant for a solar facility shall give to the host locality written notice of the applicant's intent to locate a solar facility in an opportunity zone in such locality and request a meeting. Such applicant shall meet, discuss, and negotiate a siting agreement with such locality.

B. The siting agreement may include terms and conditions, including (i) mitigation of any impacts of such solar facility; (ii) financial compensation to the host locality to address capital needs set out in the (a) capital improvement plan adopted by the host locality, (b) current fiscal budget of the host locality, or (c) fiscal fund balance policy adopted by the host locality; or (iii) assistance by the applicant in the deployment of broadband, as defined in § 56-585.1-9, in such locality.

§ 15.2-2316.8. Powers of host localities.

A. The governing body of a host locality shall have the power to:

1. Hire and pay consultants and other experts on behalf of the host locality in matters pertaining to the siting of a solar facility;

2. Meet, discuss, and negotiate a siting agreement with an applicant; and

3. Enter into a siting agreement with an applicant that is binding upon the governing body of the host locality and enforceable against it and future governing bodies of the host locality in any court of competent jurisdiction by signing a siting agreement pursuant to this article. Such contract may be assignable at the parties' option.

B. If the parties to the siting agreement agree upon the terms and conditions of a siting agreement, the host locality shall schedule a public hearing, pursuant to subdivision A of § 15.2-2204, for the purpose of consideration of such siting agreement. If a majority of a quorum of the members of the governing body present at such public hearing approve of such siting agreement, the siting agreement shall be executed by the signatures of (i) the chief executive officer of the host locality and (ii) the applicant or the applicant's authorized agent. The siting agreement shall continue in effect until it is amended, revoked, or suspended.

§ 15.2-2316.9. Effect of executed siting agreement; land use approval.

A. Nothing in this article shall be construed to exempt an applicant from any other applicable requirements to obtain approvals and permits under federal, state, or local ordinances and regulations. An applicant may file for appropriate land use approvals for the solar facility under the regulations and ordinances of the host locality at or after the time the applicant submits its notice of intent to site a solar facility as set forth in subdivision A of § 15.2-2316.7.

B. Nothing in this article shall affect the authority of the host locality to enforce its ordinances and regulations to the extent that they are not inconsistent with the terms and conditions of the siting agreement.

C. Approval of a siting agreement by the local governing body in accordance with subdivision B of § 15.2-2316.8 shall deem the solar facility to be substantially in accord with the comprehensive plan of the host locality, thereby satisfying the requirements of § 15.2-2232.

D. The failure of an applicant and the governing body to enter into a siting agreement may be a factor in the decision of the governing body in the consideration of any land use approvals for a solar facility, but shall not be the sole reason for a denial of such land use approvals.

2. That the provisions of this act shall not apply to any solar facility that has received zoning and site plan approval, preliminary or otherwise, from the host locality on or before January 1, 2020.

CHAPTER 803

An Act to amend and reenact § 45.1-396 of the Code of Virginia and to repeal § 45.1-400 of the Code of Virginia, relating to the Clean Energy Advisory Board.

[H 1707]

Approved April 7, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 45.1-396 of the Code of Virginia is amended and reenacted as follows:

§ 45.1-396. Membership; terms; quorum; meetings.

The Board shall have a total membership of ~~15~~ 17 members that shall consist of ~~14~~ 16 nonlegislative citizen members and one ex officio member. *Members may reside within or without the Commonwealth.* Nonlegislative citizen members shall be appointed as follows:

1. ~~Four~~ Six nonlegislative citizen members to be appointed by the Speaker of the House of Delegates upon consideration of the recommendations of the Board of Directors of the Maryland-DC-Delaware-Virginia Solar Energy Industries Association (the MDV-SEIA Board) and the Governor's Advisory Council on Environmental Justice (the Council), one of whom shall be a designee of the Virginia Housing Development Authority, created pursuant to the provisions of Chapter 1.2 (§ 36-55.24 et seq.) of Title 36; one of whom shall be a rooftop solar energy professional or employer or representative of rooftop solar energy professionals; one of whom shall be a current or former member of the Council; ~~and~~ one of whom shall be a member or representative of the Virginia, Maryland and Delaware Association of Electric Cooperatives (VMDAEC); *one of whom shall be an expert with experience developing low-income or moderate-income incentive and loan programs for distributed renewable energy resources; and one of whom shall be an attorney who is licensed to practice in the Commonwealth and maintains a legal practice dedicated to rural development, rural electrification, and energy policy;*

2. Three nonlegislative citizen members to be appointed by the Senate Committee on Rules upon consideration of the recommendations of the MDV-SEIA Board, one of whom shall be a solar energy professional or employer or representative of solar energy professionals, one of whom shall work for or with a Virginia-based investor-owned electric utility company, and one of whom shall be a member or representative of VMDAEC; and

3. Seven nonlegislative citizen members to be appointed by the Governor upon consideration of the recommendations of the MDV-SEIA Board and the Council and subject to confirmation by the General Assembly, one of whom shall be an attorney who is licensed to practice in the Commonwealth and maintains a legal practice in renewable energy law and transactions, one of whom shall be an attorney who is licensed to practice in the Commonwealth and specializes in tax law and energy transactions, one of whom shall be an attorney with the Division of Consumer Counsel created pursuant to the provisions of § 2.2-517, one of whom shall be an employee of a community development financial institution who specializes in impact investing, one of whom shall be a member of a Virginia environmental organization, and two of whom shall be designees of the Department of Housing and Community Development, created pursuant to the provisions of Chapter 8 (§ 36-131 et seq.) of Title 36.

The Director or his designee shall serve ex officio with voting privileges and shall assist in convening the meetings of the Board.

Nonlegislative citizen members of the Board shall be citizens of the Commonwealth. The ex officio member of the Board shall serve a term coincident with his term of office. Nonlegislative citizen members shall be appointed for a term of three years. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. Vacancies shall be filled in the same manner as the original appointments. All members may be reappointed.

The Board shall elect a chairman and vice-chairman from among its membership. A majority of the members shall constitute a quorum. The meetings of the Board shall be held at the call of the chairman or whenever the majority of the members so request.

2. That § 45.1-400 of the Code of Virginia is repealed.

3. That the Department of Mines, Minerals and Energy, in consultation with the Clean Energy Advisory Board created pursuant to Chapter 27 (§ 45.1-395 et seq.) of Title 45.1 of the Code of Virginia, as amended by this act, shall develop guidelines to administer any public power renewable grant program established by the general appropriation act for the 2020-2022 biennium.

CHAPTER 804

An Act to amend and reenact § 45.1-161.292:5 of the Code of Virginia, relating to persons permitted to work in mines; age requirements.

[S 258]

Approved April 7, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 45.1-161.292:5 of the Code of Virginia is amended and reenacted as follows:

§ 45.1-161.292:5. Persons permitted to work in mines; age requirements.

A. No person under eighteen years of age shall be permitted to work in ~~or around~~ any mine, and in all cases of doubt, the operator, agent or mine foreman shall obtain a birth certificate or other documentary evidence, from the Registrar of Vital Statistics, or other authentic sources as to the age of such person. *The Department shall conform to the federal Fair Labor Standards Act, 29 U.S.C. § 212, and federal regulations adopted pursuant to that Act with respect to persons under 18 years of age working around any mine.*

B. No operator, agent or mine foreman shall make a false statement as to the age of any person under eighteen years of age applying for work in or around any mine.

CHAPTER 805

An Act to amend the Code of Virginia by adding a section numbered 62.1-256.2, relating to the Eastern Virginia Groundwater Management Advisory Committee established; sunset.

[S 679]

Approved April 7, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 62.1-256.2 as follows:

§ 62.1-256.2. Eastern Virginia Groundwater Management Advisory Committee established; sunset.

A. *The Department of Environmental Quality (the Department) shall establish the Eastern Virginia Groundwater Management Advisory Committee (the Committee) as an advisory committee to assist the State Water Commission and the Department in the management of groundwater in the Eastern Virginia Groundwater Management Area. Members of the Committee shall be appointed by the Director of the Department and shall be composed of nonlegislative citizen members consisting of representatives of industrial and municipal water users; representatives of public and private water providers; developers and representatives from the economic development community; representatives of agricultural, conservation, and environmental organizations; state and federal agency officials; and university faculty and citizens with expertise in water resources-related issues. The Department shall convene the Committee at least four times each fiscal year. Members of the Committee shall receive no compensation for their service and shall not be entitled to reimbursement for expenses incurred in the performance of their duties.*

B. *During each meeting of the Committee, the Department shall (i) update the Committee on activities pertaining to groundwater management in the Eastern Virginia Groundwater Management Area and (ii) solicit members to present topics and analysis for examination at future meetings. The Committee may develop specific statutory, budgetary, and regulatory recommendations, as necessary, to enhance the effectiveness of groundwater management in the Eastern Virginia Groundwater Management Area.*

C. *The Department shall annually report the results of the Committee's examinations and related recommendations, and any responses from the Department, to the State Water Commission, the Governor, and the General Assembly no later than November 1 of each year.*

D. *The provisions of this section shall expire on July 1, 2025.*

CHAPTER 806

An Act to amend and reenact §§ 28.2-1203 and 28.2-1206 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 28.2-627.1, relating to oyster leasing, conservation, and repletion programs; fees; fund.

[S 702]

Approved April 7, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 28.2-1203 and 28.2-1206 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 28.2-627.1 as follows:

§ 28.2-627.1. Oyster Leasing, Conservation, and Repletion Programs Fund.

There is hereby created in the state treasury a special nonreverting fund to be known as the Oyster Leasing, Conservation, and Repletion Programs Fund, referred to in this section as "the Fund." The Fund shall be established on the

books of the Comptroller. All oyster planting ground application fees, oyster planting ground transfer fees, oyster planting ground lease renewal fees, and oyster ground rents collected pursuant to this chapter shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purposes of administering the oyster ground leasing program and the conservation and repletion program. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Commissioner.

§ 28.2-1203. Unlawful use of subaqueous beds; penalty.

A. It shall be unlawful for any person to build, dump, trespass or encroach upon or over, or take or use any materials from the beds of the bays, ocean, rivers, streams, or creeks which are the property of the Commonwealth, unless such act is performed pursuant to a permit issued by the Commission or is necessary for the following:

1. Erection of dams, the construction of which has been authorized by proper authority;
2. Uses of subaqueous beds authorized elsewhere in this title;
3. Construction and maintenance of congressionally approved navigation and flood-control projects undertaken by the United States Army Corps of Engineers, the United States Coast Guard, or other federal agency authorized by Congress to regulate navigation, navigable waters, or flood control;
4. Construction of piers, docks, marine terminals, and port facilities owned or leased by or to the Commonwealth or any of its political subdivisions;

5. Except as provided in subsection D of § 28.2-1205, placement, *after submission of an application to the Commission for review and processing*, of private piers for noncommercial purposes by owners of the riparian lands in the waters opposite those lands, provided that (i) the piers do not extend beyond the navigation line or private pier lines established by the Commission or the United States Army Corps of Engineers, (ii) the piers do not exceed six feet in width and finger piers do not exceed five feet in width, (iii) any L or T head platforms and appurtenant floating docking platforms do not exceed, in the aggregate, 400 square feet, (iv) if prohibited by local ordinance open-sided shelter roofs or gazebo-type structures shall not be placed on platforms as described in clause (iii), but may be placed on such platforms if not prohibited by local ordinance, and (v) the piers are determined not to be a navigational hazard by the Commission. Subject to any applicable local ordinances, such piers may include an attached boat lift and an open-sided roof designed to shelter a single boat slip or boat lift. In cases in which open-sided roofs designed to shelter a single boat, boat slip or boat lift will exceed 700 square feet in coverage or the open-sided shelter roofs or gazebo structures exceed 400 square feet, and in cases in which an adjoining property owner objects to a proposed roof structure, permits shall be required as provided in § 28.2-1204;

6. Agricultural, horticultural or silvicultural irrigation on riparian lands or the watering of animals on riparian lands, provided that (i) no permanent structure is placed on or over the subaqueous bed, (ii) the person withdrawing water complies with requirements administered by the Department of Environmental Quality under Title 62.1, and (iii) the activity is conducted without adverse impacts to instream beneficial uses as defined in § 62.1-10; or

7. Recreational gold mining, provided that (i) a man-portable suction dredge no larger than four inches in diameter is used, (ii) rights of riparian property owners are not affected, (iii) the activity is conducted without adverse impacts to instream beneficial uses as defined in § 62.1-10, (iv) the activity is conducted without adverse impacts to underwater historic properties and related objects as defined in § 10.1-2214, and (v) the activity is not defined as mining in § 45.1-180.

B. A violation of this section is a Class 1 misdemeanor.

§ 28.2-1206. Fees; exemptions.

A. *A non-refundable processing fee of \$100 shall accompany each application (i) submitted for a Commission permit for the use of state-owned submerged lands or (ii) submitted pursuant to § 28.2-1203. No such processing fee shall be required for an application to explore or recover underwater historic property or to conduct any activity authorized by a Virginia Marine Resources Commission General Permit.*

B. The fee paid to the Commission for issuing each permit to recover underwater historic property shall be \$25.

~~B.~~ The fee paid to the Commission for issuing each permit to use state-owned bottomlands shall be ~~\$25~~, ~~but~~ \$100; if the cost of the project is to exceed \$10,000 ~~but not exceed~~ \$500,000, the fee paid shall be ~~\$100~~ \$300; and if the cost of the project is to exceed \$500,000, the fee paid shall be \$600. Riparian owners of (i) commercial facilities engaged in the business of ship construction or repair, (ii) commercial facilities providing services relating to the shipping of domestic or foreign cargo, and (iii) commercial facilities engaged in the business of selling or servicing watercraft shall be exempt from the payment of rents and royalties, except as provided in subsection C.

C. When the activity or project for which a permit is requested will involve the removal of bottom material, the application shall indicate this fact. If granted, the permit shall specify a royalty of not less than ~~\$-20~~ \$0.40, nor more than ~~\$-60~~ \$0.80, per cubic yard of bottom material removed. In fixing the amount of the royalty, the Commission shall consider, among other factors, the following:

1. The primary and secondary purposes for removing the bottom material;
2. Whether the material has any commercial value and whether it will be used for any commercial purpose;
3. The use to be made of the removed material and any public benefit or adverse effect upon the public that will result from the removal or disposal of the material;
4. The physical characteristics of the material to be removed; and
5. The expense of removing and disposing of the material.

D. Where it appears that the project or facility for which a permit application is made has been completed or work thereon commenced at the time application is made, the Commission may impose additional assessments not to exceed an amount of three times the normal permit fee and royalties, unless such royalties are prohibited by this chapter.

E. Bottom material removed attendant to maintenance dredging or directional drilling shall be exempt from any royalty. The Virginia Department of Transportation shall be exempt from all fees, rents and royalties otherwise assessable under this section. All counties, cities, and towns of the Commonwealth shall pay the required permit fee but shall be exempt from all other fees, rents and royalties assessable under this section if the permit is issued prior to the commencement of any work to be accomplished under the permit.

F. All fees, rents and royalties collected pursuant to this chapter on and after July 1, 2000, shall be paid into the state treasury to the credit of the Marine Habitat and Waterways Improvement Fund.

G. Beginning July 1, 2020, and not more frequently than every three years thereafter, the Commission may increase or decrease fees for marine habitat applications, permits, leases, rents, and royalties that are authorized by this chapter, but such increase or decrease shall be no greater than the respective increase or decrease, expressed as a percentage, in the United States Average Consumer Price Index for all items, all urban consumers (CPI-U), as published by the Bureau of Labor Statistics of the U.S. Department of Labor, since the date on which the fee was last set or adjusted.

CHAPTER 807

An Act to amend the Code of Virginia by adding a section numbered 56-585.5, relating to electric cooperatives; on-bill tariff programs; established.

[S 754]

Approved April 7, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 56-585.5 as follows:

§ 56-585.5. On-bill tariff program; electric cooperatives.

A. As used in this section:

"Cooperative" means a utility consumer services cooperative.

"Eligible customer" means a member-consumer receiving service from a cooperative that (i) has asked to participate in the cooperative's on-bill tariff program and (ii) has been determined by the cooperative to be eligible to participate in its on-bill tariff program.

"Energy efficiency measures" means any installation, improvement, addition, or equipment approved by the cooperative for purpose of its on-bill tariff program that has the primary purpose of improving the energy efficiency of the premises and reducing its consumption of energy, including heating and air conditioning systems, water heaters, weatherization, insulation, window and door modifications, appliances, and automatic or Internet-connected energy control systems. "Energy efficiency measures" does not include energy conservation measures to improve the energy efficiency of (i) premises constructed within five years prior to an eligible customer's request to participate in an on-bill tariff program or (ii) premises that are under initial construction.

"Energy savings charge" means the charge placed by the cooperative on the monthly billing statement of an eligible customer or subsequent customers in order to recover the costs of the energy efficiency measures installed at the eligible customer's premises.

"On-bill tariff agreement" means an agreement between an eligible customer and a cooperative that provides for the terms, conditions, payments, and costs, including financing or capital costs, of the installation of energy efficiency measures at a premises to be paid by or through the cooperative and repaid by the eligible customer or subsequent customer at the same premises by means of an energy savings charge.

"On-bill tariff program" means a voluntary tariff program that allows eligible customers (i) to arrange through the cooperative for its provision and installation, including by its chosen vendors, of energy efficiency measures at the customer's premises without an upfront payment and (ii) to pay back over time the cost of the energy efficiency measures through an energy savings charge.

"Program costs" means a participating cooperative's (i) identified, projected, and actual costs to design, implement, and operate its on-bill tariff program, including costs to request and evaluate vendor proposals and manage the vendors; (ii) administrative, labor, and marketing charges; (iii) costs of obtaining funds used by the cooperative to pay for the energy efficiency measures; (iv) write-offs for unpaid energy savings charges after reasonable collection efforts; and (v) reasonable margin.

B. On or after January 1, 2021, notwithstanding any other provision of law, a cooperative may, without Commission approval, upon an affirmative resolution of its board of directors and without the requirement of any filing other than as required in this subsection, propose, establish, and implement an on-bill tariff program for energy efficiency measures, provided that such program adheres to the provisions of this section. This regulated, tariffed program shall be reviewable by the Commission at the cooperative's next general rate proceeding. A cooperative shall recover the program costs through a new rate schedule established by this section or otherwise through its rates. A cooperative shall file a copy of any such new rate schedule with the Commission for informational purposes.

C. At least 120 days prior to making an informational filing as described in subsection B, a cooperative shall conduct a stakeholder process to design the on-bill tariff program collaboratively with interested parties. Such stakeholder process shall be open to the cooperative's membership and invited guests and shall include an opportunity to participate for low-income and middle-income advocates, energy efficiency advocates, affordable housing advocates, and the staff of the Commission. The stakeholder process shall examine and recommend, among other things, appropriate additional consumer safeguards for potential adoption by the cooperative, including oversight of third-party vendors and appropriate methods for notifying customers that vendors are subject to the Virginia Consumer Protection Act (§ 59.1-196 et seq.). The stakeholder process shall allow for remote or electronic participation and may include multiple cooperatives or be coordinated, convened, and facilitated by a group or association of cooperatives. The meetings of the stakeholders may be held anywhere in the Commonwealth. The cooperative shall include documentation concerning the stakeholder process in its informational filing to the Commission.

D. A cooperative's on-bill tariff program shall include criteria for selecting eligible customers; limits on the individual and aggregate amounts of energy efficiency measures for each eligible customer; limits on the overall amount available under the on-bill tariff program; generally applicable repayment terms; and qualifications of potential vendors that will market or install energy efficiency measures. Multiple cooperatives may collaborate to create a similar structure for on-bill tariff programs.

E. An on-bill tariff agreement shall:

1. Specify that the eligible customer or subsequent customers at the premises shall only be responsible for the payment of the energy savings charge upon satisfactory installation of the energy efficiency measures as set forth in their on-bill tariff agreement;

2. Specify that the cooperative may recover the costs, including financing or capital costs, of installing the energy efficiency measures at an eligible customer's premises through the energy savings charge;

3. Provide for the inclusion of an energy savings charge that is stated as a separate line item on the eligible customer's or subsequent customer's utility bill;

4. Provide that an eligible customer shall enter into an on-bill tariff agreement to participate in the on-bill tariff program;

5. Provide that the cooperative may apply the energy savings charge to the meter or bill of subsequent customers at the premises and that the then-current eligible customer is required to notify the subsequent customer of the on-bill tariff agreement and the energy savings charge;

6. Deem amounts due under the tariff to be amounts owed for regulated electric service and for which an eligible customer is subject to disconnection of service pursuant to the cooperative's existing policies for disconnection;

7. Provide that any loan or financing interest rate or cost of capital, or their equivalent, that is provided to the eligible customer pursuant to an on-bill tariff agreement shall be less than prevailing market rates;

8. Provide that payments for energy-saving charges made by eligible and subsequent customers shall be retained by the cooperative and amounts credited against the appropriate category of program costs; and

9. Result in deemed savings that are reasonably projected, based on the customer's electricity utilization and rates at the beginning of the term, to result in lower electric bills for the customer, and that allocate a portion of the gross cost savings resulting from the energy efficiency measures to the eligible customer and the remaining portion to the cooperative to recover the program costs.

F. Customers having a grievance or complaints against an on-bill tariff program shall have recourse to the informal and formal procedures of the Commission.

CHAPTER 808

An Act to amend and reenact § 29.1-540 of the Code of Virginia, relating to transportation of bait fish for sale; penalty.

[S 772]

Approved April 7, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 29.1-540 of the Code of Virginia is amended and reenacted as follows:

§ 29.1-540. Carriage and shipment.

A. When taken in accordance with the provisions of this title, wild birds, wild animals, or fish may be transported as follows:

1. By any person properly licensed, for lawful use in or out of the county or city where taken to another county or city in the Commonwealth or to another state during the open season in the county or city where taken.

2. By any properly licensed person via freight, express, parcel post, or airplane mail, as a gift and not for market or sale, and so stating on the shipping tag. The wild bird, wild animal, or fish may be transported in or out of the county or city where taken to another county or city in ~~the~~ the Commonwealth, or to another state, during the open season in the county or city where taken. Any package in which birds, animals, or fish are transported shall have the name and address of the shipper and consignee and a statement of the numbers and kinds of birds, animals, or fish being transported clearly and conspicuously marked on the outside of the container.

B. It is unlawful to transport for sale outside of the Commonwealth at any time or in any manner any river herring, alewife, threadfin shad, or gizzard shad collected from the inland waters for use as bait fish. A violation of the provisions of this subsection is a Class 1 misdemeanor.

C. Any such birds, animals, or fish in transit during the open season may continue in transit, not to exceed five days, in order to reach their destination.

D. For the purposes of this section, the terms "wild birds," "wild animals," and "fish" shall mean all or any part of the carcasses of any such birds, animals, or fish.

2. That an emergency exists and this act is in force from its passage.

CHAPTER 809

An Act to amend and reenact §§ 28.2-104.1, 28.2-1301, 28.2-1302, and 28.2-1308 of the Code of Virginia, relating to wetlands protection; living shorelines.

[S 776]

Approved April 7, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 28.2-104.1, 28.2-1301, 28.2-1302, and 28.2-1308 of the Code of Virginia are amended and reenacted as follows:

§ 28.2-104.1. Living shorelines; development of general permit; guidance.

A. As used in this section, unless the context requires a different meaning:

"Living shoreline" means a shoreline management practice that provides erosion control and water quality benefits; protects, restores or enhances natural shoreline habitat; and maintains coastal processes through the strategic placement of plants, stone, sand fill, and other structural and organic materials.

B. The Commission, in cooperation with the Department of Conservation and Recreation, the Department of Environmental Quality, and local wetlands boards, and with technical assistance from the Virginia Institute of Marine Science, shall establish and implement a general permit regulation that authorizes and encourages the use of living shorelines as the preferred alternative for stabilizing tidal shorelines in the Commonwealth. The regulation shall provide for an expedited permit review process for qualifying living shoreline projects requiring authorization under Chapters 12 (§ 28.2-1200 et seq.), 13 (§ 28.2-1300 et seq.), and 14 (§ 28.2-1400 et seq.). In developing the general permit, the Commission shall consult with the U.S. Army Corps of Engineers to ensure the minimization of conflicts with federal law and regulation.

C. The Commission, in cooperation with the Department of Conservation and Recreation and with technical assistance from the Virginia Institute of Marine Science, shall develop integrated guidance for the management of tidal shoreline systems to provide a technical basis for the coordination of permit decisions required by any regulatory entity exercising authority over a shoreline management project. The guidance shall:

1. Communicate to stakeholders and regulatory authorities that it is the policy of the Commonwealth to support living shorelines as the preferred alternative for stabilizing tidal shorelines;
2. Identify preferred shoreline management approaches for the shoreline types found in the Commonwealth;
3. Explain the risks and benefits of protection provided by various shoreline system elements associated with each management option; and
4. Recommend procedures to achieve efficiency and effectiveness by the various regulatory entities exercising authority over a shoreline management project.

D. The Commission shall permit only living shoreline approaches to shoreline management unless the best available science shows that such approaches are not suitable. If the best available science shows that a living shoreline approach is not suitable, the Commission shall require the applicant to incorporate, to the maximum extent possible, elements of living shoreline approaches into permitted projects.

§ 28.2-1301. Powers and duties of the Commission.

A. The Commission may receive gifts, grants, bequests, and devises of wetlands and money which shall be held for the uses prescribed by the donor, grantor, or testator and in accordance with the provisions of this chapter. The Commission shall manage any wetlands it receives so as to maximize their ecological value as provided in Article 2 (§ 28.2-1503 et seq.) of Chapter 15 of this title.

B. The Commission shall preserve and prevent the despoliation and destruction of wetlands while accommodating necessary economic development in a manner consistent with wetlands preservation *and any standards set by the Commonwealth in addition to those identified in § 28.2-1308 to ensure protection of shorelines and sensitive coastal habitats from sea level rise and coastal hazards, including guidelines and minimum standards promulgated by the Commission pursuant to subsection C.*

C. In order to perform its duties under this section and to assist counties, cities, and towns in regulating wetlands, the Commission shall promulgate and periodically update (i) guidelines ~~which~~ that scientifically evaluate vegetated and nonvegetated wetlands by type and describe the consequences of use of these wetlands types *and (ii) minimum standards for protection and conservation of wetlands.* The Virginia Institute of Marine Science shall provide advice and assistance to the

Commission in developing these guidelines *and minimum standards* by evaluating wetlands by type and continuously maintaining and updating an inventory of vegetated wetlands.

D. In developing guidelines, *standards*, or regulations under this chapter the Commission shall consult with all affected state agencies. Consistent with other legal rights, consideration shall be given to the unique character of the Commonwealth's tidal wetlands which are essential for the production of marine and inland wildlife, waterfowl, finfish, shellfish and flora; serve as a valuable protective barrier against floods, tidal storms and the erosion of the Commonwealth's shores and soil; are important for the absorption of silt and pollutants; and are important for recreational and aesthetic enjoyment of the people and for the promotion of tourism, navigation and commerce.

§ 28.2-1302. Adoption of wetlands zoning ordinance; terms of ordinance.

Any county, city or town may adopt the following ordinance, which, after October 1, 1992, shall serve as the only wetlands zoning ordinance under which any wetlands board is authorized to operate. Any county, city, or town which has adopted the ordinance prior to October 1, 1992, shall amend the ordinance to conform it to the ordinance contained herein by October 1, 1992.

Wetlands Zoning Ordinance

§ 1. The governing body of _____, acting pursuant to Chapter 13 (§ 28.2-1300 et seq.) of Title 28.2 of the Code of Virginia, adopts this ordinance regulating the use and development of wetlands.

§ 2. As used in this ordinance, unless the context requires a different meaning:

"Back Bay and its tributaries" means the following, as shown on the United States Geological Survey Quadrangle Sheets for Virginia Beach, North Bay, and Knotts Island: Back Bay north of the Virginia-North Carolina state line; Capsies Creek north of the Virginia-North Carolina state line; Deal Creek; Devil Creek; Nawney Creek; Redhead Bay, Sand Bay, Shipps Bay, North Bay, and the waters connecting them; Beggars Bridge Creek; Muddy Creek; Ashville Bridge Creek; Hells Point Creek; Black Gut; and all coves, ponds and natural waterways adjacent to or connecting with the above-named bodies of water.

"Commission" means the Virginia Marine Resources Commission.

"Commissioner" means the Commissioner of Marine Resources.

"Governmental activity" means any of the services provided by this.... (county, city, or town) to its citizens for the purpose of maintaining this _____ (county, city, or town), including but not limited to such services as constructing, repairing and maintaining roads; providing sewage facilities and street lights; supplying and treating water; and constructing public buildings.

"Nonvegetated wetlands" means unvegetated lands lying contiguous to mean low water and between mean low water and mean high water, including those unvegetated areas of Back Bay and its tributaries and the North Landing River and its tributaries subject to flooding by normal and wind tides but not hurricane or tropical storm tides.

"North Landing River and its tributaries" means the following, as shown on the United States Geological Survey Quadrangle Sheets for Pleasant Ridge, Creeds, and Fentress: the North Landing River from the Virginia-North Carolina line to Virginia Highway 165 at North Landing Bridge; the Chesapeake and Albemarle Canal from Virginia Highway 165 at North Landing Bridge to the locks at Great Bridge; and all named and unnamed streams, creeks and rivers flowing into the North Landing River and the Chesapeake and Albemarle Canal except West Neck Creek north of Indian River Road, Pocaty River west of Blackwater Road, Blackwater River west of its forks located at a point approximately 6400 feet due west of the point where Blackwater Road crosses the Blackwater River at the village of Blackwater, and Millbank Creek west of Blackwater Road.

"Person" means any individual, corporation, partnership, association, company, business, trust, joint venture, or other legal entity.

"Vegetated wetlands" means lands lying between and contiguous to mean low water and an elevation above mean low water equal to the factor one and one-half times the mean tide range at the site of the proposed project in the county, city, or town in question, and upon which is growing any of the following species: saltmarsh cordgrass (*Spartina alterniflora*), saltmeadow hay (*Spartina patens*), saltgrass (*Distichlis spicata*), black needlerush (*Juncus roemerianus*), saltwort (*Salicornia* spp.), sea lavender (*Limonium* spp.), marsh elder (*Iva frutescens*), groundsel bush (*Baccharis halimifolia*), wax myrtle (*Myrica* sp.), sea oxeye (*Borrhchia frutescens*), arrow arum (*Peltandra virginica*), pickerelweed (*Pontederia cordata*), big cordgrass (*Spartina cynosuroides*), rice cutgrass (*Leersia oryzoides*), wildrice (*Zizania aquatica*), bulrush (*Scirpus validus*), spikerush (*Eleocharis* sp.), sea rocket (*Cakile edentula*), southern wildrice (*Zizaniopsis miliacea*), cattail (*Typha* spp.), three-square (*Scirpus* spp.), buttonbush (*Cephalanthus occidentalis*), bald cypress (*Taxodium distichum*), black gum (*Nyssa sylvatica*), tupelo (*Nyssa aquatica*), dock (*Rumex* spp.), yellow pond lily (*Nuphar* sp.), marsh fleabane (*Pluchea purpurascens*), royal fern (*Osmunda regalis*), marsh hibiscus (*Hibiscus moscheutos*), beggar's tick (*Bidens* sp.), smartweed (*Polygonum* sp.), arrowhead (*Sagittaria* spp.), sweet flag (*Acorus calamus*), water hemp (*Amaranthus cannabinus*), reed grass (*Phragmites communis*), or switch grass (*Panicum virgatum*).

"Vegetated wetlands of Back Bay and its tributaries" or "vegetated wetlands of the North Landing River and its tributaries" means all marshes subject to flooding by normal and wind tides but not hurricane or tropical storm tides, and upon which is growing any of the following species: saltmarsh cordgrass (*Spartina alterniflora*), saltmeadow hay (*Spartina patens*), black needlerush (*Juncus roemerianus*), marsh elder (*Iva frutescens*), groundsel bush (*Baccharis halimifolia*), wax myrtle (*Myrica* sp.), arrow arum (*Peltandra virginica*), pickerelweed (*Pontederia cordata*), big cordgrass (*Spartina cynosuroides*), rice cutgrass (*Leersia oryzoides*), wildrice (*Zizania aquatica*), bulrush (*Scirpus validus*), spikerush

(Eleocharis sp.), cattail (Typha spp.), three-square (Scirpus spp.), dock (Rumex sp.), smartweed (Polygonum sp.), yellow pond lily (Nuphar sp.), royal fern (Osmunda regalis), marsh hibiscus (Hibiscus moscheutos), beggar's tick (Bidens sp.), arrowhead (Sagittaria sp.), water hemp (Amaranthus cannabinus), reed grass (Phragmites communis), or switch grass (Panicum virgatum).

"Wetlands" means both vegetated and nonvegetated wetlands.

"Wetlands board" or "board" means a board created pursuant to § 28.2-1303 of the Code of Virginia.

§ 3. The following uses of and activities in wetlands are authorized if otherwise permitted by law:

1. The construction and maintenance of noncommercial catwalks, piers, boathouses, boat shelters, fences, duckblinds, wildlife management shelters, footbridges, observation decks and shelters and other similar structures, provided that such structures are so constructed on pilings as to permit the reasonably unobstructed flow of the tide and preserve the natural contour of the wetlands;

2. The cultivation and harvesting of shellfish, and worms for bait;

3. Noncommercial outdoor recreational activities, including hiking, boating, trapping, hunting, fishing, shellfishing, horseback riding, swimming, skeet and trap shooting, and shooting on shooting preserves, provided that no structure shall be constructed except as permitted in subdivision 1 of this section;

4. Other outdoor recreational activities, provided they do not impair the natural functions or alter the natural contour of the wetlands;

5. Grazing, haying, and cultivating and harvesting agricultural, forestry or horticultural products;

6. Conservation, repletion and research activities of the Commission, the Virginia Institute of Marine Science, the Department of Game and Inland Fisheries and other conservation-related agencies;

7. The construction or maintenance of aids to navigation which are authorized by governmental authority;

8. Emergency measures decreed by any duly appointed health officer of a governmental subdivision acting to protect the public health;

9. The normal maintenance and repair of, or addition to, presently existing roads, highways, railroad beds, or facilities abutting on or crossing wetlands, provided that no waterway is altered and no additional wetlands are covered;

10. Governmental activity in wetlands owned or leased by the Commonwealth or a political subdivision thereof;

11. The normal maintenance of man-made drainage ditches, provided that no additional wetlands are covered. This subdivision does not authorize the construction of any drainage ditch; and

12. The construction of living shoreline projects authorized pursuant to a general permit developed under subsection B of § 28.2-104.1.

§ 4. A. Any person who desires to use or develop any wetland within this _____ (county, city, or town), other than for the purpose of conducting the activities specified in § 3 of this ordinance, shall first file an application for a permit directly with the wetlands board or with the Commission.

B. The permit application shall include the following: the name and address of the applicant; a detailed description of the proposed activities; a map, drawn to an appropriate and uniform scale, showing the area of wetlands directly affected, the location of the proposed work thereon, the area of existing and proposed fill and excavation, the location, width, depth and length of any proposed channel and disposal area, and the location of all existing and proposed structures, sewage collection and treatment facilities, utility installations, roadways, and other related appurtenances or facilities, including those on adjacent uplands; *a statement indicating whether use of a living shoreline as defined in § 28.2-104.1 for a shoreline management practice is not suitable, including reasons for the determination*; a description of the type of equipment to be used and the means of equipment access to the activity site; the names and addresses of owners of record of adjacent land and known claimants of water rights in or adjacent to the wetland of whom the applicant has notice; an estimate of cost; the primary purpose of the project; any secondary purposes of the project, including further projects; the public benefit to be derived from the proposed project; a complete description of measures to be taken during and after the alteration to reduce detrimental offsite effects; the completion date of the proposed work, project, or structure; and such additional materials and documentation as the wetlands board may require.

C. A nonrefundable processing fee shall accompany each permit application. The fee shall be set by the applicable governing body with due regard for the services to be rendered, including the time, skill, and administrator's expense involved.

§ 5. All applications, maps, and documents submitted shall be open for public inspection at the office designated by the applicable governing body and specified in the advertisement for public hearing required under § 6 of this ordinance.

§ 6. Not later than 60 days after receipt of a complete application, the wetlands board shall hold a public hearing on the application. The applicant, local governing body, Commissioner, owner of record of any land adjacent to the wetlands in question, known claimants of water rights in or adjacent to the wetlands in question, the Virginia Institute of Marine Science, the Department of Game and Inland Fisheries, the Water Control Board, the Department of Transportation, and any governmental agency expressing an interest in the application shall be notified of the hearing. The board shall mail these notices not less than 20 days prior to the date set for the hearing. The wetlands board shall also cause notice of the hearing to be published at least once a week for two weeks prior to such hearing in a newspaper of general circulation in this _____ (county, city, or town). The published notice shall specify the place or places within this _____ (county, city, or town) where copies of the application may be examined. The costs of publication shall be paid by the applicant.

§ 7. A. Approval of a permit application shall require the affirmative vote of three members of a five-member board or four members of a seven-member board.

B. The chairman of the board, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. Any person may testify at the public hearing. Each witness at the hearing may submit a concise written statement of his testimony. The board shall make a record of the proceeding, which shall include the application, any written statements of witnesses, a summary of statements of all witnesses, the findings and decision of the board, and the rationale for the decision.

C. The board shall make its determination within 30 days of the hearing. If the board fails to act within that time, the application shall be deemed approved. Within 48 hours of its determination, the board shall notify the applicant and the Commissioner of its determination. If the board fails to make a determination within the 30-day period, it shall promptly notify the applicant and the Commission that the application is deemed approved. For purposes of this section, "act" means taking a vote on the application. If the application receives less than four affirmative votes from a seven-member board or less than three affirmative votes from a five-member board, the permit shall be denied.

D. If the board's decision is reviewed or appealed, the board shall transmit the record of its hearing to the Commissioner. Upon a final determination by the Commission, the record shall be returned to the board. The record shall be open for public inspection at the same office as was designated under § 5 of this ordinance.

§ 8. The board may require a reasonable bond or letter of credit in an amount and with surety and conditions satisfactory to it, securing to the Commonwealth compliance with the conditions and limitations set forth in the permit. The board may, after a hearing held pursuant to this ordinance, suspend or revoke a permit if the applicant has failed to comply with any of the conditions or limitations set forth in the permit or has exceeded the scope of the work described in the application. The board may, after a hearing, suspend a permit if the applicant fails to comply with the terms and conditions set forth in the application.

§ 9. In fulfilling its responsibilities under this ordinance, the board shall preserve and prevent the despoliation and destruction of wetlands within its jurisdiction while accommodating necessary economic development in a manner consistent with wetlands preservation *and any standards set by the Commonwealth in addition to those identified in § 28.2-1308 to ensure protection of shorelines and sensitive coastal habitats from sea level rise and coastal hazards, including the provisions of guidelines and minimum standards promulgated by the Commission pursuant to § 28.2-1301 of the Code of Virginia.*

§ 10. A. In deciding whether to grant, grant in modified form or deny a permit, the board shall consider the following:

1. The testimony of any person in support of or in opposition to the permit application;
2. The impact of the proposed development on the public health, safety, and welfare; and
3. The proposed development's conformance with standards prescribed in § 28.2-1308 of the Code of Virginia and guidelines promulgated pursuant to § 28.2-1301 of the Code of Virginia.

B. The board shall grant the permit if all of the following criteria are met:

1. The anticipated public and private benefit of the proposed activity exceeds its anticipated public and private detriment.
2. The proposed development conforms with the standards prescribed in § 28.2-1308 of the Code of Virginia and guidelines promulgated pursuant to § 28.2-1301 of the Code of Virginia.
3. The proposed activity does not violate the purposes and intent of this ordinance or Chapter 13 (§ 28.2-1300 et seq.) of Title 28.2 of the Code of Virginia.

C. If the board finds that any of the criteria listed in subsection B of this section are not met, the board shall deny the permit application but allow the applicant to resubmit the application in modified form.

§ 11. The permit shall be in writing, signed by the chairman of the board or his authorized representative, and notarized. A copy of the permit shall be transmitted to the Commissioner.

§ 12. No permit shall be granted without an expiration date established by the board. Upon proper application, the board may extend the permit expiration date.

§ 13. No permit granted by a wetlands board shall in any way affect the applicable zoning and land use ordinances of this _____ (county, city, or town) or the right of any person to seek compensation for any injury in fact incurred by him because of the proposed activity.

§ 28.2-1308. Standards for use and development of wetlands; utilization of guidelines.

A. The following standards shall apply to the use and development of wetlands and shall be considered in the determination of whether any permit required by this chapter should be granted or denied:

1. Wetlands of primary ecological significance shall not be altered so that the ecological systems in the wetlands are unreasonably disturbed; and
2. Development in Tidewater Virginia, to the maximum extent practical, shall be concentrated in wetlands of lesser ecological significance, in vegetated wetlands which have been irreversibly disturbed before July 1, 1972, in nonvegetated wetlands which have been irreversibly disturbed prior to January 1, 1983, and in areas of Tidewater Virginia outside of wetlands.

B. The provisions of guidelines *and minimum standards* promulgated by the Commission pursuant to § 28.2-1301 shall be considered in applying the standards listed in subsection A of this section.

C. When any activity authorized by a permit issued pursuant to this chapter is conditioned upon compensatory mitigation for adverse impacts to wetlands, the applicant may be permitted to satisfy all or part of such mitigation requirements by the purchase or use of credits from any wetlands mitigation bank, including any banks owned by the permit applicant, that has been approved and is operating in accordance with applicable federal and state guidance, laws, or regulations for the establishment, use and operation of mitigation banks as long as (i) the bank is in the same fourth order subbasin, as defined by the hydrologic unit boundaries of the National Watershed Boundary Dataset or by the hydrologic unit system or dataset utilized and depicted or described in the bank's approved mitigation banking instrument, as the impacted site, or in an adjacent subbasin within the same river watershed, as the impacted site, or it meets all the conditions found in clauses (a) through (d) and either clause (e) or (f) of this subsection; (ii) the bank is ecologically preferable to practicable on-site and off-site individual mitigation options, as defined by federal wetland regulations; and (iii) the banking instrument, if approved after July 1, 1996, has been approved by a process that included public review and comment. When the bank is not located in the same subbasin or adjacent subbasin within the same river watershed as the impacted site, the purchase or use of credits shall not be allowed unless the applicant demonstrates to the satisfaction of the Commission that (a) the impacts will occur as a result of a Virginia Department of Transportation linear project or as the result of a locality project for a locality whose jurisdiction encompasses multiple river watersheds; (b) there is no practical same river watershed mitigation alternative; (c) the impacts are less than one acre in a single and complete project within a subbasin; (d) there is no significant harm to water quality or fish and wildlife resources within the river watershed of the impacted site; and either (e) impacts within the Chesapeake Bay watershed are mitigated within the Chesapeake Bay watershed as close as possible to the impacted site or (f) impacts within subbasins 02080108, 02080208, and 03010205, as defined by the National Watershed Boundary Dataset, are mitigated in-kind within those subbasins as close as possible to the impacted site. After July 1, 2002, the provisions of clause (f) shall apply only to impacts within subdivisions of the listed subbasins where overlapping watersheds exist, as determined by the Department of Environmental Quality, provided the Department has made such a determination by that date. For the purposes of this subsection, the hydrologic unit boundaries of the National Watershed Boundary Dataset or other hydrologic unit system may be adjusted by the Department of Environmental Quality to reflect site-specific geographic or hydrologic information provided by the bank sponsor.

D. Where an agreed-upon permit condition requires the contribution of in-lieu fees to offset permitted wetland losses, the wetlands board shall credit the applicant for any in-lieu fee payments made to the Virginia Aquatic Resources Trust Fund or another dedicated wetlands restoration fund with reference to the same activity.

For the purposes of this section, "river watershed" means the Potomac River Basin, Shenandoah River Basin, James River Basin, Rappahannock River Basin, Roanoke and Yadkin Rivers Basin, Chowan River Basin (including the Dismal Swamp and Albemarle Sound), Tennessee River Basin, Big Sandy River Basin, Chesapeake Bay and its Small Coastal Basins, Atlantic Ocean, York River Basin, and the New River Basin.

CHAPTER 810

An Act to amend the Code of Virginia by adding a section numbered 10.1-1186.6, relating to Department of Environmental Quality; carbon market participation.

[S 783]

Approved April 7, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 10.1-1186.6 as follows:

§ 10.1-1186.6. Carbon market participation; submerged aquatic vegetation.

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

CHAPTER 811

An Act to amend the Code of Virginia by adding a section numbered 1-208.1, relating to the definitions of carbon-free energy and clean energy.

[S 828]

Approved April 7, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 1-208.1 as follows:

§ 1-208.1. Carbon-free energy; clean energy.

"Carbon-free energy" or "clean energy" includes electric energy generated from a source that does not emit carbon dioxide into the atmosphere during the process of generating the electric energy, including electric energy generated by the conversion of sunlight, wind, falling water, wave motion, tides, geothermal or nuclear energy.

CHAPTER 812

An Act to amend the Code of Virginia by adding sections numbered 62.1-44.15:27.4 and 62.1-44.15:56.1, relating to stormwater and erosion and sediment control; acceptance of plans in lieu of plan review.

[S 843]

Approved April 7, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding sections numbered 62.1-44.15:27.4 and 62.1-44.15:56.1 as follows:
§ 62.1-44.15:27.4. Department acceptance of plans in lieu of plan review.

A. Notwithstanding any other provision of this article, the Board, when administering a VSMP or VESMP pursuant to Article 2.3 (§ 62.1-44.15:24 et seq.), may choose to accept a set of plans and supporting calculations for any land-disturbing activity determined to be de minimus using a risk-based approach established by the Board.

B. The Board is authorized to accept such plans and supporting calculations in satisfaction of the requirement of this article that it retain a certified plan reviewer or conduct a plan review. This section shall not excuse any applicable performance bond requirement pursuant to § 62.1-44.15:34 or § 62.1-44.15:57.

§ 62.1-44.15:56.1. Department acceptance of plans in lieu of plan review.

A. Notwithstanding any other provision of this article, the Department, when administering a VESCP pursuant to Article 2.4 (§ 62.1-44.15:51 et seq.), may choose to accept a set of plans and supporting calculations for any land-disturbing activity determined to be de minimus using a risk-based approach established by the Board.

B. The Department is authorized to accept such plans and supporting calculations in satisfaction of the requirement of this article that it retain a certified plan reviewer or conduct a plan review. This section shall not excuse any applicable performance bond requirement pursuant to § 62.1-44.15:57.

2. That the State Water Control Board (the Board) shall adopt regulations to implement the requirements of §§ 62.1-44.15:27.4 and 62.1-44.15:56.1 of the Code of Virginia as created by this act. The initial adoption of such regulations shall be exempt from the requirements of Article 2 (§ 2.2-4006 et seq.) of Chapter 40 of Title 2.2 of the Code of Virginia. However, the Board shall (i) provide a Notice of Intended Regulatory Action, (ii) form a stakeholder advisory group, (iii) provide a 60-day public comment period prior to the Board's adoption of the regulations, and (iv) provide a written summary of comments received and responses to comments prior to the Board's adoption of the regulations.

CHAPTER 813

An Act to amend and reenact §§ 1, 5, as amended, 5.1, as amended, 6, as amended, 7, 8, 9, as amended, 12, as amended, 14, as amended, 17, as amended, 19, 20, as amended, 25, 28, 29, as amended, 36 through 40, 42, 43, as amended, 45-a through 48, 50.1, as amended, 50.2, 50.3, 50.4, as amended, 50.5, 50.6, 50.7, and 51 of Chapter 384 of the Acts of Assembly of 1946, to amend Chapter 384 of the Acts of Assembly of 1946 by adding sections numbered 5.01 and 5.02, and to repeal §§ 2, 10, 11, and 13, as amended, 14-b, 15, as amended, 18, 24, as amended, 26, 27, as amended, 31, 33, as amended, 35, and 45 of Chapter 384 of the Acts of Assembly of 1946, which provided a charter for the City of Charlottesville, relating to city organization; council.

[H 1107]

Approved April 7, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 1, 5, as amended, 5.1, as amended, 6, as amended, 7, 8, 9, as amended, 12, as amended, 14, as amended, 17, as amended, 19, 20, as amended, 25, 28, 29, as amended, 36 through 40, 42, 43, as amended, 45-a through 48, 50.1, as amended, 50.2, 50.3, 50.4, as amended, 50.5, 50.6, 50.7, and 51 of Chapter 384 of the Acts of Assembly of 1946 are amended and reenacted and that Chapter 384 of the Acts of Assembly of 1946 is amended by adding sections numbered 5.01 and 5.02 as follows:

§ 1. A new charter is hereby provided for the City of Charlottesville in the form and manner following: *Body politic and corporate name.*

The inhabitants of the territory comprised within the present limits of the City of Charlottesville as hereinafter described, or as the same may be hereafter altered and established as provided by law, shall continue to be one body politic and corporate in fact and its name shall be the City of Charlottesville. The City of Charlottesville shall have and may exercise all the powers which are now or hereafter may be conferred upon or delegated to cities under the Constitution and the general law of the Commonwealth of Virginia as fully and completely as though said powers were specifically enumerated herein, and no enumeration of particular powers by this Charter shall be held to be exclusive. Additionally, the

City of Charlottesville shall have, exercise, and enjoy all the rights, immunities, powers, and privileges and be subject to all the duties and obligations pertaining to and incumbent upon the City of Charlottesville as a municipal corporation, and the said City of Charlottesville, as such, shall have perpetual succession, may sue and be sued, may contract and be contracted with, and may have a corporate seal which it may alter, renew, or amend at its pleasure.

The present boundaries of the City of Charlottesville shall be as described in Chapter 384 of the Acts of the Assembly of 1946, as enlarged by subsequent orders of the Circuit Courts of Albemarle County and the City of Charlottesville or as otherwise provided by law.

§ 5. *Elective officers; qualifications and terms of certain officers; form of government; corporate powers vested in city council.*

(a) The municipal authorities of the said city shall consist of a council of five members, one of whom shall be mayor, as hereinafter set forth, unless and until this form be changed in manner prescribed by law, a clerk of the ~~corporation circuit court, a Commonwealth's~~ *an attorney for the Commonwealth*, a treasurer, a sheriff, and a commissioner of revenue, who shall be elected by the qualified voters of the City of Charlottesville at elections held at the intervals and on the day prescribed for such elections by the laws of the State. All persons who are qualified voters of the City of Charlottesville shall be eligible to any of the said offices. The terms of offices of all of said officers shall begin and continue for such length of time as is prescribed by law; ~~provided, that any of said officers shall be eligible to one or more offices to which he may be elected or appointed by the council.~~ All the corporate powers of said city shall be exercised by said council, or under its authority, except as otherwise provided herein.

(b) The form of government for said city shall be the city manager plan as follows: All corporate powers, ~~and~~ legislative and executive authority vested in the City of Charlottesville by law shall be and are hereby vested in a council of five members to be elected at large from the qualified voters of the city, except as hereinafter provided.

(c) Each of said ~~councilmen~~ *councilors* shall receive an annual salary ~~from the city for their services~~ to be set by the council; ~~not to exceed thirty-six hundred dollars each (except the president of said council, who shall be mayor, and shall receive a salary not to exceed forty-eight hundred dollars) from the city for their services in accordance with the general laws of the Commonwealth.~~

(d) In accordance with the general laws of the Commonwealth, the election of ~~councilmen~~ *councilors* shall be held in ~~May~~ *November* of 1972, 2021 and biennially thereafter. At the election in ~~May~~ *November* of 1972, 2021 there shall be elected ~~three~~ *two* members of council and at the election in ~~May~~ *November* of 1974, 2023, there shall be elected ~~two~~ *three* members of council to fill vacancies occurring on the first of ~~July~~ *January* in the ~~respective~~ years following the year in which they are elected. ~~The term of office of the councilmen shall be~~ *Councilors shall serve terms of four years.* The members of the council on the effective date of this charter amendment are hereby confirmed in office until the ~~first~~ *thirty-first* day of ~~July~~ *December* in the final year of the term of office for which they were elected.

(e) ~~It shall be the duty of the said~~ *The council of five members shall* elect a city manager, at the salary to be fixed by ~~them~~ *the council*, who shall serve at the pleasure of the council.

(f) ~~Subject to general control by the council as provided in subsection (b) hereof, the city manager shall have full executive and administrative authority and shall have the right to employ and discharge all employees under his control. All departments of city government, including the fire department and police department, shall be under the general supervision of the city manager. The city manager shall give a bond for the faithful performance of his duties in such sum as the council may require. Subject to the general power of the council as provided in subsection (b) hereof and except as the council may by ordinance otherwise provide, the city manager shall have the powers vested in city managers by §§ 15.1-926 and 15.1-927 of the Code of Virginia and general laws amendatory thereof.~~

(g) ~~Said council shall elect a director of finance who shall serve at the pleasure of the council and who shall superintend the fiscal affairs of the city, and shall manage the same in the manner required by the council.~~

In all other respects the said council shall have and be vested with the same authority heretofore exercised by the council, and in all other respects their duties and liabilities shall be regulated by the ~~existing~~ *general laws of the Commonwealth*, not in conflict therewith.

§ 5.01. *City manager.*

~~Subject to general control by the council as provided in § 4 (b) hereof, the city manager shall have full executive and administrative authority and shall have the right to employ and discharge all employees under his control. All departments of city government, including the fire department and police department, shall be under the general supervision of the city manager. The city manager shall give a bond for the faithful performance of his duties in such sum as the council may require. Subject to the general power of the council as provided in § 5 (b) hereof and except as the council may by ordinance otherwise provide, the city manager shall have the powers vested in city managers in accordance with the general laws of the Commonwealth.~~

§ 5.02. *Director of finance; audit.*

~~The council shall appoint a director of finance, who shall serve at the pleasure of the council. The director of finance shall have general management and control of the fiscal affairs of the city, including the city's accounting, purchasing, collection, risk management, debt management, financial reporting, and real estate assessment functions. The city manager shall provide supervision of the director of finance.~~

~~The director of finance shall contract with a certified public accountant to conduct an audit of the city's and each constitutional officer's accounts and records by June 30 of each year in accordance with standards established by the~~

Commonwealth's Auditor of Public Accounts. The certified public accountant shall provide a detailed written report of the city's audit to the council by December 1 of each year. A copy of the audit shall be available for inspection by the public.

§ 5.1. The council shall have authority to order, by resolution directed to the ~~corporation circuit court of the city or the judge thereof in vacation~~, the submission to the qualified voters of the city for an advisory referendum thereon any proposed ordinance or amendment to the city charter. Upon the receipt of such resolution, the ~~corporation circuit court of the city or the judge thereof in vacation~~ shall order an election to be held thereon not less than thirty nor more than sixty days after the receipt of such resolution. The election shall be conducted and the result thereof ascertained and determined in the manner provided by law for the conduct of general elections and by the regular election officials of the city. If a petition requesting the submission of an amendment to this charter, set forth in such petition, signed by qualified voters equal in number to ten per centum of the largest number of votes cast in any general or primary election held in the city during the five years immediately preceding *submission of the petition*, each signature to which has been witnessed by a person whose affidavit to that effect is attached to the petition, is filed with the clerk of the ~~corporation circuit court of the city~~ *he, they* shall forthwith certify that fact to the court ~~or judge thereof in vacation~~. Upon the certification of such petition, the ~~corporation circuit court of the city or the judge thereof in vacation~~, shall order an election to be held not less than thirty nor more than sixty days after such certification, in which such proposed amendment shall be submitted to the qualified voters of the city for their approval or disapproval. Such election shall be conducted and the result thereof ascertained and determined in the manner provided by law for the conduct of general elections and by the regular election officials of the city. If a majority of those voting thereon at such election approve the proposed amendment such result shall be communicated by the clerk of the ~~corporation circuit court of the city~~ to the two houses of the General Assembly and to the representatives of the city therein with the same effect as if the council had adopted a resolution requesting the General Assembly to adopt the amendment.

Nothing contained in this section shall be construed as affecting the provisions of § 14-a of this charter.

§ 6. ~~Officers and clerks elected by council.~~ *Clerk of council; minutes; ordinance book.*

The council shall elect a clerk of council to serve at the pleasure of the council. The clerk of the council shall attend the meetings of the council, shall keep a record of its proceedings, and shall have custody of the seal of the city.

At each regular meeting of the council, the minutes of the last regular meeting and all intervening called meetings shall be presented by the clerk of council, and thereupon be corrected, if erroneous, and signed by the mayor. The clerk shall record the minutes in the council's journal of proceedings.

The council shall also require to be kept by its clerk a separate book, termed the General Ordinance Book, in which shall be recorded all ordinances and resolutions of a general and permanent character, properly indexed and open to public inspection. Other documents or papers in the possession of the clerk of the council that may affect the interest of the city shall not be exhibited nor copies thereof furnished, except as may be required by the general laws of the Commonwealth.

There may be elected by the council ~~such additional~~ officers and clerks as ~~said~~ the council deems proper and necessary, who shall serve at the pleasure of council, and any one or more of said offices may be held and exercised by the same person. It may be competent for the council, in order to secure the services of a suitable person, to elect non-residents, but such officer, other than the clerk of the council, shall reside in the city during ~~his~~ *the officer's* tenure of office.

§ 7. Oaths of office and qualification of officers; failure to qualify.

The ~~councilmen~~ *councilors*, and other officers elected by the people shall each, before entering upon the duties of their offices, take the oaths prescribed for all other officers by ~~the general laws of Virginia~~ *the Commonwealth*, and qualify before the ~~corporation circuit court of said city; or the judge thereof in vacation~~, and in the cases of the mayor and ~~councilmen~~ *councilors* a certificate of such oaths having been taken; shall be filed by them, respectively, with the clerk of the council, who shall enter the same upon the journal thereof; but if any or either of said officers shall fail to qualify, as aforesaid, for ten days after the commencement of the term for which ~~he, or they, were~~ *said officer was* elected, or shall neglect for a like space of time to give such bond as may be required of ~~him, his said officer or said officer's office or their offices~~ shall be deemed vacant.

§ 8. Vacancy in office of mayor or ~~councilmen~~ *councilor*; *vacation of office.*

Whenever, from any cause, a vacancy shall occur in the office of mayor, ~~it shall be filled by~~ the council ~~and a~~ *shall elect one of its members as mayor for the remainder of the term.* A vacancy in the office of ~~councilmen~~ *councilor* shall be filled by that body ~~at its next regular meeting from the qualified electors of said city; and the officer thus elected shall hold his office for the term for which his predecessor was elected, unless sooner vacated by death, resignation, removal, or from other causes in accordance with the general laws of the Commonwealth.~~ An entry of said election shall be made in the ~~record book journal of proceedings and the General Ordinance Book.~~

If the mayor ~~of said city or a councilman~~ *a councilor* shall remove from the city limits, such removal shall operate to vacate ~~his~~ *such mayor's or councilor's* office.

§ 9. Council--~~President Mayor and vice-president~~ *vice-mayor.*

At its first meeting in ~~July, 1972, January 2022~~ and biennially thereafter, the council shall elect one of its members to act as ~~president mayor~~, who shall preside at its meetings and continue in office two years. ~~Or if~~ *If* a vacancy ~~occur~~ *occurs* in the office *of mayor* before the end of ~~his~~ *their* term, such vacancy shall be filled as provided in § 8.

At the same time the council shall elect one of its members to be a ~~vice-president~~ *vice-mayor*, who shall preside at such meetings in the absence of the ~~president mayor~~, and who, when the ~~president mayor~~ shall be absent or unable to perform the duties of ~~his~~ *their* office, by reason of sickness, or other cause, shall perform any and all duties required of, or entrusted to,

the ~~president~~ mayor. The ~~president~~ mayor, or the ~~vice-president~~ vice-mayor, when authorized, as above stated, to act, shall have power at any time to call a meeting.

The mayor, or vice-mayor when performing the duties of the mayor, shall be entitled to a vote on all questions as any other councilor, but in no case shall they be entitled to a second vote on any question.

§ 12. ~~Same--Authority generally; meetings; journal of proceedings; general ordinance book; inspection of documents and papers Council meetings and rules.~~

The council shall fix by ordinance the time for holding their stated meetings, and no business shall be transacted at a special meeting, unless by unanimous consent, except that for which it shall have been called, and every call for a special meeting shall specify the object thereof. Three councilors shall constitute a quorum for the transaction of business at any meeting of the council.

The council shall have authority to adopt such rules ~~and to appoint such officers and clerks~~ as it may deem proper for the regulation of its proceedings, and for the convenient transaction of business, to compel the attendance of absent members, to punish its members for disorderly behavior, and by vote of two-thirds of all the members elected to it, expel a member for malfeasance or misfeasance in office. The council shall keep a journal of its proceedings, and its meetings shall be open, except when it votes to hold an executive or closed session pursuant to *the general law*. ~~The council shall also require to be kept by its clerk a separate book, termed "the general ordinance book," in which shall be recorded all ordinances and resolutions of a general and permanent character, properly indexed and opened to the public inspection. Other documents or papers in the possession of the clerk of the council which may affect the interest of the city shall not, be exhibited nor copies thereof furnished, except as may be required by law laws of the Commonwealth.~~

§ 14. ~~Same--Powers Council powers~~ enumerated.

The council of the city, except as hereinbefore provided, shall have the power within said city to control and manage the fiscal and municipal affairs of the city and all property, real and personal, belonging to said city; they shall have power to provide a revenue for the city, and appropriate the same to its expenses, also to provide the annual assessments of taxable persons and property in the city, and it may make such ordinances, orders, and by-laws relating to the foregoing powers of this section as it shall deem proper and necessary. ~~They~~ *The council* shall ~~likewise~~ also have power to make such ordinances, by-laws, orders and regulations as it may deem desirable to carry out the following powers which are hereby vested in them:

First. *Streets and Sidewalks — Generally.* To close, extend, widen, narrow, lay out, grade, improve and otherwise alter streets and public alleys in the said city, and have them properly lighted and kept in good order, and it may make or construct sewers or ducts through the streets or public grounds of the city, and through any place, or places whatsoever, when it may be deemed expedient by the said council. The ownership of any land included in any street that is closed shall be in accord with *the general law laws of the Commonwealth*. ~~The said council~~ *Council* may have over any street or alley in the city, which has been, or may be ceded to the city, like authority as over streets or alleys, and may prevent or remove any structure, obstruction or encroachment over, or under, or in a street or alley, or any sidewalk thereof.

Second. *Obstructions; cleaning sidewalks.* To prevent the cumbering of the streets, avenues, walks, public squares, lanes, alleys, or bridges in any manner whatsoever; to compel the occupant or owner of buildings or grounds to remove snow, dirt or rubbish from the sidewalks in front thereof.

Third. *Fires and fire prevention.* To extinguish and prevent fires, prevent property from being stolen, and to compel citizens to render assistance to the fire department in case of need, and to establish, regulate and control a fire department for said city; to regulate the size of materials, and construction of buildings hereafter erected, in such manner as the public safety and convenience may require; to remove, or require to be removed, any building, structure, or addition thereto which, by reason of dilapidation, defect of structure, or other causes, may have, or shall, become dangerous to life or property, or which may be erected contrary to law; to establish and designate from time to time fire limits, within which limits wooden buildings shall not be constructed, removed, added to or enlarged, and to direct that all future buildings within such limits shall be constructed of stone, natural or artificial, concrete, brick or iron.

Fourth. *Breadth of tires on vehicles.* To regulate and prescribe the breadth of tires upon the wheels of wagons, carts, and vehicles of every kind and description used upon the streets of said city.

Fifth. *Preservation of health; hospitals; births and deaths.* To provide for the preservation of the general health of the inhabitants of said city, make regulations to secure the same, prevent the introduction of spreading of contagious or infectious diseases, and prevent and suppress diseases generally; to provide and regulate hospitals within or without the city limits, and to enforce the removal of persons afflicted with contagious or infectious diseases to hospitals provided for them; to provide for the appointment and organization of a board of health or other board to have the powers of a board of health for said city, with the authority necessary for the prompt and efficient performance of its duties, with power to invest any or all the officials or employees of such department of health with such powers as the officers of the city have; to regulate the burial, cremation, or disposition of the dead; to compel the return of births and deaths to be made to its health department, and the return of all burial permits to such department.

Sixth. *Cemeteries.* To acquire by purchase, condemnation, or otherwise, either within or without the city, lands to be appropriated, improved and kept in order as places for the interment of the dead, and may charge for the use of the grounds in said places of interment, and may regulate the same; to prevent the burial of the dead in the city, except in public burying grounds; to regulate burials in said grounds; to require the keeping and return of bills of mortality by the keepers (or owners) of all cemeteries, and shall have power within the city to acquire by purchase, condemnation, or otherwise, such lands, and

in such quantity as it may deem proper or necessary for the purpose of burying the dead; provided, however, that no part of such cemeteries, when established or enlarged, shall be within one hundred feet of any residence without the consent of the owner of the legal and equitable title of such residence, and provided further that the provisions of ~~Chapter one hundred and seventy-six of the Code of Virginia~~ *the general laws of the Commonwealth*, as now existing or hereafter amended, for condemnation of land thereunder so far as applicable shall apply to condemnation proceedings by the city hereunder.

The title to any land acquired by condemnation hereunder shall vest in the City of Charlottesville.

Seventh. *Quarantine.* To establish a quarantine ground within or without the city limits, and such quarantine regulations against infectious and contagious diseases as the said council may see fit, subject to the laws of the State, and of the United States.

Eighth. *Nuisances, etc.* To require and compel the abatement and removal of all nuisances within the said city, or upon any property owned by said city, without its limits, at the expense of the person or persons causing the same, or the occupant or owner of the ground whereon the same may be; to prevent and regulate slaughter houses, and soap and candle factories within said city, or the exercise of any dangerous, offensive or unhealthy business, trade or employment therein; to regulate the transportation of all articles through the streets of the city; to compel the abatement of smoke and dust; to regulate the location of stables, and the manner in which they shall be constructed and kept.

Ninth. *Stagnant water or offensive substances on property.* If any ground in the said city shall be subject to be covered by stagnant water, or if the owner or occupant thereon shall permit any offensive or unwholesome substance to remain or accumulate thereon, the said council may cause such ground to be filled up, raised, or drained, or may cause such substance to be covered or removed therefrom, and may collect the expense of so doing from the said owner or occupant by distress or sale, in the same manner in which taxes levied upon real estate for the benefit of said city are authorized to be collected; provided, that reasonable notice shall be first given to the said owner or occupant or ~~his~~ *their* agent. In case of nonresident owners, who have no agent in said city, such notice may be given by publication for not less than ten days, in any newspaper published in said city, such publication to be at the expense of said owner, and cost thereof to be collected as a part of the expense hereinbefore provided for.

Tenth. *Explosives and flammables; carrying concealed weapons.* To direct the location of all buildings for storing gunpowder or other explosives or combustible substances; to regulate or prohibit the sale and use of dynamite, gunpowder, firecrackers, kerosene oil, gasoline, nitroglycerine, camphene, burning fluid, and all explosives or combustible materials, the exhibition of fireworks, the discharge of firearms, the use of candles and lights in barns, stables and other buildings, the making of bonfires and the carrying of concealed weapons.

Eleventh. *Animals and fowl generally.* To prevent the running at large in said city of all animals and fowls, and to regulate and prohibit the keeping or raising of the same within said city, and to subject the same to such confiscation, levies, regulations and taxes as it may deem proper.

Twelfth. *Use of streets; abuse of animals.* Insofar as not prohibited by ~~the general law~~ *the general laws of the Commonwealth*, to prevent the riding or driving of animals at improper speed, to regulate the speed and manner of use upon the streets of said city of all animals or vehicles; to prevent the flying of kites, throwing of stones, or the engaging in any employment or sport in the streets or public alleys, dangerous or annoying to the public, and to prohibit and punish the abuse of animals.

Thirteenth. ~~To restrain and punish drunkards, vagrants, mendicants and street beggars. [Repealed.]~~

Fourteenth. *Offenses generally.* To prevent vice and immorality; to preserve public peace and good order, to prevent and quell riots, disturbances and disorderly assemblages; to suppress houses of ill-fame, and gaming houses; to prevent lewd, indecent or disorderly conduct or exhibitions in the city, and to expel from said city persons guilty of such conduct.

Fifteenth. [Repealed.]

Sixteenth. *Ordinances necessary for general welfare; effect on other powers.* And the said council shall also have power to make such other and additional ordinances as it may deem necessary for the general welfare of said city; and nothing herein contained shall be construed to deprive said city of any of the powers conferred upon it, either by general or special laws of the State of Virginia, except insofar as the same may be inconsistent with the provision of this charter.

Seventeenth. *Official bonds.* Said council shall have power to require and take from such officers and employees, as they may see fit, bonds with security and in such penalty as they may prescribe, which bonds shall be made payable to the city by its corporate name, and conditioned for the faithful discharge of their duties; such bonds shall be filed with the clerk of the council.

Eighteenth. *Gas works, water works, and electric light works.* Said council shall have power to erect, or authorize or prohibit the erection of gas works, waterworks, or electric light works in or near the city, and to regulate the same.

Nineteenth. *Pollution of water.* To prohibit the pollution of water which may be provided for the use of the city.

Twentieth. *Additional and incidental powers; jurisdiction beyond corporate limits.* To pass all by-laws, rules and ordinances, not repugnant to the Constitution and laws of the State, which they may deem necessary for the good order and government of the city, the management of its property, the conduct of its affairs, the peace, comfort, convenience, order, morals, health, and protection of its citizens or their property, including authority to keep a city police force; and to do such other things, and pass such other laws as may be necessary or proper to carry into full effect any power, authority, capacity, or jurisdiction, which is, or shall be granted to, or vested in said city, or officers thereof, or which may be necessarily incident to a municipal corporation; and to enable the authorities of said city more effectually to enforce the provisions of this section, and any other powers conferred upon them by this charter, their jurisdiction, civil and criminal, is hereby declared to extend one mile beyond the corporate limits of said city.

Twenty-first. To create a floating debt not exceeding two hundred thousand dollars when, by a vote of the total membership of the council, the council has passed a resolution declaring it expedient to do so; and when the creating of the floating debt thereby provided for is for the purpose of installing, or extending, one or more public utilities, which constitute an asset, or assets, at least equal in value to the amount expended thereon, which utility, or utilities, shall materially add to the service rendered by the city to its taxpayers and other citizens; and it shall be the duty of the council to provide in the next bond issue for the bonding of the floating debt thus created; and failure to do this shall suspend this clause. *[Repealed.]*

§ 17. Enactment of ordinances, etc.; punishment for violation; enjoining violation; use of county jail; appeal to corporation circuit court.

To carry into effect the powers herein enumerated, and all other powers conferred upon said city and its council by the laws of Virginia, said council shall have power to make and pass all proper and needful orders, by-laws, and ordinances not contrary to the Constitution and laws of said State, and to prescribe reasonable fines and penalties, including imprisonment in the city jail, which fines, penalties or imprisonment shall be imposed, recovered and enforced by ~~and under the civil and police justice (judge of the municipal court) the courts of the Commonwealth.~~ The city may maintain a suit to restrain by injunction, the violation of any ordinance, notwithstanding such ordinance may provide punishment for its violation. ~~In all cases where a fine or imprisonment is imposed by the civil and police justice (judge of the municipal court), or by the council, the party or parties so fined or imprisoned shall have the right of appeal to the corporation court of said city.~~ All fines imposed for the violation of the city charter, by-laws, or ordinances, shall be paid into the city treasury.

§ 19. ~~Budget Fiscal year; budget; levy of taxes.~~

At least thirty days prior to the time when the annual tax levy or any part thereof is made, the council shall cause to be prepared a budget containing a complete itemized and classified plan of all proposed expenditures and all estimated revenues and borrowing for the ensuing appropriation year. Opposite each item of the proposed expenditures the budget shall show in separate parallel columns, the amount appropriated for the preceding appropriation year; the amount expended during that year; the amount appropriated for the current appropriation year and the increases and decreases in the proposed expenditures for the ensuing year as compared to the appropriation for the current year. This budget shall be accompanied by an itemized and complete financial balance sheet at the close of the last preceding appropriation year.

A brief synopsis of the budget shall be published in a newspaper published in the City of Charlottesville and notice given of at least one public hearing at least fifteen days prior to the date set for the hearing; at which any citizen of the said City of Charlottesville shall have the right to attend and state his views thereon. After such hearing is had, the council shall by appropriate order adopt and enter on the minutes thereof a synopsis of a budget covering all expenditures for the next appropriation year hereinbefore required. The said council shall order a city levy of so much money as in its discretion shall be sufficient to meet all just demands against the city. ~~The city's fiscal year shall begin on July 1 of every year and conclude on June 30 of the following year.~~

The city manager shall prepare and submit to the council a budget. The budget shall serve as a financial plan for the city, and the city manager in the budget message shall describe the important features of the budget, indicate any major changes from the current financial and expenditure policies, and include such other material as the city manager deems desirable or as the council may from time to time require. The budget shall show all estimated income, indicating the property tax levy, and all proposed expenditures, including debt service and capital program, and shall be in a form the manager deems desirable or the council may require. The total of proposed general fund expenditures shall not exceed the total of estimated general fund income.

A brief synopsis of the budget shall be published in a newspaper or newspapers having general circulation in the city, and notice shall be given of a public hearing as provided for by the general laws of the Commonwealth. After the conclusion of the public hearing, the council may insert new items of expenditures or may increase, decrease, or strike out items of expenditure in the budget.

Prior to the end of each fiscal year, the council shall pass an appropriation ordinance, which shall be based on the budget submitted by the city manager, and shall levy such taxes for the ensuing fiscal year as may be necessary to meet the appropriations made and all sums required by law to be raised for account of the city debt. The total amount of appropriations shall not exceed the estimated revenues of the city.

§ 20. In order to execute its powers and duties and to meet the wants and purposes of the city, the council is hereby vested with power and authority to levy taxes upon persons, property, real and personal, privileges, businesses, trades, professions and callings and upon such other subjects of taxation and in such amounts as the council shall deem necessary and proper to provide such sums of money as they shall deem expedient without limitation as to subject, except such as may be expressly provided by general laws or Constitutional provision and without limitation as to rate except such as may be provided by the Constitution of this State.

Taxes assessed against real estate subject to taxes shall be a lien on the property and the name of the person listed as owner shall be for convenience in collection of taxes. The lien for taxes shall not be limited to the interest of the person assessed but shall be on the entire fee simple estate. There shall be no lien when for any year the same property is assessed to more than one person and all taxes assessed against the property in one of the names have been paid for that year.

When taxes are assessed against land in the name of a life tenant or other person owning less than the fee or owning no interest, the land may be sold ~~under the provisions of §§ 58-1014 to 58-1020, 58-1101 to 58-1108, 58-762, Code of Virginia, 1950, as amended, or other laws for the sale of land for delinquent taxes provided the owner of record or his heirs be made~~

parties to the proceeding for sale which may be instituted anytime after December fifth of the year in which the taxes are assessed pursuant to the general laws of the Commonwealth.

§ 25. Refunding bonds Borrowing.

The council of said City of Charlottesville is hereby authorized to make and issue the registered or coupon bonds of said corporation, payable not exceeding forty years after their date, bearing interest at not more than five per centum per annum, payable semi-annually; said bonds to be used exclusively in paying off and discharging the principal and interest of the present bonded debt of the corporation of Charlottesville. The said council shall not be authorized to dispose of such bonds at less than par value, except by a recorded affirmative vote of all the members elected to the council. Said registered and coupon bonds shall be regularly numbered, signed by the mayor, clerk and treasurer of the city, and recorded in a book kept for that purpose. *The council may, in the name and for the use of the city, incur indebtedness by issuing its negotiable bonds or notes.*

Bonds, and notes in anticipation of bonds when the issuance of bonds has been authorized as hereinafter provided, may be issued for any purpose for which cities are authorized to issue bonds by the Constitution of Virginia or general laws of the Commonwealth.

Notes in anticipation of collection of revenue may be issued, when authorized by council, at any time during the fiscal year, provided the notes shall mature not later than twelve (12) months after date of issue, and in an amount not in excess of the revenues anticipated.

Bonds and notes of the city shall be issued in the manner provided by the general laws of the Commonwealth. In the issuance of bonds and notes, the city shall be subject to the limitations as to amounts that are contained in Article VII, Section 10 of the Constitution of Virginia.

§ 28. Sale of public utilities; approval by voters.

The rights of the city in its gas, water and electric works and sewer plant, now owned, or hereafter acquired, shall not be sold ~~even after such action of the council as is prescribed by § 3016 of the Code of Virginia of 1919~~, until and except such sale shall have been approved by a majority of the qualified voters of the city, voting on the question at a special election ordered by the council ~~and subject in other respects to the provisions of §24 of this charter applicable to a special election as provided by the general laws of the Commonwealth.~~

§ 29. City sheriff.

The city sheriff shall attend the terms of the ~~corporation~~ circuit court of ~~said~~ the city and shall act as the officer thereof; the ~~said~~ sheriff may appoint one or more deputies, who may be removed from office by the sheriff, and may discharge any of the duties of the office of sheriff, but the sheriff and ~~his~~ *their* sureties shall be liable therefor. The city sheriff shall also have all power and authority and perform all duties imposed by general law upon sheriffs ~~and constables~~ of cities.

§ 36. Granting franchises.

The regulation and restrictions for granting any franchise in the city shall be ~~such as are~~ provided by the general ~~law~~ laws of the Commonwealth.

§ 37. Receipt and disbursement of moneys by treasurer.

All moneys belonging to said city shall be paid over to the treasurer, and no money shall be ~~by him~~ paid out ~~by them~~ except as the same shall have been appropriated and ordered to be paid by the council, and the said treasurer shall also pay the same upon warrants approved in such manner as may be prescribed by ordinance of the council.

§ 38. Recovery against treasurer and sureties.

If the said treasurer shall fail to account for and pay over all of the moneys that shall come into ~~his~~ *their* hands when ~~thereto~~ required by the council, it shall be lawful for the council, in the corporate name of the city, by motion before any court of record having jurisdiction in the City of Charlottesville, to recover from the treasurer and ~~his~~ *their* sureties, or their personal representatives, any sum that may be due from said treasurer to said city on ten days' notice.

§ 39. Collection of fines.

All fines imposed for any violation of any city ordinance or State law shall be collected by the clerk of the ~~civil and police justice~~ district court; and if said clerk shall fail to collect, account for, and pay over all the fines in ~~his~~ *their* hands for collection, it shall be lawful for the council to recover the same, so far as the same are accruing to the city, by motion, in the corporate name of the city, before the ~~corporation~~ circuit court of said city, against the said clerk, ~~his~~ *their* sureties on ~~his~~ *their* said bond, or any or either of them, ~~his~~ *the clerk* or ~~their~~ *the sureties'* executors or administrators, on giving ten days' notice of the same.

§ 40. Animals running at large.

The council shall have power to make such ordinances, by-laws, orders and regulations as they may deem necessary to prevent dogs, hogs and other animals from running at large in the limits of the city, and may subject the owners thereof to such fines, regulations and taxes as the council may deem proper, and may sell said animals at public auction to enforce the payment of said fines and taxes; and may order such dogs, as to which there is default, to be ~~killed by a policeman or constable~~ euthanized as provided for by the general laws of the Commonwealth.

§ 42. Encroachments upon streets.

In every case where a street in ~~said~~ the city has been or shall be encroached upon by any fence, building, or otherwise, the city council may require the owner or owners, if known, and if unknown the occupant or occupants of the premises so encroaching to remove the same. If such removal shall not be made within the time ordered by the city council, it may impose a penalty of five dollars for each and every day that it is allowed to continue thereafter, and may cause the

encroachment to be removed, and collect from the owner all reasonable charges therefor, with cost, for which there shall be lien on the premises so encroaching, which lien may be enforced in a court of equity having jurisdiction of the subject. No encroachment upon any street, however long continued, shall constitute an adverse possession thereto, or confer any right upon the person claiming thereunder as against said city.

§ 43. Filing claim for damages condition precedent to action against city.

No action shall be maintained against the said city for damages for an injury to any person or property alleged to have been sustained by reason of the negligence of the city, or any officer, agent or employee thereof, unless a written statement of the claimant, ~~his~~ *their* agent or attorney, of the nature of the claim and of the time and place at which the injury is alleged to have occurred or been received shall have been filed, as provided by ~~the general law~~ *laws of the Commonwealth*.

§ 45-a. School board.

The City of Charlottesville shall constitute a single school district. The school board of the city shall consist of seven members ~~to be appointed by the council and there shall be at least one member from each ward of the city. The council shall appoint three members of the board to serve for a term of three years, two members to serve for a term of two years, and two members to serve for a term for one year from July 1, 1948, and all subsequent appointments shall be for a term of three years. Vacancies occurring otherwise than by expiration of the term of office shall be filled by the council for the unexpired term. No member shall be eligible to serve more than three successive full three year terms. In accordance with the general laws of the Commonwealth, three of the school board members shall be elected in November 2021 and four members shall be elected in November 2023 to fill vacancies occurring on the first of January in the years following the year in which they are elected. School board members shall serve terms of four years. The members of the school board on the effective date of this Charter are hereby confirmed in office until the thirty-first day of December in the final year of the term of office for which they were elected.~~ The board shall have all powers and perform all duties granted to and imposed upon school boards of cities by ~~the general law~~ *laws of the Commonwealth*.

§ 46. Water supply and sewerage system.

That the corporate authorities of said city be, and they are hereby, authorized and empowered to erect suitable dams and reservoirs, and to lay suitable pipes to supply said city with an adequate supply of water, and to establish and construct a sewerage system for said city; and for such purpose to acquire, either by purchase or by condemnation, according to the provisions of the general ~~law~~ *laws of the Commonwealth* for the condemnation of lands by incorporated cities, such lands and so much thereof as may be necessary for the aforesaid purposes.

§ 47. Elections.

All elections under this charter shall conform to the general ~~law of the State~~ *laws of the Commonwealth* in regard to elections by the people.

§ 48. County property within city limits; arbitration; school property in Charlottesville school district; Miller ~~Manual Labor~~ School.

The property now belonging to the county of Albemarle within the limits of the City of Charlottesville shall be within and subject to the joint jurisdiction of the county and city authorities and officers, and shall not be subject to taxation by the authorities of either county or city; and if the county and city aforesaid cannot agree upon the terms of joint occupancy and use of such property in regard to which settlements may not have already been effected, the right of said city to such joint occupancy and use being hereby recognized, then the board of arbitration herein provided for shall determine the terms of such joint occupancy and use, and said board of arbitration shall determine what rights, if any, the city aforesaid has in all other county property; but this is subject to the recognition of the right of the city, as well as the county (through the district school board or otherwise) in the school property in Charlottesville school district; and nothing herein contained shall affect the rights of the inhabitants of said city to participate in the benefits of the Miller ~~Manual Labor~~ School ~~in the Samuel Miller district~~ in said county.

§ 50.1. ~~The powers set forth in §§ 15.1-837 through 15.1-907 of the Code of Virginia as in force on January 1, 1970, are hereby conferred on and vested in the City of Charlottesville, Virginia. Should the powers granted by this section conflict with any provision contained in Chapter 384 of the Acts of Assembly of 1946, approved March 28, 1946, as amended, then the provisions contained in this section shall control. City of Charlottesville shall have all powers granted to localities by the Constitution of Virginia and the general laws of the Commonwealth, provided, however, that in no event shall such a conflict between the general laws of the Commonwealth and this Charter be held to reduce or limit any powers heretofore possessed by the City of Charlottesville pursuant to Chapter 384 of the Acts of Assembly of 1946, approved March 28, 1946, as amended.~~

§ 50.2. (a) Search warrants. In addition to the means and conditions under which search warrants may be issued pursuant to provisions of general law, a ~~justice of the peace~~ *magistrate*, or a judge of any court having jurisdiction of the trial of cases to whom complaint is made, if satisfied that there is a ~~reasonable~~ *probable* cause therefor, shall issue a warrant to search specified places for the following conditions: violations of ordinances of the City of Charlottesville related to health and safety, of persons and property including violations of ordinances concerning minimum housing standards, health and sanitation regulations, and plumbing, building, and fire prevention codes.

A search warrant issued pursuant to the authority granted in this charter section shall be directed to persons charged with the responsibility of enforcing State statutes and local ordinances relating to health and safety of persons and property and shall command such person to search the place or places described therein for violations of State statutes and local ordinances relating to health and safety of persons and property.

(b) Affidavit preliminary to issuance of search warrants. No search warrant shall be issued until there is filed with the officer authorized to issue the same an affidavit of some person reasonably describing the area, house, place, vehicle or baggage to be searched, the things or conditions to be searched for thereunder, alleging briefly material facts, constituting the probable cause for the issuance of such warrant and alleging substantially the offense or group of potential offenses in relation to which such search is to be made. Facts which may be pertinent are (1) department or board experience showing the need of periodic area inspections, (2) the pattern of the last inspections made, and (3) department or board judgment that an inspection is now needed, particularly in light of the time elapsed since the last inspection.

Such affidavit shall be certified by the clerk of the ~~corporation~~ circuit court of the City of Charlottesville and shall by said clerk be preserved as a record and shall at all times be subject to inspection by the public. For the purposes of this section, probable cause shall be satisfied upon the showing of the reasonableness of a need to conduct periodic area-wide inspections with respect to health and safety of persons and property.

§ 50.3. *Qualifications of members of advisory boards and commission.*

General provisions of law notwithstanding, the planning commission and members of boards or agencies appointed by city council, the mayor, or by the city manager, who serve without pay and who serve only for the purpose of making studies or recommendations, or advising or consulting with city council, shall not be prohibited from such service merely because they contract directly or indirectly with the city. Any such member of an advisory board or agency who knows, or may reasonably be expected to know, that ~~he has~~ *they have* a material financial interest in any transaction in which the agency of which ~~he is~~ *they are* an officer or employee is or may be in any way concerned, shall disclose such interest and disqualify ~~himself~~ *themselves* from voting or participating in any official action thereon in behalf of such agency. If disqualifications in accordance with this section leave less than the number required by law to act, the remaining member or members shall have authority to act for the agency by majority vote, unless a unanimous vote of all members is required by law, in which case authority to act shall require a unanimous vote of remaining members.

§ 50.4. Terms of Charlottesville Redevelopment and Housing Authority commissioners; authority of council.

~~Notwithstanding any provision of law to the contrary, the terms of all the commissioners of the Charlottesville Redevelopment and Housing Authority shall terminate on June 30, 1978; and thereafter there~~ *There* shall be not less than five nor more than seven members of the *Charlottesville Redevelopment and Housing Authority* Board of Commissioners.

Commissioners shall hold their offices at the pleasure of council for terms not to exceed four years; provided, that the city council may at any time, and from time to time, adopt an ordinance terminating the terms of all the commissioners and designating one or more council members as commissioners of the Charlottesville Redevelopment and Housing Authority. The remaining members of the Board, if any, shall be appointed by council from the public at large. The Board shall possess all powers and duties granted to or imposed upon redevelopment and housing authorities by ~~the general law~~ *laws of the Commonwealth*; provided that notwithstanding any other provision of law to the contrary, a city council member shall receive no compensation for serving as a commissioner of such Authority, nor shall ~~he~~ *they* continue to serve as a commissioner after ~~he ceases~~ *they cease* to be a member of city council.

§ 50.5. Authority of city council to adopt and enforce a noise ordinance.

A. The city council by ordinance may prohibit or regulate loud, disturbing or excessive noises originating within its jurisdiction. Such ordinance may prescribe the decibel levels, degrees or types of sound which are unacceptable within the city limits, but the ordinance must exempt from its prohibitions during the daytime (6:00 a.m. to 10:00 p.m.) the following:

1. Band performances or practices, athletic contests or practices and other school-sponsored activities on the grounds of public or private schools or the University of Virginia.
2. Athletic contests and other officially sanctioned activities in city parks.
3. Activities related to the construction, repair, maintenance, remodeling or demolition, grading or other improvement of real property.
4. Gardening, lawn care, tree maintenance or removal and other landscaping activities.
5. Church bells or carillons.
6. Religious or political gatherings and other activities protected by the First Amendment of the United States Constitution.

7. Activities for which the regulation of noise has been preempted by federal law.

8. Public and private transportation, refuse collection and sanitation services.

B. The decibel level of any such noise may be measured by the use of a sound level meter which measures sound pressure levels. Such measurements shall be accepted as prima facie evidence of the level of noise at issue in any court or legal proceeding. The accuracy of the sound level meter may be tested by a calibrator. In any court or legal proceedings in which the accuracy of the calibrator is in issue, the court shall receive as evidence a sworn report of the results of any test of the calibrator for accuracy. Such report shall be considered by the court or jury in determining guilt or innocence.

C. Any individual operating a sound level meter pursuant to the provisions of this section and the local noise ordinance shall issue a certificate which will indicate:

1. that the sound level meter used to take the decibel level reading was operated in accordance with the manufacturer's specifications;
2. that the city has on file a sworn report which states that the sound level meter has been tested within the past twelve months and has been found to be accurate;
3. the name of the accused;

4. the location of the noise;
5. the date and the time the reading was made; and
6. the decibel level reading.

The certificate, as provided for in this section, when duly attested by the operator taking the decibel level reading, shall be admissible in any court in any criminal or civil proceeding as evidence of the facts therein stated and of the decibel level reading. A copy of such certificate shall be delivered to the accused upon ~~his or his attorney's~~ *the request of the accused or the accused's attorney.*

§ 50.6. Authority of city council to impose civil penalties for wrongful demolition of historic buildings.

A. Notwithstanding the provisions of any state law which authorize civil penalties for the violation of a local zoning ordinance, city council may adopt an ordinance which establishes a civil penalty for the demolition, razing or moving of a building or structure without approval by the board of architectural review or city council, when such building or structure is subject to the city's historic preservation zoning ordinance. The penalty established by the ordinance shall be imposed on the party deemed by the court to be responsible for the violation and shall not exceed twice the fair market value of the building or structure, as determined by the city real estate tax assessment at the time of the demolition.

B. An action seeking the imposition of such a penalty shall be instituted by petition filed by the city in circuit court, which shall be tried in the same manner as any action at law. It shall be the burden of the city to show the liability of the violator by a preponderance of the evidence. An admission of liability or finding of liability shall not be a criminal conviction for any purpose. The filing of any action pursuant to this section shall preclude a criminal prosecution for the same offense, except where the demolition, razing or moving has resulted in personal injury.

C. The defendant may, within twenty-one days after the filing of the petition, file an answer and without admitting liability, agree to restore the building or structure as it existed prior to demolition. If the restoration is completed within the time agreed upon by the parties, or as established by the court, the petition shall be dismissed from the court's docket.

D. Nothing in this section shall preclude action by the zoning administrator ~~under Virginia Code § 15.1-491 (d) or by the governing body under Virginia Code § 15.1-499, pursuant to the general laws of the Commonwealth~~ either by separate action or as a part of the petition seeking a civil penalty.

§ 50.7. Powers relating to housing and community development.

In addition to the powers granted by other sections of this charter and any other provision of ~~law~~ *the general laws of the Commonwealth*, the city shall have the power:

(a) To make grants and loans of funds to low- or moderate-income persons to aid in the purchase of any land, building, dwelling, or dwelling unit in the city; and to offer real estate tax deferral to low- or moderate-income persons who own any land, building, dwelling, or dwelling unit within the city. The city shall offer private lending institutions the opportunity to participate in local loan programs established pursuant to this subsection; and

(b) To make grants of funds to owners of dwellings or dwelling units in the city for the purpose of subsidizing, in part, the rental payments due and owing to any such owner by a low- or moderate-income person.

For purposes of this section, the phrase "low- or moderate-income persons" shall have the same meaning as the phrase "persons and families of low and moderate income" as that phrase is used in the Virginia Housing Development Authority Act, and shall be applied using the income guidelines issued by the Virginia Housing Development Authority for use in its single family mortgage loan program.

In addition to being able to exercise the above-mentioned powers with city funds, the city is authorized to participate in any state or federal program related thereto and to use state, federal, or private funds in the exercise of such powers.

The expenditure of any public funds as authorized in this section is hereby declared to be in furtherance of a public purpose.

§ 51. *Severability.* If any ~~clause, sentence, paragraph, section or part~~ *portion* of this ~~act be held~~ *Charter is declared unconstitutional, invalid, or illegal* by a court of last resort of this State in proper case such invalidity shall not affect or invalidate any other clause, sentence, paragraph or part of this ~~act~~ *Charter* but shall be confined exclusively to the portion so held invalid. *All portions of this Charter not expressly held to be unconstitutional, invalid, or illegal shall remain in full force and effect.*

2. That §§ 2, 10, 11, 13, as amended, 14-b, 15, as amended, 18, 24, as amended, 26, 27, as amended, 31, 33, as amended, 35, and 45 of Chapter 384 of the Acts of Assembly of 1946 are repealed.

CHAPTER 814

An Act to amend and reenact §§ 1, 5, as amended, 5.1, as amended, 6, as amended, 7, 8, 9, as amended, 12, as amended, 14, as amended, 17, as amended, 19, 20, as amended, 25, 28, 29, as amended, 36 through 40, 42, 43, as amended, 45-a through 48, 50.1, as amended, 50.2, 50.3, 50.4, as amended, 50.5, 50.6, 50.7, and 51 of Chapter 384 of the Acts of Assembly of 1946, to amend Chapter 384 of the Acts of Assembly of 1946 by adding sections numbered 5.01 and 5.02, and to repeal §§ 2, 10, 11, and 13, as amended, 14-b, 15, as amended, 18, 24, as amended, 26, 27, as amended, 31, 33, as amended, 35, and 45 of Chapter 384 of the Acts of Assembly of 1946, which provided a charter for the City of Charlottesville, relating to city organization; council.

Be it enacted by the General Assembly of Virginia:

1. That §§ 1, 5, as amended, 5.1, as amended, 6, as amended, 7, 8, 9, as amended, 12, as amended, 14, as amended, 17, as amended, 19, 20, as amended, 25, 28, 29, as amended, 36 through 40, 42, 43, as amended, 45-a through 48, 50.1, as amended, 50.2, 50.3, 50.4, as amended, 50.5, 50.6, 50.7, and 51 of Chapter 384 of the Acts of Assembly of 1946 are amended and reenacted and that Chapter 384 of the Acts of Assembly of 1946 is amended by adding sections numbered 5.01 and 5.02 as follows:

§ 1. A new charter is hereby provided for the City of Charlottesville in the form and manner following: *Body politic and corporate name.*

The inhabitants of the territory comprised within the present limits of the City of Charlottesville as hereinafter described, or as the same may be hereafter altered and established as provided by law, shall continue to be one body politic and corporate in fact and its name shall be the City of Charlottesville. The City of Charlottesville shall have and may exercise all the powers which are now or hereafter may be conferred upon or delegated to cities under the Constitution and the general law of the Commonwealth of Virginia as fully and completely as though said powers were specifically enumerated herein, and no enumeration of particular powers by this Charter shall be held to be exclusive. Additionally, the City of Charlottesville shall have, exercise, and enjoy all the rights, immunities, powers, and privileges and be subject to all the duties and obligations pertaining to and incumbent upon the City of Charlottesville as a municipal corporation, and the said City of Charlottesville, as such, shall have perpetual succession, may sue and be sued, may contract and be contracted with, and may have a corporate seal which it may alter, renew, or amend at its pleasure.

The present boundaries of the City of Charlottesville shall be as described in Chapter 384 of the Acts of the Assembly of 1946, as enlarged by subsequent orders of the Circuit Courts of Albemarle County and the City of Charlottesville or as otherwise provided by law.

§ 5. *Elective officers; qualifications and terms of certain officers; form of government; corporate powers vested in city council.*

(a) The municipal authorities of the said city shall consist of a council of five members, one of whom shall be mayor, as hereinafter set forth, unless and until this form be changed in manner prescribed by law, a clerk of the ~~corporation~~ circuit court, a ~~Commonwealth's~~ an attorney for the Commonwealth, a treasurer, a sheriff, and a commissioner of revenue, who shall be elected by the qualified voters of the City of Charlottesville at elections held at the intervals and on the day prescribed for such elections by the laws of the State. All persons who are qualified voters of the City of Charlottesville shall be eligible to any of the said offices. The terms of offices of all of said officers shall begin and continue for such length of time as is prescribed by law; ~~provided, that any of said officers shall be eligible to one or more offices to which he may be elected or appointed by the council.~~ All the corporate powers of said city shall be exercised by said council, or under its authority, except as otherwise provided herein.

(b) The form of government for said city shall be the city manager plan as follows: All corporate powers, ~~and~~ legislative and executive authority vested in the City of Charlottesville by law shall be and are hereby vested in a council of five members to be elected at large from the qualified voters of the city, except as hereinafter provided.

(c) Each of said ~~councilmen~~ councilors shall receive an annual salary ~~from the city for their services~~ to be set by the council; ~~not to exceed thirty-six hundred dollars each (except the president of said council, who shall be mayor, and shall receive a salary not to exceed forty-eight hundred dollars) from the city for their services in accordance with the general laws of the Commonwealth.~~

(d) In accordance with the general laws of the Commonwealth, the election of ~~councilmen~~ councilors shall be held in ~~May~~ November of 1972, 2021 and biennially thereafter. At the election in ~~May~~ November of 1972 2021 there shall be elected ~~three~~ two members of council and at the election in ~~May~~ November of 1974 2023, there shall be elected ~~two~~ three members of council to fill vacancies occurring on the first of ~~July~~ January in the ~~respective~~ years following the year in which they are elected. ~~The term of office of the councilmen shall be Councilors shall serve terms of four years.~~ The members of the council on the effective date of this charter amendment are hereby confirmed in office until the ~~first~~ thirty-first day of ~~July~~ December in the final year of the term of office for which they were elected.

(e) ~~It shall be the duty of the said~~ The council of five members ~~to shall~~ elect a city manager, at the salary to be fixed by ~~them~~ the council, who shall serve at the pleasure of the council.

(f) ~~Subject to general control by the council as provided in subsection (b) hereof, the city manager shall have full executive and administrative authority and shall have the right to employ and discharge all employees under his control. All departments of city government, including the fire department and police department, shall be under the general supervision of the city manager. The city manager shall give a bond for the faithful performance of his duties in such sum as the council may require. Subject to the general power of the council as provided in subsection (b) hereof and except as the council may by ordinance otherwise provide, the city manager shall have the powers vested in city managers by §§ 15.1-926 and 15.1-927 of the Code of Virginia and general laws amendatory thereof.~~

(g) ~~Said council shall elect a director of finance who shall serve at the pleasure of the council and who shall superintend the fiscal affairs of the city, and shall manage the same in the manner required by the council.~~

In all other respects the said council shall have and be vested with the same authority heretofore exercised by the council, and in all other respects their duties and liabilities shall be regulated by the ~~existing~~ general laws of the Commonwealth, not in conflict therewith.

§ 5.01. *City manager.*

Subject to general control by the council as provided in § 4 (b) hereof, the city manager shall have full executive and administrative authority and shall have the right to employ and discharge all employees under his control. All departments of city government, including the fire department and police department, shall be under the general supervision of the city manager. The city manager shall give a bond for the faithful performance of his duties in such sum as the council may require. Subject to the general power of the council as provided in § 5 (b) hereof and except as the council may by ordinance otherwise provide, the city manager shall have the powers vested in city managers in accordance with the general laws of the Commonwealth.

§ 5.02. Director of finance; audit.

The council shall appoint a director of finance, who shall serve at the pleasure of the council. The director of finance shall have general management and control of the fiscal affairs of the city, including the city's accounting, purchasing, collection, risk management, debt management, financial reporting, and real estate assessment functions. The city manager shall provide supervision of the director of finance.

The director of finance shall contract with a certified public accountant to conduct an audit of the city's and each constitutional officer's accounts and records by June 30 of each year in accordance with standards established by the Commonwealth's Auditor of Public Accounts. The certified public accountant shall provide a detailed written report of the city's audit to the council by December 1 of each year. A copy of the audit shall be available for inspection by the public.

*§ 5.1. The council shall have authority to order, by resolution directed to the ~~corporation~~ circuit court of the city ~~or the judge thereof in vacation~~, the submission to the qualified voters of the city for an advisory referendum thereon any proposed ordinance or amendment to the city charter. Upon the receipt of such resolution, the ~~corporation~~ circuit court of the city ~~or the judge thereof in vacation~~ shall order an election to be held thereon not less than thirty nor more than sixty days after the receipt of such resolution. The election shall be conducted and the result thereof ascertained and determined in the manner provided by law for the conduct of general elections and by the regular election officials of the city. If a petition requesting the submission of an amendment to this charter, set forth in such petition, signed by qualified voters equal in number to ten per centum of the largest number of votes cast in any general or primary election held in the city during the five years immediately preceding *submission of the petition*, each signature to which has been witnessed by a person whose affidavit to that effect is attached to the petition, is filed with the clerk of the ~~corporation~~ circuit court of the city ~~he, they~~ shall forthwith certify that fact to the court ~~or judge thereof in vacation~~. Upon the certification of such petition, the ~~corporation~~ circuit court of the city ~~or the judge thereof in vacation~~, shall order an election to be held not less than thirty nor more than sixty days after such certification, in which such proposed amendment shall be submitted to the qualified voters of the city for their approval or disapproval. Such election shall be conducted and the result thereof ascertained and determined in the manner provided by law for the conduct of general elections and by the regular election officials of the city. If a majority of those voting thereon at such election approve the proposed amendment such result shall be communicated by the clerk of the ~~corporation~~ circuit court of the city to the two houses of the General Assembly and to the representatives of the city therein with the same effect as if the council had adopted a resolution requesting the General Assembly to adopt the amendment.*

Nothing contained in this section shall be construed as affecting the provisions of § 14-a of this charter.

§ 6. ~~Officers and clerks elected by council~~. Clerk of council; minutes; ordinance book.

The council shall elect a clerk of council to serve at the pleasure of the council. The clerk of the council shall attend the meetings of the council, shall keep a record of its proceedings, and shall have custody of the seal of the city.

At each regular meeting of the council, the minutes of the last regular meeting and all intervening called meetings shall be presented by the clerk of council, and thereupon be corrected, if erroneous, and signed by the mayor. The clerk shall record the minutes in the council's journal of proceedings.

The council shall also require to be kept by its clerk a separate book, termed the General Ordinance Book, in which shall be recorded all ordinances and resolutions of a general and permanent character, properly indexed and open to public inspection. Other documents or papers in the possession of the clerk of the council that may affect the interest of the city shall not be exhibited nor copies thereof furnished, except as may be required by the general laws of the Commonwealth.

There may be elected by the council ~~such additional~~ officers and clerks as ~~said~~ the council deems proper and necessary, who shall serve at the pleasure of council, and any one or more of said offices may be held and exercised by the same person. It may be competent for the council, in order to secure the services of a suitable person, to elect non-residents, but such officer, other than the clerk of the council, shall reside in the city during ~~his~~ the officer's tenure of office.

§ 7. Oaths of office and qualification of officers; failure to qualify.

The ~~councilmen~~ councilors, and other officers elected by the people shall each, before entering upon the duties of their offices, take the oaths prescribed for all other officers by the general laws of ~~Virginia~~ the Commonwealth, and qualify before the ~~corporation~~ circuit court of said city; ~~or the judge thereof in vacation~~, and in the cases of the mayor and ~~councilmen~~ councilors a certificate of such oaths having been taken; shall be filed by them, respectively, with the clerk of the council, who shall enter the same upon the journal thereof; but if any or either of said officers shall fail to qualify, as aforesaid, for ten days after the commencement of the term for which ~~he, or they, were~~ said officer was elected, or shall neglect for a like space of time to give such bond as may be required of ~~him, his~~ said officer or said officer's office ~~or their offices~~ shall be deemed vacant.

§ 8. Vacancy in office of mayor or ~~councilmen~~ councilor; vacation of office.

Whenever, from any cause, a vacancy shall occur in the office of mayor, ~~it shall be filled by the council and a shall elect one of its members as mayor for the remainder of the term.~~ A vacancy in the office of ~~councilman~~ *councilor* shall be filled by that body ~~at its next regular meeting from the qualified electors of said city, and the officer thus elected shall hold his office for the term for which his predecessor was elected, unless sooner vacated by death, resignation, removal, or from other causes in accordance with the general laws of the Commonwealth.~~ An entry of said election shall be made in the ~~record book~~ *journal of proceedings and the General Ordinance Book.*

If the mayor ~~of said city~~ or a ~~councilman~~ *councilor* shall remove from the city limits, such removal shall operate to vacate ~~his such mayor's or councilor's~~ office.

§ 9. Council--~~President Mayor and vice-president~~ *vice-mayor.*

At its first meeting in ~~July, 1972,~~ *January 2022* and biennially thereafter, the council shall elect one of its members to act as ~~president mayor~~, who shall preside at its meetings and continue in office two years. ~~Or if~~ *If* a vacancy ~~occur~~ *occurs* in the office of *mayor* before the end of ~~his their~~ term, such vacancy shall be filled as provided in § 8.

At the same time the council shall elect one of its members to be a ~~vice-president~~ *vice-mayor*, who shall preside at such meetings in the absence of the ~~president mayor~~, and who, when the ~~president mayor~~ shall be absent or unable to perform the duties of ~~his their~~ office, by reason of sickness, or other cause, shall perform any and all duties required of, or entrusted to, the ~~president mayor~~. The ~~president mayor~~, or the ~~vice-president~~ *vice-mayor*, when authorized, as above stated, to act, shall have power at any time to call a meeting.

The mayor, or vice-mayor when performing the duties of the mayor, shall be entitled to a vote on all questions as any other councilor, but in no case shall they be entitled to a second vote on any question.

§ 12. Same--~~Authority generally; meetings; journal of proceedings; general ordinance book; inspection of documents and papers~~ *Council meetings and rules.*

The council shall fix by ordinance the time for holding their stated meetings, and no business shall be transacted at a special meeting, unless by unanimous consent, except that for which it shall have been called, and every call for a special meeting shall specify the object thereof. Three councilors shall constitute a quorum for the transaction of business at any meeting of the council.

The council shall have authority to adopt such rules ~~and to appoint such officers and clerks~~ as it may deem proper for the regulation of its proceedings, and for the convenient transaction of business, to compel the attendance of absent members, to punish its members for disorderly behavior, and by vote of two-thirds of all the members elected to it, expel a member for malfeasance or misfeasance in office. The council shall keep a journal of its proceedings, and its meetings shall be open, except when it votes to hold an executive or closed session pursuant to ~~the general law.~~ *The council shall also require to be kept by its clerk a separate book, termed "the general ordinance book," in which shall be recorded all ordinances and resolutions of a general and permanent character, properly indexed and opened to the public inspection. Other documents or papers in the possession of the clerk of the council which may affect the interest of the city shall not, be exhibited nor copies thereof furnished, except as may be required by law laws of the Commonwealth.*

§ 14. Same--~~Powers~~ *Council powers* enumerated.

The council of the city, except as hereinbefore provided, shall have the power within said city to control and manage the fiscal and municipal affairs of the city and all property, real and personal, belonging to said city; they shall have power to provide a revenue for the city, and appropriate the same to its expenses, also to provide the annual assessments of taxable persons and property in the city, and it may make such ordinances, orders, and by-laws relating to the foregoing powers of this section as it shall deem proper and necessary. ~~They~~ *The council* shall ~~likewise~~ *also* have power to make such ordinances, by-laws, orders and regulations as it may deem desirable to carry out the following powers which are hereby vested in them:

First. *Streets and Sidewalks — Generally.* To close, extend, widen, narrow, lay out, grade, improve and otherwise alter streets and public alleys in the said city, and have them properly lighted and kept in good order, and it may make or construct sewers or ducts through the streets or public grounds of the city, and through any place, or places whatsoever, when it may be deemed expedient by the said council. The ownership of any land included in any street that is closed shall be in accord with ~~the general law laws of the Commonwealth.~~ *The said council* *Council* may have over any street or alley in the city, which has been, or may be ceded to the city, like authority as over streets or alleys, and may prevent or remove any structure, obstruction or encroachment over, or under, or in a street or alley, or any sidewalk thereof.

Second. *Obstructions; cleaning sidewalks.* To prevent the cumbering of the streets, avenues, walks, public squares, lanes, alleys, or bridges in any manner whatsoever; to compel the occupant or owner of buildings or grounds to remove snow, dirt or rubbish from the sidewalks in front thereof.

Third. *Fires and fire prevention.* To extinguish and prevent fires, prevent property from being stolen, and to compel citizens to render assistance to the fire department in case of need, and to establish, regulate and control a fire department for said city; to regulate the size of materials, and construction of buildings hereafter erected, in such manner as the public safety and convenience may require; to remove, or require to be removed, any building, structure, or addition thereto which, by reason of dilapidation, defect of structure, or other causes, may have, or shall, become dangerous to life or property, or which may be erected contrary to law; to establish and designate from time to time fire limits, within which limits wooden buildings shall not be constructed, removed, added to or enlarged, and to direct that all future buildings within such limits shall be constructed of stone, natural or artificial, concrete, brick or iron.

Fourth. *Breadth of tires on vehicles.* To regulate and prescribe the breadth of tires upon the wheels of wagons, carts, and vehicles of every kind and description used upon the streets of said city.

Fifth. *Preservation of health; hospitals; births and deaths.* To provide for the preservation of the general health of the inhabitants of said city, make regulations to secure the same, prevent the introduction of spreading of contagious or infectious diseases, and prevent and suppress diseases generally; to provide and regulate hospitals within or without the city limits, and to enforce the removal of persons afflicted with contagious or infectious diseases to hospitals provided for them; to provide for the appointment and organization of a board of health or other board to have the powers of a board of health for said city, with the authority necessary for the prompt and efficient performance of its duties, with power to invest any or all the officials or employees of such department of health with such powers as the officers of the city have; to regulate the burial, cremation, or disposition of the dead; to compel the return of births and deaths to be made to its health department, and the return of all burial permits to such department.

Sixth. *Cemeteries.* To acquire by purchase, condemnation, or otherwise, either within or without the city, lands to be appropriated, improved and kept in order as places for the interment of the dead, and may charge for the use of the grounds in said places of interment, and may regulate the same; to prevent the burial of the dead in the city, except in public burying grounds; to regulate burials in said grounds; to require the keeping and return of bills of mortality by the keepers (or owners) of all cemeteries, and shall have power within the city to acquire by purchase, condemnation, or otherwise, such lands, and in such quantity as it may deem proper or necessary for the purpose of burying the dead; provided, however, that no part of such cemeteries, when established or enlarged, shall be within one hundred feet of any residence without the consent of the owner of the legal and equitable title of such residence, and provided further that the provisions of ~~Chapter one hundred and seventy-six of the Code of Virginia~~ *the general laws of the Commonwealth*, as now existing or hereafter amended, for condemnation of land thereunder so far as applicable shall apply to condemnation proceedings by the city hereunder.

The title to any land acquired by condemnation hereunder shall vest in the City of Charlottesville.

Seventh. *Quarantine.* To establish a quarantine ground within or without the city limits, and such quarantine regulations against infectious and contagious diseases as the said council may see fit, subject to the laws of the State, and of the United States.

Eighth. *Nuisances, etc.* To require and compel the abatement and removal of all nuisances within the said city, or upon any property owned by said city, without its limits, at the expense of the person or persons causing the same, or the occupant or owner of the ground whereon the same may be; to prevent and regulate slaughter houses, and soap and candle factories within said city, or the exercise of any dangerous, offensive or unhealthy business, trade or employment therein; to regulate the transportation of all articles through the streets of the city; to compel the abatement of smoke and dust; to regulate the location of stables, and the manner in which they shall be constructed and kept.

Ninth. *Stagnant water or offensive substances on property.* If any ground in the said city shall be subject to be covered by stagnant water, or if the owner or occupant thereon shall permit any offensive or unwholesome substance to remain or accumulate thereon, the said council may cause such ground to be filled up, raised, or drained, or may cause such substance to be covered or removed therefrom, and may collect the expense of so doing from the said owner or occupant by distress or sale, in the same manner in which taxes levied upon real estate for the benefit of said city are authorized to be collected; provided, that reasonable notice shall be first given to the said owner or occupant or ~~his~~ *their* agent. In case of nonresident owners, who have no agent in said city, such notice may be given by publication for not less than ten days, in any newspaper published in said city, such publication to be at the expense of said owner, and cost thereof to be collected as a part of the expense hereinbefore provided for.

Tenth. *Explosives and flammables; carrying concealed weapons.* To direct the location of all buildings for storing gunpowder or other explosives or combustible substances; to regulate or prohibit the sale and use of dynamite, gunpowder, firecrackers, kerosene oil, gasoline, nitroglycerine, camphene, burning fluid, and all explosives or combustible materials, the exhibition of fireworks, the discharge of firearms, the use of candles and lights in barns, stables and other buildings, the making of bonfires and the carrying of concealed weapons.

Eleventh. *Animals and fowl generally.* To prevent the running at large in said city of all animals and fowls, and to regulate and prohibit the keeping or raising of the same within said city, and to subject the same to such confiscation, levies, regulations and taxes as it may deem proper.

Twelfth. *Use of streets; abuse of animals.* Insofar as not prohibited by ~~the general law~~ *the general laws of the Commonwealth*, to prevent the riding or driving of animals at improper speed, to regulate the speed and manner of use upon the streets of said city of all animals or vehicles; to prevent the flying of kites, throwing of stones, or the engaging in any employment or sport in the streets or public alleys, dangerous or annoying to the public, and to prohibit and punish the abuse of animals.

Thirteenth. ~~To restrain and punish drunkards, vagrants, mendicants and street beggars. [Repealed.]~~

Fourteenth. *Offenses generally.* To prevent vice and immorality; to preserve public peace and good order, to prevent and quell riots, disturbances and disorderly assemblages; to suppress houses of ill-fame, and gaming houses; to prevent lewd, indecent or disorderly conduct or exhibitions in the city, and to expel from said city persons guilty of such conduct.

Fifteenth. [Repealed.]

Sixteenth. *Ordinances necessary for general welfare; effect on other powers.* And the said council shall also have power to make such other and additional ordinances as it may deem necessary for the general welfare of said city; and nothing herein contained shall be construed to deprive said city of any of the powers conferred upon it, either by general or special laws of the State of Virginia, except insofar as the same may be inconsistent with the provision of this charter.

Seventeenth. *Official bonds.* Said council shall have power to require and take from such officers and employees, as they may see fit, bonds with security and in such penalty as they may prescribe, which bonds shall be made payable to the city by its corporate name, and conditioned for the faithful discharge of their duties; such bonds shall be filed with the clerk of the council.

Eighteenth. *Gas works, water works, and electric light works.* Said council shall have power to erect, or authorize or prohibit the erection of gas works, waterworks, or electric light works in or near the city, and to regulate the same.

Nineteenth. *Pollution of water.* To prohibit the pollution of water which may be provided for the use of the city.

Twentieth. *Additional and incidental powers; jurisdiction beyond corporate limits.* To pass all by-laws, rules and ordinances, not repugnant to the Constitution and laws of the State, which they may deem necessary for the good order and government of the city, the management of its property, the conduct of its affairs, the peace, comfort, convenience, order, morals, health, and protection of its citizens or their property, including authority to keep a city police force; and to do such other things, and pass such other laws as may be necessary or proper to carry into full effect any power, authority, capacity, or jurisdiction, which is, or shall be granted to, or vested in said city, or officers thereof, or which may be necessarily incident to a municipal corporation; and to enable the authorities of said city more effectually to enforce the provisions of this section, and any other powers conferred upon them by this charter, their jurisdiction, civil and criminal, is hereby declared to extend one mile beyond the corporate limits of said city.

Twenty-first. ~~To create a floating debt not exceeding two hundred thousand dollars when, by a vote of the total membership of the council, the council has passed a resolution declaring it expedient to do so; and when the creating of the floating debt thereby provided for is for the purpose of installing, or extending, one or more public utilities, which constitute an asset, or assets, at least equal in value to the amount expended thereon, which utility, or utilities, shall materially add to the service rendered by the city to its taxpayers and other citizens; and it shall be the duty of the council to provide in the next bond issue for the bonding of the floating debt thus created; and failure to do this shall suspend this clause. [Repealed.]~~

§ 17. Enactment of ordinances, etc.; punishment for violation; enjoining violation; use of county jail; appeal to corporation circuit court.

To carry into effect the powers herein enumerated, and all other powers conferred upon said city and its council by the laws of Virginia, said council shall have power to make and pass all proper and needful orders, by-laws, and ordinances not contrary to the Constitution and laws of said State, and to prescribe reasonable fines and penalties, including imprisonment in the city jail, which fines, penalties or imprisonment shall be imposed, recovered and enforced by ~~and under the civil and police justice (judge of the municipal court)~~ *the courts of the Commonwealth*. The city may maintain a suit to restrain by injunction, the violation of any ordinance, notwithstanding such ordinance may provide punishment for its violation. ~~In all cases where a fine or imprisonment is imposed by the civil and police justice (judge of the municipal court); or by the council; the party or parties so fined or imprisoned shall have the right of appeal to the corporation court of said city.~~ All fines imposed for the violation of the city charter, by-laws, or ordinances, shall be paid into the city treasury.

§ 19. *Budget Fiscal year; budget; levy of taxes.*

At least thirty days prior to the time when the annual tax levy or any part thereof is made, the council shall cause to be prepared a budget containing a complete itemized and classified plan of all proposed expenditures and all estimated revenues and borrowing for the ensuing appropriation year. Opposite each item of the proposed expenditures the budget shall show in separate parallel columns, the amount appropriated for the preceding appropriation year, the amount expended during that year, the amount appropriated for the current appropriation year and the increases and decreases in the proposed expenditures for the ensuing year as compared to the appropriation for the current year. This budget shall be accompanied by an itemized and complete financial balance sheet at the close of the last preceding appropriation year.

A brief synopsis of the budget shall be published in a newspaper published in the City of Charlottesville and notice given of at least one public hearing at least fifteen days prior to the date set for the hearing, at which any citizen of the said City of Charlottesville shall have the right to attend and state his views thereon. After such hearing is had, the council shall by appropriate order adopt and enter on the minutes thereof a synopsis of a budget covering all expenditures for the next appropriation year hereinbefore required. The said council shall order a city levy of so much money as in its discretion shall be sufficient to meet all just demands against the city. *The city's fiscal year shall begin on July 1 of every year and conclude on June 30 of the following year.*

The city manager shall prepare and submit to the council a budget. The budget shall serve as a financial plan for the city, and the city manager in the budget message shall describe the important features of the budget, indicate any major changes from the current financial and expenditure policies, and include such other material as the city manager deems desirable or as the council may from time to time require. The budget shall show all estimated income, indicating the property tax levy, and all proposed expenditures, including debt service and capital program, and shall be in a form the manager deems desirable or the council may require. The total of proposed general fund expenditures shall not exceed the total of estimated general fund income.

A brief synopsis of the budget shall be published in a newspaper or newspapers having general circulation in the city, and notice shall be given of a public hearing as provided for by the general laws of the Commonwealth. After the conclusion of the public hearing, the council may insert new items of expenditures or may increase, decrease, or strike out items of expenditure in the budget.

Prior to the end of each fiscal year, the council shall pass an appropriation ordinance, which shall be based on the budget submitted by the city manager, and shall levy such taxes for the ensuing fiscal year as may be necessary to meet the

appropriations made and all sums required by law to be raised for account of the city debt. The total amount of appropriations shall not exceed the estimated revenues of the city.

§ 20. In order to execute its powers and duties and to meet the wants and purposes of the city, the council is hereby vested with power and authority to levy taxes upon persons, property, real and personal, privileges, businesses, trades, professions and callings and upon such other subjects of taxation and in such amounts as the council shall deem necessary and proper to provide such sums of money as they shall deem expedient without limitation as to subject, except such as may be expressly provided by general laws or Constitutional provision and without limitation as to rate except such as may be provided by the Constitution of this State.

Taxes assessed against real estate subject to taxes shall be a lien on the property and the name of the person listed as owner shall be for convenience in collection of taxes. The lien for taxes shall not be limited to the interest of the person assessed but shall be on the entire fee simple estate. There shall be no lien when for any year the same property is assessed to more than one person and all taxes assessed against the property in one of the names have been paid for that year.

When taxes are assessed against land in the name of a life tenant or other person owning less than the fee or owning no interest, the land may be sold ~~under the provisions of §§ 58-1014 to 58-1020, 58-1101 to 58-1108, 58-762, Code of Virginia, 1950, as amended, or other laws for the sale of land for delinquent taxes provided the owner of record or his heirs be made parties to the proceeding for sale which may be instituted anytime after December fifth of the year in which the taxes are assessed pursuant to the general laws of the Commonwealth.~~

§ 25. ~~Refunding bonds~~ *Borrowing.*

~~The council of said City of Charlottesville is hereby authorized to make and issue the registered or coupon bonds of said corporation, payable not exceeding forty years after their date, bearing interest at not more than five per centum per annum, payable semi-annually; said bonds to be used exclusively in paying off and discharging the principal and interest of the present bonded debt of the corporation of Charlottesville. The said council shall not be authorized to dispose of such bonds at less than par value, except by a recorded affirmative vote of all the members elected to the council. Said registered and coupon bonds shall be regularly numbered, signed by the mayor, clerk and treasurer of the city, and recorded in a book kept for that purpose. The council may, in the name and for the use of the city, incur indebtedness by issuing its negotiable bonds or notes.~~

Bonds, and notes in anticipation of bonds when the issuance of bonds has been authorized as hereinafter provided, may be issued for any purpose for which cities are authorized to issue bonds by the Constitution of Virginia or general laws of the Commonwealth.

Notes in anticipation of collection of revenue may be issued, when authorized by council, at any time during the fiscal year, provided the notes shall mature not later than twelve (12) months after date of issue, and in an amount not in excess of the revenues anticipated.

Bonds and notes of the city shall be issued in the manner provided by the general laws of the Commonwealth. In the issuance of bonds and notes, the city shall be subject to the limitations as to amounts that are contained in Article VII, Section 10 of the Constitution of Virginia.

§ 28. Sale of public utilities; approval by voters.

The rights of the city in its gas, water and electric works and sewer plant, now owned, or hereafter acquired, shall not be sold ~~even after such action of the council as is prescribed by § 3016 of the Code of Virginia of 1919, until and except such sale shall have been approved by a majority of the qualified voters of the city, voting on the question at a special election ordered by the council and subject in other respects to the provisions of §24 of this charter applicable to a special election as provided by the general laws of the Commonwealth.~~

§ 29. City sheriff.

The city sheriff shall attend the terms of the ~~corporation~~ circuit court of ~~said~~ the city and shall act as the officer thereof; the ~~said~~ sheriff may appoint one or more deputies, who may be removed from office by the sheriff, and may discharge any of the duties of the office of sheriff, but the sheriff and ~~his~~ *their* sureties shall be liable therefor. The city sheriff shall also have all power and authority and perform all duties imposed by general law upon sheriffs ~~and constables~~ of cities.

§ 36. Granting franchises.

The regulation and restrictions for granting any franchise in the city shall be ~~such as are~~ provided by the general ~~law~~ laws of the Commonwealth.

§ 37. Receipt and disbursement of moneys by treasurer.

All moneys belonging to said city shall be paid over to the treasurer, and no money shall be ~~by him~~ paid out ~~by them~~ except as the same shall have been appropriated and ordered to be paid by the council, and the said treasurer shall also pay the same upon warrants approved in such manner as may be prescribed by ordinance of the council.

§ 38. Recovery against treasurer and sureties.

If the said treasurer shall fail to account for and pay over all of the moneys that shall come into ~~his~~ *their* hands when ~~thereto~~ required by the council, it shall be lawful for the council, in the corporate name of the city, by motion before any court of record having jurisdiction in the City of Charlottesville, to recover from the treasurer and ~~his~~ *their* sureties, or their personal representatives, any sum that may be due from said treasurer to said city on ten days' notice.

§ 39. Collection of fines.

All fines imposed for any violation of any city ordinance or State law shall be collected by the clerk of the ~~civil and police justice~~ district court; and if said clerk shall fail to collect, account for, and pay over all the fines in ~~his~~ *their* hands for

collection, it shall be lawful for the council to recover the same, so far as the same are accruing to the city, by motion, in the corporate name of the city, before the ~~corporation~~ circuit court of said city, against the said clerk, ~~his~~ *their* sureties on ~~his~~ *their* said bond, or any or either of them, ~~his the clerk or their the sureties'~~ executors or administrators, on giving ten days' notice of the same.

§ 40. Animals running at large.

The council shall have power to make such ordinances, by-laws, orders and regulations as they may deem necessary to prevent dogs, hogs and other animals from running at large in the limits of the city, and may subject the owners thereof to such fines, regulations and taxes as the council may deem proper, and may sell said animals at public auction to enforce the payment of said fines and taxes; and may order such dogs, as to which there is default, to be ~~killed by a policeman or constable~~ *euthanized as provided for by the general laws of the Commonwealth.*

§ 42. Encroachments upon streets.

In every case where a street in ~~said~~ *the* city has been or shall be encroached upon by any fence, building, or otherwise, the city council may require the owner or owners, if known, and if unknown the occupant or occupants of the premises so encroaching to remove the same. If such removal shall not be made within the time ordered by the city council, it may impose a penalty of five dollars for each and every day that it is allowed to continue thereafter, and may cause the encroachment to be removed, and collect from the owner all reasonable charges therefor, with cost, for which there shall be lien on the premises so encroaching, which lien may be enforced in a court of equity having jurisdiction of the subject. No encroachment upon any street, however long continued, shall constitute an adverse possession thereto, or confer any right upon the person claiming thereunder as against said city.

§ 43. Filing claim for damages condition precedent to action against city.

No action shall be maintained against the said city for damages for a injury to any person or property alleged to have been sustained by reason of the negligence of the city, or any officer, agent or employee thereof, unless a written statement of the claimant, ~~his~~ *their* agent or attorney, of the nature of the claim and of the time and place at which the injury is alleged to have occurred or been received shall have been filed, as provided by ~~the general law~~ *laws of the Commonwealth.*

§ 45-a. School board.

The City of Charlottesville shall constitute a single school district. The school board of the city shall consist of seven members ~~to be appointed by the council and there shall be at least one member from each ward of the city. The council shall appoint three members of the board to serve for a term of three years, two members to serve for a term of two years, and two members to serve for a term for one year from July 1, 1948, and all subsequent appointments shall be for a term of three years. Vacancies occurring otherwise than by expiration of the term of office shall be filled by the council for the unexpired term. No member shall be eligible to serve more than three successive full three year terms. In accordance with the general laws of the Commonwealth, three of the school board members shall be elected in November 2021 and four members shall be elected in November 2023 to fill vacancies occurring on the first of January in the years following the year in which they are elected. School board members shall serve terms of four years. The members of the school board on the effective date of this Charter are hereby confirmed in office until the thirty-first day of December in the final year of the term of office for which they were elected.~~ The board shall have all powers and perform all duties granted to and imposed upon school boards of cities by ~~the general law~~ *laws of the Commonwealth.*

§ 46. Water supply and sewerage system.

That the corporate authorities of said city be, and they are hereby, authorized and empowered to erect suitable dams and reservoirs, and to lay suitable pipes to supply said city with an adequate supply of water, and to establish and construct a sewerage system for said city; and for such purpose to acquire, either by purchase or by condemnation, according to the provisions of the general ~~law~~ *laws of the Commonwealth* for the condemnation of lands by incorporated cities, such lands and so much thereof as may be necessary for the aforesaid purposes.

§ 47. Elections.

All elections under this charter shall conform to the general ~~law of the State~~ *laws of the Commonwealth* in regard to elections by the people.

§ 48. County property within city limits; arbitration; school property in Charlottesville school district; Miller ~~Manual Labor~~ School.

The property now belonging to the county of Albemarle within the limits of the City of Charlottesville shall be within and subject to the joint jurisdiction of the county and city authorities and officers, and shall not be subject to taxation by the authorities of either county or city; and if the county and city aforesaid cannot agree upon the terms of joint occupancy and use of such property in regard to which settlements may not have already been effected, the right of said city to such joint occupancy and use being hereby recognized, then the board of arbitration herein provided for shall determine the terms of such joint occupancy and use, and said board of arbitration shall determine what rights, if any, the city aforesaid has in all other county property; but this is subject to the recognition of the right of the city, as well as the county (through the district school board or otherwise) in the school property in Charlottesville school district; and nothing herein contained shall affect the rights of the inhabitants of said city to participate in the benefits of the Miller ~~Manual Labor~~ School ~~in the Samuel Miller district~~ in said county.

§ 50.1. The powers set forth in §§ 15.1-837 through 15.1-907 of the Code of Virginia as in force on January 1, 1970, are hereby conferred on and vested in the City of Charlottesville, Virginia. Should the powers granted by this section conflict with any provision contained in Chapter 384 of the Acts of Assembly of 1946, approved March 28, 1946, as

~~amended, then the provisions contained in this section shall control; City of Charlottesville shall have all powers granted to localities by the Constitution of Virginia and the general laws of the Commonwealth, provided, however, that in no event shall such a conflict between the general laws of the Commonwealth and this Charter be held to reduce or limit any powers heretofore possessed by the City of Charlottesville pursuant to Chapter 384 of the Acts of Assembly of 1946, approved March 28, 1946, as amended.~~

§ 50.2. (a) Search warrants. In addition to the means and conditions under which search warrants may be issued pursuant to provisions of general law, ~~a justice of the peace magistrate~~, or a judge of any court having jurisdiction of the trial of cases to whom complaint is made, if satisfied that there is ~~a reasonable~~ *probable* cause therefor, shall issue a warrant to search specified places for the following conditions: violations of ordinances of the City of Charlottesville related to health and safety, of persons and property including violations of ordinances concerning minimum housing standards, health and sanitation regulations, and plumbing, building, and fire prevention codes.

A search warrant issued pursuant to the authority granted in this charter section shall be directed to persons charged with the responsibility of enforcing State statutes and local ordinances relating to health and safety of persons and property and shall command such person to search the place or places described therein for violations of State statutes and local ordinances relating to health and safety of persons and property.

(b) Affidavit preliminary to issuance of search warrants. No search warrant shall be issued until there is filed with the officer authorized to issue the same an affidavit of some person reasonably describing the area, house, place, vehicle or baggage to be searched, the things or conditions to be searched for thereunder, alleging briefly material facts, constituting the probable cause for the issuance of such warrant and alleging substantially the offense or group of potential offenses in relation to which such search is to be made. Facts which may be pertinent are (1) department or board experience showing the need of periodic area inspections, (2) the pattern of the last inspections made, and (3) department or board judgment that an inspection is now needed, particularly in light of the time elapsed since the last inspection.

Such affidavit shall be certified by the clerk of the ~~corporation circuit~~ court of the City of Charlottesville and shall by said clerk be preserved as a record and shall at all times be subject to inspection by the public. For the purposes of this section, probable cause shall be satisfied upon the showing of the reasonableness of a need to conduct periodic area-wide inspections with respect to health and safety of persons and property.

§ 50.3. *Qualifications of members of advisory boards and commission.*

General provisions of law notwithstanding, the planning commission and members of boards or agencies appointed by city council, the mayor, or by the city manager, who serve without pay and who serve only for the purpose of making studies or recommendations, or advising or consulting with city council, shall not be prohibited from such service merely because they contract directly or indirectly with the city. Any such member of an advisory board or agency who knows, or may reasonably be expected to know, that ~~he has~~ *they have* a material financial interest in any transaction in which the agency of which ~~he is~~ *they are* an officer or employee is or may be in any way concerned, shall disclose such interest and disqualify ~~himself~~ *themselves* from voting or participating in any official action thereon in behalf of such agency. If disqualifications in accordance with this section leave less than the number required by law to act, the remaining member or members shall have authority to act for the agency by majority vote, unless a unanimous vote of all members is required by law, in which case authority to act shall require a unanimous vote of remaining members.

§ 50.4. Terms of Charlottesville Redevelopment and Housing Authority commissioners; authority of council.

~~Notwithstanding any provision of law to the contrary, the terms of all the commissioners of the Charlottesville Redevelopment and Housing Authority shall terminate on June 30, 1978; and thereafter there~~ *There* shall be not less than five nor more than seven members of the *Charlottesville Redevelopment and Housing Authority* Board of Commissioners.

Commissioners shall hold their offices at the pleasure of council for terms not to exceed four years; provided, that the city council may at any time, and from time to time, adopt an ordinance terminating the terms of all the commissioners and designating one or more council members as commissioners of the Charlottesville Redevelopment and Housing Authority. The remaining members of the Board, if any, shall be appointed by council from the public at large. The Board shall possess all powers and duties granted to or imposed upon redevelopment and housing authorities by ~~the general law~~ *laws of the Commonwealth*; provided that notwithstanding any other provision of law to the contrary, a city council member shall receive no compensation for serving as a commissioner of such Authority, nor shall ~~he~~ *they* continue to serve as a commissioner after ~~he ceases~~ *they cease* to be a member of city council.

§ 50.5. Authority of city council to adopt and enforce a noise ordinance.

A. The city council by ordinance may prohibit or regulate loud, disturbing or excessive noises originating within its jurisdiction. Such ordinance may prescribe the decibel levels, degrees or types of sound which are unacceptable within the city limits, but the ordinance must exempt from its prohibitions during the daytime (6:00 a.m. to 10:00 p.m.) the following:

1. Band performances or practices, athletic contests or practices and other school-sponsored activities on the grounds of public or private schools or the University of Virginia.
2. Athletic contests and other officially sanctioned activities in city parks.
3. Activities related to the construction, repair, maintenance, remodeling or demolition, grading or other improvement of real property.
4. Gardening, lawn care, tree maintenance or removal and other landscaping activities.
5. Church bells or carillons.

6. Religious or political gatherings and other activities protected by the First Amendment of the United States Constitution.

7. Activities for which the regulation of noise has been preempted by federal law.

8. Public and private transportation, refuse collection and sanitation services.

B. The decibel level of any such noise may be measured by the use of a sound level meter which measures sound pressure levels. Such measurements shall be accepted as prima facie evidence of the level of noise at issue in any court or legal proceeding. The accuracy of the sound level meter may be tested by a calibrator. In any court or legal proceedings in which the accuracy of the calibrator is in issue, the court shall receive as evidence a sworn report of the results of any test of the calibrator for accuracy. Such report shall be considered by the court or jury in determining guilt or innocence.

C. Any individual operating a sound level meter pursuant to the provisions of this section and the local noise ordinance shall issue a certificate which will indicate:

1. that the sound level meter used to take the decibel level reading was operated in accordance with the manufacturer's specifications;

2. that the city has on file a sworn report which states that the sound level meter has been tested within the past twelve months and has been found to be accurate;

3. the name of the accused;

4. the location of the noise;

5. the date and the time the reading was made; and

6. the decibel level reading.

The certificate, as provided for in this section, when duly attested by the operator taking the decibel level reading, shall be admissible in any court in any criminal or civil proceeding as evidence of the facts therein stated and of the decibel level reading. A copy of such certificate shall be delivered to the accused upon ~~his or his attorney's~~ *the request of the accused or the accused's attorney.*

§ 50.6. Authority of city council to impose civil penalties for wrongful demolition of historic buildings.

A. Notwithstanding the provisions of any state law which authorize civil penalties for the violation of a local zoning ordinance, city council may adopt an ordinance which establishes a civil penalty for the demolition, razing or moving of a building or structure without approval by the board of architectural review or city council, when such building or structure is subject to the city's historic preservation zoning ordinance. The penalty established by the ordinance shall be imposed on the party deemed by the court to be responsible for the violation and shall not exceed twice the fair market value of the building or structure, as determined by the city real estate tax assessment at the time of the demolition.

B. An action seeking the imposition of such a penalty shall be instituted by petition filed by the city in circuit court, which shall be tried in the same manner as any action at law. It shall be the burden of the city to show the liability of the violator by a preponderance of the evidence. An admission of liability or finding of liability shall not be a criminal conviction for any purpose. The filing of any action pursuant to this section shall preclude a criminal prosecution for the same offense, except where the demolition, razing or moving has resulted in personal injury.

C. The defendant may, within twenty-one days after the filing of the petition, file an answer and without admitting liability, agree to restore the building or structure as it existed prior to demolition. If the restoration is completed within the time agreed upon by the parties, or as established by the court, the petition shall be dismissed from the court's docket.

D. Nothing in this section shall preclude action by the zoning administrator ~~under Virginia Code § 15.1-491 (d) or by the governing body under Virginia Code § 15.1-499,~~ *pursuant to the general laws of the Commonwealth* either by separate action or as a part of the petition seeking a civil penalty.

§ 50.7. Powers relating to housing and community development.

In addition to the powers granted by other sections of this charter and any other provision of ~~law~~ *the general laws of the Commonwealth*, the city shall have the power:

(a) To make grants and loans of funds to low- or moderate-income persons to aid in the purchase of any land, building, dwelling, or dwelling unit in the city; and to offer real estate tax deferral to low- or moderate-income persons who own any land, building, dwelling, or dwelling unit within the city. The city shall offer private lending institutions the opportunity to participate in local loan programs established pursuant to this subsection; and

(b) To make grants of funds to owners of dwellings or dwelling units in the city for the purpose of subsidizing, in part, the rental payments due and owing to any such owner by a low- or moderate-income person.

For purposes of this section, the phrase "low- or moderate-income persons" shall have the same meaning as the phrase "persons and families of low and moderate income" as that phrase is used in the Virginia Housing Development Authority Act, and shall be applied using the income guidelines issued by the Virginia Housing Development Authority for use in its single family mortgage loan program.

In addition to being able to exercise the above-mentioned powers with city funds, the city is authorized to participate in any state or federal program related thereto and to use state, federal, or private funds in the exercise of such powers.

The expenditure of any public funds as authorized in this section is hereby declared to be in furtherance of a public purpose.

§ 51. *Severability.* If any ~~clause, sentence, paragraph, section or part~~ *portion* of this ~~act~~ *Charter is declared unconstitutional, invalid, or illegal* by a court of last resort of this State in proper case such invalidity shall not affect or invalidate any other clause, sentence, paragraph or part of this ~~act~~ *Charter* but shall be confined exclusively to the portion so

held invalid. *All portions of this Charter not expressly held to be unconstitutional, invalid, or illegal shall remain in full force and effect.*

2. That §§ 2, 10, 11, 13, as amended, 14-b, 15, as amended, 18, 24, as amended, 26, 27, as amended, 31, 33, as amended, 35, and 45 of Chapter 384 of the Acts of Assembly of 1946 are repealed.

CHAPTER 815

An Act to amend and reenact §§ 46.2-842 and 46.2-842.1 of the Code of Virginia, relating to signals; overtaking vehicle.

[H 1066]

Approved April 7, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-842 and 46.2-842.1 of the Code of Virginia are amended and reenacted as follows:

§ 46.2-842. Driver to give way to overtaking vehicle.

Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle ~~on audible signal~~ and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle. Any over-width, or slow-moving vehicle as defined by § 46.2-1081 shall be removed from the roadway at the nearest suitable location when necessary to allow traffic to pass.

§ 46.2-842.1. Drivers to give way to certain overtaking vehicles on divided highways.

It shall be unlawful to fail to give way to overtaking traffic when driving a motor vehicle to the left and abreast of another motor vehicle on a divided highway. ~~On audible or light signal, the~~ *The* driver of the overtaken vehicle shall move to the right to allow the overtaking vehicle to pass as soon as the overtaken vehicle can safely do so. A violation of this section shall not be construed as negligence per se in any civil action.

CHAPTER 816

An Act to amend and reenact § 4.1-212 of the Code of Virginia, relating to alcoholic beverage control; walking tour permit.

[H 1088]

Approved April 7, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 4.1-212 of the Code of Virginia is amended and reenacted as follows:

§ 4.1-212. Permits required in certain instances.

A. The Board may grant the following permits which shall authorize:

1. Wine and beer salesmen representing any out-of-state wholesaler engaged in the sale of wine and beer, or either, to sell or solicit the sale of wine or beer, or both in the Commonwealth.

2. Any person having any interest in the manufacture, distribution or sale of spirits or other alcoholic beverages to solicit any mixed beverage licensee, his agent, employee or any person connected with the licensee in any capacity in his licensed business to sell or offer for sale such spirits or alcoholic beverages.

3. Any person to keep upon his premises alcoholic beverages which he is not authorized by any license to sell and which shall be used for culinary purposes only.

4. Any person to transport lawfully purchased alcoholic beverages within, into or through the Commonwealth, except that no permit shall be required for any person shipping or transporting into the Commonwealth a reasonable quantity of alcoholic beverages when such person is relocating his place of residence to the Commonwealth in accordance with § 4.1-310.

5. Any person to keep, store or possess any still or distilling apparatus.

6. The release of alcoholic beverages not under United States custom bonds or internal revenue bonds stored in Board approved warehouses for delivery to the Board or to persons entitled to receive them within or outside of the Commonwealth.

7. The release of alcoholic beverages from United States customs bonded warehouses for delivery to the Board or to licensees and other persons enumerated in subsection B of § 4.1-131.

8. The release of alcoholic beverages from United States internal revenue bonded warehouses for delivery in accordance with subsection C of § 4.1-132.

9. A secured party or any trustee, curator, committee, conservator, receiver or other fiduciary appointed or qualified in any court proceeding, to continue to operate under the licenses previously issued to any deceased or other person licensed to sell alcoholic beverages for such period as the Board deems appropriate.

10. The one-time sale of lawfully acquired alcoholic beverages belonging to any person, or which may be a part of such person's estate, including a judicial sale, estate sale, sale to enforce a judgment lien or liquidation sale to satisfy indebtedness secured by a security interest in alcoholic beverages, by a sheriff, personal representative, receiver or other officer acting under authority of a court having jurisdiction in the Commonwealth, or by any secured party as defined in subdivision (a)(73) of § 8.9A-102 of the Virginia Uniform Commercial Code. Such sales shall be made only to persons who

are licensed or hold a permit to sell alcoholic beverages in the Commonwealth or to persons outside the Commonwealth for resale outside the Commonwealth and upon such conditions or restrictions as the Board may prescribe.

11. Any person who purchases at a foreclosure, secured creditor's or judicial auction sale the premises or property of a person licensed by the Board and who has become lawfully entitled to the possession of the licensed premises to continue to operate the establishment to the same extent as a person holding such licenses for a period not to exceed 60 days or for such longer period as determined by the Board. Such permit shall be temporary and shall confer the privileges of any licenses held by the previous owner to the extent determined by the Board. Such temporary permit may be issued in advance, conditioned on the above requirements.

12. The sale of wine and beer in kegs by any person licensed to sell wine or beer, or both, at retail for off-premises consumption.

13. The storage of lawfully acquired alcoholic beverages not under customs bond or internal revenue bond in warehouses located in the Commonwealth.

14. The storage of wine by a licensed winery or farm winery under internal revenue bond in warehouses located in the Commonwealth.

15. Any person to conduct tastings in accordance with § 4.1-201.1, provided that such person has filed an application for a permit in which the applicant represents (i) that he or she is under contract to conduct such tastings on behalf of the alcoholic beverage manufacturer or wholesaler named in the application; (ii) that such contract grants to the applicant the authority to act as the authorized representative of such manufacturer or wholesaler; and (iii) that such contract contains an acknowledgment that the manufacturer or wholesaler named in the application may be held liable for any violation of § 4.1-201.1 by its authorized representative. A permit issued pursuant to this subdivision shall be valid for at least one year, unless sooner suspended or revoked by the Board in accordance with § 4.1-229.

16. Any person who, through contract, lease, concession, license, management or similar agreement (hereinafter referred to as the contract), becomes lawfully entitled to the use and control of the premises of a person licensed by the Board to continue to operate the establishment to the same extent as a person holding such licenses, provided such person has made application to the Board for a license at the same premises. The permit shall (i) confer the privileges of any licenses held by the previous owner to the extent determined by the Board and (ii) be valid for a period of 120 days or for such longer period as may be necessary as determined by the Board pending the completion of the processing of the permittee's license application. No permit shall be issued without the written consent of the previous licensee. No permit shall be issued under the provisions of this subdivision if the previous licensee owes any state or local taxes, or has any pending charges for violation of this title or any Board regulation, unless the permittee agrees to assume the liability of the previous licensee for the taxes or any penalty for the pending charges. An application for a permit may be filed prior to the effective date of the contract, in which case the permit when issued shall become effective on the effective date of the contract. Upon the effective date of the permit, (a) the permittee shall be responsible for compliance with the provisions of this title and any Board regulation and (b) the previous licensee shall not be held liable for any violation of this title or any Board regulation committed by, or any errors or omissions of, the permittee.

17. Any sight-seeing carrier or contract passenger carrier as defined in § 46.2-2000 transporting individuals for compensation to a winery, brewery, or restaurant, licensed under this chapter and authorized to conduct tastings, to collect the licensee's tasting fees from tour participants for the sole purpose of remitting such fees to the licensee.

18. Any tour company guiding individuals for compensation on a ~~culinary~~ walking tour to one or more establishments licensed to sell alcoholic beverages at retail for on-premises consumption to collect as one fee from tour participants (i) the licensee's fee for the ~~food and~~ alcoholic beverages served as part of the tour ~~and~~, (ii) *a fee for any food offered as part of the tour, and* (iii) *a fee for the* ~~culinary~~ walking tour service. The tour company shall remit to the licensee any fee collected for the ~~food and~~ alcoholic beverages *and any food* served as part of the tour. ~~Food cooked or prepared on the premises of such licensed establishments shall be served at each such establishment on the tour. The tour company shall ensure that (a) each tour includes no more than 15 participants per tour guide and no more than three tour guides, (b) a tour guide is present with the participants throughout the duration of the tour, and (c) all participants are persons to whom alcoholic beverages may be lawfully sold.~~

B. Nothing in subdivision 9, 10, or 11 shall authorize any brewery, winery or affiliate or a subsidiary thereof which has supplied financing to a wholesale licensee to manage and operate the wholesale licensee in the event of a default, except to the extent authorized by subdivision B 3 a of § 4.1-216.

CHAPTER 817

An Act to amend and reenact §§ 55.1-1937 and 55.1-1941 of the Code of Virginia, relating to common interest communities; Virginia Condominium Act; termination of condominium; respective interests of unit owners.

[H 1548]

Approved April 7, 2020

Be it enacted by the General Assembly of Virginia:

**1. That §§ 55.1-1937 and 55.1-1941 of the Code of Virginia are amended and reenacted as follows:
§ 55.1-1937. Termination of condominium.**

A. If there is no unit owner other than the declarant, the declarant may unilaterally terminate the condominium. An instrument terminating a condominium signed by the declarant is effective upon recordation of such instrument. But this section shall not be construed to nullify, limit, or otherwise affect the validity or enforceability of any agreement renouncing or to renounce, in whole or in part, the right hereby conferred.

B. Except in the case of a taking of all the units by eminent domain, if any of the units in the condominium is restricted exclusively to residential use and there is any unit owner other than the declarant, the condominium may be terminated only by the agreement of unit owners of units to which four-fifths of the votes in the unit owners' association appertain, or such larger majority as the condominium instruments may specify. If none of the units in the condominium is restricted exclusively to residential use, the condominium instruments may specify a majority smaller than the minimum specified in this subsection.

C. Agreement of the required majority of unit owners to termination of the condominium shall be evidenced by their execution of a termination agreement, or ratifications of such agreement, and such agreement is effective when a copy of the termination agreement is recorded together with a certification, signed by the principal officer of the unit owners' association or by such other officer as the condominium instruments may specify, that the requisite majority of the unit owners signed the termination agreement or ratifications. Unless the termination agreement otherwise provides, prior to recordation of the termination agreement, a unit owner's prior agreement to terminate the condominium may be revoked only with the approval of unit owners of units to which a majority of the votes in the unit owners' association appertain. *Any unit owner acquiring a unit subsequent to approval of a termination agreement but prior to recordation of the termination agreement shall be deemed to have consented to the termination agreement. Upon approval of a termination agreement and until recordation of the termination agreement, a copy of the termination agreement shall be included with the resale certificate required by § 55.1-1990.* The termination agreement shall specify a date after which the termination agreement is void if the termination agreement is not recorded. For the purposes of this section, an instrument terminating a condominium and any ratification of such instrument shall be deemed a condominium instrument subject to the provisions of § 55.1-1911.

~~D. In the case of a condominium that contains only units having horizontal boundaries described in the condominium instruments, a~~ A termination agreement may provide that all of the common elements and units of the condominium shall be sold *or otherwise disposed of* following termination. If, pursuant to the termination agreement, any property in the condominium is sold *or disposed of* following termination, the termination agreement shall set forth the minimum terms of the sale *or disposition*.

~~E. In the case of a condominium that contains any units not having horizontal boundaries described in the condominium instruments, a termination agreement may provide for sale of the common elements. The termination agreement may not require that the units be sold following termination, unless the condominium instruments as originally recorded provide otherwise or all the unit owners consent to the sale.~~ In the case of a master condominium that contains a unit that is a part of another condominium, a termination agreement for the master condominium shall not terminate the other condominium.

F. On behalf of the unit owners, the unit owners' association may contract for the disposition of property in the condominium, but the contract shall not be binding on the unit owners until approved pursuant to subsections B and C. If the termination agreement requires that any property in the condominium be sold *or otherwise disposed of* following termination, title to the property, upon termination, shall vest in the unit owners' association as trustee for the holders of all interest in the units. Thereafter, the unit owners' association shall have powers necessary and appropriate to effect the sale *or disposition*. Until the termination has been concluded and the proceeds have been distributed, the unit owners' association shall continue in existence with all the powers the unit owners' association had before termination. Proceeds of the sale shall be distributed to unit owners and lien holders as their interests may appear, in proportion to the respective interests of the unit owners as provided in subsection I. Unless otherwise specified in the termination agreement, for as long as the unit owners' association holds title to the property, each unit owner or his successor in interest shall have an exclusive right to occupancy of the portion of the property that formerly constituted his unit. During the period ~~of occupancy by that~~ the unit owner or his successor in interest *has the right to occupancy*, each unit owner or his successor in interest shall remain liable for any assessment or other obligation imposed on the unit owner by this chapter or the condominium instruments.

G. If the property that constitutes the condominium is not sold *or otherwise disposed of* following termination, title to ~~the common elements and, in the case of a condominium containing only units that have horizontal boundaries described in the condominium instruments, title to~~ all the property in the condominium shall vest in the unit owners, upon termination, as tenants in common in proportion to the unit owners' respective interests as provided in subsection I. ~~Any~~ *In such an event, any liens on the units a unit shall shift accordingly, and a lien may be enforced only against a unit owner's tenancy in common interest, but the lien shall not encumber the entire property formerly constituting the condominium.* While the tenancy in common exists, each unit owner or his successor in interest shall have the exclusive right to occupancy of the portion of the property that formerly constituted the unit owner's unit.

H. Following termination of the condominium, the proceeds of any sale of property, together with the assets of the unit owners' association, shall be held by the unit owners' association as trustee for unit owners or lien holders on the units as their interests may appear. Following termination, any creditor of the unit owners' association who holds a lien on the unit that was recorded before termination may enforce the lien in the same manner as any lien holder. Any other creditor of the unit owners' association shall be treated as if he had perfected a lien on the units immediately before termination.

I. Unless the condominium instruments as originally recorded or as amended by 100 percent of the unit owners provide otherwise, the respective interests of unit owners referred to in subsections F, G, and H shall be as follows:

1. *Except as provided in subdivision 3, the respective interests of the unit owners shall be as set forth in the termination agreement.*

2. ~~Except as provided in subdivision 2 3, if the respective interests of the unit owners shall be the~~ *are based on the respective fair market values of their units, limited common elements, and common element interests immediately before the termination, as the fair market values shall be determined by one or more independent appraisers selected by the unit owners' association. The decision of the independent appraisers shall be distributed to the unit owners and become final unless disapproved within 30 days after distribution by unit owners of units to which one quarter of the votes in the unit owners' association appertain. The proportion of any unit owner's interest to the interest of all unit owners is determined by dividing the fair market value of that unit owner's unit and common element interest by the total fair market values of all the units and their common element interests.*

3. *If the method of determining the respective interests of the unit owners in the proceeds of sale or disposition is other than the fair market values, then the association shall provide each unit owner with a notice stating the result of that method for his unit and, no later than 30 days after transmission of that notice, if 10 percent of the unit owners dispute the interest to be distributed to their units, those unit owners may require the association to obtain an independent appraisal of the condominium units. If the fair market value of the units of the objecting unit owners is at least 10 percent more than the amount that the unit owners would have received using the method agreed upon by the membership, then the association shall adjust the respective interests of the unit owners so that each unit owner's share is based on the fair market value for each unit. If the fair market value is less than 10 percent more than the amount that the objecting unit owners would have received using the agreed-upon method, then the agreed-upon method shall be implemented and the objecting unit owners shall receive the distribution less their pro rata share of the cost of their appraisal.*

~~2-4. If the method of determining the respective interests of the unit owners cannot be implemented because any unit or limited common element is destroyed to the extent that an appraisal of the fair market value of such unit or limited common element before destruction cannot be made, the interests of all unit owners are the unit owners' respective common element interests immediately before the termination.~~

5. *Unless the termination agreement provides otherwise, each unit owner shall satisfy and cause the release of any mortgage, deed of trust, lease, or other lien or encumbrance on his unit at the time required by the termination agreement.*

J. Except as provided in subsection K, foreclosure or enforcement of a mortgage, deed of trust, or other lien or encumbrance against the entire condominium shall not alone terminate the condominium, and foreclosure or enforcement of a lien or encumbrance against a portion of the condominium, other than withdrawable land, shall not withdraw that portion from the condominium. Foreclosure or enforcement of a lien or encumbrance against withdrawable land shall not alone withdraw the land from the condominium, but the person who takes title to the withdrawable land shall have the right to require from the unit owners' association, upon request, an amendment that excludes the land from the condominium.

K. If a lien or encumbrance against a portion of the property that comprises the condominium has priority over the condominium instruments and the lien or encumbrance has not been partially released, upon foreclosure, the parties foreclosing the lien or encumbrance may record an instrument that excludes the property subject to the lien or encumbrance from the condominium.

~~L. The foreclosure of any mortgage, deed of trust, or other lien shall not be deemed, ex proprio vigore, to terminate the condominium.~~

§ 55.1-1941. Amendment to condominium instruments; consent of mortgagee.

A. If any provision in the condominium instruments requires the written consent of a mortgagee in order to amend the condominium instruments, the unit owners' association shall be deemed to have received the written consent of a mortgagee if the unit owners' association sends the text of the proposed amendment by certified mail, return receipt requested, to the mortgagee at the address supplied by such mortgagee in a written request to the unit owners' association to receive notice of proposed amendments to the condominium instruments and receives no written objection to the adoption of the amendment from the mortgagee within 60 days of the date that the notice of amendment is sent by the unit owners' association, unless the condominium instruments expressly provide otherwise. If the mortgagee has not supplied an address to the unit owners' association, the unit owners' association shall be deemed to have received the written consent of a mortgagee if the unit owners' association sends the text of the proposed amendment by certified mail, return receipt requested, to the mortgagee at the address filed in the land records or with the local tax assessor's office and receives no written objection to the adoption of the amendment from the mortgagee within 60 days of the date that the notice of amendment is sent by the unit owners' association, unless the condominium instruments expressly provide otherwise.

B. *Any amendment adopted without the required consent of a mortgagee shall be voidable only by an institutional lender that was entitled to notice and an opportunity to consent. An action to void an amendment shall be subject to the one-year statute of limitations set forth in subsection C of § 55.1-1934 beginning on the date of recordation of the amendment.*

C. Subsection A shall not apply to amendments that alter the priority of the lien of the mortgagee or that materially impair or affect the unit as collateral or the right of the mortgagee to foreclose on a unit as collateral.

~~C. D. Where the condominium instruments are silent on the need for mortgagee consent, no mortgagee consent shall be required if the amendment to the condominium instruments does not specifically affect mortgagee rights.~~

CHAPTER 818

An Act to amend the Code of Virginia by adding in Article 1 of Chapter 1 of Title 9.1 a section numbered 9.1-116.6, relating to Virginia Gun Violence Intervention and Prevention Fund.

[S 248]

Approved April 7, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 1 of Chapter 1 of Title 9.1 a section numbered 9.1-116.6 as follows:

§ 9.1-116.6. Virginia Gun Violence Intervention and Prevention Fund; purpose; guidelines.

A. *There is hereby created in the state treasury a special nonreverting fund to be known as the Virginia Gun Violence Intervention and Prevention Fund (the Fund). The Fund shall be established on the books of the Comptroller. All moneys accruing to the Fund, including funds appropriated for such purpose and any gifts, donations, grants, bequests, and other funds received on its behalf, shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used for the purpose of supporting violence intervention and prevention programs. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Director of the Department.*

B. *The Fund shall be administered by the Department, and the Department shall adopt guidelines to make funds available to agencies of local government, community-based organizations, and hospitals for the purpose of supporting implementation of evidence-informed violence intervention and prevention efforts, including street outreach, hospital-based violence intervention, and group violence intervention programs.*

C. *The Department shall establish a grant procedure to govern funds awarded for this purpose.*

CHAPTER 819

An Act to amend the Code of Virginia by adding in Chapter 3.2 of Title 44 a section numbered 44-146.29:3, relating to Emergency Shelters Upgrade Assistance Grant Fund.

[S 350]

Approved April 7, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 3.2 of Title 44 a section numbered 44-146.29:3 as follows:

§ 44-146.29:3. Emergency Shelters Upgrade Assistance Grant Fund.

There is hereby created in the state treasury a special nonreverting fund to be known as the Emergency Shelters Upgrade Assistance Grant Fund, referred to in this section as "the Fund." The Fund shall be established on the books of the Comptroller. All funds appropriated for such purpose and any gifts, donations, grants, bequests, and other funds received on its behalf shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purposes of providing matching funds to localities to install, maintain, or repair infrastructure for backup energy generation for emergency shelters, including solar energy generators, and improve the hazard-specific structural integrity of shelter facilities owned by the locality. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Director of Emergency Management or, if designated, the State Coordinator of Emergency Management.

CHAPTER 820

An Act to amend and reenact § 15.2-2243 of the Code of Virginia, relating to installation of certain facilities by developer; reimbursement.

[S 360]

Approved April 7, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-2243 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-2243. Payment by subdivider of the pro rata share of the cost of certain facilities.

A. *A locality may provide in its subdivision ordinance for payment by a subdivider or developer of land of the pro rata share of the cost of providing reasonable and necessary sewerage, water, and drainage facilities, located outside the property*

limits of the land owned or controlled by the subdivider or developer but necessitated or required, at least in part, by the construction or improvement of the subdivision or development; however, no such payment shall be required until such time as the governing body or a designated department or agency thereof has established a general sewer, water, and drainage improvement program for an area having related and common sewer, water, and drainage conditions and within which the land owned or controlled by the subdivider or developer is located or the governing body has committed itself by ordinance to the establishment of such a program. Such regulations or ordinance shall set forth and establish reasonable standards to determine the proportionate share of total estimated cost of ultimate sewerage, water, and drainage facilities required to adequately serve a related and common area, when and if fully developed in accord with the adopted comprehensive plan, that shall be borne by each subdivider or developer within the area. Such share shall be limited to the amount necessary to protect water quality based upon the pollutant loading caused by the subdivision or development or to the proportion of such total estimated cost which the increased sewage flow, water flow, and/or increased volume and velocity of storm water runoff to be actually caused by the subdivision or development bears to total estimated volume and velocity of such sewage, water, and/or runoff from such area in its fully developed state. In calculating the pollutant loading caused by the subdivision or development or the volume and velocity of storm water runoff, the governing body shall take into account the effect of all on-site storm water facilities or best management practices constructed or required to be constructed by the subdivider or developer and give appropriate credit therefor.

B. A locality that has adopted an ordinance pursuant to subsection A may also provide in its subdivision ordinance that, when adequate water, sewerage, or drainage facilities are not available to serve a proposed subdivision or development, the subdivider or developer of the property may be permitted to install reasonable and necessary water, sewerage, and drainage facilities, located on or outside the property limits of the land owned or controlled by the subdivider or developer but necessitated or required, at least in part, by the utility needs of the development or subdivision, including reasonably anticipated capacity, extensions, or maintenance considerations of a utility service plan for the service area. The ordinance may provide that such subdivider or developer may be entitled to reimbursement of a portion of its costs by any subsequent subdivider or developer that utilizes the installed water, sewerage or drainage facilities or from connection fees paid for lots within its development, and the ordinance may limit the duration of the reimbursements. The locality is authorized to administer by ordinance and by adopted reasonable policies and procedures standards for installation of such water, sewerage, and drainage facilities and parameters for pro rata reimbursement or connection or capacity fee reimbursement. The provisions of this subsection shall not be deemed to limit the authority of (i) localities that have not adopted an ordinance pursuant to subsection A or (ii) authorities established pursuant to the Virginia Water and Waste Authorities Act (§ 15.2-5100 et seq.) to establish policies for reimbursement or credits from connection fees or to other utility fund sources to subdividers and developers constructing water, sewerage, or drainage facilities.

C. Each ~~such~~ payment pursuant to subsection A received shall be expended only for necessary engineering and related studies and the construction of those facilities identified in the established sewer, water, and drainage program; however, in lieu of such payment the governing body may provide for the posting of a personal, corporate or property bond, cash escrow, or other method of performance guarantee satisfactory to it conditioned on payment at commencement of such studies or construction. The payments received shall be kept in a separate account for each of the individual improvement programs until such time as they are expended for the improvement program. All bonds, payments, cash escrows, or other performance guarantees hereunder shall be released and used, with any interest earned, as a tax credit on the real estate taxes on the property if construction of the facilities identified in the established water, sewer, and drainage programs is not commenced within ~~twelve~~ 12 years from the date of the posting of the bond, payment, cash escrow, or other performance guarantee.

↵ D. Any funds collected for pro rata programs under this section prior to July 1, 1990, shall continue to be held in separate, interest bearing accounts for the project or projects for which the funds were collected and any interest from such accounts shall continue to accrue to the benefit of the subdivider or developer until such time as the project or projects are completed or until such time as a general sewer and drainage improvement program is established to replace a prior sewer and drainage improvement program. If such a general improvement program is established, the governing body of any locality may abolish any remaining separate accounts and require the transfer of the assets therein into a separate fund for the support of each of the established sewer, water, and drainage programs. Upon the transfer of such assets, subdividers and developers who had met the terms of any existing agreements made under a previous pro rata program shall receive any outstanding interest which has accrued up to the date of transfer, and such subdividers and developers shall be released from any further obligation under those existing agreements. All bonds, payments, cash escrows, or other performance guarantees hereunder shall be released and used, with any interest earned, as a tax credit on the real estate taxes on the property if construction of the facilities identified in the established water, sewer, and drainage programs is not commenced within ~~twelve~~ 12 years from the date of the posting of the bond, payment, cash escrow, or other performance guarantee.

CHAPTER 821

An Act to amend and reenact § 18.2-152.4 of the Code of Virginia, relating to computer trespass; penalty.

Approved April 7, 2020

[S 378]

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-152.4 of the Code of Virginia is amended and reenacted as follows:

§ 18.2-152.4. Computer trespass; penalty.

A. It ~~shall be~~ is unlawful for any person, with malicious intent, *or through intentionally deceptive means and without authority*, to:

1. Temporarily or permanently remove, halt, or otherwise disable any computer data, computer programs or computer software from a computer or computer network;
2. Cause a computer to malfunction, regardless of how long the malfunction persists;
3. Alter, disable, or erase any computer data, computer programs or computer software;
4. Effect the creation or alteration of a financial instrument or of an electronic transfer of funds;
5. Use a computer or computer network to cause physical injury to the property of another;
6. Use a computer or computer network to make or cause to be made an unauthorized copy, in any form, including, but not limited to, any printed or electronic form of computer data, computer programs or computer software residing in, communicated by, or produced by a computer or computer network;
7. [Repealed.]
8. Install or cause to be installed, or collect information through, computer software that records all or a majority of the keystrokes made on the computer of another ~~without the computer owner's authorization~~; or
9. Install or cause to be installed on the computer of another, computer software for the purpose of (i) taking control of that computer so that it can cause damage to another computer or (ii) disabling or disrupting the ability of the computer to share or transmit instructions or data to other computers or to any related computer equipment or devices, including but not limited to printers, scanners, or fax machines.

B. Any person who violates this section is guilty of computer trespass, which ~~shall be~~ is a Class 1 misdemeanor. Any person who violates this section for the purposes of affecting a computer that is exclusively for the use of, or exclusively used by or for, (i) the Commonwealth or any local government within the Commonwealth or any department or agency thereof or (ii) a provider of telephone, including wireless or voice over Internet protocol, oil, electric, gas, sewer, wastewater, or water service to the public is guilty of a Class 6 felony. If there is damage to the property of another valued at \$1,000 or more caused by such person's act *done with malicious intent* in violation of this section, the offense ~~shall be~~ is a Class 6 felony. If a person, *with malicious intent*, installs or causes to be installed computer software in violation of this section on more than five computers of another, the offense ~~shall be~~ is a Class 6 felony. If a person violates subdivision A 8 *with malicious intent*, the offense ~~shall be~~ is a Class 6 felony.

C. Nothing in this section shall be construed to interfere with or prohibit terms or conditions in a contract or license related to computers, computer data, computer networks, computer operations, computer programs, computer services, or computer software or to create any liability by reason of terms or conditions adopted by, or technical measures implemented by, a Virginia-based electronic mail service provider to prevent the transmission of unsolicited electronic mail in violation of this article. Nothing in this section shall be construed to prohibit the monitoring of *the location of a minor or a person with a disability or mental impairment as those terms are defined in § 51.5-40.1 or to prohibit the monitoring of the computer usage of, the otherwise lawful copying of data of, or the denial of computer or Internet access to a minor by a parent or legal guardian of the minor. Nothing in this section shall be construed to require notice to a computer user of the activities of a computer hardware or software provider, an interactive computer service, or a telecommunications or cable operator that a reasonable computer user should expect may occur in the context of a computer user's transaction or relationship with that entity or that are required or specifically authorized by law.*

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation is \$0 for periods of imprisonment in state adult correctional facilities and cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

CHAPTER 822

An Act to amend and reenact § 54.1-401 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 56-257.2:1, relating to the regulation of professional engineers; scope of exception.

[S 385]

Approved April 7, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-401 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 56-257.2:1 as follows:

§ 54.1-401. Exemptions.

The following shall be exempted from the provisions of this chapter:

1. Practice of professional engineering and land surveying by a licensed architect when such practice is incidental to what may be properly considered an architectural undertaking.

2. Practice of architecture and land surveying by a licensed professional engineer when such practice is incidental to an engineering project.

3. Practice as a professional engineer, architect or landscape architect in this Commonwealth by any person not a resident of and having no established place of business in this Commonwealth, or by any person resident in this Commonwealth whose arrival is recent, provided that such person is otherwise qualified for such professional service in another state or country and qualifies in Virginia and files prior to commencement of such practice an application, with the required fee, for licensure as a professional engineer, architect or landscape architect. The exemption shall continue until the Board has had sufficient time to consider the application and grant or deny licensure or certification.

4. Engaging in the practice of professional engineering as an employee under a licensed professional engineer, engaging in the practice of architecture as an employee under a licensed architect, engaging in the practice of landscape architecture as an employee under a licensed landscape architect, or engaging in the practice of land surveying as an employee under a licensed land surveyor; provided, that such practice shall not include responsible charge of design or supervision.

5. Practice of professional engineering, architecture, landscape architecture, or land surveying solely as an employee of the United States. However, the employee shall not be exempt from other provisions of this chapter if he furnishes advisory service for compensation to the public in connection with engineering, architectural, landscape architecture, or land surveying matters.

6. Practice of architecture or professional engineering by an individual, firm or corporation on property owned or leased by such individual, firm or corporation, unless the public health or safety is involved.

7. ~~Practice~~ *Except as provided by regulations promulgated by the State Corporation Commission pursuant to § 56-257.2:1, the practice* of engineering solely as an employee of a corporation engaged in interstate commerce, or as an employee of a public service corporation, by rendering such corporation engineering service in connection with its facilities which are subject to regulation by the State Corporation Commission; provided, that corporation employees who furnish advisory service to the public in connection with engineering matters other than in connection with such employment shall not be exempt from the provisions of this chapter.

§ 56-257.2:1. Projects presenting material risk to public safety; licensed professional engineers; regulations.

The Commission shall promulgate regulations requiring that a licensed professional engineer exercise responsible charge, as defined in § 54.1-400, over engineering projects that (i) involve gas pipeline facilities, as defined in the federal regulations promulgated under 49 U.S.C § 60101 et seq., as amended and adopted by the State Corporation Commission, and the federal pipeline safety laws, and (ii) may present a material risk to public safety.

2. That prior to promulgating the regulations required by § 56-257.2:1 of the Code of Virginia, as created by this act, the State Corporation Commission (the Commission) shall convene a stakeholder group that shall include representatives of natural gas utilities in the Commonwealth. The Commission shall direct such stakeholder group to develop and propose to the Commission recommendations concerning such regulations no later than December 1, 2020.

3. That prior to promulgating the regulations required by § 56-257.2:1 of the Code of Virginia, as created by this act, the State Corporation Commission (the Commission) shall determine the extent to which engineering projects involving gas pipeline facilities present a material risk to public safety and thereby require the seal of a professional engineer. In making its determination, the Commission shall consider solutions that other states and the natural gas industry have proposed or used in addressing such risks and any other information it deems relevant. The Commission shall evaluate (i) the installation of new or replacement transmission class pipelines, distribution mains, distribution services, points of delivery, and district regulator stations; (ii) projects that involve a change in system pressure; (iii) any other projects that may present a material risk to public safety; and (iv) alternative procedures for emergency work.

4. That the provisions of the first enactment of this act shall become effective on January 1, 2021.

CHAPTER 823

An Act to amend and reenact § 55.1-1226 of the Code of Virginia, relating to the Residential Landlord and Tenant Act; return of security deposit.

[S 388]

Approved April 7, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 55.1-1226 of the Code of Virginia is amended and reenacted as follows:

§ 55.1-1226. Security deposits.

A. No landlord may demand or receive a security deposit, however denominated, in an amount or value in excess of two months' periodic rent. Upon termination of the tenancy *or the date the tenant vacates the dwelling unit, whichever occurs last*, such security deposit, whether it is property or money held by the landlord as security as provided in this section, may be applied by the landlord solely to (i) the payment of accrued rent, including the reasonable charges for late payment of rent specified in the rental agreement; (ii) the payment of the amount of damages that the landlord has suffered

by reason of the tenant's noncompliance with § 55.1-1227, less reasonable wear and tear; (iii) other damages or charges as provided in the rental agreement; or (iv) actual damages for breach of the rental agreement pursuant to § 55.1-1251. The security deposit and any deductions, damages, and charges shall be itemized by the landlord in a written notice given to the tenant, together with any amount due to the tenant, within 45 days after the termination date of the tenancy. As of the date of the termination of the tenancy or the date the tenant vacates the dwelling unit, whichever occurs last, the tenant shall be required to deliver possession of the dwelling unit to the landlord. If the termination date is prior to the expiration of the rental agreement or any renewal thereof, or the tenant has not given proper notice of termination of the rental agreement, the tenant shall be liable for actual damages pursuant to § 55.1-1251, in which case, the landlord shall give written notice of security deposit disposition within the 45-day period but may retain any security balance to apply against any financial obligations of the tenant to the landlord pursuant to this chapter or the rental agreement. If the tenant fails to vacate the dwelling unit as of the termination of the tenancy, the landlord may file an unlawful detainer action pursuant to § 8.01-126.

B. Where there is more than one tenant subject to a rental agreement, unless otherwise agreed to in writing by each of the tenants, disposition of the security deposit shall be made with one check being payable to all such tenants and sent to a forwarding address provided by one of the tenants. The landlord shall make the security deposit disposition within the 45-day time period required by subsection A, but if no forwarding address is provided to the landlord, the landlord may continue to hold such security deposit in escrow. If a tenant fails to provide a forwarding address to the landlord to enable the landlord to make a refund of the security deposit, upon the expiration of one year from the date of the end of the 45-day time period, the landlord may remit such sum to the State Treasurer as unclaimed property on a form prescribed by the administrator that includes the name; social security number, if known; and last known address of each tenant on the rental agreement. If the landlord or managing agent is a real estate licensee, compliance with this subsection shall be deemed compliance with § 54.1-2108 and corresponding regulations of the Real Estate Board.

C. Nothing in this section shall be construed by a court of law or otherwise as entitling the tenant, upon the termination of the tenancy, to an immediate credit against the tenant's delinquent rent account in the amount of the security deposit. The landlord shall apply the security deposit in accordance with this section within the 45-day time period required by subsection A. However, provided that the landlord has given prior written notice in accordance with this section, the landlord may withhold a reasonable portion of the security deposit to cover an amount of the balance due on the water, sewer, or other utility account that is an obligation of the tenant to a third-party provider under the rental agreement for the dwelling unit, and upon payment of such obligations the landlord shall provide written confirmation to the tenant within 10 days, along with payment to the tenant of any balance otherwise due to the tenant. In order to withhold such funds as part of the disposition of the security deposit, the landlord shall have so advised the tenant of his rights and obligations under this section in (i) a termination notice to the tenant in accordance with this chapter, (ii) a written notice to the tenant confirming the vacating date in accordance with this section, or (iii) a separate written notice to the tenant at least 15 days prior to the disposition of the security deposit. Any written notice to the tenant shall be given in accordance with § 55.1-1202.

The tenant may provide the landlord with written confirmation of the payment of the final water, sewer, or other utility bill for the dwelling unit, in which case the landlord shall refund the security deposit, unless there are other authorized deductions, within the 45-day period required by subsection A. If the tenant provides such written confirmation after the expiration of the 45-day period, the landlord shall refund any remaining balance of the security deposit held to the tenant within 10 days following the receipt of such written confirmation provided by the tenant. If the landlord otherwise receives confirmation of payment of the final water, sewer, or other utility bill for the dwelling unit, the landlord shall refund the security deposit, unless there are other authorized deductions, within the 45-day period.

D. Nothing in this section shall be construed to prohibit the landlord from making the disposition of the security deposit prior to the 45-day period required by subsection A and charging an administrative fee to the tenant for such expedited processing, if the rental agreement so provides and the tenant requests expedited processing in a separate written document.

E. The landlord shall notify the tenant in writing of any deductions provided by this section to be made from the tenant's security deposit during the course of the tenancy. Such notification shall be made within 30 days of the date of the determination of the deduction and shall itemize the reasons in the same manner as provided in subsection F. No such notification shall be required for deductions made less than 30 days prior to the termination of the rental agreement. If the landlord willfully fails to comply with this section, the court shall order the return of the security deposit to the tenant, together with actual damages and reasonable attorney fees, unless the tenant owes rent to the landlord, in which case the court shall order an amount equal to the security deposit credited against the rent due to the landlord. In the event that damages to the premises exceed the amount of the security deposit and require the services of a third-party contractor, the landlord shall give written notice to the tenant advising him of that fact within the 45-day period required by subsection A. If notice is given as prescribed in this subsection, the landlord shall have an additional 15-day period to provide an itemization of the damages and the cost of repair. This section shall not preclude the landlord or tenant from recovering other damages to which he may be entitled under this chapter. The holder of the landlord's interest in the premises at the time of the termination of the tenancy, regardless of how the interest is acquired or transferred, is bound by this section and shall be required to return any security deposit received by the original landlord that is duly owed to the tenant, whether or not such security deposit is transferred with the landlord's interest by law or equity, regardless of any contractual agreements between the original landlord and his successors in interest.

F. The landlord shall:

1. Maintain and itemize records for each tenant of all deductions from security deposits provided for under this section that the landlord has made by reason of a tenant's noncompliance with § 55.1-1227, or for any other reason set out in this section, during the preceding two years; and

2. Permit a tenant or his authorized agent or attorney to inspect such tenant's records of deductions at any time during normal business hours.

G. Upon request by the landlord to a tenant to vacate, or within five days after receipt of notice by the landlord of the tenant's intent to vacate, the landlord shall provide written notice to the tenant of the tenant's right to be present at the landlord's inspection of the dwelling unit for the purpose of determining the amount of security deposit to be returned. If the tenant desires to be present when the landlord makes the inspection, he shall, in writing, so advise the landlord, who in turn shall notify the tenant of the date and time of the inspection, which must be made within 72 hours of delivery of possession. Following the move-out inspection, the landlord shall provide the tenant with a written security deposit disposition statement, including an itemized list of damages. If additional damages are discovered by the landlord after the security deposit disposition has been made, nothing in this section shall be construed to preclude the landlord from recovery of such damages against the tenant, provided, however, that the tenant may present into evidence a copy of the move-out report to support the tenant's position that such additional damages did not exist at the time of the move-out inspection.

H. If the tenant has any assignee or sublessee, the landlord shall be entitled to hold a security deposit from only one party in compliance with the provisions of this section.

CHAPTER 824

An Act to amend and reenact § 8.01-223.2 of the Code of Virginia, relating to immunity of persons at public hearing; attorney fees; costs.

[S 401]

Approved April 7, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 8.01-223.2 of the Code of Virginia is amended and reenacted as follows:

§ 8.01-223.2. Immunity of persons for statements made at public hearing or communicated to third party.

A. A person shall be immune from civil liability for a violation of § 18.2-499, a claim of tortious interference with an existing contract or a business or contractual expectancy, or a claim of defamation based solely on statements (i) regarding matters of public concern that would be protected under the First Amendment to the United States Constitution made by that person that are communicated to a third party or (ii) made at a public hearing before the governing body of any locality or other political subdivision, or the boards, commissions, agencies and authorities thereof, and other governing bodies of any local governmental entity concerning matters properly before such body. The immunity provided by this section shall not apply to any statements made with actual or constructive knowledge that they are false or with reckless disregard for whether they are false.

B. Any person who has a suit against him dismissed *or a witness subpoena or subpoena duces tecum quashed* pursuant to the immunity provided by this section may be awarded reasonable attorney fees and costs.

CHAPTER 825

An Act to amend and reenact § 3.15, as amended, of Chapter 619 of the Acts of Assembly of 1975, which provided a charter for the Town of Blacksburg in Montgomery County, relating to ordinances; public hearings.

[S 454]

Approved April 7, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 3.15, as amended, of Chapter 619 of the Acts of Assembly of 1975 is amended and reenacted as follows:

§ 3.15. Ordinances.

(a) Action requiring an ordinance. In addition to other acts required by law or by specific provision of this charter to be done by ordinance, those acts of the town council shall be by ordinance which:

(1) Adopt or amend an administrative code or establish, alter or abolish any town department, office or agency;

(2) Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed;

(3) Levy taxes, except as otherwise provided in Article VI with respect to the property tax levied by adoption of the budget;

(4) Grant, renew or extend a franchise;

(5) Regulate the rate charged for its services by the town; provided, however, that the council may by resolution authorize the rates or fees charged by the Department of Parks and Recreation for use of its facilities or participation in its

programs and authorize the rates and fees charged by other departments of the town for sale of maps, reports or other publications or making of copies of printed or recorded matter;

(6) Authorize the borrowing of money;

(7) Convey or lease or authorize the conveyance or lease of any lands of the town.

Acts other than those referred to in the preceding sentence may be done either by ordinance or by resolution if not in conflict with law.

(b) Form. Every proposed ordinance shall be introduced in writing and in the form required for adoption. No ordinance shall contain more than one subject which shall be clearly expressed in its title. The enacting clause shall be "Be it ordained by the Council of the Town of Blacksburg"

(c) Procedure. An ordinance may be introduced by any member at any regular or special meeting of the council. Upon introduction of any ordinance, the town clerk shall distribute a copy to each council member and to the manager, shall file a reasonable number of copies in the office of the town clerk and such other public places as the council may designate, and shall publish the ordinance together with a notice setting out the time and place for a public hearing thereon and for its consideration by the council. The public hearing shall follow the publication by at least five days, may be held separately or in connection with a regular or special council meeting and may be adjourned from time to time; all persons interested shall have an opportunity to be heard. *If the council plans to conduct the public hearing but to delay action on the ordinance, the date for the delayed vote shall be stated on the agenda.* After the hearing the council may adopt the ordinance with or without amendment or reject it but, if it is amended so as to materially change the purpose and character of the proposed ordinance, the council may not adopt it until the ordinance or its amended sections have been subjected to all the procedures hereinbefore required for a newly introduced ordinance. *After conducting and closing the public hearing, the council may vote to delay action until its next regular meeting.*

To pass an ordinance, the council shall vote on the proposed ordinance two times. If at any stage in this procedure the proposed ordinance fails to receive the affirmative vote of a majority of the members of the council, the ordinance shall be declared defeated and removed from the calendar of ordinances. ~~An ordinance may only be passed at the same meeting at which the public hearing is held unless the agenda for such meeting indicates that the ordinance will not be acted on at the meeting.~~

(d) Effective date. Except as otherwise provided in this charter, every adopted ordinance shall become effective from its passage or at any later date specified therein.

(e) "Publish" defined. As used in this section, the term "publish" means to print in one or more newspapers of general circulation in the town: (1) the ordinance or a brief summary thereof, and (2) the places where copies of it have been filed and the times when they are available for public inspection.

(f) Penalties. The town council may prescribe either civil or criminal penalties for violations of ordinances. Any civil penalty shall be paid into the general fund of the town. No civil penalty prescribed for an ordinance violation shall be inconsistent with the penalty established for a violation of a substantially similar state law. No such civil penalty shall exceed \$1,000 for any individual violation.

CHAPTER 826

An Act to amend and reenact § 9.1-902 of the Code of Virginia, relating to sex offenses requiring registration.

[S 492]

Approved April 7, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 9.1-902 of the Code of Virginia is amended and reenacted as follows:

§ 9.1-902. Offenses requiring registration.

A. For purposes of this chapter:

"Offense for which registration is required" includes:

1. Any offense listed in subsection B;
2. Criminal homicide;
3. Murder;
4. A sexually violent offense;
5. Any offense similar to those listed in subdivisions 1 through 4 under the laws of any foreign country or any political subdivision thereof or the United States or any political subdivision thereof; and
6. Any offense for which registration in a sex offender and crimes against minors registry is required under the laws of the jurisdiction where the offender was convicted.

B. The offenses included under this subsection include any violation of, attempted violation of, or conspiracy to violate:

1. § 18.2-63 unless registration is required pursuant to subdivision E 1; § 18.2-64.1; former § 18.2-67.2:1; § 18.2-90 with the intent to commit rape; former § 18.1-88 with the intent to commit rape; any felony violation of § 18.2-346; any violation of subdivision (4) of § 18.2-355; any violation of subsection C of § 18.2-357.1; subsection B or C of § 18.2-374.1:1; former subsection D of § 18.2-374.1:1 as it was in effect from July 1, 1994, through June 30, 2007; former

clause (iv) of subsection B of § 18.2-374.3 as it was in effect on June 30, 2007; subsection B, C, or D of § 18.2-374.3; or a third or subsequent conviction of (i) § 18.2-67.4, (ii) § 18.2-67.4:2, (iii) subsection C of § 18.2-67.5, or (iv) § 18.2-386.1.

If the offense was committed on or after July 1, 2006, § 18.2-91 with the intent to commit any felony offense listed in this section; subsection A of § 18.2-374.1:1; or a felony under § 18.2-67.5:1.

2. Where the victim is a minor or is physically helpless or mentally incapacitated as defined in § 18.2-67.10, subsection A of § 18.2-47, clause (i) of § 18.2-48, § 18.2-67.4, subsection C of § 18.2-67.5, § 18.2-361, § 18.2-366, or a felony violation of former § 18.1-191.

3. § 18.2-370.6.

4. If the offense was committed on or after July 1, 2016, and where the perpetrator is 18 years of age or older and the victim is under the age of 13, any violation of § 18.2-51.2.

5. If the offense was committed on or after July 1, 2016, any violation of § 18.2-356 punishable as a Class 3 felony or any violation of § 18.2-357 punishable as a Class 3 felony.

6. If the offense was committed on or after July 1, 2019, any felony violation of § 18.2-348 or 18.2-349.

C. "Criminal homicide" means a homicide in conjunction with a violation of, attempted violation of, or conspiracy to violate clause (i) of § 18.2-371 or § 18.2-371.1, when the offenses arise out of the same incident.

D. "Murder" means a violation of, attempted violation of, or conspiracy to violate § 18.2-31 or § 18.2-32 where the victim is (i) under 15 years of age or (ii) where the victim is at least 15 years of age but under 18 years of age and the murder is related to an offense listed in this section or a violation of former § 18.1-21 where the victim is (a) under 15 years of age or (b) at least 15 years of age but under 18 years of age and the murder is related to an offense listed in this section.

E. "Sexually violent offense" means a violation of, attempted violation of, or conspiracy to violate:

1. Clause (ii) and (iii) of § 18.2-48, former § 18.1-38 with the intent to defile or, for the purpose of concubinage or prostitution, a felony violation of subdivision (2) or (3) of former § 18.1-39 that involves assisting or aiding in such an abduction, § 18.2-61, former § 18.1-44 when such act is accomplished against the complaining witness's will, by force, or through the use of the complaining witness's mental incapacity or physical helplessness, or if the victim is under 13 years of age, subsection A of § 18.2-63 where the perpetrator is more than five years older than the victim, § 18.2-67.1, § 18.2-67.2, § 18.2-67.3, former § 18.1-215 when the complaining witness is under 13 years of age, § 18.2-67.4 where the perpetrator is 18 years of age or older and the victim is under the age of six, subsections A and B of § 18.2-67.5, § 18.2-370, subdivision (1), (2), or (4) of former § 18.1-213, former § 18.1-214, § 18.2-370.1, or § 18.2-374.1;

2. § 18.2-63, § 18.2-64.1, former § 18.2-67.2:1, § 18.2-90 with the intent to commit rape or, where the victim is a minor or is physically helpless or mentally incapacitated as defined in § 18.2-67.10, subsection A of § 18.2-47, § 18.2-67.4, subsection C of § 18.2-67.5, clause (i) of § 18.2-48, § 18.2-361, § 18.2-366, or subsection C of § 18.2-374.1:1. An offense listed under this subdivision shall be deemed a sexually violent offense only if the person has been convicted or adjudicated delinquent of any two or more such offenses, provided that person had been at liberty between such convictions or adjudications;

3. If the offense was committed on or after July 1, 2006, § 18.2-91 with the intent to commit any felony offense listed in this section. An offense listed under this subdivision shall be deemed a sexually violent offense only if the person has been convicted or adjudicated delinquent of any two or more such offenses, provided that the person had been at liberty between such convictions or adjudications; or

4. Chapter 117 (18 U.S.C. § 2421 et seq.) of Title 18 of the United States Code or sex trafficking (as described in § 1591 of Title 18, U.S.C.).

F. ~~"Any offense listed in subsection B," "criminal homicide" as defined in this section, "murder" as defined in this section, and "sexually violent offense" as defined in this section includes (i) any similar~~

1. Any offense under the laws of any foreign country or any political subdivision thereof or the United States or any political subdivision thereof or (ii) any that is similar to (i) any offense listed in subsection B, (ii) criminal homicide as defined in this section, (iii) murder as defined in this section, or (iv) a sexually violent offense as defined in this section shall require registration and reregistration in accordance with this chapter in a manner consistent with the registration and reregistration obligations imposed by the similar offense listed or defined in this section, unless such offense requires more stringent registration and reregistration obligations under the laws of the jurisdiction where the offender was convicted. In instances where more stringent registration and reregistration obligations are required under the laws of the jurisdiction where the offender was convicted, the offender shall register and reregister as required by this chapter in a manner most similar with the registration obligations imposed under the laws of the jurisdiction where the offender was convicted.

2. Any offense for which registration in a sex offender and crimes against minors registry is required under the laws of the jurisdiction where the offender was convicted shall require registration and reregistration in accordance with this chapter in the manner most similar with the registration and reregistration obligations imposed under the laws of the jurisdiction where the offender was convicted unless such offense is similar to (i) any offense listed in subsection B, (ii) criminal homicide as defined in this section, (iii) murder as defined in this section, or (iv) a sexually violent offense as defined in this section and the registration and reregistration obligations imposed by the similar offense listed or defined in this section are more stringent than those registration and reregistration obligations imposed under the laws of the jurisdiction where the offender was convicted. In instances where the similar offense listed or defined in this section imposes more stringent registration and reregistration obligations, the offender shall register and reregister as required by this

chapter in a manner consistent with the registration and reregistration obligations imposed by the similar offense listed or defined in this section.

G. Juveniles adjudicated delinquent shall not be required to register; however, where the offender is a juvenile over the age of 13 at the time of the offense who is tried as a juvenile and is adjudicated delinquent on or after July 1, 2005, of any offense for which registration is required, the court may, in its discretion and upon motion of the attorney for the Commonwealth, find that the circumstances of the offense require offender registration. In making its determination, the court shall consider all of the following factors that are relevant to the case: (i) the degree to which the delinquent act was committed with the use of force, threat, or intimidation, (ii) the age and maturity of the complaining witness, (iii) the age and maturity of the offender, (iv) the difference in the ages of the complaining witness and the offender, (v) the nature of the relationship between the complaining witness and the offender, (vi) the offender's prior criminal history, and (vii) any other aggravating or mitigating factors relevant to the case. The attorney for the Commonwealth may file such a motion at any time during which the offender is within the jurisdiction of the court for the offense that is the basis for such motion. Prior to any hearing on such motion, the court shall appoint a qualified and competent attorney-at-law to represent the offender unless an attorney has been retained and appears on behalf of the offender or counsel has already been appointed.

H. Prior to entering judgment of conviction of an offense for which registration is required if the victim of the offense was a minor, physically helpless, or mentally incapacitated, when the indictment, warrant, or information does not allege that the victim of the offense was a minor, physically helpless, or mentally incapacitated, the court shall determine by a preponderance of the evidence whether the victim of the offense was a minor, physically helpless, or mentally incapacitated, as defined in § 18.2-67.10, and shall also determine the age of the victim at the time of the offense if it determines the victim to be a minor. When such a determination is required, the court shall advise the defendant of its determination and of the defendant's right to make a motion to withdraw a plea of guilty or nolo contendere pursuant to § 19.2-296. If the court grants the defendant's motion to withdraw his plea of guilty or of nolo contendere, his case shall be heard by another judge, unless the parties agree otherwise. Failure to make such determination or so advise the defendant does not otherwise invalidate the underlying conviction.

CHAPTER 827

An Act to amend and reenact §§ 3.01, as amended, and 3.04.1 of Chapter 116 of the Acts of Assembly of 1948, which provided a charter for the City of Richmond, relating to residency of council members.

[S 528]

Approved April 7, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 3.01, as amended, and 3.04.1 of Chapter 116 of the Acts of Assembly of 1948 are amended and reenacted as follows:

§ 3.01. Election of councilmen; nomination of candidates.

A. At the time of the November general election in 2004, and every second year thereafter, there shall be held a general city election at which shall be elected by the qualified voters of the city one member of council from each of the nine election districts in the city, the voters residing in each such district to elect one member for said district for terms of two years from the first day of January following their election. However, beginning with the elections to be held in 2008, and subject to approval by referendum as called for by this act, council members shall be elected for a term of four years.

B. No primary election shall be held for the nomination of candidates for the office of councilman, and candidates shall be nominated only by petition.

C. Each council member elected in accordance with this section shall reside in the election district from which such member was elected throughout the member's term on the council.

§ 3.04.1. Removal of council member or mayor and forfeiture of office.

A. In addition to being subject to the procedure set forth in § 24.2-233 of the Code of Virginia, any member of the council may be removed by the council, ~~but only~~ for malfeasance in office or neglect of duty. ~~He/she~~ *or for a failure to comply with the residency requirement set forth in § 3.01.* The member shall be entitled to notice and hearing. It shall be the duty of the council, at the request of the person sought to be removed, to subpoena witnesses whose testimony would be pertinent to the matter in hand. From the decision of the council an appeal shall lie to the Circuit Court of the City of Richmond, Division I.

B. The mayor may be removed following the procedure set forth in § 24.2-233 of the Code of Virginia applicable to constitutional officers; provided, however, that the petition must be signed by a number of registered voters in each council district equal to at least 10 percent of the total number of votes cast in the last general election for mayor in each respective council district.

C. The mayor or any member of council who shall be convicted by a final judgment of any court from which no appeal has been taken or which has been affirmed by a court of last resort on a charge involving moral turpitude, or any felony, or any misdemeanor involving possession of marijuana or any controlled substances, shall forfeit his/her office.

**ACTS
OF THE
GENERAL ASSEMBLY**



2020 REGULAR SESSION

VOLUME I

VOLUME II

VOLUME III

VOLUME IV

ACTS

OF THE

GENERAL ASSEMBLY

OF THE

COMMONWEALTH OF VIRGINIA

2020 REGULAR SESSION

which met at the State Capitol, Richmond

Convened Wednesday, January 8, 2020

Adjourned sine die Thursday, March 12, 2020

Reconvened Wednesday, April 22, 2020

Adjourned sine die Wednesday, April 22, 2020

VOLUME II

CHAPTERS 828-1199

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RICHMOND
2020

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The House of Delegates

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Division of Legislative Services,
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TABLE OF CONTENTS
2020 REGULAR SESSION

VOLUME I

CHAPTERS 1-827..... 1

VOLUME II

CHAPTERS 828-1199..... 1311

VOLUME III

CHAPTERS 1200-1289..... 2607

VOLUME IV

CHAPTER 1289 3867

CERTIFICATION OF THE 2020 REGULAR SESSION ACTS OF ASSEMBLY 4282

RESOLUTIONS OF THE GENERAL ASSEMBLY-2020 REGULAR SESSION

House Joint Resolutions and House Resolutions..... 4283

Senate Joint Resolutions and Senate Resolutions..... 4627

APPENDIX

Summary of 2020 Regular Session Legislation..... 4835

House Bills Approved with Chapter and Page Numbers..... 4836

Senate Bills Approved with Chapter and Page Numbers 4840

Bills Vetoed by Governor 4843

Members of the Senate 4844

Members of the House of Delegates..... 4847

Senators and Delegates by Counties..... 4852

Senators and Delegates by Cities..... 4856

Counties and Cities--Land Area and Population 4858

Counties and Cities--Ranked by Population..... 4859

Table of Titles of the Code of Virginia 4860

INDEX..... 4863

CHAPTER 828

An Act to amend and reenact § 54.1-4201.2 of the Code of Virginia, relating to firearms shows; mandatory background check.

[S 543]

Approved April 7, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-4201.2 of the Code of Virginia is amended and reenacted as follows:

§ 54.1-4201.2. Firearm transactions by persons other than dealers; mandatory background checks.

A. The Department of State Police shall be available at every firearms show held in the Commonwealth ~~to~~ and shall make determinations in accordance with the procedures set out in § 18.2-308.2:2 of whether a prospective purchaser or transferee is prohibited under state or federal law from possessing a firearm *prior to the completion of any firearm transaction at a firearms show held in the Commonwealth*. The Department of State Police shall establish policies and procedures in accordance with 28 C.F.R. § 25.6 to permit such determinations to be made by the Department of State Police.

~~Unless otherwise required by state or federal law, any party involved in the transaction may decide whether or not to have such a determination made.~~

The Department of State Police may charge a reasonable fee for the determination.

B. The promoter, as defined in § 54.1-4201.1, shall give the Department of State Police notice of the time and location of a firearms show at least 30 days prior to the show. The promoter shall provide the Department of State Police with adequate space, at no charge, to conduct such prohibition determinations. The promoter shall ensure that a notice that such determinations are available is prominently displayed at the show.

C. No person who sells or transfers a firearm at a firearms show after receiving a determination from the Department of State Police that the purchaser or transferee is not prohibited by state or federal law from possessing a firearm shall be liable for selling or transferring a firearm to such person.

D. The provisions of § 18.2-308.2:2, including definitions, procedures, and prohibitions, shall apply, mutatis mutandis, to the provisions of this section.

CHAPTER 829

An Act to amend and reenact §§ 2.2-515.2, 9.1-900, 9.1-901, 9.1-902, 9.1-903, 9.1-904, as it shall become effective, 9.1-906 through 9.1-914, 9.1-918, 15.2-2283.1, 16.1-228, 18.2-348.1, 18.2-370.5, 18.2-472.1, 22.1-79, 23.1-407, 32.1-127, 46.2-116, 46.2-117, 46.2-118, 46.2-323, 46.2-324, 46.2-330, 46.2-345, 46.2-2011.33, 63.2-100, 63.2-1205.1, 63.2-1503, 63.2-1506, and 63.2-1732 of the Code of Virginia, relating to Sex Offender and Crimes Against Minors Registry.

[S 579]

Approved April 7, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-515.2, 9.1-900, 9.1-901, 9.1-902, 9.1-903, 9.1-904, as it shall become effective, 9.1-906 through 9.1-914, 9.1-918, 15.2-2283.1, 16.1-228, 18.2-348.1, 18.2-370.5, 18.2-472.1, 22.1-79, 23.1-407, 32.1-127, 46.2-116, 46.2-117, 46.2-118, 46.2-323, 46.2-324, 46.2-330, 46.2-345, 46.2-2011.33, 63.2-100, 63.2-1205.1, 63.2-1503, 63.2-1506, and 63.2-1732 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-515.2. Address confidentiality program established; victims of domestic violence, stalking, sexual violence, or human trafficking; application; disclosure of records.

A. As used in this section:

"Address" means a residential street address, school address, or work address of a person as specified on the person's application to be a program participant.

"Applicant" means a person who is a victim of domestic violence, stalking, or sexual violence or is a parent or guardian of a minor child or incapacitated person who is the victim of domestic violence, stalking, or sexual violence.

"Domestic violence" means an act as defined in § 38.2-508 and includes threat of such acts committed against an individual in a domestic situation, regardless of whether these acts or threats have been reported to law-enforcement officers. Such threat must be a threat of force which would place any person in reasonable apprehension of death or bodily injury.

"Program participant" means a person certified by the Office of the Attorney General as eligible to participate in the Address Confidentiality Program.

"Sexual or domestic violence programs" means public and not-for-profit agencies the primary mission of which is to provide services to victims of sexual or domestic violence, or stalking. Such programs may also include specialized services for victims of human trafficking.

"Sexual violence" means conduct that is prohibited under clause (ii), (iii), (iv), or (v) of § 18.2-48, or § 18.2-61, 18.2-63, 18.2-64.1, 18.2-67.1, 18.2-67.2, 18.2-67.3, 18.2-67.4, 18.2-67.5, 18.2-348, 18.2-348.1, 18.2-349, 18.2-355,

18.2-356, 18.2-357, 18.2-357.1, or 18.2-368, regardless of whether the conduct has been reported to a law-enforcement officer or the assailant has been charged with or convicted of the alleged violation.

"Stalking" means conduct that is prohibited under § 18.2-60.3, regardless of whether the conduct has been reported to a law-enforcement officer or the assailant has been charged with or convicted for the alleged violation.

B. The Statewide Facilitator for Victims of Domestic Violence shall establish a program to be known as the "Address Confidentiality Program" to protect victims of domestic violence, stalking, or sexual violence by authorizing the use of designated addresses for such victims. An individual who is at least 18 years of age, a parent or guardian acting on behalf of a minor, a guardian acting on behalf of an incapacitated person, or an emancipated minor may apply in person at (i) sexual or domestic violence programs that have been accredited by the Virginia Sexual and Domestic Violence Program Professional Standards Committee established pursuant to § 9.1-116.3 and are qualified to (a) assist the eligible person in determining whether the address confidentiality program should be part of such person's overall safety plan, (b) explain the address confidentiality program services and limitations, (c) explain the program participant's responsibilities, and, (d) assist the person eligible for participation with the completion of application materials or (ii) crime victim and witness assistance programs. The Office of the Attorney General shall approve an application if it is filed in the manner and on the form prescribed by the Attorney General and if the application contains the following:

1. A sworn statement by the applicant declaring to be true and correct under penalty of perjury that the applicant has good reason to believe that:

a. The applicant, or the minor or incapacitated individual on whose behalf the application is made, is a victim of domestic violence, sexual violence, or stalking;

b. The applicant fears further acts of violence, stalking, retribution, or intimidation from the applicant's assailant, abuser, or trafficker; and

c. The applicant is not on active parole or probation supervision requirements under federal, state, or local law.

2. A designation of the Office of the Attorney General as agent for the purpose of receiving mail on behalf of the applicant;

3. The applicant's actual address to which mail can be forwarded and a telephone number where the applicant can be called;

4. A listing of any minor children residing at the applicant's actual address, each minor child's date of birth, and each minor child's relationship to the applicant; and

5. The signature of the applicant and any person who assisted in the preparation of the application and the date.

C. Upon approval of a completed application, the Office of the Attorney General shall certify the applicant as a program participant. An applicant shall be certified for three years following the date of the approval, unless the certification is withdrawn or invalidated before that date. A program participant may apply to be recertified every three years.

D. Upon receipt of first-class mail addressed to a program participant, the Attorney General or his designee shall forward the mail to the actual address of the program participant. The actual address of a program participant shall be available only to the Attorney General and to those employees involved in the operation of the Address Confidentiality Program and to law-enforcement officers. A program participant's actual address may be entered into the Virginia Criminal Information Network (VCIN) system so that it may be made known to law-enforcement officers accessing the VCIN system for law-enforcement purposes.

E. The Office of the Attorney General may cancel a program participant's certification if:

1. The program participant requests withdrawal from the program;

2. The program participant obtains a name change through an order of the court and does not provide notice and a copy of the order to the Office of the Attorney General within seven days after entry of the order;

3. The program participant changes his residence address and does not provide seven days' notice to the Office of the Attorney General prior to the change of address;

4. The mail forwarded by the Office of the Attorney General to the address provided by the program participant is returned as undeliverable;

5. Any information contained in the application is false;

6. The program participant has been placed on parole or probation while a participant in the address confidentiality program; or

7. The applicant is required to register ~~as a sex offender~~ with the *Sex Offender and Crimes Against Minors Registry* pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1.

For purposes of the address confidentiality program, residents of temporary housing for 30 days or less are not eligible to enroll in the address confidentiality program until a permanent residential address is obtained.

The application form shall contain a statement notifying each applicant of the provisions of this subsection.

F. A program participant may request that any state or local agency use the address designated by the Office of the Attorney General as the program participant's address, except when the program participant is purchasing a firearm from a dealer in firearms. The agency shall accept the address designated by the Office of the Attorney General as a program participant's address, unless the agency has received a written exemption from the Office of the Attorney General demonstrating to the satisfaction of the Attorney General that:

1. The agency has a bona fide statutory basis for requiring the program participant to disclose to it the actual location of the program participant; and

2. The disclosed confidential address of the program participant will be used only for that statutory purpose and will not be disclosed or made available in any way to any other person or agency.

A state agency may request an exemption by providing in writing to the Office of the Attorney General identification of the statute or administrative rule that demonstrates the agency's bona fide requirement and authority for the use of the actual address of an individual. A request for a waiver from an agency may be for an individual program participant, a class of program participants, or all program participants. The denial of an agency's exemption request shall be in writing and include a statement of the specific reasons for the denial. Acceptance or denial of an agency's exemption request shall constitute final agency action.

Any state or local agency that discloses the program participant's confidential address provided by the Office of the Attorney General shall be immune from civil liability unless the agency acted with gross negligence or willful misconduct.

A program participant's actual address shall be disclosed pursuant to a court order.

G. Records submitted to or provided by the Office of the Attorney General in accordance with this section shall be exempt from disclosure under the Virginia Freedom of Information Act (§ 2.2-3700 et seq.) to the extent such records contain information identifying a past or current program participant, including such person's name, actual and designated address, telephone number, and any email address. However, access shall not be denied to the person who is the subject thereof, or the parent or legal guardian of a program participant in cases where the program participant is a minor child or an incapacitated person, except when the parent or legal guardian is named as the program participant's assailant.

H. Neither the Office of the Attorney General, its officers or employees, or others who have a responsibility to a program participant under this section shall have any liability nor shall any cause of action arise against them in their official or personal capacity from the failure of a program participant to receive any first class mail forwarded to him by the Office of the Attorney General pursuant to this section. Nor shall any such liability or cause of action arise from the failure of a program participant to timely receive any first class mail forwarded by the Office of the Attorney General pursuant to this section.

§ 9.1-900. Purpose of the Sex Offender and Crimes Against Minors Registry.

The purpose of the Sex Offender and Crimes Against Minors Registry (Registry) shall be to assist the efforts of law-enforcement agencies and others to protect their communities and families from repeat ~~sex~~ offenders and to protect children from becoming victims of criminal offenders by helping to prevent such individuals from being allowed to work directly with children.

§ 9.1-901. Persons for whom registration required.

A. Every person convicted on or after July 1, 1994, including a juvenile tried and convicted in the circuit court pursuant to § 16.1-269.1, whether sentenced as an adult or juvenile, of an offense set forth in § 9.1-902 and every juvenile found delinquent of an offense for which registration is required under subsection ~~G~~ C of § 9.1-902 shall register ~~and~~, reregister, *and verify his registration information* as required by this chapter. Every person serving a sentence of confinement on or after July 1, 1994, for a conviction of an offense set forth in § 9.1-902 shall register ~~and~~, reregister, *and verify his registration information* as required by this chapter. Every person under community supervision as defined by § 53.1-1 or any similar form of supervision under the laws of the United States or any political subdivision thereof, on or after July 1, 1994, resulting from a conviction of an offense set forth in § 9.1-902 shall register ~~and~~, reregister, *and verify his registration information* as required by this chapter.

B. Every person found not guilty by reason of insanity on or after July 1, 2007, of an offense set forth in § 9.1-902 shall register ~~and~~, reregister, *and verify his registration information* as required by this chapter. Every person in the custody of the Commissioner of Behavioral Health and Developmental Services, or on conditional release on or after July 1, 2007, because of a finding of not guilty by reason of insanity of an offense set forth in § 9.1-902 shall register ~~and~~, reregister, *and verify his registration information* as required by this chapter.

C. Unless a specific effective date is otherwise provided, all provisions of the Sex Offender and Crimes Against Minors Registry Act shall apply retroactively. This subsection is declaratory of existing law.

§ 9.1-902. Offenses requiring registration.

A. For purposes of this chapter:

"Murder" means a violation of, attempted violation of, or conspiracy to violate § 18.2-31 or 18.2-32 where the victim is (i) under 15 years of age or (ii) where the victim is at least 15 years of age but under 18 years of age and the murder is related to an offense listed in this section or a violation of former § 18.1-21 where the victim is (a) under 15 years of age or (b) at least 15 years of age but under 18 years of age and the murder is related to an offense listed in this section.

"Offense for which registration is required" includes:

1. Any Tier I, Tier II, or Tier III offense ~~listed in subsection B;~~

2. ~~Criminal homicide;~~

~~3. Murder;~~

4. ~~A sexually violent offense;~~

5. ~~3.~~ Any offense similar to those listed in subdivisions 1 through 4 a Tier I, Tier II, or Tier III offense under the laws of any foreign country or any political subdivision thereof or the United States or any political subdivision thereof; and

6. ~~4.~~ Any offense for which registration in a sex offender and crimes against minors registry is required under the laws of the jurisdiction where the offender was convicted.

~~B. The offenses included under this subsection include "Tier I offense" means (i) any homicide in conjunction with a violation of, attempted violation of, or conspiracy to violate clause (i) of § 18.2-371 or § 18.2-371.1, when the offenses arise out of the same incident, or (ii) any violation of, attempted violation of, or conspiracy to violate:~~

1. ~~§ 18.2-63 unless registration is required pursuant to subdivision E 1 of the definition of Tier III offense; § 18.2-64.1; former § 18.2-67.2:1; § 18.2-90 with the intent to commit rape; former § 18.1-88 with the intent to commit rape; any felony violation of § 18.2-346; any violation of subdivision (4) of § 18.2-355; any violation of subsection C of § 18.2-357.1; subsection B or C of § 18.2-374.1:1; former subsection D of § 18.2-374.1:1 as it was in effect from July 1, 1994, through June 30, 2007; former clause (iv) of subsection B of § 18.2-374.3 as it was in effect on June 30, 2007; subsection B, C, or D of § 18.2-374.3; or a third or subsequent conviction of (i) § 18.2-67.4, (ii) § 18.2-67.4:2, (iii) subsection C of § 18.2-67.5, or (iv) § 18.2-386.1.~~

If the offense was committed on or after July 1, 2006, § 18.2-91 with the intent to commit any felony offense listed in this section; subsection A of § 18.2-374.1:1; or a felony under § 18.2-67.5:1.

2. Where the victim is a minor or is physically helpless or mentally incapacitated as defined in § 18.2-67.10, subsection A of § 18.2-47, clause (i) of § 18.2-48, § 18.2-67.4, subsection C of § 18.2-67.5, § 18.2-361, § 18.2-366, or a felony violation of former § 18.1-191.

3. § 18.2-370.6.

4. If the offense was committed on or after July 1, 2016, and where the perpetrator is 18 years of age or older and the victim is under the age of 13, any violation of § 18.2-51.2.

5. If the offense was committed on or after July 1, 2016, any violation of § 18.2-356 punishable as a Class 3 felony or any violation of § 18.2-357 punishable as a Class 3 felony.

6. If the offense was committed on or after July 1, 2019, any felony violation of § 18.2-348 or 18.2-349.

~~C. "Criminal homicide" means a homicide in conjunction with a violation of, attempted violation of, or conspiracy to violate clause (i) of § 18.2-371 or § 18.2-371.1, when the offenses arise out of the same incident.~~

~~D. "Murder" means a violation of, attempted violation of, or conspiracy to violate § 18.2-31 or § 18.2-32 where the victim is (i) under 15 years of age or (ii) where the victim is at least 15 years of age but under 18 years of age and the murder is related to an offense listed in this section or a violation of former § 18.1-21 where the victim is (a) under 15 years of age or (b) at least 15 years of age but under 18 years of age and the murder is related to an offense listed in this section.~~

~~E. "Sexually violent offense" "Tier II offense" means any violation of, attempted violation of, or conspiracy to violate § 18.2-64.1, subsection C of § 18.2-374.1:1, or subsection C, D, or E of § 18.2-374.3.~~

"Tier III offense" means a violation of, attempted violation of, or conspiracy to violate:

1. Clause (ii) and (iii) of § 18.2-48, former § 18.1-38 with the intent to defile or, for the purpose of concubinage or prostitution, a felony violation of subdivision (2) or (3) of former § 18.1-39 that involves assisting or aiding in such an abduction, § 18.2-61, former § 18.1-44 when such act is accomplished against the complaining witness's will, by force, or through the use of the complaining witness's mental incapacity or physical helplessness, or if the victim is under 13 years of age, subsection A of § 18.2-63 where the perpetrator is more than five years older than the victim, § 18.2-67.1, § 18.2-67.2, § 18.2-67.3, former § 18.1-215 when the complaining witness is under 13 years of age, § 18.2-67.4 where the perpetrator is 18 years of age or older and the victim is under the age of six, subsections A and B of § 18.2-67.5, § 18.2-370, subdivision (1), (2), or (4) of former § 18.1-213, former § 18.1-214, § 18.2-370.1, or § 18.2-374.1;

2. § 18.2-63, § 18.2-64.1, former § 18.2-67.2:1, § 18.2-90 with the intent to commit rape or, where the victim is a minor or is physically helpless or mentally incapacitated as defined in § 18.2-67.10, subsection A of § 18.2-47, § 18.2-67.4, subsection C of § 18.2-67.5, clause (i) of § 18.2-48, § 18.2-361, § 18.2-366, or subsection C of § 18.2-374.1:1. An offense listed under this subdivision shall be deemed a ~~sexually violent~~ Tier III offense only if the person has been convicted or adjudicated delinquent of any two or more such offenses, provided that person had been at liberty between such convictions or adjudications;

3. If the offense was committed on or after July 1, 2006, § 18.2-91 with the intent to commit any felony offense listed in this section. An offense listed under this subdivision shall be deemed a ~~sexually violent~~ Tier III offense only if the person has been convicted or adjudicated delinquent of any two or more such offenses, provided that the person had been at liberty between such convictions or adjudications; or

4. Chapter 117 (18 U.S.C. § 2421 et seq.) of Title 18 of the United States Code or sex trafficking (as described in § 1591 of Title 18, U.S.C.).

~~F. "Any offense listed in subsection B," "criminal homicide" B. "Tier I offense" as defined in this section, "Tier II offense" as defined in this section, "Tier III offense" as defined in this section, and "murder" as defined in this section; and "sexually violent offense" as defined in this section includes (i) includes any similar offense under the laws of any foreign country or any political subdivision thereof or the United States or any political subdivision thereof or (ii) any offense for which registration in a sex offender and crimes against minors registry is required under the laws of the jurisdiction where the offender was convicted.~~

~~G. C. Juveniles adjudicated delinquent shall not be required to register; however, where the offender is a juvenile over the age of 13 at the time of the offense who is tried as a juvenile and is adjudicated delinquent on or after July 1, 2005, of any offense for which registration is required, the court may, in its discretion and upon motion of the attorney for the Commonwealth, find that the circumstances of the offense require offender registration. In making its determination, the court shall consider all of the following factors that are relevant to the case: (i) the degree to which the delinquent act was~~

committed with the use of force, threat, or intimidation, (ii) the age and maturity of the complaining witness, (iii) the age and maturity of the offender, (iv) the difference in the ages of the complaining witness and the offender, (v) the nature of the relationship between the complaining witness and the offender, (vi) the offender's prior criminal history, and (vii) any other aggravating or mitigating factors relevant to the case. The attorney for the Commonwealth may file such a motion at any time during which the offender is within the jurisdiction of the court for the offense that is the basis for such motion. Prior to any hearing on such motion, the court shall appoint a qualified and competent attorney-at-law to represent the offender unless an attorney has been retained and appears on behalf of the offender or counsel has already been appointed.

~~H.~~ D. Prior to entering judgment of conviction of an offense for which registration is required if the victim of the offense was a minor, physically helpless, or mentally incapacitated, when the indictment, warrant, or information does not allege that the victim of the offense was a minor, physically helpless, or mentally incapacitated, the court shall determine by a preponderance of the evidence whether the victim of the offense was a minor, physically helpless, or mentally incapacitated, as defined in § 18.2-67.10, and shall also determine the age of the victim at the time of the offense if it determines the victim to be a minor. When such a determination is required, the court shall advise the defendant of its determination and of the defendant's right to make a motion to withdraw a plea of guilty or nolo contendere pursuant to § 19.2-296. If the court grants the defendant's motion to withdraw his plea of guilty or of nolo contendere, his case shall be heard by another judge, unless the parties agree otherwise. Failure to make such determination or so advise the defendant does not otherwise invalidate the underlying conviction.

§ 9.1-903. Registration and reregistration procedures.

A. Every person convicted, including juveniles tried and convicted in the circuit courts pursuant to § 16.1-269.1, whether sentenced as an adult or juvenile, of an offense for which registration is required and every juvenile found delinquent of an offense for which registration is required under subsection ~~G~~ C of § 9.1-902 shall be required upon conviction to register ~~and~~, reregister, *and verify his registration information* with the Department of State Police. The court shall order the person to provide to the local law-enforcement agency of the county or city where he physically resides all information required by the State Police for inclusion in the Registry. The court shall immediately remand the person to the custody of the local law-enforcement agency for the purpose of obtaining the person's fingerprints and photographs of a type and kind specified by the State Police for inclusion in the Registry. Upon conviction, the local law-enforcement agency shall forthwith forward to the State Police all the necessary registration information.

B. Every person required to register shall register in person within three days of his release from confinement in a state, local or juvenile correctional facility, in a state civil commitment program for sexually violent predators or, if a sentence of confinement is not imposed, within three days of suspension of the sentence or in the case of a juvenile of disposition. A person required to register shall register, and as part of the registration shall submit to be photographed, submit to have a sample of his blood, saliva, or tissue taken for DNA (deoxyribonucleic acid) analysis and submission to the DNA databank to determine identification characteristics specific to the person, provide electronic mail address information, any instant message, chat or other Internet communication name or identity information that the person uses or intends to use, submit to have his fingerprints and palm prints taken, provide information regarding his place of employment, and provide motor vehicle, watercraft and aircraft registration information for all motor vehicles, watercraft and aircraft owned by him. The local law-enforcement agency shall obtain from the person who presents himself for registration or reregistration one set of fingerprints, electronic mail address information, any instant message, chat or other Internet communication name or identity information that the person uses or intends to use, one set of palm prints, place of employment information, motor vehicle, watercraft and aircraft registration information for all motor vehicles, watercraft and aircraft owned by the registrant, proof of residency and a photograph of a type and kind specified by the State Police for inclusion in the Registry and advise the person of his duties regarding reregistration *and verification of his registration information*. The local law-enforcement agency shall obtain from the person who presents himself for registration a sample of his blood, saliva or tissue taken for DNA (deoxyribonucleic acid) analysis to determine identification characteristics specific to the person. If a sample has been previously taken from the person, as indicated by the Local Inmate Data System (LIDS), no additional sample shall be taken. The local law-enforcement agency shall forthwith forward to the State Police all necessary registration information.

C. To establish proof of residence in Virginia, a person who has a permanent physical address shall present one photo-identification form issued by a governmental agency of the Commonwealth which contains the person's complete name, gender, date of birth and complete physical address. The local law-enforcement agency shall forthwith forward to the State Police a copy of the identification presented by the person required to register.

D. Any person required to register shall also reregister in person with the local law-enforcement agency following any change of name or any change of residence, whether within or without the Commonwealth. The person shall register in person with the local law-enforcement agency within three days following his change of name. If his new residence is within the Commonwealth, the person shall register in person with the local law-enforcement agency where his new residence is located within three days following his change in residence. If the new residence is located outside of the Commonwealth, the person shall register in person with the local law-enforcement agency where he previously registered within 10 days prior to his change of residence. If a probation or parole officer becomes aware of a change of name or residence for any of his probationers or parolees required to register, the probation or parole officer shall notify the State Police forthwith of learning of the change. Whenever a person subject to registration changes residence to another state, the State Police shall notify the designated law-enforcement agency of that state.

E. Any person required to register shall reregister in person with the local law-enforcement agency where his residence is located within three days following any change of the place of employment, whether within or without the Commonwealth. If a probation or parole officer becomes aware of a change of the place of employment for any of his probationers or parolees required to register, the probation or parole officer shall notify the State Police forthwith upon learning of the change of the person's place of employment. Whenever a person subject to registration changes his place of employment to another state, the State Police shall notify the designated law-enforcement agency of that state.

F. Any person required to register shall reregister in person with the local law-enforcement agency where his residence is located within three days following any change of owned motor vehicle, watercraft and aircraft registration information, whether within or without the Commonwealth. If a probation or parole officer becomes aware of a change of owned motor vehicle, watercraft and aircraft registration information for any of his probationers or parolees required to register, the probation or parole officer shall notify the State Police forthwith upon learning of the change of the person's owned motor vehicle, watercraft and aircraft registration information. Whenever a person required to register changes his owned motor vehicle, watercraft and aircraft registration information to another state, the State Police shall notify the designated law-enforcement agency of that state.

G. Any person required to register shall reregister either in person or electronically with the local law-enforcement agency where his residence is located within 30 minutes following any change of the electronic mail address information, any instant message, chat or other Internet communication name or identity information that the person uses or intends to use, whether within or without the Commonwealth. If a probation or parole officer becomes aware of a change of the electronic mail address information, any instant message, chat or other Internet communication name or identity information for any of his probationers or parolees required to register, the probation or parole officer shall notify the State Police forthwith upon learning of the change.

H. *Every person required to register shall submit to be photographed by a local law-enforcement agency every two years, during such person's required verification month and time interval pursuant to subsection B of § 9.1-904, commencing with the date of initial verification. The local law-enforcement agency shall forthwith forward the photograph of a type and kind specified by the State Police to the State Police. Where practical, the local law-enforcement agency may electronically transfer a digital photograph containing the required information to the Registry.*

I. *Upon registration and every two years thereafter during such person's required verification month and time interval pursuant to subsection B of § 9.1-904, every person required to register shall be required to execute a consent form consistent with applicable law that authorizes a business or organization that offers electronic communications or remote computer services to provide to the Department of State Police any information pertaining to that person necessary to determine the veracity of his electronic identity information in the Registry.*

J. The registration shall be maintained in the Registry and shall include the person's name, any former name if he has lawfully changed his name during the period for which he is required to register, all aliases that he has used or under which he may have been known, the date and locality of the conviction for which registration is required, his fingerprints and a photograph of a type and kind specified by the State Police, his date of birth, social security number, current physical and mailing address and a description of the offense or offenses for which he was convicted. The registration shall also include the locality of the conviction and a description of the offense or offenses for previous convictions for the offenses set forth in § 9.1-902.

K. The local law-enforcement agency shall forthwith forward to the State Police all necessary registration or reregistration information received by it. Upon receipt of registration or reregistration information the State Police shall forthwith notify the chief law-enforcement officer of the locality listed as the person's address on the registration and reregistration.

L. If a person required to register does not have a legal residence, such person shall designate a location that can be located with reasonable specificity where he resides or habitually locates himself. For the purposes of this section, "residence" shall include such a designated location. If the person wishes to change such designated location, he shall do it pursuant to the terms of this section.

§ 9.1-904. (Effective July 1, 2020) Periodic verification.

~~A. Every person required to register shall reregister with the State Police on a schedule pursuant to this section. Reregistration For purposes of this chapter, "verify his registration information" means that the person required to register has notified the State Police; confirmed his current physical and mailing address and electronic mail address information and any instant message, chat, or other Internet communication name or identity information that he uses or intends to use; and provided such other information, including identifying information, that the State Police may require. Upon registration and as may be necessary thereafter, the~~

B. Any person required to register shall verify his registration information with the State Police, during such person's required verification month and time interval, commencing with the date of initial registration, as follows:

1. Any person convicted of a Tier III offense or murder, four times each year at three-month intervals, including the person's birth month; and

2. Any person convicted of a violation of § 18.2-472.1, in which such person was included on the Registry for a conviction of a Tier III offense or murder, every month.

~~C. The State Police shall provide make available to the person with an address verification form to be used for registration verification of his registration information. The form shall contain in bold print a statement indicating that~~

failure to comply with the ~~registration~~ *verification* required is punishable as provided in § 18.2-472.1. Copies of all forms to be used for ~~reregistration~~ *verification* and guidelines for submitting such forms, including month and time ~~reregistration~~ *verification* intervals pursuant to subsections C and D, shall be available through distribution by the State Police, from local law-enforcement agencies, and in a format capable of being downloaded and printed from a website maintained by the State Police. Upon registration and as may be necessary thereafter, the person shall likewise be required to execute a consent form consistent with applicable law that authorizes a business or organization that offers electronic communications or remote computer services to provide to the Department of State Police any information pertaining to that person necessary to determine the veracity of his electronic identity information in the registry.

B. Every person required to register pursuant to this chapter shall submit to be photographed by a local law-enforcement agency every two years, during such person's required ~~reregistration~~ month and time interval pursuant to subsections C and D, commencing with the date of initial ~~reregistration~~. Photographs shall be in color, be taken with the registrant facing the camera, and clearly show the registrant's face and shoulders only. No person other than the registrant may appear in the photograph submitted. The photograph shall indicate the registrant's full name, date of birth and the date the photograph was taken. The local law-enforcement agency shall forthwith forward the photograph and the registration form to the State Police. Where practical, the local law-enforcement agency may electronically transfer a digital photograph containing the required information to the Sex Offender and Crimes Against Minors Registry within the State Police.

C. Every person required to register, other than a person convicted of a sexually violent offense or murder, shall reregister with the State Police once each year during such person's birth month. Every person convicted of a sexually violent offense or murder shall reregister with the State Police four times each year at three-month intervals, including the person's birth month. Any person convicted of a violation of § 18.2-472.1, other than a person convicted of a sexually violent offense or murder, shall reregister with the State Police twice each year: once in the person's birth month and once in the month that is six months from the person's birth month. Any person convicted of a violation of § 18.2-472.1, in which such person was included on the Registry for a conviction of a sexually violent offense or murder, shall reregister with the State Police every month.

D. Persons required to register with last names beginning with A through L shall ~~reregister~~ *verify their registration information* with the State Police from the first to the fifteenth of such person's ~~reregistration~~ *verification* months pursuant to subsection C B, and persons required to register with last names beginning with M through Z shall ~~reregister~~ *verify their registration information* with the State Police from the sixteenth to the last day of the month during such person's ~~reregistration~~ *verification* months pursuant to subsection C B. The last name shall be the last name in the person's name pursuant to § 9.1-903 as it appears in the Registry.

E. For the period of July 1, 2020, to July 1, 2021, any person required to ~~reregister~~ *verify his registration information* shall continue to ~~reregister~~ *verify his resignation information* with the State Police on such person's ~~reregistration~~ *verification* schedule in place prior to July 1, 2020, until such person has ~~reregistered~~ *verified his registration information* pursuant to the new ~~reregistration~~ *verification* schedule provided in subsections C and D subsection B, at which time such person shall continue to ~~reregister~~ *verify his registration information* pursuant to the new ~~reregistration~~ *verification* schedule provided in subsections C and D.

§ 9.1-906. Enrollment or employment at institution of higher education; information required.

A. Persons required to register ~~or~~, *reregister, or verify their registration information* who are enrolled in or employed at institutions of higher education shall, in addition to other registration requirements, indicate on their registration ~~and~~, *reregistration, and verification* form the name and location of the institution attended by or employing the registrant whether such institution is within or without the Commonwealth. In addition, persons required to register ~~or~~, *reregister, or verify their registration information* shall notify the local law-enforcement agency in person within three days of any change in their enrollment or employment status with an institution of higher education. The local law-enforcement agency shall forthwith forward to the State Police all necessary registration or reregistration information received by it.

B. Upon receipt of a registration ~~or~~, *reregistration, or verification of registration information* indicating enrollment or employment with an institution of higher education or notification of a change in status, the State Police shall notify the chief law-enforcement officer of the institution's law-enforcement agency or, if there is no institutional law-enforcement agency, the local law-enforcement agency serving that institution, of the registration, reregistration, *verification of registration information*, or change in status. The law-enforcement agency receiving notification under this section shall make such information available upon request.

C. For purposes of this section:

"Employment" includes full- or part-time, temporary or permanent or contractual employment at an institution of higher education either with or without compensation.

"Enrollment" includes both full- and part-time.

"Institution of higher education" means any postsecondary school, trade or professional institution, or institution of higher education.

§ 9.1-907. Procedures upon a failure to register, reregister, or verify registration information.

A. Whenever it appears from the records of the State Police that a person has failed to comply with the duty to register ~~or~~, *reregister, or verify his registration information*, the State Police shall promptly investigate and, if there is probable cause to believe a violation has occurred, obtain a warrant or assist in obtaining an indictment charging a violation of § 18.2-472.1 in the jurisdiction in which the person last registered ~~or~~, *reregistered, or verified his registration information* or, if the person

failed to comply with the duty to register, in the jurisdiction in which the person was last convicted of an offense for which registration or reregistration is required or if the person was convicted of an offense requiring registration outside the Commonwealth, in the jurisdiction in which the person resides. The State Police shall forward to the jurisdiction an affidavit signed by a custodian of the records that such person failed to comply with the duty to register ~~or~~, reregister, *or verify his registration information*. If such affidavit is admitted into evidence, it shall constitute prima facie evidence of the failure to comply with the duty to register ~~or~~, reregister, *or verify his registration information* in any trial or hearing for the violation of § 18.2-472.1, provided that in a trial or hearing other than a preliminary hearing, the requirements of subsection G of § 18.2-472.1 have been satisfied and the accused has not objected to the admission of the affidavit pursuant to subsection H of § 18.2-472.1. The State Police shall also promptly notify the local law-enforcement agency of the jurisdiction of the person's last known residence as shown in the records of the State Police.

B. Nothing in this section shall prohibit a law-enforcement officer employed by a sheriff's office or police department of a locality from enforcing the provisions of this chapter, including obtaining a warrant, or assisting in obtaining an indictment for a violation of § 18.2-472.1. The local law-enforcement agency shall notify the State Police forthwith of such actions taken pursuant to this chapter or under the authority granted pursuant to this section.

C. The State Police shall physically verify or cause to be physically verified the registration information within 30 days of the initial registration and semiannually each year thereafter and within 30 days of a change of address of those persons who are not under the control of the Department of Corrections or community supervision as defined by § 53.1-1, who are required to register pursuant to this chapter. Whenever it appears that a person has provided false registration information, the State Police shall promptly investigate and, if there is probable cause to believe that a violation has occurred, obtain a warrant or assist in obtaining an indictment charging a violation of § 18.2-472.1 in the jurisdiction in which the person last registered ~~or~~, reregistered, *or verified his registration information*. The State Police shall forward to the jurisdiction an affidavit signed by a custodian of the records that such person failed to comply with the provisions of this chapter. If such affidavit is admitted into evidence, it shall constitute prima facie evidence of the failure to comply with the provisions of this chapter in any trial or hearing for the violation of § 18.2-472.1, provided that in a trial or hearing other than a preliminary hearing, the requirements of subsection G of § 18.2-472.1 have been satisfied and the accused has not objected to the admission of the affidavit pursuant to subsection H of § 18.2-472.1. The State Police shall also promptly notify the local law-enforcement agency of the jurisdiction of the person's last known residence as shown in the records of the State Police.

D. The Department of Corrections or community supervision as defined by § 53.1-1 shall physically verify or cause to be physically verified by the State Police the registration information within 30 days of the original registration and semiannually each year thereafter and within 30 days of a change of address of all persons who are under the control of the Department of Corrections or community supervision, and those who are under supervision pursuant to § 37.2-919, who are required to register pursuant to this chapter. The Department of Corrections or community supervision, upon request, shall provide the State Police the verification information, in an electronic format approved by the State Police, regarding persons under their control who are required to register pursuant to the chapter. Whenever it appears that a person has provided false registration information, the Department of Corrections or community supervision shall promptly notify the State Police, who shall investigate and, if there is probable cause to believe that a violation has occurred, obtain a warrant or assist in obtaining an indictment charging a violation of § 18.2-472.1 in the jurisdiction in which the person last registered ~~or~~, reregistered, *or verified his registration information*. The State Police shall forward to the jurisdiction an affidavit signed by a custodian of the records that such person failed to comply with the provisions of this chapter. If such affidavit is admitted into evidence, it shall constitute prima facie evidence of the failure to comply with the provisions of this chapter in any trial or hearing for the violation of § 18.2-472.1, provided that in a trial or hearing other than a preliminary hearing, the requirements of subsection G of § 18.2-472.1 have been satisfied and the accused has not objected to the admission of the affidavit pursuant to subsection H of § 18.2-472.1. The State Police shall also promptly notify the local law-enforcement agency of the jurisdiction of the person's last known residence as shown in the records of the State Police.

§ 9.1-908. Duration of registration requirement.

Any person required to register ~~or~~, reregister, *or verify his registration information* shall be required to register until the duty to register ~~and~~, reregister, *or verify his registration information* is terminated by a court order as set forth in § 9.1-910, except that any person who has been convicted of (i) any ~~sexually violent Tier III~~ offense, (ii) murder or (iii) former § 18.2-67.2:1 shall have a continuing duty to reregister *or verify his registration information* for life.

Any period of confinement in a federal, state, or local correctional facility, hospital, or any other institution or facility during the otherwise applicable period shall toll the registration *or verification* period and the duty to reregister *or verify his registration information* shall be extended. Persons confined in a federal, state, or local correctional facility shall not be required to reregister *or verify his registration information* until released from custody. Persons civilly committed pursuant to Chapter 9 (§ 37.2-900 et seq.) of Title 37.2 shall not be required to reregister *or verify his registration information* until released from custody. Persons confined in a federal, state, or local correctional facility or civilly committed pursuant to Chapter 9 (§ 37.2-900 et seq.) of Title 37.2 shall notify the Registry within three days following any change of name.

§ 9.1-909. Relief from registration, reregistration, or verification.

A. Upon expiration of three years from the date upon which the duty to register as a ~~sexually violent Tier III~~ offender or murderer is imposed, the person required to register may petition the court in which he was convicted or, if the conviction occurred outside of the Commonwealth, the circuit court in the jurisdiction where he currently resides, for relief from the

requirement to ~~reregister every 90 days~~ *verify his registration information four times each year at three-month intervals.* After five years from the date of his last conviction for a violation of § 18.2-472.1, a ~~sexually violent Tier III~~ offender or murderer may petition for relief from the requirement to ~~reregister monthly~~ *verify his registration information every month.* A person who is required to register may similarly petition the circuit court for relief from the requirement to ~~reregister every 180 days~~ *verify his registration twice each year* after five years from the date of his last conviction for a violation of § 18.2-472.1. The court shall hold a hearing on the petition, on notice to the attorney for the Commonwealth, to determine whether the person suffers from a mental abnormality or a personality disorder that makes the person a menace to the health and safety of others or significantly impairs his ability to control his sexual behavior. Prior to the hearing the court shall order a comprehensive assessment of the applicant by a panel of three certified sex offender treatment providers as defined in § 54.1-3600. A report of the assessment shall be filed with the court prior to the hearing. The costs of the assessment shall be taxed as costs of the proceeding.

If, after consideration of the report and such other evidence as may be presented at the hearing, the court finds by clear and convincing evidence that the person does not suffer from a mental abnormality or a personality disorder that makes the person a menace to the health and safety of others or significantly impairs his ability to control his sexual behavior, the petition shall be granted and the duty to ~~reregister~~ *verify his registration information* more frequently than once a year shall be terminated. The court shall promptly notify the State Police upon entry of an order granting the petition. The person shall, however, be under a continuing duty to register annually for life. If the petition is denied, the duty to ~~reregister~~ *verify his registration information* with the same frequency as before shall continue. An appeal from the denial of a petition shall lie to the Supreme Court.

A petition for relief pursuant to this subsection may not be filed within three years from the date on which any previous petition for such relief was denied.

B. The duly appointed guardian of a person convicted of an offense requiring registration ~~or~~, reregistration, *or verification of his registration information* as either a ~~sex offender, sexually violent Tier I, Tier II, or Tier III~~ offender or murderer, who due to a physical condition is incapable of (i) reoffending and (ii) reregistering *or verifying his registration information*, may petition the court in which the person was convicted for relief from the requirement to reregister *or verify his registration information*. The court shall hold a hearing on the petition, on notice to the attorney for the Commonwealth, to determine whether the person suffers from a physical condition that makes the person (i) no longer a menace to the health and safety of others and (ii) incapable of reregistering *or verifying his registration information*. Prior to the hearing the court shall order a comprehensive assessment of the applicant by at least two licensed physicians other than the person's primary care physician. A report of the assessment shall be filed with the court prior to the hearing. The costs of the assessment shall be taxed as costs of the proceeding.

If, after consideration of the report and such other evidence as may be presented at the hearing, the court finds by clear and convincing evidence that due to his physical condition the person (i) no longer poses a menace to the health and safety of others and (ii) is incapable of reregistering *or verifying his registration information*, the petition shall be granted and the duty to reregister *or verify his registration information* shall be terminated. However, for a person whose duty to reregister *or verify his registration information* was terminated under this subsection, the Department of State Police shall, annually for ~~sex offenders Tier I or Tier II offenders~~ and quarterly for persons convicted of ~~sexually violent Tier III~~ offenses and murder, verify and report to the attorney for the Commonwealth in the jurisdiction in which the person resides that the person continues to suffer from the physical condition that resulted in such termination.

The court shall promptly notify the State Police upon entry of an order granting the petition to terminate the duty to reregister.

If the petition is denied, the duty to reregister shall continue. An appeal from the denial of a petition shall be to the Virginia Supreme Court.

A petition for relief pursuant to this subsection may not be filed within three years from the date on which any previous petition for such relief was denied.

If, at any time, the person's physical condition changes so that he is capable of reoffending ~~or~~, reregistering, *or verifying his registration information*, the attorney for the Commonwealth shall file a petition with the circuit court in the jurisdiction where the person resides and the court shall hold a hearing on the petition, with notice to the person and his guardian, to determine whether the person still suffers from a physical condition that makes the person (i) no longer a menace to the health and safety of others and (ii) incapable of reregistering *or verifying his registration information*. If the petition is granted, the duty to reregister shall commence from the date of the court's order. An appeal from the denial or granting of a petition shall be to the Virginia Supreme Court. Prior to the hearing the court shall order a comprehensive assessment of the applicant by at least two licensed physicians other than the person's primary care physician. A report of the assessment shall be filed with the court prior to the hearing. The costs of the assessment shall be taxed as costs of the proceeding.

§ 9.1-910. Removal of name and information from Registry.

A. Any person required to register, other than a person who has been convicted of any (i) ~~sexually violent Tier III~~ offense, (ii) two or more offenses for which registration is required, (iii) a violation of former § 18.2-67.2:1, or (iv) murder, may petition the circuit court in which he was convicted or the circuit court in the jurisdiction where he then resides for removal of his name and all identifying information from the Registry. *A person who is required to register for a single Tier I offense may petition* ~~may not be filed the court no earlier than 15 years; or 25 years for violations of § 18.2-64.1,~~

~~subsection C of § 18.2-374.1-1, or subsection C, D, or E of § 18.2-374.3, or of any similar offense under the laws of any foreign country or any political subdivision thereof or the United States or any political subdivision thereof, after from the later of the date of initial registration nor earlier than 15 years, or 25 years for violations of § 18.2-64.1, subsection C of § 18.2-374.1-1, or subsection C, D, or E of § 18.2-374.3, or of any similar offense under the laws of any foreign country or any political subdivision thereof or the United States or any political subdivision thereof, from or the date of his last conviction for (a) a violation of § 18.2-472.1 or (b) any felony. A person who is required to register for a single Tier II offense may petition the court no earlier than 25 years from the later of the date of initial registration or the date of his last conviction for (1) a violation of § 18.2-472.1 or (2) any felony.~~

B. A petition may not be filed until all court ordered treatment, counseling, and restitution has been completed. The court shall obtain a copy of the petitioner's complete criminal history and registration ~~and~~, reregistration, *and verification of registration information* history from the Registry and then hold a hearing on the petition at which the applicant and any interested persons may present witnesses and other evidence. The Commonwealth shall be made a party to any action under this section. If, after such hearing, the court is satisfied that such person no longer poses a risk to public safety, the court shall grant the petition. In the event the petition is not granted, the person shall wait at least 24 months from the date of the denial to file a new petition for removal from the Registry.

~~B- C.~~ The State Police shall remove from the Registry the name of any person and all identifying information upon receipt of an order granting a petition pursuant to subsection ~~A B~~.

§ 9.1-911. Registry maintenance.

The Registry shall include conviction data received from the courts, including the disposition records for juveniles tried and convicted in the circuit courts pursuant to § 16.1-269.1, on convictions for offenses for which registration is required and registrations ~~and~~, reregistrations, *and verifications of registration information* received from persons required to do so. The Registry shall also include a separate indication that a person has been convicted of a ~~sexually violent~~ Tier III offense. The State Police shall forthwith transmit the appropriate information as required by the Federal Bureau of Investigation for inclusion in the National Sex Offender Registry.

§ 9.1-912. Registry access and dissemination; fees.

A. Except as provided in § 9.1-913 and subsection B or C of this section, Registry information shall be disseminated upon request made directly to the State Police or to the State Police through a local law-enforcement agency. Such information may be disclosed to any person requesting information on a specific individual in accordance with subsection B. The State Police shall make Registry information available, upon request, to criminal justice agencies including local law-enforcement agencies through the Virginia Criminal Information Network (VCIN). Registry information provided under this section shall be used for the purposes of the administration of criminal justice, for the screening of current or prospective employees or volunteers or otherwise for the protection of the public in general and children in particular. The Superintendent of State Police may by regulation establish a fee not to exceed \$15 for responding to requests for information from the Registry. Any fees collected shall be deposited in a special account to be used to offset the costs of administering the Registry.

B. Information regarding a specific person shall be disseminated upon receipt of an official request form that may be submitted directly to the State Police or to the State Police through a local law-enforcement agency. The official request form shall include a statement of the reason for the request; the name and address of the person requesting the information; the name, address and, if known, the social security number of the person about whom information is sought; and such other information as the State Police may require to ensure reliable identification.

C. Registry information regarding all registered offender's electronic mail address information, any instant message, chat or other Internet communication name or identity information may be electronically transmitted by the Department of State Police to a business or organization that offers electronic communication or remote computing services for the purpose of prescreening users or for comparison with information held by the requesting business or organization. In order to obtain the information from the Department of State Police, the requesting business or organization that offers electronic communication or remote computing services shall agree to notify the Department of State Police forthwith when a comparison indicates that any such registered ~~sex~~ offender's electronic mail address information, any instant message, chat or other Internet communication name or identity information is being used on their system. The requesting business or organization shall also agree that the information will not be further disseminated.

§ 9.1-913. Public dissemination by means of the Internet.

The State Police shall develop and maintain a system for making certain Registry information on persons convicted of an offense for which registration is required publicly available by means of the Internet. The information to be made available shall include the offender's name; all aliases that he has used or under which he may have been known; the date and locality of the conviction and a brief description of the offense; his age, current address, and photograph; his current work address; the name of any institution of higher education at which he is currently enrolled; and such other information as the State Police may from time to time determine is necessary to preserve public safety, including but not limited to the fact that an individual is wanted for failing to register ~~or~~, reregister, *or verify his registration information*. The system shall be secure and not capable of being altered except by the State Police. The system shall be updated each business day with newly received registrations ~~and~~, reregistrations *and verifications of registration information*. The State Police shall remove all information that it knows to be inaccurate from the Internet system.

§ 9.1-914. Automatic notification of registration to certain entities; electronic notification to requesting persons.

Any school, day-care service and child-minding service, state-regulated or state-licensed child day center, child day program, children's residential facility, family day home, assisted living facility or foster home as defined in § 63.2-100, nursing home or certified nursing facility as defined in § 32.1-123, association of a common interest community as defined in § 54.1-2345, and institution of higher education may request from the State Police and, upon compliance with the requirements therefor established by the State Police, shall be eligible to receive from the State Police electronic notice of the registration ~~or~~, reregistration, *or verification of registration information* of any ~~sex~~ offender and if such entities do not have the capability of receiving such electronic notice, the entity may register with the State Police to receive written notification of ~~sex~~ offender registration ~~or~~, reregistration, *or verification of registration information*. Within three business days of receipt by the State Police of registration ~~or~~, reregistration, *or verification of registration information*, the State Police shall electronically or in writing notify an entity listed above that has requested such notification, has complied with the requirements established by the State Police and is located in the same or a contiguous zip code area as the address of the offender as shown on the registration.

The Virginia Council for Private Education shall annually provide the State Police, in an electronic format approved by the State Police, with the location of every private school in the Commonwealth that is accredited through one of the approved accrediting agencies of the Council, and an electronic mail address for each school if available, for purposes of receiving notice under this section.

Any person may request from the State Police and, upon compliance with the requirements therefor established by the State Police, shall be eligible to receive from the State Police electronic notice of the registration ~~or~~, reregistration, *or verification of registration information* of any ~~sex~~ offender. Within three business days of receipt by the State Police of registration ~~or~~, reregistration, *or verification of registration information*, the State Police shall electronically notify a person who has requested such notification, has complied with the requirements established by the State Police and is located in the same or a contiguous zip code area as the address of the offender as shown on the registration.

The State Police shall establish reasonable guidelines governing the automatic dissemination of Registry information, which may include the payment of a fee, whether a one-time fee or a regular assessment, to maintain the electronic access. The fee, if any, shall defray the costs of establishing and maintaining the electronic notification system and notice by mail.

For the purposes of this section:

"Child-minding service" means provision of temporary custodial care or supervisory services for the minor child of another;

"Day-care service" means provision of supplementary care and protection during a part of the day for the minor child of another; and

"School" means any public, religious or private educational institution, including any preschool, elementary school, secondary school, post-secondary school, trade or professional institution, or institution of higher education.

§ 9.1-918. Misuse of registry or supplement information; penalty.

Use of registry information or information from the Supplement to the Registry established pursuant to § 9.1-923 for purposes not authorized by this chapter is prohibited, the unlawful use of the information contained in or derived from the Registry or Supplement for purposes of intimidating or harassing another is prohibited, and a willful violation of this chapter is a Class 1 misdemeanor. For purposes of this section, absent other aggravating circumstances, the mere republication or reasonable distribution of material contained on or derived from the publicly available Internet ~~sex~~ offender database shall not be deemed intimidation or harassment.

§ 15.2-2283.1. Prohibition of sexual offender treatment office in residentially zoned subdivision.

Notwithstanding any other provision of law, no individual shall knowingly provide sex offender treatment services to a ~~convicted sex offender~~ *person required to register with the Sex Offender and Crimes Against Minors Registry pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1* in an office or similar facility located in a residentially zoned subdivision.

§ 16.1-228. Definitions.

When used in this chapter, unless the context otherwise requires:

"Abused or neglected child" means any child:

1. Whose parents or other person responsible for his care creates or inflicts, threatens to create or inflict, or allows to be created or inflicted upon such child a physical or mental injury by other than accidental means, or creates a substantial risk of death, disfigurement or impairment of bodily or mental functions, including, but not limited to, a child who is with his parent or other person responsible for his care either (i) during the manufacture or attempted manufacture of a Schedule I or II controlled substance, or (ii) during the unlawful sale of such substance by that child's parents or other person responsible for his care, where such manufacture, or attempted manufacture or unlawful sale would constitute a felony violation of § 18.2-248;

2. Whose parents or other person responsible for his care neglects or refuses to provide care necessary for his health; however, no child who in good faith is under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination shall for that reason alone be considered to be an abused or neglected child;

3. Whose parents or other person responsible for his care abandons such child;

4. Whose parents or other person responsible for his care commits or allows to be committed any sexual act upon a child in violation of the law;

5. Who is without parental care or guardianship caused by the unreasonable absence or the mental or physical incapacity of the child's parent, guardian, legal custodian, or other person standing in loco parentis;

6. Whose parents or other person responsible for his care creates a substantial risk of physical or mental injury by knowingly leaving the child alone in the same dwelling, including an apartment as defined in § 55.1-2000, with a person to whom the child is not related by blood or marriage and who the parent or other person responsible for his care knows has been convicted of an offense against a minor for which registration is required as a ~~violet sexual~~ *Tier III* offender pursuant to § 9.1-902; or

7. Who has been identified as a victim of sex trafficking or severe forms of trafficking as defined in the Trafficking Victims Protection Act of 2000, 22 U.S.C § 7102 et seq., and in the Justice for Victims of Trafficking Act of 2015, 42 U.S.C. § 5101 et seq.

If a civil proceeding under this chapter is based solely on the parent having left the child at a hospital or emergency medical services agency, it shall be an affirmative defense that such parent safely delivered the child to a hospital that provides 24-hour emergency services or to an attended emergency medical services agency that employs emergency medical services personnel, within 14 days of the child's birth. For purposes of terminating parental rights pursuant to § 16.1-283 and placement for adoption, the court may find such a child is a neglected child upon the ground of abandonment.

"Adoptive home" means the place of residence of any natural person in which a child resides as a member of the household and in which he has been placed for the purposes of adoption or in which he has been legally adopted by another member of the household.

"Adult" means a person 18 years of age or older.

"Ancillary crime" or "ancillary charge" means any delinquent act committed by a juvenile as a part of the same act or transaction as, or which constitutes a part of a common scheme or plan with, a delinquent act which would be a felony if committed by an adult.

"Boot camp" means a short term secure or nonsecure juvenile residential facility with highly structured components including, but not limited to, military style drill and ceremony, physical labor, education and rigid discipline, and no less than six months of intensive aftercare.

"Child," "juvenile," or "minor" means a person less than 18 years of age.

"Child in need of services" means (i) a child whose behavior, conduct or condition presents or results in a serious threat to the well-being and physical safety of the child or (ii) a child under the age of 14 whose behavior, conduct or condition presents or results in a serious threat to the well-being and physical safety of another person; however, no child who in good faith is under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination shall for that reason alone be considered to be a child in need of services, nor shall any child who habitually remains away from or habitually deserts or abandons his family as a result of what the court or the local child protective services unit determines to be incidents of physical, emotional or sexual abuse in the home be considered a child in need of services for that reason alone.

However, to find that a child falls within these provisions, (i) the conduct complained of must present a clear and substantial danger to the child's life or health or to the life or health of another person, (ii) the child or his family is in need of treatment, rehabilitation or services not presently being received, and (iii) the intervention of the court is essential to provide the treatment, rehabilitation or services needed by the child or his family.

"Child in need of supervision" means:

1. A child who, while subject to compulsory school attendance, is habitually and without justification absent from school, and (i) the child has been offered an adequate opportunity to receive the benefit of any and all educational services and programs that are required to be provided by law and which meet the child's particular educational needs, (ii) the school system from which the child is absent or other appropriate agency has made a reasonable effort to effect the child's regular attendance without success, and (iii) the school system has provided documentation that it has complied with the provisions of § 22.1-258; or

2. A child who, without reasonable cause and without the consent of his parent, lawful custodian or placement authority, remains away from or deserts or abandons his family or lawful custodian on more than one occasion or escapes or remains away without proper authority from a residential care facility in which he has been placed by the court, and (i) such conduct presents a clear and substantial danger to the child's life or health, (ii) the child or his family is in need of treatment, rehabilitation or services not presently being received, and (iii) the intervention of the court is essential to provide the treatment, rehabilitation or services needed by the child or his family.

"Child welfare agency" means a child-placing agency, child-caring institution or independent foster home as defined in § 63.2-100.

"The court" or the "juvenile court" or the "juvenile and domestic relations court" means the juvenile and domestic relations district court of each county or city.

"Delinquent act" means (i) an act designated a crime under the law of the Commonwealth, or an ordinance of any city, county, town, or service district, or under federal law, (ii) a violation of § 18.2-308.7, or (iii) a violation of a court order as provided for in § 16.1-292, but shall not include an act other than a violation of § 18.2-308.7, which is otherwise lawful, but is designated a crime only if committed by a child. For purposes of §§ 16.1-241 and 16.1-278.9, the term shall include a refusal to take a breath test in violation of § 18.2-268.2 or a similar ordinance of any county, city, or town.

"Delinquent child" means a child who has committed a delinquent act or an adult who has committed a delinquent act prior to his 18th birthday, except where the jurisdiction of the juvenile court has been terminated under the provisions of § 16.1-269.6.

"Department" means the Department of Juvenile Justice and "Director" means the administrative head in charge thereof or such of his assistants and subordinates as are designated by him to discharge the duties imposed upon him under this law.

"Family abuse" means any act involving violence, force, or threat that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury and that is committed by a person against such person's family or household member. Such act includes, but is not limited to, any forceful detention, stalking, criminal sexual assault in violation of Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2, or any criminal offense that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury.

"Family or household member" means (i) the person's spouse, whether or not he or she resides in the same home with the person, (ii) the person's former spouse, whether or not he or she resides in the same home with the person, (iii) the person's parents, stepparents, children, stepchildren, brothers, sisters, half-brothers, half-sisters, grandparents and grandchildren, regardless of whether such persons reside in the same home with the person, (iv) the person's mother-in-law, father-in-law, sons-in-law, daughters-in-law, brothers-in-law and sisters-in-law who reside in the same home with the person, (v) any individual who has a child in common with the person, whether or not the person and that individual have been married or have resided together at any time, or (vi) any individual who cohabits or who, within the previous 12 months, cohabited with the person, and any children of either of them then residing in the same home with the person.

"Fictive kin" means persons who are not related to a child by blood or adoption but have an established relationship with the child or his family.

"Foster care services" means the provision of a full range of casework, treatment and community services for a planned period of time to a child who is abused or neglected as defined in § 63.2-100 or in need of services as defined in this section and his family when the child (i) has been identified as needing services to prevent or eliminate the need for foster care placement, (ii) has been placed through an agreement between the local board of social services or a public agency designated by the community policy and management team and the parents or guardians where legal custody remains with the parents or guardians, (iii) has been committed or entrusted to a local board of social services or child welfare agency, or (iv) has been placed under the supervisory responsibility of the local board pursuant to § 16.1-293.

"Independent living arrangement" means placement of (i) a child at least 16 years of age who is in the custody of a local board or licensed child-placing agency by the local board or licensed child-placing agency or (ii) a child at least 16 years of age or a person between the ages of 18 and 21 who was committed to the Department of Juvenile Justice immediately prior to placement by the Department of Juvenile Justice, in a living arrangement in which such child or person does not have daily substitute parental supervision.

"Independent living services" means services and activities provided to a child in foster care 14 years of age or older and who has been committed or entrusted to a local board of social services, child welfare agency, or private child-placing agency. "Independent living services" may also mean services and activities provided to a person who (i) was in foster care on his 18th birthday and has not yet reached the age of 21 years; (ii) is between the ages of 18 and 21 and who, immediately prior to his commitment to the Department of Juvenile Justice, was in the custody of a local board of social services; or (iii) is a child at least 16 years of age or a person between the ages of 18 and 21 who was committed to the Department of Juvenile Justice immediately prior to placement in an independent living arrangement. Such services shall include counseling, education, housing, employment, and money management skills development and access to essential documents and other appropriate services to help children or persons prepare for self-sufficiency.

"Intake officer" means a juvenile probation officer appointed as such pursuant to the authority of this chapter.

"Jail" or "other facility designed for the detention of adults" means a local or regional correctional facility as defined in § 53.1-1, except those facilities utilized on a temporary basis as a court holding cell for a child incident to a court hearing or as a temporary lock-up room or ward incident to the transfer of a child to a juvenile facility.

"The judge" means the judge or the substitute judge of the juvenile and domestic relations district court of each county or city.

"This law" or "the law" means the Juvenile and Domestic Relations District Court Law embraced in this chapter.

"Legal custody" means (i) a legal status created by court order which vests in a custodian the right to have physical custody of the child, to determine and redetermine where and with whom he shall live, the right and duty to protect, train and discipline him and to provide him with food, shelter, education and ordinary medical care, all subject to any residual parental rights and responsibilities or (ii) the legal status created by court order of joint custody as defined in § 20-107.2.

"Permanent foster care placement" means the place of residence in which a child resides and in which he has been placed pursuant to the provisions of §§ 63.2-900 and 63.2-908 with the expectation and agreement between the placing agency and the place of permanent foster care that the child shall remain in the placement until he reaches the age of majority unless modified by court order or unless removed pursuant to § 16.1-251 or 63.2-1517. A permanent foster care placement may be a place of residence of any natural person or persons deemed appropriate to meet a child's needs on a long-term basis.

"Qualified individual" means a trained professional or licensed clinician who is not an employee of the local board of social services or licensed child-placing agency that placed the child in a qualified residential treatment program and is not

affiliated with any placement setting in which children are placed by such local board of social services or licensed child-placing agency.

"Qualified residential treatment program" means a program that (i) provides 24-hour residential placement services for children in foster care; (ii) has adopted a trauma-informed treatment model that meets the clinical and other needs of children with serious emotional or behavioral disorders, including any clinical or other needs identified through assessments conducted pursuant to clause (viii) of this definition; (iii) employs registered or licensed nursing and other clinical staff who provide care, on site and within the scope of their practice, and are available 24 hours a day, 7 days a week; (iv) conducts outreach with the child's family members, including efforts to maintain connections between the child and his siblings and other family; documents and maintains records of such outreach efforts; and maintains contact information for any known biological family and fictive kin of the child; (v) whenever appropriate and in the best interest of the child, facilitates participation by family members in the child's treatment program before and after discharge and documents the manner in which such participation is facilitated; (vi) provides discharge planning and family-based aftercare support for at least six months after discharge; (vii) is licensed in accordance with 42 U.S.C. § 671(a)(10) and accredited by an organization approved by the federal Secretary of Health and Human Services; and (viii) requires that any child placed in the program receive an assessment within 30 days of such placement by a qualified individual that (a) assesses the strengths and needs of the child using an age-appropriate, evidence-based, validated, and functional assessment tool approved by the Commissioner of Social Services; (b) identifies whether the needs of the child can be met through placement with a family member or in a foster home or, if not, in a placement setting authorized by 42 U.S.C. § 672(k)(2), including a qualified residential treatment program, that would provide the most effective and appropriate level of care for the child in the least restrictive environment and be consistent with the short-term and long-term goals established for the child in his foster care or permanency plan; (c) establishes a list of short-term and long-term mental and behavioral health goals for the child; and (d) is documented in a written report to be filed with the court prior to any hearing on the child's placement pursuant to § 16.1-281, 16.1-282, 16.1-282.1, or 16.1-282.2.

"Residual parental rights and responsibilities" means all rights and responsibilities remaining with the parent after the transfer of legal custody or guardianship of the person, including but not limited to the right of visitation, consent to adoption, the right to determine religious affiliation and the responsibility for support.

"Secure facility" or "detention home" means a local, regional or state public or private locked residential facility that has construction fixtures designed to prevent escape and to restrict the movement and activities of children held in lawful custody.

"Shelter care" means the temporary care of children in physically unrestricting facilities.

"State Board" means the State Board of Juvenile Justice.

"Status offender" means a child who commits an act prohibited by law which would not be criminal if committed by an adult.

"Status offense" means an act prohibited by law which would not be an offense if committed by an adult.

"Violent juvenile felony" means any of the delinquent acts enumerated in subsection B or C of § 16.1-269.1 when committed by a juvenile 14 years of age or older.

§ 18.2-348.1. Promoting travel for prostitution; penalty.

It is unlawful for any travel agent to knowingly promote travel services, as defined in § 59.1-445, for the purposes of prostitution or any act in violation of an offense set forth in subdivision E 1 of the definition of *Tier III offense as defined in § 9.1-902*, made punishable within the Commonwealth, whether committed within or without. Violation of this section shall constitute a separate and distinct offense, and any person violating this section is guilty of a Class 1 misdemeanor. Punishment for a violation of this section shall be separate and apart from any punishment received from any other offense. For the purposes of this section "travel agent" means any person who for a consideration consults with or advises persons concerning travel services in the course of his business.

§ 18.2-370.5. Offenses prohibiting entry onto school or other property; penalty.

A. Every adult who is convicted of a ~~sexually violent~~ *Tier III offense*, as defined in § 9.1-902, shall be prohibited from entering or being present (i) during school hours, and during school-related or school-sponsored activities upon any property he knows or has reason to know is a public or private elementary or secondary school or child day center property; (ii) on any school bus as defined in § 46.2-100; or (iii) upon any property, public or private, during hours when such property is solely being used by a public or private elementary or secondary school for a school-related or school-sponsored activity.

B. The provisions of clauses (i) and (iii) of subsection A shall not apply to such adult if (i) he is a lawfully registered and qualified voter, and is coming upon such property solely for purposes of casting his vote; (ii) he is a student enrolled at the school; or (iii) he has obtained a court order pursuant to subsection C allowing him to enter and be present upon such property, has obtained the permission of the school board or of the owner of the private school or child day center or their designee for entry within all or part of the scope of the lifted ban, and is in compliance with such school board's, school's or center's terms and conditions and those of the court order.

C. Every adult who is prohibited from entering upon school or child day center property pursuant to subsection A may after notice to the attorney for the Commonwealth and either (i) the proprietor of the child day center, (ii) the Superintendent of Public Instruction and the chairman of the school board of the school division in which the school is located, or (iii) the chief administrator of the school if such school is not a public school, petition the circuit court in the county or city where

the school or child day center is located for permission to enter such property. The court shall direct that the petitioner shall cause notice of the time and place of the hearing on his petition to be published once a week for two successive weeks in a newspaper meeting the requirements of § 8.01-324. The newspaper notice shall contain a provision stating that written comments regarding the petition may be submitted to the clerk of court at least five days prior to the hearing. For good cause shown, the court may issue an order permitting the petitioner to enter and be present on such property, subject to whatever restrictions of area, reasons for being present, or time limits the court deems appropriate.

D. A violation of this section is punishable as a Class 6 felony.

§ 18.2-472.1. Providing false information or failing to provide registration information; penalty; prima facie evidence.

A. Any person subject to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, other than a person convicted of a ~~sexually violent Tier III~~ offense or murder as defined in § 9.1-902, who knowingly fails to register ~~or~~, reregister, or verify his registration information, or who knowingly provides materially false information to the Sex Offender and Crimes Against Minors Registry is guilty of a Class 1 misdemeanor. A second or subsequent conviction for an offense under this subsection is a Class 6 felony.

B. Any person convicted of a ~~sexually violent Tier III~~ offense or murder, as defined in § 9.1-902, who knowingly fails to register ~~or~~, reregister, or verify his registration information, or who knowingly provides materially false information to the Sex Offender and Crimes Against Minors Registry is guilty of a Class 6 felony. A second or subsequent conviction for an offense under this subsection is a Class 5 felony.

C. A prosecution pursuant to this section shall be brought in the city or county where the offender can be found or where the offender last registered ~~or~~, reregistered, or verified his registration information or, if the offender failed to comply with the duty to register, where the offender was last convicted of an offense for which registration or reregistration is required.

D. At any preliminary hearing pursuant to this section, an affidavit from the State Police issued as required in § 9.1-907 shall be admitted into evidence as prima facie evidence of the failure to comply with the duty to register ~~or~~, reregister, or verify his registration information. A copy of such affidavit shall be provided to the registrant or his counsel seven days prior to hearing or trial by the attorney for the Commonwealth.

E. The accused in any preliminary hearing in which an affidavit from the State Police issued as required in § 9.1-907 is offered into evidence pursuant to this section shall have the right to summon and call a custodian of records issuing the affidavit and examine him in the same manner as if he had been called as an adverse witness. Such witness shall appear at the cost of the Commonwealth.

F. At any trial or hearing other than a preliminary hearing conducted pursuant to this section, an affidavit from the State Police issued as required in § 9.1-907 shall constitute prima facie evidence of the failure to comply with the duty to register ~~or~~, reregister, or verify his registration information, provided the requirements of subsection G have been satisfied and the accused has not objected to the admission of the affidavit pursuant to subsection H.

G. If the attorney for the Commonwealth intends to offer the affidavit into evidence in lieu of testimony at a trial or hearing, other than a preliminary hearing, he shall:

1. Provide by mail, delivery, or otherwise, a copy of the affidavit to counsel of record for the accused, or to the accused if he is proceeding pro se, at no charge, no later than 28 days prior to the hearing or trial;
2. Provide simultaneously with the copy of the affidavit so provided under subdivision 1 a notice to the accused of his right to object to having the affidavit admitted without the presence and testimony of a custodian of the records; and
3. File a copy of the affidavit and notice with the clerk of the court hearing the matter on the day that the affidavit and notice are provided to the accused.

H. In any trial or hearing, other than a preliminary hearing, the accused may object in writing to admission of the affidavit, in lieu of testimony, as evidence of the facts stated therein. Such objection shall be filed with the court hearing the matter, with a copy to the attorney for the Commonwealth, no more than 14 days after the affidavit and notice were filed with the clerk by the attorney for the Commonwealth, or the objection shall be deemed waived. If timely objection is made, the affidavit shall not be admissible into evidence unless (i) the objection is waived by the accused or his counsel in writing or before the court, or (ii) the parties stipulate before the court to the admissibility of the affidavit.

I. Where a custodian of the records is not available for hearing or trial and the attorney for the Commonwealth has used due diligence to secure the presence of the person, the court shall order a continuance. Any continuances ordered pursuant to this subsection shall total not more than 90 days if the accused has been held continuously in custody and not more than 180 days if the accused has not been held continuously in custody.

J. Any objection by counsel for the accused, or the accused if he is proceeding pro se, to timeliness of the receipt of notice required by subsection G shall be made before hearing or trial upon his receipt of actual notice unless the accused did not receive actual notice prior to hearing or trial. A showing by the Commonwealth that the notice was mailed, delivered, or otherwise provided in compliance with the time requirements of this section shall constitute prima facie evidence that the notice was timely received by the accused. If the court finds upon the accused's objection made pursuant to this subsection, that he did not receive timely notice pursuant to subsection G, the accused's objection shall not be deemed waived and if the objection is made prior to hearing or trial, a continuance shall be ordered if requested by either party. Any continuance ordered pursuant to this subsection shall be subject to the time limitations set forth in subsection I.

K. For the purposes of this section any conviction for a substantially similar offense under the laws of (i) any foreign country or any political subdivision thereof, or (ii) any state or territory of the United States or any political subdivision thereof, the District of Columbia, or the United States shall be considered a prior conviction.

§ 22.1-79. Powers and duties.

A school board shall:

1. See that the school laws are properly explained, enforced and observed;
2. Secure, by visitation or otherwise, as full information as possible about the conduct of the public schools in the school division and take care that they are conducted according to law and with the utmost efficiency;
3. Care for, manage and control the property of the school division and provide for the erecting, furnishing, equipping, and noninstructional operating of necessary school buildings and appurtenances and the maintenance thereof by purchase, lease, or other contracts;
4. Provide for the consolidation of schools or redistricting of school boundaries or adopt pupil assignment plans whenever such procedure will contribute to the efficiency of the school division;
5. Insofar as not inconsistent with state statutes and regulations of the Board of Education, operate and maintain the public schools in the school division and determine the length of the school term, the studies to be pursued, the methods of teaching and the government to be employed in the schools;
6. In instances in which no grievance procedure has been adopted prior to January 1, 1991, establish and administer by July 1, 1992, a grievance procedure for all school board employees, except the division superintendent and those employees covered under the provisions of Article 2 (§ 22.1-293 et seq.) and Article 3 (§ 22.1-306 et seq.) of Chapter 15 of this title, who have completed such probationary period as may be required by the school board, not to exceed 18 months. The grievance procedure shall afford a timely and fair method of the resolution of disputes arising between the school board and such employees regarding dismissal or other disciplinary actions, excluding suspensions, and shall be consistent with the provisions of the Board of Education's procedures for adjusting grievances. Except in the case of dismissal, suspension, or other disciplinary action, the grievance procedure prescribed by the Board of Education pursuant to § 22.1-308 shall apply to all full-time employees of a school board, except supervisory employees;
7. Perform such other duties as shall be prescribed by the Board of Education or as are imposed by law;
8. Obtain public comment through a public hearing not less than 10 days after reasonable notice to the public in a newspaper of general circulation in the school division prior to providing (i) for the consolidation of schools; (ii) the transfer from the public school system of the administration of all instructional services for any public school classroom or all noninstructional services in the school division pursuant to a contract with any private entity or organization; or (iii) in school divisions having 15,000 pupils or more in average daily membership, for redistricting of school boundaries or adopting any pupil assignment plan affecting the assignment of 15 percent or more of the pupils in average daily membership in the affected school. Such public hearing may be held at the same time and place as the meeting of the school board at which the proposed action is taken if the public hearing is held before the action is taken. If a public hearing has been held prior to the effective date of this provision on a proposed consolidation, redistricting or pupil assignment plan which is to be implemented after the effective date of this provision, an additional public hearing shall not be required;
9. (Expires July 1, 2025) At least annually, survey the school division to identify critical shortages of teachers and administrative personnel by subject matter, and report such critical shortages to the Superintendent of Public Instruction and to the Virginia Retirement System; however, the school board may request the division superintendent to conduct such survey and submit such report to the school board, the Superintendent, and the Virginia Retirement System; and
10. Ensure that the public schools within the school division are registered with the Department of State Police to receive from the State Police electronic notice of the registration ~~or~~, reregistration, *or verification of registration information of any sex offender person required to register with the Sex Offender and Crimes Against Minors Registry pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1* within that school division pursuant to § 9.1-914.

§ 23.1-407. Reporting of enrollment information to Sex Offender and Crimes Against Minors Registry.

A. Each associate-degree-granting and baccalaureate (i) public institution of higher education and (ii) private institution of higher education shall electronically transmit the complete name, social security number or other identifying number, date of birth, and gender of each applicant accepted to attend the institution to the Department of State Police, in a format approved by the Department of State Police, for comparison with information contained in the Virginia Criminal Information Network and National Crime Information Center Sex Offender Registry File. Such data shall be transmitted (a) before an accepted applicant becomes a student in attendance pursuant to 20 U.S.C. § 1232g(a)(6) or (b) in the case of institutions with a rolling or instantaneous admissions policy, in accordance with guidelines developed by the Department of State Police in consultation with the Council.

B. Whenever it appears from the records of the Department of State Police that an accepted applicant has failed to comply with the duty to register ~~or~~, reregister, *or verify his registration information* pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, the Department of State Police shall promptly investigate and, if there is probable cause to believe a violation has occurred, obtain a warrant or assist in obtaining an indictment charging a violation of § 18.2-472.1 in the jurisdiction in which the institution of higher education is located.

§ 32.1-127. Regulations.

A. The regulations promulgated by the Board to carry out the provisions of this article shall be in substantial conformity to the standards of health, hygiene, sanitation, construction and safety as established and recognized by medical

and health care professionals and by specialists in matters of public health and safety, including health and safety standards established under provisions of Title XVIII and Title XIX of the Social Security Act, and to the provisions of Article 2 (§ 32.1-138 et seq.).

B. Such regulations:

1. Shall include minimum standards for (i) the construction and maintenance of hospitals, nursing homes and certified nursing facilities to ensure the environmental protection and the life safety of its patients, employees, and the public; (ii) the operation, staffing and equipping of hospitals, nursing homes and certified nursing facilities; (iii) qualifications and training of staff of hospitals, nursing homes and certified nursing facilities, except those professionals licensed or certified by the Department of Health Professions; (iv) conditions under which a hospital or nursing home may provide medical and nursing services to patients in their places of residence; and (v) policies related to infection prevention, disaster preparedness, and facility security of hospitals, nursing homes, and certified nursing facilities. For purposes of this paragraph, facilities in which five or more first trimester abortions per month are performed shall be classified as a category of "hospital";

2. Shall provide that at least one physician who is licensed to practice medicine in this Commonwealth shall be on call at all times, though not necessarily physically present on the premises, at each hospital which operates or holds itself out as operating an emergency service;

3. May classify hospitals and nursing homes by type of specialty or service and may provide for licensing hospitals and nursing homes by bed capacity and by type of specialty or service;

4. Shall also require that each hospital establish a protocol for organ donation, in compliance with federal law and the regulations of the Centers for Medicare and Medicaid Services (CMS), particularly 42 C.F.R. § 482.45. Each hospital shall have an agreement with an organ procurement organization designated in CMS regulations for routine contact, whereby the provider's designated organ procurement organization certified by CMS (i) is notified in a timely manner of all deaths or imminent deaths of patients in the hospital and (ii) is authorized to determine the suitability of the decedent or patient for organ donation and, in the absence of a similar arrangement with any eye bank or tissue bank in Virginia certified by the Eye Bank Association of America or the American Association of Tissue Banks, the suitability for tissue and eye donation. The hospital shall also have an agreement with at least one tissue bank and at least one eye bank to cooperate in the retrieval, processing, preservation, storage, and distribution of tissues and eyes to ensure that all usable tissues and eyes are obtained from potential donors and to avoid interference with organ procurement. The protocol shall ensure that the hospital collaborates with the designated organ procurement organization to inform the family of each potential donor of the option to donate organs, tissues, or eyes or to decline to donate. The individual making contact with the family shall have completed a course in the methodology for approaching potential donor families and requesting organ or tissue donation that (a) is offered or approved by the organ procurement organization and designed in conjunction with the tissue and eye bank community and (b) encourages discretion and sensitivity according to the specific circumstances, views, and beliefs of the relevant family. In addition, the hospital shall work cooperatively with the designated organ procurement organization in educating the staff responsible for contacting the organ procurement organization's personnel on donation issues, the proper review of death records to improve identification of potential donors, and the proper procedures for maintaining potential donors while necessary testing and placement of potential donated organs, tissues, and eyes takes place. This process shall be followed, without exception, unless the family of the relevant decedent or patient has expressed opposition to organ donation, the chief administrative officer of the hospital or his designee knows of such opposition, and no donor card or other relevant document, such as an advance directive, can be found;

5. Shall require that each hospital that provides obstetrical services establish a protocol for admission or transfer of any pregnant woman who presents herself while in labor;

6. Shall also require that each licensed hospital develop and implement a protocol requiring written discharge plans for identified, substance-abusing, postpartum women and their infants. The protocol shall require that the discharge plan be discussed with the patient and that appropriate referrals for the mother and the infant be made and documented. Appropriate referrals may include, but need not be limited to, treatment services, comprehensive early intervention services for infants and toddlers with disabilities and their families pursuant to Part H of the Individuals with Disabilities Education Act, 20 U.S.C. § 1471 et seq., and family-oriented prevention services. The discharge planning process shall involve, to the extent possible, the father of the infant and any members of the patient's extended family who may participate in the follow-up care for the mother and the infant. Immediately upon identification, pursuant to § 54.1-2403.1, of any substance-abusing, postpartum woman, the hospital shall notify, subject to federal law restrictions, the community services board of the jurisdiction in which the woman resides to appoint a discharge plan manager. The community services board shall implement and manage the discharge plan;

7. Shall require that each nursing home and certified nursing facility fully disclose to the applicant for admission the home's or facility's admissions policies, including any preferences given;

8. Shall require that each licensed hospital establish a protocol relating to the rights and responsibilities of patients which shall include a process reasonably designed to inform patients of such rights and responsibilities. Such rights and responsibilities of patients, a copy of which shall be given to patients on admission, shall be consistent with applicable federal law and regulations of the Centers for Medicare and Medicaid Services;

9. Shall establish standards and maintain a process for designation of levels or categories of care in neonatal services according to an applicable national or state-developed evaluation system. Such standards may be differentiated for various

levels or categories of care and may include, but need not be limited to, requirements for staffing credentials, staff/patient ratios, equipment, and medical protocols;

10. Shall require that each nursing home and certified nursing facility train all employees who are mandated to report adult abuse, neglect, or exploitation pursuant to § 63.2-1606 on such reporting procedures and the consequences for failing to make a required report;

11. Shall permit hospital personnel, as designated in medical staff bylaws, rules and regulations, or hospital policies and procedures, to accept emergency telephone and other verbal orders for medication or treatment for hospital patients from physicians, and other persons lawfully authorized by state statute to give patient orders, subject to a requirement that such verbal order be signed, within a reasonable period of time not to exceed 72 hours as specified in the hospital's medical staff bylaws, rules and regulations or hospital policies and procedures, by the person giving the order, or, when such person is not available within the period of time specified, co-signed by another physician or other person authorized to give the order;

12. Shall require, unless the vaccination is medically contraindicated or the resident declines the offer of the vaccination, that each certified nursing facility and nursing home provide or arrange for the administration to its residents of (i) an annual vaccination against influenza and (ii) a pneumococcal vaccination, in accordance with the most recent recommendations of the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention;

13. Shall require that each nursing home and certified nursing facility register with the Department of State Police to receive notice of the registration ~~or, reregistration, or verification of registration information~~ of any ~~sex offender person~~ *required to register with the Sex Offender and Crimes Against Minors Registry pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1* within the same or a contiguous zip code area in which the home or facility is located, pursuant to § 9.1-914;

14. Shall require that each nursing home and certified nursing facility ascertain, prior to admission, whether a potential patient is ~~a registered sex offender~~ *required to register with the Sex Offender and Crimes Against Minors Registry pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1*, if the home or facility anticipates the potential patient will have a length of stay greater than three days or in fact stays longer than three days;

15. Shall require that each licensed hospital include in its visitation policy a provision allowing each adult patient to receive visits from any individual from whom the patient desires to receive visits, subject to other restrictions contained in the visitation policy including, but not limited to, those related to the patient's medical condition and the number of visitors permitted in the patient's room simultaneously;

16. Shall require that each nursing home and certified nursing facility shall, upon the request of the facility's family council, send notices and information about the family council mutually developed by the family council and the administration of the nursing home or certified nursing facility, and provided to the facility for such purpose, to the listed responsible party or a contact person of the resident's choice up to six times per year. Such notices may be included together with a monthly billing statement or other regular communication. Notices and information shall also be posted in a designated location within the nursing home or certified nursing facility. No family member of a resident or other resident representative shall be restricted from participating in meetings in the facility with the families or resident representatives of other residents in the facility;

17. Shall require that each nursing home and certified nursing facility maintain liability insurance coverage in a minimum amount of \$1 million, and professional liability coverage in an amount at least equal to the recovery limit set forth in § 8.01-581.15, to compensate patients or individuals for injuries and losses resulting from the negligent or criminal acts of the facility. Failure to maintain such minimum insurance shall result in revocation of the facility's license;

18. Shall require each hospital that provides obstetrical services to establish policies to follow when a stillbirth, as defined in § 32.1-69.1, occurs that meet the guidelines pertaining to counseling patients and their families and other aspects of managing stillbirths as may be specified by the Board in its regulations;

19. Shall require each nursing home to provide a full refund of any unexpended patient funds on deposit with the facility following the discharge or death of a patient, other than entrance-related fees paid to a continuing care provider as defined in § 38.2-4900, within 30 days of a written request for such funds by the discharged patient or, in the case of the death of a patient, the person administering the person's estate in accordance with the Virginia Small Estates Act (§ 64.2-600 et seq.);

20. Shall require that each hospital that provides inpatient psychiatric services establish a protocol that requires, for any refusal to admit (i) a medically stable patient referred to its psychiatric unit, direct verbal communication between the on-call physician in the psychiatric unit and the referring physician, if requested by such referring physician, and prohibits on-call physicians or other hospital staff from refusing a request for such direct verbal communication by a referring physician and (ii) a patient for whom there is a question regarding the medical stability or medical appropriateness of admission for inpatient psychiatric services due to a situation involving results of a toxicology screening, the on-call physician in the psychiatric unit to which the patient is sought to be transferred to participate in direct verbal communication, either in person or via telephone, with a clinical toxicologist or other person who is a Certified Specialist in Poison Information employed by a poison control center that is accredited by the American Association of Poison Control Centers to review the results of the toxicology screen and determine whether a medical reason for refusing admission to the psychiatric unit related to the results of the toxicology screen exists, if requested by the referring physician;

21. Shall require that each hospital that is equipped to provide life-sustaining treatment shall develop a policy governing determination of the medical and ethical appropriateness of proposed medical care, which shall include (i) a process for obtaining a second opinion regarding the medical and ethical appropriateness of proposed medical care in cases in which a physician has determined proposed care to be medically or ethically inappropriate; (ii) provisions for review of the determination that proposed medical care is medically or ethically inappropriate by an interdisciplinary medical review committee and a determination by the interdisciplinary medical review committee regarding the medical and ethical appropriateness of the proposed health care; and (iii) requirements for a written explanation of the decision reached by the interdisciplinary medical review committee, which shall be included in the patient's medical record. Such policy shall ensure that the patient, his agent, or the person authorized to make medical decisions pursuant to § 54.1-2986 (a) are informed of the patient's right to obtain his medical record and to obtain an independent medical opinion and (b) afforded reasonable opportunity to participate in the medical review committee meeting. Nothing in such policy shall prevent the patient, his agent, or the person authorized to make medical decisions pursuant to § 54.1-2986 from obtaining legal counsel to represent the patient or from seeking other remedies available at law, including seeking court review, provided that the patient, his agent, or the person authorized to make medical decisions pursuant to § 54.1-2986, or legal counsel provides written notice to the chief executive officer of the hospital within 14 days of the date on which the physician's determination that proposed medical treatment is medically or ethically inappropriate is documented in the patient's medical record;

22. Shall require every hospital with an emergency department to establish protocols to ensure that security personnel of the emergency department, if any, receive training appropriate to the populations served by the emergency department, which may include training based on a trauma-informed approach in identifying and safely addressing situations involving patients or other persons who pose a risk of harm to themselves or others due to mental illness or substance abuse or who are experiencing a mental health crisis;

23. Shall require that each hospital establish a protocol requiring that, before a health care provider arranges for air medical transportation services for a patient who does not have an emergency medical condition as defined in 42 U.S.C. § 1395dd(e)(1), the hospital shall provide the patient or his authorized representative with written or electronic notice that the patient (i) may have a choice of transportation by an air medical transportation provider or medically appropriate ground transportation by an emergency medical services provider and (ii) will be responsible for charges incurred for such transportation in the event that the provider is not a contracted network provider of the patient's health insurance carrier or such charges are not otherwise covered in full or in part by the patient's health insurance plan; and

24. Shall establish an exemption, for a period of no more than 30 days, from the requirement to obtain a license to add temporary beds in an existing hospital or nursing home when the Commissioner has determined that a natural or man-made disaster has caused the evacuation of a hospital or nursing home and that a public health emergency exists due to a shortage of hospital or nursing home beds.

C. Upon obtaining the appropriate license, if applicable, licensed hospitals, nursing homes, and certified nursing facilities may operate adult day care centers.

D. All facilities licensed by the Board pursuant to this article which provide treatment or care for hemophiliacs and, in the course of such treatment, stock clotting factors, shall maintain records of all lot numbers or other unique identifiers for such clotting factors in order that, in the event the lot is found to be contaminated with an infectious agent, those hemophiliacs who have received units of this contaminated clotting factor may be apprised of this contamination. Facilities which have identified a lot which is known to be contaminated shall notify the recipient's attending physician and request that he notify the recipient of the contamination. If the physician is unavailable, the facility shall notify by mail, return receipt requested, each recipient who received treatment from a known contaminated lot at the individual's last known address.

§ 46.2-116. Registration with Department of Criminal Justice Services required for tow truck drivers; penalty.

A. As used in this section and §§ 46.2-117, 46.2-118, and 46.2-119:

"Consumer" means a person who (i) has vested ownership, dominion, or title to the vehicle; (ii) is the authorized agent of the owner as defined in clause (i); or (iii) is an employee, agent, or representative of an insurance company representing any party involved in a collision that resulted in a police-requested tow who represents in writing that the insurance company had obtained the oral or written consent of the title owner or his agent or the lessee of the vehicle to obtain possession of the vehicle.

"Department" means the Department of Criminal Justice Services.

"Tow truck driver" means an individual who drives a tow truck as defined in § 46.2-100.

"Towing and recovery operator" means any person engaging in the business of providing or offering to provide services involving the use of a tow truck and services incidental to use of a tow truck. "Towing and recovery operator" shall not include a franchised motor vehicle dealer as defined in § 46.2-1500 using a tow truck owned by a dealer when transporting a vehicle to or from a repair facility owned by the dealer when the dealer does not receive compensation from the vehicle owner for towing of the vehicle or when transporting a vehicle in which the dealer has an ownership or security interest.

B. On and after January 1, 2013, no tow truck driver shall drive any tow truck without being registered with the Department, except that this requirement shall not apply to any holder of a tow truck driver authorization document issued pursuant to former § 46.2-2814 until the expiration date of such document. The Department may offer a temporary registration or driver authorization document that is effective upon the submission of an application and that expires upon

the issuance or denial of a permanent registration. Every applicant for an initial registration or renewal of registration pursuant to this section shall submit his registration application, fingerprints, and personal descriptive information to the Department and a nonrefundable application fee of \$100. The Department shall forward the personal descriptive information along with the applicant's fingerprints through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining a national criminal history record check regarding such applicant. The cost of the fingerprinting and criminal history record check shall be paid by the applicant.

The Central Criminal Records Exchange, upon receipt of an applicant's record or notification that no record exists, shall make a report to the Department. If an applicant is denied registration as a tow truck driver because of the information appearing in his criminal history record, the Department shall notify the applicant that information obtained from the Central Criminal Records Exchange contributed to such denial. The information shall not be disseminated except as provided in this section.

C. No registration shall be issued to any person who (i) is required to register ~~as a sex offender as provided in § 9.1-901 with the Sex Offender and Crimes Against Minors Registry pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1~~ or in a substantially similar law of any other state, the United States, or any foreign jurisdiction; (ii) has been convicted of a violent crime as defined in subsection C of § 17.1-805 unless such person held a valid tow truck driver authorization document on January 1, 2013, issued by the Board of Towing and Recovery Operators pursuant to former Chapter 28 (§ 46.2-2800 et seq.), and has not been convicted of a violent crime as defined in subsection C of § 17.1-805 subsequent to the abolition of the Board; or (iii) has been convicted of any crime involving the driving of a tow truck, including drug or alcohol offenses, but not traffic infraction convictions. Any person registered pursuant to this section shall report to the Department within 10 days of conviction any convictions for felonies or misdemeanors that occur while he is registered with the Department.

D. Any tow truck driver failing to register with the Department as required by this section is guilty of a Class 3 misdemeanor. A tow truck driver registered with the Department shall have such registration in his possession whenever driving a tow truck on the highways.

E. Registrations issued by the Department pursuant to this section shall be valid for a period not to exceed 24 months, unless revoked or suspended by the Department in accordance with § 46.2-117.

§ 46.2-117. Revocation and suspension of registration of tow truck driver; notice and hearing; assessment of costs.

A. Upon receipt of written notice from the Division of Consumer Counsel of the Office of the Attorney General that it has obtained a civil judgment against a tow truck driver for a violation of subsection A of § 46.2-118 or § 46.2-1217, 46.2-1231, or 46.2-1233.1 or upon the failure of a tow truck driver to report to the Department within 10 days any conviction for a felony or misdemeanor that occurred while he is registered in accordance with § 46.2-116, the Department may revoke or suspend the registration of a tow truck driver after notice and hearing as provided in subsection C.

B. Furthermore, the Department shall, after notice and hearing as provided in subsection C, revoke or suspend the registration of a tow truck driver for:

1. Conviction of any crime for which a person must register ~~as a sex offender as provided in § 9.1-901 with the Sex Offender and Crimes Against Minors Registry pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1~~ or in a substantially similar law of any other state, the United States, or any foreign jurisdiction;

2. Conviction of a violent crime as defined in subsection C of § 17.1-805; or

3. Conviction of any crime involving the driving of a tow truck, including drug or alcohol offenses, but not traffic infraction convictions.

C. Before suspending or revoking any registration, reasonable notice of such proposed action shall be given to the tow truck driver by the Department in accordance with the provisions of § 2.2-4020 of the Administrative Process Act. In suspending or revoking the registration of a tow truck driver, the Department may assess the tow truck driver the cost of conducting the hearing unless the Department determines that the violation was inadvertent or done in a good faith belief that such act did not violate a statute. Any costs assessed by the Department shall be limited to (i) the reasonable hourly rate of the hearing officer and (ii) the actual cost of recording the hearing.

§ 46.2-118. Prohibited acts by tow truck drivers and towing and recovery operators.

A. No tow truck driver shall:

1. Use fraud or deceit in the offering or delivering of towing and recovery services;

2. Conduct his business or offer services in such a manner as to endanger the health and welfare of the public;

3. Use alcohol or drugs to the extent such use renders him unsafe to provide towing and recovery services;

4. Obtain any fee by fraud or misrepresentation;

5. Remove or tow a trespassing vehicle, as provided in § 46.2-1231, or a vehicle towed or removed at the request of a law-enforcement officer to any location outside the Commonwealth; or

6. Violate, or assist, induce, or cooperate with others to violate, any provision of law related to the offering or delivery of towing and recovery services.

B. No towing and recovery operator shall:

1. Use fraud or deceit in the offering or delivering of towing and recovery services;

2. Conduct his business or offer services in such a manner as to endanger the health and welfare of the public;

3. Use alcohol or drugs to the extent such use renders him unsafe to provide towing and recovery services;

4. Neglect to maintain on record at the towing and recovery operator's principal office a list of all drivers employed by the towing and recovery operator;
 5. Obtain any fee by fraud or misrepresentation;
 6. Advertise services in any manner that deceives, misleads, or defrauds the public;
 7. Advertise or offer services under a name other than one's own name;
 8. Fail to accept for payment cash, insurance company check, certified check, money order, or at least one of two commonly used, nationally recognized credit cards, except those towing and recovery operators who have an annual gross income of less than \$10,000 derived from the performance of towing and recovery services shall not be required to accept credit cards, other than when providing police-requested towing as defined in § 46.2-1217, but shall be required to accept personal checks;
 9. Fail to display at the towing and recovery operator's principal office in a conspicuous place a listing of all towing, recovery, and processing fees for vehicles;
 10. Fail to have readily available at the towing and recovery operator's principal office, at the customer's request, the maximum fees normally charged by the towing and recovery operator for basic services for towing and initial hookup of vehicles;
 11. Knowingly charge excessive fees for towing, storage, or administrative services or charge fees for services not rendered;
 12. Fail to maintain all towing records, which shall include itemized fees, for a period of one year from the date of service;
 13. Willfully invoice payment for any services not stipulated or otherwise incorporated in a contract for services rendered between the towing and recovery operator and any locality or political subdivision of the Commonwealth;
 14. Employ a driver required to register ~~as a sex offender as provided in § 9.1-901~~ *with the Sex Offender and Crimes Against Minors Registry pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1;*
 15. Remove or tow a trespassing vehicle, as provided in § 46.2-1231, or a vehicle towed or removed at the request of a law-enforcement officer to any location outside the Commonwealth;
 16. Refuse, at the towing and recovery operator's place of business, to make change, up to \$100, for the owner of the vehicle towed without the owner's consent if the owner pays in cash for charges for towing and storage of the vehicle;
 17. Violate, or assist, induce, or cooperate with others to violate, any provision of law related to the offering or delivery of towing and recovery services; or
 18. Fail to provide the owner of a stolen vehicle written notice of his right under law to be reimbursed for towing and storage of his vehicle out of the state treasury from the appropriation for criminal charges as required in § 46.2-1209.
- C. No tow truck driver as defined in § 46.2-116 or towing and recovery operator as defined in § 46.2-100 shall knowingly permit another person to occupy a motor vehicle as defined in § 46.2-100 while such motor vehicle is being towed.

§ 46.2-323. Application for driver's license; proof of completion of driver education program; penalty.

A. Every application for a driver's license, temporary driver's permit, learner's permit, or motorcycle learner's permit shall be made on a form prescribed by the Department and the applicant shall write his usual signature in ink in the space provided on the form. The form shall include notice to the applicant of the duty to register with the Department of State Police as provided in Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, if the applicant has been convicted of an offense for which registration with the Sex Offender and Crimes Against Minors Registry is required.

B. Every application shall state the full legal name, year, month, and date of birth, social security number, sex, and residence address of the applicant; whether or not the applicant has previously been licensed as a driver and, if so, when and by what state, and whether or not his license has ever been suspended or revoked and, if so, the date of and reason for such suspension or revocation. The Department, as a condition for the issuance of any driver's license, temporary driver's permit, learner's permit, or motorcycle learner's permit shall require the surrender of any driver's license or, in the case of a motorcycle learner's permit, a motorcycle license issued by another state and held by the applicant. The applicant shall also answer any questions on the application form or otherwise propounded by the Department incidental to the examination. The applicant may also be required to present proof of identity, residency, and social security number or non-work authorized status, if required to appear in person before the Department to apply.

The Commissioner shall require that each application include a certification statement to be signed by the applicant under penalty of perjury, certifying that the information presented on the application is true and correct.

If the applicant fails or refuses to sign the certification statement, the Department shall not issue the applicant a driver's license, temporary driver's permit, learner's permit or motorcycle learner's permit.

Any applicant who knowingly makes a false certification or supplies false or fictitious evidence shall be punished as provided in § 46.2-348.

C. Every application for a driver's license shall include a photograph of the applicant supplied under arrangements made by the Department. The photograph shall be processed by the Department so that the photograph can be made part of the issued license.

D. Notwithstanding the provisions of § 46.2-334, every applicant for a driver's license who is under 18 years of age shall furnish the Department with satisfactory proof of his successful completion of a driver education program approved by the State Department of Education.

E. Every application for a driver's license submitted by a person less than 18 years old and attending a public school in the Commonwealth shall be accompanied by a document, signed by the applicant's parent or legal guardian, authorizing the principal, or his designee, of the school attended by the applicant to notify the juvenile and domestic relations district court within whose jurisdiction the minor resides when the applicant has had 10 or more unexcused absences from school on consecutive school days.

F. The Department shall electronically transmit application information to the Department of State Police, in a format approved by the State Police, for comparison with information contained in the Virginia Criminal Information Network and National Crime Information Center Convicted Sexual Offender Registry Files, at the time of issuance of a driver's license, temporary driver's permit, learner's permit, or motorcycle learner's permit. Whenever it appears from the records of the State Police that a person has failed to comply with the duty to register ~~or~~, reregister, *or verify his registration information* pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, the State Police shall promptly investigate and, if there is probable cause to believe a violation has occurred, obtain a warrant or assist in obtaining an indictment charging a violation of § 18.2-472.1 in the jurisdiction in which the person made application of licensure.

§ 46.2-324. Applicants and license holders to notify Department of change of address; fee.

A. Whenever any person, after applying for or obtaining a driver's license or special identification card shall move from the address shown in the application or on the license or special identification card, he shall, within 30 days, notify the Department of his change of address. If the Department receives notification from the person or any court or law-enforcement agency that a person's residential address has changed to a non-Virginia address, unless the person (i) is on active duty with the armed forces of the United States, (ii) provides proof that he is a U.S. citizen and resides outside the United States because of his employment or the employment of a spouse or parent, or (iii) provides proof satisfactory to the Commissioner that he is a bona fide resident of Virginia, the Department shall (i) mail, by first-class mail, no later than three days after the notice of address change is received by the Department, notice to the person that his license and/or special identification card will be cancelled by the Department and (ii) cancel the driver's license and/or special identification card 30 days after notice of cancellation has been mailed.

B. The Department may contract with the United States Postal Service or an authorized agent to use the National Change of Address System for the purpose of obtaining current address information for a person whose name appears in customer records maintained by the Department. If the Department receives information from the National Change of Address System indicating that a person whose name appears in a Department record has submitted a permanent change of address to the Postal Service, the Department may then update its records with the mailing address obtained from the National Change of Address System.

C. There may be imposed upon anyone failing to notify the Department of his change of address as required by this section a fee of \$5, which fee shall be used to defray the expenses incurred by the Department. Notwithstanding the foregoing provision of this subsection, no fee shall be imposed on any person whose address is obtained from the National Change of Address System.

D. The Department shall electronically transmit change of address information to the Department of State Police, in a format approved by the State Police, for comparison with information contained in the Virginia Criminal Information Network and National Crime Information Center Convicted Sexual Offender Registry Files, at the time of the change of address. Whenever it appears from the records of the State Police that a person has failed to comply with the duty to register ~~or~~, reregister, *or verify his registration information* pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, the State Police shall promptly investigate and, if there is probable cause to believe a violation has occurred, obtain a warrant or assist in obtaining an indictment charging a violation of § 18.2-472.1 in the jurisdiction in which the person last registered ~~or~~, reregistered, *or verified his registration information* or in the jurisdiction where the person made application for change of address.

E. For any summons issued for a violation of this section, the court may, in its discretion, dismiss the summons, where proof of compliance with this section is provided to the court on or before the court date.

§ 46.2-330. Expiration and renewal of licenses; examinations required.

A. Every driver's license shall expire on the applicant's birthday at the end of the period of years for which a driver's license has been issued. At no time shall any driver's license be issued for more than eight years or less than five years, unless otherwise provided by law. Thereafter the driver's license shall be renewed on or before the birthday of the licensee and shall be valid for a period not to exceed eight years except as otherwise provided by law. Any driver's license issued to a person age 75 or older shall be issued for a period not to exceed five years. Notwithstanding these limitations, the Commissioner may extend the validity period of an expiring license if (i) the Department is unable to process an application for renewal due to circumstances beyond its control, (ii) the extension has been authorized under a directive from the Governor, and (iii) the license was not issued as a temporary driver's license under the provisions of subsection B of § 46.2-328.1. However, in no event shall the validity period be extended more than 90 days per occurrence of such conditions. In determining the number of years for which a driver's license shall be renewed, the Commissioner shall take into consideration the examinations, conditions, requirements, and other criteria provided under this title that relate to the issuance of a license to operate a vehicle. Any driver's license issued to a person required to register pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1 shall expire on the applicant's birthday in years which the applicant attains an age equally divisible by five.

B. Within one year prior to the date shown on the driver's license as the date of expiration, the Department shall send notice, to the holder thereof, at the address shown on the records of the Department in its driver's license file, that his license will expire on a date specified therein, whether he must be reexamined, and when he may be reexamined. Nonreceipt of the notice shall not extend the period of validity of the driver's license beyond its expiration date. The license holder may request the Department to send such renewal notice to an email or other electronic address, upon provision of such address to the Department.

Any driver's license may be renewed by application after the applicant has taken and successfully completed those parts of the examination provided for in §§ 46.2-311, 46.2-325, and the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.), including vision and written tests, other than the parts of the examination requiring the applicant to drive a motor vehicle. All drivers applying in person for renewal of a license shall take and successfully complete the examination each renewal year. Every applicant for a renewal shall appear in person before the Department, unless specifically notified by the Department that renewal may be accomplished in another manner as provided in the notice. Applicants who are required to appear in person before the Department to apply for a renewal may also be required to present proof of identity, legal presence, residency, and social security number or non-work authorized status.

C. Notwithstanding any other provision of this section, the Commissioner, in his discretion, may require any applicant for renewal to be fully examined as provided in §§ 46.2-311 and 46.2-325 and the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.). Furthermore, if the applicant is less than 75 years old, the Commissioner may waive the vision examination for any applicant for renewal of a driver's license that is not a commercial driver's license and the requirement for the taking of the written test as provided in subsection B of this section, § 46.2-325, and the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.). However, in no case shall there be any waiver of the vision examination for applicants for renewal of a commercial driver's license or of the knowledge test required by the Virginia Commercial Driver's License Act for the hazardous materials endorsement on a commercial driver's license. No driver's license or learner's permit issued to any person who is 75 years old or older shall be renewed unless the applicant for renewal appears in person and either (i) passes a vision examination or (ii) presents a report of a vision examination, made within 90 days prior thereto by an ophthalmologist or optometrist, indicating that the applicant's vision meets or exceeds the standards contained in § 46.2-311.

D. Every applicant for renewal of a driver's license, whether renewal shall or shall not be dependent on any examination of the applicant, shall appear in person before the Department to apply for renewal, unless specifically notified by the Department that renewal may be accomplished in another manner as provided in the notice.

E. This section shall not modify the provisions of § 46.2-221.2.

F. 1. The Department shall electronically transmit application information, including a photograph, to the Department of State Police, in a format approved by the State Police, for comparison with information contained in the Virginia Criminal Information Network and National Crime Information Center Convicted Sexual Offender Registry files, at the time of the renewal of a driver's license. Whenever it appears from the records of the State Police that a person has failed to comply with the duty to register ~~or~~, reregister, *or verify his registration information* pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, the State Police shall promptly investigate and, if there is probable cause to believe a violation has occurred, obtain a warrant or assist in obtaining an indictment charging a violation of § 18.2-472.1 in the jurisdiction in which the person last registered ~~or~~, reregistered, *or verified his registration information* or in the jurisdiction where the person made application for licensure. The Department of State Police shall electronically transmit to the Department, in a format approved by the Department, for each person required to register pursuant to Chapter 9 of Title 9.1, registry information consisting of the person's name, all aliases that he has used or under which he may have been known, his date of birth, and his social security number as set out in § 9.1-903.

2. For each person required to register pursuant to Chapter 9 of Title 9.1, the Department may not waive the requirement that each such person shall appear for each renewal or the requirement to obtain a photograph in accordance with subsection C of § 46.2-323.

§ 46.2-345. Issuance of special identification cards; fee; confidentiality; penalties.

A. On the application of any person who is a resident of the Commonwealth or the parent or legal guardian of any such person who is under the age of 15, the Department shall issue a special identification card to the person, provided that:

1. Application is made on a form prescribed by the Department and includes the applicant's full legal name; year, month, and date of birth; social security number; sex; and residence address;

2. The applicant presents, when required by the Department, proof of identity, legal presence, residency, and social security number or non-work authorized status;

3. The Department is satisfied that the applicant needs an identification card or the applicant shows he has a bona fide need for such a card; and

4. The applicant does not hold a driver's license, commercial driver's license, temporary driver's permit, learner's permit, motorcycle learner's permit, or special identification card without a photograph.

Persons 70 years of age or older may exchange a valid Virginia driver's license for a special identification card at no fee. Special identification cards subsequently issued to such persons shall be subject to the regular fees for special identification cards.

B. The fee for the issuance of an original, duplicate, reissue, or renewal special identification card is \$2 per year, with a \$10 minimum fee. Persons 21 years old or older may be issued a scenic special identification card for an additional fee of \$5.

C. Every special identification card shall expire on the applicant's birthday at the end of the period of years for which a special identification card has been issued. At no time shall any special identification card be issued for less than three nor more than eight years, except under the provisions of subsection B of § 46.2-328.1 and except that those cards issued to children under the age of 15 shall expire on the child's sixteenth birthday. Notwithstanding these limitations, the Commissioner may extend the validity period of an expiring card if (i) the Department is unable to process an application for renewal due to circumstances beyond its control, (ii) the extension has been authorized under a directive from the Governor, and (iii) the card was not issued as a temporary special identification card under the provisions of subsection B of § 46.2-328.1. However, in no event shall the validity period be extended more than 90 days per occurrence of such conditions. Any special identification card issued to a person required to register pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1 shall expire on the applicant's birthday in years which the applicant attains an age equally divisible by five. For each person required to register pursuant to Chapter 9 of Title 9.1, the Department may not waive the requirement that each person shall appear for each renewal or the requirement to obtain a photograph in accordance with subsection C of § 46.2-323.

D. A special identification card issued under this section may be similar in size, shape, and design to a driver's license, and include a photograph of its holder, but the card shall be readily distinguishable from a driver's license and shall clearly state that it does not authorize the person to whom it is issued to drive a motor vehicle. Every applicant for a special identification card shall appear in person before the Department to apply for a renewal, duplicate or reissue unless specifically permitted by the Department to apply in another manner.

E. Special identification cards, for persons at least 15 years old but less than 21 years old, shall be immediately and readily distinguishable from those issued to persons 21 years old or older. Distinguishing characteristics shall include unique design elements of the document and descriptors within the photograph area to identify persons who are at least 15 years old but less than 21 years old. These descriptors shall include the month, day, and year when the person will become 21 years old.

F. Special identification cards for persons under age 15 shall bear a full face photograph. The special identification card issued to persons under age 15 shall be readily distinguishable from a driver's license and from other special identification cards issued by the Department. Such cards shall clearly indicate that it does not authorize the person to whom it is issued to drive a motor vehicle.

G. Unless otherwise prohibited by law, a valid Virginia driver's license shall be surrendered upon application for a special identification card without the applicant's having to present proof of legal presence as required by § 46.2-328.1 if the Virginia driver's license is unexpired and it has not been revoked, suspended, or cancelled. The special identification card shall be considered a reissue and the expiration date shall be the last day of the month of the surrendered driver's license's month of expiration.

H. Any personal information, as identified in § 2.2-3801, which is retained by the Department from an application for the issuance of a special identification card is confidential and shall not be divulged to any person, association, corporation, or organization, public or private, except to the legal guardian or the attorney of the applicant or to a person, association, corporation, or organization nominated in writing by the applicant, his legal guardian, or his attorney. This subsection shall not prevent the Department from furnishing the application or any information thereon to any law-enforcement agency.

I. Any person who uses a false or fictitious name or gives a false or fictitious address in any application for an identification card or knowingly makes a false statement or conceals a material fact or otherwise commits a fraud in any such application shall be guilty of a Class 2 misdemeanor. However, where the name or address is given, or false statement is made, or fact is concealed, or fraud committed, with the intent to purchase a firearm or where the identification card is obtained for the purpose of committing any offense punishable as a felony, a violation of this section shall constitute a Class 4 felony.

J. The Department shall utilize the various communications media throughout the Commonwealth to inform Virginia residents of the provisions of this section and to promote and encourage the public to take advantage of its provisions.

K. The Department shall electronically transmit application information to the Department of State Police, in a format approved by the State Police, for comparison with information contained in the Virginia Criminal Information Network and National Crime Information Center Convicted Sexual Offender Registry Files, at the time of issuance of a special identification card. Whenever it appears from the records of the State Police that a person has failed to comply with the duty to register ~~or~~, reregister, *or verify his registration information* pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, the State Police shall promptly investigate and, if there is probable cause to believe a violation has occurred, obtain a warrant or assist in obtaining an indictment charging a violation of § 18.2-472.1 in the jurisdiction in which the person made application for the special identification card.

L. When requested by the applicant, the applicant's parent if the applicant is a minor, or the applicant's guardian, and upon presentation of a signed statement by a licensed physician confirming the applicant's condition, the Department shall indicate on the applicant's special identification card that the applicant has any condition listed in subsection K of § 46.2-342 or that the applicant is blind or vision impaired.

§ 46.2-2011.33. Prohibition on taxicab operators; registered sex offender.

No person who is required to register with the Sex Offender and Crimes Against Minors Registry pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1 for a ~~sexually violent~~ *Tier III* offense, as defined in ~~subsection E~~ of § 9.1-902, or who is listed on the U.S. Department of Justice's National Sex Offender Public Website for an offense that is similar to a ~~sexually violent~~

Tier III offense may operate a taxicab for the transportation of passengers for remuneration over the highways of the Commonwealth.

§ 63.2-100. Definitions.

As used in this title, unless the context requires a different meaning:

"Abused or neglected child" means any child less than 18 years of age:

1. Whose parents or other person responsible for his care creates or inflicts, threatens to create or inflict, or allows to be created or inflicted upon such child a physical or mental injury by other than accidental means, or creates a substantial risk of death, disfigurement, or impairment of bodily or mental functions, including, but not limited to, a child who is with his parent or other person responsible for his care either (i) during the manufacture or attempted manufacture of a Schedule I or II controlled substance, or (ii) during the unlawful sale of such substance by that child's parents or other person responsible for his care, where such manufacture, or attempted manufacture or unlawful sale would constitute a felony violation of § 18.2-248;

2. Whose parents or other person responsible for his care neglects or refuses to provide care necessary for his health. However, no child who in good faith is under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination shall for that reason alone be considered to be an abused or neglected child. Further, a decision by parents who have legal authority for the child or, in the absence of parents with legal authority for the child, any person with legal authority for the child, who refuses a particular medical treatment for a child with a life-threatening condition shall not be deemed a refusal to provide necessary care if (i) such decision is made jointly by the parents or other person with legal authority and the child; (ii) the child has reached 14 years of age and is sufficiently mature to have an informed opinion on the subject of his medical treatment; (iii) the parents or other person with legal authority and the child have considered alternative treatment options; and (iv) the parents or other person with legal authority and the child believe in good faith that such decision is in the child's best interest. Nothing in this subdivision shall be construed to limit the provisions of § 16.1-278.4;

3. Whose parents or other person responsible for his care abandons such child;

4. Whose parents or other person responsible for his care commits or allows to be committed any act of sexual exploitation or any sexual act upon a child in violation of the law;

5. Who is without parental care or guardianship caused by the unreasonable absence or the mental or physical incapacity of the child's parent, guardian, legal custodian or other person standing in loco parentis;

6. Whose parents or other person responsible for his care creates a substantial risk of physical or mental injury by knowingly leaving the child alone in the same dwelling, including an apartment as defined in § 55.1-2000, with a person to whom the child is not related by blood or marriage and who the parent or other person responsible for his care knows has been convicted of an offense against a minor for which registration is required as a ~~violent sexual~~ *Tier III* offender pursuant to § 9.1-902; or

7. Who has been identified as a victim of sex trafficking or severe forms of trafficking as defined in the Trafficking Victims Protection Act of 2000, 22 U.S.C. § 7102 et seq., and in the Justice for Victims of Trafficking Act of 2015, 42 U.S.C. § 5101 et seq.

If a civil proceeding under this title is based solely on the parent having left the child at a hospital or emergency medical services agency, it shall be an affirmative defense that such parent safely delivered the child to a hospital that provides 24-hour emergency services or to an attended emergency medical services agency that employs emergency medical services providers, within 14 days of the child's birth. For purposes of terminating parental rights pursuant to § 16.1-283 and placement for adoption, the court may find such a child is a neglected child upon the ground of abandonment.

"Adoptive home" means any family home selected and approved by a parent, local board or a licensed child-placing agency for the placement of a child with the intent of adoption.

"Adoptive placement" means arranging for the care of a child who is in the custody of a child-placing agency in an approved home for the purpose of adoption.

"Adult abuse" means the willful infliction of physical pain, injury or mental anguish or unreasonable confinement of an adult as defined in § 63.2-1603.

"Adult day care center" means any facility that is either operated for profit or that desires licensure and that provides supplementary care and protection during only a part of the day to four or more aged, infirm or disabled adults who reside elsewhere, except (i) a facility or portion of a facility licensed by the State Board of Health or the Department of Behavioral Health and Developmental Services, and (ii) the home or residence of an individual who cares for only persons related to him by blood or marriage. Included in this definition are any two or more places, establishments or institutions owned, operated or controlled by a single entity and providing such supplementary care and protection to a combined total of four or more aged, infirm or disabled adults.

"Adult exploitation" means the illegal, unauthorized, improper, or fraudulent use of an adult as defined in § 63.2-1603 or his funds, property, benefits, resources, or other assets for another's profit, benefit, or advantage, including a caregiver or person serving in a fiduciary capacity, or that deprives the adult of his rightful use of or access to such funds, property, benefits, resources, or other assets. "Adult exploitation" includes (i) an intentional breach of a fiduciary obligation to an adult to his detriment or an intentional failure to use the financial resources of an adult in a manner that results in neglect of such adult; (ii) the acquisition, possession, or control of an adult's financial resources or property through the use of undue

influence, coercion, or duress; and (iii) forcing or coercing an adult to pay for goods or services or perform services against his will for another's profit, benefit, or advantage if the adult did not agree, or was tricked, misled, or defrauded into agreeing, to pay for such goods or services or to perform such services.

"Adult foster care" means room and board, supervision, and special services to an adult who has a physical or mental condition. Adult foster care may be provided by a single provider for up to three adults.

"Adult neglect" means that an adult as defined in § 63.2-1603 is living under such circumstances that he is not able to provide for himself or is not being provided services necessary to maintain his physical and mental health and that the failure to receive such necessary services impairs or threatens to impair his well-being. However, no adult shall be considered neglected solely on the basis that such adult is receiving religious nonmedical treatment or religious nonmedical nursing care in lieu of medical care, provided that such treatment or care is performed in good faith and in accordance with the religious practices of the adult and there is a written or oral expression of consent by that adult.

"Adult protective services" means services provided by the local department that are necessary to protect an adult as defined in § 63.2-1603 from abuse, neglect or exploitation.

"Assisted living care" means a level of service provided by an assisted living facility for adults who may have physical or mental impairments and require at least a moderate level of assistance with activities of daily living.

"Assisted living facility" means any congregate residential setting that provides or coordinates personal and health care services, 24-hour supervision, and assistance (scheduled and unscheduled) for the maintenance or care of four or more adults who are aged, infirm or disabled and who are cared for in a primarily residential setting, except (i) a facility or portion of a facility licensed by the State Board of Health or the Department of Behavioral Health and Developmental Services, but including any portion of such facility not so licensed; (ii) the home or residence of an individual who cares for or maintains only persons related to him by blood or marriage; (iii) a facility or portion of a facility serving infirm or disabled persons between the ages of 18 and 21, or 22 if enrolled in an educational program for the handicapped pursuant to § 22.1-214, when such facility is licensed by the Department as a children's residential facility under Chapter 17 (§ 63.2-1700 et seq.), but including any portion of the facility not so licensed; and (iv) any housing project for persons 62 years of age or older or the disabled that provides no more than basic coordination of care services and is funded by the U.S. Department of Housing and Urban Development, by the U.S. Department of Agriculture, or by the Virginia Housing Development Authority. Included in this definition are any two or more places, establishments or institutions owned or operated by a single entity and providing maintenance or care to a combined total of four or more aged, infirm or disabled adults. Maintenance or care means the protection, general supervision and oversight of the physical and mental well-being of an aged, infirm or disabled individual.

"Auxiliary grants" means cash payments made to certain aged, blind or disabled individuals who receive benefits under Title XVI of the Social Security Act, as amended, or would be eligible to receive these benefits except for excess income.

"Birth family" or "birth sibling" means the child's biological family or biological sibling.

"Birth parent" means the child's biological parent and, for purposes of adoptive placement, means parent(s) by previous adoption.

"Board" means the State Board of Social Services.

"Child" means any natural person under 18 years of age.

"Child day center" means a child day program offered to (i) two or more children under the age of 13 in a facility that is not the residence of the provider or of any of the children in care or (ii) 13 or more children at any location.

"Child day program" means a regularly operating service arrangement for children where, during the absence of a parent or guardian, a person or organization has agreed to assume responsibility for the supervision, protection, and well-being of a child under the age of 13 for less than a 24-hour period.

"Child-placing agency" means (i) any person who places children in foster homes, adoptive homes or independent living arrangements pursuant to § 63.2-1819, (ii) a local board that places children in foster homes or adoptive homes pursuant to §§ 63.2-900, 63.2-903, and 63.2-1221, or (iii) an entity that assists parents with the process of delegating parental and legal custodial powers of their children pursuant to Chapter 10 (§ 20-166 et seq.) of Title 20. "Child-placing agency" does not include the persons to whom such parental or legal custodial powers are delegated pursuant to Chapter 10 (§ 20-166 et seq.) of Title 20. Officers, employees, or agents of the Commonwealth, or any locality acting within the scope of their authority as such, who serve as or maintain a child-placing agency, shall not be required to be licensed.

"Child-protective services" means the identification, receipt and immediate response to complaints and reports of alleged child abuse or neglect for children under 18 years of age. It also includes assessment, and arranging for and providing necessary protective and rehabilitative services for a child and his family when the child has been found to have been abused or neglected or is at risk of being abused or neglected.

"Child support services" means any civil, criminal or administrative action taken by the Division of Child Support Enforcement to locate parents; establish paternity; and establish, modify, enforce, or collect child support, or child and spousal support.

"Child-welfare agency" means a child day center, child-placing agency, children's residential facility, family day home, family day system, or independent foster home.

"Children's residential facility" means any facility, child-caring institution, or group home that is maintained for the purpose of receiving children separated from their parents or guardians for full-time care, maintenance, protection and

guidance, or for the purpose of providing independent living services to persons between 18 and 21 years of age who are in the process of transitioning out of foster care. Children's residential facility shall not include:

1. A licensed or accredited educational institution whose pupils, in the ordinary course of events, return annually to the homes of their parents or guardians for not less than two months of summer vacation;
2. An establishment required to be licensed as a summer camp by § 35.1-18; and
3. A licensed or accredited hospital legally maintained as such.

"Commissioner" means the Commissioner of the Department, his designee or authorized representative.

"Department" means the State Department of Social Services.

"Department of Health and Human Services" means the Department of Health and Human Services of the United States government or any department or agency thereof that may hereafter be designated as the agency to administer the Social Security Act, as amended.

"Disposable income" means that part of the income due and payable of any individual remaining after the deduction of any amount required by law to be withheld.

"Energy assistance" means benefits to assist low-income households with their home heating and cooling needs, including, but not limited to, purchase of materials or substances used for home heating, repair or replacement of heating equipment, emergency intervention in no-heat situations, purchase or repair of cooling equipment, and payment of electric bills to operate cooling equipment, in accordance with § 63.2-805, or provided under the Virginia Energy Assistance Program established pursuant to the Low-Income Home Energy Assistance Act of 1981 (Title XXVI of Public Law 97-35), as amended.

"Family and permanency team" means the group of individuals assembled by the local department to assist with determining planning and placement options for a child, which shall include, as appropriate, all biological relatives and fictive kin of the child, as well as any professionals who have served as a resource to the child or his family, such as teachers, medical or mental health providers, and clergy members. In the case of a child who is 14 years of age or older, the family and permanency team shall also include any members of the child's case planning team that were selected by the child in accordance with subsection A of § 16.1-281.

"Family day home" means a child day program offered in the residence of the provider or the home of any of the children in care for one through 12 children under the age of 13, exclusive of the provider's own children and any children who reside in the home, when at least one child receives care for compensation. The provider of a licensed or registered family day home shall disclose to the parents or guardians of children in their care the percentage of time per week that persons other than the provider will care for the children. Family day homes serving five through 12 children, exclusive of the provider's own children and any children who reside in the home, shall be licensed. However, no family day home shall care for more than four children under the age of two, including the provider's own children and any children who reside in the home, unless the family day home is licensed or voluntarily registered. However, a family day home where the children in care are all related to the provider by blood or marriage shall not be required to be licensed.

"Family day system" means any person who approves family day homes as members of its system; who refers children to available family day homes in that system; and who, through contractual arrangement, may provide central administrative functions including, but not limited to, training of operators of member homes; technical assistance and consultation to operators of member homes; inspection, supervision, monitoring, and evaluation of member homes; and referral of children to available health and social services.

"Fictive kin" means persons who are not related to a child by blood or adoption but have an established relationship with the child or his family.

"Foster care placement" means placement of a child through (i) an agreement between the parents or guardians and the local board where legal custody remains with the parents or guardians or (ii) an entrustment or commitment of the child to the local board or licensed child-placing agency. "Foster care placement" does not include placement of a child in accordance with a power of attorney pursuant to Chapter 10 (§ 20-166 et seq.) of Title 20.

"Foster home" means a residence licensed by a child-placing agency or local board in which any child, other than a child by birth or adoption of such person or a child who is the subject of a power of attorney to delegate parental or legal custodial powers by his parents or legal custodian to the natural person who has been designated the child's legal guardian pursuant to Chapter 10 (§ 20-166 et seq.) of Title 20 and who exercises legal authority over the child on a continuous basis for at least 24 hours without compensation, resides as a member of the household.

"General relief" means money payments and other forms of relief made to those persons mentioned in § 63.2-802 in accordance with the regulations of the Board and reimbursable in accordance with § 63.2-401.

"Independent foster home" means a private family home in which any child, other than a child by birth or adoption of such person, resides as a member of the household and has been placed therein independently of a child-placing agency except (i) a home in which are received only children related by birth or adoption of the person who maintains such home and children of personal friends of such person; (ii) a home in which is received a child or children committed under the provisions of subdivision A 4 of § 16.1-278.2, subdivision 6 of § 16.1-278.4, or subdivision A 13 of § 16.1-278.8; and (iii) a home in which are received only children who are the subject of a properly executed power of attorney pursuant to Chapter 10 (§ 20-166 et seq.) of Title 20.

"Independent living" means a planned program of services designed to assist a child age 16 and over and persons who are former foster care children or were formerly committed to the Department of Juvenile Justice and are between the ages of 18 and 21 in transitioning to self-sufficiency.

"Independent living arrangement" means placement of (i) a child at least 16 years of age who is in the custody of a local board or licensed child-placing agency by the local board or licensed child-placing agency or (ii) a child at least 16 years of age or a person between the ages of 18 and 21 who was committed to the Department of Juvenile Justice immediately prior to placement by the Department of Juvenile Justice, in a living arrangement in which such child or person does not have daily substitute parental supervision.

"Independent living services" means services and activities provided to a child in foster care 14 years of age or older who was committed or entrusted to a local board of social services, child welfare agency, or private child-placing agency. "Independent living services" may also mean services and activities provided to a person who (i) was in foster care on his 18th birthday and has not yet reached the age of 21 years; (ii) is between the ages of 18 and 21 and who, immediately prior to his commitment to the Department of Juvenile Justice, was in the custody of a local board of social services; or (iii) is a child at least 16 years of age or a person between the ages of 18 and 21 who was committed to the Department of Juvenile Justice immediately prior to placement in an independent living arrangement. Such services shall include counseling, education, housing, employment, and money management skills development, access to essential documents, and other appropriate services to help children or persons prepare for self-sufficiency.

"Independent physician" means a physician who is chosen by the resident of the assisted living facility and who has no financial interest in the assisted living facility, directly or indirectly, as an owner, officer, or employee or as an independent contractor with the residence.

"Intercountry placement" means the arrangement for the care of a child in an adoptive home or foster care placement into or out of the Commonwealth by a licensed child-placing agency, court, or other entity authorized to make such placements in accordance with the laws of the foreign country under which it operates.

"Interstate placement" means the arrangement for the care of a child in an adoptive home, foster care placement or in the home of the child's parent or with a relative or nonagency guardian, into or out of the Commonwealth, by a child-placing agency or court when the full legal right of the child's parent or nonagency guardian to plan for the child has been voluntarily terminated or limited or severed by the action of any court.

"Kinship care" means the full-time care, nurturing, and protection of children by relatives.

"Kinship guardian" means the adult relative of a child in a kinship guardianship established in accordance with § 63.2-1305 who has been awarded custody of the child by the court after acting as the child's foster parent.

"Kinship guardianship" means a relationship established in accordance with § 63.2-1305 between a child and an adult relative of the child who has formerly acted as the child's foster parent that is intended to be permanent and self-sustaining as evidenced by the transfer by the court to the adult relative of the child of the authority necessary to ensure the protection, education, care and control, and custody of the child and the authority for decision making for the child.

"Kinship Guardianship Assistance program" means a program consistent with 42 U.S.C. § 673 that provides, subject to a kinship guardianship assistance agreement developed in accordance with § 63.2-1305, payments to eligible individuals who have received custody of a relative child of whom they had been the foster parents.

"Local board" means the local board of social services representing one or more counties or cities.

"Local department" means the local department of social services of any county or city in this Commonwealth.

"Local director" means the director or his designated representative of the local department of the city or county.

"Merit system plan" means those regulations adopted by the Board in the development and operation of a system of personnel administration meeting requirements of the federal Office of Personnel Management.

"Parental placement" means locating or effecting the placement of a child or the placing of a child in a family home by the child's parent or legal guardian for the purpose of foster care or adoption.

"Public assistance" means Temporary Assistance for Needy Families (TANF); auxiliary grants to the aged, blind and disabled; medical assistance; energy assistance; food stamps; employment services; child care; and general relief.

"Qualified assessor" means an entity contracting with the Department of Medical Assistance Services to perform nursing facility pre-admission screening or to complete the uniform assessment instrument for a home and community-based waiver program, including an independent physician contracting with the Department of Medical Assistance Services to complete the uniform assessment instrument for residents of assisted living facilities, or any hospital that has contracted with the Department of Medical Assistance Services to perform nursing facility pre-admission screenings.

"Qualified individual" means a trained professional or licensed clinician who is not an employee of the local board of social services or licensed child-placing agency that placed the child in a qualified residential treatment program and is not affiliated with any placement setting in which children are placed by such local board of social services or licensed child-placing agency.

"Qualified residential treatment program" means a program that (i) provides 24-hour residential placement services for children in foster care; (ii) has adopted a trauma-informed treatment model that meets the clinical and other needs of children with serious emotional or behavioral disorders, including any clinical or other needs identified through assessments conducted pursuant to clause (viii) of this definition; (iii) employs registered or licensed nursing and other clinical staff who provide care, on site and within the scope of their practice, and are available 24 hours a day, 7 days a week; (iv) conducts

outreach with the child's family members, including efforts to maintain connections between the child and his siblings and other family; documents and maintains records of such outreach efforts; and maintains contact information for any known biological family and fictive kin of the child; (v) whenever appropriate and in the best interest of the child, facilitates participation by family members in the child's treatment program before and after discharge and documents the manner in which such participation is facilitated; (vi) provides discharge planning and family-based aftercare support for at least six months after discharge; (vii) is licensed in accordance with 42 U.S.C. § 671(a)(10) and accredited by an organization approved by the federal Secretary of Health and Human Services; and (viii) requires that any child placed in the program receive an assessment within 30 days of such placement by a qualified individual that (a) assesses the strengths and needs of the child using an age-appropriate, evidence-based, validated, and functional assessment tool approved by the Commissioner of Social Services; (b) identifies whether the needs of the child can be met through placement with a family member or in a foster home or, if not, in a placement setting authorized by 42 U.S.C. § 672(k)(2), including a qualified residential treatment program, that would provide the most effective and appropriate level of care for the child in the least restrictive environment and be consistent with the short-term and long-term goals established for the child in his foster care or permanency plan; (c) establishes a list of short-term and long-term mental and behavioral health goals for the child; and (d) is documented in a written report to be filed with the court prior to any hearing on the child's placement pursuant to § 16.1-281, 16.1-282, 16.1-282.1, or 16.1-282.2.

"Registered family day home" means any family day home that has met the standards for voluntary registration for such homes pursuant to regulations adopted by the Board and that has obtained a certificate of registration from the Commissioner.

"Residential living care" means a level of service provided by an assisted living facility for adults who may have physical or mental impairments and require only minimal assistance with the activities of daily living. The definition of "residential living care" includes the services provided by independent living facilities that voluntarily become licensed.

"Sibling" means each of two or more children having one or more parents in common.

"Social services" means foster care, adoption, adoption assistance, child-protective services, domestic violence services, or any other services program implemented in accordance with regulations adopted by the Board. Social services also includes adult services pursuant to Article 4 (§ 51.5-144 et seq.) of Chapter 14 of Title 51.5 and adult protective services pursuant to Article 5 (§ 51.5-148) of Chapter 14 of Title 51.5 provided by local departments of social services in accordance with regulations and under the supervision of the Commissioner for Aging and Rehabilitative Services.

"Special order" means an order imposing an administrative sanction issued to any party licensed pursuant to this title by the Commissioner that has a stated duration of not more than 12 months. A special order shall be considered a case decision as defined in § 2.2-4001.

"Temporary Assistance for Needy Families" or "TANF" means the program administered by the Department through which a relative can receive monthly cash assistance for the support of his eligible children.

"Temporary Assistance for Needy Families-Unemployed Parent" or "TANF-UP" means the Temporary Assistance for Needy Families program for families in which both natural or adoptive parents of a child reside in the home and neither parent is exempt from Virginia Initiative for Education and Work (VIEW) participation under § 63.2-609.

"Title IV-E Foster Care" means a federal program authorized under §§ 472 and 473 of the Social Security Act, as amended, and administered by the Department through which foster care is provided on behalf of qualifying children.

§ 63.2-1205.1. Certain offenders prohibited from adopting a child.

No petition for adoption shall be granted if the person seeking to adopt has been convicted of a ~~sexually violent offense~~ or an offense requiring registration pursuant to § 9.1-902.

§ 63.2-1503. Local departments to establish child-protective services; duties.

A. Each local department shall establish child-protective services under a departmental coordinator within such department or with one or more adjacent local departments that shall be staffed with qualified personnel pursuant to regulations adopted by the Board. The local department shall be the public agency responsible for receiving and responding to complaints and reports, except that (i) in cases where the reports or complaints are to be made to the court and the judge determines that no local department within a reasonable geographic distance can impartially respond to the report, the court shall assign the report to the court services unit for evaluation; and (ii) in cases where an employee at a private or state-operated hospital, institution or other facility, or an employee of a school board is suspected of abusing or neglecting a child in such hospital, institution or other facility, or public school, the local department shall request the Department and the relevant private or state-operated hospital, institution or other facility, or school board to assist in conducting a joint investigation in accordance with regulations adopted by the Board, in consultation with the Departments of Education, Health, Medical Assistance Services, Behavioral Health and Developmental Services, Juvenile Justice and Corrections.

B. The local department shall ensure, through its own personnel or through cooperative arrangements with other local agencies, the capability of receiving reports or complaints and responding to them promptly on a 24-hours-a-day, seven-days-per-week basis.

C. The local department shall widely publicize a telephone number for receiving complaints and reports.

D. The local department shall notify the local attorney for the Commonwealth and the local law-enforcement agency of all complaints of suspected child abuse or neglect involving (i) any death of a child; (ii) any injury or threatened injury to the child in which a felony or Class 1 misdemeanor is also suspected; (iii) any sexual abuse, suspected sexual abuse or other sexual offense involving a child, including but not limited to the use or display of the child in sexually explicit visual

material, as defined in § 18.2-374.1; (iv) any abduction of a child; (v) any felony or Class 1 misdemeanor drug offense involving a child; or (vi) contributing to the delinquency of a minor in violation of § 18.2-371, immediately, but in no case more than two hours of receipt of the complaint, and shall provide the attorney for the Commonwealth and the local law-enforcement agency with records and information of the local department, including records related to any complaints of abuse or neglect involving the victim or the alleged perpetrator, related to the investigation of the complaint. The local department shall notify the local attorney for the Commonwealth of all complaints of suspected child abuse or neglect involving the child's being left alone in the same dwelling with a person to whom the child is not related by blood or marriage and who has been convicted of an offense against a minor for which registration is required as a ~~violent sexual~~ *Tier III* offender pursuant to § 9.1-902, immediately, but in no case more than two hours of receipt of the complaint, and shall provide the attorney for the Commonwealth with records and information of the local department that would help determine whether a violation of post-release conditions, probation, parole, or court order has occurred due to the nonrelative ~~sexual~~ offender's contact with the child. The local department shall not allow reports of the death of the victim from other local agencies to substitute for direct reports to the attorney for the Commonwealth and the local law-enforcement agency. The local department shall develop, when practicable, memoranda of understanding for responding to reports of child abuse and neglect with local law enforcement and the attorney for the Commonwealth.

In each case in which the local department notifies the local law-enforcement agency of a complaint pursuant to this subsection, the local department shall, within two business days of delivery of the notification, complete a written report, on a form provided by the Board for such purpose, which shall include (a) the name of the representative of the local department providing notice required by this subsection; (b) the name of the local law-enforcement officer who received such notice; (c) the date and time that notification was made; (d) the identity of the victim; (e) the identity of the person alleged to have abused or neglected the child, if known; (f) the clause or clauses in this subsection that describe the reasons for the notification; and (g) the signatures, which may be electronic signatures, of the representatives of the local department making the notification and the local law-enforcement officer receiving the notification. Such report shall be included in the record of the investigation and may be submitted either in writing or electronically.

E. When abuse or neglect is suspected in any case involving the death of a child, the local department shall report the case immediately to the regional medical examiner and the local law-enforcement agency.

F. The local department shall use reasonable diligence to locate (i) any child for whom a report of suspected abuse or neglect has been received and is under investigation, receiving family assessment, or for whom a founded determination of abuse and neglect has been made and a child-protective services case opened and (ii) persons who are the subject of a report that is under investigation or receiving family assessment, if the whereabouts of the child or such persons are unknown to the local department.

G. When an abused or neglected child and the persons who are the subject of an open child-protective services case have relocated out of the jurisdiction of the local department, the local department shall notify the child-protective services agency in the jurisdiction to which such persons have relocated, whether inside or outside of the Commonwealth, and forward to such agency relevant portions of the case record. The receiving local department shall arrange protective and rehabilitative services as required by this section.

H. When a child for whom a report of suspected abuse or neglect has been received and is under investigation or receiving family assessment and the child and the child's parents or other persons responsible for the child's care who are the subject of the report that is under investigation or family assessment have relocated out of the jurisdiction of the local department, the local department shall notify the child-protective services agency in the jurisdiction to which the child and such persons have relocated, whether inside or outside of the Commonwealth, and complete such investigation or family assessment by requesting such agency's assistance in completing the investigation or family assessment. The local department that completes the investigation or family assessment shall forward to the receiving agency relevant portions of the case record in order for the receiving agency to arrange protective and rehabilitative services as required by this section.

I. Upon receipt of a report of child abuse or neglect, the local department shall determine the validity of such report and shall make a determination to conduct an investigation pursuant to § 63.2-1505 or, if designated as a child-protective services differential response agency by the Department according to § 63.2-1504, a family assessment pursuant to § 63.2-1506.

J. The local department shall foster, when practicable, the creation, maintenance and coordination of hospital and community-based multidisciplinary teams that shall include where possible, but not be limited to, members of the medical, mental health, social work, nursing, education, legal and law-enforcement professions. Such teams shall assist the local departments in identifying abused and neglected children; coordinating medical, social, and legal services for the children and their families; developing innovative programs for detection and prevention of child abuse; promoting community concern and action in the area of child abuse and neglect; and disseminating information to the general public with respect to the problem of child abuse and neglect and the facilities and prevention and treatment methods available to combat child abuse and neglect. These teams may be the family assessment and planning teams established pursuant to § 2.2-5207. Multidisciplinary teams may develop agreements regarding the exchange of information among the parties for the purposes of the investigation and disposition of complaints of child abuse and neglect, delivery of services and child protection. Any information exchanged in accordance with the agreement shall not be considered to be a violation of the provisions of § 63.2-102, 63.2-104, or 63.2-105.

The local department shall also coordinate its efforts in the provision of these services for abused and neglected children with the judge and staff of the court.

K. The local department may develop multidisciplinary teams to provide consultation to the local department during the investigation of selected cases involving child abuse or neglect, and to make recommendations regarding the prosecution of such cases. These teams may include, but are not limited to, members of the medical, mental health, legal and law-enforcement professions, including the attorney for the Commonwealth or his designee; a local child-protective services representative; and the guardian ad litem or other court-appointed advocate for the child. Any information exchanged for the purpose of such consultation shall not be considered a violation of § 63.2-102, 63.2-104, or 63.2-105.

L. The local department shall report annually on its activities concerning abused and neglected children to the court and to the Child-Protective Services Unit in the Department on forms provided by the Department.

M. Statements, or any evidence derived therefrom, made to local department child-protective services personnel, or to any person performing the duties of such personnel, by any person accused of the abuse, injury, neglect or death of a child after the arrest of such person, shall not be used in evidence in the case-in-chief against such person in the criminal proceeding on the question of guilt or innocence over the objection of the accused, unless the statement was made after such person was fully advised (i) of his right to remain silent, (ii) that anything he says may be used against him in a court of law, (iii) that he has a right to the presence of an attorney during any interviews, and (iv) that if he cannot afford an attorney, one will be appointed for him prior to any questioning.

N. Notwithstanding any other provision of law, the local department, in accordance with Board regulations, shall transmit information regarding reports, complaints, family assessments, and investigations involving children of active duty members of the United States Armed Forces or members of their household to family advocacy representatives of the United States Armed Forces.

O. The local department shall notify the custodial parent and make reasonable efforts to notify the noncustodial parent as those terms are defined in § 63.2-1900 of a report of suspected abuse or neglect of a child who is the subject of an investigation or is receiving family assessment, in those cases in which such custodial or noncustodial parent is not the subject of the investigation.

P. The local department shall (i) notify the Superintendent of Public Instruction without delay when an individual holding a license issued by the Board of Education is the subject of a founded complaint of child abuse or neglect and shall transmit identifying information regarding such individual if the local department knows the person holds a license issued by the Board of Education and (ii) notify the Superintendent of Public Instruction without delay if the founded complaint of child abuse or neglect is dismissed following an appeal pursuant to § 63.2-1526. Nothing in this subsection shall be construed to affect the rights of any individual holding a license issued by the Board of Education to any hearings or appeals otherwise provided by law. Any information exchanged for the purpose of this subsection shall not be considered a violation of § 63.2-102, 63.2-104, or 63.2-105.

§ 63.2-1506. Family assessments by local departments.

A. A family assessment requires the collection of information necessary to determine:

1. The immediate safety needs of the child;
2. The protective and rehabilitative services needs of the child and family that will deter abuse or neglect;
3. Risk of future harm to the child;
4. Whether the mother of a child who was exposed in utero to a controlled substance sought substance abuse counseling or treatment prior to the child's birth; and
5. Alternative plans for the child's safety if protective and rehabilitative services are indicated and the family is unable or unwilling to participate in services.

B. When a local department has been designated as a child-protective services differential response system participant by the Department pursuant to § 63.2-1504 and responds to the report or complaint by conducting a family assessment, the local department shall:

1. Conduct an immediate family assessment and, if the report or complaint was based upon one of the factors specified in subsection B of § 63.2-1509, the local department may file a petition pursuant to § 16.1-241.3;
2. Obtain and consider the results of a search of the child abuse and neglect registry for any individual who is the subject of a family assessment. The local board shall determine whether the individual has resided in another state within at least the preceding five years, and, if he has resided in another state, the local board shall request a search of the child abuse and neglect registry or equivalent registry maintained by such state. The local board also may obtain and consider, in accordance with regulations of the Board, statewide criminal history record information from the Central Criminal Records Exchange for any individual who is the subject of a family assessment;
3. Immediately contact the subject of the report and the family of the child alleged to have been abused or neglected and give each a written and an oral explanation of the family assessment procedure. The family assessment shall be in writing and shall be completed in accordance with Board regulation;
4. Complete the family assessment within 45 days and transmit a report to such effect to the Department and to the person who is the subject of the family assessment. However, upon written justification by the local department, the family assessment may be extended, not to exceed a total of 60 days;
5. Consult with the family to arrange for necessary protective and rehabilitative services to be provided to the child and his family. Families have the option of declining the services offered as a result of the family assessment. If the family

declines the services, the case shall be closed unless the local department determines that sufficient cause exists to redetermine the case as one that needs to be investigated. In no instance shall a case be redetermined as an investigation solely because the family declines services;

6. Petition the court for services deemed necessary;

7. Make no disposition of founded or unfounded for reports in which a family assessment is completed. Reports in which a family assessment is completed shall not be entered into the central registry contained in § 63.2-1515; and

8. Commence an immediate investigation, if at any time during the completion of the family assessment, the local department determines that an investigation is required.

C. When a local department has been designated as a child-protective services differential response agency by the Department, the local department may investigate any report of child abuse or neglect, but the following valid reports of child abuse or neglect shall be investigated: (i) sexual abuse, (ii) child fatality, (iii) abuse or neglect resulting in serious injury as defined in § 18.2-371.1, (iv) cases involving a child's being left alone in the same dwelling with a person to whom the child is not related by blood or marriage and who has been convicted of an offense against a minor for which registration is required as a ~~violent sexual~~ *Tier III* offender pursuant to § 9.1-902, (v) child has been taken into the custody of the local department, or (vi) cases involving a caretaker at a state-licensed child day center, religiously exempt child day center, licensed, registered or approved family day home, private or public school, hospital or any institution. If a report or complaint is based upon one of the factors specified in subsection B of § 63.2-1509, the local department shall (a) conduct a family assessment, unless an investigation is required pursuant to this subsection or other provision of law or is necessary to protect the safety of the child, and (b) develop a plan of safe care in accordance with federal law, regardless of whether the local department makes a finding of abuse or neglect.

D. Any individual who is the subject of a family assessment conducted under this section shall notify the local department prior to changing his place of residence and provide the local department with the address of his new residence.

§ 63.2-1732. Regulations for assisted living facilities.

A. The Board shall have the authority to adopt and enforce regulations to carry out the provisions of this subtitle and to protect the health, safety, welfare and individual rights of residents of assisted living facilities and to promote their highest level of functioning. Such regulations shall take into consideration cost constraints of smaller operations in complying with such regulations and shall provide a procedure whereby a licensee or applicant may request, and the Commissioner may grant, an allowable variance to a regulation pursuant to § 63.2-1703.

B. Regulations shall include standards for staff qualifications and training; facility design, functional design and equipment; services to be provided to residents; administration of medicine; allowable medical conditions for which care can be provided; and medical procedures to be followed by staff, including provisions for physicians' services, restorative care, and specialized rehabilitative services. The Board shall adopt regulations on qualifications and training for employees of an assisted living facility in a direct care position. "Direct care position" means supervisors, assistants, aides, or other employees of a facility who assist residents in their daily living activities.

C. Regulations for a Medication Management Plan in a licensed assisted living facility shall be developed by the Board, in consultation with the Board of Nursing and the Board of Pharmacy. Such regulations shall (i) establish the elements to be contained within a Medication Management Plan, including a demonstrated understanding of the responsibilities associated with medication management by the facility; standard operating and record-keeping procedures; staff qualifications, training and supervision; documentation of daily medication administration; and internal monitoring of plan conformance by the facility; (ii) include a requirement that each assisted living facility shall establish and maintain a written Medication Management Plan that has been approved by the Department; and (iii) provide that a facility's failure to conform to any approved Medication Management Plan shall be subject to the sanctions set forth in § 63.2-1709 or 63.2-1709.2.

D. Regulations shall require all licensed assisted living facilities with six or more residents to be able to connect by July 1, 2007, to a temporary emergency electrical power source for the provision of electricity during an interruption of the normal electric power supply. The installation shall be in compliance with the Uniform Statewide Building Code.

E. Regulations for medical procedures in assisted living facilities shall be developed in consultation with the State Board of Health and adopted by the Board, and compliance with these regulations shall be determined by Department of Health or Department inspectors as provided by an interagency agreement between the Department and the Department of Health.

F. In developing regulations to determine the number of assisted living facilities for which an assisted living facility administrator may serve as administrator of record, the Board shall consider (i) the number of residents in each of the facilities, (ii) the travel time between each of the facilities, and (iii) the qualifications of the on-site manager under the supervision of the administrator of record.

G. Regulations shall require that each assisted living facility register with the Department of State Police to receive notice of the registration ~~or~~, *reregistration, or verification of registration information* of any ~~sex offender~~ *person required to register with the Sex Offender and Crimes Against Minors Registry pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1* within the same or a contiguous zip code area in which the facility is located, pursuant to § 9.1-914.

H. Regulations shall require that each assisted living facility ascertain, prior to admission, whether a potential resident is a ~~registered sex offender~~ *required to register with the Sex Offender and Crimes Against Minors Registry pursuant to*

Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, if the facility anticipates the potential resident will have a length of stay greater than three days or in fact stays longer than three days.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation is \$0 for periods of imprisonment in state adult correctional facilities and cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

CHAPTER 830

An Act to amend and reenact §§ 30-309 through 30-312 of the Code of Virginia, relating to the MEI Project Approval Commission.

[S 587]

Approved April 7, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 30-309 through 30-312 of the Code of Virginia are amended and reenacted as follows:

§ 30-309. MEI Project Approval Commission; membership; terms; compensation and expenses; definition.

A. The MEI Project Approval Commission (the Commission) is established as an advisory commission in the legislative branch of state government. The purpose of the Commission shall be to review financing for individual incentive packages, including but not limited to packages offering tax incentives, for economic development, *film, and episodic television* projects (including but not limited to MEI projects) for which (i) one or more of the incentives in the incentive package is not authorized under current law or an amendment by the General Assembly is being sought to one or more currently existing incentives included as part of the incentive package or (ii) the aggregate amount of incentives to be provided by the Commonwealth in the incentive package including grants, tax incentives such as credits and exemptions *related to economic development or the film or television industry*, general or nongeneral funds, proceeds from bonds, rights to lease property at below fair market value, or any other incentives from the Commonwealth is in excess of \$10 million in value. *However, no review shall be required for a project if the only incentives to be provided to a potential project are nondiscretionary tax credits or exemptions available to any qualified taxpayer under existing law.*

B. The Commission shall consist of ~~14~~ *14* members as follows: ~~five~~ *seven* members of the House Committee on Appropriations or the House Committee on Finance appointed by the chair of the House Committee on Appropriations and ~~three~~ *five* members of the Senate Committee on Finance appointed by the chair of the Senate Committee on Finance. In addition, the Secretaries of Finance and Commerce and Trade shall serve as ex officio, nonvoting members of the Commission.

C. Members shall serve terms coincident with their terms of office. Vacancies for unexpired terms shall be filled in the same manner as the original appointments. Members may be reappointed for successive terms.

D. The members of the Commission shall elect a chairman and vice-chairman annually. A majority of the voting members of the Commission shall constitute a quorum. The meetings of the Commission shall be held at the call of the chairman or whenever the majority of the members so request.

E. Legislative members of the Commission shall receive such compensation as provided in § 30-19.12, and nonlegislative members shall receive such compensation as provided in § 2.2-2813.

F. As used in this chapter, "MEI project" means the same as that term is defined in § 2.2-2260.

§ 30-310. Review of incentive packages.

A. 1. The Commission shall review individual incentive packages, including but not limited to packages offering tax incentives, for economic development, *film, and episodic television* projects (including but not limited to MEI projects) for which (i) one or more of the incentives in the incentive package is not authorized under current law or an amendment by the General Assembly is being sought to one or more currently existing incentives included as part of the incentive package or (ii) the aggregate amount of incentives to be provided by the Commonwealth in the incentive package including grants, tax incentives such as credits and exemptions, general or nongeneral funds, proceeds from bonds, rights to lease property at below fair market value, or any other incentives from the Commonwealth is in excess of \$10 million in value. *However, no review shall be required for a project if the only incentives to be provided to a potential project are nondiscretionary tax credits or exemptions available to any qualified taxpayer under existing law.* The Commission shall also review economic development projects in which a business relocates or expands its operations in one or more Virginia localities and simultaneously closes its operations or substantially reduces the number of its employees in another Virginia locality. The Commission shall recommend approval or denial of such packages and projects to the General Assembly. Factors that shall be considered by the Commission in its review shall include; but not be limited to ~~(i)~~ *(a)* return on investment, ~~(ii)~~ *(b)* the time frame for repayment of incentives to the Commonwealth, ~~(iii)~~ *(c)* average wages of the jobs created by the prospective MEI project or other economic development project, ~~(iv)~~ *(d)* the amount of capital investment that is required, and ~~(v)~~ *(e)* the need for enhanced employment opportunities in the prospective location of the prospective MEI project or other economic development project.

2. a. Any time a proposed individual incentive package is to be considered by the Commission, materials outlining (i) the value of the proposed incentives; (ii) assumed return on investment; (iii) the time frame for repayment of incentives

to the Commonwealth; (iv) average wages of the jobs created by the prospective ~~MEI project or other~~ economic development, *film, or episodic television* project; (v) the amount of capital investment that is required; ~~and~~; (vi) the need for enhanced employment opportunities in the prospective location of the prospective ~~MEI project or other~~ economic development, *film, or episodic television* project; (vii) *the total amount of state incentives received by the sponsor of the economic development, film, or episodic television project in the past; and (viii) a list of all other existing, nondiscretionary tax credits or exemptions for which the sponsor of the economic development, film, or episodic television project may qualify* shall be provided to the ~~Commission members~~ *staff of the House Committee on Appropriations and Senate Committee on Finance* not less than ~~48 hours~~ *five business days* prior to the scheduled Commission meeting. *Staff shall also be provided with an aggregate list of all discretionary incentives currently committed by the Commonwealth for the next 10 years, including anticipated requests for appropriations to satisfy such commitments during that time.*

b. The timing of any request for an endorsement of a proposed individual incentive package should be scheduled so that the MEI Commission could, at its discretion, have up to seven days subsequent to the presentation of the incentive package prior to endorsing or rejecting such proposal.

B. An affirmative vote by ~~three~~ *four* of the ~~five~~ *seven* members of the Commission from the House of Delegates and ~~two~~ *three* of the ~~three~~ *five* members of the Commission from the Senate shall be required to endorse any incentive package, including but not limited to packages offering tax incentives, for economic development, *film, and episodic television* projects (including but not limited to MEI projects) for which (i) one or more of the incentives in the incentive package is not authorized under current law or an amendment by the General Assembly is being sought to one or more currently existing incentives included as part of the incentive package or (ii) the aggregate amount of incentives to be provided by the Commonwealth in the incentive package including grants, tax incentives such as credits and exemptions, general or nongeneral funds, proceeds from bonds, rights to lease property at below fair market value, or any other incentives from the Commonwealth is in excess of \$10 million in value. Such vote shall also be required to endorse any economic development project in which a business relocates or expands its operations in one or more Virginia localities and simultaneously closes its operations or substantially reduces the number of its employees in another Virginia locality. *However, no vote shall be required for a project if the only incentives to be provided to a potential project are nondiscretionary tax credits or exemptions available to any qualified taxpayer under existing law.*

§ 30-311. Staff; cooperation from other state agencies.

Administrative staff support shall be provided by the staffs of the House Committee on Appropriations and the Senate Finance Committee. Additional assistance as needed shall be provided by the Auditor of Public Accounts, *the Division of Legislative Services*, the Virginia Economic Development Authority, or the Virginia Public Building Authority.

§ 30-312. Commission report to General Assembly.

The *chairman of the Commission* shall report annually by the first day of each General Assembly Regular Session on all endorsed incentive packages for which an offer has been made and publicly announced. Staff identified in § 30-311 shall assist the commission in preparing such report, which shall contain the following information: (i) the industrial sector of the MEI project or other economic development project, (ii) known competitor states, (iii) employment creation and capital investment expectations, (iv) anticipated average annual wage of the new jobs, (v) local and state returns on investment as prepared by the Virginia Economic Development Partnership Authority, (vi) expected time frame for repayment of the incentives to the Commonwealth in the form of direct and indirect general tax revenues, (vii) details of the proposed incentive package, including the breakdown of the components into various uses and an expected timeline for payments, and (viii) draft legislation or amendments to the Appropriation Act that propose financing for the endorsed incentive package through the Virginia Public Building Authority or any other proposed funding or financing mechanisms.

CHAPTER 831

An Act to amend and reenact §§ 18.2-247, 19.2-188.1, 54.1-3401, as it is currently effective and as it shall become effective, 54.1-3408.3, 54.1-3442.6, and 54.1-3442.7 of the Code of Virginia, relating to tetrahydrocannabinol concentration; definition.

[S 646]

Approved April 7, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 18.2-247, 19.2-188.1, 54.1-3401, as it is currently effective and as it shall become effective, 54.1-3408.3, 54.1-3442.6, and 54.1-3442.7 of the Code of Virginia are amended and reenacted as follows:

§ 18.2-247. Use of terms "controlled substances," "marijuana," "Schedules I, II, III, IV, V and VI," "imitation controlled substance" and "counterfeit controlled substance" in Title 18.2.

A. Wherever the terms "controlled substances" and "Schedules I, II, III, IV, V and VI" are used in Title 18.2, such terms refer to those terms as they are used or defined in the Drug Control Act (§ 54.1-3400 et seq.).

B. The term "imitation controlled substance" when used in this article means (i) a counterfeit controlled substance or (ii) a pill, capsule, tablet, or substance in any form whatsoever which is not a controlled substance subject to abuse, and:

1. Which by overall dosage unit appearance, including color, shape, size, marking and packaging or by representations made, would cause the likelihood that such a pill, capsule, tablet, or substance in any other form whatsoever will be

mistaken for a controlled substance unless such substance was introduced into commerce prior to the initial introduction into commerce of the controlled substance which it is alleged to imitate; or

2. Which by express or implied representations purports to act like a controlled substance as a stimulant or depressant of the central nervous system and which is not commonly used or recognized for use in that particular formulation for any purpose other than for such stimulant or depressant effect, unless marketed, promoted, or sold as permitted by the United States Food and Drug Administration.

C. In determining whether a pill, capsule, tablet, or substance in any other form whatsoever, is an "imitation controlled substance," there shall be considered, in addition to all other relevant factors, comparisons with accepted methods of marketing for legitimate nonprescription drugs for medicinal purposes rather than for drug abuse or any similar nonmedicinal use, including consideration of the packaging of the drug and its appearance in overall finished dosage form, promotional materials or representations, oral or written, concerning the drug, and the methods of distribution of the drug and where and how it is sold to the public.

D. The term "marijuana" when used in this article means any part of a plant of the genus *Cannabis*, whether growing or not, its seeds or resin; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, or its resin. Marijuana shall not include any oily extract containing one or more cannabinoids unless such extract contains less than 12 percent of tetrahydrocannabinol ~~delta-9-tetrahydrocannabinol~~ by weight, or the mature stalks of such plant, fiber produced from such stalk, oil or cake made from the seed of such plant, unless such stalks, fiber, oil or cake is combined with other parts of plants of the genus *Cannabis*. Marijuana shall not include (i) industrial hemp, as defined in § 3.2-4112, that is possessed by a person registered pursuant to subsection A of § 3.2-4115 or his agent or (ii) a hemp product, as defined in § 3.2-4112, containing a tetrahydrocannabinol concentration of no greater than 0.3 percent that is derived from industrial hemp, as defined in § 3.2-4112, that is grown, dealt, or processed in compliance with state or federal law.

E. The term "counterfeit controlled substance" means a controlled substance that, without authorization, bears, is packaged in a container or wrapper that bears, or is otherwise labeled to bear, the trademark, trade name, or other identifying mark, imprint or device or any likeness thereof, of a drug manufacturer, processor, packer, or distributor other than the manufacturer, processor, packer, or distributor who did in fact so manufacture, process, pack or distribute such drug.

F. The Department of Forensic Science shall determine the proper methods for detecting the concentration of delta-9-tetrahydrocannabinol (THC) in substances for the purposes of this title and §§ 54.1-3401 and 54.1-3446. The testing methodology shall use post-decarboxylation testing or other equivalent method and shall consider the potential conversion of delta-9-tetrahydrocannabinol acid (THC-A) into THC. The test result shall include the total available THC derived from the sum of the THC and THC-A content.

§ 19.2-188.1. Testimony regarding identification of controlled substances.

A. In any preliminary hearing on a violation of Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2 or a violation of subdivision 6 of § 53.1-203, any law-enforcement officer shall be permitted to testify as to the results of field tests that have been approved by the Department of Forensic Science pursuant to regulations adopted in accordance with the Administrative Process Act (§ 2.2-4000 et seq.), regarding whether or not any substance the identity of which is at issue in such hearing is a controlled substance, imitation controlled substance, or marijuana, as defined in § 18.2-247.

B. In any trial for a violation of § 18.2-250.1, any law-enforcement officer shall be permitted to testify as to the results of any marijuana field test approved as accurate and reliable by the Department of Forensic Science pursuant to regulations adopted in accordance with the Administrative Process Act (§ 2.2-4000 et seq.), regarding whether or not any plant material, the identity of which is at issue, is marijuana provided the defendant has been given written notice of his right to request a full chemical analysis. Such notice shall be on a form approved by the Supreme Court and shall be provided to the defendant prior to trial.

In any case in which the person accused of a violation of § 18.2-250.1, or the attorney of record for the accused, desires a full chemical analysis of the alleged plant material, he may, by motion prior to trial before the court in which the charge is pending, request such a chemical analysis. Upon such motion, the court shall order that the analysis be performed by the Department of Forensic Science *in accordance with the provisions of § 18.2-247* and shall prescribe in its order the method of custody, transfer, and return of evidence submitted for chemical analysis.

§ 54.1-3401. (Effective until July 1, 2020) Definitions.

As used in this chapter, unless the context requires a different meaning:

"Administer" means the direct application of a controlled substance, whether by injection, inhalation, ingestion, or any other means, to the body of a patient or research subject by (i) a practitioner or by his authorized agent and under his direction or (ii) the patient or research subject at the direction and in the presence of the practitioner.

"Advertisement" means all representations disseminated in any manner or by any means, other than by labeling, for the purpose of inducing, or which are likely to induce, directly or indirectly, the purchase of drugs or devices.

"Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, or dispenser. It does not include a common or contract carrier, public warehouseman, or employee of the carrier or warehouseman.

"Anabolic steroid" means any drug or hormonal substance, chemically and pharmacologically related to testosterone, other than estrogens, progestins, corticosteroids, and dehydroepiandrosterone.

"Animal" means any nonhuman animate being endowed with the power of voluntary action.

"Automated drug dispensing system" means a mechanical or electronic system that performs operations or activities, other than compounding or administration, relating to pharmacy services, including the storage, dispensing, or distribution of drugs and the collection, control, and maintenance of all transaction information, to provide security and accountability for such drugs.

"Biological product" means a virus, therapeutic serum, toxin, antitoxin, vaccine, blood, blood component or derivative, allergenic product, protein other than a chemically synthesized polypeptide, or analogous product, or arsphenamine or any derivative of arsphenamine or any other trivalent organic arsenic compound, applicable to the prevention, treatment, or cure of a disease or condition of human beings.

"Biosimilar" means a biological product that is highly similar to a specific reference biological product, notwithstanding minor differences in clinically inactive compounds, such that there are no clinically meaningful differences between the reference biological product and the biological product that has been licensed as a biosimilar pursuant to 42 U.S.C. § 262(k) in terms of safety, purity, and potency of the product.

"Board" means the Board of Pharmacy.

"Bulk drug substance" means any substance that is represented for use, and that, when used in the compounding, manufacturing, processing, or packaging of a drug, becomes an active ingredient or a finished dosage form of the drug; however, "bulk drug substance" shall not include intermediates that are used in the synthesis of such substances.

"Change of ownership" of an existing entity permitted, registered, or licensed by the Board means (i) the sale or transfer of all or substantially all of the assets of the entity or of any corporation that owns or controls the entity; (ii) the creation of a partnership by a sole proprietor, the dissolution of a partnership, or change in partnership composition; (iii) the acquisition or disposal of 50 percent or more of the outstanding shares of voting stock of a corporation owning the entity or of the parent corporation of a wholly owned subsidiary owning the entity, except that this shall not apply to any corporation the voting stock of which is actively traded on any securities exchange or in any over-the-counter market; (iv) the merger of a corporation owning the entity or of the parent corporation of a wholly-owned subsidiary owning the entity with another business or corporation; or (v) the expiration or forfeiture of a corporation's charter.

"Co-licensed partner" means a person who, with at least one other person, has the right to engage in the manufacturing or marketing of a prescription drug, consistent with state and federal law.

"Compounding" means the combining of two or more ingredients to fabricate such ingredients into a single preparation and includes the mixing, assembling, packaging, or labeling of a drug or device (i) by a pharmacist, or within a permitted pharmacy, pursuant to a valid prescription issued for a medicinal or therapeutic purpose in the context of a bona fide practitioner-patient-pharmacist relationship, or in expectation of receiving a valid prescription based on observed historical patterns of prescribing and dispensing; (ii) by a practitioner of medicine, osteopathy, podiatry, dentistry, or veterinary medicine as an incident to his administering or dispensing, if authorized to dispense, a controlled substance in the course of his professional practice; or (iii) for the purpose of, or as incident to, research, teaching, or chemical analysis and not for sale or for dispensing. The mixing, diluting, or reconstituting of a manufacturer's product drugs for the purpose of administration to a patient, when performed by a practitioner of medicine or osteopathy licensed under Chapter 29 (§ 54.1-2900 et seq.), a person supervised by such practitioner pursuant to subdivision A 6 or 19 of § 54.1-2901, or a person supervised by such practitioner or a licensed nurse practitioner or physician assistant pursuant to subdivision A 4 of § 54.1-2901 shall not be considered compounding.

"Controlled substance" means a drug, substance, or immediate precursor in Schedules I through VI of this chapter. The term shall not include distilled spirits, wine, malt beverages, or tobacco as those terms are defined or used in Title 3.2 or Title 4.1. The term "controlled substance" includes a controlled substance analog that has been placed into Schedule I or II by the Board pursuant to the regulatory authority in subsection D of § 54.1-3443.

"Controlled substance analog" means a substance the chemical structure of which is substantially similar to the chemical structure of a controlled substance in Schedule I or II and either (i) which has a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance in Schedule I or II or (ii) with respect to a particular person, which such person represents or intends to have a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance in Schedule I or II. "Controlled substance analog" does not include (a) any substance for which there is an approved new drug application as defined under § 505 of the federal Food, Drug, and Cosmetic Act (21 U.S.C. § 355) or that is generally recognized as safe and effective pursuant to §§ 501, 502, and 503 of the federal Food, Drug, and Cosmetic Act (21 U.S.C. §§ 351, 352, and 353) and 21 C.F.R. Part 330; (b) with respect to a particular person, any substance for which an exemption is in effect for investigational use for that person under § 505 of the federal Food, Drug, and Cosmetic Act to the extent that the conduct with respect to that substance is pursuant to such exemption; or (c) any substance to the extent not intended for human consumption before such an exemption takes effect with respect to that substance.

"DEA" means the Drug Enforcement Administration, U.S. Department of Justice, or its successor agency.

"Deliver" or "delivery" means the actual, constructive, or attempted transfer of any item regulated by this chapter, whether or not there exists an agency relationship, including delivery of a Schedule VI prescription device to an ultimate user or consumer on behalf of a medical equipment supplier by a manufacturer, nonresident manufacturer, wholesale

distributor, nonresident wholesale distributor, warehouse, nonresident warehouse, third-party logistics provider, or nonresident third-party logistics provider at the direction of a medical equipment supplier in accordance with § 54.1-3415.1.

"Device" means instruments, apparatus, and contrivances, including their components, parts, and accessories, intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or animals or to affect the structure or any function of the body of man or animals.

"Dialysis care technician" or "dialysis patient care technician" means an individual who is certified by an organization approved by the Board of Health Professions pursuant to Chapter 27.01 (§ 54.1-2729.1 et seq.) and who, under the supervision of a licensed physician, nurse practitioner, physician assistant, or a registered nurse, assists in the care of patients undergoing renal dialysis treatments in a Medicare-certified renal dialysis facility.

"Dialysis solution" means either the commercially available, unopened, sterile solutions whose purpose is to be instilled into the peritoneal cavity during the medical procedure known as peritoneal dialysis, or commercially available solutions whose purpose is to be used in the performance of hemodialysis not to include any solutions administered to the patient intravenously.

"Dispense" means to deliver a drug to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, including the prescribing and administering, packaging, labeling, or compounding necessary to prepare the substance for that delivery. However, dispensing shall not include the transportation of drugs mixed, diluted, or reconstituted in accordance with this chapter to other sites operated by such practitioner or that practitioner's medical practice for the purpose of administration of such drugs to patients of the practitioner or that practitioner's medical practice at such other sites. For practitioners of medicine or osteopathy, "dispense" shall only include the provision of drugs by a practitioner to patients to take with them away from the practitioner's place of practice.

"Dispenser" means a practitioner who dispenses.

"Distribute" means to deliver other than by administering or dispensing a controlled substance.

"Distributor" means a person who distributes.

"Drug" means (i) articles or substances recognized in the official United States Pharmacopoeia National Formulary or official Homeopathic Pharmacopoeia of the United States, or any supplement to any of them; (ii) articles or substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or animals; (iii) articles or substances, other than food, intended to affect the structure or any function of the body of man or animals; (iv) articles or substances intended for use as a component of any article specified in clause (i), (ii), or (iii); or (v) a biological product. "Drug" does not include devices or their components, parts, or accessories.

"Drug product" means a specific drug in dosage form from a known source of manufacture, whether by brand or therapeutically equivalent drug product name.

"Electronic transmission prescription" means any prescription, other than an oral or written prescription or a prescription transmitted by facsimile machine, that is electronically transmitted directly to a pharmacy without interception or intervention from a third party from a practitioner authorized to prescribe or from one pharmacy to another pharmacy.

"Facsimile (FAX) prescription" means a written prescription or order that is transmitted by an electronic device over telephone lines that sends the exact image to the receiving pharmacy in hard copy form.

"FDA" means the U.S. Food and Drug Administration.

"Hashish oil" means any oily extract containing one or more cannabinoids, but shall not include any such extract with a ~~tetrahydrocannabinol~~ *delta-9-tetrahydrocannabinol* content of less than 12 percent by weight.

"Immediate precursor" means a substance which the Board of Pharmacy has found to be and by regulation designates as being the principal compound commonly used or produced primarily for use, and which is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance, the control of which is necessary to prevent, curtail, or limit manufacture.

"Interchangeable" means a biosimilar that meets safety standards for determining interchangeability pursuant to 42 U.S.C. § 262(k)(4).

"Label" means a display of written, printed, or graphic matter upon the immediate container of any article. A requirement made by or under authority of this chapter that any word, statement, or other information appear on the label shall not be considered to be complied with unless such word, statement, or other information also appears on the outside container or wrapper, if any, of the retail package of such article or is easily legible through the outside container or wrapper.

"Labeling" means all labels and other written, printed, or graphic matter on an article or any of its containers or wrappers, or accompanying such article.

"Manufacture" means the production, preparation, propagation, conversion, or processing of any item regulated by this chapter, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container. This term does not include compounding.

"Manufacturer" means every person who manufactures, a manufacturer's co-licensed partner, or a repackager.

"Marijuana" means any part of a plant of the genus *Cannabis* whether growing or not, its seeds, or its resin; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, or its resin. Marijuana shall not include any oily extract containing one or more cannabinoids unless such extract contains less than 12 percent of ~~tetrahydrocannabinol~~ *delta-9-tetrahydrocannabinol* by weight, nor shall marijuana include the mature stalks of such plant, fiber produced from such stalk, or oil or cake made from the seeds of such plant, unless such stalks, fiber, oil, or cake is

combined with other parts of plants of the genus *Cannabis*. Marijuana shall not include (i) industrial hemp, as defined in § 3.2-4112, that is possessed by a person registered pursuant to subsection A of § 3.2-4115 or his agent, or (ii) a hemp product, as defined in § 3.2-4112, containing a tetrahydrocannabinol concentration of no greater than 0.3 percent that is derived from industrial hemp, as defined in § 3.2-4112, that is grown, dealt, or processed in compliance with state or federal law.

"Medical equipment supplier" means any person, as defined in § 1-230, engaged in the delivery to the ultimate consumer, pursuant to the lawful order of a practitioner, of hypodermic syringes and needles, medicinal oxygen, Schedule VI controlled devices, those Schedule VI controlled substances with no medicinal properties that are used for the operation and cleaning of medical equipment, solutions for peritoneal dialysis, and sterile water or saline for irrigation.

"Narcotic drug" means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis: (i) opium, opiates, and any salt, compound, derivative, or preparation of opium or opiates; (ii) any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in clause (i), but not including the isoquinoline alkaloids of opium; (iii) opium poppy and poppy straw; (iv) coca leaves and any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extraction of coca leaves which do not contain cocaine or ecgonine.

"New drug" means (i) any drug, except a new animal drug or an animal feed bearing or containing a new animal drug, the composition of which is such that such drug is not generally recognized, among experts qualified by scientific training and experience to evaluate the safety and effectiveness of drugs, as safe and effective for use under the conditions prescribed, recommended, or suggested in the labeling, except that such a drug not so recognized shall not be deemed to be a "new drug" if at any time prior to the enactment of this chapter it was subject to the Food and Drugs Act of June 30, 1906, as amended, and if at such time its labeling contained the same representations concerning the conditions of its use, or (ii) any drug, except a new animal drug or an animal feed bearing or containing a new animal drug, the composition of which is such that such drug, as a result of investigations to determine its safety and effectiveness for use under such conditions, has become so recognized, but which has not, otherwise than in such investigations, been used to a material extent or for a material time under such conditions.

"Nuclear medicine technologist" means an individual who holds a current certification with the American Registry of Radiological Technologists or the Nuclear Medicine Technology Certification Board.

"Official compendium" means the official United States Pharmacopoeia National Formulary, official Homeopathic Pharmacopoeia of the United States, or any supplement to any of them.

"Official written order" means an order written on a form provided for that purpose by the U.S. Drug Enforcement Administration, under any laws of the United States making provision therefor, if such order forms are authorized and required by federal law, and if no such order form is provided then on an official form provided for that purpose by the Board of Pharmacy.

"Opiate" means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having such addiction-forming or addiction-sustaining liability. It does not include, unless specifically designated as controlled under Article 4 (§ 54.1-3437 et seq.), the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). It does include its racemic and levorotatory forms.

"Opium poppy" means the plant of the species *Papaver somniferum* L., except the seeds thereof.

"Original package" means the unbroken container or wrapping in which any drug or medicine is enclosed together with label and labeling, put up by or for the manufacturer, wholesaler, or distributor for use in the delivery or display of such article.

"Outsourcing facility" means a facility that is engaged in the compounding of sterile drugs and is currently registered as an outsourcing facility with the U.S. Secretary of Health and Human Services and that complies with all applicable requirements of federal and state law, including the Federal Food, Drug, and Cosmetic Act.

"Person" means both the plural and singular, as the case demands, and includes an individual, partnership, corporation, association, governmental agency, trust, or other institution or entity.

"Pharmacist-in-charge" means the person who, being licensed as a pharmacist, signs the application for a pharmacy permit and assumes full legal responsibility for the operation of the relevant pharmacy in a manner complying with the laws and regulations for the practice of pharmacy and the sale and dispensing of controlled substances; the "pharmacist-in-charge" shall personally supervise the pharmacy and the pharmacy's personnel as required by § 54.1-3432.

"Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

"Practitioner" means a physician, dentist, licensed nurse practitioner pursuant to § 54.1-2957.01, licensed physician assistant pursuant to § 54.1-2952.1, pharmacist pursuant to § 54.1-3300, TPA-certified optometrist pursuant to Article 5 (§ 54.1-3222 et seq.) of Chapter 32, veterinarian, scientific investigator, or other person licensed, registered, or otherwise permitted to distribute, dispense, prescribe and administer, or conduct research with respect to a controlled substance in the course of professional practice or research in the Commonwealth.

"Prescriber" means a practitioner who is authorized pursuant to §§ 54.1-3303 and 54.1-3408 to issue a prescription.

"Prescription" means an order for drugs or medical supplies, written or signed or transmitted by word of mouth, telephone, telegraph, or other means of communication to a pharmacist by a duly licensed physician, dentist, veterinarian, or other practitioner authorized by law to prescribe and administer such drugs or medical supplies.

"Prescription drug" means any drug required by federal law or regulation to be dispensed only pursuant to a prescription, including finished dosage forms and active ingredients subject to § 503(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. § 353(b)).

"Production" or "produce" includes the manufacture, planting, cultivation, growing, or harvesting of a controlled substance or marijuana.

"Proprietary medicine" means a completely compounded nonprescription drug in its unbroken, original package which does not contain any controlled substance or marijuana as defined in this chapter and is not in itself poisonous, and which is sold, offered, promoted, or advertised directly to the general public by or under the authority of the manufacturer or primary distributor, under a trademark, trade name, or other trade symbol privately owned, and the labeling of which conforms to the requirements of this chapter and applicable federal law. However, this definition shall not include a drug that is only advertised or promoted professionally to licensed practitioners, a narcotic or drug containing a narcotic, a drug that may be dispensed only upon prescription or the label of which bears substantially the statement "Warning — may be habit-forming," or a drug intended for injection.

"Radiopharmaceutical" means any drug that exhibits spontaneous disintegration of unstable nuclei with the emission of nuclear particles or photons and includes any non-radioactive reagent kit or radionuclide generator that is intended to be used in the preparation of any such substance, but does not include drugs such as carbon-containing compounds or potassium-containing salts that include trace quantities of naturally occurring radionuclides. The term also includes any biological product that is labeled with a radionuclide or intended solely to be labeled with a radionuclide.

"Reference biological product" means the single biological product licensed pursuant to 42 U.S.C. § 262(a) against which a biological product is evaluated in an application submitted to the U.S. Food and Drug Administration for licensure of biological products as biosimilar or interchangeable pursuant to 42 U.S.C. § 262(k).

"Sale" includes barter, exchange, or gift, or offer therefor, and each such transaction made by any person, whether as an individual, proprietor, agent, servant, or employee.

"Therapeutically equivalent drug products" means drug products that contain the same active ingredients and are identical in strength or concentration, dosage form, and route of administration and that are classified as being therapeutically equivalent by the U.S. Food and Drug Administration pursuant to the definition of "therapeutically equivalent drug products" set forth in the most recent edition of the Approved Drug Products with Therapeutic Equivalence Evaluations, otherwise known as the "Orange Book."

"Third-party logistics provider" means a person that provides or coordinates warehousing of or other logistics services for a drug or device in interstate commerce on behalf of a manufacturer, wholesale distributor, or dispenser of the drug or device but does not take ownership of the product or have responsibility for directing the sale or disposition of the product.

"USP-NF" means the current edition of the United States Pharmacopeia-National Formulary.

"Warehouser" means any person, other than a wholesale distributor, manufacturer, or third-party logistics provider, engaged in the business of (i) selling or otherwise distributing prescription drugs or devices to any person who is not the ultimate user or consumer and (ii) delivering Schedule VI prescription devices to the ultimate user or consumer pursuant to § 54.1-3415.1. No person shall be subject to any state or local tax by reason of this definition.

"Wholesale distribution" means (i) distribution of prescription drugs to persons other than consumers or patients and (ii) delivery of Schedule VI prescription devices to the ultimate user or consumer pursuant to § 54.1-3415.1, subject to the exemptions set forth in the federal Drug Supply Chain Security Act.

"Wholesale distributor" means any person other than a manufacturer, a manufacturer's co-licensed partner, a third-party logistics provider, or a repackager that engages in wholesale distribution.

The words "drugs" and "devices" as used in Chapter 33 (§ 54.1-3300 et seq.) and in this chapter shall not include surgical or dental instruments, physical therapy equipment, X-ray apparatus, or glasses or lenses for the eyes.

The terms "pharmacist," "pharmacy," and "practice of pharmacy" as used in this chapter shall be defined as provided in Chapter 33 (§ 54.1-3300 et seq.) unless the context requires a different meaning.

§ 54.1-3401. (Effective July 1, 2020) Definitions.

As used in this chapter, unless the context requires a different meaning:

"Administer" means the direct application of a controlled substance, whether by injection, inhalation, ingestion, or any other means, to the body of a patient or research subject by (i) a practitioner or by his authorized agent and under his direction or (ii) the patient or research subject at the direction and in the presence of the practitioner.

"Advertisement" means all representations disseminated in any manner or by any means, other than by labeling, for the purpose of inducing, or which are likely to induce, directly or indirectly, the purchase of drugs or devices.

"Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, or dispenser. It does not include a common or contract carrier, public warehouseman, or employee of the carrier or warehouseman.

"Anabolic steroid" means any drug or hormonal substance, chemically and pharmacologically related to testosterone, other than estrogens, progestins, corticosteroids, and dehydroepiandrosterone.

"Animal" means any nonhuman animate being endowed with the power of voluntary action.

"Automated drug dispensing system" means a mechanical or electronic system that performs operations or activities, other than compounding or administration, relating to pharmacy services, including the storage, dispensing, or distribution

of drugs and the collection, control, and maintenance of all transaction information, to provide security and accountability for such drugs.

"Biological product" means a virus, therapeutic serum, toxin, antitoxin, vaccine, blood, blood component or derivative, allergenic product, protein other than a chemically synthesized polypeptide, or analogous product, or arsphenamine or any derivative of arsphenamine or any other trivalent organic arsenic compound, applicable to the prevention, treatment, or cure of a disease or condition of human beings.

"Biosimilar" means a biological product that is highly similar to a specific reference biological product, notwithstanding minor differences in clinically inactive compounds, such that there are no clinically meaningful differences between the reference biological product and the biological product that has been licensed as a biosimilar pursuant to 42 U.S.C. § 262(k) in terms of safety, purity, and potency of the product.

"Board" means the Board of Pharmacy.

"Bulk drug substance" means any substance that is represented for use, and that, when used in the compounding, manufacturing, processing, or packaging of a drug, becomes an active ingredient or a finished dosage form of the drug; however, "bulk drug substance" shall not include intermediates that are used in the synthesis of such substances.

"Change of ownership" of an existing entity permitted, registered, or licensed by the Board means (i) the sale or transfer of all or substantially all of the assets of the entity or of any corporation that owns or controls the entity; (ii) the creation of a partnership by a sole proprietor, the dissolution of a partnership, or change in partnership composition; (iii) the acquisition or disposal of 50 percent or more of the outstanding shares of voting stock of a corporation owning the entity or of the parent corporation of a wholly owned subsidiary owning the entity, except that this shall not apply to any corporation the voting stock of which is actively traded on any securities exchange or in any over-the-counter market; (iv) the merger of a corporation owning the entity or of the parent corporation of a wholly-owned subsidiary owning the entity with another business or corporation; or (v) the expiration or forfeiture of a corporation's charter.

"Co-licensed partner" means a person who, with at least one other person, has the right to engage in the manufacturing or marketing of a prescription drug, consistent with state and federal law.

"Compounding" means the combining of two or more ingredients to fabricate such ingredients into a single preparation and includes the mixing, assembling, packaging, or labeling of a drug or device (i) by a pharmacist, or within a permitted pharmacy, pursuant to a valid prescription issued for a medicinal or therapeutic purpose in the context of a bona fide practitioner-patient-pharmacist relationship, or in expectation of receiving a valid prescription based on observed historical patterns of prescribing and dispensing; (ii) by a practitioner of medicine, osteopathy, podiatry, dentistry, or veterinary medicine as an incident to his administering or dispensing, if authorized to dispense, a controlled substance in the course of his professional practice; or (iii) for the purpose of, or as incident to, research, teaching, or chemical analysis and not for sale or for dispensing. The mixing, diluting, or reconstituting of a manufacturer's product drugs for the purpose of administration to a patient, when performed by a practitioner of medicine or osteopathy licensed under Chapter 29 (§ 54.1-2900 et seq.), a person supervised by such practitioner pursuant to subdivision A 6 or 19 of § 54.1-2901, or a person supervised by such practitioner or a licensed nurse practitioner or physician assistant pursuant to subdivision A 4 of § 54.1-2901 shall not be considered compounding.

"Controlled substance" means a drug, substance, or immediate precursor in Schedules I through VI of this chapter. The term shall not include distilled spirits, wine, malt beverages, or tobacco as those terms are defined or used in Title 3.2 or Title 4.1. The term "controlled substance" includes a controlled substance analog that has been placed into Schedule I or II by the Board pursuant to the regulatory authority in subsection D of § 54.1-3443.

"Controlled substance analog" means a substance the chemical structure of which is substantially similar to the chemical structure of a controlled substance in Schedule I or II and either (i) which has a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance in Schedule I or II or (ii) with respect to a particular person, which such person represents or intends to have a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance in Schedule I or II. "Controlled substance analog" does not include (a) any substance for which there is an approved new drug application as defined under § 505 of the federal Food, Drug, and Cosmetic Act (21 U.S.C. § 355) or that is generally recognized as safe and effective pursuant to §§ 501, 502, and 503 of the federal Food, Drug, and Cosmetic Act (21 U.S.C. §§ 351, 352, and 353) and 21 C.F.R. Part 330; (b) with respect to a particular person, any substance for which an exemption is in effect for investigational use for that person under § 505 of the federal Food, Drug, and Cosmetic Act to the extent that the conduct with respect to that substance is pursuant to such exemption; or (c) any substance to the extent not intended for human consumption before such an exemption takes effect with respect to that substance.

"DEA" means the Drug Enforcement Administration, U.S. Department of Justice, or its successor agency.

"Deliver" or "delivery" means the actual, constructive, or attempted transfer of any item regulated by this chapter, whether or not there exists an agency relationship, including delivery of a Schedule VI prescription device to an ultimate user or consumer on behalf of a medical equipment supplier by a manufacturer, nonresident manufacturer, wholesale distributor, nonresident wholesale distributor, warehouser, nonresident warehouser, third-party logistics provider, or nonresident third-party logistics provider at the direction of a medical equipment supplier in accordance with § 54.1-3415.1.

"Device" means instruments, apparatus, and contrivances, including their components, parts, and accessories, intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or animals or to affect the structure or any function of the body of man or animals.

"Dialysis care technician" or "dialysis patient care technician" means an individual who is certified by an organization approved by the Board of Health Professions pursuant to Chapter 27.01 (§ 54.1-2729.1 et seq.) and who, under the supervision of a licensed physician, nurse practitioner, physician assistant, or a registered nurse, assists in the care of patients undergoing renal dialysis treatments in a Medicare-certified renal dialysis facility.

"Dialysis solution" means either the commercially available, unopened, sterile solutions whose purpose is to be instilled into the peritoneal cavity during the medical procedure known as peritoneal dialysis, or commercially available solutions whose purpose is to be used in the performance of hemodialysis not to include any solutions administered to the patient intravenously.

"Dispense" means to deliver a drug to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, including the prescribing and administering, packaging, labeling, or compounding necessary to prepare the substance for that delivery. However, dispensing shall not include the transportation of drugs mixed, diluted, or reconstituted in accordance with this chapter to other sites operated by such practitioner or that practitioner's medical practice for the purpose of administration of such drugs to patients of the practitioner or that practitioner's medical practice at such other sites. For practitioners of medicine or osteopathy, "dispense" shall only include the provision of drugs by a practitioner to patients to take with them away from the practitioner's place of practice.

"Dispenser" means a practitioner who dispenses.

"Distribute" means to deliver other than by administering or dispensing a controlled substance.

"Distributor" means a person who distributes.

"Drug" means (i) articles or substances recognized in the official United States Pharmacopoeia National Formulary or official Homeopathic Pharmacopoeia of the United States, or any supplement to any of them; (ii) articles or substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or animals; (iii) articles or substances, other than food, intended to affect the structure or any function of the body of man or animals; (iv) articles or substances intended for use as a component of any article specified in clause (i), (ii), or (iii); or (v) a biological product. "Drug" does not include devices or their components, parts, or accessories.

"Drug product" means a specific drug in dosage form from a known source of manufacture, whether by brand or therapeutically equivalent drug product name.

"Electronic prescription" means a written prescription that is generated on an electronic application and is transmitted to a pharmacy as an electronic data file; Schedule II through V prescriptions shall be transmitted in accordance with 21 C.F.R. Part 1300.

"Facsimile (FAX) prescription" means a written prescription or order that is transmitted by an electronic device over telephone lines that sends the exact image to the receiving pharmacy in hard copy form.

"FDA" means the U.S. Food and Drug Administration.

"Hashish oil" means any oily extract containing one or more cannabinoids, but shall not include any such extract with a ~~tetrahydrocannabinol~~ *delta-9-tetrahydrocannabinol* content of less than 12 percent by weight.

"Immediate precursor" means a substance which the Board of Pharmacy has found to be and by regulation designates as being the principal compound commonly used or produced primarily for use, and which is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance, the control of which is necessary to prevent, curtail, or limit manufacture.

"Interchangeable" means a biosimilar that meets safety standards for determining interchangeability pursuant to 42 U.S.C. § 262(k)(4).

"Label" means a display of written, printed, or graphic matter upon the immediate container of any article. A requirement made by or under authority of this chapter that any word, statement, or other information appear on the label shall not be considered to be complied with unless such word, statement, or other information also appears on the outside container or wrapper, if any, of the retail package of such article or is easily legible through the outside container or wrapper.

"Labeling" means all labels and other written, printed, or graphic matter on an article or any of its containers or wrappers, or accompanying such article.

"Manufacture" means the production, preparation, propagation, conversion, or processing of any item regulated by this chapter, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container. This term does not include compounding.

"Manufacturer" means every person who manufactures, a manufacturer's co-licensed partner, or a repackager.

"Marijuana" means any part of a plant of the genus *Cannabis* whether growing or not, its seeds, or its resin; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, or its resin. Marijuana shall not include any oily extract containing one or more cannabinoids unless such extract contains less than 12 percent of ~~tetrahydrocannabinol~~ *delta-9-tetrahydrocannabinol* by weight, nor shall marijuana include the mature stalks of such plant, fiber produced from such stalk, or oil or cake made from the seeds of such plant, unless such stalks, fiber, oil, or cake is combined with other parts of plants of the genus *Cannabis*. Marijuana shall not include (i) industrial hemp, as defined in § 3.2-4112, that is possessed by a person registered pursuant to subsection A of § 3.2-4115 or his agent, or (ii) a hemp product,

as defined in § 3.2-4112, containing a tetrahydrocannabinol concentration of no greater than 0.3 percent that is derived from industrial hemp, as defined in § 3.2-4112, that is grown, dealt, or processed in compliance with state or federal law.

"Medical equipment supplier" means any person, as defined in § 1-230, engaged in the delivery to the ultimate consumer, pursuant to the lawful order of a practitioner, of hypodermic syringes and needles, medicinal oxygen, Schedule VI controlled devices, those Schedule VI controlled substances with no medicinal properties that are used for the operation and cleaning of medical equipment, solutions for peritoneal dialysis, and sterile water or saline for irrigation.

"Narcotic drug" means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis: (i) opium, opiates, and any salt, compound, derivative, or preparation of opium or opiates; (ii) any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in clause (i), but not including the isoquinoline alkaloids of opium; (iii) opium poppy and poppy straw; (iv) coca leaves and any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extraction of coca leaves which do not contain cocaine or ecgonine.

"New drug" means (i) any drug, except a new animal drug or an animal feed bearing or containing a new animal drug, the composition of which is such that such drug is not generally recognized, among experts qualified by scientific training and experience to evaluate the safety and effectiveness of drugs, as safe and effective for use under the conditions prescribed, recommended, or suggested in the labeling, except that such a drug not so recognized shall not be deemed to be a "new drug" if at any time prior to the enactment of this chapter it was subject to the Food and Drugs Act of June 30, 1906, as amended, and if at such time its labeling contained the same representations concerning the conditions of its use, or (ii) any drug, except a new animal drug or an animal feed bearing or containing a new animal drug, the composition of which is such that such drug, as a result of investigations to determine its safety and effectiveness for use under such conditions, has become so recognized, but which has not, otherwise than in such investigations, been used to a material extent or for a material time under such conditions.

"Nuclear medicine technologist" means an individual who holds a current certification with the American Registry of Radiological Technologists or the Nuclear Medicine Technology Certification Board.

"Official compendium" means the official United States Pharmacopoeia National Formulary, official Homeopathic Pharmacopoeia of the United States, or any supplement to any of them.

"Official written order" means an order written on a form provided for that purpose by the U.S. Drug Enforcement Administration, under any laws of the United States making provision therefor, if such order forms are authorized and required by federal law, and if no such order form is provided then on an official form provided for that purpose by the Board of Pharmacy.

"Opiate" means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having such addiction-forming or addiction-sustaining liability. It does not include, unless specifically designated as controlled under Article 4 (§ 54.1-3437 et seq.), the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). It does include its racemic and levorotatory forms.

"Opium poppy" means the plant of the species *Papaver somniferum* L., except the seeds thereof.

"Original package" means the unbroken container or wrapping in which any drug or medicine is enclosed together with label and labeling, put up by or for the manufacturer, wholesaler, or distributor for use in the delivery or display of such article.

"Outsourcing facility" means a facility that is engaged in the compounding of sterile drugs and is currently registered as an outsourcing facility with the U.S. Secretary of Health and Human Services and that complies with all applicable requirements of federal and state law, including the Federal Food, Drug, and Cosmetic Act.

"Person" means both the plural and singular, as the case demands, and includes an individual, partnership, corporation, association, governmental agency, trust, or other institution or entity.

"Pharmacist-in-charge" means the person who, being licensed as a pharmacist, signs the application for a pharmacy permit and assumes full legal responsibility for the operation of the relevant pharmacy in a manner complying with the laws and regulations for the practice of pharmacy and the sale and dispensing of controlled substances; the "pharmacist-in-charge" shall personally supervise the pharmacy and the pharmacy's personnel as required by § 54.1-3432.

"Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

"Practitioner" means a physician, dentist, licensed nurse practitioner pursuant to § 54.1-2957.01, licensed physician assistant pursuant to § 54.1-2952.1, pharmacist pursuant to § 54.1-3300, TPA-certified optometrist pursuant to Article 5 (§ 54.1-3222 et seq.) of Chapter 32, veterinarian, scientific investigator, or other person licensed, registered, or otherwise permitted to distribute, dispense, prescribe and administer, or conduct research with respect to a controlled substance in the course of professional practice or research in the Commonwealth.

"Prescriber" means a practitioner who is authorized pursuant to §§ 54.1-3303 and 54.1-3408 to issue a prescription.

"Prescription" means an order for drugs or medical supplies, written or signed or transmitted by word of mouth, telephone, telegraph, or other means of communication to a pharmacist by a duly licensed physician, dentist, veterinarian, or other practitioner authorized by law to prescribe and administer such drugs or medical supplies.

"Prescription drug" means any drug required by federal law or regulation to be dispensed only pursuant to a prescription, including finished dosage forms and active ingredients subject to § 503(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. § 353(b)).

"Production" or "produce" includes the manufacture, planting, cultivation, growing, or harvesting of a controlled substance or marijuana.

"Proprietary medicine" means a completely compounded nonprescription drug in its unbroken, original package which does not contain any controlled substance or marijuana as defined in this chapter and is not in itself poisonous, and which is sold, offered, promoted, or advertised directly to the general public by or under the authority of the manufacturer or primary distributor, under a trademark, trade name, or other trade symbol privately owned, and the labeling of which conforms to the requirements of this chapter and applicable federal law. However, this definition shall not include a drug that is only advertised or promoted professionally to licensed practitioners, a narcotic or drug containing a narcotic, a drug that may be dispensed only upon prescription or the label of which bears substantially the statement "Warning — may be habit-forming," or a drug intended for injection.

"Radiopharmaceutical" means any drug that exhibits spontaneous disintegration of unstable nuclei with the emission of nuclear particles or photons and includes any non-radioactive reagent kit or radionuclide generator that is intended to be used in the preparation of any such substance, but does not include drugs such as carbon-containing compounds or potassium-containing salts that include trace quantities of naturally occurring radionuclides. The term also includes any biological product that is labeled with a radionuclide or intended solely to be labeled with a radionuclide.

"Reference biological product" means the single biological product licensed pursuant to 42 U.S.C. § 262(a) against which a biological product is evaluated in an application submitted to the U.S. Food and Drug Administration for licensure of biological products as biosimilar or interchangeable pursuant to 42 U.S.C. § 262(k).

"Sale" includes barter, exchange, or gift, or offer therefor, and each such transaction made by any person, whether as an individual, proprietor, agent, servant, or employee.

"Therapeutically equivalent drug products" means drug products that contain the same active ingredients and are identical in strength or concentration, dosage form, and route of administration and that are classified as being therapeutically equivalent by the U.S. Food and Drug Administration pursuant to the definition of "therapeutically equivalent drug products" set forth in the most recent edition of the Approved Drug Products with Therapeutic Equivalence Evaluations, otherwise known as the "Orange Book."

"Third-party logistics provider" means a person that provides or coordinates warehousing of or other logistics services for a drug or device in interstate commerce on behalf of a manufacturer, wholesale distributor, or dispenser of the drug or device but does not take ownership of the product or have responsibility for directing the sale or disposition of the product.

"USP-NF" means the current edition of the United States Pharmacopeia-National Formulary.

"Warehouser" means any person, other than a wholesale distributor, manufacturer, or third-party logistics provider, engaged in the business of (i) selling or otherwise distributing prescription drugs or devices to any person who is not the ultimate user or consumer and (ii) delivering Schedule VI prescription devices to the ultimate user or consumer pursuant to § 54.1-3415.1. No person shall be subject to any state or local tax by reason of this definition.

"Wholesale distribution" means (i) distribution of prescription drugs to persons other than consumers or patients and (ii) delivery of Schedule VI prescription devices to the ultimate user or consumer pursuant to § 54.1-3415.1, subject to the exemptions set forth in the federal Drug Supply Chain Security Act.

"Wholesale distributor" means any person other than a manufacturer, a manufacturer's co-licensed partner, a third-party logistics provider, or a repackager that engages in wholesale distribution.

The words "drugs" and "devices" as used in Chapter 33 (§ 54.1-3300 et seq.) and in this chapter shall not include surgical or dental instruments, physical therapy equipment, X-ray apparatus, or glasses or lenses for the eyes.

The terms "pharmacist," "pharmacy," and "practice of pharmacy" as used in this chapter shall be defined as provided in Chapter 33 (§ 54.1-3300 et seq.) unless the context requires a different meaning.

§ 54.1-3408.3. Certification for use of cannabidiol oil or THC-A oil for treatment.

A. As used in this section:

"Cannabidiol oil" means any formulation of processed Cannabis plant extract that contains at least 15 percent cannabidiol but no more than five percent ~~tetrahydrocannabinol~~ *delta-9-tetrahydrocannabinol*, or a dilution of the resin of the Cannabis plant that contains at least five milligrams of cannabidiol per dose but not more than five percent ~~tetrahydrocannabinol~~ *delta-9-tetrahydrocannabinol*. "Cannabidiol oil" does not include industrial hemp, as defined in § 3.2-4112, that is grown, dealt, or processed in compliance with state or federal law.

"Practitioner" means a practitioner of medicine or osteopathy licensed by the Board of Medicine, a physician assistant licensed by the Board of Medicine, or a nurse practitioner jointly licensed by the Board of Medicine and the Board of Nursing.

"Registered agent" means an individual designated by a patient who has been issued a written certification, or, if such patient is a minor or an incapacitated adult as defined in § 18.2-369, designated by such patient's parent or legal guardian, and registered with the Board pursuant to subsection G.

"THC-A oil" means any formulation of processed Cannabis plant extract that contains at least 15 percent ~~tetrahydrocannabinol~~ *delta-9-tetrahydrocannabinol* acid but not more than five percent ~~tetrahydrocannabinol~~ *delta-9-tetrahydrocannabinol*, or a dilution of the resin of the Cannabis plant that contains at least five milligrams of

~~tetrahydrocannabinol~~ *delta-9-tetrahydrocannabinol* acid per dose but not more than five percent ~~tetrahydrocannabinol~~ *delta-9-tetrahydrocannabinol*.

B. A practitioner in the course of his professional practice may issue a written certification for the use of cannabidiol oil or THC-A oil for treatment or to alleviate the symptoms of any diagnosed condition or disease determined by the practitioner to benefit from such use.

C. The written certification shall be on a form provided by the Office of the Executive Secretary of the Supreme Court developed in consultation with the Board of Medicine. Such written certification shall contain the name, address, and telephone number of the practitioner, the name and address of the patient issued the written certification, the date on which the written certification was made, and the signature of the practitioner. Such written certification issued pursuant to subsection B shall expire no later than one year after its issuance unless the practitioner provides in such written certification an earlier expiration.

D. No practitioner shall be prosecuted under § 18.2-248 or 18.2-248.1 for dispensing or distributing cannabidiol oil or THC-A oil for the treatment or to alleviate the symptoms of a patient's diagnosed condition or disease pursuant to a written certification issued pursuant to subsection B. Nothing in this section shall preclude the Board of Medicine from sanctioning a practitioner for failing to properly evaluate or treat a patient's medical condition or otherwise violating the applicable standard of care for evaluating or treating medical conditions.

E. A practitioner who issues a written certification to a patient pursuant to this section shall register with the Board. The Board shall, in consultation with the Board of Medicine, set a limit on the number of patients to whom a practitioner may issue a written certification.

F. A patient who has been issued a written certification shall register with the Board or, if such patient is a minor or an incapacitated adult as defined in § 18.2-369, a patient's parent or legal guardian shall register and shall register such patient with the Board.

G. A patient, or, if such patient is a minor or an incapacitated adult as defined in § 18.2-369, such patient's parent or legal guardian, may designate an individual to act as his registered agent for the purposes of receiving cannabidiol oil or THC-A oil pursuant to a valid written certification. Such designated individual shall register with the Board. The Board may set a limit on the number patients for whom any individual is authorized to act as a registered agent.

H. The Board shall promulgate regulations to implement the registration process. Such regulations shall include (i) a mechanism for sufficiently identifying the practitioner issuing the written certification, the patient being treated by the practitioner, his registered agent, and, if such patient is a minor or an incapacitated adult as defined in § 18.2-369, the patient's parent or legal guardian; (ii) a process for ensuring that any changes in the information are reported in an appropriate timeframe; and (iii) a prohibition for the patient to be issued a written certification by more than one practitioner during any given time period.

I. Information obtained under the registration process shall be confidential and shall not be subject to the disclosure provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.). However, reasonable access to registry information shall be provided to (i) the Chairmen of the House and Senate Committees for Courts of Justice, (ii) state and federal agencies or local law enforcement for the purpose of investigating or prosecuting a specific individual for a specific violation of law, (iii) licensed physicians or pharmacists for the purpose of providing patient care and drug therapy management and monitoring of drugs obtained by a registered patient, (iv) a pharmaceutical processor involved in the treatment of a registered patient, or (v) a registered patient, his registered agent, or, if such patient is a minor or an incapacitated adult as defined in § 18.2-369, the patient's parent or legal guardian, but only with respect to information related to such registered patient.

§ 54.1-3442.6. Permit to operate pharmaceutical processor.

A. No person shall operate a pharmaceutical processor without first obtaining a permit from the Board. The application for such permit shall be made on a form provided by the Board and signed by a pharmacist who will be in full and actual charge of the pharmaceutical processor. The Board shall establish an application fee and other general requirements for such application.

B. Each permit shall expire annually on a date determined by the Board in regulation. The number of permits that the Board may issue or renew in any year is limited to one for each health service area established by the Board of Health. Permits shall be displayed in a conspicuous place on the premises of the pharmaceutical processor.

C. The Board shall adopt regulations establishing health, safety, and security requirements for pharmaceutical processors. Such regulations shall include requirements for (i) physical standards; (ii) location restrictions; (iii) security systems and controls; (iv) minimum equipment and resources; (v) recordkeeping; (vi) labeling and packaging; (vii) quarterly inspections; (viii) processes for safely and securely cultivating Cannabis plants intended for producing cannabidiol oil and THC-A oil, producing cannabidiol oil and THC-A oil, and dispensing and delivering in person cannabidiol oil and THC-A oil to a registered patient, his registered agent, or, if such patient is a minor or an incapacitated adult as defined in § 18.2-369, such patient's parent or legal guardian; (ix) a maximum number of marijuana plants a pharmaceutical processor may possess at any one time; (x) the secure disposal of plant remains; (xi) a process for registering a cannabidiol oil and THC-A oil product; (xii) dosage limitations, which shall provide that each dispensed dose of cannabidiol oil or THC-A not exceed 10 milligrams of ~~tetrahydrocannabinol~~ *delta-9-tetrahydrocannabinol*; and (xiii) a process for the wholesale distribution of and the transfer of cannabidiol oil and THC-A oil products between pharmaceutical processors.

D. Every pharmaceutical processor shall be under the personal supervision of a licensed pharmacist on the premises of the pharmaceutical processor.

E. The Board shall require an applicant for a pharmaceutical processor permit to submit to fingerprinting and provide personal descriptive information to be forwarded along with his fingerprints through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining criminal history record information regarding the applicant. The cost of fingerprinting and the criminal history record search shall be paid by the applicant. The Central Criminal Records Exchange shall forward the results of the criminal history background check to the Board or its designee, which shall be a governmental entity.

F. In addition to other employees authorized by the Board, a pharmaceutical processor may employ individuals who may have less than two years of experience (i) to perform cultivation-related duties under the supervision of an individual who has received a degree in horticulture or a certification recognized by the Board or who has at least two years of experience cultivating plants and (ii) to perform extraction-related duties under the supervision of an individual who has a degree in chemistry or pharmacology or at least two years of experience extracting chemicals from plants.

G. No person who has been convicted of (i) a felony under the laws of the Commonwealth or another jurisdiction or (ii) within the last five years, any offense in violation of Article 1 (§ 18.2-247 et seq.) or Article 1.1 (§ 18.2-265.1 et seq.) of Chapter 7 of Title 18.2 or a substantially similar offense under the laws of another jurisdiction shall be employed by or act as an agent of a pharmaceutical processor.

H. Every pharmaceutical processor shall adopt policies for pre-employment drug screening and regular, ongoing, random drug screening of employees.

§ 54.1-3442.7. Dispensing cannabidiol oil and THC-A oil; report.

A. A pharmaceutical processor shall dispense or deliver cannabidiol oil or THC-A oil only in person to (i) a patient who is a Virginia resident, has been issued a valid written certification, and is registered with the Board pursuant to § 54.1-3408.3, (ii) such patient's registered agent, or (iii) if such patient is a minor or an incapacitated adult as defined in § 18.2-369, such patient's parent or legal guardian who is a Virginia resident and is registered with the Board pursuant to § 54.1-3408.3. Prior to the initial dispensing of each written certification, the pharmacist or pharmacy technician at the location of the pharmaceutical processor shall make and maintain for two years a paper or electronic copy of the written certification that provides an exact image of the document that is clearly legible; shall view a current photo identification of the patient, registered agent, parent, or legal guardian; and shall verify current board registration of the practitioner and the corresponding patient, registered agent, parent, or legal guardian. Prior to any subsequent dispensing of each written certification, the pharmacist, pharmacy technician, or delivery agent shall view the current written certification; a current photo identification of the patient, registered agent, parent, or legal guardian; and the current board registration issued to the patient, registered agent, parent, or legal guardian. No pharmaceutical processor shall dispense more than a 90-day supply for any patient during any 90-day period. The Board shall establish in regulation an amount of cannabidiol oil or THC-A oil that constitutes a 90-day supply to treat or alleviate the symptoms of a patient's diagnosed condition or disease.

B. A pharmaceutical processor shall dispense only cannabidiol oil and THC-A oil that has been cultivated and produced on the premises of a pharmaceutical processor permitted by the Board. A pharmaceutical processor may begin cultivation upon being issued a permit by the Board.

C. The Board shall report annually by December 1 to the Chairmen of the House and Senate Committees for Courts of Justice on the operation of pharmaceutical processors issued a permit by the Board, including the number of practitioners, patients, registered agents, and parents or legal guardians of patients who have registered with the Board and the number of written certifications issued pursuant to § 54.1-3408.3.

D. The concentration of ~~tetrahydrocannabinol~~ *delta-9-tetrahydrocannabinol* in any THC-A oil on site may be up to 10 percent greater than or less than the level of ~~tetrahydrocannabinol~~ *delta-9-tetrahydrocannabinol* measured for labeling. A pharmaceutical processor shall ensure that such concentration in any THC-A onsite is within such range and shall establish a stability testing schedule of THC-A oil.

2. That an emergency exists and this act is in force from its passage.

CHAPTER 832

An Act to amend and reenact § 44-83 of the Code of Virginia, relating to the Virginia National Guard; state active duty for emergency response; pay and allowances for members.

[S 753]

Approved April 7, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 44-83 of the Code of Virginia is amended and reenacted as follows:

§ 44-83. Pay and allowance of members.

~~When~~ *Notwithstanding any other provision of law, when called into state active duty, not in the service of the United States, officers members of the National Guard and members of the Virginia Defense Force shall receive the same pay and allowances as prescribed for members of like rank in the United States Armed Forces. For each day of such service, members of the National Guard shall receive the same pay and allowances as if they were on a day of Annual Training. For*

each day of service, members of the Virginia Defense Force called to state active duty shall receive the same pay and allowances as persons of like grade in the National Guard for a day of Annual Training, capped at 25 years of service equal to their rank and years of service, as determined by the Department of Military Affairs. The Adjutant General may increase state active duty pay on an annual basis by a rate not to exceed the most recent percentage increase in basic pay for members of the Armed Forces.

CHAPTER 833

An Act to amend the Code of Virginia by adding a section numbered 15.2-2305.1, relating to affordable housing dwelling unit ordinances.

[S 834]

Approved April 7, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 15.2-2305.1 as follows:

§ 15.2-2305.1. Affordable housing dwelling unit ordinances.

A. In furtherance of the purpose of providing affordable shelter for all, the governing body of any locality, other than localities to which § 15.2-2304 applies, may by amendment to the zoning ordinances of such locality provide for an affordable housing dwelling unit program. Such program shall address housing needs, promote a full range of housing choices, and encourage the construction and continued existence of housing affordable to low-and-moderate-income citizens by providing for increases in density to the applicant in exchange for the applicant voluntarily electing to provide such affordable housing. Any local ordinance providing optional increases in density for provision of low-and-moderate-income housing adopted before December 31, 1988, shall continue in full force and effect. Any local ordinance may authorize the governing body to (i) establish qualifying jurisdiction-wide affordable dwelling unit sales prices based on local market conditions, (ii) establish jurisdiction-wide affordable housing dwelling unit qualifying income guidelines, and (iii) offer incentives other than density increases, such as reductions or waivers of permit, development, and infrastructure fees, as the governing body deems appropriate to encourage the provision of affordable housing. Counties to which § 15.2-2304 applies shall be governed by the provisions of § 15.2-2304 for purposes of the adoption of an affordable housing dwelling unit ordinance.

B. Any zoning ordinance establishing an affordable housing dwelling unit program pursuant to this section may include reasonable regulations and provisions as to any or all of the following:

1. For application of the requirements of an affordable housing dwelling unit program to any site, as defined by the locality, or a portion thereof at one location that is the subject of an application for rezoning or special exception or site plan or subdivision plat which yields, as submitted by the applicant, at an equivalent density greater than one unit per acre and that is located within an approved sewer area.

2. The waiver of any fees associated with the construction, renovation, or rehabilitation of a structure, including but not limited to building permit fees, application review fees, and water and sewer connection fees.

3. For standards of compliance with the provisions of an affordable housing dwelling unit program and for the authority of the local governing body or its designee to enforce compliance with such standards and impose reasonable penalties for noncompliance, provided that a local zoning ordinance provide for an appeal process for any party aggrieved by a decision of the local governing body.

4. For establishment of a local housing fund as part of its affordable housing dwelling unit program to assist in achieving the affordable housing goals of the locality pursuant to this section. The local housing fund may be a dedicated fund within the other funds of the locality, but any funds received pursuant to this section shall be used for achieving the affordable housing goals of the locality. A locality shall not condition the submission, review, or approval of any application for a housing development upon a contribution by the applicant to the locality's housing trust fund.

5. For reasonable regulations requiring the affordable dwelling units to be built and offered for sale or rental concurrently with the construction and certificate of occupancy of a reasonable proportion of the market rate units.

6. For administration and regulation by a local housing authority or the local governing body or its designee of the sale and rental of affordable units.

7. For a local housing authority or local governing body or its designee to have an exclusive right to purchase up to one-third of the for-sale affordable housing dwelling units within a development within 90 days of a dwelling unit being completed and ready for purchase, provided that the remaining two-thirds of such units be offered for sale exclusively for a 90-day period to persons who meet the income criteria established by the local housing authority or the local governing body or its designee.

8. For a local housing authority or a local governing body or its designee to have an exclusive right to lease up to a specified percentage of the rental affordable dwelling units within a development within a controlled period determined by the housing authority or the local governing body or its designee, provided that the remaining for-rental affordable dwelling units within a development be offered to persons who meet the income criteria established by the local housing authority or the local governing body or its designee.

9. For the establishment of jurisdiction-wide affordable housing dwelling unit sales prices by the local housing authority or the local governing body or its designee, initially and adjusted semiannually, based on a determination of all ordinary, necessary, and reasonable costs required to construct the affordable dwelling unit prototype dwellings by private industry after considering written comment by the public, the local housing authority, or an advisory body to the local governing body, and other information such as the area's current general market and economic conditions, provided that sales prices do not include the cost of land, on-site sales commissions, and marketing expenses, but may include, among other costs, builder-paid permanent mortgage placement costs and buy-down fees and closing costs except prepaid expenses required at settlement.

10. For the establishment of jurisdiction-wide affordable housing dwelling unit rental prices by a local housing authority or the local governing body or its designee, initially and adjusted semiannually, based on a determination of all ordinary, necessary, and reasonable costs required to construct and market the required number of affordable dwelling rental units by private industry in the area, after considering written comment by the public, the local housing authority, or an advisory body to the local governing body, and other information such as the area's current general market and economic conditions.

11. For a requirement that the prices for the sales and rentals of affordable dwelling units subsequent to the initial sale or rental transaction be controlled by the local housing authority or the local governing body or its designee for a period of not less than 15 years nor more than 50 years after the initial sale or rental transaction for each affordable dwelling unit, provided that the ordinance further provides for reasonable rules and regulations to implement a price control provision.

C. For any building that is four stories or taller and has an elevator, the applicant may request, and the locality shall consider, the unique ancillary costs associated with living in such a building in determining whether such housing will be affordable under the definition established by the locality in its ordinance adopted pursuant to this section. However, for localities under this section in Planning District 8, nothing in this section shall apply to any elevator structure four stories or taller.

D. Any ordinance adopted hereunder shall provide that the local governing body shall have no more than 280 days in which to process site or subdivision plans proposing the development or construction of affordable housing or affordable dwelling units under such ordinance. The calculation of such period of review shall include only the time that plans are in review by the local governing body and shall not include such time as may be required for revision or modification in order to comply with lawful requirements set forth in applicable ordinances and local regulations.

E. Any zoning ordinance establishing an affordable housing dwelling unit program under this section shall adopt the following regulations and provisions to establish an affordable housing density bonus and development standards relief program:

1. Adopt procedures for processing an application authorized under this subdivision, which shall include a provision for a list of all documents and information required to be submitted with an application for a housing development. Procedures authorized by this subdivision shall require the zoning administrator or his designee to make an official determination in writing within 30 days of the application date as to each of the following, as applicable: (i) the amount of density bonus, calculated pursuant to subdivision 2, for which the applicant is eligible; (ii) if the applicant requests a parking ratio pursuant to subdivision 4, the parking ratio for which the applicant is eligible; and (iii) if the applicant requests waivers or reductions of development standards pursuant to subdivision 3, whether the applicant has provided adequate information for the locality to make a determination as to those waivers or reductions of development standards. An appeal by a party aggrieved of an official determination pursuant to this subdivision shall be made to the board of zoning appeals pursuant to § 15.2-2311.

2. The locality shall grant a density bonus, the amount of which shall be as specified in the corresponding table accompanying this subdivision, when an applicant voluntarily seeks and agrees to construct a housing development, excluding any units permitted by the density bonus awarded pursuant to this section, that will contain at least:

a. Ten percent of the total units of a housing development deemed affordable, as defined in this section, for low-income households; or

b. Five percent of the total units of a housing development deemed affordable, as defined in this section, for very-low-income households;

For housing developments meeting the criteria of subdivision a, the density bonus shall be calculated as follows:

Percentage Low-Income Units	Percentage Density Bonus
10	20
11	21.5
12	23
13	24.5
14	26
15	27.5
16	29
17	30.5

18	32
19	33.5
20	35
21	36.5
22	38
23	39.5
24	41
25	42.5
26	44
27	45.5
28	47
29	48.5
30	50
31	51.5
32	53
33	54.5
34	56
35	57.5

For housing developments meeting the criteria of subdivision b, the density bonus shall be calculated as follows:

<i>Percentage Very-Low-Income Units</i>	<i>Percentage Density Bonus</i>
5	20
6	22.5
7	25
8	27.5
9	30
10	32.5
11	35
12	37.5
13	40
14	42.5
15	45
16	47.5
17	50
18	52.5
19	55
20	57.5
21	60
22	62.5
23	65
24	67.5
25	70
26	72.5
27	75
28	77.5
29	80
30	82.5

31	85
32	87.5
33	90
34	92.5
35	95

For housing developments meeting the criteria of subdivision a or b, an applicant shall be awarded an increase over the otherwise maximum allowable gross residential density as of the date of application by the applicant to the locality, or, if elected by the applicant, a lesser percentage of density increase, including but not limited to no increase in density.

3. An applicant for a density bonus pursuant to subdivision 2 a or b may request a waiver or reduction of local development standards that (i) physically preclude the construction of a project at the density permitted by this section or (ii) impact the financial feasibility of a project submitted pursuant to this section. The locality shall grant the waiver or reduction of local development standards requested by the applicant unless the locality is able to make a written determination that such waiver or reduction would have a specific, adverse impact upon health, safety, or the physical environment. The locality may also recommend to the applicant modifications of the initial request for waiver or reduction of local development standards that would satisfy the locality's concerns. Nothing in this subsection shall be interpreted to require a locality to waive or reduce development standards that would have an adverse impact on any real property that is listed in the Virginia Landmarks Register or National Register of Historic Places or would be contrary to state or federal law.

4. An applicant for a density bonus pursuant to subdivision 2 a or b may request a waiver or reduction in any local parking ratios or requirements. The locality shall grant the waiver or reduction unless the locality is able to make a written determination that such waiver or reduction would have a specific, adverse impact upon health, safety, or the physical environment of residents of the locality. The locality may also recommend to the applicant modifications of the initial request for waiver or reduction of local development standards that would satisfy the locality's concerns. This subdivision does not preclude a locality from reducing or eliminating a parking requirement for development projects of any type in any location.

F. A locality establishing an affordable housing dwelling unit program in any ordinance shall establish in its general ordinances, adopted in accordance with the requirements of subsection B of § 15.2-1427, reasonable regulations and provisions as to the following:

The sales and rental price for affordable dwelling units within a development shall be established such that the owner or applicant, or both, shall not suffer economic loss as a result of providing the required affordable dwelling units. For purposes of this subsection, "economic loss" for sales units means that result when the owner or applicant of a development fails to recoup the cost of construction and certain allowances as may be determined by the designee of the governing body for the affordable dwelling units, exclusive of the cost of land acquisition and cost voluntarily incurred but not authorized by the ordinance, upon the sale of an affordable dwelling unit.

G. Any locality establishing an affordable housing dwelling unit program pursuant to this section shall not condition the submission, review, or approval of any application for a housing development on the basis of an applicant's decision to incorporate units deemed affordable for low-income or very-low-income households.

H. Notwithstanding any other provisions of this chapter, as used in this section, unless the context requires a different meaning:

"Affordable" means, as a guideline, housing that is affordable to households with incomes at or below the area median income, provided that the occupant pays no more than 30 percent of his gross income for gross housing costs, including utilities.

"Density bonus" means a density increase over the otherwise maximum allowable gross residential density as of the date of application by the applicant to the locality, or, if elected by the applicant, a lesser percentage of density increase, including but not limited to no increase in density.

"Development standard" includes any local land use, site, or construction regulation, including but not limited to height restrictions, setback requirements, side yard requirements, minimum area requirements, minimum lot size requirements, floor area ratios, or onsite open-space requirements that applies to a residential or mixed-use development pursuant to any local ordinance, policy, resolution, or regulation.

"Housing development" means a specific work or improvement within the Commonwealth, whether multifamily residential housing or single-family residential housing undertaken primarily to provide dwelling accommodations, including the acquisition, construction, rehabilitation, preservation, or improvement of land, buildings, and improvements thereto, for residential housing, and such other nonhousing facilities as may be incidental, related, or appurtenant thereto.

"Low-income household" means any individual or family whose incomes do not exceed 80 percent of the area median income for the locality in which the housing development is being proposed.

"Maximum allowable residential density" means the density allowed under the zoning ordinance and land use element of the comprehensive plan, or, if a range of density is permitted, means the maximum allowable density for the specific zoning range and land use element of the general plan applicable to the project. If the density allowed under the zoning ordinance is inconsistent with the density allowed under the land use element of the general plan, the general plan density shall prevail.

"Very-low-income household" means any individual or family whose incomes do not exceed 50 percent of the area median income for the locality in which the housing development is being proposed.

CHAPTER 834

An Act to amend the Code of Virginia by adding a section numbered 2.2-1150.3, relating to conveyance and transfers of real property by state agencies; Department of Military Affairs; lease of State Military Reservation property.

[S 948]

Approved April 7, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 2.2-1150.3 as follows:

§ 2.2-1150.3. Lease of state military reservation property.

A. Subject to the provisions of subsection B of § 2.2-1150, the Department of Military Affairs may convey a leasehold interest in any portion of State Military Reservation property to governmental or private entities when it is deemed by the Adjutant General to be in the Department of Military Affairs' best interest to (i) provide necessary services such as lodging, training capabilities, or logistical utility services that support the Department's mission or (ii) maintain a peripheral buffer with compatible uses, including ground parking leases.

B. Subject to the provisions of subsection B of § 2.2-1150, the term of any leasehold interest in any portion of State Military Reservation property shall not exceed 50 years; however, any agreement may be extended upon the written recommendation of the Governor and the approval of the General Assembly. In the event that the Department of Military Affairs enters into any written agreement with a private individual, firm, corporation, or other entity to lease property in the possession or control of the Department pursuant to this subsection, neither the real property that is the subject of the lease nor any improvements or personal property located on the real property that is the subject of the lease shall be subject to taxation by any local government authority pursuant to § 58.1-3203, provided that the real property, improvements, or personal property is used for a purpose consistent with or supporting the Department's mission.

CHAPTER 835

An Act to amend and reenact § 15.2-5431.10 of the Code of Virginia, relating to Virginia Wireless Service Authority Act.

[S 953]

Approved April 7, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-5431.10 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-5431.10. Members of authority board; chief administrative or executive officer.

A. The powers of each authority created by the governing body of a locality shall be exercised by an authority board of five or seven members, or at the option of the board of supervisors of a county, a number of board members equal to the number of members of the board of supervisors. The board members of an authority shall be selected in the manner and for the terms provided by the agreement or ordinance or resolution or concurrent ordinances or resolutions creating the authority. One or more members of the governing body of a locality may be appointed board members of the authority, the provisions of any other law to the contrary notwithstanding. No board member shall be appointed for a term of more than four years. When one or more additional political subdivisions join an existing authority, each of such joining political subdivisions shall have at least one member on the board. Board members shall hold office until their successors have been appointed and may succeed themselves. The board members of the authority shall elect one of their number chairman, and shall elect a secretary and treasurer who need not be members. The offices of secretary and treasurer may be combined.

B. A majority of board members shall constitute a quorum and the vote of a majority of board members shall be necessary for any action taken by the authority. An authority may, by bylaw, provide a method to resolve tie votes or deadlocked issues.

C. No vacancy in the board membership of the authority shall impair the right of a quorum to exercise all the rights and perform all the duties of the authority. If a vacancy occurs by reason of the death, disqualification or resignation of a board member, the governing body of the locality that created the authority shall appoint a successor to fill the unexpired term. Whenever a political subdivision withdraws its membership from an authority, the term of any board member appointed to the board of the authority from such political subdivision shall immediately terminate. Board members shall receive such compensation as fixed by resolution of the governing body that created the authority, and shall be reimbursed for any actual expenses necessarily incurred in the performance of their duties.

D. The board members may appoint a chief administrative or executive officer who shall serve at the pleasure of the board members. He shall execute and enforce the orders and resolutions adopted by the board members and perform such duties as may be delegated to him by the board members.

CHAPTER 836

An Act to amend and reenact § 53.1-133.03 of the Code of Virginia, relating to exchange of offender medical and mental health information and records.

[H 1328]

Approved April 7, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 53.1-133.03 of the Code of Virginia is amended and reenacted as follows:

§ 53.1-133.03. Exchange of medical and mental health information and records.

A. Whenever a person is committed to a local or regional correctional facility, the following shall be entitled to obtain medical and mental health information and records concerning such person from a health care provider, even when such person does not provide consent or consent is not readily obtainable:

1. The person in charge of the facility, or his designee, when such information and records are necessary (i) for the provision of health care to the person committed, (ii) to protect the health and safety of the person committed or other residents or staff of the facility, or (iii) to maintain the security and safety of the facility. Such information and records of any person committed to jail and transferred to another correctional facility may be exchanged among administrative personnel of the correctional facilities involved and of the administrative personnel within the holding facility when there is reasonable cause to believe that such information is necessary to maintain the security and safety of the holding facility, its employees, or prisoners. The information exchanged shall continue to be confidential and disclosure shall be limited to that necessary to ensure the security and safety of the facility.

2. Members of the Parole Board or its designees, as specified in § 53.1-138, in order to conduct the investigation required under § 53.1-155.

3. Probation and parole officers and local probation officers for use in parole and probation planning, release, and supervision.

4. Officials of the facilities involved and officials within the holding facility for the purpose of formulating recommendations for treatment and rehabilitative programs; classification, security and work assignments; and determining the necessity for medical, dental and mental health care, treatment and other such programs.

5. Medical and mental health hospitals and facilities, both public and private, including community services boards and health departments, for use in treatment while committed to jail or a correctional facility while under supervision of a probation or parole officer.

B. Substance abuse records subject to federal regulations, Confidentiality of Alcohol and Drug Abuse Patient Records, 42 C.F.R. § 2.11 et seq., shall not be subject to the provisions of this section. The disclosure of results of a test for human immunodeficiency virus shall not be permitted except as provided in §§ 32.1-36.1 and 32.1-116.3.

C. The release of medical and mental health information and records to any other agency or individual shall be subject to all regulations promulgated by the Board of Corrections that govern confidentiality of such records. Medical and mental health information concerning a prisoner that has been exchanged pursuant to this section may be used only as provided herein and shall otherwise remain confidential and protected from disclosure.

D. Nothing contained in this section shall prohibit the release of records to the Department of Health Professions or health regulatory boards consistent with Subtitle III (§ 54.1-2400 et seq.) of Title 54.1.

E. Except for any information and records not subject to this section or not permitted to be disclosed pursuant to subsection B, any health care provider as defined in § 32.1-127.1:03 who has provided services within the last two years to a person committed to a local or regional correctional facility shall, upon request by the local or regional correctional facility, disclose to the local or regional correctional facility where the person is committed any information necessary to ensure the continuity of care of the person committed. Any health care provider who discloses medical and mental health information and records pursuant to this section shall be immune from civil liability resulting from such disclosure, including any liability under the federal Health Insurance Portability and Accountability Act (42 U.S.C. § 1320d et seq.), absent bad faith or malicious intent.

CHAPTER 837

An Act to amend and reenact § 53.1-133.03 of the Code of Virginia, relating to exchange of offender medical and mental health information and records.

[S 656]

Approved April 7, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 53.1-133.03 of the Code of Virginia is amended and reenacted as follows:

§ 53.1-133.03. Exchange of medical and mental health information and records.

A. Whenever a person is committed to a local or regional correctional facility, the following shall be entitled to obtain medical and mental health information and records concerning such person from a health care provider, even when such person does not provide consent or consent is not readily obtainable:

1. The person in charge of the facility, or his designee, when such information and records are necessary (i) for the provision of health care to the person committed, (ii) to protect the health and safety of the person committed or other residents or staff of the facility, or (iii) to maintain the security and safety of the facility. Such information and records of any person committed to jail and transferred to another correctional facility may be exchanged among administrative personnel of the correctional facilities involved and of the administrative personnel within the holding facility when there is reasonable cause to believe that such information is necessary to maintain the security and safety of the holding facility, its employees, or prisoners. The information exchanged shall continue to be confidential and disclosure shall be limited to that necessary to ensure the security and safety of the facility.

2. Members of the Parole Board or its designees, as specified in § 53.1-138, in order to conduct the investigation required under § 53.1-155.

3. Probation and parole officers and local probation officers for use in parole and probation planning, release, and supervision.

4. Officials of the facilities involved and officials within the holding facility for the purpose of formulating recommendations for treatment and rehabilitative programs; classification, security and work assignments; and determining the necessity for medical, dental and mental health care, treatment and other such programs.

5. Medical and mental health hospitals and facilities, both public and private, including community services boards and health departments, for use in treatment while committed to jail or a correctional facility while under supervision of a probation or parole officer.

B. Substance abuse records subject to federal regulations, Confidentiality of Alcohol and Drug Abuse Patient Records, 42 C.F.R. § 2.11 et seq., shall not be subject to the provisions of this section. The disclosure of results of a test for human immunodeficiency virus shall not be permitted except as provided in §§ 32.1-36.1 and 32.1-116.3.

C. The release of medical and mental health information and records to any other agency or individual shall be subject to all regulations promulgated by the Board of Corrections that govern confidentiality of such records. Medical and mental health information concerning a prisoner that has been exchanged pursuant to this section may be used only as provided herein and shall otherwise remain confidential and protected from disclosure.

D. Nothing contained in this section shall prohibit the release of records to the Department of Health Professions or health regulatory boards consistent with Subtitle III (§ 54.1-2400 et seq.) of Title 54.1.

E. Except for any information and records not subject to this section or not permitted to be disclosed pursuant to subsection B, any health care provider as defined in § 32.1-127.1:03 who has provided services within the last two years to a person committed to a local or regional correctional facility shall, upon request by the local or regional correctional facility, disclose to the local or regional correctional facility where the person is committed any information necessary to ensure the continuity of care of the person committed. Any health care provider who discloses medical and mental health information and records pursuant to this section shall be immune from civil liability resulting from such disclosure, including any liability under the federal Health Insurance Portability and Accountability Act (42 U.S.C. § 1320d et seq.), absent bad faith or malicious intent.

CHAPTER 838

An Act to amend the Code of Virginia by adding a section numbered 24.2-119.1 and to repeal § 24.2-118.1 of the Code of Virginia, relating to employment discrimination against electoral board members and assistant general registrars; prohibition on discrimination in employment; penalty.

[H 196]

Approved April 7, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 24.2-119.1 as follows:

§ 24.2-119.1. Prohibition on discrimination in employment; penalty.

Any person who serves as a member of a local electoral board, an assistant general registrar, or an officer of election shall neither be discharged from employment nor have any adverse personnel action taken against him, nor shall he be required to use sick leave or vacation time, as a result of his absence from employment due to his service at a polling place on election day or at a meeting of the electoral board following the election to ascertain the results of such election pursuant to § 24.2-671, provided that he gave reasonable notice to his employer of such service. No such person who serves for four or more hours, including travel time, on his day of service shall be required to start any work shift that begins on or after 5:00 p.m. on the day of his service or begins before 3:00 a.m. on the day following the day of his service. Any employer violating the provisions of this section shall be guilty of a Class 3 misdemeanor.

2. That § 24.2-118.1 of the Code of Virginia is repealed.

CHAPTER 839

An Act to amend and reenact §§ 32.1-45.4 and 54.1-3466 of the Code of Virginia, and to repeal the third enactment of Chapter 183 of the Acts of Assembly of 2017, relating to comprehensive harm reduction programs.

[H 791]

Approved April 7, 2020

Be it enacted by the General Assembly of Virginia:**1. That §§ 32.1-45.4 and 54.1-3466 of the Code of Virginia are amended and reenacted as follows:****§ 32.1-45.4. (Expires July 1, 2020) Comprehensive harm reduction programs.**

A. The Commissioner or his designee may authorize the director of a local department of health, or any other organization that promotes scientifically proven methods of mitigating health risks associated with drug use and other high-risk behaviors, ~~may~~ to establish and operate local or regional comprehensive harm reduction programs ~~during a declared public health emergency~~ that include the provision of sterile hypodermic needles and syringes and disposal of used hypodermic needles and syringes. The objectives of such programs shall be to (i) reduce the spread of HIV, viral hepatitis, and other blood-borne diseases in ~~Virginia~~ *the Commonwealth*; (ii) reduce the transmission of blood-borne diseases through needlestick injuries to law-enforcement and other emergency personnel; ~~and~~ (iii) provide information to individuals who inject drugs regarding addiction recovery treatment services *and encourage such individuals to participate in evidence-based substance use treatment programs*; (iv) prevent opioid overdose deaths through distribution of naloxone or other opioid antagonists; and (v) incentivize the safe return and disposal of hypodermic needles and syringes. ~~Such programs shall be located in communities where data indicate, in accordance with criteria established pursuant to subsection B, a risk of transmission of, or increases in the transmission of, HIV, viral hepatitis, or other blood-borne disease as a result of injection drug use. Such Comprehensive harm reduction programs established by the Commissioner pursuant to this section shall be operated by local health departments or affiliated organizations with which the Department contracts.~~

B. The Department shall establish criteria to determine the level of risk and the level of readiness for comprehensive harm reduction of a community. Such criteria shall address the extent to which unsafe injection of drugs is occurring, socioeconomic factors, and readiness for comprehensive harm reduction and shall utilize data that address, at a minimum, (i) HIV and hepatitis disease morbidity, (ii) drug overdose deaths, (iii) poverty level, (iv) unemployment rate, (v) prescription opioid volume, (vi) potential to provide medication-assisted treatment, (vii) prevalence of treatment for drug overdose, (viii) emergency medical services utilization for drug overdose, (ix) administration of naloxone, (x) substance-use disorder admissions to behavioral health facilities, (xi) arrests for drug possession or sales or other drug related crime, (xii) the support of the local governing body, (xiii) the support of law enforcement, (xiv) the existence of a local entity with programmatic administrative capacity, and (xv) access to health care and behavioral health care services.

~~C. Comprehensive~~ *A comprehensive harm reduction programs program* established pursuant to this section shall be administered pursuant to standards and protocols established by the Commissioner after the declaration of a public health emergency and approved by the Secretary of Health and Human Resources and the Secretary of Public Safety and Homeland Security. ~~Such standards and protocols shall address~~ *include* (i) the disposal of used hypodermic needles and syringes; (ii) the provision of hypodermic needles and syringes and other injection supplies at no cost and in quantities sufficient to ensure that needles, hypodermic syringes, and other injection supplies are not shared or reused; (iii) reasonable and adequate security of program sites, equipment, and personnel; (iv) the provision of educational materials concerning (a) substance use disorder prevention, (b) overdose prevention, (c) the prevention of transmission of HIV, viral hepatitis, and other blood-borne diseases, (d) available mental health treatment options, including referrals for mental health treatment, and (e) available substance use disorder treatment options, which shall include options for medication assisted treatment of substance use disorder, including referrals for treatment; (v) access to overdose prevention kits that contain naloxone or other opioid antagonist approved by the U.S. Food and Drug Administration for opioid overdose reversal; (vi) individual harm reduction counseling, including individual consultations regarding appropriate mental health or substance use disorder treatment; and (vii) verification that a hypodermic needle or syringe or other injection supplies were obtained from a comprehensive harm reduction program established pursuant to this section.

C. The director of a local health department or representative of any other organization authorized to establish a comprehensive harm reduction program pursuant to this section shall notify the Department, in a manner and form specified by the Department, of his intent to establish a comprehensive harm reduction program. Such notice shall include (i) the name of the local health department or organization that will operate the comprehensive harm reduction program, (ii) a description of the geographic area and population to be served by the comprehensive harm reduction program, and (iii) a description of the methods by which the comprehensive harm reduction program will comply with the requirements of subsection B, including a written security plan that provides for the reasonable and adequate security of the comprehensive harm reduction program site, equipment, and personnel.

D. The Commissioner may authorize persons who are not otherwise authorized by law to dispense or distribute ~~Written security plans required pursuant to clause (iii) of subsection C shall be filed annually with each local law-enforcement agency serving the jurisdiction in which the comprehensive harm reduction program is located for their consideration.~~

E. The provisions of §§ 18.2-250, 18.2-265.3, and 54.1-3466 shall not apply to a person who dispenses or distributes hypodermic needles and syringes ~~to dispense or distribute hypodermic needles and syringes~~ as part of a comprehensive

harm reduction program during a declared public health emergency and in accordance with standards and protocols established pursuant to subsection ~~C~~ of this section.

F. The provisions of §§ 18.2-250, 18.2-265.3, and 54.1-3466 relating to possession of a controlled substance, drug paraphernalia, and controlled paraphernalia shall not apply to ~~such authorized persons who are acting in accordance with the standards and protocols of any person acting on behalf or for the benefit of~~ a comprehensive harm reduction program ~~for the duration of the declared public health emergency~~ when such possession is incidental to the provision of services as part of a comprehensive harm reduction program established pursuant to this section.

G. The provisions of §§ 18.2-250, 18.2-265.3, and 54.1-3466 relating to possession of a controlled substance, drug paraphernalia, and controlled paraphernalia shall not apply to any person receiving services from a comprehensive harm reduction program established pursuant to this section, when (i) such controlled substance is a residual amount contained in a used needle, used hypodermic syringe, or used injection supplies obtained from or returned to a comprehensive harm reduction program established pursuant to this section, or (ii) such paraphernalia is obtained from a comprehensive harm reduction program established pursuant to this section, as evidenced by the verification required pursuant to clause (vii) of subsection B.

H. Every local health department or other organization operating a comprehensive harm reduction program pursuant to this section shall report annually by July 1 to the Department regarding, for the previous calendar year, (i) the number of individuals served by the comprehensive harm reduction program; (ii) the number of needles, hypodermic syringes, and other injection supplies distributed by the comprehensive harm reduction program; (iii) the number of overdose prevention kits described in clause (v) of subsection B distributed by the comprehensive harm reduction program; and (iv) the number and type of referrals to mental health or substance use disorder treatment services provided to individuals served by the comprehensive harm reduction program, including the number of individuals referred to programs that provide naloxone or other opioid antagonists approved by the U.S. Food and Drug Administration for opioid overdose reversal.

I. Except in the case of a comprehensive harm reduction program established by the Commissioner, no state funds shall be used to purchase needles or hypodermic syringes distributed by a comprehensive harm reduction program established pursuant to this section.

§ 54.1-3466. Possession or distribution of controlled paraphernalia; definition of controlled paraphernalia; evidence; exceptions.

A. For purposes of this chapter, "controlled paraphernalia" means (i) a hypodermic syringe, needle, or other instrument or implement or combination thereof adapted for the administration of controlled dangerous substances by hypodermic injections under circumstances that reasonably indicate an intention to use such controlled paraphernalia for purposes of illegally administering any controlled drug or (ii) gelatin capsules, glassine envelopes, or any other container suitable for the packaging of individual quantities of controlled drugs in sufficient quantity to and under circumstances that reasonably indicate an intention to use any such item for the illegal manufacture, distribution, or dispensing of any such controlled drug. Evidence of such circumstances shall include, but not be limited to, close proximity of any such controlled paraphernalia to any adulterants or equipment commonly used in the illegal manufacture and distribution of controlled drugs including, but not limited to, scales, sieves, strainers, measuring spoons, staples and staplers, or procaine hydrochloride, mannitol, lactose, quinine, or any controlled drug, or any machine, equipment, instrument, implement, device, or combination thereof that is adapted for the production of controlled drugs under circumstances that reasonably indicate an intention to use such item or combination thereof to produce, sell, or dispense any controlled drug in violation of the provisions of this chapter. "Controlled paraphernalia" does not include narcotic testing products used to determine whether a controlled substance contains fentanyl or a fentanyl analog.

B. Except as authorized in this chapter, it is unlawful for any person to possess controlled paraphernalia.

C. Except as authorized in this chapter, it is unlawful for any person to distribute controlled paraphernalia.

D. A violation of this section is a Class 1 misdemeanor.

E. The provisions of this section shall not apply to persons who have acquired possession and control of controlled paraphernalia in accordance with the provisions of this article or to any person who owns or is engaged in breeding or raising livestock, poultry, or other animals to which hypodermic injections are customarily given in the interest of health, safety, or good husbandry; or to hospitals, physicians, pharmacists, dentists, podiatrists, veterinarians, funeral directors and embalmers, persons to whom a permit has been issued, manufacturers, wholesalers, or their authorized agents or employees when in the usual course of their business, if the controlled paraphernalia lawfully obtained continue to be used for the legitimate purposes for which they were obtained.

F. The provisions of this section and of § 18.2-265.3 shall not apply to (i) a person who dispenses naloxone in accordance with the provisions of subsection Y of § 54.1-3408 and who, in conjunction with such dispensing of naloxone, dispenses or distributes hypodermic needles and syringes for injecting such naloxone or (ii) a person who possesses naloxone that has been dispensed in accordance with the provisions of subsection Y of § 54.1-3408 and possesses hypodermic needles and syringes for injecting such naloxone in conjunction with such possession of naloxone.

G. The provisions of this section and of § 18.2-265.3 shall not apply to (i) a person who possesses or distributes controlled paraphernalia on behalf of or for the benefit of a comprehensive harm reduction program established pursuant to § 32.1-45.4 or (ii) a person who possesses controlled paraphernalia obtained from a comprehensive harm reduction program established pursuant to § 32.1-45.4.

2. That the third enactment of Chapter 183 of the Acts of Assembly of 2017 is repealed.

CHAPTER 840

An Act to amend and reenact § 38.2-3407.10:1 of the Code of Virginia, relating to health insurance; reimbursement for services rendered during pendency of credentialing application.

[H 822]

Approved April 7, 2020

Be it enacted by the General Assembly of Virginia:**1. That § 38.2-3407.10:1 of the Code of Virginia is amended and reenacted as follows:****§ 38.2-3407.10:1. Reimbursement for services rendered during pendency of a participating provider's credentialing application.**

A. As used in this section:

"Carrier" means an entity subject to the insurance laws and regulations of the Commonwealth and subject to the jurisdiction of the Commission that contracts or offers to contract to provide, deliver, arrange for, pay for, or reimburse any of the costs of health care services or mental health services, including an insurer licensed to sell accident and sickness insurance, a health maintenance organization, a health services plan, or any other entity providing a plan of health insurance, health benefits, health care services, or mental health services.

"Covered person" means a policyholder, subscriber, enrollee, participant, or other individual covered by a health benefit plan.

"Health benefit plan" means a policy, contract, certificate, or agreement offered by a carrier to provide, deliver, arrange for, pay for, or reimburse any of the costs of health care services.

"Mental health professional" has the meaning ascribed thereto in § 54.1-2400.1.

"Mental health services" means benefits with respect to items or services provided by mental health professionals for mental health conditions as defined under the terms of a health benefit plan.

"Network" means a group of participating ~~physicians or mental health professionals~~ *providers* who provide health care services under the carrier's health benefit plan that requires or creates incentives for a covered person to use the participating ~~physicians or mental health professionals~~ *providers*.

"New provider applicant" means a physician ~~or~~, mental health professional, *or other provider* who has submitted a completed credentialing application to a carrier.

"*Other provider*" means a person, corporation, facility, or institution licensed by the Commonwealth under Title 32.1 or 54.1 to provide health care or professional health-related services on a fee basis.

"Participating mental health professional" means a mental health professional who is managed, under contract with, or employed by a carrier and who has agreed to provide health care services to covered persons with an expectation of receiving payments, other than coinsurance, copayments, or deductibles, directly or indirectly from the carrier.

"*Participating other provider*" means an *other provider* who is managed, under contract with, or employed by a carrier and who has agreed to provide such health care or professional services to covered persons with an expectation of receiving payments, other than coinsurance, copayments, or deductibles, directly or indirectly from the carrier.

"Participating physician" means a physician who is managed, under contract with, or employed by a carrier and who has agreed to provide health care services or mental health services to covered persons with an expectation of receiving payments, other than coinsurance, copayments, or deductibles, directly or indirectly from the carrier.

"*Participating provider*" means a *participating physician*, *participating mental health professional*, or *participating other provider*.

"Physician" means a doctor of medicine or osteopathic medicine holding an active license from the Board of Medicine.

B. A carrier that credentials the physicians ~~or~~, mental health professionals, *or other providers* in its network shall establish reasonable protocols and procedures for reimbursing new provider applicants, ~~after~~ *within 30 days* of being credentialed by the carrier, for health care services or mental health services provided to covered persons during the period in which the applicant's completed credentialing application is pending. At a minimum, the protocols and procedures shall:

1. Apply only if the new provider applicant's credentialing application is approved by the carrier;

2. Permit reimbursement to a new provider applicant for services rendered from the date the new provider applicant's completed credentialing application is received for consideration by the carrier;

3. Apply only if a contractual relationship exists between the carrier and the new provider applicant or entity for whom the new provider applicant is employed or engaged; and

4. Require that any reimbursement be paid at the in-network rate that the new provider applicant would have received had he been, at the time the covered health care services were provided, a credentialed participating ~~physician or mental health professional~~ *provider* in the network for the applicable health benefit plan.

C. Nothing in this section shall require reimbursement of the new provider applicant-rendered services that are not benefits or services covered by the carrier's health benefit plan.

D. Nothing in this section requires a carrier to pay reimbursement at the contracted in-network rate for any covered ~~medical~~ *health care services or mental health services* provided by the new provider applicant if the new provider applicant's credentialing application is not approved or the carrier is otherwise not willing to contract with the new provider applicant.

E. Payments made or retroactive denials of payments made under this section shall be governed by § 38.2-3407.15.

F. If a payment is made by the carrier to a new provider applicant or any entity that employs or engages such new provider applicant under this section for a covered service, the patient shall only be responsible for any coinsurance, copayments, or deductibles permitted under the insurance contract with the carrier or participating provider agreement with the physician ~~or~~, mental health professional, *or other provider*. If the new provider applicant is not credentialed by the carrier, the new provider applicant or any entity that employs or engages such physician ~~or~~, mental health professional, *or other provider* shall not collect any amount from the patient for health care services or mental health services provided from the date the completed credentialing application was submitted to the carrier until the applicant received notification from the carrier that credentialing was denied.

G. New provider applicants, in order to submit claims to the carrier pursuant to this section, shall provide written or electronic notice to covered persons in advance of treatment that they have submitted a credentialing application to the carrier of the covered person, stating that the carrier is in the process of obtaining and verifying the following pursuant to credentialing regulations:

"Notice of Provider credentialing and re-credentialing.

Your health insurance carrier is required to establish and maintain a comprehensive credentialing verification program to ensure that its physicians ~~and~~, mental health professionals, *and other providers* meet the minimum standards of professional licensure or certification. Written supporting documentation for (i) physicians ~~or~~, (ii) mental health professionals who have completed their residency or fellowship requirements for their specialty area more than 12 months prior to the credentialing decision, *or (iii) other providers* shall include:

1. Current valid license and history of licensure or certification;
2. Status of hospital privileges, if applicable;
3. Valid U.S. Drug Enforcement Administration certificate, if applicable;
4. Information from the National Practitioner Data Bank, as available;
5. Education and training, including postgraduate training, if applicable;
6. Specialty board certification status, if applicable;
7. Practice or work history covering at least the past five years; and
8. Current, adequate malpractice insurance and malpractice history covering at least the past five years.

Your health insurance carrier is in the process of obtaining and verifying the above information in order to determine if your physician ~~or~~, mental health professional, *or other provider* will be credentialed or not."

H. The provisions of this section shall not apply to coverages issued by a Medicare Advantage plan, but shall apply to health maintenance organizations that issue coverage pursuant to Title XIX of the Social Security Act, 42 U.S.C. § 1396 et seq. (Medicaid).

I. The Commission shall have no jurisdiction to adjudicate individual controversies arising out of this section.

CHAPTER 841

An Act to require the Department of Medical Assistance Services to convene a work group to provide recommendations related to amending the state plan for medical assistance services to include a provision for the payment of medical assistance for services provided by certified doulas.

[H 826]

Approved April 7, 2020

Be it enacted by the General Assembly of Virginia:

1. *§ 1. That the Department of Medical Assistance Services shall convene a work group to evaluate the potential costs and benefits, including potential reductions in maternal and infant mortality rates, of amending the state plan for medical assistance services to include a provision for the payment of medical assistance for antepartum, intrapartum, or postpartum services provided to a pregnant person or to a person who is up to one year postpartum for labor and delivery support by a certified doula and at least four visits during the antenatal period and at least seven visits during the postpartum period with a certified doula. Such work group shall also develop recommendations related to an appropriate reimbursement rate for such services provided by certified doulas. The work group shall report its findings and recommendations to the Governor and the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance and Appropriations by December 1, 2020.*

CHAPTER 842

An Act to amend and reenact § 38.2-3454.1 of the Code of Virginia, relating to renewal of health benefit plans; special exception.

[H 1141]

Approved April 7, 2020

Be it enacted by the General Assembly of Virginia:

1. **That § 38.2-3454.1 of the Code of Virginia is amended and reenacted as follows:**

§ 38.2-3454.1. Renewal of health benefit plans; special exception.

Notwithstanding any other provision of state law, a health carrier may ~~sell, issue, or offer for sale or~~ renew any health benefit plan that would otherwise ~~(i) not be permitted to be sold, issued, or offered for sale or (ii) be required to be canceled, discontinued, or terminated, because the health benefit plan does not meet the requirements of Title I of the federal Patient Protection and Affordable Care Act (H.R. 3590), as amended by the Health Care and Education Reconciliation Act of 2010 (P.L. 111-152) (the PPACA) or regulations promulgated thereunder, to the extent and under the terms that~~ ~~(a) the appropriate federal authority has suspended enforcement of provisions of Title I of the PPACA or regulations promulgated thereunder or~~ ~~(b) the requirements of the PPACA are amended by any federal law.~~ This section applies to health benefit plans sold or offered for sale in the individual and group markets.

CHAPTER 843

An Act to amend and reenact § 63.2-801 of the Code of Virginia, relating to food stamps; Restaurant Meals Program.

[H 1410]

Approved April 7, 2020

Be it enacted by the General Assembly of Virginia:**1. That § 63.2-801 of the Code of Virginia is amended and reenacted as follows:****§ 63.2-801. Food stamp program.**

The Board is authorized, in accordance with the federal Food Stamp Act, to implement a food stamp program in which each political subdivision in the Commonwealth shall participate. Such program shall *include participation in the Restaurant Meals Program and shall* be administered in conformity with the Board regulations.

2. That the Department of Social Services shall develop and implement a plan to begin participating in the Restaurant Meals Program (RMP) of the Supplemental Nutrition Assistance Program no later than January 1, 2021.**CHAPTER 844**

An Act to amend the Code of Virginia by adding a section numbered 38.2-3449.1, relating to health insurance; discrimination on the basis of gender identity or status as a transgender individual prohibited.

[H 1429]

Approved April 7, 2020

Be it enacted by the General Assembly of Virginia:**1. That the Code of Virginia is amended by adding a section numbered 38.2-3449.1 as follows:****§ 38.2-3449.1. Prohibited discrimination based on gender identity or status as a transgender individual.****A. As used in this section:**

"Gender identity" means an individual's internal sense of gender, which may be male, female, neither, or a combination of male and female and which may be different from an individual's sex assigned at birth.

"Medically necessary transition-related care" means any medical treatment prescribed by a licensed physician for treatment of gender dysphoria and includes (i) outpatient psychotherapy and mental health services for gender dysphoria and associated co-morbid psychiatric diagnoses; (ii) continuous hormone replacement therapy; (iii) outpatient laboratory testing to monitor continuous hormone therapy; and (iv) gender reassignment surgeries.

"Transgender individual" means an individual whose gender identity is different from the sex assigned to that individual at birth.

B. A health carrier offering a health benefit plan providing individual or group health insurance coverage shall:

1. Provide coverage under the health benefit plan without discrimination on the basis of gender identity or status as a transgender individual; and

2. Treat covered individuals consistent with their gender identity.

C. A health carrier offering a health benefit plan providing individual or group health insurance coverage shall not deny or limit coverage or impose additional cost sharing or other limitations or restrictions on coverage, under a health benefit plan for health care services that are ordinarily or exclusively available to covered individuals of one sex, to a transgender individual on the basis of the fact that the individual's sex assigned at birth, gender identity, or gender otherwise recorded is different from the one to which such health services are ordinarily or exclusively available.

D. An individual shall not be subjected to discrimination under a health benefit plan on the basis of gender identity or being a transgender individual, including by being denied coverage of medically necessary transition-related care.

E. Nothing in this section is intended to determine, or restrict a health carrier from determining, whether a particular health care service is medically necessary or otherwise meets applicable coverage requirements in any individual case.

F. A health carrier shall not require any individual, as a condition of enrollment or continued enrollment under a health benefit plan, to pay a premium or contribution that is greater than such premium or contribution for a similarly situated covered person enrolled in the plan on the basis of the covered person's gender identity or being a transgender individual.

G. Health carriers shall assess medical necessity according to nondiscriminatory criteria that are consistent with current medical standards.

CHAPTER 845

An Act to amend the Code of Virginia by adding in Chapter 6 of Title 32.1 an article numbered 2.2, consisting of sections numbered 32.1-176.8 and 32.1-176.8:1, relating to coal ash ponds; well monitoring program.

[H 1642]

Approved April 7, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 6 of Title 32.1 an article numbered 2.2, consisting of sections numbered 32.1-176.8 and 32.1-176.8:1, as follows:

Article 2.2.

Wells Near Certain Coal Ash Ponds.

§ 32.1-176.8. Definitions.

For the purposes of this article:

"Coal ash pond" means any natural topographic depression, man-made excavation, or diked area that (i) is designed to hold an accumulation of coal combustion residuals and liquids; (ii) treats, stores, or disposes of coal combustion residuals; and (iii) is located in the Chesapeake Bay Watershed at the Bremo Power Station in Fluvanna County, Chesapeake Energy Center in the City of Chesapeake, Chesterfield Power Station in Chesterfield County, or Possum Point Power Station in Prince William County.

"DEQ" means the Department of Environmental Quality.

"Utility" means the owner or operator of a coal ash pond.

§ 32.1-176.8:1. Private well and public water supply well testing near coal ash ponds; monitoring.

A. For each private well or public water supply well within 1.5 miles of any coal ash pond, the utility shall commission a well water test on or before July 1, 2021, on behalf of the owner of the well. The test shall be conducted by a company certified to perform such tests by the Virginia Environmental Laboratory Accreditation Program. The utility shall recommend a certified laboratory to perform the test, but the owner of the well may elect to have an independent certified laboratory perform the test. Such test shall, at a minimum, test for alkalinity (bicarbonate), alkalinity (carbonate), alkalinity (total), aluminum, antimony, arsenic, barium, beryllium, boron, cadmium, calcium, chloride, chromium (hexavalent), chromium (total), cobalt, copper, iron, lead, lithium, magnesium, manganese, mercury, molybdenum, nickel, potassium, radium (total alpha), radium-228, radium (radium-226 and radium-228 combined), selenium, sodium, strontium, sulfate, thallium, thorium, vanadium, zinc, and total dissolved solids. The utility shall pay the reasonable costs of such testing.

B. The utility shall commission a test as required by subsection A for each private well or public water supply well (i) once per year during each of the five years following the approval by DEQ of the closure of a coal ash pond and (ii) once every five years thereafter.

C. If any sampling, test, or water quality analysis conducted pursuant to the provisions of this section indicates that water from a private well or public water supply well exceeds any U.S. Environmental Protection Agency Maximum Contaminant Level for drinking water, the utility shall (i) within seven days of the receipt of test results, either replace the contaminated well with an alternate supply of potable drinking water or provide a treatment system for the contaminated well in order to render the water supply potable and (ii) within 90 days of the receipt of test results, either provide an alternate supply of water that is safe for other household uses or provide a treatment system for the contaminated well in order to render the water supply safe for other household uses. All costs associated with such provision of alternate supplies of water or treatment shall be borne by the utility. In lieu of providing an alternate supply of water or a treatment system pursuant to clause (i) or (ii) and to the extent service is available, the utility may elect to pay the costs of connecting the property owner to a water utility operated by a city or county.

D. The Department of Health and DEQ shall receive the results of the tests conducted pursuant to the provisions of this section.

E. Nothing in this section shall be construed to preclude or impair the right of any property owner to refuse the sampling or testing of any private well or public water supply well on his property. The requirements of this section are in addition to other applicable laws or regulations, and nothing in this section, including the requirement to commission testing or to treat or replace contaminated drinking water, shall preempt or preclude any additional legal action or remedy authorized by law.

CHAPTER 846

An Act to amend and reenact § 32.1-127 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 18.2-251.1:2, by adding in Article 7 of Chapter 5 of Title 32.1 a section numbered 32.1-162.6:1, and by

adding a section numbered 63.2-1803.01, relating to nursing homes, hospice, hospice facilities, assisted living facilities; possession and administration of cannabidiol or THC-A oil.

[S 185]

Approved April 7, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 32.1-127 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 18.2-251.1:2, by adding in Article 7 of Chapter 5 of Title 32.1 a section numbered 32.1-162.6:1, and by adding a section numbered 63.2-1803.01 as follows:

§ 18.2-251.1:2. Possession or distribution of cannabidiol oil or THC-A oil; nursing homes and certified nursing facilities; hospice and hospice facilities; assisted living facilities.

No person employed by a nursing home, hospice, hospice facility, or assisted living facility and authorized to possess, distribute, or administer medications to patients or residents shall be prosecuted under § 18.2-248, 18.2-248.1, 18.2-250, or 18.2-250.1 for the possession or distribution of cannabidiol oil or THC-A oil for the purposes of storing, dispensing, or administering cannabidiol oil or THC-A oil to a patient or resident who has been issued a valid written certification for the use of cannabidiol oil or THC-A oil in accordance with subsection B of § 54.1-3408.3 and has registered with the Board of Pharmacy.

§ 32.1-127. Regulations.

A. The regulations promulgated by the Board to carry out the provisions of this article shall be in substantial conformity to the standards of health, hygiene, sanitation, construction and safety as established and recognized by medical and health care professionals and by specialists in matters of public health and safety, including health and safety standards established under provisions of Title XVIII and Title XIX of the Social Security Act, and to the provisions of Article 2 (§ 32.1-138 et seq.).

B. Such regulations:

1. Shall include minimum standards for (i) the construction and maintenance of hospitals, nursing homes and certified nursing facilities to ensure the environmental protection and the life safety of its patients, employees, and the public; (ii) the operation, staffing and equipping of hospitals, nursing homes and certified nursing facilities; (iii) qualifications and training of staff of hospitals, nursing homes and certified nursing facilities, except those professionals licensed or certified by the Department of Health Professions; (iv) conditions under which a hospital or nursing home may provide medical and nursing services to patients in their places of residence; and (v) policies related to infection prevention, disaster preparedness, and facility security of hospitals, nursing homes, and certified nursing facilities. For purposes of this paragraph, facilities in which five or more first trimester abortions per month are performed shall be classified as a category of "hospital";

2. Shall provide that at least one physician who is licensed to practice medicine in this Commonwealth shall be on call at all times, though not necessarily physically present on the premises, at each hospital which operates or holds itself out as operating an emergency service;

3. May classify hospitals and nursing homes by type of specialty or service and may provide for licensing hospitals and nursing homes by bed capacity and by type of specialty or service;

4. Shall also require that each hospital establish a protocol for organ donation, in compliance with federal law and the regulations of the Centers for Medicare and Medicaid Services (CMS), particularly 42 C.F.R. § 482.45. Each hospital shall have an agreement with an organ procurement organization designated in CMS regulations for routine contact, whereby the provider's designated organ procurement organization certified by CMS (i) is notified in a timely manner of all deaths or imminent deaths of patients in the hospital and (ii) is authorized to determine the suitability of the decedent or patient for organ donation and, in the absence of a similar arrangement with any eye bank or tissue bank in Virginia certified by the Eye Bank Association of America or the American Association of Tissue Banks, the suitability for tissue and eye donation. The hospital shall also have an agreement with at least one tissue bank and at least one eye bank to cooperate in the retrieval, processing, preservation, storage, and distribution of tissues and eyes to ensure that all usable tissues and eyes are obtained from potential donors and to avoid interference with organ procurement. The protocol shall ensure that the hospital collaborates with the designated organ procurement organization to inform the family of each potential donor of the option to donate organs, tissues, or eyes or to decline to donate. The individual making contact with the family shall have completed a course in the methodology for approaching potential donor families and requesting organ or tissue donation that (a) is offered or approved by the organ procurement organization and designed in conjunction with the tissue and eye bank community and (b) encourages discretion and sensitivity according to the specific circumstances, views, and beliefs of the relevant family. In addition, the hospital shall work cooperatively with the designated organ procurement organization in educating the staff responsible for contacting the organ procurement organization's personnel on donation issues, the proper review of death records to improve identification of potential donors, and the proper procedures for maintaining potential donors while necessary testing and placement of potential donated organs, tissues, and eyes takes place. This process shall be followed, without exception, unless the family of the relevant decedent or patient has expressed opposition to organ donation, the chief administrative officer of the hospital or his designee knows of such opposition, and no donor card or other relevant document, such as an advance directive, can be found;

5. Shall require that each hospital that provides obstetrical services establish a protocol for admission or transfer of any pregnant woman who presents herself while in labor;

6. Shall also require that each licensed hospital develop and implement a protocol requiring written discharge plans for identified, substance-abusing, postpartum women and their infants. The protocol shall require that the discharge plan be discussed with the patient and that appropriate referrals for the mother and the infant be made and documented. Appropriate referrals may include, but need not be limited to, treatment services, comprehensive early intervention services for infants and toddlers with disabilities and their families pursuant to Part H of the Individuals with Disabilities Education Act, 20 U.S.C. § 1471 et seq., and family-oriented prevention services. The discharge planning process shall involve, to the extent possible, the father of the infant and any members of the patient's extended family who may participate in the follow-up care for the mother and the infant. Immediately upon identification, pursuant to § 54.1-2403.1, of any substance-abusing, postpartum woman, the hospital shall notify, subject to federal law restrictions, the community services board of the jurisdiction in which the woman resides to appoint a discharge plan manager. The community services board shall implement and manage the discharge plan;

7. Shall require that each nursing home and certified nursing facility fully disclose to the applicant for admission the home's or facility's admissions policies, including any preferences given;

8. Shall require that each licensed hospital establish a protocol relating to the rights and responsibilities of patients which shall include a process reasonably designed to inform patients of such rights and responsibilities. Such rights and responsibilities of patients, a copy of which shall be given to patients on admission, shall be consistent with applicable federal law and regulations of the Centers for Medicare and Medicaid Services;

9. Shall establish standards and maintain a process for designation of levels or categories of care in neonatal services according to an applicable national or state-developed evaluation system. Such standards may be differentiated for various levels or categories of care and may include, but need not be limited to, requirements for staffing credentials, staff/patient ratios, equipment, and medical protocols;

10. Shall require that each nursing home and certified nursing facility train all employees who are mandated to report adult abuse, neglect, or exploitation pursuant to § 63.2-1606 on such reporting procedures and the consequences for failing to make a required report;

11. Shall permit hospital personnel, as designated in medical staff bylaws, rules and regulations, or hospital policies and procedures, to accept emergency telephone and other verbal orders for medication or treatment for hospital patients from physicians, and other persons lawfully authorized by state statute to give patient orders, subject to a requirement that such verbal order be signed, within a reasonable period of time not to exceed 72 hours as specified in the hospital's medical staff bylaws, rules and regulations or hospital policies and procedures, by the person giving the order, or, when such person is not available within the period of time specified, co-signed by another physician or other person authorized to give the order;

12. Shall require, unless the vaccination is medically contraindicated or the resident declines the offer of the vaccination, that each certified nursing facility and nursing home provide or arrange for the administration to its residents of (i) an annual vaccination against influenza and (ii) a pneumococcal vaccination, in accordance with the most recent recommendations of the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention;

13. Shall require that each nursing home and certified nursing facility register with the Department of State Police to receive notice of the registration or reregistration of any sex offender within the same or a contiguous zip code area in which the home or facility is located, pursuant to § 9.1-914;

14. Shall require that each nursing home and certified nursing facility ascertain, prior to admission, whether a potential patient is a registered sex offender, if the home or facility anticipates the potential patient will have a length of stay greater than three days or in fact stays longer than three days;

15. Shall require that each licensed hospital include in its visitation policy a provision allowing each adult patient to receive visits from any individual from whom the patient desires to receive visits, subject to other restrictions contained in the visitation policy including, but not limited to, those related to the patient's medical condition and the number of visitors permitted in the patient's room simultaneously;

16. Shall require that each nursing home and certified nursing facility shall, upon the request of the facility's family council, send notices and information about the family council mutually developed by the family council and the administration of the nursing home or certified nursing facility, and provided to the facility for such purpose, to the listed responsible party or a contact person of the resident's choice up to six times per year. Such notices may be included together with a monthly billing statement or other regular communication. Notices and information shall also be posted in a designated location within the nursing home or certified nursing facility. No family member of a resident or other resident representative shall be restricted from participating in meetings in the facility with the families or resident representatives of other residents in the facility;

17. Shall require that each nursing home and certified nursing facility maintain liability insurance coverage in a minimum amount of \$1 million, and professional liability coverage in an amount at least equal to the recovery limit set forth in § 8.01-581.15, to compensate patients or individuals for injuries and losses resulting from the negligent or criminal acts of the facility. Failure to maintain such minimum insurance shall result in revocation of the facility's license;

18. Shall require each hospital that provides obstetrical services to establish policies to follow when a stillbirth, as defined in § 32.1-69.1, occurs that meet the guidelines pertaining to counseling patients and their families and other aspects of managing stillbirths as may be specified by the Board in its regulations;

19. Shall require each nursing home to provide a full refund of any unexpended patient funds on deposit with the facility following the discharge or death of a patient, other than entrance-related fees paid to a continuing care provider as defined in § 38.2-4900, within 30 days of a written request for such funds by the discharged patient or, in the case of the death of a patient, the person administering the person's estate in accordance with the Virginia Small Estates Act (§ 64.2-600 et seq.);

20. Shall require that each hospital that provides inpatient psychiatric services establish a protocol that requires, for any refusal to admit (i) a medically stable patient referred to its psychiatric unit, direct verbal communication between the on-call physician in the psychiatric unit and the referring physician, if requested by such referring physician, and prohibits on-call physicians or other hospital staff from refusing a request for such direct verbal communication by a referring physician and (ii) a patient for whom there is a question regarding the medical stability or medical appropriateness of admission for inpatient psychiatric services due to a situation involving results of a toxicology screening, the on-call physician in the psychiatric unit to which the patient is sought to be transferred to participate in direct verbal communication, either in person or via telephone, with a clinical toxicologist or other person who is a Certified Specialist in Poison Information employed by a poison control center that is accredited by the American Association of Poison Control Centers to review the results of the toxicology screen and determine whether a medical reason for refusing admission to the psychiatric unit related to the results of the toxicology screen exists, if requested by the referring physician;

21. Shall require that each hospital that is equipped to provide life-sustaining treatment shall develop a policy governing determination of the medical and ethical appropriateness of proposed medical care, which shall include (i) a process for obtaining a second opinion regarding the medical and ethical appropriateness of proposed medical care in cases in which a physician has determined proposed care to be medically or ethically inappropriate; (ii) provisions for review of the determination that proposed medical care is medically or ethically inappropriate by an interdisciplinary medical review committee and a determination by the interdisciplinary medical review committee regarding the medical and ethical appropriateness of the proposed health care; and (iii) requirements for a written explanation of the decision reached by the interdisciplinary medical review committee, which shall be included in the patient's medical record. Such policy shall ensure that the patient, his agent, or the person authorized to make medical decisions pursuant to § 54.1-2986 (a) are informed of the patient's right to obtain his medical record and to obtain an independent medical opinion and (b) afforded reasonable opportunity to participate in the medical review committee meeting. Nothing in such policy shall prevent the patient, his agent, or the person authorized to make medical decisions pursuant to § 54.1-2986 from obtaining legal counsel to represent the patient or from seeking other remedies available at law, including seeking court review, provided that the patient, his agent, or the person authorized to make medical decisions pursuant to § 54.1-2986, or legal counsel provides written notice to the chief executive officer of the hospital within 14 days of the date on which the physician's determination that proposed medical treatment is medically or ethically inappropriate is documented in the patient's medical record;

22. Shall require every hospital with an emergency department to establish protocols to ensure that security personnel of the emergency department, if any, receive training appropriate to the populations served by the emergency department, which may include training based on a trauma-informed approach in identifying and safely addressing situations involving patients or other persons who pose a risk of harm to themselves or others due to mental illness or substance abuse or who are experiencing a mental health crisis;

23. Shall require that each hospital establish a protocol requiring that, before a health care provider arranges for air medical transportation services for a patient who does not have an emergency medical condition as defined in 42 U.S.C. § 1395dd(e)(1), the hospital shall provide the patient or his authorized representative with written or electronic notice that the patient (i) may have a choice of transportation by an air medical transportation provider or medically appropriate ground transportation by an emergency medical services provider and (ii) will be responsible for charges incurred for such transportation in the event that the provider is not a contracted network provider of the patient's health insurance carrier or such charges are not otherwise covered in full or in part by the patient's health insurance plan; ~~and~~

24. Shall establish an exemption, for a period of no more than 30 days, from the requirement to obtain a license to add temporary beds in an existing hospital or nursing home when the Commissioner has determined that a natural or man-made disaster has caused the evacuation of a hospital or nursing home and that a public health emergency exists due to a shortage of hospital or nursing home beds; *and*

25. *Shall permit nursing home staff members who are authorized to possess, distribute, or administer medications to residents to store, dispense, or administer cannabidiol oil or THC-A oil to a resident who has been issued a valid written certification for the use of cannabidiol oil or THC-A oil in accordance with subsection B of § 54.1-3408.3 and has registered with the Board of Pharmacy.*

C. Upon obtaining the appropriate license, if applicable, licensed hospitals, nursing homes, and certified nursing facilities may operate adult day care centers.

D. All facilities licensed by the Board pursuant to this article which provide treatment or care for hemophiliacs and, in the course of such treatment, stock clotting factors, shall maintain records of all lot numbers or other unique identifiers for such clotting factors in order that, in the event the lot is found to be contaminated with an infectious agent, those hemophiliacs who have received units of this contaminated clotting factor may be apprised of this contamination. Facilities which have identified a lot which is known to be contaminated shall notify the recipient's attending physician and request that he notify the recipient of the contamination. If the physician is unavailable, the facility shall notify by mail, return

receipt requested, each recipient who received treatment from a known contaminated lot at the individual's last known address.

§ 32.1-162.6:1. Possession or administration of cannabidiol oil or THC-A oil.

Hospice and hospice facility employees who are authorized to possess, distribute, or administer medications to patients shall be permitted to store, dispense, or administer cannabidiol oil or THC-A oil to a patient who has been issued a valid written certification for the use of cannabidiol oil or THC-A oil in accordance with subsection B of § 54.1-3408.3 and has registered with the Board of Pharmacy.

§ 63.2-1803.01. Possession or administration of cannabidiol oil or THC-A oil.

Assisted living facility staff members who are authorized to possess, distribute, or administer medications to residents in accordance with the facility's written plan for medication management shall be permitted to store, dispense, or administer cannabidiol oil or THC-A oil to a resident who has been issued a valid written certification for the use of cannabidiol oil or THC-A oil in accordance with subsection B of § 54.1-3408.3 and has registered with the Board of Pharmacy.

CHAPTER 847

An Act to amend and reenact § 38.2-3412.1 of the Code of Virginia and to repeal the third enactment of Chapter 649 of the Acts of Assembly of 2015, relating to health insurance; mental health parity; required report.

[S 280]

Approved April 7, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 38.2-3412.1 of the Code of Virginia is amended and reenacted as follows:

§ 38.2-3412.1. Coverage for mental health and substance use disorders.

A. As used in this section:

"Adult" means any person who is 19 years of age or older.

"Alcohol or drug rehabilitation facility" means a facility in which a state-approved program for the treatment of alcoholism or drug addiction is provided. The facility shall be either (i) licensed by the State Board of Health pursuant to Chapter 5 (§ 32.1-123 et seq.) of Title 32.1 or by the Department of Behavioral Health and Developmental Services pursuant to Article 2 (§ 37.2-403 et seq.) of Chapter 4 of Title 37.2 or (ii) a state agency or institution.

"Child or adolescent" means any person under the age of 19 years.

"Inpatient treatment" means mental health or substance abuse services delivered on a 24-hour per day basis in a hospital, alcohol or drug rehabilitation facility, an intermediate care facility or an inpatient unit of a mental health treatment center.

"Intermediate care facility" means a licensed, residential public or private facility that is not a hospital and that is operated primarily for the purpose of providing a continuous, structured 24-hour per day, state-approved program of inpatient substance abuse services.

"Medication management visit" means a visit no more than 20 minutes in length with a licensed physician or other licensed health care provider with prescriptive authority for the sole purpose of monitoring and adjusting medications prescribed for mental health or substance abuse treatment.

"Mental health services" or "mental health benefits" means benefits with respect to items or services for mental health conditions as defined under the terms of the health benefit plan. Any condition defined by the health benefit plan as being or as not being a mental health condition shall be defined to be consistent with generally recognized independent standards of current medical practice.

"Mental health treatment center" means a treatment facility organized to provide care and treatment for mental illness through multiple modalities or techniques pursuant to a written plan approved and monitored by a physician, clinical psychologist, or a psychologist licensed to practice in this Commonwealth. The facility shall be (i) licensed by the Commonwealth, (ii) funded or eligible for funding under federal or state law, or (iii) affiliated with a hospital under a contractual agreement with an established system for patient referral.

"Network adequacy" means access to services by measure of distance, time, and average length of referral to scheduled visit.

"Outpatient treatment" means mental health or substance abuse treatment services rendered to a person as an individual or part of a group while not confined as an inpatient. Such treatment shall not include services delivered through a partial hospitalization or intensive outpatient program as defined herein.

"Partial hospitalization" means a licensed or approved day or evening treatment program that includes the major diagnostic, medical, psychiatric and psychosocial rehabilitation treatment modalities designed for patients with mental, emotional, or nervous disorders, and alcohol or other drug dependence who require coordinated, intensive, comprehensive and multi-disciplinary treatment. Such a program shall provide treatment over a period of six or more continuous hours per day to individuals or groups of individuals who are not admitted as inpatients. Such term shall also include intensive outpatient programs for the treatment of alcohol or other drug dependence which provide treatment over a period of three or more continuous hours per day to individuals or groups of individuals who are not admitted as inpatients.

"Substance abuse services" or "substance use disorder benefits" means benefits with respect to items or services for substance use disorders as defined under the terms of the health benefit plan. Any disorder defined by the health benefit plan as being or as not being a substance use disorder shall be defined to be consistent with generally recognized independent standards of current medical practice.

"Treatment" means services including diagnostic evaluation, medical, psychiatric and psychological care, and psychotherapy for mental, emotional or nervous disorders or alcohol or other drug dependence rendered by a hospital, alcohol or drug rehabilitation facility, intermediate care facility, mental health treatment center, a physician, psychologist, clinical psychologist, licensed clinical social worker, licensed professional counselor, licensed substance abuse treatment practitioner, licensed marriage and family therapist or clinical nurse specialist who renders mental health services. Treatment for physiological or psychological dependence on alcohol or other drugs shall also include the services of counseling and rehabilitation as well as services rendered by a state certified alcoholism, drug, or substance abuse counselor or substance abuse counseling assistant, limited to the scope of practice set forth in § 54.1-3507.1 or 54.1-3507.2, respectively, employed by a facility or program licensed to provide such treatment.

B. Except as provided in subsections C and D, group and individual health insurance coverage, as defined in § 38.2-3431, shall provide mental health and substance use disorder benefits. Such benefits shall be in parity with the medical and surgical benefits contained in the coverage in accordance with the Mental Health Parity and Addiction Equity Act of 2008, P.L. 110-343, even where those requirements would not otherwise apply directly.

C. Any grandfathered plan as defined in § 38.2-3438 in the small group market shall either continue to provide benefits in accordance with subsection B or continue to provide coverage for inpatient and partial hospitalization mental health and substance abuse services as follows:

1. Treatment for an adult as an inpatient at a hospital, inpatient unit of a mental health treatment center, alcohol or drug rehabilitation facility or intermediate care facility for a minimum period of 20 days per policy or contract year.

2. Treatment for a child or adolescent as an inpatient at a hospital, inpatient unit of a mental health treatment center, alcohol or drug rehabilitation facility or intermediate care facility for a minimum period of 25 days per policy or contract year.

3. Up to 10 days of the inpatient benefit set forth in subdivisions 1 and 2 of this subsection may be converted when medically necessary at the option of the person or the parent, as defined in § 16.1-336, of a child or adolescent receiving such treatment to a partial hospitalization benefit applying a formula which shall be no less favorable than an exchange of 1.5 days of partial hospitalization coverage for each inpatient day of coverage. An insurance policy or subscription contract described herein that provides inpatient benefits in excess of 20 days per policy or contract year for adults or 25 days per policy or contract year for a child or adolescent may provide for the conversion of such excess days on the terms set forth in this subdivision.

4. The limits of the benefits set forth in this subsection shall not be more restrictive than for any other illness, except that the benefits may be limited as set out in this subsection.

5. This subsection shall not apply to any excepted benefits policy as defined in § 38.2-3431, nor to policies or contracts designed for issuance to persons eligible for coverage under Title XVIII of the Social Security Act, known as Medicare, or any other similar coverage under state or federal governmental plans.

D. Any grandfathered plan as defined in § 38.2-3438 in the small group market shall also either continue to provide benefits in accordance with subsection B or continue to provide coverage for outpatient mental health and substance abuse services as follows:

1. A minimum of 20 visits for outpatient treatment of an adult, child or adolescent shall be provided in each policy or contract year.

2. The limits of the benefits set forth in this subsection shall be no more restrictive than the limits of benefits applicable to physical illness; however, the coinsurance factor applicable to any outpatient visit beyond the first five of such visits covered in any policy or contract year shall be at least 50 percent.

3. For the purpose of this section, medication management visits shall be covered in the same manner as a medication management visit for the treatment of physical illness and shall not be counted as an outpatient treatment visit in the calculation of the benefit set forth herein.

4. For the purpose of this subsection, if all covered expenses for a visit for outpatient mental health or substance abuse treatment apply toward any deductible required by a policy or contract, such visit shall not count toward the outpatient visit benefit maximum set forth in the policy or contract.

5. This subsection shall not apply to any excepted benefits policy as defined in § 38.2-3431, nor to policies or contracts designed for issuance to persons eligible for coverage under Title XVIII of the Social Security Act, known as Medicare, or any other similar coverage under state or federal governmental plans.

E. The requirements of this section shall apply to all insurance policies and subscription contracts delivered, issued for delivery, reissued, renewed, or extended, or at any time when any term of the policy or contract is changed or any premium adjustment made.

F. The provisions of this section shall not apply in any instance in which the provisions of this section are inconsistent or in conflict with a provision of Article 6 (§ 38.2-3438 et seq.) of Chapter 34.

G. *The Bureau of Insurance (the Bureau), in consultation with health carriers providing coverage for mental health and substance use disorder benefits pursuant to this section, shall develop reporting requirements regarding denied claims, complaints, appeals, and network adequacy involving such coverage set forth in this section. By September 1 of each year,*

the Bureau shall (i) compile the information for the preceding year into a report that ensures the confidentiality of individuals whose information has been reported and is written in nontechnical, readily understandable language; (ii) make the report available to the public by, among such other means as the Bureau finds appropriate, posting the reports on the Bureau's website; and (iii) submit the report to the House Committee on Labor and Commerce and the Senate Committee on Commerce and Labor.

2. That the Joint Legislative Audit and Review Commission (JLARC) shall conduct a third-party review of the State Corporations Commission's Bureau of Insurance (the Bureau) report required by the provisions of this act and the third enactment of Chapter 649 of the Acts of Assembly of 2015. In conducting such review, JLARC shall examine the information compiled by the Bureau from 2017 through 2020 and any other information it deems relevant and shall report (i) its findings regarding mental health and substance abuse disorder benefits parity with medical and surgical benefits and access to mental health and substance abuse disorder services and (ii) its recommendations, if any, to the House Committee on Labor and Commerce, the Senate Committee on Commerce and Labor, and the Joint Subcommittee to Study Mental Health Services in the Commonwealth in the Twenty-First Century by December 1, 2020.

3. That the third enactment of Chapter 649 of the Acts of Assembly of 2015 is repealed.

CHAPTER 848

An Act to require the Department of Social Services to convene a work group to provide recommendations related to regulations for the audio-visual recording of residents in assisted living facilities.

[S 355]

Approved April 7, 2020

Be it enacted by the General Assembly of Virginia:

1. § 1. *The Department of Social Services shall convene a work group that includes representatives of assisted living facilities, advocates for residents of assisted living facilities, and other stakeholders to make recommendations to the Board regarding adoption of regulations for the audio-visual recording of residents in assisted living facilities, as defined in § 63.2-100 of the Code of Virginia, including provisions related to (i) resident privacy, (ii) notice and disclosure, (iii) liability, (iv) ownership and maintenance of equipment, (v) cost, (vi) recording and data security, and (vii) assisted living facility options for both assisted living facility-managed recording and resident-managed recording. The work group shall report its recommendations to the Governor, the Board of Social Services, and the General Assembly by December 1, 2020.*

CHAPTER 849

An Act to direct the Secretary of Health and Human Resources to convene a work group related to health care provider credentialing.

[S 365]

Approved April 7, 2020

Be it enacted by the General Assembly of Virginia:

1. § 1. *That the Secretary of Health and Human Resources shall convene a work group to gather information and make recommendations on how the Commonwealth could develop or procure a statewide centralized primary source verification system that can be relied upon by the Commonwealth and its health carriers, health care providers, hospitals, and health systems for health care provider credentialing. Such stakeholders shall include the Virginia Association of Health Plans, the Medical Society of Virginia, the Virginia Council of Nurse Practitioners, the Virginia Hospital and Healthcare Association, and any other relevant stakeholders. The work group shall report its findings and recommendations to the Chairmen of the House Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health by November 15, 2020.*

CHAPTER 850

An Act to amend and reenact § 24.2-525 of the Code of Virginia, relating to primary ballot; certain required statements as qualification for candidacy; failure to timely file.

[S 469]

Approved April 7, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 24.2-525 of the Code of Virginia is amended and reenacted as follows:

§ 24.2-525. Persons entitled to have name printed on ballot.

A. Only a person meeting all the qualifications and fulfilling all the requirements of a candidate, and who has complied with the rules and regulations of his party, shall have his name printed on the ballot provided for the primary election. A

person who does not file either or both written statements required by § 24.2-503 by the relevant deadline, or the end of the extension period if an extension has been granted pursuant to that section, shall not have his name printed on the ballot provided for the primary election.

B. No person shall have his name printed on the ballot for more than one office at any one primary election. However, a candidate for federal or statewide office, or a candidate for an office being filled in a special election, may have his name printed on the ballot for two offices at a primary election.

CHAPTER 851

An Act to amend and reenact §§ 2.2-3705.5, 2.2-3711, and 2.2-4002 of the Code of Virginia and to amend the Code of Virginia by adding in Article 1 of Chapter 3 of Title 37.2 a section numbered 37.2-314.1, relating to the Developmental Disabilities Mortality Review Committee; penalty.

[S 482]

Approved April 7, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-3705.5, 2.2-3711, and 2.2-4002 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Article 1 of Chapter 3 of Title 37.2 a section numbered 37.2-314.1 as follows:

§ 2.2-3705.5. Exclusions to application of chapter; health and social services records.

The following information contained in a public record is excluded from the mandatory disclosure provisions of this chapter but may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law. Redaction of information excluded under this section from a public record shall be conducted in accordance with § 2.2-3704.01.

1. Health records, except that such records may be personally reviewed by the individual who is the subject of such records, as provided in subsection F of § 32.1-127.1:03.

Where the person who is the subject of health records is confined in a state or local correctional facility, the administrator or chief medical officer of such facility may assert such confined person's right of access to the health records if the administrator or chief medical officer has reasonable cause to believe that such confined person has an infectious disease or other medical condition from which other persons so confined need to be protected. Health records shall only be reviewed and shall not be copied by such administrator or chief medical officer. The information in the health records of a person so confined shall continue to be confidential and shall not be disclosed by the administrator or chief medical officer of the facility to any person except the subject or except as provided by law.

Where the person who is the subject of health records is under the age of 18, his right of access may be asserted only by his guardian or his parent, including a noncustodial parent, unless such parent's parental rights have been terminated, a court of competent jurisdiction has restricted or denied such access, or a parent has been denied access to the health record in accordance with § 20-124.6. In instances where the person who is the subject thereof is an emancipated minor, a student in a public institution of higher education, or is a minor who has consented to his own treatment as authorized by § 16.1-338 or 54.1-2969, the right of access may be asserted by the subject person.

For the purposes of this chapter, statistical summaries of incidents and statistical data concerning abuse of individuals receiving services compiled by the Commissioner of Behavioral Health and Developmental Services shall be disclosed. No such summaries or data shall include any information that identifies specific individuals receiving services.

2. Applications for admission to examinations or for licensure and scoring records maintained by the Department of Health Professions or any board in that department on individual licensees or applicants; information required to be provided to the Department of Health Professions by certain licensees pursuant to § 54.1-2506.1; information held by the Health Practitioners' Monitoring Program Committee within the Department of Health Professions that identifies any practitioner who may be, or who is actually, impaired to the extent that disclosure is prohibited by § 54.1-2517; and information relating to the prescribing and dispensing of covered substances to recipients and any abstracts from such information that are in the possession of the Prescription Monitoring Program (Program) pursuant to Chapter 25.2 (§ 54.1-2519 et seq.) of Title 54.1 and any material relating to the operation or security of the Program.

3. Reports, documentary evidence, and other information as specified in §§ 51.5-122 and 51.5-141 and Chapter 1 (§ 63.2-100 et seq.) of Title 63.2 and information and statistical registries required to be kept confidential pursuant to Chapter 1 (§ 63.2-100 et seq.) of Title 63.2.

4. Investigative notes; proprietary information not published, copyrighted or patented; information obtained from employee personnel records; personally identifiable information regarding residents, clients or other recipients of services; other correspondence and information furnished in confidence to the Department of Social Services in connection with an active investigation of an applicant or licensee pursuant to Chapters 17 (§ 63.2-1700 et seq.) and 18 (§ 63.2-1800 et seq.) of Title 63.2; and information furnished to the Office of the Attorney General in connection with an investigation or litigation pursuant to Article 19.1 (§ 8.01-216.1 et seq.) of Chapter 3 of Title 8.01 and Chapter 9 (§ 32.1-310 et seq.) of Title 32.1. However, nothing in this subdivision shall prevent the disclosure of information from the records of completed investigations in a form that does not reveal the identity of complainants, persons supplying information, or other individuals involved in the investigation.

5. Information collected for the designation and verification of trauma centers and other specialty care centers within the Statewide Emergency Medical Services System and Services pursuant to Article 2.1 (§ 32.1-111.1 et seq.) of Chapter 4 of Title 32.1.

6. Reports and court documents relating to involuntary admission required to be kept confidential pursuant to § 37.2-818.

7. Information acquired (i) during a review of any child death conducted by the State Child Fatality Review Team established pursuant to § 32.1-283.1 or by a local or regional child fatality review team to the extent that such information is made confidential by § 32.1-283.2; (ii) during a review of any death conducted by a family violence fatality review team to the extent that such information is made confidential by § 32.1-283.3; (iii) during a review of any adult death conducted by the Adult Fatality Review Team to the extent made confidential by § 32.1-283.5 or by a local or regional adult fatality review team to the extent that such information is made confidential by § 32.1-283.6; (iv) by a local or regional overdose fatality review team to the extent that such information is made confidential by § 32.1-283.7; ~~or~~ (v) during a review of any death conducted by the Maternal Mortality Review Team to the extent that such information is made confidential by § 32.1-283.8; or (vi) during a review of any death conducted by the *Developmental Disabilities Mortality Review Committee* to the extent that such information is made confidential by § 37.2-314.1.

8. Patient level data collected by the Board of Health and not yet processed, verified, and released, pursuant to § 32.1-276.9, to the Board by the nonprofit organization with which the Commissioner of Health has contracted pursuant to § 32.1-276.4.

9. Information relating to a grant application, or accompanying a grant application, submitted to the Commonwealth Neurotrauma Initiative Advisory Board pursuant to Article 12 (§ 51.5-178 et seq.) of Chapter 14 of Title 51.5 that would (i) reveal (a) medical or mental health records or other data identifying individual patients or (b) proprietary business or research-related information produced or collected by the applicant in the conduct of or as a result of study or research on medical, rehabilitative, scientific, technical, or scholarly issues, when such information has not been publicly released, published, copyrighted, or patented, and (ii) be harmful to the competitive position of the applicant.

10. Any information copied, recorded, or received by the Commissioner of Health in the course of an examination, investigation, or review of a managed care health insurance plan licensee pursuant to §§ 32.1-137.4 and 32.1-137.5, including books, records, files, accounts, papers, documents, and any or all computer or other recordings.

11. Records of the Virginia Birth-Related Neurological Injury Compensation Program required to be kept confidential pursuant to § 38.2-5002.2.

12. Information held by the State Health Commissioner relating to the health of any person subject to an order of quarantine or an order of isolation pursuant to Article 3.02 (§ 32.1-48.05 et seq.) of Chapter 2 of Title 32.1. However, nothing in this subdivision shall be construed to prevent the disclosure of statistical summaries, abstracts, or other information in aggregate form.

13. The names and addresses or other contact information of persons receiving transportation services from a state or local public body or its designee under Title II of the Americans with Disabilities Act, (42 U.S.C. § 12131 et seq.) or funded by Temporary Assistance for Needy Families (TANF) created under § 63.2-600.

14. Information held by certain health care committees and entities that may be withheld from discovery as privileged communications pursuant to § 8.01-581.17.

15. Data and information specified in § 37.2-308.01 relating to proceedings provided for in Article 16 (§ 16.1-335 et seq.) of Chapter 11 of Title 16.1 and Chapter 8 (§ 37.2-800 et seq.) of Title 37.2.

16. Records of and information held by the Emergency Department Care Coordination Program required to be kept confidential pursuant to § 32.1-372.

§ 2.2-3711. Closed meetings authorized for certain limited purposes.

A. Public bodies may hold closed meetings only for the following purposes:

1. Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body; and evaluation of performance of departments or schools of public institutions of higher education where such evaluation will necessarily involve discussion of the performance of specific individuals. Any teacher shall be permitted to be present during a closed meeting in which there is a discussion or consideration of a disciplinary matter that involves the teacher and some student and the student involved in the matter is present, provided the teacher makes a written request to be present to the presiding officer of the appropriate board. Nothing in this subdivision, however, shall be construed to authorize a closed meeting by a local governing body or an elected school board to discuss compensation matters that affect the membership of such body or board collectively.

2. Discussion or consideration of admission or disciplinary matters or any other matters that would involve the disclosure of information contained in a scholastic record concerning any student of any public institution of higher education in the Commonwealth or any state school system. However, any such student, legal counsel and, if the student is a minor, the student's parents or legal guardians shall be permitted to be present during the taking of testimony or presentation of evidence at a closed meeting, if such student, parents, or guardians so request in writing and such request is submitted to the presiding officer of the appropriate board.

3. Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

4. The protection of the privacy of individuals in personal matters not related to public business.

5. Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community.

6. Discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected.

7. Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body. For the purposes of this subdivision, "probable litigation" means litigation that has been specifically threatened or on which the public body or its legal counsel has a reasonable basis to believe will be commenced by or against a known party. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.

8. Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.

9. Discussion or consideration by governing boards of public institutions of higher education of matters relating to gifts, bequests and fund-raising activities, and of grants and contracts for services or work to be performed by such institution. However, the terms and conditions of any such gifts, bequests, grants, and contracts made by a foreign government, a foreign legal entity, or a foreign person and accepted by a public institution of higher education in the Commonwealth shall be subject to public disclosure upon written request to the appropriate board of visitors. For the purpose of this subdivision, (i) "foreign government" means any government other than the United States government or the government of a state or a political subdivision thereof, (ii) "foreign legal entity" means any legal entity (a) created under the laws of the United States or of any state thereof if a majority of the ownership of the stock of such legal entity is owned by foreign governments or foreign persons or if a majority of the membership of any such entity is composed of foreign persons or foreign legal entities or (b) created under the laws of a foreign government, and (iii) "foreign person" means any individual who is not a citizen or national of the United States or a trust territory or protectorate thereof.

10. Discussion or consideration by the boards of trustees of the Virginia Museum of Fine Arts, the Virginia Museum of Natural History, the Jamestown-Yorktown Foundation, the Fort Monroe Authority, and The Science Museum of Virginia of matters relating to specific gifts, bequests, and grants from private sources.

11. Discussion or consideration of honorary degrees or special awards.

12. Discussion or consideration of tests, examinations, or other information used, administered, or prepared by a public body and subject to the exclusion in subdivision 4 of § 2.2-3705.1.

13. Discussion, consideration, or review by the appropriate House or Senate committees of possible disciplinary action against a member arising out of the possible inadequacy of the disclosure statement filed by the member, provided the member may request in writing that the committee meeting not be conducted in a closed meeting.

14. Discussion of strategy with respect to the negotiation of a hazardous waste siting agreement or to consider the terms, conditions, and provisions of a hazardous waste siting agreement if the governing body in open meeting finds that an open meeting will have an adverse effect upon the negotiating position of the governing body or the establishment of the terms, conditions and provisions of the siting agreement, or both. All discussions with the applicant or its representatives may be conducted in a closed meeting.

15. Discussion by the Governor and any economic advisory board reviewing forecasts of economic activity and estimating general and nongeneral fund revenues.

16. Discussion or consideration of medical and mental health records subject to the exclusion in subdivision 1 of § 2.2-3705.5.

17. Deliberations of the Virginia Lottery Board in a licensing appeal action conducted pursuant to subsection D of § 58.1-4007 regarding the denial or revocation of a license of a lottery sales agent; and discussion, consideration or review of Virginia Lottery matters related to proprietary lottery game information and studies or investigations excluded from disclosure under subdivision 6 of § 2.2-3705.3 and subdivision 11 of § 2.2-3705.7.

18. Those portions of meetings in which the Board of Corrections discusses or discloses the identity of, or information tending to identify, any prisoner who (i) provides information about crimes or criminal activities, (ii) renders assistance in preventing the escape of another prisoner or in the apprehension of an escaped prisoner, or (iii) voluntarily or at the instance of a prison official renders other extraordinary services, the disclosure of which is likely to jeopardize the prisoner's life or safety.

19. Discussion of plans to protect public safety as it relates to terrorist activity or specific cybersecurity threats or vulnerabilities and briefings by staff members, legal counsel, or law-enforcement or emergency service officials concerning actions taken to respond to such matters or a related threat to public safety; discussion of information subject to the exclusion in subdivision 2 or 14 of § 2.2-3705.2, where discussion in an open meeting would jeopardize the safety of any person or the security of any facility, building, structure, information technology system, or software program; or discussion

of reports or plans related to the security of any governmental facility, building or structure, or the safety of persons using such facility, building or structure.

20. Discussion by the Board of the Virginia Retirement System, acting pursuant to § 51.1-124.30, or of any local retirement system, acting pursuant to § 51.1-803, or by a local finance board or board of trustees of a trust established by one or more local public bodies to invest funds for postemployment benefits other than pensions, acting pursuant to Article 8 (§ 15.2-1544 et seq.) of Chapter 15 of Title 15.2, or by the board of visitors of the University of Virginia, acting pursuant to § 23.1-2210, or by the Board of the Virginia College Savings Plan, acting pursuant to § 23.1-706, regarding the acquisition, holding or disposition of a security or other ownership interest in an entity, where such security or ownership interest is not traded on a governmentally regulated securities exchange, to the extent that such discussion (i) concerns confidential analyses prepared for the board of visitors of the University of Virginia, prepared by the retirement system, or a local finance board or board of trustees, or the Virginia College Savings Plan or provided to the retirement system, a local finance board or board of trustees, or the Virginia College Savings Plan under a promise of confidentiality, of the future value of such ownership interest or the future financial performance of the entity, and (ii) would have an adverse effect on the value of the investment to be acquired, held, or disposed of by the retirement system, a local finance board or board of trustees, the board of visitors of the University of Virginia, or the Virginia College Savings Plan. Nothing in this subdivision shall be construed to prevent the disclosure of information relating to the identity of any investment held, the amount invested or the present value of such investment.

21. Those portions of meetings in which individual child death cases are discussed by the State Child Fatality Review Team established pursuant to § 32.1-283.1, those portions of meetings in which individual child death cases are discussed by a regional or local child fatality review team established pursuant to § 32.1-283.2, those portions of meetings in which individual death cases are discussed by family violence fatality review teams established pursuant to § 32.1-283.3, those portions of meetings in which individual adult death cases are discussed by the state Adult Fatality Review Team established pursuant to § 32.1-283.5, those portions of meetings in which individual adult death cases are discussed by a local or regional adult fatality review team established pursuant to § 32.1-283.6, those portions of meetings in which individual death cases are discussed by overdose fatality review teams established pursuant to § 32.1-283.7, ~~and~~ those portions of meetings in which individual maternal death cases are discussed by the Maternal Mortality Review Team pursuant to § 32.1-283.8, *and those portions of meetings in which individual death cases of persons with developmental disabilities are discussed by the Developmental Disabilities Mortality Review Committee established pursuant to § 37.2-314.1.*

22. Those portions of meetings of the board of visitors of the University of Virginia or the Eastern Virginia Medical School Board of Visitors, as the case may be, and those portions of meetings of any persons to whom management responsibilities for the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, have been delegated, in which there is discussed proprietary, business-related information pertaining to the operations of the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, including business development or marketing strategies and activities with existing or future joint venturers, partners, or other parties with whom the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, has formed, or forms, any arrangement for the delivery of health care, if disclosure of such information would adversely affect the competitive position of the Medical Center or Eastern Virginia Medical School, as the case may be.

23. Discussion or consideration by the Virginia Commonwealth University Health System Authority or the board of visitors of Virginia Commonwealth University of any of the following: the acquisition or disposition by the Authority of real property, equipment, or technology software or hardware and related goods or services, where disclosure would adversely affect the bargaining position or negotiating strategy of the Authority; matters relating to gifts or bequests to, and fund-raising activities of, the Authority; grants and contracts for services or work to be performed by the Authority; marketing or operational strategies plans of the Authority where disclosure of such strategies or plans would adversely affect the competitive position of the Authority; and members of the Authority's medical and teaching staffs and qualifications for appointments thereto.

24. Those portions of the meetings of the Health Practitioners' Monitoring Program Committee within the Department of Health Professions to the extent such discussions identify any practitioner who may be, or who actually is, impaired pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1.

25. Meetings or portions of meetings of the Board of the Virginia College Savings Plan wherein personal information, as defined in § 2.2-3801, which has been provided to the Board or its employees by or on behalf of individuals who have requested information about, applied for, or entered into prepaid tuition contracts or savings trust account agreements pursuant to Chapter 7 (§ 23.1-700 et seq.) of Title 23.1 is discussed.

26. Discussion or consideration, by the former Wireless Carrier E-911 Cost Recovery Subcommittee created pursuant to former § 56-484.15, of trade secrets submitted by CMRS providers, as defined in § 56-484.12, related to the provision of wireless E-911 service.

27. Those portions of disciplinary proceedings by any regulatory board within the Department of Professional and Occupational Regulation, Department of Health Professions, or the Board of Accountancy conducted pursuant to § 2.2-4019 or 2.2-4020 during which the board deliberates to reach a decision or meetings of health regulatory boards or conference committees of such boards to consider settlement proposals in pending disciplinary actions or modifications to previously issued board orders as requested by either of the parties.

28. Discussion or consideration of information subject to the exclusion in subdivision 11 of § 2.2-3705.6 by a responsible public entity or an affected locality or public entity, as those terms are defined in § 33.2-1800, or any independent review panel appointed to review information and advise the responsible public entity concerning such records.

29. Discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body.

30. Discussion or consideration of grant or loan application information subject to the exclusion in subdivision 17 of § 2.2-3705.6 by (i) the Commonwealth Health Research Board or (ii) the Innovation and Entrepreneurship Investment Authority or the Research and Technology Investment Advisory Committee appointed to advise the Innovation and Entrepreneurship Investment Authority.

31. Discussion or consideration by the Commitment Review Committee of information subject to the exclusion in subdivision 5 of § 2.2-3705.2 relating to individuals subject to commitment as sexually violent predators under Chapter 9 (§ 37.2-900 et seq.) of Title 37.2.

32. Discussion or consideration of confidential proprietary information and trade secrets developed and held by a local public body providing certain telecommunication services or cable television services and subject to the exclusion in subdivision 18 of § 2.2-3705.6. However, the exemption provided by this subdivision shall not apply to any authority created pursuant to the BVU Authority Act (§ 15.2-7200 et seq.).

33. Discussion or consideration by a local authority created in accordance with the Virginia Wireless Service Authorities Act (§ 15.2-5431.1 et seq.) of confidential proprietary information and trade secrets subject to the exclusion in subdivision 19 of § 2.2-3705.6.

34. Discussion or consideration by the State Board of Elections or local electoral boards of voting security matters made confidential pursuant to § 24.2-410.2 or 24.2-625.1.

35. Discussion or consideration by the Forensic Science Board or the Scientific Advisory Committee created pursuant to Article 2 (§ 9.1-1109 et seq.) of Chapter 11 of Title 9.1 of criminal investigative files subject to the exclusion in subdivision B 1 of § 2.2-3706.

36. Discussion or consideration by the Brown v. Board of Education Scholarship Committee of information or confidential matters subject to the exclusion in subdivision A 3 of § 2.2-3705.4, and meetings of the Committee to deliberate concerning the annual maximum scholarship award, review and consider scholarship applications and requests for scholarship award renewal, and cancel, rescind, or recover scholarship awards.

37. Discussion or consideration by the Virginia Port Authority of information subject to the exclusion in subdivision 1 of § 2.2-3705.6 related to certain proprietary information gathered by or for the Virginia Port Authority.

38. Discussion or consideration by the Board of Trustees of the Virginia Retirement System acting pursuant to § 51.1-124.30, by the Investment Advisory Committee appointed pursuant to § 51.1-124.26, by any local retirement system, acting pursuant to § 51.1-803, by the Board of the Virginia College Savings Plan acting pursuant to § 23.1-706, or by the Virginia College Savings Plan's Investment Advisory Committee appointed pursuant to § 23.1-702 of information subject to the exclusion in subdivision 24 of § 2.2-3705.7.

39. Discussion or consideration of information subject to the exclusion in subdivision 3 of § 2.2-3705.6 related to economic development.

40. Discussion or consideration by the Board of Education of information relating to the denial, suspension, or revocation of teacher licenses subject to the exclusion in subdivision 11 of § 2.2-3705.3.

41. Those portions of meetings of the Virginia Military Advisory Council or any commission created by executive order for the purpose of studying and making recommendations regarding preventing closure or realignment of federal military and national security installations and facilities located in Virginia and relocation of such facilities to Virginia, or a local or regional military affairs organization appointed by a local governing body, during which there is discussion of information subject to the exclusion in subdivision 8 of § 2.2-3705.2.

42. Discussion or consideration by the Board of Trustees of the Veterans Services Foundation of information subject to the exclusion in subdivision 28 of § 2.2-3705.7 related to personally identifiable information of donors.

43. Discussion or consideration by the Virginia Tobacco Region Revitalization Commission of information subject to the exclusion in subdivision 23 of § 2.2-3705.6 related to certain information contained in grant applications.

44. Discussion or consideration by the board of directors of the Commercial Space Flight Authority of information subject to the exclusion in subdivision 24 of § 2.2-3705.6 related to rate structures or charges for the use of projects of, the sale of products of, or services rendered by the Authority and certain proprietary information of a private entity provided to the Authority.

45. Discussion or consideration of personal and proprietary information related to the resource management plan program and subject to the exclusion in (i) subdivision 25 of § 2.2-3705.6 or (ii) subsection E of § 10.1-104.7. This exclusion shall not apply to the discussion or consideration of records that contain information that has been certified for release by the person who is the subject of the information or transformed into a statistical or aggregate form that does not allow identification of the person who supplied, or is the subject of, the information.

46. Discussion or consideration by the Board of Directors of the Virginia Alcoholic Beverage Control Authority of information subject to the exclusion in subdivision 1 of § 2.2-3705.3 related to investigations of applicants for licenses and permits and of licensees and permittees.

47. Discussion or consideration of grant or loan application records subject to the exclusion in subdivision 28 of § 2.2-3705.6 related to the submission of an application for an award from the Virginia Research Investment Fund pursuant to Article 8 (§ 23.1-3130 et seq.) of Chapter 31 of Title 23.1 or interviews of parties to an application by a reviewing entity pursuant to subsection D of § 23.1-3133 or by the Virginia Research Investment Committee.

48. Discussion or development of grant proposals by a regional council established pursuant to Article 26 (§ 2.2-2484 et seq.) of Chapter 24 to be submitted for consideration to the Virginia Growth and Opportunity Board.

49. Discussion or consideration of (i) individual sexual assault cases by a sexual assault response team established pursuant to § 15.2-1627.4, (ii) individual child abuse or neglect cases or sex offenses involving a child by a child sexual abuse response team established pursuant to § 15.2-1627.5, or (iii) individual cases involving abuse, neglect, or exploitation of adults as defined in § 63.2-1603 pursuant to §§ 15.2-1627.5 and 63.2-1605.

50. Discussion or consideration by the Board of the Virginia Economic Development Partnership Authority, the Joint Legislative Audit and Review Commission, or any subcommittees thereof, of the portions of the strategic plan, marketing plan, or operational plan exempt from disclosure pursuant to subdivision 33 of § 2.2-3705.7.

51. Those portions of meetings of the subcommittee of the Board of the Virginia Economic Development Partnership Authority established pursuant to subsection F of § 2.2-2237.3 to review and discuss information received from the Virginia Employment Commission pursuant to subdivision C 2 of § 60.2-114.

B. No resolution, ordinance, rule, contract, regulation or motion adopted, passed or agreed to in a closed meeting shall become effective unless the public body, following the meeting, reconvenes in open meeting and takes a vote of the membership on such resolution, ordinance, rule, contract, regulation, or motion that shall have its substance reasonably identified in the open meeting.

C. Public officers improperly selected due to the failure of the public body to comply with the other provisions of this section shall be de facto officers and, as such, their official actions are valid until they obtain notice of the legal defect in their election.

D. Nothing in this section shall be construed to prevent the holding of conferences between two or more public bodies, or their representatives, but these conferences shall be subject to the same procedures for holding closed meetings as are applicable to any other public body.

E. This section shall not be construed to (i) require the disclosure of any contract between the Department of Health Professions and an impaired practitioner entered into pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1 or (ii) require the board of directors of any authority created pursuant to the Industrial Development and Revenue Bond Act (§ 15.2-4900 et seq.), or any public body empowered to issue industrial revenue bonds by general or special law, to identify a business or industry to which subdivision A 5 applies. However, such business or industry shall be identified as a matter of public record at least 30 days prior to the actual date of the board's authorization of the sale or issuance of such bonds.

§ 2.2-4002. Exemptions from chapter generally.

A. Although required to comply with § 2.2-4103 of the Virginia Register Act (§ 2.2-4100 et seq.), the following agencies shall be exempted from the provisions of this chapter, except to the extent that they are specifically made subject to §§ 2.2-4024, 2.2-4030, and 2.2-4031:

1. The General Assembly.

2. Courts, any agency of the Supreme Court, and any agency that by the Constitution is expressly granted any of the powers of a court of record.

3. The Department of Game and Inland Fisheries in promulgating regulations regarding the management of wildlife and for all case decisions rendered pursuant to any provisions of Chapters 2 (§ 29.1-200 et seq.), 3 (§ 29.1-300 et seq.), 4 (§ 29.1-400 et seq.), 5 (§ 29.1-500 et seq.), and 7 (§ 29.1-700 et seq.) of Title 29.1.

4. The Virginia Housing Development Authority.

5. Municipal corporations, counties, and all local, regional or multijurisdictional authorities created under this Code, including those with federal authorities.

6. Educational institutions operated by the Commonwealth, provided that, with respect to § 2.2-4031, such educational institutions shall be exempt from the publication requirements only with respect to regulations that pertain to (i) their academic affairs, (ii) the selection, tenure, promotion and disciplining of faculty and employees, (iii) the selection of students, and (iv) rules of conduct and disciplining of students.

7. The Milk Commission in promulgating regulations regarding (i) producers' licenses and bases, (ii) classification and allocation of milk, computation of sales and shrinkage, and (iii) class prices for producers' milk, time and method of payment, butterfat testing and differential.

8. The Virginia Resources Authority.

9. Agencies expressly exempted by any other provision of this Code.

10. The Department of General Services in promulgating standards for the inspection of buildings for asbestos pursuant to § 2.2-1164.

11. The State Council of Higher Education for Virginia, in developing, issuing, and revising guidelines pursuant to § 23.1-207.

12. The Commissioner of Agriculture and Consumer Services in adopting regulations pursuant to subsection B of § 3.2-6002 and in adopting regulations pursuant to § 3.2-6023.

13. The Commissioner of Agriculture and Consumer Services and the Board of Agriculture and Consumer Services in promulgating regulations pursuant to subsections B and D of § 3.2-3601, subsection B of § 3.2-3701, § 3.2-4002, subsections B and D of § 3.2-4801, §§ 3.2-5121 and 3.2-5206, and subsection A of § 3.2-5406.

14. The Board of Optometry when specifying therapeutic pharmaceutical agents, treatment guidelines, and diseases and abnormal conditions of the human eye and its adnexa for TPA-certification of optometrists pursuant to Article 5 (§ 54.1-3222 et seq.) of Chapter 32 of Title 54.1.

15. The Commissioner of the Department of Veterans Services in adopting regulations pursuant to § 2.2-2001.3.

16. The State Board of Education, in developing, issuing, and revising guidelines pursuant to § 22.1-203.2.

17. The Virginia Racing Commission, (i) when acting by and through its duly appointed stewards or in matters related to any specific race meeting or (ii) in promulgating technical rules regulating actual live horse racing at race meetings licensed by the Commission.

18. The Virginia Small Business Financing Authority.

19. The Virginia Economic Development Partnership Authority.

20. The Board of Agriculture and Consumer Services in adopting, amending or repealing regulations pursuant to subsection A (ii) of § 59.1-156.

21. The Insurance Continuing Education Board pursuant to § 38.2-1867.

22. The Board of Health in promulgating the list of diseases that shall be reported to the Department of Health pursuant to § 32.1-35 and in adopting, amending or repealing regulations pursuant to subsection C of § 35.1-14 that incorporate the Food and Drug Administration's Food Code pertaining to restaurants or food service.

23. The Commissioner of the Marine Resources Commission in setting a date of closure for the Chesapeake Bay purse seine fishery for Atlantic menhaden for reduction purposes pursuant to § 28.2-1000.2.

24. The Board of Pharmacy when specifying special subject requirements for continuing education for pharmacists pursuant to § 54.1-3314.1.

25. The Virginia Department of Veterans Services when promulgating rules and regulations pursuant to § 58.1-3219.7 or 58.1-3219.11.

26. The Virginia Department of Criminal Justice Services when developing, issuing, or revising any training standards established by the Criminal Justice Services Board under § 9.1-102, provided such actions are authorized by the Governor in the interest of public safety.

B. Agency action relating to the following subjects shall be exempted from the provisions of this chapter:

1. Money or damage claims against the Commonwealth or agencies thereof.

2. The award or denial of state contracts, as well as decisions regarding compliance therewith.

3. The location, design, specifications or construction of public buildings or other facilities.

4. Grants of state or federal funds or property.

5. The chartering of corporations.

6. Customary military, militia, naval or police functions.

7. The selection, tenure, dismissal, direction or control of any officer or employee of an agency of the Commonwealth.

8. The conduct of elections or eligibility to vote.

9. Inmates of prisons or other such facilities or parolees therefrom.

10. The custody of persons in, or sought to be placed in, mental health facilities or penal or other state institutions as well as the treatment, supervision, or discharge of such persons.

11. Traffic signs, markers or control devices.

12. Instructions for application or renewal of a license, certificate, or registration required by law.

13. Content of, or rules for the conduct of, any examination required by law.

14. The administration of pools authorized by Chapter 47 (§ 2.2-4700 et seq.).

15. Any rules for the conduct of specific lottery games, so long as such rules are not inconsistent with duly adopted regulations of the Virginia Lottery Board, and provided that such regulations are published and posted.

16. Orders condemning or closing any shellfish, finfish, or crustacea growing area and the shellfish, finfish or crustacea located thereon pursuant to Article 2 (§ 28.2-803 et seq.) of Chapter 8 of Title 28.2.

17. Any operating procedures for review of child deaths developed by the State Child Fatality Review Team pursuant to § 32.1-283.1, any operating procedures for review of adult deaths developed by the Adult Fatality Review Team pursuant to § 32.1-283.5, ~~and~~ any operating procedures for review of adult deaths developed by the Maternal Mortality Review Team pursuant to § 32.1-283.8, *and any operating procedures for review of the deaths of persons with a developmental disability developed by the Developmental Disabilities Mortality Review Committee pursuant to § 37.2-314.1.*

18. The regulations for the implementation of the Health Practitioners' Monitoring Program and the activities of the Health Practitioners' Monitoring Program Committee pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1.

19. The process of reviewing and ranking grant applications submitted to the Commonwealth Neurotrauma Initiative Advisory Board pursuant to Article 12 (§ 51.5-178 et seq.) of Chapter 14 of Title 51.5.

20. Loans from the Small Business Environmental Compliance Assistance Fund pursuant to Article 4 (§ 10.1-1197.1 et seq.) of Chapter 11.1 of Title 10.1.

21. The Virginia Breeders Fund created pursuant to § 59.1-372.

22. The types of pari-mutuel wagering pools available for live or simulcast horse racing.

23. The administration of medication or other substances foreign to the natural horse.

24. Any rules adopted by the Charitable Gaming Board for the approval and conduct of game variations for the conduct of raffles, bingo, network bingo, and instant bingo games, provided that such rules are (i) consistent with Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2 and (ii) published and posted.

C. Minor changes to regulations published in the Virginia Administrative Code under the Virginia Register Act (§ 2.2-4100 et seq.), made by the Virginia Code Commission pursuant to § 30-150, shall be exempt from the provisions of this chapter.

§ 37.2-314.1. Developmental Disabilities Mortality Review Committee; duties; membership; confidentiality; report; penalty.

A. There is hereby created the Developmental Disabilities Mortality Review Committee (the Committee), which shall develop and implement procedures to ensure that deaths of persons with developmental disabilities receiving services from a provider licensed by the Department or in a training center or other state facility are reviewed and analyzed in a systematic way. The Committee shall review each death of a person with a developmental disability who was receiving services from a provider licensed by the Department or in a training center or other state facility at the time of his death. The Committee shall develop and revise as necessary operating procedures for the review of deaths of such persons, including identification of cases to be reviewed and procedures for coordinating among the agencies and professionals involved in such review. Such operating procedures shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq.) pursuant to subdivision B 17 of § 2.2-4002.

B. The Committee shall consist of the following persons or their designees: the Chief Clinical Officer appointed by the Commissioner; the Clinical Manager, Program Coordinator and Clinical Reviewer of the electroscopicepartment's Mortality Review Team; the Senior Director of Quality Improvement of the Department; an employee of the Department with experience related to quality improvement; an employee of the Department with relevant programmatic or operational experience; a person licensed to practice medicine or osteopathy in the Commonwealth; a person licensed to practice as a registered nurse in the Commonwealth; and a person with experience in conducting mortality reviews who is not employed by or otherwise affiliated with the Department. The Chief Clinical Officer and the Clinical Manager of the Department's Mortality Review Team shall serve as co-chairs of the Committee. The co-chairs of the committee or the Commissioner may appoint such additional members of the Committee as may be needed to complete developmental disability mortality reviews pursuant to this section.

Members of the Committee shall serve such terms as may be determined by the Commissioner.

C. Upon the request of the Chief Clinical Officer in his capacity as a co-chair of the Committee, information and records regarding an individual whose death is being reviewed by the Committee, including (i) any report of the circumstances of the death maintained by any state or local law-enforcement agency or the Office of the Chief Medical Examiner and (ii) information or records about the person maintained by any facility, hospital, nursing home, or health care provider that provided services to the individual, any social services agency that provided services to the individual, or any court shall be provided to the Chief Clinical Officer or his designee. Any presentence report prepared pursuant to § 19.2-299 for any person convicted of a crime that may have led to the death of the person whose death is the subject of review by the Committee shall be made available to the Chief Clinical Officer or his designee for inspection. In addition, the Chief Clinical Officer or his designee may inspect and copy from any health care provider in the Commonwealth, on behalf of the Committee, any health or mental health record of the individual, without authorization.

D. All information obtained or generated by the Committee or on behalf of the Committee regarding a review shall be confidential and excluded from the Virginia Freedom of Information Act (§ 2.2-3700 et seq.) pursuant to subdivision 7 of § 2.2-3705.5. Such information shall not be subject to subpoena or discovery or be admissible in any civil or criminal proceeding. If available from other sources, however, such information and records shall not be immune from subpoena, discovery, or introduction into evidence when obtained through such other sources solely because the information and records were presented to the Committee during a review pursuant to this section. The Committee shall compile all requested information collected for a clinical review. The findings of the Committee may be disclosed or published in statistical or other form but shall not identify any individuals.

The portions of meetings in which individual death cases are discussed by the Committee shall be closed pursuant to subdivision A 21 of § 2.2-3711. In addition to the requirements of § 2.2-3712, all members of the Committee and other persons attending closed meetings of the Committee, including any persons presenting information or records on specific deaths, shall sign an agreement to maintain the confidentiality of the information, records, discussions, and opinions disclosed during meetings at which the Committee reviews a specific death. No member of the Committee or other person who participates in a review shall be required to make any statement regarding the review or any information collected during the review. Violations of this subsection are punishable as a Class 3 misdemeanor.

E. Upon notification of the death of a person with a developmental disability who was receiving services from a provider licensed by the Department or in a training center or other state facility, any state or local government agency or facility that provided services to the person or maintained records on the person or the person's family shall retain the records for 12 months after the date of the death.

F. The Committee shall report its activities annually to the Governor and the General Assembly by December 1. Such report shall include statistical and other data on the deaths of persons with a developmental disability who were receiving services from a provider licensed by the Department or in a training center or other state facility at the time of their death

and recommendations developed by the Committee to address the conditions that led to such deaths. Any statistical compilations prepared by the Committee shall be public record and shall not contain any personally identifying information.

CHAPTER 852

An Act to amend and reenact § 2.2-4303.1 of the Code of Virginia, relating to the Virginia Public Procurement Act; architectural and professional engineering term contracts; limitations.

[S 487]

Approved April 7, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-4303.1 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-4303.1. Architectural and professional engineering term contracting; limitations.

A. A contract for architectural or professional engineering services relating to multiple construction projects may be awarded by a public body, provided (i) the projects require similar experience and expertise, (ii) the nature of the projects is clearly identified in the Request for Proposal, and (iii) the contract is limited to a term of one year or when the cumulative total project fees reach the maximum authorized in this section, whichever occurs first.

Such contracts may be renewable for four additional one-year terms at the option of the public body. The fair and reasonable prices as negotiated shall be used in determining the cost of each project performed.

B. The sum of all projects performed in a one-year contract term shall not exceed \$750,000, except that for:

1. A state agency, as defined in § 2.2-4347, the sum of all projects performed in a one-year contract term shall not exceed \$1 million;

2. Any locality with a population in excess of 78,000 or school division within such locality, or any authority, sanitation district, metropolitan planning organization, transportation district commission, or planning district commission, or any city within Planning District 8, the sum of all projects performed in a one-year contract term shall not exceed \$6.8 million and those awarded for any airport as defined in § 5.1-1 and aviation transportation projects, the sum of all such projects shall not exceed \$1.5 million;

3. Architectural and engineering services for rail and public transportation projects by the Director of the Department of Rail and Public Transportation, the sum of all projects in a one-year contract term shall not exceed \$2 million. Such contract may be renewable for two additional one-year terms at the option of the Director; and

4. Environmental location, design, and inspection work regarding highways and bridges by the Commissioner of Highways, the initial contract term shall be limited to two years or when the cumulative total project fees reach \$5.8 million, whichever occurs first. Such contract may be renewable for two additional one-year terms at the option of the Commissioner, and the sum of all projects in each one-year contract term shall not exceed \$5 million.

C. Competitive negotiations for such architectural or professional engineering services contracts may result in awards to more than one offeror, provided (i) the Request for Proposal so states and (ii) the public body has established procedures for distributing multiple projects among the selected contractors during the contract term. Such procedures shall prohibit requiring the selected contractors to compete for individual projects based on price.

D. The fee for any single project shall not exceed \$150,000; however, for architectural or engineering services for airports as defined in § 5.1-1 and aviation transportation projects, the project fee of any single project shall not exceed \$500,000, except that for:

1. A state agency as defined in § 2.2-4347, the project fee shall not exceed \$200,000, as may be determined by the Director of the Department of General Services or as otherwise provided by the Restructured Higher Education Financial and Administrative Operations Act (§ 23.1-1000 et seq.); and

2. Any locality with a population in excess of 78,000 or school division within such locality, or any authority, transportation district commission, or sanitation district, or any city within Planning District 8, the project fee shall not exceed \$2.5 million.

The limitations imposed upon single-project fees pursuant to this subsection shall not apply to environmental, location, design, and inspection work regarding highways and bridges by the Commissioner of Highways or architectural and engineering services for rail and public transportation projects by the Director of the Department of Rail and Public Transportation.

E. For the purposes of subsection B, any unused amounts from one contract term shall not be carried forward to any additional term, except as otherwise provided by the Restructured Higher Education Financial and Administrative Operations Act (§ 23.1-1000 et seq.).

CHAPTER 853

An Act to amend and reenact §§ 8.01-225 and 54.1-3408 of the Code of Virginia, relating to the possession and administration of epinephrine by certain individuals.

[S 530]

Approved April 7, 2020

Be it enacted by the General Assembly of Virginia:**1. That §§ 8.01-225 and 54.1-3408 of the Code of Virginia are amended and reenacted as follows:****§ 8.01-225. Persons rendering emergency care, obstetrical services exempt from liability.**

A. Any person who:

1. In good faith, renders emergency care or assistance, without compensation, to any ill or injured person (i) at the scene of an accident, fire, or any life-threatening emergency; (ii) at a location for screening or stabilization of an emergency medical condition arising from an accident, fire, or any life-threatening emergency; or (iii) en route to any hospital, medical clinic, or doctor's office, shall not be liable for any civil damages for acts or omissions resulting from the rendering of such care or assistance. For purposes of this subdivision, emergency care or assistance includes the forcible entry of a motor vehicle in order to remove an unattended minor at risk of serious bodily injury or death, provided the person has attempted to contact a law-enforcement officer, as defined in § 9.1-101, a firefighter, as defined in § 65.2-102, emergency medical services personnel, as defined in § 32.1-111.1, or an emergency 911 system, if feasible under the circumstances.

2. In the absence of gross negligence, renders emergency obstetrical care or assistance to a female in active labor who has not previously been cared for in connection with the pregnancy by such person or by another professionally associated with such person and whose medical records are not reasonably available to such person shall not be liable for any civil damages for acts or omissions resulting from the rendering of such emergency care or assistance. The immunity herein granted shall apply only to the emergency medical care provided.

3. In good faith and without compensation, including any emergency medical services provider who holds a valid certificate issued by the Commissioner of Health, administers epinephrine in an emergency to an individual shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment if such person has reason to believe that the individual receiving the injection is suffering or is about to suffer a life-threatening anaphylactic reaction.

4. Provides assistance upon request of any police agency, fire department, emergency medical services agency, or governmental agency in the event of an accident or other emergency involving the use, handling, transportation, transmission, or storage of liquefied petroleum gas, liquefied natural gas, hazardous material, or hazardous waste as defined in § 10.1-1400 or regulations of the Virginia Waste Management Board shall not be liable for any civil damages resulting from any act of commission or omission on his part in the course of his rendering such assistance in good faith.

5. Is an emergency medical services provider possessing a valid certificate issued by authority of the State Board of Health who in good faith renders emergency care or assistance, whether in person or by telephone or other means of communication, without compensation, to any injured or ill person, whether at the scene of an accident, fire, or any other place, or while transporting such injured or ill person to, from, or between any hospital, medical facility, medical clinic, doctor's office, or other similar or related medical facility, shall not be liable for any civil damages for acts or omissions resulting from the rendering of such emergency care, treatment, or assistance, including but in no way limited to acts or omissions which involve violations of State Department of Health regulations or any other state regulations in the rendering of such emergency care or assistance.

6. In good faith and without compensation, renders or administers emergency cardiopulmonary resuscitation (CPR); cardiac defibrillation, including, but not limited to, the use of an automated external defibrillator (AED); or other emergency life-sustaining or resuscitative treatments or procedures which have been approved by the State Board of Health to any sick or injured person, whether at the scene of a fire, an accident, or any other place, or while transporting such person to or from any hospital, clinic, doctor's office, or other medical facility, shall be deemed qualified to administer such emergency treatments and procedures and shall not be liable for acts or omissions resulting from the rendering of such emergency resuscitative treatments or procedures.

7. Operates an AED at the scene of an emergency, trains individuals to be operators of AEDs, or orders AEDs, shall be immune from civil liability for any personal injury that results from any act or omission in the use of an AED in an emergency where the person performing the defibrillation acts as an ordinary, reasonably prudent person would have acted under the same or similar circumstances, unless such personal injury results from gross negligence or willful or wanton misconduct of the person rendering such emergency care.

8. Maintains an AED located on real property owned or controlled by such person shall be immune from civil liability for any personal injury that results from any act or omission in the use in an emergency of an AED located on such property unless such personal injury results from gross negligence or willful or wanton misconduct of the person who maintains the AED or his agent or employee.

9. Is an employee of a school board or of a local health department approved by the local governing body to provide health services pursuant to § 22.1-274 who, while on school property or at a school-sponsored event, (i) renders emergency care or assistance to any sick or injured person; (ii) renders or administers emergency cardiopulmonary resuscitation (CPR);

cardiac defibrillation, including, but not limited to, the use of an automated external defibrillator (AED); or other emergency life-sustaining or resuscitative treatments or procedures that have been approved by the State Board of Health to any sick or injured person; (iii) operates an AED, trains individuals to be operators of AEDs, or orders AEDs; or (iv) maintains an AED, shall not be liable for civil damages for ordinary negligence in acts or omissions on the part of such employee while engaged in the acts described in this subdivision.

10. Is a volunteer in good standing and certified to render emergency care by the National Ski Patrol System, Inc., who, in good faith and without compensation, renders emergency care or assistance to any injured or ill person, whether at the scene of a ski resort rescue, outdoor emergency rescue, or any other place or while transporting such injured or ill person to a place accessible for transfer to any available emergency medical system unit, or any resort owner voluntarily providing a ski patroller employed by him to engage in rescue or recovery work at a resort not owned or operated by him, shall not be liable for any civil damages for acts or omissions resulting from the rendering of such emergency care, treatment, or assistance, including but not limited to acts or omissions which involve violations of any state regulation or any standard of the National Ski Patrol System, Inc., in the rendering of such emergency care or assistance, unless such act or omission was the result of gross negligence or willful misconduct.

11. Is an employee of (i) a school board, (ii) a school for students with disabilities as defined in § 22.1-319 licensed by the Board of Education, or (iii) a private school accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education and is authorized by a prescriber and trained in the administration of insulin and glucagon, who, upon the written request of the parents as defined in § 22.1-1, assists with the administration of insulin or, in the case of a school board employee, with the insertion or reinsertion of an insulin pump or any of its parts pursuant to subsection B of § 22.1-274.01:1 or administers glucagon to a student diagnosed as having diabetes who requires insulin injections during the school day or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment if the insulin is administered according to the child's medication schedule or such employee has reason to believe that the individual receiving the glucagon is suffering or is about to suffer life-threatening hypoglycemia. Whenever any such employee is covered by the immunity granted herein, the school board or school employing him shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such insulin or glucagon treatment.

12. Is an employee of a public institution of higher education or a private institution of higher education who is authorized by a prescriber and trained in the administration of insulin and glucagon, who assists with the administration of insulin or administers glucagon to a student diagnosed as having diabetes who requires insulin injections or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment if the insulin is administered according to the student's medication schedule or such employee has reason to believe that the individual receiving the glucagon is suffering or is about to suffer life-threatening hypoglycemia. Whenever any employee is covered by the immunity granted in this subdivision, the institution shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such insulin or glucagon treatment.

13. Is a school nurse, an employee of a school board, an employee of a local governing body, or an employee of a local health department who is authorized by a prescriber and trained in the administration of epinephrine and who provides, administers, or assists in the administration of epinephrine to a student believed in good faith to be having an anaphylactic reaction, or is the prescriber of the epinephrine, shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment.

14. Is an employee of a school for students with disabilities, as defined in § 22.1-319 and licensed by the Board of Education, or an employee of a private school that is accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education who is authorized by a prescriber and trained in the administration of epinephrine and who administers or assists in the administration of epinephrine to a student believed in good faith to be having an anaphylactic reaction, or is the prescriber of the epinephrine, shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment. Whenever any employee is covered by the immunity granted in this subdivision, the school shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from such administration or assistance.

15. Is an employee of a public institution of higher education or a private institution of higher education who is authorized by a prescriber and trained in the administration of epinephrine and who administers or assists in the administration of epinephrine to a student believed in good faith to be having an anaphylactic reaction, or is the prescriber of the epinephrine, shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment. Whenever any employee is covered by the immunity granted in this subdivision, the institution shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from such administration or assistance.

16. Is an employee of an organization providing outdoor educational experiences or programs for youth who is authorized by a prescriber and trained in the administration of epinephrine and who administers or assists in the administration of epinephrine to a participant in the outdoor experience or program for youth believed in good faith to be having an anaphylactic reaction, or is the prescriber of the epinephrine, shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment. Whenever any employee is covered by the

immunity granted in this subdivision, the organization shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from such administration or assistance.

17. Is an employee of a restaurant licensed pursuant to Chapter 3 (§ 35.1-18 et seq.) of Title 35.1, is authorized by a prescriber and trained in the administration of epinephrine, and provides, administers, or assists in the administration of epinephrine to an individual believed in good faith to be having an anaphylactic reaction on the premises of the restaurant at which the employee is employed, or is the prescriber of the epinephrine, shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment.

18. Is an employee of a provider licensed by the Department of Behavioral Health and Developmental Services, or provides services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services, who has been trained in the administration of insulin and glucagon and who administers or assists with the administration of insulin or administers glucagon to a person diagnosed as having diabetes who requires insulin injections or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia in accordance with § 54.1-3408 shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment if the insulin is administered in accordance with the prescriber's instructions or such person has reason to believe that the individual receiving the glucagon is suffering or is about to suffer life-threatening hypoglycemia. Whenever any employee of a provider licensed by the Department of Behavioral Health and Developmental Services or a person who provides services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services is covered by the immunity granted herein, the provider shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such insulin or glucagon treatment.

~~18.~~ 19. Is an employee of a provider licensed by the Department of Behavioral Health and Developmental Services, or provides services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services, who has been trained in the administration of epinephrine and who administers or assists in the administration of epinephrine to a person believed in good faith to be having an anaphylactic reaction in accordance with the prescriber's instructions shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment.

~~19.~~ 20. In good faith prescribes, dispenses, or administers naloxone or other opioid antagonist used for overdose reversal in an emergency to an individual who is believed to be experiencing or about to experience a life-threatening opiate overdose shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment if acting in accordance with the provisions of subsection X or Y of § 54.1-3408 or in his role as a member of an emergency medical services agency.

~~20.~~ 21. Is an employee of a school board, school for students with disabilities as defined in § 22.1-319 licensed by the Board of Education, or private school accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education who is trained in the administration of injected medications for the treatment of adrenal crisis resulting from a condition causing adrenal insufficiency and who administers or assists in the administration of such medications to a student diagnosed with a condition causing adrenal insufficiency when the student is believed to be experiencing or about to experience an adrenal crisis pursuant to a written order or standing protocol issued by a prescriber within the course of his professional practice and in accordance with the prescriber's instructions shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment.

B. Any licensed physician serving without compensation as the operational medical director for an emergency medical services agency that holds a valid license as an emergency medical services agency issued by the Commissioner of Health shall not be liable for any civil damages for any act or omission resulting from the rendering of emergency medical services in good faith by the personnel of such licensed agency unless such act or omission was the result of such physician's gross negligence or willful misconduct.

Any person serving without compensation as a dispatcher for any licensed public or nonprofit emergency medical services agency in the Commonwealth shall not be liable for any civil damages for any act or omission resulting from the rendering of emergency services in good faith by the personnel of such licensed agency unless such act or omission was the result of such dispatcher's gross negligence or willful misconduct.

Any individual, certified by the State Office of Emergency Medical Services as an emergency medical services instructor and pursuant to a written agreement with such office, who, in good faith and in the performance of his duties, provides instruction to persons for certification or recertification as a certified basic life support or advanced life support emergency medical services provider shall not be liable for any civil damages for acts or omissions on his part directly relating to his activities on behalf of such office unless such act or omission was the result of such emergency medical services instructor's gross negligence or willful misconduct.

Any licensed physician serving without compensation as a medical advisor to an E-911 system in the Commonwealth shall not be liable for any civil damages for any act or omission resulting from rendering medical advice in good faith to establish protocols to be used by the personnel of the E-911 service, as defined in § 58.1-1730, when answering emergency calls unless such act or omission was the result of such physician's gross negligence or willful misconduct.

Any licensed physician who directs the provision of emergency medical services, as authorized by the State Board of Health, through a communications device shall not be liable for any civil damages for any act or omission resulting from the rendering of such emergency medical services unless such act or omission was the result of such physician's gross negligence or willful misconduct.

Any licensed physician serving without compensation as a supervisor of an AED in the Commonwealth shall not be liable for any civil damages for any act or omission resulting from rendering medical advice in good faith to the owner of the AED relating to personnel training, local emergency medical services coordination, protocol approval, AED deployment strategies, and equipment maintenance plans and records unless such act or omission was the result of such physician's gross negligence or willful misconduct.

C. Any communications services provider, as defined in § 58.1-647, including mobile service, and any provider of Voice-over-Internet Protocol service, in the Commonwealth shall not be liable for any civil damages for any act or omission resulting from rendering such service with or without charge related to emergency calls unless such act or omission was the result of such service provider's gross negligence or willful misconduct.

Any volunteer engaging in rescue or recovery work at a mine, or any mine operator voluntarily providing personnel to engage in rescue or recovery work at a mine not owned or operated by such operator, shall not be liable for civil damages for acts or omissions resulting from the rendering of such rescue or recovery work in good faith unless such act or omission was the result of gross negligence or willful misconduct. For purposes of this subsection, "Voice-over-Internet Protocol service" or "VoIP service" means any Internet protocol-enabled services utilizing a broadband connection, actually originating or terminating in Internet Protocol from either or both ends of a channel of communication offering real time, multidirectional voice functionality, including, but not limited to, services similar to traditional telephone service.

D. Nothing contained in this section shall be construed to provide immunity from liability arising out of the operation of a motor vehicle.

E. For the purposes of this section, "compensation" shall not be construed to include (i) the salaries of police, fire, or other public officials or personnel who render such emergency assistance; (ii) the salaries or wages of employees of a coal producer engaging in emergency medical services or first aid services pursuant to the provisions of § 45.1-161.38, 45.1-161.101, 45.1-161.199, or 45.1-161.263; (iii) complimentary lift tickets, food, lodging, or other gifts provided as a gratuity to volunteer members of the National Ski Patrol System, Inc., by any resort, group, or agency; (iv) the salary of any person who (a) owns an AED for the use at the scene of an emergency, (b) trains individuals, in courses approved by the Board of Health, to operate AEDs at the scene of emergencies, (c) orders AEDs for use at the scene of emergencies, or (d) operates an AED at the scene of an emergency; or (v) expenses reimbursed to any person providing care or assistance pursuant to this section.

For the purposes of this section, "emergency medical services provider" shall include a person licensed or certified as such or its equivalent by any other state when he is performing services that he is licensed or certified to perform by such other state in caring for a patient in transit in the Commonwealth, which care originated in such other state.

Further, the public shall be urged to receive training on how to use CPR and an AED in order to acquire the skills and confidence to respond to emergencies using both CPR and an AED.

§ 54.1-3408. Professional use by practitioners.

A. A practitioner of medicine, osteopathy, podiatry, dentistry, or veterinary medicine or a licensed nurse practitioner pursuant to § 54.1-2957.01, a licensed physician assistant pursuant to § 54.1-2952.1, or a TPA-certified optometrist pursuant to Article 5 (§ 54.1-3222 et seq.) of Chapter 32 shall only prescribe, dispense, or administer controlled substances in good faith for medicinal or therapeutic purposes within the course of his professional practice.

B. The prescribing practitioner's order may be on a written prescription or pursuant to an oral prescription as authorized by this chapter. The prescriber may administer drugs and devices, or he may cause drugs or devices to be administered by:

1. A nurse, physician assistant, or intern under his direction and supervision;
2. Persons trained to administer drugs and devices to patients in state-owned or state-operated hospitals or facilities licensed as hospitals by the Board of Health or psychiatric hospitals licensed by the Department of Behavioral Health and Developmental Services who administer drugs under the control and supervision of the prescriber or a pharmacist;
3. Emergency medical services personnel certified and authorized to administer drugs and devices pursuant to regulations of the Board of Health who act within the scope of such certification and pursuant to an oral or written order or standing protocol; or
4. A licensed respiratory therapist as defined in § 54.1-2954 who administers by inhalation controlled substances used in inhalation or respiratory therapy.

C. Pursuant to an oral or written order or standing protocol, the prescriber, who is authorized by state or federal law to possess and administer radiopharmaceuticals in the scope of his practice, may authorize a nuclear medicine technologist to administer, under his supervision, radiopharmaceuticals used in the diagnosis or treatment of disease.

D. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize registered nurses and licensed practical nurses to possess (i) epinephrine and oxygen for administration in treatment of emergency medical conditions and (ii) heparin and sterile normal saline to use for the maintenance of intravenous access lines.

Pursuant to the regulations of the Board of Health, certain emergency medical services technicians may possess and administer epinephrine in emergency cases of anaphylactic shock.

Pursuant to an order or standing protocol issued by the prescriber within the course of his professional practice, any school nurse, school board employee, employee of a local governing body, or employee of a local health department who is authorized by a prescriber and trained in the administration of epinephrine may possess and administer epinephrine.

Pursuant to an order or a standing protocol issued by the prescriber within the course of his professional practice, any employee of a school for students with disabilities, as defined in § 22.1-319 and licensed by the Board of Education, or any employee of a private school that is accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education who is authorized by a prescriber and trained in the administration of epinephrine may possess and administer epinephrine.

Pursuant to an order or a standing protocol issued by the prescriber within the course of his professional practice, any employee of a public institution of higher education or a private institution of higher education who is authorized by a prescriber and trained in the administration of epinephrine may possess and administer epinephrine.

Pursuant to an order or a standing protocol issued by the prescriber within the course of his professional practice, any employee of an organization providing outdoor educational experiences or programs for youth who is authorized by a prescriber and trained in the administration of epinephrine may possess and administer epinephrine.

Pursuant to an order or a standing protocol issued by the prescriber within the course of his professional practice, and in accordance with policies and guidelines established by the Department of Health, such prescriber may authorize any employee of a restaurant licensed pursuant to Chapter 3 (§ 35.1-18 et seq.) of Title 35.1 to possess and administer epinephrine on the premises of the restaurant at which the employee is employed, provided that such person is trained in the administration of epinephrine.

Pursuant to an order issued by the prescriber within the course of his professional practice, an employee of a provider licensed by the Department of Behavioral Health and Developmental Services or a person providing services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services may possess and administer epinephrine, provided such person is authorized and trained in the administration of epinephrine.

Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize pharmacists to possess epinephrine and oxygen for administration in treatment of emergency medical conditions.

E. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize licensed physical therapists to possess and administer topical corticosteroids, topical lidocaine, and any other Schedule VI topical drug.

F. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize licensed athletic trainers to possess and administer topical corticosteroids, topical lidocaine, or other Schedule VI topical drugs; oxygen for use in emergency situations; and epinephrine for use in emergency cases of anaphylactic shock.

G. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, and in accordance with policies and guidelines established by the Department of Health pursuant to § 32.1-50.2, such prescriber may authorize registered nurses or licensed practical nurses under the supervision of a registered nurse to possess and administer tuberculin purified protein derivative (PPD) in the absence of a prescriber. The Department of Health's policies and guidelines shall be consistent with applicable guidelines developed by the Centers for Disease Control and Prevention for preventing transmission of mycobacterium tuberculosis and shall be updated to incorporate any subsequently implemented standards of the Occupational Safety and Health Administration and the Department of Labor and Industry to the extent that they are inconsistent with the Department of Health's policies and guidelines. Such standing protocols shall explicitly describe the categories of persons to whom the tuberculin test is to be administered and shall provide for appropriate medical evaluation of those in whom the test is positive. The prescriber shall ensure that the nurse implementing such standing protocols has received adequate training in the practice and principles underlying tuberculin screening.

The Health Commissioner or his designee may authorize registered nurses, acting as agents of the Department of Health, to possess and administer, at the nurse's discretion, tuberculin purified protein derivative (PPD) to those persons in whom tuberculin skin testing is indicated based on protocols and policies established by the Department of Health.

H. Pursuant to a written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize, with the consent of the parents as defined in § 22.1-1, an employee of (i) a school board, (ii) a school for students with disabilities as defined in § 22.1-319 licensed by the Board of Education, or (iii) a private school accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education who is trained in the administration of insulin and glucagon to assist with the administration of insulin or administer glucagon to a student diagnosed as having diabetes and who requires insulin injections during the school day or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia. Such authorization shall only be effective when a licensed nurse, nurse practitioner, physician, or physician assistant is not present to perform the administration of the medication.

Pursuant to a written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize an employee of a public institution of higher education or a private institution of higher education who is trained in the administration of insulin and glucagon to assist with the administration of insulin or administration of glucagon to a student diagnosed as having diabetes and who requires insulin injections or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia. Such authorization shall only be effective when a licensed nurse, nurse practitioner, physician, or physician assistant is not present to perform the administration of the medication.

Pursuant to a written order issued by the prescriber within the course of his professional practice, such prescriber may authorize an employee of a provider licensed by the Department of Behavioral Health and Developmental Services or a person providing services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services to assist with the administration of insulin or to administer glucagon to a person diagnosed as having diabetes and who requires insulin injections or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia, provided such employee or person providing services has been trained in the administration of insulin and glucagon.

I. A prescriber may authorize, pursuant to a protocol approved by the Board of Nursing, the administration of vaccines to adults for immunization, when a practitioner with prescriptive authority is not physically present, by (i) licensed pharmacists, (ii) registered nurses, or (iii) licensed practical nurses under the supervision of a registered nurse. A prescriber acting on behalf of and in accordance with established protocols of the Department of Health may authorize the administration of vaccines to any person by a pharmacist, nurse, or designated emergency medical services provider who holds an advanced life support certificate issued by the Commissioner of Health under the direction of an operational medical director when the prescriber is not physically present. The emergency medical services provider shall provide documentation of the vaccines to be recorded in the Virginia Immunization Information System.

J. A dentist may cause Schedule VI topical drugs to be administered under his direction and supervision by either a dental hygienist or by an authorized agent of the dentist.

Further, pursuant to a written order and in accordance with a standing protocol issued by the dentist in the course of his professional practice, a dentist may authorize a dental hygienist under his general supervision, as defined in § 54.1-2722, or his remote supervision, as defined in subsection E or F of § 54.1-2722, to possess and administer topical oral fluorides, topical oral anesthetics, topical and directly applied antimicrobial agents for treatment of periodontal pocket lesions, and any other Schedule VI topical drug approved by the Board of Dentistry.

In addition, a dentist may authorize a dental hygienist under his direction to administer Schedule VI nitrous oxide and oxygen inhalation analgesia and, to persons 18 years of age or older, Schedule VI local anesthesia.

K. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize registered professional nurses certified as sexual assault nurse examiners-A (SANE-A) under his supervision and when he is not physically present to possess and administer preventive medications for victims of sexual assault as recommended by the Centers for Disease Control and Prevention.

L. This section shall not prevent the administration of drugs by a person who has satisfactorily completed a training program for this purpose approved by the Board of Nursing and who administers such drugs in accordance with a prescriber's instructions pertaining to dosage, frequency, and manner of administration, and in accordance with regulations promulgated by the Board of Pharmacy relating to security and record keeping, when the drugs administered would be normally self-administered by (i) an individual receiving services in a program licensed by the Department of Behavioral Health and Developmental Services; (ii) a resident of the Virginia Rehabilitation Center for the Blind and Vision Impaired; (iii) a resident of a facility approved by the Board or Department of Juvenile Justice for the placement of children in need of services or delinquent or alleged delinquent youth; (iv) a program participant of an adult day-care center licensed by the Department of Social Services; (v) a resident of any facility authorized or operated by a state or local government whose primary purpose is not to provide health care services; (vi) a resident of a private children's residential facility, as defined in § 63.2-100 and licensed by the Department of Social Services, Department of Education, or Department of Behavioral Health and Developmental Services; or (vii) a student in a school for students with disabilities, as defined in § 22.1-319 and licensed by the Board of Education.

In addition, this section shall not prevent a person who has successfully completed a training program for the administration of drugs via percutaneous gastrostomy tube approved by the Board of Nursing and been evaluated by a registered nurse as having demonstrated competency in administration of drugs via percutaneous gastrostomy tube from administering drugs to a person receiving services from a program licensed by the Department of Behavioral Health and Developmental Services to such person via percutaneous gastrostomy tube. The continued competency of a person to administer drugs via percutaneous gastrostomy tube shall be evaluated semiannually by a registered nurse.

M. Medication aides registered by the Board of Nursing pursuant to Article 7 (§ 54.1-3041 et seq.) of Chapter 30 may administer drugs that would otherwise be self-administered to residents of any assisted living facility licensed by the Department of Social Services. A registered medication aide shall administer drugs pursuant to this section in accordance with the prescriber's instructions pertaining to dosage, frequency, and manner of administration; in accordance with regulations promulgated by the Board of Pharmacy relating to security and recordkeeping; in accordance with the assisted living facility's Medication Management Plan; and in accordance with such other regulations governing their practice promulgated by the Board of Nursing.

N. In addition, this section shall not prevent the administration of drugs by a person who administers such drugs in accordance with a physician's instructions pertaining to dosage, frequency, and manner of administration and with written authorization of a parent, and in accordance with school board regulations relating to training, security and record keeping, when the drugs administered would be normally self-administered by a student of a Virginia public school. Training for such persons shall be accomplished through a program approved by the local school boards, in consultation with the local departments of health.

O. In addition, this section shall not prevent the administration of drugs by a person to (i) a child in a child day program as defined in § 63.2-100 and regulated by the State Board of Social Services or a local government pursuant to § 15.2-914, or (ii) a student of a private school that is accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education, provided such person (a) has satisfactorily completed a training program for this purpose approved by the Board of Nursing and taught by a registered nurse, licensed practical nurse, nurse practitioner, physician assistant, doctor of medicine or osteopathic medicine, or pharmacist; (b) has obtained written authorization from a parent or guardian; (c) administers drugs only to the child identified on the prescription label in accordance with the prescriber's instructions pertaining to dosage, frequency, and manner of administration; and (d) administers only those drugs that were dispensed from a pharmacy and maintained in the original, labeled container that would normally be self-administered by the child or student, or administered by a parent or guardian to the child or student.

P. In addition, this section shall not prevent the administration or dispensing of drugs and devices by persons if they are authorized by the State Health Commissioner in accordance with protocols established by the State Health Commissioner pursuant to § 32.1-42.1 when (i) the Governor has declared a disaster or a state of emergency or the United States Secretary of Health and Human Services has issued a declaration of an actual or potential bioterrorism incident or other actual or potential public health emergency; (ii) it is necessary to permit the provision of needed drugs or devices; and (iii) such persons have received the training necessary to safely administer or dispense the needed drugs or devices. Such persons shall administer or dispense all drugs or devices under the direction, control, and supervision of the State Health Commissioner.

Q. Nothing in this title shall prohibit the administration of normally self-administered drugs by unlicensed individuals to a person in his private residence.

R. This section shall not interfere with any prescriber issuing prescriptions in compliance with his authority and scope of practice and the provisions of this section to a Board agent for use pursuant to subsection G of § 18.2-258.1. Such prescriptions issued by such prescriber shall be deemed to be valid prescriptions.

S. Nothing in this title shall prevent or interfere with dialysis care technicians or dialysis patient care technicians who are certified by an organization approved by the Board of Health Professions or persons authorized for provisional practice pursuant to Chapter 27.01 (§ 54.1-2729.1 et seq.), in the ordinary course of their duties in a Medicare-certified renal dialysis facility, from administering heparin, topical needle site anesthetics, dialysis solutions, sterile normal saline solution, and blood volumizers, for the purpose of facilitating renal dialysis treatment, when such administration of medications occurs under the orders of a licensed physician, nurse practitioner, or physician assistant and under the immediate and direct supervision of a licensed registered nurse. Nothing in this chapter shall be construed to prohibit a patient care dialysis technician trainee from performing dialysis care as part of and within the scope of the clinical skills instruction segment of a supervised dialysis technician training program, provided such trainee is identified as a "trainee" while working in a renal dialysis facility.

The dialysis care technician or dialysis patient care technician administering the medications shall have demonstrated competency as evidenced by holding current valid certification from an organization approved by the Board of Health Professions pursuant to Chapter 27.01 (§ 54.1-2729.1 et seq.).

T. Persons who are otherwise authorized to administer controlled substances in hospitals shall be authorized to administer influenza or pneumococcal vaccines pursuant to § 32.1-126.4.

U. Pursuant to a specific order for a patient and under his direct and immediate supervision, a prescriber may authorize the administration of controlled substances by personnel who have been properly trained to assist a doctor of medicine or osteopathic medicine, provided the method does not include intravenous, intrathecal, or epidural administration and the prescriber remains responsible for such administration.

V. A physician assistant, nurse, or dental hygienist may possess and administer topical fluoride varnish pursuant to an oral or written order or a standing protocol issued by a doctor of medicine, osteopathic medicine, or dentistry.

W. A prescriber, acting in accordance with guidelines developed pursuant to § 32.1-46.02, may authorize the administration of influenza vaccine to minors by a licensed pharmacist, registered nurse, licensed practical nurse under the direction and immediate supervision of a registered nurse, or emergency medical services provider who holds an advanced life support certificate issued by the Commissioner of Health when the prescriber is not physically present.

X. Notwithstanding the provisions of § 54.1-3303, pursuant to an oral, written, or standing order issued by a prescriber or a standing order issued by the Commissioner of Health or his designee authorizing the dispensing of naloxone or other opioid antagonist used for overdose reversal in the absence of an oral or written order for a specific patient issued by a prescriber, and in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health, a pharmacist, a health care provider providing services in a hospital emergency department, and emergency medical services personnel, as that term is defined in § 32.1-111.1, may dispense naloxone or other opioid antagonist used for overdose reversal and a person to whom naloxone or other opioid antagonist has been dispensed pursuant to this subsection may possess and administer naloxone or other opioid antagonist used for overdose reversal to a person who is believed to be experiencing or about to experience a life-threatening opioid overdose. Law-enforcement officers as defined in § 9.1-101, employees of the Department of Forensic Science, employees of the Office of the Chief Medical Examiner, employees of the Department of General Services Division of Consolidated Laboratory Services, employees of the Department of Corrections designated as probation and parole officers or as correctional officers as defined in § 53.1-1, employees of regional jails, school nurses, local health department employees

that are assigned to a public school pursuant to an agreement between the local health department and the school board, other school board employees or individuals contracted by a school board to provide school health services, and firefighters who have completed a training program may also possess and administer naloxone or other opioid antagonist used for overdose reversal and may dispense naloxone or other opioid antagonist used for overdose reversal pursuant to an oral, written, or standing order issued by a prescriber or a standing order issued by the Commissioner of Health or his designee in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health.

Y. Notwithstanding any other law or regulation to the contrary, a person who is acting on behalf of an organization that provides services to individuals at risk of experiencing an opioid overdose or training in the administration of naloxone for overdose reversal may dispense naloxone to a person who has received instruction on the administration of naloxone for opioid overdose reversal, provided that such dispensing is (i) pursuant to a standing order issued by a prescriber and (ii) in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health. If the person acting on behalf of an organization dispenses naloxone in an injectable formulation with a hypodermic needle or syringe, he shall first obtain authorization from the Department of Behavioral Health and Developmental Services to train individuals on the proper administration of naloxone by and proper disposal of a hypodermic needle or syringe, and he shall obtain a controlled substance registration from the Board of Pharmacy. The Board of Pharmacy shall not charge a fee for the issuance of such controlled substance registration. The dispensing may occur at a site other than that of the controlled substance registration provided the entity possessing the controlled substances registration maintains records in accordance with regulations of the Board of Pharmacy. No person who dispenses naloxone on behalf of an organization pursuant to this subsection shall charge a fee for the dispensing of naloxone that is greater than the cost to the organization of obtaining the naloxone dispensed. A person to whom naloxone has been dispensed pursuant to this subsection may possess naloxone and may administer naloxone to a person who is believed to be experiencing or about to experience a life-threatening opioid overdose.

Z. Pursuant to a written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize, with the consent of the parents as defined in § 22.1-1, an employee of (i) a school board, (ii) a school for students with disabilities as defined in § 22.1-319 licensed by the Board of Education, or (iii) a private school accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education who is trained in the administration of injected medications for the treatment of adrenal crisis resulting from a condition causing adrenal insufficiency to administer such medication to a student diagnosed with a condition causing adrenal insufficiency when the student is believed to be experiencing or about to experience an adrenal crisis. Such authorization shall be effective only when a licensed nurse, nurse practitioner, physician, or physician assistant is not present to perform the administration of the medication.

2. That the Department of Health, in conjunction with the Department of Health Professions, shall develop policies and guidelines for the recognition and treatment of anaphylaxis in restaurants. Such Departments shall develop policies with input from, but not limited to, representatives of the following organizations and entities: the Virginia Nurses Association, the Virginia Chapter of the American Academy of Pediatrics, the Medical Society of Virginia, and the Office of the Attorney General. Such Departments shall consider (i) the issuance and implementation of oral or written orders or standing protocols; (ii) who may qualify as a prescriber; (iii) specification of training needs and requirements for the administration of epinephrine; (iv) appropriate storage, maintenance, and general oversight of epinephrine; (v) appropriate liability protections; and (vi) any issues requiring statutory or regulatory amendment. Such Departments shall provide such policies and guidelines to the Commissioner of Health by no later than July 1, 2021.

CHAPTER 854

An Act to amend the Code of Virginia by adding in Chapter 2 of Title 32.1 an article numbered 18, consisting of a section numbered 32.1-73.13, relating to Alzheimer's disease and related dementias; early detection and diagnosis; risk reduction and care planning.

[S 572]

Approved April 7, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 2 of Title 32.1 an article numbered 18, consisting of a section numbered 32.1-73.13, as follows:

Article 18.

Alzheimer's Disease.

§ 32.1-73.13. Alzheimer's disease and related dementias; early detection and diagnosis; risk reduction and care planning.

Using such funds as may be available for such purpose, the Department, in consultation with the Department for Aging and Rehabilitative Services, shall have the lead responsibility for (i) educating and informing the public, based on evidence-based public health research and data, about Alzheimer's disease and related dementias; (ii) supporting early detection and diagnosis of Alzheimer's disease and related dementias; (iii) reducing the risk of potentially avoidable

hospitalizations for individuals with Alzheimer's disease and related dementias; (iv) reducing the risk of cognitive decline and cognitive impairment associated with Alzheimer's disease and related dementias; and (v) supporting care planning and management for individuals with Alzheimer's disease and related dementias. The Department shall use targeted strategies specific to the needs of persons with Alzheimer's disease and related dementias. The Department shall cooperate with federal, state, and local agencies, private and public agencies, and other interested persons in order to address and reduce the risks and impairments associated with Alzheimer's disease and related dementias within the Commonwealth.

The provisions of this section shall not limit the powers and duties of other state agencies.

CHAPTER 855

An Act to amend and reenact §§ 64.2-2000, 64.2-2003, 64.2-2007, and 64.2-2009 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 22.1-217.2, relating to guardianship.

[S 585]

Approved April 7, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 64.2-2000, 64.2-2003, 64.2-2007, and 64.2-2009 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 22.1-217.2, as follows:

§ 22.1-217.2. Special education transition materials.

The Superintendent of Public Instruction shall make available special education transition materials for students and parents to be used during a student's annual Individualized Education Program meeting as required by the State Board of Education Regulations Governing Special Education Programs for Children with Disabilities in Virginia (8VAC20-81-118 and 20 U.S.C. § 1400 et seq.) and direct local school divisions to use the material to the fullest extent possible. Such materials shall be prepared and updated as necessary by the Department of Education and shall include information describing services that can be provided in the least restrictive environment possible and the purpose and use of temporary guardianship, limited guardianship, and guardianship, as those terms are defined in § 64.2-2000.

§ 64.2-2000. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Advance directive" shall have the same meaning as provided in ~~the Health Care Decisions Act (§ 54.1-2981 et seq.)~~ § 54.1-2982.

"Annual report" means the report required to be filed by a guardian pursuant to § 64.2-2020.

"Conservator" means a person appointed by the court who is responsible for managing the estate and financial affairs of an incapacitated person and, where the context plainly indicates, includes a "limited conservator" or a "temporary conservator." ~~The term~~ "Conservator" includes (i) a local or regional program designated by the Department for Aging and Rehabilitative Services as a public conservator pursuant to Article 6 (§ 51.5-149 et seq.) of Chapter 14 of Title 51.5 or (ii) any local or regional tax-exempt charitable organization established pursuant to § 501(c)(3) of the Internal Revenue Code to provide conservatorial services to incapacitated persons. Such tax-exempt charitable organization shall not be a provider of direct services to the incapacitated person. If a tax-exempt charitable organization has been designated by the Department for Aging and Rehabilitative Services as a public conservator, it may also serve as a conservator for other individuals.

"Estate" includes both real and personal property.

"Facility" means a state or licensed hospital, training center, psychiatric hospital, or other type of residential or outpatient mental health or mental retardation facility. When modified by the word "state," "facility" means a state hospital or training center operated by the Department of Behavioral Health and Developmental Services, including the buildings and land associated with it.

"Guardian" means a person appointed by the court who *has the powers and duties set out in § 64.2-2019, or § 63.2-1609 if applicable, and who* is responsible for the personal affairs of an incapacitated person, including responsibility for making decisions regarding the person's support, care, health, safety, habilitation, education, therapeutic treatment, and, if not inconsistent with an order of involuntary admission, residence. Where the context plainly indicates, the term includes a "limited guardian" or a "temporary guardian." The term includes (i) a local or regional program designated by the Department for Aging and Rehabilitative Services as a public guardian pursuant to Article 6 (§ 51.5-149 et seq.) of Chapter 14 of Title 51.5 or (ii) any local or regional tax-exempt charitable organization established pursuant to § 501(c)(3) of the Internal Revenue Code to provide guardian services to incapacitated persons. Such tax-exempt charitable organization shall not be a provider of direct services to the incapacitated person. If a tax-exempt charitable organization has been designated by the Department for Aging and Rehabilitative Services as a public guardian, it may also serve as a guardian for other individuals.

"Guardian ad litem" means an attorney appointed by the court to represent the interests of the respondent and whose duties include evaluation of the petition for guardianship or conservatorship and filing a report with the court pursuant to § 64.2-2003.

"Incapacitated person" means an adult who has been found by a court to be incapable of receiving and evaluating information effectively or responding to people, events, or environments to such an extent that the individual lacks the

capacity to (i) meet the essential requirements for his health, care, safety, or therapeutic needs without the assistance or protection of a guardian or (ii) manage property or financial affairs or provide for his support or for the support of his legal dependents without the assistance or protection of a conservator. A finding that the individual displays poor judgment alone shall not be considered sufficient evidence that the individual is an incapacitated person within the meaning of this definition. A finding that a person is incapacitated shall be construed as a finding that the person is "mentally incompetent" as that term is used in Article II, Section 1 of the Constitution of Virginia and Title 24.2 unless the court order entered pursuant to this chapter specifically provides otherwise.

"Individualized education plan" or "IEP" means a plan or program developed annually to ensure that a child who has a disability identified under the law and is attending an elementary or secondary educational institution receives specialized instruction and related services as provided by 20 U.S.C. § 1414.

"Individual receiving services" or "individual" means a current direct recipient of public or private mental health, developmental, or substance abuse treatment, rehabilitation, or habilitation services and includes the terms "consumer," "patient," "resident," "recipient," or "client."

"Limited conservator" means a person appointed by the court who has only those responsibilities for managing the estate and financial affairs of an incapacitated person as specified in the order of appointment.

"Limited guardian" means a person appointed by the court who has only those responsibilities for the personal affairs of an incapacitated person as specified in the order of appointment.

"Mental illness" means a disorder of thought, mood, emotion, perception, or orientation that significantly impairs judgment, behavior, capacity to recognize reality, or ability to address basic life necessities and requires care and treatment for the health, safety, or recovery of the individual or for the safety of others.

"Petition" means the document filed with a circuit court to initiate a proceeding to appoint a guardian or conservator.

"Power of attorney" has the same meaning ascribed to it in § 64.2-1600.

"Property" includes both real and personal property.

"Respondent" means an allegedly incapacitated person for whom a petition for guardianship or conservatorship has been filed.

"Temporary conservator" means a person appointed by a court for a limited duration of time as specified in the order of appointment.

"Temporary guardian" means a person appointed by a court for a limited duration of time as specified in the order of appointment.

"Transition plan" means the plan that is required as part of the IEP used to help students and families prepare for the future after the student reaches the age of majority.

§ 64.2-2003. Appointment of guardian ad litem.

A. On the filing of every petition for guardianship or conservatorship, the court shall appoint a guardian ad litem to represent the interests of the respondent. The guardian ad litem shall be paid a fee that is fixed by the court to be paid by the petitioner or taxed as costs, as the court directs.

B. Duties of the guardian ad litem include (i) personally visiting the respondent; (ii) advising the respondent of rights pursuant to §§ 64.2-2006 and 64.2-2007 and certifying to the court that the respondent has been so advised; (iii) recommending that legal counsel be appointed for the respondent, pursuant to § 64.2-2006, if the guardian ad litem believes that counsel for the respondent is necessary; (iv) investigating the petition and evidence, requesting additional evaluation if necessary, *considering whether a less restrictive alternative to guardianship or conservatorship is available, including the use of an advance directive or durable power of attorney*, and filing a report pursuant to subsection C; and (v) personally appearing at all court proceedings and conferences. *If the respondent is between 17 and a half and 21 years of age and has an IEP and transition plan, the guardian ad litem shall review such IEP and transition plan and include the results of his review in the report required by clause (iv).*

C. In the report required by clause (iv) of subsection B, the guardian ad litem shall address the following major areas of concern: (i) whether the court has jurisdiction; (ii) whether a guardian or conservator is needed *based on evaluations and reviews conducted pursuant to subsection B*; (iii) the extent of the duties and powers of the guardian or conservator; (iv) the propriety and suitability of the person selected as guardian or conservator after consideration of the person's geographic location, familial or other relationship with the respondent, ability to carry out the powers and duties of the office, commitment to promoting the respondent's welfare, any potential conflicts of interests, wishes of the respondent, and recommendations of relatives; (v) a recommendation as to the amount of surety on the conservator's bond, if any; and (vi) consideration of proper residential placement of the respondent.

D. A health care provider *and local school division* shall disclose or make available to the guardian ad litem, upon request, any information, records, and reports concerning the respondent that the guardian ad litem determines necessary to perform his duties under this section.

§ 64.2-2007. Hearing on petition to appoint.

A. The respondent is entitled to a jury trial upon request, and may compel the attendance of witnesses, present evidence on his own behalf, and confront and cross-examine witnesses.

B. The court or the jury, if a jury is requested, shall hear the petition for the appointment of a guardian or conservator. The hearing may be held at such convenient place as the court directs, including the place where the respondent is located. The hearing shall be conducted within 120 days from the filing of the petition unless the court postpones it for cause. The

proposed guardian or conservator shall attend the hearing except for good cause shown and, where appropriate, shall provide the court with a recommendation as to living arrangements and a treatment plan for the respondent. The respondent is entitled to be present at the hearing and all other stages of the proceedings. The respondent shall be present if he so requests or if his presence is requested by the guardian ad litem. Whether or not present, the respondent shall be regarded as having denied the allegations in the petition.

C. In determining the need for a guardian or a conservator and the powers and duties of any guardian or conservator, if needed, consideration shall be given to the following factors: (i) the limitations of the respondent; (ii) the development of the respondent's maximum self-reliance and independence; (iii) the availability of less restrictive alternatives, including advance directives and durable powers of attorney; (iv) the extent to which it is necessary to protect the respondent from neglect, exploitation, or abuse; (v) the actions needed to be taken by the guardian or conservator; (vi) the suitability of the proposed guardian or conservator; and (vii) the best interests of the respondent.

D. If, after considering the evidence presented at the hearing, the court or jury determines on the basis of clear and convincing evidence that the respondent is incapacitated and in need of a guardian or conservator, the court shall appoint a suitable person, who may be the spouse of the respondent, to be the guardian or the conservator or both, giving due deference to the wishes of the respondent. *If a guardian or conservator is appointed, the court shall inform him of his duties and powers pursuant to Article 2 (§ 64.2-2019 et seq.) and shall further inform the guardian or conservator that, to the extent feasible, the respondent should be encouraged to participate in decisions, act on his own behalf, and develop or maintain the capacity to manage his personal affairs if he retains any decision-making rights.*

The court in its order shall make specific findings of fact and conclusions of law in support of each provision of any orders entered. *The order of appointment shall be made in a form that complies with the requirements set out in § 64.2-2009.*

§ 64.2-2009. Court order of appointment; limited guardianships and conservatorships.

A. The court's order appointing a guardian or conservator shall (i) state the nature and extent of the person's incapacity; (ii) define the powers and duties of the guardian or conservator so as to permit the incapacitated person to care for himself and manage property to the extent he is capable; (iii) specify whether the appointment of a guardian or conservator is limited to a specified length of time, as the court in its discretion may determine; (iv) specify the legal disabilities, if any, of the person in connection with the finding of incapacity, including but not limited to mental competency for purposes of Article II, Section 1 of the Constitution of Virginia or Title 24.2; (v) include any limitations deemed appropriate following consideration of the factors specified in § 64.2-2007; (vi) set the bond of the guardian and the bond and surety, if any, of the conservator; and (vii) where a petition is brought prior to the incapacitated person's eighteenth birthday, pursuant to subsection C of § 64.2-2001, whether the order shall take effect immediately upon entry or on the incapacitated person's eighteenth birthday.

B. The court may appoint a limited guardian for an incapacitated person who is capable of addressing some of the essential requirements for his care for the limited purpose of medical decision making, decisions about place of residency, or other specific decisions regarding his personal affairs. The court may appoint a limited conservator for an incapacitated person who is capable of managing some of his property and financial affairs for limited purposes that are specified in the order.

C. Unless the guardian has a professional relationship with the incapacitated person or is employed by or affiliated with a facility where the person resides, the court's order may authorize the guardian to consent to the admission of the person to a facility pursuant to § 37.2-805.1, upon finding by clear and convincing evidence that (i) the person has severe and persistent mental illness that significantly impairs the person's capacity to exercise judgment or self-control, as confirmed by the evaluation of a licensed psychiatrist; (ii) such condition is unlikely to improve in the foreseeable future; and (iii) the guardian has formulated a plan for providing ongoing treatment of the person's illness in the least restrictive setting suitable for the person's condition.

D. A guardian need not be appointed for a person who has appointed an agent under an advance directive executed in accordance with the provisions of Article 8 (§ 54.1-2981 et seq.) of Chapter 29 of Title 54.1, unless the court determines that the agent is not acting in accordance with the wishes of the principal or there is a need for decision making outside the purview of the advance directive.

A conservator need not be appointed for a person (i) who has appointed an agent under a durable power of attorney, unless the court determines pursuant to the Uniform Power of Attorney Act (§ 64.2-1600 et seq.) that the agent is not acting in the best interests of the principal or there is a need for decision making outside the purview of the durable power of attorney or (ii) whose only or major source of income is from the Social Security Administration or other government program and who has a representative payee.

E. *All orders appointing a guardian shall include the following statements in conspicuous bold print in at least 14-point type:*

"1. Pursuant to § 64.2-2009 of the Code of Virginia, _____ (name of guardian), is hereby appointed as guardian of _____ (name of respondent) with all duties and powers granted to a guardian pursuant to § 64.2-2019 of the Code of Virginia, including but not limited to: (enter a statement of the rights removed and retained, if any, at the time of appointment; whether the appointment of a guardian is a full guardianship, public guardianship pursuant to § 64.2-2010 of the Code of Virginia, limited guardianship pursuant to § 64.2-2009 of the Code of Virginia, or temporary guardianship; and the duration of the appointment).

2. Pursuant to the provisions of subsection E of § 64.2-2019 of the Code of Virginia, a guardian, to the extent possible, shall encourage the incapacitated person to participate in decisions, shall consider the expressed desires and personal

values of the incapacitated person to the extent known, and shall not unreasonably restrict an incapacitated person's ability to communicate with, visit, or interact with other persons with whom the incapacitated person has an established relationship.

3. Pursuant to § 64.2-2020 of the Code of Virginia, an annual report shall be filed by the guardian with the local department of social services for the jurisdiction where the incapacitated person resides.

4. Pursuant to § 64.2-2012 of the Code of Virginia, all guardianship orders are subject to petition for restoration of the incapacitated person to capacity; modification of the type of appointment or areas of protection, management, or assistance granted; or termination of the guardianship."

2. That the Department of Behavioral Health and Developmental Services (the Department) shall convene a group of stakeholders to study the use of supported decision-making agreements in the Commonwealth, including making recommendations as to the use of supported decision-making agreements as a less restrictive alternative to the appointment of a guardian or conservator for an incapacitated person. The Department shall report the findings and recommendations of the stakeholder group's study to the Chairmen of the Senate Committee on the Judiciary and the House Committee on Health, Welfare, and Institutions no later than November 1, 2020.

CHAPTER 856

An Act to amend and reenact § 24.2-701.1, as it shall become effective, of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 24.2-701.2, relating to absentee voting; voter satellite offices for absentee voting in person.

[S 617]

Approved April 7, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 24.2-701.1, as it shall become effective, of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 24.2-701.2 as follows:

§ 24.2-701.1. (Effective for elections beginning with the general election on November 3, 2020) Absentee voting in person.

A. Absentee voting in person shall be available on the forty-fifth day prior to any election and shall continue until 5:00 p.m. on the Saturday immediately preceding the election.

1. Any registered voter eligible to vote absentee pursuant to subsection A of § 24.2-700 may vote absentee in person beginning on the forty-fifth day prior to the election in which he is offering to vote and continuing until the second Friday immediately preceding such election. He shall complete the application for an absentee ballot required by § 24.2-701, and the general registrar shall process that application in accordance with the provisions of § 24.2-706.

2. Any registered voter may vote absentee in person on or after the second Saturday immediately preceding the election in which he is offering to vote. He shall provide his name and his residence address in the county or city in which he is offering to vote. After verifying that the voter is a registered voter of that county or city, the general registrar shall enroll the voter's name and address on the absentee voter applicant list maintained pursuant to § 24.2-706.

A registered voter voting by absentee ballot in person shall provide one of the forms of identification specified in subsection B of § 24.2-643. If he does not show one of the forms of identification specified in subsection B of § 24.2-643, he shall be offered a provisional ballot under the provisions of § 24.2-653. The State Board shall provide instructions to the general registrar for the handling and counting of such provisional ballots pursuant to subsection B of § 24.2-653 and this section.

B. Absentee voting in person shall be available during regular business hours. The electoral board of each county and city shall provide for absentee voting in person in the office of the general registrar *or a voter satellite office established pursuant to § 24.2-701.2*. For purposes of this chapter, such office shall be open *to the public* a minimum of eight hours between the hours of 8:00 a.m. and 5:00 p.m. on the first and second Saturday immediately preceding all elections. Any applicant who is in line to cast his ballot when the office of the general registrar or ~~location being used for in-person absentee voting~~ voter satellite office closes shall be permitted to cast his absentee ballot that day.

~~C. Additional locations in the county or city approved by the electoral boards may be available for absentee voting in person. Any such location shall be in a public building owned or leased by the county, city, or town within the county and may be in a facility that is owned or leased by the Commonwealth and used as a location for Department of Motor Vehicles facilities or as an office of the general registrar. Any such location shall have adequate facilities for the protection of all elections materials produced in the process of absentee voting in person, the voted and unvoted absentee ballots, and any voting systems in use at the location.~~

~~D.~~ The general registrar may provide for the casting of absentee ballots in person pursuant to this section on voting systems. The Department shall prescribe the procedures for use of voting systems. The procedures shall provide for absentee voting in person on voting systems that have been certified and are currently approved by the State Board. The procedures shall be applicable and uniformly applied by the Department to all localities using comparable voting systems.

~~E.~~ D. At least two officers of election shall be present during all hours that absentee voting in person is available and shall represent the two major political parties, except in the case of a party primary, when they may represent the party

conducting the primary. However, such requirement shall not apply when (i) voting systems that are being used pursuant to subsection ~~D~~ C are located in the office of the general registrar *or voter satellite office* and (ii) the general registrar or an assistant registrar is present.

~~F~~ E. The Department shall include absentee ballots voted in person in its instructions for the preparation, maintenance, and reporting of ballots, pollbooks, records, and returns.

§ 24.2-701.2. Absentee voting in person; voter satellite offices.

A. *The governing body of any county or city may establish, by ordinance, voter satellite offices to be used in the locality for absentee voting in person. The governing body may establish as many offices as it deems necessary. No change in, including the creation or abolishment of, any voter satellite office shall be enacted within 60 days next preceding any general election. Notice shall be published prior to enactment in a newspaper having general circulation in the locality once a week for two successive weeks.*

B. *Any voter satellite office shall be in a public building owned or leased by the county, city, or town within the county and may be in a facility that is owned or leased by the Commonwealth and used as a location for Department of Motor Vehicles facilities or as an office of the general registrar. Any such location shall have adequate facilities for the protection of all elections materials produced in the process of absentee voting in person, the voted and unvoted absentee ballots, and any voting systems in use at the location.*

C. *Voter satellite offices shall be accessible to qualified voters as required by the provisions of the Virginians with Disabilities Act (§ 51.5-1 et seq.), the Voting Accessibility for the Elderly and Handicapped Act (52 U.S.C. § 20101 et seq.), and the Americans with Disabilities Act relating to public services (42 U.S.C. § 12131 et seq.). The State Board shall provide instructions to the local electoral boards and general registrars to assist the localities in complying with the requirements of the acts.*

D. *The governing body of each county, city, and town shall provide funds to enable the general registrar to provide adequate facilities at each voter satellite office for the conduct of elections.*

E. *Not later than 55 days prior to any election, the general registrar shall post notice of all voter satellite office locations in the locality and the dates and hours of operation of each location in the office of the general registrar and on the official website for the county or city. Such notice shall remain in the office of the general registrar and on the official website for the county or city for the duration of the period during which absentee voting in person is available. If the county or city does not have an official website, such notice shall be published in a newspaper of general circulation in the county or city at least once prior to the election but not later than 55 days prior to such election.*

F. *If an emergency makes a voter satellite office unusable or inaccessible, the electoral board or the general registrar shall provide an alternative voter satellite office, subject to the approval of the State Board, and shall give notice of the change in the location of the voter satellite office. The general registrar shall provide notice to the voters appropriate to the circumstances of the emergency. For the purposes of this subsection, "emergency" means a rare and unforeseen combination of circumstances, or the resulting state, that calls for immediate action.*

G. *The provisions of subsection E of § 24.2-310 providing certain limited circumstances in which a local electoral board may approve an exception to the prohibition on the distribution of campaign materials inside the prohibited area outside of a polling place shall apply to voter satellite offices and the building in which such offices may be located.*

H. *A voter satellite office established pursuant to this section shall be deemed to be the equivalent of an office of the general registrar for purposes of completing an application for an absentee ballot in person pursuant to §§ 24.2-701, 24.2-701.1, and 24.2-706.*

2. That the provisions of § 24.2-701.2 of the Code of Virginia, as created by this act, shall apply to elections beginning with the general election on November 3, 2020.

CHAPTER 857

An Act to amend and reenact §§ 24.2-114, 24.2-418, and 24.2-422 of the Code of Virginia, relating to voter registration; notification of denial.

[S 666]

Approved April 7, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-114, 24.2-418, and 24.2-422 of the Code of Virginia are amended and reenacted as follows:

§ 24.2-114. Duties and powers of general registrar.

In addition to the other duties required by this title, the general registrar, and the assistant registrars acting under his supervision, shall:

1. Maintain the office of the general registrar and establish and maintain additional public places for voter registration in accordance with the provisions of § 24.2-412.

2. Participate in programs to educate the general public concerning registration and encourage registration by the general public. No registrar shall actively solicit, in a selective manner, any application for registration or for a ballot or offer anything of value for any such application.

3. Perform his duties within the county or city he was appointed to serve, except that a registrar may (i) go into a county or city in the Commonwealth contiguous to his county or city to register voters of his county or city when conducting registration jointly with the registrar of the contiguous county or city or (ii) notwithstanding any other provision of law, participate in multijurisdictional staffing for voter registration offices, approved by the State Board, that are located at facilities of the Department of Motor Vehicles.

4. Provide the appropriate forms for applications to register and to obtain the information necessary to complete the applications pursuant to the provisions of the Constitution of Virginia and general law.

5. Indicate on the registration records for each accepted mail voter registration application form returned by mail pursuant to Article 3.1 (§ 24.2-416.1 et seq.) of Chapter 4 that the registrant has registered by mail. The general registrar shall fulfill this duty in accordance with the instructions of the State Board so that those persons who registered by mail are identified on the registration records, lists of registered voters furnished pursuant to § 24.2-405, lists of persons who voted furnished pursuant to § 24.2-406, and pollbooks used for the conduct of elections.

6. Accept a registration application or request for transfer or change of address submitted by or for a resident of any other county or city in the Commonwealth. Registrars shall process registration applications and requests for transfer or change of address from residents of other counties and cities in accordance with written instructions from the State Board and shall forward the completed application or request to the registrar of the applicant's residence. Notwithstanding the provisions of § 24.2-416, the registrar of the applicant's residence shall recognize as timely any application or request for transfer or change of address submitted to any person authorized to receive voter registration applications pursuant to Chapter 4 (§ 24.2-400 et seq.), prior to or on the final day of registration. The registrar of the applicant's residence shall determine the qualification of the applicant, including whether the applicant has ever been convicted of a felony, and if so, under what circumstances the applicant's right to vote has been restored, and promptly notify the applicant at the address shown on the application or request of the acceptance or denial of his registration or transfer. However, notification shall not be required when the registrar does not have an address for the applicant.

7. Preserve order at and in the vicinity of the place of registration. For this purpose, the registrar shall be vested with the powers of a conservator of the peace while engaged in the duties imposed by law. He may exclude from the place of registration persons whose presence disturbs the registration process. He may appoint special officers, not exceeding three in number, for a place of registration and may summon persons in the vicinity to assist whenever, in his judgment, it is necessary to preserve order. The general registrar and any assistant registrar shall be authorized to administer oaths for purposes of this title.

8. Maintain the official registration records for his county or city in the system approved by, and in accordance with the instructions of, the State Board; preserve the written applications of all persons who are registered; and preserve for a period of four years the written applications of all persons who are denied registration or whose registration is cancelled.

9. If a person is denied registration, notify such person in writing of the denial and the reason for denial within ~~14~~ five days of the denial in accordance with § 24.2-422.

10. Verify the accuracy of the pollbooks provided for each election by the State Board, make the pollbooks available to the precincts, and according to the instructions of the State Board provide a copy of the data from the pollbooks to the State Board after each election for voting credit purposes.

11. Retain the pollbooks in his principal office for two years from the date of the election.

12. Maintain accurate and current registration records and comply with the requirements of this title for the transfer, inactivation, and cancellation of voter registrations.

13. Whenever election districts, precincts, or polling places are altered, provide for entry into the voter registration system of the proper district and precinct designations for each registered voter whose districts or precinct have changed and notify each affected voter of changes affecting his districts or polling place by mail.

14. Whenever any part of his county or city becomes part of another jurisdiction by annexation, merger, or other means, transfer to the appropriate general registrar the registration records of the affected registered voters. The general registrar for their new county or city shall notify them by mail of the transfer and their new election districts and polling places.

15. When he registers any person who was previously registered in another state, notify the appropriate authority in that state of the person's registration in Virginia by providing electronically, through the Department of Elections, the information contained in that person's registration application.

16. Whenever any person is believed to be registered or voting in more than one state or territory of the United States at the same time, inquire about, or provide information from the voter's registration and voting records to any appropriate voter registration or other authority of another state or territory who inquires about, that person's registration and voting history.

17. At the request of the county or city chairman of any political party nominating a candidate for the General Assembly, constitutional office, or local office by a method other than a primary, review any petition required by the party in its nomination process to determine whether those signing the petition are registered voters with active status.

18. Carry out such other duties as prescribed by the electoral board in his capacity as the director of elections for the locality in which he serves.

19. Attend an annual training program provided by the State Board. A general registrar may designate one member of his staff to attend such training program if he is unable to attend because of a personal or family emergency.

§ 24.2-418. Application for registration.

A. Each applicant to register shall provide, subject to felony penalties for making false statements pursuant to § 24.2-1016, the information necessary to complete the application to register. Unless physically disabled, he shall sign the application. The application to register shall be only on a form or forms prescribed by the State Board.

The form of the application to register shall require the applicant to provide the following information: full name; gender; date of birth; social security number, if any; whether the applicant is presently a United States citizen; address of residence in the precinct; place of last previous registration to vote; and whether the applicant has ever been adjudicated incapacitated and disqualified to vote or convicted of a felony, and if so, whether the applicant's right to vote has been restored. The form shall contain a statement that whoever votes more than once in any election in the same or different jurisdictions is guilty of a Class 6 felony. Unless directed by the applicant or as permitted in § 24.2-411.1 or 24.2-411.2, the registration application shall not be pre-populated with information the applicant is required to provide.

The form of the application to register shall request that the applicant provide his telephone number and email address, but no application shall be denied for failure to provide such information.

B. The form shall permit any individual, as follows, or member of his household, to furnish, in addition to his residence street address, a post office box address located within the Commonwealth to be included in lieu of his street address on the lists of registered voters and persons who voted, which are furnished pursuant to §§ 24.2-405 and 24.2-406, on voter registration records made available for public inspection pursuant to § 24.2-444, or on lists of absentee voter applicants furnished pursuant to § 24.2-706 or 24.2-710. The voter shall comply with the provisions of § 24.2-424 for any change in the post office box address provided under this subsection.

1. Any active or retired law-enforcement officer, as defined in § 9.1-101 and in 5 U.S.C. § 8331(20), but excluding officers whose duties relate to detention as defined in 5 U.S.C. § 8331(20);

2. Any party granted a protective order issued by or under the authority of any court of competent jurisdiction, including but not limited to courts of the Commonwealth of Virginia;

3. Any party who has furnished a signed written statement by the party that he is in fear for his personal safety from another person who has threatened or stalked him, accompanied by evidence that he has filed a complaint with a magistrate or law-enforcement official against such other person;

4. Any party participating in the address confidentiality program pursuant to § 2.2-515.2;

5. Any active or retired federal or Virginia justice or judge and any active or retired attorney employed by the United States Attorney General or Virginia Attorney General; and

6. Any person who has been approved to be a foster parent pursuant to Chapter 9 (§ 63.2-900 et seq.) of Title 63.2.

C. If the applicant formerly resided in another state, the general registrar shall send the information contained in the applicant's registration application to the appropriate voter registration official or other authority of another state where the applicant formerly resided, as prescribed in subdivision 15 of § 24.2-114.

§ 24.2-422. Appeal of person denied registration.

A. *Within five days after the denial of an application to register, the general registrar shall notify the applicant of the denial. Notice shall be given in writing and by email or telephone if such information was provided by the applicant.*

The general registrar shall send a new application for registration to the applicant with the form prescribed in subsection B. If the applicant provided his email address on the application for registration, the general registrar may send information to that email address regarding online voter registration. The general registrar shall advise the applicant that he may complete and submit the new application, in lieu of filing an appeal, if the reason stated for denial is that the applicant has failed to sign the application or failed to provide a required item of information on the application. If the general registrar is able to reach the applicant by telephone, corrections may be made by the applicant by telephone. Any applicant who returns a second application and whose second application is denied shall have the right to appeal provided in subsection B.

B. A person denied registration shall have the right to appeal, without payment of writ tax or giving security for costs, to the circuit court of the county or city in which he offers to register by filing with the clerk of the court, within 10 days of being notified of the denial, a petition in writing to have his right to register determined.

The petitioner may file his petition by completing and filing a form which shall be prescribed by the State Board and which shall be used by the general registrar to notify an applicant of the denial of his application to register and of the reasons for the denial. The form shall (i) state that an applicant denied registration has the right to appeal to the circuit court of the county or city in which he offers to register, (ii) give the name and address of the clerk of the circuit court for such county or city (to be supplied by the general registrar), (iii) state that a filing fee of ~~ten dollars~~ \$10 must be paid when filing the petition, (iv) contain a statement by which the applicant may indicate his desire to petition the court to have his right to register determined, and (v) provide space for the applicant to state the facts in support of his right to register.

On the filing of a petition to have the right to register determined, the clerk of the court shall immediately bring the matter to the attention of the chief judge of the court for the scheduling of a hearing on the petition. The matter shall be heard and determined on the face of the petition, the answer made in writing by the general registrar, and any evidence introduced as part of the proceedings. The proceedings shall take precedence over all other business of the court and shall be heard as soon as possible.

On the filing of the petition, the clerk of the court shall immediately give notice to the attorney for the Commonwealth for his county or city, who shall appear and defend against the petition on behalf of the Commonwealth.

Judgment in favor of the petitioner shall entitle him to registration. From a judgment rendered against the petitioner, an appeal shall lie to the Supreme Court of Virginia.

~~B. The general registrar shall send a new application for registration to the applicant with the form prescribed in subsection A. The general registrar shall advise the applicant that he may complete and return the new application, in lieu of filing an appeal, if the reason stated for denial is that the applicant has failed to sign the application or failed to provide a required item of information on the application. Any applicant who returns a second application and whose second application is denied shall have the right to appeal provided in subsection A.~~

C. The provisions of § 24.2-416, pertaining to the closing of registration records in advance of an election, shall apply to any application submitted pursuant to subsection A or B following a denial of registration.

CHAPTER 858

An Act to amend and reenact § 24.2-412 of the Code of Virginia, relating to voter registration; public access not required for certain voter registration events.

[S 857]

Approved April 7, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 24.2-412 of the Code of Virginia is amended and reenacted as follows:

§ 24.2-412. Other locations and times for voter registration.

A. In addition to voter registration locations provided for in §§ 24.2-411, 24.2-411.1, and 24.2-411.2, opportunities for voter registration may be provided at other agency offices, business offices, establishments and occasional sites open to the general public, and shall be provided as required by this section. Voter registration shall be conducted only in public places open to the general public and at preannounced hours. Assistant registrars should serve during such hours and at such places. The conduct of voter registration by the general registrar or an assistant registrar in public places at preannounced hours shall not be deemed solicitation of registration.

B. The general registrar is authorized to set within his jurisdiction ongoing locations and times for registration in local or state government agency offices or in businesses or other establishments open to the general public, subject to the approval of, and pursuant to an agreement with, the head of the government agency, the owner or manager of the business or establishment, or the designee of either. The agreement shall provide for the appointment of employees of the agency, business, or establishment to serve as assistant registrars and shall be in writing and approved by the local electoral board prior to implementation.

Employees of the agency, business, or establishment who are appointed to serve as assistant registrars may be nonresidents of the jurisdiction they are appointed to serve, provided that (i) they are qualified voters of the Commonwealth and (ii) they serve only at their place of employment within the jurisdiction they are appointed to serve.

C. The general registrar or electoral board may set additional occasional sites and times for registration within the jurisdiction. A multi-family residential building not usually open to the public may be used as an occasional registration site so long as the public has free access to the site during the time for registering voters. *Voter registration conducted in a high school or at the location of a naturalization ceremony shall not be required to be open to the public.*

CHAPTER 859

An Act to amend and reenact § 2.2-4201 of the Code of Virginia, relating to the Fair Employment Contracting Act; sexual harassment policy.

[H 1228]

Approved April 8, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-4201 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-4201. Required contract provisions.

All contracting agencies shall include in every government contract of over \$10,000 the following provisions:

During the performance of this contract, the contractor agrees as follows:

1. The contractor will not discriminate against any employee or applicant for employment because of race, religion, color, sex, or national origin, except where religion, sex, or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of the contractor. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause, including the names of all contracting agencies with which the contractor has contracts of over \$10,000.

2. The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that such contractor is an equal opportunity employer. However, notices, advertisements and solicitations placed in accordance with federal law, rule or regulation shall be deemed sufficient for the purpose of meeting the requirements of this chapter.

3. If the contractor employs more than five employees, the contractor shall (i) provide annual training on the contractor's sexual harassment policy to all supervisors and employees providing services in the Commonwealth, except such supervisors or employees that are required to complete sexual harassment training provided by the Department of Human Resource Management, and (ii) post the contractor's sexual harassment policy in (a) a conspicuous public place in each building located in the Commonwealth that the contractor owns or leases for business purposes and (b) the contractor's employee handbook.

The contractor shall include the provisions of the subdivisions 1 and 2, and 3 in every subcontract or purchase order of over \$10,000, so that such provisions shall be binding upon each subcontractor or vendor.

Nothing contained in this chapter shall be deemed to empower any agency to require any contractor to grant preferential treatment to, or discriminate against, any individual or any group because of race, color, religion, sex, or national origin on account of an imbalance that may exist with respect to the total number or percentage of persons of any race, color, religion, sex, or national origin employed by such contractor in comparison with the total number or percentage of persons of such race, color, religion, sex, or national origin in any community or in the Commonwealth.

2. That the Department of Human Resource Management be directed to develop procedures for (i) determining whether an employee of a contractor with state government spends significant time working with or in close proximity to state employees and (ii) if so, requiring such contractor employee to complete any sexual harassment training also provided to state employees if the contractor employee has not received such training within the calendar year in which he begins work on the contract.

CHAPTER 860

An Act to amend and reenact §§ 2.2-1167, 2.2-3705.5, 9.1-914, 15.2-741, 15.2-914, 15.2-2292, 15.2-2824, 18.2-255.2, 18.2-370.2, 18.2-370.3, 19.2-389, as it is currently effective and as it shall become effective, 19.2-390, 19.2-392.02, 22.1-1, 22.1-19, 22.1-199.1, 22.1-296.3, 22.1-299.4, 46.2-341.9, 46.2-341.10, 46.2-341.18:3, 51.1-617, 54.1-3005, 54.1-3408, 58.1-439.4, 63.2-100, 63.2-215, 63.2-501, 63.2-601.2, 63.2-603, 63.2-1509, 63.2-1515, 63.2-1700, 63.2-1701, 63.2-1702, 63.2-1706.1, 63.2-1708, 63.2-1715, 63.2-1720, as it shall become effective, 63.2-1721, as it shall become effective, 63.2-1722, as it is currently effective and as it shall become effective, 63.2-1723, 63.2-1734, and 63.2-1911 of the Code of Virginia; to amend the Code of Virginia by adding in Title 22.1 a chapter numbered 14.1, containing articles numbered 1 through 8, consisting of sections numbered 22.1-289.02 through 22.1-289.055; and to repeal §§ 2.2-208.1, 63.2-1701.1, 63.2-1704, 63.2-1704.1, 63.2-1716, 63.2-1717, 63.2-1720.1, 63.2-1721.1, 63.2-1724, 63.2-1725, 63.2-1727, 63.2-1738, 63.2-1809 through 63.2-1813, and 63.2-1815 of the Code of Virginia, relating to a system for early childhood care and education; establishment; licensure.

[H 1012]

Approved April 8, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-1167, 2.2-3705.5, 9.1-914, 15.2-741, 15.2-2292, 15.2-2824, 18.2-255.2, 18.2-370.2, 18.2-370.3, 19.2-389, as it is currently effective and as it shall become effective, 19.2-390, 19.2-392.02, 22.1-1, 22.1-19, 22.1-199.1, 22.1-296.3, 22.1-299.4, 46.2-341.9, 46.2-341.10, 46.2-341.18:3, 51.1-617, 54.1-3005, 54.1-3408, 58.1-439.4, 63.2-100, 63.2-215, 63.2-501, 63.2-601.2, 63.2-603, 63.2-1509, 63.2-1515, 63.2-1700, 63.2-1701, 63.2-1702, 63.2-1706.1, 63.2-1708, 63.2-1715, 63.2-1720, as it shall become effective, 63.2-1721, as it shall become effective, 63.2-1722, as it is currently effective and as it shall become effective, 63.2-1723, 63.2-1734, and 63.2-1911 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Title 22.1 a chapter numbered 14.1, containing articles numbered 1 through 8, consisting of sections numbered 22.1-289.02 through 22.1-289.055, as follows:

§ 2.2-1167. Commonwealth immune from civil liability.

The Commonwealth and its officers, agents and employees shall be immune from civil liability for actions (i) arising from the establishment and implementation of asbestos inspection standards developed pursuant to § 2.2-1164 and (ii) undertaken pursuant to the provisions of this article, Chapter 5 (§ 54.1-500 *et seq.*) of Title 54.1, and §§ 22.1-289.052 and 32.1-126.1 and ~~63.2-1814~~.

§ 2.2-3705.5. Exclusions to application of chapter; health and social services records.

The following information contained in a public record is excluded from the mandatory disclosure provisions of this chapter but may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law. Redaction of information excluded under this section from a public record shall be conducted in accordance with § 2.2-3704.01.

1. Health records, except that such records may be personally reviewed by the individual who is the subject of such records, as provided in subsection F of § 32.1-127.1:03.

Where the person who is the subject of health records is confined in a state or local correctional facility, the administrator or chief medical officer of such facility may assert such confined person's right of access to the health records if the administrator or chief medical officer has reasonable cause to believe that such confined person has an infectious disease or other medical condition from which other persons so confined need to be protected. Health records shall only be

reviewed and shall not be copied by such administrator or chief medical officer. The information in the health records of a person so confined shall continue to be confidential and shall not be disclosed by the administrator or chief medical officer of the facility to any person except the subject or except as provided by law.

Where the person who is the subject of health records is under the age of 18, his right of access may be asserted only by his guardian or his parent, including a noncustodial parent, unless such parent's parental rights have been terminated, a court of competent jurisdiction has restricted or denied such access, or a parent has been denied access to the health record in accordance with § 20-124.6. In instances where the person who is the subject thereof is an emancipated minor, a student in a public institution of higher education, or is a minor who has consented to his own treatment as authorized by § 16.1-338 or 54.1-2969, the right of access may be asserted by the subject person.

For the purposes of this chapter, statistical summaries of incidents and statistical data concerning abuse of individuals receiving services compiled by the Commissioner of Behavioral Health and Developmental Services shall be disclosed. No such summaries or data shall include any information that identifies specific individuals receiving services.

2. Applications for admission to examinations or for licensure and scoring records maintained by the Department of Health Professions or any board in that department on individual licensees or applicants; information required to be provided to the Department of Health Professions by certain licensees pursuant to § 54.1-2506.1; information held by the Health Practitioners' Monitoring Program Committee within the Department of Health Professions that identifies any practitioner who may be, or who is actually, impaired to the extent that disclosure is prohibited by § 54.1-2517; and information relating to the prescribing and dispensing of covered substances to recipients and any abstracts from such information that are in the possession of the Prescription Monitoring Program (Program) pursuant to Chapter 25.2 (§ 54.1-2519 et seq.) of Title 54.1 and any material relating to the operation or security of the Program.

3. Reports, documentary evidence, and other information as specified in §§ 51.5-122 and 51.5-141 and Chapter 1 (§ 63.2-100 et seq.) of Title 63.2 and information and statistical registries required to be kept confidential pursuant to Chapter 1 (§ 63.2-100 et seq.) of Title 63.2.

4. Investigative notes; proprietary information not published, copyrighted or patented; information obtained from employee personnel records; personally identifiable information regarding residents, clients or other recipients of services; *other correspondence and information furnished in confidence to the Department of Education in connection with an active investigation of an applicant or licensee pursuant to Chapter 14.1 (§ 22.1-289.02 et seq.) of Title 22.1*; other correspondence and information furnished in confidence to the Department of Social Services in connection with an active investigation of an applicant or licensee pursuant to Chapters 17 (§ 63.2-1700 et seq.) and 18 (§ 63.2-1800 et seq.) of Title 63.2; and information furnished to the Office of the Attorney General in connection with an investigation or litigation pursuant to Article 19.1 (§ 8.01-216.1 et seq.) of Chapter 3 of Title 8.01 and Chapter 9 (§ 32.1-310 et seq.) of Title 32.1. However, nothing in this subdivision shall prevent the disclosure of information from the records of completed investigations in a form that does not reveal the identity of complainants, persons supplying information, or other individuals involved in the investigation.

5. Information collected for the designation and verification of trauma centers and other specialty care centers within the Statewide Emergency Medical Services System and Services pursuant to Article 2.1 (§ 32.1-111.1 et seq.) of Chapter 4 of Title 32.1.

6. Reports and court documents relating to involuntary admission required to be kept confidential pursuant to § 37.2-818.

7. Information acquired (i) during a review of any child death conducted by the State Child Fatality Review Team established pursuant to § 32.1-283.1 or by a local or regional child fatality review team to the extent that such information is made confidential by § 32.1-283.2; (ii) during a review of any death conducted by a family violence fatality review team to the extent that such information is made confidential by § 32.1-283.3; (iii) during a review of any adult death conducted by the Adult Fatality Review Team to the extent made confidential by § 32.1-283.5 or by a local or regional adult fatality review team to the extent that such information is made confidential by § 32.1-283.6; (iv) by a local or regional overdose fatality review team to the extent that such information is made confidential by § 32.1-283.7; or (v) during a review of any death conducted by the Maternal Mortality Review Team to the extent that such information is made confidential by 32.1-283.8.

8. Patient level data collected by the Board of Health and not yet processed, verified, and released, pursuant to § 32.1-276.9, to the Board by the nonprofit organization with which the Commissioner of Health has contracted pursuant to § 32.1-276.4.

9. Information relating to a grant application, or accompanying a grant application, submitted to the Commonwealth Neurotrauma Initiative Advisory Board pursuant to Article 12 (§ 51.5-178 et seq.) of Chapter 14 of Title 51.5 that would (i) reveal (a) medical or mental health records or other data identifying individual patients or (b) proprietary business or research-related information produced or collected by the applicant in the conduct of or as a result of study or research on medical, rehabilitative, scientific, technical, or scholarly issues, when such information has not been publicly released, published, copyrighted, or patented, and (ii) be harmful to the competitive position of the applicant.

10. Any information copied, recorded, or received by the Commissioner of Health in the course of an examination, investigation, or review of a managed care health insurance plan licensee pursuant to §§ 32.1-137.4 and 32.1-137.5, including books, records, files, accounts, papers, documents, and any or all computer or other recordings.

11. Records of the Virginia Birth-Related Neurological Injury Compensation Program required to be kept confidential pursuant to § 38.2-5002.2.

12. Information held by the State Health Commissioner relating to the health of any person subject to an order of quarantine or an order of isolation pursuant to Article 3.02 (§ 32.1-48.05 et seq.) of Chapter 2 of Title 32.1. However, nothing in this subdivision shall be construed to prevent the disclosure of statistical summaries, abstracts, or other information in aggregate form.

13. The names and addresses or other contact information of persons receiving transportation services from a state or local public body or its designee under Title II of the Americans with Disabilities Act, (42 U.S.C. § 12131 et seq.) or funded by Temporary Assistance for Needy Families (TANF) created under § 63.2-600.

14. Information held by certain health care committees and entities that may be withheld from discovery as privileged communications pursuant to § 8.01-581.17.

15. Data and information specified in § 37.2-308.01 relating to proceedings provided for in Article 16 (§ 16.1-335 et seq.) of Chapter 11 of Title 16.1 and Chapter 8 (§ 37.2-800 et seq.) of Title 37.2.

16. Records of and information held by the Emergency Department Care Coordination Program required to be kept confidential pursuant to § 32.1-372.

§ 9.1-914. Automatic notification of registration to certain entities; electronic notification to requesting persons.

Any school; *or* day-care service and child-minding service; state-regulated or state-licensed child day center, child day program, ~~children's residential facility~~; *or* family day home; *as those terms are defined in § 22.1-289.02*; assisted living facility, *children's residential facility*, *or* foster home *as those terms are defined in § 63.2-100*; nursing home or certified nursing facility *as those terms are defined in § 32.1-123*; association of a common interest community as defined in § 54.1-2345; and institution of higher education may request from the State Police and, upon compliance with the requirements therefor established by the State Police, shall be eligible to receive from the State Police electronic notice of the registration or reregistration of any sex offender and if such entities do not have the capability of receiving such electronic notice, the entity may register with the State Police to receive written notification of sex offender registration or reregistration. Within three business days of receipt by the State Police of registration or reregistration, the State Police shall electronically or in writing notify an entity listed above that has requested such notification, has complied with the requirements established by the State Police and is located in the same or a contiguous zip code area as the address of the offender as shown on the registration.

The Virginia Council for Private Education shall annually provide the State Police, in an electronic format approved by the State Police, with the location of every private school in the Commonwealth that is accredited through one of the approved accrediting agencies of the Council, and an electronic mail address for each school if available, for purposes of receiving notice under this section.

Any person may request from the State Police and, upon compliance with the requirements therefor established by the State Police, shall be eligible to receive from the State Police electronic notice of the registration or reregistration of any sex offender. Within three business days of receipt by the State Police of registration or reregistration, the State Police shall electronically notify a person who has requested such notification, has complied with the requirements established by the State Police and is located in the same or a contiguous zip code area as the address of the offender as shown on the registration.

The State Police shall establish reasonable guidelines governing the automatic dissemination of Registry information, which may include the payment of a fee, whether a one-time fee or a regular assessment, to maintain the electronic access. The fee, if any, shall defray the costs of establishing and maintaining the electronic notification system and notice by mail.

For the purposes of this section:

"Child-minding service" means provision of temporary custodial care or supervisory services for the minor child of another;

"Day-care service" means provision of supplementary care and protection during a part of the day for the minor child of another; and

"School" means any public, religious or private educational institution, including any preschool, elementary school, secondary school, post-secondary school, trade or professional institution, or institution of higher education.

§ 15.2-741. Regulation of child-care services and facilities in certain counties.

A. The board may by ordinance provide for the regulation and licensing of (i) persons who provide child-care services for remuneration and (ii) child-care facilities. "Child-care services" includes regular care, protection, or guidance during a part of a day to one or more children, not related by blood or marriage to the provider of services, while they are not attended by their parent, guardian, or person with legal custody. "Child-care facilities" includes any commercial or residential structure which is used to provide child-care services for remuneration. However, such ordinance shall not require the regulation or licensing of any facility operated by a religious institution as exempted from licensure by § ~~63.2-1716~~ 22.1-289.031.

B. Such ordinance may be more restrictive or more extensive in scope than statutes or state regulations that may affect child-care services or child-care facilities, provided that such ordinance shall not impose additional requirements or restrictions on the construction or materials to be used in the erection, alteration, repair, or use of a residential dwelling.

§ 15.2-914. Regulation of child-care services and facilities in certain counties and cities.

Any (i) county that has adopted the urban county executive form of government, (ii) city adjacent to a county that has adopted the urban county executive form of government, or (iii) city which is completely surrounded by such county may by ordinance provide for the regulation and licensing of persons who provide child-care services for compensation and for the regulation and licensing of child-care facilities. "Child-care services" means provision of regular care, protection and guidance to one or more children not related by blood or marriage while such children are separated from their parent, guardian or legal custodian in a dwelling not the residence of the child during a part of the day for at least four days of a calendar week. "Child-care facilities" includes any commercial or residential structure which is used to provide child-care services.

Such local ordinance shall not require the regulation or licensing of any child-care facility that is licensed by the Commonwealth and such ordinance shall not require the regulation or licensing of any facility operated by a religious institution as exempted from licensure by § ~~63.2-1716~~ 22.1-289.031.

Such local ordinances shall not be more extensive in scope than comparable state regulations applicable to family day homes. Such local ordinances may regulate the possession and storage of firearms, ammunition, or components or combination thereof at child-care facilities so long as such regulation remains no more extensive in scope than comparable state regulations applicable to family day homes. Local regulations shall not affect the manner of construction or materials to be used in the erection, alteration, repair or use of a residential dwelling.

Such local ordinances may require that persons who provide child-care services shall provide certification from the Central Criminal Records Exchange and a national criminal background check, in accordance with §§ 19.2-389 and 19.2-392.02, that such persons have not been convicted of any offense involving the sexual molestation of children or the physical or sexual abuse or rape of a child or any barrier crime defined in § 19.2-392.02, and such ordinances may require that persons who provide child-care services shall provide certification from the central registry of the Department of Social Services that such persons have not been the subject of a founded complaint of abuse or neglect. If an applicant is denied licensure because of any adverse information appearing on a record obtained from the Central Criminal Records Exchange, the national criminal background check, or the Department of Social Services, the applicant shall be provided a copy of the information upon which that denial was based.

§ 15.2-2292. Zoning provisions for family day homes.

A. Zoning ordinances for all purposes shall consider a family day home as defined in § ~~63.2-100~~ 22.1-289.02, serving one through four children, exclusive of the provider's own children and any children who reside in the home as residential occupancy by a single family. No conditions more restrictive than those imposed on residences occupied by persons related by blood, marriage, or adoption shall be imposed upon such a home. Nothing in this section shall apply to any county or city which is subject to § 15.2-741 or 15.2-914.

B. A local governing body may by ordinance allow a zoning administrator to use an administrative process to issue zoning permits for a family day home, as defined in § ~~63.2-100~~ 22.1-289.02, serving five through 12 children, exclusive of the provider's own children and any children who reside in the home. The ordinance may contain such standards as the local governing body deems appropriate and shall include a requirement that notification be sent by registered or certified letter to the last known address of each adjacent property owner. If the zoning administrator receives no written objection from a person so notified within 30 days of the date of sending the letter and determines that the family day home otherwise complies with the provisions of the ordinance and all other applicable local ordinances, the zoning administrator shall issue the permit sought. If the zoning administrator receives a written objection from a person so notified within 30 days of the date of sending the letter and determines that the family day home otherwise complies with the provisions of the ordinance, the zoning administrator shall consider such objection and may (i) issue or deny the permit sought or (ii) if required by the ordinance, refer the permit to the local governing body for consideration. The ordinance shall provide a process whereby an applicant for a family day home that is denied a permit through the administrative process may request that its application be considered after a hearing following public notice as provided in § 15.2-2204. Upon such hearing, the local governing body may, in its discretion, approve the permit, subject to such conditions as agreed upon by the applicant and the locality, or deny the permit. The provisions of this subsection shall not prohibit a local governing body from exercising its authority, if at all, under subdivision A 3 of § 15.2-2286.

§ 15.2-2824. Prohibitions on smoking generally; penalty for violation.

A. Smoking shall be prohibited in (i) elevators, regardless of capacity, except in any open material hoist elevator not intended for use by the general public; (ii) public school buses; (iii) the interior of any public elementary, intermediate, and secondary school; (iv) hospital emergency rooms; (v) local or district health departments; (vi) polling rooms; (vii) indoor service lines and cashier lines; (viii) public restrooms in any building owned or leased by the Commonwealth or any agency thereof; (ix) the interior of a child day center licensed pursuant to § ~~63.2-1704~~ 22.1-289.011 that is not also used for residential purposes; however, this prohibition shall not apply to any area of a building not utilized by a child day center, unless otherwise prohibited by this chapter; and (x) public restrooms of health care facilities.

B. No person shall smoke in any area or place specified in subsection A and any person who continues to smoke in such area or place after having been asked to refrain from smoking shall be subject to a civil penalty of not more than \$25.

C. Civil penalties assessed under this section shall be paid into the Virginia Health Care Fund established under § 32.1-366.

§ 18.2-255.2. Prohibiting the sale or manufacture of drugs on or near certain properties; penalty.

A. It shall be unlawful for any person to manufacture, sell or distribute or possess with intent to sell, give or distribute any controlled substance, imitation controlled substance, or marijuana while:

1. Upon the property, including buildings and grounds, of any public or private elementary or secondary school, any institution of higher education, or any clearly marked licensed child day center as defined in § ~~63.2-100~~ 22.1-289.02;
2. Upon public property or any property open to public use within 1,000 feet of the property described in subdivision 1;
3. On any school bus as defined in § 46.2-100;
4. Upon a designated school bus stop, or upon either public property or any property open to public use which is within 1,000 feet of such school bus stop, during the time when school children are waiting to be picked up and transported to or are being dropped off from school or a school-sponsored activity;
5. Upon the property, including buildings and grounds, of any publicly owned or publicly operated recreation or community center facility or any public library; or
6. Upon the property of any state facility as defined in § 37.2-100 or upon public property or property open to public use within 1,000 feet of such an institution. It is a violation of the provisions of this section if the person possessed the controlled substance, imitation controlled substance, or marijuana on the property described in subdivisions 1 through 6, regardless of where the person intended to sell, give or distribute the controlled substance, imitation controlled substance, or marijuana. Nothing in this section shall prohibit the authorized distribution of controlled substances.

B. Violation of this section shall constitute a separate and distinct felony. Any person violating the provisions of this section shall, upon conviction, be imprisoned for a term of not less than one year nor more than five years and fined not more than \$100,000. A second or subsequent conviction hereunder for an offense involving a controlled substance classified in Schedule I, II, or III of the Drug Control Act (§ 54.1-3400 et seq.) or more than one-half ounce of marijuana shall be punished by a mandatory minimum term of imprisonment of one year to be served consecutively with any other sentence. However, if such person proves that he sold such controlled substance or marijuana only as an accommodation to another individual and not with intent to profit thereby from any consideration received or expected nor to induce the recipient or intended recipient of the controlled substance or marijuana to use or become addicted to or dependent upon such controlled substance or marijuana, he is guilty of a Class 1 misdemeanor.

C. If a person commits an act violating the provisions of this section, and the same act also violates another provision of law that provides for penalties greater than those provided for by this section, then nothing in this section shall prohibit or bar any prosecution or proceeding under that other provision of law or the imposition of any penalties provided for thereby.

§ 18.2-370.2. Sex offenses prohibiting proximity to children; penalty.

A. "Offense prohibiting proximity to children" means a violation or an attempt to commit a violation of (i) subsection A of § 18.2-47, clause (ii) or (iii) of § 18.2-48, subsection B of § 18.2-361, or subsection B of § 18.2-366, where the victim of one of the foregoing offenses was a minor, or (ii) *clause (iii) of subsection A* (~~(iii)~~) of § 18.2-61, §§ § 18.2-63; or 18.2-64.1, subdivision A 1 of § 18.2-67.1, subdivision A 1 of § 18.2-67.2, ~~or~~ subdivision A 1 or A 4 (a) of § 18.2-67.3, ~~or~~ §§ § 18.2-370; or 18.2-370.1, clause (ii) of § 18.2-371, §§ or § 18.2-374.1, 18.2-374.1:1 or § 18.2-379. As of July 1, 2006, "offense prohibiting proximity to children" includes a violation of § 18.2-472.1; when the offense requiring registration was one of the foregoing offenses.

B. Every adult who is convicted of an offense prohibiting proximity to children when the offense occurred on or after July 1, 2000, shall as part of his sentence be forever prohibited from loitering within 100 feet of the premises of any place he knows or has reason to know is a primary, secondary or high school. In addition, every adult who is convicted of an offense prohibiting proximity to children when the offense occurred on or after July 1, 2006, shall as part of his sentence be forever prohibited from loitering within 100 feet of the premises of any place he knows or has reason to know is a child day program as defined in § ~~63.2-100~~ 22.1-289.02.

C. Every adult who is convicted of an offense prohibiting proximity to children, when the offense occurred on or after July 1, 2008, shall as part of his sentence be forever prohibited from going, for the purpose of having any contact whatsoever with children who are not in his custody, within 100 feet of the premises of any place owned or operated by a locality that he knows or should know is a playground, athletic field or facility, or gymnasium.

D. Any person convicted of an offense under the laws of any foreign country or any political subdivision thereof, or the United States or any political subdivision thereof, similar to any offense set forth in subsection A shall be forever prohibited from loitering within 100 feet of the premises of any place he knows or has reason to know is a primary, secondary, or high school or any place he knows or has reason to know is a child day program as defined in § ~~63.2-100~~ 22.1-289.02. In addition, he shall be forever prohibited from going, for the purpose of having any contact whatsoever with children who are not in his custody, within 100 feet of the premises of any place owned or operated by a locality that he knows or has reason to know is a playground, athletic field or facility, or gymnasium.

E. A violation of this section is punishable as a Class 6 felony.

§ 18.2-370.3. Sex offenses prohibiting residing in proximity to children; penalty.

A. Every adult who is convicted of an offense occurring on or after July 1, 2006, where the offender is more than three years older than the victim, of one of the following qualifying offenses: (i) clause (iii) of subsection A of § 18.2-61, (ii) subdivision A 1 of § 18.2-67.1, (iii) subdivision A 1 of § 18.2-67.2, or (iv) any similar offense under the laws of any foreign country or any political subdivision thereof, or the United States or any political subdivision thereof, shall be forever prohibited from residing within 500 feet of the premises of any place he knows or has reason to know is a child day center as defined in § ~~63.2-100~~ 22.1-289.02, or a primary, secondary, or high school. A violation of this section is a Class 6 felony.

The provisions of this section shall only apply if the qualifying offense was done in the commission of, or as a part of the same course of conduct as, or as part of a common scheme or plan as a violation of (a) subsection A of § 18.2-47 or § 18.2-48; (b) § 18.2-89, 18.2-90, or 18.2-91; (c) § 18.2-51.2; or (d) any similar offense under the laws of any foreign country or any political subdivision thereof, or the United States or any political subdivision thereof.

B. An adult who is convicted of an offense as specified in subsection A and has established a lawful residence shall not be in violation of this section if a child day center or a primary, secondary, or high school is established within 500 feet of his residence subsequent to his conviction.

C. Every adult who is convicted of an offense occurring on or after July 1, 2008, where the offender is more than three years older than the victim, of one of the following qualifying offenses: (i) clause (iii) of subsection A of § 18.2-61, (ii) subdivision A 1 of § 18.2-67.1, (iii) subdivision A 1 of § 18.2-67.2, or (iv) any similar offense under the laws of any foreign country or any political subdivision thereof, or the United States or any political subdivision thereof, shall be forever prohibited from residing within 500 feet of the boundary line of any place he knows is a public park when such park (a) is owned and operated by a county, city, or town, (b) shares a boundary line with a primary, secondary, or high school, and (c) is regularly used for school activities. A violation of this section is a Class 6 felony. The provisions of this section shall only apply if the qualifying offense was done in the commission of, or as a part of the same course of conduct as, or as part of a common scheme or plan as a violation of (1) subsection A of § 18.2-47 or § 18.2-48; (2) § 18.2-89, 18.2-90, or 18.2-91; (3) § 18.2-51.2; or (4) any similar offense under the laws of any foreign country or any political subdivision thereof, or the United States or any political subdivision thereof.

D. An adult who is convicted of an offense as specified in subsection C and has established a lawful residence shall not be in violation of this section if a public park that (i) is owned and operated by a county, city, or town, (ii) shares a boundary line with a primary, secondary, or high school, and (iii) is regularly used for school activities, is established within 500 feet of his residence subsequent to his conviction.

E. The prohibitions in this section predicated upon an offense similar to any offense set forth in this section under the laws of any foreign country or any political subdivision thereof, or the United States or any political subdivision thereof, shall apply only to residences established on and after July 1, 2017.

§ 19.2-389. (Effective until January 1, 2021) Dissemination of criminal history record information.

A. Criminal history record information shall be disseminated, whether directly or through an intermediary, only to:

1. Authorized officers or employees of criminal justice agencies, as defined by § 9.1-101, for purposes of the administration of criminal justice and the screening of an employment application or review of employment by a criminal justice agency with respect to its own employees or applicants, and dissemination to the Virginia Parole Board, pursuant to this subdivision, of such information on all state-responsible inmates for the purpose of making parole determinations pursuant to subdivisions 1, 2, 3, and 5 of § 53.1-136 shall include collective dissemination by electronic means every 30 days. For purposes of this subdivision, criminal history record information includes information sent to the Central Criminal Records Exchange pursuant to §§ 37.2-819 and 64.2-2014 when disseminated to any full-time or part-time employee of the State Police, a police department or sheriff's office that is a part of or administered by the Commonwealth or any political subdivision thereof, and who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth for the purposes of the administration of criminal justice;

2. Such other individuals and agencies that require criminal history record information to implement a state or federal statute or executive order of the President of the United States or Governor that expressly refers to criminal conduct and contains requirements or exclusions expressly based upon such conduct, except that information concerning the arrest of an individual may not be disseminated to a noncriminal justice agency or individual if an interval of one year has elapsed from the date of the arrest and no disposition of the charge has been recorded and no active prosecution of the charge is pending;

3. Individuals and agencies pursuant to a specific agreement with a criminal justice agency to provide services required for the administration of criminal justice pursuant to that agreement which shall specifically authorize access to data, limit the use of data to purposes for which given, and ensure the security and confidentiality of the data;

4. Individuals and agencies for the express purpose of research, evaluative, or statistical activities pursuant to an agreement with a criminal justice agency that shall specifically authorize access to data, limit the use of data to research, evaluative, or statistical purposes, and ensure the confidentiality and security of the data;

5. Agencies of state or federal government that are authorized by state or federal statute or executive order of the President of the United States or Governor to conduct investigations determining employment suitability or eligibility for security clearances allowing access to classified information;

6. Individuals and agencies where authorized by court order or court rule;

7. Agencies of any political subdivision of the Commonwealth, public transportation companies owned, operated or controlled by any political subdivision, and any public service corporation that operates a public transit system owned by a local government for the conduct of investigations of applicants for employment, permit, or license whenever, in the interest of public welfare or safety, it is necessary to determine under a duly enacted ordinance if the past criminal conduct of a person with a conviction record would be compatible with the nature of the employment, permit, or license under consideration;

7a. Commissions created pursuant to the Transportation District Act of 1964 (§ 33.2-1900 et seq.) of Title 33.2 and their contractors, for the conduct of investigations of individuals who have been offered a position of employment whenever, in the interest of public welfare or safety and as authorized in the Transportation District Act of 1964, it is

necessary to determine if the past criminal conduct of a person with a conviction record would be compatible with the nature of the employment under consideration;

8. Public or private agencies when authorized or required by federal or state law or interstate compact to investigate (i) applicants for foster or adoptive parenthood or (ii) any individual, and the adult members of that individual's household, with whom the agency is considering placing a child or from whom the agency is considering removing a child due to abuse or neglect, on an emergency, temporary, or permanent basis pursuant to §§ 63.2-901.1 and 63.2-1505, subject to the restriction that the data shall not be further disseminated to any party other than a federal or state authority or court as may be required to comply with an express requirement of law;

9. To the extent permitted by federal law or regulation, public service companies as defined in § 56-1, for the conduct of investigations of applicants for employment when such employment involves personal contact with the public or when past criminal conduct of an applicant would be incompatible with the nature of the employment under consideration;

10. The appropriate authority for purposes of granting citizenship and for purposes of international travel, including, but not limited to, issuing visas and passports;

11. A person requesting a copy of his own criminal history record information as defined in § 9.1-101 at his cost, except that criminal history record information shall be supplied at no charge to a person who has applied to be a volunteer with (i) a Virginia affiliate of Big Brothers/Big Sisters of America; (ii) a volunteer fire company; (iii) the Volunteer Emergency Families for Children; (iv) any affiliate of Prevent Child Abuse, Virginia; (v) any Virginia affiliate of Compeer; or (vi) any board member or any individual who has been offered membership on the board of a Crime Stoppers, Crime Solvers or Crime Line program as defined in § 15.2-1713.1;

12. Administrators and board presidents of and applicants for licensure or registration as a child welfare agency as defined in § 63.2-100 for dissemination to the Commissioner of Social Services' representative pursuant to § 63.2-1702 for the conduct of investigations with respect to employees of and volunteers at such facilities, caretakers, ~~and other adults living in family day homes or homes approved by family day systems~~, and foster and adoptive parent applicants of private child-placing agencies, pursuant to §§ 63.2-1719, 63.2-1720, ~~63.2-1720.1~~, and 63.2-1721; ~~and 63.2-1721.1~~, subject to the restriction that the data shall not be further disseminated by the facility or agency to any party other than the data subject, the Commissioner of Social Services' representative or a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination;

13. The school boards of the Commonwealth for the purpose of screening individuals who are offered or who accept public school employment and those current school board employees for whom a report of arrest has been made pursuant to § 19.2-83.1;

14. The Virginia Lottery for the conduct of investigations as set forth in the Virginia Lottery Law (§ 58.1-4000 et seq.), and the Department of Agriculture and Consumer Services for the conduct of investigations as set forth in Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2;

15. Licensed nursing homes, hospitals and home care organizations for the conduct of investigations of applicants for compensated employment in licensed nursing homes pursuant to § 32.1-126.01, hospital pharmacies pursuant to § 32.1-126.02, and home care organizations pursuant to § 32.1-162.9:1, subject to the limitations set out in subsection E;

16. Licensed assisted living facilities and licensed adult day care centers for the conduct of investigations of applicants for compensated employment in licensed assisted living facilities and licensed adult day care centers pursuant to § 63.2-1720, subject to the limitations set out in subsection F;

17. The Virginia Alcoholic Beverage Control Authority for the conduct of investigations as set forth in § 4.1-103.1;

18. The State Board of Elections and authorized officers and employees thereof and general registrars appointed pursuant to § 24.2-110 in the course of conducting necessary investigations with respect to voter registration, limited to any record of felony convictions;

19. The Commissioner of Behavioral Health and Developmental Services for those individuals who are committed to the custody of the Commissioner pursuant to §§ 19.2-169.2, 19.2-169.6, 19.2-182.2, 19.2-182.3, 19.2-182.8, and 19.2-182.9 for the purpose of placement, evaluation, and treatment planning;

20. Any alcohol safety action program certified by the Commission on the Virginia Alcohol Safety Action Program for (i) assessments of habitual offenders under § 46.2-360, (ii) interventions with first offenders under § 18.2-251, or (iii) services to offenders under § 18.2-51.4, 18.2-266, or 18.2-266.1;

21. Residential facilities for juveniles regulated or operated by the Department of Social Services, the Department of Education, or the Department of Behavioral Health and Developmental Services for the purpose of determining applicants' fitness for employment or for providing volunteer or contractual services;

22. The Department of Behavioral Health and Developmental Services and facilities operated by the Department for the purpose of determining an individual's fitness for employment pursuant to departmental instructions;

23. Pursuant to § 22.1-296.3, the governing boards or administrators of private elementary or secondary schools which are accredited pursuant to § 22.1-19 or a private organization coordinating such records information on behalf of such governing boards or administrators pursuant to a written agreement with the Department of State Police;

24. Public institutions of higher education and nonprofit private institutions of higher education for the purpose of screening individuals who are offered or accept employment;

25. Members of a threat assessment team established by a local school board pursuant to § 22.1-79.4, by a public institution of higher education pursuant to § 23.1-805, or by a private nonprofit institution of higher education, for the

purpose of assessing or intervening with an individual whose behavior may present a threat to safety; however, no member of a threat assessment team shall redisclose any criminal history record information obtained pursuant to this section or otherwise use any record of an individual beyond the purpose that such disclosure was made to the threat assessment team;

26. Executive directors of community services boards or the personnel director serving the community services board for the purpose of determining an individual's fitness for employment, approval as a sponsored residential service provider, or permission to enter into a shared living arrangement with a person receiving medical assistance services pursuant to a waiver pursuant to §§ 37.2-506 and 37.2-607;

27. Executive directors of behavioral health authorities as defined in § 37.2-600 for the purpose of determining an individual's fitness for employment, approval as a sponsored residential service provider, or permission to enter into a shared living arrangement with a person receiving medical assistance services pursuant to a waiver pursuant to §§ 37.2-506 and 37.2-607;

28. The Commissioner of Social Services for the purpose of locating persons who owe child support or who are alleged in a pending paternity proceeding to be a putative father, provided that only the name, address, demographics and social security number of the data subject shall be released;

29. Authorized officers or directors of agencies licensed pursuant to Article 2 (§ 37.2-403 et seq.) of Chapter 4 of Title 37.2 by the Department of Behavioral Health and Developmental Services for the purpose of determining if any applicant who accepts employment in any direct care position or requests approval as a sponsored residential service provider or permission to enter into a shared living arrangement with a person receiving medical assistance services pursuant to a waiver has been convicted of a crime that affects his fitness to have responsibility for the safety and well-being of individuals with mental illness, intellectual disability, or substance abuse pursuant to §§ 37.2-416, 37.2-506, and 37.2-607;

30. The Commissioner of the Department of Motor Vehicles, for the purpose of evaluating applicants for and holders of a motor carrier certificate or license subject to the provisions of Chapters 20 (§ 46.2-2000 et seq.) and 21 (§ 46.2-2100 et seq.) of Title 46.2;

31. The chairmen of the Committees for Courts of Justice of the Senate or the House of Delegates for the purpose of determining if any person being considered for election to any judgeship has been convicted of a crime;

32. Heads of state agencies in which positions have been identified as sensitive for the purpose of determining an individual's fitness for employment in positions designated as sensitive under Department of Human Resource Management policies developed pursuant to § 2.2-1201.1;

33. The Office of the Attorney General, for all criminal justice activities otherwise permitted under subdivision A 1 and for purposes of performing duties required by the Civil Commitment of Sexually Violent Predators Act (§ 37.2-900 et seq.);

34. Shipyards, to the extent permitted by federal law or regulation, engaged in the design, construction, overhaul, or repair of nuclear vessels for the United States Navy, including their subsidiary companies, for the conduct of investigations of applications for employment or for access to facilities, by contractors, leased laborers, and other visitors;

35. Any employer of individuals whose employment requires that they enter the homes of others, for the purpose of screening individuals who apply for, are offered, or have accepted such employment;

36. Public agencies when and as required by federal or state law to investigate (i) applicants as providers of adult foster care and home-based services or (ii) any individual with whom the agency is considering placing an adult on an emergency, temporary, or permanent basis pursuant to § 63.2-1601.1, subject to the restriction that the data shall not be further disseminated by the agency to any party other than a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination, subject to limitations set out in subsection G;

37. The Department of Medical Assistance Services, or its designee, for the purpose of screening individuals who, through contracts, subcontracts, or direct employment, volunteer, apply for, are offered, or have accepted a position related to the provision of transportation services to enrollees in the Medicaid Program or the Family Access to Medical Insurance Security (FAMIS) Program, or any other program administered by the Department of Medical Assistance Services;

38. The State Corporation Commission for the purpose of investigating individuals who are current or proposed members, senior officers, directors, and principals of an applicant or person licensed under Chapter 16 (§ 6.2-1600 et seq.) or Chapter 19 (§ 6.2-1900 et seq.) of Title 6.2. Notwithstanding any other provision of law, if an application is denied based in whole or in part on information obtained from the Central Criminal Records Exchange pursuant to Chapter 16 or 19 of Title 6.2, the Commissioner of Financial Institutions or his designee may disclose such information to the applicant or its designee;

39. The Department of Professional and Occupational Regulation for the purpose of investigating individuals for initial licensure pursuant to § 54.1-2106.1;

40. The Department for Aging and Rehabilitative Services and the Department for the Blind and Vision Impaired for the purpose of evaluating an individual's fitness for various types of employment and for the purpose of delivering comprehensive vocational rehabilitation services pursuant to Article 11 (§ 51.5-170 et seq.) of Chapter 14 of Title 51.5 that will assist the individual in obtaining employment;

41. Bail bondsmen, in accordance with the provisions of § 19.2-120;

42. The State Treasurer for the purpose of determining whether a person receiving compensation for wrongful incarceration meets the conditions for continued compensation under § 8.01-195.12;

43. The Department of ~~Social Services and directors of local departments of social services~~ *Education or its agents or designees* for the purpose of screening individuals seeking to enter into a contract with the Department of ~~Social Services or a local department of social services~~ *Education or its agents or designees* for the provision of child care services for which child care subsidy payments may be provided;

44. The Department of Juvenile Justice to investigate any parent, guardian, or other adult members of a juvenile's household when completing a predispositional or postdispositional report required by § 16.1-273 or a Board of Juvenile Justice regulation promulgated pursuant to § 16.1-233; ~~and~~

45. *Administrators and board presidents of and applicants for licensure or registration as a child day program or family day system, as such terms are defined in § 22.1-289.02, for dissemination to the Superintendent of Public Instruction's representative pursuant to § 22.1-289.013 for the conduct of investigations with respect to employees of and volunteers at such facilities pursuant to §§ 22.1-289.034 through 22.1-289.037, subject to the restriction that the data shall not be further disseminated by the facility or agency to any party other than the data subject, the Superintendent of Public Instruction's representative, or a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination; and*

46. Other entities as otherwise provided by law.

Upon an ex parte motion of a defendant in a felony case and upon the showing that the records requested may be relevant to such case, the court shall enter an order requiring the Central Criminal Records Exchange to furnish the defendant, as soon as practicable, copies of any records of persons designated in the order on whom a report has been made under the provisions of this chapter.

Notwithstanding any other provision of this chapter to the contrary, upon a written request sworn to before an officer authorized to take acknowledgments, the Central Criminal Records Exchange, or the criminal justice agency in cases of offenses not required to be reported to the Exchange, shall furnish a copy of conviction data covering the person named in the request to the person making the request; however, such person on whom the data is being obtained shall consent in writing, under oath, to the making of such request. A person receiving a copy of his own conviction data may utilize or further disseminate that data as he deems appropriate. In the event no conviction data is maintained on the data subject, the person making the request shall be furnished at his cost a certification to that effect.

B. Use of criminal history record information disseminated to noncriminal justice agencies under this section shall be limited to the purposes for which it was given and may not be disseminated further.

C. No criminal justice agency or person shall confirm the existence or nonexistence of criminal history record information for employment or licensing inquiries except as provided by law.

D. Criminal justice agencies shall establish procedures to query the Central Criminal Records Exchange prior to dissemination of any criminal history record information on offenses required to be reported to the Central Criminal Records Exchange to ensure that the most up-to-date disposition data is being used. Inquiries of the Exchange shall be made prior to any dissemination except in those cases where time is of the essence and the normal response time of the Exchange would exceed the necessary time period. A criminal justice agency to whom a request has been made for the dissemination of criminal history record information that is required to be reported to the Central Criminal Records Exchange may direct the inquirer to the Central Criminal Records Exchange for such dissemination. Dissemination of information regarding offenses not required to be reported to the Exchange shall be made by the criminal justice agency maintaining the record as required by § 15.2-1722.

E. Criminal history information provided to licensed nursing homes, hospitals and to home care organizations pursuant to subdivision A 15 shall be limited to the convictions on file with the Exchange for any offense specified in §§ 32.1-126.01, 32.1-126.02, and 32.1-162.9:1.

F. Criminal history information provided to licensed assisted living facilities and licensed adult day care centers pursuant to subdivision A 16 shall be limited to the convictions on file with the Exchange for any offense specified in § 63.2-1720.

G. Criminal history information provided to public agencies pursuant to subdivision A 36 shall be limited to the convictions on file with the Exchange for any offense set forth in clause (i) of the definition of barrier crime in § 19.2-392.02.

H. Upon receipt of a written request from an employer or prospective employer, the Central Criminal Records Exchange, or the criminal justice agency in cases of offenses not required to be reported to the Exchange, shall furnish at the employer's cost a copy of conviction data covering the person named in the request to the employer or prospective employer making the request, provided that the person on whom the data is being obtained has consented in writing to the making of such request and has presented a photo-identification to the employer or prospective employer. In the event no conviction data is maintained on the person named in the request, the requesting employer or prospective employer shall be furnished at his cost a certification to that effect. The criminal history record search shall be conducted on forms provided by the Exchange.

I. Nothing in this section shall preclude the dissemination of a person's criminal history record information pursuant to the rules of court for obtaining discovery or for review by the court.

§ 19.2-389. (Effective January 1, 2021) Dissemination of criminal history record information.

A. Criminal history record information shall be disseminated, whether directly or through an intermediary, only to:

1. Authorized officers or employees of criminal justice agencies, as defined by § 9.1-101, for purposes of the administration of criminal justice and the screening of an employment application or review of employment by a criminal justice agency with respect to its own employees or applicants, and dissemination to the Virginia Parole Board, pursuant to this subdivision, of such information on all state-responsible inmates for the purpose of making parole determinations pursuant to subdivisions 1, 2, 3, and 5 of § 53.1-136 shall include collective dissemination by electronic means every 30 days. For purposes of this subdivision, criminal history record information includes information sent to the Central Criminal Records Exchange pursuant to §§ 37.2-819 and 64.2-2014 when disseminated to any full-time or part-time employee of the State Police, a police department or sheriff's office that is a part of or administered by the Commonwealth or any political subdivision thereof, and who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth for the purposes of the administration of criminal justice;

2. Such other individuals and agencies that require criminal history record information to implement a state or federal statute or executive order of the President of the United States or Governor that expressly refers to criminal conduct and contains requirements or exclusions expressly based upon such conduct, except that information concerning the arrest of an individual may not be disseminated to a noncriminal justice agency or individual if an interval of one year has elapsed from the date of the arrest and no disposition of the charge has been recorded and no active prosecution of the charge is pending;

3. Individuals and agencies pursuant to a specific agreement with a criminal justice agency to provide services required for the administration of criminal justice pursuant to that agreement which shall specifically authorize access to data, limit the use of data to purposes for which given, and ensure the security and confidentiality of the data;

4. Individuals and agencies for the express purpose of research, evaluative, or statistical activities pursuant to an agreement with a criminal justice agency that shall specifically authorize access to data, limit the use of data to research, evaluative, or statistical purposes, and ensure the confidentiality and security of the data;

5. Agencies of state or federal government that are authorized by state or federal statute or executive order of the President of the United States or Governor to conduct investigations determining employment suitability or eligibility for security clearances allowing access to classified information;

6. Individuals and agencies where authorized by court order or court rule;

7. Agencies of any political subdivision of the Commonwealth, public transportation companies owned, operated or controlled by any political subdivision, and any public service corporation that operates a public transit system owned by a local government for the conduct of investigations of applicants for employment, permit, or license whenever, in the interest of public welfare or safety, it is necessary to determine under a duly enacted ordinance if the past criminal conduct of a person with a conviction record would be compatible with the nature of the employment, permit, or license under consideration;

7a. Commissions created pursuant to the Transportation District Act of 1964 (§ 33.2-1900 et seq.) of Title 33.2 and their contractors, for the conduct of investigations of individuals who have been offered a position of employment whenever, in the interest of public welfare or safety and as authorized in the Transportation District Act of 1964, it is necessary to determine if the past criminal conduct of a person with a conviction record would be compatible with the nature of the employment under consideration;

8. Public or private agencies when authorized or required by federal or state law or interstate compact to investigate (i) applicants for foster or adoptive parenthood or (ii) any individual, and the adult members of that individual's household, with whom the agency is considering placing a child or from whom the agency is considering removing a child due to abuse or neglect, on an emergency, temporary, or permanent basis pursuant to §§ 63.2-901.1 and 63.2-1505, subject to the restriction that the data shall not be further disseminated to any party other than a federal or state authority or court as may be required to comply with an express requirement of law;

9. To the extent permitted by federal law or regulation, public service companies as defined in § 56-1, for the conduct of investigations of applicants for employment when such employment involves personal contact with the public or when past criminal conduct of an applicant would be incompatible with the nature of the employment under consideration;

10. The appropriate authority for purposes of granting citizenship and for purposes of international travel, including, but not limited to, issuing visas and passports;

11. A person requesting a copy of his own criminal history record information as defined in § 9.1-101 at his cost, except that criminal history record information shall be supplied at no charge to a person who has applied to be a volunteer with (i) a Virginia affiliate of Big Brothers/Big Sisters of America; (ii) a volunteer fire company; (iii) the Volunteer Emergency Families for Children; (iv) any affiliate of Prevent Child Abuse, Virginia; (v) any Virginia affiliate of Compeer; or (vi) any board member or any individual who has been offered membership on the board of a Crime Stoppers, Crime Solvers or Crime Line program as defined in § 15.2-1713.1;

12. Administrators and board presidents of and applicants for licensure or registration as a child welfare agency as defined in § 63.2-100 for dissemination to the Commissioner of Social Services' representative pursuant to § 63.2-1702 for the conduct of investigations with respect to employees of and volunteers at such facilities, caretakers, ~~and other adults living in family day homes or homes approved by family day systems;~~ and foster and adoptive parent applicants of private child-placing agencies, pursuant to §§ 63.2-1719, 63.2-1720, ~~63.2-1720.1,~~ and 63.2-1721, ~~and 63.2-1721.1,~~ subject to the restriction that the data shall not be further disseminated by the facility or agency to any party other than the data subject, the Commissioner of Social Services' representative or a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination;

13. The school boards of the Commonwealth for the purpose of screening individuals who are offered or who accept public school employment and those current school board employees for whom a report of arrest has been made pursuant to § 19.2-83.1;

14. The Virginia Lottery for the conduct of investigations as set forth in the Virginia Lottery Law (§ 58.1-4000 et seq.), and the Department of Agriculture and Consumer Services for the conduct of investigations as set forth in Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2;

15. Licensed nursing homes, hospitals and home care organizations for the conduct of investigations of applicants for compensated employment in licensed nursing homes pursuant to § 32.1-126.01, hospital pharmacies pursuant to § 32.1-126.02, and home care organizations pursuant to § 32.1-162.9:1, subject to the limitations set out in subsection E;

16. Licensed assisted living facilities and licensed adult day care centers for the conduct of investigations of applicants for compensated employment in licensed assisted living facilities and licensed adult day care centers pursuant to § 63.2-1720, subject to the limitations set out in subsection F;

17. The Virginia Alcoholic Beverage Control Authority for the conduct of investigations as set forth in § 4.1-103.1;

18. The State Board of Elections and authorized officers and employees thereof and general registrars appointed pursuant to § 24.2-110 in the course of conducting necessary investigations with respect to voter registration, limited to any record of felony convictions;

19. The Commissioner of Behavioral Health and Developmental Services for those individuals who are committed to the custody of the Commissioner pursuant to §§ 19.2-169.2, 19.2-169.6, 19.2-182.2, 19.2-182.3, 19.2-182.8, and 19.2-182.9 for the purpose of placement, evaluation, and treatment planning;

20. Any alcohol safety action program certified by the Commission on the Virginia Alcohol Safety Action Program for (i) assessments of habitual offenders under § 46.2-360, (ii) interventions with first offenders under § 18.2-251, or (iii) services to offenders under § 18.2-51.4, 18.2-266, or 18.2-266.1;

21. Residential facilities for juveniles regulated or operated by the Department of Social Services, the Department of Education, or the Department of Behavioral Health and Developmental Services for the purpose of determining applicants' fitness for employment or for providing volunteer or contractual services;

22. The Department of Behavioral Health and Developmental Services and facilities operated by the Department for the purpose of determining an individual's fitness for employment pursuant to departmental instructions;

23. Pursuant to § 22.1-296.3, the governing boards or administrators of private elementary or secondary schools which are accredited pursuant to § 22.1-19 or a private organization coordinating such records information on behalf of such governing boards or administrators pursuant to a written agreement with the Department of State Police;

24. Public institutions of higher education and nonprofit private institutions of higher education for the purpose of screening individuals who are offered or accept employment;

25. Members of a threat assessment team established by a local school board pursuant to § 22.1-79.4, by a public institution of higher education pursuant to § 23.1-805, or by a private nonprofit institution of higher education, for the purpose of assessing or intervening with an individual whose behavior may present a threat to safety; however, no member of a threat assessment team shall redisclose any criminal history record information obtained pursuant to this section or otherwise use any record of an individual beyond the purpose that such disclosure was made to the threat assessment team;

26. Executive directors of community services boards or the personnel director serving the community services board for the purpose of determining an individual's fitness for employment, approval as a sponsored residential service provider, or permission to enter into a shared living arrangement with a person receiving medical assistance services pursuant to a waiver pursuant to §§ 37.2-506 and 37.2-607;

27. Executive directors of behavioral health authorities as defined in § 37.2-600 for the purpose of determining an individual's fitness for employment, approval as a sponsored residential service provider, or permission to enter into a shared living arrangement with a person receiving medical assistance services pursuant to a waiver pursuant to §§ 37.2-506 and 37.2-607;

28. The Commissioner of Social Services for the purpose of locating persons who owe child support or who are alleged in a pending paternity proceeding to be a putative father, provided that only the name, address, demographics and social security number of the data subject shall be released;

29. Authorized officers or directors of agencies licensed pursuant to Article 2 (§ 37.2-403 et seq.) of Chapter 4 of Title 37.2 by the Department of Behavioral Health and Developmental Services for the purpose of determining if any applicant who accepts employment in any direct care position or requests approval as a sponsored residential service provider or permission to enter into a shared living arrangement with a person receiving medical assistance services pursuant to a waiver has been convicted of a crime that affects his fitness to have responsibility for the safety and well-being of individuals with mental illness, intellectual disability, or substance abuse pursuant to §§ 37.2-416, 37.2-506, and 37.2-607;

30. The Commissioner of the Department of Motor Vehicles, for the purpose of evaluating applicants for and holders of a motor carrier certificate or license subject to the provisions of Chapters 20 (§ 46.2-2000 et seq.) and 21 (§ 46.2-2100 et seq.) of Title 46.2;

31. The chairmen of the Committees for Courts of Justice of the Senate or the House of Delegates for the purpose of determining if any person being considered for election to any judgeship has been convicted of a crime;

32. Heads of state agencies in which positions have been identified as sensitive for the purpose of determining an individual's fitness for employment in positions designated as sensitive under Department of Human Resource Management policies developed pursuant to § 2.2-1201.1;

33. The Office of the Attorney General, for all criminal justice activities otherwise permitted under subdivision A 1 and for purposes of performing duties required by the Civil Commitment of Sexually Violent Predators Act (§ 37.2-900 et seq.);

34. Shipyards, to the extent permitted by federal law or regulation, engaged in the design, construction, overhaul, or repair of nuclear vessels for the United States Navy, including their subsidiary companies, for the conduct of investigations of applications for employment or for access to facilities, by contractors, leased laborers, and other visitors;

35. Any employer of individuals whose employment requires that they enter the homes of others, for the purpose of screening individuals who apply for, are offered, or have accepted such employment;

36. Public agencies when and as required by federal or state law to investigate (i) applicants as providers of adult foster care and home-based services or (ii) any individual with whom the agency is considering placing an adult on an emergency, temporary, or permanent basis pursuant to § 63.2-1601.1, subject to the restriction that the data shall not be further disseminated by the agency to any party other than a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination, subject to limitations set out in subsection G;

37. The Department of Medical Assistance Services, or its designee, for the purpose of screening individuals who, through contracts, subcontracts, or direct employment, volunteer, apply for, are offered, or have accepted a position related to the provision of transportation services to enrollees in the Medicaid Program or the Family Access to Medical Insurance Security (FAMIS) Program, or any other program administered by the Department of Medical Assistance Services;

38. The State Corporation Commission for the purpose of investigating individuals who are current or proposed members, senior officers, directors, and principals of an applicant or person licensed under Chapter 16 (§ 6.2-1600 et seq.) or Chapter 19 (§ 6.2-1900 et seq.) of Title 6.2. Notwithstanding any other provision of law, if an application is denied based in whole or in part on information obtained from the Central Criminal Records Exchange pursuant to Chapter 16 or 19 of Title 6.2, the Commissioner of Financial Institutions or his designee may disclose such information to the applicant or its designee;

39. The Department of Professional and Occupational Regulation for the purpose of investigating individuals for initial licensure pursuant to § 54.1-2106.1;

40. The Department for Aging and Rehabilitative Services and the Department for the Blind and Vision Impaired for the purpose of evaluating an individual's fitness for various types of employment and for the purpose of delivering comprehensive vocational rehabilitation services pursuant to Article 11 (§ 51.5-170 et seq.) of Chapter 14 of Title 51.5 that will assist the individual in obtaining employment;

41. Bail bondsmen, in accordance with the provisions of § 19.2-120;

42. The State Treasurer for the purpose of determining whether a person receiving compensation for wrongful incarceration meets the conditions for continued compensation under § 8.01-195.12;

43. The Department of ~~Social Services and directors of local departments of social services~~ *Education or its agents or designees* for the purpose of screening individuals seeking to enter into a contract with the Department of ~~Social Services or a local department of social services~~ *Education or its agents or designees* for the provision of child care services for which child care subsidy payments may be provided;

44. The Department of Juvenile Justice to investigate any parent, guardian, or other adult members of a juvenile's household when completing a predispositional or postdispositional report required by § 16.1-273 or a Board of Juvenile Justice regulation promulgated pursuant to § 16.1-233;

45. The State Corporation Commission, for the purpose of screening applicants for insurance licensure under Chapter 18 (§ 38.2-1800 et seq.) of Title 38.2; ~~and~~

46. *Administrators and board presidents of and applicants for licensure or registration as a child day program or family day system, as such terms are defined in § 22.1-289.02, for dissemination to the Superintendent of Public Instruction's representative pursuant to § 22.1-289.013 for the conduct of investigations with respect to employees of and volunteers at such facilities pursuant to §§ 22.1-289.034 through 22.1-289.037, subject to the restriction that the data shall not be further disseminated by the facility or agency to any party other than the data subject, the Superintendent of Public Instruction's representative, or a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination; and*

47. Other entities as otherwise provided by law.

Upon an ex parte motion of a defendant in a felony case and upon the showing that the records requested may be relevant to such case, the court shall enter an order requiring the Central Criminal Records Exchange to furnish the defendant, as soon as practicable, copies of any records of persons designated in the order on whom a report has been made under the provisions of this chapter.

Notwithstanding any other provision of this chapter to the contrary, upon a written request sworn to before an officer authorized to take acknowledgments, the Central Criminal Records Exchange, or the criminal justice agency in cases of offenses not required to be reported to the Exchange, shall furnish a copy of conviction data covering the person named in the request to the person making the request; however, such person on whom the data is being obtained shall consent in writing, under oath, to the making of such request. A person receiving a copy of his own conviction data may utilize or

further disseminate that data as he deems appropriate. In the event no conviction data is maintained on the data subject, the person making the request shall be furnished at his cost a certification to that effect.

B. Use of criminal history record information disseminated to noncriminal justice agencies under this section shall be limited to the purposes for which it was given and may not be disseminated further.

C. No criminal justice agency or person shall confirm the existence or nonexistence of criminal history record information for employment or licensing inquiries except as provided by law.

D. Criminal justice agencies shall establish procedures to query the Central Criminal Records Exchange prior to dissemination of any criminal history record information on offenses required to be reported to the Central Criminal Records Exchange to ensure that the most up-to-date disposition data is being used. Inquiries of the Exchange shall be made prior to any dissemination except in those cases where time is of the essence and the normal response time of the Exchange would exceed the necessary time period. A criminal justice agency to whom a request has been made for the dissemination of criminal history record information that is required to be reported to the Central Criminal Records Exchange may direct the inquirer to the Central Criminal Records Exchange for such dissemination. Dissemination of information regarding offenses not required to be reported to the Exchange shall be made by the criminal justice agency maintaining the record as required by § 15.2-1722.

E. Criminal history information provided to licensed nursing homes, hospitals and to home care organizations pursuant to subdivision A 15 shall be limited to the convictions on file with the Exchange for any offense specified in §§ 32.1-126.01, 32.1-126.02, and 32.1-162.9:1.

F. Criminal history information provided to licensed assisted living facilities and licensed adult day care centers pursuant to subdivision A 16 shall be limited to the convictions on file with the Exchange for any offense specified in § 63.2-1720.

G. Criminal history information provided to public agencies pursuant to subdivision A 36 shall be limited to the convictions on file with the Exchange for any offense set forth in clause (i) of the definition of barrier crime in § 19.2-392.02.

H. Upon receipt of a written request from an employer or prospective employer, the Central Criminal Records Exchange, or the criminal justice agency in cases of offenses not required to be reported to the Exchange, shall furnish at the employer's cost a copy of conviction data covering the person named in the request to the employer or prospective employer making the request, provided that the person on whom the data is being obtained has consented in writing to the making of such request and has presented a photo-identification to the employer or prospective employer. In the event no conviction data is maintained on the person named in the request, the requesting employer or prospective employer shall be furnished at his cost a certification to that effect. The criminal history record search shall be conducted on forms provided by the Exchange.

I. Nothing in this section shall preclude the dissemination of a person's criminal history record information pursuant to the rules of court for obtaining discovery or for review by the court.

§ 19.2-390. Reports to be made by local law-enforcement officers, conservators of the peace, clerks of court, Secretary of the Commonwealth and Corrections officials to State Police; material submitted by other agencies.

A. 1. Every state official or agency having the power to arrest, the sheriffs of counties, the police officials of cities and towns, and any other local law-enforcement officer or conservator of the peace having the power to arrest for a felony shall make a report to the Central Criminal Records Exchange, on forms provided by it, of any arrest, including those arrests involving the taking into custody of, or service of process upon, any person on charges resulting from an indictment, presentment or information, the arrest on capias or warrant for failure to appear, and the service of a warrant for another jurisdiction, for each charge when any person is arrested on any of the following charges:

a. Treason;

b. Any felony;

c. Any offense punishable as a misdemeanor under Title 54.1;

d. Any misdemeanor punishable by confinement in jail (i) under Title 18.2 or 19.2, or any similar ordinance of any county, city or town, (ii) under § 20-61, or (iii) under § 16.1-253.2; or

e. Any offense in violation of § 3.2-6570, 4.1-309.1, 5.1-13, 15.2-1612, 22.1-289.041, 46.2-339, 46.2-341.21, 46.2-341.24, 46.2-341.26:3, 46.2-817, 58.1-3141, 58.1-4018.1, 60.2-632, or 63.2-1509; ~~or 63.2-1727.~~

The reports shall contain such information as is required by the Exchange and shall be accompanied by fingerprints of the individual arrested for each charge. Effective January 1, 2006, the corresponding photograph of the individual arrested shall accompany the report. Fingerprint cards prepared by a law-enforcement agency for inclusion in a national criminal justice file shall be forwarded to the Exchange for transmittal to the appropriate bureau. Nothing in this section shall preclude each local law-enforcement agency from maintaining its own separate photographic database. Fingerprints and photographs required to be taken pursuant to this subsection or subdivision A 3c of § 19.2-123 may be taken at the facility where the magistrate is located, including a regional jail, even if the accused is not committed to jail.

2. For persons arrested and released on summonses in accordance with § 19.2-74, such report shall not be required until (i) a conviction is entered and no appeal is noted or if an appeal is noted, the conviction is upheld upon appeal or the person convicted withdraws his appeal; (ii) the court defers or dismisses the proceeding pursuant to § 18.2-57.3, 18.2-251, or 19.2-303.2; or (iii) an acquittal by reason of insanity pursuant to § 19.2-182.2 is entered. Upon such conviction or acquittal, the court shall remand the individual to the custody of the office of the chief law-enforcement officer of the county

or city. It shall be the duty of the chief law-enforcement officer, or his designee who may be the arresting officer, to ensure that such report is completed for each charge after a determination of guilt or acquittal by reason of insanity. The court shall require the officer to complete the report immediately following the person's conviction or acquittal, and the individual shall be discharged from custody forthwith, unless the court has imposed a jail sentence to be served by him or ordered him committed to the custody of the Commissioner of Behavioral Health and Developmental Services.

3. For persons arrested on a *capias* for any allegation of a violation of the terms or conditions of a suspended sentence or probation for a felony offense pursuant to § 18.2-456, 19.2-306, or 53.1-165, a report shall be made to the Central Criminal Records Exchange pursuant to subdivision 1. Upon finding such person in violation of the terms or conditions of a suspended sentence or probation for such felony offense, the court shall order that the fingerprints and photograph of such person be taken by a law-enforcement officer for each such offense and submitted to the Central Criminal Records Exchange.

4. For any person served with a show cause for any allegation of a violation of the terms or conditions of a suspended sentence or probation for a felony offense pursuant to § 18.2-456, 19.2-306, or 53.1-165, such report to the Central Criminal Records Exchange shall not be required until such person is found to be in violation of the terms or conditions of a suspended sentence or probation for such felony offense. Upon finding such person in violation of the terms or conditions of a suspended sentence or probation for such felony offense, the court shall order that the fingerprints and photograph of such person be taken by a law-enforcement officer for each such offense and submitted to the Central Criminal Records Exchange.

5. If the accused is in custody when an indictment or presentment is found or made, or information is filed, and no process is awarded, the attorney for the Commonwealth shall so notify the court of such at the time of first appearance for each indictment, presentment, or information for which a report is required upon arrest pursuant to subdivision 1, and the court shall order that the fingerprints and photograph of the accused be taken for each offense by a law-enforcement officer or by the agency that has custody of the accused at the time of first appearance. The law-enforcement officer or agency taking the fingerprints and photograph shall submit a report to the Central Criminal Records Exchange for each offense.

B. Within 72 hours following the receipt of (i) a warrant or *capias* for the arrest of any person on a charge of a felony or (ii) a Governor's warrant of arrest of a person issued pursuant to § 19.2-92, the law-enforcement agency which received the warrant shall enter the person's name and other appropriate information required by the Department of State Police into the "information systems" known as the Virginia Criminal Information Network (VCIN), established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the National Crime Information Center (NCIC), maintained by the Federal Bureau of Investigation. The report shall include the person's name, date of birth, social security number and such other known information which the State Police or Federal Bureau of Investigation may require. Where feasible and practical, the magistrate or court issuing the warrant or *capias* may transfer information electronically into VCIN. When the information is electronically transferred to VCIN, the court or magistrate shall forthwith forward the warrant or *capias* to the local police department or sheriff's office. When criminal process has been ordered destroyed pursuant to § 19.2-76.1, the law-enforcement agency destroying such process shall ensure the removal of any information relating to the destroyed criminal process from the VCIN and NCIC.

B1. Within 72 hours following the receipt of a written statement issued by a parole officer pursuant to § 53.1-149 or 53.1-162 authorizing the arrest of a person who has violated the provisions of his post-release supervision or probation, the law-enforcement agency that received the written statement shall enter, or cause to be entered, the person's name and other appropriate information required by the Department of State Police into the "information systems" known as the Virginia Criminal Information Network (VCIN), established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52.

C. For offenses not charged on a summons in accordance with § 19.2-74, the clerk of each circuit court and district court shall make an electronic report to the Central Criminal Records Exchange of (i) any dismissal, including a dismissal pursuant to § 18.2-57.3, 18.2-251, or 19.2-303.2, indefinite postponement or continuance, charge still pending due to mental incompetency or incapacity, deferral, *nolle prosequi*, acquittal, or conviction of, including any sentence imposed, or failure of a grand jury to return a true bill as to, any person charged with an offense listed in subsection A, including any action that may have resulted from an indictment, presentment or information, or any finding that the person is in violation of the terms or conditions of a suspended sentence or probation for a felony offense and (ii) any adjudication of delinquency based upon an act that, if committed by an adult, would require fingerprints to be filed pursuant to subsection A. For offenses listed in subsection A and charged on a summons in accordance with § 19.2-74, such electronic report by the clerk of each circuit court and district court to the Central Criminal Records Exchange may be submitted but shall not be required until (a) a conviction is entered and no appeal is noted or, if an appeal is noted, the conviction is upheld upon appeal or the person convicted withdraws his appeal; (b) the court defers or dismisses the proceeding pursuant to § 18.2-57.3, 18.2-251, or 19.2-303.2; or (c) an acquittal by reason of insanity pursuant to § 19.2-182.2 is entered. The clerk of each circuit court shall make an electronic report to the Central Criminal Records Exchange of any finding that a person charged on a summons is in violation of the terms or conditions of a suspended sentence or probation for a felony offense. In the case of offenses not required to be reported to the Exchange by subsection A, the reports of any of the foregoing dispositions shall be filed by the law-enforcement agency making the arrest with the arrest record required to be maintained by § 15.2-1722. Upon conviction of any person, including juveniles tried and convicted in the circuit courts pursuant to § 16.1-269.1, whether sentenced as adults or juveniles, for an offense for which registration is required as defined in § 9.1-902, the clerk shall

within seven days of sentencing submit a report to the Sex Offender and Crimes Against Minors Registry. The report to the Registry shall include the name of the person convicted and all aliases that he is known to have used, the date and locality of the conviction for which registration is required, his date of birth, social security number, and last known address, and specific reference to the offense for which he was convicted. No report of conviction or adjudication in a district court shall be filed unless the period allowed for an appeal has elapsed and no appeal has been perfected. In the event that the records in the office of any clerk show that any conviction or adjudication has been nullified in any manner, he shall also make a report of that fact to the Exchange and, if appropriate, to the Registry. In addition, each clerk of a circuit court, upon receipt of certification thereof from the Supreme Court, shall report to the Exchange or the Registry, or to the law-enforcement agency making the arrest in the case of offenses not required to be reported to the Exchange, on forms provided by the Exchange or Registry, as the case may be, any reversal or other amendment to a prior sentence or disposition previously reported. When criminal process is ordered destroyed pursuant to § 19.2-76.1, the clerk shall report such action to the law-enforcement agency that entered the warrant or capias into the VCIN.

D. In addition to those offenses enumerated in subsection A, the Central Criminal Records Exchange may receive, classify, and file any other fingerprints, photographs, and records of arrest or confinement submitted to it by any law-enforcement agency or any correctional institution or the Department of Corrections. Unless otherwise prohibited by law, any such fingerprints, photographs, and records received by the Central Criminal Records Exchange from any correctional institution or the Department of Corrections may be classified and filed as criminal history record information.

E. Corrections officials, sheriffs, and jail superintendents of regional jails, responsible for maintaining correctional status information, as required by the regulations of the Department of Criminal Justice Services, with respect to individuals about whom reports have been made under the provisions of this chapter shall make reports of changes in correctional status information to the Central Criminal Records Exchange. The reports to the Exchange shall include any commitment to or release or escape from a state or local correctional facility, including commitment to or release from a parole or probation agency.

F. Any pardon, reprieve or executive commutation of sentence by the Governor shall be reported to the Exchange by the office of the Secretary of the Commonwealth.

G. Officials responsible for reporting disposition of charges, and correctional changes of status of individuals under this section, including those reports made to the Registry, shall adopt procedures reasonably designed at a minimum (i) to ensure that such reports are accurately made as soon as feasible by the most expeditious means and in no instance later than 30 days after occurrence of the disposition or correctional change of status and (ii) to report promptly any correction, deletion, or revision of the information.

H. Upon receiving a correction, deletion, or revision of information, the Central Criminal Records Exchange shall notify all criminal justice agencies known to have previously received the information.

I. As used in this section:

"Chief law-enforcement officer" means the chief of police of cities and towns and sheriffs of counties, unless a political subdivision has otherwise designated its chief law-enforcement officer by appropriate resolution or ordinance, in which case the local designation shall be controlling.

"Electronic report" means a report transmitted to, or otherwise forwarded to, the Central Criminal Records Exchange in an electronic format approved by the Exchange. The report shall contain the name of the person convicted and all aliases which he is known to have used, the date and locality of the conviction, his date of birth, social security number, last known address, and specific reference to the offense including the Virginia Code section and any subsection, the Virginia crime code for the offense, and the offense tracking number for the offense for which he was convicted.

§ 19.2-392.02. National criminal background checks by businesses and organizations regarding employees or volunteers providing care to children or the elderly or disabled.

A. For purposes of this section:

"Barrier crime" means (i) a felony violation of § 16.1-253.2; any violation of § 18.2-31, 18.2-32, 18.2-32.1, 18.2-32.2, 18.2-33, 18.2-35, 18.2-36, 18.2-36.1, 18.2-36.2, 18.2-41, or 18.2-42; any felony violation of § 18.2-46.2, 18.2-46.3, 18.2-46.3:1, or 18.2-46.3:3; any violation of § 18.2-46.5, 18.2-46.6, or 18.2-46.7; any violation of subsection A or B of § 18.2-47; any violation of § 18.2-48, 18.2-49, or 18.2-50.3; any violation of § 18.2-51, 18.2-51.1, 18.2-51.2, 18.2-51.3, 18.2-51.4, 18.2-51.5, 18.2-51.6, 18.2-52, 18.2-52.1, 18.2-53, 18.2-53.1, 18.2-54.1, 18.2-54.2, 18.2-55, 18.2-55.1, 18.2-56, 18.2-56.1, 18.2-56.2, 18.2-57, 18.2-57.01, 18.2-57.02, 18.2-57.2, 18.2-58, 18.2-58.1, 18.2-59, 18.2-60, or 18.2-60.1; any felony violation of § 18.2-60.3 or 18.2-60.4; any violation of § 18.2-61, 18.2-63, 18.2-64.1, 18.2-64.2, 18.2-67.1, 18.2-67.2, 18.2-67.3, 18.2-67.4, 18.2-67.4:1, 18.2-67.4:2, 18.2-67.5, 18.2-67.5:1, 18.2-67.5:2, 18.2-67.5:3, 18.2-77, 18.2-79, 18.2-80, 18.2-81, 18.2-82, 18.2-83, 18.2-84, 18.2-85, 18.2-86, 18.2-87, 18.2-87.1, or 18.2-88; any felony violation of § 18.2-279, 18.2-280, 18.2-281, 18.2-282, 18.2-282.1, 18.2-286.1, or 18.2-287.2; any violation of § 18.2-289, 18.2-290, 18.2-300, 18.2-308.4, or 18.2-314; any felony violation of § 18.2-346, 18.2-348, or 18.2-349; any violation of § 18.2-355, 18.2-356, 18.2-357, or 18.2-357.1; any violation of subsection B of § 18.2-361; any violation of § 18.2-366, 18.2-369, 18.2-370, 18.2-370.1, 18.2-370.2, 18.2-370.3, 18.2-370.4, 18.2-370.5, 18.2-370.6, 18.2-371.1, 18.2-374.1, 18.2-374.1:1, 18.2-374.3, 18.2-374.4, 18.2-379, 18.2-386.1, or 18.2-386.2; any felony violation of § 18.2-405 or 18.2-406; any violation of § 18.2-408, 18.2-413, 18.2-414, 18.2-423, 18.2-423.01, 18.2-423.1, 18.2-423.2, 18.2-433.2, 18.2-472.1, 18.2-474.1, 18.2-477, 18.2-477.1, 18.2-477.2, 18.2-478, 18.2-479, 18.2-480, 18.2-481, 18.2-484, 18.2-485, 37.2-917, or 53.1-203; or any substantially similar offense under the laws of another jurisdiction; (ii) any violation of § 18.2-89, 18.2-90, 18.2-91,

18.2-92, 18.2-93, or 18.2-94 or any substantially similar offense under the laws of another jurisdiction; (iii) any felony violation of § 18.2-248, 18.2-248.01, 18.2-248.02, 18.2-248.03, 18.2-248.1, 18.2-248.5, 18.2-251.2, 18.2-251.3, 18.2-255, 18.2-255.2, 18.2-258, 18.2-258.02, 18.2-258.1, or 18.2-258.2 or any substantially similar offense under the laws of another jurisdiction; (iv) any felony violation of § 18.2-250 or any substantially similar offense under the laws of another jurisdiction; (v) any offense set forth in § 9.1-902 that results in the person's requirement to register with the Sex Offender and Crimes Against Minors Registry pursuant to § 9.1-901, including any finding that a person is not guilty by reason of insanity in accordance with Chapter 11.1 (§ 19.2-182.2 et seq.) of Title 19.2 of an offense set forth in § 9.1-902 that results in the person's requirement to register with the Sex Offender and Crimes Against Minors Registry pursuant to § 9.1-901; any substantially similar offense under the laws of another jurisdiction; or any offense for which registration in a sex offender and crimes against minors registry is required under the laws of the jurisdiction where the offender was convicted; or (vi) any other felony not included in clause (i), (ii), (iii), (iv), or (v) unless five years have elapsed from the date of the conviction.

"Barrier crime information" means the following facts concerning a person who has been arrested for, or has been convicted of, a barrier crime, regardless of whether the person was a juvenile or adult at the time of the arrest or conviction: full name, race, sex, date of birth, height, weight, fingerprints, a brief description of the barrier crime or offenses for which the person has been arrested or has been convicted, the disposition of the charge, and any other information that may be useful in identifying persons arrested for or convicted of a barrier crime.

"Care" means the provision of care, treatment, education, training, instruction, supervision, or recreation to children or the elderly or disabled.

"Department" means the Department of State Police.

"Employed by" means any person who is employed by, volunteers for, seeks to be employed by, or seeks to volunteer for a qualified entity.

"Identification document" means a document made or issued by or under the authority of the United States government, a state, a political subdivision of a state, a foreign government, political subdivision of a foreign government, an international governmental or an international quasi-governmental organization that, when completed with information concerning a particular individual, is of a type intended or commonly accepted for the purpose of identification of individuals.

"Provider" means a person who (i) is employed by a qualified entity and has, seeks to have, or may have unsupervised access to a child or to an elderly or disabled person to whom the qualified entity provides care; (ii) is a volunteer of a qualified entity and has, seeks to have, or may have unsupervised access to a child to whom the qualified entity provides care; or (iii) owns, operates, or seeks to own or operate a qualified entity.

"Qualified entity" means a business or organization that provides care to children or the elderly or disabled, whether governmental, private, for profit, nonprofit, or voluntary, except organizations exempt pursuant to subdivision A 7 of ~~§ 63.2-1715~~ 22.1-289.030.

B. A qualified entity may request the Department of State Police to conduct a national criminal background check on any provider who is employed by such entity. No qualified entity may request a national criminal background check on a provider until such provider has:

1. Been fingerprinted; and

2. Completed and signed a statement, furnished by the entity, that includes (i) his name, address, and date of birth as it appears on a valid identification document; (ii) a disclosure of whether or not the provider has ever been convicted of or is the subject of pending charges for a criminal offense within or outside the Commonwealth, and if the provider has been convicted of a crime, a description of the crime and the particulars of the conviction; (iii) a notice to the provider that the entity may request a background check; (iv) a notice to the provider that he is entitled to obtain a copy of any background check report, to challenge the accuracy and completeness of any information contained in any such report, and to obtain a prompt determination as to the validity of such challenge before a final determination is made by the Department; and (v) a notice to the provider that prior to the completion of the background check the qualified entity may choose to deny the provider unsupervised access to children or the elderly or disabled for whom the qualified entity provides care.

C. Upon receipt of (i) a qualified entity's written request to conduct a background check on a provider, (ii) the provider's fingerprints, and (iii) a completed, signed statement as described in subsection B, the Department shall make a determination whether the provider has been convicted of or is the subject of charges of a barrier crime. To conduct its determination regarding the provider's barrier crime information, the Department shall access the national criminal history background check system, which is maintained by the Federal Bureau of Investigation and is based on fingerprints and other methods of identification, and shall access the Central Criminal Records Exchange maintained by the Department. If the Department receives a background report lacking disposition data, the Department shall conduct research in whatever state and local recordkeeping systems are available in order to obtain complete data. The Department shall make reasonable efforts to respond to a qualified entity's inquiry within 15 business days.

D. Any background check conducted pursuant to this section for a provider employed by a private entity shall be screened by the Department of State Police. If the provider has been convicted of or is under indictment for a barrier crime, the qualified entity shall be notified that the provider is not qualified to work or volunteer in a position that involves unsupervised access to children or the elderly or disabled.

E. Any background check conducted pursuant to this section for a provider employed by a governmental entity shall be provided to that entity.

F. In the case of a provider who desires to volunteer at a qualified entity and who is subject to a national criminal background check, the Department and the Federal Bureau of Investigation may each charge the provider the lesser of \$18 or the actual cost to the entity of the background check conducted with the fingerprints.

G. The failure to request a criminal background check pursuant to subsection B shall not be considered negligence per se in any civil action.

H. (Expires July 1, 2020) Notwithstanding any provisions in this section to the contrary, a spouse of a birth parent or parent by adoption who is not the birth parent of a child and has filed a petition for adoption of such child in circuit court may request the Department of State Police to conduct a national criminal background check on such prospective adoptive parent at his cost for purposes of § 63.2-1242. Such background checks shall otherwise be conducted in accordance with the provisions of this section.

§ 22.1-1. Definitions.

As used in this title, unless the context requires otherwise or it is otherwise specifically provided a different meaning:

"Board" or "State Board" means the Board of Education.

"Department" means the Department of Education.

"Division superintendent" means the division superintendent of schools of a school division.

"Elementary" includes kindergarten.

"Elementary and secondary" and "elementary or secondary" include elementary, middle, and high school grades.

"Governing body" or "local governing body" means the board of supervisors of a county, council of a city, or council of a town, responsible for appropriating funds for such locality, as the context may require.

"Middle school" means separate schools for early adolescents and the middle school grades that might be housed at elementary or high schools.

"Parent" or "parents" means any parent, guardian, legal custodian, or other person having control or charge of a child.

"Person of school age" means a person who will have reached his fifth birthday on or before September 30 of the school year and who has not reached twenty years of age on or before August 1 of the school year.

"School board" means the school board that governs a school division.

"Superintendent" means the Superintendent of Public Instruction.

§ 22.1-19. Accreditation of elementary, middle, and high schools; nursery schools; recognition of certain organizations; child day center regulation.

The Board shall provide for the accreditation of public elementary, middle, and high schools in accordance with standards prescribed by it. The Board may provide for the accreditation of private elementary, middle, and high schools in accordance with standards prescribed by it, taking reasonably into account the special circumstances and factors affecting such private schools. The Board in its discretion may recommend provisions for accreditation standards for private nursery schools. Any such accreditation shall be at the request of the private school only.

For the purposes of facilitating the transfer of academic credits for students who have attended private schools and are enrolling in public schools, and to meet the requirements of § ~~63.2-1717~~ 22.1-289.032, the Board of Education shall authorize, in a manner it deems appropriate, the Virginia Council for Private Education to accredit private nursery, preschool, elementary, and secondary schools.

§ 22.1-199.1. Programs designed to promote educational opportunities.

A. The General Assembly finds that Virginia educational research supports the conclusion that poor children are more at risk of educational failure than children from more affluent homes and that reduced pupil/teacher ratios and class sizes result in improved academic performance among young children; to this end, the General Assembly establishes a long-term goal of reducing pupil/teacher ratios and class sizes for grades K through three in those schools in the Commonwealth with high or moderate concentrations of at-risk students.

With such funds as are provided in the appropriation act for this purpose, there is hereby established the statewide voluntary pupil/teacher ratio and class size reduction program for the purpose of reaching the long-term goal of statewide voluntary pupil/teacher ratio and class size reductions for grades K through three in schools with high or moderate concentrations of at-risk students, consistent with the provisions provided in the appropriation act.

In order to facilitate these primary grade ratio and class size reductions, the Department of Education shall calculate the state funding of these voluntary ratio and class size reductions based on the incremental cost of providing the lower class sizes according to the greater of the division average per-pupil cost of all divisions or the actual division per-pupil cost. Localities shall provide matching funds for these voluntary ratio and class size reductions based on the composite index of local ability to pay. School divisions shall notify the Department of Education of their intention to implement the reduced ratios and class sizes in one or more of their qualifying schools by August 1 of each year. By March 31 of each year, school divisions shall forward data substantiating that each participating school has a complying pupil/teacher ratio.

In developing each proposed biennium budget for public education, the Board of Education shall include funding for these ratios and class sizes. These ratios and class sizes shall be included in the annual budget for public education.

B. The General Assembly finds that educational technology is one of the most important components, along with highly skilled teachers, in ensuring the delivery of quality public school education throughout the Commonwealth. Therefore, the Board of Education shall strive to incorporate technological studies within the teaching of all disciplines.

Further, the General Assembly notes that educational technology can only be successful if teachers and administrators are provided adequate training and assistance. To this end, the following program is established.

With such funds as are appropriated for this purpose, the Board of Education shall award to the several school divisions grants for expanded access to educational technology. Funding for educational technology training for instructional personnel shall be provided as set forth in the appropriation act.

Funds for improving the quality and capacity of educational technology shall also be provided as set forth in the appropriation act, including, but not limited to, (i) funds for providing a technology resource assistant to serve every elementary school in this Commonwealth beginning on July 1, 1998, and (ii) funds to maintain the currency of career and technical education programs. Any local school board accepting funds to hire technology resource assistants or maintain currency of career and technical education programs shall commit to providing the required matching funds, based on the composite index of local ability to pay.

Each qualifying school board shall establish an individualized technology plan, which shall be approved by the Superintendent of Public Instruction, for integrating technology into the classroom and into schoolwide instructional programs, including career and technical education programs. The grants shall be prioritized as follows:

1. In the 1994 biennium, the first priority for these funds shall be to automate the library media centers and provide network capabilities in Virginia's elementary, middle and high schools, or combination thereof, in order to ensure access to the statewide library and other information networks. If any elementary, middle or high school has already met this priority, the 1994 biennium grant shall be used to provide other educational technologies identified in the relevant division's approved technology plan, such as multimedia and telecomputing packages, integrated learning systems, laptop computer loan programs, career and technical education laboratories or other electronic techniques designed to enhance public education and to facilitate teacher training in and implementation of effective instructional technology. The Board shall also distribute, as provided in the appropriation act, funds to support the purchase of electronic reference materials for use in the statewide automated reference system.

2. In the 1996 biennium and thereafter, the first priority for funding shall be consistent with those components of the Board of Education's revised six-year technology plan which focus on (i) retrofitting and upgrading existing school buildings to efficiently use educational technology; (ii) providing (a) one network-ready multimedia microcomputer for each classroom, (b) a five-to-one ratio of pupils to network-ready microcomputers, (c) graphing calculators and relevant scientific probes/sensors as required by the Standards of Learning, and (d) training and professional development on available technologies and software to all levels and positions, including professional development for personnel delivering career and technical education at all levels and positions; and (iii) assisting school divisions in developing integrated voice-, video-, and data-connectivity to local, national and international resources.

This funding may be used to implement a local school division's long-range technology plan, at the discretion of the relevant school board, if the local plan meets or exceeds the goals and standards of the Board's revised six-year technology plan and has been approved by the Superintendent of Public Instruction.

3. The Departments of Education, Information Technology, and General Services shall coordinate master contracts for the purchase by local school boards of the aforementioned educational technologies and reference materials.

4. Beginning on July 1, 1998, a technology replacement program shall be, with such funds as may be appropriated for this purpose, implemented to replace obsolete educational hardware and software. As provided in subsection D of § 22.1-129, school boards may donate obsolete educational technology hardware and software which are being replaced. Any such donations shall be offered to other school divisions and to preschool programs in the Commonwealth, or to public school students as provided in guidelines to be promulgated by the Board of Education. Such guidelines shall include criteria for determining student eligibility and need; a reporting system for the compilation of information concerning the number and socioeconomic characteristics of recipient students; and notification of parents of the availability of such donations of obsolete educational hardware and software.

5. In fiscal year 2000, the Board of Education shall, with such funds as are appropriated for this purpose, contract for the development or purchase of interactive educational software and other instructional materials designed as tutorials to improve achievement on the Standards of Learning assessments. Such interactive educational software and other instructional materials may be used in media centers, computer laboratories, libraries, after-school or before-school programs or remedial programs by teachers and other instructional personnel or provided to parents and students to be used in the home. This interactive educational software and other instructional materials shall only be used as supplemental tools for instruction, remediation, and acceleration of the learning required by the K through 12 Standards of Learning objectives.

Consistent with school board policies designed to improve school-community communications and guidelines for providing instructional assistance in the home, each school division shall strive to establish a voice mail communication system after regular school hours for parents, families, and teachers by the year 2000.

~~C. The General Assembly finds that effective prevention programs designed to assist children at risk of school failure and dropout are practical mechanisms for reducing violent and criminal activity and for ensuring that Virginia's children will reach adulthood with the skills necessary to succeed in the twenty-first century; to this end, the following program is hereby established. With such funds as are appropriated for this purpose, the General Assembly hereby establishes a grant program to be disbursed by the Department of Education to schools and community-based organizations to provide quality preschool programs for at-risk four-year-olds who are unserved by Head Start programs and for at-risk five-year-olds who are not eligible to attend kindergarten.~~

The grants shall be used to provide at least half-day services for the length of the school year for at-risk four-year-old children who are unserved by Head Start programs and for at-risk five-year-olds who are not eligible to attend kindergarten. The services shall include quality preschool education; health services; social services; parental involvement including activities to promote family literacy; and transportation.

The Department of Education, in cooperation with such other state agencies that may coordinate child day care and early childhood programs, shall establish guidelines for quality preschool education and criteria for the service components, consistent with the findings of the November 1993 study by the Board of Education, the Department of Education, and the Council on Child Day Care and Early Childhood Programs.

The guidelines for quality preschool education and criteria for preschool education services may be differentiated according to the agency providing the services in order to comply with various relevant federal or state requirements. However, the guidelines for quality preschool education and the criteria for preschool education services shall require when such services are being provided by the public schools of the Commonwealth, and may require for other service providers, that (i) one teacher shall be employed for any class of nine students or less; (ii) if the average daily membership in any class exceeds nine students but does not exceed 18, a full-time teacher's aide shall be assigned to the class; and (iii) the maximum class size shall be 18 students.

School divisions may apply for and be granted waivers from these guidelines by the Department of Education.

During the 1995-1996 fiscal year, the Board of Education shall, with such funds as are appropriated for this purpose, distribute grants, based on an allocation formula providing the state share of the grant per child, as specified in the appropriation act, for 30 percent of the unserved at-risk four-year-olds in the Commonwealth pursuant to the funding provided in the appropriation act.

During the 1996-1997 fiscal year and thereafter, grants shall be distributed, with such funds as are appropriated for this purpose, based on an allocation formula providing the state share of the grant per child, as specified in the appropriation act, for at least 60 percent of the unserved at-risk four-year-olds and five-year-olds who are not eligible to attend kindergarten in the Commonwealth, such 60 percent to be calculated by adding services for 30 percent more of the unserved at-risk children to the 30 percent of unserved at-risk children in each locality provided funding in the appropriation act.

Local school boards may elect to serve more than 60 percent of the at-risk four-year-olds and may use federal funds or local funds for this expansion or may seek funding through this grant program for such purposes. Grants may be awarded, if funds are available in excess of the funding for the 60 percent allocation, to expand services to at-risk four-year-olds beyond the 60 percent goal.

In order for a locality to qualify for these grants, the local governing body shall commit to providing the required matching funds, based on the composite index of local ability to pay. Localities may use, for the purposes of meeting the local match, local or other nonstate expenditures for existing qualifying programs and shall also continue to pursue and coordinate other funding sources, including child care subsidies. Funds received through this program shall be used to supplement, not supplant, any local funds currently provided for preschool programs within the locality.

~~D.~~ The General Assembly finds that local autonomy in making decisions on local educational needs and priorities results in effective grass-roots efforts to improve education in the Commonwealth's public schools only when coupled with sufficient state funding; to this end, the following block grant program is hereby established. With such funds as are provided in the appropriation act, the Department of Education shall distribute block grants to localities to enable compliance with the Commonwealth's requirements for school divisions in effect on January 1, 1995. Therefore, for the purpose of such compliance, the block grant herein established shall consist of a sum equal to the amount appropriated in the appropriation act for the covered programs, including the at-risk add-on program; dropout prevention, specifically Project YES; Project Discovery; English as a second language programs, including programs for overage, nonschooled students; Advancement Via Individual Determination (AVID); the Homework Assistance Program; programs initiated under the Virginia Guaranteed Assistance Program, except that such funds shall not be used to pay any expenses of participating students at institutions of higher education; Reading Recovery; and school/community health centers. Each school board may use any funds received through the block grant to implement the covered programs and other programs designed to save the Commonwealth's children from educational failure.

~~E. D.~~ In order to reduce pupil/teacher ratios and class sizes in elementary schools, from such funds as may be appropriated for this purpose, each school board may employ additional classroom teachers, remedial teachers, and reading specialists for each of its elementary schools over the requirements of the Standards of Quality. State and local funding for such additional classroom teachers, remedial teachers, and reading specialists shall be apportioned as provided in the appropriation act.

~~F. E.~~ Pursuant to a turnaround specialist program administered by the Department of Education, local school boards may enter into agreements with individuals to be employed as turnaround specialists to address those conditions at the school that may impede educational progress and effectiveness and academic success. Local school boards may offer such turnaround specialists or other administrative personnel incentives such as increased compensation, improved retirement benefits in accordance with Chapter 6.2 (§ 51.1-617 et seq.) of Title 51.1, increased deferred compensation in accordance with § 51.1-603, relocation expenses, bonuses, and other incentives as may be determined by the board.

~~G. F.~~ The General Assembly finds that certain schools have particular difficulty hiring teachers for certain subject areas and that the need for such teachers in these schools is particularly strong. Accordingly in an effort to attract and retain high quality teachers, local school boards may offer instructional personnel serving in such schools as a member of a middle

school teacher corps administered by the Department of Education incentives such as increased compensation, improved retirement benefits in accordance with Chapter 6.2 (§ 51.1-617 et seq.) of Title 51.1, increased deferred compensation in accordance with § 51.1-603, relocation expenses, bonuses, and other incentives as may be determined by the board.

For purposes of this subsection, "middle school teacher corps" means licensed instructional personnel who are assigned to a local school division to teach in a subject matter in grades six, seven, or eight where there is a critical need, as determined by the Department of Education. The contract between such persons and the relevant local school board shall specify that the contract is for service in the middle school teacher corps.

CHAPTER 14.1.

EARLY CHILDHOOD CARE AND EDUCATION.

Article 1.

General Provisions.

§ 22.1-289.02. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Child day center" means a child day program offered to (i) two or more children under the age of 13 in a facility that is not the residence of the provider or of any of the children in care or (ii) 13 or more children at any location.

"Child day program" means a regularly operating service arrangement for children where, during the absence of a parent or guardian, a person or organization has agreed to assume responsibility for the supervision, protection, and well-being of a child under the age of 13 for less than a 24-hour period.

"Early childhood care and education entity" means a child day center, family day home, or family day system serving children under the age of five.

"Family day home" means a child day program offered in the residence of the provider or the home of any of the children in care for one through 12 children under the age of 13, exclusive of the provider's own children and any children who reside in the home, when at least one child receives care for compensation. The provider of a licensed or registered family day home shall disclose to the parents or guardians of children in their care the percentage of time per week that persons other than the provider will care for the children. Family day homes serving five through 12 children, exclusive of the provider's own children and any children who reside in the home, shall be licensed. However, no family day home shall care for more than four children under the age of two, including the provider's own children and any children who reside in the home, unless the family day home is licensed or voluntarily registered. However, a family day home where the children in care are all related to the provider by blood or marriage shall not be required to be licensed.

"Family day system" means any person who approves family day homes as members of its system; who refers children to available family day homes in that system; and who, through contractual arrangement, may provide central administrative functions including, but not limited to, training of operators of member homes; technical assistance and consultation to operators of member homes; inspection, supervision, monitoring, and evaluation of member homes; and referral of children to available health and social services.

"Head Start provider" means a public or private, nonprofit or for-profit organization or agency, including any community-based organization, as such term is defined in 20 U.S.C. § 7801, to which a grantee has delegated all or part of the responsibility of the grantee for operating a Head Start program.

"Publicly funded provider" means any (i) educational program provided by a school division or local government to children between birth and age five or (ii) child day program that receives state or federal funds in support of its operations that serves three or more unrelated children. "Publicly funded provider" does not include any program for which the sole source of public funding is the federal Child and Adult Care Food Program (CACFP) administered by the U.S. Department of Agriculture Food and Nutrition Service.

"Registered family day home" means any family day home that has met the standards for voluntary registration for such homes pursuant to regulations adopted by the Board and that has obtained a certificate of registration from the Superintendent.

§ 22.1-289.03. Early childhood care and education system; establishment.

A. The Board shall establish a statewide unified public-private system for early childhood care and education in the Commonwealth to ensure that every child has the opportunity to enter kindergarten healthy and ready to learn. Such system shall be administered by the Board, the Superintendent, and the Department and shall be formed, implemented, and sustained through a structure that engages and leverages both state-level authority and regional-level public-private partnership assets.

B. It is the intent of the General Assembly that the system established pursuant to subsection A shall (i) provide families with coordinated access for referral to early childhood education programs, (ii) provide families with easy-to-understand information about the quality of publicly funded early childhood care and education programs, (iii) establish expectations for the continuous improvement of early childhood care and education programs, and (iv) establish shared expectations for early childhood care and education programs among the Department of Education, the Department of Social Services, local school divisions, and state and regional stakeholders.

C. The system established pursuant to subsection A shall consist of a combination of programs offered through (i) the Virginia Preschool Initiative, pursuant to § 22.1-289.09, or any other school-based early childhood care and education program; (ii) licensed programs, pursuant to Article 3 (§ 22.1-289.010 et seq.); and (iii) unlicensed programs, pursuant to Article 4 (§ 22.1-289.030 et seq.).

§ 22.1-289.04. Early childhood care and education advisory committee.

The Board shall establish an early childhood care and education advisory committee to advise the Board on programs, systems, and regulations established pursuant to this chapter. The advisory committee shall include the following members, who shall represent geographically diverse areas: (i) two representatives of publicly funded licensed providers, including at least one for-profit provider; (ii) one representative of an early childhood care and education entity that is not a publicly funded provider; (iii) two representatives of early childhood care and education entities that are license-exempt pursuant to Article 4 (§ 22.1-289.030 et seq.), including one representative of an early childhood care and education entity that is exempt from licensure pursuant to § 22.1-289.031; (iv) three representatives of Head Start providers, one of which shall be operated by a local school division, and two of which shall not be operated by a local school division; (v) two representatives from local school divisions or local school boards operating early childhood programs other than Head Start providers; (vi) two representatives of nonprofit advocacy organizations in the Commonwealth that focus on early childhood care and education; (vii) one representative of a family day home that is a publicly funded provider; (viii) two professionals or faculty members from an institution of higher education in the Commonwealth who have child development or early childhood education expertise; (ix) one representative from the Virginia chapter of the American Academy of Pediatrics; (x) one representative from an advocacy or service organization that focuses on serving children with disabilities; (xi) one representative from a business in the Commonwealth; (xii) one parent of a child currently enrolled in a preschool program offered by a publicly funded provider; (xiii) one representative of the Virginia Council on Private Education; (xiv) one representative from a statewide nonprofit association in the Commonwealth whose membership includes both before-school and afterschool nonprofit child care providers and nonprofit preschool providers; (xv) one representative from a nonprofit entity that provides child care resource and referral services related to the operation of early childhood care and education programs; and (xvi) such other members as the Board may deem appropriate. The Commissioner of Social Services or his designee, the Secretary of Education or his designee, the Secretary of Health and Human Resources or his designee, the Superintendent of Public Instruction or his designee, the Commissioner of the Department of Health or his designee, the Commissioner of the Department of Behavioral Health and Development Services or his designee, and the Director of the Head Start Collaboration Office shall serve ex officio without voting privileges. The Board shall establish bylaws for such advisory committee that include term length and limits for members.

§ 22.1-289.05. Quality rating and improvement system; establishment.

A. The Board shall establish a uniform quality rating and improvement system designed to provide parents and families with information about the quality and availability of publicly funded providers. Such system shall include:

1. Service provision and performance targets for children from birth to age five that align with standards for kindergarten readiness and early elementary grades;
2. Consistent quality standards;
3. Outcome-based measurements; and
4. Incentives to encourage participation and improvement.

B. All publicly funded providers shall be required to participate in the quality rating and improvement system established pursuant to subsection A. All other child day programs may participate in such system. Any participation in such system shall comply with all applicable federal laws and regulations, including the federal Head Start Act (42 U.S.C. § 9801 et seq.), as amended, and associated regulations.

C. The Board shall establish consequences for publicly funded providers that fail to participate in the quality rating and improvement system established pursuant to subsection A or persistently fail to meet minimal quality standards.

§ 22.1-289.06. Confidential records and information; penalty.

A. The records, information, and statistical registries of the Department and of all child day programs and family day systems concerning services to or on behalf of individuals shall be confidential information, provided that the Superintendent, the Board, and their agents or designees shall have access to such records, information, and statistical registries, and that such records, information, and statistical registries may be disclosed to any person having a legitimate interest in accordance with state and federal law and regulation.

It shall be unlawful for any officer, agent, or employee of any child day program or family day system; for the Superintendent, the State Board, or their agents, designees, or employees; for any person who has held any such position; and for any other person to whom any such record or information is disclosed to disclose, directly or indirectly, any such confidential record or information, except as herein provided or pursuant to § 63.2-105. Every violation of this section shall constitute a Class 1 misdemeanor.

B. If a request for a record or information concerning applicants for and recipients of services provided in this chapter is made to the Department by a person who does not have a legitimate interest, the Superintendent shall not provide the record or information unless permitted by state or federal law or regulation.

§ 22.1-289.07. Information related to shaken baby syndrome.

The Department shall make information about shaken baby syndrome, its effects, and resources for help and support for caretakers in a printable format, and information about how to acquire information about shaken baby syndrome and its effects in an audiovisual format, available to the public on its website. Such information shall be provided to every child day program and family day system required to be licensed by the Department at the time of initial licensure and upon request.

§ 22.1-289.08. Board to investigate child day programs at direction of Governor.

Whenever the Governor considers it proper or necessary to investigate the management of any child day program or family day system licensed by or required to be inspected by the Board under the provisions of this chapter; he may direct the Board, or any committee or agent thereof, to make the investigation. The Board, committee, or agent designated by the Governor shall have power to administer oaths and to summon officers, employees, or other persons to attend as witnesses and to enforce their attendance and to compel them to produce documents and give evidence.

Article 2.

Virginia Preschool Initiative.

§ 22.1-289.09. Programs designed to promote educational opportunities.

A. The General Assembly finds that effective prevention programs designed to assist children at risk of school failure and dropout are practical mechanisms for reducing violent and criminal activity and for ensuring that Virginia's children will reach adulthood with the skills necessary to succeed; to this end, the following program is hereby established. With such funds as are appropriated for this purpose, the General Assembly hereby establishes the Virginia Preschool Initiative as a grant program to be disbursed by the Department of Education to schools and community-based organizations to provide quality preschool programs for at-risk three-year-olds and four-year-olds who are unserved by Head Start programs and for at-risk five-year-olds who are not eligible to attend kindergarten.

B. Grants shall be used to provide at least half-day services for the length of the school year for at-risk three-year-old and four-year-old children who are unserved by Head Start programs and for at-risk five-year-olds who are not eligible to attend kindergarten. The services shall include quality preschool education; health services, including nutrition access programs; social services; parental involvement, including activities to promote family literacy; and transportation.

C. The guidelines for quality preschool education and criteria for preschool education services may be differentiated according to the agency providing the services in order to comply with various relevant federal or state requirements.

1. Any classroom that exceeds benchmarks set by the Board shall be staffed as follows: (i) at least one teacher shall be provided for any classroom with 10 students or fewer students; (ii) if the average daily membership in any classroom exceeds 10 students but does not exceed 20 students, at least one full-time teacher's aide shall be assigned to the classroom; and (iii) the maximum classroom size shall be 20 students.

2. Any classroom that does not exceed benchmarks set by the Board shall be staffed as follows: (i) at least one teacher shall be provided for any classroom with nine or fewer students; (ii) if the average daily membership in any classroom exceeds nine students but does not exceed 18 students, a full-time teacher's aide shall be assigned to such classroom; and (iii) the maximum classroom size shall be 18 students.

D. School divisions and other grantees may apply for and be granted waivers from these guidelines by the Department of Education. Grants shall be distributed, with such funds as are appropriated for this purpose, based on an allocation formula providing the state share of the grant per child, as specified in the appropriation act, for at least 60 percent of the unserved at-risk four-year-olds and five-year-olds who are not eligible to attend kindergarten in the Commonwealth, such 60 percent to be calculated by adding services for 30 percent more of the unserved at-risk children to the 30 percent of unserved at-risk children in each locality provided funding in the appropriation act.

E. Local school boards may elect to serve more than 60 percent of the at-risk four-year-olds and may use federal funds or local funds for this expansion or may seek funding through this grant program for such purposes. Grants may be awarded, if funds are available in excess of the funding for the 60 percent allocation, to expand services to at-risk four-year-olds beyond the 60 percent goal.

F. In order for a locality to qualify for these grants, the local governing body shall commit to providing the required matching funds, based on the composite index of local ability to pay. Localities may use, for the purposes of meeting the local match, local or other nonstate expenditures for existing qualifying programs and shall also continue to pursue and coordinate other funding sources, including child care subsidies. Funds received through this program shall be used to supplement, not supplant, any local funds currently provided for preschool programs within the locality.

Article 3.

Licensure.

§ 22.1-289.010. Application fees; regulations and schedules; use of fees; certain facilities, centers and agencies exempt.

The Board is authorized to adopt regulations and schedules for fees to be charged for processing applications for licenses to operate child day programs and family day systems. Such schedules shall specify minimum and maximum fees and, where appropriate, gradations based on the capacity of such facilities, centers, and agencies. Fees shall be used for the development and delivery of training for operators and staff of child day programs and family day systems. Fees shall be expended for this purpose within two fiscal years following the fiscal year in which they are collected. These fees shall not be applicable to facilities, centers, or agencies operated by federal entities.

The Board shall develop training programs for operators and staffs of licensed child day programs. Such programs shall include formal and informal training offered by institutions of higher education, state and national associations representing child care professionals, local and regional early childhood educational organizations, state agencies and other trainers designated by the Board, and licensed child care providers. Training provided to operators and staffs of licensed child day programs shall include training and information regarding shaken baby syndrome, its effects, and resources for help and support for caretakers. To the maximum extent possible, the Board shall ensure that all provider interests are represented and that no single approach to training shall be given preference.

§ 22.1-289.011. Licenses required; issuance, expiration, and renewal; maximum number of participants or children; posting of licenses.

A. As used in this section, "person" means any individual; corporation; partnership; association; limited liability company; local government; state agency, including any department, institution, authority, instrumentality, board, or other administrative agency of the Commonwealth; or other legal or commercial entity that operates or maintains a child day program or family day system.

B. Every person who constitutes, or who operates or maintains, a child day program or family day system shall obtain the appropriate license from the Superintendent, which may be renewed. The Superintendent, upon request, shall consult with, advise, and assist any person interested in securing and maintaining any such license. Each application for a license shall be made to the Superintendent, in such form as he may prescribe. It shall contain the name and address of the applicant and, if the applicant is an association, partnership, limited liability company, or corporation, the names and addresses of its officers and agents. The application shall also contain a description of the activities proposed to be engaged in and the facilities and services to be employed, together with other pertinent information as the Superintendent may require.

C. The licenses shall be issued on forms prescribed by the Superintendent. Any two or more licenses may be issued for concurrent operation of more than one child day program or family day system, but each license shall be issued upon a separate form. Each license for a family day home or family day system and renewals thereof may be issued for periods of up to three successive years, unless sooner revoked or surrendered. Licenses issued to child day centers under this chapter shall have a duration of two years from date of issuance.

D. The Superintendent may extend or shorten the duration of licensure periods for a child day program or family day system whenever, in his sole discretion, it is administratively necessary to redistribute the workload for greater efficiency in staff utilization.

E. Each license shall indicate the maximum number of persons who may be cared for in the child day program or family day system for which it is issued.

F. The license and any other documents required by the Superintendent shall be posted in a conspicuous place on the licensed premises.

G. Every person issued a license that has not been suspended or revoked shall renew such license prior to its expiration.

§ 22.1-289.012. Local government to report business licenses issued to child day centers and family day homes.

The commissioner of the revenue or other local business license official shall report to the Department on a semiannual basis the name, address, and contact information of any child day center or family day home to which a business license was issued.

§ 22.1-289.013. Investigation on receipt of application.

Upon receipt of the application, the Superintendent shall cause an investigation to be made of the activities, services, and facilities of the applicant and of his character and reputation or, if the applicant is an association, partnership, limited liability company, or corporation, the character and reputation of its officers and agents, and upon receipt of the initial application, an investigation of the applicant's financial responsibility. The financial records of an applicant shall not be subject to inspection if the applicant submits an operating budget and at least one credit reference. The character and reputation investigation upon application shall include background checks pursuant to § 22.1-289.036. Records that contain confidential proprietary information furnished to the Department pursuant to this section shall be exempt from disclosure pursuant to subdivision 4 of § 2.2-3705.5.

§ 22.1-289.014. Variances.

The Superintendent may grant a variance to a regulation when the Superintendent determines that (i) a licensee or applicant for licensure as a child day program or family day system has demonstrated that the implementation of a regulation would impose a substantial financial or programmatic hardship and (ii) the variance would not adversely affect the safety and well-being of children in care. The Superintendent shall review each allowable variance at least annually. At a minimum, this review shall address the impact of the allowable variance on persons in care, adherence by the licensee to any conditions attached, and the continuing need for the allowable variance.

§ 22.1-289.015. Voluntary registration of family day homes; inspections; investigation upon receipt of complaint; revocation or suspension of registration.

A. Any person who maintains a family day home serving fewer than five children, exclusive of the provider's own children and any children who reside in the home, may apply for voluntary registration. An applicant for voluntary registration shall file with the Superintendent, prior to beginning any such operation and thereafter biennially, an application which shall include, but not be limited to, the following:

1. The name, address, phone number, and social security number of the person maintaining the family day home;
2. The number and ages of the children to receive care;
3. A sworn statement or affirmation in which the applicant attests to the accuracy of the information submitted to the Superintendent; and
4. Documentation that the background check requirements for registered family day homes in Article 5 (§ 22.1-289.034 et seq.) have been met.

B. The Board shall adopt regulations for voluntarily registered family day homes that include, but are not limited to:

1. The criteria and process for the approval of the certificate of registration;
2. Requirements for a self-administered health and safety guidelines evaluation checklist;
3. A schedule for fees to be paid by the providers to the contract organization or to the Department if it implements the provisions of this section for processing applications for the voluntary registration of family day homes. The charges collected shall be maintained for the purpose of recovering administrative costs incurred in processing applications and certifying such homes as eligible or registered;

4. The criteria and process for the renewal of the certificate of registration; and

5. The requirement that upon receipt of a complaint concerning a registered family day home, the Superintendent shall cause an investigation to be made, including on-site visits as he deems necessary, of the activities, services, and facilities. The person who maintains such home shall afford the Superintendent reasonable opportunity to inspect the operator's facilities and records and to interview any employees and any child or other person within his custody or control. Whenever a registered family day home is determined by the Superintendent to be in noncompliance with the regulations for voluntarily registered family day homes, the Superintendent shall give reasonable notice to the operator of the nature of the noncompliance and may thereafter revoke or suspend the registration.

C. Upon receiving the application on forms prescribed by the Superintendent, and after having determined that the home has satisfied the requirements of the regulations for voluntarily registered family day homes, the Superintendent shall issue a certificate of registration to the family day home.

D. The Superintendent shall contract in accordance with the requirements of the Virginia Public Procurement Act (§ 2.2-4300 *et seq.*) with qualified local agencies and community organizations to review applications and certify family day homes as eligible for registration, pursuant to the regulations for voluntarily registered family day homes. If no qualified local agencies or community organizations are available, the Superintendent shall implement the provisions of this section. For the purposes of this subsection, "qualified" means demonstrated ability to provide sound financial management and administrative services including application processing, maintenance of records and reports, technical assistance, consultation, training, monitoring, and random inspections.

E. The scope of services in contracts shall include:

1. The identification of family day homes which may meet the standards for voluntary registration provided in subsection A; and

2. A requirement that the contract organization shall provide administrative services, including, but not limited to, processing applications for the voluntary registration of family day homes; certifying such homes as eligible for registration; providing technical assistance, training and consultation with family day homes; ensuring providers' compliance with the regulations for voluntarily registered family day homes, including monitoring and random inspections; and maintaining permanent records regarding all family day homes which it may certify as eligible for registration.

F. The contract organization, upon determining that a family day home has satisfied the requirements of the regulations for voluntarily registered family day homes, shall certify the home as eligible for registration on forms prescribed by the Superintendent. The Superintendent, upon determining that certification has been properly issued, may register the family day home.

G. The provisions of this section shall not apply to any family day home located in a county, city, or town in which the governing body provides by ordinance for the regulation and licensing of persons who provide child-care services for compensation and for the regulation and licensing of child-care facilities pursuant to the provisions of § 15.2-914.

§ 22.1-289.016. Unlicensed and unregistered family day homes; notice to parents.

Every unlicensed, unregistered family day home shall provide written notice to the parents of every child receiving care, at the time the family day home begins providing care for the child, stating that the family day home is not regulated by the Department and referring parents to a website maintained by the Department for additional information regarding licensed, registered, and unlicensed, unregistered family day homes. The provisions of this section shall not apply to an unlicensed, unregistered family day home in which all of the children receiving care are related to the provider by blood or marriage.

§ 22.1-289.017. Compliance with Uniform Statewide Building Code.

Buildings licensed as child day programs or family day systems shall be classified by and meet the specifications for the proper Use Group as required by the Virginia Uniform Statewide Building Code.

§ 22.1-289.018. Inspections and interviews.

A. Applicants for licensure and licensees shall at all times afford the Superintendent reasonable opportunity to inspect all of their facilities, books and records, and to interview their agents and employees and any person living or participating in such facilities, or under their custody, control, direction, or supervision. Interviews conducted pursuant to this section with persons living or participating in a facility operated by or under the custody, control, direction, or supervision of an applicant for licensure or a licensee shall be (i) authorized by the person to be interviewed or his legally authorized representative and (ii) limited to discussion of issues related to the applicant's or licensee's compliance with applicable laws and regulations, including ascertaining if assessments and reassessments of residents' cognitive and physical needs are performed as required under regulations of the Board.

B. All licensed child day programs and family day systems shall be inspected not less than twice annually, and one of those inspections shall be unannounced.

C. The activities, services, and facilities of each applicant for renewal of his license as a child day program or family day system shall be subject to an inspection or examination by the Superintendent to determine if he is in compliance with current regulations of the Board.

D. The Superintendent may authorize such other announced or unannounced inspections as the Superintendent considers appropriate.

§ 22.1-289.019. Inspections of child day programs and family day systems; prioritization.

The Superintendent shall prioritize inspections of child day programs and family day systems in the following order: (i) inspections conducted in response to a complaint involving a licensed, registered, license-exempt, or unlicensed child day program or family day system; (ii) inspections of licensed or registered child day programs and family day systems that are not conducted in response to a complaint; (iii) inspections of license-exempt or unlicensed child day programs and family day systems that have entered into a contract with the Department or its agents or designees or a local department of social services to provide child care services funded by the Child Care and Development Block Grant, other than inspections conducted in response to a complaint; and (iv) inspections of license-exempt and unlicensed child day programs and family day systems that are not conducted in response to a complaint.

§ 22.1-289.020. Issuance or refusal of license; notification; provisional and conditional licenses.

Upon completion of his investigation, the Superintendent shall issue an appropriate license to the applicant if (i) the applicant has made adequate provision for such activities, services, and facilities as are reasonably conducive to the welfare of the children over whom he may have control; (ii) at the time of initial application, the applicant has submitted an operating budget and at least one credit reference; (iii) he is, or the officers and agents of the applicant if it is an association, partnership, limited liability company, or corporation are, of good character and reputation; and (iv) the applicant and agents comply with the provisions of this chapter. Otherwise, the license shall be denied. Immediately upon taking final action, the Superintendent shall notify the applicant of such action.

Upon completion of the investigation for the renewal of a license, the Superintendent may issue a provisional license to any applicant if the applicant is temporarily unable to comply with all of the licensure requirements. The provisional license may be renewed, but the issuance of a provisional license and any renewals thereof shall be for no longer a period than six successive months. A copy of the provisional license shall be prominently displayed by the provider at each public entrance of the subject facility and shall be printed in a clear and legible size and style. In addition, the facility shall be required to prominently display next to the posted provisional license a notice that a description of specific violations of licensing standards to be corrected and the deadline for completion of such corrections is available for inspection at the facility and on the facility's website, if applicable.

At the discretion of the Superintendent, a conditional license may be issued to an applicant to operate a new facility in order to permit the applicant to demonstrate compliance with licensure requirements. Such conditional license may be renewed, but the issuance of a conditional license and any renewals thereof shall be for no longer a period than six successive months.

§ 22.1-289.021. Records and reports.

Every licensed or registered child day program and family day system shall keep such records and make such reports to the Superintendent as he may require. The forms to be used in the making of such reports shall be prescribed and furnished by the Superintendent.

§ 22.1-289.022. Enforcement and sanctions; child day programs and family day systems; revocation and denial.

A. The Superintendent may revoke or deny the renewal of the license of any child day program or family day system that violates any provision of this chapter or fails to comply with the limitations and standards set forth in its license.

B. Pursuant to the procedures set forth in subsection C, and in addition to the authority for other disciplinary actions provided in this title, the Superintendent may issue a notice of summary suspension of the license of any child day program or family day system, in conjunction with any proceeding for revocation, denial, or other action, when conditions or practices exist in the child day program or family day system that pose an immediate and substantial threat to the health, safety, and welfare of the children receiving care, and the Superintendent believes the operation of the child day program or family day system should be suspended during the pendency of such proceeding.

C. A notice of summary suspension issued by the Superintendent to a child day program or family day system shall set forth (i) the summary suspension procedures; (ii) hearing and appeal rights as provided in this subsection; (iii) facts and evidence that formed the basis for the summary suspension; and (iv) the time, date, and location of a hearing to determine whether the summary suspension is appropriate. Such notice shall be served on the child day program or family day system or its designee as soon as practicable thereafter by personal service or certified mail, return receipt requested, to the address of record of the child day program or family day system.

The summary suspension hearing shall be presided over by a hearing officer selected by the Superintendent from a list prepared by the Executive Secretary of the Supreme Court of Virginia and shall be held as soon as practicable, but in no event later than 15 business days following service of the notice of summary suspension; however, the hearing officer may grant a written request for a continuance, not to exceed an additional 10 business days, for good cause shown. Within 10 business days after such hearing, the hearing officer shall provide to the Superintendent written findings and conclusions, together with a recommendation as to whether the license should be summarily suspended.

Within 10 business days of the receipt of the hearing officer's findings, conclusions, and recommendation, the Superintendent may issue a final order of summary suspension or an order that such summary suspension is not warranted

by the facts and circumstances presented. The Superintendent shall adopt the hearing officer's recommended decision unless to do so would be an error of law or Department policy. In the event that the Superintendent rejects the hearing officer's findings, conclusions, or recommendation, the Superintendent shall state with particularity the basis for rejection. In issuing a final order of summary suspension, the Superintendent may choose to suspend the license of the child day program or family day system or to suspend only certain authority of the child day program or family day system to operate, including the authority to provide certain services or perform certain functions that the Superintendent determines should be restricted or modified in order to protect the health, safety, or welfare of the children receiving care. A final order of summary suspension shall include notice that the licensee may appeal the Superintendent's decision to the appropriate circuit court no later than 10 days following service of the order. The sole issue before the court shall be whether the Superintendent had reasonable grounds to require the licensee to cease operations during the pendency of the concurrent revocation, denial, or other proceeding. The concurrent revocation, denial, or other proceeding shall not be affected by the outcome of any hearing on the appropriateness of the summary suspension.

A copy of any final order of summary suspension shall be prominently displayed by the child day program or family day system at each public entrance of the facility, or in lieu thereof, the child day program or family day system may display a written statement summarizing the terms of the order in a prominent location, printed in a clear and legible size and typeface, and identifying the location within the facility where the final order of summary suspension may be reviewed.

The willful and material failure to comply with the final order of summary suspension constitutes a violation of subdivision 3 of § 22.1-298.027.

The provisions of this subsection shall not apply to any child day program or family day system operated by an agency of the Commonwealth, which shall instead be governed by the provisions of subsection D.

D. Whenever the Superintendent issues a summary order of suspension of the license to operate a child day program or family day system operated by an agency of the Commonwealth:

1. Before such summary order of suspension shall take effect, the Superintendent shall issue to the child day program or family day system a notice of summary order of suspension setting forth (i) the procedures for a hearing and right of review as provided in this section and (ii) facts and evidence that formed the basis on which the summary order of suspension is sought. Such notice shall be served on the licensee or its designee as soon as practicable thereafter by personal service or certified mail, return receipt requested, to the address of record of the licensee. The notice shall state the time, date, and location of a hearing to determine whether the suspension is appropriate. Such hearing shall be held no later than three business days after the issuance of the notice of the summary order of suspension and shall be convened by the Superintendent or his designee. After such hearing, the Superintendent may issue a final order of summary suspension or may find that such summary suspension is not warranted by the facts and circumstances presented.

2. A final order of summary suspension shall include notice that the licensee may request, in writing and within three business days after receiving the Superintendent's decision, that the Superintendent refer the matter to the Secretary of Education for resolution within three business days of the referral. Any determination by the Secretary shall be final and not subject to judicial review. If the final order of summary suspension is upheld, it shall take effect immediately, and a copy of the final order of summary suspension shall be prominently displayed by the licensee at each public entrance of the facility. Any concurrent revocation, denial, or other proceedings shall not be affected by the outcome of any determination by the Secretary.

§ 22.1-289.023. Enforcement and sanctions; special orders; civil penalties.

A. Notwithstanding any other provision of law, following a proceeding as provided in § 2.2-4019, the Superintendent may issue a special order (i) for violation of any of the provisions of this chapter, § 54.1-3408, or any regulation adopted under any provision of this chapter which violation adversely affects, or is an imminent and substantial threat to, the health, safety, or welfare of the person cared for therein, or (ii) for permitting, aiding, or abetting the commission of any illegal act in a child day program or family day system. Notice of the Superintendent's intent to take any of the actions enumerated in subdivisions B 1 through 6 shall be provided by the Department, and a copy of such notice shall be posted in a prominent place at each public entrance of the licensed premises to advise consumers of serious or persistent violations. The issuance of a special order shall be considered a case decision as defined in § 2.2-4001. Actions set forth in subsection B may be appealed by (a) a child day program or family day system operated by an agency of the Commonwealth in accordance with § 22.1-289.025 or (b) any other child day program or family day system in accordance with the Administrative Process Act (§ 2.2-4000 et seq.). The Superintendent shall not delegate his authority to impose civil penalties in conjunction with the issuance of special orders.

B. The Superintendent may take the following actions regarding child day programs and family day systems through the issuance of a special order and may require a copy of the special order provided by the Department to be posted in a prominent place at each public entrance of the licensed premises to advise consumers of serious or persistent violations:

1. Place a licensee on probation upon finding that the licensee is substantially out of compliance with the terms of its license and that the health and safety of children are at risk;

2. Reduce licensed capacity or prohibit new admissions when the Superintendent concludes that the licensee cannot make necessary corrections to achieve compliance with regulations except by a temporary restriction of its scope of service;

3. Mandate training for the licensee or licensee's employees, with any costs to be borne by the licensee, when the Superintendent concludes that the lack of such training has led directly to violations of regulations;

4. Assess civil penalties of not more than \$500 per inspection upon finding that the child day program or family day system is substantially out of compliance with the terms of its license and the health and safety of children are at risk; however, no civil penalty shall be imposed pursuant to this subdivision on any child day program or family day system operated by an agency of the Commonwealth;

5. Require licensees to contact parents, guardians, or other responsible persons in writing regarding health and safety violations; and

6. Prevent licensees who are substantially out of compliance with the licensure terms or in violation of the regulations from receiving public funds.

C. The Board shall adopt regulations to implement the provisions of this section.

§ 22.1-289.024. Appeal from refusal, denial of renewal, or revocation of license.

A. Whenever the Superintendent refuses to issue a license or to renew a license or revokes a license for a child day program or family day system operated by an agency of the Commonwealth, the provisions of § 22.1-289.025 shall apply. Whenever the Superintendent refuses to issue a license or to renew a license or revokes a license for any child day program or family day system other than a child day program or family day system operated by an agency of the Commonwealth, the provisions of the Administrative Process Act (§ 2.2-4000 et seq.) shall apply, except that all appeals from notice of the Superintendent's intent to refuse to issue or renew, or revoke a license shall be received in writing from the child day program or family day system operator within 15 days of the date of receipt of the notice. Judicial review of a final review agency decision shall be in accordance with the provisions of the Administrative Process Act. No stay may be granted upon appeal to the Virginia Supreme Court.

B. In every appeal to a court of record, the Superintendent shall be named defendant.

C. An appeal, taken as provided in this section, shall operate to stay any criminal prosecution for operation without a license.

D. When issuance or renewal of a license for a child day program or family day system has been refused by the Superintendent, the applicant shall not thereafter for a period of six months apply again for such license unless the Superintendent in his sole discretion believes that there has been such a change in the conditions on account of which he refused the prior application as to justify considering the new application. When an appeal is taken by the applicant pursuant to subsection A, the six-month period shall be extended until a final decision has been rendered on appeal.

§ 22.1-289.025. Right to appeal notice of intent; child day programs and family day systems operated by agencies of the Commonwealth.

Any child day program or family day system operated by an agency of the Commonwealth shall have the right to appeal any notice of intent as follows:

1. Within 30 days after receiving a notice of intent to impose a sanction, the licensee shall request in writing that the Superintendent review the intended agency action and may submit, together with such request, relevant information, documentation, or other pertinent data supporting its appeal. The Superintendent shall issue a decision within 60 days after receiving the request and shall have the authority to uphold the sanction or take whatever action he deems appropriate to resolve the controversy.

2. If the child day program or family day system disputes the Superintendent's decision, the licensee shall request, within 30 days of receiving the Superintendent's decision, that the Superintendent refer the matter to the Secretary of Education. The Secretary shall issue a decision within 60 days of receiving the request for review. The Secretary's decision shall be final and shall not be subject to review.

§ 22.1-289.026. Injunction against operation without license.

Any circuit court having jurisdiction in the county or city where the principal office of any child day program or family day system is located shall, at the suit of the Superintendent, have jurisdiction to enjoin its operation without a license required by this chapter.

§ 22.1-289.027. Offenses; penalty.

Any person, and each officer and each member of the governing board of any association or corporation that operates a child day program or family day system, shall be guilty of a Class 1 misdemeanor if he:

1. Interferes with any representative of the Superintendent in the discharge of his duties under this chapter;

2. Makes to the Superintendent or any representative of the Superintendent any report or statement, with respect to the operation of any child day program or family day system, that is known by such person to be false or untrue;

3. Operates or engages in the conduct of a child day program or family day system without first obtaining a license as required by this chapter or after such license has been revoked or suspended or has expired and not been renewed. No violation shall occur if the agency has applied to the Department for renewal prior to the expiration date of the license. Every day's violation of this subdivision shall constitute a separate offense; or

4. Operates or engages in the conduct of a child day program or family day system serving more persons than the maximum stipulated in the license.

§ 22.1-289.028. Misleading advertising prohibited.

No child day program or family day system shall make, publish, disseminate, circulate, or place before the public or cause, directly or indirectly, to be made, published, disseminated, circulated or placed before the public in this Commonwealth, in a newspaper or other publication; in the form of a book, notice, handbill, poster, blueprint, map, bill, tag, label, circular, pamphlet, or letter; or via electronic mail, website, automatic mailing list services (listservs),

newsgroups, facsimile, chat rooms; or in any other way an advertisement of any sort regarding services or anything so offered to the public, which advertisement contains any promise, assertion, representation or statement of fact that is untrue, deceptive, or misleading.

§ 22.1-289.029. Duty of attorneys for the Commonwealth.

It shall be the duty of the attorney for the Commonwealth of every county and city to prosecute all violations of this chapter.

Article 4.

Unlicensed Programs.

§ 22.1-289.030. Exemptions from licensure.

A. The following programs are not child day programs and shall not be required to be licensed:

1. A program of instructional experience in a single focus, such as, but not limited to, computer science, archaeology, sport clinics, or music, if children under the age of six do not attend at all and if no child is allowed to attend for more than 25 days in any three-month period commencing with enrollment. This exemption does not apply if children merely change their enrollment to a different focus area at a site offering a variety of activities and such children's attendance exceeds 25 days in a three-month period.

2. Programs of instructional or recreational activities wherein no child under age six attends for more than six hours weekly with no class or activity period to exceed one and one-half hours, and no child six years of age or above attends for more than six hours weekly when school is in session or 12 hours weekly when school is not in session. Competition, performances, and exhibitions related to the instructional or recreational activity shall be excluded when determining the hours of program operation.

3. Instructional programs offered by private schools that serve school-age children and that satisfy compulsory attendance laws or provide services under the Individuals with Disabilities Education Act, as amended, and programs of school-sponsored extracurricular activities that are focused on single interests such as, but not limited to, music, sports, drama, civic service, or foreign language.

4. Instructional programs offered by public schools that serve preschool-age children, satisfy compulsory attendance laws, or provide services under the Individuals with Disabilities Education Act, as amended, and programs of school-sponsored extracurricular activities that are focused on single interests such as, but not limited to, music, sports, drama, civic service, or foreign language.

5. Early intervention programs for children eligible under Part C of the Individuals with Disabilities Education Act, as amended, wherein no child attends for more than a total of six hours per week.

6. Practice or competition in organized competitive sports leagues.

7. Programs of religious instruction, such as Sunday schools, vacation Bible schools, Bar Mitzvah or Bat Mitzvah classes, and nurseries offered by religious institutions and provided for the duration of specified religious services or related activities to allow parents or guardians or their designees who are on site to attend such religious services and activities.

8. A program of instructional or athletic experience operated during the summer months by, and as an extension of, an accredited private elementary, middle, or high school program as set forth in § 22.1-19 and administered by the Virginia Council for Private Education.

B. The following child day programs shall not be required to be licensed:

1. A child day center that has obtained an exemption pursuant to § 22.1-289.031.

2. A program where, by written policy given to and signed by a parent or guardian, school-age children are free to enter and leave the premises without permission. A program that would qualify for this exemption except that it assumes responsibility for the supervision, protection, and well-being of several children with disabilities who are mainstreamed shall not be subject to licensure.

3. A program that operates no more than a total of 20 program days in the course of a calendar year, provided that programs serving children under age six operate no more than two consecutive weeks without a break of at least a week.

4. Child-minding services that are not available for more than three hours per day for any individual child offered on site in commercial or recreational establishments if the parent or guardian (i) can be contacted and can resume responsibility for the child's supervision within 30 minutes and (ii) is receiving or providing services or participating in activities offered by the establishment.

5. A certified preschool or nursery school program operated by an accredited private school as set forth in § 22.1-19 and administered by the Virginia Council for Private Education that complies with the provisions of § 22.1-289.032.

6. A program of recreational activities offered by local governments, staffed by local government employees, and attended by school-age children. Such programs shall be subject to safety and supervisory standards established by the local government offering the program.

7. A program offered by a local school division, operated for no more than four hours per day, staffed by local school division employees, and attended by children who are at least three years of age and are enrolled in public school or a preschool program within such school division. Such programs shall be subject to safety and supervisory standards established by the local school division offering the program.

8. Child-minding services offered by a business on the premises of the business to no more than four children under the age of 13 at any given time and for no more than eight hours per day, provided that the parent or guardian of every child

receiving care is an employee of the business who is on the premises of the business and can resume responsibility for the child's supervision within 30 minutes upon request.

C. Child day programs that are exempt from licensure pursuant to subsection B, except for child day programs that are exempt from licensure pursuant to subdivision B 1 or 5, shall:

1. File with the Superintendent annually and prior to beginning operation of a child day program a statement indicating the intent to operate a child day program, identifying the specific provision of this section relied upon for exemption from licensure, and certifying that the child day program has disclosed in writing to the parents or guardians of the children in the program the fact that it is exempt from licensure;

2. Report to the Superintendent all incidents involving serious physical injury to or death of children attending the child day program. Reports of serious physical injuries, which shall include any physical injuries that require an emergency referral to an offsite health care professional or treatment in a hospital, shall be submitted annually. Reports of deaths shall be submitted no later than one business day after the death occurred; and

3. Post in a visible location on the premises notice that the child day program is operating as a program exempt from licensure with basic health and safety requirements but has no direct oversight by the Department.

D. Child day programs that are exempt from licensure pursuant to subsection B, except for child day programs that are exempt from licensure pursuant to subdivision B 1, 5, 6, or 7 shall:

1. Have a person trained and certified in first aid and cardiopulmonary resuscitation present at the child day program whenever children are present or at any other location in which children attending the child day program are present;

2. Maintain daily attendance records that document the arrival and departure of all children;

3. Have an emergency preparedness plan in place;

4. Comply with all applicable laws and regulations governing transportation of children; and

5. Comply with all safe sleep guidelines recommended by the American Academy of Pediatrics.

E. The Superintendent shall inspect child day programs that are exempt from licensure pursuant to subsection B to determine compliance with the provisions of this section only upon receipt of a complaint, except as otherwise provided by law.

F. Family day homes that are members of a licensed family day system shall not be required to obtain a license from the Superintendent.

§ 22.1-289.031. Child day center operated by religious institution exempt from licensure; annual statement and documentary evidence required; enforcement; injunctive relief.

A. Notwithstanding any other provisions of this chapter, a child day center, including a child day center operated or conducted under the auspices of a religious institution, shall be exempt from the licensure requirements of this chapter, but shall comply with the provisions of this section unless it chooses to be licensed. If such religious institution chooses not to be licensed, it shall file with the Superintendent, prior to beginning operation of a child day center and thereafter annually, a statement of intent to operate a child day center, certification that the child day center has disclosed in writing to the parents or guardians of the children in the center the fact that it is exempt from licensure and has posted the fact that it is exempt from licensure in a visible location on the premises, the qualifications of the personnel employed therein, and documentary evidence that:

1. Such religious institution has tax exempt status as a nonprofit religious institution in accordance with § 501(c) of the Internal Revenue Code of 1954, as amended, or that the real property owned and exclusively occupied by the religious institution is exempt from local taxation.

2. Within the prior 90 days for the initial exemption and within the prior 180 days for exemptions thereafter, the local health department and local fire marshal or Office of the State Fire Marshal, whichever is appropriate, have inspected the physical facilities of the child day center and have determined that the center is in compliance with applicable laws and regulations with regard to food service activities, health and sanitation, water supply, building codes, and the Statewide Fire Prevention Code or the Uniform Statewide Building Code.

3. The child day center employs supervisory personnel according to the following ratio of staff to children:

a. One staff member to four children from ages zero to 16 months.

b. One staff member to five children from ages 16 months to 24 months.

c. One staff member to eight children from ages 24 months to 36 months.

d. One staff member to 10 children from ages 36 months to five years.

e. One staff member to 20 children from ages five years to nine years.

f. One staff member to 25 children from ages nine years to 12 years.

Staff shall be counted in the required staff-to-children ratios only when they are directly supervising children. In each grouping of children, at least one adult staff member shall be regularly present. However, during designated daily rest periods and designated sleep periods of evening and overnight care programs, for children ages 16 months to six years, only one staff member shall be required to be present with the children under supervision. In such cases, at least one staff member shall be physically present in the same space as the children under supervision at all times. Other staff members counted for purposes of the staff-to-child ratio need not be physically present in the same space as the resting or sleeping children, but shall be present on the same floor as the resting or sleeping children and shall have no barrier to their immediate access to the resting or sleeping children. The staff member who is physically present in the same space as the

sleeping children shall be able to summon additional staff counted in the staff-to-child ratio without leaving the space in which the resting or sleeping children are located.

Staff members shall be at least 16 years of age. Staff members under 18 years of age shall be under the supervision of an adult staff member. Adult staff members shall supervise no more than two staff members under 18 years of age at any given time.

4. Each person in a supervisory position has been certified by a practicing physician or physician assistant to be free from any disability which would prevent him from caring for children under his supervision.

5. The center is in compliance with the requirements of:

a. This section.

b. Section 22.1-289.039 relating to background checks.

c. Section 63.2-1509 relating to the reporting of suspected cases of child abuse and neglect.

d. Chapter 3 (§ 46.2-300 et seq.) of Title 46.2 regarding a valid Virginia driver's license or commercial driver's license; Article 21 (§ 46.2-1157 et seq.) of Chapter 10 of Title 46.2, regarding vehicle inspections; ensuring that any vehicle used to transport children is an insured motor vehicle as defined in § 46.2-705; and Article 13 (§ 46.2-1095 et seq.) of Chapter 10 of Title 46.2, regarding child restraint devices.

6. The following aspects of the child day center's operations are described in a written statement provided to the parents or guardians of the children in the center and made available to the general public: physical facilities, enrollment capacity, food services, health requirements for the staff, and public liability insurance.

7. The individual seeking to operate the child day center is not currently ineligible to operate another child day program due to a suspension or revocation of his license or license exemption for reasons involving child safety or any criminal conviction, including fraud, related to such child day program.

8. A person trained and certified in first aid and cardiopulmonary resuscitation (CPR) will be present at the child day center whenever children are present or at any other location in which children attending the child day center are present.

9. The child day center is in compliance with all safe sleep guidelines recommended by the American Academy of Pediatrics.

B. The center shall establish and implement procedures for:

1. Hand washing by staff and children before eating and after toileting and diapering.

2. Appropriate supervision of all children in care, including daily intake and dismissal procedures to ensure safety of children.

3. A daily simple health screening and exclusion of sick children by a person trained to perform such screenings.

4. Ensuring that all children in the center are in compliance with the provisions of § 32.1-46 regarding the immunization of children against certain diseases.

5. Ensuring that all areas of the premises accessible to children are free of obvious injury hazards, including providing and maintaining sand or other cushioning material under playground equipment.

6. Ensuring that all staff are able to recognize the signs of child abuse and neglect.

7. Ensuring that all incidents involving serious physical injury to or death of children attending the child day center are reported to the Superintendent. Reports of serious physical injuries, which shall include any physical injuries that require an emergency referral to an offsite health care professional or treatment in a hospital, shall be submitted annually. Reports of deaths shall be submitted no later than one business day after the death occurred.

C. The Superintendent may perform on-site inspections of religious institutions to confirm compliance with the provisions of this section and to investigate complaints that the religious institution is not in compliance with the provisions of this section. The Superintendent may revoke the exemption for any child day center in serious or persistent violation of the requirements of this section. If a religious institution operates a child day center and does not file the statement and documentary evidence required by this section, the Superintendent shall give reasonable notice to such religious institution of the nature of its noncompliance and may thereafter take such action as he determines appropriate, including a suit to enjoin the operation of the child day center.

D. Any person who has reason to believe that a child day center falling within the provisions of this section is not in compliance with the requirements of this section may report the same to the Department, the local health department, or the local fire marshal, each of which may inspect the child day center for noncompliance, give reasonable notice to the religious institution, and thereafter may take appropriate action as provided by law, including a suit to enjoin the operation of the child day center.

E. Nothing in this section shall prohibit a child day center operated by or conducted under the auspices of a religious institution from obtaining a license pursuant to this chapter.

§ 22.1-289.032. Certification of preschool or nursery school programs operated by accredited private schools; provisional certification; annual statement and documentary evidence required; enforcement; injunctive relief.

A. A preschool or nursery school program operated by a private school accredited by an accrediting organization recognized by the Board pursuant to § 22.1-19 shall be exempt from licensure under this chapter if it complies with the provisions of this section and meets the requirements of subsection B.

B. A school described in subsection A shall meet the following conditions in order to be exempt under this subsection:

1. The school offers kindergarten or elementary school instructional programs that satisfy compulsory school attendance laws, and children below the age of compulsory school attendance also participate in such instructional programs;

2. The number of pupils in the preschool program does not exceed 12 pupils for each instructional adult, or if operated as a Montessori program with mixed age groups of three-year-old to six-year-old children, the number of pupils in the preschool program does not exceed 15 pupils for each instructional adult;

3. The school (i) maintains an average enrollment ratio during the current school year of five children age five or above to one four-year-old child, and no child in attendance is under age four, or (ii) does not allow children below the age of eligibility for kindergarten attendance to attend the preschool program for more than five hours per day, of which no more than four hours of instructional classes may be provided per day, and no child in attendance is under age three;

4. The preschool offers instructional classes and does not hold itself out as a child care center or child day program;

5. Children enrolled in the preschool do not attend more than five days per week; and

6. The school maintains a certificate or permit issued pursuant to a local government ordinance that addresses health, safety, and welfare of the children.

C. The school shall file with the Superintendent, prior to the beginning of the school year or calendar year, as the case may be, and thereafter, annually, a statement which includes the following:

1. Intent to operate a certified preschool program;

2. Documentary evidence that the school has been accredited as provided in subsection A;

3. Documentation that the school has disclosed in writing to the parents, guardians, or persons having charge of a child enrolled in the school's preschool program and has posted in a visible location on the premises the fact of the program's exemption from licensure;

4. Documentary evidence that the physical facility in which the preschool program will be conducted has been inspected (i) before initial certification by the local building official and (ii) within the 12-month period prior to initial certification and at least annually thereafter by the local health department, and local fire marshal or Office of the State Fire Marshal, whichever is appropriate, and an inspection report that documents that the facility is in compliance with applicable laws and regulations pertaining to food services, health and sanitation, water supply, building codes, and the Statewide Fire Prevention Code or the Uniform Statewide Building Code;

5. Documentation that the school has disclosed the following in writing to the parents, guardians, or persons having charge of a child enrolled in the school's preschool program, and in a written statement available to the general public: (i) the school facility is in compliance with applicable laws and regulations pertaining to food services, health and sanitation, water supply, building codes, and the Statewide Fire Prevention Code or the Uniform Statewide Building Code; (ii) the preschool program's maximum capacity; (iii) the school's policy or practice for pupil-teacher ratio, staffing patterns, and staff health requirements; and (iv) a description of the school's public liability insurance, if any;

6. Qualifications of school personnel who work in the preschool program;

7. Certification that the school will report to the Superintendent all incidents involving serious injury to or death of children attending the preschool program. Reports of serious injuries, which shall include any injuries that require an emergency referral to an offsite health care professional or treatment in a hospital, shall be submitted annually. Reports of deaths shall be submitted no later than one business day after the death occurred; and

8. Documentary evidence that the private school, as set forth in § 22.1-19 and administered by the Virginia Council for Private Education, requires all employees of the preschool and other school employees who have contact with the children enrolled in the preschool program to obtain a criminal record check as provided in § 22.1-289.035 to meet the requirements of § 22.1-296.3 as a condition of initial or continued employment.

All accredited private schools seeking certification of preschool programs shall file such information on forms prescribed by the Superintendent. The Superintendent shall certify all preschool programs of accredited private schools which comply with the provisions of subsection A. The Superintendent may conduct an annual inspection of such preschool programs to ensure compliance with the provisions of this section and conduct inspections to investigate complaints alleging noncompliance.

D. A preschool program of a private school that has not been accredited as provided in subsection A shall be subject to licensure.

E. If the preschool program of a private school that is accredited as provided in subsection A fails to file the statement and the required documentary evidence, the Superintendent shall notify the school of its noncompliance and may thereafter take such action as he determines appropriate, including notice that the program is required to be licensed.

F. The revocation or denial of the certification of a preschool program shall be subject to appeal pursuant to the provisions of the Administrative Process Act (§ 2.2-4000 et seq.). Judicial review of a final agency decision shall be in accordance with the provisions of the Administrative Process Act.

G. Any person who has reason to believe that a private school falling within the provisions of this section is in noncompliance with any applicable requirement of this section may report the same to the Department, the local health department, or the local fire marshal, each of which may inspect the school for noncompliance, give reasonable notice to the school of the nature of its noncompliance, and thereafter may take appropriate action as provided by law, including a suit to enjoin the operation of the preschool program.

H. Upon receipt of a complaint concerning a certified preschool program of an accredited private school, if for good cause shown there is reason to suspect that the school is in noncompliance with any provision of this section or the health or safety of the children attending the preschool program is in danger, the Superintendent shall cause an investigation to be made, including on-site visits as he deems necessary of the services, personnel, and facilities of the school's preschool program. The school shall afford the Superintendent reasonable opportunity to inspect the school's preschool program, records, and facility, and to interview the employees and any child or parent or guardian of a child who is or has been enrolled in the preschool program. If, upon completion of the investigation, it is determined that the school is in noncompliance with the provisions of this section, the Superintendent shall give reasonable notice to the school of the nature of its noncompliance and thereafter may take appropriate action as provided by law, including a suit to enjoin the operation of the preschool program.

I. Failure of a private school to comply with the provisions of this section, or a finding that the health and safety of the children attending the preschool program are in clear and substantial danger upon the completion of an investigation, shall be grounds for revocation of the certification issued pursuant to this section.

J. If a private school operates a child day program outside the scope of its instructional classes during the school year or operates a child day program during the summer, the child day program shall be subject to licensure under the regulations adopted pursuant to § 22.1-289.046.

K. Nothing in this section shall prohibit a preschool operated by or conducted under the auspices of a private school from obtaining a license pursuant to this chapter.

§ 22.1-289.033. Inspection of unlicensed child care operations; inspection warrant.

In order to perform his duties under this chapter, the Superintendent may enter and inspect any unlicensed child care operation with the consent of the owner or person in charge, or pursuant to a warrant. Administrative search warrants for inspections of child care operations, based upon a petition demonstrating probable cause and supported by an affidavit, may be issued ex parte by any judge having authority to issue criminal warrants whose territorial jurisdiction includes the child care operation to be inspected, if he is satisfied from the petition and affidavit that there is reasonable and probable cause for the inspection. The affidavit shall contain either a statement that consent to inspect has been sought and refused, or that facts and circumstances exist reasonably justifying the failure to seek such consent. Such facts may include, without limitation, past refusals to permit inspection or facts establishing reason to believe that seeking consent would provide an opportunity to conceal violations of statutes or regulations. Probable cause may be demonstrated by an affidavit showing probable cause to believe that the child care operation is in violation of any provision of this chapter or any regulation adopted pursuant to this chapter, or upon a showing that the inspection is to be made pursuant to a reasonable administrative plan for the administration of this chapter. The inspection of a child care operation that has been the subject of a complaint pursuant to § 22.1-289.042 shall have preeminent priority over any other inspections of child care operations to be made by the Superintendent unless the complaint on its face or in the context of information known to the Superintendent discloses that the complaint has been brought to harass, to retaliate, or otherwise to achieve an improper purpose, and that the improper purpose casts serious doubt on the veracity of the complaint. After issuing a warrant under this section, the judge shall file the affidavit in the manner prescribed by § 19.2-54. Such warrant shall be executed and returned to the clerk of the circuit court of the city or county wherein the inspection was made.

Article 5.

Background Checks.

§ 22.1-289.034. Barrier crime; construction.

For purposes of this chapter, convictions for any barrier crime as defined in § 19.2-392.02 shall include prior adult convictions and juvenile convictions or adjudications of delinquency based on a crime that would be a felony if committed by an adult within or outside the Commonwealth.

§ 22.1-289.035. Licensed child day centers, family day homes, and family day systems; employment for compensation or use as volunteers of persons convicted of or found to have committed certain offenses prohibited; national background check required; penalty.

A. No child day center, family day home, or family day system licensed in accordance with the provisions of this chapter, child day center exempt from licensure pursuant to § 22.1-289.031, registered family day home, family day home approved by a family day system, or child day center, family day home, or child day program that enters into a contract with the Department or its agents or designees to provide child care services funded by the Child Care and Development Block Grant shall hire for compensated employment, continue to employ, or permit to serve as a volunteer who will be alone with, in control of, or supervising children any person who (i) has been convicted of any barrier crime as defined in § 19.2-392.02 or (ii) is the subject of a founded complaint of child abuse or neglect within or outside the Commonwealth. All applicants for employment, employees, applicants to serve as volunteers, and volunteers shall undergo a background check in accordance with subsection B prior to employment or beginning to serve as a volunteer and every five years thereafter.

B. Any individual required to undergo a background check in accordance with subsection A shall:

1. Provide a sworn statement or affirmation disclosing whether he has ever been convicted of or is the subject of pending charges for any offense within or outside the Commonwealth and whether he has been the subject of a founded complaint of child abuse or neglect within or outside the Commonwealth;

2. Submit to fingerprinting and provide personal descriptive information described in subdivision B 2 of § 19.2-392.02; and

3. Authorize the child day center, family day home, or family day system described in subsection A to obtain a copy of the results of a search of the central registry maintained pursuant to § 63.2-1515 and any child abuse and neglect registry or equivalent registry maintained by any other state in which the individual has resided in the preceding five years for any founded complaint of child abuse or neglect against him.

The applicant's fingerprints and personal descriptive information obtained pursuant to subdivision 2 shall be forwarded by the Department or its designee or, in the case of a child day program operated by a local government, may be forwarded by the local law-enforcement agency through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining national criminal history record information regarding such applicant. Upon receipt of an applicant's record or notification that no record exists, the Central Criminal Records Exchange shall forward the information to the Department or its designee, and the Department or its designee shall report to the child day center or family day home whether the applicant is eligible to have responsibility for the safety and well-being of children. In cases in which the record forwarded to the Department or its designee is lacking disposition data, the Department or its designee shall conduct research in whatever state and local recordkeeping systems are available in order to obtain complete data before reporting to the child day center, family day home, or family day system.

C. The child day center, family day home, or family day system described in subsection A shall inform every individual required to undergo a background check pursuant to this section that he is entitled to obtain a copy of any background check report and to challenge the accuracy and completeness of any such report and obtain a prompt resolution before a final determination is made of the individual's eligibility to have responsibility for the safety and well-being of children.

D. Any person making a materially false statement regarding the sworn statement or affirmation provided pursuant to subdivision B 1 is guilty of a Class 1 misdemeanor.

E. Further dissemination of the background check information is prohibited other than to the Superintendent's representative or a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination.

F. A person who complies in good faith with the provisions of this section shall not be liable for any civil damages for any act or omission in the performance of duties under this section unless the act or omission was the result of gross negligence or willful misconduct.

G. Notwithstanding the provisions of subsection A, a child day center may hire for compensated employment persons who have been convicted of not more than one misdemeanor offense under § 18.2-57, or any substantially similar offense under the laws of another jurisdiction, if 10 years have elapsed following the conviction, unless the person committed such offense while employed in a child day center or the object of the offense was a minor.

H. Fees charged for the processing and administration of background checks pursuant to this section shall not exceed the actual cost to the state or the local law-enforcement agency of such processing and administration.

I. Any individual required to undergo a background check pursuant to subsection A who is (i) convicted of any barrier crime as defined in § 19.2-392.02 or (ii) found to be the subject of a founded complaint of child abuse or neglect within or outside of the Commonwealth shall notify the child day center, family day home, or family day system described in subsection A of such conviction or finding.

§ 22.1-289.036. Background check upon application for licensure, registration, or approval as child day center, family day home, or family day system; penalty.

A. Every (i) applicant for licensure as a child day center, family day home, or family day system, registration as a family day home, or approval as a family day home by a family day system; (ii) agent of an applicant for licensure as a child day center, family day home, or family day system, registration as a family day home, or approval as a family day home by a family day system at the time of application who is or will be involved in the day-to-day operations of the child day center, family day home, or family day system or who is or will be alone with, in control of, or supervising one or more of the children; and (iii) adult living in such child day center or family day home shall undergo a background check in accordance with subsection B prior to issuance of a license as a child day center, family day home, or family day system, registration as a family day home, or approval as a family day home by a family day system and every five years thereafter.

B. Every person required to undergo a background check pursuant to subsection A shall:

1. Provide a sworn statement or affirmation disclosing whether he has ever been convicted of or is the subject of any pending criminal charges for any offense within or outside the Commonwealth and whether or not he has been the subject of a founded complaint of child abuse or neglect within or outside the Commonwealth;

2. Submit to fingerprinting and provide personal descriptive information described in subdivision B 2 of § 19.2-392.02; and

3. Authorize the child day center, family day home, or family day system specified in subsection A to obtain a copy of the results of a search of the central registry maintained pursuant to § 63.2-1515 and any child abuse and neglect registry or equivalent registry maintained by any other state in which the individual has resided in the preceding five years for any founded complaint of child abuse or neglect against him.

Fingerprints and personal descriptive information obtained pursuant to subdivision 2 shall be forwarded by the Department or its designee or, in the case of a child day program operated by a local government, may be forwarded by the local law-enforcement agency through the Central Criminal Records Exchange to the Federal Bureau of Investigation for

the purpose of obtaining national criminal history record information regarding the individual. Upon receipt of an individual's record or notification that no record exists, the Central Criminal Records Exchange shall forward the information to the Department or its designee. The Department or its designee shall report to the child day center, family day home, or family day system described in subsection A as to whether the individual is eligible to have responsibility for the safety and well-being of children. In cases in which the record forwarded to the Department or its designee is lacking disposition data, the Department or its designee shall conduct research in whatever state and local recordkeeping systems are available in order to obtain complete data.

C. If any person specified in subsection A required to have a background check (i) has been convicted of any barrier crime as defined in § 19.2-392.02 or (ii) is the subject of a founded complaint of child abuse or neglect within or outside the Commonwealth, and such person has not been granted a waiver by the Superintendent pursuant to § 22.1-289.038, no license as a child day center, family day home, or family day system or registration as a family day home shall be granted by the Superintendent and no approval as a family day home shall be granted by the family day system.

D. Information from a search of the central registry maintained pursuant to § 63.2-1515 and any child abuse and neglect registry or equivalent registry maintained by any other state in which the applicant, agent, or adult has resided in the preceding five years, authorized in accordance with subdivision B 3, shall be obtained prior to issuance of a license as a child day center, family day home, or family day system, registration as a family day home, or approval as a family day home by a family day system.

E. No person specified in subsection A shall be involved in the day-to-day operations of the child day center, family day home, or family day system, or shall be alone with, in control of, or supervising one or more children, without first having completed any required background check pursuant to subsection B.

F. Any person making a materially false statement regarding the sworn statement or affirmation provided pursuant to subdivision B 1 is guilty of a Class 1 misdemeanor.

G. If an individual is denied licensure, registration, or approval because of information from the central registry or any child abuse and neglect registry or equivalent registry maintained by any other state, or convictions appearing on his criminal history record, the Superintendent shall provide a copy of the information obtained from the central registry, any child abuse and neglect registry or equivalent registry maintained by any other state, or the Central Criminal Records Exchange to the individual.

H. Further dissemination of the background check information is prohibited other than to the Superintendent's representative or a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination.

I. Fees charged for the processing and administration of background checks pursuant to this section shall not exceed the actual cost to the state or the local law-enforcement agency of such processing and administration.

§ 22.1-289.037. Revocation or denial of renewal based on background checks; failure to obtain background check.

A. The Superintendent may revoke or deny renewal of a license or registration of a child day program or family day system, and a family day system may revoke the approval of a family day home, if the child day program, family day system, or approved family day home has knowledge that a person specified in § 22.1-289.035 or 22.1-289.036 required to have a background check (i) has been convicted of any barrier crime as defined in § 19.2-392.02 or (ii) is the subject of a founded complaint of child abuse or neglect within or outside the Commonwealth, and such person has not been granted a waiver by the Superintendent pursuant to § 22.1-289.038 or is not subject to the exceptions in subsection G of § 22.1-289.035, and the agency or home refuses to separate such person from employment or service or allows the household member to continue to reside in the home.

B. Failure to obtain background checks pursuant to §§ 22.1-289.035 and 22.1-289.036 shall be grounds for denial, revocation, or termination of a license, registration, or approval or any contract with the Department or its agents or designees or a local department of social services to provide child care services to clients of the Department or its agents or designees or the local department of social services. No violation shall occur if the family day system, family day home, or child day center has applied for the background check timely and it has not been obtained due to administrative delay. The provisions of this section shall be enforced by the Department.

§ 22.1-289.038. Child day programs and family day systems; criminal conviction and waiver.

A. Any person who seeks to operate, volunteer, or work at a child day program or family day system and who is disqualified because of a criminal conviction or a criminal conviction in the background check of any other adult living in a family day home regulated by the Department, pursuant to § 22.1-289.035, 22.1-289.036, or 22.1-289.039, may apply in writing for a waiver from the Superintendent. The Superintendent may grant a waiver if the Superintendent determines that (i) the person is of good moral character and reputation and (ii) the waiver would not adversely affect the safety and well-being of children in the person's care. The Superintendent shall not grant a waiver to any person who has been convicted of any barrier crime as defined in § 19.2-392.02. However, the Superintendent may grant a waiver to a family day home licensed or registered by the Department if any other adult living in the home of the applicant or provider has been convicted of not more than one misdemeanor offense under § 18.2-57 or 18.2-57.2, or any substantially similar offense under the laws of another jurisdiction, provided that (a) five years have elapsed following the conviction and (b) the Department has conducted a home study that includes, but is not limited to, (1) an assessment of the safety of children placed in the home and (2) a determination that the offender is now a person of good moral character and reputation. The waiver shall not be granted if the adult living in the home is an assistant or substitute provider or if such adult has been

convicted of a misdemeanor offense under both §§ 18.2-57 and 18.2-57.2, or any substantially similar offense under the laws of another jurisdiction. Any waiver granted under this section shall be available for inspection by the public. The child day program or family day system shall notify in writing every parent and guardian of the children in its care of any waiver granted for its operators, employees, or volunteers.

B. The Board shall adopt regulations to implement the provisions of this section.

§ 22.1-289.039. Records check by unlicensed child day center; penalty.

Any child day center that is exempt from licensure pursuant to § 22.1-289.031 shall require all applicants for employment, employees, applicants to serve as volunteers, and volunteers and any other person who is expected to be alone with one or more children enrolled in the child day center to obtain a background check in accordance with § 22.1-289.035. A child day center that is exempt from licensure pursuant to § 22.1-289.031 shall refuse employment or service to any person who (i) has been convicted of any barrier crime as defined in § 19.2-392.02 or (ii) is the subject of a founded complaint of child abuse or neglect within or outside the Commonwealth. The foregoing provisions shall not apply to a parent or guardian who may be left alone with his own child. For purposes of this section, convictions shall include prior adult convictions and juvenile convictions or adjudications of delinquency based on a crime that would have been a felony if committed by an adult within or outside the Commonwealth. Further dissemination of the information provided to the facility is prohibited.

§ 22.1-289.040. Child day centers and family day homes receiving federal, state, or local child care funds; eligibility requirements.

A. Whenever any child day center or family day home that has not met the requirements of §§ 22.1-289.035, 22.1-289.036, and 22.1-289.039 applies to enter into a contract with the Department or its agents or designees to provide child care services to clients of the Department or its agents or designees, the Department or its agents or designees shall require a background check, at the time of application to enter into a contract and every five years thereafter, of (i) the applicant; any agents involved in the day-to-day operation; all agents who are alone with, in control of, or supervising one or more of the children; and any other adult living in a family day home pursuant to § 22.1-289.036; and (ii) all applicants for employment, employees, applicants to serve as volunteers, and volunteers pursuant to § 22.1-289.035. The child day center or family day home shall not be permitted to enter into a contract with the Department or its agents or designees for child care services when an applicant; any employee; a prospective employee; a volunteer, an agent involved in the day-to-day operation; an agent alone with, in control of, or supervising one or more children; or any other adult living in a family day home (i) has been convicted of any barrier crime as defined in § 19.2-392.02 or (ii) is the subject of a founded complaint of child abuse or neglect within or outside the Commonwealth. Further dissemination of the information provided to the facility, beyond dissemination to the Department or its agents or designees is prohibited.

B. Every child day center or family day home that enters into a contract with the Department or its agents or designees to provide child care services to clients of the Department or its agents or designees that is funded, in whole or in part, by the Child Care and Development Block Grant, shall comply with all requirements established by federal law and regulations.

§ 22.1-289.041. Sex offender or child abuser prohibited from operating or residing in family day home; penalty.

It shall be unlawful for any person to operate a family day home if he, or if he knows that any other person who resides in, is employed by, or volunteers in the home, has been convicted of a felony in violation of § 18.2-48, 18.2-61, 18.2-63, 18.2-64.1, 18.2-67.1, 18.2-67.2, 18.2-67.3, 18.2-67.5, 18.2-355, 18.2-361, 18.2-366, 18.2-369, 18.2-370, 18.2-370.1, 18.2-371.1, or 18.2-374.1, has been convicted of any offense that requires registration on the Sex Offender and Crimes Against Minors Registry pursuant to § 9.1-902, or is the subject of a founded complaint of child abuse or neglect within or outside the Commonwealth. A violation of this section is punishable as a Class 1 misdemeanor.

Article 6.

Complaints.

§ 22.1-289.042. Establishment of toll-free telephone line for complaints; investigation on receipt of complaints.

With such funds as are appropriated for this purpose, the Superintendent shall establish a toll-free telephone line to respond to complaints regarding operations of child day programs or family day systems. Upon receipt of a complaint concerning the operation of a child day program or family day system, regardless of whether the program is subject to licensure, the Superintendent shall, for good cause shown, cause an investigation to be made, including on-site visits as he deems necessary, of the activities, services, records, and facilities. The child day program or family day system shall afford the Superintendent reasonable opportunity to inspect all of the operator's activities, services, records, and facilities and to interview its agents and employees and any child within its control. Whenever a child day program or family day system subject to inspection under this section is determined by the Superintendent to be in noncompliance with the provisions of this chapter or with regulations adopted pursuant to this chapter, the Superintendent shall give reasonable notice to the child day program or family day system of the nature of its noncompliance and may thereafter take appropriate action as provided by law, including a suit to enjoin the operation of the child day program or family day system.

§ 22.1-289.043. Confidentiality of complainant's identity.

Whenever the Department conducts inspections and investigations in response to complaints received from the public, the identity of the complainant and the identity of any child who is the subject of the complaint, or identified therein, shall be confidential and shall not be open to inspection by members of the public. Identities of the complainant and child who is the subject of the complaint shall be revealed only if a court order so requires. Nothing contained herein shall prevent the

Department, in its discretion, from disclosing to the child day program or family day system the nature of the complaint or the identity of the child who is the subject of the complaint. Nothing contained herein shall prevent the Department or its employees from making reports under Chapter 15 (§ 63.2-1500 et seq.) of Title 63.2. If the Department intends to rely, in whole or in part, on any statements made by the complainant at any administrative hearing brought against child day program or family day system, the Department shall disclose the identity of the complainant to the child day program or family day system a reasonable time in advance of such hearing.

§ 22.1-289.044. Retaliation or discrimination against complainants.

No child day program or family day system shall retaliate or discriminate in any manner against any person who (i) in good faith complains or provides information to, or otherwise cooperates with, the Department or any other agency of government or any person or entity operating under contract with an agency of government having responsibility for protecting the rights of children in child day programs and family day systems, (ii) attempts to assert any right protected by state or federal law, or (iii) assists any person in asserting such right.

§ 22.1-289.045. Retaliation against reports of child abuse or neglect.

No child day program or family day system shall retaliate in any manner against any person who in good faith reports child abuse or neglect pursuant to Chapter 15 (§ 63.2-1500 et seq.) of Title 63.2.

Article 7.

Regulations and Interdepartmental Cooperation.

§ 22.1-289.046. Regulations for child day programs and family day systems.

A. The Board shall adopt regulations for the activities, services, and facilities to be employed by persons and agencies required to be licensed under this chapter, which shall be designed to ensure that such activities, services, and facilities are conducive to the welfare of the children under the control of such persons or agencies.

Such regulations shall be developed in consultation with representatives of the affected entities and shall include matters relating to the sex, age, and number of children and other persons to be maintained or cared for, as the case may be, and to the buildings and premises to be used, and reasonable standards for the activities, services and facilities to be employed. Such limitations and standards shall be specified in each license and renewal thereof. Such regulations shall not require the adoption of a specific teaching approach or doctrine or require the membership, affiliation, or accreditation services of any single private accreditation or certification agency.

Such regulations governing child day programs providing care for school-age children at a location that is currently approved by the Department or recognized as a private school by the Board for school occupancy and that houses a public or private school during the school year shall not (i) prohibit school-age children from using outdoor play equipment and areas approved for use by students of the school during school hours or (ii) in the case of public schools, require inspection or approval of the building, vehicles used to transport children attending the child day program that are owned by the school, or meals served to such children that are prepared by the school.

Such regulations governing orientation and training of child day program staff shall provide that parents or other persons who participate in a cooperative preschool center on behalf of a child attending such cooperative preschool center, including such parents and persons who are counted for the purpose of determining staff-to-child ratios, shall be exempt from orientation and training requirements applicable to staff of child day programs; however, such regulations may require such parents and persons to complete up to four hours of training per year. This orientation and training exemption shall not apply to any parent or other person who participates in a cooperative preschool center that has entered into a contract to provide child care services funded by the Child Care and Development Block Grant.

B. The Board shall adopt or amend regulations, policies, and procedures related to child day care in collaboration with the Virginia Recreation and Park Society. No regulation adopted by the Board shall prohibit a child day center from hiring an armed security officer, licensed pursuant to Article 4 (§ 9.1-138 et seq.) of Chapter 1 of Title 9.1, to provide protection for children placed in the care of the child day center or employees of the center. The Board shall adopt or amend regulations related to therapeutic recreation programs in collaboration with the Virginia Park and Recreation Society and the Department of Behavioral Health and Developmental Services.

§ 22.1-289.047. Interagency agreements; cooperation of Department with other departments.

The Department is authorized to enter into interagency agreements with other state agencies to develop and implement regulations adopted pursuant to this chapter. Any state agency identified by the Department as appropriate to include in an interagency agreement shall participate in the development and implementation of the agreement. The Department shall assist and cooperate with other state departments in fulfilling their respective inspection responsibilities and in coordinating the regulations involving inspections. The Board may adopt regulations allowing the Department to so assist and cooperate with other state departments.

§ 22.1-289.048. Program leaders and child-care supervisors at licensed child day centers; approved credential.

Program leaders and child-care supervisors employed by child day centers may possess an approved credential. For purposes of this section:

"Approved credential" means a competency-based credential awarded to individuals who work with children ages five and under in either a teaching, supervisory, or administrative capacity and that is specifically awarded or administered by the National Association for the Education of Young Children; the National Academy of Early Childhood Programs; the Association of Christian Schools International; the American Association of Christian Schools; the National Early Childhood Program Accreditation; the National Accreditation Council for Early Childhood Professional Personnel and

Programs; the International Academy for Private Education; the American Montessori Society; the International Accreditation and Certification of Childhood Educators, Programs, and Trainers; the National Accreditation Commission; the Virginia Community College System, or another institution of higher education; or its equivalent as determined by the Department.

"Program leader" or "child-care supervisor" means an individual designated to be responsible for the direct supervision of children and for the implementation of the activities and services for a group of children in a licensed child day center.

Article 8.

Facilities and Programs.

§ 22.1-289.049. Regulated child day programs to require proof of child identity and age; report to law-enforcement agencies.

A. Upon enrollment of a child in a regulated child day program, such child day program shall require information from the person enrolling the child regarding previous child day care and schools attended by the child. The regulated child day program shall also require that the person enrolling the child present the regulated child day program with the proof of the child's identity and age. The proof of identity, if reproduced or retained by the child day program or both, shall be destroyed upon the conclusion of the requisite period of retention. The procedures for the disposal, physical destruction, or other disposition of the proof of identity containing social security numbers shall include all reasonable steps to destroy such documents by (i) shredding, (ii) erasing, or (iii) otherwise modifying the social security numbers in those records to make them unreadable or indecipherable by any means.

B. For purposes of this section:

"Proof of identity" means a certified copy of a birth certificate or other reliable proof of the child's identity and age.

"Regulated child day program" is one in which a person or organization has agreed to assume responsibility for the supervision, protection, and well-being of a child under the age of 13 for less than a 24-hour period that is licensed pursuant to § 22.1-289.011, voluntarily registered pursuant to § 22.1-289.015, certified as a preschool or nursery school program pursuant to § 22.1-289.032, exempted from licensure as a child day center operated by a religious institution pursuant to § 22.1-289.031, or approved as a family day home by a licensed family day system.

C. If the parent, guardian, or other person enrolling the child in a regulated child day program for longer than two consecutive days or other pattern of regular attendance does not provide the information required by subsection A within seven business days of initial attendance, such child day program shall immediately notify the local law-enforcement agency in its jurisdiction of such failure to provide the requested information.

D. Upon receiving notification of such failure to provide the information required by subsection A, the law-enforcement agency shall, if available information warrants, immediately submit an inquiry to the Missing Children Information Clearinghouse and, with the assistance of the local department of social services, if available information warrants, conduct the appropriate investigation to determine whether the child is missing.

E. The Board shall adopt regulations to implement the provisions of this section.

§ 22.1-289.050. Insurance notice requirements for family day homes; civil penalty.

A. Any person who operates a family day home approved by a licensed family day system, a licensed family day home, or a voluntarily registered family day home shall furnish a written notice to the parent or guardian of each child under the care of the family day home, which states whether there is liability insurance in force to cover the operation of the family day home, provided that no person under this section shall state that liability insurance is in place to cover the operation of the family day home, unless there is a minimum amount of coverage as established by the Department.

B. Each parent or guardian shall acknowledge, in writing, receipt of such notice. In the event there is no longer insurance coverage, the person operating the family day home shall (i) notify each parent or guardian within 10 business days after the effective date of the change and (ii) obtain written acknowledgment of such notice. A copy of an acknowledgment required under this section shall be maintained on file at the family day home at all times while the child attends the family day home and for 12 months after the child's last date of attendance.

C. Any person who fails to give any notice required under this section shall be subject to a civil penalty of up to \$500 for each such failure.

§ 22.1-289.051. Dual licenses for certain child day centers.

Any facility licensed as a child day center which also meets the requirements for a license as a summer camp by the Department of Health under the provisions of § 35.1-18 shall be entitled to a summer camp license. Such a facility shall comply with all of the regulations adopted by the Board and the State Board of Health for each such license.

§ 22.1-289.052. Asbestos inspection required for child day centers.

The Superintendent shall not issue a license to any child day center that is located in a building built prior to 1978 until he receives a written statement that the building has been inspected for asbestos, as defined by § 2.2-1162, and in accordance with the regulations for initial asbestos inspections pursuant to the federal Asbestos Hazard Emergency Response Act, 40 C.F.R. Part 763 — Asbestos Containing Materials in Schools. The inspection shall be conducted by personnel competent to identify the presence of asbestos and licensed in Virginia as an asbestos inspector and as an asbestos management planner pursuant to Chapter 5 (§ 54.1-500 et seq.) of Title 54.1. The written statement shall state whether (i) no asbestos was detected, (ii) asbestos was detected and response actions to abate any risk to human health have been completed, or (iii) asbestos was detected and response actions to abate any risk to human health have been

recommended in accordance with a specified schedule and plan pursuant to applicable state and federal statutes and regulations. The statement shall include identification of any significant hazard areas, the date of the inspection and be signed by the person who inspected for the asbestos. If asbestos was detected, an operations and maintenance plan shall be developed in accordance with the regulations of the federal Asbestos Hazard Emergency Response Act and the statement shall be signed by the person who prepared the operations and maintenance plan. Any inspection, preparation of an operations and maintenance plan or response action shall be performed by competent personnel who have been licensed in accordance with the provisions of Chapter 5 of Title 54.1.

When asbestos has been detected, the applicant for licensure shall also submit to the Superintendent a written statement that response actions to abate any risk to human health have been or will be initiated in accordance with a specified schedule and plan as recommended by an asbestos management planner licensed in Virginia. This statement shall be signed by the applicant for licensure.

The written statements required by this section shall be submitted for approval to the Superintendent's representative prior to issuance of a license. The provisions of this section shall not apply to child day centers located in buildings required to be inspected pursuant to Article 5 (§ 2.2-1162 et seq.) of Chapter 11 of Title 2.2.

§ 22.1-289.053. Delay in acting on application or in notification.

In case the Superintendent fails to take final action upon an application for a license within 60 days after the application is made, either by way of issuance or refusal, or fails within such time to notify the applicant thereof, it shall be lawful for the applicant to engage in the operations or activities for which the license is desired, until the Superintendent has taken final action and notified the applicant thereof; however, no application shall be deemed made until all the required information is submitted in the form prescribed by the Superintendent.

§ 22.1-289.054. Visitation by parents or guardians in child day programs.

A custodial parent or guardian shall be admitted to any child day program. For purposes of this section, "child day program" is one in which a person or organization has agreed to assume responsibility for the supervision, protection, and well-being of a child under the age of 13 for less than a 24-hour period, regardless of whether it is licensed. Such right of admission shall apply only while the child is in the child day program.

§ 22.1-289.055. Public funds to be withheld for serious or persistent violations.

The Board may adopt policies, as permitted by state and federal law, to restrict the eligibility of a child day program or family day system to receive or continue to receive funds when such agency is found to be in serious or persistent violation of regulations.

§ 22.1-296.3. Certain private school employees subject to fingerprinting and criminal records checks.

A. As a condition of employment, the governing boards or administrators of private elementary or secondary schools that are accredited pursuant to § 22.1-19 shall require any applicant who accepts employment, whether full-time or part-time, permanent or temporary, to submit to fingerprinting and to provide personal descriptive information to be forwarded along with the applicant's fingerprints through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining criminal history record information regarding such applicant.

The Central Criminal Records Exchange, upon receipt of an applicant's record or notification that no record exists, shall report to the governing board or administrator, or to a private organization coordinating such records on behalf of such governing board or administrator pursuant to a written agreement with the Department of State Police, that the applicant meets the criteria or does not meet the criteria for employment based on whether or not the applicant has ever been convicted of any barrier crime as defined in § 19.2-392.02.

B. The Central Criminal Records Exchange shall not disclose information to such governing board, administrator, or private organization coordinating such records regarding charges or convictions of any crimes. If any applicant is denied employment because of information appearing on the criminal history record and the applicant disputes the information upon which the denial was based, the Central Criminal Records Exchange shall, upon request, furnish the applicant the procedures for obtaining a copy of the criminal history record from the Federal Bureau of Investigation. The information provided to the governing board, administrator, or private organization coordinating such records shall not be disseminated except as provided in this section. A governing board or administrator employing or previously employing a temporary teacher or a private organization coordinating such records on behalf of such governing board or administrator pursuant to a written agreement with the Department of State Police may disseminate, at the written request of such temporary teacher, whether such teacher meets the criteria or does not meet the criteria for employment pursuant to subsection A to the governing board or administrator of another accredited private elementary or secondary school in which such teacher has accepted employment. Such governing board, administrator, or private organization transferring criminal records information pursuant to this section shall be immune from civil liability for any official act, decision, or omission done or made in the performance of such transfer, when such acts or omissions are taken in good faith and are not the result of gross negligence or willful misconduct.

Fees charged for the processing and administration of background checks pursuant to this section shall not exceed the actual cost to the state of such processing and administration.

C. Effective July 1, 2017, the governing board or administrator of a private elementary or secondary school that is accredited pursuant to § 22.1-19 that operates a child welfare agency day program or family day system regulated by the Department of Social Services pursuant to Chapter 17 14.1 (§ 63.2-1700 22.1-289.02 et seq.) of Title 63-2 shall accept evidence of a background check in accordance with § 63.2-1720.1 22.1-289.035 for individuals who are required to undergo

a background check in accordance with that section as a condition of employment in lieu of the background check required by subsection A.

D. For purposes of this section, "governing board" or "administrator" means the unit or board or person designated to supervise operations of a system of private schools or a private school accredited pursuant to § 22.1-19.

Nothing in this section or § 19.2-389 shall be construed to require any private or religious school which is not so accredited to comply with this section.

§ 22.1-299.4. Teach For America license.

A. Notwithstanding any provision of law to the contrary, the Board shall issue a two-year provisional license, hereafter referred to as the Teach For America license, to any participant in Teach For America, a nationwide nonprofit organization focused on closing the academic achievement gaps between students in high-income and low-income areas, who submits an application and meets the following criteria:

1. Holds, at minimum, a baccalaureate degree from a regionally accredited institution of higher education;
2. Has met the requirements prescribed by the Board for all endorsements sought or has met the qualifying scores on the content area assessment prescribed by the Board for the endorsements sought;
3. Possesses good moral character according to criteria developed by the Board;
4. Has been offered and has accepted placement in Teach For America;
5. Has successfully completed pre-service training and is participating in the professional development requirements of Teach For America, including teaching frameworks, curricula, lesson planning, instructional delivery, classroom management, assessment and evaluation of student progress, classroom diversity, and literacy development;
6. Has an offer of employment from a local school board to teach in a public elementary or secondary school in the Commonwealth or a preschool program that receives state funds pursuant to ~~subsection C of § 22.1-199.1~~ ~~22.1-289.09~~; and
7. Receives a recommendation from the employing school division for a Teach For America license in the endorsement area in which the individual seeks to be licensed.

B. In addition to the criteria set forth in subsection A, any individual who seeks an endorsement in early childhood, early/primary, or elementary education shall either (i) agree to complete such coursework in the teaching of reading as may be prescribed by the Board pursuant to regulation during the first year of employment or (ii) achieve a passing score on a reading instructional assessment prescribed by the Board pursuant to regulation.

C. Teachers issued a Teach For America provisional license shall not be eligible for continuing contract status while employed under the authority of a Teach For America license and shall be subject to the probationary terms of employment specified in § 22.1-303.

D. The Board may extend any Teach For America license for one additional year upon request of the employing school division, provided that no Teach For America license shall exceed a total of three years in length.

E. Notwithstanding any provision of law to the contrary, upon completion of at least two years of full-time teaching experience in a public elementary or secondary school in the Commonwealth or a preschool program that receives state funds pursuant to ~~subsection C of § 22.1-199.1~~ ~~22.1-289.09~~, an individual holding a Teach For America license shall be eligible to receive a renewable license if he has (i) achieved satisfactory scores on all professional teacher assessments required by the Board and (ii) received satisfactory evaluations at the conclusion of each year of employment.

F. Notwithstanding any provision of law to the contrary, the Board shall issue a Teach For America license to any individual who (i) has completed two years of successful teaching in the Teach For America program in another state, (ii) is not eligible to receive a renewable license, and (iii) meets the criteria set forth in subsection A.

§ 46.2-341.9. Eligibility for commercial driver's license or commercial learner's permit.

A. A Virginia commercial driver's license or commercial learner's permit shall be issued only to a person who drives or intends to drive a commercial motor vehicle, who is domiciled in the Commonwealth, and who is eligible for a commercial driver's license or commercial learner's permit under such terms and conditions as the Department may require.

No person shall be eligible for a Virginia commercial driver's license or commercial learner's permit until he has applied for such license or permit and has passed the applicable vision, knowledge and skills tests required by this article, and has satisfied all other applicable licensing requirements imposed by the laws of the Commonwealth. Such requirements shall include meeting the standards contained in subparts F, G, and H, of Part 383 of the FMCSA regulations.

No person shall be eligible for a Virginia commercial driver's license or commercial learner's permit during any period in which he is disqualified from driving a commercial motor vehicle, or his driver's license or privilege to drive is suspended, revoked or cancelled in any state, or during any period wherein the restoration of his license or privilege is contingent upon the furnishing of proof of financial responsibility.

No person shall be eligible for a Virginia commercial driver's license until he surrenders all other driver's licenses issued to him by any state.

No person shall be eligible for a Virginia commercial learner's permit until he surrenders all other driver's licenses and permits issued to him by any other state. The applicant for a commercial learner's permit is not required to surrender his Virginia noncommercial driver's license.

No person under the age of 21 years shall be eligible for a commercial driver's license, except that a person who is at least 18 years of age may be issued a commercial driver's license or commercial learner's permit, provided that such person is exempt from or is not subject to the age requirements of the Federal Motor Carrier Safety Regulations contained in

49 C.F.R. Part 391, and is not prohibited from operating a commercial motor vehicle by the Virginia Motor Carrier Safety Regulations, and has so certified. No person under the age of 21 years shall be issued a hazardous materials endorsement.

No person shall be eligible for a Virginia commercial driver's license to drive a Type S vehicle, as defined in subsection B of § 46.2-341.16, during any period in which he is a person for whom registration with the Sex Offender and Crimes Against Minors Registry is required pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1.

In determining the eligibility of any applicant for a Virginia commercial driver's license, the Department shall consider, to the extent not inconsistent with federal law, the applicant's military training and experience.

A person for whom registration with the Sex Offender and Crimes Against Minors Registry is required pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1 may be issued a Virginia commercial driver's license to drive a Type P vehicle, as defined in subsection B of § 46.2-341.16, provided the commercial driver's license includes a restriction prohibiting the license holder from operating a commercial vehicle to transport children to or from activities sponsored by a school or by a child day care facility licensed, regulated, or approved by the Virginia Department of Social Services Education.

B. Notwithstanding the provisions of subsection A, pursuant to 49 U.S.C. 31311(a)(12) a commercial driver's license or commercial learner's permit may be issued to an individual who (i) operates or will operate a commercial motor vehicle; (ii) is a member of the active duty military, military reserves, National Guard, active duty United States Coast Guard, or Coast Guard Auxiliary; and (iii) is not domiciled in the Commonwealth, but whose temporary or permanent duty station is located in the Commonwealth.

§ 46.2-341.10. Special provisions relating to commercial learner's permit.

A. The Department upon receiving an application on forms prescribed by the Commissioner and upon the applicant's satisfactory completion of the vision and knowledge tests required for the class and type of commercial motor vehicle to be driven by the applicant may, in its discretion, issue to such applicant a commercial learner's permit. Such permit shall be valid for no more than one year from the date of issuance. No renewals are permitted. A commercial learner's permit shall entitle the applicant to drive a commercial motor vehicle of the class and type designated on the permit, but only when accompanied by a person licensed to drive the class and type of commercial motor vehicle driven by the applicant. The person accompanying the permit holder shall occupy the seat closest to the driver's seat for the purpose of giving instruction to the permit holder in driving the commercial motor vehicle.

B. No person shall be issued a commercial learner's permit unless he possesses a valid Virginia driver's license or has satisfied all the requirements necessary to obtain such a license.

C. A commercial learner's permit holder with a passenger (P) endorsement (i) must have taken and passed the P endorsement knowledge test and (ii) is prohibited from operating a commercial motor vehicle carrying passengers, other than federal or state auditors and inspectors, test examiners, other trainees, and the commercial driver's license holder accompanying the commercial learner's permit holder. The P endorsement must be class specific.

D. A commercial learner's permit holder with a school bus (S) endorsement (i) must have taken and passed the S endorsement knowledge test and (ii) is prohibited from operating a school bus with passengers other than federal or state auditors and inspectors, test examiners, other trainees, and the commercial driver's license holder accompanying the commercial learner's permit holder. No person shall be issued a commercial learner's permit to drive school buses or to drive any commercial vehicle to transport children to or from activities sponsored by a school or by a child day care facility licensed, regulated, or approved by the Virginia Department of Social Services Education during any period in which he is a person for whom registration with the Sex Offender and Crimes Against Minors Registry is required pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1.

E. A commercial learner's permit holder with a tank vehicle (N) endorsement (i) must have taken and passed the N endorsement knowledge test and (ii) may only operate an empty tank vehicle and is prohibited from operating any tank vehicle that previously contained hazardous materials that has not been purged of any residue.

F. The issuance of a commercial learner's permit is a precondition to the initial issuance of a commercial driver's license and to the upgrade of a commercial driver's license if the upgrade requires a skills test. The commercial learner's permit holder is not eligible to take the commercial driver's license skills test until he has held the permit for the required period of time specified in § 46.2-324.1.

G. Any commercial learner's permit holder who operates a commercial motor vehicle without being accompanied by a licensed driver as provided in this section is guilty of a Class 2 misdemeanor.

H. The Department shall charge a fee of \$3 for each commercial learner's permit issued under the provisions of this section.

§ 46.2-341.18:3. Cancellation of commercial driver's license endorsement for certain offenders.

The Commissioner shall cancel the Type S school bus endorsement for any person holding a commercial driver's license or commercial learner's permit who is convicted of an offense for which registration is required in the Sex Offender and Crimes Against Minors Registry pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1.

Any person holding a commercial driver's license or commercial learner's permit with a Type P passenger endorsement who is convicted of an offense for which registration is required in the Sex Offender and Crimes Against Minors Registry pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1 shall surrender such license or permit to the Department, and shall be issued a license or permit that includes a restriction prohibiting the license or permit holder from operating a vehicle to transport children to or from activities sponsored by a school or by a child day care facility licensed, regulated, or approved by the Virginia Department of Social Services Education.

If the holder of a commercial driver's license or commercial learner's permit fails to surrender the license or permit as required under this section, the Department shall cancel the license or permit.

§ 51.1-617. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Board" means the Board of Trustees of the Virginia Retirement System.

"Eligible employee" means any turnaround specialist or member of the middle school teacher corps providing services for a participating public school division pursuant to subsections ~~F E~~ and ~~G F~~ of § 22.1-199.1.

"Participating employer" means any local public school board that offers and pays the costs of improved retirement benefits as described in subsections ~~F E~~ and ~~G F~~ of § 22.1-199.1.

"Plan" means the defined contribution plan established pursuant to this chapter and the provisions of § 401 (a) of the Internal Revenue Code of 1986, as amended.

"Qualified participant" means an eligible employee of a participating employer.

§ 54.1-3005. Specific powers and duties of Board.

In addition to the general powers and duties conferred in this title, the Board shall have the following specific powers and duties:

1. To prescribe minimum standards and approve curricula for educational programs preparing persons for licensure or certification under this chapter;

2. To approve programs that meet the requirements of this chapter and of the Board;

3. To provide consultation service for educational programs as requested;

4. To provide for periodic surveys of educational programs;

5. To deny or withdraw approval from educational or training programs for failure to meet prescribed standards;

6. To provide consultation regarding nursing practice for institutions and agencies as requested and investigate illegal nursing practices;

7. To keep a record of all its proceedings;

8. To certify and maintain a registry of all certified nurse aides and to promulgate regulations consistent with federal law and regulation. The Board shall require all schools to demonstrate their compliance with § 54.1-3006.2 upon application for approval or reapproval, during an on-site visit, or in response to a complaint or a report of noncompliance. The Board may impose a fee pursuant to § 54.1-2401 for any violation thereof. Such regulations may include standards for the authority of licensed practical nurses to teach nurse aides;

9. To maintain a registry of clinical nurse specialists and to promulgate regulations governing clinical nurse specialists;

10. To license and maintain a registry of all licensed massage therapists and to promulgate regulations governing the criteria for licensure as a massage therapist and the standards of professional conduct for licensed massage therapists;

11. To promulgate regulations for the delegation of certain nursing tasks and procedures not involving assessment, evaluation or nursing judgment to an appropriately trained unlicensed person by and under the supervision of a registered nurse, who retains responsibility and accountability for such delegation;

12. To develop and revise as may be necessary, in coordination with the Boards of Medicine and Education, guidelines for the training of employees of a school board in the administration of insulin and glucagon for the purpose of assisting with routine insulin injections and providing emergency treatment for life-threatening hypoglycemia. The first set of such guidelines shall be finalized by September 1, 1999, and shall be made available to local school boards for a fee not to exceed the costs of publication;

13. To enter into the Nurse Licensure Compact as set forth in this chapter and to promulgate regulations for its implementation;

14. To collect, store and make available nursing workforce information regarding the various categories of nurses certified, licensed or registered pursuant to § 54.1-3012.1;

15. To expedite application processing, to the extent possible, pursuant to § 54.1-119 for an applicant for licensure or certification by the Board upon submission of evidence that the applicant, who is licensed or certified in another state, is relocating to the Commonwealth pursuant to a spouse's official military orders;

16. To register medication aides and promulgate regulations governing the criteria for such registration and standards of conduct for medication aides;

17. To approve training programs for medication aides to include requirements for instructional personnel, curriculum, continuing education, and a competency evaluation;

18. To set guidelines for the collection of data by all approved nursing education programs and to compile this data in an annual report. The data shall include but not be limited to enrollment, graduation rate, attrition rate, and number of qualified applicants who are denied admission;

19. To develop, in consultation with the Board of Pharmacy, guidelines for the training of employees of child day programs as defined in ~~§ 63.2-100~~ 22.1-289.02 and regulated by the State Board of ~~Social Services~~ Education in the administration of prescription drugs as defined in the Drug Control Act (§ 54.1-3400 et seq.). Such training programs shall be taught by a registered nurse, licensed practical nurse, doctor of medicine or osteopathic medicine, or pharmacist;

20. In order to protect the privacy and security of health professionals licensed, registered or certified under this chapter, to promulgate regulations permitting use on identification badges of first name and first letter only of last name and

appropriate title when practicing in hospital emergency departments, in psychiatric and mental health units and programs, or in health care facility units offering treatment for patients in custody of state or local law-enforcement agencies;

21. To revise, as may be necessary, guidelines for seizure management, in coordination with the Board of Medicine, including the list of rescue medications for students with epilepsy and other seizure disorders in the public schools. The revised guidelines shall be finalized and made available to the Board of Education by August 1, 2010. The guidelines shall then be posted on the Department of Education's website; and

22. To promulgate, together with the Board of Medicine, regulations governing the licensure of nurse practitioners pursuant to § 54.1-2957.

§ 54.1-3408. Professional use by practitioners.

A. A practitioner of medicine, osteopathy, podiatry, dentistry, or veterinary medicine or a licensed nurse practitioner pursuant to § 54.1-2957.01, a licensed physician assistant pursuant to § 54.1-2952.1, or a TPA-certified optometrist pursuant to Article 5 (§ 54.1-3222 et seq.) of Chapter 32 shall only prescribe, dispense, or administer controlled substances in good faith for medicinal or therapeutic purposes within the course of his professional practice.

B. The prescribing practitioner's order may be on a written prescription or pursuant to an oral prescription as authorized by this chapter. The prescriber may administer drugs and devices, or he may cause drugs or devices to be administered by:

1. A nurse, physician assistant, or intern under his direction and supervision;

2. Persons trained to administer drugs and devices to patients in state-owned or state-operated hospitals or facilities licensed as hospitals by the Board of Health or psychiatric hospitals licensed by the Department of Behavioral Health and Developmental Services who administer drugs under the control and supervision of the prescriber or a pharmacist;

3. Emergency medical services personnel certified and authorized to administer drugs and devices pursuant to regulations of the Board of Health who act within the scope of such certification and pursuant to an oral or written order or standing protocol; or

4. A licensed respiratory therapist as defined in § 54.1-2954 who administers by inhalation controlled substances used in inhalation or respiratory therapy.

C. Pursuant to an oral or written order or standing protocol, the prescriber, who is authorized by state or federal law to possess and administer radiopharmaceuticals in the scope of his practice, may authorize a nuclear medicine technologist to administer, under his supervision, radiopharmaceuticals used in the diagnosis or treatment of disease.

D. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize registered nurses and licensed practical nurses to possess (i) epinephrine and oxygen for administration in treatment of emergency medical conditions and (ii) heparin and sterile normal saline to use for the maintenance of intravenous access lines.

Pursuant to the regulations of the Board of Health, certain emergency medical services technicians may possess and administer epinephrine in emergency cases of anaphylactic shock.

Pursuant to an order or standing protocol issued by the prescriber within the course of his professional practice, any school nurse, school board employee, employee of a local governing body, or employee of a local health department who is authorized by a prescriber and trained in the administration of epinephrine may possess and administer epinephrine.

Pursuant to an order or a standing protocol issued by the prescriber within the course of his professional practice, any employee of a school for students with disabilities, as defined in § 22.1-319 and licensed by the Board of Education, or any employee of a private school that is accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education who is authorized by a prescriber and trained in the administration of epinephrine may possess and administer epinephrine.

Pursuant to an order or a standing protocol issued by the prescriber within the course of his professional practice, any employee of a public institution of higher education or a private institution of higher education who is authorized by a prescriber and trained in the administration of epinephrine may possess and administer epinephrine.

Pursuant to an order or a standing protocol issued by the prescriber within the course of his professional practice, any employee of an organization providing outdoor educational experiences or programs for youth who is authorized by a prescriber and trained in the administration of epinephrine may possess and administer epinephrine.

Pursuant to an order issued by the prescriber within the course of his professional practice, an employee of a provider licensed by the Department of Behavioral Health and Developmental Services or a person providing services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services may possess and administer epinephrine, provided such person is authorized and trained in the administration of epinephrine.

Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize pharmacists to possess epinephrine and oxygen for administration in treatment of emergency medical conditions.

E. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize licensed physical therapists to possess and administer topical corticosteroids, topical lidocaine, and any other Schedule VI topical drug.

F. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize licensed athletic trainers to possess and administer topical corticosteroids, topical

lidocaine, or other Schedule VI topical drugs; oxygen for use in emergency situations; and epinephrine for use in emergency cases of anaphylactic shock.

G. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, and in accordance with policies and guidelines established by the Department of Health pursuant to § 32.1-50.2, such prescriber may authorize registered nurses or licensed practical nurses under the supervision of a registered nurse to possess and administer tuberculin purified protein derivative (PPD) in the absence of a prescriber. The Department of Health's policies and guidelines shall be consistent with applicable guidelines developed by the Centers for Disease Control and Prevention for preventing transmission of mycobacterium tuberculosis and shall be updated to incorporate any subsequently implemented standards of the Occupational Safety and Health Administration and the Department of Labor and Industry to the extent that they are inconsistent with the Department of Health's policies and guidelines. Such standing protocols shall explicitly describe the categories of persons to whom the tuberculin test is to be administered and shall provide for appropriate medical evaluation of those in whom the test is positive. The prescriber shall ensure that the nurse implementing such standing protocols has received adequate training in the practice and principles underlying tuberculin screening.

The Health Commissioner or his designee may authorize registered nurses, acting as agents of the Department of Health, to possess and administer, at the nurse's discretion, tuberculin purified protein derivative (PPD) to those persons in whom tuberculin skin testing is indicated based on protocols and policies established by the Department of Health.

H. Pursuant to a written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize, with the consent of the parents as defined in § 22.1-1, an employee of (i) a school board, (ii) a school for students with disabilities as defined in § 22.1-319 licensed by the Board of Education, or (iii) a private school accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education who is trained in the administration of insulin and glucagon to assist with the administration of insulin or administer glucagon to a student diagnosed as having diabetes and who requires insulin injections during the school day or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia. Such authorization shall only be effective when a licensed nurse, nurse practitioner, physician, or physician assistant is not present to perform the administration of the medication.

Pursuant to a written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize an employee of a public institution of higher education or a private institution of higher education who is trained in the administration of insulin and glucagon to assist with the administration of insulin or administration of glucagon to a student diagnosed as having diabetes and who requires insulin injections or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia. Such authorization shall only be effective when a licensed nurse, nurse practitioner, physician, or physician assistant is not present to perform the administration of the medication.

Pursuant to a written order issued by the prescriber within the course of his professional practice, such prescriber may authorize an employee of a provider licensed by the Department of Behavioral Health and Developmental Services or a person providing services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services to assist with the administration of insulin or to administer glucagon to a person diagnosed as having diabetes and who requires insulin injections or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia, provided such employee or person providing services has been trained in the administration of insulin and glucagon.

I. A prescriber may authorize, pursuant to a protocol approved by the Board of Nursing, the administration of vaccines to adults for immunization, when a practitioner with prescriptive authority is not physically present, by (i) licensed pharmacists, (ii) registered nurses, or (iii) licensed practical nurses under the supervision of a registered nurse. A prescriber acting on behalf of and in accordance with established protocols of the Department of Health may authorize the administration of vaccines to any person by a pharmacist, nurse, or designated emergency medical services provider who holds an advanced life support certificate issued by the Commissioner of Health under the direction of an operational medical director when the prescriber is not physically present. The emergency medical services provider shall provide documentation of the vaccines to be recorded in the Virginia Immunization Information System.

J. A dentist may cause Schedule VI topical drugs to be administered under his direction and supervision by either a dental hygienist or by an authorized agent of the dentist.

Further, pursuant to a written order and in accordance with a standing protocol issued by the dentist in the course of his professional practice, a dentist may authorize a dental hygienist under his general supervision, as defined in § 54.1-2722, or his remote supervision, as defined in subsection E or F of § 54.1-2722, to possess and administer topical oral fluorides, topical oral anesthetics, topical and directly applied antimicrobial agents for treatment of periodontal pocket lesions, and any other Schedule VI topical drug approved by the Board of Dentistry.

In addition, a dentist may authorize a dental hygienist under his direction to administer Schedule VI nitrous oxide and oxygen inhalation analgesia and, to persons 18 years of age or older, Schedule VI local anesthesia.

K. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize registered professional nurses certified as sexual assault nurse examiners-A (SANE-A) under his supervision and when he is not physically present to possess and administer preventive medications for victims of sexual assault as recommended by the Centers for Disease Control and Prevention.

L. This section shall not prevent the administration of drugs by a person who has satisfactorily completed a training program for this purpose approved by the Board of Nursing and who administers such drugs in accordance with a prescriber's instructions pertaining to dosage, frequency, and manner of administration, and in accordance with regulations promulgated by the Board of Pharmacy relating to security and record keeping, when the drugs administered would be normally self-administered by (i) an individual receiving services in a program licensed by the Department of Behavioral Health and Developmental Services; (ii) a resident of the Virginia Rehabilitation Center for the Blind and Vision Impaired; (iii) a resident of a facility approved by the Board or Department of Juvenile Justice for the placement of children in need of services or delinquent or alleged delinquent youth; (iv) a program participant of an adult day-care center licensed by the Department of Social Services; (v) a resident of any facility authorized or operated by a state or local government whose primary purpose is not to provide health care services; (vi) a resident of a private children's residential facility, as defined in § 63.2-100 and licensed by the Department of Social Services, Department of Education, or Department of Behavioral Health and Developmental Services; or (vii) a student in a school for students with disabilities, as defined in § 22.1-319 and licensed by the Board of Education.

In addition, this section shall not prevent a person who has successfully completed a training program for the administration of drugs via percutaneous gastrostomy tube approved by the Board of Nursing and been evaluated by a registered nurse as having demonstrated competency in administration of drugs via percutaneous gastrostomy tube from administering drugs to a person receiving services from a program licensed by the Department of Behavioral Health and Developmental Services to such person via percutaneous gastrostomy tube. The continued competency of a person to administer drugs via percutaneous gastrostomy tube shall be evaluated semiannually by a registered nurse.

M. Medication aides registered by the Board of Nursing pursuant to Article 7 (§ 54.1-3041 et seq.) of Chapter 30 may administer drugs that would otherwise be self-administered to residents of any assisted living facility licensed by the Department of Social Services. A registered medication aide shall administer drugs pursuant to this section in accordance with the prescriber's instructions pertaining to dosage, frequency, and manner of administration; in accordance with regulations promulgated by the Board of Pharmacy relating to security and recordkeeping; in accordance with the assisted living facility's Medication Management Plan; and in accordance with such other regulations governing their practice promulgated by the Board of Nursing.

N. In addition, this section shall not prevent the administration of drugs by a person who administers such drugs in accordance with a physician's instructions pertaining to dosage, frequency, and manner of administration and with written authorization of a parent, and in accordance with school board regulations relating to training, security and record keeping, when the drugs administered would be normally self-administered by a student of a Virginia public school. Training for such persons shall be accomplished through a program approved by the local school boards, in consultation with the local departments of health.

O. In addition, this section shall not prevent the administration of drugs by a person to (i) a child in a child day program as defined in ~~§ 63.2-100~~ 22.1-289.02 and regulated by the ~~State Board of Social Services~~ Education or a local government pursuant to § 15.2-914, or (ii) a student of a private school that is accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education, provided such person (a) has satisfactorily completed a training program for this purpose approved by the Board of Nursing and taught by a registered nurse, licensed practical nurse, nurse practitioner, physician assistant, doctor of medicine or osteopathic medicine, or pharmacist; (b) has obtained written authorization from a parent or guardian; (c) administers drugs only to the child identified on the prescription label in accordance with the prescriber's instructions pertaining to dosage, frequency, and manner of administration; and (d) administers only those drugs that were dispensed from a pharmacy and maintained in the original, labeled container that would normally be self-administered by the child or student, or administered by a parent or guardian to the child or student.

P. In addition, this section shall not prevent the administration or dispensing of drugs and devices by persons if they are authorized by the State Health Commissioner in accordance with protocols established by the State Health Commissioner pursuant to § 32.1-42.1 when (i) the Governor has declared a disaster or a state of emergency or the United States Secretary of Health and Human Services has issued a declaration of an actual or potential bioterrorism incident or other actual or potential public health emergency; (ii) it is necessary to permit the provision of needed drugs or devices; and (iii) such persons have received the training necessary to safely administer or dispense the needed drugs or devices. Such persons shall administer or dispense all drugs or devices under the direction, control, and supervision of the State Health Commissioner.

Q. Nothing in this title shall prohibit the administration of normally self-administered drugs by unlicensed individuals to a person in his private residence.

R. This section shall not interfere with any prescriber issuing prescriptions in compliance with his authority and scope of practice and the provisions of this section to a Board agent for use pursuant to subsection G of § 18.2-258.1. Such prescriptions issued by such prescriber shall be deemed to be valid prescriptions.

S. Nothing in this title shall prevent or interfere with dialysis care technicians or dialysis patient care technicians who are certified by an organization approved by the Board of Health Professions or persons authorized for provisional practice pursuant to Chapter 27.01 (§ 54.1-2729.1 et seq.), in the ordinary course of their duties in a Medicare-certified renal dialysis facility, from administering heparin, topical needle site anesthetics, dialysis solutions, sterile normal saline solution, and blood volumizers, for the purpose of facilitating renal dialysis treatment, when such administration of medications occurs under the orders of a licensed physician, nurse practitioner, or physician assistant and under the immediate and direct

supervision of a licensed registered nurse. Nothing in this chapter shall be construed to prohibit a patient care dialysis technician trainee from performing dialysis care as part of and within the scope of the clinical skills instruction segment of a supervised dialysis technician training program, provided such trainee is identified as a "trainee" while working in a renal dialysis facility.

The dialysis care technician or dialysis patient care technician administering the medications shall have demonstrated competency as evidenced by holding current valid certification from an organization approved by the Board of Health Professions pursuant to Chapter 27.01 (§ 54.1-2729.1 et seq.).

T. Persons who are otherwise authorized to administer controlled substances in hospitals shall be authorized to administer influenza or pneumococcal vaccines pursuant to § 32.1-126.4.

U. Pursuant to a specific order for a patient and under his direct and immediate supervision, a prescriber may authorize the administration of controlled substances by personnel who have been properly trained to assist a doctor of medicine or osteopathic medicine, provided the method does not include intravenous, intrathecal, or epidural administration and the prescriber remains responsible for such administration.

V. A physician assistant, nurse, or dental hygienist may possess and administer topical fluoride varnish pursuant to an oral or written order or a standing protocol issued by a doctor of medicine, osteopathic medicine, or dentistry.

W. A prescriber, acting in accordance with guidelines developed pursuant to § 32.1-46.02, may authorize the administration of influenza vaccine to minors by a licensed pharmacist, registered nurse, licensed practical nurse under the direction and immediate supervision of a registered nurse, or emergency medical services provider who holds an advanced life support certificate issued by the Commissioner of Health when the prescriber is not physically present.

X. Notwithstanding the provisions of § 54.1-3303, pursuant to an oral, written, or standing order issued by a prescriber or a standing order issued by the Commissioner of Health or his designee authorizing the dispensing of naloxone or other opioid antagonist used for overdose reversal in the absence of an oral or written order for a specific patient issued by a prescriber, and in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health, a pharmacist, a health care provider providing services in a hospital emergency department, and emergency medical services personnel, as that term is defined in § 32.1-111.1, may dispense naloxone or other opioid antagonist used for overdose reversal and a person to whom naloxone or other opioid antagonist has been dispensed pursuant to this subsection may possess and administer naloxone or other opioid antagonist used for overdose reversal to a person who is believed to be experiencing or about to experience a life-threatening opioid overdose. Law-enforcement officers as defined in § 9.1-101, employees of the Department of Forensic Science, employees of the Office of the Chief Medical Examiner, employees of the Department of General Services Division of Consolidated Laboratory Services, employees of the Department of Corrections designated as probation and parole officers or as correctional officers as defined in § 53.1-1, employees of regional jails, school nurses, local health department employees that are assigned to a public school pursuant to an agreement between the local health department and the school board, other school board employees or individuals contracted by a school board to provide school health services, and firefighters who have completed a training program may also possess and administer naloxone or other opioid antagonist used for overdose reversal and may dispense naloxone or other opioid antagonist used for overdose reversal pursuant to an oral, written, or standing order issued by a prescriber or a standing order issued by the Commissioner of Health or his designee in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health.

Y. Notwithstanding any other law or regulation to the contrary, a person who is acting on behalf of an organization that provides services to individuals at risk of experiencing an opioid overdose or training in the administration of naloxone for overdose reversal may dispense naloxone to a person who has received instruction on the administration of naloxone for opioid overdose reversal, provided that such dispensing is (i) pursuant to a standing order issued by a prescriber and (ii) in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health. If the person acting on behalf of an organization dispenses naloxone in an injectable formulation with a hypodermic needle or syringe, he shall first obtain authorization from the Department of Behavioral Health and Developmental Services to train individuals on the proper administration of naloxone by and proper disposal of a hypodermic needle or syringe, and he shall obtain a controlled substance registration from the Board of Pharmacy. The Board of Pharmacy shall not charge a fee for the issuance of such controlled substance registration. The dispensing may occur at a site other than that of the controlled substance registration provided the entity possessing the controlled substances registration maintains records in accordance with regulations of the Board of Pharmacy. No person who dispenses naloxone on behalf of an organization pursuant to this subsection shall charge a fee for the dispensing of naloxone that is greater than the cost to the organization of obtaining the naloxone dispensed. A person to whom naloxone has been dispensed pursuant to this subsection may possess naloxone and may administer naloxone to a person who is believed to be experiencing or about to experience a life-threatening opioid overdose.

Z. Pursuant to a written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize, with the consent of the parents as defined in § 22.1-1, an employee of (i) a school board, (ii) a school for students with disabilities as defined in § 22.1-319 licensed by the Board of Education, or (iii) a private school accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education who is trained in the administration of injected medications for the treatment of adrenal crisis resulting from a condition causing adrenal insufficiency to administer such medication to a student diagnosed with a condition causing adrenal insufficiency when the

student is believed to be experiencing or about to experience an adrenal crisis. Such authorization shall be effective only when a licensed nurse, nurse practitioner, physician, or physician assistant is not present to perform the administration of the medication.

§ 58.1-439.4. Day-care facility investment tax credit.

A. For taxable years beginning on and after January 1, 1997, any taxpayer shall be allowed a credit against the taxes imposed by § 58.1-320 or § 58.1-400 in an amount equal to ~~twenty-five~~ 25 percent of all expenditures paid or incurred by such taxpayer in such taxable year for planning, site preparation, construction, renovation, or acquisition of facilities for the purpose of establishing a child day-care facility to be used primarily by the children of such taxpayer's employees, and equipment installed for permanent use within or immediately adjacent to such facility, including kitchen appliances, to the extent that such equipment or appliances are necessary in the use of such facility for purposes of child day-care; however, the amount of credit allowed to any taxpayer under this section shall not exceed \$25,000. If two or more taxpayers share in the cost of establishing the child day-care facility for the children of their employees, each such taxpayer shall be allowed such credit in relation to the respective share paid or incurred by such taxpayer, of the total expenditures for the facility in such taxable year.

B. The credits provided under this section shall be allowed only if (i) the child day-care facility shall be operated under the authority of a license issued by the ~~Commissioner of Social Services~~ *Superintendent of Public Instruction* pursuant to § ~~63.2-1701~~ 22.1-289.011, (ii) an application for a building permit for the facility is made after July 1, 1996, and (iii) the Tax Commissioner approves a taxpayer's application for a credit. Proper applications submitted to the Department for the credit shall be approved in the order received. For each application approved for credit it shall be assumed that the amount of the credit will be \$25,000, and the amount of the credit will be taken in the fiscal year in which the application is approved and the following two fiscal years. Approval of applications shall be limited to those that are assumed to result in no more than \$100,000 of credits in any fiscal year based on the assumptions set forth in this subsection.

C. Any tax credit not usable for the taxable year may be carried over to the extent usable for the next three taxable years; however, the balance of a credit shall not be claimed for any succeeding taxable year in which the child day-care facility is operated for purposes of child day-care for less than six months.

D. For purposes of this section, the amount of any credit attributable to a partnership, electing small business corporation (S corporation), or limited liability company shall be allocated to the individual partners, shareholders, or members, respectively, in proportion to their ownership or interest in such business entities.

§ 63.2-100. Definitions.

As used in this title, unless the context requires a different meaning:

"Abused or neglected child" means any child less than 18 years of age:

1. Whose parents or other person responsible for his care creates or inflicts, threatens to create or inflict, or allows to be created or inflicted upon such child a physical or mental injury by other than accidental means, or creates a substantial risk of death, disfigurement, or impairment of bodily or mental functions, including, but not limited to, a child who is with his parent or other person responsible for his care either (i) during the manufacture or attempted manufacture of a Schedule I or II controlled substance, or (ii) during the unlawful sale of such substance by that child's parents or other person responsible for his care, where such manufacture, or attempted manufacture or unlawful sale would constitute a felony violation of § 18.2-248;

2. Whose parents or other person responsible for his care neglects or refuses to provide care necessary for his health. However, no child who in good faith is under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination shall for that reason alone be considered to be an abused or neglected child. Further, a decision by parents who have legal authority for the child or, in the absence of parents with legal authority for the child, any person with legal authority for the child, who refuses a particular medical treatment for a child with a life-threatening condition shall not be deemed a refusal to provide necessary care if (i) such decision is made jointly by the parents or other person with legal authority and the child; (ii) the child has reached 14 years of age and is sufficiently mature to have an informed opinion on the subject of his medical treatment; (iii) the parents or other person with legal authority and the child have considered alternative treatment options; and (iv) the parents or other person with legal authority and the child believe in good faith that such decision is in the child's best interest. Nothing in this subdivision shall be construed to limit the provisions of § 16.1-278.4;

3. Whose parents or other person responsible for his care abandons such child;

4. Whose parents or other person responsible for his care commits or allows to be committed any act of sexual exploitation or any sexual act upon a child in violation of the law;

5. Who is without parental care or guardianship caused by the unreasonable absence or the mental or physical incapacity of the child's parent, guardian, legal custodian or other person standing in loco parentis;

6. Whose parents or other person responsible for his care creates a substantial risk of physical or mental injury by knowingly leaving the child alone in the same dwelling, including an apartment as defined in § 55.1-2000, with a person to whom the child is not related by blood or marriage and who the parent or other person responsible for his care knows has been convicted of an offense against a minor for which registration is required as a violent sexual offender pursuant to § 9.1-902; or

7. Who has been identified as a victim of sex trafficking or severe forms of trafficking as defined in the Trafficking Victims Protection Act of 2000, 22 U.S.C § 7102 et seq., and in the Justice for Victims of Trafficking Act of 2015, 42 U.S.C. § 5101 et seq.

If a civil proceeding under this title is based solely on the parent having left the child at a hospital or emergency medical services agency, it shall be an affirmative defense that such parent safely delivered the child to a hospital that provides 24-hour emergency services or to an attended emergency medical services agency that employs emergency medical services providers, within 14 days of the child's birth. For purposes of terminating parental rights pursuant to § 16.1-283 and placement for adoption, the court may find such a child is a neglected child upon the ground of abandonment.

"Adoptive home" means any family home selected and approved by a parent, local board or a licensed child-placing agency for the placement of a child with the intent of adoption.

"Adoptive placement" means arranging for the care of a child who is in the custody of a child-placing agency in an approved home for the purpose of adoption.

"Adult abuse" means the willful infliction of physical pain, injury or mental anguish or unreasonable confinement of an adult as defined in § 63.2-1603.

"Adult day care center" means any facility that is either operated for profit or that desires licensure and that provides supplementary care and protection during only a part of the day to four or more aged, infirm or disabled adults who reside elsewhere, except (i) a facility or portion of a facility licensed by the State Board of Health or the Department of Behavioral Health and Developmental Services, and (ii) the home or residence of an individual who cares for only persons related to him by blood or marriage. Included in this definition are any two or more places, establishments or institutions owned, operated or controlled by a single entity and providing such supplementary care and protection to a combined total of four or more aged, infirm or disabled adults.

"Adult exploitation" means the illegal, unauthorized, improper, or fraudulent use of an adult as defined in § 63.2-1603 or his funds, property, benefits, resources, or other assets for another's profit, benefit, or advantage, including a caregiver or person serving in a fiduciary capacity, or that deprives the adult of his rightful use of or access to such funds, property, benefits, resources, or other assets. "Adult exploitation" includes (i) an intentional breach of a fiduciary obligation to an adult to his detriment or an intentional failure to use the financial resources of an adult in a manner that results in neglect of such adult; (ii) the acquisition, possession, or control of an adult's financial resources or property through the use of undue influence, coercion, or duress; and (iii) forcing or coercing an adult to pay for goods or services or perform services against his will for another's profit, benefit, or advantage if the adult did not agree, or was tricked, misled, or defrauded into agreeing, to pay for such goods or services or to perform such services.

"Adult foster care" means room and board, supervision, and special services to an adult who has a physical or mental condition. Adult foster care may be provided by a single provider for up to three adults.

"Adult neglect" means that an adult as defined in § 63.2-1603 is living under such circumstances that he is not able to provide for himself or is not being provided services necessary to maintain his physical and mental health and that the failure to receive such necessary services impairs or threatens to impair his well-being. However, no adult shall be considered neglected solely on the basis that such adult is receiving religious nonmedical treatment or religious nonmedical nursing care in lieu of medical care, provided that such treatment or care is performed in good faith and in accordance with the religious practices of the adult and there is a written or oral expression of consent by that adult.

"Adult protective services" means services provided by the local department that are necessary to protect an adult as defined in § 63.2-1603 from abuse, neglect or exploitation.

"Assisted living care" means a level of service provided by an assisted living facility for adults who may have physical or mental impairments and require at least a moderate level of assistance with activities of daily living.

"Assisted living facility" means any congregate residential setting that provides or coordinates personal and health care services, 24-hour supervision, and assistance (scheduled and unscheduled) for the maintenance or care of four or more adults who are aged, infirm or disabled and who are cared for in a primarily residential setting, except (i) a facility or portion of a facility licensed by the State Board of Health or the Department of Behavioral Health and Developmental Services, but including any portion of such facility not so licensed; (ii) the home or residence of an individual who cares for or maintains only persons related to him by blood or marriage; (iii) a facility or portion of a facility serving infirm or disabled persons between the ages of 18 and 21, or 22 if enrolled in an educational program for the handicapped pursuant to § 22.1-214, when such facility is licensed by the Department as a children's residential facility under Chapter 17 (§ 63.2-1700 et seq.), but including any portion of the facility not so licensed; and (iv) any housing project for persons 62 years of age or older or the disabled that provides no more than basic coordination of care services and is funded by the U.S. Department of Housing and Urban Development, by the U.S. Department of Agriculture, or by the Virginia Housing Development Authority. Included in this definition are any two or more places, establishments or institutions owned or operated by a single entity and providing maintenance or care to a combined total of four or more aged, infirm or disabled adults. Maintenance or care means the protection, general supervision and oversight of the physical and mental well-being of an aged, infirm or disabled individual.

"Auxiliary grants" means cash payments made to certain aged, blind or disabled individuals who receive benefits under Title XVI of the Social Security Act, as amended, or would be eligible to receive these benefits except for excess income.

"Birth family" or "birth sibling" means the child's biological family or biological sibling.

"Birth parent" means the child's biological parent and, for purposes of adoptive placement, means parent(s) by previous adoption.

"Board" means the State Board of Social Services.

"Child" means any natural person under 18 years of age.

~~"Child day center" means a child day program offered to (i) two or more children under the age of 13 in a facility that is not the residence of the provider or of any of the children in care or (ii) 13 or more children at any location.~~

~~"Child day program" means a regularly operating service arrangement for children where, during the absence of a parent or guardian, a person or organization has agreed to assume responsibility for the supervision, protection, and well-being of a child under the age of 13 for less than a 24-hour period.~~

"Child-placing agency" means (i) any person who places children in foster homes, adoptive homes or independent living arrangements pursuant to § 63.2-1819, (ii) a local board that places children in foster homes or adoptive homes pursuant to §§ 63.2-900, 63.2-903, and 63.2-1221, or (iii) an entity that assists parents with the process of delegating parental and legal custodial powers of their children pursuant to Chapter 10 (§ 20-166 et seq.) of Title 20. "Child-placing agency" does not include the persons to whom such parental or legal custodial powers are delegated pursuant to Chapter 10 (§ 20-166 et seq.) of Title 20. Officers, employees, or agents of the Commonwealth, or any locality acting within the scope of their authority as such, who serve as or maintain a child-placing agency, shall not be required to be licensed.

"Child-protective services" means the identification, receipt and immediate response to complaints and reports of alleged child abuse or neglect for children under 18 years of age. It also includes assessment, and arranging for and providing necessary protective and rehabilitative services for a child and his family when the child has been found to have been abused or neglected or is at risk of being abused or neglected.

"Child support services" means any civil, criminal or administrative action taken by the Division of Child Support Enforcement to locate parents; establish paternity; and establish, modify, enforce, or collect child support, or child and spousal support.

~~"Child-welfare agency" means a child day center, child-placing agency, children's residential facility, family day home, family day system, or independent foster home.~~

"Children's residential facility" means any facility, child-caring institution, or group home that is maintained for the purpose of receiving children separated from their parents or guardians for full-time care, maintenance, protection and guidance, or for the purpose of providing independent living services to persons between 18 and 21 years of age who are in the process of transitioning out of foster care. Children's residential facility shall not include:

1. A licensed or accredited educational institution whose pupils, in the ordinary course of events, return annually to the homes of their parents or guardians for not less than two months of summer vacation;
2. An establishment required to be licensed as a summer camp by § 35.1-18; and
3. A licensed or accredited hospital legally maintained as such.

"Commissioner" means the Commissioner of the Department, his designee or authorized representative.

"Department" means the State Department of Social Services.

"Department of Health and Human Services" means the Department of Health and Human Services of the United States government or any department or agency thereof that may hereafter be designated as the agency to administer the Social Security Act, as amended.

"Disposable income" means that part of the income due and payable of any individual remaining after the deduction of any amount required by law to be withheld.

"Energy assistance" means benefits to assist low-income households with their home heating and cooling needs, including, but not limited to, purchase of materials or substances used for home heating, repair or replacement of heating equipment, emergency intervention in no-heat situations, purchase or repair of cooling equipment, and payment of electric bills to operate cooling equipment, in accordance with § 63.2-805, or provided under the Virginia Energy Assistance Program established pursuant to the Low-Income Home Energy Assistance Act of 1981 (Title XXVI of Public Law 97-35), as amended.

"Family and permanency team" means the group of individuals assembled by the local department to assist with determining planning and placement options for a child, which shall include, as appropriate, all biological relatives and fictive kin of the child, as well as any professionals who have served as a resource to the child or his family, such as teachers, medical or mental health providers, and clergy members. In the case of a child who is 14 years of age or older, the family and permanency team shall also include any members of the child's case planning team that were selected by the child in accordance with subsection A of § 16.1-281.

~~"Family day home" means a child day program offered in the residence of the provider or the home of any of the children in care for one through 12 children under the age of 13, exclusive of the provider's own children and any children who reside in the home, when at least one child receives care for compensation. The provider of a licensed or registered family day home shall disclose to the parents or guardians of children in their care the percentage of time per week that persons other than the provider will care for the children. Family day homes serving five through 12 children, exclusive of the provider's own children and any children who reside in the home, shall be licensed. However, no family day home shall care for more than four children under the age of two, including the provider's own children and any children who reside in the home, unless the family day home is licensed or voluntarily registered. However, a family day home where the children in care are all related to the provider by blood or marriage shall not be required to be licensed.~~

"Family day system" means any person who approves family day homes as members of its system; who refers children to available family day homes in that system; and who, through contractual arrangement, may provide central administrative functions including, but not limited to, training of operators of member homes; technical assistance and consultation to operators of member homes; inspection, supervision, monitoring, and evaluation of member homes; and referral of children to available health and social services.

"Fictive kin" means persons who are not related to a child by blood or adoption but have an established relationship with the child or his family.

"Foster care placement" means placement of a child through (i) an agreement between the parents or guardians and the local board where legal custody remains with the parents or guardians or (ii) an entrustment or commitment of the child to the local board or licensed child-placing agency. "Foster care placement" does not include placement of a child in accordance with a power of attorney pursuant to Chapter 10 (§ 20-166 et seq.) of Title 20.

"Foster home" means a residence licensed by a child-placing agency or local board in which any child, other than a child by birth or adoption of such person or a child who is the subject of a power of attorney to delegate parental or legal custodial powers by his parents or legal custodian to the natural person who has been designated the child's legal guardian pursuant to Chapter 10 (§ 20-166 et seq.) of Title 20 and who exercises legal authority over the child on a continuous basis for at least 24 hours without compensation, resides as a member of the household.

"General relief" means money payments and other forms of relief made to those persons mentioned in § 63.2-802 in accordance with the regulations of the Board and reimbursable in accordance with § 63.2-401.

"Independent foster home" means a private family home in which any child, other than a child by birth or adoption of such person, resides as a member of the household and has been placed therein independently of a child-placing agency except (i) a home in which are received only children related by birth or adoption of the person who maintains such home and children of personal friends of such person; (ii) a home in which is received a child or children committed under the provisions of subdivision A 4 of § 16.1-278.2, subdivision 6 of § 16.1-278.4, or subdivision A 13 of § 16.1-278.8; and (iii) a home in which are received only children who are the subject of a properly executed power of attorney pursuant to Chapter 10 (§ 20-166 et seq.) of Title 20.

"Independent living" means a planned program of services designed to assist a child age 16 and over and persons who are former foster care children or were formerly committed to the Department of Juvenile Justice and are between the ages of 18 and 21 in transitioning to self-sufficiency.

"Independent living arrangement" means placement of (i) a child at least 16 years of age who is in the custody of a local board or licensed child-placing agency by the local board or licensed child-placing agency or (ii) a child at least 16 years of age or a person between the ages of 18 and 21 who was committed to the Department of Juvenile Justice immediately prior to placement by the Department of Juvenile Justice, in a living arrangement in which such child or person does not have daily substitute parental supervision.

"Independent living services" means services and activities provided to a child in foster care 14 years of age or older who was committed or entrusted to a local board of social services, child welfare agency, or private child-placing agency. "Independent living services" may also mean services and activities provided to a person who (i) was in foster care on his 18th birthday and has not yet reached the age of 21 years; (ii) is between the ages of 18 and 21 and who, immediately prior to his commitment to the Department of Juvenile Justice, was in the custody of a local board of social services; or (iii) is a child at least 16 years of age or a person between the ages of 18 and 21 who was committed to the Department of Juvenile Justice immediately prior to placement in an independent living arrangement. Such services shall include counseling, education, housing, employment, and money management skills development, access to essential documents, and other appropriate services to help children or persons prepare for self-sufficiency.

"Independent physician" means a physician who is chosen by the resident of the assisted living facility and who has no financial interest in the assisted living facility, directly or indirectly, as an owner, officer, or employee or as an independent contractor with the residence.

"Intercountry placement" means the arrangement for the care of a child in an adoptive home or foster care placement into or out of the Commonwealth by a licensed child-placing agency, court, or other entity authorized to make such placements in accordance with the laws of the foreign country under which it operates.

"Interstate placement" means the arrangement for the care of a child in an adoptive home, foster care placement or in the home of the child's parent or with a relative or nonagency guardian, into or out of the Commonwealth, by a child-placing agency or court when the full legal right of the child's parent or nonagency guardian to plan for the child has been voluntarily terminated or limited or severed by the action of any court.

"Kinship care" means the full-time care, nurturing, and protection of children by relatives.

"Kinship guardian" means the adult relative of a child in a kinship guardianship established in accordance with § 63.2-1305 who has been awarded custody of the child by the court after acting as the child's foster parent.

"Kinship guardianship" means a relationship established in accordance with § 63.2-1305 between a child and an adult relative of the child who has formerly acted as the child's foster parent that is intended to be permanent and self-sustaining as evidenced by the transfer by the court to the adult relative of the child of the authority necessary to ensure the protection, education, care and control, and custody of the child and the authority for decision making for the child.

"Kinship Guardianship Assistance program" means a program consistent with 42 U.S.C. § 673 that provides, subject to a kinship guardianship assistance agreement developed in accordance with § 63.2-1305, payments to eligible individuals who have received custody of a relative child of whom they had been the foster parents.

"Local board" means the local board of social services representing one or more counties or cities.

"Local department" means the local department of social services of any county or city in this Commonwealth.

"Local director" means the director or his designated representative of the local department of the city or county.

"Merit system plan" means those regulations adopted by the Board in the development and operation of a system of personnel administration meeting requirements of the federal Office of Personnel Management.

"Parental placement" means locating or effecting the placement of a child or the placing of a child in a family home by the child's parent or legal guardian for the purpose of foster care or adoption.

"Public assistance" means Temporary Assistance for Needy Families (TANF); auxiliary grants to the aged, blind and disabled; medical assistance; energy assistance; food stamps; employment services; child care; and general relief.

"Qualified assessor" means an entity contracting with the Department of Medical Assistance Services to perform nursing facility pre-admission screening or to complete the uniform assessment instrument for a home and community-based waiver program, including an independent physician contracting with the Department of Medical Assistance Services to complete the uniform assessment instrument for residents of assisted living facilities, or any hospital that has contracted with the Department of Medical Assistance Services to perform nursing facility pre-admission screenings.

"Qualified individual" means a trained professional or licensed clinician who is not an employee of the local board of social services or licensed child-placing agency that placed the child in a qualified residential treatment program and is not affiliated with any placement setting in which children are placed by such local board of social services or licensed child-placing agency.

"Qualified residential treatment program" means a program that (i) provides 24-hour residential placement services for children in foster care; (ii) has adopted a trauma-informed treatment model that meets the clinical and other needs of children with serious emotional or behavioral disorders, including any clinical or other needs identified through assessments conducted pursuant to clause (viii) of this definition; (iii) employs registered or licensed nursing and other clinical staff who provide care, on site and within the scope of their practice, and are available 24 hours a day, 7 days a week; (iv) conducts outreach with the child's family members, including efforts to maintain connections between the child and his siblings and other family; documents and maintains records of such outreach efforts; and maintains contact information for any known biological family and fictive kin of the child; (v) whenever appropriate and in the best interest of the child, facilitates participation by family members in the child's treatment program before and after discharge and documents the manner in which such participation is facilitated; (vi) provides discharge planning and family-based aftercare support for at least six months after discharge; (vii) is licensed in accordance with 42 U.S.C. § 671(a)(10) and accredited by an organization approved by the federal Secretary of Health and Human Services; and (viii) requires that any child placed in the program receive an assessment within 30 days of such placement by a qualified individual that (a) assesses the strengths and needs of the child using an age-appropriate, evidence-based, validated, and functional assessment tool approved by the Commissioner of Social Services; (b) identifies whether the needs of the child can be met through placement with a family member or in a foster home or, if not, in a placement setting authorized by 42 U.S.C. § 672(k)(2), including a qualified residential treatment program, that would provide the most effective and appropriate level of care for the child in the least restrictive environment and be consistent with the short-term and long-term goals established for the child in his foster care or permanency plan; (c) establishes a list of short-term and long-term mental and behavioral health goals for the child; and (d) is documented in a written report to be filed with the court prior to any hearing on the child's placement pursuant to § 16.1-281, 16.1-282, 16.1-282.1, or 16.1-282.2.

~~"Registered family day home" means any family day home that has met the standards for voluntary registration for such homes pursuant to regulations adopted by the Board and that has obtained a certificate of registration from the Commissioner.~~

"Residential living care" means a level of service provided by an assisted living facility for adults who may have physical or mental impairments and require only minimal assistance with the activities of daily living. The definition of "residential living care" includes the services provided by independent living facilities that voluntarily become licensed.

"Sibling" means each of two or more children having one or more parents in common.

"Social services" means foster care, adoption, adoption assistance, child-protective services, domestic violence services, or any other services program implemented in accordance with regulations adopted by the Board. Social services also includes adult services pursuant to Article 4 (§ 51.5-144 et seq.) of Chapter 14 of Title 51.5 and adult protective services pursuant to Article 5 (§ 51.5-148) of Chapter 14 of Title 51.5 provided by local departments of social services in accordance with regulations and under the supervision of the Commissioner for Aging and Rehabilitative Services.

"Special order" means an order imposing an administrative sanction issued to any party licensed pursuant to this title by the Commissioner that has a stated duration of not more than 12 months. A special order shall be considered a case decision as defined in § 2.2-4001.

"Temporary Assistance for Needy Families" or "TANF" means the program administered by the Department through which a relative can receive monthly cash assistance for the support of his eligible children.

"Temporary Assistance for Needy Families-Unemployed Parent" or "TANF-UP" means the Temporary Assistance for Needy Families program for families in which both natural or adoptive parents of a child reside in the home and neither parent is exempt from Virginia Initiative for Education and Work (VIEW) participation under § 63.2-609.

"Title IV-E Foster Care" means a federal program authorized under §§ 472 and 473 of the Social Security Act, as amended, and administered by the Department through which foster care is provided on behalf of qualifying children.

§ 63.2-215. State Board of Social Services.

There shall be a State Board of Social Services consisting of 11 members appointed by the Governor. In making appointments, the Governor shall endeavor to select appointees of such qualifications and experience that the membership of the Board shall include persons suitably qualified to consider and act upon the various problems that the Board may be required to consider and act upon. The Board shall include a member from each of the social services regions of the state established by the Commissioner. At least one member of the Board shall be a licensed health care professional; ~~one member shall be a representative of stand-alone licensed child care centers that meet the accountability standards of state recognized accreditation pursuant to § 22.1-19, and one member shall be a representative of religiously exempt child care centers.~~ The appointments shall be subject to confirmation by the General Assembly if in session and, if not, then at its next succeeding session.

The members of the Board shall be appointed for four-year terms, except that appointments to fill vacancies shall be for the unexpired term.

No person shall be eligible to serve for or during more than two successive terms; however, any person appointed to fill a vacancy may be eligible for two additional successive terms after the term of the vacancy for which he was appointed has expired. Members of the Board may be suspended or removed by the Governor at his pleasure.

The Board shall select a chairman from its membership, and under rules adopted by itself may elect one of its members as vice-chairman. It shall elect one of its members as secretary.

The Board shall meet at such times as it deems appropriate and on call of the chairman when in his opinion meetings are expedient or necessary, provided that the Board meet at least six times each calendar year.

A majority of the current membership of the Board shall constitute a quorum for all purposes.

The main office of the Board shall be in the City of Richmond.

§ 63.2-501. Application for assistance.

A. Except as provided for in the state plan for medical assistance services pursuant to § 32.1-325, application for public assistance shall be made to the local department and filed with the local director of the county or city in which the applicant resides; however, when necessary to overcome backlogs in the application and renewal process, the Commissioner may temporarily utilize other entities to receive and process applications, conduct periodic eligibility renewals, and perform other tasks associated with eligibility determinations. Such entities shall be subject to the confidentiality requirements set forth in § 63.2-501.1. Applications and renewals processed by other entities pursuant to this subsection shall be subject to appeals pursuant to § 63.2-517. Such application may be made either electronically or in writing on forms prescribed by the Commissioner and shall be signed by the applicant or otherwise attested to in a manner prescribed by the Commissioner under penalty of perjury in accordance with § 63.2-502.

If the condition of the applicant for public assistance precludes his signing or otherwise attesting to the accuracy of information contained in an application for public assistance, the application may be made on his behalf by his guardian or conservator. If no guardian or conservator has been appointed for the applicant, the application may be made by any competent adult person having sufficient knowledge of the applicant's circumstances to provide the necessary information, until such time as a guardian or conservator is appointed by a court.

B. Local departments or the Commissioner shall provide each applicant for public assistance with information regarding his rights and responsibilities related to eligibility for and continued receipt of public assistance. Such information shall be provided in an electronic or written format approved by the Board that is easily understandable and shall also be provided orally to the applicant by an employee of the local department, except in the case of energy assistance. The local department shall require each applicant to acknowledge, in a format approved by the Board, that the information required by this subsection has been provided and shall maintain such acknowledgment together with information regarding the application for public assistance.

C. Local departments or the Commissioner shall provide each applicant for Medicaid with information regarding advance directives pursuant to Article 8 (§ 54.1-2981 et seq.) of Chapter 29 of Title 54.1, including information about the purpose and benefits of advance directives and how the applicant may make an advance directive.

D. The Commissioner and local departments shall administer the Child Care Subsidy Program as provided for in the State Child Care Plan prepared by the Department of Education.

§ 63.2-601.2. Statewide Temporary Assistance for Needy Families (TANF) Program Funding Pool Program.

A. The Department shall develop a Statewide TANF Program Funding Pool Program (the Funding Pool Program) and shall allocate to the Funding Pool Program that portion of the TANF block grant to be awarded to service providers for expanded TANF programs, which shall include all funds not transferred to the ~~Child Care and Development Block Grant~~ or Social Services Block Grant or used for cash assistance, employment services, or child-care benefits through the TANF program, up to an amount equal to 12 percent of the total amount of the TANF block grant for that year.

B. Prior to submission of its proposed biennial budget to the Governor, the Department shall issue a Request for Proposals for use of available funds from the Funding Pool Program to service providers providing expanded TANF

programs through a competitive process that is designed in a manner that ensures that all service providers in the Commonwealth, regardless of size or geographic location, are afforded the opportunity to apply for funds. All programs and services funded through the Funding Pool Program shall comply with all federal and state statutory and regulatory requirements and shall serve the stated purposes of the TANF program.

C. In developing the Request for Proposals, the Department shall include:

1. A long-range planning and priority-setting process to identify state and local service needs and avoid overlap or duplication of services. The planning and priority-setting process shall include opportunity for citizen participation and consideration of local and statewide service needs and priorities;

2. A competitive process, to include uniform eligibility criteria for service providers seeking funding and uniform application and selection procedures for comparable service categories;

3. Uniform oversight, administrative, and reporting requirements for service providers receiving funding through the Funding Pool Program; and

4. Uniform program evaluation criteria to determine the effectiveness and efficiency of comparable services funded through the Funding Pool Program.

D. The Department shall require all service providers applying for funding through the Funding Pool Program to submit a detailed proposal that includes a proposed budget, proposed program outcomes, and proposed program outcome measures. Following review of applications for funding received pursuant to this section, the Department shall provide a summary of the requests for funding and recommendations to the Governor and the General Assembly of the programs to be funded in the proposed biennial budget, the levels of funding recommended, and the rationale for such recommendations, and the Governor shall consider such recommendations in developing the proposed budget.

E. The Department shall require all providers receiving Funding Pool Program funds to report annually on the use of the funds and outcomes achieved and shall include such information in its annual report to the General Assembly.

§ 63.2-603. Eligibility for TANF; childhood immunizations.

An applicant for TANF shall provide verification that all eligible children not enrolled in school, a licensed family day home as defined in § 22.1-289.02, or a licensed child day center as defined in § 22.1-289.02, have received immunizations in accordance with § 32.1-46. However, if an eligible child has not received immunizations in accordance with § 32.1-46, verification shall be provided at the next scheduled redetermination of eligibility for TANF after initial eligibility is granted that the child has received at least one dose of each of the immunizations required by § 32.1-46 as appropriate for the child's age and that the child's physician or the local health department has developed a plan for completing the immunizations. Verification of compliance with the plan for completing the immunizations shall be presented at subsequent redeterminations of eligibility for TANF.

If necessary, the local department shall provide assistance to the TANF recipient in obtaining verification from immunization providers. No sanction may be imposed until the reason for the failure to comply with the immunization requirement has been identified and any barriers to accessing immunizations have been removed.

Failure by the recipient to provide the required verification of immunizations shall result in a reduction in the amount of monthly assistance received from the TANF program until the required verification is provided. The reduction shall be ~~forty dollars~~ \$50 for the first child and ~~twenty-five dollars~~ \$25 for each additional child for whom verification is not provided.

Any person who becomes ineligible for TANF payments as a result of this provision shall nonetheless be considered a TANF recipient for all other purposes.

§ 63.2-1509. Requirement that certain injuries to children be reported by physicians, nurses, teachers, etc.; penalty for failure to report.

A. The following persons who, in their professional or official capacity, have reason to suspect that a child is an abused or neglected child, shall report the matter immediately to the local department of the county or city wherein the child resides or wherein the abuse or neglect is believed to have occurred or to the Department's toll-free child abuse and neglect hotline:

1. Any person licensed to practice medicine or any of the healing arts;

2. Any hospital resident or intern, and any person employed in the nursing profession;

3. Any person employed as a social worker or family-services specialist;

4. Any probation officer;

5. Any teacher or other person employed in a public or private school, kindergarten, or ~~nursery school~~ *child day program, as that term is defined in § 22.1-289.02;*

6. Any person providing full-time or part-time child care for pay on a regularly planned basis;

7. Any mental health professional;

8. Any law-enforcement officer or animal control officer;

9. Any mediator eligible to receive court referrals pursuant to § 8.01-576.8;

10. Any professional staff person, not previously enumerated, employed by a private or state-operated hospital, institution or facility to which children have been committed or where children have been placed for care and treatment;

11. Any person 18 years of age or older associated with or employed by any public or private organization responsible for the care, custody or control of children;

12. Any person who is designated a court-appointed special advocate pursuant to Article 5 (§ 9.1-151 et seq.) of Chapter 1 of Title 9.1;

13. Any person 18 years of age or older who has received training approved by the Department of Social Services for the purposes of recognizing and reporting child abuse and neglect;

14. Any person employed by a local department as defined in § 63.2-100 who determines eligibility for public assistance;

15. Any emergency medical services provider certified by the Board of Health pursuant to § 32.1-111.5, unless such provider immediately reports the matter directly to the attending physician at the hospital to which the child is transported, who shall make such report forthwith;

16. Any athletic coach, director or other person 18 years of age or older employed by or volunteering with a private sports organization or team;

17. Administrators or employees 18 years of age or older of public or private day camps, youth centers and youth recreation programs;

18. Any person employed by a public or private institution of higher education other than an attorney who is employed by a public or private institution of higher education as it relates to information gained in the course of providing legal representation to a client; and

19. Any minister, priest, rabbi, imam, or duly accredited practitioner of any religious organization or denomination usually referred to as a church, unless the information supporting the suspicion of child abuse or neglect (i) is required by the doctrine of the religious organization or denomination to be kept in a confidential manner or (ii) would be subject to § 8.01-400 or 19.2-271.3 if offered as evidence in court.

If neither the locality in which the child resides nor where the abuse or neglect is believed to have occurred is known, then such report shall be made to the local department of the county or city where the abuse or neglect was discovered or to the Department's toll-free child abuse and neglect hotline.

If an employee of the local department is suspected of abusing or neglecting a child, the report shall be made to the court of the county or city where the abuse or neglect was discovered. Upon receipt of such a report by the court, the judge shall assign the report to a local department that is not the employer of the suspected employee for investigation or family assessment. The judge may consult with the Department in selecting a local department to respond to the report or the complaint.

If the information is received by a teacher, staff member, resident, intern or nurse in the course of professional services in a hospital, school or similar institution, such person may, in place of said report, immediately notify the person in charge of the institution or department, or his designee, who shall make such report forthwith. If the initial report of suspected abuse or neglect is made to the person in charge of the institution or department, or his designee, pursuant to this subsection, such person shall notify the teacher, staff member, resident, intern or nurse who made the initial report when the report of suspected child abuse or neglect is made to the local department or to the Department's toll-free child abuse and neglect hotline, and of the name of the individual receiving the report, and shall forward any communication resulting from the report, including any information about any actions taken regarding the report, to the person who made the initial report.

The initial report may be an oral report but such report shall be reduced to writing by the child abuse coordinator of the local department on a form prescribed by the Board. Any person required to make the report pursuant to this subsection shall disclose all information that is the basis for his suspicion of abuse or neglect of the child and, upon request, shall make available to the child-protective services coordinator and the local department, which is the agency of jurisdiction, any information, records, or reports that document the basis for the report. All persons required by this subsection to report suspected abuse or neglect who maintain a record of a child who is the subject of such a report shall cooperate with the investigating agency and shall make related information, records and reports available to the investigating agency unless such disclosure violates the federal Family Educational Rights and Privacy Act (20 U.S.C. § 1232g). Provision of such information, records, and reports by a health care provider shall not be prohibited by § 8.01-399. Criminal investigative reports received from law-enforcement agencies shall not be further disseminated by the investigating agency nor shall they be subject to public disclosure.

B. For purposes of subsection A, "reason to suspect that a child is abused or neglected" shall, due to the special medical needs of infants affected by substance exposure, include (i) a finding made by a health care provider within six weeks of the birth of a child that the child was born affected by substance abuse or experiencing withdrawal symptoms resulting from in utero drug exposure; (ii) a diagnosis made by a health care provider within four years following a child's birth that the child has an illness, disease, or condition that, to a reasonable degree of medical certainty, is attributable to maternal abuse of a controlled substance during pregnancy; or (iii) a diagnosis made by a health care provider within four years following a child's birth that the child has a fetal alcohol spectrum disorder attributable to in utero exposure to alcohol. When "reason to suspect" is based upon this subsection, such fact shall be included in the report along with the facts relied upon by the person making the report. Such reports shall not constitute a per se finding of child abuse or neglect. If a health care provider in a licensed hospital makes any finding or diagnosis set forth in clause (i), (ii), or (iii), the hospital shall require the development of a written discharge plan under protocols established by the hospital pursuant to subdivision B 6 of § 32.1-127.

C. Any person who makes a report or provides records or information pursuant to subsection A or who testifies in any judicial proceeding arising from such report, records, or information shall be immune from any civil or criminal liability or administrative penalty or sanction on account of such report, records, information, or testimony, unless such person acted in bad faith or with malicious purpose.

D. Any person required to file a report pursuant to this section who fails to do so as soon as possible, but not longer than 24 hours after having reason to suspect a reportable offense of child abuse or neglect, shall be fined not more than \$500 for the first failure and for any subsequent failures not less than \$1,000. In cases evidencing acts of rape, sodomy, or object sexual penetration as defined in Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2, a person who knowingly and intentionally fails to make the report required pursuant to this section shall be guilty of a Class 1 misdemeanor.

E. No person shall be required to make a report pursuant to this section if the person has actual knowledge that the same matter has already been reported to the local department or the Department's toll-free child abuse and neglect hotline.

§ 63.2-1515. Central registry; disclosure of information.

The central registry shall contain such information as shall be prescribed by Board regulation; however, when the founded case of abuse or neglect does not name the parents or guardians of the child as the abuser or neglector, and the abuse or neglect occurred in a licensed or unlicensed child day center; *as defined in § 22.1-289.02*; a licensed, registered, or approved family day home; *as defined in § 22.1-289.02*; a private or public school; or a children's residential facility, the child's name shall not be entered on the registry without consultation with and permission of the parents or guardians. If a child's name currently appears on the registry without consultation with and permission of the parents or guardians for a founded case of abuse and neglect that does not name the parents or guardians of the child as the abuser or neglector, such parents or guardians may have the child's name removed by written request to the Department. The information contained in the central registry shall not be open to inspection by the public. However, appropriate disclosure may be made in accordance with Board regulations.

The Department shall respond to requests for a search of the central registry made by (i) local departments, (ii) local school boards, and (iii) governing boards or administrators of private schools accredited pursuant to § 22.1-19 regarding applicants for employment, pursuant to § 22.1-296.4, in cases where there is no match within the central registry within 10 business days of receipt of such requests. In cases where there is a match within the central registry regarding applicants for employment, the Department shall respond to requests made by local departments, local school boards, and governing boards or administrators within 30 business days of receipt of such requests. The response may be by first-class mail or facsimile transmission.

The Department shall disclose information in the central registry to the Chairmen of the Committees for the Courts of Justice of the Senate and House of Delegates for the purpose of determining if any person being considered for election to any judgeship has been the subject of any founded complaint of child abuse or neglect.

Any central registry check of a person who has applied to be a volunteer with a (a) Virginia affiliate of Big Brothers/Big Sisters of America, (b) Virginia affiliate of Compeer, (c) Virginia affiliate of Childhelp USA, (d) volunteer fire company or volunteer emergency medical services agency, or (e) court-appointed special advocate program pursuant to § 9.1-153 shall be conducted at no charge.

§ 63.2-1700. Application fees; regulations and schedules; use of fees; certain facilities, centers, and agencies exempt.

The Board is authorized to adopt regulations and schedules for fees to be charged for processing applications for licenses to operate assisted living facilities, adult day care centers, and child welfare agencies. Such schedules shall specify minimum and maximum fees and, where appropriate, gradations based on the capacity of such facilities, centers, and agencies. Fees shall be used for the development and delivery of training for operators and staff of facilities, centers, and agencies. Fees shall be expended for this purpose within two fiscal years following the fiscal year in which they are collected. These fees shall not be applicable to facilities, centers, or agencies operated by federal entities.

~~The Board shall develop training programs for operators and staffs of licensed child day programs. Such programs shall include formal and informal training offered by institutions of higher education, state and national associations representing child care professionals, local and regional early childhood educational organizations and licensed child care providers. Training provided to operators and staffs of licensed child day programs shall include training and information regarding shaken baby syndrome, its effects, and resources for help and support for caretakers. To the maximum extent possible, the Board shall ensure that all provider interests are represented and that no single approach to training shall be given preference.~~

§ 63.2-1701. Licenses required; issuance, expiration, and renewal; maximum number of residents, participants or children; posting of licenses.

A. As used in this section, "person" means any individual; corporation; partnership; association; limited liability company; local government; state agency, including any department, institution, authority, instrumentality, board, or other administrative agency of the Commonwealth; or other legal or commercial entity that operates or maintains a child welfare agency, adult day care center, or assisted living facility.

B. Every person who constitutes, or who operates or maintains, an assisted living facility, adult day care center, or child welfare agency shall obtain the appropriate license from the Commissioner, which may be renewed. However, no license shall be required for an adult day care center that provides services only to individuals enrolled in a Programs of All-Inclusive Care for the Elderly program operated in accordance with an agreement between the provider, the Department of Medical Assistance Services and the Centers for Medicare and Medicaid Services. The Commissioner, upon request, shall consult with, advise, and assist any person interested in securing and maintaining any such license. Each application for a license shall be made to the Commissioner, in such form as he may prescribe. It shall contain the name and address of the applicant and, if the applicant is an association, partnership, limited liability company, or corporation, the names and

addresses of its officers and agents. The application shall also contain a description of the activities proposed to be engaged in and the facilities and services to be employed, together with other pertinent information as the Commissioner may require.

C. The licenses shall be issued on forms prescribed by the Commissioner. Any two or more licenses may be issued for concurrent operation of more than one assisted living facility, adult day care center, or child welfare agency, but each license shall be issued upon a separate form. Each license and renewals thereof for an assisted living facility, adult day care center, or child welfare agency may be issued for periods of up to three successive years, unless sooner revoked or surrendered. ~~Licenses issued to child day centers under this chapter shall have a duration of two years from date of issuance.~~

D. The length of each license or renewal thereof for an assisted living facility shall be based on the judgment of the Commissioner regarding the compliance history of the facility and the extent to which it meets or exceeds state licensing standards. On the basis of this judgment, the Commissioner may issue licenses or renewals thereof for periods of six months, one year, two years, or three years.

E. The Commissioner may extend or shorten the duration of licensure periods for a child welfare agency whenever, in his sole discretion, it is administratively necessary to redistribute the workload for greater efficiency in staff utilization.

F. Each license shall indicate the maximum number of persons who may be cared for in the assisted living facility, adult day care center, or child welfare agency for which it is issued.

G. The license and any other documents required by the Commissioner shall be posted in a conspicuous place on the licensed premises.

H. Every person issued a license that has not been suspended or revoked shall renew such license prior to its expiration.

I. Officers, employees, or agents of the Commonwealth, or of any county, city, or town acting within the scope of their authority as such, who serve as or maintain a child-placing agency shall not be required to be licensed.

§ 63.2-1702. Investigation on receipt of application.

Upon receipt of the application, the Commissioner shall cause an investigation to be made of the activities, services, and facilities of the applicant and of his character and reputation or, if the applicant is an association, partnership, limited liability company, or corporation, the character and reputation of its officers and agents, and upon receipt of the initial application, an investigation of the applicant's financial responsibility. The financial records of an applicant shall not be subject to inspection if the applicant submits an operating budget and at least one credit reference. In the case of child welfare agencies and assisted living facilities, the character and reputation investigation upon application shall include background checks pursuant to §§ § 63.2-1721 and ~~63.2-1721.4~~; however, a children's residential facility shall comply with the background check requirements contained in § 63.2-1726. Records that contain confidential proprietary information furnished to the Department pursuant to this section shall be exempt from disclosure pursuant to subdivision 4 of § 2.2-3705.5.

§ 63.2-1706.1. Inspections of child welfare agencies; prioritization.

The Commissioner shall prioritize inspections of child welfare agencies in the following order: (i) inspections conducted in response to a complaint involving a ~~licensed, registered, license-exempt, or unlicensed~~ child welfare agency; *and* (ii) inspections of ~~licensed or registered~~ child welfare agencies that are not conducted in response to a complaint; (iii) ~~inspections of license-exempt or unlicensed child welfare agencies that have entered into a contract with the Department or a local department to provide child care services funded by the Child Care and Development Block Grant, other than inspections conducted in response to a complaint;~~ and (iv) ~~inspections of license-exempt and unlicensed child welfare agencies that are not conducted in response to a complaint.~~

§ 63.2-1708. Records and reports.

Every licensed assisted living facility, licensed adult day care center, *or* ~~licensed or registered~~ child welfare agency; *or* ~~family day home approved by a family day system~~ shall keep such records and make such reports to the Commissioner as he may require. The forms to be used in the making of such reports shall be prescribed and furnished by the Commissioner.

§ 63.2-1715. Exemptions from licensure.

A. ~~The following programs are not child day programs and shall not be required to be licensed:~~

~~1. A program of instructional experience in a single focus, such as, but not limited to, computer science, archaeology, sport clinics, or music, if children under the age of six do not attend at all and if no child is allowed to attend for more than 25 days in any three-month period commencing with enrollment. This exemption does not apply if children merely change their enrollment to a different focus area at a site offering a variety of activities and such children's attendance exceeds 25 days in a three-month period.~~

~~2. Programs of instructional or recreational activities wherein no child under age six attends for more than six hours weekly with no class or activity period to exceed one and one-half hours, and no child six years of age or above attends for more than six hours weekly when school is in session or 12 hours weekly when school is not in session. Competition, performances and exhibitions related to the instructional or recreational activity shall be excluded when determining the hours of program operation.~~

~~3. Instructional programs offered by private schools that serve school-age children and that satisfy compulsory attendance laws or provide services under the Individuals with Disabilities Education Act, as amended, and programs of school-sponsored extracurricular activities that are focused on single interests such as, but not limited to, music, sports, drama, civic service, or foreign language.~~

4. Instructional programs offered by public schools that serve preschool-age children; satisfy compulsory attendance laws; or provide services under the Individuals with Disabilities Education Act, as amended; and programs of school-sponsored extracurricular activities that are focused on single interests such as, but not limited to, music; sports; drama; civic service; or foreign language.

5. Early intervention programs for children eligible under Part C of the Individuals with Disabilities Education Act, as amended; wherein no child attends for more than a total of six hours per week.

6. Practice or competition in organized competitive sports leagues.

7. Programs of religious instruction, such as Sunday schools, vacation Bible schools, Bar Mitzvah or Bat Mitzvah classes, and nurseries offered by religious institutions and provided for the duration of specified religious services or related activities to allow parents or guardians or their designees who are on site to attend such religious services and activities.

8. A program of instructional or athletic experience operated during the summer months by, and as an extension of, an accredited private elementary, middle, or high school program as set forth in § 22.1-19 and administered by the Virginia Council for Private Education.

B. The following child day programs shall not be required to be licensed:

1. A child day program or child day center that has obtained an exemption pursuant to § 63.2-1716.

2. A program where, by written policy given to and signed by a parent or guardian, school-age children are free to enter and leave the premises without permission. A program that would qualify for this exemption except that it assumes responsibility for the supervision, protection, and well-being of several children with disabilities who are mainstreamed shall not be subject to licensure.

3. A program that operates no more than a total of 20 program days in the course of a calendar year, provided that programs serving children under age six operate no more than two consecutive weeks without a break of at least a week.

4. Child-minding services that are not available for more than three hours per day for any individual child offered on site in commercial or recreational establishments if the parent or guardian (i) can be contacted and can resume responsibility for the child's supervision within 30 minutes and (ii) is receiving or providing services or participating in activities offered by the establishment.

5. A certified preschool or nursery school program operated by a private school that is accredited by an accrediting organization recognized by the State Board of Education pursuant to § 22.1-19 and complies with the provisions of § 63.2-1717.

6. A program of recreational activities offered by local governments, staffed by local government employees, and attended by school-age children. Such programs shall be subject to safety and supervisory standards established by the local government offering the program.

7. A program offered by a local school division, operated for no more than four hours per day, staffed by local school division employees, and attended by children who are at least four years of age and are enrolled in public school or a preschool program within such school division. Such programs shall be subject to safety and supervisory standards established by the local school division offering the program.

8. Child-minding services offered by a business on the premises of the business to no more than four children under the age of 13 at any given time and for no more than eight hours per day, provided that the parent or guardian of every child receiving care is an employee of the business who is on the premises of the business and can resume responsibility for the child's supervision within 30 minutes upon request.

C. Child day programs that are exempt from licensure pursuant to subsection B, except for child day programs that are exempt from licensure pursuant to subdivision B 1 or 5, shall:

1. File with the Commissioner annually and prior to beginning operation of a child day program a statement indicating the intent to operate a child day program; identifying the specific provision of this section relied upon for exemption from licensure; and certifying that the child day program has disclosed in writing to the parents or guardians of the children in the program the fact that it is exempt from licensure;

2. Report to the Commissioner all incidents involving serious physical injury to or death of children attending the child day program. Reports of serious physical injuries, which shall include any physical injuries that require an emergency referral to an offsite health care professional or treatment in a hospital, shall be submitted annually. Reports of deaths shall be submitted no later than one business day after the death occurred; and

3. Post in a visible location on the premises notice that the child day program is operating as a program exempt from licensure with basic health and safety requirements but has no direct oversight by the Department.

D. Child day programs that are exempt from licensure pursuant to subsection B, except for child day programs that are exempt from licensure pursuant to subdivision B 1, 5, 6, or 7 shall:

1. Have a person trained and certified in first aid and cardiopulmonary resuscitation present at the child day program whenever children are present or at any other location in which children attending the child day program are present;

2. Maintain daily attendance records that document the arrival and departure of all children;

3. Have an emergency preparedness plan in place;

4. Comply with all applicable laws and regulations governing transportation of children; and

5. Comply with all safe sleep guidelines recommended by the American Academy of Pediatrics.

E. ~~The Commissioner shall inspect child day programs that are exempt from licensure pursuant to subsection B to determine compliance with the provisions of this section only upon receipt of a complaint, except as otherwise provided by law.~~

F. ~~Family day homes that are members of a licensed family day system shall not be required to obtain a license from the Commissioner.~~

G. No person to whom parental and legal custodial powers have been delegated pursuant to Chapter 10 (§ 20-166 et seq.) of Title 20 shall be required to obtain a license to operate an independent foster home or approval as a foster parent from the Commissioner.

H. B. Officers, employees, or agents of the Commonwealth, or of any county, city, or town acting within the scope of their authority as such, who serve as or maintain a child-placing agency shall not be required to be licensed.

§ 63.2-1720. (Effective July 1, 2020, or earlier; see Acts 2017, cc. 189 and 751, as amended by Acts 2018, cc. 146 and 278) Assisted living facilities and adult day care centers; employment for compensation of persons or use of volunteers convicted of certain offenses prohibited; background check required; penalty.

A. No assisted living facility or adult day care center shall hire for compensated employment or continue to employ persons who have been convicted of any offense set forth in clause (i) of the definition of barrier crime in § 19.2-392.02. A child-placing agency or independent foster home licensed in accordance with the provisions of this chapter shall not hire for compensated employment or continue to employ persons who (i) have been convicted of any barrier crime as defined in § 19.2-392.02 or (ii) are the subject of a founded complaint of child abuse or neglect within or outside the Commonwealth. All applicants for employment shall undergo background checks pursuant to subsection C.

B. A licensed assisted living facility or adult day care center may hire an applicant or continue to employ a person convicted of one misdemeanor barrier crime not involving abuse or neglect, or any substantially similar offense under the laws of another jurisdiction, if five years have elapsed following the conviction.

C. Background checks pursuant to subsection A require:

1. A sworn statement or affirmation disclosing whether the person has a criminal conviction or is the subject of any pending criminal charges within or outside the Commonwealth and, in the case of licensed child-placing agencies, *or* independent foster homes, ~~and family day systems, registered family day homes, and family day homes approved by family day systems~~, whether or not the person has been the subject of a founded complaint of child abuse or neglect within or outside the Commonwealth;

2. A criminal history records check through the Central Criminal Records Exchange pursuant to § 19.2-389; and

3. In the case of licensed child-placing agencies, *or* independent foster homes, ~~and family day systems, registered family day homes, and family day homes approved by family day systems~~, a search of the central registry maintained pursuant to § 63.2-1515 for any founded complaint of child abuse and neglect.

D. Any person making a materially false statement regarding the sworn statement or affirmation provided pursuant to subdivision C 1 is guilty of a Class 1 misdemeanor.

E. A licensed assisted living facility, licensed adult day care center, licensed child-placing agency, *or* licensed independent foster home, ~~licensed family day system, registered family day home, or family day home approved by a family day system~~ shall obtain for any compensated employees within 30 days of employment (i) an original criminal record clearance with respect to convictions for any offense set forth in clause (i) of the definition of barrier crime in § 19.2-392.02 or an original criminal history record from the Central Criminal Records Exchange and (ii) in the case of licensed child-placing agencies, *or* independent foster homes, ~~and family day systems, registered family day homes, and family day homes approved by family day systems~~, (a) an original criminal record clearance with respect to any barrier crime as defined in § 19.2-392.02 or an original criminal history record from the Central Criminal Records Exchange and (b) a copy of the information from the central registry for any compensated employee within 30 days of employment. However, no employee shall be permitted to work in a position that involves direct contact with a person or child receiving services until an original criminal record clearance or original criminal history record has been received, unless such person works under the direct supervision of another employee for whom a background check has been completed in accordance with the requirements of this section. If an applicant is denied employment because of information from the central registry or convictions appearing on his criminal history record, the licensed assisted living facility, adult day care center, child-placing agency, *or* independent foster home, ~~or family day system, registered family day home, or family day home approved by a family day system~~ shall provide a copy of the information obtained from the central registry or the Central Criminal Records Exchange or both to the applicant.

F. No volunteer who (i) has been convicted of any barrier crime as defined in § 19.2-392.02 or (ii) is the subject of a founded complaint of child abuse or neglect within or outside the Commonwealth shall be permitted to serve in a licensed child-placing agency, *or* independent foster home, ~~or family day system, registered family day home, or family day home approved by a family day system~~. Any person desiring to volunteer at a licensed child-placing agency, *or* independent foster home, ~~or family day system, registered family day home, or family day home approved by a family day system~~ shall provide the agency, system, or home with a sworn statement or affirmation pursuant to subdivision C 1. Such licensed child-placing agency, *or* independent foster home, ~~or family day system, registered family day home, or family day home approved by a family day system~~ shall obtain for any volunteers, within 30 days of commencement of volunteer service, a copy of (a) the information from the central registry and (b) an original criminal record clearance with respect to any barrier crime as defined in § 19.2-392.02 or an original criminal history record from the Central Criminal Records Exchange. Any

person making a materially false statement regarding the sworn statement or affirmation provided pursuant to subdivision C 1 is guilty of a Class 1 misdemeanor. If a volunteer is denied service because of information from the central registry or convictions appearing on his criminal history record, such licensed child-placing agency; *or* independent foster home; *or* family day system; ~~registered family day home; *or* family day home approved by a family day system~~ shall provide a copy of the information obtained from the central registry or the Central Criminal Records Exchange or both to the volunteer. The provisions of this subsection shall apply only to volunteers who will be alone with any child in the performance of their duties and shall not apply to a parent-volunteer of a child attending a licensed child-placing agency; *or* independent foster home; *or* family day system; ~~registered family day home; *or* family day home approved by a family day system~~, whether or not such parent-volunteer will be alone with any child in the performance of his duties. A parent-volunteer is someone supervising, without pay, a group of children that includes the parent-volunteer's own child in a program that operates no more than four hours per day, provided that the parent-volunteer works under the direct supervision of a person who has received a clearance pursuant to this section.

G. No volunteer shall be permitted to serve in a licensed assisted living facility or licensed adult day care center without the permission or under the supervision of a person who has received a clearance pursuant to this section.

H. Further dissemination of the background check information is prohibited other than to the Commissioner's representative or a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination.

I. Notwithstanding any other provision of law, a licensed adult day care center that provides services to individuals receiving services under the state plan for medical assistance services or any waiver thereto may disclose to the Department of Medical Assistance Services (i) whether a criminal history background check has been completed for an employee in accordance with this section and (ii) whether such employee is eligible for employment.

J. A licensed assisted living facility shall notify and provide all students a copy of the provisions of this article prior to or upon enrollment in a certified nurse aide program operated by such assisted living facility.

K. A person who complies in good faith with the provisions of this section shall not be liable for any civil damages for any act or omission in the performance of duties under this section unless the act or omission was the result of gross negligence or willful misconduct.

§ 63.2-1721. (Effective July 1, 2020, or earlier; see Acts 2017, cc. 189 and 751, as amended by Acts 2018, cc. 146 and 278) Background check upon application for licensure as a child-placing agency, etc.; penalty.

A. Upon application for licensure as a child-placing agency; *or* independent foster home; *or* family day system *or* registration as a family day home, (i) all applicants; *and* (ii) agents at the time of application who are or will be involved in the day-to-day operations of the child-placing agency; *or* independent foster home; family day system; *or* family day home or who are or will be alone with, in control of, or supervising one or more of the children; *and* (iii) any other adult living in the home of an applicant for registration as a family day home shall undergo a background check pursuant to subsection B. Upon application for licensure as an assisted living facility, all applicants shall undergo a background check pursuant to subsection B. In addition, foster or adoptive parents requesting approval by child-placing agencies *and* operators of family day homes requesting approval by family day systems; *and* any other adult residing in the family day home or existing employee *or* volunteer of the family day home; shall undergo background checks pursuant to subsection B prior to their approval.

B. Background checks pursuant to subsection A require:

1. A sworn statement or affirmation disclosing whether the person has a criminal conviction or is the subject of any pending criminal charges within or outside the Commonwealth and whether or not the person has been the subject of a founded complaint of child abuse or neglect within or outside the Commonwealth;

2. A criminal history records check through the Central Criminal Records Exchange pursuant to § 19.2-389; *and*

3. In the case of child-placing agencies, independent foster homes, family day systems; *and* family day homes; *or* adoptive or foster parents, a search of the central registry maintained pursuant to § 63.2-1515 for any founded complaint of child abuse and neglect.

C. The person required to have a background check pursuant to subsection A shall submit the background check information required in subsection B to the Commissioner's representative prior to issuance of a license, registration or approval. The applicant, other than an applicant for licensure as an assisted living facility, shall provide an original criminal record clearance with respect to any barrier crime as defined in § 19.2-392.02 or an original criminal history record from the Central Criminal Records Exchange. An applicant for licensure as an assisted living facility shall provide an original criminal record clearance with respect to any offense set forth in clause (i) of the definition of barrier crime in § 19.2-392.02 or an original criminal history record from the Central Criminal Records Exchange. Any person making a materially false statement regarding the sworn statement or affirmation provided pursuant to subdivision B 1 is guilty of a Class 1 misdemeanor. If any person specified in subsection A, other than an applicant for licensure as an assisted living facility, required to have a background check (i) has been convicted of any barrier crime as defined in § 19.2-392.02 or (ii) is the subject of a founded complaint of child abuse or neglect within or outside the Commonwealth, and such person has not been granted a waiver by the Commissioner pursuant to § 63.2-1723 or is not subject to an exception in subsection E, F, G, or H, (a) the Commissioner shall not issue a license to a child-placing agency; *or* independent foster home; *or* family day system *or* a registration to a family day home; *or* (b) a child-placing agency shall not approve an adoptive or foster home; *or* (c) a family day system shall not approve a family day home. If any applicant for licensure as an assisted living facility required

to have a background check has been convicted of any offense set forth in clause (i) of the definition of barrier crime in § 19.2-392.02, the Commissioner shall not issue a license to an assisted living facility.

D. No person specified in subsection A shall be involved in the day-to-day operations of a licensed child-placing agency; ~~or independent foster home; or family day system or a registered family day home~~; be alone with, in control of, or supervising one or more children receiving services from a licensed child-placing agency; ~~or independent foster home; or family day system or a registered family day home~~; or be permitted to work in a position that involves direct contact with a person receiving services without first having completed background checks pursuant to subsection B unless such person is directly supervised by another person for whom a background check has been completed in accordance with the requirements of this section.

E. Notwithstanding any provision to the contrary contained in this section, a child-placing agency may approve as an adoptive or foster parent an applicant who has been convicted of not more than one misdemeanor offense as set out in § 18.2-57, or any substantially similar offense under the laws of another jurisdiction, not involving abuse, neglect, moral turpitude, or a minor, provided that 10 years have elapsed following the conviction.

F. Notwithstanding any provision to the contrary contained in this section, a child-placing agency may approve as a foster parent an applicant who has been convicted of statutory burglary for breaking and entering a dwelling home or other structure with intent to commit larceny, or any substantially similar offense under the laws of another jurisdiction, who has had his civil rights restored by the Governor or other appropriate authority, provided that 25 years have elapsed following the conviction.

G. Notwithstanding any provision to the contrary contained in this section, a child-placing agency may approve as an adoptive or foster parent an applicant convicted of any offense set forth in clause (iv) of the definition of barrier crime in § 19.2-392.02 who has had his civil rights restored by the Governor or other appropriate authority, provided that 10 years have elapsed following the conviction, or eight years have elapsed following the conviction and the applicant (i) has complied with all obligations imposed by the criminal court; (ii) has completed a substance abuse treatment program; (iii) has completed a drug test administered by a laboratory or medical professional within 90 days prior to being approved, and such test returned with a negative result; and (iv) complies with any other obligations as determined by the Department.

H. Notwithstanding any provision to the contrary contained in this section, a child-placing agency may approve as an adoptive or foster parent an applicant convicted of any offense set forth in clause (iii) of the definition of barrier crime in § 19.2-392.02 who has had his civil rights restored by the Governor or other appropriate authority, provided that 20 years have elapsed following the conviction.

I. If an applicant is denied licensure, registration or approval because of information from the central registry or convictions appearing on his criminal history record, the Commissioner shall provide a copy of the information obtained from the central registry or the Central Criminal Records Exchange or both to the applicant.

J. Further dissemination of the background check information is prohibited other than to the Commissioner's representative or a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination.

§ 63.2-1722. (For expiration date, see Acts 2017, cc. 189 and 751, as amended by Acts 2018, cc. 146 and 278) Revocation or denial of renewal based on background checks; failure to obtain background check.

A. The Commissioner may revoke or deny renewal of a license ~~or registration~~ of a child welfare agency, assisted living facility, or adult day care center; ~~and a child-placing agency may revoke the approval of a foster home; and a family day system may revoke the approval of a family day home~~ if the assisted living facility, adult day care center, child welfare agency, ~~or foster home; or approved family day home~~ has knowledge that a person specified in § 63.2-1720; ~~63.2-1720.1, or 63.2-1721, or 63.2-1721.1~~ required to have a background check (i) has been convicted of any barrier crime as defined in § 19.2-392.02 or (ii) in the case of a child welfare agency; ~~or foster home; or family day home~~, is the subject of a founded complaint of child abuse or neglect within or outside the Commonwealth, and such person has not been granted a waiver by the Commissioner pursuant to § 63.2-1723 or is not subject to the exceptions in subsection B of § 63.2-1720; ~~subsection G of § 63.2-1720.1, or subsection E, F, G, or H of § 63.2-1721, and the facility, center, home, or agency refuses to separate such person from employment or service or allows the household member to continue to reside in the home.~~

B. Failure to obtain background checks pursuant to §§ 63.2-1720; ~~63.2-1720.1, and 63.2-1721, and 63.2-1721.1~~ shall be grounds for denial, revocation, or termination of a license, registration, or approval or any contract with the Department or a local department to provide child care services to clients of the Department or local department. No violation shall occur if the assisted living facility, adult day care center, child-placing agency, ~~or independent foster home; family day system; family day home; or child day center~~ has applied for the background check timely and it has not been obtained due to administrative delay. The provisions of this section shall be enforced by the Department.

§ 63.2-1722. (For effective date, see Acts 2017, cc. 189 and 751, as amended by Acts 2018, cc. 146 and 278) Revocation or denial of renewal based on background checks; failure to obtain background check.

A. The Commissioner may revoke or deny renewal of a license ~~or registration~~ of a child welfare agency, assisted living facility, or adult day care center; ~~and a child-placing agency may revoke the approval of a foster home; and a family day system may revoke the approval of a family day home~~ if the assisted living facility, adult day care center, child welfare agency, ~~or foster home; or approved family day home~~ has knowledge that a person specified in § 63.2-1720; ~~63.2-1720.1, or 63.2-1721, or 63.2-1721.1~~ required to have a background check (i) has been convicted of any barrier crime as defined in § 19.2-392.02 or (ii) in the case of a child welfare agency; ~~or foster home; or family day home~~, is the subject of a founded

complaint of child abuse or neglect within or outside the Commonwealth, and such person has not been granted a waiver by the Commissioner pursuant to § 63.2-1723 or is not subject to the exceptions in subsection B of § 63.2-1720; ~~subsection G of § 63.2-1720.1, or subsection E, F, or G of § 63.2-1721.1,~~ and the facility, center, or agency refuses to separate such person from employment or service.

B. Failure to obtain background checks pursuant to §§ 63.2-1720, ~~63.2-1720.1, and 63.2-1721,~~ and ~~63.2-1721.1~~ shall be grounds for denial or revocation of a license, registration, or approval. No violation shall occur if the assisted living facility, adult day care center, child-placing agency, or independent foster home; ~~family day system, family day home, or child day center~~ has applied for the background check timely and it has not been obtained due to administrative delay. The provisions of this section shall be enforced by the Department.

§ 63.2-1723. Child welfare agencies; criminal conviction and waiver.

A. Any person who seeks to operate, or volunteer or work at a child welfare agency and who is disqualified because of a criminal conviction or a criminal conviction in the background check of any other adult living in a family day home regulated by the Department, pursuant to §§ 63.2-1720, ~~63.2-1720.1, and 63.2-1721,~~ ~~63.2-1721.1, and 63.2-1724,~~ may apply in writing for a waiver from the Commissioner. The Commissioner may grant a waiver if the Commissioner determines that (i) the person is of good moral character and reputation and (ii) the waiver would not adversely affect the safety and well-being of children in the person's care. The Commissioner shall not grant a waiver to any person who has been convicted of any barrier crime as defined in § 19.2-392.02. ~~However, the Commissioner may grant a waiver to a family day home licensed or registered by the Department if any other adult living in the home of the applicant or provider has been convicted of not more than one misdemeanor offense under § 18.2-57 or 18.2-57.2, or any substantially similar offense under the laws of another jurisdiction, provided that (a) five years have elapsed following the conviction and (b) the Department has conducted a home study that includes, but is not limited to, (1) an assessment of the safety of children placed in the home and (2) a determination that the offender is now a person of good moral character and reputation. The waiver shall not be granted if the adult living in the home is an assistant or substitute provider or if such adult has been convicted of a misdemeanor offense under both §§ 18.2-57 and 18.2-57.2, or any substantially similar offense under the laws of another jurisdiction. Any waiver granted under this section shall be available for inspection by the public. The child welfare agency shall notify in writing every parent and guardian of the children in its care of any waiver granted for its operators, employees or volunteers.~~

B. The Board shall adopt regulations to implement the provisions of this section.

§ 63.2-1734. Regulations for child welfare agencies.

A. The Board shall adopt regulations for the activities, services, and facilities to be employed by persons and agencies required to be licensed under this subtitle, which shall be designed to ensure that such activities, services, and facilities are conducive to the welfare of the children under the custody or control of such persons or agencies.

Such regulations shall be developed in consultation with representatives of the affected entities and shall include, but need not be limited to, matters relating to the sex, age, and number of children and other persons to be maintained, cared for, or placed out, as the case may be, and to the buildings and premises to be used, and reasonable standards for the activities, services, and facilities to be employed. Such limitations and standards shall be specified in each license and renewal thereof. Such regulations shall not require the adoption of a specific teaching approach or doctrine or require the membership, affiliation, or accreditation services of any single private accreditation or certification agency.

Such regulations governing child day programs providing care for school-age children at a location that is currently approved by the Department of Education or recognized as a private school by the State Board of Education for school occupancy and that houses a public or private school during the school year shall not (i) prohibit school-age children from using outdoor play equipment and areas approved for use by students of the school during school hours or (ii) in the case of public schools, require inspection or approval of the building, vehicles used to transport children attending the child day program that are owned by the school, or meals served to such children that are prepared by the school.

Such regulations governing orientation and training of child day program staff shall provide that parents or other persons who participate in a cooperative preschool center on behalf of a child attending such cooperative preschool center, including such parents and persons who are counted for the purpose of determining staff-to-child ratios, shall be exempt from orientation and training requirements applicable to staff of child day programs; however, such regulations may require such parents and persons to complete up to four hours of training per year. This orientation and training exemption shall not apply to any parent or other person who participates in a cooperative preschool center that has entered into a contract with the Department or a local department to provide child care services funded by the Child Care and Development Block Grant.

B. The Board shall adopt or amend regulations, policies, and procedures related to child day care in collaboration with the Virginia Recreation and Park Society. No regulation adopted by the Board shall prohibit a child day center from hiring an armed security officer, licensed pursuant to Article 4 (§ 9.1-138 et seq.) of Chapter 1 of Title 9.1, to provide protection for children placed in the care of the child day center or employees of the center. The Board shall adopt or amend regulations related to therapeutic recreation programs in collaboration with the Virginia Park and Recreation Society and the Department of Behavioral Health and Developmental Services.

§ 63.2-1911. Duty of local departments to enforce support; referral to Department.

Whenever a local department approves an application for public assistance on behalf of a child or children and it appears to the satisfaction of the local department that the child has been abandoned by the noncustodial parent or that the

person who has a responsibility for the care, support, or maintenance of such child has failed or neglected to give proper care or support to such child, the local department shall refer the matter to the Division within the Department responsible for the enforcement of support. *The foregoing provisions of this section shall not apply to applications for the Child Care Subsidy Program.*

2. That §§ 2.2-208.1, 63.2-1701.1, 63.2-1704, 63.2-1704.1, 63.2-1716, 63.2-1717, 63.2-1720.1, 63.2-1721.1, 63.2-1724, 63.2-1725, 63.2-1727, 63.2-1738, 63.2-1809 through 63.2-1813, and 63.2-1815 of the Code of Virginia are repealed.

3. That the provisions of the first and second enactments of this act shall become effective on July 1, 2021, except that § 22.1-289.04 of the Code of Virginia, as created by this act, shall become effective in due course.

4. That the Superintendent of Public Instruction shall convene a work group to develop and establish a plan for implementing a statewide unified early childhood care and education system that incorporates relevant policy-making, funding, governance, oversight, and accountability functions and culminates implementation of the quality rating and improvement system as provided in the tenth enactment of this act. The work group shall include representatives of (i) the Secretariats of Education and Health and Human Resources; (ii) relevant state agencies, including the Department of Planning and Budget, the Office of the Attorney General, the Department of Education, and the Department of Social Services; (iii) relevant regulatory boards, including the Board of Education; and (iv) the House Committee on Appropriations and the Senate Committee on Finance and Appropriations. Such plan shall incorporate and take into account the priorities, responsibilities, and structures needed at the state, local, and regional levels to ensure successful start-up, management, and delivery of a cohesive, aligned early childhood care and education system, as well as outline phases and a timeline for transitioning from the current state to the envisioned state of the system. Such plan shall identify necessary statutory and regulatory changes and necessary steps to transfer lead agency authority for relevant federal programs, including the Child Care and Development Block Grant and Head Start State Collaboration Office grants, to the Department of Education to align with its current administration of the Virginia Preschool Initiative and other early childhood programs. The work group shall report on the implementation plan to the Chairmen of the House Committees on Appropriations, Education, and Health, Welfare and Institutions and the Senate Committees on Education and Health, Finance and Appropriations, and Rehabilitation and Social Services no later than December 1, 2020, and shall provide such Chairmen an update on the implementation of the plan no later than December 1, 2021.

5. That the Department of Social Services and the Department of Education shall develop a plan and enter into a cooperative agreement to ensure a coordinated and seamless transition pursuant to the provisions of this act that occurs by July 1, 2021, and that is cost effective and does not interrupt the provision of state services or have undue impact on the operation or function of either agency.

6. That the regulations adopted by the State Board of Social Services to administer and implement the programs that are to be transferred from the State Board of Social Services to the Board of Education pursuant to this act shall remain in full force and effect until altered, amended, or rescinded by the Board of Education.

7. That guidance adopted by the State Board of Social Services or Department of Social Services relating to programs to be transferred by this act shall remain in effect until amended or repealed.

8. That any valid license that is in effect on July 1, 2021, that was issued by the Department of Social Services under a program that is transferred to the Department of Education pursuant to the provisions of this act shall, on July 1, 2021, be deemed to be a license issued by the Department of Education and shall remain valid and in effect until its expiration date.

9. That the initial actions of the Board of Education to adopt, with necessary amendments, the regulations implementing the programs being transferred by this act shall be exempt from Article 2 (§ 2.2-4006 et seq.) of Chapter 40 of Title 2.2 of the Code of Virginia. After transfer of the programs, if the Board of Education determines that additional amendments to the regulations are necessary solely to enable implementation of the programs in accordance with this act, the regulatory actions necessary shall not be exempt from Article 2 (§ 2.2-4006 et seq.) of Chapter 40 of Title 2.2 of the Code of Virginia.

10. That by July 1, 2021, the Department of Education shall be the lead agency for the administration of the Child Care and Development Block Grant and the Head Start Collaboration Office.

11. That, notwithstanding the provisions of the third enactment of this act, the establishment and implementation of the quality rating and improvement system described in § 22.1-289.05 of the Code of Virginia, as created by this act, shall occur as follows: (i) the Board of Education shall establish such quality rating and improvement system no later than July 1, 2021, and (ii) the initial quality ratings shall be published in the fall of 2023.

CHAPTER 861

An Act to amend and reenact §§ 2.2-1167, 2.2-3705.5, 9.1-914, 15.2-741, 15.2-914, 15.2-2292, 15.2-2824, 18.2-255.2, 18.2-370.2, 18.2-370.3, 19.2-389, as it is currently effective and as it shall become effective, 19.2-390, 19.2-392.02, 22.1-1, 22.1-19, 22.1-199.1, 22.1-296.3, 22.1-299.4, 46.2-341.9, 46.2-341.10, 46.2-341.18:3, 51.1-617, 54.1-3005, 54.1-3408, 58.1-439.4, 63.2-100, 63.2-215, 63.2-501, 63.2-601.2, 63.2-603, 63.2-1509, 63.2-1515, 63.2-1700, 63.2-1701, 63.2-1702, 63.2-1706.1, 63.2-1708, 63.2-1715, 63.2-1720, as it shall become effective, 63.2-1721, as it shall become effective, 63.2-1722, as it is currently effective and as it shall become effective, 63.2-1723, 63.2-1734,

and 63.2-1911 of the Code of Virginia; to amend the Code of Virginia by adding in Title 22.1 a chapter numbered 14.1, containing articles numbered 1 through 8, consisting of sections numbered 22.1-289.02 through 22.1-289.055; and to repeal §§ 2.2-208.1, 63.2-1701.1, 63.2-1704, 63.2-1704.1, 63.2-1716, 63.2-1717, 63.2-1720.1, 63.2-1721.1, 63.2-1724, 63.2-1725, 63.2-1727, 63.2-1738, 63.2-1809 through 63.2-1813, and 63.2-1815 of the Code of Virginia, relating to a system for early childhood care and education; establishment; licensure.

[S 578]

Approved April 8, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-1167, 2.2-3705.5, 9.1-914, 15.2-741, 15.2-914, 15.2-2292, 15.2-2824, 18.2-255.2, 18.2-370.2, 18.2-370.3, 19.2-389, as it is currently effective and as it shall become effective, 19.2-390, 19.2-392.02, 22.1-1, 22.1-19, 22.1-199.1, 22.1-296.3, 22.1-299.4, 46.2-341.9, 46.2-341.10, 46.2-341.18:3, 51.1-617, 54.1-3005, 54.1-3408, 58.1-439.4, 63.2-100, 63.2-215, 63.2-501, 63.2-601.2, 63.2-603, 63.2-1509, 63.2-1515, 63.2-1700, 63.2-1701, 63.2-1702, 63.2-1706.1, 63.2-1708, 63.2-1715, 63.2-1720, as it shall become effective, 63.2-1721, as it shall become effective, 63.2-1722, as it is currently effective and as it shall become effective, 63.2-1723, 63.2-1734, and 63.2-1911 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Title 22.1 a chapter numbered 14.1, containing articles numbered 1 through 8, consisting of sections numbered 22.1-289.02 through 22.1-289.055, as follows:

§ 2.2-1167. Commonwealth immune from civil liability.

The Commonwealth and its officers, agents and employees shall be immune from civil liability for actions (i) arising from the establishment and implementation of asbestos inspection standards developed pursuant to § 2.2-1164 and (ii) undertaken pursuant to the provisions of this article, Chapter 5 (*§ 54.1-500 et seq.*) of Title 54.1, and §§ 22.1-289.052 and 32.1-126.1 and ~~63.2-1814~~.

§ 2.2-3705.5. Exclusions to application of chapter; health and social services records.

The following information contained in a public record is excluded from the mandatory disclosure provisions of this chapter but may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law. Redaction of information excluded under this section from a public record shall be conducted in accordance with § 2.2-3704.01.

1. Health records, except that such records may be personally reviewed by the individual who is the subject of such records, as provided in subsection F of § 32.1-127.1:03.

Where the person who is the subject of health records is confined in a state or local correctional facility, the administrator or chief medical officer of such facility may assert such confined person's right of access to the health records if the administrator or chief medical officer has reasonable cause to believe that such confined person has an infectious disease or other medical condition from which other persons so confined need to be protected. Health records shall only be reviewed and shall not be copied by such administrator or chief medical officer. The information in the health records of a person so confined shall continue to be confidential and shall not be disclosed by the administrator or chief medical officer of the facility to any person except the subject or except as provided by law.

Where the person who is the subject of health records is under the age of 18, his right of access may be asserted only by his guardian or his parent, including a noncustodial parent, unless such parent's parental rights have been terminated, a court of competent jurisdiction has restricted or denied such access, or a parent has been denied access to the health record in accordance with § 20-124.6. In instances where the person who is the subject thereof is an emancipated minor, a student in a public institution of higher education, or is a minor who has consented to his own treatment as authorized by § 16.1-338 or 54.1-2969, the right of access may be asserted by the subject person.

For the purposes of this chapter, statistical summaries of incidents and statistical data concerning abuse of individuals receiving services compiled by the Commissioner of Behavioral Health and Developmental Services shall be disclosed. No such summaries or data shall include any information that identifies specific individuals receiving services.

2. Applications for admission to examinations or for licensure and scoring records maintained by the Department of Health Professions or any board in that department on individual licensees or applicants; information required to be provided to the Department of Health Professions by certain licensees pursuant to § 54.1-2506.1; information held by the Health Practitioners' Monitoring Program Committee within the Department of Health Professions that identifies any practitioner who may be, or who is actually, impaired to the extent that disclosure is prohibited by § 54.1-2517; and information relating to the prescribing and dispensing of covered substances to recipients and any abstracts from such information that are in the possession of the Prescription Monitoring Program (Program) pursuant to Chapter 25.2 (*§ 54.1-2519 et seq.*) of Title 54.1 and any material relating to the operation or security of the Program.

3. Reports, documentary evidence, and other information as specified in §§ 51.5-122 and 51.5-141 and Chapter 1 (*§ 63.2-100 et seq.*) of Title 63.2 and information and statistical registries required to be kept confidential pursuant to Chapter 1 (*§ 63.2-100 et seq.*) of Title 63.2.

4. Investigative notes; proprietary information not published, copyrighted or patented; information obtained from employee personnel records; personally identifiable information regarding residents, clients or other recipients of services; *other correspondence and information furnished in confidence to the Department of Education in connection with an active investigation of an applicant or licensee pursuant to Chapter 14.1 (*§ 22.1-289.02 et seq.*) of Title 22.1*; other

correspondence and information furnished in confidence to the Department of Social Services in connection with an active investigation of an applicant or licensee pursuant to Chapters 17 (§ 63.2-1700 et seq.) and 18 (§ 63.2-1800 et seq.) of Title 63.2; and information furnished to the Office of the Attorney General in connection with an investigation or litigation pursuant to Article 19.1 (§ 8.01-216.1 et seq.) of Chapter 3 of Title 8.01 and Chapter 9 (§ 32.1-310 et seq.) of Title 32.1. However, nothing in this subdivision shall prevent the disclosure of information from the records of completed investigations in a form that does not reveal the identity of complainants, persons supplying information, or other individuals involved in the investigation.

5. Information collected for the designation and verification of trauma centers and other specialty care centers within the Statewide Emergency Medical Services System and Services pursuant to Article 2.1 (§ 32.1-111.1 et seq.) of Chapter 4 of Title 32.1.

6. Reports and court documents relating to involuntary admission required to be kept confidential pursuant to § 37.2-818.

7. Information acquired (i) during a review of any child death conducted by the State Child Fatality Review Team established pursuant to § 32.1-283.1 or by a local or regional child fatality review team to the extent that such information is made confidential by § 32.1-283.2; (ii) during a review of any death conducted by a family violence fatality review team to the extent that such information is made confidential by § 32.1-283.3; (iii) during a review of any adult death conducted by the Adult Fatality Review Team to the extent made confidential by § 32.1-283.5 or by a local or regional adult fatality review team to the extent that such information is made confidential by § 32.1-283.6; (iv) by a local or regional overdose fatality review team to the extent that such information is made confidential by § 32.1-283.7; or (v) during a review of any death conducted by the Maternal Mortality Review Team to the extent that such information is made confidential by 32.1-283.8.

8. Patient level data collected by the Board of Health and not yet processed, verified, and released, pursuant to § 32.1-276.9, to the Board by the nonprofit organization with which the Commissioner of Health has contracted pursuant to § 32.1-276.4.

9. Information relating to a grant application, or accompanying a grant application, submitted to the Commonwealth Neurotrauma Initiative Advisory Board pursuant to Article 12 (§ 51.5-178 et seq.) of Chapter 14 of Title 51.5 that would (i) reveal (a) medical or mental health records or other data identifying individual patients or (b) proprietary business or research-related information produced or collected by the applicant in the conduct of or as a result of study or research on medical, rehabilitative, scientific, technical, or scholarly issues, when such information has not been publicly released, published, copyrighted, or patented, and (ii) be harmful to the competitive position of the applicant.

10. Any information copied, recorded, or received by the Commissioner of Health in the course of an examination, investigation, or review of a managed care health insurance plan licensee pursuant to §§ 32.1-137.4 and 32.1-137.5, including books, records, files, accounts, papers, documents, and any or all computer or other recordings.

11. Records of the Virginia Birth-Related Neurological Injury Compensation Program required to be kept confidential pursuant to § 38.2-5002.2.

12. Information held by the State Health Commissioner relating to the health of any person subject to an order of quarantine or an order of isolation pursuant to Article 3.02 (§ 32.1-48.05 et seq.) of Chapter 2 of Title 32.1. However, nothing in this subdivision shall be construed to prevent the disclosure of statistical summaries, abstracts, or other information in aggregate form.

13. The names and addresses or other contact information of persons receiving transportation services from a state or local public body or its designee under Title II of the Americans with Disabilities Act, (42 U.S.C. § 12131 et seq.) or funded by Temporary Assistance for Needy Families (TANF) created under § 63.2-600.

14. Information held by certain health care committees and entities that may be withheld from discovery as privileged communications pursuant to § 8.01-581.17.

15. Data and information specified in § 37.2-308.01 relating to proceedings provided for in Article 16 (§ 16.1-335 et seq.) of Chapter 11 of Title 16.1 and Chapter 8 (§ 37.2-800 et seq.) of Title 37.2.

16. Records of and information held by the Emergency Department Care Coordination Program required to be kept confidential pursuant to § 32.1-372.

§ 9.1-914. Automatic notification of registration to certain entities; electronic notification to requesting persons.

Any school; or day-care service and child-minding services; state-regulated or state-licensed child day center, child day program, ~~children's residential facility~~, or family day home; as those terms are defined in § 22.1-289.02; assisted living facility, *children's residential facility*, or foster home as those terms are defined in § 63.2-100; nursing home or certified nursing facility as those terms are defined in § 32.1-123; association of a common interest community as defined in § 54.1-2345; and institution of higher education may request from the State Police and, upon compliance with the requirements therefor established by the State Police, shall be eligible to receive from the State Police electronic notice of the registration or reregistration of any sex offender and if such entities do not have the capability of receiving such electronic notice, the entity may register with the State Police to receive written notification of sex offender registration or reregistration. Within three business days of receipt by the State Police of registration or reregistration, the State Police shall electronically or in writing notify an entity listed above that has requested such notification, has complied with the requirements established by the State Police and is located in the same or a contiguous zip code area as the address of the offender as shown on the registration.

The Virginia Council for Private Education shall annually provide the State Police, in an electronic format approved by the State Police, with the location of every private school in the Commonwealth that is accredited through one of the approved accrediting agencies of the Council, and an electronic mail address for each school if available, for purposes of receiving notice under this section.

Any person may request from the State Police and, upon compliance with the requirements therefor established by the State Police, shall be eligible to receive from the State Police electronic notice of the registration or reregistration of any sex offender. Within three business days of receipt by the State Police of registration or reregistration, the State Police shall electronically notify a person who has requested such notification, has complied with the requirements established by the State Police and is located in the same or a contiguous zip code area as the address of the offender as shown on the registration.

The State Police shall establish reasonable guidelines governing the automatic dissemination of Registry information, which may include the payment of a fee, whether a one-time fee or a regular assessment, to maintain the electronic access. The fee, if any, shall defray the costs of establishing and maintaining the electronic notification system and notice by mail.

For the purposes of this section:

"Child-minding service" means provision of temporary custodial care or supervisory services for the minor child of another;

"Day-care service" means provision of supplementary care and protection during a part of the day for the minor child of another; and

"School" means any public, religious or private educational institution, including any preschool, elementary school, secondary school, post-secondary school, trade or professional institution, or institution of higher education.

§ 15.2-741. Regulation of child-care services and facilities in certain counties.

A. The board may by ordinance provide for the regulation and licensing of (i) persons who provide child-care services for remuneration and (ii) child-care facilities. "Child-care services" includes regular care, protection, or guidance during a part of a day to one or more children, not related by blood or marriage to the provider of services, while they are not attended by their parent, guardian, or person with legal custody. "Child-care facilities" includes any commercial or residential structure which is used to provide child-care services for remuneration. However, such ordinance shall not require the regulation or licensing of any facility operated by a religious institution as exempted from licensure by ~~§ 63.2-1716~~ 22.1-289.031.

B. Such ordinance may be more restrictive or more extensive in scope than statutes or state regulations that may affect child-care services or child-care facilities, provided that such ordinance shall not impose additional requirements or restrictions on the construction or materials to be used in the erection, alteration, repair, or use of a residential dwelling.

§ 15.2-914. Regulation of child-care services and facilities in certain counties and cities.

Any (i) county that has adopted the urban county executive form of government, (ii) city adjacent to a county that has adopted the urban county executive form of government, or (iii) city which is completely surrounded by such county may by ordinance provide for the regulation and licensing of persons who provide child-care services for compensation and for the regulation and licensing of child-care facilities. "Child-care services" means provision of regular care, protection and guidance to one or more children not related by blood or marriage while such children are separated from their parent, guardian or legal custodian in a dwelling not the residence of the child during a part of the day for at least four days of a calendar week. "Child-care facilities" includes any commercial or residential structure which is used to provide child-care services.

Such local ordinance shall not require the regulation or licensing of any child-care facility that is licensed by the Commonwealth and such ordinance shall not require the regulation or licensing of any facility operated by a religious institution as exempted from licensure by ~~§ 63.2-1716~~ 22.1-289.031.

Such local ordinances shall not be more extensive in scope than comparable state regulations applicable to family day homes. Such local ordinances may regulate the possession and storage of firearms, ammunition, or components or combination thereof at child-care facilities so long as such regulation remains no more extensive in scope than comparable state regulations applicable to family day homes. Local regulations shall not affect the manner of construction or materials to be used in the erection, alteration, repair or use of a residential dwelling.

Such local ordinances may require that persons who provide child-care services shall provide certification from the Central Criminal Records Exchange and a national criminal background check, in accordance with §§ 19.2-389 and 19.2-392.02, that such persons have not been convicted of any offense involving the sexual molestation of children or the physical or sexual abuse or rape of a child or any barrier crime defined in § 19.2-392.02, and such ordinances may require that persons who provide child-care services shall provide certification from the central registry of the Department of Social Services that such persons have not been the subject of a founded complaint of abuse or neglect. If an applicant is denied licensure because of any adverse information appearing on a record obtained from the Central Criminal Records Exchange, the national criminal background check, or the Department of Social Services, the applicant shall be provided a copy of the information upon which that denial was based.

§ 15.2-2292. Zoning provisions for family day homes.

A. Zoning ordinances for all purposes shall consider a family day home as defined in ~~§ 63.2-100~~ 22.1-289.02, serving one through four children, exclusive of the provider's own children and any children who reside in the home as residential occupancy by a single family. No conditions more restrictive than those imposed on residences occupied by persons related

by blood, marriage, or adoption shall be imposed upon such a home. Nothing in this section shall apply to any county or city which is subject to § 15.2-741 or 15.2-914.

B. A local governing body may by ordinance allow a zoning administrator to use an administrative process to issue zoning permits for a family day home, as defined in § ~~63.2-100~~ 22.1-289.02, serving five through 12 children, exclusive of the provider's own children and any children who reside in the home. The ordinance may contain such standards as the local governing body deems appropriate and shall include a requirement that notification be sent by registered or certified letter to the last known address of each adjacent property owner. If the zoning administrator receives no written objection from a person so notified within 30 days of the date of sending the letter and determines that the family day home otherwise complies with the provisions of the ordinance and all other applicable local ordinances, the zoning administrator shall issue the permit sought. If the zoning administrator receives a written objection from a person so notified within 30 days of the date of sending the letter and determines that the family day home otherwise complies with the provisions of the ordinance, the zoning administrator shall consider such objection and may (i) issue or deny the permit sought or (ii) if required by the ordinance, refer the permit to the local governing body for consideration. The ordinance shall provide a process whereby an applicant for a family day home that is denied a permit through the administrative process may request that its application be considered after a hearing following public notice as provided in § 15.2-2204. Upon such hearing, the local governing body may, in its discretion, approve the permit, subject to such conditions as agreed upon by the applicant and the locality, or deny the permit. The provisions of this subsection shall not prohibit a local governing body from exercising its authority, if at all, under subdivision A 3 of § 15.2-2286.

§ 15.2-2824. Prohibitions on smoking generally; penalty for violation.

A. Smoking shall be prohibited in (i) elevators, regardless of capacity, except in any open material hoist elevator not intended for use by the general public; (ii) public school buses; (iii) the interior of any public elementary, intermediate, and secondary school; (iv) hospital emergency rooms; (v) local or district health departments; (vi) polling rooms; (vii) indoor service lines and cashier lines; (viii) public restrooms in any building owned or leased by the Commonwealth or any agency thereof; (ix) the interior of a child day center licensed pursuant to § ~~63.2-1701~~ 22.1-289.011 that is not also used for residential purposes; however, this prohibition shall not apply to any area of a building not utilized by a child day center, unless otherwise prohibited by this chapter; and (x) public restrooms of health care facilities.

B. No person shall smoke in any area or place specified in subsection A and any person who continues to smoke in such area or place after having been asked to refrain from smoking shall be subject to a civil penalty of not more than \$25.

C. Civil penalties assessed under this section shall be paid into the Virginia Health Care Fund established under § 32.1-366.

§ 18.2-255.2. Prohibiting the sale or manufacture of drugs on or near certain properties; penalty.

A. It shall be unlawful for any person to manufacture, sell or distribute or possess with intent to sell, give or distribute any controlled substance, imitation controlled substance, or marijuana while:

1. Upon the property, including buildings and grounds, of any public or private elementary or secondary school, any institution of higher education, or any clearly marked licensed child day center as defined in § ~~63.2-100~~ 22.1-289.02;

2. Upon public property or any property open to public use within 1,000 feet of the property described in subdivision 1;

3. On any school bus as defined in § 46.2-100;

4. Upon a designated school bus stop, or upon either public property or any property open to public use which is within 1,000 feet of such school bus stop, during the time when school children are waiting to be picked up and transported to or are being dropped off from school or a school-sponsored activity;

5. Upon the property, including buildings and grounds, of any publicly owned or publicly operated recreation or community center facility or any public library; or

6. Upon the property of any state facility as defined in § 37.2-100 or upon public property or property open to public use within 1,000 feet of such an institution. It is a violation of the provisions of this section if the person possessed the controlled substance, imitation controlled substance, or marijuana on the property described in subdivisions 1 through 6, regardless of where the person intended to sell, give or distribute the controlled substance, imitation controlled substance, or marijuana. Nothing in this section shall prohibit the authorized distribution of controlled substances.

B. Violation of this section shall constitute a separate and distinct felony. Any person violating the provisions of this section shall, upon conviction, be imprisoned for a term of not less than one year nor more than five years and fined not more than \$100,000. A second or subsequent conviction hereunder for an offense involving a controlled substance classified in Schedule I, II, or III of the Drug Control Act (§ 54.1-3400 et seq.) or more than one-half ounce of marijuana shall be punished by a mandatory minimum term of imprisonment of one year to be served consecutively with any other sentence. However, if such person proves that he sold such controlled substance or marijuana only as an accommodation to another individual and not with intent to profit thereby from any consideration received or expected nor to induce the recipient or intended recipient of the controlled substance or marijuana to use or become addicted to or dependent upon such controlled substance or marijuana, he is guilty of a Class 1 misdemeanor.

C. If a person commits an act violating the provisions of this section, and the same act also violates another provision of law that provides for penalties greater than those provided for by this section, then nothing in this section shall prohibit or bar any prosecution or proceeding under that other provision of law or the imposition of any penalties provided for thereby.

§ 18.2-370.2. Sex offenses prohibiting proximity to children; penalty.

A. "Offense prohibiting proximity to children" means a violation or an attempt to commit a violation of (i) subsection A of § 18.2-47, clause (ii) or (iii) of § 18.2-48, subsection B of § 18.2-361, or subsection B of § 18.2-366, where the victim of one of the foregoing offenses was a minor, or (ii) *clause (iii) of subsection A* ~~(iii)~~ of § 18.2-61, ~~§§ § 18.2-63; or 18.2-64.1, subdivision A 1 of § 18.2-67.1, subdivision A 1 of § 18.2-67.2, or subdivision A 1 or A 4 (a) of § 18.2-67.3, or §§ § 18.2-370; or 18.2-370.1, clause (ii) of § 18.2-371, §§ or § 18.2-374.1, 18.2-374.1:1 or § 18.2-379.~~ As of July 1, 2006, "offense prohibiting proximity to children" includes a violation of § 18.2-472.1; when the offense requiring registration was one of the foregoing offenses.

B. Every adult who is convicted of an offense prohibiting proximity to children when the offense occurred on or after July 1, 2000, shall as part of his sentence be forever prohibited from loitering within 100 feet of the premises of any place he knows or has reason to know is a primary, secondary or high school. In addition, every adult who is convicted of an offense prohibiting proximity to children when the offense occurred on or after July 1, 2006, shall as part of his sentence be forever prohibited from loitering within 100 feet of the premises of any place he knows or has reason to know is a child day program as defined in § ~~63.2-100~~ 22.1-289.02.

C. Every adult who is convicted of an offense prohibiting proximity to children, when the offense occurred on or after July 1, 2008, shall as part of his sentence be forever prohibited from going, for the purpose of having any contact whatsoever with children who are not in his custody, within 100 feet of the premises of any place owned or operated by a locality that he knows or should know is a playground, athletic field or facility, or gymnasium.

D. Any person convicted of an offense under the laws of any foreign country or any political subdivision thereof, or the United States or any political subdivision thereof, similar to any offense set forth in subsection A shall be forever prohibited from loitering within 100 feet of the premises of any place he knows or has reason to know is a primary, secondary, or high school or any place he knows or has reason to know is a child day program as defined in § ~~63.2-100~~ 22.1-289.02. In addition, he shall be forever prohibited from going, for the purpose of having any contact whatsoever with children who are not in his custody, within 100 feet of the premises of any place owned or operated by a locality that he knows or has reason to know is a playground, athletic field or facility, or gymnasium.

E. A violation of this section is punishable as a Class 6 felony.

§ 18.2-370.3. Sex offenses prohibiting residing in proximity to children; penalty.

A. Every adult who is convicted of an offense occurring on or after July 1, 2006, where the offender is more than three years older than the victim, of one of the following qualifying offenses: (i) clause (iii) of subsection A of § 18.2-61, (ii) subdivision A 1 of § 18.2-67.1, (iii) subdivision A 1 of § 18.2-67.2, or (iv) any similar offense under the laws of any foreign country or any political subdivision thereof, or the United States or any political subdivision thereof, shall be forever prohibited from residing within 500 feet of the premises of any place he knows or has reason to know is a child day center as defined in § ~~63.2-100~~ 22.1-289.02, or a primary, secondary, or high school. A violation of this section is a Class 6 felony. The provisions of this section shall only apply if the qualifying offense was done in the commission of, or as a part of the same course of conduct as, or as part of a common scheme or plan as a violation of (a) subsection A of § 18.2-47 or § 18.2-48; (b) § 18.2-89, 18.2-90, or 18.2-91; (c) § 18.2-51.2; or (d) any similar offense under the laws of any foreign country or any political subdivision thereof, or the United States or any political subdivision thereof.

B. An adult who is convicted of an offense as specified in subsection A and has established a lawful residence shall not be in violation of this section if a child day center or a primary, secondary, or high school is established within 500 feet of his residence subsequent to his conviction.

C. Every adult who is convicted of an offense occurring on or after July 1, 2008, where the offender is more than three years older than the victim, of one of the following qualifying offenses: (i) clause (iii) of subsection A of § 18.2-61, (ii) subdivision A 1 of § 18.2-67.1, (iii) subdivision A 1 of § 18.2-67.2, or (iv) any similar offense under the laws of any foreign country or any political subdivision thereof, or the United States or any political subdivision thereof, shall be forever prohibited from residing within 500 feet of the boundary line of any place he knows is a public park when such park (a) is owned and operated by a county, city, or town, (b) shares a boundary line with a primary, secondary, or high school, and (c) is regularly used for school activities. A violation of this section is a Class 6 felony. The provisions of this section shall only apply if the qualifying offense was done in the commission of, or as a part of the same course of conduct as, or as part of a common scheme or plan as a violation of (1) subsection A of § 18.2-47 or § 18.2-48; (2) § 18.2-89, 18.2-90, or 18.2-91; (3) § 18.2-51.2; or (4) any similar offense under the laws of any foreign country or any political subdivision thereof, or the United States or any political subdivision thereof.

D. An adult who is convicted of an offense as specified in subsection C and has established a lawful residence shall not be in violation of this section if a public park that (i) is owned and operated by a county, city, or town, (ii) shares a boundary line with a primary, secondary, or high school, and (iii) is regularly used for school activities, is established within 500 feet of his residence subsequent to his conviction.

E. The prohibitions in this section predicated upon an offense similar to any offense set forth in this section under the laws of any foreign country or any political subdivision thereof, or the United States or any political subdivision thereof, shall apply only to residences established on and after July 1, 2017.

§ 19.2-389. (Effective until January 1, 2021) Dissemination of criminal history record information.

A. Criminal history record information shall be disseminated, whether directly or through an intermediary, only to:

1. Authorized officers or employees of criminal justice agencies, as defined by § 9.1-101, for purposes of the administration of criminal justice and the screening of an employment application or review of employment by a criminal

justice agency with respect to its own employees or applicants, and dissemination to the Virginia Parole Board, pursuant to this subdivision, of such information on all state-responsible inmates for the purpose of making parole determinations pursuant to subdivisions 1, 2, 3, and 5 of § 53.1-136 shall include collective dissemination by electronic means every 30 days. For purposes of this subdivision, criminal history record information includes information sent to the Central Criminal Records Exchange pursuant to §§ 37.2-819 and 64.2-2014 when disseminated to any full-time or part-time employee of the State Police, a police department or sheriff's office that is a part of or administered by the Commonwealth or any political subdivision thereof, and who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth for the purposes of the administration of criminal justice;

2. Such other individuals and agencies that require criminal history record information to implement a state or federal statute or executive order of the President of the United States or Governor that expressly refers to criminal conduct and contains requirements or exclusions expressly based upon such conduct, except that information concerning the arrest of an individual may not be disseminated to a noncriminal justice agency or individual if an interval of one year has elapsed from the date of the arrest and no disposition of the charge has been recorded and no active prosecution of the charge is pending;

3. Individuals and agencies pursuant to a specific agreement with a criminal justice agency to provide services required for the administration of criminal justice pursuant to that agreement which shall specifically authorize access to data, limit the use of data to purposes for which given, and ensure the security and confidentiality of the data;

4. Individuals and agencies for the express purpose of research, evaluative, or statistical activities pursuant to an agreement with a criminal justice agency that shall specifically authorize access to data, limit the use of data to research, evaluative, or statistical purposes, and ensure the confidentiality and security of the data;

5. Agencies of state or federal government that are authorized by state or federal statute or executive order of the President of the United States or Governor to conduct investigations determining employment suitability or eligibility for security clearances allowing access to classified information;

6. Individuals and agencies where authorized by court order or court rule;

7. Agencies of any political subdivision of the Commonwealth, public transportation companies owned, operated or controlled by any political subdivision, and any public service corporation that operates a public transit system owned by a local government for the conduct of investigations of applicants for employment, permit, or license whenever, in the interest of public welfare or safety, it is necessary to determine under a duly enacted ordinance if the past criminal conduct of a person with a conviction record would be compatible with the nature of the employment, permit, or license under consideration;

7a. Commissions created pursuant to the Transportation District Act of 1964 (§ 33.2-1900 et seq.) of Title 33.2 and their contractors, for the conduct of investigations of individuals who have been offered a position of employment whenever, in the interest of public welfare or safety and as authorized in the Transportation District Act of 1964, it is necessary to determine if the past criminal conduct of a person with a conviction record would be compatible with the nature of the employment under consideration;

8. Public or private agencies when authorized or required by federal or state law or interstate compact to investigate (i) applicants for foster or adoptive parenthood or (ii) any individual, and the adult members of that individual's household, with whom the agency is considering placing a child or from whom the agency is considering removing a child due to abuse or neglect, on an emergency, temporary, or permanent basis pursuant to §§ 63.2-901.1 and 63.2-1505, subject to the restriction that the data shall not be further disseminated to any party other than a federal or state authority or court as may be required to comply with an express requirement of law;

9. To the extent permitted by federal law or regulation, public service companies as defined in § 56-1, for the conduct of investigations of applicants for employment when such employment involves personal contact with the public or when past criminal conduct of an applicant would be incompatible with the nature of the employment under consideration;

10. The appropriate authority for purposes of granting citizenship and for purposes of international travel, including, but not limited to, issuing visas and passports;

11. A person requesting a copy of his own criminal history record information as defined in § 9.1-101 at his cost, except that criminal history record information shall be supplied at no charge to a person who has applied to be a volunteer with (i) a Virginia affiliate of Big Brothers/Big Sisters of America; (ii) a volunteer fire company; (iii) the Volunteer Emergency Families for Children; (iv) any affiliate of Prevent Child Abuse, Virginia; (v) any Virginia affiliate of Compeer; or (vi) any board member or any individual who has been offered membership on the board of a Crime Stoppers, Crime Solvers or Crime Line program as defined in § 15.2-1713.1;

12. Administrators and board presidents of and applicants for licensure or registration as a child welfare agency as defined in § 63.2-100 for dissemination to the Commissioner of Social Services' representative pursuant to § 63.2-1702 for the conduct of investigations with respect to employees of and volunteers at such facilities, caretakers, ~~and other adults living in family day homes or homes approved by family day systems,~~ and foster and adoptive parent applicants of private child-placing agencies, pursuant to §§ 63.2-1719, 63.2-1720, ~~63.2-1720.1, and 63.2-1721, and 63.2-1721.1,~~ subject to the restriction that the data shall not be further disseminated by the facility or agency to any party other than the data subject, the Commissioner of Social Services' representative or a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination;

13. The school boards of the Commonwealth for the purpose of screening individuals who are offered or who accept public school employment and those current school board employees for whom a report of arrest has been made pursuant to § 19.2-83.1;

14. The Virginia Lottery for the conduct of investigations as set forth in the Virginia Lottery Law (§ 58.1-4000 et seq.), and the Department of Agriculture and Consumer Services for the conduct of investigations as set forth in Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2;

15. Licensed nursing homes, hospitals and home care organizations for the conduct of investigations of applicants for compensated employment in licensed nursing homes pursuant to § 32.1-126.01, hospital pharmacies pursuant to § 32.1-126.02, and home care organizations pursuant to § 32.1-162.9:1, subject to the limitations set out in subsection E;

16. Licensed assisted living facilities and licensed adult day care centers for the conduct of investigations of applicants for compensated employment in licensed assisted living facilities and licensed adult day care centers pursuant to § 63.2-1720, subject to the limitations set out in subsection F;

17. The Virginia Alcoholic Beverage Control Authority for the conduct of investigations as set forth in § 4.1-103.1;

18. The State Board of Elections and authorized officers and employees thereof and general registrars appointed pursuant to § 24.2-110 in the course of conducting necessary investigations with respect to voter registration, limited to any record of felony convictions;

19. The Commissioner of Behavioral Health and Developmental Services for those individuals who are committed to the custody of the Commissioner pursuant to §§ 19.2-169.2, 19.2-169.6, 19.2-182.2, 19.2-182.3, 19.2-182.8, and 19.2-182.9 for the purpose of placement, evaluation, and treatment planning;

20. Any alcohol safety action program certified by the Commission on the Virginia Alcohol Safety Action Program for (i) assessments of habitual offenders under § 46.2-360, (ii) interventions with first offenders under § 18.2-251, or (iii) services to offenders under § 18.2-51.4, 18.2-266, or 18.2-266.1;

21. Residential facilities for juveniles regulated or operated by the Department of Social Services, the Department of Education, or the Department of Behavioral Health and Developmental Services for the purpose of determining applicants' fitness for employment or for providing volunteer or contractual services;

22. The Department of Behavioral Health and Developmental Services and facilities operated by the Department for the purpose of determining an individual's fitness for employment pursuant to departmental instructions;

23. Pursuant to § 22.1-296.3, the governing boards or administrators of private elementary or secondary schools which are accredited pursuant to § 22.1-19 or a private organization coordinating such records information on behalf of such governing boards or administrators pursuant to a written agreement with the Department of State Police;

24. Public institutions of higher education and nonprofit private institutions of higher education for the purpose of screening individuals who are offered or accept employment;

25. Members of a threat assessment team established by a local school board pursuant to § 22.1-79.4, by a public institution of higher education pursuant to § 23.1-805, or by a private nonprofit institution of higher education, for the purpose of assessing or intervening with an individual whose behavior may present a threat to safety; however, no member of a threat assessment team shall redisclose any criminal history record information obtained pursuant to this section or otherwise use any record of an individual beyond the purpose that such disclosure was made to the threat assessment team;

26. Executive directors of community services boards or the personnel director serving the community services board for the purpose of determining an individual's fitness for employment, approval as a sponsored residential service provider, or permission to enter into a shared living arrangement with a person receiving medical assistance services pursuant to a waiver pursuant to §§ 37.2-506 and 37.2-607;

27. Executive directors of behavioral health authorities as defined in § 37.2-600 for the purpose of determining an individual's fitness for employment, approval as a sponsored residential service provider, or permission to enter into a shared living arrangement with a person receiving medical assistance services pursuant to a waiver pursuant to §§ 37.2-506 and 37.2-607;

28. The Commissioner of Social Services for the purpose of locating persons who owe child support or who are alleged in a pending paternity proceeding to be a putative father, provided that only the name, address, demographics and social security number of the data subject shall be released;

29. Authorized officers or directors of agencies licensed pursuant to Article 2 (§ 37.2-403 et seq.) of Chapter 4 of Title 37.2 by the Department of Behavioral Health and Developmental Services for the purpose of determining if any applicant who accepts employment in any direct care position or requests approval as a sponsored residential service provider or permission to enter into a shared living arrangement with a person receiving medical assistance services pursuant to a waiver has been convicted of a crime that affects his fitness to have responsibility for the safety and well-being of individuals with mental illness, intellectual disability, or substance abuse pursuant to §§ 37.2-416, 37.2-506, and 37.2-607;

30. The Commissioner of the Department of Motor Vehicles, for the purpose of evaluating applicants for and holders of a motor carrier certificate or license subject to the provisions of Chapters 20 (§ 46.2-2000 et seq.) and 21 (§ 46.2-2100 et seq.) of Title 46.2;

31. The chairmen of the Committees for Courts of Justice of the Senate or the House of Delegates for the purpose of determining if any person being considered for election to any judgeship has been convicted of a crime;

32. Heads of state agencies in which positions have been identified as sensitive for the purpose of determining an individual's fitness for employment in positions designated as sensitive under Department of Human Resource Management policies developed pursuant to § 2.2-1201.1;

33. The Office of the Attorney General, for all criminal justice activities otherwise permitted under subdivision A 1 and for purposes of performing duties required by the Civil Commitment of Sexually Violent Predators Act (§ 37.2-900 et seq.);

34. Shipyards, to the extent permitted by federal law or regulation, engaged in the design, construction, overhaul, or repair of nuclear vessels for the United States Navy, including their subsidiary companies, for the conduct of investigations of applications for employment or for access to facilities, by contractors, leased laborers, and other visitors;

35. Any employer of individuals whose employment requires that they enter the homes of others, for the purpose of screening individuals who apply for, are offered, or have accepted such employment;

36. Public agencies when and as required by federal or state law to investigate (i) applicants as providers of adult foster care and home-based services or (ii) any individual with whom the agency is considering placing an adult on an emergency, temporary, or permanent basis pursuant to § 63.2-1601.1, subject to the restriction that the data shall not be further disseminated by the agency to any party other than a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination, subject to limitations set out in subsection G;

37. The Department of Medical Assistance Services, or its designee, for the purpose of screening individuals who, through contracts, subcontracts, or direct employment, volunteer, apply for, are offered, or have accepted a position related to the provision of transportation services to enrollees in the Medicaid Program or the Family Access to Medical Insurance Security (FAMIS) Program, or any other program administered by the Department of Medical Assistance Services;

38. The State Corporation Commission for the purpose of investigating individuals who are current or proposed members, senior officers, directors, and principals of an applicant or person licensed under Chapter 16 (§ 6.2-1600 et seq.) or Chapter 19 (§ 6.2-1900 et seq.) of Title 6.2. Notwithstanding any other provision of law, if an application is denied based in whole or in part on information obtained from the Central Criminal Records Exchange pursuant to Chapter 16 or 19 of Title 6.2, the Commissioner of Financial Institutions or his designee may disclose such information to the applicant or its designee;

39. The Department of Professional and Occupational Regulation for the purpose of investigating individuals for initial licensure pursuant to § 54.1-2106.1;

40. The Department for Aging and Rehabilitative Services and the Department for the Blind and Vision Impaired for the purpose of evaluating an individual's fitness for various types of employment and for the purpose of delivering comprehensive vocational rehabilitation services pursuant to Article 11 (§ 51.5-170 et seq.) of Chapter 14 of Title 51.5 that will assist the individual in obtaining employment;

41. Bail bondsmen, in accordance with the provisions of § 19.2-120;

42. The State Treasurer for the purpose of determining whether a person receiving compensation for wrongful incarceration meets the conditions for continued compensation under § 8.01-195.12;

43. The Department of ~~Social Services and directors of local departments of social services~~ *Education or its agents or designees* for the purpose of screening individuals seeking to enter into a contract with the Department of ~~Social Services or a local department of social services~~ *Education or its agents or designees* for the provision of child care services for which child care subsidy payments may be provided;

44. The Department of Juvenile Justice to investigate any parent, guardian, or other adult members of a juvenile's household when completing a predispositional or postdispositional report required by § 16.1-273 or a Board of Juvenile Justice regulation promulgated pursuant to § 16.1-233; ~~and~~

45. ~~Administrators and board presidents of and applicants for licensure or registration as a child day program or family day system, as such terms are defined in § 22.1-289.02, for dissemination to the Superintendent of Public Instruction's representative pursuant to § 22.1-289.013 for the conduct of investigations with respect to employees of and volunteers at such facilities pursuant to §§ 22.1-289.034 through 22.1-289.037, subject to the restriction that the data shall not be further disseminated by the facility or agency to any party other than the data subject, the Superintendent of Public Instruction's representative, or a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination; and~~

46. Other entities as otherwise provided by law.

Upon an ex parte motion of a defendant in a felony case and upon the showing that the records requested may be relevant to such case, the court shall enter an order requiring the Central Criminal Records Exchange to furnish the defendant, as soon as practicable, copies of any records of persons designated in the order on whom a report has been made under the provisions of this chapter.

Notwithstanding any other provision of this chapter to the contrary, upon a written request sworn to before an officer authorized to take acknowledgments, the Central Criminal Records Exchange, or the criminal justice agency in cases of offenses not required to be reported to the Exchange, shall furnish a copy of conviction data covering the person named in the request to the person making the request; however, such person on whom the data is being obtained shall consent in writing, under oath, to the making of such request. A person receiving a copy of his own conviction data may utilize or further disseminate that data as he deems appropriate. In the event no conviction data is maintained on the data subject, the person making the request shall be furnished at his cost a certification to that effect.

B. Use of criminal history record information disseminated to noncriminal justice agencies under this section shall be limited to the purposes for which it was given and may not be disseminated further.

C. No criminal justice agency or person shall confirm the existence or nonexistence of criminal history record information for employment or licensing inquiries except as provided by law.

D. Criminal justice agencies shall establish procedures to query the Central Criminal Records Exchange prior to dissemination of any criminal history record information on offenses required to be reported to the Central Criminal Records Exchange to ensure that the most up-to-date disposition data is being used. Inquiries of the Exchange shall be made prior to any dissemination except in those cases where time is of the essence and the normal response time of the Exchange would exceed the necessary time period. A criminal justice agency to whom a request has been made for the dissemination of criminal history record information that is required to be reported to the Central Criminal Records Exchange may direct the inquirer to the Central Criminal Records Exchange for such dissemination. Dissemination of information regarding offenses not required to be reported to the Exchange shall be made by the criminal justice agency maintaining the record as required by § 15.2-1722.

E. Criminal history information provided to licensed nursing homes, hospitals and to home care organizations pursuant to subdivision A 15 shall be limited to the convictions on file with the Exchange for any offense specified in §§ 32.1-126.01, 32.1-126.02, and 32.1-162.9:1.

F. Criminal history information provided to licensed assisted living facilities and licensed adult day care centers pursuant to subdivision A 16 shall be limited to the convictions on file with the Exchange for any offense specified in § 63.2-1720.

G. Criminal history information provided to public agencies pursuant to subdivision A 36 shall be limited to the convictions on file with the Exchange for any offense set forth in clause (i) of the definition of barrier crime in § 19.2-392.02.

H. Upon receipt of a written request from an employer or prospective employer, the Central Criminal Records Exchange, or the criminal justice agency in cases of offenses not required to be reported to the Exchange, shall furnish at the employer's cost a copy of conviction data covering the person named in the request to the employer or prospective employer making the request, provided that the person on whom the data is being obtained has consented in writing to the making of such request and has presented a photo-identification to the employer or prospective employer. In the event no conviction data is maintained on the person named in the request, the requesting employer or prospective employer shall be furnished at his cost a certification to that effect. The criminal history record search shall be conducted on forms provided by the Exchange.

I. Nothing in this section shall preclude the dissemination of a person's criminal history record information pursuant to the rules of court for obtaining discovery or for review by the court.

§ 19.2-389. (Effective January 1, 2021) Dissemination of criminal history record information.

A. Criminal history record information shall be disseminated, whether directly or through an intermediary, only to:

1. Authorized officers or employees of criminal justice agencies, as defined by § 9.1-101, for purposes of the administration of criminal justice and the screening of an employment application or review of employment by a criminal justice agency with respect to its own employees or applicants, and dissemination to the Virginia Parole Board, pursuant to this subdivision, of such information on all state-responsible inmates for the purpose of making parole determinations pursuant to subdivisions 1, 2, 3, and 5 of § 53.1-136 shall include collective dissemination by electronic means every 30 days. For purposes of this subdivision, criminal history record information includes information sent to the Central Criminal Records Exchange pursuant to §§ 37.2-819 and 64.2-2014 when disseminated to any full-time or part-time employee of the State Police, a police department or sheriff's office that is a part of or administered by the Commonwealth or any political subdivision thereof, and who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth for the purposes of the administration of criminal justice;

2. Such other individuals and agencies that require criminal history record information to implement a state or federal statute or executive order of the President of the United States or Governor that expressly refers to criminal conduct and contains requirements or exclusions expressly based upon such conduct, except that information concerning the arrest of an individual may not be disseminated to a noncriminal justice agency or individual if an interval of one year has elapsed from the date of the arrest and no disposition of the charge has been recorded and no active prosecution of the charge is pending;

3. Individuals and agencies pursuant to a specific agreement with a criminal justice agency to provide services required for the administration of criminal justice pursuant to that agreement which shall specifically authorize access to data, limit the use of data to purposes for which given, and ensure the security and confidentiality of the data;

4. Individuals and agencies for the express purpose of research, evaluative, or statistical activities pursuant to an agreement with a criminal justice agency that shall specifically authorize access to data, limit the use of data to research, evaluative, or statistical purposes, and ensure the confidentiality and security of the data;

5. Agencies of state or federal government that are authorized by state or federal statute or executive order of the President of the United States or Governor to conduct investigations determining employment suitability or eligibility for security clearances allowing access to classified information;

6. Individuals and agencies where authorized by court order or court rule;

7. Agencies of any political subdivision of the Commonwealth, public transportation companies owned, operated or controlled by any political subdivision, and any public service corporation that operates a public transit system owned by a

local government for the conduct of investigations of applicants for employment, permit, or license whenever, in the interest of public welfare or safety, it is necessary to determine under a duly enacted ordinance if the past criminal conduct of a person with a conviction record would be compatible with the nature of the employment, permit, or license under consideration;

7a. Commissions created pursuant to the Transportation District Act of 1964 (§ 33.2-1900 et seq.) of Title 33.2 and their contractors, for the conduct of investigations of individuals who have been offered a position of employment whenever, in the interest of public welfare or safety and as authorized in the Transportation District Act of 1964, it is necessary to determine if the past criminal conduct of a person with a conviction record would be compatible with the nature of the employment under consideration;

8. Public or private agencies when authorized or required by federal or state law or interstate compact to investigate (i) applicants for foster or adoptive parenthood or (ii) any individual, and the adult members of that individual's household, with whom the agency is considering placing a child or from whom the agency is considering removing a child due to abuse or neglect, on an emergency, temporary, or permanent basis pursuant to §§ 63.2-901.1 and 63.2-1505, subject to the restriction that the data shall not be further disseminated to any party other than a federal or state authority or court as may be required to comply with an express requirement of law;

9. To the extent permitted by federal law or regulation, public service companies as defined in § 56-1, for the conduct of investigations of applicants for employment when such employment involves personal contact with the public or when past criminal conduct of an applicant would be incompatible with the nature of the employment under consideration;

10. The appropriate authority for purposes of granting citizenship and for purposes of international travel, including, but not limited to, issuing visas and passports;

11. A person requesting a copy of his own criminal history record information as defined in § 9.1-101 at his cost, except that criminal history record information shall be supplied at no charge to a person who has applied to be a volunteer with (i) a Virginia affiliate of Big Brothers/Big Sisters of America; (ii) a volunteer fire company; (iii) the Volunteer Emergency Families for Children; (iv) any affiliate of Prevent Child Abuse, Virginia; (v) any Virginia affiliate of Compeer; or (vi) any board member or any individual who has been offered membership on the board of a Crime Stoppers, Crime Solvers or Crime Line program as defined in § 15.2-1713.1;

12. Administrators and board presidents of and applicants for licensure or registration as a child welfare agency as defined in § 63.2-100 for dissemination to the Commissioner of Social Services' representative pursuant to § 63.2-1702 for the conduct of investigations with respect to employees of and volunteers at such facilities, caretakers, ~~and other adults living in family day homes or homes approved by family day systems,~~ and foster and adoptive parent applicants of private child-placing agencies, pursuant to §§ 63.2-1719, 63.2-1720, ~~63.2-1720.1, and 63.2-1721;~~ ~~and 63.2-1721.1,~~ subject to the restriction that the data shall not be further disseminated by the facility or agency to any party other than the data subject, the Commissioner of Social Services' representative or a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination;

13. The school boards of the Commonwealth for the purpose of screening individuals who are offered or who accept public school employment and those current school board employees for whom a report of arrest has been made pursuant to § 19.2-83.1;

14. The Virginia Lottery for the conduct of investigations as set forth in the Virginia Lottery Law (§ 58.1-4000 et seq.), and the Department of Agriculture and Consumer Services for the conduct of investigations as set forth in Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2;

15. Licensed nursing homes, hospitals and home care organizations for the conduct of investigations of applicants for compensated employment in licensed nursing homes pursuant to § 32.1-126.01, hospital pharmacies pursuant to § 32.1-126.02, and home care organizations pursuant to § 32.1-162.9:1, subject to the limitations set out in subsection E;

16. Licensed assisted living facilities and licensed adult day care centers for the conduct of investigations of applicants for compensated employment in licensed assisted living facilities and licensed adult day care centers pursuant to § 63.2-1720, subject to the limitations set out in subsection F;

17. The Virginia Alcoholic Beverage Control Authority for the conduct of investigations as set forth in § 4.1-103.1;

18. The State Board of Elections and authorized officers and employees thereof and general registrars appointed pursuant to § 24.2-110 in the course of conducting necessary investigations with respect to voter registration, limited to any record of felony convictions;

19. The Commissioner of Behavioral Health and Developmental Services for those individuals who are committed to the custody of the Commissioner pursuant to §§ 19.2-169.2, 19.2-169.6, 19.2-182.2, 19.2-182.3, 19.2-182.8, and 19.2-182.9 for the purpose of placement, evaluation, and treatment planning;

20. Any alcohol safety action program certified by the Commission on the Virginia Alcohol Safety Action Program for (i) assessments of habitual offenders under § 46.2-360, (ii) interventions with first offenders under § 18.2-251, or (iii) services to offenders under § 18.2-51.4, 18.2-266, or 18.2-266.1;

21. Residential facilities for juveniles regulated or operated by the Department of Social Services, the Department of Education, or the Department of Behavioral Health and Developmental Services for the purpose of determining applicants' fitness for employment or for providing volunteer or contractual services;

22. The Department of Behavioral Health and Developmental Services and facilities operated by the Department for the purpose of determining an individual's fitness for employment pursuant to departmental instructions;

23. Pursuant to § 22.1-296.3, the governing boards or administrators of private elementary or secondary schools which are accredited pursuant to § 22.1-19 or a private organization coordinating such records information on behalf of such governing boards or administrators pursuant to a written agreement with the Department of State Police;

24. Public institutions of higher education and nonprofit private institutions of higher education for the purpose of screening individuals who are offered or accept employment;

25. Members of a threat assessment team established by a local school board pursuant to § 22.1-79.4, by a public institution of higher education pursuant to § 23.1-805, or by a private nonprofit institution of higher education, for the purpose of assessing or intervening with an individual whose behavior may present a threat to safety; however, no member of a threat assessment team shall redisclose any criminal history record information obtained pursuant to this section or otherwise use any record of an individual beyond the purpose that such disclosure was made to the threat assessment team;

26. Executive directors of community services boards or the personnel director serving the community services board for the purpose of determining an individual's fitness for employment, approval as a sponsored residential service provider, or permission to enter into a shared living arrangement with a person receiving medical assistance services pursuant to a waiver pursuant to §§ 37.2-506 and 37.2-607;

27. Executive directors of behavioral health authorities as defined in § 37.2-600 for the purpose of determining an individual's fitness for employment, approval as a sponsored residential service provider, or permission to enter into a shared living arrangement with a person receiving medical assistance services pursuant to a waiver pursuant to §§ 37.2-506 and 37.2-607;

28. The Commissioner of Social Services for the purpose of locating persons who owe child support or who are alleged in a pending paternity proceeding to be a putative father, provided that only the name, address, demographics and social security number of the data subject shall be released;

29. Authorized officers or directors of agencies licensed pursuant to Article 2 (§ 37.2-403 et seq.) of Chapter 4 of Title 37.2 by the Department of Behavioral Health and Developmental Services for the purpose of determining if any applicant who accepts employment in any direct care position or requests approval as a sponsored residential service provider or permission to enter into a shared living arrangement with a person receiving medical assistance services pursuant to a waiver has been convicted of a crime that affects his fitness to have responsibility for the safety and well-being of individuals with mental illness, intellectual disability, or substance abuse pursuant to §§ 37.2-416, 37.2-506, and 37.2-607;

30. The Commissioner of the Department of Motor Vehicles, for the purpose of evaluating applicants for and holders of a motor carrier certificate or license subject to the provisions of Chapters 20 (§ 46.2-2000 et seq.) and 21 (§ 46.2-2100 et seq.) of Title 46.2;

31. The chairmen of the Committees for Courts of Justice of the Senate or the House of Delegates for the purpose of determining if any person being considered for election to any judgeship has been convicted of a crime;

32. Heads of state agencies in which positions have been identified as sensitive for the purpose of determining an individual's fitness for employment in positions designated as sensitive under Department of Human Resource Management policies developed pursuant to § 2.2-1201.1;

33. The Office of the Attorney General, for all criminal justice activities otherwise permitted under subdivision A 1 and for purposes of performing duties required by the Civil Commitment of Sexually Violent Predators Act (§ 37.2-900 et seq.);

34. Shipyards, to the extent permitted by federal law or regulation, engaged in the design, construction, overhaul, or repair of nuclear vessels for the United States Navy, including their subsidiary companies, for the conduct of investigations of applications for employment or for access to facilities, by contractors, leased laborers, and other visitors;

35. Any employer of individuals whose employment requires that they enter the homes of others, for the purpose of screening individuals who apply for, are offered, or have accepted such employment;

36. Public agencies when and as required by federal or state law to investigate (i) applicants as providers of adult foster care and home-based services or (ii) any individual with whom the agency is considering placing an adult on an emergency, temporary, or permanent basis pursuant to § 63.2-1601.1, subject to the restriction that the data shall not be further disseminated by the agency to any party other than a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination, subject to limitations set out in subsection G;

37. The Department of Medical Assistance Services, or its designee, for the purpose of screening individuals who, through contracts, subcontracts, or direct employment, volunteer, apply for, are offered, or have accepted a position related to the provision of transportation services to enrollees in the Medicaid Program or the Family Access to Medical Insurance Security (FAMIS) Program, or any other program administered by the Department of Medical Assistance Services;

38. The State Corporation Commission for the purpose of investigating individuals who are current or proposed members, senior officers, directors, and principals of an applicant or person licensed under Chapter 16 (§ 6.2-1600 et seq.) or Chapter 19 (§ 6.2-1900 et seq.) of Title 6.2. Notwithstanding any other provision of law, if an application is denied based in whole or in part on information obtained from the Central Criminal Records Exchange pursuant to Chapter 16 or 19 of Title 6.2, the Commissioner of Financial Institutions or his designee may disclose such information to the applicant or its designee;

39. The Department of Professional and Occupational Regulation for the purpose of investigating individuals for initial licensure pursuant to § 54.1-2106.1;

40. The Department for Aging and Rehabilitative Services and the Department for the Blind and Vision Impaired for the purpose of evaluating an individual's fitness for various types of employment and for the purpose of delivering comprehensive vocational rehabilitation services pursuant to Article 11 (§ 51.5-170 et seq.) of Chapter 14 of Title 51.5 that will assist the individual in obtaining employment;

41. Bail bondsmen, in accordance with the provisions of § 19.2-120;

42. The State Treasurer for the purpose of determining whether a person receiving compensation for wrongful incarceration meets the conditions for continued compensation under § 8.01-195.12;

43. The Department of ~~Social Services and directors of local departments of social services~~ *Education or its agents or designees* for the purpose of screening individuals seeking to enter into a contract with the Department of ~~Social Services or a local department of social services~~ *Education or its agents or designees* for the provision of child care services for which child care subsidy payments may be provided;

44. The Department of Juvenile Justice to investigate any parent, guardian, or other adult members of a juvenile's household when completing a predispositional or postdispositional report required by § 16.1-273 or a Board of Juvenile Justice regulation promulgated pursuant to § 16.1-233;

45. The State Corporation Commission, for the purpose of screening applicants for insurance licensure under Chapter 18 (§ 38.2-1800 et seq.) of Title 38.2; ~~and~~

46. *Administrators and board presidents of and applicants for licensure or registration as a child day program or family day system, as such terms are defined in § 22.1-289.02, for dissemination to the Superintendent of Public Instruction's representative pursuant to § 22.1-289.013 for the conduct of investigations with respect to employees of and volunteers at such facilities pursuant to §§ 22.1-289.034 through 22.1-289.037, subject to the restriction that the data shall not be further disseminated by the facility or agency to any party other than the data subject, the Superintendent of Public Instruction's representative, or a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination; and*

47. Other entities as otherwise provided by law.

Upon an ex parte motion of a defendant in a felony case and upon the showing that the records requested may be relevant to such case, the court shall enter an order requiring the Central Criminal Records Exchange to furnish the defendant, as soon as practicable, copies of any records of persons designated in the order on whom a report has been made under the provisions of this chapter.

Notwithstanding any other provision of this chapter to the contrary, upon a written request sworn to before an officer authorized to take acknowledgments, the Central Criminal Records Exchange, or the criminal justice agency in cases of offenses not required to be reported to the Exchange, shall furnish a copy of conviction data covering the person named in the request to the person making the request; however, such person on whom the data is being obtained shall consent in writing, under oath, to the making of such request. A person receiving a copy of his own conviction data may utilize or further disseminate that data as he deems appropriate. In the event no conviction data is maintained on the data subject, the person making the request shall be furnished at his cost a certification to that effect.

B. Use of criminal history record information disseminated to noncriminal justice agencies under this section shall be limited to the purposes for which it was given and may not be disseminated further.

C. No criminal justice agency or person shall confirm the existence or nonexistence of criminal history record information for employment or licensing inquiries except as provided by law.

D. Criminal justice agencies shall establish procedures to query the Central Criminal Records Exchange prior to dissemination of any criminal history record information on offenses required to be reported to the Central Criminal Records Exchange to ensure that the most up-to-date disposition data is being used. Inquiries of the Exchange shall be made prior to any dissemination except in those cases where time is of the essence and the normal response time of the Exchange would exceed the necessary time period. A criminal justice agency to whom a request has been made for the dissemination of criminal history record information that is required to be reported to the Central Criminal Records Exchange may direct the inquirer to the Central Criminal Records Exchange for such dissemination. Dissemination of information regarding offenses not required to be reported to the Exchange shall be made by the criminal justice agency maintaining the record as required by § 15.2-1722.

E. Criminal history information provided to licensed nursing homes, hospitals and to home care organizations pursuant to subdivision A 15 shall be limited to the convictions on file with the Exchange for any offense specified in §§ 32.1-126.01, 32.1-126.02, and 32.1-162.9:1.

F. Criminal history information provided to licensed assisted living facilities and licensed adult day care centers pursuant to subdivision A 16 shall be limited to the convictions on file with the Exchange for any offense specified in § 63.2-1720.

G. Criminal history information provided to public agencies pursuant to subdivision A 36 shall be limited to the convictions on file with the Exchange for any offense set forth in clause (i) of the definition of barrier crime in § 19.2-392.02.

H. Upon receipt of a written request from an employer or prospective employer, the Central Criminal Records Exchange, or the criminal justice agency in cases of offenses not required to be reported to the Exchange, shall furnish at the employer's cost a copy of conviction data covering the person named in the request to the employer or prospective employer making the request, provided that the person on whom the data is being obtained has consented in writing to the making of

such request and has presented a photo-identification to the employer or prospective employer. In the event no conviction data is maintained on the person named in the request, the requesting employer or prospective employer shall be furnished at his cost a certification to that effect. The criminal history record search shall be conducted on forms provided by the Exchange.

I. Nothing in this section shall preclude the dissemination of a person's criminal history record information pursuant to the rules of court for obtaining discovery or for review by the court.

§ 19.2-390. Reports to be made by local law-enforcement officers, conservators of the peace, clerks of court, Secretary of the Commonwealth and Corrections officials to State Police; material submitted by other agencies.

A. 1. Every state official or agency having the power to arrest, the sheriffs of counties, the police officials of cities and towns, and any other local law-enforcement officer or conservator of the peace having the power to arrest for a felony shall make a report to the Central Criminal Records Exchange, on forms provided by it, of any arrest, including those arrests involving the taking into custody of, or service of process upon, any person on charges resulting from an indictment, presentment or information, the arrest on *capias* or warrant for failure to appear, and the service of a warrant for another jurisdiction, for each charge when any person is arrested on any of the following charges:

a. Treason;

b. Any felony;

c. Any offense punishable as a misdemeanor under Title 54.1;

d. Any misdemeanor punishable by confinement in jail (i) under Title 18.2 or 19.2, or any similar ordinance of any county, city or town, (ii) under § 20-61, or (iii) under § 16.1-253.2; or

e. Any offense in violation of § 3.2-6570, 4.1-309.1, 5.1-13, 15.2-1612, 22.1-289.041, 46.2-339, 46.2-341.21, 46.2-341.24, 46.2-341.26:3, 46.2-817, 58.1-3141, 58.1-4018.1, 60.2-632, or 63.2-1509; ~~or 63.2-1727.~~

The reports shall contain such information as is required by the Exchange and shall be accompanied by fingerprints of the individual arrested for each charge. Effective January 1, 2006, the corresponding photograph of the individual arrested shall accompany the report. Fingerprint cards prepared by a law-enforcement agency for inclusion in a national criminal justice file shall be forwarded to the Exchange for transmittal to the appropriate bureau. Nothing in this section shall preclude each local law-enforcement agency from maintaining its own separate photographic database. Fingerprints and photographs required to be taken pursuant to this subsection or subdivision A 3c of § 19.2-123 may be taken at the facility where the magistrate is located, including a regional jail, even if the accused is not committed to jail.

2. For persons arrested and released on summonses in accordance with § 19.2-74, such report shall not be required until (i) a conviction is entered and no appeal is noted or if an appeal is noted, the conviction is upheld upon appeal or the person convicted withdraws his appeal; (ii) the court defers or dismisses the proceeding pursuant to § 18.2-57.3, 18.2-251, or 19.2-303.2; or (iii) an acquittal by reason of insanity pursuant to § 19.2-182.2 is entered. Upon such conviction or acquittal, the court shall remand the individual to the custody of the office of the chief law-enforcement officer of the county or city. It shall be the duty of the chief law-enforcement officer, or his designee who may be the arresting officer, to ensure that such report is completed for each charge after a determination of guilt or acquittal by reason of insanity. The court shall require the officer to complete the report immediately following the person's conviction or acquittal, and the individual shall be discharged from custody forthwith, unless the court has imposed a jail sentence to be served by him or ordered him committed to the custody of the Commissioner of Behavioral Health and Developmental Services.

3. For persons arrested on a *capias* for any allegation of a violation of the terms or conditions of a suspended sentence or probation for a felony offense pursuant to § 18.2-456, 19.2-306, or 53.1-165, a report shall be made to the Central Criminal Records Exchange pursuant to subdivision 1. Upon finding such person in violation of the terms or conditions of a suspended sentence or probation for such felony offense, the court shall order that the fingerprints and photograph of such person be taken by a law-enforcement officer for each such offense and submitted to the Central Criminal Records Exchange.

4. For any person served with a show cause for any allegation of a violation of the terms or conditions of a suspended sentence or probation for a felony offense pursuant to § 18.2-456, 19.2-306, or 53.1-165, such report to the Central Criminal Records Exchange shall not be required until such person is found to be in violation of the terms or conditions of a suspended sentence or probation for such felony offense. Upon finding such person in violation of the terms or conditions of a suspended sentence or probation for such felony offense, the court shall order that the fingerprints and photograph of such person be taken by a law-enforcement officer for each such offense and submitted to the Central Criminal Records Exchange.

5. If the accused is in custody when an indictment or presentment is found or made, or information is filed, and no process is awarded, the attorney for the Commonwealth shall so notify the court of such at the time of first appearance for each indictment, presentment, or information for which a report is required upon arrest pursuant to subdivision 1, and the court shall order that the fingerprints and photograph of the accused be taken for each offense by a law-enforcement officer or by the agency that has custody of the accused at the time of first appearance. The law-enforcement officer or agency taking the fingerprints and photograph shall submit a report to the Central Criminal Records Exchange for each offense.

B. Within 72 hours following the receipt of (i) a warrant or *capias* for the arrest of any person on a charge of a felony or (ii) a Governor's warrant of arrest of a person issued pursuant to § 19.2-92, the law-enforcement agency which received the warrant shall enter the person's name and other appropriate information required by the Department of State Police into the "information systems" known as the Virginia Criminal Information Network (VCIN), established and maintained by the

Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the National Crime Information Center (NCIC), maintained by the Federal Bureau of Investigation. The report shall include the person's name, date of birth, social security number and such other known information which the State Police or Federal Bureau of Investigation may require. Where feasible and practical, the magistrate or court issuing the warrant or *capias* may transfer information electronically into VCIN. When the information is electronically transferred to VCIN, the court or magistrate shall forthwith forward the warrant or *capias* to the local police department or sheriff's office. When criminal process has been ordered destroyed pursuant to § 19.2-76.1, the law-enforcement agency destroying such process shall ensure the removal of any information relating to the destroyed criminal process from the VCIN and NCIC.

B1. Within 72 hours following the receipt of a written statement issued by a parole officer pursuant to § 53.1-149 or 53.1-162 authorizing the arrest of a person who has violated the provisions of his post-release supervision or probation, the law-enforcement agency that received the written statement shall enter, or cause to be entered, the person's name and other appropriate information required by the Department of State Police into the "information systems" known as the Virginia Criminal Information Network (VCIN), established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52.

C. For offenses not charged on a summons in accordance with § 19.2-74, the clerk of each circuit court and district court shall make an electronic report to the Central Criminal Records Exchange of (i) any dismissal, including a dismissal pursuant to § 18.2-57.3, 18.2-251, or 19.2-303.2, indefinite postponement or continuance, charge still pending due to mental incompetency or incapacity, deferral, *nolle prosequi*, acquittal, or conviction of, including any sentence imposed, or failure of a grand jury to return a true bill as to, any person charged with an offense listed in subsection A, including any action that may have resulted from an indictment, presentment or information, or any finding that the person is in violation of the terms or conditions of a suspended sentence or probation for a felony offense and (ii) any adjudication of delinquency based upon an act that, if committed by an adult, would require fingerprints to be filed pursuant to subsection A. For offenses listed in subsection A and charged on a summons in accordance with § 19.2-74, such electronic report by the clerk of each circuit court and district court to the Central Criminal Records Exchange may be submitted but shall not be required until (a) a conviction is entered and no appeal is noted or, if an appeal is noted, the conviction is upheld upon appeal or the person convicted withdraws his appeal; (b) the court defers or dismisses the proceeding pursuant to § 18.2-57.3, 18.2-251, or 19.2-303.2; or (c) an acquittal by reason of insanity pursuant to § 19.2-182.2 is entered. The clerk of each circuit court shall make an electronic report to the Central Criminal Records Exchange of any finding that a person charged on a summons is in violation of the terms or conditions of a suspended sentence or probation for a felony offense. In the case of offenses not required to be reported to the Exchange by subsection A, the reports of any of the foregoing dispositions shall be filed by the law-enforcement agency making the arrest with the arrest record required to be maintained by § 15.2-1722. Upon conviction of any person, including juveniles tried and convicted in the circuit courts pursuant to § 16.1-269.1, whether sentenced as adults or juveniles, for an offense for which registration is required as defined in § 9.1-902, the clerk shall within seven days of sentencing submit a report to the Sex Offender and Crimes Against Minors Registry. The report to the Registry shall include the name of the person convicted and all aliases that he is known to have used, the date and locality of the conviction for which registration is required, his date of birth, social security number, and last known address, and specific reference to the offense for which he was convicted. No report of conviction or adjudication in a district court shall be filed unless the period allowed for an appeal has elapsed and no appeal has been perfected. In the event that the records in the office of any clerk show that any conviction or adjudication has been nullified in any manner, he shall also make a report of that fact to the Exchange and, if appropriate, to the Registry. In addition, each clerk of a circuit court, upon receipt of certification thereof from the Supreme Court, shall report to the Exchange or the Registry, or to the law-enforcement agency making the arrest in the case of offenses not required to be reported to the Exchange, on forms provided by the Exchange or Registry, as the case may be, any reversal or other amendment to a prior sentence or disposition previously reported. When criminal process is ordered destroyed pursuant to § 19.2-76.1, the clerk shall report such action to the law-enforcement agency that entered the warrant or *capias* into the VCIN.

D. In addition to those offenses enumerated in subsection A, the Central Criminal Records Exchange may receive, classify, and file any other fingerprints, photographs, and records of arrest or confinement submitted to it by any law-enforcement agency or any correctional institution or the Department of Corrections. Unless otherwise prohibited by law, any such fingerprints, photographs, and records received by the Central Criminal Records Exchange from any correctional institution or the Department of Corrections may be classified and filed as criminal history record information.

E. Corrections officials, sheriffs, and jail superintendents of regional jails, responsible for maintaining correctional status information, as required by the regulations of the Department of Criminal Justice Services, with respect to individuals about whom reports have been made under the provisions of this chapter shall make reports of changes in correctional status information to the Central Criminal Records Exchange. The reports to the Exchange shall include any commitment to or release or escape from a state or local correctional facility, including commitment to or release from a parole or probation agency.

F. Any pardon, reprieve or executive commutation of sentence by the Governor shall be reported to the Exchange by the office of the Secretary of the Commonwealth.

G. Officials responsible for reporting disposition of charges, and correctional changes of status of individuals under this section, including those reports made to the Registry, shall adopt procedures reasonably designed at a minimum (i) to ensure that such reports are accurately made as soon as feasible by the most expeditious means and in no instance later than 30 days

after occurrence of the disposition or correctional change of status and (ii) to report promptly any correction, deletion, or revision of the information.

H. Upon receiving a correction, deletion, or revision of information, the Central Criminal Records Exchange shall notify all criminal justice agencies known to have previously received the information.

I. As used in this section:

"Chief law-enforcement officer" means the chief of police of cities and towns and sheriffs of counties, unless a political subdivision has otherwise designated its chief law-enforcement officer by appropriate resolution or ordinance, in which case the local designation shall be controlling.

"Electronic report" means a report transmitted to, or otherwise forwarded to, the Central Criminal Records Exchange in an electronic format approved by the Exchange. The report shall contain the name of the person convicted and all aliases which he is known to have used, the date and locality of the conviction, his date of birth, social security number, last known address, and specific reference to the offense including the Virginia Code section and any subsection, the Virginia crime code for the offense, and the offense tracking number for the offense for which he was convicted.

§ 19.2-392.02. National criminal background checks by businesses and organizations regarding employees or volunteers providing care to children or the elderly or disabled.

A. For purposes of this section:

"Barrier crime" means (i) a felony violation of § 16.1-253.2; any violation of § 18.2-31, 18.2-32, 18.2-32.1, 18.2-32.2, 18.2-33, 18.2-35, 18.2-36, 18.2-36.1, 18.2-36.2, 18.2-41, or 18.2-42; any felony violation of § 18.2-46.2, 18.2-46.3, 18.2-46.3:1, or 18.2-46.3:3; any violation of § 18.2-46.5, 18.2-46.6, or 18.2-46.7; any violation of subsection A or B of § 18.2-47; any violation of § 18.2-48, 18.2-49, or 18.2-50.3; any violation of § 18.2-51, 18.2-51.1, 18.2-51.2, 18.2-51.3, 18.2-51.4, 18.2-51.5, 18.2-51.6, 18.2-52, 18.2-52.1, 18.2-53, 18.2-53.1, 18.2-54.1, 18.2-54.2, 18.2-55, 18.2-55.1, 18.2-56, 18.2-56.1, 18.2-56.2, 18.2-57, 18.2-57.01, 18.2-57.02, 18.2-57.2, 18.2-58, 18.2-58.1, 18.2-59, 18.2-60, or 18.2-60.1; any felony violation of § 18.2-60.3 or 18.2-60.4; any violation of § 18.2-61, 18.2-63, 18.2-64.1, 18.2-64.2, 18.2-67.1, 18.2-67.2, 18.2-67.3, 18.2-67.4, 18.2-67.4:1, 18.2-67.4:2, 18.2-67.5, 18.2-67.5:1, 18.2-67.5:2, 18.2-67.5:3, 18.2-77, 18.2-79, 18.2-80, 18.2-81, 18.2-82, 18.2-83, 18.2-84, 18.2-85, 18.2-86, 18.2-87, 18.2-87.1, or 18.2-88; any felony violation of § 18.2-279, 18.2-280, 18.2-281, 18.2-282, 18.2-282.1, 18.2-286.1, or 18.2-287.2; any violation of § 18.2-289, 18.2-290, 18.2-300, 18.2-308.4, or 18.2-314; any felony violation of § 18.2-346, 18.2-348, or 18.2-349; any violation of § 18.2-355, 18.2-356, 18.2-357, or 18.2-357.1; any violation of subsection B of § 18.2-361; any violation of § 18.2-366, 18.2-369, 18.2-370, 18.2-370.1, 18.2-370.2, 18.2-370.3, 18.2-370.4, 18.2-370.5, 18.2-370.6, 18.2-371.1, 18.2-374.1, 18.2-374.1:1, 18.2-374.3, 18.2-374.4, 18.2-379, 18.2-386.1, or 18.2-386.2; any felony violation of § 18.2-405 or 18.2-406; any violation of § 18.2-408, 18.2-413, 18.2-414, 18.2-423, 18.2-423.01, 18.2-423.1, 18.2-423.2, 18.2-472.1, 18.2-474.1, 18.2-477, 18.2-477.1, 18.2-477.2, 18.2-478, 18.2-479, 18.2-480, 18.2-481, 18.2-484, 18.2-485, 37.2-917, or 53.1-203; or any substantially similar offense under the laws of another jurisdiction; (ii) any violation of § 18.2-89, 18.2-90, 18.2-91, 18.2-92, 18.2-93, or 18.2-94 or any substantially similar offense under the laws of another jurisdiction; (iii) any felony violation of § 18.2-248, 18.2-248.01, 18.2-248.02, 18.2-248.03, 18.2-248.1, 18.2-248.5, 18.2-251.2, 18.2-251.3, 18.2-255, 18.2-255.2, 18.2-258, 18.2-258.02, 18.2-258.1, or 18.2-258.2 or any substantially similar offense under the laws of another jurisdiction; (iv) any felony violation of § 18.2-250 or any substantially similar offense under the laws of another jurisdiction; (v) any offense set forth in § 9.1-902 that results in the person's requirement to register with the Sex Offender and Crimes Against Minors Registry pursuant to § 9.1-901, including any finding that a person is not guilty by reason of insanity in accordance with Chapter 11.1 (§ 19.2-182.2 et seq.) of Title 19.2 of an offense set forth in § 9.1-902 that results in the person's requirement to register with the Sex Offender and Crimes Against Minors Registry pursuant to § 9.1-901; any substantially similar offense under the laws of another jurisdiction; or any offense for which registration in a sex offender and crimes against minors registry is required under the laws of the jurisdiction where the offender was convicted; or (vi) any other felony not included in clause (i), (ii), (iii), (iv), or (v) unless five years have elapsed from the date of the conviction.

"Barrier crime information" means the following facts concerning a person who has been arrested for, or has been convicted of, a barrier crime, regardless of whether the person was a juvenile or adult at the time of the arrest or conviction: full name, race, sex, date of birth, height, weight, fingerprints, a brief description of the barrier crime or offenses for which the person has been arrested or has been convicted, the disposition of the charge, and any other information that may be useful in identifying persons arrested for or convicted of a barrier crime.

"Care" means the provision of care, treatment, education, training, instruction, supervision, or recreation to children or the elderly or disabled.

"Department" means the Department of State Police.

"Employed by" means any person who is employed by, volunteers for, seeks to be employed by, or seeks to volunteer for a qualified entity.

"Identification document" means a document made or issued by or under the authority of the United States government, a state, a political subdivision of a state, a foreign government, political subdivision of a foreign government, an international governmental or an international quasi-governmental organization that, when completed with information concerning a particular individual, is of a type intended or commonly accepted for the purpose of identification of individuals.

"Provider" means a person who (i) is employed by a qualified entity and has, seeks to have, or may have unsupervised access to a child or to an elderly or disabled person to whom the qualified entity provides care; (ii) is a volunteer of a

qualified entity and has, seeks to have, or may have unsupervised access to a child to whom the qualified entity provides care; or (iii) owns, operates, or seeks to own or operate a qualified entity.

"Qualified entity" means a business or organization that provides care to children or the elderly or disabled, whether governmental, private, for profit, nonprofit, or voluntary, except organizations exempt pursuant to subdivision A 7 of § ~~63.2-1715~~ 22.1-289.030.

B. A qualified entity may request the Department of State Police to conduct a national criminal background check on any provider who is employed by such entity. No qualified entity may request a national criminal background check on a provider until such provider has:

1. Been fingerprinted; and

2. Completed and signed a statement, furnished by the entity, that includes (i) his name, address, and date of birth as it appears on a valid identification document; (ii) a disclosure of whether or not the provider has ever been convicted of or is the subject of pending charges for a criminal offense within or outside the Commonwealth, and if the provider has been convicted of a crime, a description of the crime and the particulars of the conviction; (iii) a notice to the provider that the entity may request a background check; (iv) a notice to the provider that he is entitled to obtain a copy of any background check report, to challenge the accuracy and completeness of any information contained in any such report, and to obtain a prompt determination as to the validity of such challenge before a final determination is made by the Department; and (v) a notice to the provider that prior to the completion of the background check the qualified entity may choose to deny the provider unsupervised access to children or the elderly or disabled for whom the qualified entity provides care.

C. Upon receipt of (i) a qualified entity's written request to conduct a background check on a provider, (ii) the provider's fingerprints, and (iii) a completed, signed statement as described in subsection B, the Department shall make a determination whether the provider has been convicted of or is the subject of charges of a barrier crime. To conduct its determination regarding the provider's barrier crime information, the Department shall access the national criminal history background check system, which is maintained by the Federal Bureau of Investigation and is based on fingerprints and other methods of identification, and shall access the Central Criminal Records Exchange maintained by the Department. If the Department receives a background report lacking disposition data, the Department shall conduct research in whatever state and local recordkeeping systems are available in order to obtain complete data. The Department shall make reasonable efforts to respond to a qualified entity's inquiry within 15 business days.

D. Any background check conducted pursuant to this section for a provider employed by a private entity shall be screened by the Department of State Police. If the provider has been convicted of or is under indictment for a barrier crime, the qualified entity shall be notified that the provider is not qualified to work or volunteer in a position that involves unsupervised access to children or the elderly or disabled.

E. Any background check conducted pursuant to this section for a provider employed by a governmental entity shall be provided to that entity.

F. In the case of a provider who desires to volunteer at a qualified entity and who is subject to a national criminal background check, the Department and the Federal Bureau of Investigation may each charge the provider the lesser of \$18 or the actual cost to the entity of the background check conducted with the fingerprints.

G. The failure to request a criminal background check pursuant to subsection B shall not be considered negligence per se in any civil action.

H. (Expires July 1, 2020) Notwithstanding any provisions in this section to the contrary, a spouse of a birth parent or parent by adoption who is not the birth parent of a child and has filed a petition for adoption of such child in circuit court may request the Department of State Police to conduct a national criminal background check on such prospective adoptive parent at his cost for purposes of § 63.2-1242. Such background checks shall otherwise be conducted in accordance with the provisions of this section.

§ 22.1-1. Definitions.

As used in this title, unless the context requires otherwise or it is otherwise specifically provided a different meaning:

"Board" or "State Board" means the Board of Education.

"Department" means the Department of Education.

"Division superintendent" means the division superintendent of schools of a school division.

"Elementary" includes kindergarten.

"Elementary and secondary" and "elementary or secondary" include elementary, middle, and high school grades.

"Governing body" or "local governing body" means the board of supervisors of a county, council of a city, or council of a town, responsible for appropriating funds for such locality, as the context may require.

"Middle school" means separate schools for early adolescents and the middle school grades that might be housed at elementary or high schools.

"Parent" or "parents" means any parent, guardian, legal custodian, or other person having control or charge of a child.

"Person of school age" means a person who will have reached his fifth birthday on or before September 30 of the school year and who has not reached twenty years of age on or before August 1 of the school year.

"School board" means the school board that governs a school division.

"Superintendent" means the Superintendent of Public Instruction.

§ 22.1-19. Accreditation of elementary, middle, and high schools; nursery schools; recognition of certain organizations; child day center regulation.

The Board shall provide for the accreditation of public elementary, middle, and high schools in accordance with standards prescribed by it. The Board may provide for the accreditation of private elementary, middle, and high schools in accordance with standards prescribed by it, taking reasonably into account the special circumstances and factors affecting such private schools. The Board in its discretion may recommend provisions for *accreditation* standards for private nursery schools. Any such accreditation shall be at the request of the private school only.

For the purposes of facilitating the transfer of academic credits for students who have attended private schools and are enrolling in public schools, and to meet the requirements of § ~~63-2-1717~~ 22.1-289.032, the Board of Education shall authorize, in a manner it deems appropriate, the Virginia Council for Private Education to accredit private nursery, preschool, elementary, and secondary schools.

§ 22.1-199.1. Programs designed to promote educational opportunities.

A. The General Assembly finds that Virginia educational research supports the conclusion that poor children are more at risk of educational failure than children from more affluent homes and that reduced pupil/teacher ratios and class sizes result in improved academic performance among young children; to this end, the General Assembly establishes a long-term goal of reducing pupil/teacher ratios and class sizes for grades K through three in those schools in the Commonwealth with high or moderate concentrations of at-risk students.

With such funds as are provided in the appropriation act for this purpose, there is hereby established the statewide voluntary pupil/teacher ratio and class size reduction program for the purpose of reaching the long-term goal of statewide voluntary pupil/teacher ratio and class size reductions for grades K through three in schools with high or moderate concentrations of at-risk students, consistent with the provisions provided in the appropriation act.

In order to facilitate these primary grade ratio and class size reductions, the Department of Education shall calculate the state funding of these voluntary ratio and class size reductions based on the incremental cost of providing the lower class sizes according to the greater of the division average per-pupil cost of all divisions or the actual division per-pupil cost. Localities shall provide matching funds for these voluntary ratio and class size reductions based on the composite index of local ability to pay. School divisions shall notify the Department of Education of their intention to implement the reduced ratios and class sizes in one or more of their qualifying schools by August 1 of each year. By March 31 of each year, school divisions shall forward data substantiating that each participating school has a complying pupil/teacher ratio.

In developing each proposed biennium budget for public education, the Board of Education shall include funding for these ratios and class sizes. These ratios and class sizes shall be included in the annual budget for public education.

B. The General Assembly finds that educational technology is one of the most important components, along with highly skilled teachers, in ensuring the delivery of quality public school education throughout the Commonwealth. Therefore, the Board of Education shall strive to incorporate technological studies within the teaching of all disciplines. Further, the General Assembly notes that educational technology can only be successful if teachers and administrators are provided adequate training and assistance. To this end, the following program is established.

With such funds as are appropriated for this purpose, the Board of Education shall award to the several school divisions grants for expanded access to educational technology. Funding for educational technology training for instructional personnel shall be provided as set forth in the appropriation act.

Funds for improving the quality and capacity of educational technology shall also be provided as set forth in the appropriation act, including, but not limited to, (i) funds for providing a technology resource assistant to serve every elementary school in this Commonwealth beginning on July 1, 1998, and (ii) funds to maintain the currency of career and technical education programs. Any local school board accepting funds to hire technology resource assistants or maintain currency of career and technical education programs shall commit to providing the required matching funds, based on the composite index of local ability to pay.

Each qualifying school board shall establish an individualized technology plan, which shall be approved by the Superintendent of Public Instruction, for integrating technology into the classroom and into schoolwide instructional programs, including career and technical education programs. The grants shall be prioritized as follows:

1. In the 1994 biennium, the first priority for these funds shall be to automate the library media centers and provide network capabilities in Virginia's elementary, middle and high schools, or combination thereof, in order to ensure access to the statewide library and other information networks. If any elementary, middle or high school has already met this priority, the 1994 biennium grant shall be used to provide other educational technologies identified in the relevant division's approved technology plan, such as multimedia and telecomputing packages, integrated learning systems, laptop computer loan programs, career and technical education laboratories or other electronic techniques designed to enhance public education and to facilitate teacher training in and implementation of effective instructional technology. The Board shall also distribute, as provided in the appropriation act, funds to support the purchase of electronic reference materials for use in the statewide automated reference system.

2. In the 1996 biennium and thereafter, the first priority for funding shall be consistent with those components of the Board of Education's revised six-year technology plan which focus on (i) retrofitting and upgrading existing school buildings to efficiently use educational technology; (ii) providing (a) one network-ready multimedia microcomputer for each classroom, (b) a five-to-one ratio of pupils to network-ready microcomputers, (c) graphing calculators and relevant scientific probes/sensors as required by the Standards of Learning, and (d) training and professional development on available technologies and software to all levels and positions, including professional development for personnel delivering

career and technical education at all levels and positions; and (iii) assisting school divisions in developing integrated voice-, video-, and data-connectivity to local, national and international resources.

This funding may be used to implement a local school division's long-range technology plan, at the discretion of the relevant school board, if the local plan meets or exceeds the goals and standards of the Board's revised six-year technology plan and has been approved by the Superintendent of Public Instruction.

3. The Departments of Education, Information Technology, and General Services shall coordinate master contracts for the purchase by local school boards of the aforementioned educational technologies and reference materials.

4. Beginning on July 1, 1998, a technology replacement program shall be, with such funds as may be appropriated for this purpose, implemented to replace obsolete educational hardware and software. As provided in subsection D of § 22.1-129, school boards may donate obsolete educational technology hardware and software which are being replaced. Any such donations shall be offered to other school divisions and to preschool programs in the Commonwealth, or to public school students as provided in guidelines to be promulgated by the Board of Education. Such guidelines shall include criteria for determining student eligibility and need; a reporting system for the compilation of information concerning the number and socioeconomic characteristics of recipient students; and notification of parents of the availability of such donations of obsolete educational hardware and software.

5. In fiscal year 2000, the Board of Education shall, with such funds as are appropriated for this purpose, contract for the development or purchase of interactive educational software and other instructional materials designed as tutorials to improve achievement on the Standards of Learning assessments. Such interactive educational software and other instructional materials may be used in media centers, computer laboratories, libraries, after-school or before-school programs or remedial programs by teachers and other instructional personnel or provided to parents and students to be used in the home. This interactive educational software and other instructional materials shall only be used as supplemental tools for instruction, remediation, and acceleration of the learning required by the K through 12 Standards of Learning objectives.

Consistent with school board policies designed to improve school-community communications and guidelines for providing instructional assistance in the home, each school division shall strive to establish a voice mail communication system after regular school hours for parents, families, and teachers by the year 2000.

C. The General Assembly finds that effective prevention programs designed to assist children at risk of school failure and dropout are practical mechanisms for reducing violent and criminal activity and for ensuring that Virginia's children will reach adulthood with the skills necessary to succeed in the twenty-first century; to this end, the following program is hereby established. With such funds as are appropriated for this purpose, the General Assembly hereby establishes a grant program to be disbursed by the Department of Education to schools and community-based organizations to provide quality preschool programs for at-risk four-year-olds who are unserved by Head Start programs and for at-risk five-year-olds who are not eligible to attend kindergarten.

The grants shall be used to provide at least half-day services for the length of the school year for at-risk four-year-old children who are unserved by Head Start programs and for at-risk five-year-olds who are not eligible to attend kindergarten. The services shall include quality preschool education; health services; social services; parental involvement including activities to promote family literacy; and transportation.

The Department of Education, in cooperation with such other state agencies that may coordinate child day care and early childhood programs, shall establish guidelines for quality preschool education and criteria for the service components, consistent with the findings of the November 1993 study by the Board of Education, the Department of Education, and the Council on Child Day Care and Early Childhood Programs.

The guidelines for quality preschool education and criteria for preschool education services may be differentiated according to the agency providing the services in order to comply with various relevant federal or state requirements. However, the guidelines for quality preschool education and the criteria for preschool education services shall require when such services are being provided by the public schools of the Commonwealth, and may require for other service providers, that (i) one teacher shall be employed for any class of nine students or less; (ii) if the average daily membership in any class exceeds nine students but does not exceed 18, a full-time teacher's aide shall be assigned to the class; and (iii) the maximum class size shall be 18 students.

School divisions may apply for and be granted waivers from these guidelines by the Department of Education.

During the 1995-1996 fiscal year, the Board of Education shall, with such funds as are appropriated for this purpose, distribute grants, based on an allocation formula providing the state share of the grant per child, as specified in the appropriation act, for 30 percent of the unserved at-risk four-year-olds in the Commonwealth pursuant to the funding provided in the appropriation act.

During the 1996-1997 fiscal year and thereafter, grants shall be distributed, with such funds as are appropriated for this purpose, based on an allocation formula providing the state share of the grant per child, as specified in the appropriation act, for at least 60 percent of the unserved at-risk four-year-olds and five-year-olds who are not eligible to attend kindergarten in the Commonwealth, such 60 percent to be calculated by adding services for 30 percent more of the unserved at-risk children to the 30 percent of unserved at-risk children in each locality provided funding in the appropriation act.

Local school boards may elect to serve more than 60 percent of the at-risk four-year-olds and may use federal funds or local funds for this expansion or may seek funding through this grant program for such purposes. Grants may be awarded, if funds are available in excess of the funding for the 60 percent allocation, to expand services to at-risk four-year-olds beyond the 60 percent goal.

In order for a locality to qualify for these grants, the local governing body shall commit to providing the required matching funds, based on the composite index of local ability to pay. Localities may use, for the purposes of meeting the local match, local or other nonstate expenditures for existing qualifying programs and shall also continue to pursue and coordinate other funding sources, including child care subsidies. Funds received through this program shall be used to supplement, not supplant, any local funds currently provided for preschool programs within the locality.

D. The General Assembly finds that local autonomy in making decisions on local educational needs and priorities results in effective grass-roots efforts to improve education in the Commonwealth's public schools only when coupled with sufficient state funding; to this end, the following block grant program is hereby established. With such funds as are provided in the appropriation act, the Department of Education shall distribute block grants to localities to enable compliance with the Commonwealth's requirements for school divisions in effect on January 1, 1995. Therefore, for the purpose of such compliance, the block grant herein established shall consist of a sum equal to the amount appropriated in the appropriation act for the covered programs, including the at-risk add-on program; dropout prevention, specifically Project YES; Project Discovery; English as a second language programs, including programs for overage, nonschooled students; Advancement Via Individual Determination (AVID); the Homework Assistance Program; programs initiated under the Virginia Guaranteed Assistance Program, except that such funds shall not be used to pay any expenses of participating students at institutions of higher education; Reading Recovery; and school/community health centers. Each school board may use any funds received through the block grant to implement the covered programs and other programs designed to save the Commonwealth's children from educational failure.

E. D. In order to reduce pupil/teacher ratios and class sizes in elementary schools, from such funds as may be appropriated for this purpose, each school board may employ additional classroom teachers, remedial teachers, and reading specialists for each of its elementary schools over the requirements of the Standards of Quality. State and local funding for such additional classroom teachers, remedial teachers, and reading specialists shall be apportioned as provided in the appropriation act.

F. E. Pursuant to a turnaround specialist program administered by the Department of Education, local school boards may enter into agreements with individuals to be employed as turnaround specialists to address those conditions at the school that may impede educational progress and effectiveness and academic success. Local school boards may offer such turnaround specialists or other administrative personnel incentives such as increased compensation, improved retirement benefits in accordance with Chapter 6.2 (§ 51.1-617 et seq.) of Title 51.1, increased deferred compensation in accordance with § 51.1-603, relocation expenses, bonuses, and other incentives as may be determined by the board.

G. F. The General Assembly finds that certain schools have particular difficulty hiring teachers for certain subject areas and that the need for such teachers in these schools is particularly strong. Accordingly in an effort to attract and retain high quality teachers, local school boards may offer instructional personnel serving in such schools as a member of a middle school teacher corps administered by the Department of Education incentives such as increased compensation, improved retirement benefits in accordance with Chapter 6.2 (§ 51.1-617 et seq.) of Title 51.1, increased deferred compensation in accordance with § 51.1-603, relocation expenses, bonuses, and other incentives as may be determined by the board.

For purposes of this subsection, "middle school teacher corps" means licensed instructional personnel who are assigned to a local school division to teach in a subject matter in grades six, seven, or eight where there is a critical need, as determined by the Department of Education. The contract between such persons and the relevant local school board shall specify that the contract is for service in the middle school teacher corps.

CHAPTER 14.1.

EARLY CHILDHOOD CARE AND EDUCATION.

Article 1.

General Provisions.

§ 22.1-289.02. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Child day center" means a child day program offered to (i) two or more children under the age of 13 in a facility that is not the residence of the provider or of any of the children in care or (ii) 13 or more children at any location.

"Child day program" means a regularly operating service arrangement for children where, during the absence of a parent or guardian, a person or organization has agreed to assume responsibility for the supervision, protection, and well-being of a child under the age of 13 for less than a 24-hour period.

"Early childhood care and education entity" means a child day center, family day home, or family day system serving children under the age of five.

"Family day home" means a child day program offered in the residence of the provider or the home of any of the children in care for one through 12 children under the age of 13, exclusive of the provider's own children and any children who reside in the home, when at least one child receives care for compensation. The provider of a licensed or registered family day home shall disclose to the parents or guardians of children in their care the percentage of time per week that persons other than the provider will care for the children. Family day homes serving five through 12 children, exclusive of the provider's own children and any children who reside in the home, shall be licensed. However, no family day home shall care for more than four children under the age of two, including the provider's own children and any children who reside in the home, unless the family day home is licensed or voluntarily registered. However, a family day home where the children in care are all related to the provider by blood or marriage shall not be required to be licensed.

"Family day system" means any person who approves family day homes as members of its system; who refers children to available family day homes in that system; and who, through contractual arrangement, may provide central administrative functions including, but not limited to, training of operators of member homes; technical assistance and consultation to operators of member homes; inspection, supervision, monitoring, and evaluation of member homes; and referral of children to available health and social services.

"Head Start provider" means a public or private, nonprofit or for-profit organization or agency, including any community-based organization, as such term is defined in 20 U.S.C. § 7801, to which a grantee has delegated all or part of the responsibility of the grantee for operating a Head Start program.

"Publicly funded provider" means any (i) educational program provided by a school division or local government to children between birth and age five or (ii) child day program that receives state or federal funds in support of its operations that serves three or more unrelated children. "Publicly funded provider" does not include any program for which the sole source of public funding is the federal Child and Adult Care Food Program (CACFP) administered by the U.S. Department of Agriculture Food and Nutrition Service.

"Registered family day home" means any family day home that has met the standards for voluntary registration for such homes pursuant to regulations adopted by the Board and that has obtained a certificate of registration from the Superintendent.

§ 22.1-289.03. Early childhood care and education system; establishment.

A. The Board shall establish a statewide unified public-private system for early childhood care and education in the Commonwealth to ensure that every child has the opportunity to enter kindergarten healthy and ready to learn. Such system shall be administered by the Board, the Superintendent, and the Department and shall be formed, implemented, and sustained through a structure that engages and leverages both state-level authority and regional-level public-private partnership assets.

B. It is the intent of the General Assembly that the system established pursuant to subsection A shall (i) provide families with coordinated access for referral to early childhood education programs, (ii) provide families with easy-to-understand information about the quality of publicly funded early childhood care and education programs, (iii) establish expectations for the continuous improvement of early childhood care and education programs, and (iv) establish shared expectations for early childhood care and education programs among the Department of Education, the Department of Social Services, local school divisions, and state and regional stakeholders.

C. The system established pursuant to subsection A shall consist of a combination of programs offered through (i) the Virginia Preschool Initiative, pursuant to § 22.1-289.09, or any other school-based early childhood care and education program; (ii) licensed programs, pursuant to Article 3 (§ 22.1-289.010 et seq.); and (iii) unlicensed programs, pursuant to Article 4 (§ 22.1-289.030 et seq.).

§ 22.1-289.04. Early childhood care and education advisory committee.

The Board shall establish an early childhood care and education advisory committee to advise the Board on programs, systems, and regulations established pursuant to this chapter. The advisory committee shall include the following members, who shall represent geographically diverse areas: (i) two representatives of publicly funded licensed providers, including at least one for-profit provider; (ii) one representative of an early childhood care and education entity that is not a publicly funded provider; (iii) two representatives of early childhood care and education entities that are license-exempt pursuant to Article 4 (§ 22.1-289.030 et seq.), including one representative of an early childhood care and education entity that is exempt from licensure pursuant to § 22.1-289.031; (iv) three representatives of Head Start providers, one of which shall be operated by a local school division, and two of which shall not be operated by a local school division; (v) two representatives from local school divisions or local school boards operating early childhood programs other than Head Start providers; (vi) two representatives of nonprofit advocacy organizations in the Commonwealth that focus on early childhood care and education; (vii) one representative of a family day home that is a publicly funded provider; (viii) two professionals or faculty members from an institution of higher education in the Commonwealth who have child development or early childhood education expertise; (ix) one representative from the Virginia chapter of the American Academy of Pediatrics; (x) one representative from an advocacy or service organization that focuses on serving children with disabilities; (xi) one representative from a business in the Commonwealth; (xii) one parent of a child currently enrolled in a preschool program offered by a publicly funded provider; (xiii) one representative of the Virginia Council on Private Education; (xiv) one representative from a statewide nonprofit association in the Commonwealth whose membership includes both before-school and afterschool nonprofit child care providers and nonprofit preschool providers; (xv) one representative from a nonprofit entity that provides child care resource and referral services related to the operation of early childhood care and education programs; and (xvi) such other members as the Board may deem appropriate. The Commissioner of Social Services or his designee, the Secretary of Education or his designee, the Secretary of Health and Human Resources or his designee, the Superintendent of Public Instruction or his designee, the Commissioner of the Department of Health or his designee, the Commissioner of the Department of Behavioral Health and Development Services or his designee, and the Director of the Head Start Collaboration Office shall serve ex officio without voting privileges. The Board shall establish bylaws for such advisory committee that include term length and limits for members.

§ 22.1-289.05. Quality rating and improvement system; establishment.

A. The Board shall establish a uniform quality rating and improvement system designed to provide parents and families with information about the quality and availability of publicly funded providers. Such system shall include:

1. Service provision and performance targets for children from birth to age five that align with standards for kindergarten readiness and early elementary grades;

2. Consistent quality standards;

3. Outcome-based measurements; and

4. Incentives to encourage participation and improvement.

B. All publicly funded providers shall be required to participate in the quality rating and improvement system established pursuant to subsection A. All other child day programs may participate in such system. Any participation in such system shall comply with all applicable federal laws and regulations, including the federal Head Start Act (42 U.S.C. § 9801 et seq.), as amended, and associated regulations.

C. The Board shall establish consequences for publicly funded providers that fail to participate in the quality rating and improvement system established pursuant to subsection A or persistently fail to meet minimal quality standards.

§ 22.1-289.06. Confidential records and information; penalty.

A. The records, information, and statistical registries of the Department and of all child day programs and family day systems concerning services to or on behalf of individuals shall be confidential information, provided that the Superintendent, the Board, and their agents or designees shall have access to such records, information, and statistical registries, and that such records, information, and statistical registries may be disclosed to any person having a legitimate interest in accordance with state and federal law and regulation.

It shall be unlawful for any officer, agent, or employee of any child day program or family day system; for the Superintendent, the State Board, or their agents, designees, or employees; for any person who has held any such position; and for any other person to whom any such record or information is disclosed to disclose, directly or indirectly, any such confidential record or information, except as herein provided or pursuant to § 63.2-105. Every violation of this section shall constitute a Class 1 misdemeanor.

B. If a request for a record or information concerning applicants for and recipients of services provided in this chapter is made to the Department by a person who does not have a legitimate interest, the Superintendent shall not provide the record or information unless permitted by state or federal law or regulation.

§ 22.1-289.07. Information related to shaken baby syndrome.

The Department shall make information about shaken baby syndrome, its effects, and resources for help and support for caretakers in a printable format, and information about how to acquire information about shaken baby syndrome and its effects in an audiovisual format, available to the public on its website. Such information shall be provided to every child day program and family day system required to be licensed by the Department at the time of initial licensure and upon request.

§ 22.1-289.08. Board to investigate child day programs at direction of Governor.

Whenever the Governor considers it proper or necessary to investigate the management of any child day program or family day system licensed by or required to be inspected by the Board under the provisions of this chapter, he may direct the Board, or any committee or agent thereof, to make the investigation. The Board, committee, or agent designated by the Governor shall have power to administer oaths and to summon officers, employees, or other persons to attend as witnesses and to enforce their attendance and to compel them to produce documents and give evidence.

Article 2.

Virginia Preschool Initiative.

§ 22.1-289.09. Programs designed to promote educational opportunities.

A. The General Assembly finds that effective prevention programs designed to assist children at risk of school failure and dropout are practical mechanisms for reducing violent and criminal activity and for ensuring that Virginia's children will reach adulthood with the skills necessary to succeed; to this end, the following program is hereby established. With such funds as are appropriated for this purpose, the General Assembly hereby establishes the Virginia Preschool Initiative as a grant program to be disbursed by the Department of Education to schools and community-based organizations to provide quality preschool programs for at-risk three-year-olds and four-year-olds who are unserved by Head Start programs and for at-risk five-year-olds who are not eligible to attend kindergarten.

B. Grants shall be used to provide at least half-day services for the length of the school year for at-risk three-year-old and four-year-old children who are unserved by Head Start programs and for at-risk five-year-olds who are not eligible to attend kindergarten. The services shall include quality preschool education; health services, including nutrition access programs; social services; parental involvement, including activities to promote family literacy; and transportation.

C. The guidelines for quality preschool education and criteria for preschool education services may be differentiated according to the agency providing the services in order to comply with various relevant federal or state requirements.

1. Any classroom that exceeds benchmarks set by the Board shall be staffed as follows: (i) at least one teacher shall be provided for any classroom with 10 students or fewer students; (ii) if the average daily membership in any classroom exceeds 10 students but does not exceed 20 students, at least one full-time teacher's aide shall be assigned to the classroom; and (iii) the maximum classroom size shall be 20 students.

2. Any classroom that does not exceed benchmarks set by the Board shall be staffed as follows: (i) at least one teacher shall be provided for any classroom with nine or fewer students; (ii) if the average daily membership in any classroom exceeds nine students but does not exceed 18 students, a full-time teacher's aide shall be assigned to such classroom; and (iii) the maximum classroom size shall be 18 students.

D. School divisions and other grantees may apply for and be granted waivers from these guidelines by the Department of Education. Grants shall be distributed, with such funds as are appropriated for this purpose, based on an allocation formula providing the state share of the grant per child, as specified in the appropriation act, for at least 60 percent of the unserved at-risk four-year-olds and five-year-olds who are not eligible to attend kindergarten in the Commonwealth, such 60 percent to be calculated by adding services for 30 percent more of the unserved at-risk children to the 30 percent of unserved at-risk children in each locality provided funding in the appropriation act.

E. Local school boards may elect to serve more than 60 percent of the at-risk four-year-olds and may use federal funds or local funds for this expansion or may seek funding through this grant program for such purposes. Grants may be awarded, if funds are available in excess of the funding for the 60 percent allocation, to expand services to at-risk four-year-olds beyond the 60 percent goal.

F. In order for a locality to qualify for these grants, the local governing body shall commit to providing the required matching funds, based on the composite index of local ability to pay. Localities may use, for the purposes of meeting the local match, local or other nonstate expenditures for existing qualifying programs and shall also continue to pursue and coordinate other funding sources, including child care subsidies. Funds received through this program shall be used to supplement, not supplant, any local funds currently provided for preschool programs within the locality.

Article 3.

Licensure.

§ 22.1-289.010. Application fees; regulations and schedules; use of fees; certain facilities, centers and agencies exempt.

The Board is authorized to adopt regulations and schedules for fees to be charged for processing applications for licenses to operate child day programs and family day systems. Such schedules shall specify minimum and maximum fees and, where appropriate, gradations based on the capacity of such facilities, centers, and agencies. Fees shall be used for the development and delivery of training for operators and staff of child day programs and family day systems. Fees shall be expended for this purpose within two fiscal years following the fiscal year in which they are collected. These fees shall not be applicable to facilities, centers, or agencies operated by federal entities.

The Board shall develop training programs for operators and staffs of licensed child day programs. Such programs shall include formal and informal training offered by institutions of higher education, state and national associations representing child care professionals, local and regional early childhood educational organizations, state agencies and other trainers designated by the Board, and licensed child care providers. Training provided to operators and staffs of licensed child day programs shall include training and information regarding shaken baby syndrome, its effects, and resources for help and support for caretakers. To the maximum extent possible, the Board shall ensure that all provider interests are represented and that no single approach to training shall be given preference.

§ 22.1-289.011. Licenses required; issuance, expiration, and renewal; maximum number of participants or children; posting of licenses.

A. As used in this section, "person" means any individual; corporation; partnership; association; limited liability company; local government; state agency, including any department, institution, authority, instrumentality, board, or other administrative agency of the Commonwealth; or other legal or commercial entity that operates or maintains a child day program or family day system.

B. Every person who constitutes, or who operates or maintains, a child day program or family day system shall obtain the appropriate license from the Superintendent, which may be renewed. The Superintendent, upon request, shall consult with, advise, and assist any person interested in securing and maintaining any such license. Each application for a license shall be made to the Superintendent, in such form as he may prescribe. It shall contain the name and address of the applicant and, if the applicant is an association, partnership, limited liability company, or corporation, the names and addresses of its officers and agents. The application shall also contain a description of the activities proposed to be engaged in and the facilities and services to be employed, together with other pertinent information as the Superintendent may require.

C. The licenses shall be issued on forms prescribed by the Superintendent. Any two or more licenses may be issued for concurrent operation of more than one child day program or family day system, but each license shall be issued upon a separate form. Each license for a family day home or family day system and renewals thereof may be issued for periods of up to three successive years, unless sooner revoked or surrendered. Licenses issued to child day centers under this chapter shall have a duration of two years from date of issuance.

D. The Superintendent may extend or shorten the duration of licensure periods for a child day program or family day system whenever, in his sole discretion, it is administratively necessary to redistribute the workload for greater efficiency in staff utilization.

E. Each license shall indicate the maximum number of persons who may be cared for in the child day program or family day system for which it is issued.

F. The license and any other documents required by the Superintendent shall be posted in a conspicuous place on the licensed premises.

G. Every person issued a license that has not been suspended or revoked shall renew such license prior to its expiration.

§ 22.1-289.012. Local government to report business licenses issued to child day centers and family day homes.

The commissioner of the revenue or other local business license official shall report to the Department on a semiannual basis the name, address, and contact information of any child day center or family day home to which a business license was issued.

§ 22.1-289.013. Investigation on receipt of application.

Upon receipt of the application, the Superintendent shall cause an investigation to be made of the activities, services, and facilities of the applicant and of his character and reputation or, if the applicant is an association, partnership, limited liability company, or corporation, the character and reputation of its officers and agents, and upon receipt of the initial application, an investigation of the applicant's financial responsibility. The financial records of an applicant shall not be subject to inspection if the applicant submits an operating budget and at least one credit reference. The character and reputation investigation upon application shall include background checks pursuant to § 22.1-289.036. Records that contain confidential proprietary information furnished to the Department pursuant to this section shall be exempt from disclosure pursuant to subdivision 4 of § 2.2-3705.5.

§ 22.1-289.014. Variances.

The Superintendent may grant a variance to a regulation when the Superintendent determines that (i) a licensee or applicant for licensure as a child day program or family day system has demonstrated that the implementation of a regulation would impose a substantial financial or programmatic hardship and (ii) the variance would not adversely affect the safety and well-being of children in care. The Superintendent shall review each allowable variance at least annually. At a minimum, this review shall address the impact of the allowable variance on persons in care, adherence by the licensee to any conditions attached, and the continuing need for the allowable variance.

§ 22.1-289.015. Voluntary registration of family day homes; inspections; investigation upon receipt of complaint; revocation or suspension of registration.

A. Any person who maintains a family day home serving fewer than five children, exclusive of the provider's own children and any children who reside in the home, may apply for voluntary registration. An applicant for voluntary registration shall file with the Superintendent, prior to beginning any such operation and thereafter biennially, an application which shall include, but not be limited to, the following:

1. The name, address, phone number, and social security number of the person maintaining the family day home;
2. The number and ages of the children to receive care;
3. A sworn statement or affirmation in which the applicant attests to the accuracy of the information submitted to the Superintendent; and

4. Documentation that the background check requirements for registered family day homes in Article 5 (§ 22.1-289.034 et seq.) have been met.

B. The Board shall adopt regulations for voluntarily registered family day homes that include, but are not limited to:

1. The criteria and process for the approval of the certificate of registration;
2. Requirements for a self-administered health and safety guidelines evaluation checklist;
3. A schedule for fees to be paid by the providers to the contract organization or to the Department if it implements the provisions of this section for processing applications for the voluntary registration of family day homes. The charges collected shall be maintained for the purpose of recovering administrative costs incurred in processing applications and certifying such homes as eligible or registered;
4. The criteria and process for the renewal of the certificate of registration; and
5. The requirement that upon receipt of a complaint concerning a registered family day home, the Superintendent shall cause an investigation to be made, including on-site visits as he deems necessary, of the activities, services, and facilities. The person who maintains such home shall afford the Superintendent reasonable opportunity to inspect the operator's facilities and records and to interview any employees and any child or other person within his custody or control. Whenever a registered family day home is determined by the Superintendent to be in noncompliance with the regulations for voluntarily registered family day homes, the Superintendent shall give reasonable notice to the operator of the nature of the noncompliance and may thereafter revoke or suspend the registration.

C. Upon receiving the application on forms prescribed by the Superintendent, and after having determined that the home has satisfied the requirements of the regulations for voluntarily registered family day homes, the Superintendent shall issue a certificate of registration to the family day home.

D. The Superintendent shall contract in accordance with the requirements of the Virginia Public Procurement Act (§ 2.2-4300 et seq.) with qualified local agencies and community organizations to review applications and certify family day homes as eligible for registration, pursuant to the regulations for voluntarily registered family day homes. If no qualified local agencies or community organizations are available, the Superintendent shall implement the provisions of this section. For the purposes of this subsection, "qualified" means demonstrated ability to provide sound financial management and administrative services including application processing, maintenance of records and reports, technical assistance, consultation, training, monitoring, and random inspections.

E. The scope of services in contracts shall include:

1. The identification of family day homes which may meet the standards for voluntary registration provided in subsection A; and
2. A requirement that the contract organization shall provide administrative services, including, but not limited to, processing applications for the voluntary registration of family day homes; certifying such homes as eligible for

registration; providing technical assistance, training and consultation with family day homes; ensuring providers' compliance with the regulations for voluntarily registered family day homes, including monitoring and random inspections; and maintaining permanent records regarding all family day homes which it may certify as eligible for registration.

F. The contract organization, upon determining that a family day home has satisfied the requirements of the regulations for voluntarily registered family day homes, shall certify the home as eligible for registration on forms prescribed by the Superintendent. The Superintendent, upon determining that certification has been properly issued, may register the family day home.

G. The provisions of this section shall not apply to any family day home located in a county, city, or town in which the governing body provides by ordinance for the regulation and licensing of persons who provide child-care services for compensation and for the regulation and licensing of child-care facilities pursuant to the provisions of § 15.2-914.

§ 22.1-289.016. Unlicensed and unregistered family day homes; notice to parents.

Every unlicensed, unregistered family day home shall provide written notice to the parents of every child receiving care, at the time the family day home begins providing care for the child, stating that the family day home is not regulated by the Department and referring parents to a website maintained by the Department for additional information regarding licensed, registered, and unlicensed, unregistered family day homes. The provisions of this section shall not apply to an unlicensed, unregistered family day home in which all of the children receiving care are related to the provider by blood or marriage.

§ 22.1-289.017. Compliance with Uniform Statewide Building Code.

Buildings licensed as child day programs or family day systems shall be classified by and meet the specifications for the proper Use Group as required by the Virginia Uniform Statewide Building Code.

§ 22.1-289.018. Inspections and interviews.

A. Applicants for licensure and licensees shall at all times afford the Superintendent reasonable opportunity to inspect all of their facilities, books and records, and to interview their agents and employees and any person living or participating in such facilities, or under their custody, control, direction, or supervision. Interviews conducted pursuant to this section with persons living or participating in a facility operated by or under the custody, control, direction, or supervision of an applicant for licensure or a licensee shall be (i) authorized by the person to be interviewed or his legally authorized representative and (ii) limited to discussion of issues related to the applicant's or licensee's compliance with applicable laws and regulations, including ascertaining if assessments and reassessments of residents' cognitive and physical needs are performed as required under regulations of the Board.

B. All licensed child day programs and family day systems shall be inspected not less than twice annually, and one of those inspections shall be unannounced.

C. The activities, services, and facilities of each applicant for renewal of his license as a child day program or family day system shall be subject to an inspection or examination by the Superintendent to determine if he is in compliance with current regulations of the Board.

D. The Superintendent may authorize such other announced or unannounced inspections as the Superintendent considers appropriate.

§ 22.1-289.019. Inspections of child day programs and family day systems; prioritization.

The Superintendent shall prioritize inspections of child day programs and family day systems in the following order: (i) inspections conducted in response to a complaint involving a licensed, registered, license-exempt, or unlicensed child day program or family day system; (ii) inspections of licensed or registered child day programs and family day systems that are not conducted in response to a complaint; (iii) inspections of license-exempt or unlicensed child day programs and family day systems that have entered into a contract with the Department or its agents or designees or a local department of social services to provide child care services funded by the Child Care and Development Block Grant, other than inspections conducted in response to a complaint; and (iv) inspections of license-exempt and unlicensed child day programs and family day systems that are not conducted in response to a complaint.

§ 22.1-289.020. Issuance or refusal of license; notification; provisional and conditional licenses.

Upon completion of his investigation, the Superintendent shall issue an appropriate license to the applicant if (i) the applicant has made adequate provision for such activities, services, and facilities as are reasonably conducive to the welfare of the children over whom he may have control; (ii) at the time of initial application, the applicant has submitted an operating budget and at least one credit reference; (iii) he is, or the officers and agents of the applicant if it is an association, partnership, limited liability company, or corporation are, of good character and reputation; and (iv) the applicant and agents comply with the provisions of this chapter. Otherwise, the license shall be denied. Immediately upon taking final action, the Superintendent shall notify the applicant of such action.

Upon completion of the investigation for the renewal of a license, the Superintendent may issue a provisional license to any applicant if the applicant is temporarily unable to comply with all of the licensure requirements. The provisional license may be renewed, but the issuance of a provisional license and any renewals thereof shall be for no longer a period than six successive months. A copy of the provisional license shall be prominently displayed by the provider at each public entrance of the subject facility and shall be printed in a clear and legible size and style. In addition, the facility shall be required to prominently display next to the posted provisional license a notice that a description of specific violations of licensing standards to be corrected and the deadline for completion of such corrections is available for inspection at the facility and on the facility's website, if applicable.

At the discretion of the Superintendent, a conditional license may be issued to an applicant to operate a new facility in order to permit the applicant to demonstrate compliance with licensure requirements. Such conditional license may be renewed, but the issuance of a conditional license and any renewals thereof shall be for no longer a period than six successive months.

§ 22.1-289.021. Records and reports.

Every licensed or registered child day program and family day system shall keep such records and make such reports to the Superintendent as he may require. The forms to be used in the making of such reports shall be prescribed and furnished by the Superintendent.

§ 22.1-289.022. Enforcement and sanctions; child day programs and family day systems; revocation and denial.

A. The Superintendent may revoke or deny the renewal of the license of any child day program or family day system that violates any provision of this chapter or fails to comply with the limitations and standards set forth in its license.

B. Pursuant to the procedures set forth in subsection C, and in addition to the authority for other disciplinary actions provided in this title, the Superintendent may issue a notice of summary suspension of the license of any child day program or family day system, in conjunction with any proceeding for revocation, denial, or other action, when conditions or practices exist in the child day program or family day system that pose an immediate and substantial threat to the health, safety, and welfare of the children receiving care, and the Superintendent believes the operation of the child day program or family day system should be suspended during the pendency of such proceeding.

C. A notice of summary suspension issued by the Superintendent to a child day program or family day system shall set forth (i) the summary suspension procedures; (ii) hearing and appeal rights as provided in this subsection; (iii) facts and evidence that formed the basis for the summary suspension; and (iv) the time, date, and location of a hearing to determine whether the summary suspension is appropriate. Such notice shall be served on the child day program or family day system or its designee as soon as practicable thereafter by personal service or certified mail, return receipt requested, to the address of record of the child day program or family day system.

The summary suspension hearing shall be presided over by a hearing officer selected by the Superintendent from a list prepared by the Executive Secretary of the Supreme Court of Virginia and shall be held as soon as practicable, but in no event later than 15 business days following service of the notice of summary suspension; however, the hearing officer may grant a written request for a continuance, not to exceed an additional 10 business days, for good cause shown. Within 10 business days after such hearing, the hearing officer shall provide to the Superintendent written findings and conclusions, together with a recommendation as to whether the license should be summarily suspended.

Within 10 business days of the receipt of the hearing officer's findings, conclusions, and recommendation, the Superintendent may issue a final order of summary suspension or an order that such summary suspension is not warranted by the facts and circumstances presented. The Superintendent shall adopt the hearing officer's recommended decision unless to do so would be an error of law or Department policy. In the event that the Superintendent rejects the hearing officer's findings, conclusions, or recommendation, the Superintendent shall state with particularity the basis for rejection. In issuing a final order of summary suspension, the Superintendent may choose to suspend the license of the child day program or family day system or to suspend only certain authority of the child day program or family day system to operate, including the authority to provide certain services or perform certain functions that the Superintendent determines should be restricted or modified in order to protect the health, safety, or welfare of the children receiving care. A final order of summary suspension shall include notice that the licensee may appeal the Superintendent's decision to the appropriate circuit court no later than 10 days following service of the order. The sole issue before the court shall be whether the Superintendent had reasonable grounds to require the licensee to cease operations during the pendency of the concurrent revocation, denial, or other proceeding. The concurrent revocation, denial, or other proceeding shall not be affected by the outcome of any hearing on the appropriateness of the summary suspension.

A copy of any final order of summary suspension shall be prominently displayed by the child day program or family day system at each public entrance of the facility, or in lieu thereof, the child day program or family day system may display a written statement summarizing the terms of the order in a prominent location, printed in a clear and legible size and typeface, and identifying the location within the facility where the final order of summary suspension may be reviewed.

The willful and material failure to comply with the final order of summary suspension constitutes a violation of subdivision 3 of § 22.1-298.027.

The provisions of this subsection shall not apply to any child day program or family day system operated by an agency of the Commonwealth, which shall instead be governed by the provisions of subsection D.

D. Whenever the Superintendent issues a summary order of suspension of the license to operate a child day program or family day system operated by an agency of the Commonwealth:

1. Before such summary order of suspension shall take effect, the Superintendent shall issue to the child day program or family day system a notice of summary order of suspension setting forth (i) the procedures for a hearing and right of review as provided in this section and (ii) facts and evidence that formed the basis on which the summary order of suspension is sought. Such notice shall be served on the licensee or its designee as soon as practicable thereafter by personal service or certified mail, return receipt requested, to the address of record of the licensee. The notice shall state the time, date, and location of a hearing to determine whether the suspension is appropriate. Such hearing shall be held no later than three business days after the issuance of the notice of the summary order of suspension and shall be convened by

the Superintendent or his designee. After such hearing, the Superintendent may issue a final order of summary suspension or may find that such summary suspension is not warranted by the facts and circumstances presented.

2. A final order of summary suspension shall include notice that the licensee may request, in writing and within three business days after receiving the Superintendent's decision, that the Superintendent refer the matter to the Secretary of Education for resolution within three business days of the referral. Any determination by the Secretary shall be final and not subject to judicial review. If the final order of summary suspension is upheld, it shall take effect immediately, and a copy of the final order of summary suspension shall be prominently displayed by the licensee at each public entrance of the facility. Any concurrent revocation, denial, or other proceedings shall not be affected by the outcome of any determination by the Secretary.

§ 22.1-289.023. Enforcement and sanctions; special orders; civil penalties.

A. Notwithstanding any other provision of law, following a proceeding as provided in § 2.2-4019, the Superintendent may issue a special order (i) for violation of any of the provisions of this chapter, § 54.1-3408, or any regulation adopted under any provision of this chapter which violation adversely affects, or is an imminent and substantial threat to, the health, safety, or welfare of the person cared for therein, or (ii) for permitting, aiding, or abetting the commission of any illegal act in a child day program or family day system. Notice of the Superintendent's intent to take any of the actions enumerated in subdivisions B 1 through 6 shall be provided by the Department, and a copy of such notice shall be posted in a prominent place at each public entrance of the licensed premises to advise consumers of serious or persistent violations. The issuance of a special order shall be considered a case decision as defined in § 2.2-4001. Actions set forth in subsection B may be appealed by (a) a child day program or family day system operated by an agency of the Commonwealth in accordance with § 22.1-289.025 or (b) any other child day program or family day system in accordance with the Administrative Process Act (§ 2.2-4000 et seq.). The Superintendent shall not delegate his authority to impose civil penalties in conjunction with the issuance of special orders.

B. The Superintendent may take the following actions regarding child day programs and family day systems through the issuance of a special order and may require a copy of the special order provided by the Department to be posted in a prominent place at each public entrance of the licensed premises to advise consumers of serious or persistent violations:

1. Place a licensee on probation upon finding that the licensee is substantially out of compliance with the terms of its license and that the health and safety of children are at risk;

2. Reduce licensed capacity or prohibit new admissions when the Superintendent concludes that the licensee cannot make necessary corrections to achieve compliance with regulations except by a temporary restriction of its scope of service;

3. Mandate training for the licensee or licensee's employees, with any costs to be borne by the licensee, when the Superintendent concludes that the lack of such training has led directly to violations of regulations;

4. Assess civil penalties of not more than \$500 per inspection upon finding that the child day program or family day system is substantially out of compliance with the terms of its license and the health and safety of children are at risk; however, no civil penalty shall be imposed pursuant to this subdivision on any child day program or family day system operated by an agency of the Commonwealth;

5. Require licensees to contact parents, guardians, or other responsible persons in writing regarding health and safety violations; and

6. Prevent licensees who are substantially out of compliance with the licensure terms or in violation of the regulations from receiving public funds.

C. The Board shall adopt regulations to implement the provisions of this section.

§ 22.1-289.024. Appeal from refusal, denial of renewal, or revocation of license.

A. Whenever the Superintendent refuses to issue a license or to renew a license or revokes a license for a child day program or family day system operated by an agency of the Commonwealth, the provisions of § 22.1-289.025 shall apply. Whenever the Superintendent refuses to issue a license or to renew a license or revokes a license for any child day program or family day system other than a child day program or family day system operated by an agency of the Commonwealth, the provisions of the Administrative Process Act (§ 2.2-4000 et seq.) shall apply, except that all appeals from notice of the Superintendent's intent to refuse to issue or renew, or revoke a license shall be received in writing from the child day program or family day system operator within 15 days of the date of receipt of the notice. Judicial review of a final review agency decision shall be in accordance with the provisions of the Administrative Process Act. No stay may be granted upon appeal to the Virginia Supreme Court.

B. In every appeal to a court of record, the Superintendent shall be named defendant.

C. An appeal, taken as provided in this section, shall operate to stay any criminal prosecution for operation without a license.

D. When issuance or renewal of a license for a child day program or family day system has been refused by the Superintendent, the applicant shall not thereafter for a period of six months apply again for such license unless the Superintendent in his sole discretion believes that there has been such a change in the conditions on account of which he refused the prior application as to justify considering the new application. When an appeal is taken by the applicant pursuant to subsection A, the six-month period shall be extended until a final decision has been rendered on appeal.

§ 22.1-289.025. Right to appeal notice of intent; child day programs and family day systems operated by agencies of the Commonwealth.

Any child day program or family day system operated by an agency of the Commonwealth shall have the right to appeal any notice of intent as follows:

1. Within 30 days after receiving a notice of intent to impose a sanction, the licensee shall request in writing that the Superintendent review the intended agency action and may submit, together with such request, relevant information, documentation, or other pertinent data supporting its appeal. The Superintendent shall issue a decision within 60 days after receiving the request and shall have the authority to uphold the sanction or take whatever action he deems appropriate to resolve the controversy.

2. If the child day program or family day system disputes the Superintendent's decision, the licensee shall request, within 30 days of receiving the Superintendent's decision, that the Superintendent refer the matter to the Secretary of Education. The Secretary shall issue a decision within 60 days of receiving the request for review. The Secretary's decision shall be final and shall not be subject to review.

§ 22.1-289.026. Injunction against operation without license.

Any circuit court having jurisdiction in the county or city where the principal office of any child day program or family day system is located shall, at the suit of the Superintendent, have jurisdiction to enjoin its operation without a license required by this chapter.

§ 22.1-289.027. Offenses; penalty.

Any person, and each officer and each member of the governing board of any association or corporation that operates a child day program or family day system, shall be guilty of a Class 1 misdemeanor if he:

1. Interferes with any representative of the Superintendent in the discharge of his duties under this chapter;

2. Makes to the Superintendent or any representative of the Superintendent any report or statement, with respect to the operation of any child day program or family day system, that is known by such person to be false or untrue;

3. Operates or engages in the conduct of a child day program or family day system without first obtaining a license as required by this chapter or after such license has been revoked or suspended or has expired and not been renewed. No violation shall occur if the agency has applied to the Department for renewal prior to the expiration date of the license. Every day's violation of this subdivision shall constitute a separate offense; or

4. Operates or engages in the conduct of a child day program or family day system serving more persons than the maximum stipulated in the license.

§ 22.1-289.028. Misleading advertising prohibited.

No child day program or family day system shall make, publish, disseminate, circulate, or place before the public or cause, directly or indirectly, to be made, published, disseminated, circulated or placed before the public in this Commonwealth, in a newspaper or other publication; in the form of a book, notice, handbill, poster, blueprint, map, bill, tag, label, circular, pamphlet, or letter; or via electronic mail, website, automatic mailing list services (listservs), newsgroups, facsimile, chat rooms; or in any other way an advertisement of any sort regarding services or anything so offered to the public, which advertisement contains any promise, assertion, representation or statement of fact that is untrue, deceptive, or misleading.

§ 22.1-289.029. Duty of attorneys for the Commonwealth.

It shall be the duty of the attorney for the Commonwealth of every county and city to prosecute all violations of this chapter.

Article 4.

Unlicensed Programs.

§ 22.1-289.030. Exemptions from licensure.

A. The following programs are not child day programs and shall not be required to be licensed:

1. A program of instructional experience in a single focus, such as, but not limited to, computer science, archaeology, sport clinics, or music, if children under the age of six do not attend at all and if no child is allowed to attend for more than 25 days in any three-month period commencing with enrollment. This exemption does not apply if children merely change their enrollment to a different focus area at a site offering a variety of activities and such children's attendance exceeds 25 days in a three-month period.

2. Programs of instructional or recreational activities wherein no child under age six attends for more than six hours weekly with no class or activity period to exceed one and one-half hours, and no child six years of age or above attends for more than six hours weekly when school is in session or 12 hours weekly when school is not in session. Competition, performances, and exhibitions related to the instructional or recreational activity shall be excluded when determining the hours of program operation.

3. Instructional programs offered by private schools that serve school-age children and that satisfy compulsory attendance laws or provide services under the Individuals with Disabilities Education Act, as amended, and programs of school-sponsored extracurricular activities that are focused on single interests such as, but not limited to, music, sports, drama, civic service, or foreign language.

4. Instructional programs offered by public schools that serve preschool-age children, satisfy compulsory attendance laws, or provide services under the Individuals with Disabilities Education Act, as amended, and programs of school-sponsored extracurricular activities that are focused on single interests such as, but not limited to, music, sports, drama, civic service, or foreign language.

5. Early intervention programs for children eligible under Part C of the Individuals with Disabilities Education Act, as amended, wherein no child attends for more than a total of six hours per week.

6. Practice or competition in organized competitive sports leagues.

7. Programs of religious instruction, such as Sunday schools, vacation Bible schools, Bar Mitzvah or Bat Mitzvah classes, and nurseries offered by religious institutions and provided for the duration of specified religious services or related activities to allow parents or guardians or their designees who are on site to attend such religious services and activities.

8. A program of instructional or athletic experience operated during the summer months by, and as an extension of, an accredited private elementary, middle, or high school program as set forth in § 22.1-19 and administered by the Virginia Council for Private Education.

B. The following child day programs shall not be required to be licensed:

1. A child day center that has obtained an exemption pursuant to § 22.1-289.031.

2. A program where, by written policy given to and signed by a parent or guardian, school-age children are free to enter and leave the premises without permission. A program that would qualify for this exemption except that it assumes responsibility for the supervision, protection, and well-being of several children with disabilities who are mainstreamed shall not be subject to licensure.

3. A program that operates no more than a total of 20 program days in the course of a calendar year, provided that programs serving children under age six operate no more than two consecutive weeks without a break of at least a week.

4. Child-minding services that are not available for more than three hours per day for any individual child offered on site in commercial or recreational establishments if the parent or guardian (i) can be contacted and can resume responsibility for the child's supervision within 30 minutes and (ii) is receiving or providing services or participating in activities offered by the establishment.

5. A certified preschool or nursery school program operated by an accredited private school as set forth in § 22.1-19 and administered by the Virginia Council for Private Education that complies with the provisions of § 22.1-289.032.

6. A program of recreational activities offered by local governments, staffed by local government employees, and attended by school-age children. Such programs shall be subject to safety and supervisory standards established by the local government offering the program.

7. A program offered by a local school division, operated for no more than four hours per day, staffed by local school division employees, and attended by children who are at least three years of age and are enrolled in public school or a preschool program within such school division. Such programs shall be subject to safety and supervisory standards established by the local school division offering the program.

8. Child-minding services offered by a business on the premises of the business to no more than four children under the age of 13 at any given time and for no more than eight hours per day, provided that the parent or guardian of every child receiving care is an employee of the business who is on the premises of the business and can resume responsibility for the child's supervision within 30 minutes upon request.

C. Child day programs that are exempt from licensure pursuant to subsection B, except for child day programs that are exempt from licensure pursuant to subdivision B 1 or 5, shall:

1. File with the Superintendent annually and prior to beginning operation of a child day program a statement indicating the intent to operate a child day program, identifying the specific provision of this section relied upon for exemption from licensure, and certifying that the child day program has disclosed in writing to the parents or guardians of the children in the program the fact that it is exempt from licensure;

2. Report to the Superintendent all incidents involving serious physical injury to or death of children attending the child day program. Reports of serious physical injuries, which shall include any physical injuries that require an emergency referral to an offsite health care professional or treatment in a hospital, shall be submitted annually. Reports of deaths shall be submitted no later than one business day after the death occurred; and

3. Post in a visible location on the premises notice that the child day program is operating as a program exempt from licensure with basic health and safety requirements but has no direct oversight by the Department.

D. Child day programs that are exempt from licensure pursuant to subsection B, except for child day programs that are exempt from licensure pursuant to subdivision B 1, 5, 6, or 7 shall:

1. Have a person trained and certified in first aid and cardiopulmonary resuscitation present at the child day program whenever children are present or at any other location in which children attending the child day program are present;

2. Maintain daily attendance records that document the arrival and departure of all children;

3. Have an emergency preparedness plan in place;

4. Comply with all applicable laws and regulations governing transportation of children; and

5. Comply with all safe sleep guidelines recommended by the American Academy of Pediatrics.

E. The Superintendent shall inspect child day programs that are exempt from licensure pursuant to subsection B to determine compliance with the provisions of this section only upon receipt of a complaint, except as otherwise provided by law.

F. Family day homes that are members of a licensed family day system shall not be required to obtain a license from the Superintendent.

§ 22.1-289.031. Child day center operated by religious institution exempt from licensure; annual statement and documentary evidence required; enforcement; injunctive relief.

A. Notwithstanding any other provisions of this chapter, a child day center, including a child day center operated or conducted under the auspices of a religious institution, shall be exempt from the licensure requirements of this chapter, but shall comply with the provisions of this section unless it chooses to be licensed. If such religious institution chooses not to be licensed, it shall file with the Superintendent, prior to beginning operation of a child day center and thereafter annually, a statement of intent to operate a child day center, certification that the child day center has disclosed in writing to the parents or guardians of the children in the center the fact that it is exempt from licensure and has posted the fact that it is exempt from licensure in a visible location on the premises, the qualifications of the personnel employed therein, and documentary evidence that:

1. Such religious institution has tax exempt status as a nonprofit religious institution in accordance with § 501(c) of the Internal Revenue Code of 1954, as amended, or that the real property owned and exclusively occupied by the religious institution is exempt from local taxation.

2. Within the prior 90 days for the initial exemption and within the prior 180 days for exemptions thereafter, the local health department and local fire marshal or Office of the State Fire Marshal, whichever is appropriate, have inspected the physical facilities of the child day center and have determined that the center is in compliance with applicable laws and regulations with regard to food service activities, health and sanitation, water supply, building codes, and the Statewide Fire Prevention Code or the Uniform Statewide Building Code.

3. The child day center employs supervisory personnel according to the following ratio of staff to children:

- a. One staff member to four children from ages zero to 16 months.
- b. One staff member to five children from ages 16 months to 24 months.
- c. One staff member to eight children from ages 24 months to 36 months.
- d. One staff member to 10 children from ages 36 months to five years.
- e. One staff member to 20 children from ages five years to nine years.
- f. One staff member to 25 children from ages nine years to 12 years.

Staff shall be counted in the required staff-to-children ratios only when they are directly supervising children. In each grouping of children, at least one adult staff member shall be regularly present. However, during designated daily rest periods and designated sleep periods of evening and overnight care programs, for children ages 16 months to six years, only one staff member shall be required to be present with the children under supervision. In such cases, at least one staff member shall be physically present in the same space as the children under supervision at all times. Other staff members counted for purposes of the staff-to-child ratio need not be physically present in the same space as the resting or sleeping children, but shall be present on the same floor as the resting or sleeping children and shall have no barrier to their immediate access to the resting or sleeping children. The staff member who is physically present in the same space as the sleeping children shall be able to summon additional staff counted in the staff-to-child ratio without leaving the space in which the resting or sleeping children are located.

Staff members shall be at least 16 years of age. Staff members under 18 years of age shall be under the supervision of an adult staff member. Adult staff members shall supervise no more than two staff members under 18 years of age at any given time.

4. Each person in a supervisory position has been certified by a practicing physician or physician assistant to be free from any disability which would prevent him from caring for children under his supervision.

5. The center is in compliance with the requirements of:

- a. This section.
- b. Section 22.1-289.039 relating to background checks.
- c. Section 63.2-1509 relating to the reporting of suspected cases of child abuse and neglect.
- d. Chapter 3 (§ 46.2-300 et seq.) of Title 46.2 regarding a valid Virginia driver's license or commercial driver's license; Article 21 (§ 46.2-1157 et seq.) of Chapter 10 of Title 46.2, regarding vehicle inspections; ensuring that any vehicle used to transport children is an insured motor vehicle as defined in § 46.2-705; and Article 13 (§ 46.2-1095 et seq.) of Chapter 10 of Title 46.2, regarding child restraint devices.

6. The following aspects of the child day center's operations are described in a written statement provided to the parents or guardians of the children in the center and made available to the general public: physical facilities, enrollment capacity, food services, health requirements for the staff, and public liability insurance.

7. The individual seeking to operate the child day center is not currently ineligible to operate another child day program due to a suspension or revocation of his license or license exemption for reasons involving child safety or any criminal conviction, including fraud, related to such child day program.

8. A person trained and certified in first aid and cardiopulmonary resuscitation (CPR) will be present at the child day center whenever children are present or at any other location in which children attending the child day center are present.

9. The child day center is in compliance with all safe sleep guidelines recommended by the American Academy of Pediatrics.

B. The center shall establish and implement procedures for:

1. Hand washing by staff and children before eating and after toileting and diapering.

2. Appropriate supervision of all children in care, including daily intake and dismissal procedures to ensure safety of children.

3. A daily simple health screening and exclusion of sick children by a person trained to perform such screenings.

4. Ensuring that all children in the center are in compliance with the provisions of § 32.1-46 regarding the immunization of children against certain diseases.

5. Ensuring that all areas of the premises accessible to children are free of obvious injury hazards, including providing and maintaining sand or other cushioning material under playground equipment.

6. Ensuring that all staff are able to recognize the signs of child abuse and neglect.

7. Ensuring that all incidents involving serious physical injury to or death of children attending the child day center are reported to the Superintendent. Reports of serious physical injuries, which shall include any physical injuries that require an emergency referral to an offsite health care professional or treatment in a hospital, shall be submitted annually. Reports of deaths shall be submitted no later than one business day after the death occurred.

C. The Superintendent may perform on-site inspections of religious institutions to confirm compliance with the provisions of this section and to investigate complaints that the religious institution is not in compliance with the provisions of this section. The Superintendent may revoke the exemption for any child day center in serious or persistent violation of the requirements of this section. If a religious institution operates a child day center and does not file the statement and documentary evidence required by this section, the Superintendent shall give reasonable notice to such religious institution of the nature of its noncompliance and may thereafter take such action as he determines appropriate, including a suit to enjoin the operation of the child day center.

D. Any person who has reason to believe that a child day center falling within the provisions of this section is not in compliance with the requirements of this section may report the same to the Department, the local health department, or the local fire marshal, each of which may inspect the child day center for noncompliance, give reasonable notice to the religious institution, and thereafter may take appropriate action as provided by law, including a suit to enjoin the operation of the child day center.

E. Nothing in this section shall prohibit a child day center operated by or conducted under the auspices of a religious institution from obtaining a license pursuant to this chapter.

§ 22.1-289.032. Certification of preschool or nursery school programs operated by accredited private schools; provisional certification; annual statement and documentary evidence required; enforcement; injunctive relief.

A. A preschool or nursery school program operated by a private school accredited by an accrediting organization recognized by the Board pursuant to § 22.1-19 shall be exempt from licensure under this chapter if it complies with the provisions of this section and meets the requirements of subsection B.

B. A school described in subsection A shall meet the following conditions in order to be exempt under this subsection:

1. The school offers kindergarten or elementary school instructional programs that satisfy compulsory school attendance laws, and children below the age of compulsory school attendance also participate in such instructional programs;

2. The number of pupils in the preschool program does not exceed 12 pupils for each instructional adult, or if operated as a Montessori program with mixed age groups of three-year-old to six-year-old children, the number of pupils in the preschool program does not exceed 15 pupils for each instructional adult;

3. The school (i) maintains an average enrollment ratio during the current school year of five children age five or above to one four-year-old child, and no child in attendance is under age four, or (ii) does not allow children below the age of eligibility for kindergarten attendance to attend the preschool program for more than five hours per day, of which no more than four hours of instructional classes may be provided per day, and no child in attendance is under age three;

4. The preschool offers instructional classes and does not hold itself out as a child care center or child day program;

5. Children enrolled in the preschool do not attend more than five days per week; and

6. The school maintains a certificate or permit issued pursuant to a local government ordinance that addresses health, safety, and welfare of the children.

C. The school shall file with the Superintendent, prior to the beginning of the school year or calendar year, as the case may be, and thereafter, annually, a statement which includes the following:

1. Intent to operate a certified preschool program;

2. Documentary evidence that the school has been accredited as provided in subsection A;

3. Documentation that the school has disclosed in writing to the parents, guardians, or persons having charge of a child enrolled in the school's preschool program and has posted in a visible location on the premises the fact of the program's exemption from licensure;

4. Documentary evidence that the physical facility in which the preschool program will be conducted has been inspected (i) before initial certification by the local building official and (ii) within the 12-month period prior to initial certification and at least annually thereafter by the local health department, and local fire marshal or Office of the State Fire Marshal, whichever is appropriate, and an inspection report that documents that the facility is in compliance with applicable laws and regulations pertaining to food services, health and sanitation, water supply, building codes, and the Statewide Fire Prevention Code or the Uniform Statewide Building Code;

5. Documentation that the school has disclosed the following in writing to the parents, guardians, or persons having charge of a child enrolled in the school's preschool program, and in a written statement available to the general public:

(i) the school facility is in compliance with applicable laws and regulations pertaining to food services, health and sanitation, water supply, building codes, and the Statewide Fire Prevention Code or the Uniform Statewide Building Code; (ii) the preschool program's maximum capacity; (iii) the school's policy or practice for pupil-teacher ratio, staffing patterns, and staff health requirements; and (iv) a description of the school's public liability insurance, if any;

6. Qualifications of school personnel who work in the preschool program;

7. Certification that the school will report to the Superintendent all incidents involving serious injury to or death of children attending the preschool program. Reports of serious injuries, which shall include any injuries that require an emergency referral to an offsite health care professional or treatment in a hospital, shall be submitted annually. Reports of deaths shall be submitted no later than one business day after the death occurred; and

8. Documentary evidence that the private school, as set forth in § 22.1-19 and administered by the Virginia Council for Private Education, requires all employees of the preschool and other school employees who have contact with the children enrolled in the preschool program to obtain a criminal record check as provided in § 22.1-289.035 to meet the requirements of § 22.1-296.3 as a condition of initial or continued employment.

All accredited private schools seeking certification of preschool programs shall file such information on forms prescribed by the Superintendent. The Superintendent shall certify all preschool programs of accredited private schools which comply with the provisions of subsection A. The Superintendent may conduct an annual inspection of such preschool programs to ensure compliance with the provisions of this section and conduct inspections to investigate complaints alleging noncompliance.

D. A preschool program of a private school that has not been accredited as provided in subsection A shall be subject to licensure.

E. If the preschool program of a private school that is accredited as provided in subsection A fails to file the statement and the required documentary evidence, the Superintendent shall notify the school of its noncompliance and may thereafter take such action as he determines appropriate, including notice that the program is required to be licensed.

F. The revocation or denial of the certification of a preschool program shall be subject to appeal pursuant to the provisions of the Administrative Process Act (§ 2.2-4000 et seq.). Judicial review of a final agency decision shall be in accordance with the provisions of the Administrative Process Act.

G. Any person who has reason to believe that a private school falling within the provisions of this section is in noncompliance with any applicable requirement of this section may report the same to the Department, the local health department, or the local fire marshal, each of which may inspect the school for noncompliance, give reasonable notice to the school of the nature of its noncompliance, and thereafter may take appropriate action as provided by law, including a suit to enjoin the operation of the preschool program.

H. Upon receipt of a complaint concerning a certified preschool program of an accredited private school, if for good cause shown there is reason to suspect that the school is in noncompliance with any provision of this section or the health or safety of the children attending the preschool program is in danger, the Superintendent shall cause an investigation to be made, including on-site visits as he deems necessary of the services, personnel, and facilities of the school's preschool program. The school shall afford the Superintendent reasonable opportunity to inspect the school's preschool program, records, and facility, and to interview the employees and any child or parent or guardian of a child who is or has been enrolled in the preschool program. If, upon completion of the investigation, it is determined that the school is in noncompliance with the provisions of this section, the Superintendent shall give reasonable notice to the school of the nature of its noncompliance and thereafter may take appropriate action as provided by law, including a suit to enjoin the operation of the preschool program.

I. Failure of a private school to comply with the provisions of this section, or a finding that the health and safety of the children attending the preschool program are in clear and substantial danger upon the completion of an investigation, shall be grounds for revocation of the certification issued pursuant to this section.

J. If a private school operates a child day program outside the scope of its instructional classes during the school year or operates a child day program during the summer, the child day program shall be subject to licensure under the regulations adopted pursuant to § 22.1-289.046.

K. Nothing in this section shall prohibit a preschool operated by or conducted under the auspices of a private school from obtaining a license pursuant to this chapter.

§ 22.1-289.033. Inspection of unlicensed child care operations; inspection warrant.

In order to perform his duties under this chapter, the Superintendent may enter and inspect any unlicensed child care operation with the consent of the owner or person in charge, or pursuant to a warrant. Administrative search warrants for inspections of child care operations, based upon a petition demonstrating probable cause and supported by an affidavit, may be issued ex parte by any judge having authority to issue criminal warrants whose territorial jurisdiction includes the child care operation to be inspected, if he is satisfied from the petition and affidavit that there is reasonable and probable cause for the inspection. The affidavit shall contain either a statement that consent to inspect has been sought and refused, or that facts and circumstances exist reasonably justifying the failure to seek such consent. Such facts may include, without limitation, past refusals to permit inspection or facts establishing reason to believe that seeking consent would provide an opportunity to conceal violations of statutes or regulations. Probable cause may be demonstrated by an affidavit showing probable cause to believe that the child care operation is in violation of any provision of this chapter or any regulation adopted pursuant to this chapter, or upon a showing that the inspection is to be made pursuant to a reasonable

administrative plan for the administration of this chapter. The inspection of a child care operation that has been the subject of a complaint pursuant to § 22.1-289.042 shall have preeminent priority over any other inspections of child care operations to be made by the Superintendent unless the complaint on its face or in the context of information known to the Superintendent discloses that the complaint has been brought to harass, to retaliate, or otherwise to achieve an improper purpose, and that the improper purpose casts serious doubt on the veracity of the complaint. After issuing a warrant under this section, the judge shall file the affidavit in the manner prescribed by § 19.2-54. Such warrant shall be executed and returned to the clerk of the circuit court of the city or county wherein the inspection was made.

Article 5.

Background Checks.

§ 22.1-289.034. Barrier crime; construction.

For purposes of this chapter, convictions for any barrier crime as defined in § 19.2-392.02 shall include prior adult convictions and juvenile convictions or adjudications of delinquency based on a crime that would be a felony if committed by an adult within or outside the Commonwealth.

§ 22.1-289.035. Licensed child day centers, family day homes, and family day systems; employment for compensation or use as volunteers of persons convicted of or found to have committed certain offenses prohibited; national background check required; penalty.

A. No child day center, family day home, or family day system licensed in accordance with the provisions of this chapter, child day center exempt from licensure pursuant to § 22.1-289.031, registered family day home, family day home approved by a family day system, or child day center, family day home, or child day program that enters into a contract with the Department or its agents or designees to provide child care services funded by the Child Care and Development Block Grant shall hire for compensated employment, continue to employ, or permit to serve as a volunteer who will be alone with, in control of, or supervising children any person who (i) has been convicted of any barrier crime as defined in § 19.2-392.02 or (ii) is the subject of a founded complaint of child abuse or neglect within or outside the Commonwealth. All applicants for employment, employees, applicants to serve as volunteers, and volunteers shall undergo a background check in accordance with subsection B prior to employment or beginning to serve as a volunteer and every five years thereafter.

B. Any individual required to undergo a background check in accordance with subsection A shall:

1. Provide a sworn statement or affirmation disclosing whether he has ever been convicted of or is the subject of pending charges for any offense within or outside the Commonwealth and whether he has been the subject of a founded complaint of child abuse or neglect within or outside the Commonwealth;
2. Submit to fingerprinting and provide personal descriptive information described in subdivision B 2 of § 19.2-392.02; and
3. Authorize the child day center, family day home, or family day system described in subsection A to obtain a copy of the results of a search of the central registry maintained pursuant to § 63.2-1515 and any child abuse and neglect registry or equivalent registry maintained by any other state in which the individual has resided in the preceding five years for any founded complaint of child abuse or neglect against him.

The applicant's fingerprints and personal descriptive information obtained pursuant to subdivision 2 shall be forwarded by the Department or its designee or, in the case of a child day program operated by a local government, may be forwarded by the local law-enforcement agency through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining national criminal history record information regarding such applicant. Upon receipt of an applicant's record or notification that no record exists, the Central Criminal Records Exchange shall forward the information to the Department or its designee, and the Department or its designee shall report to the child day center or family day home whether the applicant is eligible to have responsibility for the safety and well-being of children. In cases in which the record forwarded to the Department or its designee is lacking disposition data, the Department or its designee shall conduct research in whatever state and local recordkeeping systems are available in order to obtain complete data before reporting to the child day center, family day home, or family day system.

C. The child day center, family day home, or family day system described in subsection A shall inform every individual required to undergo a background check pursuant to this section that he is entitled to obtain a copy of any background check report and to challenge the accuracy and completeness of any such report and obtain a prompt resolution before a final determination is made of the individual's eligibility to have responsibility for the safety and well-being of children.

D. Any person making a materially false statement regarding the sworn statement or affirmation provided pursuant to subdivision B 1 is guilty of a Class 1 misdemeanor.

E. Further dissemination of the background check information is prohibited other than to the Superintendent's representative or a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination.

F. A person who complies in good faith with the provisions of this section shall not be liable for any civil damages for any act or omission in the performance of duties under this section unless the act or omission was the result of gross negligence or willful misconduct.

G. Notwithstanding the provisions of subsection A, a child day center may hire for compensated employment persons who have been convicted of not more than one misdemeanor offense under § 18.2-57, or any substantially similar offense

under the laws of another jurisdiction, if 10 years have elapsed following the conviction, unless the person committed such offense while employed in a child day center or the object of the offense was a minor.

H. Fees charged for the processing and administration of background checks pursuant to this section shall not exceed the actual cost to the state or the local law-enforcement agency of such processing and administration.

I. Any individual required to undergo a background check pursuant to subsection A who is (i) convicted of any barrier crime as defined in § 19.2-392.02 or (ii) found to be the subject of a founded complaint of child abuse or neglect within or outside of the Commonwealth shall notify the child day center, family day home, or family day system described in subsection A of such conviction or finding.

§ 22.1-289.036. Background check upon application for licensure, registration, or approval as child day center, family day home, or family day system; penalty.

A. Every (i) applicant for licensure as a child day center, family day home, or family day system, registration as a family day home, or approval as a family day home by a family day system; (ii) agent of an applicant for licensure as a child day center, family day home, or family day system, registration as a family day home, or approval as a family day home by a family day system at the time of application who is or will be involved in the day-to-day operations of the child day center, family day home, or family day system or who is or will be alone with, in control of, or supervising one or more of the children; and (iii) adult living in such child day center or family day home shall undergo a background check in accordance with subsection B prior to issuance of a license as a child day center, family day home, or family day system, registration as a family day home, or approval as a family day home by a family day system and every five years thereafter.

B. Every person required to undergo a background check pursuant to subsection A shall:

1. Provide a sworn statement or affirmation disclosing whether he has ever been convicted of or is the subject of any pending criminal charges for any offense within or outside the Commonwealth and whether or not he has been the subject of a founded complaint of child abuse or neglect within or outside the Commonwealth;

2. Submit to fingerprinting and provide personal descriptive information described in subdivision B 2 of § 19.2-392.02; and

3. Authorize the child day center, family day home, or family day system specified in subsection A to obtain a copy of the results of a search of the central registry maintained pursuant to § 63.2-1515 and any child abuse and neglect registry or equivalent registry maintained by any other state in which the individual has resided in the preceding five years for any founded complaint of child abuse or neglect against him.

Fingerprints and personal descriptive information obtained pursuant to subdivision 2 shall be forwarded by the Department or its designee or, in the case of a child day program operated by a local government, may be forwarded by the local law-enforcement agency through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining national criminal history record information regarding the individual. Upon receipt of an individual's record or notification that no record exists, the Central Criminal Records Exchange shall forward the information to the Department or its designee. The Department or its designee shall report to the child day center, family day home, or family day system described in subsection A as to whether the individual is eligible to have responsibility for the safety and well-being of children. In cases in which the record forwarded to the Department or its designee is lacking disposition data, the Department or its designee shall conduct research in whatever state and local recordkeeping systems are available in order to obtain complete data.

C. If any person specified in subsection A required to have a background check (i) has been convicted of any barrier crime as defined in § 19.2-392.02 or (ii) is the subject of a founded complaint of child abuse or neglect within or outside the Commonwealth, and such person has not been granted a waiver by the Superintendent pursuant to § 22.1-289.038, no license as a child day center, family day home, or family day system or registration as a family day home shall be granted by the Superintendent and no approval as a family day home shall be granted by the family day system.

D. Information from a search of the central registry maintained pursuant to § 63.2-1515 and any child abuse and neglect registry or equivalent registry maintained by any other state in which the applicant, agent, or adult has resided in the preceding five years, authorized in accordance with subdivision B 3, shall be obtained prior to issuance of a license as a child day center, family day home, or family day system, registration as a family day home, or approval as a family day home by a family day system.

E. No person specified in subsection A shall be involved in the day-to-day operations of the child day center, family day home, or family day system, or shall be alone with, in control of, or supervising one or more children, without first having completed any required background check pursuant to subsection B.

F. Any person making a materially false statement regarding the sworn statement or affirmation provided pursuant to subdivision B 1 is guilty of a Class 1 misdemeanor.

G. If an individual is denied licensure, registration, or approval because of information from the central registry or any child abuse and neglect registry or equivalent registry maintained by any other state, or convictions appearing on his criminal history record, the Superintendent shall provide a copy of the information obtained from the central registry, any child abuse and neglect registry or equivalent registry maintained by any other state, or the Central Criminal Records Exchange to the individual.

H. Further dissemination of the background check information is prohibited other than to the Superintendent's representative or a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination.

I. Fees charged for the processing and administration of background checks pursuant to this section shall not exceed the actual cost to the state or the local law-enforcement agency of such processing and administration.

§ 22.1-289.037. Revocation or denial of renewal based on background checks; failure to obtain background check.

A. The Superintendent may revoke or deny renewal of a license or registration of a child day program or family day system, and a family day system may revoke the approval of a family day home, if the child day program, family day system, or approved family day home has knowledge that a person specified in § 22.1-289.035 or 22.1-289.036 required to have a background check (i) has been convicted of any barrier crime as defined in § 19.2-392.02 or (ii) is the subject of a founded complaint of child abuse or neglect within or outside the Commonwealth, and such person has not been granted a waiver by the Superintendent pursuant to § 22.1-289.038 or is not subject to the exceptions in subsection G of § 22.1-289.035, and the agency or home refuses to separate such person from employment or service or allows the household member to continue to reside in the home.

B. Failure to obtain background checks pursuant to §§ 22.1-289.035 and 22.1-289.036 shall be grounds for denial, revocation, or termination of a license, registration, or approval or any contract with the Department or its agents or designees or a local department of social services to provide child care services to clients of the Department or its agents or designees or the local department of social services. No violation shall occur if the family day system, family day home, or child day center has applied for the background check timely and it has not been obtained due to administrative delay. The provisions of this section shall be enforced by the Department.

§ 22.1-289.038. Child day programs and family day systems; criminal conviction and waiver.

A. Any person who seeks to operate, volunteer, or work at a child day program or family day system and who is disqualified because of a criminal conviction or a criminal conviction in the background check of any other adult living in a family day home regulated by the Department, pursuant to § 22.1-289.035, 22.1-289.036, or 22.1-289.039, may apply in writing for a waiver from the Superintendent. The Superintendent may grant a waiver if the Superintendent determines that (i) the person is of good moral character and reputation and (ii) the waiver would not adversely affect the safety and well-being of children in the person's care. The Superintendent shall not grant a waiver to any person who has been convicted of any barrier crime as defined in § 19.2-392.02. However, the Superintendent may grant a waiver to a family day home licensed or registered by the Department if any other adult living in the home of the applicant or provider has been convicted of not more than one misdemeanor offense under § 18.2-57 or 18.2-57.2, or any substantially similar offense under the laws of another jurisdiction, provided that (a) five years have elapsed following the conviction and (b) the Department has conducted a home study that includes, but is not limited to, (1) an assessment of the safety of children placed in the home and (2) a determination that the offender is now a person of good moral character and reputation. The waiver shall not be granted if the adult living in the home is an assistant or substitute provider or if such adult has been convicted of a misdemeanor offense under both §§ 18.2-57 and 18.2-57.2, or any substantially similar offense under the laws of another jurisdiction. Any waiver granted under this section shall be available for inspection by the public. The child day program or family day system shall notify in writing every parent and guardian of the children in its care of any waiver granted for its operators, employees, or volunteers.

B. The Board shall adopt regulations to implement the provisions of this section.

§ 22.1-289.039. Records check by unlicensed child day center; penalty.

Any child day center that is exempt from licensure pursuant to § 22.1-289.031 shall require all applicants for employment, employees, applicants to serve as volunteers, and volunteers and any other person who is expected to be alone with one or more children enrolled in the child day center to obtain a background check in accordance with § 22.1-289.035. A child day center that is exempt from licensure pursuant to § 22.1-289.031 shall refuse employment or service to any person who (i) has been convicted of any barrier crime as defined in § 19.2-392.02 or (ii) is the subject of a founded complaint of child abuse or neglect within or outside the Commonwealth. The foregoing provisions shall not apply to a parent or guardian who may be left alone with his own child. For purposes of this section, convictions shall include prior adult convictions and juvenile convictions or adjudications of delinquency based on a crime that would have been a felony if committed by an adult within or outside the Commonwealth. Further dissemination of the information provided to the facility is prohibited.

§ 22.1-289.040. Child day centers and family day homes receiving federal, state, or local child care funds; eligibility requirements.

A. Whenever any child day center or family day home that has not met the requirements of §§ 22.1-289.035, 22.1-289.036, and 22.1-289.039 applies to enter into a contract with the Department or its agents or designees to provide child care services to clients of the Department or its agents or designees, the Department or its agents or designees shall require a background check, at the time of application to enter into a contract and every five years thereafter, of (i) the applicant; any agents involved in the day-to-day operation; all agents who are alone with, in control of, or supervising one or more of the children; and any other adult living in a family day home pursuant to § 22.1-289.036; and (ii) all applicants for employment, employees, applicants to serve as volunteers, and volunteers pursuant to § 22.1-289.035. The child day center or family day home shall not be permitted to enter into a contract with the Department or its agents or designees for child care services when an applicant; any employee; a prospective employee; a volunteer, an agent involved in the day-to-day operation; an agent alone with, in control of, or supervising one or more children; or any other adult living in a family day home (i) has been convicted of any barrier crime as defined in § 19.2-392.02 or (ii) is the subject of a founded

complaint of child abuse or neglect within or outside the Commonwealth. Further dissemination of the information provided to the facility, beyond dissemination to the Department or its agents or designees is prohibited.

B. Every child day center or family day home that enters into a contract with the Department or its agents or designees to provide child care services to clients of the Department or its agents or designees that is funded, in whole or in part, by the Child Care and Development Block Grant, shall comply with all requirements established by federal law and regulations.

§ 22.1-289.041. Sex offender or child abuser prohibited from operating or residing in family day home; penalty.

It shall be unlawful for any person to operate a family day home if he, or if he knows that any other person who resides in, is employed by, or volunteers in the home, has been convicted of a felony in violation of § 18.2-48, 18.2-61, 18.2-63, 18.2-64.1, 18.2-67.1, 18.2-67.2, 18.2-67.3, 18.2-67.5, 18.2-355, 18.2-361, 18.2-366, 18.2-369, 18.2-370, 18.2-370.1, 18.2-371.1, or 18.2-374.1, has been convicted of any offense that requires registration on the Sex Offender and Crimes Against Minors Registry pursuant to § 9.1-902, or is the subject of a founded complaint of child abuse or neglect within or outside the Commonwealth. A violation of this section is punishable as a Class 1 misdemeanor.

Article 6.

Complaints.

§ 22.1-289.042. Establishment of toll-free telephone line for complaints; investigation on receipt of complaints.

With such funds as are appropriated for this purpose, the Superintendent shall establish a toll-free telephone line to respond to complaints regarding operations of child day programs or family day systems. Upon receipt of a complaint concerning the operation of a child day program or family day system, regardless of whether the program is subject to licensure, the Superintendent shall, for good cause shown, cause an investigation to be made, including on-site visits as he deems necessary, of the activities, services, records, and facilities. The child day program or family day system shall afford the Superintendent reasonable opportunity to inspect all of the operator's activities, services, records, and facilities and to interview its agents and employees and any child within its control. Whenever a child day program or family day system subject to inspection under this section is determined by the Superintendent to be in noncompliance with the provisions of this chapter or with regulations adopted pursuant to this chapter, the Superintendent shall give reasonable notice to the child day program or family day system of the nature of its noncompliance and may thereafter take appropriate action as provided by law, including a suit to enjoin the operation of the child day program or family day system.

§ 22.1-289.043. Confidentiality of complainant's identity.

Whenever the Department conducts inspections and investigations in response to complaints received from the public, the identity of the complainant and the identity of any child who is the subject of the complaint, or identified therein, shall be confidential and shall not be open to inspection by members of the public. Identities of the complainant and child who is the subject of the complaint shall be revealed only if a court order so requires. Nothing contained herein shall prevent the Department, in its discretion, from disclosing to the child day program or family day system the nature of the complaint or the identity of the child who is the subject of the complaint. Nothing contained herein shall prevent the Department or its employees from making reports under Chapter 15 (§ 63.2-1500 et seq.) of Title 63.2. If the Department intends to rely, in whole or in part, on any statements made by the complainant at any administrative hearing brought against child day program or family day system, the Department shall disclose the identity of the complainant to the child day program or family day system a reasonable time in advance of such hearing.

§ 22.1-289.044. Retaliation or discrimination against complainants.

No child day program or family day system shall retaliate or discriminate in any manner against any person who (i) in good faith complains or provides information to, or otherwise cooperates with, the Department or any other agency of government or any person or entity operating under contract with an agency of government having responsibility for protecting the rights of children in child day programs and family day systems, (ii) attempts to assert any right protected by state or federal law, or (iii) assists any person in asserting such right.

§ 22.1-289.045. Retaliation against reports of child abuse or neglect.

No child day program or family day system shall retaliate in any manner against any person who in good faith reports child abuse or neglect pursuant to Chapter 15 (§ 63.2-1500 et seq.) of Title 63.2.

Article 7.

Regulations and Interdepartmental Cooperation.

§ 22.1-289.046. Regulations for child day programs and family day systems.

A. The Board shall adopt regulations for the activities, services, and facilities to be employed by persons and agencies required to be licensed under this chapter, which shall be designed to ensure that such activities, services, and facilities are conducive to the welfare of the children under the control of such persons or agencies.

Such regulations shall be developed in consultation with representatives of the affected entities and shall include matters relating to the sex, age, and number of children and other persons to be maintained or cared for, as the case may be, and to the buildings and premises to be used, and reasonable standards for the activities, services and facilities to be employed. Such limitations and standards shall be specified in each license and renewal thereof. Such regulations shall not require the adoption of a specific teaching approach or doctrine or require the membership, affiliation, or accreditation services of any single private accreditation or certification agency.

Such regulations governing child day programs providing care for school-age children at a location that is currently approved by the Department or recognized as a private school by the Board for school occupancy and that houses a public

or private school during the school year shall not (i) prohibit school-age children from using outdoor play equipment and areas approved for use by students of the school during school hours or (ii) in the case of public schools, require inspection or approval of the building, vehicles used to transport children attending the child day program that are owned by the school, or meals served to such children that are prepared by the school.

Such regulations governing orientation and training of child day program staff shall provide that parents or other persons who participate in a cooperative preschool center on behalf of a child attending such cooperative preschool center, including such parents and persons who are counted for the purpose of determining staff-to-child ratios, shall be exempt from orientation and training requirements applicable to staff of child day programs; however, such regulations may require such parents and persons to complete up to four hours of training per year. This orientation and training exemption shall not apply to any parent or other person who participates in a cooperative preschool center that has entered into a contract to provide child care services funded by the Child Care and Development Block Grant.

B. The Board shall adopt or amend regulations, policies, and procedures related to child day care in collaboration with the Virginia Recreation and Park Society. No regulation adopted by the Board shall prohibit a child day center from hiring an armed security officer, licensed pursuant to Article 4 (§ 9.1-138 et seq.) of Chapter 1 of Title 9.1, to provide protection for children placed in the care of the child day center or employees of the center. The Board shall adopt or amend regulations related to therapeutic recreation programs in collaboration with the Virginia Park and Recreation Society and the Department of Behavioral Health and Developmental Services.

§ 22.1-289.047. Interagency agreements; cooperation of Department with other departments.

The Department is authorized to enter into interagency agreements with other state agencies to develop and implement regulations adopted pursuant to this chapter. Any state agency identified by the Department as appropriate to include in an interagency agreement shall participate in the development and implementation of the agreement. The Department shall assist and cooperate with other state departments in fulfilling their respective inspection responsibilities and in coordinating the regulations involving inspections. The Board may adopt regulations allowing the Department to so assist and cooperate with other state departments.

§ 22.1-289.048. Program leaders and child-care supervisors at licensed child day centers; approved credential.

Program leaders and child-care supervisors employed by child day centers may possess an approved credential. For purposes of this section:

"Approved credential" means a competency-based credential awarded to individuals who work with children ages five and under in either a teaching, supervisory, or administrative capacity and that is specifically awarded or administered by the National Association for the Education of Young Children; the National Academy of Early Childhood Programs; the Association of Christian Schools International; the American Association of Christian Schools; the National Early Childhood Program Accreditation; the National Accreditation Council for Early Childhood Professional Personnel and Programs; the International Academy for Private Education; the American Montessori Society; the International Accreditation and Certification of Childhood Educators, Programs, and Trainers; the National Accreditation Commission; the Virginia Community College System, or another institution of higher education; or its equivalent as determined by the Department.

"Program leader" or "child-care supervisor" means an individual designated to be responsible for the direct supervision of children and for the implementation of the activities and services for a group of children in a licensed child day center.

Article 8.

Facilities and Programs.

§ 22.1-289.049. Regulated child day programs to require proof of child identity and age; report to law-enforcement agencies.

A. Upon enrollment of a child in a regulated child day program, such child day program shall require information from the person enrolling the child regarding previous child day care and schools attended by the child. The regulated child day program shall also require that the person enrolling the child present the regulated child day program with the proof of the child's identity and age. The proof of identity, if reproduced or retained by the child day program or both, shall be destroyed upon the conclusion of the requisite period of retention. The procedures for the disposal, physical destruction, or other disposition of the proof of identity containing social security numbers shall include all reasonable steps to destroy such documents by (i) shredding, (ii) erasing, or (iii) otherwise modifying the social security numbers in those records to make them unreadable or indecipherable by any means.

B. For purposes of this section:

"Proof of identity" means a certified copy of a birth certificate or other reliable proof of the child's identity and age.

"Regulated child day program" is one in which a person or organization has agreed to assume responsibility for the supervision, protection, and well-being of a child under the age of 13 for less than a 24-hour period that is licensed pursuant to § 22.1-289.011, voluntarily registered pursuant to § 22.1-289.015, certified as a preschool or nursery school program pursuant to § 22.1-289.032, exempted from licensure as a child day center operated by a religious institution pursuant to § 22.1-289.031, or approved as a family day home by a licensed family day system.

C. If the parent, guardian, or other person enrolling the child in a regulated child day program for longer than two consecutive days or other pattern of regular attendance does not provide the information required by subsection A within

seven business days of initial attendance, such child day program shall immediately notify the local law-enforcement agency in its jurisdiction of such failure to provide the requested information.

D. Upon receiving notification of such failure to provide the information required by subsection A, the law-enforcement agency shall, if available information warrants, immediately submit an inquiry to the Missing Children Information Clearinghouse and, with the assistance of the local department of social services, if available information warrants, conduct the appropriate investigation to determine whether the child is missing.

E. The Board shall adopt regulations to implement the provisions of this section.

§ 22.1-289.050. Insurance notice requirements for family day homes; civil penalty.

A. Any person who operates a family day home approved by a licensed family day system, a licensed family day home, or a voluntarily registered family day home shall furnish a written notice to the parent or guardian of each child under the care of the family day home, which states whether there is liability insurance in force to cover the operation of the family day home, provided that no person under this section shall state that liability insurance is in place to cover the operation of the family day home, unless there is a minimum amount of coverage as established by the Department.

B. Each parent or guardian shall acknowledge, in writing, receipt of such notice. In the event there is no longer insurance coverage, the person operating the family day home shall (i) notify each parent or guardian within 10 business days after the effective date of the change and (ii) obtain written acknowledgment of such notice. A copy of an acknowledgment required under this section shall be maintained on file at the family day home at all times while the child attends the family day home and for 12 months after the child's last date of attendance.

C. Any person who fails to give any notice required under this section shall be subject to a civil penalty of up to \$500 for each such failure.

§ 22.1-289.051. Dual licenses for certain child day centers.

Any facility licensed as a child day center which also meets the requirements for a license as a summer camp by the Department of Health under the provisions of § 35.1-18 shall be entitled to a summer camp license. Such a facility shall comply with all of the regulations adopted by the Board and the State Board of Health for each such license.

§ 22.1-289.052. Asbestos inspection required for child day centers.

The Superintendent shall not issue a license to any child day center that is located in a building built prior to 1978 until he receives a written statement that the building has been inspected for asbestos, as defined by § 2.2-1162, and in accordance with the regulations for initial asbestos inspections pursuant to the federal Asbestos Hazard Emergency Response Act, 40 C.F.R. Part 763 — Asbestos Containing Materials in Schools. The inspection shall be conducted by personnel competent to identify the presence of asbestos and licensed in Virginia as an asbestos inspector and as an asbestos management planner pursuant to Chapter 5 (§ 54.1-500 et seq.) of Title 54.1. The written statement shall state whether (i) no asbestos was detected, (ii) asbestos was detected and response actions to abate any risk to human health have been completed, or (iii) asbestos was detected and response actions to abate any risk to human health have been recommended in accordance with a specified schedule and plan pursuant to applicable state and federal statutes and regulations. The statement shall include identification of any significant hazard areas, the date of the inspection and be signed by the person who inspected for the asbestos. If asbestos was detected, an operations and maintenance plan shall be developed in accordance with the regulations of the federal Asbestos Hazard Emergency Response Act and the statement shall be signed by the person who prepared the operations and maintenance plan. Any inspection, preparation of an operations and maintenance plan or response action shall be performed by competent personnel who have been licensed in accordance with the provisions of Chapter 5 of Title 54.1.

When asbestos has been detected, the applicant for licensure shall also submit to the Superintendent a written statement that response actions to abate any risk to human health have been or will be initiated in accordance with a specified schedule and plan as recommended by an asbestos management planner licensed in Virginia. This statement shall be signed by the applicant for licensure.

The written statements required by this section shall be submitted for approval to the Superintendent's representative prior to issuance of a license. The provisions of this section shall not apply to child day centers located in buildings required to be inspected pursuant to Article 5 (§ 2.2-1162 et seq.) of Chapter 11 of Title 2.2.

§ 22.1-289.053. Delay in acting on application or in notification.

In case the Superintendent fails to take final action upon an application for a license within 60 days after the application is made, either by way of issuance or refusal, or fails within such time to notify the applicant thereof, it shall be lawful for the applicant to engage in the operations or activities for which the license is desired, until the Superintendent has taken final action and notified the applicant thereof; however, no application shall be deemed made until all the required information is submitted in the form prescribed by the Superintendent.

§ 22.1-289.054. Visitation by parents or guardians in child day programs.

A custodial parent or guardian shall be admitted to any child day program. For purposes of this section, "child day program" is one in which a person or organization has agreed to assume responsibility for the supervision, protection, and well-being of a child under the age of 13 for less than a 24-hour period, regardless of whether it is licensed. Such right of admission shall apply only while the child is in the child day program.

§ 22.1-289.055. Public funds to be withheld for serious or persistent violations.

The Board may adopt policies, as permitted by state and federal law, to restrict the eligibility of a child day program or family day system to receive or continue to receive funds when such agency is found to be in serious or persistent violation of regulations.

§ 22.1-296.3. Certain private school employees subject to fingerprinting and criminal records checks.

A. As a condition of employment, the governing boards or administrators of private elementary or secondary schools that are accredited pursuant to § 22.1-19 shall require any applicant who accepts employment, whether full-time or part-time, permanent or temporary, to submit to fingerprinting and to provide personal descriptive information to be forwarded along with the applicant's fingerprints through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining criminal history record information regarding such applicant.

The Central Criminal Records Exchange, upon receipt of an applicant's record or notification that no record exists, shall report to the governing board or administrator, or to a private organization coordinating such records on behalf of such governing board or administrator pursuant to a written agreement with the Department of State Police, that the applicant meets the criteria or does not meet the criteria for employment based on whether or not the applicant has ever been convicted of any barrier crime as defined in § 19.2-392.02.

B. The Central Criminal Records Exchange shall not disclose information to such governing board, administrator, or private organization coordinating such records regarding charges or convictions of any crimes. If any applicant is denied employment because of information appearing on the criminal history record and the applicant disputes the information upon which the denial was based, the Central Criminal Records Exchange shall, upon request, furnish the applicant the procedures for obtaining a copy of the criminal history record from the Federal Bureau of Investigation. The information provided to the governing board, administrator, or private organization coordinating such records shall not be disseminated except as provided in this section. A governing board or administrator employing or previously employing a temporary teacher or a private organization coordinating such records on behalf of such governing board or administrator pursuant to a written agreement with the Department of State Police may disseminate, at the written request of such temporary teacher, whether such teacher meets the criteria or does not meet the criteria for employment pursuant to subsection A to the governing board or administrator of another accredited private elementary or secondary school in which such teacher has accepted employment. Such governing board, administrator, or private organization transferring criminal records information pursuant to this section shall be immune from civil liability for any official act, decision, or omission done or made in the performance of such transfer, when such acts or omissions are taken in good faith and are not the result of gross negligence or willful misconduct.

Fees charged for the processing and administration of background checks pursuant to this section shall not exceed the actual cost to the state of such processing and administration.

C. Effective July 1, 2017, the governing board or administrator of a private elementary or secondary school that is accredited pursuant to § 22.1-19 that operates a child welfare agency day program or family day system regulated by the Department of Social Services pursuant to Chapter 17.14.1 (§ 63.2-1700 22.1-289.02 et seq.) of Title 63.2 shall accept evidence of a background check in accordance with § 63.2-1720.1 22.1-289.035 for individuals who are required to undergo a background check in accordance with that section as a condition of employment in lieu of the background check required by subsection A.

D. For purposes of this section, "governing board" or "administrator" means the unit or board or person designated to supervise operations of a system of private schools or a private school accredited pursuant to § 22.1-19.

Nothing in this section or § 19.2-389 shall be construed to require any private or religious school which is not so accredited to comply with this section.

§ 22.1-299.4. Teach For America license.

A. Notwithstanding any provision of law to the contrary, the Board shall issue a two-year provisional license, hereafter referred to as the Teach For America license, to any participant in Teach For America, a nationwide nonprofit organization focused on closing the academic achievement gaps between students in high-income and low-income areas, who submits an application and meets the following criteria:

1. Holds, at minimum, a baccalaureate degree from a regionally accredited institution of higher education;
2. Has met the requirements prescribed by the Board for all endorsements sought or has met the qualifying scores on the content area assessment prescribed by the Board for the endorsements sought;
3. Possesses good moral character according to criteria developed by the Board;
4. Has been offered and has accepted placement in Teach For America;
5. Has successfully completed pre-service training and is participating in the professional development requirements of Teach For America, including teaching frameworks, curricula, lesson planning, instructional delivery, classroom management, assessment and evaluation of student progress, classroom diversity, and literacy development;
6. Has an offer of employment from a local school board to teach in a public elementary or secondary school in the Commonwealth or a preschool program that receives state funds pursuant to subsection C of § 22.1-199.1 22.1-289.09; and
7. Receives a recommendation from the employing school division for a Teach For America license in the endorsement area in which the individual seeks to be licensed.

B. In addition to the criteria set forth in subsection A, any individual who seeks an endorsement in early childhood, early/primary, or elementary education shall either (i) agree to complete such coursework in the teaching of reading as may

be prescribed by the Board pursuant to regulation during the first year of employment or (ii) achieve a passing score on a reading instructional assessment prescribed by the Board pursuant to regulation.

C. Teachers issued a Teach For America provisional license shall not be eligible for continuing contract status while employed under the authority of a Teach For America license and shall be subject to the probationary terms of employment specified in § 22.1-303.

D. The Board may extend any Teach For America license for one additional year upon request of the employing school division, provided that no Teach For America license shall exceed a total of three years in length.

E. Notwithstanding any provision of law to the contrary, upon completion of at least two years of full-time teaching experience in a public elementary or secondary school in the Commonwealth or a preschool program that receives state funds pursuant to ~~subsection C of § 22.1-199.1~~ 22.1-289.09, an individual holding a Teach For America license shall be eligible to receive a renewable license if he has (i) achieved satisfactory scores on all professional teacher assessments required by the Board and (ii) received satisfactory evaluations at the conclusion of each year of employment.

F. Notwithstanding any provision of law to the contrary, the Board shall issue a Teach For America license to any individual who (i) has completed two years of successful teaching in the Teach For America program in another state, (ii) is not eligible to receive a renewable license, and (iii) meets the criteria set forth in subsection A.

§ 46.2-341.9. Eligibility for commercial driver's license or commercial learner's permit.

A. A Virginia commercial driver's license or commercial learner's permit shall be issued only to a person who drives or intends to drive a commercial motor vehicle, who is domiciled in the Commonwealth, and who is eligible for a commercial driver's license or commercial learner's permit under such terms and conditions as the Department may require.

No person shall be eligible for a Virginia commercial driver's license or commercial learner's permit until he has applied for such license or permit and has passed the applicable vision, knowledge and skills tests required by this article, and has satisfied all other applicable licensing requirements imposed by the laws of the Commonwealth. Such requirements shall include meeting the standards contained in subparts F, G, and H, of Part 383 of the FMCSA regulations.

No person shall be eligible for a Virginia commercial driver's license or commercial learner's permit during any period in which he is disqualified from driving a commercial motor vehicle, or his driver's license or privilege to drive is suspended, revoked or cancelled in any state, or during any period wherein the restoration of his license or privilege is contingent upon the furnishing of proof of financial responsibility.

No person shall be eligible for a Virginia commercial driver's license until he surrenders all other driver's licenses issued to him by any state.

No person shall be eligible for a Virginia commercial learner's permit until he surrenders all other driver's licenses and permits issued to him by any other state. The applicant for a commercial learner's permit is not required to surrender his Virginia noncommercial driver's license.

No person under the age of 21 years shall be eligible for a commercial driver's license, except that a person who is at least 18 years of age may be issued a commercial driver's license or commercial learner's permit, provided that such person is exempt from or is not subject to the age requirements of the Federal Motor Carrier Safety Regulations contained in 49 C.F.R. Part 391, and is not prohibited from operating a commercial motor vehicle by the Virginia Motor Carrier Safety Regulations, and has so certified. No person under the age of 21 years shall be issued a hazardous materials endorsement.

No person shall be eligible for a Virginia commercial driver's license to drive a Type S vehicle, as defined in subsection B of § 46.2-341.16, during any period in which he is a person for whom registration with the Sex Offender and Crimes Against Minors Registry is required pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1.

In determining the eligibility of any applicant for a Virginia commercial driver's license, the Department shall consider, to the extent not inconsistent with federal law, the applicant's military training and experience.

A person for whom registration with the Sex Offender and Crimes Against Minors Registry is required pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1 may be issued a Virginia commercial driver's license to drive a Type P vehicle, as defined in subsection B of § 46.2-341.16, provided the commercial driver's license includes a restriction prohibiting the license holder from operating a commercial vehicle to transport children to or from activities sponsored by a school or by a child day care facility licensed, regulated, or approved by the ~~Virginia Department of Social Services~~ *Education*.

B. Notwithstanding the provisions of subsection A, pursuant to 49 U.S.C. 31311(a)(12) a commercial driver's license or commercial learner's permit may be issued to an individual who (i) operates or will operate a commercial motor vehicle; (ii) is a member of the active duty military, military reserves, National Guard, active duty United States Coast Guard, or Coast Guard Auxiliary; and (iii) is not domiciled in the Commonwealth, but whose temporary or permanent duty station is located in the Commonwealth.

§ 46.2-341.10. Special provisions relating to commercial learner's permit.

A. The Department upon receiving an application on forms prescribed by the Commissioner and upon the applicant's satisfactory completion of the vision and knowledge tests required for the class and type of commercial motor vehicle to be driven by the applicant may, in its discretion, issue to such applicant a commercial learner's permit. Such permit shall be valid for no more than one year from the date of issuance. No renewals are permitted. A commercial learner's permit shall entitle the applicant to drive a commercial motor vehicle of the class and type designated on the permit, but only when accompanied by a person licensed to drive the class and type of commercial motor vehicle driven by the applicant. The person accompanying the permit holder shall occupy the seat closest to the driver's seat for the purpose of giving instruction to the permit holder in driving the commercial motor vehicle.

B. No person shall be issued a commercial learner's permit unless he possesses a valid Virginia driver's license or has satisfied all the requirements necessary to obtain such a license.

C. A commercial learner's permit holder with a passenger (P) endorsement (i) must have taken and passed the P endorsement knowledge test and (ii) is prohibited from operating a commercial motor vehicle carrying passengers, other than federal or state auditors and inspectors, test examiners, other trainees, and the commercial driver's license holder accompanying the commercial learner's permit holder. The P endorsement must be class specific.

D. A commercial learner's permit holder with a school bus (S) endorsement (i) must have taken and passed the S endorsement knowledge test and (ii) is prohibited from operating a school bus with passengers other than federal or state auditors and inspectors, test examiners, other trainees, and the commercial driver's license holder accompanying the commercial learner's permit holder. No person shall be issued a commercial learner's permit to drive school buses or to drive any commercial vehicle to transport children to or from activities sponsored by a school or by a child day care facility licensed, regulated, or approved by the ~~Virginia Department of Social Services~~ *Education* during any period in which he is a person for whom registration with the Sex Offender and Crimes Against Minors Registry is required pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1.

E. A commercial learner's permit holder with a tank vehicle (N) endorsement (i) must have taken and passed the N endorsement knowledge test and (ii) may only operate an empty tank vehicle and is prohibited from operating any tank vehicle that previously contained hazardous materials that has not been purged of any residue.

F. The issuance of a commercial learner's permit is a precondition to the initial issuance of a commercial driver's license and to the upgrade of a commercial driver's license if the upgrade requires a skills test. The commercial learner's permit holder is not eligible to take the commercial driver's license skills test until he has held the permit for the required period of time specified in § 46.2-324.1.

G. Any commercial learner's permit holder who operates a commercial motor vehicle without being accompanied by a licensed driver as provided in this section is guilty of a Class 2 misdemeanor.

H. The Department shall charge a fee of \$3 for each commercial learner's permit issued under the provisions of this section.

§ 46.2-341.18:3. Cancellation of commercial driver's license endorsement for certain offenders.

The Commissioner shall cancel the Type S school bus endorsement for any person holding a commercial driver's license or commercial learner's permit who is convicted of an offense for which registration is required in the Sex Offender and Crimes Against Minors Registry pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1.

Any person holding a commercial driver's license or commercial learner's permit with a Type P passenger endorsement who is convicted of an offense for which registration is required in the Sex Offender and Crimes Against Minors Registry pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1 shall surrender such license or permit to the Department, and shall be issued a license or permit that includes a restriction prohibiting the license or permit holder from operating a vehicle to transport children to or from activities sponsored by a school or by a child day care facility licensed, regulated, or approved by the ~~Virginia Department of Social Services~~ *Education*.

If the holder of a commercial driver's license or commercial learner's permit fails to surrender the license or permit as required under this section, the Department shall cancel the license or permit.

§ 51.1-617. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Board" means the Board of Trustees of the Virginia Retirement System.

"Eligible employee" means any turnaround specialist or member of the middle school teacher corps providing services for a participating public school division pursuant to subsections ~~F E~~ and ~~G F~~ of § 22.1-199.1.

"Participating employer" means any local public school board that offers and pays the costs of improved retirement benefits as described in subsections ~~F E~~ and ~~G F~~ of § 22.1-199.1.

"Plan" means the defined contribution plan established pursuant to this chapter and the provisions of § 401 (a) of the Internal Revenue Code of 1986, as amended.

"Qualified participant" means an eligible employee of a participating employer.

§ 54.1-3005. Specific powers and duties of Board.

In addition to the general powers and duties conferred in this title, the Board shall have the following specific powers and duties:

1. To prescribe minimum standards and approve curricula for educational programs preparing persons for licensure or certification under this chapter;
2. To approve programs that meet the requirements of this chapter and of the Board;
3. To provide consultation service for educational programs as requested;
4. To provide for periodic surveys of educational programs;
5. To deny or withdraw approval from educational or training programs for failure to meet prescribed standards;
6. To provide consultation regarding nursing practice for institutions and agencies as requested and investigate illegal nursing practices;
7. To keep a record of all its proceedings;
8. To certify and maintain a registry of all certified nurse aides and to promulgate regulations consistent with federal law and regulation. The Board shall require all schools to demonstrate their compliance with § 54.1-3006.2 upon

application for approval or reapproval, during an on-site visit, or in response to a complaint or a report of noncompliance. The Board may impose a fee pursuant to § 54.1-2401 for any violation thereof. Such regulations may include standards for the authority of licensed practical nurses to teach nurse aides;

9. To maintain a registry of clinical nurse specialists and to promulgate regulations governing clinical nurse specialists;
10. To license and maintain a registry of all licensed massage therapists and to promulgate regulations governing the criteria for licensure as a massage therapist and the standards of professional conduct for licensed massage therapists;
11. To promulgate regulations for the delegation of certain nursing tasks and procedures not involving assessment, evaluation or nursing judgment to an appropriately trained unlicensed person by and under the supervision of a registered nurse, who retains responsibility and accountability for such delegation;
12. To develop and revise as may be necessary, in coordination with the Boards of Medicine and Education, guidelines for the training of employees of a school board in the administration of insulin and glucagon for the purpose of assisting with routine insulin injections and providing emergency treatment for life-threatening hypoglycemia. The first set of such guidelines shall be finalized by September 1, 1999, and shall be made available to local school boards for a fee not to exceed the costs of publication;
13. To enter into the Nurse Licensure Compact as set forth in this chapter and to promulgate regulations for its implementation;
14. To collect, store and make available nursing workforce information regarding the various categories of nurses certified, licensed or registered pursuant to § 54.1-3012.1;
15. To expedite application processing, to the extent possible, pursuant to § 54.1-119 for an applicant for licensure or certification by the Board upon submission of evidence that the applicant, who is licensed or certified in another state, is relocating to the Commonwealth pursuant to a spouse's official military orders;
16. To register medication aides and promulgate regulations governing the criteria for such registration and standards of conduct for medication aides;
17. To approve training programs for medication aides to include requirements for instructional personnel, curriculum, continuing education, and a competency evaluation;
18. To set guidelines for the collection of data by all approved nursing education programs and to compile this data in an annual report. The data shall include but not be limited to enrollment, graduation rate, attrition rate, and number of qualified applicants who are denied admission;
19. To develop, in consultation with the Board of Pharmacy, guidelines for the training of employees of child day programs as defined in § ~~63.2-100~~ 22.1-289.02 and regulated by the ~~State Board of Social Services Education~~ in the administration of prescription drugs as defined in the Drug Control Act (§ 54.1-3400 et seq.). Such training programs shall be taught by a registered nurse, licensed practical nurse, doctor of medicine or osteopathic medicine, or pharmacist;
20. In order to protect the privacy and security of health professionals licensed, registered or certified under this chapter, to promulgate regulations permitting use on identification badges of first name and first letter only of last name and appropriate title when practicing in hospital emergency departments, in psychiatric and mental health units and programs, or in health care facility units offering treatment for patients in custody of state or local law-enforcement agencies;
21. To revise, as may be necessary, guidelines for seizure management, in coordination with the Board of Medicine, including the list of rescue medications for students with epilepsy and other seizure disorders in the public schools. The revised guidelines shall be finalized and made available to the Board of Education by August 1, 2010. The guidelines shall then be posted on the Department of Education's website; and
22. To promulgate, together with the Board of Medicine, regulations governing the licensure of nurse practitioners pursuant to § 54.1-2957.

§ 54.1-3408. Professional use by practitioners.

A. A practitioner of medicine, osteopathy, podiatry, dentistry, or veterinary medicine or a licensed nurse practitioner pursuant to § 54.1-2957.01, a licensed physician assistant pursuant to § 54.1-2952.1, or a TPA-certified optometrist pursuant to Article 5 (§ 54.1-3222 et seq.) of Chapter 32 shall only prescribe, dispense, or administer controlled substances in good faith for medicinal or therapeutic purposes within the course of his professional practice.

B. The prescribing practitioner's order may be on a written prescription or pursuant to an oral prescription as authorized by this chapter. The prescriber may administer drugs and devices, or he may cause drugs or devices to be administered by:

1. A nurse, physician assistant, or intern under his direction and supervision;
2. Persons trained to administer drugs and devices to patients in state-owned or state-operated hospitals or facilities licensed as hospitals by the Board of Health or psychiatric hospitals licensed by the Department of Behavioral Health and Developmental Services who administer drugs under the control and supervision of the prescriber or a pharmacist;
3. Emergency medical services personnel certified and authorized to administer drugs and devices pursuant to regulations of the Board of Health who act within the scope of such certification and pursuant to an oral or written order or standing protocol; or
4. A licensed respiratory therapist as defined in § 54.1-2954 who administers by inhalation controlled substances used in inhalation or respiratory therapy.

C. Pursuant to an oral or written order or standing protocol, the prescriber, who is authorized by state or federal law to possess and administer radiopharmaceuticals in the scope of his practice, may authorize a nuclear medicine technologist to administer, under his supervision, radiopharmaceuticals used in the diagnosis or treatment of disease.

D. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize registered nurses and licensed practical nurses to possess (i) epinephrine and oxygen for administration in treatment of emergency medical conditions and (ii) heparin and sterile normal saline to use for the maintenance of intravenous access lines.

Pursuant to the regulations of the Board of Health, certain emergency medical services technicians may possess and administer epinephrine in emergency cases of anaphylactic shock.

Pursuant to an order or standing protocol issued by the prescriber within the course of his professional practice, any school nurse, school board employee, employee of a local governing body, or employee of a local health department who is authorized by a prescriber and trained in the administration of epinephrine may possess and administer epinephrine.

Pursuant to an order or a standing protocol issued by the prescriber within the course of his professional practice, any employee of a school for students with disabilities, as defined in § 22.1-319 and licensed by the Board of Education, or any employee of a private school that is accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education who is authorized by a prescriber and trained in the administration of epinephrine may possess and administer epinephrine.

Pursuant to an order or a standing protocol issued by the prescriber within the course of his professional practice, any employee of a public institution of higher education or a private institution of higher education who is authorized by a prescriber and trained in the administration of epinephrine may possess and administer epinephrine.

Pursuant to an order or a standing protocol issued by the prescriber within the course of his professional practice, any employee of an organization providing outdoor educational experiences or programs for youth who is authorized by a prescriber and trained in the administration of epinephrine may possess and administer epinephrine.

Pursuant to an order issued by the prescriber within the course of his professional practice, an employee of a provider licensed by the Department of Behavioral Health and Developmental Services or a person providing services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services may possess and administer epinephrine, provided such person is authorized and trained in the administration of epinephrine.

Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize pharmacists to possess epinephrine and oxygen for administration in treatment of emergency medical conditions.

E. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize licensed physical therapists to possess and administer topical corticosteroids, topical lidocaine, and any other Schedule VI topical drug.

F. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize licensed athletic trainers to possess and administer topical corticosteroids, topical lidocaine, or other Schedule VI topical drugs; oxygen for use in emergency situations; and epinephrine for use in emergency cases of anaphylactic shock.

G. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, and in accordance with policies and guidelines established by the Department of Health pursuant to § 32.1-50.2, such prescriber may authorize registered nurses or licensed practical nurses under the supervision of a registered nurse to possess and administer tuberculin purified protein derivative (PPD) in the absence of a prescriber. The Department of Health's policies and guidelines shall be consistent with applicable guidelines developed by the Centers for Disease Control and Prevention for preventing transmission of mycobacterium tuberculosis and shall be updated to incorporate any subsequently implemented standards of the Occupational Safety and Health Administration and the Department of Labor and Industry to the extent that they are inconsistent with the Department of Health's policies and guidelines. Such standing protocols shall explicitly describe the categories of persons to whom the tuberculin test is to be administered and shall provide for appropriate medical evaluation of those in whom the test is positive. The prescriber shall ensure that the nurse implementing such standing protocols has received adequate training in the practice and principles underlying tuberculin screening.

The Health Commissioner or his designee may authorize registered nurses, acting as agents of the Department of Health, to possess and administer, at the nurse's discretion, tuberculin purified protein derivative (PPD) to those persons in whom tuberculin skin testing is indicated based on protocols and policies established by the Department of Health.

H. Pursuant to a written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize, with the consent of the parents as defined in § 22.1-1, an employee of (i) a school board, (ii) a school for students with disabilities as defined in § 22.1-319 licensed by the Board of Education, or (iii) a private school accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education who is trained in the administration of insulin and glucagon to assist with the administration of insulin or administer glucagon to a student diagnosed as having diabetes and who requires insulin injections during the school day or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia. Such authorization shall only be effective when a licensed nurse, nurse practitioner, physician, or physician assistant is not present to perform the administration of the medication.

Pursuant to a written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize an employee of a public institution of higher education or a private institution of higher education who is trained in the administration of insulin and glucagon to assist with the administration of insulin or administration of glucagon to a student diagnosed as having diabetes and who requires insulin injections or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia. Such authorization shall only be effective when a licensed nurse, nurse practitioner, physician, or physician assistant is not present to perform the administration of the medication.

Pursuant to a written order issued by the prescriber within the course of his professional practice, such prescriber may authorize an employee of a provider licensed by the Department of Behavioral Health and Developmental Services or a person providing services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services to assist with the administration of insulin or to administer glucagon to a person diagnosed as having diabetes and who requires insulin injections or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia, provided such employee or person providing services has been trained in the administration of insulin and glucagon.

I. A prescriber may authorize, pursuant to a protocol approved by the Board of Nursing, the administration of vaccines to adults for immunization, when a practitioner with prescriptive authority is not physically present, by (i) licensed pharmacists, (ii) registered nurses, or (iii) licensed practical nurses under the supervision of a registered nurse. A prescriber acting on behalf of and in accordance with established protocols of the Department of Health may authorize the administration of vaccines to any person by a pharmacist, nurse, or designated emergency medical services provider who holds an advanced life support certificate issued by the Commissioner of Health under the direction of an operational medical director when the prescriber is not physically present. The emergency medical services provider shall provide documentation of the vaccines to be recorded in the Virginia Immunization Information System.

J. A dentist may cause Schedule VI topical drugs to be administered under his direction and supervision by either a dental hygienist or by an authorized agent of the dentist.

Further, pursuant to a written order and in accordance with a standing protocol issued by the dentist in the course of his professional practice, a dentist may authorize a dental hygienist under his general supervision, as defined in § 54.1-2722, or his remote supervision, as defined in subsection E or F of § 54.1-2722, to possess and administer topical oral fluorides, topical oral anesthetics, topical and directly applied antimicrobial agents for treatment of periodontal pocket lesions, and any other Schedule VI topical drug approved by the Board of Dentistry.

In addition, a dentist may authorize a dental hygienist under his direction to administer Schedule VI nitrous oxide and oxygen inhalation analgesia and, to persons 18 years of age or older, Schedule VI local anesthesia.

K. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize registered professional nurses certified as sexual assault nurse examiners-A (SANE-A) under his supervision and when he is not physically present to possess and administer preventive medications for victims of sexual assault as recommended by the Centers for Disease Control and Prevention.

L. This section shall not prevent the administration of drugs by a person who has satisfactorily completed a training program for this purpose approved by the Board of Nursing and who administers such drugs in accordance with a prescriber's instructions pertaining to dosage, frequency, and manner of administration, and in accordance with regulations promulgated by the Board of Pharmacy relating to security and record keeping, when the drugs administered would be normally self-administered by (i) an individual receiving services in a program licensed by the Department of Behavioral Health and Developmental Services; (ii) a resident of the Virginia Rehabilitation Center for the Blind and Vision Impaired; (iii) a resident of a facility approved by the Board or Department of Juvenile Justice for the placement of children in need of services or delinquent or alleged delinquent youth; (iv) a program participant of an adult day-care center licensed by the Department of Social Services; (v) a resident of any facility authorized or operated by a state or local government whose primary purpose is not to provide health care services; (vi) a resident of a private children's residential facility, as defined in § 63.2-100 and licensed by the Department of Social Services, Department of Education, or Department of Behavioral Health and Developmental Services; or (vii) a student in a school for students with disabilities, as defined in § 22.1-319 and licensed by the Board of Education.

In addition, this section shall not prevent a person who has successfully completed a training program for the administration of drugs via percutaneous gastrostomy tube approved by the Board of Nursing and been evaluated by a registered nurse as having demonstrated competency in administration of drugs via percutaneous gastrostomy tube from administering drugs to a person receiving services from a program licensed by the Department of Behavioral Health and Developmental Services to such person via percutaneous gastrostomy tube. The continued competency of a person to administer drugs via percutaneous gastrostomy tube shall be evaluated semiannually by a registered nurse.

M. Medication aides registered by the Board of Nursing pursuant to Article 7 (§ 54.1-3041 et seq.) of Chapter 30 may administer drugs that would otherwise be self-administered to residents of any assisted living facility licensed by the Department of Social Services. A registered medication aide shall administer drugs pursuant to this section in accordance with the prescriber's instructions pertaining to dosage, frequency, and manner of administration; in accordance with regulations promulgated by the Board of Pharmacy relating to security and recordkeeping; in accordance with the assisted living facility's Medication Management Plan; and in accordance with such other regulations governing their practice promulgated by the Board of Nursing.

N. In addition, this section shall not prevent the administration of drugs by a person who administers such drugs in accordance with a physician's instructions pertaining to dosage, frequency, and manner of administration and with written authorization of a parent, and in accordance with school board regulations relating to training, security and record keeping, when the drugs administered would be normally self-administered by a student of a Virginia public school. Training for such persons shall be accomplished through a program approved by the local school boards, in consultation with the local departments of health.

O. In addition, this section shall not prevent the administration of drugs by a person to (i) a child in a child day program as defined in § ~~63.2-100~~ 22.1-289.02 and regulated by the State Board of Social Services ~~Education~~ or a local government pursuant to § 15.2-914, or (ii) a student of a private school that is accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education, provided such person (a) has satisfactorily completed a training program for this purpose approved by the Board of Nursing and taught by a registered nurse, licensed practical nurse, nurse practitioner, physician assistant, doctor of medicine or osteopathic medicine, or pharmacist; (b) has obtained written authorization from a parent or guardian; (c) administers drugs only to the child identified on the prescription label in accordance with the prescriber's instructions pertaining to dosage, frequency, and manner of administration; and (d) administers only those drugs that were dispensed from a pharmacy and maintained in the original, labeled container that would normally be self-administered by the child or student, or administered by a parent or guardian to the child or student.

P. In addition, this section shall not prevent the administration or dispensing of drugs and devices by persons if they are authorized by the State Health Commissioner in accordance with protocols established by the State Health Commissioner pursuant to § 32.1-42.1 when (i) the Governor has declared a disaster or a state of emergency or the United States Secretary of Health and Human Services has issued a declaration of an actual or potential bioterrorism incident or other actual or potential public health emergency; (ii) it is necessary to permit the provision of needed drugs or devices; and (iii) such persons have received the training necessary to safely administer or dispense the needed drugs or devices. Such persons shall administer or dispense all drugs or devices under the direction, control, and supervision of the State Health Commissioner.

Q. Nothing in this title shall prohibit the administration of normally self-administered drugs by unlicensed individuals to a person in his private residence.

R. This section shall not interfere with any prescriber issuing prescriptions in compliance with his authority and scope of practice and the provisions of this section to a Board agent for use pursuant to subsection G of § 18.2-258.1. Such prescriptions issued by such prescriber shall be deemed to be valid prescriptions.

S. Nothing in this title shall prevent or interfere with dialysis care technicians or dialysis patient care technicians who are certified by an organization approved by the Board of Health Professions or persons authorized for provisional practice pursuant to Chapter 27.01 (§ 54.1-2729.1 et seq.), in the ordinary course of their duties in a Medicare-certified renal dialysis facility, from administering heparin, topical needle site anesthetics, dialysis solutions, sterile normal saline solution, and blood volumizers, for the purpose of facilitating renal dialysis treatment, when such administration of medications occurs under the orders of a licensed physician, nurse practitioner, or physician assistant and under the immediate and direct supervision of a licensed registered nurse. Nothing in this chapter shall be construed to prohibit a patient care dialysis technician trainee from performing dialysis care as part of and within the scope of the clinical skills instruction segment of a supervised dialysis technician training program, provided such trainee is identified as a "trainee" while working in a renal dialysis facility.

The dialysis care technician or dialysis patient care technician administering the medications shall have demonstrated competency as evidenced by holding current valid certification from an organization approved by the Board of Health Professions pursuant to Chapter 27.01 (§ 54.1-2729.1 et seq.).

T. Persons who are otherwise authorized to administer controlled substances in hospitals shall be authorized to administer influenza or pneumococcal vaccines pursuant to § 32.1-126.4.

U. Pursuant to a specific order for a patient and under his direct and immediate supervision, a prescriber may authorize the administration of controlled substances by personnel who have been properly trained to assist a doctor of medicine or osteopathic medicine, provided the method does not include intravenous, intrathecal, or epidural administration and the prescriber remains responsible for such administration.

V. A physician assistant, nurse, or dental hygienist may possess and administer topical fluoride varnish pursuant to an oral or written order or a standing protocol issued by a doctor of medicine, osteopathic medicine, or dentistry.

W. A prescriber, acting in accordance with guidelines developed pursuant to § 32.1-46.02, may authorize the administration of influenza vaccine to minors by a licensed pharmacist, registered nurse, licensed practical nurse under the direction and immediate supervision of a registered nurse, or emergency medical services provider who holds an advanced life support certificate issued by the Commissioner of Health when the prescriber is not physically present.

X. Notwithstanding the provisions of § 54.1-3303, pursuant to an oral, written, or standing order issued by a prescriber or a standing order issued by the Commissioner of Health or his designee authorizing the dispensing of naloxone or other opioid antagonist used for overdose reversal in the absence of an oral or written order for a specific patient issued by a prescriber, and in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health, a pharmacist, a health care provider providing services in a hospital emergency department, and emergency medical services personnel, as that term is defined in § 32.1-111.1, may dispense naloxone or other opioid antagonist used for overdose reversal and a person to whom naloxone or other opioid antagonist has been

dispensed pursuant to this subsection may possess and administer naloxone or other opioid antagonist used for overdose reversal to a person who is believed to be experiencing or about to experience a life-threatening opioid overdose. Law-enforcement officers as defined in § 9.1-101, employees of the Department of Forensic Science, employees of the Office of the Chief Medical Examiner, employees of the Department of General Services Division of Consolidated Laboratory Services, employees of the Department of Corrections designated as probation and parole officers or as correctional officers as defined in § 53.1-1, employees of regional jails, school nurses, local health department employees that are assigned to a public school pursuant to an agreement between the local health department and the school board, other school board employees or individuals contracted by a school board to provide school health services, and firefighters who have completed a training program may also possess and administer naloxone or other opioid antagonist used for overdose reversal and may dispense naloxone or other opioid antagonist used for overdose reversal pursuant to an oral, written, or standing order issued by a prescriber or a standing order issued by the Commissioner of Health or his designee in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health.

Y. Notwithstanding any other law or regulation to the contrary, a person who is acting on behalf of an organization that provides services to individuals at risk of experiencing an opioid overdose or training in the administration of naloxone for overdose reversal may dispense naloxone to a person who has received instruction on the administration of naloxone for opioid overdose reversal, provided that such dispensing is (i) pursuant to a standing order issued by a prescriber and (ii) in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health. If the person acting on behalf of an organization dispenses naloxone in an injectable formulation with a hypodermic needle or syringe, he shall first obtain authorization from the Department of Behavioral Health and Developmental Services to train individuals on the proper administration of naloxone by and proper disposal of a hypodermic needle or syringe, and he shall obtain a controlled substance registration from the Board of Pharmacy. The Board of Pharmacy shall not charge a fee for the issuance of such controlled substance registration. The dispensing may occur at a site other than that of the controlled substance registration provided the entity possessing the controlled substances registration maintains records in accordance with regulations of the Board of Pharmacy. No person who dispenses naloxone on behalf of an organization pursuant to this subsection shall charge a fee for the dispensing of naloxone that is greater than the cost to the organization of obtaining the naloxone dispensed. A person to whom naloxone has been dispensed pursuant to this subsection may possess naloxone and may administer naloxone to a person who is believed to be experiencing or about to experience a life-threatening opioid overdose.

Z. Pursuant to a written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize, with the consent of the parents as defined in § 22.1-1, an employee of (i) a school board, (ii) a school for students with disabilities as defined in § 22.1-319 licensed by the Board of Education, or (iii) a private school accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education who is trained in the administration of injected medications for the treatment of adrenal crisis resulting from a condition causing adrenal insufficiency to administer such medication to a student diagnosed with a condition causing adrenal insufficiency when the student is believed to be experiencing or about to experience an adrenal crisis. Such authorization shall be effective only when a licensed nurse, nurse practitioner, physician, or physician assistant is not present to perform the administration of the medication.

§ 58.1-439.4. Day-care facility investment tax credit.

A. For taxable years beginning on and after January 1, 1997, any taxpayer shall be allowed a credit against the taxes imposed by § 58.1-320 or § 58.1-400 in an amount equal to ~~twenty-five~~ 25 percent of all expenditures paid or incurred by such taxpayer in such taxable year for planning, site preparation, construction, renovation, or acquisition of facilities for the purpose of establishing a child day-care facility to be used primarily by the children of such taxpayer's employees, and equipment installed for permanent use within or immediately adjacent to such facility, including kitchen appliances, to the extent that such equipment or appliances are necessary in the use of such facility for purposes of child day-care; however, the amount of credit allowed to any taxpayer under this section shall not exceed \$25,000. If two or more taxpayers share in the cost of establishing the child day-care facility for the children of their employees, each such taxpayer shall be allowed such credit in relation to the respective share paid or incurred by such taxpayer, of the total expenditures for the facility in such taxable year.

B. The credits provided under this section shall be allowed only if (i) the child day-care facility shall be operated under the authority of a license issued by the ~~Commissioner of Social Services~~ *Superintendent of Public Instruction* pursuant to § ~~63.2-1701~~ 22.1-289.011, (ii) an application for a building permit for the facility is made after July 1, 1996, and (iii) the Tax Commissioner approves a taxpayer's application for a credit. Proper applications submitted to the Department for the credit shall be approved in the order received. For each application approved for credit it shall be assumed that the amount of the credit will be \$25,000, and the amount of the credit will be taken in the fiscal year in which the application is approved and the following two fiscal years. Approval of applications shall be limited to those that are assumed to result in no more than \$100,000 of credits in any fiscal year based on the assumptions set forth in this subsection.

C. Any tax credit not usable for the taxable year may be carried over to the extent usable for the next three taxable years; however, the balance of a credit shall not be claimed for any succeeding taxable year in which the child day-care facility is operated for purposes of child day-care for less than six months.

D. For purposes of this section, the amount of any credit attributable to a partnership, electing small business corporation (S corporation), or limited liability company shall be allocated to the individual partners, shareholders, or members, respectively, in proportion to their ownership or interest in such business entities.

§ 63.2-100. Definitions.

As used in this title, unless the context requires a different meaning:

"Abused or neglected child" means any child less than 18 years of age:

1. Whose parents or other person responsible for his care creates or inflicts, threatens to create or inflict, or allows to be created or inflicted upon such child a physical or mental injury by other than accidental means, or creates a substantial risk of death, disfigurement, or impairment of bodily or mental functions, including, but not limited to, a child who is with his parent or other person responsible for his care either (i) during the manufacture or attempted manufacture of a Schedule I or II controlled substance, or (ii) during the unlawful sale of such substance by that child's parents or other person responsible for his care, where such manufacture, or attempted manufacture or unlawful sale would constitute a felony violation of § 18.2-248;

2. Whose parents or other person responsible for his care neglects or refuses to provide care necessary for his health. However, no child who in good faith is under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination shall for that reason alone be considered to be an abused or neglected child. Further, a decision by parents who have legal authority for the child or, in the absence of parents with legal authority for the child, any person with legal authority for the child, who refuses a particular medical treatment for a child with a life-threatening condition shall not be deemed a refusal to provide necessary care if (i) such decision is made jointly by the parents or other person with legal authority and the child; (ii) the child has reached 14 years of age and is sufficiently mature to have an informed opinion on the subject of his medical treatment; (iii) the parents or other person with legal authority and the child have considered alternative treatment options; and (iv) the parents or other person with legal authority and the child believe in good faith that such decision is in the child's best interest. Nothing in this subdivision shall be construed to limit the provisions of § 16.1-278.4;

3. Whose parents or other person responsible for his care abandons such child;

4. Whose parents or other person responsible for his care commits or allows to be committed any act of sexual exploitation or any sexual act upon a child in violation of the law;

5. Who is without parental care or guardianship caused by the unreasonable absence or the mental or physical incapacity of the child's parent, guardian, legal custodian or other person standing in loco parentis;

6. Whose parents or other person responsible for his care creates a substantial risk of physical or mental injury by knowingly leaving the child alone in the same dwelling, including an apartment as defined in § 55.1-2000, with a person to whom the child is not related by blood or marriage and who the parent or other person responsible for his care knows has been convicted of an offense against a minor for which registration is required as a violent sexual offender pursuant to § 9.1-902; or

7. Who has been identified as a victim of sex trafficking or severe forms of trafficking as defined in the Trafficking Victims Protection Act of 2000, 22 U.S.C § 7102 et seq., and in the Justice for Victims of Trafficking Act of 2015, 42 U.S.C. § 5101 et seq.

If a civil proceeding under this title is based solely on the parent having left the child at a hospital or emergency medical services agency, it shall be an affirmative defense that such parent safely delivered the child to a hospital that provides 24-hour emergency services or to an attended emergency medical services agency that employs emergency medical services providers, within 14 days of the child's birth. For purposes of terminating parental rights pursuant to § 16.1-283 and placement for adoption, the court may find such a child is a neglected child upon the ground of abandonment.

"Adoptive home" means any family home selected and approved by a parent, local board or a licensed child-placing agency for the placement of a child with the intent of adoption.

"Adoptive placement" means arranging for the care of a child who is in the custody of a child-placing agency in an approved home for the purpose of adoption.

"Adult abuse" means the willful infliction of physical pain, injury or mental anguish or unreasonable confinement of an adult as defined in § 63.2-1603.

"Adult day care center" means any facility that is either operated for profit or that desires licensure and that provides supplementary care and protection during only a part of the day to four or more aged, infirm or disabled adults who reside elsewhere, except (i) a facility or portion of a facility licensed by the State Board of Health or the Department of Behavioral Health and Developmental Services, and (ii) the home or residence of an individual who cares for only persons related to him by blood or marriage. Included in this definition are any two or more places, establishments or institutions owned, operated or controlled by a single entity and providing such supplementary care and protection to a combined total of four or more aged, infirm or disabled adults.

"Adult exploitation" means the illegal, unauthorized, improper, or fraudulent use of an adult as defined in § 63.2-1603 or his funds, property, benefits, resources, or other assets for another's profit, benefit, or advantage, including a caregiver or person serving in a fiduciary capacity, or that deprives the adult of his rightful use of or access to such funds, property, benefits, resources, or other assets. "Adult exploitation" includes (i) an intentional breach of a fiduciary obligation to an adult to his detriment or an intentional failure to use the financial resources of an adult in a manner that results in neglect of

such adult; (ii) the acquisition, possession, or control of an adult's financial resources or property through the use of undue influence, coercion, or duress; and (iii) forcing or coercing an adult to pay for goods or services or perform services against his will for another's profit, benefit, or advantage if the adult did not agree, or was tricked, misled, or defrauded into agreeing, to pay for such goods or services or to perform such services.

"Adult foster care" means room and board, supervision, and special services to an adult who has a physical or mental condition. Adult foster care may be provided by a single provider for up to three adults.

"Adult neglect" means that an adult as defined in § 63.2-1603 is living under such circumstances that he is not able to provide for himself or is not being provided services necessary to maintain his physical and mental health and that the failure to receive such necessary services impairs or threatens to impair his well-being. However, no adult shall be considered neglected solely on the basis that such adult is receiving religious nonmedical treatment or religious nonmedical nursing care in lieu of medical care, provided that such treatment or care is performed in good faith and in accordance with the religious practices of the adult and there is a written or oral expression of consent by that adult.

"Adult protective services" means services provided by the local department that are necessary to protect an adult as defined in § 63.2-1603 from abuse, neglect or exploitation.

"Assisted living care" means a level of service provided by an assisted living facility for adults who may have physical or mental impairments and require at least a moderate level of assistance with activities of daily living.

"Assisted living facility" means any congregate residential setting that provides or coordinates personal and health care services, 24-hour supervision, and assistance (scheduled and unscheduled) for the maintenance or care of four or more adults who are aged, infirm or disabled and who are cared for in a primarily residential setting, except (i) a facility or portion of a facility licensed by the State Board of Health or the Department of Behavioral Health and Developmental Services, but including any portion of such facility not so licensed; (ii) the home or residence of an individual who cares for or maintains only persons related to him by blood or marriage; (iii) a facility or portion of a facility serving infirm or disabled persons between the ages of 18 and 21, or 22 if enrolled in an educational program for the handicapped pursuant to § 22.1-214, when such facility is licensed by the Department as a children's residential facility under Chapter 17 (§ 63.2-1700 et seq.), but including any portion of the facility not so licensed; and (iv) any housing project for persons 62 years of age or older or the disabled that provides no more than basic coordination of care services and is funded by the U.S. Department of Housing and Urban Development, by the U.S. Department of Agriculture, or by the Virginia Housing Development Authority. Included in this definition are any two or more places, establishments or institutions owned or operated by a single entity and providing maintenance or care to a combined total of four or more aged, infirm or disabled adults. Maintenance or care means the protection, general supervision and oversight of the physical and mental well-being of an aged, infirm or disabled individual.

"Auxiliary grants" means cash payments made to certain aged, blind or disabled individuals who receive benefits under Title XVI of the Social Security Act, as amended, or would be eligible to receive these benefits except for excess income.

"Birth family" or "birth sibling" means the child's biological family or biological sibling.

"Birth parent" means the child's biological parent and, for purposes of adoptive placement, means parent(s) by previous adoption.

"Board" means the State Board of Social Services.

"Child" means any natural person under 18 years of age.

~~"Child day center" means a child day program offered to (i) two or more children under the age of 13 in a facility that is not the residence of the provider or of any of the children in care or (ii) 13 or more children at any location.~~

~~"Child day program" means a regularly operating service arrangement for children where, during the absence of a parent or guardian, a person or organization has agreed to assume responsibility for the supervision, protection, and well-being of a child under the age of 13 for less than a 24-hour period.~~

"Child-placing agency" means (i) any person who places children in foster homes, adoptive homes or independent living arrangements pursuant to § 63.2-1819, (ii) a local board that places children in foster homes or adoptive homes pursuant to §§ 63.2-900, 63.2-903, and 63.2-1221, or (iii) an entity that assists parents with the process of delegating parental and legal custodial powers of their children pursuant to Chapter 10 (§ 20-166 et seq.) of Title 20. "Child-placing agency" does not include the persons to whom such parental or legal custodial powers are delegated pursuant to Chapter 10 (§ 20-166 et seq.) of Title 20. Officers, employees, or agents of the Commonwealth, or any locality acting within the scope of their authority as such, who serve as or maintain a child-placing agency, shall not be required to be licensed.

"Child-protective services" means the identification, receipt and immediate response to complaints and reports of alleged child abuse or neglect for children under 18 years of age. It also includes assessment, and arranging for and providing necessary protective and rehabilitative services for a child and his family when the child has been found to have been abused or neglected or is at risk of being abused or neglected.

"Child support services" means any civil, criminal or administrative action taken by the Division of Child Support Enforcement to locate parents; establish paternity; and establish, modify, enforce, or collect child support, or child and spousal support.

~~"Child-welfare agency" means a child day center, child-placing agency, children's residential facility, family day home, family day system, or independent foster home.~~

"Children's residential facility" means any facility, child-caring institution, or group home that is maintained for the purpose of receiving children separated from their parents or guardians for full-time care, maintenance, protection and

guidance, or for the purpose of providing independent living services to persons between 18 and 21 years of age who are in the process of transitioning out of foster care. Children's residential facility shall not include:

1. A licensed or accredited educational institution whose pupils, in the ordinary course of events, return annually to the homes of their parents or guardians for not less than two months of summer vacation;
2. An establishment required to be licensed as a summer camp by § 35.1-18; and
3. A licensed or accredited hospital legally maintained as such.

"Commissioner" means the Commissioner of the Department, his designee or authorized representative.

"Department" means the State Department of Social Services.

"Department of Health and Human Services" means the Department of Health and Human Services of the United States government or any department or agency thereof that may hereafter be designated as the agency to administer the Social Security Act, as amended.

"Disposable income" means that part of the income due and payable of any individual remaining after the deduction of any amount required by law to be withheld.

"Energy assistance" means benefits to assist low-income households with their home heating and cooling needs, including, but not limited to, purchase of materials or substances used for home heating, repair or replacement of heating equipment, emergency intervention in no-heat situations, purchase or repair of cooling equipment, and payment of electric bills to operate cooling equipment, in accordance with § 63.2-805, or provided under the Virginia Energy Assistance Program established pursuant to the Low-Income Home Energy Assistance Act of 1981 (Title XXVI of Public Law 97-35), as amended.

"Family and permanency team" means the group of individuals assembled by the local department to assist with determining planning and placement options for a child, which shall include, as appropriate, all biological relatives and fictive kin of the child, as well as any professionals who have served as a resource to the child or his family, such as teachers, medical or mental health providers, and clergy members. In the case of a child who is 14 years of age or older, the family and permanency team shall also include any members of the child's case planning team that were selected by the child in accordance with subsection A of § 16.1-281.

~~"Family day home" means a child day program offered in the residence of the provider or the home of any of the children in care for one through 12 children under the age of 13, exclusive of the provider's own children and any children who reside in the home, when at least one child receives care for compensation. The provider of a licensed or registered family day home shall disclose to the parents or guardians of children in their care the percentage of time per week that persons other than the provider will care for the children. Family day homes serving five through 12 children, exclusive of the provider's own children and any children who reside in the home, shall be licensed. However, no family day home shall care for more than four children under the age of two, including the provider's own children and any children who reside in the home, unless the family day home is licensed or voluntarily registered. However, a family day home where the children in care are all related to the provider by blood or marriage shall not be required to be licensed.~~

~~"Family day system" means any person who approves family day homes as members of its system; who refers children to available family day homes in that system; and who, through contractual arrangement, may provide central administrative functions including, but not limited to, training of operators of member homes; technical assistance and consultation to operators of member homes; inspection, supervision, monitoring, and evaluation of member homes; and referral of children to available health and social services.~~

"Fictive kin" means persons who are not related to a child by blood or adoption but have an established relationship with the child or his family.

"Foster care placement" means placement of a child through (i) an agreement between the parents or guardians and the local board where legal custody remains with the parents or guardians or (ii) an entrustment or commitment of the child to the local board or licensed child-placing agency. "Foster care placement" does not include placement of a child in accordance with a power of attorney pursuant to Chapter 10 (§ 20-166 et seq.) of Title 20.

"Foster home" means a residence licensed by a child-placing agency or local board in which any child, other than a child by birth or adoption of such person or a child who is the subject of a power of attorney to delegate parental or legal custodial powers by his parents or legal custodian to the natural person who has been designated the child's legal guardian pursuant to Chapter 10 (§ 20-166 et seq.) of Title 20 and who exercises legal authority over the child on a continuous basis for at least 24 hours without compensation, resides as a member of the household.

"General relief" means money payments and other forms of relief made to those persons mentioned in § 63.2-802 in accordance with the regulations of the Board and reimbursable in accordance with § 63.2-401.

"Independent foster home" means a private family home in which any child, other than a child by birth or adoption of such person, resides as a member of the household and has been placed therein independently of a child-placing agency except (i) a home in which are received only children related by birth or adoption of the person who maintains such home and children of personal friends of such person; (ii) a home in which is received a child or children committed under the provisions of subdivision A 4 of § 16.1-278.2, subdivision 6 of § 16.1-278.4, or subdivision A 13 of § 16.1-278.8; and (iii) a home in which are received only children who are the subject of a properly executed power of attorney pursuant to Chapter 10 (§ 20-166 et seq.) of Title 20.

"Independent living" means a planned program of services designed to assist a child age 16 and over and persons who are former foster care children or were formerly committed to the Department of Juvenile Justice and are between the ages of 18 and 21 in transitioning to self-sufficiency.

"Independent living arrangement" means placement of (i) a child at least 16 years of age who is in the custody of a local board or licensed child-placing agency by the local board or licensed child-placing agency or (ii) a child at least 16 years of age or a person between the ages of 18 and 21 who was committed to the Department of Juvenile Justice immediately prior to placement by the Department of Juvenile Justice, in a living arrangement in which such child or person does not have daily substitute parental supervision.

"Independent living services" means services and activities provided to a child in foster care 14 years of age or older who was committed or entrusted to a local board of social services, child welfare agency, or private child-placing agency. "Independent living services" may also mean services and activities provided to a person who (i) was in foster care on his 18th birthday and has not yet reached the age of 21 years; (ii) is between the ages of 18 and 21 and who, immediately prior to his commitment to the Department of Juvenile Justice, was in the custody of a local board of social services; or (iii) is a child at least 16 years of age or a person between the ages of 18 and 21 who was committed to the Department of Juvenile Justice immediately prior to placement in an independent living arrangement. Such services shall include counseling, education, housing, employment, and money management skills development, access to essential documents, and other appropriate services to help children or persons prepare for self-sufficiency.

"Independent physician" means a physician who is chosen by the resident of the assisted living facility and who has no financial interest in the assisted living facility, directly or indirectly, as an owner, officer, or employee or as an independent contractor with the residence.

"Intercountry placement" means the arrangement for the care of a child in an adoptive home or foster care placement into or out of the Commonwealth by a licensed child-placing agency, court, or other entity authorized to make such placements in accordance with the laws of the foreign country under which it operates.

"Interstate placement" means the arrangement for the care of a child in an adoptive home, foster care placement or in the home of the child's parent or with a relative or nonagency guardian, into or out of the Commonwealth, by a child-placing agency or court when the full legal right of the child's parent or nonagency guardian to plan for the child has been voluntarily terminated or limited or severed by the action of any court.

"Kinship care" means the full-time care, nurturing, and protection of children by relatives.

"Kinship guardian" means the adult relative of a child in a kinship guardianship established in accordance with § 63.2-1305 who has been awarded custody of the child by the court after acting as the child's foster parent.

"Kinship guardianship" means a relationship established in accordance with § 63.2-1305 between a child and an adult relative of the child who has formerly acted as the child's foster parent that is intended to be permanent and self-sustaining as evidenced by the transfer by the court to the adult relative of the child of the authority necessary to ensure the protection, education, care and control, and custody of the child and the authority for decision making for the child.

"Kinship Guardianship Assistance program" means a program consistent with 42 U.S.C. § 673 that provides, subject to a kinship guardianship assistance agreement developed in accordance with § 63.2-1305, payments to eligible individuals who have received custody of a relative child of whom they had been the foster parents.

"Local board" means the local board of social services representing one or more counties or cities.

"Local department" means the local department of social services of any county or city in this Commonwealth.

"Local director" means the director or his designated representative of the local department of the city or county.

"Merit system plan" means those regulations adopted by the Board in the development and operation of a system of personnel administration meeting requirements of the federal Office of Personnel Management.

"Parental placement" means locating or effecting the placement of a child or the placing of a child in a family home by the child's parent or legal guardian for the purpose of foster care or adoption.

"Public assistance" means Temporary Assistance for Needy Families (TANF); auxiliary grants to the aged, blind and disabled; medical assistance; energy assistance; food stamps; employment services; child care; and general relief.

"Qualified assessor" means an entity contracting with the Department of Medical Assistance Services to perform nursing facility pre-admission screening or to complete the uniform assessment instrument for a home and community-based waiver program, including an independent physician contracting with the Department of Medical Assistance Services to complete the uniform assessment instrument for residents of assisted living facilities, or any hospital that has contracted with the Department of Medical Assistance Services to perform nursing facility pre-admission screenings.

"Qualified individual" means a trained professional or licensed clinician who is not an employee of the local board of social services or licensed child-placing agency that placed the child in a qualified residential treatment program and is not affiliated with any placement setting in which children are placed by such local board of social services or licensed child-placing agency.

"Qualified residential treatment program" means a program that (i) provides 24-hour residential placement services for children in foster care; (ii) has adopted a trauma-informed treatment model that meets the clinical and other needs of children with serious emotional or behavioral disorders, including any clinical or other needs identified through assessments conducted pursuant to clause (viii) of this definition; (iii) employs registered or licensed nursing and other clinical staff who provide care, on site and within the scope of their practice, and are available 24 hours a day, 7 days a week; (iv) conducts

outreach with the child's family members, including efforts to maintain connections between the child and his siblings and other family; documents and maintains records of such outreach efforts; and maintains contact information for any known biological family and fictive kin of the child; (v) whenever appropriate and in the best interest of the child, facilitates participation by family members in the child's treatment program before and after discharge and documents the manner in which such participation is facilitated; (vi) provides discharge planning and family-based aftercare support for at least six months after discharge; (vii) is licensed in accordance with 42 U.S.C. § 671(a)(10) and accredited by an organization approved by the federal Secretary of Health and Human Services; and (viii) requires that any child placed in the program receive an assessment within 30 days of such placement by a qualified individual that (a) assesses the strengths and needs of the child using an age-appropriate, evidence-based, validated, and functional assessment tool approved by the Commissioner of Social Services; (b) identifies whether the needs of the child can be met through placement with a family member or in a foster home or, if not, in a placement setting authorized by 42 U.S.C. § 672(k)(2), including a qualified residential treatment program, that would provide the most effective and appropriate level of care for the child in the least restrictive environment and be consistent with the short-term and long-term goals established for the child in his foster care or permanency plan; (c) establishes a list of short-term and long-term mental and behavioral health goals for the child; and (d) is documented in a written report to be filed with the court prior to any hearing on the child's placement pursuant to § 16.1-281, 16.1-282, 16.1-282.1, or 16.1-282.2.

"Registered family day home" means any family day home that has met the standards for voluntary registration for such homes pursuant to regulations adopted by the Board and that has obtained a certificate of registration from the Commissioner.

"Residential living care" means a level of service provided by an assisted living facility for adults who may have physical or mental impairments and require only minimal assistance with the activities of daily living. The definition of "residential living care" includes the services provided by independent living facilities that voluntarily become licensed.

"Sibling" means each of two or more children having one or more parents in common.

"Social services" means foster care, adoption, adoption assistance, child-protective services, domestic violence services, or any other services program implemented in accordance with regulations adopted by the Board. Social services also includes adult services pursuant to Article 4 (§ 51.5-144 et seq.) of Chapter 14 of Title 51.5 and adult protective services pursuant to Article 5 (§ 51.5-148) of Chapter 14 of Title 51.5 provided by local departments of social services in accordance with regulations and under the supervision of the Commissioner for Aging and Rehabilitative Services.

"Special order" means an order imposing an administrative sanction issued to any party licensed pursuant to this title by the Commissioner that has a stated duration of not more than 12 months. A special order shall be considered a case decision as defined in § 2.2-4001.

"Temporary Assistance for Needy Families" or "TANF" means the program administered by the Department through which a relative can receive monthly cash assistance for the support of his eligible children.

"Temporary Assistance for Needy Families-Unemployed Parent" or "TANF-UP" means the Temporary Assistance for Needy Families program for families in which both natural or adoptive parents of a child reside in the home and neither parent is exempt from Virginia Initiative for Education and Work (VIEW) participation under § 63.2-609.

"Title IV-E Foster Care" means a federal program authorized under §§ 472 and 473 of the Social Security Act, as amended, and administered by the Department through which foster care is provided on behalf of qualifying children.

§ 63.2-215. State Board of Social Services.

There shall be a State Board of Social Services consisting of 11 members appointed by the Governor. In making appointments, the Governor shall endeavor to select appointees of such qualifications and experience that the membership of the Board shall include persons suitably qualified to consider and act upon the various problems that the Board may be required to consider and act upon. The Board shall include a member from each of the social services regions of the state established by the Commissioner. At least one member of the Board shall be a licensed health care professional; ~~one member shall be a representative of stand-alone licensed child care centers that meet the accountability standards of state recognized accreditation pursuant to § 22.1-19; and one member shall be a representative of religiously exempt child care centers.~~ The appointments shall be subject to confirmation by the General Assembly if in session and, if not, then at its next succeeding session.

The members of the Board shall be appointed for four-year terms, except that appointments to fill vacancies shall be for the unexpired term.

No person shall be eligible to serve for or during more than two successive terms; however, any person appointed to fill a vacancy may be eligible for two additional successive terms after the term of the vacancy for which he was appointed has expired. Members of the Board may be suspended or removed by the Governor at his pleasure.

The Board shall select a chairman from its membership, and under rules adopted by itself may elect one of its members as vice-chairman. It shall elect one of its members as secretary.

The Board shall meet at such times as it deems appropriate and on call of the chairman when in his opinion meetings are expedient or necessary, provided that the Board meet at least six times each calendar year.

A majority of the current membership of the Board shall constitute a quorum for all purposes.

The main office of the Board shall be in the City of Richmond.

§ 63.2-501. Application for assistance.

A. Except as provided for in the state plan for medical assistance services pursuant to § 32.1-325, application for public assistance shall be made to the local department and filed with the local director of the county or city in which the applicant resides; however, when necessary to overcome backlogs in the application and renewal process, the Commissioner may temporarily utilize other entities to receive and process applications, conduct periodic eligibility renewals, and perform other tasks associated with eligibility determinations. Such entities shall be subject to the confidentiality requirements set forth in § 63.2-501.1. Applications and renewals processed by other entities pursuant to this subsection shall be subject to appeals pursuant to § 63.2-517. Such application may be made either electronically or in writing on forms prescribed by the Commissioner and shall be signed by the applicant or otherwise attested to in a manner prescribed by the Commissioner under penalty of perjury in accordance with § 63.2-502.

If the condition of the applicant for public assistance precludes his signing or otherwise attesting to the accuracy of information contained in an application for public assistance, the application may be made on his behalf by his guardian or conservator. If no guardian or conservator has been appointed for the applicant, the application may be made by any competent adult person having sufficient knowledge of the applicant's circumstances to provide the necessary information, until such time as a guardian or conservator is appointed by a court.

B. Local departments or the Commissioner shall provide each applicant for public assistance with information regarding his rights and responsibilities related to eligibility for and continued receipt of public assistance. Such information shall be provided in an electronic or written format approved by the Board that is easily understandable and shall also be provided orally to the applicant by an employee of the local department, except in the case of energy assistance. The local department shall require each applicant to acknowledge, in a format approved by the Board, that the information required by this subsection has been provided and shall maintain such acknowledgment together with information regarding the application for public assistance.

C. Local departments or the Commissioner shall provide each applicant for Medicaid with information regarding advance directives pursuant to Article 8 (§ 54.1-2981 et seq.) of Chapter 29 of Title 54.1, including information about the purpose and benefits of advance directives and how the applicant may make an advance directive.

D. The Commissioner and local departments shall administer the Child Care Subsidy Program as provided for in the State Child Care Plan prepared by the Department of Education.

§ 63.2-601.2. Statewide Temporary Assistance for Needy Families (TANF) Program Funding Pool Program.

A. The Department shall develop a Statewide TANF Program Funding Pool Program (the Funding Pool Program) and shall allocate to the Funding Pool Program that portion of the TANF block grant to be awarded to service providers for expanded TANF programs, which shall include all funds not transferred to the ~~Child Care and Development Block Grant or Social Services Block Grant~~ or used for cash assistance, employment services, or child-care benefits through the TANF program, up to an amount equal to 12 percent of the total amount of the TANF block grant for that year.

B. Prior to submission of its proposed biennial budget to the Governor, the Department shall issue a Request for Proposals for use of available funds from the Funding Pool Program to service providers providing expanded TANF programs through a competitive process that is designed in a manner that ensures that all service providers in the Commonwealth, regardless of size or geographic location, are afforded the opportunity to apply for funds. All programs and services funded through the Funding Pool Program shall comply with all federal and state statutory and regulatory requirements and shall serve the stated purposes of the TANF program.

C. In developing the Request for Proposals, the Department shall include:

1. A long-range planning and priority-setting process to identify state and local service needs and avoid overlap or duplication of services. The planning and priority-setting process shall include opportunity for citizen participation and consideration of local and statewide service needs and priorities;

2. A competitive process, to include uniform eligibility criteria for service providers seeking funding and uniform application and selection procedures for comparable service categories;

3. Uniform oversight, administrative, and reporting requirements for service providers receiving funding through the Funding Pool Program; and

4. Uniform program evaluation criteria to determine the effectiveness and efficiency of comparable services funded through the Funding Pool Program.

D. The Department shall require all service providers applying for funding through the Funding Pool Program to submit a detailed proposal that includes a proposed budget, proposed program outcomes, and proposed program outcome measures. Following review of applications for funding received pursuant to this section, the Department shall provide a summary of the requests for funding and recommendations to the Governor and the General Assembly of the programs to be funded in the proposed biennial budget, the levels of funding recommended, and the rationale for such recommendations, and the Governor shall consider such recommendations in developing the proposed budget.

E. The Department shall require all providers receiving Funding Pool Program funds to report annually on the use of the funds and outcomes achieved and shall include such information in its annual report to the General Assembly.

§ 63.2-603. Eligibility for TANF; childhood immunizations.

An applicant for TANF shall provide verification that all eligible children not enrolled in school, a licensed family day home *as defined in § 22.1-289.02*, or a licensed child day center *as defined in § 22.1-289.02*, have received immunizations in accordance with § 32.1-46. However, if an eligible child has not received immunizations in accordance with § 32.1-46, verification shall be provided at the next scheduled redetermination of eligibility for TANF after initial eligibility is granted

that the child has received at least one dose of each of the immunizations required by § 32.1-46 as appropriate for the child's age and that the child's physician or the local health department has developed a plan for completing the immunizations. Verification of compliance with the plan for completing the immunizations shall be presented at subsequent redeterminations of eligibility for TANF.

If necessary, the local department shall provide assistance to the TANF recipient in obtaining verification from immunization providers. No sanction may be imposed until the reason for the failure to comply with the immunization requirement has been identified and any barriers to accessing immunizations have been removed.

Failure by the recipient to provide the required verification of immunizations shall result in a reduction in the amount of monthly assistance received from the TANF program until the required verification is provided. The reduction shall be ~~five dollars~~ \$50 for the first child and ~~twenty-five dollars~~ \$25 for each additional child for whom verification is not provided.

Any person who becomes ineligible for TANF payments as a result of this provision shall nonetheless be considered a TANF recipient for all other purposes.

§ 63.2-1509. Requirement that certain injuries to children be reported by physicians, nurses, teachers, etc.; penalty for failure to report.

A. The following persons who, in their professional or official capacity, have reason to suspect that a child is an abused or neglected child, shall report the matter immediately to the local department of the county or city wherein the child resides or wherein the abuse or neglect is believed to have occurred or to the Department's toll-free child abuse and neglect hotline:

1. Any person licensed to practice medicine or any of the healing arts;
2. Any hospital resident or intern, and any person employed in the nursing profession;
3. Any person employed as a social worker or family-services specialist;
4. Any probation officer;
5. Any teacher or other person employed in a public or private school, kindergarten, or ~~nursery school~~ *child day program, as that term is defined in § 22.1-289.02;*
6. Any person providing full-time or part-time child care for pay on a regularly planned basis;
7. Any mental health professional;
8. Any law-enforcement officer or animal control officer;
9. Any mediator eligible to receive court referrals pursuant to § 8.01-576.8;
10. Any professional staff person, not previously enumerated, employed by a private or state-operated hospital, institution or facility to which children have been committed or where children have been placed for care and treatment;
11. Any person 18 years of age or older associated with or employed by any public or private organization responsible for the care, custody or control of children;
12. Any person who is designated a court-appointed special advocate pursuant to Article 5 (§ 9.1-151 et seq.) of Chapter 1 of Title 9.1;
13. Any person 18 years of age or older who has received training approved by the Department of Social Services for the purposes of recognizing and reporting child abuse and neglect;
14. Any person employed by a local department as defined in § 63.2-100 who determines eligibility for public assistance;
15. Any emergency medical services provider certified by the Board of Health pursuant to § 32.1-111.5, unless such provider immediately reports the matter directly to the attending physician at the hospital to which the child is transported, who shall make such report forthwith;
16. Any athletic coach, director or other person 18 years of age or older employed by or volunteering with a private sports organization or team;
17. Administrators or employees 18 years of age or older of public or private day camps, youth centers and youth recreation programs;
18. Any person employed by a public or private institution of higher education other than an attorney who is employed by a public or private institution of higher education as it relates to information gained in the course of providing legal representation to a client; and
19. Any minister, priest, rabbi, imam, or duly accredited practitioner of any religious organization or denomination usually referred to as a church, unless the information supporting the suspicion of child abuse or neglect (i) is required by the doctrine of the religious organization or denomination to be kept in a confidential manner or (ii) would be subject to § 8.01-400 or 19.2-271.3 if offered as evidence in court.

If neither the locality in which the child resides nor where the abuse or neglect is believed to have occurred is known, then such report shall be made to the local department of the county or city where the abuse or neglect was discovered or to the Department's toll-free child abuse and neglect hotline.

If an employee of the local department is suspected of abusing or neglecting a child, the report shall be made to the court of the county or city where the abuse or neglect was discovered. Upon receipt of such a report by the court, the judge shall assign the report to a local department that is not the employer of the suspected employee for investigation or family assessment. The judge may consult with the Department in selecting a local department to respond to the report or the complaint.

If the information is received by a teacher, staff member, resident, intern or nurse in the course of professional services in a hospital, school or similar institution, such person may, in place of said report, immediately notify the person in charge of the institution or department, or his designee, who shall make such report forthwith. If the initial report of suspected abuse or neglect is made to the person in charge of the institution or department, or his designee, pursuant to this subsection, such person shall notify the teacher, staff member, resident, intern or nurse who made the initial report when the report of suspected child abuse or neglect is made to the local department or to the Department's toll-free child abuse and neglect hotline, and of the name of the individual receiving the report, and shall forward any communication resulting from the report, including any information about any actions taken regarding the report, to the person who made the initial report.

The initial report may be an oral report but such report shall be reduced to writing by the child abuse coordinator of the local department on a form prescribed by the Board. Any person required to make the report pursuant to this subsection shall disclose all information that is the basis for his suspicion of abuse or neglect of the child and, upon request, shall make available to the child-protective services coordinator and the local department, which is the agency of jurisdiction, any information, records, or reports that document the basis for the report. All persons required by this subsection to report suspected abuse or neglect who maintain a record of a child who is the subject of such a report shall cooperate with the investigating agency and shall make related information, records and reports available to the investigating agency unless such disclosure violates the federal Family Educational Rights and Privacy Act (20 U.S.C. § 1232g). Provision of such information, records, and reports by a health care provider shall not be prohibited by § 8.01-399. Criminal investigative reports received from law-enforcement agencies shall not be further disseminated by the investigating agency nor shall they be subject to public disclosure.

B. For purposes of subsection A, "reason to suspect that a child is abused or neglected" shall, due to the special medical needs of infants affected by substance exposure, include (i) a finding made by a health care provider within six weeks of the birth of a child that the child was born affected by substance abuse or experiencing withdrawal symptoms resulting from in utero drug exposure; (ii) a diagnosis made by a health care provider within four years following a child's birth that the child has an illness, disease, or condition that, to a reasonable degree of medical certainty, is attributable to maternal abuse of a controlled substance during pregnancy; or (iii) a diagnosis made by a health care provider within four years following a child's birth that the child has a fetal alcohol spectrum disorder attributable to in utero exposure to alcohol. When "reason to suspect" is based upon this subsection, such fact shall be included in the report along with the facts relied upon by the person making the report. Such reports shall not constitute a per se finding of child abuse or neglect. If a health care provider in a licensed hospital makes any finding or diagnosis set forth in clause (i), (ii), or (iii), the hospital shall require the development of a written discharge plan under protocols established by the hospital pursuant to subdivision B 6 of § 32.1-127.

C. Any person who makes a report or provides records or information pursuant to subsection A or who testifies in any judicial proceeding arising from such report, records, or information shall be immune from any civil or criminal liability or administrative penalty or sanction on account of such report, records, information, or testimony, unless such person acted in bad faith or with malicious purpose.

D. Any person required to file a report pursuant to this section who fails to do so as soon as possible, but not longer than 24 hours after having reason to suspect a reportable offense of child abuse or neglect, shall be fined not more than \$500 for the first failure and for any subsequent failures not less than \$1,000. In cases evidencing acts of rape, sodomy, or object sexual penetration as defined in Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2, a person who knowingly and intentionally fails to make the report required pursuant to this section shall be guilty of a Class 1 misdemeanor.

E. No person shall be required to make a report pursuant to this section if the person has actual knowledge that the same matter has already been reported to the local department or the Department's toll-free child abuse and neglect hotline.

§ 63.2-1515. Central registry; disclosure of information.

The central registry shall contain such information as shall be prescribed by Board regulation; however, when the founded case of abuse or neglect does not name the parents or guardians of the child as the abuser or neglector, and the abuse or neglect occurred in a licensed or unlicensed child day center; *as defined in § 22.1-289.02*; a licensed, registered, or approved family day home; *as defined in § 22.1-289.02*; a private or public school; or a children's residential facility, the child's name shall not be entered on the registry without consultation with and permission of the parents or guardians. If a child's name currently appears on the registry without consultation with and permission of the parents or guardians for a founded case of abuse and neglect that does not name the parents or guardians of the child as the abuser or neglector, such parents or guardians may have the child's name removed by written request to the Department. The information contained in the central registry shall not be open to inspection by the public. However, appropriate disclosure may be made in accordance with Board regulations.

The Department shall respond to requests for a search of the central registry made by (i) local departments, (ii) local school boards, and (iii) governing boards or administrators of private schools accredited pursuant to § 22.1-19 regarding applicants for employment, pursuant to § 22.1-296.4, in cases where there is no match within the central registry within 10 business days of receipt of such requests. In cases where there is a match within the central registry regarding applicants for employment, the Department shall respond to requests made by local departments, local school boards, and governing boards or administrators within 30 business days of receipt of such requests. The response may be by first-class mail or facsimile transmission.

The Department shall disclose information in the central registry to the Chairmen of the Committees for the Courts of Justice of the Senate and House of Delegates for the purpose of determining if any person being considered for election to any judgeship has been the subject of any founded complaint of child abuse or neglect.

Any central registry check of a person who has applied to be a volunteer with a (a) Virginia affiliate of Big Brothers/Big Sisters of America, (b) Virginia affiliate of Compeer, (c) Virginia affiliate of Childhelp USA, (d) volunteer fire company or volunteer emergency medical services agency, or (e) court-appointed special advocate program pursuant to § 9.1-153 shall be conducted at no charge.

§ 63.2-1700. Application fees; regulations and schedules; use of fees; certain facilities, centers, and agencies exempt.

The Board is authorized to adopt regulations and schedules for fees to be charged for processing applications for licenses to operate assisted living facilities, adult day care centers, and child welfare agencies. Such schedules shall specify minimum and maximum fees and, where appropriate, gradations based on the capacity of such facilities, centers, and agencies. Fees shall be used for the development and delivery of training for operators and staff of facilities, centers, and agencies. Fees shall be expended for this purpose within two fiscal years following the fiscal year in which they are collected. These fees shall not be applicable to facilities, centers, or agencies operated by federal entities.

~~The Board shall develop training programs for operators and staffs of licensed child day programs. Such programs shall include formal and informal training offered by institutions of higher education, state and national associations representing child care professionals, local and regional early childhood educational organizations and licensed child care providers. Training provided to operators and staffs of licensed child day programs shall include training and information regarding shaken baby syndrome, its effects, and resources for help and support for caretakers. To the maximum extent possible, the Board shall ensure that all provider interests are represented and that no single approach to training shall be given preference.~~

§ 63.2-1701. Licenses required; issuance, expiration, and renewal; maximum number of residents, participants or children; posting of licenses.

A. As used in this section, "person" means any individual; corporation; partnership; association; limited liability company; local government; state agency, including any department, institution, authority, instrumentality, board, or other administrative agency of the Commonwealth; or other legal or commercial entity that operates or maintains a child welfare agency, adult day care center, or assisted living facility.

B. Every person who constitutes, or who operates or maintains, an assisted living facility, adult day care center, or child welfare agency shall obtain the appropriate license from the Commissioner, which may be renewed. However, no license shall be required for an adult day care center that provides services only to individuals enrolled in a Programs of All-Inclusive Care for the Elderly program operated in accordance with an agreement between the provider, the Department of Medical Assistance Services and the Centers for Medicare and Medicaid Services. The Commissioner, upon request, shall consult with, advise, and assist any person interested in securing and maintaining any such license. Each application for a license shall be made to the Commissioner, in such form as he may prescribe. It shall contain the name and address of the applicant and, if the applicant is an association, partnership, limited liability company, or corporation, the names and addresses of its officers and agents. The application shall also contain a description of the activities proposed to be engaged in and the facilities and services to be employed, together with other pertinent information as the Commissioner may require.

C. The licenses shall be issued on forms prescribed by the Commissioner. Any two or more licenses may be issued for concurrent operation of more than one assisted living facility, adult day care center, or child welfare agency, but each license shall be issued upon a separate form. Each license and renewals thereof for an assisted living facility, adult day care center, or child welfare agency may be issued for periods of up to three successive years, unless sooner revoked or surrendered. ~~Licenses issued to child day centers under this chapter shall have a duration of two years from date of issuance.~~

D. The length of each license or renewal thereof for an assisted living facility shall be based on the judgment of the Commissioner regarding the compliance history of the facility and the extent to which it meets or exceeds state licensing standards. On the basis of this judgment, the Commissioner may issue licenses or renewals thereof for periods of six months, one year, two years, or three years.

E. The Commissioner may extend or shorten the duration of licensure periods for a child welfare agency whenever, in his sole discretion, it is administratively necessary to redistribute the workload for greater efficiency in staff utilization.

F. Each license shall indicate the maximum number of persons who may be cared for in the assisted living facility, adult day care center, or child welfare agency for which it is issued.

G. The license and any other documents required by the Commissioner shall be posted in a conspicuous place on the licensed premises.

H. Every person issued a license that has not been suspended or revoked shall renew such license prior to its expiration.

I. Officers, employees, or agents of the Commonwealth, or of any county, city, or town acting within the scope of their authority as such, who serve as or maintain a child-placing agency shall not be required to be licensed.

§ 63.2-1702. Investigation on receipt of application.

Upon receipt of the application, the Commissioner shall cause an investigation to be made of the activities, services, and facilities of the applicant and of his character and reputation or, if the applicant is an association, partnership, limited liability company, or corporation, the character and reputation of its officers and agents, and upon receipt of the initial

application, an investigation of the applicant's financial responsibility. The financial records of an applicant shall not be subject to inspection if the applicant submits an operating budget and at least one credit reference. In the case of child welfare agencies and assisted living facilities, the character and reputation investigation upon application shall include background checks pursuant to §§ § 63.2-1721 and ~~63.2-1721-1~~; however, a children's residential facility shall comply with the background check requirements contained in § 63.2-1726. Records that contain confidential proprietary information furnished to the Department pursuant to this section shall be exempt from disclosure pursuant to subdivision 4 of § 2.2-3705.5.

§ 63.2-1706.1. Inspections of child welfare agencies; prioritization.

The Commissioner shall prioritize inspections of child welfare agencies in the following order: (i) inspections conducted in response to a complaint involving a ~~licensed, registered, license-exempt, or unlicensed~~ child welfare agency; ~~and~~ (ii) inspections of ~~licensed or registered~~ child welfare agencies that are not conducted in response to a complaint; ~~(iii) inspections of license-exempt or unlicensed child welfare agencies that have entered into a contract with the Department or a local department to provide child care services funded by the Child Care and Development Block Grant; other than inspections conducted in response to a complaint; and (iv) inspections of license-exempt and unlicensed child welfare agencies that are not conducted in response to a complaint.~~

§ 63.2-1708. Records and reports.

Every licensed assisted living facility, licensed adult day care center, ~~or licensed or registered~~ child welfare agency; ~~or family day home approved by a family day system~~ shall keep such records and make such reports to the Commissioner as he may require. The forms to be used in the making of such reports shall be prescribed and furnished by the Commissioner.

§ 63.2-1715. Exemptions from licensure.

A. The following programs are not child day programs and shall not be required to be licensed:

1. A program of instructional experience in a single focus, such as, but not limited to, computer science, archaeology, sport clinics, or music; if children under the age of six do not attend at all and if no child is allowed to attend for more than 25 days in any three-month period commencing with enrollment. This exemption does not apply if children merely change their enrollment to a different focus area at a site offering a variety of activities and such children's attendance exceeds 25 days in a three-month period.

2. Programs of instructional or recreational activities wherein no child under age six attends for more than six hours weekly with no class or activity period to exceed one and one-half hours; and no child six years of age or above attends for more than six hours weekly when school is in session or 12 hours weekly when school is not in session. Competition, performances and exhibitions related to the instructional or recreational activity shall be excluded when determining the hours of program operation.

3. Instructional programs offered by private schools that serve school-age children and that satisfy compulsory attendance laws or provide services under the Individuals with Disabilities Education Act, as amended, and programs of school-sponsored extracurricular activities that are focused on single interests such as, but not limited to, music, sports, drama, civic service, or foreign language.

4. Instructional programs offered by public schools that serve preschool-age children; satisfy compulsory attendance laws, or provide services under the Individuals with Disabilities Education Act, as amended, and programs of school-sponsored extracurricular activities that are focused on single interests such as, but not limited to, music, sports, drama, civic service, or foreign language.

5. Early intervention programs for children eligible under Part C of the Individuals with Disabilities Education Act, as amended, wherein no child attends for more than a total of six hours per week.

6. Practice or competition in organized competitive sports leagues.

7. Programs of religious instruction, such as Sunday schools, vacation Bible schools, Bar Mitzvah or Bat Mitzvah classes, and nurseries offered by religious institutions and provided for the duration of specified religious services or related activities to allow parents or guardians or their designees who are on site to attend such religious services and activities.

8. A program of instructional or athletic experience operated during the summer months by, and as an extension of, an accredited private elementary, middle, or high school program as set forth in § 22.1-19 and administered by the Virginia Council for Private Education.

B. The following child day programs shall not be required to be licensed:

1. A child day program or child day center that has obtained an exemption pursuant to § 63.2-1716.

2. A program where, by written policy given to and signed by a parent or guardian, school-age children are free to enter and leave the premises without permission. A program that would qualify for this exemption except that it assumes responsibility for the supervision, protection, and well-being of several children with disabilities who are mainstreamed shall not be subject to licensure.

3. A program that operates no more than a total of 20 program days in the course of a calendar year, provided that programs serving children under age six operate no more than two consecutive weeks without a break of at least a week.

4. Child-minding services that are not available for more than three hours per day for any individual child offered on site in commercial or recreational establishments if the parent or guardian (i) can be contacted and can resume responsibility for the child's supervision within 30 minutes and (ii) is receiving or providing services or participating in activities offered by the establishment.

5. A certified preschool or nursery school program operated by a private school that is accredited by an accrediting organization recognized by the State Board of Education pursuant to § 22.1-19 and complies with the provisions of § 63.2-1717.

6. A program of recreational activities offered by local governments, staffed by local government employees, and attended by school-age children. Such programs shall be subject to safety and supervisory standards established by the local government offering the program.

7. A program offered by a local school division, operated for no more than four hours per day, staffed by local school division employees, and attended by children who are at least four years of age and are enrolled in public school or a preschool program within such school division. Such programs shall be subject to safety and supervisory standards established by the local school division offering the program.

8. Child-minding services offered by a business on the premises of the business to no more than four children under the age of 13 at any given time and for no more than eight hours per day, provided that the parent or guardian of every child receiving care is an employee of the business who is on the premises of the business and can resume responsibility for the child's supervision within 30 minutes upon request.

C. Child day programs that are exempt from licensure pursuant to subsection B, except for child day programs that are exempt from licensure pursuant to subdivision B 4 or 5, shall:

1. File with the Commissioner annually and prior to beginning operation of a child day program a statement indicating the intent to operate a child day program, identifying the specific provision of this section relied upon for exemption from licensure, and certifying that the child day program has disclosed in writing to the parents or guardians of the children in the program the fact that it is exempt from licensure;

2. Report to the Commissioner all incidents involving serious physical injury to or death of children attending the child day program. Reports of serious physical injuries, which shall include any physical injuries that require an emergency referral to an offsite health care professional or treatment in a hospital, shall be submitted annually. Reports of deaths shall be submitted no later than one business day after the death occurred; and

3. Post in a visible location on the premises notice that the child day program is operating as a program exempt from licensure with basic health and safety requirements but has no direct oversight by the Department.

D. Child day programs that are exempt from licensure pursuant to subsection B, except for child day programs that are exempt from licensure pursuant to subdivision B 1, 5, 6, or 7 shall:

1. Have a person trained and certified in first aid and cardiopulmonary resuscitation present at the child day program whenever children are present or at any other location in which children attending the child day program are present;

2. Maintain daily attendance records that document the arrival and departure of all children;

3. Have an emergency preparedness plan in place;

4. Comply with all applicable laws and regulations governing transportation of children; and

5. Comply with all safe sleep guidelines recommended by the American Academy of Pediatrics.

E. The Commissioner shall inspect child day programs that are exempt from licensure pursuant to subsection B to determine compliance with the provisions of this section only upon receipt of a complaint, except as otherwise provided by law.

F. Family day homes that are members of a licensed family day system shall not be required to obtain a license from the Commissioner.

G. No person to whom parental and legal custodial powers have been delegated pursuant to Chapter 10 (§ 20-166 et seq.) of Title 20 shall be required to obtain a license to operate an independent foster home or approval as a foster parent from the Commissioner.

H. B. Officers, employees, or agents of the Commonwealth, or of any county, city, or town acting within the scope of their authority as such, who serve as or maintain a child-placing agency shall not be required to be licensed.

§ 63.2-1720. (Effective July 1, 2020, or earlier; see Acts 2017, cc. 189 and 751, as amended by Acts 2018, cc. 146 and 278) Assisted living facilities and adult day care centers; employment for compensation of persons or use of volunteers convicted of certain offenses prohibited; background check required; penalty.

A. No assisted living facility or adult day care center shall hire for compensated employment or continue to employ persons who have been convicted of any offense set forth in clause (i) of the definition of barrier crime in § 19.2-392.02. A child-placing agency or independent foster home licensed in accordance with the provisions of this chapter shall not hire for compensated employment or continue to employ persons who (i) have been convicted of any barrier crime as defined in § 19.2-392.02 or (ii) are the subject of a founded complaint of child abuse or neglect within or outside the Commonwealth. All applicants for employment shall undergo background checks pursuant to subsection C.

B. A licensed assisted living facility or adult day care center may hire an applicant or continue to employ a person convicted of one misdemeanor barrier crime not involving abuse or neglect, or any substantially similar offense under the laws of another jurisdiction, if five years have elapsed following the conviction.

C. Background checks pursuant to subsection A require:

1. A sworn statement or affirmation disclosing whether the person has a criminal conviction or is the subject of any pending criminal charges within or outside the Commonwealth and, in the case of licensed child-placing agencies, or independent foster homes, and family day systems, registered family day homes, and family day homes approved by family

~~day systems~~, whether or not the person has been the subject of a founded complaint of child abuse or neglect within or outside the Commonwealth;

2. A criminal history records check through the Central Criminal Records Exchange pursuant to § 19.2-389; and

3. In the case of licensed child-placing agencies; ~~or independent foster homes; and family day systems; registered family day homes; and family day homes approved by family day systems~~, a search of the central registry maintained pursuant to § 63.2-1515 for any founded complaint of child abuse and neglect.

D. Any person making a materially false statement regarding the sworn statement or affirmation provided pursuant to subdivision C 1 is guilty of a Class 1 misdemeanor.

E. A licensed assisted living facility, licensed adult day care center, licensed child-placing agency, ~~or licensed independent foster home; licensed family day system; registered family day home; or family day home approved by a family day system~~ shall obtain for any compensated employees within 30 days of employment (i) an original criminal record clearance with respect to convictions for any offense set forth in clause (i) of the definition of barrier crime in § 19.2-392.02 or an original criminal history record from the Central Criminal Records Exchange and (ii) in the case of licensed child-placing agencies; ~~or independent foster homes; and family day systems; registered family day homes; and family day homes approved by family day systems~~, (a) an original criminal record clearance with respect to any barrier crime as defined in § 19.2-392.02 or an original criminal history record from the Central Criminal Records Exchange and (b) a copy of the information from the central registry for any compensated employee within 30 days of employment. However, no employee shall be permitted to work in a position that involves direct contact with a person or child receiving services until an original criminal record clearance or original criminal history record has been received, unless such person works under the direct supervision of another employee for whom a background check has been completed in accordance with the requirements of this section. If an applicant is denied employment because of information from the central registry or convictions appearing on his criminal history record, the licensed assisted living facility, adult day care center, child-placing agency, ~~or independent foster home; or family day system; registered family day home; or family day home approved by a family day system~~ shall provide a copy of the information obtained from the central registry or the Central Criminal Records Exchange or both to the applicant.

F. No volunteer who (i) has been convicted of any barrier crime as defined in § 19.2-392.02 or (ii) is the subject of a founded complaint of child abuse or neglect within or outside the Commonwealth shall be permitted to serve in a licensed child-placing agency; ~~or independent foster home; or family day system; registered family day home; or family day home approved by a family day system~~. Any person desiring to volunteer at a licensed child-placing agency; ~~or independent foster home; or family day system; registered family day home; or family day home approved by a family day system~~ shall provide the agency, system, or home with a sworn statement or affirmation pursuant to subdivision C 1. Such licensed child-placing agency; ~~or independent foster home; or family day system; registered family day home; or family day home approved by a family day system~~ shall obtain for any volunteers, within 30 days of commencement of volunteer service, a copy of (a) the information from the central registry and (b) an original criminal record clearance with respect to any barrier crime as defined in § 19.2-392.02 or an original criminal history record from the Central Criminal Records Exchange. Any person making a materially false statement regarding the sworn statement or affirmation provided pursuant to subdivision C 1 is guilty of a Class 1 misdemeanor. If a volunteer is denied service because of information from the central registry or convictions appearing on his criminal history record, such licensed child-placing agency; ~~or independent foster home; or family day system; registered family day home; or family day home approved by a family day system~~ shall provide a copy of the information obtained from the central registry or the Central Criminal Records Exchange or both to the volunteer. The provisions of this subsection shall apply only to volunteers who will be alone with any child in the performance of their duties and shall not apply to a parent-volunteer of a child attending a licensed child-placing agency; ~~or independent foster home; or family day system; registered family day home; or family day home approved by a family day system~~, whether or not such parent-volunteer will be alone with any child in the performance of his duties. A parent-volunteer is someone supervising, without pay, a group of children that includes the parent-volunteer's own child in a program that operates no more than four hours per day, provided that the parent-volunteer works under the direct supervision of a person who has received a clearance pursuant to this section.

G. No volunteer shall be permitted to serve in a licensed assisted living facility or licensed adult day care center without the permission or under the supervision of a person who has received a clearance pursuant to this section.

H. Further dissemination of the background check information is prohibited other than to the Commissioner's representative or a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination.

I. Notwithstanding any other provision of law, a licensed adult day care center that provides services to individuals receiving services under the state plan for medical assistance services or any waiver thereto may disclose to the Department of Medical Assistance Services (i) whether a criminal history background check has been completed for an employee in accordance with this section and (ii) whether such employee is eligible for employment.

J. A licensed assisted living facility shall notify and provide all students a copy of the provisions of this article prior to or upon enrollment in a certified nurse aide program operated by such assisted living facility.

K. A person who complies in good faith with the provisions of this section shall not be liable for any civil damages for any act or omission in the performance of duties under this section unless the act or omission was the result of gross negligence or willful misconduct.

§ 63.2-1721. (Effective July 1, 2020, or earlier; see Acts 2017, cc. 189 and 751, as amended by Acts 2018, cc. 146 and 278) Background check upon application for licensure as a child-placing agency, etc.; penalty.

A. Upon application for licensure as a child-placing agency; ~~or independent foster home; or family day system or registration as a family day home~~, (i) all applicants; ~~and~~ (ii) agents at the time of application who are or will be involved in the day-to-day operations of the child-placing agency; ~~or independent foster home; family day system, or family day home~~ or who are or will be alone with, in control of, or supervising one or more of the children; ~~and~~ (iii) ~~any other adult living in the home of an applicant for registration as a family day home~~ shall undergo a background check pursuant to subsection B. Upon application for licensure as an assisted living facility, all applicants shall undergo a background check pursuant to subsection B. In addition, foster or adoptive parents requesting approval by child-placing agencies ~~and operators of family day homes requesting approval by family day systems; and any other adult residing in the family day home or existing employee or volunteer of the family day home~~, shall undergo background checks pursuant to subsection B prior to their approval.

B. Background checks pursuant to subsection A require:

1. A sworn statement or affirmation disclosing whether the person has a criminal conviction or is the subject of any pending criminal charges within or outside the Commonwealth and whether or not the person has been the subject of a founded complaint of child abuse or neglect within or outside the Commonwealth;

2. A criminal history records check through the Central Criminal Records Exchange pursuant to § 19.2-389; and

3. In the case of child-placing agencies, independent foster homes, ~~family day systems; and family day homes~~, or adoptive or foster parents, a search of the central registry maintained pursuant to § 63.2-1515 for any founded complaint of child abuse and neglect.

C. The person required to have a background check pursuant to subsection A shall submit the background check information required in subsection B to the Commissioner's representative prior to issuance of a license, registration or approval. The applicant, other than an applicant for licensure as an assisted living facility, shall provide an original criminal record clearance with respect to any barrier crime as defined in § 19.2-392.02 or an original criminal history record from the Central Criminal Records Exchange. An applicant for licensure as an assisted living facility shall provide an original criminal record clearance with respect to any offense set forth in clause (i) of the definition of barrier crime in § 19.2-392.02 or an original criminal history record from the Central Criminal Records Exchange. Any person making a materially false statement regarding the sworn statement or affirmation provided pursuant to subdivision B 1 is guilty of a Class 1 misdemeanor. If any person specified in subsection A, other than an applicant for licensure as an assisted living facility, required to have a background check (i) has been convicted of any barrier crime as defined in § 19.2-392.02 or (ii) is the subject of a founded complaint of child abuse or neglect within or outside the Commonwealth, and such person has not been granted a waiver by the Commissioner pursuant to § 63.2-1723 or is not subject to an exception in subsection E, F, G, or H, (a) the Commissioner shall not issue a license to a child-placing agency; ~~or independent foster home; or family day system or a registration to a family day home; or~~ (b) a child-placing agency shall not approve an adoptive or foster home; ~~or (e) a family day system shall not approve a family day home~~. If any applicant for licensure as an assisted living facility required to have a background check has been convicted of any offense set forth in clause (i) of the definition of barrier crime in § 19.2-392.02, the Commissioner shall not issue a license to an assisted living facility.

D. No person specified in subsection A shall be involved in the day-to-day operations of a licensed child-placing agency; ~~or independent foster home; or family day system or a registered family day home~~; be alone with, in control of, or supervising one or more children receiving services from a licensed child-placing agency; ~~or independent foster home; or family day system or a registered family day home~~; or be permitted to work in a position that involves direct contact with a person receiving services without first having completed background checks pursuant to subsection B unless such person is directly supervised by another person for whom a background check has been completed in accordance with the requirements of this section.

E. Notwithstanding any provision to the contrary contained in this section, a child-placing agency may approve as an adoptive or foster parent an applicant who has been convicted of not more than one misdemeanor offense as set out in § 18.2-57, or any substantially similar offense under the laws of another jurisdiction, not involving abuse, neglect, moral turpitude, or a minor, provided that 10 years have elapsed following the conviction.

F. Notwithstanding any provision to the contrary contained in this section, a child-placing agency may approve as a foster parent an applicant who has been convicted of statutory burglary for breaking and entering a dwelling home or other structure with intent to commit larceny, or any substantially similar offense under the laws of another jurisdiction, who has had his civil rights restored by the Governor or other appropriate authority, provided that 25 years have elapsed following the conviction.

G. Notwithstanding any provision to the contrary contained in this section, a child-placing agency may approve as an adoptive or foster parent an applicant convicted of any offense set forth in clause (iv) of the definition of barrier crime in § 19.2-392.02 who has had his civil rights restored by the Governor or other appropriate authority, provided that 10 years have elapsed following the conviction, or eight years have elapsed following the conviction and the applicant (i) has complied with all obligations imposed by the criminal court; (ii) has completed a substance abuse treatment program; (iii) has completed a drug test administered by a laboratory or medical professional within 90 days prior to being approved, and such test returned with a negative result; and (iv) complies with any other obligations as determined by the Department.

H. Notwithstanding any provision to the contrary contained in this section, a child-placing agency may approve as an adoptive or foster parent an applicant convicted of any offense set forth in clause (iii) of the definition of barrier crime in § 19.2-392.02 who has had his civil rights restored by the Governor or other appropriate authority, provided that 20 years have elapsed following the conviction.

I. If an applicant is denied licensure, registration or approval because of information from the central registry or convictions appearing on his criminal history record, the Commissioner shall provide a copy of the information obtained from the central registry or the Central Criminal Records Exchange or both to the applicant.

J. Further dissemination of the background check information is prohibited other than to the Commissioner's representative or a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination.

§ 63.2-1722. (For expiration date, see Acts 2017, cc. 189 and 751, as amended by Acts 2018, cc. 146 and 278) Revocation or denial of renewal based on background checks; failure to obtain background check.

A. The Commissioner may revoke or deny renewal of a license ~~or registration~~ of a child welfare agency, assisted living facility, or adult day care center; ~~and~~ a child-placing agency may revoke the approval of a foster home; ~~and a family day system may revoke the approval of a family day home~~ if the assisted living facility, adult day care center, child welfare agency, ~~or foster home; or approved family day home~~ has knowledge that a person specified in § 63.2-1720; ~~63.2-1720.1, or 63.2-1721, or 63.2-1721.1~~ required to have a background check (i) has been convicted of any barrier crime as defined in § 19.2-392.02 or (ii) in the case of a child welfare agency; ~~or foster home; or family day home~~, is the subject of a founded complaint of child abuse or neglect within or outside the Commonwealth, and such person has not been granted a waiver by the Commissioner pursuant to § 63.2-1723 or is not subject to the exceptions in subsection B of § 63.2-1720; ~~subsection G of § 63.2-1720.1, or subsection E, F, G, or H of § 63.2-1721~~, and the facility, center, ~~home~~, or agency refuses to separate such person from employment or service or allows the household member to continue to reside in the home.

B. Failure to obtain background checks pursuant to §§ 63.2-1720; ~~63.2-1720.1, and 63.2-1721; and 63.2-1721.1~~ shall be grounds for denial, revocation, or termination of a license, registration, or approval or any contract with the Department or a local department to provide child care services to clients of the Department or local department. No violation shall occur if the assisted living facility, adult day care center, child-placing agency, ~~or independent foster home; family day system; family day home, or child day center~~ has applied for the background check timely and it has not been obtained due to administrative delay. The provisions of this section shall be enforced by the Department.

§ 63.2-1722. (For effective date, see Acts 2017, cc. 189 and 751, as amended by Acts 2018, cc. 146 and 278) Revocation or denial of renewal based on background checks; failure to obtain background check.

A. The Commissioner may revoke or deny renewal of a license ~~or registration~~ of a child welfare agency, assisted living facility, or adult day care center; ~~and~~ a child-placing agency may revoke the approval of a foster home; ~~and a family day system may revoke the approval of a family day home~~ if the assisted living facility, adult day care center, child welfare agency, ~~or foster home; or approved family day home~~ has knowledge that a person specified in § 63.2-1720; ~~63.2-1720.1, or 63.2-1721, or 63.2-1721.1~~ required to have a background check (i) has been convicted of any barrier crime as defined in § 19.2-392.02 or (ii) in the case of a child welfare agency; ~~or foster home; or family day home~~, is the subject of a founded complaint of child abuse or neglect within or outside the Commonwealth, and such person has not been granted a waiver by the Commissioner pursuant to § 63.2-1723 or is not subject to the exceptions in subsection B of § 63.2-1720; ~~subsection G of § 63.2-1720.1, or subsection E, F, or G of § 63.2-1721.1~~, and the facility, center, or agency refuses to separate such person from employment or service.

B. Failure to obtain background checks pursuant to §§ 63.2-1720; ~~63.2-1720.1, and 63.2-1721; and 63.2-1721.1~~ shall be grounds for denial or revocation of a license, registration, or approval. No violation shall occur if the assisted living facility, adult day care center, child-placing agency, ~~or independent foster home; family day system; family day home, or child day center~~ has applied for the background check timely and it has not been obtained due to administrative delay. The provisions of this section shall be enforced by the Department.

§ 63.2-1723. Child welfare agencies; criminal conviction and waiver.

A. Any person who seeks to operate; ~~or~~ volunteer or work at a child welfare agency and who is disqualified because of a criminal conviction ~~or a criminal conviction in the background check of any other adult living in a family day home regulated by the Department~~, pursuant to §§ 63.2-1720; ~~63.2-1720.1, and 63.2-1721; 63.2-1721.1, and 63.2-1724~~, may apply in writing for a waiver from the Commissioner. The Commissioner may grant a waiver if the Commissioner determines that (i) the person is of good moral character and reputation and (ii) the waiver would not adversely affect the safety and well-being of children in the person's care. The Commissioner shall not grant a waiver to any person who has been convicted of any barrier crime as defined in § 19.2-392.02. ~~However, the Commissioner may grant a waiver to a family day home licensed or registered by the Department if any other adult living in the home of the applicant or provider has been convicted of not more than one misdemeanor offense under § 18.2-57 or 18.2-57.2, or any substantially similar offense under the laws of another jurisdiction; provided that (a) five years have elapsed following the conviction and (b) the Department has conducted a home study that includes, but is not limited to, (1) an assessment of the safety of children placed in the home and (2) a determination that the offender is now a person of good moral character and reputation. The waiver shall not be granted if the adult living in the home is an assistant or substitute provider or if such adult has been convicted of a misdemeanor offense under both §§ 18.2-57 and 18.2-57.2, or any substantially similar offense under the laws of another jurisdiction. Any waiver granted under this section shall be available for inspection by the public.~~ The child

welfare agency shall notify in writing every parent and guardian of the children in its care of any waiver granted for its operators, employees or volunteers.

B. The Board shall adopt regulations to implement the provisions of this section.

§ 63.2-1734. Regulations for child welfare agencies.

A. The Board shall adopt regulations for the activities, services, and facilities to be employed by persons and agencies required to be licensed under this subtitle, which shall be designed to ensure that such activities, services, and facilities are conducive to the welfare of the children under the custody or control of such persons or agencies.

Such regulations shall be developed in consultation with representatives of the affected entities and shall include, but need not be limited to, matters relating to the sex, age, and number of children and other persons to be maintained, cared for, or placed out, as the case may be, and to the buildings and premises to be used, and reasonable standards for the activities, services, and facilities to be employed. Such limitations and standards shall be specified in each license and renewal thereof. Such regulations shall not require the adoption of a specific teaching approach or doctrine or require the membership, affiliation, or accreditation services of any single private accreditation or certification agency.

Such regulations governing child day programs providing care for school-age children at a location that is currently approved by the Department of Education or recognized as a private school by the State Board of Education for school occupancy and that houses a public or private school during the school year shall not (i) prohibit school-age children from using outdoor play equipment and areas approved for use by students of the school during school hours or (ii) in the case of public schools; require inspection or approval of the building; vehicles used to transport children attending the child day program that are owned by the school; or meals served to such children that are prepared by the school.

Such regulations governing orientation and training of child day program staff shall provide that parents or other persons who participate in a cooperative preschool center on behalf of a child attending such cooperative preschool center, including such parents and persons who are counted for the purpose of determining staff-to-child ratios, shall be exempt from orientation and training requirements applicable to staff of child day programs; however, such regulations may require such parents and persons to complete up to four hours of training per year. This orientation and training exemption shall not apply to any parent or other person who participates in a cooperative preschool center that has entered into a contract with the Department or a local department to provide child care services funded by the Child Care and Development Block Grant.

B. The Board shall adopt or amend regulations, policies, and procedures related to child day care in collaboration with the Virginia Recreation and Park Society. No regulation adopted by the Board shall prohibit a child day center from hiring an armed security officer, licensed pursuant to Article 4 (§ 9.1-138 et seq.) of Chapter 4 of Title 9.1, to provide protection for children placed in the care of the child day center or employees of the center. The Board shall adopt or amend regulations related to therapeutic recreation programs in collaboration with the Virginia Park and Recreation Society and the Department of Behavioral Health and Developmental Services.

§ 63.2-1911. Duty of local departments to enforce support; referral to Department.

Whenever a local department approves an application for public assistance on behalf of a child or children and it appears to the satisfaction of the local department that the child has been abandoned by the noncustodial parent or that the person who has a responsibility for the care, support, or maintenance of such child has failed or neglected to give proper care or support to such child, the local department shall refer the matter to the Division within the Department responsible for the enforcement of support. *The foregoing provisions of this section shall not apply to applications for the Child Care Subsidy Program.*

2. That §§ 2.2-208.1, 63.2-1701.1, 63.2-1704, 63.2-1704.1, 63.2-1716, 63.2-1717, 63.2-1720.1, 63.2-1721.1, 63.2-1724, 63.2-1725, 63.2-1727, 63.2-1738, 63.2-1809 through 63.2-1813, and 63.2-1815 of the Code of Virginia are repealed.

3. That the provisions of the first and second enactments of this act shall become effective on July 1, 2021, except that § 22.1-289.04 of the Code of Virginia, as created by this act, shall become effective in due course.

4. That the Superintendent of Public Instruction shall convene a work group to develop and establish a plan for implementing a statewide unified early childhood care and education system that incorporates relevant policy-making, funding, governance, oversight, and accountability functions and culminates implementation of the quality rating and improvement system as provided in the tenth enactment of this act. The work group shall include representatives of (i) the Secretariats of Education and Health and Human Resources; (ii) relevant state agencies, including the Department of Planning and Budget, the Office of the Attorney General, the Department of Education, and the Department of Social Services; (iii) relevant regulatory boards, including the Board of Education; and (iv) the House Committee on Appropriations and the Senate Committee on Finance and Appropriations. Such plan shall incorporate and take into account the priorities, responsibilities, and structures needed at the state, local, and regional levels to ensure successful start-up, management, and delivery of a cohesive, aligned early childhood care and education system, as well as outline phases and a timeline for transitioning from the current state to the envisioned state of the system. Such plan shall identify necessary statutory and regulatory changes and necessary steps to transfer lead agency authority for relevant federal programs, including the Child Care and Development Block Grant and Head Start State Collaboration Office grants, to the Department of Education to align with its current administration of the Virginia Preschool Initiative and other early childhood programs. The work group shall report on the implementation plan to the Chairmen of the House Committees on Appropriations, Education, and Health, Welfare and Institutions and the Senate Committees on Education and Health, Finance and

Appropriations, and Rehabilitation and Social Services no later than December 1, 2020, and shall provide such Chairmen an update on the implementation of the plan no later than December 1, 2021.

5. That the Department of Social Services and the Department of Education shall develop a plan and enter into a cooperative agreement to ensure a coordinated and seamless transition pursuant to the provisions of this act that occurs by July 1, 2021, and that is cost effective and does not interrupt the provision of state services or have undue impact on the operation or function of either agency.

6. That the regulations adopted by the State Board of Social Services to administer and implement the programs that are to be transferred from the State Board of Social Services to the Board of Education pursuant to this act shall remain in full force and effect until altered, amended, or rescinded by the Board of Education.

7. That guidance adopted by the State Board of Social Services or Department of Social Services relating to programs to be transferred by this act shall remain in effect until amended or repealed.

8. That any valid license that is in effect on July 1, 2021, that was issued by the Department of Social Services under a program that is transferred to the Department of Education pursuant to the provisions of this act shall, on July 1, 2021, be deemed to be a license issued by the Department of Education and shall remain valid and in effect until its expiration date.

9. That the initial actions of the Board of Education to adopt, with necessary amendments, the regulations implementing the programs being transferred by this act shall be exempt from Article 2 (§ 2.2-4006 et seq.) of Chapter 40 of Title 2.2 of the Code of Virginia. After transfer of the programs, if the Board of Education determines that additional amendments to the regulations are necessary solely to enable implementation of the programs in accordance with this act, the regulatory actions necessary shall not be exempt from Article 2 (§ 2.2-4006 et seq.) of Chapter 40 of Title 2.2 of the Code of Virginia.

10. That by July 1, 2021, the Department of Education shall be the lead agency for the administration of the Child Care and Development Block Grant and the Head Start Collaboration Office.

11. That, notwithstanding the provisions of the third enactment of this act, the establishment and implementation of the quality rating and improvement system described in § 22.1-289.05 of the Code of Virginia, as created by this act, shall occur as follows: (i) the Board of Education shall establish such quality rating and improvement system no later than July 1, 2021, and (ii) the initial quality ratings shall be published in the fall of 2023.

CHAPTER 862

An Act to amend and reenact § 30-264 of the Code of Virginia, relating to congressional and state legislative districts; written descriptions of boundaries not required.

[H 105]

Approved April 8, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 30-264 of the Code of Virginia is amended and reenacted as follows:

§ 30-264. Staff to Joint Reapportionment Committee; census liaison.

A. The Division of Legislative Services (the Division) shall serve as staff to the Joint Reapportionment Committee. The Director of the Division, or his designated representative, shall serve as the state liaison with the United States Bureau of the Census on matters relating to the tabulation of the population for reapportionment purposes pursuant to United States Public Law 94-171. The governing bodies, electoral boards, and registrars of every county and municipality shall cooperate with the Division in the exchange of all statistical and other information pertinent to preparation for the census.

B. The Division shall maintain the current election district and precinct boundaries of each county and city as a part of the General Assembly's computer-assisted mapping and redistricting system. Whenever a county or city governing body adopts an ordinance that changes an election district or precinct boundary, the local governing body shall provide a copy of its ordinance, along with Geographic Information System (GIS) maps and other evidence documenting the boundary, to the Division.

C. ~~The Division shall prepare and maintain a written description of the boundaries for the congressional, senatorial, and House of Delegates districts set out in Article 2 (§ 24.2-302 et seq.) of Chapter 3 of Title 24.2. The descriptions shall identify each district boundary, insofar as practicable, by reference to political subdivision boundaries or to physical features such as named roads and streets. The Division shall furnish to each general registrar the descriptions for the districts dividing his county or city. The provisions of Article 2 (§ 24.2-302 et seq.) of Chapter 3 of Title 24.2, including the statistical reports referred to in Article 2 in that article, shall be controlling in any legal determination of a district boundary.~~

CHAPTER 863

An Act to direct the State Corporation Commission to create a task force to evaluate and analyze the potential for bulk energy storage resources to help integrate renewable energy into the electrical grid.

[H 1183]

Approved April 8, 2020

Be it enacted by the General Assembly of Virginia:

1. § 1. *The State Corporation Commission shall create a task force to evaluate and analyze the regulatory, market, and local barriers to the deployment of distribution and transmission-connected bulk energy storage resources to help integrate renewable energy into the electrical grid, reduce costs for the electricity system, allow customers to deploy storage technologies to reduce their energy costs, and allow customers to participate in electricity markets for energy, capacity, and ancillary services. The task force shall include representatives of municipalities, the Virginia Solar Energy Development and Energy Storage Authority, the Department of Mines, Minerals and Energy, the Office of the Attorney General, and at least one representative each from the following sectors: regulated electric service providers, competitive electric service providers, rural utility consumer services cooperatives, commercial or industrial energy customers or an association representing such customers, and energy storage companies or an association representing such companies. The task force may consult with the regional transmission organization. In its evaluation, the task force shall (i) assess the potential costs and benefits, including impacts to the transmission and distribution systems, of such energy storage resources and (ii) assess how electric utilities, competitive service providers, customers, and other third parties are able to deploy energy storage resources in the bulk market, in the utility system, and in behind-the-meter applications. The State Corporation Commission shall submit a copy of the task force's evaluation and analysis to the General Assembly no later than October 1, 2021.*

CHAPTER 864

An Act to amend and reenact § 2.2-1518 of the Code of Virginia, relating to timing of required submission of capital outlay bill.

[S 60]

Approved April 8, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-1518 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-1518. Governor to submit a tentative bill for a capital outlay plan; gubernatorial amendments proposed to the plan.

A. 1. No later than January 13, 2009, the Governor shall submit to the General Assembly a tentative bill establishing a capital outlay plan that includes new capital outlay projects (and previously planned or authorized capital outlay projects) that the Governor proposes to be funded entirely or partially from general fund-supported resources for the six fiscal years beginning July 1, 2009. Projects included in the capital outlay plan shall be in addition to any projects for which funds are appropriated from the Central Maintenance Reserve of the general appropriation act.

2. The capital outlay plan submitted by the Governor shall list capital outlay projects in different tiers. Each tier shall be a grouping of capital outlay projects with the total estimated cost of each project in the tier falling within a minimum and a maximum project cost assigned to the tier, provided that no estimated project costs shall be set out in the plan. The minimum and maximum range assigned to a tier shall be mutually exclusive of all other minimum and maximum ranges assigned to other tiers in order that no capital outlay project shall be reported in more than one tier.

For each capital outlay project listed in the plan the Governor shall provide the following information: (i) the agency or public educational institution to which the project is related, (ii) a description of the project, and (iii) a ranking number assigned to the project, which number shall signify the priority of the project when compared to all other projects of the agency or institution listed in the plan.

~~B. In 2011, and each year~~ *For the 2021 Regular Session of the General Assembly and thereafter, the Governor shall, on or before December 20, submit to the General Assembly a tentative bill proposing ensure that a prefiled bill is submitted to the Chairman of the House Committee on Appropriations and the Chairman of the Senate Committee on Finance and Appropriations in accordance with the deadlines for prefiling under subdivision A 3 of § 30-19.3 for any proposed amendments to the current capital outlay plan enacted into law, including adjusting the fiscal years covered by the plan so that the plan will cover the six fiscal years beginning on the immediately following July 1. Any such tentative prefiled bill shall be submitted using the format described in subsection A.*

~~C.~~ *In submitting to the General Assembly tentative prefiled bills for the initial capital outlay plan and for plan amendments, the Governor shall consider the capital outlay project list submitted by the Advisory Committee pursuant to § 2.2-1516 and any amendments to the six-year capital outlay plan recommended by the Advisory Committee pursuant to such section.*

CHAPTER 865

An Act to amend and reenact §§ 58.1-602, 58.1-605, 58.1-605.1, and 58.1-606.1 of the Code of Virginia, relating to additional local sales and use tax in Gloucester County; appropriations of Gloucester County to incorporated towns for educational purposes.

[S 224]

Approved April 8, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 58.1-602, 58.1-605, 58.1-605.1, and 58.1-606.1 of the Code of Virginia are amended and reenacted as follows:

§ 58.1-602. Definitions.

As used in this chapter, unless the context clearly shows otherwise:

"Advertising" means the planning, creating, or placing of advertising in newspapers, magazines, billboards, broadcasting and other media, including, without limitation, the providing of concept, writing, graphic design, mechanical art, photography and production supervision. Any person providing advertising as defined in this section shall be deemed to be the user or consumer of all tangible personal property purchased for use in such advertising.

"Amplification, transmission and distribution equipment" means, but is not limited to, production, distribution, and other equipment used to provide Internet-access services, such as computer and communications equipment and software used for storing, processing and retrieving end-user subscribers' requests.

"Business" includes any activity engaged in by any person, or caused to be engaged in by him, with the object of gain, benefit or advantage, either directly or indirectly.

"Cost price" means the actual cost of an item or article of tangible personal property computed in the same manner as the sales price as defined in this section without any deductions therefrom on account of the cost of materials used, labor, or service costs, transportation charges, or any expenses whatsoever.

"Custom program" means a computer program that is specifically designed and developed only for one customer. The combining of two or more prewritten programs does not constitute a custom computer program. A prewritten program that is modified to any degree remains a prewritten program and does not become custom.

"Distribution" means the transfer or delivery of tangible personal property for use, consumption, or storage by the distributee, and the use, consumption, or storage of tangible personal property by a person that has processed, manufactured, refined, or converted such property, but does not include the transfer or delivery of tangible personal property for resale or any use, consumption, or storage otherwise exempt under this chapter.

"Gross proceeds" means the charges made or voluntary contributions received for the lease or rental of tangible personal property or for furnishing services, computed with the same deductions, where applicable, as for sales price as defined in this section over the term of the lease, rental, service, or use, but not less frequently than monthly. "Gross proceeds" does not include finance charges, carrying charges, service charges, or interest from credit extended on the lease or rental of tangible personal property under conditional lease or rental contracts or other conditional contracts providing for the deferred payments of the lease or rental price.

"Gross sales" means the sum total of all retail sales of tangible personal property or services as defined in this chapter, without any deduction, except as provided in this chapter. "Gross sales" does not include the federal retailers' excise tax or the federal diesel fuel excise tax imposed in § 4091 of the Internal Revenue Code if the excise tax is billed to the purchaser separately from the selling price of the article, or the Virginia retail sales or use tax, or any sales or use tax imposed by any county or city under § 58.1-605 or 58.1-606.

"Import" and "imported" are words applicable to tangible personal property imported into the Commonwealth from other states as well as from foreign countries, and "export" and "exported" are words applicable to tangible personal property exported from the Commonwealth to other states as well as to foreign countries.

"In this Commonwealth" or "in the Commonwealth" means within the limits of the Commonwealth of Virginia and includes all territory within these limits owned by or ceded to the United States of America.

"Integrated process," when used in relation to semiconductor manufacturing, means a process that begins with the research or development of semiconductor products, equipment, or processes, includes the handling and storage of raw materials at a plant site, and continues to the point that the product is packaged for final sale and either shipped or conveyed to a warehouse. Without limiting the foregoing, any semiconductor equipment, fuel, power, energy, supplies, or other tangible personal property shall be deemed used as part of the integrated process if its use contributes, before, during, or after production, to higher product quality, production yields, or process efficiencies. Except as otherwise provided by law, "integrated process" does not mean general maintenance or administration.

"Internet" means collectively, the myriad of computer and telecommunications facilities, which comprise the interconnected worldwide network of computer networks.

"Internet service" means a service that enables users to access proprietary and other content, information electronic mail, and the Internet as part of a package of services sold to end-user subscribers.

"Lease or rental" means the leasing or renting of tangible personal property and the possession or use thereof by the lessee or renter for a consideration, without transfer of the title to such property.

"Manufacturing, processing, refining, or conversion" includes the production line of the plant starting with the handling and storage of raw materials at the plant site and continuing through the last step of production where the product is finished or completed for sale and conveyed to a warehouse at the production site, and also includes equipment and supplies used for production line testing and quality control. "Manufacturing" also includes the necessary ancillary activities of newspaper and magazine printing when such activities are performed by the publisher of any newspaper or magazine for sale daily or regularly at average intervals not exceeding three months.

The determination of whether any manufacturing, mining, processing, refining or conversion activity is industrial in nature shall be made without regard to plant size, existence or size of finished product inventory, degree of mechanization, amount of capital investment, number of employees or other factors relating principally to the size of the business. Further, "industrial in nature" includes, but is not limited to, those businesses classified in codes 10 through 14 and 20 through 39 published in the Standard Industrial Classification Manual for 1972 and any supplements issued thereafter.

"Modular building" means, but is not limited to, single and multifamily houses, apartment units, commercial buildings, and permanent additions thereof, comprised of one or more sections that are intended to become real property, primarily constructed at a location other than the permanent site, built to comply with the Virginia Industrialized Building Safety Law (§ 36-70 et seq.) as regulated by the Virginia Department of Housing and Community Development, and shipped with most permanent components in place to the site of final assembly. For purposes of this chapter, "modular building" does not include a mobile office as defined in § 58.1-2401 or any manufactured building subject to and certified under the provisions of the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. § 5401 et seq.).

"Modular building manufacturer" means a person that owns or operates a manufacturing facility and is engaged in the fabrication, construction and assembling of building supplies and materials into modular buildings, as defined in this section, at a location other than at the site where the modular building will be assembled on the permanent foundation and may or may not be engaged in the process of affixing the modules to the foundation at the permanent site.

"Modular building retailer" means any person that purchases or acquires a modular building from a modular building manufacturer, or from another person, for subsequent sale to a customer residing within or outside of the Commonwealth, with or without installation of the modular building to the foundation at the permanent site.

"Motor vehicle" means a "motor vehicle" as defined in § 58.1-2401, taxable under the provisions of the Virginia Motor Vehicles Sales and Use Tax Act (§ 58.1-2400 et seq.) and upon the sale of which all applicable motor vehicle sales and use taxes have been paid.

"Occasional sale" means a sale of tangible personal property not held or used by a seller in the course of an activity for which it is required to hold a certificate of registration, including the sale or exchange of all or substantially all the assets of any business and the reorganization or liquidation of any business, provided that such sale or exchange is not one of a series of sales and exchanges sufficient in number, scope and character to constitute an activity requiring the holding of a certificate of registration.

"Open video system" means an open video system authorized pursuant to 47 U.S.C. § 573 and, for purposes of this chapter only, also includes Internet service regardless of whether the provider of such service is also a telephone common carrier.

"Person" includes any individual, firm, copartnership, cooperative, nonprofit membership corporation, joint venture, association, corporation, estate, trust, business trust, trustee in bankruptcy, receiver, auctioneer, syndicate, assignee, club, society, or other group or combination acting as a unit, body politic or political subdivision, whether public or private, or quasi-public, and the plural of "person" means the same as the singular.

"Prewritten program" means a computer program that is prepared, held or existing for general or repeated sale or lease, including a computer program developed for in-house use and subsequently sold or leased to unrelated third parties.

"Qualifying locality" means Halifax County or Gloucester County.

"Railroad rolling stock" means locomotives, of whatever motive power, autocars, railroad cars of every kind and description, and all other equipment determined by the Tax Commissioner to constitute railroad rolling stock.

"Remote seller" means any dealer deemed to have sufficient activity within the Commonwealth to require registration under § 58.1-613 under the criteria specified in subdivision C 10 or 11 of § 58.1-612 or any software provider acting on behalf of such dealer.

"Retail sale" or a "sale at retail" means a sale to any person for any purpose other than for resale in the form of tangible personal property or services taxable under this chapter, and shall include any such transaction as the Tax Commissioner upon investigation finds to be in lieu of a sale. All sales for resale must be made in strict compliance with regulations applicable to this chapter. Any dealer making a sale for resale which is not in strict compliance with such regulations shall be personally liable for payment of the tax.

The terms "retail sale" and a "sale at retail" specifically include the following: (i) the sale or charges for any room or rooms, lodgings, or accommodations furnished to transients for less than 90 continuous days by any hotel, motel, inn, tourist camp, tourist cabin, camping grounds, club, or any other place in which rooms, lodging, space, or accommodations are regularly furnished to transients for a consideration; (ii) sales of tangible personal property to persons for resale when because of the operation of the business, or its very nature, or the lack of a place of business in which to display a certificate of registration, or the lack of a place of business in which to keep records, or the lack of adequate records, or because such persons are minors or transients, or because such persons are engaged in essentially service businesses, or for any other reason there is likelihood that the Commonwealth will lose tax funds due to the difficulty of policing such business

operations; (iii) the separately stated charge made for automotive refinish repair materials that are permanently applied to or affixed to a motor vehicle during its repair; and (iv) the separately stated charge for equipment available for lease or purchase by a provider of satellite television programming to the customer of such programming. Equipment sold to a provider of satellite television programming for subsequent lease or purchase by the customer of such programming shall be deemed a sale for resale. The Tax Commissioner is authorized to promulgate regulations requiring vendors of or sellers to such persons to collect the tax imposed by this chapter on the cost price of such tangible personal property to such persons and may refuse to issue certificates of registration to such persons. The terms "retail sale" and a "sale at retail" also specifically include the separately stated charge made for supplies used during automotive repairs whether or not there is transfer of title or possession of the supplies and whether or not the supplies are attached to the automobile. The purchase of such supplies by an automotive repairer for sale to the customer of such repair services shall be deemed a sale for resale.

The term "transient" does not include a purchaser of camping memberships, time-shares, condominiums, or other similar contracts or interests that permit the use of, or constitute an interest in, real estate, however created or sold and whether registered with the Commonwealth or not. Further, a purchaser of a right or license which entitles the purchaser to use the amenities and facilities of a specific real estate project on an ongoing basis throughout its term shall not be deemed a transient, provided, however, that the term or time period involved is for seven years or more.

The terms "retail sale" and "sale at retail" do not include a transfer of title to tangible personal property after its use as tools, tooling, machinery or equipment, including dies, molds, and patterns, if (i) at the time of purchase, the purchaser is obligated, under the terms of a written contract, to make the transfer and (ii) the transfer is made for the same or a greater consideration to the person for whom the purchaser manufactures goods.

"Retailer" means every person engaged in the business of making sales at retail, or for distribution, use, consumption, or storage to be used or consumed in the Commonwealth.

"Sale" means any transfer of title or possession, or both, exchange, barter, lease or rental, conditional or otherwise, in any manner or by any means whatsoever, of tangible personal property and any rendition of a taxable service for a consideration, and includes the fabrication of tangible personal property for consumers who furnish, either directly or indirectly, the materials used in fabrication, and the furnishing, preparing, or serving for a consideration of any tangible personal property consumed on the premises of the person furnishing, preparing, or serving such tangible personal property. A transaction whereby the possession of property is transferred but the seller retains title as security for the payment of the price shall be deemed a sale.

"Sales price" means the total amount for which tangible personal property or services are sold, including any services that are a part of the sale, valued in money, whether paid in money or otherwise, and includes any amount for which credit is given to the purchaser, consumer, or lessee by the dealer, without any deduction therefrom on account of the cost of the property sold, the cost of materials used, labor or service costs, losses or any other expenses whatsoever. "Sales price" does not include (i) any cash discount allowed and taken; (ii) finance charges, carrying charges, service charges or interest from credit extended on sales of tangible personal property under conditional sale contracts or other conditional contracts providing for deferred payments of the purchase price; (iii) separately stated local property taxes collected; (iv) that portion of the amount paid by the purchaser as a discretionary gratuity added to the price of a meal; or (v) that portion of the amount paid by the purchaser as a mandatory gratuity or service charge added by a restaurant to the price of a meal, but only to the extent that such mandatory gratuity or service charge does not exceed 20 percent of the price of the meal. Where used articles are taken in trade, or in a series of trades as a credit or part payment on the sale of new or used articles, the tax levied by this chapter shall be paid on the net difference between the sales price of the new or used articles and the credit for the used articles.

"Semiconductor cleanrooms" means the integrated systems, fixtures, piping, partitions, flooring, lighting, equipment, and all other property used to reduce contamination or to control airflow, temperature, humidity, vibration, or other environmental conditions required for the integrated process of semiconductor manufacturing.

"Semiconductor equipment" means (i) machinery or tools or repair parts or replacements thereof; (ii) the related accessories, components, pedestals, bases, or foundations used in connection with the operation of the equipment, without regard to the proximity to the equipment, the method of attachment, or whether the equipment or accessories are affixed to the realty; (iii) semiconductor wafers and other property or supplies used to install, test, calibrate or recalibrate, characterize, condition, measure, or maintain the equipment and settings thereof; and (iv) equipment and supplies used for quality control testing of product, materials, equipment, or processes; or the measurement of equipment performance or production parameters regardless of where or when the quality control, testing, or measuring activity takes place, how the activity affects the operation of equipment, or whether the equipment and supplies come into contact with the product.

"Storage" means any keeping or retention of tangible personal property for use, consumption or distribution in the Commonwealth, or for any purpose other than sale at retail in the regular course of business.

"Tangible personal property" means personal property that may be seen, weighed, measured, felt, or touched, or is in any other manner perceptible to the senses. "Tangible personal property" does not include stocks, bonds, notes, insurance or other obligations or securities. "Tangible personal property" includes (i) telephone calling cards upon their initial sale, which shall be exempt from all other state and local utility taxes, and (ii) manufactured signs.

"Use" means the exercise of any right or power over tangible personal property incident to the ownership thereof, except that it does not include the sale at retail of that property in the regular course of business. "Use" does not include the exercise of any right or power, including use, distribution, or storage, over any tangible personal property sold to a

nonresident donor for delivery outside of the Commonwealth to a nonresident recipient pursuant to an order placed by the donor from outside the Commonwealth via mail or telephone. "Use" does not include any sale determined to be a gift transaction, subject to tax under § 58.1-604.6.

"Use tax" refers to the tax imposed upon the use, consumption, distribution, and storage as defined in this section.

"Used directly," when used in relation to manufacturing, processing, refining, or conversion, refers to those activities that are an integral part of the production of a product, including all steps of an integrated manufacturing or mining process, but not including ancillary activities such as general maintenance or administration. When used in relation to mining, "used directly" refers to the activities specified in this definition and, in addition, any reclamation activity of the land previously mined by the mining company required by state or federal law.

"Video programmer" means a person that provides video programming to end-user subscribers.

"Video programming" means video and/or information programming provided by or generally considered comparable to programming provided by a cable operator, including, but not limited to, Internet service.

§ 58.1-605. To what extent and under what conditions cities and counties may levy local sales taxes; collection thereof by Commonwealth and return of revenue to each city or county entitled thereto.

A. No county, city or town shall impose any local general sales or use tax or any local general retail sales or use tax except as authorized by this section or § 58.1-605.1.

B. The council of any city and the governing body of any county may levy a general retail sales tax at the rate of one percent to provide revenue for the general fund of such city or county. Such tax shall be added to the rate of the state sales tax imposed by §§ 58.1-603 and 58.1-604 and shall be subject to all the provisions of this chapter and the rules and regulations published with respect thereto. No discount under § 58.1-622 shall be allowed on a local sales tax.

C. 1. The council of any city and the governing body of any county desiring to impose a local sales tax under this section may do so by the adoption of an ordinance stating its purpose and referring to this section, and providing that such ordinance shall be effective on the first day of a month at least 60 days after its adoption. A certified copy of such ordinance shall be forwarded to the Tax Commissioner so that it will be received within five days after its adoption.

2. Prior to any change in the rate of any local sales and use tax, the Tax Commissioner shall provide remote sellers with at least 30 days' notice. Any change in the rate of any local sales and use tax shall only become effective on the first day of a calendar quarter. Failure to provide notice pursuant to this section shall require the Commonwealth and the locality to apply the preceding effective rate until 30 days after notification is provided.

D. Any local sales tax levied under this section shall be administered and collected by the Tax Commissioner in the same manner and subject to the same penalties as provided for the state sales tax.

E. All local sales tax moneys collected by the Tax Commissioner under this section shall be paid into the state treasury to the credit of a special fund which is hereby created on the Comptroller's books under the name "Collections of Local Sales Taxes." Such local sales tax moneys shall be credited to the account of each particular city or county levying a local sales tax under this section. The basis of such credit shall be the city or county in which the sales were made as shown by the records of the Department and certified by it monthly to the Comptroller, namely, the city or county of location of each place of business of every dealer paying the tax to the Commonwealth without regard to the city or county of possible use by the purchasers. If a dealer has any place of business located in more than one political subdivision by reason of the boundary line or lines passing through such place of business, the amount of sales tax paid by such a dealer with respect to such place of business shall be treated for the purposes of this section as follows: one-half shall be assignable to each political subdivision where two are involved, one-third where three are involved, and one-fourth where four are involved.

F. As soon as practicable after the local sales tax moneys have been paid into the state treasury in any month for the preceding month, the Comptroller shall draw his warrant on the Treasurer of Virginia in the proper amount in favor of each city or county entitled to the monthly return of its local sales tax moneys, and such payments shall be charged to the account of each such city or county under the special fund created by this section. If errors are made in any such payment, or adjustments are otherwise necessary, whether attributable to refunds to taxpayers, or to some other fact, the errors shall be corrected and adjustments made in the payments for the next two months as follows: one-half of the total adjustment shall be included in the payments for the next two months. In addition, the payment shall include a refund of amounts erroneously not paid to the city or county and not previously refunded during the three years preceding the discovery of the error. A correction and adjustment in payments described in this subsection due to the misallocation of funds by the dealer shall be made within three years of the date of the payment error.

G. Such payments to counties are subject to the qualification that in any county wherein is situated any incorporated town constituting a special school district and operated as a separate school district under a town school board of three members appointed by the town council, the county treasurer shall pay into the town treasury for general governmental purposes the proper proportionate amount received by him in the ratio that the school age population of such town bears to the school age population of the entire county. If the school age population of any town constituting a separate school district is increased by the annexation of territory since the last estimate of school age population provided by the Weldon Cooper Center for Public Service, such increase shall, for the purposes of this section, be added to the school age population of such town as shown by the last such estimate and a proper reduction made in the school age population of the county or counties from which the annexed territory was acquired.

H. One-half of such payments to counties are subject to the further qualification, other than as set out in subsection G, that in any county wherein is situated any incorporated town not constituting a separate special school district that has

complied with its charter provisions providing for the election of its council and mayor for a period of at least four years immediately prior to the adoption of the sales tax ordinance, the county treasurer shall pay into the town treasury of each such town for general governmental purposes the proper proportionate amount received by him in the ratio that the school age population of each such town bears to the school age population of the entire county, based on the latest estimate provided by the Weldon Cooper Center for Public Service. The preceding requirement pertaining to the time interval between compliance with election provisions and adoption of the sales tax ordinance shall not apply to a tier-city. If the school age population of any such town not constituting a separate special school district is increased by the annexation of territory or otherwise since the last estimate of school age population provided by the Weldon Cooper Center for Public Service, such increase shall, for the purposes of this section, be added to the school age population of such town as shown by the last such estimate and a proper reduction made in the school age population of the county or counties from which the annexed territory was acquired.

I. Notwithstanding the provisions of subsection H, the board of supervisors of a county may, in its discretion, appropriate funds to any incorporated town not constituting a separate school district within such county that has not complied with the provisions of its charter relating to the elections of its council and mayor, an amount not to exceed the amount it would have received from the tax imposed by this chapter if such election had been held; however, Halifax County and Gloucester County may appropriate any amount to any such incorporated town.

J. It is further provided that if any incorporated town which would otherwise be eligible to receive funds from the county treasurer under subsection G or H be located in a county that does not levy a general retail sales tax under the provisions of this law, such town may levy a general retail sales tax at the rate of one percent to provide revenue for the general fund of the town, subject to all the provisions of this section generally applicable to cities and counties. Any tax levied under the authority of this subsection shall in no case continue to be levied on or after the effective date of a county ordinance imposing a general retail sales tax in the county within which such town is located.

§ 58.1-605.1. Additional local sales tax in certain localities; use of revenues for construction or renovation of schools.

A. 1. In addition to the sales tax authorized under § 58.1-605, ~~Halifax County~~ a qualifying locality may levy a general retail sales tax at a rate not to exceed one percent as determined by its governing body to provide revenue solely for capital projects for the construction or renovation of schools in ~~Halifax County~~ each such locality. Such tax shall be added to the rates of the state and local sales tax imposed by this chapter and shall be subject to all the provisions of this chapter and the rules and regulations published with respect thereto. No discount under § 58.1-622 shall be allowed on this local sales tax.

2. Any tax imposed pursuant to this section shall expire (i) if the capital projects for the construction or renovation of schools are to be financed by bonds or loans, on the date by which such bonds or loans shall be repaid or (ii) if the capital projects for the construction or renovation of schools are not to be financed by bonds or loans, on a date chosen by the governing body and specified in any resolution passed pursuant to the provisions of subdivision B 1. Such expiration date shall not be more than 20 years after the date of the resolution passed pursuant to the provisions of subdivision B 1.

B. 1. This tax may be levied only if the tax is approved in a referendum within ~~Halifax County~~ the qualifying locality held in accordance with § 24.2-684 and initiated by a resolution of the local governing body. Such resolution shall state (i) if the capital projects for the construction or renovation of schools are to be financed by bonds or loans, the date by which such bonds or loans shall be repaid or (ii) if the capital projects for the construction or renovation of schools are not to be financed by bonds or loans, a specified date on which the sales tax shall expire.

2. The clerk of the circuit court shall publish notice of the referendum in a newspaper of general circulation in ~~Halifax County~~ the qualifying locality once a week for three consecutive weeks prior to the election. The question on the ballot for the referendum shall include language stating (i) that the revenues from the sales tax shall be used solely for capital projects for the construction or renovation of schools and (ii) the date on which the sales tax shall expire.

C. The governing body of ~~Halifax County~~ the qualifying locality, if it elects to impose a local sales tax under this section after approval at a referendum as provided in subsection B shall do so by the adoption of an ordinance stating its purpose and referring to this section and providing that such ordinance shall be effective on the first day of a month at least 120 days after its adoption. Such ordinance shall state the date on which the sales tax shall expire. A certified copy of such ordinance shall be forwarded to the Tax Commissioner so that it will be received within five days after its adoption.

D. Any local sales tax levied under this section shall be administered and collected by the Tax Commissioner in the same manner and subject to the same exemptions and penalties as provided for the state sales tax; however, the local sales tax levied under this section shall not be levied on food purchased for human consumption or essential personal hygiene products, as such terms are defined in § 58.1-611.1.

E. All local sales tax moneys collected by the Tax Commissioner under this section shall be paid into the state treasury to the credit of a special fund that is hereby created on the Comptroller's books for each qualifying locality under the name "Collections of Additional Local Sales Taxes in ~~Halifax County~~ _____ (INSERT NAME OF THE QUALIFYING LOCALITY)." The Each fund shall be administered as provided in § 58.1-605. A separate fund shall be created for each qualifying locality. Only local sales tax moneys collected in that qualifying locality shall be deposited in that locality's fund.

F. As soon as practicable after the local sales tax moneys have been paid into the state treasury in any month for the preceding month, the Comptroller shall draw his warrant on the State Treasurer in the proper amount in favor of ~~Halifax County~~ each qualifying locality, and such payments shall be charged to the account of ~~Halifax County~~ the qualifying locality under ~~the~~ its special fund created by this section. If errors are made in any such payment, or adjustments are otherwise

necessary, whether attributable to refunds to taxpayers or to some other fact, the errors shall be corrected and adjustments made in the payments for the next two months as follows: one-half of the total adjustment shall be included in the payment for each of the next two months. In addition, the payment shall include a refund of amounts erroneously not paid to ~~Halifax County~~ *each qualifying locality* and not previously refunded during the three years preceding the discovery of the error. A correction and adjustment in payments described in this subsection due to the misallocation of funds by the dealer shall be made within three years of the date of the payment error.

G. The revenues from this tax shall be used solely for capital projects for new construction or major renovation of schools in ~~Halifax County~~ *the qualifying locality*, including bond and loan financing costs related to such construction or renovation.

§ 58.1-606.1. Additional local use tax in certain localities; use of revenues for construction or renovation of schools.

A. 1. The governing body of ~~Halifax County~~ *a qualifying locality* may levy a use tax at the rate of such sales tax under § 58.1-605.1 to provide revenue for capital projects for the construction or renovation of schools in ~~Halifax County~~ *such locality*. Such tax shall be added to the rates of the state and local use tax imposed by this chapter and shall be subject to all the provisions of this chapter, and all amendments thereof, and the rules and regulations published with respect thereto, except that no discount under § 58.1-622 shall be allowed on a local use tax.

2. Any tax imposed pursuant to this section shall expire (i) if the capital projects for the construction or renovation of schools are to be financed by bonds or loans, on the date by which such bonds or loans shall be repaid or (ii) if the capital projects for the construction or renovation of schools are not to be financed by bonds or loans, on a date chosen by the governing body and specified in any resolution passed pursuant to the provisions of subsection B. Such expiration date shall not be more than 20 years after the date of the resolution passed pursuant to the provisions of subsection B.

B. The governing body of ~~Halifax County~~ *the qualifying locality*, if it elects to impose a local use tax under this section may do so only if it has previously imposed the local sales tax authorized by § 58.1-605.1, by the adoption of an ordinance stating its purpose and referring to this section and providing that the local use tax shall become effective on the first day of a month at least 120 days after its adoption. Such ordinance shall state the date on which the use tax shall expire. A certified copy of such ordinance shall be forwarded to the Tax Commissioner so that it will be received within five days after its adoption.

C. Any local use tax levied under this section shall be administered and collected by the Tax Commissioner in the same manner and subject to the same exemptions and penalties as provided for the state use tax; however, the local ~~sales use tax~~ levied under this section shall not be levied on food purchased for human consumption or *essential personal hygiene products*, as *such terms are defined in § 58.1-611.1*.

D. The local use tax authorized by this section shall not apply to transactions to which the sales tax applies, the situs of which for state and local sales tax purposes is the locality of location of each place of business of every dealer paying the tax to the Commonwealth without regard to the locality of possible use by the purchasers. However, the local use tax authorized by this section shall apply to tangible personal property purchased outside the Commonwealth for use or consumption within the locality imposing the local use tax, or stored within the locality for use or consumption, where the property would have been subject to the sales tax if it had been purchased within the Commonwealth. The local use tax shall also apply to leases or rentals of tangible personal property where the place of business of the lessor is outside the Commonwealth and such leases or rentals are subject to the state tax. Moreover, the local use tax shall apply in all cases in which the state use tax applies.

E. Out-of-state dealers who hold certificates of registration to collect the use tax from their customers for remittance to the Commonwealth shall, to the extent reasonably practicable, in filing their monthly use tax returns with the Tax Commissioner, break down their shipments into the Commonwealth by counties and cities so as to show the county or city of destination. If, however, the out-of-state dealer is unable accurately to assign any shipment to a particular county or city, the local use tax on the tangible personal property involved shall be remitted to the Commonwealth by such dealer without attempting to assign the shipment to any county or city.

F. Local use tax revenue shall be deposited in the special fund established pursuant to subsection E of § 58.1-605.1. The Comptroller shall distribute the revenue to ~~Halifax County~~ *the qualifying locality*.

G. All revenue from this local use tax revenue shall be used solely for capital projects for new construction or major renovation of schools in ~~Halifax County~~ *the qualifying locality*, including bond and loan financing costs related to such construction or renovation.

CHAPTER 866

An Act to amend and reenact §§ 58.1-802 and 58.1-802.3 of the Code of Virginia, relating to grantor's tax and regional transportation improvement fee.

[S 230]

Approved April 8, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 58.1-802 and 58.1-802.3 of the Code of Virginia are amended and reenacted as follows:

§ 58.1-802. Additional tax paid by grantor; collection.

A. In addition to any other tax imposed under the provisions of this chapter, a tax is hereby imposed on each deed, instrument, or writing by which lands, tenements, or other realty sold is granted, assigned, transferred, or otherwise conveyed to, or vested in the purchaser, or any other person, by such purchaser's direction. The rate of the tax, when the consideration or value of the interest, whichever is greater, exceeds \$100, shall be 50 cents for each \$500 or fraction thereof, exclusive of the value of any lien or encumbrance remaining thereon at the time of the sale, whether such lien is assumed or the realty is sold subject to such lien or encumbrance. No increase in the city or county recordation tax authorized by § 58.1-814 shall be deemed authorized by this section.

The tax imposed by this section shall be paid by the grantor, or any person who signs on behalf of the grantor, of any deed, instrument, or writing subject to the tax imposed by this section; *however, the grantor and grantee may arrange for the grantee to pay all or a portion of the tax.* No tax shall be imposed pursuant to this section if the grantor is a locality at a judicial sale of tax-delinquent property conducted pursuant to Article 4 (§ 58.1-3965 et seq.) of Chapter 39.

No such deed, instrument, or other writing shall be admitted to record unless (i) the amount of the consideration is stated on the first page of the document to be admitted to record and (ii) certification of the clerk of the court wherein first recorded has been affixed thereto that the tax imposed by this section has been paid. The clerk shall include within the certificate the amount of such tax collected thereon.

B. Taxes imposed by this section shall be collected as provided in § 58.1-812 and the clerk shall return taxes collected hereunder one-half into the state treasury and one-half into the treasury of the locality.

The local portion of the tax imposed by this section on property that is located in more than one jurisdiction shall be collected by the clerk in proportion to the value of the property located in each such locality when recorded therein.

Every clerk of court collecting taxes under this section for the county or city that he serves shall be entitled to compensation for such service at five percent of the amount so collected and paid.

§ 58.1-802.3. Regional transportation improvement fee.

In addition to any other tax or fee imposed under the provisions of this chapter, a fee, delineated as the "regional WMATA capital fee," is hereby imposed on each deed, instrument, or writing by which lands, tenements, or other realty located in any county or city that is a member of the Northern Virginia Transportation Authority is sold and is granted, assigned, transferred, or otherwise conveyed to or vested in the purchaser or any other person, by such purchaser's direction. The rate of the fee, when the consideration or value of the interest, whichever is greater, equals or exceeds \$100, shall be \$0.15 for each \$100 or fraction thereof, exclusive of the value of any lien or encumbrance remaining thereon at the time of the sale, whether such lien is assumed or the realty is sold subject to such lien or encumbrance.

The fee imposed by this section shall be paid by the grantor, or any person who signs on behalf of the grantor, of any deed, instrument, or writing subject to the fee imposed by this section; *however, the grantor and grantee may arrange for the grantee to pay all or a portion of the fee.*

No such deed, instrument, or other writing shall be admitted to record unless certification of the clerk wherein first recorded has been affixed thereto that the fee imposed pursuant to this section has been paid.

Fees imposed by this section shall be collected by the clerk of the court. For fees collected in a county or city located in a transportation district established pursuant to Chapter 19 (§ 33.2-1900 et seq.) of Title 33.2 that as of January 1, 2018, meets the criteria established in § 33.2-1936 shall be transferred to the state treasury as soon as practicable and deposited into the fund established in § 33.2-3401. The fees collected in any other county or city in which the fee is imposed shall be retained by the county or city; and shall be used solely for transportation purposes.

CHAPTER 867

An Act to amend and reenact § 46.2-1605 of the Code of Virginia, relating to rebuilt vehicles; issuance of title.

[S 562]

Approved April 8, 2020

Be it enacted by the General Assembly of Virginia:**1. That § 46.2-1605 of the Code of Virginia is amended and reenacted as follows:****§ 46.2-1605. Vehicles rebuilt for highway use; examinations; branding of titles.**

A. Each salvage vehicle that has been rebuilt for use on the highways shall be submitted for a state safety inspection in accordance with § 46.2-1157. The inspection shall be conducted by an inspector wholly unaffiliated with the person requesting the inspection of the vehicle.

B. 1. Upon passage of a state safety inspection, each rebuilt vehicle shall be examined by the Department prior to the issuance of a title for the vehicle. The examination by the Department shall include a review of video or photographic images of the vehicle prior to being rebuilt, if available; all documentation for the parts and labor used for the repair of the salvage vehicle; and verification of the vehicle's identification number, confidential number, odometer reading, and engine, transmission, or electronic modules, if applicable. This inspection shall serve as an antitheft and antifraud measure and shall not certify the safety or roadworthiness of the vehicle. The Commissioner shall ensure that, in scheduling and performing examinations of salvage vehicles under this section, single vehicles owned by private owner-operators are afforded no lower

priority than examinations of vehicles owned by motor vehicle dealers, salvage pools, licensed auto recyclers, or vehicle removal operators. The Commissioner may charge a fee of \$125 per vehicle, for the examination of rebuilt vehicles.

2. *The examination described in subdivision 1 shall not be required for a rebuilt vehicle if (i) the person rebuilding the vehicle has been licensed under this chapter for at least 10 years and has not incurred any penalties pursuant to the provisions of this chapter; (ii) the rebuilt vehicle is at least 10 years old but does not qualify as an antique motor vehicle; and (iii) the resale value of the rebuilt vehicle is less than \$10,000. Any rebuilder who sells a rebuilt vehicle without an examination, as authorized by this subdivision, shall be required to maintain all required records for rebuilt vehicles described in subdivision 1 for inspection upon request of the Department or any law-enforcement official.*

C. Any salvage vehicle whose vehicle identification number or confidential number has been altered, is missing, or appears to have been tampered with may be impounded by the Department until completion of an investigation by the Department. The vehicle may not be moved, sold, or tampered with until the completion of this investigation. Upon completion of an investigation by the Department, if the vehicle identification number is found to be missing or altered, a new vehicle identification number may be issued by the Department. If the vehicle is found to be a stolen vehicle and its owner can be determined, the vehicle shall be returned to him. If the owner cannot be determined or located and the person seeking to title the vehicle has been convicted of a violation of § 46.2-1074 or 46.2-1075, the vehicle shall be deemed forfeited to the Commonwealth and said forfeiture shall proceed in accordance with Chapter 22.1 (§ 19.2-386.1 et seq.) of Title 19.2.

D. If the Department's examination of a rebuilt salvage vehicle indicates no irregularities, a title and registration may be issued for the vehicle upon application therefor to the Department by the owner of the salvage vehicle. The title issued by the Department and any subsequent title thereafter issued for the rebuilt vehicle shall be permanently branded to indicate that it is a rebuilt vehicle. All rebuilt vehicles shall be subject to all safety equipment requirements provided by law. Except as otherwise provided in this chapter, no title or registration shall be issued by the Department for any rebuilt vehicle that has not first passed a safety inspection or for any vehicle for which a nonrepairable certificate has ever been issued.

E. If the Department's examination of a rebuilt salvage vehicle reveals irregularities in the required documentation or obvious defects, the Department shall identify to the owner the irregularities and defects that must be corrected before the Department's examination can be completed.

F. Notwithstanding § 46.2-1550, a licensed salvage dealer or rebuilder who is also licensed as a motor vehicle dealer pursuant to Chapter 15 (§ 46.2-1500 et seq.) may use dealer's license plates for the sole purpose of transporting a rebuilt salvage vehicle to and from an official safety inspection station. Such dealer's license plates may not be used on any vehicle not owned by the licensed salvage dealer or rebuilder. For all other rebuilt salvage vehicles, when necessary and upon application, the Department shall issue temporary trip permits in accordance with § 46.2-651 for this purpose.

CHAPTER 868

An Act to amend and reenact § 40.1-29 of the Code of Virginia, relating to nonpayment of wages; cause of action; penalties.

[H 123]

Approved April 8, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 40.1-29 of the Code of Virginia is amended and reenacted as follows:

§ 40.1-29. Time and medium of payment; withholding wages; written statement of earnings; agreement for forfeiture of wages; proceedings to enforce compliance; penalties.

A. ~~All employers operating a business shall establish regular pay periods and rates of pay for employees except executive personnel. All such employers shall pay salaried employees at least once each month and employees paid on an hourly rate at least once every two weeks or twice in each month, except that (i) a student who is currently enrolled in a work-study program or its equivalent administered by any secondary school, institution of higher education, or trade school, and (ii) employees whose weekly wages total more than 150 percent of the average weekly wage of the Commonwealth as defined in § 65.2-500, upon agreement by each affected employee, may be paid once each month if the institution or employer so chooses. Upon termination of employment an employee shall be paid all wages or salaries due him for work performed prior thereto; such payment shall be made on or before the date on which he would have been paid for such work had his employment not been terminated.~~

~~2. Any such employer who knowingly fails to make payment of wages in accordance with this section shall be subject to a civil penalty not to exceed \$1,000 for each violation. The Commissioner shall notify any employer who he alleges has violated any provision of this section by certified mail. Such notice shall contain a description of the alleged violation. Within 15 days of receipt of notice of the alleged violation, the employer may request an informal conference regarding such violation with the Commissioner. In determining the amount of any penalty to be imposed, the Commissioner shall consider the size of the business of the employer charged and the gravity of the violation. The decision of the Commissioner shall be final.~~

B. Payment of wages or salaries shall be (i) in lawful money of the United States, (ii) by check payable at face value upon demand in lawful money of the United States, (iii) by electronic automated fund transfer in lawful money of the United States into an account in the name of the employee at a financial institution designated by the employee, or (iv) by

credit to a prepaid debit card or card account from which the employee is able to withdraw or transfer funds with full written disclosure by the employer of any applicable fees and affirmative consent thereto by the employee. However, an employer that elects not to pay wages or salaries in accordance with clause (i) or (ii) to an employee who is hired after January 1, 2010, shall be permitted to pay wages or salaries by credit to a prepaid debit card or card account in accordance with clause (iv), even though such employee has not affirmatively consented thereto, if the employee fails to designate an account at a financial institution in accordance with clause (iii) and the employer arranges for such card or card account to be issued through a network system through which the employee shall have the ability to make at least one free withdrawal or transfer per pay period, which withdrawal may be for any sum in such card or card account as the employee may elect, using such card or card account at financial institutions participating in such network system.

C. No employer shall withhold any part of the wages or salaries of any employee except for payroll, wage, or withholding taxes or in accordance with law, without the written and signed authorization of the employee. On each regular pay date, each employer other than an employer engaged in agricultural employment including agribusiness and forestry shall provide to each employee a written statement, by a paystub or online accounting, that shows the name and address of the employer, the number of hours worked during the pay period, the rate of pay, the gross wages earned by the employee during the pay period, and the amount and purpose of any deductions therefrom. An employer engaged in agricultural employment including agribusiness and forestry, upon request of its employee, shall furnish the employee a written statement of the gross wages earned by the employee during any pay period and the amount and purpose of any deductions therefrom.

D. No employer shall require any employee, except executive personnel, to sign any contract or agreement which provides for the forfeiture of the employee's wages for time worked as a condition of employment or the continuance therein, except as otherwise provided by law.

E. An employer who willfully and with intent to defraud fails or refuses to pay wages in accordance with this section:

1. To an employee or employees is guilty of a Class 1 misdemeanor if the value of the wages earned and not paid by the employer is less than \$10,000; and

2. To an employee or employees is guilty of a Class 6 felony (i) if the value of the wages earned and not paid is \$10,000 or more or (ii) regardless of the value of the wages earned and not paid, if the conviction is a second or subsequent conviction under this section.

For purposes of this section, the determination as to the "value of the wages earned" shall be made by combining all wages the employer failed or refused to pay pursuant to this section.

F. The Commissioner may require a written complaint of the violation of this section and, with the written and signed consent of an employee, may institute proceedings on behalf of an employee to enforce compliance with this section, and to collect any moneys unlawfully withheld from such employee which shall be paid to the employee entitled thereto. In addition, following the issuance of a final order by the Commissioner or a court, the Commissioner may engage private counsel, approved by the Attorney General, to collect any moneys owed to the employee or the Commonwealth. Upon entry of a final order of the Commissioner, or upon entry of a judgment, against the employer, the Commissioner or the court shall assess ~~attorney's~~ attorney fees of one-third of the amount set forth in the final order or judgment.

G. In addition to being subject to any other penalty provided by the provisions of this section, any employer who fails to make payment of wages in accordance with subsection A shall be liable for the payment of all wages due, *and an additional equal amount as liquidated damages*, plus interest at an annual rate of eight percent accruing from the date the wages were due.

H. *Any employer who knowingly fails to make payment of wages in accordance with subsection A shall be subject to a civil penalty not to exceed \$1,000 for each violation. The Commissioner shall notify any employer that he alleges has violated any provision of this section by certified mail. Such notice shall contain a description of the alleged violation. Within 15 days of receipt of notice of the alleged violation, the employer may request an informal conference regarding such violation with the Commissioner. In determining the amount of any penalty to be imposed, the Commissioner shall consider the size of the business of the employer charged and the gravity of the violation. The decision of the Commissioner shall be final.* Civil penalties owed under this section shall be paid to the Commissioner for deposit into the general fund of the State Treasurer. The Commissioner shall prescribe procedures for the payment of proposed assessments of penalties ~~which~~ that are not contested by employers. Such procedures shall include provisions for an employer to consent to abatement of the alleged violation and pay a proposed penalty or a negotiated sum in lieu of such penalty without admission of any civil liability arising from such alleged violation.

I. Final orders of the Commissioner, the general district courts, or the circuit courts may be recorded, enforced, and satisfied as orders or decrees of a circuit court upon certification of such orders by the Commissioner or the court as appropriate.

J. *In addition to any civil or criminal penalty provided by this section, and without regard to any exhaustion of alternative administrative remedies provided for in this section, if an employer fails to pay wages to an employee in accordance with this section, the employee may bring an action, individually, jointly, with other aggrieved employees, or on behalf of similarly situated employees as a collective action consistent with the collective action procedures of the Fair Labor Standards Act (29 U.S.C. § 216(b)) against the employer in a court of competent jurisdiction to recover payment of the wages and the court shall award the wages owed, an additional equal amount as liquidated damages, plus prejudgment interest thereon as provided in subsection G, and reasonable attorney fees and costs. If the court finds that the employer*

knowingly failed to pay wages to an employee in accordance with this section, the court shall award the employee an amount equal to triple the amount of wages due and reasonable attorney fees and costs.

K. As used in this section, a person acts "knowingly" if the person, with respect to information, (i) has actual knowledge of the information, (ii) acts in deliberate ignorance of the truth or falsity of the information, or (iii) acts in reckless disregard of the truth or falsity of the information. Establishing that a person acted knowingly shall not require proof of specific intent to defraud.

L. An action under this section shall be commenced within three years after the cause of action accrued. The period for filing is tolled upon the filing of an administrative action under subsection F until the employee has been informed that the action has been resolved or until the employee has withdrawn the complaint, whichever is sooner.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 854 of the Acts of Assembly of 2019 requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

CHAPTER 869

An Act to require the Department of Education to establish and school boards to implement guidelines for the granting of excused absences to students due to mental or behavioral health.

[H 308]

Approved April 8, 2020

Be it enacted by the General Assembly of Virginia:

1. § 1. *The Department of Education shall establish and distribute to each school board no later than December 31, 2020, guidelines for the granting of an excused absence from school to a student due to his mental or behavioral health. Any student who is absent from school due to his mental or behavioral health shall be granted, subject to such guidelines, an excused absence.*

CHAPTER 870

An Act to amend and reenact §§ 22.1-298.1 and 23.1-902 of the Code of Virginia, relating to education preparation programs; teacher licensure; certain instruction or training.

[H 894]

Approved April 8, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 22.1-298.1 and 23.1-902 of the Code of Virginia are amended and reenacted as follows:

§ 22.1-298.1. Regulations governing licensure.

A. As used in this section:

"Alternate route to licensure" means a nontraditional route to teacher licensure available to individuals who meet the criteria specified in the guidelines developed pursuant to subsection N or regulations issued by the Board of Education.

"Industry certification credential" means an active career and technical education credential that is earned by successfully completing a Board of Education-approved industry certification examination, being issued a professional license in the Commonwealth, or successfully completing an occupational competency examination.

"Licensure by reciprocity" means a process used to issue a license to an individual coming into the Commonwealth from another state when that individual meets certain conditions specified in the Board of Education's regulations.

"Professional teacher's assessment" means those tests mandated for licensure as prescribed by the Board of Education.

"Provisional license" means a nonrenewable license issued by the Board of Education for a specified period of time, not to exceed three years, to an individual who may be employed by a school division in the Commonwealth and who generally meets the requirements specified in the Board of Education's regulations for licensure, but who may need to take additional coursework, pass additional assessments, or meet alternative evaluation standards to be fully licensed with a renewable license.

"Renewable license" means a license issued by the Board of Education for 10 years to an individual who meets the requirements specified in the Board of Education's regulations.

B. The Board of Education shall prescribe, by regulation, the requirements for the licensure of teachers and other school personnel required to hold a license. Such regulations shall include procedures for (i) the denial, suspension, cancellation, revocation, and reinstatement of licensure; (ii) written reprimand of license holders, notice of which shall be made by the Superintendent of Public Instruction to division superintendents or their designated representatives; and (iii) the immediate and thorough investigation by the division superintendent or his designee of any complaint alleging that a license holder has engaged in conduct that may form the basis for the revocation of his license. At a minimum, such

procedures for investigations contained in such regulations shall require (a) the division superintendent to petition for the revocation of the license upon completing such investigation and finding that there is reasonable cause to believe that the license holder has engaged in conduct that forms the basis for revocation of a license; (b) the school board to proceed to a hearing on such petition for revocation within 90 days of the mailing of a copy of the petition to the license holder, unless the license holder requests the cancellation of his license in accordance with Board regulations; and (c) the school board to provide a copy of the investigative file and such petition for revocation to the Superintendent of Public Instruction at the time that the hearing is scheduled. The Board of Education shall revoke the license of any person for whom it has received a notice of dismissal or resignation pursuant to subsection F of § 22.1-313 and, in the case of a person who is the subject of a founded complaint of child abuse or neglect, after all rights to any administrative appeal provided by § 63.2-1526 have been exhausted. Regardless of the authority of any other agency of the Commonwealth to approve educational programs, only the Board of Education shall have the authority to license teachers to be regularly employed by school boards, including those teachers employed to provide nursing education.

The Board of Education shall prescribe by regulation the licensure requirements for teachers who teach only online courses, as defined in § 22.1-212.23. Such license shall be valid only for teaching online courses. Teachers who hold a 10-year renewable license issued by the Board of Education may teach online courses for which they are properly endorsed.

C. The Board of Education's regulations shall include requirements that a person seeking initial licensure:

1. Demonstrate proficiency in the relevant content area, communication, literacy, and other core skills for educators by achieving a qualifying score on professional assessments or meeting alternative evaluation standards as prescribed by the Board;

2. Complete study in attention deficit disorder;

3. Complete study in gifted education, including the use of multiple criteria to identify gifted students; and

4. Complete study in methods of improving communication between schools and families and ways of increasing family involvement in student learning at home and at school.

D. In addition, such regulations shall include requirements that:

1. Every person seeking initial licensure and persons seeking licensure renewal as teachers who have not completed such study shall complete study in child abuse recognition and intervention in accordance with curriculum guidelines developed by the Board of Education in consultation with the Department of Social Services that are relevant to the specific teacher licensure routes;

2. Every person seeking renewal of a license shall complete all renewal requirements, including professional development in a manner prescribed by the Board, except that no person seeking renewal of a license shall be required to satisfy any such requirement by completing coursework and earning credit at an institution of higher education;

3. Every person seeking initial licensure or renewal of a license shall provide evidence of completion of certification or training in emergency first aid, cardiopulmonary resuscitation, and the use of automated external defibrillators. The certification or training program shall (i) be based on the current national evidence-based emergency cardiovascular care guidelines for cardiopulmonary resuscitation and the use of an automated external defibrillator, such as a program developed by the American Heart Association or the American Red Cross, and (ii) include hands-on practice of the skills necessary to perform cardiopulmonary resuscitation. The Board shall provide a waiver for this requirement for any person with a disability whose disability prohibits such person from completing the certification or training;

4. Every person seeking licensure with an endorsement as a teacher of the blind and visually impaired shall demonstrate proficiency in reading and writing Braille;

5. Every teacher seeking an initial license in the Commonwealth with an endorsement in the area of career and technical education shall have an industry certification credential in the area in which the teacher seeks endorsement. If a teacher seeking an initial license in the Commonwealth has not attained an industry certification credential in the area in which the teacher seeks endorsement, the Board may, upon request of the employing school division or educational agency, issue the teacher a provisional license to allow time for the teacher to attain such credential;

6. Every person seeking initial licensure or renewal of a license shall complete awareness training, provided by the Department of Education, on the indicators of dyslexia, as that term is defined by the Board pursuant to regulations, and the evidence-based interventions and accommodations for dyslexia; and

7. Every person seeking initial licensure or renewal of a license with an endorsement as a school counselor shall complete training in the recognition of mental health disorder and behavioral distress, including depression, trauma, violence, youth suicide, and substance abuse.

8. *Every person seeking initial licensure as a teacher who has not received the instruction described in subsection D of § 23.1-902 shall receive instruction or training on positive behavior interventions and supports; crisis prevention and de-escalation; the use of physical restraint and seclusion, consistent with regulations of the Board of Education; and appropriate alternative methods to reduce and prevent the need for the use of physical restraint and seclusion.*

E. No teacher who seeks a provisional license shall be required to meet any requirement set forth in subdivision D 1, 3, ~~or~~ 6, or 8 as a condition of such licensure, but each such teacher shall complete each such requirement during the first year of provisional licensure.

F. The Board shall issue a license to an individual seeking initial licensure who has not completed professional assessments as prescribed by the Board, if such individual (i) holds a provisional license that will expire within three months; (ii) is employed by a school board; (iii) is recommended for licensure by the division superintendent; (iv) has

attempted, unsuccessfully, to obtain a qualifying score on the professional assessments as prescribed by the Board; (v) has received an evaluation rating of proficient or above on the performance standards for each year of the provisional license, and such evaluation was conducted in a manner consistent with the Guidelines for Uniform Performance Standards and Evaluation Criteria for Teachers, Principals, and Superintendents; and (vi) meets all other requirements for initial licensure.

G. Each local school board or division superintendent may waive for any individual whom it seeks to employ as a career and technical education teacher and who is also seeking initial licensure or renewal of a license with an endorsement in the area of career and technical education any applicable requirement set forth in subsection C or subdivision D 2, 4, or 6.

H. The Board's regulations shall require that initial licensure for principals and assistant principals be contingent upon passage of an assessment as prescribed by the Board.

I. The Board shall establish criteria in its regulations to effectuate the substitution of experiential learning for coursework for those persons seeking initial licensure through an alternate route as defined in Board regulations. Such alternate routes shall include eligibility for any individual to receive, notwithstanding any provision of law to the contrary, a renewable one-year license to teach in public high schools in the Commonwealth if he has:

1. Received a graduate degree from a regionally accredited institution of higher education;
2. Completed at least 30 credit hours of teaching experience as an instructor at a regionally accredited institution of higher education;
3. Received qualifying scores on the professional teacher's assessments prescribed by the Board, including the communication and literacy assessment and the content-area assessment for the endorsement sought; and
4. Met the requirements set forth in subdivisions D 1 and 3.

J. Notwithstanding any provision of law to the contrary, the Board (i) may provide for the issuance of a provisional license, valid for a period not to exceed three years, pursuant to subdivision D 5 or to any person who does not meet the requirements of this section or any other requirement for licensure imposed by law and (ii) shall provide for the issuance of a provisional license, valid for a period not to exceed three years, to any former member of the Armed Forces of the United States or the Virginia National Guard who has received an honorable discharge and has the appropriate level of experience or training but does not meet the requirements for a renewable license.

K. The Board's licensure regulations shall also provide for licensure by reciprocity:

1. With comparable endorsement areas for those individuals holding a valid out-of-state teaching license and national certification from the National Board for Professional Teaching Standards or a nationally recognized certification program approved by the Board of Education. The application for such individuals shall require evidence of such valid licensure and national certification and shall not require official student transcripts;

2. For any spouse of an active duty member of the Armed Forces of the United States or the Commonwealth who has obtained a valid out-of-state license, with full credentials and without deficiencies, that is in force at the time the application for a Virginia license is received by the Department of Education. Each such individual shall establish a file in the Department of Education by submitting a complete application packet, which shall include official student transcripts. No service requirements or licensing assessments shall be required for any such individual; and

3. For individuals who have obtained a valid out-of-state license, with full credentials and without deficiencies, that is in force at the time the application for a Virginia license is received by the Department of Education. Each such individual shall establish a file in the Department of Education by submitting a complete application packet, which shall include official student transcripts. No service requirements or licensing assessments shall be required for any such individual.

L. The Board shall include in its regulations an alternate route to licensure for elementary education preK-6 and an alternate route to licensure for special education general curriculum K-12. Each such alternate route to licensure shall require individuals to (i) meet the qualifying scores on the content area assessment prescribed by the Board for the endorsements sought and (ii) complete an alternative certification program that provides training in the pedagogy and methodology of the respective content or special education areas prescribed by the Board. The curriculum of any such alternative certification program shall be approved by the Board. Nothing in this subsection shall preclude the Board from establishing other alternate routes to licensure.

M. The Board, in its regulations providing for licensure by reciprocity established pursuant to subsection K, shall (i) permit applicants to submit third-party employment verification forms and (ii) grant special consideration to individuals who have successfully completed a program offered by a provider that is accredited by the Council for the Accreditation of Educator Preparation.

N. The Board shall develop guidelines that establish a process to permit a school board or any organization sponsored by a school board to petition the Board for approval of an alternate route to licensure that may be used to meet the requirements for a provisional or renewable license or any endorsement. Any such alternate route may include alternatives to the regulatory requirements for teacher preparation, including alternative professional assessments and coursework. The petitioner may proffer or the Board may impose conditions in conjunction with the approval of such petition.

§ 23.1-902. Education preparation programs offered by institutions of higher education.

A. Education preparation programs offered by public institutions of higher education and private institutions of higher education shall meet the requirements for accreditation and program approval as prescribed by the Board of Education in its regulations.

B. The Board of Education may prescribe in its regulations requirements for admission to approved education preparation programs in the Commonwealth.

C. Any candidate who fails to achieve the minimum score established by the Board of Education may be denied entrance into an education preparation program on the basis of such failure, but any such candidate who gains entrance and enrolls in an education preparation program shall have the opportunity to address all deficiencies.

D. *Education preparation programs offered by public institutions of higher education and private institutions of higher education shall ensure that, as a condition of degree completion, each student enrolled in the education preparation program receives instruction on positive behavior interventions and supports; crisis prevention and de-escalation; the use of physical restraint and seclusion, consistent with regulations of the Board of Education; and appropriate alternative methods to reduce and prevent the need for the use of physical restraint and seclusion.*

2. That the Board of Education shall adopt such regulations as are necessary to implement the provisions of this act.

CHAPTER 871

An Act to require the Board of Education to consider certain regulatory revisions relating to student populations that are underrepresented in gifted and talented programs.

[H 1139]

Approved April 8, 2020

Be it enacted by the General Assembly of Virginia:

1. § 1. *As part of its current comprehensive review of its Regulations Governing Educational Services for Gifted Students (8VAC20-40-10 et seq.), the Board of Education shall consider revisions to the process of screening and identifying students for eligibility for gifted and talented programs and referring students to such programs to improve the identification of student populations that are underrepresented in such programs, including economically disadvantaged students, English language learner students, and students with disabilities. The Board of Education shall also consider revisions to the data collection requirements of the annual report required by such regulations to better inform equitable screening and identification for and access to gifted and talented programs for student populations that are underrepresented in such programs.*

CHAPTER 872

An Act to amend the Code of Virginia by adding a section numbered 22.1-199.7, relating to the Department of Education; community schools.

[H 1355]

Approved April 8, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 22.1-199.7 as follows:

§ 22.1-199.7. Community schools.

A. *In order to remove nonacademic barriers to learning as a means to enhance student academic success in public elementary and secondary schools throughout the Commonwealth, the Department of Education shall establish an interagency task force composed of state and local agencies and entities in the areas of early childhood development, health, social services, community engagement, family engagement, higher education, communities in schools, and workforce development for the purpose of (i) developing a program for the establishment of community schools whereby public elementary and secondary schools serve as centers for the provision of such community programs and services to students and their families as may be necessary on the basis of unique needs of the student population to be served and (ii) developing and providing to the Governor, the Secretary of Education, local school boards, and other interested state, local, and private entities policy recommendations relating to the coordinated delivery of community services to students and their families and the operation of community schools throughout the Commonwealth in accordance with the Virginia Community School Framework.*

B. *The community schools program established pursuant to subsection A shall include a process by which school boards and community partnerships consisting of school boards and other community and service providers may apply to the Department of Education to designate an elementary or secondary school in the local school division as a community school. The application process shall include requirements for applicants to provide a plan for the sustainability of the community school and for the measurement of the success and effectiveness of the community school. The Department of Education shall consult with the interagency task force established pursuant to subsection A in the selection of applications and the designation of community schools.*

2. In implementing the provisions of this act, the Department of Education (the Department) shall adhere to its recommendations as published in the Virginia Community School Framework in October 2019, subject to any further research, development, modification of, or addition to such recommendations by the Department.

CHAPTER 873

An Act to amend and reenact § 43-13 of the Code of Virginia, relating to mechanics' liens; right to withhold payment.

[S 208]

Approved April 8, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 43-13 of the Code of Virginia is amended and reenacted as follows:

§ 43-13. Funds paid to general contractor or subcontractor must be used to pay persons performing labor or furnishing material.

Any contractor or subcontractor or any officer, director or employee of such contractor or subcontractor who shall, with intent to defraud, retain or use the funds, or any part thereof, paid by the owner or his agent, the contractor, or *the* lender to such contractor or by the owner or his agent, the contractor, or *the* lender to a subcontractor under any contract for the construction, removal, repair, or improvement of any building or structure permanently annexed to the freehold; for any other purpose than to pay persons performing labor upon or furnishing material for such construction, repair, removal, or improvement, ~~shall be~~ *is* guilty of larceny in appropriating such funds for any other use while any amount for which the contractor or subcontractor may be liable or become liable under his contract for such labor or materials remains unpaid; and may be prosecuted upon complaint of any person or persons who have not been fully paid any amount due them.

The use by any such contractor or subcontractor or any officer, director, or employee of such contractor or subcontractor of any moneys paid under the contract; before paying all amounts due or to become due for labor performed or material furnished for such building or structure; for any other purpose than paying such amounts; *due on the project* shall be prima facie evidence of intent to defraud. *Any breach or violation of this section may give rise to a civil cause of action for a party in contract with the general contractor or subcontractor, as appropriate; however, this right does not affect a contractor's or subcontractor's right to withhold payment for failure to properly perform labor or furnish materials on the project. Any contract or subcontract provision that allows a contracting party to withhold funds due under one contract or subcontract for alleged claims or damages due on another contract or subcontract is void as against public policy.*

CHAPTER 874

An Act to amend and reenact § 22.1-253.13:4 of the Code of Virginia, relating to the Board of Education; high school graduation requirements; certain substitutions.

[S 323]

Approved April 8, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-253.13:4 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-253.13:4. Standard 4. Student achievement and graduation requirements.

A. Each local school board shall award diplomas to all secondary school students, including students who transfer from nonpublic schools or from home instruction, who meet the requirements prescribed by the Board of Education and meet such other requirements as may be prescribed by the local school board and approved by the Board of Education. Provisions shall be made to facilitate the transfer and appropriate grade placement of students from other public secondary schools, from nonpublic schools, or from home instruction as outlined in the standards for accreditation. The standards for accreditation shall include provisions relating to the completion of graduation requirements through Virtual Virginia. Further, reasonable accommodation to meet the requirements for diplomas shall be provided for otherwise qualified students with disabilities as needed.

In addition, each local school board may devise, vis-a-vis the award of diplomas to secondary school students, a mechanism for calculating class rankings that takes into consideration whether the student has taken a required class more than one time and has had any prior earned grade for such required class expunged.

Each local school board shall notify the parents of rising eleventh and twelfth grade students of (i) the requirements for graduation pursuant to the standards for accreditation and (ii) the requirements that have yet to be completed by the individual student.

B. Students identified as disabled who complete the requirements of their individualized education programs and meet certain requirements prescribed by the Board pursuant to regulations but do not meet the requirements for any named diploma shall be awarded Applied Studies diplomas by local school boards.

Each local school board shall notify the parent of such students with disabilities who have an individualized education program and who fail to meet the graduation requirements of the student's right to a free and appropriate education to age 21, inclusive, pursuant to Article 2 (§ 22.1-213 et seq.) of Chapter 13.

C. Students who have completed a prescribed course of study as defined by the local school board shall be awarded certificates of program completion by local school boards if they are not eligible to receive a Board of Education-approved diploma.

Each local school board shall provide notification of the right to a free public education for students who have not reached 20 years of age on or before August 1 of the school year, pursuant to Chapter 1 (§ 22.1-1 et seq.), to the parent of students who fail to graduate or who have failed to achieve graduation requirements as provided in the standards for accreditation. If such student who does not graduate or complete such requirements is a student for whom English is a second language, the local school board shall notify the parent of the student's opportunity for a free public education in accordance with § 22.1-5.

D. (From Acts 2016, cc. 720 & 750: The graduation requirements established by the Board of Education pursuant to the provisions of subdivisions D 1, 2, and 3 shall apply to each student who enrolls in high school as (i) a freshman after July 1, 2018; (ii) a sophomore after July 1, 2019; (iii) a junior after July 1, 2020; or (iv) a senior after July 1, 2021) In establishing graduation requirements, the Board shall:

1. Develop and implement, in consultation with stakeholders representing elementary and secondary education, higher education, and business and industry in the Commonwealth and including parents, policymakers, and community leaders in the Commonwealth, a Profile of a Virginia Graduate that identifies the knowledge and skills that students should attain during high school in order to be successful contributors to the economy of the Commonwealth, giving due consideration to critical thinking, creative thinking, collaboration, communication, and citizenship.

2. Emphasize the development of core skill sets in the early years of high school.

3. Establish multiple paths toward college and career readiness for students to follow in the later years of high school. Each such pathway shall include opportunities for internships, externships, and credentialing.

4. Provide for the selection of integrated learning courses meeting the Standards of Learning and approved by the Board to satisfy graduation requirements, which shall include Standards of Learning testing, as necessary.

5. Require students to complete at least one course in fine or performing arts or career and technical education, one course in United States and Virginia history, and two sequential elective courses chosen from a concentration of courses selected from a variety of options that may be planned to ensure the completion of a focused sequence of elective courses that provides a foundation for further education or training or preparation for employment.

6. Require that students either (i) complete an Advanced Placement, honors, or International Baccalaureate course or (ii) earn a career and technical education credential that has been approved by the Board, except when a career and technical education credential in a particular subject area is not readily available or appropriate or does not adequately measure student competency, in which case the student shall receive satisfactory competency-based instruction in the subject area to earn credit. The career and technical education credential, when required, could include the successful completion of an industry certification, a state licensure examination, a national occupational competency assessment, the Armed Services Vocational Aptitude Battery, or the Virginia workplace readiness skills assessment. The Department of Education shall develop, maintain, and make available to each local school board a catalogue of the testing accommodations available to English language learners for each such certification, examination, assessment, and battery. Each local school board shall develop and implement policies to require each high school principal or his designee to notify each English language learner of the availability of such testing accommodations prior to the student's participation in any such certification, examination, assessment, or battery.

7. Beginning with first-time ninth grade students in the 2016-2017 school year, require students to be trained in emergency first aid, cardiopulmonary resuscitation, and the use of automated external defibrillators, including hands-on practice of the skills necessary to perform cardiopulmonary resuscitation.

8. Make provision in its regulations for students with disabilities to earn a diploma.

9. Require students to complete one virtual course, which may be a noncredit-bearing course.

10. Provide that students who complete elective classes into which the Standards of Learning for any required course have been integrated and achieve a passing score on the relevant Standards of Learning test for the relevant required course receive credit for such elective class.

11. Establish a procedure to facilitate the acceleration of students that allows qualified students, with the recommendation of the division superintendent, without completing the 140-hour class, to obtain credit for such class upon demonstrating mastery of the course content and objectives and receiving a passing score on the relevant Standards of Learning assessment. Nothing in this section shall preclude relevant school division personnel from enforcing compulsory attendance in public schools.

12. Provide for the award of credit for passing scores on industry certifications, state licensure examinations, and national occupational competency assessments approved by the Board of Education.

School boards shall report annually to the Board of Education the number of Board-approved industry certifications obtained, state licensure examinations passed, national occupational competency assessments passed, Armed Services Vocational Aptitude Battery assessments passed, and Virginia workplace readiness skills assessments passed, and the number of career and technical education completers who graduated. These numbers shall be reported as separate categories on the School Performance Report Card.

For the purposes of this subdivision, "career and technical education completer" means a student who has met the requirements for a career and technical concentration or specialization and all requirements for high school graduation or an approved alternative education program.

In addition, the Board may:

a. For the purpose of awarding credit, approve the use of additional or substitute tests for the correlated Standards of Learning assessment, such as academic achievement tests, industry certifications or state licensure examinations; and

b. Permit students completing career and technical education programs designed to enable such students to pass such industry certification examinations or state licensure examinations to be awarded, upon obtaining satisfactory scores on such industry certification or licensure examinations, appropriate credit for one or more career and technical education classes into which relevant Standards of Learning for various classes taught at the same level have been integrated. Such industry certification and state licensure examinations may cover relevant Standards of Learning for various required classes and may, at the discretion of the Board, address some Standards of Learning for several required classes.

13. Provide for the waiver of certain graduation requirements (i) upon the Board's initiative or (ii) at the request of a local school board. Such waivers shall be granted only for good cause and shall be considered on a case-by-case basis.

14. Consider all computer science course credits earned by students to be science course credits, mathematics course credits, or career and technical education credits. The Board of Education shall develop guidelines addressing how computer science courses can satisfy graduation requirements.

15. Permit local school divisions to waive the requirement for students to receive 140 clock hours of instruction upon providing the Board with satisfactory proof, based on Board guidelines, that the students for whom such requirements are waived have learned the content and skills included in the relevant Standards of Learning.

16. Provide for the award of verified units of credit for a satisfactory score, as determined by the Board, on the Preliminary ACT (PreACT) or Preliminary SAT/National Merit Scholarship Qualifying Test (PSAT/NMSQT) examination.

17. Permit students to exceed a full course load in order to participate in courses offered by an institution of higher education that lead to a degree, certificate, or credential at such institution.

18. Permit local school divisions to waive the requirement for students to receive 140 clock hours of instruction after the student has completed the course curriculum and relevant Standards of Learning end-of-course assessment, or Board-approved substitute, provided that such student subsequently receives instruction, coursework, or study toward an industry certification approved by the local school board.

19. Permit any English language learner who previously earned a sufficient score on an Advanced Placement or International Baccalaureate foreign language examination or an SAT II Subject Test in a foreign language to substitute computer coding course credit for any foreign language course credit required to graduate, except in cases in which such foreign language course credit is required to earn an advanced diploma offered by a nationally recognized provider of college-level courses.

20. *Permit a student who is pursuing an advanced diploma and whose individualized education program specifies a credit accommodation for world language to substitute two standard units of credit in computer science for two standard units of credit in a world language. For any student that elects to substitute a credit in computer science for credit in world language, his or her school counselor must provide notice to the student and parent or guardian of possible impacts related to college entrance requirements.*

E. In the exercise of its authority to recognize exemplary performance by providing for diploma seals:

1. The Board shall develop criteria for recognizing exemplary performance in career and technical education programs by students who have completed the requirements for a Board of Education-approved diploma and shall award seals on the diplomas of students meeting such criteria.

2. The Board shall establish criteria for awarding a diploma seal for science, technology, engineering, and mathematics (STEM) for the Board of Education-approved diplomas. The Board shall consider including criteria for (i) relevant coursework; (ii) technical writing, reading, and oral communication skills; (iii) relevant training; and (iv) industry, professional, and trade association national certifications.

3. The Board shall establish criteria for awarding a diploma seal for excellence in civics education and understanding of our state and federal constitutions and the democratic model of government for the Board of Education-approved diplomas. The Board shall consider including criteria for (i) successful completion of history, government, and civics courses, including courses that incorporate character education; (ii) voluntary participation in community service or extracurricular activities that includes the types of activities that shall qualify as community service and the number of hours required; and (iii) related requirements as it deems appropriate.

4. The Board shall establish criteria for awarding a diploma seal of biliteracy to any student who demonstrates proficiency in English and at least one other language for the Board of Education-approved diplomas. The Board shall consider criteria including the student's (i) score on a College Board Advanced Placement foreign language examination, (ii) score on an SAT II Subject Test in a foreign language, (iii) proficiency level on an ACTFL Assessment of Performance toward Proficiency in Languages (AAPPL) measure or another nationally or internationally recognized language proficiency test, or (iv) cumulative grade point average in a sequence of foreign language courses approved by the Board.

F. The Board shall establish, by regulation, requirements for the award of a general achievement adult high school diploma for those persons who are not subject to the compulsory school attendance requirements of § 22.1-254 and have (i) achieved a passing score on a high school equivalency examination approved by the Board of Education; (ii) successfully completed an education and training program designated by the Board of Education; (iii) earned a Board of Education-approved career and technical education credential such as the successful completion of an industry certification, a state licensure examination, a national occupational competency assessment, the Armed Services Vocational Aptitude

Battery, or the Virginia workplace readiness skills assessment; and (iv) satisfied other requirements as may be established by the Board for the award of such diploma.

G. To ensure the uniform assessment of high school graduation rates, the Board shall collect, analyze, report, and make available to the public high school graduation and dropout data using a formula prescribed by the Board.

H. The Board shall also collect, analyze, report, and make available to the public high school graduation and dropout data using a formula that excludes any student who fails to graduate because such student is in the custody of the Department of Corrections, the Department of Juvenile Justice, or local law enforcement. For the purposes of the Standards of Accreditation, the Board shall use the graduation rate required by this subsection.

I. The Board may promulgate such regulations as may be necessary and appropriate for the collection, analysis, and reporting of such data required by subsections G and H.

CHAPTER 875

An Act to amend and reenact §§ 22.1-311 and 22.1-313 of the Code of Virginia, relating to teacher grievance procedures; hearing; three-member fact-finding panel.

[S 377]

Approved April 8, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 22.1-311 and 22.1-313 of the Code of Virginia are amended and reenacted as follows:

§ 22.1-311. Hearing before school board, hearing officer, or fact-finding panel.

A. Upon a timely request for a hearing pursuant to § 22.1-309, the school board or, at the option of the school board, a hearing officer appointed by the school board *or a three-member fact-finding panel* shall set a hearing ~~within 15 days of the request~~ and the teacher shall be given at least ~~five~~ 10 days' written notice of the time and the place. The hearing shall be private unless the teacher requests the hearing to be public. At the hearing the teacher may appear with or without a representative and be heard, presenting testimony of witnesses and other evidence. The school board may hear a recommendation for dismissal and make a determination whether to make a recommendation to the Board of Education regarding the teacher's license at the same hearing or hold a separate hearing for each action.

B. Each school board may appoint an impartial hearing officer from outside the school division to conduct hearings pursuant to this section. A hearing officer shall not have been involved in the recommendation of dismissal as a witness or a representative. A hearing officer shall possess some knowledge and expertise in public education and education law and be capable of presiding over an administrative hearing. The hearing officer shall schedule and preside over such hearings and shall create a record or recording of such proceedings. The hearing officer shall make a written recommendation to the school board, a copy of which shall be provided to the teacher. The hearing officer shall transmit the recommendation and the record or recording of the hearing to the school board as soon as practicable and no more than 10 business days after the hearing. In the event of a hearing before a hearing officer, the school board may make its decision upon the record or recording of such hearing, pursuant to § 22.1-313, or the school board may elect to conduct a further hearing to receive additional evidence by giving written notice of the time and place to the teacher and the division superintendent within 10 business days after the board receives the record or recording of the initial hearing. Such notice shall also specify each matter to be inquired into by the school board.

C. *Each school board may elect for a three-member fact-finding panel to conduct hearings pursuant to this section. The teacher and the division superintendent shall each select one panel member, and the two panel members so selected shall select an impartial hearing officer to serve as the chairman of the panel. The fact-finding panel shall schedule and preside over such hearings and shall create a record or recording of such proceedings. The fact-finding panel shall make a written recommendation to the school board, a copy of which shall be provided to the teacher. The fact-finding panel shall transmit the recommendation and the record or recording of the hearing to the school board as soon as practicable but in no case more than 10 business days after the hearing. In the event of a hearing before a fact-finding panel, the school board may make its decision upon the record or recording of such hearing, pursuant to § 22.1-313, or the school board may elect to conduct a further hearing to receive additional evidence by giving written notice of the time and place of the hearing to the teacher and the division superintendent within 10 business days after the board receives the record or recording of the initial hearing. Such notice shall also specify each matter to be inquired into by the school board.*

D. A record or recording of any hearing conducted pursuant to this section shall be made. The parties shall share the cost of the recording equally. In proceedings concerning grievances not related to dismissal, the recording may be dispensed with entirely by mutual consent of the parties. In such proceedings, if the recording is not dispensed with, the two parties shall share the cost of the recording equally; if either party requests a transcript, that party shall bear the expense of its preparation. In cases of dismissal, the record or recording shall be preserved for a period of six months. If the school board requests that a transcript be made at any time prior to expiration of the six-month period, it shall be made and copies shall be furnished to both parties. The school board shall bear the cost of the transcription.

~~D.~~ E. Witnesses who are employees of the school board shall be granted release time if the hearing is held during the school day. The hearing shall be held at the school in which most witnesses work, if feasible.

§ 22.1-313. Decision of school board; generally.

A. The school board shall retain its exclusive final authority over matters concerning employment and supervision of its personnel, including dismissals and suspensions.

B. In the case of a hearing before the school board, the school board shall give the teacher its written decision as soon as practicable ~~and~~ *but in no case* more than 30 days after the hearing.

C. In the case of a hearing before a hearing officer appointed by the school board *or a three-member fact-finding panel*, the school board shall give the teacher its written decision as soon as practicable ~~and~~ *but in no case* more than 30 days after receiving the record or recording of the hearing; however, should there be a further hearing before the school board, such decision shall be furnished the teacher as soon as practicable ~~and~~ *but in no case* more than 30 days after such further hearing.

D. A teacher may be dismissed or suspended by a majority of a quorum of the school board.

E. The school board's attorney, assistants, or representative, if he or they represented a participant in the prior proceedings, the grievant, the grievant's attorney or representative, and notwithstanding the provisions of § 22.1-69, the superintendent shall be excluded from any executive session of the school board which has as its purpose reaching a decision on a grievance. However, immediately after a decision has been made and publicly announced, as in favor of or not in favor of the grievant, the school board's attorney or representative and the superintendent may join the school board in executive session to assist in the writing of the decision.

F. In those instances when licensed personnel are dismissed or resign due to a conviction of any felony, any offense involving the sexual molestation, physical or sexual abuse or rape of a child, any offense involving drugs, or due to having become the subject of a founded case of child abuse or neglect, the local school board shall notify the Board of Education within 10 business days of such dismissal or the acceptance of such resignation.

CHAPTER 876

An Act to amend the Code of Virginia by adding a section numbered 22.1-279.3:3, relating to public schools; alternative accountability process; assault and battery without bodily injury.

[S 1020]

Approved April 8, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 22.1-279.3:3 as follows:

§ 22.1-279.3:3. Alternative school discipline process.

A. A school board may establish an alternative school discipline process to provide the parties involved in an incident described in clause (i) of subsection A of § 22.1-279.3:1 the option to enter into a mutually agreed-upon process between the involved parties. Such process shall be designed to hold the student accountable for a noncriminal offense through a mutually agreed-upon standard.

B. If provided for in the process established by the school board, no principal shall report pursuant to subsection D of § 22.1-279.3:1 a party who successfully completes the alternative school discipline process. If the parties fail to agree to participate in the process or fail to successfully complete the alternative school discipline process, then the principal may report the incident to the local law-enforcement agency pursuant to subsection D of § 22.1-279.3:1.

CHAPTER 877

An Act to amend and reenact § 22.1-296.1 of the Code of Virginia, relating to school boards; applicants for employment; criminal history.

[H 392]

Approved April 8, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-296.1 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-296.1. Data on convictions for certain crimes and child abuse and neglect required; penalty.

*A. As a condition of employment for all of its public school employees, whether full-time or part-time, permanent, or temporary, every school board shall require on its application for employment certification ~~(i) that~~ *of whether* the applicant has ~~not~~ been convicted of ~~a~~ *any violent felony or set forth in the definition of barrier crime in subsection A of § 19.2-392.02;* any offense involving the sexual molestation, physical or sexual abuse, or rape of a child; ~~and (ii) whether the applicant has been convicted of a~~ *or any* crime of moral turpitude. Any ~~person~~ *individual* making a materially false statement regarding any such offense ~~shall be~~ *is* guilty of a Class 1 misdemeanor and, *in the case of a teacher*, upon conviction, the fact of ~~said~~ *such* conviction ~~shall be~~ *is* grounds for the Board of Education to revoke ~~such person's~~ *his* license to teach.*

B. No school board shall employ any individual who has been convicted of any violent felony set forth in the definition of barrier crime in subsection A of § 19.2-392.02 or any offense involving the sexual molestation, physical or sexual abuse, or rape of a child.

C. Any school board may employ any individual who has been convicted of any felony or crime of moral turpitude that is not set forth in the definition of barrier crime in subsection A of § 19.2-392.02 and does not involve the sexual molestation, physical or sexual abuse, or rape of a child, provided that in the case of a felony conviction, such individual has had his civil rights restored by the Governor.

D. Every school board shall also require on its application for employment, as a condition of employment requiring direct contact with students, whether full-time or part-time, permanent, or temporary, certification that the applicant has not been the subject of a founded case of child abuse and neglect. Any person making a materially false statement regarding a finding of child abuse and neglect ~~shall be~~ is guilty of a Class 1 misdemeanor and upon conviction, the fact of said conviction ~~shall be~~ is grounds for the Board of Education to revoke such person's license to teach.

~~C. E.~~ E. As a condition of awarding a contract for the provision of services that require the contractor or his employees to have direct contact with students on school property during regular school hours or during school-sponsored activities, the school board shall require the contractor to provide certification ~~that all persons of whether any individual~~ who will provide such services ~~have not~~ has been convicted of ~~a any violent felony or set forth in the definition of barrier crime in subsection A of § 19.2-392.02;~~ any offense involving the sexual molestation ~~or~~, physical or sexual abuse, or rape of a child; ~~or any crime of moral turpitude.~~

Any ~~person~~ individual making a materially false statement regarding any such offense ~~shall be~~ is guilty of a Class 1 misdemeanor and, upon conviction, the fact of such conviction ~~shall be~~ is grounds for the revocation of the contract to provide such services and, when relevant, the revocation of any license required to provide such services. School boards shall not be liable for materially false statements regarding the certifications required by this subsection.

This subsection shall not apply to a contractor or his employees providing services to a school division in an emergency or exceptional situation, such as when student health or safety is endangered or when repairs are needed on an urgent basis to ensure that school facilities are safe and habitable, when it is reasonably anticipated that the contractor or his employees will have no direct contact with students.

F. No school board shall award a contract for the provision of services that require the contractor or his employees to have direct contact with students on school property during regular school hours or during school-sponsored activities when any individual who provides such services has been convicted of any violent felony set forth in the definition of barrier crime in subsection A of § 19.2-392.02 or any offense involving the sexual molestation, physical or sexual abuse, or rape of a child.

G. Any school board may award a contract for the provision of services that require the contractor or his employees to have direct contact with students on school property during regular school hours or during school-sponsored activities when any individual who provides such services has been convicted of any felony or crime of moral turpitude that is not set forth in the definition of barrier crime in subsection A of § 19.2-392.02 and does not involve the sexual molestation, physical or sexual abuse, or rape of a child, provided that in the case of a felony conviction, such individual has had his civil rights restored by the Governor.

CHAPTER 878

An Act to amend and reenact § 23.1-3112 of the Code of Virginia, relating to New College Institute; board of directors, nonlegislative citizen members; representatives of business and industry from the Commonwealth.

[S 313]

Approved April 8, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 23.1-3112 of the Code of Virginia is amended and reenacted as follows:

§ 23.1-3112. Board of directors.

A. New College shall be governed by a ~~42-member~~ 15-member board of directors (the board) that shall consist of five legislative members and ~~seven~~ 10 nonlegislative citizen members. Members shall be appointed as follows: three members of the House of Delegates, to be appointed by the Speaker of the House of Delegates in accordance with the rules of proportional representation contained in the Rules of the House of Delegates; two members of the Senate, to be appointed by the Senate Committee on Rules; and ~~seven~~ 10 nonlegislative citizen members, *three of whom shall be representatives of business and industry from the Commonwealth*, to be appointed by the Governor, subject to confirmation by the General Assembly. At least ~~10~~ 13 members shall be residents of the Commonwealth.

Legislative members shall serve terms coincident with their terms of office.

B. Nonlegislative citizen members shall be appointed for terms of four years. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. Vacancies shall be filled in the same manner as the original appointments. All members may be reappointed.

No nonlegislative citizen member is eligible to serve more than two consecutive four-year terms; however, a member appointed to serve an unexpired term is eligible to serve two consecutive four-year terms immediately succeeding such unexpired term.

C. The board shall elect a chairman and vice-chairman from among its membership and may establish bylaws as necessary. The meetings of the board shall be held at the call of the chairman or whenever the majority of the members so request.

D. Nonlegislative citizen members are not entitled to compensation for their services. Legislative members of the board shall be compensated as provided in § 30-19.12. All members shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties in the work of New College as provided in §§ 2.2-2813 and 2.2-2825. The funding for the costs of compensation and expenses of the members shall be provided by New College.

CHAPTER 879

An Act to amend and reenact §§ 16.1-340.2, 16.1-345, 37.2-810, and 37.2-829 of the Code of Virginia, relating to involuntary admission; transportation; transfer to local law enforcement.

[H 1118]

Approved April 8, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 16.1-340.2, 16.1-345, 37.2-810, and 37.2-829 of the Code of Virginia are amended and reenacted as follows: § 16.1-340.2. Transportation of minor in the temporary detention process.

A. In specifying the primary law-enforcement agency and jurisdiction for purposes of this section, the magistrate shall specify in the temporary detention order the law-enforcement agency of the jurisdiction in which the minor resides to execute the order and, in cases in which transportation is ordered to be provided by the primary law-enforcement agency, provide transportation. However, if the nearest boundary of the jurisdiction in which the minor resides is more than 50 miles from the nearest boundary of the jurisdiction in which the minor is located, the law-enforcement agency of the jurisdiction in which the minor is located shall execute the order and provide transportation.

B. The magistrate issuing the temporary detention order shall specify the law-enforcement agency to execute the order and provide transportation. However, the magistrate may authorize transportation by an alternative transportation provider, including a parent, family member, or friend of the minor who is the subject of the temporary detention order, a representative of the community services board, or other transportation provider with personnel trained to provide transportation in a safe manner upon determining, following consideration of information provided by the petitioner; the community services board or its designee; the local law-enforcement agency, if any; the minor's treating physician, if any; or other persons who are available and have knowledge of the minor, and, when the magistrate deems appropriate, the proposed alternative transportation provider, either in person or via two-way electronic video and audio or telephone communication system, that the proposed alternative transportation provider is available to provide transportation, willing to provide transportation, and able to provide transportation in a safe manner. When transportation is ordered to be provided by an alternative transportation provider, the magistrate shall order the specified primary law-enforcement agency to execute the order, to take the minor into custody, and to transfer custody of the minor to the alternative transportation provider identified in the order.

In such cases any case in which a magistrate authorizes transportation of a minor subject to a temporary detention order by an alternative transportation provider, a copy of the temporary detention order shall accompany the minor being transported pursuant to this section at all times and shall be delivered by the alternative transportation provider to the temporary detention facility. The temporary detention facility shall return a copy of the temporary detention order to the court designated by the magistrate as soon as is practicable. Delivery of an order to a law-enforcement officer or alternative transportation provider and return of an order to the court may be accomplished electronically or by facsimile.

The order may include transportation of the minor to such other medical facility as may be necessary to obtain further medical evaluation or treatment prior to placement as required by a physician at the admitting temporary detention facility. Nothing herein shall preclude a law-enforcement officer or alternative transportation provider from obtaining emergency medical treatment or further medical evaluation at any time for a minor in his custody as provided in this section. Such medical evaluation or treatment shall be conducted immediately in accordance with state and federal law.

C. *If an alternative transportation provider providing transportation of a minor who is the subject of a temporary detention order becomes unable to continue providing transportation of the minor at any time after taking custody of the minor, the primary law-enforcement agency for the jurisdiction in which the alternative transportation provider is located at the time he becomes unable to continue providing transportation shall take custody of the minor and shall transport the minor to the facility of temporary detention. In such cases, (i) a copy of the temporary detention order shall accompany the minor being transported and shall be delivered to and returned by the temporary detention facility in accordance with the provisions of subsection B and (ii) if the alternative transportation provider originally authorized to provide transportation is a person other than the minor's parent, the alternative transportation provider shall notify the minor's parent (a) that the primary law-enforcement agency for the jurisdiction in which he is located has taken custody of the minor and is transporting the minor to the facility of temporary detention and (b) of the name of the law-enforcement officer providing transportation of the minor.*

D. In cases in which an alternative facility of temporary detention is identified and the law-enforcement agency or alternative transportation provider identified to provide transportation in accordance with subsection B continues to have

custody of the minor, the local law-enforcement agency or alternative transportation provider shall transport the minor to the alternative facility of temporary detention identified by the employee or designee of the local community services board. In cases in which an alternative facility of temporary detention is identified and custody of the minor has been transferred from the law-enforcement agency or alternative transportation provider that provided transportation in accordance with subsection B to the initial facility of temporary detention, the employee or designee of the local community services board shall request, and a magistrate may enter an order specifying, an alternative transportation provider or, if no alternative transportation provider is available, willing, and able to provide transportation in a safe manner, the local law-enforcement agency for the jurisdiction in which the minor resides or, if the nearest boundary of the jurisdiction in which the minor resides is more than 50 miles from the nearest boundary of the jurisdiction in which the minor is located, the law-enforcement agency of the jurisdiction in which the minor is located, to provide transportation.

D. E. The magistrate may change the transportation provider specified in a temporary detention order at any time prior to the initiation of transportation of a minor who is the subject of a temporary detention order pursuant to this section. If the designated transportation provider is changed by the magistrate at any time after the temporary detention order has been executed but prior to the initiation of transportation, the transportation provider having custody of the minor shall transfer custody of the minor to the transportation provider subsequently specified to provide transportation. For the purposes of this subsection, "transportation provider" includes both a law-enforcement agency and an alternative transportation provider.

F. A law-enforcement officer may lawfully go or be sent beyond the territorial limits of the county, city, or town in which he serves to any point in the Commonwealth for the purpose of executing any temporary detention order pursuant to this section. Law-enforcement agencies may enter into agreements to facilitate the execution of temporary detention orders and provide transportation.

E. G. No person who provides alternative transportation pursuant to this section shall be liable to the person being transported for any civil damages for ordinary negligence in acts or omissions that result from providing such alternative transportation.

§ 16.1-345. Involuntary commitment; criteria.

After observing the minor and considering (i) the recommendations of any treating or examining physician or psychologist licensed in Virginia, if available, (ii) any past actions of the minor, (iii) any past mental health treatment of the minor, (iv) any qualified evaluator's report, (v) any medical records available, (vi) the preadmission screening report, and (vii) any other evidence that may have been admitted, the court shall order the involuntary commitment of the minor to a mental health facility for treatment for a period not to exceed 90 days if it finds, by clear and convincing evidence, that:

1. Because of mental illness, the minor (i) presents a serious danger to himself or others to the extent that severe or irreparable injury is likely to result, as evidenced by recent acts or threats or (ii) is experiencing a serious deterioration of his ability to care for himself in a developmentally age-appropriate manner, as evidenced by delusional thinking or by a significant impairment of functioning in hydration, nutrition, self-protection, or self-control;

2. The minor is in need of compulsory treatment for a mental illness and is reasonably likely to benefit from the proposed treatment; and

3. If the court finds that inpatient treatment is not the least restrictive treatment, the court shall consider entering an order for mandatory outpatient treatment pursuant to § 16.1-345.2.

Upon the expiration of an order for involuntary commitment, the minor shall be released unless he is involuntarily admitted by further petition and order of a court, which shall be for a period not to exceed 90 days from the date of the subsequent court order, or the minor or his parent rescinds the objection to inpatient treatment and consents to admission pursuant to § 16.1-338 or subsection D of § 16.1-339 or the minor is ordered to mandatory outpatient treatment pursuant to § 16.1-345.2.

A minor who has been hospitalized while properly detained by a juvenile and domestic relations district court shall be returned to the detention home, shelter care, or other facility approved by the Department of Juvenile Justice by the sheriff serving the jurisdiction where the minor was detained within 24 hours following completion of a period of inpatient treatment, unless the court having jurisdiction over the case orders that the minor be released from custody. However, such a minor shall not be eligible for mandatory outpatient treatment.

In conducting an evaluation of a minor who has been properly detained, if the evaluator finds, irrespective of the fact that the minor has been detained, that the minor meets the criteria for involuntary commitment in this section, the evaluator shall recommend that the minor meets the criteria for involuntary commitment.

If the parent or parents with whom the minor resides are not willing to approve the proposed commitment, the court shall order inpatient treatment only if it finds, in addition to the criteria specified in this section, that such treatment is necessary to protect the minor's life, health, safety, or normal development. If a special justice believes that issuance of a removal order or protective order may be in the child's best interest, the special justice shall report the matter to the local department of social services for the county or city where the minor resides.

Upon finding that the best interests of the minor so require, the court may enter an order directing either or both of the minor's parents to comply with reasonable conditions relating to the minor's treatment.

If the minor is committed to inpatient treatment, such placement shall be in a mental health facility for inpatient treatment designated by the community services board which serves the political subdivision in which the minor was evaluated pursuant to § 16.1-342. If the community services board does not provide a placement recommendation at the

hearing, the minor shall be placed in a mental health facility designated by the Commissioner of Behavioral Health and Developmental Services.

When a minor has been involuntarily committed pursuant to this section, the judge shall determine, after consideration of information provided by the minor's treating mental health professional and any involved community services board staff regarding the minor's dangerousness, whether transportation shall be provided by the sheriff or may be provided by an alternative transportation provider, including a parent, family member, or friend of the minor, a representative of the community services board, a representative of the facility at which the minor was detained pursuant to a temporary detention order, or other alternative transportation provider with personnel trained to provide transportation in a safe manner. If the judge determines that transportation may be provided by an alternative transportation provider, the judge may consult with the proposed alternative transportation provider either in person or via two-way electronic video and audio or telephone communication system to determine whether the proposed alternative transportation provider is available to provide transportation, willing to provide transportation, and able to provide transportation in a safe manner. If the judge finds that the proposed alternative transportation provider is available to provide transportation, willing to provide transportation, and able to provide transportation in a safe manner, the judge may order transportation by the proposed alternative transportation provider. In all other cases, the judge shall order transportation by the sheriff of the jurisdiction where the minor is a resident unless the sheriff's office of that jurisdiction is located more than 100 road miles from the nearest boundary of the jurisdiction in which the proceedings took place. In cases where the sheriff of the jurisdiction in which the minor is a resident is more than 100 road miles from the nearest boundary of the jurisdiction in which the proceedings took place, it shall be the responsibility of the sheriff of the latter jurisdiction to transport the minor.

If the judge determines that the minor requires transportation by the sheriff, the sheriff, as specified in this section shall transport the minor to the proper facility. In no event shall transport commence later than six hours after notification to the sheriff or alternative transportation provider of the judge's order.

If an alternative transportation provider providing transportation of a minor becomes unable to continue providing transportation of the minor at any time after taking custody of the minor, the primary law-enforcement agency for the jurisdiction in which the alternative transportation provider is located at the time he becomes unable to continue providing transportation shall take custody of the minor and shall transport the minor to the proper facility. In such cases, if the alternative transportation provider originally authorized to provide transportation is a person other than the minor's parent, the alternative transportation provider shall notify the minor's parent (a) that the primary law-enforcement agency for the jurisdiction in which he is located has taken custody of the minor and is transporting the minor to the facility of temporary detention and (b) of the name of the law-enforcement officer providing transportation of the minor.

No person who provides alternative transportation pursuant to this section shall be liable to the person being transported for any civil damages for ordinary negligence in acts or omissions that result from providing such alternative transportation.

§ 37.2-810. Transportation of person in the temporary detention process.

A. In specifying the primary law-enforcement agency and jurisdiction for purposes of this section, the magistrate shall specify in the temporary detention order the law-enforcement agency of the jurisdiction in which the person resides, or any other willing law-enforcement agency that has agreed to provide transportation, to execute the order and, in cases in which transportation is ordered to be provided by the primary law-enforcement agency, provide transportation. However, if the nearest boundary of the jurisdiction in which the person resides is more than 50 miles from the nearest boundary of the jurisdiction in which the person is located, the law-enforcement agency of the jurisdiction in which the person is located shall execute the order and provide transportation.

B. The magistrate issuing the temporary detention order shall specify the law-enforcement agency to execute the order and provide transportation. However, the magistrate shall consider any request to authorize transportation by an alternative transportation provider in accordance with this section, whenever an alternative transportation provider is identified to the magistrate, which may be a person, facility, or agency, including a family member or friend of the person who is the subject of the temporary detention order, a representative of the community services board, or other transportation provider with personnel trained to provide transportation in a safe manner upon determining, following consideration of information provided by the petitioner; the community services board or its designee; the local law-enforcement agency, if any; the person's treating physician, if any; or other persons who are available and have knowledge of the person, and, when the magistrate deems appropriate, the proposed alternative transportation provider, either in person or via two-way electronic video and audio or telephone communication system, that the proposed alternative transportation provider is available to provide transportation, willing to provide transportation, and able to provide transportation in a safe manner. When transportation is ordered to be provided by an alternative transportation provider, the magistrate shall order the specified law-enforcement agency to execute the order, to take the person into custody, and to transfer custody of the person to the alternative transportation provider identified in the order.

In such cases, a copy of the temporary detention order shall accompany the person being transported pursuant to this section at all times and shall be delivered by the alternative transportation provider to the temporary detention facility. The temporary detention facility shall return a copy of the temporary detention order to the court designated by the magistrate as soon as is practicable. Delivery of an order to a law-enforcement officer or alternative transportation provider and return of an order to the court may be accomplished electronically or by facsimile.

The order may include transportation of the person to such other medical facility as may be necessary to obtain further medical evaluation or treatment prior to placement as required by a physician at the admitting temporary detention facility. Nothing herein shall preclude a law-enforcement officer or alternative transportation provider from obtaining emergency medical treatment or further medical evaluation at any time for a person in his custody as provided in this section. Such medical evaluation or treatment shall be conducted immediately in accordance with state and federal law.

C. If an alternative transportation provider providing transportation of a person who is the subject of a temporary detention order becomes unable to continue providing transportation of the person at any time after taking custody of the person, the primary law-enforcement agency for the jurisdiction in which the alternative transportation provider is located at the time he becomes unable to continue providing transportation shall take custody of the person and shall transport the person to the facility of temporary detention. In such cases, a copy of the temporary detention order shall accompany the person being transported and shall be delivered to and returned by the temporary detention facility in accordance with the provisions of subsection B.

D. In cases in which an alternative facility of temporary detention is identified and the law-enforcement agency or alternative transportation provider identified to provide transportation in accordance with subsection B continues to have custody of the person, the local law-enforcement agency or alternative transportation provider shall transport the person to the alternative facility of temporary detention identified by the employee or designee of the community services board. In cases in which an alternative facility of temporary detention is identified and custody of the individual person has been transferred from the law-enforcement agency or alternative transportation provider that provided transportation in accordance with subsection B to the initial facility of temporary detention, the employee or designee of the community services board shall request, and a magistrate may enter an order specifying, an alternative transportation provider or, if no alternative transportation provider is available, willing, and able to provide transportation in a safe manner, the local law-enforcement agency for the jurisdiction in which the person resides or, if the nearest boundary of the jurisdiction in which the person resides is more than 50 miles from the nearest boundary of the jurisdiction in which the person is located, the law-enforcement agency of the jurisdiction in which the person is located, to provide transportation.

~~*E. The magistrate may change the transportation provider specified in a temporary detention order at any time prior to the initiation of transportation of a person who is the subject of a temporary detention order pursuant to this section. If the designated transportation provider is changed by the magistrate at any time after the temporary detention order has been executed but prior to the initiation of transportation, the transportation provider having custody of the person shall transfer custody of the person to the transportation provider subsequently specified to provide transportation. For the purposes of this subsection, "transportation provider" includes both a law-enforcement agency and an alternative transportation provider.*~~

F. A law-enforcement officer may lawfully go to or be sent beyond the territorial limits of the county, city, or town in which he serves to any point in the Commonwealth for the purpose of executing any temporary detention order pursuant to this section. Law-enforcement agencies may enter into agreements to facilitate the execution of temporary detention orders and provide transportation.

~~*G. No person who provides alternative transportation pursuant to this section shall be liable to the person being transported for any civil damages for ordinary negligence in acts or omissions that result from providing such alternative transportation.*~~

§ 37.2-829. Transportation of person in civil admission process.

When a person has volunteered for admission pursuant to § 37.2-814 or been ordered to be admitted to a facility under §§ 37.2-815 through 37.2-821, the judge or special justice shall determine after consideration of information provided by the person's treating mental health professional and any involved community services board or behavioral health authority staff regarding the person's dangerousness, whether transportation shall be provided by the sheriff or may be provided by an alternative transportation provider, including a family member or friend of the person, a representative of the community services board, a representative of the facility at which the person was detained pursuant to a temporary detention order, or other alternative transportation provider with personnel trained to provide transportation in a safe manner. If the judge or special justice determines that transportation may be provided by an alternative transportation provider, the judge or special justice may consult with the proposed alternative transportation provider either in person or via two-way electronic video and audio or telephone communication system to determine whether the proposed alternative transportation provider is available to provide transportation, willing to provide transportation, and able to provide transportation in a safe manner. If the judge or special justice finds that the proposed alternative transportation provider is available to provide transportation, willing to provide transportation, and able to provide transportation in a safe manner, the judge or special justice may order transportation by the proposed alternative transportation provider. In all other cases, the judge or special justice shall order transportation by the sheriff of the jurisdiction where the person is a resident unless the sheriff's office of that jurisdiction is located more than 100 road miles from the nearest boundary of the jurisdiction in which the proceedings took place. In cases where the sheriff of the jurisdiction of which the person is a resident is more than 100 road miles from the nearest boundary of the jurisdiction in which the proceedings took place, it shall be the responsibility of the sheriff of the latter jurisdiction to transport the person.

If the judge or special justice determines that the person requires transportation by the sheriff, the person may be delivered to the care of the sheriff, as specified in this section, who shall transport the person to the proper facility. In no

event shall transport commence later than six hours after notification to the sheriff or alternative transportation provider of the judge's or special justice's order.

If any state hospital has become too crowded to admit any such person, the Commissioner shall give notice of the fact to all community services boards and shall designate the facility to which sheriffs or alternative transportation providers shall transport such persons.

If an alternative transportation provider providing transportation of a person becomes unable to continue providing transportation of the person at any time after taking custody of the person, the primary law-enforcement agency for the jurisdiction in which the alternative transportation provider is located at the time he becomes unable to continue providing transportation shall take custody of the person and shall transport the person to the proper facility.

No person who provides alternative transportation pursuant to this section shall be liable to the person being transported for any civil damages for ordinary negligence in acts or omissions that result from providing such alternative transportation.

CHAPTER 880

An Act to amend and reenact §§ 16.1-340.2, 16.1-345, 37.2-810, and 37.2-829 of the Code of Virginia, relating to involuntary admission; transportation; transfer to local law enforcement.

[S 603]

Approved April 8, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 16.1-340.2, 16.1-345, 37.2-810, and 37.2-829 of the Code of Virginia are amended and reenacted as follows:

§ 16.1-340.2. Transportation of minor in the temporary detention process.

A. In specifying the primary law-enforcement agency and jurisdiction for purposes of this section, the magistrate shall specify in the temporary detention order the law-enforcement agency of the jurisdiction in which the minor resides to execute the order and, in cases in which transportation is ordered to be provided by the primary law-enforcement agency, provide transportation. However, if the nearest boundary of the jurisdiction in which the minor resides is more than 50 miles from the nearest boundary of the jurisdiction in which the minor is located, the law-enforcement agency of the jurisdiction in which the minor is located shall execute the order and provide transportation.

B. The magistrate issuing the temporary detention order shall specify the law-enforcement agency to execute the order and provide transportation. However, the magistrate may authorize transportation by an alternative transportation provider, including a parent, family member, or friend of the minor who is the subject of the temporary detention order, a representative of the community services board, or other transportation provider with personnel trained to provide transportation in a safe manner upon determining, following consideration of information provided by the petitioner; the community services board or its designee; the local law-enforcement agency, if any; the minor's treating physician, if any; or other persons who are available and have knowledge of the minor, and, when the magistrate deems appropriate, the proposed alternative transportation provider, either in person or via two-way electronic video and audio or telephone communication system, that the proposed alternative transportation provider is available to provide transportation, willing to provide transportation, and able to provide transportation in a safe manner. When transportation is ordered to be provided by an alternative transportation provider, the magistrate shall order the specified primary law-enforcement agency to execute the order, to take the minor into custody, and to transfer custody of the minor to the alternative transportation provider identified in the order.

In such cases any case in which a magistrate authorizes transportation of a minor subject to a temporary detention order by an alternative transportation provider, a copy of the temporary detention order shall accompany the minor being transported pursuant to this section at all times and shall be delivered by the alternative transportation provider to the temporary detention facility. The temporary detention facility shall return a copy of the temporary detention order to the court designated by the magistrate as soon as is practicable. Delivery of an order to a law-enforcement officer or alternative transportation provider and return of an order to the court may be accomplished electronically or by facsimile.

The order may include transportation of the minor to such other medical facility as may be necessary to obtain further medical evaluation or treatment prior to placement as required by a physician at the admitting temporary detention facility. Nothing herein shall preclude a law-enforcement officer or alternative transportation provider from obtaining emergency medical treatment or further medical evaluation at any time for a minor in his custody as provided in this section. Such medical evaluation or treatment shall be conducted immediately in accordance with state and federal law.

C. *If an alternative transportation provider providing transportation of a minor who is the subject of a temporary detention order becomes unable to continue providing transportation of the minor at any time after taking custody of the minor, the primary law-enforcement agency for the jurisdiction in which the alternative transportation provider is located at the time he becomes unable to continue providing transportation shall take custody of the minor and shall transport the minor to the facility of temporary detention. In such cases, (i) a copy of the temporary detention order shall accompany the minor being transported and shall be delivered to and returned by the temporary detention facility in accordance with the provisions of subsection B and (ii) if the alternative transportation provider originally authorized to provide transportation is a person other than the minor's parent, the alternative transportation provider shall notify the minor's parent (a) that the*

primary law-enforcement agency for the jurisdiction in which he is located has taken custody of the minor and is transporting the minor to the facility of temporary detention and (b) of the name of the law-enforcement officer providing transportation of the minor.

D. In cases in which an alternative facility of temporary detention is identified and the law-enforcement agency or alternative transportation provider identified to provide transportation in accordance with subsection B continues to have custody of the minor, the local law-enforcement agency or alternative transportation provider shall transport the minor to the alternative facility of temporary detention identified by the employee or designee of the local community services board. In cases in which an alternative facility of temporary detention is identified and custody of the minor has been transferred from the law-enforcement agency or alternative transportation provider that provided transportation in accordance with subsection B to the initial facility of temporary detention, the employee or designee of the local community services board shall request, and a magistrate may enter an order specifying, an alternative transportation provider or, if no alternative transportation provider is available, willing, and able to provide transportation in a safe manner, the local law-enforcement agency for the jurisdiction in which the minor resides or, if the nearest boundary of the jurisdiction in which the minor resides is more than 50 miles from the nearest boundary of the jurisdiction in which the minor is located, the law-enforcement agency of the jurisdiction in which the minor is located, to provide transportation.

~~D.~~ E. The magistrate may change the transportation provider specified in a temporary detention order at any time prior to the initiation of transportation of a minor who is the subject of a temporary detention order pursuant to this section. If the designated transportation provider is changed by the magistrate at any time after the temporary detention order has been executed but prior to the initiation of transportation, the transportation provider having custody of the minor shall transfer custody of the minor to the transportation provider subsequently specified to provide transportation. For the purposes of this subsection, "transportation provider" includes both a law-enforcement agency and an alternative transportation provider.

F. A law-enforcement officer may lawfully go or be sent beyond the territorial limits of the county, city, or town in which he serves to any point in the Commonwealth for the purpose of executing any temporary detention order pursuant to this section. Law-enforcement agencies may enter into agreements to facilitate the execution of temporary detention orders and provide transportation.

~~E.~~ G. No person who provides alternative transportation pursuant to this section shall be liable to the person being transported for any civil damages for ordinary negligence in acts or omissions that result from providing such alternative transportation.

§ 16.1-345. Involuntary commitment; criteria.

After observing the minor and considering (i) the recommendations of any treating or examining physician or psychologist licensed in Virginia, if available, (ii) any past actions of the minor, (iii) any past mental health treatment of the minor, (iv) any qualified evaluator's report, (v) any medical records available, (vi) the preadmission screening report, and (vii) any other evidence that may have been admitted, the court shall order the involuntary commitment of the minor to a mental health facility for treatment for a period not to exceed 90 days if it finds, by clear and convincing evidence, that:

1. Because of mental illness, the minor (i) presents a serious danger to himself or others to the extent that severe or irreparable injury is likely to result, as evidenced by recent acts or threats or (ii) is experiencing a serious deterioration of his ability to care for himself in a developmentally age-appropriate manner, as evidenced by delusional thinking or by a significant impairment of functioning in hydration, nutrition, self-protection, or self-control;

2. The minor is in need of compulsory treatment for a mental illness and is reasonably likely to benefit from the proposed treatment; and

3. If the court finds that inpatient treatment is not the least restrictive treatment, the court shall consider entering an order for mandatory outpatient treatment pursuant to § 16.1-345.2.

Upon the expiration of an order for involuntary commitment, the minor shall be released unless he is involuntarily admitted by further petition and order of a court, which shall be for a period not to exceed 90 days from the date of the subsequent court order, or the minor or his parent rescinds the objection to inpatient treatment and consents to admission pursuant to § 16.1-338 or subsection D of § 16.1-339 or the minor is ordered to mandatory outpatient treatment pursuant to § 16.1-345.2.

A minor who has been hospitalized while properly detained by a juvenile and domestic relations district court shall be returned to the detention home, shelter care, or other facility approved by the Department of Juvenile Justice by the sheriff serving the jurisdiction where the minor was detained within 24 hours following completion of a period of inpatient treatment, unless the court having jurisdiction over the case orders that the minor be released from custody. However, such a minor shall not be eligible for mandatory outpatient treatment.

In conducting an evaluation of a minor who has been properly detained, if the evaluator finds, irrespective of the fact that the minor has been detained, that the minor meets the criteria for involuntary commitment in this section, the evaluator shall recommend that the minor meets the criteria for involuntary commitment.

If the parent or parents with whom the minor resides are not willing to approve the proposed commitment, the court shall order inpatient treatment only if it finds, in addition to the criteria specified in this section, that such treatment is necessary to protect the minor's life, health, safety, or normal development. If a special justice believes that issuance of a removal order or protective order may be in the child's best interest, the special justice shall report the matter to the local department of social services for the county or city where the minor resides.

Upon finding that the best interests of the minor so require, the court may enter an order directing either or both of the minor's parents to comply with reasonable conditions relating to the minor's treatment.

If the minor is committed to inpatient treatment, such placement shall be in a mental health facility for inpatient treatment designated by the community services board which serves the political subdivision in which the minor was evaluated pursuant to § 16.1-342. If the community services board does not provide a placement recommendation at the hearing, the minor shall be placed in a mental health facility designated by the Commissioner of Behavioral Health and Developmental Services.

When a minor has been involuntarily committed pursuant to this section, the judge shall determine, after consideration of information provided by the minor's treating mental health professional and any involved community services board staff regarding the minor's dangerousness, whether transportation shall be provided by the sheriff or may be provided by an alternative transportation provider, including a parent, family member, or friend of the minor, a representative of the community services board, a representative of the facility at which the minor was detained pursuant to a temporary detention order, or other alternative transportation provider with personnel trained to provide transportation in a safe manner. If the judge determines that transportation may be provided by an alternative transportation provider, the judge may consult with the proposed alternative transportation provider either in person or via two-way electronic video and audio or telephone communication system to determine whether the proposed alternative transportation provider is available to provide transportation, willing to provide transportation, and able to provide transportation in a safe manner. If the judge finds that the proposed alternative transportation provider is available to provide transportation, willing to provide transportation, and able to provide transportation in a safe manner, the judge may order transportation by the proposed alternative transportation provider. In all other cases, the judge shall order transportation by the sheriff of the jurisdiction where the minor is a resident unless the sheriff's office of that jurisdiction is located more than 100 road miles from the nearest boundary of the jurisdiction in which the proceedings took place. In cases where the sheriff of the jurisdiction in which the minor is a resident is more than 100 road miles from the nearest boundary of the jurisdiction in which the proceedings took place, it shall be the responsibility of the sheriff of the latter jurisdiction to transport the minor.

If the judge determines that the minor requires transportation by the sheriff, the sheriff, as specified in this section shall transport the minor to the proper facility. In no event shall transport commence later than six hours after notification to the sheriff or alternative transportation provider of the judge's order.

If an alternative transportation provider providing transportation of a minor becomes unable to continue providing transportation of the minor at any time after taking custody of the minor, the primary law-enforcement agency for the jurisdiction in which the alternative transportation provider is located at the time he becomes unable to continue providing transportation shall take custody of the minor and shall transport the minor to the proper facility. In such cases, if the alternative transportation provider originally authorized to provide transportation is a person other than the minor's parent, the alternative transportation provider shall notify the minor's parent (a) that the primary law-enforcement agency for the jurisdiction in which he is located has taken custody of the minor and is transporting the minor to the facility of temporary detention and (b) of the name of the law-enforcement officer providing transportation of the minor.

No person who provides alternative transportation pursuant to this section shall be liable to the person being transported for any civil damages for ordinary negligence in acts or omissions that result from providing such alternative transportation.

§ 37.2-810. Transportation of person in the temporary detention process.

A. In specifying the primary law-enforcement agency and jurisdiction for purposes of this section, the magistrate shall specify in the temporary detention order the law-enforcement agency of the jurisdiction in which the person resides, or any other willing law-enforcement agency that has agreed to provide transportation, to execute the order and, in cases in which transportation is ordered to be provided by the primary law-enforcement agency, provide transportation. However, if the nearest boundary of the jurisdiction in which the person resides is more than 50 miles from the nearest boundary of the jurisdiction in which the person is located, the law-enforcement agency of the jurisdiction in which the person is located shall execute the order and provide transportation.

B. The magistrate issuing the temporary detention order shall specify the law-enforcement agency to execute the order and provide transportation. However, the magistrate shall consider any request to authorize transportation by an alternative transportation provider in accordance with this section, whenever an alternative transportation provider is identified to the magistrate, which may be a person, facility, or agency, including a family member or friend of the person who is the subject of the temporary detention order, a representative of the community services board, or other transportation provider with personnel trained to provide transportation in a safe manner upon determining, following consideration of information provided by the petitioner; the community services board or its designee; the local law-enforcement agency, if any; the person's treating physician, if any; or other persons who are available and have knowledge of the person, and, when the magistrate deems appropriate, the proposed alternative transportation provider, either in person or via two-way electronic video and audio or telephone communication system, that the proposed alternative transportation provider is available to provide transportation, willing to provide transportation, and able to provide transportation in a safe manner. When transportation is ordered to be provided by an alternative transportation provider, the magistrate shall order the specified law-enforcement agency to execute the order, to take the person into custody, and to transfer custody of the person to the alternative transportation provider identified in the order.

In such cases, a copy of the temporary detention order shall accompany the person being transported pursuant to this section at all times and shall be delivered by the alternative transportation provider to the temporary detention facility. The temporary detention facility shall return a copy of the temporary detention order to the court designated by the magistrate as soon as is practicable. Delivery of an order to a law-enforcement officer or alternative transportation provider and return of an order to the court may be accomplished electronically or by facsimile.

The order may include transportation of the person to such other medical facility as may be necessary to obtain further medical evaluation or treatment prior to placement as required by a physician at the admitting temporary detention facility. Nothing herein shall preclude a law-enforcement officer or alternative transportation provider from obtaining emergency medical treatment or further medical evaluation at any time for a person in his custody as provided in this section. Such medical evaluation or treatment shall be conducted immediately in accordance with state and federal law.

C. If an alternative transportation provider providing transportation of a person who is the subject of a temporary detention order becomes unable to continue providing transportation of the person at any time after taking custody of the person, the primary law-enforcement agency for the jurisdiction in which the alternative transportation provider is located at the time he becomes unable to continue providing transportation shall take custody of the person and shall transport the person to the facility of temporary detention. In such cases, a copy of the temporary detention order shall accompany the person being transported and shall be delivered to and returned by the temporary detention facility in accordance with the provisions of subsection B.

D. In cases in which an alternative facility of temporary detention is identified and the law-enforcement agency or alternative transportation provider identified to provide transportation in accordance with subsection B continues to have custody of the person, the local law-enforcement agency or alternative transportation provider shall transport the person to the alternative facility of temporary detention identified by the employee or designee of the community services board. In cases in which an alternative facility of temporary detention is identified and custody of the individual person has been transferred from the law-enforcement agency or alternative transportation provider that provided transportation in accordance with subsection B to the initial facility of temporary detention, the employee or designee of the community services board shall request, and a magistrate may enter an order specifying, an alternative transportation provider or, if no alternative transportation provider is available, willing, and able to provide transportation in a safe manner, the local law-enforcement agency for the jurisdiction in which the person resides or, if the nearest boundary of the jurisdiction in which the person resides is more than 50 miles from the nearest boundary of the jurisdiction in which the person is located, the law-enforcement agency of the jurisdiction in which the person is located, to provide transportation.

~~*E. The magistrate may change the transportation provider specified in a temporary detention order at any time prior to the initiation of transportation of a person who is the subject of a temporary detention order pursuant to this section. If the designated transportation provider is changed by the magistrate at any time after the temporary detention order has been executed but prior to the initiation of transportation, the transportation provider having custody of the person shall transfer custody of the person to the transportation provider subsequently specified to provide transportation. For the purposes of this subsection, "transportation provider" includes both a law-enforcement agency and an alternative transportation provider.*~~

F. A law-enforcement officer may lawfully go to or be sent beyond the territorial limits of the county, city, or town in which he serves to any point in the Commonwealth for the purpose of executing any temporary detention order pursuant to this section. Law-enforcement agencies may enter into agreements to facilitate the execution of temporary detention orders and provide transportation.

E. G. No person who provides alternative transportation pursuant to this section shall be liable to the person being transported for any civil damages for ordinary negligence in acts or omissions that result from providing such alternative transportation.

§ 37.2-829. Transportation of person in civil admission process.

When a person has volunteered for admission pursuant to § 37.2-814 or been ordered to be admitted to a facility under §§ 37.2-815 through 37.2-821, the judge or special justice shall determine after consideration of information provided by the person's treating mental health professional and any involved community services board or behavioral health authority staff regarding the person's dangerousness, whether transportation shall be provided by the sheriff or may be provided by an alternative transportation provider, including a family member or friend of the person, a representative of the community services board, a representative of the facility at which the person was detained pursuant to a temporary detention order, or other alternative transportation provider with personnel trained to provide transportation in a safe manner. If the judge or special justice determines that transportation may be provided by an alternative transportation provider, the judge or special justice may consult with the proposed alternative transportation provider either in person or via two-way electronic video and audio or telephone communication system to determine whether the proposed alternative transportation provider is available to provide transportation, willing to provide transportation, and able to provide transportation in a safe manner. If the judge or special justice finds that the proposed alternative transportation provider is available to provide transportation, willing to provide transportation, and able to provide transportation in a safe manner, the judge or special justice may order transportation by the proposed alternative transportation provider. In all other cases, the judge or special justice shall order transportation by the sheriff of the jurisdiction where the person is a resident unless the sheriff's office of that jurisdiction is located more than 100 road miles from the nearest boundary of the jurisdiction in which the proceedings took place. In cases where the sheriff of the jurisdiction of which the person is a resident is more than 100 road miles from the nearest boundary

of the jurisdiction in which the proceedings took place, it shall be the responsibility of the sheriff of the latter jurisdiction to transport the person.

If the judge or special justice determines that the person requires transportation by the sheriff, the person may be delivered to the care of the sheriff, as specified in this section, who shall transport the person to the proper facility. In no event shall transport commence later than six hours after notification to the sheriff or alternative transportation provider of the judge's or special justice's order.

If any state hospital has become too crowded to admit any such person, the Commissioner shall give notice of the fact to all community services boards and shall designate the facility to which sheriffs or alternative transportation providers shall transport such persons.

If an alternative transportation provider providing transportation of a person becomes unable to continue providing transportation of the person at any time after taking custody of the person, the primary law-enforcement agency for the jurisdiction in which the alternative transportation provider is located at the time he becomes unable to continue providing transportation shall take custody of the person and shall transport the person to the proper facility.

No person who provides alternative transportation pursuant to this section shall be liable to the person being transported for any civil damages for ordinary negligence in acts or omissions that result from providing such alternative transportation.

CHAPTER 881

An Act to amend the Code of Virginia by adding a section numbered 38.2-3407.15:5, relating to health insurance; pharmacy benefits; cost-sharing payments for prescription insulin drugs.

[H 66]

Approved April 8, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 38.2-3407.15:5 as follows:

§ 38.2-3407.15:5. Limit on cost-sharing payments for prescription insulin drugs.

A. As used in this section:

"Carrier" has the same meaning ascribed thereto in subsection A of § 38.2-3407.15.

"Cost-sharing payment" means the total amount a covered person is required to pay at the point of sale in order to receive a prescription drug that is covered under the covered person's health plan.

"Covered person" means a policyholder, subscriber, participant, or other individual covered by a health plan.

"Health plan" means any health benefit plan, as defined in § 38.2-3438, that provides coverage for a prescription insulin drug.

"Pharmacy benefits manager" means an entity that engages in the administration or management of prescription drug benefits provided by a carrier for the benefit of its covered persons.

"Prescription insulin drug" means a prescription drug that contains insulin and is used to treat diabetes.

"Provider contract" has the same meaning ascribed thereto in subsection A of § 38.2-3407.15.

B. Every health plan offered by a carrier shall set the cost-sharing payment that a covered person is required to pay for a covered prescription insulin drug at an amount that does not exceed \$50 per 30-day supply of the prescription insulin drug, regardless of the amount or type of insulin needed to fill the covered person's prescription.

C. Nothing in this section shall prevent a carrier from setting a covered person's cost-sharing payment for a covered prescription insulin drug at an amount that is less than the maximum amount permitted pursuant to subsection B.

D. No provider contract between a carrier or its pharmacy benefits manager and a pharmacy or its contracting agent shall contain a provision (i) authorizing the carrier's pharmacy benefits manager or the pharmacy to charge, (ii) requiring the pharmacy to collect, or (iii) requiring a covered person to make a cost-sharing payment for a covered prescription insulin drug in an amount that exceeds the amount of the cost-sharing payment for the covered prescription insulin drug established by the carrier pursuant to subsection B.

E. This section shall apply with respect to health plans and provider contracts entered into, amended, extended, or renewed on or after January 1, 2021.

F. Pursuant to the authority granted by § 38.2-223, the Commission may adopt such rules and regulations as it may deem necessary to implement this section.

CHAPTER 882

An Act to require the Department of Medical Assistance Services to study the current Personal Maintenance Allowance for waiver services and the impact of that amount on the ability of service recipients to engage in compensated employment.

[S 213]

Approved April 8, 2020

Be it enacted by the General Assembly of Virginia:

1. § 1. That the Department of Medical Assistance Services shall establish a work group to be composed of such stakeholders as the Department deems appropriate to evaluate the current Personal Maintenance Allowance amount established by the Commonwealth for individuals receiving Medicaid-funded waiver services and the impact of the current Personal Maintenance Allowance amount and other income limits on the ability of Medicaid waiver service recipients to engage in meaningful work and establish and maintain independence. The work group shall (i) evaluate the impact of the Commonwealth's current Personal Maintenance Allowance amount on eligibility for Medicaid-funded waiver services among individuals who otherwise meet eligibility criteria; (ii) compare the Commonwealth's current Personal Maintenance Allowance to actual expenses faced by individuals enrolled in the Commonwealth's Medicaid waiver programs; (iii) determine the impact of the Commonwealth's current Personal Maintenance Allowance amount on the ability of individuals receiving Medicaid-funded waiver services to engage in compensated employment; (iv) determine the impact on eligibility, enrollment, and cost to the Commonwealth of increasing the Commonwealth's current Personal Maintenance Allowance amount; (v) make recommendations related to increasing the Commonwealth's Personal Maintenance Allowance amount; and (vi) make recommendations for other changes to the Commonwealth's Medicaid-funded waiver programs to encourage and support engagement in compensated employment among Medicaid-funded waiver service recipients. The work group shall report its findings and conclusions to the Governor, the General Assembly, and the Chairman of the Joint Commission on Health Care by November 1, 2020.

CHAPTER 883

An Act to amend and reenact §§ 32.1-116.1 and 32.1-116.2 of the Code of Virginia, relating to emergency medical services; trauma data; confidentiality.

[S 386]

Approved April 8, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 32.1-116.1 and 32.1-116.2 of the Code of Virginia are amended and reenacted as follows:

§ 32.1-116.1. Prehospital patient care reporting procedure; trauma registry; confidentiality.

A. In order to collect data on the incidence, severity, and cause of trauma; and improve the delivery of prehospital and hospital emergency medical services, *the quality of patient care, and access to medical services; and make other system improvements*, there is hereby established the Emergency Medical Services Patient Care Information System. The Emergency Medical Services Patient Care Information System shall include the Virginia Emergency Medical Services (EMS) Registry and the Virginia Statewide Trauma Registry.

B. All licensed emergency medical services agencies shall participate in the Virginia EMS Registry by making available to the Commissioner or his designees the minimum data set in the format prescribed by the Board or any other format which contain equivalent information and meets any technical specifications of the Board. The minimum data set shall include, but not be limited to, the type of medical emergency or nature of the call, the response time, the treatment provided and other items as prescribed by the Board.

Each licensed emergency medical services agency shall, upon request, disclose the prehospital care report to law-enforcement officials (i) when the patient is the victim of a crime or (ii) when the patient is in the custody of the law-enforcement officials and has received emergency medical services or has refused emergency medical services.

The Commissioner may delegate the responsibility for collection of this data to the Office of Emergency Medical Services personnel or individuals under contract to the Office. The Advisory Board shall assist in the design, implementation, subsequent revisions and analyses of the data from the Virginia EMS Registry.

C. All licensed hospitals which render emergency medical services shall participate in the Virginia Statewide Trauma Registry by making available to the Commissioner or his designees abstracts of the records of all patients admitted to the institutions with diagnoses related to trauma. The abstracts shall be submitted in the format prescribed by the Department and shall include the minimum data set prescribed by the Board. Such abstracts shall also be provided to regional emergency medical services councils upon request, for uses limited to monitoring and improving the quality of emergency medical services pursuant to § 32.1-111.3.

The Commissioner shall seek the advice and assistance of the Advisory Board and the Trauma System Oversight and Management Committee in the design, implementation, subsequent revisions and analyses of the Virginia Statewide Trauma Registry.

D. Patient and other data or information submitted to the trauma registry or transmitted to the Commissioner, the Advisory Board, any committee acting on behalf of the Advisory Board, any hospital or prehospital care provider, any regional emergency medical services council, permitted emergency medical services agency, or other group or committee for the purpose of monitoring and improving the quality of care pursuant to § 32.1-111.3, shall be privileged and shall not be disclosed or obtained by legal discovery proceedings, unless *disclosure is made in accordance with § 32.1-116.2 or a circuit court, after a hearing and for good cause shown arising from extraordinary circumstances, orders disclosure of such data.*

E. The Commissioner shall make available and share all information contained in the Virginia Statewide Trauma Registry with the Department for Aging and Rehabilitative Services so that the Department may develop and implement programs and services for persons suffering from brain injuries and spinal cord injuries.

§ 32.1-116.2. Confidential nature of information supplied; publication; liability protections.

A. The Commissioner and all other persons to whom data is submitted shall keep patient information confidential. Mechanisms for protecting patient data shall be developed and continually evaluated to ascertain their effectiveness. No publication of information, research or medical data shall be made which identifies the patients by names or addresses, *except as specified in subsection B.* ~~However, the~~ The Commissioner or his designees may utilize institutional data in order to improve the quality of and appropriate access to emergency medical services *and to improve the health of citizens of the Commonwealth.*

B. In accordance with the State Board of Health's regulations and applicable federal law and regulations, the Commissioner may disclose information, research, or medical data that identifies patients by name or address if the Commissioner determines that such disclosure is necessary to develop and implement programs that improve the quality of patient care, improve access to medical services, or make other system improvements. The Commissioner shall only disclose such information with entities, including but not limited to other Virginia state agencies and programs, federal agencies and programs, the National Registry of Emergency Medical Technicians, or recognized research institutions and organizations, that seek to improve quality of care, improve access to medical services, or make other system improvements.

~~B-~~ C. No individual, licensed emergency medical services agency, hospital, Regional Emergency Medical Services Council or organization advising the Commissioner shall be liable for any civil damages resulting from any act or omission preformed as required by this article unless such act or omission was the result of gross negligence or willful misconduct.

2. That the Board of Health shall develop and approve a policy specific to the sharing of data from the Emergency Medical Services Patient Care Information System.

CHAPTER 884

An Act to amend and reenact § 22.1-135.1 of the Code of Virginia, relating to local school boards; lead testing; report; parental notification.

[S 392]

Approved April 8, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-135.1 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-135.1. Potable water; lead testing.

Each local school board shall develop and implement a plan to test and, if necessary, remediate potable water from sources identified by the U.S. Environmental Protection Agency as high priority for testing, including bubbler-style and cooler-style drinking fountains, cafeteria or kitchen taps, classroom combination sinks and drinking fountains, and sinks known to be or visibly used for consumption. *Such plan shall be consistent with guidance published by the U.S. Environmental Protection Agency or the Department of Health.* The local school board shall give priority in the testing plan to schools whose school building was constructed, in whole or in part, before 1986. *Each local school board shall submit such testing plan and report the results of any such test to the Department of Health. Each local school board shall take all steps necessary to notify parents if testing results indicate lead contamination that exceeds 10 parts per billion.*

CHAPTER 885

An Act to amend and reenact §§ 54.1-2806, 54.1-3480, 54.1-3483, and 54.1-3807 of the Code of Virginia, relating to health regulatory boards.

[S 422]

Approved April 8, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-2806, 54.1-3480, 54.1-3483, and 54.1-3807 of the Code of Virginia is amended and reenacted as follows:

§ 54.1-2806. Refusal, suspension, or revocation of license, registration, or courtesy card.

A. *As used in this section, "license" shall include any license, registration, or courtesy card issued by the Board.*

B. The Board may refuse to admit a candidate to any examination, refuse to issue a license to any applicant and may suspend a license for a stated period or indefinitely, or revoke any license or censure or reprimand any licensee or place him on probation for such time as it may designate for any of the following causes:

1. Conviction of any felony or any crime involving moral turpitude;
2. Unprofessional conduct that is likely to defraud or to deceive the public or clients;
3. Misrepresentation or fraud in the conduct of the funeral service profession, or in obtaining or renewing a license;
4. False or misleading advertising or solicitation;

5. Solicitation at-need or any preneed solicitation using in-person communication by the licensee, his agents, assistants or employees; however, general advertising and preneed solicitation, other than in-person communication, shall be allowed;
6. Employment by the licensee of persons known as "cappers" or "steerers," or "solicitors," or other such persons to obtain the services of a holder of a license for the practice of funeral service;
7. Employment directly or indirectly of any agent, employee or other person, on part or full time, or on a commission, for the purpose of calling upon individuals or institutions by whose influence dead human bodies may be turned over to a particular funeral establishment;
8. Direct or indirect payment or offer of payment of a commission to others by the licensee, his agents, or employees for the purpose of securing business;
9. Use of alcohol or drugs to the extent that such use renders him unsafe to practice his licensed activity;
10. Aiding or abetting an unlicensed person to practice within the funeral service profession;
11. Using profane, indecent, or obscene language within the immediate hearing of the family or relatives of a deceased, whose body has not yet been interred or otherwise disposed of;
12. Solicitation or acceptance by a licensee of any commission or bonus or rebate in consideration of recommending or causing a dead human body to be disposed of in any crematory, mausoleum, or cemetery;
13. Violation of any statute, ordinance, or regulation affecting the handling, custody, care, or transportation of dead human bodies;
14. Refusing to surrender promptly the custody of a dead human body upon the express order of the person lawfully entitled to custody;
15. Knowingly making any false statement on a certificate of death;
16. Violation of any provisions of Chapter 7 (§ 32.1-249 et seq.) of Title 32.1;
17. Failure to comply with § 54.1-2812, and to keep on file an itemized statement of funeral expenses in accordance with Board regulations;
18. Knowingly disposing of parts of human remains, including viscera, that are received with the body by the funeral establishment, in a manner different from that used for final disposition of the body, unless the persons authorizing the method of final disposition give written permission that the body parts may be disposed of in a manner different from that used to dispose of the body;
19. Violating or failing to comply with Federal Trade Commission rules regulating funeral industry practices;
20. Violating or cooperating with others to violate any provision of Chapter 1 (§ 54.1-100 et seq.), Chapter 24 (§ 54.1-2400 et seq.), this chapter, or the regulations of the Board of Funeral Directors and Embalmers or the Board of Health;
21. Failure to comply with the reporting requirements as set forth in § 54.1-2817 for registered funeral service interns;
22. Failure to provide proper and adequate supervision and training instruction to registered funeral service interns as required by regulations of the Board;
23. Violating any statute or regulation of the Board regarding the confidentiality of information pertaining to the deceased or the family of the deceased or permitting access to the body in a manner that is contrary to the lawful instructions of the next-of-kin of the deceased;
24. Failure to include, as part of the general price list for funeral services, a disclosure statement notifying the next of kin that certain funeral services may be provided off-premises by other funeral service providers;
25. Disciplinary action against a license, certificate, or registration issued by another state, the District of Columbia, or territory or possession of the United States;
26. Failure to ensure that a dead human body is maintained in refrigeration at no more than approximately 40 degrees Fahrenheit or embalmed if it is to be stored for more than 48 hours prior to disposition. A dead human body shall be maintained in refrigeration and shall not be embalmed in the absence of express permission by a next of kin of the deceased or a court order; and
27. Mental or physical incapacity to practice his profession with safety to the public.

§ 54.1-3480. Refusal, revocation or suspension.

A. *As used in this section, "license" shall include any license or compact privilege, as defined in § 54.1-3486, issued by the Board.*

B. The Board may refuse to admit a candidate to any examination, may refuse to issue a license to any applicant, and may suspend for a stated period of time or indefinitely or revoke any license or censure or reprimand any person or place him on probation for such time as it may designate for any of the following causes:

1. False statements or representations or fraud or deceit in obtaining admission to the practice, or fraud or deceit in the practice of physical therapy;
2. Substance abuse rendering him unfit for the performance of his professional obligations and duties;
3. Unprofessional conduct as defined in this chapter;
4. Intentional or negligent conduct that causes or is likely to cause injury to a patient or patients;
5. Mental or physical incapacity or incompetence to practice his profession with safety to his patients and the public;
6. Restriction of a license to practice physical therapy in another state, the District of Columbia, a United States possession or territory, or a foreign jurisdiction;
7. Conviction in any state, territory or country of any felony or of any crime involving moral turpitude;

8. Adjudged legally incompetent or incapacitated in any state if such adjudication is in effect and the person has not been declared restored to competence or capacity; or

9. Conviction of an offense in another state, territory or foreign jurisdiction, which if committed in Virginia would be a felony. Such conviction shall be treated as a felony conviction under this section regardless of its designation in the other state, territory or foreign jurisdiction.

~~B- C.~~ The Board shall refuse to admit a candidate to any examination and shall refuse to issue a license to any applicant if the candidate or applicant has had his certificate or license to practice physical therapy revoked or suspended, and has not had his certificate or license to so practice reinstated, in another state, the District of Columbia, a United States possession or territory, or a foreign jurisdiction.

§ 54.1-3483. Unprofessional conduct.

Any physical therapist or physical therapist assistant licensed by the Board *or practicing pursuant to a compact privilege, as defined in § 54.1-3486, approved by the Board* shall be considered guilty of unprofessional conduct if he:

1. Engages in the practice of physical therapy under a false or assumed name or impersonates another practitioner of a like, similar or different name;

2. Knowingly and willfully commits any act which is a felony under the laws of this Commonwealth or the United States, or any act which is a misdemeanor under such laws and involves moral turpitude;

3. Aids or abets, has professional contact with, or lends his name to any person known to him to be practicing physical therapy illegally;

4. Conducts his practice in such a manner as to be a danger to the health and welfare of his patients or to the public;

5. Is unable to practice with reasonable skill or safety because of illness or substance abuse;

6. Publishes in any manner an advertisement that violates Board regulations governing advertising;

7. Performs any act likely to deceive, defraud or harm the public;

8. Violates any provision of statute or regulation, state or federal, relating to controlled substances;

9. Violates or cooperates with others in violating any of the provisions of this chapter or regulations of the Board; or

10. Engages in sexual contact with a patient concurrent with and by virtue of the practitioner/patient relationship or otherwise engages at any time during the course of the practitioner/patient relationship in conduct of a sexual nature that a reasonable patient would consider lewd and offensive.

§ 54.1-3807. Refusal to grant and to renew; revocation and suspension of licenses and registrations.

The Board may refuse to grant or to renew, may suspend, or *may* revoke any license to practice veterinary medicine or to practice as a veterinary technician or registration to practice as an equine dental technician if such applicant or holder:

1. Is convicted of any felony or of any misdemeanor involving moral turpitude;

2. Employs or permits any person who does not hold a license to practice veterinary medicine or to practice as a licensed veterinary technician or registration to practice as an equine dental technician to perform work which can lawfully be performed only by a person holding the appropriate license or registration;

3. Willfully violates any provision of this chapter or any regulation of the Board;

4. Has violated any federal or state law relating to controlled substances as defined in Chapter 34 (§ 54.1-3400 et seq.);

5. Is guilty of unprofessional conduct as defined by regulations of the Board;

6. Uses alcohol or drugs to the extent such use renders him unsafe to practice or suffers from any mental or physical condition rendering him unsafe to practice; or

7. Has had his license to practice veterinary medicine or as a veterinary technician or his registration to practice as an equine dental technician in any other state revoked or suspended for any reason other than nonrenewal *or has surrendered such license or registration in lieu of disciplinary action.*

CHAPTER 886

An Act to amend and reenact § 24.2-800, §§ 24.2-801, 24.2-801.1, and 24.2-802, as they are currently effective and as they shall become effective, and § 24.2-814 of the Code of Virginia and to amend the Code of Virginia by adding in Article 1 of Chapter 8 of Title 24.2 sections numbered 24.2-802.1, 24.2-802.2, and 24.2-802.3, relating to election recounts; reorganization of sections; technical amendments.

[S 444]

Approved April 8, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 24.2-800, §§ 24.2-801, 24.2-801.1, and 24.2-802, as they are currently effective and as they shall become effective, and § 24.2-814 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Article 1 of Chapter 8 of Title 24.2 sections numbered 24.2-802.1, 24.2-802.2, and 24.2-802.3 as follows:

§ 24.2-800. Recounts in all elections.

A. The provisions of this article apply to all elections held in the Commonwealth.

B. When there is between any candidate apparently nominated or elected and any candidate apparently defeated a difference of not more than one percent of the total vote cast for the two such candidates as determined by the State Board or

the electoral board, the defeated candidate may appeal from the determination of the State Board or the electoral board for a recount of the vote as set forth in this article. When there is between any write-in candidate apparently nominated or elected and any candidate apparently defeated, or between any candidate apparently nominated or elected and any write-in candidate apparently defeated, a difference of not more than five percent of the total vote cast for the two such candidates as determined by the State Board or the electoral board, the defeated candidate may appeal from the determination of the State Board or the electoral board for a recount of the vote as set forth in this article. In an election of electors for the President and Vice President of the United States, the presidential candidate shall represent the vice presidential candidate and slate of electors and be the party to the recount for purposes of this article.

C. When there is between the vote for a question and the vote against a question a difference of not more than ~~five~~ 50 votes or one percent of the total vote cast for and against the question as determined by the State Board or the electoral board, whichever is greater, ~~five~~ 50 or more voters qualified to vote on the question, by signing and filing their petition, may appeal from the determination of the State Board or the electoral board for a recount of the vote as set forth in this article.

~~D. The State Board shall promulgate standards and instructions for the conduct of simultaneous recounts of two or more elections in a single election district.~~

§ 24.2-801. (Effective until July 1, 2020) Petition for recount; recount court.

A. The petition for a recount of an election, other than an election for presidential electors, shall be filed within 10 days from the day the State Board or the electoral board certifies the result of the election under § 24.2-679 or § 24.2-671, but not thereafter. The petition shall be filed in the Circuit Court of the City of Richmond in the case of any statewide office and in the circuit court of the county or city in which the candidate being challenged resides in the case of any other office. The petition shall be filed in the Circuit Court of the City of Richmond in the case of any statewide referendum and in the circuit court of any county or city comprising a part of the election district in the case of any other referendum.

B. The petition shall set forth the results certified by the *State* Board or electoral board and shall request the court to have the ballots in the election recounted or, in the case of direct recording electronic machines, the vote redetermined.

C. In an election for office, a copy of the petition shall be served on the candidate apparently nominated or elected as provided under § 8.01-296 and within 10 days after the *State* Board or electoral board has certified the results of such election. In a referendum, a copy of the petition shall be so served on the governing body or chief executive officer of the jurisdiction in which the election was held.

D. The chief judge of the circuit court in which a petition is filed shall promptly notify the Chief Justice of the Supreme Court of Virginia, who shall designate two other judges to sit with the chief judge, and the court shall be constituted and sit in all respects as a court appointed and sitting under §§ 24.2-805 and 24.2-806.

§ 24.2-801. (Effective July 1, 2020) Petition for recount; recount court.

A. The petition for a recount of an election, other than an election for presidential electors, shall be filed within 10 days from the day the State Board or the electoral board certifies the result of the election under § 24.2-679 or § 24.2-671, but not thereafter. The petition shall be filed in the Circuit Court of the City of Richmond in the case of any statewide office and in the circuit court of the county or city in which the candidate being challenged resides in the case of any other office. The petition shall be filed in the Circuit Court of the City of Richmond in the case of any statewide referendum and in the circuit court of any county or city comprising a part of the election district in the case of any other referendum.

B. The petition shall set forth the results certified by the *State* Board or electoral board and shall request the court to have the ballots in the election recounted.

C. In an election for office, a copy of the petition shall be served on the candidate apparently nominated or elected as provided under § 8.01-296 and within 10 days after the *State* Board or electoral board has certified the results of such election. In a referendum, a copy of the petition shall be so served on the governing body or chief executive officer of the jurisdiction in which the election was held.

D. The chief judge of the circuit court in which a petition is filed shall promptly notify the Chief Justice of the Supreme Court of Virginia, who shall designate two other judges to sit with the chief judge, and the court shall be constituted and sit in all respects as a court appointed and sitting under §§ 24.2-805 and 24.2-806.

§ 24.2-801.1. (Effective until July 1, 2020) Petition for recount of election for presidential electors; recount court.

A. The petition for a recount of an election for presidential electors shall be filed no later than 5:00 p.m. on the second calendar day after the day the State Board certifies the result of the election under § 24.2-679, but not thereafter. Presidential candidates who anticipate the possibility of asking for a recount are encouraged to so notify the State Board by letter as soon as possible after election day. The petition shall be filed in the Circuit Court of the City of Richmond. If any presidential candidate is eligible to seek a recount of the results of the election for presidential electors under § 24.2-800 the State Board shall, within 24 hours of the certification of the results, notify the Circuit Court of the City of Richmond and the Supreme Court of Virginia (i) that a recount is possible, (ii) which presidential candidate is eligible to seek a recount, and (iii) of the date the results were certified. The Circuit Court of the City of Richmond shall make arrangements to receive any such filing if the office would normally be closed the entire day, or prior to 5:00 p.m., on the second calendar day after the day the State Board certified the result of the election.

B. The petition shall set forth the results certified by the *State* Board and shall request the court to have the ballots in the election recounted or, in the case of direct recording electronic machines, the vote redetermined.

C. A copy of the petition shall be served on the presidential candidate whose electors were apparently elected as provided under § 8.01-296 and within five calendar days after the *State* Board has certified the results of such election.

D. As soon as a petition is filed, the chief judge of the Circuit Court shall promptly notify the Chief Justice of the Supreme Court of Virginia, who shall designate two other judges to sit with the chief judge, and the court shall be constituted and sit in all respects as a court appointed and sitting under § 24.2-805.

E. Any recount of an election for presidential electors shall be held promptly and completed, in accordance with the provisions of 3 U.S.C. § 5, at least six days before the time fixed for the meeting of the electors.

§ 24.2-801.1. (Effective July 1, 2020) Petition for recount of election for presidential electors; recount court.

A. The petition for a recount of an election for presidential electors shall be filed no later than 5:00 p.m. on the second calendar day after the day the State Board certifies the result of the election under § 24.2-679, but not thereafter. Presidential candidates who anticipate the possibility of asking for a recount are encouraged to so notify the State Board by letter as soon as possible after election day. The petition shall be filed in the Circuit Court of the City of Richmond. If any presidential candidate is eligible to seek a recount of the results of the election for presidential electors under § 24.2-800 the State Board shall, within 24 hours of the certification of the results, notify the Circuit Court of the City of Richmond and the Supreme Court of Virginia (i) that a recount is possible, (ii) which presidential candidate is eligible to seek a recount, and (iii) of the date the results were certified. The Circuit Court of the City of Richmond shall make arrangements to receive any such filing if the office would normally be closed the entire day, or prior to 5:00 p.m., on the second calendar day after the day the State Board certified the result of the election.

B. The petition shall set forth the results certified by the *State* Board and shall request the court to have the ballots in the election recounted.

C. A copy of the petition shall be served on the presidential candidate whose electors were apparently elected as provided under § 8.01-296 and within five calendar days after the *State* Board has certified the results of such election.

D. As soon as a petition is filed, the chief judge of the Circuit Court shall promptly notify the Chief Justice of the Supreme Court of Virginia, who shall designate two other judges to sit with the chief judge, and the court shall be constituted and sit in all respects as a court appointed and sitting under § 24.2-805.

E. Any recount of an election for presidential electors shall be held promptly and completed, in accordance with the provisions of 3 U.S.C. § 5, at least six days before the time fixed for the meeting of the electors.

§ 24.2-802. (Effective until July 1, 2020) Recount standards.

A. The State Board of Elections shall promulgate standards for (i) the proper handling and security of voting and counting machines, ballots, and other materials required for a recount, (ii) accurate ~~determination~~ *counting* of votes based upon objective evidence and taking into account the counting machine and form of ballots approved for use in the Commonwealth, and (iii) any other matters that will promote a timely and accurate resolution of the recount.

B. The State Board shall promulgate additional standards and instructions for the conduct of simultaneous recounts of two or more elections in a single election district.

C. The chief judge of the circuit court or the full recount court may, consistent with State Board of Elections standards, resolve disputes over the application of the standards and direct all other appropriate measures to ensure the proper conduct of the recount.

~~The recount procedures to be followed throughout the election district shall be as uniform as practicable, taking into account the types of ballots and voting and counting machines in use in the election district.~~

~~In preparation for the recount, the clerks of the circuit courts shall (a) secure all printed ballots and other election materials in sealed boxes; (b) place all of the sealed boxes in a vault or room not open to the public or to anyone other than the clerk and his staff; (c) cause such vault or room to be securely locked except when access is necessary for the clerk and his staff; and (d) certify that these security measures have been taken in whatever form is deemed appropriate by the chief judge.~~

~~B. Within seven calendar days of the filing of the petition for a recount of any election other than an election for presidential electors, or within five calendar days of the filing of a petition for a recount of an election for presidential electors, the chief judge of the circuit court shall call a preliminary hearing at which (i) motions may be disposed of and (ii) the rules of procedure may be fixed, both subject to review by the full court. As part of the preliminary hearing, the chief judge may permit the petitioner and his counsel, together with each other party and his counsel and at least two members of the electoral board and the custodians, to examine any direct recording electronic machine of the type that prints returns when the print-out sheets are not clearly legible. The petitioner and his counsel and each other party and their counsel under supervision of the electoral board and its agents shall also have access to pollbooks and other materials used in the election for examination purposes, provided that individual ballots cast in the election shall not be examined at the preliminary hearing. The chief judge during the preliminary hearing shall review all security measures taken for all ballots and voting and counting machines and direct, as he deems necessary, all appropriate measures to ensure proper security to conduct the recount.~~

~~The chief judge, subject to review by the full court, may set the place or places for the recount and may order the delivery of election materials to a central location and the transportation of voting and counting machines to a central location in each county or city under appropriate safeguards.~~

~~After the full court is appointed under § 24.2-801 or 24.2-801.1, it shall call a hearing at which all motions shall be disposed of and the rules of procedure shall be fixed finally, and it shall issue a written order setting out such rules of~~

procedure. The court shall call for the advice and cooperation of the Department, the State Board, or any local electoral board, as appropriate, and such boards or agency shall have the duty and authority to assist the court. The court shall fix procedures that shall provide for the accurate determination of votes in the election.

The determination of the votes in a recount shall be based on votes cast in the election and shall not take into account (a) any absentee ballots or provisional ballots sought to be cast but ruled invalid and not cast in the election; (b) ballots cast only for administrative or test purposes and voided by the officers of election; or (c) ballots spoiled by a voter and replaced with a new ballot.

The eligibility of any voter to have voted shall not be an issue in a recount. Commencing upon the filing of the recount, nothing shall prevent the discovery or disclosure of any evidence that could be used pursuant to § 24.2-803 in contesting the results of an election.

C. The court shall permit each candidate, or petitioner and governing body or chief executive officer, to select an equal number of the officers of election to be recount officials and to count printed ballots; or in the case of direct recording electronic machines, to redetermine the vote. The number shall be fixed by the court and be sufficient to conduct the recount within a reasonable period. The court may permit each party to the recount to submit a list of alternate officials in the number the court directs. There shall be at least one team of recount officials to recount printed ballots and to redetermine the vote cast on direct recording electronic machines of the type that prints returns for the election district at large in which the recount is being held. There shall be at least one team from each locality using ballot scanner machines to insert the ballots into one or more scanners. The ballot scanner machines shall be programmed to count only votes cast for parties to the recount or for or against the question in a referendum recount. Each team shall be composed of one representative of each party.

The court may provide that if, at the time of the recount, any recount official fails to appear, the remaining recount officials present shall appoint substitute recount officials who shall possess the same qualifications as the recount officials for whom they substitute. The court may select pairs of recount coordinators to serve for each county or city in the election district who shall be members of the county or city electoral board and represent different political parties. The court shall have authority to summon such officials and coordinators. On the request of any party to the recount, the court shall allow that party to appoint one representative observer for each team of recount officials. The representative observers shall have an unobstructed view of the work of the recount officials. The expenses of its representatives shall be borne by each party.

D. The court (i) shall supervise the recount and (ii) may require delivery of any or all pollbooks used and any or all ballots cast at the election; or may assume supervision thereof through the recount coordinators and officials.

The redetermination of the vote in a recount shall be conducted as follows:

1. For paper ballots, the recount officials shall hand count the paper ballots using the standards promulgated by the State Board pursuant to subsection A.

2. For direct recording electronic machines (DREs), the recount officials shall open the envelopes with the printouts and read the results from the printouts. If the printout is not clear, or on the request of the court, the recount officials shall rerun the printout from the machine or examine the counters as appropriate.

3. For ballot scanner machines, the recount officials shall rerun all the machine-readable ballots through a scanner programmed to count only the votes for the office or issue in question in the recount and to set aside all ballots containing write-in votes, overvotes, and undervotes. The ballots that are set aside, any ballots not accepted by the scanner, and any ballots for which a scanner could not be programmed to meet the programming requirements of this subdivision, shall be hand counted using the standards promulgated by the State Board pursuant to subsection A. If the total number of machine-readable ballots reported as counted by the scanner plus the total number of ballots set aside by the scanner do not equal the total number of ballots rerun through the scanner, then all ballots cast on ballot scanner machines for that precinct shall be set aside to be counted by hand using the standards promulgated by the State Board pursuant to subsection A. Prior to running the machine-readable ballots through the ballot scanner machine, the recount officials shall ensure that logic and accuracy tests have been successfully performed on each scanner after the scanner has been programmed. The result calculated for ballots accepted by the ballot scanner machine during the recount shall be considered the correct determination for those machine-readable ballots unless the court finds sufficient cause to rule otherwise.

There shall be only one redetermination of the vote in each precinct.

At the conclusion of the recount of each precinct, the recount officials shall write down the number of valid ballots cast, this number being obtained from the ballots cast in the precinct, or from the ballots cast as shown on the statement of results if the ballots cannot be found; for each of the two candidates or for and against the question. They shall submit the ballots or the statement of results used, as to the validity of which questions exist, to the court. The written statement of any one recount official challenging a ballot shall be sufficient to require its submission to the court. If, on all direct recording electronic machines, the number of persons voting in the election, or the number of votes cast for the office or on the question, totals more than the number of names on the pollbooks of persons voting on the voting machines, the figures recorded by the machines shall be accepted as correct.

At the conclusion of the recount of all precincts, after allowing the parties to inspect the questioned ballots, and after hearing arguments, the court shall rule on the validity of all questioned ballots and votes. After determining all matters pertaining to the recount and redetermination of the vote as raised by the parties, the court shall certify to the State Board and the electoral board or boards (a) the vote for each party to the recount and declare the person who received the higher number of votes to be nominated or elected; as appropriate; or (b) the votes for and against the question and declare the

outcome of the referendum. The Department shall post on the Internet any and all changes made during the recount to the results as previously certified by it pursuant to § 24.2-679.

E. Costs of the recount shall be assessed against the counties and cities comprising the election district when (i) the candidate petitioning for the recount is declared the winner; (ii) the petitioners in a recount of a referendum win the recount; or (iii) there was between the candidate apparently nominated or elected and the candidate petitioning for the recount a difference of not more than one-half of one percent of the total vote cast for the two such candidates as determined by the State Board or electoral board prior to the recount. Otherwise the costs of the recount shall be assessed against the candidate petitioning for the recount or the petitioners in a recount of a referendum. If more than one candidate petitions for a recount, the court may assess costs in an equitable manner between the counties and cities and any such candidate if both are liable for costs under this subsection. Costs incurred to date shall be assessed against any candidate or petitioner who defaults or withdraws his petition.

F. The court shall determine the costs of the recount subject to the following limitations: (i) no per diem payment shall be assessed for salaried election officials; (ii) no per diem payment to officers of election serving as recount officials shall exceed two-thirds of the per diem paid such officers by the county or city for service on election day; and (iii) per diem payments to alternates shall be allowed only if they serve.

G. Any petitioner who may be assessed with costs under subsection E shall post a bond with surety with the court in the amount of \$10 per precinct in the area subject to recount. If the petitioner wins the recount, the bond shall not be forfeit. If the petitioner loses the recount, the bond shall be forfeit only to the extent of the assessed costs. If the assessed costs exceed the bond, he shall be liable for such excess.

H. The recount proceeding shall be final and not subject to appeal.

I. For the purposes of this section:

"Overvote" means a ballot on which a voter casts a vote for a greater number of candidates or positions than the number for which he was lawfully entitled to vote and no vote shall be counted with respect to that office or issue.

"Undervote" means a ballot on which a voter casts a vote for a lesser number of candidates or positions than the number for which he was lawfully entitled to vote.

§ 24.2-802. (Effective July 1, 2020) Recount standards.

A. The State Board of Elections shall promulgate standards for (i) the proper handling and security of voting systems, ballots, and other materials required for a recount, (ii) accurate ~~determination~~ *counting* of votes based upon objective evidence and taking into account the voting system and form of ballots approved for use in the Commonwealth, and (iii) any other matters that will promote a timely and accurate resolution of the recount.

B. The State Board shall promulgate additional standards and instructions for the conduct of simultaneous recounts of two or more elections in a single election district.

C. The chief judge of the circuit court or the full recount court may, consistent with State Board of Elections standards, resolve disputes over the application of the standards and direct all other appropriate measures to ensure the proper conduct of the recount.

The recount procedures to be followed throughout the election district shall be as uniform as practicable, taking into account the types of ballots and voting systems in use in the election district.

In preparation for the recount, the clerks of the circuit courts shall (a) secure all printed ballots and other election materials in sealed boxes; (b) place all of the sealed boxes in a vault or room not open to the public or to anyone other than the clerk and his staff; (c) cause such vault or room to be securely locked except when access is necessary for the clerk and his staff; and (d) certify that these security measures have been taken in whatever form is deemed appropriate by the chief judge.

B. Within seven calendar days of the filing of the petition for a recount of any election other than an election for presidential electors, or within five calendar days of the filing of a petition for a recount of an election for presidential electors, the chief judge of the circuit court shall call a preliminary hearing at which (i) motions may be disposed of and (ii) the rules of procedure may be fixed, both subject to review by the full court. The petitioner and his counsel and each other party and their counsel under supervision of the electoral board and its agents shall have access to pollbooks and other materials used in the election for examination purposes, provided that individual ballots cast in the election shall not be examined at the preliminary hearing. The chief judge during the preliminary hearing shall review all security measures taken for all ballots and voting systems and direct, as he deems necessary, all appropriate measures to ensure proper security to conduct the recount.

The chief judge, subject to review by the full court, may set the place or places for the recount and may order the delivery of election materials to a central location and the transportation of voting systems to a central location in each county or city under appropriate safeguards.

After the full court is appointed under § 24.2-801 or 24.2-801.1, it shall call a hearing at which all motions shall be disposed of and the rules of procedure shall be fixed finally, and it shall issue a written order setting out such rules of procedure. The court shall call for the advice and cooperation of the Department, the State Board, or any local electoral board, as appropriate, and such boards or agency shall have the duty and authority to assist the court. The court shall fix procedures that shall provide for the accurate determination of votes in the election.

The determination of the votes in a recount shall be based on votes cast in the election and shall not take into account (a) any absentee ballots or provisional ballots sought to be cast but ruled invalid and not cast in the election; (b) ballots cast

only for administrative or test purposes and voided by the officers of election; or (c) ballots spoiled by a voter and replaced with a new ballot.

The eligibility of any voter to have voted shall not be an issue in a recount. Commencing upon the filing of the recount, nothing shall prevent the discovery or disclosure of any evidence that could be used pursuant to § 24.2-803 in contesting the results of an election.

C. The court shall permit each candidate, or petitioner and governing body or chief executive officer, to select an equal number of the officers of election to be recount officials and to count printed ballots. The number shall be fixed by the court and be sufficient to conduct the recount within a reasonable period. The court may permit each party to the recount to submit a list of alternate officials in the number the court directs. There shall be at least one team from each locality using ballot scanner machines to insert the ballots into one or more scanners. The ballot scanner machines shall be programmed to count only votes cast for parties to the recount or for or against the question in a referendum recount. Each team shall be composed of one representative of each party.

The court may provide that if, at the time of the recount, any recount official fails to appear, the remaining recount officials present shall appoint substitute recount officials who shall possess the same qualifications as the recount officials for whom they substitute. The court may select pairs of recount coordinators to serve for each county or city in the election district who shall be members of the county or city electoral board and represent different political parties. The court shall have authority to summon such officials and coordinators. On the request of any party to the recount, the court shall allow that party to appoint one representative observer for each team of recount officials. The representative observers shall have an unobstructed view of the work of the recount officials. The expenses of its representatives shall be borne by each party.

D. The court (i) shall supervise the recount and (ii) may require delivery of any or all pollbooks used and any or all ballots cast at the election; or may assume supervision thereof through the recount coordinators and officials.

The redetermination of the vote in a recount shall be conducted as follows:

1. For paper ballots, the recount officials shall hand count the paper ballots using the standards promulgated by the State Board pursuant to subsection A.

2. For ballot scanner machines, the recount officials shall rerun all the machine-readable ballots through a scanner programmed to count only the votes for the office or issue in question in the recount and to set aside all ballots containing write-in votes, overvotes, and undervotes. The ballots that are set aside, any ballots not accepted by the scanner, and any ballots for which a scanner could not be programmed to meet the programming requirements of this subdivision, shall be hand counted using the standards promulgated by the State Board pursuant to subsection A. If the total number of machine-readable ballots reported as counted by the scanner plus the total number of ballots set aside by the scanner do not equal the total number of ballots rerun through the scanner, then all ballots cast on ballot scanner machines for that precinct shall be set aside to be counted by hand using the standards promulgated by the State Board pursuant to subsection A. Prior to running the machine-readable ballots through the ballot scanner machine, the recount officials shall ensure that logic and accuracy tests have been successfully performed on each scanner after the scanner has been programmed. The result calculated for ballots accepted by the ballot scanner machine during the recount shall be considered the correct determination for those machine-readable ballots unless the court finds sufficient cause to rule otherwise.

There shall be only one redetermination of the vote in each precinct.

At the conclusion of the recount of each precinct, the recount officials shall write down the number of valid ballots cast, this number being obtained from the ballots cast in the precinct, or from the ballots cast as shown on the statement of results if the ballots cannot be found; for each of the two candidates or for and against the question. They shall submit the ballots or the statement of results used, as to the validity of which questions exist, to the court. The written statement of any one recount official challenging a ballot shall be sufficient to require its submission to the court. If, on all ballot scanners, the number of persons voting in the election; or the number of votes cast for the office or on the question; totals more than the number of names on the pollbooks of persons voting on the voting machines, the figures recorded by the machines shall be accepted as correct.

At the conclusion of the recount of all precincts, after allowing the parties to inspect the questioned ballots; and after hearing arguments, the court shall rule on the validity of all questioned ballots and votes. After determining all matters pertaining to the recount and redetermination of the vote as raised by the parties, the court shall certify to the State Board and the electoral board or boards (a) the vote for each party to the recount and declare the person who received the higher number of votes to be nominated or elected; as appropriate, or (b) the votes for and against the question and declare the outcome of the referendum. The Department shall post on the Internet any and all changes made during the recount to the results as previously certified by it pursuant to § 24.2-679.

E. Costs of the recount shall be assessed against the counties and cities comprising the election district when (i) the candidate petitioning for the recount is declared the winner; (ii) the petitioners in a recount of a referendum win the recount; or (iii) there was between the candidate apparently nominated or elected and the candidate petitioning for the recount a difference of not more than one-half of one percent of the total vote cast for the two such candidates as determined by the State Board or electoral board prior to the recount. Otherwise the costs of the recount shall be assessed against the candidate petitioning for the recount or the petitioners in a recount of a referendum. If more than one candidate petitions for a recount, the court may assess costs in an equitable manner between the counties and cities and any such candidate if both are liable for costs under this subsection. Costs incurred to date shall be assessed against any candidate or petitioner who defaults or withdraws his petition.

F. The court shall determine the costs of the recount subject to the following limitations: (i) no per diem payment shall be assessed for salaried election officials; (ii) no per diem payment to officers of election serving as recount officials shall exceed two-thirds of the per diem paid such officers by the county or city for service on election day; and (iii) per diem payments to alternates shall be allowed only if they serve.

G. Any petitioner who may be assessed with costs under subsection E shall post a bond with surety with the court in the amount of \$10 per precinct in the area subject to recount. If the petitioner wins the recount, the bond shall not be forfeit. If the petitioner loses the recount, the bond shall be forfeit only to the extent of the assessed costs. If the assessed costs exceed the bond, he shall be liable for such excess.

H. The recount proceeding shall be final and not subject to appeal.

I. For the purposes of this section:

"Overvote" means a ballot on which a voter casts a vote for a greater number of candidates or positions than the number for which he was lawfully entitled to vote and no vote shall be counted with respect to that office or issue.

"Undervote" means a ballot on which a voter casts a vote for a lesser number of candidates or positions than the number for which he was lawfully entitled to vote.

§ 24.2-802.1. Preliminary hearing; court to fix procedure for recount, appoint officers, and supervise the recount.

A. Within seven calendar days of the filing of the petition for a recount of any election other than an election for presidential electors, or within five calendar days of the filing of a petition for a recount of an election for presidential electors, the chief judge of the circuit court shall call a preliminary hearing at which (i) motions may be disposed of and (ii) the rules of procedure may be fixed, both subject to review by the full court. The petitioner and his counsel and each other party and their counsel under supervision of the electoral board and its agents shall have access to pollbooks and other materials used in the election for examination purposes, provided that individual ballots cast in the election shall not be examined at the preliminary hearing. The chief judge during the preliminary hearing shall review all security measures taken for all ballots and voting systems and direct, as he deems necessary, all appropriate measures to ensure proper security to conduct the recount.

The chief judge, subject to review by the full court, may set the place for the recount and may order the delivery of election materials to a central location and the transportation of voting systems to a central location in each county or city under appropriate safeguards.

B. After the full court is appointed under § 24.2-801 or 24.2-801.1, it shall call a hearing at which all motions shall be disposed of and the rules of procedure shall be fixed finally, and it shall issue a written order setting out such rules of procedure. The court shall call for the advice and cooperation of the Department, the State Board, or any local electoral board, as appropriate, and such boards or agency shall have the duty and authority to assist the court. The court shall fix any additional procedures, that are not provided for in this chapter, that shall provide for the accurate counting of votes in the election. The recount procedures to be followed throughout the election district shall be as uniform as practicable, taking into account the types of ballots and voting systems in use in the election district.

C. The court shall permit each candidate, or petitioner and governing body or chief executive officer, to select an equal number of the officers of election to be recount officials and to count printed ballots. The number shall be fixed by the court and be sufficient to conduct the recount within a reasonable period. The court may permit each party to the recount to submit a list of alternate officials in the number the court directs. There shall be at least one team from each locality using ballot scanner machines to insert the ballots into one or more scanners. Each team shall be composed of one representative of each party.

The court may provide that if, at the time of the recount, any recount official fails to appear, the remaining recount officials present shall appoint substitute recount officials who shall possess the same qualifications as the recount officials for whom they substitute. The court may select pairs of recount coordinators to serve for each county or city in the election district who shall be members of the county or city electoral board and represent different political parties. The court shall have authority to summon such officials and coordinators. On the request of any party to the recount, the court shall allow that party to appoint one representative observer for each team of recount officials. The representative observers shall have an unobstructed view of the work of the recount officials. The expenses of its representatives shall be borne by each party.

D. The court (i) shall supervise the recount and (ii) may require delivery of any or all pollbooks used and any or all ballots cast at the election, or may assume supervision thereof through the recount coordinators and officials.

§ 24.2-802.2. General recount procedures.

A. For the purposes of this section:

"Overvote" means a ballot on which a voter casts a vote for a greater number of candidates or positions than the number for which he was lawfully entitled to vote and no vote shall be counted with respect to that office or issue.

"Undervote" means a ballot on which a voter casts a vote for a lesser number of candidates or positions than the number for which he was lawfully entitled to vote.

B. The recount of the votes shall be based on votes cast in the election and shall not take into account (i) any absentee ballots or provisional ballots sought to be cast but ruled invalid and not cast in the election, (ii) ballots cast only for administrative or test purposes and voided by the officers of election, or (iii) ballots spoiled by a voter and replaced with a new ballot.

C. The eligibility of any voter to have voted shall not be an issue in a recount. Commencing upon the filing of the recount, nothing shall prevent the discovery or disclosure of any evidence that could be used pursuant to § 24.2-803 in contesting the results of an election.

D. There shall be only one recount of the vote in each precinct. The recount of the vote shall be conducted as follows:

1. For paper ballots, the recount officials shall hand count the paper ballots using the standards promulgated by the State Board pursuant to § 24.2-802.

2. For ballot scanner machines, the recount officials shall rerun all the machine-readable ballots through a scanner programmed to count only the votes for the parties or issue in question in the recount and to set aside all ballots containing write-in votes, overvotes, and undervotes. The ballots that are set aside, any ballots not accepted by the scanner, and any ballots for which a scanner could not be programmed to meet the programming requirements of this subdivision, shall be hand counted using the standards promulgated by the State Board pursuant to § 24.2-802. If the total number of machine-readable ballots reported as counted by the scanner plus the total number of ballots set aside by the scanner do not equal the total number of ballots rerun through the scanner, then all ballots cast on ballot scanner machines for that precinct shall be set aside to be counted by hand using the standards promulgated by the State Board pursuant to § 24.2-802. Prior to running the machine-readable ballots through the ballot scanner machine, the recount officials shall ensure that logic and accuracy tests have been successfully performed on each scanner after the scanner has been programmed. The result calculated for ballots accepted by the ballot scanner machine during the recount shall be considered correct for those machine-readable ballots unless the court finds sufficient cause to rule otherwise.

E. At the conclusion of the recount of each precinct, the recount officials shall write down the number of valid ballots cast, this number being obtained from the ballots cast in the precinct, or from the ballots cast as shown on the statement of results if the ballots cannot be found, for each of the two candidates or for and against the question. They shall submit the ballots or the statement of results used, as to the validity of which questions exist, to the court. The written statement of any one recount official challenging a ballot shall be sufficient to require its submission to the court. If, on all ballot scanners, the number of persons voting in the election, or the number of votes cast for the office or on the question, totals more than the number of names on the pollbooks of persons voting on the voting machines, the figures recorded by the machines shall be accepted as correct.

F. At the conclusion of the recount of all precincts, after allowing the parties to inspect the questioned ballots, and after hearing arguments, the court shall rule on the validity of all questioned ballots and votes. After settling all matters pertaining to the recount of the vote as raised by the parties, the court shall certify to the State Board and the electoral board (i) the vote for each party to the recount and declare the person who received the higher number of votes to be nominated or elected, as appropriate, or (ii) the votes for and against the question and declare the outcome of the referendum. The Department shall post on the Internet any and all changes made during the recount to the results as previously certified by it pursuant to § 24.2-679.

G. The recount proceeding shall be final and not subject to appeal.

§ 24.2-802.3. Costs of the recount.

A. Costs of the recount shall be assessed against the counties and cities comprising the election district when (i) the candidate petitioning for the recount is declared the winner; (ii) the petitioners in a recount of a referendum win the recount; or (iii) there was between the candidate apparently nominated or elected and the candidate petitioning for the recount a difference of not more than one-half of one percent of the total vote cast for the two such candidates as determined by the State Board or electoral board prior to the recount. Otherwise the costs of the recount shall be assessed against the candidate petitioning for the recount or the petitioners in a recount of a referendum. If more than one candidate petitions for a recount, the court may assess costs in an equitable manner between the counties and cities and any such candidate if both are liable for costs under this subsection. Costs incurred to date shall be assessed against any candidate or petitioner who defaults or withdraws his petition.

B. The court shall appraise the costs of the recount subject to the following limitations: (i) no per diem payment shall be assessed for salaried election officials; (ii) no per diem payment to officers of election serving as recount officials shall exceed two-thirds of the per diem paid such officers by the county or city for service on election day; and (iii) per diem payments to alternates shall be allowed only if they serve.

C. Any petitioner who may be assessed with costs under subsection A shall post a bond with surety with the court in the amount of \$10 per precinct in the area subject to recount. If the petitioner wins the recount, the bond shall not be forfeit. If the petitioner loses the recount, the bond shall be forfeit only to the extent of the assessed costs. If the assessed costs exceed the bond, he shall be liable for such excess.

§ 24.2-814. Contest following recount.

A candidate in a primary or an election to office, who was originally declared a winner and subsequently loses as the result of a recount, may file either (i) notice of his intent to contest the result in accordance with § 24.2-803 or § 24.2-804 or (ii) a written complaint pursuant to § 24.2-805 or § 24.2-806. Such notice or complaint shall be filed within 10 days following the date of the entry of the order of the recount court pursuant to subsection ~~D~~ F of ~~24.2-802~~ 24.2-802.2.

In the case of a contest pursuant to § 24.2-803 or § 24.2-804, the times for filing the answer, petition, and reply and for taking depositions and affidavits shall be set by the Committee on Privileges and Elections of the appropriate house. The Committee may consider the contestant's and contestee's recommendations for the procedural schedule.

This section shall not be applicable to a contest of an election for the President and Vice President of the United States.

CHAPTER 887

An Act to amend and reenact §§ 18.2-308.09, 18.2-308.2:1, 18.2-308.2:2, and 18.2-308.2:3 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 18.2-308.1:6, by adding in Title 19.2 a chapter numbered 9.2, consisting of sections numbered 19.2-152.13 through 19.2-152.17, and by adding a section numbered 19.2-387.3, relating to firearms; removal from persons posing substantial risk; penalties.

[H 674]

Approved April 8, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 18.2-308.09, 18.2-308.2:1, 18.2-308.2:2, and 18.2-308.2:3 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 18.2-308.1:6, by adding in Title 19.2 a chapter numbered 9.2, consisting of sections numbered 19.2-152.13 through 19.2-152.17, and by adding a section numbered 19.2-387.3 as follows:

§ 18.2-308.09. Disqualifications for a concealed handgun permit.

The following persons shall be deemed disqualified from obtaining a permit:

1. An individual who is ineligible to possess a firearm pursuant to § 18.2-308.1:1, 18.2-308.1:2, ~~or~~ 18.2-308.1:3, *or* 18.2-308.1:6 or the substantially similar law of any other state or of the United States.
2. An individual who was ineligible to possess a firearm pursuant to § 18.2-308.1:1 and who was discharged from the custody of the Commissioner pursuant to § 19.2-182.7 less than five years before the date of his application for a concealed handgun permit.
3. An individual who was ineligible to possess a firearm pursuant to § 18.2-308.1:2 and whose competency or capacity was restored pursuant to § 64.2-2012 less than five years before the date of his application for a concealed handgun permit.
4. An individual who was ineligible to possess a firearm under § 18.2-308.1:3 and who was released from commitment less than five years before the date of this application for a concealed handgun permit.
5. An individual who is subject to a restraining order, or to a protective order and prohibited by § 18.2-308.1:4 from purchasing, possessing, or transporting a firearm.
6. (Effective until January 1, 2021) An individual who is prohibited by § 18.2-308.2 from possessing or transporting a firearm, except that a permit may be obtained in accordance with subsection C of that section.
6. (Effective January 1, 2021) An individual who is prohibited by § 18.2-308.2 from possessing or transporting a firearm, except that a restoration order may be obtained in accordance with subsection C of that section.
7. An individual who has been convicted of two or more misdemeanors within the five-year period immediately preceding the application, if one of the misdemeanors was a Class 1 misdemeanor, but the judge shall have the discretion to deny a permit for two or more misdemeanors that are not Class 1. Traffic infractions and misdemeanors set forth in Title 46.2 shall not be considered for purposes of this disqualification.
8. An individual who is addicted to, or is an unlawful user or distributor of, marijuana, synthetic cannabinoids, or any controlled substance.
9. An individual who has been convicted of a violation of § 18.2-266 or a substantially similar local ordinance, or of public drunkenness, or of a substantially similar offense under the laws of any other state, the District of Columbia, the United States, or its territories within the three-year period immediately preceding the application, or who is a habitual drunkard as determined pursuant to § 4.1-333.
10. An alien other than an alien lawfully admitted for permanent residence in the United States.
11. An individual who has been discharged from the armed forces of the United States under dishonorable conditions.
12. An individual who is a fugitive from justice.
13. An individual who the court finds, by a preponderance of the evidence, based on specific acts by the applicant, is likely to use a weapon unlawfully or negligently to endanger others. The sheriff, chief of police, or attorney for the Commonwealth may submit to the court a sworn, written statement indicating that, in the opinion of such sheriff, chief of police, or attorney for the Commonwealth, based upon a disqualifying conviction or upon the specific acts set forth in the statement, the applicant is likely to use a weapon unlawfully or negligently to endanger others. The statement of the sheriff, chief of police, or the attorney for the Commonwealth shall be based upon personal knowledge of such individual or of a deputy sheriff, police officer, or assistant attorney for the Commonwealth of the specific acts, or upon a written statement made under oath before a notary public of a competent person having personal knowledge of the specific acts.
14. An individual who has been convicted of any assault, assault and battery, sexual battery, discharging of a firearm in violation of § 18.2-280 or 18.2-286.1 or brandishing of a firearm in violation of § 18.2-282 within the three-year period immediately preceding the application.
15. An individual who has been convicted of stalking.
16. An individual whose previous convictions or adjudications of delinquency were based on an offense that would have been at the time of conviction a felony if committed by an adult under the laws of any state, the District of Columbia, the United States or its territories. For purposes of this disqualifier, only convictions occurring within 16 years following the later of the date of (i) the conviction or adjudication or (ii) release from any incarceration imposed upon such conviction or adjudication shall be deemed to be "previous convictions." Disqualification under this subdivision shall not apply to an

individual with previous adjudications of delinquency who has completed a term of service of no less than two years in the Armed Forces of the United States and, if such person has been discharged from the Armed Forces of the United States, received an honorable discharge.

17. An individual who has a felony charge pending or a charge pending for an offense listed in subdivision 14 or 15.

18. An individual who has received mental health treatment or substance abuse treatment in a residential setting within five years prior to the date of his application for a concealed handgun permit.

19. An individual not otherwise ineligible pursuant to this article, who, within the three-year period immediately preceding the application for the permit, was found guilty of any criminal offense set forth in Article 1 (§ 18.2-247 et seq.) or former § 18.2-248.1:1 or of a criminal offense of illegal possession or distribution of marijuana, synthetic cannabinoids, or any controlled substance, under the laws of any state, the District of Columbia, or the United States or its territories.

20. An individual, not otherwise ineligible pursuant to this article, with respect to whom, within the three-year period immediately preceding the application, upon a charge of any criminal offense set forth in Article 1 (§ 18.2-247 et seq.) or former § 18.2-248.1:1 or upon a charge of illegal possession or distribution of marijuana, synthetic cannabinoids, or any controlled substance under the laws of any state, the District of Columbia, or the United States or its territories, the trial court found that the facts of the case were sufficient for a finding of guilt and disposed of the case pursuant to § 18.2-251 or the substantially similar law of any other state, the District of Columbia, or the United States or its territories.

§ 18.2-308.1:6. Purchase, possession, or transportation of firearms by persons subject to substantial risk orders; penalty.

It is unlawful for any person who is subject to an emergency substantial risk order or a substantial risk order entered pursuant to § 19.2-152.13 or 19.2-152.14 or an order issued by a tribunal of another state, the United States or any of its territories, possessions, or commonwealths, or the District of Columbia pursuant to a statute that is substantially similar to § 19.2-152.13 or 19.2-152.14 to purchase, possess, or transport any firearm while the order is in effect. Any such person with a concealed handgun permit is prohibited from carrying any concealed firearm while the order is in effect and shall surrender his permit to the court entering the order pursuant to § 19.2-152.13 or 19.2-152.14. A violation of this section is a Class 1 misdemeanor.

§ 18.2-308.2:1. Prohibiting the selling, etc., of firearms to certain persons.

Any person who sells, barter, gives or furnishes, or has in his possession or under his control with the intent of selling, bartering, giving or furnishing, any firearm to any person he knows is prohibited from possessing or transporting a firearm pursuant to § 18.2-308.1:1, 18.2-308.1:2, 18.2-308.1:3, *18.2-308.1:6*, or 18.2-308.2, subsection B of § 18.2-308.2:01, or § 18.2-308.7 ~~shall be~~ *is* guilty of a Class 4 felony. However, this prohibition shall not be applicable when the person convicted of the felony, adjudicated delinquent, or acquitted by reason of insanity has (i) been issued a permit pursuant to subsection C of § 18.2-308.2 or been granted relief pursuant to subsection B of § 18.2-308.1:1; or § 18.2-308.1:2 or 18.2-308.1:3; (ii) been pardoned or had his political disabilities removed in accordance with subsection B of § 18.2-308.2; or (iii) obtained a permit to ship, transport, possess or receive firearms pursuant to the laws of the United States.

§ 18.2-308.2:2. Criminal history record information check required for the transfer of certain firearms.

A. Any person purchasing from a dealer a firearm as herein defined shall consent in writing, on a form to be provided by the Department of State Police, to have the dealer obtain criminal history record information. Such form shall include only the written consent; the name, birth date, gender, race, citizenship, and social security number and/or any other identification number; the number of firearms by category intended to be sold, rented, traded, or transferred; and answers by the applicant to the following questions: (i) has the applicant been convicted of a felony offense or found guilty or adjudicated delinquent as a juvenile 14 years of age or older at the time of the offense of a delinquent act that would be a felony if committed by an adult; (ii) is the applicant subject to a court order restraining the applicant from harassing, stalking, or threatening the applicant's child or intimate partner, or a child of such partner, or is the applicant subject to a protective order; ~~and~~ (iii) has the applicant ever been acquitted by reason of insanity and prohibited from purchasing, possessing, or transporting a firearm pursuant to § 18.2-308.1:1 or any substantially similar law of any other jurisdiction, been adjudicated legally incompetent, mentally incapacitated or adjudicated an incapacitated person and prohibited from purchasing a firearm pursuant to § 18.2-308.1:2 or any substantially similar law of any other jurisdiction, or been involuntarily admitted to an inpatient facility or involuntarily ordered to outpatient mental health treatment and prohibited from purchasing a firearm pursuant to § 18.2-308.1:3 or any substantially similar law of any other jurisdiction; *and (iv) is the applicant subject to an emergency substantial risk order or a substantial risk order entered pursuant to § 19.2-152.13 or 19.2-152.14 and prohibited from purchasing, possessing, or transporting a firearm pursuant to § 18.2-308.1:6 or any substantially similar law of any other jurisdiction.*

B. 1. No dealer shall sell, rent, trade or transfer from his inventory any such firearm to any other person who is a resident of Virginia until he has (i) obtained written consent and the other information on the consent form specified in subsection A, and provided the Department of State Police with the name, birth date, gender, race, citizenship, and social security number and/or any other identification number and the number of firearms by category intended to be sold, rented, traded or transferred and (ii) requested criminal history record information by a telephone call to or other communication authorized by the State Police and is authorized by subdivision 2 to complete the sale or other such transfer. To establish personal identification and residence in Virginia for purposes of this section, a dealer must require any prospective purchaser to present one photo-identification form issued by a governmental agency of the Commonwealth or by the United States Department of Defense that demonstrates that the prospective purchaser resides in Virginia. For the purposes of this section

and establishment of residency for firearm purchase, residency of a member of the armed forces shall include both the state in which the member's permanent duty post is located and any nearby state in which the member resides and from which he commutes to the permanent duty post. A member of the armed forces whose photo identification issued by the Department of Defense does not have a Virginia address may establish his Virginia residency with such photo identification and either permanent orders assigning the purchaser to a duty post, including the Pentagon, in Virginia or the purchaser's Leave and Earnings Statement. When the photo identification presented to a dealer by the prospective purchaser is a driver's license or other photo identification issued by the Department of Motor Vehicles, and such identification form contains a date of issue, the dealer shall not, except for a renewed driver's license or other photo identification issued by the Department of Motor Vehicles, sell or otherwise transfer a firearm to the prospective purchaser until 30 days after the date of issue of an original or duplicate driver's license unless the prospective purchaser also presents a copy of his Virginia Department of Motor Vehicles driver's record showing that the original date of issue of the driver's license was more than 30 days prior to the attempted purchase.

In addition, no dealer shall sell, rent, trade, or transfer from his inventory any assault firearm to any person who is not a citizen of the United States or who is not a person lawfully admitted for permanent residence.

Upon receipt of the request for a criminal history record information check, the State Police shall (a) review its criminal history record information to determine if the buyer or transferee is prohibited from possessing or transporting a firearm by state or federal law, (b) inform the dealer if its record indicates that the buyer or transferee is so prohibited, and (c) provide the dealer with a unique reference number for that inquiry.

2. The State Police shall provide its response to the requesting dealer during the dealer's request, or by return call without delay. If the criminal history record information check indicates the prospective purchaser or transferee has a disqualifying criminal record or has been acquitted by reason of insanity and committed to the custody of the Commissioner of Behavioral Health and Developmental Services, the State Police shall have until the end of the dealer's next business day to advise the dealer if its records indicate the buyer or transferee is prohibited from possessing or transporting a firearm by state or federal law. If not so advised by the end of the dealer's next business day, a dealer who has fulfilled the requirements of subdivision 1 may immediately complete the sale or transfer and shall not be deemed in violation of this section with respect to such sale or transfer. In case of electronic failure or other circumstances beyond the control of the State Police, the dealer shall be advised immediately of the reason for such delay and be given an estimate of the length of such delay. After such notification, the State Police shall, as soon as possible but in no event later than the end of the dealer's next business day, inform the requesting dealer if its records indicate the buyer or transferee is prohibited from possessing or transporting a firearm by state or federal law. A dealer who fulfills the requirements of subdivision 1 and is told by the State Police that a response will not be available by the end of the dealer's next business day may immediately complete the sale or transfer and shall not be deemed in violation of this section with respect to such sale or transfer.

3. Except as required by subsection D of § 9.1-132, the State Police shall not maintain records longer than 30 days, except for multiple handgun transactions for which records shall be maintained for 12 months, from any dealer's request for a criminal history record information check pertaining to a buyer or transferee who is not found to be prohibited from possessing and transporting a firearm under state or federal law. However, the log on requests made may be maintained for a period of 12 months, and such log shall consist of the name of the purchaser, the dealer identification number, the unique approval number and the transaction date.

4. On the last day of the week following the sale or transfer of any firearm, the dealer shall mail or deliver the written consent form required by subsection A to the Department of State Police. The State Police shall immediately initiate a search of all available criminal history record information to determine if the purchaser is prohibited from possessing or transporting a firearm under state or federal law. If the search discloses information indicating that the buyer or transferee is so prohibited from possessing or transporting a firearm, the State Police shall inform the chief law-enforcement officer in the jurisdiction where the sale or transfer occurred and the dealer without delay.

5. Notwithstanding any other provisions of this section, rifles and shotguns may be purchased by persons who are citizens of the United States or persons lawfully admitted for permanent residence but residents of other states under the terms of subsections A and B upon furnishing the dealer with one photo-identification form issued by a governmental agency of the person's state of residence and one other form of identification determined to be acceptable by the Department of Criminal Justice Services.

6. For the purposes of this subsection, the phrase "dealer's next business day" shall not include December 25.

C. No dealer shall sell, rent, trade or transfer from his inventory any firearm, except when the transaction involves a rifle or a shotgun and can be accomplished pursuant to the provisions of subdivision B 5 to any person who is not a resident of Virginia unless he has first obtained from the Department of State Police a report indicating that a search of all available criminal history record information has not disclosed that the person is prohibited from possessing or transporting a firearm under state or federal law. The dealer shall obtain the required report by mailing or delivering the written consent form required under subsection A to the State Police within 24 hours of its execution. If the dealer has complied with the provisions of this subsection and has not received the required report from the State Police within 10 days from the date the written consent form was mailed to the Department of State Police, he shall not be deemed in violation of this section for thereafter completing the sale or transfer.

D. Nothing herein shall prevent a resident of the Commonwealth, at his option, from buying, renting or receiving a firearm from a dealer in Virginia by obtaining a criminal history record information check through the dealer as provided in subsection C.

E. If any buyer or transferee is denied the right to purchase a firearm under this section, he may exercise his right of access to and review and correction of criminal history record information under § 9.1-132 or institute a civil action as provided in § 9.1-135, provided any such action is initiated within 30 days of such denial.

F. Any dealer who willfully and intentionally requests, obtains, or seeks to obtain criminal history record information under false pretenses, or who willfully and intentionally disseminates or seeks to disseminate criminal history record information except as authorized in this section shall be guilty of a Class 2 misdemeanor.

G. For purposes of this section:

"Actual buyer" means a person who executes the consent form required in subsection B or C, or other such firearm transaction records as may be required by federal law.

"Antique firearm" means:

1. Any firearm (including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured in or before 1898;

2. Any replica of any firearm described in subdivision 1 of this definition if such replica (i) is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition or (ii) uses rimfire or conventional centerfire fixed ammunition that is no longer manufactured in the United States and that is not readily available in the ordinary channels of commercial trade;

3. Any muzzle-loading rifle, muzzle-loading shotgun, or muzzle-loading pistol that is designed to use black powder, or a black powder substitute, and that cannot use fixed ammunition. For purposes of this subdivision, the term "antique firearm" shall not include any weapon that incorporates a firearm frame or receiver, any firearm that is converted into a muzzle-loading weapon, or any muzzle-loading weapon that can be readily converted to fire fixed ammunition by replacing the barrel, bolt, breech-block, or any combination thereof; or

4. Any curio or relic as defined in this subsection.

"Assault firearm" means any semi-automatic center-fire rifle or pistol which expels single or multiple projectiles by action of an explosion of a combustible material and is equipped at the time of the offense with a magazine which will hold more than 20 rounds of ammunition or designed by the manufacturer to accommodate a silencer or equipped with a folding stock.

"Curios or relics" means firearms that are of special interest to collectors by reason of some quality other than is associated with firearms intended for sporting use or as offensive or defensive weapons. To be recognized as curios or relics, firearms must fall within one of the following categories:

1. Firearms that were manufactured at least 50 years prior to the current date, which use rimfire or conventional centerfire fixed ammunition that is no longer manufactured in the United States and that is not readily available in the ordinary channels of commercial trade, but not including replicas thereof;

2. Firearms that are certified by the curator of a municipal, state, or federal museum that exhibits firearms to be curios or relics of museum interest; and

3. Any other firearms that derive a substantial part of their monetary value from the fact that they are novel, rare, bizarre, or because of their association with some historical figure, period, or event. Proof of qualification of a particular firearm under this category may be established by evidence of present value and evidence that like firearms are not available except as collectors' items, or that the value of like firearms available in ordinary commercial channels is substantially less.

"Dealer" means any person licensed as a dealer pursuant to 18 U.S.C. § 921 et seq.

"Firearm" means any handgun, shotgun, or rifle that will or is designed to or may readily be converted to expel single or multiple projectiles by action of an explosion of a combustible material.

"Handgun" means any pistol or revolver or other firearm originally designed, made and intended to fire single or multiple projectiles by means of an explosion of a combustible material from one or more barrels when held in one hand.

"Lawfully admitted for permanent residence" means the status of having been lawfully accorded the privilege of residing permanently in the United States as an immigrant in accordance with the immigration laws, such status not having changed.

H. The Department of Criminal Justice Services shall promulgate regulations to ensure the identity, confidentiality and security of all records and data provided by the Department of State Police pursuant to this section.

I. The provisions of this section shall not apply to (i) transactions between persons who are licensed as firearms importers or collectors, manufacturers or dealers pursuant to 18 U.S.C. § 921 et seq.; (ii) purchases by or sales to any law-enforcement officer or agent of the United States, the Commonwealth or any local government, or any campus police officer appointed under Article 3 (§ 23.1-809 et seq.) of Chapter 8 of Title 23.1; or (iii) antique firearms, curios or relics.

J. The provisions of this section shall not apply to restrict purchase, trade or transfer of firearms by a resident of Virginia when the resident of Virginia makes such purchase, trade or transfer in another state, in which case the laws and regulations of that state and the United States governing the purchase, trade or transfer of firearms shall apply. A National Instant Criminal Background Check System (NICS) check shall be performed prior to such purchase, trade or transfer of firearms.

J1. All licensed firearms dealers shall collect a fee of \$2 for every transaction for which a criminal history record information check is required pursuant to this section, except that a fee of \$5 shall be collected for every transaction

involving an out-of-state resident. Such fee shall be transmitted to the Department of State Police by the last day of the month following the sale for deposit in a special fund for use by the State Police to offset the cost of conducting criminal history record information checks under the provisions of this section.

K. Any person willfully and intentionally making a materially false statement on the consent form required in subsection B or C or on such firearm transaction records as may be required by federal law, shall be guilty of a Class 5 felony.

L. Except as provided in § 18.2-308.2:1, any dealer who willfully and intentionally sells, rents, trades or transfers a firearm in violation of this section shall be guilty of a Class 6 felony.

L1. Any person who attempts to solicit, persuade, encourage, or entice any dealer to transfer or otherwise convey a firearm other than to the actual buyer, as well as any other person who willfully and intentionally aids or abets such person, shall be guilty of a Class 6 felony. This subsection shall not apply to a federal law-enforcement officer or a law-enforcement officer as defined in § 9.1-101, in the performance of his official duties, or other person under his direct supervision.

M. Any person who purchases a firearm with the intent to (i) resell or otherwise provide such firearm to any person who he knows or has reason to believe is ineligible to purchase or otherwise receive from a dealer a firearm for whatever reason or (ii) transport such firearm out of the Commonwealth to be resold or otherwise provided to another person who the transferor knows is ineligible to purchase or otherwise receive a firearm, shall be guilty of a Class 4 felony and sentenced to a mandatory minimum term of imprisonment of one year. However, if the violation of this subsection involves such a transfer of more than one firearm, the person shall be sentenced to a mandatory minimum term of imprisonment of five years. The prohibitions of this subsection shall not apply to the purchase of a firearm by a person for the lawful use, possession, or transport thereof, pursuant to § 18.2-308.7, by his child, grandchild, or individual for whom he is the legal guardian if such child, grandchild, or individual is ineligible, solely because of his age, to purchase a firearm.

N. Any person who is ineligible to purchase or otherwise receive or possess a firearm in the Commonwealth who solicits, employs or assists any person in violating subsection M shall be guilty of a Class 4 felony and shall be sentenced to a mandatory minimum term of imprisonment of five years.

O. Any mandatory minimum sentence imposed under this section shall be served consecutively with any other sentence.

P. All driver's licenses issued on or after July 1, 1994, shall carry a letter designation indicating whether the driver's license is an original, duplicate or renewed driver's license.

Q. Prior to selling, renting, trading, or transferring any firearm owned by the dealer but not in his inventory to any other person, a dealer may require such other person to consent to have the dealer obtain criminal history record information to determine if such other person is prohibited from possessing or transporting a firearm by state or federal law. The Department of State Police shall establish policies and procedures in accordance with 28 C.F.R. § 25.6 to permit such determinations to be made by the Department of State Police, and the processes established for making such determinations shall conform to the provisions of this section.

§ 18.2-308.2:3. Criminal background check required for employees of a gun dealer to transfer firearms; exemptions; penalties.

A. No person, corporation, or proprietorship licensed as a firearms dealer pursuant to 18 U.S.C. § 921 et seq. shall employ any person to act as a seller, whether full-time or part-time, permanent, temporary, paid or unpaid, for the transfer of firearms under § 18.2-308.2:2, if such employee would be prohibited from possessing a firearm under § 18.2-308.1:1, 18.2-308.1:2, ~~or~~ 18.2-308.1:3, *or 18.2-308.1:6*, subsection B of § 18.2-308.1:4, or § 18.2-308.2 or 18.2-308.2:01 or is an illegal alien, or is prohibited from purchasing or transporting a firearm pursuant to subsection A of § 18.2-308.1:4 or § 18.2-308.1:5.

B. Prior to permitting an applicant to begin employment, the dealer shall obtain a written statement or affirmation from the applicant that he is not disqualified from possessing a firearm and shall submit the applicant's fingerprints and personal descriptive information to the Central Criminal Records Exchange to be forwarded to the Federal Bureau of Investigation (FBI) for the purpose of obtaining national criminal history record information regarding the applicant.

C. Prior to August 1, 2000, the dealer shall obtain written statements or affirmations from persons employed before July 1, 2000, to act as a seller under § 18.2-308.2:2 that they are not disqualified from possessing a firearm. Within five working days of the employee's next birthday, after August 1, 2000, the dealer shall submit the employee's fingerprints and personal descriptive information to the Central Criminal Records Exchange to be forwarded to the Federal Bureau of Investigation (FBI) for the purpose of obtaining national criminal history record information regarding the request.

C1. In lieu of submitting fingerprints pursuant to this section, any dealer holding a valid federal firearms license (FFL) issued by the Bureau of Alcohol, Tobacco and Firearms (ATF) may submit a sworn and notarized affidavit to the Department of State Police on a form provided by the Department, stating that the dealer has been subjected to a record check prior to the issuance and that the FFL was issued by the ATF. The affidavit may also contain the names of any employees that have been subjected to a record check and approved by the ATF. This exemption shall apply regardless of whether the FFL was issued in the name of the dealer or in the name of the business. The affidavit shall contain the valid FFL number, state the name of each person requesting the exemption, together with each person's identifying information, including their social security number and the following statement: "I hereby swear, under the penalty of perjury, that as a condition of obtaining a federal firearms license, each person requesting an exemption in this affidavit has been subjected to a fingerprint identification check by the Bureau of Alcohol, Tobacco and Firearms and the Bureau of Alcohol, Tobacco and

Firearms subsequently determined that each person satisfied the requirements of 18 U.S.C. § 921 et seq. I understand that any person convicted of making a false statement in this affidavit is guilty of a Class 5 felony and that in addition to any other penalties imposed by law, a conviction under this section shall result in the forfeiture of my federal firearms license."

D. The Department of State Police, upon receipt of an individual's record or notification that no record exists, shall submit an eligibility report to the requesting dealer within 30 days of the applicant beginning his duties for new employees or within 30 days of the applicant's birthday for a person employed prior to July 1, 2000.

E. If any applicant is denied employment because of information appearing on the criminal history record and the applicant disputes the information upon which the denial was based, the Central Criminal Records Exchange shall, upon written request, furnish to the applicant the procedures for obtaining a copy of the criminal history record from the Federal Bureau of Investigation. The information provided to the dealer shall not be disseminated except as provided in this section.

F. The applicant shall bear the cost of obtaining the criminal history record unless the dealer, at his option, decides to pay such cost.

G. Upon receipt of the request for a criminal history record information check, the State Police shall establish a unique number for that firearm seller. Beginning September 1, 2001, the firearm seller's signature, firearm seller's number and the dealer's identification number shall be on all firearm transaction forms. The State Police shall void the firearm seller's number when a disqualifying record is discovered. The State Police may suspend a firearm seller's identification number upon the arrest of the firearm seller for a potentially disqualifying crime.

H. This section shall not restrict the transfer of a firearm at any place other than at a dealership or at any event required to be registered as a gun show.

I. Any person who willfully and intentionally requests, obtains, or seeks to obtain criminal history record information under false pretenses, or who willfully and intentionally disseminates or seeks to disseminate criminal history record information except as authorized by this section and § 18.2-308.2:2, shall be guilty of a Class 2 misdemeanor.

J. Any person willfully and intentionally making a materially false statement on the personal descriptive information required in this section shall be guilty of a Class 5 felony. Any person who offers for transfer any firearm in violation of this section shall be guilty of a Class 1 misdemeanor. Any dealer who willfully and knowingly employs or permits a person to act as a firearm seller in violation of this section shall be guilty of a Class 1 misdemeanor.

K. There is no civil liability for any seller for the actions of any purchaser or subsequent transferee of a firearm lawfully transferred pursuant to this section.

L. The provisions of this section requiring a seller's background check shall not apply to a licensed dealer.

M. Any person who willfully and intentionally makes a false statement in the affidavit as set out in subdivision C 1 shall be guilty of a Class 5 felony.

N. For purposes of this section:

"Dealer" means any person, corporation or proprietorship licensed as a dealer pursuant to 18 U.S.C. § 921 et seq.

"Firearm" means any handgun, shotgun, or rifle that will or is designed to or may readily be converted to expel single or multiple projectiles by action of an explosion of a combustible material.

"Place of business" means any place or premises where a dealer may lawfully transfer firearms.

"Seller" means for the purpose of any single sale of a firearm any person who is a dealer or an agent of a dealer, who may lawfully transfer firearms and who actually performs the criminal background check in accordance with the provisions of § 18.2-308.2:2.

"Transfer" means any act performed with intent to sell, rent, barter, trade or otherwise transfer ownership or permanent possession of a firearm at the place of business of a dealer.

CHAPTER 9.2.

SUBSTANTIAL RISK ORDERS.

§ 19.2-152.13. *Emergency substantial risk order.*

A. *Upon the petition of an attorney for the Commonwealth or a law-enforcement officer, a judge of a circuit court, general district court, or juvenile and domestic relations district court or a magistrate, upon a finding that there is probable cause to believe that a person poses a substantial risk of personal injury to himself or others in the near future by such person's possession or acquisition of a firearm, shall issue an ex parte emergency substantial risk order. Such order shall prohibit the person who is subject to the order from purchasing, possessing, or transporting a firearm for the duration of the order. In determining whether probable cause for the issuance of an order exists, the judge or magistrate shall consider any relevant evidence, including any recent act of violence, force, or threat as defined in § 19.2-152.7:1 by such person directed toward another person or toward himself. No petition shall be filed unless an independent investigation has been conducted by law enforcement that determines that grounds for the petition exist. The order shall contain a statement (i) informing the person who is subject to the order of the requirements and penalties under § 18.2-308.1:6, including that it is unlawful for such person to purchase, possess, or transport a firearm for the duration of the order and that such person is required to surrender his concealed handgun permit if he possesses such permit, and (ii) advising such person to voluntarily relinquish any firearm within his custody to the law-enforcement agency that serves the order.*

B. *The petition for an emergency substantial risk order shall be made under oath and shall be supported by an affidavit.*

C. *Upon service of an emergency substantial risk order, the person who is subject to the order shall be given the opportunity to voluntarily relinquish any firearm in his possession. The law-enforcement agency that executed the*

emergency substantial risk order shall take custody of all firearms that are voluntarily relinquished by such person. The law-enforcement agency that takes into custody a firearm pursuant to the order shall prepare a written receipt containing the name of the person who is subject to the order and the manufacturer, model, condition, and serial number of the firearm and shall provide a copy thereof to such person. Nothing in this subsection precludes a law-enforcement officer from later obtaining a search warrant for any firearms if the law-enforcement officer has reason to believe that the person who is subject to an emergency substantial risk order has not relinquished all firearms in his possession.

D. An emergency substantial risk order issued pursuant to this section shall expire at 11:59 p.m. on the fourteenth day following issuance of the order. If the expiration occurs on a day that the circuit court for the jurisdiction where the order was issued is not in session, the order shall be extended until 11:59 p.m. on the next day that the circuit court is in session. The person who is subject to the order may at any time file with the circuit court a motion to dissolve the order.

E. An emergency substantial risk order issued pursuant to this section is effective upon personal service on the person who is subject to the order. The order shall be served forthwith after issuance. A copy of the order, petition, and supporting affidavit shall be given to the person who is subject to the order together with a notice informing the person that he has a right to a hearing under § 19.2-152.14 and may be represented by counsel at the hearing.

F. The court or magistrate shall forthwith, but in all cases no later than the end of the business day on which the emergency substantial risk order was issued, enter and transfer electronically to the Virginia Criminal Information Network (VCIN) established and maintained by the Department of State Police (Department) pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 the identifying information of the person who is subject to the order provided to the court or magistrate. A copy of an order issued pursuant to this section containing any such identifying information shall be forwarded forthwith to the primary law-enforcement agency responsible for service and entry of the order. Upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the identifying information and other appropriate information required by the Department into the VCIN, and the order shall be served forthwith upon the person who is subject to the order. However, if the order is issued by the circuit court, the clerk of the circuit court shall forthwith forward an attested copy of the order containing the identifying information of the person who is subject to the order provided to the court to the primary law-enforcement agency providing service and entry of the order. Upon receipt of the order by the primary law-enforcement agency, the agency shall enter the name of the person subject to the order and other appropriate information required by the Department into the VCIN and the order shall be served forthwith upon the person who is subject to the order. Upon service, the agency making service shall enter the date and time of service and other appropriate information required into the VCIN and make due return to the court. If the order is later dissolved or modified, a copy of the dissolution or modification order shall also be attested and forwarded forthwith to the primary law-enforcement agency responsible for service and entry of the order. Upon receipt of the dissolution or modification order by the primary law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the identifying information and other appropriate information required by the Department into the VCIN and the order shall be served forthwith.

G. The law-enforcement agency that serves the emergency substantial risk order shall make due return to the circuit court, which shall be accompanied by a written inventory of all firearms relinquished.

H. Proceedings in which an emergency substantial risk order is sought pursuant to this section shall be commenced where the person who is subject to the order (i) has his principal residence or (ii) has engaged in any conduct upon which the petition for the emergency substantial risk order is based.

I. A proceeding for a substantial risk order shall be a separate civil legal proceeding subject to the same rules as civil proceedings.

§ 19.2-152.14. Substantial risk order.

A. Not later than 14 days after the issuance of an emergency substantial risk order pursuant to § 19.2-152.13, the circuit court for the jurisdiction where the order was issued shall hold a hearing to determine whether a substantial risk order should be entered. The attorney for the Commonwealth for the jurisdiction that issued the emergency substantial risk order shall represent the interests of the Commonwealth. Notice of the hearing shall be given to the person subject to the emergency substantial risk order and the attorney for the Commonwealth. Upon motion of the respondent and for good cause shown, the court may continue the hearing, provided that the order shall remain in effect until the hearing. The Commonwealth shall have the burden of proving all material facts by clear and convincing evidence. If the court finds by clear and convincing evidence that the person poses a substantial risk of personal injury to himself or to other individuals in the near future by such person's possession or acquisition of a firearm, the court shall issue a substantial risk order. Such order shall prohibit the person who is subject to the order from purchasing, possessing, or transporting a firearm for the duration of the order. In determining whether clear and convincing evidence for the issuance of an order exists, the judge shall consider any relevant evidence including any recent act of violence, force, or threat as defined in § 19.2-152.7:1 by such person directed toward another person or toward himself. The order shall contain a statement (i) informing the person who is subject to the order of the requirements and penalties under § 18.2-308.1:6, including that it is unlawful for such person to purchase, possess, or transport a firearm for the duration of the order and that such person is required to surrender his concealed handgun permit if he possesses such permit, and (ii) advising such person to voluntarily relinquish any firearm that has not been taken into custody to the law-enforcement agency that served the emergency substantial risk order.

B. If the court issues a substantial risk order pursuant to subsection A, the court shall (i) order that any firearm that was previously relinquished pursuant to § 19.2-152.13 from the person who is subject to the substantial risk order continue

to be held by the agency that has custody of the firearm for the duration of the order and (ii) advise such person that a law-enforcement officer may obtain a search warrant to search for any firearms from such person if such law-enforcement officer has reason to believe that such person has not relinquished all firearms in his possession.

If the court finds that the person does not pose a substantial risk of personal injury to himself or to other individuals in the near future, the court shall order that any firearm that was previously relinquished be returned to such person in accordance with the provisions of § 19.2-152.15.

C. The substantial risk order may be issued for a specified period of time up to a maximum of 180 days. The order shall expire at 11:59 p.m. on the last day specified or at 11:59 p.m. on the last day of the 180-day period if no date is specified. Prior to the expiration of the order, an attorney for the Commonwealth or a law-enforcement officer may file a written motion requesting a hearing to extend the order. Proceedings to extend an order shall be given precedence on the docket of the court. The court may extend the order for a period not longer than 180 days if the court finds by clear and convincing evidence that the person continues to pose a substantial risk of personal injury to himself or to other individuals in the near future by such person's possession or acquisition of a firearm at the time the request for an extension is made. The extension of the order shall expire at 11:59 p.m. on the last day specified or at 11:59 p.m. on the last day of the 180-day period if no date is specified. Nothing herein shall limit the number of extensions that may be requested or issued. The person who is subject to the order may file a motion to dissolve the order one time during the duration of the order; however, such motion may not be filed earlier than 30 days from the date the order was issued.

D. Any person whose firearm has been voluntarily relinquished pursuant to § 19.2-152.13 or this section, or such person's legal representative, may transfer the firearm to another individual 21 years of age or older who is not otherwise prohibited by law from possessing such firearm, provided that:

1. The person subject to the order and the transferee appear at the hearing;
2. At the hearing, the attorney for the Commonwealth advises the court that a law-enforcement agency has determined that the transferee is not prohibited from possessing or transporting a firearm;
3. The transferee does not reside with the person subject to the order;
4. The court informs the transferee of the requirements and penalties under § 18.2-308.2:1; and
5. The court, after considering all relevant factors and any evidence or testimony from the person subject to the order, approves the transfer of the firearm subject to such restrictions as the court deems necessary.

The law-enforcement agency holding the firearm shall deliver the firearm to the transferee within five days of receiving a copy of the court's approval of the transfer.

E. The court shall forthwith, but in all cases no later than the end of the business day on which the substantial risk order was issued, enter and transfer electronically to the Virginia Criminal Information Network (VCIN) established and maintained by the Department of State Police (Department) pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 the identifying information of the person who is subject to the order provided to the court and shall forthwith forward the attested copy of the order containing any such identifying information to the primary law-enforcement agency responsible for service and entry of the order. Upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the identifying information and other appropriate information required by the Department into the VCIN and the order shall be served forthwith upon the person who is subject to the order and due return made to the court. Upon service, the agency making service shall enter the date and time of service and other appropriate information required by the Department into the VCIN and make due return to the court. If the person who is subject to an emergency substantial risk order fails to appear at the hearing conducted pursuant to this section because such person was not personally served with notice of the hearing pursuant to subsection A, or if personally served was incarcerated and not transported to the hearing, the court may extend the emergency substantial risk order for a period not to exceed 14 days. The extended emergency substantial risk order shall specify a date for a hearing to be conducted pursuant to this section and shall be served forthwith on such person and due return made to the court. If the order is later dissolved or modified, a copy of the dissolution or modification order shall also be attested and forwarded forthwith to the primary law-enforcement agency responsible for service and entry of the order. Upon receipt of the dissolution or modification order by the primary law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the identifying information and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network, and the order shall be served forthwith and due return made to the court.

§ 19.2-152.15. Return or disposal of firearms.

A. Any firearm taken into custody pursuant to § 19.2-152.13 or 19.2-152.14 and held by a law-enforcement agency shall be returned by such agency to the person from whom the firearm was taken upon a court order for the return of the firearm issued pursuant to § 19.2-152.14 or the expiration or dissolution of an order issued pursuant to § 19.2-152.13 or 19.2-152.14. Such agency shall return the firearm within five days of receiving a written request for the return of the firearm by the person from whom the firearm was taken and a copy of the receipt provided to such person pursuant to § 19.2-152.13. Prior to returning the firearm to such person, the law-enforcement agency holding the firearm shall confirm that such person is no longer subject to an order issued pursuant to § 19.2-152.13 or 19.2-152.14 and is not otherwise prohibited by law from possessing a firearm.

B. A firearm taken into custody pursuant to § 19.2-152.13 or 19.2-152.14 and held by a law-enforcement agency may be disposed of in accordance with the provisions of § 15.2-1721 if (i) the person from whom the firearm was taken provides written authorization for such disposal to the agency or (ii) the firearm remains in the possession of the

agency more than 120 days after such person is no longer subject to an order issued pursuant to § 19.2-152.13 or 19.2-152.14 and such person has not submitted a request in writing for the return of the firearm.

§ 19.2-152.16. False statement to law-enforcement officer, etc.; penalty.

Any person who knowingly and willfully makes any materially false statement or representation to a law-enforcement officer or attorney for the Commonwealth who is in the course of conducting an investigation undertaken pursuant to this chapter is guilty of a Class 1 misdemeanor.

§ 19.2-152.17. Immunity of law-enforcement officers, etc.; chapter not exclusive.

A. An attorney for the Commonwealth or a law-enforcement officer shall be immune from civil liability for any act or omission related to petitioning or declining to petition for a substantial risk order pursuant to this chapter.

B. Any law-enforcement agency or law-enforcement officer that takes into custody, stores, possesses, or transports a firearm pursuant to § 19.2-152.13 or 19.2-152.14, or by a search warrant for a person who has failed to voluntarily relinquish his firearm, shall be immune from civil or criminal liability for any damage to or deterioration, loss, or theft of such firearm.

C. Nothing in this chapter precludes a law-enforcement officer from conducting a search for a firearm or removing a firearm from a person under any other lawful authority.

§ 19.2-387.3. Substantial Risk Order Registry; maintenance; access.

A. The Department of State Police shall keep and maintain a computerized Substantial Risk Order Registry (the Registry) for the entry of orders issued pursuant to § 19.2-152.13 or 19.2-152.14. The purpose of the Registry shall be to assist the efforts of law-enforcement agencies to protect their communities and their citizens. The Department of State Police shall make the Registry information available, upon request, to criminal justice agencies, including local law-enforcement agencies, through the Virginia Criminal Information Network. Registry information provided under this section shall be used only for the purposes of the administration of criminal justice as defined in § 9.1-101.

B. No liability shall be imposed upon any law-enforcement official who disseminates information or fails to disseminate information in good faith compliance with the requirements of this section, but this provision shall not be construed to grant immunity for gross negligence or willful misconduct.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 854 of the Acts of Assembly of 2019 requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

3. That the Supreme Court shall create standard forms to implement the intent of this act.

CHAPTER 888

An Act to amend and reenact §§ 18.2-308.09, 18.2-308.2:1, 18.2-308.2:2, and 18.2-308.2:3 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 18.2-308.1:6, by adding in Title 19.2 a chapter numbered 9.2, consisting of sections numbered 19.2-152.13 through 19.2-152.17, and by adding a section numbered 19.2-387.3, relating to firearms; removal from persons posing substantial risk; penalties.

[S 240]

Approved April 8, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 18.2-308.09, 18.2-308.2:1, 18.2-308.2:2, and 18.2-308.2:3 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 18.2-308.1:6, by adding in Title 19.2 a chapter numbered 9.2, consisting of sections numbered 19.2-152.13 through 19.2-152.17, and by adding a section numbered 19.2-387.3 as follows:

§ 18.2-308.09. Disqualifications for a concealed handgun permit.

The following persons shall be deemed disqualified from obtaining a permit:

1. An individual who is ineligible to possess a firearm pursuant to § 18.2-308.1:1, 18.2-308.1:2, ~~or~~ 18.2-308.1:3, *or* 18.2-308.1:6 or the substantially similar law of any other state or of the United States.

2. An individual who was ineligible to possess a firearm pursuant to § 18.2-308.1:1 and who was discharged from the custody of the Commissioner pursuant to § 19.2-182.7 less than five years before the date of his application for a concealed handgun permit.

3. An individual who was ineligible to possess a firearm pursuant to § 18.2-308.1:2 and whose competency or capacity was restored pursuant to § 64.2-2012 less than five years before the date of his application for a concealed handgun permit.

4. An individual who was ineligible to possess a firearm under § 18.2-308.1:3 and who was released from commitment less than five years before the date of this application for a concealed handgun permit.

5. An individual who is subject to a restraining order, or to a protective order and prohibited by § 18.2-308.1:4 from purchasing, possessing, or transporting a firearm.

6. (Effective until January 1, 2021) An individual who is prohibited by § 18.2-308.2 from possessing or transporting a firearm, except that a permit may be obtained in accordance with subsection C of that section.

6. (Effective January 1, 2021) An individual who is prohibited by § 18.2-308.2 from possessing or transporting a firearm, except that a restoration order may be obtained in accordance with subsection C of that section.

7. An individual who has been convicted of two or more misdemeanors within the five-year period immediately preceding the application, if one of the misdemeanors was a Class 1 misdemeanor, but the judge shall have the discretion to deny a permit for two or more misdemeanors that are not Class 1. Traffic infractions and misdemeanors set forth in Title 46.2 shall not be considered for purposes of this disqualification.

8. An individual who is addicted to, or is an unlawful user or distributor of, marijuana, synthetic cannabinoids, or any controlled substance.

9. An individual who has been convicted of a violation of § 18.2-266 or a substantially similar local ordinance, or of public drunkenness, or of a substantially similar offense under the laws of any other state, the District of Columbia, the United States, or its territories within the three-year period immediately preceding the application, or who is a habitual drunkard as determined pursuant to § 4.1-333.

10. An alien other than an alien lawfully admitted for permanent residence in the United States.

11. An individual who has been discharged from the armed forces of the United States under dishonorable conditions.

12. An individual who is a fugitive from justice.

13. An individual who the court finds, by a preponderance of the evidence, based on specific acts by the applicant, is likely to use a weapon unlawfully or negligently to endanger others. The sheriff, chief of police, or attorney for the Commonwealth may submit to the court a sworn, written statement indicating that, in the opinion of such sheriff, chief of police, or attorney for the Commonwealth, based upon a disqualifying conviction or upon the specific acts set forth in the statement, the applicant is likely to use a weapon unlawfully or negligently to endanger others. The statement of the sheriff, chief of police, or the attorney for the Commonwealth shall be based upon personal knowledge of such individual or of a deputy sheriff, police officer, or assistant attorney for the Commonwealth of the specific acts, or upon a written statement made under oath before a notary public of a competent person having personal knowledge of the specific acts.

14. An individual who has been convicted of any assault, assault and battery, sexual battery, discharging of a firearm in violation of § 18.2-280 or 18.2-286.1 or brandishing of a firearm in violation of § 18.2-282 within the three-year period immediately preceding the application.

15. An individual who has been convicted of stalking.

16. An individual whose previous convictions or adjudications of delinquency were based on an offense that would have been at the time of conviction a felony if committed by an adult under the laws of any state, the District of Columbia, the United States or its territories. For purposes of this disqualifier, only convictions occurring within 16 years following the later of the date of (i) the conviction or adjudication or (ii) release from any incarceration imposed upon such conviction or adjudication shall be deemed to be "previous convictions." Disqualification under this subdivision shall not apply to an individual with previous adjudications of delinquency who has completed a term of service of no less than two years in the Armed Forces of the United States and, if such person has been discharged from the Armed Forces of the United States, received an honorable discharge.

17. An individual who has a felony charge pending or a charge pending for an offense listed in subdivision 14 or 15.

18. An individual who has received mental health treatment or substance abuse treatment in a residential setting within five years prior to the date of his application for a concealed handgun permit.

19. An individual not otherwise ineligible pursuant to this article, who, within the three-year period immediately preceding the application for the permit, was found guilty of any criminal offense set forth in Article 1 (§ 18.2-247 et seq.) or former § 18.2-248.1:1 or of a criminal offense of illegal possession or distribution of marijuana, synthetic cannabinoids, or any controlled substance, under the laws of any state, the District of Columbia, or the United States or its territories.

20. An individual, not otherwise ineligible pursuant to this article, with respect to whom, within the three-year period immediately preceding the application, upon a charge of any criminal offense set forth in Article 1 (§ 18.2-247 et seq.) or former § 18.2-248.1:1 or upon a charge of illegal possession or distribution of marijuana, synthetic cannabinoids, or any controlled substance under the laws of any state, the District of Columbia, or the United States or its territories, the trial court found that the facts of the case were sufficient for a finding of guilt and disposed of the case pursuant to § 18.2-251 or the substantially similar law of any other state, the District of Columbia, or the United States or its territories.

§ 18.2-308.1:6. Purchase, possession, or transportation of firearms by persons subject to substantial risk orders; penalty.

It is unlawful for any person who is subject to an emergency substantial risk order or a substantial risk order entered pursuant to § 19.2-152.13 or 19.2-152.14 or an order issued by a tribunal of another state, the United States or any of its territories, possessions, or commonwealths, or the District of Columbia pursuant to a statute that is substantially similar to § 19.2-152.13 or 19.2-152.14 to purchase, possess, or transport any firearm while the order is in effect. Any such person with a concealed handgun permit is prohibited from carrying any concealed firearm while the order is in effect and shall surrender his permit to the court entering the order pursuant to § 19.2-152.13 or 19.2-152.14. A violation of this section is a Class 1 misdemeanor.

§ 18.2-308.2:1. Prohibiting the selling, etc., of firearms to certain persons.

Any person who sells, barter, gives or furnishes, or has in his possession or under his control with the intent of selling, bartering, giving or furnishing, any firearm to any person he knows is prohibited from possessing or transporting a firearm pursuant to § 18.2-308.1:1, 18.2-308.1:2, 18.2-308.1:3, *18.2-308.1:6, or* 18.2-308.2, subsection B of § 18.2-308.2:01, or § 18.2-308.7 ~~shall be~~ *is* guilty of a Class 4 felony. However, this prohibition shall not be applicable when the person convicted of the felony, adjudicated delinquent, or acquitted by reason of insanity has (i) been issued a permit pursuant to subsection C of § 18.2-308.2 or been granted relief pursuant to subsection B of § 18.2-308.1:1; or § 18.2-308.1:2 or 18.2-308.1:3; (ii) been pardoned or had his political disabilities removed in accordance with subsection B of § 18.2-308.2; or (iii) obtained a permit to ship, transport, possess or receive firearms pursuant to the laws of the United States.

§ 18.2-308.2:2. Criminal history record information check required for the transfer of certain firearms.

A. Any person purchasing from a dealer a firearm as herein defined shall consent in writing, on a form to be provided by the Department of State Police, to have the dealer obtain criminal history record information. Such form shall include only the written consent; the name, birth date, gender, race, citizenship, and social security number and/or any other identification number; the number of firearms by category intended to be sold, rented, traded, or transferred; and answers by the applicant to the following questions: (i) has the applicant been convicted of a felony offense or found guilty or adjudicated delinquent as a juvenile 14 years of age or older at the time of the offense of a delinquent act that would be a felony if committed by an adult; (ii) is the applicant subject to a court order restraining the applicant from harassing, stalking, or threatening the applicant's child or intimate partner, or a child of such partner, or is the applicant subject to a protective order; ~~and~~ (iii) has the applicant ever been acquitted by reason of insanity and prohibited from purchasing, possessing, or transporting a firearm pursuant to § 18.2-308.1:1 or any substantially similar law of any other jurisdiction, been adjudicated legally incompetent, mentally incapacitated or adjudicated an incapacitated person and prohibited from purchasing a firearm pursuant to § 18.2-308.1:2 or any substantially similar law of any other jurisdiction, or been involuntarily admitted to an inpatient facility or involuntarily ordered to outpatient mental health treatment and prohibited from purchasing a firearm pursuant to § 18.2-308.1:3 or any substantially similar law of any other jurisdiction; *and (iv) is the applicant subject to an emergency substantial risk order or a substantial risk order entered pursuant to § 19.2-152.13 or 19.2-152.14 and prohibited from purchasing, possessing, or transporting a firearm pursuant to § 18.2-308.1:6 or any substantially similar law of any other jurisdiction.*

B. 1. No dealer shall sell, rent, trade or transfer from his inventory any such firearm to any other person who is a resident of Virginia until he has (i) obtained written consent and the other information on the consent form specified in subsection A, and provided the Department of State Police with the name, birth date, gender, race, citizenship, and social security and/or any other identification number and the number of firearms by category intended to be sold, rented, traded or transferred and (ii) requested criminal history record information by a telephone call to or other communication authorized by the State Police and is authorized by subdivision 2 to complete the sale or other such transfer. To establish personal identification and residence in Virginia for purposes of this section, a dealer must require any prospective purchaser to present one photo-identification form issued by a governmental agency of the Commonwealth or by the United States Department of Defense that demonstrates that the prospective purchaser resides in Virginia. For the purposes of this section and establishment of residency for firearm purchase, residency of a member of the armed forces shall include both the state in which the member's permanent duty post is located and any nearby state in which the member resides and from which he commutes to the permanent duty post. A member of the armed forces whose photo identification issued by the Department of Defense does not have a Virginia address may establish his Virginia residency with such photo identification and either permanent orders assigning the purchaser to a duty post, including the Pentagon, in Virginia or the purchaser's Leave and Earnings Statement. When the photo identification presented to a dealer by the prospective purchaser is a driver's license or other photo identification issued by the Department of Motor Vehicles, and such identification form contains a date of issue, the dealer shall not, except for a renewed driver's license or other photo identification issued by the Department of Motor Vehicles, sell or otherwise transfer a firearm to the prospective purchaser until 30 days after the date of issue of an original or duplicate driver's license unless the prospective purchaser also presents a copy of his Virginia Department of Motor Vehicles driver's record showing that the original date of issue of the driver's license was more than 30 days prior to the attempted purchase.

In addition, no dealer shall sell, rent, trade, or transfer from his inventory any assault firearm to any person who is not a citizen of the United States or who is not a person lawfully admitted for permanent residence.

Upon receipt of the request for a criminal history record information check, the State Police shall (a) review its criminal history record information to determine if the buyer or transferee is prohibited from possessing or transporting a firearm by state or federal law, (b) inform the dealer if its record indicates that the buyer or transferee is so prohibited, and (c) provide the dealer with a unique reference number for that inquiry.

2. The State Police shall provide its response to the requesting dealer during the dealer's request, or by return call without delay. If the criminal history record information check indicates the prospective purchaser or transferee has a disqualifying criminal record or has been acquitted by reason of insanity and committed to the custody of the Commissioner of Behavioral Health and Developmental Services, the State Police shall have until the end of the dealer's next business day to advise the dealer if its records indicate the buyer or transferee is prohibited from possessing or transporting a firearm by state or federal law. If not so advised by the end of the dealer's next business day, a dealer who has fulfilled the requirements of subdivision 1 may immediately complete the sale or transfer and shall not be deemed in violation of this section with respect to such sale or transfer. In case of electronic failure or other circumstances beyond the control of the State Police, the

dealer shall be advised immediately of the reason for such delay and be given an estimate of the length of such delay. After such notification, the State Police shall, as soon as possible but in no event later than the end of the dealer's next business day, inform the requesting dealer if its records indicate the buyer or transferee is prohibited from possessing or transporting a firearm by state or federal law. A dealer who fulfills the requirements of subdivision 1 and is told by the State Police that a response will not be available by the end of the dealer's next business day may immediately complete the sale or transfer and shall not be deemed in violation of this section with respect to such sale or transfer.

3. Except as required by subsection D of § 9.1-132, the State Police shall not maintain records longer than 30 days, except for multiple handgun transactions for which records shall be maintained for 12 months, from any dealer's request for a criminal history record information check pertaining to a buyer or transferee who is not found to be prohibited from possessing and transporting a firearm under state or federal law. However, the log on requests made may be maintained for a period of 12 months, and such log shall consist of the name of the purchaser, the dealer identification number, the unique approval number and the transaction date.

4. On the last day of the week following the sale or transfer of any firearm, the dealer shall mail or deliver the written consent form required by subsection A to the Department of State Police. The State Police shall immediately initiate a search of all available criminal history record information to determine if the purchaser is prohibited from possessing or transporting a firearm under state or federal law. If the search discloses information indicating that the buyer or transferee is so prohibited from possessing or transporting a firearm, the State Police shall inform the chief law-enforcement officer in the jurisdiction where the sale or transfer occurred and the dealer without delay.

5. Notwithstanding any other provisions of this section, rifles and shotguns may be purchased by persons who are citizens of the United States or persons lawfully admitted for permanent residence but residents of other states under the terms of subsections A and B upon furnishing the dealer with one photo-identification form issued by a governmental agency of the person's state of residence and one other form of identification determined to be acceptable by the Department of Criminal Justice Services.

6. For the purposes of this subsection, the phrase "dealer's next business day" shall not include December 25.

C. No dealer shall sell, rent, trade or transfer from his inventory any firearm, except when the transaction involves a rifle or a shotgun and can be accomplished pursuant to the provisions of subdivision B 5 to any person who is not a resident of Virginia unless he has first obtained from the Department of State Police a report indicating that a search of all available criminal history record information has not disclosed that the person is prohibited from possessing or transporting a firearm under state or federal law. The dealer shall obtain the required report by mailing or delivering the written consent form required under subsection A to the State Police within 24 hours of its execution. If the dealer has complied with the provisions of this subsection and has not received the required report from the State Police within 10 days from the date the written consent form was mailed to the Department of State Police, he shall not be deemed in violation of this section for thereafter completing the sale or transfer.

D. Nothing herein shall prevent a resident of the Commonwealth, at his option, from buying, renting or receiving a firearm from a dealer in Virginia by obtaining a criminal history record information check through the dealer as provided in subsection C.

E. If any buyer or transferee is denied the right to purchase a firearm under this section, he may exercise his right of access to and review and correction of criminal history record information under § 9.1-132 or institute a civil action as provided in § 9.1-135, provided any such action is initiated within 30 days of such denial.

F. Any dealer who willfully and intentionally requests, obtains, or seeks to obtain criminal history record information under false pretenses, or who willfully and intentionally disseminates or seeks to disseminate criminal history record information except as authorized in this section shall be guilty of a Class 2 misdemeanor.

G. For purposes of this section:

"Actual buyer" means a person who executes the consent form required in subsection B or C, or other such firearm transaction records as may be required by federal law.

"Antique firearm" means:

1. Any firearm (including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured in or before 1898;

2. Any replica of any firearm described in subdivision 1 of this definition if such replica (i) is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition or (ii) uses rimfire or conventional centerfire fixed ammunition that is no longer manufactured in the United States and that is not readily available in the ordinary channels of commercial trade;

3. Any muzzle-loading rifle, muzzle-loading shotgun, or muzzle-loading pistol that is designed to use black powder, or a black powder substitute, and that cannot use fixed ammunition. For purposes of this subdivision, the term "antique firearm" shall not include any weapon that incorporates a firearm frame or receiver, any firearm that is converted into a muzzle-loading weapon, or any muzzle-loading weapon that can be readily converted to fire fixed ammunition by replacing the barrel, bolt, breech-block, or any combination thereof; or

4. Any curio or relic as defined in this subsection.

"Assault firearm" means any semi-automatic center-fire rifle or pistol which expels single or multiple projectiles by action of an explosion of a combustible material and is equipped at the time of the offense with a magazine which will hold

more than 20 rounds of ammunition or designed by the manufacturer to accommodate a silencer or equipped with a folding stock.

"Curios or relics" means firearms that are of special interest to collectors by reason of some quality other than is associated with firearms intended for sporting use or as offensive or defensive weapons. To be recognized as curios or relics, firearms must fall within one of the following categories:

1. Firearms that were manufactured at least 50 years prior to the current date, which use rimfire or conventional centerfire fixed ammunition that is no longer manufactured in the United States and that is not readily available in the ordinary channels of commercial trade, but not including replicas thereof;

2. Firearms that are certified by the curator of a municipal, state, or federal museum that exhibits firearms to be curios or relics of museum interest; and

3. Any other firearms that derive a substantial part of their monetary value from the fact that they are novel, rare, bizarre, or because of their association with some historical figure, period, or event. Proof of qualification of a particular firearm under this category may be established by evidence of present value and evidence that like firearms are not available except as collectors' items, or that the value of like firearms available in ordinary commercial channels is substantially less.

"Dealer" means any person licensed as a dealer pursuant to 18 U.S.C. § 921 et seq.

"Firearm" means any handgun, shotgun, or rifle that will or is designed to or may readily be converted to expel single or multiple projectiles by action of an explosion of a combustible material.

"Handgun" means any pistol or revolver or other firearm originally designed, made and intended to fire single or multiple projectiles by means of an explosion of a combustible material from one or more barrels when held in one hand.

"Lawfully admitted for permanent residence" means the status of having been lawfully accorded the privilege of residing permanently in the United States as an immigrant in accordance with the immigration laws, such status not having changed.

H. The Department of Criminal Justice Services shall promulgate regulations to ensure the identity, confidentiality and security of all records and data provided by the Department of State Police pursuant to this section.

I. The provisions of this section shall not apply to (i) transactions between persons who are licensed as firearms importers or collectors, manufacturers or dealers pursuant to 18 U.S.C. § 921 et seq.; (ii) purchases by or sales to any law-enforcement officer or agent of the United States, the Commonwealth or any local government, or any campus police officer appointed under Article 3 (§ 23.1-809 et seq.) of Chapter 8 of Title 23.1; or (iii) antique firearms, curios or relics.

J. The provisions of this section shall not apply to restrict purchase, trade or transfer of firearms by a resident of Virginia when the resident of Virginia makes such purchase, trade or transfer in another state, in which case the laws and regulations of that state and the United States governing the purchase, trade or transfer of firearms shall apply. A National Instant Criminal Background Check System (NICS) check shall be performed prior to such purchase, trade or transfer of firearms.

J1. All licensed firearms dealers shall collect a fee of \$2 for every transaction for which a criminal history record information check is required pursuant to this section, except that a fee of \$5 shall be collected for every transaction involving an out-of-state resident. Such fee shall be transmitted to the Department of State Police by the last day of the month following the sale for deposit in a special fund for use by the State Police to offset the cost of conducting criminal history record information checks under the provisions of this section.

K. Any person willfully and intentionally making a materially false statement on the consent form required in subsection B or C or on such firearm transaction records as may be required by federal law, shall be guilty of a Class 5 felony.

L. Except as provided in § 18.2-308.2:1, any dealer who willfully and intentionally sells, rents, trades or transfers a firearm in violation of this section shall be guilty of a Class 6 felony.

L1. Any person who attempts to solicit, persuade, encourage, or entice any dealer to transfer or otherwise convey a firearm other than to the actual buyer, as well as any other person who willfully and intentionally aids or abets such person, shall be guilty of a Class 6 felony. This subsection shall not apply to a federal law-enforcement officer or a law-enforcement officer as defined in § 9.1-101, in the performance of his official duties, or other person under his direct supervision.

M. Any person who purchases a firearm with the intent to (i) resell or otherwise provide such firearm to any person who he knows or has reason to believe is ineligible to purchase or otherwise receive from a dealer a firearm for whatever reason or (ii) transport such firearm out of the Commonwealth to be resold or otherwise provided to another person who the transferor knows is ineligible to purchase or otherwise receive a firearm, shall be guilty of a Class 4 felony and sentenced to a mandatory minimum term of imprisonment of one year. However, if the violation of this subsection involves such a transfer of more than one firearm, the person shall be sentenced to a mandatory minimum term of imprisonment of five years. The prohibitions of this subsection shall not apply to the purchase of a firearm by a person for the lawful use, possession, or transport thereof, pursuant to § 18.2-308.7, by his child, grandchild, or individual for whom he is the legal guardian if such child, grandchild, or individual is ineligible, solely because of his age, to purchase a firearm.

N. Any person who is ineligible to purchase or otherwise receive or possess a firearm in the Commonwealth who solicits, employs or assists any person in violating subsection M shall be guilty of a Class 4 felony and shall be sentenced to a mandatory minimum term of imprisonment of five years.

O. Any mandatory minimum sentence imposed under this section shall be served consecutively with any other sentence.

P. All driver's licenses issued on or after July 1, 1994, shall carry a letter designation indicating whether the driver's license is an original, duplicate or renewed driver's license.

Q. Prior to selling, renting, trading, or transferring any firearm owned by the dealer but not in his inventory to any other person, a dealer may require such other person to consent to have the dealer obtain criminal history record information to determine if such other person is prohibited from possessing or transporting a firearm by state or federal law. The Department of State Police shall establish policies and procedures in accordance with 28 C.F.R. § 25.6 to permit such determinations to be made by the Department of State Police, and the processes established for making such determinations shall conform to the provisions of this section.

§ 18.2-308.2:3. Criminal background check required for employees of a gun dealer to transfer firearms; exemptions; penalties.

A. No person, corporation, or proprietorship licensed as a firearms dealer pursuant to 18 U.S.C. § 921 et seq. shall employ any person to act as a seller, whether full-time or part-time, permanent, temporary, paid or unpaid, for the transfer of firearms under § 18.2-308.2:2, if such employee would be prohibited from possessing a firearm under § 18.2-308.1:1, 18.2-308.1:2, ~~or~~ 18.2-308.1:3, *or 18.2-308.1:6*, subsection B of § 18.2-308.1:4, or § 18.2-308.2 or 18.2-308.2:01 or is an illegal alien, or is prohibited from purchasing or transporting a firearm pursuant to subsection A of § 18.2-308.1:4 or § 18.2-308.1:5.

B. Prior to permitting an applicant to begin employment, the dealer shall obtain a written statement or affirmation from the applicant that he is not disqualified from possessing a firearm and shall submit the applicant's fingerprints and personal descriptive information to the Central Criminal Records Exchange to be forwarded to the Federal Bureau of Investigation (FBI) for the purpose of obtaining national criminal history record information regarding the applicant.

C. Prior to August 1, 2000, the dealer shall obtain written statements or affirmations from persons employed before July 1, 2000, to act as a seller under § 18.2-308.2:2 that they are not disqualified from possessing a firearm. Within five working days of the employee's next birthday, after August 1, 2000, the dealer shall submit the employee's fingerprints and personal descriptive information to the Central Criminal Records Exchange to be forwarded to the Federal Bureau of Investigation (FBI) for the purpose of obtaining national criminal history record information regarding the request.

C1. In lieu of submitting fingerprints pursuant to this section, any dealer holding a valid federal firearms license (FFL) issued by the Bureau of Alcohol, Tobacco and Firearms (ATF) may submit a sworn and notarized affidavit to the Department of State Police on a form provided by the Department, stating that the dealer has been subjected to a record check prior to the issuance and that the FFL was issued by the ATF. The affidavit may also contain the names of any employees that have been subjected to a record check and approved by the ATF. This exemption shall apply regardless of whether the FFL was issued in the name of the dealer or in the name of the business. The affidavit shall contain the valid FFL number, state the name of each person requesting the exemption, together with each person's identifying information, including their social security number and the following statement: "I hereby swear, under the penalty of perjury, that as a condition of obtaining a federal firearms license, each person requesting an exemption in this affidavit has been subjected to a fingerprint identification check by the Bureau of Alcohol, Tobacco and Firearms and the Bureau of Alcohol, Tobacco and Firearms subsequently determined that each person satisfied the requirements of 18 U.S.C. § 921 et seq. I understand that any person convicted of making a false statement in this affidavit is guilty of a Class 5 felony and that in addition to any other penalties imposed by law, a conviction under this section shall result in the forfeiture of my federal firearms license."

D. The Department of State Police, upon receipt of an individual's record or notification that no record exists, shall submit an eligibility report to the requesting dealer within 30 days of the applicant beginning his duties for new employees or within 30 days of the applicant's birthday for a person employed prior to July 1, 2000.

E. If any applicant is denied employment because of information appearing on the criminal history record and the applicant disputes the information upon which the denial was based, the Central Criminal Records Exchange shall, upon written request, furnish to the applicant the procedures for obtaining a copy of the criminal history record from the Federal Bureau of Investigation. The information provided to the dealer shall not be disseminated except as provided in this section.

F. The applicant shall bear the cost of obtaining the criminal history record unless the dealer, at his option, decides to pay such cost.

G. Upon receipt of the request for a criminal history record information check, the State Police shall establish a unique number for that firearm seller. Beginning September 1, 2001, the firearm seller's signature, firearm seller's number and the dealer's identification number shall be on all firearm transaction forms. The State Police shall void the firearm seller's number when a disqualifying record is discovered. The State Police may suspend a firearm seller's identification number upon the arrest of the firearm seller for a potentially disqualifying crime.

H. This section shall not restrict the transfer of a firearm at any place other than at a dealership or at any event required to be registered as a gun show.

I. Any person who willfully and intentionally requests, obtains, or seeks to obtain criminal history record information under false pretenses, or who willfully and intentionally disseminates or seeks to disseminate criminal history record information except as authorized by this section and § 18.2-308.2:2, shall be guilty of a Class 2 misdemeanor.

J. Any person willfully and intentionally making a materially false statement on the personal descriptive information required in this section shall be guilty of a Class 5 felony. Any person who offers for transfer any firearm in violation of this section shall be guilty of a Class 1 misdemeanor. Any dealer who willfully and knowingly employs or permits a person to act as a firearm seller in violation of this section shall be guilty of a Class 1 misdemeanor.

K. There is no civil liability for any seller for the actions of any purchaser or subsequent transferee of a firearm lawfully transferred pursuant to this section.

L. The provisions of this section requiring a seller's background check shall not apply to a licensed dealer.

M. Any person who willfully and intentionally makes a false statement in the affidavit as set out in subdivision C 1 shall be guilty of a Class 5 felony.

N. For purposes of this section:

"Dealer" means any person, corporation or proprietorship licensed as a dealer pursuant to 18 U.S.C. § 921 et seq.

"Firearm" means any handgun, shotgun, or rifle that will or is designed to or may readily be converted to expel single or multiple projectiles by action of an explosion of a combustible material.

"Place of business" means any place or premises where a dealer may lawfully transfer firearms.

"Seller" means for the purpose of any single sale of a firearm any person who is a dealer or an agent of a dealer, who may lawfully transfer firearms and who actually performs the criminal background check in accordance with the provisions of § 18.2-308.2:2.

"Transfer" means any act performed with intent to sell, rent, barter, trade or otherwise transfer ownership or permanent possession of a firearm at the place of business of a dealer.

CHAPTER 9.2.

SUBSTANTIAL RISK ORDERS.

§ 19.2-152.13. *Emergency substantial risk order.*

A. *Upon the petition of an attorney for the Commonwealth or a law-enforcement officer, a judge of a circuit court, general district court, or juvenile and domestic relations district court or a magistrate, upon a finding that there is probable cause to believe that a person poses a substantial risk of personal injury to himself or others in the near future by such person's possession or acquisition of a firearm, shall issue an ex parte emergency substantial risk order. Such order shall prohibit the person who is subject to the order from purchasing, possessing, or transporting a firearm for the duration of the order. In determining whether probable cause for the issuance of an order exists, the judge or magistrate shall consider any relevant evidence, including any recent act of violence, force, or threat as defined in § 19.2-152.7:1 by such person directed toward another person or toward himself. No petition shall be filed unless an independent investigation has been conducted by law enforcement that determines that grounds for the petition exist. The order shall contain a statement (i) informing the person who is subject to the order of the requirements and penalties under § 18.2-308.1:6, including that it is unlawful for such person to purchase, possess, or transport a firearm for the duration of the order and that such person is required to surrender his concealed handgun permit if he possesses such permit, and (ii) advising such person to voluntarily relinquish any firearm within his custody to the law-enforcement agency that serves the order.*

B. *The petition for an emergency substantial risk order shall be made under oath and shall be supported by an affidavit.*

C. *Upon service of an emergency substantial risk order, the person who is subject to the order shall be given the opportunity to voluntarily relinquish any firearm in his possession. The law-enforcement agency that executed the emergency substantial risk order shall take custody of all firearms that are voluntarily relinquished by such person. The law-enforcement agency that takes into custody a firearm pursuant to the order shall prepare a written receipt containing the name of the person who is subject to the order and the manufacturer, model, condition, and serial number of the firearm and shall provide a copy thereof to such person. Nothing in this subsection precludes a law-enforcement officer from later obtaining a search warrant for any firearms if the law-enforcement officer has reason to believe that the person who is subject to an emergency substantial risk order has not relinquished all firearms in his possession.*

D. *An emergency substantial risk order issued pursuant to this section shall expire at 11:59 p.m. on the fourteenth day following issuance of the order. If the expiration occurs on a day that the circuit court for the jurisdiction where the order was issued is not in session, the order shall be extended until 11:59 p.m. on the next day that the circuit court is in session. The person who is subject to the order may at any time file with the circuit court a motion to dissolve the order.*

E. *An emergency substantial risk order issued pursuant to this section is effective upon personal service on the person who is subject to the order. The order shall be served forthwith after issuance. A copy of the order, petition, and supporting affidavit shall be given to the person who is subject to the order together with a notice informing the person that he has a right to a hearing under § 19.2-152.14 and may be represented by counsel at the hearing.*

F. *The court or magistrate shall forthwith, but in all cases no later than the end of the business day on which the emergency substantial risk order was issued, enter and transfer electronically to the Virginia Criminal Information Network (VCIN) established and maintained by the Department of State Police (Department) pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 the identifying information of the person who is subject to the order provided to the court or magistrate. A copy of an order issued pursuant to this section containing any such identifying information shall be forwarded forthwith to the primary law-enforcement agency responsible for service and entry of the order. Upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the identifying information and other appropriate information required by the Department into the VCIN, and the order shall be served forthwith upon the person who is subject to the order. However, if the order is issued by the circuit court, the clerk of the circuit court shall forthwith forward an attested copy of the order containing the identifying information of the person who is subject to the order provided to the court to the primary law-enforcement agency providing service and entry of the order. Upon receipt of the order by the primary law-enforcement agency, the agency shall enter the name of the person subject to*

the order and other appropriate information required by the Department into the VCIN and the order shall be served forthwith upon the person who is subject to the order. Upon service, the agency making service shall enter the date and time of service and other appropriate information required into the VCIN and make due return to the court. If the order is later dissolved or modified, a copy of the dissolution or modification order shall also be attested and forwarded forthwith to the primary law-enforcement agency responsible for service and entry of the order. Upon receipt of the dissolution or modification order by the primary law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the identifying information and other appropriate information required by the Department into the VCIN and the order shall be served forthwith.

G. The law-enforcement agency that serves the emergency substantial risk order shall make due return to the circuit court, which shall be accompanied by a written inventory of all firearms relinquished.

H. Proceedings in which an emergency substantial risk order is sought pursuant to this section shall be commenced where the person who is subject to the order (i) has his principal residence or (ii) has engaged in any conduct upon which the petition for the emergency substantial risk order is based.

I. A proceeding for a substantial risk order shall be a separate civil legal proceeding subject to the same rules as civil proceedings.

§ 19.2-152.14. Substantial risk order.

A. Not later than 14 days after the issuance of an emergency substantial risk order pursuant to § 19.2-152.13, the circuit court for the jurisdiction where the order was issued shall hold a hearing to determine whether a substantial risk order should be entered. The attorney for the Commonwealth for the jurisdiction that issued the emergency substantial risk order shall represent the interests of the Commonwealth. Notice of the hearing shall be given to the person subject to the emergency substantial risk order and the attorney for the Commonwealth. Upon motion of the respondent and for good cause shown, the court may continue the hearing, provided that the order shall remain in effect until the hearing. The Commonwealth shall have the burden of proving all material facts by clear and convincing evidence. If the court finds by clear and convincing evidence that the person poses a substantial risk of personal injury to himself or to other individuals in the near future by such person's possession or acquisition of a firearm, the court shall issue a substantial risk order. Such order shall prohibit the person who is subject to the order from purchasing, possessing, or transporting a firearm for the duration of the order. In determining whether clear and convincing evidence for the issuance of an order exists, the judge shall consider any relevant evidence including any recent act of violence, force, or threat as defined in § 19.2-152.7:1 by such person directed toward another person or toward himself. The order shall contain a statement (i) informing the person who is subject to the order of the requirements and penalties under § 18.2-308.1:6, including that it is unlawful for such person to purchase, possess, or transport a firearm for the duration of the order and that such person is required to surrender his concealed handgun permit if he possesses such permit, and (ii) advising such person to voluntarily relinquish any firearm that has not been taken into custody to the law-enforcement agency that served the emergency substantial risk order.

B. If the court issues a substantial risk order pursuant to subsection A, the court shall (i) order that any firearm that was previously relinquished pursuant to § 19.2-152.13 from the person who is subject to the substantial risk order continue to be held by the agency that has custody of the firearm for the duration of the order and (ii) advise such person that a law-enforcement officer may obtain a search warrant to search for any firearms from such person if such law-enforcement officer has reason to believe that such person has not relinquished all firearms in his possession.

If the court finds that the person does not pose a substantial risk of personal injury to himself or to other individuals in the near future, the court shall order that any firearm that was previously relinquished be returned to such person in accordance with the provisions of § 19.2-152.15.

C. The substantial risk order may be issued for a specified period of time up to a maximum of 180 days. The order shall expire at 11:59 p.m. on the last day specified or at 11:59 p.m. on the last day of the 180-day period if no date is specified. Prior to the expiration of the order, an attorney for the Commonwealth or a law-enforcement officer may file a written motion requesting a hearing to extend the order. Proceedings to extend an order shall be given precedence on the docket of the court. The court may extend the order for a period not longer than 180 days if the court finds by clear and convincing evidence that the person continues to pose a substantial risk of personal injury to himself or to other individuals in the near future by such person's possession or acquisition of a firearm at the time the request for an extension is made. The extension of the order shall expire at 11:59 p.m. on the last day specified or at 11:59 p.m. on the last day of the 180-day period if no date is specified. Nothing herein shall limit the number of extensions that may be requested or issued. The person who is subject to the order may file a motion to dissolve the order one time during the duration of the order; however, such motion may not be filed earlier than 30 days from the date the order was issued.

D. Any person whose firearm has been voluntarily relinquished pursuant to § 19.2-152.13 or this section, or such person's legal representative, may transfer the firearm to another individual 21 years of age or older who is not otherwise prohibited by law from possessing such firearm, provided that:

1. The person subject to the order and the transferee appear at the hearing;
2. At the hearing, the attorney for the Commonwealth advises the court that a law-enforcement agency has determined that the transferee is not prohibited from possessing or transporting a firearm;
3. The transferee does not reside with the person subject to the order;
4. The court informs the transferee of the requirements and penalties under § 18.2-308.2:1; and

5. The court, after considering all relevant factors and any evidence or testimony from the person subject to the order, approves the transfer of the firearm subject to such restrictions as the court deems necessary.

The law-enforcement agency holding the firearm shall deliver the firearm to the transferee within five days of receiving a copy of the court's approval of the transfer.

E. The court shall forthwith, but in all cases no later than the end of the business day on which the substantial risk order was issued, enter and transfer electronically to the Virginia Criminal Information Network (VCIN) established and maintained by the Department of State Police (Department) pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 the identifying information of the person who is subject to the order provided to the court and shall forthwith forward the attested copy of the order containing any such identifying information to the primary law-enforcement agency responsible for service and entry of the order. Upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the identifying information and other appropriate information required by the Department into the VCIN and the order shall be served forthwith upon the person who is subject to the order and due return made to the court. Upon service, the agency making service shall enter the date and time of service and other appropriate information required by the Department into the VCIN and make due return to the court. If the person who is subject to an emergency substantial risk order fails to appear at the hearing conducted pursuant to this section because such person was not personally served with notice of the hearing pursuant to subsection A, or if personally served was incarcerated and not transported to the hearing, the court may extend the emergency substantial risk order for a period not to exceed 14 days. The extended emergency substantial risk order shall specify a date for a hearing to be conducted pursuant to this section and shall be served forthwith on such person and due return made to the court. If the order is later dissolved or modified, a copy of the dissolution or modification order shall also be attested and forwarded forthwith to the primary law-enforcement agency responsible for service and entry of the order. Upon receipt of the dissolution or modification order by the primary law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the identifying information and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network, and the order shall be served forthwith and due return made to the court.

§ 19.2-152.15. Return or disposal of firearms.

A. Any firearm taken into custody pursuant to § 19.2-152.13 or 19.2-152.14 and held by a law-enforcement agency shall be returned by such agency to the person from whom the firearm was taken upon a court order for the return of the firearm issued pursuant to § 19.2-152.14 or the expiration or dissolution of an order issued pursuant to § 19.2-152.13 or 19.2-152.14. Such agency shall return the firearm within five days of receiving a written request for the return of the firearm by the person from whom the firearm was taken and a copy of the receipt provided to such person pursuant to § 19.2-152.13. Prior to returning the firearm to such person, the law-enforcement agency holding the firearm shall confirm that such person is no longer subject to an order issued pursuant to § 19.2-152.13 or 19.2-152.14 and is not otherwise prohibited by law from possessing a firearm.

B. A firearm taken into custody pursuant to § 19.2-152.13 or 19.2-152.14 and held by a law-enforcement agency may be disposed of in accordance with the provisions of § 15.2-1721 if (i) the person from whom the firearm was taken provides written authorization for such disposal to the agency or (ii) the firearm remains in the possession of the agency more than 120 days after such person is no longer subject to an order issued pursuant to § 19.2-152.13 or 19.2-152.14 and such person has not submitted a request in writing for the return of the firearm.

§ 19.2-152.16. False statement to law-enforcement officer, etc.; penalty.

Any person who knowingly and willfully makes any materially false statement or representation to a law-enforcement officer or attorney for the Commonwealth who is in the course of conducting an investigation undertaken pursuant to this chapter is guilty of a Class 1 misdemeanor.

§ 19.2-152.17. Immunity of law-enforcement officers, etc.; chapter not exclusive.

A. An attorney for the Commonwealth or a law-enforcement officer shall be immune from civil liability for any act or omission related to petitioning or declining to petition for a substantial risk order pursuant to this chapter.

B. Any law-enforcement agency or law-enforcement officer that takes into custody, stores, possesses, or transports a firearm pursuant to § 19.2-152.13 or 19.2-152.14, or by a search warrant for a person who has failed to voluntarily relinquish his firearm, shall be immune from civil or criminal liability for any damage to or deterioration, loss, or theft of such firearm.

C. Nothing in this chapter precludes a law-enforcement officer from conducting a search for a firearm or removing a firearm from a person under any other lawful authority.

§ 19.2-387.3. Substantial Risk Order Registry; maintenance; access.

A. The Department of State Police shall keep and maintain a computerized Substantial Risk Order Registry (the Registry) for the entry of orders issued pursuant to § 19.2-152.13 or 19.2-152.14. The purpose of the Registry shall be to assist the efforts of law-enforcement agencies to protect their communities and their citizens. The Department of State Police shall make the Registry information available, upon request, to criminal justice agencies, including local law-enforcement agencies, through the Virginia Criminal Information Network. Registry information provided under this section shall be used only for the purposes of the administration of criminal justice as defined in § 9.1-101.

B. No liability shall be imposed upon any law-enforcement official who disseminates information or fails to disseminate information in good faith compliance with the requirements of this section, but this provision shall not be construed to grant immunity for gross negligence or willful misconduct.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 854 of the Acts of Assembly of 2019 requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

3. That the Supreme Court shall create standard forms to implement the intent of this act.

CHAPTER 889

An Act to amend and reenact §§ 5, 8 and 9, as amended, and 10 of Chapters 406 and 521 of the Acts of Assembly of 1999, which provided a charter for the Town of Bluefield in the County of Tazewell, relating to town council, mayor, and town powers.

[S 244]

Approved April 8, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 5, 8 and 9, as amended, and 10 of Chapters 406 and 521 of the Acts of Assembly of 1999 are amended and reenacted as follows:

§ 5. Composition of council and vacancies.

The council shall consist of ~~five~~ six members and a mayor. The ~~five~~ six council members, who shall be voted for at large, shall have terms of office of four years. At the November election, ~~2012~~ 2020, and every four years thereafter, ~~two~~ three council members shall be elected, being the ~~two~~ three candidates who receive the largest number of votes, individually, at such election, who will serve for terms of four years from January 1, ~~2013~~ 2021, and thereafter until their successors have been elected and qualified. At the November election, ~~2014~~ 2022, and every four years thereafter, three council members shall be elected, being the three candidates who receive the largest number of votes, individually, at such election, who shall serve for terms of four years from January 1, ~~2015~~ 2023, and thereafter until their successors have been elected and qualified.

~~The mayor and members of council the terms of whom would have expired on June 30, 2012, shall continue to serve until December 31, 2012, unless their term of office is otherwise terminated. The members of council the terms of whom would have expired on June 30, 2014, shall continue to serve until December 31, 2014, unless their term of office is otherwise terminated.~~

All elections for members of *the* council shall be held at the time and in the manner provided for by general law.

Vacancies ~~in~~ on the council shall be filled within thirty days, for the unexpired term, by a majority vote of the remaining ~~mayor and the~~ council members.

§ 8. Council; organization.

A. At a time designated by the council on the first day of January, or at some other times as designated by *the* council, following a regular municipal election, or if such a day be a Sunday, then on the day following, the council shall meet at the usual place for holding the meetings of the legislative board of the town, at which time the newly elected council members and the mayor, after first having taken the oaths prescribed by law, shall assume the duties of their offices. Thereafter the council shall meet at such times as may be prescribed by ordinance or resolution except that they shall regularly meet not less than once each month. The mayor, any ~~member of the~~ council member, or the town manager may call special meetings of the council, at any time at least twelve hours after written notice, with the purpose of said meeting stated therein, to each member served personally or left at his usual place of business or residence, or such meeting may be held at any time without notice, provided all members of the council attend. No business other than that mentioned in the call shall be considered at such meeting. Notice of any meeting of *the* council shall be in accordance with the provisions of the Freedom of Information Act as contained in the Code of Virginia.

B. All meetings of the council shall be public, and any citizens may have access to the minutes and records thereof at all reasonable times; however, by majority vote of the council, it may convene an executive session to consider such matters as may be the appropriate subject of an executive session as provided by the Code of Virginia.

C. The council shall appoint a town manager and a town clerk. During the organizational meeting, the council shall appoint one of the members of *the* council as vice-mayor to act in the absence or disability of the mayor. The vice-mayor shall be appointed by a majority vote of all ~~members of the~~ council and the ~~mayor~~ members and shall serve for a period of two years until the next organizational meeting of *the* council.

D. The council may appoint all such other boards and commissions as may be deemed proper, and prescribe the powers and duties thereof. The council may determine its own rules or procedures, may punish its own members for misconduct and may compel attendance of members. It shall keep a journal of its proceedings. A majority of all members of the council shall constitute a quorum to do business, but a smaller number may adjourn from time to time, and may compel the attendance of absentees. All elections ~~and appointments~~ by *the* council shall be ~~viva voce and the vote~~ recorded in the journal of the council.

E. ~~Council~~ *The council shall fix the compensation of the members of the council for its members, the mayor, and all other officers the compensation of whom is not otherwise provided for herein.*

§ 9. Council; mayor generally.

A. At the November election, ~~2012~~ 2020, and every four years thereafter, the candidate for mayor who receives the largest number of votes at such election shall be elected and shall serve for a term of four years from January 1, ~~2013~~ 2021, and thereafter until a successor has been elected and qualified.

B. The mayor shall preside at meetings of the council ~~and~~, shall perform such other duties consistent with the office as may be imposed by the council ~~and~~, shall have a vote ~~and~~ voice in the proceedings, ~~but shall vote only in the case of a tie, and shall have no veto power.~~ The mayor shall be the official head of the town; however, he shall have no jurisdiction or authority to hear, determine or try any civil or criminal matters. In times of public danger or emergency, the mayor, or during the mayor's absence or disability, the town manager, may take command of the police and maintain order and enforce laws, and for this purpose may deputize such assistant policemen as may be necessary. During the mayor's absence or disability, except as above provided, the mayor's duties shall be performed by the vice-mayor. The mayor shall authenticate by his signature such instruments as the council, this charter, or the laws of the Commonwealth shall require.

C. A vacancy ~~or~~ in the office of mayor or vice-mayor shall be filled, within thirty days for the unexpired term, by a majority vote of the ~~council and mayor~~ *remaining council members.*

§ 10. Ordinances and resolutions.

A. ~~Except in dealing with parliamentary procedure, the council shall act only~~ *In addition to the ability to act by motion, the council may act by ordinance or resolution and, with the exception of ordinances making appropriations or authorizing the contracting of indebtedness, shall be confined to one subject.*

B. Each proposed ordinance or resolution shall be introduced in a written or printed form, and the enacting clause of all ordinances passed by the council shall be, substantially: "Be it ordained by the council of the Town of Bluefield, Virginia."

C. No ordinance, resolution having the effect of an ordinance, or resolution suspending an ordinance, unless it is an emergency measure, shall be passed until it has been read at two meetings not less than one week apart, one of which shall be a regular meeting and the other of which may be either an adjourned or called meeting; however, the requirement of a second reading by the affirmative vote of a majority of the members of the council may be confined to the reading of the title only. Any ordinance or resolution read at one such meeting may be amended and passed as amended at the next such meeting, provided that the amendment does not materially change the ordinance. No ordinance shall be amended unless such section or sections as are intended to be amended shall be reenacted. The ayes and nays shall be taken and recorded upon the passage of all ordinances or resolutions and entered upon the journal of the proceedings of the council. Except as otherwise provided ~~in~~ *by this charter, an affirmative the Constitution of Virginia, or the Code of Virginia, a majority vote of a majority of the council members elected to the council* shall be necessary to adopt any ordinance or resolution.

D. An emergency measure is an ordinance for the immediate preservation of the public peace, property, health or safety, or providing for the daily operation of a municipal department. The emergency shall be stated in every such measure. Ordinances appropriating money may be passed as emergency measures; however, no measure selling or conveying any real estate; making a grant, renewal, or extension of a franchise or other special privilege; or regulating the rate to be charged for its service by any public utility, shall ever be so passed.

E. Every ordinance or resolution having the effect of an ordinance when passed shall be recorded and indexed by the town clerk in a book kept for that purpose, and shall be authenticated by the signatures of the presiding officer and the town clerk.

F. All ordinances and resolutions of the council may be read in evidence in all courts and in all other proceedings in which it may be necessary to refer thereto, either from the original record thereof, from a copy thereof certified by the town clerk, or from any volume of ordinances printed by authority of the council.

CHAPTER 890

An Act to amend and reenact §§ 3.1 and 3.8, as amended, of Chapter 131 of the Acts of Assembly of 1977, which provided a charter for the Town of Brodnax in the Counties of Brunswick and Mecklenburg, relating to town council; membership; meetings.

[S 257]

Approved April 8, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 3.1 and 3.8, as amended, of Chapter 131 of the Acts of Assembly of 1977 are amended and reenacted as follows:

§ 3.1. Election, qualification and term of office of councilmen and mayor.

The town of Brodnax shall be governed by a town council composed of seven councilmen and a mayor, all of whom shall be qualified voters of the town, to be elected from the town at large. Any person qualified to vote in the town shall be eligible for the office of councilman or mayor. The mayor and councilmen in office at the time of the passage of this act shall continue in office until the expiration of the terms for which they were elected or until their successors are duly elected and qualified. An election for mayor and councilmen shall be held on the first Tuesday in May, nineteen hundred

seventy-eight and on the first Tuesday in May of every second year thereafter and take office on the first day of July succeeding their election; provided *that* the mayor and councilmen elected the first Tuesday in May, nineteen hundred seventy-eight, shall not take office until September one, nineteen hundred seventy-eight, to serve for terms of one year ten months. Thereafter they shall each serve for a term of two years or until their successors have qualified.

However, beginning in 2009, the election for mayor and councilmen shall be held at the time of the November general election with elected members to take office on the first day of January succeeding their election. The terms of council members in office at the time of the November 2009 election shall end on January 1, 2010. The mayor and the three members of town council receiving the highest number of votes in the November 2009 election shall serve four-year terms. The other four persons elected to town council in November 2009 shall serve two-year terms. Thereafter, all council members shall be elected for four-year terms.

Beginning in 2019, the town shall be governed by a town council composed of five councilmen and a mayor. Three councilmen shall be elected to four-year terms at the November 2019 election, and the mayor and two councilmen shall be elected to four-year terms at the November 2021 election.

§ 3.8. Meetings of council.

The town council shall fix the time of its stated meetings, and it shall meet at least once a month and, except as herein provided, the council shall establish its own rules of procedure and such rules as are necessary for the orderly conduct of its business not inconsistent with the laws of the Commonwealth of Virginia. A journal shall be kept of its official proceedings and its meetings shall be open to the public. ~~Four~~ *Three* members of the town council shall constitute a quorum for the transaction of business at any meeting. Special meetings may be called at any time by the mayor or by any ~~four~~ *two* members of the council; provided that the mayor and all council members are duly notified a reasonable period of time prior to such meetings and no business shall be transacted at a special meeting thereof except that for which it shall be called. If all members are present, this provision may be waived by a majority vote of the council. No ordinance, resolution, motion or vote shall be adopted by the council unless it shall have received the affirmative votes of a majority of the members present. But no ordinance or resolution shall be adopted or passed having for its object the levying of taxes except by a concurring vote of two-thirds of the members of council.

2. That an emergency exists and this act is in force from its passage.

CHAPTER 891

An Act to amend and reenact §§ 3.4, 3.7, 4.1, as amended, and 4.2 of Chapter 423 of the Acts of Assembly of 1983 and to amend Chapter 423 of the Acts of Assembly of 1983 by adding sections numbered 3.3:1, 4.1:1, 4.1:2, and 4.1:3, which provided a charter for the Town of Middleburg in Loudoun County, relating to powers of council and mayor, salaries, and appointed officers.

[S 541]

Approved April 8, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 3.4, 3.7, 4.1, as amended, and 4.2 of Chapter 423 of the Acts of Assembly of 1983 are amended and reenacted and that Chapter 423 of the Acts of Assembly of 1983 is amended by adding sections numbered 3.3:1, 4.1:1, 4.1:2, and 4.1:3 as follows:

§ 3.3:1. Powers and duties of the council.

The government of the Town of Middleburg shall be vested in the council, which shall have the power to enact and enforce ordinances to carry into effect all powers granted by this charter and by law. The council shall be responsible for the determination of all matters of policy for the Town of Middleburg and for ensuring the implementation thereof by the town administration.

§ 3.4. Mayor.

~~The mayor shall be the chief executive officer of the town. He shall have and exercise all the privileges and authority conferred by general law not inconsistent with this charter. He shall preside over the meetings of the town council and shall have the right to speak therein as a member of the council but shall not vote except in the case of a tie vote. He see that the duties of the various appointed officers are faithfully performed and shall execute such documents or instruments as the council, this charter, or the laws of the Commonwealth shall require. The mayor shall be the head of the town government for all ceremonial purposes and shall perform such other duties consistent with his the office as may be imposed by the town council. He The mayor shall see that preside over the duties meetings of the various town officers are faithfully performed and council but shall authenticate his signature on such documents or instruments as the council, this charter or the laws of the Commonwealth shall require not vote except in the case of a tie vote.~~

§ 3.7. Salaries.

The salaries of the mayor, councilmen, members of boards and commissions, and all appointed officers ~~and employees~~ of the town shall be authorized and fixed by the council at a sum not to exceed any limitations placed thereon by the laws of the Commonwealth of Virginia. Increases in the salaries of the mayor and members of the council shall not be effective until the first day of July following the next local election after the council approves such increase.

Chapter 4. ~~Appointive~~ Appointed Officers.§ 4.1. ~~Appointments~~ Town manager.

The council ~~may shall~~ appoint: ~~a town administrator, who~~ a town manager, who shall be the chief administrative officer of the town and have the powers and perform the duties set forth in this charter, general law, and town ordinances, and shall be responsible to the council for the proper administration of all affairs of the town; ~~for the control and supervision of all town departments, employees, and property, for the preparation and implementation of an annual budget, and for any other duties as prescribed by the council; a town attorney, who shall be an attorney-at-law licensed to practice in the Commonwealth of Virginia; a chief of police; a town clerk; a town treasurer, who may also be the town clerk; and any other officers that shall be deemed necessary and proper.~~

The town manager shall be chosen by the council solely on the basis of executive and administrative qualifications in the profession of public management. The town manager need not be a resident of the town or Commonwealth.

The town manager shall appoint and when necessary suspend, demote, and remove any of the officers and employees of the town except as otherwise provided in this charter or town ordinances. The town manager may authorize the head of a town office, department, or board to appoint subordinates in such office, department, or board. With regard to any of the officers subject to the town manager's appointment power, the town manager may appoint an acting officer in the case of the absence, incapacity, death, or resignation of the permanent officer.

The action of the council in suspending or removing the town manager shall be final, it being the intention of this charter to vest all authority and fix all responsibility for any such suspension or removal in the council.

§ 4.1:1. Acting town manager.

The town manager may designate an individual who shall serve as the acting town manager in the event of the absence, incapacity, death, or resignation of the town manager, until the town manager's return to duty or the appointment by the council of a successor.

§ 4.1:2. Town clerk.

Unless otherwise provided by town ordinance, the town manager shall appoint a town clerk who shall be clerk of the council and who shall serve at and during the pleasure of the town manager. The clerk of the council shall attend all meetings of the council and shall keep the journal of its proceedings and shall record all ordinances and resolutions in a book or books kept for that purpose. The clerk shall be custodian of the corporate seal of the town and shall be the officer authorized to use and authenticate it. The clerk shall perform such other duties and keep such other records as the town manager or the general laws of the Commonwealth require of town clerks.

§ 4.1:3. Town attorney.

The council shall appoint a town attorney, who shall be an attorney-at-law licensed to practice in the Commonwealth of Virginia. The town attorney may designate an individual who shall serve as the acting town attorney in the event of the absence, incapacity, death, or resignation of the town attorney, until the town attorney's return to duty or the appointment by the council of a successor.

§ 4.2. Term of office.

~~Appointees under this chapter~~ *The council's appointed officers shall serve for an indefinite term at the pleasure of the council.*

CHAPTER 892

An Act to amend the Code of Virginia by adding a section numbered 46.2-878.2:1, relating to speeding fines on certain roads.

[S 556]

Approved April 8, 2020

Be it enacted by the General Assembly of Virginia:**1. That the Code of Virginia is amended by adding a section numbered 46.2-878.2:1 as follows:****§ 46.2-878.2:1. Maximum speed limits on certain roads.**

Operation of any motor vehicle in excess of the maximum speed limit established for U.S. Route 15 and U.S. Route 17 in Fauquier County, when indicated by appropriately placed signs displaying the maximum speed limit and the penalty for violations, shall be unlawful and shall constitute a traffic infraction punishable by a fine of \$15, in addition to other penalties provided by law. Subject to the issuance of a permit by the Commissioner of Highways, the county may, at its own expense, install and maintain such signs.

CHAPTER 893

An Act to amend and reenact § 15.2-2286 of the Code of Virginia, relating to zoning administrators; notice of decisions and determinations.

[S 589]

Approved April 8, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-2286 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-2286. Permitted provisions in zoning ordinances; amendments; applicant to pay delinquent taxes; penalties.

A. A zoning ordinance may include, among other things, reasonable regulations and provisions as to any or all of the following matters:

1. For variances or special exceptions, as defined in § 15.2-2201, to the general regulations in any district.

2. For the temporary application of the ordinance to any property coming into the territorial jurisdiction of the governing body by annexation or otherwise, subsequent to the adoption of the zoning ordinance, and pending the orderly amendment of the ordinance.

3. For the granting of special exceptions under suitable regulations and safeguards; notwithstanding any other provisions of this article, the governing body of any locality may reserve unto itself the right to issue such special exceptions. Conditions imposed in connection with residential special use permits, wherein the applicant proposes affordable housing, shall be consistent with the objective of providing affordable housing. When imposing conditions on residential projects specifying materials and methods of construction or specific design features, the approving body shall consider the impact of the conditions upon the affordability of housing.

The governing body or the board of zoning appeals of the City of Norfolk may impose a condition upon any special exception relating to retail alcoholic beverage control licensees which provides that such special exception will automatically expire upon a change of ownership of the property, a change in possession, a change in the operation or management of a facility or upon the passage of a specific period of time.

The governing body of the City of Richmond may impose a condition upon any special use permit issued after July 1, 2000, relating to retail alcoholic beverage licensees which provides that such special use permit shall be subject to an automatic review by the governing body upon a change in possession, a change in the owner of the business, or a transfer of majority control of the business entity. Upon review by the governing body, it may either amend or revoke the special use permit after notice and a public hearing as required by § 15.2-2206.

4. For the administration and enforcement of the ordinance including the appointment or designation of a zoning administrator who may also hold another office in the locality. The zoning administrator shall have all necessary authority on behalf of the governing body to administer and enforce the zoning ordinance. His authority shall include (i) ordering in writing the remedying of any condition found in violation of the ordinance; (ii) insuring compliance with the ordinance, bringing legal action, including injunction, abatement, or other appropriate action or proceeding subject to appeal pursuant to § 15.2-2311; and (iii) in specific cases, making findings of fact and, with concurrence of the attorney for the governing body, conclusions of law regarding determinations of rights accruing under § 15.2-2307 or subsection C of § 15.2-2311.

Whenever the zoning administrator has reasonable cause to believe that any person has engaged in or is engaging in any violation of a zoning ordinance that limits occupancy in a residential dwelling unit, which is subject to a civil penalty that may be imposed in accordance with the provisions of § 15.2-2209, and the zoning administrator, after a good faith effort to obtain the data or information necessary to determine whether a violation has occurred, has been unable to obtain such information, he may request that the attorney for the locality petition the judge of the general district court for his jurisdiction for a subpoena duces tecum against any such person refusing to produce such data or information. The judge of the court, upon good cause shown, may cause the subpoena to be issued. Any person failing to comply with such subpoena shall be subject to punishment for contempt by the court issuing the subpoena. Any person so subpoenaed may apply to the judge who issued the subpoena to quash it.

Notwithstanding the provisions of § 15.2-2311, a zoning ordinance may prescribe an appeal period of less than 30 days, but not less than 10 days, for a notice of violation involving temporary or seasonal commercial uses, parking of commercial trucks in residential zoning districts, maximum occupancy limitations of a residential dwelling unit, or similar short-term, recurring violations.

Where provided by ordinance, the zoning administrator may be authorized to grant a modification from any provision contained in the zoning ordinance with respect to physical requirements on a lot or parcel of land, including but not limited to size, height, location or features of or related to any building, structure, or improvements, if the administrator finds in writing that: (i) the strict application of the ordinance would produce undue hardship; (ii) such hardship is not shared generally by other properties in the same zoning district and the same vicinity; and (iii) the authorization of the modification will not be of substantial detriment to adjacent property and the character of the zoning district will not be changed by the granting of the modification. Prior to the granting of a modification, the zoning administrator shall give, or require the applicant to give, all adjoining property owners written notice of the request for modification, and an opportunity to respond to the request within 21 days of the date of the notice. The zoning administrator shall make a decision on the application for modification and issue a written decision with a copy provided to the applicant and any adjoining landowner who responded in writing to the notice sent pursuant to this paragraph. The decision of the zoning administrator shall constitute a decision within the purview of § 15.2-2311, and may be appealed to the board of zoning appeals as provided by that section. Decisions of the board of zoning appeals may be appealed to the circuit court as provided by § 15.2-2314.

The zoning administrator shall respond within 90 days of a request for a decision or determination on zoning matters within the scope of his authority unless the requester has agreed to a longer period. *If the decision or determination by the zoning administrator could impair the ability of an adjacent property owner to satisfy the minimum storage capacity and*

yield requirements for a residential drinking well pursuant to § 32.1-176.4 or any regulation adopted thereunder, the zoning administrator shall provide a copy of such decision or determination to such adjacent property owner so affected.

5. For the imposition of penalties upon conviction of any violation of the zoning ordinance. Any such violation shall be a misdemeanor punishable by a fine of not more than \$1,000. If the violation is uncorrected at the time of the conviction, the court shall order the violator to abate or remedy the violation in compliance with the zoning ordinance, within a time period established by the court. Failure to remove or abate a zoning violation within the specified time period shall constitute a separate misdemeanor offense punishable by a fine of not more than \$1,000; any such failure during a succeeding 10-day period shall constitute a separate misdemeanor offense punishable by a fine of not more than \$1,500; and any such failure during any succeeding 10-day period shall constitute a separate misdemeanor offense for each 10-day period punishable by a fine of not more than \$2,000.

However, any conviction resulting from a violation of provisions regulating the number of unrelated persons in single-family residential dwellings shall be punishable by a fine of up to \$2,000. Failure to abate the violation within the specified time period shall be punishable by a fine of up to \$5,000, and any such failure during any succeeding 10-day period shall constitute a separate misdemeanor offense for each 10-day period punishable by a fine of up to \$7,500. However, no such fine shall accrue against an owner or managing agent of a single-family residential dwelling unit during the pendency of any legal action commenced by such owner or managing agent of such dwelling unit against a tenant to eliminate an overcrowding condition in accordance with the Virginia Residential Landlord and Tenant Act (§ 55.1-1200 et seq.). A conviction resulting from a violation of provisions regulating the number of unrelated persons in single-family residential dwellings shall not be punishable by a jail term.

6. For the collection of fees to cover the cost of making inspections, issuing permits, advertising of notices and other expenses incident to the administration of a zoning ordinance or to the filing or processing of any appeal or amendment thereto.

7. For the amendment of the regulations or district maps from time to time, or for their repeal. Whenever the public necessity, convenience, general welfare, or good zoning practice requires, the governing body may by ordinance amend, supplement, or change the regulations, district boundaries, or classifications of property. Any such amendment may be initiated (i) by resolution of the governing body; (ii) by motion of the local planning commission; or (iii) by petition of the owner, contract purchaser with the owner's written consent, or the owner's agent therefor, of the property which is the subject of the proposed zoning map amendment, addressed to the governing body or the local planning commission, who shall forward such petition to the governing body; however, the ordinance may provide for the consideration of proposed amendments only at specified intervals of time, and may further provide that substantially the same petition will not be reconsidered within a specific period, not exceeding one year. Any such resolution or motion by such governing body or commission proposing the rezoning shall state the above public purposes therefor.

In any county having adopted such zoning ordinance, all motions, resolutions or petitions for amendment to the zoning ordinance, and/or map shall be acted upon and a decision made within such reasonable time as may be necessary which shall not exceed 12 months unless the applicant requests or consents to action beyond such period or unless the applicant withdraws his motion, resolution or petition for amendment to the zoning ordinance or map, or both. In the event of and upon such withdrawal, processing of the motion, resolution or petition shall cease without further action as otherwise would be required by this subdivision.

8. For the submission and approval of a plan of development prior to the issuance of building permits to assure compliance with regulations contained in such zoning ordinance.

9. For areas and districts designated for mixed use developments or planned unit developments as defined in § 15.2-2201.

10. For the administration of incentive zoning as defined in § 15.2-2201.

11. For provisions allowing the locality to enter into a voluntary agreement with a landowner that would result in the downzoning of the landowner's undeveloped or underdeveloped property in exchange for a tax credit equal to the amount of excess real estate taxes that the landowner has paid due to the higher zoning classification. The locality may establish reasonable guidelines for determining the amount of excess real estate tax collected and the method and duration for applying the tax credit. For purposes of this section, "downzoning" means a zoning action by a locality that results in a reduction in a formerly permitted land use intensity or density.

12. Provisions for requiring and considering Phase I environmental site assessments based on the anticipated use of the property proposed for the subdivision or development that meet generally accepted national standards for such assessments, such as those developed by the American Society for Testing and Materials, and Phase II environmental site assessments, that also meet accepted national standards, such as, but not limited to, those developed by the American Society for Testing and Materials, if the locality deems such to be reasonably necessary, based on findings in the Phase I assessment, and in accordance with regulations of the United States Environmental Protection Agency and the American Society for Testing and Materials. A reasonable fee may be charged for the review of such environmental assessments. Such fees shall not exceed an amount commensurate with the services rendered, taking into consideration the time, skill, and administrative expense involved in such review.

13. Provisions for requiring disclosure and remediation of contamination and other adverse environmental conditions of the property prior to approval of subdivision and development plans.

14. For the enforcement of provisions of the zoning ordinance that regulate the number of persons permitted to occupy a single-family residential dwelling unit, provided such enforcement is in compliance with applicable local, state and federal fair housing laws.

15. For the issuance of inspection warrants by a magistrate or court of competent jurisdiction. The zoning administrator or his agent may make an affidavit under oath before a magistrate or court of competent jurisdiction and, if such affidavit establishes probable cause that a zoning ordinance violation has occurred, request that the magistrate or court grant the zoning administrator or his agent an inspection warrant to enable the zoning administrator or his agent to enter the subject dwelling for the purpose of determining whether violations of the zoning ordinance exist. After issuing a warrant under this section, the magistrate or judge shall file the affidavit in the manner prescribed by § 19.2-54. After executing the warrant, the zoning administrator or his agents shall return the warrant to the clerk of the circuit court of the city or county wherein the inspection was made. The zoning administrator or his agent shall make a reasonable effort to obtain consent from the owner or tenant of the subject dwelling prior to seeking the issuance of an inspection warrant under this section.

B. Prior to the initiation of an application by the owner of the subject property, the owner's agent, or any entity in which the owner holds an ownership interest greater than 50 percent, for a special exception, special use permit, variance, rezoning or other land disturbing permit, including building permits and erosion and sediment control permits, or prior to the issuance of final approval, the authorizing body may require the applicant to produce satisfactory evidence that any delinquent real estate taxes, nuisance charges, stormwater management utility fees, and any other charges that constitute a lien on the subject property, that are owed to the locality and have been properly assessed against the subject property, have been paid, unless otherwise authorized by the treasurer.

CHAPTER 894

An Act to amend and reenact § 15.2-2286 of the Code of Virginia, relating to zoning administrators; notice of decisions and determinations.

[S 647]

Approved April 8, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-2286 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-2286. Permitted provisions in zoning ordinances; amendments; applicant to pay delinquent taxes; penalties.

A. A zoning ordinance may include, among other things, reasonable regulations and provisions as to any or all of the following matters:

1. For variances or special exceptions, as defined in § 15.2-2201, to the general regulations in any district.

2. For the temporary application of the ordinance to any property coming into the territorial jurisdiction of the governing body by annexation or otherwise, subsequent to the adoption of the zoning ordinance, and pending the orderly amendment of the ordinance.

3. For the granting of special exceptions under suitable regulations and safeguards; notwithstanding any other provisions of this article, the governing body of any locality may reserve unto itself the right to issue such special exceptions. Conditions imposed in connection with residential special use permits, wherein the applicant proposes affordable housing, shall be consistent with the objective of providing affordable housing. When imposing conditions on residential projects specifying materials and methods of construction or specific design features, the approving body shall consider the impact of the conditions upon the affordability of housing.

The governing body or the board of zoning appeals of the City of Norfolk may impose a condition upon any special exception relating to retail alcoholic beverage control licenses which provides that such special exception will automatically expire upon a change of ownership of the property, a change in possession, a change in the operation or management of a facility or upon the passage of a specific period of time.

The governing body of the City of Richmond may impose a condition upon any special use permit issued after July 1, 2000, relating to retail alcoholic beverage licensees which provides that such special use permit shall be subject to an automatic review by the governing body upon a change in possession, a change in the owner of the business, or a transfer of majority control of the business entity. Upon review by the governing body, it may either amend or revoke the special use permit after notice and a public hearing as required by § 15.2-2206.

4. For the administration and enforcement of the ordinance including the appointment or designation of a zoning administrator who may also hold another office in the locality. The zoning administrator shall have all necessary authority on behalf of the governing body to administer and enforce the zoning ordinance. His authority shall include (i) ordering in writing the remedying of any condition found in violation of the ordinance; (ii) insuring compliance with the ordinance, bringing legal action, including injunction, abatement, or other appropriate action or proceeding subject to appeal pursuant to § 15.2-2311; and (iii) in specific cases, making findings of fact and, with concurrence of the attorney for the governing body, conclusions of law regarding determinations of rights accruing under § 15.2-2307 or subsection C of § 15.2-2311.

Whenever the zoning administrator has reasonable cause to believe that any person has engaged in or is engaging in any violation of a zoning ordinance that limits occupancy in a residential dwelling unit, which is subject to a civil penalty

that may be imposed in accordance with the provisions of § 15.2-2209, and the zoning administrator, after a good faith effort to obtain the data or information necessary to determine whether a violation has occurred, has been unable to obtain such information, he may request that the attorney for the locality petition the judge of the general district court for his jurisdiction for a subpoena duces tecum against any such person refusing to produce such data or information. The judge of the court, upon good cause shown, may cause the subpoena to be issued. Any person failing to comply with such subpoena shall be subject to punishment for contempt by the court issuing the subpoena. Any person so subpoenaed may apply to the judge who issued the subpoena to quash it.

Notwithstanding the provisions of § 15.2-2311, a zoning ordinance may prescribe an appeal period of less than 30 days, but not less than 10 days, for a notice of violation involving temporary or seasonal commercial uses, parking of commercial trucks in residential zoning districts, maximum occupancy limitations of a residential dwelling unit, or similar short-term, recurring violations.

Where provided by ordinance, the zoning administrator may be authorized to grant a modification from any provision contained in the zoning ordinance with respect to physical requirements on a lot or parcel of land, including but not limited to size, height, location or features of or related to any building, structure, or improvements, if the administrator finds in writing that: (i) the strict application of the ordinance would produce undue hardship; (ii) such hardship is not shared generally by other properties in the same zoning district and the same vicinity; and (iii) the authorization of the modification will not be of substantial detriment to adjacent property and the character of the zoning district will not be changed by the granting of the modification. Prior to the granting of a modification, the zoning administrator shall give, or require the applicant to give, all adjoining property owners written notice of the request for modification, and an opportunity to respond to the request within 21 days of the date of the notice. The zoning administrator shall make a decision on the application for modification and issue a written decision with a copy provided to the applicant and any adjoining landowner who responded in writing to the notice sent pursuant to this paragraph. The decision of the zoning administrator shall constitute a decision within the purview of § 15.2-2311, and may be appealed to the board of zoning appeals as provided by that section. Decisions of the board of zoning appeals may be appealed to the circuit court as provided by § 15.2-2314.

The zoning administrator shall respond within 90 days of a request for a decision or determination on zoning matters within the scope of his authority unless the requester has agreed to a longer period. *If the decision or determination by the zoning administrator could impair the ability of an adjacent property owner to satisfy the minimum storage capacity and yield requirements for a residential drinking well pursuant to § 32.1-176.4 or any regulation adopted thereunder, the zoning administrator shall provide a copy of such decision or determination to such adjacent property owner so affected.*

5. For the imposition of penalties upon conviction of any violation of the zoning ordinance. Any such violation shall be a misdemeanor punishable by a fine of not more than \$1,000. If the violation is uncorrected at the time of the conviction, the court shall order the violator to abate or remedy the violation in compliance with the zoning ordinance, within a time period established by the court. Failure to remove or abate a zoning violation within the specified time period shall constitute a separate misdemeanor offense punishable by a fine of not more than \$1,000; any such failure during a succeeding 10-day period shall constitute a separate misdemeanor offense punishable by a fine of not more than \$1,500; and any such failure during any succeeding 10-day period shall constitute a separate misdemeanor offense for each 10-day period punishable by a fine of not more than \$2,000.

However, any conviction resulting from a violation of provisions regulating the number of unrelated persons in single-family residential dwellings shall be punishable by a fine of up to \$2,000. Failure to abate the violation within the specified time period shall be punishable by a fine of up to \$5,000, and any such failure during any succeeding 10-day period shall constitute a separate misdemeanor offense for each 10-day period punishable by a fine of up to \$7,500. However, no such fine shall accrue against an owner or managing agent of a single-family residential dwelling unit during the pendency of any legal action commenced by such owner or managing agent of such dwelling unit against a tenant to eliminate an overcrowding condition in accordance with the Virginia Residential Landlord and Tenant Act (§ 55.1-1200 et seq.). A conviction resulting from a violation of provisions regulating the number of unrelated persons in single-family residential dwellings shall not be punishable by a jail term.

6. For the collection of fees to cover the cost of making inspections, issuing permits, advertising of notices and other expenses incident to the administration of a zoning ordinance or to the filing or processing of any appeal or amendment thereto.

7. For the amendment of the regulations or district maps from time to time, or for their repeal. Whenever the public necessity, convenience, general welfare, or good zoning practice requires, the governing body may by ordinance amend, supplement, or change the regulations, district boundaries, or classifications of property. Any such amendment may be initiated (i) by resolution of the governing body; (ii) by motion of the local planning commission; or (iii) by petition of the owner, contract purchaser with the owner's written consent, or the owner's agent therefor, of the property which is the subject of the proposed zoning map amendment, addressed to the governing body or the local planning commission, who shall forward such petition to the governing body; however, the ordinance may provide for the consideration of proposed amendments only at specified intervals of time, and may further provide that substantially the same petition will not be reconsidered within a specific period, not exceeding one year. Any such resolution or motion by such governing body or commission proposing the rezoning shall state the above public purposes therefor.

In any county having adopted such zoning ordinance, all motions, resolutions or petitions for amendment to the zoning ordinance, and/or map shall be acted upon and a decision made within such reasonable time as may be necessary which

shall not exceed 12 months unless the applicant requests or consents to action beyond such period or unless the applicant withdraws his motion, resolution or petition for amendment to the zoning ordinance or map, or both. In the event of and upon such withdrawal, processing of the motion, resolution or petition shall cease without further action as otherwise would be required by this subdivision.

8. For the submission and approval of a plan of development prior to the issuance of building permits to assure compliance with regulations contained in such zoning ordinance.

9. For areas and districts designated for mixed use developments or planned unit developments as defined in § 15.2-2201.

10. For the administration of incentive zoning as defined in § 15.2-2201.

11. For provisions allowing the locality to enter into a voluntary agreement with a landowner that would result in the downzoning of the landowner's undeveloped or underdeveloped property in exchange for a tax credit equal to the amount of excess real estate taxes that the landowner has paid due to the higher zoning classification. The locality may establish reasonable guidelines for determining the amount of excess real estate tax collected and the method and duration for applying the tax credit. For purposes of this section, "downzoning" means a zoning action by a locality that results in a reduction in a formerly permitted land use intensity or density.

12. Provisions for requiring and considering Phase I environmental site assessments based on the anticipated use of the property proposed for the subdivision or development that meet generally accepted national standards for such assessments, such as those developed by the American Society for Testing and Materials, and Phase II environmental site assessments, that also meet accepted national standards, such as, but not limited to, those developed by the American Society for Testing and Materials, if the locality deems such to be reasonably necessary, based on findings in the Phase I assessment, and in accordance with regulations of the United States Environmental Protection Agency and the American Society for Testing and Materials. A reasonable fee may be charged for the review of such environmental assessments. Such fees shall not exceed an amount commensurate with the services rendered, taking into consideration the time, skill, and administrative expense involved in such review.

13. Provisions for requiring disclosure and remediation of contamination and other adverse environmental conditions of the property prior to approval of subdivision and development plans.

14. For the enforcement of provisions of the zoning ordinance that regulate the number of persons permitted to occupy a single-family residential dwelling unit, provided such enforcement is in compliance with applicable local, state and federal fair housing laws.

15. For the issuance of inspection warrants by a magistrate or court of competent jurisdiction. The zoning administrator or his agent may make an affidavit under oath before a magistrate or court of competent jurisdiction and, if such affidavit establishes probable cause that a zoning ordinance violation has occurred, request that the magistrate or court grant the zoning administrator or his agent an inspection warrant to enable the zoning administrator or his agent to enter the subject dwelling for the purpose of determining whether violations of the zoning ordinance exist. After issuing a warrant under this section, the magistrate or judge shall file the affidavit in the manner prescribed by § 19.2-54. After executing the warrant, the zoning administrator or his agents shall return the warrant to the clerk of the circuit court of the city or county wherein the inspection was made. The zoning administrator or his agent shall make a reasonable effort to obtain consent from the owner or tenant of the subject dwelling prior to seeking the issuance of an inspection warrant under this section.

B. Prior to the initiation of an application by the owner of the subject property, the owner's agent, or any entity in which the owner holds an ownership interest greater than 50 percent, for a special exception, special use permit, variance, rezoning or other land disturbing permit, including building permits and erosion and sediment control permits, or prior to the issuance of final approval, the authorizing body may require the applicant to produce satisfactory evidence that any delinquent real estate taxes, nuisance charges, stormwater management utility fees, and any other charges that constitute a lien on the subject property, that are owed to the locality and have been properly assessed against the subject property, have been paid, unless otherwise authorized by the treasurer.

CHAPTER 895

An Act to amend and reenact § 1, as amended, of Chapter 303 of the Acts of Assembly of 1944 relating to Fairfax County; policemen's pension and retirement board.

[S 651]

Approved April 8, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 1, as amended, of Chapter 303 of the Acts of Assembly of 1944 is amended and reenacted as follows:

§ 1. The governing body of any county having the urban county executive form of government is empowered and authorized to create and establish as hereinafter provided a board to be known as the "policemen's pension and retirement board" of the county; hereinafter referred to as the "board." (the board). The board when so created shall be a body corporate and shall consist of ~~seven~~ *eight* members, one of whom shall be the Director of Finance of the county, who shall also be the treasurer of the board; ~~two~~ *three* of whom shall be members of the retirement system authorized by this act and employed by the county police department as sworn police officers and who have been elected by the members of the retirement system

authorized by this act who are employed by the police department as sworn police officers, ~~one two~~ for a term of four years and one for a term of two years, their successors to be elected for terms of four years each; and one of whom shall be a member of the retirement system authorized by this act who has retired from employment by the county police department as a sworn police officer and who has been elected by the retired members of the retirement system authorized by this act for a term of four years; and three of whom shall be appointed by the governing body of the county for terms of four years each, their successors to be appointed for terms of four years each. Once elected or appointed, each member shall continue to serve in office until his successor is elected or appointed. If a vacancy occurs in the office of a member of the policemen's pension and retirement board of this system, the vacancy shall be filled for the unexpired term in the same manner as the office was previously filled.

The three members of the "policemen's pension and retirement board" appointed by the governing body of the county may receive compensation at such rate as the governing body of the county may from time to time approve.

When any such board is so created and constituted, it shall at its first meeting and annually thereafter elect one member as president and one as secretary, and it may elect one member as vice-president.

Except as otherwise provided in this article, no member or employee of the policemen's pension and retirement board shall have any direct or indirect interest in the gains or profits of any investment made by the board. No member or employee of the board shall, directly or indirectly, for himself or as an agent in any manner use the same, except to make such current and necessary payments as are authorized by the board.

CHAPTER 896

An Act to amend and reenact § 6, as amended, of Chapter 303 of the Acts of Assembly of 1944, relating to Fairfax County; policemen's retirement system.

[S 652]

Approved April 8, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 6, as amended, of Chapter 303 of the Acts of Assembly of 1944 is amended and reenacted as follows:

§ 6. A police officer shall become a member of the policemen's retirement system upon the first day he becomes a ~~full~~ full-time or part-time employee, provided that the Board first determines that it desires to receive a part-time employee into the system. A member shall receive service credit for military leave, provided that he returns to full-time employment within 90 days of discharge and such discharge is other than dishonorable. A member shall receive service credit while on ~~service connected~~ service-connected total or partial disability as defined in § 8. A member shall not receive service credit while on ~~nonservice connected~~ nonservice-connected total or partial disability, as defined in § 8. A member shall receive service credit for prior employment as a police officer with the county, provided that he shall return his contributions previously paid plus interest at the yearly rates earned by the system during the period the member's contributions had been withdrawn. The Board may, in its discretion, accept a return of a member's contribution on an installment basis on terms and conditions set by the Board. Each member may be allowed credit for accrued sick leave upon making application for retirement under this section or § 6(b) at the rate of one month for each ~~one hundred seventy-two~~ 172 hours of accrued sick leave. In determining benefits, the Board shall grant same in the same manner as if the member had been employed during that period of time.

Under such rules and regulations as are adopted by the governing body of the county, any person who has been a member of another county retirement system of such county and who withdraws therefrom and becomes a member of the policemen's retirement system may purchase membership service credit for service rendered while a member of such other county retirement system by paying into the policemen's retirement system all contributions that would have been due from the person had the person been a member of the policemen's retirement system for each of the years for which membership service credit is sought.

A member who has attained the compulsory retirement age of ~~sixty~~ 60 and has ~~twenty-five~~ 25 years of service credit shall be retired forthwith by the Board; provided, however, that upon approval of the Board, members employed prior to the effective date of this article who have not attained ~~twenty-five~~ 25 years of service credit may continue in service until they attain ~~twenty-five~~ 25 years of service credit. Any member who has ~~twenty-five~~ 25 years of service credit prior to attaining the compulsory retirement age of ~~sixty~~ 60 years may ~~return~~ retire then or thereafter until his sixtieth birthdate upon written notification to the Board, setting forth at what time the retirement is to become effective; provided, that such effective date shall be after his last day of service, but ~~shall~~ not be more than ~~ninety~~ 90 days subsequent to giving such notice. Any member eligible for retirement under this paragraph with ~~twenty-five~~ 25 years of service credit shall receive ~~sixty per centum~~ 60 percent of his average annual salary. The average annual salary is to be determined by taking the sum of the salary received during the last three years of active service and dividing said sum by three. In the event that a member has more than ~~twenty-five~~ 25 years of service credit, he shall receive an additional two ~~per centum~~ percent per year of his average annual salary for each year of service in excess of ~~twenty-five~~ 25 years, but in no event shall his total compensation exceed ~~sixty-six~~ 66 and two-thirds ~~per centum~~ percent of his average annual salary.

CHAPTER 897

An Act to amend and reenact § 30-34.2:1 of the Code of Virginia, relating to the Capitol Police; concurrent jurisdiction.

[S 996]

Approved April 8, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 30-34.2:1 of the Code of Virginia is amended and reenacted as follows:

§ 30-34.2:1. Powers, duties and functions of Capitol Police.

A. The Capitol Police may exercise within the limits of the Capitol Square, when assigned to any other property owned, leased, or controlled by the Commonwealth or any agency, department, institution, or commission thereof, and pursuant to the provisions of §§ 15.2-1724, 15.2-1726, and 15.2-1728 all the powers, duties, and functions that are exercised by the police of the city or the police or sheriff of the county within which such property is located.

B. The jurisdiction of the Capitol Police shall further extend 300 feet beyond the boundary of any property they are required to protect, such jurisdiction to be concurrent with that of other law-enforcement officers of the locality in which such property is located.

~~Additionally, the~~ C. The Capitol Police shall *also* have concurrent jurisdiction with law-enforcement officers of the City of Richmond. *In addition, a Capitol Police officer who is a detector canine handler shall have concurrent jurisdiction with the law-enforcement officers of any city or county that has requested the assistance of the Capitol Police in the detection of firearms, ammunition, explosives, propellants, or incendiaries.*

D. In any case involving the theft or misappropriation of the personal property of any member or employee of the General Assembly, the Capitol Police shall have concurrent jurisdiction with law-enforcement officers of any county contiguous to the City of Richmond. Members of the Capitol Police when assigned to accompany the Governor or Governor-elect, members of the Governor's family, the Lieutenant Governor or Lieutenant Governor-elect, the Attorney General or Attorney General-elect, members of the General Assembly, or members of the Supreme Court or Court of Appeals of Virginia, or when directed to serve a summons issued by the Clerk of the Senate or the Clerk of the House of Delegates, a joint committee or commission thereof, or any committee of either house, shall be vested with all the powers and authority of a law-enforcement officer of any city or county in which they are required to be. All members of the Capitol Police shall be subject to the provisions of § 2.2-1202.1 and Chapter 5 (§ 9.1-500 et seq.) of Title 9.1.

E. The assignment of jurisdiction to any property pursuant to this section shall be approved by the Legislative Support Commission.

F. The Division of Capitol Police shall have the authority to enter into contracts or agreements necessary or incidental to the performance of its duties.

CHAPTER 898

An Act to amend and reenact §§ 16.1-77, 18.2-72, 18.2-76, and 32.1-127 of the Code of Virginia, relating to provision of abortion.

[H 980]

Approved April 9, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 16.1-77, 18.2-72, 18.2-76, and 32.1-127 of the Code of Virginia are amended and reenacted as follows:

§ 16.1-77. Civil jurisdiction of general district courts; amending amount of claim.

Except as provided in Article 5 (§ 16.1-122.1 et seq.), each general district court shall have, within the limits of the territory it serves, civil jurisdiction as follows:

(1) Exclusive original jurisdiction of any claim to specific personal property or to any debt, fine or other money, or to damages for breach of contract or for injury done to property, real or personal, or for any injury to the person that would be recoverable by action at law or suit in equity, when the amount of such claim does not exceed \$4,500 exclusive of interest and any attorney fees, and concurrent jurisdiction with the circuit courts having jurisdiction in such territory of any such claim when the amount thereof exceeds \$4,500 but does not exceed \$25,000, exclusive of interest and any attorney fees. However, this \$25,000 limit shall not apply with respect to distress warrants under the provisions of § 8.01-130.4, cases involving liquidated damages for violations of vehicle weight limits pursuant to § 46.2-1135, nor cases involving forfeiture of a bond pursuant to § 19.2-143. While a matter is pending in a general district court, upon motion of the plaintiff seeking to increase the amount of the claim, the court shall order transfer of the matter to the circuit court that has jurisdiction over the amended amount of the claim without requiring that the case first be dismissed or that the plaintiff suffer a nonsuit, and the tolling of the applicable statutes of limitations governing the pending matter shall be unaffected by the transfer. Except for good cause shown, no such order of transfer shall issue unless the motion to amend and transfer is made at least 10 days before trial. The plaintiff shall pay filing and other fees as otherwise provided by law to the clerk of the court to which the case is transferred, and such clerk shall process the claim as if it were a new civil action. The plaintiff shall prepare and present the order of transfer to the transferring court for entry, after which time the case shall be removed from the pending

docket of the transferring court and the order of transfer placed among its records. The plaintiff shall provide a certified copy of the transfer order to the receiving court.

(2) Jurisdiction to try and decide attachment cases when the amount of the plaintiff's claim does not exceed \$25,000 exclusive of interest and any attorney fees.

(3) Jurisdiction of actions of unlawful entry or detainer as provided in Article 13 (§ 8.01-124 et seq.) of Chapter 3 of Title 8.01, and in Chapter 14 (§ 55.1-1400 et seq.) of Title 55.1, and the maximum jurisdictional limits prescribed in subdivision (1) shall not apply to any claim, counter-claim or cross-claim in an unlawful detainer action that includes a claim for damages sustained or rent against any person obligated on the lease or guarantee of such lease.

(4) Except where otherwise specifically provided, all jurisdiction, power and authority over any civil action or proceeding conferred upon any general district court judge or magistrate under or by virtue of any provisions of the Code.

(5) Jurisdiction to try and decide suits in interpleader involving personal or real property where the amount of money or value of the property is not more than the maximum jurisdictional limits of the general district court. However, the maximum jurisdictional limits prescribed in subdivision (1) shall not apply to any claim, counter-claim, or cross-claim in an interpleader action that is limited to the disposition of an earnest money deposit pursuant to a real estate purchase contract. The action shall be brought in accordance with the procedures for interpleader as set forth in § 8.01-364. However, the general district court shall not have any power to issue injunctions. Actions in interpleader may be brought by either the stakeholder or any of the claimants. The initial pleading shall be either by motion for judgment, by warrant in debt, or by other uniform court form established by the Supreme Court of Virginia. The initial pleading shall briefly set forth the circumstances of the claim and shall name as defendant all parties in interest who are not parties plaintiff.

(6) Jurisdiction to try and decide any cases pursuant to § 2.2-3713 of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.) or § 2.2-3809 of the Government Data Collection and Dissemination Practices Act (§ 2.2-3800 et seq.), for writs of mandamus or for injunctions.

(7) Concurrent jurisdiction with the circuit courts having jurisdiction in such territory to adjudicate habitual offenders pursuant to the provisions of Article 9 (§ 46.2-355.1 et seq.) of Chapter 3 of Title 46.2.

~~(8) Jurisdiction to try and decide cases alleging a civil violation described in § 18.2-76.~~

~~(9) Jurisdiction to try and decide any cases pursuant to § 55.1-1819 of the Property Owners' Association Act (§ 55.1-1800 et seq.) or § 55.1-1959 of the Virginia Condominium Act (§ 55.1-1900 et seq.).~~

~~(10) (9) Concurrent jurisdiction with the circuit courts to submit matters to arbitration pursuant to Chapter 21 (§ 8.01-577 et seq.) of Title 8.01 where the amount in controversy is within the jurisdictional limits of the general district court. Any party that disagrees with an order by a general district court granting an application to compel arbitration may appeal such decision to the circuit court pursuant to § 8.01-581.016.~~

For purposes of this section, the territory served by a county general district court expressly authorized by statute to be established in a city includes the general district court courtroom.

§ 18.2-72. When abortion lawful during first trimester of pregnancy.

Notwithstanding any of the provisions of § 18.2-71, it shall be lawful for (i) any physician licensed by the Board of Medicine to practice medicine and surgery; or (ii) any person jointly licensed by the Boards of Medicine and Nursing as a nurse practitioner and acting within such person's scope of practice to terminate or attempt to terminate a human pregnancy or aid or assist in the termination of a human pregnancy by performing an abortion or causing a miscarriage on any woman during the first trimester of pregnancy.

§ 18.2-76. Informed written consent required.

~~A. Before performing any abortion or inducing any miscarriage or terminating a pregnancy as provided in § 18.2-72, 18.2-73, or 18.2-74, the physician or, if such abortion, induction, or termination is to be performed pursuant to § 18.2-72, either the physician or the nurse practitioner authorized pursuant to clause (ii) of § 18.2-72 to perform such abortion, induction, or termination shall obtain the informed written consent of the pregnant woman. However, if the woman has been adjudicated incapacitated by any court of competent jurisdiction or if the physician or, if the abortion, induction, or termination is to be performed pursuant to § 18.2-72, either the physician or the nurse practitioner authorized pursuant to clause (ii) of § 18.2-72 to perform such abortion, induction, or termination knows or has good reason to believe that such woman is incapacitated as adjudicated by a court of competent jurisdiction, then only after permission is given in writing by a parent, guardian, committee, or other person standing in loco parentis to the woman, may the physician or, if the abortion, induction, or termination is to be performed pursuant to § 18.2-72, either the physician or the nurse practitioner authorized pursuant to clause (ii) of § 18.2-72 to perform such abortion, induction, or termination perform the abortion or otherwise terminate the pregnancy.~~

~~B. At least 24 hours before the performance of an abortion, a qualified medical professional trained in sonography and working under the supervision of a physician licensed in the Commonwealth shall perform fetal transabdominal ultrasound imaging on the patient undergoing the abortion for the purpose of determining gestational age. If the pregnant woman lives at least 100 miles from the facility where the abortion is to be performed, the fetal ultrasound imaging shall be performed at least two hours before the abortion. The ultrasound image shall contain the dimensions of the fetus and accurately portray the presence of external members and internal organs of the fetus, if present or viewable. Determination of gestational age shall be based upon measurement of the fetus in a manner consistent with standard medical practice in the community for determining gestational age. When only the gestational sac is visible during ultrasound imaging, gestational age may be based upon measurement of the gestational sac. If gestational age cannot be determined by a transabdominal ultrasound,~~

then the patient undergoing the abortion shall be verbally offered other ultrasound imaging to determine gestational age, which she may refuse. A print of the ultrasound image shall be made to document the measurements that have been taken to determine the gestational age of the fetus.

The provisions of this subsection shall not apply if the woman seeking an abortion is the victim of rape or incest, if the incident was reported to law enforcement authorities. Nothing herein shall preclude the physician from using any ultrasound imaging that he considers to be medically appropriate pursuant to the standard medical practice in the community.

C. The qualified medical professional performing fetal ultrasound imaging pursuant to subsection B shall verbally offer the woman an opportunity to view the ultrasound image; receive a printed copy of the ultrasound image and hear the fetal heart tones pursuant to standard medical practice in the community; and shall obtain from the woman written certification that this opportunity was offered and whether or not it was accepted and, if applicable, verification that the pregnant woman lives at least 100 miles from the facility where the abortion is to be performed. A printed copy of the ultrasound image shall be maintained in the woman's medical record at the facility where the abortion is to be performed for the longer of (i) seven years or (ii) the extent required by applicable federal or state law.

D. For purposes of this section:

"Informed written consent" means the knowing and voluntary written consent to abortion by a pregnant woman of any age, without undue inducement or any element of force, fraud, deceit, duress, or other form of constraint or coercion by the physician who is to perform the abortion or his agent. The basic information to effect such consent, as required by this subsection, shall be provided by telephone or in person to the woman at least 24 hours before the abortion by the physician who is to perform the abortion, by a referring physician, or by a licensed professional or practical nurse working under the direct supervision of either the physician who is to perform the abortion or the referring physician; however, the information in subdivision 5 may be provided instead by a licensed health-care professional working under the direct supervision of either the physician who is to perform the abortion or the referring physician. This basic information shall include:

1. A full, reasonable and comprehensible medical explanation of the nature, benefits, and risks of and alternatives to the proposed procedures or protocols to be followed in her particular case;

2. An instruction that the woman may withdraw her consent at any time prior to the performance of the procedure;

3. An offer for the woman to speak with the physician who is to perform the abortion so that he may answer any questions that the woman may have and provide further information concerning the procedures and protocols;

4. A statement of the probable gestational age of the fetus at the time the abortion is to be performed and that fetal ultrasound imaging shall be performed prior to the abortion to confirm the gestational age; and

5. An offer to review the printed materials described in subsection F. If the woman chooses to review such materials, they shall be provided to her in a respectful and understandable manner, without prejudice and intended to give the woman the opportunity to make an informed choice and shall be provided to her at least 24 hours before the abortion or mailed to her at least 72 hours before the abortion by first-class mail or, if the woman requests, by certified mail, restricted delivery. This offer for the woman to review the material shall advise her of the following: (i) the Department of Health publishes printed materials that describe the unborn child and list agencies that offer alternatives to abortion; (ii) medical assistance benefits may be available for prenatal care, childbirth and neonatal care, and that more detailed information on the availability of such assistance is contained in the printed materials published by the Department; (iii) the father of the unborn child is liable to assist in the support of her child, even in instances where he has offered to pay for the abortion, that assistance in the collection of such support is available; and that more detailed information on the availability of such assistance is contained in the printed materials published by the Department; (iv) she has the right to review the materials printed by the Department and that copies will be provided to her free of charge if she chooses to review them; and (v) a statewide list of public and private agencies and services that provide ultrasound imaging and auscultation of fetal heart tone services free of charge. Where the woman has advised that the pregnancy is the result of a rape, the information in clause (iii) may be omitted.

The information required by this subsection may be provided by telephone or in person.

E. The physician need not obtain the informed written consent of the woman when the abortion is to be performed pursuant to a medical emergency or spontaneous miscarriage. "Medical emergency" means any condition which, on the basis of the physician's good faith clinical judgment, so complicates the medical condition of a pregnant woman as to necessitate the immediate abortion of her pregnancy to avert her death or for which a delay will create a serious risk of substantial and irreversible impairment of a major bodily function.

F. On or before October 1, 2001, the Department of Health shall publish, in English and in each language which is the primary language of two percent or more of the population of the Commonwealth, the following printed materials in such a way as to ensure that the information is easily comprehensible:

1. Geographically indexed materials designed to inform the woman of public and private agencies and services available to assist a woman through pregnancy, upon childbirth and while the child is dependent, including, but not limited to; information on services relating to (i) adoption as a positive alternative, (ii) information relative to counseling services, benefits, financial assistance, medical care and contact persons or groups; (iii) paternity establishment and child support enforcement, (iv) child development, (v) child rearing and stress management, (vi) pediatric and maternal health care, and (vii) public and private agencies and services that provide ultrasound imaging and auscultation of fetal heart tone services free of charge. The materials shall include a comprehensive list of the names and telephone numbers of the agencies; or, at

the option of the Department of Health, printed materials including a toll-free, 24-hour-a-day telephone number which may be called to obtain, orally, such a list and description of agencies in the locality of the caller and of the services they offer;

2. Materials designed to inform the woman of the probable anatomical and physiological characteristics of the human fetus at two-week gestational increments from the time when a woman can be known to be pregnant to full term; including any relevant information on the possibility of the fetus's survival and pictures or drawings representing the development of the human fetus at two-week gestational increments. Such pictures or drawings shall contain the dimensions of the fetus and shall be realistic and appropriate for the stage of pregnancy depicted. The materials shall be objective, nonjudgmental and designed to convey only accurate scientific information about the human fetus at the various gestational ages; and

3. Materials containing objective information describing the methods of abortion procedures commonly employed; the medical risks commonly associated with each such procedure; the possible detrimental psychological effects of abortion; and the medical risks commonly associated with carrying a child to term.

The Department of Health shall make these materials available at each local health department and, upon request, to any person or entity, in reasonable numbers and without cost to the requesting party.

G. Any physician who fails to comply with the provisions of this section shall be subject to a \$2,500 civil penalty.

§ 32.1-127. Regulations.

A. The regulations promulgated by the Board to carry out the provisions of this article shall be in substantial conformity to the standards of health, hygiene, sanitation, construction and safety as established and recognized by medical and health care professionals and by specialists in matters of public health and safety, including health and safety standards established under provisions of Title XVIII and Title XIX of the Social Security Act, and to the provisions of Article 2 (§ 32.1-138 et seq.).

B. Such regulations:

1. Shall include minimum standards for (i) the construction and maintenance of hospitals, nursing homes and certified nursing facilities to ensure the environmental protection and the life safety of its patients, employees, and the public; (ii) the operation, staffing and equipping of hospitals, nursing homes and certified nursing facilities; (iii) qualifications and training of staff of hospitals, nursing homes and certified nursing facilities, except those professionals licensed or certified by the Department of Health Professions; (iv) conditions under which a hospital or nursing home may provide medical and nursing services to patients in their places of residence; and (v) policies related to infection prevention, disaster preparedness, and facility security of hospitals, nursing homes, and certified nursing facilities. ~~For purposes of this paragraph, facilities in which five or more first trimester abortions per month are performed shall be classified as a category of "hospital";~~

2. Shall provide that at least one physician who is licensed to practice medicine in this Commonwealth shall be on call at all times, though not necessarily physically present on the premises, at each hospital which operates or holds itself out as operating an emergency service;

3. May classify hospitals and nursing homes by type of specialty or service and may provide for licensing hospitals and nursing homes by bed capacity and by type of specialty or service;

4. Shall also require that each hospital establish a protocol for organ donation, in compliance with federal law and the regulations of the Centers for Medicare and Medicaid Services (CMS), particularly 42 C.F.R. § 482.45. Each hospital shall have an agreement with an organ procurement organization designated in CMS regulations for routine contact, whereby the provider's designated organ procurement organization certified by CMS (i) is notified in a timely manner of all deaths or imminent deaths of patients in the hospital and (ii) is authorized to determine the suitability of the decedent or patient for organ donation and, in the absence of a similar arrangement with any eye bank or tissue bank in Virginia certified by the Eye Bank Association of America or the American Association of Tissue Banks, the suitability for tissue and eye donation. The hospital shall also have an agreement with at least one tissue bank and at least one eye bank to cooperate in the retrieval, processing, preservation, storage, and distribution of tissues and eyes to ensure that all usable tissues and eyes are obtained from potential donors and to avoid interference with organ procurement. The protocol shall ensure that the hospital collaborates with the designated organ procurement organization to inform the family of each potential donor of the option to donate organs, tissues, or eyes or to decline to donate. The individual making contact with the family shall have completed a course in the methodology for approaching potential donor families and requesting organ or tissue donation that (a) is offered or approved by the organ procurement organization and designed in conjunction with the tissue and eye bank community and (b) encourages discretion and sensitivity according to the specific circumstances, views, and beliefs of the relevant family. In addition, the hospital shall work cooperatively with the designated organ procurement organization in educating the staff responsible for contacting the organ procurement organization's personnel on donation issues, the proper review of death records to improve identification of potential donors, and the proper procedures for maintaining potential donors while necessary testing and placement of potential donated organs, tissues, and eyes takes place. This process shall be followed, without exception, unless the family of the relevant decedent or patient has expressed opposition to organ donation, the chief administrative officer of the hospital or his designee knows of such opposition, and no donor card or other relevant document, such as an advance directive, can be found;

5. Shall require that each hospital that provides obstetrical services establish a protocol for admission or transfer of any pregnant woman who presents herself while in labor;

6. Shall also require that each licensed hospital develop and implement a protocol requiring written discharge plans for identified, substance-abusing, postpartum women and their infants. The protocol shall require that the discharge plan be discussed with the patient and that appropriate referrals for the mother and the infant be made and documented. Appropriate

referrals may include, but need not be limited to, treatment services, comprehensive early intervention services for infants and toddlers with disabilities and their families pursuant to Part H of the Individuals with Disabilities Education Act, 20 U.S.C. § 1471 et seq., and family-oriented prevention services. The discharge planning process shall involve, to the extent possible, the father of the infant and any members of the patient's extended family who may participate in the follow-up care for the mother and the infant. Immediately upon identification, pursuant to § 54.1-2403.1, of any substance-abusing, postpartum woman, the hospital shall notify, subject to federal law restrictions, the community services board of the jurisdiction in which the woman resides to appoint a discharge plan manager. The community services board shall implement and manage the discharge plan;

7. Shall require that each nursing home and certified nursing facility fully disclose to the applicant for admission the home's or facility's admissions policies, including any preferences given;

8. Shall require that each licensed hospital establish a protocol relating to the rights and responsibilities of patients which shall include a process reasonably designed to inform patients of such rights and responsibilities. Such rights and responsibilities of patients, a copy of which shall be given to patients on admission, shall be consistent with applicable federal law and regulations of the Centers for Medicare and Medicaid Services;

9. Shall establish standards and maintain a process for designation of levels or categories of care in neonatal services according to an applicable national or state-developed evaluation system. Such standards may be differentiated for various levels or categories of care and may include, but need not be limited to, requirements for staffing credentials, staff/patient ratios, equipment, and medical protocols;

10. Shall require that each nursing home and certified nursing facility train all employees who are mandated to report adult abuse, neglect, or exploitation pursuant to § 63.2-1606 on such reporting procedures and the consequences for failing to make a required report;

11. Shall permit hospital personnel, as designated in medical staff bylaws, rules and regulations, or hospital policies and procedures, to accept emergency telephone and other verbal orders for medication or treatment for hospital patients from physicians, and other persons lawfully authorized by state statute to give patient orders, subject to a requirement that such verbal order be signed, within a reasonable period of time not to exceed 72 hours as specified in the hospital's medical staff bylaws, rules and regulations or hospital policies and procedures, by the person giving the order, or, when such person is not available within the period of time specified, co-signed by another physician or other person authorized to give the order;

12. Shall require, unless the vaccination is medically contraindicated or the resident declines the offer of the vaccination, that each certified nursing facility and nursing home provide or arrange for the administration to its residents of (i) an annual vaccination against influenza and (ii) a pneumococcal vaccination, in accordance with the most recent recommendations of the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention;

13. Shall require that each nursing home and certified nursing facility register with the Department of State Police to receive notice of the registration or reregistration of any sex offender within the same or a contiguous zip code area in which the home or facility is located, pursuant to § 9.1-914;

14. Shall require that each nursing home and certified nursing facility ascertain, prior to admission, whether a potential patient is a registered sex offender, if the home or facility anticipates the potential patient will have a length of stay greater than three days or in fact stays longer than three days;

15. Shall require that each licensed hospital include in its visitation policy a provision allowing each adult patient to receive visits from any individual from whom the patient desires to receive visits, subject to other restrictions contained in the visitation policy including, but not limited to, those related to the patient's medical condition and the number of visitors permitted in the patient's room simultaneously;

16. Shall require that each nursing home and certified nursing facility shall, upon the request of the facility's family council, send notices and information about the family council mutually developed by the family council and the administration of the nursing home or certified nursing facility, and provided to the facility for such purpose, to the listed responsible party or a contact person of the resident's choice up to six times per year. Such notices may be included together with a monthly billing statement or other regular communication. Notices and information shall also be posted in a designated location within the nursing home or certified nursing facility. No family member of a resident or other resident representative shall be restricted from participating in meetings in the facility with the families or resident representatives of other residents in the facility;

17. Shall require that each nursing home and certified nursing facility maintain liability insurance coverage in a minimum amount of \$1 million, and professional liability coverage in an amount at least equal to the recovery limit set forth in § 8.01-581.15, to compensate patients or individuals for injuries and losses resulting from the negligent or criminal acts of the facility. Failure to maintain such minimum insurance shall result in revocation of the facility's license;

18. Shall require each hospital that provides obstetrical services to establish policies to follow when a stillbirth, as defined in § 32.1-69.1, occurs that meet the guidelines pertaining to counseling patients and their families and other aspects of managing stillbirths as may be specified by the Board in its regulations;

19. Shall require each nursing home to provide a full refund of any unexpended patient funds on deposit with the facility following the discharge or death of a patient, other than entrance-related fees paid to a continuing care provider as defined in § 38.2-4900, within 30 days of a written request for such funds by the discharged patient or, in the case of the

death of a patient, the person administering the person's estate in accordance with the Virginia Small Estates Act (§ 64.2-600 et seq.);

20. Shall require that each hospital that provides inpatient psychiatric services establish a protocol that requires, for any refusal to admit (i) a medically stable patient referred to its psychiatric unit, direct verbal communication between the on-call physician in the psychiatric unit and the referring physician, if requested by such referring physician, and prohibits on-call physicians or other hospital staff from refusing a request for such direct verbal communication by a referring physician and (ii) a patient for whom there is a question regarding the medical stability or medical appropriateness of admission for inpatient psychiatric services due to a situation involving results of a toxicology screening, the on-call physician in the psychiatric unit to which the patient is sought to be transferred to participate in direct verbal communication, either in person or via telephone, with a clinical toxicologist or other person who is a Certified Specialist in Poison Information employed by a poison control center that is accredited by the American Association of Poison Control Centers to review the results of the toxicology screen and determine whether a medical reason for refusing admission to the psychiatric unit related to the results of the toxicology screen exists, if requested by the referring physician;

21. Shall require that each hospital that is equipped to provide life-sustaining treatment shall develop a policy governing determination of the medical and ethical appropriateness of proposed medical care, which shall include (i) a process for obtaining a second opinion regarding the medical and ethical appropriateness of proposed medical care in cases in which a physician has determined proposed care to be medically or ethically inappropriate; (ii) provisions for review of the determination that proposed medical care is medically or ethically inappropriate by an interdisciplinary medical review committee and a determination by the interdisciplinary medical review committee regarding the medical and ethical appropriateness of the proposed health care; and (iii) requirements for a written explanation of the decision reached by the interdisciplinary medical review committee, which shall be included in the patient's medical record. Such policy shall ensure that the patient, his agent, or the person authorized to make medical decisions pursuant to § 54.1-2986 (a) are informed of the patient's right to obtain his medical record and to obtain an independent medical opinion and (b) afforded reasonable opportunity to participate in the medical review committee meeting. Nothing in such policy shall prevent the patient, his agent, or the person authorized to make medical decisions pursuant to § 54.1-2986 from obtaining legal counsel to represent the patient or from seeking other remedies available at law, including seeking court review, provided that the patient, his agent, or the person authorized to make medical decisions pursuant to § 54.1-2986, or legal counsel provides written notice to the chief executive officer of the hospital within 14 days of the date on which the physician's determination that proposed medical treatment is medically or ethically inappropriate is documented in the patient's medical record;

22. Shall require every hospital with an emergency department to establish protocols to ensure that security personnel of the emergency department, if any, receive training appropriate to the populations served by the emergency department, which may include training based on a trauma-informed approach in identifying and safely addressing situations involving patients or other persons who pose a risk of harm to themselves or others due to mental illness or substance abuse or who are experiencing a mental health crisis;

23. Shall require that each hospital establish a protocol requiring that, before a health care provider arranges for air medical transportation services for a patient who does not have an emergency medical condition as defined in 42 U.S.C. § 1395dd(e)(1), the hospital shall provide the patient or his authorized representative with written or electronic notice that the patient (i) may have a choice of transportation by an air medical transportation provider or medically appropriate ground transportation by an emergency medical services provider and (ii) will be responsible for charges incurred for such transportation in the event that the provider is not a contracted network provider of the patient's health insurance carrier or such charges are not otherwise covered in full or in part by the patient's health insurance plan; and

24. Shall establish an exemption, for a period of no more than 30 days, from the requirement to obtain a license to add temporary beds in an existing hospital or nursing home when the Commissioner has determined that a natural or man-made disaster has caused the evacuation of a hospital or nursing home and that a public health emergency exists due to a shortage of hospital or nursing home beds.

C. Upon obtaining the appropriate license, if applicable, licensed hospitals, nursing homes, and certified nursing facilities may operate adult day care centers.

D. All facilities licensed by the Board pursuant to this article which provide treatment or care for hemophiliacs and, in the course of such treatment, stock clotting factors, shall maintain records of all lot numbers or other unique identifiers for such clotting factors in order that, in the event the lot is found to be contaminated with an infectious agent, those hemophiliacs who have received units of this contaminated clotting factor may be apprised of this contamination. Facilities which have identified a lot which is known to be contaminated shall notify the recipient's attending physician and request that he notify the recipient of the contamination. If the physician is unavailable, the facility shall notify by mail, return receipt requested, each recipient who received treatment from a known contaminated lot at the individual's last known address.

CHAPTER 899

An Act to amend and reenact §§ 16.1-77, 18.2-72, 18.2-76, and 32.1-127 of the Code of Virginia, relating to provision of abortion.

Be it enacted by the General Assembly of Virginia:

1. That §§ 16.1-77, 18.2-72, 18.2-76, and 32.1-127 of the Code of Virginia are amended and reenacted as follows:

§ 16.1-77. Civil jurisdiction of general district courts; amending amount of claim.

Except as provided in Article 5 (§ 16.1-122.1 et seq.), each general district court shall have, within the limits of the territory it serves, civil jurisdiction as follows:

(1) Exclusive original jurisdiction of any claim to specific personal property or to any debt, fine or other money, or to damages for breach of contract or for injury done to property, real or personal, or for any injury to the person that would be recoverable by action at law or suit in equity, when the amount of such claim does not exceed \$4,500 exclusive of interest and any attorney fees, and concurrent jurisdiction with the circuit courts having jurisdiction in such territory of any such claim when the amount thereof exceeds \$4,500 but does not exceed \$25,000, exclusive of interest and any attorney fees. However, this \$25,000 limit shall not apply with respect to distress warrants under the provisions of § 8.01-130.4, cases involving liquidated damages for violations of vehicle weight limits pursuant to § 46.2-1135, nor cases involving forfeiture of a bond pursuant to § 19.2-143. While a matter is pending in a general district court, upon motion of the plaintiff seeking to increase the amount of the claim, the court shall order transfer of the matter to the circuit court that has jurisdiction over the amended amount of the claim without requiring that the case first be dismissed or that the plaintiff suffer a nonsuit, and the tolling of the applicable statutes of limitations governing the pending matter shall be unaffected by the transfer. Except for good cause shown, no such order of transfer shall issue unless the motion to amend and transfer is made at least 10 days before trial. The plaintiff shall pay filing and other fees as otherwise provided by law to the clerk of the court to which the case is transferred, and such clerk shall process the claim as if it were a new civil action. The plaintiff shall prepare and present the order of transfer to the transferring court for entry, after which time the case shall be removed from the pending docket of the transferring court and the order of transfer placed among its records. The plaintiff shall provide a certified copy of the transfer order to the receiving court.

(2) Jurisdiction to try and decide attachment cases when the amount of the plaintiff's claim does not exceed \$25,000 exclusive of interest and any attorney fees.

(3) Jurisdiction of actions of unlawful entry or detainer as provided in Article 13 (§ 8.01-124 et seq.) of Chapter 3 of Title 8.01, and in Chapter 14 (§ 55.1-1400 et seq.) of Title 55.1, and the maximum jurisdictional limits prescribed in subdivision (1) shall not apply to any claim, counter-claim or cross-claim in an unlawful detainer action that includes a claim for damages sustained or rent against any person obligated on the lease or guarantee of such lease.

(4) Except where otherwise specifically provided, all jurisdiction, power and authority over any civil action or proceeding conferred upon any general district court judge or magistrate under or by virtue of any provisions of the Code.

(5) Jurisdiction to try and decide suits in interpleader involving personal or real property where the amount of money or value of the property is not more than the maximum jurisdictional limits of the general district court. However, the maximum jurisdictional limits prescribed in subdivision (1) shall not apply to any claim, counter-claim, or cross-claim in an interpleader action that is limited to the disposition of an earnest money deposit pursuant to a real estate purchase contract. The action shall be brought in accordance with the procedures for interpleader as set forth in § 8.01-364. However, the general district court shall not have any power to issue injunctions. Actions in interpleader may be brought by either the stakeholder or any of the claimants. The initial pleading shall be either by motion for judgment, by warrant in debt, or by other uniform court form established by the Supreme Court of Virginia. The initial pleading shall briefly set forth the circumstances of the claim and shall name as defendant all parties in interest who are not parties plaintiff.

(6) Jurisdiction to try and decide any cases pursuant to § 2.2-3713 of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.) or § 2.2-3809 of the Government Data Collection and Dissemination Practices Act (§ 2.2-3800 et seq.), for writs of mandamus or for injunctions.

(7) Concurrent jurisdiction with the circuit courts having jurisdiction in such territory to adjudicate habitual offenders pursuant to the provisions of Article 9 (§ 46.2-355.1 et seq.) of Chapter 3 of Title 46.2.

~~(8) Jurisdiction to try and decide cases alleging a civil violation described in § 18.2-76.~~

~~(9) Jurisdiction to try and decide any cases pursuant to § 55.1-1819 of the Property Owners' Association Act (§ 55.1-1800 et seq.) or § 55.1-1959 of the Virginia Condominium Act (§ 55.1-1900 et seq.).~~

~~(10) (9) Concurrent jurisdiction with the circuit courts to submit matters to arbitration pursuant to Chapter 21 (§ 8.01-577 et seq.) of Title 8.01 where the amount in controversy is within the jurisdictional limits of the general district court. Any party that disagrees with an order by a general district court granting an application to compel arbitration may appeal such decision to the circuit court pursuant to § 8.01-581.016.~~

For purposes of this section, the territory served by a county general district court expressly authorized by statute to be established in a city includes the general district court courtroom.

§ 18.2-72. When abortion lawful during first trimester of pregnancy.

Notwithstanding any of the provisions of § 18.2-71, it shall be lawful for (i) any physician licensed by the Board of Medicine to practice medicine and surgery; or (ii) any person jointly licensed by the Boards of Medicine and Nursing as a nurse practitioner and acting within such person's scope of practice to terminate or attempt to terminate a human pregnancy or aid or assist in the termination of a human pregnancy by performing an abortion or causing a miscarriage on any woman during the first trimester of pregnancy.

§ 18.2-76. Informed written consent required.

A. Before performing any abortion or inducing any miscarriage or terminating a pregnancy as provided in § 18.2-72, 18.2-73, or 18.2-74, the physician *or, if such abortion, induction, or termination is to be performed pursuant to § 18.2-72, either the physician or the nurse practitioner authorized pursuant to clause (ii) of § 18.2-72 to perform such abortion, induction, or termination* shall obtain the informed written consent of the pregnant woman. However, if the woman has been adjudicated incapacitated by any court of competent jurisdiction or if the physician *or, if the abortion, induction, or termination is to be performed pursuant to § 18.2-72, either the physician or the nurse practitioner authorized pursuant to clause (ii) of § 18.2-72 to perform such abortion, induction, or termination* knows or has good reason to believe that such woman is incapacitated as adjudicated by a court of competent jurisdiction, then only after permission is given in writing by a parent, guardian, committee, or other person standing in loco parentis to the woman, may the physician *or, if the abortion, induction, or termination is to be performed pursuant to § 18.2-72, either the physician or the nurse practitioner authorized pursuant to clause (ii) of § 18.2-72 to perform such abortion, induction, or termination* perform the abortion or otherwise terminate the pregnancy.

B. At least 24 hours before the performance of an abortion, a qualified medical professional trained in sonography and working under the supervision of a physician licensed in the Commonwealth shall perform fetal transabdominal ultrasound imaging on the patient undergoing the abortion for the purpose of determining gestational age. If the pregnant woman lives at least 100 miles from the facility where the abortion is to be performed, the fetal ultrasound imaging shall be performed at least two hours before the abortion. The ultrasound image shall contain the dimensions of the fetus and accurately portray the presence of external members and internal organs of the fetus; if present or viewable. Determination of gestational age shall be based upon measurement of the fetus in a manner consistent with standard medical practice in the community for determining gestational age. When only the gestational sac is visible during ultrasound imaging, gestational age may be based upon measurement of the gestational sac. If gestational age cannot be determined by a transabdominal ultrasound, then the patient undergoing the abortion shall be verbally offered other ultrasound imaging to determine gestational age, which she may refuse. A print of the ultrasound image shall be made to document the measurements that have been taken to determine the gestational age of the fetus.

The provisions of this subsection shall not apply if the woman seeking an abortion is the victim of rape or incest, if the incident was reported to law enforcement authorities. Nothing herein shall preclude the physician from using any ultrasound imaging that he considers to be medically appropriate pursuant to the standard medical practice in the community.

C. The qualified medical professional performing fetal ultrasound imaging pursuant to subsection B shall verbally offer the woman an opportunity to view the ultrasound image, receive a printed copy of the ultrasound image and hear the fetal heart tones pursuant to standard medical practice in the community, and shall obtain from the woman written certification that this opportunity was offered and whether or not it was accepted and, if applicable, verification that the pregnant woman lives at least 100 miles from the facility where the abortion is to be performed. A printed copy of the ultrasound image shall be maintained in the woman's medical record at the facility where the abortion is to be performed for the longer of (i) seven years or (ii) the extent required by applicable federal or state law.

D. For purposes of this section:

"Informed written consent" means the knowing and voluntary written consent to abortion by a pregnant woman of any age, without undue inducement or any element of force, fraud, deceit, duress, or other form of constraint or coercion by the physician who is to perform the abortion or his agent. The basic information to effect such consent, as required by this subsection, shall be provided by telephone or in person to the woman at least 24 hours before the abortion by the physician who is to perform the abortion, by a referring physician, or by a licensed professional or practical nurse working under the direct supervision of either the physician who is to perform the abortion or the referring physician; however, the information in subdivision 5 may be provided instead by a licensed health-care professional working under the direct supervision of either the physician who is to perform the abortion or the referring physician. This basic information shall include:

1. A full, reasonable and comprehensible medical explanation of the nature, benefits, and risks of and alternatives to the proposed procedures or protocols to be followed in her particular case;
2. An instruction that the woman may withdraw her consent at any time prior to the performance of the procedure;
3. An offer for the woman to speak with the physician who is to perform the abortion so that he may answer any questions that the woman may have and provide further information concerning the procedures and protocols;
4. A statement of the probable gestational age of the fetus at the time the abortion is to be performed and that fetal ultrasound imaging shall be performed prior to the abortion to confirm the gestational age; and
5. An offer to review the printed materials described in subsection F. If the woman chooses to review such materials, they shall be provided to her in a respectful and understandable manner, without prejudice and intended to give the woman the opportunity to make an informed choice and shall be provided to her at least 24 hours before the abortion or mailed to her at least 72 hours before the abortion by first-class mail or, if the woman requests, by certified mail, restricted delivery. This offer for the woman to review the material shall advise her of the following: (i) the Department of Health publishes printed materials that describe the unborn child and list agencies that offer alternatives to abortion; (ii) medical assistance benefits may be available for prenatal care, childbirth and neonatal care, and that more detailed information on the availability of such assistance is contained in the printed materials published by the Department; (iii) the father of the unborn child is liable to assist in the support of her child, even in instances where he has offered to pay for the abortion, that assistance in the collection of such support is available, and that more detailed information on the availability of such

assistance is contained in the printed materials published by the Department; (iv) she has the right to review the materials printed by the Department and that copies will be provided to her free of charge if she chooses to review them; and (v) a statewide list of public and private agencies and services that provide ultrasound imaging and auscultation of fetal heart tone services free of charge. Where the woman has advised that the pregnancy is the result of a rape, the information in clause (iii) may be omitted.

The information required by this subsection may be provided by telephone or in person.

E. The physician need not obtain the informed written consent of the woman when the abortion is to be performed pursuant to a medical emergency or spontaneous miscarriage. "Medical emergency" means any condition which, on the basis of the physician's good faith clinical judgment, so complicates the medical condition of a pregnant woman as to necessitate the immediate abortion of her pregnancy to avert her death or for which a delay will create a serious risk of substantial and irreversible impairment of a major bodily function.

F. On or before October 1, 2001, the Department of Health shall publish, in English and in each language which is the primary language of two percent or more of the population of the Commonwealth, the following printed materials in such a way as to ensure that the information is easily comprehensible:

1. Geographically indexed materials designed to inform the woman of public and private agencies and services available to assist a woman through pregnancy, upon childbirth and while the child is dependent, including, but not limited to; information on services relating to (i) adoption as a positive alternative; (ii) information relative to counseling services; benefits; financial assistance; medical care and contact persons or groups; (iii) paternity establishment and child support enforcement; (iv) child development; (v) child rearing and stress management; (vi) pediatric and maternal health care; and (vii) public and private agencies and services that provide ultrasound imaging and auscultation of fetal heart tone services free of charge. The materials shall include a comprehensive list of the names and telephone numbers of the agencies; or, at the option of the Department of Health, printed materials including a toll-free, 24-hour-a-day telephone number which may be called to obtain, orally, such a list and description of agencies in the locality of the caller and of the services they offer;

2. Materials designed to inform the woman of the probable anatomical and physiological characteristics of the human fetus at two-week gestational increments from the time when a woman can be known to be pregnant to full term, including any relevant information on the possibility of the fetus's survival and pictures or drawings representing the development of the human fetus at two-week gestational increments. Such pictures or drawings shall contain the dimensions of the fetus and shall be realistic and appropriate for the stage of pregnancy depicted. The materials shall be objective, nonjudgmental and designed to convey only accurate scientific information about the human fetus at the various gestational ages; and

3. Materials containing objective information describing the methods of abortion procedures commonly employed; the medical risks commonly associated with each such procedure; the possible detrimental psychological effects of abortion; and the medical risks commonly associated with carrying a child to term.

The Department of Health shall make these materials available at each local health department and, upon request, to any person or entity, in reasonable numbers and without cost to the requesting party.

G. Any physician who fails to comply with the provisions of this section shall be subject to a \$2,500 civil penalty.

§ 32.1-127. Regulations.

A. The regulations promulgated by the Board to carry out the provisions of this article shall be in substantial conformity to the standards of health, hygiene, sanitation, construction and safety as established and recognized by medical and health care professionals and by specialists in matters of public health and safety, including health and safety standards established under provisions of Title XVIII and Title XIX of the Social Security Act, and to the provisions of Article 2 (§ 32.1-138 et seq.).

B. Such regulations:

1. Shall include minimum standards for (i) the construction and maintenance of hospitals, nursing homes and certified nursing facilities to ensure the environmental protection and the life safety of its patients, employees, and the public; (ii) the operation, staffing and equipping of hospitals, nursing homes and certified nursing facilities; (iii) qualifications and training of staff of hospitals, nursing homes and certified nursing facilities, except those professionals licensed or certified by the Department of Health Professions; (iv) conditions under which a hospital or nursing home may provide medical and nursing services to patients in their places of residence; and (v) policies related to infection prevention, disaster preparedness, and facility security of hospitals, nursing homes, and certified nursing facilities. ~~For purposes of this paragraph, facilities in which five or more first trimester abortions per month are performed shall be classified as a category of "hospital";~~

2. Shall provide that at least one physician who is licensed to practice medicine in this Commonwealth shall be on call at all times, though not necessarily physically present on the premises, at each hospital which operates or holds itself out as operating an emergency service;

3. May classify hospitals and nursing homes by type of specialty or service and may provide for licensing hospitals and nursing homes by bed capacity and by type of specialty or service;

4. Shall also require that each hospital establish a protocol for organ donation, in compliance with federal law and the regulations of the Centers for Medicare and Medicaid Services (CMS), particularly 42 C.F.R. § 482.45. Each hospital shall have an agreement with an organ procurement organization designated in CMS regulations for routine contact, whereby the provider's designated organ procurement organization certified by CMS (i) is notified in a timely manner of all deaths or imminent deaths of patients in the hospital and (ii) is authorized to determine the suitability of the decedent or patient for organ donation and, in the absence of a similar arrangement with any eye bank or tissue bank in Virginia certified by the Eye

Bank Association of America or the American Association of Tissue Banks, the suitability for tissue and eye donation. The hospital shall also have an agreement with at least one tissue bank and at least one eye bank to cooperate in the retrieval, processing, preservation, storage, and distribution of tissues and eyes to ensure that all usable tissues and eyes are obtained from potential donors and to avoid interference with organ procurement. The protocol shall ensure that the hospital collaborates with the designated organ procurement organization to inform the family of each potential donor of the option to donate organs, tissues, or eyes or to decline to donate. The individual making contact with the family shall have completed a course in the methodology for approaching potential donor families and requesting organ or tissue donation that (a) is offered or approved by the organ procurement organization and designed in conjunction with the tissue and eye bank community and (b) encourages discretion and sensitivity according to the specific circumstances, views, and beliefs of the relevant family. In addition, the hospital shall work cooperatively with the designated organ procurement organization in educating the staff responsible for contacting the organ procurement organization's personnel on donation issues, the proper review of death records to improve identification of potential donors, and the proper procedures for maintaining potential donors while necessary testing and placement of potential donated organs, tissues, and eyes takes place. This process shall be followed, without exception, unless the family of the relevant decedent or patient has expressed opposition to organ donation, the chief administrative officer of the hospital or his designee knows of such opposition, and no donor card or other relevant document, such as an advance directive, can be found;

5. Shall require that each hospital that provides obstetrical services establish a protocol for admission or transfer of any pregnant woman who presents herself while in labor;

6. Shall also require that each licensed hospital develop and implement a protocol requiring written discharge plans for identified, substance-abusing, postpartum women and their infants. The protocol shall require that the discharge plan be discussed with the patient and that appropriate referrals for the mother and the infant be made and documented. Appropriate referrals may include, but need not be limited to, treatment services, comprehensive early intervention services for infants and toddlers with disabilities and their families pursuant to Part H of the Individuals with Disabilities Education Act, 20 U.S.C. § 1471 et seq., and family-oriented prevention services. The discharge planning process shall involve, to the extent possible, the father of the infant and any members of the patient's extended family who may participate in the follow-up care for the mother and the infant. Immediately upon identification, pursuant to § 54.1-2403.1, of any substance-abusing, postpartum woman, the hospital shall notify, subject to federal law restrictions, the community services board of the jurisdiction in which the woman resides to appoint a discharge plan manager. The community services board shall implement and manage the discharge plan;

7. Shall require that each nursing home and certified nursing facility fully disclose to the applicant for admission the home's or facility's admissions policies, including any preferences given;

8. Shall require that each licensed hospital establish a protocol relating to the rights and responsibilities of patients which shall include a process reasonably designed to inform patients of such rights and responsibilities. Such rights and responsibilities of patients, a copy of which shall be given to patients on admission, shall be consistent with applicable federal law and regulations of the Centers for Medicare and Medicaid Services;

9. Shall establish standards and maintain a process for designation of levels or categories of care in neonatal services according to an applicable national or state-developed evaluation system. Such standards may be differentiated for various levels or categories of care and may include, but need not be limited to, requirements for staffing credentials, staff/patient ratios, equipment, and medical protocols;

10. Shall require that each nursing home and certified nursing facility train all employees who are mandated to report adult abuse, neglect, or exploitation pursuant to § 63.2-1606 on such reporting procedures and the consequences for failing to make a required report;

11. Shall permit hospital personnel, as designated in medical staff bylaws, rules and regulations, or hospital policies and procedures, to accept emergency telephone and other verbal orders for medication or treatment for hospital patients from physicians, and other persons lawfully authorized by state statute to give patient orders, subject to a requirement that such verbal order be signed, within a reasonable period of time not to exceed 72 hours as specified in the hospital's medical staff bylaws, rules and regulations or hospital policies and procedures, by the person giving the order, or, when such person is not available within the period of time specified, co-signed by another physician or other person authorized to give the order;

12. Shall require, unless the vaccination is medically contraindicated or the resident declines the offer of the vaccination, that each certified nursing facility and nursing home provide or arrange for the administration to its residents of (i) an annual vaccination against influenza and (ii) a pneumococcal vaccination, in accordance with the most recent recommendations of the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention;

13. Shall require that each nursing home and certified nursing facility register with the Department of State Police to receive notice of the registration or reregistration of any sex offender within the same or a contiguous zip code area in which the home or facility is located, pursuant to § 9.1-914;

14. Shall require that each nursing home and certified nursing facility ascertain, prior to admission, whether a potential patient is a registered sex offender, if the home or facility anticipates the potential patient will have a length of stay greater than three days or in fact stays longer than three days;

15. Shall require that each licensed hospital include in its visitation policy a provision allowing each adult patient to receive visits from any individual from whom the patient desires to receive visits, subject to other restrictions contained in

the visitation policy including, but not limited to, those related to the patient's medical condition and the number of visitors permitted in the patient's room simultaneously;

16. Shall require that each nursing home and certified nursing facility shall, upon the request of the facility's family council, send notices and information about the family council mutually developed by the family council and the administration of the nursing home or certified nursing facility, and provided to the facility for such purpose, to the listed responsible party or a contact person of the resident's choice up to six times per year. Such notices may be included together with a monthly billing statement or other regular communication. Notices and information shall also be posted in a designated location within the nursing home or certified nursing facility. No family member of a resident or other resident representative shall be restricted from participating in meetings in the facility with the families or resident representatives of other residents in the facility;

17. Shall require that each nursing home and certified nursing facility maintain liability insurance coverage in a minimum amount of \$1 million, and professional liability coverage in an amount at least equal to the recovery limit set forth in § 8.01-581.15, to compensate patients or individuals for injuries and losses resulting from the negligent or criminal acts of the facility. Failure to maintain such minimum insurance shall result in revocation of the facility's license;

18. Shall require each hospital that provides obstetrical services to establish policies to follow when a stillbirth, as defined in § 32.1-69.1, occurs that meet the guidelines pertaining to counseling patients and their families and other aspects of managing stillbirths as may be specified by the Board in its regulations;

19. Shall require each nursing home to provide a full refund of any unexpended patient funds on deposit with the facility following the discharge or death of a patient, other than entrance-related fees paid to a continuing care provider as defined in § 38.2-4900, within 30 days of a written request for such funds by the discharged patient or, in the case of the death of a patient, the person administering the person's estate in accordance with the Virginia Small Estates Act (§ 64.2-600 et seq.);

20. Shall require that each hospital that provides inpatient psychiatric services establish a protocol that requires, for any refusal to admit (i) a medically stable patient referred to its psychiatric unit, direct verbal communication between the on-call physician in the psychiatric unit and the referring physician, if requested by such referring physician, and prohibits on-call physicians or other hospital staff from refusing a request for such direct verbal communication by a referring physician and (ii) a patient for whom there is a question regarding the medical stability or medical appropriateness of admission for inpatient psychiatric services due to a situation involving results of a toxicology screening, the on-call physician in the psychiatric unit to which the patient is sought to be transferred to participate in direct verbal communication, either in person or via telephone, with a clinical toxicologist or other person who is a Certified Specialist in Poison Information employed by a poison control center that is accredited by the American Association of Poison Control Centers to review the results of the toxicology screen and determine whether a medical reason for refusing admission to the psychiatric unit related to the results of the toxicology screen exists, if requested by the referring physician;

21. Shall require that each hospital that is equipped to provide life-sustaining treatment shall develop a policy governing determination of the medical and ethical appropriateness of proposed medical care, which shall include (i) a process for obtaining a second opinion regarding the medical and ethical appropriateness of proposed medical care in cases in which a physician has determined proposed care to be medically or ethically inappropriate; (ii) provisions for review of the determination that proposed medical care is medically or ethically inappropriate by an interdisciplinary medical review committee and a determination by the interdisciplinary medical review committee regarding the medical and ethical appropriateness of the proposed health care; and (iii) requirements for a written explanation of the decision reached by the interdisciplinary medical review committee, which shall be included in the patient's medical record. Such policy shall ensure that the patient, his agent, or the person authorized to make medical decisions pursuant to § 54.1-2986 (a) are informed of the patient's right to obtain his medical record and to obtain an independent medical opinion and (b) afforded reasonable opportunity to participate in the medical review committee meeting. Nothing in such policy shall prevent the patient, his agent, or the person authorized to make medical decisions pursuant to § 54.1-2986 from obtaining legal counsel to represent the patient or from seeking other remedies available at law, including seeking court review, provided that the patient, his agent, or the person authorized to make medical decisions pursuant to § 54.1-2986, or legal counsel provides written notice to the chief executive officer of the hospital within 14 days of the date on which the physician's determination that proposed medical treatment is medically or ethically inappropriate is documented in the patient's medical record;

22. Shall require every hospital with an emergency department to establish protocols to ensure that security personnel of the emergency department, if any, receive training appropriate to the populations served by the emergency department, which may include training based on a trauma-informed approach in identifying and safely addressing situations involving patients or other persons who pose a risk of harm to themselves or others due to mental illness or substance abuse or who are experiencing a mental health crisis;

23. Shall require that each hospital establish a protocol requiring that, before a health care provider arranges for air medical transportation services for a patient who does not have an emergency medical condition as defined in 42 U.S.C. § 1395dd(e)(1), the hospital shall provide the patient or his authorized representative with written or electronic notice that the patient (i) may have a choice of transportation by an air medical transportation provider or medically appropriate ground transportation by an emergency medical services provider and (ii) will be responsible for charges incurred for such transportation in the event that the provider is not a contracted network provider of the patient's health insurance carrier or such charges are not otherwise covered in full or in part by the patient's health insurance plan; and

24. Shall establish an exemption, for a period of no more than 30 days, from the requirement to obtain a license to add temporary beds in an existing hospital or nursing home when the Commissioner has determined that a natural or man-made disaster has caused the evacuation of a hospital or nursing home and that a public health emergency exists due to a shortage of hospital or nursing home beds.

C. Upon obtaining the appropriate license, if applicable, licensed hospitals, nursing homes, and certified nursing facilities may operate adult day care centers.

D. All facilities licensed by the Board pursuant to this article which provide treatment or care for hemophiliacs and, in the course of such treatment, stock clotting factors, shall maintain records of all lot numbers or other unique identifiers for such clotting factors in order that, in the event the lot is found to be contaminated with an infectious agent, those hemophiliacs who have received units of this contaminated clotting factor may be apprised of this contamination. Facilities which have identified a lot which is known to be contaminated shall notify the recipient's attending physician and request that he notify the recipient of the contamination. If the physician is unavailable, the facility shall notify by mail, return receipt requested, each recipient who received treatment from a known contaminated lot at the individual's last known address.

CHAPTER 900

An Act to amend and reenact §§ 6.2-1526, 6.2-1527, 11-8, 13.1-435, 18.2-19, 18.2-49, 18.2-67.5:2, 18.2-346, 18.2-362, 18.2-363, 18.2-364, 18.2-366, 18.2-368, 18.2-417, 19.2-69, 19.2-271.1, 19.2-271.2, 19.2-305, 20-38.1, 20-40, 20-43, 20-82, 20-88.59, 20-89.1, 20-91, 20-97, 20-106, 20-146.31, 20-165, 32.1-69.1, 32.1-127, 32.1-134.01, 32.1-257, 32.1-258.1, 32.1-271, 37.2-714, 38.2-302, 38.2-2204, 38.2-2212, 38.2-4019, 58.1-322.02, 58.1-324, 58.1-326, 58.1-339.8, 58.1-341, 58.1-344.3, 58.1-344.4, 58.1-490, 58.1-499, 58.1-520, as it is currently effective and as it may become effective, 58.1-810, 58.1-3210, 58.1-3211.1, 58.1-3219.5, 58.1-3219.6, 58.1-3343, 58.1-3506.1, 58.1-3506.2, 59.1-332, 63.2-510, 63.2-1519, 64.2-200, 64.2-905, 64.2-2401, 65.2-512, and 65.2-515 of the Code of Virginia and to repeal §§ 20-45.2 and 20-45.3 of the Code of Virginia, relating to gender-neutral terms; prohibitions on same-sex marriage and civil unions removed from Code; certain gender-specific crimes; penalty.

[H 623]

Approved April 9, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 6.2-1526, 6.2-1527, 11-8, 13.1-435, 18.2-19, 18.2-49, 18.2-67.5:2, 18.2-346, 18.2-362, 18.2-363, 18.2-364, 18.2-366, 18.2-368, 18.2-417, 19.2-69, 19.2-271.1, 19.2-271.2, 19.2-305, 20-38.1, 20-40, 20-43, 20-82, 20-88.59, 20-89.1, 20-91, 20-97, 20-106, 20-146.31, 20-165, 32.1-69.1, 32.1-127, 32.1-134.01, 32.1-257, 32.1-258.1, 32.1-271, 37.2-714, 38.2-302, 38.2-2204, 38.2-2212, 38.2-4019, 58.1-322.02, 58.1-324, 58.1-326, 58.1-339.8, 58.1-341, 58.1-344.3, 58.1-344.4, 58.1-490, 58.1-499, 58.1-520, as it is currently effective and as it may become effective, 58.1-810, 58.1-3210, 58.1-3211.1, 58.1-3219.5, 58.1-3219.6, 58.1-3343, 58.1-3506.1, 58.1-3506.2, 59.1-332, 63.2-510, 63.2-1519, 64.2-200, 64.2-905, 64.2-2401, 65.2-512, and 65.2-515 of the Code of Virginia are amended and reenacted as follows:

§ 6.2-1526. Wage assignments.

A. A valid assignment or order for the payment of future salary, wages, commissions, or other compensation for services may be given as security for a loan made by any licensee, notwithstanding the provisions of any other law to the contrary.

B. No assignment of, or order for payment of, any salary, wages, commissions, or other compensation for services, earned or to be earned, given to secure any loan made by any licensee shall be valid unless:

1. The amount of the loan is paid to the borrower simultaneously with its execution; and

2. The assignment or order is in writing, signed in person by the borrower, and not by an attorney, or if the borrower is married unless it is signed in person by both ~~husband and wife~~ spouses, and not by an attorney. Written assent of a spouse shall not be required when ~~husband and wife~~ the spouses have been living separate and apart for a period of at least five months prior to the giving of the assignment or order. The provisions of this section are in addition to, and not in derogation of, the general statutes pertaining to the subject.

C. Under the assignment or order, an amount equal to not more than 10 percent of the borrower's salary, wages, commissions, or other compensation for services shall be collectible from the employer of the borrower by the licensee at the time of each payment to the borrower of the salary, wages, commission, or other compensation for services, from the time that a copy of the assignment, verified by the oath of the licensee or his agent, together with a similarly verified statement of the amount unpaid upon the loan and a printed copy of this section, is served upon the employer.

§ 6.2-1527. Liens on household furniture.

No chattel mortgage or other lien on household furniture then in the possession and use of the borrower given to secure any loan made by a licensee shall be valid unless it is in writing, signed in person by the borrower, and not by an attorney, or if the borrower is married unless it is signed in person by both ~~husband and wife~~ spouses, and not by an attorney. Written assent of a spouse shall not be required when a ~~husband and wife~~ the spouses have been living separate and apart for a period of at least five months prior to the giving of the mortgage or lien.

§ 11-8. Instruments executed by minors or surviving spouses to obtain benefits under certain federal legislation.

Any person under the age of ~~eighteen~~ 18 or ~~widow surviving spouse~~ who has not remarried who is eligible for a guaranty of credit under the provisions of Title III of an Act of Congress of the United States approved June 22, 1944, entitled the "Servicemen's Readjustment Act of 1944," as now or hereafter amended, or other like federal law, shall be upon complying with the terms of this section, qualified to contract for and purchase any real or personal property with respect to which the guaranteed loan is to be made, to execute the note or other evidence of the loan indebtedness and to secure the debt by the execution of a deed of trust or chattel mortgage, or other instrument, upon the real or personal property acquired as aforesaid in connection with the proposed loan or theretofore acquired by such person, whether by purchase or otherwise, and such person shall, in all respects, be bound by such contracts or other instruments entered into as though he ~~or she~~ were of full age.

When any such person is under the age of ~~eighteen~~ 18 years, no contract, note, deed of trust, mortgage, or other instrument required to obtain benefits under such federal legislation shall be executed by such person unless the circuit or corporation court of the city or county, or judge thereof in vacation, in which the property is located or to be used, after a petition signed by any such person ~~shall have~~ *has* been filed with it or him, ~~approve~~ *approves* the same. Such petition shall set forth the facts pertaining to the proposed transaction and shall state why the judge or court should approve and authorize the execution of the necessary instruments.

The petition shall be heard by the court without a jury, and its decision thereon shall be final. A guardian ad litem shall be appointed who shall make an investigation and report in writing whether in his opinion the best interest of the petitioner would be served by permitting the petitioner to enter into such transaction, and the report shall be filed with the papers in the case. No such petition shall be approved by the court unless such approval is recommended by the report of the guardian ad litem and unless it is also recommended by the testimony of at least two disinterested and qualified witnesses appointed by the court, or the judge thereof in vacation. The order of approval shall recite the recommendation of the guardian ad litem and the witnesses and also their names and addresses. And the judge of the court hearing the case shall fix a reasonable fee for the attorneys and guardians ad litem.

The court, if of opinion that entry into such transaction would benefit the petitioner, shall approve the prayer of the petition, and the petitioner, if he ~~enter~~ *enters* into such transaction and ~~execute~~ *executes* any instrument required therein, shall be bound thereby as if of full age whether all or part of the obligation secured ~~be~~ *is* so guaranteed.

All rights ~~which that~~ *that* have accrued or obligations ~~which that~~ *that* have arisen under this section prior to January 30, 1947, are hereby declared valid and binding.

If the court ~~approve~~ *approves* the prayer of the petition, such approval shall operate to vest title and confer the power to encumber or convey title to real or personal property acquired pursuant to such approval.

Any infant spouse of an infant veteran permitted by the court to make loans under this section may unite in any conveyance to effectuate such a loan as if he ~~or she was~~ *were* a spouse of an adult signing as provided under the provisions of § 55-42, relating to the removal of disability of infancy in certain cases.

§ 13.1-435. Corporate securities registered in joint names with right of survivorship.

Whenever a security issued by a corporation organized under the laws of ~~this the~~ *the* Commonwealth ~~shall be~~ *is* registered in the names of two or more persons as joint tenants with right of survivorship or in the names of ~~a man and a woman~~ *persons married to each other* as tenants by the entireties with right of survivorship and one of such persons dies, such corporation and any transfer agent of such corporation shall, upon receipt of evidence of death, be entitled to treat the survivor or survivors as the owner or owners of such security for all purposes and to cause such security to be registered in the name of such survivor or survivors regardless of any claim of right through the decedent or by his personal representative, unless such registration ~~shall be~~ *is* enjoined prior to its effectuation by a court of competent jurisdiction.

§ 18.2-19. How accessories after the fact punished; certain exceptions.

Every accessory after the fact is guilty of (i) a Class 6 felony in the case of a homicide offense that is punishable by death or as a Class 2 felony or (ii) a Class 1 misdemeanor in the case of any other felony. However, no person in the relation of ~~husband or wife~~ *spouse*, parent or grandparent, child or grandchild, ~~brother or sister~~ *sibling*, by consanguinity or affinity, or servant to the offender, who, after the commission of a felony, ~~shall aid~~ *aids* or ~~assist~~ *assists* a principal felon or accessory before the fact to avoid or escape from prosecution or punishment, shall be deemed an accessory after the fact.

§ 18.2-49. Threatening, attempting, or assisting in such abduction; penalty.

Any person who (1) threatens, or attempts, to abduct any other person with intent to extort money, or pecuniary benefit, ~~or~~; (2) assists or aids in the abduction of, or threatens to abduct, any person with the intent to defile such persons; or (3) assists or aids in the abduction of, or threatens to abduct, any ~~female~~ *child* under ~~sixteen~~ 16 years of age for the purpose of concubinage or prostitution, ~~shall be~~ *is* guilty of a Class 5 felony.

§ 18.2-67.5:2. Punishment upon conviction of certain subsequent felony sexual assault.

A. Any person convicted of (i) more than one offense specified in subsection B or (ii) one of the offenses specified in subsection B of this section and one of the offenses specified in subsection B of § 18.2-67.5:3 when such offenses were not part of a common act, transaction, or scheme; and who has been at liberty as defined in § 53.1-151 between each conviction shall, upon conviction of the second or subsequent such offense, be sentenced to the maximum term authorized by statute for such offense; and shall not have all or any part of such sentence suspended, provided *that* it is admitted, or found by the jury or judge before whom the person is tried, that he has been previously convicted of at least one of the specified offenses.

B. The provisions of subsection A shall apply to felony convictions for:

1. Carnal knowledge of a child between ~~thirteen 13~~ and ~~fifteen 15~~ years of age in violation of § 18.2-63 when the offense is committed by a person over the age of ~~eighteen 18~~;
2. Carnal knowledge of certain minors in violation of § 18.2-64.1;
3. Aggravated sexual battery in violation of § 18.2-67.3;
4. Crimes against nature in violation of subsection B of § 18.2-361;
5. ~~Adultery or fornication~~ *Sexual intercourse* with one's own child or grandchild in violation of § 18.2-366;
6. Taking indecent liberties with a child in violation of § 18.2-370 or § 18.2-370.1; or
7. Conspiracy to commit any offense listed in subdivisions 1 through 6 pursuant to § 18.2-22.

C. For purposes of this section, prior convictions shall include (i) adult convictions for felonies under the laws of any state or the United States that are substantially similar to those listed in subsection B and (ii) findings of not innocent, adjudications, or convictions in the case of a juvenile if the juvenile offense is substantially similar to those listed in subsection B, the offense would be a felony if committed by an adult in the Commonwealth, and the offense was committed less than ~~twenty 20~~ years before the second offense.

The Commonwealth shall notify the defendant in writing, at least ~~thirty 30~~ days prior to trial, of its intention to seek punishment pursuant to this section.

§ 18.2-346. Prostitution; commercial sexual conduct; commercial exploitation of a minor; penalties.

A. Any person who, for money or its equivalent, (i) commits ~~adultery, fornication, or~~ any act in violation of § 18.2-361, performs cunnilingus, fellatio, or anilingus upon or by another person, or engages in *sexual intercourse or* anal intercourse or (ii) offers to commit ~~adultery, fornication, or~~ any act in violation of § 18.2-361, perform cunnilingus, fellatio, or anilingus upon or by another person, or engage in *sexual intercourse or* anal intercourse and thereafter does any substantial act in furtherance thereof is guilty of prostitution, which is punishable as a Class 1 misdemeanor.

B. Any person who offers money or its equivalent to another for the purpose of engaging in sexual acts as enumerated in subsection A and thereafter does any substantial act in furtherance thereof is guilty of solicitation of prostitution, which is punishable as a Class 1 misdemeanor. However, any person who solicits prostitution from a minor (i) 16 years of age or older is guilty of a Class 6 felony or (ii) younger than 16 years of age is guilty of a Class 5 felony.

§ 18.2-362. Person marrying when spouse is living; penalty; venue.

If any ~~married person, being married, shall~~, during the life of the ~~husband or wife~~ *such person's spouse*, ~~marry~~ *marries* another person in ~~this the~~ Commonwealth, or, if the marriage with such other person ~~take takes place out~~ *outside* of the Commonwealth, ~~shall thereafter cohabit with such other person and the persons cohabit~~ in ~~this the~~ Commonwealth, ~~he or she shall be~~ *is* guilty of a Class 4 felony. Venue for a violation of this section may be in the county or city where the subsequent marriage occurred or where the parties to the subsequent marriage cohabited.

§ 18.2-363. Leaving Commonwealth to evade law against bigamy.

If any persons, resident in ~~this the~~ Commonwealth, one of whom has a ~~husband or wife~~ *living spouse*, shall, with the intention of returning to reside in ~~this the~~ Commonwealth, go into another state or country and there intermarry and return to and reside in ~~this the~~ Commonwealth cohabiting as ~~man and wife~~ *a married couple*, such marriage shall be governed by the same law, in all respects, as if it had been solemnized in ~~this the~~ Commonwealth.

§ 18.2-364. Exceptions to §§ 18.2-362 and 18.2-363.

Sections 18.2-362 and 18.2-363 shall not extend to a person whose ~~husband or wife~~ *spouse* shall have been continuously absent from such person for seven years next before marriage of such person to another, and shall not have been known by such person to be living within that time; nor to a person who can show that the second marriage was contracted in good faith under a reasonable belief that the former consort was dead; nor to a person who shall, at the time of the subsequent marriage, have been divorced from the bond of the former marriage; nor to a person whose former marriage was void.

§ 18.2-366. Sexual intercourse by persons forbidden to marry; incest; penalties.

A. Any person who ~~commits adultery or fornication~~ *engages in sexual intercourse* with any person whom he ~~or she~~ is forbidden by law to marry ~~shall be~~ *is* guilty of a Class 1 misdemeanor except as provided by subsection B.

B. Any person who ~~commits adultery or fornication~~ *engages in sexual intercourse* with his daughter or granddaughter, ~~or with her son or grandson, or her father or his mother, shall be~~ *is* guilty of a Class 5 felony. However, if a parent or grandparent ~~commits adultery or fornication~~ *engages in sexual intercourse* with his ~~or her~~ child or grandchild, and such child or grandchild is at least ~~thirteen 13~~ years of age but less than ~~eighteen 18~~ years of age at the time of the offense, such parent or grandparent ~~shall be~~ *is* guilty of a Class 3 felony.

C. For the purposes of this section, parent includes ~~step-parent~~ *stepparent*, grandparent includes step-grandparent, child includes a ~~step-child~~ *stepchild*, and grandchild includes a step-grandchild.

§ 18.2-368. Placing or leaving spouse for prostitution; penalty.

Any person who, by force, fraud, intimidation, or threats, places or leaves or procures any other person to place or leave his ~~wife~~ *spouse* in a bawdy place for the purpose of prostitution or unlawful sexual intercourse, anal intercourse, cunnilingus, fellatio, or anilingus is guilty of pandering, punishable as a Class 4 felony.

§ 18.2-417. Slander and libel.

Any person who shall falsely utter and speak, or falsely write and publish, of and concerning any ~~female~~ *person* of chaste character, any words derogatory of such ~~female's~~ *person's* character for virtue and chastity, or imputing to such ~~female~~ *person* acts not virtuous and chaste, or who shall falsely utter and speak, or falsely write and publish, of and

concerning another person, any words which from their usual construction and common acceptance are construed as insults and tend to violence and breach of the peace or *who* shall use grossly insulting language to any ~~female~~ *person* of good character or reputation; ~~shall be~~ *is* guilty of a Class 3 misdemeanor.

The defendant shall be entitled to prove upon trial in mitigation of the punishment, the provocation which induced the libelous or slanderous words, or any other fact or circumstance tending to disprove malice, or lessen the criminality of the offense.

§ 19.2-69. Civil action for unlawful interception, disclosure, or use.

Any person whose wire, electronic, or oral communication is intercepted, disclosed, or used in violation of this chapter shall (i) have a civil cause of action against any person who intercepts, discloses, or uses, or procures any other person to intercept, disclose, or use, such communications; and (ii) be entitled to recover from any such person:

1. Actual damages but not less than liquidated damages computed at the rate of \$400 a day for each day of violation or \$4,000, whichever is higher, provided that liquidated damages shall be computed at the rate of \$800 a day for each day of violation or \$8,000, whichever is higher, if the wire, electronic, or oral communication intercepted, disclosed, or used is between (i) a ~~husband and wife~~ *persons married to each other*; (ii) an attorney and client; (iii) a licensed practitioner of the healing arts and patient; (iv) a licensed professional counselor, licensed clinical social worker, licensed psychologist, or licensed marriage and family therapist and client; or (v) a clergy member and person seeking spiritual counsel or advice;

2. Punitive damages; and

3. A reasonable ~~attorney's~~ *attorney* fee and other litigation costs reasonably incurred.

A good faith reliance on a court order or legislative authorization shall constitute a complete defense to any civil or criminal action brought under this chapter or under any other law.

§ 19.2-271.1. Competency of spouses to testify.

~~Husband and wife~~ *Persons married to each other* shall be competent witnesses to testify for or against each other in criminal cases, except as otherwise provided.

§ 19.2-271.2. Testimony of spouses in criminal cases (Subsection (b) of Supreme Court Rule 2:504 derived from this section).

In criminal cases ~~husband and wife~~ *persons married to each other* shall be allowed, and, subject to the rules of evidence governing other witnesses, may be compelled to testify in behalf of each other, but neither shall be compelled to be called as a witness against the other, except (i) in the case of a prosecution for an offense committed by one against the other, against a minor child of either, or against the property of either; (ii) in any case where either is charged with forgery of the name of the other or uttering or attempting to utter a writing bearing the allegedly forged signature of the other; or (iii) in any proceeding relating to a violation of the laws pertaining to criminal sexual assault (§§ 18.2-61 through 18.2-67.10), crimes against nature (§ 18.2-361) involving a minor as a victim and provided *that* the defendant and the victim are not married to each other, incest (§ 18.2-366), or abuse of children (§§ 18.2-370 through 18.2-371). The failure of either ~~husband or wife~~ *spouse* to testify, however, shall create no presumption against the accused, nor be the subject of any comment before the court or jury by any attorney.

Except in the prosecution for a criminal offense as set forth in *clause* (i), (ii), or (iii) ~~above~~, in any criminal proceeding, a person has a privilege to refuse to disclose, and to prevent anyone else from disclosing, any confidential communication between his spouse and him during their marriage, regardless of whether he is married to that spouse at the time he objects to disclosure. For the purposes of this section, "confidential communication" means a communication made privately by a person to his spouse that is not intended for disclosure to any other person.

§ 19.2-305. Requiring fines, costs, restitution for damages, support, or community services from probationer.

A. While on probation the defendant may be required to pay in one or several sums a fine or costs, or both such fine and costs, imposed at the time of being placed on probation as a condition of such probation, and the failure of the defendant to pay such fine or costs, or both such fine and costs, at the prescribed time or times may be deemed a breach of such probation. The provisions of this subsection shall also apply to any person ordered to pay costs pursuant to § 19.2-303.3.

B. A defendant placed on probation following conviction may be required to make at least partial restitution or reparation to the aggrieved party or parties for damages or loss caused by the offense for which conviction was had, or may be required to provide for the support of his ~~wife~~ *spouse* or others for whose support he may be legally responsible, or may be required to perform community services. The defendant may submit a proposal to the court for making restitution, for providing for support, or for performing community services.

C. No defendant shall be kept under supervised probation solely because of his failure to make full payment of fines, fees, or costs, provided that, following notice by the probation and parole officer to each court and attorney for the Commonwealth in whose jurisdiction any fines, fees, or costs are owed by the defendant, no such court or attorney for the Commonwealth objects to his removal from supervised probation.

§ 20-38.1. Certain marriages prohibited.

~~(a)~~ The following marriages are prohibited:

~~(1)~~ 1. A marriage entered into prior to the dissolution of an earlier marriage of one of the parties;

~~(2)~~ 2. A marriage between an ancestor and descendant, or between a ~~brother and a sister~~ *siblings*, whether the relationship is by the half or the whole blood or by adoption;

~~(3)~~ 3. A marriage between an uncle ~~and a niece~~ or ~~between an aunt and a nephew or niece~~, whether the relationship is by the half or the whole blood.

(b) [Repealed.]

§ 20-40. Punishment for violation of such prohibition; leaving Commonwealth to avoid.

If any person marry in violation of § 20-38.1, he shall be confined in jail not exceeding six months, or fined not exceeding \$500, in the discretion of the jury. If any persons, resident in ~~this the~~ Commonwealth; and within the degrees of relationship mentioned in that section, shall go out of ~~this the~~ Commonwealth for the purpose of being married, and with the intention of returning, and be married out of it, and afterwards return to and reside in it, cohabiting as ~~man and wife a~~ *married couple*, they shall be punished as provided in this section, and the marriage shall be governed by the same law as if it had been solemnized in ~~this the~~ Commonwealth. The fact of such cohabitation here shall be evidence of such marriage. Venue for a violation of this section may be in the county or city where the subsequent marriage occurred or where the parties to the subsequent marriage cohabited.

§ 20-43. Bigamous marriages void without decree.

All marriages ~~which that~~ are prohibited by law on account of either of the parties having a former ~~wife or husband~~ *spouse* then living shall be absolutely void, without any decree of divorce, or other legal process.

§ 20-82. Spouses competent as witnesses.

In every prosecution under this chapter ~~both husband and wife, persons married to each other~~ shall be competent witnesses to testify against each other in all relevant matters, including the facts of such marriage, provided that neither shall be compelled to give evidence incriminating himself ~~or herself~~.

§ 20-88.59. Special rules of evidence and procedure.

A. The physical presence of a nonresident party who is an individual in a tribunal of the Commonwealth is not required for the establishment, enforcement, or modification of a support order or the rendition of a judgment determining parentage of a child.

B. An affidavit, a document substantially complying with federally mandated forms, or a document incorporated by reference in any of them that would not be excluded under the hearsay rule if given in person is admissible in evidence if given under penalty of perjury by a party or witness residing outside the Commonwealth.

C. A copy of the record of child support payments certified as a true copy of the original by the custodian of the record may be forwarded to a responding tribunal. The copy is evidence of facts asserted in it and is admissible to show whether payments were made.

D. Copies of bills for testing for parentage of a child, and for prenatal and postnatal health care of the mother and child, furnished to the adverse party at least 10 days before trial, are admissible in evidence to prove the amount of the charges billed and that the charges were reasonable, necessary, and customary.

E. Documentary evidence transmitted from outside the Commonwealth to a tribunal of the Commonwealth by telephone, telecopier, or other electronic means that does not provide an original record may not be excluded from evidence upon an objection based on the means of transmission.

F. In a proceeding under this chapter, a tribunal of the Commonwealth shall permit a party or witness residing outside the Commonwealth to be deposed or to testify under penalty of perjury by telephone, audiovisual means, or other electronic means at a designated tribunal or other location. A tribunal of the Commonwealth shall cooperate with other tribunals in designating an appropriate location for the deposition or testimony.

G. If a party called to testify at a civil hearing refuses to answer on the ground that the testimony may be self-incriminating, the trier of fact may draw an adverse inference from the refusal.

H. A privilege against disclosure of communication between spouses does not apply in a proceeding under this chapter.

I. The defense of immunity based on the relationship ~~of husband and wife~~ *between spouses* or of parent and child does not apply in a proceeding under this chapter.

J. A voluntary acknowledgment of paternity, certified as a true copy, is admissible to establish parentage of the child.

§ 20-89.1. Suit to annul marriage.

A. When a marriage is alleged to be void or voidable for any of the causes mentioned in § 20-13, 20-38.1, or 20-45.1 or by virtue of fraud or duress, either party may institute a suit for annulling the same; and upon proof of the nullity of the marriage, it shall be decreed void by a decree of annulment.

B. In the case of natural or incurable impotency of body existing at the time of entering into the marriage contract, or when, prior to the marriage, either party, without the knowledge of the other, had been convicted of a felony, or when, at the time of the marriage, ~~the wife either spouse, without the knowledge of the husband other spouse, was with child by some a~~ *person other than the husband, or where the husband, without knowledge of the wife, other spouse or had fathered* ~~conceived~~ a child born to a ~~woman~~ *person* other than the ~~wife other spouse~~ within 10 months after the date of the solemnization of the marriage, or where, prior to the marriage, either party had been, without the knowledge of the other, a prostitute, a decree of annulment may be entered upon proof, on complaint of the party aggrieved.

C. No annulment for a marriage alleged to be void or voidable under subsection B of § 20-45.1 or subsection B of this section or by virtue of fraud or duress shall be decreed if it appears that the party applying for such annulment has cohabited with the other after knowledge of the facts giving rise to what otherwise would have been grounds for annulment, and in no event shall any such decree be entered if the parties had been married for a period of two years prior to the institution of such suit for annulment.

D. A party who, at the time of such marriage as is mentioned in § 20-48, was capable of consenting with a party not so capable shall not be permitted to institute a suit for the purpose of annulling such marriage.

§ 20-91. Grounds for divorce from bond of matrimony; contents of decree.

A. A divorce from the bond of matrimony may be decreed:

(1) For adultery; or for sodomy or buggery committed outside the marriage;

(2) [Repealed.]

(3) Where either of the parties subsequent to the marriage has been convicted of a felony, sentenced to confinement for more than one year and confined for such felony subsequent to such conviction, and cohabitation has not been resumed after knowledge of such confinement (in which case no pardon granted to the party so sentenced shall restore such party to his or her conjugal rights);

(4), (5) [Repealed.]

(6) Where either party has been guilty of cruelty, caused reasonable apprehension of bodily hurt, or willfully deserted or abandoned the other, such divorce may be decreed to the innocent party after a period of one year from the date of such act; or

(7), (8) [Repealed.]

(9) (a) On the application of either party if and when ~~the husband and wife~~ *they* have lived separate and apart without any cohabitation and without interruption for one year. In any case where the parties have entered into a separation agreement and there are no minor children either born of the parties, born of either party and adopted by the other or adopted by both parties, a divorce may be decreed on application if and when ~~the husband and wife~~ *they* have lived separately and apart without cohabitation and without interruption for six months. A plea of res adjudicata or of recrimination with respect to any other provision of this section shall not be a bar to either party obtaining a divorce on this ground; nor shall it be a bar that either party has been adjudged insane, either before or after such separation has commenced, but at the expiration of one year or six months, whichever is applicable, from the commencement of such separation, the grounds for divorce shall be deemed to be complete, and the committee of the insane defendant, if there be one, shall be made a party to the cause, or if there be no committee, then the court shall appoint a guardian ad litem to represent the insane defendant.

(b) This subdivision (9) shall apply whether the separation commenced prior to its enactment or shall commence thereafter. Where otherwise valid, any decree of divorce hereinbefore entered by any court having equity jurisdiction pursuant to this subdivision (9), not appealed to the Supreme Court of Virginia, is hereby declared valid according to the terms of said decree notwithstanding the insanity of a party thereto.

(c) A decree of divorce granted pursuant to this subdivision (9) shall in no way lessen any obligation any party may otherwise have to support the spouse unless such party shall prove that there exists in the favor of such party some other ground of divorce under this section or § 20-95.

B. A decree of divorce shall include each party's social security number; or other control number issued by the Department of Motor Vehicles pursuant to § 46.2-342.

§ 20-97. Domicile and residential requirements for suits for annulment, affirmance, or divorce.

No suit for annulling a marriage or for divorce shall be maintainable, unless one of the parties was at the time of the filing of the suit and had been for at least six months preceding the filing of the suit an actual bona fide resident and domiciliary of ~~this the~~ Commonwealth, nor shall any suit for affirming a marriage be maintainable, unless one of the parties be domiciled in, and is and has been an actual bona fide resident of, ~~this the~~ Commonwealth at the time of filing such suit.

For the purposes of this section only:

1. If a member of the ~~armed forces~~ *Armed Forces* of the United States has been stationed or resided in ~~this the~~ Commonwealth and has lived for a period of six months or more in ~~this the~~ Commonwealth next preceding the filing of the suit, then such person shall be presumed to be domiciled in and to have been a bona fide resident of ~~this the~~ Commonwealth during such period of time.

2. Being stationed or residing in the Commonwealth includes, but is not limited to, a member of the armed forces being stationed or residing upon a ship having its home port in ~~this the~~ Commonwealth or at an air, naval, or military base located within ~~this the~~ Commonwealth over which the United States enjoys exclusive federal jurisdiction.

3. Any member of the ~~armed forces~~ *Armed Forces* of the United States or any civilian employee of the United States, including any foreign service officer, who (i) at the time the suit is filed is, or immediately preceding such suit was, stationed in any territory or foreign country and (ii) was domiciled in the Commonwealth for the six-month period immediately preceding his being stationed in such territory or country shall be deemed to have been domiciled in and to have been a bona fide resident of the Commonwealth during the six months preceding the filing of a suit for annulment or divorce.

4. Upon separation of ~~the husband and wife~~ *a married couple*, ~~the wife~~ *either spouse* may establish ~~her~~ *his* own and separate domicile, though the separation may have been caused under such circumstances as would entitle ~~the wife~~ *such spouse* to a divorce or annulment.

§ 20-106. Testimony may be required to be given orally; evidence by affidavit.

A. In any suit for divorce, the trial court may require the whole or any part of the testimony to be given orally in open court, and if either party desires it, such testimony and the rulings of the court on the exceptions thereto, if any, shall be reduced to writing, and the judge shall certify that such evidence was given before him and such rulings made. When so certified the same shall stand on the same footing as a deposition regularly taken in the cause, provided, however, that no such oral evidence shall be given or heard unless and until after such notice to the adverse party as is required by law to be

given of the taking of depositions, or when there has been no service of process within ~~this~~ the Commonwealth upon, or appearance by the defendant against whom such testimony is sought to be introduced. However, a party may proceed to take evidence in support of a divorce by deposition or affidavit without leave of court only in support of a divorce on the grounds set forth in subdivision A (9) of § 20-91, where (i) the parties have resolved all issues by a written settlement agreement, (ii) there are no issues other than the grounds of the divorce itself to be adjudicated, or (iii) the adverse party has been personally served with the complaint and has failed to file a responsive pleading or to make an appearance as required by law.

B. The affidavit of a party submitted as evidence shall be based on the personal knowledge of the affiant, contain only facts that would be admissible in court, give factual support to the grounds for divorce stated in the complaint or counterclaim, and establish that the affiant is competent to testify to the contents of the affidavit. If either party is incarcerated, neither party shall submit evidence by affidavit without leave of court or the consent in writing of the guardian ad litem for the incarcerated party, or of the incarcerated party if a guardian ad litem is not required pursuant to § 8.01-9. The affidavit shall:

1. Give factual support to the grounds for divorce stated in the complaint or counterclaim, including that the parties are over the age of 18 and not suffering from any condition that renders either party legally incompetent;

2. Verify whether either party is incarcerated;

3. Verify the military status of the opposing party and advise whether the opposing party has filed an answer or a waiver of his rights under the federal Servicemembers Civil Relief Act (50 U.S.C. § 3901 et seq.);

4. Affirm that at least one party to the suit was at the time of the filing of the suit, and had been for a period in excess of six months immediately preceding the filing of the suit, a bona fide resident and domiciliary of the Commonwealth;

5. Affirm that the parties have lived separate and apart, continuously, without interruption and without cohabitation, and with the intent to remain separate and apart permanently, for the statutory period required by subdivision A (9) of § 20-91;

6. Affirm the affiant's desire to be awarded a divorce pursuant to subdivision A (9) of § 20-91;

7. State whether there were children born or adopted of the marriage and affirm that ~~the wife~~ *neither party* is ~~not~~ known to be pregnant from the marriage; and

8. Be accompanied by the affidavit of at least one corroborating witness, which shall:

a. Verify that the affiant is over the age of 18 and not suffering from any condition that renders him legally incompetent;

b. Verify whether either party is incarcerated;

c. Give factual support to the grounds for divorce stated in the complaint or counterclaim;

d. Verify that at least one of the parties to the suit was at the time of the filing of the suit, and had been for a period in excess of six months immediately preceding the filing of the suit, a bona fide resident and domiciliary of the Commonwealth;

e. Verify whether there were children born or adopted of the marriage and verify that ~~the wife~~ *neither party* is ~~not~~ known to be pregnant from the marriage; and

f. Verify the affiant's personal knowledge that the parties have not cohabitated since the date of separation alleged in the complaint or counterclaim and that it has been either party's intention since that date to remain separate and apart permanently.

C. If a party moves for a divorce pursuant to § 20-121.02, any affidavit may be submitted in support of the grounds for divorce set forth in subdivision A (9) of § 20-91.

D. A verified complaint shall not be deemed an affidavit for purposes of this section.

E. Either party may submit the depositions or affidavits required by this section in support of the grounds for divorce requested by either party pursuant to the terms of this section.

F. In contemplation of or in a suit for a no-fault divorce under subdivision A (9) of § 20-91, the plaintiff or his attorney may take and file, as applicable, the complaint, the affidavits or depositions, any other associated documents, and the proposed decree contemporaneously, and a divorce may be granted solely on those documents where the defendant has waived service and, where applicable, notice.

§ 20-146.31. Hearing and order.

A. Unless the court issues a temporary emergency order pursuant to § 20-146.15, upon a finding that a petitioner is entitled to immediate physical custody of the child, the court shall order that the petitioner may take immediate physical custody of the child unless the respondent establishes that:

1. The child custody determination has not been registered under § 20-146.26 and that:

a. The issuing court did not have jurisdiction under Article 2 (§ 20-146.12 et seq.) ~~of this chapter~~;

b. The child custody determination for which enforcement is sought has been vacated, stayed, or modified by a court of a state having jurisdiction to do so under Article 2 (§ 20-146.12 et seq.) ~~of this chapter~~; or

c. The respondent was entitled to notice, but notice was not given in accordance with the standards of § 20-146.7, in the proceedings before the court that issued the order for which enforcement is sought; or

2. The child custody determination for which enforcement is sought was registered under § 20-146.26, but has been vacated, stayed, or modified by a court of a state having jurisdiction to do so under Article 2 (§ 20-146.12 et seq.) ~~of this chapter~~.

B. The court shall award the fees, costs, and expenses authorized under § 20-146.33 and may grant additional relief, including a request for the assistance of law-enforcement officials, and set a further hearing to determine whether additional relief is appropriate.

C. If a party called to testify refuses to answer on the ground that the testimony may be self-incriminating, the court may draw an adverse inference from the refusal.

D. A privilege against disclosure of communications between spouses and a defense of immunity based on the relationship of ~~husband and wife~~ *between spouses* or *between parent and child* may not be invoked in a proceeding under this article.

§ 20-165. Surrogate brokers prohibited; penalty; liability of surrogate brokers.

A. It ~~shall be~~ *is* unlawful for any person, firm, corporation, partnership, or other entity to accept compensation for recruiting or procuring surrogates or to accept compensation for otherwise arranging or inducing an intended parent and surrogates to enter into surrogacy contracts in this Commonwealth. A violation of this section shall be punishable as a Class 1 misdemeanor.

B. Any person who acts as a surrogate broker in violation of this section shall, in addition, be liable to all the parties to the purported surrogacy contract in a total amount equal to three times the amount of compensation to have been paid to the broker pursuant to the contract. One-half of the damages under this subsection shall be due the surrogate and her spouse, if any, and if ~~he~~ *such spouse* is a party to the contract, and one-half shall be due the intended parent.

An action under this section shall be brought within five years of the date of the contract.

C. The provisions of this section shall not apply to the services of an attorney in giving legal advice or in preparing a surrogacy contract.

§ 32.1-69.1. Virginia Congenital Anomalies Reporting and Education System.

A. In order to collect data to evaluate the possible causes of stillbirths and birth defects, improve the diagnosis and treatment of birth defects, and establish a mechanism for informing the parents of children identified as having birth defects and their physicians about the health resources available to aid such children, the Commissioner shall establish and maintain a Virginia Congenital Anomalies Reporting and Education System using data from birth and death certificates and fetal death reports filed with the State Registrar of Vital Records and data obtained from hospital medical records. The chief administrative officer of every hospital, as defined in § 32.1-123, shall make or cause to be made a report to the Commissioner of any stillbirth and any person under two years of age diagnosed as having a congenital anomaly. The Commissioner may appoint an advisory committee to assist in the design and implementation of this reporting and education system with representation from relevant groups, including, but not limited to, physicians, geneticists, personnel of appropriate state agencies, persons with disabilities, and the parents of children with disabilities.

B. The Commissioner shall provide for a secure system, which may include online data entry that protects the confidentiality of data and information for which reporting is required, to implement the Virginia Congenital Anomalies Reporting and Education System.

At a minimum, data collected shall include, but need not be limited to, the following: (i) the infant's first and last name, date of birth, gender, state of residence, birth hospital, physician's name, date of admission, date of discharge or transfer, and diagnosis; (ii) the first and last names of the infant's ~~mother and father~~ *parents*; (iii) the first and last name of the primary contact person for the infant; and (iv) data pertaining to stillbirths and birth defects reported by hospitals and derived from birth and death certificates and fetal death reports filed with the State Registrar of Vital Records and such other sources as may be authorized by the Commissioner.

The Commissioner, as he deems necessary to facilitate the follow-up of infants whose data and health record information have been entered into the system, may authorize the integration or linking of the Virginia Congenital Anomalies Reporting and Education System with other Department of Health population-based surveillance systems.

In addition, to minimize duplication and ensure accuracy during data entry, the Commissioner may authorize hospitals required to report stillbirth and birth defect data to the system to view such existing data and information as may be designated by the Commissioner.

With the assistance of the advisory committee, the Board shall promulgate such regulations as may be necessary to implement this reporting and education system.

C. As used in this section, "stillbirth" means an unintended, intrauterine fetal death occurring after a gestational period of 20 weeks.

§ 32.1-127. Regulations.

A. The regulations promulgated by the Board to carry out the provisions of this article shall be in substantial conformity to the standards of health, hygiene, sanitation, construction and safety as established and recognized by medical and health care professionals and by specialists in matters of public health and safety, including health and safety standards established under provisions of Title XVIII and Title XIX of the Social Security Act, and to the provisions of Article 2 (§ 32.1-138 et seq.).

B. Such regulations:

1. Shall include minimum standards for (i) the construction and maintenance of hospitals, nursing homes and certified nursing facilities to ensure the environmental protection and the life safety of its patients, employees, and the public; (ii) the operation, staffing and equipping of hospitals, nursing homes and certified nursing facilities; (iii) qualifications and training of staff of hospitals, nursing homes and certified nursing facilities, except those professionals licensed or certified by the

Department of Health Professions; (iv) conditions under which a hospital or nursing home may provide medical and nursing services to patients in their places of residence; and (v) policies related to infection prevention, disaster preparedness, and facility security of hospitals, nursing homes, and certified nursing facilities. For purposes of this paragraph, facilities in which five or more first trimester abortions per month are performed shall be classified as a category of "hospital";

2. Shall provide that at least one physician who is licensed to practice medicine in this Commonwealth shall be on call at all times, though not necessarily physically present on the premises, at each hospital which operates or holds itself out as operating an emergency service;

3. May classify hospitals and nursing homes by type of specialty or service and may provide for licensing hospitals and nursing homes by bed capacity and by type of specialty or service;

4. Shall also require that each hospital establish a protocol for organ donation, in compliance with federal law and the regulations of the Centers for Medicare and Medicaid Services (CMS), particularly 42 C.F.R. § 482.45. Each hospital shall have an agreement with an organ procurement organization designated in CMS regulations for routine contact, whereby the provider's designated organ procurement organization certified by CMS (i) is notified in a timely manner of all deaths or imminent deaths of patients in the hospital and (ii) is authorized to determine the suitability of the decedent or patient for organ donation and, in the absence of a similar arrangement with any eye bank or tissue bank in Virginia certified by the Eye Bank Association of America or the American Association of Tissue Banks, the suitability for tissue and eye donation. The hospital shall also have an agreement with at least one tissue bank and at least one eye bank to cooperate in the retrieval, processing, preservation, storage, and distribution of tissues and eyes to ensure that all usable tissues and eyes are obtained from potential donors and to avoid interference with organ procurement. The protocol shall ensure that the hospital collaborates with the designated organ procurement organization to inform the family of each potential donor of the option to donate organs, tissues, or eyes or to decline to donate. The individual making contact with the family shall have completed a course in the methodology for approaching potential donor families and requesting organ or tissue donation that (a) is offered or approved by the organ procurement organization and designed in conjunction with the tissue and eye bank community and (b) encourages discretion and sensitivity according to the specific circumstances, views, and beliefs of the relevant family. In addition, the hospital shall work cooperatively with the designated organ procurement organization in educating the staff responsible for contacting the organ procurement organization's personnel on donation issues, the proper review of death records to improve identification of potential donors, and the proper procedures for maintaining potential donors while necessary testing and placement of potential donated organs, tissues, and eyes takes place. This process shall be followed, without exception, unless the family of the relevant decedent or patient has expressed opposition to organ donation, the chief administrative officer of the hospital or his designee knows of such opposition, and no donor card or other relevant document, such as an advance directive, can be found;

5. Shall require that each hospital that provides obstetrical services establish a protocol for admission or transfer of any pregnant woman who presents herself while in labor;

6. Shall also require that each licensed hospital develop and implement a protocol requiring written discharge plans for identified, substance-abusing, postpartum women and their infants. The protocol shall require that the discharge plan be discussed with the patient and that appropriate referrals for the mother and the infant be made and documented. Appropriate referrals may include, but need not be limited to, treatment services, comprehensive early intervention services for infants and toddlers with disabilities and their families pursuant to Part H of the Individuals with Disabilities Education Act, 20 U.S.C. § 1471 et seq., and family-oriented prevention services. The discharge planning process shall involve, to the extent possible, the ~~father~~ *other parent* of the infant and any members of the patient's extended family who may participate in the follow-up care for the mother and the infant. Immediately upon identification, pursuant to § 54.1-2403.1, of any substance-abusing, postpartum woman, the hospital shall notify, subject to federal law restrictions, the community services board of the jurisdiction in which the woman resides to appoint a discharge plan manager. The community services board shall implement and manage the discharge plan;

7. Shall require that each nursing home and certified nursing facility fully disclose to the applicant for admission the home's or facility's admissions policies, including any preferences given;

8. Shall require that each licensed hospital establish a protocol relating to the rights and responsibilities of patients, which shall include a process reasonably designed to inform patients of such rights and responsibilities. Such rights and responsibilities of patients, a copy of which shall be given to patients on admission, shall be consistent with applicable federal law and regulations of the Centers for Medicare and Medicaid Services;

9. Shall establish standards and maintain a process for designation of levels or categories of care in neonatal services according to an applicable national or state-developed evaluation system. Such standards may be differentiated for various levels or categories of care and may include, but need not be limited to, requirements for staffing credentials, staff/patient ratios, equipment, and medical protocols;

10. Shall require that each nursing home and certified nursing facility train all employees who are mandated to report adult abuse, neglect, or exploitation pursuant to § 63.2-1606 on such reporting procedures and the consequences for failing to make a required report;

11. Shall permit hospital personnel, as designated in medical staff bylaws, rules and regulations, or hospital policies and procedures, to accept emergency telephone and other verbal orders for medication or treatment for hospital patients from physicians, and other persons lawfully authorized by state statute to give patient orders, subject to a requirement that such verbal order be signed, within a reasonable period of time not to exceed 72 hours as specified in the hospital's medical staff

bylaws, rules and regulations or hospital policies and procedures, by the person giving the order, or, when such person is not available within the period of time specified, co-signed by another physician or other person authorized to give the order;

12. Shall require, unless the vaccination is medically contraindicated or the resident declines the offer of the vaccination, that each certified nursing facility and nursing home provide or arrange for the administration to its residents of (i) an annual vaccination against influenza and (ii) a pneumococcal vaccination, in accordance with the most recent recommendations of the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention;

13. Shall require that each nursing home and certified nursing facility register with the Department of State Police to receive notice of the registration or reregistration of any sex offender within the same or a contiguous zip code area in which the home or facility is located, pursuant to § 9.1-914;

14. Shall require that each nursing home and certified nursing facility ascertain, prior to admission, whether a potential patient is a registered sex offender, if the home or facility anticipates the potential patient will have a length of stay greater than three days or in fact stays longer than three days;

15. Shall require that each licensed hospital include in its visitation policy a provision allowing each adult patient to receive visits from any individual from whom the patient desires to receive visits, subject to other restrictions contained in the visitation policy including, but not limited to, those related to the patient's medical condition and the number of visitors permitted in the patient's room simultaneously;

16. Shall require that each nursing home and certified nursing facility shall, upon the request of the facility's family council, send notices and information about the family council mutually developed by the family council and the administration of the nursing home or certified nursing facility, and provided to the facility for such purpose, to the listed responsible party or a contact person of the resident's choice up to six times per year. Such notices may be included together with a monthly billing statement or other regular communication. Notices and information shall also be posted in a designated location within the nursing home or certified nursing facility. No family member of a resident or other resident representative shall be restricted from participating in meetings in the facility with the families or resident representatives of other residents in the facility;

17. Shall require that each nursing home and certified nursing facility maintain liability insurance coverage in a minimum amount of \$1 million, and professional liability coverage in an amount at least equal to the recovery limit set forth in § 8.01-581.15, to compensate patients or individuals for injuries and losses resulting from the negligent or criminal acts of the facility. Failure to maintain such minimum insurance shall result in revocation of the facility's license;

18. Shall require each hospital that provides obstetrical services to establish policies to follow when a stillbirth, as defined in § 32.1-69.1, occurs that meet the guidelines pertaining to counseling patients and their families and other aspects of managing stillbirths as may be specified by the Board in its regulations;

19. Shall require each nursing home to provide a full refund of any unexpended patient funds on deposit with the facility following the discharge or death of a patient, other than entrance-related fees paid to a continuing care provider as defined in § 38.2-4900, within 30 days of a written request for such funds by the discharged patient or, in the case of the death of a patient, the person administering the person's estate in accordance with the Virginia Small Estates Act (§ 64.2-600 et seq.);

20. Shall require that each hospital that provides inpatient psychiatric services establish a protocol that requires, for any refusal to admit (i) a medically stable patient referred to its psychiatric unit, direct verbal communication between the on-call physician in the psychiatric unit and the referring physician, if requested by such referring physician, and prohibits on-call physicians or other hospital staff from refusing a request for such direct verbal communication by a referring physician and (ii) a patient for whom there is a question regarding the medical stability or medical appropriateness of admission for inpatient psychiatric services due to a situation involving results of a toxicology screening, the on-call physician in the psychiatric unit to which the patient is sought to be transferred to participate in direct verbal communication, either in person or via telephone, with a clinical toxicologist or other person who is a Certified Specialist in Poison Information employed by a poison control center that is accredited by the American Association of Poison Control Centers to review the results of the toxicology screen and determine whether a medical reason for refusing admission to the psychiatric unit related to the results of the toxicology screen exists, if requested by the referring physician;

21. Shall require that each hospital that is equipped to provide life-sustaining treatment shall develop a policy governing determination of the medical and ethical appropriateness of proposed medical care, which shall include (i) a process for obtaining a second opinion regarding the medical and ethical appropriateness of proposed medical care in cases in which a physician has determined proposed care to be medically or ethically inappropriate; (ii) provisions for review of the determination that proposed medical care is medically or ethically inappropriate by an interdisciplinary medical review committee and a determination by the interdisciplinary medical review committee regarding the medical and ethical appropriateness of the proposed health care; and (iii) requirements for a written explanation of the decision reached by the interdisciplinary medical review committee, which shall be included in the patient's medical record. Such policy shall ensure that the patient, his agent, or the person authorized to make medical decisions pursuant to § 54.1-2986 (a) are informed of the patient's right to obtain his medical record and to obtain an independent medical opinion and (b) afforded reasonable opportunity to participate in the medical review committee meeting. Nothing in such policy shall prevent the patient, his agent, or the person authorized to make medical decisions pursuant to § 54.1-2986 from obtaining legal counsel to represent the patient or from seeking other remedies available at law, including seeking court review, provided that the

patient, his agent, or the person authorized to make medical decisions pursuant to § 54.1-2986, or legal counsel provides written notice to the chief executive officer of the hospital within 14 days of the date on which the physician's determination that proposed medical treatment is medically or ethically inappropriate is documented in the patient's medical record;

22. Shall require every hospital with an emergency department to establish protocols to ensure that security personnel of the emergency department, if any, receive training appropriate to the populations served by the emergency department, which may include training based on a trauma-informed approach in identifying and safely addressing situations involving patients or other persons who pose a risk of harm to themselves or others due to mental illness or substance abuse or who are experiencing a mental health crisis;

23. Shall require that each hospital establish a protocol requiring that, before a health care provider arranges for air medical transportation services for a patient who does not have an emergency medical condition as defined in 42 U.S.C. § 1395dd(e)(1), the hospital shall provide the patient or his authorized representative with written or electronic notice that the patient (i) may have a choice of transportation by an air medical transportation provider or medically appropriate ground transportation by an emergency medical services provider and (ii) will be responsible for charges incurred for such transportation in the event that the provider is not a contracted network provider of the patient's health insurance carrier or such charges are not otherwise covered in full or in part by the patient's health insurance plan; and

24. Shall establish an exemption, for a period of no more than 30 days, from the requirement to obtain a license to add temporary beds in an existing hospital or nursing home when the Commissioner has determined that a natural or man-made disaster has caused the evacuation of a hospital or nursing home and that a public health emergency exists due to a shortage of hospital or nursing home beds.

C. Upon obtaining the appropriate license, if applicable, licensed hospitals, nursing homes, and certified nursing facilities may operate adult day care centers.

D. All facilities licensed by the Board pursuant to this article which provide treatment or care for hemophiliacs and, in the course of such treatment, stock clotting factors, shall maintain records of all lot numbers or other unique identifiers for such clotting factors in order that, in the event the lot is found to be contaminated with an infectious agent, those hemophiliacs who have received units of this contaminated clotting factor may be apprised of this contamination. Facilities which have identified a lot ~~which~~ *that* is known to be contaminated shall notify the recipient's attending physician and request that he notify the recipient of the contamination. If the physician is unavailable, the facility shall notify by mail, return receipt requested, each recipient who received treatment from a known contaminated lot at the individual's last known address.

§ 32.1-134.01. Certain information required for maternity patients.

Every licensed nurse midwife, licensed midwife, or hospital providing maternity care shall, prior to releasing each maternity patient, make available to such patient and, if present, to the ~~father~~ *other parent* of the infant and other relevant family members or caretakers, information about the incidence of postpartum blues, perinatal depression, and perinatal anxiety; information to increase awareness of shaken baby syndrome and the dangers of shaking infants; and information about safe sleep environments for infants that is consistent with current information available from the American Academy of Pediatrics. This information shall be discussed with the maternity patient and the ~~father~~ *other parent* of the infant and other relevant family members or caretakers who are present at discharge.

§ 32.1-257. Filing birth certificates; from whom required; signatures of parents.

A. A certificate of birth for each live birth ~~which~~ *that* occurs in ~~this~~ *the* Commonwealth shall be filed with the State Registrar within seven days after such birth. The certificate of birth shall be registered by the State Registrar if it has been completed and filed in accordance with this section.

B. When a birth occurs in an institution or en route thereto, the person in charge of such institution or an authorized designee shall obtain the personal data, and prepare the certificate either on forms furnished by the State Registrar or by an electronic process as approved by the Board. Such person or designee shall, if submitting a form, secure the signatures required by the certificate. The physician or other person in attendance shall provide the medical information required by the certificate within five days after the birth. The person in charge of the institution or an authorized designee shall certify to the authenticity of the birth registration either by affixing his signature to the certificate or by an electronic process approved by the Board, and shall file the certificate of birth with the State Registrar within seven days after such birth.

C. When a birth occurs outside an institution, the certificate shall be prepared on forms furnished by the State Registrar and filed by one of the following in the indicated order of priority, in accordance with the regulations of the Board:

1. The physician in attendance at or immediately after the birth, or in the absence of such physician,
2. Any other person in attendance at or immediately after the birth, or in the absence of such a person,
3. The ~~father, the~~ *mother, the other parent*, or, in the absence of the ~~father~~ *other parent* and the inability of the mother, the person in charge of the premises where the birth occurred.

C1. When a birth occurs on a moving conveyance within the United States of America and the child is first removed from the conveyance in this Commonwealth, the birth shall be registered in this Commonwealth and the place where the child is first removed from the conveyance shall be considered the place of birth. When a birth occurs on a moving conveyance while in international waters or air space or in a foreign country or its air space and the child is first removed from the conveyance in this Commonwealth, the birth shall be registered in this Commonwealth although the certificate shall indicate the actual place of birth insofar as can be determined.

D. If the mother of a child is not married to the natural father of the child at the time of birth or was not married to the natural father at any time during the ~~ten~~ 10 months next preceding such birth, the name of the father shall not be entered on the certificate of birth without a sworn acknowledgment of paternity, executed subsequent to the birth of the child, of both the mother and of the person to be named as the father. In any case in which a final determination of the paternity of a child has been made by a court of competent jurisdiction pursuant to § 20-49.8, from which no appeal has been taken and for which the time allowed to perfect an appeal has expired, the name of the father and the surname of the child shall be entered on the certificate of birth in accordance with the finding and order of the court.

Children born of marriages prohibited by law, deemed null or void, or dissolved by a court shall nevertheless be legitimate and the birth certificate for such children shall contain full information concerning the ~~father~~ *other parent*.

For the purpose of birth registration in the case of a child resulting from assisted conception, pursuant to Chapter 9 (§ 20-156 et seq.) of Title 20, the birth certificate of such child shall contain full information concerning the mother's ~~husband spouse~~ as the ~~father~~ *other parent* of the child and the gestational mother as the mother of the child. Donors of sperm or ova shall not have any parental rights or duties for any such child.

In the event *that* any person desires to have the name of the father entered on the certificate of birth based upon the judgment of paternity of a court of another state, such person shall apply to an appropriate court of the Commonwealth for an order reflecting that such court has reviewed such judgment of paternity and has determined that such judgment of paternity was amply supported in evidence and legitimate for the purposes of Article IV, Section 1 of the ~~United States~~ Constitution of the *United States*.

If the order of paternity should be appealed, the registrar shall not enter the name of the alleged father on the certificate of birth during the pendency of such appeal. If the father is not named on the certificate of birth, no other information concerning the father shall be entered on the certificate.

E. Either of the parents of the child shall verify the accuracy of the personal data to be entered on the certificate of birth in time to permit the filing within the seven days prescribed above.

§ 32.1-258.1. Certificate of Birth Resulting in Stillbirth; requirements.

Upon the request of either individual listed as the ~~mother or father~~ *parent* on a report of fetal death in the Commonwealth as defined in § 32.1-264, the State Registrar shall issue a Certificate of Birth Resulting in Stillbirth for unintended, intrauterine fetal deaths occurring after a gestational period of 20 weeks or more. The requesting ~~mother or father~~ *parent* may, but shall not be required to, provide a name for the stillborn child on the Certificate of Birth Resulting in Stillbirth. The Board of Health shall prescribe a reasonable fee to cover the administrative cost and preparation of such certificate. This section shall apply retroactively to any circumstances that would have resulted in the issuance of a Certificate of Birth Resulting in Stillbirth, as prescribed by the Board.

§ 32.1-271. Disclosure of information in records; when unlawful; when permitted; proceeding to compel disclosure; when certain records made public.

A. To protect the integrity of vital records and to ensure the efficient and proper administration of the system of vital records, it ~~shall be~~ *is* unlawful, notwithstanding the provisions of §§ 2.2-3700 through 2.2-3714, for any person to permit inspection of or to disclose information contained in vital records or to copy or issue a copy of all or part of any such vital records except as authorized by this section or regulation of the Board or when so ordered by a court of the Commonwealth.

B. Data contained in vital records may be disclosed for valid and substantial research purposes in accordance with the regulations of the Board.

C. Any person aggrieved by a decision of a county or city registrar may appeal to the State Registrar. If the State Registrar denies disclosure of information or inspection of or copying of vital records, such person may petition the court of the county or city in which he resides if he resides in the Commonwealth or in which the recorded event occurred or the Circuit Court of the City of Richmond, Division I, for an order compelling disclosure, inspection or copying of such vital record. The State Registrar or his authorized representative may appear and testify in such proceeding.

D. When 100 years have elapsed after the date of birth, or 25 years have elapsed after the date of death, marriage, divorce, or annulment the records of these events in the custody of the State Registrar shall, unless precluded from release by statute or court order, or at law-enforcement request, become public information and be made available in accordance with regulations that shall provide for the continued safekeeping of the records. All records that are public information on July 1, 1983, shall continue to be public information. Original records in the custody of the State Registrar that become public information shall be turned over to the Library of Virginia for safekeeping and for public access consistent with other state archival records, subject to the State Registrar and the Library of Virginia entering into a memorandum of understanding to arrange for continued prompt access by the State Registrar to original records for purposes of amendments to those records or other working purposes. The State Registrar's office may retain copies thereof for its own administrative and disclosure purposes.

E. The State Registrar or the city or county registrar shall disclose data about or issue a certified copy of a birth certificate of a child to the grandparent of the child upon the written request of the grandparent when the grandparent has demonstrated to the State Registrar evidence of need, as prescribed by Board regulation, for the data or birth certificate.

F. The State Registrar or the city or county registrar shall issue a certified copy of a death certificate to the grandchild or great-grandchild of a decedent in accordance with procedures prescribed by the Board in regulation.

G. The State Registrar or the city or county registrar shall disclose data about or issue a certified copy of a death certificate to a nonprofit organ, eye or tissue procurement organization that is a member of the Virginia Transplant Council

for the purpose of determining the suitability of organs, eyes and tissues for donation, as prescribed by the Board in regulations. Such regulations shall ensure that the information disclosed includes the cause of death and any other medical information necessary to determine the suitability of the organs, eyes, and tissues for donation.

H. The State Registrar shall seek to enter into a long-term contract with a private company experienced in maintaining genealogical research databases to create, maintain, and update such an online index at no direct cost to the Commonwealth, in exchange for allowing the private company to also provide such index to its subscribers and customers. The online index shall be designed and constructed to have the capability of allowing birth, marriage, divorce, and death entries on the index to be linked to a digital image of the underlying original birth, marriage, divorce, or death record once any such underlying record has become public information, and the index shall be designed to allow the Library of Virginia to create and activate such links to digital images of the original records. Any social security numbers appearing on original birth, marriage, divorce, or death records shall be redacted from the digital images provided to the public in the manner provided by law, which may include bulk redaction of social security fields from the images via automated methods.

Following contract implementation, the State Registrar shall maintain a publicly available online vital records index or indexes, consisting at a minimum of name, date, and county or city of occurrence for births (naming the child), marriages (naming the ~~bride and groom~~ spouses), divorces (naming the parties to the divorce), and deaths (naming the decedent), which vital records index information, except as otherwise precluded from release by statute, court order, or law-enforcement request, shall be public information from the time of its receipt by the State Registrar and shall be accessible on the State Registrar's website and on or through the Library of Virginia website.

§ 37.2-714. Children born in state facilities.

Any child born in a state facility shall be deemed a resident of the county or city in which the mother resided at the time of her admission. The child shall be removed from the state facility as soon after birth as the health and well-being of the child permit and shall be delivered to his ~~father~~ other parent or other member of his family. If he is unable to effect the child's removal as herein provided, the director of the state facility shall cause the filing of a petition in the juvenile and domestic relations district court of the county or city in which the child is present, requesting adjudication of the care and custody of the child under the provisions of § 16.1-278.3. If the mother has received services in a state facility continuously for 10 months, the Department of Social Services shall have financial responsibility for the care of the child, and the custody of the child shall be determined in accordance with the provisions of § 16.1-278.3. The judge of such court shall take appropriate action to effect prompt removal of the child from the state facility.

§ 38.2-302. Life, accident, and sickness insurance; application required.

A. No contract of insurance upon a person shall be made or effectuated unless at the time of the making of the contract the individual insured, being of lawful age and competent to contract for the insurance contract, (i) applies for insurance; or (ii) consents in writing to the insurance contract. However:

1. ~~A wife or husband~~ Either spouse may effect an insurance contract upon each other;
2. Any person having an insurable interest in the life of a minor, or any person upon whom a minor is dependent for support and maintenance, may effect an insurance contract upon the life of or pertaining to the minor; or
3. A corporate employer or an employee benefit trust having the insurable interest described in subdivision ~~B 3~~ of subsection B of § 38.2-301; may effect an insurance contract upon the lives of such employees, provided that the employer or trust provides the employee with notice in writing that such insurance has been purchased, the amount of such coverage, and to whom benefits are payable in the event of the employee's death.

B. Nothing in this section shall prohibit a minor from obtaining insurance on his own life as authorized in § 38.2-3105.

§ 38.2-2204. Liability insurance on motor vehicles, aircraft, and watercraft; standard provisions; "omnibus clause."

A. No policy or contract of bodily injury or property damage liability insurance, covering liability arising from the ownership, maintenance, or use of any motor vehicle, aircraft, or private pleasure watercraft, shall be issued or delivered in ~~this the~~ Commonwealth to the owner of such vehicle, aircraft, or watercraft, or shall be issued or delivered by any insurer licensed in ~~this the~~ Commonwealth upon any motor vehicle, aircraft, or private pleasure watercraft that is principally garaged, docked, or used in ~~this the~~ Commonwealth, unless the policy contains a provision insuring the named insured, and any other person using or responsible for the use of the motor vehicle, aircraft, or private pleasure watercraft with the expressed or implied consent of the named insured, against liability for death or injury sustained, or loss or damage incurred within the coverage of the policy or contract as a result of negligence in the operation or use of such vehicle, aircraft, or watercraft by the named insured or by any such person; however, nothing contained in this section shall be deemed to prohibit an insurer from limiting its liability under any one policy for bodily injury or property damage resulting from any one accident or occurrence to the liability limits for such coverage set forth in the policy for any such accident or occurrence or for any one person, regardless of the number of insureds under that policy. Provided that, when one accident or occurrence involves more than one defendant who is covered by the policy, the plaintiff may recover the per person limit of the policy against each such defendant, subject to the per accident or occurrence limit of the policy. Each such policy or contract of liability insurance, or endorsement to the policy or contract, insuring private passenger automobiles, aircraft, or private pleasure watercraft principally garaged, docked, or used in ~~this the~~ Commonwealth, that has as the named insured an individual or ~~husband and wife~~ spouses and that includes, with respect to any liability insurance provided by the policy, contract, or endorsement for use of a nonowned automobile, aircraft, or private pleasure watercraft, any provision requiring permission or consent of the owner of such automobile, aircraft, or private pleasure watercraft for the insurance to apply,

shall be construed to include permission or consent of the custodian in the provision requiring permission or consent of the owner.

B. Notwithstanding any requirements in this section to the contrary, an insurer may exclude any person from coverage under a personal umbrella or excess policy, if the exclusion is requested in writing by the first named insured and is acknowledged in writing by the excluded driver.

C. For aircraft liability insurance, such policy or contract may contain the exclusions listed in § 38.2-2227. Notwithstanding the provisions of this section or any other provisions of law, no policy or contract shall require pilot experience greater than that prescribed by the Federal Aviation Administration, except for pilots operating air taxis, or pilots operating aircraft applying chemicals, seed, or fertilizer.

D. No policy or contract of bodily injury or property damage liability insurance relating to the ownership, maintenance, or use of a motor vehicle shall be issued or delivered in ~~this~~ the Commonwealth to the owner of such vehicle or shall be issued or delivered by an insurer licensed in ~~this~~ the Commonwealth upon any motor vehicle principally garaged or used in ~~this~~ the Commonwealth without an endorsement or provision insuring the named insured, and any other person using or responsible for the use of the motor vehicle with the expressed or implied consent of the named insured, against liability for death or injury sustained, or loss or damage incurred within the coverage of the policy or contract as a result of negligence in the operation or use of the motor vehicle by the named insured or by any other such person; however, nothing contained in this section shall be deemed to prohibit an insurer from limiting its liability under any one policy for bodily injury or property damage resulting from any one accident or occurrence to the liability limits for such coverage set forth in the policy for any such accident or occurrence or for any one person regardless of the number of insureds under that policy. Provided that, when one accident or occurrence involves more than one defendant who is covered by the policy, the plaintiff may recover the per person limit of the policy against each such defendant, subject to the per accident or occurrence limit of the policy. This provision shall apply notwithstanding the failure or refusal of the named insured or such other person to cooperate with the insurer under the terms of the policy. If the failure or refusal to cooperate prejudices the insurer in the defense of an action for damages arising from the operation or use of such insured motor vehicle, then the endorsement or provision shall be void. If an insurer has actual notice of a motion for judgment or complaint having been served on an insured, the mere failure of the insured to turn the motion or complaint over to the insurer shall not be a defense to the insurer, nor void the endorsement or provision, nor in any way relieve the insurer of its obligations to the insured, provided the insured otherwise cooperates and in no way prejudices the insurer.

Where the insurer has elected to provide a defense to its insured under such circumstances and files responsive pleadings in the name of its insured, the insured shall not be subject to sanctions for failure to comply with discovery pursuant to Part Four of the Rules of ~~the~~ Supreme Court of Virginia unless it can be shown that the suit papers actually reached the insured, and that the insurer has failed after exercising due diligence to locate its insured, and as long as the insurer provides such information in response to discovery as it can without the assistance of the insured.

E. Any endorsement, provision or rider attached to or included in any such policy of insurance which purports or seeks to limit or reduce the coverage afforded by the provisions required by this section shall be void, except an insurer may exclude such coverage as is afforded by this section, where such coverage would inure to the benefit of the United States Government or any agency or subdivision thereof under the provisions of the Federal Tort Claims Act, the Federal Drivers Act and Public Law 86-654 District of Columbia Employee Non-Liability Act, or to the benefit of the Commonwealth under the provisions of the Virginia Tort Claims Act (§ 8.01-195.1 et seq.) and the self-insurance plan established by the Department of General Services pursuant to § 2.2-1837 for any state employee who, in the regular course of his employment, transports patients in his own personal vehicle.

§ 38.2-2212. Grounds and procedure for cancellation of or refusal to renew motor vehicle insurance policies; review by Commissioner.

A. ~~The following definitions shall apply to~~ As used in this section:

"Cancellation" or "to cancel" means a termination of a policy during the policy period.

"Insurer" means any insurance company, association, or exchange licensed to transact motor vehicle insurance in ~~this~~ the Commonwealth.

"Policy of motor vehicle insurance" or "policy" means a policy or contract for bodily injury or property damage liability insurance issued or delivered in this Commonwealth covering liability arising from the ownership, maintenance, or use of any motor vehicle, insuring as the named insured one individual or ~~husband and wife spouses~~ who are residents of the same household, and under which the insured vehicle designated in the policy is either:

a. A motor vehicle of a private passenger, station wagon, or motorcycle type that is not used commercially, rented to others, or used as a public or livery conveyance where the term "public or livery conveyance" does not include car pools, or

b. Any other four-wheel motor vehicle which is not used in the occupation, profession, or business, other than farming, of the insured, or as a public or livery conveyance, or rented to others. The term "policy of motor vehicle insurance" or "policy" does not include (i) any policy issued through the Virginia Automobile Insurance Plan, (ii) any policy covering the operation of a garage, sales agency, repair shop, service station, or public parking place, (iii) any policy providing insurance only on an excess basis, or (iv) any other contract providing insurance to the named insured even though the contract may incidentally provide insurance on motor vehicles.

"Renewal" or "to renew" means (i) the issuance and delivery by an insurer of a policy superseding at the end of the policy period a policy previously issued and delivered by the same insurer, providing types and limits of coverage at least

equal to those contained in the policy being superseded, or (ii) the issuance and delivery of a certificate or notice extending the term of a policy beyond its policy period or term with types and limits of coverage at least equal to those contained in the policy. Each renewal shall conform with the requirements of the manual rules and rating program currently filed by the insurer with the Commission. Except as provided in subsection K, any policy with a policy period or term of less than 12 months or any policy with no fixed expiration date shall for the purpose of this section be considered as if written for successive policy periods or terms of six months from the original effective date.

B. This section shall apply only to that portion of a policy of motor vehicle insurance providing the coverage required by §§ 38.2-2204, 38.2-2205, and 38.2-2206.

C. 1. No insurer shall refuse to renew a motor vehicle insurance policy solely because of any one or more of the following factors:

- a. Age;
- b. Sex;
- c. Residence;
- d. Race;
- e. Color;
- f. Creed;
- g. National origin;
- h. Ancestry;
- i. Marital status;
- j. Lawful occupation, including the military service;
- k. Lack of driving experience, or number of years driving experience;
- l. Lack of supporting business or lack of the potential for acquiring such business;
- m. One or more accidents or violations that occurred more than 48 months immediately preceding the upcoming anniversary date;
- n. One or more claims submitted under the uninsured motorists coverage of the policy where the uninsured motorist is known or there is physical evidence of contact;
- o. A single claim by a single insured submitted under the medical expense coverage due to an accident for which the insured was neither wholly nor partially at fault;
- p. One or more claims submitted under the comprehensive or towing coverages. However, nothing in this section shall prohibit an insurer from modifying or refusing to renew the comprehensive or towing coverages at the time of renewal of the policy on the basis of one or more claims submitted by an insured under those coverages, provided that the insurer shall mail or deliver to the insured at the address shown in the policy, or deliver electronically to the address provided by the named insured, written notice of any such change in coverage at least 45 days prior to the renewal;
- q. Two or fewer motor vehicle accidents within a three-year period unless the accident was caused either wholly or partially by the named insured, a resident of the same household, or other customary operator;
- r. Credit information contained in a "consumer report," as defined in the federal Fair Credit Reporting Act, 15 U.S.C. § 1681 et seq., bearing on a natural person's creditworthiness, credit standing or credit capacity. If credit information is used, in part, as the basis for the nonrenewal, such credit information shall be based on a consumer report procured within 120 days from the effective date of the nonrenewal. The provisions of this subdivision shall apply only to insurance purchased primarily for personal, family, or household purposes;
- s. The refusal of a motor vehicle owner as defined in § 46.2-1088.6 to provide access to recorded data from a recording device as defined in § 46.2-1088.6; or
- t. The status of the person as a foster care provider or a person in foster care.

2. Nothing in this section shall require any insurer to renew a policy for an insured where the insured's occupation has changed so as to materially increase the risk. Nothing contained in subdivisions 1 n, o, and p shall prohibit an insurer from refusing to renew a policy where a claim is false or fraudulent. Nothing in this section prohibits any insurer from setting rates in accordance with relevant actuarial data.

D. No insurer shall cancel a policy except for one or more of the following reasons:

1. The named insured or any other operator who either resides in the same household or customarily operates a motor vehicle insured under the policy has had his driver's license suspended or revoked during the policy period or, if the policy is a renewal, during its policy period or the 90 days immediately preceding the last effective date.

2. The named insured fails to pay the premium for the policy or any installment of the premium, whether payable to the insurer or its agent either directly or indirectly under any premium finance plan or extension of credit.

3. The named insured or his duly constituted attorney-in-fact has notified the insurer of a change in the insured's legal residence to a state other than Virginia and the insured vehicle will be principally garaged in the new state of legal residence.

E. No cancellation or refusal to renew by an insurer of a policy of motor vehicle insurance shall be effective unless the insurer delivers or mails to the named insured at the address shown in the policy a written notice of the cancellation or refusal to renew, or the insurer delivers such notice electronically to the address provided by the named insured. The notice shall:

1. Be in a type size authorized under § 38.2-311.

2. State the effective date of the cancellation or refusal to renew. The effective date of cancellation or refusal to renew shall be at least 45 days after mailing or delivering to the insured the notice of cancellation or notice of refusal to renew. However, when the policy is being canceled or not renewed for the reason set forth in subdivision D 2 the effective date may be less than 45 days but at least 15 days from the date of mailing or delivery.

3. State the specific reason of the insurer for cancellation or refusal to renew and provide for the notification required by §§ 38.2-608, 38.2-609, and subsection B of § 38.2-610. However, those notification requirements shall not apply when the policy is being canceled or not renewed for the reason set forth in subdivision D 2.

4. Inform the insured of his right to request in writing within 15 days of the receipt of the notice that the Commissioner review the action of the insurer.

The notice of cancellation or refusal to renew shall contain the following statement to inform the insured of such right:
IMPORTANT NOTICE

Within 15 days of receiving this notice, you or your attorney may request in writing that the Commissioner of Insurance review this action to determine whether the insurer has complied with Virginia laws in canceling or nonrenewing your policy. If this insurer has failed to comply with the cancellation or nonrenewal laws, the Commissioner may require that your policy be reinstated. However, the Commissioner is prohibited from making underwriting judgments. If this insurer has complied with the cancellation or nonrenewal laws, the Commissioner does not have the authority to overturn this action.

5. Inform the insured of the possible availability of other insurance which may be obtained through his agent, through another insurer, or through the Virginia Automobile Insurance Plan.

6. If sent by mail or delivered electronically, comply with the provisions of § 38.2-2208.

Nothing in this subsection prohibits any insurer or agent from including in the notice of cancellation or refusal to renew, any additional disclosure statements required by state or federal laws, or any additional information relating to the availability of other insurance.

F. Nothing in this section shall apply:

1. If the insurer or its agent acting on behalf of the insurer has manifested its willingness to renew by issuing or offering to issue a renewal policy, certificate, or other evidence of renewal, or has manifested its willingness to renew in writing to the insured. The written manifestation shall include the name of a proposed insurer, the expiration date of the policy, the type of insurance coverage, and information regarding the estimated renewal premium. The insurer shall retain a copy of each written manifestation for a period of at least one year from the expiration date of any policy that is not renewed;

2. If the named insured, or his duly constituted attorney-in-fact, has notified the insurer or its agent orally, or in writing, if the insurer requires such notification to be in writing, that he wishes the policy to be canceled or that he does not wish the policy to be renewed, or if prior to the date of expiration he fails to accept the offer of the insurer to renew the policy;

3. To any motor vehicle insurance policy which has been in effect less than 60 days when the termination notice is mailed or delivered to the insured, unless it is a renewal policy; or

4. If an affiliated insurer has manifested its willingness to provide coverage at a lower premium than would have been charged for the same exposures on the expiring policy. The affiliated insurer shall manifest its willingness to provide coverage by issuing a policy with the types and limits of coverage at least equal to those contained in the expiring policy unless the named insured has requested a change in coverage or limits. When such offer is made by an affiliated insurer, an offer of renewal shall not be required of the insurer of the expiring policy, and the policy issued by the affiliated insurer shall be deemed to be a renewal policy.

G. There shall be no liability on the part of and no cause of action of any nature shall arise against the Commissioner or his subordinates; any insurer, its authorized representatives, its agents, or its employees; or any person furnishing to the insurer information as to reasons for cancellation or refusal to renew, for any statement made by any of them in complying with this section or for providing information pertaining to the cancellation or refusal to renew. For the purposes of this section, no insurer shall be required to furnish a notice of cancellation or refusal to renew to anyone other than the named insured, any person designated by the named insured, or any other person to whom such notice is required to be given by the terms of the policy and the Commissioner.

H. Within 15 days of receipt of the notice of cancellation or refusal to renew, any insured or his attorney shall be entitled to request in writing to the Commissioner that he review the action of the insurer in canceling or refusing to renew the policy of the insured. Upon receipt of the request, the Commissioner shall promptly begin a review to determine whether the insurer's cancellation or refusal to renew complies with the requirements of this section and of § 38.2-2208 if the notice was sent by mail or delivered electronically. The policy shall remain in full force and effect during the pendency of the review by the Commissioner except where the cancellation or refusal to renew is for the reason set forth in subdivision D 2, in which case the policy shall terminate as of the effective date stated in the notice. Where the Commissioner finds from the review that the cancellation or refusal to renew has not complied with the requirements of this section or of § 38.2-2208, he shall immediately notify the insurer, the insured and any other person to whom such notice was required to be given by the terms of the policy that the cancellation or refusal to renew is not effective. Nothing in this section authorizes the Commissioner to substitute his judgment as to underwriting for that of the insurer. Where the Commissioner finds in favor of the insured, the Commission in its discretion may award the insured reasonable ~~attorneys'~~ attorney fees.

I. Each insurer shall maintain for at least one year, records of cancellation and refusal to renew and copies of every notice or statement referred to in subsection E that it sends to any of its insureds.

J. The provisions of this section shall not apply to any insurer that limits the issuance of policies of motor vehicle liability insurance to one class or group of persons engaged in any one particular profession, trade, occupation, or business. Nothing in this section requires an insurer to renew a policy of motor vehicle insurance if the insured does not conform to the occupational or membership requirements of an insurer who limits its writings to an occupation or membership of an organization. No insurer is required to renew a policy if the insured becomes a nonresident of Virginia.

K. Notwithstanding any other provision of this section, a motor vehicle insurance policy with a policy period or term of five months or less may expire at its expiration date when the insurer has manifested in writing its willingness to renew the policy for at least 30 days and has mailed or delivered the written manifestation to the insured at least 15 days before the expiration date of the policy. The written manifestation shall include the name of the proposed insurer, the expiration date of the policy, the type of insurance coverage, and the estimated renewal premium. The insurer shall retain a copy of the written manifestation for at least one year from the expiration date of any policy that is not renewed.

§ 38.2-4019. Beneficiaries.

No person other than a ~~wife, husband spouse, relative by blood to the fourth degree, father-in-law, mother-in-law, parent-in-law, son-in-law, daughter-in-law, child-in-law, stepfather, stepmother stepparent,~~ stepchild, or child by legal adoption of the member, or one who is dependent upon the member or one who has an insurable interest in the life of the member as described in § 38.2-301, shall be named a beneficiary of the member's certificate. Within the above limitations, each member shall have the right to designate his beneficiary and to change his beneficiary, upon due notice to the society. If the beneficiary is not living or if no allowable beneficiary has been designated, any proceeds otherwise payable shall be payable to the member's estate.

§ 58.1-322.02. Virginia taxable income; subtractions.

In computing Virginia taxable income pursuant to § 58.1-322, to the extent included in federal adjusted gross income, there shall be subtracted:

1. Income derived from obligations, or on the sale or exchange of obligations, of the United States and on obligations or securities of any authority, commission, or instrumentality of the United States to the extent exempt from state income taxes under the laws of the United States, including, but not limited to, stocks, bonds, treasury bills, and treasury notes but not including interest on refunds of federal taxes, interest on equipment purchase contracts, or interest on other normal business transactions.

2. Income derived from obligations, or on the sale or exchange of obligations, of the Commonwealth or of any political subdivision or instrumentality of the Commonwealth.

3. Benefits received under Title II of the Social Security Act and other benefits subject to federal income taxation solely pursuant to § 86 of the Internal Revenue Code.

4. Up to \$20,000 of disability income, as defined in § 22(c)(2)(B)(iii) of the Internal Revenue Code; however, any person who claims a deduction under subdivision 5 of § 58.1-322.03 may not also claim a subtraction under this subdivision.

5. The amount of any refund or credit for overpayment of income taxes imposed by the Commonwealth or any other taxing jurisdiction.

6. The amount of wages or salaries eligible for the federal Work Opportunity Credit which was not deducted for federal purposes on account of the provisions of § 280C(a) of the Internal Revenue Code.

7. Any amount included therein less than \$600 from a prize awarded by the Virginia Lottery.

8. The wages or salaries received by any person for active and inactive service in the National Guard of the Commonwealth of Virginia, not to exceed the amount of income derived from 39 calendar days of such service or \$3,000, whichever amount is less; however, only those persons in the ranks of O3 and below shall be entitled to the deductions specified in this subdivision.

9. Amounts received by an individual, not to exceed \$1,000 in any taxable year, as a reward for information provided to a law-enforcement official or agency, or to a nonprofit corporation created exclusively to assist such law-enforcement official or agency, in the apprehension and conviction of perpetrators of crimes. This subdivision shall not apply to the following: an individual who is an employee of, or under contract with, a law-enforcement agency, a victim, or the perpetrator of the crime for which the reward was paid, or any person who is compensated for the investigation of crimes or accidents.

10. The amount of "qualified research expenses" or "basic research expenses" eligible for deduction for federal purposes, but which were not deducted, on account of the provisions of § 280C(c) of the Internal Revenue Code and which shall be available to partners, shareholders of S corporations, and members of limited liability companies to the extent and in the same manner as other deductions may pass through to such partners, shareholders, and members.

11. Any income received during the taxable year derived from a qualified pension, profit-sharing, or stock bonus plan as described by § 401 of the Internal Revenue Code, an individual retirement account or annuity established under § 408 of the Internal Revenue Code, a deferred compensation plan as defined by § 457 of the Internal Revenue Code, or any federal government retirement program, the contributions to which were deductible from the taxpayer's federal adjusted gross income, but only to the extent the contributions to such plan or program were subject to taxation under the income tax in another state.

12. Any income attributable to a distribution of benefits or a refund from a prepaid tuition contract or savings trust account with the Virginia College Savings Plan, created pursuant to Chapter 7 (§ 23.1-700 et seq.) of Title 23.1. The

subtraction for any income attributable to a refund shall be limited to income attributable to a refund in the event of a beneficiary's death, disability, or receipt of a scholarship.

13. All military pay and allowances, to the extent included in federal adjusted gross income and not otherwise subtracted, deducted, or exempted under this section, earned by military personnel while serving by order of the President of the United States with the consent of Congress in a combat zone or qualified hazardous duty area that is treated as a combat zone for federal tax purposes pursuant to § 112 of the Internal Revenue Code.

14. For taxable years beginning before January 1, 2015, the gain derived from the sale or exchange of real property or the sale or exchange of an easement to real property which results in the real property or the easement thereto being devoted to open-space use, as that term is defined in § 58.1-3230, for a period of time not less than 30 years. To the extent that a subtraction is taken in accordance with this subdivision, no tax credit under this chapter for donating land for its preservation shall be allowed for three years following the year in which the subtraction is taken.

15. Fifteen thousand dollars of military basic pay for military service personnel on extended active duty for periods in excess of 90 days; however, the subtraction amount shall be reduced dollar-for-dollar by the amount by which the taxpayer's military basic pay exceeds \$15,000 and shall be reduced to zero if such military basic pay amount is equal to or exceeds \$30,000.

16. The first \$15,000 of salary for each federal and state employee whose total annual salary from all employment for the taxable year is \$15,000 or less.

17. Unemployment benefits taxable pursuant to § 85 of the Internal Revenue Code.

18. Any amount received as military retirement income by an individual awarded the Congressional Medal of Honor.

19. Items of income attributable to, derived from, or in any way related to (i) assets stolen from, hidden from, or otherwise lost by an individual who was a victim or target of Nazi persecution or (ii) damages, reparations, or other consideration received by a victim or target of Nazi persecution to compensate such individual for performing labor against his will under the threat of death, during World War II and its prelude and direct aftermath. This subtraction shall not apply to assets acquired with such items of income or with the proceeds from the sale of assets stolen from, hidden from, or otherwise lost to, during World War II and its prelude and direct aftermath, a victim or target of Nazi persecution. The provisions of this subdivision shall only apply to an individual who was the first recipient of such items of income and who was a victim or target of Nazi persecution, or a spouse, ~~widow, widower~~ *surviving spouse*, or child or stepchild of such victim.

As used in this subdivision:

"Nazi regime" means the country of Nazi Germany, areas occupied by Nazi Germany, those European countries allied with Nazi Germany, or any other neutral European country or area in Europe under the influence or threat of Nazi invasion.

"Victim or target of Nazi persecution" means any individual persecuted or targeted for persecution by the Nazi regime who had assets stolen from, hidden from, or otherwise lost as a result of any act or omission in any way relating to (i) the Holocaust, (ii) World War II and its prelude and direct aftermath, (iii) transactions with or actions of the Nazi regime, (iv) treatment of refugees fleeing Nazi persecution, or (v) the holding of such assets by entities or persons in the Swiss Confederation during World War II and its prelude and aftermath. A "victim or target of Nazi persecution" also includes any individual forced into labor against his will, under the threat of death, during World War II and its prelude and direct aftermath.

20. The military death gratuity payment made after September 11, 2001, to the survivor of deceased military personnel killed in the line of duty, pursuant to 10 U.S.C. Chapter 75; however, the subtraction amount shall be reduced dollar-for-dollar by the amount that the survivor may exclude from his federal gross income in accordance with § 134 of the Internal Revenue Code.

21. The death benefit payments from an annuity contract that are received by a beneficiary of such contract, provided that (i) the death benefit payment is made pursuant to an annuity contract with an insurance company and (ii) the death benefit payment is paid solely by lump sum. The subtraction under this subdivision shall be allowed only for that portion of the death benefit payment that is included in federal adjusted gross income.

22. Any gain recognized from the sale of launch services to space flight participants, as defined in 49 U.S.C. § 70102, or launch services intended to provide individuals with the training or experience of a launch, without performing an actual launch. To qualify for a deduction under this subdivision, launch services must be performed in Virginia or originate from an airport or spaceport in Virginia.

23. Any gain recognized as a result of resupply services contracts for delivering payload, as defined in 49 U.S.C. § 70102, entered into with the Commercial Orbital Transportation Services division of the National Aeronautics and Space Administration or other space flight entity, as defined in § 8.01-227.8, and launched from an airport or spaceport in Virginia.

24. Any income taxed as a long-term capital gain for federal income tax purposes, or any income taxed as investment services partnership interest income (otherwise known as investment partnership carried interest income) for federal income tax purposes. To qualify for a subtraction under this subdivision, such income shall be attributable to an investment in a "qualified business," as defined in § 58.1-339.4, or in any other technology business approved by the Secretary of Technology, provided that the business has its principal office or facility in the Commonwealth and less than \$3 million in annual revenues in the fiscal year prior to the investment. To qualify for a subtraction under this subdivision, the investment shall be made between the dates of April 1, 2010, and June 30, 2020. No taxpayer who has claimed a tax credit for an

investment in a "qualified business" under § 58.1-339.4 shall be eligible for the subtraction under this subdivision for an investment in the same business.

25. For taxable years beginning on and after January 1, 2014, any income of an account holder for the taxable year taxed as (i) a capital gain for federal income tax purposes attributable to such person's first-time home buyer savings account established pursuant to Chapter 12 (§ 36-171 et seq.) of Title 36 and (ii) interest income or other income for federal income tax purposes attributable to such person's first-time home buyer savings account.

Notwithstanding the statute of limitations on assessments contained in § 58.1-312, any subtraction taken under this subdivision shall be subject to recapture in the taxable year or years in which moneys or funds withdrawn from the first-time home buyer savings account were used for any purpose other than the payment of eligible costs by or on behalf of a qualified beneficiary, as provided under § 36-174. The amount subject to recapture shall be a portion of the amount withdrawn in the taxable year that was used for other than the payment of eligible costs, computed by multiplying the amount withdrawn and used for other than the payment of eligible costs by the ratio of the aggregate earnings in the account at the time of the withdrawal to the total balance in the account at such time.

However, recapture shall not apply to the extent of moneys or funds withdrawn that were (i) withdrawn by reason of the qualified beneficiary's death or disability; (ii) a disbursement of assets of the account pursuant to a filing for protection under the United States Bankruptcy Code, 11 U.S.C. §§ 101 through 1330; or (iii) transferred from an account established pursuant to Chapter 12 (§ 36-171 et seq.) of Title 36 into another account established pursuant to such chapter for the benefit of another qualified beneficiary.

For purposes of this subdivision, "account holder," "eligible costs," "first-time home buyer savings account," and "qualified beneficiary" mean the same as those terms are defined in § 36-171.

26. For taxable years beginning on and after January 1, 2015, any income for the taxable year attributable to the discharge of a student loan solely by reason of the student's death. For purposes of this subdivision, "student loan" means the same as that term is defined under § 108(f) of the Internal Revenue Code.

27. a. Income, including investment services partnership interest income (otherwise known as investment partnership carried interest income), attributable to an investment in a Virginia venture capital account. To qualify for a subtraction under this subdivision, the investment shall be made on or after January 1, 2018, but before December 31, 2023. No subtraction shall be allowed under this subdivision for an investment in a company that is owned or operated by a family member or an affiliate of the taxpayer. No subtraction shall be allowed under this subdivision for a taxpayer who has claimed a subtraction under subdivision 24 or a tax credit under § 58.1-339.4 for the same investment.

b. As used in this subdivision 27:

"Qualified portfolio company" means a company that (i) has its principal place of business in the Commonwealth; (ii) has a primary purpose of production, sale, research, or development of a product or service other than the management or investment of capital; and (iii) provides equity in the company to the Virginia venture capital account in exchange for a capital investment. "Qualified portfolio company" does not include a company that is an individual or sole proprietorship.

"Virginia venture capital account" means an investment fund that has been certified by the Department as a Virginia venture capital account. In order to be certified as a Virginia venture capital account, the operator of the investment fund shall register the investment fund with the Department prior to December 31, 2023, (i) indicating that it intends to invest at least 50 percent of the capital committed to its fund in qualified portfolio companies and (ii) providing documentation that it employs at least one investor who has at least four years of professional experience in venture capital investment or substantially equivalent experience. "Substantially equivalent experience" includes, but is not limited to, an undergraduate degree from an accredited college or university in economics, finance, or a similar field of study. The Department may require an investment fund to provide documentation of the investor's training, education, or experience as deemed necessary by the Department to determine substantial equivalency. If the Department determines that the investment fund employs at least one investor with the experience set forth herein, the Department shall certify the investment fund as a Virginia venture capital account at such time as the investment fund actually invests at least 50 percent of the capital committed to its fund in qualified portfolio companies.

28. a. Income attributable to an investment in a Virginia real estate investment trust. To qualify for a subtraction under this subdivision, the investment shall be made on or after January 1, 2019, but before December 31, 2024. No subtraction shall be allowed for an investment in a trust that is managed by a family member or an affiliate of the taxpayer. No subtraction shall be allowed under this subdivision for a taxpayer who has claimed a subtraction under subdivision 24 or 27 or a tax credit under § 58.1-339.4 for the same investment.

b. As used in this subdivision 28:

"Distressed" means satisfying the criteria applicable to a locality described in subdivision E 2 of § 2.2-115.

"Double distressed" means satisfying the criteria applicable to a locality described in subdivision E 3 of § 2.2-115.

"Virginia real estate investment trust" means a real estate investment trust, as defined in 26 U.S.C. § 856, that has been certified by the Department as a Virginia real estate investment trust. In order to be certified as a Virginia real estate investment trust, the trustee shall register the trust with the Department prior to December 31, 2024, indicating that it intends to invest at least 90 percent of trust funds in Virginia and at least 40 percent of trust funds in real estate in localities that are distressed or double distressed. If the Department determines that the trust satisfies the preceding criteria, the Department shall certify the trust as a Virginia real estate investment trust at such time as the trust actually invests at least

90 percent of trust funds in Virginia and at least 40 percent of trust funds in real estate in localities that are distressed or double distressed.

29. For taxable years beginning on and after January 1, 2019, any gain recognized from the taking of real property by condemnation proceedings.

§ 58.1-324. Married individuals.

A. If the federal taxable income of ~~husband or wife~~ *married individuals* is determined on ~~a~~ separate federal ~~return~~ *returns*, their Virginia taxable incomes shall be separately determined.

B. If the federal taxable income of ~~husband and wife~~ *married individuals* is determined on a joint federal return, or if neither files a federal return:

1. Their tax shall be determined on their joint Virginia taxable income; or
2. Separate taxes may be determined on their separate Virginia taxable incomes if they so elect.

C. Where ~~husband and wife~~ *married individuals* have not separately reported and claimed items of income, exemptions and deductions for federal income tax purposes, and have not elected to file a joint Virginia income tax return, such items allowable for Virginia income tax purposes shall be allocated and adjusted as follows:

1. Income shall be allocated to the spouse who earned the income or with respect to whose property the income is attributable.

2. Allowable deductions with respect to trade, business, production of income, or employment shall be allocated to the spouse to whom attributable.

3. Nonbusiness deductions, where properly taken for federal income tax purposes, shall be allowable for Virginia income tax purposes, but shall be allocable between ~~husband and wife~~ *married individuals* as they may mutually agree. For this purpose, "nonbusiness deductions" consist of allowable deductions not described in subdivision 2.

4. Where the standard deduction or low income allowance is properly taken pursuant to subdivision 1 a of § 58.1-322.03, such deduction or allowance shall be allocable between ~~husband and wife~~ *married individuals* as they may mutually agree.

5. Personal exemptions properly allowable for federal income tax purposes shall be allocated for Virginia income tax purposes as ~~husband and wife~~ *married individuals* may mutually agree; however, exemptions for taxpayer and spouse together with exemptions for old age and blindness must be allocated respectively to the spouse to whom they relate.

D. Where allocations are permitted to be made under subsection C pursuant to agreement between ~~husband and wife~~ *married individuals*, and ~~husband and wife~~ *they* have failed to agree as to those allocations, such allocations shall be made between ~~husband and wife~~ *them* in a manner corresponding to the treatment for federal income tax purposes of the items involved, under regulations prescribed by the Department.

§ 58.1-326. Married individuals when one nonresident.

If ~~husband or wife~~ *either spouse* is a resident and the other *spouse* is a nonresident, separate taxes shall be determined on their separate Virginia taxable incomes on such single or separate forms as may be required by the Department, unless both elect to determine their joint Virginia taxable income as if both were residents.

§ 58.1-339.8. Income tax credit for low-income taxpayers.

A. As used in this section, unless the context requires otherwise:

"Family Virginia adjusted gross income" means the combined Virginia adjusted gross income of an individual, the individual's spouse, and any person claimed as a dependent on the individual's or his spouse's income tax return for the taxable year.

"Poverty guidelines" means the poverty guidelines for the 48 contiguous states and the District of Columbia updated annually in the Federal Register by the U.S. Department of Health and Human Services under the authority of § 673(2) of the Omnibus Budget Reconciliation Act of 1981.

"Virginia adjusted gross income" has the same meaning as the term is defined in § 58.1-321.

B. 1. For taxable years beginning on and after January 1, 2000, any individual or persons filing a joint return whose family Virginia adjusted gross income does not exceed 100 percent of the poverty guideline amount corresponding to a household of an equal number of persons as listed in the poverty guidelines published during such taxable year, shall be allowed a credit against the tax levied pursuant to § 58.1-320 in an amount equal to \$300 each for the individual, the individual's spouse, and any person claimed as a dependent on the individual's or married ~~persons'~~ *individuals'* income tax return for the taxable year. For any taxable year in which ~~a~~ *husband and wife* ~~married individuals~~ file separate Virginia income tax returns, the credit provided under this section shall be allowed against the tax for only one of such two tax returns. Additionally, the credit provided under this section shall not be allowed against such tax of a dependent of the individual or of married ~~persons~~ *individuals*.

2. For taxable years beginning on and after January 1, 2006, any individual or married ~~persons~~ *individuals*, eligible for a tax credit pursuant to § 32 of the Internal Revenue Code, may for the taxable year, in lieu of the credit authorized under subdivision B 1, claim a credit against the tax imposed pursuant to § 58.1-320 in an amount equal to 20 percent of the credit claimed by the individual or married ~~persons~~ *individuals* for federal individual income taxes pursuant to § 32 of the Internal Revenue Code for the taxable year. In no case shall a household be allowed a credit pursuant to this subdivision and subdivision B 1 for the same taxable year.

For the purpose of this subdivision, "household" means an individual and, in the case of married ~~persons~~ *individuals*, the individual and his spouse regardless of whether or not the individual and his spouse file combined or separate Virginia individual income tax returns.

C. The amount of the credit provided pursuant to subsection B for any taxable year shall not exceed the individual's or married ~~persons~~ *individuals'* Virginia income tax liability.

D. Notwithstanding any other provision of this section, no credit shall be allowed pursuant to subsection B in any taxable year in which the individual, the individual's spouse, or both, or any person claimed as a dependent on such individual's or married ~~persons~~ *individuals'* income tax return, claims one or any combination of the following on his or their income tax return for such taxable year:

1. The subtraction under subdivision 8 of § 58.1-322.02;
2. The subtraction under subdivision 15 of § 58.1-322.02;
3. The subtraction under subdivision 16 of § 58.1-322.02;
4. The deduction for the additional personal exemption for blind or aged taxpayers under subdivision 2 b of § 58.1-322.03; or
5. The deduction under subdivision 5 of § 58.1-322.03.

§ 58.1-341. Returns of individuals.

A. On or before May 1 of each year if an individual's taxable year is the calendar year, or on or before the fifteenth day of the fourth month following the close of a taxable year other than the calendar year, an income tax return under this chapter shall be made and filed by or for:

1. Every resident individual, except as provided in § 58.1-321, required to file a federal income tax return for the taxable year, or having Virginia taxable income for the taxable year;

2. Every nonresident individual having Virginia taxable income for the taxable year, except as provided in § 58.1-321.

Notwithstanding the foregoing, every member of the armed services of the United States deployed outside of the United States shall be allowed an automatic extension to file an income tax return. Such extension shall expire 90 days following the completion of such member's deployment. For purposes of this section, "the armed services of the United States" includes active duty service with the regular Armed Forces of the United States or the National Guard or other reserve component.

B. If the federal income tax liability of ~~husband or wife~~ *either spouse* is determined on a separate federal return, their Virginia income tax liabilities and returns shall be separate. If the federal income tax liabilities of ~~husband and wife~~ *married individuals* (other than a ~~husband and wife~~ *married individuals* described in subdivision A 2 of ~~subsection A~~) are determined on a joint federal return, or if neither files a federal return:

1. They shall file a joint Virginia income tax return, and their tax liabilities shall be joint and several; or

2. They may elect to file separate Virginia income tax returns if they comply with the requirements of the Department in setting forth information (whether or not on a single form), in which event their tax liabilities shall be separate unless such ~~husband and wife~~ *married individuals* file separately on a combined return. The election permitted under this subsection may be made or changed at any time within three years from the last day prescribed by law for the timely filing of the return.

C. If either ~~husband or wife~~ *spouse* is a resident and the other is a nonresident, they shall file separate Virginia income tax returns on such single or separate forms as may be required by the Department, in which event their tax liabilities shall be separate except as provided in subsection D, unless both elect to determine their joint Virginia taxable income as if both were residents, in which event their tax liabilities shall be joint and several.

D. If ~~husband and wife~~ *married individuals* file separate Virginia income tax returns on a single form pursuant to subsection B or C, and:

1. If the sum of the payments by either spouse, including withheld and estimated taxes, exceeds the amount of the tax for which such spouse is separately liable, the excess may be applied by the Department to the credit of the other spouse if the sum of the payments by such other spouse, including withheld and estimated taxes, is less than the amount of the tax for which such other spouse is separately liable;

2. If the sum of the payments made by both spouses with respect to the taxes for which they are separately liable, including withheld and estimated taxes, exceeds the total of the taxes due, refund of the excess may be made payable to both spouses.

The provisions of this subsection shall not apply if the return of either spouse includes a demand that any overpayment made by him ~~or her~~ shall be applied only on account of his ~~or her~~ separate liability.

E. The return for any deceased individual shall be made and filed by his executor, administrator, or other person charged with his property.

F. The return for an individual who is unable to make a return by reason of minority or other disability shall be made and filed by his guardian, committee, fiduciary or other person charged with the care of his person or property (other than a receiver in possession of only a part of his property), or by his duly authorized agent.

§ 58.1-344.3. Voluntary contributions of refunds requirements.

A. 1. For taxable years beginning on and after January 1, 2005, all entities entitled to voluntary contributions of tax refunds listed in subsections B and C must have received at least \$10,000 in contributions in each of the three previous taxable years for which there is complete data and in which such entity was listed on the individual income tax return.

2. In the event that an entity listed in subsections B and C does not satisfy the requirement in subdivision 1, such entity shall no longer be listed on the individual income tax return.

3. a. The entities listed in subdivisions B 21 and B 22 as well as any other entities in subsections B and C added subsequent to the 2004 Session of the General Assembly shall not appear on the individual income tax return until their addition to the individual income tax return results in a maximum of 25 contributions listed on the return. Such contributions shall be added in the order that they are listed in subsections B and C.

b. Each entity added to the income tax return shall appear on the return for at least three consecutive taxable years before the requirement in subdivision 1 is applied to such entity.

4. The Department of Taxation shall report annually by the first day of each General Assembly Regular Session to the ~~chairmen~~ Chairmen of the House and Senate ~~Finance~~ Finance Committees on Finance the amounts collected for each entity listed under subsections B and C for the three most recent taxable years for which there is complete data. Such report shall also identify the entities, if any, that will be removed from the individual income tax return because they have failed the requirements in subdivision 1, the entities that will remain on the individual income tax return, and the entities, if any, that will be added to the individual income tax return.

B. Subject to the provisions of subsection A, the following entities entitled to voluntary contributions shall appear on the individual income tax return and are eligible to receive tax refund contributions of not less than \$1:

1. Nongame wildlife voluntary contribution.

a. All moneys contributed shall be used for the conservation and management of endangered species and other nongame wildlife. "Nongame wildlife" includes protected wildlife, endangered and threatened wildlife, aquatic wildlife, specialized habitat wildlife both terrestrial and aquatic, and mollusks, crustaceans, and other invertebrates under the jurisdiction of the Board of Game and Inland Fisheries.

b. All moneys shall be deposited into a special fund known as the Game Protection Fund and which shall be accounted for as a separate part thereof to be designated as the Nongame Cash Fund. All moneys so deposited in the Nongame Cash Fund shall be used by the Commission of Game and Inland Fisheries for the purposes set forth herein.

2. Open space recreation and conservation voluntary contribution.

a. All moneys contributed shall be used by the Department of Conservation and Recreation to acquire land for recreational purposes and preserve natural areas; to develop, maintain, and improve state park sites and facilities; and to provide funds to local public bodies pursuant to the Virginia Outdoor Fund Grants Program.

b. All moneys shall be deposited into a special fund known as the Open Space Recreation and Conservation Fund. The moneys in the fund shall be allocated one-half to the Department of Conservation and Recreation for the purposes stated in subdivision 2 a and one-half to local public bodies pursuant to the Virginia Outdoor Fund Grants Program.

3. Voluntary contribution to political party.

All moneys contributed shall be paid to the State Central Committee of any party that meets the definition of a political party under § 24.2-101 as of July 1 of the previous taxable year. The maximum contribution allowable under this subdivision shall be \$25. In the case of a joint return of ~~husband and wife~~ *married individuals*, each spouse may designate that the maximum contribution allowable be paid.

4. United States Olympic Committee voluntary contribution.

All moneys contributed shall be paid to the United States Olympic Committee.

5. Housing program voluntary contribution.

a. All moneys contributed shall be used by the Department of Housing and Community Development to provide assistance for emergency, transitional, and permanent housing for the homeless; and to provide assistance to housing for the low-income elderly for the physically or mentally disabled.

b. All moneys shall be deposited into a special fund known as the Virginia Tax Check-off for Housing Fund. All moneys deposited in the fund shall be used by the Department of Housing and Community Development for the purposes set forth in this subdivision. Funds made available to the Virginia Tax Check-off for Housing Fund may supplement but shall not supplant activities of the Virginia Housing Trust Fund established pursuant to Chapter 9 (§ 36-141 et seq.) of Title 36 or those of the Virginia Housing Development Authority.

6. Voluntary contributions to the Department for Aging and Rehabilitative Services.

a. All moneys contributed shall be used by the Department for Aging and Rehabilitative Services for the enhancement of transportation services for the elderly and disabled.

b. All moneys shall be deposited into a special fund known as the Transportation Services for the Elderly and Disabled Fund. All moneys so deposited in the fund shall be used by the Department for Aging and Rehabilitative Services for the enhancement of transportation services for the elderly and disabled. The Department for Aging and Rehabilitative Services shall conduct an annual audit of the moneys received pursuant to this subdivision and shall provide an evaluation of all programs funded pursuant to this subdivision annually to the Secretary of Health and Human Resources.

7. Voluntary contribution to the Community Policing Fund.

a. All moneys contributed shall be used to provide grants to local law-enforcement agencies for the purchase of equipment or the support of services, as approved by the Criminal Justice Services Board, relating to community policing.

b. All moneys shall be deposited into a special fund known as the Community Policing Fund. All moneys deposited in such fund shall be used by the Department of Criminal Justices Services for the purposes set forth herein.

8. Voluntary contribution to promote the arts.

All moneys contributed shall be used by the Virginia Arts Foundation to assist the Virginia Commission for the Arts in its statutory responsibility of promoting the arts in the Commonwealth. All moneys shall be deposited into a special fund known as the Virginia Arts Foundation Fund.

9. Voluntary contribution to the Historic Resources Fund.

All moneys contributed shall be deposited in the Historic Resources Fund established pursuant to § 10.1-2202.1.

10. Voluntary contribution to the Virginia Foundation for the Humanities and Public Policy.

All moneys contributed shall be paid to the Virginia Foundation for the Humanities and Public Policy. All moneys shall be deposited into a special fund known as the Virginia Humanities Fund.

11. Voluntary contribution to the Center for Governmental Studies.

All moneys contributed shall be paid to the Center for Governmental Studies, a public service and research center of the University of Virginia. All moneys shall be deposited into a special fund known as the Governmental Studies Fund.

12. Voluntary contribution to the Law and Economics Center.

All moneys contributed shall be paid to the Law and Economics Center, a public service and research center of George Mason University. All moneys shall be deposited into a special fund known as the Law and Economics Fund.

13. Voluntary contribution to Children of America Finding Hope.

All moneys contributed shall be used by Children of America Finding Hope (CAFH) in its programs which are designed to reach children with emotional and physical needs.

14. Voluntary contribution to 4-H Educational Centers.

All moneys contributed shall be used by the 4-H Educational Centers throughout the Commonwealth for their (i) educational, leadership, and camping programs and (ii) operational and capital costs. The State Treasurer shall pay the moneys to the Virginia 4-H Foundation in Blacksburg, Virginia.

15. Voluntary contribution to promote organ and tissue donation.

a. All moneys contributed shall be used by the Virginia Transplant Council to assist in its statutory responsibility of promoting and coordinating educational and informational activities as related to the organ, tissue, and eye donation process and transplantation in the Commonwealth of Virginia.

b. All moneys shall be deposited into a special fund known as the Virginia Donor Registry and Public Awareness Fund. All moneys deposited in such fund shall be used by the Virginia Transplant Council for the purposes set forth herein.

16. Voluntary contributions to the Virginia War Memorial division of the Department of Veterans Services and the National D-Day Memorial Foundation.

All moneys contributed shall be used by the Virginia War Memorial division of the Department of Veterans Services and the National D-Day Memorial Foundation in their work through each of their respective memorials. The State Treasurer shall divide the moneys into two equal portions and pay one portion to the Virginia War Memorial division of the Department of Veterans Services and the other portion to the National D-Day Memorial Foundation.

17. Voluntary contribution to the Virginia Federation of Humane Societies.

All moneys contributed shall be paid to the Virginia Federation of Humane Societies to assist in its mission of saving, caring for, and finding homes for homeless animals.

18. Voluntary contribution to the Tuition Assistance Grant Fund.

a. All moneys contributed shall be paid to the Tuition Assistance Grant Fund for use in providing monetary assistance to residents of the Commonwealth who are enrolled in undergraduate or graduate programs in private Virginia colleges.

b. All moneys shall be deposited into a special fund known as the Tuition Assistance Grant Fund. All moneys so deposited in the Fund shall be administered by the State Council of Higher Education for Virginia in accordance with and for the purposes provided under the Tuition Assistance Grant Act (§ 23.1-628 et seq.).

19. Voluntary contribution to the Spay and Neuter Fund.

All moneys contributed shall be paid to the Spay and Neuter Fund for use by localities in the Commonwealth for providing low-cost spay and neuter surgeries through direct provision or contract or each locality may make the funds available to any private, nonprofit sterilization program for dogs and cats in such locality. The Tax Commissioner shall determine annually the total amounts designated on all returns from each locality in the Commonwealth, based upon the locality that each filer who makes a voluntary contribution to the Fund lists as his permanent address. The State Treasurer shall pay the appropriate amount to each respective locality.

20. Voluntary contribution to the Virginia Commission for the Arts.

All moneys contributed shall be paid to the Virginia Commission for the Arts.

21. Voluntary contribution for the Department of Emergency Management.

All moneys contributed shall be paid to the Department of Emergency Management.

22. Voluntary contribution for the cancer centers in the Commonwealth.

All moneys contributed shall be paid equally to all entities in the Commonwealth that officially have been designated as cancer centers by the National Cancer Institute.

23. Voluntary contribution to the Brown v. Board of Education Scholarship Program Fund.

a. All moneys contributed shall be paid to the Brown v. Board of Education Scholarship Program Fund to support the work of and generate nonstate funds to maintain the Brown v. Board of Education Scholarship Program.

b. All moneys shall be deposited into the Brown v. Board of Education Scholarship Program Fund as established in § 30-231.4.

c. All moneys so deposited in the Fund shall be administered by the State Council of Higher Education in accordance with and for the purposes provided in Chapter 34.1 (§ 30-231.01 et seq.) of Title 30.

24. Voluntary contribution to the Martin Luther King, Jr. Living History and Public Policy Center.

All moneys contributed shall be paid to the Board of Trustees of the Martin Luther King, Jr. Living History and Public Policy Center.

25. Voluntary contribution to the Virginia Caregivers Grant Fund.

All moneys contributed shall be paid to the Virginia Caregivers Grant Fund established pursuant to § 63.2-2202.

26. Voluntary contribution to public library foundations.

All moneys contributed pursuant to this subdivision shall be deposited into the state treasury. The Tax Commissioner shall determine annually the total amounts designated on all returns for each public library foundation and shall report the same to the State Treasurer. The State Treasurer shall pay the appropriate amount to the respective public library foundation.

27. Voluntary contribution to Celebrating Special Children, Inc.

All moneys contributed shall be paid to Celebrating Special Children, Inc. and shall be deposited into a special fund known as the Celebrating Special Children, Inc. Fund.

28. Voluntary contributions to the Department for Aging and Rehabilitative Services.

a. All moneys contributed shall be used by the Department for Aging and Rehabilitative Services for providing Medicare Part D counseling to the elderly and disabled.

b. All moneys shall be deposited into a special fund known as the Medicare Part D Counseling Fund. All moneys so deposited shall be used by the Department for Aging and Rehabilitative Services to provide counseling for the elderly and disabled concerning Medicare Part D. The Department for Aging and Rehabilitative Services shall conduct an annual audit of the moneys received pursuant to this subdivision and shall provide an evaluation of all programs funded pursuant to the subdivision to the Secretary of Health and Human Resources.

29. Voluntary contribution to community foundations.

All moneys contributed pursuant to this subdivision shall be deposited into the state treasury. The Tax Commissioner shall determine annually the total amounts designated on all returns for each community foundation and shall report the same to the State Treasurer. The State Treasurer shall pay the appropriate amount to the respective community foundation. A "community foundation" shall be defined as any institution that meets the membership requirements for a community foundation established by the Council on Foundations.

30. Voluntary contribution to the Virginia Foundation for Community College Education.

a. All moneys contributed shall be paid to the Virginia Foundation for Community College Education for use in providing monetary assistance to Virginia residents who are enrolled in comprehensive community colleges in Virginia.

b. All moneys shall be deposited into a special fund known as the Virginia Foundation for Community College Education Fund. All moneys so deposited in the Fund shall be administered by the Virginia Foundation for Community College Education in accordance with and for the purposes provided under the Community College Incentive Scholarship Program (former § 23-220.2 et seq.).

31. Voluntary contribution to the Middle Peninsula Chesapeake Bay Public Access Authority.

All moneys contributed shall be paid to the Middle Peninsula Chesapeake Bay Public Access Authority to be used for the purposes described in § 15.2-6601.

32. Voluntary contribution to the Breast and Cervical Cancer Prevention and Treatment Fund.

All moneys contributed shall be paid to the Breast and Cervical Cancer Prevention and Treatment Fund established pursuant to § 32.1-368.

33. Voluntary contribution to the Virginia Aquarium and Marine Science Center.

All moneys contributed shall be paid to the Virginia Aquarium and Marine Science Center for use in its mission to increase the public's knowledge and appreciation of Virginia's marine environment and inspire commitment to preserve its existence.

34. Voluntary contribution to the Virginia Capitol Preservation Foundation.

All moneys contributed shall be paid to the Virginia Capitol Preservation Foundation for use in its mission in supporting the ongoing restoration, preservation, and interpretation of the Virginia Capitol and Capitol Square.

35. Voluntary contribution for the Secretary of Veterans and Defense Affairs.

All moneys contributed shall be paid to the Office of the Secretary of Veterans and Defense Affairs for related programs and services.

C. Subject to the provisions of subsection A, the following voluntary contributions shall appear on the individual income tax return and are eligible to receive tax refund contributions or by making payment to the Department if the individual is not eligible to receive a tax refund pursuant to § 58.1-309 or if the amount of such tax refund is less than the amount of the voluntary contribution:

1. Voluntary contribution to the Family and Children's Trust Fund of Virginia.

All moneys contributed shall be paid to the Family and Children's Trust Fund of Virginia.

2. Voluntary Chesapeake Bay restoration contribution.

a. All moneys contributed shall be used to help fund Chesapeake Bay and its tributaries restoration activities in accordance with tributary plans developed pursuant to Article 7 (§ 2.2-215 et seq.) of Chapter 2 of Title 2.2 or the

Chesapeake Bay Watershed Implementation Plan submitted by the Commonwealth of Virginia to the U.S. Environmental Protection Agency on November 29, 2010, and any subsequent revisions thereof.

b. The Tax Commissioner shall annually determine the total amount of voluntary contributions and shall report the same to the State Treasurer, who shall credit that amount to a special nonreverting fund to be administered by the Office of the Secretary of Natural Resources. All moneys so deposited shall be used for the purposes of providing grants for the implementation of tributary plans developed pursuant to Article 7 (§ 2.2-215 et seq.) of Chapter 2 of Title 2.2 or the Chesapeake Bay Watershed Implementation Plan submitted by the Commonwealth of Virginia to the U.S. Environmental Protection Agency on November 29, 2010, and any subsequent revisions thereof.

c. No later than November 1 of each year, the Secretary of Natural Resources shall submit a report to the House Committee on Agriculture, Chesapeake and Natural Resources; the Senate Committee on Agriculture, Conservation and Natural Resources; the House Committee on Appropriations; the Senate Committee on Finance; and the Virginia delegation to the Chesapeake Bay Commission, describing the grants awarded from moneys deposited in the fund. The report shall include a list of grant recipients, a description of the purpose of each grant, the amount received by each grant recipient, and an assessment of activities or initiatives supported by each grant. The report shall be posted on a website maintained by the Secretary of Natural Resources, along with a cumulative listing of previous grant awards beginning with awards granted on or after July 1, 2014.

3. Voluntary Jamestown-Yorktown Foundation Contribution.

All moneys contributed shall be used by the Jamestown-Yorktown Foundation for the Jamestown 2007 quadricentennial celebration. All moneys shall be deposited into a special fund known as the Jamestown Quadricentennial Fund. This subdivision shall be effective for taxable years beginning before January 1, 2008.

4. State forests voluntary contribution.

a. All moneys contributed shall be used for the development and implementation of conservation and education initiatives in the state forests system.

b. All moneys shall be deposited into a special fund known as the State Forests System Fund, established pursuant to § 10.1-1119.1. All moneys so deposited in such fund shall be used by the State Forester for the purposes set forth herein.

5. Voluntary contributions to Uninsured Medical Catastrophe Fund.

All moneys contributed shall be paid to the Uninsured Medical Catastrophe Fund established pursuant to § 32.1-324.2, such funds to be used for the treatment of Virginians sustaining uninsured medical catastrophes.

6. Voluntary contribution to local school divisions.

a. All moneys contributed shall be used by a specified local public school foundation as created by and for the purposes stated in § 22.1-212.2:2.

b. All moneys collected pursuant to subdivision 6 a or through voluntary payments by taxpayers designated for a local public school foundation over refundable amounts shall be deposited into the state treasury. The Tax Commissioner shall determine annually the total amounts designated on all returns for each public school foundation and shall report the same to the State Treasurer. The State Treasurer shall pay the appropriate amount to the respective public school foundation.

c. In order for a public school foundation to be eligible to receive contributions under this section, school boards must notify the Department during the taxable year in which they want to participate prior to the deadlines and according to procedures established by the Tax Commissioner.

7. Voluntary contribution to Home Energy Assistance Fund.

All moneys contributed shall be paid to the Home Energy Assistance Fund established pursuant to § 63.2-805, such funds to be used to assist low-income Virginians in meeting seasonal residential energy needs.

8. Voluntary contribution to the Virginia Military Family Relief Fund.

a. All moneys contributed shall be paid to the Virginia Military Family Relief Fund for use in providing assistance to military service personnel on active duty and their families for living expenses including, but not limited to, food, housing, utilities, and medical services.

b. All moneys shall be deposited into a special fund known as the Virginia Military Family Relief Fund, established and administered pursuant to § 44-102.2.

9. Voluntary contribution to the Federation of Virginia Food Banks.

All moneys contributed shall be paid to the Federation of Virginia Food Banks, a Partner State Association of Feeding America. The Federation of Virginia Food Banks shall as soon as practicable make an equitable distribution of all such moneys to the Blue Ridge Area Food Bank, Capital Area Food Bank, Feeding America Southwest Virginia, FeedMore, Inc., Foodbank of Southeastern Virginia and the Eastern Shore, Fredericksburg Area Food Bank, or Virginia Peninsula Foodbank.

The Secretary of Finance may request records or receipts of all distributions by the Federation of Virginia Food Banks of such moneys contributed for purposes of ensuring compliance with the requirements of this subdivision.

D. Unless otherwise specified and subject to the requirements in § 58.1-344.2, all moneys collected for each entity in subsections B and C shall be deposited into the state treasury. The Tax Commissioner shall determine annually the total amount designated for each entity in subsections B and C on all individual income tax returns and shall report the same to the State Treasurer, who shall credit that amount to each entity's respective special fund.

§ 58.1-344.4. Voluntary contributions of refunds into Virginia College Savings Plan accounts.

A. If an individual is entitled to an income tax refund for the taxable year, that individual may designate on his Virginia individual income tax return a contribution to one or more Virginia College Savings Plan accounts established under Chapter 7 (§ 23.1-700 et seq.) of Title 23.1, in the amount of the entire individual income tax refund or a portion thereof.

B. 1. The Department of Taxation shall send each contribution made pursuant to subsection A to the Virginia College Savings Plan with the following information:

a. The amount of the individual income tax refund or that portion of the refund that the individual has chosen to contribute;

b. The taxpayer's name, Social Security number or taxpayer identification number, address, and telephone number; and

c. The Virginia College Savings Plan account number or numbers into which the contributions will be deposited.

2. If a contribution to a Virginia College Savings Plan account is designated in an individual income tax return filed jointly by a husband and wife *married individuals*, the Department of Taxation shall send the information described in subdivision 1 for both the husband and wife *spouses* to the Virginia College Savings Plan.

C. 1. If the taxpayer owns a single Virginia College Savings Plan account, the Virginia College Savings Plan shall deposit the contribution made pursuant to subsection A into that account.

2. If the taxpayer owns more than one Virginia College Savings Plan account, the Virginia College Savings Plan shall allocate the contribution made pursuant to subsection A between or among the accounts in equal amounts, or as otherwise designated by the taxpayer.

3. If the taxpayer does not own an existing Virginia College Savings Plan account and does not wish to open an account, contributions made pursuant to subsection A shall be returned to the taxpayer by the Virginia College Savings Plan.

D. For the purpose of determining interest on an overpayment or refund under § 58.1-1833, no interest shall accrue after the Department of Taxation sends the contribution to the Virginia College Savings Plan.

E. Any taxpayer designating that a refund be contributed to a Virginia College Savings Plan account shall, by making such designation, be deemed to authorize the Department of Taxation to provide all necessary information, including the information specified in subdivision B 1, to the Virginia College Savings Plan.

§ 58.1-490. Declarations of estimated tax.

A. Every resident and nonresident individual shall make a declaration of his estimated tax for every taxable year, if his Virginia tax liability can reasonably be expected to exceed an amount, to be determined under regulations promulgated by the Tax Commissioner, which takes into account the additions, subtractions, and deductions set forth in §§ 58.1-322.01, 58.1-322.02, 58.1-322.03, and 58.1-322.04, the credits set forth in Articles 3 (§ 58.1-332 et seq.) and 13.2 (§ 58.1-439.18 et seq.), and the filing exclusions set forth in § 58.1-321. Every estate with respect to any taxable year ending two or more years after the date of death of the decedent and every trust shall make a declaration of its estimated tax for every taxable year, if its Virginia taxable income can reasonably be expected to exceed the amount specified by regulation for individuals as set forth above.

B. For purposes of this article, "estimated tax" means the amount which an individual estimates to be his income tax under this chapter for the taxable year, less the amount which he estimates to be the sum of any credits allowable against the tax.

C. For purposes of this section, the declaration shall be the first voucher.

D. In the case of a husband and wife *married individuals*, a single declaration under this section may be made by them jointly, in which case the liability with respect to the estimated tax shall be joint and several. No joint declaration may be made if either the husband or the wife *spouse* is a nonresident of the Commonwealth unless both are required by this chapter to file a return, if they are separated under a decree of divorce or of separate maintenance, or if they have different taxable years. If a joint declaration is made but a joint return is not made for the taxable year, the estimated tax for such year may be treated as the estimated tax of either the husband or the wife *spouse*, or may be divided between them.

E. A declaration of estimated tax of an individual other than a farmer, fisherman, or merchant seaman shall be filed on or before May 1 of the taxable year, except that if the requirements of subsection A are first met:

1. The declaration shall be filed on or before June 15; or

2. After June 1 and before September 2 of the taxable year, the declaration shall be filed on or before September 15; or

3. After September 1 of the taxable year, the declaration shall be filed on or before January 15 of the succeeding year.

F. A declaration of estimated tax of an individual having an estimated gross income from (i) farming (including oyster farming); (ii) fishing; or (iii) working as a merchant seaman for the taxable year, which is at least two-thirds of his total estimated gross income for the taxable year, may be filed at any time on or before January 15 of the succeeding year, in lieu of the time otherwise prescribed.

G. A declaration of estimated tax of an individual having a total estimated tax for the taxable year of \$40 or less may be filed at any time on or before January 15 of the succeeding year under regulations of the Tax Commissioner.

H. An individual may amend a declaration under regulations of the Tax Commissioner.

I. If on or before March 1 of the succeeding taxable year an individual files his return for the taxable year for which the declaration is required, and pays therewith the full amount of the tax shown to be due on the return:

1. Such return shall be considered as his declaration if no declaration was required to be filed during the taxable year, but is otherwise required to be filed on or before January 15.

2. Such return shall be considered as the amendment permitted by subsection H to be filed on or before January 15 if the tax shown on the return is greater than the estimated tax shown in a declaration previously made.

J. This section shall apply to a taxable year other than a calendar year by the substitution of the months of such fiscal year for the corresponding months specified in this section.

K. An individual having a taxable year of less than 12 months shall make a declaration in accordance with regulations of the Tax Commissioner.

L. The declaration of estimated tax for an individual who is unable to make a declaration by reason of any disability shall be made and filed by his guardian, committee, fiduciary or other person charged with the care of his person or property (other than a receiver in possession of only a part of his property), or by his duly authorized agent.

M. The declaration of estimated tax for a trust or estate shall be made by the fiduciary. For purposes of the estimated tax imposed in this article, any reference to an "individual" shall be deemed to include the fiduciary required to file a declaration for a trust or estate. Any overpayment of estimated tax with respect to any trust or estate shall be refunded to the fiduciary. A beneficiary of a trust or estate shall not be entitled to a credit against the beneficiary's individual income tax for any overpayment of estimated tax by a trust or estate.

§ 58.1-499. Refunds to individual taxpayers; crediting overpayment against estimated tax for ensuing year.

A. In the case of any overpayment of any tax, addition to tax, interest or penalties imposed on an individual income taxpayer by this chapter, whether by reason of excessive withholding, overestimating and overpaying estimated tax, error on the part of the taxpayer, or an erroneous assessment of tax, the Tax Commissioner shall order a refund of the amount of the overpayment to the taxpayer. The overpayment shall be refunded out of the state treasury on the order of the Tax Commissioner upon the Comptroller.

B. If a refund of an overpayment of individual income tax payments is made payable jointly to ~~a husband and wife married individuals~~ who receive a final divorce decree after filing a joint income tax return, separate income tax returns on a single form, an amendment thereto, or other claim resulting in the issuance of a refund, the Tax Commissioner shall order the reissuance of the refund in separate checks to ~~the husband and to the wife~~ *each spouse* if the unnegotiated joint refund check is returned to Department with a certification, in a form satisfactory to the Department, made by one spouse that the other spouse refuses to endorse the joint refund check or cannot be located. In making such certification, the spouse returning the check shall agree to indemnify the Commonwealth for any amounts that the Commonwealth may be required to pay to the other spouse with respect to such refund. A certified copy of the final divorce decree, including any agreement with respect to the division of property between the spouses, shall be provided with the certification. If the final divorce decree addresses the apportionment or ownership of the refunded amount, the refund shall be apportioned and separate payments ordered as provided therein. If the final divorce decree does not address the apportionment or ownership of the refunded amount, the amount of the refund shall be divided equally between the ~~husband and wife spouses~~. The reissuance of refund payments pursuant to this subsection shall not affect the joint and several liability of the ~~husband and wife spouses~~ for tax liabilities for the period for which the return or returns were filed.

C. Whenever the annual income tax return of an individual income taxpayer indicates in the place provided thereon that the taxpayer has overpaid his tax for the taxable year by reason of excessive withholding or overestimating and overpaying estimated tax, or both, the amount of the overpayment as shown on his return, subject to correction for error, may be credited against the estimated income tax for the ensuing year at the taxpayer's election and according to regulations prescribed by the Department and such overpayments by either ~~a husband or wife spouse~~ on a separate return may be credited to the tax for the ensuing year of either of them or may be credited to their joint tax at the election of the person to whom the overpayment is payable; or otherwise such amount shall be refunded to him as soon as practicable. Interest on such refund shall be allowed and computed in accordance with § 58.1-1833. The making of any refund shall not absolve any taxpayer of any income tax liability which may in fact exist and the Tax Commissioner may make an assessment for any deficiency in the manner provided by law.

D. No refund under this section, however, shall be made for any overpayment of less than ~~one dollar~~ \$1 except on special written application of the taxpayer, nor shall any refund of any amount under this section be made, whether on discovery by the Department or on written application of the taxpayer, if such discovery is not made or such written application is not received within three years from the last day prescribed by law for the timely filing of the return, or within ~~sixty~~ 60 days from the final determination of any change or correction in the liability of the taxpayer for any federal tax upon which the state tax is based, whichever is later.

E. Notwithstanding the provisions of the Setoff Debt Collection Act; ~~Article 21~~ (§ 58.1-520 et seq.) ~~of this chapter~~, whenever any taxpayer is entitled to a refund under this section, or under § 58.1-309 or §§ 58.1-1821 through 58.1-1830 and such taxpayer owes the Commonwealth a past due income tax, or balance thereof, for any year, the amount of such refund may be credited on such past due income tax or balance, to the extent indicated.

§ 58.1-520. (Contingent expiration) Definitions.

As used in this article:

"Claimant agency" means any administrative unit of state, county, city or town government, including department, institution, commission, authority, or the office of Executive Secretary of the Supreme Court, any circuit or district court and the Internal Revenue Service. All state agencies and institutions shall participate in the setoff program.

"Debtor" means any individual having a delinquent debt or account with any claimant agency which obligation has not been satisfied by court order, set aside by court order, or discharged in bankruptcy.

"Delinquent debt" means any liquidated sum due and owing any claimant agency, or any restitution ordered paid to a clerk of the court pursuant to Title 19.2, including any amount of court costs or fines which have accrued through contract,

subrogation, tort, operation of law, or any other legal theory regardless of whether there is an outstanding judgment for that sum which is legally collectible and for which a collection effort has been or is being made.

"Mailing date of notice" means the date of notice appearing thereon.

"Refund" means any individual's Virginia state or local income tax refund payable pursuant to § 58.1-309. This term also includes any refund belonging to a debtor resulting from the filing of a joint income tax return or a refund belonging to a debtor resulting from the filing of a return where ~~husband and wife~~ *married individuals* have elected to file a combined return and separately state their Virginia taxable incomes under the provisions of *subdivision B 2 of § 58.1-324 B 2*.

§ 58.1-520. (Contingent effective date) Definitions.

As used in this article:

"Claimant agency" means any administrative unit of state, county, city or town government, including department, institution, commission, authority, or the office of Executive Secretary of the Supreme Court, any circuit or district court and the Internal Revenue Service. All state agencies and institutions shall participate in the setoff program.

"Debtor" means any individual having a delinquent debt or account with any claimant agency which obligation has not been satisfied by court order, set aside by court order, or discharged in bankruptcy.

"Delinquent debt" means any liquidated sum due and owing any claimant agency, or any restitution ordered paid to a clerk of the court pursuant to Title 19.2, including any amount of court costs or fines which have accrued through contract, subrogation, tort, operation of law, or any other legal theory regardless of whether there is an outstanding judgment for that sum which is legally collectible and for which a collection effort has been or is being made.

"Mailing date of notice" means the date of notice appearing thereon.

"Refund" means any individual's (i) Virginia state or local income tax refund payable pursuant to § 58.1-309 or (ii) federal income tax refund payable pursuant to § 6402 of the Internal Revenue Code. This term also includes any refund belonging to a debtor resulting from the filing of a joint income tax return or a refund belonging to a debtor resulting from the filing of a return where ~~husband and wife~~ *married individuals* have elected to file a combined return and separately state their Virginia taxable incomes under the provisions of *subdivision B 2 of § 58.1-324 B 2*.

§ 58.1-810. What other deeds not taxable.

When the tax has been paid at the time of the recordation of the original deed, no additional recordation tax shall be required for admitting to record:

1. A deed of confirmation;
2. A deed of correction;
3. A deed to which ~~a husband and wife~~ *married individuals* are the only parties;

4. A deed arising out of a contract to purchase real estate; if the tax already paid is less than a proper tax based upon the full amount of consideration or actual value of the property involved in the transaction, an additional tax shall be paid based on the difference between the full amount of such consideration or actual value and the amount on which the tax has been paid; or

5. A notice of assignment of a note secured by a deed of trust or mortgage.

§ 58.1-3210. Exemption or deferral of taxes on property of certain elderly and handicapped persons.

A. The governing body of any county, city or town may, by ordinance, provide for the exemption from, deferral of, or a combination program of exemptions from and deferrals of taxation of real estate and manufactured homes as defined in § 36-85.3, or any portion thereof, and upon such conditions and in such amount as the ordinance may prescribe. Such real estate shall be owned by, and be occupied as the sole dwelling of anyone at least 65 years of age or if provided in the ordinance, anyone found to be permanently and totally disabled as defined in § 58.1-3217. Such ordinance may provide for the exemption from or deferral of that portion of the tax which represents the increase in tax liability since the year such taxpayer reached the age of 65 or became disabled, or the year such ordinance became effective, whichever is later. A dwelling jointly held by ~~a husband and wife~~ *married individuals*, with no other joint owners, may qualify if either spouse is 65 or over or is permanently and totally disabled, and the proration of the exemption or deferral under § 58.1-3211.1 shall not apply for such dwelling.

B. For purposes of this section, "eligible person" means a person who is at least age 65 or, if provided in the ordinance pursuant to subsection A, permanently and totally disabled. Under subsection A, real property owned and occupied as the sole dwelling of an eligible person includes real property (i) held by the eligible person alone or in conjunction with his spouse as tenant or tenants for life or joint lives, (ii) held in a revocable inter vivos trust over which the eligible person or the eligible person and his spouse hold the power of revocation, or (iii) held in an irrevocable trust under which an eligible person alone or in conjunction with his spouse possesses a life estate or an estate for joint lives or enjoys a continuing right of use or support. The term "eligible person" does not include any interest held under a leasehold or term of years.

C. For purposes of this article, any reference to:

"Dwelling" shall include an improvement to real estate exempt pursuant to this article and the land upon which such improvement is situated so long as the improvement is used principally for other than a business purpose and is used to house or cover any motor vehicle classified pursuant to subdivisions A 3 through 10 of § 58.1-3503; household goods classified pursuant to subdivision A 14 of § 58.1-3503; or household goods exempted from personal property tax pursuant to § 58.1-3504.

"Real estate" shall include manufactured homes.

§ 58.1-3211.1. Prorated tax exemption or deferral of tax.

A. The governing body of the county, city, or town may, by ordinance, also provide for an exemption from or deferral of (or combination program thereof) real estate taxes for dwellings jointly held by two or more individuals not all of whom are at least age 65 or (if provided in the ordinance) permanently and totally disabled, provided that the dwelling is occupied as the sole dwelling by all such joint owners.

The tax exemption or deferral for the dwelling that otherwise would have been provided under the local ordinance shall be prorated by multiplying the amount of the exemption or deferral by a fraction that has as a numerator the percentage of ownership interest in the dwelling held by all such joint owners who are at least age 65 or (if provided in the ordinance) permanently and totally disabled, and as a denominator, ~~100%~~ 100 percent. As a condition of eligibility for such tax exemption or deferral, the joint owners of the dwelling shall be required to furnish to the relevant local officer sufficient evidence of each joint owner's ownership interest in the dwelling.

B. For purposes of this subsection, "eligible person" means a person who is at least age 65 or, if provided in the ordinance pursuant to subsection A, permanently and totally disabled. For purposes of the tax exemption pursuant to subsection A, real property that is a dwelling jointly held by two or more individuals includes real property (i) held by an eligible person in conjunction with one or more other people as tenant or tenants for life or joint lives, (ii) held in a revocable inter vivos trust over which an eligible person with one or more other people hold the power of revocation, or (iii) held in an irrevocable trust under which an eligible person in conjunction with one or more other people possesses a life estate or an estate for joint lives or enjoys a continuing right of use or support. The term "eligible person" does not include any interest held under a leasehold or term of years.

C. The provisions of this section shall not apply to dwellings jointly held by ~~a husband and wife~~ *married individuals*, with no other joint owners.

D. Nothing in this section shall be interpreted or construed to provide for an exemption from or deferral of tax for any dwelling jointly held by nonindividuals.

§ 58.1-3219.5. Exemption from taxes on property for disabled veterans.

A. Pursuant to subdivision (a) of Section 6-A of Article X of the Constitution of Virginia, and for tax years beginning on or after January 1, 2011, the General Assembly hereby exempts from taxation the real property, including the joint real property of ~~husband and wife~~ *married individuals*, of any veteran who has been rated by the U.S. Department of Veterans Affairs or its successor agency pursuant to federal law to have a 100 percent service-connected, permanent, and total disability, and who occupies the real property as his principal place of residence. If the veteran's disability rating occurs after January 1, 2011, and he has a qualified primary residence on the date of the rating, then the exemption for him under this section begins on the date of such rating. However, no county, city, or town shall be liable for any interest on any refund due to the veteran for taxes paid prior to the veteran's filing of the affidavit or written statement required by § 58.1-3219.6. If the qualified veteran acquires the property after January 1, 2011, then the exemption shall begin on the date of acquisition, and the previous owner may be entitled to a refund for a pro rata portion of real property taxes paid pursuant to § 58.1-3360.

B. The surviving spouse of a veteran eligible for the exemption set forth in this article shall also qualify for the exemption, so long as the death of the veteran occurs on or after January 1, 2011, and the surviving spouse does not remarry. The exemption applies without any restriction on the spouse's moving to a different principal place of residence.

C. A county, city, or town shall provide for the exemption from real property taxes the qualifying dwelling pursuant to this section and shall provide for the exemption from real property taxes the land, not exceeding one acre, upon which it is situated. However, if a county, city, or town provides for an exemption from or deferral of real property taxes of more than one acre of land pursuant to Article 2 (§ 58.1-3210 et seq.), then the county, city, or town shall also provide an exemption for the same number of acres pursuant to this section. If the veteran owns a house that is his residence, including a manufactured home as defined in § 46.2-100 whether or not the wheels and other equipment previously used for mobility have been removed, such house or manufactured home shall be exempt even if the veteran does not own the land on which the house or manufactured home is located. If such land is not owned by the veteran, then the land is not exempt. A real property improvement other than a dwelling, including the land upon which such improvement is situated, made to such one acre or greater number of acres exempt from taxation pursuant to this subsection shall also be exempt from taxation so long as the principal use of the improvement is (i) to house or cover motor vehicles or household goods and personal effects as classified in subdivision A 14 of § 58.1-3503 and as listed in § 58.1-3504 and (ii) for other than a business purpose.

D. For purposes of this exemption, real property of any veteran includes real property (i) held by a veteran alone or in conjunction with the veteran's spouse as tenant or tenants for life or joint lives, (ii) held in a revocable inter vivos trust over which the veteran or the veteran and his spouse hold the power of revocation, or (iii) held in an irrevocable trust under which a veteran alone or in conjunction with his spouse possesses a life estate or an estate for joint lives or enjoys a continuing right of use or support. The term does not include any interest held under a leasehold or term of years.

The exemption for a surviving spouse under subsection B includes real property (a) held by the veteran's spouse as tenant for life, (b) held in a revocable inter vivos trust over which the surviving spouse holds the power of revocation, or (c) held in an irrevocable trust under which the surviving spouse possesses a life estate or enjoys a continuing right of use or support. The exemption does not apply to any interest held under a leasehold or term of years.

E. 1. In the event that (i) a person is entitled to an exemption under this section by virtue of holding the property in any of the three ways set forth in subsection D and (ii) one or more other persons have an ownership interest in the property that permits them to occupy the property, then the tax exemption for the property that otherwise would have been provided shall be prorated by multiplying the amount of the exemption by a fraction that has as a numerator the number of people who are

qualified for the exemption pursuant to this section and has as a denominator the total number of all people having an ownership interest that permits them to occupy the property.

2. In the event that the primary residence is jointly owned by two or more individuals, not all of whom qualify for the exemption pursuant to subsection A or B, and no person is entitled to the exemption under this section by virtue of holding the property in any of the three ways set forth in subsection D, then the exemption shall be prorated by multiplying the amount of the exemption by a fraction that has as a numerator the percentage of ownership interest in the dwelling held by all such joint owners who qualify for the exemption pursuant to subsections A and B, and as a denominator, 100 percent.

§ 58.1-3219.6. Application for exemption.

The veteran or surviving spouse claiming the exemption under this article shall file with the commissioner of the revenue of the county, city, or town or such other officer as may be designated by the governing body in which the real property is located, on forms to be supplied by the county, city, or town, an affidavit or written statement (i) setting forth the name of the disabled veteran and the name of the spouse, if any, also occupying the real property, (ii) indicating whether the real property is jointly owned by ~~a husband and wife~~ *married individuals*, and (iii) certifying that the real property is occupied as the veteran's principal place of residence. The veteran shall also provide documentation from the U.S. Department of Veterans Affairs or its successor agency indicating that the veteran has a 100 percent service-connected, permanent, and total disability. The veteran shall be required to refile the information required by this section only if the veteran's principal place of residence changes. In the event of a surviving spouse of a veteran claiming the exemption, the surviving spouse shall also provide documentation that the veteran's death occurred on or after January 1, 2011.

§ 58.1-3343. Effect of lien on certain real estate jointly owned.

The lien on real estate owned by more than one person as tenants in common, joint tenants or otherwise for the payment of all prior, present and subsequent taxes and levies or assessments thereof, including any tax, levy, or assessment authorized under § 58.1-3712, 58.1-3713, 58.1-3713.4, or 58.1-3741, shall not be impaired if such real estate was or is assessed in the name of one of such owners with the notation, "and another," or "and others," or "and wife," or "and husband," or "*and spouse*," or the appropriate abbreviations of such words, or their legal equivalents, so as to indicate that the real estate was or is owned by more than one person.

§ 58.1-3506.1. Other classification for taxation of certain tangible personal property owned by certain elderly and handicapped persons.

The governing body of any county, city or town may, by ordinance, levy a tax on one motor vehicle owned and used primarily by or for anyone at least 65 years of age or anyone found to be permanently and totally disabled, as defined in § 58.1-3506.3, at a different rate from the tax levied on other tangible personal property, upon such conditions as the ordinance may prescribe. Such rate shall not exceed the tangible personal property tax on the general class of tangible personal property. For purposes of this article, the term motor vehicle shall include only automobiles and pickup trucks. Any such motor vehicle owned by ~~a husband and wife~~ *married individuals* may qualify if either spouse is 65 or over or if either spouse is permanently and totally disabled. Notwithstanding any other provision of this section or article, for any automobile or pickup truck that is (i) a qualifying vehicle, as such term is defined in § 58.1-3523, and (ii) assessed for tangible personal property taxes by a county, city, or town receiving a payment from the Commonwealth under Chapter 35.1 ~~of this title~~ (*§ 58.1-3523 et seq.*) for providing tangible personal property tax relief, the rate of tax levied pursuant to this article shall not exceed the rates of tax and rates of assessment required under such chapter.

§ 58.1-3506.2. Restrictions and conditions.

Any difference in the rates for purposes of this section shall be subject to the following restrictions and conditions:

1. The total combined income received, excluding the first \$7,500 of income, at the option of the local government, from all sources during the preceding calendar year by the owner of the motor vehicle shall not exceed the greater of \$30,000 or the income limits based on family size for the respective metropolitan statistical area, annually published by the Department of Housing and Urban Development for qualifying for federal housing assistance pursuant to § 235 of the National Housing Act (12 U.S.C. § 1715z).

2. The owner's net financial worth, including the present value of all equitable interests, as of December 31 of the immediately preceding calendar year, excluding the value of the principal residence and the land, not exceeding one acre, upon which it is situated, shall not exceed \$75,000. The local government may also exclude such furnishings as furniture, household appliances and other items typically used in a home.

3. Notwithstanding the provisions of subdivisions 1 and 2 ~~of this section~~, in Fairfax County and any town adjacent thereto, Arlington County, Chesterfield County, Loudoun County, and Prince William County, or the Cities of Alexandria, Chesapeake, Fairfax, Falls Church, Manassas, Manassas Park, Portsmouth, Suffolk or Virginia Beach, or the Town of Leesburg, the board of supervisors or council may, by ordinance, raise the income and financial worth limitations for any reductions under this article to a maximum of the greater of \$52,000 or the income limits based upon family size for the respective metropolitan statistical area, published annually by the Department of Housing and Urban Development for qualifying for federal housing assistance pursuant to § 235 of the National Housing Act (12 U.S.C. § 1715z), for the total combined income amount, and \$195,000 for the maximum net financial worth amount which shall exclude the value of the principal residence and the land, not exceeding one acre, upon which it is located.

4. All income and net worth limitations shall be computed by aggregating the income and assets, as the case may be, of ~~a husband and wife~~ *married individuals* who reside in the same dwelling and shall be applied to any owner of the motor

vehicle who seeks the benefit of the preferential tax rate permitted under this article, irrespective of how such motor vehicle may be titled.

§ 59.1-332. Conditions on offering items as an inducement to execute.

A. It is unlawful for any person by any means, as part of an advertising program, to offer any item of value as an inducement to the recipient to visit a membership camping operator's campground, attend a sales presentation, or contact a salesperson, unless the person clearly discloses in writing in the offer in readily understandable language each of the following:

1. The name and campground address of the membership camping operator.
2. A general statement that the advertising program is being conducted by a membership camping operator and the purpose of any requested visit.
3. A statement of odds, in ~~arabic~~ *Arabic* numerals, of receiving each item offered.
4. The approximate retail value of each item offered.
5. The number of campgrounds that are participating in such advertising program.
6. The restrictions, qualifications, and other conditions that must be satisfied before the recipient is entitled to receive the item, including:
 - a. Any deadline, if any, by which the recipient must visit the campground, attend the sales presentation, or contact a salesperson in order to receive the item.
 - b. The approximate duration of any visit and sales presentation.
 - c. The date upon which the offer shall terminate and the final date upon which the gifts or prizes are to be awarded.
 - d. Any other conditions, such as minimum age qualification, a financial qualification, or a requirement that if the recipient is married both ~~husband and wife~~ *spouses* must be present in order to receive the item.
7. A statement that the membership camping operator reserves the right to provide a rain check or a substitute or like item, if these rights are reserved.
8. All other material rules, terms, and conditions of the offer or program.

B. It is unlawful for any person making an offer subject to subsection A, or any employee or agent of the person, to offer any item if the person knows or has reason to know that the offered item will not be available in a sufficient quantity based on the reasonably anticipated response to the offer.

C. It is unlawful for any person making an offer subject to subsection A, or any employee or agent of the person, to fail to provide any offered item ~~which~~ *that* any recipient who has responded to the offer in the manner specified in the offer, has performed the requirements disclosed in the offer, and has met the qualifications described in the offer is entitled to receive, unless the offered item is not reasonably available and the offer discloses the reservation of a right to provide a rain check or a like or substitute item if the offered item is unavailable.

D. If the person making an offer subject to subsection A is unable to provide an offered item because of limitations of supply, quantity, or quality not reasonably foreseeable or controllable by the person making the offer, the person making the offer shall inform the recipient of the recipient's right to receive a rain check for the item offered, unless the person making the offer knows or has a reasonable basis for knowing that the item will not be reasonably available at approximately the same price to the person making the offer, and shall inform the recipient of the recipient's right to at least one of the following additional options:

1. The person making the offer will provide a like item of equivalent or greater retail value or a rain check for the item. This option must be offered if the offered item is not reasonably available.

2. The person making the offer will provide a substitute item of equivalent or greater retail value.

3. The person making the offer will provide a rain check for a like or substitute item.

E. If a rain check is provided, the person making an offer subject to subsection A shall, within a reasonable time, and in any event not more than ~~ninety~~ *90* days after the rain check is provided, deliver the agreed item to the recipient's address without additional cost or obligation to the recipient, unless the item for which the rain check is provided remains unavailable because of limitations of supply, quantity, or quality not reasonably foreseeable or controllable by the person making the offer. If the item is unavailable for these reasons, the person shall, not more than ~~thirty~~ *30* days after the expiration of the aforesaid ~~ninety-day~~ *90-day* period, deliver a like item of equal or greater retail value or, if the item is not reasonably available to the person at approximately the same price, a substitute item of equal or greater retail value.

F. On the written request of a recipient who has received or claims a right to receive any offered item, the person making an offer subject to subsection A shall furnish to the recipient sufficient evidence showing that the item provided matches the item randomly or otherwise selected for distribution to that recipient.

G. It is unlawful for any person making an offer subject to subsection A, or any employee or agent of the person, to:

1. Misrepresent the size, quantity, identity, or quality of any prize, gift, money, or other item of value offered.
2. Misrepresent in any manner the odds of receiving any particular gift, prize, amount of money, or other item of value.
3. Label any offer a "notice of termination" or "notice of cancellation."
4. Materially misrepresent, in any manner, the offer; or program.

H. If any provision of this section is in conflict with the provisions of the Prizes and Gifts Act (§ 59.1-415 et seq.), the provisions of the Prizes and Gifts Act shall control.

§ 63.2-510. Obligation of person to support certain children living in same home; penalty.

A person ~~shall be~~ *is* responsible for the support and maintenance of any child or children living in the same home in which he and the natural or adoptive parent of such child or children cohabit as ~~man and wife spouses~~ and any such person who without cause willfully neglects or refuses or fails to provide for such support and maintenance ~~shall be~~ *is* guilty of a misdemeanor and upon conviction shall be punished in accordance with the provisions of § 20-61.

A pregnancy or the birth of a child during the time a person occupies the status set out above shall not be required as proof of cohabitation.

The obligations imposed herein shall continue so long as such person occupies the status herein described.

§ 63.2-1519. Physician-patient and spousal privileges inapplicable.

In any legal proceeding resulting from the filing of any report or complaint pursuant to this chapter, the physician-patient and ~~husband-wife~~ *spousal* privileges shall not apply.

§ 64.2-200. Course of descents generally; right of Commonwealth if no other heir.

A. The real estate of any decedent not effectively disposed of by will descends and passes by intestate succession in the following course:

1. To the surviving spouse of the decedent, unless the decedent is survived by children or their descendants, one or more of whom are not children or their descendants of the surviving spouse, in which case, two-thirds of the estate descends and passes to the decedent's children and their descendants, and one-third of the estate descends and passes to the surviving spouse.

2. If there is no surviving spouse, then the estate descends and passes to the decedent's children and their descendants.

3. If there is none of the foregoing, then to the decedent's parents, or to the surviving parent.

4. If there is none of the foregoing, then to the decedent's ~~brothers and sisters~~ *siblings*, and their descendants.

5. If there is none of the foregoing, then one-half of the estate descends and passes to the ~~paternal~~ *kindred of one of the decedent's parents* and one-half descends and passes to the ~~maternal~~ *kindred of the decedent other of the decedent's parents* in the following course:

a. To the decedent's grandparents, or to the surviving grandparent.

b. If there is none of the foregoing, then to the decedent's uncles and aunts, and their descendants.

c. If there is none of the foregoing, then to the decedent's great-grandparents.

d. If there is none of the foregoing, then to the ~~brothers and sisters~~ *siblings* of the decedent's grandparents, and their descendants.

e. And so on, in other cases, without end, passing to the nearest lineal ancestors, and the descendants of such ancestors.

B. If there are ~~either no surviving paternal kindred or no surviving maternal kindred of one of the decedent's parents~~, the whole estate descends and passes to the ~~paternal or maternal~~ *surviving kindred who survive the decedent of the other of the decedent's parents*. If there are ~~neither maternal nor paternal~~ *no kindred of either parent*, the whole estate descends and passes to the kindred of the decedent's most recent spouse, if any, provided that the decedent and the spouse were married at the time of the spouse's death, as if such spouse had died intestate and entitled to the estate.

C. If there is no other heir of a decedent's real estate, such real estate is subject to escheat to the Commonwealth in accordance with Chapter 10 (§ 55-168 et seq.) of Title 55.

§ 64.2-905. Multiple beneficiaries; separate custodial trusts; survivorship.

A. Beneficial interests in a custodial trust created for multiple beneficiaries are deemed to be separate custodial trusts of equal undivided interests for each beneficiary. Except in a transfer or declaration for use and benefit of ~~husband and wife spouses~~, for whom survivorship is presumed, a right of survivorship does not exist unless the instrument creating the custodial trust specifically provides for survivorship or survivorship is required as to marital property.

B. Custodial trust property held under this chapter by the same custodial trustee for the use and benefit of the same beneficiary may be administered as a single custodial trust.

C. A custodial trustee of custodial trust property held for more than one beneficiary shall separately account to each beneficiary pursuant to §§ 64.2-906 and 64.2-914 for the administration of the custodial trust.

§ 64.2-2401. Bond; orders as to management of estate; support of dependents.

The court shall require that any conservator appointed pursuant to § 64.2-2400 post a bond in an amount deemed sufficient by the court. The court shall also enter any orders it deems necessary (i) directing the conservator in the management, operation, and control of the estate and (ii) requiring the conservator to make ample and suitable provisions out of the estate in his possession, subject to the rights of creditors, for the support of the absentee's ~~wife~~ *spouse* and minor children, as well as any other person dependent upon the absentee for support and maintenance. The court shall require the conservator to make reports from time to time as the court may deem expedient.

§ 65.2-512. Compensation to dependents of an employee killed; burial expenses.

A. Except as provided in subsections F, G and H, if death results from the accident within nine years, the employer shall pay, or cause to be paid, compensation in weekly payments equal to 66 ~~2/3~~ *and two-thirds* percent of the employee's average weekly wages, but not more than 100 percent of the average weekly wage of the Commonwealth as defined in § 65.2-500 nor less than 25 percent of the average weekly wage as defined therein:

1. To those persons presumed to be wholly dependent upon the deceased employee as set forth in subdivisions A 1; A and 2; ~~and A 3~~ of § 65.2-515, for a period of 500 weeks from the date of injury; or

2. If there are no total dependents pursuant to subdivision A 1; ~~A or 2; or A 3~~ of § 65.2-515, to those persons presumed to be wholly dependent as set forth in subdivision A 4 3 of § 65.2-515, and to those determined to be wholly dependent in fact, for a period of 400 weeks from the date of injury; or

3. If there are no total dependents, to partial dependents in fact, for a period of 400 weeks from the date of injury.

B. The employer shall also pay burial expenses not exceeding \$10,000 and reasonable transportation expenses for the deceased not exceeding \$1,000.

C. Benefits shall be divided equally among total dependents, to the exclusion of partial dependents. If there are no total dependents, benefits shall be divided among partial dependents according to the dependency of each upon the earnings of the employee at the time of the injury, in the proportion that partial dependency bears to total dependency.

D. If benefits are terminated as to any member of a class herein, that member's share shall be divided among the remaining members of the class proportionately according to their dependency.

E. When weekly payments have been made to an injured employee before his death, the compensation to dependents shall begin from the date of the last of such payments but shall not continue for a period longer than specified in subsection A of this section.

F. No benefits shall be paid pursuant to this section to the dependents of an AmeriCorps member as defined in subdivision 1 r of the definition of "employee" in § 65.2-101.

G. No benefits shall be paid pursuant to ~~subsections~~ subsection A, C, D, or E to the dependents of a Food Stamp recipient participating in the work experience component of the Food Stamp Employment and Training Program as defined in subdivision 1 s of the definition of "employee" in § 65.2-101.

H. No benefits shall be paid pursuant to ~~subsections~~ subsection A, C, D, or E to the dependents of a Temporary Assistance for Needy Families recipient participating in the work experience component of the Virginia Initiative for Education and Work as defined in subdivision 1 t of the definition of "employee" in § 65.2-101.

§ 65.2-515. Persons conclusively presumed to be wholly dependent.

A. The following persons shall be conclusively presumed to be dependents wholly dependent for support upon the deceased employee:

1. ~~A wife upon a husband whom she had not voluntarily deserted or abandoned at the time of the accident or with whom she lived at the time of his accident, if she is then actually dependent upon him;~~

~~2. A husband spouse upon a wife his deceased spouse whom he had not voluntarily deserted at the time of the accident or with whom he lived at the time of her the accident, if he is then actually dependent upon her his deceased spouse;~~

~~3. 2. A child under the age of eighteen 18 upon a parent and a child over such age if physically or mentally incapacitated from earning a livelihood or a child under the age of twenty-three 23 if enrolled as a full-time student in any accredited educational institution; and~~

~~4. 3. Parents in destitute circumstances, provided that there be are no total dependents pursuant to other provisions of this section.~~

B. As used in this section, ~~the term "child" shall include~~ includes a stepchild, a legally adopted child, a posthumous child, and an acknowledged illegitimate child, but ~~shall does~~ not include a married child; and ~~the term "parent" shall include~~ includes stepparents and parents by adoption.

2. That §§ 20-45.2 and 20-45.3 of the Code of Virginia are repealed.

3. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 854 of the Acts of Assembly of 2019 requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

CHAPTER 901

An Act to direct the Division of Human Rights to determine the requirements for proactively enforcing statutory requirements for equal pay irrespective of sex.

[H 624]

Approved April 9, 2020

Be it enacted by the General Assembly of Virginia:

1. § 1. That the Division of Human Rights of the Department of Law (the Division) is directed to develop recommendations regarding the type of information about businesses and their employees and the accompanying methodology that would be required for the Division to proactively enforce the provisions of § 40.1-28.6 of the Code of Virginia requiring equal pay of similarly situated employees irrespective of sex. Additionally, the Division shall develop recommendations regarding the data and methodological requirements for proactively enforcing a requirement for equal pay irrespective of race. The Division shall also develop recommendations regarding appropriate enforcement mechanisms, including causes of action and civil remedies, to address discrimination in compensation based on sex and race. In developing such recommendations, the Division shall engage stakeholders representing employers and employees in the Commonwealth. The Division shall report its findings and recommendations to the Governor and the General Assembly no later than November 30, 2020.

CHAPTER 902

An Act to amend and reenact § 47.1-2 of the Code of Virginia, relating to notaries; satisfactory evidence of identity; persons residing in nursing homes or assisted living facilities.

[H 1222]

Approved April 9, 2020

Be it enacted by the General Assembly of Virginia:**1. That § 47.1-2 of the Code of Virginia is amended and reenacted as follows:****§ 47.1-2. Definitions.**

As used in this title, unless the context demands a different meaning:

"Acknowledgment" means a notarial act in which an individual at a single time and place (i) appears in person before the notary and presents a document; (ii) is personally known to the notary or identified by the notary through satisfactory evidence of identity; and (iii) indicates to the notary that the signature on the document was voluntarily affixed by the individual for the purposes stated within the document and, if applicable, that the individual had due authority to sign in a particular representative capacity.

"Affirmation" means a notarial act, or part thereof, that is legally equivalent to an oath and in which an individual at a single time and place (i) appears in person before the notary and presents a document; (ii) is personally known to the notary or identified by the notary through satisfactory evidence of identity; and (iii) makes a vow of truthfulness or fidelity on penalty of perjury.

"Commissioned notary public" means that the applicant has completed and submitted the registration forms along with the appropriate fee to the Secretary of the Commonwealth and the Secretary of the Commonwealth has determined that the applicant meets the qualifications to be a notary public and issues a notary commission and forwards same to the clerk of the circuit court, pursuant to this chapter.

"Copy certification" means a notarial act in which a notary (i) is presented with a document that is not a public record; (ii) copies or supervises the copying of the document using a photographic or electronic copying process; (iii) compares the document to the copy; and (iv) determines that the copy is accurate and complete.

"Credible witness" means an honest, reliable, and impartial person who personally knows an individual appearing before a notary and takes an oath or affirmation from the notary to confirm that individual's identity.

"Document" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form, including a record as defined in the Uniform Electronic Transactions Act (§ 59.1-479 et seq.).

"Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

"Electronic document" means information that is created, generated, sent, communicated, received, or stored by electronic means.

"Electronic notarial act" and "electronic notarization" mean an official act by a notary under § 47.1-12 or as otherwise authorized by law that involves electronic documents.

"Electronic notarial certificate" means the portion of a notarized electronic document that is completed by the notary public, bears the notary public's signature, title, commission expiration date, and other required information concerning the date and place of the electronic notarization, and states the facts attested to or certified by the notary public in a particular notarization.

"Electronic notary public" or "electronic notary" means a notary public who has been commissioned by the Secretary of the Commonwealth with the capability of performing electronic notarial acts under § 47.1-7.

"Electronic notary seal" or "electronic seal" means information within a notarized electronic document that confirms the notary's name, jurisdiction, and commission expiration date and generally corresponds to data in notary seals used on paper documents.

"Electronic signature" means an electronic sound, symbol, or process attached to or logically associated with an electronic document and executed or adopted by a person with the intent to sign the document.

"Notarial act" or "notarization" means any official act performed by a notary under § 47.1-12 or 47.1-13 or as otherwise authorized by law.

"Notarial certificate" or "certificate" means the part of, or attachment to, a notarized document that is completed by the notary public, bears the notary public's signature, title, commission expiration date, notary registration number, and other required information concerning the date and place of the notarization and states the facts attested to or certified by the notary public in a particular notarization.

"Notary public" or "notary" means any person commissioned to perform official acts under the title, and includes an electronic notary except where expressly provided otherwise.

"Oath" shall include "affirmation."

"Official misconduct" means any violation of this title by a notary, whether committed knowingly, willfully, recklessly or negligently.

"Personal knowledge of identity" or "personally knows" means familiarity with an individual resulting from interactions with that individual over a period of time sufficient to dispel any reasonable uncertainty that the individual has the identity claimed.

"Principal" means (i) a person whose signature is notarized or (ii) a person, other than a credible witness, taking an oath or affirmation from the notary.

"Record of notarial acts" means a device for creating and preserving a chronological record of notarizations performed by a notary.

"Satisfactory evidence of identity" means identification of an individual based on (i) examination of one or more of the following unexpired documents bearing a photographic image of the individual's face and signature: a United States Passport Book, a United States Passport Card, a certificate of United States citizenship, a certificate of naturalization, a foreign passport, an alien registration card with photograph, a state issued driver's license or a state issued identification card or a United States military card or (ii) the oath or affirmation of one credible witness unaffected by the document or transaction who is personally known to the notary and who personally knows the individual or of two credible witnesses unaffected by the document or transaction who each personally knows the individual and shows to the notary documentary identification as described in clause (i). *In the case of an individual who resides in an assisted living facility, as defined in § 63.2-100, or a nursing home, licensed by the State Department of Health pursuant to Article 1 (§ 32.1-123 et seq.) of Chapter 5 of Title 32.1 or exempt from licensure pursuant to § 32.1-124, an expired United States Passport Book, expired United States Passport Card, expired foreign passport, or expired state issued driver's license or state issued identification card may also be used for identification of such individual, provided that the expiration of such document occurred within five years of the date of use for identification purposes pursuant to this title.* In the case of an electronic notarization, "satisfactory evidence of identity" may be based on video and audio conference technology, in accordance with the standards for electronic video and audio communications set out in subdivisions B 1, B 2, and B 3 of § 19.2-3.1, that permits the notary to communicate with and identify the principal at the time of the notarial act, provided that such identification is confirmed by (a) personal knowledge, (b) an antecedent in-person identity proofing process in accordance with the specifications of the Federal Bridge Certification Authority, or (c) a valid digital certificate accessed by biometric data or by use of an interoperable Personal Identity Verification card that is designed, issued, and managed in accordance with the specifications published by the National Institute of Standards and Technology in Federal Information Processing Standards Publication 201-1, "Personal Identity Verification (PIV) of Federal Employees and Contractors," and supplements thereto or revisions thereof, including the specifications published by the Federal Chief Information Officers Council in "Personal Identity Verification Interoperability for Non-Federal Issuers."

"Seal" means a device for affixing on a paper document an image containing the notary's name and other information related to the notary's commission.

"Secretary" means the Secretary of the Commonwealth.

"State" includes any state, territory, or possession of the United States.

"Verification of fact" means a notarial act in which a notary reviews public or vital records to (i) ascertain or confirm facts regarding a person's identity, identifying attributes, or authorization to access a building, database, document, network, or physical site or (ii) validate an identity credential on which satisfactory evidence of identity may be based.

CHAPTER 903

An Act to amend and reenact § 17.1-513 of the Code of Virginia, relating to jurisdiction of civil claims; amending amount of claim.

[H 1359]

Approved April 9, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 17.1-513 of the Code of Virginia is amended and reenacted as follows:

§ 17.1-513. Jurisdiction of circuit courts.

The circuit courts shall have jurisdiction of proceedings by quo warranto or information in the nature of quo warranto and to issue writs of mandamus, prohibition and certiorari to all inferior tribunals created or existing under the laws of the Commonwealth, and to issue writs of mandamus in all matters of proceedings arising from or pertaining to the action of the boards of supervisors or other governing bodies of the several counties for which such courts are respectively held or in other cases in which it may be necessary to prevent the failure of justice and in which mandamus may issue according to the principles of common law. They shall have appellate jurisdiction in all cases, civil and criminal, in which an appeal may, as provided by law, be taken from the judgment or proceedings of any inferior tribunal.

They shall have original and general jurisdiction of all civil cases, except cases upon claims to recover personal property or money not of greater value than \$100, exclusive of interest, and except such cases as are assigned to some other tribunal; also in all cases for the recovery of fees in excess of \$100; penalties or cases involving the right to levy and collect toll or taxes or the validity of an ordinance or bylaw of any corporation; and also, of all cases, civil or criminal, in which an appeal may be had to the Supreme Court.

They shall have jurisdiction to hear motions filed for the purpose of modifying, dissolving, or extending a protective order pursuant to § 16.1-279.1 or 19.2-152.10 if the circuit court issued such order, unless the circuit court remanded the matter to the jurisdiction of the juvenile and domestic relations district court in accordance with § 16.1-297. They shall also have original jurisdiction of all indictments for felonies and of presentments, informations and indictments for misdemeanors. They shall also have jurisdiction for bail hearings pursuant to §§ 19.2-327.2:1 and 19.2-327.10:1.

They shall have appellate jurisdiction of all cases, civil and criminal, in which an appeal, writ of error or supersedeas may, as provided by law, be taken to or allowed by such courts, or the judges thereof, from or to the judgment or proceedings of any inferior tribunal. They shall also have jurisdiction of all other matters, civil and criminal, made cognizable therein by law and when a motion to recover money is allowed in such tribunals, they may hear and determine the same, although it is to recover less than \$100.

While a matter is pending in a circuit court, upon motion of the plaintiff seeking to decrease the amount of the claim to within the exclusive or concurrent jurisdiction of the general district court as described in subdivision 1 of § 16.1-77, the circuit court shall order transfer of the matter to the general district court that has jurisdiction over the amended amount of the claim without requiring that the case first be dismissed or that the plaintiff suffer a nonsuit, and the tolling of the applicable statutes of limitations governing the pending matter shall be unaffected by the transfer. Except for good cause shown, no such order of transfer shall issue unless the motion to amend and transfer is made at least 10 days before trial. The plaintiff shall pay filing and other fees as otherwise provided by law to the clerk of the court to which the case is transferred, and such clerk shall process the claim as if it were a new civil action. The plaintiff shall prepare and present the order of transfer to the transferring court for entry, after which time the case shall be removed from the pending docket of the transferring court and the order of transfer placed among its records. The plaintiff shall provide a certified copy of the transfer order to the receiving court.

CHAPTER 904

An Act to amend and reenact § 2.2-3704.3, as it shall become effective, of the Code of Virginia, relating to the Freedom of Information Advisory Act; training requirements.

[S 139]

Approved April 9, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-3704.3, as it shall become effective, of the Code of Virginia is amended and reenacted as follows:

§ 2.2-3704.3. (Effective July 1, 2020) Training for local officials.

A. The Virginia Freedom of Information Advisory Council (the Council) or the local government attorney shall provide *in-person* or online training sessions for local elected officials on the provisions of this chapter.

B. Each local elected official shall complete a training session described in subsection A within two months after assuming the local elected office and thereafter at least once during each consecutive period of two calendar years commencing with the date on which he last completed a training session, for as long as he holds such office. No penalty shall be imposed on a local elected official for failing to complete a training session.

C. The clerk of each governing body or school board shall maintain records indicating the names of elected officials subject to the training requirements in subsection B and the dates on which each such official completed training sessions satisfying such requirements. Such records shall be maintained for five years in the office of the clerk of the respective governing body or school board.

D. For purposes of this section, "local elected officials" shall include constitutional officers.

2. That any training on the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq. of the Code of Virginia) completed by a local elected official prior to July 1, 2020, but after January 1, 2020, shall satisfy the training requirement set forth in Chapter 531 of the 2019 Acts of Assembly, as it shall become effective.

CHAPTER 905

An Act to amend and reenact §§ 16.1-112 and 16.1-296 of the Code of Virginia, relating to appeal from district court; protective orders; notice of docketing.

[S 408]

Approved April 9, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 16.1-112 and 16.1-296 of the Code of Virginia are amended and reenacted as follows:

§ 16.1-112. All papers transmitted to appellate court; further proceedings.

The judge or clerk of any court from which an appeal is taken under this article shall promptly transmit to the clerk of the appellate court the case papers, which shall include the original warrant or warrants or other notices or pleadings with the judgment endorsed thereon, together with all pleadings, exhibits, and other papers filed in the trial of the case. The required bond, and, if applicable, the money deposited to secure such bond and the writ tax and costs paid pursuant to

§ 16.1-107 shall also be submitted, along with the fees for service of process of the notice of appeal in the circuit court. Upon receipt of the foregoing by the clerk of the appellate court, the case shall then be docketed, except that an appeal from an order of protection issued pursuant to § 19.2-152.10 shall be assigned a case number within two business days upon receipt of such appeal.

When such case has been docketed, the clerk of such appellate court shall by writing to be served, as provided in §§ 8.01-288, 8.01-293, 8.01-296, and 8.01-325, or by certified mail, with certified delivery receipt requested, notify the appellee, or by regular mail to his attorney, that such an appeal has been docketed in his office, provided that upon affidavit by the appellant or his agent in conformity with § 8.01-316 being filed with the clerk, the clerk shall post such notice at the front door of his courtroom and shall mail a copy thereof to the appellee at his last known address or place of abode or to his attorney, and he shall file a certificate of such posting and mailing with the papers in the case. No such appeal shall be heard unless it appears that the appellee or his attorney has had such notice, or that such certificate has been filed, 10 days before the date fixed for trial, or has in person or by attorney waived such notice.

If a party files an appeal of a district court order of protection entered pursuant to § 19.2-152.10, such notice of appeal shall be on a form prescribed by the Office of the Executive Secretary. The district court clerk shall contact the appellate court to determine whether the hearing on the appeal shall be set by the appellate court on (i) a date scheduled by the district court clerk with the court, (ii) on the next docket call date, or (iii) a date set for district court appeals. Once the hearing date is set and the appeal documents have been transmitted, the appellate court shall have the parties served with notice of the appeal stating the date and time of the hearing in accordance with subdivision 1 of § 8.01-296. No such hearing on the appeal shall be heard in the appellate court unless the appellee has been so served with such notice or notice has been waived by the non-moving party.

§ 16.1-296. Jurisdiction of appeals; procedure.

A. From any final order or judgment of the juvenile court affecting the rights or interests of any person coming within its jurisdiction, an appeal may be taken to the circuit court within 10 days from the entry of a final judgment, order or conviction and shall be heard de novo. However, in a case arising under the Uniform Interstate Family Support Act (§ 20-88.32 et seq.), a party may take an appeal pursuant to this section within 30 days from entry of a final order or judgment. Protective orders issued pursuant to § 16.1-279.1 in cases of family abuse and orders entered pursuant to § 16.1-278.2 are final orders from which an appeal may be taken.

B. Upon receipt of notice of such appeal the juvenile court shall forthwith transmit to the attorney for the Commonwealth a report incorporating the results of any investigation conducted pursuant to § 16.1-273, which shall be confidential in nature and made available only to the court and the attorney for the defendant (i) after the guilt or innocence of the accused has been determined or (ii) after the court has made its findings on the issues subject to appeal. After final determination of the case, the report and all copies thereof shall be forthwith returned to such juvenile court.

C. Where an appeal is taken by a child on a finding that he or she is delinquent and on a disposition pursuant to § 16.1-278.8, trial by jury on the issue of guilt or innocence of the alleged delinquent act may be had on motion of the child, the attorney for the Commonwealth or the circuit court judge. If the alleged delinquent act is one which, if committed by an adult, would constitute a felony, the child shall be entitled to a jury of 12 persons. In all other cases, the jury shall consist of seven persons. If the jury in such a trial finds the child guilty, disposition shall be by the judge pursuant to the provisions of § 16.1-278.8 after taking into consideration the report of any investigation made pursuant to § 16.1-237 or 16.1-273.

C1. In any hearing held upon an appeal taken by a child on a finding that he is delinquent and on a disposition pursuant to § 16.1-278.8, the provisions of § 16.1-302 shall apply mutatis mutandis, except in the case of trial by jury which shall be open. If proceedings in the circuit court are closed pursuant to this subsection, any records or portions thereof relating to such closed proceedings shall remain confidential.

C2. Where an appeal is taken by a juvenile on a finding that he is delinquent and on a disposition pursuant to § 16.1-278.8 and the juvenile is in a secure facility pending the appeal, the circuit court, when practicable, shall hold a hearing on the merits of the case within 45 days of the filing of the appeal. Upon receipt of the notice of appeal from the juvenile court, the circuit court shall provide a copy of the order and a copy of the notice of appeal to the attorney for the Commonwealth within seven days after receipt of notice of an appeal. The time limitations shall be tolled during any period in which the juvenile has escaped from custody. A juvenile held continuously in secure detention shall be released from confinement if there is no hearing on the merits of his case within 45 days of the filing of the appeal. The circuit court may extend the time limitations for a reasonable period of time based upon good cause shown, provided the basis for such extension is recorded in writing and filed among the papers of the proceedings.

D. When an appeal is taken in a case involving termination of parental rights brought under § 16.1-283, the circuit court shall hold a hearing on the merits of the case within 90 days of the perfecting of the appeal. An appeal of the case to the Court of Appeals shall take precedence on the docket of the Court.

E. Where an appeal is taken by an adult on a finding of guilty of an offense within the jurisdiction of the juvenile and domestic relations district court, the appeal shall be dealt with in all respects as is an appeal from a general district court pursuant to §§ 16.1-132 through 16.1-137; however, where an appeal is taken by any person on a charge of nonsupport, the procedure shall be as is provided for appeals in prosecutions under Chapter 5 (§ 20-61 et seq.) of Title 20.

F. In all other cases on appeal, proceedings in the circuit court shall be heard without a jury; however, hearing of an issue by an advisory jury may be allowed, in the discretion of the judge, upon the motion of any party. An appeal from an order of protection issued pursuant to § 16.1-279.1 shall be given precedence on the docket of the court over other civil

appeals taken to the circuit court from the district courts and shall be assigned a case number within two business days of receipt of such appeal.

If a party files an appeal of a district court order of protection entered pursuant to § 16.1-279.1, such notice of appeal shall be on a form prescribed by the Office of the Executive Secretary. The district court clerk shall contact the appellate court to determine whether the hearing on the appeal shall be set by the appellate court on (i) a date scheduled by the district court clerk with the court, (ii) on the next docket call date, or (iii) a date set for district court appeals. Once the hearing date is set and the appeal documents have been transmitted, the appellate court shall have the parties served with notice of the appeal stating the date and time of the hearing in accordance with subdivision 1 of § 8.01-296. No such hearing on the appeal shall be heard in the appellate court unless the appellee has been so served with such notice or notice has been waived by the non-moving party.

G. Costs, taxes and fees on appealed cases shall be assessed only in those cases in which a trial fee could have been assessed in the juvenile and domestic relations court and shall be collected in the circuit court, except that the appeal to circuit court of any case in which a fee either was or could have been assessed pursuant to § 16.1-69.48:5 shall also be in accordance with § 16.1-296.2.

H. No appeal bond shall be required of a party appealing from an order of a juvenile and domestic relations district court except for that portion of any order or judgment establishing a support arrearage or suspending payment of support during pendency of an appeal. In cases involving support, no appeal shall be allowed until the party applying for the same or someone for him gives bond, in an amount and with sufficient surety approved by the judge or by his clerk if there is one, to abide by such judgment as may be rendered on appeal if the appeal is perfected or, if not perfected, then to satisfy the judgment of the court in which it was rendered. Upon appeal from a conviction for failure to support or from a finding of civil or criminal contempt involving a failure to support, the juvenile and domestic relations district court may require the party applying for the appeal or someone for him to give bond, with or without surety, to insure his appearance and may also require bond in an amount and with sufficient surety to secure the payment of prospective support accruing during the pendency of the appeal. An appeal will not be perfected unless such appeal bond as may be required is filed within 30 days from the entry of the final judgment or order. However, no appeal bond shall be required of the Commonwealth or when an appeal is proper to protect the estate of a decedent, an infant, a convict or an insane person, or the interest of a county, city or town.

If bond is furnished by or on behalf of any party against whom judgment has been rendered for money, the bond shall be conditioned for the performance and satisfaction of such judgment or order as may be entered against the party on appeal, and for the payment of all damages which may be awarded against him in the appellate court. If the appeal is by a party against whom there is no recovery, the bond shall be conditioned for the payment of any damages as may be awarded against him on the appeal. The provisions of § 16.1-109 shall apply to bonds required pursuant to this subsection.

This subsection shall not apply to release on bail pursuant to other subsections of this section or § 16.1-298.

I. In all cases on appeal, the circuit court in the disposition of such cases shall have all the powers and authority granted by the chapter to the juvenile and domestic relations district court. Unless otherwise specifically provided by this Code, the circuit court judge shall have the authority to appoint counsel for the parties and compensate such counsel in accordance with the provisions of Article 6 (§ 16.1-266 et seq.) of this chapter.

J. In any case which has been referred or transferred from a circuit court to a juvenile court and an appeal is taken from an order or judgment of the juvenile court, the appeal shall be taken to the circuit court in the same locality as the juvenile court to which the case had been referred or transferred.

CHAPTER 906

An Act to amend the Code of Virginia by adding a section numbered 8.01-220.1:5, relating to common-law defense of intra-family immunity; abolished in certain cases.

[S 693]

Approved April 9, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 8.01-220.1:5 as follows:

§ 8.01-220.1:5. Defense of intra-family immunity abolished for wrongful death actions.

In any action for death by wrongful act under § 8.01-50, the common-law defense of intra-family immunity is abolished and shall not constitute a valid defense as to any such cause of action that arises on or after July 1, 2020.

CHAPTER 907

An Act to amend and reenact § 8.01-670.1 of the Code of Virginia, relating to interlocutory appeals; immunity.

[S 771]

Approved April 9, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 8.01-670.1 of the Code of Virginia is amended and reenacted as follows:

§ 8.01-670.1. Appeal of interlocutory orders and decrees by permission; immunity.

A. When, prior to the commencement of trial, the circuit court has entered in any pending civil action, except any matters appealable to the Court of Appeals pursuant to § 17.1-405, an order or decree that is not otherwise appealable, any party may file in the circuit court a ~~statement of the reasons why an immediate motion requesting that the circuit court certify such order or decree for interlocutory appeal should be permitted.~~

The ~~statement~~ motion shall include a concise analysis of the statutes, rules, or cases believed to be determinative of the issues and request that the court certify in writing that the order or decree involves a question of law as to which (i) there is substantial ground for difference of opinion, (ii) there is no clear, controlling precedent on point in the decisions of the Supreme Court of Virginia or the Court of Appeals of Virginia, (iii) determination of the issues will be dispositive of a material aspect of the proceeding currently pending before the court, and (iv) ~~the court and the parties agree~~ it is in the parties' best interest to seek an interlocutory appeal. *If the request for certification is opposed by any party, the parties may brief the motion in accordance with the Rules of the Supreme Court of Virginia.*

Within ~~ten~~ 15 days of the entry of an order by the circuit court granting such certification by the circuit court, a petition for appeal may be filed with the appellate court that would have jurisdiction in an appeal from a final judgment in the proceeding. If the appellate court determines that the certification by the circuit court has sufficient merit, it may, in its discretion, permit an appeal to be taken from the interlocutory order or decree and shall notify the certifying circuit court and counsel for the parties of its decision. ~~No petitions or appeals under this section shall stay proceedings in the circuit court unless the circuit court or appellate court so orders.~~

The consideration of any petition and appeal by the appellate court shall be in accordance with the applicable provisions of the Rules of the Supreme Court of Virginia and shall not take precedence on the docket unless the court so orders.

B. *When, prior to the commencement of trial, the circuit court has entered in any pending civil action an order granting or denying a plea of sovereign, absolute, or qualified immunity that, if granted, would immunize the movant from compulsory participation in the proceeding, the order is eligible for immediate appellate review. Any person aggrieved by such order may, within 15 days of the entry of such order, file a petition for review with the appropriate appellate court in accordance with the procedures set forth in § 8.01-626.*

C. *No petitions or appeals under this section shall stay proceedings in the circuit court unless (i) the petition or appeal could be dispositive of the entire civil action or (ii) there exists good cause, other than the pending petition or appeal, to stay the proceedings.*

D. *The failure of a party to seek interlocutory review under this section shall not preclude review of the issue on appeal from a final order. An order by the appellate court denying interlocutory review under this section shall not preclude review of the issue on appeal from a final order, unless the order denying such interlocutory review provides for such preclusion.*

2. That the provisions of this act apply to civil actions that are pending as of July 1, 2020, in which trial has not yet commenced, provided that, where an order denying a plea of immunity has been entered prior to July 1, 2020, a petition for review under subsection B of § 8.01-670.1 of the Code of Virginia, as amended by this act, may be filed within 15 days of July 1, 2020.

CHAPTER 908

An Act to amend and reenact §§ 24.2-410.1, 24.2-412, 24.2-413, 24.2-415.1, 24.2-418, and 24.2-653 of the Code of Virginia; to amend the Code of Virginia by adding a section numbered 24.2-411.3; and to repeal § 24.2-411.1 of the Code of Virginia, relating to automatic voter registration.

[H 235]

Approved April 9, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-410.1, 24.2-412, 24.2-413, 24.2-415.1, 24.2-418, and 24.2-653 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 24.2-411.3 as follows:

§ 24.2-410.1. Citizenship status; Department of Motor Vehicles to furnish lists of noncitizens.

A. The Department of Motor Vehicles shall include on the application for a driver's license, commercial driver's license, temporary driver's permit, learner's permit, motorcycle learner's permit, special identification card, or renewal thereof issued pursuant to the provisions of Chapter 3 (§ 46.2-300 et seq.) of Title 46.2, ~~as a predicate to offering a voter registration application pursuant to § 24.2-411.1;~~ a statement asking the applicant if he is a United States citizen. ~~If the applicant indicates a noncitizen status, the Department of Motor Vehicles shall not offer that applicant the opportunity to apply for voter registration. If the applicant indicates that he is a United States citizen and that he wishes to register to vote or change his voter registration address, the statement that he is a United States citizen shall become part of the voter registration application offered to the applicant.~~ Information on citizenship status shall not be a determinative factor for the issuance of any document pursuant to the provisions of Chapter 3 (§ 46.2-300 et seq.) of Title 46.2.

~~B. Additionally, the~~ The Department of Motor Vehicles shall furnish monthly to the Department of Elections a complete list of all persons who have indicated a noncitizen status to the Department of Motor Vehicles in obtaining a driver's license, commercial driver's license, temporary driver's permit, learner's permit, motorcycle learner's permit, special identification card, or renewal thereof issued pursuant to the provisions of Chapter 3 (§ 46.2-300 et seq.) of Title 46.2. The Department of Elections shall transmit the information from the list to the appropriate general registrars. Information in the lists shall be confidential and available only for official use by the Department of Elections and general registrars.

~~C. B.~~ For the purposes of this section, the Department of Motor Vehicles is not responsible for verifying the claim of any applicant who indicates United States citizen status when applying for a driver's license, commercial driver's license, temporary driver's permit, learner's permit, motorcycle learner's permit, special identification card, or renewal thereof issued pursuant to the provisions of Chapter 3 (§ 46.2-300 et seq.) of Title 46.2.

§ 24.2-411.3. Registration of Department of Motor Vehicles customers.

A. Each person coming into an office of the Department of Motor Vehicles or accessing its website in order to (i) apply for, replace, or renew a driver's license; (ii) apply for, replace, or renew a special identification card; or (iii) change an address on an existing driver's license or special identification card shall be presented with (a) a question asking whether or not the person is a United States citizen and (b) the option to decline to have his information transmitted to the Department of Elections for voter registration purposes. The citizenship question and option to decline shall be accompanied by a statement that intentionally making a materially false statement during the transaction constitutes election fraud and is punishable under Virginia law as a felony.

The Department of Motor Vehicles may not transmit the information of any person who so declines. The Department of Motor Vehicles may not transmit the information of any person who indicates that he is not a United States citizen, nor may such person be asked any additional questions relevant to voter registration but not relevant to the purpose for which the person came to an office of the Department of Motor Vehicles or accessed its website.

B. For each person who does not select the option to decline to have his information transmitted to the Department of Elections for voter registration purposes and who has identified himself as a United States citizen, the Department of Motor Vehicles shall request any information as may be required by the State Board to ensure that the person meets all voter registration eligibility requirements.

C. The Department of Motor Vehicles shall electronically transmit to the Department of Elections, in accordance with the standards set by the State Board, the information collected pursuant to subsection B for any person who (i) has indicated that he is a United States citizen, (ii) has indicated that he is 17 years of age or older, and (iii) at the time of such transaction did not decline to have his information transmitted to the Department of Elections for voter registration purposes.

D. The Department of Elections shall use the information transmitted to determine whether a person already has a registration record in the voter registration system.

1. For any person who does not yet have a registration record in the voter registration system, the Department of Elections shall transmit the information to the appropriate general registrar. The general registrar shall accept or reject the registration of such person in accordance with the provisions of this chapter.

2. For any person who already has a registration record in the voter registration system, if the information indicates that the voter has moved within the Commonwealth, the Department of Elections shall transmit the information and the registration record to the appropriate general registrar, who shall treat such transmittal as a request for transfer and process it in accordance with the provisions of this chapter.

3. General registrars shall not register any person who does not satisfy all voter eligibility requirements.

§ 24.2-412. Other locations and times for voter registration.

A. In addition to voter registration locations provided for in §§ 24.2-411, ~~24.2-411.1, and~~ 24.2-411.2, and 24.2-411.3, opportunities for voter registration may be provided at other agency offices, business offices, establishments, and occasional sites open to the general public, and shall be provided as required by this section. Voter registration shall be conducted only in public places open to the general public and at preannounced hours. Assistant registrars should serve during such hours and at such places. The conduct of voter registration by the general registrar or an assistant registrar in public places at preannounced hours shall not be deemed solicitation of registration.

B. The general registrar is authorized to set within his jurisdiction ongoing locations and times for registration in local or state government agency offices or in businesses or other establishments open to the general public, subject to the approval of, and pursuant to an agreement with, the head of the government agency, the owner or manager of the business or establishment, or the designee of either. The agreement shall provide for the appointment of employees of the agency, business, or establishment to serve as assistant registrars and shall be in writing and approved by the local electoral board prior to implementation.

Employees of the agency, business, or establishment who are appointed to serve as assistant registrars may be nonresidents of the jurisdiction they are appointed to serve, provided that (i) they are qualified voters of the Commonwealth and (ii) they serve only at their place of employment within the jurisdiction they are appointed to serve.

C. The general registrar or electoral board may set additional occasional sites and times for registration within the jurisdiction. A ~~multi-family~~ multifamily residential building not usually open to the public may be used as an occasional registration site so long as the public has free access to the site during the time for registering voters.

§ 24.2-413. Accessible registration locations.

The office of the general registrar, and each agency, business, and establishment set for registration pursuant to §§ ~~24.2-411.1~~, 24.2-411.2 and 24.2-411.3 and subsection B of § 24.2-412 shall be accessible as required by the provisions of the Virginians with Disabilities Act (§ 51.5-1 et seq.), the Voting Accessibility for the Elderly and Handicapped Act (52 U.S.C. § 20101 et seq.), and the Americans with Disabilities Act relating to public services (42 U.S.C. § 12131 et seq.). The Department shall provide instructions to the Department of Motor Vehicles, state-designated voter registration agencies, local electoral boards, and general registrars to assist them in complying with the requirements of the Acts.

In the selection of additional registration sites as provided in § 24.2-412, consideration shall be given to accessibility so that a reasonable number of accessible sites are provided and the requirements of the above cited Acts are met.

§ 24.2-415.1. Persons authorized to receive voter registration applications.

A. Any designated employee of ~~an office of the Department of Motor Vehicles~~, a state-designated voter registration agency, or Armed Forces recruitment office shall be authorized to receive a voter registration application when hand delivered by the applicant during the hours that the office is open.

B. The registration date for a valid voter registration application that has been hand delivered is the date when received by any general registrar or any person authorized to receive voter registration applications pursuant to subsection A ~~of this section~~.

§ 24.2-418. Application for registration.

A. Each applicant to register shall provide, subject to felony penalties for making false statements pursuant to § 24.2-1016, the information necessary to complete the application to register. Unless physically disabled, he shall sign the application. The application to register shall be only on a form or forms prescribed by the State Board.

The form of the application to register shall require the applicant to provide the following information: full name; gender; date of birth; social security number, if any; whether the applicant is presently a United States citizen; address of residence in the precinct; place of last previous registration to vote; and whether the applicant has ever been adjudicated incapacitated and disqualified to vote or convicted of a felony, and if so, whether the applicant's right to vote has been restored. The form shall contain a statement that whoever votes more than once in any election in the same or different jurisdictions is guilty of a Class 6 felony. Unless directed by the applicant or as permitted in § ~~24.2-411.1~~ or 24.2-411.2 or 24.2-411.3, the registration application shall not be pre-populated with information the applicant is required to provide.

B. The form shall permit any individual, as follows, or member of his household, to furnish, in addition to his residence street address, a post office box address located within the Commonwealth to be included in lieu of his street address on the lists of registered voters and persons who voted, which are furnished pursuant to §§ 24.2-405 and 24.2-406, on voter registration records made available for public inspection pursuant to § 24.2-444, or on lists of absentee voter applicants furnished pursuant to § 24.2-706 or 24.2-710. The voter shall comply with the provisions of § 24.2-424 for any change in the post office box address provided under this subsection.

1. Any active or retired law-enforcement officer, as defined in § 9.1-101 and in 5 U.S.C. § 8331(20), but excluding officers whose duties relate to detention as defined in 5 U.S.C. § 8331(20);

2. Any party granted a protective order issued by or under the authority of any court of competent jurisdiction, including but not limited to courts of the Commonwealth of Virginia;

3. Any party who has furnished a signed written statement by the party that he is in fear for his personal safety from another person who has threatened or stalked him, accompanied by evidence that he has filed a complaint with a magistrate or law-enforcement official against such other person;

4. Any party participating in the address confidentiality program pursuant to § 2.2-515.2;

5. Any active or retired federal or Virginia justice or judge and any active or retired attorney employed by the United States Attorney General or Virginia Attorney General; and

6. Any person who has been approved to be a foster parent pursuant to Chapter 9 (§ 63.2-900 et seq.) of Title 63.2.

C. If the applicant formerly resided in another state, the general registrar shall send the information contained in the applicant's registration application to the appropriate voter registration official or other authority of another state where the applicant formerly resided, as prescribed in subdivision 15 of § 24.2-114.

§ 24.2-653. Voter whose name does not appear on pollbook or who is marked as having voted; handling of provisional ballots; ballots cast after normal close of polls due to court order extending polling hours.

A. When a person offers to vote pursuant to § 24.2-652 and the general registrar is not available or cannot state that the person is registered to vote, then such person shall be allowed to vote by printed ballot in the manner provided in this section. This procedure shall also apply when required by § 24.2-643 or 24.2-651.1.

Such person shall be given a printed ballot and provide, subject to the penalties for making false statements pursuant to § 24.2-1016, on a green envelope supplied by the Department of Elections, the identifying information required on the envelope, including the last four digits of his social security number, if any, full name including the maiden or any other prior legal name, date of birth, complete address, and signature. Such person shall be asked to present one of the forms of identification specified in subsection B of § 24.2-643. The officers of election shall note on the green envelope whether or not the voter has presented one of the specified forms of identification. The officers of election shall enter the appropriate information for the person in the precinct provisional ballots log in accordance with the instructions of the State Board but shall not enter a consecutive number for the voter on the pollbook nor otherwise mark his name as having voted. The officers of election shall provide an application for registration to the person offering to vote in the manner provided in this section.

The voter shall then, in the presence of an officer of election, but in a secret manner, mark the printed ballot as provided in § 24.2-644 and seal it in the green envelope. The envelope containing the ballot shall then promptly be placed in the ballot container by an officer of election.

An officer of election, by a written notice given to the voter, shall (i) inform him that a determination of his right to vote shall be made by the electoral board, (ii) advise the voter of the beginning time and place for the board's meeting and of the voter's right to be present at that meeting, and (iii) inform a voter voting provisionally when required by § 24.2-643 that he may submit a copy of one of the forms of identification specified in subsection B of § 24.2-643 to the electoral board by facsimile, electronic mail, in-person submission, or timely United States Postal Service or commercial mail delivery, to be received by the electoral board no later than noon on the third day after the election. At the meeting, the voter may request an extension of the determination of the provisional vote in order to provide information to prove that the voter is entitled to vote in the precinct pursuant to § 24.2-401. The electoral board shall have the authority to grant such extensions which it deems reasonable to determine the status of a provisional vote.

B. The provisional votes submitted pursuant to subsection A, in their unopened envelopes, shall be sealed in a special envelope marked "Provisional Votes," inscribed with the number of envelopes contained therein, and signed by the officers of election who counted them. All provisional votes envelopes shall be delivered either (i) to the clerk of the circuit court who shall deliver all such envelopes to the secretary of the electoral board or (ii) to the general registrar in localities in which the electoral board has directed delivery of election materials to the general registrar pursuant to § 24.2-668.

The electoral board shall meet on the day following the election and determine whether each person having submitted such a provisional vote was entitled to do so as a qualified voter in the precinct in which he offered the provisional vote. If the board is unable to determine the validity of all the provisional ballots offered in the election, or has granted any voter who has offered a provisional ballot an extension as provided in subsection A, the meeting shall stand adjourned, not to exceed seven calendar days from the date of the election, until the board has determined the validity of all provisional ballots offered in the election.

One authorized representative of each political party or independent candidate in a general or special election or one authorized representative of each candidate in a primary election shall be permitted to remain in the room in which the determination is being made as an observer so long as he does not participate in the proceedings and does not impede the orderly conduct of the determination. Each authorized representative shall be a qualified voter of any jurisdiction of the Commonwealth. Each representative, who is not himself a candidate or party chairman, shall present to the electoral board a written statement designating him to be a representative of the party or candidate and signed by the county or city chairman of his political party, the independent candidate, or the primary candidate, as appropriate. If the county or city chairman is unavailable to sign such a written designation, such a designation may be made by the state or district chairman of the political party. However, no written designation made by a state or district chairman shall take precedence over a written designation made by the county or city chairman. Such statement, bearing the chairman's or candidate's original signature, may be photocopied and such photocopy shall be as valid as if the copy had been signed.

Notwithstanding the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.), attendance at meetings of the electoral board to determine the validity of provisional ballots shall be permitted only for the authorized representatives provided for in this subsection, for the persons whose provisional votes are being considered and their representative or legal counsel, and for appropriate staff and legal counsel for the electoral board.

If the electoral board determines that such person was not entitled to vote as a qualified voter in the precinct in which he offered the provisional vote, is unable to determine his right to vote, or has not been provided one of the forms of identification specified in subsection B of § 24.2-643, the envelope containing his ballot shall not be opened and his vote shall not be counted. The provisional vote shall be counted if (a) such person is entitled to vote in the precinct pursuant to § 24.2-401 or (b) the Department of Elections or the voter presents proof that indicates the voter submitted an application for registration to ~~the Department of Motor Vehicles~~ or *either a state-designated voter registration agency or the voter's information was transmitted by the Department of Motor Vehicles to the Department of Elections pursuant to § 24.2-411.3* prior to the close of registration pursuant to § 24.2-416 and the registrar determines that the person was qualified for registration based upon the application for registration submitted by the person pursuant to subsection A. The general registrar shall notify in writing pursuant to § 24.2-114 those persons found not properly registered or whose provisional vote was not counted.

If the electoral board determines that such person was entitled to vote, the name of the voter shall be entered in a provisional votes pollbook and marked as having voted, the envelope shall be opened, and the ballot placed in a ballot container without any inspection further than that provided for in § 24.2-646.

On completion of its determination, the electoral board shall proceed to count such ballots and certify the results of its count. Its certified results shall be added to those found pursuant to § 24.2-671. No adjustment shall be made to the statement of results for the precinct in which the person offered to vote. However, any voter who cast a provisional ballot and is determined by the electoral board to have been entitled to vote shall have his name included on the list of persons who voted that is submitted to the Department of Elections pursuant to § 24.2-406.

The certification of the results of the count together with all ballots and envelopes, whether open or unopened, and other related material shall be delivered by the electoral board to the clerk of the circuit court and retained by him as provided for in §§ 24.2-668 and 24.2-669.

C. Whenever the polling hours are extended by an order of a court of competent jurisdiction, any ballots marked after the normal polling hours by persons who were not already in line at the time the polls would have closed, notwithstanding the court order, shall be treated as provisional ballots under this section. The officers of election shall mark the green envelope for each such provisional ballot to indicate that it was cast after normal polling hours due to the court order, and when preparing the materials to deliver to the registrar or electoral board, shall separate these provisional ballots from any provisional ballots used for any other reason. The electoral board shall treat these provisional ballots as provided in subsection B; however, the counted and uncounted provisional ballots marked after the normal polling hours shall be kept separate from all other ballots and recorded in a separate provisional ballots pollbook. The Department of Elections shall provide instructions to the electoral boards for the handling and counting of such provisional ballots pursuant to this section.

2. That § 24.2-411.1 of the Code of Virginia is repealed.

CHAPTER 909

An Act to amend and reenact §§ 24.2-410.1, 24.2-412, 24.2-413, 24.2-415.1, 24.2-418, and 24.2-653 of the Code of Virginia, to amend the Code of Virginia by adding a section numbered 24.2-411.3, and to repeal § 24.2-411.1 of the Code of Virginia, relating to automatic voter registration.

[S 219]

Approved April 9, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-410.1, 24.2-412, 24.2-413, 24.2-415.1, 24.2-418, and 24.2-653 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 24.2-411.3 as follows:

§ 24.2-410.1. Citizenship status; Department of Motor Vehicles to furnish lists of noncitizens.

A. The Department of Motor Vehicles shall include on the application for a driver's license, commercial driver's license, temporary driver's permit, learner's permit, motorcycle learner's permit, special identification card, or renewal thereof issued pursuant to the provisions of Chapter 3 (§ 46.2-300 et seq.) of Title 46.2, ~~as a predicate to offering a voter registration application pursuant to § 24.2-411.1,~~ a statement asking the applicant if he is a United States citizen. ~~If the applicant indicates a noncitizen status, the Department of Motor Vehicles shall not offer that applicant the opportunity to apply for voter registration. If the applicant indicates that he is a United States citizen and that he wishes to register to vote or change his voter registration address, the statement that he is a United States citizen shall become part of the voter registration application offered to the applicant.~~ Information on citizenship status shall not be a determinative factor for the issuance of any document pursuant to the provisions of Chapter 3 (§ 46.2-300 et seq.) of Title 46.2.

~~B. Additionally,~~ *The* Department of Motor Vehicles shall furnish monthly to the Department of Elections a complete list of all persons who have indicated a noncitizen status to the Department of Motor Vehicles in obtaining a driver's license, commercial driver's license, temporary driver's permit, learner's permit, motorcycle learner's permit, special identification card, or renewal thereof issued pursuant to the provisions of Chapter 3 (§ 46.2-300 et seq.) of Title 46.2. The Department of Elections shall transmit the information from the list to the appropriate general registrars. Information in the lists shall be confidential and available only for official use by the Department of Elections and general registrars.

~~C. B.~~ For the purposes of this section, the Department of Motor Vehicles is not responsible for verifying the claim of any applicant who indicates United States citizen status when applying for a driver's license, commercial driver's license, temporary driver's permit, learner's permit, motorcycle learner's permit, special identification card, or renewal thereof issued pursuant to the provisions of Chapter 3 (§ 46.2-300 et seq.) of Title 46.2.

§ 24.2-411.3. Registration of Department of Motor Vehicles customers.

A. *Each person coming into an office of the Department of Motor Vehicles or accessing its website in order to (i) apply for, replace, or renew a driver's license; (ii) apply for, replace, or renew a special identification card; or (iii) change an address on an existing driver's license or special identification card shall be presented with (a) a question asking whether or not the person is a United States citizen and (b) the option to decline to have his information transmitted to the Department of Elections for voter registration purposes. The citizenship question and option to decline shall be accompanied by a statement that intentionally making a materially false statement during the transaction constitutes election fraud and is punishable under Virginia law as a felony.*

The Department of Motor Vehicles may not transmit the information of any person who so declines. The Department of Motor Vehicles may not transmit the information of any person who indicates that he is not a United States citizen, nor may such person be asked any additional questions relevant to voter registration but not relevant to the purpose for which the person came to an office of the Department of Motor Vehicles or accessed its website.

B. *For each person who does not select the option to decline to have his information transmitted to the Department of Elections for voter registration purposes and who has identified himself as a United States citizen, the Department of Motor Vehicles shall request any information as may be required by the State Board to ensure that the person meets all voter registration eligibility requirements.*

C. *The Department of Motor Vehicles shall electronically transmit to the Department of Elections, in accordance with the standards set by the State Board, the information collected pursuant to subsection B for any person who (i) has indicated*

that he is a United States citizen, (ii) has indicated that he is 17 years of age or older, and (iii) at the time of such transaction did not decline to have his information transmitted to the Department of Elections for voter registration purposes.

D. The Department of Elections shall use the information transmitted to determine whether a person already has a registration record in the voter registration system.

1. For any person who does not yet have a registration record in the voter registration system, the Department of Elections shall transmit the information to the appropriate general registrar. The general registrar shall accept or reject the registration of such person in accordance with the provisions of this chapter.

2. For any person who already has a registration record in the voter registration system, if the information indicates that the voter has moved within the Commonwealth, the Department of Elections shall transmit the information and the registration record to the appropriate general registrar, who shall treat such transmittal as a request for transfer and process it in accordance with the provisions of this chapter.

3. General registrars shall not register any person who does not satisfy all voter eligibility requirements.

§ 24.2-412. Other locations and times for voter registration.

A. In addition to voter registration locations provided for in §§ 24.2-411, ~~24.2-411.1, and~~ 24.2-411.2, and 24.2-411.3, opportunities for voter registration may be provided at other agency offices, business offices, establishments, and occasional sites open to the general public, and shall be provided as required by this section. Voter registration shall be conducted only in public places open to the general public and at preannounced hours. Assistant registrars should serve during such hours and at such places. The conduct of voter registration by the general registrar or an assistant registrar in public places at preannounced hours shall not be deemed solicitation of registration.

B. The general registrar is authorized to set within his jurisdiction ongoing locations and times for registration in local or state government agency offices or in businesses or other establishments open to the general public, subject to the approval of, and pursuant to an agreement with, the head of the government agency, the owner or manager of the business or establishment, or the designee of either. The agreement shall provide for the appointment of employees of the agency, business, or establishment to serve as assistant registrars and shall be in writing and approved by the local electoral board prior to implementation.

Employees of the agency, business, or establishment who are appointed to serve as assistant registrars may be nonresidents of the jurisdiction they are appointed to serve, provided that (i) they are qualified voters of the Commonwealth and (ii) they serve only at their place of employment within the jurisdiction they are appointed to serve.

C. The general registrar or electoral board may set additional occasional sites and times for registration within the jurisdiction. A ~~multi-family~~ multifamily residential building not usually open to the public may be used as an occasional registration site so long as the public has free access to the site during the time for registering voters.

§ 24.2-413. Accessible registration locations.

The office of the general registrar, and each agency, business, and establishment set for registration pursuant to §§ ~~24.2-411.1, 24.2-411.2 and 24.2-411.3~~ and subsection B of § 24.2-412 shall be accessible as required by the provisions of the Virginians with Disabilities Act (§ 51.5-1 et seq.), the Voting Accessibility for the Elderly and Handicapped Act (52 U.S.C. § 20101 et seq.), and the Americans with Disabilities Act relating to public services (42 U.S.C. § 12131 et seq.). The Department shall provide instructions to the Department of Motor Vehicles, state-designated voter registration agencies, local electoral boards, and general registrars to assist them in complying with the requirements of the Acts.

In the selection of additional registration sites as provided in § 24.2-412, consideration shall be given to accessibility so that a reasonable number of accessible sites are provided and the requirements of the above cited Acts are met.

§ 24.2-415.1. Persons authorized to receive voter registration applications.

A. Any designated employee of ~~an office of the Department of Motor Vehicles,~~ a state-designated voter registration agency, or Armed Forces recruitment office shall be authorized to receive a voter registration application when hand delivered by the applicant during the hours that the office is open.

B. The registration date for a valid voter registration application that has been hand delivered is the date when received by any general registrar or any person authorized to receive voter registration applications pursuant to subsection A ~~of this section.~~

§ 24.2-418. Application for registration.

A. Each applicant to register shall provide, subject to felony penalties for making false statements pursuant to § 24.2-1016, the information necessary to complete the application to register. Unless physically disabled, he shall sign the application. The application to register shall be only on a form or forms prescribed by the State Board.

The form of the application to register shall require the applicant to provide the following information: full name; gender; date of birth; social security number, if any; whether the applicant is presently a United States citizen; address of residence in the precinct; place of last previous registration to vote; and whether the applicant has ever been adjudicated incapacitated and disqualified to vote or convicted of a felony, and if so, whether the applicant's right to vote has been restored. The form shall contain a statement that whoever votes more than once in any election in the same or different jurisdictions is guilty of a Class 6 felony. Unless directed by the applicant or as permitted in § ~~24.2-411.1 or~~ 24.2-411.2 ~~or~~ 24.2-411.3, the registration application shall not be pre-populated with information the applicant is required to provide.

B. The form shall permit any individual, as follows, or member of his household, to furnish, in addition to his residence street address, a post office box address located within the Commonwealth to be included in lieu of his street address on the lists of registered voters and persons who voted, which are furnished pursuant to §§ 24.2-405 and 24.2-406, on voter

registration records made available for public inspection pursuant to § 24.2-444, or on lists of absentee voter applicants furnished pursuant to § 24.2-706 or 24.2-710. The voter shall comply with the provisions of § 24.2-424 for any change in the post office box address provided under this subsection.

1. Any active or retired law-enforcement officer, as defined in § 9.1-101 and in 5 U.S.C. § 8331(20), but excluding officers whose duties relate to detention as defined in 5 U.S.C. § 8331(20);

2. Any party granted a protective order issued by or under the authority of any court of competent jurisdiction, including but not limited to courts of the Commonwealth of Virginia;

3. Any party who has furnished a signed written statement by the party that he is in fear for his personal safety from another person who has threatened or stalked him, accompanied by evidence that he has filed a complaint with a magistrate or law-enforcement official against such other person;

4. Any party participating in the address confidentiality program pursuant to § 2.2-515.2;

5. Any active or retired federal or Virginia justice or judge and any active or retired attorney employed by the United States Attorney General or Virginia Attorney General; and

6. Any person who has been approved to be a foster parent pursuant to Chapter 9 (§ 63.2-900 et seq.) of Title 63.2.

C. If the applicant formerly resided in another state, the general registrar shall send the information contained in the applicant's registration application to the appropriate voter registration official or other authority of another state where the applicant formerly resided, as prescribed in subdivision 15 of § 24.2-114.

§ 24.2-653. Voter whose name does not appear on pollbook or who is marked as having voted; handling of provisional ballots; ballots cast after normal close of polls due to court order extending polling hours.

A. When a person offers to vote pursuant to § 24.2-652 and the general registrar is not available or cannot state that the person is registered to vote, then such person shall be allowed to vote by printed ballot in the manner provided in this section. This procedure shall also apply when required by § 24.2-643 or 24.2-651.1.

Such person shall be given a printed ballot and provide, subject to the penalties for making false statements pursuant to § 24.2-1016, on a green envelope supplied by the Department of Elections, the identifying information required on the envelope, including the last four digits of his social security number, if any, full name including the maiden or any other prior legal name, date of birth, complete address, and signature. Such person shall be asked to present one of the forms of identification specified in subsection B of § 24.2-643. The officers of election shall note on the green envelope whether or not the voter has presented one of the specified forms of identification. The officers of election shall enter the appropriate information for the person in the precinct provisional ballots log in accordance with the instructions of the State Board but shall not enter a consecutive number for the voter on the pollbook nor otherwise mark his name as having voted. The officers of election shall provide an application for registration to the person offering to vote in the manner provided in this section.

The voter shall then, in the presence of an officer of election, but in a secret manner, mark the printed ballot as provided in § 24.2-644 and seal it in the green envelope. The envelope containing the ballot shall then promptly be placed in the ballot container by an officer of election.

An officer of election, by a written notice given to the voter, shall (i) inform him that a determination of his right to vote shall be made by the electoral board, (ii) advise the voter of the beginning time and place for the board's meeting and of the voter's right to be present at that meeting, and (iii) inform a voter voting provisionally when required by § 24.2-643 that he may submit a copy of one of the forms of identification specified in subsection B of § 24.2-643 to the electoral board by facsimile, electronic mail, in-person submission, or timely United States Postal Service or commercial mail delivery, to be received by the electoral board no later than noon on the third day after the election. At the meeting, the voter may request an extension of the determination of the provisional vote in order to provide information to prove that the voter is entitled to vote in the precinct pursuant to § 24.2-401. The electoral board shall have the authority to grant such extensions which it deems reasonable to determine the status of a provisional vote.

B. The provisional votes submitted pursuant to subsection A, in their unopened envelopes, shall be sealed in a special envelope marked "Provisional Votes," inscribed with the number of envelopes contained therein, and signed by the officers of election who counted them. All provisional votes envelopes shall be delivered either (i) to the clerk of the circuit court who shall deliver all such envelopes to the secretary of the electoral board or (ii) to the general registrar in localities in which the electoral board has directed delivery of election materials to the general registrar pursuant to § 24.2-668.

The electoral board shall meet on the day following the election and determine whether each person having submitted such a provisional vote was entitled to do so as a qualified voter in the precinct in which he offered the provisional vote. If the board is unable to determine the validity of all the provisional ballots offered in the election, or has granted any voter who has offered a provisional ballot an extension as provided in subsection A, the meeting shall stand adjourned, not to exceed seven calendar days from the date of the election, until the board has determined the validity of all provisional ballots offered in the election.

One authorized representative of each political party or independent candidate in a general or special election or one authorized representative of each candidate in a primary election shall be permitted to remain in the room in which the determination is being made as an observer so long as he does not participate in the proceedings and does not impede the orderly conduct of the determination. Each authorized representative shall be a qualified voter of any jurisdiction of the Commonwealth. Each representative, who is not himself a candidate or party chairman, shall present to the electoral board a written statement designating him to be a representative of the party or candidate and signed by the county or city chairman of his political party, the independent candidate, or the primary candidate, as appropriate. If the county or city chairman is

unavailable to sign such a written designation, such a designation may be made by the state or district chairman of the political party. However, no written designation made by a state or district chairman shall take precedence over a written designation made by the county or city chairman. Such statement, bearing the chairman's or candidate's original signature, may be photocopied and such photocopy shall be as valid as if the copy had been signed.

Notwithstanding the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.), attendance at meetings of the electoral board to determine the validity of provisional ballots shall be permitted only for the authorized representatives provided for in this subsection, for the persons whose provisional votes are being considered and their representative or legal counsel, and for appropriate staff and legal counsel for the electoral board.

If the electoral board determines that such person was not entitled to vote as a qualified voter in the precinct in which he offered the provisional vote, is unable to determine his right to vote, or has not been provided one of the forms of identification specified in subsection B of § 24.2-643, the envelope containing his ballot shall not be opened and his vote shall not be counted. The provisional vote shall be counted if (a) such person is entitled to vote in the precinct pursuant to § 24.2-401 or (b) the Department of Elections or the voter presents proof that indicates the voter submitted an application for registration to ~~the Department of Motor Vehicles or other~~ a state-designated voter registration agency *or the voter's information was transmitted by the Department of Motor Vehicles to the Department of Elections pursuant to § 24.2-411.3* prior to the close of registration pursuant to § 24.2-416 and the registrar determines that the person was qualified for registration based upon the application for registration submitted by the person pursuant to subsection A. The general registrar shall notify in writing pursuant to § 24.2-114 those persons found not properly registered or whose provisional vote was not counted.

If the electoral board determines that such person was entitled to vote, the name of the voter shall be entered in a provisional votes pollbook and marked as having voted, the envelope shall be opened, and the ballot placed in a ballot container without any inspection further than that provided for in § 24.2-646.

On completion of its determination, the electoral board shall proceed to count such ballots and certify the results of its count. Its certified results shall be added to those found pursuant to § 24.2-671. No adjustment shall be made to the statement of results for the precinct in which the person offered to vote. However, any voter who cast a provisional ballot and is determined by the electoral board to have been entitled to vote shall have his name included on the list of persons who voted that is submitted to the Department of Elections pursuant to § 24.2-406.

The certification of the results of the count together with all ballots and envelopes, whether open or unopened, and other related material shall be delivered by the electoral board to the clerk of the circuit court and retained by him as provided for in §§ 24.2-668 and 24.2-669.

C. Whenever the polling hours are extended by an order of a court of competent jurisdiction, any ballots marked after the normal polling hours by persons who were not already in line at the time the polls would have closed, notwithstanding the court order, shall be treated as provisional ballots under this section. The officers of election shall mark the green envelope for each such provisional ballot to indicate that it was cast after normal polling hours due to the court order, and when preparing the materials to deliver to the registrar or electoral board, shall separate these provisional ballots from any provisional ballots used for any other reason. The electoral board shall treat these provisional ballots as provided in subsection B; however, the counted and uncounted provisional ballots marked after the normal polling hours shall be kept separate from all other ballots and recorded in a separate provisional ballots pollbook. The Department of Elections shall provide instructions to the electoral boards for the handling and counting of such provisional ballots pursuant to this section.

2. That § 24.2-411.1 of the Code of Virginia is repealed.

CHAPTER 910

An Act to amend and reenact § 15.2-914 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 63.2-1701.01, relating to certain family day homes; storage of firearms.

[H 600]

Approved April 9, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-914 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 63.2-1701.01 as follows:

§ 15.2-914. Regulation of child-care services and facilities in certain counties and cities.

Any (i) county that has adopted the urban county executive form of government, (ii) city adjacent to a county that has adopted the urban county executive form of government, or (iii) city which is completely surrounded by such county may by ordinance provide for the regulation and licensing of persons who provide child-care services for compensation and for the regulation and licensing of child-care facilities. "Child-care services" means provision of regular care, protection and guidance to one or more children not related by blood or marriage while such children are separated from their parent, guardian or legal custodian in a dwelling not the residence of the child during a part of the day for at least four days of a calendar week. "Child-care facilities" includes any commercial or residential structure which is used to provide child-care services.

Such local ordinance shall not require the regulation or licensing of any child-care facility that is licensed by the Commonwealth and such ordinance shall not require the regulation or licensing of any facility operated by a religious institution as exempted from licensure by § 63.2-1716.

~~Such~~ *Except as otherwise provided in this section, such* local ordinances shall not be more extensive in scope than comparable state regulations applicable to family day homes. Such local ordinances may regulate the possession and storage of firearms, ammunition, or components or combination thereof at child-care facilities ~~so long as such regulation remains~~ *no and may be* more extensive in scope than comparable state *statutes or* regulations applicable to family day homes. Local regulations shall not affect the manner of construction or materials to be used in the erection, alteration, repair or use of a residential dwelling.

Such local ordinances may require that persons who provide child-care services shall provide certification from the Central Criminal Records Exchange and a national criminal background check, in accordance with §§ 19.2-389 and 19.2-392.02, that such persons have not been convicted of any offense involving the sexual molestation of children or the physical or sexual abuse or rape of a child or any barrier crime defined in § 19.2-392.02, and such ordinances may require that persons who provide child-care services shall provide certification from the central registry of the Department of Social Services that such persons have not been the subject of a founded complaint of abuse or neglect. If an applicant is denied licensure because of any adverse information appearing on a record obtained from the Central Criminal Records Exchange, the national criminal background check, or the Department of Social Services, the applicant shall be provided a copy of the information upon which that denial was based.

§ 63.2-1701.01. Storage of firearms in certain family day homes.

During hours of operation, all firearms in a licensed family day home, registered family day home, or family day home approved by a family day system shall be stored unloaded in a locked container, compartment, or cabinet, and all ammunition shall be stored in a separate locked container, compartment, or cabinet. The key or combination to such locked containers, compartments, or cabinets shall be inaccessible to all children in the home.

CHAPTER 911

An Act to amend and reenact § 15.2-914 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 63.2-1701.01, relating to certain family day homes; storage of firearms.

[S 593]

Approved April 9, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-914 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 63.2-1701.01 as follows:

§ 15.2-914. Regulation of child-care services and facilities in certain counties and cities.

Any (i) county that has adopted the urban county executive form of government, (ii) city adjacent to a county that has adopted the urban county executive form of government, or (iii) city which is completely surrounded by such county may by ordinance provide for the regulation and licensing of persons who provide child-care services for compensation and for the regulation and licensing of child-care facilities. "Child-care services" means provision of regular care, protection and guidance to one or more children not related by blood or marriage while such children are separated from their parent, guardian or legal custodian in a dwelling not the residence of the child during a part of the day for at least four days of a calendar week. "Child-care facilities" includes any commercial or residential structure which is used to provide child-care services.

Such local ordinance shall not require the regulation or licensing of any child-care facility that is licensed by the Commonwealth and such ordinance shall not require the regulation or licensing of any facility operated by a religious institution as exempted from licensure by § 63.2-1716.

~~Such~~ *Except as otherwise provided in this section, such* local ordinances shall not be more extensive in scope than comparable state regulations applicable to family day homes. Such local ordinances may regulate the possession and storage of firearms, ammunition, or components or combination thereof at child-care facilities ~~so long as such regulation remains~~ *no and may be* more extensive in scope than comparable state *statutes or* regulations applicable to family day homes. Local regulations shall not affect the manner of construction or materials to be used in the erection, alteration, repair or use of a residential dwelling.

Such local ordinances may require that persons who provide child-care services shall provide certification from the Central Criminal Records Exchange and a national criminal background check, in accordance with §§ 19.2-389 and 19.2-392.02, that such persons have not been convicted of any offense involving the sexual molestation of children or the physical or sexual abuse or rape of a child or any barrier crime defined in § 19.2-392.02, and such ordinances may require that persons who provide child-care services shall provide certification from the central registry of the Department of Social Services that such persons have not been the subject of a founded complaint of abuse or neglect. If an applicant is denied licensure because of any adverse information appearing on a record obtained from the Central Criminal Records Exchange, the national criminal background check, or the Department of Social Services, the applicant shall be provided a copy of the information upon which that denial was based.

§ 63.2-1701.01. Storage of firearms in certain family day homes.

During hours of operation, all firearms in a licensed family day home, registered family day home, or family day home approved by a family day system shall be stored unloaded in a locked container, compartment, or cabinet, and all ammunition shall be stored in a separate locked container, compartment, or cabinet. The key or combination to such locked containers, compartments, or cabinets shall be inaccessible to all children in the home.

CHAPTER 912

An Act to amend the Code of Virginia by adding in Title 63.2 a chapter numbered 23, consisting of a section numbered 63.2-2300, relating to Virginia Sexual and Domestic Violence Prevention Fund; report.

[H 1015]

Approved April 9, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 63.2 a chapter numbered 23, consisting of a section numbered 63.2-2300, as follows:

CHAPTER 23.

VIRGINIA SEXUAL AND DOMESTIC VIOLENCE PREVENTION FUND.

§ 63.2-2300. Virginia Sexual and Domestic Violence Prevention Fund; report.

A. The General Assembly finds and declares that sexual and domestic violence is a serious public health and safety concern in the Commonwealth, and that evidence-based and evidence-informed prevention programs are critical to decrease the negative effects that sexual and domestic violence have on communities in the Commonwealth. It is therefore in the best interest of the citizens of the Commonwealth to support such programs for the purpose of lowering the occurrence of sexual and domestic violence in the Commonwealth.

B. There is hereby created in the state treasury a special nonreverting fund to be known as the Virginia Sexual and Domestic Violence Prevention Fund (the Fund). The Fund shall be established on the books of the Comptroller. All moneys appropriated by the General Assembly for the Fund, and received from any other sources, public or private, shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Commissioner. Up to five percent of the Fund may be used to pay the expenses necessary for administration of the Fund by the Department.

C. The Fund shall be administered by the Department in accordance with the provisions of this section and subject to the following:

1. The Department shall use moneys in the Fund to develop and support prevention programs in the Commonwealth and perform such other acts as may be necessary to comply with the provisions of this section.

2. No less than five percent of the Fund shall be granted to an organization that provides training and technical assistance to entities implementing prevention programs and for the development of statewide strategies to reinforce and expand prevention efforts.

3. No less than 40 percent but not more than 45 percent of the Fund shall be granted to the Department of Health's Domestic and Intimate Partner Violence Prevention program for the distribution of grants to support and evaluate evidence-based and evidence-informed sexual violence prevention programs. Up to five percent of such funds may be used to pay the expenses necessary to distribution of such grants by the Department of Health.

4. The Department shall, in coordination with the Department of Health and the Virginia Sexual and Domestic Violence Action Alliance, develop a plan for distribution of moneys in the Fund. Such plan shall identify evidence-based and evidence-informed prevention programs and develop strategies to promote research and evaluation of prevention initiatives. Such plan shall include a process for determining appropriate grant amounts and other strategies that help to prevent or support programs that prevent sexual and domestic violence in the Commonwealth.

5. The Department shall distribute grants to support and evaluate evidence-based and evidence-informed domestic violence prevention programs.

6. The Department shall produce an annual report on the expenditures and activities associated with the Fund and provide such report to the Governor and the Chairmen of the Senate Committee on Finance and Appropriations and the House Committee on Appropriations by November 30 each year.

7. No more than 95 percent of moneys in the Fund shall be awarded or allocated in any fiscal year.

D. For the purposes of this section, "prevention program" means an evidence-based or evidence-informed program that (i) is operated by a local public or private nonprofit agency and (ii) has the primary purpose of preventing sexual and domestic violence through strategies that (a) promote the development and maintenance of healthy practices related to relationships, sexuality, and social-emotional development and (b) counteract the factors associated with the initial perpetration of sexual and domestic violence.

CHAPTER 913

An Act to amend the Code of Virginia by adding in Title 63.2 a chapter numbered 23, consisting of a section numbered 63.2-2300, relating to Virginia Sexual and Domestic Violence Prevention Fund; report.

[S 297]

Approved April 9, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 63.2 a chapter numbered 23, consisting of a section numbered 63.2-2300, as follows:

CHAPTER 23.

VIRGINIA SEXUAL AND DOMESTIC VIOLENCE PREVENTION FUND.

§ 63.2-2300. Virginia Sexual and Domestic Violence Prevention Fund; report.

A. The General Assembly finds and declares that sexual and domestic violence is a serious public health and safety concern in the Commonwealth, and that evidence-based and evidence-informed prevention programs are critical to decrease the negative effects that sexual and domestic violence have on communities in the Commonwealth. It is therefore in the best interest of the citizens of the Commonwealth to support such programs for the purpose of lowering the occurrence of sexual and domestic violence in the Commonwealth.

B. There is hereby created in the state treasury a special nonreverting fund to be known as the Virginia Sexual and Domestic Violence Prevention Fund (the Fund). The Fund shall be established on the books of the Comptroller. All moneys appropriated by the General Assembly for the Fund, and received from any other sources, public or private, shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Commissioner. Up to five percent of the Fund may be used to pay the expenses necessary for administration of the Fund by the Department.

C. The Fund shall be administered by the Department in accordance with the provisions of this section and subject to the following:

1. The Department shall use moneys in the Fund to develop and support prevention programs in the Commonwealth and perform such other acts as may be necessary to comply with the provisions of this section.

2. No less than five percent of the Fund shall be granted to an organization that provides training and technical assistance to entities implementing prevention programs and for the development of statewide strategies to reinforce and expand prevention efforts.

3. No less than 40 percent but not more than 45 percent of the Fund shall be granted to the Department of Health's Domestic and Intimate Partner Violence Prevention program for the distribution of grants to support and evaluate evidence-based and evidence-informed sexual violence prevention programs. Up to five percent of such funds may be used to pay the expenses necessary to distribution of such grants by the Department of Health.

4. The Department shall, in coordination with the Department of Health and the Virginia Sexual and Domestic Violence Action Alliance, develop a plan for distribution of moneys in the Fund. Such plan shall identify evidence-based and evidence-informed prevention programs and develop strategies to promote research and evaluation of prevention initiatives. Such plan shall include a process for determining appropriate grant amounts and other strategies that help to prevent or support programs that prevent sexual and domestic violence in the Commonwealth.

5. The Department shall distribute grants to support and evaluate evidence-based and evidence-informed domestic violence prevention programs.

6. The Department shall produce an annual report on the expenditures and activities associated with the Fund and provide such report to the Governor and the Chairmen of the Senate Committee on Finance and Appropriations and the House Committee on Appropriations by November 30 each year.

7. No more than 95 percent of moneys in the Fund shall be awarded or allocated in any fiscal year.

D. For the purposes of this section, "prevention program" means an evidence-based or evidence-informed program that (i) is operated by a local public or private nonprofit agency and (ii) has the primary purpose of preventing sexual and domestic violence through strategies that (a) promote the development and maintenance of healthy practices related to relationships, sexuality, and social-emotional development and (b) counteract the factors associated with the initial perpetration of sexual and domestic violence.

CHAPTER 914

An Act to amend the Code of Virginia by adding in Chapter 25 of Title 2.2 an article numbered 11, consisting of sections numbered 2.2-2544 through 2.2-2550, relating to the American Revolution 250 Commission; report.

[H 1424]

Approved April 9, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 25 of Title 2.2 an article numbered 11, consisting of sections numbered 2.2-2544 through 2.2-2550, as follows:

Article 11.

American Revolution 250 Commission.

§ 2.2-2544. American Revolution 250 Commission; purpose.

The American Revolution 250 Commission (the Commission) is established as an advisory commission within the executive branch of state government.

The purpose of the Commission is to commemorate the 250th anniversary of the American Revolution, the Revolutionary War, and the independence of the United States.

§ 2.2-2545. Membership; terms; quorum; meetings.

A. The Commission shall have a total membership of 22 members that shall consist of 17 nonlegislative citizen members and five ex officio members. Members shall be appointed as follows:

1. One representative from each of the lead commemoration partners: the Jamestown-Yorktown Foundation, the primary state agency and fiscal agent; the Virginia Museum of History & Culture, the primary nonstate agency; and Gunston Hall, the primary representative of Virginia's historic homes and related sites;

2. One representative from the American Battlefield Trust, the secretariat of the United States Semiquincentennial Commission, and one representative from the Virginia Bar Association;

3. Six members appointed by the Governor from a list of 10 provided by the Jamestown-Yorktown Foundation; and

4. Six members appointed by the Governor from a list of 10 provided by the Virginia Museum of History & Culture.

The Secretary of Education, the Librarian of Virginia, the Director of the Department of Historic Resources, the Executive Director of Virginia Humanities, and the Chief Executive Officer of the Virginia Tourism Authority, or their designees, shall serve as ex officio members with voting privileges. Nonlegislative citizen members of the Commission shall be citizens of the Commonwealth.

B. The Commission shall elect a chairman and vice-chairman from among its membership.

C. Nonlegislative citizen members shall be appointed for the duration of the Commission's activities. Appointments to fill vacancies shall be for the unexpired terms. Vacancies shall be filled in the same manner as the original appointments.

§ 2.2-2546. Quorum; meetings.

A majority of the members shall constitute a quorum. The meetings of the Commission will be held at the call of the chair or whenever a majority of the members so request.

§ 2.2-2547. Compensation; expenses.

Nonlegislative citizen members of the Commission shall not receive compensation or reimbursement for travel and other expenses incurred in the performance of their duties.

§ 2.2-2548. Powers and duties of the Commission.

The Commission shall have the power and duty to:

1. Formulate and implement a program for the inclusive observance of the 250th anniversary of the independence of the United States and the Revolutionary War in Virginia, including (i) civic, cultural, and historical education and scholarship concerning the ideals of the American Revolution and their contemporary relevance; (ii) visitation of museums and historic sites, including battlefields; (iii) creation and publication of historical documents and studies; (iv) cooperation with agencies responsible for the preservation or restoration of historic sites, buildings, art, and artifacts; (v) establishment of exhibitions and interpretive and wayfinding signage; (vi) arrangement of appropriate public ceremonies; (vii) a comprehensive marketing and tourism campaign encompassing calendar year 2025 through calendar year 2026; and (viii) the general dissemination of public information regarding Virginia's involvement in the American Revolution and its legacy today;

2. Submit to the Governor and the General Assembly an annual executive summary of the interim activity and work of the Commission no later than the first day of each regular session of the General Assembly;

3. Solicit, accept, use, and dispose of funds appropriated by the General Assembly and any gifts, grants, donations, bequests, or other funds received by the Commission for the purpose of aiding or facilitating its work;

4. Appoint and establish an advisory council, to be led by the Commission member representing Gunston Hall, composed of nonlegislative citizen members at large who have a knowledge of relevant history or expertise in areas useful to the work of the Commission, including a representative of the Sons of the Revolution in the Commonwealth of Virginia, a representative of the Virginia Daughters of the American Revolution, and a representative of the National Washington-Rochambeau Revolutionary Route Association. The advisory council shall make recommendations and provide comment as requested by the Commission. The Commission may from time to time appoint, add, or remove members of the advisory council. Members of the advisory council shall serve without compensation or reimbursement;

5. Appoint and establish an executive committee composed of members of the Commission, to include the Commission's chair and vice chair and one representative designated by each of the following: the Jamestown-Yorktown Foundation, the Virginia Museum of History & Culture, and Gunston Hall; and

6. Perform such other duties, functions, and activities as may be necessary to facilitate and implement the objectives of the Commission.

§ 2.2-2549. Cooperation of agencies of state and local government.

The Jamestown-Yorktown Foundation will be the primary state agency and fiscal agent for the commemoration of the 250th anniversary of the American Revolution. All agencies of the Commonwealth and local governments are authorized, consistent with their missions, to provide assistance and advice to the Jamestown-Yorktown Foundation, or directly to the Commission, in fulfilling all things necessary and proper to plan for and implement the commemoration. The various agencies and institutions of the Commonwealth, upon request of the Commission and approval of the respective agency head, shall designate a liaison to coordinate assistance and services to the Commission from their agencies and institutions.

§ 2.2-2550. Sunset.

This article shall expire on July 1, 2027.

2. That during the first year of its existence the American Revolution 250 Commission (the Commission) created pursuant to this act shall be limited to two meetings, which shall be convened by the Secretary of Education, for the purpose of developing a work plan for the Commission. Such work plan shall include information related to staffing and proposed internal organizational structure and funding needs. The Secretary shall submit a report on his findings regarding the work plan, including any recommendations, to the Governor and the General Assembly by November 30, 2020.

3. That the membership of the American Revolution 250 Commission created pursuant to this act shall be increased by the addition of legislative members in such number and of such composition as determined by a bill passed by the 2021 Regular Session of the General Assembly that becomes law.

CHAPTER 915

An Act to amend the Code of Virginia by adding in Chapter 25 of Title 2.2 an article numbered 11, consisting of sections numbered 2.2-2544 through 2.2-2550, relating to the American Revolution 250 Commission; report.

[S 407]

Approved April 9, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 25 of Title 2.2 an article numbered 11, consisting of sections numbered 2.2-2544 through 2.2-2550, as follows:

Article 11.

American Revolution 250 Commission.

§ 2.2-2544. American Revolution 250 Commission; purpose.

The American Revolution 250 Commission (the Commission) is established as an advisory commission within the executive branch of state government.

The purpose of the Commission is to commemorate the 250th anniversary of the American Revolution, the Revolutionary War, and the independence of the United States.

§ 2.2-2545. Membership; terms; quorum; meetings.

A. The Commission shall have a total membership of 22 members that shall consist of 17 nonlegislative citizen members and five ex officio members. Members shall be appointed as follows:

1. One representative from each of the lead commemoration partners: the Jamestown-Yorktown Foundation, the primary state agency and fiscal agent; the Virginia Museum of History & Culture, the primary nonstate agency; and Gunston Hall, the primary representative of Virginia's historic homes and related sites;

2. One representative from the American Battlefield Trust, the secretariat of the United States Semiquincentennial Commission, and one representative from the Virginia Bar Association;

3. Six members appointed by the Governor from a list of 10 provided by the Jamestown-Yorktown Foundation; and

4. Six members appointed by the Governor from a list of 10 provided by the Virginia Museum of History & Culture.

The Secretary of Education, the Librarian of Virginia, the Director of the Department of Historic Resources, the Executive Director of Virginia Humanities, and the Chief Executive Officer of the Virginia Tourism Authority, or their designees, shall serve as ex officio members with voting privileges. Nonlegislative citizen members of the Commission shall be citizens of the Commonwealth.

B. The Commission shall elect a chairman and vice-chairman from among its membership.

C. Nonlegislative citizen members shall be appointed for the duration of the Commission's activities. Appointments to fill vacancies shall be for the unexpired terms. Vacancies shall be filled in the same manner as the original appointments.

§ 2.2-2546. Quorum; meetings.

A majority of the members shall constitute a quorum. The meetings of the Commission will be held at the call of the chair or whenever a majority of the members so request.

§ 2.2-2547. Compensation; expenses.

Nonlegislative citizen members of the Commission shall not receive compensation or reimbursement for travel and other expenses incurred in the performance of their duties.

§ 2.2-2548. Powers and duties of the Commission.

The Commission shall have the power and duty to:

1. Formulate and implement a program for the inclusive observance of the 250th anniversary of the independence of the United States and the Revolutionary War in Virginia, including (i) civic, cultural, and historical education and scholarship concerning the ideals of the American Revolution and their contemporary relevance; (ii) visitation of museums and historic sites, including battlefields; (iii) creation and publication of historical documents and studies; (iv) cooperation with agencies responsible for the preservation or restoration of historic sites, buildings, art, and artifacts; (v) establishment of exhibitions and interpretive and wayfinding signage; (vi) arrangement of appropriate public ceremonies; (vii) a comprehensive marketing and tourism campaign encompassing calendar year 2025 through calendar year 2026; and (viii) the general dissemination of public information regarding Virginia's involvement in the American Revolution and its legacy today;

2. Submit to the Governor and the General Assembly an annual executive summary of the interim activity and work of the Commission no later than the first day of each regular session of the General Assembly;

3. Solicit, accept, use, and dispose of funds appropriated by the General Assembly and any gifts, grants, donations, bequests, or other funds received by the Commission for the purpose of aiding or facilitating its work;

4. Appoint and establish an advisory council, to be led by the Commission member representing Gunston Hall, composed of nonlegislative citizen members at large who have a knowledge of relevant history or expertise in areas useful to the work of the Commission, including a representative of the Sons of the Revolution in the Commonwealth of Virginia, a representative of the Virginia Daughters of the American Revolution, and a representative of the National Washington-Rochambeau Revolutionary Route Association. The advisory council shall make recommendations and provide comment as requested by the Commission. The Commission may from time to time appoint, add, or remove members of the advisory council. Members of the advisory council shall serve without compensation or reimbursement;

5. Appoint and establish an executive committee composed of members of the Commission, to include the Commission's chair and vice chair and one representative designated by each of the following: the Jamestown-Yorktown Foundation, the Virginia Museum of History & Culture, and Gunston Hall; and

6. Perform such other duties, functions, and activities as may be necessary to facilitate and implement the objectives of the Commission.

§ 2.2-2549. Cooperation of agencies of state and local government.

The Jamestown-Yorktown Foundation will be the primary state agency and fiscal agent for the commemoration of the 250th anniversary of the American Revolution. All agencies of the Commonwealth and local governments are authorized, consistent with their missions, to provide assistance and advice to the Jamestown-Yorktown Foundation, or directly to the Commission, in fulfilling all things necessary and proper to plan for and implement the commemoration. The various agencies and institutions of the Commonwealth, upon request of the Commission and approval of the respective agency head, shall designate a liaison to coordinate assistance and services to the Commission from their agencies and institutions.

§ 2.2-2550. Sunset.

This article shall expire on July 1, 2027.

2. That during the first year of its existence the American Revolution 250 Commission (the Commission) created pursuant to this act shall be limited to two meetings, which shall be convened by the Secretary of Education, for the purpose of developing a work plan for the Commission. Such work plan shall include information related to staffing and proposed internal organizational structure and funding needs. The Secretary shall submit a report on his findings regarding the work plan, including any recommendations, to the Governor and the General Assembly by November 30, 2020.

3. That the membership of the American Revolution 250 Commission created pursuant to this act shall be increased by the addition of legislative members in such number and of such composition as determined by a bill passed by the 2021 Regular Session of the General Assembly that becomes law.

CHAPTER 916

An Act to amend and reenact §§ 38.2-326, 38.2-3455, 38.2-3456, 38.2-3457, 38.2-3459, 38.2-3460, 38.2-4214, 38.2-4319, 38.2-4509, 58.1-3, and 58.1-341.1 of the Code of Virginia; to amend the Code of Virginia by adding in Title 38.2 a chapter numbered 65, consisting of sections numbered 38.2-6500 through 38.2-6517; and to repeal the second enactment of Chapter 670 and the second enactment of Chapter 679 of the Acts of Assembly of 2013, relating to the establishment and operation of a health benefit exchange for the Commonwealth; assessments; Department of Taxation; information sharing.

[H 1428]

Approved April 9, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 38.2-326, 38.2-3455, 38.2-3456, 38.2-3457, 38.2-3459, 38.2-3460, 38.2-4214, 38.2-4319, 38.2-4509, 58.1-3, and 58.1-341.1 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Title 38.2 a chapter numbered 65, consisting of sections numbered 38.2-6500 through 38.2-6517, as follows:

§ 38.2-326. Plan management functions.

A. As used in this section:

"Exchange" means either the (i) federal health benefit exchange established by the Secretary of the U.S. Department of Health and Human Services pursuant to § 1321 of the Patient Protection and Affordable Care Act codified as 42 U.S.C. § 18041(c) in the Commonwealth or (ii) state-based exchange established pursuant to Chapter 65 (§ 38.2-6500 et seq.) and § 1311(b) of the Patient Protection and Affordable Care Act codified as 42 U.S.C. § 18031.

"Plan management functions" means analyses and reviews necessary to support the certification, decertification, and recertification of qualified health plans and stand-alone dental plans for the participation in an exchange and the collection of data necessary to perform the above functions.

~~B. The Commission's Bureau of Insurance, with the assistance of the Virginia Department of Health, shall perform plan management functions required to certify health benefit plans and stand-alone dental plans for participation in the federal health benefit exchange established by the Secretary of the U.S. Department of Health and Human Services pursuant to § 1321 of the Patient Protection and Affordable Care Act codified as 42 U.S.C. § 18041(c) in the Commonwealth, provided that: (i) full funding is available; (ii) the technology infrastructure, including integration with federal, state, and other necessary entities, is made available to the Commission by or through the U.S. Department of Health and Human Services or the Virginia Secretary of Health and Human Resources in order for it to carry out the plan management functions authorized in this section; and (iii) there are no other impediments that effectively prevent the Commission from performing any required plan management functions; and (iv) the performance of such plan management functions is not deemed to establish a health benefit exchange pursuant to § 1311 of the Patient Protection and Affordable Care Act codified as 42 U.S.C. § 18031. For purposes of this section, "plan management functions" means analyses and reviews necessary to support the certification, decertification, and recertification of qualified health plans and stand-alone dental plans for the federal health benefit exchange established by the Secretary of the U.S. Department of Health and Human Services pursuant to § 1321 of the Patient Protection and Affordable Care Act codified as 42 U.S.C. § 18041(c); and the collection of data necessary to perform the above functions.~~

~~B. C. The Commission's Bureau of Insurance may contract with and enter into memoranda of understanding to carry out its plan management functions with the U.S. Department of Health and Human Services or any other state or federal agency; provided that entering into such contracts or memoranda of understanding are not deemed to establish a health benefit exchange pursuant to § 1311 of the Patient Protection and Affordable Care Act codified as 42 U.S.C. § 18031.~~

~~C. The Commission's obligation to perform plan management functions described in subsection A is contingent upon receiving federal funding sufficient to pay the operating expenses necessary to carry out the plan management functions. The Commission shall seek full reimbursement from the U.S. Department of Health and Human Services for such expenses.~~

~~D. The Commission shall not use any special fund revenues dedicated to its other functions and duties unrelated to exchange operations, including, but not limited to, revenues from utility consumer taxes or fees from licensees or registrants regulated by the Commission or fees paid to the Clerk's Office, to fund the plan management functions.~~

~~E. Technology resources provided by the Commission in carrying out the plan management functions shall be limited to existing Commission technology support functions such as desktop support, network administration support, web services support, or other similar support functions.~~

~~F. The Commission shall make available to the public on its website a written report on the implementation and performance of its plan management functions during the preceding fiscal year, including, at a minimum, the manner in which all funds utilized for its plan management functions were expended.~~

§ 38.2-3455. Definitions.

As used in this article, unless the context requires otherwise:

"Exchange" means ~~a health benefit exchange established or operated in the Commonwealth, including a health benefit exchange established or operated by the U.S. Secretary of Health and Human Services, pursuant to § 1311(b) of the Patient Protection and Affordable Care Act, P.L. 111-148, as amended either a (i) federal health benefit exchange established by the Secretary of the U.S. Department of Health and Human Services pursuant to § 1321 of the Patient Protection and Affordable Care Act codified as 42 U.S.C. § 18041(c) in the Commonwealth or (ii) state-based exchange established pursuant to Chapter 65 (§ 38.2-6500 et seq.) and § 1311 (b) of the Patient Protection and Affordable Care Act codified as 42 U.S.C. § 18031.~~

"Health carrier" has the same meaning assigned to that term in § 38.2-3438.

"Navigator" means an individual or entity described in 42 U.S.C. § 1311(i)(2) that is selected to perform the activities and duties identified in 42 U.S.C. § 18031 (i) in the Commonwealth. "Navigator" does not include an individual or entity licensed as an agent under Chapter 18 (§ 38.2-1800 et seq.) of this title to sell, solicit, or negotiate contracts of insurance or annuity in the Commonwealth.

"Other affordable care options" means the programs provided under the state plan for medical assistance services pursuant to Title XIX of the Social Security Act, as amended, and the Family Access to Medical Insurance Security (FAMIS) Plan developed pursuant to Title XXI of the Social Security Act, as amended.

"Qualified dental plan" means a limited scope dental plan that has in effect a certification that the plan meets the criteria for certification described in § 1311(d)(2)(B)(ii) of the Patient Protection and Affordable Care Act, P.L. 111-148, as amended.

"Qualified health plan" means a health benefit plan that has in effect a certification that the plan meets the criteria for certification described in § 1311(c) of the Patient Protection and Affordable Care Act, P.L. 111-148, as amended.

"Secretary" means the Secretary of the U.S. Department of Health and Human Services.

§ 38.2-3456. Prohibited activities.

A. A navigator shall not:

1. Engage in any activity that would require an insurance agent license under this title;
2. Offer advice about which qualified health plan or qualified dental plan is better or worse for a particular individual or employer;
3. Act as an intermediary between an employer and an insurer that offers a qualified health plan or qualified dental plan offered through an exchange;
4. Violate any unfair trade practice and privacy requirements in §§ 38.2-502, 38.2-503, 38.2-506, 38.2-509, 38.2-512, 38.2-515, 38.2-612.1, 38.2-613, and 38.2-614 to the extent such requirements are applicable to the activities of navigators; or
5. Receive compensation for services or duties as a navigator that are prohibited by federal law, including compensation from a health carrier.

B. An individual or entity shall not claim to be, or otherwise hold himself or itself out as, a navigator or conduct business as a navigator in the Commonwealth without:

1. Having been selected as a navigator in accordance with applicable federal *or state* law;
2. Having evidence of successful completion of all navigator requirements prescribed by the Secretary *or the Exchange*; and
3. Having met requirements established pursuant to § 38.2-3457.

C. If an individual or entity has engaged in the Commonwealth in one or more of the prohibited activities identified in this section, a complaint may be filed with the Commission. The Commission, upon investigation and verification of the prohibited activity or activities, may order such individual or entity to cease and desist such prohibited conduct.

§ 38.2-3457. Application for registration.

A. On or after September 1, 2014, no individual or entity shall act as a navigator in the Commonwealth unless such individual or entity has been certified by the U.S. Department of Health and Human Services *or the Exchange* and registered with the Commission.

B. An application for registration under this article shall be in the form and containing the information the Commission prescribes. Each applicant shall, at the time of applying for registration, pay a nonrefundable application processing fee in an amount and in a manner prescribed by the Commission. A criminal history record report shall accompany each individual registration application.

C. The Commission shall register the applicant if it finds that the character and general fitness of the applicant are such as to warrant belief that the applicant will act as a navigator fairly, in the public interest, and in accordance with law.

§ 38.2-3459. Grounds for termination, placing on probation, revocation, or suspension of registration.

A. If the Commission determines that a registered navigator has violated this article, or any order or regulation adopted thereunder, after notice and opportunity to be heard, the Commission may impose a penalty in accordance with §§ 38.2-218 and 38.2-219 and place on probation, suspend, or revoke any individual's or entity's registration.

B. The registration of any navigator shall terminate immediately when such navigator becomes decertified by the U.S. Department of Health and Human Services; ~~whether or not the Commission has been notified of such decertification or the Exchange, as applicable.~~

§ 38.2-3460. Sufficiency of federal requirements; additional standards and qualifications for navigators.

The Commission may determine whether the standards and qualifications for navigators provided by 42 U.S.C. § 18031 and any regulations enacted thereunder are sufficient to ensure that navigators can perform the required duties. If the Commission determines that the standards and qualifications are insufficient, the Commission shall ~~make a good faith effort to work in cooperation with the Secretary to propose improvements. If after a reasonable interval the Commission determines that the standards and qualifications remain insufficient, the Commission shall~~ adopt regulations establishing additional standards and qualifications to ensure that navigators can perform their required duties.

§ 38.2-4214. Application of certain provisions of law.

No provision of this title except this chapter and, insofar as they are not inconsistent with this chapter, §§ 38.2-200, 38.2-203, 38.2-209 through 38.2-213, 38.2-218 through 38.2-225, 38.2-230, 38.2-232, 38.2-305, 38.2-316, 38.2-316.1, 38.2-322, 38.2-325, 38.2-326, 38.2-400, 38.2-402 through 38.2-413, 38.2-500 through 38.2-515, 38.2-600 through 38.2-620, 38.2-700 through 38.2-705, 38.2-900 through 38.2-904, 38.2-1017, 38.2-1018, 38.2-1038, 38.2-1040 through 38.2-1044, Articles 1 (§ 38.2-1300 et seq.) and 2 (§ 38.2-1306.2 et seq.) of Chapter 13, §§ 38.2-1312, 38.2-1314, 38.2-1315.1, 38.2-1317 through 38.2-1328, 38.2-1334, 38.2-1340, 38.2-1400 through 38.2-1442, 38.2-1446, 38.2-1447, 38.2-1800 through 38.2-1836, 38.2-3400, 38.2-3401, 38.2-3404, 38.2-3405, 38.2-3405.1, 38.2-3406.1, 38.2-3406.2, 38.2-3407.1 through 38.2-3407.6:1, 38.2-3407.9 through 38.2-3407.20, 38.2-3409, 38.2-3411 through 38.2-3419.1, 38.2-3430.1 through 38.2-3454, Article 8 (§ 38.2-3461 et seq.) of Chapter 34, 38.2-3501, 38.2-3502, subdivision 13 of § 38.2-3503, subdivision 8 of § 38.2-3504, §§ 38.2-3514.1, 38.2-3514.2, §§ 38.2-3516 through 38.2-3520 as they apply to Medicare supplement policies, §§ 38.2-3522.1 through 38.2-3523.4, 38.2-3525, 38.2-3540.1, 38.2-3541 through 38.2-3542, 38.2-3543.2, Article 5 (§ 38.2-3551 et seq.) of Chapter 35, Chapter 35.1 (§ 38.2-3556 et seq.), §§ 38.2-3600 through 38.2-3607, Chapter 52 (§ 38.2-5200 et seq.), Chapter 55 (§ 38.2-5500 et seq.), ~~and Chapter 58 (§ 38.2-5800 et seq.) of this title, and Chapter 65 (§ 38.2-6500 et seq.)~~ shall apply to the operation of a plan.

§ 38.2-4319. Statutory construction and relationship to other laws.

A. No provisions of this title except this chapter and, insofar as they are not inconsistent with this chapter, §§ 38.2-100, 38.2-136, 38.2-200, 38.2-203, 38.2-209 through 38.2-213, 38.2-216, 38.2-218 through 38.2-225, 38.2-229, 38.2-232, 38.2-305, 38.2-316, 38.2-316.1, 38.2-322, 38.2-325, 38.2-326, 38.2-400, 38.2-402 through 38.2-413, 38.2-500 through 38.2-515, 38.2-600 through 38.2-620, Chapter 9 (§ 38.2-900 et seq.), §§ 38.2-1016.1 through 38.2-1023, 38.2-1057, 38.2-1306.1, Article 2 (§ 38.2-1306.2 et seq.), § 38.2-1315.1, Articles 3.1 (§ 38.2-1316.1 et seq.), 4 (§ 38.2-1317 et seq.), 5 (§ 38.2-1322 et seq.), 5.1 (§ 38.2-1334.3 et seq.), and 5.2 (§ 38.2-1334.11 et seq.) of Chapter 13, Articles 1 (§ 38.2-1400 et seq.), 2 (§ 38.2-1412 et seq.), and 4 (§ 38.2-1446 et seq.) of Chapter 14, Chapter 15 (§ 38.2-1500 et seq.), Chapter 17 (§ 38.2-1700 et seq.), §§ 38.2-1800 through 38.2-1836, 38.2-3401, 38.2-3405, 38.2-3405.1, 38.2-3406.1, 38.2-3407.2 through 38.2-3407.6:1, 38.2-3407.9 through 38.2-3407.20, 38.2-3411, 38.2-3411.2, 38.2-3411.3, 38.2-3411.4, 38.2-3412.1, 38.2-3414.1, 38.2-3418.1 through 38.2-3418.17, 38.2-3419.1, 38.2-3430.1 through 38.2-3454, Article 8 (§ 38.2-3461 et seq.) of Chapter 34, 38.2-3500, subdivision 13 of § 38.2-3503, subdivision 8 of § 38.2-3504, §§ 38.2-3514.1, 38.2-3514.2, 38.2-3522.1 through 38.2-3523.4, 38.2-3525, 38.2-3540.1, 38.2-3540.2, 38.2-3541.2, 38.2-3542, 38.2-3543.2, Article 5 (§ 38.2-3551 et seq.) of Chapter 35, Chapter 35.1 (§ 38.2-3556 et seq.), Chapter 52 (§ 38.2-5200 et seq.), Chapter 55 (§ 38.2-5500 et seq.), ~~and~~ Chapter 58 (§ 38.2-5800 et seq.), *and Chapter 65 (§ 38.2-6500 et seq.)* shall be applicable to any health maintenance organization granted a license under this chapter. This chapter shall not apply to an insurer or health services plan licensed and regulated in conformance with the insurance laws or Chapter 42 (§ 38.2-4200 et seq.) except with respect to the activities of its health maintenance organization.

B. For plans administered by the Department of Medical Assistance Services that provide benefits pursuant to Title XIX or Title XXI of the Social Security Act, as amended, no provisions of this title except this chapter and, insofar as they are not inconsistent with this chapter, §§ 38.2-100, 38.2-136, 38.2-200, 38.2-203, 38.2-209 through 38.2-213, 38.2-216, 38.2-218 through 38.2-225, 38.2-229, 38.2-232, 38.2-322, 38.2-325, 38.2-400, 38.2-402 through 38.2-413, 38.2-500 through 38.2-515, 38.2-600 through 38.2-620, Chapter 9 (§ 38.2-900 et seq.), §§ 38.2-1016.1 through 38.2-1023, 38.2-1057, 38.2-1306.1, Article 2 (§ 38.2-1306.2 et seq.), § 38.2-1315.1, Articles 3.1 (§ 38.2-1316.1 et seq.), 4 (§ 38.2-1317 et seq.), 5 (§ 38.2-1322 et seq.), 5.1 (§ 38.2-1334.3 et seq.), and 5.2 (§ 38.2-1334.11 et seq.) of Chapter 13, Articles 1 (§ 38.2-1400 et seq.), 2 (§ 38.2-1412 et seq.), and 4 (§ 38.2-1446 et seq.) of Chapter 14, §§ 38.2-3401, 38.2-3405, 38.2-3407.2 through 38.2-3407.5, 38.2-3407.6, 38.2-3407.6:1, 38.2-3407.9, 38.2-3407.9:01, and 38.2-3407.9:02, subdivisions F 1, F 2, and F 3 of § 38.2-3407.10, §§ 38.2-3407.11, 38.2-3407.11:3, 38.2-3407.13, 38.2-3407.13:1, 38.2-3407.14, 38.2-3411.2, 38.2-3418.1, 38.2-3418.2, 38.2-3419.1, 38.2-3430.1 through 38.2-3437, 38.2-3500, subdivision 13 of § 38.2-3503, subdivision 8 of § 38.2-3504, §§ 38.2-3514.1, 38.2-3514.2, 38.2-3522.1 through 38.2-3523.4, 38.2-3525, 38.2-3540.1, 38.2-3540.2, 38.2-3541.2, 38.2-3542, 38.2-3543.2, Chapter 52 (§ 38.2-5200 et seq.), Chapter 55 (§ 38.2-5500 et seq.), ~~and~~ Chapter 58 (§ 38.2-5800 et seq.), *and Chapter 65 (§ 38.2-6500 et seq.)* shall be applicable to any health maintenance organization granted a license under this chapter. This chapter shall not apply to an insurer or health services plan licensed and regulated in conformance with the insurance laws or Chapter 42 (§ 38.2-4200 et seq.) except with respect to the activities of its health maintenance organization.

C. Solicitation of enrollees by a licensed health maintenance organization or by its representatives shall not be construed to violate any provisions of law relating to solicitation or advertising by health professionals.

D. A licensed health maintenance organization shall not be deemed to be engaged in the unlawful practice of medicine. All health care providers associated with a health maintenance organization shall be subject to all provisions of law.

E. Notwithstanding the definition of an eligible employee as set forth in § 38.2-3431, a health maintenance organization providing health care plans pursuant to § 38.2-3431 shall not be required to offer coverage to or accept applications from an employee who does not reside within the health maintenance organization's service area.

F. For purposes of applying this section, "insurer" when used in a section cited in subsections A and B shall be construed to mean and include "health maintenance organizations" unless the section cited clearly applies to health maintenance organizations without such construction.

§ 38.2-4509. Application of certain laws.

A. No provision of this title except this chapter and, insofar as they are not inconsistent with this chapter, §§ 38.2-200, 38.2-203, 38.2-209 through 38.2-213, 38.2-218 through 38.2-225, 38.2-229, 38.2-316, 38.2-326, 38.2-400, 38.2-402 through 38.2-413, 38.2-500 through 38.2-515, 38.2-600 through 38.2-620, 38.2-900 through 38.2-904, 38.2-1038, 38.2-1040 through 38.2-1044, Articles 1 (§ 38.2-1300 et seq.) and 2 (§ 38.2-1306.2 et seq.) of Chapter 13, §§ 38.2-1312, 38.2-1314, 38.2-1315.1, Articles 4 (§ 38.2-1317 et seq.), 5 (§ 38.2-1322 et seq.), and 6 (§ 38.2-1335 et seq.) of Chapter 13, §§ 38.2-1400 through 38.2-1442, 38.2-1446, 38.2-1447, 38.2-1800 through 38.2-1836, 38.2-3401, 38.2-3404, 38.2-3405, 38.2-3407.1, 38.2-3407.4, 38.2-3407.10, 38.2-3407.13, 38.2-3407.14, 38.2-3407.15, 38.2-3407.17, 38.2-3407.17:1, 38.2-3407.19, 38.2-3415, 38.2-3541, Article 5 (§ 38.2-3551 et seq.) of Chapter 35, §§ 38.2-3600 through 38.2-3603, Chapter 55 (§ 38.2-5500 et seq.), ~~and~~ Chapter 58 (§ 38.2-5800 et seq.), *and Chapter 65 (§ 38.2-6500 et seq.)* shall apply to the operation of a plan.

B. The provisions of subsection A of § 38.2-322 shall apply to an optometric services plan. The provisions of subsection C of § 38.2-322 shall apply to a dental services plan.

C. The provisions of Article 1.2 (§ 32.1-137.7 et seq.) of Chapter 5 of Title 32.1 shall not apply to either an optometric or dental services plan.

D. The provisions of § 38.2-3407.1 shall apply to claim payments made on or after January 1, 2014. No optometric or dental services plan shall be required to pay interest computed under § 38.2-3407.1 if the total interest is less than \$5.

CHAPTER 65.
VIRGINIA HEALTH BENEFIT EXCHANGE.

§ 38.2-6500. Definitions.

As used in this chapter, unless the context requires a different meaning:

"American Health Benefit Exchange" means the program established as a component of the Exchange pursuant to this chapter that is designed to facilitate the purchase of qualified health plans or qualified dental plans by qualified individuals.

"Bureau" means the Bureau of Insurance, a division within the Commission through which it administers insurance law.

"Certified application counselor" means individuals certified by the Exchange to perform the duties described in 45 C.F.R. § 155.255(c).

"Commission" means the State Corporation Commission.

"Committee" means the Advisory Committee established pursuant to § 38.2-6503.

"Director" means the Director of the Division appointed by the Commission pursuant to § 38.2-6502.

"Division" means the Health Benefit Exchange Division, a division within the Commission through which it administers the Exchange.

"Eligible employee" means an individual employed by a qualified employer who has been offered health insurance coverage by such qualified employer through the SHOP exchange.

"Eligible entity" means the Bureau, the Department of Medical Assistance Services, or a qualified vendor that has demonstrated experience on a statewide or regional basis in individual and small group health insurance markets and in benefits coverage; however, a health carrier or an affiliate of a health carrier is not an eligible entity.

"Essential health benefits package" means the scope of covered benefits and associated limits of a health benefit plan that (i) provides benefits pursuant to § 38.2-3451; (ii) provides the benefits in the manner described in 45 C.F.R. § 156.115; (iii) limits cost-sharing for such coverage as described in 45 C.F.R. § 156.130; and (iv) subject to offering catastrophic plans as described in § 1302(e) of the Federal Act, provides distinct levels of coverage as described in 45 C.F.R. § 156.140.

"Exchange" means, as the context requires, either (i) the Division or (ii) the Virginia Health Benefit Exchange established pursuant to the provisions of this chapter and in accordance with § 1311(b) of the Federal Act, through which qualified health plans and qualified dental plans are made available to qualified individuals through the American Health Benefit Exchange and to qualified employers through the SHOP exchange. "Exchange," when referring to the Virginia Health Benefit Exchange, collectively refers to both the American Health Benefit Exchange and the SHOP exchange.

"FAMIS" means the Family Access to Medical Insurance Security Plan, including the FAMIS Plus program, established pursuant to Chapter 13 (§ 32.1-351 et seq.) of Title 32.1.

"Federal Act" means the federal Patient Protection and Affordable Care Act, P.L. 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, P.L. 111-152, and as it may further be amended, and regulations issued thereunder.

"Health benefit plan" or "plan" means a policy, contract, certificate, or agreement offered or issued by a health carrier to provide, deliver, arrange for, pay for, or reimburse any of the costs of health care services. The term does not include coverage only for accident or disability income insurance, or any combination thereof; coverage issued as a supplement to liability insurance; liability insurance, including general liability insurance and automobile liability insurance; workers' compensation or similar insurance; automobile medical payment insurance; credit-only insurance; coverage for onsite medical clinics; or other similar insurance coverage, specified in federal regulations issued pursuant to the Federal Act, under which benefits for medical care are secondary or incidental to other insurance benefits. The term does not include the following benefits if they are provided under a separate policy, certificate, or contract of insurance or are otherwise not an integral part of the plan: limited scope dental or vision benefits; benefits for long-term care, nursing home care, home health care, community-based care, or any combination thereof; or other similar limited benefits specified in federal regulations issued pursuant to the Federal Act. The term does not include the following benefits if the benefits are provided under a separate policy, certificate, or contract of insurance; there is no coordination between the provision of the benefits and any exclusion of benefits under any group health plan maintained by the same plan sponsor; and the benefits are paid with respect to an event without regard to whether benefits are provided with respect to such an event under any group health plan maintained by the same plan sponsor: coverage only for a specified disease or illness, for hospital indemnity, or other fixed indemnity insurance. The term does not include the following if offered as a separate policy, certificate, or contract of insurance: Medicare supplemental health insurance as defined under § 1882(g)(1) of the U.S. Social Security Act; coverage supplemental to the coverage provided under 10 U.S.C. § 1071 et seq. (TRICARE); or similar supplemental coverage provided under a group health plan.

"Health carrier" or "carrier" means an entity subject to the insurance laws and regulations of the Commonwealth and subject to the jurisdiction of the Commission that contracts or offers to contract to provide, deliver, arrange for, pay for, or reimburse any of the costs of health care services, including an insurer licensed to sell accident and sickness insurance, a health maintenance organization, a health services plan, a dental plan organization, a dental services plan, or any other entity providing a plan of health insurance, health benefits, or health care services.

"Insurance agent" has the same meaning as provided in § 38.2-1800.

"Minimum essential coverage" means coverage defined in 45 C.F.R. § 156.600.

"Navigator" means an individual or entity that is registered pursuant to § 38.2-3457.

"PHSA" means the federal Public Health Service Act, Chapter 6A of Title 42 of the United States Code, as amended.

"Qualified dental plan" means a limited scope dental plan that has been certified in accordance with § 38.2-6506.

"Qualified employer" means a small employer that elects to make all of its full-time employees eligible for one or more qualified health plans or qualified dental plans in the small group market offered through the SHOP exchange and, at the employer's option, some or all of its part-time employees, provided that the employer (i) has its principal place of business in the Commonwealth and elects to provide coverage through the SHOP exchange to all of its eligible employees, wherever employed, or (ii) elects to provide coverage through the SHOP exchange to all of its eligible employees who are principally employed in the Commonwealth.

"Qualified health plan" means a health benefit plan that has in effect a certification that the plan meets the criteria for certification described in § 1311(c) of the Federal Act and § 38.2-6506.

"Qualified individual" means an individual, including a minor, who (i) is seeking to enroll in a qualified health plan or qualified dental plan offered to individuals through the Exchange; (ii) resides in the Commonwealth; (iii) is not incarcerated at the time of enrollment, other than incarceration pending the disposition of charges; and (iv) is, and is reasonably expected to be, for the entire period for which enrollment is sought, a citizen or a national of the United States or an alien lawfully present in the United States.

"Secretary" means the Secretary of the U.S. Department of Health and Human Services.

"SHOP exchange" means the Small Business Health Options Program, established as a component of the Exchange pursuant to this chapter, through which a qualified employer can provide its eligible employees and their dependents with access to one or more qualified health plans or qualified dental plans.

"Small employer" means an employer that employed an average of not more than 50 employees during the preceding calendar year. For the purposes of this definition: (a) all persons treated as a single employer under subsection (b), (c), (m), or (o) of 26 U.S.C. § 414 shall be treated as a single employer; (b) an employer and any predecessor employer shall be treated as a single employer; and (c) all employees shall be counted, including part-time employees and employees who are not eligible for health insurance coverage through the employer. If an employer was not in existence throughout the preceding calendar year, the determination of whether the employer is a small employer shall be based on the average number of employees reasonably expected to be employed by the employer on business days in the current calendar year. An employer that makes enrollment in qualified health plans or qualified dental plans available to its eligible employees through the SHOP exchange and that no longer meets the definition of a small employer because of an increase in the number of its employees shall continue to be treated as a small employer for purposes of this chapter as long as that employer continuously makes enrollment through the SHOP exchange available to its eligible employees.

"Small group market" means the health insurance market under which individuals obtain health insurance coverage, directly or through any arrangement, on behalf of themselves and their dependents through a group health plan maintained by a small employer.

"State-mandated health benefit" means coverage required under this title or other laws of the Commonwealth to be provided in a policy of accident and sickness insurance, an accident and sickness subscription contract, or a health maintenance organization health care plan that includes coverage for specific health care services or benefits.

"State Medicaid Program" means the Commonwealth's Medicaid program under Title XIX of the Social Security Act, as amended from time to time.

§ 38.2-6501. Exchange objectives.

The Virginia Health Benefit Exchange shall make qualified health plans and qualified dental plans available to qualified individuals in the Commonwealth and provide for the establishment of a Small Business Health Options Program to assist qualified small employers in the Commonwealth in facilitating the enrollment of their eligible employees in qualified health plans and qualified dental plans offered in the small group market. The Exchange shall promote a transparent and competitive marketplace, promote consumer choice and education, and assist individuals with access to programs, policies and procedures, premium assistance tax credits, and cost-sharing reductions to support the continuity of coverage and reduce the number of uninsured.

§ 38.2-6502. Division established; Exchange created.

A. The Commission shall establish the Health Benefit Exchange Division as a separate division within the Commission. The Virginia Health Benefit Exchange shall be established and administered by the Commission, through the Division, in compliance with the requirements of this chapter and the Federal Act. The Exchange shall facilitate the purchase and sale of qualified health plans and qualified dental plans to qualified individuals and qualified employers. The Commission shall ensure that the Exchange and Bureau Divisions work in agreement to administer consistent regulation of Exchange plans.

B. The Commission shall appoint a Director of the Division, who shall have overall management responsibility for the Exchange.

C. The Commission, through the Division, shall have governing power and authority in any matter pertaining to the Exchange. The Commission may delegate as it may deem proper such powers and duties to the Director.

D. The Commission shall carry out its duties and responsibilities under this chapter in accordance with its rules of practice and procedure and shall decide all matters related to the Exchange in the same manner as it does when performing its other regulatory, judicial, and administrative duties and responsibilities under this Code.

E. The Commission may adopt rules and regulations pursuant to § 38.2-223 as may be necessary or appropriate for the administration of the Exchange.

§ 38.2-6503. Advisory Committee.

A. There is hereby established an Advisory Committee in accordance with § 1311 (d) of the Federal Act and 45 C.F.R. § 155.110 to advise and provide recommendations to the Commission and the Director in carrying out the purposes and duties of the Exchange. The Committee shall consist of up to 15 members. Members shall be appointed as follows: five nonlegislative citizen members to be appointed by the Governor, each of whom shall have demonstrated and acknowledged expertise in individual health coverage, small employer health coverage, health benefits plan administration, health care finance and economics, actuarial science, or with expertise in eligibility and enrollment in health care affordability programs and public health insurance; at least three nonlegislative citizen members appointed by the Commission, including an individual representing an organization that represents the Virginia insurance industry, an individual representing insurance agents, and a consumer representative; and any other members determined by the Commission. The Commissioner of Insurance, the Director of the Department of Medical Assistance Services, the State Health Commissioner, the Commissioner of the Department of Social Services, and the Secretary of Health and Human Resources, or their designees, shall serve as *ex officio* nonvoting members of the Committee.

B. No member of the Committee shall be a legislator or hold any elective office in state government.

C. A majority of the members appointed by the Governor and a majority of the members appointed by the Commission shall have no conflict of interest as set forth in the Federal Act.

D. After the initial staggering of terms, nonlegislative citizen members shall be appointed for a term of four years. No nonlegislative citizen member shall serve more than two consecutive four-year terms. The remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in determining the member's eligibility for reappointment.

E. The Committee shall elect a chairman and vice-chairman from among its membership. A majority of the appointed members shall constitute a quorum.

F. All meetings of the Committee shall be announced at least one week in advance on the Exchange website and shall be open to the public. The Committee shall permit reasonable public comment concerning matters on a meeting's agenda at meetings not less frequently than biennially. The Committee shall announce prior to its meetings whether public comment will be accepted. The Committee shall accept written comment from the public on an ongoing basis.

G. Minutes of meetings of the Committee, which shall include the Committee's recommendations and responses to its recommendations, shall be available to the public and posted on the Exchange's website.

§ 38.2-6504. Exchange requirements.

A. The Exchange shall make qualified health plans and qualified dental plans available to qualified individuals and qualified employers, beginning on a date set by the Commission, which date shall not be later than January 1, 2023, unless the Commission determines that postponement of such date is necessary to complete the establishment of the Exchange. The Exchange shall not make available any health benefit plan that is not a qualified health plan. The Exchange shall allow a health carrier to offer a qualified dental plan either to supplement a qualified health plan or separately, as practicable.

B. The Exchange shall provide for the establishment of a SHOP exchange that will permit enrollment of eligible employees of qualified small employers in the Commonwealth directly through qualified health plan issuers, qualified dental plan issuers, or licensed agents that meet established Exchange standards.

C. The Exchange shall allow a health carrier to offer a plan that provides limited scope dental benefits meeting the requirements of § 9832(c)(2)(A) of the Internal Revenue Code of 1986 through the Exchange, if the plan provides pediatric dental benefits meeting the requirements of § 1302(b)(1)(J) of the Federal Act.

D. Neither the Exchange nor a carrier offering qualified health benefit plans through the Exchange may charge an individual a fee or penalty for termination of coverage if the individual enrolls in another type of minimum essential coverage because the individual has become newly eligible for that coverage or because the individual's employer-sponsored coverage has become affordable under the standards of § 36B(c)(2)(C) of the Internal Revenue Code of 1986.

E. The Exchange and any associated programs shall be established and operated and offer plans in compliance with § 1321 (b) of the Federal Act.

§ 38.2-6505. Duties of Exchange.

The Exchange shall:

1. Implement procedures for the certification, recertification, and decertification of qualified health plans and qualified dental plans consistent with guidelines developed by the Secretary under § 1311(c) of the Federal Act and § 38.2-6506;

2. Provide for enrollment periods under § 1311(c)(6) of the Federal Act;

3. Provide for the operation of a toll-free telephone hotline to respond to requests for assistance;

4. Utilize a website on which enrollees and prospective enrollees of qualified health plans and qualified dental plans may obtain standardized comparative information. Information on qualified health plans shall include, at a minimum, (i) premium and cost-sharing information; (ii) the summary of benefits and coverage offered; (iii) identification of a qualified health plan as a bronze-level, silver-level, gold-level, or platinum-level plan as defined by § 1302(d) of the Federal Act or a catastrophic plan as defined by § 1302(e) of the Federal Act; (iv) the results of enrollee satisfaction surveys, described in § 1311(c)(4) of the Federal Act; (v) quality ratings assigned pursuant to § 1311(c)(3) of the Federal Act; (vi) medical loss ratio information as reported to the Secretary in accordance with 45 C.F.R. Part 158; (vii) transparency of coverage measures reported to the Exchange during certification processes; and (viii) the provider directory made available to the Exchange. The website shall be accessible to persons with disabilities, shall provide

meaningful access for persons with limited English proficiency, and shall contain the information described in clauses (i) through (viii) without diversion to a website of a carrier;

5. Assign a rating to each qualified health plan offered through the Exchange in accordance with the criteria developed by the Secretary under § 1311(c)(3) of the Federal Act;

6. Determine each qualified health plan's level of coverage in accordance with regulations issued by the Secretary under § 1302(d)(2)(A) of the Federal Act;

7. Use a standardized format for presenting health benefit options in the Exchange, including the use of the uniform outline of coverage as established under § 2715 of the PHSA, 42 U.S.C. § 300gg-15;

8. Inform individuals, in accordance with § 1413 of the Federal Act, of eligibility requirements for (i) the State Medicaid Program; (ii) the Children's Health Insurance Program (CHIP) under Title XXI of the Social Security Act, including FAMIS, as amended from time to time; or (iii) any applicable state or local public health subsidy program, and enroll an individual in such program if it is determined, through screening of the application, that such individual is eligible for any such program;

9. Make available by electronic means through the website described in subdivision 4 a calculator to determine the actual cost of coverage after application of any premium assistance tax credit under 26 U.S.C. § 36B and any cost-sharing reduction under § 1402 of the Federal Act;

10. Establish an American Health Benefit Exchange through which qualified individuals may enroll in any qualified health plan or qualified dental plan offered through the American Health Benefit Exchange for which they are eligible and establish a SHOP exchange through which qualified employers may make their eligible employees eligible for one or more qualified health plans or qualified dental plans offered through the SHOP exchange or specify a level of coverage so that any of their eligible employees may enroll in any qualified health plan or qualified dental plan offered through the SHOP exchange at the specified level of coverage;

11. Subject to § 1411 of the Federal Act, grant a certification attesting that, for purposes of the individual responsibility penalty under § 5000A of the Internal Revenue Code of 1986, an individual is exempt from the individual responsibility requirement or from the penalty imposed by that section because there is no affordable qualified health plan available through the Exchange, or the individual's employer, covering the individual or the individual meets the requirements for any other such exemption from the individual responsibility requirement or penalty;

12. Transfer to the U.S. Secretary of the Treasury the following:

a. A list of the individuals who are issued a certification under subdivision 11, including the name and taxpayer identification number of each individual;

b. The name and taxpayer identification number of each individual who was an employee of an employer but who was determined to be eligible for the premium assistance tax credit under 26 U.S.C. § 36B because (i) the employer did not provide minimum essential coverage or (ii) the employer provided minimum essential coverage but a determination under 26 U.S.C. § 36B(c)(2)(C) found that either the coverage was unaffordable for the employee or did not provide the required minimum actuarial value; and

c. The name and taxpayer identification number of (i) each individual who notifies the Exchange under 42 U.S.C. § 18081 that the individual has changed employers and (ii) each individual who ceases coverage under a qualified health plan and the effective date of the cessation;

13. Provide to each employer the name of each of the employer's employees described in subdivision 12 b who ceases coverage under a qualified health plan during a plan year and the effective date of the cessation;

14. Perform duties required of the Exchange by the Secretary or the U.S. Secretary of the Treasury related to determining eligibility for premium assistance tax credits, reduced cost-sharing, or individual responsibility requirement exemptions;

15. Certify entities qualified to serve as Navigators in accordance with § 1311(i) of the Federal Act and § 38.2-6513;

16. Consult with stakeholders relevant to carrying out the activities required under this chapter, including:

a. Health care consumers who are enrollees in qualified health plans and qualified dental plans;

b. Individuals and entities with experience in facilitating enrollment in qualified health plans and qualified dental plans;

c. Advocates for enrolling hard-to-reach populations, which include individuals with mental health or substance use disorders;

d. Representatives of small businesses and self-employed individuals;

e. The Department of Medical Assistance Services;

f. Federally recognized tribes, as defined in the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. § 479a), that are located within the Exchange's geographic area;

g. Public health experts;

h. Health care providers;

i. Large employers;

j. Health carriers; and

k. Insurance agents;

17. Meet the following financial integrity requirements:

a. Keep an accurate accounting of all activities, receipts, and expenditures and annually submit to the Secretary, the Governor, and the Commission a report concerning such accountings;

b. Fully cooperate with any investigation conducted by the Secretary pursuant to the Secretary's authority under the Federal Act and allow the Secretary, in coordination with the Inspector General of the U.S. Department of Health and Human Services, to:

(1) Investigate the affairs of the Exchange;

(2) Examine the properties and records of the Exchange; and

(3) Require periodic reports in relation to the activities undertaken by the Exchange; and

c. Not use any funds in carrying out its activities under this chapter that are intended for the administrative and operational expenses of the Exchange for staff retreats, promotional giveaways, excessive executive compensation, or promotion of federal or state legislative and regulatory modifications;

18. In collaboration with the Department of Medical Assistance Services, coordinate the operations of the Exchange with the operations of the state plan for medical assistance to determine initial and ongoing eligibility for those programs in a streamlined fashion; and

19. Take any other actions necessary and appropriate to ensure that the Exchange complies with the requirements of the Federal Act.

§ 38.2-6506. Certification of health benefit plans as qualified health plans.

A. The Exchange, in consultation with the Bureau, shall certify a health benefit plan as a qualified health plan, unless the Exchange determines that making the plan available through the Exchange is not in the interest of qualified individuals and qualified employers in the Commonwealth, if:

1. The plan provides the essential health benefits package, except that (i) the plan shall not provide any state-mandated health benefit that is not provided in the essential health benefits package and (ii) the plan is not required to provide benefits that duplicate the minimum benefits of qualified dental plans, as set forth in subsection F, if (a) the Exchange has determined that at least one qualified dental plan is available to supplement the plan's coverage and (b) the health carrier makes prominent disclosure at the time it offers the plan, in a form approved by the Bureau, that such plan does not provide the full range of pediatric dental benefits included in the essential health benefits package and that qualified dental plans providing those benefits and other dental benefits not covered by such plan are offered through the Exchange;

2. The premium rates and policy forms have been approved by or filed with the Commission, in accordance with §§ 38.2-316 and 38.2-316.1;

3. The plan provides at least a bronze level of coverage unless the plan is certified as a qualified catastrophic plan, meets the requirements of the Federal Act for catastrophic plans, and will only be offered to individuals eligible for catastrophic coverage;

4. The plan's cost-sharing requirements do not exceed the limits established under § 1302(c)(1) of the Federal Act;

5. The health carrier offering the plan:

a. Is licensed and in good standing to offer health insurance coverage in the Commonwealth;

b. Offers (i) at least one qualified health plan in the silver level of coverage and one qualified health plan at a gold level of coverage throughout each service area in which it offers coverage through the Exchange and (ii) a child-only plan at the same level of coverage as any qualified health plan offered through the Exchange to individuals who, as of the beginning of the plan year, are less than 21 years of age;

c. Charges the same premium rate for each qualified health plan without regard to whether the plan is offered through the Exchange or directly by the health carrier or through an agent;

d. Does not charge any cancellation fees or penalties in violation of subsection D of § 38.2-6504; and

e. Complies with the regulations developed by the Secretary under § 1311(d) of the Federal Act and such other requirements as the Exchange may establish; and

6. The plan meets the requirements of certification as adopted by regulation pursuant to § 38.2-6514 or promulgated by the Secretary under § 1311(c) of the Federal Act, which include minimum standards in the areas of marketing practices, network adequacy, essential community providers in underserved areas, accreditation, quality improvement, uniform enrollment forms, and descriptions of coverage and information on quality measures for health benefit plan performance.

B. The Exchange shall not refuse to certify a health benefit plan as a qualified health plan (i) on the basis that the plan is a fee-for-service plan, (ii) through the imposition of premium price controls by the Exchange, or (iii) on the basis that the health benefit plan provides treatments necessary to prevent patients' deaths in circumstances that the Exchange determines are inappropriate or too costly.

C. In order to foster a competitive marketplace and consumer choice, the Exchange shall certify all health benefit plans recommended by the Bureau meeting the requirements of § 1311(c) of the Federal Act for participation in the Exchange unless it is not in the interest of qualified individuals and qualified employers. The Exchange shall establish and publish a transparent, objective process for decertifying qualified health plans if it is determined that it is not in the public interest to permit such plans to be offered through the Exchange.

D. The Exchange shall require each health carrier seeking certification of a health benefit plan as a qualified health plan to permit individuals to learn, in a timely manner upon the request of the individual, the amount of cost-sharing, including deductibles, copayments, and coinsurance, under the individual's plan or coverage that such individual would be responsible for paying with respect to the furnishing of a specific item or service by a participating provider. At a minimum,

this information shall be made available to the individual through the Exchange's website and through other means for individuals without access to the Internet.

E. The Exchange shall apply the criteria of this section in a manner that assures a level playing field between or among health carriers participating in the Exchange.

F. The provisions of this chapter that are applicable to qualified health plans shall also apply to the extent applicable to qualified dental plans, except as modified (i) by regulations adopted by the Commission or (ii) in accordance with the following:

1. A health carrier seeking certification of a dental benefit plan as a qualified dental plan shall be licensed in the Commonwealth to offer dental coverage but need not be licensed to offer other health benefits;

2. Qualified dental plans shall be limited to dental and oral health benefits, without substantial duplication of the benefits typically offered by health benefit plans without dental coverage, and shall include, at a minimum, the pediatric dental benefits prescribed by the Secretary pursuant to § 1302(b)(1)(J) of the Federal Act and such other dental benefits as the Exchange may specify or the Secretary may specify by regulation; and

3. Participants in the Exchange shall have the option to purchase at least the pediatric dental benefit component of the essential health benefits package either through a separate qualified dental plan or as a part of a combined offer by a qualified health plan, provided that, with respect to a combined offer, the health and dental benefits are priced separately and also made available for purchase separately at the same price.

§ 38.2-6507. Appeal of decertification or denial of certification.

A. The Exchange shall give each health carrier the opportunity to appeal a decertification decision or the denial of certification as a qualified health plan or qualified dental plan.

B. The Exchange shall give each health carrier that appeals a decertification decision or the denial of certification the opportunity for:

1. The submission and consideration of facts, arguments, or proposals of adjustment of the plan or plans at issue; and

2. A hearing and a decision on the record, to the extent that the Exchange and the health carrier are unable to reach agreement following the submission of the information in subdivision 1.

C. Any hearing held pursuant to subsection B shall be conducted by the Commission in accordance with its rules of practice and procedure.

D. Any final action or order of the Commission shall be subject to judicial review in accordance with the provisions of §§ 12.1-39, 12.1-40, and 12.1-41.

§ 38.2-6508. Open enrollment periods.

Health carriers shall be permitted to utilize open enrollment periods outside of an Exchange as permitted inside of an Exchange pursuant to § 1311(c)(6) of the Federal Act.

§ 38.2-6509. Choice.

A. In accordance with § 1312(f)(2)(A) of the Federal Act, a qualified employer may either designate one or more qualified health plans from which its eligible employees may choose or designate any level of coverage to be made available to eligible employees through an Exchange.

B. In accordance with § 1312(b) of the Federal Act, a qualified individual enrolled in any qualified health plan may pay any applicable premium owed by such individual to the health carrier issuing such qualified health plan.

C. In accordance with § 1312(d) of the Federal Act:

1. This section shall not prohibit:

a. A health carrier from offering outside of an Exchange a health benefit plan to a qualified individual or qualified employer; or

b. A qualified individual from enrolling in, or a qualified employer from selecting for its eligible employees, a health benefit plan offered outside of an Exchange; and

2. This section shall not limit the operation of any requirement under state law or regulation with respect to any policy or plan that is offered outside of the Exchange with respect to any requirement to offer benefits.

D. Nothing in this section shall restrict the choice of a qualified individual to enroll or not to enroll in a qualified health plan or to participate in an Exchange.

E. Nothing in this section shall compel an individual to enroll in a qualified health plan or to participate in an Exchange.

F. A qualified individual may enroll in any qualified health plan, except that in the case of a catastrophic plan described in § 1302(e) of the Federal Act, a qualified individual may enroll in the plan only if the individual is eligible to enroll in the plan under § 1302(e)(2) of the Federal Act.

G. In accordance with § 1312(e) of the Federal Act, the Exchange may, for a licensed agent who agrees to comply with regulatory requirements, including advance registration with the Exchange, completion of training, and adherence to privacy and security standards set by the Exchange, allow such licensed agents:

1. To enroll qualified individuals and qualified employers in any qualified health plan or any qualified dental plan offered through the Exchange for which the individual or employer is eligible; and

2. To assist qualified individuals in applying for premium tax credits and cost-sharing reductions for qualified health plans purchased through the Exchange.

§ 38.2-6510. Health Insurance Exchange Fund; assessment.

A. The Exchange shall be authorized to fund its operations through (i) special fund revenues generated by assessment fees on health carriers offering plans through the Exchange, (ii) funds described in subsection H, or (iii) such funds as the General Assembly may from time to time appropriate. All such funds received under this section and paid into the state treasury shall be deposited to a special fund designated "Health Insurance Exchange Special Fund State Corporation Commission." Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purposes of supporting the Exchange through initial start-up costs associated with establishment of the Exchange, Exchange operations, outreach, and enrollment, a Navigator program, and other means of supporting the Exchange.

B. The Exchange shall have funding from the sources described in subsection A in an amount sufficient to support its ongoing operations.

C. Assessments on health carriers shall be reasonable and necessary to support the development, operations, and prudent cash management of the Exchange. Assessments shall be approved by the Commission prior to implementation and shall not exceed three percent of the carrier's total monthly premium as described in this subsection, except that the Commission may, after notice and opportunity to be heard, adjust the assessment rate if necessary to ensure that the Exchange is fully funded. The assessment shall be based on the premium charged by a carrier for health benefits plans issued on the American Health Benefits Exchange and each qualified dental plan offered on the American Health Benefits Exchange during any period in which qualified health plans and qualified dental plans are effective on the American Health Benefits Exchange.

D. Taxes, fees, or assessments used to finance the Exchange shall be clearly disclosed by the Exchange as such.

E. Taxes, fees, or assessments used to finance the Exchange shall be considered a state tax or assessment, as defined in § 2718(a) of the PHSA and its implementing regulations, and shall be excluded from health carrier administrative costs for the purpose of calculating medical loss ratios or rebates.

F. Assessments and fees shall not affect the requirement under § 1301 of the Federal Act that carriers charge the same premium rate for each qualified health plan whether offered inside or outside the Exchange.

G. A written report on the implementation and performance of the Exchange functions during the preceding fiscal year, including, at a minimum, the manner in which funds were expended, shall be made available to the public on the website of the Exchange.

H. The Exchange is authorized to apply for and accept federal grants, other federal funds, and grants from nongovernmental organizations for the purposes of developing, implementing, and administering the Exchange.

I. The Commission shall not use any special fund revenues dedicated to its other functions and duties, including revenues from utility consumer taxes or fees from licensees regulated by the Commission, or fees paid to the office of the clerk of the Commission, to fund any of the activities or operating expenses of the Exchange.

§ 38.2-6511. Procurement, contracting, and personnel.

A. The Commission may contract with other eligible entities and enter into memoranda of understanding with other agencies of the Commonwealth to carry out any of the functions of the Exchange, including agreements with other states or federal agencies to perform joint administrative functions. Such contracts are not subject to the Virginia Public Procurement Act (§ 2.2-4300 et seq.).

B. The Exchange shall not enter into contracts with any health carrier or an affiliate of a health carrier.

C. Employees of the Exchange shall be (i) exempt from application of the Virginia Personnel Act (§ 2.2-2900 et seq.) and Chapter 30 (§ 2.2-3000 et seq.) of Title 2.2, as hereinafter amended or recodified, to the same extent as other employees of the Commission; (ii) eligible for participation in the Virginia Retirement System to the same extent as other similarly situated employees of the Commission; and (iii) compensated and managed in accordance with the Commission's practices and policies applicable to all Commission employees.

§ 38.2-6512. Confidentiality.

A. Notwithstanding any other provision of law, the records of the Exchange shall be open to public inspection, except that the following information shall not be subject to disclosure: (i) the names and applications of individuals and employers seeking coverage through the Exchange, (ii) individuals' health information, (iii) information exchanged between the Exchange and any other state agency that is subject to confidentiality agreements under contracts entered into with the Exchange, and (iv) communications covered by an applicable legal or other privilege or such internal communications related to the Exchange that are designated confidential in regulations promulgated by the Commission to implement the provisions of this chapter.

B. The Exchange may enter into information-sharing agreements with federal and state agencies and other states' health benefit exchanges to carry out its responsibilities under this chapter, provided that such agreements include adequate protections with respect to the confidentiality of the information to be shared and comply with all state and federal laws and regulations.

§ 38.2-6513. Navigators.

A. No person shall act as a Navigator unless the person is registered pursuant to Article 7 (§ 38.2-3455 et seq.) of Chapter 34 and is certified by either the U.S. Department of Health and Human Services or the Exchange.

B. The Exchange shall establish a program under which it shall award grants to Navigators to carry out the following duties:

1. Conduct public education activities to raise awareness of the availability of qualified health plans, qualified dental plans, the State Medicaid Program, and FAMIS;

2. Distribute fair and impartial information concerning enrollment in qualified health plans, qualified dental plans, the State Medicaid Program, and FAMIS and the availability of premium tax credits under § 36B of the Internal Revenue Code of 1986 and cost-sharing reductions under § 1402 of the Federal Act;

3. Provide in-person assistance to facilitate enrollment in qualified health plans, qualified dental plans, the State Medicaid Program, and FAMIS;

4. Provide referrals to any applicable office of health insurance consumer assistance or health insurance ombudsman established under § 2793 of the PHSA, or any other appropriate state agency or agencies, for any enrollee with a grievance, complaint, or question regarding his health benefit plan, coverage, or a determination under that plan or coverage;

5. Provide information in a manner that is culturally and linguistically appropriate to the needs of the population being served by the Exchange and ensure accessibility and usability of Navigator tools and functions for individuals with disabilities in accordance with the Americans with Disabilities Act (P.L. 101-336) and § 504 of the Rehabilitation Act as required by 45 C.F.R. § 155.210; and

6. Assist consumers with post-enrollment activities, including completing verification requests, accessing Special Enrollment Periods, accessing health insurance related tax forms, and assisting with complex cases and appeals.

C. To be eligible to receive a grant under subsection B, a Navigator shall demonstrate to the Exchange involved that it has existing relationships, or could readily establish relationships, with employers and employees, consumers, including uninsured and underinsured consumers, or self-employed individuals likely to be qualified to enroll in a qualified health plan.

D. The Exchange shall develop standards, consistent with any standards developed by the Secretary, to ensure that information made available by Navigators is fair, accurate, and impartial.

E. Navigators shall comply with all requirements of Article 7 (§ 38.2-3455 et seq.) of Chapter 34, including successful completion of training programs established by the Exchange for individual Navigators.

§ 38.2-6514. Certified application counselors.

A. The Exchange shall establish a Certified Application Counselor program pursuant to 45 C.F.R. § 155.225 and shall (i) certify individuals as certified application counselors to perform specified duties, (ii) designate an organization to certify individuals as certified application counselors to perform specified duties, or (iii) implement a combination both clause (i) and (ii).

B. The Exchange shall ensure, either directly or through designated organizations, that certified application counselors complete required Virginia-specific training on topics including qualified health plan options, insurance affordability programs, eligibility and enrollment rules, and all other regulatory requirements.

C. The Exchange shall ensure certified application counselors adhere to all terms and conditions of privacy and security pursuant to 45 C.F.R. § 155.260(b).

D. The Exchange may decertify a certified application counselor or designated organization for failure to comply with the requirements of this section or of the Exchange.

§ 38.2-6515. Regulations.

The Commission shall promulgate regulations to implement the provisions of this chapter in accordance with the Commission's rules of practice and procedure. Regulations promulgated under this section shall be consistent with applicable provisions of federal and state law.

§ 38.2-6516. Reports.

The Exchange, in collaboration with the Secretary of Health and Human Resources, shall submit a report by November 1 of each year to the Chairs of the Senate Committees on Commerce and Labor and Finance and Appropriations and the House Committees on Labor and Commerce and Appropriations that shall include information on (i) Exchange operations and responsibilities, (ii) an accounting of the Exchange's finances, (iii) the effectiveness of the outreach and implementation activities of the Exchange in reducing the number of individuals without health insurance coverage, and (iv) other relevant information.

§ 38.2-6517. Relation to other laws.

Nothing in this chapter, and no action taken by the Exchange pursuant to this chapter, shall be construed to preempt or supersede the authority of the Commission to regulate the business of insurance within the Commonwealth. Except as expressly provided to the contrary in this chapter, all health carriers offering qualified health plans or qualified dental plans in the Commonwealth shall comply fully with all applicable health insurance laws of the Commonwealth and regulations adopted and orders issued by the Commission.

§ 58.1-3. Secrecy of information; penalties.

A. Except in accordance with a proper judicial order or as otherwise provided by law, the Tax Commissioner or agent, clerk, commissioner of the revenue, treasurer, or any other state or local tax or revenue officer or employee, or any person to whom tax information is divulged pursuant to this section or § 58.1-512 or 58.1-2712.2, or any former officer or employee of any of the aforementioned offices shall not divulge any information acquired by him in the performance of his duties with respect to the transactions, property, including personal property, income or business of any person, firm or corporation. Such prohibition specifically includes any copy of a federal return or federal return information required by Virginia law to be attached to or included in the Virginia return. This prohibition shall apply to any reports, returns, financial documents or other information filed with the Attorney General pursuant to the provisions of Article 3 (§ 3.2-4204 et seq.) of Chapter 42

of Title 3.2. Any person violating the provisions of this section is guilty of a Class 1 misdemeanor. The provisions of this subsection shall not be applicable, however, to:

1. Matters required by law to be entered on any public assessment roll or book;
2. Acts performed or words spoken, published, or shared with another agency or subdivision of the Commonwealth in the line of duty under state law;
3. Inquiries and investigations to obtain information as to the process of real estate assessments by a duly constituted committee of the General Assembly, or when such inquiry or investigation is relevant to its study, provided that any such information obtained shall be privileged;
4. The sales price, date of construction, physical dimensions or characteristics of real property, or any information required for building permits;
5. Copies of or information contained in an estate's probate tax return, filed with the clerk of court pursuant to § 58.1-1714, when requested by a beneficiary of the estate or an heir at law of the decedent or by the commissioner of accounts making a settlement of accounts filed in such estate;
6. Information regarding nonprofit entities exempt from sales and use tax under § 58.1-609.11, when requested by the General Assembly or any duly constituted committee of the General Assembly;
7. Reports or information filed with the Attorney General by a Stamping Agent pursuant to the provisions of Article 3 (§ 3.2-4204 et seq.), when such reports or information are provided by the Attorney General to a tobacco products manufacturer who is required to establish a qualified escrow fund pursuant to § 3.2-4201 and are limited to the brand families of that manufacturer as listed in the Tobacco Directory established pursuant to § 3.2-4206 and are limited to the current or previous two calendar years or in any year in which the Attorney General receives Stamping Agent information that potentially alters the required escrow deposit of the manufacturer. The information shall only be provided in the following manner: the manufacturer may make a written request, on a quarterly or yearly basis or when the manufacturer is notified by the Attorney General of a potential change in the amount of a required escrow deposit, to the Attorney General for a list of the Stamping Agents who reported stamping or selling its products and the amount reported. The Attorney General shall provide the list within 15 days of receipt of the request. If the manufacturer wishes to obtain actual copies of the reports the Stamping Agents filed with the Attorney General, it must first request them from the Stamping Agents pursuant to subsection C of § 3.2-4209. If the manufacturer does not receive the reports pursuant to subsection C of § 3.2-4209, the manufacturer may make a written request to the Attorney General, including a copy of the prior written request to the Stamping Agent and any response received, for copies of any reports not received. The Attorney General shall provide copies of the reports within 45 days of receipt of the request.

B. 1. Nothing contained in this section shall be construed to prohibit the publication of statistics so classified as to prevent the identification of particular reports or returns and the items thereof or the publication of delinquent lists showing the names of taxpayers who are currently delinquent, together with any relevant information which in the opinion of the Department may assist in the collection of such delinquent taxes. Notwithstanding any other provision of this section or other law, the Department, upon request by the General Assembly or any duly constituted committee of the General Assembly, shall disclose the total aggregate amount of an income tax deduction or credit taken by all taxpayers, regardless of (i) how few taxpayers took the deduction or credit or (ii) any other circumstances. This section shall not be construed to prohibit a local tax official from disclosing whether a person, firm or corporation is licensed to do business in that locality and divulging, upon written request, the name and address of any person, firm or corporation transacting business under a fictitious name. Additionally, notwithstanding any other provision of law, the commissioner of revenue is authorized to provide, upon written request stating the reason for such request, the Tax Commissioner with information obtained from local tax returns and other information pertaining to the income, sales and property of any person, firm or corporation licensed to do business in that locality.

2. This section shall not prohibit the Department from disclosing whether a person, firm, or corporation is registered as a retail sales and use tax dealer pursuant to Chapter 6 (§ 58.1-600 et seq.) or whether a certificate of registration number relating to such tax is valid. Additionally, notwithstanding any other provision of law, the Department is hereby authorized to make available the names and certificate of registration numbers of dealers who are currently registered for retail sales and use tax.

3. This section shall not prohibit the Department from disclosing information to nongovernmental entities with which the Department has entered into a contract to provide services that assist it in the administration of refund processing or other services related to its administration of taxes.

4. This section shall not prohibit the Department from disclosing information to taxpayers regarding whether the taxpayer's employer or another person or entity required to withhold on behalf of such taxpayer submitted withholding records to the Department for a specific taxable year as required pursuant to subdivision C 1 of § 58.1-478.

5. This section shall not prohibit the commissioner of the revenue, treasurer, director of finance, or other similar local official who collects or administers taxes for a county, city, or town from disclosing information to nongovernmental entities with which the locality has entered into a contract to provide services that assist it in the administration of refund processing or other non-audit services related to its administration of taxes. The commissioner of the revenue, treasurer, director of finance, or other similar local official who collects or administers taxes for a county, city, or town shall not disclose information to such entity unless he has obtained a written acknowledgement by such entity that the confidentiality and

nondisclosure obligations of and penalties set forth in subsection A apply to such entity and that such entity agrees to abide by such obligations.

C. Notwithstanding the provisions of subsection A or B or any other provision of this title, the Tax Commissioner is authorized to (i) divulge tax information to any commissioner of the revenue, director of finance, or other similar collector of county, city, or town taxes who, for the performance of his official duties, requests the same in writing setting forth the reasons for such request; (ii) provide to the Commissioner of the Department of Social Services, upon entering into a written agreement, the amount of income, filing status, number and type of dependents, and Forms W-2 and 1099 to facilitate the administration of public assistance or social services benefits as defined in § 63.2-100 or child support services pursuant to Chapter 19 (§ 63.2-1900 et seq.) of Title 63.2; (iii) provide to the chief executive officer of the designated student loan guarantor for the Commonwealth of Virginia, upon written request, the names and home addresses of those persons identified by the designated guarantor as having delinquent loans guaranteed by the designated guarantor; (iv) provide current address information upon request to state agencies and institutions for their confidential use in facilitating the collection of accounts receivable, and to the clerk of a circuit or district court for their confidential use in facilitating the collection of fines, penalties, and costs imposed in a proceeding in that court; (v) provide to the Commissioner of the Virginia Employment Commission, after entering into a written agreement, such tax information as may be necessary to facilitate the collection of unemployment taxes and overpaid benefits; (vi) provide to the Virginia Alcoholic Beverage Control Authority, upon entering into a written agreement, such tax information as may be necessary to facilitate the collection of state and local taxes and the administration of the alcoholic beverage control laws; (vii) provide to the Director of the Virginia Lottery such tax information as may be necessary to identify those lottery ticket retailers who owe delinquent taxes; (viii) provide to the Department of the Treasury for its confidential use such tax information as may be necessary to facilitate the location of owners and holders of unclaimed property, as defined in § 55.1-2500; (ix) provide to the State Corporation Commission, upon entering into a written agreement, such tax information as may be necessary to facilitate the collection of taxes and fees administered by the Commission; (x) provide to the Executive Director of the Potomac and Rappahannock Transportation Commission for his confidential use such tax information as may be necessary to facilitate the collection of the motor vehicle fuel sales tax; (xi) provide to the Commissioner of the Department of Agriculture and Consumer Services such tax information as may be necessary to identify those applicants for registration as a supplier of charitable gaming supplies who have not filed required returns or who owe delinquent taxes; (xii) provide to the Department of Housing and Community Development for its confidential use such tax information as may be necessary to facilitate the administration of the remaining effective provisions of the Enterprise Zone Act (§ 59.1-270 et seq.), and the Enterprise Zone Grant Program (§ 59.1-538 et seq.); (xiii) provide current name and address information to private collectors entering into a written agreement with the Tax Commissioner, for their confidential use when acting on behalf of the Commonwealth or any of its political subdivisions; however, the Tax Commissioner is not authorized to provide such information to a private collector who has used or disseminated in an unauthorized or prohibited manner any such information previously provided to such collector; (xiv) provide current name and address information as to the identity of the wholesale or retail dealer that affixed a tax stamp to a package of cigarettes to any person who manufactures or sells at retail or wholesale cigarettes and who may bring an action for injunction or other equitable relief for violation of Chapter 10.1, Enforcement of Illegal Sale or Distribution of Cigarettes Act; (xv) provide to the Commissioner of Labor and Industry, upon entering into a written agreement, such tax information as may be necessary to facilitate the collection of unpaid wages under § 40.1-29; (xvi) provide to the Director of the Department of Human Resource Management, upon entering into a written agreement, such tax information as may be necessary to identify persons receiving workers' compensation indemnity benefits who have failed to report earnings as required by § 65.2-712; (xvii) provide to any commissioner of the revenue, director of finance, or any other officer of any county, city, or town performing any or all of the duties of a commissioner of the revenue and to any dealer registered for the collection of the Communications Sales and Use Tax, a list of the names, business addresses, and dates of registration of all dealers registered for such tax; (xviii) provide to the Executive Director of the Northern Virginia Transportation Commission for his confidential use such tax information as may be necessary to facilitate the collection of the motor vehicle fuel sales tax; (xix) provide to the Commissioner of Agriculture and Consumer Services the name and address of the taxpayer businesses licensed by the Commonwealth that identify themselves as subject to regulation by the Board of Agriculture and Consumer Services pursuant to § 3.2-5130; (xx) provide to the developer or the economic development authority of a tourism project authorized by § 58.1-3851.1, upon entering into a written agreement, tax information facilitating the repayment of gap financing; ~~and~~ (xxi) provide to the Virginia Retirement System and the Department of Human Resource Management, after entering into a written agreement, such tax information as may be necessary to facilitate the enforcement of subdivision C 4 of § 9.1-401; *and (xxii) provide to the Department of Medical Assistance Services, upon entering into a written agreement, the name, address, social security number, number and type of personal exemptions, tax-filing status, and adjusted gross income of an individual, or spouse in the case of a married taxpayer filing jointly, who has voluntarily consented to such disclosure for purposes of identifying persons who would like to newly enroll in medical assistance.* The Tax Commissioner is further authorized to enter into written agreements with duly constituted tax officials of other states and of the United States for the inspection of tax returns, the making of audits, and the exchange of information relating to any tax administered by the Department of Taxation. Any person to whom tax information is divulged pursuant to this section shall be subject to the prohibitions and penalties prescribed herein as though he were a tax official.

D. Notwithstanding the provisions of subsection A or B or any other provision of this title, the commissioner of revenue or other assessing official is authorized to (i) provide, upon written request stating the reason for such request, the chief executive officer of any county or city with information furnished to the commissioner of revenue by the Tax Commissioner relating to the name and address of any dealer located within the county or city who paid sales and use tax, for the purpose of verifying the local sales and use tax revenues payable to the county or city; (ii) provide to the Department of Professional and Occupational Regulation for its confidential use the name, address, and amount of gross receipts of any person, firm or entity subject to a criminal investigation of an unlawful practice of a profession or occupation administered by the Department of Professional and Occupational Regulation, only after the Department of Professional and Occupational Regulation exhausts all other means of obtaining such information; and (iii) provide to any representative of a condominium unit owners' association, property owners' association or real estate cooperative association, or to the owner of property governed by any such association, the names and addresses of parties having a security interest in real property governed by any such association; however, such information shall be released only upon written request stating the reason for such request, which reason shall be limited to proposing or opposing changes to the governing documents of the association, and any information received by any person under this subsection shall be used only for the reason stated in the written request. The treasurer or other local assessing official may require any person requesting information pursuant to clause (iii) of this subsection to pay the reasonable cost of providing such information. Any person to whom tax information is divulged pursuant to this subsection shall be subject to the prohibitions and penalties prescribed herein as though he were a tax official.

Notwithstanding the provisions of subsection A or B or any other provisions of this title, the treasurer or other collector of taxes for a county, city or town is authorized to provide information relating to any motor vehicle, trailer or semitrailer obtained by such treasurer or collector in the course of performing his duties to the commissioner of the revenue or other assessing official for such jurisdiction for use by such commissioner or other official in performing assessments.

This section shall not be construed to prohibit a local tax official from imprinting or displaying on a motor vehicle local license decal the year, make, and model and any other legal identification information about the particular motor vehicle for which that local license decal is assigned.

E. Notwithstanding any other provisions of law, state agencies and any other administrative or regulatory unit of state government shall divulge to the Tax Commissioner or his authorized agent, upon written request, the name, address, and social security number of a taxpayer, necessary for the performance of the Commissioner's official duties regarding the administration and enforcement of laws within the jurisdiction of the Department of Taxation. The receipt of information by the Tax Commissioner or his agent which may be deemed taxpayer information shall not relieve the Commissioner of the obligations under this section.

F. Additionally, it shall be unlawful for any person to disseminate, publish, or cause to be published any confidential tax document which he knows or has reason to know is a confidential tax document. A confidential tax document is any correspondence, document, or tax return that is prohibited from being divulged by subsection A, B, C, or D and includes any document containing information on the transactions, property, income, or business of any person, firm, or corporation that is required to be filed with any state official by § 58.1-512. This prohibition shall not apply if such confidential tax document has been divulged or disseminated pursuant to a provision of law authorizing disclosure. Any person violating the provisions of this subsection is guilty of a Class 1 misdemeanor.

§ 58.1-341.1. Returns of individuals; required information.

A. For all taxable years beginning on and after January 1, 1995, the Department of Taxation shall include in any packet of instructions and forms for individual income tax returns an application to register to vote by mail and appropriate instructions for the completion and mailing of the application to register to vote. The form of the application shall be prescribed and the instructions shall be provided by the State Board of Elections.

B. For all taxable years beginning on and after January 1, 2021, the Department of Taxation shall include on the appropriate individual income tax return forms a checkoff box or similar mechanism for indicating whether the individual, or spouse in the case of a married taxpayer filing jointly, or any dependent of the individual (i) is an uninsured individual at the time the return is filed and (ii) voluntarily consents to the Department of Taxation providing the individual's tax information, as provided in clause (xxii) of subsection C of § 58.1-3, to the Department of Medical Assistance Services for purposes of affirming that the individual, the individual's spouse, or any dependent of the individual meets the income eligibility for medical assistance. Such information shall not be used to determine an individual is ineligible for medical assistance.

2. That the second enactment of Chapter 670 and the second enactment of Chapter 679 of the Acts of Assembly of 2013 are repealed.

3. That the Secretary of Health and Human Resources shall convene a work group that includes representatives from the State Corporation Commission, the Department of Medical Assistance Services, the Department of Social Services, and the Department of Taxation and a consumer advocate with expertise in health program eligibility and enrollment to develop systems, policies, and practices to leverage state income tax returns to facilitate the enrollment of eligible individuals in insurance affordability programs through the Virginia Health Benefit Exchange established by this act. The Secretary shall report the work group's recommendations to the Governor and the General Assembly by September 15, 2020.

4. That the initial appointments of nonlegislative citizen members to the Advisory Committee (Committee) established pursuant to § 38.2-6503 of the Code of Virginia, as created by this act, shall be staggered as follows: two members appointed by the Governor and one member appointed by the State Corporation Commission (Commission) for a term of four years; one member appointed by the Governor and one member appointed by the Commission for a term of three years; one member appointed by the Governor and one member appointed by the Commission for a term of two years; and one member appointed by the Governor for a term of one year. The Commission shall consider the continuity of the Committee if the Commission elects to make additional appointments, as authorized in § 38.2-6503 of the Code of Virginia, as created by this act.

5. That the State Corporation Commission shall implement the provisions of this act as it receives notice of approval by the Centers for Medicare and Medicaid Services and to the extent of such approval.

CHAPTER 917

An Act to amend and reenact §§ 38.2-326, 38.2-3455, 38.2-3456, 38.2-3457, 38.2-3459, 38.2-3460, 38.2-4214, 38.2-4319, 38.2-4509, 58.1-3, and 58.1-341.1 of the Code of Virginia; to amend the Code of Virginia by adding in Title 38.2 a chapter numbered 65, consisting of sections numbered 38.2-6500 through 38.2-6517; and to repeal the second enactment of Chapter 670 and the second enactment of Chapter 679 of the Acts of Assembly of 2013, relating to the establishment and operation of a health benefit exchange for the Commonwealth; assessments; Department of Taxation; information sharing.

[S 732]

Approved April 9, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 38.2-326, 38.2-3455, 38.2-3456, 38.2-3457, 38.2-3459, 38.2-3460, 38.2-4214, 38.2-4319, 38.2-4509, 58.1-3, and 58.1-341.1 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Title 38.2 a chapter numbered 65, consisting of sections numbered 38.2-6500 through 38.2-6517, as follows:

§ 38.2-326. Plan management functions.

A. As used in this section:

"Exchange" means either the (i) federal health benefit exchange established by the Secretary of the U.S. Department of Health and Human Services pursuant to § 1321 of the Patient Protection and Affordable Care Act codified as 42 U.S.C. § 18041(c) in the Commonwealth or (ii) state-based exchange established pursuant to Chapter 65 (§ 38.2-6500 et seq.) and § 1311(b) of the Patient Protection and Affordable Care Act codified as 42 U.S.C. § 18031.

"Plan management functions" means analyses and reviews necessary to support the certification, decertification, and recertification of qualified health plans and stand-alone dental plans for the participation in an exchange and the collection of data necessary to perform the above functions.

B. ~~The Commission~~ *Commission's Bureau of Insurance*, with the assistance of the Virginia Department of Health, shall perform plan management functions required to certify health benefit plans and stand-alone dental plans for participation in the federal health benefit exchange established by the Secretary of the U.S. Department of Health and Human Services pursuant to § 1321 of the Patient Protection and Affordable Care Act codified as 42 U.S.C. § 18041(e) in the Commonwealth, provided that: (i) full funding is available; (ii) the technology infrastructure, including integration with federal, state, and other necessary entities, is made available to the Commission by or through the U.S. Department of Health and Human Services or the Virginia Secretary of Health and Human Resources in order for it to carry out the plan management functions authorized in this section; and (iii) there are no other impediments that effectively prevent the Commission from performing any required plan management functions; and (iv) the performance of such plan management functions is not deemed to establish a health benefit exchange pursuant to § 1311 of the Patient Protection and Affordable Care Act codified as 42 U.S.C. § 18031. For purposes of this section, "plan management functions" means analyses and reviews necessary to support the certification, decertification, and recertification of qualified health plans and stand-alone dental plans for the federal health benefit exchange established by the Secretary of the U.S. Department of Health and Human Services pursuant to § 1321 of the Patient Protection and Affordable Care Act codified as 42 U.S.C. § 18041(e); and the collection of data necessary to perform the above functions.

B. C. ~~The Commission~~ *Commission's Bureau of Insurance* may contract with and enter into memoranda of understanding to carry out its plan management functions with the U.S. Department of Health and Human Services or any other state or federal agency, provided that entering into such contracts or memoranda of understanding are not deemed to establish a health benefit exchange pursuant to § 1311 of the Patient Protection and Affordable Care Act codified as 42 U.S.C. § 18031.

C. ~~The Commission's obligation to perform plan management functions described in subsection A is contingent upon receiving federal funding sufficient to pay the operating expenses necessary to carry out the plan management functions. The Commission shall seek full reimbursement from the U.S. Department of Health and Human Services for such expenses.~~

D. The Commission shall not use any special fund revenues dedicated to its other functions and duties *unrelated to exchange operations*, including, but not limited to, revenues from utility consumer taxes or fees from licensees or registrants regulated by the Commission or fees paid to the Clerk's Office, to fund the plan management functions.

E. Technology resources provided by the Commission in carrying out the plan management functions shall be limited to existing Commission technology support functions such as desktop support, network administration support, web services support, or other similar support functions.

F. The Commission shall make available to the public on its website a written report on the implementation and performance of its plan management functions during the preceding fiscal year, including, at a minimum, the manner in which all funds utilized for its plan management functions were expended.

§ 38.2-3455. Definitions.

As used in this article, unless the context requires otherwise:

"Exchange" means ~~a health benefit exchange established or operated in the Commonwealth, including a health benefit exchange established or operated by the U.S. Secretary of Health and Human Services, pursuant to § 1311(b) of the Patient Protection and Affordable Care Act, P.L. 111-148, as amended~~ either (i) federal health benefit exchange established by the Secretary of the U.S. Department of Health and Human Services pursuant to § 1321 of the Patient Protection and Affordable Care Act codified as 42 U.S.C. § 18041(c) in the Commonwealth or (ii) state-based exchange established pursuant to Chapter 65 (§ 38.2-6500 et seq.) and § 1311 (b) of the Patient Protection and Affordable Care Act codified as 42 U.S.C. § 18031.

"Health carrier" has the same meaning assigned to that term in § 38.2-3438.

"Navigator" means an individual or entity described in 42 U.S.C. § 1311(i)(2) that is selected to perform the activities and duties identified in 42 U.S.C. § 18031 (i) in the Commonwealth. "Navigator" does not include an individual or entity licensed as an agent under Chapter 18 (§ 38.2-1800 et seq.) of this title to sell, solicit, or negotiate contracts of insurance or annuity in the Commonwealth.

"Other affordable care options" means the programs provided under the state plan for medical assistance services pursuant to Title XIX of the Social Security Act, as amended, and the Family Access to Medical Insurance Security (FAMIS) Plan developed pursuant to Title XXI of the Social Security Act, as amended.

"Qualified dental plan" means a limited scope dental plan that has in effect a certification that the plan meets the criteria for certification described in § 1311(d)(2)(B)(ii) of the Patient Protection and Affordable Care Act, P.L. 111-148, as amended.

"Qualified health plan" means a health benefit plan that has in effect a certification that the plan meets the criteria for certification described in § 1311(c) of the Patient Protection and Affordable Care Act, P.L. 111-148, as amended.

"Secretary" means the Secretary of the U.S. Department of Health and Human Services.

§ 38.2-3456. Prohibited activities.

A. A navigator shall not:

1. Engage in any activity that would require an insurance agent license under this title;
2. Offer advice about which qualified health plan or qualified dental plan is better or worse for a particular individual or employer;
3. Act as an intermediary between an employer and an insurer that offers a qualified health plan or qualified dental plan offered through an exchange;
4. Violate any unfair trade practice and privacy requirements in §§ 38.2-502, 38.2-503, 38.2-506, 38.2-509, 38.2-512, 38.2-515, 38.2-612.1, 38.2-613, and 38.2-614 to the extent such requirements are applicable to the activities of navigators; or
5. Receive compensation for services or duties as a navigator that are prohibited by federal law, including compensation from a health carrier.

B. An individual or entity shall not claim to be, or otherwise hold himself or itself out as, a navigator or conduct business as a navigator in the Commonwealth without:

1. Having been selected as a navigator in accordance with applicable federal *or state* law;
2. Having evidence of successful completion of all navigator requirements prescribed by the Secretary *or the Exchange*; and
3. Having met requirements established pursuant to § 38.2-3457.

C. If an individual or entity has engaged in the Commonwealth in one or more of the prohibited activities identified in this section, a complaint may be filed with the Commission. The Commission, upon investigation and verification of the prohibited activity or activities, may order such individual or entity to cease and desist such prohibited conduct.

§ 38.2-3457. Application for registration.

A. On or after September 1, 2014, no individual or entity shall act as a navigator in the Commonwealth unless such individual or entity has been certified by the U.S. Department of Health and Human Services *or the Exchange* and registered with the Commission.

B. An application for registration under this article shall be in the form and containing the information the Commission prescribes. Each applicant shall, at the time of applying for registration, pay a nonrefundable application processing fee in an amount and in a manner prescribed by the Commission. A criminal history record report shall accompany each individual registration application.

C. The Commission shall register the applicant if it finds that the character and general fitness of the applicant are such as to warrant belief that the applicant will act as a navigator fairly, in the public interest, and in accordance with law.

§ 38.2-3459. Grounds for termination, placing on probation, revocation, or suspension of registration.

A. If the Commission determines that a registered navigator has violated this article, or any order or regulation adopted thereunder, after notice and opportunity to be heard, the Commission may impose a penalty in accordance with §§ 38.2-218 and 38.2-219 and place on probation, suspend, or revoke any individual's or entity's registration.

B. The registration of any navigator shall terminate immediately when such navigator becomes decertified by the U.S. Department of Health and Human Services; ~~whether or not the Commission has been notified of such decertification or the Exchange, as applicable.~~

§ 38.2-3460. Sufficiency of federal requirements; additional standards and qualifications for navigators.

The Commission may determine whether the standards and qualifications for navigators provided by 42 U.S.C. § 18031 and any regulations enacted thereunder are sufficient to ensure that navigators can perform the required duties. If the Commission determines that the standards and qualifications are insufficient, the Commission shall ~~make a good faith effort to work in cooperation with the Secretary to propose improvements. If after a reasonable interval the Commission determines that the standards and qualifications remain insufficient, the Commission shall~~ adopt regulations establishing additional standards and qualifications to ensure that navigators can perform their required duties.

§ 38.2-4214. Application of certain provisions of law.

No provision of this title except this chapter and, insofar as they are not inconsistent with this chapter, §§ 38.2-200, 38.2-203, 38.2-209 through 38.2-213, 38.2-218 through 38.2-225, 38.2-230, 38.2-232, 38.2-305, 38.2-316, 38.2-316.1, 38.2-322, 38.2-325, 38.2-326, 38.2-400, 38.2-402 through 38.2-413, 38.2-500 through 38.2-515, 38.2-600 through 38.2-620, 38.2-700 through 38.2-705, 38.2-900 through 38.2-904, 38.2-1017, 38.2-1018, 38.2-1038, 38.2-1040 through 38.2-1044, Articles 1 (§ 38.2-1300 et seq.) and 2 (§ 38.2-1306.2 et seq.) of Chapter 13, §§ 38.2-1312, 38.2-1314, 38.2-1315.1, 38.2-1317 through 38.2-1328, 38.2-1334, 38.2-1340, 38.2-1400 through 38.2-1442, 38.2-1446, 38.2-1447, 38.2-1800 through 38.2-1836, 38.2-3400, 38.2-3401, 38.2-3404, 38.2-3405, 38.2-3405.1, 38.2-3406.1, 38.2-3406.2, 38.2-3407.1 through 38.2-3407.6:1, 38.2-3407.9 through 38.2-3407.20, 38.2-3409, 38.2-3411 through 38.2-3419.1, 38.2-3430.1 through 38.2-3454, Article 8 (§ 38.2-3461 et seq.) of Chapter 34, 38.2-3501, 38.2-3502, subdivision 13 of § 38.2-3503, subdivision 8 of § 38.2-3504, §§ 38.2-3514.1, 38.2-3514.2, §§ 38.2-3516 through 38.2-3520 as they apply to Medicare supplement policies, §§ 38.2-3522.1 through 38.2-3523.4, 38.2-3525, 38.2-3540.1, 38.2-3541 through 38.2-3542, 38.2-3543.2, Article 5 (§ 38.2-3551 et seq.) of Chapter 35, Chapter 35.1 (§ 38.2-3556 et seq.), §§ 38.2-3600 through 38.2-3607, Chapter 52 (§ 38.2-5200 et seq.), Chapter 55 (§ 38.2-5500 et seq.), ~~and Chapter 58 (§ 38.2-5800 et seq.) of this title, and Chapter 65 (§ 38.2-6500 et seq.)~~ shall apply to the operation of a plan.

§ 38.2-4319. Statutory construction and relationship to other laws.

A. No provisions of this title except this chapter and, insofar as they are not inconsistent with this chapter, §§ 38.2-100, 38.2-136, 38.2-200, 38.2-203, 38.2-209 through 38.2-213, 38.2-216, 38.2-218 through 38.2-225, 38.2-229, 38.2-232, 38.2-305, 38.2-316, 38.2-316.1, 38.2-322, 38.2-325, 38.2-326, 38.2-400, 38.2-402 through 38.2-413, 38.2-500 through 38.2-515, 38.2-600 through 38.2-620, Chapter 9 (§ 38.2-900 et seq.), §§ 38.2-1016.1 through 38.2-1023, 38.2-1057, 38.2-1306.1, Article 2 (§ 38.2-1306.2 et seq.), § 38.2-1315.1, Articles 3.1 (§ 38.2-1316.1 et seq.), 4 (§ 38.2-1317 et seq.), 5 (§ 38.2-1322 et seq.), 5.1 (§ 38.2-1334.3 et seq.), and 5.2 (§ 38.2-1334.11 et seq.) of Chapter 13, Articles 1 (§ 38.2-1400 et seq.), 2 (§ 38.2-1412 et seq.), and 4 (§ 38.2-1446 et seq.) of Chapter 14, Chapter 15 (§ 38.2-1500 et seq.), Chapter 17 (§ 38.2-1700 et seq.), §§ 38.2-1800 through 38.2-1836, 38.2-3401, 38.2-3405, 38.2-3405.1, 38.2-3406.1, 38.2-3407.2 through 38.2-3407.6:1, 38.2-3407.9 through 38.2-3407.20, 38.2-3411, 38.2-3411.2, 38.2-3411.3, 38.2-3411.4, 38.2-3412.1, 38.2-3414.1, 38.2-3418.1 through 38.2-3418.17, 38.2-3419.1, 38.2-3430.1 through 38.2-3454, Article 8 (§ 38.2-3461 et seq.) of Chapter 34, 38.2-3500, subdivision 13 of § 38.2-3503, subdivision 8 of § 38.2-3504, §§ 38.2-3514.1, 38.2-3514.2, 38.2-3522.1 through 38.2-3523.4, 38.2-3525, 38.2-3540.1, 38.2-3540.2, 38.2-3541.2, 38.2-3542, 38.2-3543.2, Article 5 (§ 38.2-3551 et seq.) of Chapter 35, Chapter 35.1 (§ 38.2-3556 et seq.), Chapter 52 (§ 38.2-5200 et seq.), Chapter 55 (§ 38.2-5500 et seq.), ~~and Chapter 58 (§ 38.2-5800 et seq.), and Chapter 65 (§ 38.2-6500 et seq.)~~ shall be applicable to any health maintenance organization granted a license under this chapter. This chapter shall not apply to an insurer or health services plan licensed and regulated in conformance with the insurance laws or Chapter 42 (§ 38.2-4200 et seq.) except with respect to the activities of its health maintenance organization.

B. For plans administered by the Department of Medical Assistance Services that provide benefits pursuant to Title XIX or Title XXI of the Social Security Act, as amended, no provisions of this title except this chapter and, insofar as they are not inconsistent with this chapter, §§ 38.2-100, 38.2-136, 38.2-200, 38.2-203, 38.2-209 through 38.2-213, 38.2-216, 38.2-218 through 38.2-225, 38.2-229, 38.2-232, 38.2-322, 38.2-325, 38.2-400, 38.2-402 through 38.2-413, 38.2-500 through 38.2-515, 38.2-600 through 38.2-620, Chapter 9 (§ 38.2-900 et seq.), §§ 38.2-1016.1 through 38.2-1023, 38.2-1057, 38.2-1306.1, Article 2 (§ 38.2-1306.2 et seq.), § 38.2-1315.1, Articles 3.1 (§ 38.2-1316.1 et seq.), 4 (§ 38.2-1317 et seq.), 5 (§ 38.2-1322 et seq.), 5.1 (§ 38.2-1334.3 et seq.), and 5.2 (§ 38.2-1334.11 et seq.) of Chapter 13, Articles 1 (§ 38.2-1400 et seq.), 2 (§ 38.2-1412 et seq.), and 4 (§ 38.2-1446 et seq.) of Chapter 14, §§ 38.2-3401, 38.2-3405, 38.2-3407.2 through 38.2-3407.5, 38.2-3407.6, 38.2-3407.6:1, 38.2-3407.9, 38.2-3407.9:01, and 38.2-3407.9:02, subdivisions F 1, F 2, and F 3 of § 38.2-3407.10, §§ 38.2-3407.11, 38.2-3407.11:3, 38.2-3407.13, 38.2-3407.13:1, 38.2-3407.14, 38.2-3411.2, 38.2-3418.1, 38.2-3418.2, 38.2-3419.1, 38.2-3430.1 through 38.2-3437, 38.2-3500, subdivision 13 of § 38.2-3503, subdivision 8 of § 38.2-3504, §§ 38.2-3514.1, 38.2-3514.2, 38.2-3522.1 through 38.2-3523.4, 38.2-3525, 38.2-3540.1, 38.2-3540.2, 38.2-3541.2, 38.2-3542, 38.2-3543.2, Chapter 52 (§ 38.2-5200 et seq.), Chapter 55 (§ 38.2-5500 et seq.), ~~and Chapter 58 (§ 38.2-5800 et seq.), and Chapter 65 (§ 38.2-6500 et seq.)~~ shall be applicable to any health maintenance organization granted a license under this chapter. This chapter shall not apply to an

insurer or health services plan licensed and regulated in conformance with the insurance laws or Chapter 42 (§ 38.2-4200 et seq.) except with respect to the activities of its health maintenance organization.

C. Solicitation of enrollees by a licensed health maintenance organization or by its representatives shall not be construed to violate any provisions of law relating to solicitation or advertising by health professionals.

D. A licensed health maintenance organization shall not be deemed to be engaged in the unlawful practice of medicine. All health care providers associated with a health maintenance organization shall be subject to all provisions of law.

E. Notwithstanding the definition of an eligible employee as set forth in § 38.2-3431, a health maintenance organization providing health care plans pursuant to § 38.2-3431 shall not be required to offer coverage to or accept applications from an employee who does not reside within the health maintenance organization's service area.

F. For purposes of applying this section, "insurer" when used in a section cited in subsections A and B shall be construed to mean and include "health maintenance organizations" unless the section cited clearly applies to health maintenance organizations without such construction.

§ 38.2-4509. Application of certain laws.

A. No provision of this title except this chapter and, insofar as they are not inconsistent with this chapter, §§ 38.2-200, 38.2-203, 38.2-209 through 38.2-213, 38.2-218 through 38.2-225, 38.2-229, 38.2-316, 38.2-326, 38.2-400, 38.2-402 through 38.2-413, 38.2-500 through 38.2-515, 38.2-600 through 38.2-620, 38.2-900 through 38.2-904, 38.2-1038, 38.2-1040 through 38.2-1044, Articles 1 (§ 38.2-1300 et seq.) and 2 (§ 38.2-1306.2 et seq.) of Chapter 13, §§ 38.2-1312, 38.2-1314, 38.2-1315.1, Articles 4 (§ 38.2-1317 et seq.), 5 (§ 38.2-1322 et seq.), and 6 (§ 38.2-1335 et seq.) of Chapter 13, §§ 38.2-1400 through 38.2-1442, 38.2-1446, 38.2-1447, 38.2-1800 through 38.2-1836, 38.2-3401, 38.2-3404, 38.2-3405, 38.2-3407.1, 38.2-3407.4, 38.2-3407.10, 38.2-3407.13, 38.2-3407.14, 38.2-3407.15, 38.2-3407.17, 38.2-3407.17:1, 38.2-3407.19, 38.2-3415, 38.2-3541, Article 5 (§ 38.2-3551 et seq.) of Chapter 35, §§ 38.2-3600 through 38.2-3603, Chapter 55 (§ 38.2-5500 et seq.), and Chapter 58 (§ 38.2-5800 et seq.), and Chapter 65 (§ 38.2-6500 et seq.) shall apply to the operation of a plan.

B. The provisions of subsection A of § 38.2-322 shall apply to an optometric services plan. The provisions of subsection C of § 38.2-322 shall apply to a dental services plan.

C. The provisions of Article 1.2 (§ 32.1-137.7 et seq.) of Chapter 5 of Title 32.1 shall not apply to either an optometric or dental services plan.

D. The provisions of § 38.2-3407.1 shall apply to claim payments made on or after January 1, 2014. No optometric or dental services plan shall be required to pay interest computed under § 38.2-3407.1 if the total interest is less than \$5.

CHAPTER 65.

VIRGINIA HEALTH BENEFIT EXCHANGE.

§ 38.2-6500. Definitions.

As used in this chapter, unless the context requires a different meaning:

"American Health Benefit Exchange" means the program established as a component of the Exchange pursuant to this chapter that is designed to facilitate the purchase of qualified health plans or qualified dental plans by qualified individuals.

"Bureau" means the Bureau of Insurance, a division within the Commission through which it administers insurance law.

"Certified application counselor" means individuals certified by the Exchange to perform the duties described in 45 C.F.R. § 155.255(c).

"Commission" means the State Corporation Commission.

"Committee" means the Advisory Committee established pursuant to § 38.2-6503.

"Director" means the Director of the Division appointed by the Commission pursuant to § 38.2-6502.

"Division" means the Health Benefit Exchange Division, a division within the Commission through which it administers the Exchange.

"Eligible employee" means an individual employed by a qualified employer who has been offered health insurance coverage by such qualified employer through the SHOP exchange.

"Eligible entity" means the Bureau, the Department of Medical Assistance Services, or a qualified vendor that has demonstrated experience on a statewide or regional basis in individual and small group health insurance markets and in benefits coverage; however, a health carrier or an affiliate of a health carrier is not an eligible entity.

"Essential health benefits package" means the scope of covered benefits and associated limits of a health benefit plan that (i) provides benefits pursuant to § 38.2-3451; (ii) provides the benefits in the manner described in 45 C.F.R. § 156.115; (iii) limits cost-sharing for such coverage as described in 45 C.F.R. § 156.130; and (iv) subject to offering catastrophic plans as described in § 1302(e) of the Federal Act, provides distinct levels of coverage as described in 45 C.F.R. § 156.140.

"Exchange" means, as the context requires, either (i) the Division or (ii) the Virginia Health Benefit Exchange established pursuant to the provisions of this chapter and in accordance with § 1311(b) of the Federal Act, through which qualified health plans and qualified dental plans are made available to qualified individuals through the American Health Benefit Exchange and to qualified employers through the SHOP exchange. "Exchange," when referring to the Virginia Health Benefit Exchange, collectively refers to both the American Health Benefit Exchange and the SHOP exchange.

"FAMIS" means the Family Access to Medical Insurance Security Plan, including the FAMIS Plus program, established pursuant to Chapter 13 (§ 32.1-351 et seq.) of Title 32.1.

"Federal Act" means the federal Patient Protection and Affordable Care Act, P.L. 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, P.L. 111-152, and as it may further be amended, and regulations issued thereunder.

"Health benefit plan" or "plan" means a policy, contract, certificate, or agreement offered or issued by a health carrier to provide, deliver, arrange for, pay for, or reimburse any of the costs of health care services. The term does not include coverage only for accident or disability income insurance, or any combination thereof; coverage issued as a supplement to liability insurance; liability insurance, including general liability insurance and automobile liability insurance; workers' compensation or similar insurance; automobile medical payment insurance; credit-only insurance; coverage for onsite medical clinics; or other similar insurance coverage, specified in federal regulations issued pursuant to the Federal Act, under which benefits for medical care are secondary or incidental to other insurance benefits. The term does not include the following benefits if they are provided under a separate policy, certificate, or contract of insurance or are otherwise not an integral part of the plan: limited scope dental or vision benefits; benefits for long-term care, nursing home care, home health care, community-based care, or any combination thereof; or other similar limited benefits specified in federal regulations issued pursuant to the Federal Act. The term does not include the following benefits if the benefits are provided under a separate policy, certificate, or contract of insurance; there is no coordination between the provision of the benefits and any exclusion of benefits under any group health plan maintained by the same plan sponsor; and the benefits are paid with respect to an event without regard to whether benefits are provided with respect to such an event under any group health plan maintained by the same plan sponsor: coverage only for a specified disease or illness, for hospital indemnity, or other fixed indemnity insurance. The term does not include the following if offered as a separate policy, certificate, or contract of insurance: Medicare supplemental health insurance as defined under § 1882(g)(1) of the U.S. Social Security Act; coverage supplemental to the coverage provided under 10 U.S.C. § 1071 et seq. (TRICARE); or similar supplemental coverage provided under a group health plan.

"Health carrier" or "carrier" means an entity subject to the insurance laws and regulations of the Commonwealth and subject to the jurisdiction of the Commission that contracts or offers to contract to provide, deliver, arrange for, pay for, or reimburse any of the costs of health care services, including an insurer licensed to sell accident and sickness insurance, a health maintenance organization, a health services plan, a dental plan organization, a dental services plan, or any other entity providing a plan of health insurance, health benefits, or health care services.

"Insurance agent" has the same meaning as provided in § 38.2-1800.

"Minimum essential coverage" means coverage defined in 45 C.F.R. § 156.600.

"Navigator" means an individual or entity that is registered pursuant to § 38.2-3457.

"PHSA" means the federal Public Health Service Act, Chapter 6A of Title 42 of the United States Code, as amended.

"Qualified dental plan" means a limited scope dental plan that has been certified in accordance with § 38.2-6506.

"Qualified employer" means a small employer that elects to make all of its full-time employees eligible for one or more qualified health plans or qualified dental plans in the small group market offered through the SHOP exchange and, at the employer's option, some or all of its part-time employees, provided that the employer (i) has its principal place of business in the Commonwealth and elects to provide coverage through the SHOP exchange to all of its eligible employees, wherever employed, or (ii) elects to provide coverage through the SHOP exchange to all of its eligible employees who are principally employed in the Commonwealth.

"Qualified health plan" means a health benefit plan that has in effect a certification that the plan meets the criteria for certification described in § 1311(c) of the Federal Act and § 38.2-6506.

"Qualified individual" means an individual, including a minor, who (i) is seeking to enroll in a qualified health plan or qualified dental plan offered to individuals through the Exchange; (ii) resides in the Commonwealth; (iii) is not incarcerated at the time of enrollment, other than incarceration pending the disposition of charges; and (iv) is, and is reasonably expected to be, for the entire period for which enrollment is sought, a citizen or a national of the United States or an alien lawfully present in the United States.

"Secretary" means the Secretary of the U.S. Department of Health and Human Services.

"SHOP exchange" means the Small Business Health Options Program, established as a component of the Exchange pursuant to this chapter, through which a qualified employer can provide its eligible employees and their dependents with access to one or more qualified health plans or qualified dental plans.

"Small employer" means an employer that employed an average of not more than 50 employees during the preceding calendar year. For the purposes of this definition: (a) all persons treated as a single employer under subsection (b), (c), (m), or (o) of 26 U.S.C. § 414 shall be treated as a single employer; (b) an employer and any predecessor employer shall be treated as a single employer; and (c) all employees shall be counted, including part-time employees and employees who are not eligible for health insurance coverage through the employer. If an employer was not in existence throughout the preceding calendar year, the determination of whether the employer is a small employer shall be based on the average number of employees reasonably expected to be employed by the employer on business days in the current calendar year. An employer that makes enrollment in qualified health plans or qualified dental plans available to its eligible employees through the SHOP exchange and that no longer meets the definition of a small employer because of an increase in the number of its employees shall continue to be treated as a small employer for purposes of this chapter as long as that employer continuously makes enrollment through the SHOP exchange available to its eligible employees.

"Small group market" means the health insurance market under which individuals obtain health insurance coverage, directly or through any arrangement, on behalf of themselves and their dependents through a group health plan maintained by a small employer.

"State-mandated health benefit" means coverage required under this title or other laws of the Commonwealth to be provided in a policy of accident and sickness insurance, an accident and sickness subscription contract, or a health maintenance organization health care plan that includes coverage for specific health care services or benefits.

"State Medicaid Program" means the Commonwealth's Medicaid program under Title XIX of the Social Security Act, as amended from time to time.

§ 38.2-6501. Exchange objectives.

The Virginia Health Benefit Exchange shall make qualified health plans and qualified dental plans available to qualified individuals in the Commonwealth and provide for the establishment of a Small Business Health Options Program to assist qualified small employers in the Commonwealth in facilitating the enrollment of their eligible employees in qualified health plans and qualified dental plans offered in the small group market. The Exchange shall promote a transparent and competitive marketplace, promote consumer choice and education, and assist individuals with access to programs, policies and procedures, premium assistance tax credits, and cost-sharing reductions to support the continuity of coverage and reduce the number of uninsured.

§ 38.2-6502. Division established; Exchange created.

A. The Commission shall establish the Health Benefit Exchange Division as a separate division within the Commission. The Virginia Health Benefit Exchange shall be established and administered by the Commission, through the Division, in compliance with the requirements of this chapter and the Federal Act. The Exchange shall facilitate the purchase and sale of qualified health plans and qualified dental plans to qualified individuals and qualified employers. The Commission shall ensure that the Exchange and Bureau Divisions work in agreement to administer consistent regulation of Exchange plans.

B. The Commission shall appoint a Director of the Division, who shall have overall management responsibility for the Exchange.

C. The Commission, through the Division, shall have governing power and authority in any matter pertaining to the Exchange. The Commission may delegate as it may deem proper such powers and duties to the Director.

D. The Commission shall carry out its duties and responsibilities under this chapter in accordance with its rules of practice and procedure and shall decide all matters related to the Exchange in the same manner as it does when performing its other regulatory, judicial, and administrative duties and responsibilities under this Code.

E. The Commission may adopt rules and regulations pursuant to § 38.2-223 as may be necessary or appropriate for the administration of the Exchange.

§ 38.2-6503. Advisory Committee.

A. There is hereby established an Advisory Committee in accordance with § 1311 (d) of the Federal Act and 45 C.F.R. § 155.110 to advise and provide recommendations to the Commission and the Director in carrying out the purposes and duties of the Exchange. The Committee shall consist of up to 15 members. Members shall be appointed as follows: five nonlegislative citizen members to be appointed by the Governor, each of whom shall have demonstrated and acknowledged expertise in individual health coverage, small employer health coverage, health benefits plan administration, health care finance and economics, actuarial science, or with expertise in eligibility and enrollment in health care affordability programs and public health insurance; at least three nonlegislative citizen members appointed by the Commission, including an individual representing an organization that represents the Virginia insurance industry, an individual representing insurance agents, and a consumer representative; and any other members determined by the Commission. The Commissioner of Insurance, the Director of the Department of Medical Assistance Services, the State Health Commissioner, the Commissioner of the Department of Social Services, and the Secretary of Health and Human Resources, or their designees, shall serve as *ex officio* nonvoting members of the Committee.

B. No member of the Committee shall be a legislator or hold any elective office in state government.

C. A majority of the members appointed by the Governor and a majority of the members appointed by the Commission shall have no conflict of interest as set forth in the Federal Act.

D. After the initial staggering of terms, nonlegislative citizen members shall be appointed for a term of four years. No nonlegislative citizen member shall serve more than two consecutive four-year terms. The remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in determining the member's eligibility for reappointment.

E. The Committee shall elect a chairman and vice-chairman from among its membership. A majority of the appointed members shall constitute a quorum.

F. All meetings of the Committee shall be announced at least one week in advance on the Exchange website and shall be open to the public. The Committee shall permit reasonable public comment concerning matters on a meeting's agenda at meetings not less frequently than biennially. The Committee shall announce prior to its meetings whether public comment will be accepted. The Committee shall accept written comment from the public on an ongoing basis.

G. Minutes of meetings of the Committee, which shall include the Committee's recommendations and responses to its recommendations, shall be available to the public and posted on the Exchange's website.

§ 38.2-6504. Exchange requirements.

A. The Exchange shall make qualified health plans and qualified dental plans available to qualified individuals and qualified employers, beginning on a date set by the Commission, which date shall not be later than January 1, 2023, unless the Commission determines that postponement of such date is necessary to complete the establishment of the Exchange. The Exchange shall not make available any health benefit plan that is not a qualified health plan. The Exchange shall allow a health carrier to offer a qualified dental plan either to supplement a qualified health plan or separately, as practicable.

B. The Exchange shall provide for the establishment of a SHOP exchange that will permit enrollment of eligible employees of qualified small employers in the Commonwealth directly through qualified health plan issuers, qualified dental plan issuers, or licensed agents that meet established Exchange standards.

C. The Exchange shall allow a health carrier to offer a plan that provides limited scope dental benefits meeting the requirements of § 9832(c)(2)(A) of the Internal Revenue Code of 1986 through the Exchange, if the plan provides pediatric dental benefits meeting the requirements of § 1302(b)(1)(J) of the Federal Act.

D. Neither the Exchange nor a carrier offering qualified health benefit plans through the Exchange may charge an individual a fee or penalty for termination of coverage if the individual enrolls in another type of minimum essential coverage because the individual has become newly eligible for that coverage or because the individual's employer-sponsored coverage has become affordable under the standards of § 36B(c)(2)(C) of the Internal Revenue Code of 1986.

E. The Exchange and any associated programs shall be established and operated and offer plans in compliance with § 1321 (b) of the Federal Act.

§ 38.2-6505. Duties of Exchange.

The Exchange shall:

1. Implement procedures for the certification, recertification, and decertification of qualified health plans and qualified dental plans consistent with guidelines developed by the Secretary under § 1311(c) of the Federal Act and § 38.2-6506;

2. Provide for enrollment periods under § 1311(c)(6) of the Federal Act;

3. Provide for the operation of a toll-free telephone hotline to respond to requests for assistance;

4. Utilize a website on which enrollees and prospective enrollees of qualified health plans and qualified dental plans may obtain standardized comparative information. Information on qualified health plans shall include, at a minimum, (i) premium and cost-sharing information; (ii) the summary of benefits and coverage offered; (iii) identification of a qualified health plan as a bronze-level, silver-level, gold-level, or platinum-level plan as defined by § 1302(d) of the Federal Act or a catastrophic plan as defined by § 1302(e) of the Federal Act; (iv) the results of enrollee satisfaction surveys, described in § 1311(c)(4) of the Federal Act; (v) quality ratings assigned pursuant to § 1311(c)(3) of the Federal Act; (vi) medical loss ratio information as reported to the Secretary in accordance with 45 C.F.R. Part 158; (vii) transparency of coverage measures reported to the Exchange during certification processes; and (viii) the provider directory made available to the Exchange. The website shall be accessible to persons with disabilities, shall provide meaningful access for persons with limited English proficiency, and shall contain the information described in clauses (i) through (viii) without diversion to a website of a carrier;

5. Assign a rating to each qualified health plan offered through the Exchange in accordance with the criteria developed by the Secretary under § 1311(c)(3) of the Federal Act;

6. Determine each qualified health plan's level of coverage in accordance with regulations issued by the Secretary under § 1302(d)(2)(A) of the Federal Act;

7. Use a standardized format for presenting health benefit options in the Exchange, including the use of the uniform outline of coverage as established under § 2715 of the PHSA, 42 U.S.C. § 300gg-15;

8. Inform individuals, in accordance with § 1413 of the Federal Act, of eligibility requirements for (i) the State Medicaid Program; (ii) the Children's Health Insurance Program (CHIP) under Title XXI of the Social Security Act, including FAMIS, as amended from time to time; or (iii) any applicable state or local public health subsidy program, and enroll an individual in such program if it is determined, through screening of the application, that such individual is eligible for any such program;

9. Make available by electronic means through the website described in subdivision 4 a calculator to determine the actual cost of coverage after application of any premium assistance tax credit under 26 U.S.C. § 36B and any cost-sharing reduction under § 1402 of the Federal Act;

10. Establish an American Health Benefit Exchange through which qualified individuals may enroll in any qualified health plan or qualified dental plan offered through the American Health Benefit Exchange for which they are eligible and establish a SHOP exchange through which qualified employers may make their eligible employees eligible for one or more qualified health plans or qualified dental plans offered through the SHOP exchange or specify a level of coverage so that any of their eligible employees may enroll in any qualified health plan or qualified dental plan offered through the SHOP exchange at the specified level of coverage;

11. Subject to § 1411 of the Federal Act, grant a certification attesting that, for purposes of the individual responsibility penalty under § 5000A of the Internal Revenue Code of 1986, an individual is exempt from the individual responsibility requirement or from the penalty imposed by that section because there is no affordable qualified health plan available through the Exchange, or the individual's employer, covering the individual or the individual meets the requirements for any other such exemption from the individual responsibility requirement or penalty;

12. Transfer to the U.S. Secretary of the Treasury the following:

a. A list of the individuals who are issued a certification under subdivision 11, including the name and taxpayer identification number of each individual;

b. The name and taxpayer identification number of each individual who was an employee of an employer but who was determined to be eligible for the premium assistance tax credit under 26 U.S.C. § 36B because (i) the employer did not provide minimum essential coverage or (ii) the employer provided minimum essential coverage but a determination under 26 U.S.C. § 36B(c)(2)(C) found that either the coverage was unaffordable for the employee or did not provide the required minimum actuarial value; and

c. The name and taxpayer identification number of (i) each individual who notifies the Exchange under 42 U.S.C. § 18081 that the individual has changed employers and (ii) each individual who ceases coverage under a qualified health plan and the effective date of the cessation;

13. Provide to each employer the name of each of the employer's employees described in subdivision 12 b who ceases coverage under a qualified health plan during a plan year and the effective date of the cessation;

14. Perform duties required of the Exchange by the Secretary or the U.S. Secretary of the Treasury related to determining eligibility for premium assistance tax credits, reduced cost-sharing, or individual responsibility requirement exemptions;

15. Certify entities qualified to serve as Navigators in accordance with § 1311(i) of the Federal Act and § 38.2-6513;

16. Consult with stakeholders relevant to carrying out the activities required under this chapter, including:

a. Health care consumers who are enrollees in qualified health plans and qualified dental plans;

b. Individuals and entities with experience in facilitating enrollment in qualified health plans and qualified dental plans;

c. Advocates for enrolling hard-to-reach populations, which include individuals with mental health or substance use disorders;

d. Representatives of small businesses and self-employed individuals;

e. The Department of Medical Assistance Services;

f. Federally recognized tribes, as defined in the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. § 479a), that are located within the Exchange's geographic area;

g. Public health experts;

h. Health care providers;

i. Large employers;

j. Health carriers; and

k. Insurance agents;

17. Meet the following financial integrity requirements:

a. Keep an accurate accounting of all activities, receipts, and expenditures and annually submit to the Secretary, the Governor, and the Commission a report concerning such accountings;

b. Fully cooperate with any investigation conducted by the Secretary pursuant to the Secretary's authority under the Federal Act and allow the Secretary, in coordination with the Inspector General of the U.S. Department of Health and Human Services, to:

(1) Investigate the affairs of the Exchange;

(2) Examine the properties and records of the Exchange; and

(3) Require periodic reports in relation to the activities undertaken by the Exchange; and

c. Not use any funds in carrying out its activities under this chapter that are intended for the administrative and operational expenses of the Exchange for staff retreats, promotional giveaways, excessive executive compensation, or promotion of federal or state legislative and regulatory modifications;

18. In collaboration with the Department of Medical Assistance Services, coordinate the operations of the Exchange with the operations of the state plan for medical assistance to determine initial and ongoing eligibility for those programs in a streamlined fashion; and

19. Take any other actions necessary and appropriate to ensure that the Exchange complies with the requirements of the Federal Act.

§ 38.2-6506. Certification of health benefit plans as qualified health plans.

A. The Exchange, in consultation with the Bureau, shall certify a health benefit plan as a qualified health plan, unless the Exchange determines that making the plan available through the Exchange is not in the interest of qualified individuals and qualified employers in the Commonwealth, if:

1. The plan provides the essential health benefits package, except that (i) the plan shall not provide any state-mandated health benefit that is not provided in the essential health benefits package and (ii) the plan is not required to provide benefits that duplicate the minimum benefits of qualified dental plans, as set forth in subsection F, if (a) the Exchange has determined that at least one qualified dental plan is available to supplement the plan's coverage and (b) the health carrier makes prominent disclosure at the time it offers the plan, in a form approved by the Bureau, that such plan does not provide the full range of pediatric dental benefits included in the essential health benefits package and that qualified dental plans providing those benefits and other dental benefits not covered by such plan are offered through the Exchange;

2. The premium rates and policy forms have been approved by or filed with the Commission, in accordance with §§ 38.2-316 and 38.2-316.1;

3. The plan provides at least a bronze level of coverage unless the plan is certified as a qualified catastrophic plan, meets the requirements of the Federal Act for catastrophic plans, and will only be offered to individuals eligible for catastrophic coverage;

4. The plan's cost-sharing requirements do not exceed the limits established under § 1302(c)(1) of the Federal Act;

5. The health carrier offering the plan:

a. Is licensed and in good standing to offer health insurance coverage in the Commonwealth;

b. Offers (i) at least one qualified health plan in the silver level of coverage and one qualified health plan at a gold level of coverage throughout each service area in which it offers coverage through the Exchange and (ii) a child-only plan at the same level of coverage as any qualified health plan offered through the Exchange to individuals who, as of the beginning of the plan year, are less than 21 years of age;

c. Charges the same premium rate for each qualified health plan without regard to whether the plan is offered through the Exchange or directly by the health carrier or through an agent;

d. Does not charge any cancellation fees or penalties in violation of subsection D of § 38.2-6504; and

e. Complies with the regulations developed by the Secretary under § 1311(d) of the Federal Act and such other requirements as the Exchange may establish; and

6. The plan meets the requirements of certification as adopted by regulation pursuant to § 38.2-6514 or promulgated by the Secretary under § 1311(c) of the Federal Act, which include minimum standards in the areas of marketing practices, network adequacy, essential community providers in underserved areas, accreditation, quality improvement, uniform enrollment forms, and descriptions of coverage and information on quality measures for health benefit plan performance.

B. The Exchange shall not refuse to certify a health benefit plan as a qualified health plan (i) on the basis that the plan is a fee-for-service plan, (ii) through the imposition of premium price controls by the Exchange, or (iii) on the basis that the health benefit plan provides treatments necessary to prevent patients' deaths in circumstances that the Exchange determines are inappropriate or too costly.

C. In order to foster a competitive marketplace and consumer choice, the Exchange shall certify all health benefit plans recommended by the Bureau meeting the requirements of § 1311(c) of the Federal Act for participation in the Exchange unless it is not in the interest of qualified individuals and qualified employers. The Exchange shall establish and publish a transparent, objective process for decertifying qualified health plans if it is determined that it is not in the public interest to permit such plans to be offered through the Exchange.

D. The Exchange shall require each health carrier seeking certification of a health benefit plan as a qualified health plan to permit individuals to learn, in a timely manner upon the request of the individual, the amount of cost-sharing, including deductibles, copayments, and coinsurance, under the individual's plan or coverage that such individual would be responsible for paying with respect to the furnishing of a specific item or service by a participating provider. At a minimum, this information shall be made available to the individual through the Exchange's website and through other means for individuals without access to the Internet.

E. The Exchange shall apply the criteria of this section in a manner that assures a level playing field between or among health carriers participating in the Exchange.

F. The provisions of this chapter that are applicable to qualified health plans shall also apply to the extent applicable to qualified dental plans, except as modified (i) by regulations adopted by the Commission or (ii) in accordance with the following:

1. A health carrier seeking certification of a dental benefit plan as a qualified dental plan shall be licensed in the Commonwealth to offer dental coverage but need not be licensed to offer other health benefits;

2. Qualified dental plans shall be limited to dental and oral health benefits, without substantial duplication of the benefits typically offered by health benefit plans without dental coverage, and shall include, at a minimum, the pediatric dental benefits prescribed by the Secretary pursuant to § 1302(b)(1)(J) of the Federal Act and such other dental benefits as the Exchange may specify or the Secretary may specify by regulation; and

3. Participants in the Exchange shall have the option to purchase at least the pediatric dental benefit component of the essential health benefits package either through a separate qualified dental plan or as a part of a combined offer by a qualified health plan, provided that, with respect to a combined offer, the health and dental benefits are priced separately and also made available for purchase separately at the same price.

§ 38.2-6507. Appeal of decertification or denial of certification.

A. The Exchange shall give each health carrier the opportunity to appeal a decertification decision or the denial of certification as a qualified health plan or qualified dental plan.

B. The Exchange shall give each health carrier that appeals a decertification decision or the denial of certification the opportunity for:

1. The submission and consideration of facts, arguments, or proposals of adjustment of the plan or plans at issue; and

2. A hearing and a decision on the record, to the extent that the Exchange and the health carrier are unable to reach agreement following the submission of the information in subdivision 1.

C. Any hearing held pursuant to subsection B shall be conducted by the Commission in accordance with its rules of practice and procedure.

D. Any final action or order of the Commission shall be subject to judicial review in accordance with the provisions of §§ 12.1-39, 12.1-40, and 12.1-41.

§ 38.2-6508. Open enrollment periods.

Health carriers shall be permitted to utilize open enrollment periods outside of an Exchange as permitted inside of an Exchange pursuant to § 1311(c)(6) of the Federal Act.

§ 38.2-6509. Choice.

A. In accordance with § 1312(f)(2)(A) of the Federal Act, a qualified employer may either designate one or more qualified health plans from which its eligible employees may choose or designate any level of coverage to be made available to eligible employees through an Exchange.

B. In accordance with § 1312(b) of the Federal Act, a qualified individual enrolled in any qualified health plan may pay any applicable premium owed by such individual to the health carrier issuing such qualified health plan.

C. In accordance with § 1312(d) of the Federal Act:

1. This section shall not prohibit:

a. a health carrier from offering outside of an Exchange a health benefit plan to a qualified individual or qualified employer; or

b. a qualified individual from enrolling in, or a qualified employer from selecting for its eligible employees, a health benefit plan offered outside of an Exchange; and

2. This section shall not limit the operation of any requirement under state law or regulation with respect to any policy or plan that is offered outside of the Exchange with respect to any requirement to offer benefits.

D. Nothing in this section shall restrict the choice of a qualified individual to enroll or not to enroll in a qualified health plan or to participate in an Exchange.

E. Nothing in this section shall compel an individual to enroll in a qualified health plan or to participate in an Exchange.

F. A qualified individual may enroll in any qualified health plan, except that in the case of a catastrophic plan described in § 1302(e) of the Federal Act, a qualified individual may enroll in the plan only if the individual is eligible to enroll in the plan under § 1302(e)(2) of the Federal Act.

G. In accordance with § 1312(e) of the Federal Act, the Exchange may, for a licensed agent who agrees to comply with regulatory requirements, including advance registration with the Exchange, completion of training, and adherence to privacy and security standards set by the Exchange, allow such licensed agents:

1. To enroll qualified individuals and qualified employers in any qualified health plan or any qualified dental plan offered through the Exchange for which the individual or employer is eligible; and

2. To assist qualified individuals in applying for premium tax credits and cost-sharing reductions for qualified health plans purchased through the Exchange.

§ 38.2-6510. Health Insurance Exchange Fund; assessment.

A. The Exchange shall be authorized to fund its operations through (i) special fund revenues generated by assessment fees on health carriers offering plans through the Exchange, (ii) funds described in subsection H, or (iii) such funds as the General Assembly may from time to time appropriate. All such funds received under this section and paid into the state treasury shall be deposited to a special fund designated "Health Insurance Exchange Special Fund State Corporation Commission." Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purposes of supporting the Exchange through initial start-up costs associated with establishment of the Exchange, Exchange operations, outreach, and enrollment, a Navigator program, and other means of supporting the Exchange.

B. The Exchange shall have funding from the sources described in subsection A in an amount sufficient to support its ongoing operations.

C. Assessments on health carriers shall be reasonable and necessary to support the development, operations, and prudent cash management of the Exchange. Assessments shall be approved by the Commission prior to implementation and shall not exceed three percent of the carrier's total monthly premium as described in this subsection, except that the Commission may, after notice and opportunity to be heard, adjust the assessment rate if necessary to ensure that the Exchange is fully funded. The assessment shall be based on the premium charged by a carrier for health benefits plans issued on the American Health Benefits Exchange and each qualified dental plan offered on the American Health Benefits Exchange during any period in which qualified health plans and qualified dental plans are effective on the American Health Benefits Exchange.

D. Taxes, fees, or assessments used to finance the Exchange shall be clearly disclosed by the Exchange as such.

E. Taxes, fees, or assessments used to finance the Exchange shall be considered a state tax or assessment, as defined in § 2718(a) of the PHSA and its implementing regulations, and shall be excluded from health carrier administrative costs for the purpose of calculating medical loss ratios or rebates.

F. Assessments and fees shall not affect the requirement under § 1301 of the Federal Act that carriers charge the same premium rate for each qualified health plan whether offered inside or outside the Exchange.

G. A written report on the implementation and performance of the Exchange functions during the preceding fiscal year, including, at a minimum, the manner in which funds were expended, shall be made available to the public on the website of the Exchange.

H. The Exchange is authorized to apply for and accept federal grants, other federal funds, and grants from nongovernmental organizations for the purposes of developing, implementing, and administering the Exchange.

I. The Commission shall not use any special fund revenues dedicated to its other functions and duties, including revenues from utility consumer taxes or fees from licensees regulated by the Commission, or fees paid to the office of the clerk of the Commission, to fund any of the activities or operating expenses of the Exchange.

§ 38.2-6511. Procurement, contracting, and personnel.

A. The Commission may contract with other eligible entities and enter into memoranda of understanding with other agencies of the Commonwealth to carry out any of the functions of the Exchange, including agreements with other states or federal agencies to perform joint administrative functions. Such contracts are not subject to the Virginia Public Procurement Act (§ 2.2-4300 et seq.).

B. The Exchange shall not enter into contracts with any health carrier or an affiliate of a health carrier.

C. Employees of the Exchange shall be (i) exempt from application of the Virginia Personnel Act (§ 2.2-2900 et seq.) and Chapter 30 (§ 2.2-3000 et seq.) of Title 2.2, as hereinafter amended or recodified, to the same extent as other employees of the Commission; (ii) eligible for participation in the Virginia Retirement System to the same extent as other similarly situated employees of the Commission; and (iii) compensated and managed in accordance with the Commission's practices and policies applicable to all Commission employees.

§ 38.2-6512. Confidentiality.

A. Notwithstanding any other provision of law, the records of the Exchange shall be open to public inspection, except that the following information shall not be subject to disclosure: (i) the names and applications of individuals and employers seeking coverage through the Exchange, (ii) individuals' health information, (iii) information exchanged between the Exchange and any other state agency that is subject to confidentiality agreements under contracts entered into with the Exchange, and (iv) communications covered by an applicable legal or other privilege or such internal communications related to the Exchange that are designated confidential in regulations promulgated by the Commission to implement the provisions of this chapter.

B. The Exchange may enter into information-sharing agreements with federal and state agencies and other states' health benefit exchanges to carry out its responsibilities under this chapter, provided that such agreements include adequate protections with respect to the confidentiality of the information to be shared and comply with all state and federal laws and regulations.

§ 38.2-6513. Navigators.

A. No person shall act as a Navigator unless the person is registered pursuant to Article 7 (§ 38.2-3455 et seq.) of Chapter 34 and is certified by either the U.S. Department of Health and Human Services or the Exchange.

B. The Exchange shall establish a program under which it shall award grants to Navigators to carry out the following duties:

1. Conduct public education activities to raise awareness of the availability of qualified health plans, qualified dental plans, the State Medicaid Program, and FAMIS;

2. Distribute fair and impartial information concerning enrollment in qualified health plans, qualified dental plans, the State Medicaid Program, and FAMIS and the availability of premium tax credits under § 36B of the Internal Revenue Code of 1986 and cost-sharing reductions under § 1402 of the Federal Act;

3. Provide in-person assistance to facilitate enrollment in qualified health plans, qualified dental plans, the State Medicaid Program, and FAMIS;

4. Provide referrals to any applicable office of health insurance consumer assistance or health insurance ombudsman established under § 2793 of the PHSA, or any other appropriate state agency or agencies, for any enrollee with a grievance, complaint, or question regarding his health benefit plan, coverage, or a determination under that plan or coverage;

5. Provide information in a manner that is culturally and linguistically appropriate to the needs of the population being served by the Exchange and ensure accessibility and usability of Navigator tools and functions for individuals with disabilities in accordance with the Americans with Disabilities Act (P.L. 101-336) and § 504 of the Rehabilitation Act as required by 45 C.F.R. § 155.210; and

6. Assist consumers with post-enrollment activities, including completing verification requests, accessing Special Enrollment Periods, accessing health insurance related tax forms, and assisting with complex cases and appeals.

C. To be eligible to receive a grant under subsection B, a Navigator shall demonstrate to the Exchange involved that it has existing relationships, or could readily establish relationships, with employers and employees, consumers, including uninsured and underinsured consumers, or self-employed individuals likely to be qualified to enroll in a qualified health plan.

D. The Exchange shall develop standards, consistent with any standards developed by the Secretary, to ensure that information made available by Navigators is fair, accurate, and impartial.

E. Navigators shall comply with all requirements of Article 7 (§ 38.2-3455 et seq.) of Chapter 34, including successful completion of training programs established by the Exchange for individual Navigators.

§ 38.2-6514. Certified application counselors.

A. The Exchange shall establish a Certified Application Counselor program pursuant to 45 C.F.R. § 155.225 and shall (i) certify individuals as certified application counselors to perform specified duties, (ii) designate an organization to certify individuals as certified application counselors to perform specified duties, or (iii) implement a combination both clause (i) and (ii).

B. The Exchange shall ensure, either directly or through designated organizations, that certified application counselors complete required Virginia-specific training on topics including qualified health plan options, insurance affordability programs, eligibility and enrollment rules, and all other regulatory requirements.

C. The Exchange shall ensure certified application counselors adhere to all terms and conditions of privacy and security pursuant to 45 C.F.R. § 155.260(b).

D. The Exchange may decertify a certified application counselor or designated organization for failure to comply with the requirements of this section or of the Exchange.

§ 38.2-6515. Regulations.

The Commission shall promulgate regulations to implement the provisions of this chapter in accordance with the Commission's rules of practice and procedure. Regulations promulgated under this section shall be consistent with applicable provisions of federal and state law.

§ 38.2-6516. Reports.

The Exchange, in collaboration with the Secretary of Health and Human Resources, shall submit a report by November 1 of each year to the Chairs of the Senate Committees on Commerce and Labor and Finance and Appropriations and the House Committees on Labor and Commerce and Appropriations that shall include information on (i) Exchange operations and responsibilities, (ii) an accounting of the Exchange's finances, (iii) the effectiveness of the outreach and implementation activities of the Exchange in reducing the number of individuals without health insurance coverage, and (iv) other relevant information.

§ 38.2-6517. Relation to other laws.

Nothing in this chapter, and no action taken by the Exchange pursuant to this chapter, shall be construed to preempt or supersede the authority of the Commission to regulate the business of insurance within the Commonwealth. Except as expressly provided to the contrary in this chapter, all health carriers offering qualified health plans or qualified dental plans in the Commonwealth shall comply fully with all applicable health insurance laws of the Commonwealth and regulations adopted and orders issued by the Commission.

§ 58.1-3. Secrecy of information; penalties.

A. Except in accordance with a proper judicial order or as otherwise provided by law, the Tax Commissioner or agent, clerk, commissioner of the revenue, treasurer, or any other state or local tax or revenue officer or employee, or any person to whom tax information is divulged pursuant to this section or § 58.1-512 or 58.1-2712.2, or any former officer or employee of any of the aforementioned offices shall not divulge any information acquired by him in the performance of his duties with respect to the transactions, property, including personal property, income or business of any person, firm or corporation. Such prohibition specifically includes any copy of a federal return or federal return information required by Virginia law to be attached to or included in the Virginia return. This prohibition shall apply to any reports, returns, financial documents or other information filed with the Attorney General pursuant to the provisions of Article 3 (§ 3.2-4204 et seq.) of Chapter 42 of Title 3.2. Any person violating the provisions of this section is guilty of a Class 1 misdemeanor. The provisions of this subsection shall not be applicable, however, to:

1. Matters required by law to be entered on any public assessment roll or book;
2. Acts performed or words spoken, published, or shared with another agency or subdivision of the Commonwealth in the line of duty under state law;
3. Inquiries and investigations to obtain information as to the process of real estate assessments by a duly constituted committee of the General Assembly, or when such inquiry or investigation is relevant to its study, provided that any such information obtained shall be privileged;
4. The sales price, date of construction, physical dimensions or characteristics of real property, or any information required for building permits;
5. Copies of or information contained in an estate's probate tax return, filed with the clerk of court pursuant to § 58.1-1714, when requested by a beneficiary of the estate or an heir at law of the decedent or by the commissioner of accounts making a settlement of accounts filed in such estate;
6. Information regarding nonprofit entities exempt from sales and use tax under § 58.1-609.11, when requested by the General Assembly or any duly constituted committee of the General Assembly;
7. Reports or information filed with the Attorney General by a Stamping Agent pursuant to the provisions of Article 3 (§ 3.2-4204 et seq.), when such reports or information are provided by the Attorney General to a tobacco products manufacturer who is required to establish a qualified escrow fund pursuant to § 3.2-4201 and are limited to the brand families of that manufacturer as listed in the Tobacco Directory established pursuant to § 3.2-4206 and are limited to the current or previous two calendar years or in any year in which the Attorney General receives Stamping Agent information that potentially alters the required escrow deposit of the manufacturer. The information shall only be provided in the following manner: the manufacturer may make a written request, on a quarterly or yearly basis or when the manufacturer is notified by the Attorney General of a potential change in the amount of a required escrow deposit, to the Attorney General for a list of the Stamping Agents who reported stamping or selling its products and the amount reported. The Attorney General shall provide the list within 15 days of receipt of the request. If the manufacturer wishes to obtain actual copies of the reports the Stamping Agents filed with the Attorney General, it must first request them from the Stamping Agents pursuant to subsection C of § 3.2-4209. If the manufacturer does not receive the reports pursuant to subsection C of § 3.2-4209, the manufacturer may make a written request to the Attorney General, including a copy of the prior written

request to the Stamping Agent and any response received, for copies of any reports not received. The Attorney General shall provide copies of the reports within 45 days of receipt of the request.

B. 1. Nothing contained in this section shall be construed to prohibit the publication of statistics so classified as to prevent the identification of particular reports or returns and the items thereof or the publication of delinquent lists showing the names of taxpayers who are currently delinquent, together with any relevant information which in the opinion of the Department may assist in the collection of such delinquent taxes. Notwithstanding any other provision of this section or other law, the Department, upon request by the General Assembly or any duly constituted committee of the General Assembly, shall disclose the total aggregate amount of an income tax deduction or credit taken by all taxpayers, regardless of (i) how few taxpayers took the deduction or credit or (ii) any other circumstances. This section shall not be construed to prohibit a local tax official from disclosing whether a person, firm or corporation is licensed to do business in that locality and divulging, upon written request, the name and address of any person, firm or corporation transacting business under a fictitious name. Additionally, notwithstanding any other provision of law, the commissioner of revenue is authorized to provide, upon written request stating the reason for such request, the Tax Commissioner with information obtained from local tax returns and other information pertaining to the income, sales and property of any person, firm or corporation licensed to do business in that locality.

2. This section shall not prohibit the Department from disclosing whether a person, firm, or corporation is registered as a retail sales and use tax dealer pursuant to Chapter 6 (§ 58.1-600 et seq.) or whether a certificate of registration number relating to such tax is valid. Additionally, notwithstanding any other provision of law, the Department is hereby authorized to make available the names and certificate of registration numbers of dealers who are currently registered for retail sales and use tax.

3. This section shall not prohibit the Department from disclosing information to nongovernmental entities with which the Department has entered into a contract to provide services that assist it in the administration of refund processing or other services related to its administration of taxes.

4. This section shall not prohibit the Department from disclosing information to taxpayers regarding whether the taxpayer's employer or another person or entity required to withhold on behalf of such taxpayer submitted withholding records to the Department for a specific taxable year as required pursuant to subdivision C 1 of § 58.1-478.

5. This section shall not prohibit the commissioner of the revenue, treasurer, director of finance, or other similar local official who collects or administers taxes for a county, city, or town from disclosing information to nongovernmental entities with which the locality has entered into a contract to provide services that assist it in the administration of refund processing or other non-audit services related to its administration of taxes. The commissioner of the revenue, treasurer, director of finance, or other similar local official who collects or administers taxes for a county, city, or town shall not disclose information to such entity unless he has obtained a written acknowledgement by such entity that the confidentiality and nondisclosure obligations of and penalties set forth in subsection A apply to such entity and that such entity agrees to abide by such obligations.

C. Notwithstanding the provisions of subsection A or B or any other provision of this title, the Tax Commissioner is authorized to (i) divulge tax information to any commissioner of the revenue, director of finance, or other similar collector of county, city, or town taxes who, for the performance of his official duties, requests the same in writing setting forth the reasons for such request; (ii) provide to the Commissioner of the Department of Social Services, upon entering into a written agreement, the amount of income, filing status, number and type of dependents, and Forms W-2 and 1099 to facilitate the administration of public assistance or social services benefits as defined in § 63.2-100 or child support services pursuant to Chapter 19 (§ 63.2-1900 et seq.) of Title 63.2; (iii) provide to the chief executive officer of the designated student loan guarantor for the Commonwealth of Virginia, upon written request, the names and home addresses of those persons identified by the designated guarantor as having delinquent loans guaranteed by the designated guarantor; (iv) provide current address information upon request to state agencies and institutions for their confidential use in facilitating the collection of accounts receivable, and to the clerk of a circuit or district court for their confidential use in facilitating the collection of fines, penalties, and costs imposed in a proceeding in that court; (v) provide to the Commissioner of the Virginia Employment Commission, after entering into a written agreement, such tax information as may be necessary to facilitate the collection of unemployment taxes and overpaid benefits; (vi) provide to the Virginia Alcoholic Beverage Control Authority, upon entering into a written agreement, such tax information as may be necessary to facilitate the collection of state and local taxes and the administration of the alcoholic beverage control laws; (vii) provide to the Director of the Virginia Lottery such tax information as may be necessary to identify those lottery ticket retailers who owe delinquent taxes; (viii) provide to the Department of the Treasury for its confidential use such tax information as may be necessary to facilitate the location of owners and holders of unclaimed property, as defined in § 55.1-2500; (ix) provide to the State Corporation Commission, upon entering into a written agreement, such tax information as may be necessary to facilitate the collection of taxes and fees administered by the Commission; (x) provide to the Executive Director of the Potomac and Rappahannock Transportation Commission for his confidential use such tax information as may be necessary to facilitate the collection of the motor vehicle fuel sales tax; (xi) provide to the Commissioner of the Department of Agriculture and Consumer Services such tax information as may be necessary to identify those applicants for registration as a supplier of charitable gaming supplies who have not filed required returns or who owe delinquent taxes; (xii) provide to the Department of Housing and Community Development for its confidential use such tax information as may be necessary to facilitate the administration of the remaining effective provisions of the Enterprise Zone Act (§ 59.1-270 et seq.), and the

Enterprise Zone Grant Program (§ 59.1-538 et seq.); (xiii) provide current name and address information to private collectors entering into a written agreement with the Tax Commissioner, for their confidential use when acting on behalf of the Commonwealth or any of its political subdivisions; however, the Tax Commissioner is not authorized to provide such information to a private collector who has used or disseminated in an unauthorized or prohibited manner any such information previously provided to such collector; (xiv) provide current name and address information as to the identity of the wholesale or retail dealer that affixed a tax stamp to a package of cigarettes to any person who manufactures or sells at retail or wholesale cigarettes and who may bring an action for injunction or other equitable relief for violation of Chapter 10.1, Enforcement of Illegal Sale or Distribution of Cigarettes Act; (xv) provide to the Commissioner of Labor and Industry, upon entering into a written agreement, such tax information as may be necessary to facilitate the collection of unpaid wages under § 40.1-29; (xvi) provide to the Director of the Department of Human Resource Management, upon entering into a written agreement, such tax information as may be necessary to identify persons receiving workers' compensation indemnity benefits who have failed to report earnings as required by § 65.2-712; (xvii) provide to any commissioner of the revenue, director of finance, or any other officer of any county, city, or town performing any or all of the duties of a commissioner of the revenue and to any dealer registered for the collection of the Communications Sales and Use Tax, a list of the names, business addresses, and dates of registration of all dealers registered for such tax; (xviii) provide to the Executive Director of the Northern Virginia Transportation Commission for his confidential use such tax information as may be necessary to facilitate the collection of the motor vehicle fuel sales tax; (xix) provide to the Commissioner of Agriculture and Consumer Services the name and address of the taxpayer businesses licensed by the Commonwealth that identify themselves as subject to regulation by the Board of Agriculture and Consumer Services pursuant to § 3.2-5130; (xx) provide to the developer or the economic development authority of a tourism project authorized by § 58.1-3851.1, upon entering into a written agreement, tax information facilitating the repayment of gap financing; ~~and~~ (xxi) provide to the Virginia Retirement System and the Department of Human Resource Management, after entering into a written agreement, such tax information as may be necessary to facilitate the enforcement of subdivision C 4 of § 9.1-401; *and (xxii) provide to the Department of Medical Assistance Services, upon entering into a written agreement, the name, address, social security number, number and type of personal exemptions, tax-filing status, and adjusted gross income of an individual, or spouse in the case of a married taxpayer filing jointly, who has voluntarily consented to such disclosure for purposes of identifying persons who would like to newly enroll in medical assistance.* The Tax Commissioner is further authorized to enter into written agreements with duly constituted tax officials of other states and of the United States for the inspection of tax returns, the making of audits, and the exchange of information relating to any tax administered by the Department of Taxation. Any person to whom tax information is divulged pursuant to this section shall be subject to the prohibitions and penalties prescribed herein as though he were a tax official.

D. Notwithstanding the provisions of subsection A or B or any other provision of this title, the commissioner of revenue or other assessing official is authorized to (i) provide, upon written request stating the reason for such request, the chief executive officer of any county or city with information furnished to the commissioner of revenue by the Tax Commissioner relating to the name and address of any dealer located within the county or city who paid sales and use tax, for the purpose of verifying the local sales and use tax revenues payable to the county or city; (ii) provide to the Department of Professional and Occupational Regulation for its confidential use the name, address, and amount of gross receipts of any person, firm or entity subject to a criminal investigation of an unlawful practice of a profession or occupation administered by the Department of Professional and Occupational Regulation, only after the Department of Professional and Occupational Regulation exhausts all other means of obtaining such information; and (iii) provide to any representative of a condominium unit owners' association, property owners' association or real estate cooperative association, or to the owner of property governed by any such association, the names and addresses of parties having a security interest in real property governed by any such association; however, such information shall be released only upon written request stating the reason for such request, which reason shall be limited to proposing or opposing changes to the governing documents of the association, and any information received by any person under this subsection shall be used only for the reason stated in the written request. The treasurer or other local assessing official may require any person requesting information pursuant to clause (iii) of this subsection to pay the reasonable cost of providing such information. Any person to whom tax information is divulged pursuant to this subsection shall be subject to the prohibitions and penalties prescribed herein as though he were a tax official.

Notwithstanding the provisions of subsection A or B or any other provisions of this title, the treasurer or other collector of taxes for a county, city or town is authorized to provide information relating to any motor vehicle, trailer or semitrailer obtained by such treasurer or collector in the course of performing his duties to the commissioner of the revenue or other assessing official for such jurisdiction for use by such commissioner or other official in performing assessments.

This section shall not be construed to prohibit a local tax official from imprinting or displaying on a motor vehicle local license decal the year, make, and model and any other legal identification information about the particular motor vehicle for which that local license decal is assigned.

E. Notwithstanding any other provisions of law, state agencies and any other administrative or regulatory unit of state government shall divulge to the Tax Commissioner or his authorized agent, upon written request, the name, address, and social security number of a taxpayer, necessary for the performance of the Commissioner's official duties regarding the administration and enforcement of laws within the jurisdiction of the Department of Taxation. The receipt of information by

the Tax Commissioner or his agent which may be deemed taxpayer information shall not relieve the Commissioner of the obligations under this section.

F. Additionally, it shall be unlawful for any person to disseminate, publish, or cause to be published any confidential tax document which he knows or has reason to know is a confidential tax document. A confidential tax document is any correspondence, document, or tax return that is prohibited from being divulged by subsection A, B, C, or D and includes any document containing information on the transactions, property, income, or business of any person, firm, or corporation that is required to be filed with any state official by § 58.1-512. This prohibition shall not apply if such confidential tax document has been divulged or disseminated pursuant to a provision of law authorizing disclosure. Any person violating the provisions of this subsection is guilty of a Class 1 misdemeanor.

§ 58.1-341.1. Returns of individuals; required information.

A. For all taxable years beginning on and after January 1, 1995, the Department of Taxation shall include in any packet of instructions and forms for individual income tax returns an application to register to vote by mail and appropriate instructions for the completion and mailing of the application to register to vote. The form of the application shall be prescribed and the instructions shall be provided by the State Board of Elections.

B. For all taxable years beginning on and after January 1, 2021, the Department of Taxation shall include on the appropriate individual income tax return forms a checkoff box or similar mechanism for indicating whether the individual, or spouse in the case of a married taxpayer filing jointly, or any dependent of the individual (i) is an uninsured individual at the time the return is filed and (ii) voluntarily consents to the Department of Taxation providing the individual's tax information, as provided in clause (xxii) of subsection C of § 58.1-3, to the Department of Medical Assistance Services for purposes of affirming that the individual, the individual's spouse, or any dependent of the individual meets the income eligibility for medical assistance. Such information shall not be used to determine an individual is ineligible for medical assistance.

2. That the second enactment of Chapter 670 and the second enactment of Chapter 679 of the Acts of Assembly of 2013 are repealed.

3. That the Secretary of Health and Human Resources shall convene a work group that includes representatives from the State Corporation Commission, the Department of Medical Assistance Services, the Department of Social Services, and the Department of Taxation and a consumer advocate with expertise in health program eligibility and enrollment to develop systems, policies, and practices to leverage state income tax returns to facilitate the enrollment of eligible individuals in insurance affordability programs through the Virginia Health Benefit Exchange established by this act. The Secretary shall report the work group's recommendations to the Governor and the General Assembly by September 15, 2020.

4. That the initial appointments of nonlegislative citizen members to the Advisory Committee (Committee) established pursuant to § 38.2-6503 of the Code of Virginia, as created by this act, shall be staggered as follows: two members appointed by the Governor and one member appointed by the State Corporation Commission (Commission) for a term of four years; one member appointed by the Governor and one member appointed by the Commission for a term of three years; one member appointed by the Governor and one member appointed by the Commission for a term of two years; and one member appointed by the Governor for a term of one year. The Commission shall consider the continuity of the Committee if the Commission elects to make additional appointments, as authorized in § 38.2-6503 of the Code of Virginia, as created by this act.

5. That the State Corporation Commission shall implement the provisions of this act as it receives notice of approval by the Centers for Medicare and Medicaid Services and to the extent of such approval.

CHAPTER 918

An Act to require the Commissioner of Behavioral Health and Developmental Services to convene a work group to study expanding the individuals who may conduct evaluations to determine whether a person meets the criteria for temporary detention. Report.

[H 1699]

Approved April 9, 2020

Be it enacted by the General Assembly of Virginia:

1. § 1. That the Commissioner of Behavioral Health and Developmental Services shall establish a work group to (i) review the current process for conducting evaluations of persons who are subject to emergency custody orders to determine whether they meet the criteria for temporary detention, including any challenges or barriers to timely completion of such evaluations and factors giving rise to delays in completion of such evaluations, and (ii) develop a comprehensive plan to expand the individuals who may conduct effective evaluations of persons who are subject to emergency custody orders to determine whether they meet the criteria for temporary detention. The work group shall consider other states' experiences in expanding the individuals who may conduct evaluations of persons subject to emergency custody orders. Such comprehensive plan shall include specific recommendations for legislative or budget actions necessary to implement the plan. The work group shall include representatives of the Virginia Association of Community Services Boards, the National Alliance on Mental Illness - Virginia, the Virginia Organization of Consumers Asserting Leadership (VOCAL), the

Psychiatric Society of Virginia, the Virginia College of Emergency Physicians, the Medical Society of Virginia, and such other stakeholders as the Commissioner may deem appropriate. The work group shall report its findings and conclusions and the comprehensive plan to the Governor and the Chairmen of the House Committee on Health, Welfare and Institutions, the Senate Committee on Education and Health, and the Joint Subcommittee to Study Mental Health Services in the Commonwealth in the 21st Century by December 1, 2020.

CHAPTER 919

An Act to require the Commissioner of Behavioral Health and Developmental Services to convene a work group to study expanding the individuals who may conduct evaluations to determine whether a person meets the criteria for temporary detention. Report.

[S 768]

Approved April 9, 2020

Be it enacted by the General Assembly of Virginia:

1. § 1. *That the Commissioner of Behavioral Health and Developmental Services shall establish a work group to (i) review the current process for conducting evaluations of persons who are subject to emergency custody orders to determine whether they meet the criteria for temporary detention, including any challenges or barriers to timely completion of such evaluations and factors giving rise to delays in completion of such evaluations, and (ii) develop a comprehensive plan to expand the individuals who may conduct effective evaluations of persons who are subject to emergency custody orders to determine whether they meet the criteria for temporary detention. The work group shall consider other states' experiences in expanding the individuals who may conduct evaluations of persons subject to emergency custody orders. Such comprehensive plan shall include specific recommendations for legislative or budget actions necessary to implement the plan. The work group shall include representatives of the Virginia Association of Community Services Boards, the National Alliance on Mental Illness - Virginia, the Virginia Organization of Consumers Asserting Leadership (VOCAL), the Psychiatric Society of Virginia, the Virginia College of Emergency Physicians, the Medical Society of Virginia, and such other stakeholders as the Commissioner may deem appropriate. The work group shall report its findings and conclusions and the comprehensive plan to the Governor and the Chairmen of the House Committee on Health, Welfare and Institutions, the Senate Committee on Education and Health, and the Joint Subcommittee to Study Mental Health Services in the Commonwealth in the 21st Century by December 1, 2020.*

CHAPTER 920

An Act to amend and reenact § 24.2-653 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 24.2-653.2, relating to provisional voting; persons voting in split precincts.

[H 43]

Approved April 9, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 24.2-653 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 24.2-653.2 as follows:

§ 24.2-653. Voter whose name does not appear on pollbook or who is marked as having voted; handling of provisional ballots; ballots cast after normal close of polls due to court order extending polling hours.

A. When a person offers to vote pursuant to § 24.2-652 and the general registrar is not available or cannot state that the person is registered to vote, then such person shall be allowed to vote by printed ballot in the manner provided in this section. This procedure shall also apply when required by § 24.2-643 or 24.2-651.1.

Such person shall be given a printed ballot and provide, subject to the penalties for making false statements pursuant to § 24.2-1016, on a green envelope supplied by the Department of Elections, the identifying information required on the envelope, including the last four digits of his social security number, if any, full name including the maiden or any other prior legal name, date of birth, complete address, and signature. Such person shall be asked to present one of the forms of identification specified in subsection B of § 24.2-643. The officers of election shall note on the green envelope whether or not the voter has presented one of the specified forms of identification. The officers of election shall enter the appropriate information for the person in the precinct provisional ballots log in accordance with the instructions of the State Board but shall not enter a consecutive number for the voter on the pollbook nor otherwise mark his name as having voted. The officers of election shall provide an application for registration to the person offering to vote in the manner provided in this section.

The voter shall then, in the presence of an officer of election, but in a secret manner, mark the printed ballot as provided in § 24.2-644 and seal it in the green envelope. The envelope containing the ballot shall then promptly be placed in the ballot container by an officer of election.

An officer of election, by a written notice given to the voter, shall (i) inform him that a determination of his right to vote shall be made by the electoral board, (ii) advise the voter of the beginning time and place for the board's meeting and of

the voter's right to be present at that meeting, and (iii) inform a voter voting provisionally when required by § 24.2-643 that he may submit a copy of one of the forms of identification specified in subsection B of § 24.2-643 to the electoral board by facsimile, electronic mail, in-person submission, or timely United States Postal Service or commercial mail delivery, to be received by the electoral board no later than noon on the third day after the election. At the meeting, the voter may request an extension of the determination of the provisional vote in order to provide information to prove that the voter is entitled to vote in the precinct pursuant to § 24.2-401. The electoral board shall have the authority to grant such extensions which it deems reasonable to determine the status of a provisional vote.

B. The provisional votes submitted pursuant to subsection A, in their unopened envelopes, shall be sealed in a special envelope marked "Provisional Votes," inscribed with the number of envelopes contained therein, and signed by the officers of election who counted them. All provisional votes envelopes shall be delivered either (i) to the clerk of the circuit court who shall deliver all such envelopes to the secretary of the electoral board or (ii) to the general registrar in localities in which the electoral board has directed delivery of election materials to the general registrar pursuant to § 24.2-668.

The electoral board shall meet on the day following the election and determine whether each person having submitted such a provisional vote was entitled to do so as a qualified voter in the precinct in which he offered the provisional vote. *In the case of persons voting provisionally pursuant to § 24.2-653.2, the electoral board shall determine of which district the person is a qualified voter.* If the board is unable to determine the validity of all the provisional ballots offered in the election, or has granted any voter who has offered a provisional ballot an extension as provided in subsection A, the meeting shall stand adjourned, not to exceed seven calendar days from the date of the election, until the board has determined the validity of all provisional ballots offered in the election.

One authorized representative of each political party or independent candidate in a general or special election or one authorized representative of each candidate in a primary election shall be permitted to remain in the room in which the determination is being made as an observer so long as he does not participate in the proceedings and does not impede the orderly conduct of the determination. Each authorized representative shall be a qualified voter of any jurisdiction of the Commonwealth. Each representative, who is not himself a candidate or party chairman, shall present to the electoral board a written statement designating him to be a representative of the party or candidate and signed by the county or city chairman of his political party, the independent candidate, or the primary candidate, as appropriate. If the county or city chairman is unavailable to sign such a written designation, such a designation may be made by the state or district chairman of the political party. However, no written designation made by a state or district chairman shall take precedence over a written designation made by the county or city chairman. Such statement, bearing the chairman's or candidate's original signature, may be photocopied and such photocopy shall be as valid as if the copy had been signed.

Notwithstanding the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.), attendance at meetings of the electoral board to determine the validity of provisional ballots shall be permitted only for the authorized representatives provided for in this subsection, for the persons whose provisional votes are being considered and their representative or legal counsel, and for appropriate staff and legal counsel for the electoral board.

If the electoral board determines that such person was not entitled to vote as a qualified voter in the precinct *or district* in which he offered the provisional vote, is unable to determine his right to vote, or has not been provided one of the forms of identification specified in subsection B of § 24.2-643, the envelope containing his ballot shall not be opened and his vote shall not be counted. The provisional vote shall be counted if (a) such person is entitled to vote in the precinct pursuant to § 24.2-401 or (b) the Department of Elections or the voter presents proof that indicates the voter submitted an application for registration to the Department of Motor Vehicles or other state-designated voter registration agency prior to the close of registration pursuant to § 24.2-416 and the registrar determines that the person was qualified for registration based upon the application for registration submitted by the person pursuant to subsection A. The general registrar shall notify in writing pursuant to § 24.2-114 those persons found not properly registered or whose provisional vote was not counted.

If the electoral board determines that such person was entitled to vote, the name of the voter shall be entered in a provisional votes pollbook and marked as having voted, the envelope shall be opened, and the ballot placed in a ballot container without any inspection further than that provided for in § 24.2-646.

On completion of its determination, the electoral board shall proceed to count such ballots and certify the results of its count. Its certified results shall be added to those found pursuant to § 24.2-671. No adjustment shall be made to the statement of results for the precinct in which the person offered to vote. However, any voter who cast a provisional ballot and is determined by the electoral board to have been entitled to vote shall have his name included on the list of persons who voted that is submitted to the Department of Elections pursuant to § 24.2-406.

The certification of the results of the count together with all ballots and envelopes, whether open or unopened, and other related material shall be delivered by the electoral board to the clerk of the circuit court and retained by him as provided for in §§ 24.2-668 and 24.2-669.

C. Whenever the polling hours are extended by an order of a court of competent jurisdiction, any ballots marked after the normal polling hours by persons who were not already in line at the time the polls would have closed, notwithstanding the court order, shall be treated as provisional ballots under this section. The officers of election shall mark the green envelope for each such provisional ballot to indicate that it was cast after normal polling hours due to the court order, and when preparing the materials to deliver to the registrar or electoral board, shall separate these provisional ballots from any provisional ballots used for any other reason. The electoral board shall treat these provisional ballots as provided in subsection B; however, the counted and uncounted provisional ballots marked after the normal polling hours shall be kept

separate from all other ballots and recorded in a separate provisional ballots pollbook. The Department of Elections shall provide instructions to the electoral boards for the handling and counting of such provisional ballots pursuant to this section.

§ 24.2-653.2. Voters assigned to split precinct; provisional ballots.

A. Any voter who is assigned to a precinct that is split between two or more election districts and believes he was given a ballot for the district of which he is not a qualified voter may request, prior to casting the ballot, and shall be permitted to cast a provisional ballot for the district of which he believes he is a qualified voter and for the district in which the pollbook indicates he is registered. The provisional ballots shall be cast in accordance with the provisions of § 24.2-653, except that the voter shall be given a printed ballot for the district of which he believes he is a qualified voter and for the district in which the pollbook indicates he is registered, and an envelope for each ballot, which shall be labeled with the corresponding district number. After marking each printed ballot, the voter shall seal each ballot in its corresponding envelope, and the ballot envelopes shall then be sealed in the green envelope provided for in § 24.2-653.

B. At the meeting of the electoral board to determine the validity of all provisional ballots offered in the election, the electoral board shall verify in which district a voter who voted provisionally pursuant to this section is a qualified voter, and the provisional ballot cast by the voter for that district shall be counted. The electoral board shall process the ballot in accordance with the provisions of § 24.2-653 and the instructions of the State Board.

CHAPTER 921

An Act to amend and reenact § 24.2-416.3 of the Code of Virginia, relating to distribution of mail voter registration application forms; certain public and private institutions of higher education.

[H 232]

Approved April 9, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 24.2-416.3 of the Code of Virginia is amended and reenacted as follows:

§ 24.2-416.3. Distribution of mail voter registration application forms.

A. Subject to the conditions set forth in § 24.2-416.6, the Department of Elections shall make available to any individual or group a reasonable number of mail voter registration application forms.

B. The Department shall provide a reasonable number of mail voter registration application forms to each agent of the Department of Game and Inland Fisheries authorized to sell hunting or fishing licenses in Virginia. The Department of Game and Inland Fisheries shall assist the Department by providing a list of its agents appointed to sell hunting and fishing licenses in Virginia and by instructing its agents to make the mail voter registration application forms available to persons purchasing hunting or fishing licenses.

C. The Department shall provide a reasonable number of mail voter registration application forms to (i) each public institution of higher education, as that term is defined in § 23.1-100; (ii) each nonprofit private institution of higher education, as that term is defined in § 23.1-100, that is eligible to participate in the Tuition Assistance Grant Program pursuant to Article 5 (§ 23.1-628 et seq.) of Chapter 6 of Title 23.1; and (iii) any other entity authorized to issue bonds pursuant to Chapter 11 (§ 23.1-1100 et seq.) of Title 23.1. The State Council of Higher Education for Virginia shall assist the Department by providing a list of such institutions and by requesting those institutions to make the mail voter registration application forms available to students.

CHAPTER 922

An Act to amend and reenact § 32.1-249 of the Code of Virginia, relating to vital records; definitions.

[H 666]

Approved April 9, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 32.1-249 of the Code of Virginia is amended and reenacted as follows:

§ 32.1-249. Definitions.

As used in this chapter:

1- "Dead body" means a human body or such parts of such human body from the condition of which it reasonably may be concluded that death ~~recently~~ occurred.

2- "Fetal death" means death prior to the complete expulsion or extraction from its mother of a product of human conception, regardless of the duration of pregnancy; death is indicated by the fact that after such expulsion or extraction the fetus does not breathe or show any other evidence of life such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles.

a. "Induced termination of pregnancy" means the intentional interruption of pregnancy with the intention to produce other than a live-born infant or to remove a dead fetus and which does not result in a live birth.

b. "Spontaneous fetal death" means the expulsion or extraction of a product of human conception resulting in other than a live birth and which is not an induced termination of pregnancy.

3. "File" means the presentation of a vital record provided for in this chapter for registration by the Department.
4. "Final disposition" means the burial, interment, cremation, removal from the Commonwealth or other authorized disposition of a dead body or fetus.
5. "Institution" means any establishment, public or private, which provides inpatient medical, surgical, or diagnostic care or treatment, or nursing, custodial or domiciliary care, or to which persons are committed by law.
6. "Live birth" means the complete or substantial expulsion or extraction from its mother of a product of human conception, irrespective of the duration of pregnancy, which, after such expulsion or extraction, breathes or shows any other evidence of life such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles, whether or not the umbilical cord has been cut or the placenta is attached.
- "Substantial expulsion or extraction" means, in the case of a headfirst presentation, the infant's entire head is outside the body of the mother or, in the case of a breech delivery, when any part of the infant's trunk past the navel is outside the body of the mother.
7. "Physician" means a person authorized or licensed to practice medicine or osteopathy in this Commonwealth.
8. "Registration" means the acceptance by the Department and the incorporation of vital records as provided for in this chapter into its official records.
9. "System of vital records" means the registration, collection, preservation, amendment, and certification of vital records; the collection of other reports required by this chapter; and related activities.
10. "Vital records" means certificates or reports of births, deaths, fetal deaths, adoptions, marriages, divorces or annulments and amendment data related thereto.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 854 of the Acts of Assembly of 2019 requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

CHAPTER 923

An Act to amend and reenact § 23.1-707 of the Code of Virginia, relating to ABLE savings trust agreement; Medicaid clawback prohibition.

[H 887]

Approved April 9, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 23.1-707 of the Code of Virginia is amended and reenacted as follows:

§ 23.1-707. Prepaid tuition contracts and college and ABLE savings trust agreements.

- A. Each prepaid tuition contract made pursuant to this chapter shall include the following terms and provisions:
1. The amount of payment or payments and the number of payments required from a purchaser on behalf of a qualified beneficiary;
 2. The terms and conditions under which purchasers shall remit payments, including the dates of such payments;
 3. Provisions for late payment charges, defaults, withdrawals, refunds, and any penalties;
 4. The name and date of birth of the qualified beneficiary on whose behalf the contract is made;
 5. Terms and conditions for a substitution for the qualified beneficiary originally named;
 6. Terms and conditions for termination of the contract, including any refunds, withdrawals, or transfers of tuition prepayments, and the name of the person entitled to terminate the contract;
 7. The time period during which the qualified beneficiary is required to claim benefits from the Plan;
 8. The number of credit hours or quarters, semesters, terms, or units contracted for by the purchaser, as applicable;
 9. All other rights and obligations of the purchaser and the trust; and
 10. Any other terms and conditions that the board deems necessary or appropriate, including those necessary to conform the contract with the requirements of § 529 of the Internal Revenue Code of 1986, as amended, which specifies the requirements for qualified state tuition programs.
- B. Each college savings trust agreement made pursuant to this chapter shall include the following terms and provisions:
1. The maximum and minimum contribution allowed on behalf of each qualified beneficiary for the payment of qualified higher education expenses, as that term is defined in § 529 of the Internal Revenue Code of 1986, as amended, or other applicable federal law;
 2. Provisions for withdrawals, refunds, transfers, and any penalties;
 3. The name, address, and date of birth of the qualified beneficiary on whose behalf the savings trust account is opened;
 4. Terms and conditions for a substitution for the qualified beneficiary originally named;

5. Terms and conditions for termination of the account, including any refunds, withdrawals, or transfers, and applicable penalties, and the name of the person entitled to terminate the account;

6. The time period during which the qualified beneficiary is required to use benefits from the savings trust account;

7. All other rights and obligations of the contributor and the Plan; and

8. Any other terms and conditions that the board deems necessary or appropriate, including those necessary to conform the savings trust account with the requirements of § 529 of the Internal Revenue Code of 1986, as amended, or other applicable federal law.

C. Each ABLÉ savings trust agreement made pursuant to this chapter shall include the following terms and provisions:

1. The maximum and minimum annual contribution and maximum account balance allowed on behalf of each qualified beneficiary for the payment of qualified disability expenses, as defined in § 529A of the Internal Revenue Code of 1986, as amended, or other applicable federal law;

2. Provisions for withdrawals, refunds, transfers, return of excess contributions, and any penalties;

3. The name, address, and date of birth of the qualified beneficiary on whose behalf the savings trust account is opened;

4. Terms and conditions for a substitution for the qualified beneficiary originally named;

5. Terms and conditions for termination of the account, including any transfers to the state upon the death of the qualified beneficiary, refunds, withdrawals, transfers, applicable penalties, and the name of the person entitled to terminate the account;

6. The time period during which the qualified beneficiary is required to use benefits from the savings trust account;

7. All other rights and obligations of the contributor and the Plan; and

8. Any other terms and conditions that the board deems necessary or appropriate, including those necessary to conform the savings trust account with the requirements of § 529A of the Internal Revenue Code of 1986, as amended, or other applicable federal law.

D. In addition to the provisions required by subsection A, each prepaid tuition contract entered into prior to July 1, 2019, shall include provisions for the application of tuition prepayments (i) at accredited nonprofit independent or private institutions of higher education, including actual interest and income earned on such prepayments, and (ii) at non-Virginia public and accredited nonprofit independent or private institutions of higher education, including principal and reasonable return on such principal as determined by the board. Payments authorized for accredited nonprofit independent or private institutions of higher education shall not exceed the projected highest payment made for tuition at a public institution of higher education in the same academic year, less a fee to be determined by the board. Payments authorized for non-Virginia public and accredited nonprofit independent or private institutions of higher education shall not exceed the projected average payment made for tuition at a public institution of higher education in the same academic year, less a fee to be determined by the board. In no event, however, shall the benefit paid on any prepaid tuition contract entered into prior to July 1, 2019, be less than the sum of tuition prepayments made and a reasonable return on such prepayments to be determined by the board, less any fees determined by the board.

E. In addition to the provisions required by subsection A, each prepaid tuition contract entered into on or after July 1, 2019, shall include provisions for the application of tuition prepayments, at a rate equal to the percentage of enrollment-weighted average tuition at public institutions of higher education to be determined by the board, at (i) public institutions of higher education, (ii) accredited nonprofit independent or private institutions of higher education, and (iii) non-Virginia public and accredited nonprofit independent or private institutions of higher education. In no event, however, shall the benefit paid on any prepaid tuition contract entered into on or after July 1, 2019, be less than tuition prepayments made, less any fees as determined by the board.

F. All prepaid tuition contracts and savings trust agreements shall specifically provide that if after a specified period of time the contract or savings trust agreement has not been terminated and the qualified beneficiary's rights have not been exercised, the board, after making a reasonable effort to contact the purchaser or contributor and the qualified beneficiary or their agents, shall report such unclaimed moneys to the State Treasurer pursuant to § 55.1-2524.

G. 1. Notwithstanding any provision of law to the contrary, money in the Plan is exempt from creditor process, is not liable to attachment, garnishment, or other process, and shall not be seized, taken, appropriated, or applied by any legal or equitable process or operation of law to pay any debt or liability of any purchaser, contributor, or beneficiary, ~~except that the state of residence of the beneficiary of an ABLÉ savings trust account shall be a creditor of such account in the event of the death of the beneficiary.~~ *Unless required by federal law, the Commonwealth, its agencies, and its instrumentalities shall not seek payment pursuant to 26 U.S.C. § 529A from any ABLÉ savings trust account or its proceeds for benefits provided to the beneficiary of the account and shall not undertake estate recovery from any ABLÉ savings trust account pursuant to 26 U.S.C. § 529A.*

2. *Unless prohibited by federal law, the beneficiary of an ABLÉ savings trust account may appoint a survivor. In the event of the beneficiary's death, if the survivor is (i) an eligible individual, as defined in 26 U.S.C. § 529A(e), then such survivor shall become the beneficiary of the ABLÉ savings trust account or (ii) not an eligible individual, as defined in 26 U.S.C. § 529A(e), then any proceeds remaining after final distributions have been made on behalf of the deceased beneficiary shall be distributed to the survivor and the account shall be closed.*

H. Notwithstanding any other provision of state law that requires consideration of one or more financial circumstances of an individual for the purpose of determining (i) the individual's eligibility to receive any assistance or benefit pursuant to

such provision of state law or (ii) the amount of any such assistance or benefit that such individual is eligible to receive pursuant to such provision of state law, any (a) moneys in an ABLE savings trust account for which such individual is the beneficiary, including any interest on such moneys, (b) contributions to an ABLE savings trust account for which such individual is the beneficiary, and (c) distribution for qualified disability expenses for such individual from an ABLE savings trust account for which such individual is the beneficiary shall be disregarded for such purpose with respect to any period during which such individual remains the beneficiary of, makes contributions to, or receives distributions for qualified disability expenses from such ABLE savings trust account.

I. No prepaid tuition contract or savings trust account shall be assigned for the benefit of creditors, used as security or collateral for any loan, or otherwise subject to alienation, sale, transfer, assignment, pledge, encumbrance, or charge.

J. The board's decision on any dispute, claim, or action arising out of or relating to a prepaid tuition contract or savings trust agreement made or entered into pursuant to this chapter or benefits under such prepaid tuition contract or savings trust agreement shall be considered a case decision as defined in § 2.2-4001 and all proceedings related to such dispute, claim, or action shall be conducted pursuant to Article 3 (§ 2.2-4018 et seq.) of the Administrative Process Act. Judicial review shall be provided exclusively pursuant to Article 5 (§ 2.2-4025 et seq.) of the Administrative Process Act.

CHAPTER 924

An Act to amend and reenact §§ 8.01-225 and 54.1-3408 of the Code of Virginia, relating to naloxone; possession.

[H 908]

Approved April 9, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 8.01-225 and 54.1-3408 of the Code of Virginia are amended and reenacted as follows:

§ 8.01-225. Persons rendering emergency care, obstetrical services exempt from liability.

A. Any person who:

1. In good faith, renders emergency care or assistance, without compensation, to any ill or injured person (i) at the scene of an accident, fire, or any life-threatening emergency; (ii) at a location for screening or stabilization of an emergency medical condition arising from an accident, fire, or any life-threatening emergency; or (iii) en route to any hospital, medical clinic, or doctor's office, shall not be liable for any civil damages for acts or omissions resulting from the rendering of such care or assistance. For purposes of this subdivision, emergency care or assistance includes the forcible entry of a motor vehicle in order to remove an unattended minor at risk of serious bodily injury or death, provided the person has attempted to contact a law-enforcement officer, as defined in § 9.1-101, a firefighter, as defined in § 65.2-102, emergency medical services personnel, as defined in § 32.1-111.1, or an emergency 911 system, if feasible under the circumstances.

2. In the absence of gross negligence, renders emergency obstetrical care or assistance to a female in active labor who has not previously been cared for in connection with the pregnancy by such person or by another professionally associated with such person and whose medical records are not reasonably available to such person shall not be liable for any civil damages for acts or omissions resulting from the rendering of such emergency care or assistance. The immunity herein granted shall apply only to the emergency medical care provided.

3. In good faith and without compensation, including any emergency medical services provider who holds a valid certificate issued by the Commissioner of Health, administers epinephrine in an emergency to an individual shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment if such person has reason to believe that the individual receiving the injection is suffering or is about to suffer a life-threatening anaphylactic reaction.

4. Provides assistance upon request of any police agency, fire department, emergency medical services agency, or governmental agency in the event of an accident or other emergency involving the use, handling, transportation, transmission, or storage of liquefied petroleum gas, liquefied natural gas, hazardous material, or hazardous waste as defined in § 10.1-1400 or regulations of the Virginia Waste Management Board shall not be liable for any civil damages resulting from any act of commission or omission on his part in the course of his rendering such assistance in good faith.

5. Is an emergency medical services provider possessing a valid certificate issued by authority of the State Board of Health who in good faith renders emergency care or assistance, whether in person or by telephone or other means of communication, without compensation, to any injured or ill person, whether at the scene of an accident, fire, or any other place, or while transporting such injured or ill person to, from, or between any hospital, medical facility, medical clinic, doctor's office, or other similar or related medical facility, shall not be liable for any civil damages for acts or omissions resulting from the rendering of such emergency care, treatment, or assistance, including but in no way limited to acts or omissions which involve violations of State Department of Health regulations or any other state regulations in the rendering of such emergency care or assistance.

6. In good faith and without compensation, renders or administers emergency cardiopulmonary resuscitation (CPR); cardiac defibrillation, including, but not limited to, the use of an automated external defibrillator (AED); or other emergency life-sustaining or resuscitative treatments or procedures which have been approved by the State Board of Health to any sick or injured person, whether at the scene of a fire, an accident, or any other place, or while transporting such person to or from any hospital, clinic, doctor's office, or other medical facility, shall be deemed qualified to administer such emergency

treatments and procedures and shall not be liable for acts or omissions resulting from the rendering of such emergency resuscitative treatments or procedures.

7. Operates an AED at the scene of an emergency, trains individuals to be operators of AEDs, or orders AEDs, shall be immune from civil liability for any personal injury that results from any act or omission in the use of an AED in an emergency where the person performing the defibrillation acts as an ordinary, reasonably prudent person would have acted under the same or similar circumstances, unless such personal injury results from gross negligence or willful or wanton misconduct of the person rendering such emergency care.

8. Maintains an AED located on real property owned or controlled by such person shall be immune from civil liability for any personal injury that results from any act or omission in the use in an emergency of an AED located on such property unless such personal injury results from gross negligence or willful or wanton misconduct of the person who maintains the AED or his agent or employee.

9. Is an employee of a school board or of a local health department approved by the local governing body to provide health services pursuant to § 22.1-274 who, while on school property or at a school-sponsored event, (i) renders emergency care or assistance to any sick or injured person; (ii) renders or administers emergency cardiopulmonary resuscitation (CPR); cardiac defibrillation, including, but not limited to, the use of an automated external defibrillator (AED); or other emergency life-sustaining or resuscitative treatments or procedures that have been approved by the State Board of Health to any sick or injured person; (iii) operates an AED, trains individuals to be operators of AEDs, or orders AEDs; or (iv) maintains an AED, shall not be liable for civil damages for ordinary negligence in acts or omissions on the part of such employee while engaged in the acts described in this subdivision.

10. Is a volunteer in good standing and certified to render emergency care by the National Ski Patrol System, Inc., who, in good faith and without compensation, renders emergency care or assistance to any injured or ill person, whether at the scene of a ski resort rescue, outdoor emergency rescue, or any other place or while transporting such injured or ill person to a place accessible for transfer to any available emergency medical system unit, or any resort owner voluntarily providing a ski patroller employed by him to engage in rescue or recovery work at a resort not owned or operated by him, shall not be liable for any civil damages for acts or omissions resulting from the rendering of such emergency care, treatment, or assistance, including but not limited to acts or omissions which involve violations of any state regulation or any standard of the National Ski Patrol System, Inc., in the rendering of such emergency care or assistance, unless such act or omission was the result of gross negligence or willful misconduct.

11. Is an employee of (i) a school board, (ii) a school for students with disabilities as defined in § 22.1-319 licensed by the Board of Education, or (iii) a private school accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education and is authorized by a prescriber and trained in the administration of insulin and glucagon, who, upon the written request of the parents as defined in § 22.1-1, assists with the administration of insulin or, in the case of a school board employee, with the insertion or reinsertion of an insulin pump or any of its parts pursuant to subsection B of § 22.1-274.01:1 or administers glucagon to a student diagnosed as having diabetes who requires insulin injections during the school day or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment if the insulin is administered according to the child's medication schedule or such employee has reason to believe that the individual receiving the glucagon is suffering or is about to suffer life-threatening hypoglycemia. Whenever any such employee is covered by the immunity granted herein, the school board or school employing him shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such insulin or glucagon treatment.

12. Is an employee of a public institution of higher education or a private institution of higher education who is authorized by a prescriber and trained in the administration of insulin and glucagon, who assists with the administration of insulin or administers glucagon to a student diagnosed as having diabetes who requires insulin injections or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment if the insulin is administered according to the student's medication schedule or such employee has reason to believe that the individual receiving the glucagon is suffering or is about to suffer life-threatening hypoglycemia. Whenever any employee is covered by the immunity granted in this subdivision, the institution shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such insulin or glucagon treatment.

13. Is a school nurse, an employee of a school board, an employee of a local governing body, or an employee of a local health department who is authorized by a prescriber and trained in the administration of epinephrine and who provides, administers, or assists in the administration of epinephrine to a student believed in good faith to be having an anaphylactic reaction, or is the prescriber of the epinephrine, shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment.

14. Is an employee of a school for students with disabilities, as defined in § 22.1-319 and licensed by the Board of Education, or an employee of a private school that is accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education who is authorized by a prescriber and trained in the administration of epinephrine and who administers or assists in the administration of epinephrine to a student believed in good faith to be having an anaphylactic reaction, or is the prescriber of the epinephrine, shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment. Whenever any employee is covered by the immunity granted in

this subdivision, the school shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from such administration or assistance.

15. Is an employee of a public institution of higher education or a private institution of higher education who is authorized by a prescriber and trained in the administration of epinephrine and who administers or assists in the administration of epinephrine to a student believed in good faith to be having an anaphylactic reaction, or is the prescriber of the epinephrine, shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment. Whenever any employee is covered by the immunity granted in this subdivision, the institution shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from such administration or assistance.

16. Is an employee of an organization providing outdoor educational experiences or programs for youth who is authorized by a prescriber and trained in the administration of epinephrine and who administers or assists in the administration of epinephrine to a participant in the outdoor experience or program for youth believed in good faith to be having an anaphylactic reaction, or is the prescriber of the epinephrine, shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment. Whenever any employee is covered by the immunity granted in this subdivision, the organization shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from such administration or assistance.

17. Is an employee of a provider licensed by the Department of Behavioral Health and Developmental Services, or provides services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services, who has been trained in the administration of insulin and glucagon and who administers or assists with the administration of insulin or administers glucagon to a person diagnosed as having diabetes who requires insulin injections or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia in accordance with § 54.1-3408 shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment if the insulin is administered in accordance with the prescriber's instructions or such person has reason to believe that the individual receiving the glucagon is suffering or is about to suffer life-threatening hypoglycemia. Whenever any employee of a provider licensed by the Department of Behavioral Health and Developmental Services or a person who provides services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services is covered by the immunity granted herein, the provider shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such insulin or glucagon treatment.

18. Is an employee of a provider licensed by the Department of Behavioral Health and Developmental Services, or provides services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services, who has been trained in the administration of epinephrine and who administers or assists in the administration of epinephrine to a person believed in good faith to be having an anaphylactic reaction in accordance with the prescriber's instructions shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment.

19. In good faith prescribes, dispenses, or administers naloxone or other opioid antagonist used for overdose reversal in an emergency to an individual who is believed to be experiencing or about to experience a life-threatening opiate overdose shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment if acting in accordance with the provisions of subsection X or Y of § 54.1-3408 or in his role as a member of an emergency medical services agency.

20. Is an employee of a school board, school for students with disabilities as defined in § 22.1-319 licensed by the Board of Education, or private school accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education who is trained in the administration of injected medications for the treatment of adrenal crisis resulting from a condition causing adrenal insufficiency and who administers or assists in the administration of such medications to a student diagnosed with a condition causing adrenal insufficiency when the student is believed to be experiencing or about to experience an adrenal crisis pursuant to a written order or standing protocol issued by a prescriber within the course of his professional practice and in accordance with the prescriber's instructions shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment.

21. *In good faith administers naloxone or other opioid antagonist used for overdose reversal to a person who is believed to be experiencing or about to experience a life-threatening opioid overdose in accordance with the provisions of subsection Z of § 54.1-3408 shall not be liable for any civil damages for any personal injury that results from any act or omission in the administration of naloxone or other opioid antagonist used for overdose reversal, unless such act or omission was the result of gross negligence or willful and wanton misconduct.*

B. Any licensed physician serving without compensation as the operational medical director for an emergency medical services agency that holds a valid license as an emergency medical services agency issued by the Commissioner of Health shall not be liable for any civil damages for any act or omission resulting from the rendering of emergency medical services in good faith by the personnel of such licensed agency unless such act or omission was the result of such physician's gross negligence or willful misconduct.

Any person serving without compensation as a dispatcher for any licensed public or nonprofit emergency medical services agency in the Commonwealth shall not be liable for any civil damages for any act or omission resulting from the rendering of emergency services in good faith by the personnel of such licensed agency unless such act or omission was the result of such dispatcher's gross negligence or willful misconduct.

Any individual, certified by the State Office of Emergency Medical Services as an emergency medical services instructor and pursuant to a written agreement with such office, who, in good faith and in the performance of his duties, provides instruction to persons for certification or recertification as a certified basic life support or advanced life support emergency medical services provider shall not be liable for any civil damages for acts or omissions on his part directly relating to his activities on behalf of such office unless such act or omission was the result of such emergency medical services instructor's gross negligence or willful misconduct.

Any licensed physician serving without compensation as a medical advisor to an E-911 system in the Commonwealth shall not be liable for any civil damages for any act or omission resulting from rendering medical advice in good faith to establish protocols to be used by the personnel of the E-911 service, as defined in § 58.1-1730, when answering emergency calls unless such act or omission was the result of such physician's gross negligence or willful misconduct.

Any licensed physician who directs the provision of emergency medical services, as authorized by the State Board of Health, through a communications device shall not be liable for any civil damages for any act or omission resulting from the rendering of such emergency medical services unless such act or omission was the result of such physician's gross negligence or willful misconduct.

Any licensed physician serving without compensation as a supervisor of an AED in the Commonwealth shall not be liable for any civil damages for any act or omission resulting from rendering medical advice in good faith to the owner of the AED relating to personnel training, local emergency medical services coordination, protocol approval, AED deployment strategies, and equipment maintenance plans and records unless such act or omission was the result of such physician's gross negligence or willful misconduct.

C. Any communications services provider, as defined in § 58.1-647, including mobile service, and any provider of Voice-over-Internet Protocol service, in the Commonwealth shall not be liable for any civil damages for any act or omission resulting from rendering such service with or without charge related to emergency calls unless such act or omission was the result of such service provider's gross negligence or willful misconduct.

Any volunteer engaging in rescue or recovery work at a mine, or any mine operator voluntarily providing personnel to engage in rescue or recovery work at a mine not owned or operated by such operator, shall not be liable for civil damages for acts or omissions resulting from the rendering of such rescue or recovery work in good faith unless such act or omission was the result of gross negligence or willful misconduct. For purposes of this subsection, "Voice-over-Internet Protocol service" or "VoIP service" means any Internet protocol-enabled services utilizing a broadband connection, actually originating or terminating in Internet Protocol from either or both ends of a channel of communication offering real time, multidirectional voice functionality, including, but not limited to, services similar to traditional telephone service.

D. Nothing contained in this section shall be construed to provide immunity from liability arising out of the operation of a motor vehicle.

E. For the purposes of this section, "compensation" shall not be construed to include (i) the salaries of police, fire, or other public officials or personnel who render such emergency assistance; (ii) the salaries or wages of employees of a coal producer engaging in emergency medical services or first aid services pursuant to the provisions of § 45.1-161.38, 45.1-161.101, 45.1-161.199, or 45.1-161.263; (iii) complimentary lift tickets, food, lodging, or other gifts provided as a gratuity to volunteer members of the National Ski Patrol System, Inc., by any resort, group, or agency; (iv) the salary of any person who (a) owns an AED for the use at the scene of an emergency, (b) trains individuals, in courses approved by the Board of Health, to operate AEDs at the scene of emergencies, (c) orders AEDs for use at the scene of emergencies, or (d) operates an AED at the scene of an emergency; or (v) expenses reimbursed to any person providing care or assistance pursuant to this section.

For the purposes of this section, "emergency medical services provider" shall include a person licensed or certified as such or its equivalent by any other state when he is performing services that he is licensed or certified to perform by such other state in caring for a patient in transit in the Commonwealth, which care originated in such other state.

Further, the public shall be urged to receive training on how to use CPR and an AED in order to acquire the skills and confidence to respond to emergencies using both CPR and an AED.

§ 54.1-3408. Professional use by practitioners.

A. A practitioner of medicine, osteopathy, podiatry, dentistry, or veterinary medicine or a licensed nurse practitioner pursuant to § 54.1-2957.01, a licensed physician assistant pursuant to § 54.1-2952.1, or a TPA-certified optometrist pursuant to Article 5 (§ 54.1-3222 et seq.) of Chapter 32 shall only prescribe, dispense, or administer controlled substances in good faith for medicinal or therapeutic purposes within the course of his professional practice.

B. The prescribing practitioner's order may be on a written prescription or pursuant to an oral prescription as authorized by this chapter. The prescriber may administer drugs and devices, or he may cause drugs or devices to be administered by:

1. A nurse, physician assistant, or intern under his direction and supervision;

2. Persons trained to administer drugs and devices to patients in state-owned or state-operated hospitals or facilities licensed as hospitals by the Board of Health or psychiatric hospitals licensed by the Department of Behavioral Health and Developmental Services who administer drugs under the control and supervision of the prescriber or a pharmacist;

3. Emergency medical services personnel certified and authorized to administer drugs and devices pursuant to regulations of the Board of Health who act within the scope of such certification and pursuant to an oral or written order or standing protocol; or

4. A licensed respiratory therapist as defined in § 54.1-2954 who administers by inhalation controlled substances used in inhalation or respiratory therapy.

C. Pursuant to an oral or written order or standing protocol, the prescriber, who is authorized by state or federal law to possess and administer radiopharmaceuticals in the scope of his practice, may authorize a nuclear medicine technologist to administer, under his supervision, radiopharmaceuticals used in the diagnosis or treatment of disease.

D. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize registered nurses and licensed practical nurses to possess (i) epinephrine and oxygen for administration in treatment of emergency medical conditions and (ii) heparin and sterile normal saline to use for the maintenance of intravenous access lines.

Pursuant to the regulations of the Board of Health, certain emergency medical services technicians may possess and administer epinephrine in emergency cases of anaphylactic shock.

Pursuant to an order or standing protocol issued by the prescriber within the course of his professional practice, any school nurse, school board employee, employee of a local governing body, or employee of a local health department who is authorized by a prescriber and trained in the administration of epinephrine may possess and administer epinephrine.

Pursuant to an order or a standing protocol issued by the prescriber within the course of his professional practice, any employee of a school for students with disabilities, as defined in § 22.1-319 and licensed by the Board of Education, or any employee of a private school that is accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education who is authorized by a prescriber and trained in the administration of epinephrine may possess and administer epinephrine.

Pursuant to an order or a standing protocol issued by the prescriber within the course of his professional practice, any employee of a public institution of higher education or a private institution of higher education who is authorized by a prescriber and trained in the administration of epinephrine may possess and administer epinephrine.

Pursuant to an order or a standing protocol issued by the prescriber within the course of his professional practice, any employee of an organization providing outdoor educational experiences or programs for youth who is authorized by a prescriber and trained in the administration of epinephrine may possess and administer epinephrine.

Pursuant to an order issued by the prescriber within the course of his professional practice, an employee of a provider licensed by the Department of Behavioral Health and Developmental Services or a person providing services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services may possess and administer epinephrine, provided such person is authorized and trained in the administration of epinephrine.

Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize pharmacists to possess epinephrine and oxygen for administration in treatment of emergency medical conditions.

E. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize licensed physical therapists to possess and administer topical corticosteroids, topical lidocaine, and any other Schedule VI topical drug.

F. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize licensed athletic trainers to possess and administer topical corticosteroids, topical lidocaine, or other Schedule VI topical drugs; oxygen for use in emergency situations; and epinephrine for use in emergency cases of anaphylactic shock.

G. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, and in accordance with policies and guidelines established by the Department of Health pursuant to § 32.1-50.2, such prescriber may authorize registered nurses or licensed practical nurses under the supervision of a registered nurse to possess and administer tuberculin purified protein derivative (PPD) in the absence of a prescriber. The Department of Health's policies and guidelines shall be consistent with applicable guidelines developed by the Centers for Disease Control and Prevention for preventing transmission of mycobacterium tuberculosis and shall be updated to incorporate any subsequently implemented standards of the Occupational Safety and Health Administration and the Department of Labor and Industry to the extent that they are inconsistent with the Department of Health's policies and guidelines. Such standing protocols shall explicitly describe the categories of persons to whom the tuberculin test is to be administered and shall provide for appropriate medical evaluation of those in whom the test is positive. The prescriber shall ensure that the nurse implementing such standing protocols has received adequate training in the practice and principles underlying tuberculin screening.

The Health Commissioner or his designee may authorize registered nurses, acting as agents of the Department of Health, to possess and administer, at the nurse's discretion, tuberculin purified protein derivative (PPD) to those persons in whom tuberculin skin testing is indicated based on protocols and policies established by the Department of Health.

H. Pursuant to a written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize, with the consent of the parents as defined in § 22.1-1, an employee of (i) a school board, (ii) a school for students with disabilities as defined in § 22.1-319 licensed by the Board of Education, or (iii) a private school accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education who is trained in the administration of insulin and glucagon to assist with the administration of insulin or administer glucagon to a student diagnosed as having diabetes and who requires insulin injections during the school day or for whom glucagon has been

prescribed for the emergency treatment of hypoglycemia. Such authorization shall only be effective when a licensed nurse, nurse practitioner, physician, or physician assistant is not present to perform the administration of the medication.

Pursuant to a written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize an employee of a public institution of higher education or a private institution of higher education who is trained in the administration of insulin and glucagon to assist with the administration of insulin or administration of glucagon to a student diagnosed as having diabetes and who requires insulin injections or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia. Such authorization shall only be effective when a licensed nurse, nurse practitioner, physician, or physician assistant is not present to perform the administration of the medication.

Pursuant to a written order issued by the prescriber within the course of his professional practice, such prescriber may authorize an employee of a provider licensed by the Department of Behavioral Health and Developmental Services or a person providing services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services to assist with the administration of insulin or to administer glucagon to a person diagnosed as having diabetes and who requires insulin injections or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia, provided such employee or person providing services has been trained in the administration of insulin and glucagon.

I. A prescriber may authorize, pursuant to a protocol approved by the Board of Nursing, the administration of vaccines to adults for immunization, when a practitioner with prescriptive authority is not physically present, by (i) licensed pharmacists, (ii) registered nurses, or (iii) licensed practical nurses under the supervision of a registered nurse. A prescriber acting on behalf of and in accordance with established protocols of the Department of Health may authorize the administration of vaccines to any person by a pharmacist, nurse, or designated emergency medical services provider who holds an advanced life support certificate issued by the Commissioner of Health under the direction of an operational medical director when the prescriber is not physically present. The emergency medical services provider shall provide documentation of the vaccines to be recorded in the Virginia Immunization Information System.

J. A dentist may cause Schedule VI topical drugs to be administered under his direction and supervision by either a dental hygienist or by an authorized agent of the dentist.

Further, pursuant to a written order and in accordance with a standing protocol issued by the dentist in the course of his professional practice, a dentist may authorize a dental hygienist under his general supervision, as defined in § 54.1-2722, or his remote supervision, as defined in subsection E or F of § 54.1-2722, to possess and administer topical oral fluorides, topical oral anesthetics, topical and directly applied antimicrobial agents for treatment of periodontal pocket lesions, and any other Schedule VI topical drug approved by the Board of Dentistry.

In addition, a dentist may authorize a dental hygienist under his direction to administer Schedule VI nitrous oxide and oxygen inhalation analgesia and, to persons 18 years of age or older, Schedule VI local anesthesia.

K. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize registered professional nurses certified as sexual assault nurse examiners-A (SANE-A) under his supervision and when he is not physically present to possess and administer preventive medications for victims of sexual assault as recommended by the Centers for Disease Control and Prevention.

L. This section shall not prevent the administration of drugs by a person who has satisfactorily completed a training program for this purpose approved by the Board of Nursing and who administers such drugs in accordance with a prescriber's instructions pertaining to dosage, frequency, and manner of administration, and in accordance with regulations promulgated by the Board of Pharmacy relating to security and record keeping, when the drugs administered would be normally self-administered by (i) an individual receiving services in a program licensed by the Department of Behavioral Health and Developmental Services; (ii) a resident of the Virginia Rehabilitation Center for the Blind and Vision Impaired; (iii) a resident of a facility approved by the Board or Department of Juvenile Justice for the placement of children in need of services or delinquent or alleged delinquent youth; (iv) a program participant of an adult day-care center licensed by the Department of Social Services; (v) a resident of any facility authorized or operated by a state or local government whose primary purpose is not to provide health care services; (vi) a resident of a private children's residential facility, as defined in § 63.2-100 and licensed by the Department of Social Services, Department of Education, or Department of Behavioral Health and Developmental Services; or (vii) a student in a school for students with disabilities, as defined in § 22.1-319 and licensed by the Board of Education.

In addition, this section shall not prevent a person who has successfully completed a training program for the administration of drugs via percutaneous gastrostomy tube approved by the Board of Nursing and been evaluated by a registered nurse as having demonstrated competency in administration of drugs via percutaneous gastrostomy tube from administering drugs to a person receiving services from a program licensed by the Department of Behavioral Health and Developmental Services to such person via percutaneous gastrostomy tube. The continued competency of a person to administer drugs via percutaneous gastrostomy tube shall be evaluated semiannually by a registered nurse.

M. Medication aides registered by the Board of Nursing pursuant to Article 7 (§ 54.1-3041 et seq.) of Chapter 30 may administer drugs that would otherwise be self-administered to residents of any assisted living facility licensed by the Department of Social Services. A registered medication aide shall administer drugs pursuant to this section in accordance with the prescriber's instructions pertaining to dosage, frequency, and manner of administration; in accordance with regulations promulgated by the Board of Pharmacy relating to security and recordkeeping; in accordance with the assisted

living facility's Medication Management Plan; and in accordance with such other regulations governing their practice promulgated by the Board of Nursing.

N. In addition, this section shall not prevent the administration of drugs by a person who administers such drugs in accordance with a physician's instructions pertaining to dosage, frequency, and manner of administration and with written authorization of a parent, and in accordance with school board regulations relating to training, security and record keeping, when the drugs administered would be normally self-administered by a student of a Virginia public school. Training for such persons shall be accomplished through a program approved by the local school boards, in consultation with the local departments of health.

O. In addition, this section shall not prevent the administration of drugs by a person to (i) a child in a child day program as defined in § 63.2-100 and regulated by the State Board of Social Services or a local government pursuant to § 15.2-914, or (ii) a student of a private school that is accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education, provided such person (a) has satisfactorily completed a training program for this purpose approved by the Board of Nursing and taught by a registered nurse, licensed practical nurse, nurse practitioner, physician assistant, doctor of medicine or osteopathic medicine, or pharmacist; (b) has obtained written authorization from a parent or guardian; (c) administers drugs only to the child identified on the prescription label in accordance with the prescriber's instructions pertaining to dosage, frequency, and manner of administration; and (d) administers only those drugs that were dispensed from a pharmacy and maintained in the original, labeled container that would normally be self-administered by the child or student, or administered by a parent or guardian to the child or student.

P. In addition, this section shall not prevent the administration or dispensing of drugs and devices by persons if they are authorized by the State Health Commissioner in accordance with protocols established by the State Health Commissioner pursuant to § 32.1-42.1 when (i) the Governor has declared a disaster or a state of emergency or the United States Secretary of Health and Human Services has issued a declaration of an actual or potential bioterrorism incident or other actual or potential public health emergency; (ii) it is necessary to permit the provision of needed drugs or devices; and (iii) such persons have received the training necessary to safely administer or dispense the needed drugs or devices. Such persons shall administer or dispense all drugs or devices under the direction, control, and supervision of the State Health Commissioner.

Q. Nothing in this title shall prohibit the administration of normally self-administered drugs by unlicensed individuals to a person in his private residence.

R. This section shall not interfere with any prescriber issuing prescriptions in compliance with his authority and scope of practice and the provisions of this section to a Board agent for use pursuant to subsection G of § 18.2-258.1. Such prescriptions issued by such prescriber shall be deemed to be valid prescriptions.

S. Nothing in this title shall prevent or interfere with dialysis care technicians or dialysis patient care technicians who are certified by an organization approved by the Board of Health Professions or persons authorized for provisional practice pursuant to Chapter 27.01 (§ 54.1-2729.1 et seq.), in the ordinary course of their duties in a Medicare-certified renal dialysis facility, from administering heparin, topical needle site anesthetics, dialysis solutions, sterile normal saline solution, and blood volumizers, for the purpose of facilitating renal dialysis treatment, when such administration of medications occurs under the orders of a licensed physician, nurse practitioner, or physician assistant and under the immediate and direct supervision of a licensed registered nurse. Nothing in this chapter shall be construed to prohibit a patient care dialysis technician trainee from performing dialysis care as part of and within the scope of the clinical skills instruction segment of a supervised dialysis technician training program, provided such trainee is identified as a "trainee" while working in a renal dialysis facility.

The dialysis care technician or dialysis patient care technician administering the medications shall have demonstrated competency as evidenced by holding current valid certification from an organization approved by the Board of Health Professions pursuant to Chapter 27.01 (§ 54.1-2729.1 et seq.).

T. Persons who are otherwise authorized to administer controlled substances in hospitals shall be authorized to administer influenza or pneumococcal vaccines pursuant to § 32.1-126.4.

U. Pursuant to a specific order for a patient and under his direct and immediate supervision, a prescriber may authorize the administration of controlled substances by personnel who have been properly trained to assist a doctor of medicine or osteopathic medicine, provided the method does not include intravenous, intrathecal, or epidural administration and the prescriber remains responsible for such administration.

V. A physician assistant, nurse, or dental hygienist may possess and administer topical fluoride varnish pursuant to an oral or written order or a standing protocol issued by a doctor of medicine, osteopathic medicine, or dentistry.

W. A prescriber, acting in accordance with guidelines developed pursuant to § 32.1-46.02, may authorize the administration of influenza vaccine to minors by a licensed pharmacist, registered nurse, licensed practical nurse under the direction and immediate supervision of a registered nurse, or emergency medical services provider who holds an advanced life support certificate issued by the Commissioner of Health when the prescriber is not physically present.

X. Notwithstanding the provisions of § 54.1-3303, pursuant to an oral, written, or standing order issued by a prescriber or a standing order issued by the Commissioner of Health or his designee authorizing the dispensing of naloxone or other opioid antagonist used for overdose reversal in the absence of an oral or written order for a specific patient issued by a prescriber, and in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health, a pharmacist, a health care provider providing services in a hospital emergency

department, and emergency medical services personnel, as that term is defined in § 32.1-111.1, may dispense naloxone or other opioid antagonist used for overdose reversal and a person to whom naloxone or other opioid antagonist has been dispensed pursuant to this subsection may possess and administer naloxone or other opioid antagonist used for overdose reversal to a person who is believed to be experiencing or about to experience a life-threatening opioid overdose. Law-enforcement officers as defined in § 9.1-101, employees of the Department of Forensic Science, employees of the Office of the Chief Medical Examiner, employees of the Department of General Services Division of Consolidated Laboratory Services, employees of the Department of Corrections designated as probation and parole officers or as correctional officers as defined in § 53.1-1, employees of regional jails, school nurses, local health department employees that are assigned to a public school pursuant to an agreement between the local health department and the school board, other school board employees or individuals contracted by a school board to provide school health services, and firefighters who have completed a training program may also possess and administer naloxone or other opioid antagonist used for overdose reversal and may dispense naloxone or other opioid antagonist used for overdose reversal pursuant to an oral, written, or standing order issued by a prescriber or a standing order issued by the Commissioner of Health or his designee in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health.

Notwithstanding any other law or regulation to the contrary, an employee or other person acting on behalf of a public place may possess and administer naloxone or other opioid antagonist, other than naloxone in an injectable formulation with a hypodermic needle or syringe, to a person who is believed to be experiencing or about to experience a life-threatening opioid overdose if he has completed a training program on the administration of such naloxone and administers naloxone in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health. For the purposes of this subsection, "public place" means any enclosed area that is used or held out for use by the public, whether owned or operated by a public or private interest.

Y. Notwithstanding any other law or regulation to the contrary, a person who is acting on behalf of an organization that provides services to individuals at risk of experiencing an opioid overdose or training in the administration of naloxone for overdose reversal may dispense naloxone to a person who has received instruction on the administration of naloxone for opioid overdose reversal, provided that such dispensing is (i) pursuant to a standing order issued by a prescriber and (ii) in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health. If the person acting on behalf of an organization dispenses naloxone in an injectable formulation with a hypodermic needle or syringe, he shall first obtain authorization from the Department of Behavioral Health and Developmental Services to train individuals on the proper administration of naloxone by and proper disposal of a hypodermic needle or syringe, and he shall obtain a controlled substance registration from the Board of Pharmacy. The Board of Pharmacy shall not charge a fee for the issuance of such controlled substance registration. The dispensing may occur at a site other than that of the controlled substance registration provided the entity possessing the controlled substances registration maintains records in accordance with regulations of the Board of Pharmacy. No person who dispenses naloxone on behalf of an organization pursuant to this subsection shall charge a fee for the dispensing of naloxone that is greater than the cost to the organization of obtaining the naloxone dispensed. A person to whom naloxone has been dispensed pursuant to this subsection may possess naloxone and may administer naloxone to a person who is believed to be experiencing or about to experience a life-threatening opioid overdose.

Z. *A person who is not otherwise authorized to administer naloxone or other opioid antagonist used for overdose reversal may administer naloxone or other opioid antagonist used for overdose reversal to a person who is believed to be experiencing or about to experience a life-threatening opioid overdose.*

AA. Pursuant to a written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize, with the consent of the parents as defined in § 22.1-1, an employee of (i) a school board, (ii) a school for students with disabilities as defined in § 22.1-319 licensed by the Board of Education, or (iii) a private school accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education who is trained in the administration of injected medications for the treatment of adrenal crisis resulting from a condition causing adrenal insufficiency to administer such medication to a student diagnosed with a condition causing adrenal insufficiency when the student is believed to be experiencing or about to experience an adrenal crisis. Such authorization shall be effective only when a licensed nurse, nurse practitioner, physician, or physician assistant is not present to perform the administration of the medication.

CHAPTER 925

An Act to require the Department of Medical Assistance Services to take steps to facilitate the transition of persons between the Home and Community-Based Services waiver program and the Medicaid Works waiver program.

[H 925]

Approved April 9, 2020

Be it enacted by the General Assembly of Virginia:

1. § 1. *That, to ensure that persons considering transitioning from the Home and Community-Based Services waiver program to the Medicaid Works program have sufficient information to make an informed choice regarding such transition,*

the Department of Medical Assistance Services shall establish a process for (i) conducting a comprehensive needs assessment of a person who chooses to participate in the Medicaid Works program to determine the services such person may need to live and fully participate in his community and (ii) developing a plan of support for such person to guide the person in selection of the best waiver program for his needs.

§ 2. That the Department of Medical Assistance Services shall establish a process to enable a person who transitions from a Home and Community-Based Services waiver program to the Medicaid Works program to retain his Home and Community-Based Services waiver slot for up to 180 days following the date of such transition.

§ 3. That the Department of Medical Assistance Services shall establish a process to give priority to individuals previously receiving services through the Home and Community-Based Services waiver program who transitioned to the Medicaid Works program and who subsequently seek to resume services through the Home and Community-Based Services waiver program.

CHAPTER 926

An Act to amend and reenact § 54.1-2957.5 of the Code of Virginia, relating to Advisory Board on Athletic Training; membership.

[H 1260]

Approved April 9, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-2957.5 of the Code of Virginia is amended and reenacted as follows:

§ 54.1-2957.5. Advisory Board on Athletic Training established; duties; composition; appointment; terms.

A. The Advisory Board on Athletic Training shall assist the Board in formulating its requirements for the licensure of athletic trainers. In the exercise of this responsibility, the Advisory Board shall recommend to the Board the criteria for licensure of athletic trainers and the standards of professional conduct for licensees. The Advisory Board shall also assist in such other matters relating to the practice of athletic training as the Board may require.

B. The Advisory Board shall consist of five members appointed by the Governor for four-year terms. The first appointments shall provide for staggered terms with two members being appointed for a two-year term, two members being appointed for a three-year term and one member being appointed for a four-year term. Three members shall be at the time of appointment athletic trainers who are currently licensed by the Board and who have practiced in Virginia for not less than three years, including one athletic trainer employed at a secondary school, one employed at an institution of higher education, and one employed in the *public or private* sector; one member shall be a physician licensed to practice medicine in the Commonwealth; and one member shall be a citizen appointed by the Governor from the Commonwealth at large.

Vacancies occurring other than by expiration of term shall be filled for the unexpired term. No person shall be eligible to serve on the Advisory Board for more than two full consecutive terms.

CHAPTER 927

An Act to amend and reenact § 54.1-3408 of the Code of Virginia, relating to athletic trainers; naloxone or other opioid antagonist.

[H 1261]

Approved April 9, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-3408 of the Code of Virginia is amended and reenacted as follows:

§ 54.1-3408. Professional use by practitioners.

A. A practitioner of medicine, osteopathy, podiatry, dentistry, or veterinary medicine or a licensed nurse practitioner pursuant to § 54.1-2957.01, a licensed physician assistant pursuant to § 54.1-2952.1, or a TPA-certified optometrist pursuant to Article 5 (§ 54.1-3222 et seq.) of Chapter 32 shall only prescribe, dispense, or administer controlled substances in good faith for medicinal or therapeutic purposes within the course of his professional practice.

B. The prescribing practitioner's order may be on a written prescription or pursuant to an oral prescription as authorized by this chapter. The prescriber may administer drugs and devices, or he may cause drugs or devices to be administered by:

1. A nurse, physician assistant, or intern under his direction and supervision;
2. Persons trained to administer drugs and devices to patients in state-owned or state-operated hospitals or facilities licensed as hospitals by the Board of Health or psychiatric hospitals licensed by the Department of Behavioral Health and Developmental Services who administer drugs under the control and supervision of the prescriber or a pharmacist;
3. Emergency medical services personnel certified and authorized to administer drugs and devices pursuant to regulations of the Board of Health who act within the scope of such certification and pursuant to an oral or written order or standing protocol; or

4. A licensed respiratory therapist as defined in § 54.1-2954 who administers by inhalation controlled substances used in inhalation or respiratory therapy.

C. Pursuant to an oral or written order or standing protocol, the prescriber, who is authorized by state or federal law to possess and administer radiopharmaceuticals in the scope of his practice, may authorize a nuclear medicine technologist to administer, under his supervision, radiopharmaceuticals used in the diagnosis or treatment of disease.

D. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize registered nurses and licensed practical nurses to possess (i) epinephrine and oxygen for administration in treatment of emergency medical conditions and (ii) heparin and sterile normal saline to use for the maintenance of intravenous access lines.

Pursuant to the regulations of the Board of Health, certain emergency medical services technicians may possess and administer epinephrine in emergency cases of anaphylactic shock.

Pursuant to an order or standing protocol issued by the prescriber within the course of his professional practice, any school nurse, school board employee, employee of a local governing body, or employee of a local health department who is authorized by a prescriber and trained in the administration of epinephrine may possess and administer epinephrine.

Pursuant to an order or a standing protocol issued by the prescriber within the course of his professional practice, any employee of a school for students with disabilities, as defined in § 22.1-319 and licensed by the Board of Education, or any employee of a private school that is accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education who is authorized by a prescriber and trained in the administration of epinephrine may possess and administer epinephrine.

Pursuant to an order or a standing protocol issued by the prescriber within the course of his professional practice, any employee of a public institution of higher education or a private institution of higher education who is authorized by a prescriber and trained in the administration of epinephrine may possess and administer epinephrine.

Pursuant to an order or a standing protocol issued by the prescriber within the course of his professional practice, any employee of an organization providing outdoor educational experiences or programs for youth who is authorized by a prescriber and trained in the administration of epinephrine may possess and administer epinephrine.

Pursuant to an order issued by the prescriber within the course of his professional practice, an employee of a provider licensed by the Department of Behavioral Health and Developmental Services or a person providing services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services may possess and administer epinephrine, provided such person is authorized and trained in the administration of epinephrine.

Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize pharmacists to possess epinephrine and oxygen for administration in treatment of emergency medical conditions.

E. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize licensed physical therapists to possess and administer topical corticosteroids, topical lidocaine, and any other Schedule VI topical drug.

F. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize licensed athletic trainers to possess and administer topical corticosteroids, topical lidocaine, or other Schedule VI topical drugs; oxygen for use in emergency situations; ~~and~~ epinephrine for use in emergency cases of anaphylactic shock; *and naloxone or other opioid antagonist for overdose reversal.*

G. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, and in accordance with policies and guidelines established by the Department of Health pursuant to § 32.1-50.2, such prescriber may authorize registered nurses or licensed practical nurses under the supervision of a registered nurse to possess and administer tuberculin purified protein derivative (PPD) in the absence of a prescriber. The Department of Health's policies and guidelines shall be consistent with applicable guidelines developed by the Centers for Disease Control and Prevention for preventing transmission of mycobacterium tuberculosis and shall be updated to incorporate any subsequently implemented standards of the Occupational Safety and Health Administration and the Department of Labor and Industry to the extent that they are inconsistent with the Department of Health's policies and guidelines. Such standing protocols shall explicitly describe the categories of persons to whom the tuberculin test is to be administered and shall provide for appropriate medical evaluation of those in whom the test is positive. The prescriber shall ensure that the nurse implementing such standing protocols has received adequate training in the practice and principles underlying tuberculin screening.

The Health Commissioner or his designee may authorize registered nurses, acting as agents of the Department of Health, to possess and administer, at the nurse's discretion, tuberculin purified protein derivative (PPD) to those persons in whom tuberculin skin testing is indicated based on protocols and policies established by the Department of Health.

H. Pursuant to a written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize, with the consent of the parents as defined in § 22.1-1, an employee of (i) a school board, (ii) a school for students with disabilities as defined in § 22.1-319 licensed by the Board of Education, or (iii) a private school accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education who is trained in the administration of insulin and glucagon to assist with the administration of insulin or administer glucagon to a student diagnosed as having diabetes and who requires insulin injections during the school day or for whom glucagon has been

prescribed for the emergency treatment of hypoglycemia. Such authorization shall only be effective when a licensed nurse, nurse practitioner, physician, or physician assistant is not present to perform the administration of the medication.

Pursuant to a written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize an employee of a public institution of higher education or a private institution of higher education who is trained in the administration of insulin and glucagon to assist with the administration of insulin or administration of glucagon to a student diagnosed as having diabetes and who requires insulin injections or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia. Such authorization shall only be effective when a licensed nurse, nurse practitioner, physician, or physician assistant is not present to perform the administration of the medication.

Pursuant to a written order issued by the prescriber within the course of his professional practice, such prescriber may authorize an employee of a provider licensed by the Department of Behavioral Health and Developmental Services or a person providing services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services to assist with the administration of insulin or to administer glucagon to a person diagnosed as having diabetes and who requires insulin injections or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia, provided such employee or person providing services has been trained in the administration of insulin and glucagon.

I. A prescriber may authorize, pursuant to a protocol approved by the Board of Nursing, the administration of vaccines to adults for immunization, when a practitioner with prescriptive authority is not physically present, by (i) licensed pharmacists, (ii) registered nurses, or (iii) licensed practical nurses under the supervision of a registered nurse. A prescriber acting on behalf of and in accordance with established protocols of the Department of Health may authorize the administration of vaccines to any person by a pharmacist, nurse, or designated emergency medical services provider who holds an advanced life support certificate issued by the Commissioner of Health under the direction of an operational medical director when the prescriber is not physically present. The emergency medical services provider shall provide documentation of the vaccines to be recorded in the Virginia Immunization Information System.

J. A dentist may cause Schedule VI topical drugs to be administered under his direction and supervision by either a dental hygienist or by an authorized agent of the dentist.

Further, pursuant to a written order and in accordance with a standing protocol issued by the dentist in the course of his professional practice, a dentist may authorize a dental hygienist under his general supervision, as defined in § 54.1-2722, or his remote supervision, as defined in subsection E or F of § 54.1-2722, to possess and administer topical oral fluorides, topical oral anesthetics, topical and directly applied antimicrobial agents for treatment of periodontal pocket lesions, and any other Schedule VI topical drug approved by the Board of Dentistry.

In addition, a dentist may authorize a dental hygienist under his direction to administer Schedule VI nitrous oxide and oxygen inhalation analgesia and, to persons 18 years of age or older, Schedule VI local anesthesia.

K. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize registered professional nurses certified as sexual assault nurse examiners-A (SANE-A) under his supervision and when he is not physically present to possess and administer preventive medications for victims of sexual assault as recommended by the Centers for Disease Control and Prevention.

L. This section shall not prevent the administration of drugs by a person who has satisfactorily completed a training program for this purpose approved by the Board of Nursing and who administers such drugs in accordance with a prescriber's instructions pertaining to dosage, frequency, and manner of administration, and in accordance with regulations promulgated by the Board of Pharmacy relating to security and record keeping, when the drugs administered would be normally self-administered by (i) an individual receiving services in a program licensed by the Department of Behavioral Health and Developmental Services; (ii) a resident of the Virginia Rehabilitation Center for the Blind and Vision Impaired; (iii) a resident of a facility approved by the Board or Department of Juvenile Justice for the placement of children in need of services or delinquent or alleged delinquent youth; (iv) a program participant of an adult day-care center licensed by the Department of Social Services; (v) a resident of any facility authorized or operated by a state or local government whose primary purpose is not to provide health care services; (vi) a resident of a private children's residential facility, as defined in § 63.2-100 and licensed by the Department of Social Services, Department of Education, or Department of Behavioral Health and Developmental Services; or (vii) a student in a school for students with disabilities, as defined in § 22.1-319 and licensed by the Board of Education.

In addition, this section shall not prevent a person who has successfully completed a training program for the administration of drugs via percutaneous gastrostomy tube approved by the Board of Nursing and been evaluated by a registered nurse as having demonstrated competency in administration of drugs via percutaneous gastrostomy tube from administering drugs to a person receiving services from a program licensed by the Department of Behavioral Health and Developmental Services to such person via percutaneous gastrostomy tube. The continued competency of a person to administer drugs via percutaneous gastrostomy tube shall be evaluated semiannually by a registered nurse.

M. Medication aides registered by the Board of Nursing pursuant to Article 7 (§ 54.1-3041 et seq.) of Chapter 30 may administer drugs that would otherwise be self-administered to residents of any assisted living facility licensed by the Department of Social Services. A registered medication aide shall administer drugs pursuant to this section in accordance with the prescriber's instructions pertaining to dosage, frequency, and manner of administration; in accordance with regulations promulgated by the Board of Pharmacy relating to security and recordkeeping; in accordance with the assisted

living facility's Medication Management Plan; and in accordance with such other regulations governing their practice promulgated by the Board of Nursing.

N. In addition, this section shall not prevent the administration of drugs by a person who administers such drugs in accordance with a physician's instructions pertaining to dosage, frequency, and manner of administration and with written authorization of a parent, and in accordance with school board regulations relating to training, security and record keeping, when the drugs administered would be normally self-administered by a student of a Virginia public school. Training for such persons shall be accomplished through a program approved by the local school boards, in consultation with the local departments of health.

O. In addition, this section shall not prevent the administration of drugs by a person to (i) a child in a child day program as defined in § 63.2-100 and regulated by the State Board of Social Services or a local government pursuant to § 15.2-914, or (ii) a student of a private school that is accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education, provided such person (a) has satisfactorily completed a training program for this purpose approved by the Board of Nursing and taught by a registered nurse, licensed practical nurse, nurse practitioner, physician assistant, doctor of medicine or osteopathic medicine, or pharmacist; (b) has obtained written authorization from a parent or guardian; (c) administers drugs only to the child identified on the prescription label in accordance with the prescriber's instructions pertaining to dosage, frequency, and manner of administration; and (d) administers only those drugs that were dispensed from a pharmacy and maintained in the original, labeled container that would normally be self-administered by the child or student, or administered by a parent or guardian to the child or student.

P. In addition, this section shall not prevent the administration or dispensing of drugs and devices by persons if they are authorized by the State Health Commissioner in accordance with protocols established by the State Health Commissioner pursuant to § 32.1-42.1 when (i) the Governor has declared a disaster or a state of emergency or the United States Secretary of Health and Human Services has issued a declaration of an actual or potential bioterrorism incident or other actual or potential public health emergency; (ii) it is necessary to permit the provision of needed drugs or devices; and (iii) such persons have received the training necessary to safely administer or dispense the needed drugs or devices. Such persons shall administer or dispense all drugs or devices under the direction, control, and supervision of the State Health Commissioner.

Q. Nothing in this title shall prohibit the administration of normally self-administered drugs by unlicensed individuals to a person in his private residence.

R. This section shall not interfere with any prescriber issuing prescriptions in compliance with his authority and scope of practice and the provisions of this section to a Board agent for use pursuant to subsection G of § 18.2-258.1. Such prescriptions issued by such prescriber shall be deemed to be valid prescriptions.

S. Nothing in this title shall prevent or interfere with dialysis care technicians or dialysis patient care technicians who are certified by an organization approved by the Board of Health Professions or persons authorized for provisional practice pursuant to Chapter 27.01 (§ 54.1-2729.1 et seq.), in the ordinary course of their duties in a Medicare-certified renal dialysis facility, from administering heparin, topical needle site anesthetics, dialysis solutions, sterile normal saline solution, and blood volumizers, for the purpose of facilitating renal dialysis treatment, when such administration of medications occurs under the orders of a licensed physician, nurse practitioner, or physician assistant and under the immediate and direct supervision of a licensed registered nurse. Nothing in this chapter shall be construed to prohibit a patient care dialysis technician trainee from performing dialysis care as part of and within the scope of the clinical skills instruction segment of a supervised dialysis technician training program, provided such trainee is identified as a "trainee" while working in a renal dialysis facility.

The dialysis care technician or dialysis patient care technician administering the medications shall have demonstrated competency as evidenced by holding current valid certification from an organization approved by the Board of Health Professions pursuant to Chapter 27.01 (§ 54.1-2729.1 et seq.).

T. Persons who are otherwise authorized to administer controlled substances in hospitals shall be authorized to administer influenza or pneumococcal vaccines pursuant to § 32.1-126.4.

U. Pursuant to a specific order for a patient and under his direct and immediate supervision, a prescriber may authorize the administration of controlled substances by personnel who have been properly trained to assist a doctor of medicine or osteopathic medicine, provided the method does not include intravenous, intrathecal, or epidural administration and the prescriber remains responsible for such administration.

V. A physician assistant, nurse, or dental hygienist may possess and administer topical fluoride varnish pursuant to an oral or written order or a standing protocol issued by a doctor of medicine, osteopathic medicine, or dentistry.

W. A prescriber, acting in accordance with guidelines developed pursuant to § 32.1-46.02, may authorize the administration of influenza vaccine to minors by a licensed pharmacist, registered nurse, licensed practical nurse under the direction and immediate supervision of a registered nurse, or emergency medical services provider who holds an advanced life support certificate issued by the Commissioner of Health when the prescriber is not physically present.

X. Notwithstanding the provisions of § 54.1-3303, pursuant to an oral, written, or standing order issued by a prescriber or a standing order issued by the Commissioner of Health or his designee authorizing the dispensing of naloxone or other opioid antagonist used for overdose reversal in the absence of an oral or written order for a specific patient issued by a prescriber, and in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health, a pharmacist, a health care provider providing services in a hospital emergency

department, and emergency medical services personnel, as that term is defined in § 32.1-111.1, may dispense naloxone or other opioid antagonist used for overdose reversal and a person to whom naloxone or other opioid antagonist has been dispensed pursuant to this subsection may possess and administer naloxone or other opioid antagonist used for overdose reversal to a person who is believed to be experiencing or about to experience a life-threatening opioid overdose. Law-enforcement officers as defined in § 9.1-101, employees of the Department of Forensic Science, employees of the Office of the Chief Medical Examiner, employees of the Department of General Services Division of Consolidated Laboratory Services, employees of the Department of Corrections designated as probation and parole officers or as correctional officers as defined in § 53.1-1, employees of regional jails, school nurses, local health department employees that are assigned to a public school pursuant to an agreement between the local health department and the school board, other school board employees or individuals contracted by a school board to provide school health services, and firefighters who have completed a training program may also possess and administer naloxone or other opioid antagonist used for overdose reversal and may dispense naloxone or other opioid antagonist used for overdose reversal pursuant to an oral, written, or standing order issued by a prescriber or a standing order issued by the Commissioner of Health or his designee in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health.

Y. Notwithstanding any other law or regulation to the contrary, a person who is acting on behalf of an organization that provides services to individuals at risk of experiencing an opioid overdose or training in the administration of naloxone for overdose reversal may dispense naloxone to a person who has received instruction on the administration of naloxone for opioid overdose reversal, provided that such dispensing is (i) pursuant to a standing order issued by a prescriber and (ii) in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health. If the person acting on behalf of an organization dispenses naloxone in an injectable formulation with a hypodermic needle or syringe, he shall first obtain authorization from the Department of Behavioral Health and Developmental Services to train individuals on the proper administration of naloxone by and proper disposal of a hypodermic needle or syringe, and he shall obtain a controlled substance registration from the Board of Pharmacy. The Board of Pharmacy shall not charge a fee for the issuance of such controlled substance registration. The dispensing may occur at a site other than that of the controlled substance registration provided the entity possessing the controlled substances registration maintains records in accordance with regulations of the Board of Pharmacy. No person who dispenses naloxone on behalf of an organization pursuant to this subsection shall charge a fee for the dispensing of naloxone that is greater than the cost to the organization of obtaining the naloxone dispensed. A person to whom naloxone has been dispensed pursuant to this subsection may possess naloxone and may administer naloxone to a person who is believed to be experiencing or about to experience a life-threatening opioid overdose.

Z. Pursuant to a written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize, with the consent of the parents as defined in § 22.1-1, an employee of (i) a school board, (ii) a school for students with disabilities as defined in § 22.1-319 licensed by the Board of Education, or (iii) a private school accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education who is trained in the administration of injected medications for the treatment of adrenal crisis resulting from a condition causing adrenal insufficiency to administer such medication to a student diagnosed with a condition causing adrenal insufficiency when the student is believed to be experiencing or about to experience an adrenal crisis. Such authorization shall be effective only when a licensed nurse, nurse practitioner, physician, or physician assistant is not present to perform the administration of the medication.

CHAPTER 928

An Act to amend and reenact §§ 54.1-3408.3, 54.1-3442.6, and 54.1-3442.7 of the Code of Virginia, relating to Board of Pharmacy; pharmaceutical processors; cannabidiol oil; industrial hemp.

[H 1670]

Approved April 9, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-3408.3, 54.1-3442.6, and 54.1-3442.7 of the Code of Virginia are amended and reenacted as follows:

§ 54.1-3408.3. Certification for use of cannabidiol oil or THC-A oil for treatment.

A. As used in this section:

"Cannabidiol oil" means any formulation of processed Cannabis plant extract, *which may include oil from industrial hemp extract acquired by a pharmaceutical processor pursuant to § 54.1-3442.6*, that contains at least 15 percent cannabidiol but no more than five percent tetrahydrocannabinol, or a dilution of the resin of the Cannabis plant that contains at least five milligrams of cannabidiol per dose but not more than five percent tetrahydrocannabinol. "Cannabidiol oil" does not include industrial hemp, as defined in § 3.2-4112, that is grown, dealt, or processed in compliance with state or federal law, *unless it has been acquired and formulated with cannabis plant extract by a pharmaceutical processor.*

"Practitioner" means a practitioner of medicine or osteopathy licensed by the Board of Medicine, a physician assistant licensed by the Board of Medicine, or a nurse practitioner jointly licensed by the Board of Medicine and the Board of Nursing.

"Registered agent" means an individual designated by a patient who has been issued a written certification, or, if such patient is a minor or an incapacitated adult as defined in § 18.2-369, designated by such patient's parent or legal guardian, and registered with the Board pursuant to subsection G.

"THC-A oil" means any formulation of processed Cannabis plant extract that contains at least 15 percent tetrahydrocannabinol acid but not more than five percent tetrahydrocannabinol, or a dilution of the resin of the Cannabis plant that contains at least five milligrams of tetrahydrocannabinol acid per dose but not more than five percent tetrahydrocannabinol.

B. A practitioner in the course of his professional practice may issue a written certification for the use of cannabidiol oil or THC-A oil for treatment or to alleviate the symptoms of any diagnosed condition or disease determined by the practitioner to benefit from such use.

C. The written certification shall be on a form provided by the Office of the Executive Secretary of the Supreme Court developed in consultation with the Board of Medicine. Such written certification shall contain the name, address, and telephone number of the practitioner, the name and address of the patient issued the written certification, the date on which the written certification was made, and the signature of the practitioner. Such written certification issued pursuant to subsection B shall expire no later than one year after its issuance unless the practitioner provides in such written certification an earlier expiration.

D. No practitioner shall be prosecuted under § 18.2-248 or 18.2-248.1 for dispensing or distributing cannabidiol oil or THC-A oil for the treatment or to alleviate the symptoms of a patient's diagnosed condition or disease pursuant to a written certification issued pursuant to subsection B. Nothing in this section shall preclude the Board of Medicine from sanctioning a practitioner for failing to properly evaluate or treat a patient's medical condition or otherwise violating the applicable standard of care for evaluating or treating medical conditions.

E. A practitioner who issues a written certification to a patient pursuant to this section shall register with the Board. The Board shall, in consultation with the Board of Medicine, set a limit on the number of patients to whom a practitioner may issue a written certification.

F. A patient who has been issued a written certification shall register with the Board or, if such patient is a minor or an incapacitated adult as defined in § 18.2-369, a patient's parent or legal guardian shall register and shall register such patient with the Board.

G. A patient, or, if such patient is a minor or an incapacitated adult as defined in § 18.2-369, such patient's parent or legal guardian, may designate an individual to act as his registered agent for the purposes of receiving cannabidiol oil or THC-A oil pursuant to a valid written certification. Such designated individual shall register with the Board. The Board may set a limit on the number patients for whom any individual is authorized to act as a registered agent.

H. The Board shall promulgate regulations to implement the registration process. Such regulations shall include (i) a mechanism for sufficiently identifying the practitioner issuing the written certification, the patient being treated by the practitioner, his registered agent, and, if such patient is a minor or an incapacitated adult as defined in § 18.2-369, the patient's parent or legal guardian; (ii) a process for ensuring that any changes in the information are reported in an appropriate timeframe; and (iii) a prohibition for the patient to be issued a written certification by more than one practitioner during any given time period.

I. Information obtained under the registration process shall be confidential and shall not be subject to the disclosure provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.). However, reasonable access to registry information shall be provided to (i) the Chairmen of the House and Senate Committees for Courts of Justice, (ii) state and federal agencies or local law enforcement for the purpose of investigating or prosecuting a specific individual for a specific violation of law, (iii) licensed physicians or pharmacists for the purpose of providing patient care and drug therapy management and monitoring of drugs obtained by a registered patient, (iv) a pharmaceutical processor involved in the treatment of a registered patient, or (v) a registered patient, his registered agent, or, if such patient is a minor or an incapacitated adult as defined in § 18.2-369, the patient's parent or legal guardian, but only with respect to information related to such registered patient.

§ 54.1-3442.6. Permit to operate pharmaceutical processor.

A. No person shall operate a pharmaceutical processor without first obtaining a permit from the Board. The application for such permit shall be made on a form provided by the Board and signed by a pharmacist who will be in full and actual charge of the pharmaceutical processor. The Board shall establish an application fee and other general requirements for such application.

B. Each permit shall expire annually on a date determined by the Board in regulation. The number of permits that the Board may issue or renew in any year is limited to one for each health service area established by the Board of Health. Permits shall be displayed in a conspicuous place on the premises of the pharmaceutical processor.

C. The Board shall adopt regulations establishing health, safety, and security requirements for pharmaceutical processors. Such regulations shall include requirements for (i) physical standards; (ii) location restrictions; (iii) security systems and controls; (iv) minimum equipment and resources; (v) recordkeeping; (vi) labeling and packaging; (vii) quarterly inspections; (viii) processes for safely and securely cultivating Cannabis plants intended for producing cannabidiol oil and THC-A oil, producing cannabidiol oil and THC-A oil, and dispensing and delivering in person cannabidiol oil and THC-A oil to a registered patient, his registered agent, or, if such patient is a minor or an incapacitated adult as defined in § 18.2-369, such patient's parent or legal guardian; (ix) a maximum number of marijuana plants a

pharmaceutical processor may possess at any one time; (x) the secure disposal of plant remains; (xi) a process for registering a cannabidiol oil and THC-A oil product; (xii) dosage limitations, which shall provide that each dispensed dose of cannabidiol oil or THC-A not exceed 10 milligrams of tetrahydrocannabinol; ~~and~~ (xiii) a process for the wholesale distribution of and the transfer of cannabidiol oil and THC-A oil products between pharmaceutical processors; and (xiv) a process for acquiring oil from industrial hemp extract and formulating such oil extract with Cannabis plant extract into allowable dosages of cannabidiol oil.

D. Every pharmaceutical processor shall be under the personal supervision of a licensed pharmacist on the premises of the pharmaceutical processor.

E. The Board shall require an applicant for a pharmaceutical processor permit to submit to fingerprinting and provide personal descriptive information to be forwarded along with his fingerprints through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining criminal history record information regarding the applicant. The cost of fingerprinting and the criminal history record search shall be paid by the applicant. The Central Criminal Records Exchange shall forward the results of the criminal history background check to the Board or its designee, which shall be a governmental entity.

F. In addition to other employees authorized by the Board, a pharmaceutical processor may employ individuals who may have less than two years of experience (i) to perform cultivation-related duties under the supervision of an individual who has received a degree in horticulture or a certification recognized by the Board or who has at least two years of experience cultivating plants and (ii) to perform extraction-related duties under the supervision of an individual who has a degree in chemistry or pharmacology or at least two years of experience extracting chemicals from plants.

G. No person who has been convicted of (i) a felony under the laws of the Commonwealth or another jurisdiction or (ii) within the last five years, any offense in violation of Article 1 (§ 18.2-247 et seq.) or Article 1.1 (§ 18.2-265.1 et seq.) of Chapter 7 of Title 18.2 or a substantially similar offense under the laws of another jurisdiction shall be employed by or act as an agent of a pharmaceutical processor.

H. Every pharmaceutical processor shall adopt policies for pre-employment drug screening and regular, ongoing, random drug screening of employees.

I. A pharmaceutical processor may acquire oil from industrial hemp extract processed in Virginia, and in compliance with state or federal law, from a registered industrial hemp dealer or processor. A pharmaceutical processor may process and formulate such oil extract with cannabis plant extract into an allowable dosage of cannabidiol oil. Oil from industrial hemp acquired by a pharmaceutical processor is subject to the same third-party testing requirements that may apply to cannabis plant extract. Testing shall be performed by a laboratory located in Virginia and in compliance with state law. The industrial hemp dealer or processor shall provide such third-party testing results to the pharmaceutical processor before oil from industrial hemp may be acquired.

§ 54.1-3442.7. Dispensing cannabidiol oil and THC-A oil; report.

A. A pharmaceutical processor shall dispense or deliver cannabidiol oil or THC-A oil only in person to (i) a patient who is a Virginia resident, has been issued a valid written certification, and is registered with the Board pursuant to § 54.1-3408.3, (ii) such patient's registered agent, or (iii) if such patient is a minor or an incapacitated adult as defined in § 18.2-369, such patient's parent or legal guardian who is a Virginia resident and is registered with the Board pursuant to § 54.1-3408.3. Prior to the initial dispensing of each written certification, the pharmacist or pharmacy technician at the location of the pharmaceutical processor shall make and maintain for two years a paper or electronic copy of the written certification that provides an exact image of the document that is clearly legible; shall view a current photo identification of the patient, registered agent, parent, or legal guardian; and shall verify current board registration of the practitioner and the corresponding patient, registered agent, parent, or legal guardian. Prior to any subsequent dispensing of each written certification, the pharmacist, pharmacy technician, or delivery agent shall view the current written certification; a current photo identification of the patient, registered agent, parent, or legal guardian; and the current board registration issued to the patient, registered agent, parent, or legal guardian. No pharmaceutical processor shall dispense more than a 90-day supply for any patient during any 90-day period. The Board shall establish in regulation an amount of cannabidiol oil or THC-A oil that constitutes a 90-day supply to treat or alleviate the symptoms of a patient's diagnosed condition or disease.

B. A pharmaceutical processor shall dispense only cannabidiol oil and THC-A oil that has been cultivated and produced on the premises of a pharmaceutical processor permitted by the Board or cannabidiol oil that has been formulated with oil from industrial hemp acquired by a pharmaceutical processor from a registered industrial hemp dealer or processor pursuant to § 54.1-3442.6. A pharmaceutical processor may begin cultivation upon being issued a permit by the Board.

C. The Board shall report annually by December 1 to the Chairmen of the House and Senate Committees for Courts of Justice on the operation of pharmaceutical processors issued a permit by the Board, including the number of practitioners, patients, registered agents, and parents or legal guardians of patients who have registered with the Board and the number of written certifications issued pursuant to § 54.1-3408.3.

D. The concentration of tetrahydrocannabinol in any THC-A oil on site may be up to 10 percent greater than or less than the level of tetrahydrocannabinol measured for labeling. A pharmaceutical processor shall ensure that such concentration in any THC-A onsite is within such range and shall establish a stability testing schedule of THC-A oil.

CHAPTER 929

An Act to require the Commissioner of Social Services to convene a work group to develop a plan for licensure of prescribed pediatric extended care centers in the Commonwealth; report.

[H 1719]

Approved April 9, 2020

Be it enacted by the General Assembly of Virginia:

1. § 1. *That the Commissioner of Social Services (the Commissioner) shall establish a work group, which shall include representatives of the Departments of Health Professions, Medical Assistance Services, and Social Services, pediatric health care providers, and such other stakeholders as the Commissioner may deem appropriate, to develop a plan for the licensure of prescribed pediatric extended care centers in the Commonwealth. Such plan shall include provisions for the construction, maintenance, operation, staffing, and management of prescribed pediatric extended care centers and the nature and scope of services to be provided by prescribed pediatric extended care centers in the Commonwealth. The work group shall report the plan to the Governor and the Chairmen of the House Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health by November 1, 2020.*

CHAPTER 930

An Act to direct the Board of Health to develop regulations related to the transport of patients to 24-hour urgent care facilities by emergency medical services agencies in medically underserved areas.

[S 301]

Approved April 9, 2020

Be it enacted by the General Assembly of Virginia:

1. § 1. *That the Board of Health shall develop regulations for when emergency medical services agencies in medically underserved areas as defined by the Board may transport patients to 24-hour urgent care facilities or appropriate medical care facilities other than hospitals. The regulations shall include provisions for what constitutes a medically underserved area, cases appropriate for transferring a patient to a medical facility other than a hospital, and other information deemed relevant by the Board.*

CHAPTER 931

An Act to amend and reenact § 63.2-1606 of the Code of Virginia, relating to adult abuse; financial exploitation; required report by financial institution.

[S 391]

Approved April 9, 2020

Be it enacted by the General Assembly of Virginia:

1. **That § 63.2-1606 of the Code of Virginia is amended and reenacted as follows:**

§ 63.2-1606. Protection of aged or incapacitated adults; mandated and voluntary reporting.

A. Matters giving reason to suspect the abuse, neglect or exploitation of adults shall be reported immediately upon the reporting person's determination that there is such reason to suspect. Medical facilities inspectors of the Department of Health are exempt from reporting suspected abuse immediately while conducting federal inspection surveys in accordance with § 1864 of Title XVIII and Title XIX of the Social Security Act, as amended, of certified nursing facilities as defined in § 32.1-123. Reports shall be made to the local department or the adult protective services hotline in accordance with requirements of this section by the following persons acting in their professional capacity:

1. Any person licensed, certified, or registered by health regulatory boards listed in § 54.1-2503, with the exception of persons licensed by the Board of Veterinary Medicine;
2. Any mental health services provider as defined in § 54.1-2400.1;
3. Any emergency medical services provider certified by the Board of Health pursuant to § 32.1-111.5, unless such provider immediately reports the suspected abuse, neglect or exploitation directly to the attending physician at the hospital to which the adult is transported, who shall make such report forthwith;
4. Any guardian or conservator of an adult;
5. Any person employed by or contracted with a public or private agency or facility and working with adults in an administrative, supportive or direct care capacity;
6. Any person providing full, intermittent or occasional care to an adult for compensation, including, but not limited to, companion, chore, homemaker, and personal care workers; and
7. Any law-enforcement officer.

B. The report shall be made in accordance with subsection A to the local department of the county or city wherein the adult resides or wherein the adult abuse, neglect or exploitation is believed to have occurred or to the adult protective

services hotline. Nothing in this section shall be construed to eliminate or supersede any other obligation to report as required by law. If a person required to report under this section receives information regarding abuse, neglect or exploitation while providing professional services in a hospital, nursing facility or similar institution, then he may, in lieu of reporting, notify the person in charge of the institution or his designee, who shall report such information, in accordance with the institution's policies and procedures for reporting such matters, immediately upon his determination that there is reason to suspect abuse, neglect or exploitation. Any person required to make the report or notification required by this subsection shall do so either orally or in writing and shall disclose all information that is the basis for the suspicion of adult abuse, neglect or exploitation. Upon request, any person required to make the report shall make available to the adult protective services worker and the local department investigating the reported case of adult abuse, neglect or exploitation any information, records or reports which document the basis for the report. All persons required to report suspected adult abuse, neglect or exploitation shall cooperate with the investigating adult protective services worker of a local department and shall make information, records and reports which are relevant to the investigation available to such worker to the extent permitted by state and federal law. Criminal investigative reports received from law-enforcement agencies shall not be further disseminated by the investigating agency nor shall they be subject to public disclosure; such reports may, however, be disclosed to the Adult Fatality Review Team as provided in § 32.1-283.5 or to a local or regional adult fatality review team as provided in § 32.1-283.6 and, if reviewed by the Team or a local or regional adult fatality review team, shall be subject to applicable confidentiality requirements of the Team or a local or regional adult fatality review team.

C. Any financial institution staff who suspects that an adult has been exploited financially may report such suspected financial exploitation and provide supporting information and records to the local department of the county or city wherein the adult resides or wherein the exploitation is believed to have occurred or to the adult protective services hotline. For purposes of this section:

"Financial exploitation" means the illegal, unauthorized, improper, or fraudulent use of the funds, property, benefits, resources, or other assets of an adult, as defined in § 63.2-1603, for another's profit, benefit, or advantage, including a caregiver or person serving in a fiduciary capacity, or that deprives the adult of his rightful use of or access to such funds, property, benefits, resources, or other assets. "Financial exploitation" includes (i) an intentional breach of a fiduciary obligation to an adult to his detriment or an intentional failure to use the financial resources of an adult in a manner that results in neglect of such adult; (ii) the acquisition, possession, or control of an adult's financial resources or property through the use of undue influence, coercion, or duress; and (iii) forcing or coercing an adult to pay for goods or services against his will for another's profit, benefit, or advantage if the adult did not agree, or was tricked, misled, or defrauded into agreeing, to pay for such goods or services.

"Financial institution staff" means any employee, agent, qualified individual, or representative of a bank, trust company, savings institution, loan association, consumer finance company, credit union, investment company, investment advisor, securities firm, accounting firm, or insurance company.

D. Any person other than those specified in subsection A who suspects that an adult is an abused, neglected or exploited adult may report the matter to the local department of the county or city wherein the adult resides or wherein the abuse, neglect or exploitation is believed to have occurred or to the adult protective services hotline.

E. Any person who makes a report or provides records or information pursuant to subsection A, C, or D, or who testifies in any judicial proceeding arising from such report, records or information, or who takes or causes to be taken with the adult's or the adult's legal representative's informed consent photographs, video recordings, or appropriate medical imaging of the adult who is subject of a report shall be immune from any civil or criminal liability on account of such report, records, information, photographs, video recordings, appropriate medical imaging or testimony, unless such person acted in bad faith or with a malicious purpose.

F. An employer of a mandated reporter shall not prohibit a mandated reporter from reporting directly to the local department or to the adult protective services hotline. Employers whose employees are mandated reporters shall notify employees upon hiring of the requirement to report.

G. Any person 14 years of age or older who makes or causes to be made a report of adult abuse, neglect, or exploitation that he knows to be false is guilty of a Class 4 misdemeanor. Any subsequent conviction of this provision is a Class 2 misdemeanor.

H. Any person who fails to make a required report or notification pursuant to subsection A shall be subject to a civil penalty of not more than \$500 for the first failure and not less than \$100 nor more than \$1,000 for any subsequent failures. Civil penalties under subdivision A 7 shall be determined by a court of competent jurisdiction, in its discretion. All other civil penalties under this section shall be determined by the Commissioner for Aging and Rehabilitative Services or his designee. The Commissioner for Aging and Rehabilitative Services shall establish by regulation a process for imposing and collecting civil penalties, and a process for appeal of the imposition of such penalty pursuant to § 2.2-4026 of the Administrative Process Act.

I. Any mandated reporter who has reasonable cause to suspect that an adult died as a result of abuse or neglect shall immediately report such suspicion to the appropriate medical examiner and to the appropriate law-enforcement agency, notwithstanding the existence of a death certificate signed by a licensed physician. The medical examiner and the law-enforcement agency shall receive the report and determine if an investigation is warranted. The medical examiner may order an autopsy. If an autopsy is conducted, the medical examiner shall report the findings to law enforcement, as appropriate, and to the local department or to the adult protective services hotline.

J. No person or entity shall be obligated to report any matter if the person or entity has actual knowledge that the same matter has already been reported to the local department or to the adult protective services hotline.

K. All law-enforcement departments and other state and local departments, agencies, authorities and institutions shall cooperate with each adult protective services worker of a local department in the detection, investigation and prevention of adult abuse, neglect and exploitation.

L. Financial institution staff may refuse to execute a transaction, may delay a transaction, or may refuse to disburse funds if the financial institution staff (i) believes in good faith that the transaction or disbursement may involve, facilitate, result in, or contribute to the financial exploitation of an adult or (ii) makes, or has actual knowledge that another person has made, a report to the local department or adult protective services hotline stating a good faith belief that the transaction or disbursement may involve, facilitate, result in, or contribute to the financial exploitation of an adult. The financial institution staff may continue to refuse to execute a transaction, delay a transaction, or refuse to disburse funds for a period no longer than 30 business days after the date upon which such transaction or disbursement was initially requested based on a good faith belief that the transaction or disbursement may involve, facilitate, result in, or contribute to the financial exploitation of an adult, unless otherwise ordered by a court of competent jurisdiction. *Upon refusing to execute a transaction, delaying a transaction, or refusing to disburse funds, the financial institution shall report such refusal or delay within five business days to the local department or the adult protective services hotline.* Upon request, and to the extent permitted by state and federal law, financial institution staff making a report to the local department of social services may report any information or records relevant to the report or investigation. Absent gross negligence or willful misconduct, the financial institution and its staff shall be immune from civil or criminal liability for refusing to execute a transaction, delaying a transaction, or refusing to disburse funds pursuant to this subsection. The authority of a financial institution staff to refuse to execute a transaction, to delay a transaction, or to refuse to disburse funds pursuant to this subsection shall not be contingent upon whether financial institution staff has reported suspected financial exploitation of the adult pursuant to subsection C.

CHAPTER 932

An Act to direct the Department of Health to convene a work group related to increasing the availability of the clinical workforce for nursing homes in the Commonwealth.

[S 397]

Approved April 9, 2020

Be it enacted by the General Assembly of Virginia:

1. § 1. *That the Department of Health shall convene a work group to review and make recommendations on increasing the availability of the clinical workforce for nursing homes in the Commonwealth. The work group shall include representatives from the Virginia Health Care Association, the Virginia Center for Assisted Living, Dignity for the Aged, the Virginia Nurses Association, LeadingAge Virginia, and other stakeholders as appropriate. The Department shall collaborate with the Department of Health Professions, the Governor's Chief Workforce Development Advisor, and other state agencies as appropriate. The Department shall report all recommendations to the Chairmen of the Senate Committee on Education and Health and the House Committee on Health, Welfare and Institutions on or before November 15, 2020.*

CHAPTER 933

An Act to amend and reenact § 24.2-709, as it is currently effective and as it shall become effective, of the Code of Virginia, relating to absentee voting; deadline for returning absentee ballot.

[S 455]

Approved April 9, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 24.2-709, as it is currently effective and as it shall become effective, of the Code of Virginia is amended and reenacted as follows:

§ 24.2-709. (Effective for elections prior to the general election on November 3, 2020) Ballot to be returned in manner prescribed by law.

A. Any ballot returned to the office of the general registrar in any manner except as prescribed by law shall be void. Absentee ballots shall be returned to the general registrar before the closing of the polls. The registrar receiving the ballot shall (i) seal the ballot in an envelope with the statement or declaration of the voter, or both, attached to the outside and (ii) mark on each envelope the date, time, and manner of delivery. No returned absentee ballot shall be deemed void because the inner envelope containing the voted ballot is imperfectly sealed so long as the outside envelope containing the ballot envelope is sealed.

B. *Notwithstanding the provisions of subsection A, any absentee ballot (i) returned to the general registrar after the closing of the polls on election day but before noon on the third day after the election and (ii) postmarked on or before the date of the election shall be counted pursuant to the procedures set forth in this chapter if the voter is found entitled to vote.*

For purposes of this subsection, a postmark shall include any other official indicia of confirmation of mailing by the United States Postal Service or other postal or delivery service.

C. Notwithstanding the provisions of subsection A, ~~any absentee ballots~~ *ballot* (i) received after the close of the polls on any election day, (ii) received before 5:00 p.m. on the second business day before the State Board meets to ascertain the results of the election pursuant to this title, (iii) requested on or before but not sent by the deadline for making absentee ballots available under § 24.2-612, and (iv) cast by an absentee voter who is eligible for an absentee ballot under subdivision 2 of § 24.2-700 shall be counted pursuant to the procedures set forth in this chapter ~~and~~, if the voter is found entitled to vote, ~~included in the election returns~~. The electoral board shall prepare an amended certified abstract, which shall include the results of such ballots, and shall deliver such abstract to the State Board by the business day prior to its meeting pursuant to this title, and shall deliver a copy of such abstract to the general registrar to be available for inspection when his office is open for business.

~~€~~ D. Notwithstanding the provisions of clause (i) of subsection B of § 24.2-427, an absentee ballot returned by a voter in compliance with § 24.2-707 and this section who dies prior to the counting of absentee ballots on election day shall be counted pursuant to the procedures set forth in this chapter if the voter is found to have been entitled to vote at the time that he returned the ballot.

§ 24.2-709. (Effective for elections beginning with the general election on November 3, 2020) Ballot to be returned in manner prescribed by law.

A. Any ballot returned to the office of the general registrar in any manner except as prescribed by law shall be void. Absentee ballots shall be returned to the general registrar before the closing of the polls. The registrar receiving the ballot shall (i) seal the ballot in an envelope with the statement or declaration of the voter, or both, attached to the outside and (ii) mark on each envelope the date, time, and manner of delivery. No returned absentee ballot shall be deemed void because the inner envelope containing the voted ballot is imperfectly sealed so long as the outside envelope containing the ballot envelope is sealed.

B. *Notwithstanding the provisions of subsection A, any absentee ballot (i) returned to the general registrar after the closing of the polls on election day but before noon on the third day after the election and (ii) postmarked on or before the date of the election shall be counted pursuant to the procedures set forth in this chapter if the voter is found entitled to vote. For purposes of this subsection, a postmark shall include any other official indicia of confirmation of mailing by the United States Postal Service or other postal or delivery service.*

C. Notwithstanding the provisions of subsection A, ~~any absentee ballots~~ *ballot* (i) received after the close of the polls on any election day, (ii) received before 5:00 p.m. on the second business day before the State Board meets to ascertain the results of the election pursuant to this title, (iii) requested on or before but not sent by the deadline for making absentee ballots available under § 24.2-612, and (iv) cast by an absentee voter who is eligible for an absentee ballot under subdivision A 2 of § 24.2-700 shall be counted pursuant to the procedures set forth in this chapter ~~and~~, if the voter is found entitled to vote, ~~included in the election returns~~. The electoral board shall prepare an amended certified abstract, which shall include the results of such ballots, and shall deliver such abstract to the State Board by the business day prior to its meeting pursuant to this title, and shall deliver a copy of such abstract to the general registrar to be available for inspection when his office is open for business.

~~€~~ D. Notwithstanding the provisions of clause (i) of subsection B of § 24.2-427, an absentee ballot returned by a voter in compliance with § 24.2-707 and this section who dies prior to the counting of absentee ballots on election day shall be counted pursuant to the procedures set forth in this chapter if the voter is found to have been entitled to vote at the time that he returned the ballot.

CHAPTER 934

An Act to amend and reenact §§ 16.1-282.1 and 63.2-906 of the Code of Virginia, relating to foster care; termination of parental rights; independent living needs assessments; supervisory spans of control.

[S 472]

Approved April 9, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 16.1-282.1 and 63.2-906 of the Code of Virginia are amended and reenacted as follows:

§ 16.1-282.1. Permanency planning hearing for children in foster care.

A. In the case of a child who was the subject of a foster care plan filed with the court pursuant to § 16.1-281, a permanency planning hearing shall be held within 10 months of the dispositional hearing at which the foster care plan pursuant to § 16.1-281 was reviewed if the child (a) was placed through an agreement between the parents or guardians and the local board of social services where legal custody remains with the parents or guardians and such agreement has not been dissolved by court order; or (b) is under the legal custody of a local board of social services or a child welfare agency and has not had a petition to terminate parental rights filed on the child's behalf, has not been placed in permanent foster care, or is age 16 or over and the plan for the child is not independent living. The board or child welfare agency shall file a petition for a permanency planning hearing 30 days prior to the date of the permanency planning hearing scheduled by the

court. The purpose of this hearing is to establish a permanent goal for the child and either to achieve the permanent goal or to defer such action through the approval of an interim plan for the child.

To achieve the permanent goal, the petition for a permanency planning hearing shall seek to (i) transfer the custody of the child to his prior family, or dissolve the board's placement agreement and return the child to his prior family; (ii) transfer custody of the child to a relative other than the child's prior family, subject to the provisions of subsection A1; (iii) terminate residual parental rights pursuant to § 16.1-277.01 or 16.1-283; (iv) place a child who is 16 years of age or older in permanent foster care pursuant to § 63.2-908; (v) if the child has been admitted to the United States as a refugee or asylee and has attained the age of 16 years or older and the plan is independent living, direct the board or agency to provide the child with services to transition from foster care; or (vi) place a child who is 16 years of age or older in another planned permanent living arrangement in accordance with the provisions of subsection A2. *If the child has been in the custody of a local board or child welfare agency for 15 of the most recent 22 months and no petition for termination of parental rights has been filed with the court, the local board or child welfare agency shall state in its petition for a permanency planning hearing (a) the reasons, pursuant to subdivision A 1, 2, or 3 of § 63.2-910.2, why a petition for termination of parental rights has not been filed and (b) the reasonable efforts made regarding reunification or transfer of custody to a relative and the timeline of such efforts.* In cases in which a foster care plan approved prior to July 1, 2011, includes independent living as the goal for a child who is not admitted to the United States as an asylee or refugee, the petition shall direct the board or agency to provide the child with services to transition from foster care.

For approval of an interim plan, the petition for a permanency planning hearing shall seek to continue custody with the board or agency, or continue placement with the board through a parental agreement; or transfer custody to the board or child welfare agency from the parents or guardian of a child who has been in foster care through an agreement where the parents or guardian retains custody.

Upon receipt of the petition, if a permanency planning hearing has not already been scheduled, the court shall schedule such a hearing to be held within 30 days. The permanency planning hearing shall be held within 10 months of the dispositional hearing at which the foster care plan was reviewed pursuant to § 16.1-281. The provisions of subsection B of § 16.1-282 shall apply to this petition. The procedures of subsection C of § 16.1-282 and the provisions of subsection G of § 16.1-282 shall apply to the scheduling and notice of proceedings under this section.

A1. The following requirements shall apply to the transfer of custody of the child to a relative other than the child's prior family in accordance with the provisions of clause (ii) of subsection A. Any order transferring custody of the child to a relative other than the child's prior family shall be entered only upon a finding, based upon a preponderance of the evidence, that the relative is one who, after an investigation as directed by the court, (i) is found by the court to be willing and qualified to receive and care for the child; (ii) is willing to have a positive, continuous relationship with the child; (iii) is committed to providing a permanent, suitable home for the child; and (iv) is willing and has the ability to protect the child from abuse and neglect; and the order shall so state. The court's order transferring custody to a relative should further provide, as appropriate, for any terms or conditions which would promote the child's interest and welfare.

A2. The following requirements shall apply to the selection and approval of placement in another planned permanent living arrangement as the permanent goal for the child in accordance with clause (vi) of subsection A:

1. The board or child welfare agency shall petition for alternative (vi) of subsection A only if the child has a severe and chronic emotional, physical or neurological disabling condition for which the child requires long-term residential treatment; and the board or child welfare agency has thoroughly investigated the feasibility of the alternatives listed in clauses (i) through (v) of subsection A and determined that none of those alternatives is in the best interests of the child. In a foster care plan filed with the petition pursuant to this section, the board or agency shall document the following: (i) the investigation conducted of the placement alternatives listed in clauses (i) through (v) of subsection A and why each of these is not currently in the best interest of the child; (ii) at least one compelling reason why none of the alternatives listed in clauses (i) through (v) is achievable for the child at the time placement in another planned permanent living arrangement is selected as the permanent goal for the child; (iii) the identity of the long-term residential treatment service provider; (iv) the nature of the child's disability; (v) the anticipated length of time required for the child's treatment; and (vi) the status of the child's eligibility for admission and long-term treatment. The court shall ensure that the local department has documentation of the intensive, ongoing, and, as of the date of the hearing, unsuccessful efforts made to return the child home or secure a placement for the child with a fit and willing relative, including adult siblings, or an adoptive parent, including through efforts that utilize search technology, including social media, to find the child's biological family members. The court shall ask the child about the child's desired permanency outcome and make a judicial determination, accompanied by an explanation of the reasons that the alternatives listed in clauses (i) through (iii) of subsection A continue to not be in the best interest of the child.

2. Before approving alternative (vi) of subsection A as the plan for the child, the court shall find (i) that the child has a severe and chronic emotional, physical or neurological disabling condition; (ii) that the child requires long-term residential treatment for the disabling condition; and (iii) that none of the alternatives listed in clauses (i) through (v) of subsection A is achievable for the child at the time placement in another planned permanent living arrangement is approved as the permanent goal for the child. If the board or agency petitions for alternative (vi), alternative (vi) may be approved by the court for a period of six months at a time.

3. At the conclusion of the permanency planning hearing, if alternative (vi) of subsection A is the permanent plan, the court shall schedule a hearing to be held within six months to review the child's placement in another planned permanent

living arrangement in accordance with subdivision A2 4. All parties present at the hearing at which clause (vi) of subsection A is approved as the permanent plan for the child shall be given notice of the date scheduled for the foster care review hearing. Parties not present shall be summoned to appear as provided in § 16.1-263. Otherwise, this subsection A2 shall govern the scheduling and notice for such hearings.

4. The court shall review a foster care plan for any child who is placed in another planned permanent living arrangement every six months from the date of the permanency planning hearing held pursuant to this subsection, so long as the child remains in the legal custody of the board or child welfare agency. The board or child welfare agency shall file such petitions for review pursuant to the provisions of § 16.1-282 and shall, in addition, include in the petition the information required by subdivision A2 1. The petition for foster care review shall be filed no later than 30 days prior to the hearing scheduled in accordance with subdivision A2 3. At the conclusion of the foster care review hearing, if alternative (vi) of subsection A remains the permanent plan, the court shall enter an order that states whether reasonable efforts have been made to place the child in a timely manner in accordance with the permanency plan and to monitor the child's status in another planned permanent living arrangement.

However, if at any time during the six-month approval periods permitted by this subsection, a determination is made by treatment providers that the child's need for long-term residential treatment for the child's disabling condition is eliminated, the board or agency shall immediately begin to plan for post-discharge services and shall, within 30 days of making such a determination, file a petition for a permanency planning hearing pursuant to subsection A. Upon receipt of the petition, the court shall schedule a permanency planning hearing to be held within 30 days. The provisions of subsection B of § 16.1-282 shall apply to this petition. The procedures of subsection C of § 16.1-282 and the provisions of subsection G of § 16.1-282 shall apply to proceedings under this section.

A3. The following requirements shall apply to the selection and approval of permanent foster care pursuant to clause (iv) of subsection A:

1. The court shall ensure that the local department has documentation of the intensive, ongoing, and, as of the date of the hearing, unsuccessful efforts made to return the child home or secure a placement for the child with a fit and willing relative, including adult siblings, or an adoptive parent, including through efforts that utilize search technology, including social media, to find the child's biological family members.

2. The court shall ask the child about the child's desired permanency outcome and make a judicial determination, accompanied by an explanation of the reasons that the alternatives listed in clauses (i) through (iii) of subsection A continue to not be in the best interest of the child.

B. The following requirements shall apply to the selection and approval of an interim plan for the child in accordance with subsection A:

1. The board or child welfare agency shall petition for approval of an interim plan only if the board or child welfare agency has thoroughly investigated the feasibility of the alternatives listed in clauses (i) through (v) of subsection A and determined that none of those alternatives is in the best interest of the child. If the board or agency petitions for approval of an interim plan, such plan may be approved by the court for a maximum period of six months. The board or agency shall also file a foster care plan that (i) identifies a permanent goal for the child that corresponds with one of the alternatives specified in clauses (i) through (v) of subsection A; (ii) includes provisions for accomplishing the permanent goal within six months; and (iii) summarizes the investigation conducted of the alternatives listed in clauses (i) through (v) of subsection A and why achieving each of these is not in the best interest of the child at this time. The foster care plan shall describe the child's placement, including the in-state and out-of-state placement options and whether the child's placement is in state or out of state. If the child's placement is out of state, the foster care plan shall provide the reason why the out-of-state placement is appropriate and in the best interests of the child.

2. Before approving an interim plan for the child, the court shall find:

a. When returning home remains the plan for the child, that the parent has made marked progress toward reunification with the child, the parent has maintained a close and positive relationship with the child, and the child is likely to return home within the near future, although it is premature to set an exact date for return at the time of this hearing; or

b. When returning home is not the plan for the child, that marked progress is being made to achieve the permanent goal identified by the board or child welfare agency and that it is premature to set an exact date for accomplishing the goal at the time of this hearing. The court shall consider the in-state and out-of-state placement options, and if the child has been placed out of state, determine whether the out-of-state placement is appropriate and in the best interests of the child.

3. Upon approval of an interim plan, the court shall schedule a hearing to be held within six months to determine that the permanent goal is accomplished and to enter an order consistent with alternative (i), (ii), (iii), (iv), or (v) of subsection A. All parties present at the initial permanency planning hearing shall be given notice of the date scheduled for the second permanency planning hearing. Parties not present shall be summoned to appear as provided in § 16.1-263. Otherwise, subsection A shall govern the scheduling and notice for such hearings.

C. In each permanency planning hearing and in any hearing regarding the transition of the child from foster care to independent living, the court shall consult with the child in an age-appropriate manner regarding the proposed permanency plan or transition plan for the child, unless the court finds that such consultation is not in the best interests of the child.

D. In cases in which a child is placed by the local board of social services or a licensed child-placing agency in a qualified residential treatment program as defined in § 16.1-228, the provisions of subsection E of § 16.1-281 shall apply to any hearing held pursuant to this section.

E. At the conclusion of the permanency planning hearing held pursuant to this section, whether action is taken or deferred to achieve the permanent goal for the child, the court shall enter an order that states whether reasonable efforts have been made to reunite the child with the child's prior family, if returning home is the permanent goal for the child; or whether reasonable efforts have been made to achieve the permanent goal identified by the board or agency, if the goal is other than returning the child home.

In making this determination, the court shall give consideration to whether the board or agency has placed the child in a timely manner in accordance with the foster care plan and completed the steps necessary to finalize the permanent placement of the child.

§ 63.2-906. Foster care plans; permissible plan goals; court review of foster children.

A. Each child who is committed or entrusted to the care of a local board or to a licensed child-placing agency or who is placed through an agreement between a local board and the parent, parents or guardians, where legal custody remains with the parent, parents or guardians, shall have a foster care plan prepared by the local department, the child welfare agency, or the family assessment and planning team established pursuant to § 2.2-5207, as specified in § 16.1-281. The representatives of such local department, child welfare agency, or team shall (i) involve the child's parent(s) in the development of the plan, except when parental rights have been terminated or the local department or child welfare agency has made diligent efforts to locate the parent(s) and such parent(s) cannot be located, and any other person or persons standing in loco parentis at the time the board or child welfare agency obtained custody or the board or the child welfare agency placed the child and (ii) for any child for whom reunification remains the goal, meet and consult with the child's parent(s) or other person standing in loco parentis, provided that the parent(s) or other person has been located and parental rights have not been terminated, no less than once every two months and at all critical decision-making points throughout the child's foster care case. *If reunification is not the goal for the child, the local board, child welfare agency, or team shall provide information to the child's parents regarding the parents' option to voluntarily terminate parental rights, unless a parent's parental rights have been terminated.* The representatives of such department, child welfare agency, or team shall involve the child in the development of the plan, if such involvement is consistent with the best interests of the child. In cases where either the parent(s) or child is not involved in the development of the plan, the department, child welfare agency, or team shall include in the plan a full description of the reasons therefor in accordance with § 16.1-281.

A court may place a child in the care and custody of (a) a public agency in accordance with § 16.1-251 or 16.1-252, and (b) a public or licensed private child-placing agency in accordance with § 16.1-278.2, 16.1-278.4, 16.1-278.5, 16.1-278.6, or 16.1-278.8. Children may be placed by voluntary relinquishment in the care and custody of a public or private agency in accordance with § 16.1-277.01 or §§ 16.1-277.02 and 16.1-278.3. Children may be placed through an agreement where legal custody remains with the parent, parents or guardians in accordance with §§ 63.2-900 and 63.2-903, or § 2.2-5208.

B. Each child in foster care shall be assigned a permanent plan goal to be reviewed and approved by the juvenile and domestic relations district court having jurisdiction of the child's case. Permissible plan goals are to:

1. Transfer custody of the child to his prior family;
2. Transfer custody of the child to a relative other than his prior family;
3. Finalize an adoption of the child;
4. Place a child who is 16 years of age or older in permanent foster care;
5. Transition to independent living if, and only if, the child is admitted to the United States as a refugee or asylee; or
6. Place a child who is 16 years of age or older in another planned permanent living arrangement in accordance with subsection A2 of § 16.1-282.1.

C. Each child in foster care shall be subject to the permanency planning and review procedures established in §§ 16.1-281, 16.1-282, and 16.1-282.1.

2. That the Board of Social Services shall promulgate regulations that (i) establish clear guidance for local boards of social services (local boards) and child-placing agencies regarding acceptable reasons for not filing a petition for termination of parental rights, case planning protocols, and applicable timelines; (ii) require local boards and child-placing agencies to consult with the Commissioner of Social Services (the Commissioner) or his designee regarding case planning for children who have been in the custody of the local board or agency for 12 months and for whom reunification remains a goal; (iii) require local boards and child-placing agencies to (a) conduct independent living needs assessments and develop transition plans within 30 days of a child in foster care reaching 14 years of age or within 30 days of a child who is 14 years of age or older entering foster care and (b) update such assessments and plans annually; and (iv) require local boards and child-placing agencies to report to the Commissioner or his designee all instances in which a petition for termination of parental rights has not been filed for a child who has been in the custody of a local board or child-placing agency for 15 of the most recent 22 months, which shall include a clear description of the reasons why such petition has not been filed and the reasonable efforts made regarding reunification or placement of the child with a relative. The Commissioner shall compile the information set forth in clause (iv) into a de-identified annual report and provide such report to all local boards and child-placing agencies. The Commissioner shall use the information contained in the report to establish a training program that educates local boards and child-placing agencies regarding common errors made by local boards and child-placing agencies when declining to file a petition for termination of parental rights.

3. That the Commissioner of Social Services shall develop clear guidance documents for local boards of social services and child-placing agencies that explain the process through which a parent may voluntarily terminate parental rights and the manner in which such information should be relayed to the parent.

4. That the Commissioner of Social Services (the Commissioner) shall establish a work group to review the feasibility and costs of establishing a standard for supervisory spans of control that would limit the number of caseworkers that a foster care supervisor may oversee. The Commissioner shall report the findings and recommendations of the work group to the Chairmen of the Senate Committee on Finance and the House Committee on Appropriations by November 30, 2020.

CHAPTER 935

An Act to amend the Code of Virginia by adding a section numbered 38.2-3407.11:4, relating to disability insurance; coverage for disability arising out of childbirth.

[S 567]

Approved April 9, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 38.2-3407.11:4. as follows:

§ 38.2-3407.11:4. Disability arising out of childbirth; minimum benefit.

A. Each insurer proposing to issue individual or group accident and sickness insurance policies providing short-term disability income protection coverage whose policies provide coverage for short-term disability arising out of childbirth shall provide coverage for a payable benefit of at least 12 weeks immediately following childbirth for such a disability.

B. The provisions of this section shall apply to any policy delivered or issued for delivery in the Commonwealth on and after July 1, 2021.

2. That the State Corporation Commission (the Commission) shall solicit comments from insurance industry stakeholders on the impact of this act on current and future short-term disability policyholders. The Commission shall request industry stakeholders to identify (i) potential private options for creating a standalone maternity leave benefit and (ii) potential private options for creating a paid family leave policy. The Commission shall provide a report of such comments to the Chairs of the House Committee on Labor and Commerce and the Senate Committee on Commerce and Labor prior to December 1, 2020.

CHAPTER 936

An Act to amend and reenact §§ 63.2-1720.1, as it is currently effective and as it shall become effective, and 63.2-1721.1, as it is currently effective and as it shall become effective, of the Code of Virginia, relating to child care providers; out-of-state background checks.

[S 668]

Approved April 9, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 63.2-1720.1, as it is currently effective and as it shall become effective, and 63.2-1721.1, as it is currently effective and as it shall become effective, of the Code of Virginia are amended and reenacted as follows:

§ 63.2-1720.1. (For effective date, see Acts 2018, cc. 146 and 278) Licensed child day centers and licensed family day homes; employment for compensation or use as volunteers of persons convicted of or found to have committed certain offenses prohibited; national background check required; penalty.

A. No child day center or family day home licensed in accordance with the provisions of this chapter shall hire for compensated employment, continue to employ, or permit to serve as a volunteer in a position that is involved in the day-to-day operations of the child day center or family day home or in which the employee or volunteer will be alone with, in control of, or supervising children any person who (i) has been convicted of any barrier crime as defined in § 19.2-392.02 or (ii) is the subject of a founded complaint of child abuse or neglect within or outside the Commonwealth. All applicants for employment or to serve as volunteers shall undergo a background check in accordance with subsection B.

B. (Effective until July 1, 2020) Any applicant required to undergo a background check in accordance with subsection A shall:

1. Provide a sworn statement or affirmation disclosing whether he has ever been convicted of or is the subject of pending charges for any offense within or outside the Commonwealth and whether he has been the subject of a founded complaint of child abuse or neglect within or outside the Commonwealth;

2. Submit to fingerprinting and provide personal descriptive information described in subdivision B 2 of § 19.2-392.02; ~~and~~

3. Authorize the child day center or family day home to obtain a copy of information from the central registry maintained pursuant to § 63.2-1515 on any investigation of child abuse or neglect undertaken on him; *and*

4. *Authorize the child day center or family day home to obtain a copy of the results of a criminal history record information check and sex offender registry check from any state in which the applicant has resided in the preceding five years.*

The applicant's fingerprints and personal descriptive information obtained pursuant to subdivision 2 shall be forwarded through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining national criminal history record information regarding such applicant. Upon receipt of an applicant's record or notification that no record exists, the Central Criminal Records Exchange shall forward the information to the Department, and the Department shall report to the child day center or family day home whether the applicant is eligible to have responsibility for the safety and well-being of children. In cases in which the record forwarded to the Department is lacking disposition data, the Department shall conduct research in whatever state and local recordkeeping systems are available in order to obtain complete data before reporting to the child day center or family day home.

B. (Effective July 1, 2020) Any applicant required to undergo a background check in accordance with subsection A shall:

1. Provide a sworn statement or affirmation disclosing whether he has ever been convicted of or is the subject of pending charges for any offense within or outside the Commonwealth and whether he has been the subject of a founded complaint of child abuse or neglect within or outside the Commonwealth;

2. Submit to fingerprinting and provide personal descriptive information described in subdivision B 2 of § 19.2-392.02; ~~and~~

3. Authorize the child day center or family day home to obtain a copy of information from the central registry maintained pursuant to § 63.2-1515 on any investigation of child abuse or neglect undertaken on him; *and*

4. *Authorize the child day center or family day home to obtain a copy of the results of a criminal history record information check and sex offender registry check from any state in which the applicant has resided in the preceding five years.*

The applicant's fingerprints and personal descriptive information obtained pursuant to subdivision 2 shall be forwarded by the Department or its designee or, in the case of a child day program operated by a local government, may be forwarded by the local law-enforcement agency through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining national criminal history record information regarding such applicant. Upon receipt of an applicant's record or notification that no record exists, the Central Criminal Records Exchange shall forward the information to the Department, and the Department shall report to the child day center or family day home whether the applicant is eligible to have responsibility for the safety and well-being of children. In cases in which the record forwarded to the Department is lacking disposition data, the Department shall conduct research in whatever state and local recordkeeping systems are available in order to obtain complete data before reporting to the child day center or family day home.

C. The child day center or family day home shall inform every applicant for compensated employment or to serve as a volunteer required to undergo a background check pursuant to this section that he is entitled to obtain a copy of any background check report and to challenge the accuracy and completeness of any such report and obtain a prompt resolution before a final determination is made of the applicant's eligibility to have responsibility for the safety and well-being of children.

D. Any person making a materially false statement regarding the sworn statement or affirmation provided pursuant to subdivision B 1 is guilty of a Class 1 misdemeanor.

E. Further dissemination of the background check information is prohibited other than to the Commissioner's representative or a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination.

F. A person who complies in good faith with the provisions of this section shall not be liable for any civil damages for any act or omission in the performance of duties under this section unless the act or omission was the result of gross negligence or willful misconduct.

G. Notwithstanding the provisions of subsection A, a child day center may hire for compensated employment persons who have been convicted of not more than one misdemeanor offense under § 18.2-57, or any substantially similar offense under the laws of another jurisdiction, if 10 years have elapsed following the conviction, unless the person committed such offense while employed in a child day center or the object of the offense was a minor.

H. (Effective until July 1, 2020) Fees charged for the processing and administration of background checks pursuant to this section shall not exceed the actual cost to the state of such processing and administration.

H. (Effective July 1, 2020) Fees charged for the processing and administration of background checks pursuant to this section shall not exceed the actual cost to the state or the local law-enforcement agency of such processing and administration.

I. Any person employed for compensation at a licensed child day center or family day home or permitted to serve as a volunteer at a licensed child day center or family day home in a position that is involved in the day-to-day operations of the child day center or family day home or in which he will be alone with, in control of, or supervising children who is (i) convicted of any barrier crime as defined in § 19.2-392.02 or (ii) found to be the subject of a founded complaint of child abuse or neglect within or outside of the Commonwealth shall notify the child day center or family day home of such conviction or finding.

§ 63.2-1720.1. (For expiration date, see Acts 2018, cc. 146 and 278) Child day centers, family day homes, and family day systems; employment for compensation or use as volunteers of persons convicted of or found to have committed certain offenses prohibited; national background check required; penalty.

A. No child day center, family day home, or family day system licensed in accordance with the provisions of this chapter, child day center exempt from licensure pursuant to § 63.2-1716, registered family day home, family day home approved by a family day system, or child day center, family day home, or child day program that enters into a contract with the Department or a local department to provide child care services funded by the Child Care and Development Block Grant shall hire for compensated employment, continue to employ, or permit to serve as a volunteer who will be alone with, in control of, or supervising children any person who (i) has been convicted of any barrier crime as defined in § 19.2-392.02 or (ii) is the subject of a founded complaint of child abuse or neglect within or outside the Commonwealth. All applicants for employment, employees, applicants to serve as volunteers, and volunteers shall undergo a background check in accordance with subsection B prior to employment or beginning to serve as a volunteer and every five years thereafter.

B. (Effective until July 1, 2020) Any individual required to undergo a background check in accordance with subsection A shall:

1. Provide a sworn statement or affirmation disclosing whether he has ever been convicted of or is the subject of pending charges for any offense within or outside the Commonwealth and whether he has been the subject of a founded complaint of child abuse or neglect within or outside the Commonwealth;

2. Submit to fingerprinting and provide personal descriptive information described in subdivision B 2 of § 19.2-392.02; ~~and~~

3. Authorize the child day center, family day home, or family day system described in subsection A to obtain a copy of the results of a search of the central registry maintained pursuant to § 63.2-1515 ~~and any child abuse and neglect registry or equivalent registry maintained by any other state in which the individual has resided in the preceding five years~~ for any founded complaint of child abuse or neglect against him; *and*

4. *Authorize the child day center, family day home, or family day system described in subsection A to obtain a copy of the results of a criminal history record information check, a sex offender registry check, and a search of the child abuse and neglect registry or equivalent registry from any state in which the individual has resided in the preceding five years.*

The individual's fingerprints and personal descriptive information obtained pursuant to subdivision 2 shall be forwarded through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining national criminal history record information regarding such individual. Upon receipt of the individual's record or notification that no record exists, the Central Criminal Records Exchange shall forward the information to the Department, and the Department shall report to the child day center, family day home, or family day system described in subsection A as to whether the individual is eligible to have responsibility for the safety and well-being of children. In cases in which the record forwarded to the Department is lacking disposition data, the Department shall conduct research in whatever state and local recordkeeping systems are available in order to obtain complete data before reporting to the child day center, family day home, or family day system.

B. (Effective July 1, 2020) Any individual required to undergo a background check in accordance with subsection A shall:

1. Provide a sworn statement or affirmation disclosing whether he has ever been convicted of or is the subject of pending charges for any offense within or outside the Commonwealth and whether he has been the subject of a founded complaint of child abuse or neglect within or outside the Commonwealth;

2. Submit to fingerprinting and provide personal descriptive information described in subdivision B 2 of § 19.2-392.02; ~~and~~

3. Authorize the child day center, family day home, or family day system described in subsection A to obtain a copy of the results of a search of the central registry maintained pursuant to § 63.2-1515 ~~and any child abuse and neglect registry or equivalent registry maintained by any other state in which the individual has resided in the preceding five years~~ for any founded complaint of child abuse or neglect against him; *and*

4. *Authorize the child day center, family day home, or family day system described in subsection A to obtain a copy of the results of a criminal history record information check, a sex offender registry check, and a search of the child abuse and neglect registry or equivalent registry from any state in which the individual has resided in the preceding five years.*

The individual's fingerprints and personal descriptive information obtained pursuant to subdivision 2 shall be forwarded by the Department or its designee or, in the case of a child day program operated by a local government, may be forwarded by the local law-enforcement agency through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining national criminal history record information regarding such individual. Upon receipt of the individual's record or notification that no record exists, the Central Criminal Records Exchange shall forward the information to the Department, and the Department shall report to the child day center, family day home, or family day system described in subsection A as to whether the individual is eligible to have responsibility for the safety and well-being of children. In cases in which the record forwarded to the Department is lacking disposition data, the Department shall conduct research in whatever state and local recordkeeping systems are available in order to obtain complete data before reporting to the child day center, family day home, or family day system.

C. The child day center, family day home, or family day system described in subsection A shall inform every individual required to undergo a background check pursuant to this section that he is entitled to obtain a copy of any

background check report and to challenge the accuracy and completeness of any such report and obtain a prompt resolution before a final determination is made of the individual's eligibility to have responsibility for the safety and well-being of children.

D. Any person making a materially false statement regarding the sworn statement or affirmation provided pursuant to subdivision B 1 is guilty of a Class 1 misdemeanor.

E. Further dissemination of the background check information is prohibited other than to the Commissioner's representative or a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination.

F. A person who complies in good faith with the provisions of this section shall not be liable for any civil damages for any act or omission in the performance of duties under this section unless the act or omission was the result of gross negligence or willful misconduct.

G. Notwithstanding the provisions of subsection A, a child day center may hire for compensated employment persons who have been convicted of not more than one misdemeanor offense under § 18.2-57, or any substantially similar offense under the laws of another jurisdiction, if 10 years have elapsed following the conviction, unless the person committed such offense while employed in a child day center or the object of the offense was a minor.

H. (Effective until July 1, 2020) Fees charged for the processing and administration of background checks pursuant to this section shall not exceed the actual cost to the state of such processing and administration.

H. (Effective July 1, 2020) Fees charged for the processing and administration of background checks pursuant to this section shall not exceed the actual cost to the state or the local law-enforcement agency of such processing and administration.

I. Any individual required to undergo a background check pursuant to subsection A who is (i) convicted of any barrier crime as defined in § 19.2-392.02 or (ii) found to be the subject of a founded complaint of child abuse or neglect within or outside of the Commonwealth shall notify the child day center, family day home, or family day system described in subsection A of such conviction or finding.

§ 63.2-1721.1. (For effective date, see Acts 2018, cc. 146 and 278) Background check upon application for licensure as child day center or family day home; penalty.

A. Every (i) applicant for licensure as a child day center or family day home; (ii) agent of an applicant for licensure as a child day center or family day home at the time of application who is or will be involved in the day-to-day operations of the child day center or family day home or who is or will be alone with, in control of, or supervising one or more of the children; and (iii) adult living in the family day home shall undergo a background check in accordance with subsection B prior to issuance of a license as a child day center or family day home.

B. (Effective until July 1, 2020) Every person required to undergo a background check pursuant to subsection A shall:

1. Provide a sworn statement or affirmation disclosing whether he has ever been convicted of or is the subject of any pending criminal charges for any offense within or outside the Commonwealth and whether or not he has been the subject of a founded complaint of child abuse or neglect within or outside the Commonwealth;

2. Submit to fingerprinting and provide personal descriptive information described in subdivision B 2 of § 19.2-392.02; ~~and~~

3. Authorize the Department to obtain a copy of information from the central registry maintained pursuant to § 63.2-1515 on any investigation of child abuse or neglect undertaken on him; *and*

4. *Authorize the Department to obtain a copy of the results of a criminal history record information check and sex offender registry check from any state in which the person has resided in the preceding five years.*

Fingerprints and personal descriptive information obtained pursuant to subdivision 2 shall be forwarded through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining national criminal history record information regarding the individual. Upon receipt of an applicant's record or notification that no record exists, the Central Criminal Records Exchange shall forward the information to the Department. In cases in which the record forwarded to the Department is lacking disposition data, the Department shall conduct research in whatever state and local recordkeeping systems are available in order to obtain complete data.

B. (Effective July 1, 2020) Every person required to undergo a background check pursuant to subsection A shall:

1. Provide a sworn statement or affirmation disclosing whether he has ever been convicted of or is the subject of any pending criminal charges for any offense within or outside the Commonwealth and whether or not he has been the subject of a founded complaint of child abuse or neglect within or outside the Commonwealth;

2. Submit to fingerprinting and provide personal descriptive information described in subdivision B 2 of § 19.2-392.02; ~~and~~

3. Authorize the Department to obtain a copy of information from the central registry maintained pursuant to § 63.2-1515 on any investigation of child abuse or neglect undertaken on him; *and*

4. *Authorize the Department to obtain a copy of the results of a criminal history record information check and sex offender registry check from any state in which the person has resided in the preceding five years.*

Fingerprints and personal descriptive information obtained pursuant to subdivision 2 shall be forwarded by the Department or its designee or, in the case of a child day program operated by a local government, may be forwarded by the local law-enforcement agency through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining national criminal history record information regarding the individual. Upon receipt of an

applicant's record or notification that no record exists, the Central Criminal Records Exchange shall forward the information to the Department. In cases in which the record forwarded to the Department is lacking disposition data, the Department shall conduct research in whatever state and local recordkeeping systems are available in order to obtain complete data.

C. If any person specified in subsection A required to have a background check (i) has been convicted of any barrier crime as defined in § 19.2-392.02 or (ii) is the subject of a founded complaint of child abuse or neglect within or outside the Commonwealth, and such person has not been granted a waiver by the Commissioner pursuant to § 63.2-1723, no license as a child day center or family day home shall be granted.

D. Information from a search of the central registry maintained pursuant to § 63.2-1515, authorized in accordance with subdivision B 3, shall be obtained prior to issuance of a license as a child day center or family day home.

E. No person specified in subsection A shall be involved in the day-to-day operations of the child day center or family day home, or shall be alone with, in control of, or supervising one or more children without first having completed any required background check pursuant to subsection B.

F. Any person making a materially false statement regarding the sworn statement or affirmation provided pursuant to subdivision B 1 is guilty of a Class 1 misdemeanor.

G. If an applicant is denied licensure because of information from the central registry or convictions appearing on his criminal history record, the Commissioner shall provide a copy of the information obtained from the central registry or the Central Criminal Records Exchange or both to the applicant.

H. Further dissemination of the background check information is prohibited other than to the Commissioner's representative or a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination.

I. (Effective until July 1, 2020) Fees charged for the processing and administration of background checks pursuant to this section shall not exceed the actual cost to the state of such processing and administration.

I. (Effective July 1, 2020) Fees charged for the processing and administration of background checks pursuant to this section shall not exceed the actual cost to the state or the local law-enforcement agency of such processing and administration.

J. For the purposes of this section, "agent" means a person who is authorized to act on behalf of the applicant or licensee.

§ 63.2-1721.1. (For expiration date, see Acts 2018, cc. 146 and 278) Background check upon application for licensure, registration, or approval as child day center, family day home, or family day system; penalty.

A. Every (i) applicant for licensure as a child day center, family day home, or family day system, registration as a family day home, or approval as a family day home by a family day system; (ii) agent of an applicant for licensure as a child day center, family day home, or family day system, registration as a family day home, or approval as a family day home by a family day system at the time of application who is or will be involved in the day-to-day operations of the child day center, family day home, or family day system or who is or will be alone with, in control of, or supervising one or more of the children; and (iii) adult living in such child day center or family day home shall undergo a background check in accordance with subsection B prior to issuance of a license as a child day center, family day home, or family day system, registration as a family day home, or approval as a family day home by a family day system and every five years thereafter.

B. (Effective until July 1, 2020) Every person required to undergo a background check pursuant to subsection A shall:

1. Provide a sworn statement or affirmation disclosing whether he has ever been convicted of or is the subject of any pending criminal charges for any offense within or outside the Commonwealth and whether or not he has been the subject of a founded complaint of child abuse or neglect within or outside the Commonwealth;

2. Submit to fingerprinting and provide personal descriptive information described in subdivision B 2 of § 19.2-392.02; ~~and~~

3. Authorize the child day center, family day home, or family day system specified in subsection A to obtain a copy of the results of a search of the central registry maintained pursuant to § 63.2-1515 ~~and any child abuse and neglect registry or equivalent registry maintained by any other state in which the individual has resided in the preceding five years~~ for any founded complaint of child abuse or neglect against him; *and*

4. *Authorize the child day center, family day home, or family day system described in subsection A to obtain a copy of the results of a criminal history record information check, a sex offender registry check, and a search of the child abuse and neglect registry or equivalent registry from any state in which the person has resided in the preceding five years.*

Fingerprints and personal descriptive information obtained pursuant to subdivision 2 shall be forwarded through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining national criminal history record information regarding the individual. Upon receipt of an individual's record or notification that no record exists, the Central Criminal Records Exchange shall forward the information to the Department. The Department shall report to the child day center, family day home, or family day system described in subsection A as to whether the individual is eligible to have responsibility for the safety and well-being of children. In cases in which the record forwarded to the Department is lacking disposition data, the Department shall conduct research in whatever state and local recordkeeping systems are available in order to obtain complete data.

B. (Effective July 1, 2020) Every person required to undergo a background check pursuant to subsection A shall:

1. Provide a sworn statement or affirmation disclosing whether he has ever been convicted of or is the subject of any pending criminal charges for any offense within or outside the Commonwealth and whether or not he has been the subject of a founded complaint of child abuse or neglect within or outside the Commonwealth;

2. Submit to fingerprinting and provide personal descriptive information described in subdivision B 2 of § 19.2-392.02; ~~and~~

3. Authorize the child day center, family day home, or family day system specified in subsection A to obtain a copy of the results of a search of the central registry maintained pursuant to § 63.2-1515 ~~and any child abuse and neglect registry or equivalent registry maintained by any other state in which the individual has resided in the preceding five years~~ for any founded complaint of child abuse or neglect against him; *and*

4. *Authorize the child day center, family day home, or family day system described in subsection A to obtain a copy of the results of a criminal history record information check, a sex offender registry check, and a search of the child abuse and neglect registry or equivalent registry from any state in which the person has resided in the preceding five years.*

Fingerprints and personal descriptive information obtained pursuant to subdivision 2 shall be forwarded by the Department or its designee or, in the case of a child day program operated by a local government, may be forwarded by the local law-enforcement agency through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining national criminal history record information regarding the individual. Upon receipt of an individual's record or notification that no record exists, the Central Criminal Records Exchange shall forward the information to the Department. The Department shall report to the child day center, family day home, or family day system described in subsection A as to whether the individual is eligible to have responsibility for the safety and well-being of children. In cases in which the record forwarded to the Department is lacking disposition data, the Department shall conduct research in whatever state and local recordkeeping systems are available in order to obtain complete data.

C. If any person specified in subsection A required to have a background check (i) has been convicted of any barrier crime as defined in § 19.2-392.02 or (ii) is the subject of a founded complaint of child abuse or neglect within or outside the Commonwealth, and such person has not been granted a waiver by the Commissioner pursuant to § 63.2-1723, no license as a child day center, family day home, or family day system or registration as a family day home shall be granted by the Commissioner and no approval as a family day home shall be granted by the family day system.

D. Information from a search of the central registry maintained pursuant to § 63.2-1515 and any child abuse and neglect registry or equivalent registry maintained by any other state in which the applicant, agent, or adult has resided in the preceding five years, authorized in accordance with subdivision B 3, shall be obtained prior to issuance of a license as a child day center, family day home, or family day system, registration as a family day home, or approval as a family day home by a family day system.

E. No person specified in subsection A shall be involved in the day-to-day operations of the child day center, family day home, or family day system, or shall be alone with, in control of, or supervising one or more children, without first having completed any required background check pursuant to subsection B.

F. Any person making a materially false statement regarding the sworn statement or affirmation provided pursuant to subdivision B 1 is guilty of a Class 1 misdemeanor.

G. If an individual is denied licensure, registration, or approval because of information from the central registry or any child abuse and neglect registry or equivalent registry maintained by any other state, or convictions appearing on his criminal history record, the Commissioner shall provide a copy of the information obtained from the central registry, any child abuse and neglect registry or equivalent registry maintained by any other state, or the Central Criminal Records Exchange to the individual.

H. Further dissemination of the background check information is prohibited other than to the Commissioner's representative or a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination.

I. (Effective until July 1, 2020) Fees charged for the processing and administration of background checks pursuant to this section shall not exceed the actual cost to the state of such processing and administration.

I. (Effective July 1, 2020) Fees charged for the processing and administration of background checks pursuant to this section shall not exceed the actual cost to the state or the local law-enforcement agency of such processing and administration.

J. For the purposes of this section, "agent" means a person who is authorized to act on behalf of the applicant or licensee.

2. That every person who is employed by or permitted to serve as a volunteer who will be alone with, in control of, or supervising children at a child day center, family day home, or family day system licensed in accordance with the provisions of Chapter 17 (§ 63.2-1700 et seq.) of Title 63.2 of the Code of Virginia, child day center exempt from licensure pursuant to § 63.2-1716 of the Code of Virginia, registered family day home, family day home approved by a family day system, or child day center, family day home, or child day program that enters into a contract with the Department of Social Services or a local department of social services to provide child care services funded by the Child Care and Development Block Grant who has lived in another state in the previous five years shall complete the out-of-state criminal history record information check and sex offender registry check described in subdivision B 4 of § 63.2-1720.1 of the Code of Virginia, as it is currently effective and as it shall become effective, as amended by this

act, and provide results to the corresponding child day center, family day home, or family day system by December 31, 2020.

3. That every (i) person who is licensed as a child day center, family day home, or family day system, registered as a family day home, or approved as a family day home by a family day system; (ii) agent, as defined in § 63.2-1721.1 of the Code of Virginia, as amended by this act, of a person who is licensed as a child day center, family day home, or family day system, registered as a family day home, or approved as a family day home by a family day system who will be involved in the day-to-day operations of the child day center, family day home, or family day system or who is or will be alone with, in control of, or supervising one or more children in a child day center, family day home, or family day system; and (iii) adult living in a licensed child day center or family day home, registered family day home, or family day home approved by a family day system who has lived in another state in the previous five years shall complete the out-of-state criminal history record information check and sex offender registry check described in subdivision B 4 of § 63.2-1721.1 of the Code of Virginia, as it is currently effective and as it shall become effective, as amended by this act, and provide results to the corresponding child day center, family day home, or family day system by December 31, 2020.

CHAPTER 937

An Act to amend and reenact §§ 19.2-169.1 and 19.2-169.2 of the Code of Virginia, relating to competency to stand trial; outpatient treatment.

[S 683]

Approved April 9, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 19.2-169.1 and 19.2-169.2 of the Code of Virginia are amended and reenacted as follows:

§ 19.2-169.1. Raising question of competency to stand trial or plead; evaluation and determination of competency.

A. Raising competency issue; appointment of evaluators. — If, at any time after the attorney for the defendant has been retained or appointed and before the end of trial, the court finds, upon hearing evidence or representations of counsel for the defendant or the attorney for the Commonwealth, that there is probable cause to believe that the defendant, whether a juvenile transferred pursuant to § 16.1-269.1 or adult, lacks substantial capacity to understand the proceedings against him or to assist his attorney in his own defense, the court shall order that a competency evaluation be performed by at least one psychiatrist or clinical psychologist who (i) has performed forensic evaluations; (ii) has successfully completed forensic evaluation training recognized by the Commissioner of Behavioral Health and Developmental Services; (iii) has demonstrated to the Commissioner competence to perform forensic evaluations; and (iv) is included on a list of approved evaluators maintained by the Commissioner.

B. Location of evaluation. — The evaluation shall be performed on an outpatient basis at a mental health facility or in jail unless an outpatient evaluation has been conducted and the outpatient evaluator opines that a hospital-based evaluation is needed to reliably reach an opinion or unless the defendant is in the custody of the Commissioner of Behavioral Health and Developmental Services pursuant to § 19.2-169.2, 19.2-169.6, 19.2-182.2, 19.2-182.3, 19.2-182.8, 19.2-182.9, or Article 5 (§ 37.2-814 et seq.) of Chapter 8 of Title 37.2.

C. Provision of information to evaluators. — The court shall require the attorney for the Commonwealth to provide to the evaluators appointed under subsection A any information relevant to the evaluation, including, but not limited to (i) a copy of the warrant or indictment; (ii) the names and addresses of the attorney for the Commonwealth, the attorney for the defendant, and the judge ordering the evaluation; (iii) information about the alleged crime; and (iv) a summary of the reasons for the evaluation request. The court shall require the attorney for the defendant to provide any available psychiatric records and other information that is deemed relevant. The court shall require that information be provided to the evaluator within 96 hours of the issuance of the court order pursuant to this section.

D. The competency report. — Upon completion of the evaluation, the evaluators shall promptly submit a report in writing to the court and the attorneys of record concerning (i) the defendant's capacity to understand the proceedings against him; (ii) his ability to assist his attorney; and (iii) his need for treatment in the event he is found incompetent but restorable, or incompetent for the foreseeable future. If a need for restoration treatment is identified pursuant to clause (iii), the report shall state whether inpatient or outpatient treatment is recommended. *Outpatient treatment may occur in a local correctional facility or at a location determined by the appropriate community services board or behavioral health authority.* No statements of the defendant relating to the time period of the alleged offense shall be included in the report. The evaluator shall also send a redacted copy of the report removing references to the defendant's name, date of birth, case number, and court of jurisdiction to the Commissioner of Behavioral Health and Developmental Services for the purpose of peer review to establish and maintain the list of approved evaluators described in subsection A.

E. The competency determination. — After receiving the report described in subsection D, the court shall promptly determine whether the defendant is competent to stand trial. A hearing on the defendant's competency is not required unless one is requested by the attorney for the Commonwealth or the attorney for the defendant, or unless the court has reasonable cause to believe the defendant will be hospitalized under § 19.2-169.2. If a hearing is held, the party alleging that the

defendant is incompetent shall bear the burden of proving by a preponderance of the evidence the defendant's incompetency. The defendant shall have the right to notice of the hearing, the right to counsel at the hearing and the right to personally participate in and introduce evidence at the hearing.

The fact that the defendant claims to be unable to remember the time period surrounding the alleged offense shall not, by itself, bar a finding of competency if the defendant otherwise understands the charges against him and can assist in his defense. Nor shall the fact that the defendant is under the influence of medication bar a finding of competency if the defendant is able to understand the charges against him and assist in his defense while medicated.

§ 19.2-169.2. Disposition when defendant found incompetent.

A. Upon finding pursuant to subsection E of § 19.2-169.1 that the defendant, including a juvenile transferred pursuant to § 16.1-269.1, is incompetent, the court shall order that the defendant receive treatment to restore his competency on an outpatient basis or, if the court specifically finds that the defendant requires inpatient hospital treatment, at a hospital designated by the Commissioner of Behavioral Health and Developmental Services as appropriate for treatment of persons under criminal charge. *Outpatient treatment may occur in a local correctional facility or at a location determined by the appropriate community services board or behavioral health authority.* Notwithstanding the provisions of § 19.2-178, if the court orders inpatient hospital treatment, the defendant shall be transferred to and accepted by the hospital designated by the Commissioner as soon as practicable, but no later than 10 days, from the receipt of the court order requiring treatment to restore the defendant's competency. If the 10-day period expires on a Saturday, Sunday, or other legal holiday, the 10 days shall be extended to the next day that is not a Saturday, Sunday, or legal holiday. Any psychiatric records and other information that have been deemed relevant and submitted by the attorney for the defendant pursuant to subsection C of § 19.2-169.1 and any reports submitted pursuant to subsection D of § 19.2-169.1 shall be made available to the director of the community services board or behavioral health authority or his designee or to the director of the treating inpatient facility or his designee within 96 hours of the issuance of the court order requiring treatment to restore the defendant's competency. If the 96-hour period expires on a Saturday, Sunday, or other legal holiday, the 96 hours shall be extended to the next day that is not a Saturday, Sunday, or legal holiday.

B. If, at any time after the defendant is ordered to undergo treatment under subsection A of this section, the director of the community services board or behavioral health authority or his designee or the director of the treating inpatient facility or his designee believes the defendant's competency is restored, the director or his designee shall immediately send a report to the court as prescribed in subsection D of § 19.2-169.1. The court shall make a ruling on the defendant's competency according to the procedures specified in subsection E of § 19.2-169.1.

C. The clerk of court shall certify and forward forthwith to the Central Criminal Records Exchange, on a form provided by the Exchange, a copy of an order for treatment issued pursuant to subsection A.

CHAPTER 938

An Act to require the Board of Social Services to amend regulations governing assisted living facility individualized service plans.

[S 686]

Approved April 9, 2020

Be it enacted by the General Assembly of Virginia:

1. § 1. *That the Board of Social Services shall amend 22VAC40-73-450 governing assisted living facility individualized service plans to require (i) that individualized service plans be reviewed and updated (a) at least once every 12 months or (b) sooner if modifications to the plan are needed due to a significant change, as defined in 22VAC40-73-10, in the resident's condition and (ii) that any deviation from the individualized service plan (a) be documented in writing or electronically, (b) include a description of the circumstances warranting deviation and the date such deviation will occur, (c) certify that notice of such deviation was provided to the resident or his legal representative, (d) be included in the resident's file, and (e) in the case of deviations that are made due to a significant change in the resident's condition, be signed by an authorized representative of the assisted living facility and the resident or his legal representative.*

CHAPTER 939

An Act to amend the Code of Virginia by adding in Chapter 44 of Title 59.1 a section numbered 59.1-518.01, relating to telemarketing; financial exploitation; agency communication.

[S 695]

Approved April 9, 2020

Be it enacted by the General Assembly of Virginia:

1. **That the Code of Virginia is amended by adding in Chapter 44 of Title 59.1 a section numbered 59.1-518.01 as follows:**

§ 59.1-518.01. Communication with state agencies.

The Attorney General shall establish ongoing communication with the Department for Aging and Rehabilitative Services to ensure that adults, as defined in § 63.2-1603, have access to information regarding the prevention of potential patterns of financial exploitation. The Attorney General shall coordinate with the Commissioner of the Department for Aging and Rehabilitative Services to determine an effective and efficient manner of communicating such information, while also ensuring that confidential or privileged information is not exchanged.

CHAPTER 940

An Act to amend the Code of Virginia by adding a section numbered 38.2-3407.11:4, relating to health insurance; interhospital transfer for newborn or mother; prior authorization prohibited.

[S 718]

Approved April 9, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 38.2-3407.11:4 as follows:

§ 38.2-3407.11:4. Interhospital transfer for newborn or mother; prior authorization prohibited.

A. Notwithstanding any provision of § 38.2-3407.11 or 38.2-3419 or any other section of this title to the contrary, no insurer proposing to issue individual or group accident and sickness insurance policies providing hospital, medical and surgical, or major medical coverage on an expense-incurred basis, corporation providing individual or group accident and sickness subscription contracts, or health maintenance organization providing a health care plan for health care services shall require prior authorization for the interhospital transfer of (i) a newborn infant experiencing a life-threatening emergency condition or (ii) the hospitalized mother of such newborn infant to accompany the infant.

B. The requirements of this section shall apply to all policies, contracts, and plans delivered, issued for delivery, reissued, or extended in the Commonwealth on and after January 1, 2021, or at any time thereafter when any term of the policy, contract, or plan is changed or any premium adjustment is made thereto.

C. The provisions of this section shall not apply to short-term travel, accident-only, or limited or specified disease policies, contracts designed for issuance to persons eligible for coverage under Title XVIII of the Social Security Act, known as Medicare, or any other similar coverage under state or federal governmental plans, or short-term nonrenewable policies of not more than six months' duration.

CHAPTER 941

An Act to amend and reenact §§ 54.1-3422 and 54.1-3423 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 18.2-251.1:2, relating to performance of laboratory analysis; cannabidiol oil; THC-A oil; tetrahydrocannabinol; industrial hemp.

[S 885]

Approved April 9, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-3422 and 54.1-3423 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 18.2-251.1:2 as follows:

§ 18.2-251.1:2. Possession or distribution of cannabidiol oil, THC-A oil, or industrial hemp; laboratories.

No person employed by an analytical laboratory to retrieve, deliver, or possess cannabidiol oil, THC-A oil, or industrial hemp samples from a permitted pharmaceutical processor, a licensed industrial hemp grower, or a licensed industrial hemp processor for the purpose of performing required testing shall be prosecuted under § 18.2-248, 18.2-248.1, 18.2-250, 18.2-250.1, or 18.2-255 for the possession or distribution of cannabidiol oil, THC-A oil, or industrial hemp, or for storing cannabidiol oil, THC-A oil, or industrial hemp for testing purposes in accordance with regulations promulgated by the Board of Pharmacy and the Board of Agriculture and Consumer Services.

§ 54.1-3422. Controlled substances registration certificate required in addition to other requirements; exemptions.

A. Every person who manufactures, distributes or dispenses any substance that is controlled in Schedules I through V or who proposes to engage in the manufacture, distribution or dispensing of any such controlled substance except permitted pharmacies, those persons who are licensed pharmacists, those persons who are licensed physician assistants, and those persons who are licensed practitioners of medicine, osteopathy, podiatry, dentistry, optometry, nursing, or veterinary medicine shall obtain annually a controlled substances registration certificate issued by the Board. This registration shall be in addition to other licensing or permitting requirements enumerated in this chapter or otherwise required by law.

B. Registration under this section and under all other applicable registration requirements shall entitle the registrant to possess, manufacture, distribute, dispense, perform laboratory analysis, or conduct research with those substances to the extent authorized by this registration and in conformity with the other provisions of this chapter.

C. The following persons need not register and may possess controlled substances listed on Schedules I through VI:

1. An agent or employee of any holder of a controlled substance registration certificate or of any practitioner listed in subsection A of this section as exempt from the requirement for registration, if such agent or employee is acting in the usual course of his business or employment;

2. A common or contract carrier or warehouseman, or his employee, whose possession is in the usual course of business or employment; or

3. An ultimate user or a person in possession of any controlled substance pursuant to a lawful order of a prescriber or in lawful possession of a Schedule V substance.

D. A separate registration is required at each principal place of business or professional practice where the applicant manufactures, distributes, or dispenses controlled substances.

§ 54.1-3423. Board to issue registration unless inconsistent with public interest; authorization to conduct research; application and fees.

A. The Board shall register an applicant to manufacture or distribute controlled substances included in Schedules I through V unless it determines that the issuance of that registration would be inconsistent with the public interest. In determining the public interest, the Board shall consider the following factors:

1. Maintenance of effective controls against diversion of controlled substances into other than legitimate medical, scientific, or industrial channels;

2. Compliance with applicable state and local law;

3. Any convictions of the applicant under any federal and state laws relating to any controlled substance;

4. Past experience in the manufacture or distribution of controlled substances, and the existence in the applicant's establishment of effective controls against diversion;

5. Furnishing by the applicant of false or fraudulent material in any application filed under this chapter;

6. Suspension or revocation of the applicant's federal registration to manufacture, distribute, or dispense controlled substances as authorized by federal law; and

7. Any other factors relevant to and consistent with the public health and safety.

B. Registration under subsection A does not entitle a registrant to manufacture and distribute controlled substances in Schedule I or II other than those specified in the registration.

C. Practitioners must be registered to conduct research *or laboratory analysis* with controlled substances in Schedules II through VI, *tetrahydrocannabinol*, or *marijuana*. Practitioners registered under federal law to conduct research with Schedule I substances, *other than tetrahydrocannabinol*, may conduct research with Schedule I substances within this Commonwealth upon furnishing the evidence of that federal registration.

D. The Board may register other persons or entities to possess controlled substances listed on Schedules II through VI upon a determination that (i) there is a documented need, (ii) the issuance of the registration is consistent with the public interest, (iii) the possession and subsequent use of the controlled substances complies with applicable state and federal laws and regulations, and (iv) the subsequent storage, use, and recordkeeping of the controlled substances will be under the general supervision of a licensed pharmacist, practitioner of medicine, osteopathy, podiatry, dentistry, or veterinary medicine as specified in the Board's regulations. The Board shall consider, at a minimum, the factors listed in subsection A of this section in determining whether the registration shall be issued. Notwithstanding the exceptions listed in § 54.1-3422 A, the Board may mandate a controlled substances registration for sites maintaining certain types and quantities of Schedules II through VI controlled substances as it may specify in its regulations. The Board shall promulgate regulations related to requirements or criteria for the issuance of such controlled substances registration, storage, security, supervision, and recordkeeping.

E. The Board may register a public or private animal shelter as defined in § 3.2-6500 to purchase, possess, and administer certain Schedule II through VI controlled substances approved by the State Veterinarian for the purpose of euthanizing injured, sick, homeless, and unwanted domestic pets and animals and to purchase, possess, and administer certain Schedule VI drugs and biological products for the purpose of preventing, controlling, and treating certain communicable diseases that failure to control would result in transmission to the animal population in the shelter. Controlled substances used for euthanasia shall be administered only in accordance with protocols established by the State Veterinarian and only by persons trained in accordance with instructions by the State Veterinarian. The list of Schedule VI drugs and biological products used for treatment and prevention of communicable diseases within the shelter shall be determined by the supervising veterinarian of the shelter and the drugs and biological products shall be administered only pursuant to written protocols established or approved by the supervising veterinarian of the shelter and only by persons who have been trained in accordance with instructions established or approved by the supervising veterinarian. The shelter shall maintain a copy of the approved list of drugs and biological products, written protocols for administering, and training records of those persons administering drugs and biological products on the premises of the shelter.

F. The Board may register a crisis stabilization unit established pursuant to § 37.2-500 or 37.2-601 and licensed by the Department of Behavioral Health and Developmental Services to maintain a stock of Schedule VI controlled substances necessary for immediate treatment of patients admitted to the crisis stabilization unit, which may be accessed and administered by a nurse pursuant to a written or oral order of a prescriber in the absence of a prescriber. Schedule II through Schedule V controlled substances shall only be maintained if so authorized by federal law and Board regulations.

G. The Board may register an entity at which a patient is treated by the use of instrumentation and diagnostic equipment through which images and medical records may be transmitted electronically for the purpose of establishing a

bona fide practitioner-patient relationship and is prescribed Schedule II through VI controlled substances when such prescribing is in compliance with federal requirements for the practice of telemedicine and the patient is not in the physical presence of a practitioner registered with the U.S. Drug Enforcement Administration. In determining whether the registration shall be issued, the Board shall consider (i) the factors listed in subsection A, (ii) whether there is a documented need for such registration, and (iii) whether the issuance of the registration is consistent with the public interest.

H. Applications for controlled substances registration certificates and renewals thereof shall be made on a form prescribed by the Board and such applications shall be accompanied by a fee in an amount to be determined by the Board.

I. Upon (i) any change in ownership or control of a business, (ii) any change of location of the controlled substances stock, (iii) the termination of authority by or of the person named as the responsible party on a controlled substances registration, or (iv) a change in the supervising practitioner, if applicable, the registrant or responsible party shall immediately surrender the registration. The registrant shall, within 14 days following surrender of a registration, file a new application and, if applicable, name the new responsible party or supervising practitioner.

2. That an emergency exists and this act is in force from its passage.

CHAPTER 942

An Act to amend and reenact § 32.1-127 of the Code of Virginia, relating to hospitals; screening emergency department patients; treatment of individuals experiencing a substance-use related emergency.

[S 903]

Approved April 9, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 32.1-127 of the Code of Virginia is amended and reenacted as follows:

§ 32.1-127. Regulations.

A. The regulations promulgated by the Board to carry out the provisions of this article shall be in substantial conformity to the standards of health, hygiene, sanitation, construction and safety as established and recognized by medical and health care professionals and by specialists in matters of public health and safety, including health and safety standards established under provisions of Title XVIII and Title XIX of the Social Security Act, and to the provisions of Article 2 (§ 32.1-138 et seq.).

B. Such regulations:

1. Shall include minimum standards for (i) the construction and maintenance of hospitals, nursing homes and certified nursing facilities to ensure the environmental protection and the life safety of its patients, employees, and the public; (ii) the operation, staffing and equipping of hospitals, nursing homes and certified nursing facilities; (iii) qualifications and training of staff of hospitals, nursing homes and certified nursing facilities, except those professionals licensed or certified by the Department of Health Professions; (iv) conditions under which a hospital or nursing home may provide medical and nursing services to patients in their places of residence; and (v) policies related to infection prevention, disaster preparedness, and facility security of hospitals, nursing homes, and certified nursing facilities. For purposes of this paragraph, facilities in which five or more first trimester abortions per month are performed shall be classified as a category of "hospital";

2. Shall provide that at least one physician who is licensed to practice medicine in this Commonwealth shall be on call at all times, though not necessarily physically present on the premises, at each hospital which operates or holds itself out as operating an emergency service;

3. May classify hospitals and nursing homes by type of specialty or service and may provide for licensing hospitals and nursing homes by bed capacity and by type of specialty or service;

4. Shall also require that each hospital establish a protocol for organ donation, in compliance with federal law and the regulations of the Centers for Medicare and Medicaid Services (CMS), particularly 42 C.F.R. § 482.45. Each hospital shall have an agreement with an organ procurement organization designated in CMS regulations for routine contact, whereby the provider's designated organ procurement organization certified by CMS (i) is notified in a timely manner of all deaths or imminent deaths of patients in the hospital and (ii) is authorized to determine the suitability of the decedent or patient for organ donation and, in the absence of a similar arrangement with any eye bank or tissue bank in Virginia certified by the Eye Bank Association of America or the American Association of Tissue Banks, the suitability for tissue and eye donation. The hospital shall also have an agreement with at least one tissue bank and at least one eye bank to cooperate in the retrieval, processing, preservation, storage, and distribution of tissues and eyes to ensure that all usable tissues and eyes are obtained from potential donors and to avoid interference with organ procurement. The protocol shall ensure that the hospital collaborates with the designated organ procurement organization to inform the family of each potential donor of the option to donate organs, tissues, or eyes or to decline to donate. The individual making contact with the family shall have completed a course in the methodology for approaching potential donor families and requesting organ or tissue donation that (a) is offered or approved by the organ procurement organization and designed in conjunction with the tissue and eye bank community and (b) encourages discretion and sensitivity according to the specific circumstances, views, and beliefs of the relevant family. In addition, the hospital shall work cooperatively with the designated organ procurement organization in educating the staff responsible for contacting the organ procurement organization's personnel on donation issues, the proper review of death records to improve identification of potential donors, and the proper procedures for maintaining potential

donors while necessary testing and placement of potential donated organs, tissues, and eyes takes place. This process shall be followed, without exception, unless the family of the relevant decedent or patient has expressed opposition to organ donation, the chief administrative officer of the hospital or his designee knows of such opposition, and no donor card or other relevant document, such as an advance directive, can be found;

5. Shall require that each hospital that provides obstetrical services establish a protocol for admission or transfer of any pregnant woman who presents herself while in labor;

6. Shall also require that each licensed hospital develop and implement a protocol requiring written discharge plans for identified, substance-abusing, postpartum women and their infants. The protocol shall require that the discharge plan be discussed with the patient and that appropriate referrals for the mother and the infant be made and documented. Appropriate referrals may include, but need not be limited to, treatment services, comprehensive early intervention services for infants and toddlers with disabilities and their families pursuant to Part H of the Individuals with Disabilities Education Act, 20 U.S.C. § 1471 et seq., and family-oriented prevention services. The discharge planning process shall involve, to the extent possible, the father of the infant and any members of the patient's extended family who may participate in the follow-up care for the mother and the infant. Immediately upon identification, pursuant to § 54.1-2403.1, of any substance-abusing, postpartum woman, the hospital shall notify, subject to federal law restrictions, the community services board of the jurisdiction in which the woman resides to appoint a discharge plan manager. The community services board shall implement and manage the discharge plan;

7. Shall require that each nursing home and certified nursing facility fully disclose to the applicant for admission the home's or facility's admissions policies, including any preferences given;

8. Shall require that each licensed hospital establish a protocol relating to the rights and responsibilities of patients which shall include a process reasonably designed to inform patients of such rights and responsibilities. Such rights and responsibilities of patients, a copy of which shall be given to patients on admission, shall be consistent with applicable federal law and regulations of the Centers for Medicare and Medicaid Services;

9. Shall establish standards and maintain a process for designation of levels or categories of care in neonatal services according to an applicable national or state-developed evaluation system. Such standards may be differentiated for various levels or categories of care and may include, but need not be limited to, requirements for staffing credentials, staff/patient ratios, equipment, and medical protocols;

10. Shall require that each nursing home and certified nursing facility train all employees who are mandated to report adult abuse, neglect, or exploitation pursuant to § 63.2-1606 on such reporting procedures and the consequences for failing to make a required report;

11. Shall permit hospital personnel, as designated in medical staff bylaws, rules and regulations, or hospital policies and procedures, to accept emergency telephone and other verbal orders for medication or treatment for hospital patients from physicians, and other persons lawfully authorized by state statute to give patient orders, subject to a requirement that such verbal order be signed, within a reasonable period of time not to exceed 72 hours as specified in the hospital's medical staff bylaws, rules and regulations or hospital policies and procedures, by the person giving the order, or, when such person is not available within the period of time specified, co-signed by another physician or other person authorized to give the order;

12. Shall require, unless the vaccination is medically contraindicated or the resident declines the offer of the vaccination, that each certified nursing facility and nursing home provide or arrange for the administration to its residents of (i) an annual vaccination against influenza and (ii) a pneumococcal vaccination, in accordance with the most recent recommendations of the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention;

13. Shall require that each nursing home and certified nursing facility register with the Department of State Police to receive notice of the registration or reregistration of any sex offender within the same or a contiguous zip code area in which the home or facility is located, pursuant to § 9.1-914;

14. Shall require that each nursing home and certified nursing facility ascertain, prior to admission, whether a potential patient is a registered sex offender, if the home or facility anticipates the potential patient will have a length of stay greater than three days or in fact stays longer than three days;

15. Shall require that each licensed hospital include in its visitation policy a provision allowing each adult patient to receive visits from any individual from whom the patient desires to receive visits, subject to other restrictions contained in the visitation policy including, but not limited to, those related to the patient's medical condition and the number of visitors permitted in the patient's room simultaneously;

16. Shall require that each nursing home and certified nursing facility shall, upon the request of the facility's family council, send notices and information about the family council mutually developed by the family council and the administration of the nursing home or certified nursing facility, and provided to the facility for such purpose, to the listed responsible party or a contact person of the resident's choice up to six times per year. Such notices may be included together with a monthly billing statement or other regular communication. Notices and information shall also be posted in a designated location within the nursing home or certified nursing facility. No family member of a resident or other resident representative shall be restricted from participating in meetings in the facility with the families or resident representatives of other residents in the facility;

17. Shall require that each nursing home and certified nursing facility maintain liability insurance coverage in a minimum amount of \$1 million, and professional liability coverage in an amount at least equal to the recovery limit set forth

in § 8.01-581.15, to compensate patients or individuals for injuries and losses resulting from the negligent or criminal acts of the facility. Failure to maintain such minimum insurance shall result in revocation of the facility's license;

18. Shall require each hospital that provides obstetrical services to establish policies to follow when a stillbirth, as defined in § 32.1-69.1, occurs that meet the guidelines pertaining to counseling patients and their families and other aspects of managing stillbirths as may be specified by the Board in its regulations;

19. Shall require each nursing home to provide a full refund of any unexpended patient funds on deposit with the facility following the discharge or death of a patient, other than entrance-related fees paid to a continuing care provider as defined in § 38.2-4900, within 30 days of a written request for such funds by the discharged patient or, in the case of the death of a patient, the person administering the person's estate in accordance with the Virginia Small Estates Act (§ 64.2-600 et seq.);

20. Shall require that each hospital that provides inpatient psychiatric services establish a protocol that requires, for any refusal to admit (i) a medically stable patient referred to its psychiatric unit, direct verbal communication between the on-call physician in the psychiatric unit and the referring physician, if requested by such referring physician, and prohibits on-call physicians or other hospital staff from refusing a request for such direct verbal communication by a referring physician and (ii) a patient for whom there is a question regarding the medical stability or medical appropriateness of admission for inpatient psychiatric services due to a situation involving results of a toxicology screening, the on-call physician in the psychiatric unit to which the patient is sought to be transferred to participate in direct verbal communication, either in person or via telephone, with a clinical toxicologist or other person who is a Certified Specialist in Poison Information employed by a poison control center that is accredited by the American Association of Poison Control Centers to review the results of the toxicology screen and determine whether a medical reason for refusing admission to the psychiatric unit related to the results of the toxicology screen exists, if requested by the referring physician;

21. Shall require that each hospital that is equipped to provide life-sustaining treatment shall develop a policy governing determination of the medical and ethical appropriateness of proposed medical care, which shall include (i) a process for obtaining a second opinion regarding the medical and ethical appropriateness of proposed medical care in cases in which a physician has determined proposed care to be medically or ethically inappropriate; (ii) provisions for review of the determination that proposed medical care is medically or ethically inappropriate by an interdisciplinary medical review committee and a determination by the interdisciplinary medical review committee regarding the medical and ethical appropriateness of the proposed health care; and (iii) requirements for a written explanation of the decision reached by the interdisciplinary medical review committee, which shall be included in the patient's medical record. Such policy shall ensure that the patient, his agent, or the person authorized to make medical decisions pursuant to § 54.1-2986 (a) are informed of the patient's right to obtain his medical record and to obtain an independent medical opinion and (b) afforded reasonable opportunity to participate in the medical review committee meeting. Nothing in such policy shall prevent the patient, his agent, or the person authorized to make medical decisions pursuant to § 54.1-2986 from obtaining legal counsel to represent the patient or from seeking other remedies available at law, including seeking court review, provided that the patient, his agent, or the person authorized to make medical decisions pursuant to § 54.1-2986, or legal counsel provides written notice to the chief executive officer of the hospital within 14 days of the date on which the physician's determination that proposed medical treatment is medically or ethically inappropriate is documented in the patient's medical record;

22. Shall require every hospital with an emergency department to establish protocols to ensure that security personnel of the emergency department, if any, receive training appropriate to the populations served by the emergency department, which may include training based on a trauma-informed approach in identifying and safely addressing situations involving patients or other persons who pose a risk of harm to themselves or others due to mental illness or substance abuse or who are experiencing a mental health crisis;

23. Shall require that each hospital establish a protocol requiring that, before a health care provider arranges for air medical transportation services for a patient who does not have an emergency medical condition as defined in 42 U.S.C. § 1395dd(e)(1), the hospital shall provide the patient or his authorized representative with written or electronic notice that the patient (i) may have a choice of transportation by an air medical transportation provider or medically appropriate ground transportation by an emergency medical services provider and (ii) will be responsible for charges incurred for such transportation in the event that the provider is not a contracted network provider of the patient's health insurance carrier or such charges are not otherwise covered in full or in part by the patient's health insurance plan; ~~and~~

24. Shall establish an exemption, for a period of no more than 30 days, from the requirement to obtain a license to add temporary beds in an existing hospital or nursing home when the Commissioner has determined that a natural or man-made disaster has caused the evacuation of a hospital or nursing home and that a public health emergency exists due to a shortage of hospital or nursing home beds; *and*

25. *Shall require each hospital with an emergency department to establish a protocol for treatment of individuals experiencing a substance use-related emergency to include the completion of appropriate assessments or screenings to identify medical interventions necessary for the treatment of the individual in the emergency department. The protocol may also include a process for patients that are discharged directly from the emergency department for the recommendation of follow-up care following discharge for any identified substance use disorder, depression, or mental health disorder, as appropriate, which may include instructions for distribution of naloxone, referrals to peer recovery specialists and community-based providers of behavioral health services, or referrals for pharmacotherapy for treatment of drug or alcohol dependence or mental health diagnoses.*

C. Upon obtaining the appropriate license, if applicable, licensed hospitals, nursing homes, and certified nursing facilities may operate adult day care centers.

D. All facilities licensed by the Board pursuant to this article which provide treatment or care for hemophiliacs and, in the course of such treatment, stock clotting factors, shall maintain records of all lot numbers or other unique identifiers for such clotting factors in order that, in the event the lot is found to be contaminated with an infectious agent, those hemophiliacs who have received units of this contaminated clotting factor may be apprised of this contamination. Facilities which have identified a lot which is known to be contaminated shall notify the recipient's attending physician and request that he notify the recipient of the contamination. If the physician is unavailable, the facility shall notify by mail, return receipt requested, each recipient who received treatment from a known contaminated lot at the individual's last known address.

CHAPTER 943

An Act directing the Board of Funeral Directors and Embalmers to promulgate regulations establishing licensure requirements for funeral directors and embalmers.

[S 1044]

Approved April 9, 2020

Be it enacted by the General Assembly of Virginia:

1. § 1. That the Board of Funeral Directors and Embalmers shall promulgate regulations that establish the requirements of licensure for funeral directors and embalmers as defined in § 54.1-2800.

2. That the Board of Funeral Directors and Embalmers shall promulgate regulations to implement the provisions of this act to be effective within 280 days of its enactment.

CHAPTER 944

An Act to amend and reenact § 54.1-3442.6 of the Code of Virginia, relating to cannabidiol oil and THC-A oil; sample testing.

[S 1045]

Approved April 9, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-3442.6 of the Code of Virginia is amended and reenacted as follows:

§ 54.1-3442.6. Permit to operate pharmaceutical processor.

A. No person shall operate a pharmaceutical processor without first obtaining a permit from the Board. The application for such permit shall be made on a form provided by the Board and signed by a pharmacist who will be in full and actual charge of the pharmaceutical processor. The Board shall establish an application fee and other general requirements for such application.

B. Each permit shall expire annually on a date determined by the Board in regulation. The number of permits that the Board may issue or renew in any year is limited to one for each health service area established by the Board of Health. Permits shall be displayed in a conspicuous place on the premises of the pharmaceutical processor.

C. The Board shall adopt regulations establishing health, safety, and security requirements for pharmaceutical processors. Such regulations shall include requirements for (i) physical standards; (ii) location restrictions; (iii) security systems and controls; (iv) minimum equipment and resources; (v) recordkeeping; (vi) labeling and packaging; (vii) quarterly inspections; (viii) processes for safely and securely cultivating Cannabis plants intended for producing cannabidiol oil and THC-A oil, producing cannabidiol oil and THC-A oil, and dispensing and delivering in person cannabidiol oil and THC-A oil to a registered patient, his registered agent, or, if such patient is a minor or an incapacitated adult as defined in § 18.2-369, such patient's parent or legal guardian; (ix) a maximum number of marijuana plants a pharmaceutical processor may possess at any one time; (x) the secure disposal of plant remains; (xi) a process for registering a cannabidiol oil and THC-A oil product; (xii) dosage limitations, which shall provide that each dispensed dose of cannabidiol oil or THC-A not exceed 10 milligrams of tetrahydrocannabinol; and (xiii) a process for the wholesale distribution of and the transfer of cannabidiol oil and THC-A oil products between pharmaceutical processors.

D. The Board shall require that, after processing and before dispensing cannabidiol oil and THC-A oil, a pharmaceutical processor shall make a sample available from each homogenized batch of product for testing by an independent laboratory located in Virginia. A valid sample size for testing shall be determined by each laboratory and may vary due to sample matrix, analytical method, and laboratory-specific procedures. A minimum sample size of 0.5 percent of individual units for dispensing or distribution from each homogenized batch is required to achieve a representative sample for analysis.

~~D. E.~~ Every pharmaceutical processor shall be under the personal supervision of a licensed pharmacist on the premises of the pharmaceutical processor.

~~E. F.~~ The Board shall require an applicant for a pharmaceutical processor permit to submit to fingerprinting and provide personal descriptive information to be forwarded along with his fingerprints through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining criminal history record information regarding

the applicant. The cost of fingerprinting and the criminal history record search shall be paid by the applicant. The Central Criminal Records Exchange shall forward the results of the criminal history background check to the Board or its designee, which shall be a governmental entity.

~~F.~~ *G.* In addition to other employees authorized by the Board, a pharmaceutical processor may employ individuals who may have less than two years of experience (i) to perform cultivation-related duties under the supervision of an individual who has received a degree in horticulture or a certification recognized by the Board or who has at least two years of experience cultivating plants and (ii) to perform extraction-related duties under the supervision of an individual who has a degree in chemistry or pharmacology or at least two years of experience extracting chemicals from plants.

~~G.~~ *H.* No person who has been convicted of (i) a felony under the laws of the Commonwealth or another jurisdiction or (ii) within the last five years, any offense in violation of Article 1 (§ 18.2-247 et seq.) or Article 1.1 (§ 18.2-265.1 et seq.) of Chapter 7 of Title 18.2 or a substantially similar offense under the laws of another jurisdiction shall be employed by or act as an agent of a pharmaceutical processor.

~~H.~~ *I.* Every pharmaceutical processor shall adopt policies for pre-employment drug screening and regular, ongoing, random drug screening of employees.

CHAPTER 945

An Act to amend and reenact §§ 8.01-413, 8.01-581.20, 16.1-340.1, 20-124.6, 32.1-127.1:03, 37.2-809, 38.2-608, 53.1-40.2, and 54.1-2969 of the Code of Virginia, relating to Clinical social workers; patient records; involuntary detention orders.

[S 1046]

Approved April 9, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 8.01-413, 8.01-581.20, 16.1-340.1, 20-124.6, 32.1-127.1:03, 37.2-809, 38.2-608, 53.1-40.2, and 54.1-2969 of the Code of Virginia are amended and reenacted as follows:

§ 8.01-413. Certain copies of health care provider's records or papers of patient admissible; right of patient, his attorney and authorized insurer to copies of such records or papers; subpoena; damages, costs and attorney fees.

A. In any case where the health care provider's original records or papers of any patient in a hospital or institution for the treatment of physical or mental illness are admissible or would be admissible as evidence, any typewritten copy, photograph, photostatted copy, or microphotograph or printout or other hard copy generated from computerized or other electronic storage, microfilm, or other photographic, mechanical, electronic, imaging, or chemical storage process thereof shall be admissible as evidence in any court of the Commonwealth in like manner as the original, if the printout or hard copy or microphotograph or photograph is properly authenticated by the employees having authority to release or produce the original records or papers.

Any health care provider whose records or papers relating to any such patient are subpoenaed for production as provided by law may comply with the subpoena by a timely mailing to the clerk issuing the subpoena or in whose court the action is pending properly authenticated copies, photographs or microphotographs in lieu of the originals. The court whose clerk issued the subpoena or, in the case of an attorney-issued subpoena, in which the action is pending, may, after notice to such health care provider, enter an order requiring production of the originals, if available, of any stored records or papers whose copies, photographs or microphotographs are not sufficiently legible.

Except as provided in subsection G, the party requesting the subpoena duces tecum or on whose behalf an attorney-issued subpoena duces tecum was issued shall be liable for the reasonable charges of the health care provider for the service of maintaining, retrieving, reviewing, preparing, copying, and mailing the items produced pursuant to subsections B2, B3, B4, and B6, as applicable.

B. Copies of a health care provider's records or papers shall be furnished within 30 days of receipt of such request to the patient, his attorney, his executor or administrator, or an authorized insurer upon such patient's, attorney's, executor's, administrator's, or authorized insurer's written request, which request shall comply with the requirements of subsection E of § 32.1-127.1:03. If a health care provider is unable to provide such records or papers within 30 days of receipt of such request, such provider shall notify the requester of such records or papers in writing of the reason for the delay and shall have no more than 30 days after the date of such written notice to comply with such request.

However, copies of a patient's records or papers shall not be furnished to such patient when the patient's treating physician ~~or~~, clinical psychologist, or *clinical social worker* in the exercise of professional judgment, has made a part of the patient's records or papers a written statement that in his opinion the furnishing to or review by the patient of such records or papers would be reasonably likely to endanger the life or physical safety of the patient or another person, or that such records or papers make reference to a person, other than a health care provider, and the access requested would be reasonably likely to cause substantial harm to such referenced person. In any such case, if requested by the patient or his attorney or authorized insurer, such records or papers shall be furnished within 30 days of the date of such request to the patient's attorney or authorized insurer, rather than to the patient.

If the records or papers are not provided to the patient in accordance with this section, then, if requested by the patient, the health care provider denying the request shall comply with the patient's request to either (i) provide a copy of the records

or papers to a physician ~~or~~, clinical psychologist, or *clinical social worker* of the patient's choice whose licensure, training, and experience, relative to the patient's condition, are at least equivalent to that of the treating physician ~~or~~, clinical psychologist, or *clinical social worker* upon whose opinion the denial is based, who shall, at the patient's expense, make a judgment as to whether to make the records or papers available to the patient or (ii) designate a physician ~~or~~, clinical psychologist, or *clinical social worker* whose licensure, training, and experience, relative to the patient's condition, are at least equivalent to that of the treating physician ~~or~~, clinical psychologist, or *clinical social worker* upon whose opinion the denial is based and who did not participate in the original decision to deny the patient's request for his records or papers, who shall, at the expense of the provider denying access to the patient, review the records or papers and make a judgment as to whether to make the records or papers available to the patient. In either such event, the health care provider denying the request shall comply with the judgment of the reviewing physician ~~or~~, clinical psychologist, or *clinical social worker*.

Except as provided in subsection G, a reasonable charge may be made by the health care provider maintaining the records or papers for the cost of the services relating to the maintenance, retrieval, review, and preparation of the copies of the records or papers, pursuant to subsections B2, B3, B4, and B6, as applicable. Any health care provider receiving such a request from a patient's attorney or authorized insurer shall require a writing signed by the patient confirming the attorney's or authorized insurer's authority to make the request, which shall comply with the requirements of subsection G of § 32.1-127.1:03, and shall accept a photocopy, facsimile, or other copy of the original signed by the patient as if it were an original.

B1. A health care provider shall produce the records or papers in either paper, hard copy, or electronic format, as requested by the requester. If the health care provider does not maintain the items being requested in an electronic format and does not have the capability to produce such items in an electronic format, such items shall be produced in paper or other hard copy format.

B2. When the records or papers requested pursuant to subsection B1 are produced in paper or hard copy format from records maintained in (i) paper or other hard copy format or (ii) electronic storage, a health care provider may charge the requester a reasonable fee not to exceed \$0.50 per page for up to 50 pages and \$0.25 per page thereafter for such copies, \$1 per page for hard copies from microfilm or other micrographic process, and a fee for search and handling not to exceed \$20, plus all postage and shipping costs.

B3. When the records or papers requested pursuant to subsection B1 are produced in electronic format from records or papers maintained in electronic storage, a health care provider may charge the requester a reasonable fee not to exceed \$0.37 per page for up to 50 pages and \$0.18 per page thereafter for such copies and a fee for search and handling not to exceed \$20, plus all postage and shipping costs. Except as provided in subsection B4, the total amount charged to the requester for records or papers produced in electronic format pursuant to this subsection, including any postage and shipping costs and any search and handling fee, shall not exceed \$150 for any request made on and after July 1, 2017, but prior to July 1, 2021, or \$160 for any request made on or after July 1, 2021.

B4. When any portion of records or papers requested to be produced in electronic format is stored in paper or other hard copy format at the time of the request and not otherwise maintained in electronic storage, a health care provider may charge a fee pursuant to subsection B2 for the production of such portion, and such production of such portion is not subject to any limitations set forth in subsection B3, whether such portion is produced in paper or other hard copy format or converted to electronic format as requested by the requester. Any other portion otherwise maintained in electronic storage shall be produced electronically. The total search and handling fee shall not exceed \$20 for any production made pursuant to this subsection where the production contains both records or papers in electronic format and records or papers in paper or other hard copy format.

B5. Upon request, a patient's account balance or itemized listing of charges maintained by a health care provider shall be supplied at no cost up to three times every 12 months to either the patient or the patient's attorney.

B6. When the record requested is an X-ray series or study or other imaging study and is requested to be produced electronically, a health care provider may charge the requester a reasonable fee, which shall not exceed \$25 per X-ray series or study or other imaging study, and a fee for search and handling, which shall not exceed \$10, plus all postage and shipping costs. When an X-ray series or study or other imaging study is requested to be produced in hard copy format, or when a health care provider does not maintain such X-ray series or study or other imaging study being requested in an electronic format or does not have the capability to produce such X-ray series or study or other imaging study in an electronic format, a health care provider may charge the requester a reasonable fee, which may include a fee for search and handling not to exceed \$10 and the actual cost of supplies for and labor of copying the requested X-ray series or study or other imaging study, plus all postage and shipping costs.

B7. Upon request by the patient, or his attorney, of records or papers as to the cost to produce such records or papers, a health care provider shall inform the patient, or his attorney, of the most cost-effective method to produce such a request pursuant to subsection B2, B3, B4, or B6, as applicable.

B8. Production of records or papers to the patient, or his attorney, requested pursuant to this section shall not be withheld or delayed solely on the grounds of nonpayment for such records or papers.

C. Upon the failure of any health care provider to comply with any written request made in accordance with subsection B within the period of time specified in that subsection and within the manner specified in subsections E and F of § 32.1-127.1:03, the patient, his attorney, his executor or administrator, or authorized insurer may cause a subpoena duces tecum to be issued. The subpoena may be issued (i) upon filing a request therefor with the clerk of the circuit court wherein

any eventual suit would be required to be filed, and upon payment of the fees required by subdivision A 18 of § 17.1-275, and fees for service or (ii) by the patient's attorney in a pending civil case in accordance with § 8.01-407 without payment of the fees established in subdivision A 23 of § 17.1-275.

A sheriff shall not be required to serve an attorney-issued subpoena that is not issued at least five business days prior to the date production of the record is desired.

No subpoena duces tecum for records or papers shall set a return date by which the health care provider must comply with such subpoena earlier than 15 days from the date of the subpoena, except by order of a court or administrative agency for good cause shown. When a court or administrative agency orders that records or papers be disclosed pursuant to a subpoena duces tecum earlier than 15 days from the date of the subpoena, a copy of such order shall accompany such subpoena.

As to a subpoena duces tecum issued with at least a 15-day return date, if no motion to quash is filed within 15 days of the issuance of the subpoena, the party requesting the subpoena duces tecum or the party on whose behalf the subpoena was issued shall certify to the subpoenaed health care provider that (a) the time for filing a motion to quash has elapsed and (b) no such motion was filed. Upon receipt of such certification, the subpoenaed health care provider shall comply with the subpoena duces tecum by returning the specified records or papers by either (1) the return date on the subpoena or (2) five days after receipt of such certification, whichever is later.

The subpoena shall direct the health care provider to produce and furnish copies of the records or papers to the requester or clerk, who shall then make the same available to the patient, his attorney, or his authorized insurer.

If the court finds that a health care provider willfully refused to comply with a written request made in accordance with subsection B, either (A) by failing over the previous six-month period to respond to a second or subsequent written request, properly submitted to the health care provider in writing with complete required information, without good cause or (B) by imposing a charge in excess of the reasonable expense of making the copies and processing the request for records or papers, the court may award damages for all expenses incurred by the patient or authorized insurer to obtain such copies, including a refund of fees if payment has been made for such copies, court costs, and reasonable attorney fees.

If the court further finds that such subpoenaed records or papers, subpoenaed pursuant to this subsection, or requested records or papers, requested pursuant to subsection B, are not produced for a reason other than compliance with § 32.1-127.1:03 or an inability to retrieve or access such records or papers, as communicated in writing to the subpoenaing party or requester within the time period required by subsection B, such subpoenaing party or requester shall be entitled to a rebuttable presumption that expenses and attorney fees related to the failure to produce such records or papers shall be awarded by the court.

D. The provisions of this section shall apply to any health care provider whose office is located within or outside the Commonwealth if the records pertain to any patient who is a party to a cause of action in any court in the Commonwealth, and shall apply only to requests made by the patient, his attorney, his executor or administrator, or any authorized insurer, in anticipation of litigation or in the course of litigation.

E. As used in this section, "health care provider" has the same meaning as provided in § 32.1-127.1:03 and includes an independent medical copy retrieval service contracted to provide the service of retrieving, reviewing, and preparing such copies for distribution.

F. Notwithstanding the authorization to admit as evidence patient records in the form of microphotographs, prescription dispensing records maintained in or on behalf of any pharmacy registered or permitted in the Commonwealth shall only be stored in compliance with §§ 54.1-3410, 54.1-3411 and 54.1-3412.

G. The provisions of this section governing fees that may be charged by a health care provider whose records are subpoenaed or requested pursuant to this section shall not apply in the case of any request by a patient for a copy of his own records, which shall be governed by subsection J of § 32.1-127.1:03. This subsection shall not be construed to affect other provisions of state or federal statute, regulation or any case decision relating to charges by health care providers for copies of records requested by any person other than a patient when requesting his own records pursuant to subsection J of § 32.1-127.1:03.

§ 8.01-581.20. Standard of care in proceeding before medical malpractice review panel; expert testimony; determination of standard in action for damages.

A. In any proceeding before a medical malpractice review panel or in any action against a physician, clinical psychologist, *clinical social worker*, podiatrist, dentist, nurse, hospital, or other health care provider to recover damages alleged to have been caused by medical malpractice where the acts or omissions so complained of are alleged to have occurred in this Commonwealth, the standard of care by which the acts or omissions are to be judged shall be that degree of skill and diligence practiced by a reasonably prudent practitioner in the field of practice or specialty in this Commonwealth and the testimony of an expert witness, otherwise qualified, as to such standard of care, shall be admitted; provided, however, that the standard of care in the locality or in similar localities in which the alleged act or omission occurred shall be applied if any party shall prove by a preponderance of the evidence that the health care services and health care facilities available in the locality and the customary practices in such locality or similar localities give rise to a standard of care which is more appropriate than a statewide standard. Any health care provider who is licensed to practice in Virginia shall be presumed to know the statewide standard of care in the specialty or field of practice in which he is qualified and certified. This presumption shall also apply to any person who, but for the lack of a Virginia license, would be defined as a health care provider under this chapter, provided that such person is licensed in some other state of the United States and meets the

educational and examination requirements for licensure in Virginia. An expert witness who is familiar with the statewide standard of care shall not have his testimony excluded on the ground that he does not practice in this Commonwealth. A witness shall be qualified to testify as an expert on the standard of care if he demonstrates expert knowledge of the standards of the defendant's specialty and of what conduct conforms or fails to conform to those standards and if he has had active clinical practice in either the defendant's specialty or a related field of medicine within one year of the date of the alleged act or omission forming the basis of the action.

The provisions of this section shall apply to expert witnesses testifying on the standard of care as it relates to professional services in nursing homes.

B. In any action for damages resulting from medical malpractice, any issue as to the standard of care to be applied shall be determined by the jury, or the court trying the case without a jury.

C. In any action described in this section, each party may designate, identify, or call to testify at trial no more than two expert witnesses per medical discipline on any issue presented. The court may permit a party, for good cause shown, to designate, identify, or call to testify at trial additional expert witnesses. The number of treating health care providers who may serve as expert witnesses pursuant to § 8.01-399 shall not be limited pursuant to this subsection, except for good cause shown. If the court permits a party to designate, identify, or call additional experts, the court may order that party to pay all costs incurred in the discovery of such additional experts. For good cause shown, pursuant to the Rules of Supreme Court of Virginia, the court may limit the number of expert witnesses other than those identified in this subsection whom a party may designate, identify, or call to testify at trial.

§ 16.1-340.1. Involuntary temporary detention; issuance and execution of order.

A. A magistrate shall issue, upon the sworn petition of a minor's treating physician or parent or, if the parent is not available or is unable or unwilling to file a petition, by any responsible adult, including the person having custody over a minor in detention or shelter care pursuant to an order of a juvenile and domestic relations district court, or upon his own motion and only after an evaluation conducted in-person or by means of a two-way electronic video and audio communication system as authorized in § 16.1-345.1 by an employee or designee of the local community services board to determine whether the minor meets the criteria for temporary detention, a temporary detention order if it appears from all evidence readily available, including any recommendation from a physician ~~or~~, clinical psychologist, *or clinical social worker* treating the person, that (i) because of mental illness, the minor (a) presents a serious danger to himself or others to the extent that severe or irremediable injury is likely to result, as evidenced by recent acts or threats, or (b) is experiencing a serious deterioration of his ability to care for himself in a developmentally age-appropriate manner, as evidenced by delusional thinking or by a significant impairment of functioning in hydration, nutrition, self-protection, or self-control; and (ii) the minor is in need of compulsory treatment for a mental illness and is reasonably likely to benefit from the proposed treatment. The magistrate shall also consider the recommendations of the minor's parents and of any treating or examining physician licensed in Virginia if available either verbally or in writing prior to rendering a decision. To the extent possible, the petition shall contain the information required by § 16.1-339.1. Any temporary detention order entered pursuant to this section shall be effective until such time as the juvenile and domestic relations district court serving the jurisdiction in which the minor is located conducts a hearing pursuant to subsection B of § 16.1-341. Any temporary detention order entered pursuant to this section shall provide for the disclosure of medical records pursuant to subsection B of § 16.1-337. This subsection shall not preclude any other disclosures as required or permitted by law.

B. When considering whether there is probable cause to issue a temporary detention order, the magistrate may, in addition to the petition, consider (i) the recommendations of any treating or examining physician ~~or~~, psychologist, *or clinical social worker* licensed in Virginia, if available, (ii) any past actions of the minor, (iii) any past mental health treatment of the minor, (iv) any relevant hearsay evidence, (v) any medical records available, (vi) any affidavits submitted, if the witness is unavailable and it so states in the affidavit, and (vii) any other information available that the magistrate considers relevant to the determination of whether probable cause exists to issue a temporary detention order.

C. A magistrate may issue a temporary detention order without an emergency custody order proceeding. A magistrate may issue a temporary detention order without a prior evaluation pursuant to subsection A if (i) the minor has been personally examined within the previous 72 hours by an employee or designee of the local community services board or (ii) there is a significant physical, psychological, or medical risk to the minor or to others associated with conducting such evaluation.

D. An employee or designee of the local community services board shall determine the facility of temporary detention in accordance with the provisions of § 16.1-340.1:1 for all minors detained pursuant to this section. An employee or designee of the local community services board may change the facility of temporary detention and may designate an alternative facility for temporary detention at any point during the period of temporary detention if it is determined that the alternative facility is a more appropriate facility for temporary detention of the minor given the specific security, medical, or behavioral health needs of the minor. In cases in which the facility of temporary detention is changed following transfer of custody to an initial facility of temporary detention, transportation of the minor to the alternative facility of temporary detention shall be provided in accordance with the provisions of § 16.1-340.2. The initial facility of temporary detention shall be identified on the preadmission screening report and indicated on the temporary detention order; however, if an employee or designee of the local community services board designates an alternative facility, that employee or designee shall provide written notice forthwith, on a form developed by the Executive Secretary of the Supreme Court of Virginia, to the clerk of the issuing court of the name and address of the alternative facility. Subject to the provisions of § 16.1-340.1:1,

if a facility of temporary detention cannot be identified by the time of the expiration of the period of emergency custody pursuant to § 16.1-340, the minor shall be detained in a state facility for the treatment of minors with mental illness and such facility shall be indicated on the temporary detention order. Except for minors who are detained for a criminal offense by a juvenile and domestic relations district court and who require hospitalization in accordance with this article, the minor shall not be detained in a jail or other place of confinement for persons charged with criminal offenses and shall remain in the custody of law enforcement until the minor is either detained within a secure facility or custody has been accepted by the appropriate personnel designated by either the initial facility of temporary detention identified in the temporary detention order or by the alternative facility of temporary detention designated by the employee or designee of the local community services board pursuant to this subsection.

E. Any facility caring for a minor placed with it pursuant to a temporary detention order is authorized to provide emergency medical and psychiatric services within its capabilities when the facility determines that the services are in the best interests of the minor within its care. The costs incurred as a result of the hearings and by the facility in providing services during the period of temporary detention shall be paid and recovered pursuant to § 37.2-804. The maximum costs reimbursable by the Commonwealth pursuant to this section shall be established by the State Board of Medical Assistance Services based on reasonable criteria. The State Board of Medical Assistance Services shall, by regulation, establish a reasonable rate per day of inpatient care for temporary detention.

F. The employee or designee of the local community services board who is conducting the evaluation pursuant to this section shall determine, prior to the issuance of the temporary detention order, the insurance status of the minor. Where coverage by a third party payor exists, the facility seeking reimbursement under this section shall first seek reimbursement from the third party payor. The Commonwealth shall reimburse the facility only for the balance of costs remaining after the allowances covered by the third party payor have been received.

G. The duration of temporary detention shall be sufficient to allow for completion of the examination required by § 16.1-342, preparation of the preadmission screening report required by § 16.1-340.4, and initiation of mental health treatment to stabilize the minor's psychiatric condition to avoid involuntary commitment where possible, but shall not exceed 96 hours prior to a hearing. If the 96-hour period herein specified terminates on a Saturday, Sunday, or legal holiday, the minor may be detained, as herein provided, until the close of business on the next day that is not a Saturday, Sunday, or legal holiday. The minor may be released, pursuant to § 16.1-340.3, before the 96-hour period herein specified has run.

H. If a temporary detention order is not executed within 24 hours of its issuance, or within a shorter period as is specified in the order, the order shall be void and shall be returned unexecuted to the office of the clerk of the issuing court or, if the office is not open, to any magistrate serving the jurisdiction of the issuing court. Subsequent orders may be issued upon the original petition within 96 hours after the petition is filed. However, a magistrate must again obtain the advice of an employee or designee of the local community services board prior to issuing a subsequent order upon the original petition. Any petition for which no temporary detention order or other process in connection therewith is served on the subject of the petition within 96 hours after the petition is filed shall be void and shall be returned to the office of the clerk of the issuing court.

I. For purposes of this section a healthcare provider or an employee or designee of the local community services board shall not be required to encrypt any email containing information or medical records provided to a magistrate unless there is reason to believe that a third party will attempt to intercept the email.

J. The employee or designee of the local community services board who is conducting the evaluation pursuant to this section shall, if he recommends that the minor should not be subject to a temporary detention order, inform the petitioner and an on-site treating physician of his recommendation.

K. Each community services board shall provide to each juvenile and domestic relations district court and magistrate's office within its service area a list of employees and designees who are available to perform the evaluations required herein.

§ 20-124.6. Access to minor's records.

A. Notwithstanding any other provision of law, neither parent, regardless of whether such parent has custody, shall be denied access to the academic or health records of that parent's minor child unless otherwise ordered by the court for good cause shown or pursuant to subsection B.

B. In the case of health records, access may also be denied if the minor's treating physician ~~or the minor's treating~~ clinical psychologist, *or clinical social worker* has made a part of the minor's record a written statement that, in the exercise of his professional judgment, the furnishing to or review by the requesting parent of such health records would be reasonably likely to cause substantial harm to the minor or another person. If a health care entity denies a parental request for access to, or copies of, a minor's health record, the health care entity denying the request shall comply with the provisions of subsection F of § 32.1-127.1:03. The minor or his parent, either or both, shall have the right to have the denial reviewed as specified in subsection F of § 32.1-127.1:03 to determine whether to make the minor's health record available to the requesting parent.

C. For the purposes of this section, the meaning of the term "health record" or the plural thereof and the term "health care entity" shall be as defined in subsection B of § 32.1-127.1:03.

§ 32.1-127.1:03. Health records privacy.

A. There is hereby recognized an individual's right of privacy in the content of his health records. Health records are the property of the health care entity maintaining them, and, except when permitted or required by this section or by other

provisions of state law, no health care entity, or other person working in a health care setting, may disclose an individual's health records.

Pursuant to this subsection:

1. Health care entities shall disclose health records to the individual who is the subject of the health record, except as provided in subsections E and F and subsection B of § 8.01-413.

2. Health records shall not be removed from the premises where they are maintained without the approval of the health care entity that maintains such health records, except in accordance with a court order or subpoena consistent with subsection C of § 8.01-413 or with this section or in accordance with the regulations relating to change of ownership of health records promulgated by a health regulatory board established in Title 54.1.

3. No person to whom health records are disclosed shall redisclose or otherwise reveal the health records of an individual, beyond the purpose for which such disclosure was made, without first obtaining the individual's specific authorization to such redisclosure. This redisclosure prohibition shall not, however, prevent (i) any health care entity that receives health records from another health care entity from making subsequent disclosures as permitted under this section and the federal Department of Health and Human Services regulations relating to privacy of the electronic transmission of data and protected health information promulgated by the United States Department of Health and Human Services as required by the Health Insurance Portability and Accountability Act (HIPAA)(42 U.S.C. § 1320d et seq.) or (ii) any health care entity from furnishing health records and aggregate or other data, from which individually identifying prescription information has been removed, encoded or encrypted, to qualified researchers, including, but not limited to, pharmaceutical manufacturers and their agents or contractors, for purposes of clinical, pharmaco-epidemiological, pharmaco-economic, or other health services research.

4. Health care entities shall, upon the request of the individual who is the subject of the health record, disclose health records to other health care entities, in any available format of the requester's choosing, as provided in subsection E.

B. As used in this section:

"Agent" means a person who has been appointed as an individual's agent under a power of attorney for health care or an advance directive under the Health Care Decisions Act (§ 54.1-2981 et seq.).

"Certification" means a written representation that is delivered by hand, by first-class mail, by overnight delivery service, or by facsimile if the sender obtains a facsimile-machine-generated confirmation reflecting that all facsimile pages were successfully transmitted.

"Guardian" means a court-appointed guardian of the person.

"Health care clearinghouse" means, consistent with the definition set out in 45 C.F.R. § 160.103, a public or private entity, such as a billing service, repricing company, community health management information system or community health information system, and "value-added" networks and switches, that performs either of the following functions: (i) processes or facilitates the processing of health information received from another entity in a nonstandard format or containing nonstandard data content into standard data elements or a standard transaction; or (ii) receives a standard transaction from another entity and processes or facilitates the processing of health information into nonstandard format or nonstandard data content for the receiving entity.

"Health care entity" means any health care provider, health plan or health care clearinghouse.

"Health care provider" means those entities listed in the definition of "health care provider" in § 8.01-581.1, except that state-operated facilities shall also be considered health care providers for the purposes of this section. Health care provider shall also include all persons who are licensed, certified, registered or permitted or who hold a multistate licensure privilege issued by any of the health regulatory boards within the Department of Health Professions, except persons regulated by the Board of Funeral Directors and Embalmers or the Board of Veterinary Medicine.

"Health plan" means an individual or group plan that provides, or pays the cost of, medical care. "Health plan" includes any entity included in such definition as set out in 45 C.F.R. § 160.103.

"Health record" means any written, printed or electronically recorded material maintained by a health care entity in the course of providing health services to an individual concerning the individual and the services provided. "Health record" also includes the substance of any communication made by an individual to a health care entity in confidence during or in connection with the provision of health services or information otherwise acquired by the health care entity about an individual in confidence and in connection with the provision of health services to the individual.

"Health services" means, but shall not be limited to, examination, diagnosis, evaluation, treatment, pharmaceuticals, aftercare, habilitation or rehabilitation and mental health therapy of any kind, as well as payment or reimbursement for any such services.

"Individual" means a patient who is receiving or has received health services from a health care entity.

"Individually identifying prescription information" means all prescriptions, drug orders or any other prescription information that specifically identifies an individual.

"Parent" means a biological, adoptive or foster parent.

"Psychotherapy notes" means comments, recorded in any medium by a health care provider who is a mental health professional, documenting or analyzing the contents of conversation during a private counseling session with an individual or a group, joint, or family counseling session that are separated from the rest of the individual's health record. "Psychotherapy notes" does not include annotations relating to medication and prescription monitoring, counseling session

start and stop times, treatment modalities and frequencies, clinical test results, or any summary of any symptoms, diagnosis, prognosis, functional status, treatment plan, or the individual's progress to date.

C. The provisions of this section shall not apply to any of the following:

1. The status of and release of information governed by §§ 65.2-604 and 65.2-607 of the Virginia Workers' Compensation Act;
2. Except where specifically provided herein, the health records of minors;
3. The release of juvenile health records to a secure facility or a shelter care facility pursuant to § 16.1-248.3; or
4. The release of health records to a state correctional facility pursuant to § 53.1-40.10 or a local or regional correctional facility pursuant to § 53.1-133.03.

D. Health care entities may, and, when required by other provisions of state law, shall, disclose health records:

1. As set forth in subsection E, pursuant to the written authorization of (i) the individual or (ii) in the case of a minor, (a) his custodial parent, guardian or other person authorized to consent to treatment of minors pursuant to § 54.1-2969 or (b) the minor himself, if he has consented to his own treatment pursuant to § 54.1-2969, or (iii) in emergency cases or situations where it is impractical to obtain an individual's written authorization, pursuant to the individual's oral authorization for a health care provider or health plan to discuss the individual's health records with a third party specified by the individual;

2. In compliance with a subpoena issued in accord with subsection H, pursuant to a search warrant or a grand jury subpoena, pursuant to court order upon good cause shown or in compliance with a subpoena issued pursuant to subsection C of § 8.01-413. Regardless of the manner by which health records relating to an individual are compelled to be disclosed pursuant to this subdivision, nothing in this subdivision shall be construed to prohibit any staff or employee of a health care entity from providing information about such individual to a law-enforcement officer in connection with such subpoena, search warrant, or court order;

3. In accord with subsection F of § 8.01-399 including, but not limited to, situations where disclosure is reasonably necessary to establish or collect a fee or to defend a health care entity or the health care entity's employees or staff against any accusation of wrongful conduct; also as required in the course of an investigation, audit, review or proceedings regarding a health care entity's conduct by a duly authorized law-enforcement, licensure, accreditation, or professional review entity;

4. In testimony in accordance with §§ 8.01-399 and 8.01-400.2;

5. In compliance with the provisions of § 8.01-413;

6. As required or authorized by law relating to public health activities, health oversight activities, serious threats to health or safety, or abuse, neglect or domestic violence, relating to contagious disease, public safety, and suspected child or adult abuse reporting requirements, including, but not limited to, those contained in §§ 16.1-248.3, 32.1-36, 32.1-36.1, 32.1-40, 32.1-41, 32.1-127.1:04, 32.1-276.5, 32.1-283, 32.1-283.1, 32.1-320, 37.2-710, 37.2-839, 53.1-40.10, 53.1-133.03, 54.1-2400.6, 54.1-2400.7, 54.1-2400.9, 54.1-2403.3, 54.1-2506, 54.1-2966, 54.1-2967, 54.1-2968, 54.1-3408.2, 63.2-1509, and 63.2-1606;

7. Where necessary in connection with the care of the individual;

8. In connection with the health care entity's own health care operations or the health care operations of another health care entity, as specified in 45 C.F.R. § 164.501, or in the normal course of business in accordance with accepted standards of practice within the health services setting; however, the maintenance, storage, and disclosure of the mass of prescription dispensing records maintained in a pharmacy registered or permitted in Virginia shall only be accomplished in compliance with §§ 54.1-3410, 54.1-3411, and 54.1-3412;

9. When the individual has waived his right to the privacy of the health records;

10. When examination and evaluation of an individual are undertaken pursuant to judicial or administrative law order, but only to the extent as required by such order;

11. To the guardian ad litem and any attorney representing the respondent in the course of a guardianship proceeding of an adult patient who is the respondent in a proceeding under Chapter 20 (§ 64.2-2000 et seq.) of Title 64.2;

12. To the guardian ad litem and any attorney appointed by the court to represent an individual who is or has been a patient who is the subject of a commitment proceeding under § 19.2-169.6, Article 5 (§ 37.2-814 et seq.) of Chapter 8 of Title 37.2, Article 16 (§ 16.1-335 et seq.) of Chapter 11 of Title 16.1, or a judicial authorization for treatment proceeding pursuant to Chapter 11 (§ 37.2-1100 et seq.) of Title 37.2;

13. To a magistrate, the court, the evaluator or examiner required under Article 16 (§ 16.1-335 et seq.) of Chapter 11 of Title 16.1 or § 37.2-815, a community services board or behavioral health authority or a designee of a community services board or behavioral health authority, or a law-enforcement officer participating in any proceeding under Article 16 (§ 16.1-335 et seq.) of Chapter 11 of Title 16.1, § 19.2-169.6, or Chapter 8 (§ 37.2-800 et seq.) of Title 37.2 regarding the subject of the proceeding, and to any health care provider evaluating or providing services to the person who is the subject of the proceeding or monitoring the person's adherence to a treatment plan ordered under those provisions. Health records disclosed to a law-enforcement officer shall be limited to information necessary to protect the officer, the person, or the public from physical injury or to address the health care needs of the person. Information disclosed to a law-enforcement officer shall not be used for any other purpose, disclosed to others, or retained;

14. To the attorney and/or guardian ad litem of a minor who represents such minor in any judicial or administrative proceeding, if the court or administrative hearing officer has entered an order granting the attorney or guardian ad litem this right and such attorney or guardian ad litem presents evidence to the health care entity of such order;

15. With regard to the Court-Appointed Special Advocate (CASA) program, a minor's health records in accord with § 9.1-156;

16. To an agent appointed under an individual's power of attorney or to an agent or decision maker designated in an individual's advance directive for health care or for decisions on anatomical gifts and organ, tissue or eye donation or to any other person consistent with the provisions of the Health Care Decisions Act (§ 54.1-2981 et seq.);

17. To third-party payors and their agents for purposes of reimbursement;

18. As is necessary to support an application for receipt of health care benefits from a governmental agency or as required by an authorized governmental agency reviewing such application or reviewing benefits already provided or as necessary to the coordination of prevention and control of disease, injury, or disability and delivery of such health care benefits pursuant to § 32.1-127.1:04;

19. Upon the sale of a medical practice as provided in § 54.1-2405; or upon a change of ownership or closing of a pharmacy pursuant to regulations of the Board of Pharmacy;

20. In accord with subsection B of § 54.1-2400.1, to communicate an individual's specific and immediate threat to cause serious bodily injury or death of an identified or readily identifiable person;

21. Where necessary in connection with the implementation of a hospital's routine contact process for organ donation pursuant to subdivision B 4 of § 32.1-127;

22. In the case of substance abuse records, when permitted by and in conformity with requirements of federal law found in 42 U.S.C. § 290dd-2 and 42 C.F.R. Part 2;

23. In connection with the work of any entity established as set forth in § 8.01-581.16 to evaluate the adequacy or quality of professional services or the competency and qualifications for professional staff privileges;

24. If the health records are those of a deceased or mentally incapacitated individual to the personal representative or executor of the deceased individual or the legal guardian or committee of the incompetent or incapacitated individual or if there is no personal representative, executor, legal guardian or committee appointed, to the following persons in the following order of priority: a spouse, an adult son or daughter, either parent, an adult brother or sister, or any other relative of the deceased individual in order of blood relationship;

25. For the purpose of conducting record reviews of inpatient hospital deaths to promote identification of all potential organ, eye, and tissue donors in conformance with the requirements of applicable federal law and regulations, including 42 C.F.R. § 482.45, (i) to the health care provider's designated organ procurement organization certified by the United States Health Care Financing Administration and (ii) to any eye bank or tissue bank in Virginia certified by the Eye Bank Association of America or the American Association of Tissue Banks;

26. To the Office of the State Inspector General pursuant to Chapter 3.2 (§ 2.2-307 et seq.) of Title 2.2;

27. To an entity participating in the activities of a local health partnership authority established pursuant to Article 6.1 (§ 32.1-122.10:001 et seq.) of Chapter 4, pursuant to subdivision 1;

28. To law-enforcement officials by each licensed emergency medical services agency, (i) when the individual is the victim of a crime or (ii) when the individual has been arrested and has received emergency medical services or has refused emergency medical services and the health records consist of the prehospital patient care report required by § 32.1-116.1;

29. To law-enforcement officials, in response to their request, for the purpose of identifying or locating a suspect, fugitive, person required to register pursuant to § 9.1-901 of the Sex Offender and Crimes Against Minors Registry Act, material witness, or missing person, provided that only the following information may be disclosed: (i) name and address of the person, (ii) date and place of birth of the person, (iii) social security number of the person, (iv) blood type of the person, (v) date and time of treatment received by the person, (vi) date and time of death of the person, where applicable, (vii) description of distinguishing physical characteristics of the person, and (viii) type of injury sustained by the person;

30. To law-enforcement officials regarding the death of an individual for the purpose of alerting law enforcement of the death if the health care entity has a suspicion that such death may have resulted from criminal conduct;

31. To law-enforcement officials if the health care entity believes in good faith that the information disclosed constitutes evidence of a crime that occurred on its premises;

32. To the State Health Commissioner pursuant to § 32.1-48.015 when such records are those of a person or persons who are subject to an order of quarantine or an order of isolation pursuant to Article 3.02 (§ 32.1-48.05 et seq.) of Chapter 2;

33. To the Commissioner of the Department of Labor and Industry or his designee by each licensed emergency medical services agency when the records consist of the prehospital patient care report required by § 32.1-116.1 and the patient has suffered an injury or death on a work site while performing duties or tasks that are within the scope of his employment;

34. To notify a family member or personal representative of an individual who is the subject of a proceeding pursuant to Article 16 (§ 16.1-335 et seq.) of Chapter 11 of Title 16.1 or Chapter 8 (§ 37.2-800 et seq.) of Title 37.2 of information that is directly relevant to such person's involvement with the individual's health care, which may include the individual's location and general condition, when the individual has the capacity to make health care decisions and (i) the individual has agreed to the notification, (ii) the individual has been provided an opportunity to object to the notification and does not express an objection, or (iii) the health care provider can, on the basis of his professional judgment, reasonably infer from the circumstances that the individual does not object to the notification. If the opportunity to agree or object to the

notification cannot practicably be provided because of the individual's incapacity or an emergency circumstance, the health care provider may notify a family member or personal representative of the individual of information that is directly relevant to such person's involvement with the individual's health care, which may include the individual's location and general condition if the health care provider, in the exercise of his professional judgment, determines that the notification is in the best interests of the individual. Such notification shall not be made if the provider has actual knowledge the family member or personal representative is currently prohibited by court order from contacting the individual;

35. To a threat assessment team established by a local school board pursuant to § 22.1-79.4, by a public institution of higher education pursuant to § 23.1-805, or by a private nonprofit institution of higher education; and

36. To a regional emergency medical services council pursuant to § 32.1-116.1, for purposes limited to monitoring and improving the quality of emergency medical services pursuant to § 32.1-111.3.

Notwithstanding the provisions of subdivisions 1 through 35, a health care entity shall obtain an individual's written authorization for any disclosure of psychotherapy notes, except when disclosure by the health care entity is (i) for its own training programs in which students, trainees, or practitioners in mental health are being taught under supervision to practice or to improve their skills in group, joint, family, or individual counseling; (ii) to defend itself or its employees or staff against any accusation of wrongful conduct; (iii) in the discharge of the duty, in accordance with subsection B of § 54.1-2400.1, to take precautions to protect third parties from violent behavior or other serious harm; (iv) required in the course of an investigation, audit, review, or proceeding regarding a health care entity's conduct by a duly authorized law-enforcement, licensure, accreditation, or professional review entity; or (v) otherwise required by law.

E. Health care records required to be disclosed pursuant to this section shall be made available electronically only to the extent and in the manner authorized by the federal Health Information Technology for Economic and Clinical Health Act (P.L. 111-5) and implementing regulations and the Health Insurance Portability and Accountability Act (42 U.S.C. § 1320d et seq.) and implementing regulations. Notwithstanding any other provision to the contrary, a health care entity shall not be required to provide records in an electronic format requested if (i) the electronic format is not reasonably available without additional cost to the health care entity, (ii) the records would be subject to modification in the format requested, or (iii) the health care entity determines that the integrity of the records could be compromised in the electronic format requested. Requests for copies of or electronic access to health records shall (a) be in writing, dated and signed by the requester; (b) identify the nature of the information requested; and (c) include evidence of the authority of the requester to receive such copies or access such records, and identification of the person to whom the information is to be disclosed; and (d) specify whether the requester would like the records in electronic format, if available, or in paper format. The health care entity shall accept a photocopy, facsimile, or other copy of the original signed by the requester as if it were an original. Within 30 days of receipt of a request for copies of or electronic access to health records, the health care entity shall do one of the following: (1) furnish such copies of or allow electronic access to the requested health records to any requester authorized to receive them in electronic format if so requested; (2) inform the requester if the information does not exist or cannot be found; (3) if the health care entity does not maintain a record of the information, so inform the requester and provide the name and address, if known, of the health care entity who maintains the record; or (4) deny the request (A) under subsection F, (B) on the grounds that the requester has not established his authority to receive such health records or proof of his identity, or (C) as otherwise provided by law. Procedures set forth in this section shall apply only to requests for health records not specifically governed by other provisions of state law.

F. Except as provided in subsection B of § 8.01-413, copies of or electronic access to an individual's health records shall not be furnished to such individual or anyone authorized to act on the individual's behalf when the individual's treating physician ~~or the individual's treating~~, clinical psychologist, *or clinical social worker* has made a part of the individual's record a written statement that, in the exercise of his professional judgment, the furnishing to or review by the individual of such health records would be reasonably likely to endanger the life or physical safety of the individual or another person, or that such health record makes reference to a person other than a health care provider and the access requested would be reasonably likely to cause substantial harm to such referenced person. If any health care entity denies a request for copies of or electronic access to health records based on such statement, the health care entity shall inform the individual of the individual's right to designate, in writing, at his own expense, another reviewing physician ~~or~~, clinical psychologist, *or clinical social worker* whose licensure, training and experience relative to the individual's condition are at least equivalent to that of the physician ~~or~~, clinical psychologist, *or clinical social worker* upon whose opinion the denial is based. The designated reviewing physician ~~or~~, clinical psychologist, *or clinical social worker* shall make a judgment as to whether to make the health record available to the individual.

The health care entity denying the request shall also inform the individual of the individual's right to request in writing that such health care entity designate, at its own expense, a physician ~~or~~, clinical psychologist, *or clinical social worker*, whose licensure, training, and experience relative to the individual's condition are at least equivalent to that of the physician ~~or~~, clinical psychologist, *or clinical social worker* upon whose professional judgment the denial is based and who did not participate in the original decision to deny the health records, who shall make a judgment as to whether to make the health record available to the individual. The health care entity shall comply with the judgment of the reviewing physician ~~or~~, clinical psychologist, *or clinical social worker*. The health care entity shall permit copying and examination of the health record by such other physician ~~or~~, clinical psychologist, *or clinical social worker* designated by either the individual at his own expense or by the health care entity at its expense.

Any health record copied for review by any such designated physician ~~or~~, clinical psychologist, or *clinical social worker* shall be accompanied by a statement from the custodian of the health record that the individual's treating physician ~~or~~, clinical psychologist, or *clinical social worker* determined that the individual's review of his health record would be reasonably likely to endanger the life or physical safety of the individual or would be reasonably likely to cause substantial harm to a person referenced in the health record who is not a health care provider.

Further, nothing herein shall be construed as giving, or interpreted to bestow the right to receive copies of, or otherwise obtain access to, psychotherapy notes to any individual or any person authorized to act on his behalf.

G. A written authorization to allow release of an individual's health records shall substantially include the following information:

AUTHORIZATION TO RELEASE CONFIDENTIAL HEALTH RECORDS

Individual's Name _____

Health Care Entity's Name _____

Person, Agency, or Health Care Entity to whom disclosure is to be made _____

Information or Health Records to be disclosed _____

Purpose of Disclosure or at the Request of the Individual _____

As the person signing this authorization, I understand that I am giving my permission to the above-named health care entity for disclosure of confidential health records. I understand that the health care entity may not condition treatment or payment on my willingness to sign this authorization unless the specific circumstances under which such conditioning is permitted by law are applicable and are set forth in this authorization. I also understand that I have the right to revoke this authorization at any time, but that my revocation is not effective until delivered in writing to the person who is in possession of my health records and is not effective as to health records already disclosed under this authorization. A copy of this authorization and a notation concerning the persons or agencies to whom disclosure was made shall be included with my original health records. I understand that health information disclosed under this authorization might be redisclosed by a recipient and may, as a result of such disclosure, no longer be protected to the same extent as such health information was protected by law while solely in the possession of the health care entity.

This authorization expires on (date) or (event) _____

Signature of Individual or Individual's Legal Representative if Individual is Unable to Sign _____

Relationship or Authority of Legal Representative _____

Date of Signature _____

H. Pursuant to this subsection:

1. Unless excepted from these provisions in subdivision 9, no party to a civil, criminal or administrative action or proceeding shall request the issuance of a subpoena duces tecum for another party's health records or cause a subpoena duces tecum to be issued by an attorney unless a copy of the request for the subpoena or a copy of the attorney-issued subpoena is provided to the other party's counsel or to the other party if pro se, simultaneously with filing the request or issuance of the subpoena. No party to an action or proceeding shall request or cause the issuance of a subpoena duces tecum for the health records of a nonparty witness unless a copy of the request for the subpoena or a copy of the attorney-issued subpoena is provided to the nonparty witness simultaneously with filing the request or issuance of the attorney-issued subpoena.

No subpoena duces tecum for health records shall set a return date earlier than 15 days from the date of the subpoena except by order of a court or administrative agency for good cause shown. When a court or administrative agency directs that health records be disclosed pursuant to a subpoena duces tecum earlier than 15 days from the date of the subpoena, a copy of the order shall accompany the subpoena.

Any party requesting a subpoena duces tecum for health records or on whose behalf the subpoena duces tecum is being issued shall have the duty to determine whether the individual whose health records are being sought is pro se or a nonparty.

In instances where health records being subpoenaed are those of a pro se party or nonparty witness, the party requesting or issuing the subpoena shall deliver to the pro se party or nonparty witness together with the copy of the request for subpoena, or a copy of the subpoena in the case of an attorney-issued subpoena, a statement informing them of their rights and remedies. The statement shall include the following language and the heading shall be in boldface capital letters:

NOTICE TO INDIVIDUAL

The attached document means that (insert name of party requesting or causing issuance of the subpoena) has either asked the court or administrative agency to issue a subpoena or a subpoena has been issued by the other party's attorney to your doctor, other health care providers (names of health care providers inserted here) or other health care entity (name of health care entity to be inserted here) requiring them to produce your health records. Your doctor, other health care provider or other health care entity is required to respond by providing a copy of your health records. If you believe your health records should not be disclosed and object to their disclosure, you have the right to file a motion with the clerk of the court or the administrative agency to quash the subpoena. If you elect to file a motion to quash, such motion must be filed within

15 days of the date of the request or of the attorney-issued subpoena. You may contact the clerk's office or the administrative agency to determine the requirements that must be satisfied when filing a motion to quash and you may elect to contact an attorney to represent your interest. If you elect to file a motion to quash, you must notify your doctor, other health care provider(s), or other health care entity, that you are filing the motion so that the health care provider or health care entity knows to send the health records to the clerk of court or administrative agency in a sealed envelope or package for safekeeping while your motion is decided.

2. Any party filing a request for a subpoena duces tecum or causing such a subpoena to be issued for an individual's health records shall include a Notice in the same part of the request in which the recipient of the subpoena duces tecum is directed where and when to return the health records. Such notice shall be in boldface capital letters and shall include the following language:

NOTICE TO HEALTH CARE ENTITIES

A COPY OF THIS SUBPOENA DUCES TECUM HAS BEEN PROVIDED TO THE INDIVIDUAL WHOSE HEALTH RECORDS ARE BEING REQUESTED OR HIS COUNSEL. YOU OR THAT INDIVIDUAL HAS THE RIGHT TO FILE A MOTION TO QUASH (OBJECT TO) THE ATTACHED SUBPOENA. IF YOU ELECT TO FILE A MOTION TO QUASH, YOU MUST FILE THE MOTION WITHIN 15 DAYS OF THE DATE OF THIS SUBPOENA.

YOU MUST NOT RESPOND TO THIS SUBPOENA UNTIL YOU HAVE RECEIVED WRITTEN CERTIFICATION FROM THE PARTY ON WHOSE BEHALF THE SUBPOENA WAS ISSUED THAT THE TIME FOR FILING A MOTION TO QUASH HAS ELAPSED AND THAT:

NO MOTION TO QUASH WAS FILED; OR

ANY MOTION TO QUASH HAS BEEN RESOLVED BY THE COURT OR THE ADMINISTRATIVE AGENCY AND THE DISCLOSURES SOUGHT ARE CONSISTENT WITH SUCH RESOLUTION.

IF YOU RECEIVE NOTICE THAT THE INDIVIDUAL WHOSE HEALTH RECORDS ARE BEING REQUESTED HAS FILED A MOTION TO QUASH THIS SUBPOENA, OR IF YOU FILE A MOTION TO QUASH THIS SUBPOENA, YOU MUST SEND THE HEALTH RECORDS ONLY TO THE CLERK OF THE COURT OR ADMINISTRATIVE AGENCY THAT ISSUED THE SUBPOENA OR IN WHICH THE ACTION IS PENDING AS SHOWN ON THE SUBPOENA USING THE FOLLOWING PROCEDURE:

PLACE THE HEALTH RECORDS IN A SEALED ENVELOPE AND ATTACH TO THE SEALED ENVELOPE A COVER LETTER TO THE CLERK OF COURT OR ADMINISTRATIVE AGENCY WHICH STATES THAT CONFIDENTIAL HEALTH RECORDS ARE ENCLOSED AND ARE TO BE HELD UNDER SEAL PENDING A RULING ON THE MOTION TO QUASH THE SUBPOENA. THE SEALED ENVELOPE AND THE COVER LETTER SHALL BE PLACED IN AN OUTER ENVELOPE OR PACKAGE FOR TRANSMITTAL TO THE COURT OR ADMINISTRATIVE AGENCY.

3. Upon receiving a valid subpoena duces tecum for health records, health care entities shall have the duty to respond to the subpoena in accordance with the provisions of subdivisions 4, 5, 6, 7, and 8.

4. Except to deliver to a clerk of the court or administrative agency subpoenaed health records in a sealed envelope as set forth, health care entities shall not respond to a subpoena duces tecum for such health records until they have received a certification as set forth in subdivision 5 or 8 from the party on whose behalf the subpoena duces tecum was issued.

If the health care entity has actual receipt of notice that a motion to quash the subpoena has been filed or if the health care entity files a motion to quash the subpoena for health records, then the health care entity shall produce the health records, in a securely sealed envelope, to the clerk of the court or administrative agency issuing the subpoena or in whose court or administrative agency the action is pending. The court or administrative agency shall place the health records under seal until a determination is made regarding the motion to quash. The securely sealed envelope shall only be opened on order of the judge or administrative agency. In the event the court or administrative agency grants the motion to quash, the health records shall be returned to the health care entity in the same sealed envelope in which they were delivered to the court or administrative agency. In the event that a judge or administrative agency orders the sealed envelope to be opened to review the health records in camera, a copy of the order shall accompany any health records returned to the health care entity. The health records returned to the health care entity shall be in a securely sealed envelope.

5. If no motion to quash is filed within 15 days of the date of the request or of the attorney-issued subpoena, the party on whose behalf the subpoena was issued shall have the duty to certify to the subpoenaed health care entity that the time for filing a motion to quash has elapsed and that no motion to quash was filed. Any health care entity receiving such certification shall have the duty to comply with the subpoena duces tecum by returning the specified health records by either the return date on the subpoena or five days after receipt of the certification, whichever is later.

6. In the event that the individual whose health records are being sought files a motion to quash the subpoena, the court or administrative agency shall decide whether good cause has been shown by the discovering party to compel disclosure of the individual's health records over the individual's objections. In determining whether good cause has been shown, the court or administrative agency shall consider (i) the particular purpose for which the information was collected; (ii) the degree to which the disclosure of the records would embarrass, injure, or invade the privacy of the individual; (iii) the effect of the disclosure on the individual's future health care; (iv) the importance of the information to the lawsuit or proceeding; and (v) any other relevant factor.

7. Concurrent with the court or administrative agency's resolution of a motion to quash, if subpoenaed health records have been submitted by a health care entity to the court or administrative agency in a sealed envelope, the court or

administrative agency shall: (i) upon determining that no submitted health records should be disclosed, return all submitted health records to the health care entity in a sealed envelope; (ii) upon determining that all submitted health records should be disclosed, provide all the submitted health records to the party on whose behalf the subpoena was issued; or (iii) upon determining that only a portion of the submitted health records should be disclosed, provide such portion to the party on whose behalf the subpoena was issued and return the remaining health records to the health care entity in a sealed envelope.

8. Following the court or administrative agency's resolution of a motion to quash, the party on whose behalf the subpoena duces tecum was issued shall have the duty to certify in writing to the subpoenaed health care entity a statement of one of the following:

a. All filed motions to quash have been resolved by the court or administrative agency and the disclosures sought in the subpoena duces tecum are consistent with such resolution; and, therefore, the health records previously delivered in a sealed envelope to the clerk of the court or administrative agency will not be returned to the health care entity;

b. All filed motions to quash have been resolved by the court or administrative agency and the disclosures sought in the subpoena duces tecum are consistent with such resolution and that, since no health records have previously been delivered to the court or administrative agency by the health care entity, the health care entity shall comply with the subpoena duces tecum by returning the health records designated in the subpoena by the return date on the subpoena or five days after receipt of certification, whichever is later;

c. All filed motions to quash have been resolved by the court or administrative agency and the disclosures sought in the subpoena duces tecum are not consistent with such resolution; therefore, no health records shall be disclosed and all health records previously delivered in a sealed envelope to the clerk of the court or administrative agency will be returned to the health care entity;

d. All filed motions to quash have been resolved by the court or administrative agency and the disclosures sought in the subpoena duces tecum are not consistent with such resolution and that only limited disclosure has been authorized. The certification shall state that only the portion of the health records as set forth in the certification, consistent with the court or administrative agency's ruling, shall be disclosed. The certification shall also state that health records that were previously delivered to the court or administrative agency for which disclosure has been authorized will not be returned to the health care entity; however, all health records for which disclosure has not been authorized will be returned to the health care entity; or

e. All filed motions to quash have been resolved by the court or administrative agency and the disclosures sought in the subpoena duces tecum are not consistent with such resolution and, since no health records have previously been delivered to the court or administrative agency by the health care entity, the health care entity shall return only those health records specified in the certification, consistent with the court or administrative agency's ruling, by the return date on the subpoena or five days after receipt of the certification, whichever is later.

A copy of the court or administrative agency's ruling shall accompany any certification made pursuant to this subdivision.

9. The provisions of this subsection have no application to subpoenas for health records requested under § 8.01-413, or issued by a duly authorized administrative agency conducting an investigation, audit, review or proceedings regarding a health care entity's conduct.

The provisions of this subsection shall apply to subpoenas for the health records of both minors and adults.

Nothing in this subsection shall have any effect on the existing authority of a court or administrative agency to issue a protective order regarding health records, including, but not limited to, ordering the return of health records to a health care entity, after the period for filing a motion to quash has passed.

A subpoena for substance abuse records must conform to the requirements of federal law found in 42 C.F.R. Part 2, Subpart E.

I. Health care entities may testify about the health records of an individual in compliance with §§ 8.01-399 and 8.01-400.2.

J. If an individual requests a copy of his health record from a health care entity, the health care entity may impose a reasonable cost-based fee, which shall include only the cost of supplies for and labor of copying the requested information, postage when the individual requests that such information be mailed, and preparation of an explanation or summary of such information as agreed to by the individual. For the purposes of this section, "individual" shall subsume a person with authority to act on behalf of the individual who is the subject of the health record in making decisions related to his health care.

K. Nothing in this section shall prohibit a health care provider who prescribes or dispenses a controlled substance required to be reported to the Prescription Monitoring Program established pursuant to Chapter 25.2 (§ 54.1-2519 et seq.) of Title 54.1 to a patient from disclosing information obtained from the Prescription Monitoring Program and contained in a patient's health care record to another health care provider when such disclosure is related to the care or treatment of the patient who is the subject of the record.

§ 37.2-809. Involuntary temporary detention; issuance and execution of order.

A. For the purposes of this section:

"Designee of the local community services board" means an examiner designated by the local community services board who (i) is skilled in the assessment and treatment of mental illness, (ii) has completed a certification program approved by the Department, (iii) is able to provide an independent examination of the person, (iv) is not related by blood or marriage to the person being evaluated, (v) has no financial interest in the admission or treatment of the person being

evaluated, (vi) has no investment interest in the facility detaining or admitting the person under this article, and (vii) except for employees of state hospitals and of the U.S. Department of Veterans Affairs, is not employed by the facility.

"Employee" means an employee of the local community services board who is skilled in the assessment and treatment of mental illness and has completed a certification program approved by the Department.

"Investment interest" means the ownership or holding of an equity or debt security, including shares of stock in a corporation, interests or units of a partnership, bonds, debentures, notes, or other equity or debt instruments.

B. A magistrate shall issue, upon the sworn petition of any responsible person, treating physician, or upon his own motion and only after an evaluation conducted in-person or by means of a two-way electronic video and audio communication system as authorized in § 37.2-804.1 by an employee or a designee of the local community services board to determine whether the person meets the criteria for temporary detention, a temporary detention order if it appears from all evidence readily available, including any recommendation from a physician or, clinical psychologist, or *clinical social worker* treating the person, that the person (i) has a mental illness and that there exists a substantial likelihood that, as a result of mental illness, the person will, in the near future, (a) cause serious physical harm to himself or others as evidenced by recent behavior causing, attempting, or threatening harm and other relevant information, if any, or (b) suffer serious harm due to his lack of capacity to protect himself from harm or to provide for his basic human needs; (ii) is in need of hospitalization or treatment; and (iii) is unwilling to volunteer or incapable of volunteering for hospitalization or treatment. The magistrate shall also consider, if available, (a) information provided by the person who initiated emergency custody and (b) the recommendations of any treating or examining physician licensed in Virginia either verbally or in writing prior to rendering a decision. Any temporary detention order entered pursuant to this section shall provide for the disclosure of medical records pursuant to § 37.2-804.2. This subsection shall not preclude any other disclosures as required or permitted by law.

C. When considering whether there is probable cause to issue a temporary detention order, the magistrate may, in addition to the petition, consider (i) the recommendations of any treating or examining physician or, psychologist, or *clinical social worker* licensed in Virginia, if available, (ii) any past actions of the person, (iii) any past mental health treatment of the person, (iv) any relevant hearsay evidence, (v) any medical records available, (vi) any affidavits submitted, if the witness is unavailable and it so states in the affidavit, and (vii) any other information available that the magistrate considers relevant to the determination of whether probable cause exists to issue a temporary detention order.

D. A magistrate may issue a temporary detention order without an emergency custody order proceeding. A magistrate may issue a temporary detention order without a prior evaluation pursuant to subsection B if (i) the person has been personally examined within the previous 72 hours by an employee or a designee of the local community services board or (ii) there is a significant physical, psychological, or medical risk to the person or to others associated with conducting such evaluation.

E. An employee or a designee of the local community services board shall determine the facility of temporary detention in accordance with the provisions of § 37.2-809.1 for all individuals detained pursuant to this section. An employee or designee of the local community services board may change the facility of temporary detention and may designate an alternative facility for temporary detention at any point during the period of temporary detention if it is determined that the alternative facility is a more appropriate facility for temporary detention of the individual given the specific security, medical, or behavioral health needs of the person. In cases in which the facility of temporary detention is changed following transfer of custody to an initial facility of temporary custody, transportation of the individual to the alternative facility of temporary detention shall be provided in accordance with the provisions of § 37.2-810. The initial facility of temporary detention shall be identified on the preadmission screening report and indicated on the temporary detention order; however, if an employee or designee of the local community services board designates an alternative facility, that employee or designee shall provide written notice forthwith, on a form developed by the Executive Secretary of the Supreme Court of Virginia, to the clerk of the issuing court of the name and address of the alternative facility. Subject to the provisions of § 37.2-809.1, if a facility of temporary detention cannot be identified by the time of the expiration of the period of emergency custody pursuant to § 37.2-808, the individual shall be detained in a state facility for the treatment of individuals with mental illness and such facility shall be indicated on the temporary detention order. Except as provided in § 37.2-811 for inmates requiring hospitalization in accordance with subdivision A 2 of § 19.2-169.6, the person shall not be detained in a jail or other place of confinement for persons charged with criminal offenses and shall remain in the custody of law enforcement until the person is either detained within a secure facility or custody has been accepted by the appropriate personnel designated by either the initial facility of temporary detention identified in the temporary detention order or by the alternative facility of temporary detention designated by the employee or designee of the local community services board pursuant to this subsection. The person detained or in custody pursuant to this section shall be given a written summary of the temporary detention procedures and the statutory protections associated with those procedures.

F. Any facility caring for a person placed with it pursuant to a temporary detention order is authorized to provide emergency medical and psychiatric services within its capabilities when the facility determines that the services are in the best interests of the person within its care. The costs incurred as a result of the hearings and by the facility in providing services during the period of temporary detention shall be paid and recovered pursuant to § 37.2-804. The maximum costs reimbursable by the Commonwealth pursuant to this section shall be established by the State Board of Medical Assistance Services based on reasonable criteria. The State Board of Medical Assistance Services shall, by regulation, establish a reasonable rate per day of inpatient care for temporary detention.

G. The employee or the designee of the local community services board who is conducting the evaluation pursuant to this section shall determine, prior to the issuance of the temporary detention order, the insurance status of the person. Where coverage by a third party payor exists, the facility seeking reimbursement under this section shall first seek reimbursement from the third party payor. The Commonwealth shall reimburse the facility only for the balance of costs remaining after the allowances covered by the third party payor have been received.

H. The duration of temporary detention shall be sufficient to allow for completion of the examination required by § 37.2-815, preparation of the preadmission screening report required by § 37.2-816, and initiation of mental health treatment to stabilize the person's psychiatric condition to avoid involuntary commitment where possible, but shall not exceed 72 hours prior to a hearing. If the 72-hour period herein specified terminates on a Saturday, Sunday, legal holiday, or day on which the court is lawfully closed, the person may be detained, as herein provided, until the close of business on the next day that is not a Saturday, Sunday, legal holiday, or day on which the court is lawfully closed. The person may be released, pursuant to § 37.2-813, before the 72-hour period herein specified has run.

I. If a temporary detention order is not executed within 24 hours of its issuance, or within a shorter period as is specified in the order, the order shall be void and shall be returned unexecuted to the office of the clerk of the issuing court or, if the office is not open, to any magistrate serving the jurisdiction of the issuing court. Subsequent orders may be issued upon the original petition within 96 hours after the petition is filed. However, a magistrate must again obtain the advice of an employee or a designee of the local community services board prior to issuing a subsequent order upon the original petition. Any petition for which no temporary detention order or other process in connection therewith is served on the subject of the petition within 96 hours after the petition is filed shall be void and shall be returned to the office of the clerk of the issuing court.

J. The Executive Secretary of the Supreme Court of Virginia shall establish and require that a magistrate, as provided by this section, be available seven days a week, 24 hours a day, for the purpose of performing the duties established by this section. Each community services board shall provide to each general district court and magistrate's office within its service area a list of its employees and designees who are available to perform the evaluations required herein.

K. For purposes of this section, a health care provider or designee of a local community services board or behavioral health authority shall not be required to encrypt any email containing information or medical records provided to a magistrate unless there is reason to believe that a third party will attempt to intercept the email.

L. If the employee or designee of the community services board who is conducting the evaluation pursuant to this section recommends that the person should not be subject to a temporary detention order, such employee or designee shall (i) inform the petitioner, the person who initiated emergency custody if such person is present, and an onsite treating physician of his recommendation; (ii) promptly inform such person who initiated emergency custody that the community services board will facilitate communication between the person and the magistrate if the person disagrees with recommendations of the employee or designee of the community services board who conducted the evaluation and the person who initiated emergency custody so requests; and (iii) upon prompt request made by the person who initiated emergency custody, arrange for such person who initiated emergency custody to communicate with the magistrate as soon as is practicable and prior to the expiration of the period of emergency custody. The magistrate shall consider any information provided by the person who initiated emergency custody and any recommendations of the treating or examining physician and the employee or designee of the community services board who conducted the evaluation and consider such information and recommendations in accordance with subsection B in making his determination to issue a temporary detention order. The individual who is the subject of emergency custody shall remain in the custody of law enforcement or a designee of law enforcement and shall not be released from emergency custody until communication with the magistrate pursuant to this subsection has concluded and the magistrate has made a determination regarding issuance of a temporary detention order.

M. For purposes of this section, "person who initiated emergency custody" means any person who initiated the issuance of an emergency custody order pursuant to § 37.2-808 or a law-enforcement officer who takes a person into custody pursuant to subsection G of § 37.2-808.

§ 38.2-608. Access to recorded personal information.

A. If any individual, after proper identification, submits a written request to an insurance institution, agent, or insurance-support organization for access to recorded personal information about the individual that is reasonably described by the individual and reasonably able to be located and retrieved by the insurance institution, agent, or insurance-support organization, the insurance institution, agent, or insurance-support organization shall within 30 business days from the date the request is received:

1. Inform the individual of the nature and substance of the recorded personal information in writing, by telephone, or by other oral communication, whichever the insurance institution, agent, or insurance-support organization prefers;

2. Permit the individual to see and copy, in person, the recorded personal information pertaining to him or to obtain a copy of the recorded personal information by mail, whichever the individual prefers, unless the recorded personal information is in coded form, in which case an accurate translation in plain language shall be provided in writing;

3. Disclose to the individual the identity, if recorded, of those persons to whom the insurance institution, agent, or insurance-support organization has disclosed the personal information within two years prior to such request, and if the identity is not recorded, the names of those insurance institutions, agents, insurance-support organizations or other persons to whom such information is normally disclosed; and

4. Provide the individual with a summary of the procedures by which he may request correction, amendment, or deletion of recorded personal information.

B. Any personal information provided pursuant to subsection A of this section shall identify the source of the information if it is an institutional source.

C. Medical-record information supplied by a medical-care institution or medical professional and requested under subsection A of this section, together with the identity of the medical professional or medical care institution that provided the information, shall be supplied either directly to the individual or to a medical professional designated by the individual and licensed to provide medical care with respect to the condition to which the information relates, whichever the individual prefers. If the individual elects to have the information disclosed to a medical professional designated by him, the insurance institution, agent or insurance-support organization shall notify the individual, at the time of the disclosure, that it has provided the information to the medical professional.

However, disclosure directly to the individual may be denied if a treating physician ~~or treating~~, clinical psychologist, or *clinical social worker* has determined, in the exercise of professional judgment, that the disclosure requested would be reasonably likely to endanger the life or physical safety of the individual or another person or that the information requested makes reference to a person other than a health care provider and disclosure of such information would be reasonably likely to cause substantial harm to the referenced person.

If disclosure to the individual is denied, upon the individual's request, the insurance institution, agent or insurance support organization shall either (i) designate a physician ~~or~~, clinical psychologist, or *clinical social worker* acceptable to the insurance institution, agent or insurance support organization, who was not directly involved in the denial, and whose licensure, training, and experience relative to the individual's condition are at least equivalent to that of the physician ~~or~~, clinical psychologist, or *clinical social worker* who made the original determination, who shall, at the expense of the insurance institution, agent or insurance support organization, make a judgment as to whether to make the information available to the individual; or (ii) if the individual so requests, make the information available, at the individual's expense to a physician ~~or~~, clinical psychologist, or *clinical social worker* selected by the individual, whose licensure, training and experience relative to the individual's condition are at least equivalent to that of the physician ~~or~~, clinical psychologist, or *clinical social worker* who made the original determination, who shall make a judgment as to whether to make the information available to the individual. The insurance institution, agent, or insurance support organization shall comply with the judgment of the reviewing physician ~~or~~, clinical psychologist, or *clinical social worker* made in accordance with the foregoing procedures.

D. Except for personal information provided under § 38.2-610, an insurance institution, agent, or insurance-support organization may charge a reasonable fee to cover the costs incurred in providing a copy of recorded personal information to individuals.

E. The obligations imposed by this section upon an insurance institution or agent may be satisfied by another insurance institution or agent authorized to act on its behalf. With respect to the copying and disclosure of recorded personal information pursuant to a request under subsection A of this section, an insurance institution, agent, or insurance-support organization may make arrangements with an insurance-support organization or a consumer reporting agency to copy and disclose recorded personal information on its behalf.

F. The rights granted to individuals in this section shall extend to all natural persons to the extent information about them is collected and maintained by an insurance institution, agent or insurance-support organization in connection with an insurance transaction. The rights granted to all natural persons by this subsection shall not extend to information about them that relates to and is collected in connection with or in reasonable anticipation of a claim or civil or criminal proceeding involving them.

G. For purposes of this section, the term "insurance-support organization" does not include "consumer reporting agency."

§ 53.1-40.2. Involuntary admission of prisoners with mental illness.

A. Upon the petition of the Director or his designee, any district court judge or any special justice, as defined by § 37.2-100, of the county or city where the prisoner is located may issue an order authorizing involuntary admission of a prisoner who is sentenced and committed to the Department of Corrections and who is alleged or reliably reported to have a mental illness to a degree that warrants hospitalization.

B. Such prisoner may be involuntarily admitted to a hospital or facility for the care and treatment of persons with mental illness by complying with the following admission procedures:

1. A hearing on the petition shall be scheduled as soon as possible, allowing the prisoner an opportunity to prepare any defenses which he may have, obtain independent evaluation and expert opinion at his own expense, and summons other witnesses.

2. Prior to such hearing, the judge or special justice shall fully inform the prisoner of the allegations of the petition, the standard upon which he may be admitted involuntarily, the right of appeal from such hearing to the circuit court, and the right to jury trial on appeal. The judge or special justice shall ascertain if the prisoner is represented by counsel, and, if he is not represented by counsel, the judge or special justice shall appoint an attorney to represent the prisoner.

3. The judge or special justice shall require an examination of such prisoner by a psychiatrist, *clinical psychologist*, or *clinical social worker* who is licensed in Virginia ~~or a clinical psychologist who is licensed in Virginia~~ or, if such psychiatrist ~~or~~, clinical psychologist, or *clinical social worker* is not available, a physician or psychologist who is licensed

in Virginia and who is qualified in the diagnosis of mental illness. The judge or special justice shall summons the examiner, who shall certify that he has personally examined the individual and has probable cause to believe that the prisoner does or does not have mental illness, that there does or does not exist a substantial likelihood that, as a result of mental illness, the prisoner will, in the near future, cause serious physical harm to himself or others as evidenced by recent behavior causing, attempting, or threatening harm and other relevant information, if any, and that the prisoner does or does not require involuntary hospitalization. The judge or special justice may accept written certification of the examiner's findings if the examination has been personally made within the preceding five days and if there is no objection to the acceptance of such written certification by the prisoner or his attorney.

4. If the judge or special justice, after observing the prisoner and obtaining the necessary positive certification and other relevant evidence, finds specifically that (i) the prisoner has a mental illness and that there exists a substantial likelihood that, as a result of mental illness, the prisoner will, in the near future, (a) cause serious physical harm to himself or others as evidenced by recent behavior causing, attempting, or threatening harm and other relevant information, if any, or (b) suffer serious harm due to his lack of capacity to protect himself from harm or to provide for his basic human needs, and (ii) alternatives to involuntary admission have been investigated and deemed unsuitable and there is no less restrictive alternative to such admission, the judge or special justice shall by written order and specific findings so certify and order that the prisoner be placed in a hospital or other facility designated by the Director for a period not to exceed 180 days from the date of the court order. Such placement shall be in a hospital or other facility for the care and treatment of persons with mental illness that is licensed or operated by the Department of Behavioral Health and Developmental Services.

5. The judge or special justice shall also order that the relevant medical records of such prisoner be released to the hospital, facility, or program in which he is placed upon request of the treating physician or director of the hospital, facility, or program.

6. The Department shall prepare the forms required in procedures for admission as approved by the Attorney General. These forms, which shall be the legal forms used in such admissions, shall be distributed by the Department to the clerks of the general district courts of the various counties and cities of the Commonwealth and to the directors of the respective state hospitals.

§ 54.1-2969. Authority to consent to surgical and medical treatment of certain minors.

A. Whenever any minor who has been separated from the custody of his parent or guardian is in need of surgical or medical treatment, authority commensurate with that of a parent in like cases is conferred, for the purpose of giving consent to such surgical or medical treatment, as follows:

1. Upon judges with respect to minors whose custody is within the control of their respective courts.

2. Upon local directors of social services or their designees with respect to (i) minors who are committed to the care and custody of the local board by courts of competent jurisdiction, (ii) minors who are taken into custody pursuant to § 63.2-1517, and (iii) minors who are entrusted to the local board by the parent, parents or guardian, when the consent of the parent or guardian cannot be obtained immediately and, in the absence of such consent, a court order for such treatment cannot be obtained immediately.

3. Upon the Director of the Department of Corrections or the Director of the Department of Juvenile Justice or his designees with respect to any minor who is sentenced or committed to his custody.

4. Upon the principal executive officers of state institutions with respect to the wards of such institutions.

5. Upon the principal executive officer of any other institution or agency legally qualified to receive minors for care and maintenance separated from their parents or guardians, with respect to any minor whose custody is within the control of such institution or agency.

6. Upon any person standing in loco parentis, or upon a conservator or custodian for his ward or other charge under disability.

B. Whenever the consent of the parent or guardian of any minor who is in need of surgical or medical treatment is unobtainable because such parent or guardian is not a resident of the Commonwealth or his whereabouts is unknown or he cannot be consulted with promptness reasonable under the circumstances, authority commensurate with that of a parent in like cases is conferred, for the purpose of giving consent to such surgical or medical treatment, upon judges of juvenile and domestic relations district courts.

C. Whenever delay in providing medical or surgical treatment to a minor may adversely affect such minor's recovery and no person authorized in this section to consent to such treatment for such minor is available within a reasonable time under the circumstances, no liability shall be imposed upon qualified emergency medical services personnel as defined in § 32.1-111.1 at the scene of an accident, fire or other emergency, a licensed health professional, or a licensed hospital by reason of lack of consent to such medical or surgical treatment. However, in the case of a minor 14 years of age or older who is physically capable of giving consent, such consent shall be obtained first.

D. Whenever delay in providing transportation to a minor from the scene of an accident, fire or other emergency prior to hospital admission may adversely affect such minor's recovery and no person authorized in this section to consent to such transportation for such minor is available within a reasonable time under the circumstances, no liability shall be imposed upon emergency medical services personnel as defined in § 32.1-111.1, by reason of lack of consent to such transportation. However, in the case of a minor 14 years of age or older who is physically capable of giving consent, such consent shall be obtained first.

E. A minor shall be deemed an adult for the purpose of consenting to:

1. Medical or health services needed to determine the presence of or to treat venereal disease or any infectious or contagious disease that the State Board of Health requires to be reported;

2. Medical or health services required in case of birth control, pregnancy or family planning except for the purposes of sexual sterilization;

3. Medical or health services needed in the case of outpatient care, treatment or rehabilitation for substance abuse as defined in § 37.2-100; or

4. Medical or health services needed in the case of outpatient care, treatment or rehabilitation for mental illness or emotional disturbance.

A minor shall also be deemed an adult for the purpose of accessing or authorizing the disclosure of medical records related to subdivisions 1 through 4.

F. Except for the purposes of sexual sterilization, any minor who is or has been married shall be deemed an adult for the purpose of giving consent to surgical and medical treatment.

G. A pregnant minor shall be deemed an adult for the sole purpose of giving consent for herself and her child to surgical and medical treatment relating to the delivery of her child when such surgical or medical treatment is provided during the delivery of the child or the duration of the hospital admission for such delivery; thereafter, the minor mother of such child shall also be deemed an adult for the purpose of giving consent to surgical and medical treatment for her child.

H. Any minor 16 years of age or older may, with the consent of a parent or legal guardian, consent to donate blood and may donate blood if such minor meets donor eligibility requirements. However, parental consent to donate blood by any minor 17 years of age shall not be required if such minor receives no consideration for his blood donation and the procurer of the blood is a nonprofit, voluntary organization.

I. Any judge, local director of social services, Director of the Department of Corrections, Director of the Department of Juvenile Justice, or principal executive officer of any state or other institution or agency who consents to surgical or medical treatment of a minor in accordance with this section shall make a reasonable effort to notify the minor's parent or guardian of such action as soon as practicable.

J. Nothing in subsection G shall be construed to permit a minor to consent to an abortion without complying with § 16.1-241.

K. Nothing in subsection E shall prevent a parent, legal guardian or person standing in loco parentis from obtaining (i) the results of a minor's nondiagnostic drug test when the minor is not receiving care, treatment or rehabilitation for substance abuse as defined in § 37.2-100 or (ii) a minor's other health records, except when the minor's treating physician ~~or the minor's treating~~, clinical psychologist, *or clinical social worker* has determined, in the exercise of his professional judgment, that the disclosure of health records to the parent, legal guardian, or person standing in loco parentis would be reasonably likely to cause substantial harm to the minor or another person pursuant to subsection B of § 20-124.6.

CHAPTER 946

An Act to amend and reenact § 32.1-111.4:7 of the Code of Virginia, relating to nongovernmental emergency medical services agencies; dissolution; return of property purchased with public funds.

[S 1088]

Approved April 9, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 32.1-111.4:7 of the Code of Virginia is amended and reenacted as follows:

§ 32.1-111.4:7. Establishment of an emergency medical services agency as a nongovernmental entity; dissolution.

A. Any number of persons wishing to provide emergency medical services may establish an emergency medical services agency by (i) recording a writing stating the formation of such company, with the names of the members thereof thereto subscribed in the court of the county or city wherein such agency shall be located, (ii) complying with such local ordinances as may exist related to establishment of an emergency medical services agency, and (iii) obtaining a valid emergency medical services agency license from the Office of Emergency Medical Services together with such emergency medical services vehicle permits from the Office of Emergency Medical Services as the Office of Emergency Medical Services may require. The principal officer of such emergency medical services agency shall be known as "the emergency medical services agency chief" or "EMS chief."

B. The members of an emergency medical services agency established pursuant to subsection A may make regulations for effecting its objects consistent with the laws of the Commonwealth; the ordinances of the county, city, or town; and the bylaws of the emergency medical services agency thereof.

C. In every county, city, or town in which an emergency medical services agency is established pursuant to this section, there shall be appointed, at such time and in such manner as the governing body of such county, city, or town in which the emergency medical services agency is located may prescribe, an emergency medical services agency chief and as many other officers of the emergency medical services agency as such governing body may direct.

D. An emergency medical services agency established pursuant to this section may be dissolved when the local governing body of the county, city, or town in which the emergency medical services agency is located determines that the

emergency medical services agency has failed, for three months successively, to have or keep in good and serviceable condition emergency medical services vehicles and equipment and other proper implements, or when the governing body of the county, city, or town for any reason deems it advisable.

E. Upon dissolution of an emergency medical services agency established pursuant to this section, any property that was in the possession of such emergency medical services agency and that was purchased using public funds shall be offered to a city or county served by the emergency medical services agency to be used for the public good.

CHAPTER 947

An Act to amend the Code of Virginia by adding a section numbered 23.1-401.2, relating to public institutions of higher education; student journalists; freedom of speech and the press.

[H 36]

Approved April 9, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 23.1-401.2 as follows:

§ 23.1-401.2. Student journalists; freedom of speech and the press.

A. As used in this section:

"Institution-sponsored student media" means any material that is prepared, substantially written, published, or broadcast by a student journalist at a public institution of higher education under the direction of a student media adviser and distributed or generally made available to members of the student body. "Institution-sponsored student media" does not include any media intended for distribution or transmission solely in the course in which the media is produced.

"Student journalist" means a student enrolled at a public institution of higher education who gathers, compiles, writes, edits, photographs, records, or prepares information for inclusion in institution-sponsored student media.

"Student media adviser" means an employee of a public institution of higher education who is appointed, designated, or employed to supervise or provide instruction relating to institution-sponsored student media.

B. Except as provided in subsection C, a student journalist has the right to exercise freedom of speech and the press in institution-sponsored student media, including determining the news and opinion content of institution-sponsored student media, regardless of whether the media is supported financially by the governing board of the institution, supported through the use of campus facilities, or produced in conjunction with a course in which the student is enrolled.

C. No student journalist has the right to exercise freedom of speech or the press in institution-sponsored student media when such media:

1. Is libelous or slanderous;

2. Constitutes an unwarranted invasion of privacy;

3. Violates federal or state law; or

4. So incites students as to create a clear and present danger of the commission of an unlawful act, the violation of institution policy, or the material and substantial disruption of the orderly operation of the institution.

D. No student media adviser shall be dismissed, suspended, disciplined, reassigned, or transferred for (i) taking reasonable and appropriate action to protect a student journalist who engages in conduct that is protected by subsection B or (ii) refusing to infringe on conduct by a student journalist that is protected by subsection B, the First Amendment to the United States Constitution, or the Constitution of Virginia.

CHAPTER 948

An Act to amend the Code of Virginia by adding in Article 1 of Chapter 3 of Title 40.1 a section numbered 40.1-28.7:7, relating to covenants not to compete; low-wage employees; civil penalty.

[H 330]

Approved April 9, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 1 of Chapter 3 of Title 40.1 a section numbered 40.1-28.7:7 as follows:

§ 40.1-28.7:7. Covenants not to compete prohibited as to low-wage employees; civil penalty.

A. As used in this section:

"Covenant not to compete" means a covenant or agreement, including a provision of a contract of employment, between an employer and employee that restrains, prohibits, or otherwise restricts an individual's ability, following the termination of the individual's employment, to compete with his former employer. A "covenant not to compete" shall not restrict an employee from providing a service to a customer or client of the employer if the employee does not initiate contact with or solicit the customer or client.

"Low-wage employee" means an employee whose average weekly earnings, calculated by dividing the employee's earnings during the period of 52 weeks immediately preceding the date of termination of employment by 52, or if an

employee worked fewer than 52 weeks, by the number of weeks that the employee was actually paid during the 52-week period, are less than the average weekly wage of the Commonwealth as determined pursuant to subsection B of § 65.2-500. "Low-wage employee" includes interns, students, apprentices, or trainees employed, with or without pay, at a trade or occupation in order to gain work or educational experience. "Low-wage employee" also includes an individual who has independently contracted with another person to perform services independent of an employment relationship and who is compensated for such services by such person at an hourly rate that is less than the median hourly wage for the Commonwealth for all occupations as reported, for the preceding year, by the Bureau of Labor Statistics of the U.S. Department of Labor. For the purposes of this section, "low-wage employee" shall not include any employee whose earnings are derived, in whole or in predominant part, from sales commissions, incentives, or bonuses paid to the employee by the employer.

B. No employer shall enter into, enforce, or threaten to enforce a covenant not to compete with any low-wage employee.

C. Nothing in this section shall serve to limit the creation or application of nondisclosure agreements intended to prohibit the taking, misappropriating, threatening to misappropriate, or sharing of certain information, including trade secrets, as defined in § 59.1-336, and proprietary or confidential information.

D. A low-wage employee may bring a civil action in a court of competent jurisdiction against any former employer or other person that attempts to enforce a covenant not to compete against such employee in violation of this section. An action under this section shall be brought within two years of the latter of (i) the date the covenant not to compete was signed, (ii) the date the low-wage employee learns of the covenant not to compete, (iii) the date the employment relationship is terminated, or (iv) the date the employer takes any step to enforce the covenant not to compete. The court shall have jurisdiction to void any covenant not to compete with a low-wage employee and to order all appropriate relief, including enjoining the conduct of any person or employer, ordering payment of liquidated damages, and awarding lost compensation, damages, and reasonable attorney fees and costs. No employer may discharge, threaten, or otherwise discriminate or retaliate against a low-wage employee for bringing a civil action pursuant to this section.

E. Any employer that violates the provisions of subsection B as determined by the Commissioner shall be subject to a civil penalty of \$10,000 for each violation. Civil penalties owed under this subsection shall be paid to the Commissioner for deposit in the general fund.

F. If the court finds a violation of the provisions of this section, the plaintiff shall be entitled to recover reasonable costs, including costs and reasonable fees for expert witnesses, and attorney fees from the former employer or other person who attempts to enforce a covenant not to compete against such plaintiff.

G. Every employer shall post a copy of this section or a summary approved by the Department in the same location where other employee notices required by state or federal law are posted. An employer that fails to post a copy of this section or an approved summary of this section shall be issued by the Department a written warning for the first violation, shall be subject to a civil penalty not to exceed \$250 for a second violation, and shall be subject to a civil penalty not to exceed \$1,000 for a third and each subsequent violation as determined by the Commissioner. Civil penalties owed under this subsection shall be paid to the Commissioner for deposit in the general fund.

The Commissioner shall prescribe procedures for the payment of proposed assessments of penalties that are not contested by employers. Such procedures shall include provisions for an employer to consent to abatement of the alleged violation and to pay a proposed penalty or a negotiated sum in lieu of such penalty without admission of any civil liability arising from such alleged violation.

2. That the provisions of this act shall be applicable to covenants not to compete that are entered into on or after July 1, 2020.

CHAPTER 949

An Act to amend the Code of Virginia by adding in Article 1 of Chapter 3 of Title 40.1 a section numbered 40.1-28.7:7, relating to covenants not to compete; low-wage employees; civil penalty.

[S 480]

Approved April 9, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 1 of Chapter 3 of Title 40.1 a section numbered 40.1-28.7:7 as follows:

§ 40.1-28.7:7. Covenants not to compete prohibited as to low-wage employees; civil penalty.

A. As used in this section:

"Covenant not to compete" means a covenant or agreement, including a provision of a contract of employment, between an employer and employee that restrains, prohibits, or otherwise restricts an individual's ability, following the termination of the individual's employment, to compete with his former employer. A "covenant not to compete" shall not restrict an employee from providing a service to a customer or client of the employer if the employee does not initiate contact with or solicit the customer or client.

"Low-wage employee" means an employee whose average weekly earnings, calculated by dividing the employee's earnings during the period of 52 weeks immediately preceding the date of termination of employment by 52, or if an employee worked fewer than 52 weeks, by the number of weeks that the employee was actually paid during the 52-week period, are less than the average weekly wage of the Commonwealth as determined pursuant to subsection B of § 65.2-500. "Low-wage employee" includes interns, students, apprentices, or trainees employed, with or without pay, at a trade or occupation in order to gain work or educational experience. "Low-wage employee" also includes an individual who has independently contracted with another person to perform services independent of an employment relationship and who is compensated for such services by such person at an hourly rate that is less than the median hourly wage for the Commonwealth for all occupations as reported, for the preceding year, by the Bureau of Labor Statistics of the U.S. Department of Labor. For the purposes of this section, "low-wage employee" shall not include any employee whose earnings are derived, in whole or in predominant part, from sales commissions, incentives, or bonuses paid to the employee by the employer.

B. No employer shall enter into, enforce, or threaten to enforce a covenant not to compete with any low-wage employee.

C. Nothing in this section shall serve to limit the creation or application of nondisclosure agreements intended to prohibit the taking, misappropriating, threatening to misappropriate, or sharing of certain information, including trade secrets, as defined in § 59.1-336, and proprietary or confidential information.

D. A low-wage employee may bring a civil action in a court of competent jurisdiction against any former employer or other person that attempts to enforce a covenant not to compete against such employee in violation of this section. An action under this section shall be brought within two years of the latter of (i) the date the covenant not to compete was signed, (ii) the date the low-wage employee learns of the covenant not to compete, (iii) the date the employment relationship is terminated, or (iv) the date the employer takes any step to enforce the covenant not to compete. The court shall have jurisdiction to void any covenant not to compete with a low-wage employee and to order all appropriate relief, including enjoining the conduct of any person or employer, ordering payment of liquidated damages, and awarding lost compensation, damages, and reasonable attorney fees and costs. No employer may discharge, threaten, or otherwise discriminate or retaliate against a low-wage employee for bringing a civil action pursuant to this section.

E. Any employer that violates the provisions of subsection B as determined by the Commissioner shall be subject to a civil penalty of \$10,000 for each violation. Civil penalties owed under this subsection shall be paid to the Commissioner for deposit in the general fund.

F. If the court finds a violation of the provisions of this section, the plaintiff shall be entitled to recover reasonable costs, including costs and reasonable fees for expert witnesses, and attorney fees from the former employer or other person who attempts to enforce a covenant not to compete against such plaintiff.

G. Every employer shall post a copy of this section or a summary approved by the Department in the same location where other employee notices required by state or federal law are posted. An employer that fails to post a copy of this section or an approved summary of this section shall be issued by the Department a written warning for the first violation, shall be subject to a civil penalty not to exceed \$250 for a second violation, and shall be subject to a civil penalty not to exceed \$1,000 for a third and each subsequent violation as determined by the Commissioner. Civil penalties owed under this subsection shall be paid to the Commissioner for deposit in the general fund.

The Commissioner shall prescribe procedures for the payment of proposed assessments of penalties that are not contested by employers. Such procedures shall include provisions for an employer to consent to abatement of the alleged violation and to pay a proposed penalty or a negotiated sum in lieu of such penalty without admission of any civil liability arising from such alleged violation.

2. The provisions of this act shall be applicable to covenants not to compete that are entered into on or after July 1, 2020.

CHAPTER 950

An Act to amend the Code of Virginia by adding in Article 2 of Chapter 3 of Title 40.1 a section numbered 40.1-33.1, relating to prohibiting employers from discriminating against employees for instituting proceedings for nonpayment of wages.

[H 337]

Approved April 9, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 2 of Chapter 3 of Title 40.1 a section numbered 40.1-33.1 as follows:

§ 40.1-33.1. Discriminatory actions prohibited.

A. An employer shall not discharge or in any other manner discriminate against an employee because such employee has filed any complaint or instituted or caused to be instituted any proceeding under § 40.1-29, or has testified or is about to testify in any such proceeding.

B. Any employee who is discharged or in any other manner discriminated against in a manner prohibited by this section may file a complaint with the Commissioner, and the Commissioner, with the written and signed consent of an employee, may

institute proceedings on behalf of an employee for appropriate remedies for such action, including reinstatement of the employee and recovering lost wages and an additional amount equal to the lost wages as liquidated damages.

CHAPTER 951

An Act to amend the Code of Virginia by adding in Article 2 of Chapter 3 of Title 40.1 a section numbered 40.1-33.1, relating to prohibiting employers from discriminating against employees for instituting proceedings for nonpayment of wages.

[S 48]

Approved April 9, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 2 of Chapter 3 of Title 40.1 a section numbered 40.1-33.1 as follows:

§ 40.1-33.1. Discriminatory actions prohibited.

A. An employer shall not discharge or in any other manner discriminate against an employee because such employee has filed any complaint or instituted or caused to be instituted any proceeding under § 40.1-29, or has testified or is about to testify in any such proceeding.

B. Any employee who is discharged or in any other manner discriminated against in a manner prohibited by this section may file a complaint with the Commissioner, and the Commissioner, with the written and signed consent of an employee, may institute proceedings on behalf of an employee for appropriate remedies for such action, including reinstatement of the employee and recovering lost wages and an additional amount equal to the lost wages as liquidated damages.

CHAPTER 952

An Act to amend and reenact § 22.1-253.13:2 of the Code of Virginia, relating to minimum staffing ratio for school counselors.

[S 880]

Approved April 9, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-253.13:2 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-253.13:2. Standard 2. Instructional, administrative, and support personnel.

A. The Board shall establish requirements for the licensing of teachers, principals, superintendents, and other professional personnel.

B. School boards shall employ licensed instructional personnel qualified in the relevant subject areas.

C. Each school board shall assign licensed instructional personnel in a manner that produces divisionwide ratios of students in average daily membership to full-time equivalent teaching positions, excluding special education teachers, principals, assistant principals, school counselors, and librarians, that are not greater than the following ratios: (i) 24 to one in kindergarten with no class being larger than 29 students; if the average daily membership in any kindergarten class exceeds 24 pupils, a full-time teacher's aide shall be assigned to the class; (ii) 24 to one in grades one, two, and three with no class being larger than 30 students; (iii) 25 to one in grades four through six with no class being larger than 35 students; and (iv) 24 to one in English classes in grades six through 12. After September 30 of any school year, anytime the number of students in a class exceeds the class size limit established by this subsection, the local school division shall notify the parent of each student in such class of such fact no later than 10 days after the date on which the class exceeded the class size limit. Such notification shall state the reason that the class size exceeds the class size limit and describe the measures that the local school division will take to reduce the class size to comply with this subsection.

Within its regulations governing special education programs, the Board shall seek to set pupil/teacher ratios for pupils with intellectual disability that do not exceed the pupil/teacher ratios for self-contained classes for pupils with specific learning disabilities.

Further, school boards shall assign instructional personnel in a manner that produces schoolwide ratios of students in average daily memberships to full-time equivalent teaching positions of 21 to one in middle schools and high schools. School divisions shall provide all middle and high school teachers with one planning period per day or the equivalent, unencumbered of any teaching or supervisory duties.

D. Each local school board shall employ with state and local basic, special education, gifted, and career and technical education funds a minimum number of licensed, full-time equivalent instructional personnel for each 1,000 students in average daily membership (ADM) as set forth in the appropriation act. Calculations of kindergarten positions shall be based on full-day kindergarten programs. Beginning with the March 31 report of average daily membership, those school divisions offering half-day kindergarten with pupil/teacher ratios that exceed 30 to one shall adjust their average daily membership for kindergarten to reflect 85 percent of the total kindergarten average daily memberships, as provided in the appropriation act.

E. In addition to the positions supported by basic aid and in support of regular school year programs of prevention, intervention, and remediation, state funding, pursuant to the appropriation act, shall be provided to fund certain full-time equivalent instructional positions for each 1,000 students in grades K through 12 who are identified as needing prevention, intervention, and remediation services. State funding for prevention, intervention, and remediation programs provided pursuant to this subsection and the appropriation act may be used to support programs for educationally at-risk students as identified by the local school boards.

To provide algebra readiness intervention services required by § 22.1-253.13:1, school divisions may employ mathematics teacher specialists to provide the required algebra readiness intervention services. School divisions using the Standards of Learning Algebra Readiness Initiative funding in this manner shall only employ instructional personnel licensed by the Board of Education.

F. In addition to the positions supported by basic aid and those in support of regular school year programs of prevention, intervention, and remediation, state funding, pursuant to the appropriation act, shall be provided to support 17 full-time equivalent instructional positions for each 1,000 students identified as having limited English proficiency, which positions may include dual language teachers who provide instruction in English and in a second language.

To provide flexibility in the instruction of English language learners who have limited English proficiency and who are at risk of not meeting state accountability standards, school divisions may use state and local funds from the Standards of Quality Prevention, Intervention, and Remediation account to employ additional English language learner teachers or dual language teachers to provide instruction to identified limited English proficiency students. Using these funds in this manner is intended to supplement the instructional services provided in this section. School divisions using the SOQ Prevention, Intervention, and Remediation funds in this manner shall employ only instructional personnel licensed by the Board of Education.

G. In addition to the full-time equivalent positions required elsewhere in this section, each local school board shall employ the following reading specialists in elementary schools, one full-time in each elementary school at the discretion of the local school board. One reading specialist employed by each local school board that employs a reading specialist shall have training in the identification of and the appropriate interventions, accommodations, and teaching techniques for students with dyslexia or a related disorder and shall serve as an advisor on dyslexia and related disorders. Such reading specialist shall have an understanding of the definition of dyslexia and a working knowledge of (i) techniques to help a student on the continuum of skills with dyslexia; (ii) dyslexia characteristics that may manifest at different ages and grade levels; (iii) the basic foundation of the keys to reading, including multisensory, explicit, systemic, and structured reading instruction; and (iv) appropriate interventions, accommodations, and assistive technology supports for students with dyslexia.

To provide reading intervention services required by § 22.1-253.13:1, school divisions may employ reading specialists to provide the required reading intervention services. School divisions using the Early Reading Intervention Initiative funds in this manner shall employ only instructional personnel licensed by the Board of Education.

H. Each local school board shall employ, at a minimum, the following full-time equivalent positions for any school that reports fall membership, according to the type of school and student enrollment:

1. Principals in elementary schools, one half-time to 299 students, one full-time at 300 students; principals in middle schools, one full-time, to be employed on a 12-month basis; principals in high schools, one full-time, to be employed on a 12-month basis;

2. Assistant principals in elementary schools, one half-time at 600 students, one full-time at 900 students; assistant principals in middle schools, one full-time for each 600 students; assistant principals in high schools, one full-time for each 600 students; and school divisions that employ a sufficient number of assistant principals to meet this staffing requirement may assign assistant principals to schools within the division according to the area of greatest need, regardless of whether such schools are elementary, middle, or secondary;

3. Librarians in elementary schools, one part-time to 299 students, one full-time at 300 students; librarians in middle schools, one-half time to 299 students, one full-time at 300 students, two full-time at 1,000 students; librarians in high schools, one half-time to 299 students, one full-time at 300 students, two full-time at 1,000 students. Local school divisions that employ a sufficient number of librarians to meet this staffing requirement may assign librarians to schools within the division according to the area of greatest need, regardless of whether such schools are elementary, middle, or secondary; and

4. School counselors:

a. Effective with the ~~2019-2020~~ 2020-2021 school year, in elementary schools, one hour per day per 75 students, one full-time at 375 students, one hour per day additional time per 75 students or major fraction thereof; in middle schools, one period per 65 students, one full-time at 325 students, one additional period per 65 students or major fraction thereof; in high schools, one period per 60 students, one full-time at 300 students, one additional period per 60 students or major fraction thereof.

b. *Effective with the 2021-2022 school year, local school boards shall employ one full-time equivalent school counselor position per 325 students in grades kindergarten through 12.*

~~b.~~ c. Local school divisions that employ a sufficient number of school counselors to meet the school counselor staffing requirements set forth in this subdivision may assign school counselors to schools within the division according to the area of greatest need, regardless of whether such schools are elementary, middle, or high schools.

I. Local school boards shall employ five full-time equivalent positions per 1,000 students in grades kindergarten through five to serve as elementary resource teachers in art, music, and physical education.

J. Local school boards shall employ two full-time equivalent positions per 1,000 students in grades kindergarten through 12, one to provide technology support and one to serve as an instructional technology resource teacher.

To provide flexibility, school divisions may use the state and local funds for instructional technology resource teachers to employ a data coordinator position, an instructional technology resource teacher position, or a data coordinator/instructional resource teacher blended position. The data coordinator position is intended to serve as a resource to principals and classroom teachers in the area of data analysis and interpretation for instructional and school improvement purposes, as well as for overall data management and administration of state assessments. School divisions using these funds in this manner shall employ only instructional personnel licensed by the Board of Education.

K. Local school boards may employ additional positions that exceed these minimal staffing requirements. These additional positions may include, but are not limited to, those funded through the state's incentive and categorical programs as set forth in the appropriation act.

L. A combined school, such as kindergarten through 12, shall meet at all grade levels the staffing requirements for the highest grade level in that school; this requirement shall apply to all staff, except for school counselors, and shall be based on the school's total enrollment; school counselor staff requirements shall, however, be based on the enrollment at the various school organization levels, i.e., elementary, middle, or high school. The Board of Education may grant waivers from these staffing levels upon request from local school boards seeking to implement experimental or innovative programs that are not consistent with these staffing levels.

M. School boards shall, however, annually, on or before December 31, report to the public (i) the actual pupil/teacher ratios in elementary school classrooms in the local school division by school for the current school year; and (ii) the actual pupil/teacher ratios in middle school and high school in the local school division by school for the current school year. Actual pupil/teacher ratios shall include only the teachers who teach the grade and class on a full-time basis and shall exclude resource personnel. School boards shall report pupil/teacher ratios that include resource teachers in the same annual report. Any classes funded through the voluntary kindergarten through third grade class size reduction program shall be identified as such classes. Any classes having waivers to exceed the requirements of this subsection shall also be identified. Schools shall be identified; however, the data shall be compiled in a manner to ensure the confidentiality of all teacher and pupil identities.

N. Students enrolled in a public school on a less than full-time basis shall be counted in ADM in the relevant school division. Students who are either (i) enrolled in a nonpublic school or (ii) receiving home instruction pursuant to § 22.1-254.1, and who are enrolled in public school on a less than full-time basis in any mathematics, science, English, history, social science, career and technical education, fine arts, foreign language, or health education or physical education course shall be counted in the ADM in the relevant school division on a pro rata basis as provided in the appropriation act. Each such course enrollment by such students shall be counted as 0.25 in the ADM; however, no such nonpublic or home school student shall be counted as more than one-half a student for purposes of such pro rata calculation. Such calculation shall not include enrollments of such students in any other public school courses.

O. Each local school board shall provide those support services that are necessary for the efficient and cost-effective operation and maintenance of its public schools.

For the purposes of this title, unless the context otherwise requires, "support services positions" shall include the following:

1. Executive policy and leadership positions, including school board members, superintendents and assistant superintendents;

2. Fiscal and human resources positions, including fiscal and audit operations;

3. Student support positions, including (i) social workers and social work administrative positions; (ii) school counselor administrative positions not included in subdivision H 4; (iii) homebound administrative positions supporting instruction; (iv) attendance support positions related to truancy and dropout prevention; and (v) health and behavioral positions, including school nurses and school psychologists;

4. Instructional personnel support, including professional development positions and library and media positions not included in subdivision H 3;

5. Technology professional positions not included in subsection J;

6. Operation and maintenance positions, including facilities; pupil transportation positions; operation and maintenance professional and service positions; and security service, trade, and laborer positions;

7. Technical and clerical positions for fiscal and human resources, student support, instructional personnel support, operation and maintenance, administration, and technology; and

8. School-based clerical personnel in elementary schools; part-time to 299 students, one full-time at 300 students; clerical personnel in middle schools; one full-time and one additional full-time for each 600 students beyond 200 students and one full-time for the library at 750 students; clerical personnel in high schools; one full-time and one additional full-time for each 600 students beyond 200 students and one full-time for the library at 750 students. Local school divisions that employ a sufficient number of school-based clerical personnel to meet this staffing requirement may assign the clerical personnel to schools within the division according to the area of greatest need, regardless of whether such schools are elementary, middle, or secondary.

Pursuant to the appropriation act, support services shall be funded from basic school aid.

School divisions may use the state and local funds for support services to provide additional instructional services.

P. Notwithstanding the provisions of this section, when determining the assignment of instructional and other licensed personnel in subsections C through J, a local school board shall not be required to include full-time students of approved virtual school programs.

2. That the provisions of this act shall not become effective unless an appropriation effectuating the purposes of this act is included in a general appropriation act passed in 2020 by the General Assembly that becomes law.

CHAPTER 953

An Act to amend and reenact § 22.1-253.13:2 of the Code of Virginia, relating to minimum staffing ratio for school counselors.

[H 1508]

Approved April 9, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-253.13:2 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-253.13:2. Standard 2. Instructional, administrative, and support personnel.

A. The Board shall establish requirements for the licensing of teachers, principals, superintendents, and other professional personnel.

B. School boards shall employ licensed instructional personnel qualified in the relevant subject areas.

C. Each school board shall assign licensed instructional personnel in a manner that produces divisionwide ratios of students in average daily membership to full-time equivalent teaching positions, excluding special education teachers, principals, assistant principals, school counselors, and librarians, that are not greater than the following ratios: (i) 24 to one in kindergarten with no class being larger than 29 students; if the average daily membership in any kindergarten class exceeds 24 pupils, a full-time teacher's aide shall be assigned to the class; (ii) 24 to one in grades one, two, and three with no class being larger than 30 students; (iii) 25 to one in grades four through six with no class being larger than 35 students; and (iv) 24 to one in English classes in grades six through 12. After September 30 of any school year, anytime the number of students in a class exceeds the class size limit established by this subsection, the local school division shall notify the parent of each student in such class of such fact no later than 10 days after the date on which the class exceeded the class size limit. Such notification shall state the reason that the class size exceeds the class size limit and describe the measures that the local school division will take to reduce the class size to comply with this subsection.

Within its regulations governing special education programs, the Board shall seek to set pupil/teacher ratios for pupils with intellectual disability that do not exceed the pupil/teacher ratios for self-contained classes for pupils with specific learning disabilities.

Further, school boards shall assign instructional personnel in a manner that produces schoolwide ratios of students in average daily memberships to full-time equivalent teaching positions of 21 to one in middle schools and high schools. School divisions shall provide all middle and high school teachers with one planning period per day or the equivalent, unencumbered of any teaching or supervisory duties.

D. Each local school board shall employ with state and local basic, special education, gifted, and career and technical education funds a minimum number of licensed, full-time equivalent instructional personnel for each 1,000 students in average daily membership (ADM) as set forth in the appropriation act. Calculations of kindergarten positions shall be based on full-day kindergarten programs. Beginning with the March 31 report of average daily membership, those school divisions offering half-day kindergarten with pupil/teacher ratios that exceed 30 to one shall adjust their average daily membership for kindergarten to reflect 85 percent of the total kindergarten average daily memberships, as provided in the appropriation act.

E. In addition to the positions supported by basic aid and in support of regular school year programs of prevention, intervention, and remediation, state funding, pursuant to the appropriation act, shall be provided to fund certain full-time equivalent instructional positions for each 1,000 students in grades K through 12 who are identified as needing prevention, intervention, and remediation services. State funding for prevention, intervention, and remediation programs provided pursuant to this subsection and the appropriation act may be used to support programs for educationally at-risk students as identified by the local school boards.

To provide algebra readiness intervention services required by § 22.1-253.13:1, school divisions may employ mathematics teacher specialists to provide the required algebra readiness intervention services. School divisions using the Standards of Learning Algebra Readiness Initiative funding in this manner shall only employ instructional personnel licensed by the Board of Education.

F. In addition to the positions supported by basic aid and those in support of regular school year programs of prevention, intervention, and remediation, state funding, pursuant to the appropriation act, shall be provided to support 17 full-time equivalent instructional positions for each 1,000 students identified as having limited English proficiency, which positions may include dual language teachers who provide instruction in English and in a second language.

To provide flexibility in the instruction of English language learners who have limited English proficiency and who are at risk of not meeting state accountability standards, school divisions may use state and local funds from the Standards of

Quality Prevention, Intervention, and Remediation account to employ additional English language learner teachers or dual language teachers to provide instruction to identified limited English proficiency students. Using these funds in this manner is intended to supplement the instructional services provided in this section. School divisions using the SOQ Prevention, Intervention, and Remediation funds in this manner shall employ only instructional personnel licensed by the Board of Education.

G. In addition to the full-time equivalent positions required elsewhere in this section, each local school board shall employ the following reading specialists in elementary schools, one full-time in each elementary school at the discretion of the local school board. One reading specialist employed by each local school board that employs a reading specialist shall have training in the identification of and the appropriate interventions, accommodations, and teaching techniques for students with dyslexia or a related disorder and shall serve as an advisor on dyslexia and related disorders. Such reading specialist shall have an understanding of the definition of dyslexia and a working knowledge of (i) techniques to help a student on the continuum of skills with dyslexia; (ii) dyslexia characteristics that may manifest at different ages and grade levels; (iii) the basic foundation of the keys to reading, including multisensory, explicit, systemic, and structured reading instruction; and (iv) appropriate interventions, accommodations, and assistive technology supports for students with dyslexia.

To provide reading intervention services required by § 22.1-253.13:1, school divisions may employ reading specialists to provide the required reading intervention services. School divisions using the Early Reading Intervention Initiative funds in this manner shall employ only instructional personnel licensed by the Board of Education.

H. Each local school board shall employ, at a minimum, the following full-time equivalent positions for any school that reports fall membership, according to the type of school and student enrollment:

1. Principals in elementary schools, one half-time to 299 students, one full-time at 300 students; principals in middle schools, one full-time, to be employed on a 12-month basis; principals in high schools, one full-time, to be employed on a 12-month basis;

2. Assistant principals in elementary schools, one half-time at 600 students, one full-time at 900 students; assistant principals in middle schools, one full-time for each 600 students; assistant principals in high schools, one full-time for each 600 students; and school divisions that employ a sufficient number of assistant principals to meet this staffing requirement may assign assistant principals to schools within the division according to the area of greatest need, regardless of whether such schools are elementary, middle, or secondary;

3. Librarians in elementary schools, one part-time to 299 students, one full-time at 300 students; librarians in middle schools, one-half time to 299 students, one full-time at 300 students, two full-time at 1,000 students; librarians in high schools, one half-time to 299 students, one full-time at 300 students, two full-time at 1,000 students. Local school divisions that employ a sufficient number of librarians to meet this staffing requirement may assign librarians to schools within the division according to the area of greatest need, regardless of whether such schools are elementary, middle, or secondary; and

4. School counselors:

a. Effective with the ~~2019-2020~~ 2020-2021 school year, in elementary schools, one hour per day per 75 students, one full-time at 375 students, one hour per day additional time per 75 students or major fraction thereof; in middle schools, one period per 65 students, one full-time at 325 students, one additional period per 65 students or major fraction thereof; in high schools, one period per 60 students, one full-time at 300 students, one additional period per 60 students or major fraction thereof.

b. *Effective with the 2021-2022 school year, local school boards shall employ one full-time equivalent school counselor position per 325 students in grades kindergarten through 12.*

~~b.~~ c. Local school divisions that employ a sufficient number of school counselors to meet the school counselor staffing requirements set forth in this subdivision may assign school counselors to schools within the division according to the area of greatest need, regardless of whether such schools are elementary, middle, or high schools.

I. Local school boards shall employ five full-time equivalent positions per 1,000 students in grades kindergarten through five to serve as elementary resource teachers in art, music, and physical education.

J. Local school boards shall employ two full-time equivalent positions per 1,000 students in grades kindergarten through 12, one to provide technology support and one to serve as an instructional technology resource teacher.

To provide flexibility, school divisions may use the state and local funds for instructional technology resource teachers to employ a data coordinator position, an instructional technology resource teacher position, or a data coordinator/instructional resource teacher blended position. The data coordinator position is intended to serve as a resource to principals and classroom teachers in the area of data analysis and interpretation for instructional and school improvement purposes, as well as for overall data management and administration of state assessments. School divisions using these funds in this manner shall employ only instructional personnel licensed by the Board of Education.

K. Local school boards may employ additional positions that exceed these minimal staffing requirements. These additional positions may include, but are not limited to, those funded through the state's incentive and categorical programs as set forth in the appropriation act.

L. A combined school, such as kindergarten through 12, shall meet at all grade levels the staffing requirements for the highest grade level in that school; this requirement shall apply to all staff, except for school counselors, and shall be based on the school's total enrollment; school counselor staff requirements shall, however, be based on the enrollment at the various school organization levels, i.e., elementary, middle, or high school. The Board of Education may grant waivers from

these staffing levels upon request from local school boards seeking to implement experimental or innovative programs that are not consistent with these staffing levels.

M. School boards shall, however, annually, on or before December 31, report to the public (i) the actual pupil/teacher ratios in elementary school classrooms in the local school division by school for the current school year; and (ii) the actual pupil/teacher ratios in middle school and high school in the local school division by school for the current school year. Actual pupil/teacher ratios shall include only the teachers who teach the grade and class on a full-time basis and shall exclude resource personnel. School boards shall report pupil/teacher ratios that include resource teachers in the same annual report. Any classes funded through the voluntary kindergarten through third grade class size reduction program shall be identified as such classes. Any classes having waivers to exceed the requirements of this subsection shall also be identified. Schools shall be identified; however, the data shall be compiled in a manner to ensure the confidentiality of all teacher and pupil identities.

N. Students enrolled in a public school on a less than full-time basis shall be counted in ADM in the relevant school division. Students who are either (i) enrolled in a nonpublic school or (ii) receiving home instruction pursuant to § 22.1-254.1, and who are enrolled in public school on a less than full-time basis in any mathematics, science, English, history, social science, career and technical education, fine arts, foreign language, or health education or physical education course shall be counted in the ADM in the relevant school division on a pro rata basis as provided in the appropriation act. Each such course enrollment by such students shall be counted as 0.25 in the ADM; however, no such nonpublic or home school student shall be counted as more than one-half a student for purposes of such pro rata calculation. Such calculation shall not include enrollments of such students in any other public school courses.

O. Each local school board shall provide those support services that are necessary for the efficient and cost-effective operation and maintenance of its public schools.

For the purposes of this title, unless the context otherwise requires, "support services positions" shall include the following:

1. Executive policy and leadership positions, including school board members, superintendents and assistant superintendents;

2. Fiscal and human resources positions, including fiscal and audit operations;

3. Student support positions, including (i) social workers and social work administrative positions; (ii) school counselor administrative positions not included in subdivision H 4; (iii) homebound administrative positions supporting instruction; (iv) attendance support positions related to truancy and dropout prevention; and (v) health and behavioral positions, including school nurses and school psychologists;

4. Instructional personnel support, including professional development positions and library and media positions not included in subdivision H 3;

5. Technology professional positions not included in subsection J;

6. Operation and maintenance positions, including facilities; pupil transportation positions; operation and maintenance professional and service positions; and security service, trade, and laborer positions;

7. Technical and clerical positions for fiscal and human resources, student support, instructional personnel support, operation and maintenance, administration, and technology; and

8. School-based clerical personnel in elementary schools; part-time to 299 students, one full-time at 300 students; clerical personnel in middle schools; one full-time and one additional full-time for each 600 students beyond 200 students and one full-time for the library at 750 students; clerical personnel in high schools; one full-time and one additional full-time for each 600 students beyond 200 students and one full-time for the library at 750 students. Local school divisions that employ a sufficient number of school-based clerical personnel to meet this staffing requirement may assign the clerical personnel to schools within the division according to the area of greatest need, regardless of whether such schools are elementary, middle, or secondary.

Pursuant to the appropriation act, support services shall be funded from basic school aid.

School divisions may use the state and local funds for support services to provide additional instructional services.

P. Notwithstanding the provisions of this section, when determining the assignment of instructional and other licensed personnel in subsections C through J, a local school board shall not be required to include full-time students of approved virtual school programs.

CHAPTER 954

An Act to amend and reenact § 3.2-6500 of the Code of Virginia, relating to tethering animals; adequate shelter and space.

[H 1552]

Approved April 9, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 3.2-6500 of the Code of Virginia is amended and reenacted as follows:

§ 3.2-6500. Definitions.

As used in this chapter unless the context requires a different meaning:

"Abandon" means to desert, forsake, or absolutely give up an animal without having secured another owner or custodian for the animal or by failing to provide the elements of basic care as set forth in § 3.2-6503 for a period of four consecutive days.

"Adequate care" or "care" means the responsible practice of good animal husbandry, handling, production, management, confinement, feeding, watering, protection, shelter, transportation, treatment, and, when necessary, euthanasia, appropriate for the age, species, condition, size and type of the animal and the provision of veterinary care when needed to prevent suffering or impairment of health.

"Adequate exercise" or "exercise" means the opportunity for the animal to move sufficiently to maintain normal muscle tone and mass for the age, species, size, and condition of the animal.

"Adequate feed" means access to and the provision of food that is of sufficient quantity and nutritive value to maintain each animal in good health; is accessible to each animal; is prepared so as to permit ease of consumption for the age, species, condition, size and type of each animal; is provided in a clean and sanitary manner; is placed so as to minimize contamination by excrement and pests; and is provided at suitable intervals for the species, age, and condition of the animal, but at least once daily, except as prescribed by a veterinarian or as dictated by naturally occurring states of hibernation or fasting normal for the species.

"Adequate shelter" means provision of and access to shelter that is suitable for the species, age, condition, size, and type of each animal; provides adequate space for each animal; is safe and protects each animal from injury, rain, sleet, snow, hail, direct sunlight, the adverse effects of heat or cold, physical suffering, and impairment of health; is properly lighted; is properly cleaned; enables each animal to be clean and dry, except when detrimental to the species; during hot weather, is properly shaded and does not readily conduct heat; during cold weather, has a windbreak at its entrance and provides a quantity of bedding material consisting of ~~straw~~ hay, cedar shavings, or the equivalent that is sufficient to protect the animal from cold and promote the retention of body heat; and, for dogs and cats, provides a solid surface, resting platform, pad, floor mat, or similar device that is large enough for the animal to lie on in a normal manner and can be maintained in a sanitary manner. Under this chapter, shelters whose wire, grid, or slat floors (i) permit the animals' feet to pass through the openings, (ii) sag under the animals' weight, or (iii) otherwise do not protect the animals' feet or toes from injury are not adequate shelter. *The outdoor tethering of an animal shall not constitute the provision of adequate shelter (a) unless the animal is safe from predators and well suited and well equipped to tolerate its environment; (b) during the effective period for a hurricane warning or tropical storm warning issued for the area by the National Weather Service; or (c) (1) during a heat advisory issued by a local or state authority, (2) when the actual or effective outdoor temperature is 85 degrees Fahrenheit or higher or 32 degrees Fahrenheit or lower, or (3) during the effective period for a severe weather warning issued for the area by the National Weather Service, including a winter storm, tornado, or severe thunderstorm warning, unless an animal control officer, having inspected an animal's individual circumstances in clause (c) (1), (2), or (3), has determined the animal to be safe from predators and well suited and well equipped to tolerate its environment.*

"Adequate space" means sufficient space to allow each animal to (i) easily stand, sit, lie, turn about, and make all other normal body movements in a comfortable, normal position for the animal and (ii) interact safely with other animals in the enclosure. When an animal is tethered, "adequate space" means that the tether to which the animal is attached permits the above actions and is appropriate to the age and size of the animal; is attached to the animal by a properly applied collar, halter, or harness that is configured so as to protect the animal from injury and prevent the animal or tether from becoming entangled with other objects or animals, or from extending over an object or edge that could result in the strangulation or injury of the animal; is at least ~~ten~~ 15 feet in length or ~~three~~ four times the length of the animal, as measured from the tip of its nose to the base of its tail, whichever is greater, except when the animal is being walked on a leash or is attached by a tether to a lead line *or when an animal control officer, having inspected an animal's individual circumstances, has determined that in such an individual case, a tether of at least 10 feet or three times the length of the animal, but shorter than 15 feet or four times the length of the animal, makes the animal more safe, more suited, and better equipped to tolerate its environment than a longer tether;* does not, by its material, size, or weight or any other characteristic, cause injury or pain to the animal; does not weigh more than one-tenth of the animal's body weight; and does not have weights or other heavy objects attached to it. The walking of an animal on a leash by its owner shall not constitute the tethering of the animal for the purpose of this definition. When freedom of movement would endanger the animal, temporarily and appropriately restricting movement of the animal according to professionally accepted standards for the species is considered provision of adequate space. The provisions of this definition that relate to tethering shall not apply to agricultural animals.

"Adequate water" means provision of and access to clean, fresh, potable water of a drinkable temperature that is provided in a suitable manner, in sufficient volume, and at suitable intervals appropriate for the weather and temperature, to maintain normal hydration for the age, species, condition, size and type of each animal, except as prescribed by a veterinarian or as dictated by naturally occurring states of hibernation or fasting normal for the species; and is provided in clean, durable receptacles that are accessible to each animal and are placed so as to minimize contamination of the water by excrement and pests or an alternative source of hydration consistent with generally accepted husbandry practices.

"Adoption" means the transfer of ownership of a dog or a cat, or any other companion animal, from a releasing agency to an individual.

"Agricultural animals" means all livestock and poultry.

"Ambient temperature" means the temperature surrounding the animal.

"Animal" means any nonhuman vertebrate species except fish. For the purposes of § 3.2-6522, animal means any species susceptible to rabies. For the purposes of § 3.2-6570, animal means any nonhuman vertebrate species including fish except those fish captured and killed or disposed of in a reasonable and customary manner.

"Animal control officer" means a person appointed as an animal control officer or deputy animal control officer as provided in § 3.2-6555.

"Boarding establishment" means a place or establishment other than a public or private animal shelter where companion animals not owned by the proprietor are sheltered, fed, and watered in exchange for a fee. "Boarding establishment" shall not include any private residential dwelling that shelters, feeds, and waters fewer than five companion animals not owned by the proprietor.

"Collar" means a well-fitted device, appropriate to the age and size of the animal, attached to the animal's neck in such a way as to prevent trauma or injury to the animal.

"Commercial dog breeder" means any person who, during any 12-month period, maintains 30 or more adult female dogs for the primary purpose of the sale of their offspring as companion animals.

"Companion animal" means any domestic or feral dog, domestic or feral cat, nonhuman primate, guinea pig, hamster, rabbit not raised for human food or fiber, exotic or native animal, reptile, exotic or native bird, or any feral animal or any animal under the care, custody, or ownership of a person or any animal that is bought, sold, traded, or bartered by any person. Agricultural animals, game species, or any animals regulated under federal law as research animals shall not be considered companion animals for the purposes of this chapter.

"Consumer" means any natural person purchasing an animal from a dealer or pet shop or hiring the services of a boarding establishment. The term "consumer" shall not include a business or corporation engaged in sales or services.

"Dealer" means any person who in the regular course of business for compensation or profit buys, sells, transfers, exchanges, or barter companion animals. The following shall not be considered dealers: (i) any person who transports companion animals in the regular course of business as a common carrier or (ii) any person whose primary purpose is to find permanent adoptive homes for companion animals.

"Direct and immediate threat" means any clear and imminent danger to an animal's health, safety or life.

"Dump" means to knowingly desert, forsake, or absolutely give up without having secured another owner or custodian any dog, cat, or other companion animal in any public place including the right-of-way of any public highway, road or street or on the property of another.

"Emergency veterinary treatment" means veterinary treatment to stabilize a life-threatening condition, alleviate suffering, prevent further disease transmission, or prevent further disease progression.

"Enclosure" means a structure used to house or restrict animals from running at large.

"Euthanasia" means the humane destruction of an animal accomplished by a method that involves instantaneous unconsciousness and immediate death or by a method that involves anesthesia, produced by an agent that causes painless loss of consciousness, and death during such loss of consciousness.

"Exhibitor" means any person who has animals for or on public display, excluding an exhibitor licensed by the U.S. Department of Agriculture.

"Facility" means a building or portion thereof as designated by the State Veterinarian, other than a private residential dwelling and its surrounding grounds, that is used to contain a primary enclosure or enclosures in which animals are housed or kept.

"Farming activity" means, consistent with standard animal husbandry practices, the raising, management, and use of agricultural animals to provide food, fiber, or transportation and the breeding, exhibition, lawful recreational use, marketing, transportation, and slaughter of agricultural animals pursuant to such purposes.

"Foster care provider" means a person who provides care or rehabilitation for companion animals through an affiliation with a public or private animal shelter, home-based rescue, releasing agency, or other animal welfare organization.

"Foster home" means a private residential dwelling and its surrounding grounds, or any facility other than a public or private animal shelter, at which site through an affiliation with a public or private animal shelter, home-based rescue, releasing agency, or other animal welfare organization care or rehabilitation is provided for companion animals.

"Groomer" means any person who, for a fee, cleans, trims, brushes, makes neat, manicures, or treats for external parasites any animal.

"Home-based rescue" means an animal welfare organization that takes custody of companion animals for the purpose of facilitating adoption and houses such companion animals in a foster home or a system of foster homes.

"Humane" means any action taken in consideration of and with the intent to provide for the animal's health and well-being.

"Humane investigator" means a person who has been appointed by a circuit court as a humane investigator as provided in § 3.2-6558.

"Humane society" means any incorporated, nonprofit organization that is organized for the purposes of preventing cruelty to animals and promoting humane care and treatment or adoptions of animals.

"Incorporated" means organized and maintained as a legal entity in the Commonwealth.

"Kennel" means any establishment in which five or more canines, felines, or hybrids of either are kept for the purpose of breeding, hunting, training, renting, buying, boarding, selling, or showing.

"Law-enforcement officer" means any person who is a full-time or part-time employee of a police department or sheriff's office that is part of or administered by the Commonwealth or any political subdivision thereof and who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth. Part-time employees are compensated officers who are not full-time employees as defined by the employing police department or sheriff's office.

"Livestock" includes all domestic or domesticated: bovine animals; equine animals; ovine animals; porcine animals; cervidae animals; caprae animals; animals of the genus *Lama* or *Vicugna*; ratites; fish or shellfish in aquaculture facilities, as defined in § 3.2-2600; enclosed domesticated rabbits or hares raised for human food or fiber; or any other individual animal specifically raised for food or fiber, except companion animals.

"New owner" means an individual who is legally competent to enter into a binding agreement pursuant to subdivision B 2 of § 3.2-6574, and who adopts or receives a dog or cat from a releasing agency.

"Ordinance" means any law, rule, regulation, or ordinance adopted by the governing body of any locality.

"Other officer" includes all other persons employed or elected by the people of Virginia, or by any locality, whose duty it is to preserve the peace, to make arrests, or to enforce the law.

"Owner" means any person who: (i) has a right of property in an animal; (ii) keeps or harbors an animal; (iii) has an animal in his care; or (iv) acts as a custodian of an animal.

"Pet shop" means a retail establishment where companion animals are bought, sold, exchanged, or offered for sale or exchange to the general public.

"Poultry" includes all domestic fowl and game birds raised in captivity.

"Primary enclosure" means any structure used to immediately restrict an animal or animals to a limited amount of space, such as a room, pen, cage, compartment, or hutch. For tethered animals, the term includes the shelter and the area within reach of the tether.

"Private animal shelter" means a facility operated for the purpose of finding permanent adoptive homes for animals that is used to house or contain animals and that is owned or operated by an incorporated, nonprofit, and nongovernmental entity, including a humane society, animal welfare organization, society for the prevention of cruelty to animals, or any other similar organization.

"Properly cleaned" means that carcasses, debris, food waste, and excrement are removed from the primary enclosure with sufficient frequency to minimize the animals' contact with the above-mentioned contaminants; the primary enclosure is sanitized with sufficient frequency to minimize odors and the hazards of disease; and the primary enclosure is cleaned so as to prevent the animals confined therein from being directly or indirectly sprayed with the stream of water, or directly or indirectly exposed to hazardous chemicals or disinfectants.

"Properly lighted" when referring to a facility means sufficient illumination to permit routine inspections, maintenance, cleaning, and housekeeping of the facility, and observation of the animals; to provide regular diurnal lighting cycles of either natural or artificial light, uniformly diffused throughout the facility; and to promote the well-being of the animals.

"Properly lighted" when referring to a private residential dwelling and its surrounding grounds means sufficient illumination to permit routine maintenance and cleaning thereof, and observation of the companion animals; and to provide regular diurnal lighting cycles of either natural or artificial light to promote the well-being of the animals.

"Public animal shelter" means a facility operated by the Commonwealth, or any locality, for the purpose of impounding or sheltering seized, stray, homeless, abandoned, unwanted, or surrendered animals or a facility operated for the same purpose under a contract with any locality.

"Releasing agency" means (i) a public animal shelter or (ii) a private animal shelter, humane society, animal welfare organization, society for the prevention of cruelty to animals, or other similar entity or home-based rescue that releases companion animals for adoption.

"Research facility" means any place, laboratory, or institution licensed by the U.S. Department of Agriculture at which scientific tests, experiments, or investigations involving the use of living animals are carried out, conducted, or attempted.

"Sanitize" means to make physically clean and to remove and destroy, to a practical minimum, agents injurious to health.

"Sore" means, when referring to an equine, that an irritating or blistering agent has been applied, internally or externally, by a person to any limb or foot of an equine; any burn, cut, or laceration that has been inflicted by a person to any limb or foot of an equine; any tack, nail, screw, or chemical agent that has been injected by a person into or used by a person on any limb or foot of an equine; any other substance or device that has been used by a person on any limb or foot of an equine; or a person has engaged in a practice involving an equine, and as a result of such application, infliction, injection, use, or practice, such equine suffers, or can reasonably be expected to suffer, physical pain or distress, inflammation, or lameness when walking, trotting, or otherwise moving, except that such term does not include such an application, infliction, injection, use, or practice in connection with the therapeutic treatment of an equine by or under the supervision of a licensed veterinarian. Notwithstanding anything contained herein to the contrary, nothing shall preclude the shoeing, use of pads, and use of action devices as permitted by 9 C.F.R. Part 11.2.

"Sterilize" or "sterilization" means a surgical or chemical procedure performed by a licensed veterinarian that renders a dog or cat permanently incapable of reproducing.

"Treasurer" includes the treasurer and his assistants of each county or city or other officer designated by law to collect taxes in such county or city.

"Treatment" or "adequate treatment" means the responsible handling or transportation of animals in the person's ownership, custody or charge, appropriate for the age, species, condition, size and type of the animal.

"Veterinary treatment" means treatment by or on the order of a duly licensed veterinarian.

"Weaned" means that an animal is capable of and physiologically accustomed to ingestion of solid food or food customary for the adult of the species and has ingested such food, without nursing, for a period of at least five days.

CHAPTER 955

An Act to amend and reenact § 3.2-6500 of the Code of Virginia, relating to tethering animals; adequate shelter and space.

[S 272]

Approved April 9, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 3.2-6500 of the Code of Virginia is amended and reenacted as follows:

§ 3.2-6500. Definitions.

As used in this chapter unless the context requires a different meaning:

"Abandon" means to desert, forsake, or absolutely give up an animal without having secured another owner or custodian for the animal or by failing to provide the elements of basic care as set forth in § 3.2-6503 for a period of four consecutive days.

"Adequate care" or "care" means the responsible practice of good animal husbandry, handling, production, management, confinement, feeding, watering, protection, shelter, transportation, treatment, and, when necessary, euthanasia, appropriate for the age, species, condition, size and type of the animal and the provision of veterinary care when needed to prevent suffering or impairment of health.

"Adequate exercise" or "exercise" means the opportunity for the animal to move sufficiently to maintain normal muscle tone and mass for the age, species, size, and condition of the animal.

"Adequate feed" means access to and the provision of food that is of sufficient quantity and nutritive value to maintain each animal in good health; is accessible to each animal; is prepared so as to permit ease of consumption for the age, species, condition, size and type of each animal; is provided in a clean and sanitary manner; is placed so as to minimize contamination by excrement and pests; and is provided at suitable intervals for the species, age, and condition of the animal, but at least once daily, except as prescribed by a veterinarian or as dictated by naturally occurring states of hibernation or fasting normal for the species.

"Adequate shelter" means provision of and access to shelter that is suitable for the species, age, condition, size, and type of each animal; provides adequate space for each animal; is safe and protects each animal from injury, rain, sleet, snow, hail, direct sunlight, the adverse effects of heat or cold, physical suffering, and impairment of health; is properly lighted; is properly cleaned; enables each animal to be clean and dry, except when detrimental to the species; during hot weather, is properly shaded and does not readily conduct heat; during cold weather, has a windbreak at its entrance and provides a quantity of bedding material consisting of ~~straw~~ hay, cedar shavings, or the equivalent that is sufficient to protect the animal from cold and promote the retention of body heat; and, for dogs and cats, provides a solid surface, resting platform, pad, floormat, or similar device that is large enough for the animal to lie on in a normal manner and can be maintained in a sanitary manner. Under this chapter, shelters whose wire, grid, or slat floors (i) permit the animals' feet to pass through the openings, (ii) sag under the animals' weight, or (iii) otherwise do not protect the animals' feet or toes from injury are not adequate shelter. *The outdoor tethering of an animal shall not constitute the provision of adequate shelter (a) unless the animal is safe from predators and well suited and well equipped to tolerate its environment; (b) during the effective period for a hurricane warning or tropical storm warning issued for the area by the National Weather Service; or (c) (1) during a heat advisory issued by a local or state authority, (2) when the actual or effective outdoor temperature is 85 degrees Fahrenheit or higher or 32 degrees Fahrenheit or lower, or (3) during the effective period for a severe weather warning issued for the area by the National Weather Service, including a winter storm, tornado, or severe thunderstorm warning, unless an animal control officer, having inspected an animal's individual circumstances in clause (c) (1), (2), or (3), has determined the animal to be safe from predators and well suited and well equipped to tolerate its environment.*

"Adequate space" means sufficient space to allow each animal to (i) easily stand, sit, lie, turn about, and make all other normal body movements in a comfortable, normal position for the animal and (ii) interact safely with other animals in the enclosure. When an animal is tethered, "adequate space" means that the tether to which the animal is attached permits the above actions and is appropriate to the age and size of the animal; is attached to the animal by a properly applied collar, halter, or harness that is configured so as to protect the animal from injury and prevent the animal or tether from becoming entangled with other objects or animals, or from extending over an object or edge that could result in the strangulation or injury of the animal; is at least ~~ten~~ 15 feet in length or ~~three~~ four times the length of the animal, as measured from the tip of its nose to the base of its tail, whichever is greater, except when the animal is being walked on a leash or is attached by a tether to a lead line *or when an animal control officer, having inspected an animal's individual circumstances, has determined that in such an individual case, a tether of at least 10 feet or three times the length of the animal, but shorter than 15 feet or four times the length of the animal, makes the animal more safe, more suited, and better equipped to tolerate its environment than a longer tether;* does not, by its material, size, or weight or any other characteristic, cause injury or

pain to the animal; does not weigh more than one-tenth of the animal's body weight; and does not have weights or other heavy objects attached to it. The walking of an animal on a leash by its owner shall not constitute the tethering of the animal for the purpose of this definition. When freedom of movement would endanger the animal, temporarily and appropriately restricting movement of the animal according to professionally accepted standards for the species is considered provision of adequate space. The provisions of this definition that relate to tethering shall not apply to agricultural animals.

"Adequate water" means provision of and access to clean, fresh, potable water of a drinkable temperature that is provided in a suitable manner, in sufficient volume, and at suitable intervals appropriate for the weather and temperature, to maintain normal hydration for the age, species, condition, size and type of each animal, except as prescribed by a veterinarian or as dictated by naturally occurring states of hibernation or fasting normal for the species; and is provided in clean, durable receptacles that are accessible to each animal and are placed so as to minimize contamination of the water by excrement and pests or an alternative source of hydration consistent with generally accepted husbandry practices.

"Adoption" means the transfer of ownership of a dog or a cat, or any other companion animal, from a releasing agency to an individual.

"Agricultural animals" means all livestock and poultry.

"Ambient temperature" means the temperature surrounding the animal.

"Animal" means any nonhuman vertebrate species except fish. For the purposes of § 3.2-6522, animal means any species susceptible to rabies. For the purposes of § 3.2-6570, animal means any nonhuman vertebrate species including fish except those fish captured and killed or disposed of in a reasonable and customary manner.

"Animal control officer" means a person appointed as an animal control officer or deputy animal control officer as provided in § 3.2-6555.

"Boarding establishment" means a place or establishment other than a public or private animal shelter where companion animals not owned by the proprietor are sheltered, fed, and watered in exchange for a fee. "Boarding establishment" shall not include any private residential dwelling that shelters, feeds, and waters fewer than five companion animals not owned by the proprietor.

"Collar" means a well-fitted device, appropriate to the age and size of the animal, attached to the animal's neck in such a way as to prevent trauma or injury to the animal.

"Commercial dog breeder" means any person who, during any 12-month period, maintains 30 or more adult female dogs for the primary purpose of the sale of their offspring as companion animals.

"Companion animal" means any domestic or feral dog, domestic or feral cat, nonhuman primate, guinea pig, hamster, rabbit not raised for human food or fiber, exotic or native animal, reptile, exotic or native bird, or any feral animal or any animal under the care, custody, or ownership of a person or any animal that is bought, sold, traded, or bartered by any person. Agricultural animals, game species, or any animals regulated under federal law as research animals shall not be considered companion animals for the purposes of this chapter.

"Consumer" means any natural person purchasing an animal from a dealer or pet shop or hiring the services of a boarding establishment. The term "consumer" shall not include a business or corporation engaged in sales or services.

"Dealer" means any person who in the regular course of business for compensation or profit buys, sells, transfers, exchanges, or barters companion animals. The following shall not be considered dealers: (i) any person who transports companion animals in the regular course of business as a common carrier or (ii) any person whose primary purpose is to find permanent adoptive homes for companion animals.

"Direct and immediate threat" means any clear and imminent danger to an animal's health, safety or life.

"Dump" means to knowingly desert, forsake, or absolutely give up without having secured another owner or custodian any dog, cat, or other companion animal in any public place including the right-of-way of any public highway, road or street or on the property of another.

"Emergency veterinary treatment" means veterinary treatment to stabilize a life-threatening condition, alleviate suffering, prevent further disease transmission, or prevent further disease progression.

"Enclosure" means a structure used to house or restrict animals from running at large.

"Euthanasia" means the humane destruction of an animal accomplished by a method that involves instantaneous unconsciousness and immediate death or by a method that involves anesthesia, produced by an agent that causes painless loss of consciousness, and death during such loss of consciousness.

"Exhibitor" means any person who has animals for or on public display, excluding an exhibitor licensed by the U.S. Department of Agriculture.

"Facility" means a building or portion thereof as designated by the State Veterinarian, other than a private residential dwelling and its surrounding grounds, that is used to contain a primary enclosure or enclosures in which animals are housed or kept.

"Farming activity" means, consistent with standard animal husbandry practices, the raising, management, and use of agricultural animals to provide food, fiber, or transportation and the breeding, exhibition, lawful recreational use, marketing, transportation, and slaughter of agricultural animals pursuant to such purposes.

"Foster care provider" means a person who provides care or rehabilitation for companion animals through an affiliation with a public or private animal shelter, home-based rescue, releasing agency, or other animal welfare organization.

"Foster home" means a private residential dwelling and its surrounding grounds, or any facility other than a public or private animal shelter, at which site through an affiliation with a public or private animal shelter, home-based rescue, releasing agency, or other animal welfare organization care or rehabilitation is provided for companion animals.

"Groomer" means any person who, for a fee, cleans, trims, brushes, makes neat, manicures, or treats for external parasites any animal.

"Home-based rescue" means an animal welfare organization that takes custody of companion animals for the purpose of facilitating adoption and houses such companion animals in a foster home or a system of foster homes.

"Humane" means any action taken in consideration of and with the intent to provide for the animal's health and well-being.

"Humane investigator" means a person who has been appointed by a circuit court as a humane investigator as provided in § 3.2-6558.

"Humane society" means any incorporated, nonprofit organization that is organized for the purposes of preventing cruelty to animals and promoting humane care and treatment or adoptions of animals.

"Incorporated" means organized and maintained as a legal entity in the Commonwealth.

"Kennel" means any establishment in which five or more canines, felines, or hybrids of either are kept for the purpose of breeding, hunting, training, renting, buying, boarding, selling, or showing.

"Law-enforcement officer" means any person who is a full-time or part-time employee of a police department or sheriff's office that is part of or administered by the Commonwealth or any political subdivision thereof and who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth. Part-time employees are compensated officers who are not full-time employees as defined by the employing police department or sheriff's office.

"Livestock" includes all domestic or domesticated: bovine animals; equine animals; ovine animals; porcine animals; cervidae animals; capradae animals; animals of the genus Lama or Vicugna; ratites; fish or shellfish in aquaculture facilities, as defined in § 3.2-2600; enclosed domesticated rabbits or hares raised for human food or fiber; or any other individual animal specifically raised for food or fiber, except companion animals.

"New owner" means an individual who is legally competent to enter into a binding agreement pursuant to subdivision B 2 of § 3.2-6574, and who adopts or receives a dog or cat from a releasing agency.

"Ordinance" means any law, rule, regulation, or ordinance adopted by the governing body of any locality.

"Other officer" includes all other persons employed or elected by the people of Virginia, or by any locality, whose duty it is to preserve the peace, to make arrests, or to enforce the law.

"Owner" means any person who: (i) has a right of property in an animal; (ii) keeps or harbors an animal; (iii) has an animal in his care; or (iv) acts as a custodian of an animal.

"Pet shop" means a retail establishment where companion animals are bought, sold, exchanged, or offered for sale or exchange to the general public.

"Poultry" includes all domestic fowl and game birds raised in captivity.

"Primary enclosure" means any structure used to immediately restrict an animal or animals to a limited amount of space, such as a room, pen, cage, compartment, or hutch. For tethered animals, the term includes the shelter and the area within reach of the tether.

"Private animal shelter" means a facility operated for the purpose of finding permanent adoptive homes for animals that is used to house or contain animals and that is owned or operated by an incorporated, nonprofit, and nongovernmental entity, including a humane society, animal welfare organization, society for the prevention of cruelty to animals, or any other similar organization.

"Properly cleaned" means that carcasses, debris, food waste, and excrement are removed from the primary enclosure with sufficient frequency to minimize the animals' contact with the above-mentioned contaminants; the primary enclosure is sanitized with sufficient frequency to minimize odors and the hazards of disease; and the primary enclosure is cleaned so as to prevent the animals confined therein from being directly or indirectly sprayed with the stream of water, or directly or indirectly exposed to hazardous chemicals or disinfectants.

"Properly lighted" when referring to a facility means sufficient illumination to permit routine inspections, maintenance, cleaning, and housekeeping of the facility, and observation of the animals; to provide regular diurnal lighting cycles of either natural or artificial light, uniformly diffused throughout the facility; and to promote the well-being of the animals.

"Properly lighted" when referring to a private residential dwelling and its surrounding grounds means sufficient illumination to permit routine maintenance and cleaning thereof, and observation of the companion animals; and to provide regular diurnal lighting cycles of either natural or artificial light to promote the well-being of the animals.

"Public animal shelter" means a facility operated by the Commonwealth, or any locality, for the purpose of impounding or sheltering seized, stray, homeless, abandoned, unwanted, or surrendered animals or a facility operated for the same purpose under a contract with any locality.

"Releasing agency" means (i) a public animal shelter or (ii) a private animal shelter, humane society, animal welfare organization, society for the prevention of cruelty to animals, or other similar entity or home-based rescue that releases companion animals for adoption.

"Research facility" means any place, laboratory, or institution licensed by the U.S. Department of Agriculture at which scientific tests, experiments, or investigations involving the use of living animals are carried out, conducted, or attempted.

"Sanitize" means to make physically clean and to remove and destroy, to a practical minimum, agents injurious to health.

"Sore" means, when referring to an equine, that an irritating or blistering agent has been applied, internally or externally, by a person to any limb or foot of an equine; any burn, cut, or laceration that has been inflicted by a person to any limb or foot of an equine; any tack, nail, screw, or chemical agent that has been injected by a person into or used by a person on any limb or foot of an equine; any other substance or device that has been used by a person on any limb or foot of an equine; or a person has engaged in a practice involving an equine, and as a result of such application, infliction, injection, use, or practice, such equine suffers, or can reasonably be expected to suffer, physical pain or distress, inflammation, or lameness when walking, trotting, or otherwise moving, except that such term does not include such an application, infliction, injection, use, or practice in connection with the therapeutic treatment of an equine by or under the supervision of a licensed veterinarian. Notwithstanding anything contained herein to the contrary, nothing shall preclude the shoeing, use of pads, and use of action devices as permitted by 9 C.F.R. Part 11.2.

"Sterilize" or "sterilization" means a surgical or chemical procedure performed by a licensed veterinarian that renders a dog or cat permanently incapable of reproducing.

"Treasurer" includes the treasurer and his assistants of each county or city or other officer designated by law to collect taxes in such county or city.

"Treatment" or "adequate treatment" means the responsible handling or transportation of animals in the person's ownership, custody or charge, appropriate for the age, species, condition, size and type of the animal.

"Veterinary treatment" means treatment by or on the order of a duly licensed veterinarian.

"Weaned" means that an animal is capable of and physiologically accustomed to ingestion of solid food or food customary for the adult of the species and has ingested such food, without nursing, for a period of at least five days.

CHAPTER 956

An Act to amend the Code of Virginia by adding in Title 36 a chapter numbered 10.2, consisting of sections numbered 36-156.3 through 36-156.6, relating to the Virginia Food Access Investment Program and Fund.

[H 1509]

Approved April 9, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 36 a chapter numbered 10.2, consisting of sections numbered 36-156.3 through 36-156.6, as follows:

CHAPTER 10.2.

VIRGINIA FOOD ACCESS INVESTMENT PROGRAM AND FUND.

§ 36-156.3. Definitions.

As used in this chapter, unless the context requires a different meaning:

"CDFI" means a community development financial institution that provides credit and financial services for underserved communities.

"Department" means the Department of Agriculture and Consumer Services.

"Fund" means the Virginia Food Access Investment Fund.

"Funding" means loans, forgivable loans, and grants made from the Fund.

"Grocery store" means a for-profit or not-for-profit self-service retail establishment that primarily sells meat, seafood, fruits, vegetables, dairy products, dry groceries, household products, and sundries.

"Innovative food retail project" means an innovative project, including a mobile market or a delivery model, that addresses food access issues in an underserved community.

"Program" means the Virginia Food Access Investment Program.

"Small food retailer," also referred to as a small-scale store, neighborhood store, small grocery, farmer's market, or bodega, means a small retail outlet of under 2,500 square feet that sells a limited selection of foods and other products.

"Underserved community" means a census tract determined to be an area with low supermarket access either by the U.S. Department of Agriculture (USDA), as identified in the USDA Food Access Research Atlas, or through a methodology that has been adopted for use by another governmental or philanthropic healthy food initiative.

§ 36-156.4. Virginia Food Access Investment Fund.

There is hereby created in the state treasury a special nonreverting fund to be known as the Virginia Food Access Investment Fund. The Fund shall be established on the books of the Comptroller. All funds appropriated for such purpose and any gifts, donations, grants, bequests, and other funds received on its behalf shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purposes of establishing collaborative and cooperative projects with public and private sector partners to improve food access in Virginia. The Fund shall be used to provide funding for the construction, rehabilitation, equipment upgrades, or expansion of grocery stores, small food retailers, or innovative food retail projects in underserved communities. Expenditures and disbursements from the Fund shall be made

by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Commissioner of the Department of Agriculture and Consumer Services.

§ 36-156.5. Selection of CDFI; Program requirements; guidelines for management of the Fund.

A. The Department shall establish a Program to provide grants funding the construction, rehabilitation, equipment upgrades, or expansion of grocery stores, small food retailers, or innovative food retail projects in underserved communities. The Department shall select and work in collaboration with a CDFI to assist in administering the Program and carrying out the purposes of the Fund. The CDFI selected by the Department shall have (i) a statewide presence in Virginia, (ii) experience in food-based lending, (iii) a proven track record of leveraging private and philanthropic funding, and (iv) the capability to dedicate sufficient staff to manage the Program. Working with the selected CDFI, the Department shall establish monitoring and accountability mechanisms for projects receiving funding and shall report annually the number of projects funded; the geographic distribution of the projects; the costs of the Program; and the outcomes, including the number and type of jobs created, and health initiatives associated with the Program.

B. The Program shall:

1. Identify food access projects that include grocery stores, small food retailers, and innovative food retail projects;
2. Provide grants for the purposes described in subsection A;
3. Require that grant recipients (i) accept expenditures of benefits provided under the supplemental nutrition assistance program in accordance with the federal Food Stamp Act (7 U.S.C. § 2011 et seq.) and (ii) participate in a program that matches or supplements the benefits identified in clause (i), such as Virginia Fresh Match;
4. Provide technical assistance; and
5. Bring together community partners to sustain the Program.

C. The Department shall develop guidelines to carry out the Program to meet the intent of the Fund. Up to 10 percent of the moneys in the Fund may be designated for the CDFI's administrative and operations costs to assist in administering and managing the Program, unless those costs are provided for in other budgets or in-kind resources.

§ 36-156.6. Annual reports.

On or before December 1 of each year, the Department shall report to the Secretary of Commerce and Trade, the Governor, and the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance and Appropriations on such other matters regarding the Fund as the Department may deem appropriate, including the amount of funding committed to projects from the Fund, or other items as may be requested by any of the foregoing persons to whom such report is to be submitted.

2. That the Department of Agriculture and Consumer Services shall establish an Equitable Food Oriented Development stakeholder work group to develop recommendations for design elements for the Virginia Food Access Investment Program created by this act.

CHAPTER 957

An Act to amend the Code of Virginia by adding in Title 36 a chapter numbered 10.2, consisting of sections numbered 36-156.3 through 36-156.6, relating to the Virginia Food Access Investment Program and Fund.

[S 1073]

Approved April 9, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 36 a chapter numbered 10.2, consisting of sections numbered 36-156.3 through 36-156.6, as follows:

CHAPTER 10.2.

VIRGINIA FOOD ACCESS INVESTMENT PROGRAM AND FUND.

§ 36-156.3. Definitions.

As used in this chapter, unless the context requires a different meaning:

"CDFI" means a community development financial institution that provides credit and financial services for underserved communities.

"Department" means the Department of Agriculture and Consumer Services.

"Fund" means the Virginia Food Access Investment Fund.

"Funding" means loans, forgivable loans, and grants made from the Fund.

"Grocery store" means a for-profit or not-for-profit self-service retail establishment that primarily sells meat, seafood, fruits, vegetables, dairy products, dry groceries, household products, and sundries.

"Innovative food retail project" means an innovative project, including a mobile market or a delivery model, that addresses food access issues in an underserved community.

"Program" means the Virginia Food Access Investment Program.

"Small food retailer," also referred to as a small-scale store, neighborhood store, small grocery, farmer's market, or bodega, means a small retail outlet of under 2,500 square feet that sells a limited selection of foods and other products.

"Underserved community" means a census tract determined to be an area with low supermarket access either by the U.S. Department of Agriculture (USDA), as identified in the USDA Food Access Research Atlas, or through a methodology that has been adopted for use by another governmental or philanthropic healthy food initiative.

§ 36-156.4. Virginia Food Access Investment Fund.

There is hereby created in the state treasury a special nonreverting fund to be known as the Virginia Food Access Investment Fund. The Fund shall be established on the books of the Comptroller. All funds appropriated for such purpose and any gifts, donations, grants, bequests, and other funds received on its behalf shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purposes of establishing collaborative and cooperative projects with public and private sector partners to improve food access in Virginia. The Fund shall be used to provide funding for the construction, rehabilitation, equipment upgrades, or expansion of grocery stores, small food retailers, or innovative food retail projects in underserved communities. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Commissioner of the Department of Agriculture and Consumer Services.

§ 36-156.5. Selection of CDFI; Program requirements; guidelines for management of the Fund.

A. The Department shall establish a Program to provide grants funding the construction, rehabilitation, equipment upgrades, or expansion of grocery stores, small food retailers, or innovative food retail projects in underserved communities. The Department shall select and work in collaboration with a CDFI to assist in administering the Program and carrying out the purposes of the Fund. The CDFI selected by the Department shall have (i) a statewide presence in Virginia, (ii) experience in food-based lending, (iii) a proven track record of leveraging private and philanthropic funding, and (iv) the capability to dedicate sufficient staff to manage the Program. Working with the selected CDFI, the Department shall establish monitoring and accountability mechanisms for projects receiving funding and shall report annually the number of projects funded; the geographic distribution of the projects; the costs of the Program; and the outcomes, including the number and type of jobs created, and health initiatives associated with the Program.

B. The Program shall:

1. Identify food access projects that include grocery stores, small food retailers, and innovative food retail projects;
2. Provide grants for the purposes described in subsection A;
3. Require that grant recipients (i) accept expenditures of benefits provided under the supplemental nutrition assistance program in accordance with the federal Food Stamp Act (7 U.S.C. § 2011 et seq.) and (ii) participate in a program that matches or supplements the benefits identified in clause (i), such as Virginia Fresh Match;
4. Provide technical assistance; and
5. Bring together community partners to sustain the Program.

C. The Department shall develop guidelines to carry out the Program to meet the intent of the Fund. Up to 10 percent of the moneys in the Fund may be designated for the CDFI's administrative and operations costs to assist in administering and managing the Program, unless those costs are provided for in other budgets or in-kind resources.

§ 36-156.6. Annual reports.

On or before December 1 of each year, the Department shall report to the Secretary of Commerce and Trade, the Governor, and the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance and Appropriations on such other matters regarding the Fund as the Department may deem appropriate, including the amount of funding committed to projects from the Fund, or other items as may be requested by any of the foregoing persons to whom such report is to be submitted.

2. That the Department of Agriculture and Consumer Services shall establish an Equitable Food Oriented Development stakeholder work group to develop recommendations for design elements for the Virginia Food Access Investment Program created by this act.

CHAPTER 958

An Act to amend and reenact §§ 2.2-106, 2.2-215, 2.2-220.2, 2.2-507, 2.2-4002, 2.2-4024, 2.2-4030, 3.2-108.1, 3.2-801, 3.2-3904, 3.2-3936, 3.2-3937, 3.2-6525, 8.01-480, 9.1-101, 9.1-500, 10.1-204.1, 10.1-211, 10.1-405, 10.1-651, 10.1-659, 10.1-1018, 10.1-1121, 10.1-1152, 10.1-1153, 10.1-1156, 10.1-1186, 10.1-1417, 15.2-915.2, 18.2-56.1, 18.2-134.1, 18.2-308, 18.2-308.02, 18.2-308.03, 18.2-308.06, 18.2-308.016, 22.1-204.2, 24.2-411.2, 24.2-416.3, 28.2-106.1, 28.2-108, 28.2-302.1, 28.2-302.2, 28.2-302.2:1, 28.2-638, 28.2-1103, 28.2-1205.1, 28.2-1302, 28.2-1403, 28.2-1505, 29.1-100, 29.1-101.1, 29.1-102, 29.1-109, 29.1-114, 29.1-300.1, 29.1-302.1, 29.1-302.2, 29.1-309.1, 29.1-358, 29.1-505.1, 29.1-529, 29.1-530.1, 29.1-530.4, 29.1-532, 29.1-753.3, 29.1-801, 30-34.5, 32.1-48.1, 33.2-329, 33.2-613, 33.2-909, 33.2-910, 43-32, 51.1-212, 54.1-3800, 55.1-2902, 56-46.1, 58.1-344.3, 58.1-1405, 58.1-1410, 58.1-2289, 58.1-3510.4, 58.1-3942, 59.1-148.3, 62.1-44.15, as it is currently effective and as it shall become effective, 62.1-44.15:5.01, 62.1-44.15:6, 62.1-44.15:20, 62.1-44.15:81, 62.1-44.19:6, 62.1-44.33, 62.1-44.34:25, 62.1-250,

65.2-402, and 65.2-402.1 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 29.1-100.1 relating to the Department of Game and Inland Fisheries; name change.

[S 616]

Approved April 9, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-106, 2.2-215, 2.2-220.2, 2.2-507, 2.2-4002, 2.2-4024, 2.2-4030, 3.2-108.1, 3.2-801, 3.2-3904, 3.2-3936, 3.2-3937, 3.2-6525, 8.01-480, 9.1-101, 9.1-500, 10.1-204.1, 10.1-211, 10.1-405, 10.1-651, 10.1-659, 10.1-1018, 10.1-1121, 10.1-1152, 10.1-1153, 10.1-1156, 10.1-1186, 10.1-1417, 15.2-915.2, 18.2-56.1, 18.2-134.1, 18.2-308, 18.2-308.02, 18.2-308.03, 18.2-308.06, 18.2-308.016, 22.1-204.2, 24.2-411.2, 24.2-416.3, 28.2-106.1, 28.2-108, 28.2-302.1, 28.2-302.2, 28.2-302.2:1, 28.2-638, 28.2-1103, 28.2-1205.1, 28.2-1302, 28.2-1403, 28.2-1505, 29.1-100, 29.1-101.1, 29.1-102, 29.1-109, 29.1-114, 29.1-300.1, 29.1-302.1, 29.1-302.2, 29.1-309.1, 29.1-358, 29.1-505.1, 29.1-529, 29.1-530.1, 29.1-530.4, 29.1-532, 29.1-753.3, 29.1-801, 30-34.5, 32.1-48.1, 33.2-329, 33.2-613, 33.2-909, 33.2-910, 43-32, 51.1-212, 54.1-3800, 55.1-2902, 56-46.1, 58.1-344.3, 58.1-1405, 58.1-1410, 58.1-2289, 58.1-3510.4, 58.1-3942, 59.1-148.3, 62.1-44.15, as it is currently effective and as it shall become effective, 62.1-44.15:5.01, 62.1-44.15:6, 62.1-44.15:20, 62.1-44.15:81, 62.1-44.19:6, 62.1-44.33, 62.1-44.34:25, 62.1-250, 65.2-402, and 65.2-402.1 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 29.1-100.1 as follows:

§ 2.2-106. Appointment of agency heads; disclosure of resumes; severance.

A. Notwithstanding any provision of law to the contrary, the Governor shall appoint the administrative head of each agency of the executive branch of state government except the:

1. Executive Director of the Virginia Port Authority;
2. Director of the State Council of Higher Education for Virginia;
3. Executive Director of the Department of ~~Game and Inland Fisheries~~ *Wildlife Resources*;
4. Executive Director of the Jamestown-Yorktown Foundation;
5. Executive Director of the Motor Vehicle Dealer Board;
6. Librarian of Virginia;
7. Administrator of the Commonwealth's Attorneys' Services Council;
8. Executive Director of the Virginia Housing Development Authority; and
9. Executive Director of the Board of Accountancy.

However, the manner of selection of those heads of agencies chosen as set forth in the Constitution of Virginia shall continue without change. Each administrative head and Secretary appointed by the Governor pursuant to this section shall (i) be subject to confirmation by the General Assembly, (ii) have the professional qualifications prescribed by law, and (iii) serve at the pleasure of the Governor.

B. As part of the confirmation process for each administrative head and Secretary, the Secretary of the Commonwealth shall provide copies of the resumes and statements of economic interests filed pursuant to § 2.2-3117 to the chairs of the House of Delegates and Senate Committees on Privileges and Elections. For appointments made before January 1, copies shall be provided to the chairs within 30 days of the appointment or by January 7 whichever time is earlier; and for appointments made after January 1 through the regular session of that year, copies shall be provided to the chairs within seven days of the appointment. Each appointee shall be available for interviews by the Committees on Privileges and Elections or other applicable standing committee. For the purposes of this section and § 2.2-107, there shall be a joint subcommittee of the House of Delegates and Senate Committees on Privileges and Elections consisting of five members of the House Committee and three members of the Senate Committee appointed by the respective chairs of the committees to review the resumes and statements of economic interests of gubernatorial appointees. The members of the House of Delegates shall be appointed in accordance with the principles of proportional representation contained in the Rules of the House of Delegates. No appointment confirmed by the General Assembly shall be subject to challenge by reason of a failure to comply with the provisions of this subsection pertaining to the confirmation process.

C. For the purpose of this section, "agency" includes all administrative units established by law or by executive order that are not (i) arms of the legislative or judicial branches of government; (ii) institutions of higher education as classified under §§ 22.1-346, 23.1-1100, 23.1-3210, and 23.1-3216; (iii) regional planning districts, regional transportation authorities or districts, or regional sanitation districts; and (iv) assigned by law to other departments or agencies, not including assignments to secretaries under Article 7 (§ 2.2-215 et seq.) of Chapter 2 of this title.

D. The resumes and applications for appointment submitted by persons who are appointed by the Governor pursuant to this section shall be available to the public upon request.

E. Severance benefits provided to any departing agency head, whether or not appointed by the Governor, shall be publicly announced by the appointing authority prior to such departure.

§ 2.2-215. Position established; agencies for which responsible.

The position of Secretary of Natural Resources (the Secretary) is created. The Secretary shall be responsible to the Governor for the following agencies: Department of Conservation and Recreation, Department of Historic Resources, Marine Resources Commission, Department of ~~Game and Inland Fisheries~~ *Wildlife Resources*, Virginia Museum of Natural

History, and the Department of Environmental Quality. The Governor may, by executive order, assign any state executive agency to the Secretary of Natural Resources, or reassign any agency listed in this section to another Secretary.

§ 2.2-220.2. Development of strategies to prevent the introduction of, to control, and to eradicate invasive species.

A. The Secretaries of Natural Resources and Agriculture and Forestry shall coordinate the development of strategic actions to be taken by the Commonwealth, individual state and federal agencies, private businesses, and landowners related to invasive species prevention, early detection and rapid response, control and management, research and risk assessment, and education and outreach. Such strategic actions shall include the development of a state invasive species management plan. The plan shall include a list of invasive species that pose the greatest threat to the Commonwealth. The primary purposes of the plan shall be to address the rising cost of invasive species, to improve coordination among state and federal agencies' efforts regarding invasive species prevention and management and information exchange, and to educate the public on related matters. The Secretaries of Natural Resources and Agriculture and Forestry shall update the state invasive species management plan at least once every four years. The Department of Conservation and Recreation shall provide staff support.

B. The Secretary of Natural Resources shall establish and serve as chair of an advisory group to develop an invasive species management plan and shall coordinate and implement recommendations of that plan. Other members of the advisory group shall include the Departments of Conservation and Recreation, ~~Game and Inland Fisheries Wildlife Resources~~, Environmental Quality, Forestry, Agriculture and Consumer Services, Health, and Transportation; the Marine Resources Commission; the Virginia Cooperative Extension; the Virginia Institute of Marine Science; representatives of the agriculture and forestry industries; the conservation community; interested federal agencies; academic institutions; and commercial interests. The Secretary of Agriculture and Forestry shall serve as the vice-chair of the advisory group. The advisory group shall meet at least twice per year and shall utilize ad hoc committees as necessary with special emphasis on working with affected industries, landowners, and citizens, and shall assist the Secretary to:

1. Prevent additional introductions of invasive species to the lands and waters of the Commonwealth;
2. Procure, use, and maintain native species to replace invasive species;
3. Implement targeted control efforts on those invasive species that are present in the Commonwealth but are susceptible to such management actions;
4. Identify and report the appearance of invasive species before they can become established and control becomes less feasible;
5. Implement immediate control measures if a new invasive species is introduced in Virginia, with the aim of eradicating that species from Virginia's lands and waters if feasible given the degree of infestation; and
6. Recommend legislative actions or pursue federal grants to implement the plan.

C. As used in this section, "invasive species" means a species, including its seeds, eggs, spores or other biological material capable of propagating that species, that is not native to the ecosystem and whose introduction causes or is likely to cause economic or environmental harm or harm to human health; however, this definition shall not include (i) any agricultural crop generally recognized by the United States Department of Agriculture or the Virginia Department of Agriculture and Consumer Services as suitable to be grown in the Commonwealth, or (ii) any aquacultural organism recognized by the Marine Resources Commission or the Department of ~~Game and Inland Fisheries Wildlife Resources~~ as suitable to be propagated in the Commonwealth.

Nothing in this section shall affect the authorities of any agency represented on the advisory group with respect to invasive species.

§ 2.2-507. Legal service in civil matters.

A. All legal service in civil matters for the Commonwealth, the Governor, and every state department, institution, division, commission, board, bureau, agency, entity, official, court, or judge, including the conduct of all civil litigation in which any of them are interested, shall be rendered and performed by the Attorney General, except as provided in this chapter and except for any litigation concerning a justice or judge initiated by the Judicial Inquiry and Review Commission. No regular counsel shall be employed for or by the Governor or any state department, institution, division, commission, board, bureau, agency, entity, or official. The Attorney General may represent personally or through one or more of his assistants any number of state departments, institutions, divisions, commissions, boards, bureaus, agencies, entities, officials, courts, or judges that are parties to the same transaction or that are parties in the same civil or administrative proceeding and may represent multiple interests within the same department, institution, division, commission, board, bureau, agency, or entity. The soil and water conservation district directors or districts may request legal advice from local, public, or private sources; however, upon request of the soil and water conservation district directors or districts, the Attorney General shall provide legal service in civil matters for such district directors or districts.

B. The Attorney General may represent personally or through one of his assistants any of the following persons who are made defendant in any civil action for damages arising out of any matter connected with their official duties:

1. Members, agents, or employees of the Virginia Alcoholic Beverage Control Authority;
2. Agents inspecting or investigators appointed by the State Corporation Commission;
3. Agents, investigators, or auditors employed by the Department of Taxation;
4. Members, agents, or employees of the State Board of Behavioral Health and Developmental Services, the Department of Behavioral Health and Developmental Services, the State Board of Health, the State Department of Health,

the Department of General Services, the State Board of Social Services, the Department of Social Services, the State Board of Corrections, the Department of Corrections, the State Board of Juvenile Justice, the Department of Juvenile Justice, the Virginia Parole Board, or the Department of Agriculture and Consumer Services;

5. Persons employed by the Commonwealth Transportation Board, the Department of Transportation, or the Department of Rail and Public Transportation;

6. Persons employed by the Commissioner of Motor Vehicles;

7. Persons appointed by the Commissioner of Marine Resources;

8. Police officers appointed by the Superintendent of State Police;

9. Conservation police officers appointed by the Department of ~~Game and Inland Fisheries~~ *Wildlife Resources*;

10. Hearing officers appointed to hear a teacher's grievance pursuant to § 22.1-311;

11. Staff members or volunteers participating in a court-appointed special advocate program pursuant to Article 5 (§ 9.1-151 et seq.) of Chapter 1 of Title 9.1;

12. Any emergency medical services agency that is a licensee of the Department of Health in any civil matter and any guardian ad litem appointed by a court in a civil matter brought against him for alleged errors or omissions in the discharge of his court-appointed duties;

13. Conservation officers of the Department of Conservation and Recreation; or

14. A person appointed by written order of a circuit court judge to run an existing corporation or company as the judge's representative, when that person is acting in execution of a lawful order of the court and the order specifically refers to this section and appoints such person to serve as an agent of the Commonwealth.

Upon request of the affected individual, the Attorney General may represent personally or through one of his assistants (i) any basic or advanced emergency medical care attendant or technician possessing a valid certificate issued by authority of the State Board of Health in any civil matter in which a defense of immunity from liability is raised pursuant to § 8.01-225 or (ii) any member of the General Assembly in any civil matter alleging that such member in his official capacity violated the Virginia Freedom of Information Act (§ 2.2-3700 et seq.) pursuant to § 2.2-3713 or 2.2-3714.

C. If, in the opinion of the Attorney General, it is impracticable or uneconomical for such legal service to be rendered by him or one of his assistants, he may employ special counsel for this purpose, whose compensation shall be fixed by the Attorney General. The compensation for such special counsel shall be paid out of the funds appropriated for the administration of the board, commission, division, or department being represented or whose members, officers, inspectors, investigators, or other employees are being represented pursuant to this section. Notwithstanding any provision of this section to the contrary, the Supreme Court may employ its own counsel in any matter arising out of its official duties in which it, or any justice, is a party.

D. Nothing herein shall limit the powers granted in § 16.1-88.03.

§ 2.2-4002. Exemptions from chapter generally.

A. Although required to comply with § 2.2-4103 of the Virginia Register Act (§ 2.2-4100 et seq.), the following agencies shall be exempted from the provisions of this chapter, except to the extent that they are specifically made subject to §§ 2.2-4024, 2.2-4030, and 2.2-4031:

1. The General Assembly.

2. Courts, any agency of the Supreme Court, and any agency that by the Constitution is expressly granted any of the powers of a court of record.

3. The Department of ~~Game and Inland Fisheries~~ *Wildlife Resources* in promulgating regulations regarding the management of wildlife and for all case decisions rendered pursuant to any provisions of Chapters 2 (§ 29.1-200 et seq.), 3 (§ 29.1-300 et seq.), 4 (§ 29.1-400 et seq.), 5 (§ 29.1-500 et seq.), and 7 (§ 29.1-700 et seq.) of Title 29.1.

4. The Virginia Housing Development Authority.

5. Municipal corporations, counties, and all local, regional or multijurisdictional authorities created under this Code, including those with federal authorities.

6. Educational institutions operated by the Commonwealth, provided that, with respect to § 2.2-4031, such educational institutions shall be exempt from the publication requirements only with respect to regulations that pertain to (i) their academic affairs, (ii) the selection, tenure, promotion and disciplining of faculty and employees, (iii) the selection of students, and (iv) rules of conduct and disciplining of students.

7. The Milk Commission in promulgating regulations regarding (i) producers' licenses and bases, (ii) classification and allocation of milk, computation of sales and shrinkage, and (iii) class prices for producers' milk, time and method of payment, butterfat testing and differential.

8. The Virginia Resources Authority.

9. Agencies expressly exempted by any other provision of this Code.

10. The Department of General Services in promulgating standards for the inspection of buildings for asbestos pursuant to § 2.2-1164.

11. The State Council of Higher Education for Virginia, in developing, issuing, and revising guidelines pursuant to § 23.1-207.

12. The Commissioner of Agriculture and Consumer Services in adopting regulations pursuant to subsection B of § 3.2-6002 and in adopting regulations pursuant to § 3.2-6023.

13. The Commissioner of Agriculture and Consumer Services and the Board of Agriculture and Consumer Services in promulgating regulations pursuant to subsections B and D of § 3.2-3601, subsection B of § 3.2-3701, § 3.2-4002, subsections B and D of § 3.2-4801, §§ 3.2-5121 and 3.2-5206, and subsection A of § 3.2-5406.

14. The Board of Optometry when specifying therapeutic pharmaceutical agents, treatment guidelines, and diseases and abnormal conditions of the human eye and its adnexa for TPA-certification of optometrists pursuant to Article 5 (§ 54.1-3222 et seq.) of Chapter 32 of Title 54.1.

15. The Commissioner of the Department of Veterans Services in adopting regulations pursuant to § 2.2-2001.3.

16. The State Board of Education, in developing, issuing, and revising guidelines pursuant to § 22.1-203.2.

17. The Virginia Racing Commission, (i) when acting by and through its duly appointed stewards or in matters related to any specific race meeting or (ii) in promulgating technical rules regulating actual live horse racing at race meetings licensed by the Commission.

18. The Virginia Small Business Financing Authority.

19. The Virginia Economic Development Partnership Authority.

20. The Board of Agriculture and Consumer Services in adopting, amending or repealing regulations pursuant to subsection A (ii) of § 59.1-156.

21. The Insurance Continuing Education Board pursuant to § 38.2-1867.

22. The Board of Health in promulgating the list of diseases that shall be reported to the Department of Health pursuant to § 32.1-35 and in adopting, amending or repealing regulations pursuant to subsection C of § 35.1-14 that incorporate the Food and Drug Administration's Food Code pertaining to restaurants or food service.

23. The Commissioner of the Marine Resources Commission in setting a date of closure for the Chesapeake Bay purse seine fishery for Atlantic menhaden for reduction purposes pursuant to § 28.2-1000.2.

24. The Board of Pharmacy when specifying special subject requirements for continuing education for pharmacists pursuant to § 54.1-3314.1.

25. The Virginia Department of Veterans Services when promulgating rules and regulations pursuant to § 58.1-3219.7 or 58.1-3219.11.

26. The Virginia Department of Criminal Justice Services when developing, issuing, or revising any training standards established by the Criminal Justice Services Board under § 9.1-102, provided such actions are authorized by the Governor in the interest of public safety.

B. Agency action relating to the following subjects shall be exempted from the provisions of this chapter:

1. Money or damage claims against the Commonwealth or agencies thereof.

2. The award or denial of state contracts, as well as decisions regarding compliance therewith.

3. The location, design, specifications or construction of public buildings or other facilities.

4. Grants of state or federal funds or property.

5. The chartering of corporations.

6. Customary military, militia, naval or police functions.

7. The selection, tenure, dismissal, direction or control of any officer or employee of an agency of the Commonwealth.

8. The conduct of elections or eligibility to vote.

9. Inmates of prisons or other such facilities or parolees therefrom.

10. The custody of persons in, or sought to be placed in, mental health facilities or penal or other state institutions as well as the treatment, supervision, or discharge of such persons.

11. Traffic signs, markers or control devices.

12. Instructions for application or renewal of a license, certificate, or registration required by law.

13. Content of, or rules for the conduct of, any examination required by law.

14. The administration of pools authorized by Chapter 47 (§ 2.2-4700 et seq.).

15. Any rules for the conduct of specific lottery games, so long as such rules are not inconsistent with duly adopted regulations of the Virginia Lottery Board, and provided that such regulations are published and posted.

16. Orders condemning or closing any shellfish, finfish, or crustacea growing area and the shellfish, finfish or crustacea located thereon pursuant to Article 2 (§ 28.2-803 et seq.) of Chapter 8 of Title 28.2.

17. Any operating procedures for review of child deaths developed by the State Child Fatality Review Team pursuant to § 32.1-283.1, any operating procedures for review of adult deaths developed by the Adult Fatality Review Team pursuant to § 32.1-283.5, and any operating procedures for review of adult deaths developed by the Maternal Mortality Review Team pursuant to § 32.1-283.8.

18. The regulations for the implementation of the Health Practitioners' Monitoring Program and the activities of the Health Practitioners' Monitoring Program Committee pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1.

19. The process of reviewing and ranking grant applications submitted to the Commonwealth Neurotrauma Initiative Advisory Board pursuant to Article 12 (§ 51.5-178 et seq.) of Chapter 14 of Title 51.5.

20. Loans from the Small Business Environmental Compliance Assistance Fund pursuant to Article 4 (§ 10.1-1197.1 et seq.) of Chapter 11.1 of Title 10.1.

21. The Virginia Breeders Fund created pursuant to § 59.1-372.

22. The types of pari-mutuel wagering pools available for live or simulcast horse racing.

23. The administration of medication or other substances foreign to the natural horse.

24. Any rules adopted by the Charitable Gaming Board for the approval and conduct of game variations for the conduct of raffles, bingo, network bingo, and instant bingo games, provided that such rules are (i) consistent with Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2 and (ii) published and posted.

C. Minor changes to regulations published in the Virginia Administrative Code under the Virginia Register Act (§ 2.2-4100 et seq.), made by the Virginia Code Commission pursuant to § 30-150, shall be exempt from the provisions of this chapter.

§ 2.2-4024. Hearing officers.

A. In all formal hearings conducted in accordance with § 2.2-4020, the hearing shall be presided over by a hearing officer selected from a list prepared by the Executive Secretary of the Supreme Court and maintained in the Office of the Executive Secretary of the Supreme Court. Parties to informal fact-finding proceedings conducted pursuant to § 2.2-4019 may agree at the outset of the proceeding to have a hearing officer preside at the proceeding, such agreement to be revoked only by mutual consent. The Executive Secretary may promulgate rules necessary for the administration of the hearing officer system and shall have the authority to establish the number of hearing officers necessary to preside over administrative hearings in the Commonwealth.

Prior to being included on the list, all hearing officers shall meet the following minimum standards:

1. Active membership in good standing in the Virginia State Bar;

2. Active practice of law for at least five years; and

3. Completion of a course of training approved by the Executive Secretary of the Supreme Court. In order to comply with the demonstrated requirements of the agency requesting a hearing officer, the Executive Secretary may require additional training before a hearing officer shall be assigned to a proceeding before that agency.

B. On request from the head of an agency, the Executive Secretary shall name a hearing officer from the list, selected on a rotation system administered by the Executive Secretary. Lists reflecting geographic preference and specialized training or knowledge shall be maintained by the Executive Secretary if an agency demonstrates the need.

C. A hearing officer appointed in accordance with this section shall be subject to disqualification as provided in § 2.2-4024.1. If the hearing officer denies a petition for disqualification pursuant to § 2.2-4024.1, the petitioning party may request reconsideration of the denial by filing a written request with the Executive Secretary along with an affidavit, prior to the taking of evidence at a hearing, stating with particularity the grounds upon which it is claimed that a fair and impartial hearing cannot be accorded, or the applicable rule of practice requiring disqualification.

The issue shall be determined not less than 10 days prior to the hearing by the Executive Secretary.

D. Any hearing officer empowered by the agency to provide a recommendation or conclusion in a case decision matter shall render that recommendation or conclusion as follows:

1. If the agency's written regulations or procedures require the hearing officer to render a recommendation or conclusion within a specified time period, the hearing officer shall render the recommendation or conclusion on or before the expiration of the specified period; and

2. In all other cases, the hearing officer shall render the recommendation or conclusion within 90 days from the date of the case decision proceeding or from a later date agreed to by the named party and the agency.

If the hearing officer does not render a decision within the time required by this subsection, then the agency or the named party to the case decision may provide written notice to the hearing officer and the Executive Secretary of the Supreme Court that a decision is due. If no decision is made within 30 days from receipt by the hearing officer of the notice, then the Executive Secretary of the Supreme Court shall remove the hearing officer from the hearing officer list and report the hearing officer to the Virginia State Bar for possible disciplinary action, unless good cause is shown for the delay.

E. The Executive Secretary shall remove hearing officers from the list, upon a showing of cause after written notice and an opportunity for a hearing. When there is a failure by a hearing officer to render a decision as required by subsection D, the burden shall be on the hearing officer to show good cause for the delay. Decisions to remove a hearing officer may be reviewed by a request to the Executive Secretary for reconsideration, followed by judicial review in accordance with this chapter.

F. This section shall not apply to hearings conducted by (i) any commission or board where all of the members, or a quorum, are present; (ii) the Virginia Alcoholic Beverage Control Authority, the Virginia Workers' Compensation Commission, the State Corporation Commission, the Virginia Employment Commission, the Department of Motor Vehicles under Title 46.2 (§ 46.2-100 et seq.), § 58.1-2409, or Chapter 27 (§ 58.1-2700 et seq.) of Title 58.1, or the Motor Vehicle Dealer Board under Chapter 15 (§ 46.2-1500 et seq.) of Title 46.2; or (iii) any panel of a health regulatory board convened pursuant to § 54.1-2400, including any panel having members of a relevant advisory board to the Board of Medicine. All employees hired after July 1, 1986, pursuant to §§ 65.2-201 and 65.2-203 by the Virginia Workers' Compensation Commission to conduct hearings pursuant to its basic laws shall meet the minimum qualifications set forth in subsection A. Agency employees who are not licensed to practice law in the Commonwealth, and are presiding as hearing officers in proceedings pursuant to clause (ii) shall participate in periodic training courses.

G. Notwithstanding the exemptions of subsection A of § 2.2-4002, this article shall apply to hearing officers conducting hearings of the kind described in § 2.2-4020 for the Department of ~~Game and Inland Fisheries~~ *Wildlife Resources*, the Virginia Housing Development Authority, the Milk Commission, and the Virginia Resources Authority pursuant to their basic laws.

§ 2.2-4030. Recovery of costs and attorney fees from agency.

A. In any civil case brought under Article 5 (§ 2.2-4025 et seq.) or § 2.2-4002, 2.2-4006, 2.2-4011, or 2.2-4018, in which any person contests any agency action, such person shall be entitled to recover from that agency, including the Department of ~~Game and Inland Fisheries~~ *Wildlife Resources*, reasonable costs and attorney fees if such person substantially prevails on the merits of the case and (i) the agency's position is not substantially justified, (ii) the agency action was in violation of law, or (iii) the agency action was for an improper purpose, unless special circumstances would make an award unjust. The award of attorney fees shall not exceed \$25,000.

B. Nothing in this section shall be deemed to grant permission to bring an action against an agency if the agency would otherwise be immune from suit or to grant a right to bring an action by a person who would otherwise lack standing to bring the action.

C. Any costs and attorney fees assessed against an agency under this section shall be charged against the operating expenses of the agency for the fiscal year in which the assessment is made and shall not be reimbursed from any other source.

§ 3.2-108.1. Virginia Pollinator Protection Strategy.

A. The Department shall develop and maintain a Virginia Pollinator Protection Strategy (the Strategy) to (i) promote the health of and mitigate the risks to all pollinator species and (ii) ensure a robust agriculture economy and apiary industry for honeybees and other managed pollinators.

B. In developing the Strategy, the Department shall seek the assistance of the Department of Conservation and Recreation, the Department of ~~Game and Inland Fisheries~~ *Wildlife Resources*, and the Department of Environmental Quality and shall establish a stakeholder group composed of representatives of affected groups, including beekeepers, agricultural producers, commercial pesticide applicators, private pesticide applicators, pesticide manufacturers, retailers, lawn and turf service providers, agribusiness and farmer organizations, conservation interests, Virginia Polytechnic Institute and State University, Virginia State University, and the Virginia Cooperative Extension.

C. The Strategy shall include a plan for the protection of managed pollinators that provides voluntary best management practices for pesticide users, beekeepers, and landowners and agricultural producers. The protection plan shall support:

1. Communication between beekeepers and applicators;
2. Reduction of the risk to pollinators from pesticides;
3. Increases in pollinator habitat;
4. Maintenance of existing compliance with state pesticide use requirements;
5. Identification of needs for further research to promote robust agriculture and apiary industries; and
6. Identification of additional opportunities for education and outreach on pollinators.

§ 3.2-801. Powers and duties of Commissioner.

The Commissioner shall exercise or perform the powers and duties imposed upon him by this chapter. The Commissioner shall make surveys for noxious weeds and when the Commissioner determines that an infestation exists within the Commonwealth, he may request the Board to declare the weed to be noxious under this chapter and the Board shall proceed as specified in § 3.2-802.

The Commissioner in coordination with the Department of ~~Game and Inland Fisheries~~ *Wildlife Resources* shall develop a plan for the identification and control of noxious weeds in the surface waters and lakes of the Commonwealth.

The Commissioner may cooperate with any person or any agency of the federal government in carrying out the provisions of this chapter.

Expenses incurred on property owned or controlled by the federal government shall be reimbursed and refunded to the appropriation from which they were expended.

§ 3.2-3904. Powers and duties of the Board.

The Board shall have the following powers and duties:

1. Appoint advisory committees as necessary to implement this chapter;
2. Contract for research projects and establish priorities;
3. Consult with the Department of Environmental Quality regarding compliance with the applicable waste management regulations for the safe and proper disposal of pesticide concentrates, used pesticide containers, and unused pesticides;
4. Consult with the Virginia Department of Labor and Industry regarding compliance with the applicable standards and regulations needed to ensure safe working conditions for pest control and agricultural workers;
5. Consult with the Department of ~~Game and Inland Fisheries~~ *Wildlife Resources* regarding standards for the protection of wildlife and fish and to further promote cooperation with respect to programs established by the Department of ~~Game and Inland Fisheries~~ *Wildlife Resources* for the protection of endangered or threatened species;
6. Inform the citizens of the desirability and availability of nonchemical and less toxic alternatives to chemical pesticides and the benefits of the safe and proper use of pest control products while promoting the use of integrated pest management techniques and encouraging the development of nonchemical and less toxic alternatives to chemical pesticides;
7. Require that pesticides are adequately tested and are safe for use under local conditions;
8. Require that individuals who sell, store, or apply pesticides commercially are adequately trained and observe appropriate safety practices;

9. Cooperate, receive grants-in-aid, and enter into agreements with any federal, state, or local agency to promote the purposes of this chapter;

10. Consult with the Department of Health regarding compliance with public health standards;

11. Designate any pesticide as state special use or classified for restricted use; and

12. Restrict the distribution, possession, sale, or use of tributyltin compounds.

§ 3.2-3936. Sale and application of tributyltin compounds.

A. Except as otherwise provided in this section, it is unlawful to distribute, possess, sell or offer for sale, apply or offer for use or application any marine antifoulant paint containing tributyltin compounds. Authorized personnel of the Department of ~~Game and Inland Fisheries~~ *Wildlife Resources*, Virginia Marine Resources Commission, or the Department may seize any antifoulant paint held in violation of this article and any seized substances shall be considered forfeited.

B. A person may distribute or sell a marine antifoulant paint containing tributyltin with an acceptable release rate to the owner or agent of a commercial boat yard. The owner or agent of a commercial boat yard may possess, apply, or purchase an antifoulant paint containing tributyltin with an acceptable release rate. Such paint may be applied only within a commercial boat yard and only to vessels that exceed 25 meters (82.02 feet) in length or that have aluminum hulls.

C. A person may distribute, sell or apply a marine antifoulant paint containing tributyltin with an acceptable release rate if: (i) the paint is distributed or sold in a spray can in a quantity of 16 ounces avoirdupois weight or less; and (ii) is commonly referred to as outboard or lower unit paint.

§ 3.2-3937. Educational programs.

The State Water Control Board, the Board of ~~Game and Inland Fisheries~~ *Wildlife Resources*, the Virginia Marine Resources Commission, the Virginia Institute of Marine Science, and the Department shall through cooperative programs develop and implement a program to inform interstate and intrastate paint manufacturers and distributors, vessel owners, and commercial boat yards of the properties of tributyltin in marine antifoulant paints and the law to restrict its use.

§ 3.2-6525. Regulations to prevent spread of rabies.

A. The governing body of any locality may adopt such ordinances, regulations or other measures as may be deemed reasonably necessary to prevent the spread within its boundaries of the disease of rabies. Penalties may be provided for the violation of any such ordinances. If the ordinance declares the existence of an emergency, then the ordinance shall be in force upon passage.

B. The governing body of any locality may adopt an ordinance creating a program for the distribution of oral rabies vaccine within its boundaries to prevent the spread of rabies. An ordinance enacted pursuant to this subsection on or after July 1, 2010, shall be developed in consultation with the Department of Health and with written authorization from the Department of ~~Game and Inland Fisheries~~ *Wildlife Resources* in accordance with § 29.1-508.1 and shall contain the following provisions:

1. Notice shall be given to the owner or occupant of property prior to the entry upon the property for the purpose of the distribution of oral rabies vaccine or the use of any other methods to place oral rabies vaccine on the property. Notice shall be given by: (i) sending two letters by first-class mail, at successive intervals of not less than two weeks set forth in the ordinance; and (ii) printing a copy thereof, at least once, in a newspaper of general circulation in the locality concerned. Written notice shall be in a form approved by the governing body and shall include a description of the purpose for which entry upon the property is to be made, the time and method of rabies vaccine distribution at the property, and the submission deadline for requests by any owner or occupant of property who wishes to be excluded from the oral rabies vaccine distribution program.

2. The owner or occupant of property may refuse to allow the distribution of oral rabies vaccine upon such property. The ordinance shall establish procedures to be followed by any owner or occupant who wishes to be excluded from the oral rabies vaccine distribution program, including the time and method by which requests for nonparticipation must be received. If the governing body receives a request for nonparticipation by the owner or occupant of property for the distribution of oral rabies vaccine, no further action shall be taken to distribute oral vaccine, on such property for a period of one year.

Nothing in this subsection shall be construed to limit any authority for the distribution of oral rabies vaccine otherwise provided by law.

§ 8.01-480. Prior security interest on property levied on.

Tangible personal property subject to a prior security interest, or in which the execution debtor has only an equitable interest, may nevertheless be levied on for the satisfaction of a fieri facias. If the prior security interest is due and payable, the officer levying the fieri facias may sell the property free of such security interest, and apply the proceeds first to the payment of such security interest, and the residue, so far as necessary, to the satisfaction of the fieri facias. In the event the property is to be sold free of such prior security interest, the judgment creditor shall give written notice by certified mail to each secured party of record as hereafter specified, as his name and address shall appear on record, of the proposed sale, or to any secured party of whom the judgment creditor shall have actual knowledge. Such notice shall be given to each secured party who is of record at the State Corporation Commission, at the Department of Motor Vehicles, at the Department of ~~Game and Inland Fisheries~~ *Wildlife Resources*, or in the clerk's office in the city or county in Virginia, where the debtor has resided to the knowledge of the judgment creditor at any time during a one-year period prior to the sale. Certification of such notice shall be delivered to the sheriff or other officer conducting the sale pursuant to execution of the judgment, who shall announce that except as to such person so notified, the sale is subject to any prior security interest of record, other than

one of record at a place where the debtor may have resided more than one year previously. If such prior security interest is not due and payable at the time of sale, such officer shall sell the property levied on subject to such security interest.

§ 9.1-101. Definitions.

As used in this chapter or in Chapter 23 (§ 19.2-387 et seq.) of Title 19.2, unless the context requires a different meaning:

"Administration of criminal justice" means performance of any activity directly involving the detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders or the collection, storage, and dissemination of criminal history record information.

"Board" means the Criminal Justice Services Board.

"Conviction data" means information in the custody of any criminal justice agency relating to a judgment of conviction, and the consequences arising therefrom, in any court.

"Correctional status information" means records and data concerning each condition of a convicted person's custodial status, including probation, confinement, work release, study release, escape, or termination of custody through expiration of sentence, parole, pardon, or court decision.

"Criminal history record information" means records and data collected by criminal justice agencies on adult individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments, informations, or other formal charges, and any disposition arising therefrom. The term shall not include juvenile record information which is controlled by Chapter 11 (§ 16.1-226 et seq.) of Title 16.1, criminal justice intelligence information, criminal justice investigative information, or correctional status information.

"Criminal justice agency" means (i) a court or any other governmental agency or subunit thereof which as its principal function performs the administration of criminal justice and any other agency or subunit thereof which performs criminal justice activities, but only to the extent that it does so; (ii) for the purposes of Chapter 23 (§ 19.2-387 et seq.) of Title 19.2, any private corporation or agency which, within the context of its criminal justice activities, employs special conservators of the peace appointed under Chapter 2 (§ 19.2-12 et seq.) of Title 19.2, provided that (a) such private corporation or agency requires its officers or special conservators to meet compulsory training standards established by the Criminal Justice Services Board and submits reports of compliance with the training standards and (b) the private corporation or agency complies with the provisions of Article 3 (§ 9.1-126 et seq.), but only to the extent that the private corporation or agency so designated as a criminal justice agency performs criminal justice activities; and (iii) the Office of the Attorney General, for all criminal justice activities otherwise permitted under clause (i) and for the purpose of performing duties required by the Civil Commitment of Sexually Violent Predators Act (§ 37.2-900 et seq.).

"Criminal justice agency" includes any program certified by the Commission on VASAP pursuant to § 18.2-271.2.

"Criminal justice agency" includes the Department of Criminal Justice Services.

"Criminal justice agency" includes the Virginia State Crime Commission.

"Criminal justice information system" means a system including the equipment, facilities, procedures, agreements, and organizations thereof, for the collection, processing, preservation, or dissemination of criminal history record information. The operations of the system may be performed manually or by using electronic computers or other automated data processing equipment.

"Department" means the Department of Criminal Justice Services.

"Dissemination" means any transfer of information, whether orally, in writing, or by electronic means. The term shall not include access to the information by officers or employees of a criminal justice agency maintaining the information who have both a need and right to know the information.

"Law-enforcement officer" means any full-time or part-time employee of a police department or sheriff's office which is a part of or administered by the Commonwealth or any political subdivision thereof, or any full-time or part-time employee of a private police department, and who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth, and shall include any (i) special agent of the Virginia Alcoholic Beverage Control Authority; (ii) police agent appointed under the provisions of § 56-353; (iii) officer of the Virginia Marine Police; (iv) conservation police officer who is a full-time sworn member of the enforcement division of the Department of ~~Game and Inland Fisheries~~ *Wildlife Resources*; (v) investigator who is a sworn member of the security division of the Virginia Lottery; (vi) conservation officer of the Department of Conservation and Recreation commissioned pursuant to § 10.1-115; (vii) full-time sworn member of the enforcement division of the Department of Motor Vehicles appointed pursuant to § 46.2-217; (viii) animal protection police officer employed under § 15.2-632 or 15.2-836.1; (ix) campus police officer appointed under Article 3 (§ 23.1-809 et seq.) of Chapter 8 of Title 23.1; (x) member of the investigations unit designated by the State Inspector General pursuant to § 2.2-311 to investigate allegations of criminal behavior affecting the operations of a state or nonstate agency; (xi) employee with internal investigations authority designated by the Department of Corrections pursuant to subdivision 11 of § 53.1-10 or by the Department of Juvenile Justice pursuant to subdivision A 7 of § 66-3; or (xii) private police officer employed by a private police department. Part-time employees are those compensated officers who are not full-time employees as defined by the employing police department, sheriff's office, or private police department.

"Private police department" means any police department, other than a department that employs police agents under the provisions of § 56-353, that employs private police officers operated by an entity authorized by statute or an act of assembly to establish a private police department or such entity's successor in interest, provided it complies with the

requirements set forth herein. No entity is authorized to operate a private police department or represent that it is a private police department unless such entity has been authorized by statute or an act of assembly or such entity is the successor in interest of an entity that has been authorized pursuant to this section, provided it complies with the requirements set forth herein. The authority of a private police department shall be limited to real property owned, leased, or controlled by the entity and, if approved by the local chief of police or sheriff, any contiguous property; such authority shall not supersede the authority, duties, or jurisdiction vested by law with the local police department or sheriff's office including as provided in §§ 15.2-1609 and 15.2-1704. The chief of police or sheriff who is the chief local law-enforcement officer shall enter into a memorandum of understanding with the private police department that addresses the duties and responsibilities of the private police department and the chief law-enforcement officer in the conduct of criminal investigations. Private police departments and private police officers shall be subject to and comply with the Constitution of the United States; the Constitution of Virginia; the laws governing municipal police departments, including the provisions of §§ 9.1-600, 15.2-1705 through 15.2-1708, 15.2-1719, 15.2-1721, and 15.2-1722; and any regulations adopted by the Board that the Department designates as applicable to private police departments. Any person employed as a private police officer pursuant to this section shall meet all requirements, including the minimum compulsory training requirements, for law-enforcement officers pursuant to this chapter. A private police officer is not entitled to benefits under the Line of Duty Act (§ 9.1-400 et seq.) or under the Virginia Retirement System, is not a "qualified law enforcement officer" or "qualified retired law enforcement officer" within the meaning of the federal Law Enforcement Officers Safety Act, 18 U.S.C. § 926B et seq., and shall not be deemed an employee of the Commonwealth or any locality. An authorized private police department may use the word "police" to describe its sworn officers and may join a regional criminal justice academy created pursuant to Article 5 (§ 15.2-1747 et seq.) of Chapter 17 of Title 15.2. Any private police department in existence on January 1, 2013, that was not otherwise established by statute or an act of assembly and whose status as a private police department was recognized by the Department at that time is hereby validated and may continue to operate as a private police department as may such entity's successor in interest, provided it complies with the requirements set forth herein.

"School resource officer" means a certified law-enforcement officer hired by the local law-enforcement agency to provide law-enforcement and security services to Virginia public elementary and secondary schools.

"School security officer" means an individual who is employed by the local school board or a private or religious school for the singular purpose of maintaining order and discipline, preventing crime, investigating violations of the policies of the school board or the private or religious school, and detaining students violating the law or the policies of the school board or the private or religious school on school property, school buses, or at school-sponsored events and who is responsible solely for ensuring the safety, security, and welfare of all students, faculty, staff, and visitors in the assigned school.

"Unapplied criminal history record information" means information pertaining to criminal offenses submitted to the Central Criminal Records Exchange that cannot be applied to the criminal history record of an arrested or convicted person (i) because such information is not supported by fingerprints or other accepted means of positive identification or (ii) due to an inconsistency, error, or omission within the content of the submitted information.

§ 9.1-500. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Agency" means the Department of State Police, the Division of Capitol Police, the Virginia Marine Resources Commission, the Virginia Port Authority, the Department of ~~Game and Inland Fisheries~~ *Wildlife Resources*, the Virginia Alcoholic Beverage Control Authority, the Department of Conservation and Recreation, or the Department of Motor Vehicles; or the political subdivision or the campus police department of any public institution of higher education of the Commonwealth employing the law-enforcement officer.

"Law-enforcement officer" means any person, other than a Chief of Police or the Superintendent of the Department of State Police, who, in his official capacity, is (i) authorized by law to make arrests and (ii) a nonprobationary officer of one of the following agencies:

a. The Department of State Police, the Division of Capitol Police, the Virginia Marine Resources Commission, the Virginia Port Authority, the Department of ~~Game and Inland Fisheries~~ *Wildlife Resources*, the Virginia Alcoholic Beverage Control Authority, the Department of Motor Vehicles, or the Department of Conservation and Recreation;

b. The police department, bureau or force of any political subdivision or the campus police department of any public institution of higher education of the Commonwealth where such department, bureau or force has three or more law-enforcement officers; or

c. Any conservation police officer as defined in § 9.1-101.

For the purposes of this chapter, "law-enforcement officer" shall not include the sheriff's department of any city or county.

§ 10.1-204.1. (Expires January 1, 2021) State Trails Advisory Committee established; report.

A. The State Trails Advisory Committee (the Committee) is hereby established as an advisory committee of the Department of Conservation and Recreation to assist the Commonwealth in developing and implementing a statewide system of attractive, sustainable, connected, and enduring trails for the perpetual use and enjoyment of the citizens of the Commonwealth and future generations. The Committee shall be appointed by the Director of the Department of Conservation and Recreation and shall be composed of a representative from the Department of ~~Game and Inland Fisheries~~ *Wildlife Resources*, the Virginia Department of Transportation, the Virginia Outdoors Foundation, the U.S. Forest Service,

and the U.S. National Park Service; the Virginia Director of the Chesapeake Bay Commission; and nonlegislative citizen members, including representatives from the Virginia Outdoors Plan Technical Advisory Committee and the Recreational Trails Advisory Committee and other individuals with technical expertise in trail creation, construction, maintenance, use, and management. The Committee shall meet at least twice each calendar year.

B. The Advisory Committee shall examine and provide recommendations regarding (i) options to close the gaps in a statewide system of trails as described in § 10.1-204; (ii) creative public and private funding strategies and partnerships to leverage resources to fund the development of trails; (iii) integrated approaches to promote and market trail values and benefits; (iv) the development of specialty trails, including concepts related to old-growth forest trails across the Commonwealth; (v) strategies to encourage and create linkages between communities and open space; (vi) strategies to foster communication and networking among trail stakeholders; (vii) strategies to increase tourism and commercial activities associated with a statewide trail system; (viii) strategies to enhance the involvement of organizations that promote outdoor youth activities, including the Boy Scouts of the U.S.A. and Girl Scouts of the U.S.A. and the 4-H program of the Virginia Cooperative Extension; and (ix) other practices, standards, statutes, and guidelines that the Director of the Department of Conservation and Recreation determines may enhance the effectiveness of trail planning across the Commonwealth, including methods for receiving input regarding potential trail impacts upon owners of underlying or neighboring properties.

C. No later than October 1 of each year, the Director shall provide a status report on the work of the Committee to the Chairman of the House Committee on Agriculture, Chesapeake and Natural Resources; the Chairman of the Senate Committee on Agriculture, Conservation and Natural Resources; and the Chairman and members of the Virginia delegation to the Chesapeake Bay Commission. The report shall include, (i) current and future plans for a statewide system of attractive, sustainable, connected, and enduring trails across the Commonwealth and (ii) any recommendations from the Committee that will be incorporated into the Virginia Outdoors Plan, which plan shall serve as the repository for recommendations from the Committee. The Virginia Outdoors Plan updates shall be used to capture and advance the concepts developed by the Committee.

D. Members of the Committee shall receive no compensation for their service and shall not be entitled to reimbursement for expenses incurred in the performance of their duties.

E. For the purposes of this section, "old-growth forest" means a forest ecosystem distinguished by trees older than 150 years and tree-related structures that naturally contribute to biodiversity of the forested ecosystems and provide habitat to native Virginia wildlife species, including wildlife species that have been approved for introduction by the Department of ~~Game and Inland Fisheries~~ *Wildlife Resources*.

F. The provisions of this section shall expire on January 1, 2021.

§ 10.1-211. Additional duties of the Department.

In addition to other duties conferred by law, the Department shall, subject to the provisions of this article:

1. Preserve the natural diversity of biological resources of the Commonwealth.
2. Maintain a Natural Heritage Program to select and nominate areas containing natural heritage resources for registration, acquisition, and dedication of natural areas and natural area preserves.
3. Develop and implement a Natural Heritage Plan that shall govern the Natural Heritage Program in the creation of a system of registered and dedicated natural area preserves.
4. Publish and disseminate information pertaining to natural areas and natural area preserves.
5. Grant permits to qualified persons for the conduct of scientific research and investigations within natural area preserves.
6. Provide recommendations to the Commissioner of the Department of Agriculture and Consumer Services and to the Board of Agriculture and Consumer Services on species for listing under the Virginia Endangered Plant and Insect Act, prior to the adoption of regulations therefor.
7. Provide recommendations to the Executive Director of the Department of ~~Game and Inland Fisheries~~ *Wildlife Resources* and to the Board of ~~Game and Inland Fisheries~~ *Wildlife Resources* on species for listing under the Virginia Endangered Species Act, prior to the adoption of regulations therefor.
8. Cooperate with other local, state and federal agencies in developing management plans for real property under their stewardship that will identify, maintain and preserve the natural diversity of biological resources of the Commonwealth.
9. Provide for management, development and utilization of any lands purchased, leased or otherwise acquired and enforce the provisions of this article governing natural area preserves, the stewardship thereof, the prevention of trespassing thereon, or other actions deemed necessary to carry out the provisions of this article.

§ 10.1-405. Duties and powers of the Department; eminent domain prohibited.

A. The Department shall:

1. Administer the Virginia Scenic Rivers System to preserve and protect its natural beauty and to assure its use and enjoyment for its scenic, recreational, geologic, fish and wildlife, historic, cultural or other assets and to encourage the continuance of existing agricultural, horticultural, forestry and open space land and water uses.
2. Periodically survey each scenic river and its immediate environs and monitor all existing and proposed uses of each scenic river and its related land resources.
3. Assist local governments in solving problems associated with the Virginia Scenic Rivers System, in consultation with the Director, the Board, and the advisory committees.

B. The Department shall not exercise the right of eminent domain to acquire any real property or interest therein for the purpose of providing additional access to any scenic river. Nothing in this subsection shall limit or modify any powers granted otherwise to any locality.

C. The Department may seek assistance and advice related to the scenic river program from the Department of ~~Game and Inland Fisheries~~ *Wildlife Resources*, the Department of Forestry, the Department of Historic Resources, the Virginia Marine Resources Commission, the United States Forest Service, other state and federal agencies and instrumentalities, and affected local governing bodies.

D. The Department shall have the following powers, which may be delegated by the Director:

1. To make and enter into all contracts and agreements necessary or incidental to the performance of its scenic river duties and the execution of its scenic river powers, including but not limited to contracts with private nonprofit organizations, the United States, other state agencies and political subdivisions of the Commonwealth;

2. To accept bequests and gifts of real and personal property as well as endowments, funds, and grants from the United States government, its agencies and instrumentalities, and any other source. To these ends, the Department shall have the power to comply with such conditions and execute such agreements as may be necessary, convenient, or desirable; and

3. To conduct fund-raising activities as deemed appropriate related to scenic river issues.

§ 10.1-651. Establishment and administration of Program.

The Stream Restoration Assistance Program is continued to protect the natural streams of the Commonwealth. The Program shall aid in the stabilization and protection of natural streams which have been severely damaged by naturally occurring flooding events. The Program shall be administered by the Virginia Soil and Water Conservation Board in cooperation with soil and water conservation districts and local governments throughout the Commonwealth. To assist in the development of the Program, the Board shall seek the advisory opinion of the State Water Control Board and the Department of ~~Game and Inland Fisheries~~ *Wildlife Resources*.

§ 10.1-659. Flood protection programs; coordination.

The provisions of this chapter shall be coordinated with federal, state and local flood prevention and water quality programs to minimize loss of life, property damage and negative impacts on the environment. This program coordination shall include but not be limited to the following: flood prevention, flood plain management, small watershed protection, dam safety, and soil conservation programs of the Department of Conservation and Recreation; the construction activities of the Department of Transportation which result in hydrologic modification of rivers, streams and flood plains; the water quality, Chesapeake Bay Preservation Area criteria, stormwater management, erosion and sediment control, and other water management programs of the State Water Control Board; forested watershed management programs of the Department of Forestry; the statewide building code and other land use control programs of the Department of Housing and Community Development; the habitat management programs of the Virginia Marine Resources Commission; the hazard mitigation planning and disaster response programs of the Department of Emergency Management; the fish habitat protection programs of the Department of ~~Game and Inland Fisheries~~ *Wildlife Resources*; the mineral extraction regulatory program of the Department of Mines, Minerals and Energy; the flood plain restrictions of the Virginia Waste Management Board; and local government assistance programs of the Virginia Soil and Water Conservation Board. The Department shall also coordinate and cooperate with localities in rendering assistance to such localities in their efforts to comply with the planning, subdivision of land and zoning provisions of Chapter 22 (§ 15.2-2200 et seq.) of Title 15.2. The Department shall cooperate with other public and private agencies having flood plain management programs, and shall coordinate its responsibilities under this article and any other law. These activities shall constitute the Commonwealth's flood prevention and protection program.

§ 10.1-1018. Virginia Land Conservation Board of Trustees; membership; terms; vacancies; compensation and expenses.

A. The Foundation shall be governed and administered by a Board of Trustees. The Board shall have a total membership of 19 members that shall consist of 17 citizen members and two ex officio voting members as follows: four citizen members, who may be members of the House of Delegates, to be appointed by the Speaker of the House of Delegates and, if such members are members of the House of Delegates, in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; two citizen members, who may be members of the Senate, to be appointed by the Senate Committee on Rules; 11 nonlegislative citizen members, one from each congressional district, to be appointed by the Governor; and the Secretary of Natural Resources, or his designee, and the Secretary of Agriculture and Forestry, or his designee, to serve ex officio with voting privileges. Nonlegislative citizen members shall be appointed for four-year terms, except that initial appointments shall be made for terms of one to four years in a manner whereby no more than six members shall have terms that expire in the same year. Legislative members and the ex officio member shall serve terms coincident with their terms of office. Appointments to fill vacancies, other than by expiration of a term, shall be made for the unexpired terms. Vacancies shall be filled in the same manner as the original appointments. All members may be reappointed. However, no Senate member shall serve more than two consecutive four-year terms, no House member shall serve more than four consecutive two-year terms and no nonlegislative citizen member shall serve more than two consecutive four-year terms. The remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in determining the member's eligibility for reappointment. Nonlegislative citizen members shall have experience or expertise, professional or personal, in one or more of the following areas: natural resource protection and conservation, construction and real estate development, natural habitat protection, environmental resource inventory and identification,

forestry management, farming, farmland preservation, fish and wildlife management, historic preservation, and outdoor recreation. At least one of the nonlegislative citizen members shall be a farmer. Members of the Board shall post bond in the penalty of \$5,000 with the State Comptroller prior to entering upon the functions of office.

B. The Secretary of Natural Resources shall serve as the chairman of the Board of Trustees. The chairman shall serve until his successor is appointed. The members appointed as provided in subsection A shall elect a vice-chairman annually from among the members of the Board. A majority of the members of the Board serving at any one time shall constitute a quorum for the transaction of business. The board shall meet at the call of the chairman or whenever a majority of the members so request.

C. Trustees of the Foundation shall receive no compensation for their services. All members shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties on behalf of the Foundation as provided in §§ 2.2-2813 and 2.2-2825. Funding for the costs of expenses of the members shall be provided by the Department of Conservation and Recreation.

D. The chairman of the Board and any other person designated by the Board to handle the funds of the Foundation shall give bond, with corporate surety, in such penalty as is fixed by the Governor, conditioned upon the faithful discharge of his duties. The premium on the bonds shall be paid from funds available to the Foundation for such purpose.

E. The Board shall seek assistance in developing grant criteria and advice on grant priorities and any other appropriate issues from a task force consisting of the following agency heads or their designees: the Director of the Department of Conservation and Recreation, the Commissioner of Agriculture and Consumer Services, the State Forester, the Director of the Department of Historic Resources, the Director of the Department of ~~Game and Inland Fisheries~~ *Wildlife Resources* and the Executive Director of the Virginia Outdoors Foundation. The Board may request any other agency head to serve on or appoint a designee to serve on the task force.

§ 10.1-1121. Definitions.

As used in this article unless the context requires a different meaning:

"Fund" means the Forest Management of State-Owned Lands Fund.

"State-owned lands" means forest land owned or managed by the various departments, agencies and institutions of the Commonwealth and designated by the Department in cooperation with the Division of Engineering and Buildings of the Department of General Services as being of sufficient size and value to benefit from a forest management plan. State-owned land shall not include properties held or managed by the Department of ~~Game and Inland Fisheries~~ *Wildlife Resources*, the Department of Forestry, or the Department of Conservation and Recreation.

§ 10.1-1152. State Forester may require permits and fees.

A. The State Forester is authorized to require any person who engages in certain activities authorized by regulations promulgated by the Department on any of the lands described in § 10.1-1151 to obtain a special use permit. A special use permit to engage in these activities on any such lands shall be issued for a fee established by regulations promulgated by the Department.

B. The State Forester is also authorized to enter into an agreement with the Department of ~~Game and Inland Fisheries~~ *Wildlife Resources* under which the Department of ~~Game and Inland Fisheries~~ *Wildlife Resources* will include permits required under subsection A in its program for the sale of permits and licenses by the means and to the extent authorized by § 29.1-327.

§ 10.1-1153. Limitations on rights of holders of permits.

Each special use permit shall entitle the holder to hunt and trap, or to trap, in and upon such lands of the state forests as shall be determined by the State Forester and designated on the permit, subject to all other applicable provisions of law or regulations of the Department of ~~Game and Inland Fisheries~~ *Wildlife Resources* and to such further conditions and restrictions for safeguarding the state forests as may be imposed by the State Forester and indicated on the permit. In addition to the other provisions of law applicable to hunting and trapping on the lands of the Commonwealth, the State Forester is authorized to impose such restrictions and conditions upon hunting and trapping in the state forests as he deems proper. No such restriction or condition shall be effective for the permit holder unless the restriction or condition is written, printed, stamped or otherwise indicated on the permit.

§ 10.1-1156. Funds credited to Department; disbursements.

All funds paid into the state treasury pursuant to § 10.1-1152 shall be credited to the Department and maintained in the Reforestation Operations Fund to be expended annually, in the following order:

1. From the annual gross receipts, there shall be paid the costs of preparing and issuing the permits, including compensation to the Department of ~~Game and Inland Fisheries~~ *Wildlife Resources*, which is authorized to sell state forest special use permits;

2. The remainder may be expended by the State Forester for operation and management in such state forests. All funds expended by the State Forester in the development, management, and protection of the game resources in state forests shall be in cooperation with the Department of ~~Game and Inland Fisheries~~ *Wildlife Resources*.

§ 10.1-1186. General powers of the Department.

The Department shall have the following general powers, any of which the Director may delegate as appropriate:

1. Employ such personnel as may be required to carry out the duties of the Department;

2. Make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this chapter, including, but not limited to, contracts with the United States, other states, other state agencies and governmental subdivisions of the Commonwealth;

3. Accept grants from the United States government and agencies and instrumentalities thereof and any other source. To these ends, the Department shall have the power to comply with such conditions and execute such agreements as may be necessary, convenient, or desirable;

4. Accept and administer services, property, gifts and other funds donated to the Department;

5. Implement all regulations as may be adopted by the State Air Pollution Control Board, the State Water Control Board, and the Virginia Waste Management Board;

6. Administer, under the direction of the Boards, funds appropriated to it for environmental programs and make contracts related thereto;

7. Advise and coordinate the responses of state agencies to notices of proceedings by the State Water Control Board to consider certifications of hydropower projects under 33 U.S.C. § 1341;

8. Advise interested agencies of the Commonwealth of pending proceedings when the Department of Environmental Quality intervenes directly on behalf of the Commonwealth in a Federal Energy Regulatory Commission proceeding or when the Department of ~~Game and Inland Fisheries~~ *Wildlife Resources* intervenes in a Federal Energy Regulatory Commission proceeding to coordinate the provision of information and testimony for use in the proceedings;

9. Notwithstanding any other provision of law and to the extent consistent with federal requirements, following a proceeding as provided in § 2.2-4019, issue special orders to any person to comply with: (i) the provisions of any law administered by the Boards, the Director or the Department, (ii) any condition of a permit or a certification, (iii) any regulations of the Boards, or (iv) any case decision, as defined in § 2.2-4001, of the Boards or Director. The issuance of a special order shall be considered a case decision as defined in § 2.2-4001. The Director shall not delegate his authority to impose civil penalties in conjunction with issuance of special orders. For purposes of this subdivision, "Boards" means the State Air Pollution Control Board, the State Water Control Board, and the Virginia Waste Management Board; and

10. Perform all acts necessary or convenient to carry out the purposes of this chapter.

§ 10.1-1417. Enforcement of article.

The Department shall have the authority to contract with other state and local governmental agencies having law-enforcement powers for services and personnel reasonably necessary to carry out the provisions of this article. In addition, all law-enforcement officers in the Commonwealth and those employees of the Department of ~~Game and Inland Fisheries~~ *Wildlife Resources* vested with police powers shall enforce the provisions of this article and regulations adopted hereunder, and are hereby empowered to arrest without warrant, persons violating any provision of this article or any regulations adopted hereunder. The foregoing enforcement officers may serve and execute all warrants and other process issued by the courts in enforcing the provisions of this article and regulations adopted hereunder.

§ 15.2-915.2. Regulation of transportation of a loaded rifle or shotgun.

The governing body of any county or city may by ordinance make it unlawful for any person to transport, possess or carry a loaded shotgun or loaded rifle in any vehicle on any public street, road, or highway within such locality. Any violation of such ordinance shall be punishable by a fine of not more than \$100. Conservation police officers, sheriffs and all other law-enforcement officers shall enforce the provisions of this section. No ordinance adopted pursuant to this section shall be enforceable unless the governing body adopting such ordinance so notifies the Director of the Department of ~~Game and Inland Fisheries~~ *Wildlife Resources* by registered mail prior to May 1 of the year in which such ordinance is to take effect.

The provisions of this section shall not apply to duly authorized law-enforcement officers or military personnel in the performance of their lawful duties, nor to any person who reasonably believes that a loaded rifle or shotgun is necessary for his personal safety in the course of his employment or business.

§ 18.2-56.1. Reckless handling of firearms; reckless handling while hunting.

A. It shall be unlawful for any person to handle recklessly any firearm so as to endanger the life, limb or property of any person. Any person violating this section shall be guilty of a Class 1 misdemeanor.

A1. Any person who handles any firearm in a manner so gross, wanton, and culpable as to show a reckless disregard for human life and causes the serious bodily injury of another person resulting in permanent and significant physical impairment is guilty of a Class 6 felony.

B. If this section is violated while the person is engaged in hunting, trapping or pursuing game, the trial judge may, in addition to the penalty imposed by the jury or the court trying the case without a jury, revoke such person's hunting or trapping license and privileges to hunt or trap while possessing a firearm for a period of one to five years.

C. Upon a revocation pursuant to subsection B hereof, the clerk of the court in which the case is tried pursuant to this section shall forthwith send to the Department of ~~Game and Inland Fisheries~~ *Wildlife Resources* (i) such person's revoked hunting or trapping license or notice that such person's privilege to hunt or trap while in possession of a firearm has been revoked and (ii) a notice of the length of revocation imposed. The Department shall keep a list which shall be furnished upon request to any law-enforcement officer, the attorney for the Commonwealth or court in this Commonwealth, and such list shall contain the names and addresses of all persons whose license or privilege to hunt or trap while in possession of a firearm has been revoked and the court which took such action.

D. If any person whose license to hunt and trap, or whose privilege to hunt and trap while in possession of a firearm, has been revoked pursuant to this section, thereafter hunts or traps while in possession of a firearm, he shall be guilty of a

Class 1 misdemeanor, and, in addition to any penalty imposed by the jury or the court trying the case without a jury, the trial judge may revoke such person's hunting or trapping license and privileges to hunt or trap while in possession of a firearm for a period of one year to life. The clerk of the court shall notify the Department of ~~Game and Inland Fisheries~~ *Wildlife Resources* as is provided in subsection C herein.

§ 18.2-134.1. Method of posting lands.

A. The owner or lessee of property described in § 18.2-134 may post property by (i) placing signs prohibiting hunting, fishing or trapping where they may reasonably be seen; or (ii) placing identifying paint marks on trees or posts at each road entrance and adjacent to public roadways and public waterways adjoining the property. Each paint mark shall be a vertical line of at least two inches in width and at least eight inches in length and the center of the mark shall be no less than three feet nor more than six feet from the ground or normal water surface. Such paint marks shall be readily visible to any person approaching the property.

B. The type and color of the paint to be used for posting shall be prescribed by the Department of ~~Game and Inland Fisheries~~ *Wildlife Resources*.

§ 18.2-308. Carrying concealed weapons; exceptions; penalty.

A. If any person carries about his person, hidden from common observation, (i) any pistol, revolver, or other weapon designed or intended to propel a missile of any kind by action of an explosion of any combustible material; (ii) any dirk, bowie knife, switchblade knife, ballistic knife, machete, razor, slingshot, spring stick, metal knucks, or blackjack; (iii) any flailing instrument consisting of two or more rigid parts connected in such a manner as to allow them to swing freely, which may be known as a nun chahka, nun chuck, nunchaku, shuriken, or fighting chain; (iv) any disc, of whatever configuration, having at least two points or pointed blades which is designed to be thrown or propelled and which may be known as a throwing star or oriental dart; or (v) any weapon of like kind as those enumerated in this subsection, he is guilty of a Class 1 misdemeanor. A second violation of this section or a conviction under this section subsequent to any conviction under any substantially similar ordinance of any county, city, or town shall be punishable as a Class 6 felony, and a third or subsequent such violation shall be punishable as a Class 5 felony. For the purpose of this section, a weapon shall be deemed to be hidden from common observation when it is observable but is of such deceptive appearance as to disguise the weapon's true nature. It shall be an affirmative defense to a violation of clause (i) regarding a handgun, that a person had been issued, at the time of the offense, a valid concealed handgun permit.

B. This section shall not apply to any person while in his own place of abode or the curtilage thereof.

C. Except as provided in subsection A of § 18.2-308.012, this section shall not apply to:

1. Any person while in his own place of business;
2. Any law-enforcement officer, or retired law-enforcement officer pursuant to § 18.2-308.016, wherever such law-enforcement officer may travel in the Commonwealth;
3. Any person who is at, or going to or from, an established shooting range, provided that the weapons are unloaded and securely wrapped while being transported;
4. Any regularly enrolled member of a weapons collecting organization who is at, or going to or from, a bona fide weapons exhibition, provided that the weapons are unloaded and securely wrapped while being transported;
5. Any person carrying such weapons between his place of abode and a place of purchase or repair, provided the weapons are unloaded and securely wrapped while being transported;
6. Any person actually engaged in lawful hunting, as authorized by the Board of ~~Game and Inland Fisheries~~ *Wildlife Resources*, under inclement weather conditions necessitating temporary protection of his firearm from those conditions, provided that possession of a handgun while engaged in lawful hunting shall not be construed as hunting with a handgun if the person hunting is carrying a valid concealed handgun permit;
7. Any attorney for the Commonwealth or assistant attorney for the Commonwealth, wherever such attorney may travel in the Commonwealth;
8. Any person who may lawfully possess a firearm and is carrying a handgun while in a personal, private motor vehicle or vessel and such handgun is secured in a container or compartment in the vehicle or vessel;
9. Any enrolled participant of a firearms training course who is at, or going to or from, a training location, provided that the weapons are unloaded and securely wrapped while being transported; and
10. Any judge or justice of the Commonwealth, wherever such judge or justice may travel in the Commonwealth.

D. This section shall also not apply to any of the following individuals while in the discharge of their official duties, or while in transit to or from such duties:

1. Carriers of the United States mail;
2. Officers or guards of any state correctional institution;
3. Conservators of the peace, except that a judge or justice of the Commonwealth, an attorney for the Commonwealth, or an assistant attorney for the Commonwealth may carry a concealed handgun pursuant to subdivisions C 7 and 10. However, the following conservators of the peace shall not be permitted to carry a concealed handgun without obtaining a permit as provided in this article: (i) notaries public; (ii) registrars; (iii) drivers, operators, or other persons in charge of any motor vehicle carrier of passengers for hire; or (iv) commissioners in chancery;
4. Noncustodial employees of the Department of Corrections designated to carry weapons by the Director of the Department of Corrections pursuant to § 53.1-29; and
5. Harbormaster of the City of Hopewell.

§ 18.2-308.02. Application for a concealed handgun permit; Virginia resident or domiciliary.

A. Any person 21 years of age or older may apply in writing to the clerk of the circuit court of the county or city in which he resides, or if he is a member of the United States Armed Forces and stationed outside the Commonwealth, the county or city in which he is domiciled, for a five-year permit to carry a concealed handgun. There shall be no requirement regarding the length of time an applicant has been a resident or domiciliary of the county or city. The application shall be on a form prescribed by the Department of State Police, in consultation with the Supreme Court, requiring only that information necessary to determine eligibility for the permit. Additionally, the application shall request but not require that the applicant provide an email or other electronic address where a notice of permit expiration can be sent pursuant to subsection C of § 18.2-308.010. The applicant shall present one valid form of photo identification issued by a governmental agency of the Commonwealth or by the U.S. Department of Defense or U.S. State Department (passport). No information or documentation other than that which is allowed on the application in accordance with this section may be requested or required by the clerk or the court.

B. The court shall require proof that the applicant has demonstrated competence with a handgun and the applicant may demonstrate such competence by one of the following, but no applicant shall be required to submit to any additional demonstration of competence, nor shall any proof of demonstrated competence expire:

1. Completing any hunter education or hunter safety course approved by the Department of ~~Game and Inland Fisheries~~ *Wildlife Resources* or a similar agency of another state;
2. Completing any National Rifle Association firearms safety or training course;
3. Completing any firearms safety or training course or class available to the general public offered by a law-enforcement agency, institution of higher education, or private or public institution or organization or firearms training school utilizing instructors certified by the National Rifle Association or the Department of Criminal Justice Services;
4. Completing any law-enforcement firearms safety or training course or class offered for security guards, investigators, special deputies, or any division or subdivision of law enforcement or security enforcement;
5. Presenting evidence of equivalent experience with a firearm through participation in organized shooting competition or current military service or proof of an honorable discharge from any branch of the armed services;
6. Obtaining or previously having held a license to carry a firearm in the Commonwealth or a locality thereof, unless such license has been revoked for cause;
7. Completing any firearms training or safety course or class, including an electronic, video, or online course, conducted by a state-certified or National Rifle Association-certified firearms instructor;
8. Completing any governmental police agency firearms training course and qualifying to carry a firearm in the course of normal police duties; or
9. Completing any other firearms training which the court deems adequate.

A photocopy of a certificate of completion of any of the courses or classes; an affidavit from the instructor, school, club, organization, or group that conducted or taught such course or class attesting to the completion of the course or class by the applicant; or a copy of any document that shows completion of the course or class or evidences participation in firearms competition shall constitute evidence of qualification under this subsection.

C. The making of a materially false statement in an application under this article shall constitute perjury, punishable as provided in § 18.2-434.

D. The clerk of court shall withhold from public disclosure the applicant's name and any other information contained in a permit application or any order issuing a concealed handgun permit, except that such information shall not be withheld from any law-enforcement officer acting in the performance of his official duties or from the applicant with respect to his own information. The prohibition on public disclosure of information under this subsection shall not apply to any reference to the issuance of a concealed handgun permit in any order book before July 1, 2008; however, any other concealed handgun records maintained by the clerk shall be withheld from public disclosure.

E. An application is deemed complete when all information required to be furnished by the applicant, including the fee for a concealed handgun permit as set forth in § 18.2-308.03, is delivered to and received by the clerk of court before or concomitant with the conduct of a state or national criminal history records check.

F. For purposes of this section, a member of the United States Armed Forces is domiciled in the county or city where such member claims his home of record with the United States Armed Forces.

§ 18.2-308.03. Fees for concealed handgun permits.

A. The clerk shall charge a fee of \$10 for the processing of an application or issuing of a permit, including his costs associated with the consultation with law-enforcement agencies. The local law-enforcement agency conducting the background investigation may charge a fee not to exceed \$35 to cover the cost of conducting an investigation pursuant to this article. The \$35 fee shall include any amount assessed by the U.S. Federal Bureau of Investigation for providing criminal history record information, and the local law-enforcement agency shall forward the amount assessed by the U.S. Federal Bureau of Investigation to the State Police with the fingerprints taken from any nonresident applicant. The State Police may charge a fee not to exceed \$5 to cover its costs associated with processing the application. The total amount assessed for processing an application for a permit shall not exceed \$50, with such fees to be paid in one sum to the person who receives the application. Payment may be made by any method accepted by that court for payment of other fees or penalties. No payment shall be required until the application is received by the court as a complete application.

B. No fee shall be charged for the issuance of such permit to a person who has retired from service (i) as a magistrate in the Commonwealth; (ii) as a special agent with the Virginia Alcoholic Beverage Control Authority or as a law-enforcement officer with the Department of State Police, the Department of ~~Game and Inland Fisheries~~ *Wildlife Resources*, or a sheriff or police department, bureau, or force of any political subdivision of the Commonwealth, after completing 15 years of service or after reaching age 55; (iii) as a law-enforcement officer with the U.S. Federal Bureau of Investigation, Bureau of Alcohol, Tobacco and Firearms, Secret Service Agency, Drug Enforcement Administration, United States Citizenship and Immigration Services, U.S. Customs and Border Protection, Department of State Diplomatic Security Service, U.S. Marshals Service, or Naval Criminal Investigative Service, after completing 15 years of service or after reaching age 55; (iv) as a law-enforcement officer with any police or sheriff's department within the United States, the District of Columbia, or any of the territories of the United States, after completing 15 years of service; (v) as a law-enforcement officer with any combination of the agencies listed in clauses (ii) through (iv), after completing 15 years of service; (vi) as a designated boarding team member or boarding officer of the United States Coast Guard, after completing 15 years of service or after reaching age 55; (vii) as a correctional officer as defined in § 53.1-1, after completing 15 years of service; or (viii) as a probation and parole officer authorized pursuant to § 53.1-143, after completing 15 years of service.

§ 18.2-308.06. Nonresident concealed handgun permits.

A. Nonresidents of the Commonwealth 21 years of age or older may apply in writing to the Virginia Department of State Police for a five-year permit to carry a concealed handgun. The applicant shall submit a photocopy of one valid form of photo identification issued by a governmental agency of the applicant's state of residency or by the U.S. Department of Defense or U.S. State Department (passport). Every applicant for a nonresident concealed handgun permit shall also submit two photographs of a type and kind specified by the Department of State Police for inclusion on the permit and shall submit fingerprints on a card provided by the Department of State Police for the purpose of obtaining the applicant's state or national criminal history record. As a condition for issuance of a concealed handgun permit, the applicant shall submit to fingerprinting by his local or state law-enforcement agency and provide personal descriptive information to be forwarded with the fingerprints through the Central Criminal Records Exchange to the U.S. Federal Bureau of Investigation for the purpose of obtaining criminal history record information regarding the applicant and obtaining fingerprint identification information from federal records pursuant to criminal investigations by state and local law-enforcement agencies. The application shall be on a form provided by the Department of State Police, requiring only that information necessary to determine eligibility for the permit. If the permittee is later found by the Department of State Police to be disqualified, the permit shall be revoked and the person shall return the permit after being so notified by the Department of State Police. The permit requirement and restriction provisions of subsection C of § 18.2-308.02 and § 18.2-308.09 shall apply, *mutatis mutandis*, to the provisions of this subsection.

B. The applicant shall demonstrate competence with a handgun by one of the following:

1. Completing a hunter education or hunter safety course approved by the Virginia Department of ~~Game and Inland Fisheries~~ *Wildlife Resources* or a similar agency of another state;
 2. Completing any National Rifle Association firearms safety or training course;
 3. Completing any firearms safety or training course or class available to the general public offered by a law-enforcement agency, institution of higher education, or private or public institution or organization or firearms training school utilizing instructors certified by the National Rifle Association or the Department of Criminal Justice Services or a similar agency of another state;
 4. Completing any law-enforcement firearms safety or training course or class offered for security guards, investigators, special deputies, or any division or subdivision of law enforcement or security enforcement;
 5. Presenting evidence of equivalent experience with a firearm through participation in organized shooting competition approved by the Department of State Police or current military service or proof of an honorable discharge from any branch of the armed services;
 6. Obtaining or previously having held a license to carry a firearm in the Commonwealth or a locality thereof, unless such license has been revoked for cause;
 7. Completing any firearms training or safety course or class, including an electronic, video, or on-line course, conducted by a state-certified or National Rifle Association-certified firearms instructor;
 8. Completing any governmental police agency firearms training course and qualifying to carry a firearm in the course of normal police duties; or
 9. Completing any other firearms training that the Virginia Department of State Police deems adequate.
- A photocopy of a certificate of completion of any such course or class; an affidavit from the instructor, school, club, organization, or group that conducted or taught such course or class attesting to the completion of the course or class by the applicant; or a copy of any document that shows completion of the course or class or evidences participation in firearms competition shall satisfy the requirement for demonstration of competence with a handgun.

C. The Department of State Police may charge a fee not to exceed \$100 to cover the cost of the background check and issuance of the permit. Any fees collected shall be deposited in a special account to be used to offset the costs of administering the nonresident concealed handgun permit program.

D. The permit to carry a concealed handgun shall contain only the following information: name, address, date of birth, gender, height, weight, color of hair, color of eyes, and photograph of the permittee; the signature of the Superintendent of the Virginia Department of State Police or his designee; the date of issuance; and the expiration date.

E. The Superintendent of the State Police shall promulgate regulations, pursuant to the Administrative Process Act (§ 2.2-4000 et seq.), for the implementation of an application process for obtaining a nonresident concealed handgun permit.

§ 18.2-308.016. Retired law-enforcement officers; carrying a concealed handgun.

A. Except as provided in subsection A of § 18.2-308.012, § 18.2-308 shall not apply to:

1. Any State Police officer retired from the Department of State Police, any officer retired from the Division of Capitol Police, any local law-enforcement officer, auxiliary police officer or animal control officer retired from a police department or sheriff's office within the Commonwealth, any special agent retired from the State Corporation Commission or the Virginia Alcoholic Beverage Control Authority, any employee with internal investigations authority designated by the Department of Corrections pursuant to subdivision 11 of § 53.1-10 retired from the Department of Corrections, any conservation police officer retired from the Department of ~~Game and Inland Fisheries~~ *Wildlife Resources*, any conservation officer retired from the Department of Conservation and Recreation, any Virginia Marine Police officer retired from the Law Enforcement Division of the Virginia Marine Resources Commission, any campus police officer appointed under Article 3 (§ 23.1-809 et seq.) of Chapter 8 of Title 23.1 retired from a campus police department, any retired member of the enforcement division of the Department of Motor Vehicles appointed pursuant to § 46.2-217, and any retired investigator of the security division of the Virginia Lottery, other than an officer or agent terminated for cause, (i) with a service-related disability; (ii) following at least 10 years of service with any such law-enforcement agency, commission, board, or any combination thereof; (iii) who has reached 55 years of age; or (iv) who is on long-term leave from such law-enforcement agency or board due to a service-related injury, provided such officer carries with him written proof of consultation with and favorable review of the need to carry a concealed handgun issued by the chief law-enforcement officer of the last such agency from which the officer retired or the agency that employs the officer or, in the case of special agents, issued by the State Corporation Commission or the Virginia Alcoholic Beverage Control Authority. A copy of the proof of consultation and favorable review shall be forwarded by the chief, Commission, or Board to the Department of State Police for entry into the Virginia Criminal Information Network. The chief law-enforcement officer shall not without cause withhold such written proof if the retired law-enforcement officer otherwise meets the requirements of this section. An officer set forth in clause (iv) who receives written proof of consultation to carry a concealed handgun shall surrender such proof of consultation upon return to work as a law-enforcement officer or upon termination of employment with the law-enforcement agency. Notice of the surrender shall be forwarded to the Department of State Police for entry into the Virginia Criminal Information Network. However, if such officer retires on disability because of the service-related injury, and would be eligible under clause (i) for written proof of consultation to carry a concealed handgun, he may retain the previously issued written proof of consultation.

2. Any person who is eligible for retirement with at least 20 years of service with a law-enforcement agency, commission, or board mentioned in subdivision 1 who has resigned in good standing from such law-enforcement agency, commission, or board to accept a position covered by a retirement system that is authorized under Title 51.1, provided such person carries with him written proof of consultation with and favorable review of the need to carry a concealed handgun issued by the chief law-enforcement officer of the agency from which he resigned or, in the case of special agents, issued by the State Corporation Commission or the Virginia Alcoholic Beverage Control Authority. A copy of the proof of consultation and favorable review shall be forwarded by the chief, Commission, or Board to the Department of State Police for entry into the Virginia Criminal Information Network. The chief law-enforcement officer shall not without cause withhold such written proof if the law-enforcement officer otherwise meets the requirements of this section.

3. Any State Police officer who is a member of the organized reserve forces of any of the Armed Services of the United States or National Guard, while such officer is called to active military duty, provided such officer carries with him written proof of consultation with and favorable review of the need to carry a concealed handgun issued by the Superintendent of State Police. The proof of consultation and favorable review shall be valid as long as the officer is on active military duty and shall expire when the officer returns to active law-enforcement duty. The issuance of the proof of consultation and favorable review shall be entered into the Virginia Criminal Information Network. The Superintendent of State Police shall not without cause withhold such written proof if the officer is in good standing and is qualified to carry a weapon while on active law-enforcement duty.

4. Any retired or resigned attorney for the Commonwealth or assistant attorney for the Commonwealth who (i) was not terminated for cause and served at least 10 years prior to his retirement or resignation; (ii) during the most recent 12-month period, has met, at his own expense, the standards for qualification in firearms training for active law-enforcement officers in the Commonwealth; (iii) carries with him written proof of consultation with and favorable review of the need to carry a concealed handgun issued by the attorney for the Commonwealth from whose office he retired or resigned; and (iv) meets the requirements of a "qualified retired law enforcement officer" pursuant to the federal Law Enforcement Officers Safety Act of 2004 (18 U.S.C. § 926C). A copy of the proof of consultation and favorable review shall be forwarded by the attorney for the Commonwealth to the Department of State Police for entry into the Virginia Criminal Information Network.

B. For purposes of complying with the federal Law Enforcement Officers Safety Act of 2004, a retired or resigned law-enforcement officer, including a retired or resigned attorney for the Commonwealth or assistant attorney for the Commonwealth, who receives proof of consultation and review pursuant to this section shall have the opportunity to annually participate, at the retired or resigned law-enforcement officer's expense, in the same training and testing to carry firearms as is required of active law-enforcement officers in the Commonwealth. If such retired or resigned

law-enforcement officer meets the training and qualification standards, the chief law-enforcement officer shall issue the retired or resigned officer certification, valid one year from the date of issuance, indicating that the retired or resigned officer has met the standards of the agency to carry a firearm.

C. A retired or resigned law-enforcement officer, including a retired or resigned attorney for the Commonwealth or assistant attorney for the Commonwealth, who receives proof of consultation and review pursuant to this section may annually participate and meet the training and qualification standards to carry firearms as is required of active law-enforcement officers in the Commonwealth. If such retired or resigned law-enforcement officer meets the training and qualification standards, the chief law-enforcement officer shall issue the retired or resigned officer certification, valid one year from the date of issuance, indicating that the retired or resigned officer has met the standards of the Commonwealth to carry a firearm. A copy of the certification indicating that the retired or resigned officer has met the standards of the Commonwealth to carry a firearm shall be forwarded by the chief, Commission, Board, or attorney for the Commonwealth to the Department of State Police for entry into the Virginia Criminal Information Network.

D. For all purposes, including for the purpose of applying the reciprocity provisions of § 18.2-308.014, any person granted the privilege to carry a concealed handgun pursuant to this section, while carrying the proof of consultation and favorable review required, shall be deemed to have been issued a concealed handgun permit.

§ 22.1-204.2. Hunter safety education programs for students in grades seven through 12.

A. Local school boards may provide after-school hunter safety education programs for students in the school division in grades seven through 12. Each student shall bear the cost of participating in such programs. Local school boards shall display information on its after-school hunter safety education programs in each school and distribute information to the parents of each student in the school division in grades seven through 12.

B. The Department of ~~Game and Inland Fisheries~~ *Wildlife Resources* shall establish a uniform curriculum for such hunter safety education programs. Each such program shall be taught by a hunter safety instructor certified pursuant to § 29.1-300.2.

§ 24.2-411.2. State-designated voter registration agencies.

A. The following agencies are designated as voter registration agencies in compliance with the National Voter Registration Act (52 U.S.C. § 20501 et seq.) and shall provide voter registration opportunities at their state, regional, or local offices, depending upon the point of service:

1. Agencies whose primary function is to provide public assistance, including agencies that provide benefits under the Temporary Assistance for Needy Families program; Special Supplemental Food Program for Women, Infants, and Children; Medicaid program; or Food Stamps program;

2. Agencies whose primary function is to provide state-funded programs primarily engaged in providing services to persons with disabilities;

3. Armed Forces recruitment offices; and

4. The regional offices of the Department of ~~Game and Inland Fisheries~~ *Wildlife Resources* and the offices of the Virginia Employment Commission in the Northern Virginia Planning District 8.

B. The Commissioner of Elections, with the assistance of the Office of the Attorney General, shall compile and maintain a list of the specific agencies covered by subdivisions A 1 and A 2 that, in the legal opinion of the Attorney General, must be designated to meet the requirements of the National Voter Registration Act. The Commissioner of Elections shall notify each agency of its designation and thereafter notify any agency added to or deleted from the list.

C. At each voter registration agency, the following services shall be made available on the premises of the agency:

1. Distribution of mail voter registration forms provided by the Department of Elections;

2. Assistance to applicants in completing voter registration application forms, unless the applicant refuses assistance; and

3. Receipt of completed voter registration application forms.

D. A voter registration agency, which provides service or assistance in conducting voter registration, shall make the following services available on the premises of the agency:

1. Distribution with each application for its service or assistance, or upon admission to a facility or program, and with each recertification, readmission, renewal, or change of address form, of a voter registration application prescribed by the Department of Elections that complies with the requirements of the National Voter Registration Act (52 U.S.C. § 20501 et seq.).

2. Provision, as part of the voter registration process, of a form that includes:

a. The question: "If you are not registered to vote where you live now, would you like to apply to register to vote here today?"

b. If the agency provides public assistance, the statement: "Applying to register or declining to register to vote will not affect the amount of assistance that you will be provided by this agency."

c. Boxes for the applicant to check to indicate whether the applicant would like to register, declines to register to vote, or is already registered (failure to check any box being deemed to constitute a declination to register for purposes of subdivision 2 a), together with the statement (in close proximity to the boxes and in prominent type): "IF YOU DO NOT CHECK ANY BOX, YOU WILL BE CONSIDERED TO HAVE DECIDED NOT TO REGISTER TO VOTE AT THIS TIME."

d. The statement: "If you would like help in filling out the voter registration application form, we will help you. The decision whether to seek help or accept help is yours. You may fill out the application form in private."

e. The statement: "If you believe that someone has interfered with your right to register or to decline to register to vote, or your right to privacy in deciding whether to register or in applying to register to vote, you may file a complaint with the Department of Elections." The statement shall include the address and telephone number of the Department.

f. The following statement accompanying the form which features prominently in boldface capital letters: "WARNING: INTENTIONALLY MAKING A MATERIALLY FALSE STATEMENT ON THIS FORM CONSTITUTES THE CRIME OF ELECTION FRAUD, WHICH IS PUNISHABLE UNDER VIRGINIA LAW AS A FELONY. VIOLATORS MAY BE SENTENCED TO UP TO 10 YEARS IN PRISON, OR UP TO 12 MONTHS IN JAIL AND/OR FINED UP TO \$2,500."

3. Provision to each applicant who does not decline to register to vote of the same degree of assistance with regard to the completion of the voter registration application as is provided by the office with regard to the completion of its own applications, unless the applicant refuses assistance.

E. If a voter registration agency designated under subsection A of this section provides services to a person with a disability at the person's home, the agency shall provide the voter registration services as provided for in this section.

F. A person who provides services at a designated voter registration agency shall not:

1. Seek to influence an applicant's political preference;
2. Display any material indicating the person's political preference or party allegiance;
3. Make any statement to an applicant or take any action the purpose or effect of which is to lead the applicant to believe that a decision to register or not to register has any bearing on the availability of services or benefits; or
4. Disclose, except as authorized by law for official use, the social security number, or any part thereof, of any applicant for voter registration.

Any person who is aggrieved by a violation of this subsection may provide written notice of the violation to the Department. The Department shall be authorized to cooperate with the agency to resolve the alleged violation. Nothing contained in this subsection shall prohibit an aggrieved person from filing a complaint in accordance with § 24.2-1019 against a person who commits any election law offense enumerated in §§ 24.2-1000 through 24.2-1016.

G. A completed voter registration application shall be transmitted as directed by the Department not later than five business days after the date of receipt.

H. Each state-designated voter registration agency shall maintain such statistical records on the number of applications to register to vote as requested by the Department.

§ 24.2-416.3. Distribution of mail voter registration application forms.

A. Subject to the conditions set forth in § 24.2-416.6, the Department of Elections shall make available to any individual or group a reasonable number of mail voter registration application forms.

B. The Department shall provide a reasonable number of mail voter registration application forms to each agent of the Department of ~~Game and Inland Fisheries~~ *Wildlife Resources* authorized to sell hunting or fishing licenses in Virginia. The Department of ~~Game and Inland Fisheries~~ *Wildlife Resources* shall assist the Department by providing a list of its agents appointed to sell hunting and fishing licenses in Virginia and by instructing its agents to make the mail voter registration application forms available to persons purchasing hunting or fishing licenses.

§ 28.2-106.1. Patrol and enforcement of federal safety zones and restricted areas.

Pursuant to federal authorization or upon request from a federal agency, the Virginia Marine Police, conservation police officers of the Department of ~~Game and Inland Fisheries~~ *Wildlife Resources*, and the marine patrol divisions of police departments located in Tidewater Virginia may patrol and enforce all federal security zones, federal safety zones, and federal restricted areas located within the tidal waters of the Commonwealth.

§ 28.2-108. Marine Patrols Fund continued.

A. The Marine Patrols Fund is continued and hereinafter referred to as the Fund, which shall consist of moneys appropriated to it by the General Assembly. The Comptroller shall annually distribute moneys from the Fund for the following purposes:

1. To cover the Commission's costs for its operation of a marine police dispatch service.
2. To reimburse each county or city in Tidewater Virginia or any county abutting Smith Mountain Lake for its operation of a marine patrol or for providing marine patrol services in waters under the jurisdiction of the Commonwealth. The amount to be paid to each county or city shall be as specifically provided for in the General Appropriations Act. The Comptroller, upon certification by the Commissioner, shall make such payments no later than February 1. The total amount provided to any county or city shall not exceed twenty dollars per motorboat registered in the locality on January 1 of that year, as determined by the records of the Board of ~~Game and Inland Fisheries~~ *Wildlife Resources*.

B. If total distributions allowable under subsection A of this section exceed the amount of revenues appropriated to the Fund, each qualifying county or city shall receive a prorated share.

C. The Commissioner may obtain from any county or city seeking funds under this section any information he needs to determine the amount of funds to which such county or city may be entitled.

D. For the purposes of this section, the terms "marine patrol" and "marine patrol services" mean water-borne law-enforcement, safety, and rescue activities.

§ 28.2-302.1. Recreational license required.

Except in areas under the jurisdiction of the Department of ~~Game and Inland Fisheries~~ *Wildlife Resources* and as provided in § 28.2-302.5, a person shall not take or catch fish with rod and reel, hand line, by spearing or gigging, with a

cast net, with a dip net, or by using up to two eel pots in the tidal waters of the Commonwealth under the jurisdiction of the Commission without first obtaining a saltwater recreational fishing license. The license required by this section and issued pursuant to § 28.2-302.2, 28.2-302.2:1, 28.2-302.6, 28.2-302.7, 28.2-302.8, 28.2-302.9 or 28.2-302.10 shall not be transferable.

§ 28.2-302.2. Recreational license fee; cooperative program.

A. The annual fee for the saltwater recreational fishing license shall be seven dollars and fifty cents or as subsequently revised by the Commission pursuant to § 28.2-201. Agents of the Commission shall retain the agent's fee established by the Board of ~~Game and Inland Fisheries~~ *Wildlife Resources* pursuant to subsection B of § 29.1-327, except that the agent's fee shall be deducted from the license fee established by the Commission pursuant to subdivision 4 of § 28.2-201, as compensation for issuing each license.

B. All funds collected under this section shall be paid into the state treasury to the credit of the Virginia Saltwater Recreational Fishing Development Fund, as established in § 28.2-302.3.

C. The Commission shall enter into cooperative programs with the Department of ~~Game and Inland Fisheries~~ *Wildlife Resources* as are necessary to carry out the provisions of this section.

D. The Commission shall also have the power necessary to conduct and establish cooperative fish projects with the federal government as prescribed by Congress and in compliance with rules and regulations promulgated by the United States Secretary of the Interior.

E. Upon implementation of an automated point-of-sale licensing system, licenses issued under this section shall be valid for one year from their date of purchase.

§ 28.2-302.2:1. Special combined individual sportfishing licenses.

A. Residents and nonresidents of the Commonwealth may obtain:

1. A special combined sportfishing license to fish in all inland waters and the tidal waters of the Commonwealth during the open season. For residents, this license shall be in lieu of the state resident freshwater fishing license required by subdivision A 2 of § 29.1-310, and the saltwater recreational license required by § 28.2-302.1. The cost of this license for residents shall be the sum of the costs of the two component resident licenses. For nonresidents, this license shall be in lieu of the state nonresident freshwater fishing license required by subdivision A 3 of § 29.1-310 and the saltwater recreational license required by § 28.2-302.1. The cost of this license for nonresidents shall be the sum of the costs of the two component nonresident licenses.

Agents of the Commission shall retain the agent's fee established by the Board of ~~Game and Inland Fisheries~~ *Wildlife Resources* pursuant to subsection B of § 29.1-327, except that the agent's fee shall be deducted from the license fee established by the Commission pursuant to subdivision 4 of § 28.2-201, as compensation for issuing each license. Of the funds collected under this subdivision, (i) the cost of the component saltwater license shall be paid into the state treasury to the credit of the Virginia Saltwater Recreational Fishing Development Fund, as established in § 28.2-302.3, and (ii) the cost of the component freshwater fishing license shall be paid into the state treasury to the credit of the Game Protection Fund, as established in § 29.1-101.

The two component licenses shall be independently priced by their respective agencies. The saltwater recreational license shall be priced by the Commission pursuant to § 28.2-201. The freshwater fishing license shall be priced by the Board of ~~Game and Inland Fisheries~~ *Wildlife Resources* pursuant to § 29.1-103.

2. A special combined sportfishing license to fish in all the tidal waters of the Commonwealth during the open season that covers the owner of a recreational boat not carrying anglers for hire, in any registered boat owned and operated by him, and his passengers. For residents, this license shall be in lieu of the state resident fishing license required by subdivision A 2 of § 29.1-310, the saltwater recreational license required by § 28.2-302.1, and the saltwater recreational boat license established by § 28.2-302.7. The cost of this license for residents shall be \$125. For nonresidents, this license shall be in lieu of the state nonresident fishing license required by subdivision A 3 of § 29.1-310 and the saltwater recreational license required by § 28.2-302.1. The cost of this license for nonresidents shall be \$200.

Agents of the Commission shall retain the agent's fee established by the Board of ~~Game and Inland Fisheries~~ *Wildlife Resources* pursuant to subsection B of § 29.1-327, except that the agent's fee shall be deducted from the license fee established by the Commission pursuant to subdivision 4 of § 28.2-201, as compensation for issuing each license. Of the funds collected under this subdivision, (i) \$48 per resident license sold and \$76 per nonresident license sold shall be paid into the state treasury to the credit of the Virginia Saltwater Recreational Fishing Development Fund, as established in § 28.2-302.3, and (ii) \$77 per resident license sold and \$124 per nonresident sold shall be paid into the state treasury to the credit of the Game Protection Fund, as established in § 29.1-101.

B. Residents and nonresidents of the Commonwealth may obtain a special combined sportfishing trip license to fish in all inland waters and tidal waters of the Commonwealth during the open season. This license shall be in lieu of the trip fishing license specified in subsection A of § 29.1-311 and the saltwater recreational license required by § 28.2-302.1. The cost of the license shall be \$10.50 for residents and \$15.50 for nonresidents. The license shall be valid for five successive days as specified on the face of the license. Agents of the Commission shall retain the agent's fee established pursuant to subsection B of § 29.1-327, except that the agent's fee shall be deducted from the license fee established by the Commission pursuant to subdivision 4 of § 28.2-201, as compensation for issuing each license. Of the funds collected under this subsection, (i) \$5 per license sold shall be paid into the state treasury to the credit of the Virginia Saltwater Recreational

Fishing Development Fund and (ii) \$5 per resident license sold and \$10 per nonresident license sold shall be paid into the state treasury to the credit of the Game Protection Fund.

C. The Commission may subsequently revise the cost of licenses in this section pursuant to § 28.2-201.

§ 28.2-638. Authority of Governor to authorize dredging of channel in navigable waters.

When the approval, consent, or authorization of the Commonwealth is necessary or expedient for any person to dredge a channel of any navigable stream, the bed of which is owned by the Commonwealth, for the purpose of deepening, widening, or relocating such channel and making related improvements, the Governor may, on behalf of the Commonwealth, grant such approval upon such terms and conditions as he deems appropriate after the receipt of advisory reports from the Virginia Institute of Marine Science, the State Water Control Board, the Commission, the Board of ~~Game and Inland Fisheries~~ *Wildlife Resources*, the Director of the Department of Conservation and Recreation, the Director of the Department of Historic Resources, the State Port Authority, and the Commonwealth Transportation Board.

§ 28.2-1103. Virginia Estuarine and Coastal Research Reserve System created; purpose; Virginia Institute of Marine Science to administer.

A. There is hereby created the Virginia Estuarine and Coastal Research Reserve System (the System) for the purpose of establishing a system of protected sites representative of the Commonwealth's estuarine and coastal lands in which research and long-term monitoring will be conducted in support of the Commonwealth's coastal resource management efforts.

B. The System shall be established and administered by the Virginia Institute of Marine Science of The College of William and Mary in Virginia. The Institute shall consult with and seek the advice of the Virginia Coastal Program and of those state agencies responsible for administering programs of the Virginia Coastal Program; the Marine Resources Commission; the Department of ~~Game and Inland Fisheries~~ *Wildlife Resources*; the Department of Conservation and Recreation; the Department of Health; and the Department of Environmental Quality.

C. Sites included within the System shall be within any jurisdiction included in Tidewater Virginia as defined in § 62.1-44.15:68.

D. The Institute may accept the dedication, by voluntary act of the owner, of areas it deems suitable for the System. Dedication may include transfer of fee simple title or other interest in land to the Commonwealth or may be in the form of voluntary agreement with the owner to include the area within the System. Estuarine and Coastal Research Reserve System sites may also be acquired by gift, grant, or purchase.

E. The instrument of dedication may:

1. Contain restrictions and other provisions relating to management, use, development, transfer, and public access, and may contain any other restrictions and provisions as may be necessary or advisable to further the purposes of this article;
2. Define, consistent with the purposes of the article, the respective rights and duties of the owner and of the Commonwealth and provide procedures to be followed in case of violations of the restriction;
3. Recognize and create reversionary right, transfers upon conditions or with limitations, and gifts over; and
4. Vary in provisions from one System site to another, in accordance with differences in the characteristics and conditions of the several areas.

F. Public departments, commissions, boards, counties, municipalities, corporations, and institutions of higher education and all other agencies and instrumentalities of the Commonwealth and its political subdivisions may enter into agreements with the Institute to dedicate suitable areas within their jurisdictions as Estuarine and Coastal Research Reserve System sites.

G. Subject to the approval of the Governor and the Attorney General, the Commonwealth may enter into amendments to the instrument of dedication upon finding that the amendment will not permit an impairment, disturbance, use, or development of the area that is inconsistent with the provisions of this article. If a fee simple estate in the Estuarine and Coastal Research Reserve System is not held by the Institute under this article, no amendment may be made without the written consent of the owner of the other interests therein.

H. The Institute is empowered to enter into agreements with federal agencies holding title to lands within Tidewater Virginia to include suitable portions of agency holdings in the Virginia Estuarine and Coastal Research Reserve System.

I. All lands within the system shall be used primarily for research and education. Other public uses such as hunting and recreation on those research reserve lands owned by the Institute shall be allowed, consistent with these primary uses. Improvements and alterations to research reserve lands owned by the Institute shall be limited to those consistent with these uses.

§ 28.2-1205.1. Coordinated review of water resources projects.

A. Applications for water resources projects that require a Virginia Marine Resources permit and an individual Virginia Water Protection Permit under § 62.1-44.15:20 shall be submitted and processed through a joint application and review process.

B. The Commissioner and the Director of the Department of Environmental Quality, in consultation with the Virginia Institute of Marine Science, the Department of ~~Game and Inland Fisheries~~ *Wildlife Resources*, the Department of Historic Resources, the Department of Health, the Department of Conservation and Recreation, the Virginia Department of Agriculture and Consumer Services, and any other appropriate or interested state agency, shall coordinate the joint review process to ensure the orderly evaluation of projects requiring both permits.

C. The joint review process shall include, but not be limited to, provisions to ensure that: (i) the initial application for the project shall be advertised simultaneously by the Commission and the Department of Environmental Quality; (ii) project

reviews shall be completed by all state agencies that have been asked to review and provide comments, within 45 days of project notification by the Commission and the Department of Environmental Quality; (iii) the Commission and the State Water Control Board shall coordinate permit issuance and, to the extent practicable, shall take action on the permit application no later than one year after the agencies have received complete applications; (iv) to the extent practicable, the Commission and the State Water Control Board shall take action concurrently, but no more than six months apart; and (v) upon taking its final action on each permit, the Commission and the State Water Control Board shall provide each other with notification of its action and any and all supporting information, including any background materials or exhibits used in the application.

§ 28.2-1302. Adoption of wetlands zoning ordinance; terms of ordinance.

Any county, city or town may adopt the following ordinance, which, after October 1, 1992, shall serve as the only wetlands zoning ordinance under which any wetlands board is authorized to operate. Any county, city, or town which has adopted the ordinance prior to October 1, 1992, shall amend the ordinance to conform it to the ordinance contained herein by October 1, 1992.

Wetlands Zoning Ordinance

§ 1. The governing body of....., acting pursuant to Chapter 13 (§ 28.2-1300 et seq.) of Title 28.2 of the Code of Virginia, adopts this ordinance regulating the use and development of wetlands.

§ 2. As used in this ordinance, unless the context requires a different meaning:

"Back Bay and its tributaries" means the following, as shown on the United States Geological Survey Quadrangle Sheets for Virginia Beach, North Bay, and Knotts Island: Back Bay north of the Virginia-North Carolina state line; Capsies Creek north of the Virginia-North Carolina state line; Deal Creek; Devil Creek; Nawney Creek; Redhead Bay, Sand Bay, Shipps Bay, North Bay, and the waters connecting them; Beggars Bridge Creek; Muddy Creek; Ashville Bridge Creek; Hells Point Creek; Black Gut; and all coves, ponds and natural waterways adjacent to or connecting with the above-named bodies of water.

"Commission" means the Virginia Marine Resources Commission.

"Commissioner" means the Commissioner of Marine Resources.

"Governmental activity" means any of the services provided by this..... (county, city, or town) to its citizens for the purpose of maintaining this..... (county, city, or town), including but not limited to such services as constructing, repairing and maintaining roads; providing sewage facilities and street lights; supplying and treating water; and constructing public buildings.

"Nonvegetated wetlands" means unvegetated lands lying contiguous to mean low water and between mean low water and mean high water, including those unvegetated areas of Back Bay and its tributaries and the North Landing River and its tributaries subject to flooding by normal and wind tides but not hurricane or tropical storm tides.

"North Landing River and its tributaries" means the following, as shown on the United States Geological Survey Quadrangle Sheets for Pleasant Ridge, Creeds, and Fentress: the North Landing River from the Virginia-North Carolina line to Virginia Highway 165 at North Landing Bridge; the Chesapeake and Albemarle Canal from Virginia Highway 165 at North Landing Bridge to the locks at Great Bridge; and all named and unnamed streams, creeks and rivers flowing into the North Landing River and the Chesapeake and Albemarle Canal except West Neck Creek north of Indian River Road, Pocaty River west of Blackwater Road, Blackwater River west of its forks located at a point approximately 6400 feet due west of the point where Blackwater Road crosses the Blackwater River at the village of Blackwater, and Millbank Creek west of Blackwater Road.

"Person" means any individual, corporation, partnership, association, company, business, trust, joint venture, or other legal entity.

"Vegetated wetlands" means lands lying between and contiguous to mean low water and an elevation above mean low water equal to the factor one and one-half times the mean tide range at the site of the proposed project in the county, city, or town in question, and upon which is growing any of the following species: saltmarsh cordgrass (*Spartina alterniflora*), saltmeadow hay (*Spartina patens*), saltgrass (*Distichlis spicata*), black needlerush (*Juncus roemerianus*), saltwort (*Salicornia* spp.), sea lavender (*Limonium* spp.), marsh elder (*Iva frutescens*), groundsel bush (*Baccharis halimifolia*), wax myrtle (*Myrica* sp.), sea oxeye (*Borrhichia frutescens*), arrow arum (*Peltandra virginica*), pickerelweed (*Pontederia cordata*), big cordgrass (*Spartina cynosuroides*), rice cutgrass (*Leersia oryzoides*), wildrice (*Zizania aquatica*), bulrush (*Scirpus validus*), spikerush (*Eleocharis* sp.), sea rocket (*Cakile edentula*), southern wildrice (*Zizaniopsis miliacea*), cattail (*Typha* spp.), three-square (*Scirpus* spp.), buttonbush (*Cephalanthus occidentalis*), bald cypress (*Taxodium distichum*), black gum (*Nyssa sylvatica*), tupelo (*Nyssa aquatica*), dock (*Rumex* spp.), yellow pond lily (*Nuphar* sp.), marsh fleabane (*Pluchea purpurascens*), royal fern (*Osmunda regalis*), marsh hibiscus (*Hibiscus moscheutos*), beggar's tick (*Bidens* sp.), smartweed (*Polygonum* sp.), arrowhead (*Sagittaria* spp.), sweet flag (*Acorus calamus*), water hemp (*Amaranthus cannabinus*), reed grass (*Phragmites communis*), or switch grass (*Panicum virgatum*).

"Vegetated wetlands of Back Bay and its tributaries" or "vegetated wetlands of the North Landing River and its tributaries" means all marshes subject to flooding by normal and wind tides but not hurricane or tropical storm tides, and upon which is growing any of the following species: saltmarsh cordgrass (*Spartina alterniflora*), saltmeadow hay (*Spartina patens*), black needlerush (*Juncus roemerianus*), marsh elder (*Iva frutescens*), groundsel bush (*Baccharis halimifolia*), wax myrtle (*Myrica* sp.), arrow arum (*Peltandra virginica*), pickerelweed (*Pontederia cordata*), big cordgrass (*Spartina cynosuroides*), rice cutgrass (*Leersia oryzoides*), wildrice (*Zizania aquatica*), bulrush (*Scirpus validus*), spikerush

(Eleocharis sp.), cattail (Typha spp.), three-square (Scirpus spp.), dock (Rumex sp.), smartweed (Polygonum sp.), yellow pond lily (Nuphar sp.), royal fern (Osmunda regalis), marsh hibiscus (Hibiscus moscheutos), beggar's tick (Bidens sp.), arrowhead (Sagittaria sp.), water hemp (Amaranthus cannabinus), reed grass (Phragmites communis), or switch grass (Panicum virgatum).

"Wetlands" means both vegetated and nonvegetated wetlands.

"Wetlands board" or "board" means a board created pursuant to § 28.2-1303 of the Code of Virginia.

§ 3. The following uses of and activities in wetlands are authorized if otherwise permitted by law:

1. The construction and maintenance of noncommercial catwalks, piers, boathouses, boat shelters, fences, duckblinds, wildlife management shelters, footbridges, observation decks and shelters and other similar structures, provided that such structures are so constructed on pilings as to permit the reasonably unobstructed flow of the tide and preserve the natural contour of the wetlands;

2. The cultivation and harvesting of shellfish, and worms for bait;

3. Noncommercial outdoor recreational activities, including hiking, boating, trapping, hunting, fishing, shellfishing, horseback riding, swimming, skeet and trap shooting, and shooting on shooting preserves, provided that no structure shall be constructed except as permitted in subdivision 1 of this section;

4. Other outdoor recreational activities, provided they do not impair the natural functions or alter the natural contour of the wetlands;

5. Grazing, haying, and cultivating and harvesting agricultural, forestry or horticultural products;

6. Conservation, repletion and research activities of the Commission, the Virginia Institute of Marine Science, the Department of ~~Game and Inland Fisheries~~ *Wildlife Resources* and other conservation-related agencies;

7. The construction or maintenance of aids to navigation which are authorized by governmental authority;

8. Emergency measures decreed by any duly appointed health officer of a governmental subdivision acting to protect the public health;

9. The normal maintenance and repair of, or addition to, presently existing roads, highways, railroad beds, or facilities abutting on or crossing wetlands, provided that no waterway is altered and no additional wetlands are covered;

10. Governmental activity in wetlands owned or leased by the Commonwealth or a political subdivision thereof;

11. The normal maintenance of man-made drainage ditches, provided that no additional wetlands are covered. This subdivision does not authorize the construction of any drainage ditch; and

12. The construction of living shoreline projects authorized pursuant to a general permit developed under subsection B of § 28.2-104.1.

§ 4. A. Any person who desires to use or develop any wetland within this..... (county, city, or town), other than for the purpose of conducting the activities specified in § 3 of this ordinance, shall first file an application for a permit directly with the wetlands board or with the Commission.

B. The permit application shall include the following: the name and address of the applicant; a detailed description of the proposed activities; a map, drawn to an appropriate and uniform scale, showing the area of wetlands directly affected, the location of the proposed work thereon, the area of existing and proposed fill and excavation, the location, width, depth and length of any proposed channel and disposal area, and the location of all existing and proposed structures, sewage collection and treatment facilities, utility installations, roadways, and other related appurtenances or facilities, including those on adjacent uplands; a description of the type of equipment to be used and the means of equipment access to the activity site; the names and addresses of owners of record of adjacent land and known claimants of water rights in or adjacent to the wetland of whom the applicant has notice; an estimate of cost; the primary purpose of the project; any secondary purposes of the project, including further projects; the public benefit to be derived from the proposed project; a complete description of measures to be taken during and after the alteration to reduce detrimental offsite effects; the completion date of the proposed work, project, or structure; and such additional materials and documentation as the wetlands board may require.

C. A nonrefundable processing fee shall accompany each permit application. The fee shall be set by the applicable governing body with due regard for the services to be rendered, including the time, skill, and administrator's expense involved.

§ 5. All applications, maps, and documents submitted shall be open for public inspection at the office designated by the applicable governing body and specified in the advertisement for public hearing required under § 6 of this ordinance.

§ 6. Not later than 60 days after receipt of a complete application, the wetlands board shall hold a public hearing on the application. The applicant, local governing body, Commissioner, owner of record of any land adjacent to the wetlands in question, known claimants of water rights in or adjacent to the wetlands in question, the Virginia Institute of Marine Science, the Department of ~~Game and Inland Fisheries~~ *Wildlife Resources*, the Water Control Board, the Department of Transportation, and any governmental agency expressing an interest in the application shall be notified of the hearing. The board shall mail these notices not less than 20 days prior to the date set for the hearing. The wetlands board shall also cause notice of the hearing to be published at least once a week for two weeks prior to such hearing in a newspaper of general circulation in this..... (county, city, or town). The published notice shall specify the place or places within this..... (county, city, or town) where copies of the application may be examined. The costs of publication shall be paid by the applicant.

§ 7. A. Approval of a permit application shall require the affirmative vote of three members of a five-member board or four members of a seven-member board.

B. The chairman of the board, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. Any person may testify at the public hearing. Each witness at the hearing may submit a concise written statement of his testimony. The board shall make a record of the proceeding, which shall include the application, any written statements of witnesses, a summary of statements of all witnesses, the findings and decision of the board, and the rationale for the decision.

C. The board shall make its determination within 30 days of the hearing. If the board fails to act within that time, the application shall be deemed approved. Within 48 hours of its determination, the board shall notify the applicant and the Commissioner of its determination. If the board fails to make a determination within the 30-day period, it shall promptly notify the applicant and the Commission that the application is deemed approved. For purposes of this section, "act" means taking a vote on the application. If the application receives less than four affirmative votes from a seven-member board or less than three affirmative votes from a five-member board, the permit shall be denied.

D. If the board's decision is reviewed or appealed, the board shall transmit the record of its hearing to the Commissioner. Upon a final determination by the Commission, the record shall be returned to the board. The record shall be open for public inspection at the same office as was designated under § 5 of this ordinance.

§ 8. The board may require a reasonable bond or letter of credit in an amount and with surety and conditions satisfactory to it, securing to the Commonwealth compliance with the conditions and limitations set forth in the permit. The board may, after a hearing held pursuant to this ordinance, suspend or revoke a permit if the applicant has failed to comply with any of the conditions or limitations set forth in the permit or has exceeded the scope of the work described in the application. The board may, after a hearing, suspend a permit if the applicant fails to comply with the terms and conditions set forth in the application.

§ 9. In fulfilling its responsibilities under this ordinance, the board shall preserve and prevent the despoliation and destruction of wetlands within its jurisdiction while accommodating necessary economic development in a manner consistent with wetlands preservation.

§ 10. A. In deciding whether to grant, grant in modified form or deny a permit, the board shall consider the following:

1. The testimony of any person in support of or in opposition to the permit application;
2. The impact of the proposed development on the public health, safety, and welfare; and
3. The proposed development's conformance with standards prescribed in § 28.2-1308 of the Code of Virginia and guidelines promulgated pursuant to § 28.2-1301 of the Code of Virginia.

B. The board shall grant the permit if all of the following criteria are met:

1. The anticipated public and private benefit of the proposed activity exceeds its anticipated public and private detriment.

2. The proposed development conforms with the standards prescribed in § 28.2-1308 of the Code of Virginia and guidelines promulgated pursuant to § 28.2-1301 of the Code of Virginia.

3. The proposed activity does not violate the purposes and intent of this ordinance or Chapter 13 (§ 28.2-1300 et seq.) of Title 28.2 of the Code of Virginia.

C. If the board finds that any of the criteria listed in subsection B of this section are not met, the board shall deny the permit application but allow the applicant to resubmit the application in modified form.

§ 11. The permit shall be in writing, signed by the chairman of the board or his authorized representative, and notarized. A copy of the permit shall be transmitted to the Commissioner.

§ 12. No permit shall be granted without an expiration date established by the board. Upon proper application, the board may extend the permit expiration date.

§ 13. No permit granted by a wetlands board shall in any way affect the applicable zoning and land use ordinances of this..... (county, city, or town) or the right of any person to seek compensation for any injury in fact incurred by him because of the proposed activity.

§ 28.2-1403. Certain counties, cities and towns authorized to adopt coastal primary sand dune ordinance.

Any of the following counties, cities and towns which adopt a wetlands zoning ordinance pursuant to § 28.2-1302 may adopt the coastal primary sand dune zoning ordinance which is set out in this section: the Counties of Accomack, Arlington, Caroline, Charles City, Chesterfield, Essex, Fairfax, Gloucester, Hanover, Henrico, Isle of Wight, James City, King and Queen, King George, King William, Lancaster, Mathews, Middlesex, New Kent, Northampton, Northumberland, Prince George, Prince William, Richmond, Spotsylvania, Stafford, Surry, Westmoreland, and York; and the Cities of Alexandria, Chesapeake, Colonial Heights, Fairfax, Falls Church, Fredericksburg, Hampton, Hopewell, Newport News, Norfolk, Petersburg, Poquoson, Portsmouth, Richmond, Suffolk, Virginia Beach and Williamsburg; and the Town of Cape Charles. In the event that a locality has not adopted a wetlands zoning ordinance pursuant to Chapter 13 (§ 28.2-1300 et seq.) or repeals it if already adopted, such locality may adopt or continue to administer the ordinance contained herein provided the locality appoints a wetlands board following the procedure specified in § 28.2-1303. Any county or city which has adopted the Coastal Primary Sand Dune Zoning Ordinance prior to October 1, 1992, shall amend the ordinance to conform it to the ordinance contained herein by October 1, 1992. The following ordinance is the only coastal primary sand dune zoning ordinance under which any board shall operate after October 1, 1992.

Coastal Primary Sand Dune Zoning Ordinance

§ 1. The governing body of _____, acting pursuant to Chapter 14 (§ 28.2-1400 et seq.) of Title 28.2 of the Code of Virginia, adopts this ordinance regulating the use and development of coastal primary sand dunes. Whenever coastal primary sand dunes are referred to in this ordinance, such references shall also include beaches.

§ 2. As used in this ordinance, unless the context requires a different meaning:

"Beach" means the shoreline zone comprised of unconsolidated sandy material upon which there is a mutual interaction of the forces of erosion, sediment transport and deposition that extends from the low water line landward to where there is a marked change in either material composition or physiographic form such as a dune, bluff, or marsh, or where no such change can be identified, to the line of woody vegetation (usually the effective limit of stormwaves), or the nearest impermeable man-made structure, such as a bulkhead, revetment, or paved road.

"Coastal primary sand dune" or "dune" means a mound of unconsolidated sandy soil which is contiguous to mean high water, whose landward and lateral limits are marked by a change in grade from ten percent or greater to less than ten percent, and upon which is growing any of the following species: American beach grass (*Ammophila breviligulata*); beach heather (*Hudsonia tomentosa*); dune bean (*Strophostyles* spp.); dusty miller (*Artemisia stelleriana*); saltmeadow hay (*Spartina patens*); seabeach sandwort (*Honckenya peploides*); sea oats (*Uniola paniculata*); sea rocket (*Cakile edentula*); seaside goldenrod (*Solidago sempervirens*); Japanese sedge or Asiatic sand sedge (*Carex kobomugi*); Virginia pine (*Pinus virginiana*); broom sedge (*Andropogon virginicus*); and short dune grass (*Panicum amarum*). For purposes of this ordinance, "coastal primary sand dune" shall not include any mound of sand, sandy soil, or dredge spoil deposited by any person for the purpose of temporary storage, beach replenishment or beach nourishment, nor shall the slopes of any such mound be used to determine the landward or lateral limits of a coastal primary sand dune.

"Commission" means the Virginia Marine Resources Commission.

"Commissioner" means the Commissioner of Marine Resources.

"County, city and town" means the governing body of the county, city and town.

"Governmental activity" means any of the services provided by the Commonwealth or a county, city or town to its citizens for the purpose of maintaining public facilities, including but not limited to, such services as constructing, repairing, and maintaining roads; providing street lights and sewage facilities; supplying and treating water; and constructing public buildings.

"Wetlands board" or "board" means the board created pursuant to § 28.2-1303 of the Code of Virginia.

§ 3. The following uses of and activities in dunes are authorized if otherwise permitted by law:

1. The construction and maintenance of noncommercial walkways which do not alter the contour of the coastal primary sand dune;
2. The construction and maintenance of observation platforms which are not an integral part of any dwelling and which do not alter the contour of the coastal primary sand dune;
3. The planting of beach grasses or other vegetation for the purpose of stabilizing coastal primary sand dunes;
4. The placement of sand fences or other material on or adjacent to coastal primary sand dunes for the purpose of stabilizing such features, except that this provision shall not be interpreted to authorize the placement of any material which presents a public health or safety hazard;
5. Sand replenishment activities of any private or public concern, provided no sand shall be removed from any coastal primary sand dune unless authorized by lawful permit;
6. The normal maintenance of any groin, jetty, riprap, bulkhead, or other structure designed to control beach erosion which may abut a coastal primary sand dune;
7. The normal maintenance or repair of existing roads, highways, railroad beds, and facilities of the United States, this Commonwealth or any of its counties or cities, or of any person, provided no coastal primary sand dunes are altered;
8. Outdoor recreational activities, provided the activities do not alter the natural contour of the coastal primary sand dune or destroy the vegetation growing thereon;
9. The conservation and research activities of the Commission, Virginia Institute of Marine Science, Department of ~~Game and Inland Fisheries~~ *Wildlife Resources*, and other conservation-related agencies;
10. The construction and maintenance of aids to navigation which are authorized by governmental authority;
11. Activities pursuant to any emergency declaration by the governing body of any local government or the Governor of the Commonwealth or any public health officer for the purposes of protecting the public health and safety;
12. Governmental activity in coastal primary sand dunes owned or leased by the Commonwealth or a political subdivision thereof; and
13. The construction of living shoreline projects authorized pursuant to a general permit developed under subsection B of § 28.2-104.1.

§ 4. A. Any person who desires to use or alter any coastal primary sand dune within this _____ (county, city or town), other than for the purpose of conducting the activities specified in § 3 of this ordinance, shall first file an application directly with the wetlands board or with the Commission.

B. The permit application shall include the following: the name and address of the applicant; a detailed description of the proposed activities and a map, drawn to an appropriate and uniform scale, showing the area of dunes directly affected, the location of the proposed work thereon, the area of any proposed fill and excavation, the location, width, depth and length of any disposal area, and the location of all existing and proposed structures, sewage collection and treatment facilities, utility installations, roadways, and other related appurtenances or facilities, including those on adjacent uplands; a

description of the type of equipment to be used and the means of equipment access to the activity site; the names and addresses of owners of record of adjacent land; an estimate of cost; the primary purpose of the project; any secondary purposes of the project, including further projects; the public benefit to be derived from the proposed project; a complete description of measures to be taken during and after the alteration to reduce detrimental offsite effects; the completion date of the proposed work, project, or structure; and such additional materials and documentation as the wetlands board may require.

C. A nonrefundable processing fee shall accompany each permit application. The fee shall be set by the applicable governing body with due regard for the services to be rendered, including the time, skill, and administrator's expense. No person shall be required to file two separate applications for permits if the proposed project will require permits under this ordinance and Chapter 13 (§ 28.2-1300 et seq.) of Title 28.2 of the Code of Virginia. Under those circumstances, the fee shall be established pursuant to this ordinance.

§ 5. All applications, maps, and documents submitted shall be open for public inspection at the office of the recording officer of this _____ (county, city or town).

§ 6. Not later than 60 days after receipt of a complete application, the wetlands board shall hold a public hearing on the application. The applicant, local governing body, Commissioner, owner of record of any land adjacent to the coastal primary sand dunes in question, the Virginia Institute of Marine Science, the Department of ~~Game and Inland Fisheries~~ *Wildlife Resources*, the State Water Control Board, the Department of Transportation, and any governmental agency expressing an interest in the application shall be notified of the hearing. The board shall mail these notices not less than 20 days prior to the date set for the hearing. The wetlands board shall also cause notice of the hearing to be published at least once a week for two weeks prior to such hearing in a newspaper of general circulation in this _____ (county, city or town). The costs of publication shall be paid by the applicant.

§ 7. A. Approval of a permit application shall require the affirmative vote of three members of a five-member board or four members of a seven-member board.

B. The chairman of the board, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. Any person may appear and be heard at the public hearing. Each witness at the hearing may submit a concise written statement of his testimony. The board shall make a record of the proceeding, which shall include the application, any written statements of witnesses, a summary of statements of all witnesses, the findings and decision of the board, and the rationale for the decision.

C. The board shall make its determination within 30 days of the hearing. If the board fails to act within that time, the application shall be deemed approved. Within 48 hours of its determination, the board shall notify the applicant and the Commissioner of its determination. If the board fails to make a determination within the 30-day period, it shall promptly notify the applicant and the Commission that the application is deemed approved.

D. If the board's decision is reviewed or appealed, the board shall transmit the record of its hearing to the Commissioner. Upon a final determination by the Commission, the record shall be returned to the board. The record shall be open for public inspection at the office of the recording officer of this _____ (county, city or town).

§ 8. The board may require a reasonable bond or letter of credit in an amount and with surety and conditions satisfactory to it, securing to the Commonwealth compliance with the conditions and limitations set forth in the permit. The board may, after a hearing held pursuant to this ordinance, suspend or revoke a permit if the applicant has failed to comply with any of the conditions or limitations set forth in the permit or has exceeded the scope of the work described in the application. The board may, after a hearing, suspend a permit if the applicant fails to comply with the terms and conditions set forth in the application.

§ 9. In fulfilling its responsibilities under this ordinance, the board shall preserve and protect coastal primary sand dunes and beaches and prevent their despoliation and destruction. However, whenever practical, the board shall accommodate necessary economic development in a manner consistent with the protection of these features.

§ 10. A. In deciding whether to grant, grant in modified form, or deny a permit, the board shall consider the following:

1. The testimony of any person in support of or in opposition to the permit application;
2. The impact of the proposed development on the public health, safety, and welfare; and
3. The proposed development's conformance with standards prescribed in § 28.2-1408 of the Code of Virginia and guidelines promulgated pursuant to § 28.2-1401 of the Code of Virginia.

B. The board shall grant the permit if all of the following criteria are met:

1. The anticipated public and private benefit of the proposed activity exceeds its anticipated public and private detriment.
2. The proposed development conforms with the standards prescribed in § 28.2-1408 of the Code of Virginia and guidelines promulgated pursuant to § 28.2-1401 of the Code of Virginia.
3. The proposed activity does not violate the purposes and intent of this ordinance or Chapter 14 (§ 28.2-1400 et seq.) of Title 28.2 of the Code of Virginia.

C. If the board finds that any of the criteria listed in subsection B of this section are not met, the board shall deny the permit application but allow the applicant to resubmit the application in modified form.

§ 11. The permit shall be in writing, signed by the chairman of the board, and notarized. A copy of the permit shall be transmitted to the Commissioner.

§ 12. No permit shall be granted without an expiration date established by the board. Upon proper application, the board may extend the permit expiration date.

§ 13. No permit granted by a wetlands board shall in any way affect the right of any person to seek compensation for any injury in fact incurred by him because of the permitted activity.

§ 28.2-1505. Virginia Coastal Land Management Advisory Council established.

A. There is hereby created the Virginia Coastal Land Management Advisory Council. The Council shall advise the Commission on issues relating to the management of ungranted shores of the sea, marsh and meadowlands, and shall advise the Commission on the development of the management plan prepared pursuant to § 28.2-1504.

B. The Council shall consist of six members appointed by the Governor, who shall be residents of a county in which there are ungranted shores of the sea, marsh or meadowlands, and who shall represent tourism and commerce, traditional uses of shores of the sea, marsh and meadowlands, and conservation interests; however, if any private person or entity owns more than fifty percent of the land area of the barrier islands of the Eastern Shore that are privately owned, such person or entity shall be one of such members. In appointing these members, the Governor shall consider recommendations submitted by the boards of supervisors of counties in which the Commission is managing the largest portions of the ungranted shores of the sea, marsh or meadowlands. The Council shall also include (i) the Director of the Department of Conservation and Recreation or his designee, (ii) the Director of the Department of ~~Game and Inland Fisheries~~ *Wildlife Resources* or his designee, and (iii) the Commissioner or his designee.

C. The term of office of each appointed member shall be for three years. Appointments to fill vacancies shall be made to fill the unexpired term.

D. Members shall receive no compensation for their services but shall receive reimbursement for actual expenses.

E. The Council shall meet at the call of the Commissioner or at least once per year.

§ 29.1-100. Definitions.

As used in and for the purposes of this title only, or in any of the regulations of the Board, unless the context clearly requires a different meaning:

"Bag or creel limit" means the quantity of game, fish or fur-bearing animals that may be taken, caught, or possessed during a period fixed by the Board.

"Board" means the Board of ~~Game and Inland Fisheries~~ *Wildlife Resources*.

"Closed season" means that period of time fixed by the Board during which wild animals, birds or fish may not be taken, captured, killed, pursued, hunted, trapped or possessed.

"Conservation police officers" means supervising officers, and regular and special conservation police officers.

"Department" means the Department of ~~Game and Inland Fisheries~~ *Wildlife Resources*.

"Director" means the Director of the Department of ~~Game and Inland Fisheries~~ *Wildlife Resources*.

"Firearm" means any weapon that will or is designed to or may readily be converted to expel single or multiple projectiles by the action of an explosion of a combustible material.

"Fishing" means taking, capturing, killing, or attempting to take, capture or kill any fish in and upon the inland waters of this Commonwealth.

"Fur-bearing animals" includes beaver, bobcat, fisher, fox, mink, muskrat, opossum, otter, raccoon, skunk, and weasel.

"Game" means wild animals and wild birds that are commonly hunted for sport or food.

"Game animals" means deer (including all Cervidae), bear, rabbit, fox, squirrel, bobcat and raccoon.

"Game fish" means trout (including all Salmonidae), all of the sunfish family (including largemouth bass, smallmouth bass and spotted bass, rock bass, bream, bluegill and crappie), walleye or pike perch, white bass, chain pickerel or jackfish, muskellunge, and northern pike, wherever such fish are found in the waters of this Commonwealth and rockfish or striped bass where found above tidewaters or in streams which are blocked from access from tidewaters by dams.

"Hunting and trapping" includes the act of or the attempted act of taking, hunting, trapping, pursuing, chasing, shooting, snaring or netting birds or animals, and assisting any person who is hunting, trapping or attempting to do so regardless of whether birds or animals are actually taken; however, when hunting and trapping are allowed, reference is made to such acts as being conducted by lawful means and in a lawful manner. The Board of ~~Game and Inland Fisheries~~ *Wildlife Resources* may authorize by regulation the pursuing or chasing of wild birds or wild animals during any closed hunting season where persons have no intent to take such birds or animals.

"Lawful," "by law," or "law" means the statutes of this Commonwealth or regulations adopted by the Board which the Director is empowered to enforce.

"Migratory game birds" means doves, ducks, brant, geese, swan, coot, gallinules, sora and other rails, snipe, woodcock and other species of birds on which open hunting seasons are set by federal regulations.

"Muzzleloader" means any firearm described in subdivision 3 of the definition of antique firearm in § 18.2-308.2:2.

"Muzzleloading pistol" means a muzzleloader originally designed, made or intended to fire a projectile (bullet) from one or more barrels when held in one hand and that is loaded from the muzzle or forward end of the cylinder.

"Muzzleloading rifle" means a muzzleloader firing a single projectile that is loaded along with the propellant from the muzzle of the gun.

"Muzzleloading shotgun" means a muzzleloader with a smooth bore firing multiple projectiles that are loaded along with the propellant from the muzzle of the gun.

"Nonmigratory game birds" means grouse, bobwhite quail, turkey and all species of birds introduced into the Commonwealth by the Board.

"Nuisance species" means blackbirds, coyotes, crows, cowbirds, feral swine, grackles, English sparrows, starlings, or those species designated as such by regulations of the Board, and those species found committing or about to commit depredation upon ornamental or shade trees, agricultural crops, wildlife, livestock or other property or when concentrated in numbers and manners as to constitute a health hazard or other nuisance. However, the term nuisance does not include (i) animals designated as endangered or threatened pursuant to §§ 29.1-563, 29.1-564, and 29.1-566, (ii) animals classified as game or fur-bearing animals, and (iii) those species protected by state or federal law.

"Open season" means that period of time fixed by the Board during which wild animals, wild birds and fish may be taken, captured, killed, pursued, trapped or possessed.

"Pistol" means a weapon originally designed, made, and intended to fire a projectile (bullet) from one or more barrels when held in one hand, and having one or more chambers as an integral part of or permanently aligned with the bore and a short stock at an angle to and extending below the line of the bore that is designed to be gripped by one hand.

"Possession" means the exercise of control of any wild animal, wild bird, fish or fur-bearing animal, or any part of the carcass thereof.

"Properly licensed person" means a person who, while engaged in hunting, fishing or trapping, or in any other activity permitted under this title, in and upon the lands and inland waters of this Commonwealth, has upon his person all the licenses, permits and stamps required by law.

"Regulation" means a regulation duly adopted by the Board pursuant to the authority vested by the provisions of this title.

"Revolver" means a projectile weapon of the pistol type, having a breechloading chambered cylinder arranged so that the cocking of the hammer or movement of the trigger rotates it and brings the next cartridge in line with the barrel for firing.

"Rifle" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder, and designed or redesigned and made or remade to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

"Shotgun" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder, and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore or rifled shotgun barrel either a number of ball shot or a single projectile for each single pull of the trigger.

"Transportation" means the transportation, either upon the person or by any other means, of any wild animal or wild bird or fish.

"Wildlife" means all species of wild animals, wild birds and freshwater fish in the public waters of this Commonwealth.

§ 29.1-100.1. Department of Game and Inland Fisheries continued as Department of Wildlife Resources.

The Department of Wildlife Resources, formerly known as the Department of Game and Inland Fisheries, is continued, and wherever "Department of Game and Inland Fisheries" is used in this Code, it shall mean the Department of Wildlife Resources. The Board of Wildlife Resources, formerly known as the Board of Game and Inland Fisheries, is continued, and wherever "Board of Game and Inland Fisheries" is used in this Code, it shall mean the Board of Wildlife Resources.

§ 29.1-101.1. Lifetime Hunting and Fishing Endowment Fund.

There is hereby established in the state treasury a special fund to be designated the "Lifetime Hunting and Fishing Endowment Fund." This fund shall consist of proceeds from the sale of lifetime hunting and fishing licenses as provided in § 29.1-302.1 and any gifts, grants and contributions which are specifically designated for inclusion in the Fund.

The income and principal of this Fund shall be used only for the purposes of administering the lifetime hunting and fishing license program and supporting the wildlife conservation programs of the Department of ~~Game and Inland Fisheries~~.

The Board shall serve as trustee of the Fund and these funds shall be withdrawn and expended for the purposes stated in this section by order of the Board. The State Treasurer shall be custodian of the funds. No part of such Fund, either principal or interest earned thereon, shall revert to the general fund of the state treasury.

§ 29.1-102. Board of Wildlife Resources; how constituted; meetings.

The Commission of Game and Inland Fisheries is continued and shall hereafter be known as the Board of ~~Game and Inland Fisheries~~ *Wildlife Resources (the Board)*.

A. The Board shall consist of 11 members. Each member of the Board shall be appointed by the Governor, subject to confirmation by the General Assembly. The members appointed shall be citizens of the Commonwealth and shall be knowledgeable about wildlife conservation, hunting, fishing, boating, agriculture, forestry, or habitat. Each Department region, as constituted on July 1, 2014, shall be represented by two members, and three members shall be members-at-large, each representing a different Department region. Members shall be appointed for terms of one to four years; however, appointments shall be made in a manner whereby no more than three members shall have terms which expire in the same year. An appointment to fill a vacancy shall be made in the same manner, but only for the unexpired term. No person shall be eligible to serve more than two consecutive four-year terms. Members may be removed from office during their respective terms by the Governor.

B. The Board shall adopt rules and procedures for the conduct of its business that shall be set forth in a Governance Manual. The Board may establish committees to assist it with its duties and responsibilities. All decisions by a committee shall be reviewed by the Board, and shall only take effect if approved by the Board.

C. The Board shall elect one of its members as its chairman whose duties shall be limited to (i) presiding at all regular and called meetings of the Board; (ii) serving as the Board liaison to the Director, other Board members, and the Secretary of Natural Resources; and (iii) the other duties set forth in the Governance Manual as approved by a majority of the Board. The Board shall also elect a vice-chairman to preside in the absence of the chairman. Any additional duties of the vice-chairman shall be set forth in the Governance Manual. The Board shall annually elect one of its members as chairman and one of its members as vice-chairman. At such annual election, the chairman and vice-chairman shall not be eligible to be re-elected to their respective positions and no person shall serve more than one year as chairman and one year as vice-chairman during a four-year term.

D. The Board shall meet at least once every quarter of the calendar year for the transaction of business, and other meetings may be called if necessary by the chairman or at the request of any three members. The majority of the members shall constitute a quorum. Meetings shall be held in Richmond or at such other places within the Commonwealth as may be necessary.

§ 29.1-109. Department of Wildlife Resources; Director.

A. The Department of ~~Game and Inland Fisheries~~ shall exist to provide public, informational and educational services related to this title, and to serve as the agency responsible for the administration and enforcement of all rules and regulations of the Board, the statutory provisions of this title, and related legislative acts. The Department shall employ scientific principles and procedures, as developed, researched, recognized and accepted within the bounds of comprehensive professional wildlife resource management, in the management of the Commonwealth's wildlife and natural resources.

B. The Board shall appoint a Director, subject to confirmation and reconfirmation every four years by the General Assembly, to head the Department and to act as principal administrative officer. In addition to the powers designated elsewhere in this title, the Director shall have the power to:

1. Enforce or cause to be enforced all laws for the protection, propagation and preservation of game birds and game animals of the Commonwealth and all fish in the inland waters thereof. Inland waters shall include all waters above tidewater and the brackish and freshwater streams, creeks, bays, including Back Bay, inlets, and ponds in the tidewater counties and cities. In waters of the Albemarle and Currituck watersheds, the management of the recreational and commercial harvest of blue crabs shall rest with the Marine Resources Commission.

2. Initiate prosecution of all persons who violate such laws, and seize and confiscate wild birds, wild animals and fish that have been illegally killed, caught, transported or shipped.

3. Enter into reciprocal or mutual aid agreements with other states pertaining to the enforcement of laws set forth in Chapters 3 (§ 29.1-300 et seq.), 4 (§ 29.1-400 et seq.), 5 (§ 29.1-500 et seq.), and 6 (§ 29.1-600 et seq.) across state boundaries.

4. Employ persons necessary for the administrative requirements of the Board and to designate the official position and duties of each. The salaries of all such employees shall be as provided in accordance with law.

5. Perform such acts as may be necessary to the conduct and establishment of cooperative fish and wildlife projects with the federal government as prescribed by acts of Congress and in compliance with rules and regulations promulgated by the Secretary of the Interior.

6. Make and enter into all contracts and agreements necessary or incidental to the performance of his duties and the execution of his powers, including, but not limited to, contracts with the United States, other state agencies and governmental subdivisions of the Commonwealth.

7. When practicable, consult with, and keep informed, wildlife and boating constituent organizations so as to benefit Virginia's wildlife and natural resources and accomplish the Department's mission.

§ 29.1-114. Hunting from aircraft feral hogs.

Notwithstanding § 5.1-17, employees of the Department of ~~Game and Inland Fisheries~~ and employees of federal agencies whose responsibilities include fisheries and wildlife management, in the performance of such employees' official duties, may hunt or kill feral hogs in False Cape State Park and Back Bay National Wildlife Refuge from aircraft, with the permission of the landowner. However, no such activity shall occur during waterfowl season.

§ 29.1-300.1. Certification of competence in hunter education; incentives.

A. Except as provided in subsection B and §§ 29.1-300.4 and 29.1-305.2, no hunting license shall be issued to (i) a person who has never obtained a license to hunt in any state or country, or (ii) a person who is under the age of 16, unless such a person presents to the Board of ~~Game and Inland Fisheries~~ or one of its authorized license vendors, a certificate of completion in hunter education issued or authorized by the Board under the hunter education program, or proof that he holds the equivalent certificate obtained from an authorized agency or association of another state or country.

B. Although a resident under the age of 12 is not required to obtain a license to hunt, any person under the age of 12, or an individual on his behalf, may purchase a Virginia hunting license or a junior lifetime hunting license pursuant to § 29.1-302.1, without completing a hunter education program as required in subsection A, provided that no person under the age of 12 shall hunt unless accompanied and directly supervised by an adult who has, on his person, a valid Virginia hunting license. The junior lifetime hunting license issued to an individual under the age of 12 shall become invalid on the individual's twelfth birthday and remain invalid until certification of competence in hunter education is shown as provided in this section. A lifetime license, indicating the completion of hunter education or an equivalent certificate, shall be reissued at no cost when such proof is provided.

The adult shall be responsible for such supervision. For the purposes of this section, "adult" means the parent or legal guardian of the person under age 12, or such person over the age of 18 designated by the parent or legal guardian.

"Accompanied and directly supervised" means that the adult is within sight of the person under the age of 12.

C. This section shall not apply to persons while on horseback hunting foxes with hounds but without firearms.

D. The Board may adopt regulations that provide incentives for successful completion of a hunter education course to hunters who are not required by law to complete such a course. The regulations may include such incentives as the Board deems appropriate.

§ 29.1-302.1. Special lifetime hunting and fishing licenses for residents and nonresidents.

A. Any resident or nonresident individual may apply for and receive from the Department, after payment of the appropriate fee, any of the following lifetime licenses which shall be valid for the life of the individual, nontransferable, and permit the person to engage in the licensed activity on any property in the Commonwealth according to restrictions and regulations of law:

1. A basic resident lifetime hunting license, to be obtained for a fee of \$250. This license is valid for the lifetime of the license holder even if the license holder becomes a nonresident of the Commonwealth subsequent to the purchase of the license.

2. A basic resident lifetime fishing license, to be obtained for a fee of \$250. This license is valid for the lifetime of the license holder even if the license holder becomes a nonresident of the Commonwealth subsequent to the purchase of the license.

3. A basic nonresident lifetime hunting license, to be obtained for a fee of \$500.

4. A basic nonresident lifetime fishing license, to be obtained for a fee of \$500.

5. A junior resident lifetime hunting license that is valid until an individual's twelfth birthday, and which is transferable to a resident lifetime hunting license for no additional fee upon proof of completion of a hunter education course or equivalent, may be obtained for a fee of \$250.

6. A junior nonresident lifetime hunting license that is valid until an individual's twelfth birthday, and which is transferable to a nonresident lifetime hunting license for no additional fee upon proof of completion of a hunter education course or equivalent, may be obtained for a fee of \$500.

7. An infant resident lifetime hunting license, to be obtained for a fee of \$125. This license shall be issued only to an individual who is younger than two years of age and shall be valid to be used as prescribed under subsection D1 of § 29.1-301 until an individual's twelfth birthday. Upon proof of completion of a hunter education course or equivalent, this license shall be transferable to a resident lifetime hunting license for no additional fee. This license shall remain valid even if the license holder becomes a nonresident of the Commonwealth subsequent to the purchase of the license.

8. An infant nonresident lifetime hunting license, to be obtained for a fee of \$250. This license shall be issued only to an individual who is younger than two years of age and shall be valid to be used as prescribed under subsection D1 of § 29.1-301 until an individual's twelfth birthday. Upon proof of completion of a hunter education course or equivalent, this license shall be transferable to a nonresident lifetime hunting license for no additional fee. This license shall remain valid even if the license holder becomes a resident of the Commonwealth subsequent to the purchase of the license.

9. An infant resident lifetime fishing license, to be obtained for a fee of \$125. This license shall be issued only to an individual who is younger than two years of age. This license is valid for the lifetime of the license holder even if the license holder becomes a nonresident of the Commonwealth subsequent to the purchase of the license.

10. An infant nonresident lifetime fishing license, to be obtained for a fee of \$250. This license shall be issued only to an individual who is younger than two years of age. This license is valid for the lifetime of the license holder even if the license holder becomes a resident of the Commonwealth subsequent to the purchase of the license.

Such basic lifetime hunting licenses shall serve in lieu of the state resident hunting license as provided for in subdivision 2 of § 29.1-303, or state nonresident hunting license as provided for in subdivision 3 of § 29.1-303. Such basic lifetime fishing licenses shall serve in lieu of the state resident fishing license as provided for in subdivision A 2 of § 29.1-310 or state nonresident fishing license as provided for in subdivision A 3 of § 29.1-310.

B. Applications for all lifetime hunting and fishing licenses authorized by this section shall be made to the Department. The form and issuance of such a license shall conform to the provisions of this chapter for all licenses.

Except as otherwise specifically provided by law, all money credited to, held by, or to be received by the Department from the sale of licenses authorized by this section shall be consolidated and placed in the Lifetime Hunting and Fishing Endowment Fund established in § 29.1-101.1.

C. Any resident who is permanently disabled, as defined in § 58.1-3217, who applies for either of the resident lifetime licenses authorized by this section shall receive such a license for a fee of \$5. The applicant shall provide proof of permanent disability acceptable to the Director of the Department of Game and Inland Fisheries.

D. Any resident 45 years of age or older who applies for either of the resident lifetime licenses authorized by this section shall receive such a license for one of the following fees based on age: age 45 through 50, \$200; age 51 through 55, \$150; age 56 through 60, \$100; age 61 through 64, \$50; and age 65 or older, \$10.

E. The Board may subsequently revise the cost of licenses set forth in this section pursuant to § 29.1-103.

§ 29.1-302.2. Special lifetime fishing license; permanently disabled persons.

Any resident who is permanently disabled, as defined in § 58.1-3217, who applies for a special lifetime state resident fishing license shall receive such a license for a fee of five dollars or as subsequently revised by the Board pursuant to

§ 29.1-103. The applicant shall provide proof of permanent disability acceptable to the Director of the Department of ~~Game and Inland Fisheries~~.

§ 29.1-309.1. Special lifetime trapping license; permanently disabled persons and disabled veterans.

Any resident who is (i) a veteran with a permanent and total service-connected disability as certified by the U.S. Department of Veterans Affairs or (ii) permanently disabled, as defined in § 58.1-3217, may apply for and receive from the Department of ~~Game and Inland Fisheries~~, for a fee of five dollars or as subsequently revised by the Board pursuant to § 29.1-103, a special lifetime disabled trapping license. Such a person shall provide proof of his disability acceptable to the Director.

§ 29.1-358. Localities to report claims and reimbursements.

Any locality establishing a damage stamp program pursuant to the provisions of this article, including those localities previously authorized to adopt such an ordinance prior to July 1, 1981, shall ensure that annual reports of all damage claims made and the amount of reimbursement therefor are made to the Department of ~~Game and Inland Fisheries~~.

§ 29.1-505.1. Conspiracy; penalty.

If any person conspires with another to commit any offense defined in this title or any of the regulations of the Board of ~~Game and Inland Fisheries~~, and one or more such persons does any act to effect the object of the conspiracy, he shall be guilty of conspiracy to commit the underlying offense and shall be subject to the same punishment prescribed for the offense the commission of which was the object of the conspiracy.

§ 29.1-529. Killing of deer, elk or bear damaging fruit trees, crops, livestock, or personal property; wildlife creating a hazard to aircraft or motor vehicles.

A. Whenever deer, elk or bear are damaging fruit trees, crops, livestock or personal property utilized for commercial agricultural production in the Commonwealth, the owner or lessee of the lands on which such damage is done shall immediately report the damage to the Director or his designee for investigation. If after investigation the Director or his designee finds that deer or bear are responsible for the damage, he shall authorize in writing the owner, lessee or any other person designated by the Director or his designee to kill such deer or bear when they are found upon the land upon which the damages occurred. However, the Director or his designee shall have the option of authorizing nonlethal control measures rather than authorizing the killing of elk or bear, provided that such measures occur within a reasonable period of time; and whenever deer cause damage on parcels of land of five acres or less, except when such acreage is used for commercial agricultural production, the Director or his designee shall have discretion as to whether to issue a written authorization to kill the deer. The Director or his designee may limit such authorization by specifying in writing the number of animals to be killed and duration for which the authorization is effective and may in proximity to residential areas and under other appropriate circumstances limit or prohibit the authorization between 11:00 p.m. and one-half hour before sunrise of the following day. The Director or his designees issuing these authorizations shall specify in writing that only antlerless deer shall be killed, unless the Director or his designee determines that there is clear and convincing evidence that the damage was done by deer with antlers. Any owner or lessee of land who has been issued a written authorization shall not be issued an authorization in subsequent years unless he can demonstrate to the satisfaction of the Director or his designee that during the period following the prior authorization, the owner or his designee has hunted bear or deer on the land for which he received a previous authorization.

B. Subject to the provisions of subsection A, the Director or his designee may issue a written authorization to kill deer causing damage to residential plants, whether ornamental, noncommercial agricultural, or other types of residential plants. The Director may charge a fee not to exceed actual costs. The holder of this written authorization shall be subject to local ordinances, including those regulating the discharge of firearms.

C. Whenever wildlife is creating a hazard to the operation of any aircraft or to the facilities connected with the operation of aircraft, the person or persons responsible for the safe operation of the aircraft or facilities shall report such fact to the Director or his designee for investigation. If after investigation the Director or his designee finds that wildlife is creating a hazard, he shall authorize such person or persons or their representatives to kill wildlife when the wildlife is found to be creating such a hazard. As used in this subsection, the term "wildlife" shall not include any federally protected species.

D. Whenever deer are creating a hazard to the operation of motor vehicle traffic within the corporate limits of any city or town, the operator of a motor vehicle or chief law-enforcement officer of the city or town may report such fact to the Director or his designee for investigation. If after investigation the Director or his designee finds that deer are creating a hazard within such city or town, he may authorize responsible persons, or their representatives, to kill the deer when they are found to be creating such a hazard.

E. Whenever deer are damaging property in a locality in which deer herd population reduction has been recommended in the current Deer Management Plan adopted by the Board, the owner or lessee of the lands on which such damage is being done may report such damage to the Director or his designee for investigation. If after investigation the Director or his designee finds that deer are responsible for the damage, he may authorize in writing the owner, lessee or any other person designated by the Director or his designee to kill such deer when they are found upon the land upon which the damages occurred. The Director or his designee also may limit such authorization by specifying in writing the number of animals to be killed and the period of time for which the authorization is effective. The requirement in subsection A of this section, that an owner or lessee of land demonstrate that during the period following the prior authorization deer or bear have been

hunted on his land, shall not apply to any locality that conducts a deer population control program authorized by the Department.

F. The Director or his designee may revoke or refuse to reissue any authorization granted under this section when it has been shown by a preponderance of the evidence that an abuse of the authorization has occurred. Such evidence may include a complaint filed by any person with the Department alleging that an abuse of the written authorization has occurred. Any person aggrieved by the issuance, denial or revocation of a written authorization can appeal the decision to the Department of Game and Inland Fisheries. Any person convicted of violating any provision of the hunting and trapping laws and regulations shall be entitled to receive written authorization to kill deer or bear. However, such person shall not (i) be designated as a shooter nor (ii) carry out the authorized activity for a person who has received such written authorization for a period of at least two years and up to five years following his most recent conviction for violating any provision of the hunting and trapping laws and regulations. In determining the appropriate length of this restriction, the Director shall take into account the nature and severity of the most recent violation and of any past violations of the hunting and trapping laws and regulations by the applicant. No person shall be designated as a shooter under this section during a period when such person's hunting license or privileges to hunt have been suspended or revoked.

G. The Director or his designee may authorize, subject to the provisions of this section, the killing of deer over bait within the political boundaries of any city or town, or any county with a special late antlerless season, in the Commonwealth when requested by a certified letter from the governing body of such locality.

H. The parts of any deer or bear killed pursuant to this section or wildlife killed pursuant to subsection C shall not be used for the purposes of taxidermy, mounts, or any public display unless authorized by the Director or his designee. However, the meat of any such animal may be used for human consumption. The carcass and any unused meat of any such animal shall be disposed of within 24 hours of being killed. Any person who violates any provision of this subsection is guilty of a Class 3 misdemeanor.

I. It is unlawful to willfully and intentionally impede any person who is engaged in the lawful killing of a bear or deer pursuant to written authorization issued under this section. Any person convicted of a violation of this subsection is guilty of a Class 3 misdemeanor.

§ 29.1-530.1. Solid blaze orange or solid blaze pink clothing required at certain times.

A. For the purposes of this section, "solid blaze orange" means a safety orange or fluorescent orange hue and "solid blaze pink" means a safety pink or fluorescent pink hue.

B. During any firearms deer season, except during the special season for hunting deer with a muzzle-loading rifle only, in counties and cities designated by the Board, every hunter and every person accompanying a hunter shall (i) wear a solid blaze orange or solid blaze pink hat, except that the bill or brim of the hat may be a color or design other than solid blaze orange or solid blaze pink, or solid blaze orange or solid blaze pink upper body clothing that is visible from 360 degrees, (ii) display at least 100 square inches of solid blaze orange or solid blaze pink material at shoulder level within body reach visible from 360 degrees, or (iii) when hunting from an enclosed ground blind, display at least 100 square inches of solid blaze orange or solid blaze pink material visible from 360 degrees attached to or immediately above a blind.

C. During the special season for hunting deer with a muzzle-loading rifle only, in counties and cities designated by the Board, every muzzleloader deer hunter and every person accompanying a muzzleloader deer hunter shall wear (i) a solid blaze orange or solid blaze pink hat, except that the bill or brim of the hat may be a color or design other than solid blaze orange or solid blaze pink, or (ii) solid blaze orange or solid blaze pink upper body clothing, either of which shall be visible from 360 degrees, unless such person is physically located in a tree stand or other stationary hunting location.

D. Any person violating the provisions of this section shall, upon conviction, pay a fine of \$25.

E. Violations of this section shall not be admissible in any civil action for personal injury or death as evidence of negligence, contributory negligence, or assumption of the risk.

F. This section shall not apply when (i) hunting waterfowl from stationary or floating blinds, (ii) hunting waterfowl over decoys, (iii) hunting waterfowl in wetlands as defined in § 28.2-1300, (iv) hunting waterfowl from a boat or other floating conveyance, (v) hunting doves, (vi) participating in hunting dog field trials permitted by the Board of Game and Inland Fisheries, (vii) on horseback while hunting foxes with hounds but without firearms, or (viii) hunting with a bow and arrow in areas where the discharge of firearms is prohibited by state law or local ordinance.

§ 29.1-530.4. Duty of certain entities to report hunting incidents.

Any law-enforcement agency or emergency medical services provider that receives a report that a person engaged in hunting as defined in § 29.1-100 has suffered serious bodily injury or death shall immediately give notice of the incident to the Department of Game and Inland Fisheries.

§ 29.1-532. Dams and fishways.

Any dam or other object in a watercourse, which obstructs navigation or the passage of fish, shall be deemed a nuisance, unless it is used to work a mill, factory or other machine or engine useful to the public, and is allowed by law or order of court. Any person owning or having control of any dam or other obstruction in the streams of the Commonwealth which may interfere with the free passage of anadromous and other migratory fish, shall provide every such dam or other obstruction with a suitable fishway unless the Board considers it unnecessary. The purpose of such a fishway is for anadromous and other migratory fish to have free passage up and down the streams during March, April, May and June, and down the streams throughout the remaining months. "Suitable fishway" means a fishway which passes significant numbers of the target fishes, as determined by the Board.

Owners of such dams or other authorized obstructions shall maintain and keep fishways operational, in good repair, and restore them in case of destruction.

Owners of dams or other obstructions which are not authorized by law must have the obstacles removed at their expense when the Board determines that the obstacles interfere with the free passage of anadromous and other migratory fish within the streams of the Commonwealth.

The circuit court of the county or city in which the dam is situated, after reasonable notice to the parties or party interested and upon satisfactory proof of the failure to comply, may order any necessary construction or destruction to be initiated or put in good repair at the expense of the owner of the dam or other obstruction. All such construction or destruction must be initiated within one year of the court order and completed within three years of the court order.

Any person failing to comply with this section shall pay as a penalty a percentage of the estimated cost of construction or destruction equal to the percentage specified on the judgment rate of interest pursuant to § 6.2-302, and the Board shall provide construction or destruction cost estimates.

Penalties collected pursuant to this section shall be directed to the Department of ~~Game and Inland Fisheries~~.

This section shall not apply to the Meherrin River within the Counties of Brunswick and Greensville, nor to the Meherrin River within or between the Counties of Lunenburg and Mecklenburg, nor to the Nottoway River between the Counties of Lunenburg and Nottoway, nor to Abram's Creek in Shawnee district, Frederick County, nor to the James River between the City of Lynchburg and the County of Amherst, nor to the James River within the City of Richmond and between the City of Richmond and Henrico County, except that the exemption for those dams west of Virginia Route 161 which are located on the James River within the City of Richmond and between the City of Richmond and Henrico County shall expire on January 1, 1990, nor any streams within the Counties of Augusta, Lunenburg, Mecklenburg, Louisa, Buckingham, Halifax, Montgomery, Pulaski, Franklin, Russell, Tazewell, Giles, Bland, Craig, Wythe, Carroll and Grayson, nor to that part of any stream that forms a part of the boundary of Halifax and Franklin Counties. Furthermore, no fish ladders shall be required on dams twenty feet or more in height. The City of Richmond shall continue to work with the Department of ~~Game and Inland Fisheries~~ toward implementing and funding a plan for breaching dams to provide fishways for the passage of anadromous and other migratory fish.

§ 29.1-735.3. Regulation of parasail operators.

The Board of ~~Game and Inland Fisheries~~ shall promulgate regulations applicable to the commercial operations of parasail operators on waters of the Commonwealth. Such regulations shall take into consideration the operating standards and guidelines of the Professional Association of Parasail Operators.

§ 29.1-801. Definitions.

Unless the context otherwise requires, the following words and terms for the purpose of this chapter shall have the following meanings:

~~"Board" means the Board of Game and Inland Fisheries.~~

"Certificate of origin" means the document provided by the manufacturer of a new watercraft, or its distributor, which is the only valid indication of ownership between the manufacturer, its distributor, its franchised new watercraft dealers, and the original purchaser not for resale.

~~"Department" means the Department of Game and Inland Fisheries.~~

~~"Director" means the Director of the Department.~~

"Distributor" means a person who sells or distributes new watercraft, pursuant to a written agreement with the manufacturer, to new watercraft dealers in this Commonwealth.

"Distributor branch" means a branch office maintained by a distributor for the sale of watercraft to watercraft dealers or for directing or supervising, in whole or in part, its representatives in this Commonwealth.

"Distributor representative" means a person employed by a distributor or wholesaler, or by a distributor branch, for the purpose of making or promoting the sale of watercraft dealt in by it or for supervising or contacting its dealers, prospective dealers, or representatives in this Commonwealth.

"Established place of business" means a salesroom in a permanent enclosed building or structure, either owned in fee or leased, at which a permanent business of bartering, trading and selling of watercraft will be carried on as such in good faith and at which place of business shall be kept and maintained the books, records, and files necessary to conduct the business at such place. "Established place of business" does not mean residences, tents, temporary stands, or other temporary quarters, nor permanent quarters occupied pursuant to any temporary arrangement, devoted principally to the business of a watercraft dealer, as defined in this section.

"Factory branch" means a branch office, maintained by a person for the sale of watercraft to distributors or for the sale of watercraft to watercraft dealers, or for directing or supervising, in whole or in part, its representatives in this Commonwealth.

"Factory representative" means a person employed by a person who manufactures or assembles watercraft or by a factory branch for the purpose of making or promoting the sale of its watercraft or for supervising or contacting its dealers, prospective dealers, or representatives in this Commonwealth.

"Franchise" means a written contract or agreement between two or more persons whereby one person, the franchisee, is granted the right to engage in the business of offering, selling and servicing new watercraft manufactured or distributed by the grantor of the right, the franchisor, and where the operation of the franchisee's business is substantially associated

with the franchisor's trademark, trade name, advertising, or other commercial symbol designating the franchisor, the watercraft or its manufacturer or distributor.

"Manufacturer" means a person engaged in the business of constructing or assembling new watercraft.

"New watercraft" means any watercraft that (i) has not been previously sold except in good faith for the purpose of resale; (ii) has not been used as a rental or demonstration watercraft, or for the personal and business transportation of the manufacturer or dealer or any of their employees, for any use other than the limited use necessary in testing the watercraft prior to delivery to a customer; (iii) is transferred by a certificate of origin; and (iv) has the manufacturer's certification that it conforms to all applicable federal watercraft safety standards.

"New watercraft dealer" means a dealer in new watercraft or new and used watercraft.

"Person" means any natural person or individual, partnership, firm, association, corporation, or other entity.

"Retail installment sale" means and includes every sale of one or more watercraft to a buyer for his use and not for resale, in which the price thereof is payable in one or more installments over a period of time and in which the seller has either retained title to the goods or has taken or retained a security interest in the goods under form of contract designated either as a conditional sale, bailment lease, chattel mortgage or otherwise.

"Sale at retail" or "retail sale" means the act or attempted act of selling, bartering, exchanging, or otherwise disposing of a watercraft to a buyer for his personal use and not for resale.

"Sale at wholesale" or "wholesale" means a sale to watercraft dealers or wholesalers other than to consumers or a sale to one who intends to resell.

"Used watercraft" means any watercraft other than a new watercraft as defined in this section.

"Used watercraft dealer" means a dealer in used watercraft that does not deal in new watercraft.

"Watercraft" means the same as that term is defined in § 29.1-733.2 except that (i) United States naval watercraft, (ii) watercraft that have a valid marine document issued by the United States Coast Guard other than recreational watercraft under 70 feet in length, and (iii) watercraft documented outside the United States are not included in such definition for purposes of this chapter.

"Watercraft dealer" means any person that:

1. For commission, money, or other thing of value, buys, sells, exchanges, either outright or on conditional sale, bailment lease, chattel mortgage, or otherwise howsoever, or arranges or offers or attempts to solicit or negotiate on behalf of others a sale, purchase, or exchange of an interest in, new watercraft or new and used watercraft or used watercraft alone whether or not such watercraft are owned by such person;

2. Is engaged, wholly or in part, in the business of selling new watercraft or new and used watercraft, or used watercraft only, whether or not such watercraft are owned by such person; or

3. Sells, offers to sell, displays, or permits the display for sale of two or more watercraft within any 12 consecutive months.

For the purpose of this chapter, "watercraft dealer" does not include:

1. Receivers, trustees, administrators, executors, guardians, conservators, or other persons appointed by or acting under judgment or order of any court or their employees when engaged in the specific performance of their duties as such employees;

2. Public officers, their deputies, assistants, or employees, while performing their official duties;

3. Persons, other than corporations or other business entities primarily engaged in the leasing or renting of watercraft to others, (i) when selling or offering such watercraft for sale at retail or (ii) disposing of watercraft acquired for their own use and actually so used, when the same shall have been so acquired and used in good faith and not for the purpose of avoiding the provisions of this chapter;

4. Any corporation duly chartered or authorized to do a banking or trust business under the authority of the laws of this Commonwealth, or the United States, that may have received title to a watercraft in the normal course of its business by reason of a foreclosure, other taking, repossession or voluntary reconveyance to said corporation arising or occurring as a result of any loan secured by a lien on said watercraft;

5. An employee of an organization arranging for the purchase or lease by the organization of watercraft for use in the organization's business;

6. Any person who permits the operation of a watercraft show or permits the display of watercraft for sale by any watercraft dealer licensed under this chapter; or

7. An insurance company licensed or otherwise authorized to do business in this Commonwealth that sells or disposes of watercraft under a contract with its insured and in the regular course of its business.

"Watercraft demonstrator" means any person who is employed or contracted by a watercraft dealer to demonstrate watercraft to prospective buyers.

"Watercraft salesman" or "salesman" means any person who is employed as a salesman by, or has an agreement with, a watercraft dealer to sell or exchange watercraft.

"Watercraft show" means a display of watercraft to the general public at a location other than a dealer's location licensed under this chapter where such watercraft may be offered for sale or exchange during or as part of the display.

§ 30-34.5. Printing and distribution of Acts of Assembly.

A. The Commission shall, within 45 days following the adjournment of the General Assembly sine die, send to each requesting member of the General Assembly a copy of each Act of Assembly signed by the Governor or if otherwise

enacted into law, in the form in which it is signed by the Governor or otherwise enacted into law. Each act so sent shall be clearly denominated with the House of Delegates or the Senate bill number assigned to it by the respective houses of the General Assembly.

B. The Commission shall also requisition, through the Division of Legislative Automated Systems, as soon as approved by the Governor, not in excess of 5,000 copies of the acts and joint resolutions of the General Assembly. These it shall have bound in ordinary half binding, with the index and tables required by law to be printed with the acts and joint resolutions of the General Assembly, and as soon as practicable after the close of each session of the General Assembly, shall deliver by mail, express or otherwise, if requested pursuant to § 30-34.4:1:

1. One copy to the Governor; and such additional copies as may be requested for use in the Governor's office;
2. One copy to each of the Governor's secretaries;
3. One copy to each head of department; each division of the Governor's office, the Commissioner of the Virginia Workers' Compensation Commission, the Employment Commission and the Department of Motor Vehicles, the Director of the Department of ~~Game and Inland Fisheries~~ *Wildlife Resources* and the Executive Secretary of the Compensation Board and the Director of the Virginia Retirement System;
4. As many copies to the Division of Legislative Services as may be required by the Division for its use or for exchange with other states;
5. One copy to each member of the General Assembly; however, up to four additional copies may be obtained upon application to the Division of Legislative Automated Systems;
6. One copy to the Lieutenant Governor;
7. One copy to each judge;
8. Five copies to the State Corporation Commission;
9. Twenty-five copies to the Attorney General;
10. One copy to the reporter of the Supreme Court, the Executive Secretary of the Supreme Court, and each clerk of any court, attorney for the Commonwealth, Commissioner of the Revenue, Treasurer, public library, school board, judge and clerk of any court held in this Commonwealth under the laws of the United States and each attorney and marshal in this Commonwealth holding office under the United States;
11. One copy to the city manager of a city, the mayor of a town and the county administrator, manager or executive depending on the county's form of government; however, an additional copy for use within the city, town or county may be obtained upon application to the Division of Legislative Automated Systems;
12. Five copies to The Library of Virginia;
13. Five copies to the State Law Library;
14. One copy to the head of each institution of higher education in the Commonwealth;
15. One copy to the library of each institution of higher education in the Commonwealth;
16. One copy to the Virginia School for the Deaf and the Blind;
17. Five copies to the Clerk of the Senate for the use of the Senate;
18. Ten copies to the Clerk of the House of Delegates for the use of the House;
19. Three copies to the Auditor of Public Accounts;
20. Three additional copies to the Comptroller;
21. One copy to the county attorney in those counties which have created the office of the county attorney;
22. One copy to the Joint Legislative Audit and Review Commission;
23. One copy to the Committee on Appropriations of the House of Delegates;
24. One copy to the Committee on Finance of the Senate; and
25. One copy to the Division of Legislative Automated Systems.

§ 32.1-48.1. Regulation of State Health Commissioner declaring existence of rabies; display and publication.

Whenever the State Health Commissioner is informed that an outbreak of rabies has occurred in a county or city, he may, after consulting with the Commissioner of Agriculture and Consumer Services and the Executive Director of the Department of ~~Game and Inland Fisheries~~ *Wildlife Resources*, adopt a regulation declaring the existence of rabies in such county or city and containing such requirements as are hereinafter set forth. Such regulations shall be prominently displayed throughout the county or city and shall be published therein by signs or otherwise to call the attention of the public to the existence of such outbreak.

§ 33.2-329. Transfer of control, etc., of landings, docks, and wharves to Department of Wildlife Resources.

A. Notwithstanding any other provision of law, the Board may transfer the control, possession, supervision, management, and jurisdiction of landings, wharves, and docks in the secondary state highway system to the Department of ~~Game and Inland Fisheries~~ *Wildlife Resources*, at the request or with the concurrence of the Department of ~~Game and Inland Fisheries~~ *Wildlife Resources*. Such transfer may be by lease, agreement, or otherwise, approved by resolution of the Board, and signed by the Commissioner of Highways or his designee, for such period and upon such terms and conditions as the Board may direct.

B. All such transfers effected prior to July 1, 1980, by lease, agreement, or otherwise, from the Department to the Department of ~~Game and Inland Fisheries~~ *Wildlife Resources* and all regulations of the Department of ~~Game and Inland Fisheries~~ *Wildlife Resources* controlling the use of such facilities shall be and are hereby declared valid in every respect.

§ 33.2-613. Free use of toll facilities by certain state officers and employees; penalties.

A. Upon presentation of a toll pass issued pursuant to regulations promulgated by the Board, the following persons may use all toll bridges, toll ferries, toll tunnels, and toll roads in the Commonwealth without the payment of toll while in the performance of their official duties:

1. The Commissioner of Highways;
2. Members of the Commonwealth Transportation Board;
3. Employees of the Department of Transportation;
4. The Superintendent of the Department of State Police;
5. Officers and employees of the Department of State Police;
6. Members of the Board of Directors of the Virginia Alcoholic Beverage Control Authority;
7. Employees of the regulatory and hearings divisions of the Virginia Alcoholic Beverage Control Authority and special agents of the Virginia Alcoholic Beverage Control Authority;
8. The Commissioner of the Department of Motor Vehicles;
9. Employees of the Department of Motor Vehicles;
10. Local police officers;
11. Sheriffs and their deputies;
12. Regional jail officials;
13. Animal wardens;
14. The Director and officers of the Department of ~~Game and Inland Fisheries~~ *Wildlife Resources*;
15. Persons operating firefighting equipment and emergency medical services vehicles as defined in § 32.1-111.1;
16. Operators of school buses being used to transport pupils to or from schools;
17. Operators of (i) commuter buses having a capacity of 20 or more passengers, including the driver, and used to regularly transport workers to and from their places of employment and (ii) public transit buses;
18. Employees of the Department of Rail and Public Transportation;
19. Employees of any transportation facility created pursuant to the Virginia Highway Corporation Act of 1988; and
20. Law-enforcement officers of the Virginia Marine Resources Commission.

B. Notwithstanding the provision of subsection A requiring presentation of a toll pass for toll-free use of such facilities, in cases of emergency and circumstances of concern for public safety on the highways of the Commonwealth, the Department of Transportation shall, in order to alleviate an actual or potential threat or risk to the public's safety, facilitate the flow of traffic on or within the vicinity of the toll facility by permitting the temporary suspension of toll collection operations on its facilities.

1. The assessment of the threat to public safety shall be performed and the decision temporarily to suspend toll collection operations shall be made by the Commissioner of Highways or his designee.

2. Major incidents that may require the temporary suspension of toll collection operations shall include (i) natural disasters, such as hurricanes, tornadoes, fires, and floods; (ii) accidental releases of hazardous materials, such as chemical spills; (iii) major traffic accidents, such as multivehicle collisions; and (iv) other incidents deemed to present a risk to public safety. Any mandatory evacuation during a state of emergency as defined in § 44-146.16 shall require the temporary suspension of toll collection operations in affected evacuation zones on routes designated as mass evacuation routes. The Commissioner of Highways shall reinstate toll collection when the mandatory evacuation period ends.

3. In any judicial proceeding in which a person is found to be criminally responsible or civilly liable for any incident resulting in the suspension of toll collections as provided in this subsection, the court may assess against the person an amount equal to lost toll revenue as a part of the costs of the proceeding and order that such amount, not to exceed \$2,000 for any individual incident, be paid to the Department of Transportation for deposit into the toll road fund.

C. Any tollgate keeper who refuses to permit the persons listed in subsection A to use any toll bridge, toll ferry, toll tunnel, or toll road upon presentation of such a toll pass is guilty of a misdemeanor punishable by a fine of not more than \$50 and not less than \$2.50. Any person other than those listed in subsection A who exhibits any such toll pass for the purpose of using any toll bridge, toll ferry, toll tunnel, or toll road is guilty of a Class 1 misdemeanor.

D. Any vehicle operated by the holder of a valid driver's license issued by the Commonwealth or any other state shall be allowed free use of all toll bridges, toll roads, and other toll facilities in the Commonwealth if:

1. The vehicle is specially equipped to permit its operation by a handicapped person;
2. The driver of the vehicle has been certified, either by a physician licensed by the Commonwealth or any other state or by the Adjudication Office of the U.S. Department of Veterans Affairs, as being severely physically disabled and having permanent upper limb mobility or dexterity impairments that substantially impair his ability to deposit coins in toll baskets;
3. The driver has applied for and received from the Department of Transportation a vehicle window sticker identifying him as eligible for such free passage; and
4. Such identifying window sticker is properly displayed on the vehicle.

A copy of this subsection shall be posted at all toll bridges, toll roads, and other toll facilities in the Commonwealth. The Department of Transportation shall provide envelopes for payments of tolls by those persons exempted from tolls pursuant to this subsection and shall accept any payments made by such persons.

E. Nothing contained in this section or in § 33.2-612 or 33.2-1718 shall operate to affect the provisions of § 22.1-187.

F. Notwithstanding the provisions of subsections A, B, and C, only the following persons may use the Chesapeake Bay Bridge-Tunnel, facilities of the Richmond Metropolitan Transportation Authority, or facilities of an operator authorized to

operate a toll facility pursuant to the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.) without the payment of toll when necessary and incidental to the conduct of official business:

1. The Commissioner of Highways;
2. Members of the Commonwealth Transportation Board;
3. Employees of the Department of Transportation;
4. The Superintendent of the Department of State Police;
5. Officers and employees of the Department of State Police;
6. The Commissioner of the Department of Motor Vehicles;
7. Employees of the Department of Motor Vehicles; and
8. Sheriffs and deputy sheriffs.

However, in the event of a mandatory evacuation and suspension of tolls pursuant to subdivision B 2, the Commissioner of Highways or his designee shall order the temporary suspension of toll collection operations on facilities of all operators authorized to operate a toll facility pursuant to the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.) that has been designated as a mass evacuation route in affected evacuation zones, to the extent such order is necessary to facilitate evacuation and is consistent with the terms of the applicable comprehensive agreement between the operator and the Department. The Commissioner of Highways shall authorize the reinstatement of toll collections suspended pursuant to this subsection when the mandatory evacuation period ends or upon the reinstatement of toll collections on other tolled facilities in the same affected area, whichever occurs first.

G. Any vehicle operated by a quadriplegic driver shall be allowed free use of all toll facilities in Virginia controlled by the Richmond Metropolitan Transportation Authority, pursuant to the requirements of subdivisions D 1 through 4.

H. Vehicles transporting two or more persons, including the driver, may be permitted toll-free use of the Dulles Toll Road during rush hours by the Board; however, notwithstanding the provisions of subdivision B 1 of § 56-543, such vehicles shall not be permitted toll-free use of a roadway as defined pursuant to the Virginia Highway Corporation Act of 1988 (§ 56-535 et seq.).

§ 33.2-909. Abandonment of highway, landing, or railroad crossing; procedure.

A. The governing body of any county on its own motion or upon petition of any interested landowner may cause any section of the secondary state highway system, or any crossing by the highway of the lines of a railroad company or crossing by the lines of a railroad company of the highway, deemed by it to be no longer necessary for the uses of the secondary state highway system to be abandoned altogether as a public highway, a public landing, or a public railroad crossing by complying substantially with the procedure provided in this section.

B. The governing body of the county shall give notice of its intention to abandon any such highway, landing, or railroad crossing (i) by posting a notice of such intention at least three days before the first day of a regular term of the circuit court at the front door of the courthouse of the county in which the section of the highway, landing, or railroad crossing sought to be abandoned as a public highway, public landing, or public railroad crossing is located or (ii) by posting notice in at least three places on and along the highway, landing, or railroad crossing sought to be abandoned for at least 30 days and in either case by publishing notice of its intention in two or more issues of a newspaper having general circulation in the county. In addition, the governing body of the county shall give notice of its intention to abandon such highway, landing, or railroad crossing to the Board or the Commissioner of Highways. In any case in which the highway, landing, or railroad crossing proposed to be abandoned lies in two or more counties, the governing bodies of such counties shall not abandon such highway, landing, or railroad crossing unless and until all affected governing bodies agree. The procedure in such cases shall conform mutatis mutandis to the procedure prescribed for the abandonment of a highway, landing, or railroad crossing located entirely within a county.

When the governing body of a county gives notice of intention to abandon a public landing, the governing body shall also give such notice to the Department of ~~Game and Inland Fisheries~~ *Wildlife Resources*.

C. If one or more landowners in the county whose property abuts the highway, landing, or railroad crossing proposed to be abandoned, or if only a section of a highway, landing, or railroad crossing is proposed to be abandoned, whose property abuts such section, or the Board or the Department of ~~Game and Inland Fisheries~~ *Wildlife Resources*, in the case of a public landing, files a petition with the governing body of the county within 30 days after notice is posted and published as provided in this section, the governing body of the county shall hold a public hearing on the proposed abandonment and shall give notice of the time and place of the hearing by publishing such information in at least two issues in a newspaper having general circulation in the county and shall also give notice to the Board or, if a public landing is sought to be abandoned, to the Department of ~~Game and Inland Fisheries~~ *Wildlife Resources*.

D. If a petition for a public hearing is not filed as provided in this section, or if after a public hearing is held the governing body of the county is satisfied that no public necessity exists for the continuance of the section of the secondary highway as a public highway or the railroad crossing as a public railroad crossing or the landing as a public landing or that the safety and welfare of the public would be served best by abandoning the section of highway, the landing, or the railroad crossing as a public highway, public landing, or public railroad crossing, the governing body of the county shall (i) within four months of the 30-day period during which notice was posted where no petition for a public hearing was filed or (ii) within four months after the public hearing adopt an ordinance or resolution abandoning the section of highway as a public highway, or the landing as a public landing, or the railroad crossing as a public railroad crossing, and with that ordinance or resolution the section of highway shall cease to be a public highway, a public landing, or a public railroad

crossing. If the governing body is not so satisfied, it shall dismiss the application within the applicable four months provided in this subsection.

E. A finding by the governing body of a county that a section of the secondary state highway system is no longer necessary for the uses of the secondary state highway system may be made if the following conditions exist:

1. The highway is located within a residence district as defined in § 46.2-100;
2. The residence district is located within a county having a density of population exceeding 1,000 per square mile;
3. Continued operation of the section of highway in question constitutes a threat to the public safety and welfare; and
4. Alternate routes for use after abandonment of the highway are readily available.

F. In considering the abandonment of any section of highway under the provisions of this section, due consideration shall be given to the historic value, if any, of such highway.

G. Any ordinance or resolution of abandonment issued in compliance with this section shall give rise in subsequent proceedings, if any, to a presumption of adequate justification for the abandonment.

H. No public landing shall be abandoned unless the Board of ~~Game and Inland Fisheries~~ *Wildlife Resources* shall by resolution concur in such abandonment.

§ 33.2-910. Appeal to circuit court.

Any one or more of the landowners whose property abuts the highway, landing, or railroad crossing proposed to be abandoned, or if only a section of a highway, landing, or railroad crossing is proposed to be abandoned, whose property abuts such section of the highway, landing, or railroad crossing, and who petitioned for a public hearing under § 33.2-909 or the Commissioner of Highways, or if a public landing is proposed to be abandoned, the Director of the Department of ~~Game and Inland Fisheries~~ *Wildlife Resources*, may within 30 days from the adoption of an ordinance or resolution by the governing body of the county appeal from the ordinance or resolution to the circuit court of the county in which the section of highway, the public landing, or the railroad crossing sought to be abandoned under § 33.2-909 is located. Where the governing body of the county fails to adopt an ordinance or resolution pursuant to § 33.2-909, such person or persons named in this section shall within 30 days from such failure have a right of appeal to the appropriate circuit court. Such appeal shall be filed by petition in the clerk's office of such court, setting out the ordinance or resolution appealed from or the cause appealed from where no ordinance or resolution was adopted and the grounds of such appeal. Upon the filing of such petition, the clerk of the circuit court shall docket the appeal, giving it a preferred status, and if the appeal is by any of the landowners who filed a petition with the governing body of the county for a public hearing, notice of such appeal shall be served upon each member of the governing body of the county pursuant to § 8.01-300 and either the Commissioner of Highways or the Director of the Department of ~~Game and Inland Fisheries~~ *Wildlife Resources*, as applicable, and if the appeal is by either the Commissioner of Highways or the Director of the Department of ~~Game and Inland Fisheries~~ *Wildlife Resources*, notice of such appeal shall be served upon the governing body of the county and the landowners who filed petition with the governing body of the county for a public hearing. No such appeal shall be tried by the court within 10 days after notice is given, as provided in this section unless such notice is waived. The circuit court shall decide the appeal based upon the record and upon such other evidence as may be presented by the parties. Upon the hearing of the appeal, the court shall ascertain and by its order determine whether adequate justification exists for the decision of the governing body of the county that public necessity exists for the continuance of the section of highway, landing, or the railroad crossing as a public highway, public landing, or public railroad crossing or whether the welfare of the public will be served best by abandoning the section of the highway, landing, or the railroad crossing as a public highway, public landing, or public railroad crossing and shall enter its order accordingly.

Upon any such appeal, if it appears to the court that by the abandonment of such section of highway, landing, or railroad crossing as a public highway, public landing, or public railroad crossing any party to such appeal would be deprived of access to a public highway, the court may cause the railroad company and the governing body of the county, or either, to be made parties to the proceedings, if not already parties, and may enter such orders as seem just and proper for keeping open such section of highway, landing, or railroad crossing for the benefit of such party or parties.

§ 43-32. Lien of keeper of livery stable, marina, etc.

A. Every keeper of a livery stable, hangar, tie-down, or marina, and every person pasturing or keeping any horses or other animals, boats, aircraft, or harness, shall have a lien upon such horses and other animals, boats, aircraft, and harness, for the amount that may be due him for the towing, storage, recovery, keeping, supporting, and care thereof, until such amount is paid.

B. In the case of any boat or aircraft subject to a chattel mortgage, security agreement, deed of trust, or other instrument securing money, the keeper of the marina, hangar, or tie-down shall have a lien thereon for his reasonable charges for storage under this section not to exceed \$500 and for alteration and repair under § 43-33 not to exceed \$1,000. However, in the case of a storage lien, to obtain the priority for an amount in excess of \$300, the person asserting the lien shall make a reasonable attempt to notify any secured party of record at the Department of ~~Game and Inland Fisheries~~ *Wildlife Resources* by telephonic means and shall give written notice by certified mail, return receipt requested, to any secured party of record at the Department of ~~Game and Inland Fisheries~~ *Wildlife Resources* within seven business days of taking possession of the boat or aircraft. If the secured party does not, within seven business days of receipt of the notice, take or refuse redelivery to it or its designee, the lienor shall be entitled to priority for the full amount of storage charges, not to exceed \$500. Notwithstanding a redelivery, the watercraft shall be subject to subsection D.

C. In addition, any person furnishing services involving the towing and recovery of a boat or aircraft shall have a lien for all normal costs incident thereto, if the person asserting the lien gives written notice within seven days of receipt of the boat or aircraft by certified mail, return receipt requested, to all secured parties of record at the Department of ~~Game and Inland Fisheries~~ *Wildlife Resources*.

D. In addition, any keeper shall be entitled to a lien against any proceeds remaining after the satisfaction of all prior security interests or liens and may retain possession of such property until such charges are paid.

§ 51.1-212. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Employee" means any (i) member of the Capitol Police Force as described in § 30-34.2:1, (ii) campus police officer appointed under the provisions of Article 3 (§ 23.1-809 et seq.) of Chapter 8 of Title 23.1, (iii) conservation police officer in the Department of ~~Game and Inland Fisheries~~ *Wildlife Resources* appointed under the provisions of Chapter 2 (§ 29.1-200 et seq.) of Title 29.1, (iv) special agent of the Virginia Alcoholic Beverage Control Authority appointed under the provisions of Chapter 1 (§ 4.1-100 et seq.) of Title 4.1, (v) law-enforcement officer employed by the Virginia Marine Resources Commission as described in § 9.1-101, (vi) correctional officer as the term is defined in § 53.1-1, and including correctional officers employed at a juvenile correction facility as the term is defined in § 66-25.3, (vii) any parole officer appointed pursuant to § 53.1-143, and (viii) any commercial vehicle enforcement officer employed by the Department of State Police.

"Member" means any person included in the membership of the Retirement System as provided in this chapter.

"Normal retirement date" means a member's sixtieth birthday.

"Retirement System" means the Virginia Law Officers' Retirement System.

§ 54.1-3800. Practice of veterinary medicine.

Any person shall be regarded as practicing veterinary medicine within the meaning of this chapter who represents himself, directly or indirectly, publicly or privately, as a veterinary doctor or uses any title, words, abbreviation or letters in a manner or under circumstances which may reasonably induce the belief that the person using them is qualified to practice veterinary medicine.

Any person shall be deemed to be practicing veterinary medicine who performs the diagnosis, treatment, correction, change, relief or prevention of animal disease, deformity, defect, injury, or other physical or mental conditions; including the performance of surgery or dentistry, the prescription or administration of any drug, medicine, biologic, apparatus, application, anesthetic, or other therapeutic or diagnostic substance or technique, and the use of any manual or mechanical procedure for embryo transfer, for testing for pregnancy, or for correcting sterility or infertility, or to render advice or recommendation with regard to any of the above.

Nothing in this chapter shall prohibit persons permitted or authorized by the Department of ~~Game and Inland Fisheries~~ *Wildlife Resources* to do so from providing care for wildlife as defined in § 29.1-100, provided that the Department determines that such persons are in compliance with its regulations and permit conditions.

§ 55.1-2902. Enforcement of lien.

A. 1. If any occupant is in default under a rental agreement, the owner shall notify the occupant of such default by regular mail at his last known address, or, if expressly provided for in the rental agreement, such notice may be given by electronic means. If such default is not cured within 10 days after its occurrence, then the owner may proceed to enforce such lien by selling the contents of the occupant's unit at public auction, for cash, and apply the proceeds to satisfaction of the lien, with the surplus, if any, to be disbursed as provided in this section. Before conducting such a public auction, the owner shall notify the occupant as prescribed in subsection C and shall advertise the time, place, and terms of such auction in such manner as to give the public notice.

2. In the case of personal property having a fair market value in excess of \$1,000, and against which a creditor has filed a financing statement in the name of the occupant at the State Corporation Commission or in the county or city where the self-service storage facility is located or in the county or city in the Commonwealth shown as the last known address of the occupant, or if such personal property is a watercraft required by the laws of the Commonwealth to be registered and the Department of ~~Game and Inland Fisheries~~ *Wildlife Resources* shows a lien on the certificate of title, the owner shall notify the lienholder of record, by certified mail, at the address on the financing statement or certificate of title, at least 10 days prior to the time and place of the proposed public auction.

If the owner of the personal property cannot be ascertained, the name of "John Doe" shall be substituted in the proceedings provided for in this section and no written notice shall be required. Whenever a watercraft is sold pursuant to this subsection, the Department of ~~Game and Inland Fisheries~~ *Wildlife Resources* shall issue a certificate of title and registration to the purchaser of such watercraft upon his application containing the serial or motor number of the watercraft purchased, together with an affidavit by the lienholder, or by the person conducting the public auction, evidencing compliance with the provisions of this subsection.

B. Whenever the occupant is in default, the owner shall have the right to deny the occupant access to the leased space.

C. After the occupant has been in default for a period of 10 days, and before the owner can sell the occupant's personal property in accordance with this chapter, the owner shall send a further notice of default, by verified mail, postage prepaid, to the occupant at his last known address, or, if expressly provided for in the rental agreement, such notice may be given by electronic means, provided that the sender retains sufficient proof of the electronic delivery, which may be an electronic receipt of delivery, a confirmation that the notice was sent by facsimile, or a certificate of service prepared by the sender confirming the electronic delivery. Such notice of default shall include:

1. An itemized statement of the owner's claim, indicating the charges due on the date of the notice and the date when the charges became due;
2. A demand for payment of the charges due within a specified time not less than 20 days after the date of the notice;
3. A statement that the contents of the occupant's leased space are subject to the owner's lien;
4. A conspicuous statement that unless the claim is paid within the time stated, the contents of the occupant's space will be sold at public auction at a specified time and place; and
5. The name, street address, and telephone number of the owner or his designated agent whom the occupant may contact to respond to the notice.

D. At any time prior to the public auction pursuant to this section, the occupant may pay the amount necessary to satisfy the lien and thereby redeem the personal property.

E. In the event of a public auction pursuant to this section, the owner may satisfy his lien from the proceeds of the public auction and shall hold the balance, if any, for delivery on demand to the occupant or other lienholder referred to in this chapter. However, the owner shall not be obligated to hold any balance for a lienholder of record notified pursuant to subdivision A 2, or any other lien creditor, that fails to claim an interest in the balance within 30 days of the public auction. So long as the owner complies with the provisions of this chapter, the owner's liability to the occupant under this chapter shall be limited to the net proceeds received from the public auction of any personal property and, as to other lienholders, shall be limited to the net proceeds received from the public auction of any personal property covered by such superior lien.

F. Any public auction of the personal property shall be held (i) at the self-service storage facility, (ii) at the nearest suitable place to where the personal property is held or stored, or (iii) online. An advertisement shall be published in a newspaper of general circulation in the locality in which the public auction is to be held, or in the case of an online public auction, in the county, city, or town in which the self-service storage facility is located, at least once prior to the public auction. The advertisement shall state (a) the fact that it is a public auction; (b) the date, time, and location of the public auction; and (c) the form of payment that will be accepted.

G. A purchaser in good faith of any personal property sold or otherwise disposed of pursuant to this chapter takes such property free and clear of any rights of persons against whom the lien was valid.

H. Any notice made pursuant to this section shall be presumed delivered when it is (i) deposited with the United States Postal Service and properly addressed to the occupant's last known address with postage prepaid or (ii) sent by ~~electron~~ *electronic* means, provided that the sender retains sufficient proof of the electronic delivery, which may be an electronic receipt of delivery, a confirmation that the notice was sent by facsimile, or a certificate of service prepared by the sender confirming the electronic delivery. In the event of a dispute, the sender shall have the burden to demonstrate delivery of the notice of default.

I. In the case of any motor vehicle, so long as the motor vehicle remains stored within such leased space, the owner shall have a lien on such vehicle in accordance with § 46.2-644.01.

§ 56-46.1. Commission to consider environmental, economic and improvements in service reliability factors in approving construction of electrical utility facilities; approval required for construction of certain electrical transmission lines; notice and hearings.

A. Whenever the Commission is required to approve the construction of any electrical utility facility, it shall give consideration to the effect of that facility on the environment and establish such conditions as may be desirable or necessary to minimize adverse environmental impact. In order to avoid duplication of governmental activities, any valid permit or approval required for an electric generating plant and associated facilities issued or granted by a federal, state or local governmental entity charged by law with responsibility for issuing permits or approvals regulating environmental impact and mitigation of adverse environmental impact or for other specific public interest issues such as building codes, transportation plans, and public safety, whether such permit or approval is granted prior to or after the Commission's decision, shall be deemed to satisfy the requirements of this section with respect to all matters that (i) are governed by the permit or approval or (ii) are within the authority of, and were considered by, the governmental entity in issuing such permit or approval, and the Commission shall impose no additional conditions with respect to such matters. Nothing in this section shall affect the ability of the Commission to keep the record of a case open. Nothing in this section shall affect any right to appeal such permits or approvals in accordance with applicable law. In the case of a proposed facility located in a region that was designated as of July 1, 2001, as serious nonattainment for the one-hour ozone standard as set forth in the federal Clean Air Act, the Commission shall not issue a decision approving such proposed facility that is conditioned upon issuance of any environmental permit or approval. In every proceeding under this subsection, the Commission shall receive and give consideration to all reports that relate to the proposed facility by state agencies concerned with environmental protection; and if requested by any county or municipality in which the facility is proposed to be built, to local comprehensive plans that have been adopted pursuant to Article 3 (§ 15.2-2223 et seq.) of Chapter 22 of Title 15.2. Additionally, the Commission (a) shall consider the effect of the proposed facility on economic development within the Commonwealth, including but not limited to furtherance of the economic and job creation objectives of the Commonwealth Energy Policy set forth in §§ 67-101 and 67-102, and (b) shall consider any improvements in service reliability that may result from the construction of such facility.

B. Subject to the provisions of subsection J, no electrical transmission line of 138 kilovolts or more shall be constructed unless the State Corporation Commission shall, after at least 30 days' advance notice by (i) publication in a newspaper or newspapers of general circulation in the counties and municipalities through which the line is proposed to be

built, (ii) written notice to the governing body of each such county and municipality, and (iii) causing to be sent a copy of the notice by first class mail to all owners of property within the route of the proposed line, as indicated on the map or sketch of the route filed with the Commission, which requirement shall be satisfied by mailing the notice to such persons at such addresses as are indicated in the land books maintained by the commissioner of revenue, director of finance or treasurer of the county or municipality, approve such line. Such notices shall include a written description of the proposed route the line is to follow, as well as a map or sketch of the route including a digital geographic information system (GIS) map provided by the public utility showing the location of the proposed route. The Commission shall make GIS maps provided under this subsection available to the public on the Commission's website. Such notices shall be in addition to the advance notice to the chief administrative officer of the county or municipality required pursuant to § 15.2-2202. As a condition to approval the Commission shall determine that the line is needed and that the corridor or route the line is to follow will reasonably minimize adverse impact on the scenic assets, historic districts and environment of the area concerned. To assist the Commission in this determination, as part of the application for Commission approval of the line, the applicant shall summarize its efforts to reasonably minimize adverse impact on the scenic assets, historic districts, and environment of the area concerned. In making the determinations about need, corridor or route, and method of installation, the Commission shall verify the applicant's load flow modeling, contingency analyses, and reliability needs presented to justify the new line and its proposed method of installation. If the local comprehensive plan of an affected county or municipality designates corridors or routes for electric transmission lines and the line is proposed to be constructed outside such corridors or routes, in any hearing the county or municipality may provide adequate evidence that the existing planned corridors or routes designated in the plan can adequately serve the needs of the company. Additionally, the Commission shall consider, upon the request of the governing body of any county or municipality in which the line is proposed to be constructed, (a) the costs and economic benefits likely to result from requiring the underground placement of the line and (b) any potential impediments to timely construction of the line.

C. If, prior to such approval, any interested party shall request a public hearing, the Commission shall, as soon as reasonably practicable after such request, hold such hearing or hearings at such place as may be designated by the Commission. In any hearing the public service company shall provide adequate evidence that existing rights-of-way cannot adequately serve the needs of the company.

If, prior to such approval, written requests therefor are received from the governing body of any county or municipality through which the line is proposed to be built or from 20 or more interested parties, the Commission shall hold at least one hearing in the area that would be affected by construction of the line, for the purpose of receiving public comment on the proposal. If any hearing is to be held in the area affected, the Commission shall direct that a copy of the transcripts of any previous hearings held in the case be made available for public inspection at a convenient location in the area for a reasonable time before such local hearing.

D. As used in this section, unless the context requires a different meaning:

"Environment" or "environmental" shall be deemed to include in meaning "historic," as well as a consideration of the probable effects of the line on the health and safety of the persons in the area concerned.

"Interested parties" shall include the governing bodies of any counties or municipalities through which the line is proposed to be built, and persons residing or owning property in each such county or municipality.

"Public utility" means a public utility as defined in § 56-265.1.

"Qualifying facilities" means a cogeneration or small power production facility which meets the criteria of 18 C.F.R. Part 292.

"Reasonably accommodate requests to wheel or transmit power" means:

1. That the applicant will make available to new electric generation facilities constructed after January 9, 1991, qualifying facilities and other nonutilities, a minimum of one-fourth of the total megawatts of the additional transmission capacity created by the proposed line, for the purpose of wheeling to public utility purchasers the power generated by such qualifying facilities and other nonutility facilities which are awarded a power purchase contract by a public utility purchaser in compliance with applicable state law or regulations governing bidding or capacity acquisition programs for the purchase of electric capacity from nonutility sources, provided that the obligation of the applicant will extend only to those requests for wheeling service made within the 12 months following certification by the State Corporation Commission of the transmission line and with effective dates for commencement of such service within the 12 months following completion of the transmission line; and

2. That the wheeling service offered by the applicant, pursuant to subdivision D 1, will reasonably further the purposes of the Public Utilities Regulatory Policies Act of 1978 (P. L. 95-617), as demonstrated by submitting to the Commission, with its application for approval of the line, the cost methodologies, terms, conditions, and dispatch and interconnection requirements the applicant intends, subject to any applicable requirements of the Federal Energy Regulatory Commission, to include in its agreements for such wheeling service.

E. In the event that, at any time after the giving of the notice required in subsection B, it appears to the Commission that consideration of a route or routes significantly different from the route described in the notice is desirable, the Commission shall cause notice of the new route or routes to be published and mailed in accordance with subsection B. The Commission shall thereafter comply with the provisions of this section with respect to the new route or routes to the full extent necessary to give affected localities and interested parties in the newly affected areas the same protection afforded to affected localities and interested parties affected by the route described in the original notice.

F. Approval of a transmission line pursuant to this section shall be deemed to satisfy the requirements of § 15.2-2232 and local zoning ordinances with respect to such transmission line.

G. The Commission shall enter into a memorandum of agreement with the Department of Environmental Quality regarding the coordination of their reviews of the environmental impact of electric generating plants and associated facilities.

H. An applicant that is required to obtain (i) a certificate of public convenience and necessity from the Commission for any electric generating facility, electric transmission line, natural or manufactured gas transmission line as defined in 49 Code of Federal Regulations § 192.3, or natural or manufactured gas storage facility (hereafter, an energy facility) and (ii) an environmental permit for the energy facility that is subject to issuance by any agency or board within the Secretariat of Natural Resources, may request a pre-application planning and review process. In any such request to the Commission or the Secretariat of Natural Resources, the applicant shall identify the proposed energy facility for which it requests the pre-application planning and review process. The Commission, the Department of Environmental Quality, the Marine Resources Commission, the Department of ~~Game and Inland Fisheries~~ *Wildlife Resources*, the Department of Historic Resources, the Department of Conservation and Recreation, and other appropriate agencies of the Commonwealth shall participate in the pre-application planning and review process. Participation in such process shall not limit the authority otherwise provided by law to the Commission or other agencies or boards of the Commonwealth. The Commission and other participating agencies of the Commonwealth may invite federal and local governmental entities charged by law with responsibility for issuing permits or approvals to participate in the pre-application planning and review process. Through the pre-application planning and review process, the applicant, the Commission, and other agencies and boards shall identify the potential impacts and approvals that may be required and shall develop a plan that will provide for an efficient and coordinated review of the proposed energy facility. The plan shall include (a) a list of the permits or other approvals likely to be required based on the information available, (b) a specific plan and preliminary schedule for the different reviews, (c) a plan for coordinating those reviews and the related public comment process, and (d) designation of points of contact, either within each agency or for the Commonwealth as a whole, to facilitate this coordination. The plan shall be made readily available to the public and shall be maintained on a dedicated website to provide current information on the status of each component of the plan and each approval process including opportunities for public comment.

I. The provisions of this section shall not apply to the construction and operation of a small renewable energy project, as defined in § 10.1-1197.5, by a utility regulated pursuant to this title for which the Department of Environmental Quality has issued a permit by rule pursuant to Article 5 (§ 10.1-1197.5 et seq.) of Chapter 11.1 of Title 10.1.

J. Approval under this section shall not be required for any transmission line for which a certificate of public convenience and necessity is not required pursuant to subdivision A of § 56-265.2.

§ 58.1-344.3. Voluntary contributions of refunds requirements.

A. 1. For taxable years beginning on and after January 1, 2005, all entities entitled to voluntary contributions of tax refunds listed in subsections B and C must have received at least \$10,000 in contributions in each of the three previous taxable years for which there is complete data and in which such entity was listed on the individual income tax return.

2. In the event that an entity listed in subsections B and C does not satisfy the requirement in subdivision 1, such entity shall no longer be listed on the individual income tax return.

3. a. The entities listed in subdivisions B 21 and B 22 as well as any other entities in subsections B and C added subsequent to the 2004 Session of the General Assembly shall not appear on the individual income tax return until their addition to the individual income tax return results in a maximum of 25 contributions listed on the return. Such contributions shall be added in the order that they are listed in subsections B and C.

b. Each entity added to the income tax return shall appear on the return for at least three consecutive taxable years before the requirement in subdivision 1 is applied to such entity.

4. The Department of Taxation shall report annually by the first day of each General Assembly Regular Session to the chairmen of the House and Senate Finance Committees the amounts collected for each entity listed under subsections B and C for the three most recent taxable years for which there is complete data. Such report shall also identify the entities, if any, that will be removed from the individual income tax return because they have failed the requirements in subdivision 1, the entities that will remain on the individual income tax return, and the entities, if any, that will be added to the individual income tax return.

B. Subject to the provisions of subsection A, the following entities entitled to voluntary contributions shall appear on the individual income tax return and are eligible to receive tax refund contributions of not less than \$1:

1. Nongame wildlife voluntary contribution.

a. All moneys contributed shall be used for the conservation and management of endangered species and other nongame wildlife. "Nongame wildlife" includes protected wildlife, endangered and threatened wildlife, aquatic wildlife, specialized habitat wildlife both terrestrial and aquatic, and mollusks, crustaceans, and other invertebrates under the jurisdiction of the Board of ~~Game and Inland Fisheries~~ *Wildlife Resources*.

b. All moneys shall be deposited into a special fund known as the Game Protection Fund and which shall be accounted for as a separate part thereof to be designated as the Nongame Cash Fund. All moneys so deposited in the Nongame Cash Fund shall be used by the ~~Commission of Game and Inland Fisheries~~ *Board of Wildlife Resources* for the purposes set forth herein.

2. Open space recreation and conservation voluntary contribution.

a. All moneys contributed shall be used by the Department of Conservation and Recreation to acquire land for recreational purposes and preserve natural areas; to develop, maintain, and improve state park sites and facilities; and to provide funds to local public bodies pursuant to the Virginia Outdoor Fund Grants Program.

b. All moneys shall be deposited into a special fund known as the Open Space Recreation and Conservation Fund. The moneys in the fund shall be allocated one-half to the Department of Conservation and Recreation for the purposes stated in subdivision 2 a and one-half to local public bodies pursuant to the Virginia Outdoor Fund Grants Program.

3. Voluntary contribution to political party.

All moneys contributed shall be paid to the State Central Committee of any party that meets the definition of a political party under § 24.2-101 as of July 1 of the previous taxable year. The maximum contribution allowable under this subdivision shall be \$25. In the case of a joint return of husband and wife, each spouse may designate that the maximum contribution allowable be paid.

4. United States Olympic Committee voluntary contribution.

All moneys contributed shall be paid to the United States Olympic Committee.

5. Housing program voluntary contribution.

a. All moneys contributed shall be used by the Department of Housing and Community Development to provide assistance for emergency, transitional, and permanent housing for the homeless; and to provide assistance to housing for the low-income elderly for the physically or mentally disabled.

b. All moneys shall be deposited into a special fund known as the Virginia Tax Check-off for Housing Fund. All moneys deposited in the fund shall be used by the Department of Housing and Community Development for the purposes set forth in this subdivision. Funds made available to the Virginia Tax Check-off for Housing Fund may supplement but shall not supplant activities of the Virginia Housing Trust Fund established pursuant to Chapter 9 (§ 36-141 et seq.) of Title 36 or those of the Virginia Housing Development Authority.

6. Voluntary contributions to the Department for Aging and Rehabilitative Services.

a. All moneys contributed shall be used by the Department for Aging and Rehabilitative Services for the enhancement of transportation services for the elderly and disabled.

b. All moneys shall be deposited into a special fund known as the Transportation Services for the Elderly and Disabled Fund. All moneys so deposited in the fund shall be used by the Department for Aging and Rehabilitative Services for the enhancement of transportation services for the elderly and disabled. The Department for Aging and Rehabilitative Services shall conduct an annual audit of the moneys received pursuant to this subdivision and shall provide an evaluation of all programs funded pursuant to this subdivision annually to the Secretary of Health and Human Resources.

7. Voluntary contribution to the Community Policing Fund.

a. All moneys contributed shall be used to provide grants to local law-enforcement agencies for the purchase of equipment or the support of services, as approved by the Criminal Justice Services Board, relating to community policing.

b. All moneys shall be deposited into a special fund known as the Community Policing Fund. All moneys deposited in such fund shall be used by the Department of Criminal Justice Services for the purposes set forth herein.

8. Voluntary contribution to promote the arts.

All moneys contributed shall be used by the Virginia Arts Foundation to assist the Virginia Commission for the Arts in its statutory responsibility of promoting the arts in the Commonwealth. All moneys shall be deposited into a special fund known as the Virginia Arts Foundation Fund.

9. Voluntary contribution to the Historic Resources Fund.

All moneys contributed shall be deposited in the Historic Resources Fund established pursuant to § 10.1-2202.1.

10. Voluntary contribution to the Virginia Foundation for the Humanities and Public Policy.

All moneys contributed shall be paid to the Virginia Foundation for the Humanities and Public Policy. All moneys shall be deposited into a special fund known as the Virginia Humanities Fund.

11. Voluntary contribution to the Center for Governmental Studies.

All moneys contributed shall be paid to the Center for Governmental Studies, a public service and research center of the University of Virginia. All moneys shall be deposited into a special fund known as the Governmental Studies Fund.

12. Voluntary contribution to the Law and Economics Center.

All moneys contributed shall be paid to the Law and Economics Center, a public service and research center of George Mason University. All moneys shall be deposited into a special fund known as the Law and Economics Fund.

13. Voluntary contribution to Children of America Finding Hope.

All moneys contributed shall be used by Children of America Finding Hope (CAFH) in its programs which are designed to reach children with emotional and physical needs.

14. Voluntary contribution to 4-H Educational Centers.

All moneys contributed shall be used by the 4-H Educational Centers throughout the Commonwealth for their (i) educational, leadership, and camping programs and (ii) operational and capital costs. The State Treasurer shall pay the moneys to the Virginia 4-H Foundation in Blacksburg, Virginia.

15. Voluntary contribution to promote organ and tissue donation.

a. All moneys contributed shall be used by the Virginia Transplant Council to assist in its statutory responsibility of promoting and coordinating educational and informational activities as related to the organ, tissue, and eye donation process and transplantation in the Commonwealth of Virginia.

b. All moneys shall be deposited into a special fund known as the Virginia Donor Registry and Public Awareness Fund. All moneys deposited in such fund shall be used by the Virginia Transplant Council for the purposes set forth herein.

16. Voluntary contributions to the Virginia War Memorial division of the Department of Veterans Services and the National D-Day Memorial Foundation.

All moneys contributed shall be used by the Virginia War Memorial division of the Department of Veterans Services and the National D-Day Memorial Foundation in their work through each of their respective memorials. The State Treasurer shall divide the moneys into two equal portions and pay one portion to the Virginia War Memorial division of the Department of Veterans Services and the other portion to the National D-Day Memorial Foundation.

17. Voluntary contribution to the Virginia Federation of Humane Societies.

All moneys contributed shall be paid to the Virginia Federation of Humane Societies to assist in its mission of saving, caring for, and finding homes for homeless animals.

18. Voluntary contribution to the Tuition Assistance Grant Fund.

a. All moneys contributed shall be paid to the Tuition Assistance Grant Fund for use in providing monetary assistance to residents of the Commonwealth who are enrolled in undergraduate or graduate programs in private Virginia colleges.

b. All moneys shall be deposited into a special fund known as the Tuition Assistance Grant Fund. All moneys so deposited in the Fund shall be administered by the State Council of Higher Education for Virginia in accordance with and for the purposes provided under the Tuition Assistance Grant Act (§ 23.1-628 et seq.).

19. Voluntary contribution to the Spay and Neuter Fund.

All moneys contributed shall be paid to the Spay and Neuter Fund for use by localities in the Commonwealth for providing low-cost spay and neuter surgeries through direct provision or contract or each locality may make the funds available to any private, nonprofit sterilization program for dogs and cats in such locality. The Tax Commissioner shall determine annually the total amounts designated on all returns from each locality in the Commonwealth, based upon the locality that each filer who makes a voluntary contribution to the Fund lists as his permanent address. The State Treasurer shall pay the appropriate amount to each respective locality.

20. Voluntary contribution to the Virginia Commission for the Arts.

All moneys contributed shall be paid to the Virginia Commission for the Arts.

21. Voluntary contribution for the Department of Emergency Management.

All moneys contributed shall be paid to the Department of Emergency Management.

22. Voluntary contribution for the cancer centers in the Commonwealth.

All moneys contributed shall be paid equally to all entities in the Commonwealth that officially have been designated as cancer centers by the National Cancer Institute.

23. Voluntary contribution to the Brown v. Board of Education Scholarship Program Fund.

a. All moneys contributed shall be paid to the Brown v. Board of Education Scholarship Program Fund to support the work of and generate nonstate funds to maintain the Brown v. Board of Education Scholarship Program.

b. All moneys shall be deposited into the Brown v. Board of Education Scholarship Program Fund as established in § 30-231.4.

c. All moneys so deposited in the Fund shall be administered by the State Council of Higher Education in accordance with and for the purposes provided in Chapter 34.1 (§ 30-231.01 et seq.) of Title 30.

24. Voluntary contribution to the Martin Luther King, Jr. Living History and Public Policy Center.

All moneys contributed shall be paid to the Board of Trustees of the Martin Luther King, Jr. Living History and Public Policy Center.

25. Voluntary contribution to the Virginia Caregivers Grant Fund.

All moneys contributed shall be paid to the Virginia Caregivers Grant Fund established pursuant to § 63.2-2202.

26. Voluntary contribution to public library foundations.

All moneys contributed pursuant to this subdivision shall be deposited into the state treasury. The Tax Commissioner shall determine annually the total amounts designated on all returns for each public library foundation and shall report the same to the State Treasurer. The State Treasurer shall pay the appropriate amount to the respective public library foundation.

27. Voluntary contribution to Celebrating Special Children, Inc.

All moneys contributed shall be paid to Celebrating Special Children, Inc. and shall be deposited into a special fund known as the Celebrating Special Children, Inc. Fund.

28. Voluntary contributions to the Department for Aging and Rehabilitative Services.

a. All moneys contributed shall be used by the Department for Aging and Rehabilitative Services for providing Medicare Part D counseling to the elderly and disabled.

b. All moneys shall be deposited into a special fund known as the Medicare Part D Counseling Fund. All moneys so deposited shall be used by the Department for Aging and Rehabilitative Services to provide counseling for the elderly and disabled concerning Medicare Part D. The Department for Aging and Rehabilitative Services shall conduct an annual audit of the moneys received pursuant to this subdivision and shall provide an evaluation of all programs funded pursuant to the subdivision to the Secretary of Health and Human Resources.

29. Voluntary contribution to community foundations.

All moneys contributed pursuant to this subdivision shall be deposited into the state treasury. The Tax Commissioner shall determine annually the total amounts designated on all returns for each community foundation and shall report the

same to the State Treasurer. The State Treasurer shall pay the appropriate amount to the respective community foundation. A "community foundation" shall be defined as any institution that meets the membership requirements for a community foundation established by the Council on Foundations.

30. Voluntary contribution to the Virginia Foundation for Community College Education.

a. All moneys contributed shall be paid to the Virginia Foundation for Community College Education for use in providing monetary assistance to Virginia residents who are enrolled in comprehensive community colleges in Virginia.

b. All moneys shall be deposited into a special fund known as the Virginia Foundation for Community College Education Fund. All moneys so deposited in the Fund shall be administered by the Virginia Foundation for Community College Education in accordance with and for the purposes provided under the Community College Incentive Scholarship Program (former § 23-220.2 et seq.).

31. Voluntary contribution to the Middle Peninsula Chesapeake Bay Public Access Authority.

All moneys contributed shall be paid to the Middle Peninsula Chesapeake Bay Public Access Authority to be used for the purposes described in § 15.2-6601.

32. Voluntary contribution to the Breast and Cervical Cancer Prevention and Treatment Fund.

All moneys contributed shall be paid to the Breast and Cervical Cancer Prevention and Treatment Fund established pursuant to § 32.1-368.

33. Voluntary contribution to the Virginia Aquarium and Marine Science Center.

All moneys contributed shall be paid to the Virginia Aquarium and Marine Science Center for use in its mission to increase the public's knowledge and appreciation of Virginia's marine environment and inspire commitment to preserve its existence.

34. Voluntary contribution to the Virginia Capitol Preservation Foundation.

All moneys contributed shall be paid to the Virginia Capitol Preservation Foundation for use in its mission in supporting the ongoing restoration, preservation, and interpretation of the Virginia Capitol and Capitol Square.

35. Voluntary contribution for the Secretary of Veterans and Defense Affairs.

All moneys contributed shall be paid to the Office of the Secretary of Veterans and Defense Affairs for related programs and services.

C. Subject to the provisions of subsection A, the following voluntary contributions shall appear on the individual income tax return and are eligible to receive tax refund contributions or by making payment to the Department if the individual is not eligible to receive a tax refund pursuant to § 58.1-309 or if the amount of such tax refund is less than the amount of the voluntary contribution:

1. Voluntary contribution to the Family and Children's Trust Fund of Virginia.

All moneys contributed shall be paid to the Family and Children's Trust Fund of Virginia.

2. Voluntary Chesapeake Bay restoration contribution.

a. All moneys contributed shall be used to help fund Chesapeake Bay and its tributaries restoration activities in accordance with tributary plans developed pursuant to Article 7 (§ 2.2-215 et seq.) of Chapter 2 of Title 2.2 or the Chesapeake Bay Watershed Implementation Plan submitted by the Commonwealth of Virginia to the U.S. Environmental Protection Agency on November 29, 2010, and any subsequent revisions thereof.

b. The Tax Commissioner shall annually determine the total amount of voluntary contributions and shall report the same to the State Treasurer, who shall credit that amount to a special nonreverting fund to be administered by the Office of the Secretary of Natural Resources. All moneys so deposited shall be used for the purposes of providing grants for the implementation of tributary plans developed pursuant to Article 7 (§ 2.2-215 et seq.) of Chapter 2 of Title 2.2 or the Chesapeake Bay Watershed Implementation Plan submitted by the Commonwealth of Virginia to the U.S. Environmental Protection Agency on November 29, 2010, and any subsequent revisions thereof.

c. No later than November 1 of each year, the Secretary of Natural Resources shall submit a report to the House Committee on Agriculture, Chesapeake and Natural Resources; the Senate Committee on Agriculture, Conservation and Natural Resources; the House Committee on Appropriations; the Senate Committee on Finance; and the Virginia delegation to the Chesapeake Bay Commission, describing the grants awarded from moneys deposited in the fund. The report shall include a list of grant recipients, a description of the purpose of each grant, the amount received by each grant recipient, and an assessment of activities or initiatives supported by each grant. The report shall be posted on a website maintained by the Secretary of Natural Resources, along with a cumulative listing of previous grant awards beginning with awards granted on or after July 1, 2014.

3. Voluntary Jamestown-Yorktown Foundation Contribution.

All moneys contributed shall be used by the Jamestown-Yorktown Foundation for the Jamestown 2007 quadricentennial celebration. All moneys shall be deposited into a special fund known as the Jamestown Quadricentennial Fund. This subdivision shall be effective for taxable years beginning before January 1, 2008.

4. State forests voluntary contribution.

a. All moneys contributed shall be used for the development and implementation of conservation and education initiatives in the state forests system.

b. All moneys shall be deposited into a special fund known as the State Forests System Fund, established pursuant to § 10.1-1119.1. All moneys so deposited in such fund shall be used by the State Forester for the purposes set forth herein.

5. Voluntary contributions to Uninsured Medical Catastrophe Fund.

All moneys contributed shall be paid to the Uninsured Medical Catastrophe Fund established pursuant to § 32.1-324.2, such funds to be used for the treatment of Virginians sustaining uninsured medical catastrophes.

6. Voluntary contribution to local school divisions.

a. All moneys contributed shall be used by a specified local public school foundation as created by and for the purposes stated in § 22.1-212.2:2.

b. All moneys collected pursuant to subdivision 6 a or through voluntary payments by taxpayers designated for a local public school foundation over refundable amounts shall be deposited into the state treasury. The Tax Commissioner shall determine annually the total amounts designated on all returns for each public school foundation and shall report the same to the State Treasurer. The State Treasurer shall pay the appropriate amount to the respective public school foundation.

c. In order for a public school foundation to be eligible to receive contributions under this section, school boards must notify the Department during the taxable year in which they want to participate prior to the deadlines and according to procedures established by the Tax Commissioner.

7. Voluntary contribution to Home Energy Assistance Fund.

All moneys contributed shall be paid to the Home Energy Assistance Fund established pursuant to § 63.2-805, such funds to be used to assist low-income Virginians in meeting seasonal residential energy needs.

8. Voluntary contribution to the Virginia Military Family Relief Fund.

a. All moneys contributed shall be paid to the Virginia Military Family Relief Fund for use in providing assistance to military service personnel on active duty and their families for living expenses including, but not limited to, food, housing, utilities, and medical services.

b. All moneys shall be deposited into a special fund known as the Virginia Military Family Relief Fund, established and administered pursuant to § 44-102.2.

9. Voluntary contribution to the Federation of Virginia Food Banks.

All moneys contributed shall be paid to the Federation of Virginia Food Banks, a Partner State Association of Feeding America. The Federation of Virginia Food Banks shall as soon as practicable make an equitable distribution of all such moneys to the Blue Ridge Area Food Bank, Capital Area Food Bank, Feeding America Southwest Virginia, FeedMore, Inc., Foodbank of Southeastern Virginia and the Eastern Shore, Fredericksburg Area Food Bank, or Virginia Peninsula Foodbank.

The Secretary of Finance may request records or receipts of all distributions by the Federation of Virginia Food Banks of such moneys contributed for purposes of ensuring compliance with the requirements of this subdivision.

D. Unless otherwise specified and subject to the requirements in § 58.1-344.2, all moneys collected for each entity in subsections B and C shall be deposited into the state treasury. The Tax Commissioner shall determine annually the total amount designated for each entity in subsections B and C on all individual income tax returns and shall report the same to the State Treasurer, who shall credit that amount to each entity's respective special fund.

§ 58.1-1405. Time for payment of tax.

A. Except as provided in paragraph B of this section, the tax levied pursuant to this chapter shall be paid by the purchaser or user of such watercraft and collected by the Tax Commissioner at the time the owner is required to apply to the Department of ~~Game and Inland Fisheries~~ *Wildlife Resources* for a title. Except as otherwise provided in § 58.1-1404, no title shall be issued unless the applicant for title shows to the satisfaction of the Department of ~~Game and Inland Fisheries~~ *Wildlife Resources* that such tax has been paid.

B. The tax on the gross receipts from the lease or charter of watercraft shall be paid by the registered dealer collecting such receipts to the Commissioner on or before the twentieth day of each month following the month in which such receipts were collected.

§ 58.1-1410. Disposition of funds.

Funds collected hereunder by the Tax Commissioner shall be paid into the general fund of the state treasury and allocated to the game protection fund in the following manner:

For Fiscal Year	Percentage of Collections
1996	50%
1997	50%
1998	50%
1999	75%
2000 and thereafter	100%

Not later than thirty days after the close of each quarter, the Comptroller shall transfer to the game protection fund the appropriate percentage of collections to be dedicated to such fund. The Comptroller may make such adjustments as necessary in subsequent quarters subject to the audit report of the Auditor of Public Accounts.

Such funds shall be made available only to the Department of ~~Game and Inland Fisheries~~ *Wildlife Resources* for the following: boating-related activities and expenses, and to enhance and improve recreation opportunities for boaters, including but not limited to land acquisition, capital projects, maintenance, and facilities for boating access to the waters of the Commonwealth; boating safety law enforcement, including salaries, benefits, equipment and overtime expenses for

conservation police officers so assigned; boating and other aquatic resource educational activities, including personnel, and education and safety materials; boating-related expenses for required reporting to federal and state officials; information management costs, including personnel, hardware, and software needed to better serve boating customers; and related administrative costs for boating-related activities, including human resources, accounting, public relations, administration and facilities to support and house necessary boating-related personnel and equipment.

§ 58.1-2289. Disposition of tax revenue generally.

A. Unless otherwise provided in this section, all taxes and fees, including civil penalties, collected by the Commissioner pursuant to this chapter, less a reasonable amount to be allocated for refunds, shall be promptly paid into the state treasury and shall constitute special funds within the Commonwealth Transportation Fund. Any balances remaining in these funds at the end of the year shall be available for use in subsequent years for the purposes set forth in this chapter, and any interest income on such funds shall accrue to these funds.

The Governor is hereby authorized to transfer out of such fund an amount necessary for the inspection of gasoline and motor grease measuring and distributing equipment, and for the inspection and analysis of gasoline for purity.

B. The tax collected on each gallon of aviation fuel sold and delivered or used in this Commonwealth, less refunds, shall be paid into a special fund of the state treasury. Proceeds of this special fund within the Commonwealth Transportation Fund shall be disbursed upon order of the Department of Aviation, on warrants of the Comptroller, to defray the cost of the administration of the laws of this Commonwealth relating to aviation, for the construction, maintenance and improvement of airports and landing fields to which the public now has or which it is proposed shall have access, and for the promotion of aviation in the interest of operators and the public generally.

C. One-half cent of the tax collected on each gallon of fuel on which a refund has been paid for gasoline, gasohol, diesel fuel, blended fuel, or alternative fuel, for fuel consumed in tractors and unlicensed equipment used for agricultural purposes shall be paid into a special fund of the state treasury, known as the Virginia Agricultural Foundation Fund, to be disbursed to make certain refunds and defray the costs of the research and educational phases of the agricultural program, including supplemental salary payments to certain employees at Virginia Polytechnic Institute and State University, the Department of Agriculture and Consumer Services and the Virginia Truck and Ornamentals Research Station, including reasonable expenses of the Virginia Agricultural Council.

D. One and one-half cents of the tax collected on each gallon of fuel used to propel a commercial watercraft upon which a refund has been paid shall be paid to the credit of the Game Protection Fund of the state treasury to be made available to the Board of ~~Game and Inland Fisheries~~ *Wildlife Resources* until expended for the purposes provided generally in subsection C of § 29.1-701, including acquisition, construction, improvement and maintenance of public boating access areas on the public waters of this Commonwealth and for other activities and purposes of direct benefit and interest to the boating public and for no other purpose. However, one and one-half cents per gallon on fuel used by commercial fishing, oystering, clamming, and crabbing boats shall be paid to the Department of Transportation to be used for the construction, repair, improvement and maintenance of the public docks of this Commonwealth used by said commercial watercraft. Any expenditures for the acquisition, construction, improvement and maintenance of the public docks shall be made according to a plan developed by the Virginia Marine Resources Commission.

From the tax collected pursuant to the provisions of this chapter from the sales of gasoline used for the propelling of watercraft, after deduction for lawful refunds, there shall be paid into the state treasury for use by the Marine Resources Commission, the Virginia Soil and Water Conservation Board, the State Water Control Board, and the Commonwealth Transportation Board to (i) improve the public docks as specified in this section, (ii) improve commercial and sports fisheries in Virginia's tidal waters, (iii) make environmental improvements including, without limitation, fisheries management and habitat enhancement in the Chesapeake and its tributaries, and (iv) further the purposes set forth in § 33.2-1510, a sum as established by the General Assembly.

E. Of the remaining revenues deposited into the Commonwealth Transportation Fund pursuant to this chapter less refunds authorized by this chapter: (i) 80 percent shall be deposited into the Highway Maintenance and Operating Fund established pursuant to § 33.2-1530, (ii) 11.3 percent shall be deposited into the Transportation Trust Fund established pursuant to § 33.2-1524, (iii) four percent shall be deposited into the Priority Transportation Fund, (iv) 3.7 percent shall be deposited into the Commonwealth Mass Transit Fund established pursuant to subdivision A 4 of § 58.1-638, and (v) one percent shall be transferred to a special fund within the Commonwealth Transportation Fund in the state treasury, to be used to meet the necessary expenses of the Department of Motor Vehicles.

§ 58.1-3510.4. Short-term rental property; short-term rental businesses.

A. For purposes of this article, "short-term rental property" means all tangible personal property held for rental and owned by a person engaged in the short-term rental business as defined in subsection B, excluding (i) trailers as defined in § 46.2-100, and (ii) other tangible personal property required to be licensed or registered with the Department of Motor Vehicles, Department of ~~Game and Inland Fisheries~~ *Wildlife Resources*, or Department of Aviation.

Short-term rental property shall constitute a classification of merchants' capital that is separate from other classifications of merchants' capital. For local property taxation purposes, the governing body of any county, city, or town may tax short-term rental property pursuant to § 58.1-3509 or may impose the tax authorized under § 58.1-3510.6, but not both.

B. A person is engaged in the short-term rental business if:

1. Not less than 80 percent of the gross rental receipts of such business during the preceding year arose from transactions involving the rental of short-term rental property, other than heavy equipment property as defined in

subdivision 2, for periods of 92 consecutive days or less, including all extensions and renewals to the same person or a person affiliated with the lessee; or

2. Not less than 60 percent of the gross rental receipts of such business during the preceding year arose from transactions involving the rental of heavy equipment property for periods of 270 consecutive days or less, including all extensions and renewals to the same person or a person affiliated with the lessee. For the purposes of this subdivision, "heavy equipment property" means rental property of an industry that is described under code 532412 or 532490 of the 2002 North American Industry Classification System as published by the United States Census Bureau, excluding office furniture, office equipment, and programmable computer equipment and peripherals as defined in § 58.1-3503 A 16.

C. For purposes of determining whether a person is engaged in the short-term rental business as defined in subsection B, (i) a person is "affiliated" with the lessee of rental property if such person is an officer, director, partner, member, shareholder, parent or subsidiary of the lessee, or if such person and the lessee have any common ownership interest in excess of five percent, (ii) any rental to a person affiliated with the lessee shall be treated as rental receipts but shall not qualify for purposes of the 80 percent requirement of subdivision 1 of subsection B or the 60 percent requirement of subdivision 2 of subsection B, and (iii) any rental of personal property which also involves the provision of personal services for the operation of the personal property rented shall not be treated as gross receipts from rental, provided however that the delivery and installation of tangible personal property shall not mean operation for the purposes of this subdivision.

D. A person who has not previously been engaged in the short-term rental business who applies for a certificate of registration pursuant to § 58.1-3510.5 shall be eligible for registration upon his certification that he anticipates meeting the requirements of a specific subdivision of subsection B, designated by the applicant at the time of application, during the year for which registration is sought.

E. In the event that the commissioner of the revenue makes a written determination that a rental business previously certified as short-term rental business pursuant to § 58.1-3510.5 has failed to meet either of the tests set forth in subsection B during a preceding tax year, such business shall lose its certification as a short-term rental business and shall be subject to the business personal property tax with respect to all rental property for the tax year in which such certification is lost and any subsequent tax years until such time as the rental business obtains recertification pursuant to § 58.1-3510.5. In the event that a rental business loses its certification as a short-term rental business pursuant to this subsection, such business shall not be required to refund to customers daily rental property taxes previously collected in good faith and shall not be subject to assessment for business personal property taxes with respect to rental property for tax years preceding the year in which the certification is lost unless the commissioner makes a written determination that the business obtained its certification by knowingly making materially false statements in its application, in which case the commissioner may assess the taxpayer the amount of the difference between short-term rental property taxes remitted by such business during the period in which the taxpayer wrongfully held certification and the business personal property taxes that would have been due during such period but for the certification obtained by the making of the materially false statements. Any such assessment, and any determination not to certify or to decertify a rental business as a short-term rental business as defined in this subsection, may be appealed pursuant to the procedures and requirements set forth in § 58.1-3983.1 for appeals of local business taxes, which shall apply mutatis mutandis to such assessments and certification decisions.

F. A rental business that has been decertified pursuant to the provisions of subsection E shall be eligible for recertification for a subsequent tax year upon a showing that it has met one of the tests provided in subsection B for at least ten months of operations during the present tax year.

§ 58.1-3942. Security interests no bar to distress.

A. No security interest in goods or chattels shall prevent the same from being distrained and sold for taxes or levies assessed thereon, no matter in whose possession they may be found.

B. Prior to such sale for distress, the treasurer, sheriff, constable or collector, or other party conducting the sale shall give notice to any secured party of record as his name and address shall appear on the records of the Department of Motor Vehicles, the Department of ~~Game and Inland Fisheries~~ *Wildlife Resources*, the State Corporation Commission, or in the office of the clerk of any circuit court where the debtor has resided to the knowledge of the party to whom the tax is owing during a one-year period prior to the sale. Notice shall also be given to any secured party of whom the party to whom the tax is owing shall have knowledge.

C. A security interest perfected prior to any distraint for taxes shall have priority over all taxes, except those specifically assessed either per item or in bulk against the goods and chattels so assessed. Taxes specifically assessed either per item or in bulk against goods and chattels shall constitute a lien against the property so assessed and shall have priority over all security interests. For purposes of this section, a merchant's capital tax shall be deemed to be specifically assessed against all inventory in the merchant's possession at the time of distraint, or at the time such inventory is repossessed by the holder of a security interest therein. For purposes of this section, taxes specifically assessed in bulk means an assessment against the specific class of property distrained.

D. The title conveyed to the purchaser of goods and chattels at a sale for taxes specifically assessed either per item or in bulk against such goods and chattels distrained shall be free of all claims of any creditor, including the claims of any secured party of record, provided that notice was given to such creditor as required by subsection B. The person conducting the sale shall apply the proceeds of the sale first to unpaid taxes, penalty, and accrued interest, and then to the claims of secured parties of record, in the order of their priority, before delivering any sum remaining to the person or estate assessed with taxes.

E. Notwithstanding any provision of this section to the contrary, no highway vehicle as defined in § 58.1-3941 purchased by a bona fide purchaser for value from the person or estate assessed with taxes shall be liable to levy or distress for such taxes unless the purchaser knew at the time of purchase that the taxes had been specifically assessed against such vehicle.

F. The purchaser of a motor vehicle sold under this section shall receive a sales receipt and an affidavit of the treasurer, sheriff, constable or collector, or other party conducting the sale affirming that he has complied with the provisions of this section, and shall be entitled to apply to and receive from the Department of Motor Vehicles a certificate of title and registration card for the vehicle.

§ 59.1-148.3. Purchase of handguns or other weapons of certain officers.

A. The Department of State Police, the Department of ~~Game and Inland Fisheries~~ *Wildlife Resources*, the Virginia Alcoholic Beverage Control Authority, the Virginia Lottery, the Marine Resources Commission, the Capitol Police, the Department of Conservation and Recreation, the Department of Forestry, any sheriff, any regional jail board or authority, and any local police department may allow any full-time sworn law-enforcement officer, deputy, or regional jail officer, a local fire department may allow any full-time sworn fire marshal, the Department of Motor Vehicles may allow any law-enforcement officer, any institution of higher learning named in § 23.1-1100 may allow any campus police officer appointed pursuant to Article 3 (§ 23.1-809 et seq.) of Chapter 8 of Title 23.1, retiring on or after July 1, 1991, and the Department of Corrections may allow any employee with internal investigations authority designated by the Department of Corrections pursuant to subdivision 11 of § 53.1-10 who retires (i) after at least 10 years of service, (ii) at 70 years of age or older, or (iii) as a result of a service-incurred disability or who is receiving long-term disability payments for a service-incurred disability with no expectation of returning to the employment where he incurred the disability to purchase the service handgun issued or previously issued to him by the agency or institution at a price of \$1. If the previously issued weapon is no longer available, a weapon of like kind may be substituted for that weapon. This privilege shall also extend to any former Superintendent of the Department of State Police who leaves service after a minimum of five years. This privilege shall also extend to any person listed in this subsection who is eligible for retirement with at least 10 years of service who resigns on or after July 1, 1991, in good standing from one of the agencies listed in this section to accept a position covered by the Virginia Retirement System. Other weapons issued by the agencies listed in this subsection for personal duty use of an officer may, with approval of the agency head, be sold to the officer subject to the qualifications of this section at a fair market price determined as in subsection B, so long as the weapon is a type and configuration that can be purchased at a regular hardware or sporting goods store by a private citizen without restrictions other than the instant background check.

B. The agencies listed in subsection A may allow any full-time sworn law-enforcement officer who retires with five or more years of service, but less than 10, to purchase the service handgun issued to him by the agency at a price equivalent to the weapon's fair market value on the date of the officer's retirement. Any full-time sworn law-enforcement officer employed by any of the agencies listed in subsection A who is retired for disability as a result of a nonservice-incurred disability may purchase the service handgun issued to him by the agency at a price equivalent to the weapon's fair market value on the date of the officer's retirement. Determinations of fair market value may be made by reference to a recognized pricing guide.

C. The agencies listed in subsection A may allow the immediate survivor of any full-time sworn law-enforcement officer (i) who is killed in the line of duty or (ii) who dies in service and has at least 10 years of service to purchase the service handgun issued to the officer by the agency at a price of \$1.

D. The governing board of any institution of higher learning named in § 23.1-1100 may allow any campus police officer appointed pursuant to Article 3 (§ 23.1-809 et seq.) of Chapter 8 of Title 23.1 who retires on or after July 1, 1991, to purchase the service handgun issued to him at a price equivalent to the weapon's fair market value on the date of the officer's retirement. Determinations of fair market value may be made by reference to a recognized pricing guide.

E. Any officer who at the time of his retirement is a full-time sworn law-enforcement officer with a state agency listed in subsection A, when the agency allows purchases of service handguns, and who retires after 10 years of state service, even if a portion of his service was with another state agency, may purchase the service handgun issued to him by the agency from which he retires at a price of \$1.

F. The sheriff of Hanover County may allow any auxiliary or volunteer deputy sheriff with a minimum of 10 years of service, upon leaving office, to purchase for \$1 the service handgun issued to him.

G. Any sheriff or local police department may allow any auxiliary law-enforcement officer with more than 10 years of service to purchase the service handgun issued to him by the agency at a price that is equivalent to or less than the weapon's fair market value on the date of purchase by the officer.

H. The agencies listed in subsection A may allow any full-time sworn law-enforcement officer currently employed by the agency to purchase his service handgun, with the approval of the chief law-enforcement officer of the agency, at a fair market price. This subsection shall only apply when the agency has purchased new service handguns for its officers, and the handgun subject to the sale is no longer used by the agency or officer in the course of duty.

§ 62.1-44.15. (For expiration date, see Acts 2016, cc. 68 and 758, as amended by Acts 2017, c. 345) Powers and duties; civil penalties.

It shall be the duty of the Board and it shall have the authority:

(1) [Repealed.]

(2) To study and investigate all problems concerned with the quality of state waters and to make reports and recommendations.

(2a) To study and investigate methods, procedures, devices, appliances, and technologies that could assist in water conservation or water consumption reduction.

(2b) To coordinate its efforts toward water conservation with other persons or groups, within or without the Commonwealth.

(2c) To make reports concerning, and formulate recommendations based upon, any such water conservation studies to ensure that present and future water needs of the citizens of the Commonwealth are met.

(3a) To establish such standards of quality and policies for any state waters consistent with the general policy set forth in this chapter, and to modify, amend or cancel any such standards or policies established and to take all appropriate steps to prevent quality alteration contrary to the public interest or to standards or policies thus established, except that a description of provisions of any proposed standard or policy adopted by regulation which are more restrictive than applicable federal requirements, together with the reason why the more restrictive provisions are needed, shall be provided to the standing committee of each house of the General Assembly to which matters relating to the content of the standard or policy are most properly referable. The Board shall, from time to time, but at least once every three years, hold public hearings pursuant to § 2.2-4007.01 but, upon the request of an affected person or upon its own motion, hold hearings pursuant to § 2.2-4009, for the purpose of reviewing the standards of quality, and, as appropriate, adopting, modifying, or canceling such standards. Whenever the Board considers the adoption, modification, amendment or cancellation of any standard, it shall give due consideration to, among other factors, the economic and social costs and benefits which can reasonably be expected to obtain as a consequence of the standards as adopted, modified, amended or cancelled. The Board shall also give due consideration to the public health standards issued by the Virginia Department of Health with respect to issues of public health policy and protection. If the Board does not follow the public health standards of the Virginia Department of Health, the Board's reason for any deviation shall be made in writing and published for any and all concerned parties.

(3b) Except as provided in subdivision (3a), such standards and policies are to be adopted or modified, amended or cancelled in the manner provided by the Administrative Process Act (§ 2.2-4000 et seq.).

(4) To conduct or have conducted scientific experiments, investigations, studies, and research to discover methods for maintaining water quality consistent with the purposes of this chapter. To this end the Board may cooperate with any public or private agency in the conduct of such experiments, investigations and research and may receive in behalf of the Commonwealth any moneys that any such agency may contribute as its share of the cost under any such cooperative agreement. Such moneys shall be used only for the purposes for which they are contributed and any balance remaining after the conclusion of the experiments, investigations, studies, and research, shall be returned to the contributors.

(5) To issue, revoke or amend certificates under prescribed conditions for: (a) the discharge of sewage, industrial wastes and other wastes into or adjacent to state waters; (b) the alteration otherwise of the physical, chemical or biological properties of state waters; (c) excavation in a wetland; or (d) on and after October 1, 2001, the conduct of the following activities in a wetland: (i) new activities to cause draining that significantly alters or degrades existing wetland acreage or functions, (ii) filling or dumping, (iii) permanent flooding or impounding, or (iv) new activities that cause significant alteration or degradation of existing wetland acreage or functions. However, to the extent allowed by federal law, any person holding a certificate issued by the Board that is intending to upgrade the permitted facility by installing technology, control equipment, or other apparatus that the permittee demonstrates to the satisfaction of the Director will result in improved energy efficiency, reduction in the amount of nutrients discharged, and improved water quality shall not be required to obtain a new, modified, or amended permit. The permit holder shall provide the demonstration anticipated by this subdivision to the Department no later than 30 days prior to commencing construction.

(5a) All certificates issued by the Board under this chapter shall have fixed terms. The term of a Virginia Pollution Discharge Elimination System permit shall not exceed five years. The term of a Virginia Water Protection Permit shall be based upon the projected duration of the project, the length of any required monitoring, or other project operations or permit conditions; however, the term shall not exceed 15 years. The term of a Virginia Pollution Abatement permit shall not exceed 10 years, except that the term of a Virginia Pollution Abatement permit for confined animal feeding operations shall be 10 years. The Department of Environmental Quality shall inspect all facilities for which a Virginia Pollution Abatement permit has been issued to ensure compliance with statutory, regulatory, and permit requirements. Department personnel performing inspections of confined animal feeding operations shall be certified under the voluntary nutrient management training and certification program established in § 10.1-104.2. The term of a certificate issued by the Board shall not be extended by modification beyond the maximum duration and the certificate shall expire at the end of the term unless an application for a new permit has been timely filed as required by the regulations of the Board and the Board is unable, through no fault of the permittee, to issue a new permit before the expiration date of the previous permit.

(5b) Any certificate issued by the Board under this chapter may, after notice and opportunity for a hearing, be amended or revoked on any of the following grounds or for good cause as may be provided by the regulations of the Board:

1. The owner has violated any regulation or order of the Board, any condition of a certificate, any provision of this chapter, or any order of a court, where such violation results in a release of harmful substances into the environment or poses a substantial threat of release of harmful substances into the environment or presents a hazard to human health or the violation is representative of a pattern of serious or repeated violations which, in the opinion of the Board, demonstrates the owner's disregard for or inability to comply with applicable laws, regulations, or requirements;

2. The owner has failed to disclose fully all relevant material facts or has misrepresented a material fact in applying for a certificate, or in any other report or document required under this law or under the regulations of the Board;

3. The activity for which the certificate was issued endangers human health or the environment and can be regulated to acceptable levels by amendment or revocation of the certificate; or

4. There exists a material change in the basis on which the permit was issued that requires either a temporary or a permanent reduction or elimination of any discharge controlled by the certificate necessary to protect human health or the environment.

(5c) Any certificate issued by the Board under this chapter relating to dredging projects governed under Chapter 12 (§ 28.2-1200 et seq.) or Chapter 13 (§ 28.2-1300 et seq.) of Title 28.2 may be conditioned upon a demonstration of financial responsibility for the completion of compensatory mitigation requirements. Financial responsibility may be demonstrated by a letter of credit, a certificate of deposit or a performance bond executed in a form approved by the Board. If the U.S. Army Corps of Engineers requires demonstration of financial responsibility for the completion of compensatory mitigation required for a particular project, then the mechanism and amount approved by the U.S. Army Corps of Engineers shall be used to meet this requirement.

(6) To make investigations and inspections, to ensure compliance with any certificates, standards, policies, rules, regulations, rulings and special orders which it may adopt, issue or establish and to furnish advice, recommendations, or instructions for the purpose of obtaining such compliance. In recognition of §§ 32.1-164 and 62.1-44.18, the Board and the State Department of Health shall enter into a memorandum of understanding establishing a common format to consolidate and simplify inspections of sewage treatment plants and coordinate the scheduling of the inspections. The new format shall ensure that all sewage treatment plants are inspected at appropriate intervals in order to protect water quality and public health and at the same time avoid any unnecessary administrative burden on those being inspected.

(7) To adopt rules governing the procedure of the Board with respect to: (a) hearings; (b) the filing of reports; (c) the issuance of certificates and special orders; and (d) all other matters relating to procedure; and to amend or cancel any rule adopted. Public notice of every rule adopted under this section shall be by such means as the Board may prescribe.

(8a) Except as otherwise provided in Articles 2.4 (§ 62.1-44.15:51 et seq.) and 2.5 (§ 62.1-44.15:67 et seq.) issue special orders to owners (i) who are permitting or causing the pollution, as defined by § 62.1-44.3, of state waters to cease and desist from such pollution, (ii) who have failed to construct facilities in accordance with final approved plans and specifications to construct such facilities in accordance with final approved plans and specifications, (iii) who have violated the terms and provisions of a certificate issued by the Board to comply with such terms and provisions, (iv) who have failed to comply with a directive from the Board to comply with such directive, (v) who have contravened duly adopted and promulgated water quality standards and policies to cease and desist from such contravention and to comply with such water quality standards and policies, (vi) who have violated the terms and provisions of a pretreatment permit issued by the Board or by the owner of a publicly owned treatment works to comply with such terms and provisions or (vii) who have contravened any applicable pretreatment standard or requirement to comply with such standard or requirement; and also to issue such orders to require any owner to comply with the provisions of this chapter and any decision of the Board. Except as otherwise provided by a separate article, orders issued pursuant to this subsection may include civil penalties of up to \$32,500 per violation, not to exceed \$100,000 per order. The Board may assess penalties under this subsection if (a) the person has been issued at least two written notices of alleged violation by the Department for the same or substantially related violations at the same site, (b) such violations have not been resolved by demonstration that there was no violation, by an order issued by the Board or the Director, or by other means, (c) at least 130 days have passed since the issuance of the first notice of alleged violation, and (d) there is a finding that such violations have occurred after a hearing conducted in accordance with subdivision (8b). The actual amount of any penalty assessed shall be based upon the severity of the violations, the extent of any potential or actual environmental harm, the compliance history of the facility or person, any economic benefit realized from the noncompliance, and the ability of the person to pay the penalty. The Board shall provide the person with the calculation for the proposed penalty prior to any hearing conducted for the issuance of an order that assesses penalties pursuant to this subsection. The issuance of a notice of alleged violation by the Department shall not be considered a case decision as defined in § 2.2-4001. Any notice of alleged violation shall include a description of each violation, the specific provision of law violated, and information on the process for obtaining a final decision or fact finding from the Department on whether or not a violation has occurred, and nothing in this section shall preclude an owner from seeking such a determination. Such civil penalties shall be paid into the state treasury and deposited by the State Treasurer into the Virginia Environmental Emergency Response Fund (§ 10.1-2500 et seq.), except that civil penalties assessed for violations of Article 9 (§ 62.1-44.34:8 et seq.) or Article 11 (§ 62.1-44.34:14 et seq.) shall be paid into the Virginia Petroleum Storage Tank Fund in accordance with § 62.1-44.34:11, and except that civil penalties assessed for violations of Article 2.3 (§ 62.1-44.15:24 et seq.) shall be paid in accordance with the provisions of § 62.1-44.15:48.

(8b) Such special orders are to be issued only after a hearing before a hearing officer appointed by the Supreme Court in accordance with § 2.2-4020 or, if requested by the person, before a quorum of the Board with at least 30 days' notice to the affected owners, of the time, place and purpose thereof, and they shall become effective not less than 15 days after service as provided in § 62.1-44.12; provided that if the Board finds that any such owner is grossly affecting or presents an imminent and substantial danger to (i) the public health, safety or welfare, or the health of animals, fish or aquatic life; (ii) a public water supply; or (iii) recreational, commercial, industrial, agricultural or other reasonable uses, it may issue, without advance notice or hearing, an emergency special order directing the owner to cease such pollution or discharge immediately,

and shall provide an opportunity for a hearing, after reasonable notice as to the time and place thereof to the owner, to affirm, modify, amend or cancel such emergency special order. If an owner who has been issued such a special order or an emergency special order is not complying with the terms thereof, the Board may proceed in accordance with § 62.1-44.23, and where the order is based on a finding of an imminent and substantial danger, the court shall issue an injunction compelling compliance with the emergency special order pending a hearing by the Board. If an emergency special order requires cessation of a discharge, the Board shall provide an opportunity for a hearing within 48 hours of the issuance of the injunction.

(8c) The provisions of this section notwithstanding, the Board may proceed directly under § 62.1-44.32 for any past violation or violations of any provision of this chapter or any regulation duly promulgated hereunder.

(8d) With the consent of any owner who has violated or failed, neglected or refused to obey any regulation or order of the Board, any condition of a permit or any provision of this chapter, the Board may provide, in an order issued by the Board against such person, for the payment of civil charges for past violations in specific sums not to exceed the limit specified in § 62.1-44.32 (a). Such civil charges shall be instead of any appropriate civil penalty which could be imposed under § 62.1-44.32 (a) and shall not be subject to the provisions of § 2.2-514. Such civil charges shall be paid into the state treasury and deposited by the State Treasurer into the Virginia Environmental Emergency Response Fund (§ 10.1-2500 et seq.), excluding civil charges assessed for violations of Article 9 (§ 62.1-44.34:8 et seq.) or 10 (§ 62.1-44.34:10 et seq.) of Chapter 3.1, or a regulation, administrative or judicial order, or term or condition of approval relating to or issued under those articles, or civil charges assessed for violations of Article 2.3 (§ 62.1-44.15:24 et seq.), or a regulation, administrative or judicial order, or term or condition of approval relating to or issued under that article.

The amendments to this section adopted by the 1976 Session of the General Assembly shall not be construed as limiting or expanding any cause of action or any other remedy possessed by the Board prior to the effective date of said amendments.

(8e) The Board shall develop and provide an opportunity for public comment on guidelines and procedures that contain specific criteria for calculating the appropriate penalty for each violation based upon the severity of the violations, the extent of any potential or actual environmental harm, the compliance history of the facility or person, any economic benefit realized from the noncompliance, and the ability of the person to pay the penalty.

(8f) Before issuing a special order under subdivision (8a) or by consent under (8d), with or without an assessment of a civil penalty, to an owner of a sewerage system requiring corrective action to prevent or minimize overflows of sewage from such system, the Board shall provide public notice of and reasonable opportunity to comment on the proposed order. Any such order under subdivision (8d) may impose civil penalties in amounts up to the maximum amount authorized in § 309(g) of the Clean Water Act. Any person who comments on the proposed order shall be given notice of any hearing to be held on the terms of the order. In any hearing held, such person shall have a reasonable opportunity to be heard and to present evidence. If no hearing is held before issuance of an order under subdivision (8d), any person who commented on the proposed order may file a petition, within 30 days after the issuance of such order, requesting the Board to set aside such order and provide a formal hearing thereon. If the evidence presented by the petitioner in support of the petition is material and was not considered in the issuance of the order, the Board shall immediately set aside the order, provide a formal hearing, and make such petitioner a party. If the Board denies the petition, the Board shall provide notice to the petitioner and make available to the public the reasons for such denial, and the petitioner shall have the right to judicial review of such decision under § 62.1-44.29 if he meets the requirements thereof.

(9) To make such rulings under §§ 62.1-44.16, 62.1-44.17, and 62.1-44.19 as may be required upon requests or applications to the Board, the owner or owners affected to be notified by certified mail as soon as practicable after the Board makes them and such rulings to become effective upon such notification.

(10) To adopt such regulations as it deems necessary to enforce the general water quality management program of the Board in all or part of the Commonwealth, except that a description of provisions of any proposed regulation which are more restrictive than applicable federal requirements, together with the reason why the more restrictive provisions are needed, shall be provided to the standing committee of each house of the General Assembly to which matters relating to the content of the regulation are most properly referable.

(11) To investigate any large-scale killing of fish.

(a) Whenever the Board shall determine that any owner, whether or not he shall have been issued a certificate for discharge of waste, has discharged sewage, industrial waste, or other waste into state waters in such quantity, concentration or manner that fish are killed as a result thereof, it may effect such settlement with the owner as will cover the costs incurred by the Board and by the Department of ~~Game and Inland Fisheries~~ *Wildlife Resources* in investigating such killing of fish, plus the replacement value of the fish destroyed, or as it deems proper, and if no such settlement is reached within a reasonable time, the Board shall authorize its executive secretary to bring a civil action in the name of the Board to recover from the owner such costs and value, plus any court or other legal costs incurred in connection with such action.

(b) If the owner is a political subdivision of the Commonwealth, the action may be brought in any circuit court within the territory embraced by such political subdivision. If the owner is an establishment, as defined in this chapter, the action shall be brought in the circuit court of the city or the circuit court of the county in which such establishment is located. If the owner is an individual or group of individuals, the action shall be brought in the circuit court of the city or circuit court of the county in which such person or any of them reside.

(c) For the purposes of this subsection the State Water Control Board shall be deemed the owner of the fish killed and the proceedings shall be as though the State Water Control Board were the owner of the fish. The fact that the owner has or held a certificate issued under this chapter shall not be raised as a defense in bar to any such action.

(d) The proceeds of any recovery had under this subsection shall, when received by the Board, be applied, first, to reimburse the Board for any expenses incurred in investigating such killing of fish. The balance shall be paid to the Board of ~~Game and Inland Fisheries~~ *Wildlife Resources* to be used for the fisheries' management practices as in its judgment will best restore or replace the fisheries' values lost as a result of such discharge of waste, including, where appropriate, replacement of the fish killed with game fish or other appropriate species. Any such funds received are hereby appropriated for that purpose.

(e) Nothing in this subsection shall be construed in any way to limit or prevent any other action which is now authorized by law by the Board against any owner.

(f) Notwithstanding the foregoing, the provisions of this subsection shall not apply to any owner who adds or applies any chemicals or other substances that are recommended or approved by the State Department of Health to state waters in the course of processing or treating such waters for public water supply purposes, except where negligence is shown.

(12) To administer programs of financial assistance for planning, construction, operation, and maintenance of water quality control facilities for political subdivisions in the Commonwealth.

(13) To establish policies and programs for effective area-wide or basin-wide water quality control and management. The Board may develop comprehensive pollution abatement and water quality control plans on an area-wide or basin-wide basis. In conjunction with this, the Board, when considering proposals for waste treatment facilities, is to consider the feasibility of combined or joint treatment facilities and is to ensure that the approval of waste treatment facilities is in accordance with the water quality management and pollution control plan in the watershed or basin as a whole. In making such determinations, the Board is to seek the advice of local, regional, or state planning authorities.

(14) To establish requirements for the treatment of sewage, industrial wastes and other wastes that are consistent with the purposes of this chapter; however, no treatment shall be less than secondary or its equivalent, unless the owner can demonstrate that a lesser degree of treatment is consistent with the purposes of this chapter.

(15) To promote and establish requirements for the reclamation and reuse of wastewater that are protective of state waters and public health as an alternative to directly discharging pollutants into waters of the state. The requirements shall address various potential categories of reuse and may include general permits and provide for greater flexibility and less stringent requirements commensurate with the quality of the reclaimed water and its intended use. The requirements shall be developed in consultation with the Department of Health and other appropriate state agencies. This authority shall not be construed as conferring upon the Board any power or duty duplicative of those of the State Board of Health.

(16) To establish and implement policies and programs to protect and enhance the Commonwealth's wetland resources. Regulatory programs shall be designed to achieve no net loss of existing wetland acreage and functions. Voluntary and incentive-based programs shall be developed to achieve a net resource gain in acreage and functions of wetlands. The Board shall seek and obtain advice and guidance from the Virginia Institute of Marine Science in implementing these policies and programs.

(17) To establish additional procedures for obtaining a Virginia Water Protection Permit pursuant to §§ 62.1-44.15:20 and 62.1-44.15:22 for a proposed water withdrawal involving the transfer of water resources between major river basins within the Commonwealth that may impact water basins in another state. Such additional procedures shall not apply to any water withdrawal in existence as of July 1, 2012, except where the expansion of such withdrawal requires a permit under §§ 62.1-44.15:20 and 62.1-44.15:22, in which event such additional procedures may apply to the extent of the expanded withdrawal only. The applicant shall provide as part of the application (i) an analysis of alternatives to such a transfer, (ii) a comprehensive analysis of the impacts that would occur in the source and receiving basins, (iii) a description of measures to mitigate any adverse impacts that may arise, (iv) a description of how notice shall be provided to interested parties, and (v) any other requirements that the Board may adopt that are consistent with the provisions of this section and §§ 62.1-44.15:20 and 62.1-44.15:22 or regulations adopted thereunder. This subdivision shall not be construed as limiting or expanding the Board's authority under §§ 62.1-44.15:20 and 62.1-44.15:22 to issue permits and impose conditions or limitations on the permitted activity.

(18) To be the lead agency for the Commonwealth's nonpoint source pollution management program, including coordination of the nonpoint source control elements of programs developed pursuant to certain state and federal laws, including § 319 of the federal Clean Water Act and § 6217 of the federal Coastal Zone Management Act. Further responsibilities include the adoption of regulations necessary to implement a nonpoint source pollution management program in the Commonwealth, the distribution of assigned funds, the identification and establishment of priorities to address nonpoint source related water quality problems, the administration of the Statewide Nonpoint Source Advisory Committee, and the development of a program for the prevention and control of soil erosion, sediment deposition, and nonagricultural runoff to conserve Virginia's natural resources.

§ 62.1-44.15. (For effective date, see Acts 2016, cc. 68 and 758, as amended by Acts 2017, c. 345) Powers and duties; civil penalties.

It shall be the duty of the Board and it shall have the authority:

(1) [Repealed.]

(2) To study and investigate all problems concerned with the quality of state waters and to make reports and recommendations.

(2a) To study and investigate methods, procedures, devices, appliances, and technologies that could assist in water conservation or water consumption reduction.

(2b) To coordinate its efforts toward water conservation with other persons or groups, within or without the Commonwealth.

(2c) To make reports concerning, and formulate recommendations based upon, any such water conservation studies to ensure that present and future water needs of the citizens of the Commonwealth are met.

(3a) To establish such standards of quality and policies for any state waters consistent with the general policy set forth in this chapter, and to modify, amend, or cancel any such standards or policies established and to take all appropriate steps to prevent quality alteration contrary to the public interest or to standards or policies thus established, except that a description of provisions of any proposed standard or policy adopted by regulation which are more restrictive than applicable federal requirements, together with the reason why the more restrictive provisions are needed, shall be provided to the standing committee of each house of the General Assembly to which matters relating to the content of the standard or policy are most properly referable. The Board shall, from time to time, but at least once every three years, hold public hearings pursuant to § 2.2-4007.01 but, upon the request of an affected person or upon its own motion, hold hearings pursuant to § 2.2-4009, for the purpose of reviewing the standards of quality, and, as appropriate, adopting, modifying, or canceling such standards. Whenever the Board considers the adoption, modification, amendment, or cancellation of any standard, it shall give due consideration to, among other factors, the economic and social costs and benefits which can reasonably be expected to obtain as a consequence of the standards as adopted, modified, amended, or cancelled. The Board shall also give due consideration to the public health standards issued by the Virginia Department of Health with respect to issues of public health policy and protection. If the Board does not follow the public health standards of the Virginia Department of Health, the Board's reason for any deviation shall be made in writing and published for any and all concerned parties.

(3b) Except as provided in subdivision (3a), such standards and policies are to be adopted or modified, amended, or cancelled in the manner provided by the Administrative Process Act (§ 2.2-4000 et seq.).

(4) To conduct or have conducted scientific experiments, investigations, studies, and research to discover methods for maintaining water quality consistent with the purposes of this chapter. To this end the Board may cooperate with any public or private agency in the conduct of such experiments, investigations, and research and may receive in behalf of the Commonwealth any moneys that any such agency may contribute as its share of the cost under any such cooperative agreement. Such moneys shall be used only for the purposes for which they are contributed and any balance remaining after the conclusion of the experiments, investigations, studies, and research, shall be returned to the contributors.

(5) To issue, revoke, or amend certificates and land-disturbance approvals under prescribed conditions for (a) the discharge of sewage, stormwater, industrial wastes, and other wastes into or adjacent to state waters; (b) the alteration otherwise of the physical, chemical, or biological properties of state waters; (c) excavation in a wetland; or (d) on and after October 1, 2001, the conduct of the following activities in a wetland: (i) new activities to cause draining that significantly alters or degrades existing wetland acreage or functions, (ii) filling or dumping, (iii) permanent flooding or impounding, or (iv) new activities that cause significant alteration or degradation of existing wetland acreage or functions. However, to the extent allowed by federal law, any person holding a certificate issued by the Board that is intending to upgrade the permitted facility by installing technology, control equipment, or other apparatus that the permittee demonstrates to the satisfaction of the Director will result in improved energy efficiency, reduction in the amount of nutrients discharged, and improved water quality shall not be required to obtain a new, modified, or amended permit. The permit holder shall provide the demonstration anticipated by this subdivision to the Department no later than 30 days prior to commencing construction.

(5a) All certificates issued by the Board under this chapter shall have fixed terms. The term of a Virginia Pollution Discharge Elimination System permit shall not exceed five years. The term of a Virginia Water Protection Permit shall be based upon the projected duration of the project, the length of any required monitoring, or other project operations or permit conditions; however, the term shall not exceed 15 years. The term of a Virginia Pollution Abatement permit shall not exceed 10 years, except that the term of a Virginia Pollution Abatement permit for confined animal feeding operations shall be 10 years. The Department of Environmental Quality shall inspect all facilities for which a Virginia Pollution Abatement permit has been issued to ensure compliance with statutory, regulatory, and permit requirements. Department personnel performing inspections of confined animal feeding operations shall be certified under the voluntary nutrient management training and certification program established in § 10.1-104.2. The term of a certificate issued by the Board shall not be extended by modification beyond the maximum duration and the certificate shall expire at the end of the term unless an application for a new permit has been timely filed as required by the regulations of the Board and the Board is unable, through no fault of the permittee, to issue a new permit before the expiration date of the previous permit.

(5b) Any certificate or land-disturbance approval issued by the Board under this chapter may, after notice and opportunity for a hearing, be amended or revoked on any of the following grounds or for good cause as may be provided by the regulations of the Board:

1. The owner has violated any regulation or order of the Board, any condition of a certificate or land-disturbance approval, any provision of this chapter, or any order of a court, where such violation results in a release of harmful substances into the environment, poses a substantial threat of release of harmful substances into the environment, causes unreasonable property degradation, or presents a hazard to human health or the violation is representative of a pattern of

serious or repeated violations which, in the opinion of the Board, demonstrates the owner's disregard for or inability to comply with applicable laws, regulations, or requirements;

2. The owner has failed to disclose fully all relevant material facts or has misrepresented a material fact in applying for a certificate or land-disturbance approval, or in any other report or document required under this law or under the regulations of the Board;

3. The activity for which the certificate or land-disturbance approval was issued endangers human health or the environment or causes unreasonable property degradation and can be regulated to acceptable levels or practices by amendment or revocation of the certificate or land-disturbance approval; or

4. There exists a material change in the basis on which the certificate, land-disturbance approval, or permit was issued that requires either a temporary or a permanent reduction or elimination of any discharge or land-disturbing activity controlled by the certificate, land-disturbance approval, or permit necessary to protect human health or the environment or stop or prevent unreasonable degradation of property.

(5c) Any certificate issued by the Board under this chapter relating to dredging projects governed under Chapter 12 (§ 28.2-1200 et seq.) or Chapter 13 (§ 28.2-1300 et seq.) of Title 28.2 may be conditioned upon a demonstration of financial responsibility for the completion of compensatory mitigation requirements. Financial responsibility may be demonstrated by a letter of credit, a certificate of deposit, or a performance bond executed in a form approved by the Board. If the U.S. Army Corps of Engineers requires demonstration of financial responsibility for the completion of compensatory mitigation required for a particular project, then the mechanism and amount approved by the U.S. Army Corps of Engineers shall be used to meet this requirement.

(6) To make investigations and inspections, to ensure compliance with the conditions of any certificates, land-disturbance approvals, standards, policies, rules, regulations, rulings, and orders that it may adopt, issue, or establish, and to furnish advice, recommendations, or instructions for the purpose of obtaining such compliance. In recognition of §§ 32.1-164 and 62.1-44.18, the Board and the State Department of Health shall enter into a memorandum of understanding establishing a common format to consolidate and simplify inspections of sewage treatment plants and coordinate the scheduling of the inspections. The new format shall ensure that all sewage treatment plants are inspected at appropriate intervals in order to protect water quality and public health and at the same time avoid any unnecessary administrative burden on those being inspected.

(7) To adopt rules governing the procedure of the Board with respect to (a) hearings; (b) the filing of reports; (c) the issuance of certificates and orders; and (d) all other matters relating to procedure; and to amend or cancel any rule adopted. Public notice of every rule adopted under this section shall be by such means as the Board may prescribe.

(8a) Except as otherwise provided in subdivision (19) and Article 2.3 (§ 62.1-44.15:24 et seq.), to issue special orders to owners, including owners as defined in § 62.1-44.15:24, who (i) are permitting or causing the pollution, as defined by § 62.1-44.3, of state waters or the unreasonable degradation of property to cease and desist from such pollution or degradation, (ii) have failed to construct facilities in accordance with final approved plans and specifications to construct such facilities in accordance with final approved plans and specifications, (iii) have violated the terms and provisions of a certificate or land-disturbance approval issued by the Board to comply with such terms and provisions, (iv) have failed to comply with a directive from the Board to comply with such directive, (v) have contravened duly adopted and promulgated water quality standards and policies to cease and desist from such contravention and to comply with such water quality standards and policies, (vi) have violated the terms and provisions of a pretreatment permit issued by the Board or by the owner of a publicly owned treatment works to comply with such terms and provisions, or (vii) have contravened any applicable pretreatment standard or requirement to comply with such standard or requirement; and also to issue such orders to require any owner to comply with the provisions of this chapter and any decision of the Board. Except as otherwise provided by a separate article, orders issued pursuant to this subdivision may include civil penalties of up to \$32,500 per violation, not to exceed \$100,000 per order. The Board may assess penalties under this subdivision if (a) the person has been issued at least two written notices of alleged violation by the Department for the same or substantially related violations at the same site, (b) such violations have not been resolved by demonstration that there was no violation, by an order issued by the Board or the Director, or by other means, (c) at least 130 days have passed since the issuance of the first notice of alleged violation, and (d) there is a finding that such violations have occurred after a hearing conducted in accordance with subdivision (8b). The actual amount of any penalty assessed shall be based upon the severity of the violations, the extent of any potential or actual environmental harm, the compliance history of the facility or person, any economic benefit realized from the noncompliance, and the ability of the person to pay the penalty. The Board shall provide the person with the calculation for the proposed penalty prior to any hearing conducted for the issuance of an order that assesses penalties pursuant to this subdivision. The issuance of a notice of alleged violation by the Department shall not be considered a case decision as defined in § 2.2-4001. Any notice of alleged violation shall include a description of each violation, the specific provision of law violated, and information on the process for obtaining a final decision or fact finding from the Department on whether or not a violation has occurred, and nothing in this section shall preclude an owner from seeking such a determination. Such civil penalties shall be paid into the state treasury and deposited by the State Treasurer into the Virginia Environmental Emergency Response Fund (§ 10.1-2500 et seq.), except that civil penalties assessed for violations of Article 9 (§ 62.1-44.34:8 et seq.) or Article 11 (§ 62.1-44.34:14 et seq.) shall be paid into the Virginia Petroleum Storage Tank Fund in accordance with § 62.1-44.34:11, and except that civil penalties assessed for violations of subdivision (19) or

Article 2.3 (§ 62.1-44.15:24 et seq.) shall be paid into the Stormwater Local Assistance Fund in accordance with § 62.1-44.15:29.1.

(8b) Such special orders are to be issued only after a hearing before a hearing officer appointed by the Supreme Court in accordance with § 2.2-4020 or, if requested by the person, before a quorum of the Board with at least 30 days' notice to the affected owners, of the time, place, and purpose thereof, and they shall become effective not less than 15 days after service as provided in 62.1-44.12, provided that if the Board finds that any such owner is grossly affecting or presents an imminent and substantial danger to (i) the public health, safety, or welfare, or the health of animals, fish, or aquatic life; (ii) a public water supply; or (iii) recreational, commercial, industrial, agricultural, or other reasonable uses, it may issue, without advance notice or hearing, an emergency special order directing the owner to cease such pollution or discharge immediately, and shall provide an opportunity for a hearing, after reasonable notice as to the time and place thereof to the owner, to affirm, modify, amend, or cancel such emergency special order. If an owner who has been issued such a special order or an emergency special order is not complying with the terms thereof, the Board may proceed in accordance with 62.1-44.23, and where the order is based on a finding of an imminent and substantial danger, the court shall issue an injunction compelling compliance with the emergency special order pending a hearing by the Board. If an emergency special order requires cessation of a discharge, the Board shall provide an opportunity for a hearing within 48 hours of the issuance of the injunction.

(8c) The provisions of this section notwithstanding, the Board may proceed directly under § 62.1-44.32 for any past violation or violations of any provision of this chapter or any regulation duly promulgated hereunder.

(8d) Except as otherwise provided in subdivision (19), subdivision 2 of § 62.1-44.15:25, or § 62.1-44.15:63, with the consent of any owner who has violated or failed, neglected, or refused to obey any regulation or order of the Board, any condition of a certificate, land-disturbance approval, or permit, or any provision of this chapter, the Board may provide, in an order issued by the Board against such person, for the payment of civil charges for past violations in specific sums not to exceed the limit specified in subsection (a) of § 62.1-44.32. Such civil charges shall be instead of any appropriate civil penalty which could be imposed under subsection (a) of § 62.1-44.32 and shall not be subject to the provisions of § 2.2-514. Such civil charges shall be paid into the state treasury and deposited by the State Treasurer into the Virginia Environmental Emergency Response Fund (§ 10.1-2500 et seq.), excluding civil charges assessed for violations of Article 9 (§ 62.1-44.34:8 et seq.) or 10 (§ 62.1-44.34:10 et seq.) of Chapter 3.1, or a regulation, administrative or judicial order, or term or condition of approval relating to or issued under those articles, or civil charges assessed for violations of Article 2.3 (§ 62.1-44.15:24 et seq.) or 2.5 (§ 62.1-44.15:67 et seq.) or a regulation, administrative or judicial order, or term or condition of approval relating to or issued under Article 2.3 or 2.5.

The amendments to this section adopted by the 1976 Session of the General Assembly shall not be construed as limiting or expanding any cause of action or any other remedy possessed by the Board prior to the effective date of said amendments.

(8e) The Board shall develop and provide an opportunity for public comment on guidelines and procedures that contain specific criteria for calculating the appropriate penalty for each violation based upon the severity of the violations, the extent of any potential or actual environmental harm, the compliance history of the facility or person, any economic benefit realized from the noncompliance, and the ability of the person to pay the penalty.

(8f) Before issuing a special order under subdivision (8a) or by consent under (8d), with or without an assessment of a civil penalty, to an owner of a sewerage system requiring corrective action to prevent or minimize overflows of sewage from such system, the Board shall provide public notice of and reasonable opportunity to comment on the proposed order. Any such order under subdivision (8d) may impose civil penalties in amounts up to the maximum amount authorized in § 309(g) of the Clean Water Act. Any person who comments on the proposed order shall be given notice of any hearing to be held on the terms of the order. In any hearing held, such person shall have a reasonable opportunity to be heard and to present evidence. If no hearing is held before issuance of an order under subdivision (8d), any person who commented on the proposed order may file a petition, within 30 days after the issuance of such order, requesting the Board to set aside such order and provide a formal hearing thereon. If the evidence presented by the petitioner in support of the petition is material and was not considered in the issuance of the order, the Board shall immediately set aside the order, provide a formal hearing, and make such petitioner a party. If the Board denies the petition, the Board shall provide notice to the petitioner and make available to the public the reasons for such denial, and the petitioner shall have the right to judicial review of such decision under § 62.1-44.29 if he meets the requirements thereof.

(9) To make such rulings under §§ 62.1-44.16, 62.1-44.17, and 62.1-44.19 as may be required upon requests or applications to the Board, the owner or owners affected to be notified by certified mail as soon as practicable after the Board makes them and such rulings to become effective upon such notification.

(10) To adopt such regulations as it deems necessary to enforce the general soil erosion control and stormwater management program and water quality management program of the Board in all or part of the Commonwealth, except that a description of provisions of any proposed regulation which are more restrictive than applicable federal requirements, together with the reason why the more restrictive provisions are needed, shall be provided to the standing committee of each house of the General Assembly to which matters relating to the content of the regulation are most properly referable.

(11) To investigate any large-scale killing of fish.

(a) Whenever the Board shall determine that any owner, whether or not he shall have been issued a certificate for discharge of waste, has discharged sewage, industrial waste, or other waste into state waters in such quantity, concentration,

or manner that fish are killed as a result thereof, it may effect such settlement with the owner as will cover the costs incurred by the Board and by the Department of ~~Game and Inland Fisheries~~ *Wildlife Resources* in investigating such killing of fish, plus the replacement value of the fish destroyed, or as it deems proper, and if no such settlement is reached within a reasonable time, the Board shall authorize its executive secretary to bring a civil action in the name of the Board to recover from the owner such costs and value, plus any court or other legal costs incurred in connection with such action.

(b) If the owner is a political subdivision of the Commonwealth, the action may be brought in any circuit court within the territory embraced by such political subdivision. If the owner is an establishment, as defined in this chapter, the action shall be brought in the circuit court of the city or the circuit court of the county in which such establishment is located. If the owner is an individual or group of individuals, the action shall be brought in the circuit court of the city or circuit court of the county in which such person or any of them reside.

(c) For the purposes of this subsection the State Water Control Board shall be deemed the owner of the fish killed and the proceedings shall be as though the State Water Control Board were the owner of the fish. The fact that the owner has or held a certificate issued under this chapter shall not be raised as a defense in bar to any such action.

(d) The proceeds of any recovery had under this subsection shall, when received by the Board, be applied, first, to reimburse the Board for any expenses incurred in investigating such killing of fish. The balance shall be paid to the Board of ~~Game and Inland Fisheries~~ *Wildlife Resources* to be used for the fisheries' management practices as in its judgment will best restore or replace the fisheries' values lost as a result of such discharge of waste, including, where appropriate, replacement of the fish killed with game fish or other appropriate species. Any such funds received are hereby appropriated for that purpose.

(e) Nothing in this subsection shall be construed in any way to limit or prevent any other action which is now authorized by law by the Board against any owner.

(f) Notwithstanding the foregoing, the provisions of this subsection shall not apply to any owner who adds or applies any chemicals or other substances that are recommended or approved by the State Department of Health to state waters in the course of processing or treating such waters for public water supply purposes, except where negligence is shown.

(12) To administer programs of financial assistance for planning, construction, operation, and maintenance of water quality control facilities for political subdivisions in the Commonwealth.

(13) To establish policies and programs for effective area-wide or basin-wide water quality control and management. The Board may develop comprehensive pollution abatement and water quality control plans on an area-wide or basin-wide basis. In conjunction with this, the Board, when considering proposals for waste treatment facilities, is to consider the feasibility of combined or joint treatment facilities and is to ensure that the approval of waste treatment facilities is in accordance with the water quality management and pollution control plan in the watershed or basin as a whole. In making such determinations, the Board is to seek the advice of local, regional, or state planning authorities.

(14) To establish requirements for the treatment of sewage, industrial wastes, and other wastes that are consistent with the purposes of this chapter; however, no treatment shall be less than secondary or its equivalent, unless the owner can demonstrate that a lesser degree of treatment is consistent with the purposes of this chapter.

(15) To promote and establish requirements for the reclamation and reuse of wastewater that are protective of state waters and public health as an alternative to directly discharging pollutants into waters of the state. The requirements shall address various potential categories of reuse and may include general permits and provide for greater flexibility and less stringent requirements commensurate with the quality of the reclaimed water and its intended use. The requirements shall be developed in consultation with the Department of Health and other appropriate state agencies. This authority shall not be construed as conferring upon the Board any power or duty duplicative of those of the State Board of Health.

(16) To establish and implement policies and programs to protect and enhance the Commonwealth's wetland resources. Regulatory programs shall be designed to achieve no net loss of existing wetland acreage and functions. Voluntary and incentive-based programs shall be developed to achieve a net resource gain in acreage and functions of wetlands. The Board shall seek and obtain advice and guidance from the Virginia Institute of Marine Science in implementing these policies and programs.

(17) To establish additional procedures for obtaining a Virginia Water Protection Permit pursuant to §§ 62.1-44.15:20 and 62.1-44.15:22 for a proposed water withdrawal involving the transfer of water resources between major river basins within the Commonwealth that may impact water basins in another state. Such additional procedures shall not apply to any water withdrawal in existence as of July 1, 2012, except where the expansion of such withdrawal requires a permit under §§ 62.1-44.15:20 and 62.1-44.15:22, in which event such additional procedures may apply to the extent of the expanded withdrawal only. The applicant shall provide as part of the application (i) an analysis of alternatives to such a transfer, (ii) a comprehensive analysis of the impacts that would occur in the source and receiving basins, (iii) a description of measures to mitigate any adverse impacts that may arise, (iv) a description of how notice shall be provided to interested parties, and (v) any other requirements that the Board may adopt that are consistent with the provisions of this section and §§ 62.1-44.15:20 and 62.1-44.15:22 or regulations adopted thereunder. This subdivision shall not be construed as limiting or expanding the Board's authority under §§ 62.1-44.15:20 and 62.1-44.15:22 to issue permits and impose conditions or limitations on the permitted activity.

(18) To be the lead agency for the Commonwealth's nonpoint source pollution management program, including coordination of the nonpoint source control elements of programs developed pursuant to certain state and federal laws, including § 319 of the federal Clean Water Act and § 6217 of the federal Coastal Zone Management Act. Further

responsibilities include the adoption of regulations necessary to implement a nonpoint source pollution management program in the Commonwealth, the distribution of assigned funds, the identification and establishment of priorities to address nonpoint source related water quality problems, the administration of the Statewide Nonpoint Source Advisory Committee, and the development of a program for the prevention and control of soil erosion, sediment deposition, and nonagricultural runoff to conserve Virginia's natural resources.

(19) To review for compliance with the provisions of this chapter the Virginia Erosion and Stormwater Management Programs adopted by localities pursuant to § 62.1-44.15:27, the Virginia Erosion and Sediment Control Programs adopted by localities pursuant to subdivision B 3 of § 62.1-44.15:27, and the programs adopted by localities pursuant to the Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq.). The Board shall develop and implement a schedule for conducting such program reviews as often as necessary but at least once every five years. Following the completion of a compliance review in which deficiencies are found, the Board shall establish a schedule for the locality to follow in correcting the deficiencies and bringing its program into compliance. If the locality fails to bring its program into compliance in accordance with the compliance schedule, then the Board is authorized to (i) issue a special order to any locality imposing a civil penalty not to exceed \$5,000 per violation with the maximum amount not to exceed \$50,000 per order for noncompliance with the state program, to be paid into the state treasury and deposited in the Stormwater Local Assistance Fund established in § 62.1-44.15:29.1 or (ii) with the consent of the locality, provide in an order issued against the locality for the payment of civil charges for violations in lieu of civil penalties, in specific sums not to exceed the limit stated in this subdivision. Such civil charges shall be in lieu of any appropriate civil penalty that could be imposed under subsection (a) of § 62.1-44.32 and shall not be subject to the provisions of § 2.2-514. The Board shall not delegate to the Department its authority to issue special orders pursuant to clause (i). In lieu of issuing an order, the Board is authorized to take legal action against a locality pursuant to § 62.1-44.23 to ensure compliance.

§ 62.1-44.15:5.01. Coordinated review of water resources projects.

A. Applications for water resources projects that require an individual Virginia Water Protection Permit and a Virginia Marine Resources permit under § 28.2-1205 shall be submitted and processed through a joint application and review process.

B. The Director and the Commissioner of the Virginia Marine Resources Commission, in consultation with the Virginia Institute of Marine Science, the Department of ~~Game and Inland Fisheries~~ *Wildlife Resources*, the Department of Historic Resources, the Department of Health, the Department of Conservation and Recreation, the Virginia Department of Agriculture and Consumer Services, and any other appropriate or interested state agency, shall coordinate the joint review process to ensure the orderly evaluation of projects requiring both permits.

C. The joint review process shall include, but not be limited to, provisions to ensure that: (i) the initial application for the project shall be advertised simultaneously by the Department of Environmental Quality and the Virginia Marine Resources Commission; (ii) project reviews shall be completed by all state agencies that have been asked to review and provide comments within 45 days of project notification by the Department of Environmental Quality and the Virginia Marine Resources Commission; (iii) the Board and the Virginia Marine Resources Commission shall coordinate permit issuance and, to the extent practicable, shall take action on the permit application no later than one year after the agencies have received complete applications; (iv) to the extent practicable, the Board and the Virginia Marine Resources Commission shall take action concurrently, but no more than six months apart; and (v) upon taking its final action on each permit, the Board and the Virginia Marine Resources Commission shall provide each other with notification of their actions and any and all supporting information, including any background materials or exhibits used in the application. Any state agency asked to review and provide comments in accordance with clause (ii) shall provide such comments within 45 days of project notification by the Department of Environmental Quality and the Virginia Marine Resources Commission or be deemed to have waived its right to provide comment.

D. If requested by the applicant, the Department of Environmental Quality shall convene a preapplication review panel to assist applicants for water resources projects in the early identification of issues related to the protection of beneficial instream and offstream uses of state waters. The Virginia Marine Resources Commission, the Virginia Institute of Marine Science, the Department of ~~Game and Inland Fisheries~~ *Wildlife Resources*, the Department of Conservation and Recreation, and the Department of Environmental Quality shall participate in the preapplication review panel by providing information and guidance on the potential natural resource impacts and regulatory implications of the options being considered by the applicant. However, the participation by these agencies in such a review process shall not limit any authority they may exercise pursuant to state and federal laws or regulations.

§ 62.1-44.15:6. Permit fee regulations.

A. The Board shall promulgate regulations establishing a fee assessment and collection system to recover a portion of the State Water Control Board's, the Department of ~~Game and Inland Fisheries~~ *Wildlife Resources'* and the Department of Conservation and Recreation's direct and indirect costs associated with the processing of an application to issue, reissue, amend or modify any permit or certificate, which the Board has authority to issue under this chapter and Chapters 24 (§ 62.1-242 et seq.) and 25 (§ 62.1-254 et seq.) of this title, from the applicant for such permit or certificate for the purpose of more efficiently and expeditiously processing permits. The fees shall be exempt from statewide indirect costs charged and collected by the Department of Accounts. The Board shall have no authority to charge such fees where the authority to issue such permits has been delegated to another agency that imposes permit fees.

B1. Permit fees charged an applicant for a Virginia Pollutant Discharge Elimination System permit or a Virginia Pollution Abatement permit shall reflect the average time and complexity of processing a permit in each of the various categories of permits and permit actions. However, notwithstanding any other provision of law, in no instance shall the Board charge a fee for a permit pertaining to a farming operation engaged in production for market or for a permit pertaining to maintenance dredging for federal navigation channels or other Corps of Engineers- or Department of the Navy-sponsored dredging projects or for the regularly scheduled renewal of an individual permit for an existing facility. Fees shall be charged for a major modification or reissuance of a permit initiated by the permittee that occurs between permit issuance and the stated expiration date. No fees shall be charged for a modification or amendment made at the Board's initiative. In no instance shall the Board exceed the following amounts for the processing of each type of permit/certificate category:

Type of Permit/Certificate Category	Maximum Amount
1. Virginia Pollutant Discharge Elimination System	
Major Industrial	\$24,000
Major Municipal	\$21,300
Minor Industrial with nonstandard limits	\$10,300
Minor Industrial with standard limits	\$6,600
Minor Municipal greater than 100,000 gallons per day	\$7,500
Minor Municipal 10,001-100,000 gallons per day	\$6,000
Minor Municipal 1,000-10,000 gallons per day	\$5,400
Minor Municipal less than 1,000 gallons per day	\$2,000
General-industrial stormwater management	\$500
General-stormwater management-phase I land clearing	\$500
General-stormwater management-phase II land clearing	\$300
General-other	\$600
2. Virginia Pollution Abatement	
Industrial/Wastewater 10 or more inches per year	\$15,000
Industrial/Wastewater less than 10 inches per year	\$10,500
Industrial/Sludge	\$7,500
Municipal/Wastewater	\$13,500
Municipal/Sludge	\$7,500
General Permit	\$600
Other	\$750

The fee for the major modification of a permit or certificate that occurs between the permit issuance and expiration dates shall be 50 percent of the maximum amount established by this subsection. No fees shall be charged for minor modifications or minor amendments to such permits. For the purpose of this subdivision, "minor modifications" or "minor amendments" means specific types of changes defined by the Board that are made to keep the permit current with routine changes to the facility or its operation that do not require extensive review. A minor permit modification or amendment does not substantially alter permit conditions, increase the size of the operation, or reduce the capacity of the facility to protect human health or the environment.

B2. Each permitted facility shall pay a permit maintenance fee to the Board by October 1 of each year, not to exceed the following amounts:

Type of Permit/Certificate Category	Maximum Amount
1. Virginia Pollutant Discharge Elimination System	
Major Industrial	\$4,800
Major Municipal greater than 10 million gallons per day	\$4,750
Major Municipal 2-10 million gallons per day	\$4,350
Major Municipal less than 2 million gallons per day	\$3,850
Minor Industrial with nonstandard limits	\$2,040
Minor Industrial with standard limits	\$1,320
Minor Industrial water treatment system	\$1,200

Minor Municipal greater than 100,000 gallons per day	\$1,500
Minor Municipal 10,001-100,000 gallons per day	\$1,200
Minor Municipal 1,000-10,000 gallons per day	\$1,080
Minor Municipal less than 1,000 gallons per day	\$400
2. Virginia Pollution Abatement	
Industrial/Wastewater 10 or more inches per year	\$3,000
Industrial/Wastewater less than 10 inches per year	\$2,100
Industrial/Sludge	\$3,000
Municipal/Wastewater	\$2,700
Municipal/Sludge	\$1,500

An additional permit maintenance fee of \$1,000 shall be collected from facilities in a toxics management program and an additional permit maintenance fee shall be collected from facilities that have more than five process wastewater discharge outfalls. Permit maintenance fees shall be collected annually and shall be remitted by October 1 of each year. For a local government or public service authority with permits for multiple facilities in a single jurisdiction, the permit maintenance fees for permits held as of April 1, 2004, shall not exceed \$20,000 per year. No permit maintenance fee shall be assessed for facilities operating under a general permit or for permits pertaining to a farming operation engaged in production for market.

B3. Permit application fees charged for Virginia Water Protection Permits, ground water withdrawal permits, and surface water withdrawal permits shall reflect the average time and complexity of processing a permit in each of the various categories of permits and permit actions and the size of the proposed impact. Only one permit fee shall be assessed for a water protection permit involving elements of more than one category of permit fees under this section. The fee shall be assessed based upon the primary purpose of the proposed activity. In no instance shall the Board charge a fee for a permit pertaining to maintenance dredging for federal navigation channels or other U.S. Army Corps of Engineers- or Department of the Navy-sponsored dredging projects, and in no instance shall the Board exceed the following amounts for the processing of each type of permit/certificate category:

Type of Permit	Maximum Amount
1. Virginia Water Protection	
Individual-wetland impacts	\$2,400 plus \$220 per 1/10 acre of impact over two acres, not to exceed \$60,000
Individual-minimum instream flow	\$25,000
Individual-reservoir	\$35,000
Individual-nonmetallic mineral mining	\$7,500
General-less than 1/10 acre impact	\$0
General-1/10 to 1/2 acre impact	\$600
General-greater than 1/2 to one acre impact	\$1,200
General-greater than one acre to two acres of impact	\$120 per 1/10 acre of impact
2. Ground Water Withdrawal	\$9,000
3. Surface Water Withdrawal	\$12,000

No fees shall be charged for minor modifications or minor amendments to such permits. For the purpose of this subdivision, "minor modifications" or "minor amendments" means specific types of changes defined by the Board that are made to keep the permit current with routine changes to the facility or its operation that do not require extensive review. A minor permit modification or amendment does not substantially alter permit conditions, increase the size of the operation, or reduce the capacity of the facility to protect human health or the environment.

C. When promulgating regulations establishing permit fees, the Board shall take into account the permit fees charged in neighboring states and the importance of not placing existing or prospective industries in the Commonwealth at a competitive disadvantage.

D. Beginning January 1, 1998, and January 1 of every even-numbered year thereafter, the Board shall make a report on the implementation of the water permit program to the Senate Committee on Agriculture, Conservation and Natural Resources, the Senate Committee on Finance, the House Committee on Appropriations, the House Committee on Agriculture, Chesapeake and Natural Resources and the House Committee on Finance. The report shall include the following: (i) the total costs, both direct and indirect, including the costs of overhead, water quality planning, water quality assessment, operations coordination, and surface water and ground water investigations, (ii) the total fees collected by

permit category, (iii) the amount of general funds allocated to the Board, (iv) the amount of federal funds received, (v) the Board's use of the fees, the general funds, and the federal funds, (vi) the number of permit applications received by category, (vii) the number of permits issued by category, (viii) the progress in eliminating permit backlogs, (ix) the timeliness of permit processing, and (x) the direct and indirect costs to neighboring states of administering their water permit programs, including what activities each state categorizes as direct and indirect costs, and the fees charged to the permit holders and applicants.

E. Fees collected pursuant to this section shall not supplant or reduce in any way the general fund appropriation to the Board.

F. Permit fee schedules shall apply to permit programs in existence on July 1, 1992, any additional permits that may be required by the federal government and administered by the Board, or any new permit required pursuant to any law of the Commonwealth.

G. The Board is authorized to promulgate regulations establishing a schedule of reduced permit fees for facilities that have established a record of compliance with the terms and requirements of their permits and shall establish criteria by regulation to provide for reductions in the annual fee amount assessed for facilities accepted into the Department's programs to recognize excellent environmental performance.

§ 62.1-44.15:20. Virginia Water Protection Permit.

A. Except in compliance with an individual or general Virginia Water Protection Permit issued in accordance with this article, it shall be unlawful to:

1. Excavate in a wetland;
2. On or after October 1, 2001, conduct the following in a wetland:
 - a. New activities to cause draining that significantly alters or degrades existing wetland acreage or functions;
 - b. Filling or dumping;
 - c. Permanent flooding or impounding; or
 - d. New activities that cause significant alteration or degradation of existing wetland acreage or functions; or
3. Alter the physical, chemical, or biological properties of state waters and make them detrimental to the public health, animal or aquatic life, or to the uses of such waters for domestic or industrial consumption, or for recreation, or for other uses unless authorized by a certificate issued by the Board.

B. The Board shall, after providing an opportunity for public comment, issue a Virginia Water Protection Permit if it has determined that the proposed activity is consistent with the provisions of the Clean Water Act and the State Water Control Law and will protect instream beneficial uses.

C. Prior to the issuance of a Virginia Water Protection Permit, the Board shall consult with and give full consideration to any relevant information contained in the state water supply plan described in subsection A of § 62.1-44.38:1 as well as to the written recommendations of the following agencies: the Department of ~~Game and Inland Fisheries~~ *Wildlife Resources*, the Department of Conservation and Recreation, the Virginia Marine Resources Commission, the Department of Health, the Department of Agriculture and Consumer Services, and any other interested and affected agencies. When considering the state water supply plan, nothing shall be construed to limit the operation or expansion of an electric generation facility located on a man-made lake or impoundment built for the purpose of providing cooling water to such facility. Such consultation shall include the need for balancing instream uses with offstream uses. Agencies may submit written comments on proposed permits within 45 days after notification by the Board. If written comments are not submitted by an agency within this time period, the Board shall assume that the agency has no comments on the proposed permit and deem that the agency has waived its right to comment. After the expiration of the 45-day period, any such agency shall have no further opportunity to comment.

D. Issuance of a Virginia Water Protection Permit shall constitute the certification required under § 401 of the Clean Water Act, except for any applicant to the Federal Energy Regulatory Commission for a certificate of public convenience and necessity pursuant to § 7c of the federal Natural Gas Act (15 U.S.C. § 717f(c)) to construct any natural gas transmission pipeline greater than 36 inches inside diameter, in which case issuance of a Virginia Water Protection Permit pursuant to this article and a certification issued pursuant to Article 2.6 (§ 62.1-44.15:80 et seq.) shall together constitute the certification required under § 401 of the federal Clean Water Act.

E. No locality may impose wetlands permit requirements duplicating state or federal wetlands permit requirements. In addition, no locality shall impose or establish by ordinance, policy, plan, or any other means provisions related to the location of wetlands or stream mitigation in satisfaction of aquatic resource impacts regulated under a Virginia Water Protection Permit or under a permit issued by the U.S. Army Corps of Engineers pursuant to § 404 of the Clean Water Act. However, a locality's determination of allowed uses within zoning classifications or its approval of the siting or construction of wetlands or stream mitigation banks or other mitigation projects shall not be affected by the provisions of this subsection.

F. The Board shall assess compensation implementation, inventory permitted wetland impacts, and work to prevent unpermitted impacts to wetlands.

§ 62.1-44.15:81. Application and preparation of draft certification conditions.

A. Any applicant for a federal license or permit for a natural gas transmission pipeline greater than 36 inches inside diameter subject to § 7c of the federal Natural Gas Act (15 U.S.C. § 717f(c)) shall submit a separate application, at the same time the Joint Permit Application is submitted, to the Department containing a description of all activities that will occur in upland areas, including activities in or related to (i) slopes with a grade greater than 15 percent; (ii) karst geology features,

including sinkholes and underground springs; (iii) proximity to sensitive streams and wetlands identified by the Department of Conservation and Recreation or the Department of ~~Game and Inland Fisheries~~ *Wildlife Resources*; (iv) seasonally high water tables; (v) water impoundment structures and reservoirs; and (vi) areas with highly erodible soils, low pH, and acid sulfate soils.

B. At any time during the review of the application, but prior to issuing a certification pursuant to this article, the Department may issue an information request to the applicant for any relevant additional information necessary to determine (i) if any activities related to the applicant's project in upland areas are likely to result in a discharge to state waters and (ii) how the applicant proposes to minimize water quality impacts to the maximum extent practicable to protect water quality. The information request shall provide a reasonable amount of time for the applicant to respond.

C. The Department shall review the information contained in the application and any additional information obtained through any information requests issued pursuant to subsection B to determine if any activities described in the application or in any additional information requests (i) are likely to result in a discharge to state waters with the potential to adversely impact water quality and (ii) will not be addressed by the Virginia Water Protection Permit issued for the activity pursuant to Article 2.2 (§ 62.1-44.15:20 et seq.). The Department of ~~Game and Inland Fisheries~~ *Wildlife Resources*, the Department of Conservation and Recreation, the Department of Health, and the Department of Agriculture and Consumer Services shall consult with the Department during the review of the application and any additional information obtained through any information requests issued pursuant to subsection B. Following the conclusion of its review, the Department shall develop a draft certification for public comment and potential issuance by the Department or the Board pursuant to § 62.1-44.15:02 that contains any additional conditions for activities in upland areas necessary to protect water quality. The Department shall make the information contained in the application and any additional information obtained through any information requests issued pursuant to subsection B available to the public.

D. Notwithstanding any applicable annual standards and specifications for erosion and sediment control or stormwater management pursuant to Article 2.3 (§ 62.1-44.15:24 et seq.) or 2.4 (§ 62.1-44.15:51 et seq.), the applicant shall not commence land-disturbing activity prior to approval by the Department of an erosion and sediment control plan and stormwater management plan in accordance with applicable regulations. The Department shall act on any plan submittal within 60 days after initial submittal of a completed plan to the Department. The Department may issue either approval or disapproval and shall provide written rationale for any disapproval. The Department shall act on any plan that has been previously disapproved within 30 days after the plan has been revised and resubmitted for approval.

E. No action by either the Department or the Board on a certification pursuant to this article shall alter the siting determination made through Federal Energy Regulatory Commission or State Corporation Commission approval.

F. The Department shall assess an administrative charge to the applicant to cover the direct costs of services rendered associated with its responsibilities pursuant to this section.

§ 62.1-44.19:6. Citizen right-to-know provisions.

A. The Board, based on the information in the 303(d) and 305(b) reports, shall:

1. Request the Department of ~~Game and Inland Fisheries~~ *Wildlife Resources* or the Virginia Marine Resources Commission to post notices at public access points to all toxic impaired waters. The notice shall be prepared by the Board and shall contain (i) the basis for the impaired designation and (ii) a statement of the potential health risks provided by the Virginia Department of Health. The Board shall annually notify local newspapers, and persons who request notice, of any posting and its contents. The Board shall coordinate with the Virginia Marine Resources Commission and the Department of ~~Game and Inland Fisheries~~ *Wildlife Resources* to assure that adequate notice of posted waters is provided to those purchasing hunting and fishing licenses.

2. Maintain a "citizen hot-line" for citizens to obtain, either telephonically or electronically, information about the condition of waterways, including information on toxics, toxic discharges, permit violations and other water quality related issues.

3. Make information regarding the presence of toxics in fish tissue and sediments available to the public on the Internet and through other reasonable means for at least five years after the information is received by the Department of Environmental Quality. The Department of Environmental Quality shall post on the Internet and in the Virginia Register on or about January 1 and July 1 of each year an announcement of any new data that has been received over the past six months and shall make a copy of the information available upon request.

B. The Board shall provide to a local newspaper the discharge information reported to the Director of the Department of Environmental Quality pursuant to § 62.1-44.5, when the Virginia Department of Health determines that the discharge may be detrimental to the public health or the Board determines that the discharge may impair beneficial uses of state waters.

§ 62.1-44.33. Board to adopt regulations; tidal waters no discharge zones.

A. The State Water Control Board is empowered and directed to adopt all necessary regulations for the purpose of controlling the discharge of sewage and other wastes from both documented and undocumented boats and vessels on all navigable and nonnavigable waters within this Commonwealth. No such regulation shall impose restrictions that are more restrictive than the regulations applicable under federal law; provided, however, the Board may adopt such regulations as are reasonably necessary with respect to: (i) vessels regularly berthed in marinas or other places where vessels are moored, in order to limit or avoid the closing of shellfish grounds; and (ii) no discharge zones. Documented and undocumented boats and vessels are prohibited from discharging into the Chesapeake Bay and the tidal portions of its tributaries sewage that has

not been treated by a Coast Guard-approved Marine Sanitation Device (MSD Type 1 or Type 2); however, the discharge of treated or untreated sewage by such boats and vessels is prohibited in areas that have been designated as no discharge zones by the United States Environmental Protection Agency. Any discharges, as defined in 9VAC25-71-10, that are incidental to the normal operation of a vessel shall not constitute a violation of this section.

B. The tidal creeks of the Commonwealth are hereby established as no discharge zones for the discharge of sewage and other wastes from documented and undocumented boats and vessels. Criteria for the establishment of no discharge zones shall be premised on the improvement of impaired tidal creeks. Nothing in this section shall be construed to discourage the proper use of Type 1 and Type 2 Marine Sanitation Devices, as defined under 33 U.S.C. § 1332, in authorized areas other than properly designated no discharge zones. The Board shall adopt regulations for designated no discharge zones requiring (i) boats and vessels without installed toilets to dispose of any collected sewage from portable toilets or other containment devices at marina facilities approved by the Department of Health for collection of sewage wastes, or otherwise dispose of sewage in a manner that complies with state law; (ii) all boats and vessels with installed toilets to have a marine sanitation device to allow sewage holding capacity unless the toilets are rendered inoperable; (iii) all houseboats having installed toilets to have a holding tank with the capability of collecting and holding sewage and disposing of collected sewage at a pump-out facility; if the houseboats lack such tank then the marine sanitation device shall comply with clause (iv); (iv) y-valves, macerator pump valves, discharge conveyances or any other through-hull fitting valves capable of allowing a discharge of sewage from marine sanitation devices shall be secured in the closed position while in a no discharge zone by use of a padlock, nonreleasable wire tie, or removal of the y-valve handle. The method chosen shall present a physical barrier to the use of the y-valve or toilet; and (v) every owner or operator of a marina within a designated no discharge zone to notify boat patrons leasing slips of the sewage discharge restriction in the no discharge zone. As a minimum, notification shall consist of no discharge zone information in the slip rental contract and a sign indicating the area is a designated no discharge zone.

In formulating regulations pursuant to this section, the Board shall consult with the State Department of Health, the Department of ~~Game and Inland Fisheries~~ *Wildlife Resources*, and the Marine Resources Commission for the purpose of coordinating such regulations with the activities of such agencies.

For purposes of this section, "no discharge zone" means an area where the Commonwealth has received an affirmative determination from the U.S. Environmental Protection Agency that there are adequate facilities for the removal of sewage from vessels (holding tank pump-out facilities) in accordance with 33 U.S.C. § 1322 (f)(3), and where federal approval has been received allowing a complete prohibition of all treated or untreated discharges of sewage from all vessels.

C. Violation of such regulations and violations of the prohibitions created by this section on the discharge of treated and untreated sewage from documented and undocumented boats and vessels shall, upon conviction, be a Class 1 misdemeanor. Every law-enforcement officer of this Commonwealth and its subdivisions shall have the authority to enforce the regulations adopted under the provisions of this section and to enforce the prohibitions on the discharge of treated and untreated sewage created by this section.

§ 62.1-44.34:25. Virginia Spill Response Council created; purpose; membership.

A. There is hereby created the Virginia Spill Response Council. The purpose of the Council is to (i) improve the Commonwealth's capability to respond in a timely and coordinated fashion to incidents involving the discharge of oil or hazardous materials which pose a threat to the environment, its living resources, and the health, safety, and welfare of the people of the Commonwealth and (ii) provide an ongoing forum for discussions between agencies which are charged with the prevention of, and response to, oil spills and hazardous materials incidents, and those agencies responsible for the remediation of such incidents.

B. The Secretary of Natural Resources and the Secretary of Public Safety and Homeland Security, upon the advice of the director of the agency, shall select one representative from each of the following agencies to serve as a member of the Council: Department of Emergency Management, State Water Control Board, Department of Environmental Quality, Virginia Marine Resources Commission, Department of ~~Game and Inland Fisheries~~ *Wildlife Resources*, Department of Health, Department of Fire Programs, and the Council on the Environment.

C. The Secretary of Natural Resources or his designee shall serve as chairman of the Council.

§ 62.1-250. State agency review.

Prior to the creation of a surface water management area, or the issuance of a permit within one, the Board shall consult and cooperate with, and give full consideration to the written recommendations of, the following agencies: the Department of ~~Game and Inland Fisheries~~ *Wildlife Resources*, the Department of Conservation and Recreation, the Virginia Marine Resources Commission, the Department of Health, and any other interested and affected agencies. Such consultation shall include the need for development of a means in the surface water management area for balancing instream uses with offstream uses. Agencies may submit written comments on proposed permits within forty-five days after notification by the Board. The Board shall assume that if written comments are not submitted by an agency, within the time period, the agency has no comments on the proposed permits.

§ 65.2-402. Presumption as to death or disability from respiratory disease, hypertension or heart disease, cancer.

A. Respiratory diseases that cause (i) the death of volunteer or salaried firefighters or Department of Emergency Management hazardous materials officers or (ii) any health condition or impairment of such firefighters or Department of Emergency Management hazardous materials officers resulting in total or partial disability shall be presumed to be

occupational diseases, suffered in the line of duty, that are covered by this title unless such presumption is overcome by a preponderance of competent evidence to the contrary.

B. Hypertension or heart disease causing the death of, or any health condition or impairment resulting in total or partial disability of (i) salaried or volunteer firefighters, (ii) members of the State Police Officers' Retirement System, (iii) members of county, city or town police departments, (iv) sheriffs and deputy sheriffs, (v) Department of Emergency Management hazardous materials officers, (vi) city sergeants or deputy city sergeants of the City of Richmond, (vii) Virginia Marine Police officers, (viii) conservation police officers who are full-time sworn members of the enforcement division of the Department of ~~Game and Inland Fisheries~~ *Wildlife Resources*, (ix) Capitol Police officers, (x) special agents of the Virginia Alcoholic Beverage Control Authority appointed under the provisions of Chapter 1 (§ 4.1-100 et seq.) of Title 4.1, (xi) for such period that the Metropolitan Washington Airports Authority voluntarily subjects itself to the provisions of this chapter as provided in § 65.2-305, officers of the police force established and maintained by the Metropolitan Washington Airports Authority, (xii) officers of the police force established and maintained by the Norfolk Airport Authority, (xiii) sworn officers of the police force established and maintained by the Virginia Port Authority, and (xiv) campus police officers appointed under Article 3 (§ 23.1-809 et seq.) of Chapter 8 of Title 23.1 and employed by any public institution of higher education shall be presumed to be occupational diseases, suffered in the line of duty, that are covered by this title unless such presumption is overcome by a preponderance of competent evidence to the contrary.

C. Leukemia or pancreatic, prostate, rectal, throat, ovarian or breast cancer causing the death of, or any health condition or impairment resulting in total or partial disability of, any volunteer or salaried firefighter, Department of Emergency Management hazardous materials officer, commercial vehicle enforcement officer or motor carrier safety trooper employed by the Department of State Police, or full-time sworn member of the enforcement division of the Department of Motor Vehicles having completed 12 years of continuous service who has a contact with a toxic substance encountered in the line of duty shall be presumed to be an occupational disease, suffered in the line of duty, that is covered by this title, unless such presumption is overcome by a preponderance of competent evidence to the contrary. For the purposes of this section, a "toxic substance" is one which is a known or suspected carcinogen, as defined by the International Agency for Research on Cancer, and which causes, or is suspected to cause, leukemia or pancreatic, prostate, rectal, throat, ovarian or breast cancer.

D. The presumptions described in subsections A, B, and C shall only apply if persons entitled to invoke them have, if requested by the private employer, appointing authority or governing body employing them, undergone preemployment physical examinations that (i) were conducted prior to the making of any claims under this title that rely on such presumptions, (ii) were performed by physicians whose qualifications are as prescribed by the private employer, appointing authority or governing body employing such persons, (iii) included such appropriate laboratory and other diagnostic studies as the private employer, appointing authorities or governing bodies may have prescribed, and (iv) found such persons free of respiratory diseases, hypertension, cancer or heart disease at the time of such examinations.

E. Persons making claims under this title who rely on such presumptions shall, upon the request of private employers, appointing authorities or governing bodies employing such persons, submit to physical examinations (i) conducted by physicians selected by such employers, authorities, bodies or their representatives and (ii) consisting of such tests and studies as may reasonably be required by such physicians. However, a qualified physician, selected and compensated by the claimant, may, at the election of such claimant, be present at such examination.

F. Whenever a claim for death benefits is made under this title and the presumptions of this section are invoked, any person entitled to make such claim shall, upon the request of the appropriate private employer, appointing authority or governing body that had employed the deceased, submit the body of the deceased to a postmortem examination as may be directed by the Commission. A qualified physician, selected and compensated by the person entitled to make the claim, may, at the election of such claimant, be present at such postmortem examination.

G. Volunteer emergency medical services personnel, volunteer law-enforcement chaplains, auxiliary and reserve deputy sheriffs, and auxiliary and reserve police are not included within the coverage of this section.

H. For purposes of this section, "firefighter" includes special forest wardens designated pursuant to § 10.1-1135 and any persons who are employed by or contract with private employers primarily to perform firefighting services.

§ 65.2-402.1. Presumption as to death or disability from infectious disease.

A. Hepatitis, meningococcal meningitis, tuberculosis or HIV causing the death of, or any health condition or impairment resulting in total or partial disability of, any (i) salaried or volunteer firefighter, or salaried or volunteer emergency medical services personnel, (ii) member of the State Police Officers' Retirement System, (iii) member of county, city or town police departments, (iv) sheriff or deputy sheriff, (v) Department of Emergency Management hazardous materials officer, (vi) city sergeant or deputy city sergeant of the City of Richmond, (vii) Virginia Marine Police officer, (viii) conservation police officer who is a full-time sworn member of the enforcement division of the Department of ~~Game and Inland Fisheries~~ *Wildlife Resources*, (ix) Capitol Police officer, (x) special agent of the Virginia Alcoholic Beverage Control Authority appointed under the provisions of Chapter 1 (§ 4.1-100 et seq.) of Title 4.1, (xi) for such period that the Metropolitan Washington Airports Authority voluntarily subjects itself to the provisions of this chapter as provided in § 65.2-305, officer of the police force established and maintained by the Metropolitan Washington Airports Authority, (xii) officer of the police force established and maintained by the Norfolk Airport Authority, (xiii) conservation officer of the Department of Conservation and Recreation commissioned pursuant to § 10.1-115, (xiv) sworn officer of the police force established and maintained by the Virginia Port Authority, or (xv) any campus police officer appointed under Article 3

(§ 23.1-809 et seq.) of Chapter 8 of Title 23.1 and employed by any public institution of higher education, who has a documented occupational exposure to blood or body fluids shall be presumed to be occupational diseases, suffered in the line of government duty, that are covered by this title unless such presumption is overcome by a preponderance of competent evidence to the contrary. For purposes of this section, an occupational exposure occurring on or after July 1, 2002, shall be deemed "documented" if the person covered under this section gave notice, written or otherwise, of the occupational exposure to his employer, and an occupational exposure occurring prior to July 1, 2002, shall be deemed "documented" without regard to whether the person gave notice, written or otherwise, of the occupational exposure to his employer.

B. As used in this section:

"Blood or body fluids" means blood and body fluids containing visible blood and other body fluids to which universal precautions for prevention of occupational transmission of blood-borne pathogens, as established by the Centers for Disease Control, apply. For purposes of potential transmission of hepatitis, meningococcal meningitis, tuberculosis, or HIV the term "blood or body fluids" includes respiratory, salivary, and sinus fluids, including droplets, sputum, saliva, mucus, and any other fluid through which infectious airborne or blood-borne organisms can be transmitted between persons.

"Hepatitis" means hepatitis A, hepatitis B, hepatitis non-A, hepatitis non-B, hepatitis C or any other strain of hepatitis generally recognized by the medical community.

"HIV" means the medically recognized retrovirus known as human immunodeficiency virus, type I or type II, causing immunodeficiency syndrome.

"Occupational exposure," in the case of hepatitis, meningococcal meningitis, tuberculosis or HIV, means an exposure that occurs during the performance of job duties that places a covered employee at risk of infection.

C. Persons covered under this section who test positive for exposure to the enumerated occupational diseases, but have not yet incurred the requisite total or partial disability, shall otherwise be entitled to make a claim for medical benefits pursuant to § 65.2-603, including entitlement to an annual medical examination to measure the progress of the condition, if any, and any other medical treatment, prophylactic or otherwise.

D. Whenever any standard, medically-recognized vaccine or other form of immunization or prophylaxis exists for the prevention of a communicable disease for which a presumption is established under this section, if medically indicated by the given circumstances pursuant to immunization policies established by the Advisory Committee on Immunization Practices of the United States Public Health Service, a person subject to the provisions of this section may be required by such person's employer to undergo the immunization or prophylaxis unless the person's physician determines in writing that the immunization or prophylaxis would pose a significant risk to the person's health. Absent such written declaration, failure or refusal by a person subject to the provisions of this section to undergo such immunization or prophylaxis shall disqualify the person from any presumption established by this section.

E. The presumptions described in subsection A shall only apply if persons entitled to invoke them have, if requested by the appointing authority or governing body employing them, undergone preemployment physical examinations that (i) were conducted prior to the making of any claims under this title that rely on such presumptions, (ii) were performed by physicians whose qualifications are as prescribed by the appointing authority or governing body employing such persons, (iii) included such appropriate laboratory and other diagnostic studies as the appointing authorities or governing bodies may have prescribed, and (iv) found such persons free of hepatitis, meningococcal meningitis, tuberculosis or HIV at the time of such examinations. The presumptions described in subsection A shall not be effective until six months following such examinations, unless such persons entitled to invoke such presumption can demonstrate a documented exposure during the six-month period.

F. Persons making claims under this title who rely on such presumption shall, upon the request of appointing authorities or governing bodies employing such persons, submit to physical examinations (i) conducted by physicians selected by such appointing authorities or governing bodies or their representatives and (ii) consisting of such tests and studies as may reasonably be required by such physicians. However, a qualified physician, selected and compensated by the claimant, may, at the election of such claimant, be present at such examination.

CHAPTER 959

An Act to amend the Code of Virginia by adding in Chapter 11 of Title 10.1 an article numbered 14, consisting of sections numbered 10.1-1181.13, 10.1-1181.14, and 10.1-1181.15, relating to voluntary forest mitigation agreements.

[S 674]

Approved April 9, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 11 of Title 10.1 an article numbered 14, consisting of sections numbered 10.1-1181.13, 10.1-1181.14, and 10.1-1181.15, as follows:

Article 14.

Voluntary Forest Mitigation.

§ 10.1-1181.13. Definitions.

As used in this article, unless the context requires a different meaning:

"Construction project" means any land-disturbing activity that involves construction of infrastructure, including interstate highways, pipelines, or energy generation and transmission facilities.

"Forest mitigation" means addressing the direct and indirect adverse impacts to forests that may be caused by a construction project by avoiding and minimizing impacts to the extent practicable and then compensating for the remaining impacts.

§ 10.1-1181.14. Applicability.

The provisions of this article shall not apply to any forest mitigation required by law or to any mitigation agreements entered into before July 1, 2020.

§ 10.1-1181.15. Forest mitigation agreements.

A. The Secretary of Natural Resources, the Secretary of Agriculture and Forestry, or any agency within those secretariats, or the Virginia Outdoors Foundation may enter into an agreement with the owner or operator of construction projects to accomplish forest mitigation. At a minimum, any such agreement shall:

1. Document the extent to which the construction project has been designed to avoid and minimize adverse impacts to forests;

2. Provide funding for compensation for impacts that approximates at least no net loss of forest acreage and function;

3. Provide for the payment of such funds by the owner or operator to a nonprofit organization, the Virginia Outdoors Foundation, or an agency within the secretariats of Agriculture and Forestry or Natural Resources. The recipient of the funds shall establish criteria for the expenditure of the funds, shall provide such criteria to the public, and shall regularly provide to the public updated information on how funds are spent; and

4. Ensure that expenditures of the funds occur in reasonable proximity to the forest impacts that are caused by the construction project. Reasonable proximity shall be determined by the recipient of the funds and shall be based on appropriate ecological boundaries, with consideration given to communities adversely affected by the construction project.

B. Nothing in this section shall preclude the expenditure of funds (i) by the recipient of the funds for the costs of administration of the funds or (ii) for water quality protection and improvement, land conservation, or environmental education.

C. No agreement entered into pursuant to this article shall identify any specific expenditure.

D. No agreement entered into pursuant to this article shall include any waiver of liability for environmental damage caused by the construction project. No agreement entered into under this article shall guarantee regulatory approval for a construction project by any state agency.

E. No forest mitigation agreement entered into pursuant to this article shall prohibit sustainable forest management on a property receiving funding except as necessary to comply with a requirement of the Commonwealth that specific conservation values be protected on such property.

CHAPTER 960

An Act to amend and reenact § 67-200 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 1 of Title 67 a section numbered 67-104, relating to nuclear energy; treatment of, compared to treatment of renewable energy.

[S 817]

Approved April 9, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 67-200 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Chapter 1 of Title 67 a section numbered 67-104 as follows:

§ 67-104. Nuclear energy; considered a clean energy source.

For the purposes of the Commonwealth Energy Policy as set out in § 67-102, in any clean energy initiative or carbon-free energy initiative undertaken, overseen, regulated, or permitted by the Department, nuclear energy shall be considered to be a clean energy source.

§ 67-200. Definitions.

As used in this title, unless the context requires a different meaning:

"Department" means the Department of Mines, Minerals and Energy.

"Division" means the Division of Energy of the Department of Mines, Minerals and Energy.

"Plan" means the Virginia Energy Plan prepared pursuant to this chapter, including any updates thereto.

CHAPTER 961

An Act to amend the Code of Virginia by adding a section numbered 2.2-604.2, relating to energy efficiency in state buildings.

[S 963]

Approved April 9, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 2.2-604.2 as follows:

§ 2.2-604.2. Designation of officials; energy manager.

A. The head of each state agency shall designate an existing employee, known as an energy manager, who shall be responsible for implementing improvements to state buildings to reduce greenhouse gas emissions and improve energy efficiency and climate change resiliency.

B. The energy manager shall:

1. Maintain a list of the facilities owned and leased by his agency, including buildings and interior spaces. Such list shall indicate energy usage and any prior energy audit or energy saving performance contract.

2. Enter energy and water consumption and building-related information into the ENERGY STAR Portfolio Manager account for any building or facility over 5,000 square feet, beginning with the largest facilities not yet accounted for, as follows:

a. By January 1, 2021, five percent of agency facilities;

b. By January 1, 2022, 20 percent of agency facilities;

c. By January 1, 2023, 45 percent of agency facilities;

d. By January 1, 2024, 70 percent of agency facilities; and

e. By January 1, 2025, 100 percent of agency facilities.

3. By January 1, 2021, or as each utility account is established, whichever is later, coordinate with the Department of Mines, Minerals and Energy (DMME) to link utility accounts to the state portfolio master account and to provide to DMME access to such ENERGY STAR Portfolio Manager account.

4. On an ongoing basis, identify priority buildings and spaces for energy audits or energy saving performance contracts. In determining priorities, the energy manager may consider how energy usage may be reduced and the feasibility of installing energy saving or on-site renewable energy systems.

5. Provide to DMME the priority building list on an annual basis.

CHAPTER 962

An Act to amend and reenact § 15.2-2011 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 15.2-2009.1, relating to removal of dangerous roadside vegetation; local option.

[H 284]

Approved April 9, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-2011 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 15.2-2009.1 as follows:

§ 15.2-2009.1. Dangerous roadside vegetation.

Notwithstanding the provisions of subsection A of § 15.2-2000, any locality may, by ordinance, provide that the owner of any property adjacent to the right-of-way of any street, highway, road, alley, bridge, viaduct, subway, underpass, or other public right-of-way or place shall, at such time or times as the governing body may prescribe, remove therefrom any and all trees, tree limbs, shrubs, high grass, or other substance that might dangerously obstruct the line of sight of a driver, be involved in a collision with a vehicle, or interfere with the safe operation of a vehicle or may, whenever the governing body deems it necessary, after reasonable notice as defined in subdivision 2 of § 15.2-906, have such trees, shrubs, high grass, and other like substances removed by its own agents or employees.

§ 15.2-2011. Localities may permit existing encroachments.

Notwithstanding the provisions of subsection A of § 15.2-2000, localities may authorize owners of property with roadside vegetation described in § 15.2-2009.1 or buildings or structures encroaching under, upon and over any public rights-of-way therein, within such limitations as the localities may prescribe, to maintain such vegetation or encroachments as they exist, until such vegetation, buildings, or structures are destroyed or removed; however, nothing contained in this section shall be construed to relieve the owners of negligence on their part on account of any such vegetation or encroachment.

CHAPTER 963

An Act to amend and reenact § 15.2-2011 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 15.2-2009.1, relating to removal of dangerous roadside vegetation; local option.

[S 225]

Approved April 9, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-2011 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 15.2-2009.1 as follows:

§ 15.2-2009.1. Dangerous roadside vegetation.

Notwithstanding the provisions of subsection A of § 15.2-2000, any locality may, by ordinance, provide that the owner of any property adjacent to the right-of-way of any street, highway, road, alley, bridge, viaduct, subway, underpass, or other public right-of-way or place shall, at such time or times as the governing body may prescribe, remove therefrom any and all trees, tree limbs, shrubs, high grass, or other substance that might dangerously obstruct the line of sight of a driver, be involved in a collision with a vehicle, or interfere with the safe operation of a vehicle or may, whenever the governing body deems it necessary, after reasonable notice as defined in subdivision 2 of § 15.2-906, have such trees, shrubs, high grass, and other like substances removed by its own agents or employees.

§ 15.2-2011. Localities may permit existing encroachments.

Notwithstanding the provisions of subsection A of § 15.2-2000, localities may authorize owners of *property with roadside vegetation described in § 15.2-2009.1* or buildings or structures encroaching under, upon and over any public rights-of-way therein, within such limitations as the localities may prescribe, to maintain such *vegetation or encroachments* as they exist, until such *vegetation*, buildings, or structures are destroyed or removed; however, nothing contained in this section shall be construed to relieve the owners of negligence on their part on account of any such *vegetation or encroachment*.

CHAPTER 964

An Act to amend and reenact §§ 19.2-258.1, 19.2-354, 19.2-354.1, 33.2-503, 46.2-203.1, 46.2-301, 46.2-361, 46.2-383, 46.2-391.1, 46.2-416, 46.2-819.1, 46.2-819.3, 46.2-819.3:1, 46.2-819.5, 46.2-940, and 46.2-1200.1 of the Code of Virginia; to amend the Code of Virginia by adding a section numbered 46.2-808.2; and to repeal § 46.2-395 and Article 18 (§§ 46.2-944.1 through 46.2-947) of Chapter 8 of Title 46.2 of the Code of Virginia, relating to suspension of driver's license for nonpayment of fines or costs.

[H 1196]

Approved April 9, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 19.2-258.1, 19.2-354, 19.2-354.1, 33.2-503, 46.2-203.1, 46.2-301, 46.2-361, 46.2-383, 46.2-391.1, 46.2-416, 46.2-819.1, 46.2-819.3, 46.2-819.3:1, 46.2-819.5, 46.2-940, and 46.2-1200.1 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 46.2-808.2 as follows:

§ 19.2-258.1. Trial of traffic infractions; measure of proof; failure to appear.

For any traffic infraction cases tried in a district court, the court shall hear and determine the case without the intervention of a jury. For any traffic infraction case appealed to a circuit court, the defendant shall have the right to trial by jury. The defendant shall be presumed innocent until proven guilty beyond a reasonable doubt.

When a person charged with a traffic infraction fails to enter a written or court appearance, he shall be deemed to have waived court hearing and the case may be heard in his absence, after which he shall be notified of the court's finding- ~~He shall be advised that if he fails to comply with any order of the court therein, the court may order suspension of his driver's license as provided in § 46.2-395 but, however,~~ the court shall not issue a warrant for his failure to appear pursuant to § 46.2-938.

§ 19.2-354. Authority of court to order payment of fine, costs, forfeitures, penalties or restitution in installments or upon other terms and conditions; community work in lieu of payment.

A. Whenever (i) a defendant, convicted of a traffic infraction or a violation of any criminal law of the Commonwealth or of any political subdivision thereof, or found not innocent in the case of a juvenile, is sentenced to pay a fine, restitution, forfeiture or penalty and (ii) the defendant is unable to make payment of the fine, restitution, forfeiture, or penalty and costs within 30 days of sentencing, the court shall order the defendant to pay such fine, restitution, forfeiture or penalty and any costs which the defendant may be required to pay in deferred payments or installments. The court assessing the fine, restitution, forfeiture, or penalty and costs may authorize the clerk to establish and approve individual deferred or installment payment agreements. If the defendant owes court-ordered restitution and enters into a deferred or installment payment agreement, any money collected pursuant to such agreement shall be used first to satisfy such restitution order and any collection costs associated with restitution prior to being used to satisfy any other fine, forfeiture, penalty, or cost owed. Any payment agreement authorized under this section shall be consistent with the provisions of § 19.2-354.1, including any required minimum payments or other required conditions. The requirements set forth in § 19.2-354.1 shall be posted in the clerk's office and on the court's website, if a website is available. As a condition of every such agreement, a defendant who enters into an installment or deferred payment agreement shall promptly inform the court of any change of mailing address during the term of the agreement. If the defendant is unable to make payment within 90 days of sentencing, the court may assess a one-time fee not to exceed \$10 to cover the costs of management of the defendant's account until such account is paid in full. This one-time fee shall not apply to cases in which costs are assessed pursuant to § 17.1-275.1, 17.1-275.2, 17.1-275.3, 17.1-275.4, 17.1-275.7, 17.1-275.8, or 17.1-275.9. Installment or deferred payment agreements shall include terms for payment if the defendant participates in a program as provided in subsection B or C. The court, if such sum or sums are not paid in full by the date ordered, shall proceed in accordance with § 19.2-358.

B. When a person sentenced to the Department of Corrections or a local correctional facility owes any fines, costs, forfeitures, restitution or penalties, he shall be required as a condition of participating in any work release, home/electronic

incarceration or nonconsecutive days program as set forth in § 53.1-60, 53.1-131, 53.1-131.1, or 53.1-131.2 to either make full payment or make payments in accordance with his installment or deferred payment agreement while participating in such program. If, after the person has an installment or deferred payment agreement, the person fails to pay as ordered, his participation in the program may be terminated until all fines, costs, forfeitures, restitution and penalties are satisfied. The Director of the Department of Corrections and any sheriff or other administrative head of any local correctional facility shall withhold such ordered payments from any amounts due to such person. Distribution of the money collected shall be made in the following order of priority to:

1. Meet the obligation of any judicial or administrative order to provide support and such funds shall be disbursed according to the terms of such order;
2. Pay any restitution as ordered by the court;
3. Pay any fines or costs as ordered by the court;
4. Pay travel and other such expenses made necessary by his work release employment or participation in an education or rehabilitative program, including the sums specified in § 53.1-150; and
5. Defray the offender's keep.

The balance shall be credited to the offender's account or sent to his family in an amount the offender so chooses.

The Board of Corrections shall promulgate regulations governing the receipt of wages paid to persons participating in such programs, the withholding of payments and the disbursement of appropriate funds.

C. The court shall establish a program and may provide an option to any person upon whom a fine and costs have been imposed to discharge all or part of the fine or costs by earning credits for the performance of community service work before or after imprisonment. The program shall specify the rate at which credits are earned and provide for the manner of applying earned credits against the fine or costs. The court assessing the fine or costs against a person shall inform such person of the availability of earning credit toward discharge of the fine or costs through the performance of community service work under this program and provide such person with written notice of terms and conditions of this program. The court shall have such other authority as is reasonably necessary for or incidental to carrying out this program.

D. When the court has authorized deferred payment or installment payments, the clerk shall give notice to the defendant that upon his failure to pay as ordered he may be fined or imprisoned pursuant to § 19.2-358 ~~and his privilege to operate a motor vehicle will be suspended pursuant to § 46.2-395.~~

E. The failure of the defendant to enter into a deferred payment or installment payment agreement with the court or the failure of the defendant to make payments as ordered by the agreement shall allow the Tax Commissioner to act in accordance with § 19.2-349 to collect all fines, costs, forfeitures and penalties.

§ 19.2-354.1. Deferred or installment payment agreements.

A. For purposes of this section:

"Deferred payment agreement" means an agreement in which no installment payments are required and the defendant agrees to pay the full amount of the fines and costs at the end of the agreement's stated term.

"Fines and costs" means all fines, court costs, forfeitures, and penalties assessed in any case by a single court against a defendant for the commission of any crime or traffic infraction. "Fines and costs" includes restitution unless the court orders a separate payment schedule for restitution.

"Installment payment agreement" means an agreement in which the defendant agrees to make monthly or other periodic payments until the fines and costs are paid in full.

"Modified deferred payment agreement" means a deferred payment agreement in which the defendant also agrees to use best efforts to make monthly or other periodic payments.

B. The court shall give a defendant ordered to pay fines and costs written notice of the availability of deferred, modified deferred, and installment payment agreements and, if a community service program has been established, the availability of earning credit toward discharge of fines and costs through the performance of community service work. The court shall offer any defendant who is unable to pay in full the fines and costs within 30 days of sentencing the opportunity to enter into a deferred payment agreement, modified deferred payment agreement, or installment payment agreement.

C. The court shall not deny a defendant the opportunity to enter into a deferred, modified deferred, or installment payment agreement solely (i) because of the category of offense for which the defendant was convicted or found not innocent, (ii) because of the total amount of all fines and costs, (iii) because the defendant previously defaulted under the terms of a payment agreement, (iv) because the fines and costs have been referred for collections pursuant to § 19.2-349, *or* (v) because the defendant has not established a payment history; ~~or (vi) because the defendant is eligible for a restricted driver's license under subsection E of § 46.2-395.~~

D. In determining the length of time to pay under a deferred, modified deferred, or installment payment agreement and the amount of the payments, a court shall take into account the defendant's financial resources and obligations, including any fines and costs owed by the defendant in other courts. In assessing the defendant's ability to pay, the court shall use a written financial statement, on a form developed by the Executive Secretary of the Supreme Court, setting forth the defendant's financial resources and obligations or conduct an oral examination of the defendant to determine his financial resources and obligations. ~~The court may require the defendant to present a summary prepared by the Department of Motor Vehicles of the other courts in which the defendant also owes fines and costs.~~ The length of a payment agreement and the amount of the payments shall be reasonable in light of the defendant's financial resources and obligations and shall not be

based solely on the amount of fines and costs. The court may offer a payment agreement combining an initial period during which no payment of fines and costs is required followed by a period of installment payments.

E. A court may require a down payment as a condition of a defendant entering a deferred, modified deferred, or installment payment agreement. Any down payment shall be a minimal amount to demonstrate the defendant's commitment to paying the fines and costs. In the case of an installment payment agreement, the required down payment may not exceed (i) if the fines and costs owed are \$500 or less, 10 percent of such amount or (ii) if the fines and costs owed are more than \$500, five percent of such amount or \$50, whichever is greater. A defendant may make a larger down payment than what is provided by this subsection.

F. All fines and costs that a defendant owes for all cases in any single court may be incorporated into one payment agreement, unless otherwise ordered by the court in specific cases. A payment agreement shall include only those outstanding fines and costs for which the limitations period set forth in § 19.2-341 has not run.

G. Any payment received within 10 days of its due date shall be considered to be timely made.

H. At any time during the duration of a payment agreement, the defendant may request a modification of the agreement in writing on a form provided by the Executive Secretary of the Supreme Court, and the court may grant such modification based on a good faith showing of need.

I. A court shall consider a request by a defendant who has defaulted on a payment agreement to enter into a subsequent payment agreement. In determining whether to approve the request for a subsequent payment agreement, the court shall consider any change in the defendant's circumstances. A court shall require a down payment to enter into a subsequent payment agreement, provided that the down payment required to enter into a subsequent payment agreement shall not exceed (i) if the fines and costs owed are \$500 or less, 10 percent of such amount or (ii) if the fines and costs owed are more than \$500, five percent of such amount or \$50, whichever is greater. When a defendant enters into a subsequent payment agreement, a court shall not require a defendant to establish a payment history on the subsequent payment agreement before restoring the defendant's driver's license.

§ 33.2-503. HOT lanes enforcement.

Any person operating a motor vehicle on designated HOT lanes shall make arrangements with the HOT lanes operator for payment of the required toll prior to entering such HOT lanes. The operator of a vehicle who enters the HOT lanes in an unauthorized vehicle, in violation of the conditions for use of such HOT lanes established pursuant to § 33.2-502, without payment of the required toll or without having made arrangements with the HOT lanes operator for payment of the required toll shall have committed a violation of this section, which may be enforced in the following manner:

1. On a form prescribed by the Supreme Court, a summons for a violation of this section may be executed by a law-enforcement officer, when such violation is observed by such officer. The form shall contain the option for the operator of the vehicle to prepay the unpaid toll and all penalties, administrative fees, and costs.

2. a. A HOT lanes operator shall install and operate, or cause to be installed or operated, a photo-enforcement system at locations where tolls are collected for the use of such HOT lanes.

b. A summons for a violation of this section may be executed when such violation is evidenced by information obtained from a photo-enforcement system as defined in this chapter. A certificate, sworn to or affirmed by a technician employed or authorized by the HOT lanes operator, or a facsimile of such a certificate, based on inspection of photographs, microphotographs, videotapes, or other recorded images produced by a photo-enforcement system, shall be prima facie evidence of the facts contained therein. Any photographs, microphotographs, videotape, or other recorded images evidencing such a violation shall be available for inspection in any proceeding to adjudicate the liability for such violation under this subdivision 2. Any vehicle rental or vehicle leasing company, if named in a summons, shall be released as a party to the action if it provides to the HOT lanes operator a copy of the vehicle rental agreement or lease or an affidavit identifying the renter or lessee prior to the date of hearing set forth in the summons. Upon receipt of such rental agreement, lease, or affidavit, a summons shall be issued for the renter or lessee identified therein. Release of this information shall not be deemed a violation of any provision of the Government Data Collection and Dissemination Practices Act (§ 2.2-3800 et seq.) or the Insurance Information and Privacy Protection Act (§ 38.2-600 et seq.).

c. On a form prescribed by the Supreme Court, a summons issued under this subdivision 2 may be executed as provided in § 19.2-76.2. Such form shall contain the option for the owner or operator to prepay the unpaid toll and all penalties, administrative fees, and costs. A summons for a violation of this section may set forth multiple violations occurring within one jurisdiction. Notwithstanding the provisions of § 19.2-76, a summons for a violation of this section may be executed by mailing by first-class mail a copy thereof to the address of the owner or, if the owner has named and provided a valid address for the operator of the vehicle at the time of the violation in an affidavit executed pursuant to subdivision e, such named operator of the vehicle. Such summons shall be signed either originally or by electronic signature. If the summoned person fails to appear on the date of return set out in the summons mailed pursuant to this section, the summons shall be executed in the manner set out in § 19.2-76.3.

d. No summons may be issued by a HOT lanes operator for a violation of this section unless the HOT lanes operator can demonstrate that (i) there was an attempt to collect the unpaid tolls and applicable administrative fees through debt collection not less than 30 days prior to issuance of the summons and (ii) 120 days have elapsed since the unpaid toll or, in a summons for multiple violations, 120 days have elapsed since the most recent unpaid toll noticed on the summons. For purposes of this subdivision, "debt collection" means the collection of unpaid tolls and applicable administrative fees by

(a) retention of a third-party debt collector or (b) collection practices undertaken by employees of a HOT lanes operator that are materially similar to a third-party debt collector.

e. The owner of such vehicle shall be given reasonable notice by way of a summons as provided in this subdivision 2 that his vehicle had been used in violation of this section, and such owner shall be given notice of the time and place of the hearing and notice of the civil penalty and costs for such offense.

It shall be prima facie evidence that the vehicle described in the summons issued pursuant to subdivision 2 was operated in violation of this section. Records obtained from the Department of Motor Vehicles pursuant to § 33.2-504 and certified in accordance with § 46.2-215 or from the equivalent agency in another state and certified as true and correct copies by the head of such agency or his designee identifying the owner of such vehicle shall give rise to a rebuttable presumption that the owner of the vehicle is the person named in the summons.

Upon the filing of an affidavit with the court at least 14 days prior to the hearing date by the owner of the vehicle stating that he was not the operator of the vehicle on the date of the violation and providing the legal name and address of the operator of the vehicle at the time of the violation, a summons will also be issued to the alleged operator of the vehicle at the time of the offense. The affidavit shall constitute prima facie evidence that the person named in the affidavit was driving the vehicle at all the relevant times relating to the matter named in the affidavit.

If the owner of the vehicle produces a certified copy of a police report showing that the vehicle had been reported to the police as stolen prior to the time of the alleged offense and remained stolen at the time of the alleged offense, then the court shall dismiss the summons issued to the owner of the vehicle.

3. a. The HOT lanes operator may impose and collect an administrative fee in addition to the unpaid toll so as to recover the expenses of collecting the unpaid toll, which administrative fee shall be reasonably related to the actual cost of collecting the unpaid toll and not exceed \$100 per violation. The operator of the vehicle shall pay the unpaid tolls and any administrative fee detailed in a notice or invoice issued by a HOT lanes operator. If paid within 60 days of notification, the administrative fee shall not exceed \$25. The HOT lanes operator shall notify the owner of the vehicle of any unpaid tolls and administrative fees by mailing an invoice pursuant to § 46.2-819.6.

b. Upon a finding by a court of competent jurisdiction that the operator of the vehicle observed by a law-enforcement officer under subdivision 1 or the vehicle described in the summons for a violation issued pursuant to evidence obtained by a photo-enforcement system under subdivision 2 was in violation of this section, the court shall impose a civil penalty upon the operator of such vehicle issued a summons under subdivision 1, or upon the operator or owner of such vehicle issued a summons under subdivision 2, payable to the HOT lanes operator as follows: for a first offense, \$50; for a second offense, \$100; for a third offense within a period of two years of the second offense, \$250; and for a fourth and subsequent offense within a period of three years of the second offense, \$500, together with, in each case, the unpaid toll, all accrued administrative fees imposed by the HOT lanes operator as authorized by this section, and applicable court costs. The court shall remand penalties, the unpaid toll, and administrative fees assessed for violation of this section to the treasurer or director of finance of the county or city in which the violation occurred for payment to the HOT lanes operator for expenses associated with operation of the HOT lanes and payments against any bonds or other liens issued as a result of the construction of the HOT lanes. No person shall be subject to prosecution under both subdivisions 1 and 2 for actions arising out of the same transaction or occurrence.

c. Notwithstanding subdivisions a and b, for a first conviction of an operator or owner of a vehicle under this section, the total amount for the first conviction shall not exceed \$2,200, including civil penalties and administrative fees regardless of the total number of offenses the operator or owner of a vehicle is convicted of on that date.

d. Upon a finding by a court that a resident of the Commonwealth has violated this section, in the event such person fails to pay the required penalties, fees, and costs, the court shall notify the Commissioner of the Department of Motor Vehicles, who shall suspend all of the registration certificates and license plates issued for any motor vehicles registered solely in the name of such person and shall not issue any registration certificate or license plate for any other vehicle that such person seeks to register solely in his name until the court has notified the Commissioner of the Department of Motor Vehicles that such penalties, fees, and costs have been paid. Upon a finding by a court that a nonresident of the Commonwealth has violated this section, in the event that such person fails to pay the required penalties, fees, and costs, the court shall notify the Commissioner of the Department of Motor Vehicles, who shall, when the vehicle is registered in a state with which the Commonwealth has entered into an agreement to enforce tolling violations pursuant to § 46.2-819.9, provide to the entity authorized to issue vehicle registration certificates or license plates in the state in which the vehicle is registered sufficient evidence of the court's finding to take action against the vehicle registration certificate or license plates in accordance with the terms of the agreement, until the court has notified the Commissioner of the Department of Motor Vehicles that such penalties, fees, and costs have been paid. Upon receipt of such notification from the court, the Commissioner of the Department of Motor Vehicles shall notify the state where the vehicle is registered of such payment. The HOT lanes operator and the Commissioner of the Department of Motor Vehicles may enter into an agreement whereby the HOT lanes operator may reimburse the Department of Motor Vehicles for its reasonable costs to develop, implement, and maintain this enforcement mechanism, and that specifies that the Commissioner of the Department of Motor Vehicles shall have an obligation to suspend such registration certificates or to provide notice to such entities in other states so long as the HOT lanes operator makes the required reimbursements in a timely manner in accordance with the agreement.

e. An action brought under subdivision 1 or 2 shall be commenced within two years of the commission of the offense and shall be considered a traffic infraction. Except as provided in subdivisions 4 and 5, imposition of a civil penalty

pursuant to this section shall not be deemed a conviction as an operator of a motor vehicle under Title 46.2 and shall not be made part of the driving record of the person upon whom such civil penalty is imposed, nor shall it be used for insurance purposes in the provision of motor vehicle insurance coverage. ~~The provisions of § 46.2-395 shall not be applicable to any civil penalty, fee, unpaid toll, fine, or cost imposed or ordered paid under this section for a violation of subdivision 1 or 2.~~

4. a. The HOT lanes operator may restrict the usage of the HOT lanes to designated vehicle classifications pursuant to an interim or final comprehensive agreement executed pursuant to § 33.2-1808 or 33.2-1809. Notice of any such vehicle classification restrictions shall be provided through the placement of signs or other markers prior to and at all HOT lanes entrances.

b. Any person driving an unauthorized vehicle on the designated HOT lanes is guilty of a traffic infraction, which shall not be a moving violation, and shall be punishable as follows: for a first offense, by a fine of \$125; for a second offense within a period of five years from a first offense, by a fine of \$250; for a third offense within a period of five years from a first offense, by a fine of \$500; and for a fourth and subsequent offense within a period of five years from a first offense, by a fine of \$1,000. No person shall be subject to prosecution under both this subdivision and subdivision 1 or 2 for actions arising out of the same transaction or occurrence.

Upon a conviction under this subdivision, the court shall furnish to the Commissioner of the Department of Motor Vehicles, in accordance with § 46.2-383, an abstract of the record of such conviction, which shall become a part of the person's driving record. Notwithstanding the provisions of § 46.2-492, no driver demerit points shall be assessed for any violation of this subdivision, except that persons convicted of a second, third, fourth, or subsequent violation within five years of a first offense shall be assessed three demerit points for each such violation.

5. The operator of a vehicle who enters the HOT lanes by crossing through any barrier, buffer, or other area separating the HOT lanes from other lanes of travel is guilty of a violation of § 46.2-852, unless the vehicle is a state or local law-enforcement vehicle, firefighting truck, or emergency medical services vehicle used in the performance of its official duties. No person shall be subject to prosecution both under this subdivision and under subdivision 1, 2, or 4 for actions arising out of the same transaction or occurrence.

Upon a conviction under this subdivision, the court shall furnish to the Commissioner of the Department of Motor Vehicles in accordance with § 46.2-383 an abstract of the record of such conviction, which shall become a part of the convicted person's driving record.

6. No person shall be subject to prosecution both under this section and under § 33.2-501, 46.2-819, or 46.2-819.1 for actions arising out of the same transaction or occurrence.

7. Any action under this section shall be brought in the general district court of the county or city in which the violation occurred.

§ 46.2-203.1. Provision of updated addresses by persons completing forms; acknowledgment of future receipt of official notices.

Whenever any person completes a form for an application, certificate of title, registration card, license plate, driver's license, and any other form requisite for the purpose of this title, or whenever any person is issued a summons for a violation of the motor vehicle laws of the Commonwealth, he shall provide his current address on the form or summons. By signing the form or summons, the person acknowledges that (i) the address is correct, (ii) any official notice, including an order of suspension, will be sent by prepaid first class mail to the address on the signed form with the most current date, and (iii) the notice shall be deemed to have been accepted by the person at that address. ~~In addition, upon signing a summons for a violation of the motor vehicle laws, the person shall acknowledge that his failure to appear in court and pay fines and costs could result in suspension of his operator's license.~~

§ 46.2-301. Driving while license, permit, or privilege to drive suspended or revoked.

A. In addition to any other penalty provided by this section, any motor vehicle administratively impounded or immobilized under the provisions of § 46.2-301.1 may, in the discretion of the court, be impounded or immobilized for an additional period of up to 90 days upon conviction of an offender for driving while his driver's license, learner's permit, or privilege to drive a motor vehicle has been suspended or revoked for (i) a violation of § 18.2-36.1, 18.2-51.4, 18.2-266, 18.2-272, or 46.2-341.24 or a substantially similar ordinance or law in any other jurisdiction or (ii) driving after adjudication as an habitual offender, where such adjudication was based in whole or in part on an alcohol-related offense, or where such person's license has been administratively suspended under the provisions of § 46.2-391.2. However, if, at the time of the violation, the offender was driving a motor vehicle owned by another person, the court shall have no jurisdiction over such motor vehicle but may order the impoundment or immobilization of a motor vehicle owned solely by the offender at the time of arrest. All costs of impoundment or immobilization, including removal or storage expenses, shall be paid by the offender prior to the release of his motor vehicle.

B. Except as provided in §§ 46.2-304 and 46.2-357, no resident or nonresident (i) whose driver's license, learner's permit, or privilege to drive a motor vehicle has been suspended or revoked or (ii) who has been directed not to drive by any court or by the Commissioner, or (iii) who has been forbidden, as prescribed by operation of any statute of the Commonwealth or a substantially similar ordinance of any county, city or town, to operate a motor vehicle in the Commonwealth shall thereafter drive any motor vehicle or any self-propelled machinery or equipment on any highway in the Commonwealth until the period of such suspension or revocation has terminated or the privilege has been reinstated or a restricted license is issued pursuant to subsection E. ~~A clerk's notice of suspension of license for failure to pay fines or costs given in accordance with § 46.2-395 shall be sufficient notice for the purpose of maintaining a conviction under this section.~~

For the purposes of this section, the phrase "motor vehicle or any self-propelled machinery or equipment" shall not include mopeds.

C. A violation of subsection B is a Class 1 misdemeanor. A third or subsequent offense occurring within a 10-year period shall include a mandatory minimum term of confinement in jail of 10 days. However, the court shall not be required to impose a mandatory minimum term of confinement in any case where a motor vehicle is operated in violation of this section in a situation of apparent extreme emergency which requires such operation to save life or limb.

D. Upon a violation of subsection B, the court shall suspend the person's license or privilege to drive a motor vehicle for the same period for which it had been previously suspended or revoked. In the event the person violated subsection B by driving during a period of suspension or revocation which was not for a definite period of time, the court shall suspend the person's license, permit or privilege to drive for an additional period not to exceed 90 days, to commence upon the expiration of the previous suspension or revocation or to commence immediately if the previous suspension or revocation has expired; ~~however, in the event that the person violated subsection B by driving during a period of suspension imposed pursuant to § 46.2-395, the additional 90-day suspension imposed pursuant to this subsection shall run concurrently with the suspension imposed pursuant to § 46.2-395 in accordance with subsection F of § 46.2-395.~~

E. Any person who is otherwise eligible for a restricted license may petition each court that suspended his license pursuant to subsection D for authorization for a restricted license, provided that the period of time for which the license was suspended by the court pursuant to subsection D, if measured from the date of conviction, has expired, even though the suspension itself has not expired. A court may, for good cause shown, authorize the Department of Motor Vehicles to issue a restricted license for any of the purposes set forth in subsection E of § 18.2-271.1. No restricted license shall be issued unless each court that issued a suspension of the person's license pursuant to subsection D authorizes the Department to issue a restricted license. Any restricted license issued pursuant to this subsection shall be in effect until the expiration of any and all suspensions issued pursuant to subsection D, except that it shall automatically terminate upon the expiration, cancellation, suspension, or revocation of the person's license or privilege to drive for any other cause. No restricted license issued pursuant to this subsection shall permit a person to operate a commercial motor vehicle as defined in the Commercial Driver's License Act (§ 46.2-341.1 et seq.). The court shall forward to the Commissioner a copy of its authorization entered pursuant to this subsection, which shall specifically enumerate the restrictions imposed and contain such information regarding the person to whom such a license is issued as is reasonably necessary to identify the person. The court shall also provide a copy of its authorization to the person, who may not operate a motor vehicle until receipt from the Commissioner of a restricted license. A copy of the restricted license issued by the Commissioner shall be carried at all times while operating a motor vehicle.

F. Any person who operates a motor vehicle or any self-propelled machinery or equipment in violation of the terms of a restricted license issued pursuant to subsection E of § 18.2-271.1 is not guilty of a violation of this section but is guilty of a violation of § 18.2-272.

§ 46.2-361. Restoration of privilege after driving while license revoked or suspended for failure to furnish proof of financial responsibility or pay uninsured motorist fee.

A. Any person who has been found to be an habitual offender, where the determination or adjudication was based in part and dependent on a conviction as set out in subdivision 1 c of former § 46.2-351, may, after three years from the date of the final order of a court entered under this article, or if no such order was entered then the notice of the determination or adjudication by the Commissioner, petition the court in which he was found to be an habitual offender, or the circuit court in the political subdivision in which he then resides, for restoration of his privilege to drive a motor vehicle in the Commonwealth. In no event, however, shall the provisions of this subsection apply when such person's determination or adjudication was also based in part and dependent on a conviction as set out in subdivision 1 b of former § 46.2-351. In such case license restoration shall be in compliance with the provisions of § 46.2-360.

B. Any person who has been found to be an habitual offender, where the determination or adjudication was based entirely upon a combination of convictions of § 46.2-707 and convictions as set out in subdivision 1 c of former § 46.2-351, may, after ~~payment in full of all outstanding fines, costs and judgments relating to his determination; and~~ furnishing proof of (i) financial responsibility and (ii) compliance with the provisions of Article 8 (§ 46.2-705 et seq.) of Chapter 6 of this title or both, if applicable, petition the court in which he was found to be an habitual offender, or the circuit court in the political subdivision in which he then resides, for restoration of his privilege to drive a motor vehicle in the Commonwealth.

C. This section shall apply only where the conviction or convictions as set out in subdivision 1 c of former § 46.2-351 resulted from a suspension or revocation ordered pursuant to (i) *former* § 46.2-395 for failure to pay fines and costs, (ii) § 46.2-459 for failure to furnish proof of financial responsibility, or (iii) § 46.2-417 for failure to satisfy a judgment, provided *that* the judgment has been paid in full prior to the time of filing the petition or was a conviction under § 46.2-302 or former § 46.1-351.

D. On any such petition, the court, in its discretion, may restore to the person his privilege to drive a motor vehicle, on whatever conditions the court may prescribe, if the court is satisfied from the evidence presented that the petitioner does not constitute a threat to the safety and welfare of himself or others with respect to the operation of a motor vehicle; ~~and that he has satisfied in full all outstanding court costs, court fines and judgments relating to determination as an habitual offender and~~ has furnished proof of financial responsibility, if applicable.

E. A copy of any petition filed hereunder shall be served on the attorney for the Commonwealth for the jurisdiction wherein the petition was filed, and shall also be served on the Commissioner of the Department of Motor Vehicles, who

shall provide to the attorney for the Commonwealth a certified copy of the petitioner's driving record. The Commissioner shall also advise the attorney for the Commonwealth whether there is anything in the records maintained by the Department that might make the petitioner ineligible for restoration, and may also provide notice of any potential ineligibility to the Attorney General's Office, which may join in representing the interests of the Commonwealth where it appears that the petitioner is not eligible for restoration. The hearing on a petition filed pursuant to this article shall not be set for a date sooner than ~~thirty~~ 30 days after the petition is filed and served as provided herein.

§ 46.2-383. Courts to forward abstracts of records or furnish abstract data of conviction by electronic means in certain cases; records in office of Department; inspection; clerk's fee for reports.

A. In the event (i) a person is convicted of a charge described in subdivision 1 or 2 of § 46.2-382 or § 46.2-382.1 ~~or~~, (ii) ~~a person fails or refuses to pay any fine, costs, forfeiture, restitution or penalty, or any installment thereof, imposed in any traffic case, or~~ (iii) a person forfeits bail or collateral or other deposit to secure the defendant's appearance on the charges, unless the conviction has been set aside or the forfeiture vacated, ~~or~~ (iv) ~~(iii)~~ a court assigns a defendant to a driver education program or alcohol treatment or rehabilitation program, or both such programs, as authorized by § 18.2-271.1, ~~or~~ ~~(iv)~~ (iv) compliance with the court's probation order is accepted by the court in lieu of a conviction under § 18.2-266 or the requirements specified in § 18.2-271 as provided in § 18.2-271.1, or ~~(v)~~ (v) there is rendered a judgment for damages against a person as described in § 46.2-382, every district court or clerk of a circuit court shall forward an abstract of the record to the Commissioner within 18 days after such conviction, ~~failure or refusal to pay,~~ forfeiture, assignment, or acceptance, and in the case of civil judgments, on the request of the judgment creditor or his attorney, within 30 days after judgment has become final. No abstract of the record in a district court shall be forwarded to the Commissioner unless the period allowed for an appeal has elapsed and no appeal has been perfected. On or after July 1, 2013, in the event that a conviction or adjudication has been nullified by separate order of the court, the clerk shall forward to the Commissioner an abstract of that record.

B. Abstract data of conviction may be furnished to the Commissioner by electronic means provided that the content of the abstract and the certification complies with the requirements of § 46.2-386. In cases where the abstract data is furnished by electronic means, the paper abstract shall not be required to be forwarded to the Commissioner. The Commissioner shall develop a method to ensure that all data is received accurately. The Commissioner, with the approval of the Governor, may destroy the record of any conviction, forfeiture, assignment, acceptance, or judgment, when three years has elapsed from the date thereof, except records of conviction or forfeiture on charges of reckless driving and speeding, which records may be destroyed when five years has elapsed from the date thereof, and further excepting those records that alone, or in connection with other records, will require suspension or revocation or disqualification of a license or registration under any applicable provisions of this title.

C. The records required to be kept may, in the discretion of the Commissioner, be kept by electronic media or by photographic processes and when so done the abstract of the record may be destroyed.

D. The Code section and description of an offense referenced in an abstract for any juvenile adjudication obtained from a district court or clerk of circuit court pursuant to subdivision A 9 of § 16.1-278.8, § 16.1-278.9, clause (iii) of subdivision 1 of § 46.2-382, or any other provision of law that does not involve an offense referenced in subsection A or an offense involving the operation of a motor vehicle shall be available only to the person himself, his parent or guardian, law-enforcement officers, attorneys for the Commonwealth, and courts.

§ 46.2-391.1. Suspension of registration certificates and plates upon suspension or revocation of driver's license.

Whenever the Commissioner, under the authority of law of the Commonwealth, suspends or revokes the driver's license of any person upon receiving record of that person's conviction, ~~or whenever the Commissioner is notified that a court has suspended a person's driving privilege pursuant to § 46.2-395,~~ the Commissioner shall also suspend all of the registration certificates and license plates issued for any motor vehicles registered solely in the name of such person and shall not issue any registration certificate or license plate for any other vehicle that such person seeks to register solely in his name. ~~Except for persons whose privileges have been suspended by a court pursuant to § 46.2-395, the~~ The Commissioner shall not suspend such registration certificates or license plates in the event ~~that~~ such person has previously given or gives and thereafter maintains proof of his financial responsibility in the future, in the manner specified in this chapter, with respect to each and every motor vehicle owned and registered by such person. In this event it shall be lawful for said vehicle or vehicles to be operated during this period of suspension by any duly licensed driver when so authorized by the owner.

§ 46.2-416. Notice of suspension or revocation of license.

A. Whenever it is provided in this title that a driver's license may or shall be suspended or revoked either by the Commissioner or by a court, notice of the suspension or revocation or any certified copy of the decision or order of the Commissioner may be sent by the Department by certified mail to the driver at the most recent address of the driver on file at the Department. ~~If the driver has previously been notified by mail or in person of the suspension or revocation or of an impending suspension for failure to pay fines and costs pursuant to § 46.2-395, whether notice is given by the court or law enforcement officials as provided by law, and the Department has been notified by the court that notice was so given and the fines and costs were not paid within 30 days, no notice of suspension shall be sent by the Department to the driver.~~ If the certificate of the Commissioner or someone designated by him for that purpose shows that the notice or copy has been so sent or provided, it shall be deemed prima facie evidence that the notice or copy has been sent and delivered or otherwise provided to the driver for all purposes involving the application of the provisions of this title. In the discretion of the Commissioner, service may be made as provided in § 8.01-296, which service on the driver shall be made by delivery in

writing to the driver in person in accordance with subdivision 1 of § 8.01-296 by a sheriff or deputy sheriff in the county or city in which the address is located, who shall, as directed by the Commissioner, take possession of any suspended or revoked license, registration card, or set of license plates or decals and return them to the office of the Commissioner. No such service shall be made if, prior to service, the driver has complied with the requirement which caused the issuance of the decision or order. In any such case, return shall be made to the Commissioner.

B. In lieu of making a direct payment to sheriffs as a fee for delivery of the Department's processes, the Commissioner shall effect a transfer of funds, on a monthly basis, to the Compensation Board to be used to provide additional support to sheriffs' departments. The amount of funds so transferred shall be as provided in the general appropriation act.

C. The Department may contract with the United States Postal Service or an authorized agent to use the National Change of Address System for the purpose of obtaining current address information for a person whose name appears in customer records maintained by the Department. If the Department receives information from the National Change of Address System indicating that a person whose name appears in a Department record has submitted a permanent change of address to the Postal Service, the Department may then update its records with the mailing address obtained from the National Change of Address System.

§ 46.2-808.2. Violations committed within highway safety corridor; report on benefits.

Notwithstanding any other provision of law, the fine for any moving violation of any provision of this chapter while operating a motor vehicle in a designated highway safety corridor pursuant to § 33.2-253 shall be no more than \$500 for any violation that is a traffic infraction and not less than \$200 for any violation that is a criminal offense. The otherwise applicable fines set forth in Rule 3B:2 of the Rules of the Supreme Court shall be doubled in the case of a waiver of appearance and a plea of guilty under § 16.1-69.40:1 or 19.2-254.2 for a violation of a provision of this chapter while operating a motor vehicle in a designated highway safety corridor pursuant to § 33.2-253. The Commissioner of Highways shall report, on an annual basis, statistical data related to benefits derived from the designation of such highway safety corridors. This information may be posted on the Virginia Department of Transportation's official website. Notwithstanding the provisions of § 46.2-1300, the governing bodies of counties, cities, and towns may not adopt ordinances providing for penalties under this section.

§ 46.2-819.1. Installation and use of photo-monitoring system or automatic vehicle identification system in conjunction with electronic or manual toll facilities; penalty.

A. For purposes of this section:

"Automatic vehicle identification device" means an electronic device that communicates by wireless transmission with an automatic vehicle identification system.

"Automatic vehicle identification system" means an electronic vehicle identification system installed to work in conjunction with a toll collection device that automatically produces an electronic record of each vehicle equipped with an automatic vehicle identification device that uses a toll facility.

"Debt collection" means the collection of unpaid tolls and applicable administrative fees by (i) retention of a third-party debt collector or (ii) collection practices undertaken by employees of a toll facility operator that are materially similar to a third-party debt collector.

"Operator of a toll facility other than the Department of Transportation" means any agency, political subdivision, authority, or other entity that operates a toll facility.

"Owner" means the registered owner of a vehicle on record with the Department of Motor Vehicles or with the equivalent agency in another state. "Owner" does not include a vehicle rental or vehicle leasing company.

"Photo-monitoring system" means a vehicle sensor installed to work in conjunction with a toll collection device that automatically produces one or more photographs, one or more microphotographs, a videotape, or other recorded images of each vehicle at the time it is used or operated in violation of this section.

B. The operator of any toll facility or the locality within which such toll facility is located may install and operate or cause to be installed and operated a photo-monitoring system or automatic vehicle identification system, or both, at locations where tolls are collected for the use of such toll facility. The operator of a toll facility shall send an invoice or bill for unpaid tolls to the owner of a vehicle as part of an electronic or manual toll collection process pursuant to § 46.2-819.6 prior to seeking remedies under this section.

C. Information collected by a photo-monitoring system or automatic vehicle identification system installed and operated pursuant to subsection B shall be limited exclusively to that information that is necessary for the collection of unpaid tolls. Notwithstanding any other provision of law, all photographs, microphotographs, electronic images, or other data collected by a photo-monitoring system or automatic vehicle identification system shall be used exclusively for the collection of unpaid tolls and shall not (i) be open to the public; (ii) be sold and/or used for sales, solicitation, or marketing purposes; (iii) be disclosed to any other entity except as may be necessary for the collection of unpaid tolls or to a vehicle owner or operator as part of a challenge to the imposition of a toll; and (iv) be used in a court in a pending action or proceeding unless the action or proceeding relates to a violation of this section or upon order from a court of competent jurisdiction. Information collected under this section shall be purged and not retained later than 30 days after the collection and reconciliation of any unpaid tolls, administrative fees, and/or civil penalties. Any entity operating a photo-monitoring system or automatic vehicle identification system shall annually certify compliance with this section and make all records pertaining to such system available for inspection and audit by the Commissioner of Highways or the Commissioner of the Department of Motor Vehicles or their designee. Any violation of this subsection shall constitute a Class 1 misdemeanor. In

addition to any fines or other penalties provided for by law, any money or other thing of value obtained as a result of a violation of this section shall be forfeited to the Commonwealth.

The toll facility operator may impose and collect an administrative fee in addition to the unpaid toll so as to recover the expenses of collecting the unpaid toll, which administrative fee shall be reasonably related to the actual cost of collecting the unpaid toll and not exceed \$100 per violation. Such fee may be levied upon the operator of the vehicle after the first unpaid toll has been documented. The operator of the vehicle shall pay the unpaid toll and any administrative fee detailed in an invoice for the unpaid toll issued by a toll facility operator. If paid within 60 days of notification, the administrative fee shall not exceed \$25.

D. If the matter proceeds to court, the owner or operator of a vehicle shall be liable for a civil penalty as follows: for a first offense, \$50; for a second offense within one year from the first offense, \$100; for a third offense within two years from the second offense, \$250; and for a fourth and any subsequent offense within three years from the second offense, \$500 plus, in each case, the unpaid toll, all accrued administrative fees imposed by the toll facility operator, and applicable court costs if the vehicle is found, as evidenced by information obtained from a photo-monitoring system or automatic vehicle identification system as provided in this section, to have used such a toll facility without payment of the required toll.

E. Notwithstanding subsections C and D, for a first conviction of an operator or owner of a vehicle under this section, the total amount for the first conviction shall not exceed \$2,200, including civil penalties and administrative fees regardless of the total number of offenses the operator or owner of a vehicle is convicted of on that date.

F. No summons may be issued by a toll facility operator for a violation of this section unless the toll facility operator can demonstrate that (i) there was an attempt to collect the unpaid tolls and applicable administrative fees through debt collection not less than 30 days prior to issuance of the summons and (ii) 120 days have elapsed since the unpaid toll or, in a summons for multiple violations, 120 days have elapsed since the most recent unpaid toll noticed on the summons.

G. Any action under this section shall be brought in the general district court of the county or city in which the toll facility is located and shall be commenced within two years of the commission of the offense. Such action shall be considered a traffic infraction. The attorney for the Commonwealth may represent the interests of the toll facility operator. Any authorized agent or employee of a toll facility operator acting on behalf of a governmental entity shall be allowed the privileges accorded by § 16.1-88.03 in such cases.

H. Proof of a violation of this section shall be evidenced by information obtained from a photo-monitoring system or automatic vehicle identification system as provided in this section. A certificate, sworn to or affirmed by a technician employed or authorized by the operator of a toll facility or by the locality wherein the toll facility is located, or a facsimile of such a certificate, based on inspection of photographs, microphotographs, videotapes, or other recorded images produced by a photo-monitoring system, or of electronic data collected by an automatic vehicle identification system, shall be prima facie evidence of the facts contained therein. Any photographs, microphotographs, videotape, or other recorded images or electronic data evidencing such a violation shall be available for inspection in any proceeding to adjudicate the liability for such violation under this section. A record of communication by an automatic vehicle identification device with the automatic vehicle identification system at the time of a violation of this section shall be prima facie evidence that the automatic vehicle identification device was located in the vehicle registered to use such device in the records of the Department of Transportation.

I. On a form prescribed by the Supreme Court, a summons for a violation of this section may be executed as provided in § 19.2-76.2. A summons for a violation of this section may set forth multiple violations occurring within one jurisdiction. Notwithstanding the provisions of § 19.2-76, a summons for a violation of this section may be executed by mailing by first-class mail a copy thereof to the address of the owner or, if the owner has named and provided a valid address for the operator of the vehicle at the time of the violation in an affidavit executed pursuant to this subsection, such named operator of the vehicle. Such summons shall be signed either originally or by electronic signature. If the summoned person fails to appear on the date of return set out in the summons mailed pursuant to this section, the summons shall be executed in the manner set out in § 19.2-76.3.

Upon a finding by a court of competent jurisdiction that the vehicle described in the summons issued pursuant to this subsection was in violation of this section, the court shall impose a civil penalty upon the owner or operator of such vehicle in accordance with the amounts specified in subsection D, together with applicable court costs, the operator's administrative fee, and the toll due. Penalties assessed as the result of action initiated by the Department of Transportation shall be remanded by the clerk of the court that adjudicated the action to the Department of Transportation's Toll Facilities Revolving Account. Penalties assessed as the result of action initiated by an operator of a toll facility other than the Department of Transportation shall be remanded by the clerk of the court that adjudicated the action to the treasurer or director of finance of the county or city in which the violation occurred for payment to the toll facility operator.

The owner of such vehicle shall be given reasonable notice by way of a summons as provided in this subsection that his vehicle had been used in violation of this section, and such owner shall be given notice of the time and place of the hearing as well as the civil penalty and costs for such offense. The toll facility operator may offer to the owner an option to pay the unpaid toll and fees plus a reduced civil penalty of \$25 for a first or second offense or \$50 for a third, fourth, or subsequent offense, as specified on the summons, provided the owner actually pays to the toll facility operator the entire amount so calculated at least 14 days prior to the hearing date specified on the summons. If the owner accepts such offer and such amount is actually received by the toll facility operator at least 14 days prior to the hearing date specified on the summons,

the toll facility operator shall move the court at least five business days prior to the date set for trial to dismiss the summons issued to the owner of the vehicle, and the court shall dismiss upon such motion.

It shall be prima facie evidence that the vehicle described in the summons issued pursuant to this subsection was operated in violation of this section. Records obtained from the Department of Motor Vehicles pursuant to § 46.2-208 and certified in accordance with § 46.2-215 or from the equivalent agency in another state and certified as true and correct copies by the head of such agency or his designee identifying the owner of such vehicle shall give rise to a rebuttable presumption that the owner of the vehicle is the person named in the summons.

Upon either (i) the filing of an affidavit with the toll facility operator within 14 days of receipt of an invoice for an unpaid toll from the toll facility operator or (ii) the filing of an affidavit with the court at least 14 days prior to the hearing date by the owner of the vehicle stating that he was not the operator of the vehicle on the date of the violation and providing the legal name and address of the operator of the vehicle at the time of the violation, an invoice and/or summons, as appropriate, will also be issued to the alleged operator of the vehicle at the time of the offense.

In any action against a vehicle operator, an affidavit made by the owner providing the name and address of the vehicle operator at the time of the violation shall constitute prima facie evidence that the person named in the affidavit was operating the vehicle at all the relevant times relating to the matter named in the affidavit.

If the owner of the vehicle produces for the toll facility operator or the court a certified copy of a police report showing that the vehicle had been reported to the police as stolen prior to the time of the alleged offense and remained stolen at the time of the alleged offense, then the toll facility operator shall not pursue the owner for the unpaid toll and, if a summons has been issued, the court shall dismiss the summons issued to the owner of the vehicle.

J. Upon a finding by a court that a person has two or more unpaid tolls and such person fails to pay the required penalties, fees, and unpaid tolls, the court shall notify the Commissioner of the Department of Motor Vehicles, who shall refuse to issue or renew any vehicle registration certificate of any applicant or the license plate issued for the vehicle driven in the commission of the offense or, when the vehicle is registered in a state with which the Commonwealth has entered into an agreement to enforce tolling violations pursuant to § 46.2-819.9, who shall provide to the entity authorized to issue vehicle registration certificates or license plates in the state in which the vehicle is registered sufficient evidence of the court's finding to take action against the vehicle registration certificate or license plates in accordance with the terms of the agreement, until the court has notified the Commissioner that such penalties, fees, and unpaid tolls have been paid. Upon receipt of such notification from the court, the Commissioner of the Department of Motor Vehicles shall notify the state where the vehicle is registered of such payment. If it is proven that the vehicle owner was not the operator at the time of the offense and upon a finding by a court that the person identified in an affidavit pursuant to subsection I as the operator violated this section and such person fails to pay the required penalties, fees, and unpaid tolls, the court shall notify the Commissioner, who shall refuse to issue or renew any vehicle registration certificate of any applicant or the license plate issued for any vehicle owned or co-owned by such person or, when such vehicle is registered in a state with which the Commonwealth has entered into an agreement to enforce tolling violations pursuant to § 46.2-819.9, who shall provide to the entity authorized to issue vehicle registration certificates or license plates in the state in which the vehicle is registered sufficient evidence of the court's finding to take action against the vehicle registration certificate or license plates in accordance with the terms of the agreement, until the court has notified the Commissioner that such penalties, fees, and unpaid tolls have been paid. Upon receipt of such notification from the court, the Commissioner of the Department of Motor Vehicles shall notify the state where the vehicle is registered of such payment. Such funds representing payment of unpaid tolls and all administrative fees of the toll facility operator shall be transferred from the court to the Department of Transportation's Toll Facilities Revolving Account or, in the case of an action initiated by an operator of a toll facility other than the Department of Transportation, to the treasurer or director of finance of the county or city in which the violation occurred for payment to the toll facility operator. The Commissioner shall collect a \$40 administrative fee from the owner or operator of the vehicle to defray the cost of processing and removing an order to deny registration or registration renewal.

K. Any vehicle rental or vehicle leasing company, if it receives an invoice or is named in a summons, shall be released as a party to the action if it provides the operator of the toll facility a copy of the vehicle rental agreement or lease or an affidavit identifying the renter or lessee within 30 days of receipt of the invoice or at least 14 days prior to the date of hearing set forth in the summons. Upon receipt of such rental agreement, lease, or affidavit, a notice shall be mailed to the renter or lessee identified therein. Release of this information shall not be deemed a violation of any provision of the Government Data Collection and Dissemination Practices Act (§ 2.2-3800 et seq.) or the Insurance Information and Privacy Protection Act (§ 38.2-600 et seq.). The toll facility operator shall allow at least 30 days from the date of such mailing before pursuing other remedies under this section. In any action against the vehicle operator, a copy of the vehicle rental agreement, lease, or affidavit identifying the renter or lessee of the vehicle at the time of the violation is prima facie evidence that the person named in the rental agreement, lease, or affidavit was operating the vehicle at all the relevant times relating to the matter named in the summons.

L. Imposition of a civil penalty pursuant to this section shall not be deemed a conviction as an operator and shall not be made part of the driving record of the person upon whom such civil penalty is imposed, nor shall it be used for insurance purposes in the provision of motor vehicle insurance coverage. ~~The provisions of § 46.2-395 shall not be applicable to any civil penalty, fee, unpaid toll, fine, or cost imposed or ordered paid under this section for a violation of this section.~~

M. The operator of a toll facility may enter into an agreement with the Department of Motor Vehicles, in accordance with the provisions of subdivision B 21 of § 46.2-208, to obtain vehicle owner information regarding the owners of vehicles

that fail to pay tolls required for the use of toll facilities and with the Department of Transportation to obtain any information that is necessary to conduct electronic toll collection. Such agreement may include any information that may be obtained by the Department of Motor Vehicles in accordance with any agreement entered into pursuant to § 46.2-819.9. Information provided to the operator of a toll facility shall only be used for the collection of unpaid tolls and the operator of the toll facility shall be subject to the same conditions and penalties regarding release of the information as contained in subsection C.

N. No person shall be subject to both the provisions of this section and to prosecution under § 46.2-819 for actions arising out of the same transaction or occurrence.

§ 46.2-819.3. Use of toll facility without payment of toll; enforcement; penalty.

A. For purposes of this section:

"Debt collection" means the collection of unpaid tolls and applicable administrative fees by (i) retention of a third-party debt collector or (ii) collection practices undertaken by employees of a toll facility operator that are materially similar to a third-party debt collector.

"Operator of a toll facility other than the Department of Transportation" means any agency, political subdivision, authority, or other entity that operates a toll facility.

"Owner" means the registered owner of a vehicle on record with the Department of Motor Vehicles or with the equivalent agency in another state. "Owner" does not include a vehicle rental or vehicle leasing company.

B. The toll facility operator may impose and collect an administrative fee in addition to the unpaid toll so as to recover the expenses of collecting the unpaid toll, which administrative fee shall be reasonably related to the actual cost of collecting the unpaid toll and not exceed \$100 per violation. Such fee shall not be levied on a first unpaid toll unless the written promise to pay executed pursuant to subsection F remains unpaid after 30 days. The person who executed the written promise to pay pursuant to subsection F shall pay the unpaid toll and any administrative fee detailed in an invoice or bill issued by a toll facility operator. If paid within 60 days of notification, the administrative fee shall not exceed \$25.

C. If the matter proceeds to court, the owner or operator of the vehicle shall be liable for a civil penalty as follows: for a first offense, \$50; for a second offense within one year from the first offense, \$100; for a third offense within two years from the second offense, \$250; and for a fourth and any subsequent offense within three years from the second offense, \$500 plus, in each case, the unpaid toll, all accrued administrative fees imposed by the toll facility operator and applicable court costs if the vehicle operator is found, as evidenced by information obtained from the toll facility operator, to have used such a toll facility without payment of the required toll.

D. Notwithstanding subsections B and C, for a first conviction of an operator or owner of a vehicle under this section, the total amount for the first conviction shall not exceed \$2,200, including civil penalties and administrative fees regardless of the total number of offenses the operator or owner of a vehicle is convicted of on that date.

E. No summons may be issued by a toll facility operator for a violation of this section unless the toll facility operator can demonstrate that (i) there was an attempt to collect the unpaid tolls and applicable administrative fees through debt collection not less than 30 days prior to issuance of the summons and (ii) 120 days have elapsed since the unpaid toll or, in a summons for multiple violations, 120 days have elapsed since the most recent unpaid toll noticed on the summons.

F. A written promise to pay an unpaid toll within a specified period of time executed by the operator of a motor vehicle, accompanied by a certificate sworn to or affirmed by an authorized agent of the toll facility that the unpaid toll was not paid within such specified period, shall be prima facie evidence of the facts contained therein.

G. The operator of a toll facility shall send an invoice or bill to the owner of a motor vehicle using a toll facility without payment of the specified toll as part of an electronic or manual toll collection process pursuant to § 46.2-819.6, prior to seeking remedies under this section. Any action under this section shall be brought in the general district court of the county or city in which the toll facility is located and shall be commenced within two years of the commission of the offense. Such an action shall be considered a traffic infraction. The attorney for the Commonwealth may represent the interests of the toll facility operator. Any authorized agent or employee of a toll facility operator acting on behalf of a governmental entity shall be allowed the privileges accorded by § 16.1-88.03 in such cases.

H. Upon a finding by a court of competent jurisdiction that the operator of a motor vehicle identified in the summons issued pursuant to subsection J was in violation of this section, the court shall impose a civil penalty upon the operator of a motor vehicle in accordance with the amounts specified in subsection C, together with applicable court costs, the operator's administrative fee, and the toll due. Penalties assessed as the result of action initiated by the Department of Transportation shall be remanded by the clerk of the court that adjudicated the action to the Department of Transportation's Toll Facilities Revolving Account. Penalties assessed as the result of action initiated by an operator of a toll facility other than the Department of Transportation shall be remanded by the clerk of the court that adjudicated the action to the treasurer or director of finance of the county or city in which the violation occurred for payment to the toll facility operator.

I. The toll facility operator may offer to the owner an option to pay the unpaid toll and fees plus a reduced civil penalty of not more than \$25 for a first or second offense or not more than \$50 for a third, fourth, or subsequent offense, as specified on the summons, provided the owner actually pays to the toll facility operator the entire amount so calculated at least 14 days prior to the hearing date specified on the summons. If the owner accepts such offer and such amount is actually received by the toll facility operator at least 14 days prior to the hearing date specified on the summons, the toll facility operator shall move the court at least five business days prior to the date set for trial to dismiss the summons issued to the owner of the vehicle, and the court shall dismiss upon such motion.

J. A summons for a violation of this section may be executed as provided in § 19.2-76.2. A summons for a violation of this section may set forth multiple violations occurring within one jurisdiction. Notwithstanding the provisions of § 19.2-76, a summons for a violation of this section may be executed by mailing by first-class mail a copy thereof to the address of the operator of a motor vehicle as shown on the written promise to pay executed pursuant to subsection F or records of the Department of Motor Vehicles. Such summons shall be signed either originally or by electronic signature. If the summoned person fails to appear on the date of return set out in the summons mailed pursuant to this subsection, the summons shall be executed in the manner set out in § 19.2-76.3.

K. Upon a finding by a court that a person has three or more unpaid tolls and such person fails to pay the required penalties, fees, and unpaid tolls, the court shall notify the Commissioner of the Department of Motor Vehicles, who shall refuse to issue or renew any vehicle registration certificate of any applicant or the license plate issued for any vehicle owned or co-owned by the offender or, when the vehicle is registered in a state with which the Commonwealth has entered into an agreement to enforce tolling violations pursuant to § 46.2-819.9, who shall provide to the entity authorized to issue vehicle registration certificates or license plates in the state in which the vehicle is registered sufficient evidence of the court's finding to take action against the vehicle registration certificate or license plates in accordance with the terms of the agreement. Upon receipt of such notification from the court, the Commissioner of the Department of Motor Vehicles shall notify the state where the vehicle is registered of such payment. The Commissioner shall collect a \$40 administrative fee from the owner or operator of the vehicle to defray the cost of processing and removing an order to deny registration or registration renewal.

L. Imposition of a civil penalty pursuant to this section shall not be deemed a conviction as an operator and shall not be made part of the driving record of the person upon whom such civil penalty is imposed, nor shall it be used for insurance purposes in the provision of motor vehicle insurance coverage. ~~The provisions of § 46.2-395 shall not be applicable to any civil penalty, fee, unpaid toll, fine, or cost imposed or ordered paid under this section for a violation of this section.~~

M. No person shall be subject to both the provisions of this section and to prosecution under § 46.2-819 for actions arising out of the same transaction or occurrence.

§ 46.2-819.3:1. Installation and use of video-monitoring system and automatic vehicle identification system in conjunction with all-electronic toll facilities; penalty.

A. For purposes of this section:

"Automatic vehicle identification device" means an electronic device that communicates by wireless transmission with an automatic vehicle identification system.

"Automatic vehicle identification system" means an electronic vehicle identification system installed to work in conjunction with a toll collection device that automatically produces an electronic record of each vehicle equipped with an automatic vehicle identification device that uses a toll facility.

"Debt collection" means the collection of unpaid tolls and applicable administrative fees by (i) retention of a third-party debt collector or (ii) collection practices undertaken by employees of a toll facility operator that are materially similar to a third-party debt collector.

"Operator" means a person who was driving a vehicle that was the subject of a toll violation but who is not the owner of the vehicle.

"Operator of a toll facility other than the Department of Transportation" means any agency, political subdivision, authority, or other entity that operates a toll facility.

"Owner" means the registered owner of a vehicle on record with the Department of Motor Vehicles or with the equivalent agency in another state. "Owner" does not mean a vehicle rental or vehicle leasing company.

"Video-monitoring system" means a vehicle sensor installed to work in conjunction with a toll collection device that automatically produces one or more photographs, one or more microphotographs, a videotape, or other recorded images of each vehicle at the time it is used or operated in violation of this section.

B. The operator of any toll facility or the locality within which such toll facility is located may install and operate or cause to be installed and operated a video-monitoring system in conjunction with an automatic vehicle identification system on facilities for which tolls are collected for the use of such toll facility and that do not offer manual toll collection. A video-monitoring system shall include, but not be limited to, electronic systems that monitor and capture images of vehicles using a toll facility to enable toll collection for vehicles that do not pay using a toll collection device. The operator of a toll facility shall send an invoice for unpaid tolls in accordance with the requirements of § 46.2-819.6 to the owner of a vehicle as part of a video-monitoring toll collection process, prior to seeking remedies under this section.

C. Information collected by a video-monitoring system in conjunction with an automatic vehicle identification system installed and operated pursuant to subsection B shall be limited exclusively to that information that is necessary for the collection of unpaid tolls and establishing when violations occur, including use in any proceeding to determine whether a violation occurred. Notwithstanding any other provision of law, all images or other data collected by a video-monitoring system in conjunction with an automatic vehicle identification system shall be protected in a database with security comparable to that of the Department of Motor Vehicles' system and used exclusively for the collection of unpaid tolls and for efforts to pursue violators of this section and shall not (i) be open to the public; (ii) be sold and/or used for sales, solicitation, or marketing purposes other than those of the toll facility operator to facilitate toll payment; (iii) be disclosed to any other entity except as may be necessary for the collection of unpaid tolls or to a vehicle owner or operator as part of a challenge to the imposition of a toll; and/or (iv) be used in a court in a pending action or proceeding unless the action or

proceeding relates to a violation of this section or upon order from a court of competent jurisdiction. Except as provided above, information collected under this section shall be purged and not retained later than 30 days after the collection and reconciliation of any unpaid tolls, administrative fees, and/or civil penalties. Any entity operating a video-monitoring system in conjunction with an automatic vehicle identification system shall annually certify compliance with this section and make all records pertaining to such system available for inspection and audit by the Commissioner of Highways or the Commissioner of the Department of Motor Vehicles or their designee. Any violation of this subsection shall constitute a Class 1 misdemeanor. In addition to any fines or other penalties provided for by law, any money or other thing of value obtained as a result of a violation of this section shall be forfeited to the Commonwealth.

If a vehicle uses a toll facility without paying the toll, the owner or operator shall be in violation of this section if he refuses to pay the toll within 30 days of notification. The toll facility operator may impose and collect an administrative fee in addition to the unpaid toll so as to recover the expenses of collecting the unpaid toll, which administrative fee shall be reasonably related to the actual cost of collecting the unpaid toll and not exceed \$100 per violation. Such fee shall not be levied upon the owner or operator of the vehicle unless the toll has not been paid by the owner or operator within 30 days after receipt of the invoice for the unpaid toll, which nonpayment for 30 days shall constitute the violation of this section. Once such a violation has occurred, the owner or operator of the vehicle shall pay the unpaid tolls and any administrative fee detailed in the invoice for the unpaid toll issued by a toll facility operator. If paid within 60 days of the toll violation, the administrative fee shall not exceed \$25.

The toll facility operator may levy charges for the direct cost of use of and processing for a video-monitoring system and to cover the cost of the invoice, which are in addition to the toll and may not exceed double the amount of the base toll, provided that potential toll facility users are provided notice before entering the facility by conspicuous signs that clearly indicate that the toll for use of the facility could be tripled for any vehicle that does not have an active, functioning automatic vehicle identification device registered for and in use in the vehicle using the toll facility, and such signs are posted at a location where the operator can still choose to avoid the use of the toll facility if he chooses not to pay the toll.

A person receiving an invoice for an unpaid toll under this section may (a) pay the toll and administrative fees directly to the toll facility operator or (b) file with the toll facility operator a notice, on a form provided by the toll facility operator as required under subsection B of § 46.2-819.6, to contest liability for a toll violation. The notice to contest liability for a toll violation may be filed by any person receiving an invoice for an unpaid toll by mailing or delivering the notice to the toll facility operator within 60 days of receiving such invoice for an unpaid toll. Upon receipt of such notice, the toll facility operator may issue a summons pursuant to subsection I and may not seek withholding of registration or renewal thereof under subsection L until a court of competent jurisdiction has found the alleged violator liable for tolls under this section.

D. If the matter proceeds to court, the owner or operator of a vehicle shall be liable for a civil penalty as follows: for a first offense, \$50; for a second offense within one year from the first offense, \$100; for a third offense within two years from the second offense, \$250; and for a fourth and any subsequent offense within three years from the second offense, \$500; plus, in each case, the unpaid toll, all accrued administrative fees imposed by the toll facility operator, and applicable court costs if the vehicle is found, as evidenced by information obtained from a video-monitoring system in conjunction with an automatic vehicle identification system as provided in this section, to have used such a toll facility without payment of the required toll within 30 days of receipt of the invoice for the toll.

E. Notwithstanding subsections C and D, for a first conviction of an operator or owner of a vehicle under this section the total amount for the first conviction shall not exceed \$2,200, including civil penalties and administrative fees regardless of the total number of offenses the operator or owner of a vehicle is convicted of on that date.

F. No summons may be issued by a toll facility operator for a violation of this section unless the toll facility operator can demonstrate that (i) there was an attempt to collect the unpaid tolls and applicable administrative fees through debt collection not less than 30 days prior to issuance of the summons and (ii) 120 days have elapsed since the unpaid toll or, in a summons for multiple violations, 120 days have elapsed since the most recent unpaid toll noticed on the summons.

G. Any action under this section shall be brought in the general district court of the county or city in which the toll facility is located and shall be commenced within two years of the commission of the offense. Such action shall be considered a traffic infraction. The attorney for the Commonwealth may represent the interests of the toll facility operator. Any authorized agent or employee of a toll facility operator acting on behalf of a governmental entity shall be allowed the privileges accorded by § 16.1-88.03 in such cases.

H. Proof of a violation of this section shall be evidenced by information obtained from a video-monitoring system or automatic vehicle identification system as provided in this section. A certificate, sworn to or affirmed by a technician employed or authorized by the operator of a toll facility or by the locality wherein the toll facility is located, or a facsimile of such a certificate, based on inspection of photographs, microphotographs, videotapes, or other recorded images produced by a video-monitoring system or of electronic data collected by an automatic vehicle identification system, shall be prima facie evidence of the facts contained therein. Any photographs, microphotographs, videotape, or other recorded images or electronic data evidencing such a violation shall be available for inspection in any proceeding to adjudicate the liability for such violation under this section. A record of communication by an automatic vehicle identification device with the automatic vehicle identification system at the time of a violation of this section shall be prima facie evidence that the automatic vehicle identification device was located in the vehicle registered to use such device in the records of the Department of Transportation.

I. On a form prescribed by the Supreme Court, a summons for a violation of this section may be executed as provided in § 19.2-76.2. A summons for a violation of this section may set forth multiple violations occurring within one jurisdiction. Notwithstanding the provisions of § 19.2-76, a summons for a violation of unpaid tolls may be executed by mailing by first-class mail a copy thereof to the address of the owner or, if the owner has named and provided a valid address for the operator of the vehicle at the time of the violation in an affidavit executed pursuant to subsection J, such named operator of the vehicle. Such summons shall be signed either originally or by electronic signature. If the summoned person fails to appear on the date of return set out in the summons mailed pursuant to this section, the summons shall be executed in the manner set out in § 19.2-76.3.

J. Upon a finding by a court of competent jurisdiction that the vehicle described in the summons issued pursuant to subsection I was in violation of this section, the court shall impose a civil penalty upon the owner or operator of such vehicle in accordance with the amounts specified in subsection D, together with applicable court costs, the operator's administrative fee, and the toll due. Penalties assessed as the result of action initiated by the Department of Transportation shall be remanded by the clerk of the court that adjudicated the action to the Department of Transportation's Toll Facilities Revolving Account. Penalties assessed as the result of action initiated by an operator of a toll facility other than the Department of Transportation shall be remanded by the clerk of the court that adjudicated the action to the treasurer or director of finance of the county or city in which the violation occurred for payment to the toll facility operator.

The owner of such vehicle shall be given reasonable notice by way of a summons as provided in subsection I that his vehicle had been used in violation of this section, and such owner shall be given notice of the time and place of the hearing as well as the civil penalty and costs for such offense.

It shall be prima facie evidence that the vehicle described in the summons issued pursuant to subsection I was operated in violation of this section. Records obtained from the Department of Motor Vehicles pursuant to subsection P and certified in accordance with § 46.2-215 or from the equivalent agency in another state and certified as true and correct copies by the head of such agency or his designee identifying the owner of such vehicle shall give rise to a rebuttable presumption that the owner of the vehicle is the person named in the summons.

Upon the filing of an affidavit by the owner of the vehicle with the toll facility operator within 14 days of receipt of an invoice for unpaid toll or a summons stating that such owner was not the operator of the vehicle on the date of the violation and providing the legal name and address of the operator of the vehicle at the time of the violation, an invoice for unpaid toll or summons, whichever the case may be, will also be issued to the alleged operator of the vehicle at the time of the offense.

In any action against a vehicle operator, an affidavit made by the owner providing the name and address of the vehicle operator at the time of the violation shall constitute prima facie evidence that the person named in the affidavit was operating the vehicle at all the relevant times relating to the matter named in the affidavit.

If the owner of the vehicle produces for the toll facility operator or the court a certified copy of a police report showing that the vehicle had been reported to the police as stolen prior to the time of the alleged offense and remained stolen at the time of the alleged offense, then the toll facility operator shall not pursue the owner for the unpaid toll contained in the invoice for unpaid toll or the court shall dismiss the summons issued to the owner of the vehicle.

K. Upon a finding by a court that a person has two or more unpaid tolls and such person fails to pay the required penalties, fees, and unpaid tolls, then the court or toll facility operator shall notify the Commissioner of the Department of Motor Vehicles, who shall refuse to issue or renew any vehicle registration certificate of any applicant or the license plate issued for the vehicle driven in the commission of the offense or, when the vehicle is registered in a state with which the Commonwealth has entered into an agreement to enforce tolling violations pursuant to § 46.2-819.9, who shall provide to the entity authorized to issue vehicle registration certificates or license plates in the state in which the vehicle is registered sufficient evidence of the court's finding to take action against the vehicle registration certificate or license plates in accordance with the terms of the agreement, until the court has notified the Commissioner that such penalties, fees, and unpaid tolls have been paid. Upon receipt of such notification from the court, the Commissioner of the Department of Motor Vehicles shall notify the state where the vehicle is registered of such payment. If it is proven that the vehicle owner was not the operator at the time of the offense and upon a finding by a court that the person identified in an affidavit pursuant to subsection J as the operator violated this section and such person fails to pay the required penalties, fees, and unpaid tolls, the court shall notify the Commissioner, who shall refuse to issue or renew any vehicle registration certificate of any applicant or the license plate issued for any vehicle owned or co-owned by such person or, when such vehicle is registered in a state with which the Commonwealth has entered into an agreement to enforce tolling violations pursuant to § 46.2-819.9, who shall provide to the entity authorized to issue vehicle registration certificates or license plates in the state in which the vehicle is registered sufficient evidence of the court's finding to take action against the vehicle registration certificate or license plates in accordance with the terms of the agreement, until the court has notified the Commissioner that such penalties, fees, and unpaid tolls have been paid. Upon receipt of such notification from the court, the Commissioner of the Department of Motor Vehicles shall notify the state where the vehicle is registered of such payment. Such funds representing payment of unpaid tolls and all administrative fees of the toll facility operator shall be transferred from the court to the Department of Transportation's Toll Facilities Revolving Account or, in the case of an action initiated by an operator of a toll facility other than the Department of Transportation, to the treasurer or director of finance of the county or city in which the violation occurred for payment to the toll facility operator. The Commissioner shall collect a \$40 administrative fee from the owner or operator of the vehicle to defray the cost of processing and removing an order to deny registration or registration renewal.

L. If an owner of a vehicle has received at least one invoice for two or more unpaid tolls in accordance with § 46.2-819.6 by certified mail and has (i) failed to pay the unpaid tolls and administrative fees and (ii) failed to file a notice to contest liability for a toll violation, then the toll facility operator may notify the Commissioner, who shall, if no form contesting liability has been timely filed with the toll facility operator pursuant to this section, refuse to issue or renew the vehicle registration certificate of any applicant therefor or the license plate issued for any vehicle driven in the commission of the offense until the toll facility operator has notified the Commissioner that such fees and unpaid tolls have been paid.

If the vehicle owner was not the operator at the time of the offense and the person identified in an affidavit pursuant to subsection J as the operator has received at least one invoice for two or more unpaid tolls in accordance with § 46.2-819.6 by certified mail and such person has (a) failed to pay the unpaid tolls and administrative fees and (b) failed to file a notice to contest liability for a toll violation, then the toll facility operator may notify the Commissioner, who shall, if no form contesting liability has been timely filed with the toll facility operator pursuant to this section, refuse to issue or renew any vehicle registration certificate of any applicant therefor or the license plate issued for any vehicle owned or co-owned by such person until the toll facility operator has notified the Commissioner that such fees and unpaid tolls have been paid.

The Commissioner may only refuse to issue or renew any vehicle registration pursuant to this subsection upon the request of a toll facility operator if such toll facility operator has entered into an agreement with the Commissioner whereby the Commissioner will refuse to issue or renew any vehicle registration of any applicant therefor who owes unpaid tolls and administrative fees to the toll facility operator. The toll facility operator seeking to collect unpaid tolls and administrative fees through the withholding of registration or renewal thereof by the Commissioner as provided for in this subsection shall notify the Commissioner in the manner provided for in his agreement with the Commissioner and supply to the Commissioner information necessary to identify the violator whose registration or renewal is to be denied. The Commissioner shall charge a \$40 fee to defray the cost of processing and withholding the registration or registration renewal, and the toll facility operator may add this fee to the amount of the unpaid tolls and administrative fees. Any agreement entered into pursuant to the provisions of this subsection shall provide for the Department to send the violator notice of the intent to deny renewal of registration at least 30 days prior to the expiration date of a current vehicle registration and such notice shall include a form, as required under subsection B of § 46.2-819.6, to contest liability of the underlying toll violation. The notice provided by the Commissioner shall include instructions for filing the form to contest liability with the toll facility operator within 21 days after the date of mailing of the Commissioner's notice. Upon timely receipt of the form, the toll facility operator shall notify the Commissioner, who shall refrain from withholding the registration or renewal thereof, after which the toll facility operator may proceed to issue a summons for unpaid toll. For the purposes of this subsection, notice by first-class mail to the registrant's address as maintained in the records of the Department shall be deemed sufficient.

M. Any vehicle rental or vehicle leasing company, if it receives an invoice for unpaid toll or is named in a summons, shall be released as a party to the action if it provides the operator of the toll facility a copy of the vehicle rental agreement or lease or an affidavit identifying the renter or lessee within 30 days of receipt of the invoice or summons. Upon receipt of such rental agreement, lease, or affidavit, an invoice for unpaid toll shall be mailed to the renter or lessee identified therein. Release of this information shall not be deemed a violation of any provision of the Government Data Collection and Dissemination Practices Act (§ 2.2-3800 et seq.) or the Insurance Information and Privacy Protection Act (§ 38.2-600 et seq.). The toll facility operator shall allow at least 30 days from the date of such mailing before pursuing other remedies under this section. In any action against the vehicle operator, a copy of the vehicle rental agreement, lease, or affidavit identifying the renter or lessee of the vehicle at the time of the violation is prima facie evidence that the person named in the rental agreement, lease, or affidavit was operating the vehicle at all the relevant times relating to the matter named in the summons.

N. Imposition of a civil penalty pursuant to this section shall not be deemed a conviction as an operator and shall not be made part of the driving record of the person upon whom such civil penalty is imposed, nor shall it be used for insurance purposes in the provision of motor vehicle insurance coverage. ~~The provisions of § 46.2-395 shall not be applicable to any civil penalty, fee, unpaid toll, fine, or cost imposed or ordered paid under this section for a violation of this section.~~

O. The toll facility operator may offer to the owner an option to pay the unpaid toll and fees plus a reduced civil penalty of \$25 for a first or second offense or \$50 for a third, fourth, or subsequent offense, as specified on the summons, provided the owner actually pays to the toll facility operator the entire amount so calculated at least 14 days prior to the hearing date specified on the summons. If the owner accepts such offer and such amount is actually received by the toll facility operator at least 14 days prior to the hearing date specified on the summons, the toll facility operator shall move the court at least five business days prior to the date set for trial to dismiss the summons issued to the owner of the vehicle, and the court shall dismiss upon such motion.

P. The operator of a toll facility may enter into an agreement with the Department, in accordance with the provisions of subdivision B 21 of § 46.2-208, to obtain vehicle owner information regarding the owners of vehicles that fail to pay tolls required for the use of toll facilities and with the Department of Transportation to obtain any information that is necessary to conduct electronic toll collection. Such agreement may include any information that may be obtained by the Department of Motor Vehicles in accordance with any agreement entered into pursuant to § 46.2-819.9. Information provided to the operator of a toll facility shall be used only for the collection of unpaid tolls, and the operator of the toll facility shall be subject to the same conditions and penalties regarding release of the information as contained in subsection C.

Q. No person shall be subject to both the provisions of this section and to prosecution under § 46.2-819 for actions arising out of the same transaction or occurrence.

§ 46.2-819.5. Enforcement through use of photo-monitoring system or automatic vehicle identification system in conjunction with usage of Dulles Access Highway.

A. A photo-monitoring system or automatic vehicle identification system established at locations along the Dulles Access Highway, in order to identify vehicles that are using the Dulles Access Highway in violation of the Metropolitan Washington Airports Authority (Authority) regulation regarding usage, which makes violations of the regulation subject to civil penalties, shall be administered in accordance with this section. The civil penalties for violations of such regulation may not exceed the following: \$50 for the first violation; \$100 for a second violation within one year from the first violation; \$250 for a third violation within two years from the second violation; and \$500 for a fourth and any subsequent violation within three years from the second violation. In the event a violation of the Authority regulation is identified via the photo-monitoring system or automatic vehicle identification system, the operator of the Dulles Access Highway shall send a notice of the violation, of the applicable civil penalty and of any administrative fee calculated in accordance with subsection C to the registered owner of the vehicle identified by the system prior to seeking further remedies under this section. Upon receipt of the notice, the registered owner of the vehicle may elect to avoid any action by the operator to enforce the violation in court by waiving his right to a court hearing, pleading guilty to the violation, and paying a reduced civil penalty along with any applicable administrative fee to the operator. Should the recipient of the notice make such an election, the amount of the reduced civil penalty shall be as follows: \$30 for the first violation; \$50 for a second violation within one year from the first violation; \$125 for a third violation within two years from the second violation; and \$250 for a fourth and any subsequent violations within three years from the second violation.

B. Information collected by the photo-monitoring system or automatic vehicle identification system referenced in subsection A shall be limited exclusively to that information that is necessary for identifying those drivers who improperly use the Dulles Access Highway in violation of the Authority regulation. Notwithstanding any other provision of law, all photographs, microphotographs, electronic images, or other data collected by a photo-monitoring system or automatic vehicle identification system shall be used exclusively for the identification of violators and shall not (i) be open to the public; (ii) be sold or used for sales, solicitation, or marketing purposes; (iii) be disclosed to any other entity except as may be necessary for the identification of violators or to a vehicle owner or operator as part of a challenge to the imposition of a civil penalty; or (iv) be used in a court in a pending action or proceeding unless the action or proceeding relates to a violation of the Authority regulation governing usage of the Dulles Access Highway or upon order from a court of competent jurisdiction. Information collected by the system shall be protected in a database with security comparable to that of the Department of Motor Vehicles' system, and be purged and not retained later than 30 days after the collection and reconciliation of any civil penalties and administrative fees. The operator of the Dulles Access Highway shall annually certify compliance with this subsection and make all records pertaining to such system available for inspection and audit by the Commissioner of Highways or the Commissioner of the Department of Motor Vehicles or their designee. Any violation of this subsection shall constitute a Class 1 misdemeanor. In addition to any fines or other penalties provided for by law, any money or other thing of value obtained as a result of a violation of this subsection shall be forfeited to the Commonwealth.

C. The operator of the Dulles Access Highway may impose and collect an administrative fee, in addition to the civil penalty established by regulation, so as to recover the expenses of collecting the civil penalty, which administrative fee shall be reasonably related to the actual cost of collecting the civil penalty and shall not exceed \$100 per violation. Such fee shall not be levied upon the operator of the vehicle until a second violation has been documented within 12 months of an initial violation, in which case the fee shall apply to such second violation and to any additional violation occurring thereafter. If the recipient of the notice referenced in subsection A makes the election provided by that subsection, the administrative fee shall not exceed \$25.

D. If the election provided for in subsection A is not made, the operator of the Dulles Access Highway may proceed to enforce the violation in court. If the matter proceeds to court, the registered owner or operator of a vehicle shall be liable for the civil penalty set out in the Authority regulation governing usage of the Dulles Access Highway, any applicable administrative fees calculated in accordance with subsection C and applicable court costs if the vehicle is found, as evidenced by information obtained from a photo-monitoring system or automatic vehicle identification system as provided in this section, to have used the Dulles Access Highway in violation of the Authority regulation; provided, that the civil penalty may not exceed the amount of the penalty identified in subsection A.

E. Any action under this section shall be brought in the General District Court of the county in which the violation occurred.

F. Proof of a violation of the Authority regulation governing the use of the Dulles Access Highway shall be evidenced by information obtained from the photo-monitoring system or automatic vehicle identification system referenced in subsection A. A certificate, sworn to or affirmed by a technician employed or authorized by the operator of the Dulles Access Highway, or a facsimile of such a certificate, that is based on inspection of photographs, microphotographs, videotapes, or other recorded images or electronic data produced by the photo-monitoring system shall be prima facie evidence of the facts contained therein. Any photographs, microphotographs, videotape, or other recorded images or electronic data evidencing such a violation shall be available for inspection in any proceeding to adjudicate the liability for such violation under this section.

G. A summons issued under this section, which describes a vehicle that, on the basis of a certificate referenced in subsection F, is alleged to have been operated in violation of the Authority regulation governing usage of the Dulles Access Highway, shall be prima facie evidence that such vehicle was operated in violation of the Authority regulation.

H. Upon a finding by a court that the vehicle described in the summons issued under this section was in violation of the Authority regulation, the court shall impose a civil penalty upon the registered owner or operator of such vehicle in accordance with the penalty amounts specified in subsection D, together with any applicable court costs and applicable administrative fees calculated in accordance with subsection C. Civil penalties and administrative fees assessed as a result of an action initiated under this section and collected by the court shall be remanded by the clerk of the court that adjudicated the action to the treasurer or director of finance of the county or city in which the violation occurred for payment to the operator of the Dulles Access Highway.

The registered owner of a vehicle shall be given reasonable notice of an enforcement action in court by way of a summons that informs the owner that his vehicle has been used in violation of the Authority regulation governing the use of the Dulles Access Highway and of the time and place of the court hearing, as well as of the civil penalty and court costs for the violation. Upon the filing of an affidavit with the court at least 14 days prior to the hearing date by the registered owner of the vehicle stating that he was not the driver of the vehicle on the date of the violation and providing the legal name and address of the operator of the vehicle at the time of the violation, a summons shall be issued to such alleged operator of the vehicle.

In any action against such a vehicle operator, an affidavit made by the registered owner providing the name and address of the vehicle operator at the time of the violation shall constitute prima facie evidence that the person named in the affidavit was operating the vehicle at all the relevant times relating to the matter addressed in the affidavit.

If the registered owner of the vehicle produces a certified copy of a police report showing that the vehicle had been reported to the police as stolen prior to the time of the alleged offense and remained stolen at the time of the alleged offense, then the court shall dismiss the summons issued to the registered owner of the vehicle.

I. Upon a finding by a court that a person has three or more violations of the Authority regulation governing the use of the Dulles Access Highway and has failed to pay the required civil penalties, administrative fees and court costs into the court, the court shall notify the Commissioner of the Department of Motor Vehicles, who shall refuse to issue or renew any vehicle registration certificate to or for such person or the license plate for the vehicle owned by such person until the court has notified the Commissioner that such civil penalties, fees, and costs have been paid. The Commissioner shall collect a \$40 administrative fee from such person to defray the cost of responding to court notices given pursuant to this subsection.

J. For purposes of this section, "operator of the Dulles Access Highway" means the Metropolitan Washington Airports Authority; "owner" means the registered owner of a vehicle on record with the Department of Motor Vehicles; "photo-monitoring system" means equipment that produces one or more photographs, microphotographs, videotapes, or other recorded images of vehicles at the time they are used or operated in violation of the Authority regulation governing the use of the Dulles Access Highway; "automatic vehicle identification system" means an electronic vehicle identification system that automatically produces an electronic record of each vehicle equipped with an automatic vehicle identification device that uses monitored portions of the Dulles Access Highway; and "automatic vehicle identification device" means an electronic device that communicates by wireless transmission with an automatic vehicle identification system.

K. Any vehicle rental or vehicle leasing company, if named in a summons, shall be released as a party to the action if it provides the operator of the Dulles Access Highway with a copy of the vehicle rental agreement or lease, or an affidavit that identifies the renter or lessee, prior to the date of hearing set forth in the summons. Upon receipt of such rental agreement, lease, or affidavit, a summons shall be issued to such renter or lessee. Release of this information shall not be deemed a violation of any provision of the Government Data Collection and Dissemination Practices Act (§ 2.2-3800 et seq.) or the Insurance Information and Privacy Protection Act (§ 38.2-600 et seq.). In any action against the renter or lessee, a copy of the vehicle rental agreement, lease, or affidavit identifying the renter or lessee of the vehicle at the time of the violation shall be prima facie evidence that the person named in the rental agreement, lease, or affidavit was operating the vehicle at all the relevant times relating to the matter named in the summons.

L. Imposition of a civil penalty pursuant to this section shall not be deemed a conviction as an operator and shall not be made a part of the driving record of the person upon whom such civil penalty is imposed, nor shall it be used for insurance purposes in the provision of motor vehicle insurance coverage. ~~The provisions of § 46.2-395 shall not be applicable to any civil penalty, administrative fee, or cost imposed or ordered paid under this section.~~

M. On a form prescribed by the Supreme Court, a summons for a violation of the Authority regulation governing the use of the Dulles Access Highway may be executed pursuant to § 19.2-76.2. The operator of the Dulles Access Highway or its personnel or agents mailing such summons shall be considered conservators of the peace for the sole and limited purpose of mailing such summons. Pursuant to § 19.2-76.2, the summons for a violation of the Authority regulation governing usage of the Dulles Access Highway may be executed by mailing by first-class mail a copy thereof to the address of the owner of the vehicle as shown on the records of the Department of Motor Vehicles or, if the registered owner or rental or leasing company has named and provided a valid address for the operator of the vehicle at the time of the violation as provided in this section, to the address of such named operator of the vehicle. If the summoned person fails to appear on the date of return set out in the summons mailed pursuant to this section, the summons shall be executed in the manner set out in § 19.2-76.3.

N. The operator of the Dulles Access Highway may enter into an agreement with the Department of Motor Vehicles, in accordance with the provisions of subdivision B 21 of § 46.2-208, to obtain vehicle owner information regarding the registered owners of vehicles that improperly use the Dulles Access Highway. Information provided to the operator of the Dulles Access Highway shall only be used in the enforcement of the Authority regulation governing use of the Dulles Access Highway, and the operator shall be subject to the same conditions and penalties regarding release of the information as contained in subsection B.

O. Should other vehicle recognition technology become available that is appropriate to be used for the purpose of monitoring improper usage of the Dulles Access Highway, the operator of the Dulles Access Highway shall be permitted to use any such technology that has been approved for use by the Virginia State Police, the Commonwealth of Virginia, or any of its localities.

P. All civil penalties paid to the operator of the Dulles Access Highway pursuant to this section shall be used by the operator of the Dulles Access Highway only for the operation and improvement of the Dulles Corridor, including the Dulles Toll Road.

§ 46.2-940. When arresting officer shall take person before issuing authority.

If any person is: (i) believed by the arresting officer to have committed a felony; (ii) believed by the arresting officer to be likely to disregard a summons issued under § 46.2-936; or (iii) refuses to give a written promise to appear under the provisions of § 46.2-936 ~~or § 46.2-945~~, the arresting officer shall promptly take him before a magistrate or other issuing authority having jurisdiction and proceed in accordance with the provisions of § 19.2-82. The magistrate or other authority may issue either a summons or warrant as he shall determine proper.

§ 46.2-1200.1. Abandoning motor vehicles prohibited; penalty.

No person shall cause any motor vehicle to become an abandoned motor vehicle as defined in § 46.2-1200. In any prosecution for a violation of this section, proof that the defendant was, at the time that the vehicle was found abandoned, the owner of the vehicle shall constitute in evidence a rebuttable presumption that the owner was the person who committed the violation. Such presumption, however, shall not arise if the owner of the vehicle provided notice to the Department, as provided in § 46.2-604, that he had sold or otherwise transferred the ownership of the vehicle.

A summons for a violation of this section shall be executed by mailing a copy of the summons by first-class mail to the address of the owner of the vehicle as shown on the records of the Department of Motor Vehicles. If the person fails to appear on the date of return set out in the summons, a new summons shall be issued and delivered to the sheriff of the county, city, or town for service on the accused personally. If the person so served then fails to appear on the date of return set out in the summons, proceedings for contempt shall be instituted.

Any person convicted of a violation of this section shall be subject to a civil penalty of no more than \$500. ~~If any person fails to pay any such penalty, his privilege to drive a motor vehicle on the highways of the Commonwealth shall be suspended as provided in § 46.2-395.~~

All penalties collected under this section shall be paid into the state treasury to be credited to the Literary Fund as provided in § 46.2-114.

2. That § 46.2-395 and Article 18 (§§ 46.2-944.1 through 46.2-947) of Chapter 8 of Title 46.2 of the Code of Virginia are repealed.

3. That the Commissioner of the Department of Motor Vehicles shall reinstate a person's privilege to drive a motor vehicle that was suspended prior to July 1, 2019, solely pursuant to § 46.2-395 of the Code of Virginia and shall waive all fees relating to reinstating such person's driving privileges. Nothing in this act shall require the Commissioner to reinstate a person's driving privileges if such privileges have been otherwise lawfully suspended or revoked or if such person is otherwise ineligible for a driver's license.

CHAPTER 965

An Act to amend and reenact §§ 19.2-258.1, 19.2-354, 19.2-354.1, 33.2-503, 46.2-203.1, 46.2-301, 46.2-361, 46.2-383, 46.2-391.1, 46.2-416, 46.2-819.1, 46.2-819.3, 46.2-819.3:1, 46.2-819.5, 46.2-940, and 46.2-1200.1 of the Code of Virginia; to amend the Code of Virginia by adding a section numbered 46.2-808.2; and to repeal § 46.2-395 and Article 18 (§§ 46.2-944.1 through 46.2-947) of Chapter 8 of Title 46.2 of the Code of Virginia, relating to suspension of driver's license for nonpayment of fines or costs.

[S 1]

Approved April 9, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 19.2-258.1, 19.2-354, 19.2-354.1, 33.2-503, 46.2-203.1, 46.2-301, 46.2-361, 46.2-383, 46.2-391.1, 46.2-416, 46.2-819.1, 46.2-819.3, 46.2-819.3:1, 46.2-819.5, 46.2-940, and 46.2-1200.1 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 46.2-808.2 as follows:

§ 19.2-258.1. Trial of traffic infractions; measure of proof; failure to appear.

For any traffic infraction cases tried in a district court, the court shall hear and determine the case without the intervention of a jury. For any traffic infraction case appealed to a circuit court, the defendant shall have the right to trial by jury. The defendant shall be presumed innocent until proven guilty beyond a reasonable doubt.

When a person charged with a traffic infraction fails to enter a written or court appearance, he shall be deemed to have waived court hearing and the case may be heard in his absence, after which he shall be notified of the court's finding. ~~He shall be advised that if he fails to comply with any order of the court therein, the court may order suspension of his driver's license as provided in § 46.2-395 but; however,~~ the court shall not issue a warrant for his failure to appear pursuant to § 46.2-938.

§ 19.2-354. Authority of court to order payment of fine, costs, forfeitures, penalties or restitution in installments or upon other terms and conditions; community work in lieu of payment.

A. Whenever (i) a defendant, convicted of a traffic infraction or a violation of any criminal law of the Commonwealth or of any political subdivision thereof, or found not innocent in the case of a juvenile, is sentenced to pay a fine, restitution, forfeiture or penalty and (ii) the defendant is unable to make payment of the fine, restitution, forfeiture, or penalty and costs within 30 days of sentencing, the court shall order the defendant to pay such fine, restitution, forfeiture or penalty and any costs which the defendant may be required to pay in deferred payments or installments. The court assessing the fine, restitution, forfeiture, or penalty and costs may authorize the clerk to establish and approve individual deferred or installment payment agreements. If the defendant owes court-ordered restitution and enters into a deferred or installment payment agreement, any money collected pursuant to such agreement shall be used first to satisfy such restitution order and any collection costs associated with restitution prior to being used to satisfy any other fine, forfeiture, penalty, or cost owed. Any payment agreement authorized under this section shall be consistent with the provisions of § 19.2-354.1, including any required minimum payments or other required conditions. The requirements set forth in § 19.2-354.1 shall be posted in the clerk's office and on the court's website, if a website is available. As a condition of every such agreement, a defendant who enters into an installment or deferred payment agreement shall promptly inform the court of any change of mailing address during the term of the agreement. If the defendant is unable to make payment within 90 days of sentencing, the court may assess a one-time fee not to exceed \$10 to cover the costs of management of the defendant's account until such account is paid in full. This one-time fee shall not apply to cases in which costs are assessed pursuant to § 17.1-275.1, 17.1-275.2, 17.1-275.3, 17.1-275.4, 17.1-275.7, 17.1-275.8, or 17.1-275.9. Installment or deferred payment agreements shall include terms for payment if the defendant participates in a program as provided in subsection B or C. The court, if such sum or sums are not paid in full by the date ordered, shall proceed in accordance with § 19.2-358.

B. When a person sentenced to the Department of Corrections or a local correctional facility owes any fines, costs, forfeitures, restitution or penalties, he shall be required as a condition of participating in any work release, home/electronic incarceration or nonconsecutive days program as set forth in § 53.1-60, 53.1-131, 53.1-131.1, or 53.1-131.2 to either make full payment or make payments in accordance with his installment or deferred payment agreement while participating in such program. If, after the person has an installment or deferred payment agreement, the person fails to pay as ordered, his participation in the program may be terminated until all fines, costs, forfeitures, restitution and penalties are satisfied. The Director of the Department of Corrections and any sheriff or other administrative head of any local correctional facility shall withhold such ordered payments from any amounts due to such person. Distribution of the money collected shall be made in the following order of priority to:

1. Meet the obligation of any judicial or administrative order to provide support and such funds shall be disbursed according to the terms of such order;
2. Pay any restitution as ordered by the court;
3. Pay any fines or costs as ordered by the court;
4. Pay travel and other such expenses made necessary by his work release employment or participation in an education or rehabilitative program, including the sums specified in § 53.1-150; and
5. Defray the offender's keep.

The balance shall be credited to the offender's account or sent to his family in an amount the offender so chooses.

The Board of Corrections shall promulgate regulations governing the receipt of wages paid to persons participating in such programs, the withholding of payments and the disbursement of appropriate funds.

C. The court shall establish a program and may provide an option to any person upon whom a fine and costs have been imposed to discharge all or part of the fine or costs by earning credits for the performance of community service work before or after imprisonment. The program shall specify the rate at which credits are earned and provide for the manner of applying earned credits against the fine or costs. The court assessing the fine or costs against a person shall inform such person of the availability of earning credit toward discharge of the fine or costs through the performance of community service work under this program and provide such person with written notice of terms and conditions of this program. The court shall have such other authority as is reasonably necessary for or incidental to carrying out this program.

D. When the court has authorized deferred payment or installment payments, the clerk shall give notice to the defendant that upon his failure to pay as ordered he may be fined or imprisoned pursuant to § 19.2-358 ~~and his privilege to operate a motor vehicle will be suspended pursuant to § 46.2-395.~~

E. The failure of the defendant to enter into a deferred payment or installment payment agreement with the court or the failure of the defendant to make payments as ordered by the agreement shall allow the Tax Commissioner to act in accordance with § 19.2-349 to collect all fines, costs, forfeitures and penalties.

§ 19.2-354.1. Deferred or installment payment agreements.

A. For purposes of this section:

"Deferred payment agreement" means an agreement in which no installment payments are required and the defendant agrees to pay the full amount of the fines and costs at the end of the agreement's stated term.

"Fines and costs" means all fines, court costs, forfeitures, and penalties assessed in any case by a single court against a defendant for the commission of any crime or traffic infraction. "Fines and costs" includes restitution unless the court orders a separate payment schedule for restitution.

"Installment payment agreement" means an agreement in which the defendant agrees to make monthly or other periodic payments until the fines and costs are paid in full.

"Modified deferred payment agreement" means a deferred payment agreement in which the defendant also agrees to use best efforts to make monthly or other periodic payments.

B. The court shall give a defendant ordered to pay fines and costs written notice of the availability of deferred, modified deferred, and installment payment agreements and, if a community service program has been established, the availability of earning credit toward discharge of fines and costs through the performance of community service work. The court shall offer any defendant who is unable to pay in full the fines and costs within 30 days of sentencing the opportunity to enter into a deferred payment agreement, modified deferred payment agreement, or installment payment agreement.

C. The court shall not deny a defendant the opportunity to enter into a deferred, modified deferred, or installment payment agreement solely (i) because of the category of offense for which the defendant was convicted or found not innocent, (ii) because of the total amount of all fines and costs, (iii) because the defendant previously defaulted under the terms of a payment agreement, (iv) because the fines and costs have been referred for collections pursuant to § 19.2-349, or (v) because the defendant has not established a payment history; ~~or (vi) because the defendant is eligible for a restricted driver's license under subsection E of § 46.2-395.~~

D. In determining the length of time to pay under a deferred, modified deferred, or installment payment agreement and the amount of the payments, a court shall take into account the defendant's financial resources and obligations, including any fines and costs owed by the defendant in other courts. In assessing the defendant's ability to pay, the court shall use a written financial statement, on a form developed by the Executive Secretary of the Supreme Court, setting forth the defendant's financial resources and obligations or conduct an oral examination of the defendant to determine his financial resources and obligations. ~~The court may require the defendant to present a summary prepared by the Department of Motor Vehicles of the other courts in which the defendant also owes fines and costs.~~ The length of a payment agreement and the amount of the payments shall be reasonable in light of the defendant's financial resources and obligations and shall not be based solely on the amount of fines and costs. The court may offer a payment agreement combining an initial period during which no payment of fines and costs is required followed by a period of installment payments.

E. A court may require a down payment as a condition of a defendant entering a deferred, modified deferred, or installment payment agreement. Any down payment shall be a minimal amount to demonstrate the defendant's commitment to paying the fines and costs. In the case of an installment payment agreement, the required down payment may not exceed (i) if the fines and costs owed are \$500 or less, 10 percent of such amount or (ii) if the fines and costs owed are more than \$500, five percent of such amount or \$50, whichever is greater. A defendant may make a larger down payment than what is provided by this subsection.

F. All fines and costs that a defendant owes for all cases in any single court may be incorporated into one payment agreement, unless otherwise ordered by the court in specific cases. A payment agreement shall include only those outstanding fines and costs for which the limitations period set forth in § 19.2-341 has not run.

G. Any payment received within 10 days of its due date shall be considered to be timely made.

H. At any time during the duration of a payment agreement, the defendant may request a modification of the agreement in writing on a form provided by the Executive Secretary of the Supreme Court, and the court may grant such modification based on a good faith showing of need.

I. A court shall consider a request by a defendant who has defaulted on a payment agreement to enter into a subsequent payment agreement. In determining whether to approve the request for a subsequent payment agreement, the court shall consider any change in the defendant's circumstances. A court shall require a down payment to enter into a subsequent payment agreement, provided that the down payment required to enter into a subsequent payment agreement shall not exceed (i) if the fines and costs owed are \$500 or less, 10 percent of such amount or (ii) if the fines and costs owed are more than \$500, five percent of such amount or \$50, whichever is greater. When a defendant enters into a subsequent payment agreement, a court shall not require a defendant to establish a payment history on the subsequent payment agreement before restoring the defendant's driver's license.

§ 33.2-503. HOT lanes enforcement.

Any person operating a motor vehicle on designated HOT lanes shall make arrangements with the HOT lanes operator for payment of the required toll prior to entering such HOT lanes. The operator of a vehicle who enters the HOT lanes in an unauthorized vehicle, in violation of the conditions for use of such HOT lanes established pursuant to § 33.2-502, without payment of the required toll or without having made arrangements with the HOT lanes operator for payment of the required toll shall have committed a violation of this section, which may be enforced in the following manner:

1. On a form prescribed by the Supreme Court, a summons for a violation of this section may be executed by a law-enforcement officer, when such violation is observed by such officer. The form shall contain the option for the operator of the vehicle to prepay the unpaid toll and all penalties, administrative fees, and costs.

2. a. A HOT lanes operator shall install and operate, or cause to be installed or operated, a photo-enforcement system at locations where tolls are collected for the use of such HOT lanes.

b. A summons for a violation of this section may be executed when such violation is evidenced by information obtained from a photo-enforcement system as defined in this chapter. A certificate, sworn to or affirmed by a technician employed or authorized by the HOT lanes operator, or a facsimile of such a certificate, based on inspection of photographs, microphotographs, videotapes, or other recorded images produced by a photo-enforcement system, shall be prima facie evidence of the facts contained therein. Any photographs, microphotographs, videotape, or other recorded images evidencing such a violation shall be available for inspection in any proceeding to adjudicate the liability for such violation under this subdivision 2. Any vehicle rental or vehicle leasing company, if named in a summons, shall be released as a party to the action if it provides to the HOT lanes operator a copy of the vehicle rental agreement or lease or an affidavit identifying the renter or lessee prior to the date of hearing set forth in the summons. Upon receipt of such rental agreement, lease, or affidavit, a summons shall be issued for the renter or lessee identified therein. Release of this information shall not be deemed a violation of any provision of the Government Data Collection and Dissemination Practices Act (§ 2.2-3800 et seq.) or the Insurance Information and Privacy Protection Act (§ 38.2-600 et seq.).

c. On a form prescribed by the Supreme Court, a summons issued under this subdivision 2 may be executed as provided in § 19.2-76.2. Such form shall contain the option for the owner or operator to prepay the unpaid toll and all penalties, administrative fees, and costs. A summons for a violation of this section may set forth multiple violations occurring within one jurisdiction. Notwithstanding the provisions of § 19.2-76, a summons for a violation of this section may be executed by mailing by first-class mail a copy thereof to the address of the owner or, if the owner has named and provided a valid address for the operator of the vehicle at the time of the violation in an affidavit executed pursuant to subdivision e, such named operator of the vehicle. Such summons shall be signed either originally or by electronic signature. If the summoned person fails to appear on the date of return set out in the summons mailed pursuant to this section, the summons shall be executed in the manner set out in § 19.2-76.3.

d. No summons may be issued by a HOT lanes operator for a violation of this section unless the HOT lanes operator can demonstrate that (i) there was an attempt to collect the unpaid tolls and applicable administrative fees through debt collection not less than 30 days prior to issuance of the summons and (ii) 120 days have elapsed since the unpaid toll or, in a summons for multiple violations, 120 days have elapsed since the most recent unpaid toll noticed on the summons. For purposes of this subdivision, "debt collection" means the collection of unpaid tolls and applicable administrative fees by (a) retention of a third-party debt collector or (b) collection practices undertaken by employees of a HOT lanes operator that are materially similar to a third-party debt collector.

e. The owner of such vehicle shall be given reasonable notice by way of a summons as provided in this subdivision 2 that his vehicle had been used in violation of this section, and such owner shall be given notice of the time and place of the hearing and notice of the civil penalty and costs for such offense.

It shall be prima facie evidence that the vehicle described in the summons issued pursuant to subdivision 2 was operated in violation of this section. Records obtained from the Department of Motor Vehicles pursuant to § 33.2-504 and certified in accordance with § 46.2-215 or from the equivalent agency in another state and certified as true and correct copies by the head of such agency or his designee identifying the owner of such vehicle shall give rise to a rebuttable presumption that the owner of the vehicle is the person named in the summons.

Upon the filing of an affidavit with the court at least 14 days prior to the hearing date by the owner of the vehicle stating that he was not the operator of the vehicle on the date of the violation and providing the legal name and address of the operator of the vehicle at the time of the violation, a summons will also be issued to the alleged operator of the vehicle at the time of the offense. The affidavit shall constitute prima facie evidence that the person named in the affidavit was driving the vehicle at all the relevant times relating to the matter named in the affidavit.

If the owner of the vehicle produces a certified copy of a police report showing that the vehicle had been reported to the police as stolen prior to the time of the alleged offense and remained stolen at the time of the alleged offense, then the court shall dismiss the summons issued to the owner of the vehicle.

3. a. The HOT lanes operator may impose and collect an administrative fee in addition to the unpaid toll so as to recover the expenses of collecting the unpaid toll, which administrative fee shall be reasonably related to the actual cost of collecting the unpaid toll and not exceed \$100 per violation. The operator of the vehicle shall pay the unpaid tolls and any administrative fee detailed in a notice or invoice issued by a HOT lanes operator. If paid within 60 days of notification, the administrative fee shall not exceed \$25. The HOT lanes operator shall notify the owner of the vehicle of any unpaid tolls and administrative fees by mailing an invoice pursuant to § 46.2-819.6.

b. Upon a finding by a court of competent jurisdiction that the operator of the vehicle observed by a law-enforcement officer under subdivision 1 or the vehicle described in the summons for a violation issued pursuant to evidence obtained by a photo-enforcement system under subdivision 2 was in violation of this section, the court shall impose a civil penalty upon the operator of such vehicle issued a summons under subdivision 1, or upon the operator or owner of such vehicle issued a summons under subdivision 2, payable to the HOT lanes operator as follows: for a first offense, \$50; for a second offense, \$100; for a third offense within a period of two years of the second offense, \$250; and for a fourth and subsequent offense within a period of three years of the second offense, \$500, together with, in each case, the unpaid toll, all accrued administrative fees imposed by the HOT lanes operator as authorized by this section, and applicable court costs. The court shall remand penalties, the unpaid toll, and administrative fees assessed for violation of this section to the treasurer or

director of finance of the county or city in which the violation occurred for payment to the HOT lanes operator for expenses associated with operation of the HOT lanes and payments against any bonds or other liens issued as a result of the construction of the HOT lanes. No person shall be subject to prosecution under both subdivisions 1 and 2 for actions arising out of the same transaction or occurrence.

c. Notwithstanding subdivisions a and b, for a first conviction of an operator or owner of a vehicle under this section, the total amount for the first conviction shall not exceed \$2,200, including civil penalties and administrative fees regardless of the total number of offenses the operator or owner of a vehicle is convicted of on that date.

d. Upon a finding by a court that a resident of the Commonwealth has violated this section, in the event such person fails to pay the required penalties, fees, and costs, the court shall notify the Commissioner of the Department of Motor Vehicles, who shall suspend all of the registration certificates and license plates issued for any motor vehicles registered solely in the name of such person and shall not issue any registration certificate or license plate for any other vehicle that such person seeks to register solely in his name until the court has notified the Commissioner of the Department of Motor Vehicles that such penalties, fees, and costs have been paid. Upon a finding by a court that a nonresident of the Commonwealth has violated this section, in the event that such person fails to pay the required penalties, fees, and costs, the court shall notify the Commissioner of the Department of Motor Vehicles, who shall, when the vehicle is registered in a state with which the Commonwealth has entered into an agreement to enforce tolling violations pursuant to § 46.2-819.9, provide to the entity authorized to issue vehicle registration certificates or license plates in the state in which the vehicle is registered sufficient evidence of the court's finding to take action against the vehicle registration certificate or license plates in accordance with the terms of the agreement, until the court has notified the Commissioner of the Department of Motor Vehicles that such penalties, fees, and costs have been paid. Upon receipt of such notification from the court, the Commissioner of the Department of Motor Vehicles shall notify the state where the vehicle is registered of such payment. The HOT lanes operator and the Commissioner of the Department of Motor Vehicles may enter into an agreement whereby the HOT lanes operator may reimburse the Department of Motor Vehicles for its reasonable costs to develop, implement, and maintain this enforcement mechanism, and that specifies that the Commissioner of the Department of Motor Vehicles shall have an obligation to suspend such registration certificates or to provide notice to such entities in other states so long as the HOT lanes operator makes the required reimbursements in a timely manner in accordance with the agreement.

e. An action brought under subdivision 1 or 2 shall be commenced within two years of the commission of the offense and shall be considered a traffic infraction. Except as provided in subdivisions 4 and 5, imposition of a civil penalty pursuant to this section shall not be deemed a conviction as an operator of a motor vehicle under Title 46.2 and shall not be made part of the driving record of the person upon whom such civil penalty is imposed, nor shall it be used for insurance purposes in the provision of motor vehicle insurance coverage. ~~The provisions of § 46.2-395 shall not be applicable to any civil penalty, fee, unpaid toll, fine, or cost imposed or ordered paid under this section for a violation of subdivision 1 or 2.~~

4. a. The HOT lanes operator may restrict the usage of the HOT lanes to designated vehicle classifications pursuant to an interim or final comprehensive agreement executed pursuant to § 33.2-1808 or 33.2-1809. Notice of any such vehicle classification restrictions shall be provided through the placement of signs or other markers prior to and at all HOT lanes entrances.

b. Any person driving an unauthorized vehicle on the designated HOT lanes is guilty of a traffic infraction, which shall not be a moving violation, and shall be punishable as follows: for a first offense, by a fine of \$125; for a second offense within a period of five years from a first offense, by a fine of \$250; for a third offense within a period of five years from a first offense, by a fine of \$500; and for a fourth and subsequent offense within a period of five years from a first offense, by a fine of \$1,000. No person shall be subject to prosecution under both this subdivision and subdivision 1 or 2 for actions arising out of the same transaction or occurrence.

Upon a conviction under this subdivision, the court shall furnish to the Commissioner of the Department of Motor Vehicles, in accordance with § 46.2-383, an abstract of the record of such conviction, which shall become a part of the person's driving record. Notwithstanding the provisions of § 46.2-492, no driver demerit points shall be assessed for any violation of this subdivision, except that persons convicted of a second, third, fourth, or subsequent violation within five years of a first offense shall be assessed three demerit points for each such violation.

5. The operator of a vehicle who enters the HOT lanes by crossing through any barrier, buffer, or other area separating the HOT lanes from other lanes of travel is guilty of a violation of § 46.2-852, unless the vehicle is a state or local law-enforcement vehicle, firefighting truck, or emergency medical services vehicle used in the performance of its official duties. No person shall be subject to prosecution both under this subdivision and under subdivision 1, 2, or 4 for actions arising out of the same transaction or occurrence.

Upon a conviction under this subdivision, the court shall furnish to the Commissioner of the Department of Motor Vehicles in accordance with § 46.2-383 an abstract of the record of such conviction, which shall become a part of the convicted person's driving record.

6. No person shall be subject to prosecution both under this section and under § 33.2-501, 46.2-819, or 46.2-819.1 for actions arising out of the same transaction or occurrence.

7. Any action under this section shall be brought in the general district court of the county or city in which the violation occurred.

§ 46.2-203.1. Provision of updated addresses by persons completing forms; acknowledgment of future receipt of official notices.

Whenever any person completes a form for an application, certificate of title, registration card, license plate, driver's license, and any other form requisite for the purpose of this title, or whenever any person is issued a summons for a violation of the motor vehicle laws of the Commonwealth, he shall provide his current address on the form or summons. By signing the form or summons, the person acknowledges that (i) the address is correct, (ii) any official notice, including an order of suspension, will be sent by prepaid first class mail to the address on the signed form with the most current date, and (iii) the notice shall be deemed to have been accepted by the person at that address. ~~In addition, upon signing a summons for a violation of the motor vehicle laws, the person shall acknowledge that his failure to appear in court and pay fines and costs could result in suspension of his operator's license.~~

§ 46.2-301. Driving while license, permit, or privilege to drive suspended or revoked.

A. In addition to any other penalty provided by this section, any motor vehicle administratively impounded or immobilized under the provisions of § 46.2-301.1 may, in the discretion of the court, be impounded or immobilized for an additional period of up to 90 days upon conviction of an offender for driving while his driver's license, learner's permit, or privilege to drive a motor vehicle has been suspended or revoked for (i) a violation of § 18.2-36.1, 18.2-51.4, 18.2-266, 18.2-272, or 46.2-341.24 or a substantially similar ordinance or law in any other jurisdiction or (ii) driving after adjudication as an habitual offender, where such adjudication was based in whole or in part on an alcohol-related offense, or where such person's license has been administratively suspended under the provisions of § 46.2-391.2. However, if, at the time of the violation, the offender was driving a motor vehicle owned by another person, the court shall have no jurisdiction over such motor vehicle but may order the impoundment or immobilization of a motor vehicle owned solely by the offender at the time of arrest. All costs of impoundment or immobilization, including removal or storage expenses, shall be paid by the offender prior to the release of his motor vehicle.

B. Except as provided in §§ 46.2-304 and 46.2-357, no resident or nonresident (i) whose driver's license, learner's permit, or privilege to drive a motor vehicle has been suspended or revoked or (ii) who has been directed not to drive by any court or by the Commissioner, or (iii) who has been forbidden, as prescribed by operation of any statute of the Commonwealth or a substantially similar ordinance of any county, city or town, to operate a motor vehicle in the Commonwealth shall thereafter drive any motor vehicle or any self-propelled machinery or equipment on any highway in the Commonwealth until the period of such suspension or revocation has terminated or the privilege has been reinstated or a restricted license is issued pursuant to subsection E. ~~A clerk's notice of suspension of license for failure to pay fines or costs given in accordance with § 46.2-395 shall be sufficient notice for the purpose of maintaining a conviction under this section.~~ For the purposes of this section, the phrase "motor vehicle or any self-propelled machinery or equipment" shall not include mopeds.

C. A violation of subsection B is a Class 1 misdemeanor. A third or subsequent offense occurring within a 10-year period shall include a mandatory minimum term of confinement in jail of 10 days. However, the court shall not be required to impose a mandatory minimum term of confinement in any case where a motor vehicle is operated in violation of this section in a situation of apparent extreme emergency which requires such operation to save life or limb.

D. Upon a violation of subsection B, the court shall suspend the person's license or privilege to drive a motor vehicle for the same period for which it had been previously suspended or revoked. In the event the person violated subsection B by driving during a period of suspension or revocation which was not for a definite period of time, the court shall suspend the person's license, permit or privilege to drive for an additional period not to exceed 90 days, to commence upon the expiration of the previous suspension or revocation or to commence immediately if the previous suspension or revocation has expired; ~~however, in the event that the person violated subsection B by driving during a period of suspension imposed pursuant to § 46.2-395, the additional 90-day suspension imposed pursuant to this subsection shall run concurrently with the suspension imposed pursuant to § 46.2-395 in accordance with subsection F of § 46.2-395.~~

E. Any person who is otherwise eligible for a restricted license may petition each court that suspended his license pursuant to subsection D for authorization for a restricted license, provided that the period of time for which the license was suspended by the court pursuant to subsection D, if measured from the date of conviction, has expired, even though the suspension itself has not expired. A court may, for good cause shown, authorize the Department of Motor Vehicles to issue a restricted license for any of the purposes set forth in subsection E of § 18.2-271.1. No restricted license shall be issued unless each court that issued a suspension of the person's license pursuant to subsection D authorizes the Department to issue a restricted license. Any restricted license issued pursuant to this subsection shall be in effect until the expiration of any and all suspensions issued pursuant to subsection D, except that it shall automatically terminate upon the expiration, cancellation, suspension, or revocation of the person's license or privilege to drive for any other cause. No restricted license issued pursuant to this subsection shall permit a person to operate a commercial motor vehicle as defined in the Commercial Driver's License Act (§ 46.2-341.1 et seq.). The court shall forward to the Commissioner a copy of its authorization entered pursuant to this subsection, which shall specifically enumerate the restrictions imposed and contain such information regarding the person to whom such a license is issued as is reasonably necessary to identify the person. The court shall also provide a copy of its authorization to the person, who may not operate a motor vehicle until receipt from the Commissioner of a restricted license. A copy of the restricted license issued by the Commissioner shall be carried at all times while operating a motor vehicle.

F. Any person who operates a motor vehicle or any self-propelled machinery or equipment in violation of the terms of a restricted license issued pursuant to subsection E of § 18.2-271.1 is not guilty of a violation of this section but is guilty of a violation of § 18.2-272.

§ 46.2-361. Restoration of privilege after driving while license revoked or suspended for failure to furnish proof of financial responsibility or pay uninsured motorist fee.

A. Any person who has been found to be an habitual offender, where the determination or adjudication was based in part and dependent on a conviction as set out in subdivision 1 c of former § 46.2-351, may, after three years from the date of the final order of a court entered under this article, or if no such order was entered then the notice of the determination or adjudication by the Commissioner, petition the court in which he was found to be an habitual offender, or the circuit court in the political subdivision in which he then resides, for restoration of his privilege to drive a motor vehicle in the Commonwealth. In no event, however, shall the provisions of this subsection apply when such person's determination or adjudication was also based in part and dependent on a conviction as set out in subdivision 1 b of former § 46.2-351. In such case license restoration shall be in compliance with the provisions of § 46.2-360.

B. Any person who has been found to be an habitual offender, where the determination or adjudication was based entirely upon a combination of convictions of § 46.2-707 and convictions as set out in subdivision 1 c of former § 46.2-351, may, after ~~payment in full of all outstanding fines, costs and judgments relating to his determination, and~~ furnishing proof of (i) financial responsibility and (ii) compliance with the provisions of Article 8 (§ 46.2-705 et seq.) of Chapter 6 of this title or both, if applicable, petition the court in which he was found to be an habitual offender, or the circuit court in the political subdivision in which he then resides, for restoration of his privilege to drive a motor vehicle in the Commonwealth.

C. This section shall apply only where the conviction or convictions as set out in subdivision 1 c of former § 46.2-351 resulted from a suspension or revocation ordered pursuant to (i) *former* § 46.2-395 for failure to pay fines and costs, (ii) § 46.2-459 for failure to furnish proof of financial responsibility, or (iii) § 46.2-417 for failure to satisfy a judgment, provided *that* the judgment has been paid in full prior to the time of filing the petition or was a conviction under § 46.2-302 or former § 46.1-351.

D. On any such petition, the court, in its discretion, may restore to the person his privilege to drive a motor vehicle, on whatever conditions the court may prescribe, if the court is satisfied from the evidence presented that the petitioner does not constitute a threat to the safety and welfare of himself or others with respect to the operation of a motor vehicle, ~~and that he has satisfied in full all outstanding court costs, court fines and judgments relating to determination as an habitual offender and has furnished proof of financial responsibility, if applicable.~~

E. A copy of any petition filed hereunder shall be served on the attorney for the Commonwealth for the jurisdiction wherein the petition was filed, and shall also be served on the Commissioner of the Department of Motor Vehicles, who shall provide to the attorney for the Commonwealth a certified copy of the petitioner's driving record. The Commissioner shall also advise the attorney for the Commonwealth whether there is anything in the records maintained by the Department that might make the petitioner ineligible for restoration, and may also provide notice of any potential ineligibility to the Attorney General's Office, which may join in representing the interests of the Commonwealth where it appears that the petitioner is not eligible for restoration. The hearing on a petition filed pursuant to this article shall not be set for a date sooner than ~~thirty~~ 30 days after the petition is filed and served as provided herein.

§ 46.2-383. Courts to forward abstracts of records or furnish abstract data of conviction by electronic means in certain cases; records in office of Department; inspection; clerk's fee for reports.

A. In the event (i) a person is convicted of a charge described in subdivision 1 or 2 of § 46.2-382 or § 46.2-382.1 ~~or~~, (ii) ~~a person fails or refuses to pay any fine, costs, forfeiture, restitution or penalty, or any installment thereof, imposed in any traffic case, or~~ (iii) a person forfeits bail or collateral or other deposit to secure the defendant's appearance on the charges, unless the conviction has been set aside or the forfeiture vacated, ~~or~~ ~~(iv)~~ (iii) a court assigns a defendant to a driver education program or alcohol treatment or rehabilitation program, or both such programs, as authorized by § 18.2-271.1, ~~or~~ ~~(v)~~ (iv) compliance with the court's probation order is accepted by the court in lieu of a conviction under § 18.2-266 or the requirements specified in § 18.2-271 as provided in § 18.2-271.1, or ~~(vi)~~ (v) there is rendered a judgment for damages against a person as described in § 46.2-382, every district court or clerk of a circuit court shall forward an abstract of the record to the Commissioner within 18 days after such conviction, ~~failure or refusal to pay, forfeiture, assignment, or acceptance, and in the case of civil judgments, on the request of the judgment creditor or his attorney, within 30 days after judgment has become final.~~ No abstract of the record in a district court shall be forwarded to the Commissioner unless the period allowed for an appeal has elapsed and no appeal has been perfected. On or after July 1, 2013, in the event that a conviction or adjudication has been nullified by separate order of the court, the clerk shall forward to the Commissioner an abstract of that record.

B. Abstract data of conviction may be furnished to the Commissioner by electronic means provided that the content of the abstract and the certification complies with the requirements of § 46.2-386. In cases where the abstract data is furnished by electronic means, the paper abstract shall not be required to be forwarded to the Commissioner. The Commissioner shall develop a method to ensure that all data is received accurately. The Commissioner, with the approval of the Governor, may destroy the record of any conviction, forfeiture, assignment, acceptance, or judgment, when three years has elapsed from the date thereof, except records of conviction or forfeiture on charges of reckless driving and speeding, which records may be destroyed when five years has elapsed from the date thereof, and further excepting those records that alone, or in connection with other records, will require suspension or revocation or disqualification of a license or registration under any applicable provisions of this title.

C. The records required to be kept may, in the discretion of the Commissioner, be kept by electronic media or by photographic processes and when so done the abstract of the record may be destroyed.

D. The Code section and description of an offense referenced in an abstract for any juvenile adjudication obtained from a district court or clerk of circuit court pursuant to subdivision A 9 of § 16.1-278.8, § 16.1-278.9, clause (iii) of subdivision 1 of § 46.2-382, or any other provision of law that does not involve an offense referenced in subsection A or an offense involving the operation of a motor vehicle shall be available only to the person himself, his parent or guardian, law-enforcement officers, attorneys for the Commonwealth, and courts.

§ 46.2-391.1. Suspension of registration certificates and plates upon suspension or revocation of driver's license.

Whenever the Commissioner, under the authority of law of the Commonwealth, suspends or revokes the driver's license of any person upon receiving record of that person's conviction, ~~or whenever the Commissioner is notified that a court has suspended a person's driving privilege pursuant to § 46.2-395,~~ the Commissioner shall also suspend all of the registration certificates and license plates issued for any motor vehicles registered solely in the name of such person and shall not issue any registration certificate or license plate for any other vehicle that such person seeks to register solely in his name. ~~Except for persons whose privileges have been suspended by a court pursuant to § 46.2-395,~~ *The* Commissioner shall not suspend such registration certificates or license plates in the event *that* such person has previously given or gives and thereafter maintains proof of his financial responsibility in the future, in the manner specified in this chapter, with respect to each and every motor vehicle owned and registered by such person. In this event it shall be lawful for said vehicle or vehicles to be operated during this period of suspension by any duly licensed driver when so authorized by the owner.

§ 46.2-416. Notice of suspension or revocation of license.

A. Whenever it is provided in this title that a driver's license may or shall be suspended or revoked either by the Commissioner or by a court, notice of the suspension or revocation or any certified copy of the decision or order of the Commissioner may be sent by the Department by certified mail to the driver at the most recent address of the driver on file at the Department. ~~If the driver has previously been notified by mail or in person of the suspension or revocation or of an impending suspension for failure to pay fines and costs pursuant to § 46.2-395, whether notice is given by the court or law enforcement officials as provided by law, and the Department has been notified by the court that notice was so given and the fines and costs were not paid within 30 days, no notice of suspension shall be sent by the Department to the driver.~~ If the certificate of the Commissioner or someone designated by him for that purpose shows that the notice or copy has been so sent or provided, it shall be deemed prima facie evidence that the notice or copy has been sent and delivered or otherwise provided to the driver for all purposes involving the application of the provisions of this title. In the discretion of the Commissioner, service may be made as provided in § 8.01-296, which service on the driver shall be made by delivery in writing to the driver in person in accordance with subdivision 1 of § 8.01-296 by a sheriff or deputy sheriff in the county or city in which the address is located, who shall, as directed by the Commissioner, take possession of any suspended or revoked license, registration card, or set of license plates or decals and return them to the office of the Commissioner. No such service shall be made if, prior to service, the driver has complied with the requirement which caused the issuance of the decision or order. In any such case, return shall be made to the Commissioner.

B. In lieu of making a direct payment to sheriffs as a fee for delivery of the Department's processes, the Commissioner shall effect a transfer of funds, on a monthly basis, to the Compensation Board to be used to provide additional support to sheriffs' departments. The amount of funds so transferred shall be as provided in the general appropriation act.

C. The Department may contract with the United States Postal Service or an authorized agent to use the National Change of Address System for the purpose of obtaining current address information for a person whose name appears in customer records maintained by the Department. If the Department receives information from the National Change of Address System indicating that a person whose name appears in a Department record has submitted a permanent change of address to the Postal Service, the Department may then update its records with the mailing address obtained from the National Change of Address System.

§ 46.2-808.2. Violations committed within highway safety corridor; report on benefits.

Notwithstanding any other provision of law, the fine for any moving violation of any provision of this chapter while operating a motor vehicle in a designated highway safety corridor pursuant to § 33.2-253 shall be no more than \$500 for any violation that is a traffic infraction and not less than \$200 for any violation that is a criminal offense. The otherwise applicable fines set forth in Rule 3B:2 of the Rules of the Supreme Court shall be doubled in the case of a waiver of appearance and a plea of guilty under § 16.1-69.40:1 or 19.2-254.2 for a violation of a provision of this chapter while operating a motor vehicle in a designated highway safety corridor pursuant to § 33.2-253. The Commissioner of Highways shall report, on an annual basis, statistical data related to benefits derived from the designation of such highway safety corridors. This information may be posted on the Virginia Department of Transportation's official website. Notwithstanding the provisions of § 46.2-1300, the governing bodies of counties, cities, and towns may not adopt ordinances providing for penalties under this section.

§ 46.2-819.1. Installation and use of photo-monitoring system or automatic vehicle identification system in conjunction with electronic or manual toll facilities; penalty.

A. For purposes of this section:

"Automatic vehicle identification device" means an electronic device that communicates by wireless transmission with an automatic vehicle identification system.

"Automatic vehicle identification system" means an electronic vehicle identification system installed to work in conjunction with a toll collection device that automatically produces an electronic record of each vehicle equipped with an automatic vehicle identification device that uses a toll facility.

"Debt collection" means the collection of unpaid tolls and applicable administrative fees by (i) retention of a third-party debt collector or (ii) collection practices undertaken by employees of a toll facility operator that are materially similar to a third-party debt collector.

"Operator of a toll facility other than the Department of Transportation" means any agency, political subdivision, authority, or other entity that operates a toll facility.

"Owner" means the registered owner of a vehicle on record with the Department of Motor Vehicles or with the equivalent agency in another state. "Owner" does not include a vehicle rental or vehicle leasing company.

"Photo-monitoring system" means a vehicle sensor installed to work in conjunction with a toll collection device that automatically produces one or more photographs, one or more microphotographs, a videotape, or other recorded images of each vehicle at the time it is used or operated in violation of this section.

B. The operator of any toll facility or the locality within which such toll facility is located may install and operate or cause to be installed and operated a photo-monitoring system or automatic vehicle identification system, or both, at locations where tolls are collected for the use of such toll facility. The operator of a toll facility shall send an invoice or bill for unpaid tolls to the owner of a vehicle as part of an electronic or manual toll collection process pursuant to § 46.2-819.6 prior to seeking remedies under this section.

C. Information collected by a photo-monitoring system or automatic vehicle identification system installed and operated pursuant to subsection B shall be limited exclusively to that information that is necessary for the collection of unpaid tolls. Notwithstanding any other provision of law, all photographs, microphotographs, electronic images, or other data collected by a photo-monitoring system or automatic vehicle identification system shall be used exclusively for the collection of unpaid tolls and shall not (i) be open to the public; (ii) be sold and/or used for sales, solicitation, or marketing purposes; (iii) be disclosed to any other entity except as may be necessary for the collection of unpaid tolls or to a vehicle owner or operator as part of a challenge to the imposition of a toll; and (iv) be used in a court in a pending action or proceeding unless the action or proceeding relates to a violation of this section or upon order from a court of competent jurisdiction. Information collected under this section shall be purged and not retained later than 30 days after the collection and reconciliation of any unpaid tolls, administrative fees, and/or civil penalties. Any entity operating a photo-monitoring system or automatic vehicle identification system shall annually certify compliance with this section and make all records pertaining to such system available for inspection and audit by the Commissioner of Highways or the Commissioner of the Department of Motor Vehicles or their designee. Any violation of this subsection shall constitute a Class 1 misdemeanor. In addition to any fines or other penalties provided for by law, any money or other thing of value obtained as a result of a violation of this section shall be forfeited to the Commonwealth.

The toll facility operator may impose and collect an administrative fee in addition to the unpaid toll so as to recover the expenses of collecting the unpaid toll, which administrative fee shall be reasonably related to the actual cost of collecting the unpaid toll and not exceed \$100 per violation. Such fee may be levied upon the operator of the vehicle after the first unpaid toll has been documented. The operator of the vehicle shall pay the unpaid toll and any administrative fee detailed in an invoice for the unpaid toll issued by a toll facility operator. If paid within 60 days of notification, the administrative fee shall not exceed \$25.

D. If the matter proceeds to court, the owner or operator of a vehicle shall be liable for a civil penalty as follows: for a first offense, \$50; for a second offense within one year from the first offense, \$100; for a third offense within two years from the second offense, \$250; and for a fourth and any subsequent offense within three years from the second offense, \$500 plus, in each case, the unpaid toll, all accrued administrative fees imposed by the toll facility operator, and applicable court costs if the vehicle is found, as evidenced by information obtained from a photo-monitoring system or automatic vehicle identification system as provided in this section, to have used such a toll facility without payment of the required toll.

E. Notwithstanding subsections C and D, for a first conviction of an operator or owner of a vehicle under this section, the total amount for the first conviction shall not exceed \$2,200, including civil penalties and administrative fees regardless of the total number of offenses the operator or owner of a vehicle is convicted of on that date.

F. No summons may be issued by a toll facility operator for a violation of this section unless the toll facility operator can demonstrate that (i) there was an attempt to collect the unpaid tolls and applicable administrative fees through debt collection not less than 30 days prior to issuance of the summons and (ii) 120 days have elapsed since the unpaid toll or, in a summons for multiple violations, 120 days have elapsed since the most recent unpaid toll noticed on the summons.

G. Any action under this section shall be brought in the general district court of the county or city in which the toll facility is located and shall be commenced within two years of the commission of the offense. Such action shall be considered a traffic infraction. The attorney for the Commonwealth may represent the interests of the toll facility operator. Any authorized agent or employee of a toll facility operator acting on behalf of a governmental entity shall be allowed the privileges accorded by § 16.1-88.03 in such cases.

H. Proof of a violation of this section shall be evidenced by information obtained from a photo-monitoring system or automatic vehicle identification system as provided in this section. A certificate, sworn to or affirmed by a technician employed or authorized by the operator of a toll facility or by the locality wherein the toll facility is located, or a facsimile of such a certificate, based on inspection of photographs, microphotographs, videotapes, or other recorded images produced by a photo-monitoring system, or of electronic data collected by an automatic vehicle identification system, shall be prima facie evidence of the facts contained therein. Any photographs, microphotographs, videotape, or other recorded images or electronic data evidencing such a violation shall be available for inspection in any proceeding to adjudicate the liability for

such violation under this section. A record of communication by an automatic vehicle identification device with the automatic vehicle identification system at the time of a violation of this section shall be prima facie evidence that the automatic vehicle identification device was located in the vehicle registered to use such device in the records of the Department of Transportation.

I. On a form prescribed by the Supreme Court, a summons for a violation of this section may be executed as provided in § 19.2-76.2. A summons for a violation of this section may set forth multiple violations occurring within one jurisdiction. Notwithstanding the provisions of § 19.2-76, a summons for a violation of this section may be executed by mailing by first-class mail a copy thereof to the address of the owner or, if the owner has named and provided a valid address for the operator of the vehicle at the time of the violation in an affidavit executed pursuant to this subsection, such named operator of the vehicle. Such summons shall be signed either originally or by electronic signature. If the summoned person fails to appear on the date of return set out in the summons mailed pursuant to this section, the summons shall be executed in the manner set out in § 19.2-76.3.

Upon a finding by a court of competent jurisdiction that the vehicle described in the summons issued pursuant to this subsection was in violation of this section, the court shall impose a civil penalty upon the owner or operator of such vehicle in accordance with the amounts specified in subsection D, together with applicable court costs, the operator's administrative fee, and the toll due. Penalties assessed as the result of action initiated by the Department of Transportation shall be remanded by the clerk of the court that adjudicated the action to the Department of Transportation's Toll Facilities Revolving Account. Penalties assessed as the result of action initiated by an operator of a toll facility other than the Department of Transportation shall be remanded by the clerk of the court that adjudicated the action to the treasurer or director of finance of the county or city in which the violation occurred for payment to the toll facility operator.

The owner of such vehicle shall be given reasonable notice by way of a summons as provided in this subsection that his vehicle had been used in violation of this section, and such owner shall be given notice of the time and place of the hearing as well as the civil penalty and costs for such offense. The toll facility operator may offer to the owner an option to pay the unpaid toll and fees plus a reduced civil penalty of \$25 for a first or second offense or \$50 for a third, fourth, or subsequent offense, as specified on the summons, provided the owner actually pays to the toll facility operator the entire amount so calculated at least 14 days prior to the hearing date specified on the summons. If the owner accepts such offer and such amount is actually received by the toll facility operator at least 14 days prior to the hearing date specified on the summons, the toll facility operator shall move the court at least five business days prior to the date set for trial to dismiss the summons issued to the owner of the vehicle, and the court shall dismiss upon such motion.

It shall be prima facie evidence that the vehicle described in the summons issued pursuant to this subsection was operated in violation of this section. Records obtained from the Department of Motor Vehicles pursuant to § 46.2-208 and certified in accordance with § 46.2-215 or from the equivalent agency in another state and certified as true and correct copies by the head of such agency or his designee identifying the owner of such vehicle shall give rise to a rebuttable presumption that the owner of the vehicle is the person named in the summons.

Upon either (i) the filing of an affidavit with the toll facility operator within 14 days of receipt of an invoice for an unpaid toll from the toll facility operator or (ii) the filing of an affidavit with the court at least 14 days prior to the hearing date by the owner of the vehicle stating that he was not the operator of the vehicle on the date of the violation and providing the legal name and address of the operator of the vehicle at the time of the violation, an invoice and/or summons, as appropriate, will also be issued to the alleged operator of the vehicle at the time of the offense.

In any action against a vehicle operator, an affidavit made by the owner providing the name and address of the vehicle operator at the time of the violation shall constitute prima facie evidence that the person named in the affidavit was operating the vehicle at all the relevant times relating to the matter named in the affidavit.

If the owner of the vehicle produces for the toll facility operator or the court a certified copy of a police report showing that the vehicle had been reported to the police as stolen prior to the time of the alleged offense and remained stolen at the time of the alleged offense, then the toll facility operator shall not pursue the owner for the unpaid toll and, if a summons has been issued, the court shall dismiss the summons issued to the owner of the vehicle.

J. Upon a finding by a court that a person has two or more unpaid tolls and such person fails to pay the required penalties, fees, and unpaid tolls, the court shall notify the Commissioner of the Department of Motor Vehicles, who shall refuse to issue or renew any vehicle registration certificate of any applicant or the license plate issued for the vehicle driven in the commission of the offense or, when the vehicle is registered in a state with which the Commonwealth has entered into an agreement to enforce tolling violations pursuant to § 46.2-819.9, who shall provide to the entity authorized to issue vehicle registration certificates or license plates in the state in which the vehicle is registered sufficient evidence of the court's finding to take action against the vehicle registration certificate or license plates in accordance with the terms of the agreement, until the court has notified the Commissioner that such penalties, fees, and unpaid tolls have been paid. Upon receipt of such notification from the court, the Commissioner of the Department of Motor Vehicles shall notify the state where the vehicle is registered of such payment. If it is proven that the vehicle owner was not the operator at the time of the offense and upon a finding by a court that the person identified in an affidavit pursuant to subsection I as the operator violated this section and such person fails to pay the required penalties, fees, and unpaid tolls, the court shall notify the Commissioner, who shall refuse to issue or renew any vehicle registration certificate of any applicant or the license plate issued for any vehicle owned or co-owned by such person or, when such vehicle is registered in a state with which the Commonwealth has entered into an agreement to enforce tolling violations pursuant to § 46.2-819.9, who shall provide to

the entity authorized to issue vehicle registration certificates or license plates in the state in which the vehicle is registered sufficient evidence of the court's finding to take action against the vehicle registration certificate or license plates in accordance with the terms of the agreement, until the court has notified the Commissioner that such penalties, fees, and unpaid tolls have been paid. Upon receipt of such notification from the court, the Commissioner of the Department of Motor Vehicles shall notify the state where the vehicle is registered of such payment. Such funds representing payment of unpaid tolls and all administrative fees of the toll facility operator shall be transferred from the court to the Department of Transportation's Toll Facilities Revolving Account or, in the case of an action initiated by an operator of a toll facility other than the Department of Transportation, to the treasurer or director of finance of the county or city in which the violation occurred for payment to the toll facility operator. The Commissioner shall collect a \$40 administrative fee from the owner or operator of the vehicle to defray the cost of processing and removing an order to deny registration or registration renewal.

K. Any vehicle rental or vehicle leasing company, if it receives an invoice or is named in a summons, shall be released as a party to the action if it provides the operator of the toll facility a copy of the vehicle rental agreement or lease or an affidavit identifying the renter or lessee within 30 days of receipt of the invoice or at least 14 days prior to the date of hearing set forth in the summons. Upon receipt of such rental agreement, lease, or affidavit, a notice shall be mailed to the renter or lessee identified therein. Release of this information shall not be deemed a violation of any provision of the Government Data Collection and Dissemination Practices Act (§ 2.2-3800 et seq.) or the Insurance Information and Privacy Protection Act (§ 38.2-600 et seq.). The toll facility operator shall allow at least 30 days from the date of such mailing before pursuing other remedies under this section. In any action against the vehicle operator, a copy of the vehicle rental agreement, lease, or affidavit identifying the renter or lessee of the vehicle at the time of the violation is prima facie evidence that the person named in the rental agreement, lease, or affidavit was operating the vehicle at all the relevant times relating to the matter named in the summons.

L. Imposition of a civil penalty pursuant to this section shall not be deemed a conviction as an operator and shall not be made part of the driving record of the person upon whom such civil penalty is imposed, nor shall it be used for insurance purposes in the provision of motor vehicle insurance coverage. ~~The provisions of § 46.2-395 shall not be applicable to any civil penalty, fee, unpaid toll, fine, or cost imposed or ordered paid under this section for a violation of this section.~~

M. The operator of a toll facility may enter into an agreement with the Department of Motor Vehicles, in accordance with the provisions of subdivision B 21 of § 46.2-208, to obtain vehicle owner information regarding the owners of vehicles that fail to pay tolls required for the use of toll facilities and with the Department of Transportation to obtain any information that is necessary to conduct electronic toll collection. Such agreement may include any information that may be obtained by the Department of Motor Vehicles in accordance with any agreement entered into pursuant to § 46.2-819.9. Information provided to the operator of a toll facility shall only be used for the collection of unpaid tolls and the operator of the toll facility shall be subject to the same conditions and penalties regarding release of the information as contained in subsection C.

N. No person shall be subject to both the provisions of this section and to prosecution under § 46.2-819 for actions arising out of the same transaction or occurrence.

§ 46.2-819.3. Use of toll facility without payment of toll; enforcement; penalty.

A. For purposes of this section:

"Debt collection" means the collection of unpaid tolls and applicable administrative fees by (i) retention of a third-party debt collector or (ii) collection practices undertaken by employees of a toll facility operator that are materially similar to a third-party debt collector.

"Operator of a toll facility other than the Department of Transportation" means any agency, political subdivision, authority, or other entity that operates a toll facility.

"Owner" means the registered owner of a vehicle on record with the Department of Motor Vehicles or with the equivalent agency in another state. "Owner" does not include a vehicle rental or vehicle leasing company.

B. The toll facility operator may impose and collect an administrative fee in addition to the unpaid toll so as to recover the expenses of collecting the unpaid toll, which administrative fee shall be reasonably related to the actual cost of collecting the unpaid toll and not exceed \$100 per violation. Such fee shall not be levied on a first unpaid toll unless the written promise to pay executed pursuant to subsection F remains unpaid after 30 days. The person who executed the written promise to pay pursuant to subsection F shall pay the unpaid toll and any administrative fee detailed in an invoice or bill issued by a toll facility operator. If paid within 60 days of notification, the administrative fee shall not exceed \$25.

C. If the matter proceeds to court, the owner or operator of the vehicle shall be liable for a civil penalty as follows: for a first offense, \$50; for a second offense within one year from the first offense, \$100; for a third offense within two years from the second offense, \$250; and for a fourth and any subsequent offense within three years from the second offense, \$500 plus, in each case, the unpaid toll, all accrued administrative fees imposed by the toll facility operator and applicable court costs if the vehicle operator is found, as evidenced by information obtained from the toll facility operator, to have used such a toll facility without payment of the required toll.

D. Notwithstanding subsections B and C, for a first conviction of an operator or owner of a vehicle under this section, the total amount for the first conviction shall not exceed \$2,200, including civil penalties and administrative fees regardless of the total number of offenses the operator or owner of a vehicle is convicted of on that date.

E. No summons may be issued by a toll facility operator for a violation of this section unless the toll facility operator can demonstrate that (i) there was an attempt to collect the unpaid tolls and applicable administrative fees through debt

collection not less than 30 days prior to issuance of the summons and (ii) 120 days have elapsed since the unpaid toll or, in a summons for multiple violations, 120 days have elapsed since the most recent unpaid toll noticed on the summons.

F. A written promise to pay an unpaid toll within a specified period of time executed by the operator of a motor vehicle, accompanied by a certificate sworn to or affirmed by an authorized agent of the toll facility that the unpaid toll was not paid within such specified period, shall be prima facie evidence of the facts contained therein.

G. The operator of a toll facility shall send an invoice or bill to the owner of a motor vehicle using a toll facility without payment of the specified toll as part of an electronic or manual toll collection process pursuant to § 46.2-819.6, prior to seeking remedies under this section. Any action under this section shall be brought in the general district court of the county or city in which the toll facility is located and shall be commenced within two years of the commission of the offense. Such an action shall be considered a traffic infraction. The attorney for the Commonwealth may represent the interests of the toll facility operator. Any authorized agent or employee of a toll facility operator acting on behalf of a governmental entity shall be allowed the privileges accorded by § 16.1-88.03 in such cases.

H. Upon a finding by a court of competent jurisdiction that the operator of a motor vehicle identified in the summons issued pursuant to subsection J was in violation of this section, the court shall impose a civil penalty upon the operator of a motor vehicle in accordance with the amounts specified in subsection C, together with applicable court costs, the operator's administrative fee, and the toll due. Penalties assessed as the result of action initiated by the Department of Transportation shall be remanded by the clerk of the court that adjudicated the action to the Department of Transportation's Toll Facilities Revolving Account. Penalties assessed as the result of action initiated by an operator of a toll facility other than the Department of Transportation shall be remanded by the clerk of the court that adjudicated the action to the treasurer or director of finance of the county or city in which the violation occurred for payment to the toll facility operator.

I. The toll facility operator may offer to the owner an option to pay the unpaid toll and fees plus a reduced civil penalty of not more than \$25 for a first or second offense or not more than \$50 for a third, fourth, or subsequent offense, as specified on the summons, provided the owner actually pays to the toll facility operator the entire amount so calculated at least 14 days prior to the hearing date specified on the summons. If the owner accepts such offer and such amount is actually received by the toll facility operator at least 14 days prior to the hearing date specified on the summons, the toll facility operator shall move the court at least five business days prior to the date set for trial to dismiss the summons issued to the owner of the vehicle, and the court shall dismiss upon such motion.

J. A summons for a violation of this section may be executed as provided in § 19.2-76.2. A summons for a violation of this section may set forth multiple violations occurring within one jurisdiction. Notwithstanding the provisions of § 19.2-76, a summons for a violation of this section may be executed by mailing by first-class mail a copy thereof to the address of the operator of a motor vehicle as shown on the written promise to pay executed pursuant to subsection F or records of the Department of Motor Vehicles. Such summons shall be signed either originally or by electronic signature. If the summoned person fails to appear on the date of return set out in the summons mailed pursuant to this subsection, the summons shall be executed in the manner set out in § 19.2-76.3.

K. Upon a finding by a court that a person has three or more unpaid tolls and such person fails to pay the required penalties, fees, and unpaid tolls, the court shall notify the Commissioner of the Department of Motor Vehicles, who shall refuse to issue or renew any vehicle registration certificate of any applicant or the license plate issued for any vehicle owned or co-owned by the offender or, when the vehicle is registered in a state with which the Commonwealth has entered into an agreement to enforce tolling violations pursuant to § 46.2-819.9, who shall provide to the entity authorized to issue vehicle registration certificates or license plates in the state in which the vehicle is registered sufficient evidence of the court's finding to take action against the vehicle registration certificate or license plates in accordance with the terms of the agreement. Upon receipt of such notification from the court, the Commissioner of the Department of Motor Vehicles shall notify the state where the vehicle is registered of such payment. The Commissioner shall collect a \$40 administrative fee from the owner or operator of the vehicle to defray the cost of processing and removing an order to deny registration or registration renewal.

L. Imposition of a civil penalty pursuant to this section shall not be deemed a conviction as an operator and shall not be made part of the driving record of the person upon whom such civil penalty is imposed, nor shall it be used for insurance purposes in the provision of motor vehicle insurance coverage. ~~The provisions of § 46.2-395 shall not be applicable to any civil penalty, fee, unpaid toll, fine, or cost imposed or ordered paid under this section for a violation of this section.~~

M. No person shall be subject to both the provisions of this section and to prosecution under § 46.2-819 for actions arising out of the same transaction or occurrence.

§ 46.2-819.3:1. Installation and use of video-monitoring system and automatic vehicle identification system in conjunction with all-electronic toll facilities; penalty.

A. For purposes of this section:

"Automatic vehicle identification device" means an electronic device that communicates by wireless transmission with an automatic vehicle identification system.

"Automatic vehicle identification system" means an electronic vehicle identification system installed to work in conjunction with a toll collection device that automatically produces an electronic record of each vehicle equipped with an automatic vehicle identification device that uses a toll facility.

"Debt collection" means the collection of unpaid tolls and applicable administrative fees by (i) retention of a third-party debt collector or (ii) collection practices undertaken by employees of a toll facility operator that are materially similar to a third-party debt collector.

"Operator" means a person who was driving a vehicle that was the subject of a toll violation but who is not the owner of the vehicle.

"Operator of a toll facility other than the Department of Transportation" means any agency, political subdivision, authority, or other entity that operates a toll facility.

"Owner" means the registered owner of a vehicle on record with the Department of Motor Vehicles or with the equivalent agency in another state. "Owner" does not mean a vehicle rental or vehicle leasing company.

"Video-monitoring system" means a vehicle sensor installed to work in conjunction with a toll collection device that automatically produces one or more photographs, one or more microphotographs, a videotape, or other recorded images of each vehicle at the time it is used or operated in violation of this section.

B. The operator of any toll facility or the locality within which such toll facility is located may install and operate or cause to be installed and operated a video-monitoring system in conjunction with an automatic vehicle identification system on facilities for which tolls are collected for the use of such toll facility and that do not offer manual toll collection. A video-monitoring system shall include, but not be limited to, electronic systems that monitor and capture images of vehicles using a toll facility to enable toll collection for vehicles that do not pay using a toll collection device. The operator of a toll facility shall send an invoice for unpaid tolls in accordance with the requirements of § 46.2-819.6 to the owner of a vehicle as part of a video-monitoring toll collection process, prior to seeking remedies under this section.

C. Information collected by a video-monitoring system in conjunction with an automatic vehicle identification system installed and operated pursuant to subsection B shall be limited exclusively to that information that is necessary for the collection of unpaid tolls and establishing when violations occur, including use in any proceeding to determine whether a violation occurred. Notwithstanding any other provision of law, all images or other data collected by a video-monitoring system in conjunction with an automatic vehicle identification system shall be protected in a database with security comparable to that of the Department of Motor Vehicles' system and used exclusively for the collection of unpaid tolls and for efforts to pursue violators of this section and shall not (i) be open to the public; (ii) be sold and/or used for sales, solicitation, or marketing purposes other than those of the toll facility operator to facilitate toll payment; (iii) be disclosed to any other entity except as may be necessary for the collection of unpaid tolls or to a vehicle owner or operator as part of a challenge to the imposition of a toll; and/or (iv) be used in a court in a pending action or proceeding unless the action or proceeding relates to a violation of this section or upon order from a court of competent jurisdiction. Except as provided above, information collected under this section shall be purged and not retained later than 30 days after the collection and reconciliation of any unpaid tolls, administrative fees, and/or civil penalties. Any entity operating a video-monitoring system in conjunction with an automatic vehicle identification system shall annually certify compliance with this section and make all records pertaining to such system available for inspection and audit by the Commissioner of Highways or the Commissioner of the Department of Motor Vehicles or their designee. Any violation of this subsection shall constitute a Class 1 misdemeanor. In addition to any fines or other penalties provided for by law, any money or other thing of value obtained as a result of a violation of this section shall be forfeited to the Commonwealth.

If a vehicle uses a toll facility without paying the toll, the owner or operator shall be in violation of this section if he refuses to pay the toll within 30 days of notification. The toll facility operator may impose and collect an administrative fee in addition to the unpaid toll so as to recover the expenses of collecting the unpaid toll, which administrative fee shall be reasonably related to the actual cost of collecting the unpaid toll and not exceed \$100 per violation. Such fee shall not be levied upon the owner or operator of the vehicle unless the toll has not been paid by the owner or operator within 30 days after receipt of the invoice for the unpaid toll, which nonpayment for 30 days shall constitute the violation of this section. Once such a violation has occurred, the owner or operator of the vehicle shall pay the unpaid tolls and any administrative fee detailed in the invoice for the unpaid toll issued by a toll facility operator. If paid within 60 days of the toll violation, the administrative fee shall not exceed \$25.

The toll facility operator may levy charges for the direct cost of use of and processing for a video-monitoring system and to cover the cost of the invoice, which are in addition to the toll and may not exceed double the amount of the base toll, provided that potential toll facility users are provided notice before entering the facility by conspicuous signs that clearly indicate that the toll for use of the facility could be tripled for any vehicle that does not have an active, functioning automatic vehicle identification device registered for and in use in the vehicle using the toll facility, and such signs are posted at a location where the operator can still choose to avoid the use of the toll facility if he chooses not to pay the toll.

A person receiving an invoice for an unpaid toll under this section may (a) pay the toll and administrative fees directly to the toll facility operator or (b) file with the toll facility operator a notice, on a form provided by the toll facility operator as required under subsection B of § 46.2-819.6, to contest liability for a toll violation. The notice to contest liability for a toll violation may be filed by any person receiving an invoice for an unpaid toll by mailing or delivering the notice to the toll facility operator within 60 days of receiving such invoice for an unpaid toll. Upon receipt of such notice, the toll facility operator may issue a summons pursuant to subsection I and may not seek withholding of registration or renewal thereof under subsection L until a court of competent jurisdiction has found the alleged violator liable for tolls under this section.

D. If the matter proceeds to court, the owner or operator of a vehicle shall be liable for a civil penalty as follows: for a first offense, \$50; for a second offense within one year from the first offense, \$100; for a third offense within two years from

the second offense, \$250; and for a fourth and any subsequent offense within three years from the second offense, \$500; plus, in each case, the unpaid toll, all accrued administrative fees imposed by the toll facility operator, and applicable court costs if the vehicle is found, as evidenced by information obtained from a video-monitoring system in conjunction with an automatic vehicle identification system as provided in this section, to have used such a toll facility without payment of the required toll within 30 days of receipt of the invoice for the toll.

E. Notwithstanding subsections C and D, for a first conviction of an operator or owner of a vehicle under this section the total amount for the first conviction shall not exceed \$2,200, including civil penalties and administrative fees regardless of the total number of offenses the operator or owner of a vehicle is convicted of on that date.

F. No summons may be issued by a toll facility operator for a violation of this section unless the toll facility operator can demonstrate that (i) there was an attempt to collect the unpaid tolls and applicable administrative fees through debt collection not less than 30 days prior to issuance of the summons and (ii) 120 days have elapsed since the unpaid toll or, in a summons for multiple violations, 120 days have elapsed since the most recent unpaid toll noticed on the summons.

G. Any action under this section shall be brought in the general district court of the county or city in which the toll facility is located and shall be commenced within two years of the commission of the offense. Such action shall be considered a traffic infraction. The attorney for the Commonwealth may represent the interests of the toll facility operator. Any authorized agent or employee of a toll facility operator acting on behalf of a governmental entity shall be allowed the privileges accorded by § 16.1-88.03 in such cases.

H. Proof of a violation of this section shall be evidenced by information obtained from a video-monitoring system or automatic vehicle identification system as provided in this section. A certificate, sworn to or affirmed by a technician employed or authorized by the operator of a toll facility or by the locality wherein the toll facility is located, or a facsimile of such a certificate, based on inspection of photographs, microphotographs, videotapes, or other recorded images produced by a video-monitoring system or of electronic data collected by an automatic vehicle identification system, shall be prima facie evidence of the facts contained therein. Any photographs, microphotographs, videotape, or other recorded images or electronic data evidencing such a violation shall be available for inspection in any proceeding to adjudicate the liability for such violation under this section. A record of communication by an automatic vehicle identification device with the automatic vehicle identification system at the time of a violation of this section shall be prima facie evidence that the automatic vehicle identification device was located in the vehicle registered to use such device in the records of the Department of Transportation.

I. On a form prescribed by the Supreme Court, a summons for a violation of this section may be executed as provided in § 19.2-76.2. A summons for a violation of this section may set forth multiple violations occurring within one jurisdiction. Notwithstanding the provisions of § 19.2-76, a summons for a violation of unpaid tolls may be executed by mailing by first-class mail a copy thereof to the address of the owner or, if the owner has named and provided a valid address for the operator of the vehicle at the time of the violation in an affidavit executed pursuant to subsection J, such named operator of the vehicle. Such summons shall be signed either originally or by electronic signature. If the summoned person fails to appear on the date of return set out in the summons mailed pursuant to this section, the summons shall be executed in the manner set out in § 19.2-76.3.

J. Upon a finding by a court of competent jurisdiction that the vehicle described in the summons issued pursuant to subsection I was in violation of this section, the court shall impose a civil penalty upon the owner or operator of such vehicle in accordance with the amounts specified in subsection D, together with applicable court costs, the operator's administrative fee, and the toll due. Penalties assessed as the result of action initiated by the Department of Transportation shall be remanded by the clerk of the court that adjudicated the action to the Department of Transportation's Toll Facilities Revolving Account. Penalties assessed as the result of action initiated by an operator of a toll facility other than the Department of Transportation shall be remanded by the clerk of the court that adjudicated the action to the treasurer or director of finance of the county or city in which the violation occurred for payment to the toll facility operator.

The owner of such vehicle shall be given reasonable notice by way of a summons as provided in subsection I that his vehicle had been used in violation of this section, and such owner shall be given notice of the time and place of the hearing as well as the civil penalty and costs for such offense.

It shall be prima facie evidence that the vehicle described in the summons issued pursuant to subsection I was operated in violation of this section. Records obtained from the Department of Motor Vehicles pursuant to subsection P and certified in accordance with § 46.2-215 or from the equivalent agency in another state and certified as true and correct copies by the head of such agency or his designee identifying the owner of such vehicle shall give rise to a rebuttable presumption that the owner of the vehicle is the person named in the summons.

Upon the filing of an affidavit by the owner of the vehicle with the toll facility operator within 14 days of receipt of an invoice for unpaid toll or a summons stating that such owner was not the operator of the vehicle on the date of the violation and providing the legal name and address of the operator of the vehicle at the time of the violation, an invoice for unpaid toll or summons, whichever the case may be, will also be issued to the alleged operator of the vehicle at the time of the offense.

In any action against a vehicle operator, an affidavit made by the owner providing the name and address of the vehicle operator at the time of the violation shall constitute prima facie evidence that the person named in the affidavit was operating the vehicle at all the relevant times relating to the matter named in the affidavit.

If the owner of the vehicle produces for the toll facility operator or the court a certified copy of a police report showing that the vehicle had been reported to the police as stolen prior to the time of the alleged offense and remained stolen at the

time of the alleged offense, then the toll facility operator shall not pursue the owner for the unpaid toll contained in the invoice for unpaid toll or the court shall dismiss the summons issued to the owner of the vehicle.

K. Upon a finding by a court that a person has two or more unpaid tolls and such person fails to pay the required penalties, fees, and unpaid tolls, then the court or toll facility operator shall notify the Commissioner of the Department of Motor Vehicles, who shall refuse to issue or renew any vehicle registration certificate of any applicant or the license plate issued for the vehicle driven in the commission of the offense or, when the vehicle is registered in a state with which the Commonwealth has entered into an agreement to enforce tolling violations pursuant to § 46.2-819.9, who shall provide to the entity authorized to issue vehicle registration certificates or license plates in the state in which the vehicle is registered sufficient evidence of the court's finding to take action against the vehicle registration certificate or license plates in accordance with the terms of the agreement, until the court has notified the Commissioner that such penalties, fees, and unpaid tolls have been paid. Upon receipt of such notification from the court, the Commissioner of the Department of Motor Vehicles shall notify the state where the vehicle is registered of such payment. If it is proven that the vehicle owner was not the operator at the time of the offense and upon a finding by a court that the person identified in an affidavit pursuant to subsection J as the operator violated this section and such person fails to pay the required penalties, fees, and unpaid tolls, the court shall notify the Commissioner, who shall refuse to issue or renew any vehicle registration certificate of any applicant or the license plate issued for any vehicle owned or co-owned by such person or, when such vehicle is registered in a state with which the Commonwealth has entered into an agreement to enforce tolling violations pursuant to § 46.2-819.9, who shall provide to the entity authorized to issue vehicle registration certificates or license plates in the state in which the vehicle is registered sufficient evidence of the court's finding to take action against the vehicle registration certificate or license plates in accordance with the terms of the agreement, until the court has notified the Commissioner that such penalties, fees, and unpaid tolls have been paid. Upon receipt of such notification from the court, the Commissioner of the Department of Motor Vehicles shall notify the state where the vehicle is registered of such payment. Such funds representing payment of unpaid tolls and all administrative fees of the toll facility operator shall be transferred from the court to the Department of Transportation's Toll Facilities Revolving Account or, in the case of an action initiated by an operator of a toll facility other than the Department of Transportation, to the treasurer or director of finance of the county or city in which the violation occurred for payment to the toll facility operator. The Commissioner shall collect a \$40 administrative fee from the owner or operator of the vehicle to defray the cost of processing and removing an order to deny registration or registration renewal.

L. If an owner of a vehicle has received at least one invoice for two or more unpaid tolls in accordance with § 46.2-819.6 by certified mail and has (i) failed to pay the unpaid tolls and administrative fees and (ii) failed to file a notice to contest liability for a toll violation, then the toll facility operator may notify the Commissioner, who shall, if no form contesting liability has been timely filed with the toll facility operator pursuant to this section, refuse to issue or renew the vehicle registration certificate of any applicant therefor or the license plate issued for any vehicle driven in the commission of the offense until the toll facility operator has notified the Commissioner that such fees and unpaid tolls have been paid.

If the vehicle owner was not the operator at the time of the offense and the person identified in an affidavit pursuant to subsection J as the operator has received at least one invoice for two or more unpaid tolls in accordance with § 46.2-819.6 by certified mail and such person has (a) failed to pay the unpaid tolls and administrative fees and (b) failed to file a notice to contest liability for a toll violation, then the toll facility operator may notify the Commissioner, who shall, if no form contesting liability has been timely filed with the toll facility operator pursuant to this section, refuse to issue or renew any vehicle registration certificate of any applicant therefor or the license plate issued for any vehicle owned or co-owned by such person until the toll facility operator has notified the Commissioner that such fees and unpaid tolls have been paid.

The Commissioner may only refuse to issue or renew any vehicle registration pursuant to this subsection upon the request of a toll facility operator if such toll facility operator has entered into an agreement with the Commissioner whereby the Commissioner will refuse to issue or renew any vehicle registration of any applicant therefor who owes unpaid tolls and administrative fees to the toll facility operator. The toll facility operator seeking to collect unpaid tolls and administrative fees through the withholding of registration or renewal thereof by the Commissioner as provided for in this subsection shall notify the Commissioner in the manner provided for in his agreement with the Commissioner and supply to the Commissioner information necessary to identify the violator whose registration or renewal is to be denied. The Commissioner shall charge a \$40 fee to defray the cost of processing and withholding the registration or registration renewal, and the toll facility operator may add this fee to the amount of the unpaid tolls and administrative fees. Any agreement entered into pursuant to the provisions of this subsection shall provide for the Department to send the violator notice of the intent to deny renewal of registration at least 30 days prior to the expiration date of a current vehicle registration and such notice shall include a form, as required under subsection B of § 46.2-819.6, to contest liability of the underlying toll violation. The notice provided by the Commissioner shall include instructions for filing the form to contest liability with the toll facility operator within 21 days after the date of mailing of the Commissioner's notice. Upon timely receipt of the form, the toll facility operator shall notify the Commissioner, who shall refrain from withholding the registration or renewal thereof, after which the toll facility operator may proceed to issue a summons for unpaid toll. For the purposes of this subsection, notice by first-class mail to the registrant's address as maintained in the records of the Department shall be deemed sufficient.

M. Any vehicle rental or vehicle leasing company, if it receives an invoice for unpaid toll or is named in a summons, shall be released as a party to the action if it provides the operator of the toll facility a copy of the vehicle rental agreement

or lease or an affidavit identifying the renter or lessee within 30 days of receipt of the invoice or summons. Upon receipt of such rental agreement, lease, or affidavit, an invoice for unpaid toll shall be mailed to the renter or lessee identified therein. Release of this information shall not be deemed a violation of any provision of the Government Data Collection and Dissemination Practices Act (§ 2.2-3800 et seq.) or the Insurance Information and Privacy Protection Act (§ 38.2-600 et seq.). The toll facility operator shall allow at least 30 days from the date of such mailing before pursuing other remedies under this section. In any action against the vehicle operator, a copy of the vehicle rental agreement, lease, or affidavit identifying the renter or lessee of the vehicle at the time of the violation is prima facie evidence that the person named in the rental agreement, lease, or affidavit was operating the vehicle at all the relevant times relating to the matter named in the summons.

N. Imposition of a civil penalty pursuant to this section shall not be deemed a conviction as an operator and shall not be made part of the driving record of the person upon whom such civil penalty is imposed, nor shall it be used for insurance purposes in the provision of motor vehicle insurance coverage. ~~The provisions of § 46.2-395 shall not be applicable to any civil penalty, fee, unpaid toll, fine, or cost imposed or ordered paid under this section for a violation of this section.~~

O. The toll facility operator may offer to the owner an option to pay the unpaid toll and fees plus a reduced civil penalty of \$25 for a first or second offense or \$50 for a third, fourth, or subsequent offense, as specified on the summons, provided the owner actually pays to the toll facility operator the entire amount so calculated at least 14 days prior to the hearing date specified on the summons. If the owner accepts such offer and such amount is actually received by the toll facility operator at least 14 days prior to the hearing date specified on the summons, the toll facility operator shall move the court at least five business days prior to the date set for trial to dismiss the summons issued to the owner of the vehicle, and the court shall dismiss upon such motion.

P. The operator of a toll facility may enter into an agreement with the Department, in accordance with the provisions of subdivision B 21 of § 46.2-208, to obtain vehicle owner information regarding the owners of vehicles that fail to pay tolls required for the use of toll facilities and with the Department of Transportation to obtain any information that is necessary to conduct electronic toll collection. Such agreement may include any information that may be obtained by the Department of Motor Vehicles in accordance with any agreement entered into pursuant to § 46.2-819.9. Information provided to the operator of a toll facility shall be used only for the collection of unpaid tolls, and the operator of the toll facility shall be subject to the same conditions and penalties regarding release of the information as contained in subsection C.

Q. No person shall be subject to both the provisions of this section and to prosecution under § 46.2-819 for actions arising out of the same transaction or occurrence.

§ 46.2-819.5. Enforcement through use of photo-monitoring system or automatic vehicle identification system in conjunction with usage of Dulles Access Highway.

A. A photo-monitoring system or automatic vehicle identification system established at locations along the Dulles Access Highway, in order to identify vehicles that are using the Dulles Access Highway in violation of the Metropolitan Washington Airports Authority (Authority) regulation regarding usage, which makes violations of the regulation subject to civil penalties, shall be administered in accordance with this section. The civil penalties for violations of such regulation may not exceed the following: \$50 for the first violation; \$100 for a second violation within one year from the first violation; \$250 for a third violation within two years from the second violation; and \$500 for a fourth and any subsequent violation within three years from the second violation. In the event a violation of the Authority regulation is identified via the photo-monitoring system or automatic vehicle identification system, the operator of the Dulles Access Highway shall send a notice of the violation, of the applicable civil penalty and of any administrative fee calculated in accordance with subsection C to the registered owner of the vehicle identified by the system prior to seeking further remedies under this section. Upon receipt of the notice, the registered owner of the vehicle may elect to avoid any action by the operator to enforce the violation in court by waiving his right to a court hearing, pleading guilty to the violation, and paying a reduced civil penalty along with any applicable administrative fee to the operator. Should the recipient of the notice make such an election, the amount of the reduced civil penalty shall be as follows: \$30 for the first violation; \$50 for a second violation within one year from the first violation; \$125 for a third violation within two years from the second violation; and \$250 for a fourth and any subsequent violations within three years from the second violation.

B. Information collected by the photo-monitoring system or automatic vehicle identification system referenced in subsection A shall be limited exclusively to that information that is necessary for identifying those drivers who improperly use the Dulles Access Highway in violation of the Authority regulation. Notwithstanding any other provision of law, all photographs, microphotographs, electronic images, or other data collected by a photo-monitoring system or automatic vehicle identification system shall be used exclusively for the identification of violators and shall not (i) be open to the public; (ii) be sold or used for sales, solicitation, or marketing purposes; (iii) be disclosed to any other entity except as may be necessary for the identification of violators or to a vehicle owner or operator as part of a challenge to the imposition of a civil penalty; or (iv) be used in a court in a pending action or proceeding unless the action or proceeding relates to a violation of the Authority regulation governing usage of the Dulles Access Highway or upon order from a court of competent jurisdiction. Information collected by the system shall be protected in a database with security comparable to that of the Department of Motor Vehicles' system, and be purged and not retained later than 30 days after the collection and reconciliation of any civil penalties and administrative fees. The operator of the Dulles Access Highway shall annually certify compliance with this subsection and make all records pertaining to such system available for inspection and audit by the Commissioner of Highways or the Commissioner of the Department of Motor Vehicles or their designee. Any violation

of this subsection shall constitute a Class 1 misdemeanor. In addition to any fines or other penalties provided for by law, any money or other thing of value obtained as a result of a violation of this subsection shall be forfeited to the Commonwealth.

C. The operator of the Dulles Access Highway may impose and collect an administrative fee, in addition to the civil penalty established by regulation, so as to recover the expenses of collecting the civil penalty, which administrative fee shall be reasonably related to the actual cost of collecting the civil penalty and shall not exceed \$100 per violation. Such fee shall not be levied upon the operator of the vehicle until a second violation has been documented within 12 months of an initial violation, in which case the fee shall apply to such second violation and to any additional violation occurring thereafter. If the recipient of the notice referenced in subsection A makes the election provided by that subsection, the administrative fee shall not exceed \$25.

D. If the election provided for in subsection A is not made, the operator of the Dulles Access Highway may proceed to enforce the violation in court. If the matter proceeds to court, the registered owner or operator of a vehicle shall be liable for the civil penalty set out in the Authority regulation governing usage of the Dulles Access Highway, any applicable administrative fees calculated in accordance with subsection C and applicable court costs if the vehicle is found, as evidenced by information obtained from a photo-monitoring system or automatic vehicle identification system as provided in this section, to have used the Dulles Access Highway in violation of the Authority regulation; provided, that the civil penalty may not exceed the amount of the penalty identified in subsection A.

E. Any action under this section shall be brought in the General District Court of the county in which the violation occurred.

F. Proof of a violation of the Authority regulation governing the use of the Dulles Access Highway shall be evidenced by information obtained from the photo-monitoring system or automatic vehicle identification system referenced in subsection A. A certificate, sworn to or affirmed by a technician employed or authorized by the operator of the Dulles Access Highway, or a facsimile of such a certificate, that is based on inspection of photographs, microphotographs, videotapes, or other recorded images or electronic data produced by the photo-monitoring system shall be prima facie evidence of the facts contained therein. Any photographs, microphotographs, videotape, or other recorded images or electronic data evidencing such a violation shall be available for inspection in any proceeding to adjudicate the liability for such violation under this section.

G. A summons issued under this section, which describes a vehicle that, on the basis of a certificate referenced in subsection F, is alleged to have been operated in violation of the Authority regulation governing usage of the Dulles Access Highway, shall be prima facie evidence that such vehicle was operated in violation of the Authority regulation.

H. Upon a finding by a court that the vehicle described in the summons issued under this section was in violation of the Authority regulation, the court shall impose a civil penalty upon the registered owner or operator of such vehicle in accordance with the penalty amounts specified in subsection D, together with any applicable court costs and applicable administrative fees calculated in accordance with subsection C. Civil penalties and administrative fees assessed as a result of an action initiated under this section and collected by the court shall be remanded by the clerk of the court that adjudicated the action to the treasurer or director of finance of the county or city in which the violation occurred for payment to the operator of the Dulles Access Highway.

The registered owner of a vehicle shall be given reasonable notice of an enforcement action in court by way of a summons that informs the owner that his vehicle has been used in violation of the Authority regulation governing the use of the Dulles Access Highway and of the time and place of the court hearing, as well as of the civil penalty and court costs for the violation. Upon the filing of an affidavit with the court at least 14 days prior to the hearing date by the registered owner of the vehicle stating that he was not the driver of the vehicle on the date of the violation and providing the legal name and address of the operator of the vehicle at the time of the violation, a summons shall be issued to such alleged operator of the vehicle.

In any action against such a vehicle operator, an affidavit made by the registered owner providing the name and address of the vehicle operator at the time of the violation shall constitute prima facie evidence that the person named in the affidavit was operating the vehicle at all the relevant times relating to the matter addressed in the affidavit.

If the registered owner of the vehicle produces a certified copy of a police report showing that the vehicle had been reported to the police as stolen prior to the time of the alleged offense and remained stolen at the time of the alleged offense, then the court shall dismiss the summons issued to the registered owner of the vehicle.

I. Upon a finding by a court that a person has three or more violations of the Authority regulation governing the use of the Dulles Access Highway and has failed to pay the required civil penalties, administrative fees and court costs into the court, the court shall notify the Commissioner of the Department of Motor Vehicles, who shall refuse to issue or renew any vehicle registration certificate to or for such person or the license plate for the vehicle owned by such person until the court has notified the Commissioner that such civil penalties, fees, and costs have been paid. The Commissioner shall collect a \$40 administrative fee from such person to defray the cost of responding to court notices given pursuant to this subsection.

J. For purposes of this section, "operator of the Dulles Access Highway" means the Metropolitan Washington Airports Authority; "owner" means the registered owner of a vehicle on record with the Department of Motor Vehicles; "photo-monitoring system" means equipment that produces one or more photographs, microphotographs, videotapes, or other recorded images of vehicles at the time they are used or operated in violation of the Authority regulation governing the use of the Dulles Access Highway; "automatic vehicle identification system" means an electronic vehicle identification system that automatically produces an electronic record of each vehicle equipped with an automatic vehicle identification

device that uses monitored portions of the Dulles Access Highway; and "automatic vehicle identification device" means an electronic device that communicates by wireless transmission with an automatic vehicle identification system.

K. Any vehicle rental or vehicle leasing company, if named in a summons, shall be released as a party to the action if it provides the operator of the Dulles Access Highway with a copy of the vehicle rental agreement or lease, or an affidavit that identifies the renter or lessee, prior to the date of hearing set forth in the summons. Upon receipt of such rental agreement, lease, or affidavit, a summons shall be issued to such renter or lessee. Release of this information shall not be deemed a violation of any provision of the Government Data Collection and Dissemination Practices Act (§ 2.2-3800 et seq.) or the Insurance Information and Privacy Protection Act (§ 38.2-600 et seq.). In any action against the renter or lessee, a copy of the vehicle rental agreement, lease, or affidavit identifying the renter or lessee of the vehicle at the time of the violation shall be prima facie evidence that the person named in the rental agreement, lease, or affidavit was operating the vehicle at all the relevant times relating to the matter named in the summons.

L. Imposition of a civil penalty pursuant to this section shall not be deemed a conviction as an operator and shall not be made a part of the driving record of the person upon whom such civil penalty is imposed, nor shall it be used for insurance purposes in the provision of motor vehicle insurance coverage. ~~The provisions of § 46.2-395 shall not be applicable to any civil penalty, administrative fee, or cost imposed or ordered paid under this section.~~

M. On a form prescribed by the Supreme Court, a summons for a violation of the Authority regulation governing the use of the Dulles Access Highway may be executed pursuant to § 19.2-76.2. The operator of the Dulles Access Highway or its personnel or agents mailing such summons shall be considered conservators of the peace for the sole and limited purpose of mailing such summons. Pursuant to § 19.2-76.2, the summons for a violation of the Authority regulation governing usage of the Dulles Access Highway may be executed by mailing by first-class mail a copy thereof to the address of the owner of the vehicle as shown on the records of the Department of Motor Vehicles or, if the registered owner or rental or leasing company has named and provided a valid address for the operator of the vehicle at the time of the violation as provided in this section, to the address of such named operator of the vehicle. If the summoned person fails to appear on the date of return set out in the summons mailed pursuant to this section, the summons shall be executed in the manner set out in § 19.2-76.3.

N. The operator of the Dulles Access Highway may enter into an agreement with the Department of Motor Vehicles, in accordance with the provisions of subdivision B 21 of § 46.2-208, to obtain vehicle owner information regarding the registered owners of vehicles that improperly use the Dulles Access Highway. Information provided to the operator of the Dulles Access Highway shall only be used in the enforcement of the Authority regulation governing use of the Dulles Access Highway, and the operator shall be subject to the same conditions and penalties regarding release of the information as contained in subsection B.

O. Should other vehicle recognition technology become available that is appropriate to be used for the purpose of monitoring improper usage of the Dulles Access Highway, the operator of the Dulles Access Highway shall be permitted to use any such technology that has been approved for use by the Virginia State Police, the Commonwealth of Virginia, or any of its localities.

P. All civil penalties paid to the operator of the Dulles Access Highway pursuant to this section shall be used by the operator of the Dulles Access Highway only for the operation and improvement of the Dulles Corridor, including the Dulles Toll Road.

§ 46.2-940. When arresting officer shall take person before issuing authority.

If any person is: (i) believed by the arresting officer to have committed a felony; (ii) believed by the arresting officer to be likely to disregard a summons issued under § 46.2-936; or (iii) refuses to give a written promise to appear under the provisions of § 46.2-936 ~~or § 46.2-945~~, the arresting officer shall promptly take him before a magistrate or other issuing authority having jurisdiction and proceed in accordance with the provisions of § 19.2-82. The magistrate or other authority may issue either a summons or warrant as he shall determine proper.

§ 46.2-1200.1. Abandoning motor vehicles prohibited; penalty.

No person shall cause any motor vehicle to become an abandoned motor vehicle as defined in § 46.2-1200. In any prosecution for a violation of this section, proof that the defendant was, at the time that the vehicle was found abandoned, the owner of the vehicle shall constitute in evidence a rebuttable presumption that the owner was the person who committed the violation. Such presumption, however, shall not arise if the owner of the vehicle provided notice to the Department, as provided in § 46.2-604, that he had sold or otherwise transferred the ownership of the vehicle.

A summons for a violation of this section shall be executed by mailing a copy of the summons by first-class mail to the address of the owner of the vehicle as shown on the records of the Department of Motor Vehicles. If the person fails to appear on the date of return set out in the summons, a new summons shall be issued and delivered to the sheriff of the county, city, or town for service on the accused personally. If the person so served then fails to appear on the date of return set out in the summons, proceedings for contempt shall be instituted.

Any person convicted of a violation of this section shall be subject to a civil penalty of no more than \$500. ~~If any person fails to pay any such penalty, his privilege to drive a motor vehicle on the highways of the Commonwealth shall be suspended as provided in § 46.2-395.~~

All penalties collected under this section shall be paid into the state treasury to be credited to the Literary Fund as provided in § 46.2-114.

2. That § 46.2-395 and Article 18 (§§ 46.2-944.1 through 46.2-947) of Chapter 8 of Title 46.2 of the Code of Virginia are repealed.

3. That the Commissioner of the Department of Motor Vehicles shall reinstate a person's privilege to drive a motor vehicle that was suspended prior to July 1, 2019, solely pursuant to § 46.2-395 of the Code of Virginia and shall waive all fees relating to reinstating such person's driving privileges. Nothing in this act shall require the Commissioner to reinstate a person's driving privileges if such privileges have been otherwise lawfully suspended or revoked or if such person is otherwise ineligible for a driver's license.

CHAPTER 966

An Act to amend and reenact §§ 58.1-439.12:03 and 58.1-609.6 of the Code of Virginia, relating to motion picture production tax credit; media-related exemptions.

[H 1318]

Approved April 9, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 58.1-439.12:03 and 58.1-609.6 of the Code of Virginia are amended and reenacted as follows:

§ 58.1-439.12:03. Motion picture production tax credit.

A. For taxable years beginning on and after January 1, 2011, but prior to January 1, ~~2022~~ 2027, any motion picture production company with qualifying expenses of at least \$250,000 with respect to a motion picture production filmed in Virginia shall be allowed a refundable credit against the taxes imposed by § 58.1-320 or 58.1-400 in an amount equal to 15 percent of the production company's qualifying expenses or 20 percent of such expenses if the production is filmed in an economically distressed area of the Commonwealth. The Virginia Economic Development Partnership Authority shall designate which areas of the Commonwealth are deemed to be economically distressed areas. The credit shall be computed based on all of the taxpayer's qualifying expenses incurred with respect to the production, not just the qualifying expenses incurred during the taxable year. The refundable tax credits allowed under this section are for one tax year only. Where a motion picture production continues for more than one year, a separate application for each tax year the production continues must be made. The grant of a refundable tax credit for a motion picture film production does not create a presumption that the production will receive a refundable tax credit for subsequent tax years. Effective on January 1, 2013, for purposes of eligibility for refundable tax credits, a motion picture film production shall include digital interactive media production.

"Qualifying expenses" means the sum of the following amounts spent in the Commonwealth by a production company in connection with the production of a motion picture filmed in the Commonwealth:

1. Goods and services leased or purchased. For goods with a purchase price of \$25,000 or more, the amount included in qualifying expenses is the purchase price less the fair market value of the good at the time the production is completed.

2. Compensation and wages, except in the case of each individual who directly or indirectly receives compensation in excess of \$1 million for personal services with respect to a single production. In such a case, only the first \$1 million of salary shall be considered a qualifying expense. An individual is deemed to receive compensation indirectly when a production company pays a personal service company or an employee leasing company that pays the individual.

B. 1. In addition to the refundable credit authorized under subsection A, such production company shall be allowed an additional refundable credit equal to 10 percent of the total aggregate payroll for Virginia residents employed in connection with the production of a film in the Commonwealth when total production costs in the Commonwealth are at least \$250,000 but not more than \$1 million. This additional credit shall be equal to 20 percent of the total aggregate payroll for Virginia residents employed in connection with such production when total production costs in the Commonwealth exceed \$1 million.

2. In addition to the credits authorized under subsection A and subdivision B 1, such production company shall be allowed an additional refundable credit equal to 10 percent of the total aggregate payroll for Virginia residents employed for the first time as actors or members of a production crew in connection with the production of a film in the Commonwealth.

C. 1. For purposes of this section, in the case of an episodic television series, an entire season of episodes shall be deemed to be one production.

2. No credit shall be allowed under this section for any production that (i) is political advertising, (ii) is a television production of a news program or live sporting event, (iii) contains obscene material, or (iv) is a reality television production.

D. 1. The issuance of refundable tax credits under this section shall be in accordance with procedures, qualifying criteria, and deadlines established by the Department and the ~~Virginia Film Office~~ Virginia Tourism Authority. The qualifying criteria established by the ~~Virginia Film Office~~ Virginia Tourism Authority shall take into account whether the production involves physical production within the Commonwealth of Virginia, the number of residents of Virginia that will be employed in the production and the level of compensation they will be paid, the extent to which the production will contribute to the support and expansion of existing production companies in Virginia, the extent to which the production will impact existing local businesses and the local economy, the extent to which the production will involve existing and new companies located in Virginia, and other relevant considerations. The taxpayer shall apply for a credit by submitting such forms as prescribed by the ~~Virginia Film Office~~ Virginia Tourism Authority, prior to the start of production in Virginia.

2. Any taxpayer seeking credits under this section must enter into a memorandum of understanding with the ~~Virginia Film Office~~ *Virginia Tourism Authority* that at a minimum provides the requirements that the taxpayer must meet in order to receive the credits, including but not limited to the estimated amount of money to be spent in Virginia, the timeline for completing production in Virginia, and the maximum amount of credits allocated to the taxpayer.

3. Once the taxpayer has satisfied all of the requirements in the memorandum of understanding to the satisfaction of the ~~Virginia Film Office~~ *Virginia Tourism Authority* and completed production in Virginia, ~~the taxpayer may claim the applicable amount of credits up to the amount that has been allocated by the Virginia Film Office on a~~ *the Virginia Tourism Authority shall certify the final tax credit amount to the taxpayer and to the Tax Commissioner. In addition, such certificate shall specify the fiscal year in which such tax credit may be refunded by the Department of Taxation. The tax return filed for the taxable year in which the Virginia production activities are completed shall contain information specifying the amount of tax credit and shall specify the fiscal year in which such tax credit may be refunded.* The return must state the name of the production, provide a description of the production, and include a detailed accounting of the qualifying expenses with respect to which a credit is claimed.

4. *The Virginia Tourism Authority shall report to the Tax Commissioner on an annual basis the amount of tax credits that have been authorized for each fiscal year and the amount of tax credits that may be claimed for the current fiscal year by each taxpayer.*

5. *No interest shall be paid pursuant to § 58.1-1833 on any tax credit issued by the Department under this section.*

E. A taxpayer allowed a credit under this section must maintain and make available for inspection any information or records required by the Tax Commissioner. The taxpayer has the burden of proving eligibility for a credit and the amount of the credit. The Tax Commissioner shall consult with the ~~Virginia Film Office~~ *Virginia Tourism Authority* in order to determine the amount of qualifying expenses.

F. For purposes of this section, the amount of any credit attributable to a partnership, electing small business corporation (S corporation), or limited liability company may be allocated to the individual partners, shareholders, or members, respectively, in proportion to their ownership or interest in such business entities.

G. The total amount of credits allocated to all taxpayers under this section shall not exceed \$2.5 million in the 2010-2012 biennium, \$5 million in the 2012-2014 biennium, and \$6.5 million in fiscal year 2015 and each fiscal year thereafter.

H. The Department of Taxation, in consultation with the ~~Virginia Film Office~~ *Virginia Tourism Authority*, must publish by November 1 of each year for the 12-month period ending the preceding December 31 the following information:

1. Location of sites used in a production for which a credit was claimed;
2. Qualifying expenses for which a credit was claimed, classified by whether the expenses were for goods, services, or compensation paid by the production company;
3. Number of people employed in the Commonwealth with respect to credits claimed; and
4. Total cost to the Commonwealth's general fund of the credits claimed.

Notwithstanding any provision of § 58.1-3 or any other law, such information shall be published by the Department, even if such information is not classified, so as to prevent the identification of particular taxpayers, reports, or returns and items.

I. The Tax Commissioner shall develop guidelines implementing the provisions of this section, including but not limited to the definition of "qualifying expenses" and setting forth the recordkeeping requirements applicable to production companies claiming this credit. Such guidelines shall be exempt from the provisions of the Administrative Process Act (§ 2.2-4000 et seq.).

§ 58.1-609.6. Media-related exemptions.

The tax imposed by this chapter or pursuant to the authority granted in §§ 58.1-605 and 58.1-606 shall not apply to the following:

1. Leasing, renting or licensing of copyright audio or video tapes, and films for public exhibition at motion picture theaters or by licensed radio and television stations.

2. Broadcasting equipment and parts and accessories thereto and towers used or to be used by commercial radio and television companies, wired or land based wireless cable television systems, common carriers or video programmers using an open video system or other video platform provided by telephone common carriers, or concerns which are under the regulation and supervision of the Federal Communications Commission and amplification, transmission and distribution equipment used or to be used by wired or land based wireless cable television systems, or open video systems or other video systems provided by telephone common carriers.

3. Any publication issued daily, or regularly at average intervals not exceeding three months, and advertising supplements and any other printed matter ultimately distributed with or as part of such publications; however, newsstand sales of the same are taxable. As used in this subdivision, the term "newsstand sales" shall not include sales of back copies of publications by the publisher or his agent.

4. Catalogs, letters, brochures, reports, and similar printed materials, except administrative supplies, the envelopes, containers and labels used for packaging and mailing same, and paper furnished to a printer for fabrication into such printed materials, when stored for 12 months or less in the Commonwealth and distributed for use without the Commonwealth. As used in this subdivision, "administrative supplies" includes, but is not limited to, letterhead, envelopes, and other stationery; and invoices, billing forms, payroll forms, price lists, time cards, computer cards, and similar supplies. Notwithstanding the provisions of subdivision 5 or the definition of "advertising" contained in § 58.1-602, (i) any advertising business located

outside the Commonwealth which purchases printing from a printer within the Commonwealth shall not be deemed the user or consumer of the printed materials when such purchases would have been exempt under this subdivision, and (ii) from July 1, 1995, through June 30, 2002, and beginning July 1, 2002, and ending July 1, 2022, any advertising business which purchases printing from a printer within the Commonwealth shall not be deemed the user or consumer of the printed materials when such purchases would have been exempt under subdivision 3 or this subdivision, provided that the advertising agency shall certify to the Tax Commissioner, upon request, that such printed material was distributed outside the Commonwealth and such certification shall be retained as a part of the transaction record and shall be subject to further review by the Tax Commissioner.

5. Advertising as defined in § 58.1-602.

6. Beginning July 1, 1995, and ending July 1, ~~2022~~ 2027:

a. (i) The lease, rental, license, sale, other transfer, or use of any audio or video tape, film or other audiovisual work where the transferee or user acquires or has acquired the work for the purpose of licensing, distributing, broadcasting, commercially exhibiting or reproducing the work or using or incorporating the work into another such work; (ii) the provision of production services or fabrication in connection with the production of any portion of such audiovisual work, including, but not limited to, scriptwriting, photography, sound, musical composition, special effects, animation, adaptation, dubbing, mixing, editing, cutting and provision of production facilities or equipment; or (iii) the transfer or use of tangible personal property, including, but not limited to, scripts, musical scores, storyboards, artwork, film, tapes and other media, incident to the performance of such services or fabrication; however, audiovisual works and incidental tangible personal property described in clauses (i) and (iii) shall be subject to tax as otherwise provided in this chapter to the extent of the value of their tangible components prior to their use in the production of any audiovisual work and prior to their enhancement by any production service; and

b. Equipment and parts and accessories thereto used or to be used in the production of such audiovisual works.

7. Beginning July 1, 1998, and ending July 1, 2022, textbooks and other educational materials withdrawn from inventory at book-publishing distribution facilities for free distribution to professors and other individuals who have an educational focus.

CHAPTER 967

An Act to amend and reenact §§ 58.1-439.12:03 and 58.1-609.6 of the Code of Virginia, relating to motion picture production tax credit; media-related exemptions.

[S 923]

Approved April 9, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 58.1-439.12:03 and 58.1-609.6 of the Code of Virginia are amended and reenacted as follows:

§ 58.1-439.12:03. Motion picture production tax credit.

A. For taxable years beginning on and after January 1, 2011, but prior to January 1, ~~2022~~ 2027, any motion picture production company with qualifying expenses of at least \$250,000 with respect to a motion picture production filmed in Virginia shall be allowed a refundable credit against the taxes imposed by § 58.1-320 or 58.1-400 in an amount equal to 15 percent of the production company's qualifying expenses or 20 percent of such expenses if the production is filmed in an economically distressed area of the Commonwealth. The Virginia Economic Development Partnership Authority shall designate which areas of the Commonwealth are deemed to be economically distressed areas. The credit shall be computed based on all of the taxpayer's qualifying expenses incurred with respect to the production, not just the qualifying expenses incurred during the taxable year. The refundable tax credits allowed under this section are for one tax year only. Where a motion picture production continues for more than one year, a separate application for each tax year the production continues must be made. The grant of a refundable tax credit for a motion picture film production does not create a presumption that the production will receive a refundable tax credit for subsequent tax years. Effective on January 1, 2013, for purposes of eligibility for refundable tax credits, a motion picture film production shall include digital interactive media production.

"Qualifying expenses" means the sum of the following amounts spent in the Commonwealth by a production company in connection with the production of a motion picture filmed in the Commonwealth:

1. Goods and services leased or purchased. For goods with a purchase price of \$25,000 or more, the amount included in qualifying expenses is the purchase price less the fair market value of the good at the time the production is completed.

2. Compensation and wages, except in the case of each individual who directly or indirectly receives compensation in excess of \$1 million for personal services with respect to a single production. In such a case, only the first \$1 million of salary shall be considered a qualifying expense. An individual is deemed to receive compensation indirectly when a production company pays a personal service company or an employee leasing company that pays the individual.

B. 1. In addition to the refundable credit authorized under subsection A, such production company shall be allowed an additional refundable credit equal to 10 percent of the total aggregate payroll for Virginia residents employed in connection with the production of a film in the Commonwealth when total production costs in the Commonwealth are at least \$250,000 but not more than \$1 million. This additional credit shall be equal to 20 percent of the total aggregate payroll for Virginia

residents employed in connection with such production when total production costs in the Commonwealth exceed \$1 million.

2. In addition to the credits authorized under subsection A and subdivision B 1, such production company shall be allowed an additional refundable credit equal to 10 percent of the total aggregate payroll for Virginia residents employed for the first time as actors or members of a production crew in connection with the production of a film in the Commonwealth.

C. 1. For purposes of this section, in the case of an episodic television series, an entire season of episodes shall be deemed to be one production.

2. No credit shall be allowed under this section for any production that (i) is political advertising, (ii) is a television production of a news program or live sporting event, (iii) contains obscene material, or (iv) is a reality television production.

D. 1. The issuance of refundable tax credits under this section shall be in accordance with procedures, qualifying criteria, and deadlines established by the Department and the ~~Virginia Film Office~~ *Virginia Tourism Authority*. The qualifying criteria established by the ~~Virginia Film Office~~ *Virginia Tourism Authority* shall take into account whether the production involves physical production within the Commonwealth of Virginia, the number of residents of Virginia that will be employed in the production and the level of compensation they will be paid, the extent to which the production will contribute to the support and expansion of existing production companies in Virginia, the extent to which the production will impact existing local businesses and the local economy, the extent to which the production will involve existing and new companies located in Virginia, and other relevant considerations. The taxpayer shall apply for a credit by submitting such forms as prescribed by the ~~Virginia Film Office~~ *Virginia Tourism Authority*, prior to the start of production in Virginia.

2. Any taxpayer seeking credits under this section must enter into a memorandum of understanding with the ~~Virginia Film Office~~ *Virginia Tourism Authority* that at a minimum provides the requirements that the taxpayer must meet in order to receive the credits, including but not limited to the estimated amount of money to be spent in Virginia, the timeline for completing production in Virginia, and the maximum amount of credits allocated to the taxpayer.

3. Once the taxpayer has satisfied all of the requirements in the memorandum of understanding to the satisfaction of the ~~Virginia Film Office~~ *Virginia Tourism Authority* and completed production in Virginia, ~~the taxpayer may claim the applicable amount of credits up to the amount that has been allocated by the Virginia Film Office on a~~ *the Virginia Tourism Authority shall certify the final tax credit amount to the taxpayer and to the Tax Commissioner. In addition, such certificate shall specify the fiscal year in which such tax credit may be refunded by the Department of Taxation. The tax return filed for the taxable year in which the Virginia production activities are completed shall contain information specifying the amount of tax credit and shall specify the fiscal year in which such tax credit may be refunded.* The return must state the name of the production, provide a description of the production, and include a detailed accounting of the qualifying expenses with respect to which a credit is claimed.

4. *The Virginia Tourism Authority shall report to the Tax Commissioner on an annual basis the amount of tax credits that have been authorized for each fiscal year and the amount of tax credits that may be claimed for the current fiscal year by each taxpayer.*

5. *No interest shall be paid pursuant to § 58.1-1833 on any tax credit issued by the Department under this section.*

E. A taxpayer allowed a credit under this section must maintain and make available for inspection any information or records required by the Tax Commissioner. The taxpayer has the burden of proving eligibility for a credit and the amount of the credit. The Tax Commissioner shall consult with the ~~Virginia Film Office~~ *Virginia Tourism Authority* in order to determine the amount of qualifying expenses.

F. For purposes of this section, the amount of any credit attributable to a partnership, electing small business corporation (S corporation), or limited liability company may be allocated to the individual partners, shareholders, or members, respectively, in proportion to their ownership or interest in such business entities.

G. The total amount of credits allocated to all taxpayers under this section shall not exceed \$2.5 million in the 2010-2012 biennium, \$5 million in the 2012-2014 biennium, and \$6.5 million in fiscal year 2015 and each fiscal year thereafter.

H. The Department of Taxation, in consultation with the ~~Virginia Film Office~~ *Virginia Tourism Authority*, must publish by November 1 of each year for the 12-month period ending the preceding December 31 the following information:

1. Location of sites used in a production for which a credit was claimed;
2. Qualifying expenses for which a credit was claimed, classified by whether the expenses were for goods, services, or compensation paid by the production company;
3. Number of people employed in the Commonwealth with respect to credits claimed; and
4. Total cost to the Commonwealth's general fund of the credits claimed.

Notwithstanding any provision of § 58.1-3 or any other law, such information shall be published by the Department, even if such information is not classified, so as to prevent the identification of particular taxpayers, reports, or returns and items.

I. The Tax Commissioner shall develop guidelines implementing the provisions of this section, including but not limited to the definition of "qualifying expenses" and setting forth the recordkeeping requirements applicable to production companies claiming this credit. Such guidelines shall be exempt from the provisions of the Administrative Process Act (§ 2.2-4000 et seq.).

§ 58.1-609.6. Media-related exemptions.

The tax imposed by this chapter or pursuant to the authority granted in §§ 58.1-605 and 58.1-606 shall not apply to the following:

1. Leasing, renting or licensing of copyright audio or video tapes, and films for public exhibition at motion picture theaters or by licensed radio and television stations.

2. Broadcasting equipment and parts and accessories thereto and towers used or to be used by commercial radio and television companies, wired or land based wireless cable television systems, common carriers or video programmers using an open video system or other video platform provided by telephone common carriers, or concerns which are under the regulation and supervision of the Federal Communications Commission and amplification, transmission and distribution equipment used or to be used by wired or land based wireless cable television systems, or open video systems or other video systems provided by telephone common carriers.

3. Any publication issued daily, or regularly at average intervals not exceeding three months, and advertising supplements and any other printed matter ultimately distributed with or as part of such publications; however, newsstand sales of the same are taxable. As used in this subdivision, the term "newsstand sales" shall not include sales of back copies of publications by the publisher or his agent.

4. Catalogs, letters, brochures, reports, and similar printed materials, except administrative supplies, the envelopes, containers and labels used for packaging and mailing same, and paper furnished to a printer for fabrication into such printed materials, when stored for 12 months or less in the Commonwealth and distributed for use without the Commonwealth. As used in this subdivision, "administrative supplies" includes, but is not limited to, letterhead, envelopes, and other stationery; and invoices, billing forms, payroll forms, price lists, time cards, computer cards, and similar supplies. Notwithstanding the provisions of subdivision 5 or the definition of "advertising" contained in § 58.1-602, (i) any advertising business located outside the Commonwealth which purchases printing from a printer within the Commonwealth shall not be deemed the user or consumer of the printed materials when such purchases would have been exempt under this subdivision, and (ii) from July 1, 1995, through June 30, 2002, and beginning July 1, 2002, and ending July 1, 2022, any advertising business which purchases printing from a printer within the Commonwealth shall not be deemed the user or consumer of the printed materials when such purchases would have been exempt under subdivision 3 or this subdivision, provided that the advertising agency shall certify to the Tax Commissioner, upon request, that such printed material was distributed outside the Commonwealth and such certification shall be retained as a part of the transaction record and shall be subject to further review by the Tax Commissioner.

5. Advertising as defined in § 58.1-602.

6. Beginning July 1, 1995, and ending July 1, ~~2022~~ 2027:

a. (i) The lease, rental, license, sale, other transfer, or use of any audio or video tape, film or other audiovisual work where the transferee or user acquires or has acquired the work for the purpose of licensing, distributing, broadcasting, commercially exhibiting or reproducing the work or using or incorporating the work into another such work; (ii) the provision of production services or fabrication in connection with the production of any portion of such audiovisual work, including, but not limited to, scriptwriting, photography, sound, musical composition, special effects, animation, adaptation, dubbing, mixing, editing, cutting and provision of production facilities or equipment; or (iii) the transfer or use of tangible personal property, including, but not limited to, scripts, musical scores, storyboards, artwork, film, tapes and other media, incident to the performance of such services or fabrication; however, audiovisual works and incidental tangible personal property described in clauses (i) and (iii) shall be subject to tax as otherwise provided in this chapter to the extent of the value of their tangible components prior to their use in the production of any audiovisual work and prior to their enhancement by any production service; and

b. Equipment and parts and accessories thereto used or to be used in the production of such audiovisual works.

7. Beginning July 1, 1998, and ending July 1, 2022, textbooks and other educational materials withdrawn from inventory at book-publishing distribution facilities for free distribution to professors and other individuals who have an educational focus.

CHAPTER 968

An Act to amend and reenact § 51.1-155 of the Code of Virginia, relating to Virginia Retirement System; retired law-enforcement officers employed as school security officers.

[H 1495]

Approved April 9, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 51.1-155 of the Code of Virginia is amended and reenacted as follows:

§ 51.1-155. Service retirement allowance.

A. Retirement allowance. — A member shall receive an annual retirement allowance, payable for life, as follows:

1. Normal retirement. — The allowance shall equal 1.70 percent of his average final compensation multiplied by the amount of his creditable service. Notwithstanding the foregoing, for a member who (i) is a person who becomes a member on or after July 1, 2010, or (ii) does not have at least 60 months of creditable service as of January 1, 2013, the allowance shall equal the sum of (a) 1.65 percent of his average final compensation multiplied by the amount of his creditable service performed or purchased on or after January 1, 2013, and (b) 1.70 percent of his average final compensation multiplied by the amount of all other creditable service.

2. Early retirement; applicable to teachers, state employees, and certain others. — The allowance shall be determined in the same manner as for normal retirement with creditable service and average final compensation being determined as of the date of actual retirement. If the member has less than 30 years of service at retirement, the amount of the retirement allowance shall be reduced on an actuarial equivalent basis for the period by which the actual retirement date precedes the earlier of (i) his normal retirement date or (ii) the first date on which he would have completed a total of 30 years of creditable service. The provisions of this subdivision shall apply to teachers and state employees. These provisions shall also apply to employees of any political subdivision that participates in the retirement system if the political subdivision makes the election provided in subdivision 3.

3. Early retirement; applicable to employees of certain political subdivisions, any person who becomes a member on or after July 1, 2010, and any member who does not have at least 60 months of creditable service as of January 1, 2013. — The allowance shall be determined in the same manner as for normal retirement with creditable service and average final compensation being determined as of the date of actual retirement. If the creditable service of the member equals 30 or more years but the sum of his age at retirement plus his creditable service at retirement is less than 90, the amount of the retirement allowance shall be reduced on an actuarial equivalent basis for the period by which the actual retirement date precedes the earlier of (i) his normal retirement date or (ii) the first date on which the sum of his then attained age plus his then creditable service would have been equal to 90 or more had he remained in service until such date. If the member has less than 30 years of creditable service, the retirement allowance shall be reduced for the period by which the actual retirement date precedes the earlier of (i) his normal retirement date or (ii) the first date on which he would have completed a total of at least 30 years of creditable service and his then creditable service plus his then attained age would have been equal to 90 or more.

The provisions of this subdivision shall apply to the employees of any political subdivision that participates in the retirement system and any other employees as provided by law. The participating political subdivision may, however, elect to provide its employees with the early retirement allowance set forth in subdivision 2. No such election shall be made for a person who becomes a member on or after July 1, 2010, or a member who does not have at least 60 months of creditable service as of January 1, 2013. Any election pursuant to this subdivision shall be set forth in a legally adopted resolution.

Notwithstanding the foregoing, a political subdivision by legally adopted resolution may declare to the Board that, for purposes of this subdivision, subdivisions B 1 and B 3 and subsection D of § 51.1-153, any person who meets the definition of "emergency medical services personnel" in § 32.1-111.1 or is employed as a firefighter or law-enforcement officer as those terms are defined in § 15.2-1512.2 (i) shall not be considered a person who becomes a member on or after July 1, 2010, and (ii) shall be deemed to have at least 60 months of creditable service as of January 1, 2013. Such resolution shall be irrevocable.

4. Additional allowance. — In addition to the allowance payable under subdivisions 1, 2, and 3, a member shall receive an additional allowance which shall be the actuarial equivalent, for his attained age at the time of retirement, of the excess of his accumulated contributions transferred from the abolished system to the retirement system, including interest credited at the rate of two percent compounded annually since the transfer to the date of retirement, over the annual amounts equal to four percent of his annual creditable compensation at the date of abolishment for a period equal to his period of membership in the abolished system.

5. 50/10 retirement. — The allowance shall be payable in a monthly stream of payments equal to the greater of (i) the actuarial equivalent of the benefit the member would have received had he terminated service and deferred retirement to age 55 or (ii) the actuarially calculated present value of the member's accumulated contributions, including accrued interest.

B. Beneficiary serving in position covered by this title.

1. Except as provided in subdivisions 2 ~~and~~, 3, ~~and~~ 4, if a beneficiary of a service retirement allowance under this chapter or the provisions of Chapters 2 (§ 51.1-200 et seq.), 2.1 (§ 51.1-211 et seq.), or 3 (§ 51.1-300 et seq.) is at any time in service as an employee in a position covered for retirement purposes under the provisions of this or any chapter other than Chapter 6 (§ 51.1-600 et seq.), 6.1 (§ 51.1-607 et seq.), or 7 (§ 51.1-700 et seq.), his retirement allowance shall cease while so employed. Any member who retires and later returns to covered employment shall not be entitled to select a different retirement option for a subsequent retirement.

2. Active members of the General Assembly who are eligible to receive a retirement allowance under this title, excluding their service as a member of the General Assembly, shall be eligible to receive a retirement allowance based on their creditable service and average final compensation for service other than as a member of the General Assembly. Such members of the General Assembly shall continue to be reported as any other members of the retirement system. Upon ceasing to serve in the General Assembly, members of the General Assembly receiving a retirement allowance based on their creditable service and average final compensation for service other than as a member of the General Assembly shall have their retirement allowance recomputed prospectively to include their service as a member of the General Assembly. Active members of the General Assembly shall be prohibited from receiving a service retirement allowance under this title based solely on their service as a member of the General Assembly.

3. (Expires July 1, 2025) Any person receiving a service retirement allowance under this chapter, who is hired as a local school board instructional or administrative employee required to be licensed by the Board of Education, may elect to continue to receive the retirement allowance during such employment, under the following conditions:

(a) The person has been receiving such retirement allowance for a ~~certain period of time~~ *at least 12 calendar months* preceding his employment ~~as provided by law~~;

(b) The person is not receiving a retirement benefit pursuant to an early retirement incentive program from any local school division within the Commonwealth; and

(c) At the time the person is employed, the position to which he is assigned is among those identified by the Superintendent of Public Instruction pursuant to subdivision 4 of § 22.1-23, by the relevant division superintendent, pursuant to § 22.1-70.3, or by the relevant local school board, pursuant to subdivision 9 of § 22.1-79.

If the person elects to continue to receive the retirement allowance during the period of such employment, then his service performed and compensation received during such period of time will not increase, decrease, or affect in any way his retirement benefits before, during, or after such employment.

4. Any person receiving a service retirement allowance under this title for service as a sworn law-enforcement officer and who is employed in a local school division as a school security officer, as defined in § 9.1-101, may elect to continue to receive the retirement allowance during such employment under the following conditions: (i) the person has a break in service of at least 12 calendar months between retirement for service as a sworn law-enforcement officer and employment as a school security officer; (ii) the person is not receiving a retirement benefit pursuant to an early retirement incentive program from any local school division within the Commonwealth; (iii) the person is not receiving a retirement benefit pursuant to an early retirement incentive program from any employer, as defined in § 51.1-124.3; and (iv) the person did not participate in any incentive program established under the second or third enactment of Chapters 152 and 811 of the Acts of Assembly of 1995. If the person elects to continue to receive the retirement allowance during the period of such employment, then his service performed and compensation received during such period of time will not increase, decrease, or affect in any way his retirement benefits before, during, or after such employment, nor shall such person be eligible to receive any retirement benefits available to him pursuant to Chapter 6.1 (§ 51.1-607 et seq.). In addition, the employer shall include the person's compensation in membership payroll subject to employer contributions under § 51.1-145.

At least once in each four-year period, in conjunction with the actuarial investigation made under subdivision A 4 of § 51.1-124.22, there shall be an actuarial investigation made of the experience under subdivisions B 3 and 4 of this section, and the retirement system shall submit a report to the General Assembly advising it of the results of such investigation.

CHAPTER 969

An Act to amend and reenact § 51.1-155 of the Code of Virginia, relating to Virginia Retirement System; retired law-enforcement officers employed as school security officers.

[S 54]

Approved April 9, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 51.1-155 of the Code of Virginia is amended and reenacted as follows:

§ 51.1-155. Service retirement allowance.

A. Retirement allowance. — A member shall receive an annual retirement allowance, payable for life, as follows:

1. Normal retirement. — The allowance shall equal 1.70 percent of his average final compensation multiplied by the amount of his creditable service. Notwithstanding the foregoing, for a member who (i) is a person who becomes a member on or after July 1, 2010, or (ii) does not have at least 60 months of creditable service as of January 1, 2013, the allowance shall equal the sum of (a) 1.65 percent of his average final compensation multiplied by the amount of his creditable service performed or purchased on or after January 1, 2013, and (b) 1.70 percent of his average final compensation multiplied by the amount of all other creditable service.

2. Early retirement; applicable to teachers, state employees, and certain others. — The allowance shall be determined in the same manner as for normal retirement with creditable service and average final compensation being determined as of the date of actual retirement. If the member has less than 30 years of service at retirement, the amount of the retirement allowance shall be reduced on an actuarial equivalent basis for the period by which the actual retirement date precedes the earlier of (i) his normal retirement date or (ii) the first date on which he would have completed a total of 30 years of creditable service. The provisions of this subdivision shall apply to teachers and state employees. These provisions shall also apply to employees of any political subdivision that participates in the retirement system if the political subdivision makes the election provided in subdivision 3.

3. Early retirement; applicable to employees of certain political subdivisions, any person who becomes a member on or after July 1, 2010, and any member who does not have at least 60 months of creditable service as of January 1, 2013. — The allowance shall be determined in the same manner as for normal retirement with creditable service and average final compensation being determined as of the date of actual retirement. If the creditable service of the member equals 30 or more years but the sum of his age at retirement plus his creditable service at retirement is less than 90, the amount of the retirement allowance shall be reduced on an actuarial equivalent basis for the period by which the actual retirement date precedes the earlier of (i) his normal retirement date or (ii) the first date on which the sum of his then attained age plus his then creditable service would have been equal to 90 or more had he remained in service until such date. If the member has less than 30 years of creditable service, the retirement allowance shall be reduced for the period by which the actual retirement date precedes the earlier of (i) his normal retirement date or (ii) the first date on which he would have completed

a total of at least 30 years of creditable service and his then creditable service plus his then attained age would have been equal to 90 or more.

The provisions of this subdivision shall apply to the employees of any political subdivision that participates in the retirement system and any other employees as provided by law. The participating political subdivision may, however, elect to provide its employees with the early retirement allowance set forth in subdivision 2. No such election shall be made for a person who becomes a member on or after July 1, 2010, or a member who does not have at least 60 months of creditable service as of January 1, 2013. Any election pursuant to this subdivision shall be set forth in a legally adopted resolution.

Notwithstanding the foregoing, a political subdivision by legally adopted resolution may declare to the Board that, for purposes of this subdivision, subdivisions B 1 and B 3 and subsection D of § 51.1-153, any person who meets the definition of "emergency medical services personnel" in § 32.1-111.1 or is employed as a firefighter or law-enforcement officer as those terms are defined in § 15.2-1512.2 (i) shall not be considered a person who becomes a member on or after July 1, 2010, and (ii) shall be deemed to have at least 60 months of creditable service as of January 1, 2013. Such resolution shall be irrevocable.

4. Additional allowance. — In addition to the allowance payable under subdivisions 1, 2, and 3, a member shall receive an additional allowance which shall be the actuarial equivalent, for his attained age at the time of retirement, of the excess of his accumulated contributions transferred from the abolished system to the retirement system, including interest credited at the rate of two percent compounded annually since the transfer to the date of retirement, over the annual amounts equal to four percent of his annual creditable compensation at the date of abolishment for a period equal to his period of membership in the abolished system.

5. 50/10 retirement. — The allowance shall be payable in a monthly stream of payments equal to the greater of (i) the actuarial equivalent of the benefit the member would have received had he terminated service and deferred retirement to age 55 or (ii) the actuarially calculated present value of the member's accumulated contributions, including accrued interest.

B. Beneficiary serving in position covered by this title.

1. Except as provided in subdivisions 2 ~~and~~ 3, ~~and~~ 4, if a beneficiary of a service retirement allowance under this chapter or the provisions of Chapters 2 (§ 51.1-200 et seq.), 2.1 (§ 51.1-211 et seq.), or 3 (§ 51.1-300 et seq.) is at any time in service as an employee in a position covered for retirement purposes under the provisions of this or any chapter other than Chapter 6 (§ 51.1-600 et seq.), 6.1 (§ 51.1-607 et seq.), or 7 (§ 51.1-700 et seq.), his retirement allowance shall cease while so employed. Any member who retires and later returns to covered employment shall not be entitled to select a different retirement option for a subsequent retirement.

2. Active members of the General Assembly who are eligible to receive a retirement allowance under this title, excluding their service as a member of the General Assembly, shall be eligible to receive a retirement allowance based on their creditable service and average final compensation for service other than as a member of the General Assembly. Such members of the General Assembly shall continue to be reported as any other members of the retirement system. Upon ceasing to serve in the General Assembly, members of the General Assembly receiving a retirement allowance based on their creditable service and average final compensation for service other than as a member of the General Assembly shall have their retirement allowance recomputed prospectively to include their service as a member of the General Assembly. Active members of the General Assembly shall be prohibited from receiving a service retirement allowance under this title based solely on their service as a member of the General Assembly.

3. (Expires July 1, 2025) Any person receiving a service retirement allowance under this chapter, who is hired as a local school board instructional or administrative employee required to be licensed by the Board of Education, may elect to continue to receive the retirement allowance during such employment, under the following conditions:

(a) The person has been receiving such retirement allowance for a ~~certain period of time~~ *at least 12 calendar months* preceding his employment ~~as provided by law~~;

(b) The person is not receiving a retirement benefit pursuant to an early retirement incentive program from any local school division within the Commonwealth; and

(c) At the time the person is employed, the position to which he is assigned is among those identified by the Superintendent of Public Instruction pursuant to subdivision 4 of § 22.1-23, by the relevant division superintendent, pursuant to § 22.1-70.3, or by the relevant local school board, pursuant to subdivision 9 of § 22.1-79.

If the person elects to continue to receive the retirement allowance during the period of such employment, then his service performed and compensation received during such period of time will not increase, decrease, or affect in any way his retirement benefits before, during, or after such employment.

4. *Any person receiving a service retirement allowance under this title for service as a sworn law-enforcement officer and who is employed in a local school division as a school security officer, as defined in § 9.1-101, may elect to continue to receive the retirement allowance during such employment under the following conditions: (i) the person has a break in service of at least 12 calendar months between retirement for service as a sworn law-enforcement officer and employment as a school security officer; (ii) the person is not receiving a retirement benefit pursuant to an early retirement incentive program from any local school division within the Commonwealth; (iii) the person is not receiving a retirement benefit pursuant to an early retirement incentive program from any employer, as defined in § 51.1-124.3; and (iv) the person did not participate in any incentive program established under the second or third enactment of Chapters 152 and 811 of the Acts of Assembly of 1995. If the person elects to continue to receive the retirement allowance during the period of such employment, then his service performed and compensation received during such period of time will not increase, decrease, or affect in*

any way his retirement benefits before, during, or after such employment, nor shall such person be eligible to receive any retirement benefits available to him pursuant to Chapter 6.1 (§ 51.1-607 et seq.). In addition, the employer shall include the person's compensation in membership payroll subject to employer contributions under § 51.1-145.

At least once in each four-year period, in conjunction with the actuarial investigation made under subdivision A 4 of § 51.1-124.22, there shall be an actuarial investigation made of the experience under subdivisions B 3 and 4 of this section, and the retirement system shall submit a report to the General Assembly advising it of the results of such investigation.

CHAPTER 970

An Act to amend the Code of Virginia by adding a section numbered 46.2-745.3, relating to special license plate; Air Medal.

[H 211]

Approved April 9, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 46.2-745.3 as follows:

§ 46.2-745.3. Special license plates for persons awarded the Air Medal.

On receipt of an application and written confirmation from one of the United States Armed Forces that the applicant has been awarded the United States Air Medal, the Commissioner shall issue special license plates for persons awarded the Air Medal to such person.

For each set of plates issued under this section, the Commissioner shall charge a \$10 annual special license plate fee in addition to the prescribed cost of state license plates.

It shall be unlawful for any person who is not a person described in this section to willfully and falsely represent himself as having the qualifications to obtain the special license plates herein provided for.

The provisions of subdivisions B 1 and 2 of § 46.2-725 shall not apply to license plates issued under this section.

Unremarried surviving spouses of persons eligible to receive special license plates under this section may also be issued special license plates under this section upon application.

CHAPTER 971

An Act to amend and reenact § 33.2-214.2 of the Code of Virginia, relating to project evaluation; primary evacuation routes.

[H 561]

Approved April 9, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 33.2-214.2 of the Code of Virginia is amended and reenacted as follows:

§ 33.2-214.2. Transparency in the development of the Six-Year Improvement Program, statewide prioritization process, and state of good repair program.

A. The Board shall develop the Six-Year Improvement Program pursuant to § 33.2-214 in a transparent manner that provides to the public, elected officials, and other stakeholders the opportunity to engage and comment in a meaningful manner prior to the adoption of such program.

B. No later than 150 days prior to a vote to include projects or strategies evaluated pursuant to § 33.2-214.1 in the Six-Year Improvement Program, the Office of Intermodal Planning and Investment shall make public, in an accessible format, (i) a recommended list of projects and strategies for inclusion in the Six-Year Improvement Program based on the results of such evaluation; (ii) the results of the screening of candidate projects and strategies, *including whether such projects are located on a primary evacuation route*; and (iii) the results of the evaluation of candidate projects and strategies, including the weighting of factors and the criteria used to determine the value of each factor.

C. The Department shall make public a recommended list of projects eligible for funds under the state of good repair program pursuant to § 33.2-369 from the listing of prioritized pavement and bridge needs published in the Commissioner's annual report pursuant to § 33.2-232 at least 150 days prior to the adoption of a Six-Year Improvement Program that includes new projects with funding from such program.

D. The Board may modify the recommended list of projects in subsection B or C through formal action.

CHAPTER 972

An Act to amend and reenact § 46.2-810.1 of the Code of Virginia, relating to smoking in motor vehicle with a minor present.

[H 578]

Approved April 9, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-810.1 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-810.1. Smoking in vehicle with a minor present; civil penalty.

A. For the purposes of this section, "smoke" means to carry or hold any lighted pipe, cigar, or cigarette of any kind or any other lighted smoking equipment or to light or inhale or exhale smoke from a pipe, cigar, or cigarette of any kind or any other lighted smoking equipment.

B. It is unlawful for a person to smoke in a motor vehicle, whether in motion or at rest, when a minor under the age of eight 15 is present in the motor vehicle. A violation of this section is punishable by a civil penalty of \$100 to be paid into the state treasury and credited to the Literary Fund. No demerit points shall be assigned under Article 19 (§ 46.2-489 et seq.) of Chapter 3 and no court costs shall be assessed for a violation of this section. A violation of this section may be charged on the uniform traffic summons form.

C. No citation for a violation of this section shall be issued unless the officer issuing such citation has cause to stop or arrest the driver of such motor vehicle for the violation of some other provision of this Code or local ordinance relating to the operation, ownership, or maintenance of a motor vehicle or any criminal statute.

CHAPTER 973

An Act to direct the Department of Mines, Minerals and Energy to convene a working group to determine the feasibility of an electric vehicle rebate program.

[H 717]

Approved April 9, 2020

Be it enacted by the General Assembly of Virginia:

1. *§ 1. That the Department of Mines, Minerals and Energy shall, in cooperation with the Department of Environmental Quality, the Department of Taxation, and the Department of Motor Vehicles, convene a working group to determine the feasibility of an electric vehicle rebate program. Other relevant stakeholders, including (i) automobile manufacturers, (ii) motor vehicle dealers, (iii) electric vehicle charging network representatives, (iv) electric vehicle manufacturers, (v) environmental organizations, and (vi) energy utility organizations, shall be invited to participate in such working group. Such working group shall (a) review potential methods of structuring and administering an electric vehicle rebate program, (b) review funding opportunities available to facilitate such a rebate, (c) evaluate the vehicle sales data in states in which an electric vehicle rebate program has been implemented before and after such implementation, and (d) determine the ideal metrics for an electric vehicle rebate program. Any recommendations issued by such working group shall be guided by the following parameters: (1) no program shall authorize rebates of more than \$4,500 for individual consumer purchases of qualified zero-emission vehicles; (2) the program may include incentives for individuals with an income below 300 percent of the federal poverty guidelines; (3) the program shall allow both online and paper applications; and (4) the program, if properly funded, will be operational no later than December 30, 2021. The working group shall issue a report on the work completed by the working group and the recommendations of the working group to the General Assembly by November 1, 2020.*

CHAPTER 974

An Act to amend and reenact § 46.2-633.2 of the Code of Virginia, relating to designation of beneficiary on motor vehicle title; multiple owners.

[H 989]

Approved April 9, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-633.2 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-633.2. Transfer of title on death.

A. A motor vehicle, trailer, or semitrailer may include in the certificate of title a designation of a beneficiary to whom the motor vehicle, trailer, or semitrailer shall be transferred after the death of the owner.

B. A motor vehicle, trailer, or semitrailer *owned by one person* may be titled with a designated beneficiary by applying to the Department for a certificate of title on which is stated the name of the sole owner followed by "transfer on death" or "TOD" and the name of the beneficiary.

C. *A motor vehicle, trailer, or semitrailer owned by more than one person may be titled with a designated beneficiary by applying to the Department for a certificate of title on which is stated the names of the owners followed by "transfer on death" or "TOD" and the name of the beneficiary. Such application shall be signed by all owners of the motor vehicle, trailer, or semitrailer. Such transfer to the designated beneficiary shall occur upon the death of the last surviving owner. Nothing herein shall limit the rights of any surviving owner as provided in this section.*

D. A certificate of title with a designated beneficiary shall not be issued if (i) ~~the any~~ owner is not a natural person; or (ii) the motor vehicle, trailer, or semitrailer is encumbered by a lien or security interest; or (iii) ~~the owner holds an interest in the motor vehicle, trailer, or semitrailer with another person.~~

~~D- E.~~ During the lifetime of the owner:

1. The beneficiary shall have no interest in the motor vehicle, trailer, or semitrailer and the signature or consent of the beneficiary shall not be required for any transaction; and

2. The certificate of title with the designated beneficiary shall not be issued by the Department or shall be canceled if:

a. The owner files an application for a certificate of title under subsection B *or* C to remove or change the beneficiary;

b. The owner sells the motor vehicle, trailer, or semitrailer and delivers the certificate of title to another person; or

c. An application for the recording of a lien or security interest has been filed with the Department for the motor vehicle, trailer, or semitrailer prior to the death of the owner or filed within the time limits in § 46.2-639.

~~E. F.~~ Except as provided in this section, the designated beneficiary shall not be changed or revoked by will or any other instrument, by a change in circumstances, or in any other manner.

~~F. G.~~ A certificate of title with a designated beneficiary shall not be required to be supported by consideration and need not be delivered to the beneficiary to be effective.

~~G. H.~~ Upon the death of the owner and application by the beneficiary, the Department shall issue a new certificate of title in accordance with § 46.2-600 for the motor vehicle, trailer, or semitrailer to the beneficiary. The beneficiary must apply for a certificate of title upon submitting proof of the death of the owner and such other documents and information as the Department may reasonably require. If the beneficiary does not survive the owner or does not apply for a certificate of title within 120 days of the death of the owner, the beneficiary or his estate shall have no right to obtain title to the motor vehicle, trailer, or semitrailer under this section. Upon transfer of title to the beneficiary, the Department shall cancel the registration of the deceased owner.

~~H. I.~~ Any transfer pursuant to this section shall be subject to any lien or security interest authorized under § 46.2-644, 46.2-644.01, or 46.2-644.02.

~~I. J.~~ Any transfer pursuant to this section is not testamentary and shall not be subject to the provisions of Title 64.2.

CHAPTER 975

An Act to amend and reenact § 46.2-1102 of the Code of Virginia, relating to firefighting equipment; weight limitation on interstate.

[H 991]

Approved April 9, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-1102 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-1102. Size and weight limitations inapplicable to farm machinery, agricultural multipurpose drying units, and firefighting equipment; amber warning lights.

A. Except when restricted by bridge capacity in § 46.2-1104, the vehicle size and weight limitations contained in Articles 14 through 17 (§ 46.2-1101 et seq.) of this chapter shall not apply to (i) any farm machinery or agricultural multipurpose drying unit when such farm machinery or agricultural multipurpose drying unit is temporarily propelled, hauled, transported, or moved on the highway by a farm machinery distributor or dealer, fertilizer distributor, or farmer in the ordinary course of business; ~~or (ii) any firefighting equipment of any county, city, town, or fire-fighting firefighting company or association.~~ Any farm tractor or agricultural multipurpose drying unit wider than 108 inches, however, which is so propelled, hauled, transported, or moved on the highway shall be equipped with a safety light of a type approved by the Superintendent of State Police. The light shall be plainly visible from the rear of the tractor or agricultural multipurpose drying unit.

No firefighting equipment of any county, city, or town, or firefighting company or association may be operated on any Interstate Highway System component if it exceeds the weight limitations in § 46.2-1127.1. No overweight farm machinery or agricultural multipurpose drying unit under this section shall be operated on any Interstate Highway System component if the vehicle has:

1. A single axle weight in excess of 20,000 pounds;
2. A tandem axle weight in excess of 34,000 pounds;
3. A gross weight, based on axle spacing, greater than that permitted in § 46.2-1126; or
4. A gross weight, regardless of axle spacing, in excess of 80,000 pounds.

B. Notwithstanding subsection A, any farm tractor or other farm, agricultural, or horticultural vehicle wider than 108 inches may be equipped with an amber flashing, blinking, or alternating warning light as provided in § 46.2-1025. Any such light may be installed in lieu of or in addition to the safety light described in subsection A. The absence of amber flashing, blinking, or alternating warning lights on any farm tractor or other farm, agricultural, or horticultural vehicle, as authorized under this subsection, shall not constitute negligence, be considered in mitigation of damages of whatever nature, be admissible in evidence or be the subject of comment by counsel in any action for the recovery of damages arising out of the operation, ownership, or maintenance of any motor vehicle or farm tractor, nor shall anything in this section change any existing law, rule, or procedure pertaining to any such civil action.

2. That, notwithstanding any other provision of law, the owner or operator of any emergency vehicle as defined in § 46.2-1127.1 of the Code of Virginia, including firefighting equipment, that requires a permit to be operated on the Interstate Highway System because such emergency vehicle exceeds the weight limits set forth in § 46.2-1127.1 of the

Code of Virginia shall be exempt from the payment of any fees otherwise charged by the Department of Motor Vehicles for the issuance of such permit if such emergency vehicle is registered to a federal, state, or local agency or a fire company as defined in § 27-6.01 of the Code of Virginia.

CHAPTER 976

An Act to designate the U.S. Route 29 Business bridge over U.S. Route 29 in Pittsylvania County the "Roy P. Byrd, Jr., Memorial Bridge."

[H 1032]

Approved April 9, 2020

Be it enacted by the General Assembly of Virginia:

1. § 1. *The U.S. Route 29 Business bridge over U.S. Route 29 in Pittsylvania County is hereby designated the "Roy P. Byrd, Jr., Memorial Bridge." The Department of Transportation shall place and maintain appropriate markers indicating the designation of this bridge. This designation shall not affect any other designation heretofore or hereafter applied to this bridge.*

CHAPTER 977

An Act to amend and reenact §§ 46.2-1200 and 46.2-1209 of the Code of Virginia, relating to abandoned, unattended, or immobile vehicles; minimum weight.

[H 1126]

Approved April 9, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-1200 and 46.2-1209 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-1200. Definitions.

As used in this article:

"Abandoned motor vehicle" means a motor vehicle, trailer, or semitrailer that:

1. *Weighs at least 75 pounds; and*
2. *(i) Is left unattended on public property for more than 48 hours in violation of a state law or local ordinance or;*
- ~~2. Has~~ *(ii) has remained for more than 48 hours on private property without the consent of the property's owner, regardless of whether it was brought onto the private property with the consent of the owner or person in control of the private property; or*
- ~~3. Is~~ *(iii) is left unattended on the shoulder of a primary highway.*

"Scrap metal processor" means any person who is engaged in the business of processing motor vehicles into scrap for remelting purposes who, from a fixed location, utilizes machinery and equipment for processing and manufacturing ferrous and nonferrous metallic scrap into prepared grades, and whose principal product is metallic scrap.

"Vehicle removal certificate" means a transferable document issued by the Department for any abandoned motor vehicle that authorizes the removal and destruction of the vehicle.

§ 46.2-1209. Unattended or immobile vehicles, generally.

A. *The provisions of this article shall not apply to any motor vehicle, trailer, semitrailer, or part or combination thereof that weighs less than 75 pounds.*

B. No person shall leave any motor vehicle, trailer, semitrailer, or part or combination thereof immobilized or unattended on or adjacent to any roadway if it constitutes a hazard in the use of the highway. No person shall leave any immobilized or unattended motor vehicle, trailer, semitrailer, or part or combination thereof longer than 24 hours on or adjacent to any roadway outside the corporate limits of any city or town, or on an interstate highway or limited access highway, expressway, or parkway inside the corporate limits of any city or town. Any law-enforcement officer or other uniformed employee of the local law-enforcement agency who specifically is authorized to do so by the chief law-enforcement officer or his designee may remove it or have it removed to a storage area for safekeeping and shall report the removal to the Department and to the owner of the motor vehicle, trailer, semitrailer, or combination as promptly as possible. Before obtaining possession of the motor vehicle, trailer, semitrailer, or combination, its owner or successor in interest to ownership shall pay to the parties entitled thereto all costs incidental to its removal or storage. In any violation of this section the owner of such motor vehicle, trailer, semitrailer or part or combination of a motor vehicle, trailer, or semitrailer, shall be presumed to be the person committing the violation; however, this presumption shall be rebuttable by competent evidence.

C. When a motor vehicle, trailer, semitrailer, or part or combination of a motor vehicle, trailer, or semitrailer was stolen or illegally used by a person other than the owner of the vehicle at the time of the theft or used without his authorization, express or implied, it shall be forthwith returned to its owner or the owner's successor in interest, other than an insurance company, who shall be relieved of the payment of any costs charged by the towing operator or storage facility for its daily storage, towing, and recovery fees, provided that the owner removes the vehicle within five business days following the

owner's receipt of written notice by certified mail, return receipt requested. If the vehicle's owner fails to remove the vehicle within five days of receipt of such notice, the vehicle shall be released to the owner upon payment of the full costs of storage, towing, and recovery fees, and the owner shall then be entitled to seek reimbursement from the state treasury from the appropriation for criminal charges. The owner shall produce a valid motor vehicle registration or other proof of ownership to the employees of the facility wherein the motor vehicle, trailer, semitrailer or part or combination thereof is being stored. In any case in which the identity of the violator cannot be determined, or where it is found by a court that this section was not violated, the costs of daily storage, towing, and recovery fees of the vehicle shall be reimbursed to the towing and recovery operator and paid out of the state treasury from the appropriation for criminal charges. Payment from the treasury shall be made no later than 45 days from the application for such payment. In all cases where an insurance company is the stolen vehicle owner's successor in interest, the motor vehicle, trailer, semitrailer, or part or combination thereof shall be released to the insurance company upon presentation of a valid motor vehicle registration and payment by the insurance company to the towing operator or storage facility for its daily storage, towing, and recovery fees. The insurance company shall be entitled to seek reimbursement for the costs of the daily storage, towing, and recovery fees through the state treasury from the appropriation for criminal charges. If any person convicted of violating this section fails or refuses to pay these costs or if the identity or whereabouts of the owner is unknown and unascertainable after a diligent search has been made or after notice to the owner at his address as indicated by the records of the Department and to the holder of any lien of record with the Department, against the motor vehicle, trailer, semitrailer, or combination, the Commissioner may, after 30 days and after having the value of such motor vehicle, trailer, semitrailer, or combination determined by three disinterested dealers dispose of it by public or private sale. The proceeds from the sale shall be forthwith paid by him into the state treasury and shall be set aside as a special fund to be used to meet the expenses of the Department in carrying out the duties required by this section and to reimburse the owner of such motor vehicle, trailer, semitrailer, or combination as hereafter provided in this section.

D. If after the sale or other disposition of the motor vehicle, trailer, semitrailer, or combination the ownership of a motor vehicle, trailer, or semitrailer at the time of its removal is established satisfactorily to the Commissioner by the person claiming its ownership, the Commissioner shall pay him so much of the proceeds from the sale or other disposition of the motor vehicle, trailer, semitrailer, or combination as remains after paying the costs of daily storage, towing, and recovery fees, investigation of ownership, appraisal, and sale.

CHAPTER 978

An Act to direct the Department of Transportation to identify certain at-risk infrastructure. Report.

[H 1217]

Approved April 9, 2020

Be it enacted by the General Assembly of Virginia:

1. § 1. *The Department of Transportation (the Department) shall, in collaboration with the Commonwealth Center for Recurrent Flooding Resiliency, identify public transportation infrastructure in Planning District 8 that is at risk of deterioration due to recurrent flooding. For purposes of this section, "public transportation infrastructure" includes roads and bridges under the jurisdiction of the Department. The Department shall (i) identify the issues related to recurrent flooding and the scope of such issues and (ii) make policy and budget recommendations to alleviate such issues. The Department shall complete its meetings by November 30, 2021, and the Commissioner shall report its findings and recommendations to the Chairs of the House and Senate Committees on Transportation no later than the first day of the 2022 Regular Session of the General Assembly. The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.*

CHAPTER 979

An Act to amend and reenact § 18.2-340.26:1 of the Code of Virginia, relating to the Virginia Charitable Gaming Board; electronic versions of instant bingo, pull tabs or seal cards.

[H 1681]

Approved April 9, 2020

Be it enacted by the General Assembly of Virginia:

1. **That § 18.2-340.26:1 of the Code of Virginia is amended and reenacted as follows:**

§ 18.2-340.26:1. Sale of instant bingo, pull tabs or seal cards; proceeds not counted as gross receipts.

A. Instant bingo, pull tabs or seal cards may be sold only upon the premises owned or exclusively leased by the organization and at such times as the portion of the premises in which the instant bingo, pull tabs or seal cards are sold is open only to members and their guests. Nothing in this article shall be construed to prohibit the conduct of games of chance involving the sale of pull tabs or seal cards, commonly known as last sale games, conducted in accordance with this section.

B. The proceeds from instant bingo, pull tabs or seal cards shall not be included in determining the gross receipts for a qualified organization provided the gaming (i) is limited exclusively to members of the organization and their guests, (ii) is not open to the general public, and (iii) there is no public solicitation or advertisement made regarding such gaming.

C. *No more than 18 devices that facilitate the play of electronic versions of instant bingo, pull tabs or seal cards, commonly referred to as electronic pull tabs, may be used upon the premises owned or exclusively leased by the organization and at such times as the portion of the premises in which the instant bingo, pull tabs or seal cards are sold is open only to members and their guests. The Board may approve exceptions to this requirement where there is a special or documented need.*

CHAPTER 980

An Act to amend and reenact § 18.2-340.33 of the Code of Virginia, relating to charitable gaming; increase in certain maximum allowable prize amounts.

[H 1690]

Approved April 9, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-340.33 of the Code of Virginia is amended and reenacted as follows:

§ 18.2-340.33. Prohibited practices.

In addition to those other practices prohibited by this article, the following acts or practices are prohibited:

1. No part of the gross receipts derived by a qualified organization may be used for any purpose other than (i) reasonable and proper gaming expenses, (ii) reasonable and proper business expenses, (iii) those lawful religious, charitable, community or educational purposes for which the organization is specifically chartered or organized, and (iv) expenses relating to the acquisition, construction, maintenance, or repair of any interest in the real property involved in the operation of the organization and used for lawful religious, charitable, community or educational purposes. For the purposes of clause (iv), such expenses may include the expenses of a corporation formed for the purpose of serving as the real estate holding entity of a qualified organization, provided (a) such holding entity is qualified as a tax exempt organization under § 501(c) of the Internal Revenue Code and (b) the membership of the qualified organization is identical to such holding entity.

2. Except as provided in § 18.2-340.34:1, no qualified organization shall enter into a contract with or otherwise employ for compensation any person for the purpose of organizing, managing, or conducting any charitable games. However, organizations composed of or for deaf or blind persons may use a part of their gross receipts for costs associated with providing clerical assistance in the management and operation but not the conduct of charitable gaming.

The provisions of this subdivision shall not prohibit the joint operation of bingo games held in accordance with § 18.2-340.29.

3. No person shall pay or receive for use of any premises devoted, in whole or in part, to the conduct of any charitable games, any consideration in excess of the current fair market rental value of such property. Fair market rental value consideration shall not be based upon or determined by reference to a percentage of the proceeds derived from the operation of any charitable games or to the number of people in attendance at such charitable games.

4. No building or other premises shall be utilized in whole or in part for the purpose of conducting charitable gaming more frequently than two calendar days in any one calendar week. However, no building or other premises owned by (i) a qualified organization which is exempt from taxation pursuant to § 501(c) of the Internal Revenue Code or (ii) any county, city or town shall be utilized in whole or in part for the purpose of conducting bingo games more frequently than four calendar days in any one calendar week.

The provisions of this subdivision shall not apply to the playing of bingo games pursuant to a special permit issued in accordance with § 18.2-340.27:1.

5. No person shall participate in the management or operation of any charitable game unless such person is and, for a period of at least 30 days immediately preceding such participation, has been a bona fide member of the organization. For any organization that is not composed of members, a person who is not a bona fide member may volunteer in the conduct of a charitable game as long as that person is directly supervised by a bona fide official member of the organization.

The provisions of this subdivision shall not apply to (i) persons employed as clerical assistants by qualified organizations composed of or for deaf or blind persons; (ii) employees of a corporate sponsor of a qualified organization, provided such employees' participation is limited to the management, operation or conduct of no more than one raffle per year; (iii) the spouse or family member of any such bona fide member of a qualified organization provided at least one bona fide member is present; or (iv) persons employed by a qualified organization authorized to sell pull tabs or seal cards in accordance with § 18.2-340.16, provided (a) such sales are conducted by no more than two on-duty employees, (b) such employees receive no compensation for or based on the sale of the pull tabs or seal cards, and (c) such sales are conducted in the private social quarters of the organization.

6. No person shall receive any remuneration for participating in the management, operation or conduct of any charitable game, except that:

a. Persons employed by organizations composed of or for deaf or blind persons may receive remuneration not to exceed \$30 per event for providing clerical assistance in the management and operation but not the conduct of charitable games only for such organizations;

b. Persons under the age of 19 who sell raffle tickets for a qualified organization to raise funds for youth activities in which they participate may receive nonmonetary incentive awards or prizes from the organization;

c. Remuneration may be paid to off-duty law-enforcement officers from the jurisdiction in which such bingo games are played for providing uniformed security for such bingo games even if such officer is a member of the sponsoring organization, provided the remuneration paid to such member is in accordance with off-duty law-enforcement personnel work policies approved by the local law-enforcement official and further provided that such member is not otherwise engaged in the management, operation or conduct of the bingo games of that organization, or to private security services businesses licensed pursuant to § 9.1-139 providing uniformed security for such bingo games, provided that employees of such businesses shall not otherwise be involved in the management, operation, or conduct of the bingo games of that organization;

d. A member of a qualified organization lawfully participating in the management, operation or conduct of a bingo game may be provided food and nonalcoholic beverages by such organization for on-premises consumption during the bingo game provided the food and beverages are provided in accordance with Board regulations;

e. Remuneration may be paid to bingo managers or callers who have a current registration certificate issued by the Department in accordance with § 18.2-340.34:1, or who are exempt from such registration requirement. Such remuneration shall not exceed \$100 per session; and

f. Volunteers of a qualified organization may be reimbursed for their reasonable and necessary travel expenses, not to exceed \$50 per session.

7. No landlord shall, at bingo games conducted on the landlord's premises, (i) participate in the conduct, management, or operation of any bingo games; (ii) sell, lease or otherwise provide for consideration any bingo supplies, including, but not limited to, bingo cards, instant bingo cards, or other game pieces; or (iii) require as a condition of the lease or by contract that a particular manufacturer, distributor or supplier of bingo supplies or equipment be used by the organization.

The provisions of this subdivision shall not apply to any qualified organization conducting bingo games on its own behalf at premises owned by it.

8. No qualified organization shall enter into any contract with or otherwise employ or compensate any member of the organization on account of the sale of bingo supplies or equipment.

9. No organization shall award any bingo prize money or any merchandise valued in excess of the following amounts:

a. No bingo door prize shall exceed ~~\$50~~ \$250 for a single door prize or ~~\$250~~ \$500 in cumulative door prizes in any one session;

b. No regular bingo or special bingo game prize shall exceed ~~\$100~~ \$200;

c. No instant bingo, pull tab, or seal card prize for a single card shall exceed ~~\$1,000~~ \$2,000;

d. Except as provided in subdivision 9, no bingo jackpot of any nature whatsoever shall exceed ~~\$1,000~~ \$2,000, nor shall the total amount of bingo jackpot prizes awarded in any one session exceed ~~\$1,000~~ \$2,000. Proceeds from the sale of bingo cards and the sheets used for bingo jackpot games shall be accounted for separately from the bingo cards or sheets used for any other bingo games; and

e. No single network bingo prize shall exceed \$25,000. Proceeds from the sale of network bingo cards shall be accounted for separately from bingo cards and sheets used for any other bingo game.

10. The provisions of subdivision 9 shall not apply to:

Any progressive bingo game, in which ~~(a)~~ (i) a regular or special prize, not to exceed \$100, is awarded on the basis of predetermined numbers or patterns selected at random and ~~(b)~~ (ii) a progressive prize, not to exceed \$500 for the initial progressive prize and \$5,000 for the maximum progressive prize, is awarded if the predetermined numbers or patterns are covered when a certain number of numbers is called, provided ~~(i)~~ that (a) there are no more than six such games per session per organization, ~~(ii)~~ (b) the amount of increase of the progressive prize per session is no more than ~~\$100~~ \$200, ~~(iii)~~ (c) the bingo cards or sheets used in such games are sold separately from the bingo cards or sheets used for any other bingo games, ~~(iv)~~ (d) the organization separately accounts for the proceeds from such sale, and ~~(v)~~ (e) such games are otherwise operated in accordance with the Department's rules of play.

11. No organization shall award any raffle prize valued at more than \$100,000.

The provisions of this subdivision shall not apply to a raffle conducted no more than three times per calendar year by a qualified organization qualified as a tax-exempt organization pursuant to § 501(c) of the Internal Revenue Code for a prize consisting of a lot improved by a residential dwelling where 100 percent of the moneys received from such a raffle, less deductions for the fair market value for the cost of acquisition of the land and materials, are donated to lawful religious, charitable, community, or educational organizations specifically chartered or organized under the laws of the Commonwealth and qualified as a § 501(c) tax-exempt organization. No more than one such raffle shall be conducted in any one geographical region of the Commonwealth.

12. No qualified organization composed of or for deaf or blind persons which employs a person not a member to provide clerical assistance in the management and operation but not the conduct of any charitable games shall conduct such games unless it has in force fidelity insurance, as defined in § 38.2-120, written by an insurer licensed to do business in the Commonwealth.

13. No person shall participate in the management or operation of any charitable game if he has ever been convicted of any felony or if he has been convicted of any misdemeanor involving fraud, theft, or financial crimes within the preceding five years. No person shall participate in the conduct of any charitable game if, within the preceding 10 years, he has been convicted of any felony or if, within the preceding five years he has been convicted of any misdemeanor involving fraud, theft, or financial crimes. In addition, no person shall participate in the management, operation or conduct of any charitable game if that person, within the preceding five years, has participated in the management, operation, or conduct of any charitable game which was found by the Department or a court of competent jurisdiction to have been operated in violation of state law, local ordinance or Board regulation.

14. Qualified organizations jointly conducting bingo games pursuant to § 18.2-340.29 shall not circumvent any restrictions and prohibitions which would otherwise apply if a single organization were conducting such games. These restrictions and prohibitions shall include, but not be limited to, the frequency with which bingo games may be held, the value of merchandise or money awarded as prizes, or any other practice prohibited under this section.

15. A qualified organization shall not purchase any charitable gaming supplies for use in the Commonwealth from any person who is not currently registered with the Department as a supplier pursuant to § 18.2-340.34.

16. Unless otherwise permitted in this article, no part of an organization's charitable gaming gross receipts shall be used for an organization's social or recreational activities.

2. That the provisions of this act shall not become effective unless reenacted by the 2021 Session of the General Assembly.

3. That the Charitable Gaming Board shall convene a stakeholder work group to review the current limitations on prize amounts and provide any recommendations to the General Assembly by November 30, 2020.

CHAPTER 981

An Act to amend and reenact § 46.2-328.1 of the Code of Virginia, relating to Department of Motor Vehicles; driver's license eligibility.

[S 761]

Approved April 9, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-328.1 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-328.1. Licenses, permits, and special identification cards to be issued only to United States citizens, legal permanent resident aliens, or holders of valid unexpired nonimmigrant visas; exceptions; renewal, duplication, or reissuance.

A. Notwithstanding any other provision of this title, except as provided in subsection G of § 46.2-345, the Department shall not issue an original license, permit, or special identification card to any applicant who has not presented to the Department, with the application, valid documentary evidence that the applicant is either (i) a citizen of the United States, (ii) a legal permanent resident of the United States, or (iii) a conditional resident alien of the United States.

B. Notwithstanding the provisions of subsection A and the provisions of §§ 46.2-330 and 46.2-345, an applicant who presents in person valid documentary evidence of (i) a valid, unexpired nonimmigrant visa or nonimmigrant visa status for entry into the United States, (ii) a pending or approved application for asylum in the United States, (iii) entry into the United States in refugee status, (iv) a pending or approved application for temporary protected status in the United States, (v) approved deferred action status, ~~or~~ (vi) a pending application for adjustment of status to legal permanent residence status or conditional resident status, ~~or~~ (vii) a valid, unexpired *Employment Authorization Document* may be issued a ~~temporary limited-duration~~ license, permit, or special identification card. Such ~~temporary limited-duration~~ license, permit, or special identification card shall be valid only during the period of time of the applicant's authorized stay in the United States or if there is no definite end to the period of authorized stay a period of one year. No license, permit, or special identification card shall be issued if an applicant's authorized stay in the United States is less than 30 days from the date of application. Any ~~temporary limited-duration~~ license, permit, or special identification card issued pursuant to this subsection shall clearly indicate that it is ~~temporary valid for a limited period~~ and shall state the date that it expires. Such a ~~temporary limited-duration~~ license, permit, or *special identification card* may be renewed only upon presentation of valid documentary evidence that the status by which the applicant qualified for the ~~temporary limited-duration~~ license, permit, or special identification has been extended by the ~~United States Immigration and Naturalization Service or the Bureau of Citizenship and Immigration Services of the Department of Homeland Security~~ *a federal court or federal agency having jurisdiction over immigration.*

C. Any license, *permit*, or special identification card for which an application has been made for renewal, duplication, or reissuance shall be presumed to have been issued in accordance with the provisions of subsection A, provided that, at the time the application is made, (i) the license, *permit*, or special identification card has not expired or been cancelled, suspended, or revoked or (ii) the license, *permit*, or special identification card has been canceled or suspended as a result of the applicant having been placed under medical review by the Department pursuant to § 46.2-322. The requirements of subsection A shall apply, however, to a renewal, duplication, or reissuance if the Department is notified by a local, state, or

federal government agency that the individual seeking such renewal, duplication, or reissuance is neither a citizen of the United States nor legally in the United States.

D. The Department shall cancel any license, permit, or special identification card that it has issued to an individual if it is notified by a federal government agency that the individual is neither a citizen of the United States nor legally present in the United States.

E. For any applicant who presents a document pursuant to this section proving legal presence other than citizenship, the Department shall record and provide to the State Board of Elections monthly the applicant's document number, if any, issued by an agency or court of the United States government.

CHAPTER 982

An Act to amend and reenact §§ 18.2-334.2, 18.2-340.16, 18.2-340.19, 18.2-340.22, and 18.2-340.31 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 18.2-340.28:2; Texas Hold'em poker tournaments.

[S 936]

Approved April 9, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 18.2-334.2, 18.2-340.16, 18.2-340.19, 18.2-340.22, and 18.2-340.31 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 18.2-340.28:2 as follows:

§ 18.2-334.2. Same; bingo games, raffles, duck races, and Texas Hold'em poker tournaments conducted by certain organizations.

Nothing in this article shall apply to any bingo game, instant bingo, network bingo, raffle, or duck race, or *Texas Hold'em poker tournament* conducted solely by organizations as defined in § 18.2-340.16 which have received a permit as set forth in § 18.2-340.25, or which are exempt from the permit requirement under § 18.2-340.23.

§ 18.2-340.16. Definitions.

As used in this article, unless the context requires a different meaning:

"Bingo" means a specific game of chance played with (i) individual cards having randomly numbered squares ranging from one to 75, (ii) Department-approved electronic devices that display facsimiles of bingo cards and are used for the purpose of marking and monitoring players' cards as numbers are called, or (iii) Department-approved cards, in which prizes are awarded on the basis of designated numbers on such cards conforming to a predetermined pattern of numbers selected at random.

"Board" means the Charitable Gaming Board created pursuant to § 2.2-2455.

"Bona fide member" means an individual who participates in activities of a qualified organization other than such organization's charitable gaming activities.

"Charitable gaming" or "charitable games" means those raffles, *Texas Hold'em poker tournaments*, and games of chance explicitly authorized by this article.

"Charitable gaming supplies" includes bingo cards or sheets, devices for selecting bingo numbers, instant bingo cards, pull-tab cards and seal cards, *playing cards for Texas Hold'em poker*, *poker chips*, and any other equipment or product manufactured for or intended to be used in the conduct of charitable games. However, for the purposes of this article, charitable gaming supplies shall not include items incidental to the conduct of charitable gaming such as markers, wands, or tape.

"Commissioner" means the Commissioner of the Department of Agriculture and Consumer Services.

"Conduct" means the actions associated with the provision of a gaming operation during and immediately before or after the permitted activity, which may include, but not be limited to, (i) selling bingo cards or packs, electronic devices, instant bingo or pull-tab cards, or raffle tickets, (ii) calling bingo games, (iii) distributing prizes, and (iv) any other services provided by volunteer workers.

"Department" means the Department of Agriculture and Consumer Services.

"Fair market rental value" means the rent that a rental property will bring when offered for lease by a lessor who desires to lease the property but is not obligated to do so and leased by a lessee under no necessity of leasing.

"Gaming expenses" means prizes, supplies, costs of publicizing gaming activities, audit and administration or permit fees, and a portion of the rent, utilities, accounting and legal fees and such other reasonable and proper expenses as are directly incurred for the conduct of charitable gaming.

"Gross receipts" means the total amount of money generated by an organization from charitable gaming before the deduction of expenses, including prizes.

"Instant bingo," "pull tabs," or "seal cards" means specific games of chance played by the random selection of one or more individually prepacked cards, including Department-approved electronic versions thereof, with winners being determined by the preprinted or predetermined appearance of concealed letters, numbers or symbols that must be exposed by the player to determine wins and losses and may include the use of a seal card which conceals one or more numbers or symbols that have been designated in advance as prize winners. Such cards may be dispensed by electronic or mechanical equipment.

"Jackpot" means a bingo game that the organization has designated on its game program as a jackpot game in which the prize amount is greater than \$100.

"Landlord" means any person or his agent, firm, association, organization, partnership, or corporation, employee, or immediate family member thereof, which owns and leases, or leases any premises devoted in whole or in part to the conduct of bingo games, and any person residing in the same household as a landlord.

"Management" means the provision of oversight of a gaming operation, which may include, but is not limited to, the responsibilities of applying for and maintaining a permit or authorization, compiling, submitting and maintaining required records and financial reports, and ensuring that all aspects of the operation are in compliance with all applicable statutes and regulations.

"Network bingo" means a specific bingo game in which pari-mutuel play is permitted.

"Network bingo provider" means a person licensed by the Department to operate network bingo.

"Operation" means the activities associated with production of a charitable gaming activity, which may include, but not be limited to (i) the direct on-site supervision of the conduct of charitable gaming; (ii) coordination of volunteers; and (iii) all responsibilities of charitable gaming designated by the organization's management.

"Organization" means any one of the following:

1. A volunteer fire department or volunteer emergency medical services agency or auxiliary unit thereof that has been recognized in accordance with § 15.2-955 by an ordinance or resolution of the political subdivision where the volunteer fire department or volunteer emergency medical services agency is located as being a part of the safety program of such political subdivision;

2. An organization operated exclusively for religious, charitable, community or educational purposes;

3. An athletic association or booster club or a band booster club established solely to raise funds for school-sponsored athletic or band activities for a public school or private school accredited pursuant to § 22.1-19 or to provide scholarships to students attending such school;

4. An association of war veterans or auxiliary units thereof organized in the United States;

5. A fraternal association or corporation operating under the lodge system;

6. A local chamber of commerce; or

7. Any other nonprofit organization that raises funds by conducting raffles that generate annual gross receipts of \$40,000 or less, provided such gross receipts from the raffle, less expenses and prizes, are used exclusively for charitable, educational, religious or community purposes.

"Pari-mutuel play" means an integrated network operated by a licensee of the Department comprised of participating charitable organizations for the conduct of network bingo games in which the purchase of a network bingo card by a player automatically includes the player in a pool with all other players in the network, and where the prize to the winning player is awarded based on a percentage of the total amount of network bingo cards sold in a particular network.

"Qualified organization" means any organization to which a valid permit has been issued by the Department to conduct charitable gaming or any organization that is exempt pursuant to § 18.2-340.23.

"Raffle" means a lottery in which the prize is won by (i) a random drawing of the name or prearranged number of one or more persons purchasing chances or (ii) a random contest in which the winning name or preassigned number of one or more persons purchasing chances is determined by a race involving inanimate objects floating on a body of water, commonly referred to as a "duck race."

"Reasonable and proper business expenses" means business expenses actually incurred by a qualified organization in the conduct of charitable gaming and not otherwise allowed under this article or under Board regulations on real estate and personal property tax payments, travel expenses, payments of utilities and trash collection services, legal and accounting fees, costs of business furniture, fixtures and office equipment and costs of acquisition, maintenance, repair or construction of an organization's real property. For the purpose of this definition, salaries and wages of employees whose primary responsibility is to provide services for the principal benefit of an organization's members shall not qualify as a business expense. However, payments made pursuant to § 51.1-1204 to the Volunteer Firefighters' and Rescue Squad Workers' Service Award Fund shall be deemed a reasonable and proper business expense.

"Supplier" means any person who offers to sell, sells or otherwise provides charitable gaming supplies to any qualified organization.

"Texas Hold'em poker game" means a variation of poker in which (i) players receive two cards facedown that may be used individually, (ii) five cards shown faceup are shared among all players in the game, (iii) players combine any number of their individual cards with the shared cards to make the highest five-card hand to win the value wagered during the game, and (iv) the ranking of hands and the rules of the game are governed by the official rules of the Poker Tournament Directors Association.

"Texas Hold'em poker tournament" or "tournament" means an organized competition of players (i) who pay a fixed fee for entry into the competition and for a certain amount of poker chips for use in the competition; (ii) who may be allowed to pay an additional fee, during set preannounced times of the competition, to receive additional poker chips for use in the competition; (iii) who may be seated at one or more tables simultaneously playing Texas Hold'em poker games; (iv) who upon running out of poker chips are eliminated from the competition; and (v) a pre-set number of whom are awarded prizes of value according to how long such players remain in the competition.

§ 18.2-340.19. Regulations of the Board.

A. The Board shall adopt regulations that:

1. Require, as a condition of receiving a permit, that the applicant use a predetermined percentage of its gross receipts for (i) those lawful religious, charitable, community or educational purposes for which the organization is specifically chartered or organized or (ii) those expenses relating to the acquisition, construction, maintenance or repair of any interest in real property involved in the operation of the organization and used for lawful religious, charitable, community or educational purposes. *In the case of the conduct of Texas Hold'em poker tournaments, the regulations shall provide that the predetermined percentage of gross receipts may be used for expenses related to compensating operators contracted by the qualified organization to administer such events.* The regulation may provide for a graduated scale of percentages of gross receipts to be used in the foregoing manner based upon factors the Board finds appropriate to and consistent with the purpose of charitable gaming.

2. Specify the conditions under which a complete list of the organization's members who participate in the management, operation or conduct of charitable gaming may be required in order for the Board to ascertain the percentage of Virginia residents in accordance with subdivision A 3 of § 18.2-340.24.

Membership lists furnished to the Board or Department in accordance with this subdivision shall not be a matter of public record and shall be exempt from disclosure under the provisions of the Freedom of Information Act (§ 2.2-3700 et seq.).

3. Prescribe fees for processing applications for charitable gaming permits. Such fees may reflect the nature and extent of the charitable gaming activity proposed to be conducted.

4. Establish requirements for the audit of all reports required in accordance with § 18.2-340.30.

5. Define electronic and mechanical equipment used in the conduct of charitable gaming. Board regulations shall include capacity for such equipment to provide full automatic daubing as numbers are called. For the purposes of this subdivision, electronic or mechanical equipment for instant bingo, pull tabs, or seal cards shall include such equipment that displays facsimiles of instant bingo, pull tabs, or seal cards and are used solely for the purpose of dispensing or opening such paper or electronic cards, or both; but shall not include (i) devices operated by dropping one or more coins or tokens into a slot and pulling a handle or pushing a button or touchpoint on a touchscreen to activate one to three or more reels marked into horizontal segments by varying symbols, where the predetermined prize amount depends on how and how many of the symbols line up when the rotating reels come to rest, or (ii) other similar devices that display flashing lights or illuminations, or bells, whistles, or other sounds, solely intended to entice players to play.

6. Prescribe the conditions under which a qualified organization may (i) provide food and nonalcoholic beverages to its members who participate in the management, operation or conduct of bingo; (ii) permit members who participate in the management, operation or conduct of bingo to play bingo; and (iii) subject to the provisions of subdivision 13 of § 18.2-340.33, permit nonmembers to participate in the conduct of bingo so long as the nonmembers are under the direct supervision of a bona fide member of the organization during the bingo game.

7. Prescribe the conditions under which a qualified organization may sell raffle tickets for a raffle drawing that will be held outside the Commonwealth pursuant to subsection B of § 18.2-340.26.

8. Prescribe the conditions under which persons who are bona fide members of a qualified organization or a child, above the age of 13 years, of a bona fide member of such organization may participate in the conduct or operation of bingo games.

9. Prescribe the conditions under which a person below the age of 18 years may play bingo, provided such person is accompanied by his parent or legal guardian.

10. Require all qualified organizations that are subject to Board regulations to post in a conspicuous place in every place where charitable gaming is conducted a sign which bears a toll-free telephone number for "Gamblers Anonymous" or other organization which provides assistance to compulsive gamblers.

11. Prescribe the conditions under which a qualified organization may sell network bingo cards in accordance with § 18.2-340.28:1 and establish a percentage of proceeds derived from network bingo sales to be allocated to (i) prize pools, (ii) the organization conducting the network bingo, and (iii) the network bingo provider. The regulations shall also establish procedures for the retainage and ultimate distribution of any unclaimed prize.

12. *Prescribe the conditions under which a qualified organization may manage, operate or contract with operators of, or conduct Texas Hold'em poker tournaments.*

B. In addition to the powers and duties granted pursuant to § 2.2-2456 and this article, the Board may, by regulation, approve variations to the card formats for bingo games provided such variations result in bingo games that are conducted in a manner consistent with the provisions of this article. Board-approved variations may include, but are not limited to, bingo games commonly referred to as player selection games and 90-number bingo.

§ 18.2-340.22. Only raffles, bingo, network bingo, instant bingo games, and Texas Hold'em poker tournaments permitted; prizes not gaming contracts.

A. This article permits qualified organizations to conduct raffles, bingo, network bingo, ~~and~~ instant bingo games, and Texas Hold'em poker tournaments. All games not explicitly authorized by this article or Board regulations adopted in accordance with § 18.2-340.18 are prohibited. *Nothing herein shall be construed to authorize the Board to approve the conduct of any other form of poker in the Commonwealth.*

B. The award of any prize money for any charitable game shall not be deemed to be part of any gaming contract within the purview of § 11-14.

C. Nothing in this article shall prohibit an organization from using the Virginia Lottery's Pick-3 number or any number or other designation selected by the Virginia Lottery in connection with any lottery, as the basis for determining the winner of a raffle.

§ 18.2-340.28:2. Conduct of Texas Hold'em poker tournaments by qualified organizations; limitation of operator fee; conditions.

A. Any organization qualified to conduct bingo games on or after July 1, 2019, may conduct Texas Hold'em poker tournaments. The Board shall promulgate regulations establishing circumstances under which organizations qualified to conduct bingo games prior to July 1, 2019, may conduct Texas Hold'em poker tournaments.

B. A qualified organization may contract with an operator to administer Texas Hold'em poker tournaments. Limitations on operator fees shall be established by Board regulations.

C. A qualified organization shall accept only cash or, at its option, checks in payment of any charges or assessments for players to participate in Texas Hold'em poker tournaments. However, no such organization shall accept postdated checks in payment of any charges or assessments for players to participate in Texas Hold'em poker tournaments.

D. No qualified organization or any person on the premises shall extend lines of credit or accept any credit or debit card or other electronic fund transfer in payment of any charges or assessments for players to participate in Texas Hold'em poker tournaments.

E. No qualified organization shall allow any individual younger than 18 years of age to participate in Texas Hold'em poker tournaments.

§ 18.2-340.31. Audit of reports; exemption; audit and administration fee; additional gross receipts assessment.

A. All reports filed pursuant to § 18.2-340.30 shall be subject to audit by the Department in accordance with Board regulations. The Department may engage the services of independent certified public accountants to perform any audits deemed necessary to fulfill the Department's responsibilities under this article.

B. The Department shall prescribe a reasonable audit and administration fee to be paid by any organization conducting charitable gaming under a permit issued by the Department unless the organization is exempt from such fee pursuant to § 18.2-340.23. Such fee shall not exceed one and one-quarter percent of the gross receipts which an organization reports pursuant to § 18.2-340.30. The audit and administration fee shall accompany each report for each calendar quarter.

C. The audit and administration fee shall be payable to the Treasurer of Virginia. All such fees received by the Treasurer of Virginia shall be separately accounted for and shall be used only by the Department for the purposes of auditing and regulating charitable gaming.

D. In addition to the fee imposed under subsection B, an additional fee of one-quarter of one percent of the gross receipts that an organization reports pursuant to § 18.2-340.30 shall be paid by the organization to the Treasurer of Virginia. All such amounts shall be collected and deposited in the same manner as prescribed in subsections B and C and shall be used for the same purposes.

2. That the Charitable Gaming Board's initial adoption of regulations necessary to implement the provisions of this act shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia), except that the Charitable Gaming Board shall provide an opportunity for public comment on the regulations prior to adoption.

CHAPTER 983

An Act to amend and reenact § 33.2-1230 of the Code of Virginia, relating to maintenance and repair of relocated billboard signs.

[S 968]

Approved April 9, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 33.2-1230 of the Code of Virginia is amended and reenacted as follows:

§ 33.2-1230. Adjustment or relocation of certain billboard signs.

A. Notwithstanding any other provision of law, general or special, whenever land is acquired due to the widening, construction, or reconstruction of any highway by purchase or by use of the power of eminent domain by any condemnor and upon such land is situated a lawfully erected billboard sign or whenever a lawfully erected billboard sign is situated adjacent to such a highway and is affected by the construction of a sound wall, such billboard sign may be relocated as provided in this section.

B. If a billboard sign meets all requirements under the provision of this title, the size, lighting, and spacing requirements of a locality that is certified in accordance with 23 C.F.R. § 750.706 and the federal-state agreement, if applicable, and § 4.1-113.1 in the case of outdoor alcoholic beverage advertising, but is considered nonconforming solely due to a local ordinance, the owner of the billboard sign, at his sole cost and expense, shall have the option to relocate such billboard sign to another location as close as practicable on the same property, adjusting the height or angle of the billboard sign to a height or angle that restores the visibility of the billboard sign to the same or comparable visibility as before the taking or before construction of the sound wall, provided the new location also meets all the requirements of this title and regulations adopted pursuant thereto. *The owner of the billboard sign shall apply for a building permit from the locality in which the billboard sign is located.* The billboard sign may remain in its original location, provided the owner of the

billboard sign pays monthly rent to the Commissioner of Highways or other condemnor equivalent to the monthly rent received by the property owner for the billboard prior to acquisition, and until such time as the Commissioner or other condemnor gives notice to the owner of such billboard sign that the billboard sign must be removed. The notice of removal shall be provided at least 45 days prior to the required removal date, which shall be the earlier of the certification date for a highway project advertisement for construction bids or the date that utility relocations are scheduled to commence. *If all provisions of this section are met, the Commissioner shall provide written notice to the sign owner and the locality approving the relocation of the sign that is binding upon all parties.*

C. Nothing in this section shall authorize the owner of such billboard sign to increase the size of the sign face, ~~and a or make changes to the sign or sign structure beyond adjustments to height or angle as specified in subsection B.~~ A relocated billboard sign shall continue to be nonconforming in its new location unless the relocated billboard sign becomes conforming in its new location under the local ordinance. ~~The provisions of § 33-2-1219 shall apply to any relocation.~~

CHAPTER 984

An Act to amend and reenact §§ 46.2-1500 and 46.2-1573.36 of the Code of Virginia, relating to motor vehicle dealers; motorcycle franchises.

[S 1035]

Approved April 9, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-1500 and 46.2-1573.36 of the Code of Virginia are amended and reenacted as follows:

§ 46.2-1500. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Affiliate" means any entity in which a manufacturer, factory branch, distributor, or distributor branch has voting control or owns at least 51 percent of the ownership equity, or any entity in which another entity has voting control or owns at least 51 percent of the ownership equity and also has voting control and owns at least 51 percent of the ownership of a manufacturer, factory branch, distributor, or distributor branch. An entity that provides vehicle purchase or lease financing that uses the name of the manufacturer or distributor, or the name of any line make of the manufacturer or distributor, in the name of the entity under which it transacts business with a consumer, other than in the name of an individual product offered by the entity, shall be considered an "affiliate."

"Board" means the Motor Vehicle Dealer Board.

"Camping trailer" means a recreational vehicle constructed with collapsible partial side walls that fold for towing by a consumer-owned tow vehicle and unfold at the campsite to provide temporary living quarters for recreational, camping, or travel use.

"Certificate of origin" means the document provided by the manufacturer of a new motor vehicle or new trailer, or its distributor, which is the only valid indication of ownership between the manufacturer, its distributor, its franchised motor vehicle dealers, and the original purchaser not for resale.

"Dealer-operator" means the individual who works at the established place of business of a dealer and who is responsible for and in charge of day-to-day operations of that place of business.

"Demonstrator" means a new motor vehicle having a gross vehicle weight rating of less than 16,000 pounds that (i) has more than 750 miles accumulated on its odometer that has been driven by dealer personnel or by prospective purchasers during the course of selling, displaying, demonstrating, showing, or exhibiting it and (ii) may be sold as a new motor vehicle, provided the dealer complies with the provisions of subsection D of § 46.2-1530.

"Distributor" means a person who is licensed by the Department under this chapter and who sells or distributes new motor vehicles or new trailers pursuant to a written agreement with the manufacturer to franchised motor vehicle dealers in the Commonwealth.

"Distributor branch" means a branch office licensed by the Department under this chapter and maintained by a distributor for the sale of motor vehicles to motor vehicle dealers or for directing or supervising, in whole or in part, its representatives in the Commonwealth.

"Distributor representative" means a person who is licensed by the Department under this chapter and employed by a distributor or by a distributor branch, for the purpose of making or promoting the sale of motor vehicles or for supervising or contacting its dealers, prospective dealers, or representatives in the Commonwealth.

"Factory branch" means a branch office maintained by a person for the sale of motor vehicles to distributors or for the sale of motor vehicles to motor vehicle dealers, or for directing or supervising, in whole or in part, its representatives in the Commonwealth.

"Factory representative" means a person who is licensed by the Department under this chapter and employed by a person who manufactures or assembles motor vehicles or by a factory branch for the purpose of making or promoting the sale of its motor vehicles or for supervising or contacting its dealers, prospective dealers, or representatives in the Commonwealth.

"Factory repurchase motor vehicle" means a motor vehicle sold, leased, rented, consigned, or otherwise transferred to a person under an agreement that the motor vehicle will be resold or otherwise retransferred only to the manufacturer or distributor of the motor vehicle, and which is reacquired by the manufacturer or distributor, or its agents.

"Family member" means a person who either (i) is the spouse, child, grandchild, spouse of a child, spouse of a grandchild, brother, sister, or parent of the dealer or owner or (ii) has been employed continuously by the dealer for at least five years.

"Franchise" means a written contract or agreement between two or more persons whereby one person, the franchisee, is granted the right to engage in the business of offering and selling, offering and delivering pursuant to a lease, servicing, or offering, selling, and servicing new motor vehicles or new trailers of a particular line-make or late model or used motor vehicles of a particular line-make manufactured or distributed by the grantor of the right, the franchisor, and where the operation of the franchisee's business is substantially associated with the franchisor's trademark, trade name, advertising, or other commercial symbol designating the franchisor, the motor vehicle or its manufacturer or distributor. "Franchise" includes any severable part or parts of a franchise agreement which separately provides for selling and servicing different line-makes of the franchisor.

"Franchised late model or franchised used motor vehicle dealer" means a dealer selling used motor vehicles, including vehicles purchased from the franchisor, under the trademark of a manufacturer or distributor that has a franchise agreement with a manufacturer or distributor.

"Franchised motor vehicle dealer" or "franchised dealer" means a dealer in new motor vehicles or new trailers that has a franchise agreement with a manufacturer or distributor of new motor vehicles or new trailers to sell new motor vehicles or new trailers or to sell used motor vehicles under the trademark of a manufacturer or distributor regardless of the age of the motor vehicles.

"Fund" means the Motor Vehicle Dealer Board Fund.

"Independent motor vehicle dealer" means a dealer in used motor vehicles.

"Late model motor vehicle" means a motor vehicle of the current model year and the immediately preceding model year.

"Line-make" means the name of the motor vehicle manufacturer or distributor and a brand or name plate marketed by the manufacturer or distributor. The line-make of a motorcycle manufacturer, factory branch, distributor, or distributor branch includes every brand of all-terrain vehicle, autocycle, and off-road motorcycle manufactured or distributed bearing the name of the motorcycle manufacturer or distributor.

"Manufactured home dealer" means any person licensed as a manufactured home dealer under Chapter 4.2 (§ 36-85.16 et seq.) of Title 36.

"Manufacturer" means a person who is licensed by the Department under this chapter and engaged in the business of constructing or assembling new motor vehicles or new trailers and, in the case of trucks, recreational vehicles, and motor homes, also means a person engaged in the business of manufacturing engines, transmissions, power trains, or rear axles, when such engines, transmissions, power trains, or rear axles are not warranted by the final manufacturer or assembler of the truck, recreational vehicle, or motor home.

"Motorcycle" means every motor vehicle designed to travel on not more than three wheels in contact with the ground, except any vehicle within the term "farm tractor" or "moped" as defined in § 46.2-100. Except as otherwise provided, for the purposes of this chapter, all-terrain vehicles, autocycles, and off-road motorcycles are deemed to be motorcycles.

"Motor home" means a motorized recreational vehicle designed to provide temporary living quarters for recreational, camping, or travel use that contains at least four of the following permanently installed independent life support systems that meet the National Fire Protection Association standards for recreational vehicles: (i) a cooking facility with an onboard fuel source; (ii) a potable water supply system that includes at least a sink, a faucet, and a water tank with an exterior service supply connection; (iii) a toilet with exterior evacuation; (iv) a gas or electric refrigerator; (v) a heating or air conditioning system with an onboard power or fuel source separate from the vehicle engine; or (vi) a 110-125 volt electric power supply.

"Motor vehicle" means the same as provided in § 46.2-100, except, for the purposes of this chapter, "motor vehicle" includes trailers, as defined in this section, and does not include (i) manufactured homes, sales of which are regulated under Chapter 4.2 (§ 36-85.16 et seq.) of Title 36; (ii) nonrepairable vehicles, as defined in § 46.2-1600; (iii) salvage vehicles, as defined in § 46.2-1600; or (iv) mobile cranes that exceed the size or weight limitations as set forth in § 46.2-1105, 46.2-1110, or 46.2-1113 or Article 17 (§ 46.2-1122 et seq.) of Chapter 10.

"Motor vehicle dealer" or "dealer" means any person who:

1. For commission, money, or other thing of value, buys for resale, sells, or exchanges, either outright or on conditional sale, lease, chattel mortgage, or other similar transaction or arranges or offers or attempts to solicit or negotiate on behalf of others the sale, purchase, or exchange of, either outright or on conditional sale, lease, chattel mortgage, or other similar transaction, an interest in new motor vehicles, new and used motor vehicles, or used motor vehicles alone, whether or not the motor vehicles are owned by him; or

2. Is wholly or partly engaged in the business of selling new motor vehicles, new and used motor vehicles, or used motor vehicles only, whether or not the motor vehicles are owned by him.

Any person who offers to sell, sells, displays, or permits the display for sale, of five or more motor vehicles within any 12 consecutive months is presumed to be a motor vehicle dealer and may rebut the presumption by a preponderance of the evidence.

For the purposes of Article 7.2 (§ 46.2-1573.2 et seq.), "dealer" means recreational vehicle dealer. For the purposes of Article 7.3 (§ 46.2-1573.13 et seq.), "dealer" means trailer dealer and watercraft trailer dealer. For the purposes of Article 7.4 (§ 46.2-1573.25 et seq.), "dealer" means motorcycle dealer.

"Motor vehicle dealer" or "dealer" does not include:

1. Receivers, trustees, administrators, executors, guardians, conservators or other persons appointed by or acting under judgment or order of any court or their employees when engaged in the specific performance of their duties as employees.
 2. Public officers, their deputies, assistants, or employees, while performing their official duties.
 3. Persons other than business entities primarily engaged in the leasing or renting of motor vehicles to others when selling or offering such vehicles for sale at retail, disposing of motor vehicles acquired for their own use and actually so used, when the vehicles have been so acquired and used in good faith and not for the purpose of avoiding the provisions of this chapter.
 4. Persons dealing solely in the sale and distribution of fire-fighting vehicles, ambulances, and funeral vehicles, including motor vehicles adapted therefor; however, this exemption shall not exempt any person from the provisions of §§ 46.2-1519, 46.2-1520, and 46.2-1548.
 5. Any financial institution chartered or authorized to do business under the laws of the Commonwealth or the United States which may have received title to a motor vehicle in the normal course of its business by reason of a foreclosure, other taking, repossession, or voluntary reconveyance to that institution occurring as a result of any loan secured by a lien on the vehicle.
 6. An employee of an organization arranging for the purchase or lease by the organization of vehicles for use in the organization's business.
 7. Any person licensed to sell real estate who sells a manufactured home or similar vehicle in conjunction with the sale of the parcel of land on which the manufactured home or similar vehicle is located.
 8. Any person who permits the operation of a motor vehicle show or permits the display of motor vehicles for sale by any motor vehicle dealer licensed under this chapter.
 9. An insurance company authorized to do business in the Commonwealth that sells or disposes of vehicles under a contract with its insured in the regular course of business.
 10. Any publication, broadcast, or other communications media when engaged in the business of advertising, but not otherwise arranging for the sale of vehicles owned by others.
 11. Any person dealing solely in the sale or lease of vehicles designed exclusively for off-road use.
 12. Any credit union authorized to do business in Virginia, provided the credit union does not receive a commission, money, or other thing of value directly from a motor vehicle dealer.
 13. Any person licensed as a manufactured home dealer, broker, manufacturer, or salesperson under Chapter 4.2 (§ 36-85.16 et seq.) of Title 36.
 14. The State Department of Social Services or local departments of social services.
 15. Any person dealing solely in the sale and distribution of utility or cargo trailers that have unloaded weights of 3,000 pounds or less; however, this exemption shall not exempt any person who deals in stock trailers or watercraft trailers.
 16. Any motor vehicle manufacturer or distributor selling a new motor vehicle at wholesale to its franchised dealer or a used motor vehicle to a licensed dealer.
- For the purposes of Article 7 (§ 46.2-1566 et seq.), "dealer" does not include recreational vehicle dealers, trailer dealers, watercraft trailer dealers, or motorcycle dealers.

"Motor vehicle salesperson" or "salesperson" means (i) any person who is hired as an employee by a motor vehicle dealer to sell or exchange motor vehicles and who receives or expects to receive a commission, fee, or any other consideration from the dealer; (ii) any person who supervises salespersons employed by a motor vehicle dealer, whether compensated by salary or by commission; (iii) any person, compensated by salary or commission by a motor vehicle dealer, who negotiates with or induces a customer to enter into a security agreement on behalf of a dealer; or (iv) any person who is licensed as a motor vehicle dealer and who sells or exchanges motor vehicles. For purposes of this section, any person who is an independent contractor as defined by the United States Internal Revenue Code shall be deemed not to be a motor vehicle salesperson.

"Motor vehicle show" means a display of motor vehicles to the general public at a location other than a dealer's location licensed under this chapter where the vehicles are not being offered for sale or exchange during or as part of the display.

"New motor vehicle" means any vehicle, excluding trailers, that is in the possession of the manufacturer, factory branch, distributor, distributor branch, or motor vehicle dealer and for which an original title has not been issued by the Department or by the issuing agency of any other state and has less than 7,500 miles accumulated on its odometer.

"New trailer" means any trailer that (i) has not been previously sold except in good faith for the purpose of resale; (ii) has not been used as a rental, driver education, or demonstration trailer or for the personal or business transportation of the manufacturer, distributor, dealer, or any of its employees; (iii) has not been used except for limited use necessary in moving or road testing the trailer prior to delivery to a customer; (iv) is transferred by a certificate of origin; and (v) has the manufacturer's certification that it conforms to all applicable federal trailer safety and emission standards. Notwithstanding clauses (i) and (iii), a trailer that has been previously sold but not titled shall be deemed a new trailer if it meets the requirements of clauses (ii), (iv), and (v).

"Original license" means a motor vehicle dealer license issued to an applicant who has never been licensed as a motor vehicle dealer in Virginia or whose Virginia motor vehicle dealer license has been expired for more than 30 days.

"Recreational vehicle" or "RV" means a vehicle that (i) is either self-propelled or towed by a consumer-owned tow vehicle, (ii) is primarily designed to provide temporary living quarters for recreational, camping, or travel use; and (iii) complies with all applicable federal vehicle regulations and does not require a special movement permit to legally use the highways. Recreational vehicle includes motor homes, travel trailers, and camping trailers.

"Relevant market area" means as follows:

1. For motor vehicle dealers except motorcycle dealers, in metropolitan localities the relevant market area shall be a circular area around an existing franchised dealer with a population of 250,000, not to exceed a radius of 10 miles, but in no case less than seven miles.

2. For motor vehicle dealers except motorcycle dealers, if the population in a circular area within a radius of 10 miles around an existing franchised dealer is less than 250,000, but the population in an area within a radius of 15 miles around an existing franchised dealer is 150,000 or more, the relevant market area shall be that circular area within the 15-mile radius.

3. For motor vehicle dealers except motorcycle dealers, in all other cases the relevant market area shall be a circular area within a radius of 20 miles around an existing franchised dealer or the area of responsibility defined in the franchise agreement, whichever is greater. In any case where the franchise agreement is silent as to area of responsibility, the relevant market area shall be the greater of a circular area within a radius of 20 miles around an existing franchised dealer or that area in which the franchisor otherwise requires the franchisee to make significant retail sales or sales efforts.

4. For motorcycle dealers, the relevant market area shall be a circular area within a radius of 20 miles *if the population within such area* around an existing franchised dealer location ~~with a population of~~ *is* one million or more. If the population *in a circular area* within a 20-mile radius is less than one million ~~but greater than 750,000~~, the relevant market area shall be a circular area within a radius of 30 miles. If the population within a 30-mile radius is less than ~~750,000~~ *one million*, the relevant market area shall be a circular area within a radius of 40 miles. *In all cases, the relevant market area shall be the area described above or the area of responsibility defined in the franchise agreement, whichever is greater. In addition, the relevant market area shall include that area in which the franchisor otherwise requires the franchisee to make significant retail sales or sales efforts.*

Notwithstanding the foregoing provision of this section, in the case of dealers in motor vehicles with gross vehicle weight ratings of 26,000 pounds or greater, excluding recreational vehicles, the relevant market area with respect to the dealer's franchise for all such vehicles shall be a circular area around an existing franchised dealer with a radius of 25 miles, except where the population in such circular area is less than 250,000, in which case the relevant market area shall be a circular area around an existing franchised dealer with a radius of 50 miles, or the area of responsibility defined in the franchise, whichever is greater.

In determining population for relevant market areas, the most recent census by the U.S. Bureau of the Census or the most recent population update, either from the National Planning Data Corporation or other similar recognized source, shall be accumulated for all census tracts either wholly or partially within the relevant market area.

"Retail installment sale" means every sale of one or more motor vehicles to a buyer for his use and not for resale, in which the price of the vehicle is payable in one or more installments and in which the seller has either retained title to the goods or has taken or retained a security interest in the goods under form of contract designated either as a security agreement, conditional sale, bailment lease, chattel mortgage, or otherwise.

"Sale at retail" or "retail sale" means the act or attempted act of selling, bartering, exchanging, or otherwise disposing of a motor vehicle to a buyer for his personal use and not for resale.

"Sale at wholesale" or "wholesale" means a sale to motor vehicle dealers or wholesalers other than to consumers; a sale to one who intends to resell.

"Semitrailer" means every vehicle of the trailer type so designed and used in conjunction with another motor vehicle that some part of its own weight and that of its own load rests on or is carried by another vehicle.

"Tractor truck" means every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the load and weight of the vehicle attached thereto.

"Trailer" means every vehicle without motive power designed for carrying property or passengers wholly on its own structure and for being drawn by another motor vehicle, including semitrailers but not manufactured homes, watercraft trailers, camping trailers, or travel trailers.

"Travel trailer" means a vehicle designed to provide temporary living quarters for recreational, camping, or travel use of such size or weight so as not to require a special highway movement permit when towed by a consumer-owned tow vehicle.

"Used motor vehicle" means any vehicle other than a new motor vehicle as defined in this section.

"Watercraft trailer" means any new or used trailer specifically designed to carry a watercraft or a motorboat and purchased, sold, or offered for sale by a watercraft dealer licensed under Chapter 8 (§ 29.1-800 et seq.) of Title 29.1.

"Watercraft trailer dealer" means any watercraft dealer licensed under Chapter 8 (§ 29.1-800 et seq.) of Title 29.1.

"Wholesale auction" means an auction of motor vehicles restricted to sales at wholesale.

§ 46.2-1573.36. Hearings and other remedies; civil penalties.

A. In every case of a hearing before the Commissioner authorized under this article, the Commissioner shall give reasonable notice of each hearing to all interested parties, and the Commissioner's decision shall be binding on the parties, subject to the rights of judicial review and appeal as provided in the Administrative Process Act (§ 2.2-4000 et seq.). *In*

every case of a hearing before the Commissioner authorized under this article based on a request or petition of a dealer, the manufacturer, factory branch, distributor, or distributor branch shall have the burden of proving by a preponderance of the evidence that the manufacturer, factory branch, distributor, or distributor branch has good cause to take the action for which the dealer has filed the petition for a hearing or that such action is reasonable if required under the relevant provision.

B. Hearings before the Commissioner under this article shall commence within 90 days of the request for a hearing, and the Commissioner's decision shall be rendered within 60 days from the receipt of the hearing officer's recommendation. Hearings authorized under this article shall be presided over by a hearing officer selected from a list prepared by the Executive Secretary of the Supreme Court. On request of the Commissioner, the Executive Secretary will name a hearing officer from the list, selected on a rotation system administered by the Executive Secretary. The hearing officer shall provide recommendations to the Commissioner within 90 days of the conclusion of the hearing.

C. Notwithstanding any contrary provision of this article, the Commissioner shall initiate investigations, conduct hearings, and determine the rights of parties under this article whenever he is provided information indicating a possible violation of any provision of this article.

D. For purposes of any matter brought to the Commissioner under subdivisions 3, 4, 5, 6, and 9 of § 46.2-1573.28 with respect to which the Commissioner is to determine whether there is good cause for a proposed action or whether it would be unreasonable under the circumstances, the Commissioner shall consider:

1. The volume of the affected dealer's business in the relevant market area;
2. The nature and extent of the dealer's investment in its business;
3. The adequacy of the dealer's service facilities, equipment, parts, supplies, and personnel;
4. The effect of the proposed action on the community;
5. The extent and quality of the dealer's service under motorcycle warranties;
6. The dealer's performance under the terms of its franchise; and
7. Other economic and geographical factors reasonably associated with the proposed action.

With respect to subdivision 6, any performance standard or program for measuring dealership performance that may have a material effect on a dealer, and the application of any such standard or program by a manufacturer or distributor, shall be fair, reasonable, and equitable and, if based upon a survey, shall be based upon a statistically valid sample. Upon the request of any dealer, a manufacturer or distributor shall disclose in writing to the dealer a description of how a performance standard or program is designed and all relevant information used in the application of the performance standard or program to that dealer.

E. An interested party in a hearing held pursuant to subsection A shall comply with the effective date of compliance established by the Commissioner in his decision in such hearing, unless a stay or extension of such date is granted by the Commissioner or the Commissioner's decision is under judicial review and appeal as provided in subsection A. If, after notice to such interested party and an opportunity to comment, the Commissioner finds an interested party has not complied with his decision by the designated date of compliance, unless a stay or extension of such date has been granted by the Commissioner or the Commissioner's decision is under judicial review and appeal, the Commissioner may assess such interested party a civil penalty not to exceed \$1,000 per day of noncompliance. Civil penalties collected under this subsection shall be deposited into the Transportation Trust Fund established pursuant to § 33.2-1524.

CHAPTER 985

An Act to amend and reenact §§ 36-139 and 55.1-1204 of the Code of Virginia, relating to landlord and tenant; tenant rights and responsibilities.

[H 393]

Approved April 9, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 36-139 and 55.1-1204 of the Code of Virginia are amended and reenacted as follows:

§ 36-139. Powers and duties of Director.

The Director of the Department of Housing and Community Development shall have the following responsibilities:

1. Collecting from the governmental subdivisions of the Commonwealth information relevant to their planning and development activities, boundary changes, changes of forms and status of government, intergovernmental agreements and arrangements, and such other information as he may deem necessary.

2. Making information available to communities, planning district commissions, service districts and governmental subdivisions of the Commonwealth.

3. Providing professional and technical assistance to, and cooperating with, any planning agency, planning district commission, service district, and governmental subdivision engaged in the preparation of development plans and programs, service district plans, or consolidation agreements.

4. Assisting the Governor in the providing of such state financial aid as may be appropriated by the General Assembly in accordance with § 15.2-4216.

5. Administering federal grant assistance programs, including funds from the Appalachian Regional Commission, the Economic Development Administration and other such federal agencies, directed at promoting the development of the Commonwealth's communities and regions.

6. Developing state community development policies, goals, plans and programs for the consideration and adoption of the Board with the ultimate authority for adoption to rest with the Governor and the General Assembly.

7. Developing a Consolidated Plan to guide the development and implementation of housing programs and community development in the Commonwealth for the purpose of meeting the housing and community development needs of the Commonwealth and, in particular, those of low-income and moderate-income persons, families and communities.

8. Determining present and future housing requirements of the Commonwealth on an annual basis and revising the Consolidated Plan, as necessary to coordinate the elements of housing production to ensure the availability of housing where and when needed.

9. Assuming administrative coordination of the various state housing programs and cooperating with the various state agencies in their programs as they relate to housing.

10. Establishing public information and educational programs relating to housing; devising and administering programs to inform all citizens about housing and housing-related programs that are available on all levels of government; designing and administering educational programs to prepare families for home ownership and counseling them during their first years as homeowners; and promoting educational programs to assist sponsors in the development of low and moderate income housing as well as programs to lessen the problems of rental housing management.

11. Administering the provisions of the Industrialized Building Safety Law (§ 36-70 et seq.).

12. Administering the provisions of the Uniform Statewide Building Code (§ 36-97 et seq.).

13. Establishing and operating a Building Code Academy for the training of persons in the content, application, and intent of specified subject areas of the building and fire prevention regulations promulgated by the Board of Housing and Community Development.

14. Administering, in conjunction with the federal government, and promulgating any necessary regulations regarding energy standards for existing buildings as may be required pursuant to federal law.

15. Identifying and disseminating information to local governments about the availability and utilization of federal and state resources.

16. Administering, with the cooperation of the Department of Health, state assistance programs for public water supply systems.

17. Advising the Board on matters relating to policies and programs of the Virginia Housing Trust Fund.

18. Designing and establishing program guidelines to meet the purposes of the Virginia Housing Trust Fund and to carry out the policies and procedures established by the Board.

19. Preparing agreements and documents for loans and grants to be made from the Virginia Housing Trust Fund; soliciting, receiving, reviewing and selecting the applications for which loans and grants are to be made from such fund; directing the Virginia Housing Development Authority and the Department as to the closing and disbursing of such loans and grants and as to the servicing and collection of such loans; directing the Department as to the regulation and monitoring of the ownership, occupancy and operation of the housing developments and residential housing financed or assisted by such loans and grants; and providing direction and guidance to the Virginia Housing Development Authority as to the investment of moneys in such fund.

20. Establishing and administering program guidelines for a statewide homeless intervention program.

21. Administering 15 percent of the Low Income Home Energy Assistance Program (LIHEAP) Block Grant and any contingency funds awarded and carry over funds, furnishing home weatherization and associated services to low-income households within the Commonwealth in accordance with applicable federal law and regulations.

22. Developing a strategy concerning the expansion of affordable, accessible housing for older Virginians and Virginians with disabilities, including supportive services.

23. Serving as the Executive Director of the Commission on Local Government as prescribed in § 15.2-2901 and perform all other duties of that position as prescribed by law.

24. Developing a strategy, in consultation with the Virginia Housing Development Authority, for the creation and implementation of housing programs and community development for the purpose of meeting the housing needs of persons who have been released from federal, state, and local correctional facilities into communities.

25. Administering the Private Activity Bonds program in Chapter 50 (§ 15.2-5000 et seq.) of Title 15.2 jointly with the Virginia Small Business Financing Authority and the Virginia Housing Development Authority.

26. *Developing a statement of tenant rights and responsibilities explaining in plain language the rights and responsibilities of tenants under the Virginia Residential Landlord and Tenant Act (§ 55.1-1200 et seq.) and maintaining such statement on the Department's website. The Director shall also develop and maintain on the Department's website a printable form to be signed by the parties to a written rental agreement acknowledging that the tenant has received from the landlord the statement of tenant rights and responsibilities as required by § 55.1-1204. The Director may at any time amend the statement of tenant rights and responsibilities and such printable form as the Director deems necessary and appropriate. The statement of tenant rights and responsibilities shall contain a plain language explanation of the rights and responsibilities of tenants in at least 14-point type. The statement shall provide the telephone number and website address*

for the statewide legal aid organization and direct tenants with questions about their rights and responsibilities to contact such organization.

27. Carrying out such other duties as may be necessary and convenient to the exercise of powers granted to the Department.

§ 55.1-1204. Terms and conditions of rental agreement; payment of rent; copy of rental agreement for tenant.

A. A landlord and tenant may include in a rental agreement terms and conditions not prohibited by this chapter or other rule of law, including rent, charges for late payment of rent, the term of the agreement, automatic renewal of the rental agreement, requirements for notice of intent to vacate or terminate the rental agreement, and other provisions governing the rights and obligations of the parties.

B. ~~The~~ A landlord shall offer ~~the~~ a prospective tenant a written rental agreement containing the terms governing the rental of the dwelling unit and setting forth the terms and conditions of the ~~landlord tenant~~ landlord-tenant relationship and shall provide with it the statement of tenant rights and responsibilities developed by the Department of Housing and Community Development and posted on its website pursuant to § 36-139. The parties to a written rental agreement shall sign the form developed by the Department of Housing and Community Development and posted on its website pursuant to § 36-139 acknowledging that the tenant has received from the landlord the statement of tenant rights and responsibilities. ~~Such~~ The written rental agreement shall be effective upon the date signed by the parties.

C. If a landlord does not offer a written rental agreement, the tenancy shall exist by operation of law, consisting of the following terms and conditions:

1. The provision of this chapter shall be applicable to the dwelling unit that is being rented;
2. The duration of the rental agreement shall be for 12 months and shall not be subject to automatic renewal, except in the event of a month-to-month lease as otherwise provided for under subsection C of § 55.1-1253;
3. Rent shall be paid in 12 equal periodic installments in an amount agreed upon by the landlord and the tenant and if no amount is agreed upon, the installments shall be at fair market rent;
4. Rent payments shall be due on the first day of each month during the tenancy and shall be considered late if not paid by the fifth of the month;
5. If the rent is paid by the tenant after the fifth day of any given month, the landlord shall be entitled to charge a late charge as provided in this chapter;
6. The landlord may collect a security deposit not to exceed an amount equal to two months of rent; and
7. The parties may enter into a written rental agreement at any time during the 12-month tenancy created by this subsection.

D. Except as provided in the written rental agreement, or as provided in subsection C if no written agreement is offered, rent shall be payable without demand or notice at the time and place agreed upon by the parties. Except as provided in the written rental agreement, rent is payable at the place designated by the landlord, and periodic rent is payable at the beginning of any term of one month or less and otherwise in equal installments at the beginning of each month. If the landlord receives from a tenant a written request for a written statement of charges and payments, he shall provide the tenant with a written statement showing all debits and credits over the tenancy or the past 12 months, whichever is shorter. The landlord shall provide such written statement within 10 business days of receiving the request.

E. Except as provided in the written rental agreement or, as provided in subsection C if no written agreement is offered, the tenancy shall be week-to-week in the case of a tenant who pays weekly rent and month-to-month in all other cases. Terminations of tenancies shall be governed by § 55.1-1253 unless the rental agreement provides for a different notice period.

F. If the rental agreement contains any provision allowing the landlord to approve or disapprove a sublessee or assignee of the tenant, the landlord shall, within 10 business days of receipt of the written application of the prospective sublessee or assignee on a form to be provided by the landlord, approve or disapprove the sublessee or assignee. Failure of the landlord to act within 10 business days is evidence of his approval.

G. The landlord shall provide a copy of any written rental agreement ~~signed by both the tenant and the landlord~~ and the statement of tenant rights and responsibilities to the tenant within one month of the effective date of the written rental agreement. The failure of the landlord to deliver such a rental agreement and statement shall not affect the validity of the agreement. *However, the landlord shall not file or maintain an action against the tenant in a court of law for any alleged lease violation until he has provided the tenant with the statement of tenant rights and responsibilities.*

H. No unilateral change in the terms of a rental agreement by a landlord or tenant shall be valid unless (i) notice of the change is given in accordance with the terms of the rental agreement or as otherwise required by law and (ii) both parties consent in writing to the change.

I. The landlord shall provide the tenant with a written receipt, upon request from the tenant, whenever the tenant pays rent in the form of cash or money order.

2. That the Department of Housing and Community Development shall convene a stakeholder group consisting of landlords, property managers, and tenants, as well as attorneys knowledgeable in the Virginia Residential Landlord and Tenant Act (§ 55.1-1200 et seq. of the Code of Virginia) and other applicable provisions of the Code of Virginia relating to eviction procedures in residential landlord-tenant cases for the purpose of providing input into (i) the development of the form to be developed by the Director of the Department of Housing and Community Development for posting on its website pursuant to § 36-139, as amended by this act, acknowledging that a tenant

has received from the landlord the statement of tenant rights and responsibilities and (ii) any updates to the statement of tenant rights and responsibilities.

CHAPTER 986

An Act to amend and reenact §§ 36-139 and 55.1-1204 of the Code of Virginia, relating to landlord and tenant; tenant rights and responsibilities.

[S 707]

Approved April 9, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 36-139 and 55.1-1204 of the Code of Virginia are amended and reenacted as follows:

§ 36-139. Powers and duties of Director.

The Director of the Department of Housing and Community Development shall have the following responsibilities:

1. Collecting from the governmental subdivisions of the Commonwealth information relevant to their planning and development activities, boundary changes, changes of forms and status of government, intergovernmental agreements and arrangements, and such other information as he may deem necessary.

2. Making information available to communities, planning district commissions, service districts and governmental subdivisions of the Commonwealth.

3. Providing professional and technical assistance to, and cooperating with, any planning agency, planning district commission, service district, and governmental subdivision engaged in the preparation of development plans and programs, service district plans, or consolidation agreements.

4. Assisting the Governor in the providing of such state financial aid as may be appropriated by the General Assembly in accordance with § 15.2-4216.

5. Administering federal grant assistance programs, including funds from the Appalachian Regional Commission, the Economic Development Administration and other such federal agencies, directed at promoting the development of the Commonwealth's communities and regions.

6. Developing state community development policies, goals, plans and programs for the consideration and adoption of the Board with the ultimate authority for adoption to rest with the Governor and the General Assembly.

7. Developing a Consolidated Plan to guide the development and implementation of housing programs and community development in the Commonwealth for the purpose of meeting the housing and community development needs of the Commonwealth and, in particular, those of low-income and moderate-income persons, families and communities.

8. Determining present and future housing requirements of the Commonwealth on an annual basis and revising the Consolidated Plan, as necessary to coordinate the elements of housing production to ensure the availability of housing where and when needed.

9. Assuming administrative coordination of the various state housing programs and cooperating with the various state agencies in their programs as they relate to housing.

10. Establishing public information and educational programs relating to housing; devising and administering programs to inform all citizens about housing and housing-related programs that are available on all levels of government; designing and administering educational programs to prepare families for home ownership and counseling them during their first years as homeowners; and promoting educational programs to assist sponsors in the development of low and moderate income housing as well as programs to lessen the problems of rental housing management.

11. Administering the provisions of the Industrialized Building Safety Law (§ 36-70 et seq.).

12. Administering the provisions of the Uniform Statewide Building Code (§ 36-97 et seq.).

13. Establishing and operating a Building Code Academy for the training of persons in the content, application, and intent of specified subject areas of the building and fire prevention regulations promulgated by the Board of Housing and Community Development.

14. Administering, in conjunction with the federal government, and promulgating any necessary regulations regarding energy standards for existing buildings as may be required pursuant to federal law.

15. Identifying and disseminating information to local governments about the availability and utilization of federal and state resources.

16. Administering, with the cooperation of the Department of Health, state assistance programs for public water supply systems.

17. Advising the Board on matters relating to policies and programs of the Virginia Housing Trust Fund.

18. Designing and establishing program guidelines to meet the purposes of the Virginia Housing Trust Fund and to carry out the policies and procedures established by the Board.

19. Preparing agreements and documents for loans and grants to be made from the Virginia Housing Trust Fund; soliciting, receiving, reviewing and selecting the applications for which loans and grants are to be made from such fund; directing the Virginia Housing Development Authority and the Department as to the closing and disbursing of such loans and grants and as to the servicing and collection of such loans; directing the Department as to the regulation and monitoring of the ownership, occupancy and operation of the housing developments and residential housing financed or assisted by

such loans and grants; and providing direction and guidance to the Virginia Housing Development Authority as to the investment of moneys in such fund.

20. Establishing and administering program guidelines for a statewide homeless intervention program.

21. Administering 15 percent of the Low Income Home Energy Assistance Program (LIHEAP) Block Grant and any contingency funds awarded and carry over funds, furnishing home weatherization and associated services to low-income households within the Commonwealth in accordance with applicable federal law and regulations.

22. Developing a strategy concerning the expansion of affordable, accessible housing for older Virginians and Virginians with disabilities, including supportive services.

23. Serving as the Executive Director of the Commission on Local Government as prescribed in § 15.2-2901 and perform all other duties of that position as prescribed by law.

24. Developing a strategy, in consultation with the Virginia Housing Development Authority, for the creation and implementation of housing programs and community development for the purpose of meeting the housing needs of persons who have been released from federal, state, and local correctional facilities into communities.

25. Administering the Private Activity Bonds program in Chapter 50 (§ 15.2-5000 et seq.) of Title 15.2 jointly with the Virginia Small Business Financing Authority and the Virginia Housing Development Authority.

26. *Developing a statement of tenant rights and responsibilities explaining in plain language the rights and responsibilities of tenants under the Virginia Residential Landlord and Tenant Act (§ 55.1-1200 et seq.) and maintaining such statement on the Department's website. The Director shall also develop and maintain on the Department's website a printable form to be signed by the parties to a written rental agreement acknowledging that the tenant has received from the landlord the statement of tenant rights and responsibilities as required by § 55.1-1204. The Director may at any time amend the statement of tenant rights and responsibilities and such printable form as the Director deems necessary and appropriate. The statement of tenant rights and responsibilities shall contain a plain language explanation of the rights and responsibilities of tenants in at least 14-point type. The statement shall provide the telephone number and website address for the statewide legal aid organization and direct tenants with questions about their rights and responsibilities to contact such organization.*

27. Carrying out such other duties as may be necessary and convenient to the exercise of powers granted to the Department.

§ 55.1-1204. Terms and conditions of rental agreement; payment of rent; copy of rental agreement for tenant.

A. A landlord and tenant may include in a rental agreement terms and conditions not prohibited by this chapter or other rule of law, including rent, charges for late payment of rent, the term of the agreement, automatic renewal of the rental agreement, requirements for notice of intent to vacate or terminate the rental agreement, and other provisions governing the rights and obligations of the parties.

B. ~~The~~ A landlord shall offer ~~the~~ a prospective tenant a written rental agreement containing the terms governing the rental of the dwelling unit and setting forth the terms and conditions of the ~~landlord tenant~~ landlord-tenant relationship and shall provide with it the statement of tenant rights and responsibilities developed by the Department of Housing and Community Development and posted on its website pursuant to § 36-139. The parties to a written rental agreement shall sign the form developed by the Department of Housing and Community Development and posted on its website pursuant to § 36-139 acknowledging that the tenant has received from the landlord the statement of tenant rights and responsibilities. ~~Such~~ The written rental agreement shall be effective upon the date signed by the parties.

C. If a landlord does not offer a written rental agreement, the tenancy shall exist by operation of law, consisting of the following terms and conditions:

1. The provision of this chapter shall be applicable to the dwelling unit that is being rented;

2. The duration of the rental agreement shall be for 12 months and shall not be subject to automatic renewal, except in the event of a month-to-month lease as otherwise provided for under subsection C of § 55.1-1253;

3. Rent shall be paid in 12 equal periodic installments in an amount agreed upon by the landlord and the tenant and if no amount is agreed upon, the installments shall be at fair market rent;

4. Rent payments shall be due on the first day of each month during the tenancy and shall be considered late if not paid by the fifth of the month;

5. If the rent is paid by the tenant after the fifth day of any given month, the landlord shall be entitled to charge a late charge as provided in this chapter;

6. The landlord may collect a security deposit not to exceed an amount equal to two months of rent; and

7. The parties may enter into a written rental agreement at any time during the 12-month tenancy created by this subsection.

D. Except as provided in the written rental agreement, or as provided in subsection C if no written agreement is offered, rent shall be payable without demand or notice at the time and place agreed upon by the parties. Except as provided in the written rental agreement, rent is payable at the place designated by the landlord, and periodic rent is payable at the beginning of any term of one month or less and otherwise in equal installments at the beginning of each month. If the landlord receives from a tenant a written request for a written statement of charges and payments, he shall provide the tenant with a written statement showing all debits and credits over the tenancy or the past 12 months, whichever is shorter. The landlord shall provide such written statement within 10 business days of receiving the request.

E. Except as provided in the written rental agreement or, as provided in subsection C if no written agreement is offered, the tenancy shall be week-to-week in the case of a tenant who pays weekly rent and month-to-month in all other cases. Terminations of tenancies shall be governed by § 55.1-1253 unless the rental agreement provides for a different notice period.

F. If the rental agreement contains any provision allowing the landlord to approve or disapprove a sublessee or assignee of the tenant, the landlord shall, within 10 business days of receipt of the written application of the prospective sublessee or assignee on a form to be provided by the landlord, approve or disapprove the sublessee or assignee. Failure of the landlord to act within 10 business days is evidence of his approval.

G. The landlord shall provide a copy of any written rental agreement ~~signed by both the tenant and the landlord~~ and the *statement of tenant rights and responsibilities* to the tenant within one month of the effective date of the written rental agreement. The failure of the landlord to deliver such a rental agreement *and statement* shall not affect the validity of the agreement. *However, the landlord shall not file or maintain an action against the tenant in a court of law for any alleged lease violation until he has provided the tenant with the statement of tenant rights and responsibilities.*

H. No unilateral change in the terms of a rental agreement by a landlord or tenant shall be valid unless (i) notice of the change is given in accordance with the terms of the rental agreement or as otherwise required by law and (ii) both parties consent in writing to the change.

I. The landlord shall provide the tenant with a written receipt, upon request from the tenant, whenever the tenant pays rent in the form of cash or money order.

2. That the Department of Housing and Community Development shall convene a stakeholder group consisting of landlords, property managers, and tenants, as well as attorneys knowledgeable in the Virginia Residential Landlord and Tenant Act (§ 55.1-1200 et seq. of the Code of Virginia) and other applicable provisions of the Code of Virginia relating to eviction procedures in residential landlord-tenant cases for the purpose of providing input into (i) the development of the form to be developed by the Director of the Department of Housing and Community Development for posting on its website pursuant to § 36-139, as amended by this act, acknowledging that a tenant has received from the landlord the statement of tenant rights and responsibilities and (ii) any updates to the statement of tenant rights and responsibilities.

CHAPTER 987

An Act to amend and reenact §§ 16.1-241, 16.1-269.1, 16.1-269.2, and 16.1-277.1 of the Code of Virginia, relating to juveniles; trial as an adult.

[H 477]

Approved April 9, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 16.1-241, 16.1-269.1, 16.1-269.2, and 16.1-277.1 of the Code of Virginia are amended and reenacted as follows:

§ 16.1-241. Jurisdiction; consent for abortion.

The judges of the juvenile and domestic relations district court elected or appointed under this law shall be conservators of the peace within the corporate limits of the cities and the boundaries of the counties for which they are respectively chosen and within one mile beyond the limits of such cities and counties. Except as hereinafter provided, each juvenile and domestic relations district court shall have, within the limits of the territory for which it is created, exclusive original jurisdiction, and within one mile beyond the limits of said city or county, concurrent jurisdiction with the juvenile court or courts of the adjoining city or county, over all cases, matters and proceedings involving:

A. The custody, visitation, support, control or disposition of a child:

1. Who is alleged to be abused, neglected, in need of services, in need of supervision, a status offender, or delinquent except where the jurisdiction of the juvenile court has been terminated or divested;

2. Who is abandoned by his parent or other custodian or who by reason of the absence or physical or mental incapacity of his parents is without parental care and guardianship;

2a. Who is at risk of being abused or neglected by a parent or custodian who has been adjudicated as having abused or neglected another child in the care of the parent or custodian;

3. Whose custody, visitation or support is a subject of controversy or requires determination. In such cases jurisdiction shall be concurrent with and not exclusive of courts having equity jurisdiction, except as provided in § 16.1-244;

4. Who is the subject of an entrustment agreement entered into pursuant to § 63.2-903 or 63.2-1817 or whose parent or parents for good cause desire to be relieved of his care and custody;

5. Where the termination of residual parental rights and responsibilities is sought. In such cases jurisdiction shall be concurrent with and not exclusive of courts having equity jurisdiction, as provided in § 16.1-244;

6. Who is charged with a traffic infraction as defined in § 46.2-100; or

7. Who is alleged to have refused to take a blood test in violation of § 18.2-268.2.

In any case in which the juvenile is alleged to have committed a violent juvenile felony enumerated in subsection B of § 16.1-269.1, and for any charges ancillary thereto, the jurisdiction of the juvenile court shall be limited to conducting a

preliminary hearing to determine if there is probable cause to believe that the juvenile committed the act alleged and that the juvenile was ~~14~~ 16 years of age or older at the time of the commission of the alleged offense, and any matters related thereto. In any case in which the juvenile is alleged to have committed a violent juvenile felony enumerated in subsection C of § 16.1-269.1, and for all charges ancillary thereto, if the attorney for the Commonwealth has given notice as provided in subsection C of § 16.1-269.1, the jurisdiction of the juvenile court shall be limited to conducting a preliminary hearing to determine if there is probable cause to believe that the juvenile committed the act alleged and that the juvenile was ~~14~~ 16 years of age or older at the time of the commission of the alleged offense, and any matters related thereto. A determination by the juvenile court following a preliminary hearing pursuant to subsection B or C of § 16.1-269.1 to certify a charge to the grand jury shall divest the juvenile court of jurisdiction over the charge and any ancillary charge. In any case in which a transfer hearing is held pursuant to subsection A of § 16.1-269.1, if the juvenile court determines to transfer the case, jurisdiction of the juvenile court over the case shall be divested as provided in § 16.1-269.6.

In all other cases involving delinquent acts, and in cases in which an ancillary charge remains after a violent juvenile felony charge has been dismissed or a violent juvenile felony has been reduced to a lesser offense not constituting a violent juvenile felony, the jurisdiction of the juvenile court shall not be divested unless there is a transfer pursuant to subsection A of § 16.1-269.1.

The authority of the juvenile court to adjudicate matters involving the custody, visitation, support, control or disposition of a child shall not be limited to the consideration of petitions filed by a mother, father or legal guardian but shall include petitions filed at any time by any party with a legitimate interest therein. A party with a legitimate interest shall be broadly construed and shall include, but not be limited to, grandparents, step-grandparents, stepparents, former stepparents, blood relatives and family members. A party with a legitimate interest shall not include any person (i) whose parental rights have been terminated by court order, either voluntarily or involuntarily, (ii) whose interest in the child derives from or through a person whose parental rights have been terminated by court order, either voluntarily or involuntarily, including, but not limited to, grandparents, stepparents, former stepparents, blood relatives and family members, if the child subsequently has been legally adopted, except where a final order of adoption is entered pursuant to § 63.2-1241, or (iii) who has been convicted of a violation of subsection A of § 18.2-61, § 18.2-63, subsection B of § 18.2-366, or an equivalent offense of another state, the United States, or any foreign jurisdiction, when the child who is the subject of the petition was conceived as a result of such violation. The authority of the juvenile court to consider a petition involving the custody of a child shall not be proscribed or limited where the child has previously been awarded to the custody of a local board of social services.

A1. Making specific findings of fact required by state or federal law to enable a child to apply for or receive a state or federal benefit.

B. The admission of minors for inpatient treatment in a mental health facility in accordance with the provisions of Article 16 (§ 16.1-335 et seq.) and the involuntary admission of a person with mental illness or judicial certification of eligibility for admission to a training center for persons with intellectual disability in accordance with the provisions of Chapter 8 (§ 37.2-800 et seq.) of Title 37.2. Jurisdiction of the involuntary admission and certification of adults shall be concurrent with the general district court.

C. Except as provided in subsections D and H, judicial consent to such activities as may require parental consent may be given for a child who has been separated from his parents, guardian, legal custodian or other person standing in loco parentis and is in the custody of the court when such consent is required by law.

D. Judicial consent for emergency surgical or medical treatment for a child who is neither married nor has ever been married, when the consent of his parent, guardian, legal custodian or other person standing in loco parentis is unobtainable because such parent, guardian, legal custodian or other person standing in loco parentis (i) is not a resident of the Commonwealth, (ii) has his whereabouts unknown, (iii) cannot be consulted with promptness, reasonable under the circumstances, or (iv) fails to give such consent or provide such treatment when requested by the judge to do so.

E. Any person charged with deserting, abandoning or failing to provide support for any person in violation of law.

F. Any parent, guardian, legal custodian or other person standing in loco parentis of a child:

1. Who has been abused or neglected;
2. Who is the subject of an entrustment agreement entered into pursuant to § 63.2-903 or 63.2-1817 or is otherwise before the court pursuant to subdivision A 4; or
3. Who has been adjudicated in need of services, in need of supervision, or delinquent, if the court finds that such person has by overt act or omission induced, caused, encouraged or contributed to the conduct of the child complained of in the petition.

G. Petitions filed by or on behalf of a child or such child's parent, guardian, legal custodian or other person standing in loco parentis for the purpose of obtaining treatment, rehabilitation or other services that are required by law to be provided for that child or such child's parent, guardian, legal custodian or other person standing in loco parentis. Jurisdiction in such cases shall be concurrent with and not exclusive of that of courts having equity jurisdiction as provided in § 16.1-244.

H. Judicial consent to apply for a work permit for a child when such child is separated from his parents, legal guardian or other person standing in loco parentis.

I. The prosecution and punishment of persons charged with ill-treatment, abuse, abandonment or neglect of children or with any violation of law that causes or tends to cause a child to come within the purview of this law, or with any other

offense against the person of a child. In prosecution for felonies over which the court has jurisdiction, jurisdiction shall be limited to determining whether or not there is probable cause.

J. All offenses in which one family or household member is charged with an offense in which another family or household member is the victim and all offenses under § 18.2-49.1.

In prosecution for felonies over which the court has jurisdiction, jurisdiction shall be limited to determining whether or not there is probable cause. Any objection based on jurisdiction under this subsection shall be made before a jury is impaneled and sworn in a jury trial or, in a nonjury trial, before the earlier of when the court begins to hear or receive evidence or the first witness is sworn, or it shall be conclusively waived for all purposes. Any such objection shall not affect or be grounds for challenging directly or collaterally the jurisdiction of the court in which the case is tried.

K. Petitions filed by a natural parent, whose parental rights to a child have been voluntarily relinquished pursuant to a court proceeding, to seek a reversal of the court order terminating such parental rights. No such petition shall be accepted, however, after the child has been placed in the home of adoptive parents.

L. Any person who seeks spousal support after having separated from his spouse. A decision under this subdivision shall not be res judicata in any subsequent action for spousal support in a circuit court. A circuit court shall have concurrent original jurisdiction in all causes of action under this subdivision.

M. Petitions filed for the purpose of obtaining an order of protection pursuant to § 16.1-253.1, 16.1-253.4, or 16.1-279.1, and all petitions filed for the purpose of obtaining an order of protection pursuant to § 19.2-152.8, 19.2-152.9, or 19.2-152.10 if either the alleged victim or the respondent is a juvenile.

N. Any person who escapes or remains away without proper authority from a residential care facility in which he had been placed by the court or as a result of his commitment to the Virginia Department of Juvenile Justice.

O. Petitions for emancipation of a minor pursuant to Article 15 (§ 16.1-331 et seq.).

P. Petitions for enforcement of administrative support orders entered pursuant to Chapter 19 (§ 63.2-1900 et seq.) of Title 63.2, or by another state in the same manner as if the orders were entered by a juvenile and domestic relations district court upon the filing of a certified copy of such order in the juvenile and domestic relations district court.

Q. Petitions for a determination of parentage pursuant to Chapter 3.1 (§ 20-49.1 et seq.) of Title 20. A circuit court shall have concurrent original jurisdiction to the extent provided for in § 20-49.2.

R. [Repealed.]

S. Petitions filed by school boards against parents pursuant to §§ 16.1-241.2 and 22.1-279.3.

T. Petitions to enforce any request for information or subpoena that is not complied with or to review any refusal to issue a subpoena in an administrative appeal regarding child abuse and neglect pursuant to § 63.2-1526.

U. Petitions filed in connection with parental placement adoption consent hearings pursuant to § 63.2-1233. Such proceedings shall be advanced on the docket so as to be heard by the court within 10 days of filing of the petition, or as soon thereafter as practicable so as to provide the earliest possible disposition.

V. Petitions filed for the purpose of obtaining the court's assistance with the execution of consent to an adoption when the consent to an adoption is executed pursuant to the laws of another state and the laws of that state provide for the execution of consent to an adoption in the court of the Commonwealth.

W. Petitions filed by a juvenile seeking judicial authorization for a physician to perform an abortion if a minor elects not to seek consent of an authorized person.

After a hearing, a judge shall issue an order authorizing a physician to perform an abortion, without the consent of any authorized person, if he finds that (i) the minor is mature enough and well enough informed to make her abortion decision, in consultation with her physician, independent of the wishes of any authorized person, or (ii) the minor is not mature enough or well enough informed to make such decision, but the desired abortion would be in her best interest.

If the judge authorizes an abortion based on the best interests of the minor, such order shall expressly state that such authorization is subject to the physician or his agent giving notice of intent to perform the abortion; however, no such notice shall be required if the judge finds that such notice would not be in the best interest of the minor. In determining whether notice is in the best interest of the minor, the judge shall consider the totality of the circumstances; however, he shall find that notice is not in the best interest of the minor if he finds that ~~(i)~~ (a) one or more authorized persons with whom the minor regularly and customarily resides is abusive or neglectful; and ~~(ii)~~ (b) every other authorized person, if any, is either abusive or neglectful or has refused to accept responsibility as parent, legal guardian, custodian or person standing in loco parentis.

The minor may participate in the court proceedings on her own behalf, and the court may appoint a guardian ad litem for the minor. The court shall advise the minor that she has a right to counsel and shall, upon her request, appoint counsel for her.

Notwithstanding any other provision of law, the provisions of this subsection shall govern proceedings relating to consent for a minor's abortion. Court proceedings under this subsection and records of such proceedings shall be confidential. Such proceedings shall be given precedence over other pending matters so that the court may reach a decision promptly and without delay in order to serve the best interests of the minor. Court proceedings under this subsection shall be heard and decided as soon as practicable but in no event later than four days after the petition is filed.

An expedited confidential appeal to the circuit court shall be available to any minor for whom the court denies an order authorizing an abortion without consent or without notice. Any such appeal shall be heard and decided no later than five days after the appeal is filed. The time periods required by this subsection shall be subject to subsection B of § 1-210. An order authorizing an abortion without consent or without notice shall not be subject to appeal.

No filing fees shall be required of the minor at trial or upon appeal.

If either the original court or the circuit court fails to act within the time periods required by this subsection, the court before which the proceeding is pending shall immediately authorize a physician to perform the abortion without consent of or notice to an authorized person.

Nothing contained in this subsection shall be construed to authorize a physician to perform an abortion on a minor in circumstances or in a manner that would be unlawful if performed on an adult woman.

A physician shall not knowingly perform an abortion upon an unemancipated minor unless consent has been obtained or the minor delivers to the physician a court order entered pursuant to this section and the physician or his agent provides such notice as such order may require. However, neither consent nor judicial authorization nor notice shall be required if the minor declares that she is abused or neglected and the attending physician has reason to suspect that the minor may be an abused or neglected child as defined in § 63.2-100 and reports the suspected abuse or neglect in accordance with § 63.2-1509; or if there is a medical emergency, in which case the attending physician shall certify the facts justifying the exception in the minor's medical record.

For purposes of this subsection:

"Authorization" means the minor has delivered to the physician a notarized, written statement signed by an authorized person that the authorized person knows of the minor's intent to have an abortion and consents to such abortion being performed on the minor.

"Authorized person" means (i) a parent or duly appointed legal guardian or custodian of the minor or (ii) a person standing in loco parentis, including, but not limited to, a grandparent or adult sibling with whom the minor regularly and customarily resides and who has care and control of the minor. Any person who knows he is not an authorized person and who knowingly and willfully signs an authorization statement consenting to an abortion for a minor is guilty of a Class 3 misdemeanor.

"Consent" means that (i) the physician has given notice of intent to perform the abortion and has received authorization from an authorized person, or (ii) at least one authorized person is present with the minor seeking the abortion and provides written authorization to the physician, which shall be witnessed by the physician or an agent thereof. In either case, the written authorization shall be incorporated into the minor's medical record and maintained as a part thereof.

"Medical emergency" means any condition which, on the basis of the physician's good faith clinical judgment, so complicates the medical condition of the pregnant minor as to necessitate the immediate abortion of her pregnancy to avert her death or for which a delay will create a serious risk of substantial and irreversible impairment of a major bodily function.

"Notice of intent to perform the abortion" means that (i) the physician or his agent has given actual notice of his intention to perform such abortion to an authorized person, either in person or by telephone, at least 24 hours previous to the performance of the abortion; or (ii) the physician or his agent, after a reasonable effort to notify an authorized person, has mailed notice to an authorized person by certified mail, addressed to such person at his usual place of abode, with return receipt requested, at least 72 hours prior to the performance of the abortion.

"Perform an abortion" means to interrupt or terminate a pregnancy by any surgical or nonsurgical procedure or to induce a miscarriage as provided in § 18.2-72, 18.2-73, or 18.2-74.

"Unemancipated minor" means a minor who has not been emancipated by (i) entry into a valid marriage, even though the marriage may have been terminated by dissolution; (ii) active duty with any of the Armed Forces of the United States; (iii) willingly living separate and apart from his or her parents or guardian, with the consent or acquiescence of the parents or guardian; or (iv) entry of an order of emancipation pursuant to Article 15 (§ 16.1-331 et seq.).

X. Petitions filed pursuant to Article 17 (§ 16.1-349 et seq.) relating to standby guardians for minor children.

Y. Petitions involving minors filed pursuant to § 32.1-45.1 relating to obtaining a blood specimen or test results.

The ages specified in this law refer to the age of the child at the time of the acts complained of in the petition.

Notwithstanding any other provision of law, no fees shall be charged by a sheriff for the service of any process in a proceeding pursuant to subdivision A 3, except as provided in subdivision A 6 of § 17.1-272, or subsection B, D, M, or R.

Notwithstanding the provisions of § 18.2-71, any physician who performs an abortion in violation of subsection W shall be guilty of a Class 3 misdemeanor.

§ 16.1-269.1. Trial in circuit court; preliminary hearing; direct indictment; remand.

A. Except as provided in subsections B and C, if a juvenile 14 years of age or older at the time of an alleged offense is charged with an offense which would be a felony if committed by an adult, the court shall, on motion of the attorney for the Commonwealth and prior to a hearing on the merits, hold a transfer hearing and may retain jurisdiction or transfer such juvenile for proper criminal proceedings to the appropriate circuit court having criminal jurisdiction of such offenses if committed by an adult. Any transfer to the appropriate circuit court shall be subject to the following conditions:

1. Notice as prescribed in §§ 16.1-263 and 16.1-264 shall be given to the juvenile and his parent, guardian, legal custodian or other person standing in loco parentis; or attorney;

2. The juvenile court finds that probable cause exists to believe that the juvenile committed the delinquent act as alleged or a lesser included delinquent act which would be a felony if committed by an adult;

3. The juvenile is competent to stand trial. The juvenile is presumed to be competent and the burden is on the party alleging the juvenile is not competent to rebut the presumption by a preponderance of the evidence; and

4. The court finds by a preponderance of the evidence that the juvenile is not a proper person to remain within the jurisdiction of the juvenile court. In determining whether a juvenile is a proper person to remain within the jurisdiction of the juvenile court, the court shall consider, but not be limited to, the following factors:

- a. The juvenile's age;
- b. The seriousness and number of alleged offenses, including (i) whether the alleged offense was committed in an aggressive, violent, premeditated, or willful manner; (ii) whether the alleged offense was against persons or property, with greater weight being given to offenses against persons, especially if death or bodily injury resulted; (iii) whether the maximum punishment for such an offense is greater than 20 years confinement if committed by an adult; (iv) whether the alleged offense involved the use of a firearm or other dangerous weapon by brandishing, threatening, displaying or otherwise employing such weapon; and (v) the nature of the juvenile's participation in the alleged offense;
- c. Whether the juvenile can be retained in the juvenile justice system long enough for effective treatment and rehabilitation;
- d. The appropriateness and availability of the services and dispositional alternatives in both the criminal justice and juvenile justice systems for dealing with the juvenile's problems;
- e. The record and previous history of the juvenile in this or other jurisdictions, including (i) the number and nature of previous contacts with juvenile or circuit courts, (ii) the number and nature of prior periods of probation, (iii) the number and nature of prior commitments to juvenile correctional centers, (iv) the number and nature of previous residential and community-based treatments, (v) whether previous adjudications and commitments were for delinquent acts that involved the infliction of serious bodily injury, and (vi) whether the alleged offense is part of a repetitive pattern of similar adjudicated offenses;
- f. Whether the juvenile has previously absconded from the legal custody of a juvenile correctional entity in this or any other jurisdiction;
- g. The extent, if any, of the juvenile's degree of intellectual disability or mental illness;
- h. The juvenile's school record and education;
- i. The juvenile's mental and emotional maturity; and
- j. The juvenile's physical condition and physical maturity.

No transfer decision shall be precluded or reversed on the grounds that the court failed to consider any of the factors specified in subdivision 4.

B. The juvenile court shall conduct a preliminary hearing whenever a juvenile ~~14~~ 16 years of age or older is charged with murder in violation of § 18.2-31, 18.2-32 or 18.2-40, or aggravated malicious wounding in violation of § 18.2-51.2. *If the juvenile is 14 years of age or older, but less than 16 years of age, then the court may proceed, on motion of the attorney for the Commonwealth, as provided in subsection A.*

C. The juvenile court shall conduct a preliminary hearing whenever a juvenile ~~14~~ 16 years of age or older is charged with murder in violation of § 18.2-33; felonious injury by mob in violation of § 18.2-41; abduction in violation of § 18.2-48; malicious wounding in violation of § 18.2-51; malicious wounding of a law-enforcement officer in violation of § 18.2-51.1; felonious poisoning in violation of § 18.2-54.1; adulteration of products in violation of § 18.2-54.2; robbery in violation of § 18.2-58 or carjacking in violation of § 18.2-58.1; rape in violation of § 18.2-61; forcible sodomy in violation of § 18.2-67.1; object sexual penetration in violation of § 18.2-67.2; manufacturing, selling, giving, distributing, or possessing with intent to manufacture, sell, give, or distribute a controlled substance or an imitation controlled substance in violation of § 18.2-248 if the juvenile has been previously adjudicated delinquent on two or more occasions of violating § 18.2-248 provided the adjudications occurred after the juvenile was at least ~~14~~ 16 years of age; manufacturing, selling, giving, distributing, or possessing with intent to manufacture, sell, give, or distribute methamphetamine in violation of § 18.2-248.03 if the juvenile has been previously adjudicated delinquent on two or more occasions of violating § 18.2-248.03 provided the adjudications occurred after the juvenile was at least ~~14~~ 16 years of age; or felonious manufacturing, selling, giving, distributing, or possessing with intent to manufacture, sell, give, or distribute anabolic steroids in violation of § 18.2-248.5 if the juvenile has been previously adjudicated delinquent on two or more occasions of violating § 18.2-248.5 provided the adjudications occurred after the juvenile was at least ~~14~~ 16 years of age, provided the attorney for the Commonwealth gives written notice of his intent to proceed pursuant to this subsection. *Prior to giving written notice of his intent to proceed pursuant to this subsection, the attorney for the Commonwealth shall submit a written request to the director of the court services unit to complete a report as described in subsection B of § 16.1-269.2 unless waived by the juvenile and his attorney or other legal representative. The report shall be filed with the court and mailed or delivered to (i) the attorney for the Commonwealth and (ii) counsel for the juvenile, or, if the juvenile is not represented by counsel, to the juvenile and a parent, guardian, or other person standing in loco parentis with respect to the juvenile, within 21 days of the date of the written request. After reviewing the report, if the attorney for the Commonwealth still intends to proceed pursuant to this subsection, he shall then provide the written notice of such intent, which shall include affirmation that he reviewed the report. The notice shall be filed with the court and mailed or delivered to counsel for the juvenile or, if the juvenile is not then represented by counsel, to the juvenile and a parent, guardian or other person standing in loco parentis with respect to the juvenile at least seven days prior to the preliminary hearing. If the attorney for the Commonwealth elects not to give such notice, ~~or~~ if he elects to withdraw the notice prior to certification of the charge to the grand jury, or if the juvenile is 14 years of age or older, but less than 16 years of age, he may proceed as provided in subsection A.*

D. Upon a finding of probable cause pursuant to a preliminary hearing under subsection B or C, the juvenile court shall certify the charge, and all ancillary charges, to the grand jury. Such certification shall divest the juvenile court of jurisdiction as to the charge and any ancillary charges. Nothing in this subsection shall divest the juvenile court of jurisdiction over any matters unrelated to such charge and ancillary charges which may otherwise be properly within the jurisdiction of the juvenile court.

If the court does not find probable cause to believe that the juvenile has committed the violent juvenile felony as charged in the petition or warrant or if the petition or warrant is terminated by dismissal in the juvenile court, the attorney for the Commonwealth may seek a direct indictment in the circuit court. If the petition or warrant is terminated by nolle prosequi in the juvenile court, the attorney for the Commonwealth may seek an indictment only after a preliminary hearing in juvenile court.

If the court finds that the juvenile was not (i) for the purposes of subsection A, 14 years of age or older or (ii) for purposes of subsection B or C, 16 years of age or older; at the time of the alleged commission of the offense or that the conditions specified in subdivision A 1, 2, or 3 have not been met, the case shall proceed as otherwise provided for by law.

E. An indictment in the circuit court cures any error or defect in any proceeding held in the juvenile court except with respect to the juvenile's age. If an indictment is terminated by nolle prosequi, the Commonwealth may reinstate the proceeding by seeking a subsequent indictment.

§ 16.1-269.2. Admissibility of statement; investigation and report; bail.

A. Statements made by the juvenile at the transfer hearing provided for under § 16.1-269.1 shall not be admissible against him over objection in any criminal proceedings following the transfer, except for purposes of impeachment.

B. Prior to a transfer hearing pursuant to subsection A of § 16.1-269.1 or a preliminary hearing pursuant to subsection C of § 16.1-269.1, a study and report to the court, in writing, relevant to the factors set out in subdivision A 4 of § 16.1-269.1, as well as an assessment of any affiliation with a criminal street gang as defined in § 18.2-46.1, shall be made by the probation services or other qualified agency designated by the court. Upon motion of the attorney for the Commonwealth for a transfer hearing pursuant to subsection A of § 16.1-269.1, the attorney for the Commonwealth shall provide notice to the designated probation services or other qualified agency of the need for a transfer report. Counsel for the juvenile and the attorney for the Commonwealth shall have full access to the study and report and any other report or data concerning the juvenile which are available to the court. The court shall not consider the report until a finding has been made concerning probable cause. If the court so orders, the study and report may be expanded to include matters provided for in § 16.1-273, whereupon it may also serve as the report required by this subsection, but on the condition that it will not be submitted to the judge who will preside at any subsequent hearings except as provided for by law.

C. After the completion of the hearing, whether or not the juvenile court decides to retain jurisdiction over the juvenile or transfer such juvenile for criminal proceedings in the circuit court, the juvenile court shall set bail for the juvenile in accordance with Chapter 9 (§ 19.2-119 et seq.) of Title 19.2, if bail has not already been set.

§ 16.1-277.1. Time limitation.

A. When a child is held continuously in secure detention, he shall be released from confinement if there is no adjudicatory or transfer hearing conducted by the court for the matters upon which he was detained within twenty-one days from the date he was first detained.

B. If a child is not held in secure detention or is released from same after having been confined, an adjudicatory or transfer hearing on the matters charged in the petition or petitions issued against him shall be conducted within 120 days from the date the petition or petitions are filed.

C. When a child is held in secure detention after the completion of his adjudicatory hearing or is detained when the juvenile court has retained jurisdiction as a result of a transfer hearing, he shall be released from such detention if the disposition hearing is not completed within thirty days from the date of the adjudicatory or transfer hearing.

D. The time limitations provided for in this section shall be tolled during any period in which (i) the whereabouts of the child are unknown, (ii) the child has escaped from custody, or (iii) the child has failed to appear pursuant to a court order, or (iv) a report is being prepared pursuant to the written request by the attorney for the Commonwealth in accordance with subsection C of § 16.1-269.1. The limitations also may be extended by the court for a reasonable period of time based upon good cause shown, provided that the basis for such extension is recorded in writing and filed among the papers of the proceedings. For the purposes of this section, good cause includes, but is not limited to, extension of limitations necessary to obtain the presence of a witness to testify regarding the results of scientific analyses or examinations and good cause shown by the director of the court services unit completing a report pursuant to subsection C of § 16.1-269.1 that additional time is needed for the completion of the report.

CHAPTER 988

An Act to amend and reenact §§ 16.1-241, 16.1-269.1, 16.1-269.2, and 16.1-277.1 of the Code of Virginia, relating to juveniles; trial as an adult.

Be it enacted by the General Assembly of Virginia:

1. That §§ 16.1-241, 16.1-269.1, 16.1-269.2, and 16.1-277.1 of the Code of Virginia are amended and reenacted as follows:

§ 16.1-241. Jurisdiction; consent for abortion.

The judges of the juvenile and domestic relations district court elected or appointed under this law shall be conservators of the peace within the corporate limits of the cities and the boundaries of the counties for which they are respectively chosen and within one mile beyond the limits of such cities and counties. Except as hereinafter provided, each juvenile and domestic relations district court shall have, within the limits of the territory for which it is created, exclusive original jurisdiction, and within one mile beyond the limits of said city or county, concurrent jurisdiction with the juvenile court or courts of the adjoining city or county, over all cases, matters and proceedings involving:

A. The custody, visitation, support, control or disposition of a child:

1. Who is alleged to be abused, neglected, in need of services, in need of supervision, a status offender, or delinquent except where the jurisdiction of the juvenile court has been terminated or divested;

2. Who is abandoned by his parent or other custodian or who by reason of the absence or physical or mental incapacity of his parents is without parental care and guardianship;

2a. Who is at risk of being abused or neglected by a parent or custodian who has been adjudicated as having abused or neglected another child in the care of the parent or custodian;

3. Whose custody, visitation or support is a subject of controversy or requires determination. In such cases jurisdiction shall be concurrent with and not exclusive of courts having equity jurisdiction, except as provided in § 16.1-244;

4. Who is the subject of an entrustment agreement entered into pursuant to § 63.2-903 or 63.2-1817 or whose parent or parents for good cause desire to be relieved of his care and custody;

5. Where the termination of residual parental rights and responsibilities is sought. In such cases jurisdiction shall be concurrent with and not exclusive of courts having equity jurisdiction, as provided in § 16.1-244;

6. Who is charged with a traffic infraction as defined in § 46.2-100; or

7. Who is alleged to have refused to take a blood test in violation of § 18.2-268.2.

In any case in which the juvenile is alleged to have committed a violent juvenile felony enumerated in subsection B of § 16.1-269.1, and for any charges ancillary thereto, the jurisdiction of the juvenile court shall be limited to conducting a preliminary hearing to determine if there is probable cause to believe that the juvenile committed the act alleged and that the juvenile was ~~14~~ 16 years of age or older at the time of the commission of the alleged offense, and any matters related thereto. In any case in which the juvenile is alleged to have committed a violent juvenile felony enumerated in subsection C of § 16.1-269.1, and for all charges ancillary thereto, if the attorney for the Commonwealth has given notice as provided in subsection C of § 16.1-269.1, the jurisdiction of the juvenile court shall be limited to conducting a preliminary hearing to determine if there is probable cause to believe that the juvenile committed the act alleged and that the juvenile was ~~14~~ 16 years of age or older at the time of the commission of the alleged offense, and any matters related thereto. A determination by the juvenile court following a preliminary hearing pursuant to subsection B or C of § 16.1-269.1 to certify a charge to the grand jury shall divest the juvenile court of jurisdiction over the charge and any ancillary charge. In any case in which a transfer hearing is held pursuant to subsection A of § 16.1-269.1, if the juvenile court determines to transfer the case, jurisdiction of the juvenile court over the case shall be divested as provided in § 16.1-269.6.

In all other cases involving delinquent acts, and in cases in which an ancillary charge remains after a violent juvenile felony charge has been dismissed or a violent juvenile felony has been reduced to a lesser offense not constituting a violent juvenile felony, the jurisdiction of the juvenile court shall not be divested unless there is a transfer pursuant to subsection A of § 16.1-269.1.

The authority of the juvenile court to adjudicate matters involving the custody, visitation, support, control or disposition of a child shall not be limited to the consideration of petitions filed by a mother, father or legal guardian but shall include petitions filed at any time by any party with a legitimate interest therein. A party with a legitimate interest shall be broadly construed and shall include, but not be limited to, grandparents, step-grandparents, stepparents, former stepparents, blood relatives and family members. A party with a legitimate interest shall not include any person (i) whose parental rights have been terminated by court order, either voluntarily or involuntarily, (ii) whose interest in the child derives from or through a person whose parental rights have been terminated by court order, either voluntarily or involuntarily, including, but not limited to, grandparents, stepparents, former stepparents, blood relatives and family members, if the child subsequently has been legally adopted, except where a final order of adoption is entered pursuant to § 63.2-1241, or (iii) who has been convicted of a violation of subsection A of § 18.2-61, § 18.2-63, subsection B of § 18.2-366, or an equivalent offense of another state, the United States, or any foreign jurisdiction, when the child who is the subject of the petition was conceived as a result of such violation. The authority of the juvenile court to consider a petition involving the custody of a child shall not be proscribed or limited where the child has previously been awarded to the custody of a local board of social services.

A1. Making specific findings of fact required by state or federal law to enable a child to apply for or receive a state or federal benefit.

B. The admission of minors for inpatient treatment in a mental health facility in accordance with the provisions of Article 16 (§ 16.1-335 et seq.) and the involuntary admission of a person with mental illness or judicial certification of eligibility for admission to a training center for persons with intellectual disability in accordance with the provisions of

Chapter 8 (§ 37.2-800 et seq.) of Title 37.2. Jurisdiction of the involuntary admission and certification of adults shall be concurrent with the general district court.

C. Except as provided in subsections D and H, judicial consent to such activities as may require parental consent may be given for a child who has been separated from his parents, guardian, legal custodian or other person standing in loco parentis and is in the custody of the court when such consent is required by law.

D. Judicial consent for emergency surgical or medical treatment for a child who is neither married nor has ever been married, when the consent of his parent, guardian, legal custodian or other person standing in loco parentis is unobtainable because such parent, guardian, legal custodian or other person standing in loco parentis (i) is not a resident of the Commonwealth, (ii) has his whereabouts unknown, (iii) cannot be consulted with promptness, reasonable under the circumstances, or (iv) fails to give such consent or provide such treatment when requested by the judge to do so.

E. Any person charged with deserting, abandoning or failing to provide support for any person in violation of law.

F. Any parent, guardian, legal custodian or other person standing in loco parentis of a child:

1. Who has been abused or neglected;

2. Who is the subject of an entrustment agreement entered into pursuant to § 63.2-903 or 63.2-1817 or is otherwise before the court pursuant to subdivision A 4; or

3. Who has been adjudicated in need of services, in need of supervision, or delinquent, if the court finds that such person has by overt act or omission induced, caused, encouraged or contributed to the conduct of the child complained of in the petition.

G. Petitions filed by or on behalf of a child or such child's parent, guardian, legal custodian or other person standing in loco parentis for the purpose of obtaining treatment, rehabilitation or other services that are required by law to be provided for that child or such child's parent, guardian, legal custodian or other person standing in loco parentis. Jurisdiction in such cases shall be concurrent with and not exclusive of that of courts having equity jurisdiction as provided in § 16.1-244.

H. Judicial consent to apply for a work permit for a child when such child is separated from his parents, legal guardian or other person standing in loco parentis.

I. The prosecution and punishment of persons charged with ill-treatment, abuse, abandonment or neglect of children or with any violation of law that causes or tends to cause a child to come within the purview of this law, or with any other offense against the person of a child. In prosecution for felonies over which the court has jurisdiction, jurisdiction shall be limited to determining whether or not there is probable cause.

J. All offenses in which one family or household member is charged with an offense in which another family or household member is the victim and all offenses under § 18.2-49.1.

In prosecution for felonies over which the court has jurisdiction, jurisdiction shall be limited to determining whether or not there is probable cause. Any objection based on jurisdiction under this subsection shall be made before a jury is impaneled and sworn in a jury trial or, in a nonjury trial, before the earlier of when the court begins to hear or receive evidence or the first witness is sworn, or it shall be conclusively waived for all purposes. Any such objection shall not affect or be grounds for challenging directly or collaterally the jurisdiction of the court in which the case is tried.

K. Petitions filed by a natural parent, whose parental rights to a child have been voluntarily relinquished pursuant to a court proceeding, to seek a reversal of the court order terminating such parental rights. No such petition shall be accepted, however, after the child has been placed in the home of adoptive parents.

L. Any person who seeks spousal support after having separated from his spouse. A decision under this subdivision shall not be res judicata in any subsequent action for spousal support in a circuit court. A circuit court shall have concurrent original jurisdiction in all causes of action under this subdivision.

M. Petitions filed for the purpose of obtaining an order of protection pursuant to § 16.1-253.1, 16.1-253.4, or 16.1-279.1, and all petitions filed for the purpose of obtaining an order of protection pursuant to § 19.2-152.8, 19.2-152.9, or 19.2-152.10 if either the alleged victim or the respondent is a juvenile.

N. Any person who escapes or remains away without proper authority from a residential care facility in which he had been placed by the court or as a result of his commitment to the Virginia Department of Juvenile Justice.

O. Petitions for emancipation of a minor pursuant to Article 15 (§ 16.1-331 et seq.).

P. Petitions for enforcement of administrative support orders entered pursuant to Chapter 19 (§ 63.2-1900 et seq.) of Title 63.2, or by another state in the same manner as if the orders were entered by a juvenile and domestic relations district court upon the filing of a certified copy of such order in the juvenile and domestic relations district court.

Q. Petitions for a determination of parentage pursuant to Chapter 3.1 (§ 20-49.1 et seq.) of Title 20. A circuit court shall have concurrent original jurisdiction to the extent provided for in § 20-49.2.

R. [Repealed.]

S. Petitions filed by school boards against parents pursuant to §§ 16.1-241.2 and 22.1-279.3.

T. Petitions to enforce any request for information or subpoena that is not complied with or to review any refusal to issue a subpoena in an administrative appeal regarding child abuse and neglect pursuant to § 63.2-1526.

U. Petitions filed in connection with parental placement adoption consent hearings pursuant to § 63.2-1233. Such proceedings shall be advanced on the docket so as to be heard by the court within 10 days of filing of the petition, or as soon thereafter as practicable so as to provide the earliest possible disposition.

V. Petitions filed for the purpose of obtaining the court's assistance with the execution of consent to an adoption when the consent to an adoption is executed pursuant to the laws of another state and the laws of that state provide for the execution of consent to an adoption in the court of the Commonwealth.

W. Petitions filed by a juvenile seeking judicial authorization for a physician to perform an abortion if a minor elects not to seek consent of an authorized person.

After a hearing, a judge shall issue an order authorizing a physician to perform an abortion, without the consent of any authorized person, if he finds that (i) the minor is mature enough and well enough informed to make her abortion decision, in consultation with her physician, independent of the wishes of any authorized person, or (ii) the minor is not mature enough or well enough informed to make such decision, but the desired abortion would be in her best interest.

If the judge authorizes an abortion based on the best interests of the minor, such order shall expressly state that such authorization is subject to the physician or his agent giving notice of intent to perform the abortion; however, no such notice shall be required if the judge finds that such notice would not be in the best interest of the minor. In determining whether notice is in the best interest of the minor, the judge shall consider the totality of the circumstances; however, he shall find that notice is not in the best interest of the minor if he finds that (i) one or more authorized persons with whom the minor regularly and customarily resides is abusive or neglectful, and (ii) every other authorized person, if any, is either abusive or neglectful or has refused to accept responsibility as parent, legal guardian, custodian or person standing in loco parentis.

The minor may participate in the court proceedings on her own behalf, and the court may appoint a guardian ad litem for the minor. The court shall advise the minor that she has a right to counsel and shall, upon her request, appoint counsel for her.

Notwithstanding any other provision of law, the provisions of this subsection shall govern proceedings relating to consent for a minor's abortion. Court proceedings under this subsection and records of such proceedings shall be confidential. Such proceedings shall be given precedence over other pending matters so that the court may reach a decision promptly and without delay in order to serve the best interests of the minor. Court proceedings under this subsection shall be heard and decided as soon as practicable but in no event later than four days after the petition is filed.

An expedited confidential appeal to the circuit court shall be available to any minor for whom the court denies an order authorizing an abortion without consent or without notice. Any such appeal shall be heard and decided no later than five days after the appeal is filed. The time periods required by this subsection shall be subject to subsection B of § 1-210. An order authorizing an abortion without consent or without notice shall not be subject to appeal.

No filing fees shall be required of the minor at trial or upon appeal.

If either the original court or the circuit court fails to act within the time periods required by this subsection, the court before which the proceeding is pending shall immediately authorize a physician to perform the abortion without consent of or notice to an authorized person.

Nothing contained in this subsection shall be construed to authorize a physician to perform an abortion on a minor in circumstances or in a manner that would be unlawful if performed on an adult woman.

A physician shall not knowingly perform an abortion upon an unemancipated minor unless consent has been obtained or the minor delivers to the physician a court order entered pursuant to this section and the physician or his agent provides such notice as such order may require. However, neither consent nor judicial authorization nor notice shall be required if the minor declares that she is abused or neglected and the attending physician has reason to suspect that the minor may be an abused or neglected child as defined in § 63.2-100 and reports the suspected abuse or neglect in accordance with § 63.2-1509; or if there is a medical emergency, in which case the attending physician shall certify the facts justifying the exception in the minor's medical record.

For purposes of this subsection:

"Authorization" means the minor has delivered to the physician a notarized, written statement signed by an authorized person that the authorized person knows of the minor's intent to have an abortion and consents to such abortion being performed on the minor.

"Authorized person" means (i) a parent or duly appointed legal guardian or custodian of the minor or (ii) a person standing in loco parentis, including, but not limited to, a grandparent or adult sibling with whom the minor regularly and customarily resides and who has care and control of the minor. Any person who knows he is not an authorized person and who knowingly and willfully signs an authorization statement consenting to an abortion for a minor is guilty of a Class 3 misdemeanor.

"Consent" means that (i) the physician has given notice of intent to perform the abortion and has received authorization from an authorized person, or (ii) at least one authorized person is present with the minor seeking the abortion and provides written authorization to the physician, which shall be witnessed by the physician or an agent thereof. In either case, the written authorization shall be incorporated into the minor's medical record and maintained as a part thereof.

"Medical emergency" means any condition which, on the basis of the physician's good faith clinical judgment, so complicates the medical condition of the pregnant minor as to necessitate the immediate abortion of her pregnancy to avert her death or for which a delay will create a serious risk of substantial and irreversible impairment of a major bodily function.

"Notice of intent to perform the abortion" means that (i) the physician or his agent has given actual notice of his intention to perform such abortion to an authorized person, either in person or by telephone, at least 24 hours previous to the performance of the abortion; or (ii) the physician or his agent, after a reasonable effort to notify an authorized person, has

mailed notice to an authorized person by certified mail, addressed to such person at his usual place of abode, with return receipt requested, at least 72 hours prior to the performance of the abortion.

"Perform an abortion" means to interrupt or terminate a pregnancy by any surgical or nonsurgical procedure or to induce a miscarriage as provided in § 18.2-72, 18.2-73, or 18.2-74.

"Unemancipated minor" means a minor who has not been emancipated by (i) entry into a valid marriage, even though the marriage may have been terminated by dissolution; (ii) active duty with any of the Armed Forces of the United States; (iii) willingly living separate and apart from his or her parents or guardian, with the consent or acquiescence of the parents or guardian; or (iv) entry of an order of emancipation pursuant to Article 15 (§ 16.1-331 et seq.).

X. Petitions filed pursuant to Article 17 (§ 16.1-349 et seq.) relating to standby guardians for minor children.

Y. Petitions involving minors filed pursuant to § 32.1-45.1 relating to obtaining a blood specimen or test results.

The ages specified in this law refer to the age of the child at the time of the acts complained of in the petition.

Notwithstanding any other provision of law, no fees shall be charged by a sheriff for the service of any process in a proceeding pursuant to subdivision A 3, except as provided in subdivision A 6 of § 17.1-272, or subsection B, D, M, or R.

Notwithstanding the provisions of § 18.2-71, any physician who performs an abortion in violation of subsection W shall be guilty of a Class 3 misdemeanor.

§ 16.1-269.1. Trial in circuit court; preliminary hearing; direct indictment; remand.

A. Except as provided in subsections B and C, if a juvenile 14 years of age or older at the time of an alleged offense is charged with an offense which would be a felony if committed by an adult, the court shall, on motion of the attorney for the Commonwealth and prior to a hearing on the merits, hold a transfer hearing and may retain jurisdiction or transfer such juvenile for proper criminal proceedings to the appropriate circuit court having criminal jurisdiction of such offenses if committed by an adult. Any transfer to the appropriate circuit court shall be subject to the following conditions:

1. Notice as prescribed in §§ 16.1-263 and 16.1-264 shall be given to the juvenile and his parent, guardian, legal custodian or other person standing in loco parentis; or attorney;

2. The juvenile court finds that probable cause exists to believe that the juvenile committed the delinquent act as alleged or a lesser included delinquent act which would be a felony if committed by an adult;

3. The juvenile is competent to stand trial. The juvenile is presumed to be competent and the burden is on the party alleging the juvenile is not competent to rebut the presumption by a preponderance of the evidence; and

4. The court finds by a preponderance of the evidence that the juvenile is not a proper person to remain within the jurisdiction of the juvenile court. In determining whether a juvenile is a proper person to remain within the jurisdiction of the juvenile court, the court shall consider, but not be limited to, the following factors:

a. The juvenile's age;

b. The seriousness and number of alleged offenses, including (i) whether the alleged offense was committed in an aggressive, violent, premeditated, or willful manner; (ii) whether the alleged offense was against persons or property, with greater weight being given to offenses against persons, especially if death or bodily injury resulted; (iii) whether the maximum punishment for such an offense is greater than 20 years confinement if committed by an adult; (iv) whether the alleged offense involved the use of a firearm or other dangerous weapon by brandishing, threatening, displaying or otherwise employing such weapon; and (v) the nature of the juvenile's participation in the alleged offense;

c. Whether the juvenile can be retained in the juvenile justice system long enough for effective treatment and rehabilitation;

d. The appropriateness and availability of the services and dispositional alternatives in both the criminal justice and juvenile justice systems for dealing with the juvenile's problems;

e. The record and previous history of the juvenile in this or other jurisdictions, including (i) the number and nature of previous contacts with juvenile or circuit courts, (ii) the number and nature of prior periods of probation, (iii) the number and nature of prior commitments to juvenile correctional centers, (iv) the number and nature of previous residential and community-based treatments, (v) whether previous adjudications and commitments were for delinquent acts that involved the infliction of serious bodily injury, and (vi) whether the alleged offense is part of a repetitive pattern of similar adjudicated offenses;

f. Whether the juvenile has previously absconded from the legal custody of a juvenile correctional entity in this or any other jurisdiction;

g. The extent, if any, of the juvenile's degree of intellectual disability or mental illness;

h. The juvenile's school record and education;

i. The juvenile's mental and emotional maturity; and

j. The juvenile's physical condition and physical maturity.

No transfer decision shall be precluded or reversed on the grounds that the court failed to consider any of the factors specified in subdivision 4.

B. The juvenile court shall conduct a preliminary hearing whenever a juvenile ~~14~~ 16 years of age or older is charged with murder in violation of § 18.2-31, 18.2-32 or 18.2-40, or aggravated malicious wounding in violation of § 18.2-51.2. *If the juvenile is 14 years of age or older, but less than 16 years of age, then the court may proceed, on motion of the attorney for the Commonwealth, as provided in subsection A.*

C. The juvenile court shall conduct a preliminary hearing whenever a juvenile ~~14~~ 16 years of age or older is charged with murder in violation of § 18.2-33; felonious injury by mob in violation of § 18.2-41; abduction in violation of § 18.2-48;

malicious wounding in violation of § 18.2-51; malicious wounding of a law-enforcement officer in violation of § 18.2-51.1; felonious poisoning in violation of § 18.2-54.1; adulteration of products in violation of § 18.2-54.2; robbery in violation of § 18.2-58 or carjacking in violation of § 18.2-58.1; rape in violation of § 18.2-61; forcible sodomy in violation of § 18.2-67.1; object sexual penetration in violation of § 18.2-67.2; manufacturing, selling, giving, distributing, or possessing with intent to manufacture, sell, give, or distribute a controlled substance or an imitation controlled substance in violation of § 18.2-248 if the juvenile has been previously adjudicated delinquent on two or more occasions of violating § 18.2-248 provided the adjudications occurred after the juvenile was at least ~~14~~ 16 years of age; manufacturing, selling, giving, distributing, or possessing with intent to manufacture, sell, give, or distribute methamphetamine in violation of § 18.2-248.03 if the juvenile has been previously adjudicated delinquent on two or more occasions of violating § 18.2-248.03 provided the adjudications occurred after the juvenile was at least ~~14~~ 16 years of age; or felonious manufacturing, selling, giving, distributing, or possessing with intent to manufacture, sell, give, or distribute anabolic steroids in violation of § 18.2-248.5 if the juvenile has been previously adjudicated delinquent on two or more occasions of violating § 18.2-248.5 provided the adjudications occurred after the juvenile was at least ~~14~~ 16 years of age, provided the attorney for the Commonwealth gives written notice of his intent to proceed pursuant to this subsection. *Prior to giving written notice of his intent to proceed pursuant to this subsection, the attorney for the Commonwealth shall submit a written request to the director of the court services unit to complete a report as described in subsection B of § 16.1-269.2 unless waived by the juvenile and his attorney or other legal representative. The report shall be filed with the court and mailed or delivered to (i) the attorney for the Commonwealth and (ii) counsel for the juvenile, or, if the juvenile is not represented by counsel, to the juvenile and a parent, guardian, or other person standing in loco parentis with respect to the juvenile, within 21 days of the date of the written request. After reviewing the report, if the attorney for the Commonwealth still intends to proceed pursuant to this subsection, he shall then provide the written notice of such intent, which shall include affirmation that he reviewed the report.* The notice shall be filed with the court and mailed or delivered to counsel for the juvenile or, if the juvenile is not then represented by counsel, to the juvenile and a parent, guardian or other person standing in loco parentis with respect to the juvenile at least seven days prior to the preliminary hearing. If the attorney for the Commonwealth elects not to give such notice, ~~or~~ if he elects to withdraw the notice prior to certification of the charge to the grand jury, *or if the juvenile is 14 years of age or older, but less than 16 years of age*, he may proceed as provided in subsection A.

D. Upon a finding of probable cause pursuant to a preliminary hearing under subsection B or C, the juvenile court shall certify the charge, and all ancillary charges, to the grand jury. Such certification shall divest the juvenile court of jurisdiction as to the charge and any ancillary charges. Nothing in this subsection shall divest the juvenile court of jurisdiction over any matters unrelated to such charge and ancillary charges which may otherwise be properly within the jurisdiction of the juvenile court.

If the court does not find probable cause to believe that the juvenile has committed the violent juvenile felony as charged in the petition or warrant or if the petition or warrant is terminated by dismissal in the juvenile court, the attorney for the Commonwealth may seek a direct indictment in the circuit court. If the petition or warrant is terminated by nolle prosequi in the juvenile court, the attorney for the Commonwealth may seek an indictment only after a preliminary hearing in juvenile court.

If the court finds that the juvenile was not (i) for the purposes of subsection A, 14 years of age or older or (ii) for purposes of subsection B or C, 16 years of age or older, at the time of the alleged commission of the offense or that the conditions specified in subdivision A 1, 2, or 3 have not been met, the case shall proceed as otherwise provided for by law.

E. An indictment in the circuit court cures any error or defect in any proceeding held in the juvenile court except with respect to the juvenile's age. If an indictment is terminated by nolle prosequi, the Commonwealth may reinstate the proceeding by seeking a subsequent indictment.

§ 16.1-269.2. Admissibility of statement; investigation and report; bail.

A. Statements made by the juvenile at the transfer hearing provided for under § 16.1-269.1 shall not be admissible against him over objection in any criminal proceedings following the transfer, except for purposes of impeachment.

B. Prior to a transfer hearing pursuant to subsection A of § 16.1-269.1 or a preliminary hearing pursuant to subsection C of § 16.1-269.1, a study and report to the court, in writing, relevant to the factors set out in subdivision A 4 of § 16.1-269.1, as well as an assessment of any affiliation with a criminal street gang as defined in § 18.2-46.1, shall be made by the probation services or other qualified agency designated by the court. Upon motion of the attorney for the Commonwealth for a transfer hearing pursuant to subsection A of § 16.1-269.1, the attorney for the Commonwealth shall provide notice to the designated probation services or other qualified agency of the need for a transfer report. Counsel for the juvenile and the attorney for the Commonwealth shall have full access to the study and report and any other report or data concerning the juvenile which are available to the court. The court shall not consider the report until a finding has been made concerning probable cause. If the court so orders, the study and report may be expanded to include matters provided for in § 16.1-273, whereupon it may also serve as the report required by this subsection, but on the condition that it will not be submitted to the judge who will preside at any subsequent hearings except as provided for by law.

C. After the completion of the hearing, whether or not the juvenile court decides to retain jurisdiction over the juvenile or transfer such juvenile for criminal proceedings in the circuit court, the juvenile court shall set bail for the juvenile in accordance with Chapter 9 (§ 19.2-119 et seq.) of Title 19.2, if bail has not already been set.

§ 16.1-277.1. Time limitation.

A. When a child is held continuously in secure detention, he shall be released from confinement if there is no adjudicatory or transfer hearing conducted by the court for the matters upon which he was detained within twenty-one days from the date he was first detained.

B. If a child is not held in secure detention or is released from same after having been confined, an adjudicatory or transfer hearing on the matters charged in the petition or petitions issued against him shall be conducted within 120 days from the date the petition or petitions are filed.

C. When a child is held in secure detention after the completion of his adjudicatory hearing or is detained when the juvenile court has retained jurisdiction as a result of a transfer hearing, he shall be released from such detention if the disposition hearing is not completed within thirty days from the date of the adjudicatory or transfer hearing.

D. The time limitations provided for in this section shall be tolled during any period in which (i) the whereabouts of the child are unknown, (ii) the child has escaped from custody, ~~or~~ (iii) the child has failed to appear pursuant to a court order, *or* (iv) a report is being prepared pursuant to the written request by the attorney for the Commonwealth in accordance with subsection C of § 16.1-269.1. The limitations also may be extended by the court for a reasonable period of time based upon good cause shown, provided that the basis for such extension is recorded in writing and filed among the papers of the proceedings. For the purposes of this section, good cause includes, ~~but is not limited to,~~ extension of limitations necessary to obtain the presence of a witness to testify regarding the results of scientific analyses or examinations *and good cause shown by the director of the court services unit completing a report pursuant to subsection C of § 16.1-269.1 that additional time is needed for the completion of the report.*

CHAPTER 989

An Act to amend and reenact § 19.2-303.2 of the Code of Virginia, relating to deferred dispositions; property crimes; larceny and receiving stolen goods.

[H 660]

Approved April 9, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-303.2 of the Code of Virginia is amended and reenacted as follows:

§ 19.2-303.2. Persons charged with first offense may be placed on probation.

Whenever any person who has not previously been convicted of any felony, *or has not previously had a proceeding against him for violation of such an offense dismissed as provided in this section*, pleads guilty to or enters a plea of not guilty to any crime against property constituting a misdemeanor, under ~~Articles~~ Article 3 (§ 18.2-95 *et seq.*), 5 (§ 18.2-119 *et seq.*) *except for a violation of § 18.2-130 or 18.2-130.1*, 6 (§ 18.2-137 *et seq.*), 7 ~~and~~ (§ 18.2-144 *et seq.*), or 8 (§ 18.2-153 *et seq.*) of Chapter 5 (~~§ 18.2-119 *et seq.*~~) of Title 18.2, the court, upon such plea if the facts found by the court would justify a finding of guilt, without entering a judgment of guilt and with the consent of the accused, may defer further proceedings and place him on probation subject to terms and conditions, which may include restitution for losses caused, set by the court. If the court defers further proceedings for an offense that is required to be reported to the Central Criminal Records Exchange pursuant to § 19.2-390, at that time the court shall determine whether the clerk of court has been provided with the fingerprint identification information or fingerprints of the accused, taken by a law-enforcement officer pursuant to § 19.2-390, and, if not, shall order that the fingerprints and photograph of the accused be taken by a law-enforcement officer. Upon violation of a term or condition, the court may enter an adjudication of guilt and proceed as otherwise provided. Upon fulfillment of the terms and conditions, and upon determining that the clerk of court has been provided with the fingerprint identification information or fingerprints of such person for an offense that is required to be reported to the Central Criminal Records Exchange pursuant to § 19.2-390, the court shall discharge the person and dismiss the proceedings against him. Discharge and dismissal under this section shall be without adjudication of guilt and is a conviction only for the purpose of applying this section in subsequent proceedings.

CHAPTER 990

An Act to amend and reenact § 19.2-303.2 of the Code of Virginia, relating to deferred dispositions; property crimes; larceny and receiving stolen goods.

[S 286]

Approved April 9, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-303.2 of the Code of Virginia is amended and reenacted as follows:

§ 19.2-303.2. Persons charged with first offense may be placed on probation.

Whenever any person who has not previously been convicted of any felony, *or has not previously had a proceeding against him for violation of such an offense dismissed as provided in this section*, pleads guilty to or enters a plea of not guilty to any crime against property constituting a misdemeanor, under ~~Articles~~ Article 3 (§ 18.2-95 *et seq.*), 5 (§ 18.2-119 *et seq.*) *except for a violation of § 18.2-130 or 18.2-130.1*, 6 (§ 18.2-137 *et seq.*), 7 ~~and~~ (§ 18.2-144 *et seq.*), or

8 (§ 18.2-153 *et seq.*) of Chapter 5 (~~§ 18.2-119 *et seq.*~~) of Title 18.2, the court, upon such plea if the facts found by the court would justify a finding of guilt, without entering a judgment of guilt and with the consent of the accused, may defer further proceedings and place him on probation subject to terms and conditions, which may include restitution for losses caused, set by the court. If the court defers further proceedings for an offense that is required to be reported to the Central Criminal Records Exchange pursuant to § 19.2-390, at that time the court shall determine whether the clerk of court has been provided with the fingerprint identification information or fingerprints of the accused, taken by a law-enforcement officer pursuant to § 19.2-390, and, if not, shall order that the fingerprints and photograph of the accused be taken by a law-enforcement officer. Upon violation of a term or condition, the court may enter an adjudication of guilt and proceed as otherwise provided. Upon fulfillment of the terms and conditions, and upon determining that the clerk of court has been provided with the fingerprint identification information or fingerprints of such person for an offense that is required to be reported to the Central Criminal Records Exchange pursuant to § 19.2-390, the court shall discharge the person and dismiss the proceedings against him. Discharge and dismissal under this section shall be without adjudication of guilt and is a conviction only for the purpose of applying this section in subsequent proceedings.

CHAPTER 991

An Act to amend and reenact § 18.2-308.2:2 of the Code of Virginia, relating to purchase of handguns; limitation on handgun purchases; penalty.

[H 812]

Approved April 9, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-308.2:2 of the Code of Virginia is amended and reenacted as follows:

§ 18.2-308.2:2. Criminal history record information check required for the transfer of certain firearms.

A. Any person purchasing from a dealer a firearm as herein defined shall consent in writing, on a form to be provided by the Department of State Police, to have the dealer obtain criminal history record information. Such form shall include only the written consent; the name, birth date, gender, race, citizenship, and social security number and/or any other identification number; the number of firearms by category intended to be sold, rented, traded, or transferred; and answers by the applicant to the following questions: (i) has the applicant been convicted of a felony offense or found guilty or adjudicated delinquent as a juvenile 14 years of age or older at the time of the offense of a delinquent act that would be a felony if committed by an adult; (ii) is the applicant subject to a court order restraining the applicant from harassing, stalking, or threatening the applicant's child or intimate partner, or a child of such partner, or is the applicant subject to a protective order; and (iii) has the applicant ever been acquitted by reason of insanity and prohibited from purchasing, possessing or transporting a firearm pursuant to § 18.2-308.1:1 or any substantially similar law of any other jurisdiction, been adjudicated legally incompetent, mentally incapacitated or adjudicated an incapacitated person and prohibited from purchasing a firearm pursuant to § 18.2-308.1:2 or any substantially similar law of any other jurisdiction, or been involuntarily admitted to an inpatient facility or involuntarily ordered to outpatient mental health treatment and prohibited from purchasing a firearm pursuant to § 18.2-308.1:3 or any substantially similar law of any other jurisdiction.

B. 1. No dealer shall sell, rent, trade or transfer from his inventory any such firearm to any other person who is a resident of Virginia until he has (i) obtained written consent and the other information on the consent form specified in subsection A, and provided the Department of State Police with the name, birth date, gender, race, citizenship, and social security and/or any other identification number and the number of firearms by category intended to be sold, rented, traded or transferred and (ii) requested criminal history record information by a telephone call to or other communication authorized by the State Police and is authorized by subdivision 2 to complete the sale or other such transfer. To establish personal identification and residence in Virginia for purposes of this section, a dealer must require any prospective purchaser to present one photo-identification form issued by a governmental agency of the Commonwealth or by the United States Department of Defense that demonstrates that the prospective purchaser resides in Virginia. For the purposes of this section and establishment of residency for firearm purchase, residency of a member of the armed forces shall include both the state in which the member's permanent duty post is located and any nearby state in which the member resides and from which he commutes to the permanent duty post. A member of the armed forces whose photo identification issued by the Department of Defense does not have a Virginia address may establish his Virginia residency with such photo identification and either permanent orders assigning the purchaser to a duty post, including the Pentagon, in Virginia or the purchaser's Leave and Earnings Statement. When the photo identification presented to a dealer by the prospective purchaser is a driver's license or other photo identification issued by the Department of Motor Vehicles, and such identification form contains a date of issue, the dealer shall not, except for a renewed driver's license or other photo identification issued by the Department of Motor Vehicles, sell or otherwise transfer a firearm to the prospective purchaser until 30 days after the date of issue of an original or duplicate driver's license unless the prospective purchaser also presents a copy of his Virginia Department of Motor Vehicles driver's record showing that the original date of issue of the driver's license was more than 30 days prior to the attempted purchase.

In addition, no dealer shall sell, rent, trade, or transfer from his inventory any assault firearm to any person who is not a citizen of the United States or who is not a person lawfully admitted for permanent residence.

Upon receipt of the request for a criminal history record information check, the State Police shall (a) review its criminal history record information to determine if the buyer or transferee is prohibited from possessing or transporting a firearm by state or federal law, (b) inform the dealer if its record indicates that the buyer or transferee is so prohibited, and (c) provide the dealer with a unique reference number for that inquiry.

2. The State Police shall provide its response to the requesting dealer during the dealer's request, or by return call without delay. If the criminal history record information check indicates the prospective purchaser or transferee has a disqualifying criminal record or has been acquitted by reason of insanity and committed to the custody of the Commissioner of Behavioral Health and Developmental Services, the State Police shall have until the end of the dealer's next business day to advise the dealer if its records indicate the buyer or transferee is prohibited from possessing or transporting a firearm by state or federal law. If not so advised by the end of the dealer's next business day, a dealer who has fulfilled the requirements of subdivision 1 may immediately complete the sale or transfer and shall not be deemed in violation of this section with respect to such sale or transfer. In case of electronic failure or other circumstances beyond the control of the State Police, the dealer shall be advised immediately of the reason for such delay and be given an estimate of the length of such delay. After such notification, the State Police shall, as soon as possible but in no event later than the end of the dealer's next business day, inform the requesting dealer if its records indicate the buyer or transferee is prohibited from possessing or transporting a firearm by state or federal law. A dealer who fulfills the requirements of subdivision 1 and is told by the State Police that a response will not be available by the end of the dealer's next business day may immediately complete the sale or transfer and shall not be deemed in violation of this section with respect to such sale or transfer.

3. Except as required by subsection D of § 9.1-132, the State Police shall not maintain records longer than 30 days, except for multiple handgun transactions for which records shall be maintained for 12 months, from any dealer's request for a criminal history record information check pertaining to a buyer or transferee who is not found to be prohibited from possessing and transporting a firearm under state or federal law. However, the log on requests made may be maintained for a period of 12 months, and such log shall consist of the name of the purchaser, the dealer identification number, the unique approval number and the transaction date.

4. On the last day of the week following the sale or transfer of any firearm, the dealer shall mail or deliver the written consent form required by subsection A to the Department of State Police. The State Police shall immediately initiate a search of all available criminal history record information to determine if the purchaser is prohibited from possessing or transporting a firearm under state or federal law. If the search discloses information indicating that the buyer or transferee is so prohibited from possessing or transporting a firearm, the State Police shall inform the chief law-enforcement officer in the jurisdiction where the sale or transfer occurred and the dealer without delay.

5. Notwithstanding any other provisions of this section, rifles and shotguns may be purchased by persons who are citizens of the United States or persons lawfully admitted for permanent residence but residents of other states under the terms of subsections A and B upon furnishing the dealer with one photo-identification form issued by a governmental agency of the person's state of residence and one other form of identification determined to be acceptable by the Department of Criminal Justice Services.

6. For the purposes of this subsection, the phrase "dealer's next business day" shall not include December 25.

C. No dealer shall sell, rent, trade or transfer from his inventory any firearm, except when the transaction involves a rifle or a shotgun and can be accomplished pursuant to the provisions of subdivision B 5 to any person who is not a resident of Virginia unless he has first obtained from the Department of State Police a report indicating that a search of all available criminal history record information has not disclosed that the person is prohibited from possessing or transporting a firearm under state or federal law. The dealer shall obtain the required report by mailing or delivering the written consent form required under subsection A to the State Police within 24 hours of its execution. If the dealer has complied with the provisions of this subsection and has not received the required report from the State Police within 10 days from the date the written consent form was mailed to the Department of State Police, he shall not be deemed in violation of this section for thereafter completing the sale or transfer.

D. Nothing herein shall prevent a resident of the Commonwealth, at his option, from buying, renting or receiving a firearm from a dealer in Virginia by obtaining a criminal history record information check through the dealer as provided in subsection C.

E. If any buyer or transferee is denied the right to purchase a firearm under this section, he may exercise his right of access to and review and correction of criminal history record information under § 9.1-132 or institute a civil action as provided in § 9.1-135, provided any such action is initiated within 30 days of such denial.

F. Any dealer who willfully and intentionally requests, obtains, or seeks to obtain criminal history record information under false pretenses, or who willfully and intentionally disseminates or seeks to disseminate criminal history record information except as authorized in this section shall be guilty of a Class 2 misdemeanor.

G. For purposes of this section:

"Actual buyer" means a person who executes the consent form required in subsection B or C, or other such firearm transaction records as may be required by federal law.

"Antique firearm" means:

1. Any firearm (including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured in or before 1898;

2. Any replica of any firearm described in subdivision 1 of this definition if such replica (i) is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition or (ii) uses rimfire or conventional centerfire fixed ammunition that is no longer manufactured in the United States and that is not readily available in the ordinary channels of commercial trade;

3. Any muzzle-loading rifle, muzzle-loading shotgun, or muzzle-loading pistol that is designed to use black powder, or a black powder substitute, and that cannot use fixed ammunition. For purposes of this subdivision, the term "antique firearm" shall not include any weapon that incorporates a firearm frame or receiver, any firearm that is converted into a muzzle-loading weapon, or any muzzle-loading weapon that can be readily converted to fire fixed ammunition by replacing the barrel, bolt, breech-block, or any combination thereof; or

4. Any curio or relic as defined in this subsection.

"Assault firearm" means any semi-automatic center-fire rifle or pistol which expels single or multiple projectiles by action of an explosion of a combustible material and is equipped at the time of the offense with a magazine which will hold more than 20 rounds of ammunition or designed by the manufacturer to accommodate a silencer or equipped with a folding stock.

"Curios or relics" means firearms that are of special interest to collectors by reason of some quality other than is associated with firearms intended for sporting use or as offensive or defensive weapons. To be recognized as curios or relics, firearms must fall within one of the following categories:

1. Firearms that were manufactured at least 50 years prior to the current date, which use rimfire or conventional centerfire fixed ammunition that is no longer manufactured in the United States and that is not readily available in the ordinary channels of commercial trade, but not including replicas thereof;

2. Firearms that are certified by the curator of a municipal, state, or federal museum that exhibits firearms to be curios or relics of museum interest; and

3. Any other firearms that derive a substantial part of their monetary value from the fact that they are novel, rare, bizarre, or because of their association with some historical figure, period, or event. Proof of qualification of a particular firearm under this category may be established by evidence of present value and evidence that like firearms are not available except as collectors' items, or that the value of like firearms available in ordinary commercial channels is substantially less.

"Dealer" means any person licensed as a dealer pursuant to 18 U.S.C. § 921 et seq.

"Firearm" means any handgun, shotgun, or rifle that will or is designed to or may readily be converted to expel single or multiple projectiles by action of an explosion of a combustible material.

"Handgun" means any pistol or revolver or other firearm originally designed, made and intended to fire single or multiple projectiles by means of an explosion of a combustible material from one or more barrels when held in one hand.

"Lawfully admitted for permanent residence" means the status of having been lawfully accorded the privilege of residing permanently in the United States as an immigrant in accordance with the immigration laws, such status not having changed.

H. The Department of Criminal Justice Services shall promulgate regulations to ensure the identity, confidentiality and security of all records and data provided by the Department of State Police pursuant to this section.

I. The provisions of this section shall not apply to (i) transactions between persons who are licensed as firearms importers or collectors, manufacturers or dealers pursuant to 18 U.S.C. § 921 et seq.; (ii) purchases by or sales to any law-enforcement officer or agent of the United States, the Commonwealth or any local government, or any campus police officer appointed under Article 3 (§ 23.1-809 et seq.) of Chapter 8 of Title 23.1; or (iii) antique firearms, curios or relics.

J. The provisions of this section shall not apply to restrict purchase, trade or transfer of firearms by a resident of Virginia when the resident of Virginia makes such purchase, trade or transfer in another state, in which case the laws and regulations of that state and the United States governing the purchase, trade or transfer of firearms shall apply. A National Instant Criminal Background Check System (NICS) check shall be performed prior to such purchase, trade or transfer of firearms.

J1. All licensed firearms dealers shall collect a fee of \$2 for every transaction for which a criminal history record information check is required pursuant to this section, except that a fee of \$5 shall be collected for every transaction involving an out-of-state resident. Such fee shall be transmitted to the Department of State Police by the last day of the month following the sale for deposit in a special fund for use by the State Police to offset the cost of conducting criminal history record information checks under the provisions of this section.

K. Any person willfully and intentionally making a materially false statement on the consent form required in subsection B or C or on such firearm transaction records as may be required by federal law, shall be guilty of a Class 5 felony.

L. Except as provided in § 18.2-308.2:1, any dealer who willfully and intentionally sells, rents, trades or transfers a firearm in violation of this section shall be guilty of a Class 6 felony.

L1. Any person who attempts to solicit, persuade, encourage, or entice any dealer to transfer or otherwise convey a firearm other than to the actual buyer, as well as any other person who willfully and intentionally aids or abets such person, shall be guilty of a Class 6 felony. This subsection shall not apply to a federal law-enforcement officer or a law-enforcement officer as defined in § 9.1-101, in the performance of his official duties, or other person under his direct supervision.

M. Any person who purchases a firearm with the intent to (i) resell or otherwise provide such firearm to any person who he knows or has reason to believe is ineligible to purchase or otherwise receive from a dealer a firearm for whatever reason or (ii) transport such firearm out of the Commonwealth to be resold or otherwise provided to another person who the

transferor knows is ineligible to purchase or otherwise receive a firearm, shall be guilty of a Class 4 felony and sentenced to a mandatory minimum term of imprisonment of one year. However, if the violation of this subsection involves such a transfer of more than one firearm, the person shall be sentenced to a mandatory minimum term of imprisonment of five years. The prohibitions of this subsection shall not apply to the purchase of a firearm by a person for the lawful use, possession, or transport thereof, pursuant to § 18.2-308.7, by his child, grandchild, or individual for whom he is the legal guardian if such child, grandchild, or individual is ineligible, solely because of his age, to purchase a firearm.

N. Any person who is ineligible to purchase or otherwise receive or possess a firearm in the Commonwealth who solicits, employs or assists any person in violating subsection M shall be guilty of a Class 4 felony and shall be sentenced to a mandatory minimum term of imprisonment of five years.

O. Any mandatory minimum sentence imposed under this section shall be served consecutively with any other sentence.

P. All driver's licenses issued on or after July 1, 1994, shall carry a letter designation indicating whether the driver's license is an original, duplicate or renewed driver's license.

Q. Prior to selling, renting, trading, or transferring any firearm owned by the dealer but not in his inventory to any other person, a dealer may require such other person to consent to have the dealer obtain criminal history record information to determine if such other person is prohibited from possessing or transporting a firearm by state or federal law. The Department of State Police shall establish policies and procedures in accordance with 28 C.F.R. § 25.6 to permit such determinations to be made by the Department of State Police, and the processes established for making such determinations shall conform to the provisions of this section.

R. *Except as provided in subdivisions 1 and 2, it shall be unlawful for any person who is not a licensed firearms dealer to purchase more than one handgun within any 30-day period. For the purposes of this subsection, "purchase" does not include the exchange or replacement of a handgun by a seller for a handgun purchased from such seller by the same person seeking the exchange or replacement within the 30-day period immediately preceding the date of exchange or replacement. A violation of this subsection is punishable as a Class 1 misdemeanor.*

1. *Purchases in excess of one handgun within a 30-day period may be made upon completion of an enhanced background check, as described in this subsection, by special application to the Department of State Police listing the number and type of handguns to be purchased and transferred for lawful business or personal use, in a collector series, for collections, as a bulk purchase from estate sales, and for similar purposes. Such applications shall be signed under oath by the applicant on forms provided by the Department of State Police, shall state the purpose for the purchase above the limit, and shall require satisfactory proof of residency and identity. Such application shall be in addition to the firearms sales report required by the federal Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). The Superintendent of State Police shall promulgate regulations, pursuant to the Administrative Process Act (§ 2.2-4000 et seq.), for the implementation of an application process for purchases of handguns above the limit.*

Upon being satisfied that these requirements have been met, the Department of State Police shall immediately issue to the applicant a nontransferable certificate, which shall be valid for seven days from the date of issue. The certificate shall be surrendered to the dealer by the prospective purchaser prior to the consummation of such sale and shall be kept on file at the dealer's place of business for inspection as provided in § 54.1-4201 for a period of not less than two years. Upon request of any local law-enforcement agency, and pursuant to its regulations, the Department of State Police may certify such local law-enforcement agency to serve as its agent to receive applications and, upon authorization by the Department of State Police, issue certificates immediately pursuant to this subdivision. Applications and certificates issued under this subdivision shall be maintained as records as provided in subdivision B 3. The Department of State Police shall make available to local law-enforcement agencies all records concerning certificates issued pursuant to this subdivision and all records provided for in subdivision B 3.

2. *The provisions of this subsection shall not apply to:*

- a. *A law-enforcement agency;*
- b. *An agency duly authorized to perform law-enforcement duties;*
- c. *A state or local correctional facility;*
- d. *A private security company licensed to do business within the Commonwealth;*
- e. *The purchase of antique firearms;*

f. *A person whose handgun is stolen or irretrievably lost who deems it essential that such handgun be replaced immediately. Such person may purchase another handgun, even if the person has previously purchased a handgun within a 30-day period, provided that (i) the person provides the firearms dealer with a copy of the official police report or a summary thereof, on forms provided by the Department of State Police, from the law-enforcement agency that took the report of the lost or stolen handgun; (ii) the official police report or summary thereof contains the name and address of the handgun owner, a description of the handgun, the location of the loss or theft, the date of the loss or theft, and the date the loss or theft was reported to the law-enforcement agency; and (iii) the date of the loss or theft as reflected on the official police report or summary thereof occurred within 30 days of the person's attempt to replace the handgun. The firearms dealer shall attach a copy of the official police report or summary thereof to the original copy of the Virginia firearms transaction report completed for the transaction and retain it for the period prescribed by the Department of State Police;*

g. *A person who trades in a handgun at the same time he makes a handgun purchase and as a part of the same transaction, provided that no more than one transaction of this nature is completed per day;*

- h. A person who holds a valid Virginia permit to carry a concealed handgun;*
- i. A person who purchases a handgun in a private sale. For purposes of this subdivision, "private sale" means a purchase from a person who makes occasional sales, exchanges, or purchases of firearms for the enhancement of a personal collection of curios or relics or who sells all or part of such collection of curios and relics; or*
- j. A law-enforcement officer. For purposes of this subdivision, "law-enforcement officer" means any employee of a police department or sheriff's office that is part of or administered by the Commonwealth or any political subdivision thereof and who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic, or highway laws of the Commonwealth.*

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation is \$0 for periods of imprisonment in state adult correctional facilities and cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

CHAPTER 992

An Act to amend and reenact § 18.2-308.2:2 of the Code of Virginia, relating to purchase of handguns; limitation on handgun purchases; penalty.

[S 69]

Approved April 9, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-308.2:2 of the Code of Virginia is amended and reenacted as follows:

§ 18.2-308.2:2. Criminal history record information check required for the transfer of certain firearms.

A. Any person purchasing from a dealer a firearm as herein defined shall consent in writing, on a form to be provided by the Department of State Police, to have the dealer obtain criminal history record information. Such form shall include only the written consent; the name, birth date, gender, race, citizenship, and social security number and/or any other identification number; the number of firearms by category intended to be sold, rented, traded, or transferred; and answers by the applicant to the following questions: (i) has the applicant been convicted of a felony offense or found guilty or adjudicated delinquent as a juvenile 14 years of age or older at the time of the offense of a delinquent act that would be a felony if committed by an adult; (ii) is the applicant subject to a court order restraining the applicant from harassing, stalking, or threatening the applicant's child or intimate partner, or a child of such partner, or is the applicant subject to a protective order; and (iii) has the applicant ever been acquitted by reason of insanity and prohibited from purchasing, possessing or transporting a firearm pursuant to § 18.2-308.1:1 or any substantially similar law of any other jurisdiction, been adjudicated legally incompetent, mentally incapacitated or adjudicated an incapacitated person and prohibited from purchasing a firearm pursuant to § 18.2-308.1:2 or any substantially similar law of any other jurisdiction, or been involuntarily admitted to an inpatient facility or involuntarily ordered to outpatient mental health treatment and prohibited from purchasing a firearm pursuant to § 18.2-308.1:3 or any substantially similar law of any other jurisdiction.

B. 1. No dealer shall sell, rent, trade or transfer from his inventory any such firearm to any other person who is a resident of Virginia until he has (i) obtained written consent and the other information on the consent form specified in subsection A, and provided the Department of State Police with the name, birth date, gender, race, citizenship, and social security and/or any other identification number and the number of firearms by category intended to be sold, rented, traded or transferred and (ii) requested criminal history record information by a telephone call to or other communication authorized by the State Police and is authorized by subdivision 2 to complete the sale or other such transfer. To establish personal identification and residence in Virginia for purposes of this section, a dealer must require any prospective purchaser to present one photo-identification form issued by a governmental agency of the Commonwealth or by the United States Department of Defense that demonstrates that the prospective purchaser resides in Virginia. For the purposes of this section and establishment of residency for firearm purchase, residency of a member of the armed forces shall include both the state in which the member's permanent duty post is located and any nearby state in which the member resides and from which he commutes to the permanent duty post. A member of the armed forces whose photo identification issued by the Department of Defense does not have a Virginia address may establish his Virginia residency with such photo identification and either permanent orders assigning the purchaser to a duty post, including the Pentagon, in Virginia or the purchaser's Leave and Earnings Statement. When the photo identification presented to a dealer by the prospective purchaser is a driver's license or other photo identification issued by the Department of Motor Vehicles, and such identification form contains a date of issue, the dealer shall not, except for a renewed driver's license or other photo identification issued by the Department of Motor Vehicles, sell or otherwise transfer a firearm to the prospective purchaser until 30 days after the date of issue of an original or duplicate driver's license unless the prospective purchaser also presents a copy of his Virginia Department of Motor Vehicles driver's record showing that the original date of issue of the driver's license was more than 30 days prior to the attempted purchase.

In addition, no dealer shall sell, rent, trade, or transfer from his inventory any assault firearm to any person who is not a citizen of the United States or who is not a person lawfully admitted for permanent residence.

Upon receipt of the request for a criminal history record information check, the State Police shall (a) review its criminal history record information to determine if the buyer or transferee is prohibited from possessing or transporting a firearm by state or federal law, (b) inform the dealer if its record indicates that the buyer or transferee is so prohibited, and (c) provide the dealer with a unique reference number for that inquiry.

2. The State Police shall provide its response to the requesting dealer during the dealer's request, or by return call without delay. If the criminal history record information check indicates the prospective purchaser or transferee has a disqualifying criminal record or has been acquitted by reason of insanity and committed to the custody of the Commissioner of Behavioral Health and Developmental Services, the State Police shall have until the end of the dealer's next business day to advise the dealer if its records indicate the buyer or transferee is prohibited from possessing or transporting a firearm by state or federal law. If not so advised by the end of the dealer's next business day, a dealer who has fulfilled the requirements of subdivision 1 may immediately complete the sale or transfer and shall not be deemed in violation of this section with respect to such sale or transfer. In case of electronic failure or other circumstances beyond the control of the State Police, the dealer shall be advised immediately of the reason for such delay and be given an estimate of the length of such delay. After such notification, the State Police shall, as soon as possible but in no event later than the end of the dealer's next business day, inform the requesting dealer if its records indicate the buyer or transferee is prohibited from possessing or transporting a firearm by state or federal law. A dealer who fulfills the requirements of subdivision 1 and is told by the State Police that a response will not be available by the end of the dealer's next business day may immediately complete the sale or transfer and shall not be deemed in violation of this section with respect to such sale or transfer.

3. Except as required by subsection D of § 9.1-132, the State Police shall not maintain records longer than 30 days, except for multiple handgun transactions for which records shall be maintained for 12 months, from any dealer's request for a criminal history record information check pertaining to a buyer or transferee who is not found to be prohibited from possessing and transporting a firearm under state or federal law. However, the log on requests made may be maintained for a period of 12 months, and such log shall consist of the name of the purchaser, the dealer identification number, the unique approval number and the transaction date.

4. On the last day of the week following the sale or transfer of any firearm, the dealer shall mail or deliver the written consent form required by subsection A to the Department of State Police. The State Police shall immediately initiate a search of all available criminal history record information to determine if the purchaser is prohibited from possessing or transporting a firearm under state or federal law. If the search discloses information indicating that the buyer or transferee is so prohibited from possessing or transporting a firearm, the State Police shall inform the chief law-enforcement officer in the jurisdiction where the sale or transfer occurred and the dealer without delay.

5. Notwithstanding any other provisions of this section, rifles and shotguns may be purchased by persons who are citizens of the United States or persons lawfully admitted for permanent residence but residents of other states under the terms of subsections A and B upon furnishing the dealer with one photo-identification form issued by a governmental agency of the person's state of residence and one other form of identification determined to be acceptable by the Department of Criminal Justice Services.

6. For the purposes of this subsection, the phrase "dealer's next business day" shall not include December 25.

C. No dealer shall sell, rent, trade or transfer from his inventory any firearm, except when the transaction involves a rifle or a shotgun and can be accomplished pursuant to the provisions of subdivision B 5 to any person who is not a resident of Virginia unless he has first obtained from the Department of State Police a report indicating that a search of all available criminal history record information has not disclosed that the person is prohibited from possessing or transporting a firearm under state or federal law. The dealer shall obtain the required report by mailing or delivering the written consent form required under subsection A to the State Police within 24 hours of its execution. If the dealer has complied with the provisions of this subsection and has not received the required report from the State Police within 10 days from the date the written consent form was mailed to the Department of State Police, he shall not be deemed in violation of this section for thereafter completing the sale or transfer.

D. Nothing herein shall prevent a resident of the Commonwealth, at his option, from buying, renting or receiving a firearm from a dealer in Virginia by obtaining a criminal history record information check through the dealer as provided in subsection C.

E. If any buyer or transferee is denied the right to purchase a firearm under this section, he may exercise his right of access to and review and correction of criminal history record information under § 9.1-132 or institute a civil action as provided in § 9.1-135, provided any such action is initiated within 30 days of such denial.

F. Any dealer who willfully and intentionally requests, obtains, or seeks to obtain criminal history record information under false pretenses, or who willfully and intentionally disseminates or seeks to disseminate criminal history record information except as authorized in this section shall be guilty of a Class 2 misdemeanor.

G. For purposes of this section:

"Actual buyer" means a person who executes the consent form required in subsection B or C, or other such firearm transaction records as may be required by federal law.

"Antique firearm" means:

1. Any firearm (including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured in or before 1898;

2. Any replica of any firearm described in subdivision 1 of this definition if such replica (i) is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition or (ii) uses rimfire or conventional centerfire fixed ammunition that is no longer manufactured in the United States and that is not readily available in the ordinary channels of commercial trade;

3. Any muzzle-loading rifle, muzzle-loading shotgun, or muzzle-loading pistol that is designed to use black powder, or a black powder substitute, and that cannot use fixed ammunition. For purposes of this subdivision, the term "antique firearm" shall not include any weapon that incorporates a firearm frame or receiver, any firearm that is converted into a muzzle-loading weapon, or any muzzle-loading weapon that can be readily converted to fire fixed ammunition by replacing the barrel, bolt, breech-block, or any combination thereof; or

4. Any curio or relic as defined in this subsection.

"Assault firearm" means any semi-automatic center-fire rifle or pistol which expels single or multiple projectiles by action of an explosion of a combustible material and is equipped at the time of the offense with a magazine which will hold more than 20 rounds of ammunition or designed by the manufacturer to accommodate a silencer or equipped with a folding stock.

"Curios or relics" means firearms that are of special interest to collectors by reason of some quality other than is associated with firearms intended for sporting use or as offensive or defensive weapons. To be recognized as curios or relics, firearms must fall within one of the following categories:

1. Firearms that were manufactured at least 50 years prior to the current date, which use rimfire or conventional centerfire fixed ammunition that is no longer manufactured in the United States and that is not readily available in the ordinary channels of commercial trade, but not including replicas thereof;

2. Firearms that are certified by the curator of a municipal, state, or federal museum that exhibits firearms to be curios or relics of museum interest; and

3. Any other firearms that derive a substantial part of their monetary value from the fact that they are novel, rare, bizarre, or because of their association with some historical figure, period, or event. Proof of qualification of a particular firearm under this category may be established by evidence of present value and evidence that like firearms are not available except as collectors' items, or that the value of like firearms available in ordinary commercial channels is substantially less.

"Dealer" means any person licensed as a dealer pursuant to 18 U.S.C. § 921 et seq.

"Firearm" means any handgun, shotgun, or rifle that will or is designed to or may readily be converted to expel single or multiple projectiles by action of an explosion of a combustible material.

"Handgun" means any pistol or revolver or other firearm originally designed, made and intended to fire single or multiple projectiles by means of an explosion of a combustible material from one or more barrels when held in one hand.

"Lawfully admitted for permanent residence" means the status of having been lawfully accorded the privilege of residing permanently in the United States as an immigrant in accordance with the immigration laws, such status not having changed.

H. The Department of Criminal Justice Services shall promulgate regulations to ensure the identity, confidentiality and security of all records and data provided by the Department of State Police pursuant to this section.

I. The provisions of this section shall not apply to (i) transactions between persons who are licensed as firearms importers or collectors, manufacturers or dealers pursuant to 18 U.S.C. § 921 et seq.; (ii) purchases by or sales to any law-enforcement officer or agent of the United States, the Commonwealth or any local government, or any campus police officer appointed under Article 3 (§ 23.1-809 et seq.) of Chapter 8 of Title 23.1; or (iii) antique firearms, curios or relics.

J. The provisions of this section shall not apply to restrict purchase, trade or transfer of firearms by a resident of Virginia when the resident of Virginia makes such purchase, trade or transfer in another state, in which case the laws and regulations of that state and the United States governing the purchase, trade or transfer of firearms shall apply. A National Instant Criminal Background Check System (NICS) check shall be performed prior to such purchase, trade or transfer of firearms.

J1. All licensed firearms dealers shall collect a fee of \$2 for every transaction for which a criminal history record information check is required pursuant to this section, except that a fee of \$5 shall be collected for every transaction involving an out-of-state resident. Such fee shall be transmitted to the Department of State Police by the last day of the month following the sale for deposit in a special fund for use by the State Police to offset the cost of conducting criminal history record information checks under the provisions of this section.

K. Any person willfully and intentionally making a materially false statement on the consent form required in subsection B or C or on such firearm transaction records as may be required by federal law, shall be guilty of a Class 5 felony.

L. Except as provided in § 18.2-308.2:1, any dealer who willfully and intentionally sells, rents, trades or transfers a firearm in violation of this section shall be guilty of a Class 6 felony.

L1. Any person who attempts to solicit, persuade, encourage, or entice any dealer to transfer or otherwise convey a firearm other than to the actual buyer, as well as any other person who willfully and intentionally aids or abets such person, shall be guilty of a Class 6 felony. This subsection shall not apply to a federal law-enforcement officer or a law-enforcement officer as defined in § 9.1-101, in the performance of his official duties, or other person under his direct supervision.

M. Any person who purchases a firearm with the intent to (i) resell or otherwise provide such firearm to any person who he knows or has reason to believe is ineligible to purchase or otherwise receive from a dealer a firearm for whatever reason or (ii) transport such firearm out of the Commonwealth to be resold or otherwise provided to another person who the

transferor knows is ineligible to purchase or otherwise receive a firearm, shall be guilty of a Class 4 felony and sentenced to a mandatory minimum term of imprisonment of one year. However, if the violation of this subsection involves such a transfer of more than one firearm, the person shall be sentenced to a mandatory minimum term of imprisonment of five years. The prohibitions of this subsection shall not apply to the purchase of a firearm by a person for the lawful use, possession, or transport thereof, pursuant to § 18.2-308.7, by his child, grandchild, or individual for whom he is the legal guardian if such child, grandchild, or individual is ineligible, solely because of his age, to purchase a firearm.

N. Any person who is ineligible to purchase or otherwise receive or possess a firearm in the Commonwealth who solicits, employs or assists any person in violating subsection M shall be guilty of a Class 4 felony and shall be sentenced to a mandatory minimum term of imprisonment of five years.

O. Any mandatory minimum sentence imposed under this section shall be served consecutively with any other sentence.

P. All driver's licenses issued on or after July 1, 1994, shall carry a letter designation indicating whether the driver's license is an original, duplicate or renewed driver's license.

Q. Prior to selling, renting, trading, or transferring any firearm owned by the dealer but not in his inventory to any other person, a dealer may require such other person to consent to have the dealer obtain criminal history record information to determine if such other person is prohibited from possessing or transporting a firearm by state or federal law. The Department of State Police shall establish policies and procedures in accordance with 28 C.F.R. § 25.6 to permit such determinations to be made by the Department of State Police, and the processes established for making such determinations shall conform to the provisions of this section.

R. *Except as provided in subdivisions 1 and 2, it shall be unlawful for any person who is not a licensed firearms dealer to purchase more than one handgun within any 30-day period. For the purposes of this subsection, "purchase" does not include the exchange or replacement of a handgun by a seller for a handgun purchased from such seller by the same person seeking the exchange or replacement within the 30-day period immediately preceding the date of exchange or replacement. A violation of this subsection is punishable as a Class 1 misdemeanor.*

1. *Purchases in excess of one handgun within a 30-day period may be made upon completion of an enhanced background check, as described in this subsection, by special application to the Department of State Police listing the number and type of handguns to be purchased and transferred for lawful business or personal use, in a collector series, for collections, as a bulk purchase from estate sales, and for similar purposes. Such applications shall be signed under oath by the applicant on forms provided by the Department of State Police, shall state the purpose for the purchase above the limit, and shall require satisfactory proof of residency and identity. Such application shall be in addition to the firearms sales report required by the federal Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). The Superintendent of State Police shall promulgate regulations, pursuant to the Administrative Process Act (§ 2.2-4000 et seq.), for the implementation of an application process for purchases of handguns above the limit.*

Upon being satisfied that these requirements have been met, the Department of State Police shall immediately issue to the applicant a nontransferable certificate, which shall be valid for seven days from the date of issue. The certificate shall be surrendered to the dealer by the prospective purchaser prior to the consummation of such sale and shall be kept on file at the dealer's place of business for inspection as provided in § 54.1-4201 for a period of not less than two years. Upon request of any local law-enforcement agency, and pursuant to its regulations, the Department of State Police may certify such local law-enforcement agency to serve as its agent to receive applications and, upon authorization by the Department of State Police, issue certificates immediately pursuant to this subdivision. Applications and certificates issued under this subdivision shall be maintained as records as provided in subdivision B 3. The Department of State Police shall make available to local law-enforcement agencies all records concerning certificates issued pursuant to this subdivision and all records provided for in subdivision B 3.

2. *The provisions of this subsection shall not apply to:*

- a. *A law-enforcement agency;*
- b. *An agency duly authorized to perform law-enforcement duties;*
- c. *A state or local correctional facility;*
- d. *A private security company licensed to do business within the Commonwealth;*
- e. *The purchase of antique firearms;*

f. *A person whose handgun is stolen or irretrievably lost who deems it essential that such handgun be replaced immediately. Such person may purchase another handgun, even if the person has previously purchased a handgun within a 30-day period, provided that (i) the person provides the firearms dealer with a copy of the official police report or a summary thereof, on forms provided by the Department of State Police, from the law-enforcement agency that took the report of the lost or stolen handgun; (ii) the official police report or summary thereof contains the name and address of the handgun owner, a description of the handgun, the location of the loss or theft, the date of the loss or theft, and the date the loss or theft was reported to the law-enforcement agency; and (iii) the date of the loss or theft as reflected on the official police report or summary thereof occurred within 30 days of the person's attempt to replace the handgun. The firearms dealer shall attach a copy of the official police report or summary thereof to the original copy of the Virginia firearms transaction report completed for the transaction and retain it for the period prescribed by the Department of State Police;*

g. *A person who trades in a handgun at the same time he makes a handgun purchase and as a part of the same transaction, provided that no more than one transaction of this nature is completed per day;*

- h. A person who holds a valid Virginia permit to carry a concealed handgun;
- i. A person who purchases a handgun in a private sale. For purposes of this subdivision, "private sale" means a purchase from a person who makes occasional sales, exchanges, or purchases of firearms for the enhancement of a personal collection of curios or relics or who sells all or part of such collection of curios and relics; or
- j. A law-enforcement officer. For purposes of this subdivision, "law-enforcement officer" means any employee of a police department or sheriff's office that is part of or administered by the Commonwealth or any political subdivision thereof and who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic, or highway laws of the Commonwealth.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation is \$0 for periods of imprisonment in state adult correctional facilities and cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

CHAPTER 993

An Act to amend and reenact §§ 19.2-327.2, 19.2-327.2:1, 19.2-327.3, 19.2-327.5, 19.2-327.10, 19.2-327.10:1, 19.2-327.11, and 19.2-327.13 of the Code of Virginia, relating to petition for writ of actual innocence.

[H 974]

Approved April 9, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 19.2-327.2, 19.2-327.2:1, 19.2-327.3, 19.2-327.5, 19.2-327.10, 19.2-327.10:1, 19.2-327.11, and 19.2-327.13 of the Code of Virginia are amended and reenacted as follows:

§ 19.2-327.2. Issuance of writ of actual innocence based on biological evidence.

Notwithstanding any other provision of law or rule of court, upon a petition of a person who was convicted of a felony ~~upon a plea of not guilty~~ or who was adjudicated delinquent ~~upon a plea of not guilty~~ by a circuit court of an offense that would be a felony if committed by an adult, ~~or for any person, regardless of the plea, sentenced to death, or convicted or adjudicated delinquent of (i) a Class 1 felony, (ii) a Class 2 felony, or (iii) any felony for which the maximum penalty is imprisonment for life,~~ the Supreme Court shall have the authority to issue writs of actual innocence under this chapter. The writ shall lie to the circuit court that entered the felony conviction or adjudication of delinquency and that court shall have the authority to conduct hearings, as provided for in § 19.2-327.5, on such a petition as directed by order from the Supreme Court.

§ 19.2-327.2:1. Petition for writ of actual innocence joined by Attorney General; release of prisoner; bond hearing.

The Attorney General may join in a petition for a writ of actual innocence made pursuant to § 19.2-327.2. When such petition is so joined, the petitioner may file a copy of the petition and attachments thereto and the Attorney General's answer with the circuit court that entered the felony conviction *or adjudication of delinquency* and move the court for a hearing to consider release of the person on bail pursuant to Chapter 9 (§ 19.2-119 et seq.). Upon hearing and for good cause shown, the court may order the person released from custody to the terms and conditions of bail so established, pending a ruling by the Supreme Court on the writ under § 19.2-327.5.

§ 19.2-327.3. Contents and form of the petition based on previously unknown or untested human biological evidence of actual innocence.

A. The petitioner shall allege categorically and with specificity, under oath, the following: (i) the crime for which the petitioner was convicted or the offense for which the petitioner was adjudicated delinquent, ~~and that such conviction or adjudication of delinquency was upon a plea of not guilty or that the person is under a sentence of death or convicted of (a) a Class 1 felony, (b) a Class 2 felony, or (c) any felony for which the maximum penalty is imprisonment for life;~~ (ii) that the petitioner is actually innocent of the crime for which he was convicted or adjudicated delinquent; (iii) an exact description of the human biological evidence and the scientific testing supporting the allegation of innocence; (iv) that the evidence was not previously known or available to the petitioner or his trial attorney of record at the time the conviction or adjudication of delinquency became final in the circuit court, or if known, the reason that the evidence was not subject to the scientific testing set forth in the petition; (v) the date the test results under § 19.2-327.1 became known to the petitioner or any attorney of record; (vi) that the petitioner or his attorney of record has filed the petition within 60 days of obtaining the test results under § 19.2-327.1; (vii) the reason or reasons the evidence will prove that no rational trier of fact would have found proof of guilt or delinquency beyond a reasonable doubt; and (viii) for any conviction or adjudication of delinquency that became final in the circuit court after June 30, 1996, that the evidence was not available for testing under § 9.1-1104. The Supreme Court may issue a stay of execution pending proceedings under the petition. Nothing in this chapter shall constitute grounds to delay setting an execution date pursuant to § 53.1-232.1 or to grant a stay of execution that has been set pursuant to clause (iii) or (iv) of § 53.1-232.1.

B. Such petition shall contain all relevant allegations of facts that are known to the petitioner at the time of filing and shall enumerate and include all previous records, applications, petitions, and appeals and their dispositions. A copy of any test results shall be filed with the petition. The petition shall be filed on a form provided by the Supreme Court. If the petitioner fails to submit a completed form, the Court may dismiss the petition or return the petition to the prisoner pending

the completion of such form. The petitioner shall be responsible for all statements contained in the petition. Any false statement in the petition, if such statement is knowingly or willfully made, shall be a ground for prosecution and conviction of perjury as provided for in § 18.2-434.

C. The Supreme Court shall not accept the petition unless it is accompanied by a duly executed return of service in the form of a verification that a copy of the petition and all attachments has been served on the attorney for the Commonwealth of the jurisdiction where the conviction or adjudication of delinquency occurred and the Attorney General or an acceptance of service signed by these officials, or any combination thereof. The Attorney General shall have 30 days after receipt of the record by the clerk of the Supreme Court in which to file a response to the petition. The response may contain a proffer of any evidence pertaining to the guilt or delinquency or innocence of the petitioner that is not included in the record of the case, including evidence that was suppressed at trial.

D. The Supreme Court may, when the case has been before a trial or appellate court, inspect the record of any trial or appellate court action, and the Court may, in any case, award a writ of certiorari to the clerk of the respective court below, and have brought before the Court the whole record or any part of any record.

E. In any petition filed pursuant to this chapter, the petitioner is entitled to representation by counsel subject to the provisions of Article 3 (§ 19.2-157 et seq.) of Chapter 10.

§ 19.2-327.5. Relief under writ.

Upon consideration of the petition, the response by the Commonwealth, previous records of the case, the record of any hearing held under this chapter and the record of any hearings held pursuant to § 19.2-327.1, and if applicable, any findings certified from the circuit court pursuant to § 19.2-327.4, the Supreme Court shall either dismiss the petition for failure to state a claim or assert grounds upon which relief shall be granted; or upon a hearing the Court shall (i) dismiss the petition for failure to establish allegations sufficient to justify the issuance of the writ or (ii) only upon a finding of ~~clear and convincing~~ *by a preponderance of the evidence* that the petitioner has proven all of the allegations contained in clauses (iv) through (viii) of subsection A of § 19.2-327.3, and upon a finding that no rational trier of fact would have found proof of guilt or delinquency beyond a reasonable doubt, grant the writ, and vacate the conviction or adjudication of delinquency, or in the event that the Court finds that no rational trier of fact would have found sufficient evidence beyond a reasonable doubt as to one or more elements of the offense for which the petitioner was convicted or adjudicated delinquent, but the Court finds that there remains in the original trial record evidence sufficient to find the petitioner guilty or delinquent beyond a reasonable doubt of a lesser included offense, the Court shall modify the conviction or adjudication of delinquency accordingly and remand the case to the circuit court for resentencing. The burden of proof in a proceeding brought pursuant to this chapter shall be upon the convicted or delinquent person seeking relief. If a writ vacating a conviction or adjudication of delinquency is granted, the Court shall forward a copy of the writ to the circuit court, where an order of expungement shall be immediately granted.

§ 19.2-327.10. Issuance of writ of actual innocence based on nonbiological evidence.

Notwithstanding any other provision of law or rule of court, upon a petition of a person who was convicted of a felony ~~upon a plea of not guilty~~, or the petition of a person who was adjudicated delinquent; ~~upon a plea of not guilty~~, by a circuit court of an offense that would be a felony if committed by an adult, the Court of Appeals shall have the authority to issue writs of actual innocence under this chapter. ~~Only one such writ based upon such conviction or adjudication of delinquency may be filed by a petitioner.~~ The writ shall lie to the circuit court that entered the conviction or the adjudication of delinquency and that court shall have the authority to conduct hearings, as provided for in this chapter, on such a petition as directed by order from the Court of Appeals. In accordance with §§ 17.1-411 and 19.2-317, either party may appeal a final decision of the Court of Appeals to the Supreme Court of Virginia. Upon an appeal from the Court of Appeals, the Supreme Court of Virginia shall have the authority to issue writs in accordance with the provisions of this chapter.

§ 19.2-327.10:1. Petition for writ of actual innocence joined by Attorney General; release of prisoner; bond hearing.

The Attorney General may join in a petition for a writ of actual innocence made pursuant to § 19.2-327.10. When such petition is so joined, the petitioner may file a copy of the petition and attachments thereto and the Attorney General's answer with the circuit court that entered the felony conviction *or adjudication of delinquency* and move the court for a hearing to consider release of the person on bail pursuant to Chapter 9 (§ 19.2-119 et seq.). Upon hearing and for good cause shown, the court may order the person released from custody subject to the terms and conditions of bail so established, pending a ruling by the Court of Appeals on the writ under § 19.2-327.13.

§ 19.2-327.11. Contents and form of the petition based on previously unknown or unavailable evidence of actual innocence.

A. The petitioner shall allege categorically and with specificity, under oath, all of the following: (i) the crime for which the petitioner was convicted or the offense for which the petitioner was adjudicated delinquent; ~~and that such conviction or adjudication of delinquency was upon a plea of not guilty~~; (ii) that the petitioner is actually innocent of the crime for which he was convicted or the offense for which he was adjudicated delinquent; (iii) an exact description of (a) the previously unknown or unavailable evidence supporting the allegation of innocence or (b) *the previously untested evidence and the scientific testing supporting the allegation of innocence*; (iv) (a) that such evidence was previously unknown or unavailable to the petitioner or his trial attorney of record at the time the conviction or adjudication of delinquency became final in the circuit court or (b) *if known, the reason that the evidence was not subject to scientific testing set forth in the petition*; (v) the date (a) the previously unknown or unavailable evidence became known or available to the petitioner; and the

circumstances under which it was discovered or (b) the results of the scientific testing of previously untested evidence became known to the petitioner or any attorney of record; (vi) (a) that the previously unknown or unavailable evidence is such as could not, by the exercise of diligence, have been discovered or obtained before the expiration of 21 days following entry of the final order of conviction or adjudication of delinquency by the circuit court or (b) that the testing procedure was not available at the time the conviction or adjudication of delinquency became final in the circuit court; (vii) that the previously unknown ~~or~~, unavailable, or untested evidence is material and, when considered with all of the other evidence in the current record, will prove that no rational trier of fact would have found proof of guilt or delinquency beyond a reasonable doubt; and (viii) that the previously unknown ~~or~~, unavailable, or untested evidence is not merely cumulative, corroborative, or collateral. Nothing in this chapter shall constitute grounds to delay setting an execution date pursuant to § 53.1-232.1 or to grant a stay of execution that has been set pursuant to clause (iii) or (iv) of § 53.1-232.1 or to delay or stay any other appeals following conviction or adjudication of delinquency, or petitions to any court. Human biological evidence may not be used as the sole basis for seeking relief under this writ but may be used in conjunction with other evidence.

B. Such petition shall contain all relevant allegations of facts that are known to the petitioner at the time of filing; shall be accompanied by all relevant documents, affidavits, and test results; and shall enumerate and include all relevant previous records, applications, petitions, and appeals and their dispositions. The petition shall be filed on a form provided by the Supreme Court. If the petitioner fails to submit a completed form, the Court of Appeals may dismiss the petition or return the petition to the petitioner pending the completion of such form. Any false statement in the petition, if such statement is knowingly or willfully made, shall be a ground for prosecution of perjury as provided for in § 18.2-434.

C. In cases brought by counsel for the petitioner, the Court of Appeals shall not accept the petition unless it is accompanied by a duly executed return of service in the form of a verification that a copy of the petition and all attachments have been served on the attorney for the Commonwealth of the jurisdiction where the conviction or adjudication of delinquency occurred and the Attorney General, or an acceptance of service signed by these officials, or any combination thereof. In cases brought by petitioners pro se, the Court of Appeals shall not accept the petition unless it is accompanied by a certificate that a copy of the petition and all attachments have been sent, by certified mail, to the attorney for the Commonwealth of the jurisdiction where the conviction or adjudication of delinquency occurred and the Attorney General. If the Court of Appeals does not summarily dismiss the petition, it shall so notify in writing the Attorney General, the attorney for the Commonwealth, and the petitioner. The Attorney General shall have 60 days after receipt of such notice in which to file a response to the petition that may be extended for good cause shown; however, nothing shall prevent the Attorney General from filing an earlier response. The response may contain a proffer of any evidence pertaining to the guilt or delinquency or innocence of the petitioner that is not included in the record of the case, including evidence that was suppressed at trial.

D. The Court of Appeals may inspect the record of any trial or appellate court action, and the Court may, in any case, award a writ of certiorari to the clerk of the respective court below, and have brought before the Court the whole record or any part of any record. If, in the judgment of the Court, the petition fails to state a claim, or if the assertions of previously unknown ~~or~~, unavailable, or untested evidence, even if true, would fail to qualify for the granting of relief under this chapter, the Court may dismiss the petition summarily, without any hearing or a response from the Attorney General.

E. In any petition filed pursuant to this chapter that is not summarily dismissed, the petitioner is entitled to representation by counsel subject to the provisions of Article 3 (§ 19.2-157 et seq.) and Article 4 (§ 19.2-163.3 et seq.) of Chapter 10. The Court of Appeals may, in its discretion, appoint counsel prior to deciding whether a petition should be summarily dismissed.

§ 19.2-327.13. Relief under writ.

Upon consideration of the petition, the response by the Commonwealth, previous records of the case, the record of any hearing held under this chapter, and, if applicable, any findings certified from the circuit court pursuant to an order issued under this chapter, the Court of Appeals, if it has not already summarily dismissed the petition, shall either dismiss the petition for failure to state a claim or assert grounds upon which relief shall be granted; or the Court shall (i) dismiss the petition for failure to establish previously unknown ~~or~~, unavailable, or untested evidence sufficient to justify the issuance of the writ, or (ii) only upon a finding that the petitioner has proven by ~~clear and convincing~~ a preponderance of the evidence all of the allegations contained in clauses (iv) through (viii) of subsection A of § 19.2-327.11, and upon a finding that no rational trier of fact would have found proof of guilt or delinquency beyond a reasonable doubt, grant the writ, and vacate the conviction or finding of delinquency, or in the event that the Court finds that no rational trier of fact would have found sufficient evidence beyond a reasonable doubt as to one or more elements of the offense for which the petitioner was convicted or adjudicated delinquent, but the Court finds that there remains in the original trial record evidence sufficient to find the petitioner guilty or delinquent beyond a reasonable doubt of a lesser included offense, the Court shall modify the order of conviction or delinquency accordingly and remand the case to the circuit court that entered the conviction or adjudication of delinquency for resentencing. The burden of proof in a proceeding brought pursuant to this chapter shall be upon the convicted or delinquent person seeking relief. If a writ vacating a conviction or adjudication of delinquency is granted, and no appeal is made to the Supreme Court, or the Supreme Court denies the Commonwealth's petition for appeal or upholds the decision of the Court of Appeals to grant the writ, the Court of Appeals shall forward a copy of the writ to the circuit court, where an order of expungement shall be immediately granted.

CHAPTER 994

An Act to amend and reenact §§ 19.2-327.2, 19.2-327.2:1, 19.2-327.3, 19.2-327.5, 19.2-327.10, 19.2-327.10:1, 19.2-327.11, and 19.2-327.13 of the Code of Virginia, relating to petition for writ of actual innocence.

[S 511]

Approved April 9, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 19.2-327.2, 19.2-327.2:1, 19.2-327.3, 19.2-327.5, 19.2-327.10, 19.2-327.10:1, 19.2-327.11, and 19.2-327.13 of the Code of Virginia are amended and reenacted as follows:

§ 19.2-327.2. Issuance of writ of actual innocence based on biological evidence.

Notwithstanding any other provision of law or rule of court, upon a petition of a person who was convicted of a felony upon a plea of not guilty or who was adjudicated delinquent upon a plea of not guilty by a circuit court of an offense that would be a felony if committed by an adult, or for any person, regardless of the plea, sentenced to death, or convicted or adjudicated delinquent of (i) a Class 1 felony; (ii) a Class 2 felony; or (iii) any felony for which the maximum penalty is imprisonment for life, the Supreme Court shall have the authority to issue writs of actual innocence under this chapter. The writ shall lie to the circuit court that entered the felony conviction or adjudication of delinquency and that court shall have the authority to conduct hearings, as provided for in § 19.2-327.5, on such a petition as directed by order from the Supreme Court.

§ 19.2-327.2:1. Petition for writ of actual innocence joined by Attorney General; release of prisoner; bond hearing.

The Attorney General may join in a petition for a writ of actual innocence made pursuant to § 19.2-327.2. When such petition is so joined, the petitioner may file a copy of the petition and attachments thereto and the Attorney General's answer with the circuit court that entered the felony conviction or adjudication of delinquency and move the court for a hearing to consider release of the person on bail pursuant to Chapter 9 (§ 19.2-119 et seq.). Upon hearing and for good cause shown, the court may order the person released from custody subject to the terms and conditions of bail so established, pending a ruling by the Supreme Court on the writ under § 19.2-327.5.

§ 19.2-327.3. Contents and form of the petition based on previously unknown or untested human biological evidence of actual innocence.

A. The petitioner shall allege categorically and with specificity, under oath, the following: (i) the crime for which the petitioner was convicted or the offense for which the petitioner was adjudicated delinquent, and that such conviction or adjudication of delinquency was upon a plea of not guilty or that the person is under a sentence of death or convicted of (a) a Class 1 felony; (b) a Class 2 felony; or (c) any felony for which the maximum penalty is imprisonment for life; (ii) that the petitioner is actually innocent of the crime for which he was convicted or adjudicated delinquent; (iii) an exact description of the human biological evidence and the scientific testing supporting the allegation of innocence; (iv) that the evidence was not previously known or available to the petitioner or his trial attorney of record at the time the conviction or adjudication of delinquency became final in the circuit court, or if known, the reason that the evidence was not subject to the scientific testing set forth in the petition; (v) the date the test results under § 19.2-327.1 became known to the petitioner or any attorney of record; (vi) that the petitioner or his attorney of record has filed the petition within 60 days of obtaining the test results under § 19.2-327.1; (vii) the reason or reasons the evidence will prove that no rational trier of fact would have found proof of guilt or delinquency beyond a reasonable doubt; and (viii) for any conviction or adjudication of delinquency that became final in the circuit court after June 30, 1996, that the evidence was not available for testing under § 9.1-1104. The Supreme Court may issue a stay of execution pending proceedings under the petition. Nothing in this chapter shall constitute grounds to delay setting an execution date pursuant to § 53.1-232.1 or to grant a stay of execution that has been set pursuant to clause (iii) or (iv) of § 53.1-232.1.

B. Such petition shall contain all relevant allegations of facts that are known to the petitioner at the time of filing and shall enumerate and include all previous records, applications, petitions, and appeals and their dispositions. A copy of any test results shall be filed with the petition. The petition shall be filed on a form provided by the Supreme Court. If the petitioner fails to submit a completed form, the Court may dismiss the petition or return the petition to the prisoner pending the completion of such form. The petitioner shall be responsible for all statements contained in the petition. Any false statement in the petition, if such statement is knowingly or willfully made, shall be a ground for prosecution and conviction of perjury as provided for in § 18.2-434.

C. The Supreme Court shall not accept the petition unless it is accompanied by a duly executed return of service in the form of a verification that a copy of the petition and all attachments has been served on the attorney for the Commonwealth of the jurisdiction where the conviction or adjudication of delinquency occurred and the Attorney General or an acceptance of service signed by these officials, or any combination thereof. The Attorney General shall have 30 days after receipt of the record by the clerk of the Supreme Court in which to file a response to the petition. The response may contain a proffer of any evidence pertaining to the guilt or delinquency or innocence of the petitioner that is not included in the record of the case, including evidence that was suppressed at trial.

D. The Supreme Court may, when the case has been before a trial or appellate court, inspect the record of any trial or appellate court action, and the Court may, in any case, award a writ of certiorari to the clerk of the respective court below, and have brought before the Court the whole record or any part of any record.

E. In any petition filed pursuant to this chapter, the petitioner is entitled to representation by counsel subject to the provisions of Article 3 (§ 19.2-157 et seq.) of Chapter 10.

§ 19.2-327.5. Relief under writ.

Upon consideration of the petition, the response by the Commonwealth, previous records of the case, the record of any hearing held under this chapter and the record of any hearings held pursuant to § 19.2-327.1, and if applicable, any findings certified from the circuit court pursuant to § 19.2-327.4, the Supreme Court shall either dismiss the petition for failure to state a claim or assert grounds upon which relief shall be granted; or upon a hearing the Court shall (i) dismiss the petition for failure to establish allegations sufficient to justify the issuance of the writ or (ii) only upon a finding of ~~clear and convincing by a preponderance of the evidence~~ that the petitioner has proven all of the allegations contained in clauses (iv) through (viii) of subsection A of § 19.2-327.3, and upon a finding that no rational trier of fact would have found proof of guilt or delinquency beyond a reasonable doubt, grant the writ, and vacate the conviction or adjudication of delinquency, or in the event that the Court finds that no rational trier of fact would have found sufficient evidence beyond a reasonable doubt as to one or more elements of the offense for which the petitioner was convicted or adjudicated delinquent, but the Court finds that there remains in the original trial record evidence sufficient to find the petitioner guilty or delinquent beyond a reasonable doubt of a lesser included offense, the Court shall modify the conviction or adjudication of delinquency accordingly and remand the case to the circuit court for resentencing. The burden of proof in a proceeding brought pursuant to this chapter shall be upon the convicted or delinquent person seeking relief. If a writ vacating a conviction or adjudication of delinquency is granted, the Court shall forward a copy of the writ to the circuit court, where an order of expungement shall be immediately granted.

§ 19.2-327.10. Issuance of writ of actual innocence based on nonbiological evidence.

Notwithstanding any other provision of law or rule of court, upon a petition of a person who was convicted of a felony ~~upon a plea of not guilty~~, or the petition of a person who was adjudicated delinquent, ~~upon a plea of not guilty~~, by a circuit court of an offense that would be a felony if committed by an adult, the Court of Appeals shall have the authority to issue writs of actual innocence under this chapter. ~~Only one such writ based upon such conviction or adjudication of delinquency may be filed by a petitioner.~~ The writ shall lie to the circuit court that entered the conviction or the adjudication of delinquency and that court shall have the authority to conduct hearings, as provided for in this chapter, on such a petition as directed by order from the Court of Appeals. In accordance with §§ 17.1-411 and 19.2-317, either party may appeal a final decision of the Court of Appeals to the Supreme Court of Virginia. Upon an appeal from the Court of Appeals, the Supreme Court of Virginia shall have the authority to issue writs in accordance with the provisions of this chapter.

§ 19.2-327.10:1. Petition for writ of actual innocence joined by Attorney General; release of prisoner; bond hearing.

The Attorney General may join in a petition for a writ of actual innocence made pursuant to § 19.2-327.10. When such petition is so joined, the petitioner may file a copy of the petition and attachments thereto and the Attorney General's answer with the circuit court that entered the felony conviction or *adjudication of delinquency* and move the court for a hearing to consider release of the person on bail pursuant to Chapter 9 (§ 19.2-119 et seq.). Upon hearing and for good cause shown, the court may order the person released from custody subject to the terms and conditions of bail so established, pending a ruling by the Court of Appeals on the writ under § 19.2-327.13.

§ 19.2-327.11. Contents and form of the petition based on previously unknown or unavailable evidence of actual innocence.

A. The petitioner shall allege categorically and with specificity, under oath, all of the following: (i) the crime for which the petitioner was convicted or the offense for which the petitioner was adjudicated delinquent, ~~and that such conviction or adjudication of delinquency was upon a plea of not guilty~~; (ii) that the petitioner is actually innocent of the crime for which he was convicted or the offense for which he was adjudicated delinquent; (iii) an exact description of (a) the previously unknown or unavailable evidence supporting the allegation of innocence or (b) *the previously untested evidence and the scientific testing supporting the allegation of innocence*; (iv) (a) that such evidence was previously unknown or unavailable to the petitioner or his trial attorney of record at the time the conviction or adjudication of delinquency became final in the circuit court or (b) *if known, the reason that the evidence was not subject to scientific testing set forth in the petition*; (v) the date (a) the previously unknown or unavailable evidence became known or available to the petitioner, and the circumstances under which it was discovered or (b) *the results of the scientific testing of previously untested evidence became known to the petitioner or any attorney of record*; (vi) (a) that the previously unknown or unavailable evidence is such as could not, by the exercise of diligence, have been discovered or obtained before the expiration of 21 days following entry of the final order of conviction or adjudication of delinquency by the circuit court or (b) *that the testing procedure was not available at the time the conviction or adjudication of delinquency became final in the circuit court*; (vii) *that the previously unknown or, unavailable, or untested evidence is material and, when considered with all of the other evidence in the current record, will prove that no rational trier of fact would have found proof of guilt or delinquency beyond a reasonable doubt*; and (viii) *that the previously unknown or, unavailable, or untested evidence is not merely cumulative, corroborative, or collateral. Nothing in this chapter shall constitute grounds to delay setting an execution date pursuant to § 53.1-232.1 or to grant a stay of execution that has been set pursuant to clause (iii) or (iv) of § 53.1-232.1 or to delay or stay*

any other appeals following conviction or adjudication of delinquency, or petitions to any court. Human biological evidence may not be used as the sole basis for seeking relief under this writ but may be used in conjunction with other evidence.

B. Such petition shall contain all relevant allegations of facts that are known to the petitioner at the time of filing; shall be accompanied by all relevant documents, affidavits, and test results; and shall enumerate and include all relevant previous records, applications, petitions, and appeals and their dispositions. The petition shall be filed on a form provided by the Supreme Court. If the petitioner fails to submit a completed form, the Court of Appeals may dismiss the petition or return the petition to the petitioner pending the completion of such form. Any false statement in the petition, if such statement is knowingly or willfully made, shall be a ground for prosecution of perjury as provided for in § 18.2-434.

C. In cases brought by counsel for the petitioner, the Court of Appeals shall not accept the petition unless it is accompanied by a duly executed return of service in the form of a verification that a copy of the petition and all attachments have been served on the attorney for the Commonwealth of the jurisdiction where the conviction or adjudication of delinquency occurred and the Attorney General, or an acceptance of service signed by these officials, or any combination thereof. In cases brought by petitioners pro se, the Court of Appeals shall not accept the petition unless it is accompanied by a certificate that a copy of the petition and all attachments have been sent, by certified mail, to the attorney for the Commonwealth of the jurisdiction where the conviction or adjudication of delinquency occurred and the Attorney General. If the Court of Appeals does not summarily dismiss the petition, it shall so notify in writing the Attorney General, the attorney for the Commonwealth, and the petitioner. The Attorney General shall have 60 days after receipt of such notice in which to file a response to the petition that may be extended for good cause shown; however, nothing shall prevent the Attorney General from filing an earlier response. The response may contain a proffer of any evidence pertaining to the guilt or delinquency or innocence of the petitioner that is not included in the record of the case, including evidence that was suppressed at trial.

D. The Court of Appeals may inspect the record of any trial or appellate court action, and the Court may, in any case, award a writ of certiorari to the clerk of the respective court below, and have brought before the Court the whole record or any part of any record. If, in the judgment of the Court, the petition fails to state a claim, or if the assertions of previously unknown ~~or~~, unavailable, *or untested* evidence, even if true, would fail to qualify for the granting of relief under this chapter, the Court may dismiss the petition summarily, without any hearing or a response from the Attorney General.

E. In any petition filed pursuant to this chapter that is not summarily dismissed, the petitioner is entitled to representation by counsel subject to the provisions of Article 3 (§ 19.2-157 et seq.) and Article 4 (§ 19.2-163.3 et seq.) of Chapter 10. The Court of Appeals may, in its discretion, appoint counsel prior to deciding whether a petition should be summarily dismissed.

§ 19.2-327.13. Relief under writ.

Upon consideration of the petition, the response by the Commonwealth, previous records of the case, the record of any hearing held under this chapter, and, if applicable, any findings certified from the circuit court pursuant to an order issued under this chapter, the Court of Appeals, if it has not already summarily dismissed the petition, shall either dismiss the petition for failure to state a claim or assert grounds upon which relief shall be granted; or the Court shall (i) dismiss the petition for failure to establish previously unknown ~~or~~, unavailable, *or untested* evidence sufficient to justify the issuance of the writ, or (ii) only upon a finding that the petitioner has proven by ~~clear and convincing~~ *a preponderance of the evidence* all of the allegations contained in clauses (iv) through (viii) of subsection A of § 19.2-327.11, and upon a finding that no rational trier of fact would have found proof of guilt or delinquency beyond a reasonable doubt, grant the writ, and vacate the conviction or finding of delinquency, or in the event that the Court finds that no rational trier of fact would have found sufficient evidence beyond a reasonable doubt as to one or more elements of the offense for which the petitioner was convicted or adjudicated delinquent, but the Court finds that there remains in the original trial record evidence sufficient to find the petitioner guilty or delinquent beyond a reasonable doubt of a lesser included offense, the Court shall modify the order of conviction or delinquency accordingly and remand the case to the circuit court that entered the conviction or adjudication of delinquency for resentencing. The burden of proof in a proceeding brought pursuant to this chapter shall be upon the convicted or delinquent person seeking relief. If a writ vacating a conviction or adjudication of delinquency is granted, and no appeal is made to the Supreme Court, or the Supreme Court denies the Commonwealth's petition for appeal or upholds the decision of the Court of Appeals to grant the writ, the Court of Appeals shall forward a copy of the writ to the circuit court, where an order of expungement shall be immediately granted.

CHAPTER 995

An Act to amend and reenact §§ 16.1-309.1, 19.2-83.2, 53.1-218, and 53.1-219 of the Code of Virginia, relating to inquiry and report of immigration status; persons charged with or convicted of certain crimes.

[H 1150]

Approved April 9, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 16.1-309.1, 19.2-83.2, 53.1-218, and 53.1-219 of the Code of Virginia are amended and reenacted as follows:

§ 16.1-309.1. Exception as to confidentiality.

A. Notwithstanding any other provision of this article, where consideration of public interest requires, the judge shall make available to the public the name and address of a juvenile and the nature of the offense for which a juvenile has been adjudicated delinquent (i) for an act which would be a Class 1, 2, or 3 felony, forcible rape, robbery or burglary or a related offense as set out in Article 2 (§ 18.2-89 et seq.) of Chapter 5 of Title 18.2 if committed by an adult or (ii) in any case where a juvenile is sentenced as an adult in circuit court.

B. 1. a. At any time prior to disposition, if a juvenile charged with a delinquent act which would constitute a felony if committed by an adult, or held in custody by a law-enforcement officer, or held in a secure facility pursuant to such charge becomes a fugitive from justice, the attorney for the Commonwealth or, upon notice to the Commonwealth's attorney, the Department of Juvenile Justice or a locally operated court services unit, may, with notice to the juvenile's attorney of record, petition the court having jurisdiction of the offense to authorize public release of the juvenile's name, age, physical description and photograph, the charge for which he is sought or for which he was adjudicated and any other information which may expedite his apprehension. Upon a showing that the juvenile is a fugitive and for good cause, the court shall order release of this information to the public. If a juvenile charged with a delinquent act that would constitute a felony if committed by an adult, or held in custody by a law-enforcement officer, or held in a secure facility pursuant to such charge becomes a fugitive from justice at a time when the court is not in session, the Commonwealth's attorney, the Department of Juvenile Justice, or a locally operated court services unit may, with notice to the juvenile's attorney of record, authorize the public release of the juvenile's name, age, physical description and photograph, the charge for which he is sought, and any other information which may expedite his apprehension.

b. At any time prior to disposition, if a juvenile charged with a delinquent act which would constitute a misdemeanor if committed by an adult, or held in custody by a law-enforcement officer, or held in a secure facility pursuant to such charge becomes a fugitive from justice, the attorney for the Commonwealth may, with notice to the juvenile's attorney of record, petition the court having jurisdiction of the offense to authorize public release of the juvenile's name, age, physical description and photograph, the charge for which he is sought or for which he was adjudicated and any other information which may expedite his apprehension. Upon a showing that the juvenile is a fugitive and for good cause, the court shall order release of this information to the public. If a juvenile charged with a delinquent act that would constitute a misdemeanor if committed by an adult, or held in custody by a law-enforcement officer, or held in a secure facility pursuant to such charge becomes a fugitive from justice at a time when the court is not in session, the attorney for the Commonwealth may, with notice to the juvenile's attorney of record, authorize the public release of the juvenile's name, age, physical description and photograph, the charge for which he is sought, and any other information which may expedite his apprehension.

2. After final disposition, if a juvenile (i) found to have committed a delinquent act becomes a fugitive from justice or (ii) who has been committed to the Department of Juvenile Justice pursuant to subdivision 14 of § 16.1-278.8 or 16.1-285.1 becomes a fugitive from justice by escaping from a facility operated by or under contract with the Department or from the custody of any employee of such facility, the Department may release to the public the juvenile's name, age, physical description and photograph, the charge for which he is sought or for which he was committed, and any other information which may expedite his apprehension. The Department shall promptly notify the attorney for the Commonwealth of the jurisdiction in which the juvenile was tried whenever information is released pursuant to this subdivision. If a juvenile specified in clause (i) being held after disposition in a secure facility not operated by or under contract with the Department becomes a fugitive by such escape, the attorney for the Commonwealth of the locality in which the facility is located may release the information as provided in this subdivision.

C. Whenever a juvenile 14 years of age or older is charged with a delinquent act that would be a criminal violation of Article 2 (§ 18.2-38 et seq.) of Chapter 4 of Title 18.2, a felony involving a weapon, a felony violation of Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2, or an "act of violence" as defined in subsection A of § 19.2-297.1 if committed by an adult, the judge may, where consideration of the public interest requires, make the juvenile's name and address available to the public.

D. Upon the request of a victim of a delinquent act that would be a felony or that would be a misdemeanor violation of § 16.1-253.2, 18.2-57, 18.2-57.2, 18.2-60.3, 18.2-60.4, 18.2-67.4, or 18.2-67.5 if committed by an adult, the court may order that such victim be informed of the charge or charges brought, the findings of the court, and the disposition of the case. For purposes of this section, "victim" shall be defined as in § 19.2-11.01.

E. Upon request, the judge or clerk may disclose if an order of emancipation of a juvenile pursuant to § 16.1-333 has been entered, provided (i) the order is not being appealed, (ii) the order has not been terminated, or (iii) there has not been a judicial determination that the order is void ab initio.

F. Notwithstanding any other provision of law, a copy of any court order that imposes a curfew or other restriction on a juvenile may be provided to the chief law-enforcement officer of the county or city wherein the juvenile resides. The chief law-enforcement officer shall only disclose information contained in the court order to other law-enforcement officers in the conduct of official duties.

G. Notwithstanding any other provision of law, where consideration of public safety requires, the Department and locally operated court service unit shall release information relating to a juvenile's criminal street gang involvement, if any, and the criminal street gang-related activity and membership of others, as criminal street gang is defined in § 18.2-46.1, obtained from an investigation or supervision of a juvenile and shall include the identity or identifying information of the juvenile; however, the Department and local court service unit shall not release the identifying information of a juvenile not

affiliated with or involved in a criminal street gang unless that information relates to a specific criminal act. Such information shall be released to any State Police, local police department, sheriff's office, or law-enforcement task force that is a part of or administered by the Commonwealth or any political subdivision thereof, and that is responsible for the prevention and detection of crime and the enforcement of the penal, traffic, or highway laws of the Commonwealth. The exchange of information shall be for the purpose of an investigation into criminal street gang activity.

H. Notwithstanding any other provision of Article 12 (§ 16.1-299 et seq.), ~~an intake officer~~ *a clerk of the court* shall report to the Bureau of Immigration and Customs Enforcement of the ~~United States~~ *U.S.* Department of Homeland Security a juvenile who has been detained in a secure facility ~~based on an allegation that the juvenile committed~~ *but only upon an adjudication of delinquency or finding of guilt for a violent juvenile felony* and ~~who the intake officer has probable cause to believe when there is evidence that the juvenile is in the United States illegally.~~

§ 19.2-83.2. Jail officer to ascertain citizenship of inmate.

Whenever any person is taken into custody at any jail *for a felony offense*, the sheriff or other officer in charge of such facility shall inquire as to whether the person (i) was born in a country other than the United States; and (ii) is a citizen of a country other than the United States. The sheriff or other officer in charge of such facility shall make an immigration alien query to the Law Enforcement Support Center of the ~~United States~~ *U.S.* Immigration and Customs Enforcement for any person *taken into custody for a felony* who (i) was born in a country other than the United States; and (ii) is a citizen of a country other than the United States, or for whom the answer to *clause* (i) or (ii) is unknown. The sheriff or other officer in charge shall communicate the results of any immigration alien query to the Local Inmate Data System of the State Compensation Board. The State Compensation Board shall communicate, on a monthly basis, the results of any immigration alien query that results in a confirmation that the person is illegally present in the United States to the Central Criminal Records Exchange of the Department of State Police in a format approved by the Exchange. The information received by the Central Criminal Records Exchange concerning the person's immigration status shall be recorded in the person's criminal history record.

§ 53.1-218. Duty of officer in charge to inquire as to citizenship; notice to federal immigration officer of commitment of alien.

Whenever any person is committed to a correctional facility *for the commission of a felony*, the director, sheriff or other officer in charge of such facility shall inquire as to whether the person (i) was born in a country other than the United States; and (ii) is a citizen of a country other than the United States. The director, sheriff or other officer in charge of such facility shall make an immigration alien query to the Law Enforcement Support Center of the ~~United States~~ *U.S.* Immigration and Customs Enforcement for any person *committed to the facility for the commission of a felony* who (i) was born in a country other than the United States; and (ii) is a citizen of a country other than the United States, or for whom the answer to *clause* (i) or (ii) is unknown.

In the case of a jail, the sheriff, or other officer in charge of such facility shall communicate the results of any immigration alien query that confirm that the person is illegally present in the United States to the Local Inmate Data System of the State Compensation Board. The State Compensation Board shall communicate, on a monthly basis, the results of any immigration alien query that results in a confirmation that the person is illegally present in the United States to the Central Criminal Records Exchange of the Department of State Police in a format approved by the Exchange.

In the case of a correctional facility of the Department of Corrections, the director or other officer in charge of such facility shall communicate the results of any immigration alien query that results in a confirmation that the person is illegally present in the United States to the Central Criminal Records Exchange of the Department of State Police in a format approved by the Exchange.

The information received by the Central Criminal Records Exchange concerning the person's immigration status shall be recorded in the person's criminal history record.

However, notification ~~need~~ *shall* not be made to the Central Criminal Records Exchange if it is apparent that a report on alien status has previously been made to the Exchange pursuant to § 19.2-83.2 or 19.2-294.2.

§ 53.1-219. Duty of clerk to furnish copy of complaint, indictment, judgment and sentence.

Upon the official request of the United States immigration officer in charge of the territory or district in which is located any court committing any alien to any correctional facility *for the commission of a felony*, it shall be the duty of the clerk of such court to furnish without charge a certified copy, in duplicate, of the complaint, information or indictment and the judgment and sentence and any other records pertaining to the case of the convicted alien.

CHAPTER 996

An Act to amend and reenact §§ 16.1-309.1, 19.2-83.2, 53.1-218, and 53.1-219 of the Code of Virginia, relating to inquiry and report of immigration status; persons charged with or convicted of certain crimes.

[S 491]

Approved April 9, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 16.1-309.1, 19.2-83.2, 53.1-218, and 53.1-219 of the Code of Virginia are amended and reenacted as follows:

§ 16.1-309.1. Exception as to confidentiality.

A. Notwithstanding any other provision of this article, where consideration of public interest requires, the judge shall make available to the public the name and address of a juvenile and the nature of the offense for which a juvenile has been adjudicated delinquent (i) for an act which would be a Class 1, 2, or 3 felony, forcible rape, robbery or burglary or a related offense as set out in Article 2 (§ 18.2-89 et seq.) of Chapter 5 of Title 18.2 if committed by an adult or (ii) in any case where a juvenile is sentenced as an adult in circuit court.

B. 1. a. At any time prior to disposition, if a juvenile charged with a delinquent act which would constitute a felony if committed by an adult, or held in custody by a law-enforcement officer, or held in a secure facility pursuant to such charge becomes a fugitive from justice, the attorney for the Commonwealth or, upon notice to the Commonwealth's attorney, the Department of Juvenile Justice or a locally operated court services unit, may, with notice to the juvenile's attorney of record, petition the court having jurisdiction of the offense to authorize public release of the juvenile's name, age, physical description and photograph, the charge for which he is sought or for which he was adjudicated and any other information which may expedite his apprehension. Upon a showing that the juvenile is a fugitive and for good cause, the court shall order release of this information to the public. If a juvenile charged with a delinquent act that would constitute a felony if committed by an adult, or held in custody by a law-enforcement officer, or held in a secure facility pursuant to such charge becomes a fugitive from justice at a time when the court is not in session, the Commonwealth's attorney, the Department of Juvenile Justice, or a locally operated court services unit may, with notice to the juvenile's attorney of record, authorize the public release of the juvenile's name, age, physical description and photograph, the charge for which he is sought, and any other information which may expedite his apprehension.

b. At any time prior to disposition, if a juvenile charged with a delinquent act which would constitute a misdemeanor if committed by an adult, or held in custody by a law-enforcement officer, or held in a secure facility pursuant to such charge becomes a fugitive from justice, the attorney for the Commonwealth may, with notice to the juvenile's attorney of record, petition the court having jurisdiction of the offense to authorize public release of the juvenile's name, age, physical description and photograph, the charge for which he is sought or for which he was adjudicated and any other information which may expedite his apprehension. Upon a showing that the juvenile is a fugitive and for good cause, the court shall order release of this information to the public. If a juvenile charged with a delinquent act that would constitute a misdemeanor if committed by an adult, or held in custody by a law-enforcement officer, or held in a secure facility pursuant to such charge becomes a fugitive from justice at a time when the court is not in session, the attorney for the Commonwealth may, with notice to the juvenile's attorney of record, authorize the public release of the juvenile's name, age, physical description and photograph, the charge for which he is sought, and any other information which may expedite his apprehension.

2. After final disposition, if a juvenile (i) found to have committed a delinquent act becomes a fugitive from justice or (ii) who has been committed to the Department of Juvenile Justice pursuant to subdivision 14 of § 16.1-278.8 or 16.1-285.1 becomes a fugitive from justice by escaping from a facility operated by or under contract with the Department or from the custody of any employee of such facility, the Department may release to the public the juvenile's name, age, physical description and photograph, the charge for which he is sought or for which he was committed, and any other information which may expedite his apprehension. The Department shall promptly notify the attorney for the Commonwealth of the jurisdiction in which the juvenile was tried whenever information is released pursuant to this subdivision. If a juvenile specified in clause (i) being held after disposition in a secure facility not operated by or under contract with the Department becomes a fugitive by such escape, the attorney for the Commonwealth of the locality in which the facility is located may release the information as provided in this subdivision.

C. Whenever a juvenile 14 years of age or older is charged with a delinquent act that would be a criminal violation of Article 2 (§ 18.2-38 et seq.) of Chapter 4 of Title 18.2, a felony involving a weapon, a felony violation of Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2, or an "act of violence" as defined in subsection A of § 19.2-297.1 if committed by an adult, the judge may, where consideration of the public interest requires, make the juvenile's name and address available to the public.

D. Upon the request of a victim of a delinquent act that would be a felony or that would be a misdemeanor violation of § 16.1-253.2, 18.2-57, 18.2-57.2, 18.2-60.3, 18.2-60.4, 18.2-67.4, or 18.2-67.5 if committed by an adult, the court may order that such victim be informed of the charge or charges brought, the findings of the court, and the disposition of the case. For purposes of this section, "victim" shall be defined as in § 19.2-11.01.

E. Upon request, the judge or clerk may disclose if an order of emancipation of a juvenile pursuant to § 16.1-333 has been entered, provided (i) the order is not being appealed, (ii) the order has not been terminated, or (iii) there has not been a judicial determination that the order is void ab initio.

F. Notwithstanding any other provision of law, a copy of any court order that imposes a curfew or other restriction on a juvenile may be provided to the chief law-enforcement officer of the county or city wherein the juvenile resides. The chief law-enforcement officer shall only disclose information contained in the court order to other law-enforcement officers in the conduct of official duties.

G. Notwithstanding any other provision of law, where consideration of public safety requires, the Department and locally operated court service unit shall release information relating to a juvenile's criminal street gang involvement, if any, and the criminal street gang-related activity and membership of others, as criminal street gang is defined in § 18.2-46.1, obtained from an investigation or supervision of a juvenile and shall include the identity or identifying information of the juvenile; however, the Department and local court service unit shall not release the identifying information of a juvenile not

affiliated with or involved in a criminal street gang unless that information relates to a specific criminal act. Such information shall be released to any State Police, local police department, sheriff's office, or law-enforcement task force that is a part of or administered by the Commonwealth or any political subdivision thereof, and that is responsible for the prevention and detection of crime and the enforcement of the penal, traffic, or highway laws of the Commonwealth. The exchange of information shall be for the purpose of an investigation into criminal street gang activity.

H. Notwithstanding any other provision of Article 12 (§ 16.1-299 et seq.), ~~an intake officer~~ *a clerk of the court* shall report to the Bureau of Immigration and Customs Enforcement of the ~~United States~~ *U.S.* Department of Homeland Security a juvenile who has been detained in a secure facility ~~based on an allegation that the juvenile committed~~ *but only upon an adjudication of delinquency or finding of guilt for a violent juvenile felony* and ~~who the intake officer has probable cause to believe when there is evidence that the juvenile is in the United States illegally.~~

§ 19.2-83.2. Jail officer to ascertain citizenship of inmate.

Whenever any person is taken into custody at any jail *for a felony offense*, the sheriff or other officer in charge of such facility shall inquire as to whether the person (i) was born in a country other than the United States; and (ii) is a citizen of a country other than the United States. The sheriff or other officer in charge of such facility shall make an immigration alien query to the Law Enforcement Support Center of the ~~United States~~ *U.S.* Immigration and Customs Enforcement for any person *taken into custody for a felony* who (i) was born in a country other than the United States; and (ii) is a citizen of a country other than the United States, or for whom the answer to *clause* (i) or (ii) is unknown. The sheriff or other officer in charge shall communicate the results of any immigration alien query to the Local Inmate Data System of the State Compensation Board. The State Compensation Board shall communicate, on a monthly basis, the results of any immigration alien query that results in a confirmation that the person is illegally present in the United States to the Central Criminal Records Exchange of the Department of State Police in a format approved by the Exchange. The information received by the Central Criminal Records Exchange concerning the person's immigration status shall be recorded in the person's criminal history record.

§ 53.1-218. Duty of officer in charge to inquire as to citizenship; notice to federal immigration officer of commitment of alien.

Whenever any person is committed to a correctional facility *for the commission of a felony*, the director, sheriff or other officer in charge of such facility shall inquire as to whether the person (i) was born in a country other than the United States; and (ii) is a citizen of a country other than the United States. The director, sheriff or other officer in charge of such facility shall make an immigration alien query to the Law Enforcement Support Center of the ~~United States~~ *U.S.* Immigration and Customs Enforcement for any person *committed to the facility for the commission of a felony* who (i) was born in a country other than the United States; and (ii) is a citizen of a country other than the United States, or for whom the answer to *clause* (i) or (ii) is unknown.

In the case of a jail, the sheriff, or other officer in charge of such facility shall communicate the results of any immigration alien query that confirm that the person is illegally present in the United States to the Local Inmate Data System of the State Compensation Board. The State Compensation Board shall communicate, on a monthly basis, the results of any immigration alien query that results in a confirmation that the person is illegally present in the United States to the Central Criminal Records Exchange of the Department of State Police in a format approved by the Exchange.

In the case of a correctional facility of the Department of Corrections, the director or other officer in charge of such facility shall communicate the results of any immigration alien query that results in a confirmation that the person is illegally present in the United States to the Central Criminal Records Exchange of the Department of State Police in a format approved by the Exchange.

The information received by the Central Criminal Records Exchange concerning the person's immigration status shall be recorded in the person's criminal history record.

However, notification ~~need~~ *shall* not be made to the Central Criminal Records Exchange if it is apparent that a report on alien status has previously been made to the Exchange pursuant to § 19.2-83.2 or 19.2-294.2.

§ 53.1-219. Duty of clerk to furnish copy of complaint, indictment, judgment and sentence.

Upon the official request of the United States immigration officer in charge of the territory or district in which is located any court committing any alien to any correctional facility *for the commission of a felony*, it shall be the duty of the clerk of such court to furnish without charge a certified copy, in duplicate, of the complaint, information or indictment and the judgment and sentence and any other records pertaining to the case of the convicted alien.

CHAPTER 997

An Act to amend and reenact § 46.2-1222.1 of the Code of Virginia, relating to regulation or prohibition of parking of certain vehicles in certain counties and towns.

[H 1259]

Approved April 9, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-1222.1 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-1222.1. Regulation or prohibition of parking of certain vehicles in certain counties and towns.

A. The Counties of Arlington, Fairfax, *Frederick*, Hanover, Stafford, and Prince William and the Towns of Blackstone, Cape Charles, Clifton, Herndon, Leesburg, ~~and~~ Vienna, *and West Point* may by ordinance regulate or prohibit the parking on any public highway in such county or town of any or all of the following: (i) watercraft; (ii) boat trailers; (iii) motor homes, as defined in § 46.2-100; and (iv) camping trailers, as defined in § 46.2-100.

B. In addition to commercial vehicles defined in § 46.2-1224, any such county or town may also, by ordinance, regulate or prohibit the parking on any public highway in any residence district as defined in § 46.2-100 any or all of the following: (i) any trailer or semitrailer, regardless of whether such trailer or semitrailer is attached to another vehicle; (ii) any vehicle with three or more axles; (iii) any vehicle that has a gross vehicle weight rating of 12,000 or more pounds; (iv) any vehicle designed to transport 16 or more passengers including the driver; and (v) any vehicle of any size that is being used in the transportation of hazardous materials as defined in § 46.2-341.4. The provisions of any such ordinance shall not apply to (i) any commercial vehicle when taking on or discharging passengers or when temporarily parked pursuant to the performance of work or service at a particular location or (ii) utility generators located on trailers and being used to power network facilities during a loss of commercial power.

CHAPTER 998

An Act to amend and reenact §§ 55.1-1204, 55.1-1206, 55.1-1208, and 55.1-1226 of the Code of Virginia, relating to landlord and tenant, damage insurance in lieu of security deposit.

[H 1333]

Approved April 9, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 55.1-1204, 55.1-1206, 55.1-1208, and 55.1-1226 of the Code of Virginia are amended and reenacted as follows:

§ 55.1-1204. Terms and conditions of rental agreement; payment of rent; copy of rental agreement for tenant.

A. A landlord and tenant may include in a rental agreement terms and conditions not prohibited by this chapter or other rule of law, including rent, charges for late payment of rent, the term of the agreement, automatic renewal of the rental agreement, requirements for notice of intent to vacate or terminate the rental agreement, and other provisions governing the rights and obligations of the parties.

B. The landlord shall offer the tenant a written rental agreement containing the terms governing the rental of the dwelling unit and setting forth the terms and conditions of the landlord tenant relationship. Such written rental agreement shall be effective upon the date signed by the parties.

C. If a landlord does not offer a written rental agreement, the tenancy shall exist by operation of law, consisting of the following terms and conditions:

1. The provision of this chapter shall be applicable to the dwelling unit that is being rented;

2. The duration of the rental agreement shall be for 12 months and shall not be subject to automatic renewal, except in the event of a month-to-month lease as otherwise provided for under subsection C of § 55.1-1253;

3. Rent shall be paid in 12 equal periodic installments in an amount agreed upon by the landlord and the tenant and if no amount is agreed upon, the installments shall be at fair market rent;

4. Rent payments shall be due on the first day of each month during the tenancy and shall be considered late if not paid by the fifth of the month;

5. If the rent is paid by the tenant after the fifth day of any given month, the landlord shall be entitled to charge a late charge as provided in this chapter;

6. The landlord may collect a security deposit *in an amount, or require damage insurance coverage for an amount, or any combination thereof*, not to exceed ~~an~~ a total amount equal to two months of rent; and

7. The parties may enter into a written rental agreement at any time during the 12-month tenancy created by this subsection.

D. Except as provided in the written rental agreement, or as provided in subsection C if no written agreement is offered, rent shall be payable without demand or notice at the time and place agreed upon by the parties. Except as provided in the written rental agreement, rent is payable at the place designated by the landlord, and periodic rent is payable at the beginning of any term of one month or less and otherwise in equal installments at the beginning of each month. If the landlord receives from a tenant a written request for a written statement of charges and payments, he shall provide the tenant with a written statement showing all debits and credits over the tenancy or the past 12 months, whichever is shorter. The landlord shall provide such written statement within 10 business days of receiving the request.

E. Except as provided in the written rental agreement or, as provided in subsection C if no written agreement is offered, the tenancy shall be week-to-week in the case of a tenant who pays weekly rent and month-to-month in all other cases. Terminations of tenancies shall be governed by § 55.1-1253 unless the rental agreement provides for a different notice period.

F. If the rental agreement contains any provision allowing the landlord to approve or disapprove a sublessee or assignee of the tenant, the landlord shall, within 10 business days of receipt of the written application of the prospective sublessee or

assignee on a form to be provided by the landlord, approve or disapprove the sublessee or assignee. Failure of the landlord to act within 10 business days is evidence of his approval.

G. The landlord shall provide a copy of any written rental agreement signed by both the tenant and the landlord to the tenant within one month of the effective date of the written rental agreement. The failure of the landlord to deliver such a rental agreement shall not affect the validity of the agreement.

H. No unilateral change in the terms of a rental agreement by a landlord or tenant shall be valid unless (i) notice of the change is given in accordance with the terms of the rental agreement or as otherwise required by law and (ii) both parties consent in writing to the change.

I. The landlord shall provide the tenant with a written receipt, upon request from the tenant, whenever the tenant pays rent in the form of cash or money order.

§ 55.1-1206. Landlord may obtain certain insurance for tenant.

A. A landlord may require as a condition of tenancy that a tenant have commercial insurance coverage as specified in the rental agreement to secure the performance by the tenant of the terms and conditions of the rental agreement and pay for the cost of premiums for such insurance coverage obtained by the landlord, generally known as "damage insurance." As provided in § 55.1-1200, such payments shall not be deemed a security deposit, but shall be rent. However, as provided in § 55.1-1208, the landlord shall not require a tenant to pay both a security deposit and the cost of damage insurance premiums, if the total amount of any security deposit and damage insurance ~~premiums coverage~~ exceeds the amount of two months' periodic rent. The landlord shall notify a tenant in writing that the tenant has the right to obtain a separate policy from the landlord's policy for damage insurance. If a tenant elects to obtain a separate policy, the tenant shall submit to the landlord written proof of such coverage and shall maintain such coverage at all times during the term of the rental agreement. Where a landlord obtains damage insurance coverage on behalf of a tenant, the insurance policy shall provide coverage for the tenant as an insured. The landlord shall recover from the tenant the actual costs of such insurance coverage and may recover administrative or other fees associated with administration of a damage insurance policy, including a tenant opting out of the insurance coverage provided by the landlord pursuant to this subsection. If a landlord obtains damage insurance for his tenants, the landlord shall provide to each tenant, prior to execution of the rental agreement, a summary of the insurance policy or certificate evidencing the coverage being provided and upon request of the tenant make available a copy of the insurance policy.

B. A landlord may require as a condition of tenancy that a tenant have renter's insurance as specified in the rental agreement that is a combination multi-peril policy containing fire, miscellaneous property, and personal liability coverage insuring personal property located in dwelling units not occupied by the owner. A landlord may require a tenant to pay for the cost of premiums for such insurance obtained by the landlord, in order to provide such coverage for the tenant as part of rent or as otherwise provided in this section. As provided in § 55.1-1200, such payments shall not be deemed a security deposit but shall be rent. The landlord shall notify a tenant in writing that the tenant has the right to obtain a separate policy from the landlord's policy for renter's insurance. If a tenant elects to obtain a separate policy, the tenant shall submit to the landlord written proof of such coverage and shall maintain such coverage at all times during the term of the rental agreement. If a tenant allows his renter's insurance policy required by the rental agreement to lapse for any reason, the landlord may provide any landlord's renter's insurance coverage to such tenant. The tenant shall be obligated to pay for the cost of premiums for such insurance as rent or as otherwise provided herein until the tenant has provided written documentation to the landlord showing that the tenant has reinstated his own renter's insurance coverage.

C. If the landlord requires that such premiums be paid prior to the commencement of the tenancy, the total amount of all security deposits ~~and~~ insurance ~~premiums coverage~~ for damage insurance, and *insurance premiums for renter's insurance* shall not exceed the amount of two months' periodic rent. Otherwise, the landlord may add a monthly amount as additional rent to recover the costs of such insurance coverage.

D. Where a landlord obtains renter's insurance coverage on behalf of a tenant, the insurance policy shall provide coverage for the tenant as an insured. The landlord shall recover from the tenant the actual costs of such insurance coverage and may recover administrative or other fees associated with the administration of a renter's insurance program, including a tenant opting out of the insurance coverage provided to the tenant pursuant to this subsection. If a landlord obtains renter's insurance for his tenants, the landlord shall provide to each tenant, prior to execution of the rental agreement, a summary of the insurance policy prepared by the insurer or certificate evidencing the coverage being provided and upon request of the tenant make available a copy of the insurance policy. Such summary or certificate shall include a statement regarding whether the insurance policy contains a waiver of subrogation provision. Any failure of the landlord to provide such summary or certificate, or to make available a copy of the insurance policy, shall not affect the validity of the rental agreement.

If the rental agreement does not require the tenant to obtain renter's insurance, the landlord shall provide a written notice to the tenant, prior to the execution of the rental agreement, stating that (i) the landlord is not responsible for the tenant's personal property, (ii) the landlord's insurance coverage does not cover the tenant's personal property, and (iii) if the tenant wishes to protect his personal property, he should obtain renter's insurance. The notice shall inform the tenant that any such renter's insurance obtained by the tenant does not cover flood damage and advise the tenant to contact the Federal Emergency Management Agency (FEMA) or visit the websites for FEMA's National Flood Insurance Program or for the Virginia Department of Conservation and Recreation's Flood Risk Information System to obtain information regarding whether the property is located in a special flood hazard area. Any failure of the landlord to provide such notice shall not

affect the validity of the rental agreement. If the tenant requests translation of the notice from the English language to another language, the landlord may assist the tenant in obtaining a translator or refer the tenant to an electronic translation service. In doing so, the landlord shall not be deemed to have breached any of his obligations under this chapter or otherwise become liable for any inaccuracies in the translation. The landlord shall not charge a fee for such assistance or referral.

E. Nothing in this section shall be construed to prohibit the landlord from recovering from the tenant, as part of the rent, the tenant's prorated share of the actual costs of other insurance coverages provided by the landlord relative to the premises, or the tenant's prorated share of a self-insurance program held in an escrow account by the landlord, including the landlord's administrative or other fees associated with the administration of such coverages. The landlord may apply such funds held in escrow to pay claims pursuant to the landlord's self-insurance plan.

§ 55.1-1208. Prohibited provisions in rental agreements.

A. A rental agreement shall not contain provisions that the tenant:

1. Agrees to waive or forgo rights or remedies under this chapter;

2. Agrees to waive or forgo rights or remedies pertaining to the 120-day conversion or rehabilitation notice required in the Virginia Condominium Act (§ 55.1-1900 et seq.) or the Virginia Real Estate Cooperative Act (§ 55.1-2100 et seq.) or under § 55.1-1410;

3. Authorizes any person to confess judgment on a claim arising out of the rental agreement;

4. Agrees to pay the landlord's attorney fees except as provided in this chapter;

5. Agrees to the exculpation or limitation of any liability of the landlord to the tenant arising under law or to indemnify the landlord for that liability or any associated costs;

6. Agrees as a condition of tenancy in public housing to a prohibition or restriction of any lawful possession of a firearm within individual dwelling units unless required by federal law or regulation; or

7. Agrees to both the payment of a security deposit and the provision of a bond or commercial insurance policy purchased by the tenant to secure the performance of the terms and conditions of a rental agreement, if the total of the security deposit and the bond or insurance ~~premium~~ coverage exceeds the amount of two months' periodic rent.

B. Any provision prohibited by subsection A that is included in a rental agreement is unenforceable. If a landlord brings an action to enforce any such provision, the tenant may recover actual damages sustained by him and reasonable attorney fees.

§ 55.1-1226. Security deposits.

A. No landlord may demand or receive a security deposit, however denominated, in an amount or value in excess of two months' periodic rent. Upon termination of the tenancy, such security deposit, whether it is property or money held by the landlord as security as provided in this section, may be applied by the landlord solely to (i) the payment of accrued rent, including the reasonable charges for late payment of rent specified in the rental agreement; (ii) the payment of the amount of damages that the landlord has suffered by reason of the tenant's noncompliance with § 55.1-1227, less reasonable wear and tear; (iii) other damages or charges as provided in the rental agreement; or (iv) actual damages for breach of the rental agreement pursuant to § 55.1-1251. The security deposit and any deductions, damages, and charges shall be itemized by the landlord in a written notice given to the tenant, together with any amount due to the tenant, within 45 days after the termination date of the tenancy. As of the date of the termination of the tenancy or the date the tenant vacates the dwelling unit, whichever occurs last, the tenant shall be required to deliver possession of the dwelling unit to the landlord. If the termination date is prior to the expiration of the rental agreement or any renewal thereof, or the tenant has not given proper notice of termination of the rental agreement, the tenant shall be liable for actual damages pursuant to § 55.1-1251, in which case, the landlord shall give written notice of security deposit disposition within the 45-day period but may retain any security balance to apply against any financial obligations of the tenant to the landlord pursuant to this chapter or the rental agreement. If the tenant fails to vacate the dwelling unit as of the termination of the tenancy, the landlord may file an unlawful detainer action pursuant to § 8.01-126.

B. Where there is more than one tenant subject to a rental agreement, unless otherwise agreed to in writing by each of the tenants, disposition of the security deposit shall be made with one check being payable to all such tenants and sent to a forwarding address provided by one of the tenants. The landlord shall make the security deposit disposition within the 45-day time period required by subsection A, but if no forwarding address is provided to the landlord, the landlord may continue to hold such security deposit in escrow. If a tenant fails to provide a forwarding address to the landlord to enable the landlord to make a refund of the security deposit, upon the expiration of one year from the date of the end of the 45-day time period, the landlord may remit such sum to the State Treasurer as unclaimed property on a form prescribed by the administrator that includes the name; social security number, if known; and last known address of each tenant on the rental agreement. If the landlord or managing agent is a real estate licensee, compliance with this subsection shall be deemed compliance with § 54.1-2108 and corresponding regulations of the Real Estate Board.

C. Nothing in this section shall be construed by a court of law or otherwise as entitling the tenant, upon the termination of the tenancy, to an immediate credit against the tenant's delinquent rent account in the amount of the security deposit. The landlord shall apply the security deposit in accordance with this section within the 45-day time period required by subsection A. However, provided that the landlord has given prior written notice in accordance with this section, the landlord may withhold a reasonable portion of the security deposit to cover an amount of the balance due on the water, sewer, or other utility account that is an obligation of the tenant to a third-party provider under the rental agreement for the dwelling unit, and upon payment of such obligations the landlord shall provide written confirmation to the tenant within

10 days, along with payment to the tenant of any balance otherwise due to the tenant. In order to withhold such funds as part of the disposition of the security deposit, the landlord shall have so advised the tenant of his rights and obligations under this section in (i) a termination notice to the tenant in accordance with this chapter, (ii) a written notice to the tenant confirming the vacating date in accordance with this section, or (iii) a separate written notice to the tenant at least 15 days prior to the disposition of the security deposit. Any written notice to the tenant shall be given in accordance with § 55.1-1202.

The tenant may provide the landlord with written confirmation of the payment of the final water, sewer, or other utility bill for the dwelling unit, in which case the landlord shall refund the security deposit, unless there are other authorized deductions, within the 45-day period required by subsection A. If the tenant provides such written confirmation after the expiration of the 45-day period, the landlord shall refund any remaining balance of the security deposit held to the tenant within 10 days following the receipt of such written confirmation provided by the tenant. If the landlord otherwise receives confirmation of payment of the final water, sewer, or other utility bill for the dwelling unit, the landlord shall refund the security deposit, unless there are other authorized deductions, within the 45-day period.

D. Nothing in this section shall be construed to prohibit the landlord from making the disposition of the security deposit prior to the 45-day period required by subsection A and charging an administrative fee to the tenant for such expedited processing, if the rental agreement so provides and the tenant requests expedited processing in a separate written document.

E. The landlord shall notify the tenant in writing of any deductions provided by this section to be made from the tenant's security deposit during the course of the tenancy. Such notification shall be made within 30 days of the date of the determination of the deduction and shall itemize the reasons in the same manner as provided in subsection F. No such notification shall be required for deductions made less than 30 days prior to the termination of the rental agreement. If the landlord willfully fails to comply with this section, the court shall order the return of the security deposit to the tenant, together with actual damages and reasonable attorney fees, unless the tenant owes rent to the landlord, in which case the court shall order an amount equal to the security deposit credited against the rent due to the landlord. In the event that damages to the premises exceed the amount of the security deposit and require the services of a third-party contractor, the landlord shall give written notice to the tenant advising him of that fact within the 45-day period required by subsection A. If notice is given as prescribed in this subsection, the landlord shall have an additional 15-day period to provide an itemization of the damages and the cost of repair. This section shall not preclude the landlord or tenant from recovering other damages to which he may be entitled under this chapter. The holder of the landlord's interest in the premises at the time of the termination of the tenancy, regardless of how the interest is acquired or transferred, is bound by this section and shall be required to return any security deposit received by the original landlord that is duly owed to the tenant, whether or not such security deposit is transferred with the landlord's interest by law or equity, regardless of any contractual agreements between the original landlord and his successors in interest.

F. The landlord shall:

1. Maintain and itemize records for each tenant of all deductions from security deposits provided for under this section that the landlord has made by reason of a tenant's noncompliance with § 55.1-1227, or for any other reason set out in this section, during the preceding two years; and

2. Permit a tenant or his authorized agent or attorney to inspect such tenant's records of deductions at any time during normal business hours.

G. Upon request by the landlord to a tenant to vacate, or within five days after receipt of notice by the landlord of the tenant's intent to vacate, the landlord shall provide written notice to the tenant of the tenant's right to be present at the landlord's inspection of the dwelling unit for the purpose of determining the amount of security deposit to be returned. If the tenant desires to be present when the landlord makes the inspection, he shall, in writing, so advise the landlord, who in turn shall notify the tenant of the date and time of the inspection, which must be made within 72 hours of delivery of possession. Following the move-out inspection, the landlord shall provide the tenant with a written security deposit disposition statement, including an itemized list of damages. If additional damages are discovered by the landlord after the security deposit disposition has been made, nothing in this section shall be construed to preclude the landlord from recovery of such damages against the tenant, provided, however, that the tenant may present into evidence a copy of the move-out report to support the tenant's position that such additional damages did not exist at the time of the move-out inspection.

H. If the tenant has any assignee or sublessee, the landlord shall be entitled to hold a security deposit from only one party in compliance with the provisions of this section.

1. The landlord may permit a tenant to provide damage insurance coverage in lieu of the payment of a security deposit. Such damage insurance in lieu of a security deposit shall conform to the following criteria:

- 1. The insurance company is licensed by the Virginia State Corporation Commission;*

- 2. The insurance permits the payment of premiums on a monthly basis, unless the tenant selects a different payment schedule;*

- 3. The coverage is effective upon the payment of the first premium and remains effective for the entire lease term;*

- 4. The coverage provided per claim is no less than the amount the landlord requires for security deposits;*

- 5. The insurance company agrees to approve or deny payment of a claim in accordance with regulations adopted by the State Corporation Commission's Bureau of Insurance; and*

- 6. The insurance company shall notify the landlord within 10 days if the damage policy lapses or is canceled.*

J. Each landlord may designate one or more damage insurance companies from which the landlord will accept damage insurance in lieu of a security deposit. Such insurers shall be identified in the written lease agreement.

K. A tenant who initially opts to provide damage insurance in lieu of a security deposit may, at any time without consent of the landlord, opt to pay the full security deposit to the landlord in lieu of maintaining a damage insurance policy. The landlord shall not alter the terms of the lease in the event a tenant opts to pay the full amount of the security deposit pursuant to this subsection.

CHAPTER 999

An Act to amend and reenact § 19.2-120 of the Code of Virginia, relating to admission to bail; rebuttable presumptions against bail.

[H 1462]

Approved April 9, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-120 of the Code of Virginia is amended and reenacted as follows:

§ 19.2-120. Admission to bail.

Prior to conducting any hearing on the issue of bail, release or detention, the judicial officer shall, to the extent feasible, obtain the person's criminal history.

A. A person who is held in custody pending trial or hearing for an offense, civil or criminal contempt, or otherwise shall be admitted to bail by a judicial officer, unless there is probable cause to believe that:

1. He will not appear for trial or hearing or at such other time and place as may be directed, or
2. His liberty will constitute an unreasonable danger to himself or the public.

B. The judicial officer shall presume, subject to rebuttal, that no condition or combination of conditions will reasonably assure the appearance of the person or the safety of the public if the person is currently charged with:

1. An act of violence as defined in § 19.2-297.1;
2. An offense for which the maximum sentence is life imprisonment or death;
3. A violation of § 18.2-248, 18.2-248.01, 18.2-255, or 18.2-255.2 involving a Schedule I or II controlled substance if
 - (i) the maximum term of imprisonment is 10 years or more and the person was previously convicted of a like offense or
 - (ii) the person was previously convicted as a "drug kingpin" as defined in § 18.2-248;
4. A violation of § 18.2-308.1, 18.2-308.2, or 18.2-308.4 and which relates to a firearm and provides for a mandatory minimum sentence;

5. Any felony, if the person has been convicted of two or more offenses described in subdivision 1 or 2, whether under the laws of the Commonwealth or substantially similar laws of the United States;

6. Any felony committed while the person is on release pending trial for a prior felony under federal or state law or on release pending imposition or execution of sentence or appeal of sentence or conviction;

7. An offense listed in subsection B of § 18.2-67.5:2 and the person had previously been convicted of an offense listed in § 18.2-67.5:2 or a substantially similar offense under the laws of any state or the United States and the judicial officer finds probable cause to believe that the person who is currently charged with one of these offenses committed the offense charged;

8. A violation of § 18.2-374.1 or 18.2-374.3 where the offender has reason to believe that the solicited person is under 15 years of age and the offender is at least five years older than the solicited person;

9. A violation of § 18.2-46.2, 18.2-46.3, 18.2-46.5, or 18.2-46.7;

10. A violation of § 18.2-36.1, 18.2-51.4, 18.2-266, or 46.2-341.24 and the person has, within the past five years of the instant offense, been convicted three times on different dates of a violation of any combination of these Code sections, or any ordinance of any county, city, or town or the laws of any other state or of the United States substantially similar thereto, and has been at liberty between each conviction;

11. A second or subsequent violation of § 16.1-253.2 or 18.2-60.4 or a substantially similar offense under the laws of any state or the United States;

12. A violation of subsection B of § 18.2-57.2;

13. A violation of subsection C of § 18.2-460 charging the use of threats of bodily harm or force to knowingly attempt to intimidate or impede a witness;

14. A violation of § 18.2-51.6 if the alleged victim is a family or household member as defined in § 16.1-228; or

15. A violation of § 18.2-355, 18.2-356, 18.2-357, or 18.2-357.1.

C. The judicial officer shall presume, subject to rebuttal, that no condition or combination of conditions will reasonably assure the appearance of the person or the safety of the public if the person is being arrested pursuant to § 19.2-81.6.

~~D. A judicial officer who is a magistrate, clerk, or deputy clerk of a district court or circuit court may not admit to bail, that is not set by a judge, any person who is charged with an offense giving rise to a rebuttable presumption against bail as set out in subsection B or C without the concurrence of an attorney for the Commonwealth. For a person who is charged with an offense giving rise to a rebuttable presumption against bail, any judge judicial officer may set or admit such person~~

to bail in accordance with this section ~~after notice and an opportunity to be heard has been provided to the attorney for the Commonwealth.~~

E. The ~~court~~ *judicial officer* shall consider the following factors and such others as it deems appropriate in determining, for the purpose of rebuttal of the presumption against bail described in subsection B, whether there are conditions of release that will reasonably assure the appearance of the person as required and the safety of the public:

1. The nature and circumstances of the offense charged;

2. The history and characteristics of the person, including his character, physical and mental condition, family ties, employment, financial resources, length of residence in the community, community ties, past conduct, history relating to drug or alcohol abuse, criminal history, membership in a criminal street gang as defined in § 18.2-46.1, and record concerning appearance at court proceedings; and

3. The nature and seriousness of the danger to any person or the community that would be posed by the person's release.

F. The judicial officer shall inform the person of his right to appeal from the order denying bail or fixing terms of bond or recognizance consistent with § 19.2-124.

G. If the judicial officer sets a secured bond and the person engages the services of a licensed bail bondsman, the magistrate executing recognizance for the accused shall provide the bondsman, upon request, with a copy of the person's Virginia criminal history record, if readily available, to be used by the bondsman only to determine appropriate reporting requirements to impose upon the accused upon his release. The bondsman shall pay a \$15 fee payable to the state treasury to be credited to the Literary Fund, upon requesting the defendant's Virginia criminal history record issued pursuant to § 19.2-389. The bondsman shall review the record on the premises and promptly return the record to the magistrate after reviewing it.

CHAPTER 1000

An Act to amend and reenact §§ 19.2-386.1, 19.2-386.10, 19.2-386.29, 19.2-386.31, 19.2-386.32, 19.2-386.34, and 19.2-386.35 of the Code of Virginia, relating to forfeiture of property used in connection with the commission of crimes; finding of guilt required; reporting requirements.

[H 1522]

Approved April 9, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 19.2-386.1, 19.2-386.10, 19.2-386.29, 19.2-386.31, 19.2-386.32, 19.2-386.34, and 19.2-386.35 of the Code of Virginia are amended and reenacted as follows:

§ 19.2-386.1. Commencing an action of forfeiture.

A. Except as otherwise specifically provided by law, whenever any property is forfeited to the Commonwealth by reason of the violation of any law, or if any statute provides for the forfeiture of any property or money, or if any property or money be seized as forfeited for a violation of any of the provisions of this Code, the Commonwealth shall follow the procedures set forth in this chapter.

B. An action against any property subject to seizure under the provisions of Chapter 22.2 (§ 19.2-386.15 et seq.) shall be commenced by the filing of an information in the clerk's office of the circuit court. Any information shall be filed in the name of the Commonwealth by the attorney for the Commonwealth or may be filed by the Attorney General if so requested by the attorney for the Commonwealth. Venue for an action of forfeiture shall lie in the county or city where (i) the property is located, (ii) the property is seized, or (iii) an owner of the property *or the person in whose custody the property is found* could be prosecuted for the illegal conduct alleged to give rise to the forfeiture. Such information shall (a) name as parties defendant all owners and lienholders then known or of record and the trustees named in any deed of trust securing such lienholder, (b) specifically describe the property, (c) set forth in general terms the grounds for forfeiture of the named property, (d) pray that the same be condemned and sold or otherwise be disposed of according to law, and (e) ask that all persons concerned or interested be notified to appear and show cause why such property should not be forfeited. In all cases, an information shall be filed within three years of the date of actual discovery by the Commonwealth of the last act giving rise to the forfeiture or the action for forfeiture will be barred.

C. *Any action of forfeiture commenced under this section shall be stayed until the court in which the owner of the property or the person in whose custody the property is found is being prosecuted for an offense authorizing the forfeiture finds the owner or the person in whose custody the property is found guilty of any offense that authorizes forfeiture of such property, and any property eligible for forfeiture under the provisions of any statute shall be forfeited only upon such finding of guilt of the owner or the person in whose custody the property is found, regardless of whether the owner or the person in whose custody the property is found has been sentenced. If no such finding is made by the court, all property seized shall be released from seizure no later than 21 days from the date the stay terminates. However, property that has been seized may be forfeited pursuant to the procedures set forth in this chapter even though no finding of guilt is made if (i) such forfeiture is ordered by a court pursuant to a lawful plea agreement or (ii) the owner of the property or the person in whose custody the property was found has not submitted a written demand for the return of the property with the law-enforcement agency that seized the property within 21 days from the date the stay terminates.*

§ 19.2-386.10. Forfeiture; default judgment; remission; trial.

A. A party defendant who fails to appear as provided in § 19.2-386.9 shall be in default. The forfeiture shall be deemed established as to the interest of any party in default upon entry of judgment as provided in § 19.2-386.11. Within 21 days after entry of judgment, any party defendant against whom judgment has been so entered may petition the Department of Criminal Justice Services for remission of his interest in the forfeited property. For good cause shown and upon proof by a preponderance of the evidence that the party defendant's interest in the property is exempt under subdivision 2, 3, or 4 of § 19.2-386.8, the Department of Criminal Justice Services shall grant the petition and direct the state treasury to either (i) remit to the party defendant an amount not exceeding the party defendant's interest in the proceeds of sale of the forfeited property after deducting expenses incurred and payable pursuant to subsection B of § 19.2-386.12 or (ii) convey clear and absolute title to the forfeited property in extinguishment of such interest.

If any party defendant appears in accordance with § 19.2-386.9, the court shall proceed to trial of the case, unless trial by jury is demanded by the Commonwealth or any party defendant. At trial, the Commonwealth has the burden of proving by clear and convincing evidence that the property is subject to forfeiture under this chapter. Upon such a showing by the Commonwealth, the claimant has the burden of proving by a preponderance of the evidence that the claimant's interest in the property is exempt under subdivision 2, 3, or 4 of § 19.2-386.8.

B. The information and trial thereon shall be independent of any criminal proceeding against any party or other person for violation of law. ~~However, upon motion and for good cause shown, the court may stay a forfeiture proceeding that is related to any warrant, indictment, or information.~~

§ 19.2-386.29. Forfeiture of certain weapons used in commission of criminal offense.

All pistols, shotguns, rifles, dirks, bowie knives, switchblade knives, ballistic knives, razors, slingshots, brass or metal knucks, blackjacks, stun weapons, and other weapons used by any person in the commission of a criminal offense, shall, ~~upon conviction of such person,~~ be forfeited to the Commonwealth by order of the court trying the case. The court shall dispose of such weapons as it deems proper by entry of an order of record. Such disposition may include the destruction of the weapons or, subject to any registration requirements of federal law, sale of the firearms to a licensed dealer in such firearms in accordance with the provisions of Chapter 22.1 (§ 19.2-386.1 et seq.) regarding sale of property forfeited to the Commonwealth.

The court may authorize the seizing law-enforcement agency to use the weapon for a period of time as specified in the order. When the seizing agency ceases to so use the weapon, it shall be disposed of as otherwise provided in this section.

However, upon petition to the court and notice to the attorney for the Commonwealth, the court, upon good cause shown, shall return any such weapon to its lawful owner after conclusion of all relevant proceedings if such owner (i) did not know and had no reason to know of the conduct giving rise to the forfeiture and (ii) is not otherwise prohibited by law from possessing the weapon. The owner shall acknowledge in a sworn affidavit to be filed with the record in the case or cases that he has retaken possession of the weapon involved.

§ 19.2-386.31. Seizure and forfeiture of property used in connection with the exploitation and solicitation of children.

All audio and visual equipment, electronic equipment, devices and other personal property used in connection with the possession, production, distribution, publication, sale, possession with intent to distribute or making of child pornography that constitutes a violation of § 18.2-374.1 or 18.2-374.1:1, or in connection with the solicitation of a person less than 18 years of age that constitutes a violation of § 18.2-374.3 shall be subject to lawful seizure by a law-enforcement officer and shall be subject to forfeiture to the Commonwealth pursuant to Chapter 22.1 (§ 19.2-386.1 et seq.). The Commonwealth shall file an information and notice of seizure in accordance with the procedures in Chapter 22.1 (§ 19.2-386.1 et seq.); ~~however, any forfeiture action shall be stayed until conviction of the person whose property is subject to forfeiture. Upon his conviction, the court may dispose of the issue of forfeiture or may continue the civil case allowing the defendant time to answer, at the court's discretion.~~

§ 19.2-386.32. Seizure and forfeiture of property used in connection with the abduction of children.

All moneys and other property, real and personal, owned by a person and used to further the abduction of a child in violation of § 18.2-47, 18.2-48, or 18.2-48.1 are subject to lawful seizure by a law-enforcement officer and are subject to forfeiture to the Commonwealth pursuant to Chapter 22.1 (§ 19.2-386.1 et seq.) ~~by order of the court in which a conviction under § 18.2-47, 18.2-48, or 18.2-48.1 is obtained.~~

§ 19.2-386.34. Forfeiture of vehicle used in a felony violation of § 18.2-266.

The vehicle solely owned and operated by the accused during the commission of a felony violation of § 18.2-266 shall be subject to seizure and forfeiture. After an arrest upon a felony violation of § 18.2-266, the vehicle may be forfeited to the Commonwealth pursuant to the procedures set forth in Chapter 22.1 (§ 19.2-386.1 et seq.). ~~Any seizure shall be stayed until conviction and the exhaustion of all appeals at which time, if the information has been filed, the Commonwealth shall give notice of seizure to all appropriate parties pursuant to § 19.2-386.3.~~

An immediate family member of the owner of any motor vehicle for which an information has been filed under this section who was not the driver at the time of the violation may petition the court in which such information was filed for the release of the motor vehicle. If the immediate family member proves by a preponderance of the evidence that his immediate family has only one motor vehicle and will suffer a substantial hardship if that motor vehicle is seized and forfeited, the court, in its discretion, may release the vehicle.

In the event *that* the vehicle was sold to a bona fide purchaser subsequent to the arrest but prior to seizure in order to avoid seizure and forfeiture, the Commonwealth shall have a right of action against the seller for the proceeds of the sale.

§ 19.2-386.35. Seizure of property used in connection with certain offenses.

All money, equipment, motor vehicles, and other personal and real property of any kind or character together with any interest or profits derived from the investment of such proceeds or other property that (i) was used in connection with the commission of, or in an attempt to commit, a violation of subsection B of § 18.2-47, § 18.2-48 or 18.2-59, subsection B of § 18.2-346, or § 18.2-347, 18.2-348, 18.2-348.1, 18.2-349, 18.2-355, 18.2-356, 18.2-357, 18.2-357.1, 40.1-29, 40.1-100.2, or 40.1-103; (ii) is traceable to the proceeds of some form of activity that violates subsection B of § 18.2-47, § 18.2-48 or 18.2-59, subsection B of § 18.2-346, or § 18.2-347, 18.2-348, 18.2-348.1, 18.2-349, 18.2-355, 18.2-356, 18.2-357, 40.1-29, 40.1-100.2, or 40.1-103; or (iii) was used to or intended to be used to promote some form of activity that violates subsection B of § 18.2-47, § 18.2-48 or 18.2-59, subsection B of § 18.2-346, or § 18.2-347, 18.2-348, 18.2-348.1, 18.2-349, 18.2-355, 18.2-356, 18.2-357, 40.1-29, 40.1-100.2, or 40.1-103 is subject to lawful seizure by a law-enforcement officer and subject to forfeiture to the Commonwealth pursuant to Chapter 22.1 (§ 19.2-386.1 et seq.). ~~Any forfeiture action under this section shall be stayed until conviction, and property eligible for forfeiture pursuant to this section shall be forfeited only upon the entry of a final judgment of conviction for an offense listed in this section; if no such judgment is entered, all property seized pursuant to this section shall be released from seizure.~~

Real property shall not be subject to seizure unless the minimum prescribed punishment for the violation is a term of imprisonment of not less than five years.

All seizures and forfeitures under this section shall be governed by Chapter 22.1 (§ 19.2-386.1 et seq.), and the procedures specified therein shall apply, mutatis mutandis, to all forfeitures under this section.

CHAPTER 1001

An Act to amend and reenact § 15.2-4905 of the Code of Virginia, relating to industrial development authorities; Town of Front Royal.

[H 1572]

Approved April 9, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-4905 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-4905. Powers of authority.

The authority shall have the following powers together with all powers incidental thereto or necessary for the performance of those hereinafter stated:

1. To sue and be sued and to prosecute and defend, at law or in equity, in any court having jurisdiction of the subject matter and of the parties;
2. To adopt and use a corporate seal and to alter the same at pleasure;
3. To enter into contracts; however, any written contract of the authority shall contain provisions addressing the issue of whether attorney's fees shall be recoverable by the prevailing party in the event the contract is subject to litigation;
4. To acquire, whether by purchase, exchange, gift, lease or otherwise, and to improve, maintain, equip and furnish one or more authority facilities including all real and personal properties which the board of directors of the authority may deem necessary in connection therewith and regardless of whether any such facilities shall then be in existence;
5. To lease to others any or all of its facilities and to charge and collect rent therefor and to terminate any such lease upon the failure of the lessee to comply with any of the obligations thereof; and to include in any such lease, if desired, a provision that the lessee thereof shall have options to renew such lease or to purchase any or all of the leased facilities, or that upon payment of all of the indebtedness of the authority it may lease or convey any or all of its facilities to the lessee thereof with or without consideration;
6. To sell, exchange, donate, and convey any or all of its facilities or properties whenever its board of directors shall find any such action to be in furtherance of the purposes for which the authority was organized;
7. To issue its bonds for the purpose of carrying out any of its powers including specifically, but without intending to limit any power conferred by this section or this chapter, the issuance of bonds to provide long-term financing of any pollution control facility, whether any such facility was constructed prior to or after the enactment hereof or the receipt of a commitment from an authority to undertake financing pursuant hereto, unless the major part of the proceeds of such bonds will be used to redeem any prior long-term financing of such facility other than financings pursuant to this chapter or any similar law;
8. As security for the payment of the principal of and interest on any bonds so issued and any agreements made in connection therewith, to mortgage and pledge any or all of its facilities or any part or parts thereof, whether then owned or thereafter acquired, and to pledge the revenues therefrom or from any part thereof or from any loans made by the authority;
9. To employ and pay compensation to such employees and agents, including attorneys, and real estate brokers whether engaged by the authority or otherwise, as the board of directors shall deem necessary in carrying on the business of the authority;

10. To exercise all powers expressly given the authority by the governing body of the locality which established the authority and to establish bylaws and make all rules and regulations, not inconsistent with the provisions of this chapter, deemed expedient for the management of the authority's affairs;

11. To appoint an industrial advisory committee or similar committee or committees to advise the authority, consisting of such number of persons as it may deem advisable. Such persons may be compensated such amount per regular, special, or committee meeting as may be approved by the appointing authority, not to exceed \$50 per meeting day, and may be reimbursed for necessary traveling and other expenses incurred while on the business of the authority;

12. To borrow money and to accept contributions, grants and other financial assistance from the United States of America and agencies or instrumentalities thereof, the Commonwealth, or any political subdivision, agency, or public instrumentality of the Commonwealth, for or in aid of the construction, acquisition, ownership, maintenance or repair of the authority facilities, for the payment of principal of any bond of the authority, interest thereon, or other cost incident thereto, or in order to make loans in furtherance of the purposes of this chapter of such money, contributions, grants, and other financial assistance, and to this end the authority shall have the power to comply with such conditions and to execute such agreements, trust indentures, and other legal instruments as may be necessary, convenient or desirable and to agree to such terms and conditions as may be imposed; and

13. To make loans or grants to any person, partnership, association, corporation, business, or governmental entity in furtherance of the purposes of this chapter including for the purposes of promoting economic development, provided that such loans or grants shall be made only from revenues of the authority which have not been pledged or assigned for the payment of any of the authority's bonds, and to enter into such contracts, instruments, and agreements as may be expedient to provide for such loans and any security therefor. An authority may also be permitted to forgive loans or other obligations if it is deemed to further economic development. The word "revenues" as used in this subdivision includes contributions, grants and other financial assistance, as set out in subdivision 12.

The authority shall not have power to operate any facility as a business other than as lessor and shall not have the power to operate any single or multi-family housing facilities. However, the authority shall have the power to apply for, establish, operate and maintain a foreign-trade zone in accordance with the provisions of Chapter 14 (§ 62.1-159 et seq.) of Title 62.1. Any meeting held by the board of directors at which formal action is taken shall be open to the public.

If a locality has created an industrial development authority pursuant to this chapter or any other provision of law, no other such authority, not created by such locality, shall finance facilities, except pollution control facilities, within the boundaries of such locality, unless the governing body of such locality in which the facilities are located or are proposed to be located, concurs with the inducement resolution adopted by the authority, and shows such concurrence in a duly adopted resolution. Notwithstanding the foregoing, nothing contained herein shall be deemed to invalidate or otherwise impair any existing financing by an authority or the financing of any facilities for which application has been made to an authority prior to July 1, 1981.

Notwithstanding the provisions of this section, and notwithstanding the provisions of any other law, general or special, nothing herein shall be deemed to impair the authority of the town council of the Town of Front Royal from creating its own independent industrial development authority, separate and apart for all purposes from any currently existing or future industrial development authority. A Town of Front Royal independent industrial development authority, created solely by the town, shall have all powers granted industrial development authorities generally as set forth in this chapter. Such industrial development authority may also include Warren County in any of its economic development projects for a period of five years ending July 1, 2025.

CHAPTER 1002

An Act to amend and reenact §§ 18.2-60, 18.2-60.1, 18.2-83, 18.2-152.7:1, and 18.2-430 of the Code of Virginia, relating to threats and harassment of certain officials and property; venue.

[H 1627]

Approved April 9, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 18.2-60, 18.2-60.1, 18.2-83, 18.2-152.7:1, and 18.2-430 of the Code of Virginia are amended and reenacted as follows:

§ 18.2-60. Threats of death or bodily injury to a person or member of his family; threats of death or bodily injury to persons on school property; threats of death or bodily injury to health care providers; penalty.

A. 1. Any person who knowingly communicates, in a writing, including an electronically transmitted communication producing a visual or electronic message, a threat to kill or do bodily injury to a person, regarding that person or any member of his family, and the threat places such person in reasonable apprehension of death or bodily injury to himself or his family member, is guilty of a Class 6 felony. However, any person who violates this subsection with the intent to commit an act of terrorism as defined in § 18.2-46.4 is guilty of a Class 5 felony.

2. Any person who communicates a threat, in a writing, including an electronically transmitted communication producing a visual or electronic message, to kill or do bodily harm, (i) on the grounds or premises of any elementary, middle or secondary school property, (ii) at any elementary, middle or secondary school-sponsored event or (iii) on a school bus to

any person or persons, regardless of whether the person who is the object of the threat actually receives the threat, and the threat would place the person who is the object of the threat in reasonable apprehension of death or bodily harm, is guilty of a Class 6 felony.

B. Any person who orally makes a threat to kill or to do bodily injury to (i) any employee of any elementary, middle or secondary school, while on a school bus, on school property or at a school-sponsored activity or (ii) any health care provider as defined in § 8.01-581.1 who is engaged in the performance of his duties in a hospital as defined in § 18.2-57 or in an emergency room on the premises of any clinic or other facility rendering emergency medical care, unless the person is on the premises of the hospital or emergency room of the clinic or other facility rendering emergency medical care as a result of an emergency custody order pursuant to § 37.2-808, involuntary temporary detention order pursuant to § 37.2-809, involuntary hospitalization order pursuant to § 37.2-817, or emergency custody order of a conditionally released acquttee pursuant to § 19.2-182.9, is guilty of a Class 1 misdemeanor.

A prosecution pursuant to this section may be either in the county, city or town in which the communication was made or received or *in the City of Richmond if venue cannot otherwise be established and the person threatened is one of the following officials or employees of the Commonwealth and such official or employee was threatened while engaged in the performance of his public duties or because of his position with the Commonwealth: the Governor, Governor-elect, Lieutenant Governor, Lieutenant Governor-elect, Attorney General, or Attorney General-elect, a member or employee of the General Assembly, a justice of the Supreme Court of Virginia, or a judge of the Court of Appeals of Virginia.*

§ 18.2-60.1. Threatening the Governor or his immediate family.

Any person who shall knowingly and willfully send, deliver or convey, or cause to be sent, delivered or conveyed, to the Governor or his immediate family any threat to take the life of or inflict bodily harm upon the Governor or his immediate family, whether such threat be oral or written, ~~shall be~~ is guilty of a Class 6 felony. *A violation of this section may be prosecuted in the jurisdiction in which the communication was made or received or in the City of Richmond if venue cannot otherwise be established.*

§ 18.2-83. Threats to bomb or damage buildings or means of transportation; false information as to danger to such buildings, etc.; punishment; venue.

A. Any person ~~(a)~~ (i) who makes and communicates to another by any means any threat to bomb, burn, destroy or in any manner damage any place of assembly, building or other structure, or any means of transportation, or ~~(b)~~ (ii) who communicates to another, by any means, information, knowing the same to be false, as to the existence of any peril of bombing, burning, destruction or damage to any such place of assembly, building or other structure, or any means of transportation, ~~shall be~~ is guilty of a Class 5 felony; provided, however, that if such person ~~be is~~ under ~~fifteen~~ 15 years of age, he ~~shall be~~ is guilty of a Class 1 misdemeanor.

B. A violation of this section may be prosecuted either in the jurisdiction from which the communication was made or in the jurisdiction where the communication was received *or in the City of Richmond if venue cannot otherwise be established and the property threatened is owned by the Commonwealth and located within the Capitol District.*

§ 18.2-152.7:1. Harassment by computer; penalty.

If any person, with the intent to coerce, intimidate, or harass any person, shall use a computer or computer network to communicate obscene, vulgar, profane, lewd, lascivious, or indecent language, or make any suggestion or proposal of an obscene nature, or threaten any illegal or immoral act, he ~~shall be~~ is guilty of a Class 1 misdemeanor. *A violation of this section may be prosecuted in the jurisdiction in which the communication was made or received or in the City of Richmond if venue cannot otherwise be established and the person subjected to the act is one of the following officials or employees of the Commonwealth and such official or employee was subjected to the act while engaged in the performance of his public duties or because of his position with the Commonwealth: the Governor, Governor-elect, Lieutenant Governor, Lieutenant Governor-elect, Attorney General, or Attorney General-elect, a member or employee of the General Assembly, a justice of the Supreme Court of Virginia, or a judge of the Court of Appeals of Virginia.*

§ 18.2-430. Venue for offenses under this article.

Any person violating any of the provisions of this article may be prosecuted either in the county or city from which he called or in the county or city in which the call was received, *or in the City of Richmond if venue cannot otherwise be established and the person subjected to the act is one of the following officials or employees of the Commonwealth and such official or employee was subjected to the act while engaged in the performance of his public duties or because of his position with the Commonwealth: the Governor, Governor-elect, Lieutenant Governor, Lieutenant Governor-elect, Attorney General, or Attorney General-elect, a member or employee of the General Assembly, a justice of the Supreme Court of Virginia or a judge of the Court of Appeals of Virginia.*

CHAPTER 1003

An Act to amend and reenact § 18.2-67.3 of the Code of Virginia, relating to aggravated sexual battery; penalty.

[S 42]

Approved April 9, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-67.3 of the Code of Virginia is amended and reenacted as follows:

§ 18.2-67.3. Aggravated sexual battery; penalty.

- A. An accused ~~shall be~~ is guilty of aggravated sexual battery if he or she sexually abuses the complaining witness, and
1. The complaining witness is less than 13 years of age; or
 2. The act is accomplished through the use of the complaining witness's mental incapacity or physical helplessness; or
 3. The offense is committed by a parent, step-parent, grandparent, or step-grandparent and the complaining witness is at least 13 but less than 18 years of age; or
 4. The act is accomplished against the will of the complaining witness by force, threat or intimidation, and
 - a. The complaining witness is at least 13 but less than 15 years of age; or
 - b. The accused causes serious bodily or mental injury to the complaining witness; or
 - c. The accused uses or threatens to use a dangerous weapon; or
 5. *The offense is not a recognized form of treatment in the profession, and is committed, without the express consent of the patient, by (i) a massage therapist, or a person purporting to be a massage therapist, during an actual or purported practice of massage therapy, as those terms are defined in § 54.1-3000; (ii) a person practicing or purporting to practice the healing arts, during an actual or purported practice of the healing arts, as those terms are defined in §§ 54.1-2900 and 54.1-2903; or (iii) a physical therapist, or a person purporting to be a physical therapist, during an actual or purported practice of physical therapy, as those terms are defined in § 54.1-3473.*

B. Aggravated sexual battery is a felony punishable by confinement in a state correctional facility for a term of not less than one nor more than 20 years and by a fine of not more than \$100,000.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 854 of the Acts of Assembly of 2019 requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

CHAPTER 1004

An Act to amend and reenact §§ 16.1-69.48:1, 17.1-275.2, 17.1-275.7, 19.2-303.4, 19.2-335, and 19.2-336 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 19.2-303.6, relating to deferred disposition; persons with autism or intellectual disabilities.

[S 133]

Approved April 9, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 16.1-69.48:1, 17.1-275.2, 17.1-275.7, 19.2-303.4, 19.2-335, and 19.2-336 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 19.2-303.6 as follows:

§ 16.1-69.48:1. Fixed fee for misdemeanors, traffic infractions and other violations in district court; additional fees to be added.

A. Assessment of the fees provided for in this section shall be based on (i) an appearance for court hearing in which there has been a finding of guilty; (ii) a written appearance with waiver of court hearing and entry of guilty plea; (iii) for a defendant failing to appear, a trial in his or her absence resulting in a finding of guilty; (iv) an appearance for court hearing in which the court requires that the defendant successfully complete traffic school, a mature driver motor vehicle crash prevention course, or a driver improvement clinic, in lieu of a finding of guilty; (v) a deferral of proceedings pursuant to §§ § 4.1-305, 16.1-278.8, 16.1-278.9, 18.2-57.3, 18.2-251 ~~or~~, 19.2-303.2, *or 19.2-303.6*; or (vi) proof of compliance with law under §§ 46.2-104, 46.2-324, 46.2-613, 46.2-646, 46.2-711, 46.2-715, 46.2-716, 46.2-752, 46.2-1000, 46.2-1003, 46.2-1052, 46.2-1053, and 46.2-1158.02.

In addition to any other fee prescribed by this section, a fee of \$35 shall be taxed as costs whenever a defendant fails to appear, unless, after a hearing requested by such person, good cause is shown for such failure to appear. No defendant with multiple charges arising from a single incident shall be taxed the applicable fixed fee provided in subsection B, C, or D more than once for a single appearance or trial in absence related to that incident. However, when a defendant who has multiple charges arising from the same incident and who has been assessed a fixed fee for one of those charges is later convicted of another charge that arises from that same incident and that has a higher fixed fee, he shall be assessed the difference between the fixed fee earlier assessed and the higher fixed fee.

A defendant with charges which arise from separate incidents shall be taxed a fee for each incident even if the charges from the multiple incidents are disposed of in a single appearance or trial in absence.

In addition to the fixed fees assessed pursuant to this section, in the appropriate cases, the clerk shall also assess any costs otherwise specifically provided by statute.

B. In misdemeanors tried in district court, except for those proceedings provided for in subsection C, there shall be assessed as court costs a fixed fee of \$61. The amount collected, in whole or in part, for the fixed fee shall be apportioned, as provided by law, to the following funds in the fractional amounts designated:

1. Processing fee (General Fund) (.573770);
2. Virginia Crime Victim-Witness Fund (.049180);
3. Regional Criminal Justice Training Academies Fund (.016393);
4. Courthouse Construction/Maintenance Fund (.032787);
5. Criminal Injuries Compensation Fund (.098361);
6. Intensified Drug Enforcement Jurisdiction Fund (.065574);
7. Sentencing/supervision fee (General Fund) (.131148); and
8. Virginia Sexual and Domestic Violence Victim Fund (.032787).

C. In criminal actions and proceedings in district court for a violation of any provision of Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2, there shall be assessed as court costs a fixed fee of \$136. The amount collected, in whole or in part, for the fixed fee shall be apportioned, as provided by law, to the following funds in the fractional amounts designated:

1. Processing fee (General Fund) (.257353);
2. Virginia Crime Victim-Witness Fund (.022059);
3. Regional Criminal Justice Training Academies Fund (.007353);
4. Courthouse Construction/Maintenance Fund (.014706);
5. Criminal Injuries Compensation Fund (.044118);
6. Intensified Drug Enforcement Jurisdiction Fund (.029412);
7. Drug Offender Assessment and Treatment Fund (.551471);
8. Forensic laboratory fee and sentencing/supervision fee (General Fund) (.058824); and
9. Virginia Sexual and Domestic Violence Victim Fund (.014706).

D. In traffic infractions tried in district court, there shall be assessed as court costs a fixed fee of \$51. The amount collected, in whole or in part, for the fixed fee shall be apportioned, as provided by law, to the following funds in the fractional amounts designated:

1. Processing fee (General Fund) (.764706);
2. Virginia Crime Victim-Witness Fund (.058824);
3. Regional Criminal Justice Training Academies Fund (.019608);
4. Courthouse Construction/Maintenance Fund (.039216);
5. Intensified Drug Enforcement Jurisdiction Fund (.078431); and
6. Virginia Sexual and Domestic Violence Victim Fund (.039216).

§ 17.1-275.2. Fixed fee for felony reduced to misdemeanor.

In circuit court, upon the conviction of a person of any and each misdemeanor reduced from a felony charge, or upon a deferred disposition of proceedings in the case of any and each misdemeanor reduced from a felony charge and deferred pursuant to the terms and conditions of § 4.1-305, 16.1-278.8, 16.1-278.9, 18.2-57.3, ~~or~~ 19.2-303.2, *or* 19.2-303.6, there shall be assessed as court costs a fee of \$227, to be known as the fixed fee for felony reduced to misdemeanor. However, this section shall not apply to those proceedings provided for in § 17.1-275.8.

The amount collected, in whole or in part, for the fixed fee for felony reduced to misdemeanor shall be apportioned to the following funds in the fractional amounts designated:

1. Sentencing/supervision fee (General Fund) (.1695154);
2. Forensic science fund (.1707048);
3. Court reporter fund (.1465639);
4. Witness expenses/expert witness fund (.0088106);
5. Virginia Crime Victim-Witness Fund (.0132159);
6. Intensified Drug Enforcement Jurisdiction Fund (.0176211);
7. Criminal Injuries Compensation Fund (.0881057);
8. Commonwealth's attorney fund (state share) (.0881057);
9. Commonwealth's attorney fund (local share) (.0881057);
10. Regional Criminal Justice Academy Training Fund (.0044053);
11. Warrant fee (.0528634);
12. Courthouse construction/maintenance fund (.0088106); and
13. Clerk of the circuit court (.1431718).

§ 17.1-275.7. Fixed misdemeanor fee.

In circuit court, upon (i) conviction of any and each misdemeanor, not originally charged as a felony; (ii) a deferred disposition of proceedings in the case of any and each misdemeanor not originally charged as a felony and deferred pursuant to the terms and conditions of § 4.1-305, 16.1-278.8, 16.1-278.9, 18.2-57.3, ~~or~~ 19.2-303.2, *or* 19.2-303.6; (iii) any and each conviction of a traffic infraction or referral to a driver improvement clinic or traffic school in lieu of a finding of guilt for a traffic infraction; or (iv) proof of compliance with law under §§ 46.2-104 and 46.2-1158.02, there shall be assessed as court costs a fee of \$80, to be known as the fixed misdemeanor fee. However, this section shall not apply to those proceedings provided for in § 17.1-275.8. This fee shall be in addition to any fee assessed in the district court.

The amount collected, in whole or in part, for the fixed misdemeanor fee shall be apportioned, as provided by law, to the following funds in the fractional amounts designated:

1. Sentencing/supervision fee (General Fund) (.0125000);

2. Witness expenses/expert witness fee (General Fund) (.0250000);
3. Virginia Crime Victim-Witness Fund (.0375000);
4. Intensified Drug Enforcement Jurisdiction Fund (.0500000);
5. Criminal Injuries Compensation Fund (.2500000);
6. Commonwealth's Attorney Fund (state share) (.0937500);
7. Commonwealth's Attorney Fund (local share) (.0937500);
8. Regional Criminal Justice Academy Training Fund (.0125000);
9. Warrant fee, as prescribed by § 17.1-272 (.1500000);
10. Courthouse Construction/Maintenance Fund (.0250000); and
11. Clerk of the circuit court (.2500000).

§ 19.2-303.4. Payment of costs when proceedings deferred and defendant placed on probation.

A circuit or district court, which has deferred further proceedings, without entering a judgment of guilt, and placed a defendant on probation subject to terms and conditions pursuant to § 4.1-305, 16.1-278.8, 16.1-278.9, 18.2-57.3, 18.2-61, 18.2-67.1, 18.2-67.2, 18.2-251 ~~or~~, 19.2-303.2, or 19.2-303.6 shall impose upon the defendant costs.

§ 19.2-303.6. Deferred disposition in a criminal case; persons with autism or intellectual disabilities.

A. In any criminal case, except a violation of § 18.2-31, an act of violence as defined in § 19.2-297.1, or any crime for which a deferred disposition is provided for by statute, upon a plea of guilty, or after a plea of not guilty, and the facts found by the court would justify a finding of guilt, the court may, if the defendant has been diagnosed by a psychiatrist or clinical psychologist with (i) an autism spectrum disorder as defined in the most recent edition of the *Diagnostic and Statistical Manual of Mental Disorders* published by the American Psychiatric Association or (ii) an intellectual disability as defined in § 37.2-100 and the court finds by clear and convincing evidence that the criminal conduct was caused by or had a direct and substantial relationship to the person's disorder or disability, without entering a judgment of guilt and with the consent of the accused, after giving due consideration to the position of the attorney for the Commonwealth and the views of the victim, defer further proceedings and place the accused on probation subject to terms and conditions set by the court. Upon violation of a term or condition, the court may enter an adjudication of guilt; or upon fulfillment of the terms and conditions, the court may discharge the person and dismiss the proceedings against him without an adjudication of guilt. This section shall not limit the authority of any juvenile and domestic relations court granted to it in Title 16.1.

B. Deferred disposition shall be available to the defendant even though he has previously been convicted of a criminal offense, been adjudicated delinquent as a juvenile, or had proceedings deferred and dismissed under this section or under any other provision of law, unless, after having considered the position of the attorney for the Commonwealth, the views of the victims, and any evidence offered by the defendant, the court finds that deferred disposition is inconsistent with the interests of justice.

§ 19.2-335. Judge of district court to certify to clerk of circuit court costs of proceedings in criminal cases before him.

A judge of a district court before whom there is any proceeding in a criminal case, including any proceeding ~~which~~ that has been deferred upon probation of the defendant pursuant to § 16.1-278.8, 16.1-278.9, 18.2-61, 18.2-67.1, 18.2-67.2, 18.2-251 ~~or~~, 19.2-303.2, or 19.2-303.6, shall certify to the clerk of the circuit court of his county or city, and a judge or court before whom there is, in a criminal case, any proceeding preliminary to conviction in another court, upon receiving information of the conviction from the clerk of the court wherein it is, shall certify to such clerk, all the expenses incident to such proceedings which are payable out of the state treasury.

§ 19.2-336. Clerk to make up statement of whole cost, and issue execution therefor.

In every criminal case the clerk of the circuit court in which the accused is found guilty or is placed on probation during deferral of the proceedings pursuant to § 16.1-278.8, 16.1-278.9, 18.2-61, 18.2-67.1, 18.2-67.2, 18.2-251 ~~or~~, 19.2-303.2, or 19.2-303.6 or, if the conviction is in a district court, the clerk to which the judge thereof certifies as aforesaid, shall, as soon as may be, make up a statement of all the expenses incident to the prosecution, including such as are certified under § 19.2-335, and execution for the amount of such expenses shall be issued and proceeded with. Chapter 21 (§ 19.2-339 et seq.) shall apply thereto in like manner as if, on the day of completing the statement, there was a judgment in such court in favor of the Commonwealth against the accused for such amount as a fine. However, in any case in which an accused waives trial by jury, at least 10 days before trial, but the Commonwealth or the court trying the case refuses to so waive, then the cost of the jury shall not be included in such statement or judgment recorded pursuant to § 17.1-275.5.

CHAPTER 1005

An Act to amend and reenact §§ 18.2-60.4 and 19.2-152.10 of the Code of Virginia, relating to protective orders; issuance upon convictions for certain felonies; penalty.

[S 144]

Approved April 9, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 18.2-60.4 and 19.2-152.10 of the Code of Virginia are amended and reenacted as follows:

§ 18.2-60.4. Violation of protective orders; penalty.

A. Any person who violates any provision of a protective order issued pursuant to § 19.2-152.8, 19.2-152.9, or 19.2-152.10 is guilty of a Class 1 misdemeanor. Conviction hereunder shall bar a finding of contempt for the same act. The punishment for any person convicted of a second offense of violating a protective order, *other than a protective order issued pursuant to subsection C of § 19.2-152.10*, when the offense is committed within five years of the prior conviction and when either the instant or prior offense was based on an act or threat of violence, shall include a mandatory minimum term of confinement of 60 days. Any person convicted of a third or subsequent offense of violating a protective order, *other than a protective order issued pursuant to subsection C of § 19.2-152.10*, when the offense is committed within 20 years of the first conviction and when either the instant or one of the prior offenses was based on an act or threat of violence, is guilty of a Class 6 felony and the punishment shall include a mandatory minimum term of confinement of six months. The mandatory minimum terms of confinement prescribed for violations of this section shall be served consecutively with any other sentence.

B. In addition to any other penalty provided by law, any person who, while knowingly armed with a firearm or other deadly weapon, violates any provision of a protective order with which he has been served issued pursuant to § 19.2-152.8, 19.2-152.9, or 19.2-152.10, *other than a protective order issued pursuant to subsection C of § 19.2-152.10*, is guilty of a Class 6 felony.

C. If the respondent commits an assault and battery upon any party protected by the protective order, *other than a protective order issued pursuant to subsection C of § 19.2-152.10*, resulting in bodily injury to the party or stalks any party protected by the protective order in violation of § 18.2-60.3, he is guilty of a Class 6 felony. Any person who violates such a protective order, *other than a protective order issued pursuant to subsection C of § 19.2-152.10*, by furtively entering the home of any protected party while the party is present, or by entering and remaining in the home of the protected party until the party arrives, is guilty of a Class 6 felony, in addition to any other penalty provided by law.

D. Upon conviction of any offense hereunder for which a mandatory minimum term of confinement is not specified, the person shall be sentenced to a term of confinement and in no case shall the entire term imposed be suspended.

E. Upon conviction, the court shall, in addition to the sentence imposed, enter a protective order pursuant to § 19.2-152.10 for a specified period not exceeding two years from the date of conviction.

§ 19.2-152.10. Protective order.

A. The court may issue a protective order pursuant to this chapter to protect the health and safety of the petitioner and family or household members of a petitioner upon (i) the issuance of a petition or warrant for, or a conviction of, any criminal offense resulting from the commission of an act of violence, force, or threat or (ii) a hearing held pursuant to subsection D of § 19.2-152.9. A protective order issued under this section may include any one or more of the following conditions to be imposed on the respondent:

1. Prohibiting acts of violence, force, or threat or criminal offenses that may result in injury to person or property;
2. Prohibiting such contacts by the respondent with the petitioner or family or household members of the petitioner as the court deems necessary for the health or safety of such persons;
3. Any other relief necessary to prevent (i) acts of violence, force, or threat, (ii) criminal offenses that may result in injury to person or property, or (iii) communication or other contact of any kind by the respondent; and
4. Granting the petitioner the possession of any companion animal as defined in § 3.2-6500 if such petitioner meets the definition of owner in § 3.2-6500.

B. ~~The~~ *Except as provided in subsection C, the protective order may be issued for a specified period of time up to a maximum of two years. The protective order shall expire at 11:59 p.m. on the last day specified or at 11:59 p.m. on the last day of the two-year period if no date is specified. Prior to the expiration of the protective order, a petitioner may file a written motion requesting a hearing to extend the order. Proceedings to extend a protective order shall be given precedence on the docket of the court. The court may extend the protective order for a period not longer than two years to protect the health and safety of the petitioner or persons who are family or household members of the petitioner at the time the request for an extension is made. The extension of the protective order shall expire at 11:59 p.m. on the last day specified or at 11:59 p.m. on the last day of the two-year period if no date is specified. Nothing herein shall limit the number of extensions that may be requested or issued.*

C. *Upon conviction for an act of violence as defined in § 19.2-297.1 and upon the request of the victim or of the attorney for the Commonwealth on behalf of the victim, the court may issue a protective order to the victim pursuant to this chapter to protect the health and safety of the victim. The protective order may be issued for any reasonable period of time, including up to the lifetime of the defendant, that the court deems necessary to protect the health and safety of the victim. The protective order shall expire at 11:59 p.m. on the last day specified in the protective order, if any. Upon a conviction for violation of a protective order issued pursuant to this subsection, the court that issued the original protective order may extend the protective order as the court deems necessary to protect the health and safety of the victim. The extension of the protective order shall expire at 11:59 p.m. on the last day specified, if any. Nothing herein shall limit the number of extensions that may be issued.*

D. A copy of the protective order shall be served on the respondent and provided to the petitioner as soon as possible. The court, including a circuit court if the circuit court issued the order, shall forthwith, but in all cases no later than the end of the business day on which the order was issued, enter and transfer electronically to the Virginia Criminal Information Network the respondent's identifying information and the name, date of birth, sex, and race of each protected person provided to the court and shall forthwith forward the attested copy of the protective order and containing any such

identifying information to the primary law-enforcement agency responsible for service and entry of protective orders. Upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the identifying information and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith upon the respondent and due return made to the court. Upon service, the agency making service shall enter the date and time of service and other appropriate information required into the Virginia Criminal Information Network and make due return to the court. If the order is later dissolved or modified, a copy of the dissolution or modification order shall also be attested, forwarded forthwith to the primary law-enforcement agency responsible for service and entry of protective orders, and upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the identifying information and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network as described above and the order shall be served forthwith and due return made to the court.

~~Ⓔ. E.~~ Except as otherwise provided, a violation of a protective order issued under this section shall constitute contempt of court.

~~Ⓔ. F.~~ The court may assess costs and attorneys' fees against either party regardless of whether an order of protection has been issued as a result of a full hearing.

~~Ⓔ. G.~~ Any judgment, order or decree, whether permanent or temporary, issued by a court of appropriate jurisdiction in another state, the United States or any of its territories, possessions or Commonwealths, the District of Columbia or by any tribal court of appropriate jurisdiction for the purpose of preventing violent or threatening acts or harassment against or contact or communication with or physical proximity to another person, including any of the conditions specified in subsection A, shall be accorded full faith and credit and enforced in the Commonwealth as if it were an order of the Commonwealth, provided reasonable notice and opportunity to be heard were given by the issuing jurisdiction to the person against whom the order is sought to be enforced sufficient to protect such person's due process rights and consistent with federal law. A person entitled to protection under such a foreign order may file the order in any appropriate district court by filing with the court, an attested or exemplified copy of the order. Upon such a filing, the clerk shall forthwith forward an attested copy of the order to the primary law-enforcement agency responsible for service and entry of protective orders which shall, upon receipt, enter the name of the person subject to the order and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52. Where practical, the court may transfer information electronically to the Virginia Criminal Information Network.

Upon inquiry by any law-enforcement agency of the Commonwealth, the clerk shall make a copy available of any foreign order filed with that court. A law-enforcement officer may, in the performance of his duties, rely upon a copy of a foreign protective order or other suitable evidence which has been provided to him by any source and may also rely upon the statement of any person protected by the order that the order remains in effect.

~~Ⓔ. H.~~ Either party may at any time file a written motion with the court requesting a hearing to dissolve or modify the order. Proceedings to modify or dissolve a protective order shall be given precedence on the docket of the court.

~~Ⓔ. I.~~ Neither a law-enforcement agency, the attorney for the Commonwealth, a court nor the clerk's office, nor any employee of them, may disclose, except among themselves, the residential address, telephone number, or place of employment of the person protected by the order or that of the family of such person, except to the extent that disclosure is (i) required by law or the Rules of the Supreme Court, (ii) necessary for law-enforcement purposes, or (iii) permitted by the court for good cause.

~~Ⓔ. J.~~ No fees shall be charged for filing or serving petitions pursuant to this section.

~~Ⓔ. K.~~ As used in this section:

"Copy" includes a facsimile copy; and

"Protective order" includes an initial, modified or extended protective order.

~~Ⓔ. L.~~ Upon issuance of a protective order, the clerk of the court shall make available to the petitioner information that is published by the Department of Criminal Justice Services for victims of domestic violence or for petitioners in protective order cases.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation is \$0 for periods of imprisonment in state adult correctional facilities and cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

CHAPTER 1006

An Act to amend and reenact § 15.2-2308 of the Code of Virginia, relating to board of zoning appeals; dual office holding.

[S 292]

Approved April 9, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-2308 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-2308. Boards of zoning appeals to be created; membership, organization, etc.

A. Every locality that has enacted or enacts a zoning ordinance pursuant to this chapter or prior enabling laws shall establish a board of zoning appeals that shall consist of either five or seven residents of the locality, or in a town with a population of 3,500 or less, either three, five, or seven residents of the locality, appointed by the circuit court for the locality. Boards of zoning appeals for a locality within the fifteenth or nineteenth judicial circuit may be appointed by the chief judge or his designated judge or judges in their respective circuit, upon concurrence of such locality. Their terms of office shall be for five years each except that original appointments shall be made for such terms that the term of one member shall expire each year. The secretary of the board shall notify the court at least thirty days in advance of the expiration of any term of office, and shall also notify the court promptly if any vacancy occurs. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members may be reappointed to succeed themselves. Members of the board shall hold no other public office in the locality except that one may be a member of the local planning commission, *and any member may be appointed to serve as an officer of election as defined in § 24.2-101*. A member whose term expires shall continue to serve until his successor is appointed and qualifies. The circuit court for the City of Chesapeake and the Circuit Court for the City of Hampton shall appoint at least one but not more than three alternates to the board of zoning appeals. At the request of the local governing body, the circuit court for any other locality may appoint not more than three alternates to the board of zoning appeals. The qualifications, terms and compensation of alternate members shall be the same as those of regular members. A regular member when he knows he will be absent from or will have to abstain from any application at a meeting shall notify the chairman twenty-four hours prior to the meeting of such fact. The chairman shall select an alternate to serve in the absent or abstaining member's place and the records of the board shall so note. Such alternate member may vote on any application in which a regular member abstains.

B. Localities may, by ordinances enacted in each jurisdiction, create a joint board of zoning appeals that shall consist of two members appointed from among the residents of each participating jurisdiction by the circuit court for each county or city, plus one member from the area at large to be appointed by the circuit court or jointly by such courts if more than one, having jurisdiction in the area. The term of office of each member shall be five years except that of the two members first appointed from each jurisdiction, the term of one shall be for two years and of the other, four years. Vacancies shall be filled for the unexpired terms. In other respects, joint boards of zoning appeals shall be governed by all other provisions of this article.

C. With the exception of its secretary and the alternates, the board shall elect from its own membership its officers who shall serve annual terms as such and may succeed themselves. The board may elect as its secretary either one of its members or a qualified individual who is not a member of the board, excluding the alternate members. A secretary who is not a member of the board shall not be entitled to vote on matters before the board. Notwithstanding any other provision of law, general or special, for the conduct of any hearing, a quorum shall be not less than a majority of all the members of the board and the board shall offer an equal amount of time in a hearing on the case to the applicant, appellant or other person aggrieved under § 15.2-2314, and the staff of the local governing body. Except for matters governed by § 15.2-2312, no action of the board shall be valid unless authorized by a majority vote of those present and voting. The board may make, alter and rescind rules and forms for its procedures, consistent with ordinances of the locality and general laws of the Commonwealth. The board shall keep a full public record of its proceedings and shall submit a report of its activities to the governing body or bodies at least once each year.

D. Within the limits of funds appropriated by the governing body, the board may employ or contract for secretaries, clerks, legal counsel, consultants, and other technical and clerical services. Members of the board may receive such compensation as may be authorized by the respective governing bodies. Any board member or alternate may be removed for malfeasance, misfeasance or nonfeasance in office, or for other just cause, by the court that appointed him, after a hearing held after at least fifteen days' notice.

E. Notwithstanding any contrary provisions of this section, in the Cities of Portsmouth and Virginia Beach, members of the board shall be appointed by the governing body. The governing body shall also appoint at least one but not more than three alternates to the board.

CHAPTER 1007

An Act to amend and reenact §§ 18.2-270.1, 18.2-270.2, 18.2-271.1, and 18.2-272 of the Code of Virginia, relating to driving under the influence; remote alcohol monitoring; penalty.

[S 439]

Approved April 9, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 18.2-270.1, 18.2-270.2, 18.2-271.1, and 18.2-272 of the Code of Virginia are amended and reenacted as follows:

§ 18.2-270.1. Ignition interlock systems; penalty.

A. For purposes of this section and § 18.2-270.2:

"Commission" means the Commission on VASAP.

"Department" means the Department of Motor Vehicles.

"Ignition interlock system" means a device that (i) connects a motor vehicle ignition system to an analyzer that measures a driver's blood alcohol content; (ii) prevents a motor vehicle ignition from starting if a driver's blood alcohol content exceeds 0.02 percent; and (iii) is equipped with the ability to perform a rolling retest and to electronically log the blood alcohol content during ignition, attempted ignition, and rolling retest.

"Remote alcohol monitoring device" means an unsupervised mobile testing device with the ability to confirm the location and presence of alcohol in a person and that is capable of scheduled, random, and on-demand tests that provide immediate, or as-requested, results. A testing device may be worn or used by persons ordered by the court to provide measurements of the presence of alcohol in their blood.

"Rolling retest" means a test of the vehicle operator's blood alcohol content required at random intervals during operation of the vehicle, which triggers the sounding of the horn and flashing of lights if (i) the test indicates that the operator has a blood alcohol content which exceeds 0.02 percent or (ii) the operator fails to take the test.

B. In addition to any penalty provided by law for a conviction under § 18.2-51.4 or 18.2-266 or a substantially similar ordinance of any county, city, or town, any court of proper jurisdiction shall, as a condition of a restricted license, prohibit an offender from operating a motor vehicle that is not equipped with a functioning, certified ignition interlock system for any period of time not to exceed the period of license suspension and restriction, not less than six consecutive months without alcohol-related violations of the interlock requirements. The court shall, *as a condition of a restricted license* for a conviction under § 18.2-51.4, a second or subsequent offense of § 18.2-266 or a substantially similar ordinance of any county, city, or town, or as a condition of license restoration pursuant to subsection C of § 18.2-271.1 or § 46.2-391, require that such a system be installed on each motor vehicle, as defined in § 46.2-100, owned by or registered to the offender, in whole or in part, for ~~such~~ any period of time *not less than six consecutive months without alcohol-related violations of the interlock requirements*. Such condition shall be in addition to any purposes for which a restricted license may be issued pursuant to § 18.2-271.1. ~~The~~ *Whenever an ignition interlock system is required, the court may order the installation of an ignition interlock system to commence immediately upon conviction. A fee of \$20 to cover court and administrative costs related to the ignition interlock system shall be paid by any such offender to the clerk of the court. The court shall require the offender to install an electronic log device with the ignition interlock system on a vehicle designated by the court to measure the blood alcohol content at each attempted ignition and random rolling retest during operation of the vehicle. The offender shall be enrolled in and supervised by an alcohol safety action program pursuant to § 18.2-271.1 and to conditions established by regulation under § 18.2-270.2 by the Commission during the period for which the court has ordered installation of the ignition interlock system. The offender shall be further required to provide to such program, at least quarterly during the period of court ordered ignition interlock installation, a printout from such electronic log indicating the offender's blood alcohol content during such ignitions, attempted ignitions, and rolling retests, and showing attempts to circumvent or tamper with the equipment. The period of time during which the offender (i) is prohibited from operating a motor vehicle that is not equipped with an ignition interlock system or (ii) is required to have an ignition interlock system installed on each motor vehicle owned by or registered to the offender, in whole or in part, shall be calculated from the date the offender is issued a restricted license by the court; however, such period of time shall be tolled upon the expiration of the restricted license issued by the court until such time as the person is issued a restricted license by the Department.*

C. *However, upon motion of an offender, if (i) a conviction was under § 18.2-266 or a substantially similar ordinance of any county, city, or town; (ii) the conviction was for a first offense; (iii) the offender was an adult at the time of the offense; and (iv) the offender's blood alcohol content was less than 0.15, the only restriction of a restricted license that the court shall impose is to prohibit the offender from operating a motor vehicle that is not equipped with a functioning, certified ignition interlock system for not less than 12 consecutive months without alcohol-related violations of the interlock requirements.*

D. In any case in which the court requires the installation of an ignition interlock system, the court shall order the offender not to operate any motor vehicle that is not equipped with such a system for the period of time that the interlock restriction is in effect. The clerk of the court shall file with the Department of Motor Vehicles a copy of the order, which shall become a part of the offender's operator's license record maintained by the Department. The Department shall issue to the offender for the period during which the interlock restriction is imposed a restricted license which shall appropriately set forth the restrictions required by the court under this subsection and any other restrictions imposed upon the offender's driving privilege, and shall also set forth any exception granted by the court under subsection ~~F~~ I.

~~D~~. E. *The court may, upon motion of an offender who is ineligible to receive a restricted license in accordance with subsection C, order that the offender (i) use a remote alcohol monitoring device for a period of time coextensive with the period of time of the prohibition imposed under subsection B and (ii) refrain from alcohol consumption during such period of time. Additionally, upon such motion and pursuant to § 18.2-271.1, the court may issue a restricted license to operate a motor vehicle for any purpose to a person who is prohibited from operating a motor vehicle that is not equipped with a functioning, certified ignition interlock system when such person is ordered to use a remote alcohol monitoring device pursuant to this subsection and has a functioning, certified ignition interlock system installed on each motor vehicle, as defined in § 46.2-100, owned by or registered to the offender, in whole or in part.*

A fee of \$20 to cover court and administrative costs related to the remote alcohol monitoring device shall be paid by any such offender to the clerk of the court. The offender shall be enrolled in and supervised by an alcohol safety action program pursuant to § 18.2-271.1 and shall comply with all conditions established by regulation under § 18.2-270.2 by the Commission during the period for which the court has ordered the use of a remote alcohol monitoring device. The offender

shall be further required to provide to such program, at least quarterly during the period of time the offender is ordered to use a remote alcohol monitoring device, a copy of the data from such device indicating the offender's blood alcohol content and showing attempts to circumvent or tamper with the device. The period of time during which the offender is required to use a remote alcohol monitoring device shall be calculated from the date the offender is issued a restricted license by the court; however, such period of time shall be tolled upon the expiration of the restricted license issued by the court until such time as the person is issued a restricted license by the Department.

F. The offender shall be ordered to provide the appropriate ASAP program, within 30 days of the effective date of the order of court, proof of the installation of the ignition interlock system, and, if applicable, proof that the offender is using a remote alcohol monitoring device. The Program shall require the offender to have the system and device monitored and calibrated for proper operation at least every 30 days by an entity approved by the Commission under the provisions of § 18.2-270.2 and to demonstrate proof thereof. The offender shall pay the cost of leasing or buying and monitoring and maintaining the ignition interlock system and the remote alcohol monitoring device. Absent good cause shown, the court may revoke the offender's driving privilege for failing to (i) timely install such system or use such device or (ii) have the system or device properly monitored and calibrated.

E. G. No person shall start or attempt to start a motor vehicle equipped with an ignition interlock system for the purpose of providing an operable motor vehicle to a person who is prohibited under this section from operating a motor vehicle that is not equipped with an ignition interlock system. No person shall tamper with, or in any way attempt to circumvent the operation of, an ignition interlock system that has been installed in the motor vehicle of a person under this section. Except as authorized in subsection F I, no person shall knowingly furnish a motor vehicle not equipped with a functioning ignition interlock system to any person prohibited under subsection B from operating any motor vehicle which that is not equipped with such system. A violation of this subsection is punishable as a Class 1 misdemeanor.

H. No person shall tamper with, or in any way attempt to circumvent the operation of, a remote alcohol monitoring device that an offender is ordered to use under this section. A violation of this subsection is punishable as a Class 1 misdemeanor.

Any person who violates this subsection shall have his restricted license issued pursuant to subsection E, as it shall become effective on July 1, 2021, revoked. The court may, in its discretion and for good cause shown, provide that such person be issued a restricted permit to operate a motor vehicle in accordance with the terms of a restricted license issued pursuant to subsection E of § 18.2-271.1.

F. I. Any person prohibited from operating a motor vehicle under subsection B may, solely in the course of his employment, operate a motor vehicle that is owned or provided by his employer without installation of an ignition interlock system, if the court expressly permits such operation as a condition of a restricted license at the request of the employer; such person shall not be permitted to operate any other vehicle without a functioning ignition interlock system and, in no event, shall such person be permitted to operate a school bus, school vehicle, or a commercial motor vehicle as defined in § 46.2-341.4. This subsection shall not apply if such employer is an entity wholly or partially owned or controlled by the person otherwise prohibited from operating a vehicle without an ignition interlock system.

G. J. The Commission shall promulgate such regulations and forms as are necessary to implement the procedures outlined in this section.

§ 18.2-270.2. Ignition interlock system and remote alcohol monitoring device; certification by Commission on VASAP; regulations; sale or lease; monitoring use; reports.

A. The Executive Director of the Commission on VASAP or his designee shall, pursuant to approval by the Commission, certify ignition interlock systems for use in ~~the~~ the Commonwealth and adopt regulations and forms for the installation, maintenance and certification of such ignition interlock systems.

The regulations adopted shall include requirements that ignition interlock systems:

1. Do not impede the safe operation of the vehicle;
2. Minimize opportunities to be bypassed, circumvented or tampered with, and provide evidence thereof;
3. Correlate accurately with established measures of blood alcohol content and be calibrated according to the manufacturer's specifications;
4. Work accurately and reliably in an unsupervised environment;
5. Have the capability to provide an accurate written measure of blood alcohol content for each ignition, attempted ignition, and rolling retest, and record each attempt to circumvent or tamper with the equipment;
6. Minimize inconvenience to other users;
7. Be manufactured or distributed by an entity responsible for installation, user training, service, and maintenance, and meet the safety and operational requirements promulgated by the National Highway Transportation Safety Administration;
8. Operate reliably over the range of motor vehicle environments or motor vehicle manufacturing standards;
9. Be manufactured by an entity which is adequately insured against liability, in an amount established by the Commission, including product liability and installation and maintenance errors;
10. Provide for an electronic log of the driver's experience with the system with an information management system capable of electronically delivering information to the agency supervising the interlock user within ~~twenty-four~~ 24 hours of the collection of such information from the datalogger; and
11. Provide for a rolling retest of the operator's blood alcohol content.

B. The Executive Director of the Commission on VASAP or his designee shall, pursuant to approval by the Commission, certify remote alcohol monitoring devices for use in the Commonwealth and adopt regulations and forms for the installation, maintenance, and certification of such remote alcohol monitoring devices.

C. Such regulations shall also provide for the establishment of a fund, using a percentage of fees received by the manufacturer or distributor providing ignition interlock services or remote alcohol monitoring devices, to afford persons found by the court to be indigent all or part of the costs of an ignition interlock system or remote alcohol monitoring device.

D. The Commission shall design and adopt a warning label to be affixed to an ignition interlock system or remote alcohol monitoring device upon installation. The warning label shall state that a person tampering with, or attempting to circumvent the ignition interlock system ~~shall be~~ or remote alcohol monitoring device is guilty of a Class 1 misdemeanor and, upon conviction, shall be subject to a fine or incarceration or both.

E. The Commission shall publish a list of certified ignition interlock systems and remote alcohol monitoring devices and shall ensure that such systems and devices are available throughout the Commonwealth. The local alcohol safety action program shall make the list available to eligible offenders, who shall have the responsibility and authority to choose which certified ignition interlock company and certified remote alcohol monitoring company will supply the offender's equipment. A manufacturer or distributor of an ignition interlock system or a remote alcohol monitoring device that seeks to sell or lease the ignition interlock system or remote alcohol monitoring device to persons subject to the provisions of § 18.2-270.1 shall pay the reasonable costs of obtaining the required certification, as set forth by the Commission.

~~*F. A person may not sell or lease or offer to sell or lease an ignition interlock system or a remote alcohol monitoring device to any person subject to the provisions of § 18.2-270.1 unless:*~~

- ~~1. The system or device has been certified by the Commission; and~~
- ~~2. The warning label adopted by the Commission is affixed to the system.~~

~~*G. A manufacturer or distributor of an ignition interlock system or remote alcohol monitoring device shall provide such services as may be required at no cost to the Commonwealth. Such services shall include a toll free, twenty-four hour 24-hour telephone number for the users of ignition interlock systems or remote alcohol monitoring devices.*~~

§ 18.2-271.1. Probation, education, and rehabilitation of person charged or convicted; person convicted under law of another state or federal law.

A. Any person convicted of a first or second offense of § 18.2-266, or any ordinance of a county, city, or town similar to the provisions thereof, or provisions of subsection A of § 46.2-341.24, shall be required by court order, as a condition of probation or otherwise, to enter into and successfully complete an alcohol safety action program in the judicial district in which such charge is brought or in any other judicial district upon such terms and conditions as the court may set forth. However, upon motion of a person convicted of any such offense following an assessment of the person conducted by an alcohol safety action program, the court, for good cause, may decline to order participation in such a program if the assessment by the alcohol safety action program indicates that intervention is not appropriate for such person. In no event shall such persons be permitted to enter any such program which is not certified as meeting minimum standards and criteria established by the Commission on the Virginia Alcohol Safety Action Program (VASAP) pursuant to this section and to § 18.2-271.2. However, any person charged with a violation of a first or second offense of § 18.2-266, or any ordinance of a county, city, or town similar to the provisions thereof, or provisions of subsection A of § 46.2-341.24, may, at any time prior to trial, enter into an alcohol safety action program in the judicial district in which such charge is brought or in any other judicial district. Any person who enters into such program prior to trial may pre-qualify with the program to have an ignition interlock system installed on any motor vehicle owned or operated by him. However, no ignition interlock company shall install an ignition interlock system on any such vehicle until a court issues to the person a restricted license with the ignition interlock restriction.

B. The court shall require the person entering such program under the provisions of this section to pay a fee of no less than \$250 but no more than \$300. A reasonable portion of such fee, as may be determined by the Commission on VASAP, but not to exceed 10 percent, shall be forwarded monthly to be deposited with the State Treasurer for expenditure by the Commission on VASAP, and the balance shall be held in a separate fund for local administration of driver alcohol rehabilitation programs. Upon a positive finding that the defendant is indigent, the court may reduce or waive the fee. In addition to the costs of the proceeding, fees as may reasonably be required of defendants referred for intervention under any such program may be charged.

C. Upon conviction of a violation of § 18.2-266 or any ordinance of a county, city or town similar to the provisions thereof, or subsection A of § 46.2-341.24, the court shall impose the sentence authorized by § 18.2-270 or 46.2-341.28 and the license revocation as authorized by § 18.2-271. In addition, if the conviction was for a second offense committed within less than 10 years after a first such offense, the court shall order that restoration of the person's license to drive be conditioned upon the installation of an ignition interlock system on each motor vehicle, as defined in § 46.2-100, owned by or registered to the person, in whole or in part, for a period of six months beginning at the end of the three year license revocation, unless such a system has already been installed for six months prior to that time pursuant to a restricted license order under subsection E. Upon a finding that a person so convicted is required to participate in the program described herein, the court shall enter the conviction on the warrant, and shall note that the person so convicted has been referred to such program. The court may then proceed to issue an order in accordance with subsection E, if the court finds that the person so convicted is eligible for a restricted license. If the court finds good cause for a person not to participate in such program or subsequently that such person has violated, without good cause, any of the conditions set forth by the court in

entering the program, the court shall dispose of the case as if no program had been entered, in which event the revocation provisions of § 46.2-389 and subsection A of § 46.2-391 shall be applicable to the conviction. The court shall, upon final disposition of the case, send a copy of its order to the Commissioner of the Department of Motor Vehicles. If such order provides for the issuance of a restricted license, the Commissioner of the Department of Motor Vehicles, upon receipt thereof, shall issue a restricted license. The period of time during which the person (i) is prohibited from operating a motor vehicle that is not equipped with an ignition interlock system ~~or~~, (ii) is required to have an ignition interlock system installed on each motor vehicle owned by or registered to the person, in whole or in part, *or (iii) is required to use a remote alcohol monitoring device* shall be calculated from the date the person is issued a restricted license by the court; however, such period of time shall be tolled upon the expiration of the restricted license issued by the court until such time as the person is issued a restricted license by the Department of Motor Vehicles. Appeals from any such disposition shall be allowed as provided by law. The time within which an appeal may be taken shall be calculated from the date of the final disposition of the case or any motion for rehearing, whichever is later.

D. Any person who has been convicted under the law of another state or the United States of an offense substantially similar to the provisions of § 18.2-266 or subsection A of § 46.2-341.24, and whose privilege to operate a motor vehicle in this Commonwealth is subject to revocation under the provisions of § 46.2-389 and subsection A of § 46.2-391, may petition the general district court of the county or city in which he resides that he be given probation and assigned to a program as provided in subsection A and that, upon entry into such program, he be issued an order in accordance with subsection E. If the court finds that such person would have qualified therefor if he had been convicted in this Commonwealth of a violation of § 18.2-266 or subsection A of § 46.2-341.24, the court may grant the petition and may issue an order in accordance with subsection E as to the period of license suspension or revocation imposed pursuant to § 46.2-389 or subsection A of § 46.2-391. The court (i) shall, as a condition of a restricted license, prohibit such person from operating a motor vehicle that is not equipped with a functioning, certified ignition interlock system for a period of time not to exceed the period of license suspension and restriction, not less than six consecutive months without alcohol-related violations of interlock requirements, *and (ii) may, upon request of such person and as a condition of a restricted license, require such person to use a remote alcohol monitoring device in accordance with the provisions of subsection E of § 18.2-270.1, as it shall become effective on July 1, 2021.* Such order shall be conditioned upon the successful completion of a program by the petitioner. If the court subsequently finds that such person has violated any of the conditions set forth by the court, the court shall dispose of the case as if no program had been entered and shall notify the Commissioner, who shall revoke the person's license in accordance with the provisions of § 46.2-389 or subsection A of § 46.2-391. A copy of the order granting the petition or subsequently revoking or suspending such person's license to operate a motor vehicle shall be forthwith sent to the Commissioner of the Department of Motor Vehicles. The period of time during which the person (a) is prohibited from operating a motor vehicle that is not equipped with an ignition interlock system *or (b) is required to use a remote alcohol monitoring device* shall be calculated from the date the person is issued a restricted license by the court; however, such period of time shall be tolled upon the expiration of the restricted license issued by the court until such time as the person is issued a restricted license by the Department of Motor Vehicles.

No period of license suspension or revocation shall be imposed pursuant to this subsection which, when considered together with any period of license suspension or revocation previously imposed for the same offense under the law of another state or the United States, results in such person's license being suspended for a period in excess of the maximum periods specified in this subsection.

E. Except as otherwise provided herein, whenever a person enters a certified program pursuant to this section, and such person's license to operate a motor vehicle, engine or train in the Commonwealth has been suspended or revoked, the court may, in its discretion and for good cause shown, provide that such person be issued a restricted permit to operate a motor vehicle for any of the following purposes: (i) travel to and from his place of employment; (ii) travel to and from an alcohol rehabilitation or safety action program; (iii) travel during the hours of such person's employment if the operation of a motor vehicle is a necessary incident of such employment; (iv) travel to and from school if such person is a student, upon proper written verification to the court that such person is enrolled in a continuing program of education; (v) travel for health care services, including medically necessary transportation of an elderly parent or, as designated by the court, any person residing in the person's household with a serious medical problem upon written verification of need by a licensed health professional; (vi) travel necessary to transport a minor child under the care of such person to and from school, day care, and facilities housing medical service providers; (vii) travel to and from court-ordered visitation with a child of such person; (viii) travel to a screening, evaluation and education program entered pursuant to § 18.2-251 or subsection H of § 18.2-258.1; (ix) travel to and from court appearances in which he is a subpoenaed witness or a party and appointments with his probation officer and to and from any programs required by the court or as a condition of probation; (x) travel to and from a place of religious worship one day per week at a specified time and place; (xi) travel to and from appointments approved by the Division of Child Support Enforcement of the Department of Social Services as a requirement of participation in an administrative or court-ordered intensive case monitoring program for child support for which the participant maintains written proof of the appointment, including written proof of the date and time of the appointment, on his person; (xii) travel to and from jail to serve a sentence when such person has been convicted and sentenced to confinement in jail and pursuant to § 53.1-131.1 the time to be served is on weekends or nonconsecutive days; (xiii) travel to and from the facility that installed or monitors the ignition interlock in the person's vehicle; ~~or~~ (xiv) travel to and from a job interview for which he maintains on his person written proof from the prospective employer of the date, time, and

location of the job interview; or (xv) travel to and from the offices of the Virginia Employment Commission for the purpose of seeking employment. However, (a) any such person who is eligible to receive a restricted license as provided in subsection C of § 18.2-270.1 or (b) any such person ordered to use a remote alcohol monitoring device pursuant to subsection E of § 18.2-270.1, as it shall become effective on July 1, 2021, who has a functioning, certified ignition interlock system as required by law may be issued a restricted permit to operate a motor vehicle for any lawful purpose. No restricted license issued pursuant to this subsection shall permit any person to operate a commercial motor vehicle as defined in the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.). The court shall order the surrender of such person's license to operate a motor vehicle to be disposed of in accordance with the provisions of § 46.2-398 and shall forward to the Commissioner of the Department of Motor Vehicles a copy of its order entered pursuant to this subsection, which shall specifically enumerate the restrictions imposed and contain such information regarding the person to whom such a permit is issued as is reasonably necessary to identify such person. The court shall also provide a copy of its order to the person so convicted who may operate a motor vehicle on the order until receipt from the Commissioner of the Department of Motor Vehicles of a restricted license, if the order provides for a restricted license for that time period. A copy of such order and, after receipt thereof, the restricted license shall be carried at all times while operating a motor vehicle. Any person who operates a motor vehicle in violation of any restrictions imposed pursuant to this section shall be is guilty of a violation of § 18.2-272. Such restricted license shall be conditioned upon enrollment within 15 days in, and successful completion of, a program as described in subsection A. No restricted license shall be issued during the first four months of a revocation imposed pursuant to subsection B of § 18.2-271 or subsection A of § 46.2-391 for a second offense of the type described therein committed within 10 years of a first such offense. No restricted license shall be issued during the first year of a revocation imposed pursuant to subsection B of § 18.2-271 or subsection A of § 46.2-391 for a second offense of the type described therein committed within five years of a first such offense. No restricted license shall be issued during any revocation period imposed pursuant to subsection C of § 18.2-271 or subsection B of § 46.2-391. Notwithstanding the provisions of § 46.2-411, the fee charged pursuant to § 46.2-411 for reinstatement of the driver's license of any person whose privilege or license has been suspended or revoked as a result of a violation of § 18.2-266, subsection A of § 46.2-341.24 or of any ordinance of a county, city or town, or of any federal law or the laws of any other state similar to the provisions of § 18.2-266 or subsection A of § 46.2-341.24 shall be \$105. Forty dollars of such reinstatement fee shall be retained by the Department of Motor Vehicles as provided in § 46.2-411, \$40 shall be transferred to the Commission on VASAP, and \$25 shall be transferred to the Commonwealth Neurotrauma Initiative Trust Fund.

F. The court shall have jurisdiction over any person entering such program under any provision of this section until such time as the case has been disposed of by either successful completion of the program, or revocation due to ineligibility or violation of a condition or conditions imposed by the court, whichever shall first occur. Revocation proceedings shall be commenced by notice to show cause why the court should not revoke the privilege afforded by this section. Such notice shall be made by first-class mail to the last known address of such person, and shall direct such person to appear before the court in response thereto on a date contained in such notice, which shall not be less than 10 days from the date of mailing of the notice. Failure to appear in response to such notice shall of itself be grounds for revocation of such privilege. Notice of revocation under this subsection shall be sent forthwith to the Commissioner of the Department of Motor Vehicles.

G. For the purposes of this section, any court which has convicted a person of a violation of § 18.2-266, subsection A of § 46.2-341.24 or any ordinance of a county, city or town similar to the provisions of § 18.2-266 shall have continuing jurisdiction over such person during any period of license revocation related to that conviction, for the limited purposes of (i) referring such person to a certified alcohol safety action program, (ii) providing for a restricted permit for such person in accordance with the provisions of subsection E, and (iii) imposing terms, conditions and limitations for actions taken pursuant to clauses (i) and (ii), whether or not it took either such action at the time of the conviction. This continuing jurisdiction is subject to the limitations of subsection E that provide that no restricted license shall be issued during a revocation imposed pursuant to subsection C of § 18.2-271 or subsection B of § 46.2-391 or during the first four months or first year, whichever is applicable, of the revocation imposed pursuant to subsection B of § 18.2-271 or subsection A of § 46.2-391. The provisions of this subsection shall apply to a person convicted of a violation of § 18.2-266, subsection A of § 46.2-341.24 or any ordinance of a county, city or town similar to the provisions of § 18.2-266 on, after and at any time prior to July 1, 2003.

H. The State Treasurer, the Commission on VASAP or any city or county is authorized to accept any gifts or bequests of money or property, and any grant, loan, service, payment or property from any source, including the federal government, for the purpose of driver alcohol education. Any such gifts, bequests, grants, loans or payments shall be deposited in the separate fund provided in subsection B.

I. The Commission on VASAP, or any county, city, town, or any combination thereof may establish and, if established, shall operate, in accordance with the standards and criteria required by this subsection, alcohol safety action programs in connection with highway safety. Each such program shall operate under the direction of a local independent policy board chosen in accordance with procedures approved and promulgated by the Commission on VASAP. Local sitting or retired district court judges who regularly hear or heard cases involving driving under the influence and are familiar with their local alcohol safety action programs may serve on such boards. The Commission on VASAP shall establish minimum standards and criteria for the implementation and operation of such programs and shall establish procedures to certify all such programs to ensure that they meet the minimum standards and criteria stipulated by the Commission. The Commission shall also establish criteria for the administration of such programs for public information activities, for accounting procedures,

for the auditing requirements of such programs and for the allocation of funds. Funds paid to the Commonwealth hereunder shall be utilized in the discretion of the Commission on VASAP to offset the costs of state programs and local programs run in conjunction with any county, city or town and costs incurred by the Commission. The Commission shall submit an annual report as to actions taken at the close of each calendar year to the Governor and the General Assembly.

J. Notwithstanding any other provisions of this section or of § 18.2-271, nothing in this section shall permit the court to suspend, reduce, limit, or otherwise modify any disqualification from operating a commercial motor vehicle imposed under the provisions of the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.).

§ 18.2-272. Driving after forfeiture of license.

A. Any person who drives or operates any motor vehicle, engine or train in the Commonwealth during the time for which he was deprived of the right to do so (i) upon conviction of a violation of § 18.2-268.3 or 46.2-341.26:3 or of an offense set forth in subsection E of § 18.2-270, (ii) by § 18.2-271 or 46.2-391.2, (iii) after his license has been revoked pursuant to § 46.2-389 or 46.2-391, or (iv) in violation of the terms of a restricted license issued pursuant to subsection E of § 18.2-271.1, *subsection C of § 18.2-270.1, or subsection E of § 18.2-270.1, as it shall become effective on July 1, 2021*, is guilty of a Class 1 misdemeanor except as otherwise provided in § 46.2-391, and is subject to administrative revocation of his driver's license pursuant to §§ 46.2-389 and 46.2-391. Any person convicted of three violations of this section committed within a 10-year period is guilty of a Class 6 felony.

Nothing in this section or § 18.2-266, 18.2-270, or 18.2-271 shall be construed as conflicting with or repealing any ordinance or resolution of any city, town or county which restricts still further the right of such persons to drive or operate any such vehicle or conveyance.

B. Regardless of compliance with any other restrictions on his privilege to drive or operate a motor vehicle, it shall be a violation of this section for any person whose privilege to drive or operate a motor vehicle has been restricted, suspended or revoked because of a violation of § 18.2-36.1, 18.2-51.4, 18.2-266, 18.2-268.3, 46.2-341.24, or 46.2-341.26:3 or a similar ordinance or law of another state or the United States to drive or operate a motor vehicle while he has a blood alcohol content of 0.02 percent or more.

Any person suspected of a violation of this subsection shall be entitled to a preliminary breath test in accordance with the provisions of § 18.2-267, shall be deemed to have given his implied consent to have samples of his blood, breath or both taken for analysis pursuant to the provisions of § 18.2-268.2, and, when charged with a violation of this subsection, shall be subject to the provisions of §§ 18.2-268.1 through 18.2-268.12.

C. Any person who drives or operates a motor vehicle without a certified ignition interlock system as required by § 46.2-391.01 is guilty of a Class 1 misdemeanor and is subject to administrative revocation of his driver's license pursuant to §§ 46.2-389 and 46.2-391.

D. Any person who drives or operates a motor vehicle who has tampered with, or in any way attempted to circumvent the operation of, a remote alcohol monitoring device that an offender is ordered to use under § 18.2-270.1 is not guilty of a violation of this section but is guilty of a violation of subsection H of § 18.2-270.1.

2. That the provisions of subsection E of § 18.2-270.1 of the Code Virginia, as amended and reenacted by this act, shall become effective on July 1, 2021.

3. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 854 of the Acts of Assembly of 2019 requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation is \$0 for periods of commitment to the custody of the Department of Juvenile Justice.

CHAPTER 1008

An Act to amend and reenact § 4.1-207 of the Code of Virginia, relating to alcoholic beverage control; winery license privileges.

[S 441]

Approved April 9, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 4.1-207 of the Code of Virginia is amended and reenacted as follows:

§ 4.1-207. Wine licenses.

The Board may grant the following licenses relating to wine:

1. Winery licenses, which shall authorize the licensee to manufacture wine and to sell and deliver or ship the wine, in accordance with Board regulations, in closed containers, to persons licensed to sell the wine so manufactured at wholesale for the purpose of resale, and to persons outside the Commonwealth for resale outside the Commonwealth. In addition, such license shall authorize the licensee to (i) operate distilling equipment on the premises of the licensee in the manufacture of spirits from fruit or fruit juices only, which shall be used only for the fortification of wine produced by the licensee; (ii) operate a contract winemaking facility on the premises of the licensee in accordance with Board regulations; ~~and~~ (iii) store wine in bonded warehouses on or off the licensed premises upon permit issued by the Board; *and (iv) sell wine at*

retail on the premises described in the winery license for on-premises consumption or in closed containers for off-premises consumption, provided that such wine is manufactured on the licensed premises.

2. Wholesale wine licenses, including those granted pursuant to § 4.1-207.1, which shall authorize the licensee to acquire and receive deliveries and shipments of wine and to sell and deliver or ship the wine from one or more premises identified in the license, in accordance with Board regulations, in closed containers, to (i) persons licensed to sell such wine in the Commonwealth, (ii) persons outside the Commonwealth for resale outside the Commonwealth, (iii) religious congregations for use only for sacramental purposes, and (iv) owners of boats registered under the laws of the United States sailing for ports of call of a foreign country or another state.

No wholesale wine licensee shall purchase wine for resale from a person outside the Commonwealth who does not hold a wine importer's license unless such wholesale wine licensee holds a wine importer's license and purchases wine for resale pursuant to the privileges of such wine importer's license.

3. Wine importers' licenses, which shall authorize persons located within or outside the Commonwealth to sell and deliver or ship wine, in accordance with Board regulations, in closed containers, to persons in the Commonwealth licensed to sell wine at wholesale for the purpose of resale, and to persons outside the Commonwealth for resale outside the Commonwealth.

4. Retail off-premises winery licenses to persons holding winery licenses, which shall authorize the licensee to sell wine at the place of business designated in the winery license, in closed containers, for off-premises consumption.

5. Farm winery licenses, which shall authorize the licensee to manufacture wine containing 21 percent or less of alcohol by volume and to sell, deliver or ship the wine, in accordance with Board regulations, in closed containers, to (i) the Board, (ii) persons licensed to sell the wine so manufactured at wholesale for the purpose of resale, or (iii) persons outside the Commonwealth. In addition, the licensee may (a) acquire and receive deliveries and shipments of wine and sell and deliver or ship this wine, in accordance with Board regulations, to the Board, persons licensed to sell wine at wholesale for the purpose of resale, or persons outside the Commonwealth; (b) operate a contract winemaking facility on the premises of the licensee in accordance with Board regulations; and (c) store wine in bonded warehouses located on or off the licensed premises upon permits issued by the Board. For the purposes of this title, a farm winery license shall be designated either as a Class A or Class B farm winery license in accordance with the limitations set forth in § 4.1-219. A farm winery may enter into an agreement in accordance with Board regulations with a winery or farm winery licensee operating a contract winemaking facility.

Such licenses shall also authorize the licensee to sell wine at retail at the places of business designated in the licenses, which may include no more than five additional retail establishments of the licensee. Wine may be sold at these business places for on-premises consumption and in closed containers for off-premises consumption. In addition, wine may be pre-mixed by the licensee to be served and sold for on-premises consumption at these business places.

6. Internet wine retailer license, which shall authorize persons located within or outside the Commonwealth to sell and ship wine, in accordance with § 4.1-209.1 and Board regulations, in closed containers to persons in the Commonwealth to whom wine may be lawfully sold for off-premises consumption. Such licensee shall not be required to comply with the monthly food sale requirement established by Board regulations.

CHAPTER 1009

An Act to amend and reenact §§ 4.1-100 and 4.1-210 of the Code of Virginia, relating to alcoholic beverage control; culinary lodging resort.

[S 496]

Approved April 9, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 4.1-100 and 4.1-210 of the Code of Virginia are amended and reenacted as follows:

§ 4.1-100. Definitions.

As used in this title unless the context requires a different meaning:

"Alcohol" means the product known as ethyl or grain alcohol obtained by distillation of any fermented liquor, rectified either once or more often, whatever the origin, and shall include synthetic ethyl alcohol, but shall not include methyl alcohol and alcohol completely denatured in accordance with formulas approved by the government of the United States.

"Alcohol vaporizing device" means any device, machine, or process that mixes any alcoholic beverages with pure oxygen or other gas to produce a vaporized product for the purpose of consumption by inhalation.

"Alcoholic beverages" includes alcohol, spirits, wine, and beer, and any one or more of such varieties containing one-half of one percent or more of alcohol by volume, including mixed alcoholic beverages, and every liquid or solid, powder or crystal, patented or not, containing alcohol, spirits, wine, or beer and capable of being consumed by a human being. Any liquid or solid containing more than one of the four varieties shall be considered as belonging to that variety which has the higher percentage of alcohol, however obtained, according to the order in which they are set forth in this definition; except that beer may be manufactured to include flavoring materials and other nonbeverage ingredients containing alcohol, as long as no more than 49 percent of the overall alcohol content of the finished product is derived from the addition of flavors and other nonbeverage ingredients containing alcohol for products with an alcohol content of no

more than six percent by volume; or, in the case of products with an alcohol content of more than six percent by volume, as long as no more than one and one-half percent of the volume of the finished product consists of alcohol derived from added flavors and other nonbeverage ingredients containing alcohol.

"Art instruction studio" means any commercial establishment that provides to its customers all required supplies and step-by-step instruction in creating a painting or other work of art during a studio instructional session.

"Arts venue" means a commercial or nonprofit establishment that is open to the public and in which works of art are sold or displayed.

"Authority" means the Virginia Alcoholic Beverage Control Authority created pursuant to this title.

"Barrel" means any container or vessel having a capacity of more than 43 ounces.

"Bed and breakfast establishment" means any establishment (i) having no more than 15 bedrooms; (ii) offering to the public, for compensation, transitory lodging or sleeping accommodations; and (iii) offering at least one meal per day, which may but need not be breakfast, to each person to whom overnight lodging is provided. For purposes of the licensing requirements of this title, "bed and breakfast establishment" includes any property offered to the public for short-term rental, as that term is defined in § 15.2-983, other than a hotel as defined in this section, regardless of whether a meal is offered to each person to whom overnight lodging is provided.

"Beer" means any alcoholic beverage obtained by the fermentation of an infusion or decoction of barley, malt, and hops or of any similar products in drinkable water and containing one-half of one percent or more of alcohol by volume.

"Bespoke clothier establishment" means a permanent retail establishment that offers, by appointment only, custom made apparel and that offers a membership program to customers. Such establishment shall be a permanent structure where measurements and fittings are performed on-site but apparel is produced offsite and delivered directly to the customer. Such establishment shall have facilities to properly secure any stock of alcoholic beverages.

"Board" means the Board of Directors of the Virginia Alcoholic Beverage Control Authority.

"Bottle" means any vessel intended to contain liquids and having a capacity of not more than 43 ounces.

"Canal boat operator" means any nonprofit organization that operates tourism-oriented canal boats for recreational purposes on waterways declared nonnavigable by the United States Congress pursuant to 33 U.S.C. § 59ii.

"Club" means any private nonprofit corporation or association which is the owner, lessee, or occupant of an establishment operated solely for a national, social, patriotic, political, athletic, or other like purpose, but not for pecuniary gain, the advantages of which belong to all of the members. It also means the establishment so operated. A corporation or association shall not lose its status as a club because of the conduct of charitable gaming conducted pursuant to Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2 in which nonmembers participate frequently or in large numbers, provided that no alcoholic beverages are served or consumed in the room where such charitable gaming is being conducted while such gaming is being conducted and that no alcoholic beverages are made available upon the premises to any person who is neither a member nor a bona fide guest of a member.

Any such corporation or association which has been declared exempt from federal and state income taxes as one which is not organized and operated for pecuniary gain or profit shall be deemed a nonprofit corporation or association.

"Commercial lifestyle center" means a mixed-use commercial development covering a minimum of 25 acres of land and having at least 100,000 square feet of retail space featuring national specialty chain stores and a combination of dining, entertainment, office, residential, or hotel establishments located in a physically integrated outdoor setting that is pedestrian friendly and that is governed by a commercial owners' association that is responsible for the management, maintenance, and operation of the common areas thereof.

"Container" means any barrel, bottle, carton, keg, vessel or other receptacle used for holding alcoholic beverages.

"Contract winemaking facility" means the premises of a licensed winery or farm winery that obtains grapes, fruits, and other agricultural products from a person holding a farm winery license and crushes, processes, ferments, bottles, or provides any combination of such services pursuant to an agreement with the farm winery licensee. For all purposes of this title, wine produced by a contract winemaking facility for a farm winery shall be considered to be wine owned and produced by the farm winery that supplied the grapes, fruits, or other agricultural products used in the production of the wine. The contract winemaking facility shall have no right to sell the wine so produced, unless the terms of payment have not been fulfilled in accordance with the contract. The contract winemaking facility may charge the farm winery for its services.

"Convenience grocery store" means an establishment which (i) has an enclosed room in a permanent structure where stock is displayed and offered for sale and (ii) maintains an inventory of edible items intended for human consumption consisting of a variety of such items of the types normally sold in grocery stores.

"Coworking establishment" means a facility that has at least 100 members, a majority of whom are 21 years of age or older, to whom it offers shared office space and related amenities, including desks, conference rooms, Internet access, printers, copiers, telephones, and fax machines.

"Culinary lodging resort" means a facility (i) having not less than 13 overnight guest rooms in a building that has at least 20,000 square feet of indoor floor space; (ii) located on a farm in the Commonwealth with at least 1,000 acres of land zoned agricultural; (iii) equipped with a full-service kitchen; and (iv) offering to the public, for compensation, at least one meal per day, lodging, and recreational and educational activities related to farming, livestock, and other rural activities.

"Day spa" means any commercial establishment that offers to the public both massage therapy, performed by persons licensed in accordance with § 54.1-3029, and barbering or cosmetology services performed by persons licensed in accordance with Chapter 7 (§ 54.1-700 et seq.) of Title 54.1.

"Designated area" means a room or area approved by the Board for on-premises licensees.

"Dining area" means a public room or area in which meals are regularly served.

"Establishment" means any place where alcoholic beverages of one or more varieties are lawfully manufactured, sold, or used.

"Farm winery" means (i) an establishment (a) located on a farm in the Commonwealth on land zoned agricultural with a producing vineyard, orchard, or similar growing area and with facilities for fermenting and bottling wine on the premises where the owner or lessee manufactures wine that contains not more than 21 percent alcohol by volume or (b) located in the Commonwealth on land zoned agricultural with a producing vineyard, orchard, or similar growing area or agreements for purchasing grapes or other fruits from agricultural growers within the Commonwealth, and with facilities for fermenting and bottling wine on the premises where the owner or lessee manufactures wine that contains not more than 21 percent alcohol by volume or (ii) an accredited public or private institution of higher education, provided that (a) no wine manufactured by the institution shall be sold, (b) the wine manufactured by the institution shall be used solely for research and educational purposes, (c) the wine manufactured by the institution shall be stored on the premises of such farm winery that shall be separate and apart from all other facilities of the institution, and (d) such farm winery is operated in strict conformance with the requirements of this clause (ii) and Board regulations. As used in this definition, the terms "owner" and "lessee" shall include a cooperative formed by an association of individuals for the purpose of manufacturing wine. In the event that such cooperative is licensed as a farm winery, the term "farm" as used in this definition includes all of the land owned or leased by the individual members of the cooperative as long as such land is located in the Commonwealth. For purposes of this definition, "land zoned agricultural" means (1) land zoned as an agricultural district or classification or (2) land otherwise permitted by a locality for farm winery use. For purposes of this definition, "land zoned agricultural" does not include land zoned "residential conservation." Except for the limitation on land zoned "residential conservation," nothing in the definition of "land zoned agricultural" shall otherwise limit or affect local zoning authority.

"Gift shop" means any bona fide retail store selling, predominantly, gifts, books, souvenirs, specialty items relating to history, original and handmade arts and products, collectibles, crafts, and floral arrangements, which is open to the public on a regular basis. Such shop shall be a permanent structure where stock is displayed and offered for sale and which has facilities to properly secure any stock of wine or beer. Such shop may be located (i) on the premises or grounds of a government registered national, state or local historic building or site or (ii) within the premises of a museum. The Board shall consider the purpose, characteristics, nature, and operation of the shop in determining whether it shall be considered a gift shop.

"Gourmet brewing shop" means an establishment which sells to persons to whom wine or beer may lawfully be sold, ingredients for making wine or brewing beer, including packaging, and rents to such persons facilities for manufacturing, fermenting and bottling such wine or beer.

"Gourmet shop" means an establishment provided with adequate inventory, shelving, and storage facilities, where, in consideration of payment, substantial amounts of domestic and imported wines and beers of various types and sizes and related products such as cheeses and gourmet foods are habitually furnished to persons.

"Government store" means a store established by the Authority for the sale of alcoholic beverages.

"Historic cinema house" means a nonprofit establishment exempt from taxation under § 501(c)(3) of the Internal Revenue Code that was built prior to 1970 and that exists for the primary purpose of showing motion pictures to the public.

"Hotel" means any duly licensed establishment, provided with special space and accommodation, where, in consideration of payment, food and lodging are habitually furnished to persons, and which has four or more bedrooms. It shall also mean the person who operates such hotel.

"Interdicted person" means a person to whom the sale of alcoholic beverages is prohibited by order pursuant to this title.

"Internet beer retailer" means a person who owns or operates an establishment with adequate inventory, shelving, and storage facilities, where, in consideration of payment, Internet or telephone orders are taken and shipped directly to consumers and which establishment is not a retail store open to the public.

"Internet wine retailer" means a person who owns or operates an establishment with adequate inventory, shelving, and storage facilities, where, in consideration of payment, internet or telephone orders are taken and shipped directly to consumers and which establishment is not a retail store open to the public.

"Intoxicated" means a condition in which a person has drunk enough alcoholic beverages to observably affect his manner, disposition, speech, muscular movement, general appearance or behavior.

"Licensed" means the holding of a valid license granted by the Authority.

"Licensee" means any person to whom a license has been granted by the Authority.

"Liqueur" means any of a class of highly flavored alcoholic beverages that do not exceed an alcohol content of 25 percent by volume.

(Effective until July 1, 2020) "Low alcohol beverage cooler" means a drink containing one-half of one percent or more of alcohol by volume, but not more than seven and one-half percent alcohol by volume, and consisting of spirits mixed with nonalcoholic beverages or flavoring or coloring materials; it may also contain water, fruit juices, fruit adjuncts, sugar, carbon dioxide, preservatives or other similar products manufactured by fermenting fruit or fruit juices. Low alcohol beverage coolers shall be treated as wine for all purposes of this title, except that low alcohol beverage coolers (i) may be manufactured by a licensed distiller or a distiller located outside the Commonwealth and (ii) shall not be sold in localities

that have not approved the sale of mixed beverages pursuant to § 4.1-124. In addition, low alcohol beverage coolers shall not be sold for on-premises consumption other than by mixed beverage licensees.

(Effective July 1, 2020) "Low alcohol beverage cooler" means a drink containing one-half of one percent or more of alcohol by volume, but not more than seven and one-half percent alcohol by volume, and consisting of spirits mixed with nonalcoholic beverages or flavoring or coloring materials; it may also contain water, fruit juices, fruit adjuncts, sugar, carbon dioxide, preservatives or other similar products manufactured by fermenting fruit or fruit juices. Low alcohol beverage coolers shall be treated as wine for all purposes of this title, except that low alcohol beverage coolers (i) may be manufactured by a licensed distiller or a distiller located outside the Commonwealth and (ii) shall not be sold in localities that prohibit the sale of mixed beverages pursuant to § 4.1-124. In addition, low alcohol beverage coolers shall not be sold for on-premises consumption other than by mixed beverage licensees.

"Meal-assembly kitchen" means any commercial establishment that offers its customers, for off-premises consumption, ingredients for the preparation of meals and entrees in professional kitchen facilities located at the establishment.

"Meals" means, for a mixed beverage license, an assortment of foods commonly ordered in bona fide, full-service restaurants as principal meals of the day. Such restaurants shall include establishments specializing in full course meals with a single substantial entree.

"Member of a bespoke clothier establishment" means a person who maintains a membership in the bespoke clothier establishment for a period of not less than one month by the payment of monthly, quarterly, or annual dues in the manner established by the rules of the bespoke clothier establishment. The minimum membership fee shall be not less than \$25 for any term of membership.

"Member of a club" means (i) a person who maintains his membership in the club by the payment of monthly, quarterly, or annual dues in the manner established by the rules and regulations thereof or (ii) a person who is a member of a bona fide auxiliary, local chapter, or squadron composed of direct lineal descendants of a bona fide member, whether alive or deceased, of a national or international organization to which an individual lodge holding a club license is an authorized member in the same locality. It shall also mean a lifetime member whose financial contribution is not less than 10 times the annual dues of resident members of the club, the full amount of such contribution being paid in advance in a lump sum.

"Member of a coworking establishment" means a person who maintains a membership in the coworking establishment for a period of not less than one month by the payment of monthly, quarterly, or annual dues in the manner established by the rules of the coworking establishment. "Member of a coworking establishment" does not include an employee or any person with an ownership interest in the coworking establishment.

"Mixed beverage" or "mixed alcoholic beverage" means a drink composed in whole or in part of spirits.

"Mixer" means any prepackaged ingredients containing beverages or flavoring or coloring materials, and which may also contain water, fruit juices, fruit adjuncts, sugar, carbon dioxide, or preservatives which are not commonly consumed unless combined with alcoholic beverages, whether or not such ingredients contain alcohol. Such specialty beverage product shall be manufactured or distributed by a Virginia corporation.

"Municipal golf course" means any golf course that is owned by any town incorporated in 1849 and which is the county seat of Smyth County.

"Place or premises" means the real estate, together with any buildings or other improvements thereon, designated in the application for a license as the place at which the manufacture, bottling, distribution, use or sale of alcoholic beverages shall be performed, except that portion of any such building or other improvement actually and exclusively used as a private residence.

"Principal stockholder" means any person who individually or in concert with his spouse and immediate family members beneficially owns or controls, directly or indirectly, five percent or more of the equity ownership of any person that is a licensee of the Authority, or who in concert with his spouse and immediate family members has the power to vote or cause the vote of five percent or more of any such equity ownership. "Principal stockholder" does not include a broker-dealer registered under the Securities Exchange Act of 1934, as amended, that holds in inventory shares for sale on the financial markets for a publicly traded corporation holding, directly or indirectly, a license from the Authority.

"Public place" means any place, building, or conveyance to which the public has, or is permitted to have, access, including restaurants, soda fountains, hotel dining areas, lobbies and corridors of hotels, and any park, place of public resort or amusement, highway, street, lane, or sidewalk adjoining any highway, street, or lane.

"Public place" does not include (i) hotel or restaurant dining areas or ballrooms while in use for private meetings or private parties limited in attendance to members and guests of a particular group, association or organization; (ii) restaurants licensed by the Authority in office buildings or industrial or similar facilities while such restaurant is closed to the public and in use for private meetings or parties limited in attendance to employees and nonpaying guests of the owner or a lessee of all or part of such building or facility; (iii) offices, office buildings or industrial facilities while closed to the public and in use for private meetings or parties limited in attendance to employees and nonpaying guests of the owner or a lessee of all or part of such building or facility; or (iv) private recreational or chartered boats which are not licensed by the Board and on which alcoholic beverages are not sold.

"Residence" means any building or part of a building or structure where a person resides, but does not include any part of a building which is not actually and exclusively used as a private residence, nor any part of a hotel or club other than a private guest room thereof.

"Resort complex" means a facility (i) with a hotel owning year-round sports and recreational facilities located contiguously on the same property or (ii) owned by a nonstock, nonprofit, taxable corporation with voluntary membership which, as its primary function, makes available golf, ski and other recreational facilities both to its members and the general public. The hotel or corporation shall have a minimum of 140 private guest rooms or dwelling units contained on not less than 50 acres. The Authority may consider the purpose, characteristics, and operation of the applicant establishment in determining whether it shall be considered as a resort complex. All other pertinent qualifications established by the Board for a hotel operation shall be observed by such licensee.

"Restaurant" means, for a beer, or wine and beer license or a limited mixed beverage restaurant license, any establishment provided with special space and accommodation, where, in consideration of payment, meals or other foods prepared on the premises are regularly sold.

"Restaurant" means, for a mixed beverage license other than a limited mixed beverage restaurant license, an established place of business (i) where meals with substantial entrees are regularly sold and (ii) which has adequate facilities and sufficient employees for cooking, preparing, and serving such meals for consumption at tables in dining areas on the premises, and includes establishments specializing in full course meals with a single substantial entree.

"Sale" and "sell" includes soliciting or receiving an order for; keeping, offering or exposing for sale; peddling, exchanging or bartering; or delivering otherwise than gratuitously, by any means, alcoholic beverages.

"Sangria" means a drink consisting of red or white wine mixed with some combination of sweeteners, fruit, fruit juice, soda, or soda water that may also be mixed with brandy, triple sec, or other similar spirits.

"Special agent" means an employee of the Virginia Alcoholic Beverage Control Authority whom the Board has designated as a law-enforcement officer pursuant to § 4.1-105.

"Special event" means an event sponsored by a duly organized nonprofit corporation or association and conducted for an athletic, charitable, civic, educational, political, or religious purpose.

"Spirits" means any beverage that contains alcohol obtained by distillation mixed with drinkable water and other substances, in solution, and includes, among other things, brandy, rum, whiskey, and gin, or any one or more of the last four named ingredients, but shall not include any such liquors completely denatured in accordance with formulas approved by the United States government.

"Wine" means any alcoholic beverage, including cider, obtained by the fermentation of the natural sugar content of fruits or other agricultural products containing (i) sugar, including honey and milk, either with or without additional sugar; (ii) one-half of one percent or more of alcohol by volume; and (iii) no product of distillation. "Wine" includes any wine to which wine spirits have been added, as provided in the Internal Revenue Code, to make products commonly known as "fortified wine" which do not exceed an alcohol content of 21 percent by volume.

"Wine cooler" means a drink containing one-half of one percent or more of alcohol by volume, and not more than three and two-tenths percent of alcohol by weight or four percent by volume consisting of wine mixed with nonalcoholic beverages or flavoring or coloring materials, and which may also contain water, fruit juices, fruit adjuncts, sugar, carbon dioxide, or preservatives and shall include other similar products manufactured by fermenting fruit or fruit juices. Wine coolers and similar fermented fruit juice beverages shall be treated as wine for all purposes except for taxation under § 4.1-236.

"With or without meals" means the selling and serving of alcoholic beverages by retail licensees for on-premises consumption whether or not accompanied by food so long as the total food-beverage ratio required by § 4.1-210, or the monthly food sale requirement established by Board regulation, is met by such retail licensee.

§ 4.1-210. Mixed beverages licenses.

A. Subject to the provisions of § 4.1-124, the Board may grant the following licenses relating to mixed beverages:

1. Mixed beverage restaurant licenses, which shall authorize the licensee to sell and serve mixed beverages for consumption in dining areas and other designated areas of such restaurant. Such license may be granted only to persons (i) who operate a restaurant and (ii) whose gross receipts from the sale of food cooked or prepared, and consumed on the premises and nonalcoholic beverages served on the premises, after issuance of such license, amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food. For the purposes of this subdivision, other designated areas shall include outdoor dining areas, whether or not contiguous to the licensed premises, which outdoor dining areas may have more than one means of ingress and egress to an adjacent public thoroughfare, provided such areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201.

If the restaurant is located on the premises of a hotel or motel with not less than four permanent bedrooms where food and beverage service is customarily provided by the restaurant in designated areas, bedrooms and other private rooms of such hotel or motel, such licensee may ~~(i)~~ (a) sell and serve mixed beverages for consumption in such designated areas, bedrooms and other private rooms and ~~(ii)~~ (b) sell spirits packaged in original closed containers purchased from the Board for on-premises consumption to registered guests and at scheduled functions of such hotel or motel only in such bedrooms or private rooms. However, with regard to a hotel classified as a resort complex, the Board may authorize the sale and on-premises consumption of alcoholic beverages in all areas within the resort complex deemed appropriate by the Board. Nothing herein shall prohibit any person from keeping and consuming his own lawfully acquired spirits in bedrooms or private rooms.

If the restaurant is located on the premises of and operated by a private, nonprofit or profit club exclusively for its members and their guests, or members of another private, nonprofit or profit club in another city with which it has an agreement for reciprocal dining privileges, such license shall also authorize the licensees to sell and serve mixed beverages for on-premises consumption. Where such club prepares no food in its restaurant but purchases its food requirements from a restaurant licensed by the Board and located on another portion of the premises of the same hotel or motel building, this fact shall not prohibit the granting of a license by the Board to such club qualifying in all other respects. The club's gross receipts from the sale of nonalcoholic beverages consumed on the premises and food resold to its members and guests and consumed on the premises shall amount to at least 45 percent of its gross receipts from the sale of mixed beverages and food. The food sales made by a restaurant to such a club shall be excluded in any consideration of the qualifications of such restaurant for a license from the Board.

If the restaurant is located on the premises of and operated by a municipal golf course, the Board shall recognize the seasonal nature of the business and waive any applicable monthly food sales requirements for those months when weather conditions may reduce patronage of the golf course, provided that prepared food, including meals, is available to patrons during the same months. The gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises, after the issuance of such license, shall amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food on an annualized basis.

If the restaurant is located on the premises of and operated by a culinary lodging resort, such license shall authorize the licensee to (1) sell alcoholic beverages for on-premises consumption, without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises, in areas upon the licensed premises approved by the Board and other designated areas of the resort, including outdoor areas under the control of the licensee, and (2) permit the possession and consumption of lawfully acquired alcoholic beverages by persons to whom overnight lodging is being provided in bedrooms and private guest rooms.

2. Mixed beverage caterer's licenses, which may be granted only to a person regularly engaged in the business of providing food and beverages to others for service at private gatherings or at special events, which shall authorize the licensee to sell and serve alcoholic beverages for on-premises consumption. The annual gross receipts from the sale of food cooked and prepared for service and nonalcoholic beverages served at gatherings and events referred to in this subdivision shall amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food.

3. Mixed beverage limited caterer's licenses, which may be granted only to a person regularly engaged in the business of providing food and beverages to others for service at private gatherings or at special events, not to exceed 12 gatherings or events per year, which shall authorize the licensee to sell and serve alcoholic beverages for on-premises consumption. The annual gross receipts from the sale of food cooked and prepared for service and nonalcoholic beverages served at gatherings and events referred to in this subdivision shall amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food.

4. Mixed beverage special events licenses, to a duly organized nonprofit corporation or association in charge of a special event, which shall authorize the licensee to sell and serve mixed beverages for on-premises consumption in areas approved by the Board on the premises of the place designated in the license. A separate license shall be required for each day of each special event.

5. Annual mixed beverage special events licenses to (i) a duly organized nonprofit corporation or association operating either a performing arts facility or an art education and exhibition facility; (ii) a nonprofit corporation or association chartered by Congress for the preservation of sites, buildings, and objects significant in American history and culture; (iii) persons operating an agricultural event and entertainment park or similar facility that has a minimum of 50,000 square feet of indoor exhibit space and equine and other livestock show areas, which includes barns, pavilions, or other structures equipped with roofs, exterior walls, and open or closed-door access; or (iv) a locality for special events conducted on the premises of a museum for historic interpretation that is owned and operated by the locality. The operation in all cases shall be upon premises owned by such licensee or occupied under a bona fide lease the original term of which was for more than one year's duration. Such license shall authorize the licensee to sell alcoholic beverages during scheduled events and performances for on-premises consumption in areas upon the licensed premises approved by the Board.

6. Mixed beverage carrier licenses to persons operating a common carrier of passengers by train, boat or airplane, which shall authorize the licensee to sell and serve mixed beverages anywhere in the Commonwealth to passengers while in transit aboard any such common carrier, and in designated rooms of establishments of air carriers at airports in the Commonwealth. For purposes of supplying its airplanes, as well as any airplanes of a licensed express carrier flying under the same brand, an air carrier licensee may appoint an authorized representative to load distilled spirits onto the same airplanes and to transport and store distilled spirits at or in close proximity to the airport where the distilled spirits will be delivered onto airplanes of the air carrier and any such licensed express carrier. The air carrier licensee shall (i) designate for purposes of its license all locations where the inventory of distilled spirits may be stored and from which the distilled spirits will be delivered onto airplanes of the air carrier and any such licensed express carrier and (ii) maintain records of all distilled spirits to be transported, stored, and delivered by its authorized representative.

7. Mixed beverage club events licenses, which shall authorize a club holding a beer or wine and beer club license to sell and serve mixed beverages for on-premises consumption by club members and their guests in areas approved by the Board on the club premises. A separate license shall be required for each day of each club event. No more than 12 such licenses shall be granted to a club in any calendar year.

8. Annual mixed beverage amphitheater licenses to persons operating food concessions at any outdoor performing arts amphitheater, arena or similar facility that has seating for more than 20,000 persons and is located in Prince William County or the City of Virginia Beach. Such license shall authorize the licensee to sell alcoholic beverages during the performance of any event, in paper, plastic or similar disposable containers or in single original metal cans, to patrons within all seating areas, concourses, walkways, concession areas, or similar facilities, for on-premises consumption.

9. Annual mixed beverage amphitheater licenses to persons operating food concessions at any outdoor performing arts amphitheater, arena or similar facility that has seating for more than 5,000 persons and is located in the City of Alexandria or the City of Portsmouth. Such license shall authorize the licensee to sell alcoholic beverages during the performance of any event, in paper, plastic or similar disposable containers or in single original metal cans, to patrons within all seating areas, concourses, walkways, concession areas, or similar facilities, for on-premises consumption.

10. Annual mixed beverage motor sports facility license to persons operating food concessions at any outdoor motor sports road racing club facility, of which the track surface is 3.27 miles in length, on 1,200 acres of rural property bordering the Dan River, which shall authorize the licensee to sell mixed beverages, in paper, plastic, or similar disposable containers or in single original metal cans, during scheduled events, as well as events or performances immediately subsequent thereto, to patrons in all dining facilities, seating areas, viewing areas, walkways, concession areas or similar facilities, for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license.

11. Annual mixed beverage banquet licenses to duly organized private nonprofit fraternal, patriotic or charitable membership organizations that are exempt from state and federal taxation and in charge of banquets conducted exclusively for its members and their guests, which shall authorize the licensee to serve mixed beverages for on-premises consumption in areas approved by the Board on the premises of the place designated in the license. Such license shall authorize the licensee to conduct no more than 12 banquets per calendar year.

12. Limited mixed beverage restaurant licenses, which shall authorize the licensee to sell and serve dessert wines as defined by Board regulation and no more than six varieties of liqueurs, which liqueurs shall be combined with coffee or other nonalcoholic beverages, for consumption in dining areas of the restaurant. Such license may be granted only to persons who operate a restaurant and in no event shall the sale of such wine or liqueur-based drinks, together with the sale of any other alcoholic beverages, exceed 10 percent of the total annual gross sales of all food and alcoholic beverages.

13. Annual mixed beverage motor sports facility licenses to persons operating concessions at an outdoor motor sports facility that hosts a NASCAR national touring race, which shall authorize the licensee to sell mixed beverages, in paper, plastic, or similar disposable containers or in single original metal cans, during scheduled events, as well as events or performances immediately subsequent thereto, to patrons in all dining facilities, seating areas, viewing areas, walkways, concession areas or similar facilities, for on-premises consumption.

14. Annual mixed beverage performing arts facility license to corporations or associations operating a performing arts facility, provided the performing arts facility (i) is owned by a governmental entity; (ii) is occupied by a for-profit entity under a bona fide lease, the original term of which was for more than one year's duration; and (iii) has been rehabilitated in accordance with historic preservation standards. Such license shall authorize the sale, on the dates of performances or events, of alcoholic beverages for on-premises consumption in areas upon the licensed premises approved by the Board.

15. Annual mixed beverage performing arts facility license to persons operating food concessions at any performing arts facility located in the City of Norfolk or the City of Richmond, provided that the performing arts facility (i) is occupied under a bona fide long-term lease or concession agreement, the original term of which was more than five years; (ii) has a capacity in excess of 1,400 patrons; (iii) has been rehabilitated in accordance with historic preservation standards; and (iv) has monthly gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises that meet or exceed the monthly minimum established by Board regulations for mixed beverage restaurants. Such license shall authorize the sale, on the dates of performances or events, of alcoholic beverages for on-premises consumption in areas upon the licensed premises approved by the Board.

16. Annual mixed beverage performing arts facility license to persons operating food concessions at any performing arts facility located in the City of Waynesboro, provided that the performing arts facility (i) is occupied under a bona fide long-term lease or concession agreement, the original term of which was more than five years; (ii) has a total capacity in excess of 550 patrons; and (iii) has been rehabilitated in accordance with historic preservation standards. Such license shall authorize the sale, on the dates of performances or private or special events, of alcoholic beverages for on-premises consumption in areas upon the licensed premises approved by the Board.

17. Annual mixed beverage performing arts facility license to persons operating food concessions at any performing arts facility located in the arts and cultural district of the City of Harrisonburg, provided that the performing arts facility (i) is occupied under a bona fide long-term lease or concession agreement, the original term of which was more than five years; (ii) has been rehabilitated in accordance with historic preservation standards; (iii) has monthly gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises that meet or exceed the monthly minimum established by Board regulations for mixed beverage restaurants; and (iv) has a total capacity in excess of 900 patrons. Such license shall authorize the sale, on the dates of performances or private or special events, of alcoholic beverages for on-premises consumption in areas upon the licensed premises approved by the Board.

18. A combined mixed beverage restaurant and caterer's license, which may be granted to any restaurant, *culinary lodging resort*, or hotel that meets the qualifications for both a mixed beverage restaurant pursuant to subdivision A 1 and

mixed beverage caterer pursuant to subdivision A 2 for the same business location, and which license shall authorize the licensee to operate as both a mixed beverage restaurant and mixed beverage caterer at the same business premises designated in the license, with a common alcoholic beverage inventory for purposes of the restaurant and catering operations. Such licensee shall meet the separate food qualifications established for the mixed beverage restaurant license pursuant to subdivision A 1 and mixed beverage caterer's license pursuant to subdivision A 2.

19. Annual mixed beverage performing arts facility license to persons operating food concessions at any multipurpose theater located in the historical district of the Town of Bridgewater, provided that the theater (i) is owned and operated by a governmental entity and (ii) has a total capacity in excess of 100 patrons. Such license shall authorize the sale, on the dates of performances or events, of alcoholic beverages for on-premises consumption in areas upon the licensed premises approved by the Board.

B. The granting of any license under subdivision A 1, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, or 19 shall automatically include a license to sell and serve wine and beer for on-premises consumption. The licensee shall pay the state and local taxes required by §§ 4.1-231 and 4.1-233.

CHAPTER 1010

An Act to amend and reenact § 4.1-100 of the Code of Virginia, relating to alcoholic beverage control; definition of resort complex.

[S 498]

Approved April 9, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 4.1-100 of the Code of Virginia is amended and reenacted as follows:

§ 4.1-100. Definitions.

As used in this title unless the context requires a different meaning:

"Alcohol" means the product known as ethyl or grain alcohol obtained by distillation of any fermented liquor, rectified either once or more often, whatever the origin, and shall include synthetic ethyl alcohol, but shall not include methyl alcohol and alcohol completely denatured in accordance with formulas approved by the government of the United States.

"Alcohol vaporizing device" means any device, machine, or process that mixes any alcoholic beverages with pure oxygen or other gas to produce a vaporized product for the purpose of consumption by inhalation.

"Alcoholic beverages" includes alcohol, spirits, wine, and beer, and any one or more of such varieties containing one-half of one percent or more of alcohol by volume, including mixed alcoholic beverages, and every liquid or solid, powder or crystal, patented or not, containing alcohol, spirits, wine, or beer and capable of being consumed by a human being. Any liquid or solid containing more than one of the four varieties shall be considered as belonging to that variety which has the higher percentage of alcohol, however obtained, according to the order in which they are set forth in this definition; except that beer may be manufactured to include flavoring materials and other nonbeverage ingredients containing alcohol, as long as no more than 49 percent of the overall alcohol content of the finished product is derived from the addition of flavors and other nonbeverage ingredients containing alcohol for products with an alcohol content of no more than six percent by volume; or, in the case of products with an alcohol content of more than six percent by volume, as long as no more than one and one-half percent of the volume of the finished product consists of alcohol derived from added flavors and other nonbeverage ingredients containing alcohol.

"Art instruction studio" means any commercial establishment that provides to its customers all required supplies and step-by-step instruction in creating a painting or other work of art during a studio instructional session.

"Arts venue" means a commercial or nonprofit establishment that is open to the public and in which works of art are sold or displayed.

"Authority" means the Virginia Alcoholic Beverage Control Authority created pursuant to this title.

"Barrel" means any container or vessel having a capacity of more than 43 ounces.

"Bed and breakfast establishment" means any establishment (i) having no more than 15 bedrooms; (ii) offering to the public, for compensation, transitory lodging or sleeping accommodations; and (iii) offering at least one meal per day, which may but need not be breakfast, to each person to whom overnight lodging is provided. For purposes of the licensing requirements of this title, "bed and breakfast establishment" includes any property offered to the public for short-term rental, as that term is defined in § 15.2-983, other than a hotel as defined in this section, regardless of whether a meal is offered to each person to whom overnight lodging is provided.

"Beer" means any alcoholic beverage obtained by the fermentation of an infusion or decoction of barley, malt, and hops or of any similar products in drinkable water and containing one-half of one percent or more of alcohol by volume.

"Bespoke clothier establishment" means a permanent retail establishment that offers, by appointment only, custom made apparel and that offers a membership program to customers. Such establishment shall be a permanent structure where measurements and fittings are performed on-site but apparel is produced offsite and delivered directly to the customer. Such establishment shall have facilities to properly secure any stock of alcoholic beverages.

"Board" means the Board of Directors of the Virginia Alcoholic Beverage Control Authority.

"Bottle" means any vessel intended to contain liquids and having a capacity of not more than 43 ounces.

"Canal boat operator" means any nonprofit organization that operates tourism-oriented canal boats for recreational purposes on waterways declared nonnavigable by the United States Congress pursuant to 33 U.S.C. § 59ii.

"Club" means any private nonprofit corporation or association which is the owner, lessee, or occupant of an establishment operated solely for a national, social, patriotic, political, athletic, or other like purpose, but not for pecuniary gain, the advantages of which belong to all of the members. It also means the establishment so operated. A corporation or association shall not lose its status as a club because of the conduct of charitable gaming conducted pursuant to Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2 in which nonmembers participate frequently or in large numbers, provided that no alcoholic beverages are served or consumed in the room where such charitable gaming is being conducted while such gaming is being conducted and that no alcoholic beverages are made available upon the premises to any person who is neither a member nor a bona fide guest of a member.

Any such corporation or association which has been declared exempt from federal and state income taxes as one which is not organized and operated for pecuniary gain or profit shall be deemed a nonprofit corporation or association.

"Commercial lifestyle center" means a mixed-use commercial development covering a minimum of 25 acres of land and having at least 100,000 square feet of retail space featuring national specialty chain stores and a combination of dining, entertainment, office, residential, or hotel establishments located in a physically integrated outdoor setting that is pedestrian friendly and that is governed by a commercial owners' association that is responsible for the management, maintenance, and operation of the common areas thereof.

"Container" means any barrel, bottle, carton, keg, vessel or other receptacle used for holding alcoholic beverages.

"Contract winemaking facility" means the premises of a licensed winery or farm winery that obtains grapes, fruits, and other agricultural products from a person holding a farm winery license and crushes, processes, ferments, bottles, or provides any combination of such services pursuant to an agreement with the farm winery licensee. For all purposes of this title, wine produced by a contract winemaking facility for a farm winery shall be considered to be wine owned and produced by the farm winery that supplied the grapes, fruits, or other agricultural products used in the production of the wine. The contract winemaking facility shall have no right to sell the wine so produced, unless the terms of payment have not been fulfilled in accordance with the contract. The contract winemaking facility may charge the farm winery for its services.

"Convenience grocery store" means an establishment which (i) has an enclosed room in a permanent structure where stock is displayed and offered for sale and (ii) maintains an inventory of edible items intended for human consumption consisting of a variety of such items of the types normally sold in grocery stores.

"Coworking establishment" means a facility that has at least 100 members, a majority of whom are 21 years of age or older, to whom it offers shared office space and related amenities, including desks, conference rooms, Internet access, printers, copiers, telephones, and fax machines.

"Day spa" means any commercial establishment that offers to the public both massage therapy, performed by persons licensed in accordance with § 54.1-3029, and barbering or cosmetology services performed by persons licensed in accordance with Chapter 7 (§ 54.1-700 et seq.) of Title 54.1.

"Designated area" means a room or area approved by the Board for on-premises licensees.

"Dining area" means a public room or area in which meals are regularly served.

"Establishment" means any place where alcoholic beverages of one or more varieties are lawfully manufactured, sold, or used.

"Farm winery" means (i) an establishment (a) located on a farm in the Commonwealth on land zoned agricultural with a producing vineyard, orchard, or similar growing area and with facilities for fermenting and bottling wine on the premises where the owner or lessee manufactures wine that contains not more than 21 percent alcohol by volume or (b) located in the Commonwealth on land zoned agricultural with a producing vineyard, orchard, or similar growing area or agreements for purchasing grapes or other fruits from agricultural growers within the Commonwealth, and with facilities for fermenting and bottling wine on the premises where the owner or lessee manufactures wine that contains not more than 21 percent alcohol by volume or (ii) an accredited public or private institution of higher education, provided that (a) no wine manufactured by the institution shall be sold, (b) the wine manufactured by the institution shall be used solely for research and educational purposes, (c) the wine manufactured by the institution shall be stored on the premises of such farm winery that shall be separate and apart from all other facilities of the institution, and (d) such farm winery is operated in strict conformance with the requirements of this clause (ii) and Board regulations. As used in this definition, the terms "owner" and "lessee" shall include a cooperative formed by an association of individuals for the purpose of manufacturing wine. In the event that such cooperative is licensed as a farm winery, the term "farm" as used in this definition includes all of the land owned or leased by the individual members of the cooperative as long as such land is located in the Commonwealth. For purposes of this definition, "land zoned agricultural" means (1) land zoned as an agricultural district or classification or (2) land otherwise permitted by a locality for farm winery use. For purposes of this definition, "land zoned agricultural" does not include land zoned "residential conservation." Except for the limitation on land zoned "residential conservation," nothing in the definition of "land zoned agricultural" shall otherwise limit or affect local zoning authority.

"Gift shop" means any bona fide retail store selling, predominantly, gifts, books, souvenirs, specialty items relating to history, original and handmade arts and products, collectibles, crafts, and floral arrangements, which is open to the public on a regular basis. Such shop shall be a permanent structure where stock is displayed and offered for sale and which has facilities to properly secure any stock of wine or beer. Such shop may be located (i) on the premises or grounds of a government registered national, state or local historic building or site or (ii) within the premises of a museum. The Board

shall consider the purpose, characteristics, nature, and operation of the shop in determining whether it shall be considered a gift shop.

"Gourmet brewing shop" means an establishment which sells to persons to whom wine or beer may lawfully be sold, ingredients for making wine or brewing beer, including packaging, and rents to such persons facilities for manufacturing, fermenting and bottling such wine or beer.

"Gourmet shop" means an establishment provided with adequate inventory, shelving, and storage facilities, where, in consideration of payment, substantial amounts of domestic and imported wines and beers of various types and sizes and related products such as cheeses and gourmet foods are habitually furnished to persons.

"Government store" means a store established by the Authority for the sale of alcoholic beverages.

"Historic cinema house" means a nonprofit establishment exempt from taxation under § 501(c)(3) of the Internal Revenue Code that was built prior to 1970 and that exists for the primary purpose of showing motion pictures to the public.

"Hotel" means any duly licensed establishment, provided with special space and accommodation, where, in consideration of payment, food and lodging are habitually furnished to persons, and which has four or more bedrooms. It shall also mean the person who operates such hotel.

"Interdicted person" means a person to whom the sale of alcoholic beverages is prohibited by order pursuant to this title.

"Internet beer retailer" means a person who owns or operates an establishment with adequate inventory, shelving, and storage facilities, where, in consideration of payment, Internet or telephone orders are taken and shipped directly to consumers and which establishment is not a retail store open to the public.

"Internet wine retailer" means a person who owns or operates an establishment with adequate inventory, shelving, and storage facilities, where, in consideration of payment, internet or telephone orders are taken and shipped directly to consumers and which establishment is not a retail store open to the public.

"Intoxicated" means a condition in which a person has drunk enough alcoholic beverages to observably affect his manner, disposition, speech, muscular movement, general appearance or behavior.

"Licensed" means the holding of a valid license granted by the Authority.

"Licensee" means any person to whom a license has been granted by the Authority.

"Liqueur" means any of a class of highly flavored alcoholic beverages that do not exceed an alcohol content of 25 percent by volume.

(Effective until July 1, 2020) "Low alcohol beverage cooler" means a drink containing one-half of one percent or more of alcohol by volume, but not more than seven and one-half percent alcohol by volume, and consisting of spirits mixed with nonalcoholic beverages or flavoring or coloring materials; it may also contain water, fruit juices, fruit adjuncts, sugar, carbon dioxide, preservatives or other similar products manufactured by fermenting fruit or fruit juices. Low alcohol beverage coolers shall be treated as wine for all purposes of this title, except that low alcohol beverage coolers (i) may be manufactured by a licensed distiller or a distiller located outside the Commonwealth and (ii) shall not be sold in localities that have not approved the sale of mixed beverages pursuant to § 4.1-124. In addition, low alcohol beverage coolers shall not be sold for on-premises consumption other than by mixed beverage licensees.

(Effective July 1, 2020) "Low alcohol beverage cooler" means a drink containing one-half of one percent or more of alcohol by volume, but not more than seven and one-half percent alcohol by volume, and consisting of spirits mixed with nonalcoholic beverages or flavoring or coloring materials; it may also contain water, fruit juices, fruit adjuncts, sugar, carbon dioxide, preservatives or other similar products manufactured by fermenting fruit or fruit juices. Low alcohol beverage coolers shall be treated as wine for all purposes of this title, except that low alcohol beverage coolers (i) may be manufactured by a licensed distiller or a distiller located outside the Commonwealth and (ii) shall not be sold in localities that prohibit the sale of mixed beverages pursuant to § 4.1-124. In addition, low alcohol beverage coolers shall not be sold for on-premises consumption other than by mixed beverage licensees.

"Meal-assembly kitchen" means any commercial establishment that offers its customers, for off-premises consumption, ingredients for the preparation of meals and entrees in professional kitchen facilities located at the establishment.

"Meals" means, for a mixed beverage license, an assortment of foods commonly ordered in bona fide, full-service restaurants as principal meals of the day. Such restaurants shall include establishments specializing in full course meals with a single substantial entree.

"Member of a bespoke clothier establishment" means a person who maintains a membership in the bespoke clothier establishment for a period of not less than one month by the payment of monthly, quarterly, or annual dues in the manner established by the rules of the bespoke clothier establishment. The minimum membership fee shall be not less than \$25 for any term of membership.

"Member of a club" means (i) a person who maintains his membership in the club by the payment of monthly, quarterly, or annual dues in the manner established by the rules and regulations thereof or (ii) a person who is a member of a bona fide auxiliary, local chapter, or squadron composed of direct lineal descendants of a bona fide member, whether alive or deceased, of a national or international organization to which an individual lodge holding a club license is an authorized member in the same locality. It shall also mean a lifetime member whose financial contribution is not less than 10 times the annual dues of resident members of the club, the full amount of such contribution being paid in advance in a lump sum.

"Member of a coworking establishment" means a person who maintains a membership in the coworking establishment for a period of not less than one month by the payment of monthly, quarterly, or annual dues in the manner established by

the rules of the coworking establishment. "Member of a coworking establishment" does not include an employee or any person with an ownership interest in the coworking establishment.

"Mixed beverage" or "mixed alcoholic beverage" means a drink composed in whole or in part of spirits.

"Mixer" means any prepackaged ingredients containing beverages or flavoring or coloring materials, and which may also contain water, fruit juices, fruit adjuncts, sugar, carbon dioxide, or preservatives which are not commonly consumed unless combined with alcoholic beverages, whether or not such ingredients contain alcohol. Such specialty beverage product shall be manufactured or distributed by a Virginia corporation.

"Municipal golf course" means any golf course that is owned by any town incorporated in 1849 and which is the county seat of Smyth County.

"Place or premises" means the real estate, together with any buildings or other improvements thereon, designated in the application for a license as the place at which the manufacture, bottling, distribution, use or sale of alcoholic beverages shall be performed, except that portion of any such building or other improvement actually and exclusively used as a private residence.

"Principal stockholder" means any person who individually or in concert with his spouse and immediate family members beneficially owns or controls, directly or indirectly, five percent or more of the equity ownership of any person that is a licensee of the Authority, or who in concert with his spouse and immediate family members has the power to vote or cause the vote of five percent or more of any such equity ownership. "Principal stockholder" does not include a broker-dealer registered under the Securities Exchange Act of 1934, as amended, that holds in inventory shares for sale on the financial markets for a publicly traded corporation holding, directly or indirectly, a license from the Authority.

"Public place" means any place, building, or conveyance to which the public has, or is permitted to have, access, including restaurants, soda fountains, hotel dining areas, lobbies and corridors of hotels, and any park, place of public resort or amusement, highway, street, lane, or sidewalk adjoining any highway, street, or lane.

"Public place" does not include (i) hotel or restaurant dining areas or ballrooms while in use for private meetings or private parties limited in attendance to members and guests of a particular group, association or organization; (ii) restaurants licensed by the Authority in office buildings or industrial or similar facilities while such restaurant is closed to the public and in use for private meetings or parties limited in attendance to employees and nonpaying guests of the owner or a lessee of all or part of such building or facility; (iii) offices, office buildings or industrial facilities while closed to the public and in use for private meetings or parties limited in attendance to employees and nonpaying guests of the owner or a lessee of all or part of such building or facility; or (iv) private recreational or chartered boats which are not licensed by the Board and on which alcoholic beverages are not sold.

"Residence" means any building or part of a building or structure where a person resides, but does not include any part of a building which is not actually and exclusively used as a private residence, nor any part of a hotel or club other than a private guest room thereof.

"Resort complex" means a facility (i) with a hotel owning year-round sports and recreational facilities located contiguously on the same property ~~or~~; (ii) owned by a nonstock, nonprofit, taxable corporation with voluntary membership which, as its primary function, makes available golf, ski, and other recreational facilities both to its members and the general public; or (iii) *operated by a corporation that operates as a management company which, as its primary function, makes available (a) vacation accommodations, guest rooms, or dwelling units and (b) golf, ski, and other recreational facilities to members of the managed entities and the general public.* The hotel or corporation shall have *or manage* a minimum of 140 private guest rooms or dwelling units contained on not less than 50 acres, *whether or not contiguous to the licensed premises; if the guest rooms or dwelling units are located on property that is not contiguous to the licensed premises, such guest rooms and dwelling units shall be located within the same locality.* The Authority may consider the purpose, characteristics, and operation of the applicant establishment in determining whether it shall be considered as a resort complex. All other pertinent qualifications established by the Board for a hotel operation shall be observed by such licensee.

"Restaurant" means, for a beer, or wine and beer license or a limited mixed beverage restaurant license, any establishment provided with special space and accommodation, where, in consideration of payment, meals or other foods prepared on the premises are regularly sold.

"Restaurant" means, for a mixed beverage license other than a limited mixed beverage restaurant license, an established place of business (i) where meals with substantial entrees are regularly sold and (ii) which has adequate facilities and sufficient employees for cooking, preparing, and serving such meals for consumption at tables in dining areas on the premises, and includes establishments specializing in full course meals with a single substantial entree.

"Sale" and "sell" includes soliciting or receiving an order for; keeping, offering or exposing for sale; peddling, exchanging or bartering; or delivering otherwise than gratuitously, by any means, alcoholic beverages.

"Sangria" means a drink consisting of red or white wine mixed with some combination of sweeteners, fruit, fruit juice, soda, or soda water that may also be mixed with brandy, triple sec, or other similar spirits.

"Special agent" means an employee of the Virginia Alcoholic Beverage Control Authority whom the Board has designated as a law-enforcement officer pursuant to § 4.1-105.

"Special event" means an event sponsored by a duly organized nonprofit corporation or association and conducted for an athletic, charitable, civic, educational, political, or religious purpose.

"Spirits" means any beverage that contains alcohol obtained by distillation mixed with drinkable water and other substances, in solution, and includes, among other things, brandy, rum, whiskey, and gin, or any one or more of the last four

named ingredients, but shall not include any such liquors completely denatured in accordance with formulas approved by the United States government.

"Wine" means any alcoholic beverage, including cider, obtained by the fermentation of the natural sugar content of fruits or other agricultural products containing (i) sugar, including honey and milk, either with or without additional sugar; (ii) one-half of one percent or more of alcohol by volume; and (iii) no product of distillation. "Wine" includes any wine to which wine spirits have been added, as provided in the Internal Revenue Code, to make products commonly known as "fortified wine" which do not exceed an alcohol content of 21 percent by volume.

"Wine cooler" means a drink containing one-half of one percent or more of alcohol by volume, and not more than three and two-tenths percent of alcohol by weight or four percent by volume consisting of wine mixed with nonalcoholic beverages or flavoring or coloring materials, and which may also contain water, fruit juices, fruit adjuncts, sugar, carbon dioxide, or preservatives and shall include other similar products manufactured by fermenting fruit or fruit juices. Wine coolers and similar fermented fruit juice beverages shall be treated as wine for all purposes except for taxation under § 4.1-236.

"With or without meals" means the selling and serving of alcoholic beverages by retail licensees for on-premises consumption whether or not accompanied by food so long as the total food-beverage ratio required by § 4.1-210, or the monthly food sale requirement established by Board regulation, is met by such retail licensee.

CHAPTER 1011

An Act to amend and reenact §§ 55.1-2200, 55.1-2201, 55.1-2217, 55.1-2219, 55.1-2238, 55.1-2239, 55.1-2241, 55.1-2242, 55.1-2243, and 55.1-2247 of the Code of Virginia, relating to common interest communities; Virginia Real Estate Time-Share Act.

[S 584]

Approved April 9, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 55.1-2200, 55.1-2201, 55.1-2217, 55.1-2219, 55.1-2238, 55.1-2239, 55.1-2241, 55.1-2242, 55.1-2243, and 55.1-2247 of the Code of Virginia are amended and reenacted as follows:

§ 55.1-2200. Definitions.

As used in this chapter, or in a time-share instrument, unless the context requires a different meaning:

"Additional land" means all land that a time-share developer has identified as land that may be added to a time-share project.

"Affiliate" means a person that directly, or indirectly through one or more intermediaries, controls, is controlled by, or is under common control with the person specified.

"Alternative purchase" means anything valued in excess of \$100 that is offered to a potential purchaser by the developer during the developer's sales presentation and that is purchased by such potential purchaser for more than \$100, even though the purchaser did not purchase a time-share. An alternative purchase is not a time-share. A membership camping contract as defined in § 59.1-313 is not an alternative purchase. An alternative purchase shall be registered with the Board unless it is otherwise registered as a travel service under the Virginia Travel Club Act (§ 59.1-445 et seq.) and shall include vacation packages, however denominated, and exit programs, however denominated.

"Association" means the association organized under the provisions of § 55.1-2209.

"Board" means the Common Interest Community Board.

"Board of directors" means an executive and administrative entity, by whatever name denominated, designated in a time-share instrument as the governing body of the time-share estate owners' association.

"Common elements" means the real estate, improvements on such real estate, and the personalty situated within the time-share project that are subject to the time-share program. "Common elements" does not include the units and the time-shares.

"Consumer documents" means the aggregate of the following documents: the reverter deed, the note, the deed of trust, and any document that is to be provided to consumers in connection with an offering.

"Contact information" means any information that can be used to contact an owner, including the owner's name, address, telephone number, email address, or user identity on any electronic networking service.

"Contract," "sales contract," "purchase contract," "contract of purchase," or "contract to purchase," which shall be interchangeable throughout this chapter, means any legally binding instrument executed by the developer and a purchaser by which the developer is obligated to sell and the purchaser is obligated to purchase either a time-share and its incidental benefits or an alternative purchase registered under this chapter.

"Conversion time-share project" means a real estate improvement that, prior to the disposition of any time-share, was wholly or partially occupied by persons as their permanent residence or on a transient pay-as-you-go basis other than those who have contracted for the purchase of a time-share and those who occupy with the consent of such purchasers.

"Cost of ownership" means all of the owner's expenses related to a resale time-share due between the date of a resale transfer contract and the transfer of the resale time-share.

"Deed" means the instrument by which title to a time-share estate is transferred from one person to another person.

"Deed of trust" means the instrument conveying the time-share estate that is given as security for the payment of the note.

"Default" means either a failure to have made any payment in full and on time or a violation of a performance obligation required by a consumer document for a period of no less than 60 days.

"Developer" means any person or group of persons acting in concert that (i) offers to dispose of a time-share or its interest in a time-share unit for which there has not been a previous disposition or (ii) applies for registration of the time-share program.

"Developer control period" means a period of time during which the developer or a managing agent selected by the developer manages and controls the time-share project and the common elements and units it comprises.

"Development right" means any right reserved by the developer to create additional units that may be dedicated to the time-share program.

"Dispose" or "disposition" means a transfer of a legal or equitable interest in a time-share, other than a transfer or release of security for a debt.

"Exchange agent" or "exchange company" means a person that exchanges or offers to exchange time-shares in an exchange program with other time-shares.

"Exchange program" means any opportunity or procedure for the assignment or exchange of time-shares among owners in other time-share programs as evidenced by a past or present written agreement executed between an exchange company and the developer or the time-share estate association; however, an "exchange program" shall not be either an incidental benefit or an opportunity or procedure by which a time-share owner can exchange his time-share for another time-share within either the same time-share *project* or another time-share project owned in part by the developer.

"Guest" means (i) a person who is on the project, additional land, or development at the request of an owner, developer, association, or managing agent or (ii) a person otherwise legally entitled to be on such project, additional land, or development. "Guest" includes family members of owners; time-share exchange participants; merchants, purveyors, or vendors; and employees of such merchants, purveyors, and vendors; the developer; or the association.

"Incidental benefit" means anything valued in excess of \$100 provided by the developer that is acquired by a purchaser upon acquisition of a time-share and includes exchange rights, travel insurance, bonus weeks, upgrade entitlements, travel coupons, referral awards, and golf and tennis packages. An incidental benefit is not a time-share or an exchange program. An incidental benefit shall not be registered with the Board.

"Inherent risks of project activity" means those dangers or conditions that are an integral part of a project activity, including certain hazards, such as surface and subsurface conditions; natural conditions of land, vegetation, and waters; the behavior of wild or domestic animals; and ordinary dangers of structures or equipment ordinarily used in association or time-share *project* operations. "Inherent risks of project activity" also includes the potential of a participant to act in a negligent manner that may contribute to injury to the participant or others, including failing to follow instructions given by the project professional or failing to exercise reasonable caution while engaging in the project activity.

"Lead dealer" means a person that sells or otherwise provides to any other person contact information concerning five or more owners to be used for a resale service. "Lead dealer" does not mean developers, managing entities, or exchange companies to the extent that such entities are providing other persons with personal contact information about time-share owners in their own time-share ~~plans~~ *programs* or members of their own exchange program.

"Lien holder" means either a person that holds an interest in an encumbrance that is not released of record as to a purchaser or such person's successor in interest that acquires title to the time-share project at foreclosure, by deed in lieu of foreclosure, or by any other instrument however denominated.

"Managing agent" means a person that undertakes the duties, responsibilities, and obligations of the management of a time-share project.

"Managing entity" means the managing agent or, if there is no managing agent, the time-share owners' association in a time-share estate project and the developer in a time-share use project.

"Material change" means a change in any information or document disclosed in or attached to the public offering statement that renders inaccurate, incomplete, or misleading any information or document in such a way as to affect substantially a purchaser's rights or obligations, but does not include a change (i) in the real estate tax assessment or rate, utility charges or deposits, maintenance fees, association dues, assessments, special assessments, or any recurring time-share expense item, provided that such change is made known (a) immediately to the prospective purchaser by a written addendum in the public offering statement and (b) to the Board by filing with the developer's annual report copies of the updated changes occurring over the immediately preceding 12 months; (ii) that is an aspect or result of the orderly development of the time-share project in accordance with the time-share instrument; (iii) resulting from new, updated, or amended information contained in the annual report prepared and distributed pursuant to § 55.1-2213; (iv) correcting spelling, grammar, omissions, or other similar errors not affecting the substance of the public offering statement; or (v) occurring in the issuance of an exchange company's updated annual report or disclosure document, provided that, upon its receipt by the developer, it shall be distributed in lieu of all others in order to satisfy § 55.1-2217.

"Note" means the instrument that evidences the debt occasioned by the deferred purchase of a time-share.

"Offering" or "offer" means any act that originates in the Commonwealth to sell, solicit, induce, or advertise, whether by radio, television, telephone, newspaper, magazine, or mail, during which a person is given an opportunity to acquire a time-share.

"Participant" means any person, other than a project professional, that engages in a project activity.

"Person" means one or more natural persons, corporations, partnerships, associations, trustees of a trust, limited liability companies, or other entities, or any combination thereof, capable of holding title to real property.

"Possibility of reverter" means a provision contained in a reverter deed by which the time-share estate automatically reverts or transfers back to the developer upon satisfaction of the requirements imposed by § 55.1-2222.

"Product" means each time-share ~~and its incidental benefits program~~ and all alternative purchases ~~that are registered with the Board pursuant to this chapter.~~

"Project activity" means any activity carried out or conducted on a common element, within a time-share unit or elsewhere in the project, additional land, or development, that allows owners, their guests, and members of the general public to view, observe, participate, or enjoy activities. "Project activity" includes swimming pools, spas, sporting venues, and cultural, historical, or harvest-your-own activities; other amenities and events; or natural activities and attractions for recreational, entertainment, educational, or social purposes. Such activity is a project activity whether or not the participant paid to participate in the activity.

"Project professional" means any person that is engaged in the business of providing one or more project activities, whether or not for compensation. For the purposes of this definition, the developer, association, and managing entity shall each be deemed a project professional.

"Public offering statement" means the statement required by § 55.1-2217.

"Purchaser" means any person other than a developer or lender that owns or acquires a product or that otherwise enters into a contract for the purchase of a product.

~~"Resale cost of ownership" means all of the owner's expenses related to a resale time-share due between the date of a resale transfer contract and the transfer of such resale time share.~~

"Resale purchase contract" means an agreement negotiated by a reseller by which an owner or a reseller agrees to sell, and a subsequent purchaser agrees to buy, a resale time-share.

"Resale service" means engaging, directly or indirectly, for compensation, in any of the following either in person or by any medium of communication: (i) selling or offering to sell or list for sale for the owner a resale time-share, (ii) buying or offering to buy a resale time-share for transfer to a subsequent purchaser, (iii) transferring a resale time-share acquired from an owner to a subsequent purchaser or offering to assist in such transfer, (iv) invalidating or offering to invalidate for an owner the title of a resale time-share, or (v) advertising or soliciting to advertise or promote the transfer or invalidation of a resale time-share. Resale service does not include an individual's selling or offering to sell his own time-share unit.

"Resale time-share" means a time-share, wherever located, that has previously been sold to an owner who is a natural person for personal, family, or household use and that is transferred, or is intended to be transferred, through a resale service.

"Resale transfer contract" means an agreement between a reseller and the owner by which the reseller agrees to transfer or assist in the transfer of the owner's resale time-share.

"Reseller" means any person who, directly or indirectly, engages in a resale service.

"Reverter deed" means the deed from a developer to a grantee that contains a possibility of reverter.

"Sales person" means a person who sells or offers to sell time-share interests in a time-share program.

"Situs" means the place outside the Commonwealth where a developer's time-share project is located.

"Subsequent purchaser" means the purchaser or transferee of a resale time-share.

"Time-share" means either a time-share estate or a time-share use plus its incidental benefits.

"Time-share estate" means a right to occupy a *time-share* unit or any of several *time-share* units during five or more separated time periods over a period of at least five years, including renewal options, coupled with a freehold estate or an estate for years in ~~a one or more time-share project units~~ or a specified portion of such time-share ~~project units~~.

"Time-share estate occupancy expense" means all costs and expenses incurred in (i) the formation, organization, operation, and administration, including capital contributions thereto, of the association and both its board of directors and its members and (ii) all owners' use and occupancy of the time-share estate project, including without limitation its completed and occupied time-share estate units and common elements available for use. Such costs and expenses include maintenance and housekeeping charges; repairs; refurbishing costs; insurance premiums, including the premium for comprehensive general liability insurance required by subdivision 8 of § 55.1-2209; taxes; properly allocated labor, operational, and overhead costs; general and administrative expenses; the managing agent's fee; utility charges and deposits; the cost of periodic repair and replacement of walls and window treatments and furnishings, including furniture and appliances; filing fees and annual registration charges of the State Corporation Commission and the Board; attorney fees and accountant charges; and reserves for any of the foregoing.

"Time-share estate subject to reverter" means a time-share estate (i) entitling the holder thereof to occupy units not more than four weeks in any one-year period and (ii) for which the down payment is not more than 20 percent of the total purchase price of the time-share estate.

"Time-share expense" means (i) expenditures, fees, charges, or liabilities incurred with respect to the operation, maintenance, administration, or insuring of the time-shares, units, and common elements comprising the entire time-share project, whether or not incurred for the repair, renovation, upgrade, refurbishing, or capital improvements, and (ii) any allocations of reserves.

"Time-share instrument" or "project instrument" means any document, however denominated, that creates the time-share project and program and that may contain restrictions or covenants regulating the use, occupancy, or disposition of time-shares in a project.

"Time-share owner" or "owner" means a person that is an owner or co-owner of a time-share other than as security for an obligation.

"Time-share program" or "program" means any arrangement of time-shares in one or more time-share projects by which the use, occupancy, or possession of real property has been made subject to either a time-share estate or time-share use in which such use, occupancy, or possession circulates among owners of the time-shares according to a fixed or floating time schedule on a periodic basis occurring over any period of time in excess of five years.

"Time-share project" or "project" means all of the real property subject to a time-share program created by the execution of a time-share instrument.

"Time-share unit" or "unit" means the real property or real property improvement in a project that is divided into time-shares and designated for separate occupancy and use.

"Time-share use" means a right to occupy a time-share unit or any of several time-share units during five or more separated time periods over a period of at least five years, including renewal options, not coupled with a freehold estate or an estate for years in a time-share project or a specified portion of such time-share project. ~~"Time-share use" does not mean a right to use that is subject to a first-come, first-served, space-available basis as might exist in a country club, motel, hotel, health spa, campground, or membership or resort facility.~~

"Transfer" means a voluntary conveyance of a resale time-share to a person other than the developer, association, or managing entity of the time-share program of which the resale time-share is a part or to a person taking ownership by gift, foreclosure, or deed in lieu of foreclosure.

§ 55.1-2201. Applicability.

A. This chapter shall have exclusive jurisdiction and shall apply to any product offering or disposition made within the Commonwealth after July 1, 1985, in a time-share project located within the Commonwealth. Sections 55.1-2200, 55.1-2201, 55.1-2202, 55.1-2203, 55.1-2204, 55.1-2206, 55.1-2210, 55.1-2211, 55.1-2213, 55.1-2215, 55.1-2216, 55.1-2220, 55.1-2227, 55.1-2229, 55.1-2230, 55.1-2232, 55.1-2233, 55.1-2237, and 55.1-2252 shall apply to a time-share project within the Commonwealth that was created prior to July 1, 1985.

B. This chapter shall not affect rights or obligations created by preexisting provisions of any time-share instrument that transfers an estate or interest in real property.

C. This chapter shall apply to any product offering or disposition in a time-share project located outside the Commonwealth and offered for sale in the Commonwealth with the exception that Articles 2 (§ 55.1-2207 et seq.), 3 (§ 55.1-2217 et seq.), and 4 (§ 55.1-2235 et seq.) shall apply only to the extent permitted by the laws of the situs.

D. This chapter shall apply to any product offering or disposition in a time-share program, and offered for sale in the Commonwealth, created under a situs time-sharing law in which the time-share interests in the time-share program are either direct or indirect beneficial interests in a trust created pursuant to the situs time-sharing law or other applicable law of the situs.

§ 55.1-2217. Public offering statement.

A. Prior to the execution of a contract for the purchase of a time-share, the developer shall prepare and distribute to each prospective purchaser a copy of the current public offering statement regarding the time-share *program*. The public offering statement shall (i) fully and accurately disclose the material characteristics of the time-share ~~project~~ *program* registered under this chapter and such time-share offered and (ii) make known to each prospective purchaser all material circumstances affecting such time-share ~~project~~ *program*. A developer need not make joint disclosures concerning two or more time-share projects owned by the developer or any related entity unless such projects are included in the same time-share program and marketed jointly at any of the time-share projects. The proposed public offering statement shall be filed with the Board and shall be in a form prescribed by its regulations. The public offering statement may limit the information provided for the specific time-share project to which the developer's registration relates. The public offering statement shall include the following only to the extent that a given disclosure is applicable:

1. The name and principal address of the developer ~~and the time-share project registered with the Board about which the public offering statement relates~~, including:

a. The name, principal occupation, and address of every director, partner, limited liability company manager, or trustee of the developer;

b. The name and address of each person owning or controlling an interest of 20 percent or more in each time-share project ~~registered with the Board~~ *included in the registration*;

c. The particulars of any indictment, conviction, judgment, or order of any court or administrative agency against the developer or managing entity for violation of a federal, state, local, or foreign country law or regulation in connection with activities relating to time-share sales, land sales, land investments, security sales, construction or sale of homes or improvements, or any similar or related activity;

d. The nature of each unsatisfied judgment, if any, against the developer or the managing entity, the status of each pending action involving the sale or management of real estate to which the developer, the managing entity, or any general partner, executive officer, director, limited liability company manager, or majority stockholder thereof is a defending party,

and the status of each pending action, if any, of significance to any time-share project ~~registered with the Board~~ included in the registration; and

e. The name and address of the developer's agent for service of any notice permitted by this chapter.

2. A general description of the time-share ~~project~~ *projects included in the time-share program* ~~registered with the Board and~~. *The description shall include the address of each time-share project, the units, and common elements for each project* promised available to purchasers, including the developer's estimated schedule of commencement and completion of all promised and incomplete *time-share* units and common elements.

3. As to all time-shares offered by the developer:

a. The form of time-share ownership offered in the ~~project registered with the Board~~ *time-share program*;

b. The types, duration, and number of units and time-shares in the ~~project registered with the Board~~ *time-share program*;

c. Identification of *time-share* units that are subject to the time-share program;

d. The estimated number of *time-share* units that may become subject to the time-share program;

e. Provisions, if any, that have been made for public utilities in the time-share project including water, electricity, telephone, and sewerage facilities;

f. A statement to the effect of whether or not the developer has reserved the right to add to or delete from the time-share program a time-share project or any incidental benefit ~~or alternative purchase~~; and

g. If the developer utilizes the possibility of reverter, a statement to that effect referring the purchaser to the reverter deed for an explanation of such possibility of reverter.

4. In a time-share estate program, a copy of the annual report or budget required by § 55.1-2213, which copy may take the form of an exhibit to the public offering statement. In the case where multiple time-share projects are ~~registered with the Board~~ included in the *time-share program*, the copy or exhibit may be in summary form.

5. In a time-share use program where the developer's net worth is no more than \$250,000, a current audited balance sheet and, where the developer's net worth exceeds such amount, a statement by such developer that its equity in the time-share program exceeds that amount.

6. Any initial or special fee due from the purchaser at settlement together with a description of the purpose and method of calculating the fee.

7. A description of any liens, defects, or encumbrances affecting the time-share project and in particular the time-share offered to the purchaser.

8. A general description of any financing offered by or available through the developer.

9. A statement that the purchaser has a nonwaivable right of cancellation, referring such purchaser to that portion of the contract in which such right may be found.

10. If the time-share interest in a condominium unit may be conveyed before that *condominium* unit is certified as substantially complete in accordance with § 55.1-1920, a statement of the developer's obligation to complete the *condominium* unit. Such statement shall include the approximate date by which the condominium unit shall be completed, together with the form and amount of the bond filed in accordance with subsection B of § 55.1-1921.

11. Any restraints on alienation of any number or portion of any time-shares.

12. A description of the insurance coverage provided for the benefit of time-share owners.

13. The extent to which financial arrangements, if any, have been provided for completion of any incomplete but promised time-share unit or common element being then offered for sale, including a statement of the developer's obligation to complete the promised units and common elements that the time-share project comprises that have not begun or that have begun but have not yet been completed.

14. The extent to which a time-share unit may become subject to a tax or other lien arising out of claims against other owners of the same unit.

15. The name and address of the managing entity for ~~the~~ *each project in the time-share program*.

16. Copies of the ~~project~~ *time-share* instrument and the association's articles of incorporation and bylaws, each of which may be a supplement to the public offering statement.

17. Any services that the developer provides or expense it pays and that it expects may become at any subsequent time a time-share expense of the owners, and the projected time-share expense liability attributable to each of those services or expenses for each time-share.

18. A description of the terms of the deposit escrow requirements, including a statement that deposits may be removed from escrow at the termination of the cancellation period.

19. A description of the facilities, if any, provided by the developer to the association in a time-share estate project for the management of the project.

20. Any other information required by the Board to assure full and fair meaningful disclosure to prospective purchasers.

B. If any prospective purchaser is offered the opportunity to subscribe to or participate in any exchange program, the public offering statement shall include, as an exhibit or supplement, the disclosure document prepared by the exchange company in accordance with § 55.1-2219 and a brief narrative description of the exchange program, which shall include the following:

1. A statement of whether membership or participation in the program is voluntary or mandatory;

2. The name and address of the exchange company together with the names of its top three officers and directors;
 3. A statement of whether the exchange company or any of its top three officers, directors, or holders of a 10 percent or greater interest in the exchange company has any interest in the developer, the managing entity, or the time-share ~~project~~ program;

4. A statement that the purchaser's contract with the exchange company is a contract separate and distinct from the purchaser's contract with the developer; and

5. A brief narrative description of the procedure by which exchanges are conducted.

C. The public offering statement of a conversion time-share project shall also include the following, which may take the form of an exhibit to the public offering statement:

1. A specific statement of the amount of any initial or special fee, if any, due from the purchaser of a time-share on or before settlement of the purchase contract and the basis of such fee occasioned by the fact that the project is a conversion time-share project;

2. Information on the actual expenditures, if available, made on all repairs, maintenance, operation, or upkeep of any building in the *time-share* project within the last three years. This information shall be set forth in a tabular manner within the proposed budget of the project. If any such building has not been occupied for a period of three years, the information shall be set forth for the period during which such building was occupied;

3. A description of any provisions made in the budget for reserves for capital expenditures and an explanation of the basis for such reserves occasioned by the fact that the project is a conversion time-share project, or, if no provision is made for such reserves, a statement to that effect; and

4. A statement of the present condition of all structural components and major utility installations in the building, which statement shall include the approximate dates of construction, installations, and major repairs as well as the expected useful life of each such item, together with the estimated cost, in current dollars, of replacing each such component.

D. In the case of a conversion *time-share* project, the developer shall give at least 90 days' notice to each of the tenants of any building that the developer intends to submit to the provisions of this chapter. During the first 60 days of such 90-day period, each of these tenants shall have the exclusive right to contract for the purchase of a time-share from the unit he occupies, but only if such unit is to be retained in the conversion *time-share* project without substantial alteration in its physical layout. Such notice shall be hand delivered or sent by first-class mail, return receipt requested, and shall inform the tenants of the developer's intent to create a conversion *time-share* project. Such notice may also constitute the notice to terminate the tenancy as provided for in § 55.1-1410, except that, despite the provisions of § 55.1-1410, a tenancy from month to month may only be terminated upon 120 days' notice as set forth in this subsection when such termination is in regard to the creation of a conversion *time-share* project. If, however, a tenant so notified remains in possession of the unit he occupies after the expiration of the 120-day period with the permission of the developer, in order to then terminate the tenancy, such developer shall give the tenant a further notice as provided in § 55.1-1410.

The developer of a conversion *time-share* project shall, in addition to the requirements of § 55.1-2239, include with the application for registration a copy of the notice required by this subsection and a certified statement that such notice that fully complies with the provisions of this subsection shall be, at the time of the registration of the conversion project, mailed or delivered to each of the tenants in any building for which registration is sought.

E. The developer shall amend the public offering statement to reflect any material change in the time-share program ~~or time-share project~~. If the developer has reserved in the time-share instrument the right to add to or delete incidental benefits or alternative purchases, the addition or deletion of such benefits or purchases shall not constitute a material change. Prior to distribution, the developer shall file with the Board the public offering statement amended to reflect any material change.

F. The Board may at any time require a developer to alter or supplement the form or substance of the public offering statement to assure full and fair disclosure to prospective purchasers. A developer may prepare and distribute a public offering statement for each ~~product time-share program~~ offered or one public offering statement for all ~~products time-share programs~~ offered.

G. *The developer shall amend the public offering statement to reflect any addition of a time-share project to, or removal of a time-share project from, the existing time-share program.*

H. In the case of a time-share project located outside the Commonwealth, ~~(i) the developer may amend the public offering statement to reflect any additions or deletions of a time-share project to the existing time-share program registered in the Commonwealth and (ii) similar disclosure statements required by other situs laws governing time-sharing may be acceptable alternative disclosure statements accepted by the Board as alternative disclosure statements to satisfy the requirements of this section.~~

~~H. I.~~ The public offering statement may be in any format, including any electronic format, provided that the prospective buyer has available for review, along with ample time for any questions and answers, a copy of the public offering statement prior to his execution of a contract.

§ 55.1-2219. Exchange programs.

A. Any exchange company that offers an exchange program in the Commonwealth shall prepare and register with the Board a disclosure document including the following:

1. The name and address of the exchange company;

2. The names and addresses of the top three officers and all directors of the exchange company and, if the exchange company is privately held, all shareholders owning five percent or more interest in the exchange company;

3. Whether the exchange company or any of its officers or directors has any legal or beneficial interest in any developer or managing agent for any time-share program participating in the exchange program and, if so, the name and location of the time-share project and the nature of the interest;

4. Unless the exchange company is also the developer or an affiliate, a statement that the purchaser's contract with the exchange company is a contract separate and distinct from the sales contract;

5. Whether the purchaser's participation in the exchange program is dependent upon the continued affiliation of the time-share ~~project~~ *program* with the exchange program;

6. Whether the purchaser's membership or participation, or both, in the exchange program is voluntary or mandatory;

7. A complete and accurate description of the terms and conditions of the purchaser's contractual relationship with the exchange company and the procedure by which changes in the terms and conditions of the exchange contract may be made;

8. A complete and accurate description of the procedure to qualify for and effectuate exchanges;

9. A complete and accurate description of all limitations, restrictions, or priorities employed in the operation of the exchange program, including limitations on exchanges based on seasonality, *time-share* unit size, or levels of occupancy, expressed in boldface type, and, in the event that such limitations, restrictions, or priorities are not uniformly applied by the exchange program, a clear description of the manner in which they are applied;

10. Whether exchanges are arranged on a space available basis and whether any guarantees of fulfillment of specific requests for exchanges are made by the exchange program;

11. Whether and under what circumstances an owner, in dealing with the exchange company, may lose the use of occupancy of his time-share in any properly-applied-for exchange, without being provided with substitute accommodations by the exchange company;

12. The fees or range of fees for participation by *time-share* owners in the exchange program, a statement of whether any such fees may be altered by the exchange company, and the circumstances under which alterations may be made;

13. The name and address of the site of each time-share ~~property~~ *project*, accommodation, or facility participating in the exchange program;

14. The number of *time-share* units in each property participating in the exchange program that are available for occupancy and that qualify for participation in the exchange program, expressed within the following numerical groupings: 1-5, 6-10, 11-20, 21-50, and 51 and over;

15. The number of owners with respect to each time-share program or other property who are eligible to participate in the exchange program, expressed within the numerical groupings 1-100, 101-249, 250-499, 500-999, and 1,000 and over, and a statement of the criteria used to determine those owners currently eligible to participate in the exchange program;

16. The disposition made by the exchange company of time-shares deposited with the exchange program by owners eligible to participate in the exchange program and not used by the exchange company in effecting exchanges;

17. The following information, which, except as provided in subsection B, shall be independently audited by a certified public accountant or accounting firm in accordance with the standards of the Auditing Standards Board of the American Institute of Certified Public Accountants and reported for each year no later than July 1 of the succeeding year:

a. The number of owners enrolled in the exchange program. Such numbers shall disclose the relationship between the exchange company and owners as being either fee paying or gratuitous in nature;

b. The number of time-share ~~properties~~ *projects*, accommodations, or facilities eligible to participate in the exchange program;

c. The percentage of confirmed exchanges, which shall be the number of exchanges confirmed by the exchange company divided by the number of exchanges properly applied for, together with a complete and accurate statement of the criteria used to determine whether an exchange request was properly applied for;

d. The number of time-shares for which the exchange company has an outstanding obligation to provide an exchange to an owner who relinquished a time-share during the year in exchange for a time-share in any future year; and

e. The number of exchanges confirmed by the exchange company during the year.

18. A statement in boldface type to the effect that the percentage described in subdivision 17 c is a summary of the exchange requests entered with the exchange company in the period reported and that the percentage does not indicate a purchaser's or owner's probabilities of being confirmed to any specific choice or range of choices, since availability at individual locations may vary.

B. The information required by subsection A shall be accurate as of a date that is no more than 30 days prior to the date on which the information is delivered to the purchaser, except that the information required by subdivisions A 2, 12, 13, 14, 15, and 16 shall be accurate as of December 31 of the preceding year if the information is delivered between July 1 and December 31 of any year; information delivered between January 1 and June 30 of any year shall be accurate as of December 31 of the year prior to the preceding year. At no time shall such information be accurate as of a date that is more than 18 months prior to the date of delivery. As used in this section, "year" means calendar year.

C. In the event that an exchange company offers an exchange program directly to the purchaser, the exchange company shall deliver to such purchaser, simultaneously with such offering and prior to the execution of any contract between the purchaser and the exchange company, the information set forth in subsection A. The requirements of this subsection shall not apply to any renewal of a contract between a purchaser and an exchange company.

D. Each exchange company shall include the statement set forth in subdivision A 18 on all promotional brochures, pamphlets, advertisements, or other materials disseminated by the exchange company that also contain the percentage of confirmed exchanges described in subdivision A 17 c.

E. An exchange company shall, on or before July 1 of each year, file with the Board and the association for the time-share program in which the time-shares are offered or disposed the information required by this section with respect to the preceding year. If the Board determines that any of the information supplied fails to meet the requirements of this section, the Board may undertake enforcement action against the exchange company in accordance with the provisions of Article 6 (§ 55.1-2247 et seq.). No developer shall have any liability arising out of the use, delivery, or publication by the developer of written information provided to it by the exchange company pursuant to this section. Except for written information provided to the developer by the exchange company, no exchange company shall have any liability with respect to (i) any representation made by the developer relating to the exchange program or exchange company or (ii) the use, delivery, or publication by the developer of any information relating to the exchange program or exchange company. The failure of the exchange company to observe the requirements of this section, or the use by it of any unfair or deceptive act or practice in connection with the operation of the exchange program, shall be a violation of this section.

F. The Board may establish by regulation reasonable fees for registration of the exchange ~~company disclosure document~~ program. All fees shall be remitted by the Board to the State Treasurer and shall be placed to the credit of the Common Interest Community Management Information Fund established pursuant to § 54.1-2354.2.

§ 55.1-2238. Registration of time-share program required.

A. A developer may not offer or dispose of any interest in a time-share program unless the time-share ~~project and its program have~~ has been properly registered with the Board. A developer may accept a nonbinding reservation together with a deposit if the deposit is placed in an escrow account with an institution having trust powers within the Commonwealth and is refundable at any time at the purchaser's option. In all cases, the reservation shall require a subsequent affirmative act by the purchaser via a separate instrument to create a binding obligation. A developer may not dispose of or transfer a time-share while an order revoking or suspending the registration of the time-share program is in effect. ~~In the case of a time-share project located outside the Commonwealth and properly registered in the situs, the Board may accept a substitute application for registration.~~

B. The developer shall maintain records of names and addresses of current independent contractors employed by it for time-share sales purposes.

§ 55.1-2239. Application for registration.

A. The application for registration shall be filed in a form prescribed by the Board's regulations and shall include the following:

1. An irrevocable appointment to the Board to receive service of process in any proceeding arising under this chapter against the developer or the developer's agent if nonresidents of the Commonwealth;

2. The states or jurisdictions in which an application for registration or similar document has been filed and any adverse order or judgment entered in connection with the time-share ~~project~~ program by the regulatory authorities in each jurisdiction or by any court;

3. The applicant's name, address, and the organizational form, including the date and jurisdiction under which the applicant was organized, and the address of its principal office and each of its sales offices in the Commonwealth;

4. The name, address, and principal occupation for the past five years of every officer of the applicant or person occupying a similar status or performing similar functions and the extent and nature of his interest in the applicant or the time-share ~~project~~ program as of a specified date within 30 days of the filing of the application;

5. A statement, in a form acceptable to the Board, of the condition of the title to ~~the each~~ time-share project *included in the time-share program*, including encumbrances as of a specified date within 30 days of the date of application, by a title opinion of a licensed attorney not a salaried employee, officer, or director of the applicant or owner, or by other evidence of a title acceptable to the Board;

6. A copy of the instruments that will be delivered to a purchaser ~~to evidence his interest in the time-share~~ and copies of the contracts and other agreements that a purchaser will be required to agree or to sign;

7. A copy of any management agreements, employment contracts, or other contracts or agreements affecting the use, maintenance, or access of all or any part of the time-share ~~project~~ program;

8. A statement of the zoning and other governmental regulations affecting the use of ~~the a~~ time-share *project in a time-share program*, including the site plans and building permits and their status and any existing tax and existing or proposed special taxes or assessments that affect the time-share;

9. A narrative description of the promotional plan for the disposition of the time-shares;

10. The proposed public offering statement and its exhibits;

11. Any bonds required to be posted pursuant to the provisions of this chapter;

12. The time-share *estate owners' association* annual report or budget required by § 55.1-2213 to the extent available;

13. A description of ~~each product the developer seeks to register with the Board~~ *the time-share program being submitted for registration*; and

14. Any other information that the Board believes necessary to assure full and fair disclosure.

B. The developer shall immediately report to the Board any material changes in the information contained in an application for registration.

C. Nothing shall prevent a developer from ~~registering with the Board~~ *including in the registration* a time-share project where construction is yet to begin or, if construction has begun, where construction is not yet complete.

§ 55.1-2241. Receipt of application; effectiveness of registration.

A. Upon receipt of the application for registration in proper form, the Board, within five business days, shall issue a notice of filing to the applicant. Within 20 days after receipt of the application, the Board shall review the application to determine whether the application and supporting documents satisfy the requirements of this chapter and the Board's regulations. Within 60 days from the date of the notice of filing, the Board shall enter an order registering or rejecting the application. If no order of rejection is entered within 60 days from the date of the notice of filing, the time-share ~~project~~ *project program* shall be deemed registered unless the applicant has consented in writing to a delay.

B. If the Board determines after review of the application and documents provided by the applicant that the requirements of § 55.1-2239 have been met, it shall issue an order registering the time-share ~~project~~ *project program* and shall designate the form of the public offering statement.

C. If the Board determines that any of the requirements of § 55.1-2239 have not been met, the Board shall notify the applicant that the application for registration shall be corrected in the particulars specified within 20 days. If the requirements are not met within the time allowed, the Board shall enter an order rejecting the registration, which shall include the findings of fact upon which the order is based. The order rejecting the registration shall become effective 20 days after issuance. During this 20-day period, the applicant may petition for reconsideration and shall be entitled to a hearing or to correct the particulars specified in the Board's notice. Such order of rejection shall not take effect, in any event, until such time as the hearing, if requested, is given to the applicant.

§ 55.1-2242. Annual report; amendments.

A. The developer shall file a report in the form prescribed by the Board's regulations by June 30 of each year the registration is effective. The developer of any time-share ~~project~~ *project program* initially registered with the Board between January and June shall not be required to file an annual report for the year in which it was initially registered. The report shall reflect any material changes in information contained in the original application for registration or in the immediately preceding annual report, whichever is later, and shall be accompanied by the appropriate fee established by the Board's regulations or pursuant to § 55.1-2240.

B. During the developer control period in a time-share estate program, the developer shall file a copy of the unit owners' association annual report required by § 55.1-2213 along with the annual report required by this section.

C. The developer shall amend or supplement its registration with the Board to report any material change in the information required by §§ 55.1-2217 and 55.1-2239. Such amendments or supplemental information shall be filed with the Board within 20 business days after the occurrence of the material change.

§ 55.1-2243. Termination of registration.

A. In a time-share estate program, if the annual report indicates that the developer has transferred title to the time-share owners' association and that no further development rights exist, the Board shall issue an order terminating the registration of the time-share ~~project~~ *project program*.

B. The Board shall issue an order terminating the registration of a time-share ~~project~~ *project program* upon application by the developer in which the developer states that no further development right ~~of the project~~ is anticipated and that the developer has ceased sales of time-shares ~~at the project in the time-share program~~.

C. Notwithstanding any other provisions of this chapter, the Board may administratively terminate the registration of a time-share ~~project~~ *project program* if:

1. The developer has not filed an annual report in accordance with § 55.1-2242 for three or more consecutive years; or
2. The developer's registration with the State Corporation Commission, if applicable, has not been active for five or more consecutive years.

§ 55.1-2247. General powers and duties of Board.

A. The Board may adopt, amend, and repeal rules and regulations and issue orders consistent with and in furtherance of the objectives of this chapter. The Board may prescribe forms and procedures for submitting information to the Board.

B. The Board may accept grants in aid from any governmental source and may contract with agencies charged with similar functions in this or other jurisdictions, in furtherance of the objectives of this chapter.

C. The Board may cooperate with agencies performing similar functions in this and other jurisdictions to develop uniform filing procedures and forms, uniform disclosure standards, and uniform administrative practices and may develop information that may be useful in the discharge of the Board's duties.

D. 1. The Board may issue an order requiring the developer or reseller to cease and desist from the unlawful practice and to take such affirmative action as in the judgment of the Board will carry out the purposes of this chapter if it determines after legal notice and opportunity for hearing that a developer or reseller or an agent of a developer or reseller has:

- a. Made any representation in any document or information filed with the Board that is false or misleading;
- b. Engaged or is engaging in any unlawful act or practice;
- c. Disseminated or caused to be disseminated orally, or in writing, any false or misleading promotional materials in connection with a time-share program;
- d. Concealed, diverted, or disposed of any funds or assets of any person in a manner impairing rights of purchasers of time-shares in the time-share program;

e. Failed to perform any stipulation or agreement made to induce the Board to issue an order relating to that time-share program;

f. Otherwise violated any provision of this chapter or any of the Board's rules and regulations or orders; or

g. Disposed of any time-share in a ~~project~~ *time-share program* without first complying with the requirements of this chapter.

2. If the Board makes a finding of fact in writing that the public interest will be irreparably harmed by delay in issuing an order, as prescribed in subdivision 1, it may issue a temporary order to cease and desist or to take such affirmative action as may be deemed appropriate by the agency. Prior to issuing the temporary order, the Board shall give notice of the proposal to issue a temporary order to the developer or the reseller. Every temporary order shall include in its terms:

a. A provision clearly stating the reasons for issuing such order and the nature and extent of the facts and findings on which the order is based;

b. A provision that a failure to comply with such temporary order will be a violation of this chapter; and

c. A provision that upon request a hearing will be held promptly to determine whether or not the order shall become permanent.

The Board shall not issue more than one temporary order with reference to such finding of fact as prescribed in this subsection.

E. The Board may also issue a cease and desist order if the developer has not registered the time-share program as required by this chapter or if a reseller has not registered as required by this chapter.

F. The Board, after notice and hearing, may issue an order revoking the registration of the developer's time-share program or the registration of a reseller upon determination that such developer, reseller, or agent of such developer or reseller has failed to comply with a cease and desist order issued by the Board affecting the developer's time-share program or the reseller.

G. If it appears that any person has engaged, is engaging, or is about to engage in any act or practice in violation of this chapter or any of the Board's rules, regulations, or orders applicable to this chapter, the Board, without prior administrative proceedings, may bring an action in the circuit court of the county or city in which any portion of the time-share project is located to enjoin that act or practice or for other appropriate relief. The Board is not required to post a bond or prove that no adequate remedy at law exists.

H. Upon request of a time-share owner, the Board shall, in accordance with subsection B of § 55.1-2230, issue its determination whether compliance with § 55.1-2220 or 55.1-2234 has occurred.

CHAPTER 1012

An Act to amend the Code of Virginia by adding sections numbered 55.1-1823.1, 55.1-1962.1, and 55.1-2139.1 relating to common interest communities; electric vehicle charging stations permitted.

[S 630]

Approved April 9, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding sections numbered 55.1-1823.1, 55.1-1962.1, and 55.1-2139.1 as follows:

§ 55.1-1823.1. Electric vehicle charging stations permitted.

A. Except to the extent that the declaration or other recorded governing document provides otherwise, no association shall prohibit any lot owner from installing an electric vehicle charging station for the lot owner's personal use on property owned by the lot owner. An association may establish reasonable restrictions concerning the number, size, place, and manner of placement or installation of such electric vehicle charging station on the exterior of property owned by the lot owner.

B. An association may prohibit or restrict the installation of electric vehicle charging stations on the common area within the development served by the association and may establish reasonable restrictions as to the number, size, place, and manner of placement or installation of electric vehicle charging stations on the common area.

C. Any lot owner installing an electric vehicle charging station shall indemnify and hold the association harmless from all liability, including reasonable attorney fees incurred by the association resulting from a claim, arising out of the installation, maintenance, operation, or use of such electric charging station. An association may require the lot owner to obtain and maintain insurance covering claims and defenses of claims related to the installation, maintenance, operation, or use of the electric vehicle charging station and require the association to be included as a named insured on such policy.

§ 55.1-1962.1. Electric vehicle charging stations permitted.

A. Except to the extent that the condominium instruments provide otherwise, no unit owners' association shall prohibit any unit owner from installing an electric vehicle charging station for the unit owner's personal use within the boundaries of a unit or limited common element parking space appurtenant to the unit owned by the unit owner.

B. Notwithstanding any other provision of this chapter or the condominium instruments, the unit owners' association may prohibit a unit owner from installing an electric vehicle charging station if installation of the electric vehicle charging station is not technically feasible or reasonably practicable due to safety risks, structural issues, or engineering conditions.

C. The unit owners' association may require as a condition of approving installation of an electric vehicle charging station that the unit owner:

1. Provide detailed plans and drawings for installation of an electric vehicle charging station prepared by a licensed and registered electrical contractor or engineer familiar with the installation and core requirements of an electric vehicle charging station.

2. Comply with applicable building codes or recognized safety standards.

3. Comply with reasonable architectural standards adopted by the unit owners' association that govern the dimensions, placement, or external appearance of the electric vehicle charging station.

4. Pay the costs of installation, maintenance, operation, and use of the electric vehicle charging station.

5. Indemnify and hold the unit owners' association harmless from any claim made by a contractor or supplier pursuant to Title 43.

6. Pay the cost of removal of the electric vehicle charging station and restoration of the area if the unit owner decides there is no longer a need for the electric vehicle charging station.

7. Separately meter, at the unit owner's sole expense, the utilities associated with such electric vehicle charging station and pay the cost of electricity and other associated utilities.

8. Engage the services of a licensed electrician or engineer familiar with the installation and core requirements of an electric vehicle charging station to install the electric vehicle charging station.

9. Obtain and maintain insurance covering claims and defenses of claims related to the installation, maintenance, operation, and use of the electric vehicle charging station and provide a certificate of insurance naming the unit owners' association as an additional insured on the unit owner's insurance policy for any claim related to the installation, maintenance, operation, or use of the electric vehicle charging station within 14 days after receiving the unit owners' association's approval to install such charging station.

10. Reimburse the unit owners' association for any increase in common expenses specifically attributable to the electric vehicle charging station installation, including the actual cost of any increased insurance premium amount, within 14 days' notice from the unit owners' association.

D. The conditions imposed pursuant to this section on unit owners for installation of an electric vehicle charging station shall run with title to the unit to which the limited common element parking space is appurtenant.

E. Any unit owner installing an electric vehicle charging station in a unit or on a limited common element parking space appurtenant to the unit owned by the unit owner shall indemnify and hold the unit owners' association harmless from all liability, including reasonable attorney fees incurred by the association resulting from a claim, arising out of the installation, maintenance, operation, or use of such electric charging station. A unit owners' association may require the unit owner to obtain and maintain insurance covering claims and defenses of claims related to the installation, maintenance, operation, or use of the electric vehicle charging station and require the unit owners' association to be included as a named insured on such policy.

§ 55.1-2139.1. Electric vehicle charging stations permitted.

A. Except to the extent that the declaration provides otherwise, no association shall prohibit any proprietary lessee from installing an electric vehicle charging station for the proprietary lessee's personal use within the boundaries of a unit or limited common element parking space appurtenant to the unit owned by the proprietary lessee.

B. Notwithstanding any other provision of this chapter or the declaration, the association may prohibit a proprietary lessee from installing an electric vehicle charging station if installation of the electric vehicle charging station is not technically feasible or practicable due to safety risks, structural issues, or engineering conditions.

C. The association may require as a condition of approving installation of an electric vehicle charging state that the proprietary lessee:

1. Provide detailed plans and drawings for installation of an electric vehicle charging station prepared by a licensed and registered electrical contractor or engineer familiar with the installation and core requirements of an electric vehicle charging station.

2. Comply with applicable building codes or recognized safety standards.

3. Comply with reasonable architectural standards adopted by the association that govern the dimensions, placement, or external appearance of the electric vehicle charging station.

4. Pay the costs of installation, maintenance, operation, and use of the electric vehicle charging station.

5. Indemnify and hold the association harmless from any claim made by a contractor or supplier pursuant to Title 43.

6. Pay the cost of removal of the electric vehicle charging station if the proprietary lessee decides there is no longer a need for the electric vehicle charging station.

7. Separately meter, at the proprietary lessee's sole expense, the utilities associated with such electric vehicle charging station and pay the cost of electricity and other associated utilities.

8. Engage the services of a licensed electrician or engineer familiar with the installation and core requirements of an electric vehicle charging station to install the electric vehicle charging station.

9. Obtain and maintain insurance covering claims and defenses of claims related to the installation, maintenance, operation, and use of the electric vehicle charging station and provide a certificate of insurance naming the association as an additional insured on the proprietary lessee's insurance policy for any claim related to the installation, maintenance,

operation, or use of the electric vehicle charging station within 14 days after receiving the association's approval to install such charging station.

10. Reimburse the association for any increase in common expenses specifically attributable to the electric vehicle charging station installation, including the actual cost of any increased insurance premium amount, within 14 days' notice from the association.

D. The conditions imposed pursuant to this section on proprietary lessee for installation of an electric vehicle charging station shall run with title to the unit to which the limited common element parking space is appurtenant.

E. Any proprietary lessee installing an electric vehicle charging station in a unit or on a limited common element parking space appurtenant to the unit owned by the proprietary lessee shall indemnify and hold the association harmless from all liability, including reasonable attorney fees incurred by the association resulting from a claim, arising out of the installation, maintenance, operation, or use of such electric charging station. An association may require the proprietary lessee to obtain and maintain insurance covering claims and defenses of claims related to the installation, maintenance, operation, or use of the electric vehicle charging station and require the association to be included as a named insured on such policy.

CHAPTER 1013

An Act to amend the Code of Virginia by adding in Article 13 of Chapter 3 of Title 8.01 a section numbered 8.01-130.01, relating to unlawful detainer; expungement.

[S 640]

Approved April 9, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 13 of Chapter 3 of Title 8.01 a section numbered 8.01-130.01 as follows:

§ 8.01-130.01. Unlawful detainer; expungement.

A. If an action for unlawful detainer filed in general district court is dismissed or a nonsuit is taken and the time in which the action may be recommenced pursuant to § 8.01-229 has expired, provided that no order of possession has been entered in the case, the defendant may file a petition on a form created by the Supreme Court in the general district court in which the underlying unlawful detainer action was filed requesting expungement of the court records relating to the unlawful detainer. The petition shall provide the date that the order of dismissal or nonsuit was entered, the address of the property that was the subject of the unlawful detainer action, and the name of the plaintiff in the unlawful detainer action.

B. Upon finding that the unlawful detainer action was dismissed or a nonsuit was taken and the time for commencement of the action has expired and no order of possession was entered, the court shall, without a hearing, enter an order requiring the expungement of the court records.

2. That the provisions of this act shall become effective on January 1, 2022.

CHAPTER 1014

An Act to amend and reenact § 54.1-2108.1 of the Code of Virginia, relating to the Department of Professional and Occupational Regulation; real estate brokers; escrow funds.

[S 653]

Approved April 9, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-2108.1 of the Code of Virginia is amended and reenacted as follows:

§ 54.1-2108.1. Protection of escrow funds, etc., held by a real estate broker in the event of foreclosure of real property; required deposits.

A. Notwithstanding any other provision of law:

1. If a licensed real estate broker or an agent of the licensee is holding escrow funds for the owner of real property and such property is foreclosed upon, the licensee or an agent of the licensee shall have the right to file an interpleader action pursuant to § 16.1-77.

2. If there is in effect at the date of the foreclosure sale, a real estate purchase contract to buy the property foreclosed upon and the real estate purchase contract provides that the earnest money deposit held in escrow by a licensee shall be paid to a party to the contract in the event of a termination of the real estate purchase contract, the foreclosure shall be deemed a termination of the real estate purchase contract and the licensee or an agent of the licensee may, absent any default on the part of the purchaser, disburse the earnest money deposit to the purchaser pursuant to such provisions of the real estate purchase contract without further consent from, or notice to, the parties.

3. If there is in effect at the date of the foreclosure sale, a tenant in a residential dwelling unit foreclosed upon and the landlord is holding a security deposit of the tenant, the landlord shall handle the security deposit in accordance with applicable law, which requires the holder of the landlord's interest in the dwelling unit at the time of termination of tenancy

to return any security deposit and any accrued interest that is duly owed to the tenant, whether or not such security deposit is transferred with the landlord's interest by law or equity, and regardless of any contractual agreements between the original landlord and his successors in interest. Nothing herein shall be construed to prevent the landlord from making lawful deductions from the security deposit in accordance with applicable law.

4. If there is in effect at the date of the foreclosure sale a tenant in a residential dwelling unit foreclosed upon pursuant to § 55.1-1237, the foreclosure acts as a termination of the rental agreement by the landlord and the tenant may remain in possession of such dwelling. If rent is paid to a real estate licensee acting on behalf of the landlord as a managing agent, such property management agreement having been entered into prior to and in effect at the time of the foreclosure sale, the managing agent may collect the rent and shall place it into an escrow account by the end of the fifth business banking day following receipt.

5. If there is in effect at the date of the foreclosure sale a written property management agreement between the landlord and a real estate licensee licensed pursuant to the provisions of § 54.1-2106.1, the foreclosure shall convert the property management agreement into a month-to-month agreement between the successor landlord and the real estate licensee acting as a managing agent, except in the event that the terms of the original property management agreement between the landlord and the real estate licensee acting as a managing agent require an earlier termination date. Unless altered by the parties, the terms of the original property management agreement that existed between the landlord and the real estate licensee acting as a managing agent shall govern the agreement between the successor landlord and the real estate licensee acting as a managing agent. The property management agreement may be terminated by either party upon provision of written notice to the other party at least 30 days prior to the intended termination date. Any funds received or held by the real estate licensee acting as a managing agent shall be disbursed only in accordance with the terms of the property management agreement or as otherwise provided by law.

B. Notwithstanding any other provision of law:

1. Any ~~prepaid rent paid more than one month prior to the rent due date~~ to a real estate licensee acting on behalf of a landlord client in connection with the lease shall be placed in an escrow account by the end of the fifth business banking day following receipt, *regardless of when received*, unless otherwise agreed to in writing by the principals to a lease transaction. ~~Any rent paid less than one month prior to the rent due date shall be current rent and may be deposited into an operating account of the real estate licensee.~~

2. Any security deposits paid to a real estate licensee acting on behalf of a landlord client in connection with the lease shall be placed in an escrow account by the end of the fifth business banking day following receipt, unless otherwise agreed to in writing by the principals to a lease transaction.

3. Any application deposit as defined by § 55.1-1200 paid by a prospective tenant for the purpose of being considered as a tenant for a dwelling unit to a real estate licensee acting on behalf of a landlord client shall be placed in escrow by the end of the fifth business banking day following approval of the rental application by the landlord, unless otherwise agreed to in writing by the principals to a lease transaction.

4. Such funds shall remain in an escrow account until disbursed in accordance with the terms of the lease, the property management agreement, or the applicable statutory provisions, as applicable.

5. Except in the event of foreclosure, if a real estate licensee acting on behalf of a landlord client as a managing agent elects to terminate the property management agreement, the licensee may transfer any funds held in escrow by the licensee on behalf of the landlord client to the landlord client without his consent, provided that the real estate licensee provides written notice to each tenant that the funds have been so transferred. In the event of foreclosure, a real estate licensee shall not transfer any funds to a landlord client whose property has been foreclosed upon.

6. A real estate licensee acting on behalf of a landlord client as a managing agent who complies with the provisions of this section shall have immunity from any liability for such compliance, in the absence of gross negligence or intentional misconduct.

CHAPTER 1015

An Act to amend and reenact § 11-4.4 of the Code of Virginia, relating to contracts with design professionals; provisions requiring a duty to defend void.

[S 658]

Approved April 9, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 11-4.4 of the Code of Virginia is amended and reenacted as follows:

§ 11-4.4. Certain indemnification and duty to defend provisions in contracts with design professionals declared void.

Any provision contained in any contract relating to the planning or design of a building, structure or appurtenance thereto, including moving, demolition or excavation connected therewith, or any provision contained in any contract relating to the planning or design of construction projects other than buildings by which the architect or professional engineer performing such work purports to indemnify or hold harmless another party to the contract against liability for damage arising out of bodily injury to persons or damage to property suffered in the course of the performance of the

contract, caused by or resulting solely from the negligence of such other party, his agents or employees, is against public policy and is void and unenforceable.

This section shall apply to such contracts between an architect or professional engineer and any public body as defined in § 2.2-4301. Every provision contained in a contract between an architect or professional engineer and a public body relating to the planning or design of a building, structure or appurtenance thereto, including moving, demolition or excavation connected therewith, or relating to the planning or design of construction projects other than buildings by which the architect or professional engineer performing such work purports to indemnify or hold harmless the public body against liability is against public policy and is void and unenforceable. This section shall not be construed to alter or affect any provision in such a contract that purports to indemnify or hold harmless the public body against liability for damage arising out of the negligent acts, errors or omissions, recklessness or intentionally wrongful conduct of the architect or professional engineer in performance of the contract.

Any provision contained in any contract relating to the planning or design of a building, structure, or appurtenance thereto, including moving, demolition, or excavation connected therewith, or any provision contained in any contract relating to the planning or design of construction projects by which any party purports to impose a duty to defend on any other party to the contract, is against public policy and is void and unenforceable.

This section shall not affect the validity of any insurance contract, workers' compensation, or any agreement issued by an admitted insurer.

CHAPTER 1016

An Act to amend and reenact § 18.2-251.03 of the Code of Virginia, relating to arrest and prosecution when experiencing or reporting overdoses.

[S 667]

Approved April 9, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-251.03 of the Code of Virginia is amended and reenacted as follows:

§ 18.2-251.03. Arrest and prosecution when experiencing or reporting overdoses.

A. For purposes of this section, "overdose" means a life-threatening condition resulting from the consumption or use of a controlled substance, alcohol, or any combination of such substances.

~~B. It shall be an affirmative defense to~~ *No individual shall be subject to arrest or prosecution of an individual for the unlawful purchase, possession, or consumption of alcohol pursuant to § 4.1-305, possession of a controlled substance pursuant to § 18.2-250, possession of marijuana pursuant to § 18.2-250.1, intoxication in public pursuant to § 18.2-388, or possession of controlled paraphernalia pursuant to § 54.1-3466 if:*

1. Such individual; *(i) in good faith, seeks or obtains emergency medical attention (a) for himself, if he is experiencing an overdose, or (b) for another individual, if such other individual is experiencing an overdose, or (ii) is experiencing an overdose and another individual, in good faith, seeks or obtains emergency medical attention for such individual, by contemporaneously reporting such overdose to a firefighter, as defined in § 65.2-102, emergency medical services personnel, as defined in § 32.1-111.1, a law-enforcement officer, as defined in § 9.1-101, or an emergency 911 system;*

2. Such individual remains at the scene of the overdose or at any alternative location to which he or the person requiring emergency medical attention has been transported until a law-enforcement officer responds to the report of an overdose. If no law-enforcement officer is present at the scene of the overdose or at the alternative location, then such individual shall cooperate with law enforcement as otherwise set forth herein;

3. Such individual identifies himself to the law-enforcement officer who responds to the report of the overdose; and

4. The evidence for the prosecution of an offense enumerated in this subsection ~~was obtained as a result of the~~ *was obtained as a result of the individual seeking or obtaining emergency medical attention.*

~~C. No individual may assert the affirmative defense provided for in this~~ *The provisions of this section if the shall not apply to any person who sought or obtained seeks or obtains emergency medical attention for himself or another individual, or to a person experiencing an overdose when another individual seeks or obtains emergency medical attention for him, during the execution of a search warrant or during the conduct of a lawful search or a lawful arrest.*

~~D. This section does not establish an affirmative defense~~ *protection from arrest or prosecution for any individual or offense other than those listed in subsection B.*

E. No law-enforcement officer acting in good faith shall be found liable for false arrest if it is later determined that the person arrested was immune from prosecution under this section.

CHAPTER 1017

An Act to amend and reenact § 4.1-119, as it is currently effective and as it shall become effective, of the Code of Virginia, relating to alcoholic beverage control; distiller licenses; monthly revenue transfers.

[S 698]

Approved April 9, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 4.1-119, as it is currently effective and as it shall become effective, of the Code of Virginia is amended and reenacted as follows:

§ 4.1-119. (Effective until July 1, 2020) Operation of government stores.

A. Subject to the requirements of §§ 4.1-121 and 4.1-122, the Board may establish, maintain, and operate government stores for the sale of alcoholic beverages, other than beer and wine not produced by farm wineries, low alcohol beverage coolers, vermouth, mixers, products used in connection with distilled spirits, including any garnish or garnishment applied to the rim of a glass of distilled spirits, as may be approved by the Board from time to time, and products licensed by the Virginia Tourism Corporation as specified in § 4.1-103 in such counties, cities, and towns considered advisable by the Board. The Board may discontinue any such store.

B. With respect to the sale of wine or cider produced by farm wineries, the Board may give preference to farm wineries that produce 2,500 cases or less of wine or cider per year.

C. The Board shall fix the wholesale and retail prices at which the various classes, varieties and brands of alcoholic beverages and other Board-approved products that are sold in government stores. Differences in the cost of operating stores, and market competition and conditions may be reflected in the sale price of alcoholic beverages sold at government stores. The Board may sell alcoholic beverages to federal instrumentalities (i) authorized and operating under the laws of the United States and regulations of the United States Department of Defense and (ii) located within the boundaries of federal enclaves or reservations over which the United States has acquired jurisdiction, at prices which may be greater or less than the wholesale price charged other authorized purchasers. Nothing in this subsection shall be construed to limit the authority of the Board to fix the retail price of alcoholic beverages sold at government stores, which retail price may include promotional, volume, or other discounts deemed appropriate by the Board.

D. Alcoholic beverages at government stores shall be sold by employees of the Authority who shall carry out the provisions of this title and Board regulations governing the operation of government stores and the sale of alcoholic beverages, except that the Board may appoint the holder of a distiller's license or its officers and employees as agents of the Board for the sale of spirits and low alcohol beverage coolers, manufactured by or for, or blended by such licensee on the licensed premises, at government stores established by the Board (i) on the distiller's licensed premises or (ii) at the site of an event licensed by the Board and conducted for the purpose of featuring and educating the consuming public about spirits products.

Such agents shall sell the spirits and low alcohol beverage coolers in accordance with the provisions of this title, Board regulations, and the terms of the agency agreement between the Authority and the licensed distiller. The Authority shall pay a licensed distiller making sales pursuant to an agreement authorized by this subsection a commission of not less than 20 percent of the retail price of the goods sold. *If the licensed distiller makes application and meets certain requirements established by the Board, such agreement shall allow monthly revenue transfers from the licensed distiller to the Board to be submitted electronically and, notwithstanding the provisions of §§ 2.2-1802 and 4.1-116, to be limited to the amount due to the Board in applicable taxes and markups.*

For the purposes of this subsection, "blended" means the receipt by a licensed distiller of deliveries and shipments of alcoholic beverages, other than wine and beer, in accordance with subdivision 6 of § 4.1-201 to be (a)(1) additionally aged by the receiving distillery in order to increase the quality and flavor of such alcoholic beverages or (2) used in a low alcohol beverage cooler and (b) bottled by the receiving distillery.

E. No Class 1 neutral grain spirit or alcohol, as defined by federal regulations, that is without distinctive character, aroma, taste or color shall be sold in government stores at a proof greater than 151 except upon permits issued by the Board for industrial, commercial, culinary, or medical use.

F. All alcoholic beverages sold in government stores, except for tasting samples pursuant to subsection G sold in government stores established by the Board on a distiller's licensed premises, shall be in closed containers, sealed and affixed with labels prescribed by the Board.

G. No alcoholic beverages shall be consumed in a government store by any person unless it is part of an organized tasting event conducted by (i) an employee of a manufacturer of distilled spirits or farm winery or (ii) an authorized representative of a manufacturer of distilled spirits or farm winery with a permit issued by the Board pursuant to subdivision A 15 of § 4.1-212, at which the samples of alcoholic beverages provided to any consumer do not exceed the limits for spirits or wine set forth in subdivision A 5 of § 4.1-201.1. No sample may be consumed by any individual to whom alcoholic beverages may not lawfully be sold pursuant to § 4.1-304.

Notwithstanding the provision of this subsection to the contrary, an agent of the Board appointed pursuant to subsection D may give samples of spirits, beer, wine, or cider to persons to whom alcoholic beverages may be lawfully sold for on-premises consumption, provided that (i) the spirits, beer, wine, or cider samples are manufactured within the same

licensed premises or on contiguous premises of such agent licensed as a distillery, brewery, or winery; (ii) no single sample shall exceed four ounces of beer, two ounces of wine or cider, or one-half ounce of spirits, unless served as a mixed beverage, in which case a single sample of spirits may contain up to one and one-half ounces of spirits; (iii) no more than four total samples of alcoholic beverage products or, in the case of spirits samples, no more than three ounces of spirits shall be given or sold to any person per day; and (iv) in the case of spirits samples, a method is used to track the consumption of each consumer. Nothing in this paragraph shall prohibit such agent from serving samples of spirits as part of a mixed beverage. Such mixed beverage samples may contain spirits or vermouth not manufactured on the licensed premises or on contiguous premises of the licensed distillery, provided that at least 75 percent of the alcohol used in such samples is manufactured on the licensed premises or on contiguous premises of the licensed distillery. An agent of the Board appointed pursuant to subsection D may keep on the licensed premises no more than 10 varieties of spirits or vermouth not manufactured on the licensed premises or on contiguous premises of the licensed distillery. Any spirits or vermouth used in such samples that are not manufactured on the licensed premises or on contiguous premises of the licensed distillery shall be purchased from the Board.

The Board shall establish guidelines governing tasting events conducted pursuant to this subsection.

H. With respect to purchases by licensees at government stores, the Authority shall (i) accept in payment for any purchase or series of purchases cash, electronic fund transfer, credit or debit card, or check payable to the Authority, in the exact amount of any such purchase or series of purchases and (ii) provide notice to licensees on Board policies relating to the assignment of government stores from which licensees may purchase products and any procedure for the licensee to elect to make purchases from an alternative government store.

I. With respect to purchases by consumers at government stores, the Authority shall accept cash in payment for any purchase or series of purchases. The Board may adopt regulations which provide for accepting a credit card or debit card as payment. Such regulations may provide for the collection, where appropriate, of related fees, penalties and service charges for the use of a credit card or debit card by any consumer.

J. Before the Authority implements any increase in the markup on distilled spirits or any change to the markup formula for distilled spirits pursuant to § 4.1-235 that would result in an increase in the retail price of distilled spirits sold to the public, the Authority shall (i) provide at least 45 days' public notice before such a price increase takes effect; (ii) provide the opportunity for submission of written comments regarding the proposed price increase; (iii) conduct a public meeting for the purpose of receiving verbal comment regarding the proposed price increase; and (iv) consider any written or verbal comments before implementing such a price increase.

§ 4.1-119. (Effective July 1, 2020, until July 1, 2022) Operation of government stores.

A. Subject to the provisions of §§ 4.1-121 and 4.1-122, the Board may establish, maintain, and operate government stores for the sale of alcoholic beverages, other than beer and wine not produced by farm wineries, low alcohol beverage coolers, vermouth, mixers, products used in connection with distilled spirits, including any garnish or garnishment applied to the rim of a glass of distilled spirits, as may be approved by the Board from time to time, and products licensed by the Virginia Tourism Corporation as specified in § 4.1-103 in such counties, cities, and towns considered advisable by the Board. The Board may discontinue any such store.

B. With respect to the sale of wine or cider produced by farm wineries, the Board may give preference to farm wineries that produce 2,500 cases or less of wine or cider per year.

C. The Board shall fix the wholesale and retail prices at which the various classes, varieties and brands of alcoholic beverages and other Board-approved products that are sold in government stores. Differences in the cost of operating stores, and market competition and conditions may be reflected in the sale price of alcoholic beverages sold at government stores. The Board may sell alcoholic beverages to federal instrumentalities (i) authorized and operating under the laws of the United States and regulations of the United States Department of Defense and (ii) located within the boundaries of federal enclaves or reservations over which the United States has acquired jurisdiction, at prices which may be greater or less than the wholesale price charged other authorized purchasers. Nothing in this subsection shall be construed to limit the authority of the Board to fix the retail price of alcoholic beverages sold at government stores, which retail price may include promotional, volume, or other discounts deemed appropriate by the Board.

D. Alcoholic beverages at government stores shall be sold by employees of the Authority who shall carry out the provisions of this title and Board regulations governing the operation of government stores and the sale of alcoholic beverages, except that the Board may appoint the holder of a distiller's license or its officers and employees as agents of the Board for the sale of spirits and low alcohol beverage coolers, manufactured by or for, or blended by such licensee on the licensed premises, at government stores established by the Board (i) on the distiller's licensed premises or (ii) at the site of an event licensed by the Board and conducted for the purpose of featuring and educating the consuming public about spirits products.

Such agents shall sell the spirits and low alcohol beverage coolers in accordance with the provisions of this title, Board regulations, and the terms of the agency agreement between the Authority and the licensed distiller. The Authority shall pay a licensed distiller making sales pursuant to an agreement authorized by this subsection a commission of not less than 20 percent of the retail price of the goods sold. ~~Monthly~~ *If the licensed distiller makes application and meets certain requirements established by the Board, such agreement shall allow monthly* revenue transfers from the licensed distiller to the Board ~~(a) may~~ to be submitted electronically and ~~through other methods approved by the Board and~~ ~~(b),~~ notwithstanding

the provisions of §§ 2.2-1802 and 4.1-116, shall to be limited to the amount due to the Board in applicable taxes and markups.

For the purposes of this subsection, "blended" means the receipt by a licensed distiller of deliveries and shipments of alcoholic beverages, other than wine and beer, in accordance with subdivision 6 of § 4.1-201 to be (a)(1) additionally aged by the receiving distillery in order to increase the quality and flavor of such alcoholic beverages or (2) used in a low alcohol beverage cooler and (b) bottled by the receiving distillery.

E. No Class 1 neutral grain spirit or alcohol, as defined by federal regulations, that is without distinctive character, aroma, taste or color shall be sold in government stores at a proof greater than 151 except upon permits issued by the Board for industrial, commercial, culinary, or medical use.

F. All alcoholic beverages sold in government stores, except for tasting samples pursuant to subsection G sold in government stores established by the Board on a distiller's licensed premises, shall be in closed containers, sealed and affixed with labels prescribed by the Board.

G. No alcoholic beverages shall be consumed in a government store by any person unless it is part of an organized tasting event conducted by (i) an employee of a manufacturer of distilled spirits or farm winery or (ii) an authorized representative of a manufacturer of distilled spirits or farm winery with a permit issued by the Board pursuant to subdivision A 15 of § 4.1-212, at which the samples of alcoholic beverages provided to any consumer do not exceed the limits for spirits or wine set forth in subdivision A 5 of § 4.1-201.1. No sample may be consumed by any individual to whom alcoholic beverages may not lawfully be sold pursuant to § 4.1-304.

Notwithstanding the provision of this subsection to the contrary, an agent of the Board appointed pursuant to subsection D may give samples of spirits, beer, wine, or cider to persons to whom alcoholic beverages may be lawfully sold for on-premises consumption, provided that (i) the spirits, beer, wine, or cider samples are manufactured within the same licensed premises or on contiguous premises of such agent licensed as a distillery, brewery, or winery; (ii) no single sample shall exceed four ounces of beer, two ounces of wine or cider, or one-half ounce of spirits, unless served as a mixed beverage, in which case a single sample of spirits may contain up to one and one-half ounces of spirits; (iii) no more than four total samples of alcoholic beverage products or, in the case of spirits samples, no more than three ounces of spirits shall be given or sold to any person per day; and (iv) in the case of spirits samples, a method is used to track the consumption of each consumer. Nothing in this paragraph shall prohibit such agent from serving samples of spirits as part of a mixed beverage. Such mixed beverage samples may contain spirits or vermouth not manufactured on the licensed premises or on contiguous premises of the licensed distillery, provided that at least 75 percent of the alcohol used in such samples is manufactured on the licensed premises or on contiguous premises of the licensed distillery. An agent of the Board appointed pursuant to subsection D may keep on the licensed premises no more than 10 varieties of spirits or vermouth not manufactured on the licensed premises or on contiguous premises of the licensed distillery. Any spirits or vermouth used in such samples that are not manufactured on the licensed premises or on contiguous premises of the licensed distillery shall be purchased from the Board.

The Board shall establish guidelines governing tasting events conducted pursuant to this subsection.

Any case fee charged to a licensed distiller by the Board for moving spirits from the production and bailment area to the tasting area of a government store established by the Board on the distiller's licensed premises shall be waived if such spirits are moved by employees of the licensed distiller.

H. With respect to purchases by licensees at government stores, the Authority shall (i) accept in payment for any purchase or series of purchases cash, electronic fund transfer, credit or debit card, or check payable to the Authority, in the exact amount of any such purchase or series of purchases and (ii) provide notice to licensees on Board policies relating to the assignment of government stores from which licensees may purchase products and any procedure for the licensee to elect to make purchases from an alternative government store.

I. With respect to purchases by consumers at government stores, the Authority shall accept cash in payment for any purchase or series of purchases. The Board may adopt regulations which provide for accepting a credit card or debit card as payment. Such regulations may provide for the collection, where appropriate, of related fees, penalties and service charges for the use of a credit card or debit card by any consumer.

J. Before the Authority implements any increase in the markup on distilled spirits or any change to the markup formula for distilled spirits pursuant to § 4.1-235 that would result in an increase in the retail price of distilled spirits sold to the public, the Authority shall (i) provide at least 45 days' public notice before such a price increase takes effect; (ii) provide the opportunity for submission of written comments regarding the proposed price increase; (iii) conduct a public meeting for the purpose of receiving verbal comment regarding the proposed price increase; and (iv) consider any written or verbal comments before implementing such a price increase.

§ 4.1-119. (Effective July 1, 2022) Operation of government stores.

A. Subject to the provisions of §§ 4.1-121 and 4.1-122, the Board may establish, maintain, and operate government stores for the sale of alcoholic beverages, other than beer and wine not produced by farm wineries, low alcohol beverage coolers, vermouth, mixers, products used in connection with distilled spirits, including any garnish or garnishment applied to the rim of a glass of distilled spirits, as may be approved by the Board from time to time, and products licensed by the Virginia Tourism Corporation as specified in § 4.1-103 in such counties, cities, and towns considered advisable by the Board. The Board may discontinue any such store.

B. With respect to the sale of wine or cider produced by farm wineries, the Board may give preference to farm wineries that produce 2,500 cases or less of wine or cider per year.

C. The Board shall fix the wholesale and retail prices at which the various classes, varieties and brands of alcoholic beverages and other Board-approved products that are sold in government stores. Differences in the cost of operating stores, and market competition and conditions may be reflected in the sale price of alcoholic beverages sold at government stores. The Board may sell alcoholic beverages to federal instrumentalities (i) authorized and operating under the laws of the United States and regulations of the United States Department of Defense and (ii) located within the boundaries of federal enclaves or reservations over which the United States has acquired jurisdiction, at prices which may be greater or less than the wholesale price charged other authorized purchasers. Nothing in this subsection shall be construed to limit the authority of the Board to fix the retail price of alcoholic beverages sold at government stores, which retail price may include promotional, volume, or other discounts deemed appropriate by the Board.

D. Alcoholic beverages at government stores shall be sold by employees of the Authority who shall carry out the provisions of this title and Board regulations governing the operation of government stores and the sale of alcoholic beverages, except that the Board may appoint the holder of a distiller's license or its officers and employees as agents of the Board for the sale of spirits and low alcohol beverage coolers, manufactured by or for, or blended by such licensee on the licensed premises, at government stores established by the Board (i) on the distiller's licensed premises or (ii) at the site of an event licensed by the Board and conducted for the purpose of featuring and educating the consuming public about spirits products.

Such agents shall sell the spirits and low alcohol beverage coolers in accordance with the provisions of this title, Board regulations, and the terms of the agency agreement between the Authority and the licensed distiller. The Authority shall pay a licensed distiller making sales pursuant to an agreement authorized by this subsection a commission of not less than 20 percent of the retail price of the goods sold. ~~Monthly~~ *If the licensed distiller makes application and meets certain requirements established by the Board, such agreement shall allow monthly revenue transfers from the licensed distiller to the Board* ~~(a) may to be submitted electronically and through other methods approved by the Board and (b), notwithstanding the provisions of §§ 2.2-1802 and 4.1-116, shall to be limited to the amount due to the Board in applicable taxes and markups.~~

For the purposes of this subsection, "blended" means the receipt by a licensed distiller of deliveries and shipments of alcoholic beverages, other than wine and beer, in accordance with subdivision 6 of § 4.1-201 to be (a)(1) additionally aged by the receiving distillery in order to increase the quality and flavor of such alcoholic beverages or (2) used in a low alcohol beverage cooler and (b) bottled by the receiving distillery.

E. No Class 1 neutral grain spirit or alcohol, as defined by federal regulations, that is without distinctive character, aroma, taste or color shall be sold in government stores at a proof greater than 101 except upon permits issued by the Board for industrial, commercial, culinary, or medical use.

F. All alcoholic beverages sold in government stores, except for tasting samples pursuant to subsection G sold in government stores established by the Board on a distiller's licensed premises, shall be in closed containers, sealed and affixed with labels prescribed by the Board.

G. No alcoholic beverages shall be consumed in a government store by any person unless it is part of an organized tasting event conducted by (i) an employee of a manufacturer of distilled spirits or farm winery or (ii) an authorized representative of a manufacturer of distilled spirits or farm winery with a permit issued by the Board pursuant to subdivision A 15 of § 4.1-212, at which the samples of alcoholic beverages provided to any consumer do not exceed the limits for spirits or wine set forth in subdivision A 5 of § 4.1-201.1. No sample may be consumed by any individual to whom alcoholic beverages may not lawfully be sold pursuant to § 4.1-304.

Notwithstanding the provision of this subsection to the contrary, an agent of the Board appointed pursuant to subsection D may give samples of spirits, beer, wine, or cider to persons to whom alcoholic beverages may be lawfully sold for on-premises consumption, provided that (i) the spirits, beer, wine, or cider samples are manufactured within the same licensed premises or on contiguous premises of such agent licensed as a distillery, brewery, or winery; (ii) no single sample shall exceed four ounces of beer, two ounces of wine or cider, or one-half ounce of spirits, unless served as a mixed beverage, in which case a single sample of spirits may contain up to one and one-half ounces of spirits; (iii) no more than four total samples of alcoholic beverage products or, in the case of spirits samples, no more than three ounces of spirits shall be given or sold to any person per day; and (iv) in the case of spirits samples, a method is used to track the consumption of each consumer. Nothing in this paragraph shall prohibit such agent from serving samples of spirits as part of a mixed beverage. Such mixed beverage samples may contain spirits or vermouth not manufactured on the licensed premises or on contiguous premises of the licensed distillery, provided that at least 75 percent of the alcohol used in such samples is manufactured on the licensed premises or on contiguous premises of the licensed distillery. An agent of the Board appointed pursuant to subsection D may keep on the licensed premises no more than 10 varieties of spirits or vermouth not manufactured on the licensed premises or on contiguous premises of the licensed distillery. Any spirits or vermouth used in such samples that are not manufactured on the licensed premises or on contiguous premises of the licensed distillery shall be purchased from the Board.

The Board shall establish guidelines governing tasting events conducted pursuant to this subsection.

Any case fee charged to a licensed distiller by the Board for moving spirits from the production and bailment area to the tasting area of a government store established by the Board on the distiller's licensed premises shall be waived if such spirits are moved by employees of the licensed distiller.

H. With respect to purchases by licensees at government stores, the Authority shall (i) accept in payment for any purchase or series of purchases cash, electronic fund transfer, credit or debit card, or check payable to the Authority, in the exact amount of any such purchase or series of purchases and (ii) provide notice to licensees on Board policies relating to the assignment of government stores from which licensees may purchase products and any procedure for the licensee to elect to make purchases from an alternative government store.

I. With respect to purchases by consumers at government stores, the Authority shall accept cash in payment for any purchase or series of purchases. The Board may adopt regulations which provide for accepting a credit card or debit card as payment. Such regulations may provide for the collection, where appropriate, of related fees, penalties and service charges for the use of a credit card or debit card by any consumer.

J. Before the Authority implements any increase in the markup on distilled spirits or any change to the markup formula for distilled spirits pursuant to § 4.1-235 that would result in an increase in the retail price of distilled spirits sold to the public, the Authority shall (i) provide at least 45 days' public notice before such a price increase takes effect; (ii) provide the opportunity for submission of written comments regarding the proposed price increase; (iii) conduct a public meeting for the purpose of receiving verbal comment regarding the proposed price increase; and (iv) consider any written or verbal comments before implementing such a price increase.

CHAPTER 1018

An Act to amend and reenact § 46.2-301 of the Code of Virginia, relating to driving while license, permit, or privilege to drive suspended or revoked; mandatory minimum.

[S 711]

Approved April 9, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-301 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-301. Driving while license, permit, or privilege to drive suspended or revoked.

A. In addition to any other penalty provided by this section, any motor vehicle administratively impounded or immobilized under the provisions of § 46.2-301.1 may, in the discretion of the court, be impounded or immobilized for an additional period of up to 90 days upon conviction of an offender for driving while his driver's license, learner's permit, or privilege to drive a motor vehicle has been suspended or revoked for (i) a violation of § 18.2-36.1, 18.2-51.4, 18.2-266, 18.2-272, or 46.2-341.24 or a substantially similar ordinance or law in any other jurisdiction or (ii) driving after adjudication as an habitual offender, where such adjudication was based in whole or in part on an alcohol-related offense, or where such person's license has been administratively suspended under the provisions of § 46.2-391.2. However, if, at the time of the violation, the offender was driving a motor vehicle owned by another person, the court shall have no jurisdiction over such motor vehicle but may order the impoundment or immobilization of a motor vehicle owned solely by the offender at the time of arrest. All costs of impoundment or immobilization, including removal or storage expenses, shall be paid by the offender prior to the release of his motor vehicle.

B. Except as provided in §§ 46.2-304 and 46.2-357, no resident or nonresident (i) whose driver's license, learner's permit, or privilege to drive a motor vehicle has been suspended or revoked or (ii) who has been directed not to drive by any court or by the Commissioner, or (iii) who has been forbidden, as prescribed by operation of any statute of the Commonwealth or a substantially similar ordinance of any county, city or town, to operate a motor vehicle in the Commonwealth shall thereafter drive any motor vehicle or any self-propelled machinery or equipment on any highway in the Commonwealth until the period of such suspension or revocation has terminated or the privilege has been reinstated or a restricted license is issued pursuant to subsection E. A clerk's notice of suspension of license for failure to pay fines or costs given in accordance with § 46.2-395 shall be sufficient notice for the purpose of maintaining a conviction under this section. For the purposes of this section, the phrase "motor vehicle or any self-propelled machinery or equipment" shall not include mopeds.

C. A violation of subsection B is a Class 1 misdemeanor. ~~A third or subsequent offense occurring within a 10-year period shall include a mandatory minimum term of confinement in jail of 10 days. However, the court shall not be required to impose a mandatory minimum term of confinement in any case where a motor vehicle is operated in violation of this section in a situation of apparent extreme emergency which requires such operation to save life or limb.~~

D. Upon a violation of subsection B, the court shall suspend the person's license or privilege to drive a motor vehicle for the same period for which it had been previously suspended or revoked. In the event the person violated subsection B by driving during a period of suspension or revocation which was not for a definite period of time, the court shall suspend the person's license, permit or privilege to drive for an additional period not to exceed 90 days, to commence upon the expiration of the previous suspension or revocation or to commence immediately if the previous suspension or revocation has expired; however, in the event that the person violated subsection B by driving during a period of suspension imposed

pursuant to § 46.2-395, the additional 90-day suspension imposed pursuant to this subsection shall run concurrently with the suspension imposed pursuant to § 46.2-395 in accordance with subsection F of § 46.2-395.

E. Any person who is otherwise eligible for a restricted license may petition each court that suspended his license pursuant to subsection D for authorization for a restricted license, provided that the period of time for which the license was suspended by the court pursuant to subsection D, if measured from the date of conviction, has expired, even though the suspension itself has not expired. A court may, for good cause shown, authorize the Department of Motor Vehicles to issue a restricted license for any of the purposes set forth in subsection E of § 18.2-271.1. No restricted license shall be issued unless each court that issued a suspension of the person's license pursuant to subsection D authorizes the Department to issue a restricted license. Any restricted license issued pursuant to this subsection shall be in effect until the expiration of any and all suspensions issued pursuant to subsection D, except that it shall automatically terminate upon the expiration, cancellation, suspension, or revocation of the person's license or privilege to drive for any other cause. No restricted license issued pursuant to this subsection shall permit a person to operate a commercial motor vehicle as defined in the Commercial Driver's License Act (§ 46.2-341.1 et seq.). The court shall forward to the Commissioner a copy of its authorization entered pursuant to this subsection, which shall specifically enumerate the restrictions imposed and contain such information regarding the person to whom such a license is issued as is reasonably necessary to identify the person. The court shall also provide a copy of its authorization to the person, who may not operate a motor vehicle until receipt from the Commissioner of a restricted license. A copy of the restricted license issued by the Commissioner shall be carried at all times while operating a motor vehicle.

F. Any person who operates a motor vehicle or any self-propelled machinery or equipment in violation of the terms of a restricted license issued pursuant to subsection E of § 18.2-271.1 is not guilty of a violation of this section but is guilty of a violation of § 18.2-272.

CHAPTER 1019

An Act to amend and reenact § 18.2-272 of the Code of Virginia, relating to driving after forfeiture of license.

[S 798]

Approved April 9, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-272 of the Code of Virginia is amended and reenacted as follows:

§ 18.2-272. Driving after forfeiture of license.

A. Any person who drives or operates any motor vehicle *on any highway, as defined in § 46.2-100, in the Commonwealth, or any engine or train in the Commonwealth*, during the time for which he was deprived of the right to do so (i) upon conviction of a violation of § 18.2-268.3 or 46.2-341.26:3 or of an offense set forth in subsection E of § 18.2-270, (ii) by § 18.2-271 or 46.2-391.2, (iii) after his license has been revoked pursuant to § 46.2-389 or 46.2-391, or (iv) in violation of the terms of a restricted license issued pursuant to subsection E of § 18.2-271.1, is guilty of a Class 1 misdemeanor except as otherwise provided in § 46.2-391, and is subject to administrative revocation of his driver's license pursuant to §§ 46.2-389 and 46.2-391. Any person convicted of three violations of this section committed within a 10-year period is guilty of a Class 6 felony.

Nothing in this section or § 18.2-266, 18.2-270, or 18.2-271 shall be construed as conflicting with or repealing any ordinance or resolution of any *county, city, or town or county which that* restricts still further the right of such persons to drive or operate any such vehicle or conveyance.

B. Regardless of compliance with any other restrictions on his privilege to drive or operate a motor vehicle, it shall be a violation of this section for any person whose privilege to drive or operate a motor vehicle has been restricted, suspended or revoked because of a violation of § 18.2-36.1, 18.2-51.4, 18.2-266, 18.2-268.3, 46.2-341.24, or 46.2-341.26:3 or a similar ordinance or law of another state or the United States to drive or operate a motor vehicle *on any highway, as defined in § 46.2-100, in the Commonwealth* while he has a blood alcohol content of 0.02 percent or more.

Any person suspected of a violation of this subsection shall be entitled to a preliminary breath test in accordance with the provisions of § 18.2-267, shall be deemed to have given his implied consent to have samples of his blood, breath or both taken for analysis pursuant to the provisions of § 18.2-268.2, and, when charged with a violation of this subsection, shall be subject to the provisions of §§ 18.2-268.1 through 18.2-268.12.

C. Any person who drives or operates a motor vehicle *on any highway, as defined in § 46.2-100, in the Commonwealth* without a certified ignition interlock system as required by § 46.2-391.01 is guilty of a Class 1 misdemeanor and is subject to administrative revocation of his driver's license pursuant to §§ 46.2-389 and 46.2-391.

CHAPTER 1020

An Act to amend the Code of Virginia by adding in Article 4 of Chapter 12 of Title 55.1 a section numbered 55.1-1244.1, relating to property; landlord and tenant; tenant's remedy by repair.

[S 905]

Approved April 9, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 4 of Chapter 12 of Title 55.1 a section numbered 55.1-1244.1 as follows:

§ 55.1-1244.1. Tenant's remedy by repair.

A. For purposes of this section, "actual costs" means (i) the amount paid on an invoice to a third-party licensed contractor or a licensed pesticide business by a tenant, local government, or nonprofit entity or (ii) the amount donated by a third-party contractor or pesticide business as reflected on such contractor's or pesticide business's invoice.

B. If (i) there exists in the dwelling unit a condition that constitutes a material noncompliance by the landlord with the rental agreement or with provisions of law or that, if not promptly corrected, will constitute a fire hazard or serious threat to the life, health, or safety of occupants of the premises, including an infestation of rodents or a lack of heat, hot or cold running water, light, electricity, or adequate sewage disposal facilities, and (ii) the tenant has notified the landlord of the condition in writing, the landlord shall take reasonable steps to make the repair or to remedy such condition within 14 days of receiving notice from the tenant.

C. If the landlord does not take reasonable steps to repair or remedy the offending condition within 14 days of receiving a tenant's notice pursuant to subsection B, the tenant may contract with a third-party contractor licensed by the Board for Contractors or, in the case of a rodent infestation, a pesticide business employing commercial applicators or registered technicians who are licensed, certified, and registered with the Department of Agriculture and Consumer Services pursuant to Chapter 39 (§ 3.2-3900 et seq.) of Title 3.2, to repair or remedy the condition specified in the notice. A tenant who contracts with a third-party licensed contractor or pesticide business is entitled to recover the actual costs incurred for the work performed, not exceeding the greater of one month's rent or \$1,500. Unless the tenant has been reimbursed by the landlord, the tenant may deduct the actual costs incurred for the work performed pursuant to the contract with the third-party contractor or pesticide business after submitting to the landlord an itemized statement accompanied by receipts for purchased items and third-party contractor or pest control services.

D. A local government or nonprofit entity may procure the services of a third-party licensed contractor or pesticide business on behalf of the tenant pursuant to subsection B. Such assistance shall have no effect on the tenant's entitlement under this section to be reimbursed by the landlord or to make a deduction from the periodic rent.

E. A tenant may not repair a property condition at the landlord's expense under this section to the extent that (i) the property condition was caused by an act or omission of the tenant, an authorized occupant, or a guest or invitee; (ii) the landlord was unable to remedy the property condition because the landlord was denied access to the dwelling unit; or (iii) the landlord had already remedied the property condition prior to the tenant's contracting with a licensed third-party contractor or pesticide business pursuant to subsection C.

CHAPTER 1021

An Act to amend and reenact § 44-146.19 of the Code of Virginia, relating to emergency services and disaster law; political subdivisions.

[S 1008]

Approved April 9, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 44-146.19 of the Code of Virginia is amended and reenacted as follows:

§ 44-146.19. Powers and duties of political subdivisions.

A. Each political subdivision within the Commonwealth shall be within the jurisdiction of and served by the Department of Emergency Management and be responsible for local disaster mitigation, preparedness, response and recovery. Each political subdivision shall maintain in accordance with state disaster preparedness plans and programs an agency of emergency management which, except as otherwise provided under this chapter, has jurisdiction over and services the entire political subdivision.

B. Each political subdivision shall have a director of emergency management who, after the term of the person presently serving in this capacity has expired and in the absence of an executive order by the Governor, shall be the following:

1. In the case of a city, the mayor or city manager, who shall appoint a coordinator of emergency management with consent of council;

2. In the case of a county, a member of the board of supervisors selected by the board or the chief administrative officer for the county, who shall appoint a coordinator of emergency management with the consent of the governing body;

3. A coordinator of emergency management shall be appointed by the council of any town to ensure integration of its organization into the county emergency management organization;

4. In the case of the Town of Chincoteague and of towns with a population in excess of 5,000 having an emergency management organization separate from that of the county, the mayor or town manager shall appoint a coordinator of emergency services with consent of council;

5. In Smyth County and in York County, the chief administrative officer for the county shall appoint a director of emergency management, with the consent of the governing body, who shall appoint a coordinator of emergency management with the consent of the governing body.

C. Whenever the Governor has declared a state of emergency, each political subdivision within the disaster area may, under the supervision and control of the Governor or his designated representative, control, restrict, allocate or regulate the use, sale, production and distribution of food, fuel, clothing and other commodities, materials, goods, services and resource systems which fall only within the boundaries of that jurisdiction and which do not impact systems affecting adjoining or other political subdivisions, enter into contracts and incur obligations necessary to combat such threatened or actual disaster, protect the health and safety of persons and property and provide emergency assistance to the victims of such disaster. In exercising the powers vested under this section, under the supervision and control of the Governor, the political subdivision may proceed without regard to time-consuming procedures and formalities prescribed by law (except mandatory constitutional requirements) pertaining to the performance of public work, entering into contracts, incurring of obligations, employment of temporary workers, rental of equipment, purchase of supplies and materials, levying of taxes, and appropriation and expenditure of public funds.

D. The director of each local organization for emergency management may, in collaboration with (i) other public and private agencies within the Commonwealth or (ii) other states or localities within other states, develop or cause to be developed mutual aid arrangements for reciprocal assistance in case of a disaster too great to be dealt with unassisted. Such arrangements shall be consistent with state plans and programs and it shall be the duty of each local organization for emergency management to render assistance in accordance with the provisions of such mutual aid arrangements. *Except where a mutual aid arrangement for reciprocal assistance exists between localities, no locality shall prohibit another locality from providing emergency medical services across local boundaries solely on the basis of financial considerations.*

E. Each local and interjurisdictional agency shall prepare and keep current a local or interjurisdictional emergency operations plan for its area. The plan shall include, but not be limited to, responsibilities of all local agencies and shall establish a chain of command, and a provision that the Department of Criminal Justice Services and the Virginia Criminal Injuries Compensation Fund shall be contacted immediately to deploy assistance in the event of an emergency as defined in the emergency response plan when there are victims as defined in § 19.2-11.01. The Department of Criminal Justice Services and the Virginia Criminal Injuries Compensation Fund shall be the lead coordinating agencies for those individuals determined to be victims, and the plan shall also contain current contact information for both agencies. Every four years, each local and interjurisdictional agency shall conduct a comprehensive review and revision of its emergency operations plan to ensure that the plan remains current, and the revised plan shall be formally adopted by the locality's governing body. In the case of an interjurisdictional agency, the plan shall be formally adopted by the governing body of each of the localities encompassed by the agency. Each political subdivision having a nuclear power station or other nuclear facility within 10 miles of its boundaries shall, if so directed by the Department of Emergency Management, prepare and keep current an appropriate emergency plan for its area for response to nuclear accidents at such station or facility.

F. All political subdivisions shall provide (i) an annually updated emergency management assessment and (ii) data related to emergency sheltering capabilities, including emergency shelter locations, evacuation zones, capacity by person, medical needs capacity, current wind rating, standards compliance, backup power, and lead agency for staffing, to the State Coordinator of Emergency Management on or before May 1 of each year.

G. By July 1, 2005, all localities with a population greater than 50,000 shall establish an alert and warning plan for the dissemination of adequate and timely warning to the public in the event of an emergency or threatened disaster. The governing body of the locality, in consultation with its local emergency management organization, shall amend its local emergency operations plan that may include rules for the operation of its alert and warning system, to include sirens, Emergency Alert System (EAS), NOAA Weather Radios, or other personal notification systems, amateur radio operators, or any combination thereof.

H. Localities that have established an agency of emergency management shall have authority to require the review of, and suggest amendments to, the emergency plans of nursing homes, assisted living facilities, adult day care centers, and child day care centers that are located within the locality.

CHAPTER 1022

An Act to amend the Code of Virginia by adding in Chapter 17 of Title 58.1 an article numbered 12, consisting of sections numbered 58.1-1745 through 58.1-1748, relating to a local disposable plastic bag tax.

[H 534]

Approved April 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 17 of Title 58.1 an article numbered 12, consisting of sections numbered 58.1-1745 through 58.1-1748, as follows:

Article 12.

Disposable Plastic Bag Tax.

§ 58.1-1745. Disposable plastic bag tax.

A. Any county or city may, by duly adopted ordinance, impose a tax in the amount of five cents (\$0.05) for each disposable plastic bag provided, whether or not provided free of charge, to a consumer of tangible personal property by retailers in grocery stores, convenience stores, or drugstores.

B. Any tax imposed under this section shall be collected by the retailer, along with the purchase price and all other fees and taxes, at the time the consumer pays for such personal property. All revenue accruing to the county or city from a tax imposed under the provisions of this article shall be appropriated for the purposes of environmental cleanup, providing education programs designed to reduce environmental waste, mitigating pollution and litter, or providing reusable bags to recipients of Supplemental Nutrition Assistance Program (SNAP) or Women, Infants, and Children Program (WIC) benefits.

C. Each local ordinance imposing the tax shall provide for the tax to become effective on the first day of any calendar quarter; however, in no event shall any tax imposed pursuant to this article become effective before January 1, 2021. The county or city shall, at least three months prior to the date the tax is to become effective, provide a certified copy of such ordinance to the Tax Commissioner.

§ 58.1-1746. Exemptions.

Any tax imposed pursuant to the provisions of this article shall not apply to the following:

1. Durable plastic bags with handles that are specifically designed and manufactured for multiple reuse and that are at least four mils thick;
2. Plastic bags that are solely used to wrap, contain, or package ice cream, meat, fish, poultry, produce, unwrapped bulk food items, or perishable food items in order to avoid damage or contamination;
3. Plastic bags used to carry dry cleaning or prescription drugs; and
4. Multiple plastic bags sold in packages and intended for use as garbage, pet waste, or leaf removal bags.

§ 58.1-1747. Retailer discount.

A. Beginning January 1, 2021, and ending January 1, 2023, every retailer that collects a tax imposed by a county or city under this article shall be allowed to retain two cents (\$0.02) from the tax collected on each disposable plastic bag.

B. Beginning January 1, 2023, every retailer that collects a tax imposed by a county or city under this article shall be allowed to retain one cent (\$0.01) from the tax collected on each disposable plastic bag.

C. Any retailer that retains a discount pursuant to this section shall account for it in the form of a deduction when submitting its tax return and paying the amount due in a timely manner.

§ 58.1-1748. Administration.

The Tax Commissioner shall collect, administer, and enforce this tax in the same manner that he collects, administers, and enforces the retail sales and use tax under Chapter 6 (§ 58.1-600 et seq.), mutatis mutandis. However, the dealer discount provided under § 58.1-622 shall not be allowed and the revenues from the tax authorized under this section, after reimbursement of direct costs incurred by the Department in administering, enforcing, and collecting this tax, shall be distributed by the Comptroller to the respective county or city imposing the tax as soon as practicable after the end of each month for which the tax is remitted. The Tax Commissioner shall develop and make publicly available guidelines implementing the provisions of this article. Such guidelines shall be exempt from the provisions of the Administrative Process Act (§ 2.2-4000 et seq.).

CHAPTER 1023

An Act to amend the Code of Virginia by adding in Chapter 17 of Title 58.1 an article numbered 12, consisting of sections numbered 58.1-1745 through 58.1-1748, relating to a local disposable plastic bag tax.

[S 11]

Approved April 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 17 of Title 58.1 an article numbered 12, consisting of sections numbered 58.1-1745 through 58.1-1748, as follows:

Article 12.

Disposable Plastic Bag Tax.

§ 58.1-1745. Disposable plastic bag tax.

A. Any county or city may, by duly adopted ordinance, impose a tax in the amount of five cents (\$0.05) for each disposable plastic bag provided, whether or not provided free of charge, to a consumer of tangible personal property by retailers in grocery stores, convenience stores, or drugstores.

B. Any tax imposed under this section shall be collected by the retailer, along with the purchase price and all other fees and taxes, at the time the consumer pays for such personal property. All revenue accruing to the county or city from a tax

imposed under the provisions of this article shall be appropriated for the purposes of environmental cleanup, providing education programs designed to reduce environmental waste, mitigating pollution and litter, or providing reusable bags to recipients of Supplemental Nutrition Assistance Program (SNAP) or Women, Infants, and Children Program (WIC) benefits.

C. Each local ordinance imposing the tax shall provide for the tax to become effective on the first day of any calendar quarter; however, in no event shall any tax imposed pursuant to this article become effective before January 1, 2021. The county or city shall, at least three months prior to the date the tax is to become effective, provide a certified copy of such ordinance to the Tax Commissioner.

§ 58.1-1746. Exemptions.

Any tax imposed pursuant to the provisions of this article shall not apply to the following:

1. Durable plastic bags with handles that are specifically designed and manufactured for multiple reuse and that are at least four mils thick;
2. Plastic bags that are solely used to wrap, contain, or package ice cream, meat, fish, poultry, produce, unwrapped bulk food items, or perishable food items in order to avoid damage or contamination;
3. Plastic bags used to carry dry cleaning or prescription drugs; and
4. Multiple plastic bags sold in packages and intended for use as garbage, pet waste, or leaf removal bags.

§ 58.1-1747. Retailer discount.

A. Beginning January 1, 2021, and ending January 1, 2023, every retailer that collects a tax imposed by a county or city under this article shall be allowed to retain two cents (\$0.02) from the tax collected on each disposable plastic bag.

B. Beginning January 1, 2023, every retailer that collects a tax imposed by a county or city under this article shall be allowed to retain one cent (\$0.01) from the tax collected on each disposable plastic bag.

C. Any retailer that retains a discount pursuant to this section shall account for it in the form of a deduction when submitting its tax return and paying the amount due in a timely manner.

§ 58.1-1748. Administration.

The Tax Commissioner shall collect, administer, and enforce this tax in the same manner that he collects, administers, and enforces the retail sales and use tax under Chapter 6 (§ 58.1-600 et seq.), *mutatis mutandis*. However, the dealer discount provided under § 58.1-622 shall not be allowed and the revenues from the tax authorized under this section, after reimbursement of direct costs incurred by the Department in administering, enforcing, and collecting this tax, shall be distributed by the Comptroller to the respective county or city imposing the tax as soon as practicable after the end of each month for which the tax is remitted. The Tax Commissioner shall develop and make publicly available guidelines implementing the provisions of this article. Such guidelines shall be exempt from the provisions of the Administrative Process Act (§ 2.2-4000 et seq.).

CHAPTER 1024

An Act to require the Commissioner of Highways to place permanent electronic speed indicator signs on U.S. Route 17.

[H 941]

Approved April 10, 2020

Be it enacted by the General Assembly of Virginia:

1. § 1. The Commissioner of Highways shall erect and maintain in the northbound and southbound directions on U.S. Route 17 in Fauquier County near the intersections with Belvoir Road, Old Tavern Road, and Blantyre Road at least six permanent electronic speed indicator signs that display the speed limit on such highway and the speed of the driver approaching such sign.
2. That the Department of Transportation (the Department) shall pay for the electronic speed indicator signs required pursuant to this act. However, if funds for such purpose are not allocated in the general appropriation act by the 2020 Regular Session of the General Assembly, the governing body of Fauquier County shall have the option to pay for such signs.

CHAPTER 1025

An Act to require the Commissioner of Highways to place permanent electronic speed indicator signs on U.S. Route 17.

[S 557]

Approved April 10, 2020

Be it enacted by the General Assembly of Virginia:

1. § 1. The Commissioner of Highways shall erect and maintain in the northbound and southbound directions on U.S. Route 17 in Fauquier County near the intersections with Belvoir Road, Old Tavern Road, and Blantyre Road at least six permanent electronic speed indicator signs that display the speed limit on such highway and the speed of the driver approaching such sign.
2. That the Department of Transportation (the Department) shall pay for the electronic speed indicator signs required pursuant to this act. However, if funds for such purpose are not allocated in the general appropriation act

by the 2020 Regular Session of the General Assembly, the governing body of Fauquier County shall have the option to pay for such signs.

CHAPTER 1026

An Act to amend and reenact § 2.2-1151.1 of the Code of Virginia, relating to conveyance of right-of-way usage to certain nonpublic service companies.

[H 1271]

Approved April 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-1151.1 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-1151.1. Conveyances of right-of-way usage to certain nonpublic service companies by the Department of Transportation.

A. As used in this section:

"Department" means the Virginia Department of Transportation.

"Developer" means a person who undertakes to develop real estate.

"Social welfare organization" means an organization as defined in § 501(c)(4) of the Internal Revenue Code.

B. No land use permit shall be issued by the Department to any company other than a public service company as defined in § 56-76, a company owning or operating an interstate natural gas pipeline, a social welfare organization operating a wholesale open-access fiber network, or a franchised cable television systems operator owning or operating a utility line as defined in § 56-265.15, unless such company, organization, or operator has (i) registered as an operator with the appropriate notification center as defined by § 56-265.15 and (ii) notified the commercial and residential developer, owner of commercial, multifamily, or residential real estate, or local government entities with a property interest in any parcel of land located adjacent to the property over which the land use is being requested; that application for the permit has been made. Any permit application approved by the Department shall include an affidavit indicating compliance with the registration and notification requirements provided by this subsection.

C. The provisions of subsection B shall not apply to a land use permit issued by the Department to (i) a person providing utility service solely for his own agricultural or residential use, provided that the utilities are located on property owned by the person, or (ii) the owner of a private residence or business for water or sewer service to cross the Department's right-of-way when no viable alternative exists to provide potable water or to transfer sewer effluent to a qualified drain field. In the case of any application for a land use permit under this subsection, the utilities shall be marked in accord with requirements established by the Department.

D. No performance surety held by the Department in association with a land use permit issued to a company pursuant to subsection B to perform work within the Department's right-of-way shall be released until such time as all claims against the company associated with the work have been resolved, provided a claimant has notified the Department of a claim against such company within 30 days after completion of the work. A claimant shall have no more than one year after the notification is received by the Department to complete any action against the company associated with the work for which the claim has been made. After the expiration of the one-year period, the Department may release the performance surety.

E. Nothing in this section shall be construed or interpreted to create a cause of action or administrative claim against the Department.

CHAPTER 1027

An Act to amend and reenact § 2.2-1151.1 of the Code of Virginia, relating to conveyance of right-of-way usage to certain nonpublic service companies.

[S 792]

Approved April 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-1151.1 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-1151.1. Conveyances of right-of-way usage to certain nonpublic service companies by the Department of Transportation.

A. As used in this section:

"Department" means the Virginia Department of Transportation.

"Developer" means a person who undertakes to develop real estate.

"Social welfare organization" means an organization as defined in § 501(c)(4) of the Internal Revenue Code.

B. No land use permit shall be issued by the Department to any company other than a public service company as defined in § 56-76, a company owning or operating an interstate natural gas pipeline, a social welfare organization operating a wholesale open-access fiber network, or a franchised cable television systems operator owning or operating a utility line as defined in § 56-265.15, unless such company, organization, or operator has (i) registered as an operator with

the appropriate notification center as defined by § 56-265.15 and (ii) notified the commercial and residential developer, owner of commercial, multifamily, or residential real estate, or local government entities with a property interest in any parcel of land located adjacent to the property over which the land use is being requested; that application for the permit has been made. Any permit application approved by the Department shall include an affidavit indicating compliance with the registration and notification requirements provided by this subsection.

C. The provisions of subsection B shall not apply to a land use permit issued by the Department to (i) a person providing utility service solely for his own agricultural or residential use, provided that the utilities are located on property owned by the person, or (ii) the owner of a private residence or business for water or sewer service to cross the Department's right-of-way when no viable alternative exists to provide potable water or to transfer sewer effluent to a qualified drain field. In the case of any application for a land use permit under this subsection, the utilities shall be marked in accord with requirements established by the Department.

D. No performance surety held by the Department in association with a land use permit issued to a company pursuant to subsection B to perform work within the Department's right-of-way shall be released until such time as all claims against the company associated with the work have been resolved, provided a claimant has notified the Department of a claim against such company within 30 days after completion of the work. A claimant shall have no more than one year after the notification is received by the Department to complete any action against the company associated with the work for which the claim has been made. After the expiration of the one-year period, the Department may release the performance surety.

E. Nothing in this section shall be construed or interpreted to create a cause of action or administrative claim against the Department.

CHAPTER 1028

An Act to amend and reenact § 58.1-3660 of the Code of Virginia, relating to local tax exemption; solar energy equipment.

[H 1434]

Approved April 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-3660 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-3660. Certified pollution control equipment and facilities.

A. Certified pollution control equipment and facilities, as defined herein, are hereby declared to be a separate class of property and shall constitute a classification for local taxation separate from other such classification of real or personal property and such property. Certified pollution control equipment and facilities shall be exempt from state and local taxation pursuant to Article X, Section 6 (d) of the Constitution of Virginia.

B. As used in this section:

"Certified pollution control equipment and facilities" ~~shall mean~~ *means* any property, including real or personal property, equipment, facilities, or devices, used primarily for the purpose of abating or preventing pollution of the atmosphere or waters of the Commonwealth and which the state certifying authority having jurisdiction with respect to such property has certified to the Department of Taxation as having been constructed, reconstructed, erected, or acquired in conformity with the state program or requirements for abatement or control of water or atmospheric pollution or contamination. Such property shall include, but is not limited to, any equipment used to grind, chip, or mulch trees, tree stumps, underbrush, and other vegetative cover for reuse as mulch, compost, landfill gas, synthetic or natural gas recovered from waste or other fuel, and equipment used in collecting, processing, and distributing, or generating electricity from, landfill gas or synthetic or natural gas recovered from waste, whether or not such property has been certified to the Department of Taxation by a state certifying authority. Such property shall also include solar energy equipment, facilities, or devices owned or operated by a business that collect, generate, transfer, or store thermal or electric energy whether or not such property has been certified to the Department of Taxation by a state certifying authority.

C. For solar photovoltaic (electric energy) systems, this exemption applies only to (i) projects equaling 20 megawatts or less, as measured in alternating current (AC) generation capacity, for which an initial interconnection request form has been filed with an electric utility or a regional transmission organization on or before December 31, 2018; (ii) projects equaling 20 megawatts or less, as measured in alternating current (AC) generation capacity, that serve any of the public institutions of higher education listed in § 23.1-100 or any private college as defined in § 23.1-105; (iii) 80 percent of the assessed value of projects for which an initial interconnection request form has been filed with an electric utility or a regional transmission organization (a) between January 1, 2015, and June 30, 2018, for projects greater than 20 megawatts or (b) on or after July 1, 2018, for projects greater than 20 megawatts and less than 150 megawatts, as measured in alternating current (AC) generation capacity, and that are first in service on or after January 1, 2017; (iv) projects equaling five megawatts or less, as measured in alternating current (AC) generation capacity, for which an initial interconnection request form has been filed with an electric utility or a regional transmission organization on or after January 1, 2019; and (v) 80 percent of the assessed value of all other projects equaling more than five megawatts and less than 150 megawatts, as measured in alternating current (AC) generation capacity for which an initial interconnection request form has been filed with an electric utility or a regional transmission organization on or after January 1, 2019.

D. The exemption for solar photovoltaic (electric energy) projects greater than ~~20~~ five megawatts, as measured in alternating current (AC) generation capacity, shall not apply to ~~any such project projects upon which construction begins after January 1, 2024 unless an application has been filed with the locality for the project before July 1, 2030.~~ For purposes of this section, "application has been filed with the locality" means an applicant has filed an application for a zoning confirmation from the locality for a by-right use or an application for land use approval under the locality's zoning ordinance to include an application for a conditional use permit, special use permit, special exception, or other application as set out in the locality's zoning ordinance.

E. For pollution control equipment and facilities certified by the Virginia Department of Health, this exemption applies only to onsite sewage systems that serve 10 or more households, use nitrogen-reducing processes and technology, and are constructed, wholly or partially, with public funds. All such property as described in this definition shall not include the land on which such equipment or facilities are located.

"State certifying authority" ~~shall mean~~ means the State Water Control Board or the Virginia Department of Health, for water pollution; the State Air Pollution Control Board, for air pollution; the Department of Mines, Minerals and Energy, for solar energy projects and for coal, oil, and gas production, including gas, natural gas, and coalbed methane gas; and the Virginia Waste Management Board, for waste disposal facilities, natural gas recovered from waste facilities, and landfill gas production facilities, and shall include any interstate agency authorized to act in place of a certifying authority of the Commonwealth.

F. Notwithstanding any provision to the contrary, for any solar photovoltaic project described in clauses (iii) and (v) of subsection C for which an initial interconnection request form has been filed with an electric utility or a regional transmission organization on or after January 1, 2019, the amount of the exemption shall be as follows: 80 percent of the assessed value in the first five years in service after commencement of commercial operation, 70 percent of the assessed value in the second five years in service, and 60 percent of the assessed value for all remaining years in service.

2. The provisions of subsection F of § 58.1-3660 of the Code of Virginia, as amended by this act, shall not apply to any solar photovoltaic project on which a locality assesses a revenue share, if such revenue share is authorized by the General Assembly and imposed by a locality by ordinance.

CHAPTER 1029

An Act to amend and reenact § 58.1-3660 of the Code of Virginia, relating to local tax exemption; solar energy equipment.

[S 763]

Approved April 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-3660 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-3660. Certified pollution control equipment and facilities.

A. Certified pollution control equipment and facilities, as defined herein, are hereby declared to be a separate class of property and shall constitute a classification for local taxation separate from other such classification of real or personal property and such property. Certified pollution control equipment and facilities shall be exempt from state and local taxation pursuant to Article X, Section 6 (d) of the Constitution of Virginia.

B. As used in this section:

"Certified pollution control equipment and facilities" ~~shall mean~~ means any property, including real or personal property, equipment, facilities, or devices, used primarily for the purpose of abating or preventing pollution of the atmosphere or waters of the Commonwealth and which the state certifying authority having jurisdiction with respect to such property has certified to the Department of Taxation as having been constructed, reconstructed, erected, or acquired in conformity with the state program or requirements for abatement or control of water or atmospheric pollution or contamination. Such property shall include, but is not limited to, any equipment used to grind, chip, or mulch trees, tree stumps, underbrush, and other vegetative cover for reuse as mulch, compost, landfill gas, synthetic or natural gas recovered from waste or other fuel, and equipment used in collecting, processing, and distributing, or generating electricity from, landfill gas or synthetic or natural gas recovered from waste, whether or not such property has been certified to the Department of Taxation by a state certifying authority. Such property shall also include solar energy equipment, facilities, or devices owned or operated by a business that collect, generate, transfer, or store thermal or electric energy whether or not such property has been certified to the Department of Taxation by a state certifying authority.

C. For solar photovoltaic (electric energy) systems, this exemption applies only to (i) projects equaling 20 megawatts or less, as measured in alternating current (AC) generation capacity, for which an initial interconnection request form has been filed with an electric utility or a regional transmission organization on or before December 31, 2018; (ii) projects equaling 20 megawatts or less, as measured in alternating current (AC) generation capacity, that serve any of the public institutions of higher education listed in § 23.1-100 or any private college as defined in § 23.1-105; (iii) 80 percent of the assessed value of projects for which an initial interconnection request form has been filed with an electric utility or a regional transmission organization (a) between January 1, 2015, and June 30, 2018, for projects greater than 20 megawatts or (b) on or after July 1, 2018, for projects greater than 20 megawatts and less than 150 megawatts, as measured in alternating current (AC) generation capacity, and that are first in service on or after January 1, 2017; (iv) projects equaling

five megawatts or less, as measured in alternating current (AC) generation capacity, for which an initial interconnection request form has been filed with an electric utility or a regional transmission organization on or after January 1, 2019; and (v) 80 percent of the assessed value of all other projects equaling more than five megawatts and less than 150 megawatts, as measured in alternating current (AC) generation capacity for which an initial interconnection request form has been filed with an electric utility or a regional transmission organization on or after January 1, 2019.

D. The exemption for solar photovoltaic (electric energy) projects greater than ~~20~~ five megawatts, as measured in alternating current (AC) generation capacity, shall not apply to ~~any such project projects upon which construction begins after January 1, 2024 unless an application has been filed with the locality for the project before July 1, 2030.~~ For purposes of this section, "application has been filed with the locality" means an applicant has filed an application for a zoning confirmation from the locality for a by-right use or an application for land use approval under the locality's zoning ordinance to include an application for a conditional use permit, special use permit, special exception, or other application as set out in the locality's zoning ordinance.

E. For pollution control equipment and facilities certified by the Virginia Department of Health, this exemption applies only to onsite sewage systems that serve 10 or more households, use nitrogen-reducing processes and technology, and are constructed, wholly or partially, with public funds. All such property as described in this definition shall not include the land on which such equipment or facilities are located.

"State certifying authority" ~~shall mean~~ means the State Water Control Board or the Virginia Department of Health, for water pollution; the State Air Pollution Control Board, for air pollution; the Department of Mines, Minerals and Energy, for solar energy projects and for coal, oil, and gas production, including gas, natural gas, and coalbed methane gas; and the Virginia Waste Management Board, for waste disposal facilities, natural gas recovered from waste facilities, and landfill gas production facilities, and shall include any interstate agency authorized to act in place of a certifying authority of the Commonwealth.

F. Notwithstanding any provision to the contrary, for any solar photovoltaic project described in clauses (iii) and (v) of subsection C for which an initial interconnection request form has been filed with an electric utility or a regional transmission organization on or after January 1, 2019, the amount of the exemption shall be as follows: 80 percent of the assessed value in the first five years in service after commencement of commercial operation, 70 percent of the assessed value in the second five years in service, and 60 percent of the assessed value for all remaining years in service.

2. The provisions of subsection F of § 58.1-3660 of the Code of Virginia, as amended by this act, shall not apply to any solar photovoltaic project on which a locality assesses a revenue share, if such revenue share is authorized by the General Assembly and imposed by a locality by ordinance.

CHAPTER 1030

An Act to amend and reenact §§ 58.1-311, 58.1-499, and 58.1-1823 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 3 of Title 58.1 a section numbered 58.1-311.2 and by adding an article numbered 9.1, consisting of sections numbered 58.1-396 through 58.1-399.7, relating to income tax; reporting requirements for partnerships.

[H 1417]

Approved April 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 58.1-311, 58.1-499, and 58.1-1823 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Chapter 3 of Title 58.1 a section numbered 58.1-311.2 and by adding an article numbered 9.1, consisting of sections numbered 58.1-396 through 58.1-399.7, as follows:

§ 58.1-311. Report of change in federal taxable income.

If the amount of any individual, estate, trust or corporate taxpayer's federal taxable income reported on his federal income tax return for any taxable year is changed or corrected by the United States Internal Revenue Service or other competent authority, or as the result of a renegotiation of a contract or subcontract with the United States, the taxpayer shall file an amended return, or such other form as the Department may prescribe, reporting such change or correction in federal taxable income within one year after the final determination date, as defined in § 58.1-311.2, ~~or~~ for such change, correction, or renegotiation, or as otherwise required by the Department, and shall concede the accuracy of such determination or state wherein it is erroneous. However, if the Department has sufficient information from which to compute the proper additional tax and the taxpayer has paid such tax, then the taxpayer is not required to file an amended individual income tax return. Any taxpayer filing an amended federal income tax return shall also file within one year thereafter an amended return under this chapter and shall give such information as the Department may require. The Department may by regulation prescribe such exceptions to the requirements of this section as it deems appropriate.

§ 58.1-311.2. Final determination date.

As used in § 58.1-311, "final determination date" means:

1. Except as provided in subdivisions 1 and 2, if the federal adjustment arises from an Internal Revenue Service audit or other action by the Internal Revenue Service, the final determination date is the first day on which no federal adjustments arising from that audit or other action remain to be finally determined, whether by Internal Revenue Service decision with

respect to which all rights of appeal have been waived or exhausted, by agreement, or, if appealed or contested, by a final decision with respect to which all rights of appeal have been waived or exhausted. For agreements required to be signed by the Internal Revenue Service and the taxpayer, the final determination date is the date on which the last party signed the agreement.

2. For federal adjustments arising from an Internal Revenue Service audit or other action by the Internal Revenue Service, if the taxpayer filed as a member of a combined or consolidated return under § 58.1-442, the final determination date means the first day on which no related federal adjustments arising from that audit remain to be finally determined, as described in subdivision 1, for the entire group.

3. If the federal adjustment results from filing an amended federal return, a federal refund claim, or an administrative adjustment request, as that term is used in § 58.1-396, or if it is a federal adjustment reported on an amended federal return or other similar report filed pursuant to § 6225(c) of the Internal Revenue Code, the final determination date means the day on which the amended return, refund claim, administrative adjustment request, or other similar report was filed.

Article 9.1.

Reporting Adjustments to Federal Taxable Income from Federal Partnership Audits.

§ 58.1-396. Definitions.

As used in this article, unless the context requires otherwise:

"Administrative adjustment request" means an administrative adjustment request filed by a partnership pursuant to § 6227 of the Internal Revenue Code.

"Audited partnership" means a partnership subject to a partnership-level audit that results in a federal adjustment.

"Corporate partner" means a partner that is subject to tax under Article 10 (§ 58.1-400 et seq.).

"Direct" means, with respect to a partner, that such partner holds a direct interest in a partnership or a pass-through entity and that such interest is not held indirectly through another partnership or pass-through entity.

"Exempt" means, with respect to a partner, that such partner is exempt from Virginia income taxation. If such partner has unrelated business taxable income but otherwise is exempt from Virginia income taxation, such partner shall be considered exempt.

"Federal adjustment" means a change to an item or amount determined under the Internal Revenue Code that is used by a taxpayer to compute Virginia tax owed, regardless of whether that change results from an action by the Internal Revenue Service including a partnership-level audit, or the filing of an amended federal return, federal refund claim, or administrative adjustment request by the taxpayer. A federal adjustment is positive to the extent that it increases Virginia taxable income and is negative to the extent that it decreases Virginia taxable income.

"Federal adjustments report" means any methods or forms required by the Department for use by a partner or partnership to report final federal adjustments.

"Federal partnership representative" means the person that a partnership designates for the taxable year as its representative or the person that the Internal Revenue Service appoints pursuant to § 6223(a) of the Internal Revenue Code to act as the federal partnership representative.

"Final determination date" means the date determined pursuant to the provisions of § 58.1-311.2.

"Final federal adjustment" means a federal adjustment for which the final determination date has passed.

"Indirect" means, with respect to a partner, that such partner does not hold a direct interest in a partnership or pass-through entity but instead holds a direct interest in another partnership or pass-through entity that itself holds an interest directly, or through another indirect partner, in the partnership or pass-through entity.

"Nonresident" means, with respect to an individual, estate, or trust partner, that such partner is not a resident partner.

"Partner" means a person that holds an interest directly or indirectly in a partnership or pass-through entity.

"Partnership" means an entity subject to taxation under Subchapter K, 26 U.S.C. § 701 et seq., of Chapter 1 of Subtitle A of the Internal Revenue Code.

"Partnership-level audit" means an examination by the Internal Revenue Service at the partnership level pursuant to Subchapter C, 26 U.S.C. § 6221 et seq., of Chapter 63 of Subtitle F of the Internal Revenue Code that results in federal adjustments.

"Pass-through entity" means any pass-through entity as defined in § 58.1-390.1, other than a partnership as defined in this section.

"Resident" means, with respect to an individual partner, that such partner is a resident, as defined in § 58.1-302, for the relevant tax period. "Resident" means, with respect to an estate or trust partner, that such partner is a resident estate or trust, as defined in § 58.1-302, for the relevant tax period.

"Reviewed year" means the taxable year of a partnership that is subject to a partnership-level audit from which federal adjustments arise.

"State partnership representative" means the person identified as the representative of a partnership pursuant to the provisions of § 58.1-398.

"Tiered partner" means any partner that is a partnership or a pass-through entity and is not an individual.

"Unrelated business taxable income" has the same meaning as such term is defined in § 512 of the Internal Revenue Code.

§ 58.1-397. Reporting requirement; administrative adjustment requests.

Partnerships and partners shall report final federal adjustments arising from a partnership-level audit or an administrative adjustment request and make required payments pursuant to the provisions of this article and shall not be required to comply with the provisions of § 58.1-311. This section shall not apply to adjustments required to be reported for federal income tax purposes pursuant to § 6225(a)(2) of the Internal Revenue Code and shall not apply to the distributive share of adjustments that have been reported as required under § 58.1-311.

§ 58.1-398. State partnership representative.

A. With respect to an action required or permitted to be taken under this article, and with respect to any administrative or judicial appeal of such action pursuant to Chapter 18 (§ 58.1-1800 et seq.), the state partnership representative, as identified pursuant to the provisions of subsection B, shall have the sole authority to act on behalf of a partnership. The actions of the state partnership representative shall be binding on the direct partners and indirect partners of the partnership.

B. The state partnership representative for a reviewed year is the partnership's federal partnership representative unless the partnership designates in writing another person as its state partnership representative.

C. The Department shall establish reasonable qualifications and procedures for designating a person, other than a federal partnership representative, to be the state partnership representative.

§ 58.1-399. Reporting and payment requirements for a partnership subject to a final federal adjustment.

A. Except as otherwise provided in this article, any final federal adjustment shall be reported pursuant to the provisions of subsection B. This subsection shall not apply to a final federal adjustment for which election has been properly made pursuant to § 58.1-399.1.

B. No later than 90 days after the final determination date, a partnership shall:

- 1. File with the Department a completed federal adjustments report, which shall include any information required by the Department;*
- 2. Notify each direct partner of its distributive share of the final federal adjustments and provide to each direct partner any other information required by the Department;*
- 3. File an amended composite return pursuant to § 58.1-395 if such return previously was filed on behalf of nonresident partners;*
- 4. File an amended return pursuant to § 58.1-392; and*
- 5. Pay any additional amount that may be required pursuant to the provisions of §§ 58.1-395 and 58.1-486.2.*

C. Except as provided under § 58.1-321, no later than one year after the final determination date, each direct partner subject to tax pursuant to the provisions of Article 2 (§ 58.1-320 et seq.), 6 (§ 58.1-360 et seq.), or 10 (§ 58.1-400) shall:

- 1. File a federal adjustments report that identifies the distributive share of adjustments reported to such direct partner under subdivision B 2; and*
- 2. Pay any additional amount of tax due as if final federal adjustments had been properly reported, including any penalty and interest due under this title. Such payment may be reduced by any credit for related amounts paid or withheld and remitted on behalf of the direct partner pursuant to subdivision B 3, 4, or 5.*

§ 58.1-399.1. Elective payment by a partnership.

A. Notwithstanding §§ 58.1-390.2 and 58.1-399, an audited partnership may make an elective payment pursuant to the provisions of this section. Such partnership shall:

- 1. No later than 90 days after the final determination date, file a completed federal adjustments report, which shall include any information required by the Department;*
- 2. No later than 90 days after a final determination date, notify the Department that it is making an elective payment; and*
- 3. No later than one year after the final determination date, pay the elective payment amount specified in subsection B. Such amount shall be in lieu of taxes owed by the direct and indirect partners.*

B. The elective payment amount shall be the amount of final federal adjustments, subject to the following modifications:

- 1. The elective payment amount shall exclude the distributive share of final federal adjustments that is reported to a direct exempt partner;*
- 2. For the total distributive shares of the remaining final federal adjustments reported to (i) any direct corporate partner subject to tax under § 58.1-400 and (ii) any direct exempt partner subject to tax under § 58.1-400 on its unrelated business income or other taxable income, such adjustments shall be apportioned or allocated, as applicable, pursuant to the provisions of §§ 58.1-405 through 58.1-423 and, after such apportionment or allocation, shall be multiplied by the tax rate specified in § 58.1-400 and, after such multiplication, shall be included in the elective payment;*
- 3. For the total distributive shares of the remaining final federal adjustments reported to any nonresident direct partner that is subject to tax under Article 2 (§ 58.1-320 et seq.) or 6 (§ 58.1-360 et seq.), such adjustments shall be sourced to Virginia pursuant to applicable laws governing sourcing, and any adjustments sourced to Virginia shall be multiplied by the highest tax rate specified in § 58.1-320 and, after such multiplication, shall be included in the elective payment;*
- 4. For the total distributive shares of the remaining final federal adjustments reported to any tiered partner, the elective payment shall include the amount specified in this subdivision. Subject to the modifications specified in this subdivision, the amount shall (i) include that portion of the adjustments that are of a type that would be sourced to Virginia pursuant to applicable laws governing sourcing, and (ii) include all adjustments that are of a type that would not be subject to sourcing in Virginia pursuant to applicable laws governing sourcing. However, the amount specified in clause (ii) shall exclude any*

amount that can be established, under guidelines issued by the Department, to be properly (a) allocable to a nonresident indirect partner; (b) allocable to a partner that is not subject to tax on such amount, or (c) excludable under procedures for alternative reporting and payment as specified in § 58.1-399.3. The amount specified in clauses (i) and (ii), as reduced by the exclusions specified in clauses (a), (b), and (c), shall be multiplied by the highest tax rate specified in § 58.1-320 or 58.1-360, as applicable, and, after such multiplication, shall be included in the elective payment;

5. For the total distributive shares of the remaining final federal adjustments reported to any resident direct partner that is subject to tax under § 58.1-320 or 58.1-360, such adjustments shall be multiplied by the highest tax rate specified in § 58.1-320 or 58.1-360, as applicable, and, after such multiplication, shall be included in the elective payment; and

6. Any penalty and interest provided for by this title shall be included in the elective payment.

§ 58.1-399.2. Tiered partners.

A. The following categories of partners shall be subject to the reporting and payment requirements specified in § 58.1-399, entitled to make elections as provided in § 58.1-399.1, and entitled to elect an alternative reporting and payment method as provided in § 58.1-399.3:

1. Any direct tiered partner of an audited partnership;
2. Any indirect tiered partner of an audited partnership; and
3. Any partner of a partner specified in subdivision 1 or 2.

B. A partner subject to the provisions of subsection A shall make required reports and payments no later than 90 days after the time for filing and providing statements to tiered partners and their partners pursuant to the provisions of § 6226 of the Internal Revenue Code and any regulations promulgated thereunder. The Department may establish procedures and deadlines for reports and payments required pursuant to this section.

§ 58.1-399.3. Alternative reporting and payment method.

Under procedures adopted by and subject to the approval of the Department, an audited partnership or a tiered partner may enter into an agreement with the Department to use an alternative reporting and payment method. However, the Department shall enter into such agreement only if such audited partnership or tiered partner demonstrates, to the satisfaction of the Department, that the alternative method is reasonably expected to provide for the reporting and payment of taxes, penalties, and interest due under the provisions of this article. Application for approval of an alternative reporting and payment method shall be made by the audited partnership or tiered partner within the applicable time period specified in § 58.1-399.1 or 58.1-399.2.

§ 58.1-399.4. Effect of election.

A. If a partnership or partner makes an election pursuant to § 58.1-399.1 or 58.1-399.3, such election shall not be revocable by such partnership or partner. However, the Department may make a discretionary determination that allows such election to be revoked.

B. If properly reported and paid by the audited partnership or tiered partner, the amount determined pursuant to § 58.1-399.1 or 58.1-399.3 shall be treated as paid in lieu of taxes owed by a direct or indirect partner, to the extent applicable, on the final federal adjustments. A direct partner or indirect partner shall be prohibited from claiming any subtraction, deduction, credit, or refund for such amount. This section shall not prohibit a partner that is a direct partner and a resident partner from (i) claiming a credit against taxes paid to Virginia pursuant to § 58.1-332 or (ii) claiming a credit for any amount paid by the audited partnership or tiered partner on the resident partner's behalf to another jurisdiction in accordance with the provisions of § 58.1-332.

§ 58.1-399.5. Failure to pay.

If an audited partnership or tiered partner fails to timely make any report or payment required by this article, the Department may assess the direct and indirect partners of such partnership or partner for any taxes owed.

§ 58.1-399.6. De minimis exception.

The Department may establish a de minimis tax liability amount. If a partner or partnership has a tax liability less than such amount, the Department may exempt such partner or partnership from the reporting and payment requirements of this article.

§ 58.1-399.7. Administration.

A. For partners and partnerships subject to the provisions of this article, the Department shall assess, collect from, and refund any Virginia income tax, interest, and penalties arising from final federal adjustments as set forth in this article. If any partner or partnership makes an election pursuant to § 58.1-399.1, the Department shall assess and collect in-lieu-of amounts, interest, and penalties arising from final federal adjustments as if the in-lieu-of-amounts are a corporate income tax imposed pursuant to the provisions of Article 10 (§ 58.1-400 et seq.). Penalties and interest imposed on a partner or partnership shall be determined based on the date the partnership return for the reviewed year originally was due. If any partner or partnership subject to § 58.1-399 fails to file its federal adjustments report within the time required, the provisions of § 58.1-394.1 shall be applicable to such report, mutatis mutandis.

B. Notwithstanding the provisions of subsection C of § 58.1-312 and clause (ii) of § 58.1-1823, an assessment shall be issued and an amended return for refund shall be filed by the following dates:

1. If a partner or partnership files with the Department a federal adjustments report or an amended Virginia tax return within the time period specified in § 58.1-399, or § 58.399.1, as applicable, the Department may assess any amounts, including taxes, in-lieu-of-amounts, interest, and penalties arising from those federal adjustments, if the Department issues

a notice of assessment to the partner or partnership no later than the expiration of the one-year period following the date of filing with the Department of the federal adjustments report.

2. If a partner or partnership fails to file the federal adjustments report within the time period specified in § 58.1-399, or § 58.399.1, as applicable, or if the federal adjustments report filed by the partner or partnership omits final federal adjustments or understates the correct amount of tax owed, the Department may assess amounts or additional amounts including taxes, in-lieu-of-amounts, interest, and penalties arising from the final federal adjustments, if the Department issues a notice of assessment to the partner or partnership no later than the expiration of the one-year period following the date of filing with the Department of the federal adjustments report.

3. An amended return for refund arising from federal adjustments made by the Internal Revenue Service shall be filed no later than one year from the date a federal adjustments report, as required by § 58.1-399, or § 58.399.1, as applicable, was due to the Department, including any extensions issued pursuant to the provisions of this section. The partner or partnership may, on the federal adjustments report, report additional tax due, report a claim for refund or credit of a tax, and make any other adjustments resulting from adjustments to the partner's or partnership's federal taxable income, including adjustments to its net operating losses.

4. Unless otherwise agreed to in writing by the partnership or partner and the Department, any adjustments by the Department or by the partner or partnership that are made pursuant to the one-year statute of limitations provided for in this subsection are limited to adjustments to the partner's or partnership's tax liability that arise from federal adjustments.

C. The one-year statute of limitations provided for in subsection B may be extended:

1. Automatically, upon written notice to the Department, by 60 days for an audited partnership or a tiered partner that has 10,000 or more direct partners; or

2. By written agreement between the partnership or partner and the Department pursuant to § 58.1-101.

D. 1. Any extension granted pursuant to subsection C shall extend by an equal time period the last day for the Department to assess any additional amounts arising from the adjustments to federal taxable income and the period for filing a claim for refund or credit of taxes.

2. The one-year statute of limitations provided for in subsection B shall not affect the time within which or the amount for which an assessment may otherwise be made or a refund sought under this title.

§ 58.1-499. Refunds to individual taxpayers; crediting overpayment against estimated tax for ensuing year.

A. In the case of any overpayment of any tax, addition to tax, interest or penalties imposed on an individual income taxpayer by this chapter, whether by reason of excessive withholding, overestimating and overpaying estimated tax, error on the part of the taxpayer, or an erroneous assessment of tax, the Tax Commissioner shall order a refund of the amount of the overpayment to the taxpayer. The overpayment shall be refunded out of the state treasury on the order of the Tax Commissioner upon the Comptroller.

B. If a refund of an overpayment of individual income tax payments is made payable jointly to a husband and wife who receive a final divorce decree after filing a joint income tax return, separate income tax returns on a single form, an amendment thereto, or other claim resulting in the issuance of a refund, the Tax Commissioner shall order the reissuance of the refund in separate checks to the husband and to the wife if the unnegotiated joint refund check is returned to Department with a certification, in a form satisfactory to the Department, made by one spouse that the other spouse refuses to endorse the joint refund check or cannot be located. In making such certification, the spouse returning the check shall agree to indemnify the Commonwealth for any amounts that the Commonwealth may be required to pay to the other spouse with respect to such refund. A certified copy of the final divorce decree, including any agreement with respect to the division of property between the spouses, shall be provided with the certification. If the final divorce decree addresses the apportionment or ownership of the refunded amount, the refund shall be apportioned and separate payments ordered as provided therein. If the final divorce decree does not address the apportionment or ownership of the refunded amount, the amount of the refund shall be divided equally between the husband and wife. The reissuance of refund payments pursuant to this subsection shall not affect the joint and several liability of the husband and wife for tax liabilities for the period for which the return or returns were filed.

C. Whenever the annual income tax return of an individual income taxpayer indicates in the place provided thereon that the taxpayer has overpaid his tax for the taxable year by reason of excessive withholding or overestimating and overpaying estimated tax, or both, the amount of the overpayment as shown on his return, subject to correction for error, may be credited against the estimated income tax for the ensuing year at the taxpayer's election and according to regulations prescribed by the Department and such overpayments by either a husband or wife on a separate return may be credited to the tax for the ensuing year of either of them or may be credited to their joint tax at the election of the person to whom the overpayment is payable; or otherwise such amount shall be refunded to him as soon as practicable. Interest on such refund shall be allowed and computed in accordance with § 58.1-1833. The making of any refund shall not absolve any taxpayer of any income tax liability which may in fact exist and the Tax Commissioner may make an assessment for any deficiency in the manner provided by law.

D. No refund under this section, however, shall be made for any overpayment of less than one dollar except on special written application of the taxpayer, nor shall any refund of any amount under this section be made, whether on discovery by the Department or on written application of the taxpayer, if such discovery is not made or such written application is not received within three years from the last day prescribed by law for the timely filing of the return, or within ~~sixty days~~ *sixty days* one

year from the final determination ~~of date~~, as defined in § 58.1-311.2, for any change or correction in the liability of the taxpayer for any federal tax upon which the state tax is based, whichever is later.

E. Notwithstanding the provisions of the Setoff Debt Collection Act, Article 21 (§ 58.1-520 et seq.) of this chapter, whenever any taxpayer is entitled to a refund under this section, or under § 58.1-309 or §§ 58.1-1821 through 58.1-1830 and such taxpayer owes the Commonwealth a past due income tax, or balance thereof, for any year, the amount of such refund may be credited on such past due income tax or balance, to the extent indicated.

§ 58.1-1823. Reassessment and refund upon the filing of amended return or the payment of an assessment.

Any person filing a tax return or paying an assessment required for any tax administered by the Department may file an amended return with the Department within the later of (i) three years from the last day prescribed by law for the timely filing of the return; (ii) one year from the final determination ~~of date~~, as defined in § 58.1-311.2, for any change or correction in the liability of the taxpayer for any federal tax upon which the state tax is based, provided that the refund does not exceed the amount of the decrease in Virginia tax attributable to such federal change or correction; (iii) two years from the filing of an amended Virginia return resulting in the payment of additional tax, provided that the amended return raises issues relating solely to such prior amended return and that the refund does not exceed the amount of the payment with such prior amended return; (iv) two years from the payment of an assessment, provided that the amended return raises issues relating solely to such assessment and that the refund does not exceed the amount of such payment; or (v) one year from the final determination of any change or correction in the income tax of the taxpayer for any other state, provided that the refund does not exceed the amount of the decrease in Virginia tax attributable to such change or correction. If the Department is satisfied, by evidence submitted to it or otherwise, that the tax assessed and paid upon the original return exceeds the proper amount, the Department may reassess the taxpayer and order that any amount excessively paid be refunded to him. The Department may reduce such refund by the amount of any taxes, penalties and interest which are due for the period covered by the amended return, or any past-due taxes, penalties and interest which have been assessed within the appropriate period of limitations. Any order of the Department denying such reassessment and refund, or the failure of the Department to act thereon within three months shall, as to matters first raised by the amended return, be deemed an assessment for the purpose of enabling the taxpayer to pursue the remedies allowed under this chapter.

2. That the Department of Taxation shall develop guidelines implementing the provisions of this act. Such guidelines shall be exempt from the provisions of the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia).

3. That the provisions of this act amending §§ 58.1-311, 58.1-499, and 58.1-1823 of the Code of Virginia shall be effective for all changes or corrections by the Internal Revenue Service or other competent authority, or as the result of a renegotiation of a contract or subcontract with the United States with a final determination date on or after July 1, 2020. For the purpose of this enactment clause, "final determination date" means the same as that term is defined in § 58.1-311.2 of the Code of Virginia, as created by this act.

CHAPTER 1031

An Act to amend and reenact § 46.2-924 of the Code of Virginia, relating to yielding the right-of-way to pedestrians; stopping.

[H 1705]

Approved April 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-924 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-924. Drivers to stop for pedestrians; installation of certain signs; penalty.

A. The driver of any vehicle on a highway shall yield the right-of-way to any pedestrian crossing such highway *by stopping and remaining stopped until such pedestrian has passed the lane in which the vehicle is stopped:*

1. At any clearly marked crosswalk, whether at ~~mid-block~~ *midblock* or at the end of any block;
2. At any regular pedestrian crossing included in the prolongation of the lateral boundary lines of the adjacent sidewalk at the end of a block; *or*
3. At any intersection when the driver is approaching on a highway ~~or street~~ where the ~~legal maximum~~ speed ~~does not exceed~~ *limit is not more than 35 miles per hour.*

B. *When a vehicle is stopped pursuant to subsection A, the driver of any other vehicle approaching from an adjacent lane or from behind the stopped vehicle shall not overtake and pass such stopped vehicle.*

C. Notwithstanding the provisions of subsection A, at intersections or crosswalks where the movement of traffic is being regulated by law-enforcement officers or traffic control devices, the driver shall yield according to the direction of the law-enforcement officer or device.

No pedestrian shall enter or cross an intersection in disregard of approaching traffic.

The drivers of vehicles entering, crossing, or turning at intersections shall change their course, slow down, or stop if necessary to permit pedestrians to cross such intersections safely and expeditiously.

Pedestrians crossing highways at intersections shall at all times have the right-of-way over vehicles making turns into the highways being crossed by the pedestrians.

~~€~~ D. The governing body of Arlington County, Fairfax County, Loudoun County and any town therein, the City of Alexandria, the City of Fairfax, the City of Falls Church, and the Town of Ashland may by ordinance provide for the installation and maintenance of highway signs at marked crosswalks specifically requiring operators of motor vehicles, at the locations where such signs are installed, to yield the right-of-way to pedestrians crossing or attempting to cross the highway. Any operator of a motor vehicle who fails at such locations to yield the right-of-way to pedestrians as required by such signs shall be guilty of a traffic infraction punishable by a fine of no less than \$100 or more than \$500. The Department of Transportation shall develop criteria for the design, location, and installation of such signs. The provisions of this section shall not apply to any limited access highway.

~~Đ~~ E. Where a shared-use path crosses a highway at a clearly marked crosswalk and there are no traffic control signals at such crossing, the local governing body may by ordinance require pedestrians, cyclists, and any other users of such shared-use path to come to a complete stop prior to entering such crosswalk. Such local ordinance may provide for a fine not to exceed \$100 for violations. Any locality adopting such an ordinance shall install and maintain stop signs, consistent with standards adopted by the Commonwealth Transportation Board and to the extent necessary in coordination with the Department of Transportation. At such crosswalks, no user of such shared-use path shall enter the crosswalk in disregard of approaching traffic.

~~Ɔ~~ F. A locality adopting an ordinance under subsection ~~Đ~~ E shall coordinate the enforcement and placement of any stop signs affecting a shared-use path owned and operated by a park authority formed under Chapter 57 (§ 15.2-5700 et seq.) of Title 15.2 with such authority.

CHAPTER 1032

An Act to amend and reenact § 58.1-439.12:04 of the Code of Virginia, relating to tax credit for participating landlords.

[S 200]

Approved April 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-439.12:04 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-439.12:04. Tax credit for participating landlords.

A. As used in this section, unless the context clearly shows otherwise, the term or phrase:

"Dwelling unit" means an individual housing unit in an apartment building, an individual housing unit in multifamily residential housing, a single-family residence, or any similar individual housing unit.

"Eligible census tract" means a census tract in Virginia in which less than 10 percent of the residents live below the poverty level, as defined by the United States government and determined by the most recent United States census.

"Eligible housing area" means ~~a~~ an eligible census tract in (i) the Richmond Metropolitan Statistical Area, (ii) the Washington-Arlington-Alexandria Metropolitan Statistical Area, or (iii) the Virginia Beach-Norfolk-Newport News Metropolitan Statistical Area in which less than 10 percent of the residents live below the poverty level, as defined by the United States government and determined by the most recent United States census.

"Housing authority" means a housing authority created under Article 1 (§ 36-1 et seq.) of Chapter 1 of Title 36 or other government agency that is authorized by the United States government under the United States Housing Act of 1937 (42 U.S.C. § 1437 et seq.) to administer a housing choice voucher program, or the authorized agent of such a housing authority that is authorized to act upon that authority's behalf. The term shall also include the Virginia Housing Development Authority.

"Housing choice voucher" means tenant-based assistance by a housing authority pursuant to 42 U.S.C. § 1437f et seq.

"Participating landlord" means any person engaged in the business of the rental of dwelling units who is (i) subject to the Virginia Residential Landlord and Tenant Act (§ 55.1-1200 et seq.) and (ii) performing obligations under a contract with a housing authority relating to the rental of qualified housing units.

"Qualified housing unit" means a dwelling unit that is located in an eligible housing area for which a portion of the rent is paid by a housing authority, which payment is pursuant to a housing choice voucher program.

B. For taxable years beginning on or after January 1, 2010, *but before January 1, 2025*, a participating landlord renting a qualified housing unit shall be eligible for a credit against the tax levied pursuant to § 58.1-320 or 58.1-400 in an amount equal to 10 percent of the fair market value of the rent for the unit, computed for that portion of the taxable year in which the unit was rented by such landlord to a tenant participating in a housing choice voucher program. The Department of Housing and Community Development shall administer and issue the tax credit under this section. If (i) the same parcel of real property contains four or more dwelling units and (ii) the total number of qualified housing units on the parcel in the relevant taxable year exceeds 25 percent of the total dwelling units on the parcel, then the tax credit under this section shall apply only to a limited number of qualified housing units with regard to such parcel of real property, with the limited number being equal to 25 percent of the total dwelling units on such parcel of real property in the taxable year.

C. The Department of Housing and Community Development shall issue tax credits under this section on a fiscal year basis. The maximum amount of tax credits that may be issued under this section in each fiscal year shall be \$250,000.

D. Participating landlords shall apply to the Department of Housing and Community Development for tax credits under this section. The Department of Housing and Community Development shall determine the credit amount allowable

to the participating landlord for the taxable year and shall also determine the fair market value of the rent for the qualified housing unit based on the fair market rent approved by the United States Department of Housing and Urban Development as the basis for the tenant-based assistance provided through the housing choice voucher program for the qualified housing unit. In issuing tax credits under this section, the Department of Housing and Community Development shall provide a written certification to the participating landlord, which certification shall report the amount of the tax credit approved by the Department. The participating landlord shall attach the certification to the applicable income tax return.

E. The Board of Housing and Community Development shall establish and issue guidelines for purposes of implementing the provisions of this section. The guidelines shall provide for the allocation of tax credits among participating landlords requesting credits. The guidelines shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq.).

F. In no case shall the amount of credit taken by a participating landlord for any taxable year exceed the total amount of tax imposed by this chapter for the taxable year. If the amount of credit issued by the Department of Housing and Community Development for a taxable year exceeds the landlord's tax liability imposed by this chapter for such taxable year, then the amount that exceeds the tax liability may be carried over for credit against the income taxes of the participating landlord in the next five taxable years or until the total amount of the tax credit issued has been taken, whichever is sooner. Credits granted to a partnership, limited liability company, or electing small business corporation (S corporation) shall be allocated to the individual partners, members, or shareholders, respectively, in proportion to their ownership or interest in such business entities.

G. In the event that the amount of the qualified requests for tax credits for participating landlords in the fiscal year exceeds \$250,000, the Department of Housing and Community Development shall pro rate the tax credits among the qualified applicants.

CHAPTER 1033

An Act to amend and reenact §§ 58.1-322.03 and 58.1-402 of the Code of Virginia, relating to income tax deduction for commuter benefits provided by an employer.

[S 277]

Approved April 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 58.1-322.03 and 58.1-402 of the Code of Virginia are amended and reenacted as follows:

§ 58.1-322.03. Virginia taxable income; deductions.

In computing Virginia taxable income pursuant to § 58.1-322, there shall be deducted from Virginia adjusted gross income as defined in § 58.1-321:

1. a. The amount allowable for itemized deductions for federal income tax purposes where the taxpayer has elected for the taxable year to itemize deductions on his federal return, but reduced by the amount of income taxes imposed by the Commonwealth or any other taxing jurisdiction and deducted on such federal return and increased by an amount that, when added to the amount deducted under § 170 of the Internal Revenue Code for mileage, results in a mileage deduction at the state level for such purposes at a rate of 18 cents per mile; or

b. Provided that the taxpayer has not itemized deductions for the taxable year on his federal income tax return: (i) for taxable years beginning before January 1, 2019, and on and after January 1, 2026, \$3,000 for single individuals and \$6,000 for married persons (one-half of such amounts in the case of a married individual filing a separate return) and (ii) for taxable years beginning on and after January 1, 2019, but before January 1, 2026, \$4,500 for single individuals and \$9,000 for married persons (one-half of such amounts in the case of a married individual filing a separate return). For purposes of this section, any person who may be claimed as a dependent on another taxpayer's return for the taxable year may compute the deduction only with respect to earned income.

2. a. A deduction in the amount of \$930 for each personal exemption allowable to the taxpayer for federal income tax purposes.

b. Each blind or aged taxpayer as defined under § 63(f) of the Internal Revenue Code shall be entitled to an additional personal exemption in the amount of \$800.

The additional deduction for blind or aged taxpayers allowed under this subdivision shall be allowable regardless of whether the taxpayer itemizes deductions for the taxable year for federal income tax purposes.

3. A deduction equal to the amount of employment-related expenses upon which the federal credit is based under § 21 of the Internal Revenue Code for expenses for household and dependent care services necessary for gainful employment.

4. An additional \$1,000 deduction for each child residing for the entire taxable year in a home under permanent foster care placement as defined in § 63.2-908, provided that the taxpayer can also claim the child as a personal exemption under § 151 of the Internal Revenue Code.

5. a. A deduction in the amount of \$12,000 for individuals born on or before January 1, 1939.

b. A deduction in the amount of \$12,000 for individuals born after January 1, 1939, who have attained the age of 65. This deduction shall be reduced by \$1 for every \$1 that the taxpayer's adjusted federal adjusted gross income exceeds \$50,000 for single taxpayers or \$75,000 for married taxpayers. For married taxpayers filing separately, the deduction shall

be reduced by \$1 for every \$1 that the total combined adjusted federal adjusted gross income of both spouses exceeds \$75,000.

For the purposes of this subdivision, "adjusted federal adjusted gross income" means federal adjusted gross income minus any benefits received under Title II of the Social Security Act and other benefits subject to federal income taxation solely pursuant to § 86 of the Internal Revenue Code, as amended.

6. The amount an individual pays as a fee for an initial screening to become a possible bone marrow donor, if (i) the individual is not reimbursed for such fee or (ii) the individual has not claimed a deduction for the payment of such fee on his federal income tax return.

7. a. A deduction shall be allowed to the purchaser or contributor for the amount paid or contributed during the taxable year for a prepaid tuition contract or college savings trust account entered into with the Virginia College Savings Plan, pursuant to Chapter 7 (§ 23.1-700 et seq.) of Title 23.1. Except as provided in subdivision b, the amount deducted on any individual income tax return in any taxable year shall be limited to \$4,000 per prepaid tuition contract or college savings trust account. No deduction shall be allowed pursuant to this subdivision 7 if such payments or contributions are deducted on the purchaser's or contributor's federal income tax return. If the purchase price or annual contribution to a college savings trust account exceeds \$4,000, the remainder may be carried forward and subtracted in future taxable years until the purchase price or college savings trust contribution has been fully deducted; however, except as provided in subdivision b, in no event shall the amount deducted in any taxable year exceed \$4,000 per contract or college savings trust account. Notwithstanding the statute of limitations on assessments contained in § 58.1-312, any deduction taken hereunder shall be subject to recapture in the taxable year or years in which distributions or refunds are made for any reason other than (i) to pay qualified higher education expenses, as defined in § 529 of the Internal Revenue Code or (ii) the beneficiary's death, disability, or receipt of a scholarship. For the purposes of this subdivision, "purchaser" or "contributor" means the person shown as such on the records of the Virginia College Savings Plan as of December 31 of the taxable year. In the case of a transfer of ownership of a prepaid tuition contract or college savings trust account, the transferee shall succeed to the transferor's tax attributes associated with a prepaid tuition contract or college savings trust account, including, but not limited to, carryover and recapture of deductions.

b. A purchaser of a prepaid tuition contract or contributor to a college savings trust account who has attained age 70 shall not be subject to the limitation that the amount of the deduction not exceed \$4,000 per prepaid tuition contract or college savings trust account in any taxable year. Such taxpayer shall be allowed a deduction for the full amount paid for the contract or contributed to a college savings trust account, less any amounts previously deducted.

8. The total amount an individual actually contributed in funds to the Virginia Public School Construction Grants Program and Fund, established in Chapter 11.1 (§ 22.1-175.1 et seq.) of Title 22.1, provided that the individual has not claimed a deduction for such amount on his federal income tax return.

9. An amount equal to 20 percent of the tuition costs incurred by an individual employed as a primary or secondary school teacher licensed pursuant to Chapter 15 (§ 22.1-289.1 et seq.) of Title 22.1 to attend continuing teacher education courses that are required as a condition of employment; however, the deduction provided by this subdivision shall be available only if (i) the individual is not reimbursed for such tuition costs and (ii) the individual has not claimed a deduction for the payment of such tuition costs on his federal income tax return.

10. The amount an individual pays annually in premiums for long-term health care insurance, provided that the individual has not claimed a deduction for federal income tax purposes, or, for taxable years beginning before January 1, 2014, a credit under § 58.1-339.11. For taxable years beginning on and after January 1, 2014, no such deduction for long-term health care insurance premiums paid by the individual during the taxable year shall be allowed if the individual has claimed a federal income tax deduction for such taxable year for long-term health care insurance premiums paid by him.

11. Contract payments to a producer of quota tobacco or a tobacco quota holder, or their spouses, as provided under the American Jobs Creation Act of 2004 (P.L. 108-357), but only to the extent that such payments have not been subtracted pursuant to subsection D of § 58.1-402, as follows:

a. If the payment is received in installment payments, then the recognized gain may be subtracted in the taxable year immediately following the year in which the installment payment is received.

b. If the payment is received in a single payment, then 10 percent of the recognized gain may be subtracted in the taxable year immediately following the year in which the single payment is received. The taxpayer may then deduct an equal amount in each of the nine succeeding taxable years.

12. An amount equal to 20 percent of the sum paid by an individual pursuant to Chapter 6 (§ 58.1-600 et seq.), not to exceed \$500 in each taxable year, in purchasing for his own use the following items of tangible personal property: (i) any clothes washers, room air conditioners, dishwashers, and standard size refrigerators that meet or exceed the applicable energy star efficiency requirements developed by the U.S. Environmental Protection Agency and the U.S. Department of Energy; (ii) any fuel cell that (a) generates electricity using an electrochemical process, (b) has an electricity-only generation efficiency greater than 35 percent, and (c) has a generating capacity of at least two kilowatts; (iii) any gas heat pump that has a coefficient of performance of at least 1.25 for heating and at least 0.70 for cooling; (iv) any electric heat pump hot water heater that yields an energy factor of at least 1.7; (v) any electric heat pump that has a heating system performance factor of at least 8.0 and a cooling seasonal energy efficiency ratio of at least 13.0; (vi) any central air conditioner that has a cooling seasonal energy efficiency ratio of at least 13.5; (vii) any advanced gas or oil water heater that

has an energy factor of at least 0.65; (viii) any advanced oil-fired boiler with a minimum annual fuel-utilization rating of 85; (ix) any advanced oil-fired furnace with a minimum annual fuel-utilization rating of 85; and (x) programmable thermostats.

13. The lesser of \$5,000 or the amount actually paid by a living donor of an organ or other living tissue for unreimbursed out-of-pocket expenses directly related to the donation that arose within 12 months of such donation, provided that the donor has not taken a medical deduction in accordance with the provisions of § 213 of the Internal Revenue Code for such expenses. The deduction may be taken in the taxable year in which the donation is made or the taxable year in which the 12-month period expires.

14. For taxable years beginning on and after January 1, 2013, the amount an individual age 66 or older with earned income of at least \$20,000 for the year and federal adjusted gross income not in excess of \$30,000 for the year pays annually in premiums for (i) a prepaid funeral insurance policy covering the individual or (ii) medical or dental insurance for any person for whom individual tax filers may claim a deduction for such premiums under federal income tax laws. As used in this subdivision, "earned income" means the same as that term is defined in § 32(c) of the Internal Revenue Code. The deduction shall not be allowed for any portion of such premiums paid for which the individual has (a) been reimbursed, (b) claimed a deduction for federal income tax purposes, (c) claimed a deduction or subtraction under another provision of this section, or (d) claimed a federal income tax credit or any income tax credit pursuant to this chapter.

15. For taxable years beginning on and after January 1, 2018, 20 percent of business interest disallowed as a deduction pursuant to § 163(j) of the Internal Revenue Code. For purposes of this subdivision, "business interest" means the same as that term is defined under § 163(j) of the Internal Revenue Code.

16. For taxable years beginning on and after January 1, 2019, the actual amount of real and personal property taxes imposed by the Commonwealth or any other taxing jurisdiction not otherwise deducted solely on account of the dollar limitation imposed on individual deductions by § 164(b)(6)(B) of the Internal Revenue Code.

17. *For taxable years beginning on and after January 1, 2021, but before January 1, 2026, the amount of commuter benefits provided by an employer, as defined in § 58.1-460, to an employee, as defined in § 58.1-460. The deduction provided pursuant to this subdivision shall be claimed by the employer and not the employee and shall be limited to \$265 per employee. For purposes of this subdivision, "commuter benefits" means expenses paid for public transportation, as defined in § 33.2-100, and ridesharing arrangements, as defined in § 46.2-1400, for the purposes of commuting to and from the employer.*

§ 58.1-402. Virginia taxable income.

A. For purposes of this article, Virginia taxable income for a taxable year means the federal taxable income and any other income taxable to the corporation under federal law for such year of a corporation adjusted as provided in subsections B, C, D, E, and G.

For a regulated investment company and a real estate investment trust, such term means the "investment company taxable income" and "real estate investment trust taxable income," respectively, to which shall be added in each case any amount of capital gains and any other income taxable to the corporation under federal law which shall be further adjusted as provided in subsections B, C, D, E, and G.

B. There shall be added to the extent excluded from federal taxable income:

1. Interest, less related expenses to the extent not deducted in determining federal taxable income, on obligations of any state other than Virginia, or of a political subdivision of any such other state unless created by compact or agreement to which the Commonwealth is a party;

2. Interest or dividends, less related expenses to the extent not deducted in determining federal taxable income, on obligations or securities of any authority, commission or instrumentality of the United States, which the laws of the United States exempt from federal income tax but not from state income taxes;

3. [Repealed.]

4. The amount of any net income taxes and other taxes, including franchise and excise taxes, which are based on, measured by, or computed with reference to net income, imposed by the Commonwealth or any other taxing jurisdiction, to the extent deducted in determining federal taxable income;

5. Unrelated business taxable income as defined by § 512 of the Internal Revenue Code;

6. [Repealed.]

7. The amount required to be included in income for the purpose of computing the partial tax on an accumulation distribution pursuant to § 667 of the Internal Revenue Code;

8. a. For taxable years beginning on and after January 1, 2004, the amount of any intangible expenses and costs directly or indirectly paid, accrued, or incurred to, or in connection directly or indirectly with one or more direct or indirect transactions with one or more related members to the extent such expenses and costs were deductible or deducted in computing federal taxable income for Virginia purposes. This addition shall not be required for any portion of the intangible expenses and costs if one of the following applies:

(1) The corresponding item of income received by the related member is subject to a tax based on or measured by net income or capital imposed by Virginia, another state, or a foreign government that has entered into a comprehensive tax treaty with the United States government;

(2) The related member derives at least one-third of its gross revenues from the licensing of intangible property to parties who are not related members, and the transaction giving rise to the expenses and costs between the corporation and

the related member was made at rates and terms comparable to the rates and terms of agreements that the related member has entered into with parties who are not related members for the licensing of intangible property; or

(3) The corporation can establish to the satisfaction of the Tax Commissioner that the intangible expenses and costs meet both of the following: (i) the related member during the same taxable year directly or indirectly paid, accrued or incurred such portion to a person who is not a related member, and (ii) the transaction giving rise to the intangible expenses and costs between the corporation and the related member did not have as a principal purpose the avoidance of any portion of the tax due under this chapter.

b. A corporation required to add to its federal taxable income intangible expenses and costs pursuant to subdivision a may petition the Tax Commissioner, after filing the related income tax return for the taxable year and remitting to the Tax Commissioner all taxes, penalties, and interest due under this article for such taxable year including tax upon any amount of intangible expenses and costs required to be added to federal taxable income pursuant to subdivision a, to consider evidence relating to the transaction or transactions between the corporation and a related member or members that resulted in the corporation's taxable income being increased, as required under subdivision a, for such intangible expenses and costs.

If the corporation can demonstrate to the Tax Commissioner's sole satisfaction, by clear and convincing evidence, that the transaction or transactions between the corporation and a related member or members resulting in such increase in taxable income pursuant to subdivision a had a valid business purpose other than the avoidance or reduction of the tax due under this chapter, the Tax Commissioner shall permit the corporation to file an amended return. For purposes of such amended return, the requirements of subdivision a shall not apply to any transaction for which the Tax Commissioner is satisfied (and has identified) that the transaction had a valid business purpose other than the avoidance or reduction of the tax due under this chapter. Such amended return shall be filed by the corporation within one year of the written permission granted by the Tax Commissioner and any refund of the tax imposed under this article shall include interest at a rate equal to the rate of interest established under § 58.1-15 and such interest shall accrue as provided under § 58.1-1833. However, upon the filing of such amended return, any related member of the corporation that subtracted from taxable income amounts received pursuant to subdivision C 21 shall be subject to the tax imposed under this article on that portion of such amounts for which the corporation has filed an amended return pursuant to this subdivision. In addition, for such transactions identified by the Tax Commissioner herein by which he has been satisfied by clear and convincing evidence, the Tax Commissioner may permit the corporation in filing income tax returns for subsequent taxable years to deduct the related intangible expenses and costs without making the adjustment under subdivision a.

The Tax Commissioner may charge a fee for all direct and indirect costs relating to the review of any petition pursuant to this subdivision, to include costs necessary to secure outside experts in evaluating the petition. The Tax Commissioner may condition the review of any petition pursuant to this subdivision upon payment of such fee.

No suit for the purpose of contesting any action of the Tax Commissioner under this subdivision shall be maintained in any court of this Commonwealth.

c. Nothing in subdivision B 8 shall be construed to limit or negate the Department's authority under § 58.1-446;

9. a. For taxable years beginning on and after January 1, 2004, the amount of any interest expenses and costs directly or indirectly paid, accrued, or incurred to, or in connection directly or indirectly with one or more direct or indirect transactions with one or more related members to the extent such expenses and costs were deductible or deducted in computing federal taxable income for Virginia purposes. This addition shall not be required for any portion of the interest expenses and costs, if:

(1) The related member has substantial business operations relating to interest-generating activities, in which the related member pays expenses for at least five full-time employees who maintain, manage, defend or are otherwise responsible for operations or administration relating to the interest-generating activities; and

(2) The interest expenses and costs are not directly or indirectly for, related to or in connection with the direct or indirect acquisition, maintenance, management, sale, exchange, or disposition of intangible property; and

(3) The transaction giving rise to the expenses and costs between the corporation and the related member has a valid business purpose other than the avoidance or reduction of taxation and payments between the parties are made at arm's length rates and terms; and

(4) One of the following applies:

(i) The corresponding item of income received by the related member is subject to a tax based on or measured by net income or capital imposed by Virginia, another state, or a foreign government that has entered into a comprehensive tax treaty with the United States government;

(ii) Payments arise pursuant to a pre-existing contract entered into when the parties were not related members provided the payments continue to be made at arm's length rates and terms;

(iii) The related member engages in transactions with parties other than related members that generate revenue in excess of \$2 million annually; or

(iv) The transaction giving rise to the interest payments between the corporation and a related member was done at arm's length rates and terms and meets any of the following: (a) the related member uses funds that are borrowed from a party other than a related member or that are paid, incurred or passed-through to a person who is not a related member; (b) the debt is part of a regular and systematic funds management or portfolio investment activity conducted by the related member, whereby the funds of two or more related members are aggregated for the purpose of achieving economies of scale, the internal financing of the active business operations of members, or the benefit of centralized management of

funds; (c) financing the expansion of the business operations; or (d) restructuring the debt of related members, or the pass-through of acquisition-related indebtedness to related members.

b. A corporation required to add to its federal taxable income interest expenses and costs pursuant to subdivision a may petition the Tax Commissioner, after filing the related income tax return for the taxable year and remitting to the Tax Commissioner all taxes, penalties, and interest due under this article for such taxable year including tax upon any amount of interest expenses and costs required to be added to federal taxable income pursuant to subdivision a, to consider evidence relating to the transaction or transactions between the corporation and a related member or members that resulted in the corporation's taxable income being increased, as required under subdivision a, for such interest expenses and costs.

If the corporation can demonstrate to the Tax Commissioner's sole satisfaction, by clear and convincing evidence, that the transaction or transactions between the corporation and a related member or members resulting in such increase in taxable income pursuant to subdivision a had a valid business purpose other than the avoidance or reduction of the tax due under this chapter and that the related payments between the parties were made at arm's length rates and terms, the Tax Commissioner shall permit the corporation to file an amended return. For purposes of such amended return, the requirements of subdivision a shall not apply to any transaction for which the Tax Commissioner is satisfied (and has identified) that the transaction had a valid business purpose other than the avoidance or reduction of the tax due under this chapter and that the related payments between the parties were made at arm's length rates and terms. Such amended return shall be filed by the corporation within one year of the written permission granted by the Tax Commissioner and any refund of the tax imposed under this article shall include interest at a rate equal to the rate of interest established under § 58.1-15 and such interest shall accrue as provided under § 58.1-1833. However, upon the filing of such amended return, any related member of the corporation that subtracted from taxable income amounts received pursuant to subdivision C 21 shall be subject to the tax imposed under this article on that portion of such amounts for which the corporation has filed an amended return pursuant to this subdivision. In addition, for such transactions identified by the Tax Commissioner herein by which he has been satisfied by clear and convincing evidence, the Tax Commissioner may permit the corporation in filing income tax returns for subsequent taxable years to deduct the related interest expenses and costs without making the adjustment under subdivision a.

The Tax Commissioner may charge a fee for all direct and indirect costs relating to the review of any petition pursuant to this subdivision, to include costs necessary to secure outside experts in evaluating the petition. The Tax Commissioner may condition the review of any petition pursuant to this subdivision upon payment of such fee.

No suit for the purpose of contesting any action of the Tax Commissioner under this subdivision shall be maintained in any court of this Commonwealth.

c. Nothing in subdivision B 9 shall be construed to limit or negate the Department's authority under § 58.1-446.

d. For purposes of subdivision B 9:

"Arm's-length rates and terms" means that (i) two or more related members enter into a written agreement for the transaction, (ii) such agreement is of a duration and contains payment terms substantially similar to those that the related member would be able to obtain from an unrelated entity, (iii) the interest is at or below the applicable federal rate compounded annually for debt instruments under § 1274(d) of the Internal Revenue Code that was in effect at the time of the agreement, and (iv) the borrower or payor adheres to the payment terms of the agreement governing the transaction or any amendments thereto.

"Valid business purpose" means one or more business purposes that alone or in combination constitute the motivation for some business activity or transaction, which activity or transaction improves, apart from tax effects, the economic position of the taxpayer, as further defined by regulation.

10. a. For taxable years beginning on and after January 1, 2009, the amount of dividends deductible under §§ 561 and 857 of the Internal Revenue Code by a Captive Real Estate Investment Trust (REIT). For purposes of this subdivision, a REIT is a Captive REIT if:

(1) It is not regularly traded on an established securities market;

(2) More than 50 percent of the voting power or value of beneficial interests or shares of which, at any time during the last half of the taxable year, is owned or controlled, directly or indirectly, by a single entity that is (i) a corporation or an association taxable as a corporation under the Internal Revenue Code; and (ii) not exempt from federal income tax pursuant to § 501(a) of the Internal Revenue Code; and

(3) More than 25 percent of its income consists of rents from real property as defined in § 856(d) of the Internal Revenue Code.

b. For purposes of applying the ownership test of subdivision 10 a (2), the following entities shall not be considered a corporation or an association taxable as a corporation:

(1) Any REIT that is not treated as a Captive REIT;

(2) Any REIT subsidiary under § 856 of the Internal Revenue Code other than a qualified REIT subsidiary of a Captive REIT;

(3) Any Listed Australian Property Trust, or an entity organized as a trust, provided that a Listed Australian Property Trust owns or controls, directly or indirectly, 75 percent or more of the voting or value of the beneficial interests or shares of such trust; and

(4) Any Qualified Foreign Entity.

c. For purposes of subdivision B 10, the constructive ownership rules prescribed under § 318(a) of the Internal Revenue Code, as modified by § 856(d)(5) of the Internal Revenue Code, shall apply in determining the ownership of stock, assets, or net profits of any person.

d. For purposes of subdivision B 10:

"Listed Australian Property Trust" means an Australian unit trust registered as a Management Investment Scheme, pursuant to the Australian Corporations Act, in which the principal class of units is listed on a recognized stock exchange in Australia and is regularly traded on an established securities market.

"Qualified Foreign Entity" means a corporation, trust, association or partnership organized outside the laws of the United States and that satisfies all of the following criteria:

(1) At least 75 percent of the entity's total asset value at the close of its taxable year is represented by real estate assets, as defined in § 856(c)(5)(B) of the Internal Revenue Code, thereby including shares or certificates of beneficial interest in any REIT, cash and cash equivalents, and U.S. Government securities;

(2) The entity is not subject to a tax on amounts distributed to its beneficial owners, or is exempt from entity level tax;

(3) The entity distributes, on an annual basis, at least 85 percent of its taxable income, as computed in the jurisdiction in which it is organized, to the holders of its shares or certificates of beneficial interest;

(4) The shares or certificates of beneficial interest of such entity are regularly traded on an established securities market or, if not so traded, not more than 10 percent of the voting power or value in such entity is held directly, indirectly, or constructively by a single entity or individual; and

(5) The entity is organized in a country that has a tax treaty with the United States.

e. For taxable years beginning on or after January 1, 2016, for purposes of subdivision B 10, any voting power or value of the beneficial interests or shares in a REIT that is held in a segregated asset account of a life insurance corporation as described in § 817 of the Internal Revenue Code shall not be taken into consideration when determining if such REIT is a Captive REIT.

11. For taxable years beginning on or after January 1, 2016, to the extent that tax credit is allowed for the same donation pursuant to § 58.1-439.12:12, any amount claimed as a federal income tax deduction for such donation under § 170 of the Internal Revenue Code, as amended or renumbered.

C. There shall be subtracted to the extent included in and not otherwise subtracted from federal taxable income:

1. Income derived from obligations, or on the sale or exchange of obligations, of the United States and on obligations or securities of any authority, commission or instrumentality of the United States to the extent exempt from state income taxes under the laws of the United States including, but not limited to, stocks, bonds, treasury bills, and treasury notes, but not including interest on refunds of federal taxes, interest on equipment purchase contracts, or interest on other normal business transactions.

2. Income derived from obligations, or on the sale or exchange of obligations of this Commonwealth or of any political subdivision or instrumentality of this Commonwealth.

3. Dividends upon stock in any domestic international sales corporation, as defined by § 992 of the Internal Revenue Code, 50 percent or more of the income of which was assessable for the preceding year, or the last year in which such corporation has income, under the provisions of the income tax laws of the Commonwealth.

4. The amount of any refund or credit for overpayment of income taxes imposed by this Commonwealth or any other taxing jurisdiction.

5. Any amount included therein by the operation of the provisions of § 78 of the Internal Revenue Code (foreign dividend gross-up).

6. The amount of wages or salaries eligible for the federal Targeted Jobs Credit which was not deducted for federal purposes on account of the provisions of § 280C(a) of the Internal Revenue Code.

7. Any amount included therein by the operation of § 951 of the Internal Revenue Code (subpart F income) or, for taxable years beginning on and after January 1, 2018, § 951A of the Internal Revenue Code (Global Intangible Low-Taxed Income).

8. Any amount included therein which is foreign source income as defined in § 58.1-302.

9. [Repealed.]

10. The amount of any dividends received from corporations in which the taxpaying corporation owns 50 percent or more of the voting stock.

11. [Repealed.]

12, 13. [Expired.]

14. For taxable years beginning on or after January 1, 1995, the amount for "qualified research expenses" or "basic research expenses" eligible for deduction for federal purposes, but which were not deducted, on account of the provisions of § 280C(c) of the Internal Revenue Code.

15. For taxable years beginning on or after January 1, 2000, the total amount actually contributed in funds to the Virginia Public School Construction Grants Program and Fund established in Chapter 11.1 (§ 22.1-175.1 et seq.) of Title 22.1.

16. For taxable years beginning on or after January 1, 2000, but before January 1, 2015, the gain derived from the sale or exchange of real property or the sale or exchange of an easement to real property which results in the real property or the easement thereto being devoted to open-space use, as that term is defined in § 58.1-3230, for a period of time not less than

30 years. To the extent a subtraction is taken in accordance with this subdivision, no tax credit under this chapter for donating land for its preservation shall be allowed for three years following the year in which the subtraction is taken.

17. For taxable years beginning on and after January 1, 2001, any amount included therein with respect to § 58.1-440.1.

18. For taxable years beginning on and after January 1, 1999, income received as a result of (i) the "Master Settlement Agreement," as defined in § 3.2-3100; and (ii) the National Tobacco Grower Settlement Trust dated July 19, 1999, by (a) tobacco farming businesses; (b) any business holding a tobacco marketing quota, or tobacco farm acreage allotment, under the Agricultural Adjustment Act of 1938; or (c) any business having the right to grow tobacco pursuant to such a quota allotment.

19, 20. [Repealed.]

21. For taxable years beginning on and after January 1, 2004, any amount of intangible expenses and costs or interest expenses and costs added to the federal taxable income of a corporation pursuant to subdivision B 8 or B 9 shall be subtracted from the federal taxable income of the related member that received such amount if such related member is subject to Virginia income tax on the same amount.

22. For taxable years beginning on and after January 1, 2009, any gain recognized from the sale of launch services to space flight participants, as defined in 49 U.S.C. § 70102, or launch services intended to provide individuals the training or experience of a launch, without performing an actual launch. To qualify for a deduction under this subdivision, launch services must be performed in Virginia or originate from an airport or spaceport in Virginia.

23. For taxable years beginning on and after January 1, 2009, any gain recognized as a result of resupply services contracts for delivering payload, as defined in 49 U.S.C. § 70102, entered into with the Commercial Orbital Transportation Services division of the National Aeronautics and Space Administration or other space flight entity, as defined in § 8.01-227.8, and launched from an airport or spaceport in Virginia.

24. For taxable years beginning on or after January 1, 2011, any income taxed as a long-term capital gain for federal income tax purposes, or any income taxed as investment services partnership interest income (otherwise known as investment partnership carried interest income) for federal income tax purposes. To qualify for a subtraction under this subdivision, such income must be attributable to an investment in a "qualified business," as defined in § 58.1-339.4, or in any other technology business approved by the Secretary of Technology, provided the business has its principal office or facility in the Commonwealth and less than \$3 million in annual revenues in the fiscal year prior to the investment. To qualify for a subtraction under this subdivision, the investment must be made between the dates of April 1, 2010, and June 30, 2020. No taxpayer who has claimed a tax credit for an investment in a "qualified business" under § 58.1-339.4 shall be eligible for the subtraction under this subdivision for an investment in the same business.

25. a. Income, including investment services partnership interest income (otherwise known as investment partnership carried interest income), attributable to an investment in a Virginia venture capital account. To qualify for a subtraction under this subdivision, the investment shall be made on or after January 1, 2018, but before December 31, 2023. No subtraction shall be allowed under this subdivision for an investment in a company that is owned or operated by an affiliate of the taxpayer. No subtraction shall be allowed under this subdivision for a taxpayer who has claimed a subtraction under subdivision C 24 for the same investment.

b. As used in this subdivision 25:

"Qualified portfolio company" means a company that (i) has its principal place of business in the Commonwealth; (ii) has a primary purpose of production, sale, research, or development of a product or service other than the management or investment of capital; and (iii) provides equity in the company to the Virginia venture capital account in exchange for a capital investment. "Qualified portfolio company" does not include a company that is an individual or sole proprietorship.

"Virginia venture capital account" means an investment fund that has been certified by the Department as a Virginia venture capital account. In order to be certified as a Virginia venture capital account, the operator of the investment fund shall register the investment fund with the Department prior to December 31, 2023, (i) indicating that it intends to invest at least 50 percent of the capital committed to its fund in qualified portfolio companies and (ii) providing documentation that it employs at least one investor who has at least four years of professional experience in venture capital investment or substantially equivalent experience. "Substantially equivalent experience" includes, but is not limited to, an undergraduate degree from an accredited college or university in economics, finance, or a similar field of study. The Department may require an investment fund to provide documentation of the investor's training, education, or experience as deemed necessary by the Department to determine substantial equivalency. If the Department determines that the investment fund employs at least one investor with the experience set forth herein, the Department shall certify the investment fund as a Virginia venture capital account at such time as the investment fund actually invests at least 50 percent of the capital committed to its fund in qualified portfolio companies.

26. a. Income attributable to an investment in a Virginia real estate investment trust. To qualify for a subtraction under this subdivision, the investment shall be made on or after January 1, 2019, but before December 31, 2024. No subtraction shall be allowed for an investment in a trust that is managed by an affiliate of the taxpayer. No subtraction shall be allowed under this subdivision for a taxpayer who has claimed a subtraction under subdivision C 24 or 25 for the same investment.

b. As used in this subdivision 26:

"Distressed" means satisfying the criteria applicable to a locality described in subdivision E 2 of § 2.2-115.

"Double distressed" means satisfying the criteria applicable to a locality described in subdivision E 3 of § 2.2-115.

"Virginia real estate investment trust" means a real estate investment trust, as defined in 26 U.S.C. § 856, that has been certified by the Department as a Virginia real estate investment trust. In order to be certified as a Virginia real estate investment trust, the trustee shall register the trust with the Department prior to December 31, 2024, indicating that it intends to invest at least 90 percent of trust funds in Virginia and at least 40 percent of trust funds in real estate in localities that are distressed or double distressed. If the Department determines that the trust satisfies the preceding criteria, the Department shall certify the trust as a Virginia real estate investment trust at such time as the trust actually invests at least 90 percent of trust funds in Virginia and at least 40 percent of trust funds in real estate in localities that are distressed or double distressed.

27. For taxable years beginning on and after January 1, 2019, any gain recognized from the taking of real property by condemnation proceedings.

28. *For taxable years beginning on and after January 1, 2021, but before January 1, 2026, the amount of commuter benefits provided by an employer, as defined in § 58.1-460, to an employee, as defined in § 58.1-460. The ~~deduction~~ subtraction provided pursuant to this subdivision shall be claimed by the employer and not the employee and shall be limited to \$265 per employee. For purposes of this subdivision, "commuter benefits" means expenses paid for public transportation, as defined in § 33.2-100, and ridesharing arrangements, as defined in § 46.2-1400, for the purposes of commuting to and from the employer.*

D. For taxable years beginning on and after January 1, 2006, there shall be subtracted from federal taxable income contract payments to a producer of quota tobacco or a tobacco quota holder as provided under the American Jobs Creation Act of 2004 (P.L. 108-357) as follows:

1. If the payment is received in installment payments, then the recognized gain, including any gain recognized in taxable year 2005, may be subtracted in the taxable year immediately following the year in which the installment payment is received.

2. If the payment is received in a single payment, then 10 percent of the recognized gain may be subtracted in the taxable year immediately following the year in which the single payment is received. The taxpayer may then deduct an equal amount in each of the nine succeeding taxable years.

E. Adjustments to federal taxable income shall be made to reflect the transitional modifications provided in § 58.1-315.

F. Notwithstanding any other provision of law, the income from any disposition of real property which is held by the taxpayer for sale to customers in the ordinary course of the taxpayer's trade or business, as defined in § 453(l)(1)(B) of the Internal Revenue Code, of property made on or after January 1, 2009, may, at the election of the taxpayer, be recognized under the installment method described under § 453 of the Internal Revenue Code, provided that (i) the election relating to the dealer disposition of the property has been made on or before the due date prescribed by law (including extensions) for filing the taxpayer's return of the tax imposed under this chapter for the taxable year in which the disposition occurs, and (ii) the dealer disposition is in accordance with restrictions or conditions established by the Department, which shall be set forth in guidelines developed by the Department. Along with such restrictions or conditions, the guidelines shall also address the recapture of such income under certain circumstances. The development of the guidelines shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq.).

G. For taxable years beginning on and after January 1, 2018, there shall be deducted to the extent included in and not otherwise subtracted from federal taxable income 20 percent of business interest disallowed as a deduction pursuant to § 163(j) of the Internal Revenue Code. For purposes of this subsection, "business interest" means the same as that term is defined under § 163(j) of the Internal Revenue Code.

2. That the provisions of this act shall not become effective unless reenacted by the 2021 Session of the Virginia General Assembly.

3. That the Virginia Department of Rail and Public Transportation shall study the utilization and impacts of commuter tax benefit tax deductions for businesses in Virginia and report to the Chairmen of the House Committee on Appropriations, House Committee on Finance, and Senate Committee on Finance and Appropriations by December 2020 and that the funding for such study shall be provided out of an appropriation for public transportation programs in a general appropriations act passed by the General Assembly in 2020 that becomes law.

CHAPTER 1034

An Act to amend and reenact § 22.1-253.13:2 of the Code of Virginia, relating to the Standards of Quality; state funding; ratios of teachers to English language learners.

[H 975]

Approved April 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-253.13:2 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-253.13:2. Standard 2. Instructional, administrative, and support personnel.

A. The Board shall establish requirements for the licensing of teachers, principals, superintendents, and other professional personnel.

B. School boards shall employ licensed instructional personnel qualified in the relevant subject areas.

C. Each school board shall assign licensed instructional personnel in a manner that produces divisionwide ratios of students in average daily membership to full-time equivalent teaching positions, excluding special education teachers, principals, assistant principals, school counselors, and librarians, that are not greater than the following ratios: (i) 24 to one in kindergarten with no class being larger than 29 students; if the average daily membership in any kindergarten class exceeds 24 pupils, a full-time teacher's aide shall be assigned to the class; (ii) 24 to one in grades one, two, and three with no class being larger than 30 students; (iii) 25 to one in grades four through six with no class being larger than 35 students; and (iv) 24 to one in English classes in grades six through 12. After September 30 of any school year, anytime the number of students in a class exceeds the class size limit established by this subsection, the local school division shall notify the parent of each student in such class of such fact no later than 10 days after the date on which the class exceeded the class size limit. Such notification shall state the reason that the class size exceeds the class size limit and describe the measures that the local school division will take to reduce the class size to comply with this subsection.

Within its regulations governing special education programs, the Board shall seek to set pupil/teacher ratios for pupils with intellectual disability that do not exceed the pupil/teacher ratios for self-contained classes for pupils with specific learning disabilities.

Further, school boards shall assign instructional personnel in a manner that produces schoolwide ratios of students in average daily memberships to full-time equivalent teaching positions of 21 to one in middle schools and high schools. School divisions shall provide all middle and high school teachers with one planning period per day or the equivalent, unencumbered of any teaching or supervisory duties.

D. Each local school board shall employ with state and local basic, special education, gifted, and career and technical education funds a minimum number of licensed, full-time equivalent instructional personnel for each 1,000 students in average daily membership (ADM) as set forth in the appropriation act. Calculations of kindergarten positions shall be based on full-day kindergarten programs. Beginning with the March 31 report of average daily membership, those school divisions offering half-day kindergarten with pupil/teacher ratios that exceed 30 to one shall adjust their average daily membership for kindergarten to reflect 85 percent of the total kindergarten average daily memberships, as provided in the appropriation act.

E. In addition to the positions supported by basic aid and in support of regular school year programs of prevention, intervention, and remediation, state funding, pursuant to the appropriation act, shall be provided to fund certain full-time equivalent instructional positions for each 1,000 students in grades K through 12 who are identified as needing prevention, intervention, and remediation services. State funding for prevention, intervention, and remediation programs provided pursuant to this subsection and the appropriation act may be used to support programs for educationally at-risk students as identified by the local school boards.

To provide algebra readiness intervention services required by § 22.1-253.13:1, school divisions may employ mathematics teacher specialists to provide the required algebra readiness intervention services. School divisions using the Standards of Learning Algebra Readiness Initiative funding in this manner shall only employ instructional personnel licensed by the Board of Education.

F. In addition to the positions supported by basic aid and those in support of regular school year programs of prevention, intervention, and remediation, state funding, pursuant to the *general* appropriation act, shall be provided to support ~~47~~ (i) *18.5 full-time equivalent instructional positions in the 2020-2021 school year for each 1,000 students identified as having limited English proficiency and* (ii) *20 full-time equivalent instructional positions in the 2021-2022 school year and thereafter for each 1,000 students identified as having limited English proficiency*, which positions may include dual language teachers who provide instruction in English and in a second language.

To provide flexibility in the instruction of English language learners who have limited English proficiency and who are at risk of not meeting state accountability standards, school divisions may use state and local funds from the Standards of Quality Prevention, Intervention, and Remediation account to employ additional English language learner teachers or dual language teachers to provide instruction to identified limited English proficiency students. Using these funds in this manner is intended to supplement the instructional services provided in this section. School divisions using the SOQ Prevention, Intervention, and Remediation funds in this manner shall employ only instructional personnel licensed by the Board of Education.

G. In addition to the full-time equivalent positions required elsewhere in this section, each local school board shall employ the following reading specialists in elementary schools, one full-time in each elementary school at the discretion of the local school board. One reading specialist employed by each local school board that employs a reading specialist shall have training in the identification of and the appropriate interventions, accommodations, and teaching techniques for students with dyslexia or a related disorder and shall serve as an advisor on dyslexia and related disorders. Such reading specialist shall have an understanding of the definition of dyslexia and a working knowledge of (i) techniques to help a student on the continuum of skills with dyslexia; (ii) dyslexia characteristics that may manifest at different ages and grade levels; (iii) the basic foundation of the keys to reading, including multisensory, explicit, systemic, and structured reading instruction; and (iv) appropriate interventions, accommodations, and assistive technology supports for students with dyslexia.

To provide reading intervention services required by § 22.1-253.13:1, school divisions may employ reading specialists to provide the required reading intervention services. School divisions using the Early Reading Intervention Initiative funds in this manner shall employ only instructional personnel licensed by the Board of Education.

H. Each local school board shall employ, at a minimum, the following full-time equivalent positions for any school that reports fall membership, according to the type of school and student enrollment:

1. Principals in elementary schools, one half-time to 299 students, one full-time at 300 students; principals in middle schools, one full-time, to be employed on a 12-month basis; principals in high schools, one full-time, to be employed on a 12-month basis;

2. Assistant principals in elementary schools, one half-time at 600 students, one full-time at 900 students; assistant principals in middle schools, one full-time for each 600 students; assistant principals in high schools, one full-time for each 600 students; and school divisions that employ a sufficient number of assistant principals to meet this staffing requirement may assign assistant principals to schools within the division according to the area of greatest need, regardless of whether such schools are elementary, middle, or secondary;

3. Librarians in elementary schools, one part-time to 299 students, one full-time at 300 students; librarians in middle schools, one-half time to 299 students, one full-time at 300 students, two full-time at 1,000 students; librarians in high schools, one half-time to 299 students, one full-time at 300 students, two full-time at 1,000 students. Local school divisions that employ a sufficient number of librarians to meet this staffing requirement may assign librarians to schools within the division according to the area of greatest need, regardless of whether such schools are elementary, middle, or secondary; and

4. School counselors:

a. Effective with the 2019-2020 school year, in elementary schools, one hour per day per 75 students, one full-time at 375 students, one hour per day additional time per 75 students or major fraction thereof; in middle schools, one period per 65 students, one full-time at 325 students, one additional period per 65 students or major fraction thereof; in high schools, one period per 60 students, one full-time at 300 students, one additional period per 60 students or major fraction thereof.

b. Local school divisions that employ a sufficient number of school counselors to meet the school counselor staffing requirements set forth in this subdivision may assign school counselors to schools within the division according to the area of greatest need, regardless of whether such schools are elementary, middle, or high schools.

I. Local school boards shall employ five full-time equivalent positions per 1,000 students in grades kindergarten through five to serve as elementary resource teachers in art, music, and physical education.

J. Local school boards shall employ two full-time equivalent positions per 1,000 students in grades kindergarten through 12, one to provide technology support and one to serve as an instructional technology resource teacher.

To provide flexibility, school divisions may use the state and local funds for instructional technology resource teachers to employ a data coordinator position, an instructional technology resource teacher position, or a data coordinator/instructional resource teacher blended position. The data coordinator position is intended to serve as a resource to principals and classroom teachers in the area of data analysis and interpretation for instructional and school improvement purposes, as well as for overall data management and administration of state assessments. School divisions using these funds in this manner shall employ only instructional personnel licensed by the Board of Education.

K. Local school boards may employ additional positions that exceed these minimal staffing requirements. These additional positions may include, but are not limited to, those funded through the state's incentive and categorical programs as set forth in the appropriation act.

L. A combined school, such as kindergarten through 12, shall meet at all grade levels the staffing requirements for the highest grade level in that school; this requirement shall apply to all staff, except for school counselors, and shall be based on the school's total enrollment; school counselor staff requirements shall, however, be based on the enrollment at the various school organization levels, i.e., elementary, middle, or high school. The Board of Education may grant waivers from these staffing levels upon request from local school boards seeking to implement experimental or innovative programs that are not consistent with these staffing levels.

M. School boards shall, however, annually, on or before December 31, report to the public (i) the actual pupil/teacher ratios in elementary school classrooms in the local school division by school for the current school year; and (ii) the actual pupil/teacher ratios in middle school and high school in the local school division by school for the current school year. Actual pupil/teacher ratios shall include only the teachers who teach the grade and class on a full-time basis and shall exclude resource personnel. School boards shall report pupil/teacher ratios that include resource teachers in the same annual report. Any classes funded through the voluntary kindergarten through third grade class size reduction program shall be identified as such classes. Any classes having waivers to exceed the requirements of this subsection shall also be identified. Schools shall be identified; however, the data shall be compiled in a manner to ensure the confidentiality of all teacher and pupil identities.

N. Students enrolled in a public school on a less than full-time basis shall be counted in ADM in the relevant school division. Students who are either (i) enrolled in a nonpublic school or (ii) receiving home instruction pursuant to § 22.1-254.1, and who are enrolled in public school on a less than full-time basis in any mathematics, science, English, history, social science, career and technical education, fine arts, foreign language, or health education or physical education course shall be counted in the ADM in the relevant school division on a pro rata basis as provided in the appropriation act. Each such course enrollment by such students shall be counted as 0.25 in the ADM; however, no such nonpublic or home school student shall be counted as more than one-half a student for purposes of such pro rata calculation. Such calculation shall not include enrollments of such students in any other public school courses.

O. Each local school board shall provide those support services that are necessary for the efficient and cost-effective operation and maintenance of its public schools.

For the purposes of this title, unless the context otherwise requires, "support services positions" shall include the following:

1. Executive policy and leadership positions, including school board members, superintendents and assistant superintendents;
2. Fiscal and human resources positions, including fiscal and audit operations;
3. Student support positions, including (i) social workers and social work administrative positions; (ii) school counselor administrative positions not included in subdivision H 4; (iii) homebound administrative positions supporting instruction; (iv) attendance support positions related to truancy and dropout prevention; and (v) health and behavioral positions, including school nurses and school psychologists;
4. Instructional personnel support, including professional development positions and library and media positions not included in subdivision H 3;
5. Technology professional positions not included in subsection J;
6. Operation and maintenance positions, including facilities; pupil transportation positions; operation and maintenance professional and service positions; and security service, trade, and laborer positions;
7. Technical and clerical positions for fiscal and human resources, student support, instructional personnel support, operation and maintenance, administration, and technology; and
8. School-based clerical personnel in elementary schools; part-time to 299 students, one full-time at 300 students; clerical personnel in middle schools; one full-time and one additional full-time for each 600 students beyond 200 students and one full-time for the library at 750 students; clerical personnel in high schools; one full-time and one additional full-time for each 600 students beyond 200 students and one full-time for the library at 750 students. Local school divisions that employ a sufficient number of school-based clerical personnel to meet this staffing requirement may assign the clerical personnel to schools within the division according to the area of greatest need, regardless of whether such schools are elementary, middle, or secondary.

Pursuant to the appropriation act, support services shall be funded from basic school aid.

School divisions may use the state and local funds for support services to provide additional instructional services.

P. Notwithstanding the provisions of this section, when determining the assignment of instructional and other licensed personnel in subsections C through J, a local school board shall not be required to include full-time students of approved virtual school programs.

CHAPTER 1035

An Act to amend and reenact § 22.1-253.13:2 of the Code of Virginia, relating to the Standards of Quality; state funding; ratios of teachers to English language learners.

[S 910]

Approved April 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-253.13:2 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-253.13:2. Standard 2. Instructional, administrative, and support personnel.

A. The Board shall establish requirements for the licensing of teachers, principals, superintendents, and other professional personnel.

B. School boards shall employ licensed instructional personnel qualified in the relevant subject areas.

C. Each school board shall assign licensed instructional personnel in a manner that produces divisionwide ratios of students in average daily membership to full-time equivalent teaching positions, excluding special education teachers, principals, assistant principals, school counselors, and librarians, that are not greater than the following ratios: (i) 24 to one in kindergarten with no class being larger than 29 students; if the average daily membership in any kindergarten class exceeds 24 pupils, a full-time teacher's aide shall be assigned to the class; (ii) 24 to one in grades one, two, and three with no class being larger than 30 students; (iii) 25 to one in grades four through six with no class being larger than 35 students; and (iv) 24 to one in English classes in grades six through 12. After September 30 of any school year, anytime the number of students in a class exceeds the class size limit established by this subsection, the local school division shall notify the parent of each student in such class of such fact no later than 10 days after the date on which the class exceeded the class size limit. Such notification shall state the reason that the class size exceeds the class size limit and describe the measures that the local school division will take to reduce the class size to comply with this subsection.

Within its regulations governing special education programs, the Board shall seek to set pupil/teacher ratios for pupils with intellectual disability that do not exceed the pupil/teacher ratios for self-contained classes for pupils with specific learning disabilities.

Further, school boards shall assign instructional personnel in a manner that produces schoolwide ratios of students in average daily memberships to full-time equivalent teaching positions of 21 to one in middle schools and high schools. School divisions shall provide all middle and high school teachers with one planning period per day or the equivalent, unencumbered of any teaching or supervisory duties.

D. Each local school board shall employ with state and local basic, special education, gifted, and career and technical education funds a minimum number of licensed, full-time equivalent instructional personnel for each 1,000 students in average daily membership (ADM) as set forth in the appropriation act. Calculations of kindergarten positions shall be based on full-day kindergarten programs. Beginning with the March 31 report of average daily membership, those school divisions offering half-day kindergarten with pupil/teacher ratios that exceed 30 to one shall adjust their average daily membership for kindergarten to reflect 85 percent of the total kindergarten average daily memberships, as provided in the appropriation act.

E. In addition to the positions supported by basic aid and in support of regular school year programs of prevention, intervention, and remediation, state funding, pursuant to the appropriation act, shall be provided to fund certain full-time equivalent instructional positions for each 1,000 students in grades K through 12 who are identified as needing prevention, intervention, and remediation services. State funding for prevention, intervention, and remediation programs provided pursuant to this subsection and the appropriation act may be used to support programs for educationally at-risk students as identified by the local school boards.

To provide algebra readiness intervention services required by § 22.1-253.13:1, school divisions may employ mathematics teacher specialists to provide the required algebra readiness intervention services. School divisions using the Standards of Learning Algebra Readiness Initiative funding in this manner shall only employ instructional personnel licensed by the Board of Education.

F. In addition to the positions supported by basic aid and those in support of regular school year programs of prevention, intervention, and remediation, state funding, pursuant to the *general* appropriation act, shall be provided to support ~~17~~ (i) *18.5 full-time equivalent instructional positions in the 2020-2021 school year for each 1,000 students identified as having limited English proficiency and* (ii) *20 full-time equivalent instructional positions in the 2021-2022 school year and thereafter* for each 1,000 students identified as having limited English proficiency, which positions may include dual language teachers who provide instruction in English and in a second language.

To provide flexibility in the instruction of English language learners who have limited English proficiency and who are at risk of not meeting state accountability standards, school divisions may use state and local funds from the Standards of Quality Prevention, Intervention, and Remediation account to employ additional English language learner teachers or dual language teachers to provide instruction to identified limited English proficiency students. Using these funds in this manner is intended to supplement the instructional services provided in this section. School divisions using the SOQ Prevention, Intervention, and Remediation funds in this manner shall employ only instructional personnel licensed by the Board of Education.

G. In addition to the full-time equivalent positions required elsewhere in this section, each local school board shall employ the following reading specialists in elementary schools, one full-time in each elementary school at the discretion of the local school board. One reading specialist employed by each local school board that employs a reading specialist shall have training in the identification of and the appropriate interventions, accommodations, and teaching techniques for students with dyslexia or a related disorder and shall serve as an advisor on dyslexia and related disorders. Such reading specialist shall have an understanding of the definition of dyslexia and a working knowledge of (i) techniques to help a student on the continuum of skills with dyslexia; (ii) dyslexia characteristics that may manifest at different ages and grade levels; (iii) the basic foundation of the keys to reading, including multisensory, explicit, systemic, and structured reading instruction; and (iv) appropriate interventions, accommodations, and assistive technology supports for students with dyslexia.

To provide reading intervention services required by § 22.1-253.13:1, school divisions may employ reading specialists to provide the required reading intervention services. School divisions using the Early Reading Intervention Initiative funds in this manner shall employ only instructional personnel licensed by the Board of Education.

H. Each local school board shall employ, at a minimum, the following full-time equivalent positions for any school that reports fall membership, according to the type of school and student enrollment:

1. Principals in elementary schools, one half-time to 299 students, one full-time at 300 students; principals in middle schools, one full-time, to be employed on a 12-month basis; principals in high schools, one full-time, to be employed on a 12-month basis;

2. Assistant principals in elementary schools, one half-time at 600 students, one full-time at 900 students; assistant principals in middle schools, one full-time for each 600 students; assistant principals in high schools, one full-time for each 600 students; and school divisions that employ a sufficient number of assistant principals to meet this staffing requirement may assign assistant principals to schools within the division according to the area of greatest need, regardless of whether such schools are elementary, middle, or secondary;

3. Librarians in elementary schools, one part-time to 299 students, one full-time at 300 students; librarians in middle schools, one-half time to 299 students, one full-time at 300 students, two full-time at 1,000 students; librarians in high schools, one half-time to 299 students, one full-time at 300 students, two full-time at 1,000 students. Local school divisions that employ a sufficient number of librarians to meet this staffing requirement may assign librarians to schools within the division according to the area of greatest need, regardless of whether such schools are elementary, middle, or secondary; and

4. School counselors:

a. Effective with the 2019-2020 school year, in elementary schools, one hour per day per 75 students, one full-time at 375 students, one hour per day additional time per 75 students or major fraction thereof; in middle schools, one period per

65 students, one full-time at 325 students, one additional period per 65 students or major fraction thereof; in high schools, one period per 60 students, one full-time at 300 students, one additional period per 60 students or major fraction thereof.

b. Local school divisions that employ a sufficient number of school counselors to meet the school counselor staffing requirements set forth in this subdivision may assign school counselors to schools within the division according to the area of greatest need, regardless of whether such schools are elementary, middle, or high schools.

I. Local school boards shall employ five full-time equivalent positions per 1,000 students in grades kindergarten through five to serve as elementary resource teachers in art, music, and physical education.

J. Local school boards shall employ two full-time equivalent positions per 1,000 students in grades kindergarten through 12, one to provide technology support and one to serve as an instructional technology resource teacher.

To provide flexibility, school divisions may use the state and local funds for instructional technology resource teachers to employ a data coordinator position, an instructional technology resource teacher position, or a data coordinator/instructional resource teacher blended position. The data coordinator position is intended to serve as a resource to principals and classroom teachers in the area of data analysis and interpretation for instructional and school improvement purposes, as well as for overall data management and administration of state assessments. School divisions using these funds in this manner shall employ only instructional personnel licensed by the Board of Education.

K. Local school boards may employ additional positions that exceed these minimal staffing requirements. These additional positions may include, but are not limited to, those funded through the state's incentive and categorical programs as set forth in the appropriation act.

L. A combined school, such as kindergarten through 12, shall meet at all grade levels the staffing requirements for the highest grade level in that school; this requirement shall apply to all staff, except for school counselors, and shall be based on the school's total enrollment; school counselor staff requirements shall, however, be based on the enrollment at the various school organization levels, i.e., elementary, middle, or high school. The Board of Education may grant waivers from these staffing levels upon request from local school boards seeking to implement experimental or innovative programs that are not consistent with these staffing levels.

M. School boards shall, however, annually, on or before December 31, report to the public (i) the actual pupil/teacher ratios in elementary school classrooms in the local school division by school for the current school year; and (ii) the actual pupil/teacher ratios in middle school and high school in the local school division by school for the current school year. Actual pupil/teacher ratios shall include only the teachers who teach the grade and class on a full-time basis and shall exclude resource personnel. School boards shall report pupil/teacher ratios that include resource teachers in the same annual report. Any classes funded through the voluntary kindergarten through third grade class size reduction program shall be identified as such classes. Any classes having waivers to exceed the requirements of this subsection shall also be identified. Schools shall be identified; however, the data shall be compiled in a manner to ensure the confidentiality of all teacher and pupil identities.

N. Students enrolled in a public school on a less than full-time basis shall be counted in ADM in the relevant school division. Students who are either (i) enrolled in a nonpublic school or (ii) receiving home instruction pursuant to § 22.1-254.1, and who are enrolled in public school on a less than full-time basis in any mathematics, science, English, history, social science, career and technical education, fine arts, foreign language, or health education or physical education course shall be counted in the ADM in the relevant school division on a pro rata basis as provided in the appropriation act. Each such course enrollment by such students shall be counted as 0.25 in the ADM; however, no such nonpublic or home school student shall be counted as more than one-half a student for purposes of such pro rata calculation. Such calculation shall not include enrollments of such students in any other public school courses.

O. Each local school board shall provide those support services that are necessary for the efficient and cost-effective operation and maintenance of its public schools.

For the purposes of this title, unless the context otherwise requires, "support services positions" shall include the following:

1. Executive policy and leadership positions, including school board members, superintendents and assistant superintendents;
2. Fiscal and human resources positions, including fiscal and audit operations;
3. Student support positions, including (i) social workers and social work administrative positions; (ii) school counselor administrative positions not included in subdivision H 4; (iii) homebound administrative positions supporting instruction; (iv) attendance support positions related to truancy and dropout prevention; and (v) health and behavioral positions, including school nurses and school psychologists;
4. Instructional personnel support, including professional development positions and library and media positions not included in subdivision H 3;
5. Technology professional positions not included in subsection J;
6. Operation and maintenance positions, including facilities; pupil transportation positions; operation and maintenance professional and service positions; and security service, trade, and laborer positions;
7. Technical and clerical positions for fiscal and human resources, student support, instructional personnel support, operation and maintenance, administration, and technology; and
8. School-based clerical personnel in elementary schools; part-time to 299 students, one full-time at 300 students; clerical personnel in middle schools; one full-time and one additional full-time for each 600 students beyond 200 students

and one full-time for the library at 750 students; clerical personnel in high schools; one full-time and one additional full-time for each 600 students beyond 200 students and one full-time for the library at 750 students. Local school divisions that employ a sufficient number of school-based clerical personnel to meet this staffing requirement may assign the clerical personnel to schools within the division according to the area of greatest need, regardless of whether such schools are elementary, middle, or secondary.

Pursuant to the appropriation act, support services shall be funded from basic school aid.

School divisions may use the state and local funds for support services to provide additional instructional services.

P. Notwithstanding the provisions of this section, when determining the assignment of instructional and other licensed personnel in subsections C through J, a local school board shall not be required to include full-time students of approved virtual school programs.

CHAPTER 1036

An Act to amend the Code of Virginia by adding in Title 30 a chapter numbered 60, consisting of sections numbered 30-376 through 30-383, relating to Commission on Wellness and Opportunity; report.

[H 1056]

Approved April 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 30 a chapter numbered 60, consisting of sections numbered 30-376 through 30-383, as follows:

CHAPTER 60.

COMMISSION ON WELLNESS AND OPPORTUNITY.

§ 30-376. Commission on Wellness and Opportunity; purpose; membership; terms; compensation and expenses; chairman; meetings; quorum; staffing; recommendations.

The Commission on Wellness and Opportunity (the Commission) is established in the legislative branch of state government. The purpose of the Commission is to (i) establish a vision for health and wellness standards in Virginia by (a) examining various dimensions of health and wellness, including but not limited to physical, intellectual, emotional, spiritual, environmental, and social wellness, and (b) utilizing the comprehensive theoretical framework "the social determinants of health"; (ii) identify and define measurable opportunities and outcomes that build community competence around well-being; and (iii) make policy recommendations for improving the quality of life of the citizens of the Commonwealth.

§ 30-377. Membership; terms; vacancies; chairman and vice-chairman.

A. The Commission shall consist of 23 members that include eight legislative members, five nonlegislative citizen members, and 10 ex officio members. Members shall be appointed as follows: five members of the House of Delegates to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; three members of the Senate to be appointed by the Senate Committee on Rules; three nonlegislative citizen members, at least one of whom shall have a background in community competence building and one of whom shall have a significant background in health and wellness within the private sector equivalent to that of ex officio members of the Commission, to be appointed by the Speaker of the House of Delegates; two nonlegislative citizen members, one of whom shall have a background in community competence building and one of whom shall have a significant background in health and wellness within the private sector equivalent to that of ex officio members of the Commission, to be appointed by the Senate Committee on Rules; and the Secretaries of Health and Human Resources, Commerce and Trade, Agriculture and Forestry, Education, Public Safety and Homeland Security, Natural Resources, and Transportation, the Chief Workforce Development Advisor to the Governor, the Commissioner of Health, and the Executive Director of the Virginia Foundation for Healthy Youth, or their designees, to serve ex officio with nonvoting privileges. Nonlegislative citizen members of the Commission shall be citizens of the Commonwealth of Virginia. Unless otherwise approved in writing by the chairman of the Commission and the respective Clerk, nonlegislative citizen members shall only be reimbursed for travel originating and ending within the Commonwealth of Virginia for the purpose of attending meetings.

B. Legislative members and ex officio members of the Commission shall serve terms coincident with their terms of office. Nonlegislative citizen members shall be appointed for a term of two years. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. Legislative members and nonlegislative citizen members may be reappointed. However, no nonlegislative citizen member shall serve more than four consecutive two-year terms. The remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in determining the member's eligibility for reappointment. Vacancies shall be filled in the same manner as the original appointments.

The Commission shall elect a chairman and vice-chairman from among its membership, who shall be members of the General Assembly.

§ 30-378. Quorum; meetings; voting on recommendations.

The Commission shall meet at least quarterly. A majority of the members shall constitute a quorum. The meetings of the Commission shall be held at the call of the chairman or whenever the majority of the members so request.

No recommendation of the Commission shall be adopted if a majority of the House members or a majority of the Senate members appointed to the Commission (i) vote against the recommendation and (ii) vote for the recommendation to fail notwithstanding the majority vote of the Commission.

§ 30-379. Compensation; expenses.

Legislative members of the Commission shall receive such compensation as provided in § 30-19.12, and nonlegislative citizen members shall receive such compensation for the performance of their duties as provided in § 2.2-2813. All members shall be reimbursed for reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Compensation to members of the General Assembly for attendance at official meetings of the Commission shall be paid by the offices of the Clerk of the House of Delegates or Clerk of the Senate, as applicable. All other compensation and expenses shall be paid from existing appropriations to the Commission or, if unfunded, shall be approved by the Joint Rules Committee.

§ 30-380. Powers and duties of the Commission.

The Commission shall have the following powers and duties:

1. Develop a comprehensive framework for defining what wellness means for Virginia that is based on the structural and social dimensions of wellness and the interrelationship of all aspects of the environment to individual and public wellness;

2. Identify priorities and actions necessary to realize the comprehensive framework for wellness;

3. Identify opportunities to address wellness deficiencies and inequities in the Commonwealth and develop policy recommendations to improve in a comprehensive manner the well-being of the citizens of the Commonwealth; and

4. Submit an annual report pursuant to § 30-382.

§ 30-381. Staffing.

Administrative staff support shall be provided by the Office of the Clerk of the House of Delegates or the Office of the Clerk of the Senate as may be appropriate for the house in which the chairman of the Commission serves. The Division of Legislative Services shall provide legal, research, policy analysis, and other services as requested by the Commission.

§ 30-382. Chairman's executive summary of activity and work of the Commission.

The chairman shall submit to the General Assembly and the Governor an annual executive summary of the interim activity and work of the Commission no later than the first day of each regular session of the General Assembly. The executive summary shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

§ 30-383. Sunset.

This chapter shall expire on July 1, 2025.

2. That if the Commission on Wellness and Opportunity (the Commission), as created by this act, is not funded by a separate appropriation in the appropriation act for its first year of existence, the Commission may be funded from the operating budgets of the Clerk of the House of Delegates and the Clerk of the Senate upon the approval of the Joint Rules Committee. If the Commission is not funded by a separate appropriation in the appropriation act for any year thereafter, this act shall expire on July 1 of the fiscal year in which the Commission fails to receive such funding.

CHAPTER 1037

An Act to amend and reenact § 18.2-308.1 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 22.1-280.2:4, relating to firearms or other weapons on school property.

[H 1080]

Approved April 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-308.1 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 22.1-280.2:4 as follows:

§ 18.2-308.1. Possession of firearm, stun weapon, or other weapon on school property prohibited; penalty.

A. If any person knowingly possesses any (i) stun weapon as defined in this section; (ii) knife, except a pocket knife having a folding metal blade of less than three inches; or (iii) weapon, including a weapon of like kind, designated in subsection A of § 18.2-308, other than a firearm; upon (a) the property of any public, private or religious elementary, middle or high school, including buildings and grounds; (b) that portion of any property open to the public and then exclusively used for school-sponsored functions or extracurricular activities while such functions or activities are taking place; or (c) any school bus owned or operated by any such school, he is guilty of a Class 1 misdemeanor.

B. If any person knowingly possesses any firearm designed or intended to expel a projectile by action of an explosion of a combustible material while such person is upon (i) any public, private or religious elementary, middle or high school, including buildings and grounds; (ii) that portion of any property open to the public and then exclusively used for school-sponsored functions or extracurricular activities while such functions or activities are taking place; or (iii) any school bus owned or operated by any such school, he is guilty of a Class 6 felony.

C. If any person knowingly possesses any firearm designed or intended to expel a projectile by action of an explosion of a combustible material within a public, private or religious elementary, middle or high school building and intends to use,

or attempts to use, such firearm, or displays such weapon in a threatening manner, such person is guilty of a Class 6 felony and sentenced to a mandatory minimum term of imprisonment of five years to be served consecutively with any other sentence.

D. The exemptions set out in §§ 18.2-308 and 18.2-308.016 shall apply, mutatis mutandis, to the provisions of this section. The provisions of this section shall not apply to (i) persons who possess such weapon or weapons as a part of the school's curriculum or activities; (ii) a person possessing a knife customarily used for food preparation or service and using it for such purpose; (iii) persons who possess such weapon or weapons as a part of any program sponsored or facilitated by either the school or any organization authorized by the school to conduct its programs either on or off the school premises; (iv) any law-enforcement officer, or retired law-enforcement officer qualified pursuant to subsection C of § 18.2-308.016; (v) any person who possesses a knife or blade which he uses customarily in his trade; (vi) a person who possesses an unloaded firearm that is in a closed container, or a knife having a metal blade, in or upon a motor vehicle, or an unloaded shotgun or rifle in a firearms rack in or upon a motor vehicle; (vii) a person who has a valid concealed handgun permit and possesses a concealed handgun while in a motor vehicle in a parking lot, traffic circle, or other means of vehicular ingress or egress to the school; (viii) a school security officer authorized to carry a firearm pursuant to § 22.1-280.2:1; or (ix) an armed security officer, licensed pursuant to Article 4 (§ 9.1-138 et seq.) of Chapter 1 of Title 9.1, hired by a private or religious school for the protection of students and employees as authorized by such school. For the purposes of this ~~paragraph~~ subsection, "weapon" includes a knife having a metal blade of three inches or longer and "closed container" includes a locked vehicle trunk.

E. *Nothing in subsection D or any other provision of law shall be construed as providing an exemption to the provisions of this section for a special conservator of the peace appointed pursuant to § 19.2-13, other than the specifically enumerated exemptions that apply to the general population as provided in subsection D.*

F. As used in this section:

"Stun weapon" means any device that emits a momentary or pulsed output, which is electrical, audible, optical or electromagnetic in nature and which is designed to temporarily incapacitate a person.

§ 22.1-280.2:4. School boards; firearms on school property.

No school board may authorize or designate any person to possess a firearm on school property other than those persons expressly authorized by statute.

CHAPTER 1038

An Act to amend and reenact § 40.1-29 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 11-4.6, relating to nonpayment of wages; construction contracts; joint and several liability of general contractor and subcontractor for payment of wages to subcontractor's employees; cause of action; penalties.

[S 838]

Approved April 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 40.1-29 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 11-4.6 as follows:

§ 11-4.6. Liability of contractor for wages of subcontractor's employees.

A. *As used in this section, unless the context requires a different meaning:*

"Construction contract" means a contract between a general contractor and a subcontractor relating to the construction, alteration, repair, or maintenance of a building, structure, or appurtenance thereto, including moving, demolition, and excavation connected therewith, or any provision contained in any contract relating to the construction of projects other than buildings.

"General contractor" and "subcontractor" have the meanings ascribed thereto in § 43-1.

B. *Any construction contract entered into on or after July 1, 2020, shall be deemed to include a provision under which the general contractor and the subcontractor at any tier are jointly and severally liable to pay any subcontractor's employees at any tier the greater of (i) all wages due to a subcontractor's employees at such rate and upon such terms as shall be provided in the employment agreement between the subcontractor and its employees or (ii) the amount of wages that the subcontractor is required to pay to its employees under the provisions of applicable law, including the provisions of the Virginia Minimum Wage Act (§ 40.1-28.8 et seq.) and the Fair Labor Standards Act (29 U.S.C. § 201 et seq.).*

C. *A general contractor shall be deemed to be the employer of a subcontractor's employees at any tier for purposes of § 40.1-29. If the wages due to the subcontractor's employees under the terms of the employment agreement between a subcontractor and its employees are not paid, the general contractor shall be subject to all penalties, criminal and civil, to which an employer that fails or refuses to pay wages is subject under § 40.1-29. Any liability of a general contractor pursuant to § 40.1-29 shall be joint and several with the subcontractor that failed or refused to pay the wages to its employees.*

D. *Except as otherwise provided in a contract between the general contractor and the subcontractor, the subcontractor shall indemnify the general contractor for any wages, damages, interest, penalties, or attorney fees owed as a result of the subcontractor's failure to pay wages to the subcontractor's employees as provided in subsection B, unless the*

subcontractor's failure to pay the wages was due to the general contractor's failure to pay moneys due to the subcontractor in accordance with the terms of their construction contract.

E. The provisions of this section shall only apply if (i) it can be demonstrated that the general contractor knew or should have known that the subcontractor was not paying his employees all wages due, (ii) the construction contract is related to a project other than a single family residential project, and (iii) the value of the project, or an aggregate of projects under one construction contract, is greater than \$500,000.

§ 40.1-29. Time and medium of payment; withholding wages; written statement of earnings; agreement for forfeiture of wages; proceedings to enforce compliance; penalties.

A. ~~+~~ All employers operating a business shall establish regular pay periods and rates of pay for employees except executive personnel. All such employers shall pay salaried employees at least once each month and employees paid on an hourly rate at least once every two weeks or twice in each month, except that (i) a student who is currently enrolled in a work-study program or its equivalent administered by any secondary school, institution of higher education, or trade school, and (ii) employees whose weekly wages total more than 150 percent of the average weekly wage of the Commonwealth as defined in § 65.2-500, upon agreement by each affected employee, may be paid once each month if the institution or employer so chooses. Upon termination of employment an employee shall be paid all wages or salaries due him for work performed prior thereto; such payment shall be made on or before the date on which he would have been paid for such work had his employment not been terminated.

~~2. Any such employer who knowingly fails to make payment of wages in accordance with this section shall be subject to a civil penalty not to exceed \$1,000 for each violation. The Commissioner shall notify any employer who he alleges has violated any provision of this section by certified mail. Such notice shall contain a description of the alleged violation. Within 15 days of receipt of notice of the alleged violation, the employer may request an informal conference regarding such violation with the Commissioner. In determining the amount of any penalty to be imposed, the Commissioner shall consider the size of the business of the employer charged and the gravity of the violation. The decision of the Commissioner shall be final.~~

B. Payment of wages or salaries shall be (i) in lawful money of the United States, (ii) by check payable at face value upon demand in lawful money of the United States, (iii) by electronic automated fund transfer in lawful money of the United States into an account in the name of the employee at a financial institution designated by the employee, or (iv) by credit to a prepaid debit card or card account from which the employee is able to withdraw or transfer funds with full written disclosure by the employer of any applicable fees and affirmative consent thereto by the employee. However, an employer that elects not to pay wages or salaries in accordance with clause (i) or (ii) to an employee who is hired after January 1, 2010, shall be permitted to pay wages or salaries by credit to a prepaid debit card or card account in accordance with clause (iv), even though such employee has not affirmatively consented thereto, if the employee fails to designate an account at a financial institution in accordance with clause (iii) and the employer arranges for such card or card account to be issued through a network system through which the employee shall have the ability to make at least one free withdrawal or transfer per pay period, which withdrawal may be for any sum in such card or card account as the employee may elect, using such card or card account at financial institutions participating in such network system.

C. No employer shall withhold any part of the wages or salaries of any employee except for payroll, wage, or withholding taxes or in accordance with law, without the written and signed authorization of the employee. On each regular pay date, each employer other than an employer engaged in agricultural employment including agribusiness and forestry shall provide to each employee a written statement, by a paystub or online accounting, that shows the name and address of the employer, the number of hours worked during the pay period, the rate of pay, the gross wages earned by the employee during the pay period, and the amount and purpose of any deductions therefrom. An employer engaged in agricultural employment including agribusiness and forestry, upon request of its employee, shall furnish the employee a written statement of the gross wages earned by the employee during any pay period and the amount and purpose of any deductions therefrom.

D. No employer shall require any employee, except executive personnel, to sign any contract or agreement which provides for the forfeiture of the employee's wages for time worked as a condition of employment or the continuance therein, except as otherwise provided by law.

E. An employer who willfully and with intent to defraud fails or refuses to pay wages in accordance with this section, *unless the failure to pay was because of a bona fide dispute between the employer and its employee:*

1. To an employee or employees is guilty of a Class 1 misdemeanor if the value of the wages earned and not paid by the employer is less than \$10,000; and

2. To an employee or employees is guilty of a Class 6 felony (i) if the value of the wages earned and not paid is \$10,000 or more or (ii) regardless of the value of the wages earned and not paid, if the conviction is a second or subsequent conviction under this section.

For purposes of this section, the determination as to the "value of the wages earned" shall be made by combining all wages the employer failed or refused to pay pursuant to this section.

F. The Commissioner may require a written complaint of the violation of this section and, with the written and signed consent of an employee, may institute proceedings on behalf of an employee to enforce compliance with this section, and to collect any moneys unlawfully withheld from such employee which shall be paid to the employee entitled thereto. In addition, following the issuance of a final order by the Commissioner or a court, the Commissioner may engage private

counsel, approved by the Attorney General, to collect any moneys owed to the employee or the Commonwealth. Upon entry of a final order of the Commissioner, or upon entry of a judgment, against the employer, the Commissioner or the court shall assess ~~attorney's~~ attorney fees of one-third of the amount set forth in the final order or judgment.

G. In addition to being subject to any other penalty provided by the provisions of this section, any employer who fails to make payment of wages in accordance with subsection A shall be liable for the payment of all wages due, *and an additional equal amount as liquidated damages*, plus interest at an annual rate of eight percent accruing from the date the wages were due.

H. *Any employer who knowingly fails to make payment of wages in accordance with subsection A shall be subject to a civil penalty not to exceed \$1,000 for each violation. The Commissioner shall notify any employer that he alleges has violated any provision of this section by certified mail. Such notice shall contain a description of the alleged violation. Within 15 days of receipt of notice of the alleged violation, the employer may request an informal conference regarding such violation with the Commissioner. In determining the amount of any penalty to be imposed, the Commissioner shall consider the size of the business of the employer charged and the gravity of the violation. The decision of the Commissioner shall be final.* Civil penalties owed under this section shall be paid to the Commissioner for deposit into the general fund of the State Treasurer. The Commissioner shall prescribe procedures for the payment of proposed assessments of penalties ~~which that~~ are not contested by employers. Such procedures shall include provisions for an employer to consent to abatement of the alleged violation and pay a proposed penalty or a negotiated sum in lieu of such penalty without admission of any civil liability arising from such alleged violation.

I. Final orders of the Commissioner, the general district courts, or the circuit courts may be recorded, enforced, and satisfied as orders or decrees of a circuit court upon certification of such orders by the Commissioner or the court as appropriate.

J. *In addition to any civil or criminal penalty provided by this section, and without regard to any exhaustion of alternative administrative remedies provided for in this section, if an employer fails to pay wages to an employee in accordance with this section, the employee may bring an action, individually, jointly, with other aggrieved employees, or on behalf of similarly situated employees as a collective action consistent with the collective action procedures of the Fair Labor Standards Act, 29 U.S.C. § 216(b), against the employer in a court of competent jurisdiction to recover payment of the wages, and the court shall award the wages owed, an additional equal amount as liquidated damages, and reasonable attorney fees and costs. If the court finds that the employer knowingly failed to pay wages to an employee in accordance with this section, the court shall award the employee an amount equal to triple the amount of wages due and reasonable attorney fees and costs.*

K. *As used in this section, a person acts "knowingly" if the person, with respect to information, (i) has actual knowledge of the information; (ii) acts in deliberate ignorance of the truth or falsity of the information; or (iii) acts in reckless disregard of the truth or falsity of the information. Establishing that a person acted knowingly shall not require proof of specific intent to defraud.*

L. *An action under this section shall be commenced within three years after the cause of action accrued. The period for filing is tolled upon the filing of an administrative action under subsection F until the employee has been informed that the action has been resolved or until the employee has withdrawn the complaint, whichever is sooner.*

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 854 of the Acts of Assembly of 2019 requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

CHAPTER 1039

An Act to amend and reenact § 9.1-184 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 22.1-279.10, relating to school resource officers; data.

[H 271]

Approved April 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 9.1-184 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 22.1-279.10 as follows:

§ 9.1-184. Virginia Center for School and Campus Safety created; duties.

A. From such funds as may be appropriated, the Virginia Center for School and Campus Safety (the Center) is hereby established within the Department. The Center shall:

1. Provide training for Virginia public school personnel in school safety, on evidence-based antibullying tactics based on the definition of bullying in § 22.1-276.01, and in the effective identification of students who may be at risk for violent behavior and in need of special services or assistance;

2. Serve as a resource and referral center for Virginia school divisions by conducting research, sponsoring workshops, and providing information regarding current school safety concerns, such as conflict management and peer mediation, bullying as defined in § 22.1-276.01, school facility design and technology, current state and federal statutory and regulatory school safety requirements, and legal and constitutional issues regarding school safety and individual rights;

3. Maintain and disseminate information to local school divisions on effective school safety initiatives in Virginia and across the nation;

4. Develop a case management tool for the collection and reporting of data by threat assessment teams pursuant to § 22.1-79.4;

5. Collect, analyze, and disseminate various Virginia school safety data, including school safety audit information submitted to it pursuant to § 22.1-279.8, collected by the Department *and, in conjunction with the Department of Education, information relating to the activities of school resource officers submitted pursuant to § 22.1-279.10;*

6. Encourage the development of partnerships between the public and private sectors to promote school safety in Virginia;

7. Provide technical assistance to Virginia school divisions in the development and implementation of initiatives promoting school safety, including threat assessment-based protocols with such funds as may be available for such purpose;

8. Develop a memorandum of understanding between the Director of the Department of Criminal Justice Services and the Superintendent of Public Instruction to ensure collaboration and coordination of roles and responsibilities in areas of mutual concern, such as school safety audits and crime prevention;

9. Provide training for and certification of school security officers, as defined in § 9.1-101 and consistent with § 9.1-110;

10. Develop, in conjunction with the Department of State Police, the Department of Behavioral Health and Developmental Services, and the Department of Education, a model critical incident response training program for public school personnel and others providing services to schools that shall also be made available to private schools in the Commonwealth;

11. In consultation with the Department of Education, provide schools with a model policy for the establishment of threat assessment teams, including procedures for the assessment of and intervention with students whose behavior poses a threat to the safety of school staff or students; and

12. Develop a model memorandum of understanding setting forth the respective roles and responsibilities of local school boards and local law-enforcement agencies regarding the use of school resource officers. Such model memorandum of understanding may be used by local school boards and local law-enforcement agencies to satisfy the requirements of § 22.1-280.2:3.

B. All agencies of the Commonwealth shall cooperate with the Center and, upon request, assist the Center in the performance of its duties and responsibilities.

§ 22.1-279.10. School resource officers; data.

The Department of Criminal Justice Services, in coordination with the Department of Education and the Department of Juvenile Justice, shall annually collect, report, and publish on its website data on the use of force against students, including the use of chemical, mechanical, or other restraints and instances of seclusion; detentions of students; arrests of students; student referrals to court or court service units; and other disciplinary actions by school resource officers involving students. Such data shall (i) be published in a manner that protects the identities of students and (ii) be disaggregated by local school division and by student age, grade, race, ethnicity, gender, and disability, if such data is available.

CHAPTER 1040

An Act to amend and reenact § 22.1-137.2 of the Code of Virginia, relating to public schools; lock-down drills; frequency; exemptions.

[H 402]

Approved April 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-137.2 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-137.2. Lock-down drills.

A. In every public school there shall be a lock-down drill at least twice during the first 20 school days of each school session, in order that students *and teachers* may be thoroughly practiced in such drills. Every public school shall hold at least ~~two~~ *one* additional lock-down drills during the remainder drill after the first 60 days of the school session. ~~Lock-down plans and drills shall be in compliance with the Statewide Fire Prevention Code (§ 27-94 et seq.)~~

B. *Pre-kindergarten and kindergarten students shall be exempt from mandatory participation in lock-down drills during the first 60 days of the school session. Local school boards shall develop policies to implement such exemption. Notwithstanding the foregoing provisions of this subsection, each pre-kindergarten and kindergarten student shall participate in each lock-down drill after the first 60 days of each school session.*

CHAPTER 1041

An Act to amend and reenact § 23.1-808 of the Code of Virginia, relating to certain institutions of higher education; sexual violence; immunity from disciplinary action for certain students who make reports.

[H 913]

Approved April 10, 2020

Be it enacted by the General Assembly of Virginia:**1. That § 23.1-808 of the Code of Virginia is amended and reenacted as follows:****§ 23.1-808. Sexual violence; policy review; disciplinary immunity for certain individuals who make reports.**

A. By October 31 of each year, the System, Richard Bland College, each baccalaureate public institution of higher education, and each nonprofit private institution of higher education shall certify to the Council that it has reviewed its sexual violence policy and updated it as appropriate. The Council and the Department of Criminal Justice Services shall establish criteria for the certification process and may request information relating to the policies for the purposes of sharing best practices and improving campus safety. The Council and the Department of Criminal Justice Services shall report to the Secretary of Education on the certification status of each such institution by November 30 of each year.

B. *The governing board of each nonprofit private institution of higher education and each public institution of higher education except the Virginia Military Institute shall include as part of its policy, code, rules, or set of standards governing sexual violence a provision for immunity from disciplinary action based on personal consumption of drugs or alcohol where such disclosure is made in conjunction with a good faith report of an act of sexual violence.*

CHAPTER 1042

An Act to permit the Chesterfield County School Board to establish a regional recovery high school.

[H 928]

Approved April 10, 2020

Be it enacted by the General Assembly of Virginia:

1. § 1. *The Chesterfield County School Board may, notwithstanding the provisions of § 22.1-26 of the Code of Virginia or any other provision of law to the contrary, establish a recovery high school in the school division as a year-round high school (i) for which enrollment is open to any high school student who resides in Superintendent's Region 1 and is in the early stages of recovery from substance use disorder or dependency and (ii) for the purpose of providing such students with the academic, emotional, and social support necessary to make progress toward earning a high school diploma and reintegrating into a traditional high school setting.*

CHAPTER 1043

An Act to amend and reenact § 2.2-2101 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 25 of Title 2.2 an article numbered 11, consisting of sections numbered 2.2-2544 through 2.2-2550, relating to the Commission to Study Slavery and Subsequent De Jure and De Facto Racial and Economic Discrimination Against African Americans; report; sunset.

[H 1519]

Approved April 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-2101 the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Chapter 25 of Title 2.2 an article numbered 11, consisting of sections numbered 2.2-2544 through 2.2-2550, as follows:

§ 2.2-2101. Prohibition against service by legislators on boards, commissions, and councils within the executive branch; exceptions.

Members of the General Assembly shall be ineligible to serve on boards, commissions, and councils within the executive branch of state government who are responsible for administering programs established by the General Assembly. Such prohibition shall not extend to boards, commissions, and councils engaged solely in policy studies or commemorative activities. If any law directs the appointment of any member of the General Assembly to a board, commission, or council in the executive branch of state government that is responsible for administering programs established by the General Assembly, such portion of such law shall be void, and the Governor shall appoint another person from the Commonwealth at large to fill such a position.

The provisions of this section shall not apply to members of the Board for Branch Pilots, who shall be appointed as provided for in § 54.1-901; to members of the Board of Trustees of the Southwest Virginia Higher Education Center, who shall be appointed as provided for in § 23.1-3126; to members of the Board of Trustees of the Southern Virginia Higher Education Center, who shall be appointed as provided for in § 23.1-3121; to members of the Board of Directors of the New

College Institute, who shall be appointed as provided for in § 23.1-3112; to members of the Advisory Board on Teacher Education and Licensure, who shall be appointed as provided for in § 22.1-305.2; to members of the Virginia Interagency Coordinating Council, who shall be appointed as provided for in § 2.2-5204; to members of the Board of Veterans Services, who shall be appointed as provided for in § 2.2-2452; to members appointed to the Board of Trustees of the Roanoke Higher Education Authority pursuant to § 23.1-3117; to members of the Board of Trustees of the Online Virginia Network Authority, who shall be appointed as provided in § 23.1-3136; to members of the Virginia Geographic Information Network Advisory Board, who shall be appointed as provided for in § 2.2-2423; to members of the Board of Visitors of the Virginia School for the Deaf and the Blind, who shall be appointed as provided for in § 22.1-346.2; to members of the Substance Abuse Services Council, who shall be appointed as provided for in § 2.2-2696; to members of the Criminal Justice Services Board, who shall be appointed as provided in § 9.1-108; to members of the State Executive Council for Children's Services, who shall be appointed as provided in § 2.2-2648; to members of the Virginia Board of Workforce Development, who shall be appointed as provided for in § 2.2-2471; to members of the Volunteer Firefighters' and Rescue Squad Workers' Service Award Fund Board, who shall be appointed as provided for in § 51.1-1201; to members of the Secure and Resilient Commonwealth Panel, who shall be appointed as provided for in § 2.2-222.3; to members of the Forensic Science Board, who shall be appointed as provided for in § 9.1-1109; to members of the Southwest Virginia Cultural Heritage Foundation, who shall be appointed as provided in § 2.2-2735; to members of the Virginia Growth and Opportunity Board, who shall be appointed as provided in § 2.2-2485; ~~or~~ to members of the Henrietta Lacks Commission, who shall be appointed as provided in § 2.2-2538; *or to members of the Commission to Study Slavery and Subsequent De Jure and De Facto Racial and Economic Discrimination Against African Americans, who shall be appointed as provided in § 2.2-2545.*

Article II.

Commission to Study Slavery and Subsequent De Jure and De Facto Racial and Economic Discrimination Against African Americans.

§ 2.2-2544. Commission to Study Slavery and Subsequent De Jure and De Facto Racial and Economic Discrimination Against African Americans; purpose.

The Commission to Study Slavery and Subsequent De Jure and De Facto Racial and Economic Discrimination Against African Americans (the Commission) is established as an advisory commission in the executive branch of state government. The purpose of the Commission is to study the current impact and long-term inequities of slavery and subsequent de jure and de facto racial and economic discrimination against African Americans.

§ 2.2-2545. Membership; terms; vacancies; chairman and vice-chairman.

A. The Commission shall consist of 11 members, including three legislative members and eight nonlegislative citizen members. Members shall be appointed as follows: (i) two members of the House of Delegates to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates, (ii) one member of the Senate to be appointed by the Senate Committee on Rules, (iii) eight nonlegislative citizen members to be appointed by the Governor. Nonlegislative citizen members of the Commission shall be citizens of the Commonwealth.

B. Legislative members of the Commission shall serve terms coincident with their terms of office. Nonlegislative citizen members shall be appointed for a term of two years. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. Legislative members and nonlegislative citizen members may be reappointed. However, no nonlegislative citizen member shall serve more than four consecutive two-year terms. The remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in determining the member's eligibility for reappointment. Vacancies shall be filled in the same manner as the original appointments.

C. The Commission shall elect a chairman and vice-chairman from among its membership.

§ 2.2-2546. Quorum; meetings.

A majority of the members shall constitute a quorum. The meetings of the Commission shall be held at the call of the chairman or whenever a majority of the members so request.

§ 2.2-2547. Compensation; expenses.

Legislative members of the Commission shall receive such compensation as provided in § 30-19.12. Nonlegislative citizen members shall not receive compensation. All members shall be reimbursed for reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Compensation to members of the General Assembly for attendance at official meetings of the Commission shall be paid by the office of the Clerk of the House of Delegates or office of the Clerk of the Senate, as applicable. Reimbursement for the reasonable and necessary expenses of nonlegislative citizen members of the Commission shall be paid by the State Library.

§ 2.2-2548. Powers and duties of the Commission.

A. The Commission shall have the power and duty to:

1. Identify and compile documentation of (i) the institution of slavery that existed within the United States and Virginia from 1619 through 1865; (ii) the role that the federal and state governments played in supporting the institution of slavery through constitutional and statutory provisions; (iii) federal and state laws that discriminated against formerly enslaved Africans and their descendants who were deemed United States citizens from 1868 to the present; (iv) state-sanctioned efforts to deny equal rights to African Americans, including the Black Codes, Jim Crow laws, and the campaign to avoid implementing public school integration in Virginia known as massive resistance; (v) other forms of discrimination in the public and private sectors against formerly enslaved Africans and their descendants who were deemed United States

citizens from 1868 to the present, including redlining, educational funding discrepancies, and predatory financial practices; and (vi) the lingering negative effects of the institution of slavery.

2. Examine the pervasive institutional system of maintaining inequities in housing, employment, education, economic opportunities, generational wealth, voting rights, and criminal justice.

3. Recommend methods to promote educational awareness and identify ways to address the systematic and historical implications affecting the quality of life of a significant population of African American families in the Commonwealth.

4. Recommend appropriate ways to educate the public regarding the Commission's findings.

5. Submit to the Governor and the General Assembly an annual report for publication as a report document as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports. The chairman shall submit to the Governor and the General Assembly an annual executive summary of the interim activity and work of the Commission no later than the first day of each regular session of the General Assembly. The executive summary shall be submitted for publication as a report document as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

B. The Commission may contract with consultants to assist in carrying out its duties under subsection A. Compensation for any consultant shall be payable from funds made available to the Commission.

§ 2.2-2549. Staffing; cooperation of agencies of state and local governments.

The State Library shall provide staff support to the Commission. All agencies of the Commonwealth shall cooperate with, and provide assistance to, the Commission, upon request.

§ 2.2-2550. Sunset.

This article shall expire on July 1, 2022.

CHAPTER 1044

An Act to amend the Code of Virginia by adding in Title 30 a chapter numbered 60, consisting of sections numbered 30-376 through 30-382, relating to Commission on School Construction and Modernization established; report.

[S 888]

Approved April 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 30 a chapter numbered 60, consisting of sections numbered 30-376 through 30-382, as follows:

CHAPTER 60.

COMMISSION ON SCHOOL CONSTRUCTION AND MODERNIZATION.

§ 30-376. Commission on School Construction and Modernization; purpose.

The Commission on School Construction and Modernization (the Commission) is established in the legislative branch of state government. The purpose of the Commission is to develop and provide guidance and resources to local school divisions related to school construction and modernization and make funding recommendations to the Governor and the General Assembly.

§ 30-377. Membership; terms.

The Commission shall have a total membership of 17 members that shall consist of eight legislative members, three nonlegislative citizen members, and six ex officio members. Members shall be appointed as follows: three members of the Senate, to be appointed by the Senate Committee on Rules; five members of the House of Delegates, to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; one nonlegislative citizen member to be appointed by the Senate Committee on Rules; one nonlegislative citizen member to be appointed by the Speaker of the House of Delegates; and one nonlegislative citizen member to be appointed by the Governor. The Superintendent of Public Instruction, the Director of the Department of General Services, the Executive Director of the Virginia Resources Authority, the State Treasurer, the President of the Board of Education, and the Director of the Department of Planning and Budget, or their respective designees, shall each serve ex officio with voting privileges. Nonlegislative citizen members of the Commission shall be citizens of the Commonwealth. Unless otherwise approved in writing by the chairman of the Commission and the respective Clerk, nonlegislative citizen members shall only be reimbursed for travel originating and ending within the Commonwealth for the purpose of attending meetings.

Legislative members and ex officio members of the Commission shall serve terms coincident with their terms of office. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. Vacancies shall be filled in the same manner as the original appointments. All members may be reappointed. Nonlegislative citizen members shall be appointed for a term of two years.

The Commission shall elect a chairman and vice-chairman from among its membership, who shall be members of the General Assembly.

§ 30-378. Quorum; meetings; voting on recommendations.

A majority of the members shall constitute a quorum. The meetings of the Commission shall be held at the call of the chairman or whenever the majority of the members so request.

No recommendation of the Commission shall be adopted if a majority of the Senate members or a majority of the House members appointed to the Commission (i) vote against the recommendation and (ii) vote for the recommendation to fail notwithstanding the majority vote of the Commission.

§ 30-379. Compensation; expenses.

Legislative members of the Commission shall receive such compensation as provided in § 30-19.12, and nonlegislative citizen members shall receive such compensation for the performance of their duties as provided in § 2.2-2813. All members shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Compensation to members of the General Assembly for attendance at official meetings of the Commission shall be paid by the offices of the Clerk of the House of Delegates or Clerk of the Senate, as applicable. All other compensation and expenses shall be paid from existing appropriations to the Commission or, if unfunded, shall be approved by the Joint Rules Committee.

§ 30-380. Powers and duties of the Commission.

The Commission shall have the following powers and duties:

1. Assessing the Commonwealth's school facilities and determining school construction and modernization funding needs.

2. Identifying funding mechanisms and making recommendations to the Governor and the General Assembly.

3. Establishing best practices in school modernization and construction for school divisions.

4. Creating standardized construction designs and procurement practices to recommend and make available to local school divisions.

5. Identifying potential cost-saving measures for implementation by local school divisions to minimize construction and modernization costs where possible.

6. Submitting to the General Assembly and the Governor an annual report for publication as a report document as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports. The chairman of the Commission shall submit to the General Assembly and the Governor an annual executive summary of the interim activity and work of the Commission no later than the first day of each regular session of the General Assembly. The executive summary shall be submitted for publication as a report document as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

§ 30-381. Staffing.

Administrative staff support shall be provided by the Office of the Clerk of the Senate or the Office of the Clerk of the House of Delegates as may be appropriate for the house in which the chairman of the Commission serves. The Division of Legislative Services shall provide legal, research, policy analysis, and other services as requested by the Commission.

§ 30-382. Sunset.

This chapter shall expire on July 1, 2026.

2. That, for its first year of existence, if the Commission is not funded by a separate appropriation in the appropriation act, the Commission may be funded from the operating budgets of the Clerk of the Senate and the Clerk of the House of Delegates upon the approval of the Joint Rules Committee. If the Commission is not funded by a separate appropriation in the appropriation act for any year thereafter, this chapter shall expire on July 1 of the fiscal year in which the Commission fails to receive such funding.

CHAPTER 1045

An Act to amend and reenact § 30-348 of the Code of Virginia and to repeal § 30-354 of the Code of Virginia and the second enactment of Chapter 562 of the Acts of Assembly of 2014, relating to Commission on Civic Education; sunset and funding; membership.

[S 957]

Approved April 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 30-348 of the Code of Virginia is amended and reenacted as follows:

§ 30-348. (Expires July 1, 2020) Commission on Civic Education; purpose; membership; terms.

The Commission on Civic Education (the Commission) is established in the legislative branch of state government. The purposes of the Commission are to (i) educate students on the importance of citizen involvement in a constitutional republic, (ii) promote the study of state and local government among the Commonwealth's citizenry, and (iii) enhance communication and collaboration among organizations in the Commonwealth that conduct civic education.

The Commission shall have a total membership of ~~15~~ 17 members that shall consist of ~~eight~~ five legislative members, ~~six~~ and 12 nonlegislative citizen members, and ~~one ex officio member~~. Members shall be appointed as follows: ~~five~~ three members of the House of Delegates, to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; ~~three~~ two members of the Senate,

to be appointed by the Senate Committee on Rules; ~~three six~~ nonlegislative citizen members, ~~one of whom shall have a background in curriculum development, interactive learning, and multimedia technology, one of whom shall be a current or retired school civics teacher, and one of whom shall be a representative of an organization that promotes civic learning two of whom shall be former or current government or civics teachers, one of whom shall be a representative of an organization involved in civic engagement, one of whom shall be a representative of an institution of political or civil engagement studies center, one of whom shall be a Department of Education social studies specialist, and one of whom shall have the qualifications or experience as determined by the Speaker,~~ to be appointed by the Speaker of the House of Delegates; and ~~three six~~ nonlegislative citizen members, ~~one of whom shall be a retired school civics teacher, one of whom shall be a representative of a public policy center of a public institution of higher education in the Commonwealth, and one of whom shall be a representative of the Virginia Press Association two of whom shall be current or former social studies coordinators, one of whom shall be a representative of a voter outreach organization, one of whom shall be a member of the Virginia Press Association, one of whom shall be a professor of social studies education, and one of whom shall have the qualifications or experience as determined by the Senate Committee on Rules,~~ to be appointed by the Senate Committee on Rules. ~~The Superintendent of Public Instruction or his designee shall serve ex officio with voting privileges.~~ Nonlegislative citizen members of the Commission shall be citizens of the Commonwealth. Unless otherwise approved in writing by the chairman of the Commission, the Clerk of the House of Delegates, and the Clerk of the Senate, nonlegislative citizen members shall only be reimbursed for travel originating and ending within the Commonwealth for the purpose of attending meetings.

Legislative members ~~and the ex officio member of the Commission~~ shall serve terms coincident with their terms of office. Nonlegislative citizen members shall be appointed for a term of two years. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. Legislative members and nonlegislative citizen members may be reappointed. However, no nonlegislative citizen member shall serve more than four consecutive two-year terms. The remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in determining the member's eligibility for reappointment. Vacancies shall be filled in the same manner as the original appointments.

The Commission shall elect a chairman and vice-chairman from among its membership, who shall be members of the General Assembly.

2. That § 30-354 of the Code of Virginia is repealed.

3. That the second enactment of Chapter 562 of the Acts of Assembly of 2014 is repealed.

CHAPTER 1046

An Act to amend and reenact § 22.1-32 of the Code of Virginia, relating to school board member compensation; City of Winchester.

[S 1040]

Approved April 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-32 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-32. Salary of members.

A. Any elected school board may pay each of its members an annual salary that is consistent with the salary procedures and no more than the salary limits provided for local governments in Article 1.1 (§ 15.2-1414.1 et seq.) of Chapter 14 of Title 15.2 or as provided by charter.

B. The appointed school board of the following counties may pay each of its members an annual salary not to exceed the limits hereinafter set forth:

Accomack — \$3,000.00;
 Alleghany — \$1,500.00;
 Amherst — \$2,200.00;
 Brunswick — \$1,800.00;
 Cumberland — \$3,600.00;
 Essex — \$1,800.00;
 Greensville — \$1,800.00;
 Hanover — \$8,000.00;
 Isle of Wight — \$4,000.00;
 Northampton — \$3,000.00;
 Prince Edward — \$2,400.00;
 Richmond — \$5,000.00;
 Southampton — \$5,300.00.

C. The appointed school board of the following cities and towns may pay each of its members an annual salary not to exceed the limits hereinafter set forth:

Charlottesville — \$3,000.00;
 Covington — \$1,500.00;

Danville — \$600.00;
 Emporia — \$240.00;
 Fries — \$240.00;
 Hopewell — \$3,600.00;
 Lexington — \$600.00;
 Lynchburg — \$2,400.00;
 Manassas Park — \$3,000.00;
 Martinsville — \$2,400.00;
 Poquoson — \$3,000.00;
 Roanoke — \$4,200.00;
 Salem — \$4,800.00;
 South Boston — \$600.00;
 Winchester — \$4,500.00.

D. Any school board may, in its discretion, pay the chairman of the school board an additional salary not exceeding \$2,000 per year upon passage of an appropriate resolution by (i) the school board whose membership is elected in whole or in part or (ii) the governing body of the appropriate county, city, or town whose school board is comprised solely of appointed members.

E. Any school board may in its discretion pay each of its members mileage for use of a private vehicle in attending meetings of the school board and in conducting other official business of the school board. Its members may be reimbursed for private transportation at a rate not to exceed that which is authorized for persons traveling on state business in accordance with § 2.2-2825. Whatever rate is paid, however, shall be the same for school board members and employees of the board.

F. No appointed school board shall request the General Assembly's consideration of an increase in its annual salary limit as established in subsections B and C unless such school board has taken an affirmative vote on the requested increase. Further, no elected school board shall be awarded a salary increase, unless, upon an affirmative vote by such school board, a specific salary increase shall be approved. Local school boards shall adopt such increases according to the following procedures:

1. A local school board representing a county may establish a salary increase prior to July 1 of any year in which members are to be elected or appointed, or, if such school board is elected or appointed for staggered terms, prior to July 1 of any year in which at least 40 percent of such members are to be elected or appointed. However, a school board serving a county having the county manager plan of government and whose membership totals five may establish a salary increase prior to July 1 in any year in which two of the five members are to be elected or appointed. Such increase shall become effective on January 1 of the following year.

2. A local school board representing a city or town may establish a salary increase prior to December 31 in any year preceding a year in which members are to be elected or appointed. Such increase shall become effective on July 1 of the year in which the election or appointment occurs if the election or appointment occurs prior to July 1 and shall become effective January 1 of the following year if the election or appointment occurs after June 30.

No salary increase may become effective during an incumbent member's term of office; however, this restriction shall not apply if the school board members are elected or appointed for staggered terms.

CHAPTER 1047

An Act to amend and reenact §§ 23.1-2500, 23.1-2501, 23.1-2503 through 23.1-2507, and 23.1-2509 of the Code of Virginia, relating to Virginia Military Institute.

[S 994]

Approved April 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 23.1-2500, 23.1-2501, 23.1-2503 through 23.1-2507, and 23.1-2509 of the Code of Virginia are amended and reenacted as follows:

§ 23.1-2500. Corporate name; name of the Institute.

A. The board of visitors of Virginia Military Institute (the board) is a corporation under the name and style of "Virginia Military Institute" and has, in addition to its other powers, all the corporate powers given to corporations by the provisions of Title 13.1 except those powers that are confined to corporations created pursuant to Title 13.1. The board shall at all times be under the control of the General Assembly.

B. The institution shall be known as Virginia Military Institute (the Institute).

C. *The Institute shall be grounded in a strict code of honor and high academics, shall uphold a strict military structure, and shall remain solely an undergraduate degree-granting institution of higher education. All cadets shall participate in one of the Reserve Officers' Training Corps (ROTC) programs at all times while attending the Institute.*

D. *The Institute shall continue to demonstrate its commitment to contributing to the elimination of sexual violence in the military and shall develop reasonable policies and procedures to demonstrate such continued commitment.*

E. There shall be paid out of the public treasury such sums as shall be appropriated by the General Assembly for the support of the school.

§ 23.1-2501. Membership.

A. The board shall consist of 17 members, of whom 16 shall be appointed by the Governor and one shall be the Adjutant General, who shall serve *as an ex officio nonvoting member*. Of the 16 members appointed by the Governor, (i) 12 shall be alumni of the Institute, of whom eight shall be residents of the Commonwealth and four shall be nonresidents, and (ii) four shall be nonalumni residents of the Commonwealth.

B. The alumni association of the Institute may submit to the Governor a list of not more than three nominees for each vacancy on the board, whether the vacancy occurs by expiration of a term or otherwise. The Governor may appoint a member from the list of nominees.

§ 23.1-2503. Power to receive gifts, grants, devises, and bequests.

The Institute, or the board on its behalf, ~~upon the prior written consent of the Governor,~~ may receive, take, hold, and enjoy any gift, grant, devise, or bequest made to the Institute or its board for charitable or educational purposes and use and administer any such gift, grant, devise, or bequest for the uses and purposes designated by the donor or for the general purposes of the Institute if no such designation is made.

§ 23.1-2504. Powers; removal of professors.

~~A~~ *In addition to the authority provided elsewhere in this Code,* a majority of the board may remove professors for good cause.

§ 23.1-2505. Enrollment.

The board shall prescribe the terms upon which ~~pay~~ cadets may be admitted, their number, the course of their instruction, and the nature and duration of their service.

§ 23.1-2506. State cadets.

A. ~~The board shall~~ *Institute may* admit annually as state cadets upon evidence of fair moral character ~~a sufficient number of~~ individuals selected from the Commonwealth at large who are at least 16 but not more than 25 years old.

B. The board shall provide financial assistance equal to a state cadet applicant's demonstrated need up to the Institute's prevailing charges for tuition, mandatory fees, and other necessary charges.

C. Each state cadet who remains enrolled in the Institute for two years or more shall (i) teach in a public elementary or secondary school in the Commonwealth for two years within the three years immediately after leaving the Institute and report in writing to the superintendent of the Institute on or before the first day of June of each year succeeding the date of his leaving the Institute until he has discharged fully such obligation to the Commonwealth, (ii) serve an enlistment in the National Guard of the Commonwealth, (iii) serve for two years as an engineer for the Commonwealth Transportation Board, (iv) serve for two years as an engineer with the State Department of Health, (v) serve on active duty for two years as a member of some component of the armed services of the United States, or (vi) with the approval of the board, serve two years in any capacity as an employee of the Commonwealth.

D. Any cadet who fails to fulfill his obligation pursuant to subsection C shall repay all funds received from the Commonwealth. The board may excuse such cadet from any or all of these obligations in such cases as it determines is appropriate.

§ 23.1-2507. Virginia National Guard scholarship cadets.

A. ~~The board~~ *Institute may* admit annually as ~~military~~ *military Virginia National Guard* scholarship cadets ~~up to 40~~ individuals who are at least 16 but not more than 25 years old.

B. The board shall provide financial assistance to such ~~military~~ *military Virginia National Guard* scholarship cadets for tuition, mandatory fees, and other necessary charges entirely from federal funds, Virginia National Guard funds, or private gifts. The federal funds, Virginia National Guard funds, or private gifts shall have no matching requirement.

C. Each ~~military~~ *military Virginia National Guard* scholarship cadet shall agree to serve as a commissioned officer in the Virginia National Guard for a term in accordance with Guard policy and regulation. Any cadet failing to fulfill his obligation to serve shall repay all funds received in support of his cost of education. The board, in consultation with the Virginia National Guard, may excuse such cadet from any or all of these obligations in such cases as it determines is appropriate.

§ 23.1-2509. Conferring of degrees.

A. The Governor, the board, *the superintendent,* and the faculty of the Institute may confer a degree upon any qualified graduate.

B. ~~The~~ *As a board of a military institute,* the board ~~may~~ *shall not* confer honorary degrees ~~or diplomas of distinguished merit.~~

CHAPTER 1048

An Act to amend and reenact § 16.1-106 of the Code of Virginia, relating to appeals of right in general district court; appeals of final orders or judgments entered in the same action or related action.

[H 792]

Approved April 10, 2020

Be it enacted by the General Assembly of Virginia:**1. That § 16.1-106 of the Code of Virginia is amended and reenacted as follows:****§ 16.1-106. Appeals from courts not of record in civil cases.**

A. From any order entered or judgment rendered in a court not of record in a civil case in which the matter in controversy is of greater value than \$20, exclusive of interest, any attorney fees contracted for in the instrument, and costs, or when the case involves the constitutionality or validity of a statute of the Commonwealth, or of an ordinance or bylaw of a municipal corporation, or of the enforcement of rights and privileges conferred by the Virginia Freedom of Information Act (§ 2.2-3700 et seq.), or of a protective order pursuant to § 19.2-152.10, or of an action filed by a condominium unit owners' association or unit owner pursuant to § 55.1-1959, or of an action filed by a property owners' association or lot owner pursuant to § 55.1-1819, *or from any order entered or judgment rendered in a general district court that alters, amends, overturns, or vacates any prior final order*, there shall be an appeal of right, if taken within 10 days after such order or judgment, to a court of record. Such appeal shall be to a court of record having jurisdiction within the territory of the court from which the appeal is taken and shall be heard de novo.

B. If any party timely notices an appeal as provided by subsection A, such notice of appeal shall be deemed a timely notice of appeal by any other party on a final order or judgment entered in the same or a related action arising from the same conduct, transaction, or occurrence as the underlying action; however, all parties will be required to timely perfect their own respective appeals by giving a bond and the writ tax and costs, if any, in accordance with § 16.1-107.

If an appeal is noted and perfected after the sheriff has served the notice of intent to execute a writ of eviction, which is required to be served at least 72 hours before such eviction in accordance with law, the party noting or noting and perfecting such appeal shall notify the sheriff of such appeal.

C. The court from which an appeal is sought may refuse to suspend the execution of a judgment that refuses, grants, modifies, or dissolves an injunction in a case brought pursuant to § 2.2-3713 of the Virginia Freedom of Information Act. A protective order issued pursuant to § 19.2-152.10, including a protective order required by § 18.2-60.4, shall remain in effect upon petition for or the pendency of an appeal or writ of error unless ordered suspended by the judge of a circuit court or so directed in a writ of supersedeas by the Court of Appeals or the Supreme Court.

CHAPTER 1049

An Act to amend and reenact § 16.1-106 of the Code of Virginia, relating to appeals of right in general district court; appeals of final orders or judgments entered in the same action or related action.

[S 545]

Approved April 10, 2020

Be it enacted by the General Assembly of Virginia:**1. That § 16.1-106 of the Code of Virginia is amended and reenacted as follows:****§ 16.1-106. Appeals from courts not of record in civil cases.**

A. From any order entered or judgment rendered in a court not of record in a civil case in which the matter in controversy is of greater value than \$20, exclusive of interest, any attorney fees contracted for in the instrument, and costs, or when the case involves the constitutionality or validity of a statute of the Commonwealth, or of an ordinance or bylaw of a municipal corporation, or of the enforcement of rights and privileges conferred by the Virginia Freedom of Information Act (§ 2.2-3700 et seq.), or of a protective order pursuant to § 19.2-152.10, or of an action filed by a condominium unit owners' association or unit owner pursuant to § 55.1-1959, or of an action filed by a property owners' association or lot owner pursuant to § 55.1-1819, *or from any order entered or judgment rendered in a general district court that alters, amends, overturns, or vacates any prior final order*, there shall be an appeal of right, if taken within 10 days after such order or judgment, to a court of record. Such appeal shall be to a court of record having jurisdiction within the territory of the court from which the appeal is taken and shall be heard de novo.

B. If any party timely notices an appeal as provided by subsection A, such notice of appeal shall be deemed a timely notice of appeal by any other party on a final order or judgment entered in the same or a related action arising from the same conduct, transaction, or occurrence as the underlying action; however, all parties will be required to timely perfect their own respective appeals by giving a bond and the writ tax and costs, if any, in accordance with § 16.1-107.

If an appeal is noted and perfected after the sheriff has served the notice of intent to execute a writ of eviction, which is required to be served at least 72 hours before such eviction in accordance with law, the party noting or noting and perfecting such appeal shall notify the sheriff of such appeal.

C. The court from which an appeal is sought may refuse to suspend the execution of a judgment that refuses, grants, modifies, or dissolves an injunction in a case brought pursuant to § 2.2-3713 of the Virginia Freedom of Information Act. A protective order issued pursuant to § 19.2-152.10, including a protective order required by § 18.2-60.4, shall remain in effect upon petition for or the pendency of an appeal or writ of error unless ordered suspended by the judge of a circuit court or so directed in a writ of supersedeas by the Court of Appeals or the Supreme Court.

CHAPTER 1050

An Act to repeal Chapter 300 of the Acts of Assembly of 1901, Chapter 157 of the Acts of Assembly of 1912, and Chapter 51 of the Acts of Assembly of 1916, relating to segregated accommodations and segregation districts for residence.

[H 857]

Approved April 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That Chapter 300 of the Acts of Assembly of 1901, Chapter 157 of the Acts of Assembly of 1912, and Chapter 51 of the Acts of Assembly of 1916 are repealed.

CHAPTER 1051

An Act to repeal Chapter 300 of the Acts of Assembly of 1901, Chapter 157 of the Acts of Assembly of 1912, and Chapter 51 of the Acts of Assembly of 1916, relating to segregated accommodations and segregation districts for residence.

[S 874]

Approved April 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That Chapter 300 of the Acts of Assembly of 1901, Chapter 157 of the Acts of Assembly of 1912, and Chapter 51 of the Acts of Assembly of 1916 are repealed.

CHAPTER 1052

An Act to repeal Chapters 454, 463, and 554 of the Acts of Assembly of 1901, Chapter 91 of the Acts of Assembly of 1906, and Chapter 49 of the Acts of Assembly of 1959, relating to segregation in transportation.

[H 914]

Approved April 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That Chapters 454, 463, and 554 of the Acts of Assembly of 1901, Chapter 91 of the Acts of Assembly of 1906, and Chapter 49 of the Acts of Assembly of 1959 are repealed.

CHAPTER 1053

An Act to repeal Chapters 454, 463, and 554 of the Acts of Assembly of 1901, Chapter 91 of the Acts of Assembly of 1906, and Chapter 49 of the Acts of Assembly of 1959, relating to segregation in transportation.

[S 896]

Approved April 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That Chapters 454, 463, and 554 of the Acts of Assembly of 1901, Chapter 91 of the Acts of Assembly of 1906, and Chapter 49 of the Acts of Assembly of 1959 are repealed.

CHAPTER 1054

An Act to amend the Code of Virginia by adding a section numbered 24.2-673.1, relating to ranked choice voting; elections for local governing bodies; local option pilot program.

[H 1103]

Approved April 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 24.2-673.1 as follows:

§ 24.2-673.1. Ranked choice voting.

A. For purposes of this section:

"Ranked choice voting" means a method of casting and tabulating votes in which (i) voters rank candidates in order of preference, (ii) tabulation proceeds in rounds such that in each of round either a candidate or candidates are elected or the last-place candidate is defeated, (iii) votes for voters' next-ranked candidates are transferred from elected or defeated candidates, and (iv) tabulation ends when the number of candidates elected equals the number of offices to be filled.

"Ranked choice voting" is known as "instant runoff voting" when electing a single office and "single transferable vote" when electing multiple offices.

"Ranking" means the ordinal number assigned on a ballot by a voter to a candidate to express the voter's preference for that candidate. Ranking number one is the highest ranking, ranking number two is the next-highest ranking, and so on, consecutively, up to the number of candidates indicated on the ballot.

B. Elections of members of a county board of supervisors or a city council may be conducted by ranked choice voting pursuant to this section. The decision to conduct an election by ranked choice voting shall be made, in consultation with the local electoral board and general registrar, by a majority vote of the board of supervisors or city council that the office being elected serves.

C. The State Board may promulgate regulations for the proper and efficient administration of elections determined by ranked choice voting, including (i) procedures for tabulating votes in rounds, (ii) procedures for determining winners in elections for offices to which only one candidate is being elected and to which more than one candidate is being elected, and (iii) standards for ballots pursuant to § 24.2-613, notwithstanding the provisions of subsection E of that section.

D. The State Board may administer or prescribe standards for a voter outreach and public information program for use by any locality conducting ranked choice voting pursuant to this section.

2. That any costs incurred by the Department of Elections related to changes in technology that are necessary for the implementation of this act, including changes to technology for receiving the results of elections conducted pursuant to this act, shall be charged to the localities exercising the option to proceed with ranked choice voting.

3. That the provisions of this act shall become effective on July 1, 2021.

4. That the provisions of this act shall expire on July 1, 2031.

CHAPTER 1055

An Act to repeal Chapters 270, 284, 287, 302, and 324 of the Acts of Assembly of 1908, Chapters 35 and 45 of the Acts of Assembly of 1916, Chapter 180 of the Acts of Assembly of 1918, and Chapter 344 of the Acts of Assembly of 1920, relating to obsolete acts; racial inequity.

[H 1325]

Approved April 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That Chapters 270, 284, 287, 302, and 324 of the Acts of Assembly of 1908, Chapters 35 and 45 of the Acts of Assembly of 1916, Chapter 180 of the Acts of Assembly of 1918, and Chapter 344 of the Acts of Assembly of 1920 are repealed.

CHAPTER 1056

An Act to repeal Chapters 270, 284, 287, 302, and 324 of the Acts of Assembly of 1908, Chapters 35 and 45 of the Acts of Assembly of 1916, Chapter 180 of the Acts of Assembly of 1918, and Chapter 344 of the Acts of Assembly of 1920, relating to obsolete acts; racial inequity.

[S 636]

Approved April 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That Chapters 270, 284, 287, 302, and 324 of the Acts of Assembly of 1908, Chapters 35 and 45 of the Acts of Assembly of 1916, Chapter 180 of the Acts of Assembly of 1918, and Chapter 344 of the Acts of Assembly of 1920 are repealed.

CHAPTER 1057

An Act to repeal Chapter 346 of the Acts of Assembly of 1914, Chapter 207 of the Acts of Assembly of 1916, Chapter 384 of the Acts of Assembly of 1918, and Chapter 262 of the Acts of Assembly of 1920, relating to repeal of various chapters of the acts of assembly of previous years.

[H 1521]

Approved April 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That Chapter 346 of the Acts of Assembly of 1914, Chapter 207 of the Acts of Assembly of 1916, Chapter 384 of the Acts of Assembly of 1918, and Chapter 262 of the Acts of Assembly of 1920 are repealed.

CHAPTER 1058

An Act to repeal Chapter 346 of the Acts of Assembly of 1914, Chapter 207 of the Acts of Assembly of 1916, Chapter 384 of the Acts of Assembly of 1918, and Chapter 262 of the Acts of Assembly of 1920, relating to repeal of various chapters of the acts of assembly of previous years.

[S 850]

Approved April 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That Chapter 346 of the Acts of Assembly of 1914, Chapter 207 of the Acts of Assembly of 1916, Chapter 384 of the Acts of Assembly of 1918, and Chapter 262 of the Acts of Assembly of 1920 are repealed.

CHAPTER 1059

An Act to repeal Chapter 580 of the Acts of Assembly of 1901, Chapter 198 of the Acts of Assembly of the extra session of 1901, Chapters 605 and 609 of the Acts of Assembly of 1904, Chapter 74 of the Acts of Assembly of 1908, Chapters 28 and 264 of the Acts of Assembly of 1910, Chapter 309 of the Acts of Assembly of 1912, Chapters 206 and 315 of the Acts of Assembly of 1916, Chapters 217 and 220 of the Acts of Assembly of 1918, Chapters 40, 109, and 295 of the Acts of Assembly of 1920, Chapter 371 of the Acts of Assembly of 1924, Chapter 313 of the Acts of Assembly of 1950, Chapter 317 of the Acts of Assembly of 1952, Chapter 702 of the Acts of Assembly of 1954, Chapters 32 and 37 of the Acts of Assembly of the extra session of 1956, and Chapters 358 and 501 of the Acts of Assembly of 1960, relating to racial segregation in public facilities and common carriers, on public documents, and within the office of the State Registrar.

[H 1638]

Approved April 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That Chapter 580 of the Acts of Assembly of 1901, Chapter 198 of the Acts of Assembly of the extra session of 1901, Chapters 605 and 609 of the Acts of Assembly of 1904, Chapter 74 of the Acts of Assembly of 1908, Chapters 28 and 264 of the Acts of Assembly of 1910, Chapter 309 of the Acts of Assembly of 1912, Chapters 206 and 315 of the Acts of Assembly of 1916, Chapters 217 and 220 of the Acts of Assembly of 1918, Chapters 40, 109, and 295 of the Acts of Assembly of 1920, Chapter 371 of the Acts of Assembly of 1924, Chapter 313 of the Acts of Assembly of 1950, Chapter 317 of the Acts of Assembly of 1952, Chapter 702 of the Acts of Assembly of 1954, Chapters 32 and 37 of the Acts of Assembly of the extra session of 1956, and Chapters 358 and 501 of the Acts of Assembly of 1960 are repealed.

CHAPTER 1060

An Act to repeal Chapter 580 of the Acts of Assembly of 1901, Chapter 198 of the Acts of Assembly of the extra session of 1901, Chapters 605 and 609 of the Acts of Assembly of 1904, Chapter 74 of the Acts of Assembly of 1908, Chapters 28 and 264 of the Acts of Assembly of 1910, Chapter 309 of the Acts of Assembly of 1912, Chapters 206 and 315 of the Acts of Assembly of 1916, Chapters 217 and 220 of the Acts of Assembly of 1918, Chapters 40, 109, and 295 of the Acts of Assembly of 1920, Chapter 371 of the Acts of Assembly of 1924, Chapter 313 of the Acts of Assembly of 1950, Chapter 317 of the Acts of Assembly of 1952, Chapter 702 of the Acts of Assembly of 1954, Chapters 32 and 37 of the Acts of Assembly of the extra session of 1956, and Chapters 358 and 501 of the Acts of Assembly of 1960, relating to racial segregation in public facilities and common carriers, on public documents, and within the office of the State Registrar.

[S 722]

Approved April 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That Chapter 580 of the Acts of Assembly of 1901, Chapter 198 of the Acts of Assembly of the extra session of 1901, Chapters 605 and 609 of the Acts of Assembly of 1904, Chapter 74 of the Acts of Assembly of 1908, Chapters 28 and 264 of the Acts of Assembly of 1910, Chapter 309 of the Acts of Assembly of 1912, Chapters 206 and 315 of the Acts of Assembly of 1916, Chapters 217 and 220 of the Acts of Assembly of 1918, Chapters 40, 109, and 295 of the Acts of Assembly of 1920, Chapter 371 of the Acts of Assembly of 1924, Chapter 313 of the Acts of Assembly of 1950, Chapter 317 of the Acts of Assembly of 1952, Chapter 702 of the Acts of Assembly of 1954, Chapters 32 and 37 of the Acts of Assembly of the extra session of 1956, and Chapters 358 and 501 of the Acts of Assembly of 1960 are repealed.

CHAPTER 1061

An Act to amend the Code of Virginia by adding a section numbered 15.2-1638.1, relating to circuit court judges; administrative assistants.

[H 1725]

Approved April 10, 2020

Be it enacted by the General Assembly of Virginia:**1. That the Code of Virginia is amended by adding a section numbered 15.2-1638.1 as follows:****§ 15.2-1638.1. Administrative assistants in offices of circuit court judges who are employees of a locality.**

An employee, not employed by a constitutional officer, hired and paid by a county or city to assist with the administration of a circuit court judge's office shall serve at the sole direction and under the sole supervision of such judge. Nothing herein shall be construed to affect the authority of the circuit court clerk to (i) perform statutory duties with respect to court administration or (ii) assign deputy clerks to provide judicial assistance to the court, at the sole discretion of the clerk.

CHAPTER 1062

An Act to amend and reenact § 8.01-223.1 of the Code of Virginia, relating to invocation of constitutional rights in domestic relations cases; adverse inference.

[S 433]

Approved April 10, 2020

Be it enacted by the General Assembly of Virginia:**1. That § 8.01-223.1 of the Code of Virginia is amended and reenacted as follows:****§ 8.01-223.1. Use of constitutional rights.**

In any civil action, the exercise by a party of any constitutional protection shall not be used against him, except that in any civil proceeding for spousal support, custody, or visitation under Title 16.1 or any civil action for divorce or separate maintenance under Title 20 filed on or after July 1, 2020, if a party or witness refuses to answer a question about conduct described in subdivision A (1) of § 20-91 or in § 18.2-365 on the ground that the testimony might be self-incriminating, the trier of fact may draw an adverse inference from such refusal.

CHAPTER 1063

An Act to amend and reenact §§ 17.1-249 and 64.2-409 of the Code of Virginia, relating to indexing of wills.

[S 700]

Approved April 10, 2020

Be it enacted by the General Assembly of Virginia:**1. That §§ 17.1-249 and 64.2-409 of the Code of Virginia are amended and reenacted as follows:****§ 17.1-249. General indexes for clerks' offices; daily index.**

A. There shall be kept in every clerk's office modern, family name or ledgerized alphabetical key-table general indexes to all deed books, miscellaneous liens, will books, judgment dockets and court order books. The clerk shall enter daily, either in such general indexes or in the daily index to instruments admitted to record, every deed, corrected or amended deed, deed of release, deed of trust, contract of sale, or any addendum, modification, or memorandum relating to any of these instruments, indexing each instrument in the names of all parties identified in the instrument as grantor, grantee, or both, as required by § 17.1-223, or identified in the cover sheet as grantor, grantee, or both, pursuant to § 17.1-227.1, as applicable.

B. A deed of trust made to one or more trustees to secure the payment of an indebtedness, and any certificate of satisfaction or certificate of partial satisfaction, assignment, loan modification agreement, substitution of trustees or similar instrument subsequently recorded with respect to such deed, shall be sufficiently indexed if the clerk enters in the appropriate places in the general index to deeds provided for in subsection A the names of the grantor and the name of the beneficiary or, in lieu of the name of the beneficiary, the first listed trustee as grantee. The beneficiary need not be named in the first clause of the deed as a condition of recordation.

C. A deed made by a person in a representative capacity, or by devisees or coparceners, shall be indexed in the names of the grantors and grantees and the name of the former record title owner listed in the first clause of the instrument.

D. The general indexes of civil causes shall be sufficiently kept if the clerk indexes such causes under the short style or title thereof, except that in multiple suits brought under § 58.1-3968, the names of all of the defendants disclosed by the pleadings shall be entered in the general index or book.

E. Every deed of conveyance of real estate in which a vendor's lien is reserved shall be indexed twice so as to show not only the conveyance from the grantor to the grantee in the instrument, but also the reservation of the lien as if it were a grant of such lien from the grantee to the grantor by a separate instrument and the fact of the lien shall be noted in the index.

F. *At the time of qualification of an executor, every will shall be indexed in the name of the decedent and such executor.*

G. All deed books, miscellaneous liens, will books, judgment docket, and court order books shall be numbered or otherwise adequately designated and the clerk upon the delivery of any writing to him for record required by law to be recorded shall duly index it upon the general index in the manner hereinbefore required. When the writing has been actually transcribed on the book, the clerk shall add to the general index the number of the book in which, and the page on which, the writing is recorded.

~~G.~~ H. The clerk on receipt of any such writing for record may immediately index it in a book to be known as the "daily index of instruments admitted to record" and within 90 days after its admission to record the clerk shall index all such writings indexed in the daily index in the appropriate general index as hereinbefore provided. The daily index book shall, at all times, be kept in the office of the clerk and conveniently available for examination by the public. During the period permitted for transfer from the daily index to the general index, indexing in the daily index shall be a sufficient compliance with the requirements of this section as to indexing.

~~H.~~ I. The judge of any circuit court may make such orders as he deems advisable as to the time and method of indexing the order books in the clerk's office of the court and may dispense with a general index for order books of the court.

~~I.~~ J. The clerk may maintain his indexes on computer, word processor, microfilm, microfiche, or other micrographic medium and, in addition, may maintain his grantor and grantee indexes on paper.

§ 64.2-409. Wills of living persons lodged for safekeeping with clerks of certain courts.

A. A person or his attorney may, during the person's lifetime, lodge for safekeeping with the clerk of the circuit court serving the jurisdiction where the person resides any will executed by such person. The clerk shall receive such will and give the person lodging it a receipt. The clerk shall (i) place the will in an envelope and seal it securely, (ii) number the envelope and endorse upon it the name of the testator and the date on which it was lodged, and (iii) index the same alphabetically *by name of both the testator and the executor then qualified* in a permanent index that shows the number and date such will was deposited.

B. An attorney-at-law, bank, or trust company that has held a will for safekeeping for a client for at least seven years and that has no knowledge of whether the client is alive or dead after such time may lodge such will with the clerk as provided in subsection A.

C. The clerk shall carefully preserve the envelope containing the will unopened until it is returned to the testator or his nominee in the testator's lifetime upon request of the testator or his nominee in writing or until the death of the testator. If such will is returned during the testator's lifetime and is later returned to the clerk, it shall be considered to be a separate lodging under the provisions of this section.

D. Upon notice of the testator's death, the clerk shall open the will and deliver the same to any person entitled to offer it for probate.

E. The clerk shall charge a fee of \$2 for lodging, indexing, and preserving a will pursuant to this section.

F. The provisions of this section are applicable only to the clerk's office of a court where the judge or judges of such court have entered an order authorizing the use of the clerk's office for such purpose.

G. The clerk may destroy any will that has been lodged in his office for safekeeping under this section for 100 years or more.

2. That for any clerk of a circuit court that does not have an electronic program capable of indexing wills by the name of both the testator and the executor as of July 1, 2020, the provisions of this act shall become effective on July 1, 2022.

CHAPTER 1064

An Act to amend and reenact §§ 24.2-404, 24.2-411.1, 24.2-643, 24.2-653, 24.2-701, as it is currently effective and as it shall become effective, and 24.2-701.1, as it shall become effective, of the Code of Virginia, relating to voter identification; repeal of photo identification requirements; additional forms of identification accepted; signed statement in lieu of required form of identification; penalty.

[H 19]

Approved April 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-404, 24.2-411.1, 24.2-643, 24.2-653, 24.2-701, as it is currently effective and as it shall become effective, and 24.2-701.1, as it shall become effective, of the Code of Virginia are amended and reenacted as follows:

§ 24.2-404. Duties of Department of Elections.

A. The Department of Elections shall provide for the continuing operation and maintenance of a central recordkeeping system, the Virginia voter registration system, for all voters registered in the Commonwealth.

In order to operate and maintain the system, the Department shall:

1. Maintain a complete, separate, and accurate record of all registered voters in the Commonwealth.

2. Require the general registrars to enter the names of all registered voters into the system and to change or correct registration records as necessary.

3. Provide to each general registrar, voter confirmation documents for newly registered voters and for notice to registered voters on the system of changes and corrections in their registration records and polling places ~~and voter photo identification cards containing the voter's photograph and signature for free for those voters who do not have one of the forms of identification specified in subsection B of § 24.2-643. The Department shall promulgate rules and regulations authorizing each general registrar to obtain a photograph and signature of a voter who does not have one of the forms of identification specified in subsection B of § 24.2-643 for the purpose of providing such voter a voter photo identification card containing the voter's photograph and signature. The Department shall provide each general registrar with the equipment necessary to obtain a voter's signature and photograph and no general registrar shall be required to purchase such equipment at his own expense. Photographs and signatures obtained by a general registrar shall be submitted to the Department. The Department may contract with an outside vendor for the production and distribution of voter photo identification cards.~~

4. Require the general registrars to delete from the record of registered voters the name of any voter who (i) is deceased, (ii) is no longer qualified to vote in the county or city where he is registered due to removal of his residence, (iii) has been convicted of a felony, (iv) has been adjudicated incapacitated, (v) is known not to be a United States citizen by reason of reports from the Department of Motor Vehicles pursuant to § 24.2-410.1 or from the Department of Elections based on information received from the Systematic Alien Verification for Entitlements Program (SAVE Program) pursuant to subsection E, or (vi) is otherwise no longer qualified to vote as may be provided by law. Such action shall be taken no later than 30 days after notification from the Department. The Department shall promptly provide the information referred to in this subdivision, upon receiving it, to general registrars.

5. Retain on the system for four years a separate record for registered voters whose names have been deleted, with the reason for deletion.

6. Retain on the system permanently a separate record for information received regarding deaths, felony convictions, and adjudications of incapacity pursuant to §§ 24.2-408 through 24.2-410.

7. Provide to each general registrar, at least 16 days prior to a general or primary election and three days prior to a special election, an alphabetical list of all registered voters in each precinct or portion of a precinct in which the election is being held in the county, city, or town. These precinct lists shall be used as the official lists of qualified voters and shall constitute the pollbooks. The Department shall provide instructions for the division of the pollbooks and precinct lists into sections to accommodate the efficient processing of voter lines at the polls. Prior to any general, primary, or special election, the Department shall provide any general registrar, upon his request, with a separate electronic list of all registered voters in the registrar's county or city. If electronic pollbooks are used in the locality or electronic voter registration inquiry devices are used in precincts in the locality, the Department shall provide a regional or statewide list of registered voters to the general registrar of the locality. The Department shall determine whether regional or statewide data is provided. Neither the pollbook nor the regional or statewide list of registered voters shall include the day and month of birth of the voter, but shall include the voter's year of birth.

8. Acquire by purchase, lease, or contract equipment necessary to execute the duties of the Department.

9. Use any source of information that may assist in carrying out the purposes of this section. All agencies of the Commonwealth shall cooperate with the Department in procuring and exchanging identification information for the purpose of maintaining the voter registration system. The Department may share any information that it receives from another agency of the Commonwealth with any Chief Election Officer of another state for the maintenance of the voter registration system.

10. Cooperate with other states and jurisdictions to develop systems to compare voters, voter history, and voter registration lists to ensure the accuracy of the voter registration rolls, to identify voters whose addresses have changed, to prevent duplication of registration in more than one state or jurisdiction, and to determine eligibility of individuals to vote in Virginia.

11. Reprint and impose a reasonable charge for the sale of any part of Title 24.2, lists of precincts and polling places, statements of election results by precinct, and any other items required of the Department by law. Receipts from such sales shall be credited to the Board for reimbursement of printing expenses.

B. The Department shall be authorized to provide for the production, distribution, and receipt of information and lists through the Virginia voter registration system by any appropriate means including, but not limited to, paper and electronic means. The Virginia Freedom of Information Act (§ 2.2-3700 et seq.) shall not apply to records about individuals maintained in this system.

C. The State Board shall institute procedures to ensure that each requirement of this section is fulfilled. As part of its procedures, the State Board shall provide that the general registrar shall mail notice of any cancellation pursuant to clause (v) of subdivision A 4 to the person whose registration is cancelled.

D. The State Board shall promulgate rules and regulations to ensure the uniform application of the law for determining a person's residence.

E. The Department shall apply to participate in the Systematic Alien Verification for Entitlements Program (SAVE Program) operated by U.S. Citizenship and Immigration Services of the U.S. Department of Homeland Security for the purposes of verifying that voters listed in the Virginia voter registration system are United States citizens. Upon approval of the application, the Department shall enter into any required memorandum of agreement with U.S. Citizenship and

Immigration Services. The State Board shall promulgate rules and regulations governing the use of the immigration status and citizenship status information received from the SAVE Program.

F. The Department shall report annually by October 1 for the preceding 12 months ending August 31 to the Committees on Privileges and Elections on each of its activities undertaken to maintain the Virginia voter registration system and the results of those activities. The Department's report shall be governed by the provisions of § 2.2-608 and shall encompass activities undertaken pursuant to subdivisions A 9 and 10 and subsection E and pursuant to §§ 24.2-404.3, 24.2-404.4, 24.2-408, 24.2-409, 24.2-409.1, 24.2-410, 24.2-410.1, 24.2-427, and 24.2-428. This report shall contain the methodology used in gathering and analyzing the data. The Commissioner of Elections shall certify that the data included in the report is accurate and reliable.

§ 24.2-411.1. Offices of the Department of Motor Vehicles.

A. The Department of Motor Vehicles shall provide the opportunity to register to vote to each person who comes to an office of the Department of Motor Vehicles to:

1. Apply for, replace, or renew a driver's license;
2. Apply for, replace, or renew a special identification card; or
3. Change an address on an existing driver's license or special identification card.

B. The method used to receive an application for voter registration shall avoid duplication of the license portion of the license application and require only the minimum additional information necessary to enable registrars to determine the voter eligibility of the applicant and to administer voter registration and election laws. A person who does not sign the registration portion of the application shall be deemed to have declined to register at that time. The voter application shall include a statement that, if an applicant declines to register to vote, the fact the applicant has declined to register will remain confidential and will be used only for voter registration purposes.

Each application form distributed under this section shall be accompanied by the following statement featured prominently in boldface capital letters: "WARNING: INTENTIONALLY MAKING A MATERIALLY FALSE STATEMENT ON THIS FORM CONSTITUTES THE CRIME OF ELECTION FRAUD, WHICH IS PUNISHABLE UNDER VIRGINIA LAW AS A FELONY. VIOLATORS MAY BE SENTENCED TO UP TO 10 YEARS IN PRISON, OR UP TO 12 MONTHS IN JAIL AND/OR FINED UP TO \$2,500."

Any completed application for voter registration submitted by a person who is already registered shall serve as a written request to update his registration record. Any change of address form submitted for purposes of a motor vehicle driver's license or special identification card shall serve as notification of change of address for voter registration for the registrant involved unless the registrant states on the form that the change of address is not for voter registration purposes. If the information from the notification of change of address for voter registration indicates that the registered voter has moved to another general registrar's jurisdiction within the Commonwealth, the notification shall be treated as a request for transfer from the registered voter. The notification and the registered voter's registration record shall be transmitted as directed by the Department of Elections to the appropriate general registrar who shall send confirmation documents of the transfer to the voter pursuant to § 24.2-424. The Department of Motor Vehicles and Department of Elections shall cooperate in the prompt transmittal by electronic or other means of the notification to the appropriate general registrar.

C. The completed voter registration portion of the application shall be transmitted as directed by the Department of Elections not later than five business days after the date of receipt. The Department of Motor Vehicles and Department of Elections shall cooperate in the prompt transmittal by electronic or other means of the voter registration portion of the application to the appropriate general registrar.

D. The Department of Elections shall maintain statistical records on the number of applications to register to vote with information provided from the Department of Motor Vehicles.

E. A person who provides services at the Department of Motor Vehicles shall not disclose, except as authorized by law for official use, the social security number, or any part thereof, of any applicant for voter registration.

~~F. The Department of Motor Vehicles shall provide assistance as required in providing voter photo identification cards as provided in subdivision A 3 of § 24.2-404.~~

§ 24.2-643. Qualified voter permitted to vote; procedures at polling place; voter identification.

A. After the polls are open, each qualified voter at a precinct shall be permitted to vote. The officers of election shall ascertain that a person offering to vote is a qualified voter before admitting him to the voting booth and furnishing an official ballot to him.

B. An officer of election shall ask the voter for his full name and current residence address and the voter may give such information orally or in writing. The officer of election shall repeat, in a voice audible to party and candidate representatives present, the full name and address provided by the voter. The officer shall ask the voter to present any one of the following forms of identification: (i) his voter confirmation documents; (ii) his valid Virginia driver's license, his valid United States passport, or any other photo identification issued by the Commonwealth, one of its political subdivisions, or the United States; (iii) any valid student identification card containing a photograph of the voter and issued by any institution of higher education located in the Commonwealth or any private school located in the Commonwealth; ~~or~~ (iv) any valid student identification card issued by any institution of higher education located in any other state or territory of the United States; (v) any valid employee identification card containing a photograph of the voter and issued by an employer of the voter in the ordinary course of the employer's business; or (vi) a copy of a current utility bill, bank statement, government check, paycheck, or other government document containing the name and address of the voter. The expiration

date on a Virginia driver's license shall not be considered when determining the validity of the driver's license offered for purposes of this section.

~~Any~~ Except as provided in subsection E, any voter who does not show one of the forms of identification specified in this subsection shall be allowed to vote after signing a statement, subject to felony penalties for false statements pursuant to § 24.2-1016, that he is the named registered voter he claims to be. A voter who requires assistance in voting by reason of a physical disability or an inability to read or write, and who requests assistance pursuant to § 24.2-649, may be assisted in preparation of this statement in accordance with that section. The provisions of § 24.2-649 regarding voters who are unable to sign shall be followed when assisting a voter in completing this statement. A voter who does not show one of the forms of identification specified in this subsection and does not sign this statement shall be offered a provisional ballot under the provisions of § 24.2-653. The State Board of Elections shall provide an ID-ONLY provisional ballot envelope that requires no follow-up action by the registrar or electoral board other than matching submitted identification documents from the voter for the electoral board to make a determination on whether to count the ballot.

If the voter presents one of the forms of identification listed above, if his name is found on the pollbook in a form identical to or substantially similar to the name on the presented form of identification and the name provided by the voter, if he is qualified to vote in the election, and if no objection is made, an officer shall enter, opposite the voter's name on the pollbook, the first or next consecutive number from the voter count form provided by the State Board, or shall enter that the voter has voted if the pollbook is in electronic form; an officer shall provide the voter with the official ballot; and another officer shall admit him to the voting booth. Each voter whose name has been marked on the pollbooks as present to vote and entitled to a ballot shall remain in the presence of the officers of election in the polling place until he has voted. If a line of voters who have been marked on the pollbooks as present to vote forms to await entry to the voting booths, the line shall not be permitted to extend outside of the room containing the voting booths and shall remain under observation by the officers of election.

A voter may be accompanied into the voting booth by his child age 15 or younger.

C. If the current residence address provided by the voter is different from the address shown on the pollbook, the officer of election shall furnish the voter with a change of address form prescribed by the State Board. Upon its completion, the voter shall sign the prescribed form, subject to felony penalties for making false statements pursuant to § 24.2-1016, which the officer of election shall then place in an envelope provided for such forms for transmission to the general registrar who shall then transfer or cancel the registration of such voter pursuant to Chapter 4 (§ 24.2-400 et seq.).

D. At the time the voter is asked his full name and current residence address, the officer of election shall ask any voter for whom the pollbook indicates that an identification number other than a social security number is recorded on the Virginia voter registration system if he presently has a social security number. If the voter is able to provide his social security number, he shall be furnished with a voter registration form prescribed by the State Board to update his registration information. Upon its completion, the form shall be placed by the officer of election in an envelope provided for such forms for transmission to the general registrar. Any social security numbers so provided shall be entered by the general registrar in the voter's record on the voter registration system.

E. *This subsection shall apply in the case of any individual who is required by subparagraph (b) of 52 U.S.C. § 21083 of the Help America Vote Act of 2002 to show identification the first time he votes in a federal election in the state. At such election, such individual shall present (i) a current and valid photo identification or (ii) a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter. Such individual who desires to vote in person but does not show one of the forms of identification specified in this subsection shall be offered a provisional ballot under the provisions of § 24.2-653. The identification requirements of subsection B of this section and subsection A of § 24.2-653 shall not apply to such voter at such election. The Department of Elections shall provide instructions to the electoral boards for the handling and counting of such provisional ballots pursuant to subsection B of § 24.2-653 and this section.*

§ 24.2-653. Voter whose name does not appear on pollbook or who is marked as having voted; handling of provisional ballots; ballots cast after normal close of polls due to court order extending polling hours.

A. When a person offers to vote pursuant to § 24.2-652 and the general registrar is not available or cannot state that the person is registered to vote, then such person shall be allowed to vote by printed ballot in the manner provided in this section. This procedure shall also apply when required by § 24.2-643 or 24.2-651.1.

Such person shall be given a printed ballot and provide, subject to the penalties for making false statements pursuant to § 24.2-1016, on a green envelope supplied by the Department of Elections, the identifying information required on the envelope, including the last four digits of his social security number, if any, full name including the maiden or any other prior legal name, date of birth, complete address, and signature. Such person shall be asked to present one of the forms of identification specified in subsection B of § 24.2-643. *If he is unable to present one of these forms of identification, he shall sign a statement, subject to felony penalties for false statements pursuant to § 24.2-1016, that he is the named registered voter he claims to be.* The officers of election shall note on the green envelope whether or not the voter has presented one of the specified forms of identification or signed the required statement in lieu of presenting one of the specified forms of identification. The officers of election shall enter the appropriate information for the person in the precinct provisional ballots log in accordance with the instructions of the State Board but shall not enter a consecutive number for the voter on the pollbook nor otherwise mark his name as having voted. The officers of election shall provide an application for registration to the person offering to vote in the manner provided in this section.

The voter shall then, in the presence of an officer of election, but in a secret manner, mark the printed ballot as provided in § 24.2-644 and seal it in the green envelope. The envelope containing the ballot shall then promptly be placed in the ballot container by an officer of election.

An officer of election, by a written notice given to the voter, shall ~~(i)~~ inform him that a determination of his right to vote shall be made by the electoral board; ~~(ii)~~ and advise the voter of the beginning time and place for the board's meeting and of the voter's right to be present at that meeting; ~~and (iii) inform a.~~ *If the voter is voting provisionally when as required by § 24.2-643, an officer of election, by written notice given to the voter, shall also inform him that he may submit a copy of one of the forms of identification specified in subsection B of § 24.2-643 or a statement, signed by him subject to felony penalties for false statements pursuant to § 24.2-1016, that he is the named registered voter he claims to be to the electoral board by facsimile, electronic mail, in-person submission, or timely United States Postal Service or commercial mail delivery, to be received by the electoral board no later than noon on the third day after the election. At the meeting, the voter may request an extension of the determination of the provisional vote in order to provide information to prove that the voter is entitled to vote in the precinct pursuant to § 24.2-401. The electoral board shall have the authority to grant such extensions which it deems reasonable to determine the status of a provisional vote.*

B. The provisional votes submitted pursuant to subsection A, in their unopened envelopes, shall be sealed in a special envelope marked "Provisional Votes," inscribed with the number of envelopes contained therein, and signed by the officers of election who counted them. All provisional votes envelopes shall be delivered either (i) to the clerk of the circuit court who shall deliver all such envelopes to the secretary of the electoral board or (ii) to the general registrar in localities in which the electoral board has directed delivery of election materials to the general registrar pursuant to § 24.2-668.

The electoral board shall meet on the day following the election and determine whether each person having submitted such a provisional vote was entitled to do so as a qualified voter in the precinct in which he offered the provisional vote. If the board is unable to determine the validity of all the provisional ballots offered in the election, or has granted any voter who has offered a provisional ballot an extension as provided in subsection A, the meeting shall stand adjourned, not to exceed seven calendar days from the date of the election, until the board has determined the validity of all provisional ballots offered in the election.

One authorized representative of each political party or independent candidate in a general or special election or one authorized representative of each candidate in a primary election shall be permitted to remain in the room in which the determination is being made as an observer so long as he does not participate in the proceedings and does not impede the orderly conduct of the determination. Each authorized representative shall be a qualified voter of any jurisdiction of the Commonwealth. Each representative, who is not himself a candidate or party chairman, shall present to the electoral board a written statement designating him to be a representative of the party or candidate and signed by the county or city chairman of his political party, the independent candidate, or the primary candidate, as appropriate. If the county or city chairman is unavailable to sign such a written designation, such a designation may be made by the state or district chairman of the political party. However, no written designation made by a state or district chairman shall take precedence over a written designation made by the county or city chairman. Such statement, bearing the chairman's or candidate's original signature, may be photocopied and such photocopy shall be as valid as if the copy had been signed.

Notwithstanding the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.), attendance at meetings of the electoral board to determine the validity of provisional ballots shall be permitted only for the authorized representatives provided for in this subsection, for the persons whose provisional votes are being considered and their representative or legal counsel, and for appropriate staff and legal counsel for the electoral board.

If the electoral board determines that such person was not entitled to vote as a qualified voter in the precinct in which he offered the provisional vote, is unable to determine his right to vote, or has not been provided one of the forms of identification specified in subsection B of § 24.2-643 *or the signed statement that the voter is the named registered voter he claims to be*, the envelope containing his ballot shall not be opened and his vote shall not be counted. The provisional vote shall be counted if (a) such person is entitled to vote in the precinct pursuant to § 24.2-401 or (b) the Department of Elections or the voter presents proof that indicates the voter submitted an application for registration to the Department of Motor Vehicles or other state-designated voter registration agency prior to the close of registration pursuant to § 24.2-416 and the registrar determines that the person was qualified for registration based upon the application for registration submitted by the person pursuant to subsection A. The general registrar shall notify in writing pursuant to § 24.2-114 those persons found not properly registered or whose provisional vote was not counted.

If the electoral board determines that such person was entitled to vote, the name of the voter shall be entered in a provisional votes pollbook and marked as having voted, the envelope shall be opened, and the ballot placed in a ballot container without any inspection further than that provided for in § 24.2-646.

On completion of its determination, the electoral board shall proceed to count such ballots and certify the results of its count. Its certified results shall be added to those found pursuant to § 24.2-671. No adjustment shall be made to the statement of results for the precinct in which the person offered to vote. However, any voter who cast a provisional ballot and is determined by the electoral board to have been entitled to vote shall have his name included on the list of persons who voted that is submitted to the Department of Elections pursuant to § 24.2-406.

The certification of the results of the count together with all ballots and envelopes, whether open or unopened, and other related material shall be delivered by the electoral board to the clerk of the circuit court and retained by him as provided for in §§ 24.2-668 and 24.2-669.

C. Whenever the polling hours are extended by an order of a court of competent jurisdiction, any ballots marked after the normal polling hours by persons who were not already in line at the time the polls would have closed, notwithstanding the court order, shall be treated as provisional ballots under this section. The officers of election shall mark the green envelope for each such provisional ballot to indicate that it was cast after normal polling hours due to the court order, and when preparing the materials to deliver to the registrar or electoral board, shall separate these provisional ballots from any provisional ballots used for any other reason. The electoral board shall treat these provisional ballots as provided in subsection B; however, the counted and uncounted provisional ballots marked after the normal polling hours shall be kept separate from all other ballots and recorded in a separate provisional ballots pollbook. The Department of Elections shall provide instructions to the electoral boards for the handling and counting of such provisional ballots pursuant to this section.

§ 24.2-701. (Effective for elections prior to the general election on November 3, 2020) Application for absentee ballot.

A. The State Board shall furnish each general registrar with a sufficient number of applications for official absentee ballots. The registrars shall furnish applications to persons requesting them.

The State Board shall implement a system that enables eligible persons to request and receive an absentee ballot application electronically through the Internet. Electronic absentee ballot applications shall be in a form approved by the State Board.

Except as provided in § 24.2-703, a separate application shall be completed for each election in which the applicant offers to vote. An application for an absentee ballot may be accepted the later of (i) 12 months before an election or (ii) the day following any election held in the twelfth month prior to the election in which the applicant is applying to vote.

An application that is completed in person at the same time that the applicant registers to vote shall be held and processed no sooner than the fifth day after the date that the applicant registered to vote; however, this requirement shall not be applicable to any person who is qualified to vote absentee under subdivision 2 of § 24.2-700.

Any application received before the ballots are printed shall be held and processed as soon as the printed ballots for the election are available.

For the purposes of this chapter, the general registrar's office shall be open a minimum of eight hours between the hours of 8:00 a.m. and 5:00 p.m. on the first and second Saturday immediately preceding all general elections, except May general elections, and on the Saturday immediately preceding any primary election, May general election, or special election.

Unless the applicant is disabled, all applications for absentee ballots shall be signed by the applicant who shall state, subject to felony penalties for making false statements pursuant to § 24.2-1016, that to the best of his knowledge and belief the facts contained in the application are true and correct and that he has not and will not vote in the election at any other place in Virginia or in any other state. If the applicant is unable to sign the application, a person assisting the applicant will note this fact on the applicant signature line and provide his signature, name, and address.

B. Applications for absentee ballots shall be completed in the following manner:

1. An application completed in person shall be made not less than three days prior to the election in which the applicant offers to vote and completed only in the office of the general registrar. The applicant shall sign the application in the presence of a registrar. The applicant shall provide one of the forms of identification specified in subsection B of § 24.2-643, *or if he is unable to present one of the specified forms of identification listed in that subsection, he shall sign a statement, subject to felony penalties for making false statements pursuant to § 24.2-1016, that he is the named registered voter he claims to be. An applicant who requires assistance in voting by reason of a physical disability or an inability to read or write, and who requests assistance pursuant to § 24.2-649, may be assisted in preparation of this statement in accordance with that section. The provisions of § 24.2-649 regarding voters who are unable to sign shall be followed when assisting a voter in completing this statement.* Any applicant who does not show one of the forms of identification specified in subsection B of § 24.2-643 *or does not sign this statement* shall be offered a provisional ballot under the provisions of § 24.2-653. The State Board of Elections shall provide instructions to the general registrar for the handling and counting of such provisional ballots pursuant to subsection B of § 24.2-653 and this section.

This paragraph shall apply in the case of any individual who is required by subparagraph (b) of 52 U.S.C. § 21083 of the Help America Vote Act of 2002 to show identification the first time he votes in a federal election in the state. At such election, such individual shall present (i) a current and valid photo identification or (ii) a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter. Such individual who desires to vote in person but does not show one of the forms of identification specified in this paragraph shall be offered a provisional ballot under the provisions of § 24.2-653. The identification requirements of subsection B of § 24.2-643 and subsection A of § 24.2-653 shall not apply to such voter at such election. The Department of Elections shall provide instructions to the electoral boards for the handling and counting of such provisional ballots pursuant to subsection B of § 24.2-653 and this section.

2. Any other application may be made by mail, by electronic or telephonic transmission to a facsimile device if one is available to the office of the general registrar or to the office of the State Board if a device is not available locally, or by other means. The application shall be on a form furnished by the registrar or, if made under subdivision 2 of § 24.2-700, may be on a federal postcard application prescribed pursuant to 52 U.S.C. § 20301(b)(2). The federal postcard application may be accepted the later of (i) 12 months before an election or (ii) the day following any election held in the twelfth month

prior to the election in which the applicant is applying to vote. The application shall be made to the appropriate registrar no later than 5:00 p.m. on the seventh day prior to the election in which the applicant offers to vote.

C. Applications for absentee ballots shall contain the following information:

1. The applicant's printed name, the last four digits of the applicant's social security number, and the reason the applicant will be absent or cannot vote at his polling place on the day of the election. However, an applicant completing the application in person shall not be required to provide the last four digits of his social security number;

2. A statement that he is registered in the county or city in which he offers to vote and his residence address in such county or city. Any person temporarily residing outside the United States shall provide the last date of residency at his Virginia residence address, if that residence is no longer available to him. Any person who makes application under subdivision 2 of § 24.2-700 who is not a registered voter may file the applications to register and for a ballot simultaneously;

3. The complete address to which the ballot is to be sent directly to the applicant, unless the application is made in person at a time when the printed ballots for the election are available and the applicant chooses to vote in person at the time of completing his application. The address given shall be (i) the address of the applicant on file in the registration records; (ii) the address at which he will be located while absent from his county or city; or (iii) the address at which he will be located while temporarily confined due to a disability or illness. No ballot shall be sent to, or in care of, any other person; and

4. In the case of a person, or the spouse or dependent of a person, who is on active duty as a member of the uniformed services as defined in § 24.2-452, the branch of service to which he or the spouse belongs; or

5. In the case of a student, or the spouse of a student, who is attending a school or institution of higher education, the name of the school or institution of higher education; or

6. In the case of any duly registered person with a disability, as defined in § 24.2-101, who is unable to go in person to the polls on the day of the election because of his disability, illness, or pregnancy, that he is a person with a disability, illness, or pregnancy; or

7. In the case of a person who is confined awaiting trial or for having been convicted of a misdemeanor, the name of the institution of confinement; or

8. In the case of a person who will be absent on election day for business reasons, the name of his employer or business; or

9. In the case of a person who will be absent on election day for personal business or vacation reasons, the name of the county or city in Virginia or the state or country to which he is traveling; or

10. In the case of a person who is unable to go to the polls on the day of election because he is primarily and personally responsible for the care of an ill or disabled family member who is confined at home, his relationship to the family member; or

11. In the case of a person who is unable to go to the polls on the day of election because of an obligation occasioned by his religion, that he has an obligation occasioned by his religion; or

12. In the case of a person who, in the regular and orderly course of his business, profession, or occupation, will be at his place of work and commuting to and from his home to his place of work for 11 or more hours of the 13 hours that the polls are open pursuant to § 24.2-603, the name of his business or employer and hours he will be at the workplace and commuting on election day; or

13. In the case of a law-enforcement officer, as defined in § 18.2-51.1; firefighter, as defined in § 65.2-102; volunteer firefighter, as defined in § 27-42; search and rescue personnel, as defined in § 18.2-51.1; or emergency medical services personnel, as defined in § 32.1-111.1, that he is a first responder; or

14. In the case of a person who has been designated by a political party, independent candidate, or candidate in a primary election to be a representative of the party or candidate inside a polling place on the day of the election pursuant to subsection C of § 24.2-604 and § 24.2-639, the fact that he is so designated; or

15. In the case of a person who has been granted a protective order issued by or under the authority of any court of competent jurisdiction, the name of the county or city in Virginia or the state of the issuing court.

§ 24.2-701. (Effective for elections beginning with the general election on November 3, 2020) Application for absentee ballot.

A. The State Board shall furnish each general registrar with a sufficient number of applications for official absentee ballots. The registrars shall furnish applications to persons requesting them.

The State Board shall implement a system that enables eligible persons to request and receive an absentee ballot application electronically through the Internet. Electronic absentee ballot applications shall be in a form approved by the State Board.

Except as provided in § 24.2-703, a separate application shall be completed for each election in which the applicant offers to vote. An application for an absentee ballot may be accepted the later of (i) 12 months before an election or (ii) the day following any election held in the twelfth month prior to the election in which the applicant is applying to vote.

An application that is completed in person at the same time that the applicant registers to vote shall be held and processed no sooner than the fifth day after the date that the applicant registered to vote; however, this requirement shall not be applicable to any person who is qualified to vote absentee under subdivision A 2 of § 24.2-700.

Any application received before the ballots are printed shall be held and processed as soon as the printed ballots for the election are available.

For the purposes of this chapter, the general registrar's office shall be open a minimum of eight hours between the hours of 8:00 a.m. and 5:00 p.m. on the first and second Saturday immediately preceding all elections.

Unless the applicant is disabled, all applications for absentee ballots shall be signed by the applicant who shall state, subject to felony penalties for making false statements pursuant to § 24.2-1016, that to the best of his knowledge and belief the facts contained in the application are true and correct and that he has not and will not vote in the election at any other place in Virginia or in any other state. If the applicant is unable to sign the application, a person assisting the applicant will note this fact on the applicant signature line and provide his signature, name, and address.

B. Applications for absentee ballots shall be completed in the following manner:

1. An application completed in person shall be completed only in the office of the general registrar and signed by the applicant in the presence of a registrar. The applicant shall provide one of the forms of identification specified in subsection B of § 24.2-643, *or if he is unable to present one of the specified forms of identification listed in that subsection, he shall sign a statement, subject to felony penalties for making false statements pursuant to § 24.2-1016, that he is the named registered voter he claims to be. An applicant who requires assistance in voting by reason of a physical disability or an inability to read or write, and who requests assistance pursuant to § 24.2-649, may be assisted in preparation of this statement in accordance with that section. The provisions of § 24.2-649 regarding voters who are unable to sign shall be followed when assisting a voter in completing this statement.* Any applicant who does not show one of the forms of identification specified in subsection B of § 24.2-643 *or does not sign this statement* shall be offered a provisional ballot under the provisions of § 24.2-653. The State Board of Elections shall provide instructions to the general registrar for the handling and counting of such provisional ballots pursuant to subsection B of § 24.2-653 and this section.

This paragraph shall apply in the case of any individual who is required by subparagraph (b) of 52 U.S.C. § 21083 of the Help America Vote Act of 2002 to show identification the first time he votes in a federal election in the state. At such election, such individual shall present (i) a current and valid photo identification or (ii) a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter. Such individual who desires to vote in person but does not show one of the forms of identification specified in this paragraph shall be offered a provisional ballot under the provisions of § 24.2-653. The identification requirements of subsection B of § 24.2-643 and subsection A of § 24.2-653 shall not apply to such voter at such election. The Department of Elections shall provide instructions to the electoral boards for the handling and counting of such provisional ballots pursuant to subsection B of § 24.2-653 and this section.

2. Any other application may be made by mail, by electronic or telephonic transmission to a facsimile device if one is available to the office of the general registrar or to the office of the State Board if a device is not available locally, or by other means. The application shall be on a form furnished by the registrar or, if made under subdivision A 2 of § 24.2-700, may be on a federal postcard application prescribed pursuant to 52 U.S.C. § 20301(b)(2). The federal postcard application may be accepted the later of (i) 12 months before an election or (ii) the day following any election held in the twelfth month prior to the election in which the applicant is applying to vote. The application shall be made to the appropriate registrar no later than 5:00 p.m. on the seventh day prior to the election in which the applicant offers to vote.

C. Applications for absentee ballots shall contain the following information:

1. The applicant's printed name, the last four digits of the applicant's social security number, and the reason the applicant will be absent or cannot vote at his polling place on the day of the election. However, an applicant completing the application in person shall not be required to provide the last four digits of his social security number;

2. A statement that he is registered in the county or city in which he offers to vote and his residence address in such county or city. Any person temporarily residing outside the United States shall provide the last date of residency at his Virginia residence address, if that residence is no longer available to him. Any person who makes application under subdivision A 2 of § 24.2-700 who is not a registered voter may file the applications to register and for a ballot simultaneously;

3. The complete address to which the ballot is to be sent directly to the applicant, unless the application is made in person at a time when the printed ballots for the election are available and the applicant chooses to vote in person at the time of completing his application. The address given shall be (i) the address of the applicant on file in the registration records; (ii) the address at which he will be located while absent from his county or city; or (iii) the address at which he will be located while temporarily confined due to a disability or illness. No ballot shall be sent to, or in care of, any other person; and

4. In the case of a person, or the spouse or dependent of a person, who is on active duty as a member of the uniformed services as defined in § 24.2-452, the branch of service to which he or the spouse belongs; or

5. In the case of a student, or the spouse of a student, who is attending a school or institution of higher education, the name of the school or institution of higher education; or

6. In the case of any duly registered person with a disability, as defined in § 24.2-101, who is unable to go in person to the polls on the day of the election because of his disability, illness, or pregnancy, that he is a person with a disability, illness, or pregnancy; or

7. In the case of a person who is confined awaiting trial or for having been convicted of a misdemeanor, the name of the institution of confinement; or

8. In the case of a person who will be absent on election day for business reasons, the name of his employer or business; or

9. In the case of a person who will be absent on election day for personal business or vacation reasons, the name of the county or city in Virginia or the state or country to which he is traveling; or

10. In the case of a person who is unable to go to the polls on the day of election because he is primarily and personally responsible for the care of an ill or disabled family member who is confined at home, his relationship to the family member; or

11. In the case of a person who is unable to go to the polls on the day of election because of an obligation occasioned by his religion, that he has an obligation occasioned by his religion; or

12. In the case of a person who, in the regular and orderly course of his business, profession, or occupation, will be at his place of work and commuting to and from his home to his place of work for 11 or more hours of the 13 hours that the polls are open pursuant to § 24.2-603, the name of his business or employer and hours he will be at the workplace and commuting on election day; or

13. In the case of a law-enforcement officer, as defined in § 18.2-51.1; firefighter, as defined in § 65.2-102; volunteer firefighter, as defined in § 27-42; search and rescue personnel, as defined in § 18.2-51.1; or emergency medical services personnel, as defined in § 32.1-111.1, that he is a first responder; or

14. In the case of a person who has been designated by a political party, independent candidate, or candidate in a primary election to be a representative of the party or candidate inside a polling place on the day of the election pursuant to subsection C of § 24.2-604 and § 24.2-639, the fact that he is so designated; or

15. In the case of a person who has been granted a protective order issued by or under the authority of any court of competent jurisdiction, the name of the county or city in Virginia or the state of the issuing court.

D. An application shall not be required for any registered voter appearing in person to cast an absentee ballot during the period beginning on the second Saturday immediately preceding the election in which he is offering to vote.

§ 24.2-701.1. (Effective for elections beginning with the general election on November 3, 2020) Absentee voting in person.

A. Absentee voting in person shall be available on the forty-fifth day prior to any election and shall continue until 5:00 p.m. on the Saturday immediately preceding the election.

1. Any registered voter eligible to vote absentee pursuant to subsection A of § 24.2-700 may vote absentee in person beginning on the forty-fifth day prior to the election in which he is offering to vote and continuing until the second Friday immediately preceding such election. He shall complete the application for an absentee ballot required by § 24.2-701, and the general registrar shall process that application in accordance with the provisions of § 24.2-706.

2. Any registered voter may vote absentee in person on or after the second Saturday immediately preceding the election in which he is offering to vote. He shall provide his name and his residence address in the county or city in which he is offering to vote. After verifying that the voter is a registered voter of that county or city, the general registrar shall enroll the voter's name and address on the absentee voter applicant list maintained pursuant to § 24.2-706.

▲ Except as provided in subsection G, a registered voter voting by absentee ballot in person shall provide one of the forms of identification specified in subsection B of § 24.2-643. If he does not show one of the forms of identification specified in subsection B of § 24.2-643, he shall be allowed to vote after signing a statement, subject to felony penalties for false statements pursuant to § 24.2-1016, that he is the named registered voter he claims to be. A voter who requires assistance in voting by reason of a physical disability or an inability to read or write, and who requests assistance pursuant to § 24.2-649, may be assisted in preparation of this statement in accordance with that section. The provisions of § 24.2-649 regarding voters who are unable to sign shall be followed when assisting a voter in completing this statement. A voter who does not show one of the forms of identification specified in this subsection or does not sign this statement shall be offered a provisional ballot under the provisions of § 24.2-653. The State Board shall provide instructions to the general registrar for the handling and counting of such provisional ballots pursuant to subsection B of § 24.2-653 and this section.

B. Absentee voting in person shall be available during regular business hours. The electoral board of each county and city shall provide for absentee voting in person in the office of the general registrar. For purposes of this chapter, such office shall be open a minimum of eight hours between the hours of 8:00 a.m. and 5:00 p.m. on the first and second Saturday immediately preceding all elections. Any applicant who is in line to cast his ballot when the office of the general registrar or location being used for in-person absentee voting closes shall be permitted to cast his absentee ballot that day.

C. Additional locations in the county or city approved by the electoral boards may be available for absentee voting in person. Any such location shall be in a public building owned or leased by the county, city, or town within the county and may be in a facility that is owned or leased by the Commonwealth and used as a location for Department of Motor Vehicles facilities or as an office of the general registrar. Any such location shall have adequate facilities for the protection of all elections materials produced in the process of absentee voting in person, the voted and unvoted absentee ballots, and any voting systems in use at the location.

D. The general registrar may provide for the casting of absentee ballots in person pursuant to this section on voting systems. The Department shall prescribe the procedures for use of voting systems. The procedures shall provide for absentee voting in person on voting systems that have been certified and are currently approved by the State Board. The procedures shall be applicable and uniformly applied by the Department to all localities using comparable voting systems.

E. At least two officers of election shall be present during all hours that absentee voting in person is available and shall represent the two major political parties, except in the case of a party primary, when they may represent the party conducting the primary. However, such requirement shall not apply when (i) voting systems that are being used pursuant to subsection D are located in the office of the general registrar and (ii) the general registrar or an assistant registrar is present.

F. The Department shall include absentee ballots voted in person in its instructions for the preparation, maintenance, and reporting of ballots, pollbooks, records, and returns.

G. *This subsection shall apply in the case of any individual who is required by subparagraph (b) of 52 U.S.C. § 21083 of the Help America Vote Act of 2002 to show identification the first time he votes in a federal election in the state. At such election, such individual shall present (i) a current and valid photo identification or (ii) a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter. Such individual who desires to vote in person but who does not show one of the forms of identification specified in this subsection shall be offered a provisional ballot under the provisions of § 24.2-653. The identification requirements of subsection B of § 24.2-643 and subsection A of § 24.2-653 shall not apply to such voter at such election. The Department of Elections shall provide instructions to the electoral boards for the handling and counting of such provisional ballots pursuant to subsection B of § 24.2-653 and this section.*

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation is \$0 for periods of imprisonment in state adult correctional facilities and cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

CHAPTER 1065

An Act to amend and reenact §§ 24.2-404, 24.2-411.1, 24.2-643, 24.2-653, 24.2-701, as it is currently effective and as it shall become effective, and 24.2-701.1, as it shall become effective, of the Code of Virginia, relating to voter identification; repeal of photo identification requirements; additional forms of identification accepted; signed statement in lieu of required form of identification; penalty.

[S 65]

Approved April 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-404, 24.2-411.1, 24.2-643, 24.2-653, 24.2-701, as it is currently effective and as it shall become effective, and 24.2-701.1, as it shall become effective, of the Code of Virginia are amended and reenacted as follows:

§ 24.2-404. Duties of Department of Elections.

A. The Department of Elections shall provide for the continuing operation and maintenance of a central recordkeeping system, the Virginia voter registration system, for all voters registered in the Commonwealth.

In order to operate and maintain the system, the Department shall:

1. Maintain a complete, separate, and accurate record of all registered voters in the Commonwealth.
2. Require the general registrars to enter the names of all registered voters into the system and to change or correct registration records as necessary.
3. Provide to each general registrar, voter confirmation documents for newly registered voters and for notice to registered voters on the system of changes and corrections in their registration records and polling places ~~and voter photo identification cards containing the voter's photograph and signature for free for those voters who do not have one of the forms of identification specified in subsection B of § 24.2-643. The Department shall promulgate rules and regulations authorizing each general registrar to obtain a photograph and signature of a voter who does not have one of the forms of identification specified in subsection B of § 24.2-643 for the purpose of providing such voter a voter photo identification card containing the voter's photograph and signature. The Department shall provide each general registrar with the equipment necessary to obtain a voter's signature and photograph and no general registrar shall be required to purchase such equipment at his own expense. Photographs and signatures obtained by a general registrar shall be submitted to the Department. The Department may contract with an outside vendor for the production and distribution of voter photo identification cards.~~

4. Require the general registrars to delete from the record of registered voters the name of any voter who (i) is deceased, (ii) is no longer qualified to vote in the county or city where he is registered due to removal of his residence, (iii) has been convicted of a felony, (iv) has been adjudicated incapacitated, (v) is known not to be a United States citizen by reason of reports from the Department of Motor Vehicles pursuant to § 24.2-410.1 or from the Department of Elections based on information received from the Systematic Alien Verification for Entitlements Program (SAVE Program) pursuant to subsection E, or (vi) is otherwise no longer qualified to vote as may be provided by law. Such action shall be taken no later than 30 days after notification from the Department. The Department shall promptly provide the information referred to in this subdivision, upon receiving it, to general registrars.

5. Retain on the system for four years a separate record for registered voters whose names have been deleted, with the reason for deletion.

6. Retain on the system permanently a separate record for information received regarding deaths, felony convictions, and adjudications of incapacity pursuant to §§ 24.2-408 through 24.2-410.

7. Provide to each general registrar, at least 16 days prior to a general or primary election and three days prior to a special election, an alphabetical list of all registered voters in each precinct or portion of a precinct in which the election is being held in the county, city, or town. These precinct lists shall be used as the official lists of qualified voters and shall

constitute the pollbooks. The Department shall provide instructions for the division of the pollbooks and precinct lists into sections to accommodate the efficient processing of voter lines at the polls. Prior to any general, primary, or special election, the Department shall provide any general registrar, upon his request, with a separate electronic list of all registered voters in the registrar's county or city. If electronic pollbooks are used in the locality or electronic voter registration inquiry devices are used in precincts in the locality, the Department shall provide a regional or statewide list of registered voters to the general registrar of the locality. The Department shall determine whether regional or statewide data is provided. Neither the pollbook nor the regional or statewide list of registered voters shall include the day and month of birth of the voter, but shall include the voter's year of birth.

8. Acquire by purchase, lease, or contract equipment necessary to execute the duties of the Department.

9. Use any source of information that may assist in carrying out the purposes of this section. All agencies of the Commonwealth shall cooperate with the Department in procuring and exchanging identification information for the purpose of maintaining the voter registration system. The Department may share any information that it receives from another agency of the Commonwealth with any Chief Election Officer of another state for the maintenance of the voter registration system.

10. Cooperate with other states and jurisdictions to develop systems to compare voters, voter history, and voter registration lists to ensure the accuracy of the voter registration rolls, to identify voters whose addresses have changed, to prevent duplication of registration in more than one state or jurisdiction, and to determine eligibility of individuals to vote in Virginia.

11. Reprint and impose a reasonable charge for the sale of any part of Title 24.2, lists of precincts and polling places, statements of election results by precinct, and any other items required of the Department by law. Receipts from such sales shall be credited to the Board for reimbursement of printing expenses.

B. The Department shall be authorized to provide for the production, distribution, and receipt of information and lists through the Virginia voter registration system by any appropriate means including, but not limited to, paper and electronic means. The Virginia Freedom of Information Act (§ 2.2-3700 et seq.) shall not apply to records about individuals maintained in this system.

C. The State Board shall institute procedures to ensure that each requirement of this section is fulfilled. As part of its procedures, the State Board shall provide that the general registrar shall mail notice of any cancellation pursuant to clause (v) of subdivision A 4 to the person whose registration is cancelled.

D. The State Board shall promulgate rules and regulations to ensure the uniform application of the law for determining a person's residence.

E. The Department shall apply to participate in the Systematic Alien Verification for Entitlements Program (SAVE Program) operated by U.S. Citizenship and Immigration Services of the U.S. Department of Homeland Security for the purposes of verifying that voters listed in the Virginia voter registration system are United States citizens. Upon approval of the application, the Department shall enter into any required memorandum of agreement with U.S. Citizenship and Immigration Services. The State Board shall promulgate rules and regulations governing the use of the immigration status and citizenship status information received from the SAVE Program.

F. The Department shall report annually by October 1 for the preceding 12 months ending August 31 to the Committees on Privileges and Elections on each of its activities undertaken to maintain the Virginia voter registration system and the results of those activities. The Department's report shall be governed by the provisions of § 2.2-608 and shall encompass activities undertaken pursuant to subdivisions A 9 and 10 and subsection E and pursuant to §§ 24.2-404.3, 24.2-404.4, 24.2-408, 24.2-409, 24.2-409.1, 24.2-410, 24.2-410.1, 24.2-427, and 24.2-428. This report shall contain the methodology used in gathering and analyzing the data. The Commissioner of Elections shall certify that the data included in the report is accurate and reliable.

§ 24.2-411.1. Offices of the Department of Motor Vehicles.

A. The Department of Motor Vehicles shall provide the opportunity to register to vote to each person who comes to an office of the Department of Motor Vehicles to:

1. Apply for, replace, or renew a driver's license;
2. Apply for, replace, or renew a special identification card; or
3. Change an address on an existing driver's license or special identification card.

B. The method used to receive an application for voter registration shall avoid duplication of the license portion of the license application and require only the minimum additional information necessary to enable registrars to determine the voter eligibility of the applicant and to administer voter registration and election laws. A person who does not sign the registration portion of the application shall be deemed to have declined to register at that time. The voter application shall include a statement that, if an applicant declines to register to vote, the fact the applicant has declined to register will remain confidential and will be used only for voter registration purposes.

Each application form distributed under this section shall be accompanied by the following statement featured prominently in boldface capital letters: "WARNING: INTENTIONALLY MAKING A MATERIALLY FALSE STATEMENT ON THIS FORM CONSTITUTES THE CRIME OF ELECTION FRAUD, WHICH IS PUNISHABLE UNDER VIRGINIA LAW AS A FELONY. VIOLATORS MAY BE SENTENCED TO UP TO 10 YEARS IN PRISON, OR UP TO 12 MONTHS IN JAIL AND/OR FINED UP TO \$2,500."

Any completed application for voter registration submitted by a person who is already registered shall serve as a written request to update his registration record. Any change of address form submitted for purposes of a motor vehicle driver's license or special identification card shall serve as notification of change of address for voter registration for the registrant involved unless the registrant states on the form that the change of address is not for voter registration purposes. If the information from the notification of change of address for voter registration indicates that the registered voter has moved to another general registrar's jurisdiction within the Commonwealth, the notification shall be treated as a request for transfer from the registered voter. The notification and the registered voter's registration record shall be transmitted as directed by the Department of Elections to the appropriate general registrar who shall send confirmation documents of the transfer to the voter pursuant to § 24.2-424. The Department of Motor Vehicles and Department of Elections shall cooperate in the prompt transmittal by electronic or other means of the notification to the appropriate general registrar.

C. The completed voter registration portion of the application shall be transmitted as directed by the Department of Elections not later than five business days after the date of receipt. The Department of Motor Vehicles and Department of Elections shall cooperate in the prompt transmittal by electronic or other means of the voter registration portion of the application to the appropriate general registrar.

D. The Department of Elections shall maintain statistical records on the number of applications to register to vote with information provided from the Department of Motor Vehicles.

E. A person who provides services at the Department of Motor Vehicles shall not disclose, except as authorized by law for official use, the social security number, or any part thereof, of any applicant for voter registration.

~~F. The Department of Motor Vehicles shall provide assistance as required in providing voter photo identification cards as provided in subdivision A 3 of § 24.2-404.~~

§ 24.2-643. Qualified voter permitted to vote; procedures at polling place; voter identification.

A. After the polls are open, each qualified voter at a precinct shall be permitted to vote. The officers of election shall ascertain that a person offering to vote is a qualified voter before admitting him to the voting booth and furnishing an official ballot to him.

B. An officer of election shall ask the voter for his full name and current residence address and the voter may give such information orally or in writing. The officer of election shall repeat, in a voice audible to party and candidate representatives present, the full name and address provided by the voter. The officer shall ask the voter to present any one of the following forms of identification: (i) *his voter confirmation documents*; (ii) *his valid Virginia driver's license, his valid United States passport, or any other photo identification issued by the Commonwealth, one of its political subdivisions, or the United States*; (iii) *any valid student identification card containing a photograph of the voter and issued by any institution of higher education located in the Commonwealth or any private school located in the Commonwealth*; ~~or~~ (iv) *any valid student identification card issued by any institution of higher education located in any other state or territory of the United States*; (v) *any valid employee identification card containing a photograph of the voter and issued by an employer of the voter in the ordinary course of the employer's business*; or (vi) *a copy of a current utility bill, bank statement, government check, paycheck, or other government document containing the name and address of the voter. The expiration date on a Virginia driver's license shall not be considered when determining the validity of the driver's license offered for purposes of this section.*

~~Any~~ Except as provided in subsection E, any voter who does not show one of the forms of identification specified in this subsection shall be allowed to vote after signing a statement, subject to felony penalties for false statements pursuant to § 24.2-1016, that he is the named registered voter he claims to be. A voter who requires assistance in voting by reason of a physical disability or an inability to read or write, and who requests assistance pursuant to § 24.2-649, may be assisted in preparation of this statement in accordance with that section. The provisions of § 24.2-649 regarding voters who are unable to sign shall be followed when assisting a voter in completing this statement. A voter who does not show one of the forms of identification specified in this subsection and does not sign this statement shall be offered a provisional ballot under the provisions of § 24.2-653. The State Board of Elections shall provide an ID-ONLY provisional ballot envelope that requires no follow-up action by the registrar or electoral board other than matching submitted identification documents from the voter for the electoral board to make a determination on whether to count the ballot.

If the voter presents one of the forms of identification listed above, if his name is found on the pollbook in a form identical to or substantially similar to the name on the presented form of identification and the name provided by the voter, if he is qualified to vote in the election, and if no objection is made, an officer shall enter, opposite the voter's name on the pollbook, the first or next consecutive number from the voter count form provided by the State Board, or shall enter that the voter has voted if the pollbook is in electronic form; an officer shall provide the voter with the official ballot; and another officer shall admit him to the voting booth. Each voter whose name has been marked on the pollbooks as present to vote and entitled to a ballot shall remain in the presence of the officers of election in the polling place until he has voted. If a line of voters who have been marked on the pollbooks as present to vote forms to await entry to the voting booths, the line shall not be permitted to extend outside of the room containing the voting booths and shall remain under observation by the officers of election.

A voter may be accompanied into the voting booth by his child age 15 or younger.

C. If the current residence address provided by the voter is different from the address shown on the pollbook, the officer of election shall furnish the voter with a change of address form prescribed by the State Board. Upon its completion, the voter shall sign the prescribed form, subject to felony penalties for making false statements pursuant to § 24.2-1016,

which the officer of election shall then place in an envelope provided for such forms for transmission to the general registrar who shall then transfer or cancel the registration of such voter pursuant to Chapter 4 (§ 24.2-400 et seq.).

D. At the time the voter is asked his full name and current residence address, the officer of election shall ask any voter for whom the pollbook indicates that an identification number other than a social security number is recorded on the Virginia voter registration system if he presently has a social security number. If the voter is able to provide his social security number, he shall be furnished with a voter registration form prescribed by the State Board to update his registration information. Upon its completion, the form shall be placed by the officer of election in an envelope provided for such forms for transmission to the general registrar. Any social security numbers so provided shall be entered by the general registrar in the voter's record on the voter registration system.

E. This subsection shall apply in the case of any individual who is required by subparagraph (b) of 52 U.S.C. § 21083 of the Help America Vote Act of 2002 to show identification the first time he votes in a federal election in the state. At such election, such individual shall present (i) a current and valid photo identification or (ii) a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter. Such individual who desires to vote in person but does not show one of the forms of identification specified in this subsection shall be offered a provisional ballot under the provisions of § 24.2-653. The identification requirements of subsection B of this section and subsection A of § 24.2-653 shall not apply to such voter at such election. The Department of Elections shall provide instructions to the electoral boards for the handling and counting of such provisional ballots pursuant to subsection B of § 24.2-653 and this section.

§ 24.2-653. Voter whose name does not appear on pollbook or who is marked as having voted; handling of provisional ballots; ballots cast after normal close of polls due to court order extending polling hours.

A. When a person offers to vote pursuant to § 24.2-652 and the general registrar is not available or cannot state that the person is registered to vote, then such person shall be allowed to vote by printed ballot in the manner provided in this section. This procedure shall also apply when required by § 24.2-643 or 24.2-651.1.

Such person shall be given a printed ballot and provide, subject to the penalties for making false statements pursuant to § 24.2-1016, on a green envelope supplied by the Department of Elections, the identifying information required on the envelope, including the last four digits of his social security number, if any, full name including the maiden or any other prior legal name, date of birth, complete address, and signature. Such person shall be asked to present one of the forms of identification specified in subsection B of § 24.2-643. *If he is unable to present one of these forms of identification, he shall sign a statement, subject to felony penalties for false statements pursuant to § 24.2-1016, that he is the named registered voter he claims to be.* The officers of election shall note on the green envelope whether or not the voter has presented one of the specified forms of identification *or signed the required statement in lieu of presenting one of the specified forms of identification.* The officers of election shall enter the appropriate information for the person in the precinct provisional ballots log in accordance with the instructions of the State Board but shall not enter a consecutive number for the voter on the pollbook nor otherwise mark his name as having voted. The officers of election shall provide an application for registration to the person offering to vote in the manner provided in this section.

The voter shall then, in the presence of an officer of election, but in a secret manner, mark the printed ballot as provided in § 24.2-644 and seal it in the green envelope. The envelope containing the ballot shall then promptly be placed in the ballot container by an officer of election.

An officer of election, by a written notice given to the voter, shall ~~(i)~~ inform him that a determination of his right to vote shall be made by the electoral board, ~~(ii)~~ and advise the voter of the beginning time and place for the board's meeting and of the voter's right to be present at that meeting, ~~and (iii) inform a.~~ *If the voter is voting provisionally when as required by § 24.2-643, an officer of election, by written notice given to the voter, shall also inform him that he may submit a copy of one of the forms of identification specified in subsection B of § 24.2-643 or a statement, signed by him subject to felony penalties for false statements pursuant to § 24.2-1016, that he is the named registered voter he claims to be to the electoral board by facsimile, electronic mail, in-person submission, or timely United States Postal Service or commercial mail delivery, to be received by the electoral board no later than noon on the third day after the election. At the meeting, the voter may request an extension of the determination of the provisional vote in order to provide information to prove that the voter is entitled to vote in the precinct pursuant to § 24.2-401. The electoral board shall have the authority to grant such extensions which it deems reasonable to determine the status of a provisional vote.*

B. The provisional votes submitted pursuant to subsection A, in their unopened envelopes, shall be sealed in a special envelope marked "Provisional Votes," inscribed with the number of envelopes contained therein, and signed by the officers of election who counted them. All provisional votes envelopes shall be delivered either (i) to the clerk of the circuit court who shall deliver all such envelopes to the secretary of the electoral board or (ii) to the general registrar in localities in which the electoral board has directed delivery of election materials to the general registrar pursuant to § 24.2-668.

The electoral board shall meet on the day following the election and determine whether each person having submitted such a provisional vote was entitled to do so as a qualified voter in the precinct in which he offered the provisional vote. If the board is unable to determine the validity of all the provisional ballots offered in the election, or has granted any voter who has offered a provisional ballot an extension as provided in subsection A, the meeting shall stand adjourned, not to exceed seven calendar days from the date of the election, until the board has determined the validity of all provisional ballots offered in the election.

One authorized representative of each political party or independent candidate in a general or special election or one authorized representative of each candidate in a primary election shall be permitted to remain in the room in which the determination is being made as an observer so long as he does not participate in the proceedings and does not impede the orderly conduct of the determination. Each authorized representative shall be a qualified voter of any jurisdiction of the Commonwealth. Each representative, who is not himself a candidate or party chairman, shall present to the electoral board a written statement designating him to be a representative of the party or candidate and signed by the county or city chairman of his political party, the independent candidate, or the primary candidate, as appropriate. If the county or city chairman is unavailable to sign such a written designation, such a designation may be made by the state or district chairman of the political party. However, no written designation made by a state or district chairman shall take precedence over a written designation made by the county or city chairman. Such statement, bearing the chairman's or candidate's original signature, may be photocopied and such photocopy shall be as valid as if the copy had been signed.

Notwithstanding the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.), attendance at meetings of the electoral board to determine the validity of provisional ballots shall be permitted only for the authorized representatives provided for in this subsection, for the persons whose provisional votes are being considered and their representative or legal counsel, and for appropriate staff and legal counsel for the electoral board.

If the electoral board determines that such person was not entitled to vote as a qualified voter in the precinct in which he offered the provisional vote, is unable to determine his right to vote, or has not been provided one of the forms of identification specified in subsection B of § 24.2-643 *or the signed statement that the voter is the registered voter he claims to be*, the envelope containing his ballot shall not be opened and his vote shall not be counted. The provisional vote shall be counted if (a) such person is entitled to vote in the precinct pursuant to § 24.2-401 or (b) the Department of Elections or the voter presents proof that indicates the voter submitted an application for registration to the Department of Motor Vehicles or other state-designated voter registration agency prior to the close of registration pursuant to § 24.2-416 and the registrar determines that the person was qualified for registration based upon the application for registration submitted by the person pursuant to subsection A. The general registrar shall notify in writing pursuant to § 24.2-114 those persons found not properly registered or whose provisional vote was not counted.

If the electoral board determines that such person was entitled to vote, the name of the voter shall be entered in a provisional votes pollbook and marked as having voted, the envelope shall be opened, and the ballot placed in a ballot container without any inspection further than that provided for in § 24.2-646.

On completion of its determination, the electoral board shall proceed to count such ballots and certify the results of its count. Its certified results shall be added to those found pursuant to § 24.2-671. No adjustment shall be made to the statement of results for the precinct in which the person offered to vote. However, any voter who cast a provisional ballot and is determined by the electoral board to have been entitled to vote shall have his name included on the list of persons who voted that is submitted to the Department of Elections pursuant to § 24.2-406.

The certification of the results of the count together with all ballots and envelopes, whether open or unopened, and other related material shall be delivered by the electoral board to the clerk of the circuit court and retained by him as provided for in §§ 24.2-668 and 24.2-669.

C. Whenever the polling hours are extended by an order of a court of competent jurisdiction, any ballots marked after the normal polling hours by persons who were not already in line at the time the polls would have closed, notwithstanding the court order, shall be treated as provisional ballots under this section. The officers of election shall mark the green envelope for each such provisional ballot to indicate that it was cast after normal polling hours due to the court order, and when preparing the materials to deliver to the registrar or electoral board, shall separate these provisional ballots from any provisional ballots used for any other reason. The electoral board shall treat these provisional ballots as provided in subsection B; however, the counted and uncounted provisional ballots marked after the normal polling hours shall be kept separate from all other ballots and recorded in a separate provisional ballots pollbook. The Department of Elections shall provide instructions to the electoral boards for the handling and counting of such provisional ballots pursuant to this section.

§ 24.2-701. (Effective for elections prior to the general election on November 3, 2020) Application for absentee ballot.

A. The State Board shall furnish each general registrar with a sufficient number of applications for official absentee ballots. The registrars shall furnish applications to persons requesting them.

The State Board shall implement a system that enables eligible persons to request and receive an absentee ballot application electronically through the Internet. Electronic absentee ballot applications shall be in a form approved by the State Board.

Except as provided in § 24.2-703, a separate application shall be completed for each election in which the applicant offers to vote. An application for an absentee ballot may be accepted the later of (i) 12 months before an election or (ii) the day following any election held in the twelfth month prior to the election in which the applicant is applying to vote.

An application that is completed in person at the same time that the applicant registers to vote shall be held and processed no sooner than the fifth day after the date that the applicant registered to vote; however, this requirement shall not be applicable to any person who is qualified to vote absentee under subdivision 2 of § 24.2-700.

Any application received before the ballots are printed shall be held and processed as soon as the printed ballots for the election are available.

For the purposes of this chapter, the general registrar's office shall be open a minimum of eight hours between the hours of 8:00 a.m. and 5:00 p.m. on the first and second Saturday immediately preceding all general elections, except May general elections, and on the Saturday immediately preceding any primary election, May general election, or special election.

Unless the applicant is disabled, all applications for absentee ballots shall be signed by the applicant who shall state, subject to felony penalties for making false statements pursuant to § 24.2-1016, that to the best of his knowledge and belief the facts contained in the application are true and correct and that he has not and will not vote in the election at any other place in Virginia or in any other state. If the applicant is unable to sign the application, a person assisting the applicant will note this fact on the applicant signature line and provide his signature, name, and address.

B. Applications for absentee ballots shall be completed in the following manner:

1. An application completed in person shall be made not less than three days prior to the election in which the applicant offers to vote and completed only in the office of the general registrar. The applicant shall sign the application in the presence of a registrar. The applicant shall provide one of the forms of identification specified in subsection B of § 24.2-643, *or if he is unable to present one of the specified forms of identification listed in that subsection, he shall sign a statement, subject to felony penalties for making false statements pursuant to § 24.2-1016, that he is the named registered voter he claims to be. An applicant who requires assistance in voting by reason of a physical disability or an inability to read or write, and who requests assistance pursuant to § 24.2-649, may be assisted in preparation of this statement in accordance with that section. The provisions of § 24.2-649 regarding voters who are unable to sign shall be followed when assisting a voter in completing this statement.* Any applicant who does not show one of the forms of identification specified in subsection B of § 24.2-643 *or does not sign this statement* shall be offered a provisional ballot under the provisions of § 24.2-653. The State Board of Elections shall provide instructions to the general registrar for the handling and counting of such provisional ballots pursuant to subsection B of § 24.2-653 and this section.

This paragraph shall apply in the case of any individual who is required by subparagraph (b) of 52 U.S.C. § 21083 of the Help America Vote Act of 2002 to show identification the first time he votes in a federal election in the state. At such election, such individual shall present (i) a current and valid photo identification or (ii) a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter. Such individual who desires to vote in person but does not show one of the forms of identification specified in this paragraph shall be offered a provisional ballot under the provisions of § 24.2-653. The identification requirements of subsection B of § 24.2-643 and subsection A of § 24.2-653 shall not apply to such voter at such election. The Department of Elections shall provide instructions to the electoral boards for the handling and counting of such provisional ballots pursuant to subsection B of § 24.2-653 and this section.

2. Any other application may be made by mail, by electronic or telephonic transmission to a facsimile device if one is available to the office of the general registrar or to the office of the State Board if a device is not available locally, or by other means. The application shall be on a form furnished by the registrar or, if made under subdivision 2 of § 24.2-700, may be on a federal postcard application prescribed pursuant to 52 U.S.C. § 20301(b)(2). The federal postcard application may be accepted the later of (i) 12 months before an election or (ii) the day following any election held in the twelfth month prior to the election in which the applicant is applying to vote. The application shall be made to the appropriate registrar no later than 5:00 p.m. on the seventh day prior to the election in which the applicant offers to vote.

C. Applications for absentee ballots shall contain the following information:

1. The applicant's printed name, the last four digits of the applicant's social security number, and the reason the applicant will be absent or cannot vote at his polling place on the day of the election. However, an applicant completing the application in person shall not be required to provide the last four digits of his social security number;

2. A statement that he is registered in the county or city in which he offers to vote and his residence address in such county or city. Any person temporarily residing outside the United States shall provide the last date of residency at his Virginia residence address, if that residence is no longer available to him. Any person who makes application under subdivision 2 of § 24.2-700 who is not a registered voter may file the applications to register and for a ballot simultaneously;

3. The complete address to which the ballot is to be sent directly to the applicant, unless the application is made in person at a time when the printed ballots for the election are available and the applicant chooses to vote in person at the time of completing his application. The address given shall be (i) the address of the applicant on file in the registration records; (ii) the address at which he will be located while absent from his county or city; or (iii) the address at which he will be located while temporarily confined due to a disability or illness. No ballot shall be sent to, or in care of, any other person; and

4. In the case of a person, or the spouse or dependent of a person, who is on active duty as a member of the uniformed services as defined in § 24.2-452, the branch of service to which he or the spouse belongs; or

5. In the case of a student, or the spouse of a student, who is attending a school or institution of higher education, the name of the school or institution of higher education; or

6. In the case of any duly registered person with a disability, as defined in § 24.2-101, who is unable to go in person to the polls on the day of the election because of his disability, illness, or pregnancy, that he is a person with a disability, illness, or pregnancy; or

7. In the case of a person who is confined awaiting trial or for having been convicted of a misdemeanor, the name of the institution of confinement; or

8. In the case of a person who will be absent on election day for business reasons, the name of his employer or business; or

9. In the case of a person who will be absent on election day for personal business or vacation reasons, the name of the county or city in Virginia or the state or country to which he is traveling; or

10. In the case of a person who is unable to go to the polls on the day of election because he is primarily and personally responsible for the care of an ill or disabled family member who is confined at home, his relationship to the family member; or

11. In the case of a person who is unable to go to the polls on the day of election because of an obligation occasioned by his religion, that he has an obligation occasioned by his religion; or

12. In the case of a person who, in the regular and orderly course of his business, profession, or occupation, will be at his place of work and commuting to and from his home to his place of work for 11 or more hours of the 13 hours that the polls are open pursuant to § 24.2-603, the name of his business or employer and hours he will be at the workplace and commuting on election day; or

13. In the case of a law-enforcement officer, as defined in § 18.2-51.1; firefighter, as defined in § 65.2-102; volunteer firefighter, as defined in § 27-42; search and rescue personnel, as defined in § 18.2-51.1; or emergency medical services personnel, as defined in § 32.1-111.1, that he is a first responder; or

14. In the case of a person who has been designated by a political party, independent candidate, or candidate in a primary election to be a representative of the party or candidate inside a polling place on the day of the election pursuant to subsection C of § 24.2-604 and § 24.2-639, the fact that he is so designated; or

15. In the case of a person who has been granted a protective order issued by or under the authority of any court of competent jurisdiction, the name of the county or city in Virginia or the state of the issuing court.

§ 24.2-701. (Effective for elections beginning with the general election on November 3, 2020) Application for absentee ballot.

A. The State Board shall furnish each general registrar with a sufficient number of applications for official absentee ballots. The registrars shall furnish applications to persons requesting them.

The State Board shall implement a system that enables eligible persons to request and receive an absentee ballot application electronically through the Internet. Electronic absentee ballot applications shall be in a form approved by the State Board.

Except as provided in § 24.2-703, a separate application shall be completed for each election in which the applicant offers to vote. An application for an absentee ballot may be accepted the later of (i) 12 months before an election or (ii) the day following any election held in the twelfth month prior to the election in which the applicant is applying to vote.

An application that is completed in person at the same time that the applicant registers to vote shall be held and processed no sooner than the fifth day after the date that the applicant registered to vote; however, this requirement shall not be applicable to any person who is qualified to vote absentee under subdivision A 2 of § 24.2-700.

Any application received before the ballots are printed shall be held and processed as soon as the printed ballots for the election are available.

For the purposes of this chapter, the general registrar's office shall be open a minimum of eight hours between the hours of 8:00 a.m. and 5:00 p.m. on the first and second Saturday immediately preceding all elections.

Unless the applicant is disabled, all applications for absentee ballots shall be signed by the applicant who shall state, subject to felony penalties for making false statements pursuant to § 24.2-1016, that to the best of his knowledge and belief the facts contained in the application are true and correct and that he has not and will not vote in the election at any other place in Virginia or in any other state. If the applicant is unable to sign the application, a person assisting the applicant will note this fact on the applicant signature line and provide his signature, name, and address.

B. Applications for absentee ballots shall be completed in the following manner:

1. An application completed in person shall be completed only in the office of the general registrar and signed by the applicant in the presence of a registrar. The applicant shall provide one of the forms of identification specified in subsection B of § 24.2-643, *or if he is unable to present one of the specified forms of identification listed in that subsection, he shall sign a statement, subject to felony penalties for making false statements pursuant to § 24.2-1016, that he is the named registered voter he claims to be. An applicant who requires assistance in voting by reason of a physical disability or an inability to read or write, and who requests assistance pursuant to § 24.2-649, may be assisted in preparation of this statement in accordance with that section. The provisions of § 24.2-649 regarding voters who are unable to sign shall be followed when assisting a voter in completing this statement.* Any applicant who does not show one of the forms of identification specified in subsection B of § 24.2-643 *or does not sign this statement* shall be offered a provisional ballot under the provisions of § 24.2-653. The State Board of Elections shall provide instructions to the general registrar for the handling and counting of such provisional ballots pursuant to subsection B of § 24.2-653 and this section.

This paragraph shall apply in the case of any individual who is required by subparagraph (b) of 52 U.S.C. § 21083 of the Help America Vote Act of 2002 to show identification the first time he votes in a federal election in the state. At such election, such individual shall present (i) a current and valid photo identification or (ii) a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter. Such individual who desires to vote in person but does not show one of the forms of identification specified in this paragraph shall be offered a provisional ballot under the provisions of § 24.2-653. The identification requirements of subsection B of § 24.2-643 and subsection A of § 24.2-653 shall not apply to such voter at such election. The Department of Elections shall

provide instructions to the electoral boards for the handling and counting of such provisional ballots pursuant to subsection B of § 24.2-653 and this section.

2. Any other application may be made by mail, by electronic or telephonic transmission to a facsimile device if one is available to the office of the general registrar or to the office of the State Board if a device is not available locally, or by other means. The application shall be on a form furnished by the registrar or, if made under subdivision A 2 of § 24.2-700, may be on a federal postcard application prescribed pursuant to 52 U.S.C. § 20301(b)(2). The federal postcard application may be accepted the later of (i) 12 months before an election or (ii) the day following any election held in the twelfth month prior to the election in which the applicant is applying to vote. The application shall be made to the appropriate registrar no later than 5:00 p.m. on the seventh day prior to the election in which the applicant offers to vote.

C. Applications for absentee ballots shall contain the following information:

1. The applicant's printed name, the last four digits of the applicant's social security number, and the reason the applicant will be absent or cannot vote at his polling place on the day of the election. However, an applicant completing the application in person shall not be required to provide the last four digits of his social security number;

2. A statement that he is registered in the county or city in which he offers to vote and his residence address in such county or city. Any person temporarily residing outside the United States shall provide the last date of residency at his Virginia residence address, if that residence is no longer available to him. Any person who makes application under subdivision A 2 of § 24.2-700 who is not a registered voter may file the applications to register and for a ballot simultaneously;

3. The complete address to which the ballot is to be sent directly to the applicant, unless the application is made in person at a time when the printed ballots for the election are available and the applicant chooses to vote in person at the time of completing his application. The address given shall be (i) the address of the applicant on file in the registration records; (ii) the address at which he will be located while absent from his county or city; or (iii) the address at which he will be located while temporarily confined due to a disability or illness. No ballot shall be sent to, or in care of, any other person; and

4. In the case of a person, or the spouse or dependent of a person, who is on active duty as a member of the uniformed services as defined in § 24.2-452, the branch of service to which he or the spouse belongs; or

5. In the case of a student, or the spouse of a student, who is attending a school or institution of higher education, the name of the school or institution of higher education; or

6. In the case of any duly registered person with a disability, as defined in § 24.2-101, who is unable to go in person to the polls on the day of the election because of his disability, illness, or pregnancy, that he is a person with a disability, illness, or pregnancy; or

7. In the case of a person who is confined awaiting trial or for having been convicted of a misdemeanor, the name of the institution of confinement; or

8. In the case of a person who will be absent on election day for business reasons, the name of his employer or business; or

9. In the case of a person who will be absent on election day for personal business or vacation reasons, the name of the county or city in Virginia or the state or country to which he is traveling; or

10. In the case of a person who is unable to go to the polls on the day of election because he is primarily and personally responsible for the care of an ill or disabled family member who is confined at home, his relationship to the family member; or

11. In the case of a person who is unable to go to the polls on the day of election because of an obligation occasioned by his religion, that he has an obligation occasioned by his religion; or

12. In the case of a person who, in the regular and orderly course of his business, profession, or occupation, will be at his place of work and commuting to and from his home to his place of work for 11 or more hours of the 13 hours that the polls are open pursuant to § 24.2-603, the name of his business or employer and hours he will be at the workplace and commuting on election day; or

13. In the case of a law-enforcement officer, as defined in § 18.2-51.1; firefighter, as defined in § 65.2-102; volunteer firefighter, as defined in § 27-42; search and rescue personnel, as defined in § 18.2-51.1; or emergency medical services personnel, as defined in § 32.1-111.1, that he is a first responder; or

14. In the case of a person who has been designated by a political party, independent candidate, or candidate in a primary election to be a representative of the party or candidate inside a polling place on the day of the election pursuant to subsection C of § 24.2-604 and § 24.2-639, the fact that he is so designated; or

15. In the case of a person who has been granted a protective order issued by or under the authority of any court of competent jurisdiction, the name of the county or city in Virginia or the state of the issuing court.

D. An application shall not be required for any registered voter appearing in person to cast an absentee ballot during the period beginning on the second Saturday immediately preceding the election in which he is offering to vote.

§ 24.2-701.1. (Effective for elections beginning with the general election on November 3, 2020) Absentee voting in person.

A. Absentee voting in person shall be available on the forty-fifth day prior to any election and shall continue until 5:00 p.m. on the Saturday immediately preceding the election.

1. Any registered voter eligible to vote absentee pursuant to subsection A of § 24.2-700 may vote absentee in person beginning on the forty-fifth day prior to the election in which he is offering to vote and continuing until the second Friday

immediately preceding such election. He shall complete the application for an absentee ballot required by § 24.2-701, and the general registrar shall process that application in accordance with the provisions of § 24.2-706.

2. Any registered voter may vote absentee in person on or after the second Saturday immediately preceding the election in which he is offering to vote. He shall provide his name and his residence address in the county or city in which he is offering to vote. After verifying that the voter is a registered voter of that county or city, the general registrar shall enroll the voter's name and address on the absentee voter applicant list maintained pursuant to § 24.2-706.

▲ *Except as provided in subsection G, a registered voter voting by absentee ballot in person shall provide one of the forms of identification specified in subsection B of § 24.2-643. If he does not show one of the forms of identification specified in subsection B of § 24.2-643, he shall be allowed to vote after signing a statement, subject to felony penalties for false statements pursuant to § 24.2-1016, that he is the named registered voter he claims to be. A voter who requires assistance in voting by reason of a physical disability or an inability to read or write, and who requests assistance pursuant to § 24.2-649, may be assisted in preparation of this statement in accordance with that section. The provisions of § 24.2-649 regarding voters who are unable to sign shall be followed when assisting a voter in completing this statement. A voter who does not show one of the forms of identification specified in this subsection or does not sign this statement shall be offered a provisional ballot under the provisions of § 24.2-653. The State Board shall provide instructions to the general registrar for the handling and counting of such provisional ballots pursuant to subsection B of § 24.2-653 and this section.*

B. Absentee voting in person shall be available during regular business hours. The electoral board of each county and city shall provide for absentee voting in person in the office of the general registrar. For purposes of this chapter, such office shall be open a minimum of eight hours between the hours of 8:00 a.m. and 5:00 p.m. on the first and second Saturday immediately preceding all elections. Any applicant who is in line to cast his ballot when the office of the general registrar or location being used for in-person absentee voting closes shall be permitted to cast his absentee ballot that day.

C. Additional locations in the county or city approved by the electoral boards may be available for absentee voting in person. Any such location shall be in a public building owned or leased by the county, city, or town within the county and may be in a facility that is owned or leased by the Commonwealth and used as a location for Department of Motor Vehicles facilities or as an office of the general registrar. Any such location shall have adequate facilities for the protection of all elections materials produced in the process of absentee voting in person, the voted and unvoted absentee ballots, and any voting systems in use at the location.

D. The general registrar may provide for the casting of absentee ballots in person pursuant to this section on voting systems. The Department shall prescribe the procedures for use of voting systems. The procedures shall provide for absentee voting in person on voting systems that have been certified and are currently approved by the State Board. The procedures shall be applicable and uniformly applied by the Department to all localities using comparable voting systems.

E. At least two officers of election shall be present during all hours that absentee voting in person is available and shall represent the two major political parties, except in the case of a party primary, when they may represent the party conducting the primary. However, such requirement shall not apply when (i) voting systems that are being used pursuant to subsection D are located in the office of the general registrar and (ii) the general registrar or an assistant registrar is present.

F. The Department shall include absentee ballots voted in person in its instructions for the preparation, maintenance, and reporting of ballots, pollbooks, records, and returns.

G. *This subsection shall apply in the case of any individual who is required by subparagraph (b) of 52 U.S.C. § 21083 of the Help America Vote Act of 2002 to show identification the first time he votes in a federal election in the state. At such election, such individual shall present (i) a current and valid photo identification or (ii) a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter. Such individual who desires to vote in person but who does not show one of the forms of identification specified in this subsection shall be offered a provisional ballot under the provisions of § 24.2-653. The identification requirements of subsection B of § 24.2-643 and subsection A of § 24.2-653 shall not apply to such voter at such election. The Department of Elections shall provide instructions to the electoral boards for the handling and counting of such provisional ballots pursuant to subsection B of § 24.2-653 and this section.*

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation is \$0 for periods of imprisonment in state adult correctional facilities and cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

CHAPTER 1066

An Act to amend and reenact §§ 54.1-2523 and 54.1-2525 of the Code of Virginia, relating to Prescription Monitoring Program; information disclosed to the Emergency Department Care Coordination Program; redisclosure.

[H 648]

Approved April 10, 2020

Be it enacted by the General Assembly of Virginia:

- 1. That §§ 54.1-2523 and 54.1-2525 of the Code of Virginia are amended and reenacted as follows:
§ 54.1-2523. Confidentiality of data; disclosure of information; discretionary authority of Director.**

A. All data, records, and reports relating to the prescribing and dispensing of covered substances to recipients and any abstracts from such data, records, and reports that are in the possession of the Prescription Monitoring Program pursuant to this chapter and any material relating to the operation or security of the program shall be confidential and shall be exempt from the Virginia Freedom of Information Act (§ 2.2-3700 et seq.) pursuant to subdivision 2 of § 2.2-3705.5. Records in possession of the Prescription Monitoring Program shall not be available for civil subpoena, nor shall such records be disclosed, discoverable, or compelled to be produced in any civil proceeding, nor shall such records be deemed admissible as evidence in any civil proceeding for any reason. Further, the Director shall only have discretion to disclose any such information as provided in subsections B and C.

B. Upon receiving a request for information in accordance with the Department's regulations and in compliance with applicable federal law and regulations, the Director shall disclose the following:

1. Information relevant to a specific investigation of a specific recipient or of a specific dispenser or prescriber to an agent who has completed the Virginia State Police Drug Diversion School designated by the superintendent of the Department of State Police or designated by the chief law-enforcement officer of any county, city, or town or campus police department to conduct drug diversion investigations pursuant to § 54.1-3405.

2. Information relevant to an investigation or inspection of or allegation of misconduct by a specific person licensed, certified, or registered by or an applicant for licensure, certification, or registration by a health regulatory board; information relevant to a disciplinary proceeding before a health regulatory board or in any subsequent trial or appeal of an action or board order to designated employees of the Department of Health Professions; or to designated persons operating the Health Practitioners' Monitoring Program pursuant to Chapter 25.1 (§ 54.1-2515 et seq.).

3. Information relevant to the proceedings of any investigatory grand jury or special grand jury that has been properly impaneled in accordance with the provisions of Chapter 13 (§ 19.2-191 et seq.) of Title 19.2.

4. Information relevant to a specific investigation of a specific recipient, dispenser, or prescriber to an agent of a federal law-enforcement agency with authority to conduct drug diversion investigations.

5. Information relevant to a specific investigation, supervision, or monitoring of a specific recipient for purposes of the administration of criminal justice pursuant to Chapter 1 (§ 9.1-100 et seq.) of Title 9.1 to a probation or parole officer as described in Article 2 (§ 53.1-141 et seq.) of Chapter 4 of Title 53.1 or a local community-based probation officer as described in § 9.1-176.1 who has completed the Virginia State Police Drug Diversion School designated by the Director of the Department of Corrections or his designee.

6. Information relevant to a specific investigation of a specific individual into a possible delivery of a controlled substance in violation of § 18.2-474.1 to an investigator for the Department of Corrections who has completed the Virginia State Police Drug Diversion School and who has been designated by the Director of the Department of Corrections or his designee.

7. *Information about a specific recipient to the Emergency Department Care Coordination Program in accordance with subdivision B 6 of § 32.1-372.*

C. In accordance with the Department's regulations and applicable federal law and regulations, the Director may, in his discretion, disclose:

1. Information in the possession of the ~~program~~ Prescription Monitoring Program concerning a recipient who is over the age of 18 to that recipient. The information shall be mailed to the street or mailing address indicated on the recipient request form.

2. Information on a specific recipient to a prescriber, as defined in this chapter, for the purpose of establishing the treatment history of the specific recipient when such recipient is either under care and treatment by the prescriber or the prescriber is consulting on or initiating treatment of such recipient. In a manner specified by the Director in regulation, notice shall be given to patients that information may be requested by the prescriber from the Prescription Monitoring Program.

3. Information on a specific recipient to a dispenser for the purpose of establishing a prescription history to assist the dispenser in (i) determining the validity of a prescription in accordance with § 54.1-3303 or (ii) providing clinical consultation on the care and treatment of the recipient. In a manner specified by the Director in regulation, notice shall be given to patients that information may be requested by the dispenser from the Prescription Monitoring Program.

4. Information relevant to an investigation or regulatory proceeding of a specific dispenser or prescriber to other regulatory authorities concerned with granting, limiting or denying licenses, certificates or registrations to practice a health profession when such regulatory authority licenses such dispenser or prescriber or such dispenser or prescriber is seeking licensure by such other regulatory authority.

5. Information relevant to an investigation relating to a specific dispenser or prescriber who is a participating provider in the Virginia Medicaid program or information relevant to an investigation relating to a specific recipient who is currently eligible for and receiving or who has been eligible for and has received medical assistance services to the Medicaid Fraud Control Unit of the Office of the Attorney General or to designated employees of the Department of Medical Assistance Services, as appropriate.

6. Information relevant to determination of the cause of death of a specific recipient to the designated employees of the Office of the Chief Medical Examiner.

7. Information for the purpose of bona fide research or education to qualified personnel; however, data elements that would reasonably identify a specific recipient, prescriber, or dispenser shall be deleted or redacted from such information

prior to disclosure. Further, release of the information shall only be made pursuant to a written agreement between such qualified personnel and the Director in order to ensure compliance with this subdivision.

8. Information relating to prescriptions for covered substances issued by a specific prescriber, which have been dispensed and reported to the *Prescription Monitoring Program*, to that prescriber.

9. Information about a specific recipient who is a member of a Virginia Medicaid managed care program to a physician or pharmacist licensed in the Commonwealth and employed by the Virginia Medicaid managed care program or to his clinical designee who holds a multistate licensure privilege to practice nursing or a license issued by a health regulatory board within the Department of Health Professions and is employed by the Virginia Medicaid managed care program. Such information shall only be used to determine eligibility for and to manage the care of the specific recipient in a Patient Utilization Management Safety or similar program. Notice shall be given to recipients that information may be requested by a licensed physician or pharmacist employed by the Virginia Medicaid managed care program from the Prescription Monitoring Program.

10. (Expires July 1, 2022) Information to the Board of Medicine about prescribers who meet a certain threshold for prescribing covered substances for the purpose of requiring relevant continuing education. The threshold shall be determined by the Board of Medicine in consultation with the *Prescription Monitoring Program*.

11. Information about a specific recipient who is currently eligible for and receiving medical assistance from the Department of Medical Assistance Services to a physician or pharmacist licensed in the Commonwealth or to his clinical designee who holds a multistate licensure privilege to practice nursing or a license issued by a health regulatory board within the Department of Health Professions and is employed by the Department of Medical Assistance Services.

Such information shall be used only to determine eligibility for and to manage the care of the specific recipient in a Patient Utilization Management Safety or similar program. Notice shall be given to recipients that information may be requested by a licensed physician or pharmacist employed by the Department of Medical Assistance Services from the Prescription Monitoring Program.

D. The Director may enter into agreements for mutual exchange of information among prescription monitoring programs in other jurisdictions, which shall only use the information for purposes allowed by this chapter.

E. This section shall not be construed to supersede the provisions of § 54.1-3406 concerning the divulging of confidential records relating to investigative information.

F. Confidential information that has been received, maintained or developed by any board or disclosed by the board pursuant to subsection A shall not, under any circumstances, be available for discovery or court subpoena or introduced into evidence in any medical malpractice suit or other action for damages arising out of the provision of or failure to provide services. However, this subsection shall not be construed to inhibit any investigation or prosecution conducted pursuant to Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2.

§ 54.1-2525. Unlawful disclosure of information; disciplinary action authorized; penalties.

A. It shall be unlawful for any person having access to the confidential information in the possession of the program or any data or reports produced by the program to disclose such confidential information except as provided in this chapter. Any person having access to the confidential information in the possession of the program or any data or reports produced by the program who discloses such confidential information in violation of this chapter shall be guilty of a Class 1 misdemeanor upon conviction.

B. It shall be unlawful for any person who lawfully receives confidential information from the Prescription Monitoring Program to redisclose or use such confidential information in any way other than the authorized purpose for which the request was made. Any person who lawfully receives information from the Prescription Monitoring Program and discloses such confidential information in violation of this chapter shall be guilty of a Class 1 misdemeanor upon conviction.

C. Nothing in this section shall prohibit (i) a person who prescribes or dispenses a covered substance to a recipient required to be reported to the program from redisclosing information obtained from the *Prescription Monitoring Program* to another prescriber or dispenser who has ~~prescribed or dispensed a covered substance to a~~ responsibility for treating the recipient or (ii) a person who prescribes a covered substance from placing information obtained from the *Prescription Monitoring Program* in the recipient's medical record.

D. *Information obtained from the Prescription Monitoring Program pursuant to subdivision B 6 of § 32.1-372 shall become part of the patient's medical record.*

E. Unauthorized use or disclosure of confidential information received from the Prescription Monitoring Program shall also be grounds for disciplinary action by the relevant health regulatory board.

CHAPTER 1067

An Act to amend and reenact §§ 54.1-2523 and 54.1-2525 of the Code of Virginia, relating to Prescription Monitoring Program; information disclosed to the Emergency Department Care Coordination Program; redisclosure.

[S 575]

Approved April 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-2523 and 54.1-2525 of the Code of Virginia are amended and reenacted as follows:

§ 54.1-2523. Confidentiality of data; disclosure of information; discretionary authority of Director.

A. All data, records, and reports relating to the prescribing and dispensing of covered substances to recipients and any abstracts from such data, records, and reports that are in the possession of the Prescription Monitoring Program pursuant to this chapter and any material relating to the operation or security of the program shall be confidential and shall be exempt from the Virginia Freedom of Information Act (§ 2.2-3700 et seq.) pursuant to subdivision 2 of § 2.2-3705.5. Records in possession of the Prescription Monitoring Program shall not be available for civil subpoena, nor shall such records be disclosed, discoverable, or compelled to be produced in any civil proceeding, nor shall such records be deemed admissible as evidence in any civil proceeding for any reason. Further, the Director shall only have discretion to disclose any such information as provided in subsections B and C.

B. Upon receiving a request for information in accordance with the Department's regulations and in compliance with applicable federal law and regulations, the Director shall disclose the following:

1. Information relevant to a specific investigation of a specific recipient or of a specific dispenser or prescriber to an agent who has completed the Virginia State Police Drug Diversion School designated by the superintendent of the Department of State Police or designated by the chief law-enforcement officer of any county, city, or town or campus police department to conduct drug diversion investigations pursuant to § 54.1-3405.

2. Information relevant to an investigation or inspection of or allegation of misconduct by a specific person licensed, certified, or registered by or an applicant for licensure, certification, or registration by a health regulatory board; information relevant to a disciplinary proceeding before a health regulatory board or in any subsequent trial or appeal of an action or board order to designated employees of the Department of Health Professions; or to designated persons operating the Health Practitioners' Monitoring Program pursuant to Chapter 25.1 (§ 54.1-2515 et seq.).

3. Information relevant to the proceedings of any investigatory grand jury or special grand jury that has been properly impaneled in accordance with the provisions of Chapter 13 (§ 19.2-191 et seq.) of Title 19.2.

4. Information relevant to a specific investigation of a specific recipient, dispenser, or prescriber to an agent of a federal law-enforcement agency with authority to conduct drug diversion investigations.

5. Information relevant to a specific investigation, supervision, or monitoring of a specific recipient for purposes of the administration of criminal justice pursuant to Chapter 1 (§ 9.1-100 et seq.) of Title 9.1 to a probation or parole officer as described in Article 2 (§ 53.1-141 et seq.) of Chapter 4 of Title 53.1 or a local community-based probation officer as described in § 9.1-176.1 who has completed the Virginia State Police Drug Diversion School designated by the Director of the Department of Corrections or his designee.

6. Information relevant to a specific investigation of a specific individual into a possible delivery of a controlled substance in violation of § 18.2-474.1 to an investigator for the Department of Corrections who has completed the Virginia State Police Drug Diversion School and who has been designated by the Director of the Department of Corrections or his designee.

7. *Information about a specific recipient to the Emergency Department Care Coordination Program in accordance with subdivision B 6 of § 32.1-372.*

C. In accordance with the Department's regulations and applicable federal law and regulations, the Director may, in his discretion, disclose:

1. Information in the possession of the ~~program~~ Prescription Monitoring Program concerning a recipient who is over the age of 18 to that recipient. The information shall be mailed to the street or mailing address indicated on the recipient request form.

2. Information on a specific recipient to a prescriber, as defined in this chapter, for the purpose of establishing the treatment history of the specific recipient when such recipient is either under care and treatment by the prescriber or the prescriber is consulting on or initiating treatment of such recipient. In a manner specified by the Director in regulation, notice shall be given to patients that information may be requested by the prescriber from the Prescription Monitoring Program.

3. Information on a specific recipient to a dispenser for the purpose of establishing a prescription history to assist the dispenser in (i) determining the validity of a prescription in accordance with § 54.1-3303 or (ii) providing clinical consultation on the care and treatment of the recipient. In a manner specified by the Director in regulation, notice shall be given to patients that information may be requested by the dispenser from the Prescription Monitoring Program.

4. Information relevant to an investigation or regulatory proceeding of a specific dispenser or prescriber to other regulatory authorities concerned with granting, limiting or denying licenses, certificates or registrations to practice a health profession when such regulatory authority licenses such dispenser or prescriber or such dispenser or prescriber is seeking licensure by such other regulatory authority.

5. Information relevant to an investigation relating to a specific dispenser or prescriber who is a participating provider in the Virginia Medicaid program or information relevant to an investigation relating to a specific recipient who is currently eligible for and receiving or who has been eligible for and has received medical assistance services to the Medicaid Fraud Control Unit of the Office of the Attorney General or to designated employees of the Department of Medical Assistance Services, as appropriate.

6. Information relevant to determination of the cause of death of a specific recipient to the designated employees of the Office of the Chief Medical Examiner.

7. Information for the purpose of bona fide research or education to qualified personnel; however, data elements that would reasonably identify a specific recipient, prescriber, or dispenser shall be deleted or redacted from such information prior to disclosure. Further, release of the information shall only be made pursuant to a written agreement between such qualified personnel and the Director in order to ensure compliance with this subdivision.

8. Information relating to prescriptions for covered substances issued by a specific prescriber, which have been dispensed and reported to the *Prescription Monitoring Program*, to that prescriber.

9. Information about a specific recipient who is a member of a Virginia Medicaid managed care program to a physician or pharmacist licensed in the Commonwealth and employed by the Virginia Medicaid managed care program or to his clinical designee who holds a multistate licensure privilege to practice nursing or a license issued by a health regulatory board within the Department of Health Professions and is employed by the Virginia Medicaid managed care program. Such information shall only be used to determine eligibility for and to manage the care of the specific recipient in a Patient Utilization Management Safety or similar program. Notice shall be given to recipients that information may be requested by a licensed physician or pharmacist employed by the Virginia Medicaid managed care program from the Prescription Monitoring Program.

10. (Expires July 1, 2022) Information to the Board of Medicine about prescribers who meet a certain threshold for prescribing covered substances for the purpose of requiring relevant continuing education. The threshold shall be determined by the Board of Medicine in consultation with the *Prescription Monitoring Program*.

11. Information about a specific recipient who is currently eligible for and receiving medical assistance from the Department of Medical Assistance Services to a physician or pharmacist licensed in the Commonwealth or to his clinical designee who holds a multistate licensure privilege to practice nursing or a license issued by a health regulatory board within the Department of Health Professions and is employed by the Department of Medical Assistance Services.

Such information shall be used only to determine eligibility for and to manage the care of the specific recipient in a Patient Utilization Management Safety or similar program. Notice shall be given to recipients that information may be requested by a licensed physician or pharmacist employed by the Department of Medical Assistance Services from the Prescription Monitoring Program.

D. The Director may enter into agreements for mutual exchange of information among prescription monitoring programs in other jurisdictions, which shall only use the information for purposes allowed by this chapter.

E. This section shall not be construed to supersede the provisions of § 54.1-3406 concerning the divulging of confidential records relating to investigative information.

F. Confidential information that has been received, maintained or developed by any board or disclosed by the board pursuant to subsection A shall not, under any circumstances, be available for discovery or court subpoena or introduced into evidence in any medical malpractice suit or other action for damages arising out of the provision of or failure to provide services. However, this subsection shall not be construed to inhibit any investigation or prosecution conducted pursuant to Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2.

§ 54.1-2525. Unlawful disclosure of information; disciplinary action authorized; penalties.

A. It shall be unlawful for any person having access to the confidential information in the possession of the program or any data or reports produced by the program to disclose such confidential information except as provided in this chapter. Any person having access to the confidential information in the possession of the program or any data or reports produced by the program who discloses such confidential information in violation of this chapter shall be guilty of a Class 1 misdemeanor upon conviction.

B. It shall be unlawful for any person who lawfully receives confidential information from the Prescription Monitoring Program to redisclose or use such confidential information in any way other than the authorized purpose for which the request was made. Any person who lawfully receives information from the Prescription Monitoring Program and discloses such confidential information in violation of this chapter shall be guilty of a Class 1 misdemeanor upon conviction.

C. Nothing in this section shall prohibit (i) a person who prescribes or dispenses a covered substance to a recipient required to be reported to the program from redisclosing information obtained from the *Prescription Monitoring Program* to another prescriber or dispenser who has ~~prescribed or dispensed a covered substance to a responsibility for treating the~~ recipient or (ii) a person who prescribes a covered substance from placing information obtained from the *Prescription Monitoring Program* in the recipient's medical record.

D. *Information obtained from the Prescription Monitoring Program pursuant to subdivision B 6 of § 32.1-372 shall become part of the patient's medical record.*

E. Unauthorized use or disclosure of confidential information received from the Prescription Monitoring Program shall also be grounds for disciplinary action by the relevant health regulatory board.

CHAPTER 1068

An Act to amend the Code of Virginia by adding a section numbered 56-484.16:1, relating to E-911 dispatchers; training in telecommunicator cardiopulmonary resuscitation and emergency medical dispatch.

[H 727]

Approved April 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 56-484.16:1 as follows:

§ 56-484.16:1. PSAP dispatchers; training requirements.

A. As used in this section:

"Dispatcher" means an individual employed by a public safety answering point, an emergency medical dispatch service provider, or both, who is qualified to answer incoming emergency telephone calls or provide for the appropriate emergency response either directly or through communication with the appropriate PSAP.

"Emergency Medical Dispatch" means a systematic program of handling medical calls pursuant to which trained dispatchers determine the nature and priority of the call, dispatch the appropriate response, and give the caller instructions to help treat the caller until the arrival of the appropriate responder.

"Emergency Medical Dispatch certification" means certification by an Office of Emergency Medical Services recognized emergency dispatch training organization meeting or exceeding standards by the National Highway Traffic Safety Administration and accepted and recognized by the American Society for Testing Materials (ASTM).

"Emergency Medical Dispatch education program" means an Emergency Medical Dispatch certification education program that meets national criteria set forth by the National Highway Traffic Safety Administration.

"High-quality telecommunicator cardiopulmonary resuscitation instruction" or "TCPR" means the delivery by trained 911 telecommunicators of high-quality cardiopulmonary resuscitation instruction for acute events requiring cardiopulmonary resuscitation, including out-of-hospital cardiac arrests.

"Office" means the Office of Emergency Medical Services within the Department of Health.

B. By July 1, 2021, the Office of Emergency Medical Services shall adopt standards for training and equipment required for the provision of TCPR by dispatchers. The standards shall meet or exceed nationally recognized emergency cardiovascular care guidelines. At a minimum, training standards shall require dispatchers to obtain certification in cardiopulmonary resuscitation and shall incorporate recognition protocols for out-of-hospital cardiac arrest, compression-only cardiopulmonary resuscitation instructions for callers, and continuing education as appropriate. The Office shall update such standards as frequently as necessary, but not more frequently than biennially, in order to keep the standards current with nationally recognized emergency cardiovascular care guidelines.

C. On or before January 1, 2022, each PSAP shall provide training in TCPR to each dispatcher in its employ and shall provide its dispatchers with equipment necessary for the provision of TCPR. The training and equipment shall comply with the standards adopted by the Office pursuant to subsection B. Following completion of the initial training, each dispatcher's training shall be updated or supplemented in order to reflect updates to the training standards.

D. An operator of a PSAP may enter into a reciprocal agreement with the operator of another PSAP authorizing the initial PSAP to transfer callers to the other PSAP at times that the PSAP does not have a trained dispatcher on duty who is able to provide TCPR to a caller. If a PSAP transfers a caller under the provisions of this subsection, the transferring PSAP shall use an evidence-based protocol for the identification of a person in need of cardiopulmonary resuscitation and ensure that the PSAP to which calls are transferred uses dispatchers that meet the training requirements under subsection B to provide assistance on administering TCPR.

E. The Office of Emergency Medical Services shall identify all public agencies and other persons that provide TCPR training that satisfies the requirements adopted under subsection B and set minimum standards for course approval, instruction, and examination, including online training modules based on nationally recognized guidelines. The Office shall implement a means to ensure that every dispatcher that has satisfactorily completed a training program and his employing PSAP receive a certificate of completion of the required TCPR training.

F. No dispatcher who instructs a caller on TCPR shall be liable for any civil damages arising out of the instruction provided to the caller, except for acts or omissions intentionally designed to harm or for grossly negligent acts or omissions that result in harm to an individual. A caller may decline to receive TCPR. When a caller declines TCPR, the dispatcher has no obligation to provide such instruction.

G. By January 1, 2024, each operator of a PSAP shall implement a requirement that each of its dispatchers shall by July 1, 2024, have completed an Emergency Medical Dispatch education program that complies with minimum standards established by the Office of Emergency Medical Services. The Office shall ensure that every dispatcher that has satisfactorily completed an Emergency Medical Dispatch education program and his employing PSAP receive a certificate of completion of the required education program. Following completion of the initial Emergency Medical Dispatch education program, each dispatcher's training shall be updated or supplemented in order to reflect updates to the education program.

H. Each PSAP shall conduct ongoing quality assurance of its TCPR program.

I. The State Board of Health shall adopt regulations in accordance with the provisions of the Administrative Process Act (§ 2.2-4000 et seq.) as are necessary to implement the provisions of this section.

CHAPTER 1069

An Act to amend the Code of Virginia by adding a section numbered 56-484.16:1, relating to E-911 dispatchers; training in telecommunicator cardiopulmonary resuscitation and emergency medical dispatch.

[S 720]

Approved April 10, 2020

Be it enacted by the General Assembly of Virginia:**1. That the Code of Virginia is amended by adding a section numbered 56-484.16:1 as follows:****§ 56-484.16:1. PSAP dispatchers; training requirements.****A. As used in this section:**

"Dispatcher" means an individual employed by a public safety answering point, an emergency medical dispatch service provider, or both, who is qualified to answer incoming emergency telephone calls or provide for the appropriate emergency response either directly or through communication with the appropriate PSAP.

"Emergency Medical Dispatch" means a systematic program of handling medical calls pursuant to which trained dispatchers determine the nature and priority of the call, dispatch the appropriate response, and give the caller instructions to help treat the caller until the arrival of the appropriate responder.

"Emergency Medical Dispatch certification" means certification by an Office of Emergency Medical Services recognized emergency dispatch training organization meeting or exceeding standards by the National Highway Traffic Safety Administration and accepted and recognized by the American Society for Testing Materials (ASTM).

"Emergency Medical Dispatch education program" means an Emergency Medical Dispatch certification education program that meets national criteria set forth by the National Highway Traffic Safety Administration.

"High-quality telecommunicator cardiopulmonary resuscitation instruction" or "TCPR" means the delivery by trained 911 telecommunicators of high-quality cardiopulmonary resuscitation instruction for acute events requiring cardiopulmonary resuscitation, including out-of-hospital cardiac arrests.

"Office" means the Office of Emergency Medical Services within the Department of Health.

B. By July 1, 2021, the Office of Emergency Medical Services shall adopt standards for training and equipment required for the provision of TCPR by dispatchers. The standards shall meet or exceed nationally recognized emergency cardiovascular care guidelines. At a minimum, training standards shall require dispatchers to obtain certification in cardiopulmonary resuscitation and shall incorporate recognition protocols for out-of-hospital cardiac arrest, compression-only cardiopulmonary resuscitation instructions for callers, and continuing education as appropriate. The Office shall update such standards as frequently as necessary, but not more frequently than biennially, in order to keep the standards current with nationally recognized emergency cardiovascular care guidelines.

C. On or before January 1, 2022, each PSAP shall provide training in TCPR to each dispatcher in its employ and shall provide its dispatchers with equipment necessary for the provision of TCPR. The training and equipment shall comply with the standards adopted by the Office pursuant to subsection B. Following completion of the initial training, each dispatcher's training shall be updated or supplemented in order to reflect updates to the training standards.

D. An operator of a PSAP may enter into a reciprocal agreement with the operator of another PSAP authorizing the initial PSAP to transfer callers to the other PSAP at times that the PSAP does not have a trained dispatcher on duty who is able to provide TCPR to a caller. If a PSAP transfers a caller under the provisions of this subsection, the transferring PSAP shall use an evidence-based protocol for the identification of a person in need of cardiopulmonary resuscitation and ensure that the PSAP to which calls are transferred uses dispatchers that meet the training requirements under subsection B to provide assistance on administering TCPR.

E. The Office of Emergency Medical Services shall identify all public agencies and other persons that provide TCPR training that satisfies the requirements adopted under subsection B and set minimum standards for course approval, instruction, and examination, including online training modules based on nationally recognized guidelines. The Office shall implement a means to ensure that every dispatcher that has satisfactorily completed a training program and his employing PSAP receive a certificate of completion of the required TCPR training.

F. No dispatcher who instructs a caller on TCPR shall be liable for any civil damages arising out of the instruction provided to the caller, except for acts or omissions intentionally designed to harm or for grossly negligent acts or omissions that result in harm to an individual. A caller may decline to receive TCPR. When a caller declines TCPR, the dispatcher has no obligation to provide such instruction.

G. By January 1, 2024, each operator of a PSAP shall implement a requirement that each of its dispatchers shall by July 1, 2024, have completed an Emergency Medical Dispatch education program that complies with minimum standards established by the Office of Emergency Medical Services. The Office shall ensure that every dispatcher that has satisfactorily completed an Emergency Medical Dispatch education program and his employing PSAP receive a certificate of completion of the required education program. Following completion of the initial Emergency Medical Dispatch education program, each dispatcher's training shall be updated or supplemented in order to reflect updates to the education program.

H. Each PSAP shall conduct ongoing quality assurance of its TCPR program.

I. The State Board of Health shall adopt regulations in accordance with the provisions of the Administrative Process Act (§ 2.2-4000 et seq.) as are necessary to implement the provisions of this section.

CHAPTER 1070

An Act to provide for the submission to the voters of a proposed amendment to Section 6 of Article II of the Constitution of Virginia and a proposed amendment to the Constitution of Virginia by adding in Article II a section numbered 6-A, relating to apportionment; Virginia Redistricting Commission.

[H 784]

Approved April 10, 2020

Be it enacted by the General Assembly of Virginia:

1. § 1. It shall be the duty of the officers conducting the election directed by law to be held on the Tuesday after the first Monday in November 2020, at the places appointed for holding the same, to open a poll and take the sense of the qualified voters upon the ratification or rejection of the proposed amendments to the Constitution of Virginia, contained herein and in the joint resolution proposing such amendments, to wit:

Amend Section 6 of Article II of the Constitution of Virginia and amend the Constitution of Virginia by adding in Article II a section numbered 6-A as follows:

ARTICLE II FRANCHISE AND OFFICERS

Section 6. Apportionment.

Members of the House of Representatives of the United States and members of the Senate and of the House of Delegates of the General Assembly shall be elected from electoral districts established by the General Assembly pursuant to Section 6-A of this Constitution. Every electoral district shall be composed of contiguous and compact territory and shall be so constituted as to give, as nearly as is practicable, representation in proportion to the population of the district. Every electoral district shall be drawn in accordance with the requirements of federal and state laws that address racial and ethnic fairness, including the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States and provisions of the Voting Rights Act of 1965, as amended, and judicial decisions interpreting such laws. Districts shall provide, where practicable, opportunities for racial and ethnic communities to elect candidates of their choice.

The General Assembly shall reapportion the Commonwealth shall be reapportioned into electoral districts in accordance with this section and Section 6-A in the year 2011 2021 and every ten years thereafter.

Any such decennial reapportionment law shall take effect immediately and not be subject to the limitations contained in Article IV, Section 13, of this Constitution.

The districts delineated in the decennial reapportionment law shall be implemented for the November general election for the United States House of Representatives, Senate, or House of Delegates, respectively, that is held immediately prior to the expiration of the term being served in the year that the reapportionment law is required to be enacted. A member in office at the time that a decennial redistricting law is enacted shall complete his term of office and shall continue to represent the district from which he was elected for the duration of such term of office so long as he does not move his residence from the district from which he was elected. Any vacancy occurring during such term shall be filled from the same district that elected the member whose vacancy is being filled.

Section 6-A. Virginia Redistricting Commission.

(a) In the year 2020 and every ten years thereafter, the Virginia Redistricting Commission (the Commission) shall be convened for the purpose of establishing districts for the United States House of Representatives and for the Senate and the House of Delegates of the General Assembly pursuant to Article II, Section 6 of this Constitution.

(b) The Commission shall consist of sixteen commissioners who shall be selected in accordance with the provisions of this subsection.

(1) Eight commissioners shall be legislative members, four of whom shall be members of the Senate of Virginia and four of whom shall be members of the House of Delegates. These commissioners shall be appointed no later than December 1 of the year ending in zero and shall continue to serve until their successors are appointed.

(A) Two commissioners shall represent the political party having the highest number of members in the Senate of Virginia and shall be appointed by the President pro tempore of the Senate of Virginia.

(B) Two commissioners shall represent the political party having the next highest number of members in the Senate of Virginia and shall be appointed by the leader of that political party.

(C) Two commissioners shall represent the political party having the highest number of members in the House of Delegates and shall be appointed by the Speaker of the House of Delegates.

(D) Two commissioners shall represent the political party having the next highest number of members in the House of Delegates and shall be appointed by the leader of that political party.

(2) Eight commissioners shall be citizen members who shall be selected in accordance with the provisions of this subdivision and in the manner determined by the General Assembly by general law.

(A) There shall be a Redistricting Commission Selection Committee (the Committee) consisting of five retired judges of the circuit courts of Virginia. By November 15 of the year ending in zero, the Chief Justice of the Supreme Court of Virginia

shall certify to the Speaker of the House of Delegates, the leader in the House of Delegates of the political party having the next highest number of members in the House of Delegates, the President pro tempore of the Senate of Virginia, and the leader in the Senate of Virginia of the political party having the next highest number of members in the Senate a list of retired judges of the circuit courts of Virginia who are willing to serve on the Committee, and these members shall each select a judge from the list. The four judges selected to serve on the Committee shall select, by a majority vote, a judge from the list prescribed herein to serve as the fifth member of the Committee and to serve as the chairman of the Committee.

(B) By January 1 of the year ending in one, the Speaker of the House of Delegates, the leader in the House of Delegates of the political party having the next highest number of members in the House of Delegates, the President pro tempore of the Senate of Virginia, and the leader in the Senate of the political party having the next highest number of members in the Senate shall each submit to the Committee a list of at least sixteen citizen candidates for service on the Commission. Such citizen candidates shall meet the criteria established by the General Assembly by general law.

The Committee shall select, by a majority vote, two citizen members from each list submitted. No member or employee of the Congress of the United States or of the General Assembly shall be eligible to serve as a citizen member.

(c) By February 1 of the year ending in one, the Commission shall hold a public meeting at which it shall select a chairman from its membership. The chairman shall be a citizen member and shall be responsible for coordinating the work of the Commission.

(d) The Commission shall submit to the General Assembly plans for districts for the Senate and the House of Delegates of the General Assembly no later than 45 days following the receipt of census data and shall submit to the General Assembly plans for districts for the United States House of Representatives no later than 60 days following the receipt of census data or by the first day of July of that year, whichever occurs later.

(1) To be submitted as a proposed plan for districts for members of the United States House of Representatives, a plan shall receive affirmative votes of at least six of the eight legislative members and six of the eight citizen members.

(2) To be submitted as a proposed plan for districts for members of the Senate, a plan shall receive affirmative votes of at least six of the eight legislative members, including at least three of the four legislative members who are members of the Senate, and at least six of the eight citizen members.

(3) To be submitted as a proposed plan for districts for members of the House of Delegates, a plan shall receive affirmative votes of at least six of the eight legislative members, including at least three of the four legislative members who are members of the House of Delegates, and at least six of the eight citizen members.

(e) Plans for districts for the Senate and the House of Delegates shall be embodied in and voted on as a single bill. The vote on any bill embodying a plan for districts shall be taken in accordance with the provisions of Article IV, Section 11 of this Constitution, except that no amendments shall be permitted. Such bills shall not be subject to the provisions contained in Article V, Section 6 of this Constitution.

(f) Within fifteen days of receipt of a plan for districts, the General Assembly shall take a vote on the bill embodying that plan in accordance with the provisions of subsection (e). If the General Assembly fails to adopt such bill by this deadline, the Commission shall submit a new plan for districts to the General Assembly within fourteen days of the General Assembly's failure to adopt the bill. The General Assembly shall take a vote on the bill embodying such plan within seven days of receipt of the plan. If the General Assembly fails to adopt such bill by this deadline, the districts shall be established by the Supreme Court of Virginia.

(g) If the Commission fails to submit a plan for districts by the deadline set forth in subsection (d), the Commission shall have fourteen days following its initial failure to submit a plan to the General Assembly. If the Commission fails to submit a plan for districts to the General Assembly by this deadline, the districts shall be established by the Supreme Court of Virginia.

If the Commission submits a plan for districts within fourteen days following its initial failure to submit a plan, the General Assembly shall take a vote on the bill embodying such plan within seven days of its receipt. If the General Assembly fails to adopt such bill by this deadline, the districts shall be established by the Supreme Court of Virginia.

(h) All meetings of the Commission shall be open to the public. Prior to proposing any redistricting plans and prior to voting on redistricting plans, the Commission shall hold at least three public hearings in different parts of the Commonwealth to receive and consider comments from the public.

(i) All records and documents of the Commission, or any individual or group performing delegated functions of or advising the Commission, related to the Commission's work, including internal communications and communications from outside parties, shall be considered public information.

§ 2. The ballot shall contain the following question:

"Question: Should the Constitution of Virginia be amended to establish a redistricting commission, consisting of eight members of the General Assembly and eight citizens of the Commonwealth, that is responsible for drawing the congressional and state legislative districts that will be subsequently voted on, but not changed by, the General Assembly and enacted without the Governor's involvement?"

The ballots shall be prepared, distributed and voted, and the results of the election shall be ascertained and certified, in the manner prescribed by § 24.2-684 of the Code of Virginia. The State Board of Elections shall comply with § 30-19.9 of the Code and shall cause to be sent to the electoral boards of each county and city sufficient copies of the full text of the amendments and question contained herein for the officers of election to post in each polling place on election day.

The electoral board of each county and city shall make out, certify and forward an abstract of the votes cast for and against such proposed amendments in the manner now prescribed by law in relation to votes cast in general elections.

The State Board of Elections shall open and canvass such abstracts and examine and report the whole number of votes cast at the election for and against such amendments in the manner now prescribed by law in relation to votes cast in general elections. The State Board of Elections shall record a certified copy of such report in its office and without delay make out and transmit to the Governor an official copy of such report, certified by it. The Governor shall without delay make proclamation of the result, stating therein the aggregate vote for and against the amendments.

If a majority of those voting vote in favor of the amendments, they shall become effective on November 15, 2020.

The expenses incurred in conducting this election shall be defrayed as in the case of election of members of the General Assembly.

CHAPTER 1071

An Act to provide for the submission to the voters of a proposed amendment to Section 6 of Article II of the Constitution of Virginia and a proposed amendment to the Constitution of Virginia by adding in Article II a section numbered 6-A, relating to apportionment; Virginia Redistricting Commission.

[S 236]

Approved April 10, 2020

Be it enacted by the General Assembly of Virginia:

1. § 1. It shall be the duty of the officers conducting the election directed by law to be held on the Tuesday after the first Monday in November 2020, at the places appointed for holding the same, to open a poll and take the sense of the qualified voters upon the ratification or rejection of the proposed amendments to the Constitution of Virginia, contained herein and in the joint resolution proposing such amendments, to wit:

Amend Section 6 of Article II of the Constitution of Virginia and amend the Constitution of Virginia by adding in Article II a section numbered 6-A as follows:

ARTICLE II FRANCHISE AND OFFICERS

Section 6. Apportionment.

Members of the House of Representatives of the United States and members of the Senate and of the House of Delegates of the General Assembly shall be elected from electoral districts established ~~by the General Assembly pursuant to Section 6-A of this Constitution.~~ Every electoral district shall be composed of contiguous and compact territory and shall be so constituted as to give, as nearly as is practicable, representation in proportion to the population of the district. *Every electoral district shall be drawn in accordance with the requirements of federal and state laws that address racial and ethnic fairness, including the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States and provisions of the Voting Rights Act of 1965, as amended, and judicial decisions interpreting such laws. Districts shall provide, where practicable, opportunities for racial and ethnic communities to elect candidates of their choice.*

~~The General Assembly shall reapportion the Commonwealth~~ *shall be reapportioned* into electoral districts in accordance with this section and Section 6-A in the year ~~2011~~ 2021 and every ten years thereafter.

Any such decennial reapportionment law shall take effect immediately and not be subject to the limitations contained in Article IV, Section 13, of this Constitution.

The districts delineated in the decennial reapportionment law shall be implemented for the November general election for the United States House of Representatives, Senate, or House of Delegates, respectively, that is held immediately prior to the expiration of the term being served in the year that the reapportionment law is required to be enacted. A member in office at the time that a decennial redistricting law is enacted shall complete his term of office and shall continue to represent the district from which he was elected for the duration of such term of office so long as he does not move his residence from the district from which he was elected. Any vacancy occurring during such term shall be filled from the same district that elected the member whose vacancy is being filled.

Section 6-A. Virginia Redistricting Commission.

(a) In the year 2020 and every ten years thereafter, the Virginia Redistricting Commission (the Commission) shall be convened for the purpose of establishing districts for the United States House of Representatives and for the Senate and the House of Delegates of the General Assembly pursuant to Article II, Section 6 of this Constitution.

(b) The Commission shall consist of sixteen commissioners who shall be selected in accordance with the provisions of this subsection.

(1) Eight commissioners shall be legislative members, four of whom shall be members of the Senate of Virginia and four of whom shall be members of the House of Delegates. These commissioners shall be appointed no later than December 1 of the year ending in zero and shall continue to serve until their successors are appointed.

(A) Two commissioners shall represent the political party having the highest number of members in the Senate of Virginia and shall be appointed by the President pro tempore of the Senate of Virginia.

(B) Two commissioners shall represent the political party having the next highest number of members in the Senate of Virginia and shall be appointed by the leader of that political party.

(C) Two commissioners shall represent the political party having the highest number of members in the House of Delegates and shall be appointed by the Speaker of the House of Delegates.

(D) Two commissioners shall represent the political party having the next highest number of members in the House of Delegates and shall be appointed by the leader of that political party.

(2) Eight commissioners shall be citizen members who shall be selected in accordance with the provisions of this subdivision and in the manner determined by the General Assembly by general law.

(A) There shall be a Redistricting Commission Selection Committee (the Committee) consisting of five retired judges of the circuit courts of Virginia. By November 15 of the year ending in zero, the Chief Justice of the Supreme Court of Virginia shall certify to the Speaker of the House of Delegates, the leader in the House of Delegates of the political party having the next highest number of members in the House of Delegates, the President pro tempore of the Senate of Virginia, and the leader in the Senate of Virginia of the political party having the next highest number of members in the Senate a list of retired judges of the circuit courts of Virginia who are willing to serve on the Committee, and these members shall each select a judge from the list. The four judges selected to serve on the Committee shall select, by a majority vote, a judge from the list prescribed herein to serve as the fifth member of the Committee and to serve as the chairman of the Committee.

(B) By January 1 of the year ending in one, the Speaker of the House of Delegates, the leader in the House of Delegates of the political party having the next highest number of members in the House of Delegates, the President pro tempore of the Senate of Virginia, and the leader in the Senate of the political party having the next highest number of members in the Senate shall each submit to the Committee a list of at least sixteen citizen candidates for service on the Commission. Such citizen candidates shall meet the criteria established by the General Assembly by general law.

The Committee shall select, by a majority vote, two citizen members from each list submitted. No member or employee of the Congress of the United States or of the General Assembly shall be eligible to serve as a citizen member.

(c) By February 1 of the year ending in one, the Commission shall hold a public meeting at which it shall select a chairman from its membership. The chairman shall be a citizen member and shall be responsible for coordinating the work of the Commission.

(d) The Commission shall submit to the General Assembly plans for districts for the Senate and the House of Delegates of the General Assembly no later than 45 days following the receipt of census data and shall submit to the General Assembly plans for districts for the United States House of Representatives no later than 60 days following the receipt of census data or by the first day of July of that year, whichever occurs later.

(1) To be submitted as a proposed plan for districts for members of the United States House of Representatives, a plan shall receive affirmative votes of at least six of the eight legislative members and six of the eight citizen members.

(2) To be submitted as a proposed plan for districts for members of the Senate, a plan shall receive affirmative votes of at least six of the eight legislative members, including at least three of the four legislative members who are members of the Senate, and at least six of the eight citizen members.

(3) To be submitted as a proposed plan for districts for members of the House of Delegates, a plan shall receive affirmative votes of at least six of the eight legislative members, including at least three of the four legislative members who are members of the House of Delegates, and at least six of the eight citizen members.

(e) Plans for districts for the Senate and the House of Delegates shall be embodied in and voted on as a single bill. The vote on any bill embodying a plan for districts shall be taken in accordance with the provisions of Article IV, Section 11 of this Constitution, except that no amendments shall be permitted. Such bills shall not be subject to the provisions contained in Article V, Section 6 of this Constitution.

(f) Within fifteen days of receipt of a plan for districts, the General Assembly shall take a vote on the bill embodying that plan in accordance with the provisions of subsection (e). If the General Assembly fails to adopt such bill by this deadline, the Commission shall submit a new plan for districts to the General Assembly within fourteen days of the General Assembly's failure to adopt the bill. The General Assembly shall take a vote on the bill embodying such plan within seven days of receipt of the plan. If the General Assembly fails to adopt such bill by this deadline, the districts shall be established by the Supreme Court of Virginia.

(g) If the Commission fails to submit a plan for districts by the deadline set forth in subsection (d), the Commission shall have fourteen days following its initial failure to submit a plan to the General Assembly. If the Commission fails to submit a plan for districts to the General Assembly by this deadline, the districts shall be established by the Supreme Court of Virginia.

If the Commission submits a plan for districts within fourteen days following its initial failure to submit a plan, the General Assembly shall take a vote on the bill embodying such plan within seven days of its receipt. If the General Assembly fails to adopt such bill by this deadline, the districts shall be established by the Supreme Court of Virginia.

(h) All meetings of the Commission shall be open to the public. Prior to proposing any redistricting plans and prior to voting on redistricting plans, the Commission shall hold at least three public hearings in different parts of the Commonwealth to receive and consider comments from the public.

(i) All records and documents of the Commission, or any individual or group performing delegated functions of or advising the Commission, related to the Commission's work, including internal communications and communications from outside parties, shall be considered public information.

§ 2. The ballot shall contain the following question:

"Question: Should the Constitution of Virginia be amended to establish a redistricting commission, consisting of eight members of the General Assembly and eight citizens of the Commonwealth, that is responsible for drawing the congressional and state legislative districts that will be subsequently voted on, but not changed by, the General Assembly and enacted without the Governor's involvement *and to give the responsibility of drawing districts to the Supreme Court of Virginia if the redistricting commission fails to draw districts or the General Assembly fails to enact districts by certain deadlines?*"

The ballots shall be prepared, distributed and voted, and the results of the election shall be ascertained and certified, in the manner prescribed by § 24.2-684 of the Code of Virginia. The State Board of Elections shall comply with § 30-19.9 of the Code and shall cause to be sent to the electoral boards of each county and city sufficient copies of the full text of the amendments and question contained herein for the officers of election to post in each polling place on election day.

The electoral board of each county and city shall make out, certify and forward an abstract of the votes cast for and against such proposed amendments in the manner now prescribed by law in relation to votes cast in general elections.

The State Board of Elections shall open and canvass such abstracts and examine and report the whole number of votes cast at the election for and against such amendments in the manner now prescribed by law in relation to votes cast in general elections. The State Board of Elections shall record a certified copy of such report in its office and without delay make out and transmit to the Governor an official copy of such report, certified by it. The Governor shall without delay make proclamation of the result, stating therein the aggregate vote for and against the amendments.

If a majority of those voting vote in favor of the amendments, they shall become effective on November 15, 2020.

The expenses incurred in conducting this election shall be defrayed as in the case of election of members of the General Assembly.

CHAPTER 1072

An Act to amend and reenact § 15.2-1627.4 of the Code of Virginia, relating to Criminal Injuries Compensation Fund; unreimbursed medical costs; victims of sexual assault.

[H 806]

Approved April 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-1627.4 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-1627.4. Coordination of multidisciplinary response to sexual assault.

A. The attorney for the Commonwealth in each political subdivision in the Commonwealth shall coordinate the establishment of a multidisciplinary response to criminal sexual assault as set forth in Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2, and hold a meeting, at least annually, to: (i) discuss implementation of protocols and policies for sexual assault response teams consistent with those established by the Department of Criminal Justice Services pursuant to subdivision 37 d of § 9.1-102; and (ii) establish and review guidelines for the community's response, including the collection, preservation, and secure storage of evidence from Physical Evidence Recovery Kit examinations consistent with § 19.2-165.1.

B. The following persons or their designees shall be invited to participate in the annual meeting: the attorney for the Commonwealth; the sheriff; the director of the local sexual assault crisis center providing services in the jurisdiction, if any; the chief of each police department and the chief of each campus police department of any institution of higher education in the jurisdiction, if any; a forensic nurse examiner or other health care provider who performs Physical Evidence Recovery Kit examinations in the jurisdiction, if any; the Title IX coordinator of any institution of higher education in the jurisdiction, if any; representatives from the offices of student affairs, human resources, and counseling services of any institution of higher education in the jurisdiction, if any; a representative of campus security of any institution of higher education in the jurisdiction that has not established a campus police department, if any; and the director of the victim/witness program in the jurisdiction, if any. *In addition, the attorney for the Commonwealth shall invite other individuals, or their designees, to participate in the annual meeting, including (i) local health department district directors; (ii) the administrator of each licensed hospital within the jurisdiction; (iii) the director of each health safety net clinic within the jurisdiction, including those clinics created by 42 C.F.R. § 491.1 and the free and charitable clinics; and (iv) as determined by the attorney for the Commonwealth, any other local health care providers.*

C. *Attorneys for the Commonwealth are authorized to conduct the sexual assault response team annual meetings using other methods to encourage attendance, including electronic communication means as provided in § 2.2-3708.2.*

2. That the Secretary of Health and Human Resources shall establish a work group composed of the Secretary of Public Safety and Homeland Security or his designee; the Attorney General or his designee; the Directors of the Department of Medical Assistance Services, the Department of Criminal Justice Services, and the Department of Planning and Budget or their designees; the Executive Secretary of the Supreme Court or his designee; the Executive Director of the Virginia Workers' Compensation Commission or his designee; and such other stakeholders as the Secretary of Health and Human Resources shall deem appropriate to evaluate (i) the feasibility and cost of expanding the type of services for which the Criminal Injuries Compensation Fund created pursuant to § 19.2-368.18 of the Code of Virginia will make awards to include claims or portions of claims based on the

claimant's actual expenses incurred for unreimbursed medical costs resulting from sexual abuse, including the cost of physical evidence recovery kit examinations conducted on victims of sexual assault, unreimbursed medical expenses or indebtedness reasonably incurred for medical expenses, expenses attributable to pregnancy resulting from such sexual abuse, and any other reasonable and necessary expenses and indebtedness associated with or attributable to the sexual abuse upon which such claim is based and (ii) the feasibility of transferring responsibility from the Virginia Workers' Compensation Commission to the Department of Medical Assistance Services for the Sexual Assault Forensic Examination program (the SAFE program) and all related claims for medical expenses related to sexual assault, strangulation, domestic and intimate partner violence, human trafficking, and adult and child abuse. If the work group finds that it is not feasible to move responsibility for the SAFE program and related claims from the Virginia Workers' Compensation Commission to the Department of Medical Assistance Services, the work group shall develop recommendations for creation of an efficient, seamless electronic medical claim processing system for hospitals and health care providers that coordinates payments from all available sources, suppresses explanations of benefits, and removes the patient from the medical billing and reimbursement process. The work group shall also provide recommendations related to (a) increasing the reimbursement rates for sexual assault forensic examinations to cover the actual cost of such examinations and (b) including reimbursement of costs associated with preparing for and participating in a criminal trial related to the sexual assault when a sexual assault forensic nurse is subpoenaed to participate in such trial as a cost that is reimbursable through the SAFE program. The work group's report shall include specific legislative, regulatory, and budgetary changes necessary to implement the work group's recommendations. The work group shall report its findings and recommendations to the Governor and the Chairmen of the House Committee on Appropriations, the Senate Committee on Finance and Appropriations, and the Joint Commission on Health Care by September 1, 2020.

CHAPTER 1073

An Act to amend and reenact § 15.2-1627.4 of the Code of Virginia, relating to Criminal Injuries Compensation Fund; unreimbursed medical costs; victims of sexual assault.

[S 949]

Approved April 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-1627.4 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-1627.4. Coordination of multidisciplinary response to sexual assault.

A. The attorney for the Commonwealth in each political subdivision in the Commonwealth shall coordinate the establishment of a multidisciplinary response to criminal sexual assault as set forth in Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2, and hold a meeting, at least annually, to: (i) discuss implementation of protocols and policies for sexual assault response teams consistent with those established by the Department of Criminal Justice Services pursuant to subdivision 37 d of § 9.1-102; and (ii) establish and review guidelines for the community's response, including the collection, preservation, and secure storage of evidence from Physical Evidence Recovery Kit examinations consistent with § 19.2-165.1.

B. The following persons or their designees shall be invited to participate in the annual meeting: the attorney for the Commonwealth; the sheriff; the director of the local sexual assault crisis center providing services in the jurisdiction, if any; the chief of each police department and the chief of each campus police department of any institution of higher education in the jurisdiction, if any; a forensic nurse examiner or other health care provider who performs Physical Evidence Recovery Kit examinations in the jurisdiction, if any; the Title IX coordinator of any institution of higher education in the jurisdiction, if any; representatives from the offices of student affairs, human resources, and counseling services of any institution of higher education in the jurisdiction, if any; a representative of campus security of any institution of higher education in the jurisdiction that has not established a campus police department, if any; and the director of the victim/witness program in the jurisdiction, if any. *In addition, the attorney for the Commonwealth shall invite other individuals, or their designees, to participate in the annual meeting, including (i) local health department district directors; (ii) the administrator of each licensed hospital within the jurisdiction; (iii) the director of each health safety net clinic within the jurisdiction, including those clinics created by 42 C.F.R. § 491.1 and the free and charitable clinics; and (iv) as determined by the attorney for the Commonwealth, any other local health care providers.*

C. *Attorneys for the Commonwealth are authorized to conduct the sexual assault response team annual meetings using other methods to encourage attendance, including electronic communication means as provided in § 2.2-3708.2.*

2. That the Secretary of Health and Human Resources shall establish a work group composed of the Secretary of Public Safety and Homeland Security or his designee; the Attorney General or his designee; the Directors of the Department of Medical Assistance Services, the Department of Criminal Justice Services, and the Department of Planning and Budget or their designees; the Executive Secretary of the Supreme Court or his designee; the Executive Director of the Virginia Workers' Compensation Commission or his designee; and such other stakeholders as the Secretary of Health and Human Resources shall deem appropriate to evaluate (i) the feasibility and cost of expanding the type of services for which the Criminal Injuries Compensation Fund created pursuant to

§ 19.2-368.18 of the Code of Virginia will make awards to include claims or portions of claims based on the claimant's actual expenses incurred for unreimbursed medical costs resulting from sexual abuse, including the cost of physical evidence recovery kit examinations conducted on victims of sexual assault, unreimbursed medical expenses or indebtedness reasonably incurred for medical expenses, expenses attributable to pregnancy resulting from such sexual abuse, and any other reasonable and necessary expenses and indebtedness associated with or attributable to the sexual abuse upon which such claim is based and (ii) the feasibility of transferring responsibility from the Virginia Workers' Compensation Commission to the Department of Medical Assistance Services for the Sexual Assault Forensic Examination program (the SAFE program) and all related claims for medical expenses related to sexual assault, strangulation, domestic and intimate partner violence, human trafficking, and adult and child abuse. If the work group finds that it is not feasible to move responsibility for the SAFE program and related claims from the Virginia Workers' Compensation Commission to the Department of Medical Assistance Services, the work group shall develop recommendations for creation of an efficient, seamless electronic medical claim processing system for hospitals and health care providers that coordinates payments from all available sources, suppresses explanations of benefits, and removes the patient from the medical billing and reimbursement process. The work group shall also provide recommendations related to (a) increasing the reimbursement rates for sexual assault forensic examinations to cover the actual cost of such examinations and (b) including reimbursement of costs associated with preparing for and participating in a criminal trial related to the sexual assault when a sexual assault forensic nurse is subpoenaed to participate in such trial as a cost that is reimbursable through the SAFE program. The work group's report shall include specific legislative, regulatory, and budgetary changes necessary to implement the work group's recommendations. The work group shall report its findings and recommendations to the Governor and the Chairmen of the House Committee on Appropriations, the Senate Committee on Finance and Appropriations, and the Joint Commission on Health Care by September 1, 2020.

CHAPTER 1074

An Act to amend and reenact § 20-124.3 of the Code of Virginia, relating to best interests of the child; history of child abuse and acts of violence, force, or threat.

[H 861]

Approved April 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 20-124.3 of the Code of Virginia is amended and reenacted as follows:

§ 20-124.3. Best interests of the child; visitation.

In determining best interests of a child for purposes of determining custody or visitation arrangements, including any pendente lite orders pursuant to § 20-103, the court shall consider the following:

1. The age and physical and mental condition of the child, giving due consideration to the child's changing developmental needs;
2. The age and physical and mental condition of each parent;
3. The relationship existing between each parent and each child, giving due consideration to the positive involvement with the child's life, the ability to accurately assess and meet the emotional, intellectual, and physical needs of the child;
4. The needs of the child, giving due consideration to other important relationships of the child, including but not limited to siblings, peers, and extended family members;
5. The role that each parent has played and will play in the future, in the upbringing and care of the child;
6. The propensity of each parent to actively support the child's contact and relationship with the other parent, including whether a parent has unreasonably denied the other parent access to or visitation with the child;
7. The relative willingness and demonstrated ability of each parent to maintain a close and continuing relationship with the child, and the ability of each parent to cooperate in and resolve disputes regarding matters affecting the child;
8. The reasonable preference of the child, if the court deems the child to be of reasonable intelligence, understanding, age, and experience to express such a preference;
9. Any history of (i) family abuse as that term is defined in § 16.1-228 ~~or~~; (ii) sexual abuse; (iii) child abuse; or (iv) an act of violence, force, or threat as defined in § 19.2-152.7:1 that occurred no earlier than 10 years prior to the date a petition is filed. If the court finds such a history or act, the court may disregard the factors in subdivision 6; and
10. Such other factors as the court deems necessary and proper to the determination.

The judge shall communicate to the parties the basis of the decision either orally or in writing. Except in cases of consent orders for custody and visitation, this communication shall set forth the judge's findings regarding the relevant factors set forth in this section. At the request of either party, the court may order that the exchange of a child shall take place at an appropriate meeting place.

CHAPTER 1075

An Act to amend and reenact § 20-124.3 of the Code of Virginia, relating to best interests of the child; history of child abuse and acts of violence, force, or threat.

[S 105]

Approved April 10, 2020

Be it enacted by the General Assembly of Virginia:**1. That § 20-124.3 of the Code of Virginia is amended and reenacted as follows:****§ 20-124.3. Best interests of the child; visitation.**

In determining best interests of a child for purposes of determining custody or visitation arrangements, including any pendente lite orders pursuant to § 20-103, the court shall consider the following:

1. The age and physical and mental condition of the child, giving due consideration to the child's changing developmental needs;
2. The age and physical and mental condition of each parent;
3. The relationship existing between each parent and each child, giving due consideration to the positive involvement with the child's life, the ability to accurately assess and meet the emotional, intellectual, and physical needs of the child;
4. The needs of the child, giving due consideration to other important relationships of the child, including but not limited to siblings, peers, and extended family members;
5. The role that each parent has played and will play in the future, in the upbringing and care of the child;
6. The propensity of each parent to actively support the child's contact and relationship with the other parent, including whether a parent has unreasonably denied the other parent access to or visitation with the child;
7. The relative willingness and demonstrated ability of each parent to maintain a close and continuing relationship with the child, and the ability of each parent to cooperate in and resolve disputes regarding matters affecting the child;
8. The reasonable preference of the child, if the court deems the child to be of reasonable intelligence, understanding, age, and experience to express such a preference;
9. Any history of (i) family abuse as that term is defined in § 16.1-228 ~~or~~; (ii) sexual abuse; (iii) *child abuse*; or (iv) *an act of violence, force, or threat as defined in § 19.2-152.7:1 that occurred no earlier than 10 years prior to the date a petition is filed*. If the court finds such a history or act, the court may disregard the factors in subdivision 6; and
10. Such other factors as the court deems necessary and proper to the determination.

The judge shall communicate to the parties the basis of the decision either orally or in writing. Except in cases of consent orders for custody and visitation, this communication shall set forth the judge's findings regarding the relevant factors set forth in this section. At the request of either party, the court may order that the exchange of a child shall take place at an appropriate meeting place.

CHAPTER 1076

An Act to amend the Code of Virginia by adding in Article 1 of Chapter 34 of Title 38.2 a section numbered 38.2-3407.21, relating to health insurance; short-term limited-duration medical plans.

[H 1037]

Approved April 10, 2020

Be it enacted by the General Assembly of Virginia:**1. That the Code of Virginia is amended by adding in Article 1 of Chapter 34 of Title 38.2 a section numbered 38.2-3407.21 as follows:****§ 38.2-3407.21. Short-term limited-duration medical plans.****A. As used in this section:**

"Carrier" means any entity that is authorized to sell, offer, or provide a short-term limited-duration medical plan.

"Covered person" means a policyholder, subscriber, enrollee, participant, or other individual who is entitled to health care services provided, arranged for, paid for, or reimbursed pursuant to a short-term limited-duration medical plan.

"PPACA" has the meaning ascribed thereto in § 38.2-3438.

"Short-term limited-duration medical plan" has the same meaning as short-term limited-duration insurance as used in 26 C.F.R. § 54.9801-2, 29 C.F.R. § 2590.701-2 and 45 C.F.R. § 144.103 except as described in subsection B.

B. No carrier shall issue, deliver, issue for delivery, reissue, or extend in the Commonwealth on and after July 1, 2021, any short-term limited-duration medical plan:

1. With a duration that exceeds three months;
 2. That can be renewed or extended if the renewal or extension would result in such coverage being effective for more than six months, notwithstanding § 38.2-3514.2; or
 3. If the issuance, delivery, reissuance, or extension of the short-term limited-duration medical plan would result in a covered person being covered by a short-term limited-duration medical plan for more than six months in any 12-month period.
- C. No carrier shall issue a short-term limited-duration medical plan during an annual open enrollment period.**

D. Any certificate delivered in the Commonwealth that is issued under a short-term limited-duration medical plan in any other jurisdiction shall comply with the requirements of this section.

2. That the provisions of this act shall become effective on July 1, 2021.

CHAPTER 1077

An Act to amend the Code of Virginia by adding in Article 1 of Chapter 34 of Title 38.2 a section numbered 38.2-3407.21, relating to health insurance; short-term limited-duration medical plans.

[S 404]

Approved April 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 1 of Chapter 34 of Title 38.2 a section numbered 38.2-3407.21 as follows:

§ 38.2-3407.21. Short-term limited-duration medical plans.

A. As used in this section:

"Carrier" means any entity that is authorized to sell, offer, or provide a short-term limited-duration medical plan.

"Covered person" means a policyholder, subscriber, enrollee, participant, or other individual who is entitled to health care services provided, arranged for, paid for, or reimbursed pursuant to a short-term limited-duration medical plan.

"PPACA" has the meaning ascribed thereto in § 38.2-3438.

"Short-term limited-duration medical plan" has the same meaning as short-term limited-duration insurance as used in 26 C.F.R. § 54.9801-2, 29 C.F.R. § 2590.701-2 and 45 C.F.R. § 144.103 except as described in subsection B.

B. No carrier shall issue, deliver, issue for delivery, reissue, or extend in the Commonwealth on and after July 1, 2021, any short-term limited-duration medical plan:

1. With a duration that exceeds three months;

2. That can be renewed or extended if the renewal or extension would result in such coverage being effective for more than six months, notwithstanding § 38.2-3514.2; or

3. If the issuance, delivery, reissuance, or extension of the short-term limited-duration medical plan would result in a covered person being covered by a short-term limited-duration medical plan for more than six months in any 12-month period.

C. No carrier shall issue a short-term limited-duration medical plan during an annual open enrollment period.

D. Any certificate delivered in the Commonwealth that is issued under a short-term limited-duration medical plan in any other jurisdiction shall comply with the requirements of this section.

2. That the provisions of this act shall become effective on July 1, 2021.

CHAPTER 1078

An Act to amend the Code of Virginia by adding in Chapter 24 of Title 2.2 an article numbered 28, consisting of sections numbered 2.2-2496 through 2.2-2499, and by adding a section numbered 63.2-209.1, relating to Department of Social Services; Office of New Americans created; Office of New Americans Advisory Board created.

[H 1209]

Approved April 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 24 of Title 2.2 an article numbered 28, consisting of sections numbered 2.2-2496 through 2.2-2499, and by adding a section numbered 63.2-209.1 as follows:

Article 28.

Office of New Americans Advisory Board.

§ 2.2-2496. Office of New Americans Advisory Board.

The Office of New Americans Advisory Board (the Board) is established as an advisory board, within the meaning of § 2.2-2100, in the executive branch of state government. The purpose of the Board is to advise the Governor, cabinet members, and the General Assembly on strategies to improve state policies and programs to support the economic, linguistic, and civic integration of new Americans throughout the Commonwealth.

§ 2.2-2497. Membership; terms; compensation and expenses.

A. The Board shall consist of 18 nonlegislative citizen members appointed by the Governor who represent or have experience with the faith community; local government; the U.S. Citizenship and Immigration Service; law-enforcement agencies; health, mental health, housing and workforce development organizations; organizations serving youth and the elderly; organizations providing legal services for immigrants; and educational institutions and institutions of higher education. In addition, the Director of Diversity, Equity and Inclusion for the Commonwealth and the Chairmen of the Virginia-Asian Advisory Board, the Latino Advisory Board, the Virginia African American Advisory Board, and the Council

on Women, or their designees, shall serve *ex officio* with nonvoting privileges. Nonlegislative citizen members of the Board shall be residents of the Commonwealth.

Ex officio members shall serve terms consistent with their terms of office.

B. After the initial staggering of terms, nonlegislative citizen members shall be appointed for a term of four years. Appointments to fill vacancies shall be for the unexpired terms. No nonlegislative citizen member shall serve more than two consecutive four-year terms; however, the remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in determining the member's eligibility for reappointment.

C. The Board shall elect from its membership a chairman and vice-chairman. A majority of the members of the Board shall constitute a quorum. Meetings of the Board shall be limited to four per year and shall be held upon the call of the chairman or whenever the majority of the members so request.

D. Members of the Board shall receive no compensation for their services but shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825.

§ 2.2-2498. Powers and duties; acceptance of gifts and grants.

A. The Board shall have the power and duty to:

1. Advise the Governor on ways to improve state policies and programs to support the economic, linguistic, and civic integration of new Americans throughout the Commonwealth;
2. Undertake studies, symposiums, research, and factual reports to gather information to formulate and present recommendations to the Governor related to issues of concern and importance to new Americans in the Commonwealth;
3. Advise the Governor as needed regarding any statutory, regulatory, or other issues of importance to new Americans in the Commonwealth;
4. Collaborate with the Department of Social Services and other public and private entities to recognize and call attention to the significant contributions of new Americans in the Commonwealth; and
5. Report annually by December 1 to the Governor and the General Assembly on the activities of the Office of New Americans and provide recommendations for improving state policies and programs to support the economic, linguistic, and civic integration of new Americans throughout the Commonwealth. The chairman of the Board shall submit to the Governor and the General Assembly an annual executive summary of the interim activity and work of the Board no later than the first day of each regular session of the General Assembly. The executive summary shall be submitted as a report document as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted to the General Assembly's website.

B. The Board may apply for, accept, and expend gifts, grants, or donations from public or private sources to enable it to carry out its objectives.

§ 2.2-2499. Staff; cooperation from other state agencies.

The Department of Social Services shall provide staff support to the Board. All agencies of the Commonwealth shall provide assistance to the Board, upon request.

§ 63.2-209.1. Office of New Americans.

A. There is created in the Department an Office of New Americans (the Office) to assist immigrant integration within the Commonwealth on an economic, social, and cultural level.

B. The Office shall:

1. Implement a statewide strategy to promote the economic, linguistic, and civic integration of new Americans in the Commonwealth;
2. Work with localities to coordinate and support local efforts that align with the statewide strategy to promote the economic, linguistic, and civic integration of new Americans in the Commonwealth;
3. Provide advice and assistance to new Americans regarding (i) the citizenship application process and (ii) securing employment, housing, and services for which such persons may be eligible;
4. Provide advice and assistance to state agencies regarding (i) the coordination of relevant policies across state agencies responsible for education, workforce, and training programs, including professional licensure guidance, small business development, worker protection, refugee resettlement, citizenship and voter education or engagement programs, housing programs, and other related programs, and (ii) the dissemination of information to localities and immigration service organizations regarding state programs that help new Americans find and secure employment, housing, and services for which they may be eligible;
5. Educate localities and immigration service organizations on health epidemics and unlawful predatory actions, such as human trafficking, gang recruitment, and fraudulent financial and other schemes, to which communities of such persons may be especially vulnerable;
6. Serve as the primary liaison with external stakeholders, particularly immigrant-serving and refugee-serving organizations and businesses, on immigrant integration priorities and policies;
7. Partner with state agencies and immigrant-serving and refugee-serving organizations and businesses to identify and disseminate beneficial immigrant integration policies and practices throughout the Commonwealth;
8. Manage competitive grant programs that replicate beneficial practices or test new innovations that improve the effectiveness and efficacy of immigrant integration strategies; and
9. Advise the Governor, cabinet members, and the General Assembly on strategies to improve state policies and programs to support the economic, linguistic, and civic integration of new Americans throughout the Commonwealth.

2. That the initial appointments by the Governor of nonlegislative citizen members of the Office of New Americans Advisory Board shall be staggered as follows: four members for a term of one year; four members for a term of two years; five members for a term of three years; and five members for a term of four years.

CHAPTER 1079

An Act to amend the Code of Virginia by adding in Chapter 24 of Title 2.2 an article numbered 28, consisting of sections numbered 2.2-2496 through 2.2-2499, and by adding a section numbered 63.2-209.1, relating to Department of Social Services; Office of New Americans created; Office of New Americans Advisory Board created.

[S 991]

Approved April 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 24 of Title 2.2 an article numbered 28, consisting of sections numbered 2.2-2496 through 2.2-2499, and by adding a section numbered 63.2-209.1 as follows:

Article 28.

Office of New Americans Advisory Board.

§ 2.2-2496. Office of New Americans Advisory Board.

The Office of New Americans Advisory Board (the Board) is established as an advisory board, within the meaning of § 2.2-2100, in the executive branch of state government. The purpose of the Board is to advise the Governor, cabinet members, and the General Assembly on strategies to improve state policies and programs to support the economic, linguistic, and civic integration of new Americans throughout the Commonwealth.

§ 2.2-2497. Membership; terms; compensation and expenses.

A. The Board shall consist of 18 nonlegislative citizen members appointed by the Governor who represent or have experience with the faith community; local government; the U.S. Citizenship and Immigration Service; law-enforcement agencies; health, mental health, housing and workforce development organizations; organizations serving youth and the elderly; organizations providing legal services for immigrants; and educational institutions and institutions of higher education. In addition, the Director of Diversity, Equity and Inclusion for the Commonwealth and the Chairmen of the Virginia-Asian Advisory Board, the Latino Advisory Board, the Virginia African American Advisory Board, and the Council on Women, or their designees, shall serve ex officio with nonvoting privileges. Nonlegislative citizen members of the Board shall be residents of the Commonwealth.

Ex officio members shall serve terms consistent with their terms of office.

B. After the initial staggering of terms, nonlegislative citizen members shall be appointed for a term of four years. Appointments to fill vacancies shall be for the unexpired terms. No nonlegislative citizen member shall serve more than two consecutive four-year terms; however, the remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in determining the member's eligibility for reappointment.

C. The Board shall elect from its membership a chairman and vice-chairman. A majority of the members of the Board shall constitute a quorum. Meetings of the Board shall be limited to four per year and shall be held upon the call of the chairman or whenever the majority of the members so request.

D. Members of the Board shall receive no compensation for their services but shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825.

§ 2.2-2498. Powers and duties; acceptance of gifts and grants.

A. The Board shall have the power and duty to:

1. Advise the Governor on ways to improve state policies and programs to support the economic, linguistic, and civic integration of new Americans throughout the Commonwealth;

2. Undertake studies, symposiums, research, and factual reports to gather information to formulate and present recommendations to the Governor related to issues of concern and importance to new Americans in the Commonwealth;

3. Advise the Governor as needed regarding any statutory, regulatory, or other issues of importance to new Americans in the Commonwealth;

4. Collaborate with the Department of Social Services and other public and private entities to recognize and call attention to the significant contributions of new Americans in the Commonwealth; and

5. Report annually by December 1 to the Governor and the General Assembly on the activities of the Office of New Americans and provide recommendations for improving state policies and programs to support the economic, linguistic, and civic integration of new Americans throughout the Commonwealth. The chairman of the Board shall submit to the Governor and the General Assembly an annual executive summary of the interim activity and work of the Board no later than the first day of each regular session of the General Assembly. The executive summary shall be submitted as a report document as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted to the General Assembly's website.

B. The Board may apply for, accept, and expend gifts, grants, or donations from public or private sources to enable it to carry out its objectives.

§ 2.2-2499. Staff; cooperation from other state agencies.

The Department of Social Services shall provide staff support to the Board. All agencies of the Commonwealth shall provide assistance to the Board, upon request.

§ 63.2-209.1. Office of New Americans.

A. There is created in the Department an Office of New Americans (the Office) to assist immigrant integration within the Commonwealth on an economic, social, and cultural level.

B. The Office shall:

1. Implement a statewide strategy to promote the economic, linguistic, and civic integration of new Americans in the Commonwealth;

2. Work with localities to coordinate and support local efforts that align with the statewide strategy to promote the economic, linguistic, and civic integration of new Americans in the Commonwealth;

3. Provide advice and assistance to new Americans regarding (i) the citizenship application process and (ii) securing employment, housing, and services for which such persons may be eligible;

4. Provide advice and assistance to state agencies regarding (i) the coordination of relevant policies across state agencies responsible for education, workforce, and training programs, including professional licensure guidance, small business development, worker protection, refugee resettlement, citizenship and voter education or engagement programs, housing programs, and other related programs, and (ii) the dissemination of information to localities and immigration service organizations regarding state programs that help new Americans find and secure employment, housing, and services for which they may be eligible;

5. Educate localities and immigration service organizations on health epidemics and unlawful predatory actions, such as human trafficking, gang recruitment, and fraudulent financial and other schemes, to which communities of such persons may be especially vulnerable;

6. Serve as the primary liaison with external stakeholders, particularly immigrant-serving and refugee-serving organizations and businesses, on immigrant integration priorities and policies;

7. Partner with state agencies and immigrant-serving and refugee-serving organizations and businesses to identify and disseminate beneficial immigrant integration policies and practices throughout the Commonwealth;

8. Manage competitive grant programs that replicate beneficial practices or test new innovations that improve the effectiveness and efficacy of immigrant integration strategies; and

9. Advise the Governor, cabinet members, and the General Assembly on strategies to improve state policies and programs to support the economic, linguistic, and civic integration of new Americans throughout the Commonwealth.

2. That the initial appointments by the Governor of nonlegislative citizen members of the Office of New Americans Advisory Board shall be staggered as follows: four members for a term of one year; four members for a term of two years; five members for a term of three years; and five members for a term of four years.

CHAPTER 1080

An Act to amend and reenact §§ 32.1-137.2, 38.2-3438, 38.2-3445, and 54.1-2915 of the Code of Virginia; to amend the Code of Virginia by adding in Article 1 of Chapter 5 of Title 32.1 a section numbered 32.1-137.07 and by adding sections numbered 38.2-3445.01 through 38.2-3445.07; and to repeal § 38.2-3445.1 of the Code of Virginia, relating to health insurance; payment to out-of-network providers.

[H 1251]

Approved April 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 32.1-137.2, 38.2-3438, 38.2-3445, and 54.1-2915 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Article 1 of Chapter 5 of Title 32.1 a section numbered 32.1-137.07 and by adding sections numbered 38.2-3445.01 through 38.2-3445.07 as follows:

§ 32.1-137.07. Violations of certain provisions; penalty.

If the Commissioner receives a report from the State Corporation Commission that a medical care facility has engaged in a pattern of violations pursuant to § 38.2-3445.01 and the report is substantiated after investigation, the Commissioner may levy a fine upon the medical care facility in an amount not to exceed \$1,000 per violation and may take other formal or informal disciplinary action as permitted under this chapter.

§ 32.1-137.2. Certification of quality assurance; application; issuance; denial; renewal.

A. Every managed care health insurance plan licensee shall request a certificate of quality assurance with reference to its managed care health insurance plans simultaneously with filing an initial application to the Bureau of Insurance for licensure. If already licensed by the Bureau of Insurance, every managed care health insurance plan licensee may file an application for quality assurance certification with the Department of Health by December 1, 1998, and shall file an application for quality assurance certification with the Department of Health by December 1, 1999, in order to obtain its certificate of quality assurance by July 1, 2000.

On or before July 1, 2000, the State Health Commissioner shall certify to the Bureau of Insurance that a managed care health insurance plan licensee has been issued a certificate of quality assurance by providing the Bureau of Insurance with a copy of each certificate at the time of issuance.

Application for a certificate of quality assurance shall be made on a form prescribed by the Board and shall be accompanied by a fee based upon a percentage, not to exceed one-tenth of one percent, of the proportion of direct gross premium income on business done in this Commonwealth attributable to the operation of managed care health insurance plans in the preceding biennium, sufficient to cover reasonable costs for the administration of the quality assurance program. Such fee shall not exceed \$10,000 per licensee. Whenever the account of the program shows expenses for the past biennium to be more than ~~ten~~ 10 percent greater or lesser than the funds collected, the Board shall revise the fees levied by it for certification so that the fees are sufficient, but not excessive, to cover expenses; provided that such fees shall not exceed the limits set forth in this section. Until July 1, 2014, the Department may utilize such certification funds as are needed in fulfilling its responsibilities pursuant to subsection B of § 32.1-16.

All applications, including those for renewal, shall require (i) a description of the geographic area to be served, with a map clearly delineating the boundaries of the service area or areas, (ii) a description of the complaint system required under § 32.1-137.6, (iii) a description of the procedures and programs established by the licensee to assure both availability and accessibility of adequate personnel and facilities and to assess the quality of health care services provided, and (iv) a list of the licensee's managed care health insurance plans.

B. Every managed care health insurance plan licensee certified under this article shall renew its certificate of quality assurance with the Commissioner biennially by July 1, subject to payment of the fee.

C. The Commissioner shall periodically examine or review each applicant for certificate of quality assurance or for renewal thereof.

No certificate of quality assurance may be issued or renewed unless a managed care health insurance plan licensee has filed a completed application and made payment of a fee pursuant to subsection A of this section and the Commissioner is satisfied, based upon his examination, that, to the extent appropriate for the type of managed care health insurance plan under examination, the managed care health insurance plan licensee has in place and complies with: (i) a complaint system for reasonable and adequate procedures for the timely resolution of written complaints pursuant to § 32.1-137.6; (ii) a reasonable and adequate system for assessing the satisfaction of its covered persons; (iii) a system to provide for reasonable and adequate availability of and accessibility to health care services for its covered persons; (iv) reasonable and adequate policies and procedures to encourage the appropriate provision and use of preventive services for its covered persons; (v) reasonable and adequate standards and procedures for credentialing and recredentialing the providers with whom it contracts; (vi) reasonable and adequate procedures to inform its covered persons and providers of the managed care health insurance plan licensee's policies and procedures; (vii) reasonable and adequate systems to assess, measure, and improve the health status of covered persons, including outcome measures, (viii) reasonable and adequate policies and procedures to ensure confidentiality of medical records and patient information to permit effective and confidential patient care and quality review; (ix) reasonable, timely and adequate requirements and standards pursuant to § 32.1-137.9; and (x) such other requirements as the Board may establish by regulation consistent with this article.

Upon the issuance or reissuance of a certificate, the Commissioner shall provide a copy of such certificate to the Bureau of Insurance.

D. Upon determining to deny a certificate, the Commissioner shall notify such applicant in writing stating the reasons for the denial of a certificate. A copy of such notification of denial shall be provided to the Bureau of Insurance. Appeals from a notification of denial shall be brought by a certificate applicant pursuant to the process set forth in § 32.1-137.5.

E. The State Corporation Commission shall give notice to the Commissioner of its intention to issue an order based upon a finding of insolvency, hazardous financial condition, or impairment of net worth or surplus to policyholders or an order suspending or revoking the license of a managed care health insurance plan licensee; and the Commissioner shall notify the Bureau of Insurance when he has reasonable cause to believe that a recommendation for the suspension or revocation of a certificate of quality assurance or the denial or nonrenewal of such a certificate may be made pursuant to this article. Such notifications shall be privileged and confidential and shall not be subject to subpoena.

F. No certificate of quality assurance issued pursuant to this article may be transferred or assigned without approval of the Commissioner.

G. When determining the adequacy of a managed care health insurance plan proposed provider network or the ongoing adequacy of an in-force provider network, the Commissioner shall consider whether the managed care health insurance plan proposed provider network or in-force provider network includes a sufficient number of contracted providers of emergency services and surgical or ancillary services, as those terms are defined in § 38.2-3438, at or for the managed care health insurance plan's contracted in-network hospitals to reasonably ensure that enrollees have in-network access to covered benefits delivered at that facility.

§ 38.2-3438. Definitions.

As used this article, unless the context requires a different meaning:

"Allowed amount" means the maximum portion of a billed charge a health carrier will pay, including any applicable cost-sharing requirements, for a covered service or item rendered by a participating provider or by a nonparticipating provider.

"Balance bill" means a bill sent to an enrollee by an out-of-network provider for health care services provided to the enrollee after the provider's billed amount is not fully reimbursed by the carrier, exclusive of applicable cost-sharing requirements.

"Child" means a son, daughter, stepchild, adopted child, including a child placed for adoption, foster child or any other child eligible for coverage under the health benefit plan.

"Cost-sharing requirement" means an enrollee's deductible, copayment amount, or coinsurance rate.

"Covered benefits" or "benefits" means those health care services to which an individual is entitled under the terms of a health benefit plan.

"Covered person" means a policyholder, subscriber, enrollee, participant, or other individual covered by a health benefit plan.

"Dependent" means the spouse or child of an eligible employee, subject to the applicable terms of the policy, contract, or plan covering the eligible employee.

"Emergency medical condition" means, *regardless of the final diagnosis rendered to a covered person*, a medical condition manifesting itself by acute symptoms of sufficient severity, including severe pain, so that a prudent layperson, who possesses an average knowledge of health and medicine, could reasonably expect the absence of immediate medical attention to result in (i) serious jeopardy to the mental or physical health of the individual, (ii) danger of serious impairment to bodily functions, (iii) serious dysfunction of any bodily organ or part, or (iv) in the case of a pregnant woman, serious jeopardy to the health of the fetus.

"Emergency services" means with respect to an emergency medical condition: (i) a medical screening examination as required under § 1867 of the Social Security Act (42 U.S.C. § 1395dd) that is within the capability of the emergency department of a hospital, including ancillary services routinely available to the emergency department to evaluate such emergency medical condition and (ii) such further medical examination and treatment, to the extent they are within the capabilities of the staff and facilities available at the hospital, as are required under § 1867 of the Social Security Act (42 U.S.C. § 1395dd (e)(3)) to stabilize the patient.

"ERISA" means the Employee Retirement Income Security Act of 1974.

"Essential health benefits" include the following general categories and the items and services covered within the categories in accordance with regulations issued pursuant to the PPACA: (i) ambulatory patient services; (ii) emergency services; (iii) hospitalization; (iv) laboratory services; (v) maternity and newborn care; (vi) mental health and substance abuse disorder services, including behavioral health treatment; (vii) pediatric services, including oral and vision care; (viii) prescription drugs; (ix) preventive and wellness services and chronic disease management; and (x) rehabilitative and habilitative services and devices.

"Facility" means an institution providing health care related services or a health care setting, including ~~but not limited to~~ hospitals and other licensed inpatient centers; ambulatory surgical or treatment centers; skilled nursing centers; residential treatment centers; diagnostic, laboratory, and imaging centers; and rehabilitation and other therapeutic health settings.

"Genetic information" means, with respect to an individual, information about: (i) the individual's genetic tests; (ii) the genetic tests of the individual's family members; (iii) the manifestation of a disease or disorder in family members of the individual; or (iv) any request for, or receipt of, genetic services, or participation in clinical research that includes genetic services, by the individual or any family member of the individual. "Genetic information" does not include information about the sex or age of any individual. As used in this definition, "family member" includes a first-degree, second-degree, third-degree, or fourth-degree relative of a covered person.

"Genetic services" means (i) a genetic test; (ii) genetic counseling, including obtaining, interpreting, or assessing genetic information; or (iii) genetic education.

"Genetic test" means an analysis of human DNA, RNA, chromosomes, proteins, or metabolites, if the analysis detects genotypes, mutations, or chromosomal changes. "Genetic test" does not include an analysis of proteins or metabolites that is directly related to a manifested disease, disorder, or pathological condition.

"Grandfathered plan" means coverage provided by a health carrier to (i) a small employer on March 23, 2010, or (ii) an individual that was enrolled on March 23, 2010, including any extension of coverage to an individual who becomes a dependent of a grandfathered enrollee after March 23, 2010, for as long as such plan maintains that status in accordance with federal law.

"Group health insurance coverage" means health insurance coverage offered in connection with a group health benefit plan.

"Group health plan" means an employee welfare benefit plan as defined in § 3(1) of ERISA to the extent that the plan provides medical care within the meaning of § 733(a) of ERISA to employees, including both current and former employees, or their dependents as defined under the terms of the plan directly or through insurance, reimbursement, or otherwise.

"Health benefit plan" means a policy, contract, certificate, or agreement offered by a health carrier to provide, deliver, arrange for, pay for, or reimburse any of the costs of health care services. "Health benefit plan" includes short-term and catastrophic health insurance policies, and a policy that pays on a cost-incurred basis, except as otherwise specifically exempted in this definition. "Health benefit plan" does not include the "excepted benefits" as defined in § 38.2-3431.

"Health care professional" means a physician or other health care practitioner licensed, accredited, or certified to perform specified health care services consistent with state law.

"Health care provider" or "provider" means a health care professional or facility.

"Health care services" means services for the diagnosis, prevention, treatment, cure, or relief of a health condition, illness, injury, or disease.

"Health carrier" means an entity subject to the insurance laws and regulations of the Commonwealth and subject to the jurisdiction of the Commission that contracts or offers to contract to provide, deliver, arrange for, pay for, or reimburse any of the costs of health care services, including an insurer licensed to sell accident and sickness insurance, a health maintenance organization, a health services plan, or any other entity providing a plan of health insurance, health benefits, or health care services.

"Health maintenance organization" means a person licensed pursuant to Chapter 43 (§ 38.2-4300 et seq.).

"Health status-related factor" means any of the following factors: health status; medical condition, including physical and mental illnesses; claims experience; receipt of health care services; medical history; genetic information; evidence of insurability, including conditions arising out of acts of domestic violence; disability; or any other health status-related factor as determined by federal regulation.

"Individual health insurance coverage" means health insurance coverage offered to individuals in the individual market, which includes a health benefit plan provided to individuals through a trust arrangement, association, or other discretionary group that is not an employer plan, but does not include coverage defined as "excepted benefits" in § 38.2-3431 or short-term limited duration insurance. Student health insurance coverage shall be considered a type of individual health insurance coverage.

"Individual market" means the market for health insurance coverage offered to individuals other than in connection with a group health plan.

"In-network" or "participating" means a provider that has contracted with a carrier or a carrier's contractor or subcontractor to provide health care services to enrollees and be reimbursed by the carrier at a contracted rate as payment in full for the health care services, including applicable cost-sharing requirements.

"Managed care plan" means a health benefit plan that either requires a covered person to use, or creates incentives, including financial incentives, for a covered person to use health care providers managed, owned, under contract with, or employed by the health carrier.

"Network" means the group of participating providers providing services to a managed care plan.

"Nonprofit data services organization" means the nonprofit organization with which the Commissioner of Health negotiates and enters into contracts or agreements for the compilation, storage, analysis, and evaluation of data submitted by data suppliers pursuant to § 32.1-276.4.

"Offer to pay" or "payment notification" means a claim that has been adjudicated and paid by a carrier or determined by a carrier to be payable by an enrollee to an out-of-network provider for services described in subsection A of § 38.2-3445.01.

"Open enrollment" means, with respect to individual health insurance coverage, the period of time during which any individual has the opportunity to apply for coverage under a health benefit plan offered by a health carrier and must be accepted for coverage under the plan without regard to a preexisting condition exclusion.

"Out-of-network" or "nonparticipating" means a provider that has not contracted with a carrier or a carrier's contractor or subcontractor to provide health care services to enrollees.

"Out-of-pocket maximum" or "maximum out-of-pocket" means the maximum amount an enrollee is required to pay in the form of cost-sharing requirements for covered benefits in a plan year, after which the carrier covers the entirety of the allowed amount of covered benefits under the contract of coverage.

"Participating health care professional" means a health care professional who, under contract with the health carrier or with its contractor or subcontractor, has agreed to provide health care services to covered persons with an expectation of receiving payments, other than coinsurance, copayments, or deductibles, directly or indirectly from the health carrier.

"PPACA" means the Patient Protection and Affordable Care Act (P.L. 111-148), as amended by the Health Care and Education Reconciliation Act of 2010 (P.L. 111-152), and as it may be further amended.

"Preexisting condition exclusion" means a limitation or exclusion of benefits, including a denial of coverage, based on the fact that the condition was present before the effective date of coverage, or if the coverage is denied, the date of denial, whether or not any medical advice, diagnosis, care, or treatment was recommended or received before the effective date of coverage. "Preexisting condition exclusion" also includes a condition identified as a result of a pre-enrollment questionnaire or physical examination given to an individual, or review of medical records relating to the pre-enrollment period.

"Premium" means all moneys paid by an employer, eligible employee, or covered person as a condition of coverage from a health carrier, including fees and other contributions associated with the health benefit plan.

"Primary care health care professional" means a health care professional designated by a covered person to supervise, coordinate, or provide initial care or continuing care to the covered person and who may be required by the health carrier to initiate a referral for specialty care and maintain supervision of health care services rendered to the covered person.

"Rescission" means a cancellation or discontinuance of coverage under a health benefit plan that has a retroactive effect. "Rescission" does not include:

1. A cancellation or discontinuance of coverage under a health benefit plan if the cancellation or discontinuance of coverage has only a prospective effect, or the cancellation or discontinuance of coverage is effective retroactively to the extent it is attributable to a failure to timely pay required premiums or contributions towards the cost of coverage; or

2. A cancellation or discontinuance of coverage when the health benefit plan covers active employees and, if applicable, dependents and those covered under continuation coverage provisions, if the employee pays no premiums for coverage after termination of employment and the cancellation or discontinuance of coverage is effective retroactively back to the date of termination of employment due to a delay in administrative recordkeeping.

"Stabilize" means with respect to an emergency medical condition, to provide such medical treatment as may be necessary to assure, within reasonable medical probability, that no material deterioration of the condition is likely to result from or occur during the transfer of the individual from a facility, or, with respect to a pregnant woman, that the woman has delivered, including the placenta.

"Student health insurance coverage" means a type of individual health insurance coverage that is provided pursuant to a written agreement between an institution of higher education, as defined by the Higher Education Act of 1965, and a health carrier and provided to students enrolled in that institution of higher education and their dependents, and that does not make health insurance coverage available other than in connection with enrollment as a student, or as a dependent of a student, in the institution of higher education, and does not condition eligibility for health insurance coverage on any health status-related factor related to a student or a dependent of the student.

"Surgical or ancillary services" means professional services, including surgery, anesthesiology, pathology, radiology, or hospitalist services and laboratory services.

"Wellness program" means a program offered by an employer that is designed to promote health or prevent disease.

§ 38.2-3445. Patient access to emergency services.

Notwithstanding any provision of § 38.2-3407.11, 38.2-4312.3, or any other section of this title to the contrary, if a health carrier providing individual or group health insurance coverage provides any benefits with respect to services in an emergency department of a hospital, the health carrier shall provide coverage for emergency services:

1. Without the need for any prior authorization determination, regardless of whether the emergency services are provided on an in-network or out-of-network basis;

2. Without regard to *the final diagnosis rendered to the covered person* or whether the health care provider furnishing the emergency services is a participating health care provider with respect to such services;

3. If such services are provided out-of-network, without imposing any administrative requirement or limitation on coverage that is more restrictive than the requirements or limitations that apply to such services received from an in-network provider;

4. If such services are provided out-of-network, *the health carrier shall pay the out-of-network provider in accordance with § 38.2-3445.01 less any cost-sharing requirement expressed as copayment amount or coinsurance rate cannot. Any such cost-sharing requirement shall not exceed the cost-sharing requirement that would apply if such services were provided in-network. However, an individual may be required to pay the excess of the amount the out-of-network provider charges over the amount the health carrier is required to pay under this section. The health carrier complies with this requirement if the health carrier provides benefits with respect to an emergency service in an amount equal to the greatest of (i) the amount negotiated with in-network providers for the emergency service, or if more than one amount is negotiated, the median of these amounts; (ii) the amount for the emergency service calculated using the same method the health carrier generally uses to determine payments for out-of-network services, such as the usual, customary, and reasonable amount; and (iii) the amount that would be paid under Medicare for the emergency service.*

~~A deductible may be imposed with respect to out-of-network emergency services only as a part of a deductible that generally applies to out-of-network benefits. If an out-of-pocket maximum generally applies to out-of-network benefits, that out-of-pocket maximum shall apply to out-of-network emergency services as provided in § 38.2-3445.01; and~~

5. Without regard to any term or condition of such coverage other than the exclusion of or coordination of benefits or an affiliation or waiting period.

§ 38.2-3445.01. Balance billing for certain services; prohibited.

A. No out-of-network provider shall balance bill an enrollee for (i) emergency services provided to an enrollee or (ii) nonemergency services provided to an enrollee at an in-network facility if the nonemergency services involve surgical or ancillary services provided by an out-of-network provider.

B. An enrollee that receives services described in subsection A satisfies his obligation to pay for the services if he pays the in-network cost-sharing requirement specified in the enrollee's or applicable group health plan contract. The enrollee's obligation shall be determined using the carrier's median in-network contracted rate for the same or similar service in the same or similar geographical area. The carrier shall provide an explanation of benefits to the enrollee and the out-of-network provider that reflects the cost-sharing requirement determined under this subsection. The obligation of an enrollee in a health benefit plan that uses no median in-network contracted rate for the services provided shall be determined as provided in § 38.2-3407.3.

C. The health carrier and the out-of-network provider shall ensure that the enrollee incurs no greater cost than the amount determined under subsection B and shall not balance bill or otherwise attempt to collect from the enrollee any amount greater than such amount. Additional amounts owed to health care providers through good faith negotiations or arbitration shall be the sole responsibility of the carrier unless the carrier is prohibited from providing the additional benefits under 26 U.S.C. § 223(c)(2) or any other federal or state law. Nothing in this subsection shall preclude a provider from collecting a past due balance on a cost-sharing requirement with interest.

D. The health carrier shall treat any cost-sharing requirement determined under subsection B in the same manner as the cost-sharing requirement for health care services provided by an in-network provider and shall apply any cost-sharing amount paid by the enrollee for such services toward the in-network maximum out-of-pocket payment obligation.

E. If the enrollee pays the out-of-network provider an amount that exceeds the amount determined under subsection B, the provider shall refund the excess amount to the enrollee within 30 business days of receipt. The provider shall pay the enrollee interest computed daily at the legal rate of interest stated in § 6.2-301 beginning on the first calendar day after the 30 business days for any unrefunded payments.

F. The amount paid to an out-of-network provider for health care services described in subsection A shall be a commercially reasonable amount, based on payments for the same or similar services provided in a similar geographic area. Within 30 calendar days of receipt of a clean claim from an out-of-network provider, the carrier shall offer to pay the provider a commercially reasonable amount. If the out-of-network provider disputes the carrier's payment, the provider shall notify the carrier no later than 30 calendar days after receipt of payment or payment notification from the carrier. If the out-of-network provider disputes the carrier's initial offer, the carrier and provider shall have 30 calendar days from the initial offer to negotiate in good faith. If the carrier and provider do not agree to a commercially reasonable payment amount within 30 calendar days and either party chooses to pursue further action to resolve the dispute, the dispute shall be resolved through arbitration as provided in § 38.2-3445.02.

G. The carrier shall make payments for services described in subsection A directly to the provider.

H. Carriers shall make available through electronic and other methods of communication generally used by a provider to verify enrollee eligibility and benefits information regarding whether an enrollee's health plan is subject to the requirements of this section.

§ 38.2-3445.02. Arbitration.

A. If good faith negotiation, as described in § 38.2-3445.01, does not result in resolution of the dispute, and the carrier or the out-of-network provider chooses to pursue further action to resolve the dispute, the carrier or out-of-network provider shall initiate arbitration to determine a commercially reasonable payment amount. To initiate arbitration, the carrier or provider shall provide written notification to the Commission and the noninitiating party no later than 10 calendar days following completion of the period of good faith negotiation provided in § 38.2-3445.01. Such notification shall state the initiating party's final offer. No later than 30 calendar days following receipt of the notification, the noninitiating party shall provide its final offer to the initiating party. The parties may reach an agreement on reimbursement during this time and before the arbitration proceeding.

B. The parties shall be permitted to bundle claims for arbitration. Multiple claims may be addressed in a single arbitration proceeding if the claims at issue (i) involve identical carrier and provider parties, (ii) involve claims with the same or related current procedural terminology codes relevant to a particular procedure, and (iii) occur within a period of two months of one another.

C. Within seven calendar days of receipt of notification from the initiating party, the Commission shall provide the parties with a list of approved arbitrators or entities that provide arbitrations. The arbitrators on the list shall not have a conflict of interest with the parties and shall be trained and have experience and be selected by the Commission as set out in the standards established by the Commission through regulation. The parties may agree on an arbitrator from the list provided by the Commission. If the parties do not agree on an arbitrator, they shall notify the Commission, and the Commission shall provide the parties with the names of five arbitrators from the list. Each party may veto up to two of the five named arbitrators. If one arbitrator remains, that arbitrator shall be the chosen arbitrator. If more than one arbitrator remains, the Commission shall choose the arbitrator from the remaining arbitrators. The parties and the Commission shall complete this process within 20 calendar days of receipt of the original list from the Commission.

D. No later than 30 days after final selection of the arbitrator pursuant to subsection C, each party shall provide written submissions in support of its position to the arbitrator. The initiating party shall include in its written submission the evidence and methodology for asserting that the amount proposed to be paid is or is not commercially reasonable. A party that fails to make timely written submissions under this subsection without good cause shown shall be considered to be in default, and the arbitrator shall require the defaulting party to pay the final offer of the nondefaulting party and may require the defaulting party to pay the arbitrator's fixed fee. Written submissions required by this subsection may be submitted electronically.

E. No later than 30 calendar days after the receipt of the parties' written submissions, the arbitrator shall (i) issue a written decision requiring payment of the final offer amount of either the initiating or noninitiating party, (ii) notify the parties of the decision, and (iii) provide the decision and the information described in subsection I to the Commission.

F. In reviewing the submissions of the parties and making a decision requiring payment of the final offer amount of either the initiating or noninitiating party, the arbitrator shall consider the following factors:

1. The evidence and methodology submitted by the parties to assert that their final offer amount is reasonable; and
2. Patient characteristics and the circumstances and complexity of the case, including time and place of service and type of facility, that are not already reflected in the provider's billing code for the service.

The arbitrator may also consider other information that a party believes is relevant to the required factors included in this subsection or other information requested by the arbitrator and information provided by the parties that is relevant to such request, including data sets developed pursuant to § 38.2-3445.03. The arbitrator shall not require extrinsic evidence of authenticity for admitting such data sets.

G. The Commission shall establish a schedule of fixed fees for the costs of arbitration. Except as provided in subsection D, such fees shall be divided equally among the parties to the arbitration. The enrollee shall not be liable for any of the costs of arbitration and shall not be required to participate in the arbitration process as a witness or otherwise.

H. Within 10 business days of a party notifying the Commission and the noninitiating party of intent to initiate arbitrations, both parties shall agree to and execute a nondisclosure agreement. The nondisclosure agreement shall not preclude the arbitrator from submitting the arbitrator's decision to the Commission or impede the Commission's duty to prepare the annual report required by subsection I.

I. The Commission shall prepare an annual report summarizing the dispute resolution information provided by arbitrators, including information related to the matters decided through arbitration as well as the following information for each dispute resolved through arbitration: the name of the carrier, the name of the health care provider, the health care provider's employer or the business entity in which the provider has an ownership interest, the health care facility where the services were provided, and the type of health care services at issues. The Commission shall post the report on the Bureau's website and submit it to the Chairs of the House Committee on Labor and Commerce and Committee on Appropriations and the Senate Committee on Commerce and Labor and Committee on Finance and Appropriations annually by July 1. The provisions of this subsection shall expire on July 1, 2025.

J. The Commission shall establish an appeals process for a party to appeal to the Commission an arbitrator's decision on the grounds that (i) the decision was substantially influenced by corruption, fraud, or other undue means; (ii) there was evident partiality, corruption, or misconduct prejudicing the rights of any party; (iii) the arbitrator exceeded his powers; or (iv) the arbitrator conducted the proceeding contrary to the provisions of this section and Commission regulations, in such a way as to materially prejudice the rights of the party.

K. The provisions of the Uniform Arbitration Act, Article 2 (§ 8.01-581.01 et seq.) of Chapter 21 of Title 8.01, shall not apply to arbitration proceedings initiated pursuant to this section.

§ 38.2-3445.03. Data sets for determining commercially reasonable payments.

A. The Commission shall contract with the nonprofit data services organization to establish a data set and business process to provide health carriers, health care providers, and arbitrators with data to assist in determining commercially reasonable payments and resolving payment disputes for out-of-network medical services rendered by health care providers.

B. Such data set and business protocols shall be (i) developed in collaboration with health carriers and health care providers and (ii) reviewed by the advisory committee established pursuant to § 32.1-276.7:1.

C. The data set shall provide the amounts for the services described in subsection A of § 38.2-3445.01. The data used to calculate the median in-network and out-of-network allowed amounts and the median billed charge amounts by geographic area, for the same or similar services, shall be drawn from commercial health plan claims and shall not include claims paid under Medicare or Medicaid or other claims paid on other than a fee-for-service basis. The 2020 data set shall be based upon the most recently available full calendar year of claims data. The data set for each subsequent year shall be adjusted by applying the Consumer Price Index-Medical Component as published by the Bureau of Labor Statistics of the U.S. Department of Labor to the previous year's data set.

§ 38.2-3445.04. Transparency.

A. The Commission, in consultation with health carriers, health care providers, and consumers, shall develop standard template language for a notice of consumer rights notifying consumers of the following:

1. The prohibition against balance billing is applicable to health benefit plans issued by health carriers in Virginia and self-funded group health plans issued by entities that elect to participate pursuant to § 38.2-3445.01.

2. Consumers cannot be balance billed for the health care services described in § 38.2-3445.01 and will receive the protections provided for in § 38.2-3445.01.

3. Consumers may be balance billed for health care services under circumstances other than those described in subsection A of § 38.2-3445.01 or if they are enrolled in a health plan to which the provisions of § 38.2-3445.01 do not apply and steps to take if the consumer is balance billed.

4. Consumers may contact the Commission if they believe they have been balance billed in violation of § 38.2-3445.01.

5. The relevant contact information for the Commission.

B. The Commission shall determine, by regulation, when and in what format health carriers, health care providers, and health care facilities shall provide consumers with the notice required by this section.

C. A health care provider shall post the following information on its website, if one is available, or, if one is not available, provide to a consumer upon written or oral request:

1. The listing of the carrier health plan provider networks with which the provider contracts or with which the facility is an in-network provider; and

2. The notice of consumer rights required by subsection A.

Posting or otherwise providing the information required in this subsection shall not relieve a health care provider of its obligation to comply with the provisions of § 38.2-3445.01.

D. Not less than 30 days prior to executing a contract with a carrier, a health care facility shall provide the carrier with a list of the nonemployed providers or provider groups contracted to provide surgical or ancillary services at the facility. The facility shall notify the carrier within 30 days of a removal from or addition to such list and shall provide an

updated list of nonemployed providers and provider groups within 14 calendar days of a request for an updated list by a carrier.

E. An in-network provider shall submit accurate information to a carrier regarding the provider's network status in a timely manner, consistent with the terms of the contract between the provider and the carrier.

F. A carrier shall update its website and provider directory no later than 30 days after the addition or termination of a provider.

G. A carrier shall provide an enrollee with (i) a clear description of the health plan's out-of-network health benefits, (ii) the notice of consumer rights required by subsection A, and (iii) notification that if the enrollee receives services from an out-of-network-provider, under circumstances other than those described in subsection A of § 38.2-3445.01, the enrollee shall have the financial responsibility for the applicable services provided outside the health plan's network in excess of applicable cost-sharing amounts and that the enrollee may be responsible for any costs in excess of those allowed by the health plan.

§ 38.2-3445.05. Enforcement.

A. If the Commission has cause to believe that any health care provider has engaged in a pattern of potential violations of § 38.2-3445.01 with no corrective action, the Commission may submit information to the Board of Medicine or the Commissioner of Health for action. Prior to such submission, the Commission may provide the provider with an opportunity to cure the alleged violations or provide an explanation as to why the actions in question were not violations of § 38.2-3445.01.

B. If any health care provider has engaged in a pattern of potential violations of § 38.2-3445.01 with no corrective action, the Board of Medicine or the Commissioner of Health may levy a fine or cost recovery upon the health care provider and take other action as permitted under the authority of the Board of Medicine or Commissioner of Health. Upon completion of its review of any potential violation submitted by the Commission or initiated directly by an enrollee, the Board of Medicine or Commissioner of Health shall notify the Commission of the results of the review, including whether the violation was substantiated and any enforcement action taken as a result of a finding of a substantiated violation.

C. If a carrier has engaged in a pattern of substantiated violations of any provision of § 38.2-3445.01, the Commission may levy a fine or apply remedies authorized pursuant to Chapter 2 (§ 38.2-200 et seq.).

D. No carrier or provider shall initiate arbitration pursuant to § 38.2-3445.02 with such frequency as to indicate a general business practice.

§ 38.2-3445.06. Applicability of certain sections.

A. Except as provided in this section, the provisions of §§ 38.2-3445 through 38.2-3445.05 shall not apply to an entity providing or administering an employee welfare benefit plan, as defined in § 3(1) of the Employee Retirement Income Security Act of 1974, 29 U.S.C. § 1002(1), that is self-insured or self-funded with respect to such plan. Such an entity may elect to be subject to the provisions of §§ 38.2-3445 through 38.2-3445.06 in the same manner as applied to a health carrier by providing notice to the Commission annually, in a form and manner prescribed by the Commission, attesting to the plan's participation and agreeing to be bound by the provisions of §§ 38.2-3445 through 38.2-3445.06. Such entity shall amend the plan, policies, contracts, and other documents to reflect such election. In addition, the entity that elects to opt in pursuant to this section shall file current plan documentation confirming that the plan accepts the obligations of §§ 38.2-3445 through 38.2-3445.06 and attests that any amended plan documents will be filed with the Commission before the effective date of such amendments. The Commission shall post on its website a list of entities, including relevant plan information, that have elected to be subject to the provisions of §§ 38.2-3445 through 38.2-3445.06. The Commission shall update such list at least once per quarter.

B. The provisions of §§ 38.2-3445.01 and 38.2-3445.02 shall not apply to services when the provider's fees are subject to schedules or other monetary limitations under any other law, including the Virginia Workers' Compensation Act, and such sections shall not preempt any such law.

C. The provisions of §§ 38.2-3445 through 38.2-3445.05 shall apply to health coverage insurance offered to state employees pursuant to § 2.2-2818 and may apply to health insurance coverage offered to employees of local governments, local officers, teachers, and retirees, and the dependents of such employees, officers, teachers, and retirees pursuant to § 2.2-1204.

D. Except for its facilitation of arbitration pursuant to § 38.2-3445.02 and its role in any appeals process established pursuant to subsection J of § 38.2-3445.02, the Commission shall have no jurisdiction to resolve disputes arising out of § 38.2-3445.01.

E. Except for in a provider contract between a carrier and an in-network provider, no person shall waive, be required to waive, or require another person to waive the provisions of §§ 38.2-3445 through 38.2-3445.05.

§ 38.2-3445.07. Rules and regulations.

Pursuant to § 38.2-223, the Commission may adopt rules and regulations to implement and administer the provisions of §§ 38.2-3445 through 38.2-3445.06, including rules and regulations governing the arbitration process established in § 38.2-3445.02.

§ 54.1-2915. Unprofessional conduct; grounds for refusal or disciplinary action.

A. The Board may refuse to issue a certificate or license to any applicant; reprimand any person; place any person on probation for such time as it may designate; impose a monetary penalty or terms as it may designate on any person; suspend

any license for a stated period of time or indefinitely; or revoke any license for any of the following acts of unprofessional conduct:

1. False statements or representations or fraud or deceit in obtaining admission to the practice, or fraud or deceit in the practice of any branch of the healing arts;
2. Substance abuse rendering him unfit for the performance of his professional obligations and duties;
3. Intentional or negligent conduct in the practice of any branch of the healing arts that causes or is likely to cause injury to a patient or patients;
4. Mental or physical incapacity or incompetence to practice his profession with safety to his patients and the public;
5. Restriction of a license to practice a branch of the healing arts in another state, the District of Columbia, a United States possession or territory, or a foreign jurisdiction, or for an entity of the federal government;
6. Undertaking in any manner or by any means whatsoever to procure or perform or aid or abet in procuring or performing a criminal abortion;
7. Engaging in the practice of any of the healing arts under a false or assumed name, or impersonating another practitioner of a like, similar, or different name;
8. Prescribing or dispensing any controlled substance with intent or knowledge that it will be used otherwise than medicinally, or for accepted therapeutic purposes, or with intent to evade any law with respect to the sale, use, or disposition of such drug;
9. Violating provisions of this chapter on division of fees or practicing any branch of the healing arts in violation of the provisions of this chapter;
10. Knowingly and willfully committing an act that is a felony under the laws of the Commonwealth or the United States, or any act that is a misdemeanor under such laws and involves moral turpitude;
11. Aiding or abetting, having professional connection with, or lending his name to any person known to him to be practicing illegally any of the healing arts;
12. Conducting his practice in a manner contrary to the standards of ethics of his branch of the healing arts;
13. Conducting his practice in such a manner as to be a danger to the health and welfare of his patients or to the public;
14. Inability to practice with reasonable skill or safety because of illness or substance abuse;
15. Publishing in any manner an advertisement relating to his professional practice that contains a claim of superiority or violates Board regulations governing advertising;
16. Performing any act likely to deceive, defraud, or harm the public;
17. Violating any provision of statute or regulation, state or federal, relating to the manufacture, distribution, dispensing, or administration of drugs;
18. Violating or cooperating with others in violating any of the provisions of Chapters 1 (§ 54.1-100 et seq.), 24 (§ 54.1-2400 et seq.) and this chapter or regulations of the Board;
19. Engaging in sexual contact with a patient concurrent with and by virtue of the practitioner and patient relationship or otherwise engaging at any time during the course of the practitioner and patient relationship in conduct of a sexual nature that a reasonable patient would consider lewd and offensive;
20. Conviction in any state, territory, or country of any felony or of any crime involving moral turpitude;
21. Adjudication of legal incompetence or incapacity in any state if such adjudication is in effect and the person has not been declared restored to competence or capacity;
22. Performing the services of a medical examiner as defined in 49 C.F.R. § 390.5 if, at the time such services are performed, the person performing such services is not listed on the National Registry of Certified Medical Examiners as provided in 49 C.F.R. § 390.109 or fails to meet the requirements for continuing to be listed on the National Registry of Certified Medical Examiners as provided in 49 C.F.R. § 390.111; ~~or~~
23. Failing or refusing to complete and file electronically using the Electronic Death Registration System any medical certification in accordance with the requirements of subsection C of § 32.1-263. However, failure to complete and file a medical certification electronically using the Electronic Death Registration System in accordance with the requirements of subsection C of § 32.1-263 shall not constitute unprofessional conduct if such failure was the result of a temporary technological or electrical failure or other temporary extenuating circumstance that prevented the electronic completion and filing of the medical certification using the Electronic Death Registration System; *or*
24. *Engaging in a pattern of violations of § 38.2-3445.01.*

B. The commission or conviction of an offense in another state, territory, or country, which if committed in Virginia would be a felony, shall be treated as a felony conviction or commission under this section regardless of its designation in the other state, territory, or country.

C. The Board shall refuse to issue a certificate or license to any applicant if the candidate or applicant has had his certificate or license to practice a branch of the healing arts revoked or suspended, and has not had his certificate or license to so practice reinstated, in another state, the District of Columbia, a United States possession or territory, or a foreign jurisdiction.

2. That § 38.2-3445.1 of the Code of Virginia is repealed.

3. That the provisions of the first and second enactments of this act shall become effective January 1, 2021.

4. That any health carrier providing individual or group health insurance coverage shall report to the State Corporation Commission's Bureau of Insurance (the Bureau) no later than September 1, 2020, the number of

out-of-network claims for emergency services paid pursuant to subdivision A 4 of § 38.2-3445 of the Code of Virginia, as amended by this act, in fiscal years 2017, 2018, and 2019. Thereafter, any health carrier providing individual or group health insurance coverage shall report to the Bureau, no later than November 1 of each year, the number of out-of-network claims for services described in subsection A of § 38.2-3445.01 of the Code of Virginia, as created by this act, for the previous fiscal year.

5. That any health carrier providing individual or group health insurance coverage shall report to the State Corporation Commission's Bureau of Insurance no later than September 1 of each year the number and identity of health care providers in the health carrier's network of emergency services providers and surgical or ancillary providers whose participation in the network was terminated by either the health carrier or the health care provider in the previous year and, if applicable, whether participation was subsequently reinstated in the same year. For any terminated health care providers identified by the health carrier in such report, the health carrier shall include (i) a description of the health care provider's or health carrier's stated reason for terminating participation and (ii) a description of the nature and extent of differences in payment levels for emergency services and surgical or ancillary services prior to termination and after reinstatement, if applicable, including a determination of whether such payment levels after reinstatement were higher or lower than those applied prior to termination.

6. That the State Corporation Commission's Bureau of Insurance (the Bureau) shall notify the Chairmen of the House Committee on Labor and Commerce and the Senate Committee on Commerce and Labor of the information reported to the Bureau pursuant to the fourth and fifth enactments of this act and other information specified in this enactment no later than December 1, 2021, and annually thereafter. Such notice shall include (i) the number of out-of-network claims for services described in subsection A of § 38.2-3445.01 of the Code of Virginia, as created by this act, for the previous fiscal year; (ii) the number and identity of health care providers in the health carrier's network of emergency services providers and surgical or ancillary services providers whose participation in the network was terminated by the health carrier or the health care provider in the previous year and whether participation was subsequently reinstated in the same year; (iii) a summary of the stated reasons for terminating participation; (iv) a summary of the nature and extent of differences in payment levels prior to termination and after reinstatement, if applicable, including a determination of whether such payment levels after reinstatement were higher or lower than those applied prior to termination; (v) an assessment by the Bureau of the potential impact of any changes in network participation or payment levels for emergency services on health insurance premiums in the time period to which the report applies; and (vi) the number and type of claims resolved by arbitration and aggregate information on the disposition of those arbitrations, including in which category group's favor the dispute was resolved, and aggregate information on the variation between the initial payment and final settlement amounts.

7. That the State Corporation Commission shall contract with the nonprofit data services organization to establish a data set and business process in accordance with § 38.2-3445.03 of the Code of Virginia, as created by this act. Such data set and business protocols shall be (i) developed in collaboration with health carriers and health care providers, (ii) reviewed by the advisory committee established pursuant to § 32.1-276.7:1 of the Code of Virginia, and (iii) available beginning November 1, 2020.

CHAPTER 1081

An Act to amend and reenact §§ 32.1-137.2, 38.2-3438, 38.2-3445, and 54.1-2915 of the Code of Virginia; to amend the Code of Virginia by adding in Article 1 of Chapter 5 of Title 32.1 a section numbered 32.1-137.07 and by adding sections numbered 38.2-3445.01 through 38.2-3445.07; and to repeal § 38.2-3445.1 of the Code of Virginia, relating to health insurance; payment to out-of-network providers.

[S 172]

Approved April 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 32.1-137.2, 38.2-3438, 38.2-3445, and 54.1-2915 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Article 1 of Chapter 5 of Title 32.1 a section numbered 32.1-137.07 and by adding sections numbered 38.2-3445.01 through 38.2-3445.07 as follows:

§ 32.1-137.07. Violations of certain provisions; penalty.

If the Commissioner receives a report from the State Corporation Commission that a medical care facility has engaged in a pattern of violations pursuant to § 38.2-3445.01 and the report is substantiated after investigation, the Commissioner may levy a fine upon the medical care facility in an amount not to exceed \$1,000 per violation and may take other formal or informal disciplinary action as permitted under this chapter.

§ 32.1-137.2. Certification of quality assurance; application; issuance; denial; renewal.

A. Every managed care health insurance plan licensee shall request a certificate of quality assurance with reference to its managed care health insurance plans simultaneously with filing an initial application to the Bureau of Insurance for licensure. If already licensed by the Bureau of Insurance, every managed care health insurance plan licensee may file an application for quality assurance certification with the Department of Health by December 1, 1998, and shall file an

application for quality assurance certification with the Department of Health by December 1, 1999, in order to obtain its certificate of quality assurance by July 1, 2000.

On or before July 1, 2000, the State Health Commissioner shall certify to the Bureau of Insurance that a managed care health insurance plan licensee has been issued a certificate of quality assurance by providing the Bureau of Insurance with a copy of each certificate at the time of issuance.

Application for a certificate of quality assurance shall be made on a form prescribed by the Board and shall be accompanied by a fee based upon a percentage, not to exceed one-tenth of one percent, of the proportion of direct gross premium income on business done in this Commonwealth attributable to the operation of managed care health insurance plans in the preceding biennium, sufficient to cover reasonable costs for the administration of the quality assurance program. Such fee shall not exceed \$10,000 per licensee. Whenever the account of the program shows expenses for the past biennium to be more than ~~ten~~ 10 percent greater or lesser than the funds collected, the Board shall revise the fees levied by it for certification so that the fees are sufficient, but not excessive, to cover expenses; provided that such fees shall not exceed the limits set forth in this section. Until July 1, 2014, the Department may utilize such certification funds as are needed in fulfilling its responsibilities pursuant to subsection B of § 32.1-16.

All applications, including those for renewal, shall require (i) a description of the geographic area to be served, with a map clearly delineating the boundaries of the service area or areas, (ii) a description of the complaint system required under § 32.1-137.6, (iii) a description of the procedures and programs established by the licensee to assure both availability and accessibility of adequate personnel and facilities and to assess the quality of health care services provided, and (iv) a list of the licensee's managed care health insurance plans.

B. Every managed care health insurance plan licensee certified under this article shall renew its certificate of quality assurance with the Commissioner biennially by July 1, subject to payment of the fee.

C. The Commissioner shall periodically examine or review each applicant for certificate of quality assurance or for renewal thereof.

No certificate of quality assurance may be issued or renewed unless a managed care health insurance plan licensee has filed a completed application and made payment of a fee pursuant to subsection A of this section and the Commissioner is satisfied, based upon his examination, that, to the extent appropriate for the type of managed care health insurance plan under examination, the managed care health insurance plan licensee has in place and complies with: (i) a complaint system for reasonable and adequate procedures for the timely resolution of written complaints pursuant to § 32.1-137.6; (ii) a reasonable and adequate system for assessing the satisfaction of its covered persons; (iii) a system to provide for reasonable and adequate availability of and accessibility to health care services for its covered persons; (iv) reasonable and adequate policies and procedures to encourage the appropriate provision and use of preventive services for its covered persons; (v) reasonable and adequate standards and procedures for credentialing and recredentialing the providers with whom it contracts; (vi) reasonable and adequate procedures to inform its covered persons and providers of the managed care health insurance plan licensee's policies and procedures; (vii) reasonable and adequate systems to assess, measure, and improve the health status of covered persons, including outcome measures, (viii) reasonable and adequate policies and procedures to ensure confidentiality of medical records and patient information to permit effective and confidential patient care and quality review; (ix) reasonable, timely and adequate requirements and standards pursuant to § 32.1-137.9; and (x) such other requirements as the Board may establish by regulation consistent with this article.

Upon the issuance or reissuance of a certificate, the Commissioner shall provide a copy of such certificate to the Bureau of Insurance.

D. Upon determining to deny a certificate, the Commissioner shall notify such applicant in writing stating the reasons for the denial of a certificate. A copy of such notification of denial shall be provided to the Bureau of Insurance. Appeals from a notification of denial shall be brought by a certificate applicant pursuant to the process set forth in § 32.1-137.5.

E. The State Corporation Commission shall give notice to the Commissioner of its intention to issue an order based upon a finding of insolvency, hazardous financial condition, or impairment of net worth or surplus to policyholders or an order suspending or revoking the license of a managed care health insurance plan licensee; and the Commissioner shall notify the Bureau of Insurance when he has reasonable cause to believe that a recommendation for the suspension or revocation of a certificate of quality assurance or the denial or nonrenewal of such a certificate may be made pursuant to this article. Such notifications shall be privileged and confidential and shall not be subject to subpoena.

F. No certificate of quality assurance issued pursuant to this article may be transferred or assigned without approval of the Commissioner.

G. When determining the adequacy of a managed care health insurance plan proposed provider network or the ongoing adequacy of an in-force provider network, the Commissioner shall consider whether the managed care health insurance plan proposed provider network or in-force provider network includes a sufficient number of contracted providers of emergency services and surgical or ancillary services, as those terms are defined in § 38.2-3438, at or for the managed care health insurance plan's contracted in-network hospitals to reasonably ensure that enrollees have in-network access to covered benefits delivered at that facility.

§ 38.2-3438. Definitions.

As used this article, unless the context requires a different meaning:

"Allowed amount" means the maximum portion of a billed charge a health carrier will pay, including any applicable cost-sharing requirements, for a covered service or item rendered by a participating provider or by a nonparticipating provider.

"Balance bill" means a bill sent to an enrollee by an out-of-network provider for health care services provided to the enrollee after the provider's billed amount is not fully reimbursed by the carrier, exclusive of applicable cost-sharing requirements.

"Child" means a son, daughter, stepchild, adopted child, including a child placed for adoption, foster child or any other child eligible for coverage under the health benefit plan.

"Cost-sharing requirement" means an enrollee's deductible, copayment amount, or coinsurance rate.

"Covered benefits" or "benefits" means those health care services to which an individual is entitled under the terms of a health benefit plan.

"Covered person" means a policyholder, subscriber, enrollee, participant, or other individual covered by a health benefit plan.

"Dependent" means the spouse or child of an eligible employee, subject to the applicable terms of the policy, contract, or plan covering the eligible employee.

"Emergency medical condition" means, regardless of the final diagnosis rendered to a covered person, a medical condition manifesting itself by acute symptoms of sufficient severity, including severe pain, so that a prudent layperson, who possesses an average knowledge of health and medicine, could reasonably expect the absence of immediate medical attention to result in (i) serious jeopardy to the mental or physical health of the individual, (ii) danger of serious impairment to bodily functions, (iii) serious dysfunction of any bodily organ or part, or (iv) in the case of a pregnant woman, serious jeopardy to the health of the fetus.

"Emergency services" means with respect to an emergency medical condition: (i) a medical screening examination as required under § 1867 of the Social Security Act (42 U.S.C. § 1395dd) that is within the capability of the emergency department of a hospital, including ancillary services routinely available to the emergency department to evaluate such emergency medical condition and (ii) such further medical examination and treatment, to the extent they are within the capabilities of the staff and facilities available at the hospital, as are required under § 1867 of the Social Security Act (42 U.S.C. § 1395dd (e)(3)) to stabilize the patient.

"ERISA" means the Employee Retirement Income Security Act of 1974.

"Essential health benefits" include the following general categories and the items and services covered within the categories in accordance with regulations issued pursuant to the PPACA: (i) ambulatory patient services; (ii) emergency services; (iii) hospitalization; (iv) laboratory services; (v) maternity and newborn care; (vi) mental health and substance abuse disorder services, including behavioral health treatment; (vii) pediatric services, including oral and vision care; (viii) prescription drugs; (ix) preventive and wellness services and chronic disease management; and (x) rehabilitative and habilitative services and devices.

"Facility" means an institution providing health care related services or a health care setting, including ~~to~~ ~~but not limited~~ hospitals and other licensed inpatient centers; ambulatory surgical or treatment centers; skilled nursing centers; residential treatment centers; diagnostic, laboratory, and imaging centers; and rehabilitation and other therapeutic health settings.

"Genetic information" means, with respect to an individual, information about: (i) the individual's genetic tests; (ii) the genetic tests of the individual's family members; (iii) the manifestation of a disease or disorder in family members of the individual; or (iv) any request for, or receipt of, genetic services, or participation in clinical research that includes genetic services, by the individual or any family member of the individual. "Genetic information" does not include information about the sex or age of any individual. As used in this definition, "family member" includes a first-degree, second-degree, third-degree, or fourth-degree relative of a covered person.

"Genetic services" means (i) a genetic test; (ii) genetic counseling, including obtaining, interpreting, or assessing genetic information; or (iii) genetic education.

"Genetic test" means an analysis of human DNA, RNA, chromosomes, proteins, or metabolites, if the analysis detects genotypes, mutations, or chromosomal changes. "Genetic test" does not include an analysis of proteins or metabolites that is directly related to a manifested disease, disorder, or pathological condition.

"Grandfathered plan" means coverage provided by a health carrier to (i) a small employer on March 23, 2010, or (ii) an individual that was enrolled on March 23, 2010, including any extension of coverage to an individual who becomes a dependent of a grandfathered enrollee after March 23, 2010, for as long as such plan maintains that status in accordance with federal law.

"Group health insurance coverage" means health insurance coverage offered in connection with a group health benefit plan.

"Group health plan" means an employee welfare benefit plan as defined in § 3(1) of ERISA to the extent that the plan provides medical care within the meaning of § 733(a) of ERISA to employees, including both current and former employees, or their dependents as defined under the terms of the plan directly or through insurance, reimbursement, or otherwise.

"Health benefit plan" means a policy, contract, certificate, or agreement offered by a health carrier to provide, deliver, arrange for, pay for, or reimburse any of the costs of health care services. "Health benefit plan" includes short-term and

catastrophic health insurance policies, and a policy that pays on a cost-incurred basis, except as otherwise specifically exempted in this definition. "Health benefit plan" does not include the "excepted benefits" as defined in § 38.2-3431.

"Health care professional" means a physician or other health care practitioner licensed, accredited, or certified to perform specified health care services consistent with state law.

"Health care provider" or "provider" means a health care professional or facility.

"Health care services" means services for the diagnosis, prevention, treatment, cure, or relief of a health condition, illness, injury, or disease.

"Health carrier" means an entity subject to the insurance laws and regulations of the Commonwealth and subject to the jurisdiction of the Commission that contracts or offers to contract to provide, deliver, arrange for, pay for, or reimburse any of the costs of health care services, including an insurer licensed to sell accident and sickness insurance, a health maintenance organization, a health services plan, or any other entity providing a plan of health insurance, health benefits, or health care services.

"Health maintenance organization" means a person licensed pursuant to Chapter 43 (§ 38.2-4300 et seq.).

"Health status-related factor" means any of the following factors: health status; medical condition, including physical and mental illnesses; claims experience; receipt of health care services; medical history; genetic information; evidence of insurability, including conditions arising out of acts of domestic violence; disability; or any other health status-related factor as determined by federal regulation.

"Individual health insurance coverage" means health insurance coverage offered to individuals in the individual market, which includes a health benefit plan provided to individuals through a trust arrangement, association, or other discretionary group that is not an employer plan, but does not include coverage defined as "excepted benefits" in § 38.2-3431 or short-term limited duration insurance. Student health insurance coverage shall be considered a type of individual health insurance coverage.

"Individual market" means the market for health insurance coverage offered to individuals other than in connection with a group health plan.

"In-network" or "participating" means a provider that has contracted with a carrier or a carrier's contractor or subcontractor to provide health care services to enrollees and be reimbursed by the carrier at a contracted rate as payment in full for the health care services, including applicable cost-sharing requirements.

"Managed care plan" means a health benefit plan that either requires a covered person to use, or creates incentives, including financial incentives, for a covered person to use health care providers managed, owned, under contract with, or employed by the health carrier.

"Network" means the group of participating providers providing services to a managed care plan.

"Nonprofit data services organization" means the nonprofit organization with which the Commissioner of Health negotiates and enters into contracts or agreements for the compilation, storage, analysis, and evaluation of data submitted by data suppliers pursuant to § 32.1-276.4.

"Offer to pay" or "payment notification" means a claim that has been adjudicated and paid by a carrier or determined by a carrier to be payable by an enrollee to an out-of-network provider for services described in subsection A of § 38.2-3445.01.

"Open enrollment" means, with respect to individual health insurance coverage, the period of time during which any individual has the opportunity to apply for coverage under a health benefit plan offered by a health carrier and must be accepted for coverage under the plan without regard to a preexisting condition exclusion.

"Out-of-network" or "nonparticipating" means a provider that has not contracted with a carrier or a carrier's contractor or subcontractor to provide health care services to enrollees.

"Out-of-pocket maximum" or "maximum out-of-pocket" means the maximum amount an enrollee is required to pay in the form of cost-sharing requirements for covered benefits in a plan year, after which the carrier covers the entirety of the allowed amount of covered benefits under the contract of coverage.

"Participating health care professional" means a health care professional who, under contract with the health carrier or with its contractor or subcontractor, has agreed to provide health care services to covered persons with an expectation of receiving payments, other than coinsurance, copayments, or deductibles, directly or indirectly from the health carrier.

"PPACA" means the Patient Protection and Affordable Care Act (P.L. 111-148), as amended by the Health Care and Education Reconciliation Act of 2010 (P.L. 111-152), and as it may be further amended.

"Preexisting condition exclusion" means a limitation or exclusion of benefits, including a denial of coverage, based on the fact that the condition was present before the effective date of coverage, or if the coverage is denied, the date of denial, whether or not any medical advice, diagnosis, care, or treatment was recommended or received before the effective date of coverage. "Preexisting condition exclusion" also includes a condition identified as a result of a pre-enrollment questionnaire or physical examination given to an individual, or review of medical records relating to the pre-enrollment period.

"Premium" means all moneys paid by an employer, eligible employee, or covered person as a condition of coverage from a health carrier, including fees and other contributions associated with the health benefit plan.

"Primary care health care professional" means a health care professional designated by a covered person to supervise, coordinate, or provide initial care or continuing care to the covered person and who may be required by the health carrier to initiate a referral for specialty care and maintain supervision of health care services rendered to the covered person.

"Rescission" means a cancellation or discontinuance of coverage under a health benefit plan that has a retroactive effect. "Rescission" does not include:

1. A cancellation or discontinuance of coverage under a health benefit plan if the cancellation or discontinuance of coverage has only a prospective effect, or the cancellation or discontinuance of coverage is effective retroactively to the extent it is attributable to a failure to timely pay required premiums or contributions towards the cost of coverage; or

2. A cancellation or discontinuance of coverage when the health benefit plan covers active employees and, if applicable, dependents and those covered under continuation coverage provisions, if the employee pays no premiums for coverage after termination of employment and the cancellation or discontinuance of coverage is effective retroactively back to the date of termination of employment due to a delay in administrative recordkeeping.

"Stabilize" means with respect to an emergency medical condition, to provide such medical treatment as may be necessary to assure, within reasonable medical probability, that no material deterioration of the condition is likely to result from or occur during the transfer of the individual from a facility, or, with respect to a pregnant woman, that the woman has delivered, including the placenta.

"Student health insurance coverage" means a type of individual health insurance coverage that is provided pursuant to a written agreement between an institution of higher education, as defined by the Higher Education Act of 1965, and a health carrier and provided to students enrolled in that institution of higher education and their dependents, and that does not make health insurance coverage available other than in connection with enrollment as a student, or as a dependent of a student, in the institution of higher education, and does not condition eligibility for health insurance coverage on any health status-related factor related to a student or a dependent of the student.

"Surgical or ancillary services" means professional services, including surgery, anesthesiology, pathology, radiology, or hospitalist services and laboratory services.

"Wellness program" means a program offered by an employer that is designed to promote health or prevent disease.

§ 38.2-3445. Patient access to emergency services.

Notwithstanding any provision of § 38.2-3407.11, 38.2-4312.3, or any other section of this title to the contrary, if a health carrier providing individual or group health insurance coverage provides any benefits with respect to services in an emergency department of a hospital, the health carrier shall provide coverage for emergency services:

1. Without the need for any prior authorization determination, regardless of whether the emergency services are provided on an in-network or out-of-network basis;

2. Without regard to *the final diagnosis rendered to the covered person* or whether the health care provider furnishing the emergency services is a participating health care provider with respect to such services;

3. If such services are provided out-of-network, without imposing any administrative requirement or limitation on coverage that is more restrictive than the requirements or limitations that apply to such services received from an in-network provider;

4. If such services are provided out-of-network, *the health carrier shall pay the out-of-network provider in accordance with § 38.2-3445.01 less any cost-sharing requirement expressed as copayment amount or coinsurance rate cannot. Any such cost-sharing requirement shall not exceed the cost-sharing requirement that would apply if such services were provided in-network. However, an individual may be required to pay the excess of the amount the out-of-network provider charges over the amount the health carrier is required to pay under this section. The health carrier complies with this requirement if the health carrier provides benefits with respect to an emergency service in an amount equal to the greatest of (i) the amount negotiated with in-network providers for the emergency service; or if more than one amount is negotiated, the median of these amounts; (ii) the amount for the emergency service calculated using the same method the health carrier generally uses to determine payments for out-of-network services, such as the usual, customary, and reasonable amount; and (iii) the amount that would be paid under Medicare for the emergency service.*

A deductible may be imposed with respect to out-of-network emergency services only as a part of a deductible that generally applies to out-of-network benefits. If an out-of-pocket maximum generally applies to out-of-network benefits, that out-of-pocket maximum shall apply to out-of-network emergency services as provided in § 38.2-3445.01; and

5. Without regard to any term or condition of such coverage other than the exclusion of or coordination of benefits or an affiliation or waiting period.

§ 38.2-3445.01. Balance billing for certain services; prohibited.

A. *No out-of-network provider shall balance bill an enrollee for (i) emergency services provided to an enrollee or (ii) nonemergency services provided to an enrollee at an in-network facility if the nonemergency services involve surgical or ancillary services provided by an out-of-network provider.*

B. *An enrollee that receives services described in subsection A satisfies his obligation to pay for the services if he pays the in-network cost-sharing requirement specified in the enrollee's or applicable group health plan contract. The enrollee's obligation shall be determined using the carrier's median in-network contracted rate for the same or similar service in the same or similar geographical area. The carrier shall provide an explanation of benefits to the enrollee and the out-of-network provider that reflects the cost-sharing requirement determined under this subsection. The obligation of an enrollee in a health benefit plan that uses no median in-network contracted rate for the services provided shall be determined as provided in § 38.2-3407.3.*

C. *The health carrier and the out-of-network provider shall ensure that the enrollee incurs no greater cost than the amount determined under subsection B and shall not balance bill or otherwise attempt to collect from the enrollee any*

amount greater than such amount. Additional amounts owed to health care providers through good faith negotiations or arbitration shall be the sole responsibility of the carrier unless the carrier is prohibited from providing the additional benefits under 26 U.S.C. § 223(c)(2) or any other federal or state law. Nothing in this subsection shall preclude a provider from collecting a past due balance on a cost-sharing requirement with interest.

D. The health carrier shall treat any cost-sharing requirement determined under subsection B in the same manner as the cost-sharing requirement for health care services provided by an in-network provider and shall apply any cost-sharing amount paid by the enrollee for such services toward the in-network maximum out-of-pocket payment obligation.

E. If the enrollee pays the out-of-network provider an amount that exceeds the amount determined under subsection B, the provider shall refund the excess amount to the enrollee within 30 business days of receipt. The provider shall pay the enrollee interest computed daily at the legal rate of interest stated in § 6.2-301 beginning on the first calendar day after the 30 business days for any unrefunded payments.

F. The amount paid to an out-of-network provider for health care services described in subsection A shall be a commercially reasonable amount, based on payments for the same or similar services provided in a similar geographic area. Within 30 calendar days of receipt of a clean claim from an out-of-network provider, the carrier shall offer to pay the provider a commercially reasonable amount. If the out-of-network provider disputes the carrier's payment, the provider shall notify the carrier no later than 30 calendar days after receipt of payment or payment notification from the carrier. If the out-of-network provider disputes the carrier's initial offer, the carrier and provider shall have 30 calendar days from the initial offer to negotiate in good faith. If the carrier and provider do not agree to a commercially reasonable payment amount within 30 calendar days and either party chooses to pursue further action to resolve the dispute, the dispute shall be resolved through arbitration as provided in § 38.2-3445.02.

G. The carrier shall make payments for services described in subsection A directly to the provider.

H. Carriers shall make available through electronic and other methods of communication generally used by a provider to verify enrollee eligibility and benefits information regarding whether an enrollee's health plan is subject to the requirements of this section.

§ 38.2-3445.02. Arbitration.

A. If good faith negotiation, as described in § 38.2-3445.01, does not result in resolution of the dispute, and the carrier or the out-of-network provider chooses to pursue further action to resolve the dispute, the carrier or out-of-network provider shall initiate arbitration to determine a commercially reasonable payment amount. To initiate arbitration, the carrier or provider shall provide written notification to the Commission and the noninitiating party no later than 10 calendar days following completion of the period of good faith negotiation provided in § 38.2-3445.01. Such notification shall state the initiating party's final offer. No later than 30 calendar days following receipt of the notification, the noninitiating party shall provide its final offer to the initiating party. The parties may reach an agreement on reimbursement during this time and before the arbitration proceeding.

B. The parties shall be permitted to bundle claims for arbitration. Multiple claims may be addressed in a single arbitration proceeding if the claims at issue (i) involve identical carrier and provider parties, (ii) involve claims with the same or related current procedural terminology codes relevant to a particular procedure, and (iii) occur within a period of two months of one another.

C. Within seven calendar days of receipt of notification from the initiating party, the Commission shall provide the parties with a list of approved arbitrators or entities that provide arbitrations. The arbitrators on the list shall not have a conflict of interest with the parties and shall be trained and have experience and be selected by the Commission as set out in the standards established by the Commission through regulation. The parties may agree on an arbitrator from the list provided by the Commission. If the parties do not agree on an arbitrator, they shall notify the Commission, and the Commission shall provide the parties with the names of five arbitrators from the list. Each party may veto up to two of the five named arbitrators. If one arbitrator remains, that arbitrator shall be the chosen arbitrator. If more than one arbitrator remains, the Commission shall choose the arbitrator from the remaining arbitrators. The parties and the Commission shall complete this process within 20 calendar days of receipt of the original list from the Commission.

D. No later than 30 days after final selection of the arbitrator pursuant to subsection C, each party shall provide written submissions in support of its position to the arbitrator. The initiating party shall include in its written submission the evidence and methodology for asserting that the amount proposed to be paid is or is not commercially reasonable. A party that fails to make timely written submissions under this subsection without good cause shown shall be considered to be in default, and the arbitrator shall require the defaulting party to pay the final offer of the nondefaulting party and may require the defaulting party to pay the arbitrator's fixed fee. Written submissions required by this subsection may be submitted electronically.

E. No later than 30 calendar days after the receipt of the parties' written submissions, the arbitrator shall (i) issue a written decision requiring payment of the final offer amount of either the initiating or noninitiating party, (ii) notify the parties of the decision, and (iii) provide the decision and the information described in subsection I to the Commission.

F. In reviewing the submissions of the parties and making a decision requiring payment of the final offer amount of either the initiating or noninitiating party, the arbitrator shall consider the following factors:

1. The evidence and methodology submitted by the parties to assert that their final offer amount is reasonable; and
2. Patient characteristics and the circumstances and complexity of the case, including time and place of service and type of facility, that are not already reflected in the provider's billing code for the service.

The arbitrator may also consider other information that a party believes is relevant to the required factors included in this subsection or other information requested by the arbitrator and information provided by the parties that is relevant to such request, including data sets developed pursuant to § 38.2-3445.03. The arbitrator shall not require extrinsic evidence of authenticity for admitting such data sets.

G. The Commission shall establish a schedule of fixed fees for the costs of arbitration. Except as provided in subsection D, such fees shall be divided equally among the parties to the arbitration. The enrollee shall not be liable for any of the costs of arbitration and shall not be required to participate in the arbitration process as a witness or otherwise.

H. Within 10 business days of a party notifying the Commission and the noninitiating party of intent to initiate arbitrations, both parties shall agree to and execute a nondisclosure agreement. The nondisclosure agreement shall not preclude the arbitrator from submitting the arbitrator's decision to the Commission or impede the Commission's duty to prepare the annual report required by subsection I.

I. The Commission shall prepare an annual report summarizing the dispute resolution information provided by arbitrators, including information related to the matters decided through arbitration as well as the following information for each dispute resolved through arbitration: the name of the carrier, the name of the health care provider, the health care provider's employer or the business entity in which the provider has an ownership interest, the health care facility where the services were provided, and the type of health care services at issue. The Commission shall post the report on the Bureau's website and submit it to the Chairs of the House Committee on Labor and Commerce and Committee on Appropriations and the Senate Committee on Commerce and Labor and Committee on Finance and Appropriations annually by July 1. The provisions of this subsection shall expire on July 1, 2025.

J. The Commission shall establish an appeals process for a party to appeal to the Commission an arbitrator's decision on the grounds that (i) the decision was substantially influenced by corruption, fraud, or other undue means; (ii) there was evident partiality, corruption, or misconduct prejudicing the rights of any party; (iii) the arbitrator exceeded his powers; or (iv) the arbitrator conducted the proceeding contrary to the provisions of this section and Commission regulations, in such a way as to materially prejudice the rights of the party.

K. The provisions of the Uniform Arbitration Act, Article 2 (§ 8.01-581.01 et seq.) of Chapter 21 of Title 8.01, shall not apply to arbitration proceedings initiated pursuant to this section.

§ 38.2-3445.03. Data sets for determining commercially reasonable payments.

A. The Commission shall contract with the nonprofit data services organization to establish a data set and business process to provide health carriers, health care providers, and arbitrators with data to assist in determining commercially reasonable payments and resolving payment disputes for out-of-network medical services rendered by health care providers.

B. Such data set and business protocols shall be (i) developed in collaboration with health carriers and health care providers and (ii) reviewed by the advisory committee established pursuant to § 32.1-276.7:1.

C. The data set shall provide the amounts for the services described in subsection A of § 38.2-3445.01. The data used to calculate the median in-network and out-of-network allowed amounts and the median billed charge amounts by geographic area, for the same or similar services, shall be drawn from commercial health plan claims and shall not include claims paid under Medicare or Medicaid or other claims paid on other than a fee-for-service basis. The 2020 data set shall be based upon the most recently available full calendar year of claims data. The data set for each subsequent year shall be adjusted by applying the Consumer Price Index-Medical Component as published by the Bureau of Labor Statistics of the U.S. Department of Labor to the previous year's data set.

§ 38.2-3445.04. Transparency.

A. The Commission, in consultation with health carriers, health care providers, and consumers, shall develop standard template language for a notice of consumer rights notifying consumers of the following:

1. The prohibition against balance billing is applicable to health benefit plans issued by health carriers in Virginia and self-funded group health plans issued by entities that elect to participate pursuant to § 38.2-3445.01.

2. Consumers cannot be balance billed for the health care services described in § 38.2-3445.01 and will receive the protections provided for in § 38.2-3445.01.

3. Consumers may be balance billed for health care services under circumstances other than those described in subsection A of § 38.2-3445.01 or if they are enrolled in a health plan to which the provisions of § 38.2-3445.01 do not apply and steps to take if the consumer is balance billed.

4. Consumers may contact the Commission if they believe they have been balance billed in violation of § 38.2-3445.01.

5. The relevant contact information for the Commission.

B. The Commission shall determine, by regulation, when and in what format health carriers, health care providers, and health care facilities shall provide consumers with the notice required by this section.

C. A health care provider shall post the following information on its website, if one is available, or, if one is not available, provide to a consumer upon written or oral request:

1. The listing of the carrier health plan provider networks with which the provider contracts or with which the facility is an in-network provider; and

2. The notice of consumer rights required by subsection A.

Posting or otherwise providing the information required in this subsection shall not relieve a health care provider of its obligation to comply with the provisions of § 38.2-3445.01.

D. Not less than 30 days prior to executing a contract with a carrier, a health care facility shall provide the carrier with a list of the nonemployed providers or provider groups contracted to provide surgical or ancillary services at the facility. The facility shall notify the carrier within 30 days of a removal from or addition to such list and shall provide an updated list of nonemployed providers and provider groups within 14 calendar days of a request for an updated list by a carrier.

E. An in-network provider shall submit accurate information to a carrier regarding the provider's network status in a timely manner, consistent with the terms of the contract between the provider and the carrier.

F. A carrier shall update its website and provider directory no later than 30 days after the addition or termination of a provider.

G. A carrier shall provide an enrollee with (i) a clear description of the health plan's out-of-network health benefits, (ii) the notice of consumer rights required by subsection A, and (iii) notification that if the enrollee receives services from an out-of-network-provider, under circumstances other than those described in subsection A of § 38.2-3445.01, the enrollee shall have the financial responsibility for the applicable services provided outside the health plan's network in excess of applicable cost-sharing amounts and that the enrollee may be responsible for any costs in excess of those allowed by the health plan.

§ 38.2-3445.05. Enforcement.

A. If the Commission has cause to believe that any health care provider has engaged in a pattern of potential violations of § 38.2-3445.01 with no corrective action, the Commission may submit information to the Board of Medicine or the Commissioner of Health for action. Prior to such submission, the Commission may provide the provider with an opportunity to cure the alleged violations or provide an explanation as to why the actions in question were not violations of § 38.2-3445.01.

B. If any health care provider has engaged in a pattern of potential violations of § 38.2-3445.01 with no corrective action, the Board of Medicine or the Commissioner of Health may levy a fine or cost recovery upon the health care provider and take other action as permitted under the authority of the Board of Medicine or Commissioner of Health. Upon completion of its review of any potential violation submitted by the Commission or initiated directly by an enrollee, the Board of Medicine or Commissioner of Health shall notify the Commission of the results of the review, including whether the violation was substantiated and any enforcement action taken as a result of a finding of a substantiated violation.

C. If a carrier has engaged in a pattern of substantiated violations of any provision of § 38.2-3445.01, the Commission may levy a fine or apply remedies authorized pursuant to Chapter 2 (§ 38.2-200 et seq.).

D. No carrier or provider shall initiate arbitration pursuant to § 38.2-3445.02 with such frequency as to indicate a general business practice.

§ 38.2-3445.06. Applicability of certain sections.

A. Except as provided in this section, the provisions of §§ 38.2-3445 through 38.2-3445.05 shall not apply to an entity providing or administering an employee welfare benefit plan, as defined in § 3(1) of the Employee Retirement Income Security Act of 1974, 29 U.S.C. § 1002(1), that is self-insured or self-funded with respect to such plan. Such an entity may elect to be subject to the provisions of §§ 38.2-3445 through 38.2-3445.06 in the same manner as applied to a health carrier by providing notice to the Commission annually, in a form and manner prescribed by the Commission, attesting to the plan's participation and agreeing to be bound by the provisions of §§ 38.2-3445 through 38.2-3445.06. Such entity shall amend the plan, policies, contracts, and other documents to reflect such election. In addition, the entity that elects to opt in pursuant to this section shall file current plan documentation confirming that the plan accepts the obligations of §§ 38.2-3445 through 38.2-3445.06 and attests that any amended plan documents will be filed with the Commission before the effective date of such amendments. The Commission shall post on its website a list of entities, including relevant plan information, that have elected to be subject to the provisions of §§ 38.2-3445 through 38.2-3445.06. The Commission shall update such list at least once per quarter.

B. The provisions of §§ 38.2-3445.01 and 38.2-3445.02 shall not apply to services when the provider's fees are subject to schedules or other monetary limitations under any other law, including the Virginia Workers' Compensation Act, and such sections shall not preempt any such law.

C. The provisions of §§ 38.2-3445 through 38.2-3445.05 shall apply to health coverage insurance offered to state employees pursuant to § 2.2-2818 and may apply to health insurance coverage offered to employees of local governments, local officers, teachers, and retirees, and the dependents of such employees, officers, teachers, and retirees pursuant to § 2.2-1204.

D. Except for its facilitation of arbitration pursuant to § 38.2-3445.02 and its role in any appeals process established pursuant to subsection J of § 38.2-3445.02, the Commission shall have no jurisdiction to resolve disputes arising out of § 38.2-3445.01.

E. Except for in a provider contract between a carrier and an in-network provider, no person shall waive, be required to waive, or require another person to waive the provisions of §§ 38.2-3445 through 38.2-3445.05.

§ 38.2-3445.07. Rules and regulations.

Pursuant to § 38.2-223, the Commission may adopt rules and regulations to implement and administer the provisions of §§ 38.2-3445 through 38.2-3445.06, including rules and regulations governing the arbitration process established in § 38.2-3445.02.

§ 54.1-2915. Unprofessional conduct; grounds for refusal or disciplinary action.

A. The Board may refuse to issue a certificate or license to any applicant; reprimand any person; place any person on probation for such time as it may designate; impose a monetary penalty or terms as it may designate on any person; suspend any license for a stated period of time or indefinitely; or revoke any license for any of the following acts of unprofessional conduct:

1. False statements or representations or fraud or deceit in obtaining admission to the practice, or fraud or deceit in the practice of any branch of the healing arts;

2. Substance abuse rendering him unfit for the performance of his professional obligations and duties;

3. Intentional or negligent conduct in the practice of any branch of the healing arts that causes or is likely to cause injury to a patient or patients;

4. Mental or physical incapacity or incompetence to practice his profession with safety to his patients and the public;

5. Restriction of a license to practice a branch of the healing arts in another state, the District of Columbia, a United States possession or territory, or a foreign jurisdiction, or for an entity of the federal government;

6. Undertaking in any manner or by any means whatsoever to procure or perform or aid or abet in procuring or performing a criminal abortion;

7. Engaging in the practice of any of the healing arts under a false or assumed name, or impersonating another practitioner of a like, similar, or different name;

8. Prescribing or dispensing any controlled substance with intent or knowledge that it will be used otherwise than medicinally, or for accepted therapeutic purposes, or with intent to evade any law with respect to the sale, use, or disposition of such drug;

9. Violating provisions of this chapter on division of fees or practicing any branch of the healing arts in violation of the provisions of this chapter;

10. Knowingly and willfully committing an act that is a felony under the laws of the Commonwealth or the United States, or any act that is a misdemeanor under such laws and involves moral turpitude;

11. Aiding or abetting, having professional connection with, or lending his name to any person known to him to be practicing illegally any of the healing arts;

12. Conducting his practice in a manner contrary to the standards of ethics of his branch of the healing arts;

13. Conducting his practice in such a manner as to be a danger to the health and welfare of his patients or to the public;

14. Inability to practice with reasonable skill or safety because of illness or substance abuse;

15. Publishing in any manner an advertisement relating to his professional practice that contains a claim of superiority or violates Board regulations governing advertising;

16. Performing any act likely to deceive, defraud, or harm the public;

17. Violating any provision of statute or regulation, state or federal, relating to the manufacture, distribution, dispensing, or administration of drugs;

18. Violating or cooperating with others in violating any of the provisions of Chapters 1 (§ 54.1-100 et seq.), 24 (§ 54.1-2400 et seq.) and this chapter or regulations of the Board;

19. Engaging in sexual contact with a patient concurrent with and by virtue of the practitioner and patient relationship or otherwise engaging at any time during the course of the practitioner and patient relationship in conduct of a sexual nature that a reasonable patient would consider lewd and offensive;

20. Conviction in any state, territory, or country of any felony or of any crime involving moral turpitude;

21. Adjudication of legal incompetence or incapacity in any state if such adjudication is in effect and the person has not been declared restored to competence or capacity;

22. Performing the services of a medical examiner as defined in 49 C.F.R. § 390.5 if, at the time such services are performed, the person performing such services is not listed on the National Registry of Certified Medical Examiners as provided in 49 C.F.R. § 390.109 or fails to meet the requirements for continuing to be listed on the National Registry of Certified Medical Examiners as provided in 49 C.F.R. § 390.111; ~~or~~

23. Failing or refusing to complete and file electronically using the Electronic Death Registration System any medical certification in accordance with the requirements of subsection C of § 32.1-263. However, failure to complete and file a medical certification electronically using the Electronic Death Registration System in accordance with the requirements of subsection C of § 32.1-263 shall not constitute unprofessional conduct if such failure was the result of a temporary technological or electrical failure or other temporary extenuating circumstance that prevented the electronic completion and filing of the medical certification using the Electronic Death Registration System; *or*

24. *Engaging in a pattern of violations of § 38.2-3445.01.*

B. The commission or conviction of an offense in another state, territory, or country, which if committed in Virginia would be a felony, shall be treated as a felony conviction or commission under this section regardless of its designation in the other state, territory, or country.

C. The Board shall refuse to issue a certificate or license to any applicant if the candidate or applicant has had his certificate or license to practice a branch of the healing arts revoked or suspended, and has not had his certificate or license to so practice reinstated, in another state, the District of Columbia, a United States possession or territory, or a foreign jurisdiction.

2. That § 38.2-3445.1 of the Code of Virginia is repealed.

3. That the provisions of the first and second enactments of this act shall become effective January 1, 2021.

4. That any health carrier providing individual or group health insurance coverage shall report to the State Corporation Commission's Bureau of Insurance (the Bureau) no later than September 1, 2020, the number of out-of-network claims for emergency services paid pursuant to subdivision A 4 of § 38.2-3445 of the Code of Virginia, as amended by this act, in fiscal years 2017, 2018, and 2019. Thereafter, any health carrier providing individual or group health insurance coverage shall report to the Bureau, no later than November 1 of each year, the number of out-of-network claims for services described in subsection A of § 38.2-3445.01 of the Code of Virginia, as created by this act, for the previous fiscal year.

5. That any health carrier providing individual or group health insurance coverage shall report to the State Corporation Commission's Bureau of Insurance no later than September 1 of each year the number and identity of health care providers in the health carrier's network of emergency services providers and surgical or ancillary providers whose participation in the network was terminated by either the health carrier or the health care provider in the previous year and, if applicable, whether participation was subsequently reinstated in the same year. For any terminated health care providers identified by the health carrier in such report, the health carrier shall include (i) a description of the health care provider's or health carrier's stated reason for terminating participation and (ii) a description of the nature and extent of differences in payment levels for emergency services and surgical or ancillary services prior to termination and after reinstatement, if applicable, including a determination of whether such payment levels after reinstatement were higher or lower than those applied prior to termination.

6. That the State Corporation Commission's Bureau of Insurance (the Bureau) shall notify the Chairmen of the House Committee on Labor and Commerce and the Senate Committee on Commerce and Labor of the information reported to the Bureau pursuant to the fourth and fifth enactments of this act and other information specified in this enactment no later than December 1, 2021, and annually thereafter. Such notice shall include (i) the number of out-of-network claims for services described in subsection A of § 38.2-3445.01 of the Code of Virginia, as created by this act, for the previous fiscal year; (ii) the number and identity of health care providers in the health carrier's network of emergency services providers and surgical or ancillary services providers whose participation in the network was terminated by the health carrier or the health care provider in the previous year and whether participation was subsequently reinstated in the same year; (iii) a summary of the stated reasons for terminating participation; (iv) a summary of the nature and extent of differences in payment levels prior to termination and after reinstatement, if applicable, including a determination of whether such payment levels after reinstatement were higher or lower than those applied prior to termination; (v) an assessment by the Bureau of the potential impact of any changes in network participation or payment levels for emergency services on health insurance premiums in the time period to which the report applies; and (vi) the number and type of claims resolved by arbitration and aggregate information on the disposition of those arbitrations, including in which category group's favor the dispute was resolved, and aggregate information on the variation between the initial payment and final settlement amounts.

7. That the State Corporation Commission shall contract with the nonprofit data services organization to establish a data set and business process in accordance with § 38.2-3445.03 of the Code of Virginia, as created by this act. Such data set and business protocols shall be (i) developed in collaboration with health carriers and health care providers, (ii) reviewed by the advisory committee established pursuant to § 32.1-276.7:1 of the Code of Virginia, and (iii) available beginning November 1, 2020.

CHAPTER 1082

An Act to amend and reenact § 32.1-325 of the Code of Virginia, relating to medical assistance services; managed care organization contracts with pharmacy benefits managers; spread pricing.

[H 1291]

Approved April 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 32.1-325 of the Code of Virginia is amended and reenacted as follows:

§ 32.1-325. Board to submit plan for medical assistance services to U.S. Secretary of Health and Human Services pursuant to federal law; administration of plan; contracts with health care providers.

A. The Board, subject to the approval of the Governor, is authorized to prepare, amend from time to time, and submit to the U.S. Secretary of Health and Human Services a state plan for medical assistance services pursuant to Title XIX of the United States Social Security Act and any amendments thereto. The Board shall include in such plan:

1. A provision for payment of medical assistance on behalf of individuals, up to the age of 21, placed in foster homes or private institutions by private, nonprofit agencies licensed as child-placing agencies by the Department of Social Services or placed through state and local subsidized adoptions to the extent permitted under federal statute;

2. A provision for determining eligibility for benefits for medically needy individuals which disregards from countable resources an amount not in excess of \$3,500 for the individual and an amount not in excess of \$3,500 for his spouse when such resources have been set aside to meet the burial expenses of the individual or his spouse. The amount disregarded shall be reduced by (i) the face value of life insurance on the life of an individual owned by the individual or his spouse if the cash surrender value of such policies has been excluded from countable resources and (ii) the amount of any other revocable or

irrevocable trust, contract, or other arrangement specifically designated for the purpose of meeting the individual's or his spouse's burial expenses;

3. A requirement that, in determining eligibility, a home shall be disregarded. For those medically needy persons whose eligibility for medical assistance is required by federal law to be dependent on the budget methodology for Aid to Families with Dependent Children, a home means the house and lot used as the principal residence and all contiguous property. For all other persons, a home shall mean the house and lot used as the principal residence, as well as all contiguous property, as long as the value of the land, exclusive of the lot occupied by the house, does not exceed \$5,000. In any case in which the definition of home as provided here is more restrictive than that provided in the state plan for medical assistance services in Virginia as it was in effect on January 1, 1972, then a home means the house and lot used as the principal residence and all contiguous property essential to the operation of the home regardless of value;

4. A provision for payment of medical assistance on behalf of individuals up to the age of 21, who are Medicaid eligible, for medically necessary stays in acute care facilities in excess of 21 days per admission;

5. A provision for deducting from an institutionalized recipient's income an amount for the maintenance of the individual's spouse at home;

6. A provision for payment of medical assistance on behalf of pregnant women which provides for payment for inpatient postpartum treatment in accordance with the medical criteria outlined in the most current version of or an official update to the "Guidelines for Perinatal Care" prepared by the American Academy of Pediatrics and the American College of Obstetricians and Gynecologists or the "Standards for Obstetric-Gynecologic Services" prepared by the American College of Obstetricians and Gynecologists. Payment shall be made for any postpartum home visit or visits for the mothers and the children which are within the time periods recommended by the attending physicians in accordance with and as indicated by such Guidelines or Standards. For the purposes of this subdivision, such Guidelines or Standards shall include any changes thereto within six months of the publication of such Guidelines or Standards or any official amendment thereto;

7. A provision for the payment for family planning services on behalf of women who were Medicaid-eligible for prenatal care and delivery as provided in this section at the time of delivery. Such family planning services shall begin with delivery and continue for a period of 24 months, if the woman continues to meet the financial eligibility requirements for a pregnant woman under Medicaid. For the purposes of this section, family planning services shall not cover payment for abortion services and no funds shall be used to perform, assist, encourage or make direct referrals for abortions;

8. A provision for payment of medical assistance for high-dose chemotherapy and bone marrow transplants on behalf of individuals over the age of 21 who have been diagnosed with lymphoma, breast cancer, myeloma, or leukemia and have been determined by the treating health care provider to have a performance status sufficient to proceed with such high-dose chemotherapy and bone marrow transplant. Appeals of these cases shall be handled in accordance with the Department's expedited appeals process;

9. A provision identifying entities approved by the Board to receive applications and to determine eligibility for medical assistance, which shall include a requirement that such entities (i) obtain accurate contact information, including the best available address and telephone number, from each applicant for medical assistance, to the extent required by federal law and regulations, and (ii) provide each applicant for medical assistance with information about advance directives pursuant to Article 8 (§ 54.1-2981 et seq.) of Chapter 29 of Title 54.1, including information about the purpose and benefits of advance directives and how the applicant may make an advance directive;

10. A provision for breast reconstructive surgery following the medically necessary removal of a breast for any medical reason. Breast reductions shall be covered, if prior authorization has been obtained, for all medically necessary indications. Such procedures shall be considered noncosmetic;

11. A provision for payment of medical assistance for annual pap smears;

12. A provision for payment of medical assistance services for prostheses following the medically necessary complete or partial removal of a breast for any medical reason;

13. A provision for payment of medical assistance which provides for payment for 48 hours of inpatient treatment for a patient following a radical or modified radical mastectomy and 24 hours of inpatient care following a total mastectomy or a partial mastectomy with lymph node dissection for treatment of disease or trauma of the breast. Nothing in this subdivision shall be construed as requiring the provision of inpatient coverage where the attending physician in consultation with the patient determines that a shorter period of hospital stay is appropriate;

14. A requirement that certificates of medical necessity for durable medical equipment and any supporting verifiable documentation shall be signed, dated, and returned by the physician, physician assistant, or nurse practitioner and in the durable medical equipment provider's possession within 60 days from the time the ordered durable medical equipment and supplies are first furnished by the durable medical equipment provider;

15. A provision for payment of medical assistance to (i) persons age 50 and over and (ii) persons age 40 and over who are at high risk for prostate cancer, according to the most recent published guidelines of the American Cancer Society, for one PSA test in a 12-month period and digital rectal examinations, all in accordance with American Cancer Society guidelines. For the purpose of this subdivision, "PSA testing" means the analysis of a blood sample to determine the level of prostate specific antigen;

16. A provision for payment of medical assistance for low-dose screening mammograms for determining the presence of occult breast cancer. Such coverage shall make available one screening mammogram to persons age 35 through 39, one such mammogram biennially to persons age 40 through 49, and one such mammogram annually to persons age 50 and over.

The term "mammogram" means an X-ray examination of the breast using equipment dedicated specifically for mammography, including but not limited to the X-ray tube, filter, compression device, screens, film and cassettes, with an average radiation exposure of less than one rad mid-breast, two views of each breast;

17. A provision, when in compliance with federal law and regulation and approved by the Centers for Medicare & Medicaid Services (CMS), for payment of medical assistance services delivered to Medicaid-eligible students when such services qualify for reimbursement by the Virginia Medicaid program and may be provided by school divisions;

18. A provision for payment of medical assistance services for liver, heart and lung transplantation procedures for individuals over the age of 21 years when (i) there is no effective alternative medical or surgical therapy available with outcomes that are at least comparable; (ii) the transplant procedure and application of the procedure in treatment of the specific condition have been clearly demonstrated to be medically effective and not experimental or investigational; (iii) prior authorization by the Department of Medical Assistance Services has been obtained; (iv) the patient selection criteria of the specific transplant center where the surgery is proposed to be performed have been used by the transplant team or program to determine the appropriateness of the patient for the procedure; (v) current medical therapy has failed and the patient has failed to respond to appropriate therapeutic management; (vi) the patient is not in an irreversible terminal state; and (vii) the transplant is likely to prolong the patient's life and restore a range of physical and social functioning in the activities of daily living;

19. A provision for payment of medical assistance for colorectal cancer screening, specifically screening with an annual fecal occult blood test, flexible sigmoidoscopy or colonoscopy, or in appropriate circumstances radiologic imaging, in accordance with the most recently published recommendations established by the American College of Gastroenterology, in consultation with the American Cancer Society, for the ages, family histories, and frequencies referenced in such recommendations;

20. A provision for payment of medical assistance for custom ocular prostheses;

21. A provision for payment for medical assistance for infant hearing screenings and all necessary audiological examinations provided pursuant to § 32.1-64.1 using any technology approved by the United States Food and Drug Administration, and as recommended by the national Joint Committee on Infant Hearing in its most current position statement addressing early hearing detection and intervention programs. Such provision shall include payment for medical assistance for follow-up audiological examinations as recommended by a physician, physician assistant, nurse practitioner, or audiologist and performed by a licensed audiologist to confirm the existence or absence of hearing loss;

22. A provision for payment of medical assistance, pursuant to the Breast and Cervical Cancer Prevention and Treatment Act of 2000 (P.L. 106-354), for certain women with breast or cervical cancer when such women (i) have been screened for breast or cervical cancer under the Centers for Disease Control and Prevention (CDC) Breast and Cervical Cancer Early Detection Program established under Title XV of the Public Health Service Act; (ii) need treatment for breast or cervical cancer, including treatment for a precancerous condition of the breast or cervix; (iii) are not otherwise covered under creditable coverage, as defined in § 2701 (c) of the Public Health Service Act; (iv) are not otherwise eligible for medical assistance services under any mandatory categorically needy eligibility group; and (v) have not attained age 65. This provision shall include an expedited eligibility determination for such women;

23. A provision for the coordinated administration, including outreach, enrollment, re-enrollment and services delivery, of medical assistance services provided to medically indigent children pursuant to this chapter, which shall be called Family Access to Medical Insurance Security (FAMIS) Plus and the FAMIS Plan program in § 32.1-351. A single application form shall be used to determine eligibility for both programs;

24. A provision, when authorized by and in compliance with federal law, to establish a public-private long-term care partnership program between the Commonwealth of Virginia and private insurance companies that shall be established through the filing of an amendment to the state plan for medical assistance services by the Department of Medical Assistance Services. The purpose of the program shall be to reduce Medicaid costs for long-term care by delaying or eliminating dependence on Medicaid for such services through encouraging the purchase of private long-term care insurance policies that have been designated as qualified state long-term care insurance partnerships and may be used as the first source of benefits for the participant's long-term care. Components of the program, including the treatment of assets for Medicaid eligibility and estate recovery, shall be structured in accordance with federal law and applicable federal guidelines;

25. A provision for the payment of medical assistance for otherwise eligible pregnant women during the first five years of lawful residence in the United States, pursuant to § 214 of the Children's Health Insurance Program Reauthorization Act of 2009 (P.L. 111-3); and

26. A provision for the payment of medical assistance for medically necessary health care services provided through telemedicine services.

B. In preparing the plan, the Board shall:

1. Work cooperatively with the State Board of Health to ensure that quality patient care is provided and that the health, safety, security, rights and welfare of patients are ensured.

2. Initiate such cost containment or other measures as are set forth in the appropriation act.

3. Make, adopt, promulgate and enforce such regulations as may be necessary to carry out the provisions of this chapter.

4. Examine, before acting on a regulation to be published in the Virginia Register of Regulations pursuant to § 2.2-4007.05, the potential fiscal impact of such regulation on local boards of social services. For regulations with potential

fiscal impact, the Board shall share copies of the fiscal impact analysis with local boards of social services prior to submission to the Registrar. The fiscal impact analysis shall include the projected costs/savings to the local boards of social services to implement or comply with such regulation and, where applicable, sources of potential funds to implement or comply with such regulation.

5. Incorporate sanctions and remedies for certified nursing facilities established by state law, in accordance with 42 C.F.R. § 488.400 et seq. "Enforcement of Compliance for Long-Term Care Facilities With Deficiencies."

6. On and after July 1, 2002, require that a prescription benefit card, health insurance benefit card, or other technology that complies with the requirements set forth in § 38.2-3407.4:2 be issued to each recipient of medical assistance services, and shall upon any changes in the required data elements set forth in subsection A of § 38.2-3407.4:2, either reissue the card or provide recipients such corrective information as may be required to electronically process a prescription claim.

C. In order to enable the Commonwealth to continue to receive federal grants or reimbursement for medical assistance or related services, the Board, subject to the approval of the Governor, may adopt, regardless of any other provision of this chapter, such amendments to the state plan for medical assistance services as may be necessary to conform such plan with amendments to the United States Social Security Act or other relevant federal law and their implementing regulations or constructions of these laws and regulations by courts of competent jurisdiction or the United States Secretary of Health and Human Services.

In the event conforming amendments to the state plan for medical assistance services are adopted, the Board shall not be required to comply with the requirements of Article 2 (§ 2.2-4006 et seq.) of Chapter 40 of Title 2.2. However, the Board shall, pursuant to the requirements of § 2.2-4002, (i) notify the Registrar of Regulations that such amendment is necessary to meet the requirements of federal law or regulations or because of the order of any state or federal court, or (ii) certify to the Governor that the regulations are necessitated by an emergency situation. Any such amendments that are in conflict with the Code of Virginia shall only remain in effect until July 1 following adjournment of the next regular session of the General Assembly unless enacted into law.

D. The Director of Medical Assistance Services is authorized to:

1. Administer such state plan and receive and expend federal funds therefor in accordance with applicable federal and state laws and regulations; and enter into all contracts necessary or incidental to the performance of the Department's duties and the execution of its powers as provided by law.

2. Enter into agreements and contracts with medical care facilities, physicians, dentists and other health care providers where necessary to carry out the provisions of such state plan. Any such agreement or contract shall terminate upon conviction of the provider of a felony. In the event such conviction is reversed upon appeal, the provider may apply to the Director of Medical Assistance Services for a new agreement or contract. Such provider may also apply to the Director for reconsideration of the agreement or contract termination if the conviction is not appealed, or if it is not reversed upon appeal.

3. Refuse to enter into or renew an agreement or contract, or elect to terminate an existing agreement or contract, with any provider who has been convicted of or otherwise pled guilty to a felony, or pursuant to Subparts A, B, and C of 42 C.F.R. Part 1002, and upon notice of such action to the provider as required by 42 C.F.R. § 1002.212.

4. Refuse to enter into or renew an agreement or contract, or elect to terminate an existing agreement or contract, with a provider who is or has been a principal in a professional or other corporation when such corporation has been convicted of or otherwise pled guilty to any violation of § 32.1-314, 32.1-315, 32.1-316, or 32.1-317, or any other felony or has been excluded from participation in any federal program pursuant to 42 C.F.R. Part 1002.

5. Terminate or suspend a provider agreement with a home care organization pursuant to subsection E of § 32.1-162.13.

6. [Expired.]

For the purposes of this subsection, "provider" may refer to an individual or an entity.

E. In any case in which a Medicaid agreement or contract is terminated or denied to a provider pursuant to subsection D, the provider shall be entitled to appeal the decision pursuant to 42 C.F.R. § 1002.213 and to a post-determination or post-denial hearing in accordance with the Administrative Process Act (§ 2.2-4000 et seq.). All such requests shall be in writing and be received within 15 days of the date of receipt of the notice.

The Director may consider aggravating and mitigating factors including the nature and extent of any adverse impact the agreement or contract denial or termination may have on the medical care provided to Virginia Medicaid recipients. In cases in which an agreement or contract is terminated pursuant to subsection D, the Director may determine the period of exclusion and may consider aggravating and mitigating factors to lengthen or shorten the period of exclusion, and may reinstate the provider pursuant to 42 C.F.R. § 1002.215.

F. When the services provided for by such plan are services which a marriage and family therapist, clinical psychologist, clinical social worker, professional counselor, or clinical nurse specialist is licensed to render in Virginia, the Director shall contract with any duly licensed marriage and family therapist, duly licensed clinical psychologist, licensed clinical social worker, licensed professional counselor or licensed clinical nurse specialist who makes application to be a provider of such services, and thereafter shall pay for covered services as provided in the state plan. The Board shall promulgate regulations which reimburse licensed marriage and family therapists, licensed clinical psychologists, licensed clinical social workers, licensed professional counselors and licensed clinical nurse specialists at rates based upon reasonable criteria, including the professional credentials required for licensure.

G. The Board shall prepare and submit to the Secretary of the United States Department of Health and Human Services such amendments to the state plan for medical assistance services as may be permitted by federal law to establish a program of family assistance whereby children over the age of 18 years shall make reasonable contributions, as determined by regulations of the Board, toward the cost of providing medical assistance under the plan to their parents.

H. The Department of Medical Assistance Services shall:

1. Include in its provider networks and all of its health maintenance organization contracts a provision for the payment of medical assistance on behalf of individuals up to the age of 21 who have special needs and who are Medicaid eligible, including individuals who have been victims of child abuse and neglect, for medically necessary assessment and treatment services, when such services are delivered by a provider which specializes solely in the diagnosis and treatment of child abuse and neglect, or a provider with comparable expertise, as determined by the Director.

2. Amend the Medallion II waiver and its implementing regulations to develop and implement an exception, with procedural requirements, to mandatory enrollment for certain children between birth and age three certified by the Department of Behavioral Health and Developmental Services as eligible for services pursuant to Part C of the Individuals with Disabilities Education Act (20 U.S.C. § 1471 et seq.).

3. Utilize, to the extent practicable, electronic funds transfer technology for reimbursement to contractors and enrolled providers for the provision of health care services under Medicaid and the Family Access to Medical Insurance Security Plan established under § 32.1-351.

4. *Require any managed care organization with which the Department enters into an agreement for the provision of medical assistance services to include in any contract between the managed care organization and a pharmacy benefits manager provisions prohibiting the pharmacy benefits manager or a representative of the pharmacy benefits manager from conducting spread pricing with regards to the managed care organization's managed care plans. For the purposes of this subdivision:*

"Pharmacy benefits management" means the administration or management of prescription drug benefits provided by a managed care organization for the benefit of covered individuals.

"Pharmacy benefits manager" means a person that performs pharmacy benefits management.

"Spread pricing" means the model of prescription drug pricing in which the pharmacy benefits manager charges a managed care plan a contracted price for prescription drugs, and the contracted price for the prescription drugs differs from the amount the pharmacy benefits manager directly or indirectly pays the pharmacist or pharmacy for pharmacist services.

I. The Director is authorized to negotiate and enter into agreements for services rendered to eligible recipients with special needs. The Board shall promulgate regulations regarding these special needs patients, to include persons with AIDS, ventilator-dependent patients, and other recipients with special needs as defined by the Board.

J. Except as provided in subdivision A 1 of § 2.2-4345, the provisions of the Virginia Public Procurement Act (§ 2.2-4300 et seq.) shall not apply to the activities of the Director authorized by subsection I of this section. Agreements made pursuant to this subsection shall comply with federal law and regulation.

2. That the provisions of this act shall apply to agreements entered into, amended, extended, or renewed on or after July 1, 2020.

CHAPTER 1083

An Act to amend and reenact § 32.1-325 of the Code of Virginia, relating to medical assistance services; managed care organization contracts with pharmacy benefits managers; spread pricing.

[S 568]

Approved April 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 32.1-325 of the Code of Virginia is amended and reenacted as follows:

§ 32.1-325. Board to submit plan for medical assistance services to U.S. Secretary of Health and Human Services pursuant to federal law; administration of plan; contracts with health care providers.

A. The Board, subject to the approval of the Governor, is authorized to prepare, amend from time to time, and submit to the U.S. Secretary of Health and Human Services a state plan for medical assistance services pursuant to Title XIX of the United States Social Security Act and any amendments thereto. The Board shall include in such plan:

1. A provision for payment of medical assistance on behalf of individuals, up to the age of 21, placed in foster homes or private institutions by private, nonprofit agencies licensed as child-placing agencies by the Department of Social Services or placed through state and local subsidized adoptions to the extent permitted under federal statute;

2. A provision for determining eligibility for benefits for medically needy individuals which disregards from countable resources an amount not in excess of \$3,500 for the individual and an amount not in excess of \$3,500 for his spouse when such resources have been set aside to meet the burial expenses of the individual or his spouse. The amount disregarded shall be reduced by (i) the face value of life insurance on the life of an individual owned by the individual or his spouse if the cash surrender value of such policies has been excluded from countable resources and (ii) the amount of any other revocable or

irrevocable trust, contract, or other arrangement specifically designated for the purpose of meeting the individual's or his spouse's burial expenses;

3. A requirement that, in determining eligibility, a home shall be disregarded. For those medically needy persons whose eligibility for medical assistance is required by federal law to be dependent on the budget methodology for Aid to Families with Dependent Children, a home means the house and lot used as the principal residence and all contiguous property. For all other persons, a home shall mean the house and lot used as the principal residence, as well as all contiguous property, as long as the value of the land, exclusive of the lot occupied by the house, does not exceed \$5,000. In any case in which the definition of home as provided here is more restrictive than that provided in the state plan for medical assistance services in Virginia as it was in effect on January 1, 1972, then a home means the house and lot used as the principal residence and all contiguous property essential to the operation of the home regardless of value;

4. A provision for payment of medical assistance on behalf of individuals up to the age of 21, who are Medicaid eligible, for medically necessary stays in acute care facilities in excess of 21 days per admission;

5. A provision for deducting from an institutionalized recipient's income an amount for the maintenance of the individual's spouse at home;

6. A provision for payment of medical assistance on behalf of pregnant women which provides for payment for inpatient postpartum treatment in accordance with the medical criteria outlined in the most current version of or an official update to the "Guidelines for Perinatal Care" prepared by the American Academy of Pediatrics and the American College of Obstetricians and Gynecologists or the "Standards for Obstetric-Gynecologic Services" prepared by the American College of Obstetricians and Gynecologists. Payment shall be made for any postpartum home visit or visits for the mothers and the children which are within the time periods recommended by the attending physicians in accordance with and as indicated by such Guidelines or Standards. For the purposes of this subdivision, such Guidelines or Standards shall include any changes thereto within six months of the publication of such Guidelines or Standards or any official amendment thereto;

7. A provision for the payment for family planning services on behalf of women who were Medicaid-eligible for prenatal care and delivery as provided in this section at the time of delivery. Such family planning services shall begin with delivery and continue for a period of 24 months, if the woman continues to meet the financial eligibility requirements for a pregnant woman under Medicaid. For the purposes of this section, family planning services shall not cover payment for abortion services and no funds shall be used to perform, assist, encourage or make direct referrals for abortions;

8. A provision for payment of medical assistance for high-dose chemotherapy and bone marrow transplants on behalf of individuals over the age of 21 who have been diagnosed with lymphoma, breast cancer, myeloma, or leukemia and have been determined by the treating health care provider to have a performance status sufficient to proceed with such high-dose chemotherapy and bone marrow transplant. Appeals of these cases shall be handled in accordance with the Department's expedited appeals process;

9. A provision identifying entities approved by the Board to receive applications and to determine eligibility for medical assistance, which shall include a requirement that such entities (i) obtain accurate contact information, including the best available address and telephone number, from each applicant for medical assistance, to the extent required by federal law and regulations, and (ii) provide each applicant for medical assistance with information about advance directives pursuant to Article 8 (§ 54.1-2981 et seq.) of Chapter 29 of Title 54.1, including information about the purpose and benefits of advance directives and how the applicant may make an advance directive;

10. A provision for breast reconstructive surgery following the medically necessary removal of a breast for any medical reason. Breast reductions shall be covered, if prior authorization has been obtained, for all medically necessary indications. Such procedures shall be considered noncosmetic;

11. A provision for payment of medical assistance for annual pap smears;

12. A provision for payment of medical assistance services for prostheses following the medically necessary complete or partial removal of a breast for any medical reason;

13. A provision for payment of medical assistance which provides for payment for 48 hours of inpatient treatment for a patient following a radical or modified radical mastectomy and 24 hours of inpatient care following a total mastectomy or a partial mastectomy with lymph node dissection for treatment of disease or trauma of the breast. Nothing in this subdivision shall be construed as requiring the provision of inpatient coverage where the attending physician in consultation with the patient determines that a shorter period of hospital stay is appropriate;

14. A requirement that certificates of medical necessity for durable medical equipment and any supporting verifiable documentation shall be signed, dated, and returned by the physician, physician assistant, or nurse practitioner and in the durable medical equipment provider's possession within 60 days from the time the ordered durable medical equipment and supplies are first furnished by the durable medical equipment provider;

15. A provision for payment of medical assistance to (i) persons age 50 and over and (ii) persons age 40 and over who are at high risk for prostate cancer, according to the most recent published guidelines of the American Cancer Society, for one PSA test in a 12-month period and digital rectal examinations, all in accordance with American Cancer Society guidelines. For the purpose of this subdivision, "PSA testing" means the analysis of a blood sample to determine the level of prostate specific antigen;

16. A provision for payment of medical assistance for low-dose screening mammograms for determining the presence of occult breast cancer. Such coverage shall make available one screening mammogram to persons age 35 through 39, one such mammogram biennially to persons age 40 through 49, and one such mammogram annually to persons age 50 and over.

The term "mammogram" means an X-ray examination of the breast using equipment dedicated specifically for mammography, including but not limited to the X-ray tube, filter, compression device, screens, film and cassettes, with an average radiation exposure of less than one rad mid-breast, two views of each breast;

17. A provision, when in compliance with federal law and regulation and approved by the Centers for Medicare & Medicaid Services (CMS), for payment of medical assistance services delivered to Medicaid-eligible students when such services qualify for reimbursement by the Virginia Medicaid program and may be provided by school divisions;

18. A provision for payment of medical assistance services for liver, heart and lung transplantation procedures for individuals over the age of 21 years when (i) there is no effective alternative medical or surgical therapy available with outcomes that are at least comparable; (ii) the transplant procedure and application of the procedure in treatment of the specific condition have been clearly demonstrated to be medically effective and not experimental or investigational; (iii) prior authorization by the Department of Medical Assistance Services has been obtained; (iv) the patient selection criteria of the specific transplant center where the surgery is proposed to be performed have been used by the transplant team or program to determine the appropriateness of the patient for the procedure; (v) current medical therapy has failed and the patient has failed to respond to appropriate therapeutic management; (vi) the patient is not in an irreversible terminal state; and (vii) the transplant is likely to prolong the patient's life and restore a range of physical and social functioning in the activities of daily living;

19. A provision for payment of medical assistance for colorectal cancer screening, specifically screening with an annual fecal occult blood test, flexible sigmoidoscopy or colonoscopy, or in appropriate circumstances radiologic imaging, in accordance with the most recently published recommendations established by the American College of Gastroenterology, in consultation with the American Cancer Society, for the ages, family histories, and frequencies referenced in such recommendations;

20. A provision for payment of medical assistance for custom ocular prostheses;

21. A provision for payment for medical assistance for infant hearing screenings and all necessary audiological examinations provided pursuant to § 32.1-64.1 using any technology approved by the United States Food and Drug Administration, and as recommended by the national Joint Committee on Infant Hearing in its most current position statement addressing early hearing detection and intervention programs. Such provision shall include payment for medical assistance for follow-up audiological examinations as recommended by a physician, physician assistant, nurse practitioner, or audiologist and performed by a licensed audiologist to confirm the existence or absence of hearing loss;

22. A provision for payment of medical assistance, pursuant to the Breast and Cervical Cancer Prevention and Treatment Act of 2000 (P.L. 106-354), for certain women with breast or cervical cancer when such women (i) have been screened for breast or cervical cancer under the Centers for Disease Control and Prevention (CDC) Breast and Cervical Cancer Early Detection Program established under Title XV of the Public Health Service Act; (ii) need treatment for breast or cervical cancer, including treatment for a precancerous condition of the breast or cervix; (iii) are not otherwise covered under creditable coverage, as defined in § 2701 (c) of the Public Health Service Act; (iv) are not otherwise eligible for medical assistance services under any mandatory categorically needy eligibility group; and (v) have not attained age 65. This provision shall include an expedited eligibility determination for such women;

23. A provision for the coordinated administration, including outreach, enrollment, re-enrollment and services delivery, of medical assistance services provided to medically indigent children pursuant to this chapter, which shall be called Family Access to Medical Insurance Security (FAMIS) Plus and the FAMIS Plan program in § 32.1-351. A single application form shall be used to determine eligibility for both programs;

24. A provision, when authorized by and in compliance with federal law, to establish a public-private long-term care partnership program between the Commonwealth of Virginia and private insurance companies that shall be established through the filing of an amendment to the state plan for medical assistance services by the Department of Medical Assistance Services. The purpose of the program shall be to reduce Medicaid costs for long-term care by delaying or eliminating dependence on Medicaid for such services through encouraging the purchase of private long-term care insurance policies that have been designated as qualified state long-term care insurance partnerships and may be used as the first source of benefits for the participant's long-term care. Components of the program, including the treatment of assets for Medicaid eligibility and estate recovery, shall be structured in accordance with federal law and applicable federal guidelines;

25. A provision for the payment of medical assistance for otherwise eligible pregnant women during the first five years of lawful residence in the United States, pursuant to § 214 of the Children's Health Insurance Program Reauthorization Act of 2009 (P.L. 111-3); and

26. A provision for the payment of medical assistance for medically necessary health care services provided through telemedicine services.

B. In preparing the plan, the Board shall:

1. Work cooperatively with the State Board of Health to ensure that quality patient care is provided and that the health, safety, security, rights and welfare of patients are ensured.

2. Initiate such cost containment or other measures as are set forth in the appropriation act.

3. Make, adopt, promulgate and enforce such regulations as may be necessary to carry out the provisions of this chapter.

4. Examine, before acting on a regulation to be published in the Virginia Register of Regulations pursuant to § 2.2-4007.05, the potential fiscal impact of such regulation on local boards of social services. For regulations with potential

fiscal impact, the Board shall share copies of the fiscal impact analysis with local boards of social services prior to submission to the Registrar. The fiscal impact analysis shall include the projected costs/savings to the local boards of social services to implement or comply with such regulation and, where applicable, sources of potential funds to implement or comply with such regulation.

5. Incorporate sanctions and remedies for certified nursing facilities established by state law, in accordance with 42 C.F.R. § 488.400 et seq. "Enforcement of Compliance for Long-Term Care Facilities With Deficiencies."

6. On and after July 1, 2002, require that a prescription benefit card, health insurance benefit card, or other technology that complies with the requirements set forth in § 38.2-3407.4:2 be issued to each recipient of medical assistance services, and shall upon any changes in the required data elements set forth in subsection A of § 38.2-3407.4:2, either reissue the card or provide recipients such corrective information as may be required to electronically process a prescription claim.

C. In order to enable the Commonwealth to continue to receive federal grants or reimbursement for medical assistance or related services, the Board, subject to the approval of the Governor, may adopt, regardless of any other provision of this chapter, such amendments to the state plan for medical assistance services as may be necessary to conform such plan with amendments to the United States Social Security Act or other relevant federal law and their implementing regulations or constructions of these laws and regulations by courts of competent jurisdiction or the United States Secretary of Health and Human Services.

In the event conforming amendments to the state plan for medical assistance services are adopted, the Board shall not be required to comply with the requirements of Article 2 (§ 2.2-4006 et seq.) of Chapter 40 of Title 2.2. However, the Board shall, pursuant to the requirements of § 2.2-4002, (i) notify the Registrar of Regulations that such amendment is necessary to meet the requirements of federal law or regulations or because of the order of any state or federal court, or (ii) certify to the Governor that the regulations are necessitated by an emergency situation. Any such amendments that are in conflict with the Code of Virginia shall only remain in effect until July 1 following adjournment of the next regular session of the General Assembly unless enacted into law.

D. The Director of Medical Assistance Services is authorized to:

1. Administer such state plan and receive and expend federal funds therefor in accordance with applicable federal and state laws and regulations; and enter into all contracts necessary or incidental to the performance of the Department's duties and the execution of its powers as provided by law.

2. Enter into agreements and contracts with medical care facilities, physicians, dentists and other health care providers where necessary to carry out the provisions of such state plan. Any such agreement or contract shall terminate upon conviction of the provider of a felony. In the event such conviction is reversed upon appeal, the provider may apply to the Director of Medical Assistance Services for a new agreement or contract. Such provider may also apply to the Director for reconsideration of the agreement or contract termination if the conviction is not appealed, or if it is not reversed upon appeal.

3. Refuse to enter into or renew an agreement or contract, or elect to terminate an existing agreement or contract, with any provider who has been convicted of or otherwise pled guilty to a felony, or pursuant to Subparts A, B, and C of 42 C.F.R. Part 1002, and upon notice of such action to the provider as required by 42 C.F.R. § 1002.212.

4. Refuse to enter into or renew an agreement or contract, or elect to terminate an existing agreement or contract, with a provider who is or has been a principal in a professional or other corporation when such corporation has been convicted of or otherwise pled guilty to any violation of § 32.1-314, 32.1-315, 32.1-316, or 32.1-317, or any other felony or has been excluded from participation in any federal program pursuant to 42 C.F.R. Part 1002.

5. Terminate or suspend a provider agreement with a home care organization pursuant to subsection E of § 32.1-162.13.

6. [Expired.]

For the purposes of this subsection, "provider" may refer to an individual or an entity.

E. In any case in which a Medicaid agreement or contract is terminated or denied to a provider pursuant to subsection D, the provider shall be entitled to appeal the decision pursuant to 42 C.F.R. § 1002.213 and to a post-determination or post-denial hearing in accordance with the Administrative Process Act (§ 2.2-4000 et seq.). All such requests shall be in writing and be received within 15 days of the date of receipt of the notice.

The Director may consider aggravating and mitigating factors including the nature and extent of any adverse impact the agreement or contract denial or termination may have on the medical care provided to Virginia Medicaid recipients. In cases in which an agreement or contract is terminated pursuant to subsection D, the Director may determine the period of exclusion and may consider aggravating and mitigating factors to lengthen or shorten the period of exclusion, and may reinstate the provider pursuant to 42 C.F.R. § 1002.215.

F. When the services provided for by such plan are services which a marriage and family therapist, clinical psychologist, clinical social worker, professional counselor, or clinical nurse specialist is licensed to render in Virginia, the Director shall contract with any duly licensed marriage and family therapist, duly licensed clinical psychologist, licensed clinical social worker, licensed professional counselor or licensed clinical nurse specialist who makes application to be a provider of such services, and thereafter shall pay for covered services as provided in the state plan. The Board shall promulgate regulations which reimburse licensed marriage and family therapists, licensed clinical psychologists, licensed clinical social workers, licensed professional counselors and licensed clinical nurse specialists at rates based upon reasonable criteria, including the professional credentials required for licensure.

G. The Board shall prepare and submit to the Secretary of the United States Department of Health and Human Services such amendments to the state plan for medical assistance services as may be permitted by federal law to establish a program of family assistance whereby children over the age of 18 years shall make reasonable contributions, as determined by regulations of the Board, toward the cost of providing medical assistance under the plan to their parents.

H. The Department of Medical Assistance Services shall:

1. Include in its provider networks and all of its health maintenance organization contracts a provision for the payment of medical assistance on behalf of individuals up to the age of 21 who have special needs and who are Medicaid eligible, including individuals who have been victims of child abuse and neglect, for medically necessary assessment and treatment services, when such services are delivered by a provider which specializes solely in the diagnosis and treatment of child abuse and neglect, or a provider with comparable expertise, as determined by the Director.

2. Amend the Medallion II waiver and its implementing regulations to develop and implement an exception, with procedural requirements, to mandatory enrollment for certain children between birth and age three certified by the Department of Behavioral Health and Developmental Services as eligible for services pursuant to Part C of the Individuals with Disabilities Education Act (20 U.S.C. § 1471 et seq.).

3. Utilize, to the extent practicable, electronic funds transfer technology for reimbursement to contractors and enrolled providers for the provision of health care services under Medicaid and the Family Access to Medical Insurance Security Plan established under § 32.1-351.

4. *Require any managed care organization with which the Department enters into an agreement for the provision of medical assistance services to include in any contract between the managed care organization and a pharmacy benefits manager provisions prohibiting the pharmacy benefits manager or a representative of the pharmacy benefits manager from conducting spread pricing with regards to the managed care organization's managed care plans. For the purposes of this subdivision:*

"Pharmacy benefits management" means the administration or management of prescription drug benefits provided by a managed care organization for the benefit of covered individuals.

"Pharmacy benefits manager" means a person that performs pharmacy benefits management.

"Spread pricing" means the model of prescription drug pricing in which the pharmacy benefits manager charges a managed care plan a contracted price for prescription drugs, and the contracted price for the prescription drugs differs from the amount the pharmacy benefits manager directly or indirectly pays the pharmacist or pharmacy for pharmacist services.

I. The Director is authorized to negotiate and enter into agreements for services rendered to eligible recipients with special needs. The Board shall promulgate regulations regarding these special needs patients, to include persons with AIDS, ventilator-dependent patients, and other recipients with special needs as defined by the Board.

J. Except as provided in subdivision A 1 of § 2.2-4345, the provisions of the Virginia Public Procurement Act (§ 2.2-4300 et seq.) shall not apply to the activities of the Director authorized by subsection I of this section. Agreements made pursuant to this subsection shall comply with federal law and regulation.

2. That the provisions of this act shall apply to agreements entered into, amended, extended, or renewed on or after July 1, 2020.

CHAPTER 1084

An Act to amend the Code of Virginia by adding a section numbered 63.2-1705.1, relating to child day programs; potable water; lead testing.

[H 799]

Approved April 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 63.2-1705.1 as follows:

§ 63.2-1705.1. Child day and certain other programs; potable water; lead testing.

A. Each child day program that is licensed pursuant to this chapter and any program described in subdivision A 4, B 1, or B 5 of § 63.2-1715 that serves preschool-age children shall develop and implement a plan to test potable water from sources identified by the U.S. Environmental Protection Agency as high priority, including bubbler-style and cooler-style drinking fountains, kitchen taps, classroom combination sinks and drinking fountains, home economics room sinks, teacher's lounge sinks, nurse's office sinks, classroom sinks in special education classrooms, and sinks known to be or visibly used for consumption.

B. The plan established pursuant to subsection A and the results of each test conducted pursuant to such plan shall be submitted to and reviewed by the Commissioner and the Department of Health's Office of Drinking Water.

C. If the results of any test conducted in accordance with the plan established pursuant to subsection A indicate a level of lead in the potable water that is at or above 15 parts per billion, the program shall remediate the level of lead in the potable water to below 15 parts per billion and confirm such remediation by retesting the water. The results of the retests shall be submitted to and reviewed by the Commissioner and the Department of Health's Office of Drinking Water.

D. Notwithstanding the provisions of subsection A or C, a child day program that is licensed pursuant to this chapter and any program described in subdivision A 4, B 1, or B 5 of § 63.2-1715 may, in lieu of developing and implementing a plan to test potable water or of remediation, use for human consumption, as defined by § 32.1-167, bottled water, water coolers, or other similar water source that meets the U.S. Food and Drug Administration standards for bottled water. Any program that chooses this option shall notify the Commissioner and the Department of Health's Office of Drinking Water and the parent of each child in the program of such choice.

CHAPTER 1085

An Act to amend the Code of Virginia by adding a section numbered 63.2-1705.1, relating to child day programs; potable water; lead testing.

[S 393]

Approved April 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 63.2-1705.1 as follows:

§ 63.2-1705.1. Child day and certain other programs; potable water; lead testing.

A. Each child day program that is licensed pursuant to this chapter and any program described in subdivision A 4, B 1, or B 5 of § 63.2-1715 that serves preschool-age children shall develop and implement a plan to test potable water from sources identified by the U.S. Environmental Protection Agency as high priority, including bubbler-style and cooler-style drinking fountains, kitchen taps, classroom combination sinks and drinking fountains, home economics room sinks, teacher's lounge sinks, nurse's office sinks, classroom sinks in special education classrooms, and sinks known to be or visibly used for consumption.

B. The plan established pursuant to subsection A and the results of each test conducted pursuant to such plan shall be submitted to and reviewed by the Commissioner and the Department of Health's Office of Drinking Water.

C. If the results of any test conducted in accordance with the plan established pursuant to subsection A indicate a level of lead in the potable water that is at or above 15 parts per billion, the program shall remediate the level of lead in the potable water to below 15 parts per billion and confirm such remediation by retesting the water. The results of the retests shall be submitted to and reviewed by the Commissioner and the Department of Health's Office of Drinking Water.

D. Notwithstanding the provisions of subsection A or C, a child day program that is licensed pursuant to this chapter and any program described in subdivision A 4, B 1, or B 5 of § 63.2-1715 may, in lieu of developing and implementing a plan to test potable water or of remediation, use for human consumption, as defined by § 32.1-167, bottled water, water coolers, or other similar water source that meets the U.S. Food and Drug Administration standards for bottled water. Any program that chooses this option shall notify the Commissioner and the Department of Health's Office of Drinking Water and the parent of each child in the program of such choice.

CHAPTER 1086

An Act to amend the Code of Virginia by adding a section numbered 65.2-601.2, relating to workers' compensation; employer to provide statement of intent.

[H 46]

Approved April 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 65.2-601.2 as follows:

§ 65.2-601.2. Notice to employee of employer's intent.

A. Whenever an employee makes a claim pursuant to § 65.2-601, the Commission shall order the employer to advise the employee, within 30 days following the date of such order, whether the employer (i) intends to accept the claim, (ii) intends to deny the claim, or (iii) is unable to determine whether it intends to accept or deny the claim because the employer lacks sufficient information from the employee or a third party to make such determination. If the employer responds that it intends to deny the claim, the response shall provide reasons therefor. If the employer responds that it is unable to determine whether it intends to accept or deny the claim because it lacks sufficient information from the employee or a third party to make such determination, the response shall identify the additional information that the employer needs from the employee or a third party in order to make such determination.

B. The employer's response to the order shall be considered a required report for the purposes of § 65.2-902.

C. The employer's response to the order shall not be considered part of the hearing record.

D. An employer may, if the employee consents, send any response required by this section to the employee by email.

CHAPTER 1087

An Act to amend and reenact § 24.2-103 of the Code of Virginia, relating to elections administration; Department of Elections; position of Director of Operations.

[H 540]

Approved April 10, 2020

Be it enacted by the General Assembly of Virginia:**1. That § 24.2-103 of the Code of Virginia is amended and reenacted as follows:****§ 24.2-103. Powers and duties in general.**

A. The State Board, through the Department of Elections, shall supervise and coordinate the work of the county and city electoral boards and of the registrars to obtain uniformity in their practices and proceedings and legality and purity in all elections. It shall make rules and regulations and issue instructions and provide information consistent with the election laws to the electoral boards and registrars to promote the proper administration of election laws. Electoral boards and registrars shall provide information requested by the State Board and shall follow (i) the elections laws and (ii) the rules and regulations of the State Board insofar as they do not conflict with Virginia or federal law. The State Board shall post on the Internet within three business days any rules or regulations made by the State Board. Upon request and at a reasonable charge not to exceed the actual cost incurred, the State Board shall provide to any requesting political party or candidate, within three days of the receipt of the request, copies of any instructions or information provided by the State Board to the local electoral boards and registrars.

B. The State Board, through the Department of Elections, shall ensure that the members of the electoral boards and general registrars are properly trained to carry out their duties by offering training annually, or more often, as it deems appropriate, and without charging any fees to the electoral boards and general registrars for the training. The State Board shall set the training standards for the officers of election and shall develop standardized training programs for the officers of election to be conducted by the local electoral boards and the general registrars. Training of the officers of election shall be conducted and certified as provided by § 24.2-115.2. The State Board shall provide standardized training materials for such training and shall also offer on the Department of Elections website a training course for officers of election. The content of the online training course shall be consistent with the standardized training programs developed pursuant to this section. The State Board shall review the standardized training materials and the content of the online training course every two years in the year immediately following a general election for federal office.

C. The State Board may institute proceedings pursuant to § 24.2-234 for the removal of any member of an electoral board who fails to discharge the duties of his office in accordance with law. The State Board may petition the local electoral board to remove from office any general registrar who fails to discharge the duties of his office according to law. The State Board may institute proceedings pursuant to § 24.2-234 for the removal of a general registrar if the local electoral board refuses to remove the general registrar and the State Board finds that the failure to remove the general registrar has a material adverse effect upon the conduct of either the registrar's office or any election. Any action taken by the State Board pursuant to this subsection shall require a recorded majority vote of the Board.

D. The State Board may petition a circuit court or the Supreme Court, whichever is appropriate, for a writ of mandamus or prohibition, or other available legal relief, for the purpose of ensuring that elections are conducted as provided by law.

E. The Department of Elections shall supervise its own staff to assure that no member of its staff shall serve (i) as the chairman of a political party or other officer of a state-, local-, or district-level political party committee or (ii) as a paid or volunteer worker in the campaign of a candidate for nomination or election to an office filled by election in whole or in part by the qualified voters of the Commonwealth.

F. *The Department of Elections shall employ a Director of Operations who shall be responsible for managing the day-to-day operations at the Department of Elections and ensuring (i) fulfillment of the Department's mission and responsibilities; (ii) compliance with state and federal election laws and regulations; and (iii) compliance with the Department's business, administrative, and financial policies. This position shall be a full-time classified position subject to the Virginia Personnel Act (§ 2.2-2900 et seq.).*

G. The State Board shall adopt a seal for its use and bylaws for its own proceedings.

~~G.~~ H. A telephone call between two members of the Board preparing for a meeting shall not constitute a meeting under the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.), provided that no discussion or deliberation takes place that would otherwise constitute a meeting.

CHAPTER 1088

An Act to amend the Code of Virginia by adding in Article 3 of Chapter 1 of Title 32.1 a section numbered 32.1-23.2, relating to sexual assault nurse examiners; place of practice.

[H 1176]

Approved April 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 3 of Chapter 1 of Title 32.1 a section numbered 32.1-23.2 as follows:

§ 32.1-23.2. Sexual assault nurse examiner information.

A. The Department shall develop and make available on a website maintained by the Department information about the availability of certified sexual assault nurse examiners in the Commonwealth. Such information shall include the name of the hospital at which a certified sexual assault nurse examiner is employed; the location, including street address, of the hospital; and the contact information for the hospital. A link to the information shall be prominently displayed on the Department's website, and such information shall be made available in a format that is easily accessible to and navigable by members of the public.

B. Every hospital licensed by the Department shall quarterly report to the Department, in a form and by such date as shall be designated by the Department, the total number of certified sexual assault nurse practitioners employed by the hospital and the location, including street address, and contact information for each location at which such certified sexual assault nurse practitioner provides services.

CHAPTER 1089

An Act to amend and reenact §§ 2.2-4302.1 and 2.2-4359 of the Code of Virginia, relating to Virginia Public Procurement Act; determination of nonresponsibility; local option to include criteria in invitation to bid.

[H 1201]

Approved April 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-4302.1 and 2.2-4359 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-4302.1. Process for competitive sealed bidding.

The process for competitive sealed bidding shall include the following:

1. Issuance of a written Invitation to Bid containing or incorporating by reference the specifications and contractual terms and conditions applicable to the procurement. Unless the public body has provided for prequalification of bidders, the Invitation to Bid shall include a statement of any requisite qualifications of potential contractors. *Any locality may include in the Invitation to Bid criteria that may be used in determining whether a bidder who is not prequalified by the Virginia Department of Transportation is a responsible bidder pursuant to § 2.2-4301. Such criteria may include a history or good faith assurances of (i) completion by the bidder and any potential subcontractors of specified safety training programs established by the U.S. Department of Labor, Occupational Safety and Health Administration; (ii) participation by the bidder and any potential subcontractors in apprenticeship training programs approved by state agencies or the U.S. Department of Labor; or (iii) maintenance by the bidder and any potential subcontractors of records of compliance with applicable local, state, and federal laws.* No Invitation to Bid for construction services shall condition a successful bidder's eligibility on having a specified experience modification factor. When it is impractical to prepare initially a purchase description to support an award based on prices, an Invitation to Bid may be issued requesting the submission of unpriced offers to be followed by an Invitation to Bid limited to those bidders whose offers have been qualified under the criteria set forth in the first solicitation;

2. Public notice of the Invitation to Bid at least 10 days prior to the date set for receipt of bids by posting on the Department of General Services' central electronic procurement website or other appropriate websites. In addition, public bodies may publish in a newspaper of general circulation. Posting on the Department of General Services' central electronic procurement website shall be required of any state public body. Local public bodies are encouraged to utilize the Department of General Services' central electronic procurement website to provide the public with centralized visibility and access to the Commonwealth's procurement opportunities. In addition, bids may be solicited directly from potential contractors. Any additional solicitations shall include certified businesses selected from a list made available by the Department of Small Business and Supplier Diversity;

3. Public opening and announcement of all bids received;

4. Evaluation of bids based upon the requirements set forth in the Invitation to Bid, which may include special qualifications of potential contractors, life-cycle costing, value analysis, and any other criteria such as inspection, testing, quality, workmanship, delivery, and suitability for a particular purpose, which are helpful in determining acceptability; and

5. Award to the lowest responsive and responsible bidder. When the terms and conditions of multiple awards are so provided in the Invitation to Bid, awards may be made to more than one bidder.

For the purposes of subdivision 1, "experience modification factor" means a value assigned to an employer as determined by a rate service organization in accordance with its uniform experience rating plan required to be filed pursuant to subsection D of § 38.2-1913.

§ 2.2-4359. Determination of nonresponsibility.

A. Following public opening and announcement of bids received on an Invitation to Bid, the public body shall evaluate the bids in accordance with element 4 of the process for competitive sealed bidding set forth in § 2.2-4302.1. At the same time, the public body shall determine whether the apparent low bidder is responsible. If the public body so determines, then

it may proceed with an award in accordance with element 5 of the process for competitive sealed bidding set forth in § 2.2-4302.1. If the public body determines that the apparent low bidder is not responsible, it shall proceed as follows:

1. Prior to the issuance of a written determination of nonresponsibility, the public body shall (i) notify the apparent low bidder in writing of the results of the evaluation, (ii) disclose the factual support for the determination, and (iii) allow the apparent low bidder an opportunity to inspect any documents that relate to the determination, if so requested by the bidder within five business days after receipt of the notice.

2. Within ~~ten~~ 10 business days after receipt of the notice, the bidder may submit rebuttal information challenging the evaluation. The public body shall issue its written determination of responsibility based on all information in the possession of the public body, including any rebuttal information, within five business days of the date the public body received the rebuttal information. At the same time, the public body shall notify, with return receipt requested, the bidder in writing of its determination.

3. Such notice shall state the basis for the determination, which shall be final unless the bidder appeals the decision within ~~ten~~ 10 days after receipt of the notice by invoking administrative procedures meeting the standards of § 2.2-4365, if available, or in the alternative by instituting legal action as provided in § 2.2-4364.

The provisions of this subsection shall not apply to procurements involving the prequalification of bidders and the rights of any potential bidders under such prequalification to appeal a decision that such bidders are not responsible.

B. If, upon appeal pursuant to § 2.2-4364 or 2.2-4365, it is determined that the decision of the public body was not (i) an honest exercise of discretion, but rather was arbitrary or capricious or (ii) in accordance with the Constitution of Virginia, applicable state law or regulation, or the terms or conditions of the Invitation to Bid, and the award of the contract in question has not been made, the sole relief shall be a finding that the bidder is a responsible bidder for the contract in question or directed award as provided in subsection A of § 2.2-4364 or both.

If it is determined that the decision of the public body was not an honest exercise of discretion, but rather was arbitrary or capricious or not in accordance with the Constitution of Virginia, applicable state law or regulation, or the terms or conditions of the Invitation to Bid, and an award of the contract has been made, the relief shall be as set forth in subsection B of § 2.2-4360.

C. A bidder contesting a determination that he is not a responsible bidder for a particular contract shall proceed under this section, and may not protest the award or proposed award under the provisions of § 2.2-4360.

D. Nothing contained in this section shall be construed to require a public body, when procuring by competitive negotiation, to furnish a statement of the reasons why a particular proposal was not deemed to be the most advantageous.

E. Any determination that a low bidder is not responsible that uses such factors listed in the Invitation to Bid as a basis for its decision shall be presumptively considered an honest exercise of discretion.

CHAPTER 1090

An Act to amend the Code of Virginia by adding in Title 2.2 a chapter numbered 4.4, consisting of sections numbered 2.2-438 through 2.2-449, relating to Office of the Children's Ombudsman established; Children's Advocacy Fund.

[H 1301]

Approved April 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 2.2 a chapter numbered 4.4, consisting of sections numbered 2.2-438 through 2.2-449, as follows:

CHAPTER 4.4.

OFFICE OF THE CHILDREN'S OMBUDSMAN.

§ 2.2-438. Definitions.

As used in this chapter, unless context requires another meaning:

"Administrative act" includes an action, omission, decision, recommendation, practice, or other procedure of the Department, a local department, an adoption attorney, or a child-placing agency with respect to a particular child related to adoption, foster care, or protective services.

"Adoption attorney" means an attorney acting as counsel in an adoption proceeding or case.

"Central registry" means the system maintained at the Department of Social Services pursuant to § 63.2-1515.

"Child" means an individual under the age of 18.

"Child abuse" means harm or threatened harm to a child's health or welfare that occurs through nonaccidental physical or mental injury, sexual abuse, sexual exploitation, abandonment, or maltreatment by a parent, a legal guardian, or any other person responsible for the child's health or welfare or by a teacher, a teacher's aide, or a member of the clergy.

"Child-caring institution" means a child care facility that is organized for the purpose of receiving minor children for care, maintenance, and supervision, usually on a 24-hour basis, in buildings maintained by the child-caring institution for that purpose, and that operates throughout the year. An educational program may be provided, but the educational program shall not be the primary purpose of the facility. "Child-caring institution" includes a maternity home for the care of mothers who are minors, an inpatient substance use disorder treatment facility for minors, and an agency group home that is described as a small child-caring institution, owned, leased, or rented by a licensed agency providing care for more than

four but less than 13 minor children. "Child-caring institution" also includes institutions for developmentally disabled or emotionally disturbed minor children. "Child-caring institution" does not include (i) a licensed or accredited educational institution whose pupils, in the ordinary course of events, return annually to the homes of their parents or guardians for not less than two months of summer vacation; (ii) an establishment required to be licensed as a summer camp by § 35.1-18; or (iii) a licensed or accredited hospital legally maintained as such.

"Child neglect" means harm or threatened harm to a child's health or welfare by a parent, legal guardian, or any other person responsible for the child's health or welfare that occurs through either of the following:

1. Negligent treatment, including the failure to provide adequate food, clothing, shelter, or medical care, though financially able to do so, or the failure to seek financial or other reasonable means to provide adequate food, clothing, shelter, or medical care; or

2. Putting the child's health or welfare at unreasonable risk through failure of the parent, legal guardian, or other person responsible for the child's health or welfare to intervene to eliminate that risk when that person is able to do so and has, or should have, knowledge of any such risk.

"Child-placing agency" means (i) any person who places children in foster homes, adoptive homes, or independent living arrangements pursuant to § 63.2-1819; (ii) a local board that places children in foster homes or adoptive homes pursuant to §§ 63.2-900, 63.2-903, and 63.2-1221; or (iii) an entity that assists parents with the process of delegating parental and legal custodial powers of their children pursuant to Chapter 10 (§ 20-166 et seq.) of Title 20. "Child-placing agency" does not include the persons to whom such parental or legal custodial powers are delegated pursuant to Chapter 10 (§ 20-166 et seq.) of Title 20. Officers, employees, or agents of the Commonwealth or any locality thereof, acting within the scope of their authority as such, who serve as or maintain a child-placing agency shall not be required to be licensed.

"Children's Ombudsman" or "Ombudsman" means the individual appointed to head the Office of the Children's Ombudsman under § 2.2-439.

"Child-serving agency" means (i) a state agency that provides services to children, including the Department of Behavioral Health and Developmental Services, the Department of Education, the Department of Health, the Department of Juvenile Justice, the Department of Social Services, and the Office of Children's Services, and (ii) a local entity that provides services to children and that receives funding from a state agency under clause (i). "Child-serving agency" does not include any law-enforcement agency.

"Complainant" means an individual who makes a complaint pursuant to § 2.2-441.

"Department" means the Department of Social Services.

"Foster care" means care provided to a child by a child-caring institution or a foster parent, children's residential facility, or group home licensed or approved by the Department under Chapter 9 (§ 63.2-900) of Title 63.2; care provided to a child in a relative's home under a court order; or any other care provided at the time the child's custody has been given to a government agency.

"Law-enforcement agency" means any crime victim and witness assistance program whose funding is provided in whole or in part by grants administered by the Department of Criminal Justice Services pursuant to § 9.1-104, any state or local police or sheriff's department, any office of an attorney for the Commonwealth, or the Office of the Attorney General.

"Local department" means the local department of social services of any county or city in the Commonwealth.

"Office" means the Office of the Children's Ombudsman established under § 2.2-439.

§ 2.2-439. Children's Ombudsman; establishment; appointment; removal.

A. There is hereby created the Office of the Children's Ombudsman as a means of effecting changes in policy, procedure, and legislation; educating the public; investigating and reviewing actions of the Department, local departments, child-placing agencies, or child-caring institutions; and monitoring and ensuring compliance with relevant statutes, rules, and policies pertaining to child protective services and the placement, supervision, and treatment of, and improvement of delivery of care to, children in foster care and adoptive homes.

B. The Office of the Children's Ombudsman shall be headed by the Children's Ombudsman, who shall be appointed by the Governor, subject to confirmation by the General Assembly. The individual shall be qualified by training and experience to perform the duties and exercise the powers of the Children's Ombudsman and the Office of the Children's Ombudsman as provided in this chapter.

C. The appointment shall be for a term of four years. The Governor may remove the Ombudsman for cause in accordance with § 2.2-108. Vacancies shall be filled by appointment by the Governor for the unexpired term.

D. The operation and administration of the Office shall be funded by the Children's Advocacy Fund established pursuant to § 2.2-449.

§ 2.2-440. Procedures; training; complaint; investigation; notification of safety concerns.

A. The Ombudsman shall establish procedures for the Office for budget, expenditures, and employment. Subject to annual appropriations, the Ombudsman shall employ sufficient personnel to carry out the duties and powers prescribed by this chapter.

B. The Ombudsman shall establish procedures for receiving and processing complaints from complainants and individuals not meeting the definition of complainant, conducting investigations, holding informal hearings, and reporting findings and recommendations resulting from investigations.

C. Personnel employed by the Office shall receive mandatory training in domestic violence and in handling complaints of child abuse or child neglect that include a history of domestic violence.

D. Any individual may submit a complaint to the Ombudsman. The Ombudsman has the sole discretion and authority to determine if a complaint falls within the Ombudsman's duties and powers to investigate and if a complaint involves an administrative act. The Ombudsman may initiate an investigation without receiving a complaint. The Ombudsman may initiate an investigation upon receipt of a complaint from an individual not meeting the definition of complainant. An individual not meeting the definition of complainant is not entitled to receive information under this chapter as if such individual is a complainant. The individual is entitled to receive the recommendations of the Ombudsman and the Department or local department's response to the recommendations of the Ombudsman in accordance with state and federal law. During the course of an investigation, the Ombudsman may refer a case to a child-serving agency if the Ombudsman determines that such agency received a complaint on the case but did not conduct an investigation. If the Ombudsman refers a case to a child-serving agency, such agency shall conduct an investigation of the case or provide notice to the Ombudsman explaining why an investigation was not conducted or what alternative steps may have been taken to address the situation. If an investigation has been conducted, the child-serving agency shall report the results to the Ombudsman.

E. The Ombudsman shall notify a child-serving agency of any immediate safety concerns regarding a child or children who are part of an active or open child protective services or foster care case. This notification shall occur as soon as possible, but not later than one business day after the Ombudsman becomes aware of the concerns.

§ 2.2-441. Individuals making complaint to Children's Ombudsman.

Any of the following individuals may make a complaint to the Ombudsman with respect to a particular child, alleging that an administrative act is contrary to law, rule, or policy; imposed without an adequate statement of reason; or based on irrelevant, immaterial, or erroneous grounds:

1. The child, if the child is able to articulate a complaint;
2. A biological parent of the child;
3. A foster parent of the child;
4. An adoptive parent or a prospective adoptive parent of the child;
5. A legally appointed guardian of the child;
6. A guardian ad litem of the child;
7. A relative of the child or any person with a legitimate interest as defined in § 20-124.1;
8. A Virginia legislator;
9. An individual required to report child abuse or child neglect under § 63.2-1509; and
10. An attorney for any individual described in subdivisions 1 through 7.

§ 2.2-442. Children's Ombudsman; powers.

The Children's Ombudsman has the authority to do all of the following with regard to children receiving child-protective services, in foster care, or placed for adoption:

1. Pursue all necessary action, including legal action, to protect the rights and welfare of such children;
2. Pursue legislative advocacy in the best interest of such children;
3. Review policies and procedures relating to any child-serving agency's involvement with such children and make recommendations for improvement; and
4. Subject to an appropriation of funds, commence and conduct investigations into alleged violations of the rights of a foster parent.

§ 2.2-443. Victim of child abuse or child neglect; powers of Children's Ombudsman; child fatality cases; investigation.

A. The Ombudsman may do all of the following in relation to a child who may be a victim of child abuse or child neglect, including a child who may have died as a result of suspected child abuse or child neglect:

1. Upon the Ombudsman's own initiative or upon receipt of a complaint, investigate an administrative act that is alleged to be contrary to law or rule; contrary to any policy of the Department, a local department, or a child-placing agency; imposed without an adequate statement of reason; or based on irrelevant, immaterial, or erroneous grounds. The Ombudsman has sole discretion to determine if a complaint involves an administrative act.

2. Decide, in the Ombudsman's discretion, whether to investigate an administrative act.

3. Upon the Ombudsman's own initiative or upon receipt of a complaint and subject to an appropriation of funds, investigate an alleged violation of the rights of a foster parent.

4. Except as otherwise provided in this subdivision, access records and reports necessary to carry out the Ombudsman's powers and duties under this chapter to the same extent and in the same manner as provided to the Department. The Ombudsman shall be provided access to medical and mental health disorder records in the same manner as access is provided to the Department. The Ombudsman may request substance use disorder records if the Ombudsman obtains a valid consent or a court order under 42 C.F.R. Part 2. In the course of a child fatality investigation, the Ombudsman may access records from the court of jurisdiction, Attorney General, prosecuting attorney, or any attorney retained by the Department or local department and reports from a county child fatality review team to the same extent and in the same manner as provided to the Department or local department under state law.

5. Request a subpoena from a court requiring the production of a record or report necessary to carry out the Ombudsman's duties and powers, including a child fatality investigation. If the person to whom a subpoena is issued fails or refuses to produce the record or report, the Ombudsman may petition the court for enforcement of the subpoena.

6. Hold informal hearings and request that individuals appear before the Ombudsman and give testimony or produce documentary or other evidence that the Ombudsman considers relevant to a matter under investigation.

7. Make recommendations to the Governor and the General Assembly concerning the need for child protective services, adoption, or foster care legislation, policy, or practice without prior review by other offices, departments, or agencies in the executive branch in order to facilitate rapid implementation of recommendations or for suggested improvements to the recommendations. No other office, department, or agency shall prohibit the release of an Ombudsman's recommendation to the Governor or the General Assembly.

B. The Ombudsman may investigate all child fatality cases that occurred or are alleged to have occurred due to child abuse or child neglect in the following situations:

1. A child died during an active child protective services investigation or open services case, or there was a valid or invalid child protective services complaint within 12 months immediately preceding the child's death.

2. A child died while in foster care, unless the death is determined to have resulted from natural causes and there were no prior child protective services or licensing complaints concerning the foster home.

3. A child was returned home from foster care and there is an active foster care case.

4. A foster care case involving the deceased child or sibling was closed within 24 months immediately preceding the child's death.

C. Subject to state appropriations, an investigation under subsection B shall be completed within 12 months after the Ombudsman opens a child fatality case for investigation.

D. The Ombudsman is subject to the same standards for safeguarding the confidentiality of information under this section and the same sanctions for unauthorized release of information as the Department.

§ 2.2-444. Decision to investigate; notice; pursuing administrative remedies or channels of complaint; further investigation; violation of state or federal criminal law; complaint against child-placing agency; petition requesting court jurisdiction or termination of parental rights.

A. Upon deciding to investigate a complaint from a complainant or an individual not meeting the definition of complainant, the Ombudsman shall notify the complainant or the individual not meeting the definition of complainant of the decision to investigate and shall notify the Department or local department, adoption attorney, or child-placing agency of the intention to investigate. If the Ombudsman declines to investigate a complaint or continue an investigation, the Ombudsman shall notify the complainant or the individual not meeting the definition of complainant and the Department or local department or child-placing agency of the decision and of the reasons for the Ombudsman's action.

B. The Ombudsman shall advise a complainant of administrative remedies and may advise the individual to pursue all administrative remedies or channels of complaint open to the complainant before pursuing a complaint with the Ombudsman. Subsequent to the administrative processing of a complaint, the Ombudsman may conduct further investigations of a complaint upon the request of the complainant or upon the Ombudsman's own initiative.

C. If the Ombudsman finds in the course of an investigation that an individual's action is in violation of state or federal criminal law, the Ombudsman shall immediately report that fact to the local attorney for the Commonwealth or the Attorney General. If the complaint is against a child-placing agency, the Ombudsman shall refer the matter to the Department or local department for further action with respect to licensing or approval.

§ 2.2-445. Department and child-placing agency; duties; information to be provided to biological parent, adoptive parent, or foster parent; access to departmental computer networks.

A. The Department or local department and a child-placing agency shall do all of the following:

1. Upon the Ombudsman's request, grant the Ombudsman or the Ombudsman's designee access to all information, records, and documents in the possession of the Department or local department or child-placing agency that the Ombudsman considers relevant and necessary in an investigation.

2. Assist the Ombudsman to obtain the necessary releases of those documents that are specifically restricted.

3. Upon the Ombudsman's request, provide the Ombudsman with progress reports concerning the administrative processing of a complaint.

4. Upon the Ombudsman's request, provide the Ombudsman the information requested under subdivision 1 or notification within 10 business days after the request that the Department or local department has determined that release of the information would violate federal or state law.

B. The Department or local department, an attorney involved with an adoption, and a child-placing agency shall provide information to a biological parent, prospective adoptive parent, or foster parent regarding the provisions of this chapter.

C. The Ombudsman shall have access, in the Ombudsman's own office, to departmental computer networks pertaining to protective services, foster care, adoption, juvenile delinquency, and the central registry, unless otherwise prohibited by state or federal law or if the release of the information to the Ombudsman would jeopardize federal funding. The cost of implementing this subsection shall be negotiated among the Office and the custodians of such networks.

§ 2.2-446. Confidentiality of record of Children's Ombudsman; disclosure; limitations; release of certain information.

A. Subject to subsections B through F, a record of the Office is confidential, shall only be used for purposes set forth in this chapter, is not subject to court subpoena, and is not discoverable in a legal proceeding. If the Ombudsman identifies action or inaction by the state through its agencies or services that failed to protect children, the Ombudsman shall provide

any findings and recommendations to the agency affected by those findings, and make those findings and recommendations available to the complainant and the General Assembly upon request, to the extent consistent with state or federal law. The Ombudsman shall not disclose any information that impairs the rights of the child or the child's parents or guardians.

B. Unless otherwise part of the public record, the Office shall not release any of the following confidential information to the general public:

1. Records relating to a mental health evaluation or treatment of a parent or child;
2. Records relating to the evaluation or treatment of a substance abuse-related disorder of a parent or child;
3. Records relating to a medical diagnosis or treatment of a parent or child;
4. Records relating to domestic violence-related services and sexual assault services provided to a parent or child; or
5. Records relating to educational services provided to a parent or child.

C. Notwithstanding subsection B, if the Ombudsman determines that disclosure of confidential information is necessary to identify, prevent, or respond to the abuse or neglect of a child, the Ombudsman may disclose such information to the Department or local department, a court, a law-enforcement agency, or a prosecuting attorney investigating a report of known or suspected child abuse or child neglect. The Ombudsman shall not release the address, telephone number, or other information regarding the whereabouts of a victim or suspected victim of domestic violence unless ordered to by a court.

D. Except as provided in subsection C, the Ombudsman shall not disclose information relating to an ongoing law-enforcement investigation or an ongoing child protective services investigation. The Ombudsman may release the results of its investigation to a complainant, or an individual not meeting the definition of complainant, if the Ombudsman receives notification that releasing the results of its investigation is not related to and will not interfere with an ongoing law-enforcement investigation or ongoing child protective services investigation.

E. The Ombudsman shall not disclose the identity of an individual making a child abuse or child neglect complaint unless that individual's written permission is obtained first or a court has ordered the Ombudsman to release such information.

F. The Ombudsman may release an individual's identity who makes an intentionally false report of child abuse or child neglect, subject to other laws relating to such disclosure.

§ 2.2-447. Report of findings; recommendations; consultation with individual, Department, local department, or child-placing agency; publication of adverse opinion; notice of actions; information provided to complainant; child fatality investigation; report.

A. The Ombudsman shall prepare a report of the factual findings of an investigation and make recommendations to the Department, local department, or child-placing agency if the Ombudsman finds any of the following:

1. A matter should be further considered by the Department, local department, or child-placing agency.
2. An administrative act or omission should be modified, canceled, or corrected.
3. Reasons should be given for an administrative act or omission.
4. Other action should be taken by the Department, local department, or child-placing agency.

B. Before announcing a conclusion or recommendation that expressly or by implication criticizes an individual, the Department, the local department, or a child-placing agency, the Ombudsman shall consult with that individual, the Department, the local department, or the child-placing agency. When publishing an opinion adverse to the Department, local department, or child-placing agency, the Ombudsman shall include in the publication any statement of reasonable length made to the Ombudsman by the Department, local department, or child-placing agency in defense or mitigation of the action. The Ombudsman may request to be notified by the Department, local department, or child-placing agency, within a specified time, of any action taken on any recommendation presented.

C. The Ombudsman shall notify the complainant of the actions taken by the Ombudsman and by the Department, local department, or child-placing agency.

D. The Ombudsman may provide to the complainant the following information:

1. A copy of the Ombudsman's report regarding the investigation's findings, recommendations to the Department or local department made according to the investigation, the Department or local department's response to the Ombudsman's findings and recommendations, and any epilogue to the Ombudsman's report and the Department or local department's response; or
2. Information that has otherwise been made public.

E. The Ombudsman shall not release information to the individual making the complaint if doing so could endanger the health or welfare of a child or another individual.

F. With respect to a child fatality case investigated under subsection B of § 2.2-443 and upon review of records or other information received under subdivision A 3 or 4 of § 2.2-443 in the course of a child fatality investigation, if there is no ongoing child protection proceeding involving a sibling of the child who died, the Ombudsman shall provide any necessary recommendations for improving systemic issues that are discovered during the investigation of the child fatality. The recommendations may be provided to the court of jurisdiction, the state court administrative office, the county child fatality review team, medical professionals, or attorneys or other legal professionals involved with the particular child who died. The recommendations shall also be summarized and included in the annual report referenced in subsection G.

G. The Ombudsman shall submit to the Governor, the director of the Department, and the General Assembly an annual report on the Ombudsman's activities, including any recommendations regarding the need for legislation or for a change in rules or policies.

§ 2.2-448. Penalty for filing complaint or cooperating in investigation prohibited.

A. An official, the Department, a local department, a child-serving agency, or a child-placing agency shall not penalize any person for filing a complaint or cooperating with the Ombudsman in investigating a complaint.

B. An individual, the Department, a local department, an adoption attorney, a child-serving agency, or a child-placing agency shall not hinder the lawful actions of the Ombudsman or employees of the Ombudsman.

C. A report by the Ombudsman is not subject to prior approval by a person outside of the Office.

§ 2.2-449. Children's Advocacy Fund.

There is hereby created in the state treasury a special nonreverting fund to be known as the Children's Advocacy Fund, referred to in this section as "the Fund." The Fund shall be established on the books of the Comptroller. All funds appropriated for such purpose, and any gifts, donations, grants, bequests, and other funds received on its behalf shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purposes of supporting the Office of the Children's Ombudsman pursuant to § 2.2-439 and for carrying out the purposes of this chapter. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Children's Ombudsman.

2. That the provisions of this act shall not become effective unless an appropriation effectuating the purposes of this act is included in a general appropriation act passed in 2020 by the General Assembly that becomes law.

CHAPTER 1091

An Act to amend and reenact § 51.1-1402 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 51.1-1402.1, relating to health insurance credits for retired school division employees other than teachers.

[H 1513]

Approved April 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 51.1-1402 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 51.1-1402.1 as follows:

§ 51.1-1402. Health insurance credits for retired local government employees.

A. Retired local government employees, *other than employees of a local school division who are not teachers as defined in § 51.1-124.3*, whose localities have elected to participate in the Virginia Retirement System, including the hybrid retirement program described in § 51.1-169, who have rendered at least 15 years of total creditable service under the System shall receive a health insurance credit to their monthly retirement allowance, which shall be applied to reduce the retired member's health insurance premium cost, provided the retiree's employer elects to participate in the credit program. The amount of each monthly health insurance credit payable under this section shall be \$1.50 for each full year of the retired member's creditable service, not to exceed a maximum monthly credit of \$45; however, each former member whose retirement was for disability, a participant receiving long-term disability pursuant to § 51.1-1157 or 51.1-1165, or a member of the hybrid retirement program receiving long-term disability pursuant to coverage under subsection A of § 51.1-1153 shall receive a monthly health insurance credit of \$45. Eligibility for the credit shall be determined in a manner prescribed by the Virginia Retirement System. Any member who elects to defer his retirement pursuant to subsection C of § 51.1-153 shall be entitled to receive the allowable credit provided by this section on the effective date of his retirement.

B. Those retired employees who purchase an alternative policy from a carrier or organization of their own choosing shall be eligible to receive a credit in the amount specified in subsection C. Eligibility for the credit and payment of the credit shall be determined in a manner prescribed by the Virginia Retirement System.

C. The credit shall be in the amount provided in subsection A or the amount of premium paid for the personal health insurance policy, whichever is less.

D. The cost of the monthly health insurance credit payable under this section shall be borne by the locality.

E. The Virginia Retirement System shall actuarially determine the amount necessary to fund all credits provided under this section, reflect the cost of such credits in the applicable employer contribution rate pursuant to § 51.1-145, and prescribe such terms and conditions as are necessary to carry out the provisions of this section. The costs associated with the administration of the health insurance credit program provided for in this section shall be recovered from the health insurance credit trust fund.

§ 51.1-1402.1. Health insurance credits for retired school division employees other than teachers.

A. *Employees of a local school division who are not teachers as defined in § 51.1-124.3, who retired under the Virginia Retirement System, including the hybrid retirement program described in § 51.1-169, and who rendered at least 15 years of total creditable service under the System shall receive a health insurance credit to their monthly retirement allowance, which shall be applied to reduce the retired member's health insurance premium cost. The amount of each monthly health insurance credit payable under this section shall be \$1.50 for each full year of the retired member's creditable service; however, each former member whose retirement was for disability, participant receiving long-term disability pursuant to § 51.1-1157 or 51.1-1165, or member of the hybrid retirement program receiving long-term disability pursuant to coverage*

under subsection A of § 51.1-1153 shall receive a monthly health insurance credit of \$1.50 multiplied by the smaller of (i) twice the amount of his creditable service or (ii) the amount of creditable service he would have completed at age 60 if he had remained in service to that age. Eligibility for the credit shall be determined in a manner prescribed by the Virginia Retirement System. Any member who elects to defer his retirement pursuant to subsection C of § 51.1-153 shall be entitled to receive the allowable credit provided by this section on the effective date of his retirement.

B. In addition to the health insurance credit authorized in subsection A, localities may elect to provide an additional health insurance credit of \$1 per month for each full year of the retired member's creditable service. The costs of such additional health insurance credit shall be borne by the locality.

C. Those retired employees who purchase an alternative policy from a carrier or organization of their own choosing shall be eligible to receive a credit in the amount specified in subsection D. Eligibility for the credit and payment of the credit shall be determined in a manner prescribed by the Virginia Retirement System.

D. The credit referenced in subsection C shall be in (i) the amount provided in subsection A, or subsection A and subsection B if the additional credit as authorized by subsection B is provided, or (ii) the amount of premium paid for the personal health insurance policy, whichever is less.

E. The Commonwealth and the locality, if appropriate, shall be charged with the credit as provided for in subsection F.

F. The Virginia Retirement System shall actuarially determine the amount necessary to fund all credits provided under this section, reflect the cost of such credits in the applicable employer contribution rate pursuant to § 51.1-145, and prescribe such terms and conditions as are necessary to carry out the provisions of this section. The costs associated with the administration of the health insurance credit program provided for in this section shall be recovered from the health insurance credit trust fund.

2. That the provisions of this act shall apply to all eligible retired employees of a local school division who are not teachers as defined in § 51.1-124.3, regardless of their date of retirement. However, the health insurance credit under § 51.1-1402.1 of the Code of Virginia, as created by this act, shall only be available on a prospective basis for those eligible retired employees of a local school division who retired prior to July 1, 2020, but who did not receive a health insurance credit pursuant to such section prior to such date.

3. That the provisions of this act shall not apply to any former member of a retirement system provided by Chapter 1 (§ 51.1-124.1 et seq.), 2 (§ 51.1-200 et seq.), 2.1 (§ 51.1-211 et seq.), or 3 (§ 51.1-300 et seq.) of Title 51.1 of the Code of Virginia who retired prior to July 1, 2020, and whose retirement was for disability, if such application would reduce the monthly health insurance credit payable to such former member.

4. That no health insurance credit authorized by this act shall be paid to any eligible retired employee of a local school division who is not a teacher before July 1, 2021.

5. That the provisions of this act amending § 51.1-1402 of the Code of Virginia shall become effective on July 1, 2021.

CHAPTER 1092

An Act to amend and reenact §§ 37.2-314, 37.2-416, and 37.2-506 of the Code of Virginia, relating to behavioral health service providers; barrier crimes; exceptions.

[H 1540]

Approved April 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 37.2-314, 37.2-416, and 37.2-506 of the Code of Virginia are amended and reenacted as follows: § 37.2-314. Background check required.

A. As a condition of employment, the Department shall require any applicant who (i) accepts a position of employment at a state facility and was not employed by that state facility prior to July 1, 1996, or (ii) accepts a position with the Department that receives, monitors, or disburses funds of the Commonwealth and was not employed by the Department prior to July 1, 1996, to submit to fingerprinting and provide personal descriptive information to be forwarded along with the applicant's fingerprints through the Central Criminal Records Exchange to the Federal Bureau of Investigation (FBI) for the purpose of obtaining national criminal history record information regarding the applicant.

B. For purposes of clause (i) of subsection A, the Department shall not hire for compensated employment persons who have been convicted of (i) any offense set forth in clause (i), (ii), or (iii) of the definition of barrier crime in § 19.2-392.02 or (ii) any offense set forth in clause (iv) of the definition of barrier crime in § 19.2-392.02 (a) in the five years prior to the application date for employment or (b) if such person continues on probation or parole or has failed to pay required court costs for such offense set forth in clause (iv) of the definition of barrier crime in § 19.2-392.02.

C. Notwithstanding the provisions of subsection B, the Department may hire for compensated employment at an adult substance abuse or adult mental health treatment program a person who was convicted of any violation of § 18.2-51.3; any misdemeanor violation of § 18.2-56 or 18.2-56.1 or subsection A of § 18.2-57; any first offense misdemeanor violation of § 18.2-57.2; any violation of § 18.2-60, 18.2-89, 18.2-92, or 18.2-94; any misdemeanor violation of § 18.2-282 or 18.2-346; any offense set forth in clause (iii) of the definition of barrier crime in § 19.2-392.02, except an offense pursuant to subsection H1 or H2 of § 18.2-248; or any substantially similar offense under the laws of another jurisdiction, if the Department determines, based upon a screening assessment, that the criminal behavior was substantially related to the

applicant's substance abuse or mental illness and that the person has been successfully rehabilitated and is not a risk to individuals receiving services based on his criminal history background and his substance abuse or mental illness history.

D. The Department and a screening contractor designated by the Department shall screen applicants who meet the criteria set forth in subsection C to assess whether the applicants have been rehabilitated successfully and are not a risk to individuals receiving services based on their criminal history backgrounds and substance abuse or mental illness histories. To be eligible for such screening, the applicant shall have completed all prison or jail terms; shall not be under probation or parole supervision; shall have no pending charges in any locality; shall have paid all fines, restitution, and court costs for any prior convictions; and shall have been free of parole or probation for at least five years for all convictions. In addition to any supplementary information the Department or screening contractor may require or the applicant may wish to present, the applicant shall provide to the screening contractor a statement from his most recent probation or parole officer, if any, outlining his period of supervision and a copy of any pre-sentencing or post-sentencing report in connection with the felony conviction. The cost of this screening shall be paid by the applicant, unless the Department decides to pay the cost.

E. The Central Criminal Records Exchange, upon receipt of an applicant's record or notification that no record exists, shall submit a report to the state facility or to the Department. If an applicant is denied employment because of information appearing on his criminal history record and the applicant disputes the information upon which the denial was based, the Central Criminal Records Exchange shall, upon written request, furnish to the applicant the procedures for obtaining a copy of the criminal history record from the FBI. The information provided to the state facility or Department shall not be disseminated except as provided in this section.

~~*F. Those applicants listed in clause (i) of subsection A also shall provide to the state facility or Department a copy of information from the central registry maintained pursuant to § 63.2-1515 on any investigation of child abuse or neglect undertaken on them.*~~

~~*G. The Board may adopt regulations to comply with the provisions of this section. Copies of any information received by the state facility or Department pursuant to this section shall be available to the Department and to the applicable state facility but shall not be disseminated further, except as permitted by state or federal law. The cost of obtaining the criminal history record and the central registry information shall be borne by the applicant, unless the Department or state facility decides to pay the cost.*~~

§ 37.2-416. Background checks required.

A. As used in this section:

"Direct care position" means any position that includes responsibility for (i) treatment, case management, health, safety, development, or well-being of an individual receiving services or (ii) immediately supervising a person in a position with this responsibility.

"Hire for compensated employment" does not include (i) a promotion from one adult substance abuse or adult mental health treatment position to another such position within the same licensee licensed pursuant to this article or (ii) new employment in an adult substance abuse or adult mental health treatment position in another office or program licensed pursuant to this article if the person employed prior to July 1, 1999, in a licensed program had no convictions in the five years prior to the application date for employment. "Hire for compensated employment" includes (a) a promotion or transfer from an adult substance abuse treatment position to any mental health or developmental services direct care position within the same licensee licensed pursuant to this article or (b) new employment in any mental health or developmental services direct care position in another office or program of the same licensee licensed pursuant to this article for which the person has previously worked in an adult substance abuse treatment position.

"Shared living" means an arrangement in which the Commonwealth's program of medical assistance pays a portion of a person's rent, utilities, and food expenses in return for the person residing with and providing companionship, support, and other limited, basic assistance to a person with developmental disabilities receiving medical assistance services in accordance with a waiver for whom he has no legal responsibility.

B. Every provider licensed pursuant to this article shall require (i) any applicant who accepts employment in any direct care position, (ii) any applicant for approval as a sponsored residential service provider, (iii) any adult living in the home of an applicant for approval as a sponsored residential service provider, (iv) any person employed by a sponsored residential service provider to provide services in the home, and (v) any person who enters into a shared living arrangement with a person receiving medical assistance services pursuant to a waiver to submit to fingerprinting and provide personal descriptive information to be forwarded through the Central Criminal Records Exchange to the Federal Bureau of Investigation (FBI) for the purpose of obtaining national criminal history record information regarding the applicant. Except as otherwise provided in subsection C, D, or F, no provider licensed pursuant to this article shall:

1. Hire for compensated employment any person who has been convicted of (i) any offense set forth in clause (i), (ii), or (iii) of the definition of barrier crime in § 19.2-392.02 or (ii) any offense set forth in clause (iv) of the definition of barrier crime in § 19.2-392.02 (a) in the five years prior to the application date for employment or (b) if such person continues on probation or parole or has failed to pay required court costs for such offense set forth in clause (iv) of the definition of barrier crime in § 19.2-392.02;

2. Approve an applicant as a sponsored residential service provider if the applicant, any adult residing in the home of the applicant, or any person employed by the applicant has been convicted of (i) any offense set forth in clause (i), (ii), or (iii) of the definition of barrier crime in § 19.2-392.02 or (ii) any offense set forth in clause (iv) of the definition of barrier crime in § 19.2-392.02 (a) in the five years prior to the application date to be a sponsored residential service provider or

(b) if such applicant continues on probation or parole or has failed to pay required court costs for such offense set forth in clause (iv) of the definition of barrier crime in § 19.2-392.02; or

3. Permit to enter into a shared living arrangement with a person receiving medical assistance services pursuant to a waiver any person who has been convicted of (i) any offense set forth in clause (i), (ii), or (iii) of the definition of barrier crime in § 19.2-392.02 or (ii) any offense set forth in clause (iv) of the definition of barrier crime in § 19.2-392.02 (a) in the five years prior to entering into a shared living arrangement or (b) if such person continues on probation or parole or has failed to pay required court costs for such offense set forth in clause (iv) of the definition of barrier crime in § 19.2-392.02.

The Central Criminal Records Exchange, upon receipt of an applicant's record or notification that no record exists, shall submit a report to the requesting authorized officer or director of a provider licensed pursuant to this article. If any applicant is denied employment because of information appearing on the criminal history record and the applicant disputes the information upon which the denial was based, the Central Criminal Records Exchange shall, upon written request, furnish to the applicant the procedures for obtaining a copy of the criminal history record from the FBI. The information provided to the authorized officer or director of a provider licensed pursuant to this article shall not be disseminated except as provided in this section.

C. Notwithstanding the provisions of subsection B, a provider may hire for compensated employment at adult substance abuse or adult mental health treatment ~~facilities~~ *programs* a person who was convicted of any violation of § 18.2-51.3; ~~any~~ *any* misdemeanor violation of § 18.2-56 or 18.2-56.1 or subsection A of § 18.2-57; *any first offense misdemeanor violation of § 18.2-57.2*; any violation of § 18.2-60, 18.2-89, 18.2-92, or 18.2-94; *any misdemeanor violation of § 18.2-282 or 18.2-346*; any offense set forth in clause (iii) of the definition of barrier crime in § 19.2-392.02, except an offense pursuant to subsections H1 and H2 of § 18.2-248; or any substantially similar offense under the laws of another jurisdiction, if the hiring provider determines, based upon a screening assessment, that the criminal behavior was substantially related to the applicant's substance abuse or mental illness and that the person has been successfully rehabilitated and is not a risk to individuals receiving services based on his criminal history background and his substance abuse or mental illness history.

D. Notwithstanding the provisions of subsection B, a provider may hire for compensated employment at adult substance abuse treatment facilities a person who has been convicted of not more than one offense under subsection C of § 18.2-57, or any substantially similar offense under the laws of another jurisdiction, if (i) the person has been granted a simple pardon if the offense was a felony committed in Virginia, or the equivalent if the person was convicted under the laws of another jurisdiction; (ii) more than 10 years have elapsed since the conviction; and (iii) the hiring provider determines, based upon a screening assessment, that the criminal behavior was substantially related to the applicant's substance abuse and that the person has been successfully rehabilitated and is not a risk to individuals receiving services based on his criminal history background and his substance abuse history.

E. The hiring provider and a screening contractor designated by the Department shall screen applicants who meet the criteria set forth in subsections C and D to assess whether the applicants have been rehabilitated successfully and are not a risk to individuals receiving services based on their criminal history backgrounds and substance abuse or mental illness histories. To be eligible for such screening, the applicant shall have completed all prison or jail terms, shall not be under probation or parole supervision, shall have no pending charges in any locality, shall have paid all fines, restitution, and court costs for any prior convictions, and shall have been free of parole or probation for at least five years for all convictions. In addition to any supplementary information the provider or screening contractor may require or the applicant may wish to present, the applicant shall provide to the screening contractor a statement from his most recent probation or parole officer, if any, outlining his period of supervision and a copy of any pre-sentencing or post-sentencing report in connection with the felony conviction. The cost of this screening shall be paid by the applicant, unless the licensed provider decides to pay the cost.

F. Notwithstanding the provisions of subsection B, a provider may (i) hire for compensated employment, (ii) approve as a sponsored residential service provider, or (iii) permit to enter into a shared living arrangement persons who have been convicted of not more than one misdemeanor offense under § 18.2-57 or 18.2-57.2, or any substantially similar offense under the laws of another jurisdiction, if 10 years have elapsed following the conviction, unless the person committed the offense while employed in a direct care position. A provider may also approve a person as a sponsored residential service provider if (a) any adult living in the home of an applicant or (b) any person employed by the applicant to provide services in the home in which sponsored residential services are provided has been convicted of not more than one misdemeanor offense under § 18.2-57 or 18.2-57.2, or any substantially similar offense under the laws of another jurisdiction, if 10 years have elapsed following the conviction, unless the person committed the offense while employed in a direct care position.

G. Providers licensed pursuant to this article also shall require, as a condition of employment, approval as a sponsored residential service provider, or permission to enter into a shared living arrangement with a person receiving medical assistance services pursuant to a waiver, written consent and personal information necessary to obtain a search of the registry of founded complaints of child abuse and neglect that is maintained by the Department of Social Services pursuant to § 63.2-1515.

H. The cost of obtaining the criminal history record and search of the child abuse and neglect registry record shall be borne by the applicant, unless the provider licensed pursuant to this article decides to pay the cost.

I. A person who complies in good faith with the provisions of this section shall not be liable for any civil damages for any act or omission in the performance of duties under this section unless the act or omission was the result of gross negligence or willful misconduct.

J. Notwithstanding any other provision of law, a provider licensed pursuant to this article that provides services to individuals receiving services under the state plan for medical assistance services or any waiver thereto may disclose to the Department of Medical Assistance Services (i) whether a criminal history background check has been completed for a person described in subsection B for whom a criminal history background check is required and (ii) whether the person described in subsection B is eligible for employment, to provide sponsored residential services, to provide services in the home of a sponsored residential service provider, or to enter into a shared living arrangement with a person receiving medical assistance services pursuant to a waiver.

§ 37.2-506. Background checks required.

A. As used in this section:

"Direct care position" means any position that includes responsibility for (i) treatment, case management, health, safety, development, or well-being of an individual receiving services or (ii) immediately supervising a person in a position with this responsibility.

"Hire for compensated employment" does not include (i) a promotion from one adult substance abuse or adult mental health treatment position to another such position within the same community services board or (ii) new employment in an adult substance abuse or adult mental health treatment position in another office or program of the same community services board if the person employed prior to July 1, 1999, had no convictions in the five years prior to the application date for employment. "Hire for compensated employment" includes (a) a promotion or transfer from an adult substance abuse treatment position to any mental health or developmental services direct care position within the same community services board or (b) new employment in any mental health or developmental services direct care position in another office or program of the same community services board for which the person has previously worked in an adult substance abuse treatment position.

"Shared living" means an arrangement in which the Commonwealth's program of medical assistance pays a portion of a person's rent, utilities, and food expenses in return for the person residing with and providing companionship, support, and other limited, basic assistance to a person with developmental disabilities receiving medical assistance services in accordance with a waiver for whom he has no legal responsibility.

B. Every community services board shall require (i) any applicant who accepts employment in any direct care position with the community services board, (ii) any applicant for approval as a sponsored residential service provider, (iii) any adult living in the home of an applicant for approval as a sponsored residential service provider, (iv) any person employed by a sponsored residential service provider to provide services in the home, and (v) any person who enters into a shared living arrangement with a person receiving medical assistance services pursuant to a waiver to submit to fingerprinting and provide personal descriptive information to be forwarded through the Central Criminal Records Exchange to the Federal Bureau of Investigation (FBI) for the purpose of obtaining national criminal history record information regarding the applicant. Except as otherwise provided in subsection C, D, or F, no community services board shall hire for compensated employment, approve as a sponsored residential service provider, or permit to enter into a shared living arrangement with a person receiving medical assistance services pursuant to a waiver persons who have been convicted of (a) any offense set forth in clause (i), (ii), or (iii) of the definition of barrier crime in § 19.2-392.02 or (b) any offense set forth in clause (iv) of the definition of barrier crime in § 19.2-392.02 (1) in the five years prior to the application date for employment, the application date to be a sponsored residential service provider, or entering into a shared living arrangement or (2) if such person continues on probation or parole or has failed to pay required court costs for such offense set forth in clause (iv) of the definition of barrier crime in § 19.2-392.02.

The Central Criminal Records Exchange, upon receipt of an applicant's record or notification that no record exists, shall submit a report to the requesting executive director or personnel director of the community services board. If any applicant is denied employment because of information appearing on his criminal history record and the applicant disputes the information upon which the denial was based, the Central Criminal Records Exchange shall, upon written request, furnish to the applicant the procedures for obtaining a copy of the criminal history record from the FBI. The information provided to the executive director or personnel director of any community services board shall not be disseminated except as provided in this section.

C. Notwithstanding the provisions of subsection B, the community services board may hire for compensated employment at adult substance abuse or adult mental health treatment programs a person who was convicted of any violation of § 18.2-51.3; a *any* misdemeanor violation of § 18.2-56 or 18.2-56.1, subsection A of § 18.2-57, or § 18.2-57.2; any violation of § 18.2-60, 18.2-89, 18.2-92, or 18.2-94; *any misdemeanor violation of § 18.2-282 or 18.2-346*; any offense set forth in clause (iii) of the definition of barrier crime in § 19.2-392.02, except an offense pursuant to subsection H1 or H2 of § 18.2-248; or any substantially similar offense under the laws of another jurisdiction, if the hiring community services board determines, based upon a screening assessment, that the criminal behavior was substantially related to the applicant's substance abuse or mental illness and that the person has been successfully rehabilitated and is not a risk to individuals receiving services based on his criminal history background and his substance abuse or mental illness history.

D. Notwithstanding the provisions of subsection B, the community services board may hire for compensated employment at adult substance abuse treatment programs a person who has been convicted of not more than one offense under subsection C of § 18.2-57, or any substantially similar offense under the laws of another jurisdiction, if (i) the person has been granted a simple pardon if the offense was a felony committed in Virginia, or the equivalent if the person was convicted under the laws of another jurisdiction; (ii) more than 10 years have elapsed since the conviction; and (iii) the

hiring community services board determines, based upon a screening assessment, that the criminal behavior was substantially related to the applicant's substance abuse and that the person has been successfully rehabilitated and is not a risk to individuals receiving services based on his criminal history background and his substance abuse history.

E. The community services board and a screening contractor designated by the Department shall screen applicants who meet the criteria set forth in subsections C and D to assess whether the applicants have been rehabilitated successfully and are not a risk to individuals receiving services based on their criminal history backgrounds and substance abuse or mental illness histories. To be eligible for such screening, the applicant shall have completed all prison or jail terms, shall not be under probation or parole supervision, shall have no pending charges in any locality, shall have paid all fines, restitution, and court costs for any prior convictions, and shall have been free of parole or probation for at least five years for all convictions. In addition to any supplementary information the community services board or screening contractor may require or the applicant may wish to present, the applicant shall provide to the screening contractor a statement from his most recent probation or parole officer, if any, outlining his period of supervision and a copy of any pre-sentencing or post-sentencing report in connection with the felony conviction. The cost of this screening shall be paid by the applicant, unless the board decides to pay the cost.

F. Notwithstanding the provisions of subsection B, a community services board may (i) hire for compensated employment, (ii) approve as a sponsored residential service provider, or (iii) permit to enter into a shared living arrangement persons who have been convicted of not more than one misdemeanor offense under § 18.2-57 or 18.2-57.2, or any substantially similar offense under the laws of another jurisdiction, if 10 years have elapsed following the conviction, unless the person committed the offense while employed in a direct care position. A community services board may also approve a person as a sponsored residential service provider if (a) any adult living in the home of an applicant or (b) any person employed by the applicant to provide services in the home in which sponsored residential services are provided has been convicted of not more than one misdemeanor offense under § 18.2-57 or 18.2-57.2, or any substantially similar offense under the laws of another jurisdiction, if 10 years have elapsed following the conviction, unless the person committed the offense while employed in a direct care position.

G. Community services boards also shall require, as a condition of employment, approval as a sponsored residential service provider, or permission to enter into a shared living arrangement with a person receiving medical assistance services pursuant to a waiver, written consent and personal information necessary to obtain a search of the registry of founded complaints of child abuse and neglect that is maintained by the Department of Social Services pursuant to § 63.2-1515.

H. The cost of obtaining the criminal history record and search of the child abuse and neglect registry record shall be borne by the applicant, unless the community services board decides to pay the cost.

I. Notwithstanding any other provision of law, a community services board that provides services to individuals receiving services under the state plan for medical assistance services or any waiver thereto may disclose to the Department of Medical Assistance Services (i) whether a criminal history background check has been completed for a person described in subsection B for whom a criminal history background check is required and (ii) whether the person described in subsection B is eligible for employment, to provide sponsored residential services, to provide services in the home of a sponsored residential service provider, or to enter into a shared living arrangement with a person receiving medical assistance services pursuant to a waiver.

J. A person who complies in good faith with the provisions of this section shall not be liable for any civil damages for any act or omission in the performance of duties under this section unless the act or omission was the result of gross negligence or willful misconduct.

CHAPTER 1093

An Act to amend and reenact §§ 8.01-581.16, 8.01-581.17, and 54.1-2909 of the Code of Virginia and to repeal § 54.1-2923.1 of the Code of Virginia, programs to address career fatigue in certain health care providers; civil immunity.

[S 120]

Approved April 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 8.01-581.16, 8.01-581.17, and 54.1-2909 of the Code of Virginia are amended and reenacted as follows:

§ 8.01-581.16. Civil immunity for members of or consultants to certain boards or committees.

A. Every member of, or health care professional consultant to, any committee, board, group, commission or other entity shall be immune from civil liability for any act, decision, omission, or utterance done or made in performance of his duties while serving as a member of or consultant to such committee, board, group, commission or other entity, ~~which that~~ functions primarily to review, evaluate, or make recommendations on (i) the duration of patient stays in health care facilities; (ii) the professional services furnished with respect to the medical, dental, psychological, podiatric, chiropractic, veterinary, or optometric necessity for such services; (iii) the purpose of promoting the most efficient use or monitoring the quality of care of available health care facilities and services, or of emergency medical services agencies and services; (iv) the adequacy or quality of professional services; (v) the competency and qualifications for professional staff privileges; (vi) the reasonableness or appropriateness of charges made by or on behalf of health care facilities ~~or~~;

(vii) patient safety, including entering into contracts with patient safety organizations, provided that such committee, board, group, commission, or other entity has been established pursuant to federal or state law or regulation, the requirements of a national accrediting organization granted authority by the Centers for Medicare and Medicaid Services to assure compliance with Medicare conditions of participation pursuant to § 1865 of Title XVIII of the Social Security Act (42 U.S.C. § 1395bb), or guidelines approved or adopted by a statewide or local association representing health care providers licensed in the Commonwealth pursuant to clause ~~(iii)(f)~~ (iii) (f) of subsection B of § 8.01-581.17, or established and duly constituted by one or more public or licensed private hospitals, health systems, community services boards, or behavioral health authorities, or with a governmental agency, and provided further that such act, decision, omission, or utterance is not done or made in bad faith or with malicious intent.

B. Every member of, or health care professional consultant to, any committee, board, group, commission, or other entity that functions primarily to review, evaluate, or make recommendations on a professional program to address issues related to career fatigue and wellness in health care professionals licensed to practice medicine or osteopathic medicine or licensed as a physician assistant that is established or contracted for by a statewide association, that is exempt under 26 U.S.C. § 501(c)(6) of the Internal Revenue Code, and that primarily represents health care professionals licensed to practice medicine or osteopathic medicine in multiple specialties shall be immune from civil liability for any act, decision, omission, or utterance done or made in performance of his duties while serving as a member of or consultant to such committee, board, group, commission, or other entity. No active participant in a professional program described in this subsection shall be employed or engaged by such professional program or have a financial ownership interest in such professional program.

§ 8.01-581.17. Privileged communications of certain committees and entities.

A. For the purposes of this section:

"Centralized credentialing service" means (i) gathering information relating to applications for professional staff privileges at any public or licensed private hospital or for participation as a provider in any health maintenance organization, preferred provider organization, or any similar organization and (ii) providing such information to those hospitals and organizations that utilize the service.

"Patient safety data" means reports made to patient safety organizations together with all health care data, interviews, memoranda, analyses, root cause analyses, products of quality assurance or quality improvement processes, corrective action plans, or information collected or created by a health care provider as a result of an occurrence related to the provision of health care services.

"Patient safety organization" means any organization, group, or other entity that collects and analyzes patient safety data for the purpose of improving patient safety and health care outcomes and that is independent and not under the control of the entity that reports patient safety data.

B. The proceedings, minutes, records, and reports of any (i) medical staff committee, utilization review committee, *professional program*, or other committee, board, group, commission, or other entity as specified in § 8.01-581.16; (ii) nonprofit entity that provides a centralized credentialing service; or (iii) quality assurance, quality of care, or peer review committee established pursuant to guidelines approved or adopted by (a) a national or state physician peer review entity, (b) a national or state physician accreditation entity, (c) a national professional association of health care providers or Virginia chapter of a national professional association of health care providers, (d) a licensee of a managed care health insurance plan (MCHIP) as defined in § 38.2-5800, (e) the Office of Emergency Medical Services or any regional emergency medical services council, or (f) a statewide or local association representing health care providers licensed in the Commonwealth, together with all communications, both oral and written, originating in or provided to such committees or entities, are privileged communications which may not be disclosed or obtained by legal discovery proceedings unless a circuit court, after a hearing and for good cause arising from extraordinary circumstances being shown, orders the disclosure of such proceedings, minutes, records, reports, or communications. Additionally, for the purposes of this section, accreditation and peer review records of the American College of Radiology and the Medical Society of Virginia are considered privileged communications. Oral communications regarding a specific medical incident involving patient care, made to a quality assurance, quality of care, or peer review committee established pursuant to clause (iii), shall be privileged only to the extent made more than 24 hours after the occurrence of the medical incident. Nothing in this section shall be construed as providing any privilege to any health care provider, emergency medical services agency, community services board, or behavioral health authority with respect to any factual information regarding specific patient health care or treatment, including patient health care incidents, whether oral, electronic, or written. However, the analysis, findings, conclusions, recommendations, and the deliberative process of any medical staff committee, utilization review committee, or other committee, board, group, commission, or other entity specified in § 8.01-581.16, as well as the proceedings, minutes, records, and reports, including the opinions and reports of experts, of such entities shall be privileged in their entirety under this section. Information known by a witness with knowledge of the facts or treating health care provider is not privileged or protected from discovery merely because it is provided to a committee, board, group, commission, or other entity specified in § 8.01-581.16, and may be discovered by deposition or otherwise in the course of discovery. A person involved in the work of the entities referenced in this subsection shall not be made a witness with knowledge of the facts by virtue of his involvement in the quality assurance, peer review, *professional program*, or credentialing process.

C. Nothing in this section shall be construed as providing any privilege to health care provider, emergency medical services agency, community services board, or behavioral health authority medical records kept with respect to a patient,

whose treatment is at issue, in the ordinary course of business of operating a hospital, emergency medical services agency, community services board, or behavioral health authority nor to any facts or information contained in medical records, nor shall this section preclude or affect discovery of or production of evidence relating to hospitalization or treatment of such patient in the ordinary course of the patient's hospitalization or treatment. However, the proceedings, minutes, records, reports, analysis, findings, conclusions, recommendations, and the deliberative process, including opinions and reports of experts, of any medical staff committee, utilization review committee, *professional program*, or other committee, board, group, commission, or other entity specified in § 8.01-581.16 shall not constitute medical records, are privileged in their entirety, and are not discoverable.

D. Notwithstanding any other provision of this section, reports or patient safety data in possession of a patient safety organization, together with the identity of the reporter and all related correspondence, documentation, analysis, results, or recommendations, shall be privileged and confidential and shall not be subject to a civil, criminal, or administrative subpoena or admitted as evidence in any civil, criminal, or administrative proceeding. Nothing in this subsection shall affect the discoverability or admissibility of facts, information, or records referenced in subsection C as related to patient care from a source other than a patient safety organization.

E. Any patient safety organization shall promptly remove all patient-identifying information after receipt of a complete patient safety data report unless such organization is otherwise permitted by state or federal law to maintain such information. Patient safety organizations shall maintain the confidentiality of all patient-identifying information and shall not disseminate such information except as permitted by state or federal law.

F. Exchange of (i) patient safety data among health care providers or patient safety organizations that does not identify any patient or (ii) information privileged pursuant to subsection B between *professional programs*, committees, boards, groups, commissions, or other entities specified in § 8.01-581.16 shall not constitute a waiver of any privilege established in this section.

G. Reports of patient safety data to patient safety organizations shall not abrogate obligations to make reports to health regulatory boards or other agencies as required by state or federal law.

H. No employer shall take retaliatory action against an employee who in good faith makes a report of patient safety data to a patient safety organization.

I. Reports produced solely for purposes of self-assessment of compliance with requirements or standards of a national accrediting organization granted authority by the Centers for Medicare and Medicaid Services to ensure compliance with Medicare conditions of participation pursuant to § 1865 of Title XVIII of the Social Security Act (42 U.S.C. § 1395bb) shall be privileged and confidential and shall not be subject to subpoena or admitted as evidence in a civil or administrative proceeding. Nothing in this subsection shall affect the discoverability or admissibility of facts, information, or records referenced in subsection C as related to patient care from a source other than such accreditation body. A health care provider's release of such reports to such accreditation body shall not constitute a waiver of any privilege provided under this section.

§ 54.1-2909. Further reporting requirements; civil penalty; disciplinary action.

A. The following matters shall be reported within 30 days of their occurrence to the Board:

1. Any disciplinary action taken against a person licensed under this chapter in another state or in a federal health institution or voluntary surrender of a license in another state while under investigation;
2. Any malpractice judgment against a person licensed under this chapter;
3. Any settlement of a malpractice claim against a person licensed under this chapter; and
4. Any evidence that indicates a reasonable probability that a person licensed under this chapter is or may be professionally incompetent; has engaged in intentional or negligent conduct that causes or is likely to cause injury to a patient or patients; has engaged in unprofessional conduct; or may be mentally or physically unable to engage safely in the practice of his profession.

~~The reporting requirements set forth in this section shall be met if these matters are reported to the National Practitioner Data Bank under the Health Care Quality Improvement Act, 42 U.S.C. § 11101 et seq., and notice that such a report has been submitted is provided to the Board.~~

B. The following persons and entities are subject to the reporting requirements set forth in this section:

1. Any person licensed under this chapter who is the subject of a disciplinary action, a settlement, a judgment, or evidence for which reporting is required pursuant to this section;
2. Any other person licensed under this chapter, except as provided ~~in the protocol agreement entered into by the Medical Society of Virginia and the Board for the Operation of the Impaired Physicians Program by a contract agreement with the Health Practitioners' Monitoring Program;~~
3. ~~The presidents of all professional societies in the Commonwealth, and their component societies whose members are regulated by the Board, except as provided for in the protocol agreement entered into by the Medical Society of Virginia and the Board for the Operation of the Impaired Physicians Program;~~
4. All health care institutions licensed by the Commonwealth;
- ~~5.~~ 4. The malpractice insurance carrier of any person who is the subject of a judgment or settlement; and
- ~~6.~~ 5. Any health maintenance organization licensed by the Commonwealth.

C. No person or entity shall be obligated to report any matter to the Board if the person or entity has actual notice that the matter has already been reported to the Board. *The reporting requirements set forth in this section shall be met if these*

matters are reported to the National Practitioner Data Bank under the Health Care Quality Improvement Act, 42 U.S.C. § 11101 et seq., and notice that such report has been submitted is provided to the Board.

D. No person or entity shall be obligated to report information regarding a health care provider licensed to practice medicine or osteopathic medicine or licensed as a physician assistant who is a participant in a professional program to address issues related to career fatigue and wellness that is organized or contracted for by a statewide association exempt under 26 U.S.C. § 501(c)(6) of the Internal Revenue Code and that primarily represents health care professionals licensed to practice medicine or osteopathic medicine in multiple specialties to the Board unless the person or entity has determined that there is reasonable probability that the participant is not competent to continue in practice or is a danger to himself or to the health and welfare of his patients or the public.

E. Any report required by this section shall be in writing directed to the Board, shall give the name and address of the person who is the subject of the report, and shall describe the circumstances surrounding the facts required to be reported. Under no circumstances shall compliance with this section be construed to waive or limit the privilege provided in § 8.01-581.17.

F. Any person making a report required by this section, providing information pursuant to an investigation, or testifying in a judicial or administrative proceeding as a result of such report shall be immune from any civil liability or criminal prosecution resulting therefrom unless such person acted in bad faith or with malicious intent.

G. The clerk of any circuit court or any district court in the Commonwealth shall report to the Board the conviction of any person known by such clerk to be licensed under this chapter of any (i) misdemeanor involving a controlled substance, marijuana, or substance abuse or involving an act of moral turpitude or (ii) felony.

H. Any person who fails to make a report to the Board as required by this section shall be subject to a civil penalty not to exceed \$5,000. The Director shall report the assessment of such civil penalty to the Commissioner of the Department of Health or the Commissioner of Insurance at the State Corporation Commission. Any person assessed a civil penalty pursuant to this section shall not receive a license, registration, or certification or renewal of such unless such penalty has been paid.

I. Disciplinary action against any person licensed, registered, or certified under this chapter shall be based upon the underlying conduct of the person and not upon the report of a settlement or judgment submitted under this section.

2. That § 54.1-2923.1 of the Code of Virginia is repealed.

3. That an emergency exists and this act is in force from its passage.

CHAPTER 1094

An Act to amend and reenact § 38.2-4319 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 38.2-3418.18, relating to health insurance coverage for hearing aids for children 18 years of age or younger.

[S 423]

Approved April 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 38.2-4319 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 38.2-3418.18 as follows:

§ 38.2-3418.18. Coverage for hearing aids and related services.

A. As used in this section:

"Hearing aid" means any wearable, nondisposable instrument or device designed or offered to aid or compensate for impaired human hearing and any parts, attachments, or accessories, including earmolds, but excluding batteries and cords. Hearing aids are not to be considered durable medical equipment.

"Related services" includes earmolds, initial batteries, and other necessary equipment, maintenance, and adaptation training.

B. Notwithstanding the provisions of § 38.2-3419, each insurer proposing to issue individual or group accident and sickness insurance policies providing hospital, medical and surgical, or major medical coverage on an expense-incurred basis; each corporation providing individual or group accident and sickness subscription contracts; and each health maintenance organization providing a health care plan for health care services shall provide coverage for hearing aids and related services for children 18 years of age or younger under any policy, contract, or plan delivered, issued for delivery, or renewed in the Commonwealth. The coverage shall include payment of the cost of one hearing aid per hearing-impaired ear every 24 months, up to \$1,500 per hearing aid. The insured may choose a higher-priced hearing aid and may pay the difference in cost above \$1,500, with no financial or contractual penalty to the insured or to the provider of the hearing aid.

C. No insurer, corporation, or health maintenance organization shall impose upon any person receiving benefits pursuant to this section any copayment or fee, and no condition may be applied to the person that is not equally imposed upon all individuals in the same benefit category.

D. Coverage shall be available under this section only for services and equipment recommended by an otolaryngologist. Such recommended services and equipment may be provided or dispensed by an otolaryngologist, licensed audiologist, or licensed hearing aid specialist.

E. The provisions of this section shall apply to any policy, contract, or plan delivered, issued for delivery, or renewed in the Commonwealth on and after January 1, 2021.

F. The provisions of this section shall not apply to short-term travel, accident-only, limited or specified disease policies, or contracts designed for issuance to persons eligible for coverage under Title XVIII of the Social Security Act, known as Medicare, or any other similar coverage under state or federal governmental plans or to short-term nonrenewable policies of not more than six months' duration.

§ 38.2-4319. Statutory construction and relationship to other laws.

A. No provisions of this title except this chapter and, insofar as they are not inconsistent with this chapter, §§ 38.2-100, 38.2-136, 38.2-200, 38.2-203, 38.2-209 through 38.2-213, 38.2-216, 38.2-218 through 38.2-225, 38.2-229, 38.2-232, 38.2-305, 38.2-316, 38.2-316.1, 38.2-322, 38.2-325, 38.2-326, 38.2-400, 38.2-402 through 38.2-413, 38.2-500 through 38.2-515, 38.2-600 through 38.2-620, Chapter 9 (§ 38.2-900 et seq.), §§ 38.2-1016.1 through 38.2-1023, 38.2-1057, 38.2-1306.1, Article 2 (§ 38.2-1306.2 et seq.), § 38.2-1315.1, Articles 3.1 (§ 38.2-1316.1 et seq.), 4 (§ 38.2-1317 et seq.), 5 (§ 38.2-1322 et seq.), 5.1 (§ 38.2-1334.3 et seq.), and 5.2 (§ 38.2-1334.11 et seq.) of Chapter 13, Articles 1 (§ 38.2-1400 et seq.), 2 (§ 38.2-1412 et seq.), and 4 (§ 38.2-1446 et seq.) of Chapter 14, Chapter 15 (§ 38.2-1500 et seq.), Chapter 17 (§ 38.2-1700 et seq.), §§ 38.2-1800 through 38.2-1836, 38.2-3401, 38.2-3405, 38.2-3405.1, 38.2-3406.1, 38.2-3407.2 through 38.2-3407.6:1, 38.2-3407.9 through 38.2-3407.20, 38.2-3411, 38.2-3411.2, 38.2-3411.3, 38.2-3411.4, 38.2-3412.1, 38.2-3414.1, 38.2-3418.1 through ~~38.2-3418.17~~ 38.2-3418.18, 38.2-3419.1, 38.2-3430.1 through 38.2-3454, Article 8 (§ 38.2-3461 et seq.) of Chapter 34, 38.2-3500, subdivision 13 of § 38.2-3503, subdivision 8 of § 38.2-3504, §§ 38.2-3514.1, 38.2-3514.2, 38.2-3522.1 through 38.2-3523.4, 38.2-3525, 38.2-3540.1, 38.2-3540.2, 38.2-3541.2, 38.2-3542, 38.2-3543.2, Article 5 (§ 38.2-3551 et seq.) of Chapter 35, Chapter 35.1 (§ 38.2-3556 et seq.), Chapter 52 (§ 38.2-5200 et seq.), Chapter 55 (§ 38.2-5500 et seq.), and Chapter 58 (§ 38.2-5800 et seq.) shall be applicable to any health maintenance organization granted a license under this chapter. This chapter shall not apply to an insurer or health services plan licensed and regulated in conformance with the insurance laws or Chapter 42 (§ 38.2-4200 et seq.) except with respect to the activities of its health maintenance organization.

B. For plans administered by the Department of Medical Assistance Services that provide benefits pursuant to Title XIX or Title XXI of the Social Security Act, as amended, no provisions of this title except this chapter and, insofar as they are not inconsistent with this chapter, §§ 38.2-100, 38.2-136, 38.2-200, 38.2-203, 38.2-209 through 38.2-213, 38.2-216, 38.2-218 through 38.2-225, 38.2-229, 38.2-232, 38.2-322, 38.2-325, 38.2-400, 38.2-402 through 38.2-413, 38.2-500 through 38.2-515, 38.2-600 through 38.2-620, Chapter 9 (§ 38.2-900 et seq.), §§ 38.2-1016.1 through 38.2-1023, 38.2-1057, 38.2-1306.1, Article 2 (§ 38.2-1306.2 et seq.), § 38.2-1315.1, Articles 3.1 (§ 38.2-1316.1 et seq.), 4 (§ 38.2-1317 et seq.), 5 (§ 38.2-1322 et seq.), 5.1 (§ 38.2-1334.3 et seq.), and 5.2 (§ 38.2-1334.11 et seq.) of Chapter 13, Articles 1 (§ 38.2-1400 et seq.), 2 (§ 38.2-1412 et seq.), and 4 (§ 38.2-1446 et seq.) of Chapter 14, §§ 38.2-3401, 38.2-3405, 38.2-3407.2 through 38.2-3407.5, 38.2-3407.6, 38.2-3407.6:1, 38.2-3407.9, 38.2-3407.9:01, and 38.2-3407.9:02, subdivisions F 1, F 2, and F 3 of § 38.2-3407.10, §§ 38.2-3407.11, 38.2-3407.11:3, 38.2-3407.13, 38.2-3407.13:1, 38.2-3407.14, 38.2-3411.2, 38.2-3418.1, 38.2-3418.2, 38.2-3419.1, 38.2-3430.1 through 38.2-3437, 38.2-3500, subdivision 13 of § 38.2-3503, subdivision 8 of § 38.2-3504, § 38.2-3514.1, 38.2-3514.2, 38.2-3522.1 through 38.2-3523.4, 38.2-3525, 38.2-3540.1, 38.2-3540.2, 38.2-3541.2, 38.2-3542, 38.2-3543.2, Chapter 52 (§ 38.2-5200 et seq.), Chapter 55 (§ 38.2-5500 et seq.), and Chapter 58 (§ 38.2-5800 et seq.) shall be applicable to any health maintenance organization granted a license under this chapter. This chapter shall not apply to an insurer or health services plan licensed and regulated in conformance with the insurance laws or Chapter 42 (§ 38.2-4200 et seq.) except with respect to the activities of its health maintenance organization.

C. Solicitation of enrollees by a licensed health maintenance organization or by its representatives shall not be construed to violate any provisions of law relating to solicitation or advertising by health professionals.

D. A licensed health maintenance organization shall not be deemed to be engaged in the unlawful practice of medicine. All health care providers associated with a health maintenance organization shall be subject to all provisions of law.

E. Notwithstanding the definition of an eligible employee as set forth in § 38.2-3431, a health maintenance organization providing health care plans pursuant to § 38.2-3431 shall not be required to offer coverage to or accept applications from an employee who does not reside within the health maintenance organization's service area.

F. For purposes of applying this section, "insurer" when used in a section cited in subsections A and B shall be construed to mean and include "health maintenance organizations" unless the section cited clearly applies to health maintenance organizations without such construction.

CHAPTER 1095

An Act to amend and reenact §§ 8.01-225 and 54.1-3408 of the Code of Virginia, relating to naloxone; possession and administration.

[S 566]

Approved April 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 8.01-225 and 54.1-3408 of the Code of Virginia are amended and reenacted as follows:

§ 8.01-225. Persons rendering emergency care, obstetrical services exempt from liability.

A. Any person who:

1. In good faith, renders emergency care or assistance, without compensation, to any ill or injured person (i) at the scene of an accident, fire, or any life-threatening emergency; (ii) at a location for screening or stabilization of an emergency medical condition arising from an accident, fire, or any life-threatening emergency; or (iii) en route to any hospital, medical clinic, or doctor's office, shall not be liable for any civil damages for acts or omissions resulting from the rendering of such care or assistance. For purposes of this subdivision, emergency care or assistance includes the forcible entry of a motor vehicle in order to remove an unattended minor at risk of serious bodily injury or death, provided the person has attempted to contact a law-enforcement officer, as defined in § 9.1-101, a firefighter, as defined in § 65.2-102, emergency medical services personnel, as defined in § 32.1-111.1, or an emergency 911 system, if feasible under the circumstances.

2. In the absence of gross negligence, renders emergency obstetrical care or assistance to a female in active labor who has not previously been cared for in connection with the pregnancy by such person or by another professionally associated with such person and whose medical records are not reasonably available to such person shall not be liable for any civil damages for acts or omissions resulting from the rendering of such emergency care or assistance. The immunity herein granted shall apply only to the emergency medical care provided.

3. In good faith and without compensation, including any emergency medical services provider who holds a valid certificate issued by the Commissioner of Health, administers epinephrine in an emergency to an individual shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment if such person has reason to believe that the individual receiving the injection is suffering or is about to suffer a life-threatening anaphylactic reaction.

4. Provides assistance upon request of any police agency, fire department, emergency medical services agency, or governmental agency in the event of an accident or other emergency involving the use, handling, transportation, transmission, or storage of liquefied petroleum gas, liquefied natural gas, hazardous material, or hazardous waste as defined in § 10.1-1400 or regulations of the Virginia Waste Management Board shall not be liable for any civil damages resulting from any act of commission or omission on his part in the course of his rendering such assistance in good faith.

5. Is an emergency medical services provider possessing a valid certificate issued by authority of the State Board of Health who in good faith renders emergency care or assistance, whether in person or by telephone or other means of communication, without compensation, to any injured or ill person, whether at the scene of an accident, fire, or any other place, or while transporting such injured or ill person to, from, or between any hospital, medical facility, medical clinic, doctor's office, or other similar or related medical facility, shall not be liable for any civil damages for acts or omissions resulting from the rendering of such emergency care, treatment, or assistance, including but in no way limited to acts or omissions which involve violations of State Department of Health regulations or any other state regulations in the rendering of such emergency care or assistance.

6. In good faith and without compensation, renders or administers emergency cardiopulmonary resuscitation (CPR); cardiac defibrillation, including, but not limited to, the use of an automated external defibrillator (AED); or other emergency life-sustaining or resuscitative treatments or procedures which have been approved by the State Board of Health to any sick or injured person, whether at the scene of a fire, an accident, or any other place, or while transporting such person to or from any hospital, clinic, doctor's office, or other medical facility, shall be deemed qualified to administer such emergency treatments and procedures and shall not be liable for acts or omissions resulting from the rendering of such emergency resuscitative treatments or procedures.

7. Operates an AED at the scene of an emergency, trains individuals to be operators of AEDs, or orders AEDs, shall be immune from civil liability for any personal injury that results from any act or omission in the use of an AED in an emergency where the person performing the defibrillation acts as an ordinary, reasonably prudent person would have acted under the same or similar circumstances, unless such personal injury results from gross negligence or willful or wanton misconduct of the person rendering such emergency care.

8. Maintains an AED located on real property owned or controlled by such person shall be immune from civil liability for any personal injury that results from any act or omission in the use in an emergency of an AED located on such property unless such personal injury results from gross negligence or willful or wanton misconduct of the person who maintains the AED or his agent or employee.

9. Is an employee of a school board or of a local health department approved by the local governing body to provide health services pursuant to § 22.1-274 who, while on school property or at a school-sponsored event, (i) renders emergency care or assistance to any sick or injured person; (ii) renders or administers emergency cardiopulmonary resuscitation (CPR); cardiac defibrillation, including, but not limited to, the use of an automated external defibrillator (AED); or other emergency life-sustaining or resuscitative treatments or procedures that have been approved by the State Board of Health to any sick or injured person; (iii) operates an AED, trains individuals to be operators of AEDs, or orders AEDs; or (iv) maintains an AED, shall not be liable for civil damages for ordinary negligence in acts or omissions on the part of such employee while engaged in the acts described in this subdivision.

10. Is a volunteer in good standing and certified to render emergency care by the National Ski Patrol System, Inc., who, in good faith and without compensation, renders emergency care or assistance to any injured or ill person, whether at the scene of a ski resort rescue, outdoor emergency rescue, or any other place or while transporting such injured or ill person to a place accessible for transfer to any available emergency medical system unit, or any resort owner voluntarily providing a

ski patroller employed by him to engage in rescue or recovery work at a resort not owned or operated by him, shall not be liable for any civil damages for acts or omissions resulting from the rendering of such emergency care, treatment, or assistance, including but not limited to acts or omissions which involve violations of any state regulation or any standard of the National Ski Patrol System, Inc., in the rendering of such emergency care or assistance, unless such act or omission was the result of gross negligence or willful misconduct.

11. Is an employee of (i) a school board, (ii) a school for students with disabilities as defined in § 22.1-319 licensed by the Board of Education, or (iii) a private school accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education and is authorized by a prescriber and trained in the administration of insulin and glucagon, who, upon the written request of the parents as defined in § 22.1-1, assists with the administration of insulin or, in the case of a school board employee, with the insertion or reinsertion of an insulin pump or any of its parts pursuant to subsection B of § 22.1-274.01:1 or administers glucagon to a student diagnosed as having diabetes who requires insulin injections during the school day or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment if the insulin is administered according to the child's medication schedule or such employee has reason to believe that the individual receiving the glucagon is suffering or is about to suffer life-threatening hypoglycemia. Whenever any such employee is covered by the immunity granted herein, the school board or school employing him shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such insulin or glucagon treatment.

12. Is an employee of a public institution of higher education or a private institution of higher education who is authorized by a prescriber and trained in the administration of insulin and glucagon, who assists with the administration of insulin or administers glucagon to a student diagnosed as having diabetes who requires insulin injections or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment if the insulin is administered according to the student's medication schedule or such employee has reason to believe that the individual receiving the glucagon is suffering or is about to suffer life-threatening hypoglycemia. Whenever any employee is covered by the immunity granted in this subdivision, the institution shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such insulin or glucagon treatment.

13. Is a school nurse, an employee of a school board, an employee of a local governing body, or an employee of a local health department who is authorized by a prescriber and trained in the administration of epinephrine and who provides, administers, or assists in the administration of epinephrine to a student believed in good faith to be having an anaphylactic reaction, or is the prescriber of the epinephrine, shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment.

14. Is an employee of a school for students with disabilities, as defined in § 22.1-319 and licensed by the Board of Education, or an employee of a private school that is accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education who is authorized by a prescriber and trained in the administration of epinephrine and who administers or assists in the administration of epinephrine to a student believed in good faith to be having an anaphylactic reaction, or is the prescriber of the epinephrine, shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment. Whenever any employee is covered by the immunity granted in this subdivision, the school shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from such administration or assistance.

15. Is an employee of a public institution of higher education or a private institution of higher education who is authorized by a prescriber and trained in the administration of epinephrine and who administers or assists in the administration of epinephrine to a student believed in good faith to be having an anaphylactic reaction, or is the prescriber of the epinephrine, shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment. Whenever any employee is covered by the immunity granted in this subdivision, the institution shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from such administration or assistance.

16. Is an employee of an organization providing outdoor educational experiences or programs for youth who is authorized by a prescriber and trained in the administration of epinephrine and who administers or assists in the administration of epinephrine to a participant in the outdoor experience or program for youth believed in good faith to be having an anaphylactic reaction, or is the prescriber of the epinephrine, shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment. Whenever any employee is covered by the immunity granted in this subdivision, the organization shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from such administration or assistance.

17. Is an employee of a provider licensed by the Department of Behavioral Health and Developmental Services, or provides services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services, who has been trained in the administration of insulin and glucagon and who administers or assists with the administration of insulin or administers glucagon to a person diagnosed as having diabetes who requires insulin injections or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia in accordance with § 54.1-3408 shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment if the insulin is administered in accordance with the prescriber's instructions or such person has

reason to believe that the individual receiving the glucagon is suffering or is about to suffer life-threatening hypoglycemia. Whenever any employee of a provider licensed by the Department of Behavioral Health and Developmental Services or a person who provides services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services is covered by the immunity granted herein, the provider shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such insulin or glucagon treatment.

18. Is an employee of a provider licensed by the Department of Behavioral Health and Developmental Services, or provides services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services, who has been trained in the administration of epinephrine and who administers or assists in the administration of epinephrine to a person believed in good faith to be having an anaphylactic reaction in accordance with the prescriber's instructions shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment.

19. In good faith prescribes, dispenses, or administers naloxone or other opioid antagonist used for overdose reversal in an emergency to an individual who is believed to be experiencing or about to experience a life-threatening opiate overdose shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment if acting in accordance with the provisions of subsection X or Y of § 54.1-3408 or in his role as a member of an emergency medical services agency.

20. *In good faith administers naloxone or other opioid antagonist used for overdose reversal to a person who is believed to be experiencing or about to experience a life-threatening opioid overdose in accordance with the provisions of subsection Z of § 54.1-3408 shall not be liable for any civil damages, absent gross negligence or willful and wanton misconduct.*

21. Is an employee of a school board, school for students with disabilities as defined in § 22.1-319 licensed by the Board of Education, or private school accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education who is trained in the administration of injected medications for the treatment of adrenal crisis resulting from a condition causing adrenal insufficiency and who administers or assists in the administration of such medications to a student diagnosed with a condition causing adrenal insufficiency when the student is believed to be experiencing or about to experience an adrenal crisis pursuant to a written order or standing protocol issued by a prescriber within the course of his professional practice and in accordance with the prescriber's instructions shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment.

B. Any licensed physician serving without compensation as the operational medical director for an emergency medical services agency that holds a valid license as an emergency medical services agency issued by the Commissioner of Health shall not be liable for any civil damages for any act or omission resulting from the rendering of emergency medical services in good faith by the personnel of such licensed agency unless such act or omission was the result of such physician's gross negligence or willful misconduct.

Any person serving without compensation as a dispatcher for any licensed public or nonprofit emergency medical services agency in the Commonwealth shall not be liable for any civil damages for any act or omission resulting from the rendering of emergency services in good faith by the personnel of such licensed agency unless such act or omission was the result of such dispatcher's gross negligence or willful misconduct.

Any individual, certified by the State Office of Emergency Medical Services as an emergency medical services instructor and pursuant to a written agreement with such office, who, in good faith and in the performance of his duties, provides instruction to persons for certification or recertification as a certified basic life support or advanced life support emergency medical services provider shall not be liable for any civil damages for acts or omissions on his part directly relating to his activities on behalf of such office unless such act or omission was the result of such emergency medical services instructor's gross negligence or willful misconduct.

Any licensed physician serving without compensation as a medical advisor to an E-911 system in the Commonwealth shall not be liable for any civil damages for any act or omission resulting from rendering medical advice in good faith to establish protocols to be used by the personnel of the E-911 service, as defined in § 58.1-1730, when answering emergency calls unless such act or omission was the result of such physician's gross negligence or willful misconduct.

Any licensed physician who directs the provision of emergency medical services, as authorized by the State Board of Health, through a communications device shall not be liable for any civil damages for any act or omission resulting from the rendering of such emergency medical services unless such act or omission was the result of such physician's gross negligence or willful misconduct.

Any licensed physician serving without compensation as a supervisor of an AED in the Commonwealth shall not be liable for any civil damages for any act or omission resulting from rendering medical advice in good faith to the owner of the AED relating to personnel training, local emergency medical services coordination, protocol approval, AED deployment strategies, and equipment maintenance plans and records unless such act or omission was the result of such physician's gross negligence or willful misconduct.

C. Any communications services provider, as defined in § 58.1-647, including mobile service, and any provider of Voice-over-Internet Protocol service, in the Commonwealth shall not be liable for any civil damages for any act or omission resulting from rendering such service with or without charge related to emergency calls unless such act or omission was the result of such service provider's gross negligence or willful misconduct.

Any volunteer engaging in rescue or recovery work at a mine, or any mine operator voluntarily providing personnel to engage in rescue or recovery work at a mine not owned or operated by such operator, shall not be liable for civil damages for acts or omissions resulting from the rendering of such rescue or recovery work in good faith unless such act or omission was the result of gross negligence or willful misconduct. For purposes of this subsection, "Voice-over-Internet Protocol service" or "VoIP service" means any Internet protocol-enabled services utilizing a broadband connection, actually originating or terminating in Internet Protocol from either or both ends of a channel of communication offering real time, multidirectional voice functionality, including, but not limited to, services similar to traditional telephone service.

D. Nothing contained in this section shall be construed to provide immunity from liability arising out of the operation of a motor vehicle.

E. For the purposes of this section, "compensation" shall not be construed to include (i) the salaries of police, fire, or other public officials or personnel who render such emergency assistance; (ii) the salaries or wages of employees of a coal producer engaging in emergency medical services or first aid services pursuant to the provisions of § 45.1-161.38, 45.1-161.101, 45.1-161.199, or 45.1-161.263; (iii) complimentary lift tickets, food, lodging, or other gifts provided as a gratuity to volunteer members of the National Ski Patrol System, Inc., by any resort, group, or agency; (iv) the salary of any person who (a) owns an AED for the use at the scene of an emergency, (b) trains individuals, in courses approved by the Board of Health, to operate AEDs at the scene of emergencies, (c) orders AEDs for use at the scene of emergencies, or (d) operates an AED at the scene of an emergency; or (v) expenses reimbursed to any person providing care or assistance pursuant to this section.

For the purposes of this section, "emergency medical services provider" shall include a person licensed or certified as such or its equivalent by any other state when he is performing services that he is licensed or certified to perform by such other state in caring for a patient in transit in the Commonwealth, which care originated in such other state.

Further, the public shall be urged to receive training on how to use CPR and an AED in order to acquire the skills and confidence to respond to emergencies using both CPR and an AED.

§ 54.1-3408. Professional use by practitioners.

A. A practitioner of medicine, osteopathy, podiatry, dentistry, or veterinary medicine or a licensed nurse practitioner pursuant to § 54.1-2957.01, a licensed physician assistant pursuant to § 54.1-2952.1, or a TPA-certified optometrist pursuant to Article 5 (§ 54.1-3222 et seq.) of Chapter 32 shall only prescribe, dispense, or administer controlled substances in good faith for medicinal or therapeutic purposes within the course of his professional practice.

B. The prescribing practitioner's order may be on a written prescription or pursuant to an oral prescription as authorized by this chapter. The prescriber may administer drugs and devices, or he may cause drugs or devices to be administered by:

1. A nurse, physician assistant, or intern under his direction and supervision;

2. Persons trained to administer drugs and devices to patients in state-owned or state-operated hospitals or facilities licensed as hospitals by the Board of Health or psychiatric hospitals licensed by the Department of Behavioral Health and Developmental Services who administer drugs under the control and supervision of the prescriber or a pharmacist;

3. Emergency medical services personnel certified and authorized to administer drugs and devices pursuant to regulations of the Board of Health who act within the scope of such certification and pursuant to an oral or written order or standing protocol; or

4. A licensed respiratory therapist as defined in § 54.1-2954 who administers by inhalation controlled substances used in inhalation or respiratory therapy.

C. Pursuant to an oral or written order or standing protocol, the prescriber, who is authorized by state or federal law to possess and administer radiopharmaceuticals in the scope of his practice, may authorize a nuclear medicine technologist to administer, under his supervision, radiopharmaceuticals used in the diagnosis or treatment of disease.

D. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize registered nurses and licensed practical nurses to possess (i) epinephrine and oxygen for administration in treatment of emergency medical conditions and (ii) heparin and sterile normal saline to use for the maintenance of intravenous access lines.

Pursuant to the regulations of the Board of Health, certain emergency medical services technicians may possess and administer epinephrine in emergency cases of anaphylactic shock.

Pursuant to an order or standing protocol issued by the prescriber within the course of his professional practice, any school nurse, school board employee, employee of a local governing body, or employee of a local health department who is authorized by a prescriber and trained in the administration of epinephrine may possess and administer epinephrine.

Pursuant to an order or a standing protocol issued by the prescriber within the course of his professional practice, any employee of a school for students with disabilities, as defined in § 22.1-319 and licensed by the Board of Education, or any employee of a private school that is accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education who is authorized by a prescriber and trained in the administration of epinephrine may possess and administer epinephrine.

Pursuant to an order or a standing protocol issued by the prescriber within the course of his professional practice, any employee of a public institution of higher education or a private institution of higher education who is authorized by a prescriber and trained in the administration of epinephrine may possess and administer epinephrine.

Pursuant to an order or a standing protocol issued by the prescriber within the course of his professional practice, any employee of an organization providing outdoor educational experiences or programs for youth who is authorized by a prescriber and trained in the administration of epinephrine may possess and administer epinephrine.

Pursuant to an order issued by the prescriber within the course of his professional practice, an employee of a provider licensed by the Department of Behavioral Health and Developmental Services or a person providing services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services may possess and administer epinephrine, provided such person is authorized and trained in the administration of epinephrine.

Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize pharmacists to possess epinephrine and oxygen for administration in treatment of emergency medical conditions.

E. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize licensed physical therapists to possess and administer topical corticosteroids, topical lidocaine, and any other Schedule VI topical drug.

F. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize licensed athletic trainers to possess and administer topical corticosteroids, topical lidocaine, or other Schedule VI topical drugs; oxygen for use in emergency situations; and epinephrine for use in emergency cases of anaphylactic shock.

G. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, and in accordance with policies and guidelines established by the Department of Health pursuant to § 32.1-50.2, such prescriber may authorize registered nurses or licensed practical nurses under the supervision of a registered nurse to possess and administer tuberculin purified protein derivative (PPD) in the absence of a prescriber. The Department of Health's policies and guidelines shall be consistent with applicable guidelines developed by the Centers for Disease Control and Prevention for preventing transmission of mycobacterium tuberculosis and shall be updated to incorporate any subsequently implemented standards of the Occupational Safety and Health Administration and the Department of Labor and Industry to the extent that they are inconsistent with the Department of Health's policies and guidelines. Such standing protocols shall explicitly describe the categories of persons to whom the tuberculin test is to be administered and shall provide for appropriate medical evaluation of those in whom the test is positive. The prescriber shall ensure that the nurse implementing such standing protocols has received adequate training in the practice and principles underlying tuberculin screening.

The Health Commissioner or his designee may authorize registered nurses, acting as agents of the Department of Health, to possess and administer, at the nurse's discretion, tuberculin purified protein derivative (PPD) to those persons in whom tuberculin skin testing is indicated based on protocols and policies established by the Department of Health.

H. Pursuant to a written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize, with the consent of the parents as defined in § 22.1-1, an employee of (i) a school board, (ii) a school for students with disabilities as defined in § 22.1-319 licensed by the Board of Education, or (iii) a private school accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education who is trained in the administration of insulin and glucagon to assist with the administration of insulin or administer glucagon to a student diagnosed as having diabetes and who requires insulin injections during the school day or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia. Such authorization shall only be effective when a licensed nurse, nurse practitioner, physician, or physician assistant is not present to perform the administration of the medication.

Pursuant to a written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize an employee of a public institution of higher education or a private institution of higher education who is trained in the administration of insulin and glucagon to assist with the administration of insulin or administration of glucagon to a student diagnosed as having diabetes and who requires insulin injections or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia. Such authorization shall only be effective when a licensed nurse, nurse practitioner, physician, or physician assistant is not present to perform the administration of the medication.

Pursuant to a written order issued by the prescriber within the course of his professional practice, such prescriber may authorize an employee of a provider licensed by the Department of Behavioral Health and Developmental Services or a person providing services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services to assist with the administration of insulin or to administer glucagon to a person diagnosed as having diabetes and who requires insulin injections or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia, provided such employee or person providing services has been trained in the administration of insulin and glucagon.

I. A prescriber may authorize, pursuant to a protocol approved by the Board of Nursing, the administration of vaccines to adults for immunization, when a practitioner with prescriptive authority is not physically present, by (i) licensed pharmacists, (ii) registered nurses, or (iii) licensed practical nurses under the supervision of a registered nurse. A prescriber acting on behalf of and in accordance with established protocols of the Department of Health may authorize the administration of vaccines to any person by a pharmacist, nurse, or designated emergency medical services provider who holds an advanced life support certificate issued by the Commissioner of Health under the direction of an operational

medical director when the prescriber is not physically present. The emergency medical services provider shall provide documentation of the vaccines to be recorded in the Virginia Immunization Information System.

J. A dentist may cause Schedule VI topical drugs to be administered under his direction and supervision by either a dental hygienist or by an authorized agent of the dentist.

Further, pursuant to a written order and in accordance with a standing protocol issued by the dentist in the course of his professional practice, a dentist may authorize a dental hygienist under his general supervision, as defined in § 54.1-2722, or his remote supervision, as defined in subsection E or F of § 54.1-2722, to possess and administer topical oral fluorides, topical oral anesthetics, topical and directly applied antimicrobial agents for treatment of periodontal pocket lesions, and any other Schedule VI topical drug approved by the Board of Dentistry.

In addition, a dentist may authorize a dental hygienist under his direction to administer Schedule VI nitrous oxide and oxygen inhalation analgesia and, to persons 18 years of age or older, Schedule VI local anesthesia.

K. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize registered professional nurses certified as sexual assault nurse examiners-A (SANE-A) under his supervision and when he is not physically present to possess and administer preventive medications for victims of sexual assault as recommended by the Centers for Disease Control and Prevention.

L. This section shall not prevent the administration of drugs by a person who has satisfactorily completed a training program for this purpose approved by the Board of Nursing and who administers such drugs in accordance with a prescriber's instructions pertaining to dosage, frequency, and manner of administration, and in accordance with regulations promulgated by the Board of Pharmacy relating to security and record keeping, when the drugs administered would be normally self-administered by (i) an individual receiving services in a program licensed by the Department of Behavioral Health and Developmental Services; (ii) a resident of the Virginia Rehabilitation Center for the Blind and Vision Impaired; (iii) a resident of a facility approved by the Board or Department of Juvenile Justice for the placement of children in need of services or delinquent or alleged delinquent youth; (iv) a program participant of an adult day-care center licensed by the Department of Social Services; (v) a resident of any facility authorized or operated by a state or local government whose primary purpose is not to provide health care services; (vi) a resident of a private children's residential facility, as defined in § 63.2-100 and licensed by the Department of Social Services, Department of Education, or Department of Behavioral Health and Developmental Services; or (vii) a student in a school for students with disabilities, as defined in § 22.1-319 and licensed by the Board of Education.

In addition, this section shall not prevent a person who has successfully completed a training program for the administration of drugs via percutaneous gastrostomy tube approved by the Board of Nursing and been evaluated by a registered nurse as having demonstrated competency in administration of drugs via percutaneous gastrostomy tube from administering drugs to a person receiving services from a program licensed by the Department of Behavioral Health and Developmental Services to such person via percutaneous gastrostomy tube. The continued competency of a person to administer drugs via percutaneous gastrostomy tube shall be evaluated semiannually by a registered nurse.

M. Medication aides registered by the Board of Nursing pursuant to Article 7 (§ 54.1-3041 et seq.) of Chapter 30 may administer drugs that would otherwise be self-administered to residents of any assisted living facility licensed by the Department of Social Services. A registered medication aide shall administer drugs pursuant to this section in accordance with the prescriber's instructions pertaining to dosage, frequency, and manner of administration; in accordance with regulations promulgated by the Board of Pharmacy relating to security and recordkeeping; in accordance with the assisted living facility's Medication Management Plan; and in accordance with such other regulations governing their practice promulgated by the Board of Nursing.

N. In addition, this section shall not prevent the administration of drugs by a person who administers such drugs in accordance with a physician's instructions pertaining to dosage, frequency, and manner of administration and with written authorization of a parent, and in accordance with school board regulations relating to training, security and record keeping, when the drugs administered would be normally self-administered by a student of a Virginia public school. Training for such persons shall be accomplished through a program approved by the local school boards, in consultation with the local departments of health.

O. In addition, this section shall not prevent the administration of drugs by a person to (i) a child in a child day program as defined in § 63.2-100 and regulated by the State Board of Social Services or a local government pursuant to § 15.2-914, or (ii) a student of a private school that is accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education, provided such person (a) has satisfactorily completed a training program for this purpose approved by the Board of Nursing and taught by a registered nurse, licensed practical nurse, nurse practitioner, physician assistant, doctor of medicine or osteopathic medicine, or pharmacist; (b) has obtained written authorization from a parent or guardian; (c) administers drugs only to the child identified on the prescription label in accordance with the prescriber's instructions pertaining to dosage, frequency, and manner of administration; and (d) administers only those drugs that were dispensed from a pharmacy and maintained in the original, labeled container that would normally be self-administered by the child or student, or administered by a parent or guardian to the child or student.

P. In addition, this section shall not prevent the administration or dispensing of drugs and devices by persons if they are authorized by the State Health Commissioner in accordance with protocols established by the State Health Commissioner pursuant to § 32.1-42.1 when (i) the Governor has declared a disaster or a state of emergency or the United States Secretary of Health and Human Services has issued a declaration of an actual or potential bioterrorism incident or other actual or

potential public health emergency; (ii) it is necessary to permit the provision of needed drugs or devices; and (iii) such persons have received the training necessary to safely administer or dispense the needed drugs or devices. Such persons shall administer or dispense all drugs or devices under the direction, control, and supervision of the State Health Commissioner.

Q. Nothing in this title shall prohibit the administration of normally self-administered drugs by unlicensed individuals to a person in his private residence.

R. This section shall not interfere with any prescriber issuing prescriptions in compliance with his authority and scope of practice and the provisions of this section to a Board agent for use pursuant to subsection G of § 18.2-258.1. Such prescriptions issued by such prescriber shall be deemed to be valid prescriptions.

S. Nothing in this title shall prevent or interfere with dialysis care technicians or dialysis patient care technicians who are certified by an organization approved by the Board of Health Professions or persons authorized for provisional practice pursuant to Chapter 27.01 (§ 54.1-2729.1 et seq.), in the ordinary course of their duties in a Medicare-certified renal dialysis facility, from administering heparin, topical needle site anesthetics, dialysis solutions, sterile normal saline solution, and blood volumizers, for the purpose of facilitating renal dialysis treatment, when such administration of medications occurs under the orders of a licensed physician, nurse practitioner, or physician assistant and under the immediate and direct supervision of a licensed registered nurse. Nothing in this chapter shall be construed to prohibit a patient care dialysis technician trainee from performing dialysis care as part of and within the scope of the clinical skills instruction segment of a supervised dialysis technician training program, provided such trainee is identified as a "trainee" while working in a renal dialysis facility.

The dialysis care technician or dialysis patient care technician administering the medications shall have demonstrated competency as evidenced by holding current valid certification from an organization approved by the Board of Health Professions pursuant to Chapter 27.01 (§ 54.1-2729.1 et seq.).

T. Persons who are otherwise authorized to administer controlled substances in hospitals shall be authorized to administer influenza or pneumococcal vaccines pursuant to § 32.1-126.4.

U. Pursuant to a specific order for a patient and under his direct and immediate supervision, a prescriber may authorize the administration of controlled substances by personnel who have been properly trained to assist a doctor of medicine or osteopathic medicine, provided the method does not include intravenous, intrathecal, or epidural administration and the prescriber remains responsible for such administration.

V. A physician assistant, nurse, or dental hygienist may possess and administer topical fluoride varnish pursuant to an oral or written order or a standing protocol issued by a doctor of medicine, osteopathic medicine, or dentistry.

W. A prescriber, acting in accordance with guidelines developed pursuant to § 32.1-46.02, may authorize the administration of influenza vaccine to minors by a licensed pharmacist, registered nurse, licensed practical nurse under the direction and immediate supervision of a registered nurse, or emergency medical services provider who holds an advanced life support certificate issued by the Commissioner of Health when the prescriber is not physically present.

X. Notwithstanding the provisions of § 54.1-3303, pursuant to an oral, written, or standing order issued by a prescriber or a standing order issued by the Commissioner of Health or his designee authorizing the dispensing of naloxone or other opioid antagonist used for overdose reversal in the absence of an oral or written order for a specific patient issued by a prescriber, and in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health, a pharmacist, a health care provider providing services in a hospital emergency department, and emergency medical services personnel, as that term is defined in § 32.1-111.1, may dispense naloxone or other opioid antagonist used for overdose reversal and a person to whom naloxone or other opioid antagonist has been dispensed pursuant to this subsection may possess and administer naloxone or other opioid antagonist used for overdose reversal to a person who is believed to be experiencing or about to experience a life-threatening opioid overdose. Law-enforcement officers as defined in § 9.1-101, employees of the Department of Forensic Science, employees of the Office of the Chief Medical Examiner, employees of the Department of General Services Division of Consolidated Laboratory Services, employees of the Department of Corrections designated as probation and parole officers or as correctional officers as defined in § 53.1-1, employees of regional jails, school nurses, local health department employees that are assigned to a public school pursuant to an agreement between the local health department and the school board, other school board employees or individuals contracted by a school board to provide school health services, and firefighters who have completed a training program may also possess and administer naloxone or other opioid antagonist used for overdose reversal and may dispense naloxone or other opioid antagonist used for overdose reversal pursuant to an oral, written, or standing order issued by a prescriber or a standing order issued by the Commissioner of Health or his designee in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health.

Y. Notwithstanding any other law or regulation to the contrary, a person who is acting on behalf of an organization that provides services to individuals at risk of experiencing an opioid overdose or training in the administration of naloxone for overdose reversal may dispense naloxone to a person who has received instruction on the administration of naloxone for opioid overdose reversal, provided that such dispensing is (i) pursuant to a standing order issued by a prescriber and (ii) in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health. If the person acting on behalf of an organization dispenses naloxone in an injectable formulation with a hypodermic needle or syringe, he shall first obtain authorization from the Department of Behavioral Health and

Developmental Services to train individuals on the proper administration of naloxone by and proper disposal of a hypodermic needle or syringe, and he shall obtain a controlled substance registration from the Board of Pharmacy. The Board of Pharmacy shall not charge a fee for the issuance of such controlled substance registration. The dispensing may occur at a site other than that of the controlled substance registration provided the entity possessing the controlled substances registration maintains records in accordance with regulations of the Board of Pharmacy. No person who dispenses naloxone on behalf of an organization pursuant to this subsection shall charge a fee for the dispensing of naloxone that is greater than the cost to the organization of obtaining the naloxone dispensed. A person to whom naloxone has been dispensed pursuant to this subsection may possess naloxone and may administer naloxone to a person who is believed to be experiencing or about to experience a life-threatening opioid overdose.

Z. A person who is not otherwise authorized to administer naloxone or other opioid antagonist used for overdose reversal may administer naloxone or other opioid antagonist used for overdose reversal to a person who is believed to be experiencing or about to experience a life-threatening opioid overdose.

AA. Pursuant to a written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize, with the consent of the parents as defined in § 22.1-1, an employee of (i) a school board, (ii) a school for students with disabilities as defined in § 22.1-319 licensed by the Board of Education, or (iii) a private school accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education who is trained in the administration of injected medications for the treatment of adrenal crisis resulting from a condition causing adrenal insufficiency to administer such medication to a student diagnosed with a condition causing adrenal insufficiency when the student is believed to be experiencing or about to experience an adrenal crisis. Such authorization shall be effective only when a licensed nurse, nurse practitioner, physician, or physician assistant is not present to perform the administration of the medication.

CHAPTER 1096

An Act to amend the Code of Virginia by adding a section numbered 18.2-254.3, relating to the Behavioral Health Docket Act.

[S 818]

Approved April 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 18.2-254.3 as follows:

§ 18.2-254.3. Behavioral Health Docket Act.

A. This section shall be known and may be cited as the "Behavioral Health Docket Act."

B. The General Assembly recognizes the critical need to promote public safety and reduce recidivism by addressing co-occurring behavioral health issues, such as mental illness and substance abuse, related to persons in the criminal justice system. It is the intention of the General Assembly to enhance public safety by facilitating the creation of behavioral health dockets to accomplish this purpose.

C. The goals of behavioral health dockets shall include (i) reducing recidivism; (ii) increasing personal, familial, and societal accountability among offenders through ongoing judicial intervention; (iii) addressing mental illness and substance abuse that contribute to criminal behavior and recidivism; and (iv) promoting effective planning and use of resources within the criminal justice system and community agencies. Behavioral health dockets promote outcomes that will benefit not only the offender but society as well.

D. Behavioral health dockets are specialized criminal court dockets within the existing structure of Virginia's court system that enable the judiciary to manage its workload more efficiently. Under the leadership and regular interaction of presiding judges, and through voluntary offender participation, behavioral health dockets shall address offenders with mental health conditions and drug addictions that contribute to criminal behavior. Behavioral health dockets shall employ evidence-based practices to diagnose behavioral health illness and provide treatment, enhance public safety, reduce recidivism, ensure offender accountability, and promote offender rehabilitation in the community. Local officials shall complete a planning process recognized by the state behavioral health docket advisory committee before establishing a behavioral health docket program.

E. Administrative oversight of implementation of the Behavioral Health Docket Act shall be conducted by the Supreme Court of Virginia. The Supreme Court of Virginia shall be responsible for (i) providing oversight of the distribution of funds for behavioral health dockets; (ii) providing technical assistance to behavioral health dockets; (iii) providing training to judges who preside over behavioral health dockets; (iv) providing training to the providers of administrative, case management, and treatment services to behavioral health dockets; and (v) monitoring the completion of evaluations of the effectiveness and efficiency of behavioral health dockets in the Commonwealth.

F. A state behavioral health docket advisory committee shall be established in the judicial branch. The committee shall be chaired by the Chief Justice of the Supreme Court of Virginia, who shall appoint a vice-chair to act in his absence. The membership of the committee shall include a behavioral health circuit court judge, a behavioral health general district court judge, a behavioral health juvenile and domestic relations district court judge, the Executive Secretary of the Supreme Court or his designee, the Governor or his designee, and a representative from each of the following entities: the Commonwealth's Attorneys' Services Council, the Virginia Court Clerks' Association, the Virginia Indigent Defense

Commission, the Department of Behavioral Health and Developmental Services, the Virginia Organization of Consumers Asserting Leadership, a community services board or behavioral health authority, and a local community-based probation and pretrial services agency.

G. Each jurisdiction or combination of jurisdictions that intend to establish a behavioral health docket or continue the operation of an existing behavioral health docket shall establish a local behavioral health docket advisory committee. Jurisdictions that establish separate adult and juvenile behavioral health dockets may establish an advisory committee for each such docket. Each local behavioral health docket advisory committee shall ensure quality, efficiency, and fairness in the planning, implementation, and operation of the behavioral health dockets that serve the jurisdiction or combination of jurisdictions. Advisory committee membership may include, but shall not be limited to, the following persons or their designees: (i) the behavioral health docket judge; (ii) the attorney for the Commonwealth or, where applicable, the city or county attorney who has responsibility for the prosecution of misdemeanor offenses; (iii) the public defender or a member of the local criminal defense bar in jurisdictions in which there is no public defender; (iv) the clerk of the court in which the behavioral health docket is located; (v) a representative of the Virginia Department of Corrections or the Department of Juvenile Justice, or both, from the local office that serves the jurisdiction or combination of jurisdictions; (vi) a representative of a local community-based probation and pretrial services agency; (vii) a local law-enforcement officer; (viii) a representative of the Department of Behavioral Health and Developmental Services or a representative of local treatment providers, or both; (ix) a representative of the local community services board or behavioral health authority; (x) the behavioral health docket administrator; (xi) a public health official; (xii) the county administrator or city manager; (xiii) a certified peer recovery specialist; and (xiv) any other persons selected by the local behavioral health docket advisory committee.

H. Each local behavioral health docket advisory committee shall establish criteria for the eligibility and participation of offenders who have been determined to have problems with drug addiction, mental illness, or related issues. The committee shall ensure the use of a comprehensive, valid, and reliable screening instrument to assess whether the individual is a candidate for a behavioral health docket. Once an individual is identified as a candidate appropriate for a behavioral health court docket, a full diagnosis and treatment plan shall be prepared by qualified professionals.

Subject to the provisions of this section, neither the establishment of a behavioral health docket nor anything in this section shall be construed as limiting the discretion of the attorney for the Commonwealth to prosecute any criminal case arising therein that he deems advisable to prosecute, except to the extent that the participating attorney for the Commonwealth agrees to do so.

I. Each local behavioral health docket advisory committee shall establish policies and procedures for the operation of the docket to attain the following goals: (i) effective integration of appropriate treatment services with criminal justice system case processing; (ii) enhanced public safety through intensive offender supervision and treatment; (iii) prompt identification and placement of eligible participants; (iv) efficient access to a continuum of related treatment and rehabilitation services; (v) verified participant abstinence through frequent alcohol and other drug testing and mental health status assessments, where applicable; (vi) prompt response to participants' noncompliance with program requirements through a coordinated strategy; (vii) ongoing judicial interaction with each behavioral health docket participant; (viii) ongoing monitoring and evaluation of program effectiveness and efficiency; (ix) ongoing interdisciplinary education and training in support of program effectiveness and efficiency; and (x) ongoing collaboration among behavioral health dockets, public agencies, and community-based organizations to enhance program effectiveness and efficiency.

J. If there is cause for concern that a defendant was experiencing a crisis related to a mental health or substance abuse disorder then his case will be referred, if such referral is appropriate, to a behavioral health docket to determine eligibility for participation. Participation by an offender in a behavioral health docket shall be voluntary and made pursuant only to a written agreement entered into by and between the offender and the Commonwealth with the concurrence of the court.

K. An offender may be required to contribute to the cost of the treatment he receives while participating in a behavioral health docket pursuant to guidelines developed by the local behavioral health docket advisory committee.

L. Nothing contained in this section shall confer a right or an expectation of a right to treatment for an offender or be construed as requiring a local behavioral health docket advisory committee to accept for participation every offender.

M. The Office of the Executive Secretary shall, with the assistance of the state behavioral health docket advisory committee, develop a statewide evaluation model and conduct ongoing evaluations of the effectiveness and efficiency of all behavioral health dockets. The Executive Secretary shall submit an annual report of these evaluations to the General Assembly by December 1 of each year. The annual report shall be submitted as a report document as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website. Each local behavioral health docket advisory committee shall submit evaluative reports, as provided by the Behavioral/Mental Health Docket Advisory Committee, to the Office of the Executive Secretary as requested.

CHAPTER 1097

An Act to amend and reenact § 32.1-169 of the Code of Virginia, relating to drinking water; maximum contaminant levels; perfluoroalkyl and polyfluoroalkyl substances and other contaminants.

[H 1257]

Approved April 10, 2020

Be it enacted by the General Assembly of Virginia:**1. That § 32.1-169 of the Code of Virginia is amended and reenacted as follows:****§ 32.1-169. Supervision by Board.**

A. The Board shall have general supervision and control over all water supplies and waterworks in the Commonwealth insofar as the bacteriological, chemical, radiological, and physical quality of waters furnished for human consumption may affect the public health and welfare and may require that all water supplies be pure water. In exercising such supervision and control, the Board shall recognize the relationship between an owner's financial, technical, managerial, and operational capabilities and his capacity to comply with state and federal drinking water standards.

B. *The Board shall adopt regulations establishing maximum contaminant levels (MCLs) in all water supplies and waterworks in the Commonwealth for (i) perfluorooctanoic acid and perfluorooctane sulfonate, and for such other perfluoroalkyl and polyfluoroalkyl substances as the Board deems necessary; (ii) chromium-6; and (iii) 1,4-dioxane. Each MCL shall be protective of public health, including of vulnerable subpopulations, including pregnant and nursing mothers, infants, children, and the elderly, and shall not exceed any MCL or health advisory for the same contaminant adopted by the U.S. Environmental Protection Agency. In establishing such MCLs, the Board shall review MCLs adopted by other states, studies and scientific evidence reviewed by such states, material in the Agency for Toxic Substances and Disease Registry of the U.S. Department of Health, and current peer-reviewed scientific studies produced independently or by government agencies.*

2. That the provisions of this act shall become effective on January 1, 2022.

3. That the Department of Health shall report to the Chairmen of the Senate Committee on Education and Health and the House Committee on Health, Welfare and Institutions on the status of research related to MCLs, the review of which is required by subsection B of § 32.1-169 of the Code of Virginia, as amended by this act, by November 1, 2020, and shall submit a final report to the Chairmen of the Senate Committee on Education and Health and the House Committee on Health, Welfare and Institutions by October 1, 2021, detailing the MCL regulations established by the Department of Health.

CHAPTER 1098

An Act to establish the Commission for Historical Statues in the United States Capitol to provide for the replacement of the Robert E. Lee statue in the National Statuary Hall Collection at the United States Capitol, to recommend to the General Assembly as a replacement a statue of a prominent Virginia citizen of historic renown or renowned for distinguished civil or military service to be commemorated in the National Statuary Hall Collection, and to provide for the selection of a sculptor for the new statue; and to provide for submission of the Commonwealth's request to the Joint Committee of Congress on the Library for approval to replace the Robert E. Lee statue in the National Statuary Hall Collection at the United States Capitol.

[S 612]

Approved April 10, 2020

Whereas, pursuant to 2 U.S.C. § 2131, each state is permitted to provide and furnish to the United States Capitol two statues, in marble or bronze, of deceased persons who have been prominent citizens of the state for placement in the National Statuary Hall Collection; and

Whereas, currently, Virginia has two statues, of George Washington and Robert E. Lee, in the National Statuary Hall Collection; and

Whereas, pursuant to 2 U.S.C. § 2132, a state may request that the Joint Committee of Congress on the Library approve the replacement of any statue the state has provided for display in the National Statuary Hall Collection at the United States Capitol; now, therefore,

Be it enacted by the General Assembly of Virginia:

1. § 1. The Commission for Historical Statues in the United States Capitol (the Commission) is established to determine who in addition to George Washington should represent Virginia in the National Statuary Hall Collection at the United States Capitol and to recommend to the General Assembly, if the Commission so chooses pursuant to § 5 to replace the statue of Robert E. Lee, a statue of a prominent Virginia citizen of historic renown or renowned for distinguished civil or military service to be commemorated in the National Statuary Hall Collection. The Commission shall consist of eight members as follows: one member of the House of Delegates to be appointed by the Speaker of the House of Delegates; one member of the Senate to be appointed by the Senate Committee on Rules; two nonlegislative citizen members who are Virginia or American historians to be appointed by the Governor; three nonlegislative citizen members appointed upon the vote of the

Commission members appointed by the Speaker of the House of Delegates, the Senate Committee on Rules, and the Governor; and the Director of the Department of Historic Resources, who shall serve ex officio with nonvoting privileges.

§ 2. *Legislative members and the ex officio member shall serve terms coincident with their terms of office. Appointments to fill vacancies shall be filled in the same manner as the original appointments.*

§ 3. *The members of the Commission shall select a chairman and a vice-chairman. The chairman shall be a member of the General Assembly. A majority of the voting members shall constitute a quorum. The Commission shall meet at the call of the chairman or whenever a majority of the voting members request.*

§ 4. *Members of the Commission shall be compensated for their service and reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in the general appropriation act.*

§ 5. *The Commission shall determine whether the statue of Robert E. Lee should remain or be replaced in the National Statuary Hall Collection representing the Commonwealth of Virginia. If the Commission determines that the Robert E. Lee statue should be replaced, the Commission shall have the following duties:*

1. *To provide for the replacement of the Robert E. Lee statue in the National Statuary Hall Collection at the United States Capitol.*

2. *To recommend to the General Assembly as a replacement a statue of a prominent Virginia citizen of historic renown or renowned for distinguished civil or military service that is compatible with the historical character and design of the United States Capitol. Prior to any final recommendation to the General Assembly, the Commission shall hold at least one public hearing to receive input and comments relating to its developed plans for the new statue.*

3. *To select a sculptor in accordance with any guidelines prescribed pursuant to 2 U.S.C. § 2131 with preference given to a sculptor from Virginia to design a statue of the prominent Virginia citizen selected pursuant to subdivision 2.*

4. *To estimate the costs associated with the replacement of the Robert E. Lee statue, including the costs to design, construct, transport, and place the new statue, for the removal and transfer of the Robert E. Lee statue, and for any unveiling ceremony for the new statue.*

5. *To recommend to the General Assembly a suitable state, local, or private nonprofit history museum in the Commonwealth for placement of the Robert E. Lee statue.*

§ 6. *In carrying out its duties, the Commission may hold meetings at any place within the Commonwealth; enter into contracts, memorandums of understanding, and collaborative arrangements; participate in fundraising to procure a new statue; seek private funding for the operation and support of the Commission; and undertake all other lawful acts that are consistent with effectuating the purposes of this act.*

§ 7. *The costs of implementation of the Commission and its work shall be borne by the Commission from such private funds raised, bequeathed, or granted to the Commission and general funds as are appropriated by the General Assembly to cover the costs of its operation and work.*

§ 8. *The Department of Historic Resources shall provide staff support to the Commission, including research, policy analysis, and other services as requested by the Commission. All agencies of the Commonwealth shall provide assistance to the Commission, upon request.*

§ 9. *Until completion of the Commission's work, the Commission shall report by December 1, 2020, and by December 1 annually thereafter the status of its work, including any findings and recommendations, to the Governor and the General Assembly. If known at the time, the report shall include (i) the prominent Virginia citizen selected for commemoration in the National Statuary Hall Collection at the United States Capitol; (ii) an estimate of the total costs associated with replacement of the Robert E. Lee statue, including the costs to design, construct, transport, and place the new statue, for the removal and transfer of the Robert E. Lee statue, and for any unveiling ceremony for the new statue; and (iii) the name of the sculptor and the process used to select the sculptor. The report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.*

§ 10. *In accordance with 2 U.S.C. § 2132, upon the selection of a prominent Virginia citizen and a sculptor under § 5, the General Assembly shall request by memorializing resolution that the Joint Committee of Congress on the Library approve the request to replace the statue of Robert E. Lee and that the Architect of the Capitol carry out the request. Upon adoption of the memorializing resolution by the General Assembly and approval of the request in writing by the Governor, the memorializing resolution shall be submitted to the Joint Committee of Congress on the Library.*

CHAPTER 1099

An Act to establish the Commission for Historical Statues in the United States Capitol to provide for the replacement of the Robert E. Lee statue in the National Statuary Hall Collection at the United States Capitol, to recommend to the General Assembly as a replacement a statue of a prominent Virginia citizen of historic renown or renowned for distinguished civil or military service to be commemorated in the National Statuary Hall Collection, and to provide for the selection of a sculptor for the new statue; and to provide for submission of the Commonwealth's request to the Joint Committee of Congress on the Library for approval to replace the Robert E. Lee statue in the National Statuary Hall Collection at the United States Capitol.

[H 1406]

Approved April 10, 2020

Whereas, pursuant to 2 U.S.C. § 2131, each state is permitted to provide and furnish to the United States Capitol two statues, in marble or bronze, of deceased persons who have been prominent citizens of the state for placement in the National Statuary Hall Collection; and

Whereas, currently, Virginia has two statues, of George Washington and Robert E. Lee, in the National Statuary Hall Collection; and

Whereas, pursuant to 2 U.S.C. § 2132, a state may request that the Joint Committee of Congress on the Library approve the replacement of any statue the state has provided for display in the National Statuary Hall Collection at the United States Capitol; now, therefore,

Be it enacted by the General Assembly of Virginia:

1. § 1. *The Commission for Historical Statues in the United States Capitol (the Commission) is established to determine who in addition to George Washington should represent Virginia in the National Statuary Hall Collection at the United States Capitol and to recommend to the General Assembly, if the Commission so chooses pursuant to § 5 to replace the statue of Robert E. Lee, a statue of a prominent Virginia citizen of historic renown or renowned for distinguished civil or military service to be commemorated in the National Statuary Hall Collection. The Commission shall consist of eight members as follows: one member of the House of Delegates to be appointed by the Speaker of the House of Delegates; one member of the Senate to be appointed by the Senate Committee on Rules; two nonlegislative citizen members who are Virginia or American historians to be appointed by the Governor; three nonlegislative citizen members appointed upon the vote of the Commission members appointed by the Speaker of the House of Delegates, the Senate Committee on Rules, and the Governor; and the Director of the Department of Historic Resources, who shall serve ex officio with nonvoting privileges.*

§ 2. *Legislative members and the ex officio member shall serve terms coincident with their terms of office. Appointments to fill vacancies shall be filled in the same manner as the original appointments.*

§ 3. *The members of the Commission shall select a chairman and a vice-chairman. The chairman shall be a member of the General Assembly. A majority of the voting members shall constitute a quorum. The Commission shall meet at the call of the chairman or whenever a majority of the voting members request.*

§ 4. *Members of the Commission shall be compensated for their service and reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in the general appropriation act.*

§ 5. *The Commission shall determine whether the statue of Robert E. Lee should remain or be replaced in the National Statuary Hall Collection representing the Commonwealth of Virginia. If the Commission determines that the Robert E. Lee statue should be replaced, the Commission shall have the following duties:*

1. *To provide for the replacement of the Robert E. Lee statue in the National Statuary Hall Collection at the United States Capitol.*

2. *To recommend to the General Assembly as a replacement a statue of a prominent Virginia citizen of historic renown or renowned for distinguished civil or military service that is compatible with the historical character and design of the United States Capitol. Prior to any final recommendation to the General Assembly, the Commission shall hold at least one public hearing to receive input and comments relating to its developed plans for the new statue.*

3. *To select a sculptor in accordance with any guidelines prescribed pursuant to 2 U.S.C. § 2131 with preference given to a sculptor from Virginia to design a statue of the prominent Virginia citizen selected pursuant to subdivision 2.*

4. *To estimate the costs associated with the replacement of the Robert E. Lee statue, including the costs to design, construct, transport, and place the new statue, for the removal and transfer of the Robert E. Lee statue, and for any unveiling ceremony for the new statue.*

5. *To recommend to the General Assembly a suitable state, local, or private nonprofit history museum in the Commonwealth for placement of the Robert E. Lee statue.*

§ 6. *In carrying out its duties, the Commission may hold meetings at any place within the Commonwealth; enter into contracts, memorandums of understanding, and collaborative arrangements; participate in fundraising to procure a new statue; seek private funding for the operation and support of the Commission; and undertake all other lawful acts that are consistent with effectuating the purposes of this act.*

§ 7. *The costs of implementation of the Commission and its work shall be borne by the Commission from such private funds raised, bequeathed, or granted to the Commission and general funds as are appropriated by the General Assembly to cover the costs of its operation and work.*

§ 8. *The Department of Historic Resources shall provide staff support to the Commission, including research, policy analysis, and other services as requested by the Commission. All agencies of the Commonwealth shall provide assistance to the Commission, upon request.*

§ 9. *Until completion of the Commission's work, the Commission shall report by December 1, 2020, and by December 1 annually thereafter the status of its work, including any findings and recommendations, to the Governor and the General Assembly. If known at the time, the report shall include (i) the prominent Virginia citizen selected for commemoration in the National Statuary Hall Collection at the United States Capitol; (ii) an estimate of the total costs associated with replacement of the Robert E. Lee statue, including the costs to design, construct, transport, and place the new statue, for the removal and transfer of the Robert E. Lee statue, and for any unveiling ceremony for the new statue; and (iii) the name of the sculptor and the process used to select the sculptor. The report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.*

§ 10. In accordance with 2 U.S.C. § 2132, upon the selection of a prominent Virginia citizen and a sculptor under § 5, the General Assembly shall request by memorializing resolution that the Joint Committee of Congress on the Library approve the request to replace the statue of Robert E. Lee and that the Architect of the Capitol carry out the request. Upon adoption of the memorializing resolution by the General Assembly and approval of the request in writing by the Governor, the memorializing resolution shall be submitted to the Joint Committee of Congress on the Library.

CHAPTER 1100

An Act to amend and reenact §§ 15.2-1812, 15.2-1812.1, and 18.2-137 of the Code of Virginia and to repeal Chapter 119 of the Acts of Assembly of 1890, relating to war memorials for veterans.

[S 183]

Approved April 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 15.2-1812, 15.2-1812.1, and 18.2-137 of the Code of Virginia are amended and reenacted as follows:

§ 15.2-1812. Memorials for war veterans.

A. A locality may, within the geographical limits of the locality, authorize and permit the erection of monuments or memorials for the veterans of any war or conflict, or for any engagement of such war or conflict, to include the following monuments or memorials: Algonquin (1622), French and Indian (1754-1763), Revolutionary (1775-1783), War of 1812 (1812-1815), Mexican (1846-1848), Confederate or Union monuments or memorials of the Civil War Between the States (1861-1865), Spanish-American (1898), World War I (1917-1918), World War II (1941-1945), Korean (1950-1953), Vietnam (1965-1973), Operation Desert Shield-Desert Storm (1990-1991), Global War on Terrorism (2000-), Operation Enduring Freedom (2001-), and Operation Iraqi Freedom (2003-). If such are erected, it shall be unlawful for the authorities of the locality, or any other person or persons, to disturb or interfere with any monuments or memorials so erected, or to prevent its citizens from taking proper measures and exercising proper means for the protection, preservation and care of same. For purposes of this section, "disturb or interfere with" includes removal of, damaging or defacing monuments or memorials, or, in the case of the War Between the States, the placement of Union markings or monuments on previously designated Confederate memorials or the placement of Confederate markings or monuments on previously designated Union memorials. Notwithstanding any other provision of law, general or special, a locality may remove, relocate, contextualize, or cover any such monument or memorial on the locality's public property, not including a monument or memorial located in a publicly owned cemetery, regardless of when the monument or memorial was erected, after complying with the provisions of subsection B.

B. Prior to removing, relocating, contextualizing, or covering any such publicly owned monument or memorial, the local governing body shall publish notice of such intent in a newspaper having general circulation in the locality. The notice shall specify the time and place of a public hearing at which interested persons may present their views, not less than 30 days after publication of the notice. After the completion of the hearing, the governing body may vote whether to remove, relocate, contextualize, or cover the monument or memorial. If the governing body votes to remove, relocate, contextualize, or cover the monument or memorial, the local governing body shall first, for a period of 30 days, offer the monument or memorial for relocation and placement to any museum, historical society, government, or military battlefield. The local governing body shall have sole authority to determine the final disposition of the monument or memorial.

C. A locality may, prior to initiating the provisions of subsection B, petition the judge of a circuit court having jurisdiction over the locality for an advisory referendum to be held on the question of the proposal to remove, relocate, contextualize, or cover any monument or memorial located on the locality's public property. Upon the receipt of such petition, the circuit court shall order an election to be held thereon at a time that is in conformity with § 24.2-682. The ballots shall be prepared, distributed, and voted, and the results of the election shall be ascertained and certified, in the manner prescribed by § 24.2-684.

D. The governing body may appropriate a sufficient sum of money out of its funds to complete or aid in the erection, removal, relocation, contextualizing, or covering of monuments or memorials to the veterans of such wars or conflicts, or any engagement of such wars or conflicts. The governing body may also make a special levy to raise the money necessary for the erection or completion of any such monuments or memorials, or to supplement the funds already raised or that may be raised by private persons, Veterans of Foreign Wars, the American Legion, or other organizations. It may also appropriate, out of any funds of such locality, a sufficient sum of money to permanently care for, protect, and preserve such monuments or memorials and may expend the same thereafter as other funds are expended.

§ 15.2-1812.1. Action for damage to memorials for war veterans.

A. If any monument, marker or memorial for war veterans as designated in §§ 15.2-1812 and 18.2-137 is violated or encroached upon damaged or defaced, an action for the recovery of damages may be commenced by the following as follows:

1. For a publicly owned monument, marker or memorial, such action may be commenced against a person other than a locality or its duly authorized officers, employees, or agents by the attorney for the locality in which it is located; or, if no such action has commenced within sixty days following any such violation or encroachment, by any person having an interest in the matter with the consent of the governing body or public officer having control of the monument or memorial; and

2. For a privately owned monument, ~~marker~~ or memorial *on a locality's public property, such action may be commenced by the private organization, society or museum that owns it or any member of such organization, society or museum owner of such monument or memorial. No locality or its officers, employees, or agents shall be liable for damages pursuant to this section when taking action pursuant to § 15.2-1812 except for gross negligence by a duly authorized officer, employee, or agent of the locality.*

Damages may be awarded in such amounts as necessary for the purposes of rebuilding, repairing, preserving, and restoring such memorials or monuments ~~to pre-encroachment condition~~. Damages other than those litigation costs recovered from any such action shall be used exclusively for said purposes.

B. Punitive damages may be recovered for reckless, willful, or wanton conduct resulting in the defacement of, malicious destruction of, unlawful removal of, or placement of improper markings, monuments, or statues on memorials for war veterans.

C. The party who initiates and prevails in an action authorized by this section shall be entitled to an award of the cost of the litigation, including reasonable ~~attorney's~~ attorney fees. The provisions of this section shall not be construed to limit the rights of any person, organization, society, or museum to pursue any additional civil remedy otherwise allowed by law.

§ 18.2-137. Injuring, etc., any property, monument, etc.

A. If any person unlawfully destroys, defaces, damages, or removes without the intent to steal any property, real or personal, not his own, or breaks down, destroys, defaces, damages, or removes without the intent to steal, any monument or memorial for war veterans, *not his own*, described in § 15.2-1812; any monument erected ~~for the purpose of marking to mark the site of any engagement fought during the Civil War between the States, or for the purpose of designating any memorial to designate the boundaries of any city, town, tract of land, or any tree marked for that purpose~~, he shall be guilty of a Class 3 misdemeanor; provided that the court may, in its discretion, dismiss the charge if the locality or organization *that owns or is* responsible for maintaining the injured property, monument, or memorial files a written affidavit with the court stating it has received full payment for the injury.

B. If any person *who is not the owner of such property* intentionally causes such injury, he ~~shall be~~ *is* guilty of (i) a Class 1 misdemeanor if the value of or damage to the property, memorial, or monument is less than \$1,000 or (ii) a Class 6 felony if the value of or damage to the property, memorial, or monument is \$1,000 or more. The amount of loss caused by the destruction, defacing, damage, or removal of such property, memorial, or monument may be established by proof of the fair market cost of repair or fair market replacement value. Upon conviction, the court may order that the defendant pay restitution.

2. That Chapter 119 of the Acts of Assembly of 1890 is repealed.

3. That nothing in this act shall apply to a monument or memorial located on the property of a public institution of higher education within the City of Lexington.

4. That the Board of Historic Resources shall promulgate regulations governing the manner in which any monument or memorial may be contextualized pursuant to the provisions of this act.

CHAPTER 1101

An Act to amend and reenact §§ 15.2-1812, 15.2-1812.1, and 18.2-137 of the Code of Virginia and to repeal Chapter 119 of the Acts of Assembly of 1890, relating to war memorials for veterans.

[H 1537]

Approved April 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 15.2-1812, 15.2-1812.1, and 18.2-137 of the Code of Virginia are amended and reenacted as follows:

§ 15.2-1812. Memorials for war veterans.

A. A locality may, within the geographical limits of the locality, authorize and permit the erection of monuments or memorials *for the veterans of any war or conflict, or for any engagement of such war or conflict, to include the following monuments or memorials: Algonquin (1622), French and Indian (1754-1763), Revolutionary (1775-1783), War of 1812 (1812-1815), Mexican (1846-1848), Confederate or Union monuments or memorials of the Civil War Between the States (1861-1865), Spanish-American (1898), World War I (1917-1918), World War II (1941-1945), Korean (1950-1953), Vietnam (1965-1973), Operation Desert Shield-Desert Storm (1990-1991), Global War on Terrorism (2000-), Operation Enduring Freedom (2001-), and Operation Iraqi Freedom (2003-). If such are erected, it shall be unlawful for the authorities of the locality, or any other person or persons, to disturb or interfere with any monuments or memorials so erected, or to prevent its citizens from taking proper measures and exercising proper means for the protection, preservation and care of same. For purposes of this section, "disturb or interfere with" includes removal of, damaging or defacing monuments or memorials, or, in the case of the War Between the States, the placement of Union markings or monuments on previously designated Confederate memorials or the placement of Confederate markings or monuments on previously designated Union memorials* *Notwithstanding any other provision of law, general or special, a locality may remove, relocate, contextualize, or cover any such monument or memorial on the locality's public property, not including a monument or memorial located in a publicly owned cemetery, regardless of when the monument or memorial was erected, after complying with the provisions of subsection B.*

B. Prior to removing, relocating, contextualizing, or covering any such publicly owned monument or memorial, the local governing body shall publish notice of such intent in a newspaper having general circulation in the locality. The notice shall specify the time and place of a public hearing at which interested persons may present their views, not less than 30 days after publication of the notice. After the completion of the hearing, the governing body may vote whether to remove, relocate, contextualize, or cover the monument or memorial. If the governing body votes to remove, relocate, contextualize, or cover the monument or memorial, the local governing body shall first, for a period of 30 days, offer the monument or memorial for relocation and placement to any museum, historical society, government, or military battlefield. The local governing body shall have sole authority to determine the final disposition of the monument or memorial.

C. A locality may, prior to initiating the provisions of subsection B, petition the judge of a circuit court having jurisdiction over the locality for an advisory referendum to be held on the question of the proposal to remove, relocate, contextualize, or cover any monument or memorial located on the locality's public property. Upon the receipt of such petition, the circuit court shall order an election to be held thereon at a time that is in conformity with § 24.2-682. The ballots shall be prepared, distributed, and voted, and the results of the election shall be ascertained and certified, in the manner prescribed by § 24.2-684.

D. The governing body may appropriate a sufficient sum of money out of its funds to complete or aid in the erection, removal, relocation, contextualizing, or covering of monuments or memorials to the veterans of such wars or conflicts, or any engagement of such wars or conflicts. The governing body may also make a special levy to raise the money necessary for the erection or completion of any such monuments or memorials, or to supplement the funds already raised or that may be raised by private persons, Veterans of Foreign Wars, the American Legion, or other organizations. It may also appropriate, out of any funds of such locality, a sufficient sum of money to permanently care for, protect, and preserve such monuments or memorials and may expend the same thereafter as other funds are expended.

§ 15.2-1812.1. Action for damage to memorials for war veterans.

A. If any monument, ~~marker~~ or memorial for war veterans as designated in §§ § 15.2-1812 and ~~18.2-137~~ is violated or ~~encroached upon~~ damaged or defaced, an action for the recovery of damages may be commenced by the following as follows:

1. For a publicly owned monument, ~~marker~~ or memorial, such action may be commenced against a person other than a locality or its duly authorized officers, employees, or agents by the attorney for the locality in which it is located; ~~or, if no such action has commenced within sixty days following any such violation or encroachment, by any person having an interest in the matter with the consent of the governing body or public officer having control of the monument or memorial;~~ and

2. For a privately owned monument, ~~marker~~ or memorial on a locality's public property, such action may be commenced by the private organization, society or museum that owns it or any member of such organization, society or museum owner of such monument or memorial. No locality or its officers, employees, or agents shall be liable for damages pursuant to this section when taking action pursuant to § 15.2-1812 except for gross negligence by a duly authorized officer, employee, or agent of the locality.

Damages may be awarded in such amounts as necessary for the purposes of rebuilding, repairing, preserving, and restoring such memorials or monuments to ~~preencroachment condition~~. Damages other than those litigation costs recovered from any such action shall be used exclusively for said purposes.

B. Punitive damages may be recovered for reckless, willful, or wanton conduct resulting in the defacement of, malicious destruction of, unlawful removal of, or placement of improper markings, monuments, or statues on memorials for war veterans.

C. The party who initiates and prevails in an action authorized by this section shall be entitled to an award of the cost of the litigation, including reasonable ~~attorney's~~ attorney fees. The provisions of this section shall not be construed to limit the rights of any person, organization, society, or museum to pursue any additional civil remedy otherwise allowed by law.

§ 18.2-137. Injuring, etc., any property, monument, etc.

A. If any person unlawfully destroys, defaces, damages, or removes without the intent to steal any property, real or personal, not his own, or breaks down, destroys, defaces, damages, or removes without the intent to steal, any monument or memorial for war veterans, *not his own*, described in § 15.2-1812; any monument erected for the purpose of marking to mark the site of any engagement fought during the Civil War between the States, or for the purpose of designating any memorial to designate the boundaries of any city, town, tract of land, or any tree marked for that purpose, he shall be guilty of a Class 3 misdemeanor, provided that the court may, in its discretion, dismiss the charge if the locality or organization that owns or is responsible for maintaining the injured property, monument, or memorial files a written affidavit with the court stating it has received full payment for the injury.

B. If any person who is not the owner of such property intentionally causes such injury, he ~~shall be~~ is guilty of (i) a Class 1 misdemeanor if the value of or damage to the property, memorial, or monument is less than \$1,000 or (ii) a Class 6 felony if the value of or damage to the property, memorial, or monument is \$1,000 or more. The amount of loss caused by the destruction, defacing, damage, or removal of such property, memorial, or monument may be established by proof of the fair market cost of repair or fair market replacement value. Upon conviction, the court may order that the defendant pay restitution.

2. That Chapter 119 of the Acts of Assembly of 1890 is repealed.

3. That nothing in this act shall apply to a monument or memorial located on the property of a public institution of higher education within the City of Lexington.

4. That the Board of Historic Resources shall promulgate regulations governing the manner in which any monument or memorial may be contextualized pursuant to the provisions of this act.

CHAPTER 1102

An Act to amend the Code of Virginia by adding a section numbered 62.1-44.19:21.2, relating to nutrient and sediment credit generation and transfer.

[S 747]

Approved April 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 62.1-44.19:21.2 as follows:

§ 62.1-44.19:21.2. Nutrient and sediment credit generation and transfer; public body.

A. Except as provided in subsection B, the only nonpoint nutrient credits that shall be transferred pursuant to either (i) § 62.1-44.15:35 or (ii) subsections B, C, and D of § 62.1-44.19:21 are nutrient credits generated by the private sector, including credits generated by the private sector pursuant to an agreement with a public body.

B. Other than for purposes of subsection A of § 62.1-44.19:21, nutrient credits or sediment credits generated by a project undertaken by a public body, including a locality, and certified by the Department shall be used only by such public body and only for the purpose of compliance with the provisions of this chapter by such public body's project. For the purposes of this subsection, the term "public body's project" means a project for which the public body is the named permittee and for which no third party conducts any lease, sale, grant, transfer, or use of the project or its nutrient or sediment credits.

C. Any publicly owned treatment works that is permitted under the Watershed General Virginia Pollutant Discharge Elimination System (VPDES) Permit pursuant to § 62.1-44.19:14 and is constructing or expanding the treatment works, wastewater collection system, or other facility used for public wastewater utility operations may, as an alternative to acquiring and using certain perpetual nutrient credits pursuant to subsection B of § 62.1-44.19:21, permanently retire a portion of its wasteload allocation if (i) notice is given by such applicant to the Department, (ii) a ratio of 10 pounds of nitrogen allocation for each pound of phosphorous allocation retired is also permanently retired and applied toward the land-disturbing project, and (iii) the general permit registration list is modified to reflect the permanent retirement of the wasteload allocation. Except for a water reclamation and reuse project at a treatment works, no more than 10 pounds per year of phosphorous allocation may be applied toward a single project's postconstruction phosphorous control requirement.

D. Nothing in this section shall be construed to prevent any (i) public body, including a locality, from entering into an agreement with a private third party for the development of a project to generate nonpoint nutrient credits on terms and conditions upon which the public body and private third party agree or (ii) locality from operating a locality pollutant loading pro rata share program for nutrient reductions established pursuant to § 15.2-2243.

CHAPTER 1103

An Act to amend the Code of Virginia by adding a section numbered 62.1-44.19:21.2, relating to nutrient and sediment credit generation and transfer.

[H 1609]

Approved April 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 62.1-44.19:21.2 as follows:

§ 62.1-44.19:21.2. Nutrient and sediment credit generation and transfer; public body.

A. Except as provided in subsection B, the only nonpoint nutrient credits that shall be transferred pursuant to either (i) § 62.1-44.15:35 or (ii) subsections B, C, and D of § 62.1-44.19:21 are nutrient credits generated by the private sector, including credits generated by the private sector pursuant to an agreement with a public body.

B. Other than for purposes of subsection A of § 62.1-44.19:21, nutrient credits or sediment credits generated by a project undertaken by a public body, including a locality, and certified by the Department shall be used only by such public body and only for the purpose of compliance with the provisions of this chapter by such public body's project. For the purposes of this subsection, the term "public body's project" means a project for which the public body is the named permittee and for which no third party conducts any lease, sale, grant, transfer, or use of the project or its nutrient or sediment credits.

C. Any publicly owned treatment works that is permitted under the Watershed General Virginia Pollutant Discharge Elimination System (VPDES) Permit pursuant to § 62.1-44.19:14 and is constructing or expanding the treatment works, wastewater collection system, or other facility used for public wastewater utility operations may, as an alternative to acquiring and using certain perpetual nutrient credits pursuant to subsection B of § 62.1-44.19:21, permanently retire a portion of its wasteload allocation if (i) notice is given by such applicant to the Department, (ii) a ratio of 10 pounds of nitrogen allocation for each pound of phosphorous allocation retired is also permanently retired and applied toward the

land-disturbing project, and (iii) the general permit registration list is modified to reflect the permanent retirement of the wasteload allocation. Except for a water reclamation and reuse project at a treatment works, no more than 10 pounds per year of phosphorous allocation may be applied toward a single project's postconstruction phosphorus control requirement.

D. Nothing in this section shall be construed to prevent any (i) public body, including a locality, from entering into an agreement with a private third party for the development of a project to generate nonpoint nutrient credits on terms and conditions upon which the public body and private third party agree or (ii) locality from operating a locality pollutant loading pro rata share program for nutrient reductions established pursuant to § 15.2-2243.

CHAPTER 1104

An Act to amend and reenact §§ 10.1-1414 and 10.1-1422.01 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 10.1-1424.3, relating to expanded polystyrene food service containers; prohibition; civil penalty.

[H 533]

Approved April 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 10.1-1414 and 10.1-1422.01 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 10.1-1424.3 as follows:

§ 10.1-1414. Definitions.

As used in this article, unless the context requires a different meaning:

"Advisory Board" means the Litter Control and Recycling Fund Advisory Board.

"Beneficial use" means a use that is of benefit as a substitute for natural or commercial products and does not contribute to adverse effects on health or the environment. Beneficial use products are produced by facilities that include beneficiation facilities and recycling centers.

"Beneficiation facility" means a facility that uses methods including sorting by color, removal of contaminants, crushing, grinding, screening, grading, and monitoring of size and quality to produce clean, crushed glass cullet that satisfies the specifications of the end user of the cullet, including a manufacturer of glass containers or fiberglass.

"Disposable package" or "container" means all packages or containers intended or used to contain solids, liquids or materials and so designated.

"Expanded polystyrene food service container" means a rigid single-use container made primarily of expanded polystyrene and used in the restaurant and food service industry for serving or transporting prepared, ready-to-consume food or beverages. "Expanded polystyrene food service container" includes plates, cups, bowls, trays, and hinged containers but does not include packaging for unprepared foods or packaging, including a cooler, used in the shipment of food.

"Food vendor" means an establishment that provides prepared food for public consumption on or off its premises and includes a store, shop, sales outlet, restaurant, grocery store, supermarket, delicatessen, or catering truck or vehicle; any other person who provides prepared food; and any individual, organization, or group that regularly provides food as a part of its services. "Food vendor" does not include a nonprofit organization.

"Fund" means the Litter Control and Recycling Fund.

"Litter" means all waste material disposable packages or containers but not including the wastes of the primary processes of mining, logging, sawmilling, farming, or manufacturing.

"Litter bag" means a bag, sack, or durable material which is large enough to serve as a receptacle for litter inside a vehicle or watercraft which is similar in size and capacity to a state approved litter bag.

"Litter receptacle" means containers acceptable to the Department for the depositing of litter.

"Person" means any natural person, corporation, association, firm, receiver, guardian, trustee, executor, administrator, fiduciary, or representative or group of individuals or entities of any kind.

"Prepared food" means a food or beverage prepared for consumption on or off a food vendor's premises, using any cooking or food preparation technique. "Prepared food" does not include raw or uncooked meat, fish, or eggs provided without further food preparation.

"Public place" means any area that is used or held out for use by the public, whether owned or operated by public or private interests.

"Recycling" means the process of separating a given waste material from the waste stream and processing it so that it may be used again as a raw material for a product which may or may not be similar to the original product.

"Recycling center" means a facility that (i) accepts recyclable materials that have already been separated at the source from municipal solid waste generated by either residential or commercial producers; (ii) processes source segregated recyclable materials, including mixed-paper fiber materials, metal and plastic postconsumer containers, and glass containers; and (iii) processes and sells recyclable materials according to end-user specifications. "Recycling center" does not include a facility for construction and demolition debris processing, sorting of municipal solid waste, incineration, sorting or processing of industrial waste, composting, or used tire processing.

"Sold within the Commonwealth" or "sales of the business within the Commonwealth" means all sales of retailers engaged in business within the Commonwealth and in the case of manufacturers and wholesalers, sales of products for use and consumption within the Commonwealth.

"Vehicle" includes every device capable of being moved upon a public highway and in, upon, or by which any person or property may be transported upon a public highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

"Watercraft" means any boat, ship, vessel, barge, or other floating craft.

§ 10.1-1422.01. Litter Control and Recycling Fund established; use of moneys; purpose of Fund.

A. All moneys collected *from the civil penalties imposed pursuant to § 10.1-1424.3*, from the taxes imposed under §§ 58.1-1700 through 58.1-1710, and by the taxes increased by Chapter 616 of the 1977 Acts of Assembly, shall be paid into the treasury and credited to a special nonreverting fund known as the Litter Control and Recycling Fund, which is hereby established. The Fund shall be established on the books of the Comptroller. Any moneys remaining in the Fund shall not revert to the general fund but shall remain in the Fund. Interest earned on such moneys shall remain in the Fund and be credited to it. The Director is authorized to release money from the Fund on warrants issued by the Comptroller after receiving and considering the recommendations of the Advisory Board for the purposes enumerated in subsection B ~~of this section~~.

B. Moneys from the Fund shall be expended, according to the allocation formula established in subsection C ~~of this section~~, for the following purposes:

1. Local litter prevention and recycling grants to localities that meet the criteria established in § 10.1-1422.04; ~~and~~

2. Payment to (i) the Department to process the grants authorized by this article and (ii) the actual administrative costs of the Advisory Board. The Director shall assign one person in the Department to serve as a contact for persons interested in the Fund; *and*

3. *The operation of public information campaigns to discourage the sale and use of expanded polystyrene products and to promote alternatives to expanded polystyrene.*

C. All moneys deposited into the Fund shall be expended pursuant to the following allocation formula:

1. ~~Ninety-five~~ *Ninety* percent for grants made to localities pursuant to subdivision B 1 ~~of this section~~; ~~and~~;

2. Up to a maximum of ~~5%~~ *five percent* for the actual administrative expenditures authorized pursuant to subdivision B 2 ~~of this section~~; *and*

3. *Up to a maximum of five percent for the operation of public information campaigns pursuant to subdivision B 3.*

§ 10.1-1424.3. Expanded polystyrene food service containers prohibited; civil penalty.

A. *Beginning July 1, 2023, no food vendor that is a restaurant or similar retail food establishment and is part of a chain with 20 or more locations offering for sale substantially the same menu items and doing business under the same name, regardless of the form of ownership of such locations, shall dispense prepared food to a customer in an expanded polystyrene food service container.*

Beginning July 1, 2025, no food vendor of any type shall dispense prepared food to a customer in an expanded polystyrene food service container.

B. *Any food vendor may request from the locality in which it is located an exemption from the provisions of subsection A. The locality may grant the exemption if the food vendor demonstrates to the satisfaction of the locality that compliance with subsection A would impose an undue economic hardship on the food vendor. For the purposes of this subsection, "undue economic hardship" means a situation in which (i) a food vendor has no reasonable alternative to the expanded polystyrene food service containers in use by that food vendor and (ii) compliance with subsection A would cause significant economic hardship to that food vendor. A locality may so exempt a food vendor for a period of not more than one year from the date of the exemption. A food vendor granted such an exemption may reapply to the locality before the expiration of the exemption, and the locality may grant an additional exemption from the provisions of subsection A not to exceed one year for each such reapplication if the food vendor demonstrates a continuing undue economic hardship at the time of reapplication to the satisfaction of the locality.*

C. *Any person who violates any provision of this section, upon such finding by an appropriate circuit court, shall be assessed a civil penalty of not more than \$50 for each day of such violation. Any civil penalties assessed pursuant to this section in a civil action brought by the Attorney General in the name of the Commonwealth shall be paid into the state treasury and deposited by the State Treasurer into the Litter Control and Recycling Fund. Any civil penalty assessed pursuant to this section in a civil action brought by a locality shall be paid into the treasury of the locality, except where the violator of this section is the locality or its agent, in which case the civil penalty shall be paid into the state treasury and deposited by the State Treasurer into the Fund.*

D. *The Department shall post to its website information on how to comply with this section and how to file a complaint for a violation of this section.*

2. That the provisions of this act shall not become effective unless reenacted by the 2021 Session of the General Assembly.

CHAPTER 1105

An Act to amend and reenact §§ 62.1-44.36, 62.1-44.38, and 62.1-44.38:1 of the Code of Virginia, relating to water supply plans; state and local.

[H 542]

Approved April 10, 2020

Be it enacted by the General Assembly of Virginia:**1. That §§ 62.1-44.36, 62.1-44.38, and 62.1-44.38:1 of the Code of Virginia are amended and reenacted as follows:****§ 62.1-44.36. Responsibility of State Water Control Board; formulation of policy.**

Being cognizant of the crucial importance of the Commonwealth's water resources to the health and welfare of the people of Virginia; and of the need of a water supply to assure further industrial growth and economic prosperity for the Commonwealth, and recognizing the necessity for continuous cooperative planning and effective state-level guidance in the use of water resources, the State Water Control Board is assigned the responsibility for planning the development, conservation and utilization of Virginia's water resources.

The Board shall continue the study of existing water resources of ~~this~~ *the* Commonwealth, means and methods of conserving and augmenting such water resources, and existing and contemplated uses and needs of water for all purposes. Based upon these studies and ~~such~~ policies ~~as~~ *that* have been initiated by the Division of Water Resources, and after an opportunity has been given to all concerned state agencies and political subdivisions to be heard, the Board shall formulate a coordinated policy for the use and control of all the water resources of the Commonwealth and issue a statement thereof. In formulating the Commonwealth's water resources policy, the Board shall, among other things, take into consideration ~~but not be limited to~~ the following principles and policies:

(+) 1. Existing water rights are to be protected and preserved subject to the principle that all of the state waters belong to the public for use by the people for beneficial purposes without waste.

(-) 2. Adequate and safe supplies ~~should~~ *shall* be preserved and protected for human consumption, while conserving maximum supplies for other beneficial uses. When proposed uses of water are in mutually exclusive conflict or when available supplies of water are insufficient for all who desire to use them, preference shall be given to human consumption purposes over all other uses.

(+) 3. It is in the public interest that integration and coordination of uses of water, *especially by localities with shared water supplies*, and augmentation of existing supplies for all beneficial purposes be achieved for the maximum economic development thereof for the benefit of the Commonwealth as a whole.

(+) 4. In considering the benefits to be derived from drainage, consideration shall also be given to possible harmful effects upon ground water supplies and protection of wildlife.

(-) 5. The maintenance of stream flows sufficient to support aquatic life and to minimize pollution shall be fostered and encouraged.

(-) 6. Watershed development policies shall be favored, whenever possible, for the preservation of balanced multiple uses, and project construction and planning with those ends in view shall be encouraged.

(+) 7. Due regard shall be given in the planning and development of water recreation facilities to safeguard against pollution.

The statement of water resource policy shall be revised from time to time whenever the Board ~~shall determine~~ *determines* it to be in the public interest.

The initial statement of state water resource policy and any subsequent revisions thereof shall be furnished by the Board to all state agencies and to all political subdivisions of the Commonwealth.

§ 62.1-44.38. Plans and programs; registration of certain data by water users; advisory committees; committee membership for federal, state, and local agencies; water supply planning assistance.

A. The Board shall prepare plans and programs for the management of the water resources of ~~this~~ *the* Commonwealth in such a manner as to encourage, promote, and secure the maximum beneficial use and control thereof. These plans and programs shall be prepared for each major river basin of ~~this~~ *the* Commonwealth, and appropriate subbasins therein, including specifically the Potomac-Shenandoah River Basin, the Rappahannock River Basin, the York River Basin, the James River Basin, the Chowan River Basin, the Roanoke River Basin, the New River Basin, *and* the Tennessee-Big Sandy River Basin, and for those areas in the Tidewater and elsewhere in the Commonwealth not within these major river basins. Reports for each basin shall be published by the Board.

B. 1. In preparing river basin plan and program reports enumerated in subsection A ~~of this section~~, the Board shall (i) estimate current water withdrawals and use for agriculture, industry, domestic use, and other significant categories of water users; (ii) project water withdrawals and use by agriculture, industry, domestic ~~water~~ use, and other significant categories of water users; (iii) estimate, for each major river and stream, the minimum instream flows necessary during drought conditions to maintain water quality and avoid permanent damage to aquatic life in streams, bays, and estuaries; (iv) evaluate, to the extent practicable, the ability of existing subsurface and surface waters to meet current and future water uses, including minimum instream flows, during drought conditions; (v) evaluate, in cooperation with the Virginia Department of Health and local water supply managers, the current and future capability of public water systems to provide adequate quantity and quality of water; (vi) ~~identify water management problems and alternative water management plans~~

to address such problems estimate, using a data-driven method that includes multiple reasonable assumptions about supply and demand over varying time frames, the risk that each locality and region will experience water supply shortfalls; and (vii) evaluate hydrologic, environmental, economic, social, legal, jurisdictional, and other aspects of each alternative management strategy identified.

2. The Board shall direct the Department of Environmental Quality (the Department) in its facilitation of regional water planning efforts. The Department shall (i) ensure that localities coordinate sufficiently in the development of regional water plans; (ii) provide planning, policy, and technical assistance to each regional planning area, differentiated according to each area's water supply challenges, existing resources, and other factors; and (iii) ensure that each regional plan clearly identifies the region's water supply risks and proposes strategies to address those risks.

C. The Board may, by regulation, require each water user withdrawing surface or subsurface water or both during each year to register, by a date to be established by the Board, water withdrawal and use data for the previous year including the estimated average daily withdrawal, maximum daily withdrawal, sources of water withdrawn, and volume of wastewater discharge, provided that the withdrawal exceeds one million gallons in any single month for use for crop irrigation, or that the daily average during any single month exceeds 10,000 gallons per day for ~~all~~ any other users user. Location data shall be provided by each user in a coordinate system specified by the Board.

D. The Board shall establish advisory committees to assist it in the formulation of such plans or programs and in formulating recommendations called for in subsection E ~~of this section~~. In this connection, the Board may include committee membership for branches or agencies of the federal government, branches or agencies of the Commonwealth, branches or agencies of the government of any state in a river basin located within that state and Virginia, the political subdivisions of the Commonwealth, and all persons and corporations interested in or directly affected by any proposed or existing plan or program.

E. The Board shall prepare plans or programs and shall include in reports prepared under subsection A ~~of this section~~ recommended actions to be considered by the General Assembly, the agencies of the Commonwealth and local political subdivisions, the agencies of the federal government, or any other persons that the Board may deem necessary or desirable for the accomplishment of plans or programs prepared under subsection B ~~of this section~~.

F. In addition to the preparation of plans called for in subsection A ~~of this section~~, the Board, upon written request of a political subdivision of the Commonwealth, shall provide water supply planning assistance to such political subdivision, ~~to include~~ including assistance in preparing drought management strategies, water conservation programs, evaluation of alternative water sources, state enabling legislation to facilitate a specific situation, applications for federal grants or permits, or other such planning activities to facilitate intergovernmental cooperation and coordination.

§ 62.1-44.38:1. Comprehensive water supply planning process; state, regional, and local water supply plans.

A. The Board, with ~~the~~ advice and guidance from the Commissioner of Health, local governments, public service authorities, and other interested parties, shall establish a comprehensive water supply planning process for the development of local, regional, and state water supply plans consistent with the provisions of this chapter. This process shall be designed to (i) ensure that adequate and safe drinking water is available to all citizens of the Commonwealth; (ii) encourage, promote, and protect all other beneficial uses of the Commonwealth's water resources; ~~and~~; (iii) encourage, promote, and develop incentives for alternative water sources, including ~~but not limited to~~ desalinization; and (iv) encourage the development of cross-jurisdictional water supply projects.

B. ~~Local or regional water supply plans shall be prepared and submitted to the Department of Environmental Quality in accordance with~~ The Board shall adopt regulations designating regional planning areas based primarily on river basins. The Board may, as appropriate, designate multiple regional planning areas within a single river basin in order to enhance the manageability of planning within such basin. The regulations shall identify the particular regional planning area in which each locality shall participate and shall state which local stakeholder groups, including local governments, industrial and agricultural water users, public water suppliers, developers and economic development organizations, and conservation and environmental organizations, shall or may participate in coordinated water resource planning.

C. 1. Each locality in a regional planning area shall participate in cross-jurisdictional, coordinated water resource planning. Such local coordination shall accommodate existing regional groups that have already developed water supply plans, including planning district commissions, and other regional planning entities as appropriate.

2. Each locality in a regional planning area shall develop and submit, with the other localities in that planning area, a single jointly produced regional water supply plan to the Department of Environmental Quality (the Department). Such regional water supply plan shall (i) clearly identify the region's water supply risks and (ii) propose regional strategies to address those water supply risks.

3. Each regional water supply plan also shall comply with applicable criteria and guidelines developed by the Board. Such criteria and guidelines shall take into account existing local and regional water supply planning efforts and requirements imposed under other state or federal laws. The criteria and guidelines established by the Board shall not prohibit a town from entering into a regional water supply plan with an adjacent county in the same regional planning area.

4. This section is intended to inform any regional water resource planning being done in the Commonwealth pursuant to interstate compacts.

D. The Board and the Department shall prioritize the allocation of planning funds and other funds to localities that sufficiently participate in regional planning.

E. In accordance with subdivision B 2 of § 62.1-44.38, the Department shall facilitate regional planning and provide assistance to each regional planning area as needed.

CHAPTER 1106

An Act to amend and reenact §§ 10.1-2300 and 10.1-2302 of the Code of Virginia, relating to field investigations permit; archaeologist qualifications; penalty.

[H 668]

Approved April 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 10.1-2300 and 10.1-2302 of the Code of Virginia are amended and reenacted as follows:

§ 10.1-2300. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Field investigation" means the study of the traces of human culture at any site by means of surveying, sampling, excavating, or removing surface or subsurface material, or going on a site with that intent.

"Field supervisor" means a person who is physically present at least 70 percent of the time during a field investigation, exploration, or recovery operation involving the removal, destruction, or disturbance of any object of antiquity and who directly oversees such field investigation, exploration, or recovery operation.

"Object of antiquity" means any relic, artifact, remain, including human skeletal remains, specimen, or other archaeological article that may be found on, in or below the surface of the earth which has historic, scientific, archaeological or educational value.

"Person" means any natural individual, partnership, association, corporation or other legal entity.

"Site" means a geographical area on dry land that contains any evidence of human activity which is or may be the source of important historic, scientific, archaeological or educational data or objects.

"State archaeological site" means an area designated by the Department in which it is reasonable to expect to find objects of antiquity.

"State archaeological zone" means an interrelated grouping of state archaeological sites.

"State archaeologist" means the individual designated pursuant to § 10.1-2301.

"State-controlled land" means any land owned by the Commonwealth or under the primary administrative jurisdiction of any state agency. State agency shall not mean any county, city or town, or any board or authority organized under state law to perform local or regional functions. Such land includes but is not limited to state parks, state wildlife areas, state recreation areas, highway rights-of-way and state-owned easements.

§ 10.1-2302. Permit required to conduct field investigations; ownership of objects of antiquity; penalty.

A. It ~~shall be~~ is unlawful for any person to conduct any type of field investigation, exploration, or recovery operation involving the removal, destruction, or disturbance of any object of antiquity on state-controlled land, or on a state archaeological site or zone, without first receiving a permit from the Director.

B. The Director may issue a permit to conduct field investigations if the Director ~~finds~~ determines that (i) it is in the best interest of the Commonwealth; and (ii) the applicant ~~has identified a field supervisor who is a historic, scientific, or educational institution, qualified professional archaeologist or amateur, and who is qualified and recognized in the area of field investigations or archaeology~~ meets or exceeds the following standards:

1. Holds a graduate degree in archaeology, anthropology, or a closely related field;
2. Has at least one year of full-time professional experience or equivalent specialized training in archaeological research, administration, or management;
3. Has at least four months of supervised field and analytic experience in general North American archaeology;
4. Has at least one year of full-time experience at a supervisory level in the study of archaeological resources of the prehistoric or historic period;
5. Has demonstrated an ability to carry research to completion;
6. Has demonstrated the knowledge, skills, and experience to complete the type of investigations proposed; and
7. Has an active membership in or affiliation with a recognized professional archaeological organization, such as the Register of Professional Archaeologists, the Council of Virginia Archaeologists, or a similar organization or institution with an established code of professional ethics and conduct and documented grievance procedures.

In determining whether the field supervisor meets such standards, the Director may consider the performance of the field supervisor on any prior permitted field investigation, exploration, or recovery operation.

C. The permit shall require that all objects of antiquity that are recovered from state-controlled land shall be the exclusive property of the Commonwealth. Title to some or all objects of antiquity ~~which~~ that are discovered or removed from a state archaeological site not located on state-controlled land may be retained by the owner of such land. All objects of antiquity that are discovered or recovered on or from state-controlled land shall be retained by the Commonwealth, unless they are released to the applicant by the Director.

D. All field investigations, explorations, or recovery operations undertaken pursuant to a permit issued under this section shall be carried out under the general supervision of the Director and in a manner to ensure that the maximum

amount of historic, scientific, archaeological, and educational information may be recovered and preserved in addition to the physical recovery of objects.

E. If the field investigation described in the application is likely to interfere with the activity of any state agency, no permit shall be issued unless the applicant has secured the written approval of such agency.

F. Any person who ~~violates the provisions of this section shall be~~ conducts any field investigation, exploration, or recovery operation without first obtaining a permit pursuant to subsection A is guilty of a Class 1 misdemeanor.

Any person who willfully misrepresents any information on an application for a permit pursuant to this section is guilty of a Class 1 misdemeanor.

Any person who willfully misrepresents the results, information, or data collected during a permitted field investigation, exploration, or recovery operation is guilty of a Class 1 misdemeanor.

CHAPTER 1107

An Act to amend and reenact § 56-577 of the Code of Virginia, relating to electric utility regulation; purchasing from competitive suppliers.

[H 868]

Approved April 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 56-577 of the Code of Virginia is amended and reenacted as follows:

§ 56-577. Schedule for transition to retail competition; Commission authority; exemptions; pilot programs.

A. Retail competition for the purchase and sale of electric energy shall be subject to the following provisions:

1. Each incumbent electric utility owning, operating, controlling, or having an entitlement to transmission capacity shall join or establish a regional transmission entity, which entity may be an independent system operator, to which such utility shall transfer the management and control of its transmission system, subject to the provisions of § 56-579.

2. The generation of electric energy shall be subject to regulation as specified in this chapter.

3. Subject to the provisions of subdivisions 4 and 5, only individual retail customers of electric energy within the Commonwealth, regardless of customer class, whose demand during the most recent calendar year exceeded five megawatts but did not exceed one percent of the customer's incumbent electric utility's peak load during the most recent calendar year unless such customer had noncoincident peak demand in excess of 90 megawatts in calendar year 2006 or any year thereafter, shall be permitted to purchase electric energy from any supplier of electric energy licensed to sell retail electric energy within the Commonwealth, except for any incumbent electric utility other than the incumbent electric utility serving the exclusive service territory in which such a customer is located, subject to the following conditions:

a. If such customer does not purchase electric energy from licensed suppliers, such customer shall purchase electric energy from its incumbent electric utility.

b. Except as provided in subdivision 4, the demands of individual retail customers may not be aggregated or combined for the purpose of meeting the demand limitations of this provision, any other provision of this chapter to the contrary notwithstanding. For the purposes of this section, each noncontiguous site will nevertheless constitute an individual retail customer even though one or more such sites may be under common ownership of a single person.

c. If such customer does purchase electric energy from licensed suppliers after the expiration or termination of capped rates, it shall not thereafter be entitled to purchase electric energy from the incumbent electric utility without giving five years' advance written notice of such intention to such utility, except where such customer demonstrates to the Commission, after notice and opportunity for hearing, through clear and convincing evidence that its supplier has failed to perform, or has anticipatorily breached its duty to perform, or otherwise is about to fail to perform, through no fault of the customer, and that such customer is unable to obtain service at reasonable rates from an alternative supplier. If, as a result of such proceeding, the Commission finds it in the public interest to grant an exemption from the five-year notice requirement, such customer may thereafter purchase electric energy at the costs of such utility, as determined by the Commission pursuant to subdivision 3 d hereof, for the remainder of the five-year notice period, after which point the customer may purchase electric energy from the utility under rates, terms and conditions determined pursuant to § 56-585.1. However, such customer shall be allowed to individually purchase electric energy from the utility under rates, terms, and conditions determined pursuant to § 56-585.1 if, upon application by such customer, the Commission finds that neither such customer's incumbent electric utility nor retail customers of such utility that do not choose to obtain electric energy from alternate suppliers will be adversely affected in a manner contrary to the public interest by granting such petition. In making such determination, the Commission shall take into consideration, without limitation, the impact and effect of any and all other previously approved petitions of like type with respect to such incumbent electric utility. Any customer that returns to purchase electric energy from its incumbent electric utility, before or after expiration of the five-year notice period, shall be subject to minimum stay periods equal to those prescribed by the Commission pursuant to subdivision C 1.

d. The costs of serving a customer that has received an exemption from the five-year notice requirement under subdivision 3 c hereof shall be the market-based costs of the utility, including (i) the actual expenses of procuring such electric energy from the market, (ii) additional administrative and transaction costs associated with procuring such energy, including, but not limited to, costs of transmission, transmission line losses, and ancillary services, and (iii) a reasonable

margin as determined pursuant to the provisions of subdivision A 2 of § 56-585.1. The methodology established by the Commission for determining such costs shall ensure that neither utilities nor other retail customers are adversely affected in a manner contrary to the public interest.

4. Two or more individual nonresidential retail customers of electric energy within the Commonwealth, whose individual demand during the most recent calendar year did not exceed five megawatts, may petition the Commission for permission to aggregate or combine their demands, for the purpose of meeting the demand limitations of subdivision 3, so as to become qualified to purchase electric energy from any supplier of electric energy licensed to sell retail electric energy within the Commonwealth under the conditions specified in subdivision 3. The Commission may, after notice and opportunity for hearing, approve such petition if it finds that:

a. Neither such customers' incumbent electric utility nor retail customers of such utility that do not choose to obtain electric energy from alternate suppliers will be adversely affected in a manner contrary to the public interest by granting such petition. In making such determination, the Commission shall take into consideration, without limitation, the impact and effect of any and all other previously approved petitions of like type with respect to such incumbent electric utility; and

b. Approval of such petition is consistent with the public interest.

If such petition is approved, all customers whose load has been aggregated or combined shall thereafter be subject in all respects to the provisions of subdivision 3 and shall be treated as a single, individual customer for the purposes of said subdivision. In addition, the Commission shall impose reasonable periodic monitoring and reporting obligations on such customers to demonstrate that they continue, as a group, to meet the demand limitations of subdivision 3. If the Commission finds, after notice and opportunity for hearing, that such group of customers no longer meets the above demand limitations, the Commission may revoke its previous approval of the petition, or take such other actions as may be consistent with the public interest.

5. Individual retail customers of electric energy within the Commonwealth, regardless of customer class, shall be permitted:

~~a. To purchase electric energy provided 100 percent from renewable energy from any supplier of electric energy licensed to sell retail electric energy within the Commonwealth; other than any incumbent electric utility that is not the incumbent electric utility serving the exclusive service territory in which such a customer is located; if the incumbent electric utility serving the exclusive service territory does not offer an approved tariff for electric energy provided 100 percent from renewable energy; and~~

~~b. To continue purchasing renewable energy pursuant to the terms of a power purchase agreement in effect on the date there is filed with the Commission a tariff for the incumbent electric utility that serves the exclusive service territory in which the customer is located to offer electric energy provided 100 percent from renewable energy; for the duration of such agreement.~~

6. To the extent that an incumbent electric utility has elected as of February 1, 2019, the Fixed Resource Requirement alternative as a Load Serving Entity in the PJM Region and continues to make such election and is therefore required to obtain capacity for all load and expected load growth in its service area, any customer of a utility subject to that requirement that purchases energy pursuant to subdivision 3 or 4 from a supplier licensed to sell retail electric energy within the Commonwealth shall continue to pay its incumbent electric utility for the non-fuel generation capacity and transmission related costs incurred by the incumbent electric utility in order to meet the customer's capacity obligations, pursuant to the incumbent electric utility's standard tariff that has been approved by and is on file with the Commission. In the case of such customer, the advance written notice period established in subdivisions 3 c and d shall be three years. This subdivision shall not apply to the customers of licensed suppliers that (i) had an agreement with a licensed supplier entered into before February 1, 2019, or (ii) had aggregation petitions pending before the Commission prior to January 1, 2019, unless and until any customer referenced in clause (i) or (ii) has returned to purchase electric energy from its incumbent electric utility, pursuant to the provisions of subdivision 3 or 4, and is receiving electric energy from such incumbent electric utility.

7. *Notwithstanding anything to the contrary in this section, cooperative customers that are eligible to purchase from licensed suppliers shall be subject to the following additional conditions:*

A tariff for one or more classes of residential customers filed with the Commission for approval by a cooperative on or after July 1, 2010, shall be deemed to offer a tariff for electric energy provided 100 percent from renewable energy if it provides undifferentiated electric energy and the cooperative retires a quantity of renewable energy certificates equal to 100 percent of the electric energy provided pursuant to such tariff. A tariff for one or more classes of nonresidential customers filed with the Commission for approval by a cooperative on or after July 1, 2012, shall be deemed to offer a tariff for electric energy provided 100 percent from renewable energy if it provides undifferentiated electric energy and the cooperative retires a quantity of renewable energy certificates equal to 100 percent of the electric energy provided pursuant to such tariff. For purposes of this section, "renewable energy certificate" means, with respect to cooperatives, a tradable commodity or instrument issued by a regional transmission entity or affiliate or successor thereof in the United States that validates the generation of electricity from renewable energy sources or that is certified under a generally recognized renewable energy certificate standard. One renewable energy certificate equals 1,000 kWh or one MWh of electricity generated from renewable energy. A cooperative offering electric energy provided 100 percent from renewable energy pursuant to this subdivision that involves the retirement of renewable energy certificates shall disclose to its retail customers who express an interest in purchasing energy pursuant to such tariff (i) that the renewable energy is comprised of the retirement of renewable energy certificates, (ii) the identity of the entity providing the renewable energy certificates, and

(iii) the sources of renewable energy being offered. *A cooperative customer eligible to take service under a tariff for electric energy provided 100 percent from renewable energy shall not purchase electric energy provided 100 percent from renewable energy from a licensed supplier pursuant to subdivision 5, except such customer may continue purchasing renewable energy pursuant to the terms of a power purchase agreement in effect on the date the cooperative serving it filed with the Commission such tariff for electric energy provided 100 percent from renewable energy, as set forth in this subdivision, for the duration of such agreement.*

B. The Commission shall promulgate such rules and regulations as may be necessary to implement the provisions of this section.

C. 1. By January 1, 2002, the Commission shall promulgate regulations establishing whether and, if so, for what minimum periods, customers who request service from an incumbent electric utility pursuant to subsection D of § 56-582 or a default service provider, after a period of receiving service from other suppliers of electric energy, shall be required to use such service from such incumbent electric utility or default service provider, as determined to be in the public interest by the Commission.

2. Subject to (i) the availability of capped rate service under § 56-582, and (ii) the transfer of the management and control of an incumbent electric utility's transmission assets to a regional transmission entity after approval of such transfer by the Commission under § 56-579, retail customers of such utility (a) purchasing such energy from licensed suppliers and (b) otherwise subject to minimum stay periods prescribed by the Commission pursuant to subdivision 1, shall nevertheless be exempt from any such minimum stay obligations by agreeing to purchase electric energy at the market-based costs of such utility or default providers after a period of obtaining electric energy from another supplier. Such costs shall include (i) the actual expenses of procuring such electric energy from the market, (ii) additional administrative and transaction costs associated with procuring such energy, including, but not limited to, costs of transmission, transmission line losses, and ancillary services, and (iii) a reasonable margin. The methodology of ascertaining such costs shall be determined and approved by the Commission after notice and opportunity for hearing and after review of any plan filed by such utility to procure electric energy to serve such customers. The methodology established by the Commission for determining such costs shall be consistent with the goals of (a) promoting the development of effective competition and economic development within the Commonwealth as provided in subsection A of § 56-596, and (b) ensuring that neither incumbent utilities nor retail customers that do not choose to obtain electric energy from alternate suppliers are adversely affected.

3. Notwithstanding the provisions of subsection D of § 56-582 and subsection C of § 56-585, however, any such customers exempted from any applicable minimum stay periods as provided in subdivision 2 shall not be entitled to purchase retail electric energy thereafter from their incumbent electric utilities, or from any distributor required to provide default service under subsection B of § 56-585, at the capped rates established under § 56-582, unless such customers agree to satisfy any minimum stay period then applicable while obtaining retail electric energy at capped rates.

4. The Commission shall promulgate such rules and regulations as may be necessary to implement the provisions of this subsection, which rules and regulations shall include provisions specifying the commencement date of such minimum stay exemption program.

2. That the provisions of this act shall not become effective unless reenacted by the 2021 Session of the General Assembly.

CHAPTER 1108

An Act to amend and reenact § 56-585.1 of the Code of Virginia, relating to electric utility regulation; authorized rate of return.

[S 731]

Approved April 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 56-585.1 of the Code of Virginia is amended and reenacted as follows:

§ 56-585.1. Generation, distribution, and transmission rates after capped rates terminate or expire.

A. During the first six months of 2009, the Commission shall, after notice and opportunity for hearing, initiate proceedings to review the rates, terms and conditions for the provision of generation, distribution and transmission services of each investor-owned incumbent electric utility. Such proceedings shall be governed by the provisions of Chapter 10 (§ 56-232 et seq.), except as modified herein. In such proceedings the Commission shall determine fair rates of return on common equity applicable to the generation and distribution services of the utility. In so doing, the Commission may use any methodology to determine such return it finds consistent with the public interest, but such return shall not be set lower than the average of the returns on common equity reported to the Securities and Exchange Commission for the three most recent annual periods for which such data are available by not less than a majority, selected by the Commission as specified in subdivision 2 b, of other investor-owned electric utilities in the peer group of the utility, nor shall the Commission set such return more than 300 basis points higher than such average. The peer group of the utility shall be determined in the manner prescribed in subdivision 2 b. The Commission may increase or decrease such combined rate of return by up to 100 basis points based on the generating plant performance, customer service, and operating efficiency of a utility, as compared to nationally recognized standards determined by the Commission to be appropriate for such purposes. In such a

proceeding, the Commission shall determine the rates that the utility may charge until such rates are adjusted. If the Commission finds that the utility's combined rate of return on common equity is more than 50 basis points below the combined rate of return as so determined, it shall be authorized to order increases to the utility's rates necessary to provide the opportunity to fully recover the costs of providing the utility's services and to earn not less than such combined rate of return. If the Commission finds that the utility's combined rate of return on common equity is more than 50 basis points above the combined rate of return as so determined, it shall be authorized either (i) to order reductions to the utility's rates it finds appropriate, provided that the Commission may not order such rate reduction unless it finds that the resulting rates will provide the utility with the opportunity to fully recover its costs of providing its services and to earn not less than the fair rates of return on common equity applicable to the generation and distribution services; or (ii) to direct that 60 percent of the amount of the utility's earnings that were more than 50 basis points above the fair combined rate of return for calendar year 2008 be credited to customers' bills, in which event such credits shall be amortized over a period of six to 12 months, as determined at the discretion of the Commission, following the effective date of the Commission's order and be allocated among customer classes such that the relationship between the specific customer class rates of return to the overall target rate of return will have the same relationship as the last approved allocation of revenues used to design base rates. Commencing in 2011, the Commission, after notice and opportunity for hearing, shall conduct reviews of the rates, terms and conditions for the provision of generation, distribution and transmission services by each investor-owned incumbent electric utility, subject to the following provisions:

1. Rates, terms and conditions for each service shall be reviewed separately on an unbundled basis, and such reviews shall be conducted in a single, combined proceeding. Pursuant to subsection A of § 56-585.1:1, the Commission shall conduct a review for a Phase I Utility in 2020, utilizing the three successive 12-month test periods beginning January 1, 2017, and ending December 31, 2019. Thereafter, reviews for a Phase I Utility will be on a triennial basis with subsequent proceedings utilizing the three successive 12-month test periods ending December 31 immediately preceding the year in which such review proceeding is conducted. Pursuant to subsection A of § 56-585.1:1, the Commission shall conduct a review for a Phase II Utility in 2021, utilizing the four successive 12-month test periods beginning January 1, 2017, and ending December 31, 2020, with subsequent reviews on a triennial basis utilizing the three successive 12-month test periods ending December 31 immediately preceding the year in which such review proceeding is conducted. All such reviews occurring after December 31, 2017, shall be referred to as triennial reviews. For purposes of this section, a Phase I Utility is an investor-owned incumbent electric utility that was, as of July 1, 1999, not bound by a rate case settlement adopted by the Commission that extended in its application beyond January 1, 2002, and a Phase II Utility is an investor-owned incumbent electric utility that was bound by such a settlement.

2. Subject to the provisions of subdivision 6, the fair rate of return on common equity applicable separately to the generation and distribution services of such utility, and for the two such services combined, and for any rate adjustment clauses approved under subdivision 5 or 6, shall be determined by the Commission during each such triennial review, as follows:

a. The Commission may use any methodology to determine such return it finds consistent with the public interest, but *for applications received by the Commission on or after January 1, 2020*, such return shall not be set lower than the average of *either (i) the returns on common equity reported to the Securities and Exchange Commission for the three most recent annual periods for which such data are available by not less than a majority, selected by the Commission as specified in subdivision 2 b, of other investor-owned electric utilities in the peer group of the utility subject to such triennial review or (ii) the authorized returns on common equity that are set by the applicable regulatory commissions for the same selected peer group*, nor shall the Commission set such return more than ~~300~~ 150 basis points higher than such average.

b. In selecting such majority of peer group investor-owned electric utilities *for applications received by the Commission on or after January 1, 2020*, the Commission shall first remove from such group the two utilities within such group that have the lowest reported *or authorized, as applicable*, returns of the group, as well as the two utilities within such group that have the highest reported *or authorized, as applicable*, returns of the group, and the Commission shall then select a majority of the utilities remaining in such peer group. In its final order regarding such triennial review, the Commission shall identify the utilities in such peer group it selected for the calculation of such limitation. For purposes of this subdivision, an investor-owned electric utility shall be deemed part of such peer group if (i) its principal operations are conducted in the southeastern United States east of the Mississippi River in either the states of West Virginia or Kentucky or in those states south of Virginia, excluding the state of Tennessee, (ii) it is a vertically-integrated electric utility providing generation, transmission and distribution services whose facilities and operations are subject to state public utility regulation in the state where its principal operations are conducted, (iii) it had a long-term bond rating assigned by Moody's Investors Service of at least Baa at the end of the most recent test period subject to such triennial review, and (iv) it is not an affiliate of the utility subject to such triennial review.

c. The Commission may, consistent with its precedent for incumbent electric utilities prior to the enactment of Chapters 888 and 933 of the Acts of Assembly of 2007, increase or decrease the utility's combined rate of return based on the Commission's consideration of the utility's performance.

d. In any Current Proceeding, the Commission shall determine whether the Current Return has increased, on a percentage basis, above the Initial Return by more than the increase, expressed as a percentage, in the United States Average Consumer Price Index for all items, all urban consumers (CPI-U), as published by the Bureau of Labor Statistics of the United States Department of Labor, since the date on which the Commission determined the Initial Return. If so, the

Commission may conduct an additional analysis of whether it is in the public interest to utilize such Current Return for the Current Proceeding then pending. A finding of whether the Current Return justifies such additional analysis shall be made without regard to any enhanced rate of return on common equity awarded pursuant to the provisions of subdivision 6. Such additional analysis shall include, but not be limited to, a consideration of overall economic conditions, the level of interest rates and cost of capital with respect to business and industry, in general, as well as electric utilities, the current level of inflation and the utility's cost of goods and services, the effect on the utility's ability to provide adequate service and to attract capital if less than the Current Return were utilized for the Current Proceeding then pending, and such other factors as the Commission may deem relevant. If, as a result of such analysis, the Commission finds that use of the Current Return for the Current Proceeding then pending would not be in the public interest, then the lower limit imposed by subdivision 2 a on the return to be determined by the Commission for such utility shall be calculated, for that Current Proceeding only, by increasing the Initial Return by a percentage at least equal to the increase, expressed as a percentage, in the United States Average Consumer Price Index for all items, all urban consumers (CPI-U), as published by the Bureau of Labor Statistics of the United States Department of Labor, since the date on which the Commission determined the Initial Return. For purposes of this subdivision:

"Current Proceeding" means any proceeding conducted under any provisions of this subsection that require or authorize the Commission to determine a fair combined rate of return on common equity for a utility and that will be concluded after the date on which the Commission determined the Initial Return for such utility.

"Current Return" means the minimum fair combined rate of return on common equity required for any Current Proceeding by the limitation regarding a utility's peer group specified in subdivision 2 a.

"Initial Return" means the fair combined rate of return on common equity determined for such utility by the Commission on the first occasion after July 1, 2009, under any provision of this subsection pursuant to the provisions of subdivision 2 a.

e. In addition to other considerations, in setting the return on equity within the range allowed by this section, the Commission shall strive to maintain costs of retail electric energy that are cost competitive with costs of retail electric energy provided by the other peer group investor-owned electric utilities.

f. The determination of such returns shall be made by the Commission on a stand-alone basis, and specifically without regard to any return on common equity or other matters determined with regard to facilities described in subdivision 6.

g. If the combined rate of return on common equity earned by the generation and distribution services is no more than 50 basis points above or below the return as so determined or, for any test period commencing after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, such return is no more than 70 basis points above or below the return as so determined, such combined return shall not be considered either excessive or insufficient, respectively. However, for any test period commencing after December 31, 2012, for a Phase II Utility, and after December 31, 2013, for a Phase I Utility, if the utility has, during the test period or periods under review, earned below the return as so determined, whether or not such combined return is within 70 basis points of the return as so determined, the utility may petition the Commission for approval of an increase in rates in accordance with the provisions of subdivision 8 a as if it had earned more than 70 basis points below a fair combined rate of return, and such proceeding shall otherwise be conducted in accordance with the provisions of this section. The provisions of this subdivision are subject to the provisions of subdivision 8.

h. Any amount of a utility's earnings directed by the Commission to be credited to customers' bills pursuant to this section shall not be considered for the purpose of determining the utility's earnings in any subsequent triennial review.

3. Each such utility shall make a triennial filing by March 31 of every third year, with such filings commencing for a Phase I Utility in 2020, and such filings commencing for a Phase II Utility in 2021, consisting of the schedules contained in the Commission's rules governing utility rate increase applications. Such filing shall encompass the three successive 12-month test periods ending December 31 immediately preceding the year in which such proceeding is conducted, except that the filing for a Phase II Utility in 2021 shall encompass the four successive 12-month test periods ending December 31, 2020, and in every such case the filing for each year shall be identified separately and shall be segregated from any other year encompassed by the filing. If the Commission determines that rates should be revised or credits be applied to customers' bills pursuant to subdivision 8 or 9, any rate adjustment clauses previously implemented related to facilities utilizing simple-cycle combustion turbines described in subdivision 6, shall be combined with the utility's costs, revenues and investments until the amounts that are the subject of such rate adjustment clauses are fully recovered. The Commission shall combine such clauses with the utility's costs, revenues and investments only after it makes its initial determination with regard to necessary rate revisions or credits to customers' bills, and the amounts thereof, but after such clauses are combined as herein specified, they shall thereafter be considered part of the utility's costs, revenues, and investments for the purposes of future triennial review proceedings. In a triennial filing under this subdivision that does not result in an overall rate change a utility may propose an adjustment to one or more tariffs that are revenue neutral to the utility.

4. (Expires December 31, 2023) The following costs incurred by the utility shall be deemed reasonable and prudent:

- (i) costs for transmission services provided to the utility by the regional transmission entity of which the utility is a member, as determined under applicable rates, terms and conditions approved by the Federal Energy Regulatory Commission;
- (ii) costs charged to the utility that are associated with demand response programs approved by the Federal Energy Regulatory Commission and administered by the regional transmission entity of which the utility is a member; and
- (iii) costs incurred by the utility to construct, operate, and maintain transmission lines and substations installed in order to

provide service to a business park. Upon petition of a utility at any time after the expiration or termination of capped rates, but not more than once in any 12-month period, the Commission shall approve a rate adjustment clause under which such costs, including, without limitation, costs for transmission service; charges for new and existing transmission facilities, including costs incurred by the utility to construct, operate, and maintain transmission lines and substations installed in order to provide service to a business park; administrative charges; and ancillary service charges designed to recover transmission costs, shall be recovered on a timely and current basis from customers. Retail rates to recover these costs shall be designed using the appropriate billing determinants in the retail rate schedules.

4. (Effective January 1, 2024) The following costs incurred by the utility shall be deemed reasonable and prudent: (i) costs for transmission services provided to the utility by the regional transmission entity of which the utility is a member, as determined under applicable rates, terms and conditions approved by the Federal Energy Regulatory Commission, and (ii) costs charged to the utility that are associated with demand response programs approved by the Federal Energy Regulatory Commission and administered by the regional transmission entity of which the utility is a member. Upon petition of a utility at any time after the expiration or termination of capped rates, but not more than once in any 12-month period, the Commission shall approve a rate adjustment clause under which such costs, including, without limitation, costs for transmission service, charges for new and existing transmission facilities, administrative charges, and ancillary service charges designed to recover transmission costs, shall be recovered on a timely and current basis from customers. Retail rates to recover these costs shall be designed using the appropriate billing determinants in the retail rate schedules.

5. A utility may at any time, after the expiration or termination of capped rates, but not more than once in any 12-month period, petition the Commission for approval of one or more rate adjustment clauses for the timely and current recovery from customers of the following costs:

a. Incremental costs described in clause (vi) of subsection B of § 56-582 incurred between July 1, 2004, and the expiration or termination of capped rates, if such utility is, as of July 1, 2007, deferring such costs consistent with an order of the Commission entered under clause (vi) of subsection B of § 56-582. The Commission shall approve such a petition allowing the recovery of such costs that comply with the requirements of clause (vi) of subsection B of § 56-582;

b. Projected and actual costs for the utility to design and operate fair and effective peak-shaving programs. The Commission shall approve such a petition if it finds that the program is in the public interest; provided that the Commission shall allow the recovery of such costs as it finds are reasonable;

c. Projected and actual costs for the utility to design, implement, and operate energy efficiency programs, including a margin to be recovered on operating expenses, which margin for the purposes of this section shall be equal to the general rate of return on common equity determined as described in subdivision 2. Any such petition shall include a proposed budget for the design, implementation, and operation of the energy efficiency program. The Commission shall only approve such a petition if it finds that the program is in the public interest. If the Commission determines that an energy efficiency program or portfolio of programs is not in the public interest, its final order shall include all work product and analysis conducted by the Commission's staff in relation to that program that has bearing upon the Commission's determination. Such order shall adhere to existing protocols for extraordinarily sensitive information. As part of such cost recovery, the Commission, if requested by the utility, shall allow for the recovery of revenue reductions related to energy efficiency programs. The Commission shall only allow such recovery to the extent that the Commission determines such revenue has not been recovered through margins from incremental off-system sales as defined in § 56-249.6 that are directly attributable to energy efficiency programs.

None of the costs of new energy efficiency programs of an electric utility, including recovery of revenue reductions, shall be assigned to any large general service customer. A large general service customer is a customer that has a verifiable history of having used more than 500 kilowatts of demand from a single meter of delivery. A utility shall not charge such large general service customer, as defined by the Commission, for the costs of installing energy efficiency equipment beyond what is required to provide electric service and meter such service on the customer's premises if the customer provides, at the customer's expense, equivalent energy efficiency equipment. In all relevant proceedings pursuant to this section, the Commission shall take into consideration the goals of economic development, energy efficiency and environmental protection in the Commonwealth;

d. Projected and actual costs of participation in a renewable energy portfolio standard program pursuant to § 56-585.2 that are not recoverable under subdivision 6. The Commission shall approve such a petition allowing the recovery of such costs as are provided for in a program approved pursuant to § 56-585.2;

e. Projected and actual costs of projects that the Commission finds to be necessary to comply with state or federal environmental laws or regulations applicable to generation facilities used to serve the utility's native load obligations. The Commission shall approve such a petition if it finds that such costs are necessary to comply with such environmental laws or regulations; and

f. Projected and actual costs, not currently in rates, for the utility to design, implement, and operate programs approved by the Commission that accelerate the vegetation management of distribution rights-of-way. No costs shall be allocated to or recovered from customers that are served within the large general service rate classes for a Phase II Utility or that are served at subtransmission or transmission voltage, or take delivery at a substation served from subtransmission or transmission voltage, for a Phase I Utility.

Any rate adjustment clause approved under subdivision 5 c by the Commission shall remain in effect until the utility exhausts the approved budget for the energy efficiency program. The Commission shall have the authority to determine the duration or amortization period for any other rate adjustment clause approved under this subdivision.

6. To ensure the generation and delivery of a reliable and adequate supply of electricity, to meet the utility's projected native load obligations and to promote economic development, a utility may at any time, after the expiration or termination of capped rates, petition the Commission for approval of a rate adjustment clause for recovery on a timely and current basis from customers of the costs of (i) a coal-fueled generation facility that utilizes Virginia coal and is located in the coalfield region of the Commonwealth as described in § 15.2-6002, regardless of whether such facility is located within or without the utility's service territory, (ii) one or more other generation facilities, (iii) one or more major unit modifications of generation facilities, including the costs of any system or equipment upgrade, system or equipment replacement, or other cost reasonably appropriate to extend the combined operating license for or the operating life of one or more generation facilities utilizing nuclear power, (iv) one or more new underground facilities to replace one or more existing overhead distribution facilities of 69 kilovolts or less located within the Commonwealth, (v) one or more pumped hydroelectricity generation and storage facilities that utilize on-site or off-site renewable energy resources as all or a portion of their power source and such facilities and associated resources are located in the coalfield region of the Commonwealth as described in § 15.2-6002, regardless of whether such facility is located within or without the utility's service territory, or (vi) one or more electric distribution grid transformation projects; however, subject to the provisions of the following sentence, the utility shall not file a petition under clause (iv) more often than annually and, in such petition, shall not seek any annual incremental increase in the level of investments associated with such a petition that exceeds five percent of such utility's distribution rate base, as such rate base was determined for the most recently ended 12-month test period in the utility's latest review proceeding conducted pursuant to subdivision 3 and concluded by final order of the Commission prior to the date of filing of such petition under clause (iv). In all proceedings regarding petitions filed under clause (iv) or (vi), the level of investments approved for recovery in such proceedings shall be in addition to, and not in lieu of, levels of investments previously approved for recovery in prior proceedings under clause (iv) or (vi), as applicable. As of December 1, 2028, any costs recovered by a utility pursuant to clause (iv) shall be limited to any remaining costs associated with conversions of overhead distribution facilities to underground facilities that have been previously approved or are pending approval by the Commission through a petition by the utility under this subdivision. Such a petition concerning facilities described in clause (ii) that utilize nuclear power, facilities described in clause (ii) that are coal-fueled and will be built by a Phase I Utility, or facilities described in clause (i) may also be filed before the expiration or termination of capped rates. A utility that constructs or makes modifications to any such facility, or purchases any facility consisting of at least one megawatt of generating capacity using energy derived from sunlight and located in the Commonwealth and that utilizes goods or services sourced, in whole or in part, from one or more Virginia businesses, shall have the right to recover the costs of the facility, as accrued against income, through its rates, including projected construction work in progress, and any associated allowance for funds used during construction, planning, development and construction or acquisition costs, life-cycle costs, costs related to assessing the feasibility of potential sites for new underground facilities, and costs of infrastructure associated therewith, plus, as an incentive to undertake such projects, an enhanced rate of return on common equity calculated as specified below; however, in determining the amounts recoverable under a rate adjustment clause for new underground facilities, the Commission shall not consider, or increase or reduce such amounts recoverable because of (a) the operation and maintenance costs attributable to either the overhead distribution facilities being replaced or the new underground facilities or (b) any other costs attributable to the overhead distribution facilities being replaced. Notwithstanding the preceding sentence, the costs described in clauses (a) and (b) thereof shall remain eligible for recovery from customers through the utility's base rates for distribution service. A utility filing a petition for approval to construct or purchase a facility consisting of at least one megawatt of generating capacity using energy derived from sunlight and located in the Commonwealth and that utilizes goods or services sourced, in whole or in part, from one or more Virginia businesses may propose a rate adjustment clause based on a market index in lieu of a cost of service model for such facility. A utility seeking approval to construct or purchase a generating facility described in clause (i) or (ii) shall demonstrate that it has considered and weighed alternative options, including third-party market alternatives, in its selection process. The costs of the facility, other than return on projected construction work in progress and allowance for funds used during construction, shall not be recovered prior to the date a facility constructed by the utility and described in clause (i), (ii), (iii) or (v) begins commercial operation, the date the utility becomes the owner of a purchased generation facility consisting of at least one megawatt of generating capacity using energy derived from sunlight and located in the Commonwealth and that utilizes goods or services sourced, in whole or in part, from one or more Virginia businesses, or the date new underground facilities are classified by the utility as plant in service.

Such enhanced rate of return on common equity shall be applied to allowance for funds used during construction and to construction work in progress during the construction phase of the facility and shall thereafter be applied to the entire facility during the first portion of the service life of the facility. The first portion of the service life shall be as specified in the table below; however, the Commission shall determine the duration of the first portion of the service life of any facility, within the range specified in the table below, which determination shall be consistent with the public interest and shall reflect the Commission's determinations regarding how critical the facility may be in meeting the energy needs of the citizens of the Commonwealth and the risks involved in the development of the facility. After the first portion of the service life of the facility is concluded, the utility's general rate of return shall be applied to such facility for the remainder of its

service life. As used herein, the service life of the facility shall be deemed to begin on the date a facility constructed by the utility and described in clause (i), (ii), (iii) or (v) begins commercial operation, the date the utility becomes the owner of a purchased generation facility consisting of at least one megawatt of generating capacity using energy derived from sunlight and located in the Commonwealth and that utilizes goods or services sourced, in whole or in part, from one or more Virginia businesses, or the date new underground facilities or new electric distribution grid transformation projects are classified by the utility as plant in service, and such service life shall be deemed equal in years to the life of that facility as used to calculate the utility's depreciation expense. Such enhanced rate of return on common equity shall be calculated by adding the basis points specified in the table below to the utility's general rate of return, and such enhanced rate of return shall apply only to the facility that is the subject of such rate adjustment clause. Allowance for funds used during construction shall be calculated for any such facility utilizing the utility's actual capital structure and overall cost of capital, including an enhanced rate of return on common equity as determined pursuant to this subdivision, until such construction work in progress is included in rates. The construction of any facility described in clause (i) or (v) is in the public interest, and in determining whether to approve such facility, the Commission shall liberally construe the provisions of this title. The construction or purchase by a utility of one or more generation facilities with at least one megawatt of generating capacity, and with an aggregate rated capacity that does not exceed 5,000 megawatts, including rooftop solar installations with a capacity of not less than 50 kilowatts, and with an aggregate capacity of 50 megawatts, that use energy derived from sunlight or from wind and are located in the Commonwealth or off the Commonwealth's Atlantic shoreline, regardless of whether any of such facilities are located within or without the utility's service territory, is in the public interest, and in determining whether to approve such facility, the Commission shall liberally construe the provisions of this title. A utility may enter into short-term or long-term power purchase contracts for the power derived from sunlight generated by such generation facility prior to purchasing the generation facility. The replacement of any subset of a utility's existing overhead distribution tap lines that have, in the aggregate, an average of nine or more total unplanned outage events-per-mile over a preceding 10-year period with new underground facilities in order to improve electric service reliability is in the public interest. In determining whether to approve petitions for rate adjustment clauses for such new underground facilities that meet this criteria, and in determining the level of costs to be recovered thereunder, the Commission shall liberally construe the provisions of this title.

The conversion of any such facilities on or after September 1, 2016, is deemed to provide local and system-wide benefits and to be cost beneficial, and the costs associated with such new underground facilities are deemed to be reasonably and prudently incurred and, notwithstanding the provisions of subsection C or D, shall be approved for recovery by the Commission pursuant to this subdivision, provided that the total costs associated with the replacement of any subset of existing overhead distribution tap lines proposed by the utility with new underground facilities, exclusive of financing costs, shall not exceed an average cost per customer of \$20,000, with such customers, including those served directly by or downline of the tap lines proposed for conversion, and, further, such total costs shall not exceed an average cost per mile of tap lines converted, exclusive of financing costs, of \$750,000. A utility shall, without regard for whether it has petitioned for any rate adjustment clause pursuant to clause (vi), petition the Commission, not more than once annually, for approval of a plan for electric distribution grid transformation projects. Any plan for electric distribution grid transformation projects shall include both measures to facilitate integration of distributed energy resources and measures to enhance physical electric distribution grid reliability and security. In ruling upon such a petition, the Commission shall consider whether the utility's plan for such projects, and the projected costs associated therewith, are reasonable and prudent. Such petition shall be considered on a stand-alone basis without regard to the other costs, revenues, investments, or earnings of the utility; without regard to whether the costs associated with such projects will be recovered through a rate adjustment clause under this subdivision or through the utility's rates for generation and distribution services; and without regard to whether such costs will be the subject of a customer credit offset, as applicable, pursuant to subdivision 8 d. The Commission's final order regarding any such petition for approval of an electric distribution grid transformation plan shall be entered by the Commission not more than six months after the date of filing such petition. The Commission shall likewise enter its final order with respect to any petition by a utility for a certificate to construct and operate a generating facility or facilities utilizing energy derived from sunlight, pursuant to subsection D of § 56-580, within six months after the date of filing such petition. The basis points to be added to the utility's general rate of return to calculate the enhanced rate of return on common equity, and the first portion of that facility's service life to which such enhanced rate of return shall be applied, shall vary by type of facility, as specified in the following table:

Type of Generation Facility	Basis Points	First Portion of Service Life
Nuclear-powered	200	Between 12 and 25 years
Carbon capture compatible, clean-coal powered	200	Between 10 and 20 years
Renewable powered, other than landfill gas powered	200	Between 5 and 15 years
Coalbed methane gas powered	150	Between 5 and 15 years
Landfill gas powered	200	Between 5 and 15 years
Conventional coal or combined-cycle combustion turbine	100	Between 10 and 20 years

For generating facilities other than those utilizing nuclear power constructed pursuant to clause (ii) or those utilizing energy derived from offshore wind, as of July 1, 2013, only those facilities as to which a rate adjustment clause under this subdivision has been previously approved by the Commission, or as to which a petition for approval of such rate adjustment clause was filed with the Commission, on or before January 1, 2013, shall be entitled to the enhanced rate of return on common equity as specified in the above table during the construction phase of the facility and the approved first portion of its service life.

For generating facilities within the Commonwealth utilizing nuclear power or those utilizing energy derived from offshore wind projects located in waters off the Commonwealth's Atlantic shoreline, such facilities shall continue to be eligible for an enhanced rate of return on common equity during the construction phase of the facility and the approved first portion of its service life of between 12 and 25 years in the case of a facility utilizing nuclear power and for a service life of between 5 and 15 years in the case of a facility utilizing energy derived from offshore wind, provided, however, that, as of July 1, 2013, the enhanced return for such facilities constructed pursuant to clause (ii) shall be 100 basis points, which shall be added to the utility's general rate of return as determined under subdivision 2. Thirty percent of all costs of such a facility utilizing nuclear power that the utility incurred between July 1, 2007, and December 31, 2013, and all of such costs incurred after December 31, 2013, may be deferred by the utility and recovered through a rate adjustment clause under this subdivision at such time as the Commission provides in an order approving such a rate adjustment clause. The remaining 70 percent of all costs of such a facility that the utility incurred between July 1, 2007, and December 31, 2013, shall not be deferred for recovery through a rate adjustment clause under this subdivision; however, such remaining 70 percent of all costs shall be recovered ratably through existing base rates as determined by the Commission in the test periods under review in the utility's next review filed after July 1, 2014. Thirty percent of all costs of such a facility utilizing energy derived from offshore wind that the utility incurred between July 1, 2007, and December 31, 2013, and all of such costs incurred after December 31, 2013, may be deferred by the utility and recovered through a rate adjustment clause under this subdivision at such time as the Commission provides in an order approving such a rate adjustment clause. The remaining 70 percent of all costs of such a facility that the utility incurred between July 1, 2007, and December 31, 2013, shall not be deferred for recovery through a rate adjustment clause under this subdivision; however, such remaining 70 percent of all costs shall be recovered ratably through existing base rates as determined by the Commission in the test periods under review in the utility's next review filed after July 1, 2014.

In connection with planning to meet forecasted demand for electric generation supply and assure the adequate and sufficient reliability of service, consistent with § 56-598, planning and development activities for a new nuclear generation facility or facilities are in the public interest.

In connection with planning to meet forecasted demand for electric generation supply and assure the adequate and sufficient reliability of service, consistent with § 56-598, planning and development activities for a new utility-owned and utility-operated generating facility or facilities utilizing energy derived from sunlight or from onshore or offshore wind are in the public interest.

Construction, purchasing, or leasing activities for a new utility-owned and utility-operated generating facility or facilities utilizing energy derived from sunlight or from wind with an aggregate capacity of 5,000 megawatts, including rooftop solar installations with a capacity of not less than 50 kilowatts, and with an aggregate capacity of 50 megawatts, together with a new test or demonstration project for a utility-owned and utility-operated generating facility or facilities utilizing energy derived from offshore wind with an aggregate capacity of not more than 16 megawatts, are in the public interest. To the extent that a utility elects to recover the costs of any such new generation facility or facilities through its rates for generation and distribution services and does not petition and receive approval from the Commission for recovery of such costs through a rate adjustment clause described in clause (ii), the Commission shall, upon the request of the utility in a triennial review proceeding, provide for a customer credit reinvestment offset, as applicable, pursuant to subdivision 8 d with respect to all costs deemed reasonable and prudent by the Commission in a proceeding pursuant to subsection D of § 56-580 or in a triennial review proceeding.

Electric distribution grid transformation projects are in the public interest. To the extent that a utility elects to recover the costs of such electric distribution grid transformation projects through its rates for generation and distribution services, and does not petition and receive approval from the Commission for recovery of such costs through a rate adjustment clause described in clause (vi), the Commission shall, upon the request of the utility in a triennial review proceeding, provide for a customer credit reinvestment offset, as applicable, pursuant to subdivision 8 d with respect to all costs deemed reasonable and prudent by the Commission in a proceeding for approval of a plan for electric distribution grid transformation projects pursuant to subdivision 6 or in a triennial review proceeding.

Neither generation facilities described in clause (ii) that utilize simple-cycle combustion turbines nor new underground facilities shall receive an enhanced rate of return on common equity as described herein, but instead shall receive the utility's general rate of return during the construction phase of the facility and, thereafter, for the entire service life of the facility. No rate adjustment clause for new underground facilities shall allocate costs to, or provide for the recovery of costs from, customers that are served within the large power service rate class for a Phase I Utility and the large general service rate classes for a Phase II Utility. New underground facilities are hereby declared to be ordinary extensions or improvements in the usual course of business under the provisions of § 56-265.2.

As used in this subdivision, a generation facility is (1) "coalbed methane gas powered" if the facility is fired at least 50 percent by coalbed methane gas, as such term is defined in § 45.1-361.1, produced from wells located in the

Commonwealth, and (2) "landfill gas powered" if the facility is fired by methane or other combustible gas produced by the anaerobic digestion or decomposition of biodegradable materials in a solid waste management facility licensed by the Waste Management Board. A landfill gas powered facility includes, in addition to the generation facility itself, the equipment used in collecting, drying, treating, and compressing the landfill gas and in transmitting the landfill gas from the solid waste management facility where it is collected to the generation facility where it is combusted.

For purposes of this subdivision, "general rate of return" means the fair combined rate of return on common equity as it is determined by the Commission for such utility pursuant to subdivision 2.

Notwithstanding any other provision of this subdivision, if the Commission finds during the triennial review conducted for a Phase II Utility in 2021 that such utility has not filed applications for all necessary federal and state regulatory approvals to construct one or more nuclear-powered or coal-fueled generation facilities that would add a total capacity of at least 1500 megawatts to the amount of the utility's generating resources as such resources existed on July 1, 2007, or that, if all such approvals have been received, that the utility has not made reasonable and good faith efforts to construct one or more such facilities that will provide such additional total capacity within a reasonable time after obtaining such approvals, then the Commission, if it finds it in the public interest, may reduce on a prospective basis any enhanced rate of return on common equity previously applied to any such facility to no less than the general rate of return for such utility and may apply no less than the utility's general rate of return to any such facility for which the utility seeks approval in the future under this subdivision.

Notwithstanding any other provision of this subdivision, if a Phase II utility obtains approval from the Commission of a rate adjustment clause pursuant to subdivision 6 associated with a test or demonstration project involving a generation facility utilizing energy from offshore wind, and such utility has not, as of July 1, 2023, commenced construction as defined for federal income tax purposes of an offshore wind generation facility or facilities with a minimum aggregate capacity of 250 megawatts, then the Commission, if it finds it in the public interest, may direct that the costs associated with any such rate adjustment clause involving said test or demonstration project shall thereafter no longer be recovered through a rate adjustment clause pursuant to subdivision 6 and shall instead be recovered through the utility's rates for generation and distribution services, with no change in such rates for generation and distribution services as a result of the combination of such costs with the other costs, revenues, and investments included in the utility's rates for generation and distribution services. Any such costs shall remain combined with the utility's other costs, revenues, and investments included in its rates for generation and distribution services until such costs are fully recovered.

7. Any petition filed pursuant to subdivision 4, 5, or 6 shall be considered by the Commission on a stand-alone basis without regard to the other costs, revenues, investments, or earnings of the utility. Any costs incurred by a utility prior to the filing of such petition, or during the consideration thereof by the Commission, that are proposed for recovery in such petition and that are related to subdivision 5 a, or that are related to facilities and projects described in clause (i) of subdivision 6, or that are related to new underground facilities described in clause (iv) of subdivision 6, shall be deferred on the books and records of the utility until the Commission's final order in the matter, or until the implementation of any applicable approved rate adjustment clauses, whichever is later. Except as otherwise provided in subdivision 6, any costs prudently incurred on or after July 1, 2007, by a utility prior to the filing of such petition, or during the consideration thereof by the Commission, that are proposed for recovery in such petition and that are related to facilities and projects described in clause (ii) or clause (iii) of subdivision 6 that utilize nuclear power, or coal-fueled facilities and projects described in clause (ii) of subdivision 6 if such coal-fueled facilities will be built by a Phase I Utility, shall be deferred on the books and records of the utility until the Commission's final order in the matter, or until the implementation of any applicable approved rate adjustment clauses, whichever is later. Any costs prudently incurred after the expiration or termination of capped rates related to other matters described in subdivision 4, 5, or 6 shall be deferred beginning only upon the expiration or termination of capped rates, provided, however, that no provision of this act shall affect the rights of any parties with respect to the rulings of the Federal Energy Regulatory Commission in PJM Interconnection LLC and Virginia Electric and Power Company, 109 F.E.R.C. P 61,012 (2004). A utility shall establish a regulatory asset for regulatory accounting and ratemaking purposes under which it shall defer its operation and maintenance costs incurred in connection with (i) the refueling of any nuclear-powered generating plant and (ii) other work at such plant normally performed during a refueling outage. The utility shall amortize such deferred costs over the refueling cycle, but in no case more than 18 months, beginning with the month in which such plant resumes operation after such refueling. The refueling cycle shall be the applicable period of time between planned refueling outages for such plant. As of January 1, 2014, such amortized costs are a component of base rates, recoverable in base rates only ratably over the refueling cycle rather than when such outages occur, and are the only nuclear refueling costs recoverable in base rates. This provision shall apply to any nuclear-powered generating plant refueling outage commencing after December 31, 2013, and the Commission shall treat the deferred and amortized costs of such regulatory asset as part of the utility's costs for the purpose of proceedings conducted (a) with respect to triennial filings under subdivision 3 made on and after July 1, 2014, and (b) pursuant to § 56-245 or the Commission's rules governing utility rate increase applications as provided in subsection B. This provision shall not be deemed to change or reset base rates.

The Commission's final order regarding any petition filed pursuant to subdivision 4, 5, or 6 shall be entered not more than three months, eight months, and nine months, respectively, after the date of filing of such petition. If such petition is approved, the order shall direct that the applicable rate adjustment clause be applied to customers' bills not more than 60 days after the date of the order, or upon the expiration or termination of capped rates, whichever is later.

8. In any triennial review proceeding, for the purposes of reviewing earnings on the utility's rates for generation and distribution services, the following utility generation and distribution costs not proposed for recovery under any other subdivision of this subsection, as recorded per books by the utility for financial reporting purposes and accrued against income, shall be attributed to the test periods under review and deemed fully recovered in the period recorded: costs associated with asset impairments related to early retirement determinations made by the utility for utility generation facilities fueled by coal, natural gas, or oil or for automated meter reading electric distribution service meters; costs associated with projects necessary to comply with state or federal environmental laws, regulations, or judicial or administrative orders relating to coal combustion by-product management that the utility does not petition to recover through a rate adjustment clause pursuant to subdivision 5 e; costs associated with severe weather events; and costs associated with natural disasters. Such costs shall be deemed to have been recovered from customers through rates for generation and distribution services in effect during the test periods under review unless such costs, individually or in the aggregate, together with the utility's other costs, revenues, and investments to be recovered through rates for generation and distribution services, result in the utility's earned return on its generation and distribution services for the combined test periods under review to fall more than 50 basis points below the fair combined rate of return authorized under subdivision 2 for such periods or, for any test period commencing after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, to fall more than 70 basis points below the fair combined rate of return authorized under subdivision 2 for such periods. In such cases, the Commission shall, in such triennial review proceeding, authorize deferred recovery of such costs and allow the utility to amortize and recover such deferred costs over future periods as determined by the Commission. The aggregate amount of such deferred costs shall not exceed an amount that would, together with the utility's other costs, revenues, and investments to be recovered through rates for generation and distribution services, cause the utility's earned return on its generation and distribution services to exceed the fair rate of return authorized under subdivision 2, less 50 basis points, for the combined test periods under review or, for any test period commencing after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, to exceed the fair rate of return authorized under subdivision 2 less 70 basis points. Nothing in this section shall limit the Commission's authority, pursuant to the provisions of Chapter 10 (§ 56-232 et seq.), including specifically § 56-235.2, following the review of combined test period earnings of the utility in a triennial review, for normalization of nonrecurring test period costs and annualized adjustments for future costs, in determining any appropriate increase or decrease in the utility's rates for generation and distribution services pursuant to subdivision 8 a or 8 c.

If the Commission determines as a result of such triennial review that:

a. The utility has, during the test period or periods under review, considered as a whole, earned more than 50 basis points below a fair combined rate of return on its generation and distribution services or, for any test period commencing after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, more than 70 basis points below a fair combined rate of return on its generation and distribution services, as determined in subdivision 2, without regard to any return on common equity or other matters determined with respect to facilities described in subdivision 6, the Commission shall order increases to the utility's rates necessary to provide the opportunity to fully recover the costs of providing the utility's services and to earn not less than such fair combined rate of return, using the most recently ended 12-month test period as the basis for determining the amount of the rate increase necessary. However, in the first triennial review proceeding conducted after January 1, 2021, for a Phase II Utility, the Commission may not order a rate increase, and in all triennial reviews of a Phase I or Phase II utility, the Commission may not order such rate increase unless it finds that the resulting rates are necessary to provide the utility with the opportunity to fully recover its costs of providing its services and to earn not less than a fair combined rate of return on both its generation and distribution services, as determined in subdivision 2, without regard to any return on common equity or other matters determined with respect to facilities described in subdivision 6, using the most recently ended 12-month test period as the basis for determining the permissibility of any rate increase under the standards of this sentence, and the amount thereof; and provided that, solely in connection with making its determination concerning the necessity for such a rate increase or the amount thereof, the Commission shall, in any triennial review proceeding conducted prior to July 1, 2028, exclude from this most recently ended 12-month test period any remaining investment levels associated with a prior customer credit reinvestment offset pursuant to subdivision d.

b. The utility has, during the test period or test periods under review, considered as a whole, earned more than 50 basis points above a fair combined rate of return on its generation and distribution services or, for any test period commencing after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, more than 70 basis points above a fair combined rate of return on its generation and distribution services, as determined in subdivision 2, without regard to any return on common equity or other matters determined with respect to facilities described in subdivision 6, the Commission shall, subject to the provisions of subdivisions 8 d and 9, direct that 60 percent of the amount of such earnings that were more than 50 basis points, or, for any test period commencing after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, that 70 percent of the amount of such earnings that were more than 70 basis points, above such fair combined rate of return for the test period or periods under review, considered as a whole, shall be credited to customers' bills. Any such credits shall be amortized over a period of six to 12 months, as determined at the discretion of the Commission, following the effective date of the Commission's order, and shall be allocated among customer classes such that the relationship between the specific customer class rates of return to the overall target rate of return will have the same relationship as the last approved allocation of revenues used to design base rates; or

c. In any triennial review proceeding conducted after January 1, 2020, for a Phase I Utility or after January 1, 2021, for a Phase II Utility in which the utility has, during the test period or test periods under review, considered as a whole, earned more than 50 basis points above a fair combined rate of return on its generation and distribution services or, for any test period commencing after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, more than 70 basis points above a fair combined rate of return on its generation and distribution services, as determined in subdivision 2, without regard to any return on common equity or other matter determined with respect to facilities described in subdivision 6, and the combined aggregate level of capital investment that the Commission has approved other than those capital investments that the Commission has approved for recovery pursuant to a rate adjustment clause pursuant to subdivision 6 made by the utility during the test periods under review in that triennial review proceeding in new utility-owned generation facilities utilizing energy derived from sunlight, or from wind, and in electric distribution grid transformation projects, as determined pursuant to subdivision 8 d, does not equal or exceed 100 percent of the earnings that are more than 70 basis points above the utility's fair combined rate of return on its generation and distribution services for the combined test periods under review in that triennial review proceeding, the Commission shall, subject to the provisions of subdivision 9 and in addition to the actions authorized in subdivision b, also order reductions to the utility's rates it finds appropriate. However, in the first triennial review proceeding conducted after January 1, 2021, for a Phase II Utility, any reduction to the utility's rates ordered by the Commission pursuant to this subdivision shall not exceed \$50 million in annual revenues, with any reduction allocated to the utility's rates for generation services, and in each triennial review of a Phase I or Phase II Utility, the Commission may not order such rate reduction unless it finds that the resulting rates will provide the utility with the opportunity to fully recover its costs of providing its services and to earn not less than a fair combined rate of return on its generation and distribution services, as determined in subdivision 2, without regard to any return on common equity or other matters determined with respect to facilities described in subdivision 6, using the most recently ended 12-month test period as the basis for determining the permissibility of any rate reduction under the standards of this sentence, and the amount thereof; and

d. (Expires July 1, 2028) In any triennial review proceeding conducted after December 31, 2017, upon the request of the utility, the Commission shall determine, prior to directing that 70 percent of earnings that are more than 70 basis points above the utility's fair combined rate of return on its generation and distribution services for the test period or periods under review be credited to customer bills pursuant to subdivision 8 b, the aggregate level of prior capital investment that the Commission has approved other than those capital investments that the Commission has approved for recovery pursuant to a rate adjustment clause pursuant to subdivision 6 made by the utility during the test period or periods under review in both (i) new utility-owned generation facilities utilizing energy derived from sunlight, or from onshore or offshore wind, and (ii) electric distribution grid transformation projects, as determined by the utility's plant in service and construction work in progress balances related to such investments as recorded per books by the utility for financial reporting purposes as of the end of the most recent test period under review. Any such combined capital investment amounts shall offset any customer bill credit amounts, on a dollar for dollar basis, up to the aggregate level of invested or committed capital under clauses (i) and (ii). The aggregate level of qualifying invested or committed capital under clauses (i) and (ii) is referred to in this subdivision as the customer credit reinvestment offset, which offsets the customer bill credit amount that the utility has invested or will invest in new solar or wind generation facilities or electric distribution grid transformation projects for the benefit of customers, in amounts up to 100 percent of earnings that are more than 70 basis points above the utility's fair rate of return on its generation and distribution services, and thereby reduce or eliminate otherwise incremental rate adjustment clause charges and increases to customer bills, which is deemed to be in the public interest. If 100 percent of the amount of earnings that are more than 70 basis points above the utility's fair combined rate of return on its generation and distribution services, as determined in subdivision 2, exceeds the aggregate level of invested capital in new utility-owned generation facilities utilizing energy derived from sunlight, or from wind, and electric distribution grid transformation projects, as provided in clauses (i) and (ii), during the test period or periods under review, then 70 percent of the amount of such excess shall be credited to customer bills as provided in subdivision 8 b in connection with the triennial review proceeding. The portion of any costs associated with new utility-owned generation facilities utilizing energy derived from sunlight, or from wind, or electric distribution grid transformation projects that is the subject of any customer credit reinvestment offset pursuant to this subdivision shall not thereafter be recovered through the utility's rates for generation and distribution services over the service life of such facilities and shall not thereafter be included in the utility's costs, revenues, and investments in future triennial review proceedings conducted pursuant to subdivision 2 and shall not be the subject of a rate adjustment clause petition pursuant to subdivision 6. The portion of any costs associated with new utility-owned generation facilities utilizing energy derived from sunlight, or from wind, or electric distribution grid transformation projects that is not the subject of any customer credit reinvestment offset pursuant to this subdivision may be recovered through the utility's rates for generation and distribution services over the service life of such facilities and shall be included in the utility's costs, revenues, and investments in future triennial review proceedings conducted pursuant to subdivision 2 until such costs are fully recovered, and if such costs are recovered through the utility's rates for generation and distribution services, they shall not be the subject of a rate adjustment clause petition pursuant to subdivision 6. Only the portion of such costs of new utility-owned generation facilities utilizing energy derived from sunlight, or from wind, or electric distribution grid transformation projects that has not been included in any customer credit reinvestment offset pursuant to this subdivision, and not otherwise recovered through the utility's rates for generation and distribution services, may be the subject of a rate adjustment clause petition by the utility pursuant to subdivision 6.

The Commission's final order regarding such triennial review shall be entered not more than eight months after the date of filing, and any revisions in rates or credits so ordered shall take effect not more than 60 days after the date of the order. The fair combined rate of return on common equity determined pursuant to subdivision 2 in such triennial review shall apply, for purposes of reviewing the utility's earnings on its rates for generation and distribution services, to the entire three successive 12-month test periods ending December 31 immediately preceding the year of the utility's subsequent triennial review filing under subdivision 3 and shall apply to applicable rate adjustment clauses under subdivisions 5 and 6 prospectively from the date the Commission's final order in the triennial review proceeding, utilizing rate adjustment clause true-up protocols as the Commission in its discretion may determine.

9. If, as a result of a triennial review required under this subsection and conducted with respect to any test period or periods under review ending later than December 31, 2010 (or, if the Commission has elected to stagger its biennial reviews of utilities as provided in subdivision 1, under review ending later than December 31, 2010, for a Phase I Utility, or December 31, 2011, for a Phase II Utility), the Commission finds, with respect to such test period or periods considered as a whole, that (i) any utility has, during the test period or periods under review, considered as a whole, earned more than 50 basis points above a fair combined rate of return on its generation and distribution services or, for any test period commencing after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, more than 70 basis points above a fair combined rate of return on its generation and distribution services, as determined in subdivision 2, without regard to any return on common equity or other matters determined with respect to facilities described in subdivision 6, and (ii) the total aggregate regulated rates of such utility at the end of the most recently ended 12-month test period exceeded the annual increases in the United States Average Consumer Price Index for all items, all urban consumers (CPI-U), as published by the Bureau of Labor Statistics of the United States Department of Labor, compounded annually, when compared to the total aggregate regulated rates of such utility as determined pursuant to the review conducted for the base period, the Commission shall, unless it finds that such action is not in the public interest or that the provisions of subdivisions 8 b and c are more consistent with the public interest, direct that any or all earnings for such test period or periods under review, considered as a whole that were more than 50 basis points, or, for any test period commencing after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, more than 70 basis points, above such fair combined rate of return shall be credited to customers' bills, in lieu of the provisions of subdivisions 8 b and c, provided that no credits shall be provided pursuant to this subdivision in connection with any triennial review unless such bill credits would be payable pursuant to the provisions of subdivision 8 d, and any credits under this subdivision shall be calculated net of any customer credit reinvestment offset amounts under subdivision 8 d. Any such credits shall be amortized and allocated among customer classes in the manner provided by subdivision 8 b. For purposes of this subdivision:

"Base period" means (i) the test period ending December 31, 2010 (or, if the Commission has elected to stagger its biennial reviews of utilities as provided in subdivision 1, the test period ending December 31, 2010, for a Phase I Utility, or December 31, 2011, for a Phase II Utility), or (ii) the most recent test period with respect to which credits have been applied to customers' bills under the provisions of this subdivision, whichever is later.

"Total aggregate regulated rates" shall include: (i) fuel tariffs approved pursuant to § 56-249.6, except for any increases in fuel tariffs deferred by the Commission for recovery in periods after December 31, 2010, pursuant to the provisions of clause (ii) of subsection C of § 56-249.6; (ii) rate adjustment clauses implemented pursuant to subdivision 4 or 5; (iii) revisions to the utility's rates pursuant to subdivision 8 a; (iv) revisions to the utility's rates pursuant to the Commission's rules governing utility rate increase applications, as permitted by subsection B, occurring after July 1, 2009; and (v) base rates in effect as of July 1, 2009.

10. For purposes of this section, the Commission shall regulate the rates, terms and conditions of any utility subject to this section on a stand-alone basis utilizing the actual end-of-test period capital structure and cost of capital of such utility, excluding any debt associated with securitized bonds that are the obligation of non-Virginia jurisdictional customers, unless the Commission finds that the debt to equity ratio of such capital structure is unreasonable for such utility, in which case the Commission may utilize a debt to equity ratio that it finds to be reasonable for such utility in determining any rate adjustment pursuant to subdivisions 8 a and c, and without regard to the cost of capital, capital structure, revenues, expenses or investments of any other entity with which such utility may be affiliated. In particular, and without limitation, the Commission shall determine the federal and state income tax costs for any such utility that is part of a publicly traded, consolidated group as follows: (i) such utility's apportioned state income tax costs shall be calculated according to the applicable statutory rate, as if the utility had not filed a consolidated return with its affiliates, and (ii) such utility's federal income tax costs shall be calculated according to the applicable federal income tax rate and shall exclude any consolidated tax liability or benefit adjustments originating from any taxable income or loss of its affiliates.

B. Nothing in this section shall preclude an investor-owned incumbent electric utility from applying for an increase in rates pursuant to § 56-245 or the Commission's rules governing utility rate increase applications; however, in any such filing, a fair rate of return on common equity shall be determined pursuant to subdivision A 2. Nothing in this section shall preclude such utility's recovery of fuel and purchased power costs as provided in § 56-249.6.

C. Except as otherwise provided in this section, the Commission shall exercise authority over the rates, terms and conditions of investor-owned incumbent electric utilities for the provision of generation, transmission and distribution services to retail customers in the Commonwealth pursuant to the provisions of Chapter 10 (§ 56-232 et seq.), including specifically § 56-235.2.

D. The Commission may determine, during any proceeding authorized or required by this section, the reasonableness or prudence of any cost incurred or projected to be incurred, by a utility in connection with the subject of the proceeding. A determination of the Commission regarding the reasonableness or prudence of any such cost shall be consistent with the Commission's authority to determine the reasonableness or prudence of costs in proceedings pursuant to the provisions of Chapter 10 (§ 56-232 et seq.). In determining the reasonableness or prudence of a utility providing energy and capacity to its customers from renewable energy resources, the Commission shall consider the extent to which such renewable energy resources, whether utility-owned or by contract, further the objectives of the Commonwealth Energy Policy set forth in §§ 67-101 and 67-102, and shall also consider whether the costs of such resources is likely to result in unreasonable increases in rates paid by customers.

E. The Commission shall promulgate such rules and regulations as may be necessary to implement the provisions of this section.

CHAPTER 1109

An Act to amend and reenact § 3.2-6546 of the Code of Virginia, relating to animal shelters; housing conditions.

[S 786]

Approved April 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 3.2-6546 of the Code of Virginia is amended and reenacted as follows:

§ 3.2-6546. County or city public animal shelters; confinement and disposition of animals; affiliation with foster care providers; penalties; injunctive relief.

A. For purposes of this section:

"Animal" shall not include agricultural animals.

"Rightful owner" means a person with a right of property in the animal.

B. The governing body of each county or city shall maintain or cause to be maintained a public animal shelter and shall require dogs running at large without the tag required by § 3.2-6531 or in violation of an ordinance passed pursuant to § 3.2-6538 to be confined therein. Nothing in this section shall be construed to prohibit confinement of other companion animals in such a shelter. The governing body of any county or city need not own the facility required by this section but may contract for its establishment with a private group or in conjunction with one or more other local governing bodies. The governing body shall require that:

1. The public animal shelter shall be accessible to the public at reasonable hours during the week;

2. The public animal shelter shall obtain a signed statement from each of its directors, operators, staff, or animal caregivers specifying that each individual has never been convicted of animal cruelty, neglect, or abandonment, and each shelter shall update such statement as changes occur;

3. If a person contacts the public animal shelter inquiring about a lost companion animal, the shelter shall advise the person if the companion animal is confined at the shelter or if a companion animal of similar description is confined at the shelter;

4. The public animal shelter shall maintain a written record of the information on each companion animal submitted to the shelter by a private animal shelter in accordance with subsection D of § 3.2-6548 for a period of 30 days from the date the information is received by the shelter. If a person contacts the shelter inquiring about a lost companion animal, the shelter shall check its records and make available to such person any information submitted by a private animal shelter or allow such person inquiring about a lost animal to view the written records;

5. The public animal shelter shall maintain a written record of the information on each companion animal submitted to the shelter by a releasing agency other than a public or private animal shelter in accordance with subdivision F 2 of § 3.2-6549 for a period of 30 days from the date the information is received by the shelter. If a person contacts the shelter inquiring about a lost companion animal, the shelter shall check its records and make available to such person any information submitted by such releasing agency or allow such person inquiring about a lost companion animal to view the written records; and

6. The public animal shelter shall maintain a written record of the information on each companion animal submitted to the shelter by an individual in accordance with subdivision A 2 of § 3.2-6551 for a period of 30 days from the date the information is received by the shelter. If a person contacts the shelter inquiring about a lost companion animal, the shelter shall check its records and make available to such person any information submitted by the individual or allow such person inquiring about a lost companion animal to view the written records.

C. An animal confined pursuant to this section shall be kept for a period of not less than five days, such *stray hold* period to commence on the day immediately following the day the animal is initially confined in the facility, unless sooner claimed by the rightful owner thereof.

The operator or custodian of the public animal shelter shall make a reasonable effort to ascertain whether the animal has a collar, tag, license, tattoo, or other form of identification. If such identification is found on the animal, the animal shall be held for an additional ~~five days~~ *five-day stray hold period*, unless sooner claimed by the rightful owner. If the rightful

owner of the animal can be readily identified, the operator or custodian of the shelter shall make a reasonable effort to notify the owner of the animal's confinement within the next 48 hours following its confinement.

During the ~~time~~ *stray hold period* that an animal is confined pursuant to this subsection, the operator or custodian of the public animal shelter may vaccinate the animal to prevent the risk of communicable diseases, provided that (i) all vaccines are administered in accordance with a protocol approved by a licensed veterinarian and (ii) rabies vaccines are administered by a licensed veterinarian or licensed veterinary technician under the immediate direction and supervision of a licensed veterinarian in accordance with § 3.2-6521. *Indoor enclosures used to confine the animal during the applicable stray hold period shall be constructed of materials that are durable, nonporous, impervious to moisture, and able to be thoroughly cleaned and disinfected. During the applicable stray hold period, the operator or custodian shall provide the animal with adequate care, including reasonable access to outdoor areas to ensure that the animal has adequate exercise and adequate space.*

If any animal confined pursuant to this section is claimed by its rightful owner, such owner may be charged with the actual expenses incurred in keeping the animal impounded. In addition to this and any other fees that might be levied, the locality may, after a public hearing, adopt an ordinance to charge the owner of an animal a fee for impoundment and increased fees for subsequent impoundments of the same animal.

D. If an animal confined pursuant to this section has not been claimed upon expiration of the ~~appropriate holding~~ *applicable stray hold period* as provided by subsection C, it shall be deemed abandoned and become the property of the public animal shelter.

For any animal not subject to a stray hold period, including an animal for whom the stray hold period has ended, the operator or custodian of the public animal shelter shall confine the animal in an enclosure that can safely house and allow for adequate separation of animals of different species, sexes, ages, and temperaments. Such enclosure may have both an outdoor area and an indoor area. If the facility has an outdoor area, the facility shall ensure that the outdoor areas do not present conditions that would be detrimental to the health of the animal. Indoor areas shall have a solid floor. Each operator or custodian shall ensure adequate access to water, food, and a resting platform, bedding, or perch as appropriate to the animal's species, age, and condition. Any regulation by the Board that applies to an animal not subject to a stray hold period shall not be so restrictive as to fail to allow for adequate care, adequate exercise, and adequate space, including meaningful indoor and outdoor recreation for the animal.

Such animal may be euthanized in accordance with the methods approved by the State Veterinarian or disposed of by the methods set forth in subdivisions 1 through 5. No shelter shall release more than two animals or a family of animals during any 30-day period to any one person under ~~subdivisions~~ *subdivision 2, 3, or 4.*

1. Release to any humane society, public or private animal shelter, or other releasing agency within the Commonwealth, provided that each humane society, animal shelter, or other releasing agency obtains a signed statement from each of its directors, operators, staff, or animal caregivers specifying that each individual has never been convicted of animal cruelty, neglect, or abandonment and updates such statements as changes occur;

2. Adoption by a resident of the county or city where the shelter is operated and who will pay the required license fee, if any, on such animal, provided that such resident has read and signed a statement specifying that he has never been convicted of animal cruelty, neglect, or abandonment;

3. Adoption by a resident of an adjacent political subdivision of the Commonwealth, if the resident has read and signed a statement specifying that he has never been convicted of animal cruelty, neglect, or abandonment;

4. Adoption by any other person, provided that such person has read and signed a statement specifying that he has never been convicted of animal cruelty, neglect, or abandonment and provided that no dog or cat may be adopted by any person who is not a resident of the county or city where the shelter is operated, or of an adjacent political subdivision, unless the dog or cat is first sterilized, and the shelter may require that the sterilization be done at the expense of the person adopting the dog or cat; or

5. Release for the purposes of adoption or euthanasia only, to an animal shelter, or any other releasing agency located in and lawfully operating under the laws of another state, provided that such animal shelter, or other releasing agency: (i) maintains records that would comply with § 3.2-6557; (ii) requires that adopted dogs and cats be sterilized; (iii) obtains a signed statement from each of its directors, operators, staff, and animal caregivers specifying that each individual has never been convicted of animal cruelty, neglect, or abandonment, and updates such statement as changes occur; and (iv) has provided to the public or private animal shelter or other releasing agency within the Commonwealth a statement signed by an authorized representative specifying the entity's compliance with clauses (i) through (iii), and the provisions of adequate care and performance of humane euthanasia, as necessary in accordance with the provisions of this chapter.

For purposes of recordkeeping, release of an animal by a public animal shelter to a public or private animal shelter or other releasing agency shall be considered a transfer and not an adoption. If the animal is not first sterilized, the responsibility for sterilizing the animal transfers to the receiving entity.

Any proceeds deriving from the gift, sale, or delivery of such animals shall be paid directly to the treasurer of the locality. Any proceeds deriving from the gift, sale, or delivery of such animals by a public or private animal shelter or other releasing agency shall be paid directly to the clerk or treasurer of the animal shelter or other releasing agency for the expenses of the society and expenses incident to any agreement concerning the disposing of such animal. No part of the proceeds shall accrue to any individual except for the aforementioned purposes.

E. Nothing in this section shall prohibit the immediate euthanasia of a critically injured, critically ill, or unweaned animal for humane purposes. Any animal euthanized pursuant to the provisions of this chapter shall be euthanized by one of the methods prescribed or approved by the State Veterinarian.

F. Nothing in this section shall prohibit the immediate euthanasia or disposal by the methods listed in subdivisions *D* 1 through 5 ~~of subsection D~~ of an animal that has been released to a public or private animal shelter, other releasing agency, or animal control officer by the animal's rightful owner after the rightful owner has read and signed a statement: (i) surrendering all property rights in such animal; (ii) stating that no other person has a right of property in the animal; and (iii) acknowledging that the animal may be immediately euthanized or disposed of in accordance with subdivisions *D* 1 through 5 ~~of subsection D~~.

G. Nothing in this section shall prohibit any feral dog or feral cat not bearing a collar, tag, tattoo, or other form of identification that, based on the written statement of a disinterested person, exhibits behavior that poses a risk of physical injury to any person confining the animal, from being euthanized after being kept for a period of not less than three days, at least one of which shall be a full business day, such period to commence on the day the animal is initially confined in the facility, unless sooner claimed by the rightful owner. The statement of the disinterested person shall be kept with the animal as required by § 3.2-6557. For purposes of this subsection, a disinterested person shall not include a person releasing or reporting the animal.

H. No public animal shelter shall place a companion animal in a foster home with a foster care provider unless the foster care provider has read and signed a statement specifying that he has never been convicted of animal cruelty, neglect, or abandonment, and each shelter shall update such statement as changes occur. The shelter shall maintain the original statement and any updates to such statement in accordance with this chapter and for at least so long as the shelter has an affiliation with the foster care provider.

I. A public animal shelter that places a companion animal in a foster home with a foster care provider shall ensure that the foster care provider complies with § 3.2-6503.

J. If a public animal shelter finds a direct and immediate threat to a companion animal placed with a foster care provider, it shall report its findings to the animal control agency in the locality where the foster care provider is located.

K. The governing body shall require that the public animal shelter be operated in accordance with regulations issued by the Board. If this chapter or such regulations are violated, the locality may be assessed a civil penalty by the Board or its designee in an amount that does not exceed \$1,000 per violation. Each day of the violation is a separate offense. In determining the amount of any civil penalty, the Board or its designee shall consider: (i) the history of previous violations at the shelter; (ii) whether the violation has caused injury to, death or suffering of, an animal; and (iii) the demonstrated good faith of the locality to achieve compliance after notification of the violation. All civil penalties assessed under this section shall be recovered in a civil action brought by the Attorney General in the name of the Commonwealth. Such civil penalties shall be paid into a special fund in the state treasury to the credit of the Department to be used in carrying out the purposes of this chapter.

L. If this chapter or any laws governing public animal shelters are violated, the Commissioner may bring an action to enjoin the violation or threatened violation of this chapter or the regulations pursuant thereto regarding public animal shelters, in the circuit court where the shelter is located. The Commissioner may request the Attorney General to bring such an action, when appropriate.

CHAPTER 1110

An Act to amend and reenact § 10.1-1307.01 of the Code of Virginia, relating to Department of Environmental Quality; public comment.

[S 1075]

Approved April 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 10.1-1307.01 of the Code of Virginia is amended and reenacted as follows:

§ 10.1-1307.01. Further duties of Board; localities particularly affected.

~~After June 30, 1994, before~~ *A. Before promulgating any a regulation under consideration, granting any a variance to an existing regulation, or issuing any a permit for the construction of a new major source or for a major modification to an existing source, if the Board finds that there are localities is a locality particularly affected by the regulation, variance, or permit, the Board shall:*

1. Publish, or require the applicant to publish, a notice in a local paper of general circulation in the localities each locality affected at least thirty 30 days prior to the close of any public comment period. Such notice shall contain a statement of the estimated local impact of the proposed action, which at a minimum shall provide information regarding specific pollutants and the total quantity of each which that may be emitted and shall list the type and quantity of any fuels to be used.

2. Mail the notice to the chief elected official and chief administrative officer of and the planning district commission for these localities such locality.

Written comments shall be accepted by the Board for at least fifteen 15 days after any hearing on the regulation, variance, or permit, unless the Board votes to shorten the period.

~~For the purposes of this section, the term "locality particularly affected" means any locality which bears any identified disproportionate material air quality impact which would not be experienced by other localities.~~

B. Before granting any variance to an existing regulation or issuing any permit for (i) a new fossil fuel-fired generating facility with a capacity of 500 megawatts or more, (ii) a major modification to an existing source that is a fossil fuel-fired generating facility with a capacity of 500 megawatts or more, (iii) a new fossil fuel-fired compressor station facility used to transport natural gas, or (iv) a major modification to an existing source that is a fossil fuel-fired compressor station facility used to transport natural gas, if the Board finds that there is a locality particularly affected by such variance or permit, the Board shall:

1. Require the applicant to publish a notice in at least one local paper of general circulation in any locality particularly affected at least 60 days prior to the close of any public comment period. Such notice shall (i) contain a statement of the estimated local impact of the proposed action; (ii) provide information regarding specific pollutants and the total quantity of each that may be emitted; (iii) list the type, quantity, and source of any fuel to be used; (iv) advise the public how to request Board consideration or a public hearing; and (v) advise the public where to obtain information regarding the proposed action. The Department shall post such notice on the Department website and on a Department social media account.

2. Require the applicant to mail the notice to (i) the chief elected official of, chief administrative officer of, and planning district commission for each locality particularly affected; (ii) every public library and public school located within five miles of such facility; and (iii) the owner of each parcel of real property that is depicted as adjacent to the facility on the current real estate tax assessment maps of the locality.

Written comments shall be accepted by the Board for at least 30 days after any hearing on such variance or permit, unless the Board votes to shorten the period.

C. For the purposes of this section, the term "locality particularly affected" means any locality that bears any identified disproportionate material air quality impact that would not be experienced by other localities.

CHAPTER 1111

An Act to amend and reenact §§ 18.2-308.2, as it is currently effective and as it shall become effective, 18.2-308.2:2, 22.1-277.07, and 54.1-4201.2 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 18.2-308.2:5, relating to firearm sales; criminal history record information check; penalty.

[H 2]

Approved April 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 18.2-308.2, as it is currently effective and as it shall become effective, 18.2-308.2:2, 22.1-277.07, and 54.1-4201.2 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 18.2-308.2:5 as follows:

§ 18.2-308.2. (Effective until January 1, 2021) Possession or transportation of firearms, firearms ammunition, stun weapons, explosives or concealed weapons by convicted felons; penalties; petition for permit; when issued.

A. It shall be unlawful for (i) any person who has been convicted of a felony; (ii) any person adjudicated delinquent as a juvenile 14 years of age or older at the time of the offense of murder in violation of § 18.2-31 or 18.2-32, kidnapping in violation of § 18.2-47, robbery by the threat or presentation of firearms in violation of § 18.2-58, or rape in violation of § 18.2-61; or (iii) any person under the age of 29 who was adjudicated delinquent as a juvenile 14 years of age or older at the time of the offense of a delinquent act which would be a felony if committed by an adult, other than those felonies set forth in clause (ii), whether such conviction or adjudication occurred under the laws of the Commonwealth, or any other state, the District of Columbia, the United States or any territory thereof, to knowingly and intentionally possess or transport any firearm or ammunition for a firearm, any stun weapon as defined by § 18.2-308.1, or any explosive material, or to knowingly and intentionally carry about his person, hidden from common observation, any weapon described in subsection A of § 18.2-308. However, such person may possess in his residence or the curtilage thereof a stun weapon as defined by § 18.2-308.1. Any person who violates this section shall be guilty of a Class 6 felony. However, any person who violates this section by knowingly and intentionally possessing or transporting any firearm and who was previously convicted of a violent felony as defined in § 17.1-805 shall be sentenced to a mandatory minimum term of imprisonment of five years. Any person who violates this section by knowingly and intentionally possessing or transporting any firearm and who was previously convicted of any other felony within the prior 10 years shall be sentenced to a mandatory minimum term of imprisonment of two years. The mandatory minimum terms of imprisonment prescribed for violations of this section shall be served consecutively with any other sentence.

B. The prohibitions of subsection A shall not apply to (i) any person who possesses a firearm, ammunition for a firearm, explosive material or other weapon while carrying out his duties as a member of the Armed Forces of the United States or of the National Guard of Virginia or of any other state, (ii) any law-enforcement officer in the performance of his duties, (iii) any person who has been pardoned or whose political disabilities have been removed pursuant to Article V, Section 12 of the Constitution of Virginia provided the Governor, in the document granting the pardon or removing the person's political disabilities, may expressly place conditions upon the reinstatement of the person's right to

ship, transport, possess or receive firearms, (iv) any person whose right to possess firearms or ammunition has been restored under the law of another state subject to conditions placed upon the reinstatement of the person's right to ship, transport, possess, or receive firearms by such state, or (v) any person adjudicated delinquent as a juvenile who has completed a term of service of no less than two years in the Armed Forces of the United States and, if such person has been discharged from the Armed Forces of the United States, received an honorable discharge and who is not otherwise prohibited under clause (i) or (ii) of subsection A.

C. Any person prohibited from possessing, transporting, or carrying a firearm, ammunition for a firearm, or a stun weapon under subsection A may petition the circuit court of the jurisdiction in which he resides or, if the person is not a resident of the Commonwealth, the circuit court of any county or city where such person was last convicted of a felony or adjudicated delinquent of a disqualifying offense pursuant to subsection A, for a permit to possess or carry a firearm, ammunition for a firearm, or a stun weapon; however, no person who has been convicted of a felony shall be qualified to petition for such a permit unless his civil rights have been restored by the Governor or other appropriate authority. A copy of the petition shall be mailed or delivered to the attorney for the Commonwealth for the jurisdiction where the petition was filed who shall be entitled to respond and represent the interests of the Commonwealth. The court shall conduct a hearing if requested by either party. The court may, in its discretion and for good cause shown, grant such petition and issue a permit. The provisions of this section relating to firearms, ammunition for a firearm, and stun weapons shall not apply to any person who has been granted a permit pursuant to this subsection.

C1. Any person who was prohibited from possessing, transporting or carrying explosive material under subsection A may possess, transport or carry such explosive material if his right to possess, transport or carry explosive material has been restored pursuant to federal law.

C2. The prohibitions of subsection A shall not prohibit any person other than a person convicted of an act of violence as defined in § 19.2-297.1 or a violent felony as defined in subsection C of § 17.1-805 from possessing, transporting, or carrying (i) antique firearms or (ii) black powder in a quantity not exceeding five pounds if it is intended to be used solely for sporting, recreational, or cultural purposes in antique firearms. For the purposes of this subsection, "antique firearms" means any firearm described in subdivision 3 of the definition of "antique firearm" in subsection ~~G~~ F of § 18.2-308.2:2.

D. For the purpose of this section:

"Ammunition for a firearm" means the combination of a cartridge, projectile, primer, or propellant designed for use in a firearm other than an antique firearm as defined in § 18.2-308.2:2.

"Explosive material" means any chemical compound mixture, or device, the primary or common purpose of which is to function by explosion; the term includes, but is not limited to, dynamite and other high explosives, black powder, pellet powder, smokeless gun powder, detonators, blasting caps and detonating cord but shall not include fireworks or permissible fireworks as defined in § 27-95.

§ 18.2-308.2. (Effective January 1, 2021) Possession or transportation of firearms, firearms ammunition, stun weapons, explosives or concealed weapons by convicted felons; penalties; petition for restoration order; when issued.

A. It shall be unlawful for (i) any person who has been convicted of a felony; (ii) any person adjudicated delinquent as a juvenile 14 years of age or older at the time of the offense of murder in violation of § 18.2-31 or 18.2-32, kidnapping in violation of § 18.2-47, robbery by the threat or presentation of firearms in violation of § 18.2-58, or rape in violation of § 18.2-61; or (iii) any person under the age of 29 who was adjudicated delinquent as a juvenile 14 years of age or older at the time of the offense of a delinquent act which would be a felony if committed by an adult, other than those felonies set forth in clause (ii), whether such conviction or adjudication occurred under the laws of the Commonwealth, or any other state, the District of Columbia, the United States or any territory thereof, to knowingly and intentionally possess or transport any firearm or ammunition for a firearm, any stun weapon as defined by § 18.2-308.1, or any explosive material, or to knowingly and intentionally carry about his person, hidden from common observation, any weapon described in subsection A of § 18.2-308. However, such person may possess in his residence or the curtilage thereof a stun weapon as defined by § 18.2-308.1. Any person who violates this section shall be guilty of a Class 6 felony. However, any person who violates this section by knowingly and intentionally possessing or transporting any firearm and who was previously convicted of a violent felony as defined in § 17.1-805 shall be sentenced to a mandatory minimum term of imprisonment of five years. Any person who violates this section by knowingly and intentionally possessing or transporting any firearm and who was previously convicted of any other felony within the prior 10 years shall be sentenced to a mandatory minimum term of imprisonment of two years. The mandatory minimum terms of imprisonment prescribed for violations of this section shall be served consecutively with any other sentence.

B. The prohibitions of subsection A shall not apply to (i) any person who possesses a firearm, ammunition for a firearm, explosive material or other weapon while carrying out his duties as a member of the Armed Forces of the United States or of the National Guard of Virginia or of any other state, (ii) any law-enforcement officer in the performance of his duties, (iii) any person who has been pardoned or whose political disabilities have been removed pursuant to Article V, Section 12 of the Constitution of Virginia provided the Governor, in the document granting the pardon or removing the person's political disabilities, may expressly place conditions upon the reinstatement of the person's right to ship, transport, possess or receive firearms, (iv) any person whose right to possess firearms or ammunition has been restored under the law of another state subject to conditions placed upon the reinstatement of the person's right to ship, transport, possess, or receive firearms by such state, or (v) any person adjudicated delinquent as a juvenile who has completed a term of service of no less than two years in the Armed Forces of the United States and, if such person has been discharged from the

Armed Forces of the United States, received an honorable discharge and who is not otherwise prohibited under clause (i) or (ii) of subsection A.

C. Any person prohibited from possessing, transporting, or carrying a firearm, ammunition for a firearm, or a stun weapon under subsection A may petition the circuit court of the jurisdiction in which he resides or, if the person is not a resident of the Commonwealth, the circuit court of any county or city where such person was last convicted of a felony or adjudicated delinquent of a disqualifying offense pursuant to subsection A, for a restoration order that unconditionally authorizes possessing, transporting, or carrying a firearm, ammunition for a firearm, or a stun weapon; however, no person who has been convicted of a felony shall be qualified to petition for such an order unless his civil rights have been restored by the Governor or other appropriate authority. A copy of the petition shall be mailed or delivered to the attorney for the Commonwealth for the jurisdiction where the petition was filed who shall be entitled to respond and represent the interests of the Commonwealth. The court shall conduct a hearing if requested by either party. The court may, in its discretion and for good cause shown, grant such petition and issue a restoration order. Such order shall contain the petitioner's name and date of birth. The clerk shall certify and forward forthwith to the Central Criminal Records Exchange (CCRE), on a form provided by the CCRE, a copy of the order to be accompanied by a complete set of the petitioner's fingerprints. The Department of State Police shall forthwith enter the petitioner's name and description in the CCRE so that the order's existence will be made known to law-enforcement personnel accessing the computerized criminal history records for investigative purposes. The provisions of this section relating to firearms, ammunition for a firearm, and stun weapons shall not apply to any person who has been issued a restoration order pursuant to this subsection.

C1. Any person who was prohibited from possessing, transporting or carrying explosive material under subsection A may possess, transport or carry such explosive material if his right to possess, transport or carry explosive material has been restored pursuant to federal law.

C2. The prohibitions of subsection A shall not prohibit any person other than a person convicted of an act of violence as defined in § 19.2-297.1 or a violent felony as defined in subsection C of § 17.1-805 from possessing, transporting, or carrying (i) antique firearms or (ii) black powder in a quantity not exceeding five pounds if it is intended to be used solely for sporting, recreational, or cultural purposes in antique firearms. For the purposes of this subsection, "antique firearms" means any firearm described in subdivision 3 of the definition of "antique firearm" in subsection ~~G~~ F of § 18.2-308.2:2.

D. For the purpose of this section:

"Ammunition for a firearm" means the combination of a cartridge, projectile, primer, or propellant designed for use in a firearm other than an antique firearm as defined in § 18.2-308.2:2.

"Explosive material" means any chemical compound mixture, or device, the primary or common purpose of which is to function by explosion; the term includes, but is not limited to, dynamite and other high explosives, black powder, pellet powder, smokeless gun powder, detonators, blasting caps and detonating cord but shall not include fireworks or permissible fireworks as defined in § 27-95.

§ 18.2-308.2:2. Criminal history record information check required for the transfer of certain firearms.

A. Any person purchasing from a dealer a firearm as herein defined shall consent in writing, on a form to be provided by the Department of State Police, to have the dealer obtain criminal history record information. Such form shall include only the written consent; the name, birth date, gender, race, citizenship, and social security number and/or any other identification number; the number of firearms by category intended to be sold, rented, traded, or transferred; and answers by the applicant to the following questions: (i) has the applicant been convicted of a felony offense or found guilty or adjudicated delinquent as a juvenile 14 years of age or older at the time of the offense of a delinquent act that would be a felony if committed by an adult; (ii) is the applicant subject to a court order restraining the applicant from harassing, stalking, or threatening the applicant's child or intimate partner, or a child of such partner, or is the applicant subject to a protective order; and (iii) has the applicant ever been acquitted by reason of insanity and prohibited from purchasing, possessing or transporting a firearm pursuant to § 18.2-308.1:1 or any substantially similar law of any other jurisdiction, been adjudicated legally incompetent, mentally incapacitated or adjudicated an incapacitated person and prohibited from purchasing a firearm pursuant to § 18.2-308.1:2 or any substantially similar law of any other jurisdiction, ~~or~~ been involuntarily admitted to an inpatient facility or involuntarily ordered to outpatient mental health treatment and prohibited from purchasing a firearm pursuant to § 18.2-308.1:3 or any substantially similar law of any other jurisdiction, *or been the subject of a temporary detention order pursuant to § 37.2-809 and subsequently agreed to a voluntary admission pursuant to § 37.2-805.*

B. 1. No dealer shall sell, rent, trade or transfer from his inventory any such firearm to any other person who is a resident of Virginia until he has (i) obtained written consent and the other information on the consent form specified in subsection A, and provided the Department of State Police with the name, birth date, gender, race, citizenship, and social security number and/or any other identification number and the number of firearms by category intended to be sold, rented, traded or transferred and (ii) requested criminal history record information by a telephone call to or other communication authorized by the State Police and is authorized by subdivision 2 to complete the sale or other such transfer. To establish personal identification and residence in Virginia for purposes of this section, a dealer must require any prospective purchaser to present one photo-identification form issued by a governmental agency of the Commonwealth or by the United States Department of Defense that demonstrates that the prospective purchaser resides in Virginia. For the purposes of this section and establishment of residency for firearm purchase, residency of a member of the armed forces shall include both the state in which the member's permanent duty post is located and any nearby state in which the member resides and from which he

commutes to the permanent duty post. A member of the armed forces whose photo identification issued by the Department of Defense does not have a Virginia address may establish his Virginia residency with such photo identification and either permanent orders assigning the purchaser to a duty post, including the Pentagon, in Virginia or the purchaser's Leave and Earnings Statement. When the photo identification presented to a dealer by the prospective purchaser is a driver's license or other photo identification issued by the Department of Motor Vehicles, and such identification form contains a date of issue, the dealer shall not, except for a renewed driver's license or other photo identification issued by the Department of Motor Vehicles, sell or otherwise transfer a firearm to the prospective purchaser until 30 days after the date of issue of an original or duplicate driver's license unless the prospective purchaser also presents a copy of his Virginia Department of Motor Vehicles driver's record showing that the original date of issue of the driver's license was more than 30 days prior to the attempted purchase.

In addition, no dealer shall sell, rent, trade, or transfer from his inventory any assault firearm to any person who is not a citizen of the United States or who is not a person lawfully admitted for permanent residence.

Upon receipt of the request for a criminal history record information check, the State Police shall (a) review its criminal history record information to determine if the buyer or transferee is prohibited from possessing or transporting a firearm by state or federal law, (b) inform the dealer if its record indicates that the buyer or transferee is so prohibited, and (c) provide the dealer with a unique reference number for that inquiry.

2. The State Police shall provide its response to the requesting dealer during the dealer's request, or by return call without delay. ~~If the criminal history record information check indicates the prospective purchaser or transferee has a disqualifying criminal record or has been acquitted by reason of insanity and committed to the custody of the Commissioner of Behavioral Health and Developmental Services, the State Police shall have until the end of the dealer's next business day to advise the dealer if its records indicate the buyer or transferee is prohibited from possessing or transporting a firearm by state or federal law. If not so advised by the end of the dealer's next business day, a dealer who has fulfilled the requirements of subdivision 1 may immediately complete the sale or transfer and shall not be deemed in violation of this section with respect to such sale or transfer. In case of electronic failure or other circumstances beyond the control of the State Police, the dealer shall be advised immediately of the reason for such delay and be given an estimate of the length of such delay. After such notification, the State Police shall, as soon as possible but in no event later than the end of the dealer's next business day, inform the requesting dealer if its records indicate the buyer or transferee is prohibited from possessing or transporting a firearm by state or federal law.~~ A dealer who fulfills the requirements of subdivision 1 and is told by the State Police that a response will not be available by the end of the dealer's ~~next~~ *third* business day may immediately complete the sale or transfer and shall not be deemed in violation of this section with respect to such sale or transfer.

3. Except as required by subsection D of § 9.1-132, the State Police shall not maintain records longer than 30 days, except for multiple handgun transactions for which records shall be maintained for 12 months, from any dealer's request for a criminal history record information check pertaining to a buyer or transferee who is not found to be prohibited from possessing and transporting a firearm under state or federal law. However, the log on requests made may be maintained for a period of 12 months, and such log shall consist of the name of the purchaser, the dealer identification number, the unique approval number and the transaction date.

4. On the last day of the week following the sale or transfer of any firearm, the dealer shall mail or deliver the written consent form required by subsection A to the Department of State Police. The State Police shall immediately initiate a search of all available criminal history record information to determine if the purchaser is prohibited from possessing or transporting a firearm under state or federal law. If the search discloses information indicating that the buyer or transferee is so prohibited from possessing or transporting a firearm, the State Police shall inform the chief law-enforcement officer in the jurisdiction where the sale or transfer occurred and the dealer without delay.

5. Notwithstanding any other provisions of this section, rifles and shotguns may be purchased by persons who are citizens of the United States or persons lawfully admitted for permanent residence but residents of other states under the terms of subsections A and B upon furnishing the dealer with one photo-identification form issued by a governmental agency of the person's state of residence and one other form of identification determined to be acceptable by the Department of Criminal Justice Services.

6. For the purposes of this subsection, the phrase "dealer's ~~next~~ *third* business day" shall not include December 25.

C. No dealer shall sell, rent, trade, or transfer from his inventory any firearm, except when the transaction involves a rifle or a shotgun and can be accomplished pursuant to the provisions of subdivision B 5, to any person who is ~~not~~ a *dual* resident of Virginia *and another state pursuant to applicable federal law* unless he has first obtained from the Department of State Police a report indicating that a search of all available criminal history record information has not disclosed that the person is prohibited from possessing or transporting a firearm under state or federal law. ~~The dealer shall obtain the required report by mailing or delivering the written consent form required under subsection A to the State Police within 24 hours of its execution. If the dealer has complied with the provisions of this subsection and has not received the required report from the State Police within 10 days from the date the written consent form was mailed to the Department of State Police, he shall not be deemed in violation of this section for thereafter completing the sale or transfer.~~

To establish personal identification and dual resident eligibility for purposes of this subsection, a dealer shall require any prospective purchaser to present one photo-identification form issued by a governmental agency of the prospective purchaser's state of legal residence and other documentation of dual residence within the Commonwealth. The other documentation of dual residence in the Commonwealth may include (i) evidence of currently paid personal property tax or

real estate tax or a current (a) lease, (b) utility or telephone bill, (c) voter registration card, (d) bank check, (e) passport, (f) automobile registration, or (g) hunting or fishing license; (ii) other current identification allowed as evidence of residency by 27 C.F.R. § 178.124 and ATF Ruling 2001-5; or (iii) other documentation of residence determined to be acceptable by the Department of Criminal Justice Services and that corroborates that the prospective purchaser currently resides in Virginia.

~~D. Nothing herein shall prevent a resident of the Commonwealth, at his option, from buying, renting or receiving a firearm from a dealer in Virginia by obtaining a criminal history record information check through the dealer as provided in subsection C.~~

~~E.~~ If any buyer or transferee is denied the right to purchase a firearm under this section, he may exercise his right of access to and review and correction of criminal history record information under § 9.1-132 or institute a civil action as provided in § 9.1-135, provided any such action is initiated within 30 days of such denial.

~~F. E.~~ Any dealer who willfully and intentionally requests, obtains, or seeks to obtain criminal history record information under false pretenses, or who willfully and intentionally disseminates or seeks to disseminate criminal history record information except as authorized in this section shall be guilty of a Class 2 misdemeanor.

~~G. F.~~ For purposes of this section:

"Actual buyer" means a person who executes the consent form required in subsection B or C, or other such firearm transaction records as may be required by federal law.

"Antique firearm" means:

1. Any firearm (including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured in or before 1898;

2. Any replica of any firearm described in subdivision 1 of this definition if such replica (i) is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition or (ii) uses rimfire or conventional centerfire fixed ammunition that is no longer manufactured in the United States and that is not readily available in the ordinary channels of commercial trade;

3. Any muzzle-loading rifle, muzzle-loading shotgun, or muzzle-loading pistol that is designed to use black powder, or a black powder substitute, and that cannot use fixed ammunition. For purposes of this subdivision, the term "antique firearm" shall not include any weapon that incorporates a firearm frame or receiver, any firearm that is converted into a muzzle-loading weapon, or any muzzle-loading weapon that can be readily converted to fire fixed ammunition by replacing the barrel, bolt, breech-block, or any combination thereof; or

4. Any curio or relic as defined in this subsection.

"Assault firearm" means any semi-automatic center-fire rifle or pistol which expels single or multiple projectiles by action of an explosion of a combustible material and is equipped at the time of the offense with a magazine which will hold more than 20 rounds of ammunition or designed by the manufacturer to accommodate a silencer or equipped with a folding stock.

"Curios or relics" means firearms that are of special interest to collectors by reason of some quality other than is associated with firearms intended for sporting use or as offensive or defensive weapons. To be recognized as curios or relics, firearms must fall within one of the following categories:

1. Firearms that were manufactured at least 50 years prior to the current date, which use rimfire or conventional centerfire fixed ammunition that is no longer manufactured in the United States and that is not readily available in the ordinary channels of commercial trade, but not including replicas thereof;

2. Firearms that are certified by the curator of a municipal, state, or federal museum that exhibits firearms to be curios or relics of museum interest; and

3. Any other firearms that derive a substantial part of their monetary value from the fact that they are novel, rare, bizarre, or because of their association with some historical figure, period, or event. Proof of qualification of a particular firearm under this category may be established by evidence of present value and evidence that like firearms are not available except as collectors' items, or that the value of like firearms available in ordinary commercial channels is substantially less.

"Dealer" means any person licensed as a dealer pursuant to 18 U.S.C. § 921 et seq.

"Firearm" means any handgun, shotgun, or rifle that will or is designed to or may readily be converted to expel single or multiple projectiles by action of an explosion of a combustible material.

"Handgun" means any pistol or revolver or other firearm originally designed, made and intended to fire single or multiple projectiles by means of an explosion of a combustible material from one or more barrels when held in one hand.

"Lawfully admitted for permanent residence" means the status of having been lawfully accorded the privilege of residing permanently in the United States as an immigrant in accordance with the immigration laws, such status not having changed.

~~H. G.~~ The Department of Criminal Justice Services shall promulgate regulations to ensure the identity, confidentiality and security of all records and data provided by the Department of State Police pursuant to this section.

~~I. H.~~ The provisions of this section shall not apply to (i) transactions between persons who are licensed as firearms importers or collectors, manufacturers or dealers pursuant to 18 U.S.C. § 921 et seq.; (ii) purchases by or sales to any law-enforcement officer or agent of the United States, the Commonwealth or any local government, or any campus police officer appointed under Article 3 (§ 23.1-809 et seq.) of Chapter 8 of Title 23.1; or (iii) antique firearms, curios or relics.

✚ I. The provisions of this section shall not apply to restrict purchase, trade or transfer of firearms by a resident of Virginia when the resident of Virginia makes such purchase, trade or transfer in another state, in which case the laws and regulations of that state and the United States governing the purchase, trade or transfer of firearms shall apply. A National Instant Criminal Background Check System (NICS) check shall be performed prior to such purchase, trade or transfer of firearms.

✚ J. All licensed firearms dealers shall collect a fee of \$2 for every transaction for which a criminal history record information check is required pursuant to this section, except that a fee of \$5 shall be collected for every transaction involving an out-of-state resident. Such fee shall be transmitted to the Department of State Police by the last day of the month following the sale for deposit in a special fund for use by the State Police to offset the cost of conducting criminal history record information checks under the provisions of this section.

K. Any person willfully and intentionally making a materially false statement on the consent form required in subsection B or C or on such firearm transaction records as may be required by federal law, shall be guilty of a Class 5 felony.

L. Except as provided in § 18.2-308.2:1, any dealer who willfully and intentionally sells, rents, trades or transfers a firearm in violation of this section shall be guilty of a Class 6 felony.

L1. Any person who attempts to solicit, persuade, encourage, or entice any dealer to transfer or otherwise convey a firearm other than to the actual buyer, as well as any other person who willfully and intentionally aids or abets such person, shall be guilty of a Class 6 felony. This subsection shall not apply to a federal law-enforcement officer or a law-enforcement officer as defined in § 9.1-101, in the performance of his official duties, or other person under his direct supervision.

M. Any person who purchases a firearm with the intent to (i) resell or otherwise provide such firearm to any person who he knows or has reason to believe is ineligible to purchase or otherwise receive from a dealer a firearm for whatever reason or (ii) transport such firearm out of the Commonwealth to be resold or otherwise provided to another person who the transferor knows is ineligible to purchase or otherwise receive a firearm, shall be guilty of a Class 4 felony and sentenced to a mandatory minimum term of imprisonment of one year. However, if the violation of this subsection involves such a transfer of more than one firearm, the person shall be sentenced to a mandatory minimum term of imprisonment of five years. The prohibitions of this subsection shall not apply to the purchase of a firearm by a person for the lawful use, possession, or transport thereof, pursuant to § 18.2-308.7, by his child, grandchild, or individual for whom he is the legal guardian if such child, grandchild, or individual is ineligible, solely because of his age, to purchase a firearm.

N. Any person who is ineligible to purchase or otherwise receive or possess a firearm in the Commonwealth who solicits, employs or assists any person in violating subsection M shall be guilty of a Class 4 felony and shall be sentenced to a mandatory minimum term of imprisonment of five years.

O. Any mandatory minimum sentence imposed under this section shall be served consecutively with any other sentence.

P. All driver's licenses issued on or after July 1, 1994, shall carry a letter designation indicating whether the driver's license is an original, duplicate or renewed driver's license.

Q. Prior to selling, renting, trading, or transferring any firearm owned by the dealer but not in his inventory to any other person, a dealer may require such other person to consent to have the dealer obtain criminal history record information to determine if such other person is prohibited from possessing or transporting a firearm by state or federal law. The Department of State Police shall establish policies and procedures in accordance with 28 C.F.R. § 25.6 to permit such determinations to be made by the Department of State Police, and the processes established for making such determinations shall conform to the provisions of this section.

§ 18.2-308.2:5. Criminal history record information check required to sell firearm; penalty.

A. *No person shall sell a firearm for money, goods, services or anything else of value unless he has obtained verification from a licensed dealer in firearms that information on the prospective purchaser has been submitted for a criminal history record information check as set out in § 18.2-308.2:2 and that a determination has been received from the Department of State Police that the prospective purchaser is not prohibited under state or federal law from possessing a firearm or such sale is specifically exempted by state or federal law. The Department of State Police shall provide a means by which sellers may obtain from designated licensed dealers the approval or denial of firearm transfer requests, based on criminal history record information checks. The processes established shall conform to the provisions of § 18.2-308.2:2, and the definitions and provisions of § 18.2-308.2:2 regarding criminal history record information checks shall apply to this section mutatis mutandis. The designated dealer shall collect and disseminate the fees prescribed in § 18.2-308.2:2 as required by that section. The dealer may charge and retain an additional fee not to exceed \$15 for obtaining a criminal history record information check on behalf of a seller.*

B. *Notwithstanding the provisions of subsection A and unless otherwise prohibited by state or federal law, a person may sell a firearm to another person if:*

1. *The sale of a firearm is to an authorized representative of the Commonwealth or any subdivision thereof as part of an authorized voluntary gun buy-back or give-back program; or*

2. *The sale occurs at a firearms show, as defined in § 54.1-4200, and the seller has received a determination from the Department of State Police that the purchaser is not prohibited under state or federal law from possessing a firearm in accordance with § 54.1-4201.2.*

C. *Any person who willfully and intentionally sells a firearm to another person without obtaining verification in accordance with this section is guilty of a Class 1 misdemeanor.*

D. Any person who willfully and intentionally purchases a firearm from another person without obtaining verification in accordance with this section is guilty of a Class 1 misdemeanor.

§ 22.1-277.07. Expulsion of students under certain circumstances; exceptions.

A. In compliance with the federal Improving America's Schools Act of 1994 (Part F-Gun-Free Schools Act of 1994), a school board shall expel from school attendance for a period of not less than one year any student whom such school board has determined, in accordance with the procedures set forth in this article, to have possessed a firearm on school property or at a school-sponsored activity as prohibited by § 18.2-308.1 or to have possessed a firearm or destructive device as defined in subsection E, a firearm muffler or firearm silencer, or a pneumatic gun as defined in subsection E of § 15.2-915.4 on school property or at a school-sponsored activity. A school administrator, pursuant to school board policy, or a school board may, however, determine, based on the facts of a particular situation, that special circumstances exist and no disciplinary action or another disciplinary action or another term of expulsion is appropriate. A school board may promulgate guidelines for determining what constitutes special circumstances. In addition, a school board may, by regulation, authorize the division superintendent or his designee to conduct a preliminary review of such cases to determine whether a disciplinary action other than expulsion is appropriate. Such regulations shall ensure that, if a determination is made that another disciplinary action is appropriate, any such subsequent disciplinary action is to be taken in accordance with the procedures set forth in this article. Nothing in this section shall be construed to require a student's expulsion regardless of the facts of the particular situation.

B. The Board of Education is designated as the state education agency to carry out the provisions of the federal Improving America's Schools Act of 1994 and shall administer the funds to be appropriated to the Commonwealth under this act.

C. Each school board shall revise its standards of student conduct no later than three months after the date on which this act becomes effective. Local school boards requesting moneys apportioned to the Commonwealth through the federal Improving America's Schools Act of 1994 shall submit to the Department of Education an application requesting such assistance. Applications for assistance shall include:

1. Documentation that the local school board has adopted and implemented student conduct policies in compliance with this section; and

2. A description of the circumstances pertaining to expulsions imposed under this section, including (i) the schools from which students were expelled under this section, (ii) the number of students expelled from each such school in the school division during the school year, and (iii) the types of firearms involved in the expulsions.

D. No school operating a Junior Reserve Officers Training Corps (JROTC) program shall prohibit the JROTC program from conducting marksmanship training when such training is a normal element of such programs. Such programs may include training in the use of pneumatic guns. The administration of a school operating a JROTC program shall cooperate with the JROTC staff in implementing such marksmanship training.

E. As used in this section:

"Destructive device" means (i) any explosive, incendiary, or poison gas, bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine, or other similar device; (ii) any weapon, except a shotgun or a shotgun shell generally recognized as particularly suitable for sporting purposes, by whatever name known that will, or may be readily converted to, expel a projectile by the action of an explosive or other propellant, and that has any barrel with a bore of more than one-half inch in diameter that is homemade or was not made by a duly licensed weapon manufacturer, any fully automatic firearm, any sawed-off shotgun or sawed-off rifle as defined in § 18.2-299 or any firearm prohibited from civilian ownership by federal law; and (iii) any combination of parts either designed or intended for use in converting any device into any destructive device described in this subsection and from which a destructive device may be readily assembled. "Destructive device" does not include any device that is not designed or redesigned for use as a weapon, or any device originally designed for use as a weapon and that is redesigned for use as a signaling, pyrotechnic, line-throwing, safety, or other similar device, nor shall it include any antique firearm as defined in ~~subsection G~~ of § 18.2-308.2:2.

"Firearm" means any weapon, including a starter gun, that will, or is designed or may readily be converted to, expel single or multiple projectiles by the action of an explosion of a combustible material or the frame or receiver of any such weapon. "Firearm" does not include any pneumatic gun, as defined in subsection E of § 15.2-915.4.

"One year" means 365 calendar days as required in federal regulations.

"School property" means any real property owned or leased by the school board or any vehicle owned or leased by the school board or operated by or on behalf of the school board.

F. The exemptions set out in §§ 18.2-308 and 18.2-308.016 regarding concealed weapons shall apply, mutatis mutandis, to the provisions of this section. The provisions of this section shall not apply to persons who possess such firearm or firearms or pneumatic guns as a part of the curriculum or other programs sponsored by the schools in the school division or any organization permitted by the school to use its premises or to any law-enforcement officer while engaged in his duties as such.

G. This section shall not be construed to diminish the authority of the Board of Education or the Governor concerning decisions on whether, or the extent to which, Virginia shall participate in the federal Improving America's Schools Act of 1994, or to diminish the Governor's authority to coordinate and provide policy direction on official communications between the Commonwealth and the United States government.

§ 54.1-4201.2. Firearm transactions by persons other than dealers; voluntary background checks.

A. The Department of State Police shall be available at every firearms show held in the Commonwealth to make determinations in accordance with the procedures set out in § 18.2-308.2:2 of whether a prospective purchaser or transferee is prohibited under state or federal law from possessing a firearm. The Department of State Police shall establish policies and procedures in accordance with 28 C.F.R. § 25.6 to permit such determinations to be made by the Department of State Police.

~~Unless otherwise required by state or federal law, any party involved in the transaction may decide whether or not to have such a determination made.~~

The Department of State Police may charge a reasonable fee for the determination.

B. The promoter, as defined in § 54.1-4201.1, shall give the Department of State Police notice of the time and location of a firearms show at least 30 days prior to the show. The promoter shall provide the Department of State Police with adequate space, at no charge, to conduct such prohibition determinations. The promoter shall ensure that a notice that such determinations are available is prominently displayed at the show.

C. No person who sells or transfers a firearm at a firearms show after receiving a determination from the Department of State Police that the purchaser or transferee is not prohibited by state or federal law from possessing a firearm shall be liable for selling or transferring a firearm to such person.

D. The provisions of § 18.2-308.2:2, including definitions, procedures, and prohibitions, shall apply, mutatis mutandis, to the provisions of this section.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 854 of the Acts of Assembly of 2019 requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

CHAPTER 1112

An Act to amend and reenact §§ 18.2-308.2, as it is currently effective and as it shall become effective, 18.2-308.2:2, 22.1-277.07, and 54.1-4201.2 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 18.2-308.2:5, relating to firearm sales; criminal history record information check; penalty.

[S 70]

Approved April 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 18.2-308.2, as it is currently effective and as it shall become effective, 18.2-308.2:2, 22.1-277.07, and 54.1-4201.2 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 18.2-308.2:5 as follows:

§ 18.2-308.2. (Effective until January 1, 2021) Possession or transportation of firearms, firearms ammunition, stun weapons, explosives or concealed weapons by convicted felons; penalties; petition for permit; when issued.

A. It shall be unlawful for (i) any person who has been convicted of a felony; (ii) any person adjudicated delinquent as a juvenile 14 years of age or older at the time of the offense of murder in violation of § 18.2-31 or 18.2-32, kidnapping in violation of § 18.2-47, robbery by the threat or presentation of firearms in violation of § 18.2-58, or rape in violation of § 18.2-61; or (iii) any person under the age of 29 who was adjudicated delinquent as a juvenile 14 years of age or older at the time of the offense of a delinquent act which would be a felony if committed by an adult, other than those felonies set forth in clause (ii), whether such conviction or adjudication occurred under the laws of the Commonwealth, or any other state, the District of Columbia, the United States or any territory thereof, to knowingly and intentionally possess or transport any firearm or ammunition for a firearm, any stun weapon as defined by § 18.2-308.1, or any explosive material, or to knowingly and intentionally carry about his person, hidden from common observation, any weapon described in subsection A of § 18.2-308. However, such person may possess in his residence or the curtilage thereof a stun weapon as defined by § 18.2-308.1. Any person who violates this section shall be guilty of a Class 6 felony. However, any person who violates this section by knowingly and intentionally possessing or transporting any firearm and who was previously convicted of a violent felony as defined in § 17.1-805 shall be sentenced to a mandatory minimum term of imprisonment of five years. Any person who violates this section by knowingly and intentionally possessing or transporting any firearm and who was previously convicted of any other felony within the prior 10 years shall be sentenced to a mandatory minimum term of imprisonment of two years. The mandatory minimum terms of imprisonment prescribed for violations of this section shall be served consecutively with any other sentence.

B. The prohibitions of subsection A shall not apply to (i) any person who possesses a firearm, ammunition for a firearm, explosive material or other weapon while carrying out his duties as a member of the Armed Forces of the United States or of the National Guard of Virginia or of any other state, (ii) any law-enforcement officer in the performance of his duties, (iii) any person who has been pardoned or whose political disabilities have been removed pursuant to Article V, Section 12 of the Constitution of Virginia provided the Governor, in the document granting the pardon or removing the person's political disabilities, may expressly place conditions upon the reinstatement of the person's right to

ship, transport, possess or receive firearms, (iv) any person whose right to possess firearms or ammunition has been restored under the law of another state subject to conditions placed upon the reinstatement of the person's right to ship, transport, possess, or receive firearms by such state, or (v) any person adjudicated delinquent as a juvenile who has completed a term of service of no less than two years in the Armed Forces of the United States and, if such person has been discharged from the Armed Forces of the United States, received an honorable discharge and who is not otherwise prohibited under clause (i) or (ii) of subsection A.

C. Any person prohibited from possessing, transporting, or carrying a firearm, ammunition for a firearm, or a stun weapon under subsection A may petition the circuit court of the jurisdiction in which he resides or, if the person is not a resident of the Commonwealth, the circuit court of any county or city where such person was last convicted of a felony or adjudicated delinquent of a disqualifying offense pursuant to subsection A, for a permit to possess or carry a firearm, ammunition for a firearm, or a stun weapon; however, no person who has been convicted of a felony shall be qualified to petition for such a permit unless his civil rights have been restored by the Governor or other appropriate authority. A copy of the petition shall be mailed or delivered to the attorney for the Commonwealth for the jurisdiction where the petition was filed who shall be entitled to respond and represent the interests of the Commonwealth. The court shall conduct a hearing if requested by either party. The court may, in its discretion and for good cause shown, grant such petition and issue a permit. The provisions of this section relating to firearms, ammunition for a firearm, and stun weapons shall not apply to any person who has been granted a permit pursuant to this subsection.

C1. Any person who was prohibited from possessing, transporting or carrying explosive material under subsection A may possess, transport or carry such explosive material if his right to possess, transport or carry explosive material has been restored pursuant to federal law.

C2. The prohibitions of subsection A shall not prohibit any person other than a person convicted of an act of violence as defined in § 19.2-297.1 or a violent felony as defined in subsection C of § 17.1-805 from possessing, transporting, or carrying (i) antique firearms or (ii) black powder in a quantity not exceeding five pounds if it is intended to be used solely for sporting, recreational, or cultural purposes in antique firearms. For the purposes of this subsection, "antique firearms" means any firearm described in subdivision 3 of the definition of "antique firearm" in subsection G of § 18.2-308.2:2.

D. For the purpose of this section:

"Ammunition for a firearm" means the combination of a cartridge, projectile, primer, or propellant designed for use in a firearm other than an antique firearm as defined in § 18.2-308.2:2.

"Explosive material" means any chemical compound mixture, or device, the primary or common purpose of which is to function by explosion; the term includes, but is not limited to, dynamite and other high explosives, black powder, pellet powder, smokeless gun powder, detonators, blasting caps and detonating cord but shall not include fireworks or permissible fireworks as defined in § 27-95.

§ 18.2-308.2. (Effective January 1, 2021) Possession or transportation of firearms, firearms ammunition, stun weapons, explosives or concealed weapons by convicted felons; penalties; petition for restoration order; when issued.

A. It shall be unlawful for (i) any person who has been convicted of a felony; (ii) any person adjudicated delinquent as a juvenile 14 years of age or older at the time of the offense of murder in violation of § 18.2-31 or 18.2-32, kidnapping in violation of § 18.2-47, robbery by the threat or presentation of firearms in violation of § 18.2-58, or rape in violation of § 18.2-61; or (iii) any person under the age of 29 who was adjudicated delinquent as a juvenile 14 years of age or older at the time of the offense of a delinquent act which would be a felony if committed by an adult, other than those felonies set forth in clause (ii), whether such conviction or adjudication occurred under the laws of the Commonwealth, or any other state, the District of Columbia, the United States or any territory thereof, to knowingly and intentionally possess or transport any firearm or ammunition for a firearm, any stun weapon as defined by § 18.2-308.1, or any explosive material, or to knowingly and intentionally carry about his person, hidden from common observation, any weapon described in subsection A of § 18.2-308. However, such person may possess in his residence or the curtilage thereof a stun weapon as defined by § 18.2-308.1. Any person who violates this section shall be guilty of a Class 6 felony. However, any person who violates this section by knowingly and intentionally possessing or transporting any firearm and who was previously convicted of a violent felony as defined in § 17.1-805 shall be sentenced to a mandatory minimum term of imprisonment of five years. Any person who violates this section by knowingly and intentionally possessing or transporting any firearm and who was previously convicted of any other felony within the prior 10 years shall be sentenced to a mandatory minimum term of imprisonment of two years. The mandatory minimum terms of imprisonment prescribed for violations of this section shall be served consecutively with any other sentence.

B. The prohibitions of subsection A shall not apply to (i) any person who possesses a firearm, ammunition for a firearm, explosive material or other weapon while carrying out his duties as a member of the Armed Forces of the United States or of the National Guard of Virginia or of any other state, (ii) any law-enforcement officer in the performance of his duties, (iii) any person who has been pardoned or whose political disabilities have been removed pursuant to Article V, Section 12 of the Constitution of Virginia provided the Governor, in the document granting the pardon or removing the person's political disabilities, may expressly place conditions upon the reinstatement of the person's right to ship, transport, possess or receive firearms, (iv) any person whose right to possess firearms or ammunition has been restored under the law of another state subject to conditions placed upon the reinstatement of the person's right to ship, transport, possess, or receive firearms by such state, or (v) any person adjudicated delinquent as a juvenile who has completed a term of service of no less than two years in the Armed Forces of the United States and, if such person has been discharged from

the Armed Forces of the United States, received an honorable discharge and who is not otherwise prohibited under clause (i) or (ii) of subsection A.

C. Any person prohibited from possessing, transporting, or carrying a firearm, ammunition for a firearm, or a stun weapon under subsection A may petition the circuit court of the jurisdiction in which he resides or, if the person is not a resident of the Commonwealth, the circuit court of any county or city where such person was last convicted of a felony or adjudicated delinquent of a disqualifying offense pursuant to subsection A, for a restoration order that unconditionally authorizes possessing, transporting, or carrying a firearm, ammunition for a firearm, or a stun weapon; however, no person who has been convicted of a felony shall be qualified to petition for such an order unless his civil rights have been restored by the Governor or other appropriate authority. A copy of the petition shall be mailed or delivered to the attorney for the Commonwealth for the jurisdiction where the petition was filed who shall be entitled to respond and represent the interests of the Commonwealth. The court shall conduct a hearing if requested by either party. The court may, in its discretion and for good cause shown, grant such petition and issue a restoration order. Such order shall contain the petitioner's name and date of birth. The clerk shall certify and forward forthwith to the Central Criminal Records Exchange (CCRE), on a form provided by the CCRE, a copy of the order to be accompanied by a complete set of the petitioner's fingerprints. The Department of State Police shall forthwith enter the petitioner's name and description in the CCRE so that the order's existence will be made known to law-enforcement personnel accessing the computerized criminal history records for investigative purposes. The provisions of this section relating to firearms, ammunition for a firearm, and stun weapons shall not apply to any person who has been issued a restoration order pursuant to this subsection.

C1. Any person who was prohibited from possessing, transporting or carrying explosive material under subsection A may possess, transport or carry such explosive material if his right to possess, transport or carry explosive material has been restored pursuant to federal law.

C2. The prohibitions of subsection A shall not prohibit any person other than a person convicted of an act of violence as defined in § 19.2-297.1 or a violent felony as defined in subsection C of § 17.1-805 from possessing, transporting, or carrying (i) antique firearms or (ii) black powder in a quantity not exceeding five pounds if it is intended to be used solely for sporting, recreational, or cultural purposes in antique firearms. For the purposes of this subsection, "antique firearms" means any firearm described in subdivision 3 of the definition of "antique firearm" in subsection ~~G~~ F of § 18.2-308.2:2.

D. For the purpose of this section:

"Ammunition for a firearm" means the combination of a cartridge, projectile, primer, or propellant designed for use in a firearm other than an antique firearm as defined in § 18.2-308.2:2.

"Explosive material" means any chemical compound mixture, or device, the primary or common purpose of which is to function by explosion; the term includes, but is not limited to, dynamite and other high explosives, black powder, pellet powder, smokeless gun powder, detonators, blasting caps and detonating cord but shall not include fireworks or permissible fireworks as defined in § 27-95.

§ 18.2-308.2:2. Criminal history record information check required for the transfer of certain firearms.

A. Any person purchasing from a dealer a firearm as herein defined shall consent in writing, on a form to be provided by the Department of State Police, to have the dealer obtain criminal history record information. Such form shall include only the written consent; the name, birth date, gender, race, citizenship, and social security number and/or any other identification number; the number of firearms by category intended to be sold, rented, traded, or transferred; and answers by the applicant to the following questions: (i) has the applicant been convicted of a felony offense or found guilty or adjudicated delinquent as a juvenile 14 years of age or older at the time of the offense of a delinquent act that would be a felony if committed by an adult; (ii) is the applicant subject to a court order restraining the applicant from harassing, stalking, or threatening the applicant's child or intimate partner, or a child of such partner, or is the applicant subject to a protective order; and (iii) has the applicant ever been acquitted by reason of insanity and prohibited from purchasing, possessing or transporting a firearm pursuant to § 18.2-308.1:1 or any substantially similar law of any other jurisdiction, been adjudicated legally incompetent, mentally incapacitated or adjudicated an incapacitated person and prohibited from purchasing a firearm pursuant to § 18.2-308.1:2 or any substantially similar law of any other jurisdiction, ~~or~~ been involuntarily admitted to an inpatient facility or involuntarily ordered to outpatient mental health treatment and prohibited from purchasing a firearm pursuant to § 18.2-308.1:3 or any substantially similar law of any other jurisdiction, *or been the subject of a temporary detention order pursuant to § 37.2-809 and subsequently agreed to a voluntary admission pursuant to § 37.2-805.*

B. 1. No dealer shall sell, rent, trade or transfer from his inventory any such firearm to any other person who is a resident of Virginia until he has (i) obtained written consent and the other information on the consent form specified in subsection A, and provided the Department of State Police with the name, birth date, gender, race, citizenship, and social security and/or any other identification number and the number of firearms by category intended to be sold, rented, traded or transferred and (ii) requested criminal history record information by a telephone call to or other communication authorized by the State Police and is authorized by subdivision 2 to complete the sale or other such transfer. To establish personal identification and residence in Virginia for purposes of this section, a dealer must require any prospective purchaser to present one photo-identification form issued by a governmental agency of the Commonwealth or by the United States Department of Defense that demonstrates that the prospective purchaser resides in Virginia. For the purposes of this section and establishment of residency for firearm purchase, residency of a member of the armed forces shall include both the state in which the member's permanent duty post is located and any nearby state in which the member resides and from which he

commutes to the permanent duty post. A member of the armed forces whose photo identification issued by the Department of Defense does not have a Virginia address may establish his Virginia residency with such photo identification and either permanent orders assigning the purchaser to a duty post, including the Pentagon, in Virginia or the purchaser's Leave and Earnings Statement. When the photo identification presented to a dealer by the prospective purchaser is a driver's license or other photo identification issued by the Department of Motor Vehicles, and such identification form contains a date of issue, the dealer shall not, except for a renewed driver's license or other photo identification issued by the Department of Motor Vehicles, sell or otherwise transfer a firearm to the prospective purchaser until 30 days after the date of issue of an original or duplicate driver's license unless the prospective purchaser also presents a copy of his Virginia Department of Motor Vehicles driver's record showing that the original date of issue of the driver's license was more than 30 days prior to the attempted purchase.

In addition, no dealer shall sell, rent, trade, or transfer from his inventory any assault firearm to any person who is not a citizen of the United States or who is not a person lawfully admitted for permanent residence.

Upon receipt of the request for a criminal history record information check, the State Police shall (a) review its criminal history record information to determine if the buyer or transferee is prohibited from possessing or transporting a firearm by state or federal law, (b) inform the dealer if its record indicates that the buyer or transferee is so prohibited, and (c) provide the dealer with a unique reference number for that inquiry.

2. The State Police shall provide its response to the requesting dealer during the dealer's request; or by return call without delay. ~~If the criminal history record information check indicates the prospective purchaser or transferee has a disqualifying criminal record or has been acquitted by reason of insanity and committed to the custody of the Commissioner of Behavioral Health and Developmental Services, the State Police shall have until the end of the dealer's next business day to advise the dealer if its records indicate the buyer or transferee is prohibited from possessing or transporting a firearm by state or federal law. If not so advised by the end of the dealer's next business day, a dealer who has fulfilled the requirements of subdivision 1 may immediately complete the sale or transfer and shall not be deemed in violation of this section with respect to such sale or transfer. In case of electronic failure or other circumstances beyond the control of the State Police, the dealer shall be advised immediately of the reason for such delay and be given an estimate of the length of such delay. After such notification, the State Police shall, as soon as possible but in no event later than the end of the dealer's next business day, inform the requesting dealer if its records indicate the buyer or transferee is prohibited from possessing or transporting a firearm by state or federal law.~~ A dealer who fulfills the requirements of subdivision 1 and is told by the State Police that a response will not be available by the end of the dealer's ~~next~~ *third* business day may immediately complete the sale or transfer and shall not be deemed in violation of this section with respect to such sale or transfer.

3. Except as required by subsection D of § 9.1-132, the State Police shall not maintain records longer than 30 days, except for multiple handgun transactions for which records shall be maintained for 12 months, from any dealer's request for a criminal history record information check pertaining to a buyer or transferee who is not found to be prohibited from possessing and transporting a firearm under state or federal law. However, the log on requests made may be maintained for a period of 12 months, and such log shall consist of the name of the purchaser, the dealer identification number, the unique approval number and the transaction date.

4. On the last day of the week following the sale or transfer of any firearm, the dealer shall mail or deliver the written consent form required by subsection A to the Department of State Police. The State Police shall immediately initiate a search of all available criminal history record information to determine if the purchaser is prohibited from possessing or transporting a firearm under state or federal law. If the search discloses information indicating that the buyer or transferee is so prohibited from possessing or transporting a firearm, the State Police shall inform the chief law-enforcement officer in the jurisdiction where the sale or transfer occurred and the dealer without delay.

5. Notwithstanding any other provisions of this section, rifles and shotguns may be purchased by persons who are citizens of the United States or persons lawfully admitted for permanent residence but residents of other states under the terms of subsections A and B upon furnishing the dealer with one photo-identification form issued by a governmental agency of the person's state of residence and one other form of identification determined to be acceptable by the Department of Criminal Justice Services.

6. For the purposes of this subsection, the phrase "dealer's ~~next~~ *third* business day" shall not include December 25.

C. No dealer shall sell, rent, trade, or transfer from his inventory any firearm, except when the transaction involves a rifle or a shotgun and can be accomplished pursuant to the provisions of subdivision B 5, to any person who is ~~not~~ *a dual* resident of Virginia ~~and another state pursuant to applicable federal law~~ unless he has first obtained from the Department of State Police a report indicating that a search of all available criminal history record information has not disclosed that the person is prohibited from possessing or transporting a firearm under state or federal law. ~~The dealer shall obtain the required report by mailing or delivering the written consent form required under subsection A to the State Police within 24 hours of its execution. If the dealer has complied with the provisions of this subsection and has not received the required report from the State Police within 10 days from the date the written consent form was mailed to the Department of State Police, he shall not be deemed in violation of this section for thereafter completing the sale or transfer.~~

To establish personal identification and dual resident eligibility for purposes of this subsection, a dealer shall require any prospective purchaser to present one photo-identification form issued by a governmental agency of the prospective purchaser's state of legal residence and other documentation of dual residence within the Commonwealth. The other documentation of dual residence in the Commonwealth may include (i) evidence of currently paid personal property tax or

real estate tax or a current (a) lease, (b) utility or telephone bill, (c) voter registration card, (d) bank check, (e) passport, (f) automobile registration, or (g) hunting or fishing license; (ii) other current identification allowed as evidence of residency by 27 C.F.R. § 178.124 and ATF Ruling 2001-5; or (iii) other documentation of residence determined to be acceptable by the Department of Criminal Justice Services and that corroborates that the prospective purchaser currently resides in Virginia.

~~D. Nothing herein shall prevent a resident of the Commonwealth, at his option, from buying, renting or receiving a firearm from a dealer in Virginia by obtaining a criminal history record information check through the dealer as provided in subsection C.~~

~~E.~~ If any buyer or transferee is denied the right to purchase a firearm under this section, he may exercise his right of access to and review and correction of criminal history record information under § 9.1-132 or institute a civil action as provided in § 9.1-135, provided any such action is initiated within 30 days of such denial.

~~F. E.~~ Any dealer who willfully and intentionally requests, obtains, or seeks to obtain criminal history record information under false pretenses, or who willfully and intentionally disseminates or seeks to disseminate criminal history record information except as authorized in this section shall be guilty of a Class 2 misdemeanor.

~~G. F.~~ For purposes of this section:

"Actual buyer" means a person who executes the consent form required in subsection B or C, or other such firearm transaction records as may be required by federal law.

"Antique firearm" means:

1. Any firearm (including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured in or before 1898;

2. Any replica of any firearm described in subdivision 1 of this definition if such replica (i) is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition or (ii) uses rimfire or conventional centerfire fixed ammunition that is no longer manufactured in the United States and that is not readily available in the ordinary channels of commercial trade;

3. Any muzzle-loading rifle, muzzle-loading shotgun, or muzzle-loading pistol that is designed to use black powder, or a black powder substitute, and that cannot use fixed ammunition. For purposes of this subdivision, the term "antique firearm" shall not include any weapon that incorporates a firearm frame or receiver, any firearm that is converted into a muzzle-loading weapon, or any muzzle-loading weapon that can be readily converted to fire fixed ammunition by replacing the barrel, bolt, breech-block, or any combination thereof; or

4. Any curio or relic as defined in this subsection.

"Assault firearm" means any semi-automatic center-fire rifle or pistol which expels single or multiple projectiles by action of an explosion of a combustible material and is equipped at the time of the offense with a magazine which will hold more than 20 rounds of ammunition or designed by the manufacturer to accommodate a silencer or equipped with a folding stock.

"Curios or relics" means firearms that are of special interest to collectors by reason of some quality other than is associated with firearms intended for sporting use or as offensive or defensive weapons. To be recognized as curios or relics, firearms must fall within one of the following categories:

1. Firearms that were manufactured at least 50 years prior to the current date, which use rimfire or conventional centerfire fixed ammunition that is no longer manufactured in the United States and that is not readily available in the ordinary channels of commercial trade, but not including replicas thereof;

2. Firearms that are certified by the curator of a municipal, state, or federal museum that exhibits firearms to be curios or relics of museum interest; and

3. Any other firearms that derive a substantial part of their monetary value from the fact that they are novel, rare, bizarre, or because of their association with some historical figure, period, or event. Proof of qualification of a particular firearm under this category may be established by evidence of present value and evidence that like firearms are not available except as collectors' items, or that the value of like firearms available in ordinary commercial channels is substantially less.

"Dealer" means any person licensed as a dealer pursuant to 18 U.S.C. § 921 et seq.

"Firearm" means any handgun, shotgun, or rifle that will or is designed to or may readily be converted to expel single or multiple projectiles by action of an explosion of a combustible material.

"Handgun" means any pistol or revolver or other firearm originally designed, made and intended to fire single or multiple projectiles by means of an explosion of a combustible material from one or more barrels when held in one hand.

"Lawfully admitted for permanent residence" means the status of having been lawfully accorded the privilege of residing permanently in the United States as an immigrant in accordance with the immigration laws, such status not having changed.

~~H. G.~~ The Department of Criminal Justice Services shall promulgate regulations to ensure the identity, confidentiality and security of all records and data provided by the Department of State Police pursuant to this section.

~~F. H.~~ The provisions of this section shall not apply to (i) transactions between persons who are licensed as firearms importers or collectors, manufacturers or dealers pursuant to 18 U.S.C. § 921 et seq.; (ii) purchases by or sales to any law-enforcement officer or agent of the United States, the Commonwealth or any local government, or any campus police officer appointed under Article 3 (§ 23.1-809 et seq.) of Chapter 8 of Title 23.1; or (iii) antique firearms, curios or relics.

~~I.~~ I. The provisions of this section shall not apply to restrict purchase, trade or transfer of firearms by a resident of Virginia when the resident of Virginia makes such purchase, trade or transfer in another state, in which case the laws and regulations of that state and the United States governing the purchase, trade or transfer of firearms shall apply. A National Instant Criminal Background Check System (NICS) check shall be performed prior to such purchase, trade or transfer of firearms.

~~J.~~ J. All licensed firearms dealers shall collect a fee of \$2 for every transaction for which a criminal history record information check is required pursuant to this section, except that a fee of \$5 shall be collected for every transaction involving an out-of-state resident. Such fee shall be transmitted to the Department of State Police by the last day of the month following the sale for deposit in a special fund for use by the State Police to offset the cost of conducting criminal history record information checks under the provisions of this section.

K. Any person willfully and intentionally making a materially false statement on the consent form required in subsection B or C or on such firearm transaction records as may be required by federal law, shall be guilty of a Class 5 felony.

L. Except as provided in § 18.2-308.2:1, any dealer who willfully and intentionally sells, rents, trades or transfers a firearm in violation of this section shall be guilty of a Class 6 felony.

L1. Any person who attempts to solicit, persuade, encourage, or entice any dealer to transfer or otherwise convey a firearm other than to the actual buyer, as well as any other person who willfully and intentionally aids or abets such person, shall be guilty of a Class 6 felony. This subsection shall not apply to a federal law-enforcement officer or a law-enforcement officer as defined in § 9.1-101, in the performance of his official duties, or other person under his direct supervision.

M. Any person who purchases a firearm with the intent to (i) resell or otherwise provide such firearm to any person who he knows or has reason to believe is ineligible to purchase or otherwise receive from a dealer a firearm for whatever reason or (ii) transport such firearm out of the Commonwealth to be resold or otherwise provided to another person who the transferor knows is ineligible to purchase or otherwise receive a firearm, shall be guilty of a Class 4 felony and sentenced to a mandatory minimum term of imprisonment of one year. However, if the violation of this subsection involves such a transfer of more than one firearm, the person shall be sentenced to a mandatory minimum term of imprisonment of five years. The prohibitions of this subsection shall not apply to the purchase of a firearm by a person for the lawful use, possession, or transport thereof, pursuant to § 18.2-308.7, by his child, grandchild, or individual for whom he is the legal guardian if such child, grandchild, or individual is ineligible, solely because of his age, to purchase a firearm.

N. Any person who is ineligible to purchase or otherwise receive or possess a firearm in the Commonwealth who solicits, employs or assists any person in violating subsection M shall be guilty of a Class 4 felony and shall be sentenced to a mandatory minimum term of imprisonment of five years.

O. Any mandatory minimum sentence imposed under this section shall be served consecutively with any other sentence.

P. All driver's licenses issued on or after July 1, 1994, shall carry a letter designation indicating whether the driver's license is an original, duplicate or renewed driver's license.

Q. Prior to selling, renting, trading, or transferring any firearm owned by the dealer but not in his inventory to any other person, a dealer may require such other person to consent to have the dealer obtain criminal history record information to determine if such other person is prohibited from possessing or transporting a firearm by state or federal law. The Department of State Police shall establish policies and procedures in accordance with 28 C.F.R. § 25.6 to permit such determinations to be made by the Department of State Police, and the processes established for making such determinations shall conform to the provisions of this section.

§ 18.2-308.2:5. Criminal history record information check required to sell firearm; penalty.

A. No person shall sell a firearm for money, goods, services or anything else of value unless he has obtained verification from a licensed dealer in firearms that information on the prospective purchaser has been submitted for a criminal history record information check as set out in § 18.2-308.2:2 and that a determination has been received from the Department of State Police that the prospective purchaser is not prohibited under state or federal law from possessing a firearm or such sale is specifically exempted by state or federal law. The Department of State Police shall provide a means by which sellers may obtain from designated licensed dealers the approval or denial of firearm transfer requests, based on criminal history record information checks. The processes established shall conform to the provisions of § 18.2-308.2:2, and the definitions and provisions of § 18.2-308.2:2 regarding criminal history record information checks shall apply to this section mutatis mutandis. The designated dealer shall collect and disseminate the fees prescribed in § 18.2-308.2:2 as required by that section. The dealer may charge and retain an additional fee not to exceed \$15 for obtaining a criminal history record information check on behalf of a seller.

B. Notwithstanding the provisions of subsection A and unless otherwise prohibited by state or federal law, a person may sell a firearm to another person if:

1. The sale of a firearm is to an authorized representative of the Commonwealth or any subdivision thereof as part of an authorized voluntary gun buy-back or give-back program; or

2. The sale occurs at a firearms show, as defined in § 54.1-4200, and the seller has received a determination from the Department of State Police that the purchaser is not prohibited under state or federal law from possessing a firearm in accordance with § 54.1-4201.2.

C. Any person who willfully and intentionally sells a firearm to another person without obtaining verification in accordance with this section is guilty of a Class 1 misdemeanor.

D. Any person who willfully and intentionally purchases a firearm from another person without obtaining verification in accordance with this section is guilty of a Class 1 misdemeanor.

§ 22.1-277.07. Expulsion of students under certain circumstances; exceptions.

A. In compliance with the federal Improving America's Schools Act of 1994 (Part F-Gun-Free Schools Act of 1994), a school board shall expel from school attendance for a period of not less than one year any student whom such school board has determined, in accordance with the procedures set forth in this article, to have possessed a firearm on school property or at a school-sponsored activity as prohibited by § 18.2-308.1 or to have possessed a firearm or destructive device as defined in subsection E, a firearm muffler or firearm silencer, or a pneumatic gun as defined in subsection E of § 15.2-915.4 on school property or at a school-sponsored activity. A school administrator, pursuant to school board policy, or a school board may, however, determine, based on the facts of a particular situation, that special circumstances exist and no disciplinary action or another disciplinary action or another term of expulsion is appropriate. A school board may promulgate guidelines for determining what constitutes special circumstances. In addition, a school board may, by regulation, authorize the division superintendent or his designee to conduct a preliminary review of such cases to determine whether a disciplinary action other than expulsion is appropriate. Such regulations shall ensure that, if a determination is made that another disciplinary action is appropriate, any such subsequent disciplinary action is to be taken in accordance with the procedures set forth in this article. Nothing in this section shall be construed to require a student's expulsion regardless of the facts of the particular situation.

B. The Board of Education is designated as the state education agency to carry out the provisions of the federal Improving America's Schools Act of 1994 and shall administer the funds to be appropriated to the Commonwealth under this act.

C. Each school board shall revise its standards of student conduct no later than three months after the date on which this act becomes effective. Local school boards requesting moneys apportioned to the Commonwealth through the federal Improving America's Schools Act of 1994 shall submit to the Department of Education an application requesting such assistance. Applications for assistance shall include:

1. Documentation that the local school board has adopted and implemented student conduct policies in compliance with this section; and

2. A description of the circumstances pertaining to expulsions imposed under this section, including (i) the schools from which students were expelled under this section, (ii) the number of students expelled from each such school in the school division during the school year, and (iii) the types of firearms involved in the expulsions.

D. No school operating a Junior Reserve Officers Training Corps (JROTC) program shall prohibit the JROTC program from conducting marksmanship training when such training is a normal element of such programs. Such programs may include training in the use of pneumatic guns. The administration of a school operating a JROTC program shall cooperate with the JROTC staff in implementing such marksmanship training.

E. As used in this section:

"Destructive device" means (i) any explosive, incendiary, or poison gas, bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine, or other similar device; (ii) any weapon, except a shotgun or a shotgun shell generally recognized as particularly suitable for sporting purposes, by whatever name known that will, or may be readily converted to, expel a projectile by the action of an explosive or other propellant, and that has any barrel with a bore of more than one-half inch in diameter that is homemade or was not made by a duly licensed weapon manufacturer, any fully automatic firearm, any sawed-off shotgun or sawed-off rifle as defined in § 18.2-299 or any firearm prohibited from civilian ownership by federal law; and (iii) any combination of parts either designed or intended for use in converting any device into any destructive device described in this subsection and from which a destructive device may be readily assembled. "Destructive device" does not include any device that is not designed or redesigned for use as a weapon, or any device originally designed for use as a weapon and that is redesigned for use as a signaling, pyrotechnic, line-throwing, safety, or other similar device, nor shall it include any antique firearm as defined in ~~subsection G of § 18.2-308.2:2.~~

"Firearm" means any weapon, including a starter gun, that will, or is designed or may readily be converted to, expel single or multiple projectiles by the action of an explosion of a combustible material or the frame or receiver of any such weapon. "Firearm" does not include any pneumatic gun, as defined in subsection E of § 15.2-915.4.

"One year" means 365 calendar days as required in federal regulations.

"School property" means any real property owned or leased by the school board or any vehicle owned or leased by the school board or operated by or on behalf of the school board.

F. The exemptions set out in §§ 18.2-308 and 18.2-308.016 regarding concealed weapons shall apply, mutatis mutandis, to the provisions of this section. The provisions of this section shall not apply to persons who possess such firearm or firearms or pneumatic guns as a part of the curriculum or other programs sponsored by the schools in the school division or any organization permitted by the school to use its premises or to any law-enforcement officer while engaged in his duties as such.

G. This section shall not be construed to diminish the authority of the Board of Education or the Governor concerning decisions on whether, or the extent to which, Virginia shall participate in the federal Improving America's Schools Act

of 1994, or to diminish the Governor's authority to coordinate and provide policy direction on official communications between the Commonwealth and the United States government.

§ 54.1-4201.2. Firearm transactions by persons other than dealers; voluntary background checks.

A. The Department of State Police shall be available at every firearms show held in the Commonwealth to make determinations in accordance with the procedures set out in § 18.2-308.2:2 of whether a prospective purchaser or transferee is prohibited under state or federal law from possessing a firearm. The Department of State Police shall establish policies and procedures in accordance with 28 C.F.R. § 25.6 to permit such determinations to be made by the Department of State Police.

~~Unless otherwise required by state or federal law, any party involved in the transaction may decide whether or not to have such a determination made.~~

The Department of State Police may charge a reasonable fee for the determination.

B. The promoter, as defined in § 54.1-4201.1, shall give the Department of State Police notice of the time and location of a firearms show at least 30 days prior to the show. The promoter shall provide the Department of State Police with adequate space, at no charge, to conduct such prohibition determinations. The promoter shall ensure that a notice that such determinations are available is prominently displayed at the show.

C. No person who sells or transfers a firearm at a firearms show after receiving a determination from the Department of State Police that the purchaser or transferee is not prohibited by state or federal law from possessing a firearm shall be liable for selling or transferring a firearm to such person.

D. The provisions of § 18.2-308.2:2, including definitions, procedures, and prohibitions, shall apply, mutatis mutandis, to the provisions of this section.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 854 of the Acts of Assembly of 2019 requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

CHAPTER 1113

An Act to amend and reenact §§ 3.2-102, 3.2-5115, 4.1-100, 4.1-103, 4.1-103.03, 4.1-111, 4.1-114, 4.1-119, as it is currently effective and as it shall become effective, 4.1-124, as it is currently effective and as it shall become effective, 4.1-132, 4.1-201, 4.1-201.1, 4.1-203, 4.1-204, 4.1-205, 4.1-209, 4.1-209.1, 4.1-211, 4.1-212, 4.1-212.1, 4.1-215, 4.1-216, 4.1-221.1, as it is currently effective and as it shall become effective, 4.1-223, 4.1-225.1, 4.1-227, 4.1-230, 4.1-232, 4.1-238, 4.1-310, 4.1-310.1, 4.1-325, 4.1-325.1, 4.1-325.2, 4.1-327, 15.2-912.3, 15.2-2288.3, 15.2-2288.3:1, 15.2-2288.3:2, 40.1-100, 58.1-339.12, and 58.1-609.3 of the Code of Virginia; to amend the Code of Virginia by adding sections numbered 4.1-206.1, 4.1-206.2, 4.1-206.3, 4.1-231.1, and 4.1-233.1; and to repeal §§ 4.1-206, 4.1-207, 4.1-207.1, 4.1-208, 4.1-210, 4.1-220, 4.1-231, and 4.1-233 of the Code of Virginia, relating to alcoholic beverage control; license and fee reform.

[H 390]

Approved April 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 3.2-102, 3.2-5115, 4.1-100, 4.1-103, 4.1-103.03, 4.1-111, 4.1-114, 4.1-119, as it is currently effective and as it shall become effective, 4.1-124, as it is currently effective and as it shall become effective, 4.1-132, 4.1-201, 4.1-201.1, 4.1-203, 4.1-204, 4.1-205, 4.1-209, 4.1-209.1, 4.1-211, 4.1-212, 4.1-212.1, 4.1-215, 4.1-216, 4.1-221.1, as it is currently effective and as it shall become effective, 4.1-223, 4.1-225.1, 4.1-227, 4.1-230, 4.1-232, 4.1-238, 4.1-310, 4.1-310.1, 4.1-325, 4.1-325.1, 4.1-325.2, 4.1-327, 15.2-912.3, 15.2-2288.3, 15.2-2288.3:1, 15.2-2288.3:2, 40.1-100, 58.1-339.12, and 58.1-609.3 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 4.1-206.1, 4.1-206.2, 4.1-206.3, 4.1-231.1, and 4.1-233.1 as follows:

§ 3.2-102. General powers and duties of the Commissioner.

A. The Commissioner shall be vested with the powers and duties set out in § 2.2-601, the powers and duties herein provided, and such other powers and duties as may be prescribed by law, including those prescribed in Title 59.1. He shall be the executive officer of the Board, and shall see that its orders are carried out. He shall see to the proper execution of laws relating to the Department. Unless the Governor expressly reserves such power to himself, the Commissioner shall promote, protect, and develop the agricultural interests of the Commonwealth. The Commissioner shall develop, implement, and maintain programs within the Department including those that promote the development and marketing of the Commonwealth's agricultural products in domestic and international markets, including promotions, market development and research, marketing assistance, market information, and product grading and certification; promote the creation of new agribusiness including new crops, biotechnology and new uses of agricultural products, and the expansion of existing agribusiness within the Commonwealth; develop, promote, and maintain consumer protection programs that protect the safety and quality of the Commonwealth's food supply through food and dairy inspection activities, industry and consumer education, and information on food safety; preserve the Commonwealth's agricultural lands; ensure animal health and

protect the Commonwealth's livestock industries through disease control and surveillance, maintaining animal health diagnostic laboratories, and encouraging the humane treatment and care of animals; protect public health and the environment through regulation and proper handling of pesticides, agricultural stewardship, and protection of endangered plant and insect species; protect crop and plant health and productivity; ensure consumer protection and fair trade practices in commerce; develop plans and emergency response protocols to protect the agriculture industry from bioterrorism, plant and animal diseases, and agricultural pests; assist as directed by the Governor in the Commonwealth's response to natural disasters; develop and implement programs and inspection activities to ensure that the Commonwealth's agricultural products move freely in trade domestically and internationally; and enter into agreements with federal, state, and local governments, land grant universities, and other organizations that include marketing, plant protection, pest control, pesticides, and meat and poultry inspection.

B. In addition, the Commissioner shall:

1. Establish and maintain a farm-to-school website. The purpose of the website shall be to facilitate and promote the purchase of Virginia farm products by schools, universities, and other educational institutions under the jurisdiction of the State Department of Education. The website shall present such current information as the availability of Virginia farm products, including the types and amount of products, and the names of and contact information for farmers, farm organizations, and businesses marketing such products; and

2. Establish and operate a nonprofit, nonstock corporation under Chapter 10 (§ 13.1-801 et seq.) of Title 13.1 as a public instrumentality exercising public and essential governmental functions to promote, develop, and sustain markets for licensed Virginia wineries and farm wineries, as defined in § 4.1-100. Such corporation shall provide wholesale wine distribution services for wineries and farm wineries licensed in accordance with ~~§ 4.1-207~~ 4.1-206.1. The board of directors of such corporation shall be composed of the Commissioner and four members appointed by the Board, including one owner or manager of a winery or farm winery licensee that is not served by a wholesaler when the owner or manager is appointed to the board; one owner or manager of a winery or farm winery licensee that produces no more than 10,000 cases per year; and two owners or managers of wine wholesaler licensees. In making appointments to the board of directors, the Board shall consider nominations of winery and farm winery licensees submitted by the Virginia Wineries Association and wine wholesale licensees submitted by the Virginia Wine Wholesalers Association. The Commissioner shall require such corporation to report to him at least annually on its activities, including reporting the quantity of wine distributed for each winery and farm winery during the preceding year. The provisions of the Virginia Public Procurement Act shall not apply to the establishment of such corporation nor to the exercise of any of its powers granted under this section.

§ 3.2-5115. Animals.

No animal shall be permitted in any area used for the manufacture or storage of food products. A guard or guide animal may be allowed in some areas if the presence of the animal is unlikely to result in contamination of food, food contact surfaces, or food packaging materials. Additionally, a dog may be allowed within a designated area inside or on the premises of, except in any area used for the manufacture of food products, a distillery licensed pursuant to § 4.1-206, a winery ~~or~~, farm winery licensed pursuant to § 4.1-207, ~~or~~ a brewery, or ~~farm limited~~ brewery licensed pursuant to ~~§ 4.1-208~~ 4.1-206.1.

§ 4.1-100. Definitions.

As used in this title unless the context requires a different meaning:

"Alcohol" means the product known as ethyl or grain alcohol obtained by distillation of any fermented liquor, rectified either once or more often, whatever the origin, and shall include synthetic ethyl alcohol, but shall not include methyl alcohol and alcohol completely denatured in accordance with formulas approved by the government of the United States.

"Alcohol vaporizing device" means any device, machine, or process that mixes any alcoholic beverages with pure oxygen or other gas to produce a vaporized product for the purpose of consumption by inhalation.

"Alcoholic beverages" includes alcohol, spirits, wine, and beer, and any one or more of such varieties containing one-half of one percent or more of alcohol by volume, including mixed alcoholic beverages, and every liquid or solid, powder or crystal, patented or not, containing alcohol, spirits, wine, or beer and capable of being consumed by a human being. Any liquid or solid containing more than one of the four varieties shall be considered as belonging to that variety which has the higher percentage of alcohol, however obtained, according to the order in which they are set forth in this definition; except that beer may be manufactured to include flavoring materials and other nonbeverage ingredients containing alcohol, as long as no more than 49 percent of the overall alcohol content of the finished product is derived from the addition of flavors and other nonbeverage ingredients containing alcohol for products with an alcohol content of no more than six percent by volume; or, in the case of products with an alcohol content of more than six percent by volume, as long as no more than one and one-half percent of the volume of the finished product consists of alcohol derived from added flavors and other nonbeverage ingredients containing alcohol.

~~"Art instruction studio" means any commercial establishment that provides to its customers all required supplies and step-by-step instruction in creating a painting or other work of art during a studio instructional session.~~

"Arts venue" means a commercial or nonprofit establishment that is open to the public and in which works of art are sold or displayed.

"Authority" means the Virginia Alcoholic Beverage Control Authority created pursuant to this title.

"Barrel" means any container or vessel having a capacity of more than 43 ounces.

"Bed and breakfast establishment" means any establishment (i) having no more than 15 bedrooms; (ii) offering to the public, for compensation, transitory lodging or sleeping accommodations; and (iii) offering at least one meal per day, which may but need not be breakfast, to each person to whom overnight lodging is provided. For purposes of the licensing requirements of this title, "bed and breakfast establishment" includes any property offered to the public for short-term rental, as that term is defined in § 15.2-983, other than a hotel as defined in this section, regardless of whether a meal is offered to each person to whom overnight lodging is provided.

"Beer" means any alcoholic beverage obtained by the fermentation of an infusion or decoction of barley, malt, and hops or of any similar products in drinkable water and containing one-half of one percent or more of alcohol by volume.

~~"Bespoke clothier establishment" means a permanent retail establishment that offers, by appointment only, custom made apparel and that offers a membership program to customers. Such establishment shall be a permanent structure where measurements and fittings are performed on-site but apparel is produced offsite and delivered directly to the customer. Such establishment shall have facilities to properly secure any stock of alcoholic beverages.~~

"Board" means the Board of Directors of the Virginia Alcoholic Beverage Control Authority.

"Bottle" means any vessel intended to contain liquids and having a capacity of not more than 43 ounces.

"Bus" means a motor vehicle that (i) is operated by a common carrier licensed under Chapter 20 (§ 46.2-2000 et seq.) of Title 46.2 to transport passengers for compensation over the highways of the Commonwealth on regular or irregular routes of not less than 100 miles, (ii) seats no more than 24 passengers, (iii) is 40 feet in length or longer, (iv) offers wireless Internet services, (v) is equipped with charging stations at every seat for cellular phones or other portable devices, and (vi) during the transportation of passengers, is staffed by an attendant who has satisfied all training requirements set forth in this title or Board regulation.

~~"Canal boat operator" means any nonprofit organization that operates tourism-oriented canal boats for recreational purposes on waterways declared nonnavigable by the United States Congress pursuant to 33 U.S.C. § 59ii.~~

"Club" means any private nonprofit corporation or association which is the owner, lessee, or occupant of an establishment operated solely for a national, social, patriotic, political, athletic, or other like purpose, but not for pecuniary gain, the advantages of which belong to all of the members. It also means the establishment so operated. A corporation or association shall not lose its status as a club because of the conduct of charitable gaming conducted pursuant to Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2 in which nonmembers participate frequently or in large numbers, provided that no alcoholic beverages are served or consumed in the room where such charitable gaming is being conducted while such gaming is being conducted and that no alcoholic beverages are made available upon the premises to any person who is neither a member nor a bona fide guest of a member.

Any such corporation or association which has been declared exempt from federal and state income taxes as one which is not organized and operated for pecuniary gain or profit shall be deemed a nonprofit corporation or association.

"Commercial lifestyle center" means a mixed-use commercial development covering a minimum of 25 acres of land and having at least 100,000 square feet of retail space featuring national specialty chain stores and a combination of dining, entertainment, office, residential, or hotel establishments located in a physically integrated outdoor setting that is pedestrian friendly and that is governed by a commercial owners' association that is responsible for the management, maintenance, and operation of the common areas thereof.

"Container" means any barrel, bottle, carton, keg, vessel, or other receptacle used for holding alcoholic beverages.

"Contract winemaking facility" means the premises of a licensed winery or farm winery that obtains grapes, fruits, and other agricultural products from a person holding a farm winery license and crushes, processes, ferments, bottles, or provides any combination of such services pursuant to an agreement with the farm winery licensee. For all purposes of this title, wine produced by a contract winemaking facility for a farm winery shall be considered to be wine owned and produced by the farm winery that supplied the grapes, fruits, or other agricultural products used in the production of the wine. The contract winemaking facility shall have no right to sell the wine so produced, unless the terms of payment have not been fulfilled in accordance with the contract. The contract winemaking facility may charge the farm winery for its services.

"Convenience grocery store" means an establishment ~~which~~ that (i) has an enclosed room in a permanent structure where stock is displayed and offered for sale and (ii) maintains an inventory of edible items intended for human consumption consisting of a variety of such items of the types normally sold in grocery stores.

~~"Coworking establishment" means a facility that has at least 100 members, a majority of whom are 21 years of age or older, to whom it offers shared office space and related amenities, including desks, conference rooms, Internet access, printers, copiers, telephones, and fax machines.~~

~~"Day spa" means any commercial establishment that offers to the public both massage therapy, performed by persons licensed in accordance with § 54.1-3029, and barbering or cosmetology services performed by persons licensed in accordance with Chapter 7 (§ 54.1-700 et seq.) of Title 54.1.~~

"Delicatessen" means an establishment that sells a variety of prepared foods or foods requiring little preparation, such as cheeses, salads, cooked meats, and related condiments.

"Designated area" means a room or area approved by the Board for on-premises licensees.

"Dining area" means a public room or area in which meals are regularly served.

"Drugstore" means an establishment that sells medicines prepared by a licensed pharmacist pursuant to a prescription and other medicines and items for home and general use.

"Establishment" means any place where alcoholic beverages of one or more varieties are lawfully manufactured, sold, or used.

"Farm winery" means (i) an establishment (a) located on a farm in the Commonwealth on land zoned agricultural with a producing vineyard, orchard, or similar growing area and with facilities for fermenting and bottling wine on the premises where the owner or lessee manufactures wine that contains not more than 21 percent alcohol by volume or (b) located in the Commonwealth on land zoned agricultural with a producing vineyard, orchard, or similar growing area or agreements for purchasing grapes or other fruits from agricultural growers within the Commonwealth, and with facilities for fermenting and bottling wine on the premises where the owner or lessee manufactures wine that contains not more than 21 percent alcohol by volume or (ii) an accredited public or private institution of higher education, provided that (a) no wine manufactured by the institution shall be sold, (b) the wine manufactured by the institution shall be used solely for research and educational purposes, (c) the wine manufactured by the institution shall be stored on the premises of such farm winery that shall be separate and apart from all other facilities of the institution, and (d) such farm winery is operated in strict conformance with the requirements of this clause (ii) and Board regulations. As used in this definition, the terms "owner" and "lessee" shall include a cooperative formed by an association of individuals for the purpose of manufacturing wine. In the event that such cooperative is licensed as a farm winery, the term "farm" as used in this definition includes all of the land owned or leased by the individual members of the cooperative as long as such land is located in the Commonwealth. For purposes of this definition, "land zoned agricultural" means (1) land zoned as an agricultural district or classification or (2) land otherwise permitted by a locality for farm winery use. For purposes of this definition, "land zoned agricultural" does not include land zoned "residential conservation." Except for the limitation on land zoned "residential conservation," nothing in the definition of "land zoned agricultural" shall otherwise limit or affect local zoning authority.

"Gift shop" means any bona fide retail store selling, predominantly, gifts, books, souvenirs, specialty items relating to history, original and handmade arts and products, collectibles, crafts, and floral arrangements, which is open to the public on a regular basis. Such shop shall be a permanent structure where stock is displayed and offered for sale and which has facilities to properly secure any stock of wine or beer. Such shop may be located (i) on the premises or grounds of a government registered national, state or local historic building or site or (ii) within the premises of a museum. The Board shall consider the purpose, characteristics, nature, and operation of the shop in determining whether it shall be considered a gift shop.

"Gourmet brewing shop" means an establishment which sells to persons to whom wine or beer may lawfully be sold, ingredients for making wine or brewing beer, including packaging, and rents to such persons facilities for manufacturing, fermenting and bottling such wine or beer.

"Gourmet oyster house" means an establishment that (i) is located on the premises of a commercial marina, (ii) is permitted by the Department of Health to serve oysters and other fresh seafood for consumption on the premises, and (iii) offers to the public events for the purpose of featuring and educating the consuming public about local oysters and other seafood products.

"Gourmet shop" means an establishment provided with adequate inventory, shelving, and storage facilities, where, in consideration of payment, substantial amounts of domestic and imported wines and beers of various types and sizes and related products such as cheeses and gourmet foods are habitually furnished to persons.

"Government store" means a store established by the Authority for the sale of alcoholic beverages.

"Grocery store" means an establishment that sells food and other items intended for human consumption, including a variety of ingredients commonly used in the preparation of meals.

"Historic cinema house" means a nonprofit establishment exempt from taxation under § 501(c)(3) of the Internal Revenue Code that was built prior to 1970 and that exists for the primary purpose of showing motion pictures to the public.

"Hotel" means any duly licensed establishment, provided with special space and accommodation, where, in consideration of payment, food and lodging are habitually furnished to persons, and which has four or more bedrooms. It shall also mean the person who operates such hotel.

"Interdicted person" means a person to whom the sale of alcoholic beverages is prohibited by order pursuant to this title.

"Internet wine and beer retailer" means a person who owns or operates an establishment with adequate inventory, shelving, and storage facilities, where, in consideration of payment, Internet or telephone orders are taken and shipped directly to consumers and which establishment is not a retail store open to the public.

~~"Internet wine retailer" means a person who owns or operates an establishment with adequate inventory, shelving, and storage facilities, where, in consideration of payment, internet or telephone orders are taken and shipped directly to consumers and which establishment is not a retail store open to the public.~~

"Intoxicated" means a condition in which a person has drunk enough alcoholic beverages to observably affect his manner, disposition, speech, muscular movement, general appearance, or behavior.

"Licensed" means the holding of a valid license granted by the Authority.

"Licensee" means any person to whom a license has been granted by the Authority.

"Liqueur" means any of a class of highly flavored alcoholic beverages that do not exceed an alcohol content of 25 percent by volume.

(Effective until July 1, 2020) "Low alcohol beverage cooler" means a drink containing one-half of one percent or more of alcohol by volume, but not more than seven and one-half percent alcohol by volume, and consisting of spirits mixed with nonalcoholic beverages or flavoring or coloring materials; it may also contain water, fruit juices, fruit adjuncts, sugar,

carbon dioxide, preservatives or other similar products manufactured by fermenting fruit or fruit juices. Low alcohol beverage coolers shall be treated as wine for all purposes of this title, except that low alcohol beverage coolers (†) may be manufactured by a licensed distiller or a distiller located outside the Commonwealth and (ii) shall not be sold in localities that have not approved the sale of mixed beverages pursuant to § 4.1-124. In addition, low alcohol beverage coolers shall not be sold for on-premises consumption other than by mixed beverage licensees.

(Effective July 1, 2020) "Low alcohol beverage cooler" means a drink containing one-half of one percent or more of alcohol by volume, but not more than seven and one-half percent alcohol by volume, and consisting of spirits mixed with nonalcoholic beverages or flavoring or coloring materials; it may also contain water, fruit juices, fruit adjuncts, sugar, carbon dioxide, preservatives or other similar products manufactured by fermenting fruit or fruit juices. Low alcohol beverage coolers shall be treated as wine for all purposes of this title, except that low alcohol beverage coolers (†) may be manufactured by a licensed distiller or a distiller located outside the Commonwealth and (ii) shall not be sold in localities that prohibit the sale of mixed beverages pursuant to § 4.1-124. In addition, low alcohol beverage coolers shall not be sold for on-premises consumption other than by mixed beverage licensees.

"Marina store" means an establishment that is located on the same premises as a marina, is operated by the owner of such marina, and sells food and nautical and fishing supplies.

~~"Meal assembly kitchen" means any commercial establishment that offers its customers, for off premises consumption, ingredients for the preparation of meals and entrees in professional kitchen facilities located at the establishment.~~

"Meals" means, for a mixed beverage license, an assortment of foods commonly ordered in bona fide, full-service restaurants as principal meals of the day. Such restaurants shall include establishments specializing in full course meals with a single substantial entree.

~~"Member of a bespoke clothier establishment" means a person who maintains a membership in the bespoke clothier establishment for a period of not less than one month by the payment of monthly, quarterly, or annual dues in the manner established by the rules of the bespoke clothier establishment. The minimum membership fee shall be not less than \$25 for any term of membership.~~

"Member of a club" means (i) a person who maintains his membership in the club by the payment of monthly, quarterly, or annual dues in the manner established by the rules and regulations thereof or (ii) a person who is a member of a bona fide auxiliary, local chapter, or squadron composed of direct lineal descendants of a bona fide member, whether alive or deceased, of a national or international organization to which an individual lodge holding a club license is an authorized member in the same locality. It shall also mean a lifetime member whose financial contribution is not less than 10 times the annual dues of resident members of the club, the full amount of such contribution being paid in advance in a lump sum.

~~"Member of a coworking establishment" means a person who maintains a membership in the coworking establishment for a period of not less than one month by the payment of monthly, quarterly, or annual dues in the manner established by the rules of the coworking establishment. "Member of a coworking establishment" does not include an employee or any person with an ownership interest in the coworking establishment.~~

"Mixed beverage" or "mixed alcoholic beverage" means a drink composed in whole or in part of spirits.

"Mixer" means any prepackaged ingredients containing beverages or flavoring or coloring materials, and which may also contain water, fruit juices, fruit adjuncts, sugar, carbon dioxide, or preservatives which are not commonly consumed unless combined with alcoholic beverages, whether or not such ingredients contain alcohol. Such specialty beverage product shall be manufactured or distributed by a Virginia corporation.

"Municipal golf course" means any golf course that is owned by any town incorporated in 1849 and which is the county seat of Smyth County.

"Place or premises" means the real estate, together with any buildings or other improvements thereon, designated in the application for a license as the place at which the manufacture, bottling, distribution, use or sale of alcoholic beverages shall be performed, except that portion of any such building or other improvement actually and exclusively used as a private residence.

"Principal stockholder" means any person who individually or in concert with his spouse and immediate family members beneficially owns or controls, directly or indirectly, five percent or more of the equity ownership of any person that is a licensee of the Authority, or who in concert with his spouse and immediate family members has the power to vote or cause the vote of five percent or more of any such equity ownership. "Principal stockholder" does not include a broker-dealer registered under the Securities Exchange Act of 1934, as amended, that holds in inventory shares for sale on the financial markets for a publicly traded corporation holding, directly or indirectly, a license from the Authority.

"Public place" means any place, building, or conveyance to which the public has, or is permitted to have, access, including restaurants, soda fountains, hotel dining areas, lobbies and corridors of hotels, and any park, place of public resort or amusement, highway, street, lane, or sidewalk adjoining any highway, street, or lane.

"Public place" does not include (i) hotel or restaurant dining areas or ballrooms while in use for private meetings or private parties limited in attendance to members and guests of a particular group, association or organization; (ii) restaurants licensed by the Authority in office buildings or industrial or similar facilities while such restaurant is closed to the public and in use for private meetings or parties limited in attendance to employees and nonpaying guests of the owner or a lessee of all or part of such building or facility; (iii) offices, office buildings or industrial facilities while closed to the public and in use for private meetings or parties limited in attendance to employees and nonpaying guests of the owner or a lessee of all or

part of such building or facility; or (iv) private recreational or chartered boats which are not licensed by the Board and on which alcoholic beverages are not sold.

"Residence" means any building or part of a building or structure where a person resides, but does not include any part of a building ~~which~~ *that* is not actually and exclusively used as a private residence, nor any part of a hotel or club other than a private guest room thereof.

"Resort complex" means a facility (i) with a hotel owning year-round sports and recreational facilities located contiguously on the same property or (ii) owned by a nonstock, nonprofit, taxable corporation with voluntary membership which, as its primary function, makes available golf, ski, and other recreational facilities both to its members and *to* the general public. The hotel or corporation shall have a minimum of 140 private guest rooms or dwelling units contained on not less than 50 acres. The Authority may consider the purpose, characteristics, and operation of the applicant establishment in determining whether it shall be considered as a resort complex. All other pertinent qualifications established by the Board for a hotel operation shall be observed by such licensee.

"Restaurant" means, for a ~~beer, or~~ wine and beer license or a limited mixed beverage restaurant license, any establishment provided with special space and accommodation, where, in consideration of payment, meals or other foods prepared on the premises are regularly sold.

"Restaurant" means, for a mixed beverage license other than a limited mixed beverage restaurant license, an established place of business (i) where meals with substantial entrees are regularly sold and (ii) which has adequate facilities and sufficient employees for cooking, preparing, and serving such meals for consumption at tables in dining areas on the premises, and includes establishments specializing in full course meals with a single substantial entree.

"Sale" and "sell" includes soliciting or receiving an order for; keeping, offering or exposing for sale; peddling, exchanging or bartering; or delivering otherwise than gratuitously, by any means, alcoholic beverages.

"Sangria" means a drink consisting of red or white wine mixed with some combination of sweeteners, fruit, fruit juice, soda, or soda water that may also be mixed with brandy, triple sec, or other similar spirits.

"Special agent" means an employee of the Virginia Alcoholic Beverage Control Authority whom the Board has designated as a law-enforcement officer pursuant to § 4.1-105.

"Special event" means an event sponsored by a duly organized nonprofit corporation or association and conducted for an athletic, charitable, civic, educational, political, or religious purpose.

"Spirits" means any beverage that contains alcohol obtained by distillation mixed with drinkable water and other substances, in solution, and includes, among other things, brandy, rum, whiskey, and gin, or any one or more of the last four named ingredients, but shall not include any such liquors completely denatured in accordance with formulas approved by the United States government.

"Wine" means any alcoholic beverage, including cider, obtained by the fermentation of the natural sugar content of fruits or other agricultural products containing (i) sugar, including honey and milk, either with or without additional sugar; (ii) one-half of one percent or more of alcohol by volume; and (iii) no product of distillation. "Wine" includes any wine to which wine spirits have been added, as provided in the Internal Revenue Code, to make products commonly known as "fortified wine" which do not exceed an alcohol content of 21 percent by volume.

"Wine cooler" means a drink containing one-half of one percent or more of alcohol by volume, and not more than three and two-tenths percent of alcohol by weight or four percent by volume consisting of wine mixed with nonalcoholic beverages or flavoring or coloring materials, and which may also contain water, fruit juices, fruit adjuncts, sugar, carbon dioxide, or preservatives and shall include other similar products manufactured by fermenting fruit or fruit juices. Wine coolers and similar fermented fruit juice beverages shall be treated as wine for all purposes except for taxation under § 4.1-236.

"With or without meals" means the selling and serving of alcoholic beverages by retail licensees for on-premises consumption whether or not accompanied by food so long as the total food-beverage ratio required by § ~~4.1-210~~ 4.1-206.3, or the monthly food sale requirement established by Board regulation, is met by such retail licensee.

§ 4.1-103. General powers of Board.

The Board shall have the power to:

1. Sue and be sued, implead and be impleaded, and complain and defend in all courts;
2. Adopt, use, and alter at will a common seal;
3. Fix, alter, charge, and collect rates, rentals, fees, and other charges for the use of property of, the sale of products of, or services rendered by the Authority at rates to be determined by the Authority for the purpose of providing for the payment of the expenses of the Authority;
4. Make and enter into all contracts and agreements necessary or incidental to the performance of its duties, the furtherance of its purposes, and the execution of its powers under this title, including agreements with any person or federal agency;
5. Employ, at its discretion, consultants, researchers, architects, engineers, accountants, financial experts, investment bankers, superintendents, managers, and such other employees and special agents as may be necessary and fix their compensation to be payable from funds made available to the Authority. Legal services for the Authority shall be provided by the Attorney General in accordance with Chapter 5 (§ 2.2-500 et seq.) of Title 2.2;
6. Receive and accept from any federal or private agency, foundation, corporation, association, or person grants or other aid to be expended in accomplishing the objectives of the Authority, and receive and accept from the Commonwealth

or any state and any municipality, county, or other political subdivision thereof or from any other source aid or contributions of either money, property, or other things of value, to be held, used, and applied only for the purposes for which such grants and contributions may be made. All federal moneys accepted under this section shall be accepted and expended by the Authority upon such terms and conditions as are prescribed by the United States and as are consistent with state law, and all state moneys accepted under this section shall be expended by the Authority upon such terms and conditions as are prescribed by the Commonwealth;

7. Adopt, alter, and repeal bylaws, rules, and regulations governing the manner in which its business shall be transacted and the manner in which the powers of the Authority shall be exercised and its duties performed. The Board may delegate or assign any duty or task to be performed by the Authority to any officer or employee of the Authority. The Board shall remain responsible for the performance of any such duties or tasks. Any delegation pursuant to this subdivision shall, where appropriate, be accompanied by written guidelines for the exercise of the duties or tasks delegated. Where appropriate, the guidelines shall require that the Board receive summaries of actions taken. Such delegation or assignment shall not relieve the Board of the responsibility to ensure faithful performance of the duties and tasks;

8. Conduct or engage in any lawful business, activity, effort, or project consistent with the Authority's purposes or necessary or convenient to exercise its powers;

9. Develop policies and procedures generally applicable to the procurement of goods, services, and construction, based upon competitive principles;

10. Develop policies and procedures consistent with Article 4 (§ 2.2-4347 et seq.) of Chapter 43 of Title 2.2;

11. Buy, import and sell alcoholic beverages other than beer and wine not produced by farm wineries, and to have alcoholic beverages other than beer and wine not produced by farm wineries in its possession for sale;

12. Buy and sell any mixers;

13. Buy and sell products licensed by the Virginia Tourism Corporation that are within international trademark classes 16 (paper goods and printer matters), 18 (leather goods), 21 (housewares and glass), and 25 (clothing);

14. Control the possession, sale, transportation, and delivery of alcoholic beverages;

15. Determine, subject to § 4.1-121, the localities within which government stores shall be established or operated and the location of such stores;

16. Maintain warehouses for alcoholic beverages and control the storage and delivery of alcoholic beverages to and from such warehouses;

17. Acquire, purchase, hold, use, lease, or otherwise dispose of any property, real, personal or mixed, tangible or intangible, or any interest therein necessary or desirable for carrying out the purposes of the Authority; lease as lessee any property, real, personal or mixed, tangible or intangible, or any interest therein, at such annual rental and on such terms and conditions as may be determined by the Board; lease as lessor to any person any property, real, personal or mixed, tangible or intangible, or any interest therein, at any time acquired by the Authority, whether wholly or partially completed, at such annual rental and on such terms and conditions as may be determined by the Board; sell, transfer, or convey any property, real, personal or mixed, tangible or intangible, or any interest therein, at any time acquired or held by the Authority on such terms and conditions as may be determined by the Board; and occupy and improve any land or building required for the purposes of this title;

~~18. Purchase or otherwise acquire title to any land or building required for the purposes of this title and sell and convey the same by proper deed, with the consent of the Governor;~~

~~19.~~ Purchase, lease, or acquire the use of, by any manner, any plant or equipment which that may be considered necessary or useful in carrying into effect the purposes of this title, including rectifying, blending, and processing plants. The Board may purchase, build, lease, and operate distilleries and manufacture alcoholic beverages;

~~20.~~ 19. Determine the nature, form and capacity of all containers used for holding alcoholic beverages to be kept or sold under this title, and prescribe the form and content of all labels and seals to be placed thereon; however, no container sold in or shipped into the Commonwealth shall include powdered or crystalline alcohol;

~~21.~~ 20. Appoint every agent and employee required for its operations; require any or all of them to give bonds payable to the Commonwealth in such penalty as shall be fixed by the Board; and engage the services of experts and professionals;

~~22.~~ 21. Hold and conduct hearings; issue subpoenas requiring the attendance of witnesses and the production of records, memoranda, papers and other documents before the Board or any agent of the Board; and administer oaths and take testimony thereunder. The Board may authorize any Board member or agent of the Board to hold and conduct hearings, issue subpoenas, administer oaths and take testimony thereunder, and decide cases, subject to final decision by the Board, on application of any party aggrieved. The Board may enter into consent agreements and may request and accept from any applicant or licensee a consent agreement in lieu of proceedings on (i) objections to the issuance of a license or (ii) disciplinary action. Any such consent agreement shall include findings of fact and may include an admission or a finding of a violation. A consent agreement shall not be considered a case decision of the Board and shall not be subject to judicial review under the provisions of the Administrative Process Act (§ 2.2-4000 et seq.), but may be considered by the Board in future disciplinary proceedings;

~~23.~~ 22. Make a reasonable charge for preparing and furnishing statistical information and compilations to persons other than (i) officials, including court and police officials, of the Commonwealth and of its subdivisions if the information requested is for official use and (ii) persons who have a personal or legal interest in obtaining the information requested if such information is not to be used for commercial or trade purposes;

~~24-~~ 23. Promulgate regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) and § 4.1-111;
~~25-~~ 24. Grant, suspend, and revoke licenses for the manufacture, bottling, distribution, importation, and sale of alcoholic beverages;

~~26-~~ 25. Assess and collect civil penalties and civil charges for violations of this title and Board regulations;

~~27-~~ 26. Maintain actions to enjoin common nuisances as defined in § 4.1-317;

~~28-~~ 27. Establish minimum food sale requirements for all retail licensees;

~~29-~~ 28. Review and approve any proposed legislative or regulatory changes suggested by the Chief Executive Officer as the Board deems appropriate;

~~30-~~ 29. Report quarterly to the Secretary of Public Safety and Homeland Security on the law-enforcement activities undertaken to enforce the provisions of this title; ~~and~~

30. Establish and collect fees for all permits set forth in this title, including fees associated with applications for such permits;

31. Impose a requirement that a mixed beverage restaurant licensee located on the premises of and operated by a casino gaming establishment pay for any cost incurred by the Board to enforce such license in excess of the applicable state license fee; and

~~31-~~ 32. Do all acts necessary or advisable to carry out the purposes of this title.

§ 4.1-103.03. Additional powers; mediation; alternative dispute resolution; confidentiality.

A. As used in this section:

"Appropriate case" means any alleged license violation or objection to the application for a license in which it is apparent that there are significant issues of disagreement among interested persons and for which the Board finds that the use of a mediation or dispute resolution proceeding is in the public interest.

"Dispute resolution proceeding" means the same as that term is defined in § 8.01-576.4.

"Mediation" means the same as that term is defined in § 8.01-576.4.

"Neutral" means the same as that term is defined in § 8.01-576.4.

B. The Board may use mediation or a dispute resolution proceeding in appropriate cases to resolve underlying issues or reach a consensus or compromise on contested issues. Mediation and other dispute resolution proceedings as authorized by this section shall be voluntary procedures that supplement, rather than limit, other dispute resolution techniques available to the Board. Mediation or a dispute resolution proceeding may be used for an objection to the issuance of a license only with the consent of, and participation by, the applicant for licensure and shall be terminated at the request of such applicant.

C. Any resolution of a contested issue accepted by the Board under this section shall be considered a consent agreement as provided in subdivision ~~22~~ 21 of § 4.1-103. The decision to use mediation or a dispute resolution proceeding is in the Board's sole discretion and shall not be subject to judicial review.

D. The Board may adopt rules and regulations, in accordance with the Administrative Process Act (§ 2.2-4000 et seq.), for the implementation of this section. Such rules and regulations may include (i) standards and procedures for the conduct of mediation and dispute resolution proceedings, including an opportunity for interested persons identified by the Board to participate in the proceeding; (ii) the appointment and function of a neutral to encourage and assist parties to voluntarily compromise or settle contested issues; and (iii) procedures to protect the confidentiality of papers, work products, or other materials.

E. The provisions of § 8.01-576.10 concerning the confidentiality of a mediation or dispute resolution proceeding shall govern all such proceedings held pursuant to this section except where the Board uses or relies on information obtained in the course of such proceeding in granting a license, suspending or revoking a license, or accepting payment of a civil penalty or investigative costs. However, a consent agreement signed by the parties shall not be confidential.

§ 4.1-111. Regulations of Board.

A. The Board may promulgate reasonable regulations, not inconsistent with this title or the general laws of the Commonwealth, which it deems necessary to carry out the provisions of this title and to prevent the illegal manufacture, bottling, sale, distribution, and transportation of alcoholic beverages. The Board may amend or repeal such regulations. Such regulations shall be promulgated, amended or repealed in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) and shall have the effect of law.

B. The Board shall promulgate regulations that:

1. Prescribe what hours and on what days alcoholic beverages shall not be sold by licensees or consumed on any licensed premises, including a provision that mixed beverages may be sold only at such times as wine and beer may be sold.

2. Require mixed beverage caterer licensees to notify the Board in advance of any event to be served by such licensee.

3. Maintain the reasonable separation of retailer interests from those of the manufacturers, bottlers, brokers, importers and wholesalers in accordance with § 4.1-216 and in consideration of the established trade customs, quantity and value of the articles or services involved; prevent undue competitive domination of any person by any other person engaged in the manufacture, distribution and sale at retail or wholesale of alcoholic beverages in the Commonwealth; and promote reasonable accommodation of arm's length business transactions.

4. Establish requirements for the form, content, and retention of all records and accounts, including the (i) reporting and collection of taxes required by § 4.1-236 and (ii) the sale of alcoholic beverages in kegs, by all licensees.

5. Require retail licensees to file an appeal from any hearing decision rendered by a hearing officer within 30 days of the date the notice of the decision is sent. The notice shall be sent to the licensee at the address on record with the Board by certified mail, return receipt requested, and by regular mail.

6. Prescribe the terms and conditions under which persons who collect or trade designer or vintage spirit bottles may sell such bottles at auction, provided that (i) the auction is conducted in accordance with the provisions of Chapter 6 (§ 54.1-600 et seq.) of Title 54.1 and (ii) the bottles are unopened and the manufacturers' seals, marks, or stamps affixed to the bottles are intact.

7. Prescribe the terms and conditions under which credit or debit cards may be accepted from licensees for purchases at government stores, including provision for the collection, where appropriate, of related fees, penalties, and service charges.

8. Require that banquet licensees in charge of public events as defined by Board regulations report to the Board the income and expenses associated with the public event on a form prescribed by the Board when the banquet licensee engages another person to organize, conduct, or operate the event on behalf of the banquet licensee. Such regulations shall be applicable only to public events where alcoholic beverages are being sold.

9. Provide alternative methods for licensees to maintain and store business records that are subject to Board inspection, including methods for Board-approved electronic and off-site storage.

10. Require off-premises retail licensees to place any premixed alcoholic energy drinks containing one-half of one percent or more of alcohol by volume in the same location where wine and beer are available for sale within the licensed premises.

11. Prescribe the terms and conditions under which mixed beverage licensees may infuse, store, and sell flavored distilled spirits, including a provision that limits infusion containers to a maximum of 20 liters.

12. Prescribe the schedule of proration for refunded license taxes to licensees who qualify pursuant to subsection C of § 4.1-232.

13. Establish reasonable time, place, and manner restrictions on outdoor advertising of alcoholic beverages, not inconsistent with the provisions of this title, so that such advertising does not encourage or otherwise promote the consumption of alcoholic beverages by persons to whom alcoholic beverages may not be lawfully sold. Such regulations shall:

a. Restrict outdoor advertising of alcoholic beverages in publicly visible locations consistent with (i) the general prohibition against tied interests between retail licensees and manufacturers or wholesale licensees as provided in §§ 4.1-215 and 4.1-216; (ii) the prohibition against manufacturer control of wholesale licensees as set forth in § 4.1-223 and Board regulations adopted pursuant thereto; and (iii) the general prohibition against cooperative advertising between manufacturers, wholesalers, or importers and retail licensees as set forth in Board regulation; and

b. Permit (i) any outdoor signage or advertising not otherwise prohibited by this title and (ii) the display of outdoor alcoholic beverage advertising on lawfully erected billboard signs regulated under Chapter 12 (§ 33.2-1200 et seq.) of Title 33.2 where such signs are located on commercial real estate as defined in § 55.1-1100, but only in accordance with this title.

14. Prescribe the terms and conditions under which a licensed brewery may manufacture beer pursuant to an agreement with a brand owner not under common control with the manufacturing brewery and sell and deliver the beer so manufactured to the brand owner. The regulations shall require that (i) the brand owner be an entity appropriately licensed as a brewery or beer wholesaler, (ii) a written agreement be entered into by the parties, and (iii) records as deemed appropriate by the Board are maintained by the parties.

15. Prescribe the terms for any "happy hour" conducted by on-premises licensees. Such regulations shall permit on-premises licensees to advertise any alcoholic beverage products featured during a happy hour and any pricing related to such happy hour. Such regulations shall not prohibit on-premises licensees from using creative marketing techniques in such advertisements, provided that such techniques do not tend to induce overconsumption or consumption by minors.

16. Permit retail on-premises licensees to give a gift of one alcoholic beverage to a patron or one bottle of wine to a group of two or more patrons, provided that (i) such gifts only are made to individuals to whom such products may lawfully be sold and (ii) only one such gift is given during any 24-hour period and subject to any Board limitations on the frequency of such gifts.

17. Permit the sale of beer and cider for off-premises consumption in resealable growlers made of glass, ceramic, metal, or other materials approved by the Board, or other resealable containers approved by the Board, with a maximum capacity of 128 fluid ounces or, for metric-sized containers, four liters.

18. Permit the sale of wine for off-premises consumption in resealable growlers made of glass, ceramic, metal, or other materials approved by the Board, or other resealable containers approved by the Board, with a maximum capacity of 64 fluid ounces or, for metric-sized containers, two liters. Wine growlers may be used only by persons licensed to sell wine for both on-premises and off-premises consumption or by gourmet ~~shop licensees~~ *shops granted a retail off-premises wine and beer license*. Growlers sold by gourmet ~~shop licensees~~ *shops* shall be labeled with (i) the manufacturer's name or trade name, (ii) the place of production, (iii) the net contents in fluid ounces, and (iv) the name and address of the retailer.

19. Permit the sale of wine, cider, and beer by retailers licensed to sell beer and wine for both on-premises and off-premises consumption, or by gourmet ~~shop licensees~~ *shops granted a retail off-premises wine and beer license* for off-premises consumption in sealed containers made of metal or other materials approved by the Board with a maximum

capacity of 32 fluid ounces or, for metric-sized containers, one liter, provided that the alcoholic beverage is placed in the container following an order from the consumer.

20. Permit mixed beverage licensees to premix containers of sangria and other mixed alcoholic beverages and to serve such alcoholic beverages in pitchers, subject to size and quantity limitations established by the Board.

21. Establish and make available to all licensees and permittees for which on-premises consumption of alcoholic beverages is allowed and employees of such licensees and permittees who serve as a bartender or otherwise sell, serve, or dispense alcoholic beverages for on-premises consumption a bar bystander training module, which shall include (i) information that enables licensees, permittees, and their employees to recognize situations that may lead to sexual assault and (ii) intervention strategies to prevent such situations from culminating in sexual assault.

22. Require mixed beverage licensees to have food, cooked or prepared on the licensed premises, available for on-premises consumption until at least 30 minutes prior to an establishment's closing. Such food shall be available in all areas of the licensed premises in which spirits are sold or served.

23. Prescribe the terms and conditions under which the Board may suspend the privilege of a mixed beverage licensee to purchase spirits from the Board upon such licensee's failure to submit any records or other documents necessary to verify the licensee's compliance with applicable minimum food sale requirements within 30 days of the date such records or documents are due.

C. The Board may promulgate regulations that:

1. Provide for the waiver of the license tax for an applicant for a banquet license, such waiver to be based on (i) the amount of alcoholic beverages to be provided by the applicant, (ii) the not-for-profit status of the applicant, and (iii) the condition that no profits are to be generated from the event. For the purposes of clause (ii), the applicant shall submit with the application, an affidavit certifying its not-for-profit status. The granting of such waiver shall be limited to two events per year for each applicant.

2. Establish limitations on the quantity and value of any gifts of alcoholic beverages made in the course of any business entertainment pursuant to subdivision A 22 of § 4.1-325 or subsection C of § 4.1-325.2.

3. Provide incentives to licensees with a proven history of compliance with state and federal laws and regulations to encourage licensees to conduct their business and related activities in a manner that is beneficial to the Commonwealth.

D. Board regulations shall be uniform in their application, except those relating to hours of sale for licensees.

E. Courts shall take judicial notice of Board regulations.

F. The Board's power to regulate shall be broadly construed.

§ 4.1-114. Annual review of operations of certain mixed beverage licensees.

The Board shall at least annually review the operations of each establishment holding a mixed beverage restaurant license and each person holding a caterer's license to determine whether during the preceding license year such licensee has met the food-beverage ratio required by ~~§ 4.1-210~~ 4.1-206.3. If not met, the license granted to such licensee may be suspended or revoked. If the license is revoked, no new license may be granted to the licensee with respect to such establishment or catering business for at least one year from the date of the revocation. For the purposes of this section and ~~§ 4.1-210~~ 4.1-206.3, "nonalcoholic beverage" shall not include any beverages, ice, water or other mixer served with an alcoholic beverage.

§ 4.1-119. (Effective until July 1, 2020) Operation of government stores.

A. Subject to the requirements of §§ 4.1-121 and 4.1-122, the Board may establish, maintain, and operate government stores for the sale of alcoholic beverages, other than beer and wine not produced by farm wineries, low alcohol beverage coolers, vermouth, mixers, products used in connection with distilled spirits, including any garnish or garnishment applied to the rim of a glass of distilled spirits, as may be approved by the Board from time to time, and products licensed by the Virginia Tourism Corporation as specified in § 4.1-103 in such counties, cities, and towns considered advisable by the Board. The Board may discontinue any such store.

B. With respect to the sale of wine or cider produced by farm wineries, the Board may give preference to farm wineries that produce 2,500 cases or less of wine or cider per year.

C. The Board shall fix the wholesale and retail prices at which the various classes, varieties and brands of alcoholic beverages and other Board-approved products that are sold in government stores. Differences in the cost of operating stores, and market competition and conditions may be reflected in the sale price of alcoholic beverages sold at government stores. The Board may sell alcoholic beverages to federal instrumentalities (i) authorized and operating under the laws of the United States and regulations of the United States Department of Defense and (ii) located within the boundaries of federal enclaves or reservations over which the United States has acquired jurisdiction, at prices which may be greater or less than the wholesale price charged other authorized purchasers. Nothing in this subsection shall be construed to limit the authority of the Board to fix the retail price of alcoholic beverages sold at government stores, which retail price may include promotional, volume, or other discounts deemed appropriate by the Board.

D. Alcoholic beverages at government stores shall be sold by employees of the Authority who shall carry out the provisions of this title and Board regulations governing the operation of government stores and the sale of alcoholic beverages, except that the Board may appoint the holder of a distiller's license or its officers and employees as agents of the Board for the sale of spirits and low alcohol beverage coolers, manufactured by or for, or blended by such licensee on the licensed premises, at government stores established by the Board (i) on the distiller's licensed premises or (ii) at the site of

an event licensed by the Board and conducted for the purpose of featuring and educating the consuming public about spirits products.

Such agents shall sell the spirits and low alcohol beverage coolers in accordance with the provisions of this title, Board regulations, and the terms of the agency agreement between the Authority and the licensed distiller. The Authority shall pay a licensed distiller making sales pursuant to an agreement authorized by this subsection a commission of not less than 20 percent of the retail price of the goods sold.

For the purposes of this subsection, "blended" means the receipt by a licensed distiller of deliveries and shipments of alcoholic beverages, other than wine and beer, in accordance with subdivision 6 of § 4.1-201 to be (a) (1) additionally aged by the receiving distillery in order to increase the quality and flavor of such alcoholic beverages or (2) used in a low alcohol beverage cooler and (b) bottled by the receiving distillery.

E. No Class 1 neutral grain spirit or alcohol, as defined by federal regulations, that is without distinctive character, aroma, taste or color shall be sold in government stores at a proof greater than 151 except upon permits issued by the Board for industrial, commercial, culinary, or medical use.

F. All alcoholic beverages sold in government stores, except for tasting samples pursuant to subsection G sold in government stores established by the Board on a distiller's licensed premises, shall be in closed containers, sealed and affixed with labels prescribed by the Board.

G. No alcoholic beverages shall be consumed in a government store by any person unless it is part of an organized tasting event conducted by (i) an employee of a manufacturer of distilled spirits or farm winery or (ii) an authorized representative of a manufacturer of distilled spirits or farm winery with a permit issued by the Board pursuant to subdivision A ~~15~~ 14 of § 4.1-212, at which the samples of alcoholic beverages provided to any consumer do not exceed the limits for spirits or wine set forth in subdivision A 5 of § 4.1-201.1. No sample may be consumed by any individual to whom alcoholic beverages may not lawfully be sold pursuant to § 4.1-304.

Notwithstanding the provision of this subsection to the contrary, an agent of the Board appointed pursuant to subsection D may give samples of spirits, beer, wine, or cider to persons to whom alcoholic beverages may be lawfully sold for on-premises consumption, provided that (i) the spirits, beer, wine, or cider samples are manufactured within the same licensed premises or on contiguous premises of such agent licensed as a distillery, brewery, or winery; (ii) no single sample shall exceed four ounces of beer, two ounces of wine or cider, or one-half ounce of spirits, unless served as a mixed beverage, in which case a single sample of spirits may contain up to one and one-half ounces of spirits; (iii) ~~no more than four total samples of alcoholic beverage products or, in the case of spirits samples,~~ no more than *12 ounces of beer, five ounces of wine, or three ounces of spirits* shall be given or sold to any person per day; and (iv) in the case of spirits samples, a method is used to track the consumption of each consumer. Nothing in this paragraph shall prohibit such agent from serving samples of spirits as part of a mixed beverage. Such mixed beverage samples may contain spirits or vermouth not manufactured on the licensed premises or on contiguous premises of the licensed distillery, provided that at least 75 percent of the alcohol used in such samples is manufactured on the licensed premises or on contiguous premises of the licensed distillery. An agent of the Board appointed pursuant to subsection D may keep on the licensed premises no more than 10 varieties of spirits or vermouth not manufactured on the licensed premises or on contiguous premises of the licensed distillery. Any spirits or vermouth used in such samples that are not manufactured on the licensed premises or on contiguous premises of the licensed distillery shall be purchased from the Board.

The Board shall establish guidelines governing tasting events conducted pursuant to this subsection.

H. With respect to purchases by licensees at government stores, the Authority shall (i) accept in payment for any purchase or series of purchases cash, electronic fund transfer, credit or debit card, or check payable to the Authority, in the exact amount of any such purchase or series of purchases and (ii) provide notice to licensees on Board policies relating to the assignment of government stores from which licensees may purchase products and any procedure for the licensee to elect to make purchases from an alternative government store.

I. With respect to purchases by consumers at government stores, the Authority shall accept cash in payment for any purchase or series of purchases. The Board may adopt regulations which provide for accepting a credit card or debit card as payment. Such regulations may provide for the collection, where appropriate, of related fees, penalties, and service charges for the use of a credit card or debit card by any consumer.

J. Before the Authority implements any increase in the markup on distilled spirits or any change to the markup formula for distilled spirits pursuant to § 4.1-235 that would result in an increase in the retail price of distilled spirits sold to the public, the Authority shall (i) provide at least 45 days' public notice before such a price increase takes effect; (ii) provide the opportunity for submission of written comments regarding the proposed price increase; (iii) conduct a public meeting for the purpose of receiving verbal comment regarding the proposed price increase; and (iv) consider any written or verbal comments before implementing such a price increase.

§ 4.1-119. (Effective July 1, 2020, until July 1, 2022) Operation of government stores.

A. Subject to the provisions of §§ 4.1-121 and 4.1-122, the Board may establish, maintain, and operate government stores for the sale of alcoholic beverages, other than beer and wine not produced by farm wineries, low alcohol beverage coolers, vermouth, mixers, products used in connection with distilled spirits, including any garnish or garnishment applied to the rim of a glass of distilled spirits, as may be approved by the Board from time to time, and products licensed by the Virginia Tourism Corporation as specified in § 4.1-103 in such counties, cities, and towns considered advisable by the Board. The Board may discontinue any such store.

B. With respect to the sale of wine or cider produced by farm wineries, the Board may give preference to farm wineries that produce 2,500 cases or less of wine or cider per year.

C. The Board shall fix the wholesale and retail prices at which the various classes, varieties and brands of alcoholic beverages and other Board-approved products that are sold in government stores. Differences in the cost of operating stores, and market competition and conditions may be reflected in the sale price of alcoholic beverages sold at government stores. The Board may sell alcoholic beverages to federal instrumentalities (i) authorized and operating under the laws of the United States and regulations of the United States Department of Defense and (ii) located within the boundaries of federal enclaves or reservations over which the United States has acquired jurisdiction, at prices which may be greater or less than the wholesale price charged other authorized purchasers. Nothing in this subsection shall be construed to limit the authority of the Board to fix the retail price of alcoholic beverages sold at government stores, which retail price may include promotional, volume, or other discounts deemed appropriate by the Board.

D. Alcoholic beverages at government stores shall be sold by employees of the Authority who shall carry out the provisions of this title and Board regulations governing the operation of government stores and the sale of alcoholic beverages, except that the Board may appoint the holder of a distiller's license or its officers and employees as agents of the Board for the sale of spirits and low alcohol beverage coolers, manufactured by or for, or blended by such licensee on the licensed premises, at government stores established by the Board (i) on the distiller's licensed premises or (ii) at the site of an event licensed by the Board and conducted for the purpose of featuring and educating the consuming public about spirits products.

Such agents shall sell the spirits and low alcohol beverage coolers in accordance with the provisions of this title, Board regulations, and the terms of the agency agreement between the Authority and the licensed distiller. The Authority shall pay a licensed distiller making sales pursuant to an agreement authorized by this subsection a commission of not less than 20 percent of the retail price of the goods sold. Monthly revenue transfers from the licensed distiller to the Board (a) may be submitted electronically and through other methods approved by the Board and (b) notwithstanding the provisions of §§ 2.2-1802 and 4.1-116, shall be limited to the amount due to the Board in applicable taxes and markups.

For the purposes of this subsection, "blended" means the receipt by a licensed distiller of deliveries and shipments of alcoholic beverages, other than wine and beer, in accordance with subdivision 6 of § 4.1-201 to be (a) (1) additionally aged by the receiving distillery in order to increase the quality and flavor of such alcoholic beverages or (2) used in a low alcohol beverage cooler and (b) bottled by the receiving distillery.

E. No Class 1 neutral grain spirit or alcohol, as defined by federal regulations, that is without distinctive character, aroma, taste or color shall be sold in government stores at a proof greater than 151 except upon permits issued by the Board for industrial, commercial, culinary, or medical use.

F. All alcoholic beverages sold in government stores, except for tasting samples pursuant to subsection G sold in government stores established by the Board on a distiller's licensed premises, shall be in closed containers, sealed and affixed with labels prescribed by the Board.

G. No alcoholic beverages shall be consumed in a government store by any person unless it is part of an organized tasting event conducted by (i) an employee of a manufacturer of distilled spirits or farm winery or (ii) an authorized representative of a manufacturer of distilled spirits or farm winery with a permit issued by the Board pursuant to subdivision A ~~45~~ 14 of § 4.1-212, at which the samples of alcoholic beverages provided to any consumer do not exceed the limits for spirits or wine set forth in subdivision A 5 of § 4.1-201.1. No sample may be consumed by any individual to whom alcoholic beverages may not lawfully be sold pursuant to § 4.1-304.

Notwithstanding the provision of this subsection to the contrary, an agent of the Board appointed pursuant to subsection D may give samples of spirits, beer, wine, or cider to persons to whom alcoholic beverages may be lawfully sold for on-premises consumption, provided that (i) the spirits, beer, wine, or cider samples are manufactured within the same licensed premises or on contiguous premises of such agent licensed as a distillery, brewery, or winery; (ii) no single sample shall exceed four ounces of beer, two ounces of wine or cider, or one-half ounce of spirits, unless served as a mixed beverage, in which case a single sample of spirits may contain up to one and one-half ounces of spirits; (iii) ~~no more than four total samples of alcoholic beverage products or, in the case of spirits samples,~~ no more than 12 ounces of beer, five ounces of wine, or three ounces of spirits shall be given or sold to any person per day; and (iv) in the case of spirits samples, a method is used to track the consumption of each consumer. Nothing in this paragraph shall prohibit such agent from serving samples of spirits as part of a mixed beverage. Such mixed beverage samples may contain spirits or vermouth not manufactured on the licensed premises or on contiguous premises of the licensed distillery, provided that at least 75 percent of the alcohol used in such samples is manufactured on the licensed premises or on contiguous premises of the licensed distillery. An agent of the Board appointed pursuant to subsection D may keep on the licensed premises no more than 10 varieties of spirits or vermouth not manufactured on the licensed premises or on contiguous premises of the licensed distillery. Any spirits or vermouth used in such samples that are not manufactured on the licensed premises or on contiguous premises of the licensed distillery shall be purchased from the Board.

The Board shall establish guidelines governing tasting events conducted pursuant to this subsection.

Any case fee charged to a licensed distiller by the Board for moving spirits from the production and bailment area to the tasting area of a government store established by the Board on the distiller's licensed premises shall be waived if such spirits are moved by employees of the licensed distiller.

H. With respect to purchases by licensees at government stores, the Authority shall (i) accept in payment for any purchase or series of purchases cash, electronic fund transfer, credit or debit card, or check payable to the Authority, in the exact amount of any such purchase or series of purchases and (ii) provide notice to licensees on Board policies relating to the assignment of government stores from which licensees may purchase products and any procedure for the licensee to elect to make purchases from an alternative government store.

I. With respect to purchases by consumers at government stores, the Authority shall accept cash in payment for any purchase or series of purchases. The Board may adopt regulations which provide for accepting a credit card or debit card as payment. Such regulations may provide for the collection, where appropriate, of related fees, penalties, and service charges for the use of a credit card or debit card by any consumer.

J. Before the Authority implements any increase in the markup on distilled spirits or any change to the markup formula for distilled spirits pursuant to § 4.1-235 that would result in an increase in the retail price of distilled spirits sold to the public, the Authority shall (i) provide at least 45 days' public notice before such a price increase takes effect; (ii) provide the opportunity for submission of written comments regarding the proposed price increase; (iii) conduct a public meeting for the purpose of receiving verbal comment regarding the proposed price increase; and (iv) consider any written or verbal comments before implementing such a price increase.

§ 4.1-119. (Effective July 1, 2022) Operation of government stores.

A. Subject to the provisions of §§ 4.1-121 and 4.1-122, the Board may establish, maintain, and operate government stores for the sale of alcoholic beverages, other than beer and wine not produced by farm wineries, low alcohol beverage coolers, vermouth, mixers, products used in connection with distilled spirits, including any garnish or garnishment applied to the rim of a glass of distilled spirits, as may be approved by the Board from time to time, and products licensed by the Virginia Tourism Corporation as specified in § 4.1-103 in such counties, cities, and towns considered advisable by the Board. The Board may discontinue any such store.

B. With respect to the sale of wine or cider produced by farm wineries, the Board may give preference to farm wineries that produce 2,500 cases or less of wine or cider per year.

C. The Board shall fix the wholesale and retail prices at which the various classes, varieties and brands of alcoholic beverages and other Board-approved products that are sold in government stores. Differences in the cost of operating stores, and market competition and conditions may be reflected in the sale price of alcoholic beverages sold at government stores. The Board may sell alcoholic beverages to federal instrumentalities (i) authorized and operating under the laws of the United States and regulations of the United States Department of Defense and (ii) located within the boundaries of federal enclaves or reservations over which the United States has acquired jurisdiction, at prices which may be greater or less than the wholesale price charged other authorized purchasers. Nothing in this subsection shall be construed to limit the authority of the Board to fix the retail price of alcoholic beverages sold at government stores, which retail price may include promotional, volume, or other discounts deemed appropriate by the Board.

D. Alcoholic beverages at government stores shall be sold by employees of the Authority who shall carry out the provisions of this title and Board regulations governing the operation of government stores and the sale of alcoholic beverages, except that the Board may appoint the holder of a distiller's license or its officers and employees as agents of the Board for the sale of spirits and low alcohol beverage coolers, manufactured by or for, or blended by such licensee on the licensed premises, at government stores established by the Board (i) on the distiller's licensed premises or (ii) at the site of an event licensed by the Board and conducted for the purpose of featuring and educating the consuming public about spirits products.

Such agents shall sell the spirits and low alcohol beverage coolers in accordance with the provisions of this title, Board regulations, and the terms of the agency agreement between the Authority and the licensed distiller. The Authority shall pay a licensed distiller making sales pursuant to an agreement authorized by this subsection a commission of not less than 20 percent of the retail price of the goods sold. Monthly revenue transfers from the licensed distiller to the Board (a) may be submitted electronically and through other methods approved by the Board and (b) notwithstanding the provisions of §§ 2.2-1802 and 4.1-116, shall be limited to the amount due to the Board in applicable taxes and markups.

For the purposes of this subsection, "blended" means the receipt by a licensed distiller of deliveries and shipments of alcoholic beverages, other than wine and beer, in accordance with subdivision 6 of § 4.1-201 to be (a) (1) additionally aged by the receiving distillery in order to increase the quality and flavor of such alcoholic beverages or (2) used in a low alcohol beverage cooler and (b) bottled by the receiving distillery.

E. No Class 1 neutral grain spirit or alcohol, as defined by federal regulations, that is without distinctive character, aroma, taste or color shall be sold in government stores at a proof greater than 101 except upon permits issued by the Board for industrial, commercial, culinary, or medical use.

F. All alcoholic beverages sold in government stores, except for tasting samples pursuant to subsection G sold in government stores established by the Board on a distiller's licensed premises, shall be in closed containers, sealed and affixed with labels prescribed by the Board.

G. No alcoholic beverages shall be consumed in a government store by any person unless it is part of an organized tasting event conducted by (i) an employee of a manufacturer of distilled spirits or farm winery or (ii) an authorized representative of a manufacturer of distilled spirits or farm winery with a permit issued by the Board pursuant to subdivision A ~~15~~ 14 of § 4.1-212, at which the samples of alcoholic beverages provided to any consumer do not exceed the

limits for spirits or wine set forth in subdivision A 5 of § 4.1-201.1. No sample may be consumed by any individual to whom alcoholic beverages may not lawfully be sold pursuant to § 4.1-304.

Notwithstanding the provision of this subsection to the contrary, an agent of the Board appointed pursuant to subsection D may give samples of spirits, beer, wine, or cider to persons to whom alcoholic beverages may be lawfully sold for on-premises consumption, provided that (i) the spirits, beer, wine, or cider samples are manufactured within the same licensed premises or on contiguous premises of such agent licensed as a distillery, brewery, or winery; (ii) no single sample shall exceed four ounces of beer, two ounces of wine or cider, or one-half ounce of spirits, unless served as a mixed beverage, in which case a single sample of spirits may contain up to one and one-half ounces of spirits; (iii) ~~no more than four total samples of alcoholic beverage products or, in the case of spirits samples,~~ no more than *12 ounces of beer, five ounces of wine, or three ounces of spirits* shall be given or sold to any person per day; and (iv) in the case of spirits samples, a method is used to track the consumption of each consumer. Nothing in this paragraph shall prohibit such agent from serving samples of spirits as part of a mixed beverage. Such mixed beverage samples may contain spirits or vermouth not manufactured on the licensed premises or on contiguous premises of the licensed distillery, provided that at least 75 percent of the alcohol used in such samples is manufactured on the licensed premises or on contiguous premises of the licensed distillery. An agent of the Board appointed pursuant to subsection D may keep on the licensed premises no more than 10 varieties of spirits or vermouth not manufactured on the licensed premises or on contiguous premises of the licensed distillery. Any spirits or vermouth used in such samples that are not manufactured on the licensed premises or on contiguous premises of the licensed distillery shall be purchased from the Board.

The Board shall establish guidelines governing tasting events conducted pursuant to this subsection.

Any case fee charged to a licensed distiller by the Board for moving spirits from the production and bailment area to the tasting area of a government store established by the Board on the distiller's licensed premises shall be waived if such spirits are moved by employees of the licensed distiller.

H. With respect to purchases by licensees at government stores, the Authority shall (i) accept in payment for any purchase or series of purchases cash, electronic fund transfer, credit or debit card, or check payable to the Authority, in the exact amount of any such purchase or series of purchases and (ii) provide notice to licensees on Board policies relating to the assignment of government stores from which licensees may purchase products and any procedure for the licensee to elect to make purchases from an alternative government store.

I. With respect to purchases by consumers at government stores, the Authority shall accept cash in payment for any purchase or series of purchases. The Board may adopt regulations which provide for accepting a credit card or debit card as payment. Such regulations may provide for the collection, where appropriate, of related fees, penalties, and service charges for the use of a credit card or debit card by any consumer.

J. Before the Authority implements any increase in the markup on distilled spirits or any change to the markup formula for distilled spirits pursuant to § 4.1-235 that would result in an increase in the retail price of distilled spirits sold to the public, the Authority shall (i) provide at least 45 days' public notice before such a price increase takes effect; (ii) provide the opportunity for submission of written comments regarding the proposed price increase; (iii) conduct a public meeting for the purpose of receiving verbal comment regarding the proposed price increase; and (iv) consider any written or verbal comments before implementing such a price increase.

§ 4.1-124. (Effective until July 1, 2020) Referendum on the sale of mixed beverages.

A. The provisions of this title relating to the sale of mixed beverages shall not become effective in any town, county, or supervisor's election district of a county until a majority of the voters voting in a referendum vote affirmatively on the question of whether mixed alcoholic beverages should be sold by restaurants licensed under this title. The qualified voters of a town, county, or supervisor's election district of a county may file a petition with the circuit court of the county asking that a referendum be held on the question of whether the sale of mixed beverages by restaurants licensed by the Board should be permitted within that jurisdiction. The petition shall be signed by qualified voters equal in number to at least 10 percent of the number registered in the town, county, or supervisor's election district on January 1 preceding its filing or at least 100 qualified voters, whichever is greater.

Petition requirements for any county shall be based on the number of registered voters in the county, including the number of registered voters in any town having a population in excess of 1,000 located within such county. Upon the filing of a petition, and under no other circumstances, the court shall order the election officials of the county to conduct a referendum on the question.

The clerk of the circuit court of the county shall publish notice of the referendum in a newspaper of general circulation in the town, county, or supervisor's election district once a week for three consecutive weeks prior to the referendum.

The question on the ballot shall be:

"Shall the sale of mixed alcoholic beverages by restaurants licensed by the Virginia Alcoholic Beverage Control Authority be permitted in _____ (name of town, county, or supervisor's election district of county)?"

The referendum shall be ordered and held and the results certified as provided in Article 5 (§ 24.2-681 et seq.) of Chapter 6 of Title 24.2. Thereupon the court shall enter of record an order certified by the clerk of the court to be transmitted to the Board and to the governing body of the town or county. Mixed beverages permitted to be sold by such referendum may in accordance with this title be sold by restaurants licensed by the Board within the town, county, or supervisor's election district of a county on or after 30 days following the entry of the order if a majority of the voters voting in the referendum have voted "Yes."

The provisions of this section shall be applicable to towns having a population in excess of 1,000 to the same extent and subject to the same conditions and limitations as are otherwise applicable to counties under this section. Such towns shall be treated as separate local option units, and only residents of any such town shall be eligible to vote in any referendum held pursuant to this section for any such town. Residents of towns having a population in excess of 1,000, however, shall also be eligible to vote in any referendum held pursuant to this section for any county in which the town is located.

The provisions of this section shall not require any town created as a result of a city-to-town reversion pursuant to Chapter 41 (§ 15.2-4100 et seq.) of Title 15.2 to hold a referendum on the same question if a majority of the voters voting in the former city had previously approved the sale of mixed beverages by restaurants licensed by the Board in such city.

B. Once a referendum has been held, no other referendum on the same question shall be held in the town, county, or supervisor's election district of a county for a period of 23 months.

C. Notwithstanding the provisions of subsection A, the sale of mixed beverages shall be allowed on property dedicated for industrial or commercial development and controlled through the provision of public utilities and covenanting of the land by any multijurisdictional industrial development authority, as set forth under Chapter 49 (§ 15.2-4900 et seq.) of Title 15.2, provided that (i) such authority operates under a partnership agreement between three or more counties, cities, or towns and such jurisdictions participate administratively and financially in the authority and (ii) the sale of mixed beverages is permitted in one of the member counties, cities, towns, or a supervisor's election district of one of the counties and that the governing board of the authority authorizes an establishment located within the confines of such property to apply to the Board for such license. The appropriate license fees shall be paid for this privilege.

D. Notwithstanding the provisions of subsection A of this section and subsection C of § 4.1-122, the sale of mixed beverages by licensees, and the sale of alcoholic beverages other than beer and wine not produced by farm wineries by the Board, shall be allowed in any city in the Commonwealth.

E. Notwithstanding the provisions of subsection A, the Board may grant a mixed beverage restaurant license to a restaurant located on the premises of and operated by a private club exclusively for its members and their guests, subject to the qualifications and restrictions on the issuance of such license imposed by § ~~4.1-210~~ 4.1-206.3. However, no license authorized by this subsection shall be granted if the private club restricts its membership on the basis of race, color, creed, national origin, or sex.

§ 4.1-124. (Effective July 1, 2020) Referendum on the sale of mixed beverages.

A. The provisions of this title relating to the sale of mixed beverages shall be effective in any town, county, or supervisor's election district of a county unless a majority of the voters voting in a referendum vote "Yes" on the question of whether the sale of mixed alcoholic beverages by restaurants licensed under this title should be prohibited. The qualified voters of a town, county, or supervisor's election district of a county may file a petition with the circuit court of the county asking that a referendum be held on the question of whether the sale of mixed beverages by restaurants licensed by the Board should be prohibited within that jurisdiction. The petition shall be signed by qualified voters equal in number to at least 10 percent of the number registered in the town, county, or supervisor's election district on January 1 preceding its filing or at least 100 qualified voters, whichever is greater.

Petition requirements for any county shall be based on the number of registered voters in the county, including the number of registered voters in any town having a population in excess of 1,000 located within such county. Upon the filing of a petition, and under no other circumstances, the court shall order the election officials of the county to conduct a referendum on the question.

The clerk of the circuit court of the county shall publish notice of the referendum in a newspaper of general circulation in the town, county, or supervisor's election district once a week for three consecutive weeks prior to the referendum.

The question on the ballot shall be:

"Shall the sale of mixed alcoholic beverages by restaurants licensed by the Virginia Alcoholic Beverage Control Authority be prohibited in _____ (name of town, county, or supervisor's election district of county)?"

The referendum shall be ordered and held and the results certified as provided in Article 5 (§ 24.2-681 et seq.) of Chapter 6 of Title 24.2. Thereupon the court shall enter of record an order certified by the clerk of the court to be transmitted to the Board and to the governing body of the town or county. Mixed beverages prohibited from sale by such referendum shall not be sold by restaurants within the town, county, or supervisor's election district of a county on or after 30 days following the entry of the order if a majority of the voters voting in the referendum have voted "Yes."

The provisions of this section shall be applicable to towns having a population in excess of 1,000 to the same extent and subject to the same conditions and limitations as are otherwise applicable to counties under this section. Such towns shall be treated as separate local option units, and only residents of any such town shall be eligible to vote in any referendum held pursuant to this section for any such town. Residents of towns having a population in excess of 1,000, however, shall also be eligible to vote in any referendum held pursuant to this section for any county in which the town is located.

Notwithstanding the provisions of this section, the sale of mixed beverages by restaurants shall be prohibited in any town created as a result of a city-to-town reversion pursuant to Chapter 41 (§ 15.2-4100 et seq.) of Title 15.2 if a referendum on the question of whether the sale of mixed beverages by restaurants licensed under this title should be prohibited was previously held in the former city and a majority of the voters voting in such referendum voted "Yes."

B. Once a referendum has been held, no other referendum on the same question shall be held in the town, county, or supervisor's election district of a county for a period of 23 months.

C. Notwithstanding the provisions of subsection A, the sale of mixed beverages shall be allowed on property dedicated for industrial or commercial development and controlled through the provision of public utilities and covenanting of the land by any multijurisdictional industrial development authority, as set forth under Chapter 49 (§ 15.2-4900 et seq.) of Title 15.2, provided that (i) such authority operates under a partnership agreement between three or more counties, cities, or towns and such jurisdictions participate administratively and financially in the authority and (ii) the sale of mixed beverages is permitted in one of the member counties, cities, towns, or a supervisor's election district of one of the counties and that the governing board of the authority authorizes an establishment located within the confines of such property to apply to the Board for such license. The appropriate license fees shall be paid for this privilege.

D. Notwithstanding the provisions of subsection A of this section and subsection C of § 4.1-122, the sale of mixed beverages by licensees, and the sale of alcoholic beverages other than beer and wine not produced by farm wineries by the Board, shall be allowed in any city in the Commonwealth.

E. Notwithstanding the provisions of subsection A, the Board may grant a mixed beverage restaurant license to a restaurant located on the premises of and operated by a private club exclusively for its members and their guests, subject to the qualifications and restrictions on the issuance of such license imposed by § ~~4.1-210~~ 4.1-206.3. However, no license authorized by this subsection shall be granted if the private club restricts its membership on the basis of race, color, creed, national origin, or sex.

§ 4.1-132. Transportation into or within Commonwealth under internal revenue bond and holding in warehouses; release.

A. Alcoholic beverages may be transported into the Commonwealth under United States internal revenue bonds and be held in the Commonwealth in United States internal revenue bonded warehouses. Alcoholic beverages may be removed from any such warehouse, wherever situated, to such a warehouse located in the Commonwealth and be held in the Commonwealth.

B. Alcoholic beverages may be transported within the Commonwealth under United States internal revenue bonds and be held in United States internal revenue bonded warehouses. Alcoholic beverages may be removed from any such warehouse and transported to a winery or farm winery licensee in accordance with § ~~4.1-207~~ 4.1-206.1.

C. Alcoholic beverages so transported or removed to such warehouses in the Commonwealth shall be released from internal revenue bonds in the Commonwealth only on permits issued by the Board for delivery to (i) boats engaged in foreign trade, trade between the Atlantic and Pacific ports of the United States, or trade between the United States and any of its possessions outside of the several states and the District of Columbia; (ii) installations of the United States Department of Defense; or (iii) holders of permits issued in accordance with subdivision A ~~13~~ of § 4.1-212.

§ 4.1-201. Conduct not prohibited by this title; limitation.

A. Nothing in this title or any Board regulation adopted pursuant thereto shall prohibit:

1. Any club licensed under this chapter from keeping for consumption by its members any alcoholic beverages lawfully acquired by such members, provided the alcoholic beverages are not sold, dispensed or given away in violation of this title.

2. Any person from having grain, fruit or fruit products and any other substance, when grown or lawfully produced by him, distilled by any distillery licensee, and selling the distilled alcoholic beverages to the Board or selling or shipping them to any person outside of the Commonwealth in accordance with Board regulations. However, no alcoholic beverages so distilled shall be withdrawn from the place where distilled except in accordance with Board regulations.

3. Any person licensed to manufacture and sell, or either, in the Commonwealth or elsewhere, alcoholic beverages other than wine or beer, from soliciting and taking orders from the Board for such alcoholic beverages.

4. The receipt by a person operating a licensed brewery of deliveries and shipments of beer in closed containers or the sale, delivery or shipment of such beer, in accordance with Board regulations to (i) persons licensed to sell beer at wholesale, (ii) persons licensed to sell beer at retail for the purpose of resale only as provided in subdivision B 4 of § 4.1-216, (iii) owners of boats registered under the laws of the United States sailing for ports of call of a foreign country or another state, and (iv) persons outside the Commonwealth for resale outside the Commonwealth.

5. The granting of any retail license to a brewery, distillery, or winery licensee, or to an applicant for such license, or to a lessee of such person, a wholly owned subsidiary of such person, or its lessee, provided the places of business or establishments for which the retail licenses are desired are located upon the premises occupied or to be occupied by such distillery, winery, or brewery, or upon property of such person contiguous to such premises, or in a development contiguous to such premises owned and operated by such person or a wholly owned subsidiary.

6. The receipt by a distillery licensee of deliveries and shipments of alcoholic beverages, other than wine and beer, in closed containers from other distilleries, or the sale, delivery or shipment of such alcoholic beverages, in accordance with Board regulations, to the Board and to persons outside the Commonwealth for resale outside the Commonwealth.

7. The receipt by a farm winery or winery licensee of deliveries and shipments of wine in closed containers from other wineries or farm wineries located inside or outside the Commonwealth, or the receipt by a winery licensee or farm winery licensee of deliveries and shipments of spirits distilled from fruit or fruit juices in closed containers from distilleries located inside or outside the Commonwealth to be used only for the fortification of wine produced by the licensee in accordance with Board regulations, or the sale, delivery or shipment of such wine, in accordance with Board regulations, to persons licensed to sell wine at wholesale for the purpose of resale, and to persons outside the Commonwealth for resale outside the Commonwealth.

~~8. The receipt by a fruit distillery licensee of deliveries and shipments of alcoholic beverages made from fruit or fruit juices in closed containers from other fruit distilleries owned by such licensee, or the sale, delivery or shipment of such alcoholic beverages, in accordance with Board regulations, to persons outside of the Commonwealth for resale outside of the Commonwealth.~~

~~9.~~ Any farm winery or winery licensee from shipping or delivering its wine in closed containers to another farm winery or winery licensee for the purpose of additional bottling in accordance with Board regulations and the return of the wine so bottled to the manufacturing farm winery or winery licensee.

~~10.~~ 9. Any farm winery or winery licensee from selling and shipping or delivering its wine in closed containers to another farm winery or winery licensee, the wine so sold and shipped or delivered to be used by the receiving licensee in the manufacture of wine. Any wine received under this subsection shall be deemed an agricultural product produced in the Commonwealth for the purposes of § 4.1-219, to the extent it is produced from fresh fruits or agricultural products grown or produced in the Commonwealth. The selling licensee shall provide to the receiving licensee, and both shall maintain complete and accurate records of, the source of the fresh fruits or agricultural products used to produce the wine so transferred.

~~11.~~ 10. Any ~~retail on-premises beer licensee, his agent or employee, from giving a sample of beer to persons to whom alcoholic beverages may be lawfully sold for on-premises consumption, or retail on-premises on-and-off-premises wine or~~ and beer licensee, his agent or employee, from giving a sample of wine or beer to persons to whom alcoholic beverages may be lawfully sold for on-premises consumption, or any mixed beverage licensee, his agent or employee, from giving a sample of wine, beer, or spirits to persons to whom alcoholic beverages may be lawfully sold for on-premises consumption. Samples of wine shall not exceed two ounces, samples of beer shall not exceed four ounces, and samples of spirits shall not exceed one-half ounce, *unless served as a mixed beverage, in which case a sample of spirits may contain up to one and one-half ounces of spirits.* No more than ~~two product samples~~ 12 ounces of beer, five ounces of wine, or three ounces of spirits shall be given to any person per ~~visit~~ day.

~~12.~~ 11. Any manufacturer, including any vendor authorized by any such manufacturer, whether or not licensed in the Commonwealth, from selling service items bearing alcoholic brand references to on-premises retail licensees or prohibit any such retail licensee from displaying the service items on the premises of his licensed establishment. Each such retail licensee purchasing such service items shall retain a copy of the evidence of his payment to the manufacturer or authorized vendor for a period of not less than two years from the date of each sale of the service items. As used in this subdivision, "service items" mean articles of tangible personal property normally used by the employees of on-premises retail licensees to serve alcoholic beverages to customers including, but not limited to, glasses, napkins, buckets, and coasters.

~~13.~~ 12. Any employee of an alcoholic beverage wholesaler or manufacturer, whether or not licensed in the Commonwealth, from distributing to retail licensees and their employees novelties and specialties, including wearing apparel, having a wholesale value of \$10 or less and that bear alcoholic beverage advertising. Such items may be distributed to retail licensees in quantities equal to the number of employees of the retail establishment present at the time the items are delivered. Thereafter, such employees may wear or display the items on the licensed premises.

~~14.~~ 13. Any (i) retail on-premises wine ~~or~~ and beer licensee, his agent or employee from offering for sale or selling for one price to any person to whom alcoholic beverages may be lawfully sold a flight of wines or beers consisting of samples of not more than five different wines or beers and (ii) mixed beverage licensee, his agent or employee from offering for sale or selling for one price to any person to whom alcoholic beverages may be lawfully sold a flight of distilled spirits consisting of samples of not more than five different spirits products.

~~15.~~ 14. Any restaurant licensed under this chapter from permitting the consumption of lawfully acquired wine, beer, or cider by bona fide customers on the premises in all areas and locations covered by the license, provided that (i) all such wine, beer, or cider shall have been acquired by the customer from a retailer licensed to sell such alcoholic beverages and (ii) no such wine, beer, or cider shall be brought onto the licensed premises by the customer except in sealed, nonresealable bottles or cans. The licensee may charge a corkage fee to such customer for the wine, beer, or cider so consumed; however, the licensee shall not charge any other fee to such customer.

~~16.~~ 15. Any winery, farm winery, wine importer, ~~or~~ wine wholesaler, *brewery, limited brewery, beer importer, beer wholesaler, or distiller* licensee from providing to adult customers of licensed retail establishments information about wine, beer, or spirits being consumed on such premises.

~~17.~~ 16. Any private swim club operated by a duly organized nonprofit corporation or association from allowing members to bring lawfully acquired alcoholic beverages onto the premises of such club and consume such alcoholic beverages on the premises of such club.

B. No deliveries or shipments of alcoholic beverages to persons outside the Commonwealth for resale outside the Commonwealth shall be made into any state the laws of which prohibit the consignee from receiving or selling the same.

§ 4.1-201.1. Conduct not prohibited by this title; tastings conducted by manufacturers, wine or beer wholesalers, and authorized representatives.

A. Manufacturers of alcoholic beverages, whether or not licensed in the Commonwealth, and wine or beer wholesalers may conduct tastings of wine, beer, or spirits within hotels, restaurants, and clubs licensed for on-premises consumption provided:

1. The tastings are conducted only by (i) employees of such manufacturers or wholesalers or (ii) authorized representatives of such manufacturers or wholesalers, which authorized representatives have obtained a permit in accordance with subdivision A ~~14~~ of § 4.1-212;

2. Such employees or authorized representatives are present while the tastings are being conducted;

3. No category of alcoholic beverage products is offered to consumers unless the retail licensee on whose premises the tasting is conducted is licensed to sell that category of alcoholic beverage product;

4. All alcoholic beverage products used in the tasting are served to the consumer by employees of the retail licensee;

5. The quantity of wine, beer, or spirits provided to any person during the tasting does not exceed ~~16~~ *five six* ounces of wine, or one and one-half ounces of spirits; however, for any spirits tastings, no single sample shall exceed one-half ounce ~~per of spirits product offered and no more than three spirits products may be offered to any patron, unless served as a mixed beverage, in which case a single sample of spirits may contain up to one and one-half ounces of spirits; and~~

6. All alcoholic beverage products used in the tasting are purchased from the retail licensee on whose premises the tasting is conducted; except that no more than \$100 may be expended by or on behalf of any such manufacturer or wholesaler at any retail licensed premises during any 24-hour period. For the purposes of this subdivision, the \$100 limitation shall be exclusive of taxes and gratuities, which gratuities may not exceed 20 percent of the cost of the alcoholic beverages, including taxes, for the alcoholic beverages purchased for the tasting.

B. Manufacturers, wholesalers, and their authorized representatives shall keep complete records of each tasting authorized by this section for a period of not less than two years, which records shall include the date and place of each tasting conducted and the dollar amount expended by the manufacturer, wholesaler, or his agent or representative in the purchase of the alcoholic beverages used in the tasting.

C. Manufacturers and wholesalers shall be held liable for any violation of this section committed by their employees or authorized representative in connection with their employment or representation at any tasting event.

§ 4.1-203. Separate license for each place of business; transfer or amendment; posting; expiration; carriers.

A. Each license granted by the Board shall designate the place where the business of the licensee will be carried on. Except as otherwise provided in ~~§§ 4.1-207 and 4.1-208~~ *4.1-206.1, 4.1-206.2, and 4.1-206.3*, a separate license shall be required for each separate place of business.

B. No license shall be transferable from one person to another, or from one location to another. The Board may permit a licensee to amend the classification of an existing license without complying with the posting and publishing procedures required by § 4.1-230 if the effect of the amendment is to reduce materially the privileges of an existing license. However, if (i) the Board determines that the amendment is a device to evade the provisions of this chapter, (ii) a majority of the corporate stock of a retail licensee is sold to a new entity, or (iii) there is a change of business at the premises of a retail licensee, the Board may, within 30 days of receipt of written notice by the licensee of a change in ownership or a change of business, require the licensee to comply with any or all of the requirements of § 4.1-230. If the Board fails to exercise its authority within the 30-day period, the licensee shall not be required to reapply for a license. The licensee shall submit such written notice to the Secretary of the Board.

C. Each license shall be posted in a location conspicuous to the public at the place where the licensee carries on the business for which the license is granted.

D. The privileges conferred by any license granted by the Board, except for temporary licenses, banquet and mixed beverage special events licenses, shall continue until the last day of the twelfth month next ensuing or the last day of the designated month and year of expiration, except the license may be sooner terminated for any cause for which the Board would be entitled to refuse to grant a license, by operation of law, voluntary surrender or order of the Board.

The Board may grant licenses for one year or for multiple years, not to exceed three years, based on the fees set forth in ~~§ 4.1-231~~ *4.1-231.1*. Qualification for a multiyear license shall be determined on the basis of criteria established by the Board. Fees for multiyear licenses shall not be refundable except as provided in § 4.1-232. The Board may provide a discount for two-year or three-year licenses, not to exceed five percent of the applicable license fee, which extends for one fiscal year and shall not be altered or rescinded during such period.

The Board may permit a licensee who fails to pay:

1. The required license tax covering the continuation or reissuance of his license by midnight of the fifteenth day of the twelfth month or of the designated month of expiration, whichever is applicable, to pay the tax in lieu of posting and publishing notice and reapplying, provided payment of the tax is made within 30 days following that date and is accompanied by a civil penalty of \$25 or 10 percent of such tax, whichever is greater; and

2. The tax and civil penalty pursuant to subdivision 1 to pay the tax in lieu of posting and publishing notice and reapplying, provided payment of the tax is made within 45 days following the 30 days specified in subdivision 1 and is accompanied by a civil penalty of \$100 or 25 percent of such tax, whichever is greater.

Such civil penalties collected by the Board shall be deposited in accordance with § 4.1-114.

E. Subsections A and C shall not apply to common carriers of passengers by train, boat, *bus*, or airplane.

§ 4.1-204. Records of licensees; inspection of records and places of business.

A. Manufacturers, bottlers or wholesalers. — Every licensed manufacturer, bottler or wholesaler shall keep complete, accurate and separate records in accordance with Board regulations of all alcoholic beverages purchased, manufactured, bottled, sold or shipped by him, and the applicable tax required by § 4.1-234 or 4.1-236, if any.

B. Retailers. — Every retail licensee shall keep complete, accurate, and separate records, in accordance with Board regulations, of all purchases of alcoholic beverages, the prices charged such licensee therefor, and the names and addresses of the persons from whom purchased. Every retail licensee shall also preserve all invoices showing his purchases for a period as specified by Board regulations. He shall also keep an accurate account of daily sales, showing quantities of alcoholic beverages sold and the total price charged by him therefor. Except as otherwise provided in subsection D, such account need not give the names or addresses of the purchasers thereof, except as may be required by Board regulation for the sale of alcoholic beverages in kegs. In the case of persons holding retail licenses ~~which~~ *that* require sales of food to determine their qualifications for such licenses, the records shall also include purchases and sales of food and nonalcoholic beverages.

Notwithstanding the provisions of subsection F, electronic records of retail licensees may be stored off site, provided that such records are readily retrievable and available for electronic inspection by the Board or its special agents at the licensed premises. However, in the case that such electronic records are not readily available for electronic inspection on the licensed premises, the retail licensee may obtain Board approval, for good cause shown, to permit the retail licensee to provide the records to a special agent of the Board within three business days or less, as determined by the Board, after a request is made to inspect the records.

C. Common carriers. — Common carriers of passengers by train, boat, *bus*, or airplane shall keep records of purchases and sales of alcoholic beverages and food as required by Board regulation.

D. Wine ~~shippers~~ and beer shippers. — Every wine ~~shipper licensee~~ and every beer shipper licensee shall keep complete, accurate, and separate records in accordance with Board regulations of all shipments of wine or beer to persons in the Commonwealth. Such licensees shall also remit on a monthly basis an accurate account stating whether any wine, farm wine, or beer products were sold and shipped and, if so, stating the total quantities of wine and beer sold and the total price charged for such wine and beer. Such records shall include the names and addresses of the purchasers to whom the wine and beer is shipped.

E. ~~Delivery permittees~~ *Deliveries*. — Every ~~holder of a delivery permit issued licensee or permittee that is authorized to make deliveries~~ pursuant to § 4.1-212.1 shall keep complete, accurate, and separate records for a period of at least two years in accordance with Board regulations of all deliveries of wine or beer to persons in the Commonwealth. Such records shall include (i) the brands of wine and beer sold, (ii) the total quantities of wine and beer sold, (iii) the total price charged for such wine and beer, and (iv) the names, addresses, and signatures of the purchasers to whom the wine and beer is delivered. Such purchaser signatures may be in an electronic format. ~~Permittees~~ *Licensees and permittees* shall remit such records on a monthly basis for any month during which the *licensee or permittee* makes a delivery for which the *licensee or permittee* is required to collect and remit excise taxes due to the Authority pursuant to subsection ~~D~~ *E* of § 4.1-212.1.

F. Inspection. — The Board and its special agents shall be allowed free access during reasonable hours to every place in the Commonwealth and to the premises of both (i) every wine ~~shipper licensee~~ and beer shipper licensee and (ii) every ~~delivery licensee or permittee authorized to make deliveries~~ wherever located where alcoholic beverages are manufactured, bottled, stored, offered for sale or sold, for the purpose of examining and inspecting such place and all records, invoices and accounts therein. The Board may engage the services of alcoholic beverage control authorities in any state to assist with the inspection of the premises of a wine ~~shipper licensee~~, a beer shipper licensee, or ~~delivery licensee or permittee authorized to make deliveries~~, or any applicant for such license or permit.

For purposes of a Board inspection of the records of any retail licensees, "reasonable hours" means the hours between 9 a.m. and 5 p.m.; however, if the licensee generally is not open to the public substantially during the same hours, "reasonable hours" shall mean the business hours when the licensee is open to the public. At any other time of day, if the retail licensee's records are not available for inspection, the retailer shall provide the records to a special agent of the Board within 24 hours after a request is made to inspect the records.

§ 4.1-205. Local licenses.

A. In addition to the state licenses provided for in this chapter, the governing body of each county, city or town in the Commonwealth may provide by ordinance for the issuance of county, city or town licenses and to charge and collect license taxes therefor, to persons licensed by the Board to manufacture, bottle or sell alcoholic beverages within such county, city or town, except for temporary licenses authorized by § 4.1-211. Subject to ~~§ 4.1-233~~ *4.1-233.1*, the governing body of a county, city or town may classify licenses and graduate the license taxes therefor in the manner it deems proper.

B. No county, city, or town shall issue a local license to any person who does not hold or secure simultaneously the proper state license. If any person holds any local license without at the same time holding the proper state license, the local license, during the period when such person does not hold the proper state license, shall confer no privileges under the provisions of this title.

§ 4.1-206.1. Manufacturer licenses.

The Board may grant the following manufacturer licenses:

1. *Distiller's licenses, which shall authorize the licensee to manufacture alcoholic beverages other than wine and beer, and to sell and deliver or ship the same, in accordance with Board regulations, in closed containers, to the Board and to persons outside the Commonwealth for resale outside the Commonwealth. When the Board has established a government store on the distiller's licensed premises pursuant to subsection D of § 4.1-119, such license shall also authorize the licensee to make a charge to consumers to participate in an organized tasting event conducted in accordance with subsection G of § 4.1-119 and Board regulations.*

2. Limited distiller's licenses, to distilleries that manufacture not more than 36,000 gallons of alcoholic beverages other than wine or beer per calendar year, provided (i) the distillery is located on a farm in the Commonwealth on land zoned agricultural and owned or leased by such distillery or its owner and (ii) agricultural products used by such distillery in the manufacture of its alcoholic beverages are grown on the farm. Limited distiller's licensees shall be treated as distillers for all purposes of this title except as otherwise provided in this subdivision. For purposes of this subdivision, "land zoned agricultural" means (a) land zoned as an agricultural district or classification or (b) land otherwise permitted by a locality for limited distillery use. For purposes of this subdivision, "land zoned agricultural" does not include land zoned "residential conservation." Except for the limitation on land zoned "residential conservation," nothing in this definition shall otherwise limit or affect local zoning authority.

3. Brewery licenses, which shall authorize the licensee to manufacture beer and to sell and deliver or ship the beer so manufactured, in accordance with Board regulations, in closed containers to (i) persons licensed to sell the beer at wholesale and (ii) persons outside the Commonwealth for resale outside the Commonwealth. Such license shall also authorize the licensee to sell at retail at premises described in the brewery license (a) the brands of beer that the brewery owns for on-premises consumption, provided that not less than 20 percent of the volume of beer sold for on-premises consumption in any calendar year is manufactured on the licensed premises, and (b) beer in closed containers, which shall include growlers and other reusable containers, for off-premises consumption.

4. Limited brewery licenses, to breweries that manufacture no more than 15,000 barrels of beer per calendar year, provided that (i) the brewery is located on a farm in the Commonwealth on land zoned agricultural and owned or leased by such brewery or its owner and (ii) agricultural products, including barley, other grains, hops, or fruit, used by such brewery in the manufacture of its beer are grown on the farm. The licensed premises shall be limited to the portion of the farm on which agricultural products, including barley, other grains, hops, or fruit, used by such brewery in the manufacture of its beer are grown and that is contiguous to the premises of such brewery where the beer is manufactured, exclusive of any residence and the curtilage thereof. However, the Board may, with notice to the local governing body in accordance with the provisions of § 4.1-230, also approve other portions of the farm to be included as part of the licensed premises. For purposes of this subdivision, "land zoned agricultural" means (a) land zoned as an agricultural district or classification or (b) land otherwise permitted by a locality for limited brewery use. For purposes of this subdivision, "land zoned agricultural" does not include land zoned "residential conservation." Except for the limitation on land zoned "residential conservation," nothing in this definition shall otherwise limit or affect local zoning authority.

Limited brewery licensees shall be treated as breweries for all purposes of this title except as otherwise provided in this subdivision.

5. Winery licenses, which shall authorize the licensee to manufacture wine and to sell and deliver or ship the wine, in accordance with Board regulations, in closed containers, to persons licensed to sell the wine so manufactured at wholesale for the purpose of resale, and to persons outside the Commonwealth for resale outside the Commonwealth. In addition, such license shall authorize the licensee to (i) operate distilling equipment on the premises of the licensee in the manufacture of spirits from fruit or fruit juices only, which shall be used only for the fortification of wine produced by the licensee; (ii) operate a contract winemaking facility on the premises of the licensee in accordance with Board regulations; (iii) store wine in bonded warehouses on or off the licensed premises upon permit issued by the Board; and (iv) sell wine at retail at the place of business designated in the winery license in closed containers for off-premises consumption, provided that any brand of wine not owned by the winery licensee is purchased from a wholesale wine licensee.

6. Farm winery licenses, which shall authorize the licensee to manufacture wine containing 21 percent or less of alcohol by volume and to sell, deliver, or ship the wine, in accordance with Board regulations, in closed containers, to (i) the Board, (ii) persons licensed to sell the wine so manufactured at wholesale for the purpose of resale, or (iii) persons outside the Commonwealth. In addition, the licensee may (a) acquire and receive deliveries and shipments of wine and sell and deliver or ship this wine, in accordance with Board regulations, to the Board, persons licensed to sell wine at wholesale for the purpose of resale, or persons outside the Commonwealth; (b) operate a contract winemaking facility on the premises of the licensee in accordance with Board regulations; and (c) store wine in bonded warehouses located on or off the licensed premises upon permits issued by the Board. For the purposes of this title, a farm winery license shall be designated either as a Class A or Class B farm winery license in accordance with the limitations set forth in § 4.1-219. A farm winery may enter into an agreement in accordance with Board regulations with a winery or farm winery licensee operating a contract winemaking facility.

Such licenses shall also authorize the licensee to sell wine at retail at the places of business designated in the licenses, which may include no more than five additional retail establishments of the licensee. Wine may be sold at these business places for on-premises consumption and in closed containers for off-premises consumption, provided that any brand of wine not owned by the farm winery licensee is purchased from a wholesale wine licensee. In addition, wine may be pre-mixed by the licensee to be served and sold for on-premises consumption at these business places.

7. Wine importer's licenses, which shall authorize persons located within or outside the Commonwealth to sell and deliver or ship wine, in accordance with Board regulations, in closed containers, to persons in the Commonwealth licensed to sell such wine at wholesale for the purpose of resale, and to persons outside the Commonwealth for resale outside the Commonwealth.

8. Beer importer's licenses, which shall authorize persons located within or outside the Commonwealth to sell and deliver or ship beer, in accordance with Board regulations, in closed containers, to persons in the Commonwealth licensed

to sell such beer at wholesale for the purpose of resale and to persons outside the Commonwealth for resale outside the Commonwealth.

§ 4.1-206.2. Wholesale licenses.

The Board may grant the following wholesale licenses:

1. Wholesale beer licenses, which shall authorize the licensee to acquire and receive deliveries and shipments of beer and to sell and deliver or ship the beer from one or more premises identified in the license, in accordance with Board regulations, in closed containers to (i) persons licensed under this chapter to sell such beer at wholesale or retail for the purpose of resale, (ii) owners of boats registered under the laws of the United States sailing for ports of call of a foreign country or another state, and (iii) persons outside the Commonwealth for resale outside the Commonwealth.

No wholesale beer licensee shall purchase beer for resale from a person outside the Commonwealth who does not hold a beer importer's license unless such wholesale beer licensee holds a beer importer's license and purchases beer for resale pursuant to the privileges of such beer importer's license.

2. Wholesale wine licenses, including those granted pursuant to subdivision 3, which shall authorize the licensee to acquire and receive deliveries and shipments of wine and to sell and deliver or ship the wine from one or more premises identified in the license, in accordance with Board regulations, in closed containers, to (i) persons licensed to sell such wine in the Commonwealth, (ii) persons outside the Commonwealth for resale outside the Commonwealth, (iii) religious congregations for use only for sacramental purposes, and (iv) owners of boats registered under the laws of the United States sailing for ports of call of a foreign country or another state.

No wholesale wine licensee shall purchase wine for resale from a person outside the Commonwealth who does not hold a wine importer's license unless such wholesale wine licensee holds a wine importer's license and purchases wine for resale pursuant to the privileges of such wine importer's license.

3. Restricted wholesale wine licenses, which shall authorize a nonprofit, nonstock corporation created in accordance with subdivision B 2 of § 3.2-102 to provide wholesale wine distribution services to winery and farm winery licensees, provided that no more than 3,000 cases of wine produced by a winery or farm winery licensee shall be distributed by the corporation in any one year. The corporation shall provide such distribution services in accordance with the terms of a written agreement approved by the corporation between it and the winery or farm winery licensee, which shall comply with the provisions of this title and Board regulations. The corporation shall receive all of the privileges of, and be subject to, all laws and regulations governing wholesale wine licenses granted under subdivision 2.

§ 4.1-206.3. Retail licenses.

A. The Board may grant the following mixed beverages licenses:

1. Mixed beverage restaurant licenses, which shall authorize the licensee to sell and serve mixed beverages for consumption in dining areas and other designated areas of such restaurant. Such license may be granted only to persons (i) who operate a restaurant and (ii) whose gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises, after issuance of such license, amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food. For the purposes of this subdivision, other designated areas shall include outdoor dining areas, whether or not contiguous to the licensed premises, which outdoor dining areas may have more than one means of ingress and egress to an adjacent public thoroughfare, provided such areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201.

If the restaurant is located on the premises of a hotel or motel with no fewer than four permanent bedrooms where food and beverage service is customarily provided by the restaurant in designated areas, bedrooms, and other private rooms of such hotel or motel, such licensee may (i) sell and serve mixed beverages for consumption in such designated areas, bedrooms, and other private rooms and (ii) sell spirits packaged in original closed containers purchased from the Board for on-premises consumption to registered guests and at scheduled functions of such hotel or motel only in such bedrooms or private rooms. However, with regard to a hotel classified as a resort complex, the Board may authorize the sale and on-premises consumption of alcoholic beverages in all areas within the resort complex deemed appropriate by the Board. Nothing herein shall prohibit any person from keeping and consuming his own lawfully acquired spirits in bedrooms or private rooms.

If the restaurant is located on the premises of and operated by a private, nonprofit, or profit club exclusively for its members and their guests, or members of another private, nonprofit, or profit club in another city with which it has an agreement for reciprocal dining privileges, such license shall also authorize the licensees to sell and serve mixed beverages for on-premises consumption. Where such club prepares no food in its restaurant but purchases its food requirements from a restaurant licensed by the Board and located on another portion of the premises of the same hotel or motel building, this fact shall not prohibit the granting of a license by the Board to such club qualifying in all other respects. The club's gross receipts from the sale of nonalcoholic beverages consumed on the premises and food resold to its members and guests and consumed on the premises shall amount to at least 45 percent of its gross receipts from the sale of mixed beverages and food. The food sales made by a restaurant to such a club shall be excluded in any consideration of the qualifications of such restaurant for a license from the Board.

If the restaurant is located on the premises of and operated by a municipal golf course, the Board shall recognize the seasonal nature of the business and waive any applicable monthly food sales requirements for those months when weather conditions may reduce patronage of the golf course, provided that prepared food, including meals, is available to patrons

during the same months. The gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises, after the issuance of such license, shall amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food on an annualized basis.

The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption and in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

2. Mixed beverage caterer's licenses, which may be granted only to a person regularly engaged in the business of providing food and beverages to others for service at private gatherings or at special events, which shall authorize the licensee to sell and serve alcoholic beverages for on-premises consumption. The annual gross receipts from the sale of food cooked and prepared for service and nonalcoholic beverages served at gatherings and events referred to in this subdivision shall amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food.

3. Mixed beverage limited caterer's licenses, which may be granted only to a person regularly engaged in the business of providing food and beverages to others for service at private gatherings or at special events, not to exceed 12 gatherings or events per year, which shall authorize the licensee to sell and serve alcoholic beverages for on-premises consumption. The annual gross receipts from the sale of food cooked and prepared for service and nonalcoholic beverages served at gatherings and events referred to in this subdivision shall amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food.

4. Mixed beverage carrier licenses to persons operating a common carrier of passengers by train, boat, bus, or airplane, which shall authorize the licensee to sell and serve mixed beverages anywhere in the Commonwealth to passengers while in transit aboard any such common carrier, and in designated rooms of establishments of air carriers at airports in the Commonwealth. For purposes of supplying its airplanes, as well as any airplanes of a licensed express carrier flying under the same brand, an air carrier licensee may appoint an authorized representative to load alcoholic beverages onto the same airplanes and to transport and store alcoholic beverages at or in close proximity to the airport where the alcoholic beverages will be delivered onto airplanes of the air carrier and any such licensed express carrier. The air carrier licensee shall (i) designate for purposes of its license all locations where the inventory of alcoholic beverages may be stored and from which the alcoholic beverages will be delivered onto airplanes of the air carrier and any such licensed express carrier and (ii) maintain records of all alcoholic beverages to be transported, stored, and delivered by its authorized representative. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

5. Annual mixed beverage motor sports facility licenses, which shall authorize the licensee to sell mixed beverages, in paper, plastic, or similar disposable containers or in single original metal cans, during scheduled events, as well as events or performances immediately subsequent thereto, to patrons in all dining facilities, seating areas, viewing areas, walkways, concession areas, or similar facilities, for on-premises consumption. Such license may be granted to persons operating food concessions at an outdoor motor sports facility that (i) is located on 1,200 acres of rural property bordering the Dan River and has a track surface of 3.27 miles in length or (ii) hosts a NASCAR national touring race. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

6. Limited mixed beverage restaurant licenses, which shall authorize the licensee to sell and serve dessert wines as defined by Board regulation and no more than six varieties of liqueurs, which liqueurs shall be combined with coffee or other nonalcoholic beverages, for consumption in dining areas of the restaurant. Such license may be granted only to persons who operate a restaurant and in no event shall the sale of such wine or liqueur-based drinks, together with the sale of any other alcoholic beverages, exceed 10 percent of the total annual gross sales of all food and alcoholic beverages. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

7. Annual mixed beverage performing arts facility licenses, which shall (i) authorize the licensee to sell, on the dates of performances or events, alcoholic beverages in paper, plastic, or similar disposable containers or in single original metal cans for on-premises consumption in all seating areas, concourses, walkways, concession areas, similar facilities, and other areas upon the licensed premises approved by the Board and (ii) automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1. Such licenses may be granted to the following:

a. Corporations or associations operating a performing arts facility, provided the performing arts facility (i) is owned by a governmental entity; (ii) is occupied by a for-profit entity under a bona fide lease, the original term of which was for more than one year's duration; and (iii) has been rehabilitated in accordance with historic preservation standards;

b. Persons operating food concessions at any performing arts facility located in the City of Norfolk or the City of Richmond, provided that the performing arts facility (i) is occupied under a bona fide long-term lease or concession agreement, the original term of which was more than five years; (ii) has a capacity in excess of 1,400 patrons; (iii) has been rehabilitated in accordance with historic preservation standards; and (iv) has monthly gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises that meet or exceed the monthly minimum established by Board regulations for mixed beverage restaurants;

c. Persons operating food concessions at any performing arts facility located in the City of Waynesboro, provided that the performing arts facility (i) is occupied under a bona fide long-term lease or concession agreement, the original term of which was more than five years; (ii) has a total capacity in excess of 550 patrons; and (iii) has been rehabilitated in accordance with historic preservation standards;

d. Persons operating food concessions at any performing arts facility located in the arts and cultural district of the City of Harrisonburg, provided that the performing arts facility (i) is occupied under a bona fide long-term lease or concession agreement, the original term of which was more than five years; (ii) has been rehabilitated in accordance with historic preservation standards; (iii) has monthly gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises that meet or exceed the monthly minimum established by Board regulations for mixed beverage restaurants; and (iv) has a total capacity in excess of 900 patrons;

e. Persons operating food concessions at any multipurpose theater located in the historical district of the Town of Bridgewater, provided that the theater (i) is owned and operated by a governmental entity and (ii) has a total capacity in excess of 100 patrons;

f. Persons operating food concessions at any outdoor performing arts amphitheater, arena, or similar facility that has seating for more than 20,000 persons and is located in Prince William County or the City of Virginia Beach; or

g. Persons operating food concessions at any outdoor performing arts amphitheater, arena, or similar facility that has seating for more than 5,000 persons and is located in the City of Alexandria or the City of Portsmouth.

8. Combined mixed beverage restaurant and caterer's licenses, which may be granted to any restaurant or hotel that meets the qualifications for both a mixed beverage restaurant pursuant to subdivision 1 and mixed beverage caterer pursuant to subdivision 2 for the same business location, and which license shall authorize the licensee to operate as both a mixed beverage restaurant and mixed beverage caterer at the same business premises designated in the license, with a common alcoholic beverage inventory for purposes of the restaurant and catering operations. Such licensee shall meet the separate food qualifications established for the mixed beverage restaurant license pursuant to subdivision 1 and mixed beverage caterer's license pursuant to subdivision 2. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

9. Bed and breakfast licenses, which shall authorize the licensee to (i) serve alcoholic beverages in dining areas, private guest rooms, and other designated areas to persons to whom overnight lodging is being provided, with or without meals, for on-premises consumption only in such rooms and areas, and without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises and (ii) permit the consumption of lawfully acquired alcoholic beverages by persons to whom overnight lodging is being provided in (a) bedrooms or private guest rooms or (b) other designated areas of the bed and breakfast establishment. For purposes of this subdivision, "other designated areas" includes outdoor dining areas, whether or not contiguous to the licensed premises, which may have more than one means of ingress and egress to an adjacent public thoroughfare, provided that such outdoor dining areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201.

10. Museum licenses, which may be issued to nonprofit museums exempt from taxation under § 501(c)(3) of the Internal Revenue Code, which shall authorize the licensee to (i) permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by any bona fide member and guests thereof and (ii) serve alcoholic beverages on the premises of the licensee to any bona fide member and guests thereof. However, alcoholic beverages shall not be sold or charged for in any way by the licensee. The privileges of this license shall be limited to the premises of the museum, regularly occupied and utilized as such.

11. Motor car sporting event facility licenses, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by patrons thereof during such events. However, alcoholic beverages shall not be sold or charged for in any way, directly or indirectly, by the licensee. The privileges of this license shall be limited to those areas of the licensee's premises designated by the Board that are regularly occupied and utilized for motor car sporting events.

12. Commercial lifestyle center licenses, which may be issued only to a commercial owners' association governing a commercial lifestyle center, which shall authorize any retail on-premises restaurant licensee that is a tenant of the commercial lifestyle center to sell alcoholic beverages to any bona fide customer to whom alcoholic beverages may be lawfully sold for consumption on that portion of the licensed premises of the commercial lifestyle center designated by the Board, including (i) plazas, seating areas, concourses, walkways, or such other similar areas and (ii) the premises of any tenant location of the commercial lifestyle center that is not a retail licensee of the Board, upon approval of such tenant, but excluding any parking areas. Only alcoholic beverages purchased from such retail on-premises restaurant licensees may be

consumed on the licensed premises of the commercial lifestyle center, and such alcoholic beverages shall be contained in paper, plastic, or similar disposable containers with the name or logo of the restaurant licensee that sold the alcoholic beverage clearly displayed. Alcoholic beverages shall not be sold or charged for in any way by the commercial lifestyle center licensee. The licensee shall post appropriate signage clearly demarcating for the public the boundaries of the licensed premises; however, no physical barriers shall be required for this purpose. The licensee shall provide adequate security for the licensed premises to ensure compliance with the applicable provisions of this title and Board regulations.

13. Mixed beverage port restaurant licenses, which shall authorize the licensee to sell and serve mixed beverages for consumption in dining areas and other designated areas of such restaurant. Such license may be granted only to persons operating a business (i) that is primarily engaged in the sale of meals; (ii) that is located on property owned by the United States government or an agency thereof and used as a port of entry to or egress from the United States; and (iii) whose gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises, after issuance of such license, amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food. For the purposes of this subdivision, other designated areas shall include outdoor dining areas, whether or not contiguous to the licensed premises, which outdoor dining areas may have more than one means of ingress and egress to an adjacent public thoroughfare, provided such areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

14. Annual mixed beverage special events licenses to (i) a duly organized nonprofit corporation or association operating either a performing arts facility or an art education and exhibition facility; (ii) a nonprofit corporation or association chartered by Congress for the preservation of sites, buildings, and objects significant in American history and culture; (iii) persons operating an agricultural event and entertainment park or similar facility that has a minimum of 50,000 square feet of indoor exhibit space and equine and other livestock show areas, which includes barns, pavilions, or other structures equipped with roofs, exterior walls, and open-door or closed-door access; or (iv) a locality for special events conducted on the premises of a museum for historic interpretation that is owned and operated by the locality. The operation in all cases shall be upon premises owned by such licensee or occupied under a bona fide lease, the original term of which was for more than one year's duration. Such license shall authorize the licensee to sell alcoholic beverages during scheduled events and performances for on-premises consumption in areas upon the licensed premises approved by the Board.

B. The Board may grant an on-and-off-premises wine and beer license to the following:

1. Hotels, restaurants, and clubs, which shall authorize the licensee to sell wine and beer (i) in closed containers for off-premises consumption or (ii) for on-premises consumption, either with or without meals, in dining areas and other designated areas of such restaurants, or in dining areas, private guest rooms, and other designated areas of such hotels or clubs, for consumption only in such rooms and areas. However, with regard to a hotel classified by the Board as (a) a resort complex, the Board may authorize the sale and consumption of alcoholic beverages in all areas within the resort complex deemed appropriate by the Board or (b) a limited service hotel, the Board may authorize the sale and consumption of alcoholic beverages in dining areas, private guest rooms, and other designated areas to persons to whom overnight lodging is being provided, for on-premises consumption in such rooms or areas, and without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises, provided that at least one meal is provided each day by the hotel to such guests. With regard to facilities registered in accordance with Chapter 49 (§ 38.2-4900 et seq.) of Title 38.2 as continuing care communities that are also licensed by the Board under this subdivision, any resident may, upon authorization of the licensee, keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas covered by the license. For purposes of this subdivision, "other designated areas" includes outdoor dining areas, whether or not contiguous to the licensed premises, which may have more than one means of ingress and egress to an adjacent public thoroughfare, provided that such outdoor dining areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201.

2. Hospitals, which shall authorize the licensee to sell wine and beer (i) in the rooms of patients for their on-premises consumption only in such rooms, provided the consent of the patient's attending physician is first obtained or (ii) in closed containers for off-premises consumption.

3. Rural grocery stores, which shall authorize the licensee to sell wine and beer for on-premises consumption or in closed containers for off-premises consumption. No license shall be granted unless (i) the grocery store is located in any town or in a rural area outside the corporate limits of any city or town and (ii) it appears affirmatively that a substantial public demand for such licensed establishment exists and that public convenience and the purposes of this title will be promoted by granting the license.

4. Coliseums, stadiums, and racetracks, which shall authorize the licensee to sell wine and beer during any event and immediately subsequent thereto to patrons within all seating areas, concourses, walkways, concession areas, and additional locations designated by the Board (i) in closed containers for off-premises consumption or (ii) in paper, plastic, or similar disposable containers or in single original metal cans for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations

covered by the license. Such licenses may be granted to persons operating food concessions at coliseums, stadiums, racetracks, or similar facilities.

5. Performing arts food concessionaires, which shall authorize the licensee to sell wine and beer during the performance of any event to patrons within all seating areas, concourses, walkways, or concession areas, or other areas approved by the Board (i) in closed containers for off-premises consumption or (ii) in paper, plastic, or similar disposable containers or in single original metal cans for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. Such licenses may be granted to persons operating food concessions at any outdoor performing arts amphitheater, arena, or similar facility that (a) has seating for more than 20,000 persons and is located in Prince William County or the City of Virginia Beach; (b) has seating or capacity for more than 3,500 persons and is located in the County of Albemarle, Alleghany, Augusta, Nelson, Pittsylvania, or Rockingham or the City of Charlottesville, Danville, or Roanoke; or (c) has capacity for more than 9,500 persons and is located in Henrico County.

6. Exhibition halls, which shall authorize the licensee to sell wine and beer during the event to patrons or attendees within all seating areas, exhibition areas, concourses, walkways, concession areas, and such additional locations designated by the Board in such facilities (i) in closed containers for off-premises consumption or (ii) in paper, plastic, or similar disposable containers or in single original metal cans for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. Such licenses may be granted to persons operating food concessions at exhibition or exposition halls, convention centers, or similar facilities located in any county operating under the urban county executive form of government or any city that is completely surrounded by such county. For purposes of this subdivision, "exhibition or exposition hall" and "convention centers" mean facilities conducting private or public trade shows or exhibitions in an indoor facility having in excess of 100,000 square feet of floor space.

7. Concert and dinner-theaters, which shall authorize the licensee to sell wine and beer during events to patrons or attendees within all seating areas, exhibition areas, concourses, walkways, concession areas, dining areas, and such additional locations designated by the Board in such facilities, for on-premises consumption or in closed containers for off-premises consumption. Persons licensed pursuant to this subdivision shall serve food, prepared on or off premises, whenever wine or beer is served. Such licenses may be granted to persons operating concert or dinner-theater venues on property fronting Natural Bridge School Road in Natural Bridge Station and formerly operated as Natural Bridge High School.

8. Historic cinema houses, which shall authorize the licensee to sell wine and beer, either with or without meals, during any showing of a motion picture to patrons to whom alcoholic beverages may be lawfully sold, for on-premises consumption or in closed containers for off-premises consumption. The privileges of this license shall be limited to the premises of the historic cinema house regularly occupied and utilized as such.

9. Nonprofit museums, which shall authorize the licensee to sell wine and beer for on-premises consumption or in closed containers for off-premises consumption in areas approved by the Board. Such licenses may be granted to persons operating a nonprofit museum exempt from taxation under § 501(c)(3) of the Internal Revenue Code, located in the Town of Front Royal, and dedicated to educating the consuming public about historic beer products. The privileges of this license shall be limited to the premises of the museum, regularly occupied and utilized as such.

C. The Board may grant the following off-premises wine and beer licenses:

1. Retail off-premises wine and beer licenses, which may be granted to a convenience grocery store, delicatessen, drugstore, gift shop, gourmet oyster house, gourmet shop, grocery store, or marina store as defined in § 4.1-100 and Board regulations. Such license shall authorize the licensee to sell wine and beer in closed containers for off-premises consumption and, notwithstanding the provisions of § 4.1-308, to give to any person to whom wine or beer may be lawfully sold a sample of wine or beer for on-premises consumption; however, no single sample shall exceed four ounces of beer or two ounces of wine and no more than 12 ounces of beer or five ounces of wine shall be served to any person per day. The licensee may also give samples of wine and beer in designated areas at events held by the licensee for the purpose of featuring and educating the consuming public about the alcoholic beverages being tasted. With the consent of the licensee, farm wineries, wineries, breweries, and wholesale licensees or authorized representatives of such licensees may participate in such tastings, including the pouring of samples. The licensee shall comply with any food inventory and sales volume requirements established by Board regulation.

2. Gourmet brewing shop licenses, which shall authorize the licensee to sell to any person to whom wine or beer may be lawfully sold, ingredients for making wine or brewing beer, including packaging, and to rent to such persons facilities for manufacturing, fermenting, and bottling such wine or beer; for off-premises consumption in accordance with subdivision 6 of § 4.1-200.

3. Confectionery licenses, which shall authorize the licensee to prepare and sell on the licensed premises for off-premises consumption confectionery that contains five percent or less alcohol by volume. Any alcohol contained in such confectionery shall not be in liquid form at the time such confectionery is sold.

D. The Board may grant the following banquet, special event, and tasting licenses:

1. Per-day event licenses.

a. Banquet licenses to persons in charge of banquets, and to duly organized nonprofit corporations or associations in charge of special events, which shall authorize the licensee to sell or give wine and beer in rooms or areas approved by the

Board for the occasion for on-premises consumption in such rooms or areas. Licensees who are nonprofit corporations or associations conducting fundraisers (i) shall also be authorized to sell wine, as part of any fundraising activity, in closed containers for off-premises consumption to persons to whom wine may be lawfully sold and (ii) shall be limited to no more than one such fundraiser per year. Except as provided in § 4.1-215, a separate license shall be required for each day of each banquet or special event. For the purposes of this subdivision, when the location named in the original application for a license is outdoors, the application may also name an alternative location in the event of inclement weather. However, no such license shall be required of any hotel, restaurant, or club holding a retail wine and beer license.

b. Mixed beverage special events licenses to a duly organized nonprofit corporation or association in charge of a special event, which shall authorize the licensee to sell and serve mixed beverages for on-premises consumption in areas approved by the Board on the premises of the place designated in the license. A separate license shall be required for each day of each special event.

c. Mixed beverage club events licenses to a club holding a wine and beer club license, which shall authorize the licensee to sell and serve mixed beverages for on-premises consumption by club members and their guests in areas approved by the Board on the club premises. A separate license shall be required for each day of each club event. No more than 12 such licenses shall be granted to a club in any calendar year. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

d. Tasting licenses, which shall authorize the licensee to sell or give samples of alcoholic beverages of the type specified in the license in designated areas at events held by the licensee. A tasting license shall be issued for the purpose of featuring and educating the consuming public about the alcoholic beverages being tasted. A separate license shall be required for each day of each tasting event. No tasting license shall be required for conduct authorized by § 4.1-201.1.

2. Annual licenses.

a. Annual banquet licenses to duly organized private nonprofit fraternal, patriotic, or charitable membership organizations that are exempt from state and federal taxation and in charge of banquets conducted exclusively for members and their guests, which shall authorize the licensee to serve wine and beer in rooms or areas approved by the Board for the occasion for on-premises consumption in such rooms or areas. Such license shall authorize the licensee to conduct no more than 12 banquets per calendar year. For the purposes of this subdivision, when the location named in the original application for a license is outdoors, the application may also name an alternative location in the event of inclement weather. However, no such license shall be required of any hotel, restaurant, or club holding a retail wine and beer license.

b. Banquet facility licenses to volunteer fire departments and volunteer emergency medical services agencies, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by any person, and bona fide members and guests thereof, otherwise eligible for a banquet license. However, lawfully acquired alcoholic beverages shall not be purchased or sold by the licensee or sold or charged for in any way by the person permitted to use the premises. Such premises shall be a volunteer fire or volunteer emergency medical services agency station or both, regularly occupied as such and recognized by the governing body of the county, city, or town in which it is located. Under conditions as specified by Board regulation, such premises may be other than a volunteer fire or volunteer emergency medical services agency station, provided such other premises are occupied and under the control of the volunteer fire department or volunteer emergency medical services agency while the privileges of its license are being exercised.

c. Local special events licenses to a locality, business improvement district, or nonprofit organization, which shall authorize (i) the licensee to permit the consumption of alcoholic beverages within the area designated by the Board for the special event and (ii) any permanent retail on-premises licensee that is located within the area designated by the Board for the special event to sell alcoholic beverages within the permanent retail location for consumption in the area designated for the special event, including sidewalks and the premises of businesses not licensed to sell alcoholic beverages at retail, upon approval of such businesses. In determining the designated area for the special event, the Board shall consult with the locality. Local special events licensees shall be limited to 12 special events per year. Only alcoholic beverages purchased from permanent retail on-premises licensees located within the designated area may be consumed at the special event, and such alcoholic beverages shall be contained in paper, plastic, or similar disposable containers that clearly display the name or logo of the retail on-premises licensee from which the alcoholic beverage was purchased. Alcoholic beverages shall not be sold or charged for in any way by the local special events licensee. The local special events licensee shall post appropriate signage clearly demarcating for the public the boundaries of the special event; however, no physical barriers shall be required for this purpose. The local special events licensee shall provide adequate security for the special event to ensure compliance with the applicable provisions of this title and Board regulations.

d. Annual mixed beverage banquet licenses to duly organized private nonprofit fraternal, patriotic, or charitable membership organizations that are exempt from state and federal taxation and in charge of banquets conducted exclusively for members and their guests, which shall authorize the licensee to serve mixed beverages for on-premises consumption in areas approved by the Board on the premises of the place designated in the license. Such license shall authorize the licensee to conduct no more than 12 banquets per calendar year. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

e. Equine sporting event licenses, which may be issued to organizations holding equestrian, hunt, and steeplechase events, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by patrons thereof during such event. However, alcoholic beverages shall not be sold or charged for in any way by the licensee. The privileges of this license shall be (i) limited to the premises of the licensee, regularly occupied and utilized for equestrian, hunt, and steeplechase events, and (ii) exercised on no more than four calendar days per year.

f. Annual arts venue event licenses, to persons operating an arts venue, which shall authorize the licensee participating in a community art walk that is open to the public to serve lawfully acquired wine or beer on the premises of the licensee to adult patrons thereof during such events. However, alcoholic beverages shall not be sold or charged for in any way, directly or indirectly, by the licensee, and the licensee shall not give more than two five-ounce glasses of wine or two 12-ounce glasses of beer to any one adult patron. The privileges of this license shall be (i) limited to the premises of the arts venue regularly occupied and used as such and (ii) exercised on no more than 12 calendar days per year.

E. The Board may grant a marketplace license to persons operating a business enterprise of which the primary function is not the sale of alcoholic beverages, which shall authorize the licensee to serve complimentary wine or beer to bona fide customers on the licensed premises subject to any limitations imposed by the Board; however, the licensee shall not give more than two five-ounce glasses of wine or two 12-ounce glasses of beer to any customer per day, nor shall it sell or otherwise charge a fee to such customer for the wine or beer served or consumed. In order to be eligible for and retain a marketplace license, the applicant's business enterprise must (i) provide a single category of goods or services in a manner intended to create a personalized experience for the customer; (ii) employ staff with expertise in such goods or services; (iii) be ineligible for any other license granted by the Board; (iv) have an alcoholic beverage control manager on the licensed premises at all times alcohol is served; (v) ensure that all employees satisfy any training requirements imposed by the Board; and (vi) purchase all wine and beer to be served from a licensed wholesaler or the Authority and retain purchase records as prescribed by the Board. In determining whether to grant a marketplace license, the Board shall consider (a) the average amount of time customers spend at the business; (b) the business's hours of operation; (c) the amount of time that the business has been in operation; and (d) any other requirements deemed necessary by the Board to protect the public health, safety, and welfare.

F. The Board may grant the following shipper, bottler, and related licenses:

1. Wine and beer shipper licenses, which shall carry the privileges and limitations set forth in § 4.1-209.1.

2. Internet wine and beer retailer licenses, which shall authorize persons located within or outside the Commonwealth to sell and ship wine and beer, in accordance with § 4.1-209.1 and Board regulations, in closed containers to persons in the Commonwealth to whom wine and beer may be lawfully sold for off-premises consumption. Such licensee shall not be required to comply with the monthly food sale requirement established by Board regulations.

3. Bottler licenses, which shall authorize the licensee to acquire and receive deliveries and shipments of beer in closed containers and to bottle, sell, and deliver or ship it, in accordance with Board regulations to (i) wholesale beer licensees for the purpose of resale, (ii) owners of boats registered under the laws of the United States sailing for ports of call of a foreign country or another state, and (iii) persons outside the Commonwealth for resale outside the Commonwealth.

4. Fulfillment warehouse licenses, which shall authorize associations as defined in § 13.1-313 with a place of business located in the Commonwealth to (i) receive deliveries and shipments of wine or beer owned by holders of wine and beer shipper's licenses; (ii) store such wine or beer on behalf of the owner; and (iii) pick, pack, and ship such wine or beer as directed by the owner, all in accordance with Board regulations. No wholesale wine or wholesale beer licensee, whether licensed in the Commonwealth or not, or any person under common control of such licensee, shall acquire or hold any financial interest, direct or indirect, in the business for which any fulfillment warehouse license is issued.

5. Marketing portal licenses, which shall authorize agricultural cooperative associations organized under the provisions of the Agricultural Cooperative Association Act (§ 13.1-312 et seq.), with a place of business located in the Commonwealth, in accordance with Board regulations, to solicit and receive orders for wine or beer through the use of the Internet from persons in the Commonwealth to whom wine or beer may be lawfully sold, on behalf of holders of wine and beer shipper's licenses. Upon receipt of an order for wine or beer, the licensee shall forward it to a holder of a wine and beer shipper's license for fulfillment. Marketing portal licensees may also accept payment on behalf of the shipper.

§ 4.1-209. Wine and beer license privileges; advertising; tastings.

A. The Board may grant the following licenses relating to wine and beer:

1. Retail on-premises wine and beer licenses to:

a. Hotels, restaurants and clubs, which shall authorize the licensee to sell wine and beer, either with or without meals, only in dining areas and other designated areas of such restaurants, or in dining areas, private guest rooms, and other designated areas of such hotels or clubs, for consumption only in such rooms and areas. However, with regard to a hotel classified by the Board as (i) a resort complex, the Board may authorize the sale and consumption of alcoholic beverages in all areas within the resort complex deemed appropriate by the Board or (ii) a limited service hotel, the Board may authorize the sale and consumption of alcoholic beverages in dining areas, private guest rooms, and other designated areas to persons to whom overnight lodging is being provided, for on-premises consumption in such rooms or areas, and without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises, provided that at least one meal is provided each day by the hotel to such guests. With regard to facilities registered in accordance with Chapter 49 (§ 38.2-4900 et seq.) of Title 38.2 of the Code of Virginia as continuing care communities that are also licensed by the

Board under this subdivision; any resident may, upon authorization of the licensee, keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas covered by the license. For purposes of this subdivision, "other designated areas" includes outdoor dining areas, whether or not contiguous to the licensed premises, which may have more than one means of ingress and egress to an adjacent public thoroughfare, provided that such outdoor dining areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201;

b. Persons operating dining cars, buffet cars, and club cars of trains, which shall authorize the licensee to sell wine and beer, either with or without meals, in the dining cars, buffet cars, and club cars so operated by them, for on-premises consumption when carrying passengers;

e. Persons operating sight-seeing boats, or special or charter boats, which shall authorize the licensee to sell wine and beer, either with or without meals, on such boats operated by them for on-premises consumption when carrying passengers;

d. Persons operating as air carriers of passengers on regular schedules in foreign, interstate or intrastate commerce, which shall authorize the licensee to sell wine and beer for consumption by passengers in such airplanes anywhere in or over the Commonwealth while in transit and in designated rooms of establishments of such carriers at airports in the Commonwealth, § 4.1-129 notwithstanding. For purposes of supplying its airplanes, as well as any airplane of a licensed express carrier flying under the same brand, an air carrier licensee may appoint an authorized representative to load wine and beer onto the same airplanes and to transport and store wine and beer at or in close proximity to the airport where the wine and beer will be delivered onto airplanes of the air carrier and any such licensed express carrier. The air carrier licensee shall (i) designate for purposes of its license all locations where the inventory of wine and beer may be stored and from which the wine and beer will be delivered onto airplanes of the air carrier and any such licensed express carrier and (ii) maintain records of all wine and beer to be transported, stored, and delivered by its authorized representative;

e. Hospitals, which shall authorize the licensee to sell wine and beer in the rooms of patients for their on-premises consumption only in such rooms; provided the consent of the patient's attending physician is first obtained;

f. Persons operating food concessions at coliseums, stadia, racetracks or similar facilities, which shall authorize the licensee to sell wine and beer in paper, plastic or similar disposable containers or in single original metal cans, during any event and immediately subsequent thereto, to patrons within all seating areas, concourses, walkways, concession areas and additional locations designated by the Board in such coliseums, stadia, racetracks or similar facilities, for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license;

g. Persons operating food concessions at any outdoor performing arts amphitheater, arena or similar facility which (i) has seating for more than 20,000 persons and is located in Prince William County or the City of Virginia Beach, (ii) has capacity for more than 3,500 persons and is located in the Counties of Albemarle, Alleghany, Augusta, Nelson, Pittsylvania, or Rockingham, or the Cities of Charlottesville, Danville, or Roanoke, or (iii) has capacity for more than 9,500 persons and is located in Henrico County. Such license shall authorize the licensee to sell wine and beer during the performance of any event, in paper, plastic or similar disposable containers or in single original metal cans, to patrons within all seating areas, concourses, walkways, concession areas, or similar facilities, for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license;

h. Persons operating food concessions at exhibition or exposition halls, convention centers or similar facilities located in any county operating under the urban county executive form of government or any city which is completely surrounded by such county, which shall authorize the licensee to sell wine and beer during the event, in paper, plastic or similar disposable containers or in single original metal cans, to patrons or attendees within all seating areas, exhibition areas, concourses, walkways, concession areas, and such additional locations designated by the Board in such facilities, for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. For purposes of this subsection, "exhibition or exposition hall" and "convention centers" mean facilities conducting private or public trade shows or exhibitions in an indoor facility having in excess of 100,000 square feet of floor space;

i. Persons operating a concert and dinner-theater venue on property fronting Natural Bridge School Road in Natural Bridge Station, Virginia, and formerly operated as Natural Bridge High School, which shall authorize the licensee to sell wine and beer during events to patrons or attendees within all seating areas, exhibition areas, concourses, walkways, concession areas, dining areas, and such additional locations designated by the Board in such facilities, for on-premises consumption. Persons licensed pursuant to this subdivision shall serve food, prepared on or off premises, whenever wine or beer is served; and

j. Historic cinema houses, which shall authorize the licensee to sell wine and beer, either with or without meals, during any showing of a motion picture to patrons to whom alcoholic beverages may be lawfully sold, for on-premises consumption. The privileges of this license shall be limited to the premises of the historic cinema house regularly occupied and utilized as such.

2. Retail off-premises wine and beer licenses, which shall authorize the licensee to sell wine and beer in closed containers for off-premises consumption.

3. Gourmet shop licenses, which shall authorize the licensee to sell wine and beer in closed containers for off-premises consumption and, the provisions of § 4.1-308 notwithstanding, to give to any person to whom wine or beer may be lawfully

sold; (i) a sample of wine, not to exceed two ounces by volume or (ii) a sample of beer not to exceed four ounces by volume, for on-premises consumption. The licensee may also give samples of wine and beer in designated areas at events held by the licensee for the purpose of featuring and educating the consuming public about the alcoholic beverages being tasted. Additionally, with the consent of the licensee, farm wineries, wineries, breweries, and wholesale licensees may participate in tastings held by licensees authorized to conduct tastings, including the pouring of samples to any person to whom alcoholic beverages may be lawfully sold. Notwithstanding Board regulations relating to food sales, the licensee shall maintain each year an average monthly inventory and sales volume of at least \$1,000 in products such as cheeses and gourmet food.

4. Convenience grocery store licenses, which shall authorize the licensee to sell wine and beer in closed containers for off-premises consumption.

5. Retail on-and-off premises wine and beer licenses to persons enumerated in subdivision 1 a, which shall accord all the privileges conferred by retail on-premises wine and beer licenses and in addition, shall authorize the licensee to sell wine and beer in closed containers for off-premises consumption.

6. Banquet licenses to persons in charge of banquets, and to duly organized nonprofit corporations or associations in charge of special events, which shall authorize the licensee to sell or give wine and beer in rooms or areas approved by the Board for the occasion for on-premises consumption in such rooms or areas. Licensees who are nonprofit corporations or associations conducting fundraisers (i) shall also be authorized to sell wine, as part of any fundraising activity, in closed containers for off-premises consumption to persons to whom wine may be lawfully sold and (ii) shall be limited to no more than one such fundraiser per year. Except as provided in § 4.1-215, a separate license shall be required for each day of each banquet or special event. For the purposes of this subdivision, when the location named in the original application for a license is outdoors, the application may also name an alternative location in the event of inclement weather. However, no such license shall be required of any hotel, restaurant, or club holding a retail wine and beer license.

7. Gift shop licenses, which shall authorize the licensee to sell wine and beer only within the interior premises of the gift shop in closed containers for off-premises consumption and, the provisions of § 4.1-308 notwithstanding, to give to any person to whom wine or beer may be lawfully sold (i) a sample of wine not to exceed two ounces by volume or (ii) a sample of beer not to exceed four ounces by volume for on-premises consumption. The licensee may also give samples of wine and beer in designated areas at events held by the licensee for the purpose of featuring and educating the consuming public about the alcoholic beverages being tasted.

8. Gourmet brewing shop licenses, which shall authorize the licensee to sell to any person to whom wine or beer may be lawfully sold, ingredients for making wine or brewing beer, including packaging, and to rent to such persons facilities for manufacturing, fermenting, and bottling such wine or beer, for off-premises consumption in accordance with subdivision 6 of § 4.1-200.

9. Annual banquet licenses, to duly organized private nonprofit fraternal, patriotic or charitable membership organizations that are exempt from state and federal taxation and in charge of banquets conducted exclusively for its members and their guests, which shall authorize the licensee to serve wine and beer in rooms or areas approved by the Board for the occasion for on-premises consumption in such rooms or areas. Such license shall authorize the licensee to conduct no more than 12 banquets per calendar year. For the purposes of this subdivision, when the location named in the original application for a license is outdoors, the application may also name an alternative location in the event of inclement weather. However, no such license shall be required of any hotel, restaurant, or club holding a retail wine and beer license.

10. Fulfillment warehouse licenses, which shall authorize associations as defined in § 13.1-313 with a place of business located in the Commonwealth to (i) receive deliveries and shipments of wine or beer owned by holders of wine or beer shipper's licenses, (ii) store such wine or beer on behalf of the owner, and (iii) pick, pack, and ship such wine or beer as directed by the owner, all in accordance with Board regulations. No wholesale wine or wholesale beer licensee, whether licensed in the Commonwealth or not, or any person under common control of such licensee, shall acquire or hold any financial interest, direct or indirect, in the business for which any fulfillment warehouse license is issued.

11. Marketing portal licenses, which shall authorize agricultural cooperative associations organized under the provisions of the Agricultural Cooperative Association Act (§ 13.1-312 et seq.), with a place of business located in the Commonwealth, in accordance with Board regulations, to solicit and receive orders for wine or beer through the use of the Internet from persons in the Commonwealth to whom wine or beer may be lawfully sold, on behalf of holders of wine or beer shipper's licenses. Upon receipt of an order for wine or beer, the licensee shall forward it to a holder of a wine or beer shipper's license for fulfillment. Marketing portal licensees may also accept payment on behalf of the shipper.

12. Gourmet oyster house licenses, to establishments located on the premises of a commercial marina and permitted by the Department of Health to serve oysters and other fresh seafood for consumption on the premises, where the licensee also offers to the public events for the purpose of featuring and educating the consuming public about local oysters and other seafood products. Such license shall authorize the licensee to (i) give samples of or sell wine and beer in designated rooms and outdoor areas approved by the Board for consumption in such approved areas and (ii) sell wine and beer in closed containers for off-premises consumption. Samples of wine shall not exceed two ounces per person. Samples of beer shall not exceed four ounces per person. The Board shall establish a minimum monthly food sale requirement of oysters and other seafood for such license. Additionally, with the consent of the licensee, farm wineries, wineries, and breweries may participate in tastings held by licensees authorized to conduct tastings, including the pouring of samples to any person to whom alcoholic beverages may be lawfully sold.

~~B.~~ Notwithstanding any provision of law to the contrary, persons granted a wine and beer license pursuant to ~~this section~~ § 4.1-206.3 may display within their licensed premises point-of-sale advertising materials that incorporate the use of any professional athlete or athletic team, provided that such advertising materials: (i) otherwise comply with the applicable regulations of the ~~Federal~~ federal Bureau of Alcohol, Tobacco and Firearms; and (ii) do not depict any athlete consuming or about to consume alcohol prior to or while engaged in an athletic activity; do not depict an athlete consuming alcohol while the athlete is operating or about to operate a motor vehicle or other machinery; and do not imply that the alcoholic beverage so advertised enhances athletic prowess.

~~C.~~ Notwithstanding any provision of law to the contrary, persons granted a wine and beer license pursuant to this section may deliver such wine or beer in closed containers for off-premises consumption to such person's vehicle if located in a designated parking area of the retailer's premises where such person has electronically ordered wine or beer in advance of the delivery or (ii) if the licensee holds a delivery permit issued pursuant to § 4.1-212.1, to such other locations as may be permitted by Board regulation.

~~D.~~ B. Persons granted retail ~~on-premises and~~ on-and-off-premises wine and beer licenses pursuant to ~~this section or subsection B of~~ § 4.1-210 the following provisions may conduct wine or beer tastings sponsored by the licensee for its customers for on-premises consumption:

1. Subdivision A 1, 4, 5, 6, 7, 8, or 14 of § 4.1-206.3;
2. Subdivision B 1, 2, 4, 5, 6, 7, or 8 of § 4.1-206.3;
3. Subdivision C 1 or 2 of § 4.1-206.3;
4. Subdivision D 1 a, b, or d or 2 a of § 4.1-206.3; or
5. Subdivision F 4 or 5 of § 4.1-206.3.

Such licensees may sell or give samples of wine and beer in designated areas at events held by the licensee for the purpose of featuring and educating the consuming public about the alcoholic beverages being tasted. Additionally, with the consent of the licensee, farm wineries, wineries, and breweries may participate in tastings held by licensees authorized to conduct tastings, including the pouring of samples to any person to whom alcoholic beverages may be lawfully sold. ~~Samples of wine shall not exceed two ounces per person. Samples of beer shall not exceed four ounces per person. No single sample shall exceed four ounces of beer or two ounces of wine, and no more than 12 ounces of beer or five ounces of wine shall be given or sold to any person per day.~~

§ 4.1-209.1. Direct shipment of wine and beer; shipper's license.

A. Holders of wine ~~shippers' licenses~~ and beer ~~shippers' licenses~~ ~~issued pursuant to this section~~ ~~subdivision F 1 of~~ § 4.1-206.3 may sell and ship not more than two cases of wine per month nor more than two cases of beer per month to any person in Virginia to whom alcoholic beverages may be lawfully sold. All such sales and shipments shall be for personal consumption only and not for resale. A case of wine shall mean any combination of packages containing not more than nine liters of wine. A case of beer shall mean any combination of packages containing not more than 288 ounces of beer. Any winery or farm winery located within or outside the Commonwealth may apply to the Board for issuance of a wine ~~and beer~~ shipper's license that shall authorize the shipment of brands of wine and farm wine identified in such application. Any brewery located within or outside the Commonwealth may apply to the Board for issuance of a wine ~~and beer~~ shipper's license that shall authorize the shipment of brands of beer identified in such application. Any person located within or outside the Commonwealth who is authorized to sell wine or beer at retail in their state of domicile and who is not a winery, farm winery, or brewery may nevertheless apply for a wine ~~or and~~ beer shipper's license, ~~or both~~, if such person satisfies the requirements of this section. Any brewery, winery, or farm winery that applies for a shipper's license or authorizes any other person, other than a retail off-premises licensee, to apply for a license to ship such brewery's, winery's or farm winery's brands of wine or beer shall notify any wholesale licensees that have been authorized to distribute such brands that an application has been filed for a shipper's license. The notice shall be in writing and in a form prescribed by the Board. The Board may adopt such regulations as it reasonably deems necessary to implement the provisions of this section, including regulations that permit the holder of a shipper's license to amend the same by, among other things, adding or deleting any brands of wine, farm wine, or beer identified in such shipper's license.

B. Any applicant for a wine ~~or and~~ beer shipper's license that does not own or have the right to control the distribution of the brands of wine, farm wine, or beer identified in such person's application may be issued a shipper's license for wine ~~or and beer or both~~, if the applicant has obtained and filed with its application for a shipper's license, and with any subsequent application for renewal thereof, the written consent of either (i) the winery, farm winery, or brewery whose brands of wine, farm wine, or beer are identified therein or (ii) any wholesale distributor authorized to distribute the wine or beer produced by the winery, farm winery or brewery. Any winery, farm winery, or brewery, or its wholesale distributor, that has provided written authorization to a shipper licensed pursuant to this section to sell and ship its brand or brands of wine, farm wine, or beer shall not be restricted by any provision of this section from withdrawing such authorization at any time. If such authorization is withdrawn, the winery, farm winery, or brewery shall promptly notify such shipper licensee and the Board in writing of its decision to withdraw from such shipper licensee the authority to sell and ship any of its brands, whereupon such shipper licensee shall promptly file with the Board an amendment to its license eliminating any such withdrawn brand or brands from the shipper's license.

C. The direct shipment of beer and wine by holders of licenses issued pursuant to ~~this section~~ ~~subdivision F 1 of~~ § 4.1-206.3 shall be by approved common carrier only. The Board shall develop regulations pursuant to which common carriers may apply for approval to provide common carriage of wine or beer, ~~or both~~, shipped by holders of licenses issued

pursuant to ~~this section~~ *subdivision F 1 of § 4.1-206.3*. Such regulations shall include provisions that require (i) the recipient to demonstrate, upon delivery, that he is at least 21 years of age; (ii) the recipient to sign an electronic or paper form or other acknowledgement of receipt as approved by the Board; and (iii) the Board-approved common carrier to submit to the Board such information as the Board may prescribe. The Board-approved common carrier shall refuse delivery when the proposed recipient appears to be under the age of 21 years and refuses to present valid identification. All licensees shipping wine or beer pursuant to this section shall affix a conspicuous notice in 16-point type or larger to the outside of each package of wine or beer shipped within or into the Commonwealth, in a conspicuous location stating: "CONTAINS ALCOHOLIC BEVERAGES; SIGNATURE OF PERSON AGED 21 YEARS OR OLDER REQUIRED FOR DELIVERY." Any delivery of alcoholic beverages to a minor by a common carrier shall constitute a violation by the common carrier. The common carrier and the shipper licensee shall be liable only for their independent acts.

D. For purposes of §§ 4.1-234 and 4.1-236 and Chapter 6 (§ 58.1-600 et seq.) of Title 58.1, each shipment of wine or beer by a wine ~~shipper licensee or a~~ and beer shipper licensee shall constitute a sale in Virginia. The licensee shall collect the taxes due to the Commonwealth and remit any excise taxes monthly to the Authority and any sales taxes to the Department of Taxation.

E. Notwithstanding the provisions of § 4.1-203, the holder of a wine ~~shipper licensee or~~ and beer shipper license may solicit and receive applications for subscription to a wine-of-the-month or beer-of-the-month club at in-state or out-of-state locations for which a license for on-premises consumption has been issued, other than the place where the licensee carries on the business for which the license is granted. For the purposes of this subsection, "wine-of-the-month club" or "beer-of-the-month club" shall mean an agreement between an in-state or out-of-state holder of a wine ~~shipper licensee or~~ and beer shipper license and a consumer in Virginia to whom alcoholic beverages may be lawfully sold that the shipper will sell and ship to the consumer and the consumer will purchase a lawful amount of wine or beer each month for an agreed term of months.

F. Notwithstanding the provisions of § 4.1-203, a wine ~~or~~ and beer shipper licensee may ship wine or beer as authorized by this section through the use of the services of an approved fulfillment warehouse. For the purposes of this section, a "fulfillment warehouse" means a business operating a warehouse and providing storage, packaging, and shipping services to wineries or breweries. The Board shall develop regulations pursuant to which fulfillment warehouses may apply for approval to provide storage, packaging, and shipping services to holders of licenses issued pursuant to this section. Such regulations shall include provisions that require (i) the fulfillment warehouse to demonstrate that it is appropriately licensed for the services to be provided by the state in which its place of business is located, (ii) the Board-approved fulfillment warehouse to maintain such records and to submit to the Board such information as the Board may prescribe, and (iii) the fulfillment warehouse and each wine ~~or~~ and beer shipper licensed under ~~this section~~ *subdivision F 1 of § 4.1-206.3* to whom services are provided to enter into a contract designating the fulfillment warehouse as the agent of the shipper for purposes of complying with the provisions of this section.

G. Notwithstanding the provisions of § 4.1-203, a wine ~~or~~ and beer shipper licensee may sell wine or beer as authorized by this section through the use of the services of an approved marketing portal. For the purposes of this section, a "marketing portal" means a business organized as an agricultural cooperative association under the laws of a state, soliciting and receiving orders for wine or beer and accepting and processing payment of such orders as the agent of a licensed wine ~~or~~ and beer shipper. The Board shall develop regulations pursuant to which marketing portals may apply for approval to provide marketing services to holders of licenses issued pursuant to ~~this section~~ *subdivision F 1 of § 4.1-206.3*. Such regulations shall include provisions that require (i) the marketing portal to demonstrate that it is appropriately organized as an agricultural cooperative association and licensed for the services to be provided by the state in which its place of business is located, (ii) the Board-approved marketing portal to maintain such records and to submit to the Board such information as the Board may prescribe, and (iii) the marketing portal and each wine ~~or~~ and beer shipper licensed under this section to whom services are provided to enter into a contract designating the marketing portal as the agent of the shipper for purposes of complying with the provisions of this section.

§ 4.1-211. Temporary licenses.

Notwithstanding subsection D of § 4.1-203, the Board may grant a temporary license to any of the licensed retail operations authorized by §§ ~~4.1-206 through 4.1-210~~ *§ 4.1-206.3*. A temporary license may be granted only after an application has been filed in accordance with the provisions of § 4.1-230 and in cases where the sole objection to granting a license is that the establishment will not be qualified in terms of the sale of food. If a temporary license is not granted, the applicant is entitled to a hearing on the issue of qualifications. The decision to refuse to grant a temporary license shall not be subject to a hearing.

If a temporary license is granted, the Board shall conduct an audit of the business after a reasonable period of operation not to exceed 180 days. If the audit indicates that the business is qualified, the license applied for may be granted. If the audit indicates that the business is not qualified, the applicant is entitled to a hearing. No further temporary license shall be granted to the applicant or to any other person at that location for a period of one year from expiration and, once the application becomes the subject of a hearing, no temporary license may be granted.

A temporary license may be revoked summarily by the Board for any cause set forth in § 4.1-225 without complying with subsection A of § 4.1-227. Revocation of a temporary license shall be effective upon service of the order of revocation upon the licensee or upon the expiration of three business days after the order of the revocation has been mailed to the

licensee ~~either~~ at *either* his residence or the address given for the business in the license application. No further notice shall be required.

§ 4.1-212. Permits required in certain instances.

A. The Board may grant the following permits which shall authorize:

1. Wine and beer salesmen representing any out-of-state wholesaler engaged in the sale of wine and beer, or either, to sell or solicit the sale of wine or beer, or both in the Commonwealth.

2. Any person having any interest in the manufacture, distribution or sale of spirits or other alcoholic beverages to solicit any mixed beverage licensee, his agent, employee or any person connected with the licensee in any capacity in his licensed business to sell or offer for sale such spirits or alcoholic beverages.

3. Any person to keep upon his premises alcoholic beverages ~~which~~ *that* he is not authorized by any license to sell and which shall be used for culinary purposes only.

4. Any person to transport lawfully purchased alcoholic beverages within, into or through the Commonwealth, except that no permit shall be required for any person shipping or transporting into the Commonwealth a reasonable quantity of alcoholic beverages when such person is relocating his place of residence to the Commonwealth in accordance with § 4.1-310.

5. Any person to keep, store or possess any still or distilling apparatus.

6. The release of alcoholic beverages not under United States custom bonds or internal revenue bonds stored in Board approved warehouses for delivery to the Board or to persons entitled to receive them within or outside of the Commonwealth.

7. The release of alcoholic beverages from United States customs bonded warehouses for delivery to the Board or to licensees and other persons enumerated in subsection B of § 4.1-131.

8. The release of alcoholic beverages from United States internal revenue bonded warehouses for delivery in accordance with subsection C of § 4.1-132.

9. A secured party or any trustee, curator, committee, conservator, receiver or other fiduciary appointed or qualified in any court proceeding, to continue to operate under the licenses previously issued to any deceased or other person licensed to sell alcoholic beverages for such period as the Board deems appropriate.

10. The one-time sale of lawfully acquired alcoholic beverages belonging to any person, or which may be a part of such person's estate, including a judicial sale, estate sale, sale to enforce a judgment lien or liquidation sale to satisfy indebtedness secured by a security interest in alcoholic beverages, by a sheriff, personal representative, receiver or other officer acting under authority of a court having jurisdiction in the Commonwealth, or by any secured party as defined in subdivision (a) (73) of § 8.9A-102 of the Virginia Uniform Commercial Code. Such sales shall be made only to persons who are licensed or hold a permit to sell alcoholic beverages in the Commonwealth or to persons outside the Commonwealth for resale outside the Commonwealth and upon such conditions or restrictions as the Board may prescribe.

11. Any person who purchases at a foreclosure, secured creditor's or judicial auction sale the premises or property of a person licensed by the Board and who has become lawfully entitled to the possession of the licensed premises to continue to operate the establishment to the same extent as a person holding such licenses for a period not to exceed 60 days or for such longer period as determined by the Board. Such permit shall be temporary and shall confer the privileges of any licenses held by the previous owner to the extent determined by the Board. Such temporary permit may be issued in advance, conditioned on the above requirements.

~~12. The sale of wine and beer in kegs by any person licensed to sell wine or beer, or both, at retail for off-premises consumption.~~

~~13. The storage of lawfully acquired alcoholic beverages not under customs bond or internal revenue bond in warehouses located in the Commonwealth.~~

~~14. 13. The storage of wine by a licensed winery or farm winery under internal revenue bond in warehouses located in the Commonwealth.~~

~~15. 14. Any person to conduct tastings in accordance with § 4.1-201.1, provided that such person has filed an application for a permit in which the applicant represents (i) that he or she is under contract to conduct such tastings on behalf of the alcoholic beverage manufacturer or wholesaler named in the application; (ii) that such contract grants to the applicant the authority to act as the authorized representative of such manufacturer or wholesaler; and (iii) that such contract contains an acknowledgment that the manufacturer or wholesaler named in the application may be held liable for any violation of § 4.1-201.1 by its authorized representative. A permit issued pursuant to this subdivision shall be valid for at least one year, unless sooner suspended or revoked by the Board in accordance with § 4.1-229.~~

~~16. 15. Any person who, through contract, lease, concession, license, management or similar agreement (hereinafter referred to as the contract), becomes lawfully entitled to the use and control of the premises of a person licensed by the Board to continue to operate the establishment to the same extent as a person holding such licenses, provided such person has made application to the Board for a license at the same premises. The permit shall (i) confer the privileges of any licenses held by the previous owner to the extent determined by the Board and (ii) be valid for a period of 120 days or for such longer period as may be necessary as determined by the Board pending the completion of the processing of the permittee's license application. No permit shall be issued without the written consent of the previous licensee. No permit shall be issued under the provisions of this subdivision if the previous licensee owes any state or local taxes, or has any pending charges for violation of this title or any Board regulation, unless the permittee agrees to assume the liability of the~~

previous licensee for the taxes or any penalty for the pending charges. An application for a permit may be filed prior to the effective date of the contract, in which case the permit when issued shall become effective on the effective date of the contract. Upon the effective date of the permit, (a) the permittee shall be responsible for compliance with the provisions of this title and any Board regulation and (b) the previous licensee shall not be held liable for any violation of this title or any Board regulation committed by, or any errors or omissions of, the permittee.

~~17.~~ 16. Any sight-seeing carrier or contract passenger carrier as defined in § 46.2-2000 transporting individuals for compensation to a winery, brewery, or restaurant, licensed under this chapter and authorized to conduct tastings, to collect the licensee's tasting fees from tour participants for the sole purpose of remitting such fees to the licensee.

~~18.~~ 17. Any tour company guiding individuals for compensation on a culinary walking tour to one or more establishments licensed to sell alcoholic beverages at retail for on-premises consumption to collect as one fee from tour participants (i) the licensee's fee for the food and alcoholic beverages served as part of the tour and (ii) a fee for the culinary walking tour service. The tour company shall remit to the licensee any fee collected for the food and alcoholic beverages served as part of the tour. Food cooked or prepared on the premises of such licensed establishments shall be served at each such establishment on the tour.

B. Nothing in subdivision 9, 10, or 11 shall authorize any brewery, winery or affiliate or a subsidiary thereof which has supplied financing to a wholesale licensee to manage and operate the wholesale licensee in the event of a default, except to the extent authorized by subdivision B 3 a of § 4.1-216.

§ 4.1-212.1. Delivery of wine and beer; kegs; regulations of Board.

A. Any brewery, winery, or farm winery located within or outside the Commonwealth that is authorized to engage in the retail sale of wine or beer for off-premises consumption may apply to the Board for issuance of a delivery permit that shall authorize the delivery of deliver the brands of beer, wine, and farm wine produced by the same brewery, winery, or farm winery in closed containers to consumers within the Commonwealth for personal off-premises consumption.

B. Any person located within or outside the Commonwealth who is authorized licensed to sell wine or and beer at retail for off-premises consumption in their state of domicile the Commonwealth, and who is not a brewery, winery, or farm winery, may apply for a delivery permit that shall authorize the delivery of any deliver the brands of beer, wine, and farm wine it is authorized to sell in its state of domicile, in closed containers, to consumers within the Commonwealth for personal off-premises consumption. *Notwithstanding any provision of law to the contrary, such deliveries may be made to (i) a person's vehicle if located in a designated parking area of the licensee's premises where such person has electronically ordered beer, wine, or farm wine in advance of the delivery or (ii) such other locations as may be permitted by Board regulation.*

C. Any person located outside the Commonwealth who is authorized to sell wine or beer at retail for off-premises consumption in its state of domicile, and who is not a brewery, winery, or farm winery, may apply for a delivery permit that shall authorize the delivery of any brands of beer, wine, and farm wine it is authorized to sell in its state of domicile, in closed containers, to consumers within the Commonwealth for personal off-premises consumption.

~~C.~~ D. All such deliveries shall be to consumers within the Commonwealth for personal consumption only and not for resale. All such deliveries of beer, wine, or farm wine shall be performed by either (i) the owner or any agent, officer, director, shareholder, or employee of the licensee or permittee or (ii) an independent contractor of the licensee or permittee, provided that (a) the licensee or permittee has entered into a written agreement with the independent contractor establishing that the licensee or permittee shall be vicariously liable for any administrative violations of this section or § 4.1-304 committed by the independent contractor relating to any deliveries of beer, wine, or farm wine made on behalf of the licensee or permittee and (b) only one individual takes possession of the beer, wine, or farm wine during the course of the delivery. No more than four cases of wine nor more than four cases of beer may be delivered at one time to any person in Virginia to whom alcoholic beverages may be lawfully sold, except that the licensee or permittee may deliver more than four cases of wine or more than four cases of beer if he notifies the Department Authority in writing at least one business day in advance of any such delivery, which notice contains the name and address of the intended recipient. The Board may adopt such regulations as it reasonably deems necessary to implement the provisions of this section. Such regulations shall include provisions that require ~~(1)~~ (1) the recipient to demonstrate, upon delivery, that he is at least 21 years of age and ~~(2)~~ (2) the recipient to sign an electronic or paper form or other acknowledgement of receipt as approved by the Board.

~~D.~~ E. For purposes of §§ 4.1-234 and 4.1-236 and Chapter 6 (§ 58.1-600 et seq.) of Title 58.1, each delivery of wine or beer by a licensee or permittee shall constitute a sale in Virginia. The licensee or permittee shall collect the taxes due to the Commonwealth and remit any excise taxes monthly to the Authority and any sales taxes to the Department of Taxation, if such taxes have not already been paid.

F. Any manufacturer or retailer who is licensed to sell wine, beer, or both for off-premises consumption may sell such wine or beer in kegs, subject to any limitations imposed by Board regulation. The Board may impose a fee for keg registration seals. For purposes of this subsection, "keg registration seal" means any document, stamp, declaration, seal, decal, sticker, or device that is approved by the Board, designed to be affixed to kegs, and displays a registration number and such other information as may be prescribed by the Board.

§ 4.1-215. Limitation on manufacturers, bottlers, and wholesalers; exemptions.

A. 1. Unless exempted pursuant to subsection B, no retail license for the sale of alcoholic beverages shall be granted to any (i) manufacturer, bottler, or wholesaler of alcoholic beverages, whether licensed in the Commonwealth or not; (ii) officer or director of any such manufacturer, bottler, or wholesaler; (iii) partnership or corporation, where any partner or

stockholder is an officer or director of any such manufacturer, bottler, or wholesaler; (iv) corporation which is a subsidiary of a corporation which owns or has interest in another subsidiary corporation which is a manufacturer, bottler, or wholesaler of alcoholic beverages; or (v) manufacturer, bottler, or wholesaler of alcoholic beverages who has a financial interest in a corporation which has a retail license as a result of a holding company, which owns or has an interest in such manufacturer, bottler, or wholesaler of alcoholic beverages. Nor shall such licenses be granted in any instances where such manufacturer, bottler, or wholesaler and such retailer are under common control, by stock ownership or otherwise.

2. Notwithstanding any other provision of this title:

~~a. A manufacturer of malt beverages, whether licensed in the Commonwealth or not, may obtain a banquet license as provided in § 4.1-209 upon application to the Board, provided that the event for which a banquet license is obtained is (i) at a place approved by the Board and (ii) conducted for the purposes of featuring and educating the consuming public about malt beverage products. Such manufacturer shall be limited to eight banquet licenses for such events per year without regard to the number of breweries owned or operated by such manufacturer or by any parent, subsidiary, or company under common control with such manufacturer. Where the event occurs on no more than three consecutive days, a manufacturer need only obtain one such license for the event; or~~

~~b. A, a manufacturer of wine or malt beverages, or two or more of such manufacturers together, whether licensed in the Commonwealth or not, may obtain a banquet license as provided in § 4.1-209 4.1-206.3 upon application to the Board, provided that the event for which a banquet license is obtained is (i) at a place approved by the Board and (ii) conducted for the purposes of featuring and educating the consuming public about wine or malt beverage products. Such manufacturer shall be limited to eight banquet licenses, whether or not jointly obtained, for such events per year without regard to the number of wineries or breweries owned or operated by such manufacturer or by any parent, subsidiary, or company under common control with such manufacturer. Where the event occurs on no more than three consecutive days, a manufacturer need only obtain one such license for the event.~~

3. Notwithstanding any other provision of this title, a manufacturer of distilled spirits, whether licensed in the Commonwealth or not, may obtain a banquet license for a special event as provided in subdivision ~~A 4 D 1 b~~ of § ~~4.1-210 4.1-206.3~~ upon application to the Board, provided that such event is (i) at a place approved by the Board and (ii) conducted for the purposes of featuring and educating the consuming public about the manufacturer's spirits products. Such manufacturer shall be limited to no more than eight banquet licenses for such special events per year. Where the event occurs on no more than three consecutive days, a manufacturer need only obtain one such license for the event. Such banquet license shall authorize the manufacturer to sell or give samples of spirits to any person to whom alcoholic beverages may be lawfully sold in designated areas at the special event, provided that (a) no single sample shall exceed one-half ounce per spirits product offered, unless served as a mixed beverage, in which case a single sample may contain up to one and one-half ounces of spirits, and (b) no more than three ounces of spirits may be offered to any patron per day. Nothing in this paragraph shall prohibit such manufacturer from serving such samples as part of a mixed beverage.

B. This section shall not apply to:

1. Corporations operating dining cars, buffet cars, club cars, or boats;
2. Brewery, distillery, or winery licensees engaging in conduct authorized by subdivision A 5 of § 4.1-201;
3. Farm winery licensees engaging in conduct authorized by subdivision ~~5 6~~ of § ~~4.1-207 4.1-206.1~~;
4. Manufacturers, bottlers, or wholesalers of alcoholic beverages who do not (i) sell or otherwise furnish, directly or indirectly, alcoholic beverages or other merchandise to persons holding a retail license or banquet license as described in subsection A and (ii) require, by agreement or otherwise, such person to exclude from sale at his establishment alcoholic beverages of other manufacturers, bottlers, or wholesalers;

5. Wineries, farm wineries, or breweries engaging in conduct authorized by *subsection F of § 4.1-206.3 or § 4.1-209.1 or 4.1-212.1*; or

6. One out-of-state winery, not under common control or ownership with any other winery, that is under common ownership or control with one restaurant licensed to sell wine at retail in Virginia, so long as any wine produced by that winery is purchased from a Virginia wholesale wine licensee by the restaurant before it is offered for sale to consumers.

C. The General Assembly finds that it is necessary and proper to require a separation between manufacturing interests, wholesale interests, and retail interests in the production and distribution of alcoholic beverages in order to prevent suppliers from dominating local markets through vertical integration and to prevent excessive sales of alcoholic beverages caused by overly aggressive marketing techniques. The exceptions established by this section to the general prohibition against tied interests shall be limited to their express terms so as not to undermine the general prohibition and shall therefore be construed accordingly.

§ 4.1-216. Further limitations on manufacturers, bottlers, importers, brokers or wholesalers; ownership interests prohibited; exceptions; prohibited trade practices.

A. As used in this section:

"Broker" means any person, other than a manufacturer or a licensed beer or wine importer, who regularly engages in the business of bringing together sellers and purchasers of alcoholic beverages for resale and arranges for or consummates such transactions with persons in the Commonwealth to whom such alcoholic beverages may lawfully be sold and shipped into the Commonwealth pursuant to the provisions of this title.

"Manufacturer, bottler, importer, broker or wholesaler of alcoholic beverages" includes any officers or directors of any such manufacturer, bottler, importer, broker or wholesaler.

B. Except as provided in this title, no manufacturer, importer, bottler, broker or wholesaler of alcoholic beverages, whether licensed in the Commonwealth or not, shall acquire or hold any financial interest, direct or indirect, (i) in the business for which any retail license is issued or (ii) in the premises where the business of a retail licensee is conducted.

1. Subdivision B (ii) shall not apply so long as such manufacturer, bottler, importer, broker or wholesaler does not sell or otherwise furnish, directly or indirectly, alcoholic beverages or other merchandise to such retail licensee and such retailer is not required by agreement or otherwise to exclude from sale at his establishment alcoholic beverages of other manufacturers, bottlers, importers, brokers or wholesalers.

2. Service as a member of the board of directors of a corporation licensed as a retailer, the shares of stock of which are sold to the general public on any national or local stock exchange, shall not be deemed to be a financial interest, direct or indirect, in the business or the premises of the retail licensee.

3. A brewery, winery or subsidiary or affiliate thereof, hereinafter collectively referred to as a financing corporation, may participate in financing the business of a wholesale licensee in the Commonwealth by providing debt or equity capital or both but only if done in accordance with the provisions of this subsection.

a. In order to assist a proposed new owner of an existing wholesale licensee, a financing corporation may provide debt or equity capital, or both, if prior approval of the Board has been obtained pursuant to subdivision 3 b of subsection B. A financing corporation which proposes to provide equity capital shall cause the proposed new owner to form a Virginia limited partnership in which the new owner is the general partner and the financing corporation is a limited partner. If the general partner defaults on any financial obligation to the limited partner, which default has been specifically defined in the partnership agreement, or, if the new owner defaults on its obligation to pay principal and interest when due to the financing corporation as specifically defined in the loan documents, then, and only then, shall such financing corporation be allowed to take title to the business of the wholesale licensee. Notwithstanding any other law to the contrary and provided written notice has been given to the Board within two business days after taking title, the wholesale licensee may be managed and operated by such financing corporation pursuant to the existing wholesale license for a period of time not to exceed 180 days as if the license had been issued in the name of the financing corporation. On or before the expiration of such 180-day period, the financing corporation shall cause ownership of the wholesale licensee's business to be transferred to a new owner. Otherwise, on the 181st day, the license shall be deemed terminated. The financing corporation may not participate in financing the transfer of ownership to the new owner or to any other subsequent owner for a period of twenty years following the effective date of the original financing transaction; except where a transfer takes place before the expiration of the eighth full year following the effective date of the original financing transaction in which case the financing corporation may finance such transfer as long as the new owner is required to return such debt or equity capital within the originally prescribed eight-year period. The financing corporation may exercise its right to take title to, manage and operate the business of, the wholesale licensee only once during such eight-year period.

b. In any case in which a financing corporation proposes to provide debt or equity capital in order to assist in a change of ownership of an existing wholesale licensee, the parties to the transaction shall first submit an application for a wholesale license in the name of the proposed new owner to the Board.

The Board shall be provided with all documents that pertain to the transaction at the time of the license application and shall ensure that the application complies with all requirements of law pertaining to the issuance of wholesale licenses except that if the financing corporation proposes to provide equity capital and thereby take a limited partnership interest in the applicant entity, the financing corporation shall not be required to comply with any Virginia residency requirement applicable to the issuance of wholesale licenses. In addition to the foregoing, the applicant entity shall certify to the Board and provide supporting documentation that the following requirements are met prior to issuance of the wholesale license: (i) the terms and conditions of any debt financing which the financing corporation proposes to provide are substantially the same as those available in the financial markets to other wholesale licensees who will be in competition with the applicant, (ii) the terms of any proposed equity financing transaction are such that future profits of the applicant's business shall be distributed annually to the financing corporation in direct proportion to its percentage of ownership interest received in return for its investment of equity capital, (iii) if the financing corporation proposes to provide equity capital, it shall hold an ownership interest in the applicant entity through a limited partnership interest and no other arrangement and (iv) the applicant entity shall be contractually obligated to return such debt or equity capital to the financing corporation not later than the end of the eighth full year following the effective date of the transaction thereby terminating any ownership interest or right thereto of the financing corporation.

Once the Board has issued a wholesale license pursuant to an application filed in accordance with this subdivision 3 b, any subsequent change in the partnership agreement or the financing documents shall be subject to the prior approval of the Board. In accordance with the previous paragraph, the Board may require the licensee to resubmit certifications and documentation.

c. If a financing corporation wishes to provide debt financing, including inventory financing, but not equity financing, to an existing wholesale licensee or a proposed new owner of an existing wholesale licensee, it may do so without regard to the provisions of subdivisions 3 a and 3 b of subsection B under the following circumstances and subject to the following conditions: (i) in order to secure such debt financing, a wholesale licensee or a proposed new owner thereof may grant a security interest in any of its assets, including inventory, other than the wholesale license itself or corporate stock of the wholesale licensee; in the event of default, the financing corporation may take title to any assets pledged to secure such debt but may not take title to the business of the wholesale licensee and may not manage or operate such business; (ii) debt

capital may be supplied by such financing corporation to an existing wholesale licensee or a proposed new owner of an existing wholesale licensee so long as debt capital is provided on terms and conditions which are substantially the same as those available in the financial markets to other wholesale licensees in competition with the wholesale licensee which is being so financed; and (iii) the licensee or proposed new owner shall certify to the Board and provide supporting documentation that the requirements of (i) and (ii) of this subdivision 3 c have been met.

Nothing in this section shall eliminate, affect or in any way modify the requirements of law pertaining to issuance and retention of a wholesale license as they may apply to existing wholesale licensees or new owners thereof which have received debt financing prior to the enactment of this subdivision 3 c.

4. Except for holders of retail licenses issued pursuant to subdivision A 5 of § 4.1-201, brewery licensees may sell beer to retail licensees for resale only under the following conditions: If such brewery or an affiliate or subsidiary thereof has taken title to the business of a wholesale licensee pursuant to the provisions of subdivision 3 a of subsection B, direct sale to retail licensees may be made during the 180-day period of operation allowed under that subdivision. Moreover, the holder of a brewery license may make sales of alcoholic beverages directly to retail licensees for a period not to exceed thirty days in the event that such retail licensees are normally serviced by a wholesale licensee representing that brewery which has been forced to suspend wholesale operations as a result of a natural disaster or other act of God or which has been terminated by the brewery for fraud, loss of license or assignment of assets for the benefit of creditors not in the ordinary course of business.

5. Notwithstanding any provision of this section, including but not limited to those provisions whereby certain ownership or lease arrangements may be permissible, no manufacturer, bottler, importer, broker or wholesaler of alcoholic beverages shall make an agreement, or attempt to make an agreement, with a retail licensee pursuant to which any products sold by a competitor are excluded in whole or in part from the premises on which the retail licensee's business is conducted.

6. Nothing in this section shall prohibit a winery, brewery, or distillery licensee from paying a royalty to a historical preservation entity pursuant to a bona fide intellectual property agreement that (i) authorizes the winery, brewery, or distillery licensee to manufacture wine, beer, or spirits based on authentic historical recipes and identified with brand names owned and trademarked by the historical preservation entity; (ii) provides for royalties to be paid based solely on the volume of wine, beer, or spirits manufactured using such recipes and trademarks, rather than on the sales revenues generated from such wine, beer, or spirits; and (iii) has been approved by the Board.

For purposes of this subdivision, "historical preservation entity" means an entity (a) that is exempt from income taxation under § 501(c)(3) of the Internal Revenue Code; (b) whose declared purposes include the preservation, restoration, and protection of a historic community in the Commonwealth that is the site of at least 50 historically significant houses, shops, and public buildings dating to the eighteenth century; and (c) that owns not more than 12 retail establishments in the Commonwealth for which retail licenses have been issued by the Board.

C. Subject to such exceptions as may be provided by statute or Board regulations, no manufacturer, bottler, importer, broker or wholesaler of alcoholic beverages, whether licensed in the Commonwealth or not, shall sell, rent, lend, buy for or give to any retail licensee, or to the owner of the premises in which the business of any retail licensee is conducted, any (i) money, equipment, furniture, fixtures, property, services or anything of value with which the business of such retail licensee is or may be conducted, or for any other purpose; (ii) advertising materials; and (iii) business entertainment, provided that no transaction permitted under this section or by Board regulation shall be used to require the retail licensee to partially or totally exclude from sale at its establishment alcoholic beverages of other manufacturers or wholesalers.

The provisions of this subsection shall apply to manufacturers, bottlers, importers, brokers and wholesalers selling alcoholic beverages to any governmental instrumentality or employee thereof selling alcoholic beverages at retail within the exterior limits of the Commonwealth, including all territory within these limits owned by or ceded to the United States of America.

The provisions of this subsection shall not apply to any commercial lifestyle center licensee.

§ 4.1-221.1. (Effective until July 1, 2020) Limitation of tasting licenses.

~~Samples~~ *Single samples* of alcoholic beverages given or sold by a licensee shall not exceed *four ounces of beer*, two ounces ~~per person of each product tasted~~, ~~provided that (i) in the case of wine or beer, of wine, or one-half ounce of spirits, unless served as a mixed beverage, in which case a single sample of spirits may contain up to one and one-half ounces of spirits; and no more than four products shall be offered or (ii) in the case of spirits, no more than two products~~ *12 ounces of beer, five ounces of wine, or three ounces of spirits shall be offered to any person per day.* Tasting licenses for mixed beverages shall only be issued for events to be held in localities which have approved the sale of mixed beverages pursuant to § 4.1-124. No license shall be issued to any person to whom issuance of a retail license is prohibited. No more than four tasting licenses annually shall be issued to any person. The provisions of this section shall not apply to tastings conducted pursuant to § 4.1-201.1.

§ 4.1-221.1. (Effective July 1, 2020) Limitation of tasting licenses.

~~Samples~~ *Single samples* of alcoholic beverages given or sold by a licensee shall not exceed *four ounces of beer*, two ounces ~~per person of each product tasted~~, ~~provided that (i) in the case of wine or beer, of wine, or one-half ounce of spirits, unless served as a mixed beverage, in which case a single sample of spirits may contain up to one and one-half ounces of spirits; and no more than four products shall be offered or (ii) in the case of spirits, no more than two products~~ *12 ounces of beer, five ounces of wine, or three ounces of spirits shall be offered to any person per day.* Tasting licenses for mixed beverages shall ~~only~~ be issued ~~only~~ for events to be held in localities that do not prohibit the sale of mixed beverages pursuant to § 4.1-124. No license shall be issued to any person to whom issuance of a retail license is prohibited. No more

than four tasting licenses annually shall be issued to any person. The provisions of this section shall not apply to tastings conducted pursuant to § 4.1-201.1.

§ 4.1-223. Conditions under which Board shall refuse to grant licenses.

The Board shall refuse to grant any:

1. Wholesale beer or wine license to any person, unless such person has established or will establish a place or places of business within the Commonwealth at which will be received and from which will be distributed all alcoholic beverages sold by such person in the Commonwealth. However, in special circumstances, the Board, subject to any regulations it may adopt, may permit alcoholic beverages to be received into or distributed from places other than established places of business.

2. Wholesale beer license or wholesale wine license to any entity that is owned, in whole or in part, by any manufacturer of alcoholic beverages, any subsidiary or affiliate of such manufacturer, or any person under common control with such manufacturer. This subdivision, however, shall not apply to (i) any applicant for a wholesale beer or wine license filed pursuant to subdivision B 3 b of § 4.1-216 or (ii) the nonprofit, nonstock corporation established pursuant to subdivision B 2 of § 3.2-102 in exercising any privileges granted under ~~§ 4.1-207.1~~ *subdivision 3 of § 4.1-206.2*.

As used in this subdivision, the term "manufacturer" includes any person (i) who brews, vinifies, or distills alcoholic beverages for sale or (ii) engaging in business as a contract brewer, winery, or distillery that owns alcoholic beverage product brand rights, but arranges the manufacture of such products by another person.

3. Mixed beverage license if the Board determines that in the licensed establishment there (i) is entertainment of a lewd, obscene or lustful nature including what is commonly called stripteasing, topless entertaining, and the like, or which has employees who are not clad both above and below the waist, or who uncommonly expose the body or (ii) are employees who solicit the sale of alcoholic beverages.

4. Wholesale wine license until the applicant has filed with the Board a bond payable to the Commonwealth, in a sum not to exceed \$10,000, upon a form approved by the Board, signed by the applicant or licensee and a surety company authorized to do business in the Commonwealth as surety, and conditioned upon such person's (i) securing wine only in a manner provided by law, (ii) remitting to the Board the proper tax thereon, (iii) keeping such records as may be required by law or Board regulations, and (iv) abiding by such other laws or Board regulations relative to the handling of wine by wholesale wine licensees. The Board may waive the requirement of both the surety and the bond in cases where the wholesaler has previously demonstrated his financial responsibility.

5. Mixed beverage license to any member, agent, or employee of the Board or to any corporation or other business entity in which such member, agent or employee is a stockholder or has any other economic interest.

Whenever any other elective or appointive official of the Commonwealth or any political subdivision thereof applies for such a license or continuance thereof, he shall state on the application the official position he holds, and whenever a corporation or other business entity in which any such official is a stockholder or has any other economic interests applies for such a license, it shall state on the application the full economic interest of each such official in such corporation or other business entity.

6. License authorized by this chapter until the license tax required by ~~§ 4.1-231~~ *4.1-231.1* is paid to the Board.

§ 4.1-225.1. Summary suspension in emergency circumstances; grounds; notice and hearing.

A. Notwithstanding any provisions to the contrary in Article 3 (§ 2.2-4018 et seq.) of the Administrative Process Act or § 4.1-227 or 4.1-229, the Board may summarily suspend any license or permit if it has reasonable cause to believe that an act of violence resulting in death or serious bodily injury, or a recurrence of such acts, has occurred on (i) the licensed premises, (ii) any premises immediately adjacent to the licensed premises that is owned or leased by the licensee, or (iii) any portion of public property immediately adjacent to the licensed premises, and the Board finds that there exists a continuing threat to public safety and that summary suspension of the license or permit is justified to protect the health, safety, or welfare of the public.

B. Prior to issuing an order of suspension pursuant to this section, special agents of the Board shall conduct an initial investigation and submit all findings to the Secretary of the Board within 48 hours of any such act of violence. If the Board determines suspension is warranted, it shall immediately notify the licensee of its intention to temporarily suspend his license pending the outcome of a formal investigation. Such temporary suspension shall remain effective for a minimum of 48 hours. After the 48-hour period, the licensee may petition the Board for a restricted license pending the results of the formal investigation and proceedings for disciplinary review. If the Board determines that a restricted license is warranted, the Board shall have discretion to impose appropriate restrictions based on the facts presented.

C. Upon a determination to temporarily suspend a license, the Board shall immediately commence a formal investigation. The formal investigation shall be completed within 10 days of its commencement and the findings reported immediately to the Secretary of the Board. If, following the formal investigation, the Secretary of the Board determines that suspension of the license is warranted, a hearing shall be held within five days of the completion of the formal investigation. A decision shall be rendered within 10 days of conclusion of the hearing. If a decision is not rendered within 10 days of the conclusion of the hearing, the order of suspension shall be vacated and the license reinstated. Any appeal by the licensee shall be filed within 10 days of the decision and heard by the Board within 20 days of the decision. The Board shall render a decision on the appeal within 10 days of the conclusion of the appeal hearing.

D. Service of any order of suspension issued pursuant to this section shall be made by a special agent of the Board in person and by certified mail to the licensee. The order of suspension shall take effect immediately upon service.

E. This section shall not apply to (i) temporary licenses granted under § 4.1-211 or temporary permits granted under § 4.1-212, either of which may be revoked summarily in accordance with § 4.1-211, or (ii) licenses granted pursuant to *subdivision 7 or 8 of § 4.1-206.1 or subdivision 1 or 2 or 3 of § 4.1-207 or subdivision 4 or 5 of § 4.1-208 4.1-206.2.*

§ 4.1-227. Suspension or revocation of licenses; notice and hearings; imposition of penalties.

A. Except for temporary licenses, before the Board may impose a civil penalty against a brewery licensee or suspend or revoke any license, reasonable notice of such proposed or contemplated action shall be given to the licensee in accordance with the provisions of § 2.2-4020 of the Administrative Process Act (§ 2.2-4000 et seq.).

Notwithstanding the provisions of § 2.2-4022, the Board shall, upon written request by the licensee, permit the licensee to inspect and copy or photograph all (i) written or recorded statements made by the licensee or copies thereof or the substance of any oral statements made by the licensee or a previous or present employee of the licensee to any law-enforcement officer, the existence of which is known by the Board and upon which the Board intends to rely as evidence in any adversarial proceeding under this chapter against the licensee, and (ii) designated books, papers, documents, tangible objects, buildings, or places, or copies or portions thereof, that are within the possession, custody, or control of the Board and upon which the Board intends to rely as evidence in any adversarial proceeding under this chapter against the licensee. In addition, any subpoena for the production of documents issued to any person at the request of the licensee or the Board pursuant to § 4.1-103 shall provide for the production of the documents sought within ten working days, notwithstanding anything to the contrary in § 4.1-103.

If the Board fails to provide for inspection or copying under this section for the licensee after a written request, the Board shall be prohibited from introducing into evidence any items the licensee would have lawfully been entitled to inspect or copy under this section.

The action of the Board in suspending or revoking any license or in imposing a civil penalty against the holder of a brewery license shall be subject to judicial review in accordance with the Administrative Process Act. Such review shall extend to the entire evidential record of the proceedings provided by the Board in accordance with the Administrative Process Act. An appeal shall lie to the Court of Appeals from any order of the court. Notwithstanding § 8.01-676.1, the final judgment or order of the circuit court shall not be suspended, stayed or modified by such circuit court pending appeal to the Court of Appeals. Neither mandamus nor injunction shall lie in any such case.

B. In suspending any license the Board may impose, as a condition precedent to the removal of such suspension or any portion thereof, a requirement that the licensee pay the cost incurred by the Board in investigating the licensee and in holding the proceeding resulting in such suspension, or it may impose and collect such civil penalties as it deems appropriate. In no event shall the Board impose a civil penalty exceeding \$2,000 for the first violation occurring within five years immediately preceding the date of the violation or \$5,000 for the second violation occurring within five years immediately preceding the date of the second violation. However, if the violation involved selling alcoholic beverages to a person prohibited from purchasing alcoholic beverages or allowing consumption of alcoholic beverages by underage, intoxicated, or interdicted persons, the Board may impose a civil penalty not to exceed \$3,000 for the first violation occurring within five years immediately preceding the date of the violation and \$6,000 for a second violation occurring within five years immediately preceding the date of the second violation in lieu of such suspension or any portion thereof, or both. ~~Upon making a finding that aggravating circumstances exist, the~~ *The* Board may also impose a requirement that the licensee pay for the cost incurred by the Board not exceeding ~~\$10,000~~ \$25,000 in investigating the licensee and in holding the proceeding resulting in the violation in addition to any suspension or civil penalty incurred.

C. Following notice to (i) the licensee of a hearing that may result in the suspension or revocation of his license or (ii) the applicant of a hearing to resolve a contested application, the Board may accept a consent agreement as authorized in subdivision ~~22~~ 21 of § 4.1-103. The notice shall advise the licensee or applicant of the option to (a) admit the alleged violation or the validity of the objection; (b) waive any right to a hearing or an appeal under the Virginia Administrative Process Act (§ 2.2-4000 et seq.); and (c) (1) accept the proposed restrictions for operating under the license, (2) accept the period of suspension of the licensed privileges within the Board's parameters, (3) pay a civil penalty in lieu of the period of suspension, or any portion of the suspension as applicable, or (4) proceed to a hearing.

D. In case of an offense by the holder of a brewery license, the Board may (i) require that such holder pay the costs incurred by the Board in investigating the licensee, (ii) suspend or revoke the on-premises privileges of the brewery, and (iii) impose a civil penalty not to exceed \$25,000 for the first violation, \$50,000 for the second violation, and for the third or any subsequent violation, suspend or revoke such license or, in lieu of any suspension or portion thereof, impose a civil penalty not to exceed \$100,000. Such suspension or revocation shall not prohibit the licensee from manufacturing or selling beer manufactured by it to the owners of boats registered under the laws of the United States sailing for ports of call of a foreign country or another state, and to persons outside the Commonwealth.

E. The Board shall, by regulation or written order:

1. Designate those (i) objections to an application or (ii) alleged violations that will proceed to an initial hearing;
2. Designate the violations for which a waiver of a hearing and payment of a civil charge in lieu of suspension may be accepted for a first offense occurring within three years immediately preceding the date of the violation;
3. Provide for a reduction in the length of any suspension and a reduction in the amount of any civil penalty for any retail licensee where the licensee can demonstrate that it provided to its employees alcohol server or seller training certified in advance by the Board;

4. Establish a schedule of penalties for such offenses, prescribing the appropriate suspension of a license and the civil charge acceptable in lieu of such suspension; and

5. Establish a schedule of offenses for which any penalty may be waived upon a showing that the licensee has had no prior violations within five years immediately preceding the date of the violation. No waiver shall be granted by the Board, however, for a licensee's willful and knowing violation of this title or Board regulations.

§ 4.1-230. Applications for licenses; publication; notice to localities; fees; permits.

A. Every person intending to apply for any license authorized by this chapter shall file with the Board an application on forms provided by the Board and a statement in writing by the applicant swearing and affirming that all of the information contained therein is true.

Applicants for retail licenses for establishments that serve food or are otherwise required to obtain a food establishment permit from the Department of Health or an inspection by the Department of Agriculture and Consumer Services shall provide a copy of such permit, proof of inspection, proof of a pending application for such permit, or proof of a pending request for such inspection. If the applicant provides a copy of such permit, proof of inspection, proof of a pending application for a permit, or proof of a pending request for an inspection, a license may be issued to the applicant. If a license is issued on the basis of a pending application or inspection, such license shall authorize the licensee to purchase alcoholic beverages in accordance with the provisions of this title; however, the licensee shall not sell or serve alcoholic beverages until a permit is issued or an inspection is completed.

B. In addition, each applicant for a license under the provisions of this chapter, except applicants for annual banquet, banquet, tasting, special events, club events, annual mixed beverage banquet, ~~wine or beer shipper's~~, wine and beer shipper's, delivery permit, annual arts venue, or museum licenses issued under the provisions of Chapter 2 (§ 4.1-200 et seq.), or beer or wine importer's licenses, shall post a notice of his application with the Board on the front door of the building, place or room where he proposes to engage in such business for no more than 30 days and not less than 10 days. Such notice shall be of a size and contain such information as required by the Board, including a statement that any objections shall be submitted to the Board not more than 30 days following initial publication of the notice required pursuant to this subsection.

The applicant shall also cause notice to be published at least once a week for two consecutive weeks in a newspaper published in or having a general circulation in the county, city, or town wherein such applicant proposes to engage in such business. Such notice shall contain such information as required by the Board, including a statement that any objections to the issuance of the license be submitted to the Board not later than 30 days from the date of the initial newspaper publication. In the case of ~~wine or beer shipper's licensees~~, wine and beer shipper's licensees, delivery permittees or operators of boats, dining cars, buffet cars, club cars, *buses*, and airplanes, the posting and publishing of notice shall not be required.

Except for applicants for annual banquet, banquet, tasting, mixed beverage special events, club events, annual mixed beverage banquet, ~~wine or beer shipper's~~, wine and beer shipper's, beer or wine importer's, annual arts venue, or museum licenses, the Board shall conduct a background investigation, to include a criminal history records search, which may include a fingerprint-based national criminal history records search, on each applicant for a license. However, the Board may waive, for good cause shown, the requirement for a criminal history records search and completed personal data form for officers, directors, nonmanaging members, or limited partners of any applicant corporation, limited liability company, or limited partnership.

Except for applicants for ~~wine shipper's, beer shipper's~~, wine and beer shipper's licenses, and delivery permits, the Board shall notify the local governing body of each license application through the county or city attorney or the chief law-enforcement officer of the locality. Local governing bodies shall submit objections to the granting of a license within 30 days of the filing of the application.

C. Each applicant shall pay the required application fee at the time the application is filed. Each license application fee, including annual banquet and annual mixed beverage banquet, shall be \$195, plus the actual cost charged to the Department of State Police by the Federal Bureau of Investigation or the Central Criminal Records Exchange for processing any fingerprints through the Federal Bureau of Investigation or the Central Criminal Records Exchange for each criminal history records search required by the Board, except for banquet, tasting, or mixed beverage club events licenses, in which case the application fee shall be \$15. The application fee for banquet special event and mixed beverage special event licenses shall be \$45. Application fees shall be in addition to the state license fee required pursuant to ~~§ 4.1-231~~ 4.1-231.1 and shall not be refunded.

D. Subsection A shall not apply to the continuance of licenses granted under this chapter; however, all licensees shall file and maintain with the Board a current, accurate record of the information required by the Board pursuant to subsection A and notify the Board of any changes to such information in accordance with Board regulations.

E. Every application for a permit granted pursuant to § 4.1-212 shall be on a form provided by the Board. ~~In the case of applications to solicit the sale of wine and beer or spirits, each application shall be accompanied by a fee of \$165 and \$390, respectively. The fee for each such permit shall be subject to proration to the following extent: If the permit is granted in the second quarter of any year, the fee shall be decreased by one-fourth; if granted in the third quarter of any year, the fee shall be decreased by one-half; and if granted in the fourth quarter of any year, the fee shall be decreased by three-fourths. Each such permit shall expire on June 30 next succeeding the date of issuance, unless sooner suspended or revoked by the Board.~~

Such permits shall confer upon their holders no authority to make solicitations in the Commonwealth as otherwise provided by law.

The fee for a temporary permit shall be one-twelfth of the combined fees required by this section for applicable licenses to sell wine, beer, or mixed beverages computed to the nearest cent and multiplied by the number of months for which the permit is granted.

~~The fee for a keg registration permit shall be \$65 annually.~~

~~The fee for a permit for the storage of lawfully acquired alcoholic beverages not under customs bond or internal revenue bond in warehouses located in the Commonwealth shall be \$260 annually.~~

F. The Board shall have the authority to increase state license fees from the amounts set forth in § 4.1-231.1 as it was in effect on July 1, 2021. The Board shall set the amount of such increases on the basis of the consumer price index and shall not increase fees more than once every three years. Prior to implementing any state license fee increase, the Board shall provide notice to all licensees and the general public of (i) the Board's intent to impose a fee increase and (ii) the new fee that would be required for any license affected by the Board's proposed fee increases. Such notice shall be provided on or before November 1 in any year in which the Board has decided to increase state license fees, and such increases shall become effective July 1 of the following year.

§ 4.1-231.1. Fees on state licenses.

A. The annual fees on state licenses shall be as follows:

1. Manufacturer licenses. For each:

a. Distiller's license and limited distiller's license, if not more than 5,000 gallons of alcohol or spirits, or both, manufactured during the year in which the license is granted, \$490; if more than 5,000 gallons but not more than 36,000 gallons manufactured during such year, \$2,725; and if more than 36,000 gallons manufactured during such year, \$4,060;

b. Brewery license and limited brewery license, if not more than 500 barrels of beer manufactured during the year in which the license is granted, \$380; if not more than 10,000 barrels of beer manufactured during the year in which the license is granted, \$2,350; and if more than 10,000 barrels manufactured during such year, \$4,690;

c. Winery license, if not more than 5,000 gallons of wine manufactured during the year in which the license is granted, \$215, and if more than 5,000 gallons manufactured during such year, \$4,210;

d. Farm winery license, \$245 for any Class A license and \$4,730 for any Class B license;

e. Wine importer's license, \$460; and

f. Beer importer's license, \$460.

2. Wholesale licenses. For each:

a. (1) Wholesale beer license, \$1,005 for any wholesaler who sells 300,000 cases of beer a year or less, \$1,545 for any wholesaler who sells more than 300,000 but not more than 600,000 cases of beer a year, and \$2,010 for any wholesaler who sells more than 600,000 cases of beer a year; and

(2) Wholesale beer license applicable to two or more premises, the annual state license tax shall be the amount set forth in subdivision a (1), multiplied by the number of separate locations covered by the license;

b. (1) Wholesale wine license, \$240 for any wholesaler who sells 30,000 gallons of wine or less per year, \$1,200 for any wholesaler who sells more than 30,000 gallons per year but not more than 150,000 gallons of wine per year, \$1,845 for any wholesaler who sells more than 150,000 but not more than 300,000 gallons of wine per year, and \$2,400 for any wholesaler who sells more than 300,000 gallons of wine per year; and

(2) Wholesale wine license, including that granted pursuant to subdivision 3 of § 4.1-206.2, applicable to two or more premises, the annual state license tax shall be the amount set forth in subdivision b (1), multiplied by the number of separate locations covered by the license.

3. Retail licenses - mixed beverage. For each:

a. Mixed beverage restaurant license, granted to persons operating restaurants, including restaurants located on premises of and operated by hotels or motels, or other persons:

(1) With a seating capacity at tables for up to 100 persons, \$1,050;

(2) With a seating capacity at tables for more than 100 but not more than 150 persons, \$1,495;

(3) With a seating capacity at tables for more than 150 persons but not more than 500 persons, \$1,980;

(4) With a seating capacity at tables for more than 500 persons but not more than 1,000 persons, \$2,500; and

(5) With a seating capacity at tables for more than 1,000 persons, \$3,100;

b. Mixed beverage restaurant license for restaurants located on the premises of and operated by private, nonprofit clubs:

(1) With an average yearly membership of not more than 200 resident members, \$1,250;

(2) With an average yearly membership of more than 200 but not more than 500 resident members, \$2,440; and

(3) With an average yearly membership of more than 500 resident members, \$3,410;

c. Mixed beverage restaurant license for restaurants located on the premises of and operated by a casino gaming establishment, \$3,100 plus an additional \$5 for each gaming station located on the premises of the casino gaming establishment;

d. Mixed beverage caterer's license, \$1,990;

e. Mixed beverage limited caterer's license, \$550;

f. Mixed beverage carrier license:

(1) \$520 for each of the average number of dining cars, buffet cars, or club cars operated daily in the Commonwealth by a common carrier of passengers by train;

(2) \$910 for each common carrier of passengers by boat;

(3) \$520 for each common carrier of passengers by bus; and

(4) \$2,360 for each license granted to a common carrier of passengers by airplane;

g. Annual mixed beverage motor sports facility license, \$630;

h. Limited mixed beverage restaurant license:

(1) With a seating capacity at tables for up to 100 persons, \$945;

(2) With a seating capacity at tables for more than 100 but not more than 150 persons, \$1,385; and

(3) With a seating capacity at tables for more than 150 persons, \$1,875;

i. Annual mixed beverage performing arts facility license, \$630;

j. Bed and breakfast license, \$100;

k. Museum license, \$260;

l. Motor car sporting event facility license, \$300;

m. Commercial lifestyle center license, \$300;

n. Mixed beverage port restaurant license, \$1,050; and

o. Annual mixed beverage special events license, \$630.

4. Retail licenses - on-and-off-premises wine and beer. For each on-and-off premises wine and beer license, \$450.

5. Retail licenses - off-premises wine and beer. For each:

a. Retail off-premises wine and beer license, \$300;

b. Gourmet brewing shop license, \$320; and

c. Confectionery license, \$170.

6. Retail licenses - banquet, special event, and tasting licenses.

a. Per-day event licenses. For each:

(1) Banquet license, \$40 per license granted by the Board, except for banquet licenses granted by the Board pursuant to subsection A of § 4.1-215, which shall be \$100 per license;

(2) Mixed beverage special events license, \$45 for each day of each event;

(3) Mixed beverage club events license, \$35 for each day of each event; and

(4) Tasting license, \$40.

b. Annual licenses. For each:

(1) Annual banquet license, \$300;

(2) Banquet facility license, \$260;

(3) Local special events license, \$300;

(4) Annual mixed beverage banquet license, \$630;

(5) Equine sporting event license, \$300; and

(6) Annual arts venue event license, \$300.

7. Retail licenses - marketplace. For each marketplace license, \$1,000.

8. Retail licenses - shipper, bottler, and related licenses. For each:

a. Wine and beer shipper's license, \$230;

b. Internet wine and beer retailer license, \$240;

c. Bottler license, \$1,500;

d. Fulfillment warehouse license, \$210; and

e. Marketing portal license, \$285.

9. Temporary licenses. For each temporary license authorized by § 4.1-211, one-half of the tax imposed by this section on the license for which the applicant applied.

B. The tax on each license granted or reissued for a period other than 12, 24, or 36 months shall be equal to one-twelfth of the taxes required by subsection A computed to the nearest cent, multiplied by the number of months in the license period, and then increased by five percent. Such tax shall not be refundable, except as provided in § 4.1-232.

C. Nothing in this chapter shall exempt any licensee from any state merchants' license or state restaurant license or any other state tax. Every licensee, in addition to the taxes imposed by this chapter, shall be liable to state merchants' license taxation and state restaurant license taxation and other state taxation the same as if the alcoholic beverages were nonalcoholic. In ascertaining the liability of a beer wholesaler to merchants' license taxation, however, and in computing the wholesale merchants' license tax on a beer wholesaler, the first \$163,800 of beer purchases shall be disregarded; and in ascertaining the liability of a wholesale wine distributor to merchants' license taxation, and in computing the wholesale merchants' license tax on a wholesale wine distributor, the first \$163,800 of wine purchases shall be disregarded.

D. In addition to the taxes set forth in this section, a fee of \$5 may be imposed on any license purchased in person from the Board if such license is available for purchase online.

§ 4.1-232. Refund of state license tax.

A. The Board may correct erroneous assessments made by it against any person and make refunds of any amounts collected pursuant to erroneous assessments, or collected as taxes on licenses, which are subsequently refused or application therefor withdrawn, and to allow credit for any license taxes paid by any licensee for any license that is subsequently

merged or changed into another license during the same license period. No refund shall be made of any such amount, however, unless made within three years from the date of collection of the same.

B. In any case where a licensee has changed its name or form of organization during a license period without any change being made in its ownership, and because of such change is required to pay an additional license tax for such period, the Board shall refund to such licensee the amount of such tax so paid in excess of the required license tax for such period.

C. The Board shall make refunds, prorated according to a schedule of its prescription, to licensees of state license taxes paid pursuant to subsection A of § ~~4.1-234~~ 4.1-231.1 if the place of business designated in the license is destroyed by an act of God, including but not limited to fire, earthquake, hurricane, storm, or similar natural disaster or phenomenon.

D. Any amount required to be refunded under this section shall be paid by the State Treasurer out of moneys appropriated to the Board and in the manner prescribed in § 4.1-116.

§ 4.1-233.1. Fees on local licenses.

A. *In addition to the state license taxes, the annual local license taxes that may be collected shall not exceed the following sums:*

1. Manufacturer licenses. For each:

a. Distiller's license and limited distiller's license, if more than 5,000 gallons but not more than 36,000 gallons manufactured during such year, \$750; if more than 36,000 gallons manufactured during such year, \$1,000; and no local license shall be required for any person who manufactures not more than 5,000 gallons of alcohol or spirits, or both, during such license year;

b. Brewery license and limited brewery license, if not more than 500 barrels of beer manufactured during the year in which the license is granted, \$250, and if more than 10,000 barrels manufactured during such year, \$1,000;

c. Winery license, \$50; and

d. Farm winery license, \$50.

2. Wholesale licenses. For each:

a. Wholesale beer license, in a city, \$250, and in a county or town, \$75; and

b. Wholesale wine license, \$50.

3. Retail licenses - mixed beverage. For each:

a. Mixed beverage restaurant license, granted to persons operating restaurants, including restaurants located on premises of and operated by hotels or motels, or other persons:

(1) With a seating capacity at tables for up to 100 persons, \$200;

(2) With a seating capacity at tables for more than 100 but not more than 150 persons, \$350;

(3) With a seating capacity at tables for more than 150 persons but not more than 500 persons, \$500;

(4) With a seating capacity at tables for more than 500 persons but not more than 1,000 persons, \$650; and

(5) With a seating capacity at tables for more than 1,000 persons, \$800;

b. Mixed beverage restaurant license for restaurants located on the premises of and operated by private, nonprofit clubs, \$350;

c. Mixed beverage restaurant license for restaurants located on the premises of and operated by a casino gaming establishment, \$800 plus an additional \$2 for each gaming station located on the premises of the casino gaming establishment;

d. Mixed beverage caterer's license, \$500;

e. Mixed beverage limited caterer's license, \$100;

f. Annual mixed beverage motor sports facility license, \$300;

g. Limited mixed beverage restaurant license:

(1) With a seating capacity at tables for up to 100 persons, \$100;

(2) With a seating capacity at tables for more than 100 but not more than 150 persons, \$250; or

(3) With a seating capacity at tables for more than 150 persons, \$400;

h. Annual mixed beverage performing arts facility license, \$300;

i. Bed and breakfast license, \$40;

j. Museum license, \$10;

k. Motor car sporting event facility license, \$10;

l. Commercial lifestyle center license, \$60; and

m. Annual mixed beverage special events license, \$300.

4. Retail licenses - on-and-off-premises wine and beer. For each on-and-off premises wine and beer license issued to:

a. Hotels, restaurants, and clubs, in a city, \$150, and in a county or town, \$37.50;

b. Hospitals, \$10;

c. Rural grocery stores, \$37.50; and

d. Historic cinema houses, \$20.

5. Retail licenses - off-premises wine and beer. For each:

a. Retail off-premises wine and beer license, in a city, \$150, and in a county or town, \$37.50;

b. Gourmet brewing shop license, \$150; and

c. Confectionery license, \$20.

6. Retail licenses - banquet, special event, and tasting licenses. For each:

a. *Per-day event licenses. For each:*

(1) *Banquet license, \$5 per license granted by the Board, except for banquet licenses granted by the Board pursuant to subsection A of § 4.1-215, which shall be \$20 per license;*

(2) *Mixed beverage special events license, \$10 for each day of each event;*

(3) *Mixed beverage club events license, \$10 for each day of each event; and*

(4) *Tasting license, \$10.*

b. *Annual licenses. For each:*

(1) *Annual banquet license, \$15;*

(2) *Local special events license, \$60;*

(3) *Annual mixed beverage banquet license, \$75;*

(4) *Equine sporting event license, \$10; and*

(5) *Annual arts venue event license, \$10.*

7. *Retail licenses - marketplace. For each marketplace license, \$200.*

8. *Retail licenses - shipper, bottler, and related licenses. For each:*

a. *Wine and beer shipper's license, \$10; and*

b. *Bottler license, \$500.*

B. *Common carriers. No local license tax shall be either charged or collected for the privilege of selling alcoholic beverages in (i) passenger trains, boats, buses, or airplanes or (ii) rooms designated by the Board of establishments of air carriers of passengers at airports in the Commonwealth for on-premises consumption only.*

C. *Merchants' and restaurants' license taxes. The governing body of each county, city, or town in the Commonwealth, in imposing local wholesale merchants' license taxes measured by purchases, local retail merchants' license taxes measured by sales, and local restaurant license taxes measured by sales, may include alcoholic beverages in the base for measuring such local license taxes the same as if the alcoholic beverages were nonalcoholic. No local alcoholic beverage license authorized by this chapter shall exempt any licensee from any local merchants' or local restaurant license tax, but such local merchants' and local restaurant license taxes may be in addition to the local alcoholic beverage license taxes authorized by this chapter.*

The governing body of any county, city, or town, in adopting an ordinance under this section, shall provide that in ascertaining the liability of (i) a beer wholesaler to local merchants' license taxation under the ordinance, and in computing the local wholesale merchants' license tax on such beer wholesaler, purchases of beer up to a stated amount shall be disregarded, which stated amount shall be the amount of beer purchases which would be necessary to produce a local wholesale merchants' license tax equal to the local wholesale beer license tax paid by such wholesaler and (ii) a wholesale wine licensee to local merchants' license taxation under the ordinance, and in computing the local wholesale merchants' license tax on such wholesale wine licensee, purchases of wine up to a stated amount shall be disregarded, which stated amount shall be the amount of wine purchases which would be necessary to produce a local wholesale merchants' license tax equal to the local wholesale wine licensee license tax paid by such wholesale wine licensee.

D. *Delivery. No county, city, or town shall impose any local alcoholic beverage license tax on any wholesaler for the privilege of delivering alcoholic beverages in the county, city, or town when such wholesaler maintains no place of business in such county, city, or town.*

E. *Application of county tax within town. Any county license tax imposed under this section shall not apply within the limits of any town located in such county, where such town imposes a town license tax on the same privilege.*

§ 4.1-238. Bond required to secure excise tax liability on beer and wine coolers, and wine stored in bonded warehouses.

A. *Every manufacturer, bottler, or wholesaler, as a condition precedent to obtaining a license to sell beer or wine coolers to a licensed retailer, shall file a bond with the Board in such sum and with such surety as the Board deems adequate to cover the tax liability of each such manufacturer, bottler, or wholesaler. The sum of such bond shall be proportioned to the volume of business of each such manufacturer, bottler, or wholesaler, but shall in no event be less than \$1,000 or more than \$100,000. Such bond shall be conditioned upon the payment by such manufacturer, bottler, or wholesaler of the tax imposed by § 4.1-236.*

B. *Every holder of a bonded warehouse permit, issued in accordance with subdivision 14 13 of § 4.1-212, as a condition to obtaining the permit, shall file a bond with the Board in such sum and with such surety as the Board deems adequate to cover the tax liability of each such permittee. The sum of such bond shall be proportioned to the volume of business of each such manufacturer, bottler, or wholesaler, but shall in no event be less than \$1,000 or more than \$10,000. Such bond shall be conditioned upon the payment by the permittee of the tax imposed by § 4.1-234.*

C. *The Board may waive the requirement of both the surety and the bond, in cases where a manufacturer, bottler, or wholesaler has previously demonstrated his financial responsibility.*

D. *Upon the termination of the bond, its guaranty or surety, the Board, upon reasonable notice to the manufacturer, bottler, or wholesaler so licensed, may suspend the license so granted until such times as the required bond is filed or the proper surety or guaranty is given.*

§ 4.1-310. Illegal importation, shipment and transportation of alcoholic beverages; penalty; exception.

A. *No alcoholic beverages, other than wine or beer, shall be imported, shipped, transported, or brought into the Commonwealth, other than to distillery licensees or winery licensees, unless consigned to the Board. However, the Board*

may permit such alcoholic beverages ordered by it from outside the Commonwealth for (i) persons, for industrial purposes, (ii) the manufacture of articles allowed to be manufactured under § 4.1-200, or (iii) hospitals, to be shipped or transported directly to such persons. On such orders or shipments of alcohol, the Board shall charge only a reasonable permit fee.

B. Except as otherwise provided in *subsection F of § 4.1-206.3 or § 4.1-209.1 or 4.1-212.1*, no wine shall be imported, shipped, transported or brought into the Commonwealth unless it is consigned to a wholesale wine licensee.

C. Except as otherwise provided in *subsection F of § 4.1-206.3 or § 4.1-209.1 or 4.1-212.1*, no beer shall be imported, shipped, transported or brought into the Commonwealth except to persons licensed to sell it.

D. Any person convicted of a violation of this section shall be guilty of a Class 1 misdemeanor.

E. The provisions of this chapter shall not prohibit (i) any person from bringing, in his personal possession, or through United States Customs in his accompanying baggage, into the Commonwealth not for resale, alcoholic beverages in an amount not to exceed one gallon or four liters if any part of the alcoholic beverages being transported is held in metric-sized containers, (ii) the shipment or transportation into the Commonwealth of a reasonable quantity of alcoholic beverages not for resale in the personal or household effects of a person relocating his place of residence to the Commonwealth, or (iii) the possession or storage of alcoholic beverages on passenger boats, dining cars, buffet cars and club cars, licensed under this title, or common carriers engaged in interstate or foreign commerce.

§ 4.1-310.1. Delivery of wine or beer to retail licensee.

Except as otherwise provided in this title or in Board regulation, no wine or beer may be shipped or delivered to a retail licensee for resale unless such wine or beer has first been (i) delivered to the licensed premises of a wine or beer wholesaler and unloaded, (ii) kept on the licensed premises of the wholesaler for not less than four hours prior to reloading on a vehicle, and (iii) recorded in the wholesaler's inventory. Any holder of a restricted wholesale wine license issued pursuant to ~~§ 4.1-207.1~~ *subdivision 3 of § 4.1-206.2* shall be exempt from the requirement set forth in clause (ii).

§ 4.1-325. Prohibited acts by mixed beverage licensees; penalty.

A. In addition to § 4.1-324, no mixed beverage licensee nor any agent or employee of such licensee shall:

1. Sell or serve any alcoholic beverage other than as authorized by law;
2. Sell any authorized alcoholic beverage to any person or at any place except as authorized by law;
3. Allow at the place described in his license the consumption of alcoholic beverages in violation of this title;
4. Keep at the place described in his license any alcoholic beverage other than that which he is licensed to sell;
5. Misrepresent the brand of any alcoholic beverage sold or offered for sale;
6. Keep any alcoholic beverage other than in the bottle or container in which it was purchased by him except (i) for a frozen alcoholic beverage, which may include alcoholic beverages in a frozen drink dispenser of a type approved by the Board; (ii) in the case of wine, in containers of a type approved by the Board pending automatic dispensing and sale of such wine; and (iii) as otherwise provided by Board regulation. Neither this subdivision nor any Board regulation shall prohibit any mixed beverage licensee from premixing containers of sangria, to which spirits may be added, to be served and sold for consumption on the licensed premises;
7. Refill or partly refill any bottle or container of alcoholic beverage or dilute or otherwise tamper with the contents of any bottle or container of alcoholic beverage, except as provided by Board regulation adopted pursuant to subdivision B 11 of § 4.1-111;
8. Sell or serve any brand of alcoholic beverage which is not the same as that ordered by the purchaser without first advising such purchaser of the difference;
9. Remove or obliterate any label, mark, or stamp affixed to any container of alcoholic beverages offered for sale;
10. Deliver or sell the contents of any container if the label, mark, or stamp has been removed or obliterated;
11. Allow any obscene conduct, language, literature, pictures, performance, or materials on the licensed premises;
12. Allow any striptease act on the licensed premises;
13. Allow persons connected with the licensed business to appear nude or partially nude;
14. Consume or allow the consumption by an employee of any alcoholic beverages while on duty and in a position that is involved in the selling or serving of alcoholic beverages to customers.

The provisions of this subdivision shall not prohibit any retail licensee or his designated employee from (i) consuming product samples or sample servings of (a) beer or wine provided by a representative of a licensed beer or wine wholesaler or manufacturer or (b) a distilled spirit provided by a permittee of the Board who represents a distiller, if such samples are provided in accordance with Board regulations and the retail licensee or his designated employee does not violate the provisions of subdivision 1 f of § 4.1-225 or (ii) tasting an alcoholic beverage that has been or will be delivered to a customer for quality control purposes;

15. Deliver to a consumer an original bottle of an alcoholic beverage purchased under such license whether the closure is broken or unbroken except in accordance with ~~§ 4.1-210~~ *4.1-206.3*.

The provisions of this subdivision shall not apply to the delivery of:

- a. "Soju." For the purposes of this subdivision, "soju" means a traditional Korean alcoholic beverage distilled from rice, barley or sweet potatoes; or
- b. Spirits, provided (i) the original container is no larger than 375 milliliters, (ii) the alcohol content is no greater than 15 percent by volume, and (iii) the contents of the container are carbonated and perishable;
16. Be intoxicated while on duty or employ an intoxicated person on the licensed premises;
17. Conceal any sale or consumption of any alcoholic beverages;

18. Fail or refuse to make samples of any alcoholic beverages available to the Board upon request or obstruct special agents of the Board in the discharge of their duties;

19. Store alcoholic beverages purchased under the license in any unauthorized place or remove any such alcoholic beverages from the premises;

20. Knowingly employ in the licensed business any person who has the general reputation as a prostitute, panderer, habitual law violator, person of ill repute, user or peddler of narcotics, or person who drinks to excess or engages in illegal gambling;

21. Keep on the licensed premises a slot machine or any prohibited gambling or gaming device, machine or apparatus;

22. Make any gift of an alcoholic beverage, other than as a gift made (i) to a personal friend, as a matter of normal social intercourse, so long as the gift is in no way a shift or device to evade the restriction set forth in this subdivision; (ii) to a person responsible for the planning, preparation or conduct on any conference, convention, trade show or event held or to be held on the premises of the licensee, when such gift is made in the course of usual and customary business entertainment and is in no way a shift or device to evade the restriction set forth in this subdivision; (iii) pursuant to subsection ~~D B~~ of § 4.1-209; (iv) pursuant to subdivision A ~~H~~ 10 of § 4.1-201; or (v) pursuant to any Board regulation. Any gift permitted by this subdivision shall be subject to the taxes imposed by this title on sales of alcoholic beverages. The licensee shall keep complete and accurate records of gifts given in accordance with this subdivision; or

23. Establish any normal or customary pricing of its alcoholic beverages that is intended as a shift or device to evade any "happy hour" regulations adopted by the Board; however, a licensee may increase the volume of an alcoholic beverage sold to a customer if there is a commensurate increase in the normal or customary price charged for the same alcoholic beverage.

B. Any person convicted of a violation of this section shall be guilty of a Class 1 misdemeanor.

C. The provisions of subdivisions A 12 and A 13 shall not apply to persons operating theaters, concert halls, art centers, museums, or similar establishments that are devoted primarily to the arts or theatrical performances, when the performances that are presented are expressing matters of serious literary, artistic, scientific, or political value.

§ 4.1-325.1. Falsifying application; penalty.

It shall be unlawful for any applicant for a banquet ~~or~~ special events license pursuant to § 4.1-209, or mixed beverage special events license pursuant to § ~~4.1-210~~ 4.1-206.3 to knowingly make a false statement in order to secure a license or to alter, change, borrow, or lend or attempt to use, borrow, or lend a license. Any person violating this provision shall be guilty of a Class 3 misdemeanor.

§ 4.1-325.2. Prohibited acts by employees of wine or beer licensees; penalty.

A. In addition to the provisions of § 4.1-324, no retail wine or beer licensee or his agent or employee shall consume any alcoholic beverages while on duty and in a position that is involved in the selling or serving of alcoholic beverages to customers.

The provisions of this subsection shall not prohibit any retail licensee or his designated employee from (i) consuming product samples or sample servings of beer or wine provided by a representative of a licensed beer or wine wholesaler or manufacturer, if such samples are provided in accordance with Board regulations and the retail licensee or his designated employee does not violate the provisions of subdivision 1 f of § 4.1-225 or (ii) tasting an alcoholic beverage that has been or will be delivered to a customer for quality control purposes.

B. For the purposes of subsection A, a wine or beer wholesaler or farm winery licensee or its employees that participate in a wine or beer tasting sponsored by a retail wine or beer licensee shall not be deemed to be agents of the retail wine or beer licensee.

C. No retail wine or beer licensee, or his agent or employee shall make any gift of an alcoholic beverage, other than as a gift made (i) to a personal friend, as a matter of normal social intercourse, so long as the gift is in no way a shift or device to evade the restriction set forth in this subsection; (ii) to a person responsible for the planning, preparation or conduct on any conference, convention, trade show or event held or to be held on the premises of the licensee, when such gift is made in the course of usual and customary business entertainment and is in no way a shift or device to evade the restriction set forth in this subsection; (iii) pursuant to subsection ~~D B~~ of § 4.1-209; (iv) pursuant to subdivision A ~~H~~ 10 of § 4.1-201; or (v) pursuant to any Board regulation. Any gift permitted by this subsection shall be subject to the taxes imposed by this title on sales of alcoholic beverages. The licensee shall keep complete and accurate records of gifts given in accordance with this subsection.

D. Any person convicted of a violation of this section shall be subject to a civil penalty in an amount not to exceed \$500.

§ 4.1-327. Prohibiting transfer of wine or beer by licensees; penalty.

A. No retail licensee, except ~~(i)~~ a retail on-premises wine and beer licensee ~~or (ii) a retail on-premises beer licensee,~~ shall transfer any wine or beer from one licensed place of business to another licensed place of business whether such places of business are under the same ownership or not.

B. Any person convicted of a violation of this section shall be guilty of a Class 1 misdemeanor.

§ 15.2-912.3. Regulation of dance halls by counties, cities, and towns.

For the purposes of this section, "public dance hall" means any place open to the general public where dancing is permitted; however, a restaurant located in any city licensed under § ~~4.1-210~~ subsection A of § 4.1-206.3 to serve food and beverages having a dance floor with an area not exceeding 10 percent of the total floor area of the establishment shall not be considered a public dance hall.

Any locality may by ordinance regulate public dance halls in such locality; and prescribe punishment for violation of such ordinance not to exceed that prescribed for a Class 3 misdemeanor.

Such ordinance shall prescribe for: (i) the issuance of permits to operate public dance halls, grounds for revocation and procedure for revocation of such permits; (ii) a license tax not to exceed \$600 on every person operating or conducting any such dance hall; and (iii) rules and regulations for the operation of such dance halls. Such ordinances may exempt from their operation dances held for benevolent or charitable purposes and dances conducted under the auspices of religious, educational, civic, or military organizations.

No county ordinance adopted under the provisions of this section shall be in effect in any town in which an ordinance adopted under the provisions of this section is in effect.

§ 15.2-2288.3. Licensed farm wineries; local regulation of certain activities.

A. It is the policy of the Commonwealth to preserve the economic vitality of the Virginia wine industry while maintaining appropriate land use authority to protect the health, safety, and welfare of the citizens of the Commonwealth; and to permit the reasonable expectation of uses in specific zoning categories. Local restriction upon such activities and events of farm wineries licensed in accordance with Title 4.1 to market and sell their products shall be reasonable and shall take into account the economic impact on the farm winery of such restriction, the agricultural nature of such activities and events, and whether such activities and events are usual and customary for farm wineries throughout the Commonwealth. Usual and customary activities and events at farm wineries shall be permitted without local regulation unless there is a substantial impact on the health, safety, or welfare of the public. No local ordinance regulating noise, other than outdoor amplified music, arising from activities and events at farm wineries shall be more restrictive than that in the general noise ordinance. In authorizing outdoor amplified music at a farm winery, the locality shall consider the effect on adjacent property owners and nearby residents.

B, C. [Expired.]

D. No locality may treat private personal gatherings held by the owner of a licensed farm winery who resides at the farm winery or on property adjacent thereto that is owned or controlled by such owner at which gatherings wine is not sold or marketed and for which no consideration is received by the farm winery or its agents differently from private personal gatherings by other citizens.

E. No locality shall regulate any of the following activities of a farm winery licensed in accordance with subdivision 6 of § ~~4.1-207~~ 4.1-206.1:

1. The production and harvesting of fruit and other agricultural products and the manufacturing of wine;
2. The on-premises sale, tasting, or consumption of wine during regular business hours within the normal course of business of the licensed farm winery;
3. The direct sale and shipment of wine by common carrier to consumers in accordance with Title 4.1 and regulations of the Board of Directors of the Virginia Alcoholic Beverage Control Authority;
4. The sale and shipment of wine to the Virginia Alcoholic Beverage Control Authority, licensed wholesalers, and out-of-state purchasers in accordance with Title 4.1, regulations of the Board of Directors of the Virginia Alcoholic Beverage Control Authority, and federal law;
5. The storage, warehousing, and wholesaling of wine in accordance with Title 4.1, regulations of the Board of Directors of the Virginia Alcoholic Beverage Control Authority, and federal law; or
6. The sale of wine-related items that are incidental to the sale of wine.

§ 15.2-2288.3:1. Limited brewery license; local regulation of certain activities.

A. It is the policy of the Commonwealth to preserve the economic vitality of the Virginia beer industry while maintaining appropriate land use authority to protect the health, safety, and welfare of the citizens of the Commonwealth and to permit the reasonable expectation of uses in specific zoning categories. Local restriction upon such activities and public events of breweries licensed pursuant to subdivision 4 of § ~~4.1-208~~ 4.1-206.1 to market and sell their products shall be reasonable and shall take into account the economic impact on such licensed brewery of such restriction, the agricultural nature of such activities and events, and whether such activities and events are usual and customary for such licensed breweries. Usual and customary activities and events at such licensed breweries shall be permitted unless there is a substantial impact on the health, safety, or welfare of the public. No local ordinance regulating noise, other than outdoor amplified music, arising from activities and events at such licensed breweries shall be more restrictive than that in the general noise ordinance. In authorizing outdoor amplified music at such licensed brewery, the locality shall consider the effect on adjacent property owners and nearby residents.

B. No locality shall regulate any of the following activities of a brewery licensed under subdivision 4 of § ~~4.1-208~~ 4.1-206.1:

1. The production and harvesting of barley, other grains, hops, fruit, or other agricultural products and the manufacturing of beer;
2. The on-premises sale, tasting, or consumption of beer during regular business hours within the normal course of business of such licensed brewery;
3. The direct sale and shipment of beer in accordance with Title 4.1 and regulations of the Board of Directors of the Alcoholic Beverage Control Authority;
4. The sale and shipment of beer to licensed wholesalers and out-of-state purchasers in accordance with Title 4.1, regulations of the Board of Directors of the Alcoholic Beverage Control Authority, and federal law;

5. The storage and warehousing of beer in accordance with Title 4.1, regulations of the Board of Directors of the Alcoholic Beverage Control Authority, and federal law; or

6. The sale of beer-related items that are incidental to the sale of beer.

C. Any locality may exempt any brewery licensed in accordance with subdivision ~~2~~ 4 of § ~~4-1-208~~ 4.1-206.1 on land zoned agricultural from any local regulation of minimum parking, road access, or road upgrade requirements.

§ 15.2-2288.3:2. Limited distiller's license; local regulation of certain activities.

A. Local restriction upon activities of distilleries licensed pursuant to subdivision 2 of § ~~4-1-206~~ 4.1-206.1 to market and sell their products shall be reasonable and shall take into account the economic impact on such licensed distillery of such restriction, the agricultural nature of such activities and events, and whether such activities and events are usual and customary for such licensed distilleries. Usual and customary activities and events at such licensed distilleries shall be permitted unless there is a substantial impact on the health, safety, or welfare of the public.

B. No locality shall regulate any of the following activities of a distillery licensed under subdivision 2 of § ~~4-1-206~~ 4.1-206.1:

1. The production and harvesting of agricultural products and the manufacturing of alcoholic beverages other than wine or beer;

2. The on-premises sale, tasting, or consumption of alcoholic beverages other than wine or beer during regular business hours in accordance with a contract between a distillery and the Alcoholic Beverage Control Board pursuant to the provisions of subsection D of § 4.1-119;

3. The sale and shipment of alcoholic beverages other than wine or beer to licensed wholesalers and out-of-state purchasers in accordance with Title 4.1, regulations of the Alcoholic Beverage Control Board, and federal law;

4. The storage and warehousing of alcoholic beverages other than wine or beer in accordance with Title 4.1, regulations of the Alcoholic Beverage Control Board, and federal law; or

5. The sale of items related to alcoholic beverages other than wine or beer that are incidental to the sale of such alcoholic beverages.

C. Any locality may exempt any distillery licensed in accordance with subdivision 2 of § ~~4-1-206~~ 4.1-206.1 on land zoned agricultural from any local regulation of minimum parking, road access, or road upgrade requirements.

§ 40.1-100. Certain employment prohibited or limited.

A. No child under 18 years of age shall be employed, permitted, or suffered to work:

1. In any mine, quarry, tunnel, underground scaffolding work; in or about any plant or establishment manufacturing or storing explosives or articles containing explosive components; in any occupation involving exposure to radioactive substances or to ionizing radiations including X-ray equipment;

2. At operating or assisting to operate any grinding, abrasive, polishing or buffing machine, any power-driven metal forming, punching or shearing machine, power-driven bakery machine, power-driven paper products machine, any circular saw, band saw or guillotine shear, or any power-driven woodworking machine;

3. In oiling or assisting in oiling, wiping and cleaning any such machinery;

4. In any capacity in preparing any composition in which dangerous or poisonous chemicals are used;

5. In any capacity in the manufacturing of paints, colors, white lead, or brick tile or kindred products, or in any place where goods of alcoholic content are manufactured, bottled, or sold for consumption on the premises except in places (i) licensed pursuant to subdivision ~~5~~ 6 of § ~~4-1-207~~ 4.1-206.1, provided that a child employed at the premises shall not serve or dispense in any manner alcoholic beverages or (ii) where the sale of alcoholic beverages is merely incidental to the main business actually conducted, or to deliver alcoholic goods;

6. In any capacity in or about excavation, demolition, roofing, wrecking or shipbreaking operations;

7. As a driver or a helper on an automobile, truck, or commercial vehicle; however, children who are at least 17 years of age may drive automobiles or trucks on public roadways if:

a. The automobile or truck does not exceed 6,000 pounds gross vehicle weight, the vehicle is equipped with seat belts for the driver and any passengers, and the employer requires the employee to use the seatbelts when driving the automobile or truck;

b. Driving is restricted to daylight hours;

c. The employee has a valid State license for the type of driving involved and has no record of any moving violations at the time of hire;

d. The employee has successfully completed a State-approved driver education course;

e. The driving does not involve: (i) the towing of vehicles; (ii) route deliveries or route sales; (iii) the transportation for hire of property, goods, or passengers; (iv) urgent, time-sensitive deliveries; or (v) the transporting at any time of more than three passengers, including the employees of the employer;

f. The driving performed by the employee does not involve more than two trips away from the primary place of employment in any single day for the purpose of delivering goods of the employee's employer to a customer;

g. The driving performed by the employee does not involve more than two trips away from the primary place of employment in any single day for the purpose of transporting passengers, other than employees of the employer;

h. The driving takes place within a 30-mile radius of the employee's place of employment; and

i. The driving is only occasional and incidental to the employee's employment and involves no more than one third of the employee's work time in any workday and no more than 20 percent work time in any work week;

8. In logging or sawmilling, or in any lath mill, shingle mill or cooperage-stock mill, or in any occupation involving slaughtering, meatpacking, processing or rendering;

9. In any occupation determined and declared hazardous by rules and regulations promulgated by the Commissioner of Labor and Industry, except as otherwise provided in subsection D.

Notwithstanding the provisions of this section, children 16 years of age or older who are serving a voluntary apprenticeship as provided in Chapter 6 (§ 40.1-117 et seq.) of this title may be employed in any occupation in accordance with rules and regulations promulgated by the Commissioner.

B. Except as part of a regular work-training program in accordance with §§ 40.1-88 and 40.1-89, no child under 16 years of age shall be employed, permitted or suffered to work:

1. In any manufacturing or mechanical establishment, in any commercial cannery; in the operation of any automatic passenger or freight elevator; in any dance studio; or in any hospital, nursing home, clinic, or other establishment providing care for resident patients as a laboratory helper, therapist, orderly, or nurse's aide; in the service of any veterinarian while treating farm animals or horses; in any warehouse; in processing work in any laundry or dry cleaning establishment; in any undertaking establishment or funeral home; in any curb service restaurant, in hotel and motel room service; in any brick, coal or lumber yard or ice plant or in ushering in theaters. Children 14 years of age or more may be engaged in office work of a clerical nature in bona fide office rooms in the above types of establishments.

2. In any scaffolding work or construction trade; or in any outdoor theater, cabaret, carnival, fair, floor show, pool hall, club, or roadhouse; or as a lifeguard at a beach.

C. Children 14 years of age or more may be employed by dry cleaning or laundry establishments in branch stores where no processing is done on the premises, and in hospitals, nursing homes, and clinics where they may be engaged in kitchen work, tray service or room and hall cleaning. Children 14 years of age or more may be employed in bowling alleys completely equipped with automatic pin setters, but not in or about such machines, and in soda fountains, restaurants and hotel and motel food service departments. Children 14 years of age or more may work as gatekeepers and in concessions at swimming pools and may be employed by concessionaires operating on beaches where their duties and work pertain to the handling and distribution of beach chairs, umbrellas, floats and other similar or related beach equipment.

D. Notwithstanding any other provision of this chapter:

1. Children ~~aged~~ age 16 years or older employed on farms, in gardens or in orchards may operate, assist in operating, or otherwise perform work involving a truck, excluding a tractor trailer, or farm vehicle as defined in § 46.2-1099, in their employment;

2. Children ~~aged~~ age 14 years or older employed on farms, in gardens or in orchards may perform work as a helper on a truck or commercial vehicle in their employment, while engaged in such work exclusively on a farm, in a garden or in an orchard;

3. Children ~~aged~~ age 16 years or older may participate in all activities of a volunteer fire company; however, any such child shall not enter a burning structure or a structure which contains burning materials prior to obtaining certification under National Fire Protection Association 1001, level one, fire fighter standards, pursuant to the provisions of clause (i) of subsection A of § 40.1-79.1, except where entry into a structure that contains burning materials is during training necessary to attain certification under National Fire Protection Association 1001, level one, firefighter standards, as administered by the Department of Fire Programs.

§ 58.1-339.12. Farm wineries and vineyards tax credit.

A. As used in this section, unless the context requires a different meaning:

"Qualified capital expenditures" means all expenditures made by the taxpayer for the purchase and installation of barrels, bins, bottling equipment, capsuling equipment, chemicals, corks, crushers and destemmers, dirt, fermenters, or other recognized fermentation devices, fertilizer and soil amendments, filters, grape harvesters, grape plants, hoses, irrigation equipment, labeling equipment, poles, posts, presses, pumps, refractometers, refrigeration equipment, seeders, tanks, tractors, vats, weeding and spraying equipment, wine tanks, and wire.

"Virginia vineyard" means agricultural lands located in the Commonwealth consisting of at least one contiguous acre dedicated to the growing of grapes that are used or are intended to be used in the production of wine by a Virginia farm winery as well as any plants or other improvements located thereon.

"Virginia farm winery" means an establishment located in the Commonwealth that is licensed as a Virginia farm winery pursuant to § ~~4.1-207~~ 4.1-206.1.

B. For taxable years beginning on and after January 1, 2011, any Virginia farm winery or vineyard shall be entitled to a credit against the tax levied pursuant to §§ 58.1-320 and 58.1-400 for qualified capital expenditures made in connection with the establishment of new Virginia farm wineries or vineyards and capital improvements made to existing Virginia farm wineries or vineyards. The amount of the credit shall be equal to 25 percent of all qualified capital expenditures.

C. The total amount of tax credits available under this section for a calendar year shall not exceed \$250,000. In the event that applications for such credit exceed \$250,000 for any calendar, the Department of Taxation shall allocate the credits on a pro rata basis.

D. If the amount of the credit exceeds the taxpayer's tax liability for the taxable year, the excess may be carried over for credit against the income taxes of the taxpayer in the next 10 taxable years, or until the total credit amount has been taken, whichever occurs first.

E. For purposes of this section, the amount of any credit attributable to a partnership, electing small business corporation (S corporation), or limited liability company shall be allocated to the individual partners, shareholders, or members, respectively, in proportion to their ownership or interest in such business entities.

F. The credit allowed in this section shall not be claimed to the extent the taxpayer has claimed a deduction for the same expenses for federal income tax purposes under § 179 of the Internal Revenue Code, as amended.

§ 58.1-609.3. Commercial and industrial exemptions.

The tax imposed by this chapter or pursuant to the authority granted in §§ 58.1-605 and 58.1-606 shall not apply to the following:

1. Personal property purchased by a contractor which is used solely in another state or in a foreign country, which could be purchased by such contractor for such use free from sales tax in such other state or foreign country, and which is stored temporarily in Virginia pending shipment to such state or country.

2. (i) Industrial materials for future processing, manufacturing, refining, or conversion into articles of tangible personal property for resale where such industrial materials either enter into the production of or become a component part of the finished product; (ii) industrial materials that are coated upon or impregnated into the product at any stage of its being processed, manufactured, refined, or converted for resale; (iii) machinery or tools or repair parts therefor or replacements thereof, fuel, power, energy, or supplies, used directly in processing, manufacturing, refining, mining or converting products for sale or resale; (iv) materials, containers, labels, sacks, cans, boxes, drums or bags for future use for packaging tangible personal property for shipment or sale; or (v) equipment, printing or supplies used directly to produce a publication described in subdivision 3 of § 58.1-609.6 whether it is ultimately sold at retail or for resale or distribution at no cost. Machinery, tools and equipment, or repair parts therefor or replacements thereof, shall be exempt if the preponderance of their use is directly in processing, manufacturing, refining, mining or converting products for sale or resale. The provisions of this subsection do not apply to the drilling or extraction of oil, gas, natural gas and coalbed methane gas. In addition, the exemption provided herein shall not be applicable to any machinery, tools, and equipment, or any other tangible personal property used by a public service corporation in the generation of electric power, except for raw materials that are inputs to production of electricity, including fuel, or for machinery, tools, and equipment used to generate energy derived from sunlight or wind. The exemption for machinery, tools, and equipment used to generate energy derived from sunlight or wind shall expire June 30, 2027.

3. Tangible personal property sold or leased to a public service corporation engaged in business as a common carrier of property or passengers by railway, for use or consumption by such common carrier directly in the rendition of its public service.

4. Ships or vessels, or repairs and alterations thereof, used or to be used exclusively or principally in interstate or foreign commerce; fuel and supplies for use or consumption aboard ships or vessels plying the high seas, either in intercoastal trade between ports in the Commonwealth and ports in other states of the United States or its territories or possessions, or in foreign commerce between ports in the Commonwealth and ports in foreign countries, when delivered directly to such ships or vessels; or tangible personal property used directly in the building, conversion or repair of the ships or vessels covered by this subdivision. This exemption shall include dredges, their supporting equipment, attendant vessels, and fuel and supplies for use or consumption aboard such vessels, provided the dredges are used exclusively or principally in interstate or foreign commerce.

5. Tangible personal property purchased for use or consumption directly and exclusively in basic research or research and development in the experimental or laboratory sense.

6. Notwithstanding the provisions of subdivision 20 of § 58.1-609.10, all tangible personal property sold or leased to an airline operating in intrastate, interstate or foreign commerce as a common carrier providing scheduled air service on a continuing basis to one or more Virginia airports at least one day per week, for use or consumption by such airline directly in the rendition of its common carrier service.

7. Meals furnished by restaurants or food service operators to employees as a part of wages.

8. Tangible personal property including machinery and tools, repair parts or replacements thereof, and supplies and materials used directly in maintaining and preparing textile products for rental or leasing by an industrial processor engaged in the commercial leasing or renting of laundered textile products.

9. Certified pollution control equipment and facilities as defined in § 58.1-3660, except for any equipment that has not been certified to the Department of Taxation by a state certifying authority pursuant to such section.

10. Parts, tires, meters and dispatch radios sold or leased to taxicab operators for use or consumption directly in the rendition of their services.

11. High speed electrostatic duplicators or any other duplicators which have a printing capacity of 4,000 impressions or more per hour purchased or leased by persons engaged primarily in the printing or photocopying of products for sale or resale.

12. From July 1, 1994, and ending July 1, 2022, raw materials, fuel, power, energy, supplies, machinery or tools or repair parts therefor or replacements thereof, used directly in the drilling, extraction, or processing of natural gas or oil and the reclamation of the well area. For the purposes of this section, the term "natural gas" shall mean "gas," "natural gas," and "coalbed methane gas" as defined in § 45.1-361.1. For the purposes of this section, "drilling," "extraction," and "processing" shall include production, inspection, testing, dewatering, dehydration, or distillation of raw natural gas into a usable condition consistent with commercial practices, and the gathering and transportation of raw natural gas to a facility wherein the gas is converted into such a usable condition. Machinery, tools and equipment, or repair parts therefor or replacements

thereof, shall be exempt if the preponderance of their use is directly in the drilling, extraction, refining, or processing of natural gas or oil for sale or resale, or in well area reclamation activities required by state or federal law.

13. Beginning July 1, 1997, (i) the sale, lease, use, storage, consumption, or distribution of an orbital or suborbital space facility, space propulsion system, space vehicle, satellite, or space station of any kind possessing space flight capability, including the components thereof, irrespective of whether such facility, system, vehicle, satellite, or station is returned to this Commonwealth for subsequent use, storage or consumption in any manner when used to conduct spaceport activities; (ii) the sale, lease, use, storage, consumption or distribution of tangible personal property placed on or used aboard any orbital or suborbital space facility, space propulsion system, space vehicle, satellite or space station of any kind, irrespective of whether such tangible personal property is returned to this Commonwealth for subsequent use, storage or consumption in any manner when used to conduct spaceport activities; (iii) fuels of such quality not adapted for use in ordinary vehicles, being produced for, sold and exclusively used for space flight when used to conduct spaceport activities; (iv) the sale, lease, use, storage, consumption or distribution of machinery and equipment purchased, sold, leased, rented or used exclusively for spaceport activities and the sale of goods and services provided to operate and maintain launch facilities, launch equipment, payload processing facilities and payload processing equipment used to conduct spaceport activities.

For purposes of this subdivision, "spaceport activities" means activities directed or sponsored at a facility owned, leased, or operated by or on behalf of the Virginia Commercial Space Flight Authority.

The exemptions provided by this subdivision shall not be denied by reason of a failure, postponement or cancellation of a launch of any orbital or suborbital space facility, space propulsion system, space vehicle, satellite or space station of any kind or the destruction of any launch vehicle or any components thereof.

14. Semiconductor cleanrooms or equipment, fuel, power, energy, supplies, or other tangible personal property used primarily in the integrated process of designing, developing, manufacturing, or testing a semiconductor product, a semiconductor manufacturing process or subprocess, or semiconductor equipment without regard to whether the property is actually contained in or used in a cleanroom environment, touches the product, is used before or after production, or is affixed to or incorporated into real estate.

15. Semiconductor wafers for use or consumption by a semiconductor manufacturer.

16. Railroad rolling stock when sold or leased by the manufacturer thereof.

17. Computer equipment purchased or leased on or before June 30, 2011, used in data centers located in a Virginia locality having an unemployment rate above 4.9 percent for the calendar quarter ending November 2007, for the processing, storage, retrieval, or communication of data, including but not limited to servers, routers, connections, and other enabling hardware when part of a new investment of at least \$75 million in such exempt property, when such investment results in the creation of at least 100 new jobs paying at least twice the prevailing average wage in that locality, so long as such investment was made in accordance with a memorandum of understanding with the Virginia Economic Development Partnership Authority entered into or amended between January 1, 2008, and December 31, 2008. The exemption shall also apply to any such computer equipment purchased or leased to upgrade, add to, or replace computer equipment purchased or leased in the initial investment. The exemption shall not apply to any computer software sold separately from the computer equipment, nor shall it apply to general building improvements or fixtures.

18. Beginning July 1, 2010, and ending June 30, 2035, computer equipment or enabling software purchased or leased for the processing, storage, retrieval, or communication of data, including but not limited to servers, routers, connections, and other enabling hardware, including chillers and backup generators used or to be used in the operation of the equipment exempted in this paragraph, provided that such computer equipment or enabling software is purchased or leased for use in a data center that (i) is located in a Virginia locality, (ii) results in a new capital investment on or after January 1, 2009, of at least \$150 million, and (iii) results in the creation on or after July 1, 2009, of at least 50 new jobs by the data center operator and the tenants of the data center, collectively, associated with the operation or maintenance of the data center provided that such jobs pay at least one and one-half times the prevailing average wage in that locality. The requirement of at least 50 new jobs is reduced to 25 new jobs if the data center is located in a locality that has an unemployment rate for the preceding year of at least 150 percent of the average statewide unemployment rate for such year as determined by the Virginia Economic Development Partnership or is located in an enterprise zone. This exemption applies to the data center operator and the tenants of the data center if they collectively meet the requirements listed in this section. Prior to claiming such exemption, any qualifying person claiming the exemption, including a data center operator on behalf of itself and its tenants, must enter into a memorandum of understanding with the Virginia Economic Development Partnership Authority that at a minimum provides the details for determining the amount of capital investment made and the number of new jobs created, the timeline for achieving the capital investment and new job goals, the repayment obligations should those goals not be achieved, and any conditions under which repayment by the qualifying data center or data center tenant claiming the exemption may be required. In addition, the exemption shall apply to any such computer equipment or enabling software purchased or leased to upgrade, supplement, or replace computer equipment or enabling software purchased or leased in the initial investment. The exemption shall not apply to any other computer software otherwise taxable under Chapter 6 of Title 58.1 that is sold or leased separately from the computer equipment, nor shall it apply to general building improvements or other fixtures.

19. If the preponderance of their use is in the manufacture of beer by a brewer licensed pursuant to subdivision 4 of § 4-1-206.1, (i) machinery, tools, and equipment, or repair parts therefor or replacements thereof, fuel, power, energy, or supplies; (ii) materials for future processing, manufacturing, or conversion into beer where such materials

either enter into the production of or become a component part of the beer; and (iii) materials, including containers, labels, sacks, cans, bottles, kegs, boxes, drums, or bags for future use, for packaging the beer for shipment or sale.

2. That §§ 4.1-206, 4.1-207, 4.1-207.1, 4.1-208, 4.1-210, 4.1-220, 4.1-231, and 4.1-233 of the Code of Virginia are repealed.
3. That the provisions of the first, second, and fourth enactments of this act shall become effective on July 1, 2021, except for the provisions of the first enactment that amend the definition of low alcohol beverage cooler set forth in § 4.1-100 of the Code of Virginia, as amended by this act, which shall become effective July 1, 2020.
4. That subsection A of § 4.1-231.1 of the Code of Virginia, as created by this act, shall expire when the Board of Directors of the Virginia Alcoholic Beverage Control Authority (the Board) provides notice to the Division of Legislative Services that the Board has increased state license fees in accordance with the provisions of subsection F of § 4.1-230 of the Code of Virginia, as amended by this act.
5. That any person who (i) is licensed pursuant to subdivision A 9, 11, 12, 14, 18, or 19 of § 4.1-206 of the Code of Virginia, as it was in effect prior to July 1, 2020, and (ii) wishes to maintain licensure after June 30, 2021, shall apply for a marketplace license on or before January 1, 2021.
6. That the Board of Directors of the Virginia Alcoholic Beverage Control Authority may promulgate regulations that allow a licensee who holds a license that is repealed by the provisions of this act to continue to operate under such license until the expiration of its original term.
7. That any farm winery, limited brewery, or limited distillery that, prior to July 1, 2016, (i) holds a valid license granted by the Board of Directors of the Virginia Alcoholic Beverage Control Authority (the Board) in accordance with Title 4.1 of the Code of Virginia and (ii) is in compliance with the local zoning ordinance as an agricultural district or classification or as otherwise permitted by a locality for farm winery, limited brewery, or limited distillery use shall be allowed to continue such use as provided in § 15.2-2307 of the Code of Virginia, notwithstanding (a) the provisions of § 4.1-206.1 of the Code of Virginia, as created by this act, or (b) a subsequent change in ownership of the farm winery, limited brewery, or limited distillery on or after July 1, 2016, whether by transfer, acquisition, inheritance, or other means. Any such farm winery, limited brewery, or limited distillery located on land zoned residential conservation prior to July 1, 2016, may expand any existing building or structure and the uses thereof so long as specifically approved by the locality by special exception. Any such farm winery, limited brewery, or limited distillery located on land zoned residential conservation prior to July 1, 2016, may construct a new building or structure so long as specifically approved by the locality by special exception. All such licensees shall comply with the requirements of Title 4.1 of the Code of Virginia and Board regulations for renewal of such license or the issuance of a new license in the event of a change in ownership of the farm winery, limited brewery, or limited distillery on or after July 1, 2016.
8. That on or after July 1, 2020, the Board of Directors of the Virginia Alcoholic Beverage Control Authority may issue mixed beverage carrier licenses to persons operating a common carrier of passengers by bus, which shall authorize the licensee to sell and serve mixed beverages anywhere in the Commonwealth to passengers while in transit aboard any such common carrier. The state license fee for any such license granted prior to July 1, 2021, shall be \$190. Such license shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license. For the purposes of this enactment, "bus" means a motor vehicle that (i) is operated by a common carrier licensed under Chapter 20 (§ 46.2-2000 et seq.) of Title 46.2 of the Code of Virginia to transport passengers for compensation over the highways of the Commonwealth on regular or irregular routes of not less than 100 miles, (ii) seats no more than 24 passengers, (iii) is 40 feet in length or longer, (iv) offers wireless Internet services, (v) is equipped with charging stations at every seat for cellular phones or other portable devices, and (vi) during the transportation of passengers, is staffed by an attendant who has satisfied all training requirements set forth in Title 4.1 of the Code of Virginia or Board regulation.
9. That the Board of Directors of the Virginia Alcoholic Beverage Control Authority (the Board) shall promulgate regulations to implement the provisions of this act. The Board's initial adoption of regulations necessary to implement the provisions of this act shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia), except that the Board shall provide an opportunity for public comment on the regulations prior to adoption.

CHAPTER 1114

An Act to amend and reenact §§ 3.2-102, 3.2-5115, 4.1-100, 4.1-103, 4.1-103.03, 4.1-111, 4.1-114, 4.1-119, as it is currently effective and as it shall become effective, 4.1-124, as it is currently effective and as it shall become effective, 4.1-132, 4.1-201, 4.1-201.1, 4.1-203, 4.1-204, 4.1-205, 4.1-209, 4.1-209.1, 4.1-211, 4.1-212, 4.1-212.1, 4.1-215, 4.1-216, 4.1-221.1, as it is currently effective and as it shall become effective, 4.1-223, 4.1-225.1, 4.1-227, 4.1-230, 4.1-232, 4.1-238, 4.1-310, 4.1-310.1, 4.1-325, 4.1-325.1, 4.1-325.2, 4.1-327, 15.2-912.3, 15.2-2288.3, 15.2-2288.3:1, 15.2-2288.3:2, 40.1-100, 58.1-339.12, and 58.1-609.3 of the Code of Virginia; to amend the Code of Virginia by adding sections numbered 4.1-206.1, 4.1-206.2, 4.1-206.3, 4.1-231.1, and 4.1-233.1; and to repeal §§ 4.1-206,

4.1-207, 4.1-207.1, 4.1-208, 4.1-210, 4.1-220, 4.1-231, and 4.1-233 of the Code of Virginia, relating to alcoholic beverage control; license and fee reform.

[S 389]

Approved April 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 3.2-102, 3.2-5115, 4.1-100, 4.1-103, 4.1-103.03, 4.1-111, 4.1-114, 4.1-119, as it is currently effective and as it shall become effective, 4.1-124, as it is currently effective and as it shall become effective, 4.1-132, 4.1-201, 4.1-201.1, 4.1-203, 4.1-204, 4.1-205, 4.1-209, 4.1-209.1, 4.1-211, 4.1-212, 4.1-212.1, 4.1-215, 4.1-216, 4.1-221.1, as it is currently effective and as it shall become effective, 4.1-223, 4.1-225.1, 4.1-227, 4.1-230, 4.1-232, 4.1-238, 4.1-310, 4.1-310.1, 4.1-325, 4.1-325.1, 4.1-325.2, 4.1-327, 15.2-912.3, 15.2-2288.3, 15.2-2288.3:1, 15.2-2288.3:2, 40.1-100, 58.1-339.12, and 58.1-609.3 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 4.1-206.1, 4.1-206.2, 4.1-206.3, 4.1-231.1, and 4.1-233.1 as follows:

§ 3.2-102. General powers and duties of the Commissioner.

A. The Commissioner shall be vested with the powers and duties set out in § 2.2-601, the powers and duties herein provided, and such other powers and duties as may be prescribed by law, including those prescribed in Title 59.1. He shall be the executive officer of the Board, and shall see that its orders are carried out. He shall see to the proper execution of laws relating to the Department. Unless the Governor expressly reserves such power to himself, the Commissioner shall promote, protect, and develop the agricultural interests of the Commonwealth. The Commissioner shall develop, implement, and maintain programs within the Department including those that promote the development and marketing of the Commonwealth's agricultural products in domestic and international markets, including promotions, market development and research, marketing assistance, market information, and product grading and certification; promote the creation of new agribusiness including new crops, biotechnology and new uses of agricultural products, and the expansion of existing agribusiness within the Commonwealth; develop, promote, and maintain consumer protection programs that protect the safety and quality of the Commonwealth's food supply through food and dairy inspection activities, industry and consumer education, and information on food safety; preserve the Commonwealth's agricultural lands; ensure animal health and protect the Commonwealth's livestock industries through disease control and surveillance, maintaining animal health diagnostic laboratories, and encouraging the humane treatment and care of animals; protect public health and the environment through regulation and proper handling of pesticides, agricultural stewardship, and protection of endangered plant and insect species; protect crop and plant health and productivity; ensure consumer protection and fair trade practices in commerce; develop plans and emergency response protocols to protect the agriculture industry from bioterrorism, plant and animal diseases, and agricultural pests; assist as directed by the Governor in the Commonwealth's response to natural disasters; develop and implement programs and inspection activities to ensure that the Commonwealth's agricultural products move freely in trade domestically and internationally; and enter into agreements with federal, state, and local governments, land grant universities, and other organizations that include marketing, plant protection, pest control, pesticides, and meat and poultry inspection.

B. In addition, the Commissioner shall:

1. Establish and maintain a farm-to-school website. The purpose of the website shall be to facilitate and promote the purchase of Virginia farm products by schools, universities, and other educational institutions under the jurisdiction of the State Department of Education. The website shall present such current information as the availability of Virginia farm products, including the types and amount of products, and the names of and contact information for farmers, farm organizations, and businesses marketing such products; and

2. Establish and operate a nonprofit, nonstock corporation under Chapter 10 (§ 13.1-801 et seq.) of Title 13.1 as a public instrumentality exercising public and essential governmental functions to promote, develop, and sustain markets for licensed Virginia wineries and farm wineries, as defined in § 4.1-100. Such corporation shall provide wholesale wine distribution services for wineries and farm wineries licensed in accordance with ~~§ 4.1-207~~ 4.1-206.1. The board of directors of such corporation shall be composed of the Commissioner and four members appointed by the Board, including one owner or manager of a winery or farm winery licensee that is not served by a wholesaler when the owner or manager is appointed to the board; one owner or manager of a winery or farm winery licensee that produces no more than 10,000 cases per year; and two owners or managers of wine wholesaler licensees. In making appointments to the board of directors, the Board shall consider nominations of winery and farm winery licensees submitted by the Virginia Wineries Association and wine wholesale licensees submitted by the Virginia Wine Wholesalers Association. The Commissioner shall require such corporation to report to him at least annually on its activities, including reporting the quantity of wine distributed for each winery and farm winery during the preceding year. The provisions of the Virginia Public Procurement Act shall not apply to the establishment of such corporation nor to the exercise of any of its powers granted under this section.

§ 3.2-5115. Animals.

No animal shall be permitted in any area used for the manufacture or storage of food products. A guard or guide animal may be allowed in some areas if the presence of the animal is unlikely to result in contamination of food, food contact surfaces, or food packaging materials. Additionally, a dog may be allowed within a designated area inside or on the premises of, except in any area used for the manufacture of food products, a distillery ~~licensed pursuant to § 4.1-206, a~~

winery or, farm winery licensed pursuant to § 4.1-207, or a brewery, or farm limited brewery licensed pursuant to § 4.1-208 4.1-206.1.

§ 4.1-100. Definitions.

As used in this title unless the context requires a different meaning:

"Alcohol" means the product known as ethyl or grain alcohol obtained by distillation of any fermented liquor, rectified either once or more often, whatever the origin, and shall include synthetic ethyl alcohol, but shall not include methyl alcohol and alcohol completely denatured in accordance with formulas approved by the government of the United States.

"Alcohol vaporizing device" means any device, machine, or process that mixes any alcoholic beverages with pure oxygen or other gas to produce a vaporized product for the purpose of consumption by inhalation.

"Alcoholic beverages" includes alcohol, spirits, wine, and beer, and any one or more of such varieties containing one-half of one percent or more of alcohol by volume, including mixed alcoholic beverages, and every liquid or solid, powder or crystal, patented or not, containing alcohol, spirits, wine, or beer and capable of being consumed by a human being. Any liquid or solid containing more than one of the four varieties shall be considered as belonging to that variety which has the higher percentage of alcohol, however obtained, according to the order in which they are set forth in this definition; except that beer may be manufactured to include flavoring materials and other nonbeverage ingredients containing alcohol, as long as no more than 49 percent of the overall alcohol content of the finished product is derived from the addition of flavors and other nonbeverage ingredients containing alcohol for products with an alcohol content of no more than six percent by volume; or, in the case of products with an alcohol content of more than six percent by volume, as long as no more than one and one-half percent of the volume of the finished product consists of alcohol derived from added flavors and other nonbeverage ingredients containing alcohol.

~~"Art instruction studio" means any commercial establishment that provides to its customers all required supplies and step-by-step instruction in creating a painting or other work of art during a studio instructional session.~~

"Arts venue" means a commercial or nonprofit establishment that is open to the public and in which works of art are sold or displayed.

"Authority" means the Virginia Alcoholic Beverage Control Authority created pursuant to this title.

"Barrel" means any container or vessel having a capacity of more than 43 ounces.

"Bed and breakfast establishment" means any establishment (i) having no more than 15 bedrooms; (ii) offering to the public, for compensation, transitory lodging or sleeping accommodations; and (iii) offering at least one meal per day, which may but need not be breakfast, to each person to whom overnight lodging is provided. For purposes of the licensing requirements of this title, "bed and breakfast establishment" includes any property offered to the public for short-term rental, as that term is defined in § 15.2-983, other than a hotel as defined in this section, regardless of whether a meal is offered to each person to whom overnight lodging is provided.

"Beer" means any alcoholic beverage obtained by the fermentation of an infusion or decoction of barley, malt, and hops or of any similar products in drinkable water and containing one-half of one percent or more of alcohol by volume.

~~"Bespoke clothier establishment" means a permanent retail establishment that offers, by appointment only, custom made apparel and that offers a membership program to customers. Such establishment shall be a permanent structure where measurements and fittings are performed on-site but apparel is produced offsite and delivered directly to the customer. Such establishment shall have facilities to properly secure any stock of alcoholic beverages.~~

"Board" means the Board of Directors of the Virginia Alcoholic Beverage Control Authority.

"Bottle" means any vessel intended to contain liquids and having a capacity of not more than 43 ounces.

"Bus" means a motor vehicle that (i) is operated by a common carrier licensed under Chapter 20 (§ 46.2-2000 et seq.) of Title 46.2 to transport passengers for compensation over the highways of the Commonwealth on regular or irregular routes of not less than 100 miles, (ii) seats no more than 24 passengers, (iii) is 40 feet in length or longer, (iv) offers wireless Internet services, (v) is equipped with charging stations at every seat for cellular phones or other portable devices, and (vi) during the transportation of passengers, is staffed by an attendant who has satisfied all training requirements set forth in this title or Board regulation.

~~"Canal boat operator" means any nonprofit organization that operates tourism-oriented canal boats for recreational purposes on waterways declared nonnavigable by the United States Congress pursuant to 33 U.S.C. § 59ii.~~

"Club" means any private nonprofit corporation or association which is the owner, lessee, or occupant of an establishment operated solely for a national, social, patriotic, political, athletic, or other like purpose, but not for pecuniary gain, the advantages of which belong to all of the members. It also means the establishment so operated. A corporation or association shall not lose its status as a club because of the conduct of charitable gaming conducted pursuant to Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2 in which nonmembers participate frequently or in large numbers, provided that no alcoholic beverages are served or consumed in the room where such charitable gaming is being conducted while such gaming is being conducted and that no alcoholic beverages are made available upon the premises to any person who is neither a member nor a bona fide guest of a member.

Any such corporation or association which has been declared exempt from federal and state income taxes as one which is not organized and operated for pecuniary gain or profit shall be deemed a nonprofit corporation or association.

"Commercial lifestyle center" means a mixed-use commercial development covering a minimum of 25 acres of land and having at least 100,000 square feet of retail space featuring national specialty chain stores and a combination of dining, entertainment, office, residential, or hotel establishments located in a physically integrated outdoor setting that is pedestrian

friendly and that is governed by a commercial owners' association that is responsible for the management, maintenance, and operation of the common areas thereof.

"Container" means any barrel, bottle, carton, keg, vessel, or other receptacle used for holding alcoholic beverages.

"Contract winemaking facility" means the premises of a licensed winery or farm winery that obtains grapes, fruits, and other agricultural products from a person holding a farm winery license and crushes, processes, ferments, bottles, or provides any combination of such services pursuant to an agreement with the farm winery licensee. For all purposes of this title, wine produced by a contract winemaking facility for a farm winery shall be considered to be wine owned and produced by the farm winery that supplied the grapes, fruits, or other agricultural products used in the production of the wine. The contract winemaking facility shall have no right to sell the wine so produced, unless the terms of payment have not been fulfilled in accordance with the contract. The contract winemaking facility may charge the farm winery for its services.

"Convenience grocery store" means an establishment ~~which~~ *that* (i) has an enclosed room in a permanent structure where stock is displayed and offered for sale and (ii) maintains an inventory of edible items intended for human consumption consisting of a variety of such items of the types normally sold in grocery stores.

~~"Coworking establishment" means a facility that has at least 100 members, a majority of whom are 21 years of age or older, to whom it offers shared office space and related amenities, including desks, conference rooms, Internet access, printers, copiers, telephones, and fax machines.~~

~~"Day spa" means any commercial establishment that offers to the public both massage therapy, performed by persons licensed in accordance with § 54.1-3029, and barbering or cosmetology services performed by persons licensed in accordance with Chapter 7 (§ 54.1-700 et seq.) of Title 54.1.~~

"Delicatessen" means an establishment that sells a variety of prepared foods or foods requiring little preparation, such as cheeses, salads, cooked meats, and related condiments.

"Designated area" means a room or area approved by the Board for on-premises licensees.

"Dining area" means a public room or area in which meals are regularly served.

"Drugstore" means an establishment that sells medicines prepared by a licensed pharmacist pursuant to a prescription and other medicines and items for home and general use.

"Establishment" means any place where alcoholic beverages of one or more varieties are lawfully manufactured, sold, or used.

"Farm winery" means (i) an establishment (a) located on a farm in the Commonwealth on land zoned agricultural with a producing vineyard, orchard, or similar growing area and with facilities for fermenting and bottling wine on the premises where the owner or lessee manufactures wine that contains not more than 21 percent alcohol by volume or (b) located in the Commonwealth on land zoned agricultural with a producing vineyard, orchard, or similar growing area or agreements for purchasing grapes or other fruits from agricultural growers within the Commonwealth, and with facilities for fermenting and bottling wine on the premises where the owner or lessee manufactures wine that contains not more than 21 percent alcohol by volume or (ii) an accredited public or private institution of higher education, provided that (a) no wine manufactured by the institution shall be sold, (b) the wine manufactured by the institution shall be used solely for research and educational purposes, (c) the wine manufactured by the institution shall be stored on the premises of such farm winery that shall be separate and apart from all other facilities of the institution, and (d) such farm winery is operated in strict conformance with the requirements of this clause (ii) and Board regulations. As used in this definition, the terms "owner" and "lessee" shall include a cooperative formed by an association of individuals for the purpose of manufacturing wine. In the event that such cooperative is licensed as a farm winery, the term "farm" as used in this definition includes all of the land owned or leased by the individual members of the cooperative as long as such land is located in the Commonwealth. For purposes of this definition, "land zoned agricultural" means (1) land zoned as an agricultural district or classification or (2) land otherwise permitted by a locality for farm winery use. For purposes of this definition, "land zoned agricultural" does not include land zoned "residential conservation." Except for the limitation on land zoned "residential conservation," nothing in the definition of "land zoned agricultural" shall otherwise limit or affect local zoning authority.

"Gift shop" means any bona fide retail store selling, predominantly, gifts, books, souvenirs, specialty items relating to history, original and handmade arts and products, collectibles, crafts, and floral arrangements, which is open to the public on a regular basis. Such shop shall be a permanent structure where stock is displayed and offered for sale and which has facilities to properly secure any stock of wine or beer. Such shop may be located (i) on the premises or grounds of a government registered national, state or local historic building or site or (ii) within the premises of a museum. The Board shall consider the purpose, characteristics, nature, and operation of the shop in determining whether it shall be considered a gift shop.

"Gourmet brewing shop" means an establishment which sells to persons to whom wine or beer may lawfully be sold, ingredients for making wine or brewing beer, including packaging, and rents to such persons facilities for manufacturing, fermenting and bottling such wine or beer.

"Gourmet oyster house" means an establishment that (i) is located on the premises of a commercial marina, (ii) is permitted by the Department of Health to serve oysters and other fresh seafood for consumption on the premises, and (iii) offers to the public events for the purpose of featuring and educating the consuming public about local oysters and other seafood products.

"Gourmet shop" means an establishment provided with adequate inventory, shelving, and storage facilities, where, in consideration of payment, substantial amounts of domestic and imported wines and beers of various types and sizes and related products such as cheeses and gourmet foods are habitually furnished to persons.

"Government store" means a store established by the Authority for the sale of alcoholic beverages.

"Grocery store" means an establishment that sells food and other items intended for human consumption, including a variety of ingredients commonly used in the preparation of meals.

"Historic cinema house" means a nonprofit establishment exempt from taxation under § 501(c)(3) of the Internal Revenue Code that was built prior to 1970 and that exists for the primary purpose of showing motion pictures to the public.

"Hotel" means any duly licensed establishment, provided with special space and accommodation, where, in consideration of payment, food and lodging are habitually furnished to persons, and which has four or more bedrooms. It shall also mean the person who operates such hotel.

"Interdicted person" means a person to whom the sale of alcoholic beverages is prohibited by order pursuant to this title.

"Internet wine and beer retailer" means a person who owns or operates an establishment with adequate inventory, shelving, and storage facilities, where, in consideration of payment, Internet or telephone orders are taken and shipped directly to consumers and which establishment is not a retail store open to the public.

~~"Internet wine retailer" means a person who owns or operates an establishment with adequate inventory, shelving, and storage facilities, where, in consideration of payment, internet or telephone orders are taken and shipped directly to consumers and which establishment is not a retail store open to the public.~~

"Intoxicated" means a condition in which a person has drunk enough alcoholic beverages to observably affect his manner, disposition, speech, muscular movement, general appearance, or behavior.

"Licensed" means the holding of a valid license granted by the Authority.

"Licensee" means any person to whom a license has been granted by the Authority.

"Liqueur" means any of a class of highly flavored alcoholic beverages that do not exceed an alcohol content of 25 percent by volume.

(Effective until July 1, 2020) "Low alcohol beverage cooler" means a drink containing one-half of one percent or more of alcohol by volume, but not more than seven and one-half percent alcohol by volume, and consisting of spirits mixed with nonalcoholic beverages or flavoring or coloring materials; it may also contain water, fruit juices, fruit adjuncts, sugar, carbon dioxide, preservatives or other similar products manufactured by fermenting fruit or fruit juices. Low alcohol beverage coolers shall be treated as wine for all purposes of this title, except that low alcohol beverage coolers (†) may be manufactured by a licensed distiller or a distiller located outside the Commonwealth and (ii) shall not be sold in localities that have not approved the sale of mixed beverages pursuant to § 4.1-124. In addition, low alcohol beverage coolers shall not be sold for on-premises consumption other than by mixed beverage licensees.

(Effective July 1, 2020) "Low alcohol beverage cooler" means a drink containing one-half of one percent or more of alcohol by volume, but not more than seven and one-half percent alcohol by volume, and consisting of spirits mixed with nonalcoholic beverages or flavoring or coloring materials; it may also contain water, fruit juices, fruit adjuncts, sugar, carbon dioxide, preservatives or other similar products manufactured by fermenting fruit or fruit juices. Low alcohol beverage coolers shall be treated as wine for all purposes of this title, except that low alcohol beverage coolers (†) may be manufactured by a licensed distiller or a distiller located outside the Commonwealth and (ii) shall not be sold in localities that prohibit the sale of mixed beverages pursuant to § 4.1-124. In addition, low alcohol beverage coolers shall not be sold for on-premises consumption other than by mixed beverage licensees.

"Marina store" means an establishment that is located on the same premises as a marina, is operated by the owner of such marina, and sells food and nautical and fishing supplies.

~~"Meal assembly kitchen" means any commercial establishment that offers its customers, for off-premises consumption, ingredients for the preparation of meals and entrees in professional kitchen facilities located at the establishment.~~

"Meals" means, for a mixed beverage license, an assortment of foods commonly ordered in bona fide, full-service restaurants as principal meals of the day. Such restaurants shall include establishments specializing in full course meals with a single substantial entree.

~~"Member of a bespoke clothier establishment" means a person who maintains a membership in the bespoke clothier establishment for a period of not less than one month by the payment of monthly, quarterly, or annual dues in the manner established by the rules of the bespoke clothier establishment. The minimum membership fee shall be not less than \$25 for any term of membership.~~

"Member of a club" means (i) a person who maintains his membership in the club by the payment of monthly, quarterly, or annual dues in the manner established by the rules and regulations thereof or (ii) a person who is a member of a bona fide auxiliary, local chapter, or squadron composed of direct lineal descendants of a bona fide member, whether alive or deceased, of a national or international organization to which an individual lodge holding a club license is an authorized member in the same locality. It shall also mean a lifetime member whose financial contribution is not less than 10 times the annual dues of resident members of the club, the full amount of such contribution being paid in advance in a lump sum.

~~"Member of a coworking establishment" means a person who maintains a membership in the coworking establishment for a period of not less than one month by the payment of monthly, quarterly, or annual dues in the manner established by~~

the rules of the coworking establishment. "Member of a coworking establishment" does not include an employee or any person with an ownership interest in the coworking establishment.

"Mixed beverage" or "mixed alcoholic beverage" means a drink composed in whole or in part of spirits.

"Mixer" means any prepackaged ingredients containing beverages or flavoring or coloring materials, and which may also contain water, fruit juices, fruit adjuncts, sugar, carbon dioxide, or preservatives which are not commonly consumed unless combined with alcoholic beverages, whether or not such ingredients contain alcohol. Such specialty beverage product shall be manufactured or distributed by a Virginia corporation.

"Municipal golf course" means any golf course that is owned by any town incorporated in 1849 and which is the county seat of Smyth County.

"Place or premises" means the real estate, together with any buildings or other improvements thereon, designated in the application for a license as the place at which the manufacture, bottling, distribution, use or sale of alcoholic beverages shall be performed, except that portion of any such building or other improvement actually and exclusively used as a private residence.

"Principal stockholder" means any person who individually or in concert with his spouse and immediate family members beneficially owns or controls, directly or indirectly, five percent or more of the equity ownership of any person that is a licensee of the Authority, or who in concert with his spouse and immediate family members has the power to vote or cause the vote of five percent or more of any such equity ownership. "Principal stockholder" does not include a broker-dealer registered under the Securities Exchange Act of 1934, as amended, that holds in inventory shares for sale on the financial markets for a publicly traded corporation holding, directly or indirectly, a license from the Authority.

"Public place" means any place, building, or conveyance to which the public has, or is permitted to have, access, including restaurants, soda fountains, hotel dining areas, lobbies and corridors of hotels, and any park, place of public resort or amusement, highway, street, lane, or sidewalk adjoining any highway, street, or lane.

"Public place" does not include (i) hotel or restaurant dining areas or ballrooms while in use for private meetings or private parties limited in attendance to members and guests of a particular group, association or organization; (ii) restaurants licensed by the Authority in office buildings or industrial or similar facilities while such restaurant is closed to the public and in use for private meetings or parties limited in attendance to employees and nonpaying guests of the owner or a lessee of all or part of such building or facility; (iii) offices, office buildings or industrial facilities while closed to the public and in use for private meetings or parties limited in attendance to employees and nonpaying guests of the owner or a lessee of all or part of such building or facility; or (iv) private recreational or chartered boats which are not licensed by the Board and on which alcoholic beverages are not sold.

"Residence" means any building or part of a building or structure where a person resides, but does not include any part of a building which that is not actually and exclusively used as a private residence, nor any part of a hotel or club other than a private guest room thereof.

"Resort complex" means a facility (i) with a hotel owning year-round sports and recreational facilities located contiguously on the same property or (ii) owned by a nonstock, nonprofit, taxable corporation with voluntary membership which, as its primary function, makes available golf, ski, and other recreational facilities both to its members and to the general public. The hotel or corporation shall have a minimum of 140 private guest rooms or dwelling units contained on not less than 50 acres. The Authority may consider the purpose, characteristics, and operation of the applicant establishment in determining whether it shall be considered as a resort complex. All other pertinent qualifications established by the Board for a hotel operation shall be observed by such licensee.

"Restaurant" means, for a beer, or wine and beer license or a limited mixed beverage restaurant license, any establishment provided with special space and accommodation, where, in consideration of payment, meals or other foods prepared on the premises are regularly sold.

"Restaurant" means, for a mixed beverage license other than a limited mixed beverage restaurant license, an established place of business (i) where meals with substantial entrees are regularly sold and (ii) which has adequate facilities and sufficient employees for cooking, preparing, and serving such meals for consumption at tables in dining areas on the premises, and includes establishments specializing in full course meals with a single substantial entree.

"Sale" and "sell" includes soliciting or receiving an order for; keeping, offering or exposing for sale; peddling, exchanging or bartering; or delivering otherwise than gratuitously, by any means, alcoholic beverages.

"Sangria" means a drink consisting of red or white wine mixed with some combination of sweeteners, fruit, fruit juice, soda, or soda water that may also be mixed with brandy, triple sec, or other similar spirits.

"Special agent" means an employee of the Virginia Alcoholic Beverage Control Authority whom the Board has designated as a law-enforcement officer pursuant to § 4.1-105.

"Special event" means an event sponsored by a duly organized nonprofit corporation or association and conducted for an athletic, charitable, civic, educational, political, or religious purpose.

"Spirits" means any beverage that contains alcohol obtained by distillation mixed with drinkable water and other substances, in solution, and includes, among other things, brandy, rum, whiskey, and gin, or any one or more of the last four named ingredients, but shall not include any such liquors completely denatured in accordance with formulas approved by the United States government.

"Wine" means any alcoholic beverage, including cider, obtained by the fermentation of the natural sugar content of fruits or other agricultural products containing (i) sugar, including honey and milk, either with or without additional sugar;

(ii) one-half of one percent or more of alcohol by volume; and (iii) no product of distillation. "Wine" includes any wine to which wine spirits have been added, as provided in the Internal Revenue Code, to make products commonly known as "fortified wine" which do not exceed an alcohol content of 21 percent by volume.

"Wine cooler" means a drink containing one-half of one percent or more of alcohol by volume, and not more than three and two-tenths percent of alcohol by weight or four percent by volume consisting of wine mixed with nonalcoholic beverages or flavoring or coloring materials, and which may also contain water, fruit juices, fruit adjuncts, sugar, carbon dioxide, or preservatives and shall include other similar products manufactured by fermenting fruit or fruit juices. Wine coolers and similar fermented fruit juice beverages shall be treated as wine for all purposes except for taxation under § 4.1-236.

"With or without meals" means the selling and serving of alcoholic beverages by retail licensees for on-premises consumption whether or not accompanied by food so long as the total food-beverage ratio required by § ~~4.1-210~~ 4.1-206.3, or the monthly food sale requirement established by Board regulation, is met by such retail licensee.

§ 4.1-103. General powers of Board.

The Board shall have the power to:

1. Sue and be sued, implead and be impleaded, and complain and defend in all courts;
2. Adopt, use, and alter at will a common seal;
3. Fix, alter, charge, and collect rates, rentals, fees, and other charges for the use of property of, the sale of products of, or services rendered by the Authority at rates to be determined by the Authority for the purpose of providing for the payment of the expenses of the Authority;
4. Make and enter into all contracts and agreements necessary or incidental to the performance of its duties, the furtherance of its purposes, and the execution of its powers under this title, including agreements with any person or federal agency;
5. Employ, at its discretion, consultants, researchers, architects, engineers, accountants, financial experts, investment bankers, superintendents, managers, and such other employees and special agents as may be necessary and fix their compensation to be payable from funds made available to the Authority. Legal services for the Authority shall be provided by the Attorney General in accordance with Chapter 5 (§ 2.2-500 et seq.) of Title 2.2;
6. Receive and accept from any federal or private agency, foundation, corporation, association, or person grants or other aid to be expended in accomplishing the objectives of the Authority, and receive and accept from the Commonwealth or any state and any municipality, county, or other political subdivision thereof or from any other source aid or contributions of either money, property, or other things of value, to be held, used, and applied only for the purposes for which such grants and contributions may be made. All federal moneys accepted under this section shall be accepted and expended by the Authority upon such terms and conditions as are prescribed by the United States and as are consistent with state law, and all state moneys accepted under this section shall be expended by the Authority upon such terms and conditions as are prescribed by the Commonwealth;
7. Adopt, alter, and repeal bylaws, rules, and regulations governing the manner in which its business shall be transacted and the manner in which the powers of the Authority shall be exercised and its duties performed. The Board may delegate or assign any duty or task to be performed by the Authority to any officer or employee of the Authority. The Board shall remain responsible for the performance of any such duties or tasks. Any delegation pursuant to this subdivision shall, where appropriate, be accompanied by written guidelines for the exercise of the duties or tasks delegated. Where appropriate, the guidelines shall require that the Board receive summaries of actions taken. Such delegation or assignment shall not relieve the Board of the responsibility to ensure faithful performance of the duties and tasks;
8. Conduct or engage in any lawful business, activity, effort, or project consistent with the Authority's purposes or necessary or convenient to exercise its powers;
9. Develop policies and procedures generally applicable to the procurement of goods, services, and construction, based upon competitive principles;
10. Develop policies and procedures consistent with Article 4 (§ 2.2-4347 et seq.) of Chapter 43 of Title 2.2;
11. Buy, import and sell alcoholic beverages other than beer and wine not produced by farm wineries, and to have alcoholic beverages other than beer and wine not produced by farm wineries in its possession for sale;
12. Buy and sell any mixers;
13. Buy and sell products licensed by the Virginia Tourism Corporation that are within international trademark classes 16 (paper goods and printer matters), 18 (leather goods), 21 (housewares and glass), and 25 (clothing);
14. Control the possession, sale, transportation, and delivery of alcoholic beverages;
15. Determine, subject to § 4.1-121, the localities within which government stores shall be established or operated and the location of such stores;
16. Maintain warehouses for alcoholic beverages and control the storage and delivery of alcoholic beverages to and from such warehouses;
17. Acquire, purchase, hold, use, lease, or otherwise dispose of any property, real, personal or mixed, tangible or intangible, or any interest therein necessary or desirable for carrying out the purposes of the Authority; lease as lessee any property, real, personal or mixed, tangible or intangible, or any interest therein, at such annual rental and on such terms and conditions as may be determined by the Board; lease as lessor to any person any property, real, personal or mixed, tangible or intangible, or any interest therein, at any time acquired by the Authority, whether wholly or partially completed, at such

annual rental and on such terms and conditions as may be determined by the Board; sell, transfer, or convey any property, real, personal or mixed, tangible or intangible, or any interest therein, at any time acquired or held by the Authority on such terms and conditions as may be determined by the Board; and occupy and improve any land or building required for the purposes of this title;

~~18. Purchase or otherwise acquire title to any land or building required for the purposes of this title and sell and convey the same by proper deed, with the consent of the Governor;~~

~~19.~~ Purchase, lease, or acquire the use of, by any manner, any plant or equipment ~~which~~ that may be considered necessary or useful in carrying into effect the purposes of this title, including rectifying, blending, and processing plants. The Board may purchase, build, lease, and operate distilleries and manufacture alcoholic beverages;

~~20.~~ 19. Determine the nature, form and capacity of all containers used for holding alcoholic beverages to be kept or sold under this title, and prescribe the form and content of all labels and seals to be placed thereon; however, no container sold in or shipped into the Commonwealth shall include powdered or crystalline alcohol;

~~21.~~ 20. Appoint every agent and employee required for its operations; require any or all of them to give bonds payable to the Commonwealth in such penalty as shall be fixed by the Board; and engage the services of experts and professionals;

~~22.~~ 21. Hold and conduct hearings; issue subpoenas requiring the attendance of witnesses and the production of records, memoranda, papers and other documents before the Board or any agent of the Board; and administer oaths and take testimony thereunder. The Board may authorize any Board member or agent of the Board to hold and conduct hearings, issue subpoenas, administer oaths and take testimony thereunder, and decide cases, subject to final decision by the Board, on application of any party aggrieved. The Board may enter into consent agreements and may request and accept from any applicant or licensee a consent agreement in lieu of proceedings on (i) objections to the issuance of a license or (ii) disciplinary action. Any such consent agreement shall include findings of fact and may include an admission or a finding of a violation. A consent agreement shall not be considered a case decision of the Board and shall not be subject to judicial review under the provisions of the Administrative Process Act (§ 2.2-4000 et seq.), but may be considered by the Board in future disciplinary proceedings;

~~23.~~ 22. Make a reasonable charge for preparing and furnishing statistical information and compilations to persons other than (i) officials, including court and police officials, of the Commonwealth and of its subdivisions if the information requested is for official use and (ii) persons who have a personal or legal interest in obtaining the information requested if such information is not to be used for commercial or trade purposes;

~~24.~~ 23. Promulgate regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) and § 4.1-111;

~~25.~~ 24. Grant, suspend, and revoke licenses for the manufacture, bottling, distribution, importation, and sale of alcoholic beverages;

~~26.~~ 25. Assess and collect civil penalties and civil charges for violations of this title and Board regulations;

~~27.~~ 26. Maintain actions to enjoin common nuisances as defined in § 4.1-317;

~~28.~~ 27. Establish minimum food sale requirements for all retail licensees;

~~29.~~ 28. Review and approve any proposed legislative or regulatory changes suggested by the Chief Executive Officer as the Board deems appropriate;

~~30.~~ 29. Report quarterly to the Secretary of Public Safety and Homeland Security on the law-enforcement activities undertaken to enforce the provisions of this title; ~~and~~

~~31.~~ 30. Establish and collect fees for all permits set forth in this title, including fees associated with applications for such permits;

~~32.~~ 31. Impose a requirement that a mixed beverage restaurant licensee located on the premises of and operated by a casino gaming establishment pay for any cost incurred by the Board to enforce such license in excess of the applicable state license fee; and

~~33.~~ 32. Do all acts necessary or advisable to carry out the purposes of this title.

§ 4.1-103.03. Additional powers; mediation; alternative dispute resolution; confidentiality.

A. As used in this section:

"Appropriate case" means any alleged license violation or objection to the application for a license in which it is apparent that there are significant issues of disagreement among interested persons and for which the Board finds that the use of a mediation or dispute resolution proceeding is in the public interest.

"Dispute resolution proceeding" means the same as that term is defined in § 8.01-576.4.

"Mediation" means the same as that term is defined in § 8.01-576.4.

"Neutral" means the same as that term is defined in § 8.01-576.4.

B. The Board may use mediation or a dispute resolution proceeding in appropriate cases to resolve underlying issues or reach a consensus or compromise on contested issues. Mediation and other dispute resolution proceedings as authorized by this section shall be voluntary procedures that supplement, rather than limit, other dispute resolution techniques available to the Board. Mediation or a dispute resolution proceeding may be used for an objection to the issuance of a license only with the consent of, and participation by, the applicant for licensure and shall be terminated at the request of such applicant.

C. Any resolution of a contested issue accepted by the Board under this section shall be considered a consent agreement as provided in subdivision ~~22~~ 21 of § 4.1-103. The decision to use mediation or a dispute resolution proceeding is in the Board's sole discretion and shall not be subject to judicial review.

D. The Board may adopt rules and regulations, in accordance with the Administrative Process Act (§ 2.2-4000 et seq.), for the implementation of this section. Such rules and regulations may include (i) standards and procedures for the conduct of mediation and dispute resolution proceedings, including an opportunity for interested persons identified by the Board to participate in the proceeding; (ii) the appointment and function of a neutral to encourage and assist parties to voluntarily compromise or settle contested issues; and (iii) procedures to protect the confidentiality of papers, work products, or other materials.

E. The provisions of § 8.01-576.10 concerning the confidentiality of a mediation or dispute resolution proceeding shall govern all such proceedings held pursuant to this section except where the Board uses or relies on information obtained in the course of such proceeding in granting a license, suspending or revoking a license, or accepting payment of a civil penalty or investigative costs. However, a consent agreement signed by the parties shall not be confidential.

§ 4.1-111. Regulations of Board.

A. The Board may promulgate reasonable regulations, not inconsistent with this title or the general laws of the Commonwealth, which it deems necessary to carry out the provisions of this title and to prevent the illegal manufacture, bottling, sale, distribution, and transportation of alcoholic beverages. The Board may amend or repeal such regulations. Such regulations shall be promulgated, amended or repealed in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) and shall have the effect of law.

B. The Board shall promulgate regulations that:

1. Prescribe what hours and on what days alcoholic beverages shall not be sold by licensees or consumed on any licensed premises, including a provision that mixed beverages may be sold only at such times as wine and beer may be sold.

2. Require mixed beverage caterer licensees to notify the Board in advance of any event to be served by such licensee.

3. Maintain the reasonable separation of retailer interests from those of the manufacturers, bottlers, brokers, importers and wholesalers in accordance with § 4.1-216 and in consideration of the established trade customs, quantity and value of the articles or services involved; prevent undue competitive domination of any person by any other person engaged in the manufacture, distribution and sale at retail or wholesale of alcoholic beverages in the Commonwealth; and promote reasonable accommodation of arm's length business transactions.

4. Establish requirements for the form, content, and retention of all records and accounts, including the (i) reporting and collection of taxes required by § 4.1-236 and (ii) the sale of alcoholic beverages in kegs, by all licensees.

5. Require retail licensees to file an appeal from any hearing decision rendered by a hearing officer within 30 days of the date the notice of the decision is sent. The notice shall be sent to the licensee at the address on record with the Board by certified mail, return receipt requested, and by regular mail.

6. Prescribe the terms and conditions under which persons who collect or trade designer or vintage spirit bottles may sell such bottles at auction, provided that (i) the auction is conducted in accordance with the provisions of Chapter 6 (§ 54.1-600 et seq.) of Title 54.1 and (ii) the bottles are unopened and the manufacturers' seals, marks, or stamps affixed to the bottles are intact.

7. Prescribe the terms and conditions under which credit or debit cards may be accepted from licensees for purchases at government stores, including provision for the collection, where appropriate, of related fees, penalties, and service charges.

8. Require that banquet licensees in charge of public events as defined by Board regulations report to the Board the income and expenses associated with the public event on a form prescribed by the Board when the banquet licensee engages another person to organize, conduct, or operate the event on behalf of the banquet licensee. Such regulations shall be applicable only to public events where alcoholic beverages are being sold.

9. Provide alternative methods for licensees to maintain and store business records that are subject to Board inspection, including methods for Board-approved electronic and off-site storage.

10. Require off-premises retail licensees to place any premixed alcoholic energy drinks containing one-half of one percent or more of alcohol by volume in the same location where wine and beer are available for sale within the licensed premises.

11. Prescribe the terms and conditions under which mixed beverage licensees may infuse, store, and sell flavored distilled spirits, including a provision that limits infusion containers to a maximum of 20 liters.

12. Prescribe the schedule of proration for refunded license taxes to licensees who qualify pursuant to subsection C of § 4.1-232.

13. Establish reasonable time, place, and manner restrictions on outdoor advertising of alcoholic beverages, not inconsistent with the provisions of this title, so that such advertising does not encourage or otherwise promote the consumption of alcoholic beverages by persons to whom alcoholic beverages may not be lawfully sold. Such regulations shall:

a. Restrict outdoor advertising of alcoholic beverages in publicly visible locations consistent with (i) the general prohibition against tied interests between retail licensees and manufacturers or wholesale licensees as provided in §§ 4.1-215 and 4.1-216; (ii) the prohibition against manufacturer control of wholesale licensees as set forth in § 4.1-223 and Board regulations adopted pursuant thereto; and (iii) the general prohibition against cooperative advertising between manufacturers, wholesalers, or importers and retail licensees as set forth in Board regulation; and

b. Permit (i) any outdoor signage or advertising not otherwise prohibited by this title and (ii) the display of outdoor alcoholic beverage advertising on lawfully erected billboard signs regulated under Chapter 12 (§ 33.2-1200 et seq.) of

Title 33.2 where such signs are located on commercial real estate as defined in § 55.1-1100, but only in accordance with this title.

14. Prescribe the terms and conditions under which a licensed brewery may manufacture beer pursuant to an agreement with a brand owner not under common control with the manufacturing brewery and sell and deliver the beer so manufactured to the brand owner. The regulations shall require that (i) the brand owner be an entity appropriately licensed as a brewery or beer wholesaler, (ii) a written agreement be entered into by the parties, and (iii) records as deemed appropriate by the Board are maintained by the parties.

15. Prescribe the terms for any "happy hour" conducted by on-premises licensees. Such regulations shall permit on-premises licensees to advertise any alcoholic beverage products featured during a happy hour and any pricing related to such happy hour. Such regulations shall not prohibit on-premises licensees from using creative marketing techniques in such advertisements, provided that such techniques do not tend to induce overconsumption or consumption by minors.

16. Permit retail on-premises licensees to give a gift of one alcoholic beverage to a patron or one bottle of wine to a group of two or more patrons, provided that (i) such gifts only are made to individuals to whom such products may lawfully be sold and (ii) only one such gift is given during any 24-hour period and subject to any Board limitations on the frequency of such gifts.

17. Permit the sale of beer and cider for off-premises consumption in resealable growlers made of glass, ceramic, metal, or other materials approved by the Board, or other resealable containers approved by the Board, with a maximum capacity of 128 fluid ounces or, for metric-sized containers, four liters.

18. Permit the sale of wine for off-premises consumption in resealable growlers made of glass, ceramic, metal, or other materials approved by the Board, or other resealable containers approved by the Board, with a maximum capacity of 64 fluid ounces or, for metric-sized containers, two liters. Wine growlers may be used only by persons licensed to sell wine for both on-premises and off-premises consumption or by gourmet ~~shop licensees~~ *shops granted a retail off-premises wine and beer license*. Growlers sold by gourmet ~~shop licensees~~ *shops* shall be labeled with (i) the manufacturer's name or trade name, (ii) the place of production, (iii) the net contents in fluid ounces, and (iv) the name and address of the retailer.

19. Permit the sale of wine, cider, and beer by retailers licensed to sell beer and wine for both on-premises and off-premises consumption, or by gourmet ~~shop licensees~~ *shops granted a retail off-premises wine and beer license* for off-premises consumption in sealed containers made of metal or other materials approved by the Board with a maximum capacity of 32 fluid ounces or, for metric-sized containers, one liter, provided that the alcoholic beverage is placed in the container following an order from the consumer.

20. Permit mixed beverage licensees to premix containers of sangria and other mixed alcoholic beverages and to serve such alcoholic beverages in pitchers, subject to size and quantity limitations established by the Board.

21. Establish and make available to all licensees and permittees for which on-premises consumption of alcoholic beverages is allowed and employees of such licensees and permittees who serve as a bartender or otherwise sell, serve, or dispense alcoholic beverages for on-premises consumption a bar bystander training module, which shall include (i) information that enables licensees, permittees, and their employees to recognize situations that may lead to sexual assault and (ii) intervention strategies to prevent such situations from culminating in sexual assault.

22. Require mixed beverage licensees to have food, cooked or prepared on the licensed premises, available for on-premises consumption until at least 30 minutes prior to an establishment's closing. Such food shall be available in all areas of the licensed premises in which spirits are sold or served.

23. Prescribe the terms and conditions under which the Board may suspend the privilege of a mixed beverage licensee to purchase spirits from the Board upon such licensee's failure to submit any records or other documents necessary to verify the licensee's compliance with applicable minimum food sale requirements within 30 days of the date such records or documents are due.

C. The Board may promulgate regulations that:

1. Provide for the waiver of the license tax for an applicant for a banquet license, such waiver to be based on (i) the amount of alcoholic beverages to be provided by the applicant, (ii) the not-for-profit status of the applicant, and (iii) the condition that no profits are to be generated from the event. For the purposes of clause (ii), the applicant shall submit with the application, an affidavit certifying its not-for-profit status. The granting of such waiver shall be limited to two events per year for each applicant.

2. Establish limitations on the quantity and value of any gifts of alcoholic beverages made in the course of any business entertainment pursuant to subdivision A 22 of § 4.1-325 or subsection C of § 4.1-325.2.

3. Provide incentives to licensees with a proven history of compliance with state and federal laws and regulations to encourage licensees to conduct their business and related activities in a manner that is beneficial to the Commonwealth.

D. Board regulations shall be uniform in their application, except those relating to hours of sale for licensees.

E. Courts shall take judicial notice of Board regulations.

F. The Board's power to regulate shall be broadly construed.

§ 4.1-114. Annual review of operations of certain mixed beverage licensees.

The Board shall at least annually review the operations of each establishment holding a mixed beverage restaurant license and each person holding a caterer's license to determine whether during the preceding license year such licensee has met the food-beverage ratio required by ~~§ 4.1-210~~ *4.1-206.3*. If not met, the license granted to such licensee may be suspended or revoked. If the license is revoked, no new license may be granted to the licensee with respect to such

establishment or catering business for at least one year from the date of the revocation. For the purposes of this section and § ~~4.1-210~~ 4.1-206.3, "nonalcoholic beverage" shall not include any beverages, ice, water or other mixer served with an alcoholic beverage.

§ 4.1-119. (Effective until July 1, 2020) Operation of government stores.

A. Subject to the requirements of §§ 4.1-121 and 4.1-122, the Board may establish, maintain, and operate government stores for the sale of alcoholic beverages, other than beer and wine not produced by farm wineries, low alcohol beverage coolers, vermouth, mixers, products used in connection with distilled spirits, including any garnish or garnishment applied to the rim of a glass of distilled spirits, as may be approved by the Board from time to time, and products licensed by the Virginia Tourism Corporation as specified in § 4.1-103 in such counties, cities, and towns considered advisable by the Board. The Board may discontinue any such store.

B. With respect to the sale of wine or cider produced by farm wineries, the Board may give preference to farm wineries that produce 2,500 cases or less of wine or cider per year.

C. The Board shall fix the wholesale and retail prices at which the various classes, varieties and brands of alcoholic beverages and other Board-approved products that are sold in government stores. Differences in the cost of operating stores, and market competition and conditions may be reflected in the sale price of alcoholic beverages sold at government stores. The Board may sell alcoholic beverages to federal instrumentalities (i) authorized and operating under the laws of the United States and regulations of the United States Department of Defense and (ii) located within the boundaries of federal enclaves or reservations over which the United States has acquired jurisdiction, at prices which may be greater or less than the wholesale price charged other authorized purchasers. Nothing in this subsection shall be construed to limit the authority of the Board to fix the retail price of alcoholic beverages sold at government stores, which retail price may include promotional, volume, or other discounts deemed appropriate by the Board.

D. Alcoholic beverages at government stores shall be sold by employees of the Authority who shall carry out the provisions of this title and Board regulations governing the operation of government stores and the sale of alcoholic beverages, except that the Board may appoint the holder of a distiller's license or its officers and employees as agents of the Board for the sale of spirits and low alcohol beverage coolers, manufactured by or for, or blended by such licensee on the licensed premises, at government stores established by the Board (i) on the distiller's licensed premises or (ii) at the site of an event licensed by the Board and conducted for the purpose of featuring and educating the consuming public about spirits products.

Such agents shall sell the spirits and low alcohol beverage coolers in accordance with the provisions of this title, Board regulations, and the terms of the agency agreement between the Authority and the licensed distiller. The Authority shall pay a licensed distiller making sales pursuant to an agreement authorized by this subsection a commission of not less than 20 percent of the retail price of the goods sold.

For the purposes of this subsection, "blended" means the receipt by a licensed distiller of deliveries and shipments of alcoholic beverages, other than wine and beer, in accordance with subdivision 6 of § 4.1-201 to be (a) (1) additionally aged by the receiving distillery in order to increase the quality and flavor of such alcoholic beverages or (2) used in a low alcohol beverage cooler and (b) bottled by the receiving distillery.

E. No Class 1 neutral grain spirit or alcohol, as defined by federal regulations, that is without distinctive character, aroma, taste or color shall be sold in government stores at a proof greater than 151 except upon permits issued by the Board for industrial, commercial, culinary, or medical use.

F. All alcoholic beverages sold in government stores, except for tasting samples pursuant to subsection G sold in government stores established by the Board on a distiller's licensed premises, shall be in closed containers, sealed and affixed with labels prescribed by the Board.

G. No alcoholic beverages shall be consumed in a government store by any person unless it is part of an organized tasting event conducted by (i) an employee of a manufacturer of distilled spirits or farm winery or (ii) an authorized representative of a manufacturer of distilled spirits or farm winery with a permit issued by the Board pursuant to subdivision A ~~45~~ 14 of § 4.1-212, at which the samples of alcoholic beverages provided to any consumer do not exceed the limits for spirits or wine set forth in subdivision A 5 of § 4.1-201.1. No sample may be consumed by any individual to whom alcoholic beverages may not lawfully be sold pursuant to § 4.1-304.

Notwithstanding the provision of this subsection to the contrary, an agent of the Board appointed pursuant to subsection D may give samples of spirits, beer, wine, or cider to persons to whom alcoholic beverages may be lawfully sold for on-premises consumption, provided that (i) the spirits, beer, wine, or cider samples are manufactured within the same licensed premises or on contiguous premises of such agent licensed as a distillery, brewery, or winery; (ii) no single sample shall exceed four ounces of beer, two ounces of wine or cider, or one-half ounce of spirits, unless served as a mixed beverage, in which case a single sample of spirits may contain up to one and one-half ounces of spirits; (iii) ~~no more than four total samples of alcoholic beverage products or, in the case of spirits samples,~~ no more than 12 ounces of beer, five ounces of wine, or three ounces of spirits shall be given or sold to any person per day; and (iv) in the case of spirits samples, a method is used to track the consumption of each consumer. Nothing in this paragraph shall prohibit such agent from serving samples of spirits as part of a mixed beverage. Such mixed beverage samples may contain spirits or vermouth not manufactured on the licensed premises or on contiguous premises of the licensed distillery, provided that at least 75 percent of the alcohol used in such samples is manufactured on the licensed premises or on contiguous premises of the licensed distillery. An agent of the Board appointed pursuant to subsection D may keep on the licensed premises no more than

10 varieties of spirits or vermouth not manufactured on the licensed premises or on contiguous premises of the licensed distillery. Any spirits or vermouth used in such samples that are not manufactured on the licensed premises or on contiguous premises of the licensed distillery shall be purchased from the Board.

The Board shall establish guidelines governing tasting events conducted pursuant to this subsection.

H. With respect to purchases by licensees at government stores, the Authority shall (i) accept in payment for any purchase or series of purchases cash, electronic fund transfer, credit or debit card, or check payable to the Authority, in the exact amount of any such purchase or series of purchases and (ii) provide notice to licensees on Board policies relating to the assignment of government stores from which licensees may purchase products and any procedure for the licensee to elect to make purchases from an alternative government store.

I. With respect to purchases by consumers at government stores, the Authority shall accept cash in payment for any purchase or series of purchases. The Board may adopt regulations which provide for accepting a credit card or debit card as payment. Such regulations may provide for the collection, where appropriate, of related fees, penalties, and service charges for the use of a credit card or debit card by any consumer.

J. Before the Authority implements any increase in the markup on distilled spirits or any change to the markup formula for distilled spirits pursuant to § 4.1-235 that would result in an increase in the retail price of distilled spirits sold to the public, the Authority shall (i) provide at least 45 days' public notice before such a price increase takes effect; (ii) provide the opportunity for submission of written comments regarding the proposed price increase; (iii) conduct a public meeting for the purpose of receiving verbal comment regarding the proposed price increase; and (iv) consider any written or verbal comments before implementing such a price increase.

§ 4.1-119. (Effective July 1, 2020, until July 1, 2022) Operation of government stores.

A. Subject to the provisions of §§ 4.1-121 and 4.1-122, the Board may establish, maintain, and operate government stores for the sale of alcoholic beverages, other than beer and wine not produced by farm wineries, low alcohol beverage coolers, vermouth, mixers, products used in connection with distilled spirits, including any garnish or garnishment applied to the rim of a glass of distilled spirits, as may be approved by the Board from time to time, and products licensed by the Virginia Tourism Corporation as specified in § 4.1-103 in such counties, cities, and towns considered advisable by the Board. The Board may discontinue any such store.

B. With respect to the sale of wine or cider produced by farm wineries, the Board may give preference to farm wineries that produce 2,500 cases or less of wine or cider per year.

C. The Board shall fix the wholesale and retail prices at which the various classes, varieties and brands of alcoholic beverages and other Board-approved products that are sold in government stores. Differences in the cost of operating stores, and market competition and conditions may be reflected in the sale price of alcoholic beverages sold at government stores. The Board may sell alcoholic beverages to federal instrumentalities (i) authorized and operating under the laws of the United States and regulations of the United States Department of Defense and (ii) located within the boundaries of federal enclaves or reservations over which the United States has acquired jurisdiction, at prices which may be greater or less than the wholesale price charged other authorized purchasers. Nothing in this subsection shall be construed to limit the authority of the Board to fix the retail price of alcoholic beverages sold at government stores, which retail price may include promotional, volume, or other discounts deemed appropriate by the Board.

D. Alcoholic beverages at government stores shall be sold by employees of the Authority who shall carry out the provisions of this title and Board regulations governing the operation of government stores and the sale of alcoholic beverages, except that the Board may appoint the holder of a distiller's license or its officers and employees as agents of the Board for the sale of spirits and low alcohol beverage coolers, manufactured by or for, or blended by such licensee on the licensed premises, at government stores established by the Board (i) on the distiller's licensed premises or (ii) at the site of an event licensed by the Board and conducted for the purpose of featuring and educating the consuming public about spirits products.

Such agents shall sell the spirits and low alcohol beverage coolers in accordance with the provisions of this title, Board regulations, and the terms of the agency agreement between the Authority and the licensed distiller. The Authority shall pay a licensed distiller making sales pursuant to an agreement authorized by this subsection a commission of not less than 20 percent of the retail price of the goods sold. Monthly revenue transfers from the licensed distiller to the Board (a) may be submitted electronically and through other methods approved by the Board and (b) notwithstanding the provisions of §§ 2.2-1802 and 4.1-116, shall be limited to the amount due to the Board in applicable taxes and markups.

For the purposes of this subsection, "blended" means the receipt by a licensed distiller of deliveries and shipments of alcoholic beverages, other than wine and beer, in accordance with subdivision 6 of § 4.1-201 to be (a) (1) additionally aged by the receiving distillery in order to increase the quality and flavor of such alcoholic beverages or (2) used in a low alcohol beverage cooler and (b) bottled by the receiving distillery.

E. No Class 1 neutral grain spirit or alcohol, as defined by federal regulations, that is without distinctive character, aroma, taste or color shall be sold in government stores at a proof greater than 151 except upon permits issued by the Board for industrial, commercial, culinary, or medical use.

F. All alcoholic beverages sold in government stores, except for tasting samples pursuant to subsection G sold in government stores established by the Board on a distiller's licensed premises, shall be in closed containers, sealed and affixed with labels prescribed by the Board.

G. No alcoholic beverages shall be consumed in a government store by any person unless it is part of an organized tasting event conducted by (i) an employee of a manufacturer of distilled spirits or farm winery or (ii) an authorized representative of a manufacturer of distilled spirits or farm winery with a permit issued by the Board pursuant to subdivision A 45 14 of § 4.1-212, at which the samples of alcoholic beverages provided to any consumer do not exceed the limits for spirits or wine set forth in subdivision A 5 of § 4.1-201.1. No sample may be consumed by any individual to whom alcoholic beverages may not lawfully be sold pursuant to § 4.1-304.

Notwithstanding the provision of this subsection to the contrary, an agent of the Board appointed pursuant to subsection D may give samples of spirits, beer, wine, or cider to persons to whom alcoholic beverages may be lawfully sold for on-premises consumption, provided that (i) the spirits, beer, wine, or cider samples are manufactured within the same licensed premises or on contiguous premises of such agent licensed as a distillery, brewery, or winery; (ii) no single sample shall exceed four ounces of beer, two ounces of wine or cider, or one-half ounce of spirits, unless served as a mixed beverage, in which case a single sample of spirits may contain up to one and one-half ounces of spirits; (iii) ~~no more than four total samples of alcoholic beverage products or, in the case of spirits samples,~~ no more than 12 ounces of beer, five ounces of wine, or three ounces of spirits shall be given or sold to any person per day; and (iv) in the case of spirits samples, a method is used to track the consumption of each consumer. Nothing in this paragraph shall prohibit such agent from serving samples of spirits as part of a mixed beverage. Such mixed beverage samples may contain spirits or vermouth not manufactured on the licensed premises or on contiguous premises of the licensed distillery, provided that at least 75 percent of the alcohol used in such samples is manufactured on the licensed premises or on contiguous premises of the licensed distillery. An agent of the Board appointed pursuant to subsection D may keep on the licensed premises no more than 10 varieties of spirits or vermouth not manufactured on the licensed premises or on contiguous premises of the licensed distillery. Any spirits or vermouth used in such samples that are not manufactured on the licensed premises or on contiguous premises of the licensed distillery shall be purchased from the Board.

The Board shall establish guidelines governing tasting events conducted pursuant to this subsection.

Any case fee charged to a licensed distiller by the Board for moving spirits from the production and bailment area to the tasting area of a government store established by the Board on the distiller's licensed premises shall be waived if such spirits are moved by employees of the licensed distiller.

H. With respect to purchases by licensees at government stores, the Authority shall (i) accept in payment for any purchase or series of purchases cash, electronic fund transfer, credit or debit card, or check payable to the Authority, in the exact amount of any such purchase or series of purchases and (ii) provide notice to licensees on Board policies relating to the assignment of government stores from which licensees may purchase products and any procedure for the licensee to elect to make purchases from an alternative government store.

I. With respect to purchases by consumers at government stores, the Authority shall accept cash in payment for any purchase or series of purchases. The Board may adopt regulations which provide for accepting a credit card or debit card as payment. Such regulations may provide for the collection, where appropriate, of related fees, penalties, and service charges for the use of a credit card or debit card by any consumer.

J. Before the Authority implements any increase in the markup on distilled spirits or any change to the markup formula for distilled spirits pursuant to § 4.1-235 that would result in an increase in the retail price of distilled spirits sold to the public, the Authority shall (i) provide at least 45 days' public notice before such a price increase takes effect; (ii) provide the opportunity for submission of written comments regarding the proposed price increase; (iii) conduct a public meeting for the purpose of receiving verbal comment regarding the proposed price increase; and (iv) consider any written or verbal comments before implementing such a price increase.

§ 4.1-119. (Effective July 1, 2022) Operation of government stores.

A. Subject to the provisions of §§ 4.1-121 and 4.1-122, the Board may establish, maintain, and operate government stores for the sale of alcoholic beverages, other than beer and wine not produced by farm wineries, low alcohol beverage coolers, vermouth, mixers, products used in connection with distilled spirits, including any garnish or garnishment applied to the rim of a glass of distilled spirits, as may be approved by the Board from time to time, and products licensed by the Virginia Tourism Corporation as specified in § 4.1-103 in such counties, cities, and towns considered advisable by the Board. The Board may discontinue any such store.

B. With respect to the sale of wine or cider produced by farm wineries, the Board may give preference to farm wineries that produce 2,500 cases or less of wine or cider per year.

C. The Board shall fix the wholesale and retail prices at which the various classes, varieties and brands of alcoholic beverages and other Board-approved products that are sold in government stores. Differences in the cost of operating stores, and market competition and conditions may be reflected in the sale price of alcoholic beverages sold at government stores. The Board may sell alcoholic beverages to federal instrumentalities (i) authorized and operating under the laws of the United States and regulations of the United States Department of Defense and (ii) located within the boundaries of federal enclaves or reservations over which the United States has acquired jurisdiction, at prices which may be greater or less than the wholesale price charged other authorized purchasers. Nothing in this subsection shall be construed to limit the authority of the Board to fix the retail price of alcoholic beverages sold at government stores, which retail price may include promotional, volume, or other discounts deemed appropriate by the Board.

D. Alcoholic beverages at government stores shall be sold by employees of the Authority who shall carry out the provisions of this title and Board regulations governing the operation of government stores and the sale of alcoholic

beverages, except that the Board may appoint the holder of a distiller's license or its officers and employees as agents of the Board for the sale of spirits and low alcohol beverage coolers, manufactured by or for, or blended by such licensee on the licensed premises, at government stores established by the Board (i) on the distiller's licensed premises or (ii) at the site of an event licensed by the Board and conducted for the purpose of featuring and educating the consuming public about spirits products.

Such agents shall sell the spirits and low alcohol beverage coolers in accordance with the provisions of this title, Board regulations, and the terms of the agency agreement between the Authority and the licensed distiller. The Authority shall pay a licensed distiller making sales pursuant to an agreement authorized by this subsection a commission of not less than 20 percent of the retail price of the goods sold. Monthly revenue transfers from the licensed distiller to the Board (a) may be submitted electronically and through other methods approved by the Board and (b) notwithstanding the provisions of §§ 2.2-1802 and 4.1-116, shall be limited to the amount due to the Board in applicable taxes and markups.

For the purposes of this subsection, "blended" means the receipt by a licensed distiller of deliveries and shipments of alcoholic beverages, other than wine and beer, in accordance with subdivision 6 of § 4.1-201 to be (a) (1) additionally aged by the receiving distillery in order to increase the quality and flavor of such alcoholic beverages or (2) used in a low alcohol beverage cooler and (b) bottled by the receiving distillery.

E. No Class 1 neutral grain spirit or alcohol, as defined by federal regulations, that is without distinctive character, aroma, taste or color shall be sold in government stores at a proof greater than 101 except upon permits issued by the Board for industrial, commercial, culinary, or medical use.

F. All alcoholic beverages sold in government stores, except for tasting samples pursuant to subsection G sold in government stores established by the Board on a distiller's licensed premises, shall be in closed containers, sealed and affixed with labels prescribed by the Board.

G. No alcoholic beverages shall be consumed in a government store by any person unless it is part of an organized tasting event conducted by (i) an employee of a manufacturer of distilled spirits or farm winery or (ii) an authorized representative of a manufacturer of distilled spirits or farm winery with a permit issued by the Board pursuant to subdivision A ~~14~~ 14 of § 4.1-212, at which the samples of alcoholic beverages provided to any consumer do not exceed the limits for spirits or wine set forth in subdivision A 5 of § 4.1-201.1. No sample may be consumed by any individual to whom alcoholic beverages may not lawfully be sold pursuant to § 4.1-304.

Notwithstanding the provision of this subsection to the contrary, an agent of the Board appointed pursuant to subsection D may give samples of spirits, beer, wine, or cider to persons to whom alcoholic beverages may be lawfully sold for on-premises consumption, provided that (i) the spirits, beer, wine, or cider samples are manufactured within the same licensed premises or on contiguous premises of such agent licensed as a distillery, brewery, or winery; (ii) no single sample shall exceed four ounces of beer, two ounces of wine or cider, or one-half ounce of spirits, unless served as a mixed beverage, in which case a single sample of spirits may contain up to one and one-half ounces of spirits; (iii) ~~no more than four total samples of alcoholic beverage products or, in the case of spirits samples, no more than 12 ounces of beer, five ounces of wine, or three ounces of spirits shall be given or sold to any person per day; and (iv) in the case of spirits samples, a method is used to track the consumption of each consumer. Nothing in this paragraph shall prohibit such agent from serving samples of spirits as part of a mixed beverage. Such mixed beverage samples may contain spirits or vermouth not manufactured on the licensed premises or on contiguous premises of the licensed distillery, provided that at least 75 percent of the alcohol used in such samples is manufactured on the licensed premises or on contiguous premises of the licensed distillery. An agent of the Board appointed pursuant to subsection D may keep on the licensed premises no more than 10 varieties of spirits or vermouth not manufactured on the licensed premises or on contiguous premises of the licensed distillery. Any spirits or vermouth used in such samples that are not manufactured on the licensed premises or on contiguous premises of the licensed distillery shall be purchased from the Board.~~

The Board shall establish guidelines governing tasting events conducted pursuant to this subsection.

Any case fee charged to a licensed distiller by the Board for moving spirits from the production and bailment area to the tasting area of a government store established by the Board on the distiller's licensed premises shall be waived if such spirits are moved by employees of the licensed distiller.

H. With respect to purchases by licensees at government stores, the Authority shall (i) accept in payment for any purchase or series of purchases cash, electronic fund transfer, credit or debit card, or check payable to the Authority, in the exact amount of any such purchase or series of purchases and (ii) provide notice to licensees on Board policies relating to the assignment of government stores from which licensees may purchase products and any procedure for the licensee to elect to make purchases from an alternative government store.

I. With respect to purchases by consumers at government stores, the Authority shall accept cash in payment for any purchase or series of purchases. The Board may adopt regulations which provide for accepting a credit card or debit card as payment. Such regulations may provide for the collection, where appropriate, of related fees, penalties, and service charges for the use of a credit card or debit card by any consumer.

J. Before the Authority implements any increase in the markup on distilled spirits or any change to the markup formula for distilled spirits pursuant to § 4.1-235 that would result in an increase in the retail price of distilled spirits sold to the public, the Authority shall (i) provide at least 45 days' public notice before such a price increase takes effect; (ii) provide the opportunity for submission of written comments regarding the proposed price increase; (iii) conduct a public meeting for

the purpose of receiving verbal comment regarding the proposed price increase; and (iv) consider any written or verbal comments before implementing such a price increase.

§ 4.1-124. (Effective until July 1, 2020) Referendum on the sale of mixed beverages.

A. The provisions of this title relating to the sale of mixed beverages shall not become effective in any town, county, or supervisor's election district of a county until a majority of the voters voting in a referendum vote affirmatively on the question of whether mixed alcoholic beverages should be sold by restaurants licensed under this title. The qualified voters of a town, county, or supervisor's election district of a county may file a petition with the circuit court of the county asking that a referendum be held on the question of whether the sale of mixed beverages by restaurants licensed by the Board should be permitted within that jurisdiction. The petition shall be signed by qualified voters equal in number to at least 10 percent of the number registered in the town, county, or supervisor's election district on January 1 preceding its filing or at least 100 qualified voters, whichever is greater.

Petition requirements for any county shall be based on the number of registered voters in the county, including the number of registered voters in any town having a population in excess of 1,000 located within such county. Upon the filing of a petition, and under no other circumstances, the court shall order the election officials of the county to conduct a referendum on the question.

The clerk of the circuit court of the county shall publish notice of the referendum in a newspaper of general circulation in the town, county, or supervisor's election district once a week for three consecutive weeks prior to the referendum.

The question on the ballot shall be:

"Shall the sale of mixed alcoholic beverages by restaurants licensed by the Virginia Alcoholic Beverage Control Authority be permitted in _____ (name of town, county, or supervisor's election district of county)?"

The referendum shall be ordered and held and the results certified as provided in Article 5 (§ 24.2-681 et seq.) of Chapter 6 of Title 24.2. Thereupon the court shall enter of record an order certified by the clerk of the court to be transmitted to the Board and to the governing body of the town or county. Mixed beverages permitted to be sold by such referendum may in accordance with this title be sold by restaurants licensed by the Board within the town, county, or supervisor's election district of a county on or after 30 days following the entry of the order if a majority of the voters voting in the referendum have voted "Yes."

The provisions of this section shall be applicable to towns having a population in excess of 1,000 to the same extent and subject to the same conditions and limitations as are otherwise applicable to counties under this section. Such towns shall be treated as separate local option units, and only residents of any such town shall be eligible to vote in any referendum held pursuant to this section for any such town. Residents of towns having a population in excess of 1,000, however, shall also be eligible to vote in any referendum held pursuant to this section for any county in which the town is located.

The provisions of this section shall not require any town created as a result of a city-to-town reversion pursuant to Chapter 41 (§ 15.2-4100 et seq.) of Title 15.2 to hold a referendum on the same question if a majority of the voters voting in the former city had previously approved the sale of mixed beverages by restaurants licensed by the Board in such city.

B. Once a referendum has been held, no other referendum on the same question shall be held in the town, county, or supervisor's election district of a county for a period of 23 months.

C. Notwithstanding the provisions of subsection A, the sale of mixed beverages shall be allowed on property dedicated for industrial or commercial development and controlled through the provision of public utilities and covenanting of the land by any multijurisdictional industrial development authority, as set forth under Chapter 49 (§ 15.2-4900 et seq.) of Title 15.2, provided that (i) such authority operates under a partnership agreement between three or more counties, cities, or towns and such jurisdictions participate administratively and financially in the authority and (ii) the sale of mixed beverages is permitted in one of the member counties, cities, towns, or a supervisor's election district of one of the counties and that the governing board of the authority authorizes an establishment located within the confines of such property to apply to the Board for such license. The appropriate license fees shall be paid for this privilege.

D. Notwithstanding the provisions of subsection A of this section and subsection C of § 4.1-122, the sale of mixed beverages by licensees, and the sale of alcoholic beverages other than beer and wine not produced by farm wineries by the Board, shall be allowed in any city in the Commonwealth.

E. Notwithstanding the provisions of subsection A, the Board may grant a mixed beverage restaurant license to a restaurant located on the premises of and operated by a private club exclusively for its members and their guests, subject to the qualifications and restrictions on the issuance of such license imposed by § ~~4.1-210~~ 4.1-206.3. However, no license authorized by this subsection shall be granted if the private club restricts its membership on the basis of race, color, creed, national origin, or sex.

§ 4.1-124. (Effective July 1, 2020) Referendum on the sale of mixed beverages.

A. The provisions of this title relating to the sale of mixed beverages shall be effective in any town, county, or supervisor's election district of a county unless a majority of the voters voting in a referendum vote "Yes" on the question of whether the sale of mixed alcoholic beverages by restaurants licensed under this title should be prohibited. The qualified voters of a town, county, or supervisor's election district of a county may file a petition with the circuit court of the county asking that a referendum be held on the question of whether the sale of mixed beverages by restaurants licensed by the Board should be prohibited within that jurisdiction. The petition shall be signed by qualified voters equal in number to at least 10 percent of the number registered in the town, county, or supervisor's election district on January 1 preceding its filing or at least 100 qualified voters, whichever is greater.

Petition requirements for any county shall be based on the number of registered voters in the county, including the number of registered voters in any town having a population in excess of 1,000 located within such county. Upon the filing of a petition, and under no other circumstances, the court shall order the election officials of the county to conduct a referendum on the question.

The clerk of the circuit court of the county shall publish notice of the referendum in a newspaper of general circulation in the town, county, or supervisor's election district once a week for three consecutive weeks prior to the referendum.

The question on the ballot shall be:

"Shall the sale of mixed alcoholic beverages by restaurants licensed by the Virginia Alcoholic Beverage Control Authority be prohibited in _____ (name of town, county, or supervisor's election district of county)?"

The referendum shall be ordered and held and the results certified as provided in Article 5 (§ 24.2-681 et seq.) of Chapter 6 of Title 24.2. Thereupon the court shall enter of record an order certified by the clerk of the court to be transmitted to the Board and to the governing body of the town or county. Mixed beverages prohibited from sale by such referendum shall not be sold by restaurants within the town, county, or supervisor's election district of a county on or after 30 days following the entry of the order if a majority of the voters voting in the referendum have voted "Yes."

The provisions of this section shall be applicable to towns having a population in excess of 1,000 to the same extent and subject to the same conditions and limitations as are otherwise applicable to counties under this section. Such towns shall be treated as separate local option units, and only residents of any such town shall be eligible to vote in any referendum held pursuant to this section for any such town. Residents of towns having a population in excess of 1,000, however, shall also be eligible to vote in any referendum held pursuant to this section for any county in which the town is located.

Notwithstanding the provisions of this section, the sale of mixed beverages by restaurants shall be prohibited in any town created as a result of a city-to-town reversion pursuant to Chapter 41 (§ 15.2-4100 et seq.) of Title 15.2 if a referendum on the question of whether the sale of mixed beverages by restaurants licensed under this title should be prohibited was previously held in the former city and a majority of the voters voting in such referendum voted "Yes."

B. Once a referendum has been held, no other referendum on the same question shall be held in the town, county, or supervisor's election district of a county for a period of 23 months.

C. Notwithstanding the provisions of subsection A, the sale of mixed beverages shall be allowed on property dedicated for industrial or commercial development and controlled through the provision of public utilities and covenanting of the land by any multijurisdictional industrial development authority, as set forth under Chapter 49 (§ 15.2-4900 et seq.) of Title 15.2, provided that (i) such authority operates under a partnership agreement between three or more counties, cities, or towns and such jurisdictions participate administratively and financially in the authority and (ii) the sale of mixed beverages is permitted in one of the member counties, cities, towns, or a supervisor's election district of one of the counties and that the governing board of the authority authorizes an establishment located within the confines of such property to apply to the Board for such license. The appropriate license fees shall be paid for this privilege.

D. Notwithstanding the provisions of subsection A of this section and subsection C of § 4.1-122, the sale of mixed beverages by licensees, and the sale of alcoholic beverages other than beer and wine not produced by farm wineries by the Board, shall be allowed in any city in the Commonwealth.

E. Notwithstanding the provisions of subsection A, the Board may grant a mixed beverage restaurant license to a restaurant located on the premises of and operated by a private club exclusively for its members and their guests, subject to the qualifications and restrictions on the issuance of such license imposed by § ~~4.1-210~~ 4.1-206.3. However, no license authorized by this subsection shall be granted if the private club restricts its membership on the basis of race, color, creed, national origin, or sex.

§ 4.1-132. Transportation into or within Commonwealth under internal revenue bond and holding in warehouses; release.

A. Alcoholic beverages may be transported into the Commonwealth under United States internal revenue bonds and be held in the Commonwealth in United States internal revenue bonded warehouses. Alcoholic beverages may be removed from any such warehouse, wherever situated, to such a warehouse located in the Commonwealth and be held in the Commonwealth.

B. Alcoholic beverages may be transported within the Commonwealth under United States internal revenue bonds and be held in United States internal revenue bonded warehouses. Alcoholic beverages may be removed from any such warehouse and transported to a winery or farm winery licensee in accordance with § ~~4.1-207~~ 4.1-206.1.

C. Alcoholic beverages so transported or removed to such warehouses in the Commonwealth shall be released from internal revenue bonds in the Commonwealth only on permits issued by the Board for delivery to (i) boats engaged in foreign trade, trade between the Atlantic and Pacific ports of the United States, or trade between the United States and any of its possessions outside of the several states and the District of Columbia; (ii) installations of the United States Department of Defense; or (iii) holders of permits issued in accordance with subdivision A ~~13~~ of § 4.1-212.

§ 4.1-201. Conduct not prohibited by this title; limitation.

A. Nothing in this title or any Board regulation adopted pursuant thereto shall prohibit:

1. Any club licensed under this chapter from keeping for consumption by its members any alcoholic beverages lawfully acquired by such members, provided the alcoholic beverages are not sold, dispensed or given away in violation of this title.

2. Any person from having grain, fruit or fruit products and any other substance, when grown or lawfully produced by him, distilled by any distillery licensee, and selling the distilled alcoholic beverages to the Board or selling or shipping them to any person outside of the Commonwealth in accordance with Board regulations. However, no alcoholic beverages so distilled shall be withdrawn from the place where distilled except in accordance with Board regulations.

3. Any person licensed to manufacture and sell, or either, in the Commonwealth or elsewhere, alcoholic beverages other than wine or beer, from soliciting and taking orders from the Board for such alcoholic beverages.

4. The receipt by a person operating a licensed brewery of deliveries and shipments of beer in closed containers or the sale, delivery or shipment of such beer, in accordance with Board regulations to (i) persons licensed to sell beer at wholesale, (ii) persons licensed to sell beer at retail for the purpose of resale only as provided in subdivision B 4 of § 4.1-216, (iii) owners of boats registered under the laws of the United States sailing for ports of call of a foreign country or another state, and (iv) persons outside the Commonwealth for resale outside the Commonwealth.

5. The granting of any retail license to a brewery, distillery, or winery licensee, or to an applicant for such license, or to a lessee of such person, a wholly owned subsidiary of such person, or its lessee, provided the places of business or establishments for which the retail licenses are desired are located upon the premises occupied or to be occupied by such distillery, winery, or brewery, or upon property of such person contiguous to such premises, or in a development contiguous to such premises owned and operated by such person or a wholly owned subsidiary.

6. The receipt by a distillery licensee of deliveries and shipments of alcoholic beverages, other than wine and beer, in closed containers from other distilleries, or the sale, delivery or shipment of such alcoholic beverages, in accordance with Board regulations, to the Board and to persons outside the Commonwealth for resale outside the Commonwealth.

7. The receipt by a farm winery or winery licensee of deliveries and shipments of wine in closed containers from other wineries or farm wineries located inside or outside the Commonwealth, or the receipt by a winery licensee or farm winery licensee of deliveries and shipments of spirits distilled from fruit or fruit juices in closed containers from distilleries located inside or outside the Commonwealth to be used only for the fortification of wine produced by the licensee in accordance with Board regulations, or the sale, delivery or shipment of such wine, in accordance with Board regulations, to persons licensed to sell wine at wholesale for the purpose of resale, and to persons outside the Commonwealth for resale outside the Commonwealth.

~~8. The receipt by a fruit distillery licensee of deliveries and shipments of alcoholic beverages made from fruit or fruit juices in closed containers from other fruit distilleries owned by such licensee, or the sale, delivery or shipment of such alcoholic beverages, in accordance with Board regulations, to persons outside of the Commonwealth for resale outside of the Commonwealth.~~

9. Any farm winery or winery licensee from shipping or delivering its wine in closed containers to another farm winery or winery licensee for the purpose of additional bottling in accordance with Board regulations and the return of the wine so bottled to the manufacturing farm winery or winery licensee.

~~10.~~ 9. Any farm winery or winery licensee from selling and shipping or delivering its wine in closed containers to another farm winery or winery licensee, the wine so sold and shipped or delivered to be used by the receiving licensee in the manufacture of wine. Any wine received under this subsection shall be deemed an agricultural product produced in the Commonwealth for the purposes of § 4.1-219, to the extent it is produced from fresh fruits or agricultural products grown or produced in the Commonwealth. The selling licensee shall provide to the receiving licensee, and both shall maintain complete and accurate records of, the source of the fresh fruits or agricultural products used to produce the wine so transferred.

~~11.~~ 10. Any retail on-premises beer licensee, his agent or employee, from giving a sample of beer to persons to whom alcoholic beverages may be lawfully sold for on-premises consumption, or retail on-premises on-and-off-premises wine or beer licensee, his agent or employee, from giving a sample of wine or beer to persons to whom alcoholic beverages may be lawfully sold for on-premises consumption, or any mixed beverage licensee, his agent or employee, from giving a sample of wine, beer, or spirits to persons to whom alcoholic beverages may be lawfully sold for on-premises consumption. Samples of wine shall not exceed two ounces, samples of beer shall not exceed four ounces, and samples of spirits shall not exceed one-half ounce, *unless served as a mixed beverage, in which case a sample of spirits may contain up to one and one-half ounces of spirits.* No more than ~~two product samples~~ *12 ounces of beer, five ounces of wine, or three ounces of spirits* shall be given to any person per ~~visit~~ *day*.

~~12.~~ 11. Any manufacturer, including any vendor authorized by any such manufacturer, whether or not licensed in the Commonwealth, from selling service items bearing alcoholic brand references to on-premises retail licensees or prohibit any such retail licensee from displaying the service items on the premises of his licensed establishment. Each such retail licensee purchasing such service items shall retain a copy of the evidence of his payment to the manufacturer or authorized vendor for a period of not less than two years from the date of each sale of the service items. As used in this subdivision, "service items" mean articles of tangible personal property normally used by the employees of on-premises retail licensees to serve alcoholic beverages to customers including, but not limited to, glasses, napkins, buckets, and coasters.

~~13.~~ 12. Any employee of an alcoholic beverage wholesaler or manufacturer, whether or not licensed in the Commonwealth, from distributing to retail licensees and their employees novelties and specialties, including wearing apparel, having a wholesale value of \$10 or less and that bear alcoholic beverage advertising. Such items may be distributed to retail licensees in quantities equal to the number of employees of the retail establishment present at the time the items are delivered. Thereafter, such employees may wear or display the items on the licensed premises.

~~14- 13.~~ Any (i) retail on-premises wine ~~or~~ and beer licensee, his agent or employee from offering for sale or selling for one price to any person to whom alcoholic beverages may be lawfully sold a flight of wines or beers consisting of samples of not more than five different wines or beers and (ii) mixed beverage licensee, his agent or employee from offering for sale or selling for one price to any person to whom alcoholic beverages may be lawfully sold a flight of distilled spirits consisting of samples of not more than five different spirits products.

~~15- 14.~~ Any restaurant licensed under this chapter from permitting the consumption of lawfully acquired wine, beer, or cider by bona fide customers on the premises in all areas and locations covered by the license, provided that (i) all such wine, beer, or cider shall have been acquired by the customer from a retailer licensed to sell such alcoholic beverages and (ii) no such wine, beer, or cider shall be brought onto the licensed premises by the customer except in sealed, nonresealable bottles or cans. The licensee may charge a corkage fee to such customer for the wine, beer, or cider so consumed; however, the licensee shall not charge any other fee to such customer.

~~16- 15.~~ Any winery, farm winery, wine importer, ~~or~~ wine wholesaler, *brewery, limited brewery, beer importer, beer wholesaler, or distiller* licensee from providing to adult customers of licensed retail establishments information about wine, beer, or spirits being consumed on such premises.

~~17- 16.~~ Any private swim club operated by a duly organized nonprofit corporation or association from allowing members to bring lawfully acquired alcoholic beverages onto the premises of such club and consume such alcoholic beverages on the premises of such club.

B. No deliveries or shipments of alcoholic beverages to persons outside the Commonwealth for resale outside the Commonwealth shall be made into any state the laws of which prohibit the consignee from receiving or selling the same.

§ 4.1-201.1. Conduct not prohibited by this title; tastings conducted by manufacturers, wine or beer wholesalers, and authorized representatives.

A. Manufacturers of alcoholic beverages, whether or not licensed in the Commonwealth, and wine or beer wholesalers may conduct tastings of wine, beer, or spirits within hotels, restaurants, and clubs licensed for on-premises consumption provided:

1. The tastings are conducted only by (i) employees of such manufacturers or wholesalers or (ii) authorized representatives of such manufacturers or wholesalers, which authorized representatives have obtained a permit in accordance with subdivision A ~~15 14~~ of § 4.1-212;

2. Such employees or authorized representatives are present while the tastings are being conducted;

3. No category of alcoholic beverage products is offered to consumers unless the retail licensee on whose premises the tasting is conducted is licensed to sell that category of alcoholic beverage product;

4. All alcoholic beverage products used in the tasting are served to the consumer by employees of the retail licensee;

5. The quantity of wine, beer, or spirits provided to any person during the tasting does not exceed ~~12 16~~ ounces of beer, ~~five six~~ ounces of wine, or one and one-half ounces of spirits; however, for any spirits tastings, no single sample shall exceed one-half ounce ~~per of spirits product offered and no more than three spirits products may be offered to any patron, unless served as a mixed beverage, in which case a single sample of spirits may contain up to one and one-half ounces of spirits; and~~

6. All alcoholic beverage products used in the tasting are purchased from the retail licensee on whose premises the tasting is conducted; except that no more than \$100 may be expended by or on behalf of any such manufacturer or wholesaler at any retail licensed premises during any 24-hour period. For the purposes of this subdivision, the \$100 limitation shall be exclusive of taxes and gratuities, which gratuities may not exceed 20 percent of the cost of the alcoholic beverages, including taxes, for the alcoholic beverages purchased for the tasting.

B. Manufacturers, wholesalers, and their authorized representatives shall keep complete records of each tasting authorized by this section for a period of not less than two years, which records shall include the date and place of each tasting conducted and the dollar amount expended by the manufacturer, wholesaler, or his agent or representative in the purchase of the alcoholic beverages used in the tasting.

C. Manufacturers and wholesalers shall be held liable for any violation of this section committed by their employees or authorized representative in connection with their employment or representation at any tasting event.

§ 4.1-203. Separate license for each place of business; transfer or amendment; posting; expiration; carriers.

A. Each license granted by the Board shall designate the place where the business of the licensee will be carried on. Except as otherwise provided in §§ ~~4.1-207 and 4.1-208~~ 4.1-206.1, 4.1-206.2, and 4.1-206.3, a separate license shall be required for each separate place of business.

B. No license shall be transferable from one person to another, or from one location to another. The Board may permit a licensee to amend the classification of an existing license without complying with the posting and publishing procedures required by § 4.1-230 if the effect of the amendment is to reduce materially the privileges of an existing license. However, if (i) the Board determines that the amendment is a device to evade the provisions of this chapter, (ii) a majority of the corporate stock of a retail licensee is sold to a new entity, or (iii) there is a change of business at the premises of a retail licensee, the Board may, within 30 days of receipt of written notice by the licensee of a change in ownership or a change of business, require the licensee to comply with any or all of the requirements of § 4.1-230. If the Board fails to exercise its authority within the 30-day period, the licensee shall not be required to reapply for a license. The licensee shall submit such written notice to the Secretary of the Board.

C. Each license shall be posted in a location conspicuous to the public at the place where the licensee carries on the business for which the license is granted.

D. The privileges conferred by any license granted by the Board, except for temporary licenses, banquet and mixed beverage special events licenses, shall continue until the last day of the twelfth month next ensuing or the last day of the designated month and year of expiration, except the license may be sooner terminated for any cause for which the Board would be entitled to refuse to grant a license, by operation of law, voluntary surrender or order of the Board.

The Board may grant licenses for one year or for multiple years, not to exceed three years, based on the fees set forth in § ~~4.1-234~~ 4.1-231.1. Qualification for a multiyear license shall be determined on the basis of criteria established by the Board. Fees for multiyear licenses shall not be refundable except as provided in § 4.1-232. The Board may provide a discount for two-year or three-year licenses, not to exceed five percent of the applicable license fee, which extends for one fiscal year and shall not be altered or rescinded during such period.

The Board may permit a licensee who fails to pay:

1. The required license tax covering the continuation or reissuance of his license by midnight of the fifteenth day of the twelfth month or of the designated month of expiration, whichever is applicable, to pay the tax in lieu of posting and publishing notice and reapplying, provided payment of the tax is made within 30 days following that date and is accompanied by a civil penalty of \$25 or 10 percent of such tax, whichever is greater; and

2. The tax and civil penalty pursuant to subdivision 1 to pay the tax in lieu of posting and publishing notice and reapplying, provided payment of the tax is made within 45 days following the 30 days specified in subdivision 1 and is accompanied by a civil penalty of \$100 or 25 percent of such tax, whichever is greater.

Such civil penalties collected by the Board shall be deposited in accordance with § 4.1-114.

E. Subsections A and C shall not apply to common carriers of passengers by train, boat, *bus*, or airplane.

§ 4.1-204. Records of licensees; inspection of records and places of business.

A. Manufacturers, bottlers or wholesalers. — Every licensed manufacturer, bottler or wholesaler shall keep complete, accurate and separate records in accordance with Board regulations of all alcoholic beverages purchased, manufactured, bottled, sold or shipped by him, and the applicable tax required by § 4.1-234 or 4.1-236, if any.

B. Retailers. — Every retail licensee shall keep complete, accurate, and separate records, in accordance with Board regulations, of all purchases of alcoholic beverages, the prices charged such licensee therefor, and the names and addresses of the persons from whom purchased. Every retail licensee shall also preserve all invoices showing his purchases for a period as specified by Board regulations. He shall also keep an accurate account of daily sales, showing quantities of alcoholic beverages sold and the total price charged by him therefor. Except as otherwise provided in subsection D, such account need not give the names or addresses of the purchasers thereof, except as may be required by Board regulation for the sale of alcoholic beverages in kegs. In the case of persons holding retail licenses ~~which~~ that require sales of food to determine their qualifications for such licenses, the records shall also include purchases and sales of food and nonalcoholic beverages.

Notwithstanding the provisions of subsection F, electronic records of retail licensees may be stored off site, provided that such records are readily retrievable and available for electronic inspection by the Board or its special agents at the licensed premises. However, in the case that such electronic records are not readily available for electronic inspection on the licensed premises, the retail licensee may obtain Board approval, for good cause shown, to permit the retail licensee to provide the records to a special agent of the Board within three business days or less, as determined by the Board, after a request is made to inspect the records.

C. Common carriers. — Common carriers of passengers by train, boat, *bus*, or airplane shall keep records of purchases and sales of alcoholic beverages and food as required by Board regulation.

D. Wine shippers and beer shippers. — Every wine ~~shipper licensee~~ and every beer shipper licensee shall keep complete, accurate, and separate records in accordance with Board regulations of all shipments of wine or beer to persons in the Commonwealth. Such licensees shall also remit on a monthly basis an accurate account stating whether any wine, farm wine, or beer products were sold and shipped and, if so, stating the total quantities of wine and beer sold and the total price charged for such wine and beer. Such records shall include the names and addresses of the purchasers to whom the wine and beer is shipped.

E. ~~Delivery permittees~~ Deliveries. — Every ~~holder of a delivery permit issued licensee or permittee that is authorized to make deliveries~~ pursuant to § 4.1-212.1 shall keep complete, accurate, and separate records for a period of at least two years in accordance with Board regulations of all deliveries of wine or beer to persons in the Commonwealth. Such records shall include (i) the brands of wine and beer sold, (ii) the total quantities of wine and beer sold, (iii) the total price charged for such wine and beer, and (iv) the names, addresses, and signatures of the purchasers to whom the wine and beer is delivered. Such purchaser signatures may be in an electronic format. ~~Permittees~~ Licensees and permittees shall remit such records on a monthly basis for any month during which the licensee or permittee makes a delivery for which the licensee or permittee is required to collect and remit excise taxes due to the Authority pursuant to subsection ~~D~~ E of § 4.1-212.1.

F. Inspection. — The Board and its special agents shall be allowed free access during reasonable hours to every place in the Commonwealth and to the premises of both (i) every wine ~~shipper licensee~~ and beer shipper licensee and (ii) every ~~delivery licensee or permittee authorized to make deliveries~~ wherever located where alcoholic beverages are manufactured, bottled, stored, offered for sale or sold, for the purpose of examining and inspecting such place and all records, invoices and accounts therein. The Board may engage the services of alcoholic beverage control authorities in any state to assist with the

inspection of the premises of a wine ~~shipper licensee, a~~ and beer shipper licensee, ~~or delivery licensee or permittee~~ authorized to make deliveries, or any applicant for such license or permit.

For purposes of a Board inspection of the records of any retail licensees, "reasonable hours" means the hours between 9 a.m. and 5 p.m.; however, if the licensee generally is not open to the public substantially during the same hours, "reasonable hours" shall mean the business hours when the licensee is open to the public. At any other time of day, if the retail licensee's records are not available for inspection, the retailer shall provide the records to a special agent of the Board within 24 hours after a request is made to inspect the records.

§ 4.1-205. Local licenses.

A. In addition to the state licenses provided for in this chapter, the governing body of each county, city or town in the Commonwealth may provide by ordinance for the issuance of county, city or town licenses and to charge and collect license taxes therefor, to persons licensed by the Board to manufacture, bottle or sell alcoholic beverages within such county, city or town, except for temporary licenses authorized by § 4.1-211. Subject to § ~~4.1-233~~ 4.1-233.1, the governing body of a county, city or town may classify licenses and graduate the license taxes therefor in the manner it deems proper.

B. No county, city, or town shall issue a local license to any person who does not hold or secure simultaneously the proper state license. If any person holds any local license without at the same time holding the proper state license, the local license, during the period when such person does not hold the proper state license, shall confer no privileges under the provisions of this title.

§ 4.1-206.1. Manufacturer licenses.

The Board may grant the following manufacturer licenses:

1. *Distiller's licenses, which shall authorize the licensee to manufacture alcoholic beverages other than wine and beer, and to sell and deliver or ship the same, in accordance with Board regulations, in closed containers, to the Board and to persons outside the Commonwealth for resale outside the Commonwealth. When the Board has established a government store on the distiller's licensed premises pursuant to subsection D of § 4.1-119, such license shall also authorize the licensee to make a charge to consumers to participate in an organized tasting event conducted in accordance with subsection G of § 4.1-119 and Board regulations.*

2. *Limited distiller's licenses, to distilleries that manufacture not more than 36,000 gallons of alcoholic beverages other than wine or beer per calendar year, provided (i) the distillery is located on a farm in the Commonwealth on land zoned agricultural and owned or leased by such distillery or its owner and (ii) agricultural products used by such distillery in the manufacture of its alcoholic beverages are grown on the farm. Limited distiller's licensees shall be treated as distillers for all purposes of this title except as otherwise provided in this subdivision. For purposes of this subdivision, "land zoned agricultural" means (a) land zoned as an agricultural district or classification or (b) land otherwise permitted by a locality for limited distillery use. For purposes of this subdivision, "land zoned agricultural" does not include land zoned "residential conservation." Except for the limitation on land zoned "residential conservation," nothing in this definition shall otherwise limit or affect local zoning authority.*

3. *Brewery licenses, which shall authorize the licensee to manufacture beer and to sell and deliver or ship the beer so manufactured, in accordance with Board regulations, in closed containers to (i) persons licensed to sell the beer at wholesale and (ii) persons outside the Commonwealth for resale outside the Commonwealth. Such license shall also authorize the licensee to sell at retail at premises described in the brewery license (a) the brands of beer that the brewery owns for on-premises consumption, provided that not less than 20 percent of the volume of beer sold for on-premises consumption in any calendar year is manufactured on the licensed premises, and (b) beer in closed containers, which shall include growlers and other reusable containers, for off-premises consumption.*

4. *Limited brewery licenses, to breweries that manufacture no more than 15,000 barrels of beer per calendar year, provided that (i) the brewery is located on a farm in the Commonwealth on land zoned agricultural and owned or leased by such brewery or its owner and (ii) agricultural products, including barley, other grains, hops, or fruit, used by such brewery in the manufacture of its beer are grown on the farm. The licensed premises shall be limited to the portion of the farm on which agricultural products, including barley, other grains, hops, or fruit, used by such brewery in the manufacture of its beer are grown and that is contiguous to the premises of such brewery where the beer is manufactured, exclusive of any residence and the curtilage thereof. However, the Board may, with notice to the local governing body in accordance with the provisions of § 4.1-230, also approve other portions of the farm to be included as part of the licensed premises. For purposes of this subdivision, "land zoned agricultural" means (a) land zoned as an agricultural district or classification or (b) land otherwise permitted by a locality for limited brewery use. For purposes of this subdivision, "land zoned agricultural" does not include land zoned "residential conservation." Except for the limitation on land zoned "residential conservation," nothing in this definition shall otherwise limit or affect local zoning authority.*

Limited brewery licensees shall be treated as breweries for all purposes of this title except as otherwise provided in this subdivision.

5. *Winery licenses, which shall authorize the licensee to manufacture wine and to sell and deliver or ship the wine, in accordance with Board regulations, in closed containers, to persons licensed to sell the wine so manufactured at wholesale for the purpose of resale, and to persons outside the Commonwealth for resale outside the Commonwealth. In addition, such license shall authorize the licensee to (i) operate distilling equipment on the premises of the licensee in the manufacture of spirits from fruit or fruit juices only, which shall be used only for the fortification of wine produced by the licensee; (ii) operate a contract winemaking facility on the premises of the licensee in accordance with Board regulations; (iii) store*

wine in bonded warehouses on or off the licensed premises upon permit issued by the Board; and (iv) sell wine at retail at the place of business designated in the winery license in closed containers for off-premises consumption, provided that any brand of wine not owned by the winery licensee is purchased from a wholesale wine licensee.

6. Farm winery licenses, which shall authorize the licensee to manufacture wine containing 21 percent or less of alcohol by volume and to sell, deliver, or ship the wine, in accordance with Board regulations, in closed containers, to (i) the Board, (ii) persons licensed to sell the wine so manufactured at wholesale for the purpose of resale, or (iii) persons outside the Commonwealth. In addition, the licensee may (a) acquire and receive deliveries and shipments of wine and sell and deliver or ship this wine, in accordance with Board regulations, to the Board, persons licensed to sell wine at wholesale for the purpose of resale, or persons outside the Commonwealth; (b) operate a contract winemaking facility on the premises of the licensee in accordance with Board regulations; and (c) store wine in bonded warehouses located on or off the licensed premises upon permits issued by the Board. For the purposes of this title, a farm winery license shall be designated either as a Class A or Class B farm winery license in accordance with the limitations set forth in § 4.1-219. A farm winery may enter into an agreement in accordance with Board regulations with a winery or farm winery licensee operating a contract winemaking facility.

Such licenses shall also authorize the licensee to sell wine at retail at the places of business designated in the licenses, which may include no more than five additional retail establishments of the licensee. Wine may be sold at these business places for on-premises consumption and in closed containers for off-premises consumption, provided that any brand of wine not owned by the farm winery licensee is purchased from a wholesale wine licensee. In addition, wine may be pre-mixed by the licensee to be served and sold for on-premises consumption at these business places.

7. Wine importer's licenses, which shall authorize persons located within or outside the Commonwealth to sell and deliver or ship wine, in accordance with Board regulations, in closed containers, to persons in the Commonwealth licensed to sell such wine at wholesale for the purpose of resale, and to persons outside the Commonwealth for resale outside the Commonwealth.

8. Beer importer's licenses, which shall authorize persons located within or outside the Commonwealth to sell and deliver or ship beer, in accordance with Board regulations, in closed containers, to persons in the Commonwealth licensed to sell such beer at wholesale for the purpose of resale and to persons outside the Commonwealth for resale outside the Commonwealth.

§ 4.1-206.2. Wholesale licenses.

The Board may grant the following wholesale licenses:

1. Wholesale beer licenses, which shall authorize the licensee to acquire and receive deliveries and shipments of beer and to sell and deliver or ship the beer from one or more premises identified in the license, in accordance with Board regulations, in closed containers to (i) persons licensed under this chapter to sell such beer at wholesale or retail for the purpose of resale, (ii) owners of boats registered under the laws of the United States sailing for ports of call of a foreign country or another state, and (iii) persons outside the Commonwealth for resale outside the Commonwealth.

No wholesale beer licensee shall purchase beer for resale from a person outside the Commonwealth who does not hold a beer importer's license unless such wholesale beer licensee holds a beer importer's license and purchases beer for resale pursuant to the privileges of such beer importer's license.

2. Wholesale wine licenses, including those granted pursuant to subdivision 3, which shall authorize the licensee to acquire and receive deliveries and shipments of wine and to sell and deliver or ship the wine from one or more premises identified in the license, in accordance with Board regulations, in closed containers, to (i) persons licensed to sell such wine in the Commonwealth, (ii) persons outside the Commonwealth for resale outside the Commonwealth, (iii) religious congregations for use only for sacramental purposes, and (iv) owners of boats registered under the laws of the United States sailing for ports of call of a foreign country or another state.

No wholesale wine licensee shall purchase wine for resale from a person outside the Commonwealth who does not hold a wine importer's license unless such wholesale wine licensee holds a wine importer's license and purchases wine for resale pursuant to the privileges of such wine importer's license.

3. Restricted wholesale wine licenses, which shall authorize a nonprofit, nonstock corporation created in accordance with subdivision B 2 of § 3.2-102 to provide wholesale wine distribution services to winery and farm winery licensees, provided that no more than 3,000 cases of wine produced by a winery or farm winery licensee shall be distributed by the corporation in any one year. The corporation shall provide such distribution services in accordance with the terms of a written agreement approved by the corporation between it and the winery or farm winery licensee, which shall comply with the provisions of this title and Board regulations. The corporation shall receive all of the privileges of, and be subject to, all laws and regulations governing wholesale wine licenses granted under subdivision 2.

§ 4.1-206.3. Retail licenses.

A. The Board may grant the following mixed beverages licenses:

1. Mixed beverage restaurant licenses, which shall authorize the licensee to sell and serve mixed beverages for consumption in dining areas and other designated areas of such restaurant. Such license may be granted only to persons (i) who operate a restaurant and (ii) whose gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises, after issuance of such license, amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food. For the purposes of this subdivision, other designated areas shall include outdoor dining areas, whether or not contiguous to the licensed premises, which outdoor dining areas may

have more than one means of ingress and egress to an adjacent public thoroughfare, provided such areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201.

If the restaurant is located on the premises of a hotel or motel with no fewer than four permanent bedrooms where food and beverage service is customarily provided by the restaurant in designated areas, bedrooms, and other private rooms of such hotel or motel, such licensee may (i) sell and serve mixed beverages for consumption in such designated areas, bedrooms, and other private rooms and (ii) sell spirits packaged in original closed containers purchased from the Board for on-premises consumption to registered guests and at scheduled functions of such hotel or motel only in such bedrooms or private rooms. However, with regard to a hotel classified as a resort complex, the Board may authorize the sale and on-premises consumption of alcoholic beverages in all areas within the resort complex deemed appropriate by the Board. Nothing herein shall prohibit any person from keeping and consuming his own lawfully acquired spirits in bedrooms or private rooms.

If the restaurant is located on the premises of and operated by a private, nonprofit, or profit club exclusively for its members and their guests, or members of another private, nonprofit, or profit club in another city with which it has an agreement for reciprocal dining privileges, such license shall also authorize the licensees to sell and serve mixed beverages for on-premises consumption. Where such club prepares no food in its restaurant but purchases its food requirements from a restaurant licensed by the Board and located on another portion of the premises of the same hotel or motel building, this fact shall not prohibit the granting of a license by the Board to such club qualifying in all other respects. The club's gross receipts from the sale of nonalcoholic beverages consumed on the premises and food resold to its members and guests and consumed on the premises shall amount to at least 45 percent of its gross receipts from the sale of mixed beverages and food. The food sales made by a restaurant to such a club shall be excluded in any consideration of the qualifications of such restaurant for a license from the Board.

If the restaurant is located on the premises of and operated by a municipal golf course, the Board shall recognize the seasonal nature of the business and waive any applicable monthly food sales requirements for those months when weather conditions may reduce patronage of the golf course, provided that prepared food, including meals, is available to patrons during the same months. The gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises, after the issuance of such license, shall amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food on an annualized basis.

The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption and in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

2. Mixed beverage caterer's licenses, which may be granted only to a person regularly engaged in the business of providing food and beverages to others for service at private gatherings or at special events, which shall authorize the licensee to sell and serve alcoholic beverages for on-premises consumption. The annual gross receipts from the sale of food cooked and prepared for service and nonalcoholic beverages served at gatherings and events referred to in this subdivision shall amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food.

3. Mixed beverage limited caterer's licenses, which may be granted only to a person regularly engaged in the business of providing food and beverages to others for service at private gatherings or at special events, not to exceed 12 gatherings or events per year, which shall authorize the licensee to sell and serve alcoholic beverages for on-premises consumption. The annual gross receipts from the sale of food cooked and prepared for service and nonalcoholic beverages served at gatherings and events referred to in this subdivision shall amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food.

4. Mixed beverage carrier licenses to persons operating a common carrier of passengers by train, boat, bus, or airplane, which shall authorize the licensee to sell and serve mixed beverages anywhere in the Commonwealth to passengers while in transit aboard any such common carrier, and in designated rooms of establishments of air carriers at airports in the Commonwealth. For purposes of supplying its airplanes, as well as any airplanes of a licensed express carrier flying under the same brand, an air carrier licensee may appoint an authorized representative to load alcoholic beverages onto the same airplanes and to transport and store alcoholic beverages at or in close proximity to the airport where the alcoholic beverages will be delivered onto airplanes of the air carrier and any such licensed express carrier. The air carrier licensee shall (i) designate for purposes of its license all locations where the inventory of alcoholic beverages may be stored and from which the alcoholic beverages will be delivered onto airplanes of the air carrier and any such licensed express carrier and (ii) maintain records of all alcoholic beverages to be transported, stored, and delivered by its authorized representative. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

5. Annual mixed beverage motor sports facility licenses, which shall authorize the licensee to sell mixed beverages, in paper, plastic, or similar disposable containers or in single original metal cans, during scheduled events, as well as events or performances immediately subsequent thereto, to patrons in all dining facilities, seating areas, viewing areas, walkways, concession areas, or similar facilities, for on-premises consumption. Such license may be granted to persons operating food concessions at an outdoor motor sports facility that (i) is located on 1,200 acres of rural property bordering the Dan River

and has a track surface of 3.27 miles in length or (ii) hosts a NASCAR national touring race. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

6. Limited mixed beverage restaurant licenses, which shall authorize the licensee to sell and serve dessert wines as defined by Board regulation and no more than six varieties of liqueurs, which liqueurs shall be combined with coffee or other nonalcoholic beverages, for consumption in dining areas of the restaurant. Such license may be granted only to persons who operate a restaurant and in no event shall the sale of such wine or liqueur-based drinks, together with the sale of any other alcoholic beverages, exceed 10 percent of the total annual gross sales of all food and alcoholic beverages. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

7. Annual mixed beverage performing arts facility licenses, which shall (i) authorize the licensee to sell, on the dates of performances or events, alcoholic beverages in paper, plastic, or similar disposable containers or in single original metal cans for on-premises consumption in all seating areas, concourses, walkways, concession areas, similar facilities, and other areas upon the licensed premises approved by the Board and (ii) automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1. Such licenses may be granted to the following:

a. Corporations or associations operating a performing arts facility, provided the performing arts facility (i) is owned by a governmental entity; (ii) is occupied by a for-profit entity under a bona fide lease, the original term of which was for more than one year's duration; and (iii) has been rehabilitated in accordance with historic preservation standards;

b. Persons operating food concessions at any performing arts facility located in the City of Norfolk or the City of Richmond, provided that the performing arts facility (i) is occupied under a bona fide long-term lease or concession agreement, the original term of which was more than five years; (ii) has a capacity in excess of 1,400 patrons; (iii) has been rehabilitated in accordance with historic preservation standards; and (iv) has monthly gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises that meet or exceed the monthly minimum established by Board regulations for mixed beverage restaurants;

c. Persons operating food concessions at any performing arts facility located in the City of Waynesboro, provided that the performing arts facility (i) is occupied under a bona fide long-term lease or concession agreement, the original term of which was more than five years; (ii) has a total capacity in excess of 550 patrons; and (iii) has been rehabilitated in accordance with historic preservation standards;

d. Persons operating food concessions at any performing arts facility located in the arts and cultural district of the City of Harrisonburg, provided that the performing arts facility (i) is occupied under a bona fide long-term lease or concession agreement, the original term of which was more than five years; (ii) has been rehabilitated in accordance with historic preservation standards; (iii) has monthly gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises that meet or exceed the monthly minimum established by Board regulations for mixed beverage restaurants; and (iv) has a total capacity in excess of 900 patrons;

e. Persons operating food concessions at any multipurpose theater located in the historical district of the Town of Bridgewater, provided that the theater (i) is owned and operated by a governmental entity and (ii) has a total capacity in excess of 100 patrons;

f. Persons operating food concessions at any outdoor performing arts amphitheater, arena, or similar facility that has seating for more than 20,000 persons and is located in Prince William County or the City of Virginia Beach; or

g. Persons operating food concessions at any outdoor performing arts amphitheater, arena, or similar facility that has seating for more than 5,000 persons and is located in the City of Alexandria or the City of Portsmouth.

8. Combined mixed beverage restaurant and caterer's licenses, which may be granted to any restaurant or hotel that meets the qualifications for both a mixed beverage restaurant pursuant to subdivision 1 and mixed beverage caterer pursuant to subdivision 2 for the same business location, and which license shall authorize the licensee to operate as both a mixed beverage restaurant and mixed beverage caterer at the same business premises designated in the license, with a common alcoholic beverage inventory for purposes of the restaurant and catering operations. Such licensee shall meet the separate food qualifications established for the mixed beverage restaurant license pursuant to subdivision 1 and mixed beverage caterer's license pursuant to subdivision 2. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

9. Bed and breakfast licenses, which shall authorize the licensee to (i) serve alcoholic beverages in dining areas, private guest rooms, and other designated areas to persons to whom overnight lodging is being provided, with or without meals, for on-premises consumption only in such rooms and areas, and without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises and (ii) permit the consumption of lawfully acquired alcoholic

beverages by persons to whom overnight lodging is being provided in (a) bedrooms or private guest rooms or (b) other designated areas of the bed and breakfast establishment. For purposes of this subdivision, "other designated areas" includes outdoor dining areas, whether or not contiguous to the licensed premises, which may have more than one means of ingress and egress to an adjacent public thoroughfare, provided that such outdoor dining areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201.

10. Museum licenses, which may be issued to nonprofit museums exempt from taxation under § 501(c)(3) of the Internal Revenue Code, which shall authorize the licensee to (i) permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by any bona fide member and guests thereof and (ii) serve alcoholic beverages on the premises of the licensee to any bona fide member and guests thereof. However, alcoholic beverages shall not be sold or charged for in any way by the licensee. The privileges of this license shall be limited to the premises of the museum, regularly occupied and utilized as such.

11. Motor car sporting event facility licenses, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by patrons thereof during such events. However, alcoholic beverages shall not be sold or charged for in any way, directly or indirectly, by the licensee. The privileges of this license shall be limited to those areas of the licensee's premises designated by the Board that are regularly occupied and utilized for motor car sporting events.

12. Commercial lifestyle center licenses, which may be issued only to a commercial owners' association governing a commercial lifestyle center, which shall authorize any retail on-premises restaurant licensee that is a tenant of the commercial lifestyle center to sell alcoholic beverages to any bona fide customer to whom alcoholic beverages may be lawfully sold for consumption on that portion of the licensed premises of the commercial lifestyle center designated by the Board, including (i) plazas, seating areas, concourses, walkways, or such other similar areas and (ii) the premises of any tenant location of the commercial lifestyle center that is not a retail licensee of the Board, upon approval of such tenant, but excluding any parking areas. Only alcoholic beverages purchased from such retail on-premises restaurant licensees may be consumed on the licensed premises of the commercial lifestyle center, and such alcoholic beverages shall be contained in paper, plastic, or similar disposable containers with the name or logo of the restaurant licensee that sold the alcoholic beverage clearly displayed. Alcoholic beverages shall not be sold or charged for in any way by the commercial lifestyle center licensee. The licensee shall post appropriate signage clearly demarcating for the public the boundaries of the licensed premises; however, no physical barriers shall be required for this purpose. The licensee shall provide adequate security for the licensed premises to ensure compliance with the applicable provisions of this title and Board regulations.

13. Mixed beverage port restaurant licenses, which shall authorize the licensee to sell and serve mixed beverages for consumption in dining areas and other designated areas of such restaurant. Such license may be granted only to persons operating a business (i) that is primarily engaged in the sale of meals; (ii) that is located on property owned by the United States government or an agency thereof and used as a port of entry to or egress from the United States; and (iii) whose gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises, after issuance of such license, amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food. For the purposes of this subdivision, other designated areas shall include outdoor dining areas, whether or not contiguous to the licensed premises, which outdoor dining areas may have more than one means of ingress and egress to an adjacent public thoroughfare, provided such areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

14. Annual mixed beverage special events licenses to (i) a duly organized nonprofit corporation or association operating either a performing arts facility or an art education and exhibition facility; (ii) a nonprofit corporation or association chartered by Congress for the preservation of sites, buildings, and objects significant in American history and culture; (iii) persons operating an agricultural event and entertainment park or similar facility that has a minimum of 50,000 square feet of indoor exhibit space and equine and other livestock show areas, which includes barns, pavilions, or other structures equipped with roofs, exterior walls, and open-door or closed-door access; or (iv) a locality for special events conducted on the premises of a museum for historic interpretation that is owned and operated by the locality. The operation in all cases shall be upon premises owned by such licensee or occupied under a bona fide lease, the original term of which was for more than one year's duration. Such license shall authorize the licensee to sell alcoholic beverages during scheduled events and performances for on-premises consumption in areas upon the licensed premises approved by the Board.

B. The Board may grant an on-and-off-premises wine and beer license to the following:

1. Hotels, restaurants, and clubs, which shall authorize the licensee to sell wine and beer (i) in closed containers for off-premises consumption or (ii) for on-premises consumption, either with or without meals, in dining areas and other designated areas of such restaurants, or in dining areas, private guest rooms, and other designated areas of such hotels or clubs, for consumption only in such rooms and areas. However, with regard to a hotel classified by the Board as (a) a resort complex, the Board may authorize the sale and consumption of alcoholic beverages in all areas within the resort complex

deemed appropriate by the Board or (b) a limited service hotel, the Board may authorize the sale and consumption of alcoholic beverages in dining areas, private guest rooms, and other designated areas to persons to whom overnight lodging is being provided, for on-premises consumption in such rooms or areas, and without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises, provided that at least one meal is provided each day by the hotel to such guests. With regard to facilities registered in accordance with Chapter 49 (§ 38.2-4900 et seq.) of Title 38.2 as continuing care communities that are also licensed by the Board under this subdivision, any resident may, upon authorization of the licensee, keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas covered by the license. For purposes of this subdivision, "other designated areas" includes outdoor dining areas, whether or not contiguous to the licensed premises, which may have more than one means of ingress and egress to an adjacent public thoroughfare, provided that such outdoor dining areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201.

2. Hospitals, which shall authorize the licensee to sell wine and beer (i) in the rooms of patients for their on-premises consumption only in such rooms, provided the consent of the patient's attending physician is first obtained or (ii) in closed containers for off-premises consumption.

3. Rural grocery stores, which shall authorize the licensee to sell wine and beer for on-premises consumption or in closed containers for off-premises consumption. No license shall be granted unless (i) the grocery store is located in any town or in a rural area outside the corporate limits of any city or town and (ii) it appears affirmatively that a substantial public demand for such licensed establishment exists and that public convenience and the purposes of this title will be promoted by granting the license.

4. Coliseums, stadiums, and racetracks, which shall authorize the licensee to sell wine and beer during any event and immediately subsequent thereto to patrons within all seating areas, concourses, walkways, concession areas, and additional locations designated by the Board (i) in closed containers for off-premises consumption or (ii) in paper, plastic, or similar disposable containers or in single original metal cans for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. Such licenses may be granted to persons operating food concessions at coliseums, stadiums, racetracks, or similar facilities.

5. Performing arts food concessionaires, which shall authorize the licensee to sell wine and beer during the performance of any event to patrons within all seating areas, concourses, walkways, or concession areas, or other areas approved by the Board (i) in closed containers for off-premises consumption or (ii) in paper, plastic, or similar disposable containers or in single original metal cans for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. Such licenses may be granted to persons operating food concessions at any outdoor performing arts amphitheater, arena, or similar facility that (a) has seating for more than 20,000 persons and is located in Prince William County or the City of Virginia Beach; (b) has seating or capacity for more than 3,500 persons and is located in the County of Albemarle, Alleghany, Augusta, Nelson, Pittsylvania, or Rockingham or the City of Charlottesville, Danville, or Roanoke; or (c) has capacity for more than 9,500 persons and is located in Henrico County.

6. Exhibition halls, which shall authorize the licensee to sell wine and beer during the event to patrons or attendees within all seating areas, exhibition areas, concourses, walkways, concession areas, and such additional locations designated by the Board in such facilities (i) in closed containers for off-premises consumption or (ii) in paper, plastic, or similar disposable containers or in single original metal cans for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. Such licenses may be granted to persons operating food concessions at exhibition or exposition halls, convention centers, or similar facilities located in any county operating under the urban county executive form of government or any city that is completely surrounded by such county. For purposes of this subdivision, "exhibition or exposition hall" and "convention centers" mean facilities conducting private or public trade shows or exhibitions in an indoor facility having in excess of 100,000 square feet of floor space.

7. Concert and dinner-theaters, which shall authorize the licensee to sell wine and beer during events to patrons or attendees within all seating areas, exhibition areas, concourses, walkways, concession areas, dining areas, and such additional locations designated by the Board in such facilities, for on-premises consumption or in closed containers for off-premises consumption. Persons licensed pursuant to this subdivision shall serve food, prepared on or off premises, whenever wine or beer is served. Such licenses may be granted to persons operating concert or dinner-theater venues on property fronting Natural Bridge School Road in Natural Bridge Station and formerly operated as Natural Bridge High School.

8. Historic cinema houses, which shall authorize the licensee to sell wine and beer, either with or without meals, during any showing of a motion picture to patrons to whom alcoholic beverages may be lawfully sold, for on-premises consumption or in closed containers for off-premises consumption. The privileges of this license shall be limited to the premises of the historic cinema house regularly occupied and utilized as such.

9. Nonprofit museums, which shall authorize the licensee to sell wine and beer for on-premises consumption or in closed containers for off-premises consumption in areas approved by the Board. Such licenses may be granted to persons operating a nonprofit museum exempt from taxation under § 501(c)(3) of the Internal Revenue Code, located in the Town of

Front Royal, and dedicated to educating the consuming public about historic beer products. The privileges of this license shall be limited to the premises of the museum, regularly occupied and utilized as such.

C. The Board may grant the following off-premises wine and beer licenses:

1. Retail off-premises wine and beer licenses, which may be granted to a convenience grocery store, delicatessen, drugstore, gift shop, gourmet oyster house, gourmet shop, grocery store, or marina store as defined in § 4.1-100 and Board regulations. Such license shall authorize the licensee to sell wine and beer in closed containers for off-premises consumption and, notwithstanding the provisions of § 4.1-308, to give to any person to whom wine or beer may be lawfully sold a sample of wine or beer for on-premises consumption; however, no single sample shall exceed four ounces of beer or two ounces of wine and no more than 12 ounces of beer or five ounces of wine shall be served to any person per day. The licensee may also give samples of wine and beer in designated areas at events held by the licensee for the purpose of featuring and educating the consuming public about the alcoholic beverages being tasted. With the consent of the licensee, farm wineries, wineries, breweries, and wholesale licensees or authorized representatives of such licensees may participate in such tastings, including the pouring of samples. The licensee shall comply with any food inventory and sales volume requirements established by Board regulation.

2. Gourmet brewing shop licenses, which shall authorize the licensee to sell to any person to whom wine or beer may be lawfully sold, ingredients for making wine or brewing beer, including packaging, and to rent to such persons facilities for manufacturing, fermenting, and bottling such wine or beer, for off-premises consumption in accordance with subdivision 6 of § 4.1-200.

3. Confectionery licenses, which shall authorize the licensee to prepare and sell on the licensed premises for off-premises consumption confectionery that contains five percent or less alcohol by volume. Any alcohol contained in such confectionery shall not be in liquid form at the time such confectionery is sold.

D. The Board may grant the following banquet, special event, and tasting licenses:

1. Per-day event licenses.

a. Banquet licenses to persons in charge of banquets, and to duly organized nonprofit corporations or associations in charge of special events, which shall authorize the licensee to sell or give wine and beer in rooms or areas approved by the Board for the occasion for on-premises consumption in such rooms or areas. Licensees who are nonprofit corporations or associations conducting fundraisers (i) shall also be authorized to sell wine, as part of any fundraising activity, in closed containers for off-premises consumption to persons to whom wine may be lawfully sold and (ii) shall be limited to no more than one such fundraiser per year. Except as provided in § 4.1-215, a separate license shall be required for each day of each banquet or special event. For the purposes of this subdivision, when the location named in the original application for a license is outdoors, the application may also name an alternative location in the event of inclement weather. However, no such license shall be required of any hotel, restaurant, or club holding a retail wine and beer license.

b. Mixed beverage special events licenses to a duly organized nonprofit corporation or association in charge of a special event, which shall authorize the licensee to sell and serve mixed beverages for on-premises consumption in areas approved by the Board on the premises of the place designated in the license. A separate license shall be required for each day of each special event.

c. Mixed beverage club events licenses to a club holding a wine and beer club license, which shall authorize the licensee to sell and serve mixed beverages for on-premises consumption by club members and their guests in areas approved by the Board on the club premises. A separate license shall be required for each day of each club event. No more than 12 such licenses shall be granted to a club in any calendar year. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

d. Tasting licenses, which shall authorize the licensee to sell or give samples of alcoholic beverages of the type specified in the license in designated areas at events held by the licensee. A tasting license shall be issued for the purpose of featuring and educating the consuming public about the alcoholic beverages being tasted. A separate license shall be required for each day of each tasting event. No tasting license shall be required for conduct authorized by § 4.1-201.1.

2. Annual licenses.

a. Annual banquet licenses to duly organized private nonprofit fraternal, patriotic, or charitable membership organizations that are exempt from state and federal taxation and in charge of banquets conducted exclusively for members and their guests, which shall authorize the licensee to serve wine and beer in rooms or areas approved by the Board for the occasion for on-premises consumption in such rooms or areas. Such license shall authorize the licensee to conduct no more than 12 banquets per calendar year. For the purposes of this subdivision, when the location named in the original application for a license is outdoors, the application may also name an alternative location in the event of inclement weather. However, no such license shall be required of any hotel, restaurant, or club holding a retail wine and beer license.

b. Banquet facility licenses to volunteer fire departments and volunteer emergency medical services agencies, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by any person, and bona fide members and guests thereof, otherwise eligible for a banquet license. However, lawfully acquired alcoholic beverages shall not be purchased or sold by the licensee or sold or charged for in any way by the person permitted to use the premises. Such premises shall be a volunteer fire or volunteer emergency medical services agency station or both, regularly occupied as such and recognized by the governing body of the county, city, or town in which it is located. Under conditions as specified by Board regulation, such premises may be other than a volunteer fire or

volunteer emergency medical services agency station, provided such other premises are occupied and under the control of the volunteer fire department or volunteer emergency medical services agency while the privileges of its license are being exercised.

c. Local special events licenses to a locality, business improvement district, or nonprofit organization, which shall authorize (i) the licensee to permit the consumption of alcoholic beverages within the area designated by the Board for the special event and (ii) any permanent retail on-premises licensee that is located within the area designated by the Board for the special event to sell alcoholic beverages within the permanent retail location for consumption in the area designated for the special event, including sidewalks and the premises of businesses not licensed to sell alcoholic beverages at retail, upon approval of such businesses. In determining the designated area for the special event, the Board shall consult with the locality. Local special events licensees shall be limited to 12 special events per year. Only alcoholic beverages purchased from permanent retail on-premises licensees located within the designated area may be consumed at the special event, and such alcoholic beverages shall be contained in paper, plastic, or similar disposable containers that clearly display the name or logo of the retail on-premises licensee from which the alcoholic beverage was purchased. Alcoholic beverages shall not be sold or charged for in any way by the local special events licensee. The local special events licensee shall post appropriate signage clearly demarcating for the public the boundaries of the special event; however, no physical barriers shall be required for this purpose. The local special events licensee shall provide adequate security for the special event to ensure compliance with the applicable provisions of this title and Board regulations.

d. Annual mixed beverage banquet licenses to duly organized private nonprofit fraternal, patriotic, or charitable membership organizations that are exempt from state and federal taxation and in charge of banquets conducted exclusively for members and their guests, which shall authorize the licensee to serve mixed beverages for on-premises consumption in areas approved by the Board on the premises of the place designated in the license. Such license shall authorize the licensee to conduct no more than 12 banquets per calendar year. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

e. Equine sporting event licenses, which may be issued to organizations holding equestrian, hunt, and steeplechase events, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by patrons thereof during such event. However, alcoholic beverages shall not be sold or charged for in any way by the licensee. The privileges of this license shall be (i) limited to the premises of the licensee, regularly occupied and utilized for equestrian, hunt, and steeplechase events, and (ii) exercised on no more than four calendar days per year.

f. Annual arts venue event licenses, to persons operating an arts venue, which shall authorize the licensee participating in a community art walk that is open to the public to serve lawfully acquired wine or beer on the premises of the licensee to adult patrons thereof during such events. However, alcoholic beverages shall not be sold or charged for in any way, directly or indirectly, by the licensee, and the licensee shall not give more than two five-ounce glasses of wine or two 12-ounce glasses of beer to any one adult patron. The privileges of this license shall be (i) limited to the premises of the arts venue regularly occupied and used as such and (ii) exercised on no more than 12 calendar days per year.

E. The Board may grant a marketplace license to persons operating a business enterprise of which the primary function is not the sale of alcoholic beverages, which shall authorize the licensee to serve complimentary wine or beer to bona fide customers on the licensed premises subject to any limitations imposed by the Board; however, the licensee shall not give more than two five-ounce glasses of wine or two 12-ounce glasses of beer to any customer per day, nor shall it sell or otherwise charge a fee to such customer for the wine or beer served or consumed. In order to be eligible for and retain a marketplace license, the applicant's business enterprise must (i) provide a single category of goods or services in a manner intended to create a personalized experience for the customer; (ii) employ staff with expertise in such goods or services; (iii) be ineligible for any other license granted by the Board; (iv) have an alcoholic beverage control manager on the licensed premises at all times alcohol is served; (v) ensure that all employees satisfy any training requirements imposed by the Board; and (vi) purchase all wine and beer to be served from a licensed wholesaler or the Authority and retain purchase records as prescribed by the Board. In determining whether to grant a marketplace license, the Board shall consider (a) the average amount of time customers spend at the business; (b) the business's hours of operation; (c) the amount of time that the business has been in operation; and (d) any other requirements deemed necessary by the Board to protect the public health, safety, and welfare.

F. The Board may grant the following shipper, bottler, and related licenses:

1. Wine and beer shipper licenses, which shall carry the privileges and limitations set forth in § 4.1-209.1.
2. Internet wine and beer retailer licenses, which shall authorize persons located within or outside the Commonwealth to sell and ship wine and beer, in accordance with § 4.1-209.1 and Board regulations, in closed containers to persons in the Commonwealth to whom wine and beer may be lawfully sold for off-premises consumption. Such licensee shall not be required to comply with the monthly food sale requirement established by Board regulations.
3. Bottler licenses, which shall authorize the licensee to acquire and receive deliveries and shipments of beer in closed containers and to bottle, sell, and deliver or ship it, in accordance with Board regulations to (i) wholesale beer licensees for the purpose of resale, (ii) owners of boats registered under the laws of the United States sailing for ports of call of a foreign country or another state, and (iii) persons outside the Commonwealth for resale outside the Commonwealth.

4. Fulfillment warehouse licenses, which shall authorize associations as defined in § 13.1-313 with a place of business located in the Commonwealth to (i) receive deliveries and shipments of wine or beer owned by holders of wine and beer shipper's licenses; (ii) store such wine or beer on behalf of the owner; and (iii) pick, pack, and ship such wine or beer as directed by the owner, all in accordance with Board regulations. No wholesale wine or wholesale beer licensee, whether licensed in the Commonwealth or not, or any person under common control of such licensee, shall acquire or hold any financial interest, direct or indirect, in the business for which any fulfillment warehouse license is issued.

5. Marketing portal licenses, which shall authorize agricultural cooperative associations organized under the provisions of the Agricultural Cooperative Association Act (§ 13.1-312 et seq.), with a place of business located in the Commonwealth, in accordance with Board regulations, to solicit and receive orders for wine or beer through the use of the Internet from persons in the Commonwealth to whom wine or beer may be lawfully sold, on behalf of holders of wine and beer shipper's licenses. Upon receipt of an order for wine or beer, the licensee shall forward it to a holder of a wine and beer shipper's license for fulfillment. Marketing portal licensees may also accept payment on behalf of the shipper.

§ 4.1-209. Wine and beer license privileges; advertising; tastings.

A. The Board may grant the following licenses relating to wine and beer:

1. ~~Retail on-premises wine and beer licenses to:~~

a. ~~Hotels, restaurants and clubs, which shall authorize the licensee to sell wine and beer, either with or without meals, only in dining areas and other designated areas of such restaurants; or in dining areas, private guest rooms, and other designated areas of such hotels or clubs, for consumption only in such rooms and areas. However, with regard to a hotel classified by the Board as (i) a resort complex, the Board may authorize the sale and consumption of alcoholic beverages in all areas within the resort complex deemed appropriate by the Board or (ii) a limited service hotel, the Board may authorize the sale and consumption of alcoholic beverages in dining areas, private guest rooms, and other designated areas to persons to whom overnight lodging is being provided; for on-premises consumption in such rooms or areas, and without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises; provided that at least one meal is provided each day by the hotel to such guests. With regard to facilities registered in accordance with Chapter 49 (§ 38.2-4900 et seq.) of Title 38.2 of the Code of Virginia as continuing care communities that are also licensed by the Board under this subdivision, any resident may, upon authorization of the licensee, keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas covered by the license. For purposes of this subdivision, "other designated areas" includes outdoor dining areas, whether or not contiguous to the licensed premises, which may have more than one means of ingress and egress to an adjacent public thoroughfare, provided that such outdoor dining areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201;~~

b. ~~Persons operating dining cars, buffet cars, and club cars of trains, which shall authorize the licensee to sell wine and beer, either with or without meals, in the dining cars, buffet cars, and club cars so operated by them, for on-premises consumption when carrying passengers;~~

c. ~~Persons operating sight-seeing boats, or special or charter boats, which shall authorize the licensee to sell wine and beer, either with or without meals, on such boats operated by them for on-premises consumption when carrying passengers;~~

d. ~~Persons operating as air carriers of passengers on regular schedules in foreign, interstate or intrastate commerce, which shall authorize the licensee to sell wine and beer for consumption by passengers in such airplanes anywhere in or over the Commonwealth while in transit and in designated rooms of establishments of such carriers at airports in the Commonwealth, § 4.1-129 notwithstanding. For purposes of supplying its airplanes, as well as any airplane of a licensed express carrier flying under the same brand, an air carrier licensee may appoint an authorized representative to load wine and beer onto the same airplanes and to transport and store wine and beer at or in close proximity to the airport where the wine and beer will be delivered onto airplanes of the air carrier and any such licensed express carrier. The air carrier licensee shall (i) designate for purposes of its license all locations where the inventory of wine and beer may be stored and from which the wine and beer will be delivered onto airplanes of the air carrier and any such licensed express carrier and (ii) maintain records of all wine and beer to be transported, stored, and delivered by its authorized representative;~~

e. ~~Hospitals, which shall authorize the licensee to sell wine and beer in the rooms of patients for their on-premises consumption only in such rooms; provided the consent of the patient's attending physician is first obtained;~~

f. ~~Persons operating food concessions at coliseums, stadia, racetracks or similar facilities, which shall authorize the licensee to sell wine and beer in paper, plastic or similar disposable containers or in single original metal cans, during any event and immediately subsequent thereto, to patrons within all seating areas, concourses, walkways, concession areas and additional locations designated by the Board in such coliseums, stadia, racetracks or similar facilities, for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license;~~

g. ~~Persons operating food concessions at any outdoor performing arts amphitheater, arena or similar facility which (i) has seating for more than 20,000 persons and is located in Prince William County or the City of Virginia Beach, (ii) has capacity for more than 3,500 persons and is located in the Counties of Albemarle, Alleghany, Augusta, Nelson, Pittsylvania, or Rockingham, or the Cities of Charlottesville, Danville, or Roanoke, or (iii) has capacity for more than 9,500 persons and is located in Henrico County. Such license shall authorize the licensee to sell wine and beer during the performance of any event, in paper, plastic or similar disposable containers or in single original metal cans, to patrons within all seating areas, concourses, walkways, concession areas, or similar facilities, for on-premises consumption. Upon authorization of the~~

licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license;

h. Persons operating food concessions at exhibition or exposition halls, convention centers or similar facilities located in any county operating under the urban county executive form of government or any city which is completely surrounded by such county, which shall authorize the licensee to sell wine and beer during the event, in paper, plastic or similar disposable containers or in single original metal cans; to patrons or attendees within all seating areas, exhibition areas, concourses, walkways, concession areas, and such additional locations designated by the Board in such facilities; for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. For purposes of this subsection, "exhibition or exposition hall" and "convention centers" mean facilities conducting private or public trade shows or exhibitions in an indoor facility having in excess of 100,000 square feet of floor space;

i. Persons operating a concert and dinner-theater venue on property fronting Natural Bridge School Road in Natural Bridge Station, Virginia, and formerly operated as Natural Bridge High School, which shall authorize the licensee to sell wine and beer during events to patrons or attendees within all seating areas, exhibition areas, concourses, walkways, concession areas, dining areas, and such additional locations designated by the Board in such facilities; for on-premises consumption. Persons licensed pursuant to this subdivision shall serve food, prepared on or off premises, whenever wine or beer is served; and

j. Historic cinema houses; which shall authorize the licensee to sell wine and beer, either with or without meals, during any showing of a motion picture to patrons to whom alcoholic beverages may be lawfully sold; for on-premises consumption. The privileges of this license shall be limited to the premises of the historic cinema house regularly occupied and utilized as such:

2. Retail off-premises wine and beer licenses, which shall authorize the licensee to sell wine and beer in closed containers for off-premises consumption:

3. Gourmet shop licenses, which shall authorize the licensee to sell wine and beer in closed containers for off-premises consumption and; the provisions of § 4.1-308 notwithstanding; to give to any person to whom wine or beer may be lawfully sold; (i) a sample of wine, not to exceed two ounces by volume or (ii) a sample of beer not to exceed four ounces by volume, for on-premises consumption. The licensee may also give samples of wine and beer in designated areas at events held by the licensee for the purpose of featuring and educating the consuming public about the alcoholic beverages being tasted. Additionally, with the consent of the licensee, farm wineries, wineries, breweries, and wholesale licensees may participate in tastings held by licensees authorized to conduct tastings, including the pouring of samples to any person to whom alcoholic beverages may be lawfully sold. Notwithstanding Board regulations relating to food sales, the licensee shall maintain each year an average monthly inventory and sales volume of at least \$1,000 in products such as cheeses and gourmet food.

4. Convenience grocery store licenses, which shall authorize the licensee to sell wine and beer in closed containers for off-premises consumption:

5. Retail on-and-off premises wine and beer licenses to persons enumerated in subdivision 1 a, which shall accord all the privileges conferred by retail on-premises wine and beer licenses and in addition; shall authorize the licensee to sell wine and beer in closed containers for off-premises consumption:

6. Banquet licenses to persons in charge of banquets, and to duly organized nonprofit corporations or associations in charge of special events; which shall authorize the licensee to sell or give wine and beer in rooms or areas approved by the Board for the occasion for on-premises consumption in such rooms or areas. Licensees who are nonprofit corporations or associations conducting fundraisers (i) shall also be authorized to sell wine, as part of any fundraising activity, in closed containers for off-premises consumption to persons to whom wine may be lawfully sold and (ii) shall be limited to no more than one such fundraiser per year. Except as provided in § 4.1-215, a separate license shall be required for each day of each banquet or special event. For the purposes of this subdivision, when the location named in the original application for a license is outdoors, the application may also name an alternative location in the event of inclement weather. However, no such license shall be required of any hotel, restaurant, or club holding a retail wine and beer license.

7. Gift shop licenses, which shall authorize the licensee to sell wine and beer only within the interior premises of the gift shop in closed containers for off-premises consumption and; the provisions of § 4.1-308 notwithstanding; to give to any person to whom wine or beer may be lawfully sold (i) a sample of wine not to exceed two ounces by volume or (ii) a sample of beer not to exceed four ounces by volume for on-premises consumption. The licensee may also give samples of wine and beer in designated areas at events held by the licensee for the purpose of featuring and educating the consuming public about the alcoholic beverages being tasted.

8. Gourmet brewing shop licenses, which shall authorize the licensee to sell to any person to whom wine or beer may be lawfully sold; ingredients for making wine or brewing beer, including packaging; and to rent to such persons facilities for manufacturing, fermenting, and bottling such wine or beer; for off-premises consumption in accordance with subdivision 6 of § 4.1-200.

9. Annual banquet licenses, to duly organized private nonprofit fraternal, patriotic or charitable membership organizations that are exempt from state and federal taxation and in charge of banquets conducted exclusively for its members and their guests; which shall authorize the licensee to serve wine and beer in rooms or areas approved by the Board for the occasion for on-premises consumption in such rooms or areas. Such license shall authorize the licensee to

conduct no more than 12 banquets per calendar year. For the purposes of this subdivision, when the location named in the original application for a license is outdoors, the application may also name an alternative location in the event of inclement weather. However, no such license shall be required of any hotel, restaurant, or club holding a retail wine and beer license.

10. Fulfillment warehouse licenses, which shall authorize associations as defined in § 13.1-313 with a place of business located in the Commonwealth to (i) receive deliveries and shipments of wine or beer owned by holders of wine or beer shipper's licenses, (ii) store such wine or beer on behalf of the owner, and (iii) pick, pack, and ship such wine or beer as directed by the owner, all in accordance with Board regulations. No wholesale wine or wholesale beer licensee, whether licensed in the Commonwealth or not, or any person under common control of such licensee, shall acquire or hold any financial interest, direct or indirect, in the business for which any fulfillment warehouse license is issued.

11. Marketing portal licenses, which shall authorize agricultural cooperative associations organized under the provisions of the Agricultural Cooperative Association Act (§ 13.1-312 et seq.), with a place of business located in the Commonwealth, in accordance with Board regulations, to solicit and receive orders for wine or beer through the use of the Internet from persons in the Commonwealth to whom wine or beer may be lawfully sold, on behalf of holders of wine or beer shipper's licenses. Upon receipt of an order for wine or beer, the licensee shall forward it to a holder of a wine or beer shipper's license for fulfillment. Marketing portal licensees may also accept payment on behalf of the shipper.

12. Gourmet oyster house licenses, to establishments located on the premises of a commercial marina and permitted by the Department of Health to serve oysters and other fresh seafood for consumption on the premises, where the licensee also offers to the public events for the purpose of featuring and educating the consuming public about local oysters and other seafood products. Such license shall authorize the licensee to (i) give samples of or sell wine and beer in designated rooms and outdoor areas approved by the Board for consumption in such approved areas and (ii) sell wine and beer in closed containers for off-premises consumption. Samples of wine shall not exceed two ounces per person. Samples of beer shall not exceed four ounces per person. The Board shall establish a minimum monthly food sale requirement of oysters and other seafood for such license. Additionally, with the consent of the licensee, farm wineries, wineries, and breweries may participate in tastings held by licensees authorized to conduct tastings, including the pouring of samples to any person to whom alcoholic beverages may be lawfully sold.

~~B.~~ Notwithstanding any provision of law to the contrary, persons granted a wine and beer license pursuant to ~~this section~~ § 4.1-206.3 may display within their licensed premises point-of-sale advertising materials that incorporate the use of any professional athlete or athletic team, provided that such advertising materials: (i) otherwise comply with the applicable regulations of the ~~Federal~~ federal Bureau of Alcohol, Tobacco and Firearms; and (ii) do not depict any athlete consuming or about to consume alcohol prior to or while engaged in an athletic activity; do not depict an athlete consuming alcohol while the athlete is operating or about to operate a motor vehicle or other machinery; and do not imply that the alcoholic beverage so advertised enhances athletic prowess.

~~C.~~ Notwithstanding any provision of law to the contrary, persons granted a wine and beer license pursuant to this section may deliver such wine or beer in closed containers for off-premises consumption to such person's vehicle if located in a designated parking area of the retailer's premises where such person has electronically ordered wine or beer in advance of the delivery or (ii) if the licensee holds a delivery permit issued pursuant to § 4.1-212.1, to such other locations as may be permitted by Board regulation.

~~D. B.~~ Persons granted retail on-premises and on-and-off-premises wine and beer licenses pursuant to ~~this section or subsection B of § 4.1-210~~ the following provisions may conduct wine or beer tastings sponsored by the licensee for its customers for on-premises consumption:

1. Subdivision A 1, 4, 5, 6, 7, 8, or 14 of § 4.1-206.3;
2. Subdivision B 1, 2, 4, 5, 6, 7, or 8 of § 4.1-206.3;
3. Subdivision C 1 or 2 of § 4.1-206.3;
4. Subdivision D 1 a, b, or d or 2 a of § 4.1-206.3; or
5. Subdivision F 4 or 5 of § 4.1-206.3.

Such licensees may sell or give samples of wine and beer in designated areas at events held by the licensee for the purpose of featuring and educating the consuming public about the alcoholic beverages being tasted. Additionally, with the consent of the licensee, farm wineries, wineries, and breweries may participate in tastings held by licensees authorized to conduct tastings, including the pouring of samples to any person to whom alcoholic beverages may be lawfully sold. ~~Samples of wine shall not exceed two ounces per person. Samples of beer shall not exceed four ounces per person. No single sample shall exceed four ounces of beer or two ounces of wine, and no more than 12 ounces of beer or five ounces of wine shall be given or sold to any person per day.~~

§ 4.1-209.1. Direct shipment of wine and beer; shipper's license.

A. Holders of wine ~~shippers' licenses~~ and beer ~~shippers' licenses~~ *shipper's licenses* issued pursuant to ~~this section~~ *subdivision F 1 of § 4.1-206.3* may sell and ship not more than two cases of wine per month nor more than two cases of beer per month to any person in Virginia to whom alcoholic beverages may be lawfully sold. All such sales and shipments shall be for personal consumption only and not for resale. A case of wine shall mean any combination of packages containing not more than nine liters of wine. A case of beer shall mean any combination of packages containing not more than 288 ounces of beer. Any winery or farm winery located within or outside the Commonwealth may apply to the Board for issuance of a wine *and beer* shipper's license that shall authorize the shipment of brands of wine and farm wine identified in such application. Any brewery located within or outside the Commonwealth may apply to the Board for issuance of a *wine and*

beer shipper's license that shall authorize the shipment of brands of beer identified in such application. Any person located within or outside the Commonwealth who is authorized to sell wine or beer at retail in their state of domicile and who is not a winery, farm winery, or brewery may nevertheless apply for a wine ~~or~~ and beer shipper's license, ~~or both~~, if such person satisfies the requirements of this section. Any brewery, winery, or farm winery that applies for a shipper's license or authorizes any other person, other than a retail off-premises licensee, to apply for a license to ship such brewery's, winery's or farm winery's brands of wine or beer shall notify any wholesale licensees that have been authorized to distribute such brands that an application has been filed for a shipper's license. The notice shall be in writing and in a form prescribed by the Board. The Board may adopt such regulations as it reasonably deems necessary to implement the provisions of this section, including regulations that permit the holder of a shipper's license to amend the same by, among other things, adding or deleting any brands of wine, farm wine, or beer identified in such shipper's license.

B. Any applicant for a wine ~~or~~ and beer shipper's license that does not own or have the right to control the distribution of the brands of wine, farm wine, or beer identified in such person's application may be issued a shipper's license for wine ~~or~~ and beer ~~or both~~, if the applicant has obtained and filed with its application for a shipper's license, and with any subsequent application for renewal thereof, the written consent of either (i) the winery, farm winery, or brewery whose brands of wine, farm wine, or beer are identified therein or (ii) any wholesale distributor authorized to distribute the wine or beer produced by the winery, farm winery or brewery. Any winery, farm winery, or brewery, or its wholesale distributor, that has provided written authorization to a shipper licensed pursuant to this section to sell and ship its brand or brands of wine, farm wine, or beer shall not be restricted by any provision of this section from withdrawing such authorization at any time. If such authorization is withdrawn, the winery, farm winery, or brewery shall promptly notify such shipper licensee and the Board in writing of its decision to withdraw from such shipper licensee the authority to sell and ship any of its brands, whereupon such shipper licensee shall promptly file with the Board an amendment to its license eliminating any such withdrawn brand or brands from the shipper's license.

C. The direct shipment of beer and wine by holders of licenses issued pursuant to ~~this section~~ *subdivision F 1 of § 4.1-206.3* shall be by approved common carrier only. The Board shall develop regulations pursuant to which common carriers may apply for approval to provide common carriage of wine or beer, ~~or both~~, shipped by holders of licenses issued pursuant to ~~this section~~ *subdivision F 1 of § 4.1-206.3*. Such regulations shall include provisions that require (i) the recipient to demonstrate, upon delivery, that he is at least 21 years of age; (ii) the recipient to sign an electronic or paper form or other acknowledgement of receipt as approved by the Board; and (iii) the Board-approved common carrier to submit to the Board such information as the Board may prescribe. The Board-approved common carrier shall refuse delivery when the proposed recipient appears to be under the age of 21 years and refuses to present valid identification. All licensees shipping wine or beer pursuant to this section shall affix a conspicuous notice in 16-point type or larger to the outside of each package of wine or beer shipped within or into the Commonwealth, in a conspicuous location stating: "CONTAINS ALCOHOLIC BEVERAGES; SIGNATURE OF PERSON AGED 21 YEARS OR OLDER REQUIRED FOR DELIVERY." Any delivery of alcoholic beverages to a minor by a common carrier shall constitute a violation by the common carrier. The common carrier and the shipper licensee shall be liable only for their independent acts.

D. For purposes of §§ 4.1-234 and 4.1-236 and Chapter 6 (§ 58.1-600 et seq.) of Title 58.1, each shipment of wine or beer by a wine ~~shipper licensee or a~~ and beer shipper licensee shall constitute a sale in Virginia. The licensee shall collect the taxes due to the Commonwealth and remit any excise taxes monthly to the Authority and any sales taxes to the Department of Taxation.

E. Notwithstanding the provisions of § 4.1-203, the holder of a wine ~~shipper license or~~ and beer shipper license may solicit and receive applications for subscription to a wine-of-the-month or beer-of-the-month club at in-state or out-of-state locations for which a license for on-premises consumption has been issued, other than the place where the licensee carries on the business for which the license is granted. For the purposes of this subsection, "wine-of-the-month club" or "beer-of-the-month club" shall mean an agreement between an in-state or out-of-state holder of a wine ~~shipper license or~~ and beer shipper license and a consumer in Virginia to whom alcoholic beverages may be lawfully sold that the shipper will sell and ship to the consumer and the consumer will purchase a lawful amount of wine or beer each month for an agreed term of months.

F. Notwithstanding the provisions of § 4.1-203, a wine ~~or~~ and beer shipper licensee may ship wine or beer as authorized by this section through the use of the services of an approved fulfillment warehouse. For the purposes of this section, a "fulfillment warehouse" means a business operating a warehouse and providing storage, packaging, and shipping services to wineries or breweries. The Board shall develop regulations pursuant to which fulfillment warehouses may apply for approval to provide storage, packaging, and shipping services to holders of licenses issued pursuant to this section. Such regulations shall include provisions that require (i) the fulfillment warehouse to demonstrate that it is appropriately licensed for the services to be provided by the state in which its place of business is located, (ii) the Board-approved fulfillment warehouse to maintain such records and to submit to the Board such information as the Board may prescribe, and (iii) the fulfillment warehouse and each wine ~~or~~ and beer shipper licensed under ~~this section~~ *subdivision F 1 of § 4.1-206.3* to whom services are provided to enter into a contract designating the fulfillment warehouse as the agent of the shipper for purposes of complying with the provisions of this section.

G. Notwithstanding the provisions of § 4.1-203, a wine ~~or~~ and beer shipper licensee may sell wine or beer as authorized by this section through the use of the services of an approved marketing portal. For the purposes of this section, a "marketing portal" means a business organized as an agricultural cooperative association under the laws of a state, soliciting

and receiving orders for wine or beer and accepting and processing payment of such orders as the agent of a licensed wine ~~or~~ and beer shipper. The Board shall develop regulations pursuant to which marketing portals may apply for approval to provide marketing services to holders of licenses issued pursuant to ~~this section~~ *subdivision F 1 of § 4.1-206.3*. Such regulations shall include provisions that require (i) the marketing portal to demonstrate that it is appropriately organized as an agricultural cooperative association and licensed for the services to be provided by the state in which its place of business is located, (ii) the Board-approved marketing portal to maintain such records and to submit to the Board such information as the Board may prescribe, and (iii) the marketing portal and each wine ~~or~~ and beer shipper licensed under this section to whom services are provided to enter into a contract designating the marketing portal as the agent of the shipper for purposes of complying with the provisions of this section.

§ 4.1-211. Temporary licenses.

Notwithstanding subsection D of § 4.1-203, the Board may grant a temporary license to any of the licensed retail operations authorized by ~~§§ 4.1-206 through 4.1-210~~ *§ 4.1-206.3*. A temporary license may be granted only after an application has been filed in accordance with the provisions of § 4.1-230 and in cases where the sole objection to granting a license is that the establishment will not be qualified in terms of the sale of food. If a temporary license is not granted, the applicant is entitled to a hearing on the issue of qualifications. The decision to refuse to grant a temporary license shall not be subject to a hearing.

If a temporary license is granted, the Board shall conduct an audit of the business after a reasonable period of operation not to exceed 180 days. If the audit indicates that the business is qualified, the license applied for may be granted. If the audit indicates that the business is not qualified, the applicant is entitled to a hearing. No further temporary license shall be granted to the applicant or to any other person at that location for a period of one year from expiration and, once the application becomes the subject of a hearing, no temporary license may be granted.

A temporary license may be revoked summarily by the Board for any cause set forth in § 4.1-225 without complying with subsection A of § 4.1-227. Revocation of a temporary license shall be effective upon service of the order of revocation upon the licensee or upon the expiration of three business days after the order of the revocation has been mailed to the licensee ~~either~~ at *either* his residence or the address given for the business in the license application. No further notice shall be required.

§ 4.1-212. Permits required in certain instances.

A. The Board may grant the following permits which shall authorize:

1. Wine and beer salesmen representing any out-of-state wholesaler engaged in the sale of wine and beer, or either, to sell or solicit the sale of wine or beer, or both in the Commonwealth.
2. Any person having any interest in the manufacture, distribution or sale of spirits or other alcoholic beverages to solicit any mixed beverage licensee, his agent, employee or any person connected with the licensee in any capacity in his licensed business to sell or offer for sale such spirits or alcoholic beverages.
3. Any person to keep upon his premises alcoholic beverages ~~which~~ *that* he is not authorized by any license to sell and which shall be used for culinary purposes only.
4. Any person to transport lawfully purchased alcoholic beverages within, into or through the Commonwealth, except that no permit shall be required for any person shipping or transporting into the Commonwealth a reasonable quantity of alcoholic beverages when such person is relocating his place of residence to the Commonwealth in accordance with § 4.1-310.
5. Any person to keep, store or possess any still or distilling apparatus.
6. The release of alcoholic beverages not under United States custom bonds or internal revenue bonds stored in Board approved warehouses for delivery to the Board or to persons entitled to receive them within or outside of the Commonwealth.
7. The release of alcoholic beverages from United States customs bonded warehouses for delivery to the Board or to licensees and other persons enumerated in subsection B of § 4.1-131.
8. The release of alcoholic beverages from United States internal revenue bonded warehouses for delivery in accordance with subsection C of § 4.1-132.
9. A secured party or any trustee, curator, committee, conservator, receiver or other fiduciary appointed or qualified in any court proceeding, to continue to operate under the licenses previously issued to any deceased or other person licensed to sell alcoholic beverages for such period as the Board deems appropriate.
10. The one-time sale of lawfully acquired alcoholic beverages belonging to any person, or which may be a part of such person's estate, including a judicial sale, estate sale, sale to enforce a judgment lien or liquidation sale to satisfy indebtedness secured by a security interest in alcoholic beverages, by a sheriff, personal representative, receiver or other officer acting under authority of a court having jurisdiction in the Commonwealth, or by any secured party as defined in subdivision (a) (73) of § 8.9A-102 of the Virginia Uniform Commercial Code. Such sales shall be made only to persons who are licensed or hold a permit to sell alcoholic beverages in the Commonwealth or to persons outside the Commonwealth for resale outside the Commonwealth and upon such conditions or restrictions as the Board may prescribe.
11. Any person who purchases at a foreclosure, secured creditor's or judicial auction sale the premises or property of a person licensed by the Board and who has become lawfully entitled to the possession of the licensed premises to continue to operate the establishment to the same extent as a person holding such licenses for a period not to exceed 60 days or for such longer period as determined by the Board. Such permit shall be temporary and shall confer the privileges of any licenses

held by the previous owner to the extent determined by the Board. Such temporary permit may be issued in advance, conditioned on the above requirements.

~~12. The sale of wine and beer in kegs by any person licensed to sell wine or beer, or both, at retail for off-premises consumption.~~

~~13.~~ The storage of lawfully acquired alcoholic beverages not under customs bond or internal revenue bond in warehouses located in the Commonwealth.

~~14.~~ 13. The storage of wine by a licensed winery or farm winery under internal revenue bond in warehouses located in the Commonwealth.

~~15.~~ 14. Any person to conduct tastings in accordance with § 4.1-201.1, provided that such person has filed an application for a permit in which the applicant represents (i) that he or she is under contract to conduct such tastings on behalf of the alcoholic beverage manufacturer or wholesaler named in the application; (ii) that such contract grants to the applicant the authority to act as the authorized representative of such manufacturer or wholesaler; and (iii) that such contract contains an acknowledgment that the manufacturer or wholesaler named in the application may be held liable for any violation of § 4.1-201.1 by its authorized representative. A permit issued pursuant to this subdivision shall be valid for at least one year, unless sooner suspended or revoked by the Board in accordance with § 4.1-229.

~~16.~~ 15. Any person who, through contract, lease, concession, license, management or similar agreement (hereinafter referred to as the contract), becomes lawfully entitled to the use and control of the premises of a person licensed by the Board to continue to operate the establishment to the same extent as a person holding such licenses, provided such person has made application to the Board for a license at the same premises. The permit shall (i) confer the privileges of any licenses held by the previous owner to the extent determined by the Board and (ii) be valid for a period of 120 days or for such longer period as may be necessary as determined by the Board pending the completion of the processing of the permittee's license application. No permit shall be issued without the written consent of the previous licensee. No permit shall be issued under the provisions of this subdivision if the previous licensee owes any state or local taxes, or has any pending charges for violation of this title or any Board regulation, unless the permittee agrees to assume the liability of the previous licensee for the taxes or any penalty for the pending charges. An application for a permit may be filed prior to the effective date of the contract, in which case the permit when issued shall become effective on the effective date of the contract. Upon the effective date of the permit, (a) the permittee shall be responsible for compliance with the provisions of this title and any Board regulation and (b) the previous licensee shall not be held liable for any violation of this title or any Board regulation committed by, or any errors or omissions of, the permittee.

~~17.~~ 16. Any sight-seeing carrier or contract passenger carrier as defined in § 46.2-2000 transporting individuals for compensation to a winery, brewery, or restaurant, licensed under this chapter and authorized to conduct tastings, to collect the licensee's tasting fees from tour participants for the sole purpose of remitting such fees to the licensee.

~~18.~~ 17. Any tour company guiding individuals for compensation on a culinary walking tour to one or more establishments licensed to sell alcoholic beverages at retail for on-premises consumption to collect as one fee from tour participants (i) the licensee's fee for the food and alcoholic beverages served as part of the tour and (ii) a fee for the culinary walking tour service. The tour company shall remit to the licensee any fee collected for the food and alcoholic beverages served as part of the tour. Food cooked or prepared on the premises of such licensed establishments shall be served at each such establishment on the tour.

B. Nothing in subdivision 9, 10, or 11 shall authorize any brewery, winery or affiliate or a subsidiary thereof which has supplied financing to a wholesale licensee to manage and operate the wholesale licensee in the event of a default, except to the extent authorized by subdivision B 3 a of § 4.1-216.

§ 4.1-212.1. Delivery of wine and beer; kegs; regulations of Board.

A. Any brewery, winery, or farm winery located within or outside the Commonwealth that is authorized to engage in the retail sale of wine or beer for off-premises consumption may ~~apply to the Board for issuance of a delivery permit that shall authorize the delivery of~~ deliver the brands of beer, wine, and farm wine produced by the same brewery, winery, or farm winery in closed containers to consumers within the Commonwealth for personal off-premises consumption.

B. Any person ~~located within or outside the Commonwealth who is authorized~~ licensed to sell wine ~~or~~ and beer at retail for off-premises consumption in ~~their state of domicile~~ the Commonwealth, and who is not a brewery, winery, or farm winery, may ~~apply for a delivery permit that shall authorize the delivery of any~~ deliver the brands of beer, wine, and farm wine it is authorized to sell in its state of domicile, in closed containers, to consumers within the Commonwealth for personal off-premises consumption. *Notwithstanding any provision of law to the contrary, such deliveries may be made to (i) a person's vehicle if located in a designated parking area of the licensee's premises where such person has electronically ordered beer, wine, or farm wine in advance of the delivery or (ii) such other locations as may be permitted by Board regulation.*

C. Any person located outside the Commonwealth who is authorized to sell wine or beer at retail for off-premises consumption in its state of domicile, and who is not a brewery, winery, or farm winery, may apply for a delivery permit that shall authorize the delivery of any brands of beer, wine, and farm wine it is authorized to sell in its state of domicile, in closed containers, to consumers within the Commonwealth for personal off-premises consumption.

~~C.~~ D. All such deliveries shall be to consumers within the Commonwealth for personal consumption only and not for resale. All such deliveries of beer, wine, or farm wine shall be performed by either (i) the owner or any agent, officer, director, shareholder, or employee of the licensee or permittee or (ii) an independent contractor of the licensee or permittee,

provided that (a) the *licensee or permittee* has entered into a written agreement with the independent contractor establishing that the *licensee or permittee* shall be vicariously liable for any administrative violations of this section or § 4.1-304 committed by the independent contractor relating to any deliveries of beer, wine, or farm wine made on behalf of the *licensee or permittee* and (b) only one individual takes possession of the beer, wine, or farm wine during the course of the delivery. No more than four cases of wine nor more than four cases of beer may be delivered at one time to any person in Virginia to whom alcoholic beverages may be lawfully sold, except that the *licensee or permittee* may deliver more than four cases of wine or more than four cases of beer if he notifies the ~~Department~~ *Authority* in writing at least one business day in advance of any such delivery, which notice contains the name and address of the intended recipient. The Board may adopt such regulations as it reasonably deems necessary to implement the provisions of this section. Such regulations shall include provisions that require ~~(i)~~ (1) the recipient to demonstrate, upon delivery, that he is at least 21 years of age and ~~(ii)~~ (2) the recipient to sign an electronic or paper form or other acknowledgement of receipt as approved by the Board.

~~D. E.~~ For purposes of §§ 4.1-234 and 4.1-236 and Chapter 6 (§ 58.1-600 et seq.) of Title 58.1, each delivery of wine or beer by a *licensee or permittee* shall constitute a sale in Virginia. The *licensee or permittee* shall collect the taxes due to the Commonwealth and remit any excise taxes monthly to the Authority and any sales taxes to the Department of Taxation, if such taxes have not already been paid.

F. Any manufacturer or retailer who is licensed to sell wine, beer, or both for off-premises consumption may sell such wine or beer in kegs, subject to any limitations imposed by Board regulation. The Board may impose a fee for keg registration seals. For purposes of this subsection, "keg registration seal" means any document, stamp, declaration, seal, decal, sticker, or device that is approved by the Board, designed to be affixed to kegs, and displays a registration number and such other information as may be prescribed by the Board.

§ 4.1-215. Limitation on manufacturers, bottlers, and wholesalers; exemptions.

A. 1. Unless exempted pursuant to subsection B, no retail license for the sale of alcoholic beverages shall be granted to any (i) manufacturer, bottler, or wholesaler of alcoholic beverages, whether licensed in the Commonwealth or not; (ii) officer or director of any such manufacturer, bottler, or wholesaler; (iii) partnership or corporation, where any partner or stockholder is an officer or director of any such manufacturer, bottler, or wholesaler; (iv) corporation which is a subsidiary of a corporation which owns or has interest in another subsidiary corporation which is a manufacturer, bottler, or wholesaler of alcoholic beverages; or (v) manufacturer, bottler, or wholesaler of alcoholic beverages who has a financial interest in a corporation which has a retail license as a result of a holding company, which owns or has an interest in such manufacturer, bottler, or wholesaler of alcoholic beverages. Nor shall such licenses be granted in any instances where such manufacturer, bottler, or wholesaler and such retailer are under common control, by stock ownership or otherwise.

2. Notwithstanding any other provision of this title:

~~a. A manufacturer of malt beverages, whether licensed in the Commonwealth or not, may obtain a banquet license as provided in § 4.1-209 upon application to the Board, provided that the event for which a banquet license is obtained is (i) at a place approved by the Board and (ii) conducted for the purposes of featuring and educating the consuming public about malt beverage products. Such manufacturer shall be limited to eight banquet licenses for such events per year without regard to the number of breweries owned or operated by such manufacturer or by any parent, subsidiary, or company under common control with such manufacturer. Where the event occurs on no more than three consecutive days, a manufacturer need only obtain one such license for the event; or~~

~~b. A, a manufacturer of wine or malt beverages, or two or more of such manufacturers together, whether licensed in the Commonwealth or not, may obtain a banquet license as provided in § 4.1-209 4.1-206.3 upon application to the Board, provided that the event for which a banquet license is obtained is (i) at a place approved by the Board and (ii) conducted for the purposes of featuring and educating the consuming public about wine or malt beverage products. Such manufacturer shall be limited to eight banquet licenses, whether or not jointly obtained, for such events per year without regard to the number of wineries or breweries owned or operated by such manufacturer or by any parent, subsidiary, or company under common control with such manufacturer. Where the event occurs on no more than three consecutive days, a manufacturer need only obtain one such license for the event.~~

3. Notwithstanding any other provision of this title, a manufacturer of distilled spirits, whether licensed in the Commonwealth or not, may obtain a banquet license for a special event as provided in subdivision ~~A 4 D 1 b~~ of § ~~4.1-210 4.1-206.3~~ upon application to the Board, provided that such event is (i) at a place approved by the Board and (ii) conducted for the purposes of featuring and educating the consuming public about the manufacturer's spirits products. Such manufacturer shall be limited to no more than eight banquet licenses for such special events per year. Where the event occurs on no more than three consecutive days, a manufacturer need only obtain one such license for the event. Such banquet license shall authorize the manufacturer to sell or give samples of spirits to any person to whom alcoholic beverages may be lawfully sold in designated areas at the special event, provided that (a) no single sample shall exceed one-half ounce per spirits product offered, unless served as a mixed beverage, in which case a single sample may contain up to one and one-half ounces of spirits, and (b) no more than three ounces of spirits may be offered to any patron per day. Nothing in this paragraph shall prohibit such manufacturer from serving such samples as part of a mixed beverage.

B. This section shall not apply to:

1. Corporations operating dining cars, buffet cars, club cars, or boats;
2. Brewery, distillery, or winery licensees engaging in conduct authorized by subdivision A 5 of § 4.1-201;
3. Farm winery licensees engaging in conduct authorized by subdivision ~~§ 6~~ of § ~~4.1-207 4.1-206.1~~;

4. Manufacturers, bottlers, or wholesalers of alcoholic beverages who do not (i) sell or otherwise furnish, directly or indirectly, alcoholic beverages or other merchandise to persons holding a retail license or banquet license as described in subsection A and (ii) require, by agreement or otherwise, such person to exclude from sale at his establishment alcoholic beverages of other manufacturers, bottlers, or wholesalers;

5. Wineries, farm wineries, or breweries engaging in conduct authorized by *subsection F of § 4.1-206.3 or § 4.1-209.1 or 4.1-212.1*; or

6. One out-of-state winery, not under common control or ownership with any other winery, that is under common ownership or control with one restaurant licensed to sell wine at retail in Virginia, so long as any wine produced by that winery is purchased from a Virginia wholesale wine licensee by the restaurant before it is offered for sale to consumers.

C. The General Assembly finds that it is necessary and proper to require a separation between manufacturing interests, wholesale interests, and retail interests in the production and distribution of alcoholic beverages in order to prevent suppliers from dominating local markets through vertical integration and to prevent excessive sales of alcoholic beverages caused by overly aggressive marketing techniques. The exceptions established by this section to the general prohibition against tied interests shall be limited to their express terms so as not to undermine the general prohibition and shall therefore be construed accordingly.

§ 4.1-216. Further limitations on manufacturers, bottlers, importers, brokers or wholesalers; ownership interests prohibited; exceptions; prohibited trade practices.

A. As used in this section:

"Broker" means any person, other than a manufacturer or a licensed beer or wine importer, who regularly engages in the business of bringing together sellers and purchasers of alcoholic beverages for resale and arranges for or consummates such transactions with persons in the Commonwealth to whom such alcoholic beverages may lawfully be sold and shipped into the Commonwealth pursuant to the provisions of this title.

"Manufacturer, bottler, importer, broker or wholesaler of alcoholic beverages" includes any officers or directors of any such manufacturer, bottler, importer, broker or wholesaler.

B. Except as provided in this title, no manufacturer, importer, bottler, broker or wholesaler of alcoholic beverages, whether licensed in the Commonwealth or not, shall acquire or hold any financial interest, direct or indirect, (i) in the business for which any retail license is issued or (ii) in the premises where the business of a retail licensee is conducted.

1. Subdivision B (ii) shall not apply so long as such manufacturer, bottler, importer, broker or wholesaler does not sell or otherwise furnish, directly or indirectly, alcoholic beverages or other merchandise to such retail licensee and such retailer is not required by agreement or otherwise to exclude from sale at his establishment alcoholic beverages of other manufacturers, bottlers, importers, brokers or wholesalers.

2. Service as a member of the board of directors of a corporation licensed as a retailer, the shares of stock of which are sold to the general public on any national or local stock exchange, shall not be deemed to be a financial interest, direct or indirect, in the business or the premises of the retail licensee.

3. A brewery, winery or subsidiary or affiliate thereof, hereinafter collectively referred to as a financing corporation, may participate in financing the business of a wholesale licensee in the Commonwealth by providing debt or equity capital or both but only if done in accordance with the provisions of this subsection.

a. In order to assist a proposed new owner of an existing wholesale licensee, a financing corporation may provide debt or equity capital, or both, if prior approval of the Board has been obtained pursuant to subdivision 3 b of subsection B. A financing corporation which proposes to provide equity capital shall cause the proposed new owner to form a Virginia limited partnership in which the new owner is the general partner and the financing corporation is a limited partner. If the general partner defaults on any financial obligation to the limited partner, which default has been specifically defined in the partnership agreement, or, if the new owner defaults on its obligation to pay principal and interest when due to the financing corporation as specifically defined in the loan documents, then, and only then, shall such financing corporation be allowed to take title to the business of the wholesale licensee. Notwithstanding any other law to the contrary and provided written notice has been given to the Board within two business days after taking title, the wholesale licensee may be managed and operated by such financing corporation pursuant to the existing wholesale license for a period of time not to exceed 180 days as if the license had been issued in the name of the financing corporation. On or before the expiration of such 180-day period, the financing corporation shall cause ownership of the wholesale licensee's business to be transferred to a new owner. Otherwise, on the 181st day, the license shall be deemed terminated. The financing corporation may not participate in financing the transfer of ownership to the new owner or to any other subsequent owner for a period of twenty years following the effective date of the original financing transaction; except where a transfer takes place before the expiration of the eighth full year following the effective date of the original financing transaction in which case the financing corporation may finance such transfer as long as the new owner is required to return such debt or equity capital within the originally prescribed eight-year period. The financing corporation may exercise its right to take title to, manage and operate the business of, the wholesale licensee only once during such eight-year period.

b. In any case in which a financing corporation proposes to provide debt or equity capital in order to assist in a change of ownership of an existing wholesale licensee, the parties to the transaction shall first submit an application for a wholesale license in the name of the proposed new owner to the Board.

The Board shall be provided with all documents that pertain to the transaction at the time of the license application and shall ensure that the application complies with all requirements of law pertaining to the issuance of wholesale licenses

except that if the financing corporation proposes to provide equity capital and thereby take a limited partnership interest in the applicant entity, the financing corporation shall not be required to comply with any Virginia residency requirement applicable to the issuance of wholesale licenses. In addition to the foregoing, the applicant entity shall certify to the Board and provide supporting documentation that the following requirements are met prior to issuance of the wholesale license: (i) the terms and conditions of any debt financing which the financing corporation proposes to provide are substantially the same as those available in the financial markets to other wholesale licensees who will be in competition with the applicant, (ii) the terms of any proposed equity financing transaction are such that future profits of the applicant's business shall be distributed annually to the financing corporation in direct proportion to its percentage of ownership interest received in return for its investment of equity capital, (iii) if the financing corporation proposes to provide equity capital, it shall hold an ownership interest in the applicant entity through a limited partnership interest and no other arrangement and (iv) the applicant entity shall be contractually obligated to return such debt or equity capital to the financing corporation not later than the end of the eighth full year following the effective date of the transaction thereby terminating any ownership interest or right thereto of the financing corporation.

Once the Board has issued a wholesale license pursuant to an application filed in accordance with this subdivision 3 b, any subsequent change in the partnership agreement or the financing documents shall be subject to the prior approval of the Board. In accordance with the previous paragraph, the Board may require the licensee to resubmit certifications and documentation.

c. If a financing corporation wishes to provide debt financing, including inventory financing, but not equity financing, to an existing wholesale licensee or a proposed new owner of an existing wholesale licensee, it may do so without regard to the provisions of subdivisions 3 a and 3 b of subsection B under the following circumstances and subject to the following conditions: (i) in order to secure such debt financing, a wholesale licensee or a proposed new owner thereof may grant a security interest in any of its assets, including inventory, other than the wholesale license itself or corporate stock of the wholesale licensee; in the event of default, the financing corporation may take title to any assets pledged to secure such debt but may not take title to the business of the wholesale licensee and may not manage or operate such business; (ii) debt capital may be supplied by such financing corporation to an existing wholesale licensee or a proposed new owner of an existing wholesale licensee so long as debt capital is provided on terms and conditions which are substantially the same as those available in the financial markets to other wholesale licensees in competition with the wholesale licensee which is being so financed; and (iii) the licensee or proposed new owner shall certify to the Board and provide supporting documentation that the requirements of (i) and (ii) of this subdivision 3 c have been met.

Nothing in this section shall eliminate, affect or in any way modify the requirements of law pertaining to issuance and retention of a wholesale license as they may apply to existing wholesale licensees or new owners thereof which have received debt financing prior to the enactment of this subdivision 3 c.

4. Except for holders of retail licenses issued pursuant to subdivision A 5 of § 4.1-201, brewery licensees may sell beer to retail licensees for resale only under the following conditions: If such brewery or an affiliate or subsidiary thereof has taken title to the business of a wholesale licensee pursuant to the provisions of subdivision 3 a of subsection B, direct sale to retail licensees may be made during the 180-day period of operation allowed under that subdivision. Moreover, the holder of a brewery license may make sales of alcoholic beverages directly to retail licensees for a period not to exceed thirty days in the event that such retail licensees are normally serviced by a wholesale licensee representing that brewery which has been forced to suspend wholesale operations as a result of a natural disaster or other act of God or which has been terminated by the brewery for fraud, loss of license or assignment of assets for the benefit of creditors not in the ordinary course of business.

5. Notwithstanding any provision of this section, including but not limited to those provisions whereby certain ownership or lease arrangements may be permissible, no manufacturer, bottler, importer, broker or wholesaler of alcoholic beverages shall make an agreement, or attempt to make an agreement, with a retail licensee pursuant to which any products sold by a competitor are excluded in whole or in part from the premises on which the retail licensee's business is conducted.

6. Nothing in this section shall prohibit a winery, brewery, or distillery licensee from paying a royalty to a historical preservation entity pursuant to a bona fide intellectual property agreement that (i) authorizes the winery, brewery, or distillery licensee to manufacture wine, beer, or spirits based on authentic historical recipes and identified with brand names owned and trademarked by the historical preservation entity; (ii) provides for royalties to be paid based solely on the volume of wine, beer, or spirits manufactured using such recipes and trademarks, rather than on the sales revenues generated from such wine, beer, or spirits; and (iii) has been approved by the Board.

For purposes of this subdivision, "historical preservation entity" means an entity (a) that is exempt from income taxation under § 501(c)(3) of the Internal Revenue Code; (b) whose declared purposes include the preservation, restoration, and protection of a historic community in the Commonwealth that is the site of at least 50 historically significant houses, shops, and public buildings dating to the eighteenth century; and (c) that owns not more than 12 retail establishments in the Commonwealth for which retail licenses have been issued by the Board.

C. Subject to such exceptions as may be provided by statute or Board regulations, no manufacturer, bottler, importer, broker or wholesaler of alcoholic beverages, whether licensed in the Commonwealth or not, shall sell, rent, lend, buy for or give to any retail licensee, or to the owner of the premises in which the business of any retail licensee is conducted, any (i) money, equipment, furniture, fixtures, property, services or anything of value with which the business of such retail licensee is or may be conducted, or for any other purpose; (ii) advertising materials; and (iii) business entertainment,

provided that no transaction permitted under this section or by Board regulation shall be used to require the retail licensee to partially or totally exclude from sale at its establishment alcoholic beverages of other manufacturers or wholesalers.

The provisions of this subsection shall apply to manufacturers, bottlers, importers, brokers and wholesalers selling alcoholic beverages to any governmental instrumentality or employee thereof selling alcoholic beverages at retail within the exterior limits of the Commonwealth, including all territory within these limits owned by or ceded to the United States of America.

The provisions of this subsection shall not apply to any commercial lifestyle center licensee.

§ 4.1-221.1. (Effective until July 1, 2020) Limitation of tasting licenses.

~~Samples~~ *Single samples* of alcoholic beverages given or sold by a licensee shall not exceed *four ounces of beer*, two ounces ~~per person of each product tasted, provided that (i) in the case of wine or beer, of wine, or one-half ounce of spirits, unless served as a mixed beverage, in which case a single sample of spirits may contain up to one and one-half ounces of spirits; and no more than four products shall be offered or (ii) in the case of spirits, no more than two products~~ *12 ounces of beer, five ounces of wine, or three ounces of spirits shall be offered to any person per day.* Tasting licenses for mixed beverages shall only be issued for events to be held in localities which have approved the sale of mixed beverages pursuant to § 4.1-124. No license shall be issued to any person to whom issuance of a retail license is prohibited. No more than four tasting licenses annually shall be issued to any person. The provisions of this section shall not apply to tastings conducted pursuant to § 4.1-201.1.

§ 4.1-221.1. (Effective July 1, 2020) Limitation of tasting licenses.

~~Samples~~ *Single samples* of alcoholic beverages given or sold by a licensee shall not exceed *four ounces of beer*, two ounces ~~per person of each product tasted, provided that (i) in the case of wine or beer, of wine, or one-half ounce of spirits, unless served as a mixed beverage, in which case a single sample of spirits may contain up to one and one-half ounces of spirits; and no more than four products shall be offered or (ii) in the case of spirits, no more than two products~~ *12 ounces of beer, five ounces of wine, or three ounces of spirits shall be offered to any person per day.* Tasting licenses for mixed beverages shall ~~only~~ be issued *only* for events to be held in localities that do not prohibit the sale of mixed beverages pursuant to § 4.1-124. No license shall be issued to any person to whom issuance of a retail license is prohibited. No more than four tasting licenses annually shall be issued to any person. The provisions of this section shall not apply to tastings conducted pursuant to § 4.1-201.1.

§ 4.1-223. Conditions under which Board shall refuse to grant licenses.

The Board shall refuse to grant any:

1. Wholesale beer or wine license to any person, unless such person has established or will establish a place or places of business within the Commonwealth at which will be received and from which will be distributed all alcoholic beverages sold by such person in the Commonwealth. However, in special circumstances, the Board, subject to any regulations it may adopt, may permit alcoholic beverages to be received into or distributed from places other than established places of business.

2. Wholesale beer license or wholesale wine license to any entity that is owned, in whole or in part, by any manufacturer of alcoholic beverages, any subsidiary or affiliate of such manufacturer, or any person under common control with such manufacturer. This subdivision, however, shall not apply to (i) any applicant for a wholesale beer or wine license filed pursuant to subdivision B 3 b of § 4.1-216 or (ii) the nonprofit, nonstock corporation established pursuant to subdivision B 2 of § 3.2-102 in exercising any privileges granted under ~~§ 4.1-207.1 subdivision 3 of § 4.1-206.2.~~

As used in this subdivision, the term "manufacturer" includes any person (i) who brews, vinifies, or distills alcoholic beverages for sale or (ii) engaging in business as a contract brewer, winery, or distillery that owns alcoholic beverage product brand rights, but arranges the manufacture of such products by another person.

3. Mixed beverage license if the Board determines that in the licensed establishment there (i) is entertainment of a lewd, obscene or lustful nature including what is commonly called stripteasing, topless entertaining, and the like, or which has employees who are not clad both above and below the waist, or who uncommonly expose the body or (ii) are employees who solicit the sale of alcoholic beverages.

4. Wholesale wine license until the applicant has filed with the Board a bond payable to the Commonwealth, in a sum not to exceed \$10,000, upon a form approved by the Board, signed by the applicant or licensee and a surety company authorized to do business in the Commonwealth as surety, and conditioned upon such person's (i) securing wine only in a manner provided by law, (ii) remitting to the Board the proper tax thereon, (iii) keeping such records as may be required by law or Board regulations, and (iv) abiding by such other laws or Board regulations relative to the handling of wine by wholesale wine licensees. The Board may waive the requirement of both the surety and the bond in cases where the wholesaler has previously demonstrated his financial responsibility.

5. Mixed beverage license to any member, agent, or employee of the Board or to any corporation or other business entity in which such member, agent or employee is a stockholder or has any other economic interest.

Whenever any other elective or appointive official of the Commonwealth or any political subdivision thereof applies for such a license or continuance thereof, he shall state on the application the official position he holds, and whenever a corporation or other business entity in which any such official is a stockholder or has any other economic interests applies for such a license, it shall state on the application the full economic interest of each such official in such corporation or other business entity.

6. License authorized by this chapter until the license tax required by ~~§ 4.1-231~~ *4.1-231.1* is paid to the Board.

§ 4.1-225.1. Summary suspension in emergency circumstances; grounds; notice and hearing.

A. Notwithstanding any provisions to the contrary in Article 3 (§ 2.2-4018 et seq.) of the Administrative Process Act or § 4.1-227 or 4.1-229, the Board may summarily suspend any license or permit if it has reasonable cause to believe that an act of violence resulting in death or serious bodily injury, or a recurrence of such acts, has occurred on (i) the licensed premises, (ii) any premises immediately adjacent to the licensed premises that is owned or leased by the licensee, or (iii) any portion of public property immediately adjacent to the licensed premises, and the Board finds that there exists a continuing threat to public safety and that summary suspension of the license or permit is justified to protect the health, safety, or welfare of the public.

B. Prior to issuing an order of suspension pursuant to this section, special agents of the Board shall conduct an initial investigation and submit all findings to the Secretary of the Board within 48 hours of any such act of violence. If the Board determines suspension is warranted, it shall immediately notify the licensee of its intention to temporarily suspend his license pending the outcome of a formal investigation. Such temporary suspension shall remain effective for a minimum of 48 hours. After the 48-hour period, the licensee may petition the Board for a restricted license pending the results of the formal investigation and proceedings for disciplinary review. If the Board determines that a restricted license is warranted, the Board shall have discretion to impose appropriate restrictions based on the facts presented.

C. Upon a determination to temporarily suspend a license, the Board shall immediately commence a formal investigation. The formal investigation shall be completed within 10 days of its commencement and the findings reported immediately to the Secretary of the Board. If, following the formal investigation, the Secretary of the Board determines that suspension of the license is warranted, a hearing shall be held within five days of the completion of the formal investigation. A decision shall be rendered within 10 days of conclusion of the hearing. If a decision is not rendered within 10 days of the conclusion of the hearing, the order of suspension shall be vacated and the license reinstated. Any appeal by the licensee shall be filed within 10 days of the decision and heard by the Board within 20 days of the decision. The Board shall render a decision on the appeal within 10 days of the conclusion of the appeal hearing.

D. Service of any order of suspension issued pursuant to this section shall be made by a special agent of the Board in person and by certified mail to the licensee. The order of suspension shall take effect immediately upon service.

E. This section shall not apply to (i) temporary licenses granted under § 4.1-211 or temporary permits granted under § 4.1-212, either of which may be revoked summarily in accordance with § 4.1-211, or (ii) licenses granted pursuant to *subdivision 7 or 8 of § 4.1-206.1* or *subdivision 1 or 2 or 3 of § 4.1-207* or *subdivision 4 or 5 of § 4.1-208* *4.1-206.2*.

§ 4.1-227. Suspension or revocation of licenses; notice and hearings; imposition of penalties.

A. Except for temporary licenses, before the Board may impose a civil penalty against a brewery licensee or suspend or revoke any license, reasonable notice of such proposed or contemplated action shall be given to the licensee in accordance with the provisions of § 2.2-4020 of the Administrative Process Act (§ 2.2-4000 et seq.).

Notwithstanding the provisions of § 2.2-4022, the Board shall, upon written request by the licensee, permit the licensee to inspect and copy or photograph all (i) written or recorded statements made by the licensee or copies thereof or the substance of any oral statements made by the licensee or a previous or present employee of the licensee to any law-enforcement officer, the existence of which is known by the Board and upon which the Board intends to rely as evidence in any adversarial proceeding under this chapter against the licensee, and (ii) designated books, papers, documents, tangible objects, buildings, or places, or copies or portions thereof, that are within the possession, custody, or control of the Board and upon which the Board intends to rely as evidence in any adversarial proceeding under this chapter against the licensee. In addition, any subpoena for the production of documents issued to any person at the request of the licensee or the Board pursuant to § 4.1-103 shall provide for the production of the documents sought within ten working days, notwithstanding anything to the contrary in § 4.1-103.

If the Board fails to provide for inspection or copying under this section for the licensee after a written request, the Board shall be prohibited from introducing into evidence any items the licensee would have lawfully been entitled to inspect or copy under this section.

The action of the Board in suspending or revoking any license or in imposing a civil penalty against the holder of a brewery license shall be subject to judicial review in accordance with the Administrative Process Act. Such review shall extend to the entire evidential record of the proceedings provided by the Board in accordance with the Administrative Process Act. An appeal shall lie to the Court of Appeals from any order of the court. Notwithstanding § 8.01-676.1, the final judgment or order of the circuit court shall not be suspended, stayed or modified by such circuit court pending appeal to the Court of Appeals. Neither mandamus nor injunction shall lie in any such case.

B. In suspending any license the Board may impose, as a condition precedent to the removal of such suspension or any portion thereof, a requirement that the licensee pay the cost incurred by the Board in investigating the licensee and in holding the proceeding resulting in such suspension, or it may impose and collect such civil penalties as it deems appropriate. In no event shall the Board impose a civil penalty exceeding \$2,000 for the first violation occurring within five years immediately preceding the date of the violation or \$5,000 for the second violation occurring within five years immediately preceding the date of the second violation. However, if the violation involved selling alcoholic beverages to a person prohibited from purchasing alcoholic beverages or allowing consumption of alcoholic beverages by underage, intoxicated, or interdicted persons, the Board may impose a civil penalty not to exceed \$3,000 for the first violation occurring within five years immediately preceding the date of the violation and \$6,000 for a second violation occurring within five years immediately preceding the date of the second violation in lieu of such suspension or any portion thereof, or

both. ~~Upon making a finding that aggravating circumstances exist, the~~ The Board may also impose a requirement that the licensee pay for the cost incurred by the Board not exceeding ~~\$10,000~~ \$25,000 in investigating the licensee and in holding the proceeding resulting in the violation in addition to any suspension or civil penalty incurred.

C. Following notice to (i) the licensee of a hearing that may result in the suspension or revocation of his license or (ii) the applicant of a hearing to resolve a contested application, the Board may accept a consent agreement as authorized in subdivision ~~22~~ 21 of § 4.1-103. The notice shall advise the licensee or applicant of the option to (a) admit the alleged violation or the validity of the objection; (b) waive any right to a hearing or an appeal under the Virginia Administrative Process Act (§ 2.2-4000 et seq.); and (c) (1) accept the proposed restrictions for operating under the license, (2) accept the period of suspension of the licensed privileges within the Board's parameters, (3) pay a civil penalty in lieu of the period of suspension, or any portion of the suspension as applicable, or (4) proceed to a hearing.

D. In case of an offense by the holder of a brewery license, the Board may (i) require that such holder pay the costs incurred by the Board in investigating the licensee, (ii) suspend or revoke the on-premises privileges of the brewery, and (iii) impose a civil penalty not to exceed \$25,000 for the first violation, \$50,000 for the second violation, and for the third or any subsequent violation, suspend or revoke such license or, in lieu of any suspension or portion thereof, impose a civil penalty not to exceed \$100,000. Such suspension or revocation shall not prohibit the licensee from manufacturing or selling beer manufactured by it to the owners of boats registered under the laws of the United States sailing for ports of call of a foreign country or another state, and to persons outside the Commonwealth.

E. The Board shall, by regulation or written order:

1. Designate those (i) objections to an application or (ii) alleged violations that will proceed to an initial hearing;
2. Designate the violations for which a waiver of a hearing and payment of a civil charge in lieu of suspension may be accepted for a first offense occurring within three years immediately preceding the date of the violation;
3. Provide for a reduction in the length of any suspension and a reduction in the amount of any civil penalty for any retail licensee where the licensee can demonstrate that it provided to its employees alcohol server or seller training certified in advance by the Board;
4. Establish a schedule of penalties for such offenses, prescribing the appropriate suspension of a license and the civil charge acceptable in lieu of such suspension; and
5. Establish a schedule of offenses for which any penalty may be waived upon a showing that the licensee has had no prior violations within five years immediately preceding the date of the violation. No waiver shall be granted by the Board, however, for a licensee's willful and knowing violation of this title or Board regulations.

§ 4.1-230. Applications for licenses; publication; notice to localities; fees; permits.

A. Every person intending to apply for any license authorized by this chapter shall file with the Board an application on forms provided by the Board and a statement in writing by the applicant swearing and affirming that all of the information contained therein is true.

Applicants for retail licenses for establishments that serve food or are otherwise required to obtain a food establishment permit from the Department of Health or an inspection by the Department of Agriculture and Consumer Services shall provide a copy of such permit, proof of inspection, proof of a pending application for such permit, or proof of a pending request for such inspection. If the applicant provides a copy of such permit, proof of inspection, proof of a pending application for a permit, or proof of a pending request for an inspection, a license may be issued to the applicant. If a license is issued on the basis of a pending application or inspection, such license shall authorize the licensee to purchase alcoholic beverages in accordance with the provisions of this title; however, the licensee shall not sell or serve alcoholic beverages until a permit is issued or an inspection is completed.

B. In addition, each applicant for a license under the provisions of this chapter, except applicants for annual banquet, banquet, tasting, special events, club events, annual mixed beverage banquet, ~~wine or beer shipper's~~, wine and beer shipper's, delivery permit, annual arts venue, or museum licenses issued under the provisions of Chapter 2 (§ 4.1-200 et seq.), or beer or wine importer's licenses, shall post a notice of his application with the Board on the front door of the building, place or room where he proposes to engage in such business for no more than 30 days and not less than 10 days. Such notice shall be of a size and contain such information as required by the Board, including a statement that any objections shall be submitted to the Board not more than 30 days following initial publication of the notice required pursuant to this subsection.

The applicant shall also cause notice to be published at least once a week for two consecutive weeks in a newspaper published in or having a general circulation in the county, city, or town wherein such applicant proposes to engage in such business. Such notice shall contain such information as required by the Board, including a statement that any objections to the issuance of the license be submitted to the Board not later than 30 days from the date of the initial newspaper publication. In the case of ~~wine or beer shipper's licensees~~, wine and beer shipper's licensees, delivery permittees or operators of boats, dining cars, buffet cars, club cars, *buses*, and airplanes, the posting and publishing of notice shall not be required.

Except for applicants for annual banquet, banquet, tasting, mixed beverage special events, club events, annual mixed beverage banquet, ~~wine or beer shipper's~~, wine and beer shipper's, beer or wine importer's, annual arts venue, or museum licenses, the Board shall conduct a background investigation, to include a criminal history records search, which may include a fingerprint-based national criminal history records search, on each applicant for a license. However, the Board may waive, for good cause shown, the requirement for a criminal history records search and completed personal data form

for officers, directors, nonmanaging members, or limited partners of any applicant corporation, limited liability company, or limited partnership.

Except for applicants for ~~wine shipper's, beer shipper's,~~ wine and beer shipper's licenses; and delivery permits, the Board shall notify the local governing body of each license application through the county or city attorney or the chief law-enforcement officer of the locality. Local governing bodies shall submit objections to the granting of a license within 30 days of the filing of the application.

C. Each applicant shall pay the required application fee at the time the application is filed. Each license application fee, including annual banquet and annual mixed beverage banquet, shall be \$195, plus the actual cost charged to the Department of State Police by the Federal Bureau of Investigation or the Central Criminal Records Exchange for processing any fingerprints through the Federal Bureau of Investigation or the Central Criminal Records Exchange for each criminal history records search required by the Board, except for banquet, tasting, or mixed beverage club events licenses, in which case the application fee shall be \$15. The application fee for banquet special event and mixed beverage special event licenses shall be \$45. Application fees shall be in addition to the state license fee required pursuant to § ~~4.1-231~~ 4.1-231.1 and shall not be refunded.

D. Subsection A shall not apply to the continuance of licenses granted under this chapter; however, all licensees shall file and maintain with the Board a current, accurate record of the information required by the Board pursuant to subsection A and notify the Board of any changes to such information in accordance with Board regulations.

E. Every application for a permit granted pursuant to § 4.1-212 shall be on a form provided by the Board. ~~In the case of applications to solicit the sale of wine and beer or spirits, each application shall be accompanied by a fee of \$165 and \$390, respectively. The fee for each such permit shall be subject to proration to the following extent: If the permit is granted in the second quarter of any year, the fee shall be decreased by one-fourth; if granted in the third quarter of any year, the fee shall be decreased by one-half; and if granted in the fourth quarter of any year, the fee shall be decreased by three-fourths. Each such permit shall expire on June 30 next succeeding the date of issuance, unless sooner suspended or revoked by the Board. Such permits shall confer upon their holders no authority to make solicitations in the Commonwealth as otherwise provided by law.~~

The fee for a temporary permit shall be one-twelfth of the combined fees required by this section for applicable licenses to sell wine, beer, or mixed beverages computed to the nearest cent and multiplied by the number of months for which the permit is granted.

~~The fee for a keg registration permit shall be \$65 annually.~~

~~The fee for a permit for the storage of lawfully acquired alcoholic beverages not under customs bond or internal revenue bond in warehouses located in the Commonwealth shall be \$260 annually.~~

F. The Board shall have the authority to increase state license fees from the amounts set forth in § 4.1-231.1 as it was in effect on July 1, 2021. The Board shall set the amount of such increases on the basis of the consumer price index and shall not increase fees more than once every three years. Prior to implementing any state license fee increase, the Board shall provide notice to all licensees and the general public of (i) the Board's intent to impose a fee increase and (ii) the new fee that would be required for any license affected by the Board's proposed fee increases. Such notice shall be provided on or before November 1 in any year in which the Board has decided to increase state license fees, and such increases shall become effective July 1 of the following year.

§ 4.1-231.1. Fees on state licenses.

A. The annual fees on state licenses shall be as follows:

1. *Manufacturer licenses. For each:*

a. *Distiller's license and limited distiller's license, if not more than 5,000 gallons of alcohol or spirits, or both, manufactured during the year in which the license is granted, \$490; if more than 5,000 gallons but not more than 36,000 gallons manufactured during such year, \$2,725; and if more than 36,000 gallons manufactured during such year, \$4,060;*

b. *Brewery license and limited brewery license, if not more than 500 barrels of beer manufactured during the year in which the license is granted, \$380; if not more than 10,000 barrels of beer manufactured during the year in which the license is granted, \$2,350; and if more than 10,000 barrels manufactured during such year, \$4,690;*

c. *Winery license, if not more than 5,000 gallons of wine manufactured during the year in which the license is granted, \$215, and if more than 5,000 gallons manufactured during such year, \$4,210;*

d. *Farm winery license, \$245 for any Class A license and \$4,730 for any Class B license;*

e. *Wine importer's license, \$460; and*

f. *Beer importer's license, \$460.*

2. *Wholesale licenses. For each:*

a. *(1) Wholesale beer license, \$1,005 for any wholesaler who sells 300,000 cases of beer a year or less, \$1,545 for any wholesaler who sells more than 300,000 but not more than 600,000 cases of beer a year, and \$2,010 for any wholesaler who sells more than 600,000 cases of beer a year; and*

(2) Wholesale beer license applicable to two or more premises, the annual state license tax shall be the amount set forth in subdivision a (1), multiplied by the number of separate locations covered by the license;

b. *(1) Wholesale wine license, \$240 for any wholesaler who sells 30,000 gallons of wine or less per year, \$1,200 for any wholesaler who sells more than 30,000 gallons per year but not more than 150,000 gallons of wine per year, \$1,845 for*

any wholesaler who sells more than 150,000 but not more than 300,000 gallons of wine per year, and \$2,400 for any wholesaler who sells more than 300,000 gallons of wine per year; and

(2) Wholesale wine license, including that granted pursuant to subdivision 3 of § 4.1-206.2, applicable to two or more premises, the annual state license tax shall be the amount set forth in subdivision b (1), multiplied by the number of separate locations covered by the license.

3. Retail licenses - mixed beverage. For each:

a. Mixed beverage restaurant license, granted to persons operating restaurants, including restaurants located on premises of and operated by hotels or motels, or other persons:

- (1) With a seating capacity at tables for up to 100 persons, \$1,050;
- (2) With a seating capacity at tables for more than 100 but not more than 150 persons, \$1,495;
- (3) With a seating capacity at tables for more than 150 persons but not more than 500 persons, \$1,980;
- (4) With a seating capacity at tables for more than 500 persons but not more than 1,000 persons, \$2,500; and
- (5) With a seating capacity at tables for more than 1,000 persons, \$3,100;

b. Mixed beverage restaurant license for restaurants located on the premises of and operated by private, nonprofit clubs:

- (1) With an average yearly membership of not more than 200 resident members, \$1,250;
- (2) With an average yearly membership of more than 200 but not more than 500 resident members, \$2,440; and
- (3) With an average yearly membership of more than 500 resident members, \$3,410;

c. Mixed beverage restaurant license for restaurants located on the premises of and operated by a casino gaming establishment, \$3,100 plus an additional \$5 for each gaming station located on the premises of the casino gaming establishment;

d. Mixed beverage caterer's license, \$1,990;

e. Mixed beverage limited caterer's license, \$550;

f. Mixed beverage carrier license:

(1) \$520 for each of the average number of dining cars, buffet cars, or club cars operated daily in the Commonwealth by a common carrier of passengers by train;

(2) \$910 for each common carrier of passengers by boat;

(3) \$520 for each common carrier of passengers by bus; and

(4) \$2,360 for each license granted to a common carrier of passengers by airplane;

g. Annual mixed beverage motor sports facility license, \$630;

h. Limited mixed beverage restaurant license:

(1) With a seating capacity at tables for up to 100 persons, \$945;

(2) With a seating capacity at tables for more than 100 but not more than 150 persons, \$1,385; and

(3) With a seating capacity at tables for more than 150 persons, \$1,875;

i. Annual mixed beverage performing arts facility license, \$630;

j. Bed and breakfast license, \$100;

k. Museum license, \$260;

l. Motor car sporting event facility license, \$300;

m. Commercial lifestyle center license, \$300;

n. Mixed beverage port restaurant license, \$1,050; and

o. Annual mixed beverage special events license, \$630.

4. Retail licenses - on-and-off-premises wine and beer. For each on-and-off premises wine and beer license, \$450.

5. Retail licenses - off-premises wine and beer. For each:

a. Retail off-premises wine and beer license, \$300;

b. Gourmet brewing shop license, \$320; and

c. Confectionery license, \$170.

6. Retail licenses - banquet, special event, and tasting licenses.

a. Per-day event licenses. For each:

(1) Banquet license, \$40 per license granted by the Board, except for banquet licenses granted by the Board pursuant to subsection A of § 4.1-215, which shall be \$100 per license;

(2) Mixed beverage special events license, \$45 for each day of each event;

(3) Mixed beverage club events license, \$35 for each day of each event; and

(4) Tasting license, \$40.

b. Annual licenses. For each:

(1) Annual banquet license, \$300;

(2) Banquet facility license, \$260;

(3) Local special events license, \$300;

(4) Annual mixed beverage banquet license, \$630;

(5) Equine sporting event license, \$300; and

(6) Annual arts venue event license, \$300.

7. Retail licenses - marketplace. For each marketplace license, \$1,000.

8. Retail licenses - shipper, bottler, and related licenses. For each:

- a. Wine and beer shipper's license, \$230;
 - b. Internet wine and beer retailer license, \$240;
 - c. Bottler license, \$1,500;
 - d. Fulfillment warehouse license, \$210; and
 - e. Marketing portal license, \$285.
9. Temporary licenses. For each temporary license authorized by § 4.1-211, one-half of the tax imposed by this section on the license for which the applicant applied.

B. The tax on each license granted or reissued for a period other than 12, 24, or 36 months shall be equal to one-twelfth of the taxes required by subsection A computed to the nearest cent, multiplied by the number of months in the license period, and then increased by five percent. Such tax shall not be refundable, except as provided in § 4.1-232.

C. Nothing in this chapter shall exempt any licensee from any state merchants' license or state restaurant license or any other state tax. Every licensee, in addition to the taxes imposed by this chapter, shall be liable to state merchants' license taxation and state restaurant license taxation and other state taxation the same as if the alcoholic beverages were nonalcoholic. In ascertaining the liability of a beer wholesaler to merchants' license taxation, however, and in computing the wholesale merchants' license tax on a beer wholesaler, the first \$163,800 of beer purchases shall be disregarded; and in ascertaining the liability of a wholesale wine distributor to merchants' license taxation, and in computing the wholesale merchants' license tax on a wholesale wine distributor, the first \$163,800 of wine purchases shall be disregarded.

D. In addition to the taxes set forth in this section, a fee of \$5 may be imposed on any license purchased in person from the Board if such license is available for purchase online.

§ 4.1-232. Refund of state license tax.

A. The Board may correct erroneous assessments made by it against any person and make refunds of any amounts collected pursuant to erroneous assessments, or collected as taxes on licenses, which are subsequently refused or application therefor withdrawn, and to allow credit for any license taxes paid by any licensee for any license that is subsequently merged or changed into another license during the same license period. No refund shall be made of any such amount, however, unless made within three years from the date of collection of the same.

B. In any case where a licensee has changed its name or form of organization during a license period without any change being made in its ownership, and because of such change is required to pay an additional license tax for such period, the Board shall refund to such licensee the amount of such tax so paid in excess of the required license tax for such period.

C. The Board shall make refunds, prorated according to a schedule of its prescription, to licensees of state license taxes paid pursuant to subsection A of § ~~4.1-231~~ 4.1-231.1 if the place of business designated in the license is destroyed by an act of God, including but not limited to fire, earthquake, hurricane, storm, or similar natural disaster or phenomenon.

D. Any amount required to be refunded under this section shall be paid by the State Treasurer out of moneys appropriated to the Board and in the manner prescribed in § 4.1-116.

§ 4.1-233.1. Fees on local licenses.

A. In addition to the state license taxes, the annual local license taxes that may be collected shall not exceed the following sums:

1. Manufacturer licenses. For each:

a. Distiller's license and limited distiller's license, if more than 5,000 gallons but not more than 36,000 gallons manufactured during such year, \$750; if more than 36,000 gallons manufactured during such year, \$1,000; and no local license shall be required for any person who manufactures not more than 5,000 gallons of alcohol or spirits, or both, during such license year;

b. Brewery license and limited brewery license, if not more than 500 barrels of beer manufactured during the year in which the license is granted, \$250, and if more than 10,000 barrels manufactured during such year, \$1,000;

c. Winery license, \$50; and

d. Farm winery license, \$50.

2. Wholesale licenses. For each:

a. Wholesale beer license, in a city, \$250, and in a county or town, \$75; and

b. Wholesale wine license, \$50.

3. Retail licenses - mixed beverage. For each:

a. Mixed beverage restaurant license, granted to persons operating restaurants, including restaurants located on premises of and operated by hotels or motels, or other persons:

(1) With a seating capacity at tables for up to 100 persons, \$200;

(2) With a seating capacity at tables for more than 100 but not more than 150 persons, \$350;

(3) With a seating capacity at tables for more than 150 persons but not more than 500 persons, \$500;

(4) With a seating capacity at tables for more than 500 persons but not more than 1,000 persons, \$650; and

(5) With a seating capacity at tables for more than 1,000 persons, \$800;

b. Mixed beverage restaurant license for restaurants located on the premises of and operated by private, nonprofit clubs, \$350;

c. Mixed beverage restaurant license for restaurants located on the premises of and operated by a casino gaming establishment, \$800 plus an additional \$2 for each gaming station located on the premises of the casino gaming establishment;

- d. Mixed beverage caterer's license, \$500;
- e. Mixed beverage limited caterer's license, \$100;
- f. Annual mixed beverage motor sports facility license, \$300;
- g. Limited mixed beverage restaurant license:
 - (1) With a seating capacity at tables for up to 100 persons, \$100;
 - (2) With a seating capacity at tables for more than 100 but not more than 150 persons, \$250; or
 - (3) With a seating capacity at tables for more than 150 persons, \$400;
- h. Annual mixed beverage performing arts facility license, \$300;
- i. Bed and breakfast license, \$40;
- j. Museum license, \$10;
- k. Motor car sporting event facility license, \$10;
- l. Commercial lifestyle center license, \$60; and
- m. Annual mixed beverage special events license, \$300.

4. Retail licenses - on-and-off-premises wine and beer. For each on-and-off premises wine and beer license issued to:

- a. Hotels, restaurants, and clubs, in a city, \$150, and in a county or town, \$37.50;
- b. Hospitals, \$10;
- c. Rural grocery stores, \$37.50; and
- d. Historic cinema houses, \$20.

5. Retail licenses - off-premises wine and beer. For each:

- a. Retail off-premises wine and beer license, in a city, \$150, and in a county or town, \$37.50;
- b. Gourmet brewing shop license, \$150; and
- c. Confectionery license, \$20.

6. Retail licenses - banquet, special event, and tasting licenses. For each:

a. Per-day event licenses. For each:

(1) Banquet license, \$5 per license granted by the Board, except for banquet licenses granted by the Board pursuant to subsection A of § 4.1-215, which shall be \$20 per license;

- (2) Mixed beverage special events license, \$10 for each day of each event;
- (3) Mixed beverage club events license, \$10 for each day of each event; and
- (4) Tasting license, \$10.

b. Annual licenses. For each:

- (1) Annual banquet license, \$15;
- (2) Local special events license, \$60;
- (3) Annual mixed beverage banquet license, \$75;
- (4) Equine sporting event license, \$10; and
- (5) Annual arts venue event license, \$10.

7. Retail licenses - marketplace. For each marketplace license, \$200.

8. Retail licenses - shipper, bottler, and related licenses. For each:

- a. Wine and beer shipper's license, \$10; and
- b. Bottler license, \$500.

B. Common carriers. No local license tax shall be either charged or collected for the privilege of selling alcoholic beverages in (i) passenger trains, boats, buses, or airplanes or (ii) rooms designated by the Board of establishments of air carriers of passengers at airports in the Commonwealth for on-premises consumption only.

C. Merchants' and restaurants' license taxes. The governing body of each county, city, or town in the Commonwealth, in imposing local wholesale merchants' license taxes measured by purchases, local retail merchants' license taxes measured by sales, and local restaurant license taxes measured by sales, may include alcoholic beverages in the base for measuring such local license taxes the same as if the alcoholic beverages were nonalcoholic. No local alcoholic beverage license authorized by this chapter shall exempt any licensee from any local merchants' or local restaurant license tax, but such local merchants' and local restaurant license taxes may be in addition to the local alcoholic beverage license taxes authorized by this chapter.

The governing body of any county, city, or town, in adopting an ordinance under this section, shall provide that in ascertaining the liability of (i) a beer wholesaler to local merchants' license taxation under the ordinance, and in computing the local wholesale merchants' license tax on such beer wholesaler, purchases of beer up to a stated amount shall be disregarded, which stated amount shall be the amount of beer purchases which would be necessary to produce a local wholesale merchants' license tax equal to the local wholesale beer license tax paid by such wholesaler and (ii) a wholesale wine licensee to local merchants' license taxation under the ordinance, and in computing the local wholesale merchants' license tax on such wholesale wine licensee, purchases of wine up to a stated amount shall be disregarded, which stated amount shall be the amount of wine purchases which would be necessary to produce a local wholesale merchants' license tax equal to the local wholesale wine licensee license tax paid by such wholesale wine licensee.

D. Delivery. No county, city, or town shall impose any local alcoholic beverage license tax on any wholesaler for the privilege of delivering alcoholic beverages in the county, city, or town when such wholesaler maintains no place of business in such county, city, or town.

E. Application of county tax within town. Any county license tax imposed under this section shall not apply within the limits of any town located in such county, where such town imposes a town license tax on the same privilege.

§ 4.1-238. Bond required to secure excise tax liability on beer and wine coolers, and wine stored in bonded warehouses.

A. Every manufacturer, bottler, or wholesaler, as a condition precedent to obtaining a license to sell beer or wine coolers to a licensed retailer, shall file a bond with the Board in such sum and with such surety as the Board deems adequate to cover the tax liability of each such manufacturer, bottler, or wholesaler. The sum of such bond shall be proportioned to the volume of business of each such manufacturer, bottler, or wholesaler, but shall in no event be less than \$1,000 or more than \$100,000. Such bond shall be conditioned upon the payment by such manufacturer, bottler, or wholesaler of the tax imposed by § 4.1-236.

B. Every holder of a bonded warehouse permit, issued in accordance with subdivision ~~44~~ 13 of § 4.1-212, as a condition to obtaining the permit, shall file a bond with the Board in such sum and with such surety as the Board deems adequate to cover the tax liability of each such permittee. The sum of such bond shall be proportioned to the volume of business of each such manufacturer, bottler, or wholesaler, but shall in no event be less than \$1,000 or more than \$10,000. Such bond shall be conditioned upon the payment by the permittee of the tax imposed by § 4.1-234.

C. The Board may waive the requirement of both the surety and the bond, in cases where a manufacturer, bottler, or wholesaler has previously demonstrated his financial responsibility.

D. Upon the termination of the bond, its guaranty or surety, the Board, upon reasonable notice to the manufacturer, bottler, or wholesaler so licensed, may suspend the license so granted until such times as the required bond is filed or the proper surety or guaranty is given.

§ 4.1-310. Illegal importation, shipment and transportation of alcoholic beverages; penalty; exception.

A. No alcoholic beverages, other than wine or beer, shall be imported, shipped, transported, or brought into the Commonwealth, other than to distillery licensees or winery licensees, unless consigned to the Board. However, the Board may permit such alcoholic beverages ordered by it from outside the Commonwealth for (i) persons, for industrial purposes, (ii) the manufacture of articles allowed to be manufactured under § 4.1-200, or (iii) hospitals, to be shipped or transported directly to such persons. On such orders or shipments of alcohol, the Board shall charge only a reasonable permit fee.

B. Except as otherwise provided in *subsection F of § 4.1-206.3 or § 4.1-209.1 or 4.1-212.1*, no wine shall be imported, shipped, transported or brought into the Commonwealth unless it is consigned to a wholesale wine licensee.

C. Except as otherwise provided in *subsection F of § 4.1-206.3 or § 4.1-209.1 or 4.1-212.1*, no beer shall be imported, shipped, transported or brought into the Commonwealth except to persons licensed to sell it.

D. Any person convicted of a violation of this section shall be guilty of a Class 1 misdemeanor.

E. The provisions of this chapter shall not prohibit (i) any person from bringing, in his personal possession, or through United States Customs in his accompanying baggage, into the Commonwealth not for resale, alcoholic beverages in an amount not to exceed one gallon or four liters if any part of the alcoholic beverages being transported is held in metric-sized containers, (ii) the shipment or transportation into the Commonwealth of a reasonable quantity of alcoholic beverages not for resale in the personal or household effects of a person relocating his place of residence to the Commonwealth, or (iii) the possession or storage of alcoholic beverages on passenger boats, dining cars, buffet cars and club cars, licensed under this title, or common carriers engaged in interstate or foreign commerce.

§ 4.1-310.1. Delivery of wine or beer to retail licensee.

Except as otherwise provided in this title or in Board regulation, no wine or beer may be shipped or delivered to a retail licensee for resale unless such wine or beer has first been (i) delivered to the licensed premises of a wine or beer wholesaler and unloaded, (ii) kept on the licensed premises of the wholesaler for not less than four hours prior to reloading on a vehicle, and (iii) recorded in the wholesaler's inventory. Any holder of a restricted wholesale wine license issued pursuant to ~~§ 4.1-207.1~~ *subdivision 3 of § 4.1-206.2* shall be exempt from the requirement set forth in clause (ii).

§ 4.1-325. Prohibited acts by mixed beverage licensees; penalty.

A. In addition to § 4.1-324, no mixed beverage licensee nor any agent or employee of such licensee shall:

1. Sell or serve any alcoholic beverage other than as authorized by law;
2. Sell any authorized alcoholic beverage to any person or at any place except as authorized by law;
3. Allow at the place described in his license the consumption of alcoholic beverages in violation of this title;
4. Keep at the place described in his license any alcoholic beverage other than that which he is licensed to sell;
5. Misrepresent the brand of any alcoholic beverage sold or offered for sale;
6. Keep any alcoholic beverage other than in the bottle or container in which it was purchased by him except (i) for a frozen alcoholic beverage, which may include alcoholic beverages in a frozen drink dispenser of a type approved by the Board; (ii) in the case of wine, in containers of a type approved by the Board pending automatic dispensing and sale of such wine; and (iii) as otherwise provided by Board regulation. Neither this subdivision nor any Board regulation shall prohibit any mixed beverage licensee from premixing containers of sangria, to which spirits may be added, to be served and sold for consumption on the licensed premises;

7. Refill or partly refill any bottle or container of alcoholic beverage or dilute or otherwise tamper with the contents of any bottle or container of alcoholic beverage, except as provided by Board regulation adopted pursuant to subdivision B 11 of § 4.1-111;

8. Sell or serve any brand of alcoholic beverage which is not the same as that ordered by the purchaser without first advising such purchaser of the difference;
9. Remove or obliterate any label, mark, or stamp affixed to any container of alcoholic beverages offered for sale;
10. Deliver or sell the contents of any container if the label, mark, or stamp has been removed or obliterated;
11. Allow any obscene conduct, language, literature, pictures, performance, or materials on the licensed premises;
12. Allow any striptease act on the licensed premises;
13. Allow persons connected with the licensed business to appear nude or partially nude;
14. Consume or allow the consumption by an employee of any alcoholic beverages while on duty and in a position that is involved in the selling or serving of alcoholic beverages to customers.

The provisions of this subdivision shall not prohibit any retail licensee or his designated employee from (i) consuming product samples or sample servings of (a) beer or wine provided by a representative of a licensed beer or wine wholesaler or manufacturer or (b) a distilled spirit provided by a permittee of the Board who represents a distiller, if such samples are provided in accordance with Board regulations and the retail licensee or his designated employee does not violate the provisions of subdivision 1 f of § 4.1-225 or (ii) tasting an alcoholic beverage that has been or will be delivered to a customer for quality control purposes;

15. Deliver to a consumer an original bottle of an alcoholic beverage purchased under such license whether the closure is broken or unbroken except in accordance with § ~~4.1-210~~ 4.1-206.3.

The provisions of this subdivision shall not apply to the delivery of:

- a. "Soju." For the purposes of this subdivision, "soju" means a traditional Korean alcoholic beverage distilled from rice, barley or sweet potatoes; or
- b. Spirits, provided (i) the original container is no larger than 375 milliliters, (ii) the alcohol content is no greater than 15 percent by volume, and (iii) the contents of the container are carbonated and perishable;
16. Be intoxicated while on duty or employ an intoxicated person on the licensed premises;
17. Conceal any sale or consumption of any alcoholic beverages;
18. Fail or refuse to make samples of any alcoholic beverages available to the Board upon request or obstruct special agents of the Board in the discharge of their duties;
19. Store alcoholic beverages purchased under the license in any unauthorized place or remove any such alcoholic beverages from the premises;

20. Knowingly employ in the licensed business any person who has the general reputation as a prostitute, panderer, habitual law violator, person of ill repute, user or peddler of narcotics, or person who drinks to excess or engages in illegal gambling;

21. Keep on the licensed premises a slot machine or any prohibited gambling or gaming device, machine or apparatus;

22. Make any gift of an alcoholic beverage, other than as a gift made (i) to a personal friend, as a matter of normal social intercourse, so long as the gift is in no way a shift or device to evade the restriction set forth in this subdivision; (ii) to a person responsible for the planning, preparation or conduct on any conference, convention, trade show or event held or to be held on the premises of the licensee, when such gift is made in the course of usual and customary business entertainment and is in no way a shift or device to evade the restriction set forth in this subdivision; (iii) pursuant to subsection ~~D B~~ of § 4.1-209; (iv) pursuant to subdivision A ~~H 10~~ of § 4.1-201; or (v) pursuant to any Board regulation. Any gift permitted by this subdivision shall be subject to the taxes imposed by this title on sales of alcoholic beverages. The licensee shall keep complete and accurate records of gifts given in accordance with this subdivision; or

23. Establish any normal or customary pricing of its alcoholic beverages that is intended as a shift or device to evade any "happy hour" regulations adopted by the Board; however, a licensee may increase the volume of an alcoholic beverage sold to a customer if there is a commensurate increase in the normal or customary price charged for the same alcoholic beverage.

B. Any person convicted of a violation of this section shall be guilty of a Class 1 misdemeanor.

C. The provisions of subdivisions A 12 and A 13 shall not apply to persons operating theaters, concert halls, art centers, museums, or similar establishments that are devoted primarily to the arts or theatrical performances, when the performances that are presented are expressing matters of serious literary, artistic, scientific, or political value.

§ 4.1-325.1. Falsifying application; penalty.

It shall be unlawful for any applicant for a banquet ~~or~~ special events license pursuant to § 4.1-209, or mixed beverage special events license pursuant to § ~~4.1-210~~ 4.1-206.3 to knowingly make a false statement in order to secure a license or to alter, change, borrow, or lend or attempt to use, borrow, or lend a license. Any person violating this provision shall be guilty of a Class 3 misdemeanor.

§ 4.1-325.2. Prohibited acts by employees of wine or beer licensees; penalty.

A. In addition to the provisions of § 4.1-324, no retail wine or beer licensee or his agent or employee shall consume any alcoholic beverages while on duty and in a position that is involved in the selling or serving of alcoholic beverages to customers.

The provisions of this subsection shall not prohibit any retail licensee or his designated employee from (i) consuming product samples or sample servings of beer or wine provided by a representative of a licensed beer or wine wholesaler or manufacturer, if such samples are provided in accordance with Board regulations and the retail licensee or his designated

employee does not violate the provisions of subdivision 1 f of § 4.1-225 or (ii) tasting an alcoholic beverage that has been or will be delivered to a customer for quality control purposes.

B. For the purposes of subsection A, a wine or beer wholesaler or farm winery licensee or its employees that participate in a wine or beer tasting sponsored by a retail wine or beer licensee shall not be deemed to be agents of the retail wine or beer licensee.

C. No retail wine or beer licensee, or his agent or employee shall make any gift of an alcoholic beverage, other than as a gift made (i) to a personal friend, as a matter of normal social intercourse, so long as the gift is in no way a shift or device to evade the restriction set forth in this subsection; (ii) to a person responsible for the planning, preparation or conduct on any conference, convention, trade show or event held or to be held on the premises of the licensee, when such gift is made in the course of usual and customary business entertainment and is in no way a shift or device to evade the restriction set forth in this subsection; (iii) pursuant to subsection ~~D B~~ of § 4.1-209; (iv) pursuant to subdivision A ~~H I~~ of § 4.1-201; or (v) pursuant to any Board regulation. Any gift permitted by this subsection shall be subject to the taxes imposed by this title on sales of alcoholic beverages. The licensee shall keep complete and accurate records of gifts given in accordance with this subsection.

D. Any person convicted of a violation of this section shall be subject to a civil penalty in an amount not to exceed \$500.

§ 4.1-327. Prohibiting transfer of wine or beer by licensees; penalty.

A. No retail licensee, except ~~(i) a retail on-premises wine and beer licensee or (ii) a retail on-premises beer licensee,~~ shall transfer any wine or beer from one licensed place of business to another licensed place of business whether such places of business are under the same ownership or not.

B. Any person convicted of a violation of this section shall be guilty of a Class 1 misdemeanor.

§ 15.2-912.3. Regulation of dance halls by counties, cities, and towns.

For the purposes of this section, "public dance hall" means any place open to the general public where dancing is permitted; however, a restaurant located in any city licensed under ~~§ 4.1-210 subsection A of § 4.1-206.3~~ to serve food and beverages having a dance floor with an area not exceeding 10 percent of the total floor area of the establishment shall not be considered a public dance hall.

Any locality may by ordinance regulate public dance halls in such locality; and prescribe punishment for violation of such ordinance not to exceed that prescribed for a Class 3 misdemeanor.

Such ordinance shall prescribe for: (i) the issuance of permits to operate public dance halls, grounds for revocation and procedure for revocation of such permits; (ii) a license tax not to exceed \$600 on every person operating or conducting any such dance hall; and (iii) rules and regulations for the operation of such dance halls. Such ordinances may exempt from their operation dances held for benevolent or charitable purposes and dances conducted under the auspices of religious, educational, civic, or military organizations.

No county ordinance adopted under the provisions of this section shall be in effect in any town in which an ordinance adopted under the provisions of this section is in effect.

§ 15.2-2288.3. Licensed farm wineries; local regulation of certain activities.

A. It is the policy of the Commonwealth to preserve the economic vitality of the Virginia wine industry while maintaining appropriate land use authority to protect the health, safety, and welfare of the citizens of the Commonwealth; and to permit the reasonable expectation of uses in specific zoning categories. Local restriction upon such activities and events of farm wineries licensed in accordance with Title 4.1 to market and sell their products shall be reasonable and shall take into account the economic impact on the farm winery of such restriction, the agricultural nature of such activities and events, and whether such activities and events are usual and customary for farm wineries throughout the Commonwealth. Usual and customary activities and events at farm wineries shall be permitted without local regulation unless there is a substantial impact on the health, safety, or welfare of the public. No local ordinance regulating noise, other than outdoor amplified music, arising from activities and events at farm wineries shall be more restrictive than that in the general noise ordinance. In authorizing outdoor amplified music at a farm winery, the locality shall consider the effect on adjacent property owners and nearby residents.

B, C. [Expired.]

D. No locality may treat private personal gatherings held by the owner of a licensed farm winery who resides at the farm winery or on property adjacent thereto that is owned or controlled by such owner at which gatherings wine is not sold or marketed and for which no consideration is received by the farm winery or its agents differently from private personal gatherings by other citizens.

E. No locality shall regulate any of the following activities of a farm winery licensed in accordance with subdivision ~~5 6~~ of ~~§ 4.1-207 4.1-206.1~~:

1. The production and harvesting of fruit and other agricultural products and the manufacturing of wine;
2. The on-premises sale, tasting, or consumption of wine during regular business hours within the normal course of business of the licensed farm winery;
3. The direct sale and shipment of wine by common carrier to consumers in accordance with Title 4.1 and regulations of the Board of Directors of the Virginia Alcoholic Beverage Control Authority;
4. The sale and shipment of wine to the Virginia Alcoholic Beverage Control Authority, licensed wholesalers, and out-of-state purchasers in accordance with Title 4.1, regulations of the Board of Directors of the Virginia Alcoholic Beverage Control Authority, and federal law;

5. The storage, warehousing, and wholesaling of wine in accordance with Title 4.1, regulations of the Board of Directors of the Virginia Alcoholic Beverage Control Authority, and federal law; or

6. The sale of wine-related items that are incidental to the sale of wine.

§ 15.2-2288.3:1. Limited brewery license; local regulation of certain activities.

A. It is the policy of the Commonwealth to preserve the economic vitality of the Virginia beer industry while maintaining appropriate land use authority to protect the health, safety, and welfare of the citizens of the Commonwealth and to permit the reasonable expectation of uses in specific zoning categories. Local restriction upon such activities and public events of breweries licensed pursuant to subdivision ~~2 4~~ of § ~~4.1-208~~ 4.1-206.1 to market and sell their products shall be reasonable and shall take into account the economic impact on such licensed brewery of such restriction, the agricultural nature of such activities and events, and whether such activities and events are usual and customary for such licensed breweries. Usual and customary activities and events at such licensed breweries shall be permitted unless there is a substantial impact on the health, safety, or welfare of the public. No local ordinance regulating noise, other than outdoor amplified music, arising from activities and events at such licensed breweries shall be more restrictive than that in the general noise ordinance. In authorizing outdoor amplified music at such licensed brewery, the locality shall consider the effect on adjacent property owners and nearby residents.

B. No locality shall regulate any of the following activities of a brewery licensed under subdivision ~~2 4~~ of § ~~4.1-208~~ 4.1-206.1:

1. The production and harvesting of barley, other grains, hops, fruit, or other agricultural products and the manufacturing of beer;

2. The on-premises sale, tasting, or consumption of beer during regular business hours within the normal course of business of such licensed brewery;

3. The direct sale and shipment of beer in accordance with Title 4.1 and regulations of the Board of Directors of the Alcoholic Beverage Control Authority;

4. The sale and shipment of beer to licensed wholesalers and out-of-state purchasers in accordance with Title 4.1, regulations of the Board of Directors of the Alcoholic Beverage Control Authority, and federal law;

5. The storage and warehousing of beer in accordance with Title 4.1, regulations of the Board of Directors of the Alcoholic Beverage Control Authority, and federal law; or

6. The sale of beer-related items that are incidental to the sale of beer.

C. Any locality may exempt any brewery licensed in accordance with subdivision ~~2 4~~ of § ~~4.1-208~~ 4.1-206.1 on land zoned agricultural from any local regulation of minimum parking, road access, or road upgrade requirements.

§ 15.2-2288.3:2. Limited distiller's license; local regulation of certain activities.

A. Local restriction upon activities of distilleries licensed pursuant to subdivision 2 of § ~~4.1-206~~ 4.1-206.1 to market and sell their products shall be reasonable and shall take into account the economic impact on such licensed distillery of such restriction, the agricultural nature of such activities and events, and whether such activities and events are usual and customary for such licensed distilleries. Usual and customary activities and events at such licensed distilleries shall be permitted unless there is a substantial impact on the health, safety, or welfare of the public.

B. No locality shall regulate any of the following activities of a distillery licensed under subdivision 2 of § ~~4.1-206~~ 4.1-206.1:

1. The production and harvesting of agricultural products and the manufacturing of alcoholic beverages other than wine or beer;

2. The on-premises sale, tasting, or consumption of alcoholic beverages other than wine or beer during regular business hours in accordance with a contract between a distillery and the Alcoholic Beverage Control Board pursuant to the provisions of subsection D of § 4.1-119;

3. The sale and shipment of alcoholic beverages other than wine or beer to licensed wholesalers and out-of-state purchasers in accordance with Title 4.1, regulations of the Alcoholic Beverage Control Board, and federal law;

4. The storage and warehousing of alcoholic beverages other than wine or beer in accordance with Title 4.1, regulations of the Alcoholic Beverage Control Board, and federal law; or

5. The sale of items related to alcoholic beverages other than wine or beer that are incidental to the sale of such alcoholic beverages.

C. Any locality may exempt any distillery licensed in accordance with subdivision 2 of § ~~4.1-206~~ 4.1-206.1 on land zoned agricultural from any local regulation of minimum parking, road access, or road upgrade requirements.

§ 40.1-100. Certain employment prohibited or limited.

A. No child under 18 years of age shall be employed, permitted, or suffered to work:

1. In any mine, quarry, tunnel, underground scaffolding work; in or about any plant or establishment manufacturing or storing explosives or articles containing explosive components; in any occupation involving exposure to radioactive substances or to ionizing radiations including X-ray equipment;

2. At operating or assisting to operate any grinding, abrasive, polishing or buffing machine, any power-driven metal forming, punching or shearing machine, power-driven bakery machine, power-driven paper products machine, any circular saw, band saw or guillotine shear, or any power-driven woodworking machine;

3. In oiling or assisting in oiling, wiping and cleaning any such machinery;

4. In any capacity in preparing any composition in which dangerous or poisonous chemicals are used;

5. In any capacity in the manufacturing of paints, colors, white lead, or brick tile or kindred products, or in any place where goods of alcoholic content are manufactured, bottled, or sold for consumption on the premises except in places (i) licensed pursuant to subdivision ~~5~~ 6 of § ~~4.1-207~~ 4.1-206.1, provided that a child employed at the premises shall not serve or dispense in any manner alcoholic beverages or (ii) where the sale of alcoholic beverages is merely incidental to the main business actually conducted, or to deliver alcoholic goods;

6. In any capacity in or about excavation, demolition, roofing, wrecking or shipbreaking operations;

7. As a driver or a helper on an automobile, truck, or commercial vehicle; however, children who are at least 17 years of age may drive automobiles or trucks on public roadways if:

a. The automobile or truck does not exceed 6,000 pounds gross vehicle weight, the vehicle is equipped with seat belts for the driver and any passengers, and the employer requires the employee to use the seatbelts when driving the automobile or truck;

b. Driving is restricted to daylight hours;

c. The employee has a valid State license for the type of driving involved and has no record of any moving violations at the time of hire;

d. The employee has successfully completed a State-approved driver education course;

e. The driving does not involve: (i) the towing of vehicles; (ii) route deliveries or route sales; (iii) the transportation for hire of property, goods, or passengers; (iv) urgent, time-sensitive deliveries; or (v) the transporting at any time of more than three passengers, including the employees of the employer;

f. The driving performed by the employee does not involve more than two trips away from the primary place of employment in any single day for the purpose of delivering goods of the employee's employer to a customer;

g. The driving performed by the employee does not involve more than two trips away from the primary place of employment in any single day for the purpose of transporting passengers, other than employees of the employer;

h. The driving takes place within a 30-mile radius of the employee's place of employment; and

i. The driving is only occasional and incidental to the employee's employment and involves no more than one third of the employee's work time in any workday and no more than 20 percent work time in any work week;

8. In logging or sawmilling, or in any lath mill, shingle mill or cooperage-stock mill, or in any occupation involving slaughtering, meatpacking, processing or rendering;

9. In any occupation determined and declared hazardous by rules and regulations promulgated by the Commissioner of Labor and Industry, except as otherwise provided in subsection D.

Notwithstanding the provisions of this section, children 16 years of age or older who are serving a voluntary apprenticeship as provided in Chapter 6 (§ 40.1-117 et seq.) of this title may be employed in any occupation in accordance with rules and regulations promulgated by the Commissioner.

B. Except as part of a regular work-training program in accordance with §§ 40.1-88 and 40.1-89, no child under 16 years of age shall be employed, permitted or suffered to work:

1. In any manufacturing or mechanical establishment, in any commercial cannery; in the operation of any automatic passenger or freight elevator; in any dance studio; or in any hospital, nursing home, clinic, or other establishment providing care for resident patients as a laboratory helper, therapist, orderly, or nurse's aide; in the service of any veterinarian while treating farm animals or horses; in any warehouse; in processing work in any laundry or dry cleaning establishment; in any undertaking establishment or funeral home; in any curb service restaurant, in hotel and motel room service; in any brick, coal or lumber yard or ice plant or in ushering in theaters. Children 14 years of age or more may be engaged in office work of a clerical nature in bona fide office rooms in the above types of establishments.

2. In any scaffolding work or construction trade; or in any outdoor theater, cabaret, carnival, fair, floor show, pool hall, club, or roadhouse; or as a lifeguard at a beach.

C. Children 14 years of age or more may be employed by dry cleaning or laundry establishments in branch stores where no processing is done on the premises, and in hospitals, nursing homes, and clinics where they may be engaged in kitchen work, tray service or room and hall cleaning. Children 14 years of age or more may be employed in bowling alleys completely equipped with automatic pin setters, but not in or about such machines, and in soda fountains, restaurants and hotel and motel food service departments. Children 14 years of age or more may work as gatekeepers and in concessions at swimming pools and may be employed by concessionaires operating on beaches where their duties and work pertain to the handling and distribution of beach chairs, umbrellas, floats and other similar or related beach equipment.

D. Notwithstanding any other provision of this chapter:

1. Children ~~aged~~ age 16 years or older employed on farms, in gardens or in orchards may operate, assist in operating, or otherwise perform work involving a truck, excluding a tractor trailer, or farm vehicle as defined in § 46.2-1099, in their employment;

2. Children ~~aged~~ age 14 years or older employed on farms, in gardens or in orchards may perform work as a helper on a truck or commercial vehicle in their employment, while engaged in such work exclusively on a farm, in a garden or in an orchard;

3. Children ~~aged~~ age 16 years or older may participate in all activities of a volunteer fire company; however, any such child shall not enter a burning structure or a structure which contains burning materials prior to obtaining certification under National Fire Protection Association 1001, level one, fire fighter standards, pursuant to the provisions of clause (i) of subsection A of § 40.1-79.1, except where entry into a structure that contains burning materials is during training necessary

to attain certification under National Fire Protection Association 1001, level one, firefighter standards, as administered by the Department of Fire Programs.

§ 58.1-339.12. Farm wineries and vineyards tax credit.

A. As used in this section, unless the context requires a different meaning:

"Qualified capital expenditures" means all expenditures made by the taxpayer for the purchase and installation of barrels, bins, bottling equipment, capsuling equipment, chemicals, corks, crushers and destemmers, dirt, fermenters, or other recognized fermentation devices, fertilizer and soil amendments, filters, grape harvesters, grape plants, hoses, irrigation equipment, labeling equipment, poles, posts, presses, pumps, refractometers, refrigeration equipment, seeders, tanks, tractors, vats, weeding and spraying equipment, wine tanks, and wire.

"Virginia vineyard" means agricultural lands located in the Commonwealth consisting of at least one contiguous acre dedicated to the growing of grapes that are used or are intended to be used in the production of wine by a Virginia farm winery as well as any plants or other improvements located thereon.

"Virginia farm winery" means an establishment located in the Commonwealth that is licensed as a Virginia farm winery pursuant to § ~~4-1-207~~ 4.1-206.1.

B. For taxable years beginning on and after January 1, 2011, any Virginia farm winery or vineyard shall be entitled to a credit against the tax levied pursuant to §§ 58.1-320 and 58.1-400 for qualified capital expenditures made in connection with the establishment of new Virginia farm wineries or vineyards and capital improvements made to existing Virginia farm wineries or vineyards. The amount of the credit shall be equal to 25 percent of all qualified capital expenditures.

C. The total amount of tax credits available under this section for a calendar year shall not exceed \$250,000. In the event that applications for such credit exceed \$250,000 for any calendar, the Department of Taxation shall allocate the credits on a pro rata basis.

D. If the amount of the credit exceeds the taxpayer's tax liability for the taxable year, the excess may be carried over for credit against the income taxes of the taxpayer in the next 10 taxable years, or until the total credit amount has been taken, whichever occurs first.

E. For purposes of this section, the amount of any credit attributable to a partnership, electing small business corporation (S corporation), or limited liability company shall be allocated to the individual partners, shareholders, or members, respectively, in proportion to their ownership or interest in such business entities.

F. The credit allowed in this section shall not be claimed to the extent the taxpayer has claimed a deduction for the same expenses for federal income tax purposes under § 179 of the Internal Revenue Code, as amended.

§ 58.1-609.3. Commercial and industrial exemptions.

The tax imposed by this chapter or pursuant to the authority granted in §§ 58.1-605 and 58.1-606 shall not apply to the following:

1. Personal property purchased by a contractor which is used solely in another state or in a foreign country, which could be purchased by such contractor for such use free from sales tax in such other state or foreign country, and which is stored temporarily in Virginia pending shipment to such state or country.

2. (i) Industrial materials for future processing, manufacturing, refining, or conversion into articles of tangible personal property for resale where such industrial materials either enter into the production of or become a component part of the finished product; (ii) industrial materials that are coated upon or impregnated into the product at any stage of its being processed, manufactured, refined, or converted for resale; (iii) machinery or tools or repair parts therefor or replacements thereof, fuel, power, energy, or supplies, used directly in processing, manufacturing, refining, mining or converting products for sale or resale; (iv) materials, containers, labels, sacks, cans, boxes, drums or bags for future use for packaging tangible personal property for shipment or sale; or (v) equipment, printing or supplies used directly to produce a publication described in subdivision 3 of § 58.1-609.6 whether it is ultimately sold at retail or for resale or distribution at no cost. Machinery, tools and equipment, or repair parts therefor or replacements thereof, shall be exempt if the preponderance of their use is directly in processing, manufacturing, refining, mining or converting products for sale or resale. The provisions of this subsection do not apply to the drilling or extraction of oil, gas, natural gas and coalbed methane gas. In addition, the exemption provided herein shall not be applicable to any machinery, tools, and equipment, or any other tangible personal property used by a public service corporation in the generation of electric power, except for raw materials that are inputs to production of electricity, including fuel, or for machinery, tools, and equipment used to generate energy derived from sunlight or wind. The exemption for machinery, tools, and equipment used to generate energy derived from sunlight or wind shall expire June 30, 2027.

3. Tangible personal property sold or leased to a public service corporation engaged in business as a common carrier of property or passengers by railway, for use or consumption by such common carrier directly in the rendition of its public service.

4. Ships or vessels, or repairs and alterations thereof, used or to be used exclusively or principally in interstate or foreign commerce; fuel and supplies for use or consumption aboard ships or vessels plying the high seas, either in intercoastal trade between ports in the Commonwealth and ports in other states of the United States or its territories or possessions, or in foreign commerce between ports in the Commonwealth and ports in foreign countries, when delivered directly to such ships or vessels; or tangible personal property used directly in the building, conversion or repair of the ships or vessels covered by this subdivision. This exemption shall include dredges, their supporting equipment, attendant vessels,

and fuel and supplies for use or consumption aboard such vessels, provided the dredges are used exclusively or principally in interstate or foreign commerce.

5. Tangible personal property purchased for use or consumption directly and exclusively in basic research or research and development in the experimental or laboratory sense.

6. Notwithstanding the provisions of subdivision 20 of § 58.1-609.10, all tangible personal property sold or leased to an airline operating in intrastate, interstate or foreign commerce as a common carrier providing scheduled air service on a continuing basis to one or more Virginia airports at least one day per week, for use or consumption by such airline directly in the rendition of its common carrier service.

7. Meals furnished by restaurants or food service operators to employees as a part of wages.

8. Tangible personal property including machinery and tools, repair parts or replacements thereof, and supplies and materials used directly in maintaining and preparing textile products for rental or leasing by an industrial processor engaged in the commercial leasing or renting of laundered textile products.

9. Certified pollution control equipment and facilities as defined in § 58.1-3660, except for any equipment that has not been certified to the Department of Taxation by a state certifying authority pursuant to such section.

10. Parts, tires, meters and dispatch radios sold or leased to taxicab operators for use or consumption directly in the rendition of their services.

11. High speed electrostatic duplicators or any other duplicators which have a printing capacity of 4,000 impressions or more per hour purchased or leased by persons engaged primarily in the printing or photocopying of products for sale or resale.

12. From July 1, 1994, and ending July 1, 2022, raw materials, fuel, power, energy, supplies, machinery or tools or repair parts therefor or replacements thereof, used directly in the drilling, extraction, or processing of natural gas or oil and the reclamation of the well area. For the purposes of this section, the term "natural gas" shall mean "gas," "natural gas," and "coalbed methane gas" as defined in § 45.1-361.1. For the purposes of this section, "drilling," "extraction," and "processing" shall include production, inspection, testing, dewatering, dehydration, or distillation of raw natural gas into a usable condition consistent with commercial practices, and the gathering and transportation of raw natural gas to a facility wherein the gas is converted into such a usable condition. Machinery, tools and equipment, or repair parts therefor or replacements thereof, shall be exempt if the preponderance of their use is directly in the drilling, extraction, refining, or processing of natural gas or oil for sale or resale, or in well area reclamation activities required by state or federal law.

13. Beginning July 1, 1997, (i) the sale, lease, use, storage, consumption, or distribution of an orbital or suborbital space facility, space propulsion system, space vehicle, satellite, or space station of any kind possessing space flight capability, including the components thereof, irrespective of whether such facility, system, vehicle, satellite, or station is returned to this Commonwealth for subsequent use, storage or consumption in any manner when used to conduct spaceport activities; (ii) the sale, lease, use, storage, consumption or distribution of tangible personal property placed on or used aboard any orbital or suborbital space facility, space propulsion system, space vehicle, satellite or space station of any kind, irrespective of whether such tangible personal property is returned to this Commonwealth for subsequent use, storage or consumption in any manner when used to conduct spaceport activities; (iii) fuels of such quality not adapted for use in ordinary vehicles, being produced for, sold and exclusively used for space flight when used to conduct spaceport activities; (iv) the sale, lease, use, storage, consumption or distribution of machinery and equipment purchased, sold, leased, rented or used exclusively for spaceport activities and the sale of goods and services provided to operate and maintain launch facilities, launch equipment, payload processing facilities and payload processing equipment used to conduct spaceport activities.

For purposes of this subdivision, "spaceport activities" means activities directed or sponsored at a facility owned, leased, or operated by or on behalf of the Virginia Commercial Space Flight Authority.

The exemptions provided by this subdivision shall not be denied by reason of a failure, postponement or cancellation of a launch of any orbital or suborbital space facility, space propulsion system, space vehicle, satellite or space station of any kind or the destruction of any launch vehicle or any components thereof.

14. Semiconductor cleanrooms or equipment, fuel, power, energy, supplies, or other tangible personal property used primarily in the integrated process of designing, developing, manufacturing, or testing a semiconductor product, a semiconductor manufacturing process or subprocess, or semiconductor equipment without regard to whether the property is actually contained in or used in a cleanroom environment, touches the product, is used before or after production, or is affixed to or incorporated into real estate.

15. Semiconductor wafers for use or consumption by a semiconductor manufacturer.

16. Railroad rolling stock when sold or leased by the manufacturer thereof.

17. Computer equipment purchased or leased on or before June 30, 2011, used in data centers located in a Virginia locality having an unemployment rate above 4.9 percent for the calendar quarter ending November 2007, for the processing, storage, retrieval, or communication of data, including but not limited to servers, routers, connections, and other enabling hardware when part of a new investment of at least \$75 million in such exempt property, when such investment results in the creation of at least 100 new jobs paying at least twice the prevailing average wage in that locality, so long as such investment was made in accordance with a memorandum of understanding with the Virginia Economic Development Partnership Authority entered into or amended between January 1, 2008, and December 31, 2008. The exemption shall also apply to any such computer equipment purchased or leased to upgrade, add to, or replace computer equipment purchased or

leased in the initial investment. The exemption shall not apply to any computer software sold separately from the computer equipment, nor shall it apply to general building improvements or fixtures.

18. Beginning July 1, 2010, and ending June 30, 2035, computer equipment or enabling software purchased or leased for the processing, storage, retrieval, or communication of data, including but not limited to servers, routers, connections, and other enabling hardware, including chillers and backup generators used or to be used in the operation of the equipment exempted in this paragraph, provided that such computer equipment or enabling software is purchased or leased for use in a data center that (i) is located in a Virginia locality, (ii) results in a new capital investment on or after January 1, 2009, of at least \$150 million, and (iii) results in the creation on or after July 1, 2009, of at least 50 new jobs by the data center operator and the tenants of the data center, collectively, associated with the operation or maintenance of the data center provided that such jobs pay at least one and one-half times the prevailing average wage in that locality. The requirement of at least 50 new jobs is reduced to 25 new jobs if the data center is located in a locality that has an unemployment rate for the preceding year of at least 150 percent of the average statewide unemployment rate for such year as determined by the Virginia Economic Development Partnership or is located in an enterprise zone. This exemption applies to the data center operator and the tenants of the data center if they collectively meet the requirements listed in this section. Prior to claiming such exemption, any qualifying person claiming the exemption, including a data center operator on behalf of itself and its tenants, must enter into a memorandum of understanding with the Virginia Economic Development Partnership Authority that at a minimum provides the details for determining the amount of capital investment made and the number of new jobs created, the timeline for achieving the capital investment and new job goals, the repayment obligations should those goals not be achieved, and any conditions under which repayment by the qualifying data center or data center tenant claiming the exemption may be required. In addition, the exemption shall apply to any such computer equipment or enabling software purchased or leased to upgrade, supplement, or replace computer equipment or enabling software purchased or leased in the initial investment. The exemption shall not apply to any other computer software otherwise taxable under Chapter 6 of Title 58.1 that is sold or leased separately from the computer equipment, nor shall it apply to general building improvements or other fixtures.

19. If the preponderance of their use is in the manufacture of beer by a brewer licensed pursuant to subdivision 4 or 3 of § 4.1-208 4.1-206.1, (i) machinery, tools, and equipment, or repair parts therefor or replacements thereof, fuel, power, energy, or supplies; (ii) materials for future processing, manufacturing, or conversion into beer where such materials either enter into the production of or become a component part of the beer; and (iii) materials, including containers, labels, sacks, cans, bottles, kegs, boxes, drums, or bags for future use, for packaging the beer for shipment or sale.

2. That §§ 4.1-206, 4.1-207, 4.1-207.1, 4.1-208, 4.1-210, 4.1-220, 4.1-231, and 4.1-233 of the Code of Virginia are repealed.

3. That the provisions of the first, second, and fourth enactments of this act shall become effective on July 1, 2021, except for the provisions of the first enactment that amend the definition of low alcohol beverage cooler set forth in § 4.1-100 of the Code of Virginia, as amended by this act, which shall become effective July 1, 2020.

4. That subsection A of § 4.1-231.1 of the Code of Virginia, as created by this act, shall expire when the Board of Directors of the Virginia Alcoholic Beverage Control Authority (the Board) provides notice to the Division of Legislative Services that the Board has increased state license fees in accordance with the provisions of subsection F of § 4.1-230 of the Code of Virginia, as amended by this act.

5. That any person who (i) is licensed pursuant to subdivision A 9, 11, 12, 14, 18, or 19 of § 4.1-206 of the Code of Virginia, as it was in effect prior to July 1, 2020, and (ii) wishes to maintain licensure after June 30, 2021, shall apply for a marketplace license on or before January 1, 2021.

6. That the Board of Directors of the Virginia Alcoholic Beverage Control Authority may promulgate regulations that allow a licensee who holds a license that is repealed by the provisions of this act to continue to operate under such license until the expiration of its original term.

7. That any farm winery, limited brewery, or limited distillery that, prior to July 1, 2016, (i) holds a valid license granted by the Board of Directors of the Virginia Alcoholic Beverage Control Authority (the Board) in accordance with Title 4.1 of the Code of Virginia and (ii) is in compliance with the local zoning ordinance as an agricultural district or classification or as otherwise permitted by a locality for farm winery, limited brewery, or limited distillery use shall be allowed to continue such use as provided in § 15.2-2307 of the Code of Virginia, notwithstanding (a) the provisions of § 4.1-206.1 of the Code of Virginia, as created by this act, or (b) a subsequent change in ownership of the farm winery, limited brewery, or limited distillery on or after July 1, 2016, whether by transfer, acquisition, inheritance, or other means. Any such farm winery, limited brewery, or limited distillery located on land zoned residential conservation prior to July 1, 2016, may expand any existing building or structure and the uses thereof so long as specifically approved by the locality by special exception. Any such farm winery, limited brewery, or limited distillery located on land zoned residential conservation prior to July 1, 2016, may construct a new building or structure so long as specifically approved by the locality by special exception. All such licensees shall comply with the requirements of Title 4.1 of the Code of Virginia and Board regulations for renewal of such license or the issuance of a new license in the event of a change in ownership of the farm winery, limited brewery, or limited distillery on or after July 1, 2016.

8. That on or after July 1, 2020, the Board of Directors of the Virginia Alcoholic Beverage Control Authority may issue mixed beverage carrier licenses to persons operating a common carrier of passengers by bus, which shall authorize the licensee to sell and serve mixed beverages anywhere in the Commonwealth to passengers while in

transit aboard any such common carrier. The state license fee for any such license granted prior to July 1, 2021, shall be \$190. Such license shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license. For the purposes of this enactment, "bus" means a motor vehicle that (i) is operated by a common carrier licensed under Chapter 20 (§ 46.2-2000 et seq.) of Title 46.2 of the Code of Virginia to transport passengers for compensation over the highways of the Commonwealth on regular or irregular routes of not less than 100 miles, (ii) seats no more than 24 passengers, (iii) is 40 feet in length or longer, (iv) offers wireless Internet services, (v) is equipped with charging stations at every seat for cellular phones or other portable devices, and (vi) during the transportation of passengers, is staffed by an attendant who has satisfied all training requirements set forth in Title 4.1 of the Code of Virginia or Board regulation.

9. That the Board of Directors of the Virginia Alcoholic Beverage Control Authority (the Board) shall promulgate regulations to implement the provisions of this act. The Board's initial adoption of regulations necessary to implement the provisions of this act shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia), except that the Board shall provide an opportunity for public comment on the regulations prior to adoption.

CHAPTER 1115

An Act to amend and reenact §§ 18.2-10, 19.2-295.2, and 19.2-295.2:1 of the Code of Virginia, relating to postrelease incarceration of felons sentenced for certain offenses.

[H 752]

Approved April 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 18.2-10, 19.2-295.2, and 19.2-295.2:1 of the Code of Virginia are amended and reenacted as follows:

§ 18.2-10. Punishment for conviction of felony; penalty.

The authorized punishments for conviction of a felony are:

(a) For Class 1 felonies, death, if the person so convicted was 18 years of age or older at the time of the offense and is not determined to be a person with intellectual disability pursuant to § 19.2-264.3:1.1, or imprisonment for life and, subject to subdivision (g), a fine of not more than \$100,000. If the person was under 18 years of age at the time of the offense or is determined to be a person with intellectual disability pursuant to § 19.2-264.3:1.1, the punishment shall be imprisonment for life and, subject to subdivision (g), a fine of not more than \$100,000.

(b) For Class 2 felonies, imprisonment for life or for any term not less than 20 years and, subject to subdivision (g), a fine of not more than \$100,000.

(c) For Class 3 felonies, a term of imprisonment of not less than five years nor more than 20 years and, subject to subdivision (g), a fine of not more than \$100,000.

(d) For Class 4 felonies, a term of imprisonment of not less than two years nor more than 10 years and, subject to subdivision (g), a fine of not more than \$100,000.

(e) For Class 5 felonies, a term of imprisonment of not less than one year nor more than 10 years, or in the discretion of the jury or the court trying the case without a jury, confinement in jail for not more than 12 months and a fine of not more than \$2,500, either or both.

(f) For Class 6 felonies, a term of imprisonment of not less than one year nor more than five years, or in the discretion of the jury or the court trying the case without a jury, confinement in jail for not more than 12 months and a fine of not more than \$2,500, either or both.

(g) Except as specifically authorized in subdivision (e) or (f), or in Class 1 felonies for which a sentence of death is imposed, the court shall impose either a sentence of imprisonment together with a fine, or imprisonment only. However, if the defendant is not a natural person, the court shall impose only a fine.

For any felony offense committed (i) on or after January 1, 1995, the court may, and (ii) on or after July 1, 2000, shall, except in cases in which the court orders a suspended term of confinement of at least six months, impose an additional term of incarceration of not less than six months nor more than three years, which shall be suspended conditioned upon successful completion of a period of post-release supervision pursuant to § 19.2-295.2 and compliance with such other terms as the sentencing court may require. However, such additional term may only be imposed when the sentence includes an active term of incarceration in a correctional facility.

For a felony offense prohibiting proximity to children as described in subsection A of § 18.2-370.2, the sentencing court is authorized to impose the punishment set forth in that section in addition to any other penalty provided by law.

§ 19.2-295.2. Postrelease supervision of felons sentenced for offenses committed on and after January 1, 1995, and on and after July 1, 2000.

A. At the time the court imposes sentence upon a conviction for any felony offense committed (i) on or after January 1, 1995, the court may, and (ii) on or after July 1, 2000, shall, in addition to any other punishment imposed if such other punishment includes an active term of incarceration in a state or local correctional facility, except in cases in which the court orders a suspended term of confinement of at least six months, impose a term of ~~postrelease supervision~~ incarceration,

in addition to the active term, of not less than six months nor more than three years, as the court may determine. Such additional term shall be suspended and the defendant *shall be ordered to be* placed under postrelease supervision upon release from the active term of incarceration. The period of supervision shall be established by the court; however, such period shall not be less than six months nor more than three years. Periods of postrelease supervision imposed pursuant to this section upon more than one felony conviction may be ordered to run concurrently. Periods of postrelease supervision imposed pursuant to this section may be ordered to run concurrently with any period of probation the defendant may also be subject to serve.

B. The period of postrelease supervision shall be under the supervision and review of the Virginia Parole Board. The Board shall review each felon prior to release and establish conditions of postrelease supervision. Failure to successfully abide by such terms and conditions shall be grounds to terminate the period of postrelease supervision and recommit the defendant to the Department of Corrections or to the local correctional facility from which he was previously released. Procedures for any such termination and recommitment shall be conducted in the same manner as procedures for the revocation of parole.

C. Postrelease supervision programs shall be operated through the probation and parole districts established pursuant to § 53.1-141.

D. Nothing in this section shall be construed to prohibit the court from exercising any authority otherwise granted by law.

§ 19.2-295.2:1. Postrelease incarceration of felons sentenced for certain offenses committed on or after July 1, 2006.

A. For offenses committed on or after July 1, 2006:

1. At the time the court imposes a sentence upon a conviction for a first violation of subsection A of § 18.2-472.1 the court shall impose an added term of postrelease ~~supervision~~ *incarceration* of six months.

2. For a second or subsequent violation of subsection A of § 18.2-472.1 when both violations occurred after July 1, 2006, or a first violation of subsection B of § 18.2-472.1, the court shall impose an added term of postrelease ~~supervision by the Department of Corrections~~ *incarceration* of two years.

3. For a second or subsequent violation of subsection B of § 18.2-472.1 when both violations occurred after July 1, 2006, the court shall impose an added term of postrelease ~~supervision by the Department of Corrections~~ *incarceration* of five years.

Any terms of postrelease ~~supervision~~ *incarceration* imposed pursuant to this section shall be in addition to any other punishment imposed, including any periods of active incarceration or suspended periods of incarceration, if any.

B. The court shall order that any term of postrelease ~~supervision~~ *incarceration* imposed pursuant to this section be suspended, and the defendant be placed on active supervision under a postrelease supervision program operated by the Department of Corrections. The court shall order that the defendant be subject to electronic monitoring by means of a GPS (Global Positioning System) tracking device, or other similar device during this period of postrelease supervision. Failure to successfully abide by the terms and conditions of the postrelease supervision program shall be grounds to terminate the period of postrelease supervision and recommit the defendant to the Department of Corrections or to a local correctional facility. Procedures for any such termination shall be conducted after a hearing in the court which originally sentenced the defendant, conducted in a manner consistent with a revocation hearing under § 19.2-306, mutatis mutandis.

C. Nothing in this section shall be construed to prohibit the court from exercising any authority otherwise granted by law.

CHAPTER 1116

An Act to amend and reenact §§ 18.2-10, 19.2-295.2, and 19.2-295.2:1 of the Code of Virginia, relating to postrelease incarceration of felons sentenced for certain offenses.

[S 312]

Approved April 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 18.2-10, 19.2-295.2, and 19.2-295.2:1 of the Code of Virginia are amended and reenacted as follows:

§ 18.2-10. Punishment for conviction of felony; penalty.

The authorized punishments for conviction of a felony are:

(a) For Class 1 felonies, death, if the person so convicted was 18 years of age or older at the time of the offense and is not determined to be a person with intellectual disability pursuant to § 19.2-264.3:1.1, or imprisonment for life and, subject to subdivision (g), a fine of not more than \$100,000. If the person was under 18 years of age at the time of the offense or is determined to be a person with intellectual disability pursuant to § 19.2-264.3:1.1, the punishment shall be imprisonment for life and, subject to subdivision (g), a fine of not more than \$100,000.

(b) For Class 2 felonies, imprisonment for life or for any term not less than 20 years and, subject to subdivision (g), a fine of not more than \$100,000.

(c) For Class 3 felonies, a term of imprisonment of not less than five years nor more than 20 years and, subject to subdivision (g), a fine of not more than \$100,000.

(d) For Class 4 felonies, a term of imprisonment of not less than two years nor more than 10 years and, subject to subdivision (g), a fine of not more than \$100,000.

(e) For Class 5 felonies, a term of imprisonment of not less than one year nor more than 10 years, or in the discretion of the jury or the court trying the case without a jury, confinement in jail for not more than 12 months and a fine of not more than \$2,500, either or both.

(f) For Class 6 felonies, a term of imprisonment of not less than one year nor more than five years, or in the discretion of the jury or the court trying the case without a jury, confinement in jail for not more than 12 months and a fine of not more than \$2,500, either or both.

(g) Except as specifically authorized in subdivision (e) or (f), or in Class 1 felonies for which a sentence of death is imposed, the court shall impose either a sentence of imprisonment together with a fine, or imprisonment only. However, if the defendant is not a natural person, the court shall impose only a fine.

For any felony offense committed (i) on or after January 1, 1995, the court may, and (ii) on or after July 1, 2000, shall, except in cases in which the court orders a suspended term of confinement of at least six months, impose an additional term of *incarceration* of not less than six months nor more than three years, which shall be suspended conditioned upon successful completion of a period of post-release supervision pursuant to § 19.2-295.2 and compliance with such other terms as the sentencing court may require. However, such additional term may only be imposed when the sentence includes an active term of incarceration in a correctional facility.

For a felony offense prohibiting proximity to children as described in subsection A of § 18.2-370.2, the sentencing court is authorized to impose the punishment set forth in that section in addition to any other penalty provided by law.

§ 19.2-295.2. Postrelease supervision of felons sentenced for offenses committed on and after January 1, 1995, and on and after July 1, 2000.

A. At the time the court imposes sentence upon a conviction for any felony offense committed (i) on or after January 1, 1995, the court may, and (ii) on or after July 1, 2000, shall, in addition to any other punishment imposed if such other punishment includes an active term of incarceration in a state or local correctional facility, except in cases in which the court orders a suspended term of confinement of at least six months, impose a term of ~~postrelease supervision~~ *incarceration, in addition to the active term*, of not less than six months nor more than three years, as the court may determine. Such additional term shall be suspended and the defendant *shall be ordered to be placed under postrelease supervision* upon release from the active term of incarceration. The period of supervision shall be established by the court; however, such period shall not be less than six months nor more than three years. Periods of postrelease supervision imposed pursuant to this section upon more than one felony conviction may be ordered to run concurrently. Periods of postrelease supervision imposed pursuant to this section may be ordered to run concurrently with any period of probation the defendant may also be subject to serve.

B. The period of postrelease supervision shall be under the supervision and review of the Virginia Parole Board. The Board shall review each felon prior to release and establish conditions of postrelease supervision. Failure to successfully abide by such terms and conditions shall be grounds to terminate the period of postrelease supervision and recommit the defendant to the Department of Corrections or to the local correctional facility from which he was previously released. Procedures for any such termination and recommitment shall be conducted in the same manner as procedures for the revocation of parole.

C. Postrelease supervision programs shall be operated through the probation and parole districts established pursuant to § 53.1-141.

D. Nothing in this section shall be construed to prohibit the court from exercising any authority otherwise granted by law.

§ 19.2-295.2:1. Postrelease incarceration of felons sentenced for certain offenses committed on or after July 1, 2006.

A. For offenses committed on or after July 1, 2006:

1. At the time the court imposes a sentence upon a conviction for a first violation of subsection A of § 18.2-472.1 the court shall impose an added term of ~~postrelease supervision~~ *incarceration* of six months.

2. For a second or subsequent violation of subsection A of § 18.2-472.1 when both violations occurred after July 1, 2006, or a first violation of subsection B of § 18.2-472.1, the court shall impose an added term of ~~postrelease supervision by the Department of Corrections~~ *incarceration* of two years.

3. For a second or subsequent violation of subsection B of § 18.2-472.1 when both violations occurred after July 1, 2006, the court shall impose an added term of ~~postrelease supervision by the Department of Corrections~~ *incarceration* of five years.

Any terms of ~~postrelease supervision~~ *incarceration* imposed pursuant to this section shall be in addition to any other punishment imposed, including any periods of active incarceration or suspended periods of incarceration, if any.

B. The court shall order that any term of ~~postrelease supervision~~ *incarceration* imposed pursuant to this section be suspended, and the defendant be placed on active supervision under a postrelease supervision program operated by the Department of Corrections. The court shall order that the defendant be subject to electronic monitoring by means of a GPS (Global Positioning System) tracking device, or other similar device during this period of postrelease supervision. Failure to successfully abide by the terms and conditions of the postrelease supervision program shall be grounds to terminate the period of postrelease supervision and recommit the defendant to the Department of Corrections or to a local correctional facility. Procedures for any such termination shall be conducted after a hearing in the court which originally sentenced the defendant, conducted in a manner consistent with a revocation hearing under § 19.2-306, mutatis mutandis.

C. Nothing in this section shall be construed to prohibit the court from exercising any authority otherwise granted by law.

CHAPTER 1117

An Act to amend and reenact § 15.2-2159 of the Code of Virginia, relating to fees for disposal of solid waste; Russell County.

[H 1186]

Approved April 10, 2020

Be it enacted by the General Assembly of Virginia:**1. That § 15.2-2159 of the Code of Virginia is amended and reenacted as follows:****§ 15.2-2159. Fee for solid waste disposal by counties.**

A. Accomack, Augusta, Floyd, Highland, Pittsylvania, *Russell*, and Wise Counties may by ordinance, and after a public hearing, levy a fee for the disposal of solid waste not to exceed the actual cost incurred by the county in procuring, developing, maintaining, and improving the landfill and for such reserves as may be necessary for capping and closing such landfill in the future. *Russell and Southampton County Counties* may by ordinance, and after a public hearing, levy a fee for the management of solid waste not to exceed the actual cost incurred by the county in removing and disposing of solid waste. Such fee as collected shall be deposited in a special account to be expended only for the purposes for which it was levied. Except in Floyd, Pittsylvania, *Russell*, Southampton, and Wise Counties, such fee shall not be used to purchase or subsidize the purchase of equipment used for the collection of solid waste. In Augusta, Highland, Pittsylvania, and Southampton Counties, such fee (i) may only be levied upon persons whose residential solid waste is disposed of at a county landfill or county solid waste collection or disposal facility and (ii) shall not be levied upon persons whose residential waste is not disposed of in such landfill or facility if such nondisposal is documented by the collector or generator of such waste as required by ordinance of such county. Documentation provided by a collector of such waste pursuant to clause (ii) shall not be disclosed by the county to any other person.

B. Any fee imposed by subsection A when combined with any other fee or charge for disposal of waste shall not exceed the actual cost incurred by the county in procuring, developing, maintaining, and improving its landfill and for such reserves as may be necessary for capping and closing such landfill in the future or, in the case of Southampton County, such fee shall not exceed the costs and fees expended by the county in removing and disposing of solid waste.

C. Any county which imposes the fee allowed under subsection A may enter into a contractual agreement with any water or heat, light, and power company or other corporation coming within the provisions of Chapter 26 (§ 58.1-2600 et seq.) of Title 58.1 except Appalachian Power Company and any cooperative formed under or subject to Article 1 (§ 56-231.15 et seq.) of Chapter 9.1 of Title 56 for the collection of such fee. The agreement may include a commission for such service in the form of a deduction from the fee remitted. The commission shall be provided for by ordinance, which shall set the rate not to exceed five percent of the amount of fees due and collected.

D. Accomack, Highland, Pittsylvania, *Russell*, Southampton, and Wise Counties have the following authority regarding collection of said fee:

1. To prorate said fee depending upon the period a resident or business is located in said county during the year of fee levy;
2. To levy penalty for late payment of fee as set forth in § 58.1-3916 of the Code of Virginia;
3. To levy interest on unpaid fees as set forth in § 58.1-3916 of the Code of Virginia;
4. To credit the fee first against the most delinquent use fee account owing;
5. To require payment of the fee prior to approval of an application for rezoning, special exception, variance or other land use permit; and
6. To provide discounts to the standard fee rates for older persons, as defined in § 51.5-135, and disabled persons based on ability to pay.

E. Pittsylvania and Southampton Counties may by ordinance provide an exemption from the fee for the disposal of solid waste to any veteran who has been rated by the U.S. Department of Veterans Affairs or its successor agency pursuant to federal law to have a 100 percent service-connected, permanent, and total disability in accordance with the standards set forth in § 58.1-3219.5.

CHAPTER 1118

An Act to amend and reenact § 15.2-2159 of the Code of Virginia, relating to fees for disposal of solid waste; Russell County.

[S 329]

Approved April 10, 2020

Be it enacted by the General Assembly of Virginia:**1. That § 15.2-2159 of the Code of Virginia is amended and reenacted as follows:****§ 15.2-2159. Fee for solid waste disposal by counties.**

A. Accomack, Augusta, Floyd, Highland, Pittsylvania, *Russell*, and Wise Counties may by ordinance, and after a public hearing, levy a fee for the disposal of solid waste not to exceed the actual cost incurred by the county in procuring,

developing, maintaining, and improving the landfill and for such reserves as may be necessary for capping and closing such landfill in the future. *Russell and Southampton County Counties* may by ordinance, and after a public hearing, levy a fee for the management of solid waste not to exceed the actual cost incurred by the county in removing and disposing of solid waste. Such fee as collected shall be deposited in a special account to be expended only for the purposes for which it was levied. Except in Floyd, Pittsylvania, *Russell*, Southampton, and Wise Counties, such fee shall not be used to purchase or subsidize the purchase of equipment used for the collection of solid waste. In Augusta, Highland, Pittsylvania, and Southampton Counties, such fee (i) may only be levied upon persons whose residential solid waste is disposed of at a county landfill or county solid waste collection or disposal facility and (ii) shall not be levied upon persons whose residential waste is not disposed of in such landfill or facility if such nondisposal is documented by the collector or generator of such waste as required by ordinance of such county. Documentation provided by a collector of such waste pursuant to clause (ii) shall not be disclosed by the county to any other person.

B. Any fee imposed by subsection A when combined with any other fee or charge for disposal of waste shall not exceed the actual cost incurred by the county in procuring, developing, maintaining, and improving its landfill and for such reserves as may be necessary for capping and closing such landfill in the future or, in the case of Southampton County, such fee shall not exceed the costs and fees expended by the county in removing and disposing of solid waste.

C. Any county which imposes the fee allowed under subsection A may enter into a contractual agreement with any water or heat, light, and power company or other corporation coming within the provisions of Chapter 26 (§ 58.1-2600 et seq.) of Title 58.1 except Appalachian Power Company and any cooperative formed under or subject to Article 1 (§ 56-231.15 et seq.) of Chapter 9.1 of Title 56 for the collection of such fee. The agreement may include a commission for such service in the form of a deduction from the fee remitted. The commission shall be provided for by ordinance, which shall set the rate not to exceed five percent of the amount of fees due and collected.

D. Accomack, Highland, Pittsylvania, *Russell*, Southampton, and Wise Counties have the following authority regarding collection of said fee:

1. To prorate said fee depending upon the period a resident or business is located in said county during the year of fee levy;

2. To levy penalty for late payment of fee as set forth in § 58.1-3916 of the Code of Virginia;

3. To levy interest on unpaid fees as set forth in § 58.1-3916 of the Code of Virginia;

4. To credit the fee first against the most delinquent use fee account owing;

5. To require payment of the fee prior to approval of an application for rezoning, special exception, variance or other land use permit; and

6. To provide discounts to the standard fee rates for older persons, as defined in § 51.5-135, and disabled persons based on ability to pay.

E. Pittsylvania and Southampton Counties may by ordinance provide an exemption from the fee for the disposal of solid waste to any veteran who has been rated by the U.S. Department of Veterans Affairs or its successor agency pursuant to federal law to have a 100 percent service-connected, permanent, and total disability in accordance with the standards set forth in § 58.1-3219.5.

CHAPTER 1119

An Act to amend the Code of Virginia by adding a section numbered 2.2-2320.1, relating to the Virginia Tourism Authority; Governor's New Airline Service Incentive Fund.

[H 1602]

Approved April 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 2.2-2320.1 as follows:

§ 2.2-2320.1. Governor's New Airline Service Incentive Fund.

A. *There is hereby created in the state treasury a special nonreverting fund known as the Governor's New Airline Service Incentive Fund, referred to in this section as "the Fund." The Fund shall be established on the books of the Comptroller. All funds appropriated for such purpose and any gifts, donations, grants, bequests, and other funds received on its behalf shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of a biennium shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used, in the sole discretion of the Governor, for grants to airlines serving local, regional, national, and international airports in Virginia as provided in subsection B. Revenues in the Fund shall be used to support the development of additional commercial air services in the Commonwealth, provided that such service advances the goals established in the commercial air service plan most recently adopted pursuant to § 5.1-2.2:2. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Executive Director of the Authority.*

B. *The Fund shall be used by the Governor to provide or assist in the provision of marketing, advertising, or promotional activities by airlines in connection with the launch of new air passenger service at Virginia airports in order to incentivize airlines that have committed to commencing new air passenger service in Virginia. The Secretary of*

Transportation, in consultation with the Secretary of Commerce and Trade and the Secretary of Finance, shall develop guidelines and criteria to be used in awarding grants from the Fund. The guidelines shall include a provision that a grant from the Fund shall not be awarded if it can be reasonably anticipated to result in the reduction of existing commercial air service at another airport located within the Commonwealth. The guidelines may require that as a condition of receiving any grant from the Fund an airline enter into a performance agreement or memorandum of understanding with the Commonwealth (i) setting a minimum number of nonstop roundtrip flights per week, a minimum number of nonstop roundtrip flights within 12 months of the start date of new air service, or a minimum passenger load factor, or any combination thereof, and (ii) providing that any grant received by an airline shall be repaid by the airline or reduced proportionately if such conditions are not met.

CHAPTER 1120

An Act to amend the Code of Virginia by adding a section numbered 2.2-2320.1, relating to the Virginia Tourism Authority; Governor's New Airline Service Incentive Fund.

[S 990]

Approved April 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 2.2-2320.1 as follows:

§ 2.2-2320.1. Governor's New Airline Service Incentive Fund.

A. There is hereby created in the state treasury a special nonreverting fund known as the Governor's New Airline Service Incentive Fund, referred to in this section as "the Fund." The Fund shall be established on the books of the Comptroller. All funds appropriated for such purpose and any gifts, donations, grants, bequests, and other funds received on its behalf shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of a biennium shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used, in the sole discretion of the Governor, for grants to airlines serving local, regional, national, and international airports in Virginia as provided in subsection B. Revenues in the Fund shall be used to support the development of additional commercial air services in the Commonwealth, provided that such service advances the goals established in the commercial air service plan most recently adopted pursuant to § 5.1-2.2:2. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Executive Director of the Authority.

B. The Fund shall be used by the Governor to provide or assist in the provision of marketing, advertising, or promotional activities by airlines in connection with the launch of new air passenger service at Virginia airports in order to incentivize airlines that have committed to commencing new air passenger service in Virginia. The Secretary of Transportation, in consultation with the Secretary of Commerce and Trade and the Secretary of Finance, shall develop guidelines and criteria to be used in awarding grants from the Fund. The guidelines shall include a provision that a grant from the Fund shall not be awarded if it can be reasonably anticipated to result in the reduction of existing commercial air service at another airport located within the Commonwealth. The guidelines may require that as a condition of receiving any grant from the Fund an airline enter into a performance agreement or memorandum of understanding with the Commonwealth (i) setting a minimum number of nonstop roundtrip flights per week, a minimum number of nonstop roundtrip flights within 12 months of the start date of new air service, or a minimum passenger load factor, or any combination thereof, and (ii) providing that any grant received by an airline shall be repaid by the airline or reduced proportionately if such conditions are not met.

CHAPTER 1121

An Act to amend and reenact §§ 18.2-308.1:3 and 19.2-169.1 of the Code of Virginia, relating to unrestorably incompetent defendant; competency report.

[H 259]

Approved April 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 18.2-308.1:3 and 19.2-169.1 of the Code of Virginia are amended and reenacted as follows:

§ 18.2-308.1:3. Purchase, possession, or transportation of firearm by persons involuntarily admitted or ordered to outpatient treatment; penalty.

A. It shall be unlawful for any person (i) involuntarily admitted to a facility or ordered to mandatory outpatient treatment pursuant to § 19.2-169.2; (ii) involuntarily admitted to a facility or ordered to mandatory outpatient treatment as the result of a commitment hearing pursuant to Article 5 (§ 37.2-814 et seq.) of Chapter 8 of Title 37.2; (iii) involuntarily admitted to a facility or ordered to mandatory outpatient treatment as a minor 14 years of age or older as the result of a commitment hearing pursuant to Article 16 (§ 16.1-335 et seq.) of Chapter 11 of Title 16.1; (iv) who was the subject of a temporary detention order pursuant to § 37.2-809 and subsequently agreed to voluntary admission pursuant to § 37.2-805

~~or~~; (v) who, as a minor 14 years of age or older, was the subject of a temporary detention order pursuant to § 16.1-340.1 and subsequently agreed to voluntary admission pursuant to § 16.1-338; or (vi) who was found incompetent to stand trial and likely to remain so for the foreseeable future and whose case was disposed of in accordance with § 19.2-169.3, to purchase, possess, or transport a firearm. A violation of this subsection shall be punishable as a Class 1 misdemeanor.

B. Any person prohibited from purchasing, possessing or transporting firearms under this section may, at any time following his release from involuntary admission to a facility, his release from an order of mandatory outpatient treatment, ~~or~~ his release from voluntary admission pursuant to § 37.2-805 following the issuance of a temporary detention order, *his release from a training center, or his release as provided by § 19.2-169.3*, petition the general district court in the city or county in which he resides or, if the person is not a resident of the Commonwealth, the general district court of the city or county in which the most recent of the proceedings described in subsection A occurred to restore his right to purchase, possess, or transport a firearm. A copy of the petition shall be mailed or delivered to the attorney for the Commonwealth for the jurisdiction where the petition was filed who shall be entitled to respond and represent the interests of the Commonwealth. The court shall conduct a hearing if requested by either party. If the court determines, after receiving and considering evidence concerning the circumstances regarding the disabilities referred to in subsection A and the person's criminal history, treatment record, and reputation as developed through character witness statements, testimony, or other character evidence, that the person will not likely act in a manner dangerous to public safety and that granting the relief would not be contrary to the public interest, the court shall grant the petition. Any person denied relief by the general district court may petition the circuit court for a de novo review of the denial. Upon a grant of relief in any court, the court shall enter a written order granting the petition, in which event the provisions of subsection A do not apply. The clerk of court shall certify and forward forthwith to the Central Criminal Records Exchange, on a form provided by the Exchange, a copy of any such order.

C. As used in this section, "treatment record" shall include copies of health records detailing the petitioner's psychiatric history, which shall include the records pertaining to the commitment or adjudication that is the subject of the request for relief pursuant to this section.

§ 19.2-169.1. Raising question of competency to stand trial or plead; evaluation and determination of competency.

A. Raising competency issue; appointment of evaluators. — If, at any time after the attorney for the defendant has been retained or appointed and before the end of trial, the court finds, upon hearing evidence or representations of counsel for the defendant or the attorney for the Commonwealth, that there is probable cause to believe that the defendant, whether a juvenile transferred pursuant to § 16.1-269.1 or adult, lacks substantial capacity to understand the proceedings against him or to assist his attorney in his own defense, the court shall order that a competency evaluation be performed by at least one psychiatrist or clinical psychologist who (i) has performed forensic evaluations; (ii) has successfully completed forensic evaluation training recognized by the Commissioner of Behavioral Health and Developmental Services; (iii) has demonstrated to the Commissioner competence to perform forensic evaluations; and (iv) is included on a list of approved evaluators maintained by the Commissioner.

B. Location of evaluation. — The evaluation shall be performed on an outpatient basis at a mental health facility or in jail unless an outpatient evaluation has been conducted and the outpatient evaluator opines that a hospital-based evaluation is needed to reliably reach an opinion or unless the defendant is in the custody of the Commissioner of Behavioral Health and Developmental Services pursuant to § 19.2-169.2, 19.2-169.6, 19.2-182.2, 19.2-182.3, 19.2-182.8, 19.2-182.9, or Article 5 (§ 37.2-814 et seq.) of Chapter 8 of Title 37.2.

C. Provision of information to evaluators. — The court shall require the attorney for the Commonwealth to provide to the evaluators appointed under subsection A any information relevant to the evaluation, including, but not limited to (i) a copy of the warrant or indictment; (ii) the names and addresses of the attorney for the Commonwealth, the attorney for the defendant, and the judge ordering the evaluation; (iii) information about the alleged crime; and (iv) a summary of the reasons for the evaluation request. The court shall require the attorney for the defendant to provide any available psychiatric records and other information that is deemed relevant. The court shall require that information be provided to the evaluator within 96 hours of the issuance of the court order pursuant to this section.

D. The competency report. — Upon completion of the evaluation, the evaluators shall promptly submit a report in writing to the court and the attorneys of record concerning (i) the defendant's capacity to understand the proceedings against him; (ii) his ability to assist his attorney; and (iii) his need for treatment in the event he is found incompetent but restorable, or incompetent for the foreseeable future. If a need for restoration treatment is identified pursuant to clause (iii), the report shall state whether inpatient or outpatient treatment (*community-based or jail-based*) is recommended. *In cases where a defendant is likely to remain incompetent for the foreseeable future due to an ongoing and irreversible medical condition, and where prior medical or educational records are available to support the diagnosis, the report may recommend that the court find the defendant unrestorably incompetent to stand trial and the court may proceed with the disposition of the case in accordance with § 19.2-169.3.* No statements of the defendant relating to the time period of the alleged offense shall be included in the report. The evaluator shall also send a redacted copy of the report removing references to the defendant's name, date of birth, case number, and court of jurisdiction to the Commissioner of Behavioral Health and Developmental Services for the purpose of peer review to establish and maintain the list of approved evaluators described in subsection A.

E. The competency determination. — After receiving the report described in subsection D, the court shall promptly determine whether the defendant is competent to stand trial. A hearing on the defendant's competency is not required unless

one is requested by the attorney for the Commonwealth or the attorney for the defendant, or unless the court has reasonable cause to believe the defendant will be hospitalized under § 19.2-169.2. If a hearing is held, the party alleging that the defendant is incompetent shall bear the burden of proving by a preponderance of the evidence the defendant's incompetency. The defendant shall have the right to notice of the hearing, the right to counsel at the hearing and the right to personally participate in and introduce evidence at the hearing.

The fact that the defendant claims to be unable to remember the time period surrounding the alleged offense shall not, by itself, bar a finding of competency if the defendant otherwise understands the charges against him and can assist in his defense. Nor shall the fact that the defendant is under the influence of medication bar a finding of competency if the defendant is able to understand the charges against him and assist in his defense while medicated.

CHAPTER 1122

An Act to amend and reenact § 19.2-8 of the Code of Virginia, relating to misdemeanor sexual offenses where the victim is a minor; statute of limitations.

[H 298]

Approved April 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-8 of the Code of Virginia is amended and reenacted as follows:

§ 19.2-8. Limitation of prosecutions.

A prosecution for a misdemeanor, or any pecuniary fine, forfeiture, penalty or amercement, shall be commenced within one year next after there was cause therefor, except that a prosecution for petit larceny may be commenced within five years, and for an attempt to produce abortion, within two years after commission of the offense.

A prosecution for any misdemeanor violation of § 54.1-3904 shall be commenced within two years of the discovery of the offense.

A prosecution for violation of laws governing the placement of children for adoption without a license pursuant to § 63.2-1701 shall be commenced within one year from the date of the filing of the petition for adoption.

A prosecution for making a false statement or representation of a material fact knowing it to be false or knowingly failing to disclose a material fact, to obtain or increase any benefit or other payment under the Virginia Unemployment Compensation Act (§ 60.2-100 et seq.) shall be commenced within three years next after the commission of the offense.

A prosecution for any violation of § 10.1-1320, 62.1-44.32 (b), 62.1-194.1, or Article 11 (§ 62.1-44.34:14 et seq.) of Chapter 3.1 of Title 62.1 that involves the discharge, dumping or emission of any toxic substance as defined in § 32.1-239 shall be commenced within three years next after the commission of the offense.

Prosecution of Building Code violations under § 36-106 shall commence within one year of discovery of the offense by the building official, provided that such discovery occurs within two years of the date of initial occupancy or use after construction of the building or structure, or the issuance of a certificate of use and occupancy for the building or structure, whichever is later. However, prosecutions under § 36-106 relating to the maintenance of existing buildings or structures as contained in the Uniform Statewide Building Code shall commence within one year of the issuance of a notice of violation for the offense by the building official.

Prosecution of any misdemeanor violation of § 54.1-111 shall commence within one year of the discovery of the offense by the complainant, but in no case later than five years from occurrence of the offense.

Prosecution of any misdemeanor violation of any professional licensure requirement imposed by a locality shall commence within one year of the discovery of the offense by the complainant, but in no case later than five years from occurrence of the offense.

Prosecution of nonfelonious offenses which constitute malfeasance in office shall commence within two years next after the commission of the offense.

Prosecution for a violation for which a penalty is provided for by § 55.1-1989 shall commence within three years next after the commission of the offense.

Prosecution of illegal sales or purchases of wild birds, wild animals and freshwater fish under § 29.1-553 shall commence within three years after commission of the offense.

Prosecution of violations under Title 58.1 for offenses involving false or fraudulent statements, documents or returns, or for the offense of willfully attempting in any manner to evade or defeat any tax or the payment thereof, or for the offense of willfully failing to pay any tax, or willfully failing to make any return at the time or times required by law or regulations shall commence within three years next after the commission of the offense, unless a longer period is otherwise prescribed.

Prosecution of violations of subsection A or B of § 3.2-6570 shall commence within five years of the commission of the offense, except violations regarding agricultural animals shall commence within one year of the commission of the offense.

A prosecution for a violation of § 18.2-386.1 shall be commenced within five years of the commission of the offense.

A prosecution for any violation of the Campaign Finance Disclosure Act, Chapter 9.3 (§ 24.2-945 et seq.) of Title 24.2, shall commence within one year of the discovery of the offense but in no case more than three years after the date of the commission of the offense.

A prosecution of a crime that is punishable as a misdemeanor pursuant to the Virginia Computer Crimes Act (§ 18.2-152.1 et seq.) or pursuant to § 18.2-186.3 for identity theft shall be commenced before the earlier of (i) five years after the commission of the last act in the course of conduct constituting a violation of the article or (ii) one year after the existence of the illegal act and the identity of the offender are discovered by the Commonwealth, by the owner, or by anyone else who is damaged by such violation.

A prosecution of a misdemeanor under § 18.2-64.2, 18.2-67.4, 18.2-67.4:1, 18.2-67.4:2, 18.2-67.5, or 18.2-370.6 where the victim is a minor at the time of the offense shall be commenced no later than one year after the victim reaches majority, *unless the alleged offender of such offense was an adult and more than three years older than the victim at the time of the offense, in which instance such prosecution shall be commenced no later than five years after the victim reaches majority.*

A prosecution for a violation of § 18.2-260.1 shall be commenced within three years of the commission of the offense.

Nothing in this section shall be construed to apply to any person fleeing from justice or concealing himself within or without the Commonwealth to avoid arrest or be construed to limit the time within which any prosecution may be commenced for desertion of a spouse or child or for neglect or refusal or failure to provide for the support and maintenance of a spouse or child.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 854 of the Acts of Assembly of 2019 requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

CHAPTER 1123

An Act to amend the Code of Virginia by adding a section numbered 15.2-965.2, relating to micro-businesses; local procurement.

[H 558]

Approved April 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 15.2-965.2 as follows:

§ 15.2-965.2. Enhancement of micro-business participation in local procurement.

A. Any locality may enact an ordinance to enhance micro-business participation in local government procurement practices. Such measures may include special designation of local micro-businesses, providing technical support to micro-businesses, setting target goals for micro-business participation in the local procurement process, and other reasonable measures intended to promote micro-business participation in the locality.

B. For purposes of this section, "micro-business" means a small, women-owned, or minority-owned business with no more than 25 employees.

CHAPTER 1124

An Act to amend the Code of Virginia by adding in Article 5 of Chapter 15 of Title 19.2 a section numbered 19.2-266.4 and to repeal § 19.2-264.3:1.3 of the Code of Virginia, relating to ex parte requests for expert assistance in criminal cases.

[H 824]

Approved April 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 5 of Chapter 15 of Title 19.2 a section numbered 19.2-266.4 as follows:

§ 19.2-266.4. Expert assistance for indigent defendants.

A. In any case in which a defendant is (i) charged with a felony offense or a Class 1 misdemeanor and (ii) determined to be indigent by the court pursuant to § 19.2-159, the defendant or his attorney may, upon notice to the Commonwealth, move the circuit court to designate another judge in the same circuit to hear an ex parte request for appointment of a qualified expert to assist in the preparation of the defendant's defense. No ex parte proceeding, communication, or request may be considered pursuant to this section unless the defendant or his attorney states under oath or in a sworn declaration that a need for confidentiality exists. A risk that trial strategy may be disclosed unless the hearing is ex parte shall be sufficient grounds to establish a need for confidentiality.

B. Upon receiving the defendant's or his attorney's declaration of need for confidentiality, the designated ex parte judge shall conduct an ex parte hearing on the request for authorization to obtain expert assistance. This hearing shall occur as soon as practicable. After a hearing upon the motion and upon a showing that the provision of the requested expert services would materially assist the defendant in preparing his defense and the denial of such services would result in a

fundamentally unfair trial, the court shall order the appointment of a qualified expert. Any expert appointed pursuant to this subsection shall be compensated in accordance with § 19.2-332. The designated judge shall direct requests for scientific investigations to the Department of Forensic Science or Division of Consolidated Laboratory Services whenever practicable.

C. All ex parte hearings conducted under this section shall be initiated by written motion and shall be on the record. Except for the initial declaration of need for confidentiality, the record of the hearings, together with all papers filed and orders entered in connection with ex parte requests for expert assistance, all payment requests submitted by experts appointed, and the identity of all experts appointed, shall be kept under seal as part of the record of the case and shall not be disclosed. Following a decision on the motion, whether it is granted or denied, the motion, order or orders, and all other papers or information related to the proceedings or expert assistance sought shall remain under seal. On motion of any party, and for good cause shown, the court may unseal the foregoing records after the trial is concluded.

D. All ex parte proceedings, communications, or requests shall be transcribed and made part of the record available for appellate review or any other post-conviction review.

2. That § 19.2-264.3:1.3 of the Code of Virginia is repealed.

CHAPTER 1125

An Act to amend and reenact § 8.01-243 of the Code of Virginia, relating to statute of limitations; sexual abuse.

[H 870]

Approved April 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 8.01-243 of the Code of Virginia is amended and reenacted as follows:

§ 8.01-243. Personal action for injury to person or property generally; extension in actions for malpractice against health care provider.

A. Unless otherwise provided in this section or by other statute, every action for personal injuries, whatever the theory of recovery, and every action for damages resulting from fraud, shall be brought within two years after the cause of action accrues.

B. Every action for injury to property, including actions by a parent or guardian of an infant against a tort-feasor for expenses of curing or attempting to cure such infant from the result of a personal injury or loss of services of such infant, shall be brought within five years after the cause of action accrues. An infant's claim for medical expenses pursuant to subsection B of § 8.01-36 accruing on or after July 1, 2013, shall be governed by the applicable statute of limitations that applies to the infant's cause of action.

C. The two-year limitations period specified in subsection A shall be extended in actions for malpractice against a health care provider as follows:

1. In cases arising out of a foreign object having no therapeutic or diagnostic effect being left in a patient's body, for a period of one year from the date the object is discovered or reasonably should have been discovered;

2. In cases in which fraud, concealment, or intentional misrepresentation prevented discovery of the injury within the two-year period, for one year from the date the injury is discovered or, by the exercise of due diligence, reasonably should have been discovered; and

3. In a claim for the negligent failure to diagnose a malignant tumor, cancer, or an intracranial, intraspinal, or spinal schwannoma, for a period of one year from the date the diagnosis of a malignant tumor, cancer, or an intracranial, intraspinal, or spinal schwannoma is communicated to the patient by a health care provider, provided that the health care provider's underlying act or omission was on or after July 1, 2008, in the case of a malignant tumor or cancer or on or after July 1, 2016, in the case of an intracranial, intraspinal, or spinal schwannoma. Claims under this section for the negligent failure to diagnose a malignant tumor or cancer, where the health care provider's underlying act or omission occurred prior to July 1, 2008, shall be governed by the statute of limitations that existed prior to July 1, 2008. Claims under this section for the negligent failure to diagnose an intracranial, intraspinal, or spinal schwannoma, where the health care provider's underlying act or omission occurred prior to July 1, 2016, shall be governed by the statute of limitations that existed prior to July 1, 2016.

However, the provisions of this subsection shall not apply to extend the limitations period beyond 10 years from the date the cause of action accrues, except that the provisions of subdivision A 2 of § 8.01-229 shall apply to toll the statute of limitations in actions brought by or on behalf of a person under a disability.

D. Every action for injury to the person, whatever the theory of recovery, resulting from sexual abuse occurring during the infancy or incapacity of the person as set forth in subdivision 6 of § 8.01-249 shall be brought within 20 years after the cause of action accrues.

D1. For a cause of action accruing on or after July 1, 2020, every action for injury to the person, whatever the theory of recovery, resulting from sexual abuse, other than those actions specified in subsection D, shall be brought within 10 years after the cause of action accrues.

E. Every action for injury to property brought by the Commonwealth against a tort-feasor for expenses arising out of the negligent operation of a motor vehicle shall be brought within five years after the cause of action accrues.

CHAPTER 1126

An Act to amend the Code of Virginia by adding a section numbered 19.2-390.04, relating to custodial interrogations; recording.

[H 1023]

Approved April 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 19.2-390.04 as follows:

§ 19.2-390.04. Custodial interrogations; recording.

A. For purposes of this section:

"Custodial interrogation" means any interview conducted by a law-enforcement officer in such circumstances that would lead a reasonable person to consider himself to be in custody associated with arrest and during which the law-enforcement officer takes actions or asks questions that are reasonably likely to elicit responses from the person that could incriminate him.

"Place of detention" means a police station, sheriff's office, jail, detention center, or other similar facility in which suspects may be detained.

B. A law-enforcement officer conducting a custodial interrogation of any person at a place of detention shall cause an audiovisual recording of the entirety of such custodial interrogation to be made. If such law-enforcement officer is unable to cause an audiovisual recording of such custodial interrogation to be made, the law-enforcement officer shall cause an audio recording of such custodial interrogation to be made.

This subsection shall not apply when a law-enforcement officer conducting a custodial interrogation has good cause not to record such custodial interrogation. Good cause shall include those circumstances where (i) the recording equipment fails, (ii) the recording equipment is unavailable, or (iii) exigent circumstances relating to public safety exist that prevent the recording of such custodial interrogation.

C. The failure of a law-enforcement officer to cause an audiovisual or audio recording to be made in accordance with subsection B shall not affect the admissibility of the statements made by the subject of the custodial interrogation, but such failure may be considered in determining the weight given to such evidence.

D. Any audiovisual or audio recording made in accordance to subsection B shall be preserved until such time as (i) the person is acquitted or the charges against the person are otherwise dismissed and further prosecution of such charges is prohibited by law or (ii) if convicted or adjudicated delinquent, the person has completed service of his sentence and any modification of his sentence.

E. Any policies, standards, and guidelines for the maintenance, exchange, storage, use, sharing, distribution, and security of data developed and adopted pursuant to Chapter 20.1 of Title 2.2 (§ 2.2-2005 et. seq.) shall not apply to any audiovisual or audio recording made in accordance with subsection B. Any policies, standards, and guidelines for the maintenance, exchange, storage, use, sharing, distribution, and security of data for any audiovisual or audio recording made in accordance with subsection B shall be developed and adopted by the law-enforcement agency employing the law-enforcement officer causing the audiovisual or audio recording to be made in accordance with subsection B.

CHAPTER 1127

An Act to amend the Code of Virginia by adding in Title 52 a chapter numbered 7.5, consisting of a section numbered 52-34.13, relating to the Department of State Police; establishment of cold case searchable database.

[H 1024]

Approved April 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 52 a chapter numbered 7.5, consisting of a section numbered 52-34.13, as follows:

CHAPTER 7.5.

COLD CASE SEARCHABLE DATABASE.

§ 52-34.13. Cold case searchable database established.

A. As used in this section, "cold case" means an investigation into a homicide, missing person, or unidentified person case that has remained unsolved for at least five years after the crime occurred, the person went missing, or the unidentified body was found, whichever occurred last.

B. The Superintendent of State Police shall establish and maintain a searchable electronic database of cold cases to assist law-enforcement agencies in the development of information leading to the identification and arrest of persons who may have committed the crimes or to persons who may have relevant information to solve the case. Such database shall be available to the public through the Department of State Police official website.

C. The searchable electronic database shall include (i) the category of cold case and, in the case of a homicide or missing person, the name of the victim or missing person, unless disclosure is prohibited or restricted by § 19.2-11.2; (ii) the

location where the crime was committed, where the person was last seen, or where the body was found, if known; (iii) the date and time the crime occurred, the person was last seen, or the body was found, if known; (iv) the name and contact information of the investigating law-enforcement agency; (v) a brief summary of the crime or case; and (vi) any other information that the investigating law-enforcement agency determines is appropriate. The Department of State Police and submitting law-enforcement agencies shall have the discretion to withhold such information, in whole or in part, from the database (a) as they deem necessary for investigative purposes, protection of privacy, or any other lawful reason or (b) upon request of the victim's or missing person's next of kin.

CHAPTER 1128

An Act to amend and reenact §§ 2.2-2715, 2.2-2715.1, and 2.2-2716 of the Code of Virginia, relating to the Veterans Services Foundation.

[H 1269]

Approved April 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-2715, 2.2-2715.1, and 2.2-2716 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-2715. Veterans Services Foundation; purpose; report; membership; terms; compensation; staff.

A. The Veterans Services Foundation (the Foundation) is established as an independent body politic and corporate agency of the Commonwealth supporting the interests of veterans and their families and contributors through the Secretary of Veterans and Defense Affairs and the programs and services of the Department of Veterans Services. The Foundation shall be governed and administered by a board of trustees *who may be assisted in the administration of the Foundation by principal staff members, agents, and advisors*. The membership of the Foundation shall be composed of the board of trustees, supporting staff, *agents, advisors*, donors, volunteers, and other interested parties.

B. The Foundation shall (i) administer the Veterans Services Fund (the Fund), (ii) provide funding for veterans services and programs in the Commonwealth through the Fund, and (iii) accept and raise revenue from all sources, including private source fundraising, to support the Fund. The Foundation shall submit a quarterly report to the Commissioner of Veterans Services on the Foundation's funding levels and services and an annual report to the Secretary of Veterans and Defense Affairs and the General Assembly on or before November 30 of each year. The quarterly report shall be submitted electronically. The annual report to the General Assembly shall be submitted for publication as a report document as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

C. The board of trustees of the Foundation shall consist of the Secretary of Veterans and Defense Affairs and the Chairmen of the Board of Veterans Services and the Joint Leadership Council of Veterans Service Organizations or their designees, who shall serve as ex officio voting trustees, and 16 trustees to be appointed as follows: eight nonlegislative citizens appointed by the Governor; five nonlegislative citizens appointed by the Speaker of the House of Delegates; and three nonlegislative citizens appointed by the Senate Committee on Rules. A majority of the appointed trustees shall be active or retired chairmen, chief executive officers, or chief financial officers for large private corporations or nonprofit organizations or individuals who have extensive fundraising experience in the private sector. Trustees appointed shall, insofar as possible, be veterans. Each appointing authority shall endeavor to ensure a balanced representation *of the armed services* among the officer and enlisted ranks of ~~the armed services~~ and geographical representation on the board of trustees to facilitate fundraising efforts across the state.

Trustees shall be appointed for a term of four years. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. All trustees may be reappointed. However, no trustee shall serve more than two consecutive four-year terms. The remainder of any term to which a trustee is appointed to fill a vacancy shall not constitute a term in determining the trustee's eligibility for reappointment. Vacancies shall be filled in the same manner as the original appointments. Any trustee may be removed at the pleasure of the appointing authority.

D. Trustees shall be reimbursed for their actual expenses incurred while attending meetings of the trustees or performing other duties. However, such reimbursement shall not exceed the per diem rate established for members of the General Assembly pursuant to § 30-19.12.

E. The Department of Veterans Services shall provide the Foundation with administrative and staff support and other services.

F. The trustees shall adopt bylaws governing their organization and procedures and may amend the same. The trustees shall elect ~~from their number~~ a chairman and such other officers as their bylaws may provide. Ex officio trustees *who serve as the chairman of another board* shall not be eligible to serve as chairman. The trustees shall meet four times a year at such times as they deem appropriate or on call of the chairman. A majority of the voting trustees of the board of trustees shall constitute a quorum.

G. The Department of Veterans Services shall provide qualified finance and development personnel to perform the duties of the treasurer and secretary of the Foundation in accordance with the Foundation's directives. *Individuals appointed to perform the duties of treasurer and secretary pursuant to this subsection shall be ex officio, nonvoting officers of the board of trustees.*

H. The provisions of the State and Local Government Conflict of Interests Act (§ 2.2-3100 et seq.) shall apply to the members of the board of trustees and the employees of the Foundation.

§ 2.2-2715.1. Executive Director.

A. The Board may hire an Executive Director of the Foundation, who shall serve at the pleasure of the Board, to direct the day-to-day operations and activities of the Foundation and carry out the powers and duties conferred upon him by the trustees. The Executive Director shall also exercise and perform such other powers and duties as may be lawfully delegated to him and such powers and duties as may be conferred or imposed upon him by law.

B. ~~The~~ Subject to the approval of the board of trustees, the Executive Director may employ or retain such agents, advisors, volunteers, or employees subordinate to him as necessary to fulfill the duties of the Foundation as conferred upon the Executive Director. Employees of the Foundation, including the Executive Director, shall be eligible for membership in the Virginia Retirement System and participation in all of the health and related insurance and other benefits, including premium conversion and flexible benefits, available to state employees as provided by law.

C. Notwithstanding any law or policy to the contrary, the Board shall exercise personnel authority over the Executive Director and other employees of the Board.

§ 2.2-2716. Authority of board of trustees.

The ~~Foundation~~ board of trustees has the authority to:

1. Administer the Veterans Services Fund, request appropriations, and make allocations of revenue from the Fund to the Department of Veterans Services to provide supplemental funding for the Department's services and programs;
2. Accept, hold, and administer gifts and bequests of money, securities, or other property, absolutely or in trust, for the purposes for which the Foundation is created;
3. Enter into contracts and execute all instruments necessary and appropriate to carry out the Foundation's purposes;
4. Take such actions as may be reasonably necessary to seek, promote, and stimulate contributions for the Fund;
5. Develop other possible dedicated revenue sources for the Fund;
6. Perform any lawful acts necessary or appropriate to carry out the purposes of the Foundation; and
7. Develop policies and procedures applicable to the management and functioning of the Foundation and the Department of Veterans Services relating to (i) administration of the Fund, (ii) provision of funding for veterans services and programs through the Fund, and (iii) acceptance and fundraising to strengthen the structure of the Fund.

CHAPTER 1129

An Act to amend the Code of Virginia by adding in Article 1 of Chapter 1 of Title 9.1 a section numbered 9.1-116.6, relating to Virginia Gun Violence Intervention and Prevention Fund.

[H 1499]

Approved April 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 1 of Chapter 1 of Title 9.1 a section numbered 9.1-116.6 as follows:

§ 9.1-116.6. Virginia Gun Violence Intervention and Prevention Fund; purpose; guidelines.

A. *There is hereby created in the state treasury a special nonreverting fund to be known as the Virginia Gun Violence Intervention and Prevention Fund (the Fund). The Fund shall be established on the books of the Comptroller. All moneys accruing to the Fund shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used for the purpose of supporting gun violence intervention and prevention programs. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Director of the Department.*

B. *The Fund shall be administered by the Department, and the Department shall adopt guidelines to make funds available to agencies of local government, community-based organizations, and hospitals for the purpose of supporting implementation of evidence-informed gun violence intervention and prevention efforts, including street outreach, hospital-based violence intervention, and group violence intervention programs.*

C. *The Department shall establish a grant procedure to govern funds awarded for this purpose.*

CHAPTER 1130

An Act to amend and reenact §§ 18.2-308.02 and 18.2-308.06 of the Code of Virginia, relating to concealed handgun permits; demonstration of competence.

[S 263]

Approved April 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 18.2-308.02 and 18.2-308.06 of the Code of Virginia are amended and reenacted as follows:

§ 18.2-308.02. Application for a concealed handgun permit; Virginia resident or domiciliary.

A. Any person 21 years of age or older may apply in writing to the clerk of the circuit court of the county or city in which he resides, or if he is a member of the United States Armed Forces and stationed outside the Commonwealth, the county or city in which he is domiciled, for a five-year permit to carry a concealed handgun. There shall be no requirement regarding the length of time an applicant has been a resident or domiciliary of the county or city. The application shall be on a form prescribed by the Department of State Police, in consultation with the Supreme Court, requiring only that information necessary to determine eligibility for the permit. Additionally, the application shall request but not require that the applicant provide an email or other electronic address where a notice of permit expiration can be sent pursuant to subsection C of § 18.2-308.010. The applicant shall present one valid form of photo identification issued by a governmental agency of the Commonwealth or by the U.S. Department of Defense or U.S. State Department (passport). No information or documentation other than that which is allowed on the application in accordance with this section may be requested or required by the clerk or the court.

B. The court shall require proof that the applicant has demonstrated competence with a handgun *in person* and the applicant may demonstrate such competence by one of the following, but no applicant shall be required to submit to any additional demonstration of competence, nor shall any proof of demonstrated competence expire:

1. Completing any hunter education or hunter safety course approved by the Department of Game and Inland Fisheries or a similar agency of another state;

2. Completing any National Rifle Association firearms safety or training course;

3. Completing any firearms safety or training course or class available to the general public offered by a law-enforcement agency, institution of higher education, or private or public institution or organization or firearms training school utilizing instructors certified by the National Rifle Association or the Department of Criminal Justice Services;

4. Completing any law-enforcement firearms safety or training course or class offered for security guards, investigators, special deputies, or any division or subdivision of law enforcement or security enforcement;

5. Presenting evidence of equivalent experience with a firearm through participation in organized shooting competition or current military service or proof of an honorable discharge from any branch of the armed services;

6. Obtaining or previously having held a license to carry a firearm in the Commonwealth or a locality thereof, unless such license has been revoked for cause;

7. Completing any *in-person* firearms training or safety course or class, ~~including an electronic, video, or online course~~, conducted by a state-certified or National Rifle Association-certified firearms instructor;

8. Completing any governmental police agency firearms training course and qualifying to carry a firearm in the course of normal police duties; or

9. Completing any other firearms training ~~which~~ that the court deems adequate.

A photocopy of a certificate of completion of any of the courses or classes; an affidavit from the instructor, school, club, organization, or group that conducted or taught such course or class attesting to the completion of the course or class by the applicant; or a copy of any document that shows completion of the course or class or evidences participation in firearms competition shall constitute evidence of qualification under this subsection.

C. The making of a materially false statement in an application under this article shall constitute perjury, punishable as provided in § 18.2-434.

D. The clerk of court shall withhold from public disclosure the applicant's name and any other information contained in a permit application or any order issuing a concealed handgun permit, except that such information shall not be withheld from any law-enforcement officer acting in the performance of his official duties or from the applicant with respect to his own information. The prohibition on public disclosure of information under this subsection shall not apply to any reference to the issuance of a concealed handgun permit in any order book before July 1, 2008; however, any other concealed handgun records maintained by the clerk shall be withheld from public disclosure.

E. An application is deemed complete when all information required to be furnished by the applicant, including the fee for a concealed handgun permit as set forth in § 18.2-308.03, is delivered to and received by the clerk of court before or concomitant with the conduct of a state or national criminal history records check.

F. For purposes of this section, a member of the United States Armed Forces is domiciled in the county or city where such member claims his home of record with the United States Armed Forces.

§ 18.2-308.06. Nonresident concealed handgun permits.

A. Nonresidents of the Commonwealth 21 years of age or older may apply in writing to the Virginia Department of State Police for a five-year permit to carry a concealed handgun. The applicant shall submit a photocopy of one valid form of photo identification issued by a governmental agency of the applicant's state of residency or by the U.S. Department of Defense or U.S. State Department (passport). Every applicant for a nonresident concealed handgun permit shall also submit two photographs of a type and kind specified by the Department of State Police for inclusion on the permit and shall submit fingerprints on a card provided by the Department of State Police for the purpose of obtaining the applicant's state or national criminal history record. As a condition for issuance of a concealed handgun permit, the applicant shall submit to fingerprinting by his local or state law-enforcement agency and provide personal descriptive information to be forwarded with the fingerprints through the Central Criminal Records Exchange to the U.S. Federal Bureau of Investigation for the

purpose of obtaining criminal history record information regarding the applicant and obtaining fingerprint identification information from federal records pursuant to criminal investigations by state and local law-enforcement agencies. The application shall be on a form provided by the Department of State Police, requiring only that information necessary to determine eligibility for the permit. If the permittee is later found by the Department of State Police to be disqualified, the permit shall be revoked and the person shall return the permit after being so notified by the Department of State Police. The permit requirement and restriction provisions of subsection C of § 18.2-308.02 and § 18.2-308.09 shall apply, mutatis mutandis, to the provisions of this subsection.

B. The applicant shall demonstrate competence with a handgun *in person* by one of the following:

1. Completing a hunter education or hunter safety course approved by the Virginia Department of Game and Inland Fisheries or a similar agency of another state;
2. Completing any National Rifle Association firearms safety or training course;
3. Completing any firearms safety or training course or class available to the general public offered by a law-enforcement agency, institution of higher education, or private or public institution or organization or firearms training school utilizing instructors certified by the National Rifle Association or the Department of Criminal Justice Services or a similar agency of another state;
4. Completing any law-enforcement firearms safety or training course or class offered for security guards, investigators, special deputies, or any division or subdivision of law enforcement or security enforcement;
5. Presenting evidence of equivalent experience with a firearm through participation in organized shooting competition approved by the Department of State Police or current military service or proof of an honorable discharge from any branch of the armed services;
6. Obtaining or previously having held a license to carry a firearm in the Commonwealth or a locality thereof, unless such license has been revoked for cause;
7. Completing any *in-person* firearms training or safety course or class, ~~including an electronic, video, or on-line course~~, conducted by a state-certified or National Rifle Association-certified firearms instructor;
8. Completing any governmental police agency firearms training course and qualifying to carry a firearm in the course of normal police duties; or
9. Completing any other firearms training that the Virginia Department of State Police deems adequate.

A photocopy of a certificate of completion of any such course or class; an affidavit from the instructor, school, club, organization, or group that conducted or taught such course or class attesting to the completion of the course or class by the applicant; or a copy of any document that shows completion of the course or class or evidences participation in firearms competition shall satisfy the requirement for demonstration of competence with a handgun.

C. The Department of State Police may charge a fee not to exceed \$100 to cover the cost of the background check and issuance of the permit. Any fees collected shall be deposited in a special account to be used to offset the costs of administering the nonresident concealed handgun permit program.

D. The permit to carry a concealed handgun shall contain only the following information: name, address, date of birth, gender, height, weight, color of hair, color of eyes, and photograph of the permittee; the signature of the Superintendent of the Virginia Department of State Police or his designee; the date of issuance; and the expiration date.

E. The Superintendent of the State Police shall promulgate regulations, pursuant to the Administrative Process Act (§ 2.2-4000 et seq.), for the implementation of an application process for obtaining a nonresident concealed handgun permit.

2. That the provisions of this act shall become effective on January 1, 2021.

CHAPTER 1131

An Act to amend and reenact § 55.1-306 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 55.1-306.1, relating to utility easements; broadband and other communications services.

[S 794]

Approved April 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 55.1-306 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 55.1-306.1 as follows:

§ 55.1-306. Utility easements.

A. For the purposes of this section, "utility services" means any products, services, and equipment related to energy, ~~telecommunications~~ *broadband and other communications services*, water, and sewerage.

B. Where an easement, whether appurtenant or gross, is expressly granted by an instrument recorded on or after July 1, 2006, that imposes on a servient tract of land a covenant (i) to provide an easement in the future for the benefit of utility services; (ii) to relocate, construct, or maintain facilities owned by an entity that provides utility services; or (iii) to pay the cost of such relocation, construction, or maintenance, such covenant shall be deemed for all purposes to touch and concern the servient tract, to run with the servient tract, its successors, and assigns for the benefit of the entity providing utility services, its successors, and assigns.

§ 55.1-306.1. Utility easements; expansion of broadband.

A. As used in this section, unless the context otherwise requires:

"Claim" means, in reference to litigation brought against an indemnified party, any demand, claim, cause or right of action, judgment, settlement, payment, provision of a consent decree or a consent decree, damages, attorneys fees, costs, expenses, and any other losses of any kind whatsoever associated with litigation.

"Communications provider" means a broadband or other communications service provider, including a public utility as defined in § 56-265.1, a cable operator as defined in § 15.2-2108.1:1, a local exchange carrier, competitive or incumbent, or a subsidiary or affiliate of any such entity.

"Easement" means an existing or future occupied electric distribution or communications easement with right of apportionment, including a prescriptive easement, except that "easement" does not include (i) easements that contain electric substations or other installations or facilities of a nonlinear character and (ii) electric transmission easements.

"Enterprise data center operations" has the same meaning as provided in § 58.1-422.2.

"Evidence of creditworthiness" means commercially reasonable assurance, in a form satisfactory to the incumbent utility, that the communications provider will be able to meet its obligations to indemnify as required by this section. Demonstrating that the communications provider has met the eligibility requirements for the Virginia Telecommunications Initiative (VATI), without regard to receipt of a VATI grant, pursuant to regulations or guidelines adopted by the Department of Housing and Community Development, shall be presumptive evidence of creditworthiness.

"Incumbent utility" means the entity that is the owner of the easement.

"Indemnified parties" means an incumbent utility, or any subsidiary or affiliate of any such entity, and the employees, attorneys, officers, agents, directors, representatives, or contractors of any such entity.

"Occupancy license agreement" means an uncompensated agreement between an incumbent utility and a communications provider, for use when the communications provider wishes to occupy an easement underground, that includes evidence of creditworthiness, nondiscriminatory provisions based on safety, reliability, and generally applicable engineering principles.

"Prescriptive easement" means an easement in favor of an incumbent utility or communications provider that is deemed to exist, without any requirement of adverse possession, claim of right, or exclusivity, when physical evidence, records of the incumbent utility, public records, or other evidence indicates that it has existed on the servient estate for a continuous period of 20 years or more, without intervening litigation during such period by any party with a title interest seeking the removal of utility facilities or reformation of the easement. The size of such easement shall be deemed to be the greater of the actual occupancy of the easement in the incumbent utility's usual course of business or 7.5 feet on each side of the installed facilities' center-line.

"Public utility" has the same meaning as provided in § 56-265.1.

"Sensitive site" means an underlying servient estate that is occupied by a railroad or an owner or tenant having operations related to national defense, national security, or law-enforcement purposes.

B. It is the policy of the Commonwealth that:

1. Easements for the location and use of electric and communications facilities may be used to provide or expand broadband or other communications services;

2. The use of easements, appurtenant or gross, to provide or expand broadband or other communications services is in the public interest;

3. The installation, replacement, or use of public utility conduit, including the costs of installation, replacement, or use of conduit of a sufficient size to accommodate the installation of infrastructure to provide or expand broadband or other communications services, is in the public interest;

4. The use of easements, appurtenant or gross, to provide or expand broadband or other communications services (i) does not constitute a change in the physical use of the easement, (ii) does not interfere with, impair, or take any vested or other rights of the owner or occupant of the servient estate, (iii) does not place any additional burden on the servient estate other than a de minimis burden, if any; and (iv) has value to the owner or occupant of the servient estate greater than any de minimis impact;

5. The installation and operation of broadband or other communications services within easements, appurtenant or gross, are merely changes in the manner, purpose, or degree of the granted use as appropriate to accommodate a new technology; and

6. The statements in this subsection are intended to provide guidance to courts, agencies, and political subdivisions of the Commonwealth. Nothing in this section shall be deemed to make the use of an easement for broadband or other communications services, whether appurtenant, in gross, common, exclusive, or nonexclusive, a public use for the purposes of § 1-219.1, or other applicable law.

C. The installation and operation of broadband or other communications services by an incumbent utility for that utility's own internal use, adjunctive to the operation of the electric system, or for the purposes of electric safety, reliability, energy management, and electric grid modernization, are permitted uses within the scope of every easement.

D. Absent any express prohibition on the installation and operation of broadband or other communications services in an easement that is contained in a deed or other instrument by which the easement was granted, the installation and operation of broadband or other communications services within any easement shall be deemed, as a matter of law, to be a permitted use within the scope of every easement for the location and use of electric and communications facilities.

E. Subject to compliance with any express prohibitions in a written easement, any incumbent utility or communications provider may use an easement to install, construct, provide, maintain, modify, lease, operate, repair, replace, or remove its communications equipment, system, or facilities, and provide communications services through the same, without such incumbent utility or communications provider paying additional compensation to the owner or occupant of the servient estate or to the incumbent utility, provided that no additional utility poles are installed.

F. Nothing in this section shall diminish a landowner's right to contest, in a court of competent jurisdiction, the nature or existence of a prescriptive easement that has been continuously occupied for less than 20 years.

G. Any incumbent utility or communications provider may use a prescriptive easement to install, construct, provide, maintain, modify, lease, operate, repair, replace, or remove its communications equipment, system, or facilities, and provide communications services through the same, without such incumbent utility or communications provider paying additional compensation to the owner or occupant of the servient estate or to the incumbent utility, provided that no additional utility poles are installed.

H. Any incumbent utility may grant or apportion to any communications provider rights to install, construct, provide, maintain, modify, lease, operate, repair, replace, or remove its communications equipment, system, or facilities, and to provide communications services through the incumbent utility's prescriptive easement, including the right to enter upon such easement without approval of the owner or occupant of the servient estate, such grant and use being in the public interest and within the scope of the property interests acquired by the incumbent utility when the prescriptive easement was established.

I. Notwithstanding any other provision of law, in any action for trespass, or any claim sounding in trespass or reasonably related thereto, whatever the theory of recovery, relating to real property that is brought after July 1, 2020, against an incumbent utility or a communications provider, in relation to the existence, installation, construction, maintenance, modification, operation, repair, replacement, or removal of any poles, wires, conduit, or other communications infrastructure, including fiber optic or coaxial cabling or the existence of any easement, appurtenant or gross, including a prescriptive easement, if proven, damages recoverable by any claimant bringing such claim shall be limited to actual damages only, and no consequential, special, or punitive damages shall be awarded. Damages shall be based on any reduction in the value of the land as a result of the existence, installation, construction, maintenance, modification, operation, repair, replacement, or removal of communications facilities, as such tract existed at the time that any alleged trespass began giving rise to such claim under this section. The court shall also consider any positive value that access to broadband or other communications services may add to the property's value when calculating damages. Injunctive relief to require the removal or to enjoin the operation of other communications facilities or infrastructure shall not be available when such line or facilities are placed within an existing electric utility or communications easement, appurtenant or gross, but damages as set forth in this subsection shall be the exclusive remedy.

J. Nothing in this section shall be deemed to limit any liability for personal injury or damage to tangible personal property of the landowner or occupant caused directly by the activities of the incumbent utility or communications provider while on or adjacent to the landowner's or occupant's real property.

K. Any communications provider making use of an easement pursuant to this section shall:

1. Enter into an agreement with the incumbent utility authorizing it to use an easement;
2. Adhere to such restrictions as the incumbent utility may place on the communications provider, provided that such restrictions are reasonably related to safety, reliability, or generally applicable engineering principles and are applied on a nondiscriminatory basis;

3. For underground facilities, enter into an occupancy license agreement with the incumbent utility;

4. Agree in writing to indemnify, defend, and hold harmless the indemnified parties as against any third party for any claim, including claims of trespass, arising out of its entry onto, use of, or occupancy of such easement and provide evidence of creditworthiness, as the incumbent utility may prescribe, provided that the communications provider is given timely written notice and full cooperation of the indemnified parties in defending or settling any claim, including access to records and personnel to establish the existence of an easement and its history of use by the incumbent utility, and further provided that every communications provider occupying an easement that is the subject of a claim shall be jointly and severally liable to the indemnified parties, with an obligation of equal contribution, for any claim arising out of entry onto, use of, or occupancy of an easement for communications purposes; and

5. For underground facilities, abide by the provisions of the Underground Utility Damage Prevention Act (§ 56-265.14 et seq.).

L. A communications provider, making use of an easement pursuant to this section, shall not:

1. Locate a telecommunications tower in such easement; or

2. Install any new underground facilities except pursuant to an occupancy license agreement (i) in an incumbent utility's conduit pursuant to a joint use agreement; (ii) where incumbent utility facilities are permitted underground, using a clean-cutting direct burial technique beneath the surface soil no more than 24 inches in depth and six inches in width; or (iii) riser or drop lines or equipment connection lines, followed in all cases by reasonable restoration of the surface to substantially its prior condition, provided that the landowner shall not, absent an agreement to the contrary, be responsible for relocating or reimbursing the incumbent utility or a communications provider for the cost of relocating any new underground communications facilities installed pursuant to clause (ii) of this subdivision, which relocation and associated costs shall be addressed in the occupancy license agreement. This limitation on reimbursement or payment of relocation

costs incurred as a result of development or redevelopment by the landowner shall not apply to any communications facilities in the public rights of way adjacent to or overlying the real property in question.

M. As against a communications provider, no incumbent utility shall:

1. Solely by virtue of the provisions of this section, require any additional compensation for use of an easement, unless such compensation is required expressly in a written easement or other agreement;
2. Unreasonably refuse to grant an occupancy license agreement to any communications provider;
3. Include in an occupancy license agreement requirements for title reports, surveys, or engineering drawings; or
4. Use an occupancy license agreement for dilatory purposes or to create a barrier to the deployment of broadband or other communications services.

N. Nothing in this section shall apply to those easements located on sensitive sites or housing enterprise data center operations.

O. Notwithstanding any provision of this section, a public utility or an incumbent utility may assess fees and charges and impose reasonable conditions on the use of its poles, conduits, facilities, and infrastructure, which, as regarding attachments to utility poles, shall be subject to the provisions of 47 U.S.C. § 224 for investor-owned utilities and to § 56-466.1 for electric cooperatives. The statutes of repose, limitation, and notice-of-claim requirements contained in subsections R, S, and T shall not apply as being between a communications provider and an incumbent utility.

P. Nothing in this section shall be construed to inhibit, diminish, or modify the application of the provisions of Chapter 4 (§ 56-76 et seq.) of Title 56 or § 56-231.34:1 or 56-231.50:1, as applicable.

Q. The provisions of this section shall be liberally construed. An agreement to indemnify pursuant to this section shall not be void as against public policy.

R. Notwithstanding any other provision of law, every action against an incumbent utility, public utility, or communications provider, or a subsidiary or affiliate of any such entity, in relation to the existence, installation, construction, maintenance, modification, operation, repair, replacement, or removal of any poles, wires, or other communications infrastructure, including fiber optic or coaxial cabling, whatever the theory of recovery, shall be brought within 12 months after the cause of action accrues. The cause of action shall be deemed to accrue when overhead broadband or other communications infrastructure is installed or when such underground infrastructure is discovered.

S. Notwithstanding any other provision of law, every action against an incumbent utility, public utility, or a communications provider, or a subsidiary or affiliate of any such entity, after actual notice has been given to the landowner or occupant in relation to the existence, installation, construction, maintenance, modification, operation, repair, replacement, or removal of any poles, wires, or other communications infrastructure, including fiber optic or coaxial cabling, overhead or underground, whatever the theory of recovery, shall be brought within six months after the cause of action accrues. The cause of action shall be deemed to accrue when actual notice, including notification of such six-month limitation period, is given to the landowner or occupant by first class mail to the last known mailing address of the landowner or occupant in the incumbent utility's records, or other actual notice.

T. Notwithstanding any other provision of law, every claim cognizable against any incumbent utility, public utility, or communications provider for trespass, or any claim sounding in trespass or reasonably related thereto, whatever the theory of recovery, in relation to the overhead or underground existence, installation, construction, maintenance, modification, operation, repair, replacement, or removal of any poles, wires, or other communications infrastructure, including fiber optic or coaxial cabling, shall be forever barred unless the claimant or his agent, attorney, or representative has filed a written statement addressed to the incumbent utility, and, if known, to the communications provider, of the nature of the claim, which includes the time and place at which the claim is alleged to have transpired, within 12 months after such cause of action accrued. The cause of action shall be deemed to accrue when physical overhead broadband or other communications infrastructure is installed, or when the existence of such underground infrastructure is discovered. However, if the claimant was under a disability at the time the cause of action accrued, the tolling provisions of § 8.01-229 shall apply.

CHAPTER 1132

An Act to amend and reenact § 55.1-306 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 55.1-306.1, relating to utility easements; broadband and other communications services.

[H 831]

Approved April 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 55.1-306 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 55.1-306.1 as follows:

§ 55.1-306. Utility easements.

A. For the purposes of this section, "utility services" means any products, services, and equipment related to energy, telecommunications broadband and other communications services, water, and sewerage.

B. Where an easement, whether appurtenant or gross, is expressly granted by an instrument recorded on or after July 1, 2006, that imposes on a servient tract of land a covenant (i) to provide an easement in the future for the benefit of utility services; (ii) to relocate, construct, or maintain facilities owned by an entity that provides utility services; or (iii) to

pay the cost of such relocation, construction, or maintenance, such covenant shall be deemed for all purposes to touch and concern the servient tract, to run with the servient tract, its successors, and assigns for the benefit of the entity providing utility services, its successors, and assigns.

§ 55.1-306.1. Utility easements; expansion of broadband.

A. As used in this section, unless the context otherwise requires:

"Claim" means, in reference to litigation brought against an indemnified party, any demand, claim, cause or right of action, judgment, settlement, payment, provision of a consent decree or a consent decree, damages, attorneys fees, costs, expenses, and any other losses of any kind whatsoever associated with litigation.

"Communications provider" means a broadband or other communications service provider, including a public utility as defined in § 56-265.1, a cable operator as defined in § 15.2-2108.1:1, a local exchange carrier, competitive or incumbent, or a subsidiary or affiliate of any such entity.

"Easement" means an existing or future occupied electric distribution or communications easement with right of apportionment, including a prescriptive easement, except that "easement" does not include (i) easements that contain electric substations or other installations or facilities of a nonlinear character and (ii) electric transmission easements.

"Enterprise data center operations" has the same meaning as provided in § 58.1-422.2.

"Evidence of creditworthiness" means commercially reasonable assurance, in a form satisfactory to the incumbent utility, that the communications provider will be able to meet its obligations to indemnify as required by this section. Demonstrating that the communications provider has met the eligibility requirements for the Virginia Telecommunications Initiative (VATI), without regard to receipt of a VATI grant, pursuant to regulations or guidelines adopted by the Department of Housing and Community Development, shall be presumptive evidence of creditworthiness.

"Incumbent utility" means the entity that is the owner of the easement.

"Indemnified parties" means an incumbent utility, or any subsidiary or affiliate of any such entity, and the employees, attorneys, officers, agents, directors, representatives, or contractors of any such entity.

"Occupancy license agreement" means an uncompensated agreement between an incumbent utility and a communications provider, for use when the communications provider wishes to occupy an easement underground, that includes evidence of creditworthiness, nondiscriminatory provisions based on safety, reliability, and generally applicable engineering principles.

"Prescriptive easement" means an easement in favor of an incumbent utility or communications provider that is deemed to exist, without any requirement of adverse possession, claim of right, or exclusivity, when physical evidence, records of the incumbent utility, public records, or other evidence indicates that it has existed on the servient estate for a continuous period of 20 years or more, without intervening litigation during such period by any party with a title interest seeking the removal of utility facilities or reformation of the easement. The size of such easement shall be deemed to be the greater of the actual occupancy of the easement in the incumbent utility's usual course of business or 7.5 feet on each side of the installed facilities' center-line.

"Public utility" has the same meaning as provided in § 56-265.1.

"Sensitive site" means an underlying servient estate that is occupied by a railroad or an owner or tenant having operations related to national defense, national security, or law-enforcement purposes.

B. It is the policy of the Commonwealth that:

1. Easements for the location and use of electric and communications facilities may be used to provide or expand broadband or other communications services;

2. The use of easements, appurtenant or gross, to provide or expand broadband or other communications services is in the public interest;

3. The installation, replacement, or use of public utility conduit, including the costs of installation, replacement, or use of conduit of a sufficient size to accommodate the installation of infrastructure to provide or expand broadband or other communications services, is in the public interest;

4. The use of easements, appurtenant or gross, to provide or expand broadband or other communications services (i) does not constitute a change in the physical use of the easement, (ii) does not interfere with, impair, or take any vested or other rights of the owner or occupant of the servient estate, (iii) does not place any additional burden on the servient estate other than a de minimis burden, if any; and (iv) has value to the owner or occupant of the servient estate greater than any de minimis impact;

5. The installation and operation of broadband or other communications services within easements, appurtenant or gross, are merely changes in the manner, purpose, or degree of the granted use as appropriate to accommodate a new technology; and

6. The statements in this subsection are intended to provide guidance to courts, agencies, and political subdivisions of the Commonwealth. Nothing in this section shall be deemed to make the use of an easement for broadband or other communications services, whether appurtenant, in gross, common, exclusive, or nonexclusive, a public use for the purposes of § 1-219.1, or other applicable law.

C. The installation and operation of broadband or other communications services by an incumbent utility for that utility's own internal use, adjunctive to the operation of the electric system, or for the purposes of electric safety, reliability, energy management, and electric grid modernization, are permitted uses within the scope of every easement.

D. Absent any express prohibition on the installation and operation of broadband or other communications services in an easement that is contained in a deed or other instrument by which the easement was granted, the installation and operation of broadband or other communications services within any easement shall be deemed, as a matter of law, to be a permitted use within the scope of every easement for the location and use of electric and communications facilities.

E. Subject to compliance with any express prohibitions in a written easement, any incumbent utility or communications provider may use an easement to install, construct, provide, maintain, modify, lease, operate, repair, replace, or remove its communications equipment, system, or facilities, and provide communications services through the same, without such incumbent utility or communications provider paying additional compensation to the owner or occupant of the servient estate or to the incumbent utility, provided that no additional utility poles are installed.

F. Nothing in this section shall diminish a landowner's right to contest, in a court of competent jurisdiction, the nature or existence of a prescriptive easement that has been continuously occupied for less than 20 years.

G. Any incumbent utility or communications provider may use a prescriptive easement to install, construct, provide, maintain, modify, lease, operate, repair, replace, or remove its communications equipment, system, or facilities, and provide communications services through the same, without such incumbent utility or communications provider paying additional compensation to the owner or occupant of the servient estate or to the incumbent utility, provided that no additional utility poles are installed.

H. Any incumbent utility may grant or apportion to any communications provider rights to install, construct, provide, maintain, modify, lease, operate, repair, replace, or remove its communications equipment, system, or facilities, and to provide communications services through the incumbent utility's prescriptive easement, including the right to enter upon such easement without approval of the owner or occupant of the servient estate, such grant and use being in the public interest and within the scope of the property interests acquired by the incumbent utility when the prescriptive easement was established.

I. Notwithstanding any other provision of law, in any action for trespass, or any claim sounding in trespass or reasonably related thereto, whatever the theory of recovery, relating to real property that is brought after July 1, 2020, against an incumbent utility or a communications provider, in relation to the existence, installation, construction, maintenance, modification, operation, repair, replacement, or removal of any poles, wires, conduit, or other communications infrastructure, including fiber optic or coaxial cabling or the existence of any easement, appurtenant or gross, including a prescriptive easement, if proven, damages recoverable by any claimant bringing such claim shall be limited to actual damages only, and no consequential, special, or punitive damages shall be awarded. Damages shall be based on any reduction in the value of the land as a result of the existence, installation, construction, maintenance, modification, operation, repair, replacement, or removal of communications facilities, as such tract existed at the time that any alleged trespass began giving rise to such claim under this section. The court shall also consider any positive value that access to broadband or other communications services may add to the property's value when calculating damages. Injunctive relief to require the removal or to enjoin the operation of other communications facilities or infrastructure shall not be available when such line or facilities are placed within an existing electric utility or communications easement, appurtenant or gross, but damages as set forth in this subsection shall be the exclusive remedy.

J. Nothing in this section shall be deemed to limit any liability for personal injury or damage to tangible personal property of the landowner or occupant caused directly by the activities of the incumbent utility or communications provider while on or adjacent to the landowner's or occupant's real property.

K. Any communications provider making use of an easement pursuant to this section shall:

1. Enter into an agreement with the incumbent utility authorizing it to use an easement;

2. Adhere to such restrictions as the incumbent utility may place on the communications provider, provided that such restrictions are reasonably related to safety, reliability, or generally applicable engineering principles and are applied on a nondiscriminatory basis;

3. For underground facilities, enter into an occupancy license agreement with the incumbent utility;

4. Agree in writing to indemnify, defend, and hold harmless the indemnified parties as against any third party for any claim, including claims of trespass, arising out of its entry onto, use of, or occupancy of such easement and provide evidence of creditworthiness, as the incumbent utility may prescribe, provided that the communications provider is given timely written notice and full cooperation of the indemnified parties in defending or settling any claim, including access to records and personnel to establish the existence of an easement and its history of use by the incumbent utility, and further provided that every communications provider occupying an easement that is the subject of a claim shall be jointly and severally liable to the indemnified parties, with an obligation of equal contribution, for any claim arising out of entry onto, use of, or occupancy of an easement for communications purposes; and

5. For underground facilities, abide by the provisions of the Underground Utility Damage Prevention Act (§ 56-265.14 et seq.).

L. A communications provider, making use of an easement pursuant to this section, shall not:

1. Locate a telecommunications tower in such easement; or

2. Install any new underground facilities except pursuant to an occupancy license agreement (i) in an incumbent utility's conduit pursuant to a joint use agreement; (ii) where incumbent utility facilities are permitted underground, using a clean-cutting direct burial technique beneath the surface soil no more than 24 inches in depth and six inches in width; or (iii) riser or drop lines or equipment connection lines, followed in all cases by reasonable restoration of the surface to

substantially its prior condition, provided that the landowner shall not, absent an agreement to the contrary, be responsible for relocating or reimbursing the incumbent utility or a communications provider for the cost of relocating any new underground communications facilities installed pursuant to clause (ii) of this subdivision, which relocation and associated costs shall be addressed in the occupancy license agreement. This limitation on reimbursement or payment of relocation costs incurred as a result of development or redevelopment by the landowner shall not apply to any communications facilities in the public rights of way adjacent to or overlying the real property in question.

M. As against a communications provider, no incumbent utility shall:

1. Solely by virtue of the provisions of this section, require any additional compensation for use of an easement, unless such compensation is required expressly in a written easement or other agreement;
2. Unreasonably refuse to grant an occupancy license agreement to any communications provider;
3. Include in an occupancy license agreement requirements for title reports, surveys, or engineering drawings; or
4. Use an occupancy license agreement for dilatory purposes or to create a barrier to the deployment of broadband or other communications services.

N. Nothing in this section shall apply to those easements located on sensitive sites or housing enterprise data center operations.

O. Notwithstanding any provision of this section, a public utility or an incumbent utility may assess fees and charges and impose reasonable conditions on the use of its poles, conduits, facilities, and infrastructure, which, as regarding attachments to utility poles, shall be subject to the provisions of 47 U.S.C. § 224 for investor-owned utilities and to § 56-466.1 for electric cooperatives. The statutes of repose, limitation, and notice-of-claim requirements contained in subsections R, S, and T shall not apply as being between a communications provider and an incumbent utility.

P. Nothing in this section shall be construed to inhibit, diminish, or modify the application of the provisions of Chapter 4 (§ 56-76 et seq.) of Title 56 or § 56-231.34:1 or 56-231.50:1, as applicable.

Q. The provisions of this section shall be liberally construed. An agreement to indemnify pursuant to this section shall not be void as against public policy.

R. Notwithstanding any other provision of law, every action against an incumbent utility, public utility, or communications provider, or a subsidiary or affiliate of any such entity, in relation to the existence, installation, construction, maintenance, modification, operation, repair, replacement, or removal of any poles, wires, or other communications infrastructure, including fiber optic or coaxial cabling, whatever the theory of recovery, shall be brought within 12 months after the cause of action accrues. The cause of action shall be deemed to accrue when overhead broadband or other communications infrastructure is installed or when such underground infrastructure is discovered.

S. Notwithstanding any other provision of law, every action against an incumbent utility, public utility, or a communications provider, or a subsidiary or affiliate of any such entity, after actual notice has been given to the landowner or occupant in relation to the existence, installation, construction, maintenance, modification, operation, repair, replacement, or removal of any poles, wires, or other communications infrastructure, including fiber optic or coaxial cabling, overhead or underground, whatever the theory of recovery, shall be brought within six months after the cause of action accrues. The cause of action shall be deemed to accrue when actual notice, including notification of such six-month limitation period, is given to the landowner or occupant by first class mail to the last known mailing address of the landowner or occupant in the incumbent utility's records, or other actual notice.

T. Notwithstanding any other provision of law, every claim cognizable against any incumbent utility, public utility, or communications provider for trespass, or any claim sounding in trespass or reasonably related thereto, whatever the theory of recovery, in relation to the overhead or underground existence, installation, construction, maintenance, modification, operation, repair, replacement, or removal of any poles, wires, or other communications infrastructure, including fiber optic or coaxial cabling, shall be forever barred unless the claimant or his agent, attorney, or representative has filed a written statement addressed to the incumbent utility, and, if known, to the communications provider, of the nature of the claim, which includes the time and place at which the claim is alleged to have transpired, within 12 months after such cause of action accrued. The cause of action shall be deemed to accrue when physical overhead broadband or other communications infrastructure is installed, or when the existence of such underground infrastructure is discovered. However, if the claimant was under a disability at the time the cause of action accrued, the tolling provisions of § 8.01-229 shall apply.

CHAPTER 1133

An Act to amend and reenact § 33.2-1526.1 of the Code of Virginia, relating to the Washington Metropolitan Area Transit Authority; allocation of funds.

[H 1586]

Approved April 11, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 33.2-1526.1 of the Code of Virginia is amended and reenacted as follows:

§ 33.2-1526.1. Use of the Commonwealth Mass Transit Fund.

A. All funds deposited pursuant to §§ 58.1-638, 58.1-638.3, 58.1-815.4, and 58.1-2289 into the Commonwealth Mass Transit Fund (the Fund), established pursuant to subdivision A 4 of § 58.1-638, shall be allocated as set forth in this section.

B. The Board may establish policies for the implementation of this section, including the determination of the state share of operating, capital, and administrative costs related to mass transit. For purposes of this section, capital costs may include debt service payments on local or agency transit bonds. Funds may be paid to any local governing body, transportation district commission, or public service corporation for the purposes as set forth in this section. No funds from the Fund shall be allocated without a local match from the recipient.

C. Each year the Director of the Department of Rail and Public Transportation shall make recommendations to the Board for the allocation of funds from the Fund. Such recommendations, and the final allocations approved by the Board, shall adhere to the following:

1. Thirty-one percent of the funds shall be allocated to support operating costs of transit providers and shall be distributed by the Board on the basis of service delivery factors, based on effectiveness and efficiency as established by the Board. Such measures and their relative weight shall be evaluated every three years and, if redefined by the Board, shall be published and made available for public comment at least one year in advance of being applied. The Washington Metropolitan Area Transit Authority (WMATA) shall not be eligible for an allocation of funds pursuant to this subdivision.

2. Twelve and one-half percent of the funds shall be allocated for capital purposes and distributed utilizing the transit capital prioritization process established by the Board pursuant to § 33.2-214.4. The Washington Metropolitan Area Transit Authority shall not be eligible for an allocation of funds pursuant to this subdivision.

3. Fifty-three and one-half percent of the funds shall be allocated to the Northern Virginia Transportation Commission for distribution to WMATA for capital purposes and operating assistance, as determined by the Commission.

4. Three percent of the funds shall be allocated for special programs, including ridesharing, transportation demand management programs, experimental transit, public transportation promotion, operation studies, and technical assistance, and may be allocated to any local governing body, planning district commission, transportation district commission, or public transit corporation. Remaining funds may also be used directly by the Department of Rail and Public Transportation to (i) finance a program administered by the Department of Rail and Public Transportation designed to promote the use of public transportation and ridesharing throughout the Commonwealth or (ii) finance up to 80 percent of the cost of development and implementation of projects with a purpose of enhancing the provision and use of public transportation services.

D. The Board may consider the transfer of funds from subdivisions C 2 and 4 to subdivision C 1 in times of statewide economic distress or statewide special need.

E. The Department of Rail and Public Transportation may reserve a balance of up to five percent of the Fund revenues in order to ensure stability in providing operating and capital funding to transit entities from year to year, provided that such balance shall not exceed five percent of revenues in a given biennium.

F. The Board may allocate up to 3.5 percent of the funds set aside for the Fund to support costs of project development, project administration, and project compliance incurred by the Department of Rail and Public Transportation in implementing rail, public transportation, and congestion management grants and programs.

G. Funds allocated to the Northern Virginia Transportation Commission (NVTC) for WMATA pursuant to subdivision C 3 shall be credited to the Counties of Arlington and Fairfax and the Cities of Alexandria, Fairfax, and Falls Church. Beginning in the fiscal year when service starts on Phase II of the Silver Line, such funds shall also be credited to Loudoun County. Funds allocated pursuant to this subsection shall be credited as follows:

1. Local obligations for debt service for WMATA rail transit bonds apportioned to each locality using WMATA's capital formula shall be paid first by NVTC, which shall use 95 percent state aid for these payments.

2. The remaining funds shall be apportioned to reflect WMATA's allocation formulas by using the related WMATA-allocated subsidies and relative shares of local transit subsidies. Capital costs shall include 20 percent of annual local bus capital expenses. Local transit subsidies and local capital costs of Loudoun County shall not be included. Hold harmless protections and obligations for NVTC's jurisdictions agreed to by NVTC on November 5, 1998, shall remain in effect.

H. Appropriations from the Fund are intended to provide a stable and reliable source of revenue, as defined by P.L. 96-184.

I. Notwithstanding any other provision of law, funds allocated to WMATA may be disbursed by the Department of Rail and Public Transportation directly to WMATA or to any other transportation entity that has an agreement to provide funding to WMATA.

J. In any year that the total Virginia operating assistance in the approved WMATA budget increases by more than ~~3~~ *three* percent from the total operating assistance in the prior year's approved WMATA budget, the Board shall withhold an amount equal to 35 percent of the funds available under subdivision C 3. The following items shall not be included in the calculation of any WMATA budget increase: (i) any service, equipment, or facility that is required by any applicable law, rule, or regulation; (ii) any capital project approved by the WMATA Board before or after the effective date of this provision; ~~and~~ (iii) any payments or obligations of any kind arising from or related to legal disputes or proceedings between or among WMATA and any other person or entity; *and (iv) any service increases approved by the WMATA Board.*

K. The Board shall withhold 20 percent of the funds available pursuant to subdivision C 3 if (i) any alternate directors participate or take action at an official WMATA Board meeting or committee meeting as Board directors for a WMATA compact member when both directors appointed by that same WMATA compact member are present at the WMATA Board meeting or committee meeting or (ii) the WMATA Board of Directors has not adopted bylaws that would prohibit such participation by alternate directors.

CHAPTER 1134

An Act to create a six-year capital outlay plan for projects to be funded entirely or partially from general fund-supported resources and to repeal Chapters 715 and 722 of the Acts of Assembly of 2017.

[S 577]

Approved April 11, 2020

Be it enacted by the General Assembly of Virginia:

1. § 1. *That the following capital outlay projects and descriptive information shall constitute the Commonwealth's capital outlay plan, pursuant to § 2.2-1518 of the Code of Virginia, for the capital projects supported entirely or partially from the general fund for the six-year period beginning July 1, 2020. These projects do not include projects that were previously funded and authorized to proceed to construction.*

<i>Agency Code/Agency</i>	<i>Priority</i>	<i>Project Name</i>	<i>Cost Category</i>
<i>156—Department of State Police</i>	<i>1</i>	<i>Upgrade Statewide Agencies Radio System (STARS) Network</i>	<i>\$10,000,001 to \$25,000,000</i>
	<i>2</i>	<i>Replace Training Academy at Department Headquarters</i>	<i>\$25,000,001 to \$50,000,000</i>
	<i>3</i>	<i>Construct Division 6 Headquarters</i>	<i>\$0 to \$10,000,000</i>
	<i>4</i>	<i>Construct Area 5 Office in Fredericksburg</i>	<i>\$0 to \$10,000,000</i>
	<i>5</i>	<i>Construct Area 11 Office in Manassas</i>	<i>\$0 to \$10,000,000</i>
<i>194—Department of General Services</i>	<i>1</i>	<i>Renovate the Supreme Court Building</i>	<i>Above \$100,000,000</i>
	<i>2</i>	<i>Develop State-Owned Property at Seventh Street and Main Street in Richmond</i>	<i>Above \$100,000,000</i>
	<i>3</i>	<i>Improvements to Pocahontas Building for Relocated Tenants</i>	<i>\$10,000,001 to \$25,000,000</i>
<i>199—Department of Conservation and Recreation</i>	<i>1</i>	<i>Renovate Cabins</i>	<i>\$10,000,001 to \$25,000,000</i>
	<i>2</i>	<i>Construct Revenue Generating Facilities</i>	<i>\$10,000,001 to \$25,000,000</i>
	<i>3</i>	<i>Construct New Cabins</i>	<i>\$10,000,001 to \$25,000,000</i>
	<i>4</i>	<i>State Parks Infrastructure</i>	<i>\$10,000,001 to \$25,000,000</i>
<i>203—Wilson Workforce and Rehabilitation Center</i>	<i>1</i>	<i>Renovate Watson Theater and Activities Building, Phase 3</i>	<i>\$10,000,001 to \$25,000,000</i>
<i>204—The College of William and Mary in Virginia</i>	<i>1</i>	<i>Construct Integrated Science Center, Phase IV</i>	<i>\$50,000,001 to \$75,000,000</i>
<i>208—Virginia Polytechnic Institute and State University</i>	<i>1</i>	<i>Construct Undergraduate Lab Building</i>	<i>\$75,000,001 to \$100,000,000</i>
	<i>2</i>	<i>Replace Randolph Hall</i>	<i>Above \$100,000,000</i>
<i>211—Virginia Military Institute</i>	<i>1</i>	<i>Construct Center for Leadership and Ethics, Phase 2</i>	<i>\$50,000,001 to \$75,000,000</i>
	<i>2</i>	<i>Renovate and Expand Engineering and Laboratory Facilities</i>	<i>\$50,000,001 to \$75,000,000</i>
<i>214—Longwood University</i>	<i>1</i>	<i>Replace Wygal Hall</i>	<i>\$50,000,001 to \$75,000,000</i>
<i>215—University of Mary Washington</i>	<i>1</i>	<i>Construct Fine and Performing Arts Center</i>	<i>\$50,000,001 to \$75,000,000</i>
<i>216—James Madison University</i>	<i>1</i>	<i>Renovate and Expand Carrier Library</i>	<i>\$75,000,001 to \$100,000,000</i>
<i>218—Virginia School for the Deaf and the Blind</i>	<i>1</i>	<i>Renovate Main Hall and Repair Chapel</i>	<i>\$25,000,001 to \$50,000,000</i>

221—Old Dominion University	1	Construct New Biology Building	Above \$100,000,000
229 - Virginia Cooperative Extension and Agricultural Experiment Station	1	Improve Agriculture and Research Extension Centers	\$10,000,0001 to \$25,000,000
234—Cooperative Extension and Agricultural Research Services	1	Renovate Summerseat for Urban Agriculture Center	\$0 to \$10,000,000
236—Virginia Commonwealth University	1	Construct Arts and Innovation Academic Building	Above \$100,000,000
	2	Construct Interdisciplinary Classroom and Laboratory Building	Above \$100,000,000
239—Frontier Culture Museum	1	Construct Crossing Gallery	\$25,000,001 to \$50,000,000
242—Christopher Newport University	1	Construct Integrated Science Center, Phase III	\$50,000,001 to \$75,000,000
247—George Mason University	1	Construct Academic VIII - STEM Prince William Campus	Above \$100,000,000
	2	Renovate Space to Accommodate Virtual Online Campus	\$10,000,001 to \$25,000,000
	3	Construct and Renovate Advanced Computational Infrastructure and Hybrid Learning Labs	\$10,000,001 to \$25,000,000
260—Virginia Community College System	1	Renovate Learning Resource Center, Virginia Highlands	\$10,000,001 to \$25,000,000
	2	Renovate Paul D. Camp Franklin Campus	\$25,000,001 to \$50,000,000
	3	Construct Advanced Career Technical Education (CTE) and Workforce Center in Norfolk	Above \$100,000,000
268—Virginia Institute of Marine Science	1	Construct New Fisheries Science Building	\$25,000,001 to \$50,000,000
301—Department of Agriculture and Consumer Services	1	Expand Warrenton and Lynchburg Regional Laboratory	\$0 to \$10,000,000
417—Gunston Hall	1	Construct Archaeology and Maintenance Facilities	\$0 to \$10,000,000
720—Department of Behavioral Health and Developmental Services	1	Renovate Food Services Statewide	\$25,000,001 to \$50,000,000
	2	Renovate Eastern State Hospital, Phase IV	\$25,000,001 to \$50,000,000
799—Department of Corrections	1	Replace Powhatan Infirmary	\$25,000,001 to \$50,000,000
	2	Expand Deerfield Correctional Center	\$25,000,001 to \$50,000,000
942—Virginia Museum of Natural History	1	Construct Satellite Facility in Waynesboro	\$10,000,001 to \$25,000,000
949—Central Capital	1	Workforce Development Projects	\$25,000,001 to \$50,000,000

2. That Chapters 715 and 722 of the Acts of Assembly of 2017 are repealed.

CHAPTER 1135

An Act to amend and reenact § 23.1-230 of the Code of Virginia, relating to postsecondary schools; enrollment agreements; disputes; arbitration.

[H 375]

Approved April 11, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 23.1-230 of the Code of Virginia is amended and reenacted as follows:

§ 23.1-230. Enrollment agreements required.

A. No postsecondary school that is required to be certified by the Council shall enroll students without entering into an enrollment agreement with each student. Such enrollment agreement shall be signed by the student and an authorized representative of the school and shall contain all disclosures prescribed by the Council.

B. No postsecondary school that is required to be certified by the Council shall condition the enrollment of a student on:

1. Entering into an agreement that requires the student to arbitrate any dispute between the student and the school, regardless of whether the agreement permits the student to opt out of the requirement to arbitrate any such dispute in the future; or

2. Entering into an agreement that requires the student to resolve a dispute on an individual basis and waive the right to class or group actions.

2. That nothing in the provisions of this act shall be construed to affect any agreement between a postsecondary school that is required to be certified by the State Council of Higher Education for Virginia pursuant to Article 3 (§ 23.1-213 et seq.) of Chapter 2 of Title 23.1 of the Code of Virginia and a student enrolled at such school to arbitrate an existing dispute that is entered into after the dispute arises.

CHAPTER 1136

An Act to amend the Code of Virginia by adding a section numbered 40.1-27.3, relating to protection of employees from retaliatory actions by their employer.

[H 798]

Approved April 11, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 40.1-27.3 as follows:

§ 40.1-27.3. Retaliatory action against employee prohibited.

A. An employer shall not discharge, discipline, threaten, discriminate against, or penalize an employee, or take other retaliatory action regarding an employee's compensation, terms, conditions, location, or privileges of employment, because the employee:

1. Or a person acting on behalf of the employee in good faith reports a violation of any federal or state law or regulation to a supervisor or to any governmental body or law-enforcement official;

2. Is requested by a governmental body or law-enforcement official to participate in an investigation, hearing, or inquiry;

3. Refuses to engage in a criminal act that would subject the employee to criminal liability;

4. Refuses an employer's order to perform an action that violates any federal or state law or regulation and the employee informs the employer that the order is being refused for that reason; or

5. Provides information to or testifies before any governmental body or law-enforcement official conducting an investigation, hearing, or inquiry into any alleged violation by the employer of federal or state law or regulation.

B. This section does not:

1. Authorize an employee to make a disclosure of data otherwise protected by law or any legal privilege;

2. Permit an employee to make statements or disclosures knowing that they are false or that they are in reckless disregard of the truth; or

3. Permit disclosures that would violate federal or state law or diminish or impair the rights of any person to the continued protection of confidentiality of communications provided by common law.

C. A person who alleges a violation of this section may bring a civil action in a court of competent jurisdiction within one year of the employer's prohibited retaliatory action. The court may order as a remedy to the employee (i) an injunction to restrain continued violation of this section, (ii) the reinstatement of the employee to the same position held before the retaliatory action or to an equivalent position, and (iii) compensation for lost wages, benefits, and other remuneration, together with interest thereon, as well as reasonable attorney fees and costs.

CHAPTER 1137

An Act to amend and reenact §§ 2.2-2203.3, 2.2-3004, 2.2-3900 through 2.2-3903, 2.2-4200, 2.2-4310, 2.2-4343.1, 4.1-101.05, 6.2-501, 15.2-853, 15.2-854, 15.2-965, 15.2-1131, 15.2-1507, 15.2-1604, 15.2-6314.1, 22.1-212.6:1, 22.1-306, 22.1-349.3, 23.1-1009, 23.1-1017, 23.1-2213, 23.1-2312, 23.1-2405, 23.1-2415, 23.1-3011, 23.1-3138, 36-55.26, 36-96.1 through 36-96.3, 36-96.4, 36-96.6, 37.2-707, 38.2-508.2, 38.2-2114, 38.2-2115, 38.2-2212, 38.2-2213, 38.2-3407.10, 40.1-121, 46.2-1503.2, 51.1-124.27, 51.5-166, 51.5-170, 55.1-1310, 58.1-3651, 58.1-4024, 62.1-129.1, and 63.2-608 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 2.2-2901.1, 15.2-1500.1, and 22.1-295.2, relating to prohibited discrimination; sexual orientation and gender identity.

[H 1049]

Approved April 11, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-2203.3, 2.2-3004, 2.2-3900 through 2.2-3903, 2.2-4200, 2.2-4310, 2.2-4343.1, 4.1-101.05, 6.2-501, 15.2-853, 15.2-854, 15.2-965, 15.2-1131, 15.2-1507, 15.2-1604, 15.2-6314.1, 22.1-212.6:1, 22.1-306, 22.1-349.3, 23.1-1009, 23.1-1017, 23.1-2213, 23.1-2312, 23.1-2405, 23.1-2415, 23.1-3011, 23.1-3138, 36-55.26, 36-96.1 through 36-96.3, 36-96.4, 36-96.6, 37.2-707, 38.2-508.2, 38.2-2114, 38.2-2115, 38.2-2212, 38.2-2213, 38.2-3407.10, 40.1-121, 46.2-1503.2, 51.1-124.27, 51.5-166, 51.5-170, 55.1-1310, 58.1-3651, 58.1-4024, 62.1-129.1, and 63.2-608 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 2.2-2901.1, 15.2-1500.1, and 22.1-295.2 as follows:

§ 2.2-2203.3. Employees; employment; personnel rules.

A. Employees of the Authority shall be employed on such terms and conditions as established by the Board. The Board shall develop and adopt personnel rules, policies, and procedures to give its employees grievance rights, ensure that employment decisions shall be based upon the merit and fitness of applicants, and prohibit discrimination on the basis of race, religion, color, sex, *sexual orientation*, *gender identity*, or national origin.

B. Any employee of the Virginia Commercial Space Flight Authority who is a member of any plan providing health insurance coverage pursuant to Chapter 28 (§ 2.2-2800 et seq.) shall continue to be a member of such health insurance plan under the same terms and conditions. Notwithstanding subsection A of § 2.2-2818, the costs of providing health insurance coverage to such employees who elect to continue to be members of the state employees' health insurance plan shall be paid by the Authority. Alternatively, an employee may elect to become a member of any health insurance plan established by the Authority. The Authority is authorized to (i) establish a health insurance plan for the benefit of its employees and (ii) enter into agreements with the Department of Human Resource Management providing for the coverage of its employees under the state employees' health insurance plan, provided that such agreements require the Authority to pay the costs of providing health insurance coverage under such plan.

C. Any retired employee of the Virginia Commercial Space Flight Authority shall be eligible to receive the health insurance credit set forth in § 51.1-1400, provided the retired employee meets the eligibility criteria set forth in that section.

D. The Authority is hereby authorized to establish one or more retirement plans for the benefit of its employees (the Authority retirement plan). For purposes of such plans, the provisions of § 51.1-126.4 shall apply, *mutatis mutandis*. Any Authority employee who is a member of the Virginia Retirement System or other retirement plan as authorized by Article 4 (§ 51.1-125 et seq.) of Chapter 1 of Title 51.1 (the statutory optional retirement plan) at the time the Authority retirement plan becomes effective shall continue to be a member of the Virginia Retirement System or the statutory optional retirement plan under the same terms and conditions, unless such employee elects to become a member of the Authority retirement plan. For purposes of this subsection, the "Virginia Retirement System" shall include any hybrid retirement program established under Title 51.1.

The following rules shall apply:

1. The Authority shall collect and pay all employee and employer contributions to the Virginia Retirement System or the statutory optional retirement plan for retirement and group life insurance in accordance with the provisions of Chapter 1 (§ 51.1-124.1 et seq.) of Title 51.1 for any employee who elects to remain a member of the Virginia Retirement System or a statutory optional retirement plan.

2. Employees who elect to become members of the Authority retirement plan shall be given full credit for their creditable service as defined in § 51.1-124.3 and vesting and benefit accrual under the Authority retirement plan. For any such employee, employment with the Authority shall be treated as employment with any nonparticipating employer for purposes of the Virginia Retirement System or any statutory optional retirement plan.

3. For employees who elect to become members of the Authority retirement plan, the Virginia Retirement System or the statutory optional retirement plan, as applicable, shall transfer to the Authority retirement plan assets equal to the actuarially determined present value of the accrued basic benefits for such employees as of the transfer date. For purposes hereof, "basic benefits" means the benefits accrued under the Virginia Retirement System or under the statutory optional retirement plan based on creditable service and average final compensation as defined in § 51.1-124.3. The actuarial present value shall be determined by using the same actuarial factors and assumptions used in determining the funding needs of the Virginia Retirement System or the statutory optional retirement plan so that the transfer of assets to the Authority retirement plan will have no effect on the funded status and financial stability of the Virginia Retirement System or the statutory optional

retirement plan. The Authority shall reimburse the Virginia Retirement System for the cost of actuarial services necessary to determine the present value of the accrued basic benefit of employees who transfer to an Authority retirement plan.

4. The Authority may provide that employees of the Authority who are eligible to participate in any deferred compensation plan sponsored by the Authority shall be enrolled automatically in such plan, unless such employee elects, in a manner prescribed by the Board of the Authority, not to participate. The amount of the deferral under the automatic enrollment and the group of employees to which the automatic enrollment shall apply shall be set by the Board, provided, however, that such employees are provided the opportunity to increase or decrease the amount of the deferral in accordance with the Internal Revenue Code of 1986, as amended.

E. The Authority is hereby authorized to establish a plan providing short-term disability and long-term disability benefits for its employees.

§ 2.2-2901.1. Employment discrimination prohibited; sexual orientation or gender identity.

No agency, institution, board, bureau, commission, council, or instrumentality of the Commonwealth shall discriminate in employment on the basis of sexual orientation or gender identity.

§ 2.2-3004. Grievances qualifying for a grievance hearing; grievance hearing generally.

A. A grievance qualifying for a hearing shall involve a complaint or dispute by an employee relating to the following adverse employment actions in which the employee is personally involved, including but not limited to (i) formal disciplinary actions, including suspensions, demotions, transfers and assignments, and dismissals resulting from formal discipline or unsatisfactory job performance; (ii) the application of all written personnel policies, procedures, rules, and regulations where it can be shown that policy was misapplied or unfairly applied; (iii) discrimination on the basis of race, color, religion, political affiliation, age, disability, national origin ~~or~~, sex, *sexual orientation, or gender identity*; (iv) arbitrary or capricious performance evaluations; (v) acts of retaliation as the result of the use of or participation in the grievance procedure or because the employee has complied with any law of the United States or of the Commonwealth, has reported any violation of such law to a governmental authority, has sought any change in law before the Congress of the United States or the General Assembly, or has reported an incidence of fraud, abuse, or gross mismanagement; and (vi) retaliation for exercising any right otherwise protected by law.

B. Management reserves the exclusive right to manage the affairs and operations of state government. Management shall exercise its powers with the highest degree of trust. In any employment matter that management precludes from proceeding to a grievance hearing, management's response, including any appropriate remedial actions, shall be prompt, complete, and fair.

C. Complaints relating solely to the following issues shall not proceed to a hearing: (i) establishment and revision of wages, salaries, position classifications, or general benefits; (ii) work activity accepted by the employee as a condition of employment or which may reasonably be expected to be a part of the job content; (iii) contents of ordinances, statutes or established personnel policies, procedures, and rules and regulations; (iv) methods, means, and personnel by which work activities are to be carried on; (v) termination, layoff, demotion, or suspension from duties because of lack of work, reduction in work force, or job abolition; (vi) hiring, promotion, transfer, assignment, and retention of employees within the agency; and (vii) relief of employees from duties of the agency in emergencies.

D. Except as provided in subsection A of § 2.2-3003, decisions regarding whether a grievance qualifies for a hearing shall be made in writing by the agency head or his designee within five workdays of the employee's request for a hearing. A copy of the decision shall be sent to the employee. The employee may appeal the denial of a hearing by the agency head to the Director of the Department of Human Resource Management (the Director). Upon receipt of an appeal, the agency shall transmit the entire grievance record to the Department of Human Resource Management within five workdays. The Director shall render a decision on whether the employee is entitled to a hearing upon the grievance record and other probative evidence.

E. The hearing pursuant to § 2.2-3005 shall be held in the locality in which the employee is employed or in any other locality agreed to by the employee, employer, and hearing officer. The employee and the agency may be represented by legal counsel or a lay advocate, the provisions of § 54.1-3904 notwithstanding. The employee and the agency may call witnesses to present testimony and be cross-examined.

§ 2.2-3900. Short title; declaration of policy.

A. This chapter shall be known and cited as the Virginia Human Rights Act.

B. It is the policy of the Commonwealth to:

1. Safeguard all individuals within the Commonwealth from unlawful discrimination because of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, *sexual orientation, gender identity*, or disability, in places of public accommodation, including educational institutions and in real estate transactions;

2. *Safeguard all individuals within the Commonwealth from unlawful discrimination in employment because of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, sexual orientation, gender identity, or disability;* ~~preserve~~

3. ~~Preserve~~ the public safety, health, and general welfare; ~~and further~~

4. ~~Further~~ the interests, rights, and privileges of individuals within the Commonwealth; and

~~5.~~ 5. Protect citizens of the Commonwealth against unfounded charges of unlawful discrimination.

§ 2.2-3901. Unlawful discriminatory practice and gender discrimination defined.

Conduct that violates any Virginia or federal statute or regulation governing discrimination on the basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, *sexual orientation*, *gender identity*, or disability shall be an "unlawful discriminatory practice" for the purposes of this chapter.

The terms "because of sex or gender" or "on the basis of sex or gender" or terms of similar import when used in reference to discrimination in the Code and acts of the General Assembly include because of or on the basis of pregnancy, childbirth, or related medical conditions. Women affected by pregnancy, childbirth, or related medical conditions shall be treated the same for all purposes as persons not so affected but similar in their abilities or disabilities.

§ 2.2-3902. Construction of chapter; other programs to aid persons with disabilities, minors, and the elderly.

The provisions of this chapter shall be construed liberally for the accomplishment of its policies. Nothing contained in this chapter shall be deemed to repeal, supersede, or expand upon any of the provisions of any other state or federal law relating to discrimination because of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, *sexual orientation*, *gender identity*, or disability.

Nothing in this chapter shall prohibit or alter any program, service, facility, school, or privilege that is afforded, oriented, or restricted to a person because of disability or age from continuing to habilitate, rehabilitate, or accommodate that person.

In addition, nothing in this chapter shall be construed to affect any governmental program, law or activity differentiating between persons on the basis of age over the age of 18 years (i) where the differentiation is reasonably necessary to normal operation or the activity is based upon reasonable factors other than age or (ii) where the program, law or activity constitutes a legitimate exercise of powers of the Commonwealth for the general health, safety and welfare of the population at large.

Complaints filed with the Division of Human Rights of the Department of Law (the Division) in accordance with § 2.2-520 alleging unlawful discriminatory practice under a Virginia statute that is enforced by a Virginia agency shall be referred to that agency. The Division may investigate complaints alleging an unlawful discriminatory practice under a federal statute or regulation and attempt to resolve it through conciliation. Unsolved complaints shall thereafter be referred to the federal agency with jurisdiction over the complaint. Upon such referral, the Division shall have no further jurisdiction over the complaint. The Division shall have no jurisdiction over any complaint filed under a local ordinance adopted pursuant to § 15.2-965.

§ 2.2-3903. Causes of action not created.

A. Nothing in this chapter or in Article 4 (§ 2.2-520 et seq.) of Chapter 5 creates, nor shall it be construed to create, an independent or private cause of action to enforce its provisions, except as specifically provided in subsections B and C.

B. No employer employing more than five but less than 15 persons shall discharge any such employee on the basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, including lactation, *sexual orientation*, or *gender identity*. No employer employing more than five but less than 20 persons shall discharge any such employee on the basis of age if the employee is 40 years of age or older. For the purposes of this section, "lactation" means a condition that may result in the feeding of a child directly from the breast or the expressing of milk from the breast.

C. The employee may bring an action in a general district or circuit court having jurisdiction over the employer who allegedly discharged the employee in violation of this section. Any such action shall be brought within 300 days from the date of the discharge or, if the employee has filed a complaint with the Division of Human Rights of the Department of Law or a local human rights or human relations agency or commission within 300 days of the discharge, such action shall be brought within 90 days from the date that the Division or a local human rights or human relations agency or commission has rendered a final disposition on the complaint. The court may award up to 12 months' back pay with interest at the judgment rate as provided in § 6.2-302. However, if the court finds that either party engaged in tactics to delay resolution of the complaint, it may (i) diminish the award or (ii) award back pay to the date of judgment without regard to the 12-month limitation.

In any case where the employee prevails, the court shall award attorney fees from the amount recovered, not to exceed 25 percent of the back pay awarded. The court shall not award other damages, compensatory or punitive, nor shall it order reinstatement of the employee.

D. Causes of action based upon the public policies reflected in this chapter shall be exclusively limited to those actions, procedures, and remedies, if any, afforded by applicable federal or state civil rights statutes or local ordinances. Nothing in this section or § 2.2-3900 shall be deemed to alter, supersede, or otherwise modify the authority of the Division or of any local human rights or human relations commissions established pursuant to § 15.2-853 or 15.2-965.

§ 2.2-4200. Declaration of policy; discrimination prohibited in awarding contracts; definitions.

A. It is declared to be the policy of the Commonwealth to eliminate all discrimination on account of race, color, religion, sex, *sexual orientation*, *gender identity*, or national origin from the employment practices of the Commonwealth, its agencies, and government contractors.

B. In the awarding of contracts, contracting agencies shall not engage in an unlawful discriminatory practice as defined in § 2.2-3901.

C. As used in this chapter, unless the context requires a different meaning:

"Agency" means any agency or instrumentality, corporate or otherwise, of the government of the Commonwealth.

"Contractor" means any individual, partnership, corporation, or association that performs services for or supplies goods, materials, or equipment to the Commonwealth or any agency thereof.

§ 2.2-4310. Discrimination prohibited; participation of small, women-owned, minority-owned, and service disabled veteran-owned businesses and employment services organizations.

A. In the solicitation or awarding of contracts, no public body shall discriminate against a bidder or offeror because of race, religion, color, sex, *sexual orientation*, *gender identity*, national origin, age, disability, status as a service disabled veteran, or any other basis prohibited by state law relating to discrimination in employment. Whenever solicitations are made, each public body shall include businesses selected from a list made available by the Department of Small Business and Supplier Diversity, which list shall include all companies and organizations certified by the Department.

B. All public bodies shall establish programs consistent with this chapter to facilitate the participation of small businesses, businesses owned by women, minorities, and service disabled veterans, and employment services organizations in procurement transactions. The programs established shall be in writing and shall comply with the provisions of any enhancement or remedial measures authorized by the Governor pursuant to subsection C or, where applicable, by the chief executive of a local governing body pursuant to § 15.2-965.1, and shall include specific plans to achieve any goals established therein. State agencies shall submit annual progress reports on (i) small, women-owned, and minority-owned business procurement, (ii) service disabled veteran-owned business procurement, and (iii) employment services organization procurement to the Department of Small Business and Supplier Diversity in a form specified by the Department of Small Business and Supplier Diversity. Contracts and subcontracts awarded to employment services organizations and service disabled veteran-owned businesses shall be credited toward the small business, women-owned, and minority-owned business contracting and subcontracting goals of state agencies and contractors. The Department of Small Business and Supplier Diversity shall make information on service disabled veteran-owned procurement available to the Department of Veterans Services upon request.

C. Whenever there exists (i) a rational basis for small business or employment services organization enhancement or (ii) a persuasive analysis that documents a statistically significant disparity between the availability and utilization of women-owned and minority-owned businesses, the Governor is authorized and encouraged to require state agencies to implement appropriate enhancement or remedial measures consistent with prevailing law. Any enhancement or remedial measure authorized by the Governor pursuant to this subsection for state public bodies may allow for small businesses certified by the Department of Small Business and Supplier Diversity or a subcategory of small businesses established as a part of the enhancement program to have a price preference over noncertified businesses competing for the same contract award on designated procurements, provided that the bid of the certified small business or the business in such subcategory of small businesses established as a part of an enhancement program does not exceed the low bid by more than five percent.

D. In awarding a contract for services to a small, women-owned, or minority-owned business that is certified in accordance with § 2.2-1606, or to a business identified by a public body as a service disabled veteran-owned business where the award is being made pursuant to an enhancement or remedial program as provided in subsection C, the public body shall include in every such contract of more than \$10,000 the following:

"If the contractor intends to subcontract work as part of its performance under this contract, the contractor shall include in the proposal a plan to subcontract to small, women-owned, minority-owned, and service disabled veteran-owned businesses."

E. In the solicitation or awarding of contracts, no state agency, department, or institution shall discriminate against a bidder or offeror because the bidder or offeror employs ex-offenders unless the state agency, department, or institution has made a written determination that employing ex-offenders on the specific contract is not in its best interest.

F. As used in this section:

"Employment services organization" means an organization that provides community-based employment services to individuals with disabilities that is an approved Commission on Accreditation of Rehabilitation Facilities (CARF) accredited vendor of the Department for Aging and Rehabilitative Services.

"Minority individual" means an individual who is a citizen of the United States or a legal resident alien and who satisfies one or more of the following definitions:

1. "African American" means a person having origins in any of the original peoples of Africa and who is regarded as such by the community of which this person claims to be a part.

2. "Asian American" means a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands, including but not limited to Japan, China, Vietnam, Samoa, Laos, Cambodia, Taiwan, Northern Mariana Islands, the Philippines, a U.S. territory of the Pacific, India, Pakistan, Bangladesh, or Sri Lanka and who is regarded as such by the community of which this person claims to be a part.

3. "Hispanic American" means a person having origins in any of the Spanish-speaking peoples of Mexico, South or Central America, or the Caribbean Islands or other Spanish or Portuguese cultures and who is regarded as such by the community of which this person claims to be a part.

4. "Native American" means a person having origins in any of the original peoples of North America and who is regarded as such by the community of which this person claims to be a part or who is recognized by a tribal organization.

"Minority-owned business" means a business that is at least 51 percent owned by one or more minority individuals who are U.S. citizens or legal resident aliens, or in the case of a corporation, partnership, or limited liability company or other entity, at least 51 percent of the equity ownership interest in the corporation, partnership, or limited liability company or other entity is owned by one or more minority individuals who are U.S. citizens or legal resident aliens, and both the management and daily business operations are controlled by one or more minority individuals, or any historically black

college or university as defined in § 2.2-1604, regardless of the percentage ownership by minority individuals or, in the case of a corporation, partnership, or limited liability company or other entity, the equity ownership interest in the corporation, partnership, or limited liability company or other entity.

"Service disabled veteran" means a veteran who (i) served on active duty in the United States military ground, naval, or air service, (ii) was discharged or released under conditions other than dishonorable, and (iii) has a service-connected disability rating fixed by the United States Department of Veterans Affairs.

"Service disabled veteran business" means a business that is at least 51 percent owned by one or more service disabled veterans or, in the case of a corporation, partnership, or limited liability company or other entity, at least 51 percent of the equity ownership interest in the corporation, partnership, or limited liability company or other entity is owned by one or more individuals who are service disabled veterans and both the management and daily business operations are controlled by one or more individuals who are service disabled veterans.

"Small business" means a business, independently owned and controlled by one or more individuals who are U.S. citizens or legal resident aliens, and together with affiliates, has 250 or fewer employees, or annual gross receipts of \$10 million or less averaged over the previous three years. One or more of the individual owners shall control both the management and daily business operations of the small business.

"State agency" means any authority, board, department, instrumentality, institution, agency, or other unit of state government. "State agency" shall not include any county, city, or town.

"Women-owned business" means a business that is at least 51 percent owned by one or more women who are U.S. citizens or legal resident aliens, or in the case of a corporation, partnership, or limited liability company or other entity, at least 51 percent of the equity ownership interest is owned by one or more women who are U.S. citizens or legal resident aliens, and both the management and daily business operations are controlled by one or more women.

§ 2.2-4343.1. Permitted contracts with certain religious organizations; purpose; limitations.

A. It is the intent of the General Assembly, in accordance with the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, P.L. 104-193, to authorize public bodies to enter into contracts with faith-based organizations for the purposes described in this section on the same basis as any other nongovernmental source without impairing the religious character of such organization, and without diminishing the religious freedom of the beneficiaries of assistance provided under this section.

B. For the purposes of this section, "faith-based organization" means a religious organization that is or applies to be a contractor to provide goods or services for programs funded by the block grant provided pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, P.L. 104-193.

C. Public bodies, in procuring goods or services, or in making disbursements pursuant to this section, shall not (i) discriminate against a faith-based organization on the basis of the organization's religious character or (ii) impose conditions that (a) restrict the religious character of the faith-based organization, except as provided in subsection F, or (b) impair, diminish, or discourage the exercise of religious freedom by the recipients of such goods, services, or disbursements.

D. Public bodies shall ensure that all invitations to bid, requests for proposals, contracts, and purchase orders prominently display a nondiscrimination statement indicating that the public body does not discriminate against faith-based organizations.

E. A faith-based organization contracting with a public body (i) shall not discriminate against any recipient of goods, services, or disbursements made pursuant to a contract authorized by this section on the basis of the recipient's religion, religious belief, or refusal to participate in a religious practice; or on the basis of race, age, color, gender, *sexual orientation*, *gender identity*, or national origin and (ii) shall be subject to the same rules as other organizations that contract with public bodies to account for the use of the funds provided; however, if the faith-based organization segregates public funds into separate accounts, only the accounts and programs funded with public funds shall be subject to audit by the public body. Nothing in clause (ii) shall be construed to supersede or otherwise override any other applicable state law.

F. Consistent with the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, P.L. 104-193, funds provided for expenditure pursuant to contracts with public bodies shall not be spent for religious worship, instruction, or proselytizing; however, this prohibition shall not apply to expenditures pursuant to contracts, if any, for the services of chaplains.

G. Nothing in this section shall be construed as barring or prohibiting a faith-based organization from any opportunity to make a bid or proposal or contract on the grounds that the faith-based organization has exercised the right, as expressed in 42 U.S.C. (§ 2000 e-1 et seq.), to employ persons of a particular religion.

H. If an individual, who applies for or receives goods, services, or disbursements provided pursuant to a contract between a public body and a faith-based organization, objects to the religious character of the faith-based organization from which the individual receives or would receive the goods, services, or disbursements, the public body shall offer the individual, within a reasonable period of time after the date of his objection, access to equivalent goods, services, or disbursements from an alternative provider.

The public body shall provide to each individual who applies for or receives goods, services, or disbursements provided pursuant to a contract between a public body and a faith-based organization a notice in bold face type that states: "Neither the public body's selection of a charitable or faith-based provider of services nor the expenditure of funds under this contract is an endorsement of the provider's charitable or religious character, practices, or expression. No provider of

services may discriminate against you on the basis of religion, a religious belief, or your refusal to actively participate in a religious practice. If you object to a particular provider because of its religious character, you may request assignment to a different provider. If you believe that your rights have been violated, please discuss the complaint with your provider or notify the appropriate person as indicated in this form."

§ 4.1-101.05. Employees of the Authority.

A. Employees of the Authority shall be considered employees of the Commonwealth. Employees of the Authority shall be eligible for membership in the Virginia Retirement System or other retirement plan as authorized by Article 4 (§ 51.1-125 et seq.) of Chapter 1 of Title 51.1 and participation in all health and related insurance and other benefits, including premium conversion and flexible benefits, available to state employees as provided by law. Employees of the Authority shall be employed on such terms and conditions as established by the Board. The Board shall develop and adopt policies and procedures that afford its employees grievance rights, ensure that employment decisions shall be based upon the merit and fitness of applicants, and prohibit discrimination because of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, *sexual orientation*, *gender identity*, or disability. Notwithstanding any other provision of law, the Board shall develop, implement, and administer a paid leave program, which may include annual, personal, and sick leave or any combination thereof. All other leave benefits shall be administered in accordance with Chapter 11 (§ 51.1-1100 et seq.) of Title 51.1, except as otherwise provided in this section.

B. Notwithstanding any other provision of law, the Authority shall give preference in hiring to special agents and employees of the Department of Alcoholic Beverage Control. The Authority shall issue a written notice to all persons whose employment at the Department of Alcoholic Beverage Control will be transferred to the Authority. The date upon which such written notice is issued shall be referred to herein as the "Option Date." In order to facilitate an orderly and efficient transition and ensure the continuation of operations during the transition from the Department of Alcoholic Beverage Control (the Department) to the Authority, the Authority shall have discretion, subject to the time limitations contained herein, to determine the date upon which any employee's employment with the Department will end or be transferred to the Authority. This date shall be stated in the written notice and shall be referred to herein as the "Transition Date." No Transition Date shall occur prior to July 1, 2018, without the mutual agreement of the employee and the Authority. No Transition Date shall be set beyond December 31, 2018. Each person whose employment will be transferred to the Authority may, by written request made within 180 days of the Option Date, elect not to become employed by the Authority. Any employee of the Department of Alcoholic Beverage Control who (i) is not offered the opportunity to transfer to employment by the Authority or (ii) is not offered a position with the Authority for which the employee is qualified or is offered a position that requires relocation or a reduction in salary shall be eligible for the severance benefits conferred by the provisions of the Workforce Transition Act (§ 2.2-3200 et seq.). Any employee who accepts employment with the Authority shall not be considered to be involuntarily separated from state employment and shall not be eligible for the severance benefits conferred by the provisions of the Workforce Transition Act. Any eligibility for such severance benefits shall be contingent on the continued employment through an employee's Transition Date.

C. Notwithstanding any other provision of law to the contrary, any person whose employment is transferred to the Authority as a result of this section and who is a member of any plan for providing health insurance coverage pursuant to Chapter 28 (§ 2.2-2800 et seq.) of Title 2.2 shall continue to be a member of such health insurance plan under the same terms and conditions as if no transfer had occurred.

D. Notwithstanding any other provision of law to the contrary, any person whose employment is transferred to the Authority as a result of this section and who is a member of the Virginia Retirement System or other retirement plan as authorized by Article 4 (§ 51.1-125 et seq.) of Chapter 1 of Title 51.1 shall continue to be a member of the Virginia Retirement System or other such authorized retirement plan under the same terms and conditions as if no transfer had occurred.

E. Notwithstanding any other provision of law, any person whose employment is transferred to the Authority as a result of this section and who was subjected to a criminal history background check as a condition of employment with the Department of Alcoholic Beverage Control shall not be subject to the requirements of § 4.1-103.1, unless the Authority deems otherwise.

§ 6.2-501. Prohibited discrimination.

A. It shall be unlawful for any creditor to discriminate against any applicant, with respect to any aspect of a credit transaction:

1. On the basis of race, color, religion, national origin, sex ~~or~~, marital status, *sexual orientation*, *gender identity*, or age, provided *that* the applicant has the capacity to contract; or

2. Because all or part of the applicant's income derives from any public assistance or social services program.

B. It shall not constitute discrimination for purposes of this chapter for a creditor:

1. To make an inquiry of marital status if such inquiry is for the purpose of ascertaining the creditor's rights and remedies applicable to the particular extension of credit and not to discriminate in a determination of creditworthiness;

2. To make an inquiry of the applicant's age or of whether the applicant's income derives from any public assistance or social services program if such inquiry is for the purpose of determining the amount and probable continuance of income levels, credit history, or other pertinent element of creditworthiness as provided in regulations of the Commission;

3. To use any empirically derived credit system which considers age if such system is demonstrably and statistically sound in accordance with regulations of the Commission, except that in the operation of such system the age of an elderly applicant may not be assigned a negative factor or value; or

4. To make an inquiry or to consider the age of an elderly applicant when the age of such applicant is to be used by the creditor in the extension of credit in favor of such applicant.

C. It is not a violation of this section for a creditor to refuse to extend credit offered pursuant to:

1. Any credit assistance program expressly authorized by law for an economically disadvantaged class of persons;

2. Any credit assistance program administered by a nonprofit organization for its members or an economically disadvantaged class of persons; or

3. Any special purpose credit program offered by a profit-making organization to meet special social needs which meets standards prescribed in regulations by the Commission, if such refusal is required by or made pursuant to such program.

§ 15.2-853. Commission on human rights; human rights ordinance.

A county may enact an ordinance prohibiting discrimination in housing, real estate transactions, employment, public accommodations, credit, and education on the basis of race, color, religion, sex, pregnancy, childbirth or related medical conditions, national origin, age, marital status, *sexual orientation*, *gender identity*, or disability. The board may enact an ordinance establishing a local commission on human rights ~~which that~~ shall have the following powers and duties:

1. To promote policies to ensure that all persons be afforded equal opportunity;

2. To serve as an agency for receiving, investigating, holding hearings, processing, and assisting in the voluntary resolution of complaints regarding discriminatory practices occurring within the county; and

3. With the approval of the county attorney, to seek, through appropriate enforcement authorities, prevention of or relief from a violation of any ordinance prohibiting discrimination and to exercise such other powers and duties as provided in this article. However, the commission shall have no power itself to issue subpoenas, award damages, or grant injunctive relief.

For the purposes of this article, "person" means one or more individuals, labor unions, partnerships, corporations, associations, legal representatives, mutual companies, joint-stock companies, trusts, or unincorporated organizations.

§ 15.2-854. Investigations.

Whenever the commission on human rights has a reasonable cause to believe that any person has engaged in, or is engaging in, any violation of a county ordinance ~~which that~~ prohibits discrimination due to race, color, religion, sex, pregnancy, childbirth or related medical conditions, national origin, age, marital status, *sexual orientation*, *gender identity*, or disability, and, after making a good faith effort to obtain the data, information, and attendance of witnesses necessary to determine whether such violation has occurred, is unable to obtain such data, information, or attendance, it may request the county attorney to petition the judge of the general district court for its jurisdiction for a subpoena against any such person refusing to produce such data and information or refusing to appear as a witness, and the judge of such court may, upon good cause shown, cause the subpoena to be issued. Any witness subpoena issued under this section shall include a statement that any statements made will be under oath and that the respondent or other witness is entitled to be represented by an attorney. Any person failing to comply with a subpoena issued under this section shall be subject to punishment for contempt by the court issuing the subpoena. Any person so subpoenaed may apply to the judge who issued a subpoena to quash it.

§ 15.2-965. Human rights ordinances and commissions.

A. Any locality may enact an ordinance, not inconsistent with nor more stringent than any applicable state law, prohibiting discrimination in housing, employment, public accommodations, credit, and education on the basis of race, color, religion, sex, pregnancy, childbirth or related medical conditions, national origin, age, marital status, *sexual orientation*, *gender identity*, or disability.

B. The locality may enact an ordinance establishing a local commission on human rights ~~which that~~ shall have the powers and duties granted by the Virginia Human Rights Act (§ 2.2-3900 et seq.).

§ 15.2-1131. Establishment of personnel system for city administrative officials and employees.

Notwithstanding any contrary provisions of law, general or special, in the Cities of Norfolk, Richmond, or Virginia Beach, the city council, upon receiving any recommendations submitted to it by the city manager, may establish a personnel system for the city administrative officials and employees. Such system shall be based on merit and professional ability and shall not discriminate on the basis of race, national origin, religion, sex, age, disabilities, political affiliation ~~or~~, marital status, *sexual orientation*, or *gender identity*. The personnel system shall consist of rules and regulations ~~which that~~ provide for the general administration of personnel matters, a classification plan for employees, a uniform pay plan, and a procedure for resolving grievances of employees as provided by general law for either local government or state government employees.

§ 15.2-1500.1. Employment discrimination prohibited; sexual orientation or gender identity.

No department, office, board, commission, agency, or instrumentality of local government shall discriminate in employment on the basis of sexual orientation or gender identity.

§ 15.2-1507. Provision of grievance procedure; training programs.

A. If a local governing body fails to adopt a grievance procedure required by § 15.2-1506 or fails to certify it as provided in this section, the local governing body shall be deemed to have adopted a grievance procedure ~~which that~~ is consistent with the provisions of Chapter 30 (§ 2.2-3000 et seq.) of Title 2.2 and any regulations adopted pursuant thereto

for so long as the locality remains in noncompliance. The locality shall provide its employees with copies of the applicable grievance procedure upon request. The term "grievance" as used herein shall not be interpreted to mean negotiations of wages, salaries, or fringe benefits.

Each grievance procedure, and each amendment thereto, in order to comply with this section, shall be certified in writing to be in compliance by the city, town, or county attorney, and the chief administrative officer of the locality, and such certification filed with the clerk of the circuit court having jurisdiction in the locality in which the procedure is to apply. Local government grievance procedures in effect as of July 1, 1991, shall remain in full force and effect for 90 days thereafter, unless certified and filed as provided above within a shorter time period.

Each grievance procedure shall include the following components and features:

1. Definition of grievance. A grievance shall be a complaint or dispute by an employee relating to his employment, including but not necessarily limited to (i) disciplinary actions, including dismissals, disciplinary demotions, and suspensions, provided that dismissals shall be grievable whenever resulting from formal discipline or unsatisfactory job performance; (ii) the application of personnel policies, procedures, rules, and regulations, including the application of policies involving matters referred to in ~~subdivision clause (iii) of subdivision 2 (iii) below;~~ (iii) discrimination on the basis of race, color, creed, religion, political affiliation, age, disability, national origin ~~or~~ sex, *sexual orientation, or gender identity*; and (iv) acts of retaliation as the result of the use of or participation in the grievance procedure or because the employee has complied with any law of the United States or of the Commonwealth, has reported any violation of such law to a governmental authority, has sought any change in law before the Congress of the United States or the General Assembly, or has reported an incidence of fraud, abuse, or gross mismanagement. For the purposes of clause (iv), there shall be a rebuttable presumption that increasing the penalty that is the subject of the grievance at any level of the grievance shall be an act of retaliation.

2. Local government responsibilities. Local governments shall retain the exclusive right to manage the affairs and operations of government. Accordingly, the following complaints are nongrievable: (i) establishment and revision of wages or salaries, position classification or general benefits; (ii) work activity accepted by the employee as a condition of employment or work activity which may reasonably be expected to be a part of the job content; (iii) the contents of ordinances, statutes, or established personnel policies, procedures, rules, and regulations; (iv) failure to promote except where the employee can show that established promotional policies or procedures were not followed or applied fairly; (v) the methods, means and personnel by which work activities are to be carried on; (vi) except where such action affects an employee who has been reinstated within the previous six months as the result of the final determination of a grievance, termination, layoff, demotion or suspension from duties because of lack of work, reduction in work force, or job abolition; (vii) the hiring, promotion, transfer, assignment and retention of employees within the local government; and (viii) the relief of employees from duties of the local government in emergencies. In any grievance brought under the exception to clause (vi) ~~of this subdivision,~~ the action shall be upheld upon a showing by the local government that: ~~(i) (a) there was a valid business reason for the action and (ii) (b) the employee was notified of the reason in writing prior to the effective date of the action.~~

3. Coverage of personnel.

a. Unless otherwise provided by law, all nonprobationary local government permanent full-time and part-time employees are eligible to file grievances with the following exceptions:

- (1) Appointees of elected groups or individuals;
- (2) Officials and employees who by charter or other law serve at the will or pleasure of an appointing authority;
- (3) Deputies and executive assistants to the chief administrative officer of a locality;
- (4) Agency heads or chief executive officers of government operations;
- (5) Employees whose terms of employment are limited by law;
- (6) Temporary, limited term, and seasonal employees;

(7) Law-enforcement officers as defined in Chapter 5 (§ 9.1-500 et seq.) of Title 9.1 whose grievance is subject to the provisions of Chapter 5 (§ 9.1-500 et seq.) of Title 9.1 and who have elected to proceed pursuant to those provisions in the resolution of their grievance, or any other employee electing to proceed pursuant to any other existing procedure in the resolution of his grievance.

b. Notwithstanding the exceptions set forth in subdivision 3 ~~a above,~~ local governments, at their sole discretion, may voluntarily include employees in any of the excepted categories within the coverage of their grievance procedures.

c. The chief administrative officer of each local government, or his designee, shall determine the officers and employees excluded from the grievance procedure; and shall be responsible for maintaining an up-to-date list of the affected positions.

4. Grievance procedure availability and coverage for employees of community services boards, redevelopment and housing authorities, and regional housing authorities. Employees of community services boards, redevelopment and housing authorities created pursuant to § 36-4, and regional housing authorities created pursuant to § 36-40 shall be included in (i) a local governing body's grievance procedure or personnel system, if agreed to by the department, board, or authority and the locality or (ii) a grievance procedure established and administered by the department, board, or authority ~~which that~~ is consistent with the provisions of Chapter 30 (§ 2.2-3000 et seq.) of Title 2.2 and any regulations promulgated pursuant thereto. If a department, board, or authority fails to establish a grievance procedure pursuant to clause (i) or (ii), it shall be deemed to have adopted a grievance procedure ~~which that~~ is consistent with the provisions of Chapter 30 (§ 2.2-3000 et seq.) of Title 2.2 and any regulations adopted pursuant thereto for so long as it remains in noncompliance.

5. General requirements for procedures.

a. Each grievance procedure shall include not more than four steps for airing complaints at successively higher levels of local government management; and a final step providing for a panel hearing or a hearing before an administrative hearing officer upon the agreement of both parties.

b. Grievance procedures shall prescribe reasonable and specific time limitations for the grievant to submit an initial complaint and to appeal each decision through the steps of the grievance procedure.

c. Nothing contained in this section shall prohibit a local government from granting its employees rights greater than those contained herein, provided *that* such grant does not exceed or violate the general law or public policy of the Commonwealth.

6. Time periods.

a. It is intended that speedy attention to employee grievances be promoted, consistent with the ability of the parties to prepare for a fair consideration of the issues of concern.

b. The time for submitting an initial complaint shall not be less than 20 calendar days after the event giving rise to the grievance, but local governments may, at their option, allow a longer time period.

c. Limits for steps after initial presentation of grievance shall be the same or greater for the grievant than the time ~~which~~ *that* is allowed for local government response in each comparable situation.

d. Time frames may be extended by mutual agreement of the local government and the grievant.

7. Compliance.

a. After the initial filing of a written grievance, failure of either party to comply with all substantial procedural requirements of the grievance procedure, including the panel or administrative hearing, without just cause shall result in a decision in favor of the other party on any grievable issue, provided the party not in compliance fails to correct the noncompliance within five workdays of receipt of written notification by the other party of the compliance violation. Such written notification by the grievant shall be made to the chief administrative officer, or his designee.

b. The chief administrative officer, or his designee, at his option, may require a clear written explanation of the basis for just cause extensions or exceptions. The chief administrative officer, or his designee, shall determine compliance issues. Compliance determinations made by the chief administrative officer shall be subject to judicial review by filing petition with the circuit court within 30 days of the compliance determination.

8. Management steps.

a. The first step shall provide for an informal, initial processing of employee complaints by the immediate supervisor through a nonwritten, discussion format.

b. Management steps shall provide for a review with higher levels of local government authority following the employee's reduction to writing of the grievance and the relief requested on forms supplied by the local government. Personal face-to-face meetings are required at all of these steps.

c. With the exception of the final management step, the only persons who may normally be present in the management step meetings are the grievant, the appropriate local government official at the level at which the grievance is being heard, and appropriate witnesses for each side. Witnesses shall be present only while actually providing testimony. At the final management step, the grievant, at his option, may have present a representative of his choice. If the grievant is represented by legal counsel, local government likewise has the option of being represented by counsel.

9. Qualification for panel or administrative hearing.

a. Decisions regarding grievability and access to the procedure shall be made by the chief administrative officer of the local government, or his designee, at any time prior to the panel hearing, at the request of the local government or grievant, within 10 calendar days of the request. No city, town, or county attorney, or attorney for the Commonwealth, shall be authorized to decide the question of grievability. A copy of the ruling shall be sent to the grievant. Decisions of the chief administrative officer of the local government, or his designee, may be appealed to the circuit court having jurisdiction in the locality in which the grievant is employed for a hearing on the issue of whether the grievance qualifies for a panel hearing. Proceedings for review of the decision of the chief administrative officer or his designee shall be instituted by the grievant by filing a notice of appeal with the chief administrative officer within 10 calendar days from the date of receipt of the decision and giving a copy thereof to all other parties. Within 10 calendar days thereafter, the chief administrative officer or his designee shall transmit to the clerk of the court to which the appeal is taken: a copy of the decision of the chief administrative officer, a copy of the notice of appeal, and the exhibits. A list of the evidence furnished to the court shall also be furnished to the grievant. The failure of the chief administrative officer or his designee to transmit the record shall not prejudice the rights of the grievant. The court, on motion of the grievant, may issue a writ of certiorari requiring the chief administrative officer to transmit the record on or before a certain date.

b. Within 30 days of receipt of such records by the clerk, the court, sitting without a jury, shall hear the appeal on the record transmitted by the chief administrative officer or his designee and such additional evidence as may be necessary to resolve any controversy as to the correctness of the record. The court, in its discretion, may receive such other evidence as the ends of justice require. The court may affirm the decision of the chief administrative officer or his designee, or may reverse or modify the decision. The decision of the court shall be rendered no later than the fifteenth day from the date of the conclusion of the hearing. The decision of the court is final and is not appealable.

10. Final hearings.

a. Qualifying grievances shall advance to either a panel hearing or a hearing before an administrative hearing officer, as set forth in the locality's grievance procedure, as described below:

(1) If the grievance procedure adopted by the local governing body provides that the final step shall be an impartial panel hearing, the panel may, with the exception of those local governments covered by subdivision a (2) of this subsection, consist of one member appointed by the grievant, one member appointed by the agency head and a third member selected by the first two. In the event that agreement cannot be reached as to the final panel member, the chief judge of the circuit court of the jurisdiction wherein the dispute arose shall select the third panel member. The panel shall not be composed of any persons having direct involvement with the grievance being heard by the panel, or with the complaint or dispute giving rise to the grievance. Managers who are in a direct line of supervision of a grievant, persons residing in the same household as the grievant and the following relatives of a participant in the grievance process or a participant's spouse are prohibited from serving as panel members: spouse, parent, child, descendants of a child, sibling, niece, nephew and first cousin. No attorney having direct involvement with the subject matter of the grievance, nor a partner, associate, employee or co-employee of the attorney shall serve as a panel member.

(2) If the grievance procedure adopted by the local governing body provides for the final step to be an impartial panel hearing, local governments may retain the panel composition method previously approved by the Department of Human Resource Management and in effect as of the enactment of this statute. Modifications to the panel composition method shall be permitted with regard to the size of the panel and the terms of office for panel members, so long as the basic integrity and independence of panels are maintained. As used in this section, the term "panel" shall include all bodies designated and authorized to make final and binding decisions.

(3) When a local government elects to use an administrative hearing officer rather than a three-person panel for the final step in the grievance procedure, the administrative hearing officer shall be appointed by the Executive Secretary of the Supreme Court of Virginia. The appointment shall be made from the list of administrative hearing officers maintained by the Executive Secretary pursuant to § 2.2-4024 and shall be made from the appropriate geographical region on a rotating basis. In the alternative, the local government may request the appointment of an administrative hearing officer from the Department of Human Resource Management. If a local government elects to use an administrative hearing officer, it shall bear the expense of such officer's services.

(4) When the local government uses a panel in the final step of the procedure, there shall be a chairperson of the panel and, when panels are composed of three persons (one each selected by the respective parties and the third from an impartial source), the third member shall be the chairperson.

(5) Both the grievant and the respondent may call upon appropriate witnesses and be represented by legal counsel or other representatives at the hearing. Such representatives may examine, cross-examine, question and present evidence on behalf of the grievant or respondent before the panel or hearing officer without being in violation of the provisions of § 54.1-3904.

(6) The decision of the panel or hearing officer shall be final and binding and shall be consistent with provisions of law and written policy.

(7) The question of whether the relief granted by a panel or hearing officer is consistent with written policy shall be determined by the chief administrative officer of the local government, or his designee, unless such person has a direct personal involvement with the event or events giving rise to the grievance, in which case the decision shall be made by the attorney for the Commonwealth of the jurisdiction in which the grievance is pending.

b. Rules for panel and administrative hearings.

Unless otherwise provided by law, local governments shall adopt rules for the conduct of panel or administrative hearings as a part of their grievance procedures, or shall adopt separate rules for such hearings. Rules which that are promulgated shall include, but need not be limited to the following provisions:

(1) That neither the panels nor the hearing officer have authority to formulate policies or procedures or to alter existing policies or procedures;

(2) That panels and the hearing officer have the discretion to determine the propriety of attendance at the hearing of persons not having a direct interest in the hearing, and, at the request of either party, the hearing shall be private;

(3) That the local government provide the panel or hearing officer with copies of the grievance record prior to the hearing, and provide the grievant with a list of the documents furnished to the panel or hearing officer, and the grievant and his attorney, at least 10 days prior to the scheduled hearing, shall be allowed access to and copies of all relevant files intended to be used in the grievance proceeding;

(4) That panels and hearing officers have the authority to determine the admissibility of evidence without regard to the burden of proof, or the order of presentation of evidence, so long as a full and equal opportunity is afforded to all parties for the presentation of their evidence;

(5) That all evidence be presented in the presence of the panel or hearing officer and the parties, except by mutual consent of the parties;

(6) That documents, exhibits and lists of witnesses be exchanged between the parties or hearing officer in advance of the hearing;

(7) That the majority decision of the panel or the decision of the hearing officer, acting within the scope of its or his authority, be final, subject to existing policies, procedures and law;

(8) That the panel or hearing officer's decision be provided within a specified time to all parties; and

(9) Such other provisions as may facilitate fair and expeditious hearings, with the understanding that the hearings are not intended to be conducted like proceedings in courts, and that rules of evidence do not necessarily apply.

11. Implementation of final hearing decisions.

Either party may petition the circuit court having jurisdiction in the locality in which the grievant is employed for an order requiring implementation of the hearing decision.

B. Notwithstanding the contrary provisions of this section, a final hearing decision rendered under the provisions of this section ~~which~~ *that* would result in the reinstatement of any employee of a sheriff's office, who has been terminated for cause may be reviewed by the circuit court for the locality upon the petition of the locality. The review of the circuit court shall be limited to the question of whether the decision of the panel or hearing officer was consistent with provisions of law and written policy.

§ 15.2-1604. Appointment of deputies and employment of employees; discriminatory practices by certain officers; civil penalty.

A. It shall be an unlawful employment practice for a constitutional officer:

1. To fail or refuse to appoint or hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of appointment or employment, because of such individual's race, color, religion, sex, *sexual orientation*, *gender identity*, or national origin; or

2. To limit, segregate, or classify his appointees, employees, or applicants for appointment or employment in any way ~~which~~ *that* would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of the individual's race, color, religion, sex, *sexual orientation*, *gender identity*, or national origin.

B. Nothing in this section shall be construed to make it an unlawful employment practice for a constitutional officer to hire or appoint an individual on the basis of his sex or national origin in those instances where sex or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of that particular office. The provisions of this section shall not apply to policy-making positions, confidential or personal staff positions, or undercover positions.

C. With regard to notices and advertisements:

1. Every constitutional officer shall, prior to hiring any employee, advertise such employment position in a newspaper having general circulation or a state or local government job placement service in such constitutional officer's locality except where the vacancy is to be used (i) as a placement opportunity for appointees or employees affected by layoff, (ii) as a transfer opportunity or demotion for an incumbent, (iii) to fill positions that have been advertised within the past 120 days, (iv) to fill positions to be filled by appointees or employees returning from leave with or without pay, (v) to fill temporary positions, temporary employees being those employees hired to work on special projects that have durations of three months or less, or (vi) to fill policy-making positions, confidential or personal staff positions, or special, sensitive law-enforcement positions normally regarded as undercover work.

2. No constitutional officer shall print or publish or cause to be printed or published any notice or advertisement relating to employment by such constitutional officer indicating any preference, limitation, specification, or discrimination, based on sex or national origin, except that such notice or advertisement may indicate a preference, limitation, specification, or discrimination based on sex or national origin when sex or national origin is a bona fide occupational qualification for employment.

D. Complaints regarding violations of subsection A may be made to the Division of Human Rights of the Department of Law. The Division shall have the authority to exercise its powers as outlined in Article 4 (§ 2.2-520 et seq.) of Chapter 5 of Title 2.2.

E. Any constitutional officer who willfully violates the provisions of subsection C shall be subject to a civil penalty not to exceed \$2,000.

§ 15.2-6314.1. Applicability of the Virginia Personnel Act and the Virginia Public Procurement Act.

A. Employees of an authority created by a locality shall be exempt from the provisions of the Virginia Personnel Act (§ 2.2-2900 et seq.) if (i) the locality has personnel policies and procedures that are consistent with the goals, objectives, and policies of the Virginia Personnel Act; and (ii) such authority adopts the locality's personnel policies and procedures. In any event, personnel actions shall be taken without regard to race, sex, *sexual orientation*, *gender identity*, color, national origin, religion, age, handicap, or political affiliation.

B. Any authority created under this chapter shall be subject to the terms of the Virginia Public Procurement Act (§ 2.2-4300 et seq.). Notwithstanding the foregoing, should the United States Department of Defense place a federal area on a list of installations to be closed or realigned under the authority granted to the United States Department of Defense pursuant to the federal Defense Base Closure And Realignment Act of 1990 (United States Public Law 101-501, as amended through the National Defense Authorization Act of Fiscal Year 2003), and such federal area is subject to the jurisdiction of an authority created by a locality, such listing of that installation shall qualify as an "emergency" under subsection F of § 2.2-4303 of the Virginia Public Procurement Act.

§ 22.1-212.6:1. Applicability of other laws, regulations, policies, and procedures.

A. Public charter schools are subject to all federal laws and authorities as set forth in this article and the charter contract with the local school board.

B. Public charter schools are subject to the same civil rights, health, and safety requirements applicable to other public schools in the Commonwealth, except as otherwise provided in this article.

C. Public charter schools are subject to the student assessment and accountability requirements applicable to other public schools in the Commonwealth, but nothing in this article precludes a public charter school from establishing additional student assessment measures that go beyond state requirements if the school's authorizer approves such measures.

D. Management committees of public charter schools are subject to and shall comply with the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).

E. No public charter school shall discriminate against any individual on the basis of disability, race, creed, color, ~~gender~~ *sex, sexual orientation, gender identity*, national origin, religion, ancestry, or need for special education services or any other unlawful basis, and each public charter school shall be subject to any court-ordered desegregation plan in effect for the school division.

F. No public charter school shall discriminate against any student on the basis of limited proficiency in English, and each public charter school shall provide students who have limited proficiency in English with appropriate services designed to teach such students English and the general curriculum, consistent with federal civil rights laws.

G. No public charter school shall engage in any sectarian practices in its educational program, admissions or employment policies, or operations.

§ 22.1-295.2. Employment discrimination prohibited; sexual orientation or gender identity.

No school board or any agent or employee thereof shall discriminate in employment on the basis of sexual orientation or gender identity.

§ 22.1-306. Definitions.

As used in this article:

"Business day" means any day that the relevant school board office is open.

"Day" means calendar days unless a different meaning is clearly expressed in this article. Whenever the last day for performing an act required by this article falls on a Saturday, Sunday, or legal holiday, the act may be performed on the next day that is not a Saturday, Sunday, or legal holiday.

"Dismissal" means the dismissal of any teacher during the term of such teacher's contract.

"Grievance" means a complaint or dispute by a teacher relating to his employment, including but not necessarily limited to: (i) disciplinary action including dismissal; (ii) the application or interpretation of: (a) personnel policies, (b) procedures, (c) rules and regulations, (d) ordinances, and (e) statutes; (iii) acts of reprisal against a teacher for filing or processing a grievance, participating as a witness in any step, meeting or hearing relating to a grievance, or serving as a member of a fact-finding panel; and (iv) complaints of discrimination on the basis of race, color, creed, political affiliation, ~~handicap~~ *disability*, age, national origin, ~~or~~ *sex, sexual orientation, or gender identity*. Each school board shall have the exclusive right to manage the affairs and operations of the school division. Accordingly, the term "grievance" shall not include a complaint or dispute by a teacher relating to (1) establishment and revision of wages or salaries, position classifications, or general benefits; (2) suspension of a teacher or nonrenewal of the contract of a teacher who has not achieved continuing contract status; (3) the establishment or contents of ordinances, statutes, or personnel policies, procedures, rules, and regulations; (4) failure to promote; (5) discharge, layoff, or suspension from duties because of decrease in enrollment, decrease in enrollment or abolition of a particular subject, or insufficient funding; (6) hiring, transfer, assignment, and retention of teachers within the school division; (7) suspension from duties in emergencies; (8) the methods, means, and personnel by which the school division's operations are to be carried on; or (9) coaching or extracurricular activity sponsorship.

While these management rights are reserved to the school board, failure to apply, where applicable, the rules, regulations, policies, or procedures as written or established by the school board is grievable.

§ 22.1-349.3. Establishment and operation of college partnership laboratory schools; requirements.

A. A college partnership laboratory school is subject to all federal and state laws and regulations and constitutional provisions prohibiting discrimination on the basis of disability, race, creed, color, ~~gender~~ *sex, sexual orientation, gender identity*, national origin, religion, ancestry, or need for special education services.

B. Enrollment in college partnership laboratory schools shall be open through a lottery process on a space-available basis to any student who is deemed to reside within the Commonwealth. A waiting list shall be established if adequate space is not available to accommodate all students whose parents have requested to be entered in the lottery process. Such waiting list shall also be prioritized through a lottery process, and parents shall be informed of their student's position on the list. For college partnership laboratory schools that form a collaborative partnership with one or more local school divisions in accordance with subsection G, enrollment in the college partnership laboratory school shall be administered by one of the partnering divisions.

C. A college partnership laboratory school shall be administered and managed by a governing board. Pursuant to a contract and as specified in § 22.1-349.4, a college partnership laboratory school is subject to the requirements of the Standards of Quality, including the Standards of Learning and the Standards of Accreditation, and such regulations as are determined by the Board.

D. Pursuant to a college partnership laboratory school agreement, a college partnership laboratory school is responsible for its own operations, including such budget preparation, contracts for services, and personnel matters as are specified in the agreement. A college partnership laboratory school may also negotiate and contract with a school board, the governing body of an institution of higher education, or any third party for the use of a school building or grounds, the operation and

maintenance of such building or grounds, and the provision of any service, activity, or undertaking that the college partnership laboratory school is required to perform in order to carry out the educational program described in its contract. Any services for which a college partnership laboratory school contracts with a school board or institution of higher education shall not exceed the cost to the school division or institution to provide such services.

E. No college partnership laboratory school shall charge tuition for courses required for high school graduation. However, (i) tuition may be charged for courses for which the student receives college credit and enrichment courses that are not required to earn a Board-approved high school diploma and (ii) for college partnership laboratory schools that form a collaborative partnership with one or more local school divisions in accordance with subsection G, the school board of the partnering school division that administers student enrollment in accordance with subsection A may charge tuition in accordance with § 22.1-5 for students who do not reside within the partnering school division.

F. An approved college partnership laboratory school shall be designated as a local education agency but shall not constitute a school division.

G. College partnership laboratory schools are encouraged to develop collaborative partnerships with local school divisions for the purpose of building seamless education opportunities for all preschool through postsecondary students in the Commonwealth. An educational program provided to students enrolled in a local school division pursuant to a collaborative partnership between the college partnership laboratory school and the local school division is the educational program of the local school division for purposes of the Standards of Accreditation.

§ 23.1-1009. Covered institutions; operational authority; projects.

A. Each covered institution may acquire, plan, design, construct, own, rent as landlord or tenant, operate, control, remove, renovate, enlarge, equip, and maintain, directly or through stock or nonstock corporations or other entities, any project. Such project may be owned or operated by the institution, other persons, or jointly by such institution and other persons and may be operated within or outside the Commonwealth as long as (i) the operations of such project are necessary or desirable to assist the institution in carrying out its public purposes within the Commonwealth and (ii) any private benefit resulting to any such other private persons from any such project is merely incidental to the public benefit of such project.

B. Each covered institution may continue, adopt, and enforce policies for the operation of any facility, including any veterinary facility, hospital, or other health care and related facility owned or operated by the institution. Any such policies pertaining to the operation of any veterinary facility, hospital, or other health care or related facility may include the conditions of practicing any health profession or veterinary medicine in the facility, the admission and treatment of patients, the procedures for determining the qualification of patients for indigent care or other programs, and the protection of patients and employees, provided that such policies do not discriminate on the basis of race, religion, color, sex, *sexual orientation*, *gender identity*, national origin, or any other factor prohibited by law.

§ 23.1-1017. Covered institutions; operational authority; procurement.

A. Subject to the express provisions of the management agreement, each covered institution may be exempt from the provisions of the Virginia Public Procurement Act (§ 2.2-4300 et seq.), except for § 2.2-4342, which shall not be construed to require compliance with the prequalification application procedures of subsection B of § 2.2-4317, provided, however, that (i) any deviations from the Virginia Public Procurement Act in the management agreement shall be uniform across all covered institutions and (ii) the governing board of the covered institution shall adopt, and the covered institution shall comply with, policies for the procurement of goods and services, including professional services, that shall (a) be based upon competitive principles, (b) in each instance seek competition to the maximum practical degree, (c) implement a system of competitive negotiation for professional services pursuant to §§ 2.2-4303.1 and 2.2-4302.2, (d) prohibit discrimination in the solicitation and award of contracts ~~based~~ *on the basis of* the bidder's or offeror's race, religion, color, sex, *sexual orientation*, *gender identity*, national origin, age, or disability or on any other basis prohibited by state or federal law, (e) incorporate the prompt payment principles of §§ 2.2-4350 and 2.2-4354, (f) consider the impact on correctional enterprises under § 53.1-47, and (g) provide that whenever solicitations are made seeking competitive procurement of goods or services, it shall be a priority of the institution to provide for fair and reasonable consideration of small, women-owned, and minority-owned businesses and to promote and encourage a diversity of suppliers.

B. Such policies may (i) provide for consideration of the dollar amount of the intended procurement, the term of the anticipated contract, and the likely extent of competition; (ii) implement a prequalification procedure for contractors or products; and (iii) include provisions for cooperative arrangements with other covered institutions, other public or private educational institutions, or other public or private organizations or entities, including public-private partnerships, public bodies, charitable organizations, health care provider alliances or purchasing organizations or entities, state agencies or institutions of the Commonwealth or the other states, the District of Columbia, the territories, or the United States, and any combination of such organizations and entities.

C. Nothing in this section shall preclude a covered institution from requesting and utilizing the assistance of the Virginia Information Technologies Agency for information technology procurements and covered institutions are encouraged to utilize such assistance.

D. Each covered institution shall post on the Department of General Services' central electronic procurement website all Invitations to Bid, Requests for Proposal, sole source award notices, and emergency award notices to ensure visibility and access to the Commonwealth's procurement opportunities on one website.

E. As part of any procurement provisions of the management agreement, the governing board of a covered institution shall identify the public, educational, and operational interests served by any procurement rule that deviates from procurement rules in the Virginia Public Procurement Act (§ 2.2-4300 et seq.).

§ 23.1-2213. Medical center management; capital projects; leases of property; procurement.

A. The economic viability of the Medical Center, the requirement for its specialized management and operation, and the need of the Medical Center to participate in cooperative arrangements reflective of changes in health care delivery, as set forth in § 23.1-2212, depend upon the ability of the management of the Medical Center to make and promptly implement decisions necessary to conduct the affairs of the Medical Center in an efficient, competitive manner. It is critical to and in the best interests of the Commonwealth that the University continues to fulfill its mission of providing quality medical and health sciences education and related research and, through the presence of its Medical Center, continues to provide for the care, treatment, health-related services, and education activities associated with Virginia patients, including indigent and medically indigent patients. Because the ability of the University to fulfill this mission is highly dependent upon revenues derived from providing health care through its Medical Center, and because the ability of the Medical Center to continue to be a reliable source of such revenues is heavily dependent upon its ability to compete with other providers of health care that are not subject to the requirements of law applicable to agencies of the Commonwealth, the University may implement the following modifications to the management and operation of the affairs of the Medical Center in order to enhance its economic viability:

1. a. For any Medical Center capital project entirely funded by a nongeneral fund appropriation made by the General Assembly, all post-appropriation review, approval, administrative, and policy and procedure functions performed by the Department of General Services, the Division of Engineering and Buildings, the Department of Planning and Budget, and any other agency that supports the functions performed by these departments are delegated to the University, subject to the following stipulations and conditions: (i) the board shall develop and implement an appropriate system of policies, procedures, reviews, and approvals for Medical Center capital projects to which this subsection applies; (ii) the system so adopted shall provide for the review and approval of any Medical Center capital project to which this subsection applies to ensure that, except as provided in clause (iii), the cost of any such capital project does not exceed the sum appropriated for the project and the project otherwise complies with all requirements of the Code of Virginia regarding capital projects, excluding only the post-appropriation review, approval, administrative, and policy and procedure functions performed by the Department of General Services, the Division of Engineering and Buildings, the Department of Planning and Budget, and any other agency that supports the functions performed by these departments; (iii) the board may, during any fiscal year, approve a transfer of up to 15 percent of the total nongeneral fund appropriation for the Medical Center to supplement funds appropriated for a capital project of the Medical Center, provided that the board finds that the transfer is necessary to effectuate the original intention of the General Assembly in making the appropriation for the capital project in question; (iv) the University shall report to the Department of General Services on the status of any such capital project prior to commencement of construction of, and at the time of acceptance of, any such capital project; and (v) the University shall ensure that Building Officials and Code Administrators (BOCA) Code and fire safety inspections of any such project are conducted and such projects are inspected by the State Fire Marshal or his designee prior to certification for building occupancy by the University's assistant state building official to whom such inspection responsibility has been delegated pursuant to § 36-98.1. Nothing in this section shall be deemed to relieve the University of any reporting requirement pursuant to § 2.2-1513. Notwithstanding the provisions of this subsection, the terms and structure of any financing of any capital project to which this subsection applies shall be approved pursuant to § 2.2-2416.

b. No capital project to which this subsection applies shall be materially increased in size or materially changed in scope beyond the plans and justifications that were the basis for the project's appropriation unless (i) the Governor determines that such increase in size or change in scope is necessary due to an emergency or (ii) the General Assembly approves the increase or change in a subsequent appropriation for the project. After construction of any such capital project has commenced, no such increase or change shall be made during construction unless the conditions in clause (i) or (ii) have been satisfied.

2. a. The University is exempt from the provisions of § 2.2-1149 and any rules, regulations, and guidelines of the Division of Engineering and Buildings regarding leases of real property that it enters into on behalf of the Medical Center and, pursuant to policies and procedures adopted by the board, may enter into such leases subject to the following conditions: (i) the lease shall be an operating lease and not a capital lease as defined in guidelines established by the Secretary of Finance and generally accepted accounting principles; (ii) the University's decision to enter into such a lease shall be based upon cost, demonstrated need, and compliance with guidelines adopted by the board that direct that (a) competition be sought to the maximum practical degree, (b) all costs of occupancy be considered, and (c) the use of the space to be leased is necessary and efficiently planned; (iii) the form of the lease is approved by the Special Assistant Attorney General representing the University; (iv) the lease otherwise meets all requirements of law; (v) the leased property is certified for occupancy by the building official of the political subdivision in which the leased property is located; and (vi) upon entering such leases and upon any subsequent amendment of such leases, the University provides copies of all lease documents and any attachments to such lease documents to the Department of General Services.

b. Notwithstanding the provisions of § 2.2-1155 and subdivision B 1 of § 23.1-1301, but subject to policies and procedures adopted by the board, the University may lease, for a purpose consistent with the mission of the Medical Center and for a term not to exceed 50 years, property in the possession or control of the Medical Center.

c. Notwithstanding the provisions of this subdivision, the terms and structure of any financing arrangements secured by capital leases or other similar lease financing agreements shall be approved pursuant to § 2.2-2416.

3. a. Contracts awarded by the University on behalf of the Medical Center for the procurement of goods, services, including professional services, construction, or information technology and telecommunications in compliance with this subdivision are exempt from (i) the Virginia Public Procurement Act (§ 2.2-4300 et seq.), except as provided in this section; (ii) the requirements of the Division of Purchases and Supply of the Department of General Services as set forth in Article 3 (§ 2.2-1109 et seq.) of Chapter 11 of Title 2.2; (iii) the requirements of the Division of Engineering and Buildings as set forth in Article 4 (§ 2.2-1129 et seq.) of Chapter 11 of Title 2.2; and (iv) the authority of the Chief Information Officer and the Virginia Information Technologies Agency as set forth in Chapter 20.1 (§ 2.2-2005 et seq.) of Title 2.2 regarding the review and approval of contracts for (a) the construction of Medical Center capital projects and (b) information technology and telecommunications projects.

b. The University shall adopt and at all times maintain guidelines generally applicable to the procurement of goods, services, construction, and information technology and telecommunications projects by the Medical Center or by the University on behalf of the Medical Center. Such guidelines shall be based upon competitive principles and in each instance seek competition to the maximum practical degree. The guidelines shall (i) implement a system of competitive negotiation for professional services; (ii) prohibit discrimination against the bidder or offeror in the solicitation or award of contracts on the basis of the race, religion, color, sex, *sexual orientation*, *gender identity*, or national origin of the bidder or offeror; and (iii) incorporate the prompt payment principles of §§ 2.2-4350 and 2.2-4354 and may (a) take into account the dollar amount of the intended procurement, the term of the anticipated contract, and the likely extent of competition; (b) implement a prequalification procedure for contractors or products; (c) include provisions for cooperative procurement arrangements with private health or educational institutions or public agencies or institutions of the states or territories of the United States or the District of Columbia; and (d) implement provisions of law.

c. Sections 2.2-4311, 2.2-4315, 2.2-4342 (which shall not be construed to require compliance with the prequalification application procedures of subsection B of § 2.2-4317), and 2.2-4330 and §§ 2.2-4333 through 2.2-4341 and 2.2-4367 through 2.2-4377 shall continue to apply to procurements by the Medical Center and the University on behalf of the Medical Center.

B. Subject to conditions that are prescribed in the budget bill pursuant to § 2.2-1509, the State Comptroller shall credit, on a monthly basis, to the nongeneral fund operating cash balances of the Medical Center the imputed interest earned by the investment of such nongeneral fund operating cash balances, including those balances derived from patient care revenues, on deposit with the State Treasurer.

§ 23.1-2312. Establishment of a branch campus in the State of Qatar.

A. In recognition that global educational opportunities benefit the intellectual and economic interests of the Commonwealth, the board may establish, operate, and govern a branch campus of the University in the State of Qatar. The board has the same powers with respect to operation and governance of its branch campus in Qatar as are vested in the board by law with respect to the University. In operating such branch campus, the board shall provide appropriate professional opportunities for Virginia-based faculty to teach or conduct research on the Qatar campus and educational opportunities for Virginia-based students to study or conduct research on the Qatar campus.

B. Nothing contained in this section shall be deemed a waiver of the sovereign immunity of the Commonwealth or the University.

C. In its operation of any branch campus established in the State of Qatar, the board and its employees shall not discriminate on the basis of race, color, religion, national origin, ~~or~~ sex, *sexual orientation*, or *gender identity* and shall not abridge the constitutional rights of freedom of speech and religion. Any agreement that the board enters to establish, operate, or govern the branch campus in Qatar shall contain contractual assurances to the board that the branch campus shall operate without discrimination on the basis of race, color, religion, national origin, ~~or~~ sex, *sexual orientation*, or *gender identity* and without abridging the constitutional rights of freedom of speech and religion.

§ 23.1-2405. Additional powers of the Authority; operation of projects.

A. The Authority may acquire, plan, design, construct, own, rent as landlord or tenant, operate, control, remove, renovate, enlarge, equip, and maintain, directly or through stock or nonstock corporations or other entities, any project as defined in this chapter. Such projects may be owned or operated by the Authority or other parties or jointly by the Authority and other parties and may be operated within or outside the Commonwealth, so long as (i) their operations are necessary or desirable to assist the Authority in carrying out its public purposes within the Commonwealth and (ii) any private benefit resulting to any such other private parties from any such project is merely incidental to the public benefit of the project.

B. In the operation of hospitals and other health care and related facilities, the Authority may make and enforce all policies, procedures, and regulations necessary or desirable for such operation, including those relating to the conditions under which the privilege of practicing may be available in such facilities, the admission and treatment of patients, the procedures for determining the qualification of patients for indigent care or other programs, and the protection of patients and employees, provided that such policies, procedures, and regulations do not discriminate on the basis of race, religion, color, sex, *sexual orientation*, *gender identity*, or national origin.

§ 23.1-2415. Employees of the Authority.

A. Employees of the Authority shall be employed on such terms and conditions as established by the Authority. The board shall develop and adopt policies and procedures that afford its employees grievance rights, ensure that employment

decisions are based upon the merit and fitness of applicants, and prohibit discrimination on the basis of race, religion, color, sex, *sexual orientation*, *gender identity*, or national origin.

B. The Authority shall issue a written notice to all individuals whose employment is transferred to the Authority. The date upon which such written notice is issued is referred to in this section as the "Option Date." Each individual whose employment is transferred to the Authority may, by written request made within 180 days of the Option Date, elect not to become employed by the Authority. Any employee of MCV Hospitals who (i) elects not to become employed by the Authority; (ii) is not reemployed by any department, institution, board, commission, or agency of the Commonwealth; (iii) is not offered alternative employment by the Authority; (iv) is not offered a position with the Authority for which the employee is qualified; or (v) is offered a position by the Authority that requires relocation or a reduction in salary is eligible for the severance benefits conferred by the provisions of the Workforce Transition Act (§ 2.2-3200 et seq.). Any employee who accepts employment with the Authority has voluntarily separated from state employment and is not eligible for the severance benefits conferred by the provisions of the Workforce Transition Act.

C. Without limiting its power generally with respect to employees, the Authority may employ any University employee utilized in the operation of the hospital facilities and assume obligations under any employment agreement for such employee, and the University may assign any such contract to the Authority.

D. The Authority and the University may enter into agreements providing for the purchase of services of University employees utilized in the operation of the hospital facilities by paying agreed-upon amounts to cover all or part of the salaries and other costs of such employees.

E. Notwithstanding any other provision of law to the contrary, any employee whose employment is transferred to the Authority as a result of this chapter and who is a member of any plan for providing health insurance coverage pursuant to Chapter 28 (§ 2.2-2800 et seq.) of Title 2.2 shall continue to be a member of such health insurance plan under the same terms and conditions of such plan.

F. Notwithstanding subsection A of § 2.2-2818, the costs of providing health insurance coverage to employees who elect to continue to be members of the state employees' health insurance plan shall be paid by the Authority.

G. Any employee of the Authority may elect to become a member of any health insurance plan established by the Authority. The Authority may (i) establish a health insurance plan for the benefit of its employees, residents, and interns and (ii) enter into an agreement with the Department of Human Resource Management providing for the coverage of its employees, interns, and residents under the state employees' health insurance plan, provided that such agreement requires the Authority to pay the costs of providing health insurance coverage under such plan.

H. Notwithstanding any other provision of law to the contrary, any employee whose employment is transferred to the Authority as a result of this chapter and who is a member of the Virginia Retirement System or another retirement plan as authorized by Article 4 (§ 51.1-125 et seq.) of Chapter 1 of Title 51.1 shall continue to be a member of the Virginia Retirement System or such other authorized retirement plan under the same terms and conditions of such plan. Any such employee and any employee employed by the Authority between July 1, 1997, and June 30, 1998, who elected to be covered by the Virginia Retirement System may elect, during an open enrollment period from April 1, 2001, through April 30, 2001, to become a member of the retirement plan established by the Authority for the benefit of its employees pursuant to § 23.1-2416 by transferring assets equal to the actuarially determined present value of the accrued basic benefit as of the transfer date. The Authority shall reimburse the Virginia Retirement System for the actual cost of actuarial services necessary to determine the present value of the accrued basic benefit of employees who elect to transfer to the Authority's retirement plan. The following rules shall apply to such transfers:

1. With respect to any transferred employee who elects to remain a member of the Virginia Retirement System or another authorized retirement plan, the Authority shall collect and pay all employee and employer contributions to the Virginia Retirement System or such other authorized retirement plan for retirement in accordance with the provisions of Chapter 1 (§ 51.1-124.1 et seq.) of Title 51.1 for such transferred employees.

2. Transferred employees who elect to become members of the retirement plan established by the Authority for the benefit of its employees shall be given full credit for their creditable service as defined in § 51.1-124.3, vesting and benefit accrual under the retirement plan established by the Authority. For any such employee, employment with the Authority shall be treated as employment with any nonparticipating employer for purposes of the Virginia Retirement System or other retirement plan as authorized by Article 4 (§ 51.1-125 et seq.) of Chapter 1 of Title 51.1.

3. For transferred employees who elect to become members of the retirement plan established by the Authority, the Virginia Retirement System or other such authorized plan shall transfer to the retirement plan established by the Authority assets equal to the actuarially determined present value of the accrued basic benefit as of the transfer date. For the purposes of such calculation, the basic benefit is the benefit accrued under the Virginia Retirement System or another authorized retirement plan based on creditable service and average final compensation as defined in § 51.1-124.3 and determined as of the transfer date. The actuarial present value shall be determined on the same basis, using the same actuarial factors and assumptions used in determining the funding needs of the Virginia Retirement System or such other authorized retirement plan so that the transfer of assets to the retirement plan established by the Authority has no effect on the funded status and financial stability of the Virginia Retirement System or other such authorized retirement plan.

§ 23.1-3011. Discrimination prohibited.

In hiring practices and in the procurement of goods and services, the Medical School shall not discriminate against any person on the basis of race, color, religion, national origin, sex, *sexual orientation*, *gender identity*, pregnancy, childbirth or related medical conditions, age, marital status, or disability.

§ 23.1-3138. Procurement and information technology.

A. The Authority shall be exempt from the provisions of the Virginia Public Procurement Act (§ 2.2-4300 et seq.), except for § 2.2-4342, which shall not be construed to require compliance with the prequalification application procedures of subsection B of § 2.2-4317, if it adopts and complies with policies for the procurement of goods and services, including professional services, that (i) are based upon competitive principles; (ii) in each instance seek competition to the maximum practical degree; (iii) implement a system of competitive negotiation for professional services pursuant to §§ 2.2-4303.1 and 2.2-4302.2; (iv) prohibit discrimination in the solicitation and award of contracts based on the bidder's or offeror's race, religion, color, sex, *sexual orientation*, *gender identity*, national origin, age, or disability or on any other basis prohibited by state or federal law; (v) incorporate the prompt payment principles of §§ 2.2-4350 and 2.2-4354; (vi) consider the impact on correctional enterprises under § 53.1-47; (vii) provide that whenever solicitations are made seeking competitive procurement of goods or services, it shall be a priority of the Authority to provide for fair and reasonable consideration of small, women-owned, and minority-owned businesses and to promote and encourage a diversity of suppliers; and (viii) identify the public, educational, and operational interests served by any procurement rule that deviates from procurement rules in the Virginia Public Procurement Act (§ 2.2-4300 et seq.).

B. The Authority shall be exempt from the provisions governing the Virginia Information Technologies Agency in Chapter 20.1 (§ 2.2-2005 et seq.) of Title 2.2 and the provisions governing the Information Technology Advisory Council in Article 35 (§ 2.2-2699.5 et seq.) of Chapter 26 of Title 2.2, if it adopts and complies with policies and professional best practices regarding strategic planning for information technology, project management, security, budgeting, infrastructure, and ongoing operations.

§ 36-55.26. Definitions.

As used in this chapter ~~the following words and terms have the following meanings, unless a different meaning clearly appears from the context requires a different meaning:~~

"Bonds," "notes," "bond anticipation notes," and "other obligations" mean any bonds, notes, debentures, interim certificates, or other evidences of financial indebtedness issued by HDA pursuant to this chapter.

"City" means any city or town in the Commonwealth.

"County" means any county in the Commonwealth.

"Earned surplus" shall have the same meaning as in generally accepted accounting standards.

"Economically mixed project" means residential housing or housing development, which may consist of one or more buildings located on contiguous or noncontiguous parcels that the HDA determines to finance as a single economically mixed project, to be occupied by persons and families of low and moderate income and by other persons and families as the HDA shall determine.

"Federal government" means the United States of America or any agency or instrumentality, corporate or otherwise, of the United States of America.

"Federal mortgage" means a mortgage loan for land development for residential housing or residential housing made by the United States or an instrumentality thereof or for which there is a commitment by the United States of America or an instrumentality thereof to make such a mortgage loan.

"Federally insured mortgage" means a mortgage loan for land development for residential housing or residential housing insured or guaranteed by the United States or an instrumentality thereof, or a commitment by the United States or an instrumentality thereof to insure such a mortgage.

"HDA" means the Virginia Housing Development Authority created and established pursuant to § 36-55.27 ~~of this chapter.~~

"Housing development costs" means the sum total of all costs incurred in the development of a housing development, which are approved by the HDA as reasonable and necessary, which costs shall include, but are not necessarily limited to: fair value of land owned by the sponsor, or cost of land acquisition and any buildings thereon, including payments for options, deposits, or contracts to purchase properties on the proposed housing site or payments for the purchase of such properties; cost of site preparation, demolition and development; architecture, engineering, legal, accounting, HDA, and other fees paid or payable in connection with the planning, execution and financing of the housing development; cost of necessary studies, surveys, plans and permits; insurance, interest; financing, tax and assessment costs and other operating and carrying costs during construction; cost of construction, rehabilitation, reconstruction, fixtures, furnishings, equipment, machinery and apparatus related to the real property; cost of land improvements, including without limitation, landscaping and off-site improvements, whether or not such costs have been paid in cash or in a form other than cash; necessary expenses in connection with initial occupancy of the housing development; a reasonable profit and risk fee in addition to job overhead to the general contractor and, if applicable, a limited profit housing sponsor; an allowance established by HDA for working capital and contingency reserves, and reserves for any anticipated operating deficits during the first two years of occupancy; in the case of an economically mixed project within a revitalization area designated in or pursuant to § 36-55.30:2, the costs of any nonhousing buildings that are financed in conjunction with such project and that are incidental to such project or are determined by such governing body to be necessary or appropriate for the revitalization of such area or for the industrial, commercial or other economic development of such area; the cost of such other items,

including tenant relocation, if such tenant relocation costs are not otherwise being provided for, as HDA shall determine to be reasonable and necessary for the development of the housing development, less any and all net rents and other net revenues received from the operation of the real and personal property on the development site during construction.

"Housing development" or "housing project" means any work or undertaking, whether new construction or rehabilitation, which is designed and financed pursuant to the provisions of this chapter for the primary purpose of providing sanitary, decent, and safe dwelling accommodations for persons and families of low or moderate income in need of housing and, in the case of an economically mixed project, other persons and families; such undertaking may include any buildings, land, equipment, facilities, or other real or personal properties which are necessary, convenient, or desirable appurtenances, such as but not limited to streets, sewers, utilities, parks, site preparation, landscaping, and such offices, and other nonhousing facilities incidental or related to such development or project such as administrative, community, health, nursing care, medical, educational and recreational facilities as HDA determines to be necessary, convenient, or desirable. For the purposes of this chapter, medical and related facilities for the residence and care of the aged shall be deemed to be dwelling accommodations.

"Housing lender" means any bank or trust company, mortgage banker approved by the Federal National Mortgage Association, savings bank, national banking association, savings and loan association or building and loan association, mortgage broker, mortgage company, mortgage lender, life insurance company, credit union, agency or authority of the Commonwealth or any other state, or locality authorized to finance housing loans on properties located in or outside of the Commonwealth to persons and families of any income.

"Housing sponsor" means individuals, joint ventures, partnerships, limited partnerships, public bodies, trusts, firms, associations, or other legal entities or any combination thereof, corporations, cooperatives and condominiums, approved by HDA as qualified either to own, construct, acquire, rehabilitate, operate, manage or maintain a housing development whether nonprofit or organized for limited profit subject to the regulatory powers of HDA and other terms and conditions set forth in this chapter.

"Land development" means the process of acquiring land for residential housing construction, and of making, installing, or constructing nonresidential housing improvements, including, without limitation, waterlines and water supply installations, sewer lines and sewage disposal and treatment installations, steam, gas and electric lines and installations, roads, streets, curbs, gutters, sidewalks, storm drainage facilities, other related pollution control facilities, and other installations or works, whether on or off the site, which HDA deems necessary or desirable to prepare such land primarily for residential housing construction within the Commonwealth.

"Loan servicer" means any person who, on behalf of a housing lender, collects or receives payments, including payments of principal, interest, escrow amounts, and other amounts due, on obligations due and owing to the housing lender pursuant to a residential mortgage loan or who, when the borrower is in default or in foreseeable likelihood of default, works on behalf of the housing lender with the borrower to modify or refinance, either temporarily or permanently, the obligations in order to avoid foreclosure or otherwise to finalize collection through the foreclosure process.

"Mortgage" means a mortgage deed, deed of trust, or other security instrument which shall constitute a lien in the Commonwealth on improvements and real property in fee simple, on a leasehold under a lease having a remaining term, which at the time such mortgage is acquired does not expire for at least that number of years beyond the maturity date of the interest-bearing obligation secured by such mortgage as is equal to the number of years remaining until the maturity date of such obligation or on personal property, contract rights or other assets.

"Mortgage lender" means any bank or trust company, mortgage banker approved by the Federal National Mortgage Association, savings bank, national banking association, savings and loan association, or building and loan association, life insurance company, the federal government or other financial institutions or government agencies which are authorized to and customarily provide service or otherwise aid in the financing of mortgages on residential housing located in the Commonwealth for persons and families of low or moderate income.

"Mortgage loan" means an interest-bearing obligation secured by a mortgage.

"Multifamily residential housing" means residential housing other than single-family residential housing, as hereinafter defined.

"Municipality" means any city, town, county, or other political subdivision of the Commonwealth.

"Nonhousing building" means a building or portion thereof and any related improvements and facilities used or to be used for manufacturing, industrial, commercial, governmental, educational, entertainment, community development, health care, or nonprofit enterprises or undertakings other than residential housing.

"Persons and families of low and moderate income" means persons and families, irrespective of race, creed, national origin ~~or~~, sex, *sexual orientation*, or *gender identity*, determined by the HDA to require such assistance as is made available by this chapter on account of insufficient personal or family income taking into consideration, without limitation, such factors as follows: (i) the amount of the total income of such persons and families available for housing needs, (ii) the size of the family, (iii) the cost and condition of housing facilities available, (iv) the ability of such persons and families to compete successfully in the normal private housing market and to pay the amounts at which private enterprise is providing sanitary, decent and safe housing, and (v) if appropriate, standards established for various federal programs determining eligibility based on income of such persons and families.

"Real property" means all lands, including improvements and fixtures thereon, and property of any nature appurtenant thereto, or used in connection therewith, and every estate, interest and right, legal or equitable, therein, including terms for years and liens by way of judgment, mortgage or otherwise and the indebtedness secured by such liens.

"Residential housing" means a specific work or improvement within the Commonwealth, whether multifamily residential housing or single-family residential housing undertaken primarily to provide dwelling accommodations, including the acquisition, construction, rehabilitation, preservation or improvement of land, buildings and improvements thereto, for residential housing, and such other nonhousing facilities as may be incidental, related, or appurtenant thereto. For the purposes of this chapter, medical and related facilities for the residence and care of the aged shall be deemed to be dwelling accommodations.

"Single-family residential housing" means residential housing consisting of four or fewer dwelling units, the person or family owning or intending to acquire such dwelling units, upon completion of the construction, rehabilitation, or improvement thereof, also occupying or intending to occupy one of such dwelling units.

§ 36-96.1. Declaration of policy.

A. This chapter shall be known and referred to as the Virginia Fair Housing Law.

B. It is the policy of the Commonwealth of Virginia to provide for fair housing throughout the Commonwealth, to all its citizens, regardless of race, color, religion, national origin, sex, elderliness, familial status, *sexual orientation*, *gender identity*, or handicap, and to that end to prohibit discriminatory practices with respect to residential housing by any person or group of persons, in order that the peace, health, safety, prosperity, and general welfare of all the inhabitants of the Commonwealth may be protected and insured. This law shall be deemed an exercise of the police power of the Commonwealth of Virginia for the protection of the people of the Commonwealth.

§ 36-96.1:1. Definitions.

For the purposes of this chapter, unless the context clearly indicates otherwise:

"Aggrieved person" means any person who (i) claims to have been injured by a discriminatory housing practice or (ii) believes that such person will be injured by a discriminatory housing practice that is about to occur.

"Assistance animal" means an animal that works, provides assistance, or performs tasks for the benefit of a person with a disability, or provides emotional support that alleviates one or more identified symptoms or effects of a person's disability. Assistance animals perform many disability-related functions, including guiding individuals who are blind or have low vision, alerting individuals who are deaf or hard of hearing to sounds, providing protection or rescue assistance, pulling a wheelchair, fetching items, alerting persons to impending seizures, or providing emotional support to persons with disabilities who have a disability-related need for such support. An assistance animal is not required to be individually trained or certified. While dogs are the most common type of assistance animal, other animals can also be assistance animals. An assistance animal is not a pet.

"Complainant" means a person, including the Fair Housing Board, who files a complaint under § 36-96.9.

"Conciliation" means the attempted resolution of issues raised by a complainant, or by the investigation of such complaint, through informal negotiations involving the aggrieved person, the respondent, their respective authorized representatives, and the Fair Housing Board.

"Conciliation agreement" means a written agreement setting forth the resolution of the issues in conciliation.

"Discriminatory housing practices" means an act that is unlawful under § 36-96.3, 36-96.4, 36-96.5, or 36-96.6.

"Dwelling" means any building, structure, or portion thereof, that is occupied as, or designated or intended for occupancy as, a residence by one or more families, and any vacant land that is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.

"Elderliness" means an individual who has attained his fifty-fifth birthday.

"Familial status" means one or more individuals who have not attained the age of 18 years being domiciled with (i) a parent or other person having legal custody of such individual or individuals or (ii) the designee of such parent or other person having custody with the written permission of such parent or other person. The term "familial status" also includes any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of 18 years. For purposes of this section, "in the process of securing legal custody" means having filed an appropriate petition to obtain legal custody of such minor in a court of competent jurisdiction.

"Family" includes a single individual, whether male or female.

"Handicap" means, with respect to a person, (i) a physical or mental impairment that substantially limits one or more of such person's major life activities; (ii) a record of having such an impairment; or (iii) being regarded as having such an impairment. The term does not include current, illegal use of or addiction to a controlled substance as defined in Virginia or federal law. For the purposes of this chapter, the terms "handicap" and "disability" shall be interchangeable.

"Lending institution" includes any bank, savings institution, credit union, insurance company, or mortgage lender.

"Major life activities" means, but shall not be limited to, any the following functions: caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

"Person" means one or more individuals, whether male or female, corporations, partnerships, associations, labor organizations, fair housing organizations, civil rights organizations, organizations, governmental entities, legal representatives, mutual companies, joint stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers and fiduciaries.

"Physical or mental impairment" means, but shall not be limited to, any of the following: (i) any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; or endocrine or (ii) any mental or psychological disorder, such as an intellectual or developmental disability, organic brain syndrome, emotional or mental illness, or specific learning disability. "Physical or mental impairment" includes such diseases and conditions as orthopedic, visual, speech, and hearing impairments; cerebral palsy; autism; epilepsy; muscular dystrophy; multiple sclerosis; cancer; heart disease; diabetes; human immunodeficiency virus infection; intellectual and developmental disabilities; emotional illness; drug addiction other than addiction caused by current, illegal use of a controlled substance; and alcoholism.

"Respondent" means any person or other entity alleged to have violated the provisions of this chapter, as stated in a complaint filed under the provisions of this chapter and any other person joined pursuant to the provisions of § 36-96.9.

"Restrictive covenant" means any specification in any instrument affecting title to real property that purports to limit the use, occupancy, transfer, rental, or lease of any dwelling because of race, color, religion, national origin, sex, elderliness, familial status, *sexual orientation*, *gender identity*, or handicap.

"To rent" means to lease, to sublease, to let, or otherwise to grant for consideration the right to occupy premises not owned by the occupant.

§ 36-96.2. Exemptions.

A. Except as provided in subdivision A 3 of § 36-96.3 and subsections A, B, and C of § 36-96.6, this chapter shall not apply to any single-family house sold or rented by an owner, provided that such private individual does not own more than three single-family houses at any one time. In the case of the sale of any single-family house by a private individual-owner not residing in the house at the time of the sale or who was not the most recent resident of the house prior to sale, the exemption granted shall apply only with respect to one such sale within any 24-month period; provided that such bona fide private individual owner does not own any interest in, nor is there owned or reserved on his behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of, more than three such single-family houses at any one time. The sale or rental of any such single-family house shall be exempt from the application of this chapter only if the house is sold or rented (i) without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent, salesperson, or of the facilities or the services of any person in the business of selling or renting dwellings, or of any employee, independent contractor, or agent of any broker, agent, salesperson, or person and (ii) without the publication, posting, or mailing, after notice, of any advertisement or written notice in violation of this chapter. However, nothing herein shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other professional assistance as necessary to perfect or transfer the title. This exemption shall not apply to or inure to the benefit of any licensee of the Real Estate Board or regulant of the Fair Housing Board, regardless of whether the licensee is acting in his personal or professional capacity.

B. Except for subdivision A 3 of § 36-96.3, this chapter shall not apply to rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence.

C. Nothing in this chapter shall prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised, or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental, or occupancy of dwellings that it owns or operates for other than a commercial purpose to persons of the same religion; or from giving preferences to such persons, unless membership in such religion is restricted on account of race, color, national origin, sex, elderliness, familial status, *sexual orientation*, *gender identity*, or handicap. Nor shall anything in this chapter apply to a private membership club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodging ~~which~~ that it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members. Nor, where matters of personal privacy are involved, shall anything in this chapter be construed to prohibit any private, state-owned, or state-supported educational institution, hospital, nursing home, *or* religious or correctional institution; from requiring that persons of both sexes not occupy any single-family residence or room or unit of dwellings or other buildings, or restrooms in such room or unit in dwellings or other buildings, which it owns or operates.

D. Nothing in this chapter prohibits conduct against a person because such person has been convicted by any court of competent jurisdiction of the illegal manufacture or distribution of a controlled substance as defined in federal law.

E. It shall not be unlawful under this chapter for any owner to deny or limit the rental of housing to persons who pose a clear and present threat of substantial harm to others or to the dwelling itself.

F. A rental application may require disclosure by the applicant of any criminal convictions and the owner or managing agent may require as a condition of acceptance of the rental application that applicant consent in writing to a criminal record check to verify the disclosures made by applicant in the rental application. The owner or managing agent may collect from the applicant moneys to reimburse the owner or managing agent for the exact amount of the out-of-pocket costs for such criminal record checks. Nothing in this chapter shall require an owner or managing agent to rent a dwelling to an individual who, based on a prior record of criminal convictions involving harm to persons or property, would constitute a clear and present threat to the health or safety of other individuals.

G. Nothing in this chapter limits the applicability of any reasonable local, state, or federal restriction regarding the maximum number of occupants permitted to occupy a dwelling. Owners or managing agents of dwellings may develop and

implement reasonable occupancy and safety standards based on factors such as the number and size of sleeping areas or bedrooms and overall size of a dwelling unit so long as the standards do not violate local, state, or federal restrictions. Nothing in this chapter prohibits the rental application or similar document from requiring information concerning the number, ages, sex, and familial relationship of the applicants and the dwelling's intended occupants.

§ 36-96.3. Unlawful discriminatory housing practices.

A. It shall be an unlawful discriminatory housing practice for any person:

1. To refuse to sell or rent after the making of a bona fide offer or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, national origin, sex, elderliness, ~~or~~ familial status, *sexual orientation, or gender identity*;

2. To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in the connection therewith to any person, because of race, color, religion, national origin, sex, elderliness, ~~or~~ familial status, *sexual orientation, or gender identity*;

3. To make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling, that indicates any preference, limitation, or discrimination or an intention to make any such preference, limitation, or discrimination ~~based on the basis of~~ race, color, religion, national origin, sex, elderliness, familial status, *sexual orientation, gender identity*, or handicap. The use of words or symbols associated with a particular religion, national origin, sex, or race shall be prima facie evidence of an illegal preference under this chapter ~~which that~~ shall not be overcome by a general disclaimer. However, reference alone to places of worship including, but not limited to, churches, synagogues, temples, or mosques in any such notice, statement, or advertisement shall not be prima facie evidence of an illegal preference;

4. To represent to any person because of race, color, religion, national origin, sex, elderliness, familial status, *sexual orientation, gender identity*, or handicap that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available;

5. To deny any person access to membership in or participation in any multiple listing service, real estate brokers' organization, or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against such person in the terms or conditions of such access, membership, or participation, because of race, color, religion, national origin, sex, elderliness, familial status, *sexual orientation, gender identity*, or handicap;

6. To include in any transfer, sale, rental, or lease of housing; any restrictive covenant that discriminates because of race, color, religion, national origin, sex, elderliness, familial status, *sexual orientation, gender identity*, or handicap or for any person to honor or exercise, or attempt to honor or exercise, any such discriminatory covenant pertaining to housing;

7. To induce or attempt to induce to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, national origin, sex, elderliness, familial status, *sexual orientation, gender identity*, or handicap;

8. To refuse to sell or rent, or refuse to negotiate for the sale or rental of, or otherwise discriminate or make unavailable or deny a dwelling because of a handicap of (i) the buyer or renter; (ii) a person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or (iii) any person associated with the buyer or renter; *or*

9. To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith because of a handicap of (i) that person; (ii) a person residing in or intending to reside in that dwelling after it was so sold, rented, or made available; or (iii) any person associated with that buyer or renter.

B. For the purposes of this section, discrimination includes: (i) a refusal to permit, at the expense of the handicapped person, reasonable modifications of existing premises occupied or to be occupied by any person if such modifications may be necessary to afford such person full enjoyment of the premises; except that, in the case of a rental, the landlord may, where it is reasonable to do so, condition permission for a modification on the renter's agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted; (ii) a refusal to make reasonable accommodations in rules, practices, policies, or services when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling; or (iii) in connection with the design and construction of covered multi-family dwellings for first occupancy after March 13, 1991, a failure to design and construct dwellings in such a manner that:

1. The public use and common use areas of the dwellings are readily accessible to and usable by handicapped persons;

2. All the doors designed to allow passage into and within all premises are sufficiently wide to allow passage by handicapped persons in wheelchairs; and

3. All premises within covered multi-family dwelling units contain an accessible route into and through the dwelling; light switches, electrical outlets, thermostats, and other environmental controls are in accessible locations; there are reinforcements in the bathroom walls to allow later installation of grab bars; and there are usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space. As used in this subdivision, the term "covered multi-family dwellings" means buildings consisting of four or more units if such buildings have one or more elevators and ground floor units in other buildings consisting of four or more units.

C. Compliance with the appropriate requirements of the American National Standards for Building and Facilities (commonly cited as "ANSI A117.1") or with any other standards adopted as part of regulations promulgated by HUD

providing accessibility and usability for physically handicapped people shall be deemed to satisfy the requirements of subdivision B 3.

D. Nothing in this chapter shall be construed to invalidate or limit any Virginia law or regulation ~~which~~ *that* requires dwellings to be designed and constructed in a manner that affords handicapped persons greater access than is required by this chapter.

§ 36-96.4. Discrimination in residential real estate-related transactions; unlawful practices by lenders, insurers, appraisers, etc.; deposit of state funds in such institutions.

A. It ~~shall be~~ *is* unlawful for any person or other entity, including any lending institution, whose business includes engaging in residential real estate-related transactions, to discriminate against any person in making available such a transaction, or in the terms or conditions of such a transaction, or in the manner of providing such a transaction, because of race, color, religion, national origin, sex, elderliness, familial status, *sexual orientation*, *gender identity*, or handicap. It ~~shall~~ *is* not be unlawful, however, for any person or other entity whose business includes engaging in residential real estate transactions to require any applicant to qualify financially for the loan or loans for which such person is making application.

B. As used in this section, the term "residential real estate-related transaction" means any of the following:

1. The making or purchasing of loans or providing other financial assistance (i) for purchasing, constructing, improving, repairing, or maintaining a dwelling or (ii) secured by residential real estate; or

2. The selling, brokering, insuring, or appraising of residential real property. However, nothing in this chapter shall prohibit a person engaged in the business of furnishing appraisals of real property to take into consideration factors other than race, color, religion, national origin, sex, elderliness, familial status, *sexual orientation*, *gender identity*, or handicap.

C. It shall be unlawful for any state, county, city, or municipal treasurer or governmental official whose responsibility it is to account for, to invest, or manage public funds to deposit or cause to be deposited any public funds in any lending institution provided for herein which is found to be committing discriminatory practices, where such findings were upheld by any court of competent jurisdiction. Upon such a court's judicial enforcement of any order to restrain a practice of such lending institution or for said institution to cease or desist in a discriminatory practice, the appropriate fiscal officer or treasurer of the Commonwealth or any political subdivision thereof which has funds deposited in any lending institution which is practicing discrimination, as set forth herein, shall take immediate steps to have the said funds withdrawn and redeposited in another lending institution. If for reasons of sound economic management, this action will result in a financial loss to the Commonwealth or any of its political subdivisions, the action may be deferred for a period not longer than one year. If the lending institution in question has corrected its discriminatory practices, any prohibition set forth in this section shall not apply.

§ 36-96.6. Certain restrictive covenants void; instruments containing such covenants.

A. Any restrictive covenant and any related reversionary interest, purporting to restrict occupancy or ownership of property on the basis of race, color, religion, national origin, sex, elderliness, familial status, *sexual orientation*, *gender identity*, or handicap, whether heretofore or hereafter included in an instrument affecting the title to real or leasehold property, are declared to be void and contrary to the public policy of the Commonwealth.

B. Any person who is asked to accept a document affecting title to real or leasehold property may decline to accept the same if it includes such a covenant or reversionary interest until the covenant or reversionary interest has been removed from the document. Refusal to accept delivery of an instrument for this reason shall not be deemed a breach of a contract to purchase, lease, mortgage, or otherwise deal with such property.

C. No person shall solicit or accept compensation of any kind for the release or removal of any covenant or reversionary interest described in subsection A. Any person violating this subsection shall be liable to any person injured thereby in an amount equal to the greater of three times the compensation solicited or received, or \$500, plus reasonable ~~attorneys'~~ attorney fees and costs incurred.

D. A family care home, foster home, or group home in which individuals with physical handicaps, mental illness, intellectual disability, or developmental disability reside, with one or more resident counselors or other staff persons, shall be considered for all purposes residential occupancy by a single family when construing any restrictive covenant which purports to restrict occupancy or ownership of real or leasehold property to members of a single family or to residential use or structure.

§ 37.2-707. Employment and qualifications of directors of state facilities.

The Commissioner shall employ a director for each state facility who shall be skilled in facility management and administration and who shall meet requirements that may be determined by the Commissioner. However, the director need not be a physician.

Any director of a state facility employed or reemployed by the Commissioner after July 1, 2002, may be employed as a classified employee or under a contract that specifies the terms and conditions of employment, including compensation, benefits, duties and responsibilities, performance standards, evaluation criteria, and contract termination and renewal provisions. The length of employment contracts shall be two years, with provisions for annual renewals thereafter based on the performance of the incumbent. Any director of a state facility employed by the Commissioner before July 1, 1999, may elect to continue his current employment status subject to the provisions of the Virginia Personnel Act, Chapter 29 (§ 2.2-2900 et seq.) of Title 2.2, or he may choose to be employed under a contract. Any director of a state facility employed under an employment contract shall be exempt from the Virginia Personnel Act, yet he shall remain subject to the provisions

of the State Grievance Procedure (§ 2.2-3000 et seq.). Personnel actions under this exemption shall be taken without regard to race, sex, *sexual orientation*, *gender identity*, color, national origin, religion, age, disability, or political affiliation.

Each director shall be responsible to the Commissioner or his designee for the safe, efficient, and effective operation of his state facility. Each director shall take any actions consistent with law necessary to ensure that his facility complies with all applicable federal and state statutes, regulations, policies, and agreements. The Commissioner shall evaluate the performance of each director of a state facility at least annually.

Whenever any act required by law to be performed by a director employed hereunder constitutes the practice of medicine, as defined in § 54.1-2900, and the director is not a licensed physician, the act shall be performed by a licensed physician designated by the director.

§ 38.2-508.2. Discrimination prohibited.

No person shall refuse to issue or refuse to continue a life insurance policy on the life of any individual solely because of that individual's race, color, *sexual orientation*, *gender identity*, religion, national origin, or ~~gender sex~~.

§ 38.2-2114. Grounds and procedure for termination of policy; contents of notice; review by Commissioner; exceptions; immunity from liability.

A. Notwithstanding the provisions of § 38.2-2105, no policy or contract written to insure owner-occupied dwellings shall be canceled by an insurer unless written notice is mailed or delivered to the named insured at the address stated in the policy, or is delivered electronically to the address provided by the named insured, and cancellation is for one of the following reasons:

1. Failure to pay the premium when due;
2. Conviction of a crime arising out of acts increasing the probability that a peril insured against will occur;
3. Discovery of fraud or material misrepresentation;
4. Willful or reckless acts or omissions increasing the probability that a peril insured against will occur as determined from a physical inspection of the insured premises;
5. Physical changes in the property which result in the property becoming uninsurable as determined from a physical inspection of the insured premises; or
6. Foreclosure efforts by the secured party against the subject property covered by the policy that have resulted in the sale of the property by a trustee under a deed of trust as duly recorded in the land title records of the jurisdiction in which the property is located.

B. No policy or contract written to insure owner-occupied dwellings shall be terminated by an insurer by refusal to renew except at the expiration of the stated policy period or term and unless the insurer or its agent acting on behalf of the insurer mails or delivers to the named insured, at the address stated in the policy, or delivers electronically to the address provided by the named insured, written notice of the insurer's refusal to renew the policy or contract.

C. A written notice of cancellation of or refusal to renew a policy or contract written to insure owner-occupied dwellings shall:

1. State the date that the insurer proposes to terminate the policy or contract, which shall be at least 30 days after mailing or delivering to the named insured the notice of cancellation or refusal to renew. However, when the policy is being terminated for the reason set forth in subdivision A 1 ~~of subsection A of this section~~, the date that the insurer proposes to terminate the policy may be less than 30 days but at least 10 days from the date of mailing or delivery;

2. State the specific reason for terminating the policy or contract and provide for the notification required by the provisions of §§ 38.2-608 and 38.2-609 and subsection B of § 38.2-610. However, those notification requirements shall not apply when the policy is being canceled or not renewed for the reason set forth in subdivision A 1 ~~of subsection A of this section~~;

3. Advise the insured that within 10 days of receipt of the notice of termination he may request in writing that the Commissioner review the action of the insurer in terminating the policy or contract;

4. Advise the insured of his possible eligibility for fire insurance coverage through the Virginia Property Insurance Association; and

5. Be in a type size authorized by § 38.2-311.

D. Within 10 days of receipt of the notice of termination any insured or his attorney shall be entitled to request in writing to the Commissioner that he review the action of the insurer in terminating a policy or contract written to insure owner-occupied dwellings. Upon receipt of the request, the Commissioner shall promptly initiate a review to determine whether the insurer's cancellation or refusal to renew complies with the requirements of this section and of § 38.2-2113, if sent by mail or delivered electronically. The policy shall remain in full force and effect during the pendency of the review by the Commissioner except where the cancellation or refusal to renew is for reason of nonpayment of premium, in which case the policy shall terminate as of the date stated in the notice. Where the Commissioner finds from the review that the cancellation or refusal to renew has not complied with the requirements of this section or of § 38.2-2113, if sent by mail or delivered electronically, he shall immediately notify the insurer, the insured, and any other person to whom notice of cancellation or refusal to renew was required to be given by the terms of the policy that the cancellation or refusal to renew is not effective. Nothing in this section authorizes the Commissioner to substitute his judgment as to underwriting for that of the insurer.

E. Nothing in this section shall apply:

1. To any policy written to insure owner-occupied dwellings that has been in effect for less than 90 days when the notice of termination is mailed or delivered to the insured, unless it is a renewal policy;

2. If the insurer or its agent acting on behalf of the insurer has manifested its willingness to renew by issuing or offering to issue a renewal policy, certificate or other evidence of renewal, or has otherwise manifested its willingness to renew in writing to the insured. The written manifestation shall include the name of a proposed insurer, the expiration date of the policy, the type of insurance coverage, and information regarding the estimated renewal premium;

3. If the named insured or his duly constituted attorney-in-fact has notified the insurer or its agent orally, or in writing, if the insurer requires such notification to be in writing, that he wishes the policy to be canceled, or that he does not wish the policy to be renewed, or if, prior to the date of expiration, he fails to accept the offer of the insurer to renew the policy;

4. To any contract or policy written through the Virginia Property Insurance Association or any residual market facility established pursuant to Chapter 27 (§ 38.2-2700 et seq.) ~~of this title~~; or

5. If an affiliated insurer has manifested its willingness to provide coverage at a lower premium than would have been charged for the same exposures on the expiring policy. The affiliated insurer shall manifest its willingness to provide coverage by issuing a policy with the types and limits of coverage at least equal to those contained in the expiring policy unless the named insured has requested a change in coverage or limits. When such offer is made by an affiliated insurer, an offer of renewal shall not be required of the insurer of the expiring policy, and the policy issued by the affiliated insurer shall be deemed to be a renewal policy.

F. Each insurer shall maintain, for at least one year, records of cancellation and refusal to renew and copies of every notice or statement referred to in subsection E ~~of this section~~ that it sends to any of its insureds.

G. There shall be no liability on the part of and no cause of action of any nature shall arise against the Commissioner or his subordinates; any insurer, its authorized representative, its agents, or its employees; or any firm, person or corporation furnishing to the insurer information as to reasons for cancellation or refusal to renew, for any statement made by any of them in complying with this section or for providing information pertaining to the cancellation or refusal to renew.

H. Nothing in this section requires an insurer to renew a policy written to insure owner-occupied dwellings, if the insured does not conform to the occupational or membership requirements of an insurer who limits its writings to an occupation or membership of an organization.

I. No insurer or agent shall refuse to renew a policy written to insure an owner-occupied dwelling, solely because of any one or more of the following factors:

1. Age;
2. Sex;
3. Residence;
4. Race;
5. Color;
6. Creed;
7. National origin;
8. Ancestry;
9. Marital status;
10. *Sexual orientation*;
11. *Gender identity*;

12. Lawful occupation, including the military service; however, nothing in this subsection shall require any insurer to renew a policy for an insured where the insured's occupation has changed so as to increase materially the risk;

~~13.~~ 13. Credit information contained in a "consumer report," as defined in the federal Fair Credit Reporting Act, 15 U.S.C. § 1681 et seq., bearing on a natural person's creditworthiness, credit standing or credit capacity. If credit information is used, in part, as the basis for the nonrenewal, such credit information shall be based on a consumer report procured within 120 days from the effective date of the nonrenewal;

~~14.~~ 14. Any claim resulting primarily from natural causes;

~~15.~~ 15. One or more claims that were incurred more than 60 months immediately prior to the expiration of the current policy period; or

~~16.~~ 16. Any inquiry from an insured about his insurance coverage or policy provisions. For purposes of this subdivision, "inquiry" means a written or oral communication by an insured seeking information regarding coverage or policy provisions that does not notify the insurer of a loss, incident or accident, and that does not provide information indicating an increase in the hazard insured against. An insurer shall not report any inquiry as a claim to a loss history database maintained by a consumer reporting agency or insurance support organization.

Nothing in this section prohibits any insurer from setting rates in accordance with relevant actuarial data.

J. No insurer shall cancel or refuse to renew a policy written to insure an owner-occupied dwelling because an insured under the policy is a foster parent and foster children reside at the insured dwelling.

§ 38.2-2115. Discrimination in issuance of fire insurance.

No insurer or agent shall refuse to issue a policy solely because of any one or more of the following factors: the age, sex, residence, race, color, creed, national origin, ancestry, marital status, *sexual orientation*, *gender identity*, or lawful occupation, including the military service, of the person seeking insurance. Nothing in this section prohibits any insurer from limiting the issuance of policies to those who are residents of this Commonwealth, nor does it prohibit any insurer

from limiting the issuance of policies only to persons engaging in or who have engaged in a particular profession or occupation, or who are members of a particular religious sect. Nothing in this section prohibits any insurer from setting rates in accordance with relevant actuarial data.

§ 38.2-2212. Grounds and procedure for cancellation of or refusal to renew motor vehicle insurance policies; review by Commissioner.

A. The following definitions shall apply to this section:

"Cancellation" or "to cancel" means a termination of a policy during the policy period.

"Insurer" means any insurance company, association, or exchange licensed to transact motor vehicle insurance in this Commonwealth.

"Policy of motor vehicle insurance" or "policy" means a policy or contract for bodily injury or property damage liability insurance issued or delivered in this Commonwealth covering liability arising from the ownership, maintenance, or use of any motor vehicle, insuring as the named insured one individual or husband and wife who are residents of the same household, and under which the insured vehicle designated in the policy is either:

~~a.~~ 1. A motor vehicle of a private passenger, station wagon, or motorcycle type that is not used commercially, rented to others, or used as a public or livery conveyance where the term "public or livery conveyance" does not include car pools, or

~~b.~~ 2. Any other four-wheel motor vehicle which is not used in the occupation, profession, or business, other than farming, of the insured, or as a public or livery conveyance, or rented to others. The term "policy of motor vehicle insurance" or "policy" does not include (i) any policy issued through the Virginia Automobile Insurance Plan, (ii) any policy covering the operation of a garage, sales agency, repair shop, service station, or public parking place, (iii) any policy providing insurance only on an excess basis, or (iv) any other contract providing insurance to the named insured even though the contract may incidentally provide insurance on motor vehicles.

"Renewal" or "to renew" means (i) the issuance and delivery by an insurer of a policy superseding at the end of the policy period a policy previously issued and delivered by the same insurer, providing types and limits of coverage at least equal to those contained in the policy being superseded, or (ii) the issuance and delivery of a certificate or notice extending the term of a policy beyond its policy period or term with types and limits of coverage at least equal to those contained in the policy. Each renewal shall conform with the requirements of the manual rules and rating program currently filed by the insurer with the Commission. Except as provided in subsection K, any policy with a policy period or term of less than 12 months or any policy with no fixed expiration date shall for the purpose of this section be considered as if written for successive policy periods or terms of six months from the original effective date.

B. This section shall apply only to that portion of a policy of motor vehicle insurance providing the coverage required by §§ 38.2-2204, 38.2-2205, and 38.2-2206.

C. 1. No insurer shall refuse to renew a motor vehicle insurance policy solely because of any one or more of the following factors:

- a. Age;
- b. Sex;
- c. Residence;
- d. Race;
- e. Color;
- f. Creed;
- g. National origin;
- h. Ancestry;
- i. Marital status;
- j. *Sexual orientation*;
- k. *Gender identity*;

l. Lawful occupation, including the military service;

~~k.~~ m. Lack of driving experience, or number of years driving experience;

~~l.~~ n. Lack of supporting business or lack of the potential for acquiring such business;

~~m.~~ o. One or more accidents or violations that occurred more than 48 months immediately preceding the upcoming anniversary date;

~~n.~~ p. One or more claims submitted under the uninsured motorists coverage of the policy where the uninsured motorist is known or there is physical evidence of contact;

~~o.~~ q. A single claim by a single insured submitted under the medical expense coverage due to an accident for which the insured was neither wholly nor partially at fault;

~~p.~~ r. One or more claims submitted under the comprehensive or towing coverages. However, nothing in this section shall prohibit an insurer from modifying or refusing to renew the comprehensive or towing coverages at the time of renewal of the policy on the basis of one or more claims submitted by an insured under those coverages, provided that the insurer shall mail or deliver to the insured at the address shown in the policy, or deliver electronically to the address provided by the named insured, written notice of any such change in coverage at least 45 days prior to the renewal;

~~q.~~ s. Two or fewer motor vehicle accidents within a three-year period unless the accident was caused either wholly or partially by the named insured, a resident of the same household, or other customary operator;

~~¶~~ *t.* Credit information contained in a "consumer report," as defined in the federal Fair Credit Reporting Act, 15 U.S.C. § 1681 et seq., bearing on a natural person's creditworthiness, credit standing or credit capacity. If credit information is used, in part, as the basis for the nonrenewal, such credit information shall be based on a consumer report procured within 120 days from the effective date of the nonrenewal. The provisions of this subdivision shall apply only to insurance purchased primarily for personal, family, or household purposes;

~~§~~ *u.* The refusal of a motor vehicle owner as defined in § 46.2-1088.6 to provide access to recorded data from a recording device as defined in § 46.2-1088.6; or

~~¶~~ *v.* The status of the person as a foster care provider or a person in foster care.

2. Nothing in this section shall require any insurer to renew a policy for an insured where the insured's occupation has changed so as to materially increase the risk. Nothing contained in subdivisions 1 ~~h~~ *p*, ~~o~~ *q*, and ~~p~~ *r* shall prohibit an insurer from refusing to renew a policy where a claim is false or fraudulent. Nothing in this section prohibits any insurer from setting rates in accordance with relevant actuarial data.

D. No insurer shall cancel a policy except for one or more of the following reasons:

1. The named insured or any other operator who either resides in the same household or customarily operates a motor vehicle insured under the policy has had his driver's license suspended or revoked during the policy period or, if the policy is a renewal, during its policy period or the 90 days immediately preceding the last effective date.

2. The named insured fails to pay the premium for the policy or any installment of the premium, whether payable to the insurer or its agent either directly or indirectly under any premium finance plan or extension of credit.

3. The named insured or his duly constituted attorney-in-fact has notified the insurer of a change in the insured's legal residence to a state other than Virginia and the insured vehicle will be principally garaged in the new state of legal residence.

E. No cancellation or refusal to renew by an insurer of a policy of motor vehicle insurance shall be effective unless the insurer delivers or mails to the named insured at the address shown in the policy a written notice of the cancellation or refusal to renew, or the insurer delivers such notice electronically to the address provided by the named insured. The notice shall:

1. Be in a type size authorized under § 38.2-311.

2. State the effective date of the cancellation or refusal to renew. The effective date of cancellation or refusal to renew shall be at least 45 days after mailing or delivering to the insured the notice of cancellation or notice of refusal to renew. However, when the policy is being canceled or not renewed for the reason set forth in subdivision D 2 the effective date may be less than 45 days but at least 15 days from the date of mailing or delivery.

3. State the specific reason of the insurer for cancellation or refusal to renew and provide for the notification required by §§ 38.2-608, 38.2-609, and subsection B of § 38.2-610. However, those notification requirements shall not apply when the policy is being canceled or not renewed for the reason set forth in subdivision D 2.

4. Inform the insured of his right to request in writing within 15 days of the receipt of the notice that the Commissioner review the action of the insurer.

The notice of cancellation or refusal to renew shall contain the following statement to inform the insured of such right:

IMPORTANT NOTICE

Within 15 days of receiving this notice, you or your attorney may request in writing that the Commissioner of Insurance review this action to determine whether the insurer has complied with Virginia laws in canceling or nonrenewing your policy. If this insurer has failed to comply with the cancellation or nonrenewal laws, the Commissioner may require that your policy be reinstated. However, the Commissioner is prohibited from making underwriting judgments. If this insurer has complied with the cancellation or nonrenewal laws, the Commissioner does not have the authority to overturn this action.

5. Inform the insured of the possible availability of other insurance which may be obtained through his agent, through another insurer, or through the Virginia Automobile Insurance Plan.

6. If sent by mail or delivered electronically, comply with the provisions of § 38.2-2208.

Nothing in this subsection prohibits any insurer or agent from including in the notice of cancellation or refusal to renew, any additional disclosure statements required by state or federal laws, or any additional information relating to the availability of other insurance.

F. Nothing in this section shall apply:

1. If the insurer or its agent acting on behalf of the insurer has manifested its willingness to renew by issuing or offering to issue a renewal policy, certificate, or other evidence of renewal, or has manifested its willingness to renew in writing to the insured. The written manifestation shall include the name of a proposed insurer, the expiration date of the policy, the type of insurance coverage, and information regarding the estimated renewal premium. The insurer shall retain a copy of each written manifestation for a period of at least one year from the expiration date of any policy that is not renewed;

2. If the named insured, or his duly constituted attorney-in-fact, has notified the insurer or its agent orally, or in writing, if the insurer requires such notification to be in writing, that he wishes the policy to be canceled or that he does not wish the policy to be renewed, or if prior to the date of expiration he fails to accept the offer of the insurer to renew the policy;

3. To any motor vehicle insurance policy which has been in effect less than 60 days when the termination notice is mailed or delivered to the insured, unless it is a renewal policy; or

4. If an affiliated insurer has manifested its willingness to provide coverage at a lower premium than would have been charged for the same exposures on the expiring policy. The affiliated insurer shall manifest its willingness to provide coverage by issuing a policy with the types and limits of coverage at least equal to those contained in the expiring policy

unless the named insured has requested a change in coverage or limits. When such offer is made by an affiliated insurer, an offer of renewal shall not be required of the insurer of the expiring policy, and the policy issued by the affiliated insurer shall be deemed to be a renewal policy.

G. There shall be no liability on the part of and no cause of action of any nature shall arise against the Commissioner or his subordinates; any insurer, its authorized representatives, its agents, or its employees; or any person furnishing to the insurer information as to reasons for cancellation or refusal to renew, for any statement made by any of them in complying with this section or for providing information pertaining to the cancellation or refusal to renew. For the purposes of this section, no insurer shall be required to furnish a notice of cancellation or refusal to renew to anyone other than the named insured, any person designated by the named insured, or any other person to whom such notice is required to be given by the terms of the policy and the Commissioner.

H. Within 15 days of receipt of the notice of cancellation or refusal to renew, any insured or his attorney shall be entitled to request in writing to the Commissioner that he review the action of the insurer in canceling or refusing to renew the policy of the insured. Upon receipt of the request, the Commissioner shall promptly begin a review to determine whether the insurer's cancellation or refusal to renew complies with the requirements of this section and of § 38.2-2208 if the notice was sent by mail or delivered electronically. The policy shall remain in full force and effect during the pendency of the review by the Commissioner except where the cancellation or refusal to renew is for the reason set forth in subdivision D 2, in which case the policy shall terminate as of the effective date stated in the notice. Where the Commissioner finds from the review that the cancellation or refusal to renew has not complied with the requirements of this section or of § 38.2-2208, he shall immediately notify the insurer, the insured and any other person to whom such notice was required to be given by the terms of the policy that the cancellation or refusal to renew is not effective. Nothing in this section authorizes the Commissioner to substitute his judgment as to underwriting for that of the insurer. Where the Commissioner finds in favor of the insured, the Commission in its discretion may award the insured reasonable ~~attorneys'~~ attorney fees.

I. Each insurer shall maintain for at least one year, records of cancellation and refusal to renew and copies of every notice or statement referred to in subsection E that it sends to any of its insureds.

J. The provisions of this section shall not apply to any insurer that limits the issuance of policies of motor vehicle liability insurance to one class or group of persons engaged in any one particular profession, trade, occupation, or business. Nothing in this section requires an insurer to renew a policy of motor vehicle insurance if the insured does not conform to the occupational or membership requirements of an insurer who limits its writings to an occupation or membership of an organization. No insurer is required to renew a policy if the insured becomes a nonresident of Virginia.

K. Notwithstanding any other provision of this section, a motor vehicle insurance policy with a policy period or term of five months or less may expire at its expiration date when the insurer has manifested in writing its willingness to renew the policy for at least 30 days and has mailed or delivered the written manifestation to the insured at least 15 days before the expiration date of the policy. The written manifestation shall include the name of the proposed insurer, the expiration date of the policy, the type of insurance coverage, and the estimated renewal premium. The insurer shall retain a copy of the written manifestation for at least one year from the expiration date of any policy that is not renewed.

§ 38.2-2213. Discrimination in issuance of motor vehicle insurance.

No insurer or agent shall refuse to issue a motor vehicle insurance policy as defined in § 38.2-2212 solely because of any one or more of the following factors: the age, sex, residence, race, color, creed, national origin, ancestry, marital status, *sexual orientation*, *gender identity*, status of a person as a foster care provider or a person in foster care, or lawful occupation, including the military service, of the person seeking the coverage. Nothing in this section prohibits any insurer from limiting the issuance of motor vehicle insurance policies to those who are residents of this Commonwealth nor does this section prohibit any insurer from limiting the issuance of motor vehicle insurance policies only to persons engaging in or who have engaged in a particular profession or occupation, or who are members of a particular religious sect. Nothing in this section prohibits any insurer from setting rates in accordance with relevant actuarial data.

§ 38.2-3407.10. Health care provider panels.

A. As used in this section:

"Carrier" means:

1. Any insurer proposing to issue individual or group accident and sickness insurance policies providing hospital, medical and surgical or major medical coverage on an expense incurred basis;
2. Any corporation providing individual or group accident and sickness subscription contracts;
3. Any health maintenance organization providing health care plans for health care services;
4. Any corporation offering prepaid dental or optometric services plans; or
5. Any other person or organization that provides health benefit plans subject to state regulation, and includes an entity that arranges a provider panel for compensation.

"Enrollee" means any person entitled to health care services from a carrier.

"Provider" means a hospital, physician or any type of provider licensed, certified or authorized by statute to provide a covered service under the health benefit plan.

"Provider panel" means those providers with which a carrier contracts to provide health care services to the carrier's enrollees under the carrier's health benefit plan. However, such term does not include an arrangement between a carrier and providers in which any provider may participate solely on the basis of the provider's contracting with the carrier to provide services at a discounted fee-for-service rate.

B. Any such carrier that offers a provider panel shall establish and use it in accordance with the following requirements:

1. Notice of the development of a provider panel in the Commonwealth or local service area shall be filed with the Department of Health Professions.

2. Carriers shall provide a provider application and the relevant terms and conditions to a provider upon request.

C. A carrier that uses a provider panel shall establish procedures for:

1. Notifying an enrollee of:

a. The termination from the carrier's provider panel of the enrollee's primary care provider who was furnishing health care services to the enrollee; and

b. The right of an enrollee upon request to continue to receive health care services for a period of up to 90 days from the date of the primary care provider's notice of termination from a carrier's provider panel, except when a provider is terminated for cause.

2. Notifying a provider at least 90 days prior to the date of the termination of the provider, except when a provider is terminated for cause.

3. Providing reasonable notice to primary care providers in the carrier's provider panel of the termination of a specialty referral services provider.

4. Notifying the purchaser of the health benefit plan, whether such purchaser is an individual or an employer providing a health benefit plan, in whole or in part, to its employees and enrollees of the health benefit plan of:

a. A description of all types of payment arrangements that the carrier uses to compensate providers for health care services rendered to enrollees, including, but not limited to, withholds, bonus payments, capitation and fee-for-service discounts; and

b. The terms of the plan in clear and understandable language that reasonably informs the purchaser of the practical application of such terms in the operation of the plan.

D. Whenever a provider voluntarily terminates his contract with a carrier to provide health care services to the carrier's enrollees under a health benefit plan, he shall furnish reasonable notice of such termination to his patients who are enrollees under such plan.

E. A carrier may not deny an application for participation or terminate participation on its provider panel on the basis of gender, race, age, *sexual orientation*, *gender identity*, religion or national origin.

F. 1. For a period of at least 90 days from the date of the notice of a provider's termination from the carrier's provider panel, except when a provider is terminated for cause, the provider shall be permitted by the carrier to render health care services to any of the carrier's enrollees who:

a. Were in an active course of treatment from the provider prior to the notice of termination; and

b. Request to continue receiving health care services from the provider.

2. Notwithstanding the provisions of subdivision 1, any provider shall be permitted by the carrier to continue rendering health services to any enrollee who has entered the second trimester of pregnancy at the time of a provider's termination of participation, except when a provider is terminated for cause. Such treatment shall, at the enrollee's option, continue through the provision of postpartum care directly related to the delivery.

3. Notwithstanding the provisions of subdivision 1, any provider shall be permitted by the carrier to continue rendering health services to any enrollee who is determined to be terminally ill (as defined under § 1861 (dd)(3)(A) of the Social Security Act) at the time of a provider's termination of participation, except when a provider is terminated for cause. Such treatment shall, at the enrollee's option, continue for the remainder of the enrollee's life for care directly related to the treatment of the terminal illness.

4. A carrier shall reimburse a provider under this subsection in accordance with the carrier's agreement with such provider existing immediately before the provider's termination of participation.

G. 1. A carrier shall provide to a purchaser upon enrollment and make available to existing enrollees at least once a year a list of members in its provider panel, which list shall also indicate those providers who are not currently accepting new patients. Such list may be made available in a form other than a printed document, provided the purchaser or existing enrollee is given the means to request and receive a printed copy of such list.

2. The information provided under subdivision 1 shall be updated at least once a year if in paper form, and monthly if in electronic form.

H. No contract between a carrier and a provider may require that the provider indemnify the carrier for the carrier's negligence, willful misconduct, or breach of contract, if any.

I. No contract between a carrier and a provider shall require a provider, as a condition of participation on the panel, to waive any right to seek legal redress against the carrier.

J. No contract between a carrier and a provider shall prohibit, impede or interfere in the discussion of medical treatment options between a patient and a provider.

K. A contract between a carrier and a provider shall permit and require the provider to discuss medical treatment options with the patient.

L. Any carrier requiring preauthorization for medical treatment shall have personnel available to provide such preauthorization at all times when such preauthorization is required.

M. Carriers shall provide to their group policyholders written notice of any benefit reductions during the contract period at least 60 days before such benefit reductions become effective. Group policyholders shall, in turn, provide to their enrollees written notice of any benefit reductions during the contract period at least 30 days before such benefit reductions become effective. Such notice shall be provided to the group policyholder as a separate and distinct notification, and may not be combined with any other notification or marketing materials.

N. No contract between a provider and a carrier shall include provisions that require a health care provider or health care provider group to deny covered services that such provider or group knows to be medically necessary and appropriate that are provided with respect to a specific enrollee or group of enrollees with similar medical conditions.

O. If a provider panel contract between a provider and a carrier, or other entity that provides hospital, physician or other health care services to a carrier, includes provisions that require a provider, as a condition of participating in one of the carrier's or other entity's provider panels, to participate in any other provider panel owned or operated by that carrier or other entity, the contract shall contain a provision permitting the provider to refuse participation in one or more such other provider panels at the time the contract is executed. If a provider contracts with a carrier or other entity that subsequently contracts with one or more unaffiliated carriers to include such provider in the provider panels of such unaffiliated carriers, and which permits an unaffiliated carrier to impose participation terms with respect to such provider that differ materially in reimbursement rates or in managed care procedures, such as conducting economic profiling or requiring a patient to obtain primary care physician referral to a specialist, from the terms agreed to by the provider in the original contract, the provider panel contract shall contain a provision permitting the provider to refuse participation with any such unaffiliated carrier. Utilization review pursuant to Article 1.2 (§ 32.1-137.7 et seq.) of Chapter 5 of Title 32.1 shall not constitute a materially different managed care procedure. This subsection shall apply to provider panels utilized by health maintenance organizations and preferred provider organizations. For purposes of this subsection, "preferred provider organization" means a carrier that offers preferred provider contracts or policies as defined in § 38.2-3407 or preferred provider subscription contracts as defined in § 38.2-4209. The status of a physician as a member of or as being eligible for other existing or new provider panels shall not be adversely affected by the exercise of such right to refuse participation. This subsection shall not apply to the Medallion II and children's health insurance plan administered by or pursuant to contract with the Department of Medical Assistance Services.

P. A carrier that rents or leases its provider panel to unaffiliated carriers shall make available, upon request, to its providers a list of unaffiliated carriers that rent or lease its provider panel. Such list if available in electronic format shall be updated monthly. The provider shall be given the means to request and receive a printed copy of such list.

Q. The Commission shall have no jurisdiction to adjudicate controversies arising out of this section.

R. The requirements of this section shall apply to all insurance policies, contracts, and plans delivered, issued for delivery, reissued, or extended on or after July 1, 1996. However, the 90-day period referred to in subdivisions C 1 b and C 2 of this section, the requirements set forth in subdivisions F 2 and F 3, and the requirements set forth in subsections L, M, and N shall apply to contracts between carriers and providers that are entered into or renewed on or after July 1, 1999, the requirements set forth in subsection O shall apply to contracts between carriers and providers that are entered into, reissued, extended or renewed on or after July 1, 2001, and the requirements set forth in subsection P shall be effective on and after January 1, 2007.

§ 40.1-121. Requisites of apprenticeship agreement.

Every apprenticeship agreement entered into under this chapter shall contain:

1. The names, signatures, and addresses of the contracting parties;
2. The date of birth of the apprentice;
3. The contact information of the Program Sponsor and the Division of Registered Apprenticeship;
4. A statement of the occupation or business that the apprentice is to be taught and the time at which the apprenticeship will begin and end;
5. A statement showing the number of hours to be spent by the apprentice in work and the number of hours to be spent in related or supplemental instruction;
6. A statement setting forth a schedule of the processes in the occupation or industry division in which the apprentice is to be taught and the approximate time to be spent at each process;
7. A statement of the graduated scale of wages to be paid the apprentice and whether the required related instruction shall be compensated;
8. A statement providing for a period of probation of not less than 500 hours of employment and instruction extending over not less than four months, during which time the apprenticeship agreement shall be terminated by the Commissioner at the request in writing of either party, and providing that after such probationary period the apprenticeship agreement may be terminated by the Commissioner by mutual agreement of all parties thereto, or cancelled by the Commissioner for good and sufficient reason;
9. A reference incorporating as part of the agreement the standards of the apprenticeship program as they exist on the date of the agreement and as they may be amended during the period of the agreement;
10. A statement that the apprentice will be accorded equal opportunity in all phases of apprenticeship employment and training without discrimination on the basis of race, color, religion, national origin, ~~or~~ sex, *sexual orientation, or gender identity*;

11. Contact information, including name, address, phone number, and email if appropriate, of the appropriate authority designated under the program to receive, process, and make disposition of controversies or differences arising out of the apprenticeship agreement when the controversies or differences cannot be adjusted locally or resolved in accordance with the established procedure or applicable collective bargaining provisions;

12. A provision that an employer who is unable to fulfill his obligation under the apprentice agreement may, with the approval of the Commissioner, transfer such contract to any other employer if (i) the apprentice consents, (ii) such other employer agrees to assume the obligations of the apprentice agreement, and (iii) the transfer is reported to the registration agency within 30 days of the transfer; and

13. Such additional terms and conditions as may be prescribed or approved by the Commissioner not inconsistent with the provisions of this chapter.

§ 46.2-1503.2. State Personnel and Public Procurement Acts not applicable.

A. The Executive Director and all staff employed by the Board shall be exempt from the Virginia Personnel Act (§ 2.2-2900 et seq.) of Title 2.2. Personnel actions under this exemption shall be taken without regard to race, sex, *sexual orientation*, *gender identity*, color, national origin, religion, age, handicap, or political affiliation.

B. The Board and the Executive Director shall be exempt from the Virginia Public Procurement Act (§ 2.2-4300 et seq.) of Title 2.2.

§ 51.1-124.27. Employees of the Retirement System.

The officers and employees of the Virginia Retirement System shall be exempt from the provisions of § 2.2-1202.1 and of the Virginia Personnel Act (§ 2.2-2900 et seq.). Personnel actions shall be taken without regard to race, sex, *sexual orientation*, *gender identity*, color, national origin, religion, age, handicap, or political affiliation.

§ 51.5-166. Eligibility criteria.

The Commissioner shall establish eligibility criteria for services to be applied by programs awarded grants pursuant to this article. Such criteria shall provide that:

1. Eligibility shall be determined without regard to sex, *sexual orientation*, *gender identity*, race, national origin, religion, or type of impairment of the person applying for the service;

2. Preference shall be given to applicants for services whose impairments are so severe that they do not presently have the potential for employment, but whose ability to live and function independently within their family settings or communities may be improved by the services for which they have applied; and

3. Services shall not be provided to people who are eligible for prevocational or supported employment services through a Medicaid home and community based waiver program.

§ 51.5-170. Eligibility.

The Commissioner shall adopt written standards for determining eligibility for vocational rehabilitation services provided or funded, in whole or in part, by the Department, which ensure that eligibility is determined without regard to sex, *sexual orientation*, *gender identity*, race, national origin, religion, or type of impairment of the person applying for services and is determined solely by reference to specific written criteria.

§ 55.1-1310. Sale or lease of manufactured home by manufactured home owner.

No landlord shall unreasonably refuse or restrict the sale or rental of a manufactured home located in his manufactured home park by a tenant. No landlord shall prohibit the manufactured home owner from placing a "for sale" sign on or in the owner's home except that the size, placement, and character of all signs are subject to the rules and regulations of the manufactured home park. Prior to selling or leasing the manufactured home, the tenant shall give notice to the landlord, including the name of the prospective vendee or lessee if the prospective vendee or lessee intends to occupy the manufactured home in that manufactured home park. The landlord shall have the burden of proving that his refusal or restriction regarding the sale or rental of a manufactured home was reasonable. The refusal or restriction of the sale or rental of a manufactured home exclusively or predominantly based on the age of the home shall be considered unreasonable. Any refusal or restriction based on race, color, religion, national origin, familial status, elderliness, handicap, ~~or~~ sex, *sexual orientation*, or *gender identity* shall be conclusively presumed to be unreasonable.

§ 58.1-3651. Property exempt from taxation by classification or designation by ordinance adopted by local governing body on or after January 1, 2003.

A. Pursuant to subsection 6 (a)(6) of Article X of the Constitution of Virginia, on and after January 1, 2003, any county, city, or town may by designation or classification exempt from real or personal property taxes, or both, by ordinance adopted by the local governing body, the real or personal property, or both, owned by a nonprofit organization, including a single member limited liability company whose sole member is a nonprofit organization, that uses such property for religious, charitable, patriotic, historical, benevolent, cultural, or public park and playground purposes. The ordinance shall state the specific use on which the exemption is based, and continuance of the exemption shall be contingent on the continued use of the property in accordance with the purpose for which the organization is classified or designated. No exemption shall be provided to any organization that has any rule, regulation, policy, or practice that unlawfully discriminates on the basis of religious conviction, race, color, sex, *sexual orientation*, *gender identity*, or national origin.

B. Any ordinance exempting property by designation pursuant to subsection A shall be adopted only after holding a public hearing with respect thereto, at which citizens shall have an opportunity to be heard. The local governing body shall publish notice of the hearing once in a newspaper of general circulation in the county, city, or town where the real property is located. The notice shall include the assessed value of the real and tangible personal property for which an exemption is

requested as well as the property taxes assessed against such property. The public hearing shall not be held until at least five days after the notice is published in the newspaper. The local governing body shall collect the cost of publication from the organization requesting the property tax exemption. Before adopting any such ordinance the governing body shall consider the following questions:

1. Whether the organization is exempt from taxation pursuant to § 501(c) of the Internal Revenue Code of 1954;
2. Whether a current annual alcoholic beverage license for serving alcoholic beverages has been issued by the Board of Directors of the Virginia Alcoholic Beverage Control Authority to such organization, for use on such property;
3. Whether any director, officer, or employee of the organization is paid compensation in excess of a reasonable allowance for salaries or other compensation for personal services which such director, officer, or employee actually renders;
4. Whether any part of the net earnings of such organization inures to the benefit of any individual, and whether any significant portion of the service provided by such organization is generated by funds received from donations, contributions, or local, state or federal grants. As used in this subsection, donations shall include the providing of personal services or the contribution of in-kind or other material services;
5. Whether the organization provides services for the common good of the public;
6. Whether a substantial part of the activities of the organization involves carrying on propaganda, or otherwise attempting to influence legislation and whether the organization participates in, or intervenes in, any political campaign on behalf of any candidate for public office;
7. The revenue impact to the locality and its taxpayers of exempting the property; and
8. Any other criteria, facts and circumstances that the governing body deems pertinent to the adoption of such ordinance.

C. Any ordinance exempting property by classification pursuant to subsection A shall be adopted only after holding a public hearing with respect thereto, at which citizens shall have an opportunity to be heard. The local governing body shall publish notice of the hearing once in a newspaper of general circulation in the county, city, or town. The public hearing shall not be held until at least five days after the notice is published in the newspaper.

D. Exemptions of property from taxation under this article shall be strictly construed in accordance with Article X, Section 6 (f) of the Constitution of Virginia.

E. Nothing in this section or in any ordinance adopted pursuant to this section shall affect the validity of either a classification exemption or a designation exemption granted by the General Assembly prior to January 1, 2003, pursuant to Article 2 (§ 58.1-3606 et seq.), 3 (§ 58.1-3609 et seq.) or 4 (§ 58.1-3650 et seq.) of this chapter. An exemption granted pursuant to Article 4 (§ 58.1-3650 et seq.) of this chapter may be revoked in accordance with the provisions of § 58.1-3605.

§ 58.1-4024. Employees of the Department.

Employees of the Department shall be exempt from the provisions of the Virginia Personnel Act, Chapter 29 (§ 2.2-2900 et seq.) of Title 2.2. Personnel actions shall be taken without regard to race, sex, *sexual orientation*, *gender identity*, color, national origin, religion, age, handicap, or political affiliation.

§ 62.1-129.1. Employees; employment; personnel rules; health insurance; retirement plans.

A. Employees of the Authority shall be employed on such terms and conditions as established by the Authority. The Board of Commissioners of the Authority shall develop and adopt personnel rules, policies, and procedures to give its employees grievance rights, ensure that employment decisions shall be based upon the merit and fitness of applicants, and prohibit discrimination because of race, religion, color, sex, *sexual orientation*, *gender identity*, or national origin.

B. The Authority shall issue a written notice to its employees regarding the Authority's status. The date upon which such written notice is issued shall be referred to herein as the "option date." Each employee may, by written request made within 180 days of the option date, elect not to become employed by the Authority. Any employee of the Virginia Port Authority who: (i) elects not to become employed by the Authority and who is not reemployed by any other department, institution, board, commission or agency of the Commonwealth; (ii) is not offered the opportunity to remain employed by the Authority; or (iii) is not offered a position with the Authority for which the employee is qualified or is offered a position that requires relocation or a reduction in salary, shall be eligible for the severance benefits conferred by the provisions of the Workforce Transition Act (§ 2.2-3200 et seq.). Any employee who accepts employment with the Authority shall not be considered to be involuntarily separated from state employment and shall not be eligible for the severance benefits conferred by the Workforce Transition Act.

C. Any employee of the Authority who is a member of any plan providing health insurance coverage pursuant to Chapter 28 (§ 2.2-2800 et seq.) of Title 2.2, shall continue to be a member of such health insurance plan under the same terms and conditions. Notwithstanding subsection A of § 2.2-2818, the costs of providing health insurance coverage to such employees who elect to continue to be members of the state employees' health insurance plan shall be paid by the Authority. Alternatively, an employee may elect to become a member of any health insurance plan established by the Authority. The Authority is authorized to: (i) establish a health insurance plan for the benefit of its employees and (ii) enter into agreements with the Department of Human Resource Management providing for the coverage of its employees under the state employees' health insurance plan, provided that such agreement requires the Authority to pay the costs of providing health insurance coverage under such plan.

D. Any retired employee of the Authority shall be eligible to receive the health insurance credit set forth in § 51.1-1400 provided the retired employee meets the eligibility criteria set forth in that section.

E. Any Authority employee who is a member of the Virginia Retirement System or other retirement plan as authorized by Article 4 (§ 51.1-125 et seq.) of Chapter 1 of Title 51.1, shall continue to be a member of the Virginia Retirement System or other authorized retirement plan under the same terms and conditions. Alternatively, such employee may elect to become a member of the retirement program established by the Authority for the benefit of its employees pursuant to § 51.1-126.4. The following rules shall apply:

1. The Authority shall collect and pay all employee and employer contributions to the Virginia Retirement System or other such authorized retirement plan for retirement and group life insurance in accordance with the provisions of Chapter 1 (§ 51.1-124.1 et seq.) of Title 51.1 for any employee who elects to remain a member of the Virginia Retirement System or other such authorized retirement plan.

2. Employees who elect to become members of the alternative retirement plan established by the Authority pursuant to § 51.1-126.4 shall be given full credit for their creditable service as defined in § 51.1-124.3, and vesting and benefit accrual under the retirement plan. For any such employee, employment with the Authority shall be treated as employment with any nonparticipating employer for purposes of the Virginia Retirement System or other retirement plan authorized pursuant to Article 4 (§ 51.1-125 et seq.) of Chapter 1 of Title 51.1.

3. For employees who elect to become members of the alternative retirement plan established by the Authority, the Virginia Retirement System or other such authorized plan shall transfer to the alternative retirement plan established by the Authority, assets equal to the actuarially determined present value of the accrued basic benefits as of the transfer date. For purposes hereof, the "basic benefits" means the benefits accrued under the Virginia Retirement System or other such authorized retirement plan based on creditable service and average final compensation as defined in § 51.1-124.3. The actuarial present value shall be determined by using the same actuarial factors and assumptions used in determining the funding needs of the Virginia Retirement System or other such authorized retirement plan so that the transfer of assets to the alternative retirement plan established by the Authority will have no effect on the funded status and financial stability of the Virginia Retirement System or other such authorized retirement plan. The Authority shall reimburse the Virginia Retirement System for the cost of actuarial services necessary to determine the present value of the accrued basic benefit of employees who transfer to an Authority retirement plan.

4. The Authority may provide that employees of the Authority who are eligible to participate in the deferred compensation plan sponsored by the Authority shall be enrolled automatically in such plan, unless such employee elects, in a manner prescribed by the Board, not to participate. The amount of the deferral under the automatic enrollment and the group of employees to which the automatic enrollment shall apply shall be set by the Board; provided however, that such employees are provided the opportunity to increase or decrease the amount of the deferral in accordance with the Internal Revenue Code of 1986, as amended.

§ 63.2-608. Virginia Initiative for Education and Work (VIEW).

A. The Department shall establish and administer the Virginia Initiative for Education and Work (VIEW) to reduce long-term dependence on welfare, emphasize personal responsibility, and enhance opportunities for personal initiative and self-sufficiency by promoting the value of work. The Department shall endeavor to develop placements for VIEW participants that will enable participants to develop job skills that are likely to result in independent employment and that take into consideration the proficiency, experience, skills, and prior training of a participant.

VIEW shall recognize clearly defined responsibilities and obligations on the part of public assistance recipients and shall include a written agreement of personal responsibility requiring parents to participate in work activities while receiving TANF, earned-income disregards to reduce disincentives to work, and a limit on TANF financial assistance.

VIEW shall require all able-bodied recipients of TANF who do not meet an exemption to participate in a work activity. VIEW shall require eligible TANF recipients to participate in unsubsidized, partially subsidized or fully subsidized employment or other allowable TANF work activity as defined by federal law and enter into an agreement of personal responsibility.

B. To the maximum extent permitted by federal law, and notwithstanding other provisions of Virginia law, the Department and local departments may, through applicable procurement laws and regulations, engage the services of public and private organizations to operate VIEW and to provide services incident to such operation.

C. All VIEW participants shall be under the direction and supervision of a case manager.

D. The Department shall ensure that participants are assigned to one of the following work activities within 90 days after the approval of TANF assistance:

1. Unsubsidized private-sector employment;
2. Subsidized employment, as follows:

a. The Department shall conduct a program in accordance with this section that shall be known as the Full Employment Program (FEP). FEP replaces TANF with subsidized employment. Persons not able to find unsubsidized employment who are otherwise eligible for TANF may participate in FEP unless exempted by this chapter. FEP shall assign participants to subsidized wage-paying private-sector jobs designed to increase the participants' self-sufficiency and improve their competitive position in the workforce.

b. Participants in FEP shall be placed in full-time employment when appropriate and shall be paid by the employer at an hourly rate not less than the federal or state minimum wage, whichever is higher. At no point shall a participant's spendable income received from wages and tax credits be less than the value of TANF received prior to the work placement.

c. Every employer subject to the Virginia unemployment insurance tax shall be eligible for assignment of FEP participants, but no employer shall be required to utilize such participants. Employers shall ensure that jobs made available to FEP participants are in conformity with § 3304(a)(5) of the Federal Unemployment Tax Act. FEP participants cannot be used to displace regular workers.

d. FEP employers shall:

- (i) Endeavor to make FEP placements positive learning and training experiences;
- (ii) Provide on-the-job training to the degree necessary for the participants to perform their duties;
- (iii) Pay wages to participants at the same rate that they are paid to other employees performing the same type of work and having similar experience and employment tenure;
- (iv) Provide sick leave, holiday and vacation benefits to participants to the same extent and on the same basis that they are provided to other employees performing the same type of work and having similar employment experience and tenure;
- (v) Maintain health, safety and working conditions at or above levels generally acceptable in the industry and no less than those in which other employees perform the same type of work;
- (vi) Provide workers' compensation coverage for participants;
- (vii) Encourage volunteer mentors from among their other employees to assist participants in becoming oriented to work and the workplace; and
- (viii) Sign an agreement with the local department outlining the employer requirements to participate in FEP. All agreements shall include notice of the employer's obligation to repay FEP reimbursements in the event the employer violates FEP rules.

e. As a condition of FEP participation, employers shall be prohibited from discriminating against any person, including program participants, on the basis of race, color, sex, *sexual orientation*, *gender identity*, national origin, religion, age, or disability;

3. Part-time or temporary employment;

4. Community work experience, as follows:

a. The Department and local departments shall work with other state, regional and local agencies and governments in developing job placements that serve a useful public purpose as provided in § 482(f) of the Social Security Act, as amended. Placements shall be selected to provide skills and serve a public function. VIEW participants shall not displace regular workers.

b. The number of hours per week for participants shall be determined by combining the total dollar amount of TANF and food stamps and dividing by the minimum wage with a maximum of a work week of 32 hours, of which up to 12 hours of employment-related education and training may substitute for work experience employment; or

5. Any other allowable TANF work activity as defined by federal law.

E. Notwithstanding the provisions of subsections A and D, if a local department determines that a VIEW participant is in need of job skills and would benefit from immediate job skills training, it may place the participant in a program preparing individuals for a high school equivalency examination approved by the Board of Education, a career and technical education program targeted at skills required for particular employment opportunities, or an apprenticeship program developed by the local department in accordance with requirements established by the Department. Eligible participants include those with problems related to obtaining and retaining employment, such as participants (i) with less than a high school education, (ii) whose reading or math skills are at or below the eighth grade level, (iii) who have not retained a job for a period of at least six months during the prior two years, or (iv) who are in a treatment program for a substance abuse problem or are receiving services through a family violence treatment program. The VIEW participant may continue in a high school equivalency examination preparation program, career and technical education program, or apprenticeship program for as long as the local department determines he is progressing satisfactorily and to the extent permitted by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (P.L. 104-193), as amended.

F. Participants may be reevaluated after a period determined by the local department and reassigned to another work component. In addition, the number of hours worked may be reduced by the local department so that a participant may complete additional training or education to further his employability.

G. Local departments shall be authorized to sanction parents up to the full amount of the TANF grant for noncompliance, unless good cause exists.

H. VIEW participants shall not be assigned to projects that require that they travel unreasonable distances from their homes or remain away from their homes overnight without their consent.

Any injury to a VIEW participant arising out of and in the course of community work experience shall be covered by the participant's existing Medicaid coverage. If a community work experience participant is unable to work due to such an accident, his status shall be reviewed to determine whether he is eligible for an exemption from the limitation on TANF financial assistance.

A community work experience participant who becomes incapacitated for 30 days or more shall be eligible for TANF financial assistance for the duration of the incapacity, if otherwise eligible.

The Board shall adopt regulations providing for the accrual of paid sick leave or other equivalent mechanism for community work experience participants.

CHAPTER 1138

An Act to amend and reenact §§ 2.2-3901 and 2.2-3903 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 39 of Title 2.2 a section numbered 2.2-3904, relating to the Virginia Human Rights Act; discrimination on the basis of pregnancy, childbirth, or related medical conditions; reasonable accommodation for the known limitations of persons related to pregnancy, childbirth, or related medical conditions.

[H 827]

Approved April 11, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-3901 and 2.2-3903 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Chapter 39 of Title 2.2 a section numbered 2.2-3904 as follows:

§ 2.2-3901. Unlawful discriminatory practice and gender discrimination defined.

Conduct that violates any Virginia or federal statute or regulation governing discrimination on the basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, or disability shall be an "unlawful discriminatory practice" for the purposes of this chapter.

The terms "because of sex or gender" or "on the basis of sex or gender" or terms of similar import when used in reference to discrimination in the Code and acts of the General Assembly include because of or on the basis of pregnancy, childbirth or related medical conditions, *including lactation*. Women affected by pregnancy, childbirth or related medical conditions shall be treated the same for all purposes as persons not so affected but similar in their abilities or disabilities.

For purposes of this chapter, "lactation" means a condition that may result in the feeding of a child directly from the breast or the expressing of milk from the breast.

§ 2.2-3903. Causes of action for unlawful discharge on the basis of race, color, religion, national origin, sex, or age; other causes of action not created.

A. Nothing in this chapter or in Article 4 (§ 2.2-520 et seq.) of Chapter 5 creates, nor shall it be construed to create, an independent or private cause of action to enforce its provisions, except as specifically provided in subsections B and C and § 2.2-3904.

B. No employer employing more than five but less than 15 persons shall discharge any such employee on the basis of race, color, religion, national origin, ~~or sex; pregnancy, childbirth or related medical conditions, including lactation~~. No employer employing more than five but less than 20 persons shall discharge any such employee on the basis of age if the employee is 40 years of age or older. ~~For the purposes of this section, "lactation" means a condition that may result in the feeding of a child directly from the breast or the expressing of milk from the breast.~~

C. The employee may bring an action in a general district or circuit court having jurisdiction over the employer who allegedly discharged the employee in violation of this section. Any such action shall be brought within 300 days from the date of the discharge or, if the employee has filed a complaint with the Division of Human Rights of the Department of Law or a local human rights or human relations agency or commission within 300 days of the discharge, such action shall be brought within 90 days from the date that the Division or a local human rights or human relations agency or commission has rendered a final disposition on the complaint. The court may award up to 12 months' back pay with interest at the judgment rate as provided in § 6.2-302. However, if the court finds that either party engaged in tactics to delay resolution of the complaint, it may (i) diminish the award or (ii) award back pay to the date of judgment without regard to the 12-month limitation.

In any case where the employee prevails, the court shall award attorney fees from the amount recovered, not to exceed 25 percent of the back pay awarded. The court shall not award other damages, compensatory or punitive, nor shall it order reinstatement of the employee.

D. Causes of action based upon the public policies reflected in this chapter shall be exclusively limited to those actions, procedures, and remedies, if any, afforded by applicable federal or state civil rights statutes or local ordinances. Nothing in this section or § 2.2-3900 *or 2.2-3904* shall be deemed to alter, supersede, or otherwise modify the authority of the Division or of any local human rights or human relations commissions established pursuant to § 15.2-853 or 15.2-965.

§ 2.2-3904. Causes of action for unlawful discrimination related to pregnancy, childbirth, or related medical conditions.

A. *As used in this section:*

"Employer" means any person, or agent of such person, employing five or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year.

"Lactation" means lactation as defined in § 2.2-3901.

"Reasonable accommodation" includes more frequent or longer bathroom breaks, breaks to express breast milk, access to a private location other than a bathroom for the expression of breast milk, acquisition or modification of equipment or access to or modification of employee seating, a temporary transfer to a less strenuous or hazardous position, assistance with manual labor, job restructuring, a modified work schedule, light duty assignments, and leave to recover from childbirth.

"Related medical conditions" includes lactation.

B. *No employer shall:*

1. Fail or refuse to hire, discharge, or otherwise discriminate against any individual with respect to such individual's compensation, terms, conditions, or privileges of employment on the basis of pregnancy, childbirth, or related medical conditions.

2. Refuse to make reasonable accommodation to the known limitations of a person related to pregnancy, childbirth, or related medical conditions, unless the employer can demonstrate that the accommodation would impose an undue hardship on the employer.

a. In determining whether an accommodation would constitute an undue hardship on the employer, the following shall be considered:

(1) Hardship on the conduct of the employer's business, considering the nature of the employer's operation, including composition and structure of the employer's workforce;

(2) The size of the facility where employment occurs; and

(3) The nature and cost of the accommodations needed.

b. The fact that the employer provides or would be required to provide a similar accommodation to other classes of employees shall create a rebuttable presumption that the accommodation does not impose an undue hardship on the employer.

3. Take adverse action against an employee who requests or uses a reasonable accommodation pursuant to this section. As used in this subdivision, "adverse action" includes failure to reinstate any such employee to her previous position or an equivalent position with equivalent pay, seniority, and other benefits when her need for a reasonable accommodation ceases.

4. Deny employment or promotion opportunities to an otherwise qualified applicant or employee because such employer will be required to make reasonable accommodation to the known limitations of such applicant or employee related to pregnancy, childbirth, or related medical conditions.

5. Require an employee to take leave if another reasonable accommodation can be provided to the known limitations related to the pregnancy, childbirth, or related medical conditions of such employee.

C. Each employer shall engage in a timely, good faith interactive process with an employee who has requested an accommodation pursuant to this section to determine if the requested accommodation is reasonable and, if such accommodation is determined not to be reasonable, discuss alternative accommodations that may be provided.

D. An employer shall post in a conspicuous location and include in any employee handbook information concerning (i) the prohibition against unlawful discrimination on the basis of pregnancy, childbirth, or related medical conditions and (ii) an employee's rights to reasonable accommodation for known limitations related to pregnancy, childbirth, or related medical conditions. Such information shall also be directly provided to (a) new employees upon commencement of their employment and (b) any employee within 10 days of such employee's providing notice to the employer that she is pregnant.

E. An employee or applicant who has been denied any of the rights afforded under subsection B may bring an action in a general district or circuit court having jurisdiction over the employer that allegedly denied such rights. Any such action shall be brought within two years from the date of the unlawful denial of rights, or, if the employee or applicant has filed a complaint with the Division of Human Rights of the Department of Law or a local human rights or human relations agency or commission within two years of the unlawful denial of rights, such action shall be brought within 90 days from the date that the Division or a local human rights or human relations agency or commission has rendered a final disposition on the complaint.

If the court or jury finds that an unlawful denial of rights afforded under subsection B has occurred, the court or jury may award to the plaintiff, as the prevailing party, compensatory damages, back pay, and other equitable relief. The court may also award reasonable attorney fees and costs and may grant as relief any permanent or temporary injunction, temporary restraining order, or other order, including an order enjoining the defendant from engaging in such practice, or order such affirmative action as may be appropriate.

F. The provisions of this section regarding the provision of reasonable accommodation for known limitations related to pregnancy, childbirth, and related medical conditions shall not be construed to affect any other provision of law relating to discrimination on the basis of sex or pregnancy.

2. That all employers shall provide the notice required by subsection D of § 2.2-3904 of the Code of Virginia, as created by this act, to all existing employees of such employer within 120 days of the effective date of this act.

CHAPTER 1139

An Act to amend and reenact §§ 2.2-3901 and 2.2-3903 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 39 of Title 2.2 a section numbered 2.2-3904, relating to the Virginia Human Rights Act; discrimination on the basis of pregnancy, childbirth, or related medical conditions; reasonable accommodation for the known limitations of persons related to pregnancy, childbirth, or related medical conditions.

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-3901 and 2.2-3903 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Chapter 39 of Title 2.2 a section numbered 2.2-3904 as follows:

§ 2.2-3901. Unlawful discriminatory practice and gender discrimination defined.

Conduct that violates any Virginia or federal statute or regulation governing discrimination on the basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, or disability shall be an "unlawful discriminatory practice" for the purposes of this chapter.

The terms "because of sex or gender" or "on the basis of sex or gender" or terms of similar import when used in reference to discrimination in the Code and acts of the General Assembly include because of or on the basis of pregnancy, childbirth or related medical conditions, *including lactation*. Women affected by pregnancy, childbirth or related medical conditions shall be treated the same for all purposes as persons not so affected but similar in their abilities or disabilities.

For purposes of this chapter, "lactation" means a condition that may result in the feeding of a child directly from the breast or the expressing of milk from the breast.

§ 2.2-3903. Causes of action for unlawful discharge on the basis of race, color, religion, national origin, sex, or age; other causes of action not created.

A. Nothing in this chapter or in Article 4 (§ 2.2-520 et seq.) of Chapter 5 creates, nor shall it be construed to create, an independent or private cause of action to enforce its provisions, except as specifically provided in subsections B and C and § 2.2-3904.

B. No employer employing more than five but less than 15 persons shall discharge any such employee on the basis of race, color, religion, national origin, *or sex; pregnancy, childbirth or related medical conditions, including lactation*. No employer employing more than five but less than 20 persons shall discharge any such employee on the basis of age if the employee is 40 years of age or older. ~~For the purposes of this section, "lactation" means a condition that may result in the feeding of a child directly from the breast or the expressing of milk from the breast.~~

C. The employee may bring an action in a general district or circuit court having jurisdiction over the employer who allegedly discharged the employee in violation of this section. Any such action shall be brought within 300 days from the date of the discharge or, if the employee has filed a complaint with the Division of Human Rights of the Department of Law or a local human rights or human relations agency or commission within 300 days of the discharge, such action shall be brought within 90 days from the date that the Division or a local human rights or human relations agency or commission has rendered a final disposition on the complaint. The court may award up to 12 months' back pay with interest at the judgment rate as provided in § 6.2-302. However, if the court finds that either party engaged in tactics to delay resolution of the complaint, it may (i) diminish the award or (ii) award back pay to the date of judgment without regard to the 12-month limitation.

In any case where the employee prevails, the court shall award attorney fees from the amount recovered, not to exceed 25 percent of the back pay awarded. The court shall not award other damages, compensatory or punitive, nor shall it order reinstatement of the employee.

D. Causes of action based upon the public policies reflected in this chapter shall be exclusively limited to those actions, procedures, and remedies, if any, afforded by applicable federal or state civil rights statutes or local ordinances. Nothing in this section or § 2.2-3900 *or 2.2-3904* shall be deemed to alter, supersede, or otherwise modify the authority of the Division or of any local human rights or human relations commissions established pursuant to § 15.2-853 or 15.2-965.

§ 2.2-3904. Causes of action for unlawful discrimination related to pregnancy, childbirth, or related medical conditions.

A. As used in this section:

"Employer" means any person, or agent of such person, employing five or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year.

"Lactation" means lactation as defined in § 2.2-3901.

"Reasonable accommodation" includes more frequent or longer bathroom breaks, breaks to express breast milk, access to a private location other than a bathroom for the expression of breast milk, acquisition or modification of equipment or access to or modification of employee seating, a temporary transfer to a less strenuous or hazardous position, assistance with manual labor, job restructuring, a modified work schedule, light duty assignments, and leave to recover from childbirth.

"Related medical conditions" includes lactation.

B. No employer shall:

1. Fail or refuse to hire, discharge, or otherwise discriminate against any individual with respect to such individual's compensation, terms, conditions, or privileges of employment on the basis of pregnancy, childbirth, or related medical conditions.

2. Refuse to make reasonable accommodation to the known limitations of a person related to pregnancy, childbirth, or related medical conditions, unless the employer can demonstrate that the accommodation would impose an undue hardship on the employer.

a. In determining whether an accommodation would constitute an undue hardship on the employer, the following shall be considered:

(1) *Hardship on the conduct of the employer's business, considering the nature of the employer's operation, including composition and structure of the employer's workforce;*

(2) *The size of the facility where employment occurs; and*

(3) *The nature and cost of the accommodations needed.*

b. The fact that the employer provides or would be required to provide a similar accommodation to other classes of employees shall create a rebuttable presumption that the accommodation does not impose an undue hardship on the employer.

3. Take adverse action against an employee who requests or uses a reasonable accommodation pursuant to this section. As used in this subdivision, "adverse action" includes failure to reinstate any such employee to her previous position or an equivalent position with equivalent pay, seniority, and other benefits when her need for a reasonable accommodation ceases.

4. Deny employment or promotion opportunities to an otherwise qualified applicant or employee because such employer will be required to make reasonable accommodation to the known limitations of such applicant or employee related to pregnancy, childbirth, or related medical conditions.

5. Require an employee to take leave if another reasonable accommodation can be provided to the known limitations related to the pregnancy, childbirth, or related medical conditions of such employee.

C. Each employer shall engage in a timely, good faith interactive process with an employee who has requested an accommodation pursuant to this section to determine if the requested accommodation is reasonable and, if such accommodation is determined not to be reasonable, discuss alternative accommodations that may be provided.

D. An employer shall post in a conspicuous location and include in any employee handbook information concerning (i) the prohibition against unlawful discrimination on the basis of pregnancy, childbirth, or related medical conditions and (ii) an employee's rights to reasonable accommodation for known limitations related to pregnancy, childbirth, or related medical conditions. Such information shall also be directly provided to (a) new employees upon commencement of their employment and (b) any employee within 10 days of such employee's providing notice to the employer that she is pregnant.

E. An employee or applicant who has been denied any of the rights afforded under subsection B may bring an action in a general district or circuit court having jurisdiction over the employer that allegedly denied such rights. Any such action shall be brought within two years from the date of the unlawful denial of rights, or, if the employee or applicant has filed a complaint with the Division of Human Rights of the Department of Law or a local human rights or human relations agency or commission within two years of the unlawful denial of rights, such action shall be brought within 90 days from the date that the Division or a local human rights or human relations agency or commission has rendered a final disposition on the complaint.

If the court or jury finds that an unlawful denial of rights afforded under subsection B has occurred, the court or jury may award to the plaintiff, as the prevailing party, compensatory damages, back pay, and other equitable relief. The court may also award reasonable attorney fees and costs and may grant as relief any permanent or temporary injunction, temporary restraining order, or other order, including an order enjoining the defendant from engaging in such practice, or order such affirmative action as may be appropriate.

F. The provisions of this section regarding the provision of reasonable accommodation for known limitations related to pregnancy, childbirth, and related medical conditions shall not be construed to affect any other provision of law relating to discrimination on the basis of sex or pregnancy.

2. That all employers shall provide the notice required by subsection D of § 2.2-3904 of the Code of Virginia, as created by this act, to all existing employees of such employer within 120 days of the effective date of this act.

CHAPTER 1140

An Act to amend and reenact §§ 2.2-520, 2.2-3004, 2.2-3900, 2.2-3901, 2.2-3902, 6.2-501, 15.2-853, 15.2-854, 15.2-965, 15.2-1507, 15.2-1604, 22.1-306, 36-96.1 through 36-96.3, 36-96.4, 36-96.6, and 55.1-1310 of the Code of Virginia; to amend the Code of Virginia by adding a section numbered 2.2-2901.1, by adding in Chapter 39 of Title 2.2 sections numbered 2.2-3904 through 2.2-3908, and by adding sections numbered 15.2-1500.1 and 22.1-295.2; and to repeal § 2.2-3903 of the Code of Virginia, relating to prohibited discrimination; public accommodations, employment, housing, and credit; causes of action; sexual orientation and gender identity.

[S 868]

Approved April 11, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-520, 2.2-3004, 2.2-3900, 2.2-3901, 2.2-3902, 6.2-501, 15.2-853, 15.2-854, 15.2-965, 15.2-1507, 15.2-1604, 22.1-306, 36-96.1 through 36-96.3, 36-96.4, 36-96.6, and 55.1-1310 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 2.2-2901.1, by adding in Chapter 39 of Title 2.2 sections numbered 2.2-3904 through 2.2-3908, and by adding sections numbered 15.2-1500.1 and 22.1-295.2 as follows:

§ 2.2-520. Division of Human Rights created; duties.

A. There is created in the Department of Law a Division of Human Rights (the Division) to assist in the prevention of and relief from alleged unlawful discriminatory practices.

B. The *powers and* duties of the Division shall be to:

1. Receive, investigate, seek to conciliate, refer to another agency, hold hearings pursuant to the Virginia Administrative Process Act (§ 2.2-4000 et seq.), and make findings and recommendations upon complaints alleging unlawful discriminatory practices *pursuant to the Virginia Human Rights Act (§ 2.2-3900 et seq.)*;

2. Adopt, promulgate, amend, and rescind regulations consistent with this article *and the provisions of the Virginia Human Rights Act (§ 2.2-3900 et seq.)* pursuant to the Virginia Administrative Process Act (§ 2.2-4000 et seq.). However, the Division shall not have the authority to adopt regulations on a substantive matter when another state agency is authorized to adopt such regulations;

3. Inquire into incidents that may constitute unlawful acts of discrimination or unfounded charges of unlawful discrimination under state or federal law and take such action within the Division's authority designed to prevent such acts;

4. Seek through appropriate enforcement authorities, prevention of or relief from an alleged unlawful discriminatory practice;

5. Appoint and compensate qualified hearing officers from the list of hearing officers maintained by the Executive Secretary of the Supreme Court of Virginia;

6. Promote creation of local commissions to aid in effectuating the policies of this article and to enter into cooperative worksharing or other agreements with federal agencies or local commissions, including the deferral of complaints of discrimination to federal agencies or local commissions;

7. Make studies and appoint advisory councils to effectuate the purposes and policies of the article and to make the results thereof available to the public;

8. Accept public grants or private gifts, bequests, or other payments, as appropriate; and

9. Furnish technical assistance upon request of persons subject to this article to further comply with the article or an order issued thereunder.

§ 2.2-2901.1. Employment discrimination prohibited.

A. *For the purposes of this section, "age" means being an individual who is at least 40 years of age.*

B. *No state agency, institution, board, bureau, commission, council, or instrumentality of the Commonwealth shall discriminate in employment on the basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, disability, sexual orientation, gender identity, or status as a veteran.*

C. *The provisions of this section shall not prohibit (i) discrimination in employment on the basis of sex or age in those instances when sex or age is a bona fide occupational qualification for employment or (ii) providing preference in employment to veterans.*

§ 2.2-3004. Grievances qualifying for a grievance hearing; grievance hearing generally.

A. A grievance qualifying for a hearing shall involve a complaint or dispute by an employee relating to the following adverse employment actions in which the employee is personally involved, including ~~but not limited to~~ (i) formal disciplinary actions, including suspensions, demotions, transfers and assignments, and dismissals resulting from formal discipline or unsatisfactory job performance; (ii) the application of all written personnel policies, procedures, rules and regulations where it can be shown that policy was misapplied or unfairly applied; (iii) discrimination on the basis of race, color, religion, political affiliation, age, disability, national origin ~~or~~, sex, pregnancy, childbirth or related medical conditions, marital status, sexual orientation, gender identity, or status as a veteran; (iv) arbitrary or capricious performance evaluations; (v) acts of retaliation as the result of the use of or participation in the grievance procedure or because the employee has complied with any law of the United States or of the Commonwealth, has reported any violation of such law to a governmental authority, has sought any change in law before the Congress of the United States or the General Assembly, or has reported an incidence of fraud, abuse, or gross mismanagement; and (vi) retaliation for exercising any right otherwise protected by law.

B. Management reserves the exclusive right to manage the affairs and operations of state government. Management shall exercise its powers with the highest degree of trust. In any employment matter that management precludes from proceeding to a grievance hearing, management's response, including any appropriate remedial actions, shall be prompt, complete, and fair.

C. Complaints relating solely to the following issues shall not proceed to a hearing: (i) establishment and revision of wages, salaries, position classifications, or general benefits; (ii) work activity accepted by the employee as a condition of employment or which may reasonably be expected to be a part of the job content; (iii) contents of ordinances, statutes or established personnel policies, procedures, and rules and regulations; (iv) methods, means, and personnel by which work activities are to be carried on; (v) termination, layoff, demotion, or suspension from duties because of lack of work, reduction in work force, or job abolition; (vi) hiring, promotion, transfer, assignment, and retention of employees within the agency; and (vii) relief of employees from duties of the agency in emergencies.

D. Except as provided in subsection A of § 2.2-3003, decisions regarding whether a grievance qualifies for a hearing shall be made in writing by the agency head or his designee within five workdays of the employee's request for a hearing. A copy of the decision shall be sent to the employee. The employee may appeal the denial of a hearing by the agency head to the Director of the Department of Human Resource Management (the Director). Upon receipt of an appeal, the agency shall transmit the entire grievance record to the Department of Human Resource Management within five workdays. The Director

shall render a decision on whether the employee is entitled to a hearing upon the grievance record and other probative evidence.

E. The hearing pursuant to § 2.2-3005 shall be held in the locality in which the employee is employed or in any other locality agreed to by the employee, employer, and hearing officer. The employee and the agency may be represented by legal counsel or a lay advocate, the provisions of § 54.1-3904 notwithstanding. The employee and the agency may call witnesses to present testimony and be cross-examined.

§ 2.2-3900. Short title; declaration of policy.

A. This chapter shall be known and cited as the Virginia Human Rights Act.

B. It is the policy of the Commonwealth to:

1. Safeguard all individuals within the Commonwealth from unlawful discrimination because of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, *sexual orientation*, *gender identity*, *status as a veteran*, or disability; in places of public accommodation, including educational institutions and in real estate transactions;

2. *Safeguard all individuals within the Commonwealth from unlawful discrimination in employment because of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, sexual orientation, gender identity, disability, or status as a veteran;* ~~preserve~~

3. *Preserve the public safety, health, and general welfare;* ~~and further~~

4. *Further the interests, rights, and privileges of individuals within the Commonwealth;* and

~~2-~~ 5. Protect citizens of the Commonwealth against unfounded charges of unlawful discrimination.

§ 2.2-3901. Definitions.

~~Conduct that violates any Virginia or federal statute or regulation governing discrimination on the basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, or disability shall be an "unlawful discriminatory practice" for the purposes of this chapter.~~

A. The terms "because of sex or gender" or "on the basis of sex or gender" or terms of similar import when used in reference to discrimination in the Code and acts of the General Assembly include because of or on the basis of pregnancy, childbirth, or related medical conditions. Women affected by pregnancy, childbirth, or related medical conditions shall be treated the same for all purposes as persons not so affected but similar in their abilities or disabilities.

B. The term "gender identity," when used in reference to discrimination in the Code and acts of the General Assembly, means the gender-related identity, appearance, or other gender-related characteristics of an individual, with or without regard to the individual's designated sex at birth.

C. The term "sexual orientation," when used in reference to discrimination in the Code and acts of the General Assembly, means a person's actual or perceived heterosexuality, bisexuality, or homosexuality.

§ 2.2-3902. Construction of chapter; other programs to aid persons with disabilities, minors and the elderly.

~~The provisions of this chapter shall be construed liberally for the accomplishment of its policies. Nothing contained in this chapter shall be deemed to repeal, supersede or expand upon any of the provisions of any other state or federal law relating to discrimination because of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, or disability.~~

~~Conduct that violates any Virginia or federal statute or regulation governing discrimination on the basis of race, color, religion, sex, sexual orientation, gender identity, marital status, pregnancy, childbirth or related medical conditions including lactation, age, status as a veteran, or national origin is an unlawful discriminatory practice under this chapter.~~

Nothing in this chapter shall prohibit or alter any program, service, facility, school, or privilege that is afforded, oriented, or restricted to a person because of disability or age from continuing to habilitate, rehabilitate, or accommodate that person.

In addition, nothing in this chapter shall be construed to affect any governmental program, law or activity differentiating between persons on the basis of age over the age of 18 years (i) where the differentiation is reasonably necessary to normal operation or the activity is based upon reasonable factors other than age or (ii) where the program, law or activity constitutes a legitimate exercise of powers of the Commonwealth for the general health, safety and welfare of the population at large.

Complaints filed with the Division of Human Rights of the Department of Law (the Division) in accordance with § 2.2-520 alleging unlawful discriminatory practice under a Virginia statute that is enforced by a Virginia agency shall be referred to that agency. The Division may investigate complaints alleging an unlawful discriminatory practice under a federal statute or regulation and attempt to resolve it through conciliation. Unsolved complaints shall thereafter be referred to the federal agency with jurisdiction over the complaint. Upon such referral, the Division shall have no further jurisdiction over the complaint. The Division shall have no jurisdiction over any complaint filed under a local ordinance adopted pursuant to § 15.2-965.

§ 2.2-3904. Nondiscrimination in places of public accommodation; definitions.

A. As used in this section, unless the context requires a different meaning:

"Age" means being an individual who is at least 18 years of age.

"Place of public accommodation" means all places or businesses offering or holding out to the general public goods, services, privileges, facilities, advantages, or accommodations.

B. It is an unlawful discriminatory practice for any person, including the owner, lessee, proprietor, manager, superintendent, agent, or employee of any place of public accommodation, to refuse, withhold from, or deny any individual, or to attempt to refuse, withhold from, or deny any individual, directly or indirectly, any of the accommodations, advantages, facilities, services, or privileges made available in any place of public accommodation, or to segregate or discriminate against any such person in the use thereof, or to publish, circulate, issue, display, post, or mail, either directly or indirectly, any communication, notice, or advertisement to the effect that any of the accommodations, advantages, facilities, privileges, or services of any such place shall be refused, withheld from, or denied to any individual on the basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, sexual orientation, gender identity, marital status, disability, or status as a veteran.

C. The provisions of this section shall not apply to a private club, a place of accommodation owned by or operated on behalf of a religious corporation, association, or society that is not in fact open to the public, or any other establishment that is not in fact open to the public.

D. The provisions of this section shall not prohibit (i) discrimination against individuals who are less than 18 years of age or (ii) the provision of special benefits, incentives, discounts, or promotions by public or private programs to assist persons who are 50 years of age or older.

E. The provisions of this section shall not supersede or interfere with any state law or local ordinance that prohibits a person under the age of 21 from entering a place of public accommodation.

§ 2.2-3905. Nondiscrimination in employment; definitions; exceptions.

A. As used in this section:

"Age" means being an individual who is at least 40 years of age.

"Employee" means an individual employed by an employer.

"Employer" means a person employing 15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year, and any agent of such a person. However, (i) for purposes of unlawful discharge under subdivision B 1 on the basis of race, color, religion, national origin, status as a veteran, sex, sexual orientation, gender identity, marital status, pregnancy, or childbirth or related medical conditions including lactation, "employer" means any employer employing more than five persons and (ii) for purposes of unlawful discharge under subdivision B 1 on the basis of age, "employer" means any employer employing more than five but fewer than 20 persons.

"Employment agency" means any person, or an agent of such person, regularly undertaking with or without compensation to procure employees for an employer or to procure for employees opportunities to work for an employer.

"Joint apprenticeship committee" means the same as that term is defined in § 40.1-120.

"Labor organization" means an organization engaged in an industry, or an agent of such organization, that exists for the purpose, in whole or in part, of dealing with employers on behalf of employees concerning grievances, labor disputes, wages, rates of pay, hours, or other terms or conditions of employment. "Labor organization" includes employee representation committees, groups, or associations in which employees participate.

"Lactation" means a condition that may result in the feeding of a child directly from the breast or the expressing of milk from the breast.

B. It is an unlawful employment practice for:

1. An employer to:

a. Fail or refuse to hire, discharge, or otherwise discriminate against any individual with respect to such individual's compensation, terms, conditions, or privileges of employment because of such individual's race, color, religion, sex, sexual orientation, gender identity, marital status, pregnancy, childbirth or related medical conditions including lactation, age, status as a veteran, or national origin; or

b. Limit, segregate, or classify employees or applicants for employment in any way that would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect an individual's status as an employee, because of such individual's race, color, religion, sex, sexual orientation, gender identity, marital status, pregnancy, childbirth or related medical conditions including lactation, age, status as a veteran, or national origin.

2. An employment agency to:

a. Fail or refuse to refer for employment, or otherwise discriminate against, any individual because of such individual's race, color, religion, sex, sexual orientation, gender identity, marital status, pregnancy, childbirth or related medical conditions, age, status as a veteran, or national origin; or

b. Classify or refer for employment any individual on the basis of such individual's race, color, religion, sex, sexual orientation, gender identity, marital status, pregnancy, childbirth or related medical conditions, age, status as a veteran, or national origin.

3. A labor organization to:

a. Exclude or expel from its membership, or otherwise discriminate against, any individual because of such individual's race, color, religion, sex, sexual orientation, gender identity, marital status, pregnancy, childbirth or related medical conditions, age, status as a veteran, or national origin;

b. Limit, segregate, or classify its membership or applicants for membership, or classify or fail to or refuse to refer for employment any individual, in any way that would deprive or tend to deprive such individual of employment opportunities, or would limit such employment opportunities or otherwise adversely affect an individual's status as an employee or as an

applicant for employment, because of such individual's race, color, religion, sex, sexual orientation, gender identity, marital status, pregnancy, childbirth or related medical conditions, age, status as a veteran, or national origin; or

c. Cause or attempt to cause an employer to discriminate against an individual in violation of subdivisions a or b.

4. An employer, labor organization, or joint apprenticeship committee to discriminate against any individual in any program to provide apprenticeship or other training program on the basis of such individual's race, color, religion, sex, sexual orientation, gender identity, pregnancy, childbirth or related medical conditions, age, status as a veteran, or national origin.

5. An employer, in connection with the selection or referral of applicants or candidates for employment or promotion, to adjust the scores of, use different cutoff scores for, or otherwise alter the results of employment-related tests on the basis of race, color, religion, sex, sexual orientation, gender identity, marital status, pregnancy, childbirth or related medical conditions, age, status as a veteran, or national origin.

6. Except as otherwise provided in this chapter, an employer to use race, color, religion, sex, sexual orientation, gender identity, marital status, pregnancy, childbirth or related medical conditions, age, status as a veteran, or national origin as a motivating factor for any employment practice, even though other factors also motivate the practice.

7. (i) An employer to discriminate against any employees or applicants for employment, (ii) an employment agency or a joint apprenticeship committee controlling an apprenticeship or other training program to discriminate against any individual, or (iii) a labor organization to discriminate against any member thereof or applicant for membership because such individual has opposed any practice made an unlawful employment practice by this chapter or because such individual has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this chapter.

8. An employer, labor organization, employment agency, or joint apprenticeship committee controlling an apprenticeship or other training program to print or publish, or cause to be printed or published, any notice or advertisement relating to (i) employment by such an employer, (ii) membership in or any classification or referral for employment by such a labor organization, (iii) any classification or referral for employment by such an employment agency, or (iv) admission to, or employment in, any program established to provide apprenticeship or other training by such a joint apprenticeship committee that indicates any preference, limitation, specification, or discrimination based on race, color, religion, sex, sexual orientation, gender identity, marital status, pregnancy, childbirth or related medical conditions, age, status as a veteran, or national origin, except that such a notice or advertisement may indicate a preference, limitation, specification, or discrimination based on religion, sex, age, or national origin when religion, sex, age, or national origin is a bona fide occupational qualification for employment.

C. Notwithstanding any other provision of this chapter, it is not an unlawful employment practice:

1. For (i) an employer to hire and employ employees; (ii) an employment agency to classify, or refer for employment, any individual; (iii) a labor organization to classify its membership or to classify or refer for employment any individual; or (iv) an employer, labor organization, or joint apprenticeship committee to admit or employ any individual in any apprenticeship or other training program on the basis of such individual's religion, sex, or age in those certain instances where religion, sex, or age is a bona fide occupational qualification reasonably necessary to the normal operation of that particular employer, employment agency, labor organization, or joint apprenticeship committee;

2. For an elementary or secondary school or institution of higher education to hire and employ employees of a particular religion if such elementary or secondary school or institution of higher education is, in whole or in substantial part, owned, supported, controlled, or managed by a particular religion or by a particular religious corporation, association, or society or if the curriculum of such elementary or secondary school or institution of higher education is directed toward the propagation of a particular religion;

3. For an employer to apply different standards of compensation, or different terms, conditions, or privileges of employment, pursuant to a bona fide seniority or merit system, or a system that measures earnings by quantity or quality of production, or to employees who work in different locations, provided that such differences are not the result of an intention to discriminate because of race, color, religion, sex, sexual orientation, gender identity, marital status, pregnancy, childbirth or related medical conditions, age, status as a veteran, or national origin;

4. For an employer to give and to act upon the results of any professionally developed ability test, provided that such test, its administration, or an action upon the results is not designed, intended, or used to discriminate because of race, color, religion, sex, sexual orientation, gender identity, marital status, pregnancy, childbirth or related medical conditions, age, status as a veteran, or national origin;

5. For an employer to provide reasonable accommodations related to pregnancy, childbirth or related medical conditions, and lactation, when such accommodations are requested by the employee; or

6. For an employer to condition employment or premises access based upon citizenship where the employer is subject to any requirement imposed in the interest of the national security of the United States under any security program in effect pursuant to or administered under any statute or regulation of the federal government or any executive order of the President of the United States.

D. Nothing in this chapter shall be construed to require any employer, employment agency, labor organization, or joint apprenticeship committee to grant preferential treatment to any individual or to any group because of such individual's or group's race, color, religion, sex, sexual orientation, gender identity, marital status, pregnancy, childbirth or related medical conditions, age, status as a veteran, or national origin on account of an imbalance that may exist with respect to the total number or percentage of persons of any race, color, religion, sex, sexual orientation, gender identity, marital status,

pregnancy, childbirth or related medical conditions, age, status as a veteran, or national origin employed by any employer, referred or classified for employment by any employment agency or labor organization, admitted to membership or classified by any labor organization, or admitted to or employed in any apprenticeship or other training program, in comparison with the total number or percentage of persons of such race, color, religion, sex, sexual orientation, gender identity, marital status, pregnancy, childbirth or related medical conditions, age, status as a veteran, or national origin in any community.

E. The provisions of this section shall not apply to the employment of individuals of a particular religion by a religious corporation, association, educational institution, or society to perform work associated with its activities.

§ 2.2-3906. Civil action by Attorney General.

A. Whenever the Attorney General has reasonable cause to believe that any person or group of persons is engaged in a pattern or practice of resistance to the full enjoyment of any of the rights granted by this chapter, or that any person or group of persons has been denied any of the rights granted by this chapter and such denial raises an issue of general public importance, the Attorney General may commence a civil action in the appropriate circuit court for appropriate relief.

B. In such civil action, the court may:

1. Award such preventive relief, including a permanent or temporary injunction, restraining order, or other order against the person responsible for a violation of this chapter, as is necessary to assure the full enjoyment of the rights granted by this chapter.

2. Assess a civil penalty against the respondent (i) in an amount not exceeding \$50,000 for a first violation and (ii) in an amount not exceeding \$100,000 for any subsequent violation. Such civil penalties are payable to the Literary Fund.

3. Award a prevailing plaintiff reasonable attorney fees and costs.

C. The court or jury may award such other relief to the aggrieved person as the court deems appropriate, including compensatory damages and punitive damages.

D. Upon timely application, any person may intervene in a civil action commenced by the Attorney General under subsection A that involves an alleged discriminatory practice pursuant to this chapter with respect to which such person is an aggrieved person. The court may grant such appropriate relief to any such intervening party as is authorized to be granted to a plaintiff in a civil action under § 2.2-3908.

§ 2.2-3907. Procedures for a charge of unlawful discrimination; notice; investigation; report; conciliation; notice of the right to file a civil action; temporary relief.

A. Any person claiming to be aggrieved by an unlawful discriminatory practice may file a complaint in writing under oath or affirmation with the Division of Human Rights of the Department of Law (the Division). The Division itself or the Attorney General may in a like manner file such a complaint. The complaint shall be in such detail as to substantially apprise any party properly concerned as to the time, place, and facts surrounding the alleged unlawful discrimination.

B. Upon perfection of a complaint filed pursuant to subsection A, the Division shall timely serve a charge on the respondent and provide all parties with a notice informing the parties of the complainant's rights, including the right to commence a civil action, and the dates within which the complainant may exercise such rights. In the notice, the Division shall notify the complainant that the charge of unlawful discrimination will be dismissed with prejudice and with no right to further proceed if a written complaint is not timely filed with the appropriate general district or circuit court.

C. The complainant and respondent may agree to voluntarily submit the charge to mediation without waiving any rights that are otherwise available to either party pursuant to this chapter and without incurring any obligation to accept the result of the mediation process. Nothing occurring in mediation shall be disclosed by the Division or admissible in evidence in any subsequent proceeding unless the complainant and the respondent agree in writing that such disclosure be made.

D. Once a charge has been issued, the Division shall conduct an investigation sufficient to determine whether there is reasonable cause to believe the alleged discrimination occurred. Such charge shall be the subject of a report made by the Division. The report shall be a confidential document subject to review by the Attorney General, authorized Division employees, and the parties. The review shall state whether there is reasonable cause to believe the alleged unlawful discrimination has been committed.

E. If the report on a charge of discrimination concludes that there is no reasonable cause to believe the alleged unlawful discrimination has been committed, the charge shall be dismissed and the complainant shall be given notice of his right to commence a civil action.

F. If the report on a charge of discrimination concludes that there is reasonable cause to believe the alleged unlawful discrimination has been committed, the complainant and respondent shall be notified of such determination and the Division shall immediately endeavor to eliminate any alleged unlawful discriminatory practice by informal methods such as conference, conciliation, and persuasion. When the Division determines that further endeavor to settle a complaint by conference, conciliation, and persuasion is unworkable and should be bypassed, the Division shall issue a notice that the case has been closed and the complainant shall be given notice of his right to commence a civil action.

G. At any time after a notice of charge of discrimination is issued, the Division or complainant may petition the appropriate court for temporary relief, pending final determination of the proceedings under this section, including an order or judgment restraining the respondent from doing or causing any act that would render ineffectual an order that a court may enter with respect to the complainant. Whether it is brought by the Division or by the complainant, the petition shall contain a certification by the Division that the particular matter presents exceptional circumstances in which irreparable injury will result from unlawful discrimination in the absence of temporary relief.

H. Upon receipt of a written request from the complainant, the Division shall promptly issue a notice of the right to file a civil action to the complainant after (i) 180 days have passed from the date the complaint was filed or (ii) the Division determines that it will be unable to complete its investigation within 180 days from the date the complaint was filed.

§ 2.2-3908. Civil actions by private parties.

A. An aggrieved person who has been provided a notice of his right to file a civil action pursuant to § 2.2-3907 may commence a timely civil action in an appropriate general district or circuit court having jurisdiction over the person who allegedly unlawfully discriminated against such person in violation of this chapter.

B. If the court or jury finds that unlawful discrimination has occurred, the court or jury may award to the plaintiff, as the prevailing party, compensatory and punitive damages and the court may award reasonable attorney fees and costs and may grant as relief any permanent or temporary injunction, temporary restraining order, or other order, including an order enjoining the defendant from engaging in such practice, or order such affirmative action as may be appropriate.

C. Upon timely application, the Attorney General may intervene in such civil action if the Attorney General certifies that the case is of general public importance. Upon intervention, the Attorney General may obtain such relief as would be available to a private party under subsection B.

§ 6.2-501. Prohibited discrimination.

A. As used in this section, "age" means being an individual who is at least 18 years of age.

B. It shall be unlawful for any creditor to discriminate against any applicant, with respect to any aspect of a credit transaction:

1. On the basis of race, color, religion, national origin, sex ~~or~~, marital status, *sexual orientation*, *gender identity*, *pregnancy*, *childbirth or related medical conditions*, ~~or~~ age, disability, or status as a veteran provided that the applicant has the capacity to contract; or

2. Because all or part of the applicant's income derives from any public assistance or social services program.

~~B-~~ C. It shall not constitute discrimination for purposes of this chapter for a creditor:

1. To make an inquiry of marital status if such inquiry is for the purpose of ascertaining the creditor's rights and remedies applicable to the particular extension of credit and not to discriminate in a determination of creditworthiness;

2. To make an inquiry of the applicant's age or of whether the applicant's income derives from any public assistance or social services program if such inquiry is for the purpose of determining the amount and probable continuance of income levels, credit history, or other pertinent element of creditworthiness as provided in regulations of the Commission;

3. To use any empirically derived credit system which considers age if such system is demonstrably and statistically sound in accordance with regulations of the Commission, except that in the operation of such system the age of an elderly applicant may not be assigned a negative factor or value; or

4. To make an inquiry or to consider the age of an elderly applicant when the age of such applicant is to be used by the creditor in the extension of credit in favor of such applicant.

~~C-~~ D. It is not a violation of this section for a creditor to refuse to extend credit offered pursuant to:

1. Any credit assistance program expressly authorized by law for an economically disadvantaged class of persons;

2. Any credit assistance program administered by a nonprofit organization for its members or an economically disadvantaged class of persons; or

3. Any special purpose credit program offered by a profit-making organization to meet special social needs which meets standards prescribed in regulations by the Commission, if such refusal is required by or made pursuant to such program.

§ 15.2-853. Commission on human rights; human rights ordinance.

A county may enact an ordinance prohibiting discrimination in housing, real estate transactions, employment, public accommodations, credit, and education on the basis of race, color, religion, sex, pregnancy, childbirth or related medical conditions, national origin, *status as a veteran*, age, marital status, *sexual orientation*, *gender identity*, or disability. The board may enact an ordinance establishing a local commission on human rights ~~which~~ that shall have the following powers and duties:

1. To promote policies to ensure that all persons be afforded equal opportunity;

2. To serve as an agency for receiving, investigating, holding hearings, processing, and assisting in the voluntary resolution of complaints regarding discriminatory practices occurring within the county; ~~and~~

3. With the approval of the county attorney, to seek, through appropriate enforcement authorities, prevention of or relief from a violation of any ordinance prohibiting discrimination; ~~and to~~

4. To exercise such other powers and duties as provided in this article. However, the commission shall have no power itself to issue subpoenas, award damages, or grant injunctive relief.

For the purposes of this article, "person" means one or more individuals, labor unions, partnerships, corporations, associations, legal representatives, mutual companies, joint-stock companies, trusts, or unincorporated organizations.

§ 15.2-854. Investigations.

Whenever the commission on human rights has a reasonable cause to believe that any person has engaged in, or is engaging in, any violation of a county ordinance ~~which~~ that prohibits discrimination due to race, color, religion, sex, pregnancy, childbirth or related medical conditions, national origin, *status as a veteran*, age, marital status, *sexual orientation*, *gender identity*, or disability, and, after making a good faith effort to obtain the data, information, and attendance of witnesses necessary to determine whether such violation has occurred, is unable to obtain such data,

information, or attendance, it may request the county attorney to petition the judge of the general district court for its jurisdiction for a subpoena against any such person refusing to produce such data and information or refusing to appear as a witness, and the judge of such court may, upon good cause shown, cause the subpoena to be issued. Any witness subpoena issued under this section shall include a statement that any statements made will be under oath and that the respondent or other witness is entitled to be represented by an attorney. Any person failing to comply with a subpoena issued under this section shall be subject to punishment for contempt by the court issuing the subpoena. Any person so subpoenaed may apply to the judge who issued a subpoena to quash it.

§ 15.2-965. Human rights ordinances and commissions.

A. Any locality may enact an ordinance, not inconsistent with nor more stringent than any applicable state law, prohibiting discrimination in housing, employment, public accommodations, credit, and education on the basis of race, color, religion, sex, pregnancy, childbirth or related medical conditions, national origin, *status as a veteran*, age, marital status, *sexual orientation*, *gender identity*, or disability.

B. The locality may enact an ordinance establishing a local commission on human rights ~~which~~ *that* shall have the powers and duties granted by the Virginia Human Rights Act (§ 2.2-3900 et seq.).

§ 15.2-1500.1. Employment discrimination prohibited.

A. As used in this section, "age" means being an individual who is at least 40 years of age.

B. No department, office, board, commission, agency, or instrumentality of local government shall discriminate in employment on the basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, disability, sexual orientation, gender identity, or status as a veteran.

C. The provisions of this section shall not prohibit (i) discrimination in employment on the basis of sex or age in those instances when sex or age is a bona fide occupational qualification for employment or (ii) providing preference in employment to veterans.

§ 15.2-1507. Provision of grievance procedure; training programs.

A. If a local governing body fails to adopt a grievance procedure required by § 15.2-1506 or fails to certify it as provided in this section, the local governing body shall be deemed to have adopted a grievance procedure which is consistent with the provisions of Chapter 30 (§ 2.2-3000 et seq.) of Title 2.2 and any regulations adopted pursuant thereto for so long as the locality remains in noncompliance. The locality shall provide its employees with copies of the applicable grievance procedure upon request. The term "grievance" as used herein shall not be interpreted to mean negotiations of wages, salaries, or fringe benefits.

Each grievance procedure, and each amendment thereto, in order to comply with this section, shall be certified in writing to be in compliance by the city, town or county attorney, and the chief administrative officer of the locality, and such certification filed with the clerk of the circuit court having jurisdiction in the locality in which the procedure is to apply. Local government grievance procedures in effect as of July 1, 1991, shall remain in full force and effect for 90 days thereafter, unless certified and filed as provided above within a shorter time period.

Each grievance procedure shall include the following components and features:

1. Definition of grievance. A grievance shall be a complaint or dispute by an employee relating to his employment, including ~~but not necessarily limited to~~ (i) disciplinary actions, including dismissals, disciplinary demotions, and suspensions, provided that dismissals shall be grievable whenever resulting from formal discipline or unsatisfactory job performance; (ii) the application of personnel policies, procedures, rules, and regulations, including the application of policies involving matters referred to in *clause (iii) of subdivision 2 (iii) below*; (iii) discrimination on the basis of race, color, creed, religion, political affiliation, age, disability, national origin ~~or~~, sex, *marital status, pregnancy, childbirth or related medical conditions, sexual orientation, gender identity, or status as a veteran*; and (iv) acts of retaliation as the result of the use of or participation in the grievance procedure or because the employee has complied with any law of the United States or of the Commonwealth, has reported any violation of such law to a governmental authority, has sought any change in law before the Congress of the United States or the General Assembly, or has reported an incidence of fraud, abuse, or gross mismanagement. For the purposes of clause (iv), there shall be a rebuttable presumption that increasing the penalty that is the subject of the grievance at any level of the grievance shall be an act of retaliation.

2. Local government responsibilities. Local governments shall retain the exclusive right to manage the affairs and operations of government. Accordingly, the following complaints are nongrievable: (i) establishment and revision of wages or salaries, position classification, or general benefits; (ii) work activity accepted by the employee as a condition of employment or work activity ~~which~~ *that* may reasonably be expected to be a part of the job content; (iii) the contents of ordinances, statutes, or established personnel policies, procedures, rules, and regulations; (iv) failure to promote except where the employee can show that established promotional policies or procedures were not followed or applied fairly; (v) the methods, means, and personnel by which work activities are to be carried on; (vi) except where such action affects an employee who has been reinstated within the previous six months as the result of the final determination of a grievance, termination, layoff, demotion, or suspension from duties because of lack of work, reduction in work force, or job abolition; (vii) the hiring, promotion, transfer, assignment, and retention of employees within the local government; and (viii) the relief of employees from duties of the local government in emergencies. In any grievance brought under the exception to clause (vi) ~~of this subdivision~~, the action shall be upheld upon a showing by the local government that: ~~(i) (a) there was a valid business reason for the action and (ii) (b) the employee was notified of the reason in writing prior to the effective date of the action.~~

3. Coverage of personnel.

a. Unless otherwise provided by law, all nonprobationary local government permanent full-time and part-time employees are eligible to file grievances with the following exceptions:

- (1) Appointees of elected groups or individuals;
- (2) Officials and employees who by charter or other law serve at the will or pleasure of an appointing authority;
- (3) Deputies and executive assistants to the chief administrative officer of a locality;
- (4) Agency heads or chief executive officers of government operations;
- (5) Employees whose terms of employment are limited by law;
- (6) Temporary, limited term and seasonal employees;
- (7) Law-enforcement officers as defined in Chapter 5 (§ 9.1-500 et seq.) of Title 9.1 whose grievance is subject to the provisions of Chapter 5 (§ 9.1-500 et seq.) of Title 9.1 and who have elected to proceed pursuant to those provisions in the resolution of their grievance, or any other employee electing to proceed pursuant to any other existing procedure in the resolution of his grievance.

b. Notwithstanding the exceptions set forth in subdivision 3 a above, local governments, at their sole discretion, may voluntarily include employees in any of the excepted categories within the coverage of their grievance procedures.

c. The chief administrative officer of each local government, or his designee, shall determine the officers and employees excluded from the grievance procedure, and shall be responsible for maintaining an up-to-date list of the affected positions.

4. Grievance procedure availability and coverage for employees of community services boards, redevelopment and housing authorities, and regional housing authorities. Employees of community services boards, redevelopment and housing authorities created pursuant to § 36-4, and regional housing authorities created pursuant to § 36-40 shall be included in (i) a local governing body's grievance procedure or personnel system, if agreed to by the department, board, or authority and the locality or (ii) a grievance procedure established and administered by the department, board or authority which is consistent with the provisions of Chapter 30 (§ 2.2-3000 et seq.) of Title 2.2 and any regulations promulgated pursuant thereto. If a department, board or authority fails to establish a grievance procedure pursuant to clause (i) or (ii), it shall be deemed to have adopted a grievance procedure which is consistent with the provisions of Chapter 30 (§ 2.2-3000 et seq.) of Title 2.2 and any regulations adopted pursuant thereto for so long as it remains in noncompliance.

5. General requirements for procedures.

a. Each grievance procedure shall include not more than four steps for airing complaints at successively higher levels of local government management, and a final step providing for a panel hearing or a hearing before an administrative hearing officer upon the agreement of both parties.

b. Grievance procedures shall prescribe reasonable and specific time limitations for the grievant to submit an initial complaint and to appeal each decision through the steps of the grievance procedure.

c. Nothing contained in this section shall prohibit a local government from granting its employees rights greater than those contained herein, provided such grant does not exceed or violate the general law or public policy of the Commonwealth.

6. Time periods.

a. It is intended that speedy attention to employee grievances be promoted, consistent with the ability of the parties to prepare for a fair consideration of the issues of concern.

b. The time for submitting an initial complaint shall not be less than 20 calendar days after the event giving rise to the grievance, but local governments may, at their option, allow a longer time period.

c. Limits for steps after initial presentation of grievance shall be the same or greater for the grievant than the time which is allowed for local government response in each comparable situation.

d. Time frames may be extended by mutual agreement of the local government and the grievant.

7. Compliance.

a. After the initial filing of a written grievance, failure of either party to comply with all substantial procedural requirements of the grievance procedure, including the panel or administrative hearing, without just cause shall result in a decision in favor of the other party on any grievable issue, provided the party not in compliance fails to correct the noncompliance within five workdays of receipt of written notification by the other party of the compliance violation. Such written notification by the grievant shall be made to the chief administrative officer, or his designee.

b. The chief administrative officer, or his designee, at his option, may require a clear written explanation of the basis for just cause extensions or exceptions. The chief administrative officer, or his designee, shall determine compliance issues. Compliance determinations made by the chief administrative officer shall be subject to judicial review by filing petition with the circuit court within 30 days of the compliance determination.

8. Management steps.

a. The first step shall provide for an informal, initial processing of employee complaints by the immediate supervisor through a nonwritten, discussion format.

b. Management steps shall provide for a review with higher levels of local government authority following the employee's reduction to writing of the grievance and the relief requested on forms supplied by the local government. Personal face-to-face meetings are required at all of these steps.

c. With the exception of the final management step, the only persons who may normally be present in the management step meetings are the grievant, the appropriate local government official at the level at which the grievance is being heard, and appropriate witnesses for each side. Witnesses shall be present only while actually providing testimony. At the final management step, the grievant, at his option, may have present a representative of his choice. If the grievant is represented by legal counsel, local government likewise has the option of being represented by counsel.

9. Qualification for panel or administrative hearing.

a. Decisions regarding grievability and access to the procedure shall be made by the chief administrative officer of the local government, or his designee, at any time prior to the panel hearing, at the request of the local government or grievant, within 10 calendar days of the request. No city, town, or county attorney, or attorney for the Commonwealth, shall be authorized to decide the question of grievability. A copy of the ruling shall be sent to the grievant. Decisions of the chief administrative officer of the local government, or his designee, may be appealed to the circuit court having jurisdiction in the locality in which the grievant is employed for a hearing on the issue of whether the grievance qualifies for a panel hearing. Proceedings for review of the decision of the chief administrative officer or his designee shall be instituted by the grievant by filing a notice of appeal with the chief administrative officer within 10 calendar days from the date of receipt of the decision and giving a copy thereof to all other parties. Within 10 calendar days thereafter, the chief administrative officer or his designee shall transmit to the clerk of the court to which the appeal is taken: a copy of the decision of the chief administrative officer, a copy of the notice of appeal, and the exhibits. A list of the evidence furnished to the court shall also be furnished to the grievant. The failure of the chief administrative officer or his designee to transmit the record shall not prejudice the rights of the grievant. The court, on motion of the grievant, may issue a writ of certiorari requiring the chief administrative officer to transmit the record on or before a certain date.

b. Within 30 days of receipt of such records by the clerk, the court, sitting without a jury, shall hear the appeal on the record transmitted by the chief administrative officer or his designee and such additional evidence as may be necessary to resolve any controversy as to the correctness of the record. The court, in its discretion, may receive such other evidence as the ends of justice require. The court may affirm the decision of the chief administrative officer or his designee, or may reverse or modify the decision. The decision of the court shall be rendered no later than the fifteenth day from the date of the conclusion of the hearing. The decision of the court is final and is not appealable.

10. Final hearings.

a. Qualifying grievances shall advance to either a panel hearing or a hearing before an administrative hearing officer, as set forth in the locality's grievance procedure, as described below:

(1) If the grievance procedure adopted by the local governing body provides that the final step shall be an impartial panel hearing, the panel may, with the exception of those local governments covered by subdivision (2) of this subsection, consist of one member appointed by the grievant, one member appointed by the agency head and a third member selected by the first two. In the event that agreement cannot be reached as to the final panel member, the chief judge of the circuit court of the jurisdiction wherein the dispute arose shall select the third panel member. The panel shall not be composed of any persons having direct involvement with the grievance being heard by the panel, or with the complaint or dispute giving rise to the grievance. Managers who are in a direct line of supervision of a grievant, persons residing in the same household as the grievant and the following relatives of a participant in the grievance process or a participant's spouse are prohibited from serving as panel members: spouse, parent, child, descendants of a child, sibling, niece, nephew and first cousin. No attorney having direct involvement with the subject matter of the grievance, nor a partner, associate, employee or co-employee of the attorney shall serve as a panel member.

(2) If the grievance procedure adopted by the local governing body provides for the final step to be an impartial panel hearing, local governments may retain the panel composition method previously approved by the Department of Human Resource Management and in effect as of the enactment of this statute. Modifications to the panel composition method shall be permitted with regard to the size of the panel and the terms of office for panel members, so long as the basic integrity and independence of panels are maintained. As used in this section, the term "panel" shall include all bodies designated and authorized to make final and binding decisions.

(3) When a local government elects to use an administrative hearing officer rather than a three-person panel for the final step in the grievance procedure, the administrative hearing officer shall be appointed by the Executive Secretary of the Supreme Court of Virginia. The appointment shall be made from the list of administrative hearing officers maintained by the Executive Secretary pursuant to § 2.2-4024 and shall be made from the appropriate geographical region on a rotating basis. In the alternative, the local government may request the appointment of an administrative hearing officer from the Department of Human Resource Management. If a local government elects to use an administrative hearing officer, it shall bear the expense of such officer's services.

(4) When the local government uses a panel in the final step of the procedure, there shall be a chairperson of the panel and, when panels are composed of three persons (one each selected by the respective parties and the third from an impartial source), the third member shall be the chairperson.

(5) Both the grievant and the respondent may call upon appropriate witnesses and be represented by legal counsel or other representatives at the hearing. Such representatives may examine, cross-examine, question and present evidence on behalf of the grievant or respondent before the panel or hearing officer without being in violation of the provisions of § 54.1-3904.

(6) The decision of the panel or hearing officer shall be final and binding and shall be consistent with provisions of law and written policy.

(7) The question of whether the relief granted by a panel or hearing officer is consistent with written policy shall be determined by the chief administrative officer of the local government, or his designee, unless such person has a direct personal involvement with the event or events giving rise to the grievance, in which case the decision shall be made by the attorney for the Commonwealth of the jurisdiction in which the grievance is pending.

b. Rules for panel and administrative hearings.

Unless otherwise provided by law, local governments shall adopt rules for the conduct of panel or administrative hearings as a part of their grievance procedures, or shall adopt separate rules for such hearings. Rules which are promulgated shall include, ~~but need not be limited to~~ the following provisions:

(1) That neither the panels nor the hearing officer have authority to formulate policies or procedures or to alter existing policies or procedures;

(2) That panels and the hearing officer have the discretion to determine the propriety of attendance at the hearing of persons not having a direct interest in the hearing, and, at the request of either party, the hearing shall be private;

(3) That the local government provide the panel or hearing officer with copies of the grievance record prior to the hearing, and provide the grievant with a list of the documents furnished to the panel or hearing officer, and the grievant and his attorney, at least 10 days prior to the scheduled hearing, shall be allowed access to and copies of all relevant files intended to be used in the grievance proceeding;

(4) That panels and hearing officers have the authority to determine the admissibility of evidence without regard to the burden of proof, or the order of presentation of evidence, so long as a full and equal opportunity is afforded to all parties for the presentation of their evidence;

(5) That all evidence be presented in the presence of the panel or hearing officer and the parties, except by mutual consent of the parties;

(6) That documents, exhibits and lists of witnesses be exchanged between the parties or hearing officer in advance of the hearing;

(7) That the majority decision of the panel or the decision of the hearing officer, acting within the scope of its or his authority, be final, subject to existing policies, procedures and law;

(8) That the panel or hearing officer's decision be provided within a specified time to all parties; and

(9) Such other provisions as may facilitate fair and expeditious hearings, with the understanding that the hearings are not intended to be conducted like proceedings in courts, and that rules of evidence do not necessarily apply.

11. Implementation of final hearing decisions.

Either party may petition the circuit court having jurisdiction in the locality in which the grievant is employed for an order requiring implementation of the hearing decision.

B. Notwithstanding the contrary provisions of this section, a final hearing decision rendered under the provisions of this section which would result in the reinstatement of any employee of a sheriff's office, who has been terminated for cause may be reviewed by the circuit court for the locality upon the petition of the locality. The review of the circuit court shall be limited to the question of whether the decision of the panel or hearing officer was consistent with provisions of law and written policy.

§ 15.2-1604. Appointment of deputies and employment of employees; discriminatory practices by certain officers; civil penalty.

A. It shall be an unlawful employment practice for a constitutional officer:

1. To fail or refuse to appoint or hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions or privileges of appointment or employment, because of such individual's race, color, religion, sex ~~or~~, age, marital status, pregnancy, childbirth or related medical conditions, sexual orientation, gender identity, national origin, or status as a veteran; or

2. To limit, segregate, or classify his appointees, employees or applicants for appointment or employment in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of the individual's race, color, religion, sex ~~or~~, age, marital status, pregnancy, childbirth or related medical conditions, sexual orientation, gender identity, national origin, or status as a veteran.

B. Nothing in this section shall be construed to make it an unlawful employment practice for a constitutional officer to hire or appoint an individual on the basis of his sex ~~or national origin or age~~ in those instances where sex ~~or national origin or age~~ is a bona fide occupational qualification reasonably necessary to the normal operation of that particular office. The provisions of this section shall not apply to policy-making positions, confidential or personal staff positions, or undercover positions.

C. With regard to notices and advertisements:

1. Every constitutional officer shall, prior to hiring any employee, advertise such employment position in a newspaper having general circulation or a state or local government job placement service in such constitutional officer's locality except where the vacancy is to be used (i) as a placement opportunity for appointees or employees affected by layoff, (ii) as a transfer opportunity or demotion for an incumbent, (iii) to fill positions that have been advertised within the past 120 days, (iv) to fill positions to be filled by appointees or employees returning from leave with or without pay, (v) to fill temporary positions, temporary employees being those employees hired to work on special projects that have durations of three months

or less, or (vi) to fill policy-making positions, confidential or personal staff positions, or special, sensitive law-enforcement positions normally regarded as undercover work.

2. No constitutional officer shall print or publish or cause to be printed or published any notice or advertisement relating to employment by such constitutional officer indicating any preference, limitation, specification, or discrimination, based on sex or national origin, except that such notice or advertisement may indicate a preference, limitation, specification, or discrimination based on sex or national origin or age when sex or national origin or age is a bona fide occupational qualification for employment.

D. Complaints regarding violations of subsection A may be made to the Division of Human Rights of the Department of Law. The Division shall have the authority to exercise its powers as ~~outlined~~ provided in Article 4 (§ 2.2-520 et seq.) of Chapter 5 of Title 2.2.

E. Any constitutional officer who willfully violates the provisions of subsection C shall be subject to a civil penalty not to exceed \$2,000.

§ 22.1-295.2. Employment discrimination prohibited.

A. For the purposes of this section, "age" means being an individual who is at least 40 years of age.

B. No school board or any agent or employee thereof shall discriminate in employment on the basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, disability, sexual orientation, gender identity, or status as a veteran.

C. The provisions of this section shall not prohibit (i) discrimination in employment on the basis of sex or age in those instances when sex or age is a bona fide occupational qualification for employment or (ii) providing preference in employment to veterans.

§ 22.1-306. Definitions.

As used in this article:

"Business day" means any day that the relevant school board office is open.

"Day" means calendar days unless a different meaning is clearly expressed in this article. Whenever the last day for performing an act required by this article falls on a Saturday, Sunday, or legal holiday, the act may be performed on the next day that is not a Saturday, Sunday, or legal holiday.

"Dismissal" means the dismissal of any teacher during the term of such teacher's contract.

"Grievance" means a complaint or dispute by a teacher relating to his employment, including ~~but not necessarily limited to:~~ (i) disciplinary action including dismissal; (ii) the application or interpretation of (a) personnel policies, (b) procedures, (c) rules and regulations, (d) ordinances, and (e) statutes; (iii) acts of reprisal against a teacher for filing or processing a grievance, participating as a witness in any step, meeting or hearing relating to a grievance, or serving as a member of a fact-finding panel; and (iv) complaints of discrimination on the basis of race, color, creed, religion, political affiliation, ~~handicap~~ disability, age, national origin, or sex, pregnancy, childbirth or related medical conditions, marital status, sexual orientation, gender identity, or status as a veteran. Each school board shall have the exclusive right to manage the affairs and operations of the school division. Accordingly, the term "grievance" shall not include a complaint or dispute by a teacher relating to (1) establishment and revision of wages or salaries, position classifications, or general benefits; (2) suspension of a teacher or nonrenewal of the contract of a teacher who has not achieved continuing contract status; (3) the establishment or contents of ordinances, statutes, or personnel policies, procedures, rules, and regulations; (4) failure to promote; (5) discharge, layoff, or suspension from duties because of decrease in enrollment, decrease in enrollment or abolition of a particular subject, or insufficient funding; (6) hiring, transfer, assignment, and retention of teachers within the school division; (7) suspension from duties in emergencies; (8) the methods, means, and personnel by which the school division's operations are to be carried on; or (9) coaching or extracurricular activity sponsorship.

While these management rights are reserved to the school board, failure to apply, where applicable, the rules, regulations, policies, or procedures as written or established by the school board is grievable.

§ 36-96.1. Declaration of policy.

A. This chapter shall be known and referred to as the Virginia Fair Housing Law.

B. It is the policy of the Commonwealth of Virginia to provide for fair housing throughout the Commonwealth, to all its citizens, regardless of race, color, religion, national origin, sex, elderliness, familial status, sexual orientation, gender identity, status as a veteran, or ~~handicap~~ disability, and to that end to prohibit discriminatory practices with respect to residential housing by any person or group of persons, in order that the peace, health, safety, prosperity, and general welfare of all the inhabitants of the Commonwealth may be protected and insured. This law shall be deemed an exercise of the police power of the Commonwealth of Virginia for the protection of the people of the Commonwealth.

§ 36-96.1:1. Definitions.

For the purposes of this chapter, unless the context clearly indicates otherwise:

"Aggrieved person" means any person who (i) claims to have been injured by a discriminatory housing practice or (ii) believes that such person will be injured by a discriminatory housing practice that is about to occur.

"Assistance animal" means an animal that works, provides assistance, or performs tasks for the benefit of a person with a disability, or provides emotional support that alleviates one or more identified symptoms or effects of a person's disability. Assistance animals perform many disability-related functions, including guiding individuals who are blind or have low vision, alerting individuals who are deaf or hard of hearing to sounds, providing protection or rescue assistance, pulling a wheelchair, fetching items, alerting persons to impending seizures, or providing emotional support to persons with

disabilities who have a disability-related need for such support. An assistance animal is not required to be individually trained or certified. While dogs are the most common type of assistance animal, other animals can also be assistance animals. An assistance animal is not a pet.

"Complainant" means a person, including the Fair Housing Board, who files a complaint under § 36-96.9.

"Conciliation" means the attempted resolution of issues raised by a complainant, or by the investigation of such complaint, through informal negotiations involving the aggrieved person, the respondent, their respective authorized representatives and the Fair Housing Board.

"Conciliation agreement" means a written agreement setting forth the resolution of the issues in conciliation.

"Disability" means, with respect to a person, (i) a physical or mental impairment that substantially limits one or more of such person's major life activities; (ii) a record of having such an impairment; or (iii) being regarded as having such an impairment. The term does not include current, illegal use of or addiction to a controlled substance as defined in Virginia or federal law. For the purposes of this chapter, the terms "disability" and "handicap" shall be interchangeable.

"Discriminatory housing practices" means an act that is unlawful under § 36-96.3, 36-96.4, 36-96.5, or 36-96.6.

" Dwelling " means any building, structure, or portion thereof, that is occupied as, or designated or intended for occupancy as, a residence by one or more families, and any vacant land that is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.

"Elderliness" means an individual who has attained his fifty-fifth birthday.

"Familial status" means one or more individuals who have not attained the age of 18 years being domiciled with (i) a parent or other person having legal custody of such individual or individuals or (ii) the designee of such parent or other person having custody with the written permission of such parent or other person. The term "familial status" also includes any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of 18 years. For purposes of this section, "in the process of securing legal custody" means having filed an appropriate petition to obtain legal custody of such minor in a court of competent jurisdiction.

"Family" includes a single individual, whether male or female.

~~"Handicap" means, with respect to a person, (i) a physical or mental impairment that substantially limits one or more of such person's major life activities; (ii) a record of having such an impairment; or (iii) being regarded as having such an impairment. The term does not include current, illegal use of or addiction to a controlled substance as defined in Virginia or federal law. For the purposes of this chapter, the terms "handicap" and "disability" shall be interchangeable.~~

"Lending institution" includes any bank, savings institution, credit union, insurance company or mortgage lender.

~~"Major life activities" means, but shall not be limited to, includes any the following functions: caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.~~

"Person" means one or more individuals, whether male or female, corporations, partnerships, associations, labor organizations, fair housing organizations, civil rights organizations, organizations, governmental entities, legal representatives, mutual companies, joint stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers and fiduciaries.

~~"Physical or mental impairment" means, but shall not be limited to, includes any of the following: (i) any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; or endocrine or (ii) any mental or psychological disorder, such as an intellectual or developmental disability, organic brain syndrome, emotional or mental illness, or specific learning disability.~~ "Physical or mental impairment" includes such diseases and conditions as orthopedic, visual, speech, and hearing impairments; cerebral palsy; autism; epilepsy; muscular dystrophy; multiple sclerosis; cancer; heart disease; diabetes; human immunodeficiency virus infection; intellectual and developmental disabilities; emotional illness; drug addiction other than addiction caused by current, illegal use of a controlled substance; and alcoholism.

"Respondent" means any person or other entity alleged to have violated the provisions of this chapter, as stated in a complaint filed under the provisions of this chapter and any other person joined pursuant to the provisions of § 36-96.9.

"Restrictive covenant" means any specification in any instrument affecting title to real property that purports to limit the use, occupancy, transfer, rental, or lease of any dwelling because of race, color, religion, national origin, sex, elderliness, familial status, *sexual orientation, gender identity, status as a veteran, or handicap disability.*

"To rent" means to lease, to sublease, to let, or otherwise to grant for consideration the right to occupy premises not owned by the occupant.

§ 36-96.2. Exemptions.

A. Except as provided in subdivision A 3 of § 36-96.3 and subsections A, B, and C of § 36-96.6, this chapter shall not apply to any single-family house sold or rented by an owner, provided that such private individual does not own more than three single-family houses at any one time. In the case of the sale of any single-family house by a private individual-owner not residing in the house at the time of the sale or who was not the most recent resident of the house prior to sale, the exemption granted shall apply only with respect to one such sale within any 24-month period, provided that such bona fide private individual owner does not own any interest in, nor is there owned or reserved on his behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of, more than three such single-family houses at any one time. The sale or rental of any such single-family house shall be exempt from the application of this chapter only if the house is sold or rented (i) without the use in any manner of the sales or rental facilities

or the sales or rental services of any real estate broker, agent, salesperson, or of the facilities or the services of any person in the business of selling or renting dwellings, or of any employee, independent contractor, or agent of any broker, agent, salesperson, or person and (ii) without the publication, posting, or mailing, after notice, of any advertisement or written notice in violation of this chapter. However, nothing herein shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other professional assistance as necessary to perfect or transfer the title. This exemption shall not apply to or inure to the benefit of any licensee of the Real Estate Board or regulant of the Fair Housing Board, regardless of whether the licensee is acting in his personal or professional capacity.

B. Except for subdivision A 3 of § 36-96.3, this chapter shall not apply to rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence.

C. Nothing in this chapter shall prohibit a religious organization, association or society, or any nonprofit institution or organization operated, supervised, or controlled by or in conjunction with a religious organization, association or society, from limiting the sale, rental, or occupancy of dwellings that it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preferences to such persons, unless membership in such religion is restricted on account of race, color, national origin, sex, elderliness, familial status, *sexual orientation*, *gender identity*, *status as a veteran*, or ~~handicap~~ *disability*. Nor shall anything in this chapter apply to a private membership club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodging which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members. Nor, where matters of personal privacy are involved, shall anything in this chapter be construed to prohibit any private, state-owned or state-supported educational institution, hospital, nursing home, religious or correctional institution, from requiring that persons of both sexes not occupy any single-family residence or room or unit of dwellings or other buildings, or restrooms in such room or unit in dwellings or other buildings, which it owns or operates.

D. Nothing in this chapter prohibits conduct against a person because such person has been convicted by any court of competent jurisdiction of the illegal manufacture or distribution of a controlled substance as defined in federal law.

E. It shall not be unlawful under this chapter for any owner to deny or limit the rental of housing to persons who pose a clear and present threat of substantial harm to others or to the dwelling itself.

F. A rental application may require disclosure by the applicant of any criminal convictions and the owner or managing agent may require as a condition of acceptance of the rental application that applicant consent in writing to a criminal record check to verify the disclosures made by applicant in the rental application. The owner or managing agent may collect from the applicant moneys to reimburse the owner or managing agent for the exact amount of the out-of-pocket costs for such criminal record checks. Nothing in this chapter shall require an owner or managing agent to rent a dwelling to an individual who, based on a prior record of criminal convictions involving harm to persons or property, would constitute a clear and present threat to the health or safety of other individuals.

G. Nothing in this chapter limits the applicability of any reasonable local, state or federal restriction regarding the maximum number of occupants permitted to occupy a dwelling. Owners or managing agents of dwellings may develop and implement reasonable occupancy and safety standards based on factors such as the number and size of sleeping areas or bedrooms and overall size of a dwelling unit so long as the standards do not violate local, state or federal restrictions. Nothing in this chapter prohibits the rental application or similar document from requiring information concerning the number, ages, sex and familial relationship of the applicants and the dwelling's intended occupants.

§ 36-96.3. Unlawful discriminatory housing practices.

A. It shall be an unlawful discriminatory housing practice for any person:

1. To refuse to sell or rent after the making of a bona fide offer or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, national origin, sex, elderliness, ~~or~~ familial status, *sexual orientation*, *gender identity*, or *status as a veteran*;

2. To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in the connection therewith to any person because of race, color, religion, national origin, sex, elderliness, ~~or~~ familial status, *sexual orientation*, *gender identity*, or *status as a veteran*;

3. To make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination or an intention to make any such preference, limitation, or discrimination based on race, color, religion, national origin, sex, elderliness, familial status, *sexual orientation*, *gender identity*, *status as a veteran*, or ~~handicap~~ *disability*. The use of words or symbols associated with a particular religion, national origin, sex, or race shall be prima facie evidence of an illegal preference under this chapter which shall not be overcome by a general disclaimer. However, reference alone to places of worship including, ~~but not limited to~~, churches, synagogues, temples, or mosques in any such notice, statement, or advertisement shall not be prima facie evidence of an illegal preference;

4. To represent to any person because of race, color, religion, national origin, sex, elderliness, familial status, *sexual orientation*, *gender identity*, *status as a veteran*, or ~~handicap~~ *disability* that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available;

5. To deny any person access to membership in or participation in any multiple listing service, real estate brokers' organization, or other service, organization or facility relating to the business of selling or renting dwellings, or to discriminate against such person in the terms or conditions of such access, membership, or participation because of race,

color, religion, national origin, sex, elderliness, familial status, *sexual orientation*, *gender identity*, *status as a veteran*, or ~~handicap~~ *disability*;

6. To include in any transfer, sale, rental, or lease of housing; any restrictive covenant that discriminates because of race, color, religion, national origin, sex, elderliness, familial status, *sexual orientation*, *gender identity*, *status as a veteran*, or ~~handicap~~ *disability* or for any person to honor or exercise; or attempt to honor or exercise any such discriminatory covenant pertaining to housing;

7. To induce or attempt to induce to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, national origin, sex, elderliness, familial status, *sexual orientation*, *gender identity*, *status as a veteran*, or ~~handicap~~ *disability*;

8. To refuse to sell or rent, or refuse to negotiate for the sale or rental of, or otherwise discriminate or make unavailable or deny a dwelling because of a ~~handicap~~ *disability* of (i) the buyer or renters; (ii) a person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or (iii) any person associated with the buyer or renter; or

9. To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith because of a ~~handicap~~ *disability* of (i) that person; (ii) a person residing in or intending to reside in that dwelling after it was so sold, rented, or made available; or (iii) any person associated with that buyer or renter.

B. For the purposes of this section, discrimination includes: (i) a refusal to permit, at the expense of the ~~handicapped~~ *disabled* person, reasonable modifications of existing premises occupied or to be occupied by any person if such modifications may be necessary to afford such person full enjoyment of the premises; except that, in the case of a rental, the landlord may, where it is reasonable to do so, condition permission for a modification on the renter's agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted; (ii) a refusal to make reasonable accommodations in rules, practices, policies, or services when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling; or (iii) in connection with the design and construction of covered multi-family dwellings for first occupancy after March 13, 1991, a failure to design and construct dwellings in such a manner that:

1. The public use and common use areas of the dwellings are readily accessible to and usable by ~~handicapped~~ *disabled* persons;

2. All the doors designed to allow passage into and within all premises are sufficiently wide to allow passage by ~~handicapped~~ *disabled* persons in wheelchairs; and

3. All premises within covered multi-family dwelling units contain an accessible route into and through the dwelling; light switches, electrical outlets, thermostats, and other environmental controls are in accessible locations; there are reinforcements in the bathroom walls to allow later installation of grab bars; and there are usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space. As used in this subdivision, the term "covered multi-family dwellings" means buildings consisting of four or more units if such buildings have one or more elevators and ground floor units in other buildings consisting of four or more units.

C. Compliance with the appropriate requirements of the American National Standards for Building and Facilities (commonly cited as "ANSI A117.1") or with any other standards adopted as part of regulations promulgated by HUD providing accessibility and usability for physically ~~handicapped~~ *disabled* people shall be deemed to satisfy the requirements of subdivision B 3.

D. Nothing in this chapter shall be construed to invalidate or limit any Virginia law or regulation which requires dwellings to be designed and constructed in a manner that affords ~~handicapped~~ *disabled* persons greater access than is required by this chapter.

§ 36-96.4. Discrimination in residential real estate-related transactions; unlawful practices by lenders, insurers, appraisers, etc.; deposit of state funds in such institutions.

A. It shall be unlawful for any person or other entity, including any lending institution, whose business includes engaging in residential real estate-related transactions, to discriminate against any person in making available such a transaction, or in the terms or conditions of such a transaction, or in the manner of providing such a transaction, because of race, color, religion, national origin, sex, elderliness, familial status, *sexual orientation*, *gender identity*, *status as a veteran*, or ~~handicap~~ *disability*. It shall not be unlawful, however, for any person or other entity whose business includes engaging in residential real estate transactions to require any applicant to qualify financially for the loan or loans for which such person is making application.

B. As used in this section, the term "residential real estate-related transaction" means any of the following:

1. The making or purchasing of loans or providing other financial assistance (i) for purchasing, constructing, improving, repairing, or maintaining a dwelling or (ii) secured by residential real estate; or

2. The selling, brokering, insuring or appraising of residential real property. However, nothing in this chapter shall prohibit a person engaged in the business of furnishing appraisals of real property to take into consideration factors other than race, color, religion, national origin, sex, elderliness, familial status, *sexual orientation*, *gender identity*, *status as a veteran*, or ~~handicap~~ *disability*.

C. It shall be unlawful for any state, county, city, or municipal treasurer or governmental official whose responsibility it is to account for, to invest, or manage public funds to deposit or cause to be deposited any public funds in any lending institution provided for herein which is found to be committing discriminatory practices, where such findings were upheld

by any court of competent jurisdiction. Upon such a court's judicial enforcement of any order to restrain a practice of such lending institution or for said institution to cease or desist in a discriminatory practice, the appropriate fiscal officer or treasurer of the Commonwealth or any political subdivision thereof which has funds deposited in any lending institution which is practicing discrimination, as set forth herein, shall take immediate steps to have the said funds withdrawn and redeposited in another lending institution. If for reasons of sound economic management, this action will result in a financial loss to the Commonwealth or any of its political subdivisions, the action may be deferred for a period not longer than one year. If the lending institution in question has corrected its discriminatory practices, any prohibition set forth in this section shall not apply.

§ 36-96.6. Certain restrictive covenants void; instruments containing such covenants.

A. Any restrictive covenant and any related reversionary interest, purporting to restrict occupancy or ownership of property on the basis of race, color, religion, national origin, sex, elderliness, familial status, *sexual orientation, gender identity, status as a veteran, or handicap disability*, whether heretofore or hereafter included in an instrument affecting the title to real or leasehold property, are declared to be void and contrary to the public policy of the Commonwealth.

B. Any person who is asked to accept a document affecting title to real or leasehold property may decline to accept the same if it includes such a covenant or reversionary interest until the covenant or reversionary interest has been removed from the document. Refusal to accept delivery of an instrument for this reason shall not be deemed a breach of a contract to purchase, lease, mortgage, or otherwise deal with such property.

C. No person shall solicit or accept compensation of any kind for the release or removal of any covenant or reversionary interest described in subsection A. Any person violating this subsection shall be liable to any person injured thereby in an amount equal to the greater of three times the compensation solicited or received, or \$500, plus reasonable attorneys' attorney fees and costs incurred.

D. A family care home, foster home, or group home in which individuals with physical ~~handicap~~ *disabilities*, mental illness, intellectual disability, or developmental disability reside, with one or more resident counselors or other staff persons, shall be considered for all purposes residential occupancy by a single family when construing any restrictive covenant which purports to restrict occupancy or ownership of real or leasehold property to members of a single family or to residential use or structure.

§ 55.1-1310. Sale or lease of manufactured home by manufactured home owner.

No landlord shall unreasonably refuse or restrict the sale or rental of a manufactured home located in his manufactured home park by a tenant. No landlord shall prohibit the manufactured home owner from placing a "for sale" sign on or in the owner's home except that the size, placement, and character of all signs are subject to the rules and regulations of the manufactured home park. Prior to selling or leasing the manufactured home, the tenant shall give notice to the landlord, including the name of the prospective vendee or lessee if the prospective vendee or lessee intends to occupy the manufactured home in that manufactured home park. The landlord shall have the burden of proving that his refusal or restriction regarding the sale or rental of a manufactured home was reasonable. The refusal or restriction of the sale or rental of a manufactured home exclusively or predominantly based on the age of the home shall be considered unreasonable. Any refusal or restriction based on race, color, religion, national origin, *status as a veteran, familial status, marital status, elderliness, handicap disability, or sexual orientation, gender identity, sex, or pregnancy, childbirth or related medical conditions* shall be conclusively presumed to be unreasonable.

2. That § 2.2-3903 of the Code of Virginia is repealed.

3. That any regulations implementing the provisions of § 2.2-3907 of the Code of Virginia, as created by this act, shall, so far as practicable, conform to the practices and timelines of the Equal Employment Opportunity Commission with respect to analogous federal laws and regulations, for the purpose of maintaining a workshare agreement with that agency.

CHAPTER 1141

An Act to amend and reenact § 2.2-3704.2 of the Code of Virginia, relating to Virginia Freedom of Information Act; FOIA officers; training and reporting requirements.

[S 138]

Approved April 11, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-3704.2 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-3704.2. Public bodies to designate FOIA officer.

A. All state public bodies, including state authorities, that are subject to the provisions of this chapter and all local public bodies *and regional public bodies* that are subject to the provisions of this chapter, shall designate and publicly identify one or more Freedom of Information Act officers (FOIA officer) whose responsibility is to serve as a point of contact for members of the public in requesting public records and to coordinate the public body's compliance with the provisions of this chapter.

B. For such state public bodies, the name and contact information of the public body's FOIA officer to whom members of the public may direct requests for public records and who will oversee the public body's compliance with the provisions

of this chapter shall be made available to the public upon request and be posted on the respective public body's official public government website at the time of designation and maintained thereafter on such website for the duration of the designation.

C. For such local public bodies *and regional public bodies*, the name and contact information of the public body's FOIA officer to whom members of the public may direct requests for public records and who will oversee the public body's compliance with the provisions of this chapter shall be made available in a way reasonably calculated to provide notice to the public, including posting at the public body's place of business, posting on its official public government website, or including such information in its publications.

D. For the purposes of this section, local public bodies shall include constitutional officers.

E. Any such FOIA officer shall possess specific knowledge of the provisions of this chapter and be trained at least ~~annually~~ *once during each consecutive period of two calendar years commencing with the date on which he last completed a training session* by legal counsel for the public body or the Virginia Freedom of Information Advisory Council (the Council) or through an online course offered by the Council. Any such training shall document that the training required by this subsection has been fulfilled.

F. The name and contact information of a FOIA officer trained by legal counsel of a public body shall be (i) submitted to the Council by July 1 of ~~each~~ *the year a FOIA officer is initially trained* on a form developed by the Council for that purpose and (ii) updated in a timely manner in the event of any changes to such information.

G. The Council shall maintain on its website a listing of all FOIA officers, including name, contact information, and the name of the public body such FOIA officers serve.

CHAPTER 1142

An Act to amend and reenact § 2.2-3704 of the Code of Virginia, relating to the Virginia Freedom of Information Act; tolling response time when requester asks for cost estimate in advance; advance deposits.

[S 153]

Approved April 11, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-3704 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-3704. Public records to be open to inspection; procedure for requesting records and responding to request; charges; transfer of records for storage, etc.

A. Except as otherwise specifically provided by law, all public records shall be open to citizens of the Commonwealth, representatives of newspapers and magazines with circulation in the Commonwealth, and representatives of radio and television stations broadcasting in or into the Commonwealth during the regular office hours of the custodian of such records. Access to such records shall be provided by the custodian in accordance with this chapter by inspection or by providing copies of the requested records, at the option of the requester. The custodian may require the requester to provide his name and legal address. The custodian of such records shall take all necessary precautions for their preservation and safekeeping.

B. A request for public records shall identify the requested records with reasonable specificity. The request need not make reference to this chapter in order to invoke the provisions of this chapter or to impose the time limits for response by a public body. Any public body that is subject to this chapter and that is the custodian of the requested records shall promptly, but in all cases within five working days of receiving a request, provide the requested records to the requester or make one of the following responses in writing:

1. The requested records are being entirely withheld. Such response shall identify with reasonable particularity the volume and subject matter of withheld records, and cite, as to each category of withheld records, the specific Code section that authorizes the withholding of the records.

2. The requested records are being provided in part and are being withheld in part. Such response shall identify with reasonable particularity the subject matter of withheld portions, and cite, as to each category of withheld records, the specific Code section that authorizes the withholding of the records.

3. The requested records could not be found or do not exist. However, if the public body that received the request knows that another public body has the requested records, the response shall include contact information for the other public body.

4. It is not practically possible to provide the requested records or to determine whether they are available within the five-work-day period. Such response shall specify the conditions that make a response impossible. If the response is made within five working days, the public body shall have an additional seven work days in which to provide one of the four preceding responses.

C. Any public body may petition the appropriate court for additional time to respond to a request for records when the request is for an extraordinary volume of records or requires an extraordinarily lengthy search, and a response by the public body within the time required by this chapter will prevent the public body from meeting its operational responsibilities. Before proceeding with the petition, however, the public body shall make reasonable efforts to reach an agreement with the requester concerning the production of the records requested.

D. Subject to the provisions of subsection G, no public body shall be required to create a new record if the record does not already exist. However, a public body may abstract or summarize information under such terms and conditions as agreed between the requester and the public body.

E. Failure to respond to a request for records shall be deemed a denial of the request and shall constitute a violation of this chapter.

F. A public body may make reasonable charges not to exceed its actual cost incurred in accessing, duplicating, supplying, or searching for the requested records. No public body shall impose any extraneous, intermediary, or surplus fees or expenses to recoup the general costs associated with creating or maintaining records or transacting the general business of the public body. Any duplicating fee charged by a public body shall not exceed the actual cost of duplication. The public body may also make a reasonable charge for the cost incurred in supplying records produced from a geographic information system at the request of anyone other than the owner of the land that is the subject of the request. However, such charges shall not exceed the actual cost to the public body in supplying such records, except that the public body may charge, on a pro rata per acre basis, for the cost of creating topographical maps developed by the public body, for such maps or portions thereof, which encompass a contiguous area greater than 50 acres. All charges for the supplying of requested records shall be estimated in advance at the request of the citizen. *The period within which the public body shall respond under this section shall be tolled for the amount of time that elapses between notice of the cost estimate and the response of the requester. If the public body receives no response from the requester within 30 days of sending the cost estimate, the request shall be deemed to be withdrawn.*

G. Public records maintained by a public body in an electronic data processing system, computer database, or any other structured collection of data shall be made available to a requester at a reasonable cost, not to exceed the actual cost in accordance with subsection F. When electronic or other databases are combined or contain exempt and nonexempt records, the public body may provide access to the exempt records if not otherwise prohibited by law, but shall provide access to the nonexempt records as provided by this chapter.

Public bodies shall produce nonexempt records maintained in an electronic database in any tangible medium identified by the requester, including, where the public body has the capability, the option of posting the records on a website or delivering the records through an electronic mail address provided by the requester, if that medium is used by the public body in the regular course of business. No public body shall be required to produce records from an electronic database in a format not regularly used by the public body. However, the public body shall make reasonable efforts to provide records in any format under such terms and conditions as agreed between the requester and public body, including the payment of reasonable costs. The excision of exempt fields of information from a database or the conversion of data from one available format to another shall not be deemed the creation, preparation, or compilation of a new public record.

H. In any case where a public body determines in advance that charges for producing the requested records are likely to exceed \$200, the public body may, before continuing to process the request, require the requester to ~~agree to payment of~~ pay a deposit not to exceed the amount of the advance determination. The deposit shall be credited toward the final cost of supplying the requested records. The period within which the public body shall respond under this section shall be tolled for the amount of time that elapses between notice of the advance determination and the response of the requester.

I. Before processing a request for records, a public body may require the requester to pay any amounts owed to the public body for previous requests for records that remain unpaid 30 days or more after billing.

J. In the event a public body has transferred possession of public records to any entity, including but not limited to any other public body, for storage, maintenance, or archiving, the public body initiating the transfer of such records shall remain the custodian of such records for purposes of responding to requests for public records made pursuant to this chapter and shall be responsible for retrieving and supplying such public records to the requester. In the event a public body has transferred public records for storage, maintenance, or archiving and such transferring public body is no longer in existence, any public body that is a successor to the transferring public body shall be deemed the custodian of such records. In the event no successor entity exists, the entity in possession of the public records shall be deemed the custodian of the records for purposes of compliance with this chapter, and shall retrieve and supply such records to the requester. Nothing in this subsection shall be construed to apply to records transferred to the Library of Virginia for permanent archiving pursuant to the duties imposed by the Virginia Public Records Act (§ 42.1-76 et seq.). In accordance with § 42.1-79, the Library of Virginia shall be the custodian of such permanently archived records and shall be responsible for responding to requests for such records made pursuant to this chapter.

CHAPTER 1143

An Act to amend the Code of Virginia by adding in Chapter 1 of Title 15.2 a section numbered 15.2-111, relating to local government meetings; weather.

[S 941]

Approved April 11, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 1 of Title 15.2 a section numbered 15.2-111 as follows:

§ 15.2-111. Rescheduling or continuing meetings for weather.

By resolution adopted at a regular meeting, any political subdivision, board of zoning appeals, or other local government board, commission, or authority may fix the day or days to which a regular meeting shall be continued if the chairman, or vice-chairman if the chairman is unable to act, finds and declares that weather or other conditions are such that it is hazardous for members to attend the regular meeting. Such findings shall be communicated to the members and the press as promptly as possible. All hearings and other matters previously advertised shall be conducted at the continued meeting, and no further advertising is required.

CHAPTER 1144

An Act to amend and reenact § 15.2-1416 of the Code of Virginia, relating to local governing body meetings; public comment.

[S 977]

Approved April 11, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-1416 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-1416. Regular meetings.

A. The governing body shall assemble at a public place as the governing body may prescribe, in regular session in January for counties and in July for cities and towns. Future meetings shall be held on such days as may be prescribed by resolution of the governing body but in no event shall less than six meetings be held in each fiscal year.

B. The days, times and places of regular meetings to be held during the ensuing months shall be established at the first meeting which meeting may be referred to as the annual or organizational meeting; however, if the governing body subsequently prescribes any public place other than the initial public meeting place, or any day or time other than that initially established, as a meeting day, place or time, the governing body shall pass a resolution as to such future meeting day, place or time. The governing body shall cause a copy of such resolution to be posted on the door of the courthouse or the initial public meeting place and inserted in a newspaper having general circulation in the county or municipality at least seven days prior to the first such meeting at such other day, place or time. Should the day established by the governing body as the regular meeting day fall on any legal holiday, the meeting shall be held on the next following regular business day, without action of any kind by the governing body.

At its annual meeting the governing body may fix the day or days to which a regular meeting shall be continued if the chairman or mayor, or vice-chairman or vice-mayor if the chairman or mayor is unable to act, finds and declares that weather or other conditions are such that it is hazardous for members to attend the regular meeting. Such finding shall be communicated to the members and the press as promptly as possible. All hearings and other matters previously advertised shall be conducted at the continued meeting and no further advertisement is required.

C. Regular meetings may be adjourned from day to day or from time to time or from place to place, not beyond the time fixed for the next regular meeting, until the business before the governing body is completed. Notice of any regular meeting continued under this section shall be reasonable under the circumstances and be given as provided in subsection D of § 2.2-3707.

D. *The governing body shall provide members of the general public with the opportunity for public comment during a regular meeting at least quarterly.*

E. Notwithstanding the provisions of this section, any city or town that holds an organizational meeting in compliance with its charter or code shall be deemed to be in compliance with this section.

CHAPTER 1145

An Act to amend and reenact § 40.1-28.9 of the Code of Virginia, relating to the minimum wage; tipped employees.

[H 56]

Approved April 11, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 40.1-28.9 of the Code of Virginia is amended and reenacted as follows:

§ 40.1-28.9. Definitions; determining wage of tipped employee.

A. As used in this article:

"Employee" includes any individual employed by an employer, except the following:

1. Any person employed as a farm laborer or farm employee;
2. Any person employed in domestic service or in or about a private home or in an eleemosynary institution primarily supported by public funds;
3. Any person engaged in the activities of an educational, charitable, religious, or nonprofit organization where the relationship of employer-employee does not, in fact, exist; or where the services rendered to such organizations are on a voluntary basis;
4. Caddies on golf courses;

5. Traveling salesmen or outside salesmen working on a commission basis; taxicab drivers and operators;
 6. Any person under the age of 18 in the employ of his ~~father, mother~~ parent or legal guardian;
 7. Any person confined in any penal or corrective institution of the ~~State~~ Commonwealth or any of its political subdivisions or admitted to a state hospital or training center operated by the Department of Behavioral Health and Developmental Services;
 8. Any person employed by a summer camp for boys, girls, or both boys and girls;
 9. Any person under the age of 16, regardless of by whom employed;
 10. Any person who normally works and is paid based on the amount of work done;
 11. Any person whose employment is covered by the Fair Labor Standards Act of 1938, as amended;
 12. Any person whose earning capacity is impaired by physical deficiency, mental illness, or intellectual disability;
 13. Students participating in a bona fide educational program;
 14. Any person employed by an employer ~~who~~ that does not have four or more persons employed at any one time; provided that ~~husbands, wives the spouse, sons, daughters~~ children, and parents of ~~the~~ an individual employer shall not be counted in determining the number of persons employed;
 15. Any person who is less than 18 years of age and who is currently enrolled on a full-time basis in any secondary school, institution of higher education, or trade school, provided *that* the person is not employed more than 20 hours per week;
 16. Any person of any age who is currently enrolled on a full-time basis in any secondary school, institution of higher education, or trade school and is in a work-study program or its equivalent at the institution at which he ~~or she~~ is enrolled as a student;
 17. Any person who is less than 18 years of age and who is under the jurisdiction and direction of a juvenile and domestic relations district court; or
 18. Any person who works as a babysitter for fewer than 10 hours per week.
- "Employer" includes any individual, partnership, association, corporation, *or* business trust; or any person or ~~groups~~ group of persons acting directly or indirectly in the interest of an employer in relation to an employee.
- "Tipped employee" means an employee who in the course of employment customarily and regularly receives tips totaling more than \$30 each month from persons other than the employee's employer.
- "Wages" means legal tender of the United States or checks or drafts on banks negotiable into cash on demand or upon acceptance at full value; ~~provided, wages may include.~~ "Wages" may include the reasonable cost to the employer of furnishing meals and ~~for~~ lodging to an employee; if such board or lodging is customarily furnished by the employer; and used by the employee.
- B. In determining the wage of a tipped employee, the amount paid such employee by his employer shall be deemed to be increased on account of tips by an amount determined by the employer, except in the case of an employee who establishes by clear and convincing evidence that the actual amount of tips received by him was less than the amount determined by the employer. In such case, the amount paid such employee by his employer shall be deemed to have been increased by such lesser amount. *An employer shall not classify an individual as a tipped employee if the individual is prohibited by applicable federal or state law or regulation from soliciting tips.*

CHAPTER 1146

An Act to amend and reenact § 40.1-28.9 of the Code of Virginia, relating to the Virginia Minimum Wage Act; employees paid on the amount of work done.

[S 78]

Approved April 11, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 40.1-28.9 of the Code of Virginia is amended and reenacted as follows:

§ 40.1-28.9. Definitions; determining wage of tipped employee.

A. As used in this article:

"Employee" includes any individual employed by an employer, except the following:

1. Any person employed as a farm laborer or farm employee;
2. Any person employed in domestic service or in or about a private home or in an eleemosynary institution primarily supported by public funds;
3. Any person engaged in the activities of an educational, charitable, religious, or nonprofit organization where the relationship of employer-employee does not, in fact, exist; or where the services rendered to such ~~organizations are~~ organization is on a voluntary basis;
4. Caddies on golf courses;
5. Traveling salesmen or outside salesmen working on a commission basis; taxicab drivers and operators;
6. Any person under the age of 18 in the employ of his ~~father, mother~~ parent or legal guardian;

7. Any person confined in any penal or corrective institution of the ~~State~~ Commonwealth or any of its political subdivisions or admitted to a state hospital or training center operated by the Department of Behavioral Health and Developmental Services;

8. Any person employed by a summer camp for boys, girls, or both boys and girls;

9. Any person under the age of 16, regardless of by whom employed;

10. ~~Any person who normally works and is paid based on the amount of work done;~~

~~11. Any person whose employment is covered by the Fair Labor Standards Act of 1938, as amended;~~

~~12. 11. Any person whose earning capacity is impaired by physical deficiency, mental illness, or intellectual disability;~~

~~13. 12. Students participating in a bona fide educational program;~~

~~14. 13. Any person employed by an employer who that does not have four or more persons employed at any one time, provided that husbands, wives the spouse, sons, daughters children, and parents of the an individual employer shall not be counted in determining the number of persons employed;~~

~~15. 14. Any person who is less than 18 years of age and who is currently enrolled on a full-time basis in any secondary school, institution of higher education, or trade school, provided that the person is not employed more than 20 hours per week;~~

~~16. 15. Any person of any age who is currently enrolled on a full-time basis in any secondary school, institution of higher education, or trade school and is in a work-study program or its equivalent at the institution at which he or she is enrolled as a student;~~

~~17. 16. Any person who is less than 18 years of age and who is under the jurisdiction and direction of a juvenile and domestic relations district court; or~~

~~18. 17. Any person who works as a babysitter for fewer than 10 hours per week.~~

"Employer" includes any individual, partnership, association, corporation, or business trust; or any person or groups group of persons acting directly or indirectly in the interest of an employer in relation to an employee.

"Wages" means legal tender of the United States or checks or drafts on banks negotiable into cash on demand or upon acceptance at full value; ~~provided, wages may include.~~ "Wages" includes the reasonable cost to the employer of furnishing meals and for lodging to an employee; if such board or lodging is customarily furnished by the employer; and used by the employee.

B. In determining the wage of a tipped employee, the amount paid such employee by his employer shall be deemed to be increased on account of tips by an amount determined by the employer, except in the case of an employee who establishes by clear and convincing evidence that the actual amount of tips received by him was less than the amount determined by the employer. In such case, the amount paid such employee by his employer shall be deemed to have been increased by such lesser amount.

CHAPTER 1147

An Act to amend and reenact § 40.1-28.9 of the Code of Virginia, relating to employees providing domestic service; minimum wage.

[S 804]

Approved April 11, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 40.1-28.9 of the Code of Virginia is amended and reenacted as follows:

§ 40.1-28.9. Definitions; determining wage of tipped employee.

A. As used in this article:

"Domestic service" means services related to the care of an individual in a private home or the maintenance of a private home or its premises, on a permanent or temporary basis, including services performed by individuals such as companions, cooks, waiters, butlers, maids, valets, and chauffeurs.

"Employee" includes any individual employed by an employer, except the following:

1. Any person employed as a farm laborer or farm employee;

2. Any person employed in domestic service or in or about a private home or in an eleemosynary institution primarily supported by public funds;

3. Any person engaged in the activities of an educational, charitable, religious, or nonprofit organization where the relationship of employer-employee does not, in fact, exist; or where the services rendered to such organizations are organization is on a voluntary basis;

4. Caddies on golf courses;

5. Traveling salesmen or outside salesmen working on a commission basis; taxicab drivers and operators;

6. Any person under the age of 18 in the employ of his father, mother parent or legal guardian;

7. Any person confined in any penal or corrective institution of the ~~State~~ Commonwealth or any of its political subdivisions or admitted to a state hospital or training center operated by the Department of Behavioral Health and Developmental Services;

8. Any person employed by a summer camp for boys, girls, or both boys and girls;

9. Any person under the age of 16, regardless of by whom employed;

10. Any person who normally works and is paid based on the amount of work done;
11. Any person whose employment is covered by the Fair Labor Standards Act of 1938, as amended;
12. Any person whose earning capacity is impaired by physical deficiency, mental illness, or intellectual disability;
13. Students participating in a bona fide educational program;
14. Any person employed by an employer who does not have four or more persons employed at any one time; provided that ~~husbands, wives, sons, daughters~~ (i) *the spouse, children,* and parents of the employer shall not be counted in determining the number of persons employed and (ii) *this exception shall not apply to persons employed as domestic service employees;*
15. Any person who is less than 18 years of age and who is currently enrolled on a full-time basis in any secondary school, institution of higher education, or trade school, provided *that* the person is not employed more than 20 hours per week;
16. Any person of any age who is currently enrolled on a full-time basis in any secondary school, institution of higher education, or trade school and is in a work-study program or its equivalent at the institution at which he ~~or she~~ is enrolled as a student;
17. Any person who is less than 18 years of age and who is under the jurisdiction and direction of a juvenile and domestic relations district court; or
18. Any person who works as a babysitter for fewer than 10 hours per week.

"Employer" includes any individual, partnership, association, corporation, *or* business trust; or any person or ~~groups~~ *group* of persons acting directly or indirectly in the interest of an employer in relation to an employee.

"Wages" means legal tender of the United States or checks or drafts on banks negotiable into cash on demand or upon acceptance at full value; ~~provided, wages may include.~~ "Wages" *includes* the reasonable cost to the employer of furnishing meals and ~~for~~ lodging to an employee; if such board or lodging is customarily furnished by the employer; and used by the employee.

B. In determining the wage of a tipped employee, the amount paid such employee by his employer shall be deemed to be increased on account of tips by an amount determined by the employer, except in the case of an employee who establishes by clear and convincing evidence that the actual amount of tips received by him was less than the amount determined by the employer. In such case, the amount paid such employee by his employer shall be deemed to have been increased by such lesser amount.

2. That the Secretary of Commerce and Trade shall convene a work group consisting of representatives from the Department of Labor and Industry, the Virginia Employment Commission, the Workers' Compensation Commission, organizations representing domestic workers, and such other stakeholders as the Secretary of Commerce and Trade shall deem appropriate to make recommendations, including any necessary statutory and regulatory changes, with regard to protecting domestic service employees from workplace harassment and discrimination, providing remedies for such employees for the nonpayment of wages, ensuring the safety and health of such employees in the workplace, and protecting such employees from loss of income as a result of unemployment or employment-related injury by including coverage of such employees in the Virginia Unemployment Compensation Act and the Virginia Workers' Compensation Act. The work group shall report its findings and recommendations to the Chairs of the Senate Committee on Commerce and Labor and the House Committee on Labor and Commerce by November 1, 2020.

CHAPTER 1148

An Act to amend and reenact §§ 24.2-103, 24.2-109, 24.2-111, 24.2-114, and 24.2-115.2 of the Code of Virginia, relating to general registrars; certification requirement; removal from office.

[H 1362]

Approved April 11, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-103, 24.2-109, 24.2-111, 24.2-114, and 24.2-115.2 of the Code of Virginia are amended and reenacted as follows:

§ 24.2-103. Powers and duties in general.

A. The State Board, through the Department of Elections, shall supervise and coordinate the work of the county and city electoral boards and of the registrars to obtain uniformity in their practices and proceedings and legality and purity in all elections. It shall make rules and regulations and issue instructions and provide information consistent with the election laws to the electoral boards and registrars to promote the proper administration of election laws. Electoral boards and registrars shall provide information requested by the State Board and shall follow (i) the elections laws and (ii) the rules and regulations of the State Board insofar as they do not conflict with Virginia or federal law. The State Board shall post on the Internet within three business days any rules or regulations made by the State Board. Upon request and at a reasonable charge not to exceed the actual cost incurred, the State Board shall provide to any requesting political party or candidate, within three days of the receipt of the request, copies of any instructions or information provided by the State Board to the local electoral boards and registrars.

B. The State Board, through the Department of Elections, shall ensure that the members of the electoral boards ~~and general registrars~~ are properly trained to carry out their duties by offering training annually, or more often, as it deems appropriate, and without charging any fees to the electoral boards ~~and general registrars~~ for the training.

C. *The State Board, through the Department of Elections, shall conduct a certification program for the general registrars and shall require each general registrar to receive certification through such program from the Department within 12 months of his initial appointment or any subsequent reappointment. The State Board may grant a waiver requested by a local electoral board to extend, on a case-by-case basis, this deadline by up to three months. The State Board shall develop a training curriculum for the certification program and standards for completing the program and maintaining certification, including required hours of annual training. No fees shall be charged to a general registrar for any required training as part of the certification program. The State Board shall review the certification program every four years, or more often as it deems appropriate.*

D. The State Board shall set the training standards for the officers of election and shall develop standardized training programs for the officers of election to be conducted by the local electoral boards and the general registrars. Training of the officers of election shall be conducted and certified as provided by § 24.2-115.2. The State Board shall provide standardized training materials for such training and shall also offer on the Department of Elections website a training course for officers of election. The content of the online training course shall be consistent with the standardized training programs developed pursuant to this section. The State Board shall review the standardized training materials and the content of the online training course every two years in the year immediately following a general election for federal office.

~~E.~~ E. The State Board may institute proceedings pursuant to § 24.2-234 for the removal of any member of an electoral board who fails to discharge the duties of his office in accordance with law. The State Board may petition the local electoral board to remove from office any general registrar who fails to discharge the duties of his office according to law. The State Board may institute proceedings pursuant to § 24.2-234 for the removal of a general registrar if the local electoral board refuses to remove the general registrar and the State Board finds that the failure to remove the general registrar has a material adverse effect upon the conduct of either the registrar's office or any election. Any action taken by the State Board pursuant to this subsection shall require a recorded majority vote of the Board.

~~F.~~ F. The State Board may petition a circuit court or the Supreme Court, whichever is appropriate, for a writ of mandamus or prohibition, or other available legal relief, for the purpose of ensuring that elections are conducted as provided by law.

~~E.~~ G. The Department of Elections shall supervise its own staff to assure that no member of its staff shall serve (i) as the chairman of a political party or other officer of a state-, local-, or district-level political party committee or (ii) as a paid or volunteer worker in the campaign of a candidate for nomination or election to an office filled by election in whole or in part by the qualified voters of the Commonwealth.

~~F.~~ H. The State Board shall adopt a seal for its use and bylaws for its own proceedings.

~~G.~~ I. A telephone call between two members of the Board preparing for a meeting shall not constitute a meeting under the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.), provided that no discussion or deliberation takes place that would otherwise constitute a meeting.

§ 24.2-109. Appointment and removal of general registrar and officers of election; powers and duties in general.

A. Each electoral board shall appoint the general registrar for its city or county and officers of election for each precinct who shall serve in all elections, including town elections, as provided in this chapter. The secretary of the electoral board shall promptly notify each appointee of his appointment.

The electoral board by a recorded majority vote may remove from office, on notice, any general registrar or officer of election who fails to discharge the duties of his office according to law.

The electoral board shall remove from office, on notice, any general registrar who fails to receive or maintain certification as required by the State Board pursuant to subsection C of § 24.2-103.

B. The electoral board shall perform the duties assigned by this title including, but not limited to, the preparation of ballots, the administration of absentee ballot provisions, the conduct of the election, and the ascertaining of the results of the election.

§ 24.2-111. Compensation and expenses of general registrars.

The General Assembly shall establish a compensation plan in the general appropriation act for the general registrars. The governing body for the county or city of each general registrar shall pay compensation in accordance with the plan and be reimbursed annually as authorized in the act. The governing body shall be required to provide benefits to the general and assistant registrars and staff as provided to other employees of the locality, and shall be authorized to supplement the salary of the general registrar to the extent provided in the act.

Each locality shall pay the reasonable expenses of the general registrar, including reimbursement for mileage at the rate payable to members of the General Assembly. In case of a dispute, the State Board shall approve or disapprove the reimbursement. Reasonable expenses include, but are not limited to, costs for: (i) an adequately trained registrar's staff, including training in the use of computers and other technology to the extent provided to other local employees with similar job responsibilities, and reasonable costs for the general registrar to ~~attend the annual training offered~~ *receive and maintain certification as required by the State Board pursuant to subsection C of § 24.2-103;* (ii) adequate training for officers of election; (iii) conducting elections as required by this title; and (iv) voter education.

§ 24.2-114. Duties and powers of general registrar.

In addition to the other duties required by this title, the general registrar, and the assistant registrars acting under his supervision, shall:

1. Maintain the office of the general registrar and establish and maintain additional public places for voter registration in accordance with the provisions of § 24.2-412.

2. Participate in programs to educate the general public concerning registration and encourage registration by the general public. No registrar shall actively solicit, in a selective manner, any application for registration or for a ballot or offer anything of value for any such application.

3. Perform his duties within the county or city he was appointed to serve, except that a registrar may (i) go into a county or city in the Commonwealth contiguous to his county or city to register voters of his county or city when conducting registration jointly with the registrar of the contiguous county or city or (ii) notwithstanding any other provision of law, participate in multijurisdictional staffing for voter registration offices, approved by the State Board, that are located at facilities of the Department of Motor Vehicles.

4. Provide the appropriate forms for applications to register and to obtain the information necessary to complete the applications pursuant to the provisions of the Constitution of Virginia and general law.

5. Indicate on the registration records for each accepted mail voter registration application form returned by mail pursuant to Article 3.1 (§ 24.2-416.1 et seq.) of Chapter 4 that the registrant has registered by mail. The general registrar shall fulfill this duty in accordance with the instructions of the State Board so that those persons who registered by mail are identified on the registration records, lists of registered voters furnished pursuant to § 24.2-405, lists of persons who voted furnished pursuant to § 24.2-406, and pollbooks used for the conduct of elections.

6. Accept a registration application or request for transfer or change of address submitted by or for a resident of any other county or city in the Commonwealth. Registrars shall process registration applications and requests for transfer or change of address from residents of other counties and cities in accordance with written instructions from the State Board and shall forward the completed application or request to the registrar of the applicant's residence. Notwithstanding the provisions of § 24.2-416, the registrar of the applicant's residence shall recognize as timely any application or request for transfer or change of address submitted to any person authorized to receive voter registration applications pursuant to Chapter 4 (§ 24.2-400 et seq.), prior to or on the final day of registration. The registrar of the applicant's residence shall determine the qualification of the applicant, including whether the applicant has ever been convicted of a felony, and if so, under what circumstances the applicant's right to vote has been restored, and promptly notify the applicant at the address shown on the application or request of the acceptance or denial of his registration or transfer. However, notification shall not be required when the registrar does not have an address for the applicant.

7. Preserve order at and in the vicinity of the place of registration. For this purpose, the registrar shall be vested with the powers of a conservator of the peace while engaged in the duties imposed by law. He may exclude from the place of registration persons whose presence disturbs the registration process. He may appoint special officers, not exceeding three in number, for a place of registration and may summon persons in the vicinity to assist whenever, in his judgment, it is necessary to preserve order. The general registrar and any assistant registrar shall be authorized to administer oaths for purposes of this title.

8. Maintain the official registration records for his county or city in the system approved by, and in accordance with the instructions of, the State Board; preserve the written applications of all persons who are registered; and preserve for a period of four years the written applications of all persons who are denied registration or whose registration is cancelled.

9. If a person is denied registration, notify such person in writing of the denial and the reason for denial within 14 days of the denial in accordance with § 24.2-422.

10. Verify the accuracy of the pollbooks provided for each election by the State Board, make the pollbooks available to the precincts, and according to the instructions of the State Board provide a copy of the data from the pollbooks to the State Board after each election for voting credit purposes.

11. Retain the pollbooks in his principal office for two years from the date of the election.

12. Maintain accurate and current registration records and comply with the requirements of this title for the transfer, inactivation, and cancellation of voter registrations.

13. Whenever election districts, precincts, or polling places are altered, provide for entry into the voter registration system of the proper district and precinct designations for each registered voter whose districts or precinct have changed and notify each affected voter of changes affecting his districts or polling place by mail.

14. Whenever any part of his county or city becomes part of another jurisdiction by annexation, merger, or other means, transfer to the appropriate general registrar the registration records of the affected registered voters. The general registrar for their new county or city shall notify them by mail of the transfer and their new election districts and polling places.

15. When he registers any person who was previously registered in another state, notify the appropriate authority in that state of the person's registration in Virginia by providing electronically, through the Department of Elections, the information contained in that person's registration application.

16. Whenever any person is believed to be registered or voting in more than one state or territory of the United States at the same time, inquire about, or provide information from the voter's registration and voting records to any appropriate voter registration or other authority of another state or territory who inquires about, that person's registration and voting history.

17. At the request of the county or city chairman of any political party nominating a candidate for the General Assembly, constitutional office, or local office by a method other than a primary, review any petition required by the party in its nomination process to determine whether those signing the petition are registered voters with active status.

18. Carry out such other duties as prescribed by the electoral board in his capacity as the director of elections for the locality in which he serves.

19. ~~Attend an annual training program provided by the State Board. A general registrar may designate one member of his staff to attend such training program if he is unable to attend because of a personal or family emergency. Receive and maintain certification through the certification program conducted by the State Board for general registrars pursuant to subsection C of § 24.2-103. Each general registrar shall be required to receive certification through the certification program within 12 months of his initial appointment or any subsequent reappointment, unless a waiver has been granted by the State Board pursuant to subsection C of § 24.2-103.~~

§ 24.2-115.2. Officers of election; required training.

A. Each officer of election shall receive training consistent with the standards set by the State Board pursuant to § 24.2-103. This training shall be conducted by the electoral boards and general registrars, using the standardized training programs and materials developed by the State Board for this purpose. However, any electoral board and general registrar may instead require that the officers of election complete the online training course provided by the State Board pursuant to subsection ~~B~~ D of § 24.2-103. Each officer of election shall receive such training, or complete the online training course, before the first election in which he will be serving as an officer of election. Such requirement shall apply to each term for which the officer of election is appointed.

B. Notwithstanding the provisions of subsection A, each officer of election shall receive additional training or instruction whenever a change to election procedures is made to this title or to regulations that alters the duties or conduct of the officers of election. Such changes shall include changes to voting systems, electronic pollbook equipment or programming, voter identification requirements, and provisional ballot requirements. Such additional training shall be conducted or instruction given promptly after the law or regulation has taken effect, but not less than three days prior to the November general election.

C. Following any training conducted pursuant to this section, the electoral boards shall certify to the State Board that the officers of election in its jurisdiction have received the required training. Such certification shall include the dates of each completed training.

2. That any general registrar serving a term that began prior to the effective date of this act shall be required to complete the certification program and receive his certification no later than June 30, 2021.

CHAPTER 1149

An Act to amend and reenact §§ 24.2-416.1, 24.2-452, 24.2-612, 24.2-700, 24.2-701, 24.2-701.1, 24.2-702.1, 24.2-703.1, 24.2-703.2, 24.2-705.1, 24.2-705.2, 24.2-706, 24.2-709, and 24.2-1004 of the Code of Virginia, relating to absentee voting; no excuse required.

[H 1]

Approved April 11, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-416.1, 24.2-452, 24.2-612, 24.2-700, 24.2-701, 24.2-701.1, 24.2-702.1, 24.2-703.1, 24.2-703.2, 24.2-705.1, 24.2-705.2, 24.2-706, 24.2-709, and 24.2-1004 of the Code of Virginia are amended and reenacted as follows:

§ 24.2-416.1. Voter registration by mail.

A. A person may apply to register to vote by mail by completing and returning a mail voter registration application form in the manner and time provided by law.

B. Any person, who applies to register to vote by mail pursuant to this article and who has not previously voted in the county or city in which he registers to vote, shall be required to vote in person, either at the polls on election day or in-person absentee. However, this requirement to vote in person shall not apply to a person so long as he (i) is entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. § 20302 et seq.); (ii) is provided the right to vote otherwise than in person under § 3(b)(2)(B)(ii) of the Voting Accessibility for the Elderly and Handicapped Act (52 U.S.C. § 20102(b)(2)(B)(ii)), including any disabled voter and any voter age 65 or older ~~who is otherwise qualified to vote absentee under § 24.2-700~~; (iii) is entitled to vote otherwise than in person under other federal law; (iv) is a full-time student in an institution of higher education; or (v) requests to vote an absentee ballot by mail for presidential and vice-presidential elections only, for any reason, as intended by federal law.

§ 24.2-452. Definitions.

As used in this chapter, unless the context requires a different meaning:

1. "Covered voter" means:

a. A uniformed-service voter or an overseas voter who is registered to vote in this state;

b. A uniformed-service voter defined in subdivision 9 a whose voting residence is in this state and who otherwise satisfies this state's voter eligibility requirements; ~~including subdivision A 2 of § 24.2-700~~;

c. An overseas voter who, before leaving the United States, was last eligible to vote in this state and, except for a state residency requirement, otherwise satisfies this state's voter eligibility requirements;

d. An overseas voter who, before leaving the United States, would have been last eligible to vote in this state had the voter then been of voting age and, except for a state residency requirement, otherwise satisfies this state's voter eligibility requirements; or

e. An overseas voter who was born outside the United States, is not described in subdivision c or d, and, except for a state residency requirement, otherwise satisfies this state's voter eligibility requirements, if:

(1) The last place where a parent or legal guardian of the voter was, or under this chapter would have been, eligible to vote before leaving the United States is within this state; and

(2) The voter has not previously registered to vote in any other state.

2. "Dependent" means an individual recognized as a dependent by a uniformed service.

3. "Federal postcard application" means the application prescribed under § 101(b)(2) of the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. § 20301(b)(2).

4. "Federal write-in absentee ballot" means the ballot described in § 103 of the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. § 20303, that may be used in all elections in which the voter is eligible to vote as provided in § 24.2-702.1.

5. "Military-overseas ballot" means:

a. A federal write-in absentee ballot;

b. A ballot specifically prepared or distributed for use by a covered voter in accordance with this title; or

c. A ballot cast by a covered voter in accordance with this title.

6. "Overseas voter" means a United States citizen who is outside the United States.

7. "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

8. "Uniformed service" means:

a. Active and reserve components of the Army, Navy, Air Force, Marine Corps, or Coast Guard of the United States;

b. The Merchant Marine, the commissioned corps of the Public Health Service, or the commissioned corps of the National Oceanic and Atmospheric Administration of the United States; or

c. The Virginia National Guard.

9. "Uniformed-service voter" means an individual who is qualified to vote and is:

a. A member of the active or reserve components of the Army, Navy, Air Force, Marine Corps, or Coast Guard of the United States who is on active duty;

b. A member of the Merchant Marine, the commissioned corps of the Public Health Service, or the commissioned corps of the National Oceanic and Atmospheric Administration of the United States;

c. A member on activated status of the National Guard; or

d. A spouse or dependent of a member referred to in this definition.

10. "United States," used in the territorial sense, means the several states, the District of Columbia, Puerto Rico, the United States Virgin Islands, and any territory or insular possession subject to the jurisdiction of the United States.

§ 24.2-612. List of offices and candidates filed with Department of Elections and checked for accuracy; when ballots printed; number required.

Immediately after the expiration of the time provided by law for a candidate for any office to qualify to have his name printed on the official ballot and prior to printing the ballots for an election, each general registrar shall forward to the Department of Elections a list of the county, city, or town offices to be filled at the election and the names of all candidates who have filed for each office. In addition, each general registrar shall forward the name of any candidate who failed to qualify with the reason for his disqualification. On that same day, the general registrar shall also provide a copy of the notice to each disqualified candidate. The notice shall be sent by email or regular mail to the address on the candidate's certificate of candidate qualification, and such notice shall be deemed sufficient. The Department of Elections shall promptly advise the general registrar of the accuracy of the list. The failure of any general registrar to send the list to the Department of Elections for verification shall not invalidate any election.

Each general registrar shall have printed the number of ballots he determines will be sufficient to conduct the election. Such determination shall be based on the number of active registered voters and historical election data, including voter turnout, and shall be subject to the approval by the electoral board.

Notwithstanding any other provisions of this title, the Department of Elections may print or otherwise provide one statewide paper ballot style for each paper ballot style in use for presidential and vice-presidential electors for use only by persons eligible to vote for those offices only under § 24.2-402 or only for federal elections under § 24.2-453. The Department of Elections may apportion or authorize the printer or vendor to apportion the costs for these ballots among the localities based on the number of ballots ordered. Any printer employed by the Department of Elections shall execute the statement required by § 24.2-616. The Department of Elections shall designate a representative to be present at the printing of such ballots and deliver them to the appropriate general registrars pursuant to § 24.2-617. Upon receipt of such paper ballots, the electoral board or the general registrar shall affix the seal of the electoral board. Thereafter, such ballots shall be handled and accounted for, and the votes counted as the Department of Elections shall specifically direct.

The general registrar shall make printed ballots available for absentee voting not later than 45 days prior to any election or within three business days of the receipt of a properly completed absentee ballot application, whichever is later. In the case of a special election, excluding for federal offices, if time is insufficient to meet the applicable deadline established herein, then the general registrar shall make printed ballots available as soon after the deadline as possible. For the purposes of this chapter, making printed ballots available includes mailing of such ballots or electronic transmission of such ballots pursuant to § 24.2-706 to a ~~qualified absentee voter who is eligible for an absentee ballot under subdivision A 2 of § 24.2-700 covered voter, as defined in § 24.2-452, who has applied for an absentee ballot pursuant to § 24.2-701.~~ Not later than five days after absentee ballots are made available, each general registrar shall report to the Department of Elections, in writing on a form approved by the Department of Elections, whether he has complied with the applicable deadline.

Only the names of candidates for offices to be voted on in a particular election district shall be printed on the ballots for that election district.

The general registrar shall send to the Department of Elections a statement of the number of ballots ordered to be printed, proofs of each printed ballot for verification, and copies of each final ballot. If the Department of Elections finds that, in its opinion, the number of ballots ordered to be printed by any general registrar is not sufficient, it may direct the general registrar to order the printing of a reasonable number of additional ballots.

§ 24.2-700. Persons entitled to vote by absentee ballot.

~~A. The following registered voters may vote by absentee ballot in accordance with the provisions of this chapter in any election in which they are qualified to vote:~~

~~1. Any person who, in the regular and orderly course of his business, profession, or occupation or while on personal business or vacation, will be absent from the county or city in which he is entitled to vote;~~

~~2. Any person who is (i) a member of a uniformed service, as defined in § 24.2-452, on active duty, (ii) temporarily residing outside of the United States, or (iii) the spouse or dependent residing with any person listed in clause (i) or (ii), and who will be absent on the day of the election from the county or city in which he is entitled to vote;~~

~~3. Any student attending a school or institution of higher education, or his spouse, who will be absent on the day of election from the county or city in which he is entitled to vote;~~

~~4. Any duly registered person with a disability, as defined in § 24.2-101, who is unable to go in person to the polls on the day of election because of his disability, illness, or pregnancy;~~

~~5. Any person who is confined while awaiting trial or for having been convicted of a misdemeanor, provided that the trial or release date is scheduled on or after the third day preceding the election. Any person who is awaiting trial and is a resident of the county or city where he is confined shall, on his request, be taken to the polls to vote on election day if his trial date is postponed and he did not have an opportunity to vote absentee;~~

~~6. Any person who is a member of an electoral board, registrar, officer of election, or custodian of voting equipment;~~

~~7. Any duly registered person who is unable to go in person to the polls on the day of the election because he is primarily and personally responsible for the care of an ill or disabled family member who is confined at home;~~

~~8. Any duly registered person who is unable to go in person to the polls on the day of the election because of an obligation occasioned by his religion;~~

~~9. Any person who, in the regular and orderly course of his business, profession, or occupation, will be at his place of work and commuting to and from his home to his place of work for 11 or more hours of the 13 hours that the polls are open pursuant to § 24.2-603;~~

~~10. Any person who is a law enforcement officer, as defined in § 18.2-51.1; firefighter, as defined in § 65.2-102; volunteer firefighter, as defined in § 27-42; search and rescue personnel, as defined in § 18.2-51.1; or emergency medical services personnel, as defined in § 32.1-111.1;~~

~~11. Any person who has been designated by a political party, independent candidate, or candidate in a primary election to be a representative of the party or candidate inside a polling place on the day of the election pursuant to subsection C of § 24.2-604 and § 24.2-639; or~~

~~12. Any person granted a protective order issued by or under the authority of any court of competent jurisdiction.~~

~~B. Any registered voter may vote by absentee ballot in person beginning on the second Saturday immediately preceding in accordance with the provisions of this chapter in any election in which he is qualified to vote.~~

§ 24.2-701. Application for absentee ballot.

~~A. The State Board Department shall furnish each general registrar with a sufficient number of applications for official absentee ballots. The registrars shall furnish applications to persons requesting them.~~

~~The State Board Department shall implement a system that enables eligible persons to request and receive an absentee ballot application electronically through the Internet. Electronic absentee ballot applications shall be in a form approved by the State Board.~~

~~Except as provided in § 24.2-703 or 24.2-703.1, a separate application shall be completed for each election in which the applicant offers to vote. An application for an absentee ballot may be accepted the later of (i) 12 months before an election or (ii) the day following any election held in the twelfth month prior to the election in which the applicant is applying to vote.~~

~~An application that is completed in person at the same time that the applicant registers to vote shall be held and processed no sooner than the fifth day after the date that the applicant registered to vote; however, this requirement shall not~~

be applicable to any person who is qualified to vote absentee under subdivision A 2 of § 24.2-700 covered voter, as defined in § 24.2-452.

Any application received before the ballots are printed shall be held and processed as soon as the printed ballots for the election are available.

For the purposes of this chapter, the general registrar's office shall be open a minimum of eight hours between the hours of 8:00 a.m. and 5:00 p.m. on the first and second Saturday immediately preceding all elections.

Unless the applicant is disabled, all applications for absentee ballots shall be signed by the applicant who shall state, subject to felony penalties for making false statements pursuant to § 24.2-1016, that to the best of his knowledge and belief the facts contained in the application are true and correct and that he has not and will not vote in the election at any other place in Virginia or in any other state. If the applicant is unable to sign the application, a person assisting the applicant will note this fact on the applicant signature line and provide his signature, name, and address.

B. Applications for absentee ballots shall be completed in the following manner:

1. An application completed in person shall be completed only in the office of the general registrar and signed by the applicant in the presence of a registrar. The applicant shall provide one of the forms of identification specified in subsection B of § 24.2-643. Any applicant who does not show one of the forms of identification specified in subsection B of § 24.2-643 shall be offered a provisional ballot under the provisions of § 24.2-653. The State Board of Elections shall provide instructions to the general registrar for the handling and counting of such provisional ballots pursuant to subsection B of § 24.2-653 and this section.

2. Any other application may be made by mail, by electronic or telephonic transmission to a facsimile device if one is available to the office of the general registrar or to the office of the State Board Department if a device is not available locally, or by other means. The application shall be on a form furnished by the registrar or, if made under subdivision A 2 of § 24.2-700, may be on a federal postcard application prescribed pursuant to 52 U.S.C. § 20301(b)(2). The federal postcard application may be accepted the later of (i) 12 months before an election or (ii) the day following any election held in the twelfth month prior to the election in which the applicant is applying to vote. The application shall be made to the appropriate registrar no later than 5:00 p.m. on the seventh day prior to the election in which the applicant offers to vote as specified in subdivision 3.

3. The application of any covered voter, as defined in § 24.2-452, may be on a federal postcard application, as defined in § 24.2-452. The federal postcard application may be accepted the later of (i) 12 months before an election or (ii) the day following any election held in the twelfth month prior to the election in which the applicant is applying to vote. The application shall be made to the appropriate registrar no later than 5:00 p.m. on the seventh day prior to the election in which the applicant offers to vote.

C. Applications for absentee ballots shall contain the following information:

1. The applicant's printed name; and the last four digits of the applicant's social security number; and the reason the applicant will be absent or cannot vote at his polling place on the day of the election. However, an applicant completing the application in person shall not be required to provide the last four digits of his social security number;

2. A statement that he is registered in the county or city in which he offers to vote and his residence address in such county or city. Any person temporarily residing outside the United States shall provide the last date of residency at his Virginia residence address, if that residence is no longer available to him. Any person who makes application under subdivision A 2 of § 24.2-700 covered voter, as defined in § 24.2-452, who is not a registered voter may file the applications to register and for a ballot simultaneously; and

3. The complete address to which the ballot is to be sent directly to the applicant, unless the application is made in person at a time when the printed ballots for the election are available and the applicant chooses to vote in person at the time of completing his application. The address given shall be (i) the address of the applicant on file in the registration records; (ii) the address at which he will be located while absent from his county or city; or (iii) the address at which he will be located while temporarily confined due to a disability or illness. No ballot shall be sent to, or in care of, any other person; and

4. In the case of a person, or the spouse or dependent of a person, who is on active duty as a member of the uniformed services as defined in § 24.2-452, the branch of service to which he or the spouse belongs; or

5. In the case of a student, or the spouse of a student, who is attending a school or institution of higher education, the name of the school or institution of higher education; or

6. In the case of any duly registered person with a disability, as defined in § 24.2-101, who is unable to go in person to the polls on the day of the election because of his disability, illness, or pregnancy; that he is a person with a disability, illness, or pregnancy; or

7. In the case of a person who is confined awaiting trial or for having been convicted of a misdemeanor, the name of the institution of confinement; or

8. In the case of a person who will be absent on election day for business reasons, the name of his employer or business; or

9. In the case of a person who will be absent on election day for personal business or vacation reasons, the name of the county or city in Virginia or the state or country to which he is traveling; or

10. In the case of a person who is unable to go to the polls on the day of election because he is primarily and personally responsible for the care of an ill or disabled family member who is confined at home, his relationship to the family member; or

11. In the case of a person who is unable to go to the polls on the day of election because of an obligation occasioned by his religion; that he has an obligation occasioned by his religion; or

12. In the case of a person who, in the regular and orderly course of his business, profession, or occupation, will be at his place of work and commuting to and from his home to his place of work for 11 or more hours of the 13 hours that the polls are open pursuant to § 24.2-603, the name of his business or employer and hours he will be at the workplace and commuting on election day; or

13. In the case of a law-enforcement officer, as defined in § 18.2-51.1; firefighter, as defined in § 65.2-102; volunteer firefighter, as defined in § 27-42; search and rescue personnel, as defined in § 18.2-51.1; or emergency medical services personnel, as defined in § 32.1-111.1; that he is a first responder; or

14. In the case of a person who has been designated by a political party, independent candidate, or candidate in a primary election to be a representative of the party or candidate inside a polling place on the day of the election pursuant to subsection C of § 24.2-604 and § 24.2-639, the fact that he is so designated; or

15. In the case of a person who has been granted a protective order issued by or under the authority of any court of competent jurisdiction, the name of the county or city in Virginia or the state of the issuing court.

D. An application shall not be required for any registered voter appearing in person to cast an absentee ballot during the period beginning on the second Saturday immediately preceding the election in which he is offering to vote pursuant to § 24.2-701.1.

§ 24.2-701.1. Absentee voting in person.

A. Absentee voting in person shall be available on the forty-fifth day prior to any election and shall continue until 5:00 p.m. on the Saturday immediately preceding the election. *In the case of a special election, excluding for federal offices, if time is insufficient between the issuance of the writ calling for the special election and the date of the special election, absentee voting in person shall be available as soon as possible after the issuance of the writ.*

1. ~~Any registered voter eligible to vote absentee pursuant to subsection A of § 24.2-700 may vote absentee in person beginning on the forty-fifth day prior to the election in which he is offering to vote and continuing until the second Friday immediately preceding such election. He shall complete the application for an absentee ballot required by § 24.2-701, and the general registrar shall process that application in accordance with the provisions of § 24.2-706.~~

2. ~~Any registered voter may offering to vote absentee in person on or after the second Saturday immediately preceding the election in which he is offering to vote. He shall provide his name and his residence address in the county or city in which he is offering to vote. After verifying that the voter is a registered voter of that county or city, the general registrar shall enroll the voter's name and address on the absentee voter applicant list maintained pursuant to § 24.2-706.~~

A registered voter voting by absentee ballot in person shall provide one of the forms of identification specified in subsection B of § 24.2-643. If he does not show one of the forms of identification specified in subsection B of § 24.2-643, he shall be offered a provisional ballot under the provisions of § 24.2-653. The State Board shall provide instructions to the general registrar for the handling and counting of such provisional ballots pursuant to subsection B of § 24.2-653 and this section.

B. Absentee voting in person shall be available during regular business hours. The electoral board of each county and city shall provide for absentee voting in person in the office of the general registrar. For purposes of this chapter, such office shall be open a minimum of eight hours between the hours of 8:00 a.m. and 5:00 p.m. on the first and second Saturday immediately preceding all elections. Any applicant who is in line to cast his ballot when the office of the general registrar or location being used for in-person absentee voting closes shall be permitted to cast his absentee ballot that day.

C. Additional locations in the county or city approved by the electoral boards may be available for absentee voting in person. Any such location shall be in a public building owned or leased by the county, city, or town within the county and may be in a facility that is owned or leased by the Commonwealth and used as a location for Department of Motor Vehicles facilities or as an office of the general registrar. *Such location shall be deemed the equivalent of the office of the general registrar for purposes of completing the application for an absentee ballot in person pursuant to §§ 24.2-701 and 24.2-706.* Any such location shall have adequate facilities for the protection of all elections materials produced in the process of absentee voting in person, the voted and unvoted absentee ballots, and any voting systems in use at the location.

D. The general registrar may provide for the casting of absentee ballots in person pursuant to this section on voting systems. The Department shall prescribe the procedures for use of voting systems. The procedures shall provide for absentee voting in person on voting systems that have been certified and are currently approved by the State Board. The procedures shall be applicable and uniformly applied by the Department to all localities using comparable voting systems.

E. At least two officers of election shall be present during all hours that absentee voting in person is available and shall represent the two major political parties, except in the case of a party primary, when they may represent the party conducting the primary. However, such requirement shall not apply when (i) voting systems that are being used pursuant to subsection D are located in the office of the general registrar and (ii) the general registrar or an assistant registrar is present.

F. The Department shall include absentee ballots voted in person in its instructions for the preparation, maintenance, and reporting of ballots, pollbooks, records, and returns.

§ 24.2-702.1. Federal write-in absentee ballots.

A. Notwithstanding any other provision of this title, a ~~qualified absentee voter who is eligible for an absentee ballot under subdivision A 2 of § 24.2-700~~ covered voter, as defined in § 24.2-452, may use a federal write-in absentee ballot in

any election. Such ballot shall be submitted and processed in the manner provided by the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. § 20301 et seq.) and this article.

B. Notwithstanding any other provision of this title, a federal write-in absentee ballot submitted pursuant to subsection A shall be considered valid for purposes of simultaneously satisfying both an absentee ballot application and a completed absentee ballot, provided that the ballot is received no later than the deadline for the return of absentee ballots as provided in § 24.2-709 for the election in which the voter offers to vote, and the application contains the following information: (i) the voter's signature; however, if the voter is unable to sign, the person assisting the voter will note this fact in the voter signature box; (ii) the voter's printed name; (iii) the county or city in which he is registered and offers to vote; (iv) the residence address at which he is registered to vote; (v) his current military or overseas address; and (vi) the signature of a witness who shall sign the same application.

C. This section shall not be construed to require that an absentee ballot be sent to the absentee voter on receipt of a federal write-in absentee ballot unless the voter has also submitted an absentee ballot application pursuant to § 24.2-701 or 24.2-703.

§ 24.2-703.1. Special annual applications for absentee ballots for certain ill or disabled voters.

Any person who is eligible for an absentee ballot under subdivision A 4 of § 24.2-700 because of a disability or illness and who is likely to remain so eligible with a disability or illness whose disability or illness is likely to continue for the remainder of the calendar year shall be eligible to file a special annual application to receive ballots for all elections in which he is eligible to vote in a calendar year. His first such application shall be accompanied by a statement, on a form prescribed by the State Board and signed by the voter and his physician, provider as defined in § 37.2-403, or accredited religious practitioner, that the voter is eligible for an absentee ballot under subdivision A 4 of § 24.2-700 and likely to remain so eligible is a person with a disability or illness whose disability or illness is likely to continue for the remainder of the calendar year.

In accordance with procedures established by the State Board, the general registrar shall retain the application and form, enroll the applicant on a special absentee voter applicant list, and process the applicant's request for an absentee ballot for each succeeding election in the calendar year. The applicant shall specify by party designation the primary ballots he is requesting.

The general registrar shall send each such enrolled applicant a blank application by December 15 for each ensuing calendar year, and upon completion thereof, the applicant shall be eligible to receive ballots for all elections in which he is eligible to vote in that calendar year.

If an official reply to the application or an absentee ballot sent to the applicant is returned as undeliverable, or the general registrar knows that the applicant is no longer a qualified voter, no ballot for any subsequent election shall be sent to the voter until a new application is filed and accepted.

§ 24.2-703.2. Replacement absentee ballots for certain disabled or ill voters; penalty.

A voter seeking to cast an absentee ballot may obtain a replacement absentee ballot subject to the following conditions: (i) the voter applied for an absentee ballot under subdivision A 4 of § 24.2-700 because of a disability or illness; (ii) the application was approved and an absentee ballot mailed to the voter; and (iii) the voter ~~A person with a disability or illness who has applied for and has been sent an absentee ballot who~~ did not receive or has lost the absentee ballot on or before the Saturday before the election may obtain a replacement absentee ballot. In such case, the voter may request a replacement absentee ballot by the close of business for the local elections office on the Saturday before election day and designate, in writing, a representative to obtain a replacement absentee ballot on his behalf from the general registrar and to return the properly completed ballot as directed by the general registrar no later than the close of polls on the day of election for which the absentee ballot is valid. The representative shall be age ~~eighteen~~ 18 or older and shall not be an elected official, a candidate for elected office, or the deputy, spouse, parent, or child of an elected official or candidate. The voter and representative shall complete the form prescribed by the State Board to implement the provisions of this section. The form shall include a statement signed by the voter that he did not receive the ballot or has lost the ballot. Statements on the form shall be subject to felony penalties for making false statements pursuant to § 24.2-1016.

§ 24.2-705.1. Late applications and in-person absentee voting for business and medical emergencies.

Any person registered and otherwise qualified to vote who becomes obligated after 12:00 noon on the Saturday before an election to be absent from his county or city on election day for a purpose pertaining to (i) his business, profession, or occupation, (ii) the hospitalization of the applicant or a member of his immediate family, or (iii) the death of a member of his immediate family, may apply for an absentee ballot and vote absentee in person pursuant to this section and subject to the following conditions:

1. The applicant applies in person for an absentee ballot offers to vote absentee in person on the Monday immediately preceding the election, before 2:00 p.m., at the principal office of the registrar; and

2. The applicant signs a statement, which shall be deemed part of his absentee ballot application and subject to felony penalties for making false statements pursuant to § 24.2-1016, that he is required to leave the county or city before the opening of the polls on election day for a purpose pertaining to (i) his business, profession or occupation, (ii) the hospitalization of the applicant or a member of his immediate family, or (iii) the death of a member of his immediate family, and that he did not have notice or knowledge of such required travel prior to 12:00 noon on the immediately preceding Saturday. "Immediate family" means the children including adopted children, grandchildren, grandparents, parents, legal guardian, siblings, whether of the whole or half blood, and spouse of the applicant.

"Hospitalization" refers to confinement in a hospital as defined in § 32.1-123 or 37.2-100 and any comparable hospital in the District of Columbia or any state contiguous to Virginia.

§ 24.2-705.2. Late applications and in-person absentee voting for certain officers of election.

Any officer of election, registered and otherwise qualified to vote, who is assigned after 12:00 noon on the Saturday before an election to be absent from his precinct and to serve as an officer of election in another precinct on election day, may ~~apply for an absentee ballot and~~ vote absentee in person pursuant to this section and subject to the following conditions:

1. The officer of election ~~applies in person for an absentee ballot~~ offers to vote absentee in person on the Monday immediately preceding the election, before 2:00 p.m., at the principal office of the registrar; and
2. The officer signs a statement, ~~which shall be deemed part of his absentee ballot application~~ and subject to felony penalties for making false statements pursuant to § 24.2-1016, that he has been assigned to serve in a precinct other than the precinct where he votes and that he did not have notice or knowledge of such assignment prior to 12:00 noon on the immediately preceding Saturday.

§ 24.2-706. Duty of general registrar on receipt of application; statement of voter.

A. On receipt of an application for an absentee ballot, the general registrar shall enroll the name and address of each registered applicant on an absentee voter applicant list that shall be maintained in the office of the general registrar with a file of the applications received. The list shall be available for inspection and copying and the applications shall be available for inspection only by any registered voter during regular office hours. Upon request and for a reasonable fee, the Department of Elections shall provide an electronic copy of the absentee voter applicant list to any political party or candidate. Such list shall be used only for campaign and political purposes. Any list made available for inspection and copying under this section shall contain the post office box address in lieu of the residence street address for any individual who has furnished at the time of registration or subsequently, in addition to his street address, a post office box address pursuant to subsection B of § 24.2-418.

No list or application containing an individual's social security number, or any part thereof, or the individual's day and month of birth, shall be made available for inspection or copying by anyone. The Department of Elections shall prescribe procedures for general registrars to make the information in the lists and applications available in a manner that does not reveal social security numbers or parts thereof, or an individual's day and month of birth.

B. The completion and timely delivery of an application for an absentee ballot shall be construed to be an offer by the applicant to vote in the election.

The general registrar shall note on each application received whether the applicant is or is not a registered voter. In reviewing the application for an absentee ballot, the general registrar shall not reject the application of any individual because of an error or omission on any record or paper relating to the application, if such error or omission is not material in determining whether such individual is qualified to vote absentee.

If the application has been properly completed and signed and the applicant is a registered voter of the precinct in which he offers to vote, the general registrar shall, at the time when the printed ballots for the election are available, send by the deadline set out in § 24.2-612, obtaining a certificate or other evidence of either first-class or expedited mailing or delivery from the United States Postal Service or other commercial delivery provider, or deliver to him in person in the office of the registrar, the following items and nothing else:

1. An envelope containing the folded ballot, sealed and marked "Ballot within. Do not open except in presence of a witness."
2. An envelope, with printing only on the flap side, for resealing the marked ballot, on which envelope is printed the following:

"Statement of Voter."

"I do hereby state, subject to felony penalties for making false statements pursuant to § 24.2-1016, that my FULL NAME is _____ (last, first, middle); that I am now or have been at some time since last November's general election a legal resident of _____ (STATE YOUR LEGAL RESIDENCE IN VIRGINIA including the house number, street name or rural route address, city, zip code); that I received the enclosed ballot(s) upon application to the registrar of such county or city; that I opened the envelope marked 'ballot within' and marked the ballot(s) in the presence of the witness, without assistance or knowledge on the part of anyone as to the manner in which I marked it (or I am returning the form required to report how I was assisted); that I then sealed the ballot(s) in this envelope; and that I have not voted and will not vote in this election at any other time or place.

Signature of Voter _____

Date _____

Signature of witness _____ "

For elections held after January 1, 2004, instead of the envelope containing the above oath, an envelope containing the standard oath prescribed by the presidential designee under § 101(b)(7) of the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. § 20301 et seq.) shall be sent to voters who are qualified to vote absentee under that Act.

When this statement has been properly completed and signed by the registered voter and witnessed, his ballot shall not be subject to challenge pursuant to § 24.2-651.

3. A properly addressed envelope for the return of the ballot to the general registrar by mail or by the applicant in person.
4. Printed instructions for completing the ballot and statement on the envelope and returning the ballot.

For federal elections held after January 1, 2004, for any voter who is required by subparagraph (b) of 52 U.S.C. § 21083 of the Help America Vote Act of 2002 to show identification the first time the voter votes in a federal election in the state, the printed instructions shall direct the voter to submit with his ballot (i) a copy of a current and valid photo identification or (ii) a copy of a current utility bill, bank statement, government check, paycheck or other government document that shows the name and address of the voter. Such individual who desires to vote by mail but who does not submit one of the forms of identification specified in this paragraph may cast such ballot by mail and the ballot shall be counted as a provisional ballot under the provisions of § 24.2-653. The Department of Elections shall provide instructions to the electoral boards for the handling and counting of such provisional ballots pursuant to subsection B of § 24.2-653 and this section.

5. For any voter entitled to vote absentee under the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. § 20301 et seq.), information provided by the Department of Elections specific to the voting rights and responsibilities for such citizens, or information provided by the registrar specific to the status of the voter registration and absentee ballot application of such voter, may be included.

The envelopes and instructions shall be in the form prescribed by the Department of Elections.

C. If the applicant completes his application in person under § 24.2-701 at a time when the printed ballots for the election are available, he may request that the general registrar send to him by mail the items set forth in subdivisions B 1 through 4, instead of casting the ballot in person. Such request shall be made no later than 5:00 p.m. on the seventh day prior to the election in which the applicant offers to vote, and the general registrar shall send those items to the applicant by mail, obtaining a certificate or other evidence of mailing.

D. If the applicant ~~states as the reason for his absence on election day any of the reasons set forth in subdivision A 2 of § 24.2-700~~ is a covered voter, as defined in § 24.2-452, the general registrar, at the time when the printed ballots for the election are available, shall mail by the deadline set forth in § 24.2-612 or deliver in person to the applicant in the office of the general registrar the items as set forth in subdivisions B 1 through 4 and, if necessary, an application for registration. A certificate or other evidence of mailing shall not be required. If the applicant requests that such items be sent by electronic transmission, the general registrar, at the time when the printed ballots for the election are available but not later than the deadline set forth in § 24.2-612, shall send by electronic transmission the blank ballot, the form for the envelope for returning the marked ballot, and instructions to the voter. Such materials shall be sent using the official email address or fax number of the office of the general registrar published on the Department of Elections website. The State Board of Elections may prescribe by regulation the format of the email address used for transmitting ballots to eligible voters. A general registrar may also use electronic transmission facilities provided by the Federal Voting Assistance Program. The voted ballot shall be returned to the general registrar as otherwise required by this chapter.

E. The circuit courts shall have jurisdiction to issue an injunction to enforce the provisions of this section upon the application of (i) any aggrieved voter, (ii) any candidate in an election district in whole or in part in the court's jurisdiction where a violation of this section has occurred, or is likely to occur, or (iii) the campaign committee or the appropriate district political party chairman of such candidate. Any person who fails to discharge his duty as provided in this section through willful neglect of duty and with malicious intent shall be guilty of a Class 1 misdemeanor as provided in subsection A of § 24.2-1001.

§ 24.2-709. Ballot to be returned in manner prescribed by law.

A. Any ballot returned to the office of the general registrar in any manner except as prescribed by law shall be void. Absentee ballots shall be returned to the general registrar before the closing of the polls. The registrar receiving the ballot shall (i) seal the ballot in an envelope with the statement or declaration of the voter, or both, attached to the outside and (ii) mark on each envelope the date, time, and manner of delivery. No returned absentee ballot shall be deemed void because the inner envelope containing the voted ballot is imperfectly sealed so long as the outside envelope containing the ballot envelope is sealed.

B. Notwithstanding the provisions of subsection A, ~~any absentee ballots~~ *ballot* (i) received after the close of the polls on any election day, (ii) received before 5:00 p.m. on the second business day before the State Board meets to ascertain the results of the election pursuant to this title, (iii) requested on or before but not sent by the deadline for making absentee ballots available under § 24.2-612, and (iv) cast by ~~an absentee voter who is eligible for an absentee ballot under subdivision A 2 of § 24.2-700~~ a covered voter, as defined in § 24.2-452, shall be counted pursuant to the procedures set forth in this chapter ~~and, if the voter is found entitled to vote, included in the election returns.~~ The electoral board shall prepare an amended certified abstract, which shall include the results of such ballots, and shall deliver such abstract to the State Board by the business day prior to its meeting pursuant to this title, and shall deliver a copy of such abstract to the general registrar to be available for inspection when his office is open for business.

C. Notwithstanding the provisions of clause (i) of subsection B of § 24.2-427, an absentee ballot returned by a voter in compliance with § 24.2-707 and this section who dies prior to the counting of absentee ballots on election day shall be counted pursuant to the procedures set forth in this chapter if the voter is found to have been entitled to vote at the time that he returned the ballot.

§ 24.2-1004. Illegal voting and registrations.

A. Any person who wrongfully deposits a ballot in the ballot container or casts a vote on any voting equipment, is guilty of a Class 1 misdemeanor.

B. Any person who intentionally (i) votes more than once in the same election, whether those votes are cast in Virginia or in Virginia and any other state or territory of the United States, (ii) procures, assists, or induces another to vote more than once in the same election, whether those votes are cast in Virginia or in Virginia and any other state or territory of the United States, (iii) votes knowing that he is not qualified to vote where and when the vote is to be given, or (iv) procures, assists, or induces another to vote knowing that such person is not qualified to vote where and when the vote is to be given is guilty of a Class 6 felony.

C. Any person who intentionally (i) registers to vote at more than one residence address at the same time, whether such registrations are in Virginia or in Virginia and any other state or territory of the United States, or (ii) procures, assists, or induces another to register to vote at more than one address at the same time, whether such registrations are in Virginia or in Virginia and any other state or territory of the United States, is guilty of a Class 6 felony. This subsection shall not apply to any person who, when registering to vote, changing the address at which he is registered, transferring his registration, or assisting another in registering, changing his address, or transferring his registration, provides the information required by § 24.2-418 on the applicant's place of last previous registration to vote.

D. Nothing in this section shall be construed to prohibit a ~~person entitled to vote absentee under subdivision A 2 of § 24.2-700 covered voter, as defined in § 24.2-452,~~ from casting in the same election both a state ballot and a write-in absentee ballot that is processed in the manner provided by the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. § 20301 et seq.). If both ballots are received prior to the close of the polls on election day, the state ballot shall be counted.

CHAPTER 1150

An Act to amend and reenact § 65.2-402.1 of the Code of Virginia, relating to workers' compensation; presumption of compensability for certain diseases.

[H 169]

Approved April 11, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 65.2-402.1 of the Code of Virginia is amended and reenacted as follows:

§ 65.2-402.1. Presumption as to death or disability from infectious disease.

A. Hepatitis, meningococcal meningitis, tuberculosis or HIV causing the death of, or any health condition or impairment resulting in total or partial disability of, any (i) salaried or volunteer firefighter, or salaried or volunteer emergency medical services personnel, (ii) member of the State Police Officers' Retirement System, (iii) member of county, city or town police departments, (iv) sheriff or deputy sheriff, (v) Department of Emergency Management hazardous materials officer, (vi) city sergeant or deputy city sergeant of the City of Richmond, (vii) Virginia Marine Police officer, (viii) conservation police officer who is a full-time sworn member of the enforcement division of the Department of Game and Inland Fisheries, (ix) Capitol Police officer, (x) special agent of the Virginia Alcoholic Beverage Control Authority appointed under the provisions of Chapter 1 (§ 4.1-100 et seq.) of Title 4.1, (xi) for such period that the Metropolitan Washington Airports Authority voluntarily subjects itself to the provisions of this chapter as provided in § 65.2-305, officer of the police force established and maintained by the Metropolitan Washington Airports Authority, (xii) officer of the police force established and maintained by the Norfolk Airport Authority, (xiii) conservation officer of the Department of Conservation and Recreation commissioned pursuant to § 10.1-115, (xiv) sworn officer of the police force established and maintained by the Virginia Port Authority, ~~or~~ (xv) ~~any~~ campus police officer appointed under Article 3 (§ 23.1-809 et seq.) of Chapter 8 of Title 23.1 and employed by any public institution of higher education, (xvi) *correctional officer as defined in § 53.1-1, or (xvii) full-time sworn member of the enforcement division of the Department of Motor Vehicles* who has a documented occupational exposure to blood or body fluids shall be presumed to be occupational diseases, suffered in the line of government duty, that are covered by this title unless such presumption is overcome by a preponderance of competent evidence to the contrary. For purposes of this section, an occupational exposure occurring on or after July 1, 2002, shall be deemed "documented" if the person covered under this section gave notice, written or otherwise, of the occupational exposure to his employer, and an occupational exposure occurring prior to July 1, 2002, shall be deemed "documented" without regard to whether the person gave notice, written or otherwise, of the occupational exposure to his employer.

B. As used in this section:

"Blood or body fluids" means blood and body fluids containing visible blood and other body fluids to which universal precautions for prevention of occupational transmission of blood-borne pathogens, as established by the Centers for Disease Control, apply. For purposes of potential transmission of hepatitis, meningococcal meningitis, tuberculosis, or HIV the term "blood or body fluids" includes respiratory, salivary, and sinus fluids, including droplets, sputum, saliva, mucus, and any other fluid through which infectious airborne or blood-borne organisms can be transmitted between persons.

"Hepatitis" means hepatitis A, hepatitis B, hepatitis non-A, hepatitis non-B, hepatitis C or any other strain of hepatitis generally recognized by the medical community.

"HIV" means the medically recognized retrovirus known as human immunodeficiency virus, type I or type II, causing immunodeficiency syndrome.

"Occupational exposure," in the case of hepatitis, meningococcal meningitis, tuberculosis or HIV, means an exposure that occurs during the performance of job duties that places a covered employee at risk of infection.

C. Persons covered under this section who test positive for exposure to the enumerated occupational diseases, but have not yet incurred the requisite total or partial disability, shall otherwise be entitled to make a claim for medical benefits pursuant to § 65.2-603, including entitlement to an annual medical examination to measure the progress of the condition, if any, and any other medical treatment, prophylactic or otherwise.

D. Whenever any standard, medically-recognized vaccine or other form of immunization or prophylaxis exists for the prevention of a communicable disease for which a presumption is established under this section, if medically indicated by the given circumstances pursuant to immunization policies established by the Advisory Committee on Immunization Practices of the United States Public Health Service, a person subject to the provisions of this section may be required by such person's employer to undergo the immunization or prophylaxis unless the person's physician determines in writing that the immunization or prophylaxis would pose a significant risk to the person's health. Absent such written declaration, failure or refusal by a person subject to the provisions of this section to undergo such immunization or prophylaxis shall disqualify the person from any presumption established by this section.

E. The presumptions described in subsection A shall only apply if persons entitled to invoke them have, if requested by the appointing authority or governing body employing them, undergone preemployment physical examinations that (i) were conducted prior to the making of any claims under this title that rely on such presumptions, (ii) were performed by physicians whose qualifications are as prescribed by the appointing authority or governing body employing such persons, (iii) included such appropriate laboratory and other diagnostic studies as the appointing authorities or governing bodies may have prescribed, and (iv) found such persons free of hepatitis, meningococcal meningitis, tuberculosis or HIV at the time of such examinations. The presumptions described in subsection A shall not be effective until six months following such examinations, unless such persons entitled to invoke such presumption can demonstrate a documented exposure during the six-month period.

F. Persons making claims under this title who rely on such presumption shall, upon the request of appointing authorities or governing bodies employing such persons, submit to physical examinations (i) conducted by physicians selected by such appointing authorities or governing bodies or their representatives and (ii) consisting of such tests and studies as may reasonably be required by such physicians. However, a qualified physician, selected and compensated by the claimant, may, at the election of such claimant, be present at such examination.

CHAPTER 1151

An Act to amend and reenact §§ 24.2-416.1, 24.2-452, 24.2-612, 24.2-700, 24.2-701, 24.2-701.1, 24.2-702.1, 24.2-703.1, 24.2-703.2, 24.2-705.1, 24.2-705.2, 24.2-706, 24.2-709, and 24.2-1004 of the Code of Virginia, relating to absentee voting; no excuse required.

[S 111]

Approved April 11, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-416.1, 24.2-452, 24.2-612, 24.2-700, 24.2-701, 24.2-701.1, 24.2-702.1, 24.2-703.1, 24.2-703.2, 24.2-705.1, 24.2-705.2, 24.2-706, 24.2-709, and 24.2-1004 of the Code of Virginia are amended and reenacted as follows:

§ 24.2-416.1. Voter registration by mail.

A. A person may apply to register to vote by mail by completing and returning a mail voter registration application form in the manner and time provided by law.

B. Any person, who applies to register to vote by mail pursuant to this article and who has not previously voted in the county or city in which he registers to vote, shall be required to vote in person, either at the polls on election day or in-person absentee. However, this requirement to vote in person shall not apply to a person so long as he (i) is entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. § 20302 et seq.); (ii) is provided the right to vote otherwise than in person under § 3(b)(2)(B)(ii) of the Voting Accessibility for the Elderly and Handicapped Act (52 U.S.C. § 20102(b)(2)(B)(ii)), including any disabled voter and any voter age 65 or older ~~who is otherwise qualified to vote absentee under § 24.2-700~~; (iii) is entitled to vote otherwise than in person under other federal law; (iv) is a full-time student in an institution of higher education; or (v) requests to vote an absentee ballot by mail for presidential and vice-presidential elections only, for any reason, as entitled by federal law.

§ 24.2-452. Definitions.

As used in this chapter, unless the context requires a different meaning:

1. "Covered voter" means:

- a. A uniformed-service voter or an overseas voter who is registered to vote in this state;
- b. A uniformed-service voter defined in subdivision 9 a whose voting residence is in this state and who otherwise satisfies this state's voter eligibility requirements; ~~including subdivision A 2 of § 24.2-700~~;
- c. An overseas voter who, before leaving the United States, was last eligible to vote in this state and, except for a state residency requirement, otherwise satisfies this state's voter eligibility requirements;

d. An overseas voter who, before leaving the United States, would have been last eligible to vote in this state had the voter then been of voting age and, except for a state residency requirement, otherwise satisfies this state's voter eligibility requirements; or

e. An overseas voter who was born outside the United States, is not described in subdivision c or d, and, except for a state residency requirement, otherwise satisfies this state's voter eligibility requirements, if:

(1) The last place where a parent or legal guardian of the voter was, or under this chapter would have been, eligible to vote before leaving the United States is within this state; and

(2) The voter has not previously registered to vote in any other state.

2. "Dependent" means an individual recognized as a dependent by a uniformed service.

3. "Federal postcard application" means the application prescribed under § 101(b)(2) of the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. § 20301(b)(2).

4. "Federal write-in absentee ballot" means the ballot described in § 103 of the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. § 20303, that may be used in all elections in which the voter is eligible to vote as provided in § 24.2-702.1.

5. "Military-overseas ballot" means:

a. A federal write-in absentee ballot;

b. A ballot specifically prepared or distributed for use by a covered voter in accordance with this title; or

c. A ballot cast by a covered voter in accordance with this title.

6. "Overseas voter" means a United States citizen who is outside the United States.

7. "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

8. "Uniformed service" means:

a. Active and reserve components of the Army, Navy, Air Force, Marine Corps, or Coast Guard of the United States;

b. The Merchant Marine, the commissioned corps of the Public Health Service, or the commissioned corps of the National Oceanic and Atmospheric Administration of the United States; or

c. The Virginia National Guard.

9. "Uniformed-service voter" means an individual who is qualified to vote and is:

a. A member of the active or reserve components of the Army, Navy, Air Force, Marine Corps, or Coast Guard of the United States who is on active duty;

b. A member of the Merchant Marine, the commissioned corps of the Public Health Service, or the commissioned corps of the National Oceanic and Atmospheric Administration of the United States;

c. A member on activated status of the National Guard; or

d. A spouse or dependent of a member referred to in this definition.

10. "United States," used in the territorial sense, means the several states, the District of Columbia, Puerto Rico, the United States Virgin Islands, and any territory or insular possession subject to the jurisdiction of the United States.

§ 24.2-612. List of offices and candidates filed with Department of Elections and checked for accuracy; when ballots printed; number required.

Immediately after the expiration of the time provided by law for a candidate for any office to qualify to have his name printed on the official ballot and prior to printing the ballots for an election, each general registrar shall forward to the Department of Elections a list of the county, city, or town offices to be filled at the election and the names of all candidates who have filed for each office. In addition, each general registrar shall forward the name of any candidate who failed to qualify with the reason for his disqualification. On that same day, the general registrar shall also provide a copy of the notice to each disqualified candidate. The notice shall be sent by email or regular mail to the address on the candidate's certificate of candidate qualification, and such notice shall be deemed sufficient. The Department of Elections shall promptly advise the general registrar of the accuracy of the list. The failure of any general registrar to send the list to the Department of Elections for verification shall not invalidate any election.

Each general registrar shall have printed the number of ballots he determines will be sufficient to conduct the election. Such determination shall be based on the number of active registered voters and historical election data, including voter turnout, and shall be subject to the approval by the electoral board.

Notwithstanding any other provisions of this title, the Department of Elections may print or otherwise provide one statewide paper ballot style for each paper ballot style in use for presidential and vice-presidential electors for use only by persons eligible to vote for those offices only under § 24.2-402 or only for federal elections under § 24.2-453. The Department of Elections may apportion or authorize the printer or vendor to apportion the costs for these ballots among the localities based on the number of ballots ordered. Any printer employed by the Department of Elections shall execute the statement required by § 24.2-616. The Department of Elections shall designate a representative to be present at the printing of such ballots and deliver them to the appropriate general registrars pursuant to § 24.2-617. Upon receipt of such paper ballots, the electoral board or the general registrar shall affix the seal of the electoral board. Thereafter, such ballots shall be handled and accounted for, and the votes counted as the Department of Elections shall specifically direct.

The general registrar shall make printed ballots available for absentee voting not later than 45 days prior to any election or within three business days of the receipt of a properly completed absentee ballot application, whichever is later. In the case of a special election, excluding for federal offices, if time is insufficient to meet the applicable deadline established

herein, then the general registrar shall make printed ballots available as soon after the deadline as possible. For the purposes of this chapter, making printed ballots available includes mailing of such ballots or electronic transmission of such ballots pursuant to § 24.2-706 to a ~~qualified absentee voter who is eligible for an absentee ballot under subdivision A 2 of § 24.2-700 covered voter, as defined in § 24.2-452, who has applied for an absentee ballot pursuant to § 24.2-701.~~ Not later than five days after absentee ballots are made available, each general registrar shall report to the Department of Elections, in writing on a form approved by the Department of Elections, whether he has complied with the applicable deadline.

Only the names of candidates for offices to be voted on in a particular election district shall be printed on the ballots for that election district.

The general registrar shall send to the Department of Elections a statement of the number of ballots ordered to be printed, proofs of each printed ballot for verification, and copies of each final ballot. If the Department of Elections finds that, in its opinion, the number of ballots ordered to be printed by any general registrar is not sufficient, it may direct the general registrar to order the printing of a reasonable number of additional ballots.

§ 24.2-700. Persons entitled to vote by absentee ballot.

A. ~~The following registered voters may vote by absentee ballot in accordance with the provisions of this chapter in any election in which they are qualified to vote:~~

1. ~~Any person who, in the regular and orderly course of his business, profession, or occupation or while on personal business or vacation, will be absent from the county or city in which he is entitled to vote;~~

2. ~~Any person who is (i) a member of a uniformed service, as defined in § 24.2-452, on active duty, (ii) temporarily residing outside of the United States, or (iii) the spouse or dependent residing with any person listed in clause (i) or (ii), and who will be absent on the day of the election from the county or city in which he is entitled to vote;~~

3. ~~Any student attending a school or institution of higher education, or his spouse, who will be absent on the day of election from the county or city in which he is entitled to vote;~~

4. ~~Any duly registered person with a disability, as defined in § 24.2-101, who is unable to go in person to the polls on the day of election because of his disability, illness, or pregnancy;~~

5. ~~Any person who is confined while awaiting trial or for having been convicted of a misdemeanor, provided that the trial or release date is scheduled on or after the third day preceding the election. Any person who is awaiting trial and is a resident of the county or city where he is confined shall, on his request, be taken to the polls to vote on election day if his trial date is postponed and he did not have an opportunity to vote absentee;~~

6. ~~Any person who is a member of an electoral board, registrar, officer of election, or custodian of voting equipment;~~

7. ~~Any duly registered person who is unable to go in person to the polls on the day of the election because he is primarily and personally responsible for the care of an ill or disabled family member who is confined at home;~~

8. ~~Any duly registered person who is unable to go in person to the polls on the day of the election because of an obligation occasioned by his religion;~~

9. ~~Any person who, in the regular and orderly course of his business, profession, or occupation, will be at his place of work and commuting to and from his home to his place of work for 11 or more hours of the 13 hours that the polls are open pursuant to § 24.2-603;~~

10. ~~Any person who is a law enforcement officer, as defined in § 18.2-51.1; firefighter, as defined in § 65.2-102; volunteer firefighter, as defined in § 27-42; search and rescue personnel, as defined in § 18.2-51.1; or emergency medical services personnel, as defined in § 32.1-111.1;~~

11. ~~Any person who has been designated by a political party, independent candidate, or candidate in a primary election to be a representative of the party or candidate inside a polling place on the day of the election pursuant to subsection C of § 24.2-604 and § 24.2-639; or~~

12. ~~Any person granted a protective order issued by or under the authority of any court of competent jurisdiction.~~

B. ~~Any registered voter may vote by absentee ballot in person beginning on the second Saturday immediately preceding in accordance with the provisions of this chapter in any election in which he is qualified to vote.~~

§ 24.2-701. Application for absentee ballot.

A. ~~The State Board Department shall furnish each general registrar with a sufficient number of applications for official absentee ballots. The registrars shall furnish applications to persons requesting them.~~

~~The State Board Department shall implement a system that enables eligible persons to request and receive an absentee ballot application electronically through the Internet. Electronic absentee ballot applications shall be in a form approved by the State Board.~~

~~Except as provided in § 24.2-703 or 24.2-703.1, a separate application shall be completed for each election in which the applicant offers to vote. An application for an absentee ballot may be accepted the later of (i) 12 months before an election or (ii) the day following any election held in the twelfth month prior to the election in which the applicant is applying to vote.~~

~~An application that is completed in person at the same time that the applicant registers to vote shall be held and processed no sooner than the fifth day after the date that the applicant registered to vote; however, this requirement shall not be applicable to any person who is qualified to vote absentee under subdivision A 2 of § 24.2-700 covered voter, as defined in § 24.2-452.~~

~~Any application received before the ballots are printed shall be held and processed as soon as the printed ballots for the election are available.~~

For the purposes of this chapter, the general registrar's office shall be open a minimum of eight hours between the hours of 8:00 a.m. and 5:00 p.m. on the first and second Saturday immediately preceding all elections.

Unless the applicant is disabled, all applications for absentee ballots shall be signed by the applicant who shall state, subject to felony penalties for making false statements pursuant to § 24.2-1016, that to the best of his knowledge and belief the facts contained in the application are true and correct and that he has not and will not vote in the election at any other place in Virginia or in any other state. If the applicant is unable to sign the application, a person assisting the applicant will note this fact on the applicant signature line and provide his signature, name, and address.

B. Applications for absentee ballots shall be completed in the following manner:

1. An application completed in person shall be completed only in the office of the general registrar and signed by the applicant in the presence of a registrar. The applicant shall provide one of the forms of identification specified in subsection B of § 24.2-643. Any applicant who does not show one of the forms of identification specified in subsection B of § 24.2-643 shall be offered a provisional ballot under the provisions of § 24.2-653. The State Board of Elections shall provide instructions to the general registrar for the handling and counting of such provisional ballots pursuant to subsection B of § 24.2-653 and this section.

2. Any other application may be made by mail, by electronic or telephonic transmission to a facsimile device if one is available to the office of the general registrar or to the office of the ~~State Board Department~~ if a device is not available locally, or by other means. The application shall be on a form furnished by the registrar or, ~~if made under subdivision A 2 of § 24.2-700, may be on a federal postcard application prescribed pursuant to 52 U.S.C. § 20301(b)(2). The federal postcard application may be accepted the later of (i) 12 months before an election or (ii) the day following any election held in the twelfth month prior to the election in which the applicant is applying to vote. The application shall be made to the appropriate registrar no later than 5:00 p.m. on the seventh day prior to the election in which the applicant offers to vote as specified in subdivision 3.~~

3. ~~The application of any covered voter, as defined in § 24.2-452, may be on a federal postcard application, as defined in § 24.2-452. The federal postcard application may be accepted the later of (i) 12 months before an election or (ii) the day following any election held in the twelfth month prior to the election in which the applicant is applying to vote. The application shall be made to the appropriate registrar no later than 5:00 p.m. on the seventh day prior to the election in which the applicant offers to vote.~~

C. Applications for absentee ballots shall contain the following information:

1. The applicant's printed name; ~~and the last four digits of the applicant's social security number; and the reason the applicant will be absent or cannot vote at his polling place on the day of the election.~~ However, an applicant completing the application in person shall not be required to provide the last four digits of his social security number;

2. A statement that he is registered in the county or city in which he offers to vote and his residence address in such county or city. Any person temporarily residing outside the United States shall provide the last date of residency at his Virginia residence address, if that residence is no longer available to him. Any ~~person who makes application under subdivision A 2 of § 24.2-700 covered voter, as defined in § 24.2-452,~~ who is not a registered voter may file the applications to register and for a ballot simultaneously; ~~and~~

3. The complete address to which the ballot is to be sent directly to the applicant, unless the application is made in person at a time when the printed ballots for the election are available and the applicant chooses to vote in person at the time of completing his application. The address given shall be (i) the address of the applicant on file in the registration records; (ii) the address at which he will be located while absent from his county or city; or (iii) the address at which he will be located while temporarily confined due to a disability or illness. No ballot shall be sent to, or in care of, any other person; ~~and~~

4. ~~In the case of a person, or the spouse or dependent of a person, who is on active duty as a member of the uniformed services as defined in § 24.2-452, the branch of service to which he or the spouse belongs; or~~

5. ~~In the case of a student, or the spouse of a student, who is attending a school or institution of higher education, the name of the school or institution of higher education; or~~

6. ~~In the case of any duly registered person with a disability, as defined in § 24.2-101, who is unable to go in person to the polls on the day of the election because of his disability, illness, or pregnancy; that he is a person with a disability, illness, or pregnancy; or~~

7. ~~In the case of a person who is confined awaiting trial or for having been convicted of a misdemeanor, the name of the institution of confinement; or~~

8. ~~In the case of a person who will be absent on election day for business reasons, the name of his employer or business; or~~

9. ~~In the case of a person who will be absent on election day for personal business or vacation reasons, the name of the county or city in Virginia or the state or country to which he is traveling; or~~

10. ~~In the case of a person who is unable to go to the polls on the day of election because he is primarily and personally responsible for the care of an ill or disabled family member who is confined at home, his relationship to the family member; or~~

11. ~~In the case of a person who is unable to go to the polls on the day of election because of an obligation occasioned by his religion, that he has an obligation occasioned by his religion; or~~

12. ~~In the case of a person who, in the regular and orderly course of his business, profession, or occupation, will be at his place of work and commuting to and from his home to his place of work for 11 or more hours of the 13 hours that the~~

polls are open pursuant to § 24.2-603, the name of his business or employer and hours he will be at the workplace and commuting on election day; or

13. In the case of a law enforcement officer, as defined in § 18.2-51.1; firefighter, as defined in § 65.2-102; volunteer firefighter, as defined in § 27-42; search and rescue personnel, as defined in § 18.2-51.1; or emergency medical services personnel, as defined in § 32.1-111.1, that he is a first responder; or

14. In the case of a person who has been designated by a political party, independent candidate, or candidate in a primary election to be a representative of the party or candidate inside a polling place on the day of the election pursuant to subsection C of § 24.2-604 and § 24.2-639, the fact that he is so designated; or

15. In the case of a person who has been granted a protective order issued by or under the authority of any court of competent jurisdiction, the name of the county or city in Virginia or the state of the issuing court.

D. An application shall not be required for any registered voter appearing in person to cast an absentee ballot during the period beginning on the second Saturday immediately preceding the election in which he is offering to vote pursuant to § 24.2-701.1.

§ 24.2-701.1. Absentee voting in person.

A. Absentee voting in person shall be available on the forty-fifth day prior to any election and shall continue until 5:00 p.m. on the Saturday immediately preceding the election. *In the case of a special election, excluding for federal offices, if time is insufficient between the issuance of the writ calling for the special election and the date of the special election, absentee voting in person shall be available as soon as possible after the issuance of the writ.*

1. Any registered voter eligible to vote absentee pursuant to subsection A of § 24.2-700 may vote absentee in person beginning on the forty-fifth day prior to the election in which he is offering to vote and continuing until the second Friday immediately preceding such election. He shall complete the application for an absentee ballot required by § 24.2-701, and the general registrar shall process that application in accordance with the provisions of § 24.2-706.

2. Any registered voter may offering to vote absentee in person on or after the second Saturday immediately preceding the election in which he is offering to vote. He shall provide his name and his residence address in the county or city in which he is offering to vote. After verifying that the voter is a registered voter of that county or city, the general registrar shall enroll the voter's name and address on the absentee voter applicant list maintained pursuant to § 24.2-706.

A registered voter voting by absentee ballot in person shall provide one of the forms of identification specified in subsection B of § 24.2-643. If he does not show one of the forms of identification specified in subsection B of § 24.2-643, he shall be offered a provisional ballot under the provisions of § 24.2-653. The State Board shall provide instructions to the general registrar for the handling and counting of such provisional ballots pursuant to subsection B of § 24.2-653 and this section.

B. Absentee voting in person shall be available during regular business hours. The electoral board of each county and city shall provide for absentee voting in person in the office of the general registrar. For purposes of this chapter, such office shall be open a minimum of eight hours between the hours of 8:00 a.m. and 5:00 p.m. on the first and second Saturday immediately preceding all elections. Any applicant who is in line to cast his ballot when the office of the general registrar or location being used for in-person absentee voting closes shall be permitted to cast his absentee ballot that day.

C. Additional locations in the county or city approved by the electoral boards may be available for absentee voting in person. Any such location shall be in a public building owned or leased by the county, city, or town within the county and may be in a facility that is owned or leased by the Commonwealth and used as a location for Department of Motor Vehicles facilities or as an office of the general registrar. *Such location shall be deemed the equivalent of the office of the general registrar for the purposes of completing the application for an absentee ballot in person pursuant to §§ 24.2-701 and 24.2-706.* Any such location shall have adequate facilities for the protection of all elections materials produced in the process of absentee voting in person, the voted and unvoted absentee ballots, and any voting systems in use at the location.

D. The general registrar may provide for the casting of absentee ballots in person pursuant to this section on voting systems. The Department shall prescribe the procedures for use of voting systems. The procedures shall provide for absentee voting in person on voting systems that have been certified and are currently approved by the State Board. The procedures shall be applicable and uniformly applied by the Department to all localities using comparable voting systems.

E. At least two officers of election shall be present during all hours that absentee voting in person is available and shall represent the two major political parties, except in the case of a party primary, when they may represent the party conducting the primary. However, such requirement shall not apply when (i) voting systems that are being used pursuant to subsection D are located in the office of the general registrar and (ii) the general registrar or an assistant registrar is present.

F. The Department shall include absentee ballots voted in person in its instructions for the preparation, maintenance, and reporting of ballots, pollbooks, records, and returns.

§ 24.2-702.1. Federal write-in absentee ballots.

A. Notwithstanding any other provision of this title, a qualified absentee voter who is eligible for an absentee ballot under subdivision A 2 of § 24.2-700 covered voter, as defined in § 24.2-452, may use a federal write-in absentee ballot in any election. Such ballot shall be submitted and processed in the manner provided by the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. § 20301 et seq.) and this article.

B. Notwithstanding any other provision of this title, a federal write-in absentee ballot submitted pursuant to subsection A shall be considered valid for purposes of simultaneously satisfying both an absentee ballot application and a completed absentee ballot, provided that the ballot is received no later than the deadline for the return of absentee ballots as

provided in § 24.2-709 for the election in which the voter offers to vote, and the application contains the following information: (i) the voter's signature; however, if the voter is unable to sign, the person assisting the voter will note this fact in the voter signature box; (ii) the voter's printed name; (iii) the county or city in which he is registered and offers to vote; (iv) the residence address at which he is registered to vote; (v) his current military or overseas address; and (vi) the signature of a witness who shall sign the same application.

C. This section shall not be construed to require that an absentee ballot be sent to the absentee voter on receipt of a federal write-in absentee ballot unless the voter has also submitted an absentee ballot application pursuant to § 24.2-701 or 24.2-703.

§ 24.2-703.1. Special annual applications for absentee ballots for certain ill or disabled voters.

Any person who is eligible for an absentee ballot under subdivision A 4 of § 24.2-700 because of a disability or illness and who is likely to remain so eligible with a disability or illness whose disability or illness is likely to continue for the remainder of the calendar year shall be eligible to file a special annual application to receive ballots for all elections in which he is eligible to vote in a calendar year. His first such application shall be accompanied by a statement, on a form prescribed by the State Board and signed by the voter and his physician, provider as defined in § 37.2-403, or accredited religious practitioner, that the voter is eligible for an absentee ballot under subdivision A 4 of § 24.2-700 and likely to remain so eligible is a person with a disability or illness whose disability or illness is likely to continue for the remainder of the calendar year.

In accordance with procedures established by the State Board, the general registrar shall retain the application and form, enroll the applicant on a special absentee voter applicant list, and process the applicant's request for an absentee ballot for each succeeding election in the calendar year. The applicant shall specify by party designation the primary ballots he is requesting.

The general registrar shall send each such enrolled applicant a blank application by December 15 for each ensuing calendar year, and upon completion thereof, the applicant shall be eligible to receive ballots for all elections in which he is eligible to vote in that calendar year.

If an official reply to the application or an absentee ballot sent to the applicant is returned as undeliverable, or the general registrar knows that the applicant is no longer a qualified voter, no ballot for any subsequent election shall be sent to the voter until a new application is filed and accepted.

§ 24.2-703.2. Replacement absentee ballots for certain disabled or ill voters; penalty.

A voter seeking to cast an absentee ballot may obtain a replacement absentee ballot subject to the following conditions: (i) the voter applied for an absentee ballot under subdivision A 4 of § 24.2-700 because of a disability or illness; (ii) the application was approved and an absentee ballot mailed to the voter; and (iii) the voter a person with a disability or illness who has applied for and has been sent an absentee ballot who did not receive or has lost the absentee ballot on or before the Saturday before the election may obtain a replacement absentee ballot. In such case, the voter may request a replacement absentee ballot by the close of business for the local elections office on the Saturday before election day and designate, in writing, a representative to obtain a replacement absentee ballot on his behalf from the general registrar and to return the properly completed ballot as directed by the general registrar no later than the close of polls on the day of election for which the absentee ballot is valid. The representative shall be age ~~eighteen~~ 18 or older and shall not be an elected official, a candidate for elected office, or the deputy, spouse, parent, or child of an elected official or candidate. The voter and representative shall complete the form prescribed by the State Board to implement the provisions of this section. The form shall include a statement signed by the voter that he did not receive the ballot or has lost the ballot. Statements on the form shall be subject to felony penalties for making false statements pursuant to § 24.2-1016.

§ 24.2-705.1. Late applications and in-person absentee voting for business and medical emergencies.

Any person registered and otherwise qualified to vote who becomes obligated after 12:00 noon on the Saturday before an election to be absent from his county or city on election day for a purpose pertaining to (i) his business, profession, or occupation, (ii) the hospitalization of the applicant or a member of his immediate family, or (iii) the death of a member of his immediate family, may apply for an absentee ballot and vote absentee in person pursuant to this section and subject to the following conditions:

1. The applicant applies in person for an absentee ballot offers to vote absentee in person on the Monday immediately preceding the election, before 2:00 p.m., at the principal office of the registrar; and

2. The applicant signs a statement, which shall be deemed part of his absentee ballot application and subject to felony penalties for making false statements pursuant to § 24.2-1016, that he is required to leave the county or city before the opening of the polls on election day for a purpose pertaining to (i) his business, profession or occupation, (ii) the hospitalization of the applicant or a member of his immediate family, or (iii) the death of a member of his immediate family, and that he did not have notice or knowledge of such required travel prior to 12:00 noon on the immediately preceding Saturday. "Immediate family" means the children including adopted children, grandchildren, grandparents, parents, legal guardian, siblings, whether of the whole or half blood, and spouse of the applicant.

"Hospitalization" refers to confinement in a hospital as defined in § 32.1-123 or 37.2-100 and any comparable hospital in the District of Columbia or any state contiguous to Virginia.

§ 24.2-705.2. Late applications and in-person absentee voting for certain officers of election.

Any officer of election, registered and otherwise qualified to vote, who is assigned after 12:00 noon on the Saturday before an election to be absent from his precinct and to serve as an officer of election in another precinct on election day,

may ~~apply for an absentee ballot and~~ vote absentee in person pursuant to this section and subject to the following conditions:

1. The officer of election ~~applies in person for an absentee ballot~~ *offers to vote absentee in person* on the Monday immediately preceding the election, before 2:00 p.m., at the principal office of the registrar; and
2. The officer signs a statement, ~~which shall be deemed part of his absentee ballot application and~~ subject to felony penalties for making false statements pursuant to § 24.2-1016, that he has been assigned to serve in a precinct other than the precinct where he votes and that he did not have notice or knowledge of such assignment prior to 12:00 noon on the immediately preceding Saturday.

§ 24.2-706. Duty of general registrar on receipt of application; statement of voter.

A. On receipt of an application for an absentee ballot, the general registrar shall enroll the name and address of each registered applicant on an absentee voter applicant list that shall be maintained in the office of the general registrar with a file of the applications received. The list shall be available for inspection and copying and the applications shall be available for inspection only by any registered voter during regular office hours. Upon request and for a reasonable fee, the Department of Elections shall provide an electronic copy of the absentee voter applicant list to any political party or candidate. Such list shall be used only for campaign and political purposes. Any list made available for inspection and copying under this section shall contain the post office box address in lieu of the residence street address for any individual who has furnished at the time of registration or subsequently, in addition to his street address, a post office box address pursuant to subsection B of § 24.2-418.

No list or application containing an individual's social security number, or any part thereof, or the individual's day and month of birth, shall be made available for inspection or copying by anyone. The Department of Elections shall prescribe procedures for general registrars to make the information in the lists and applications available in a manner that does not reveal social security numbers or parts thereof, or an individual's day and month of birth.

B. The completion and timely delivery of an application for an absentee ballot shall be construed to be an offer by the applicant to vote in the election.

The general registrar shall note on each application received whether the applicant is or is not a registered voter. In reviewing the application for an absentee ballot, the general registrar shall not reject the application of any individual because of an error or omission on any record or paper relating to the application, if such error or omission is not material in determining whether such individual is qualified to vote absentee.

If the application has been properly completed and signed and the applicant is a registered voter of the precinct in which he offers to vote, the general registrar shall, at the time when the printed ballots for the election are available, send by the deadline set out in § 24.2-612, obtaining a certificate or other evidence of either first-class or expedited mailing or delivery from the United States Postal Service or other commercial delivery provider, or deliver to him in person in the office of the registrar, the following items and nothing else:

1. An envelope containing the folded ballot, sealed and marked "Ballot within. Do not open except in presence of a witness."

2. An envelope, with printing only on the flap side, for resealing the marked ballot, on which envelope is printed the following:

"Statement of Voter."

"I do hereby state, subject to felony penalties for making false statements pursuant to § 24.2-1016, that my FULL NAME is _____ (last, first, middle); that I am now or have been at some time since last November's general election a legal resident of _____ (STATE YOUR LEGAL RESIDENCE IN VIRGINIA including the house number, street name or rural route address, city, zip code); that I received the enclosed ballot(s) upon application to the registrar of such county or city; that I opened the envelope marked 'ballot within' and marked the ballot(s) in the presence of the witness, without assistance or knowledge on the part of anyone as to the manner in which I marked it (or I am returning the form required to report how I was assisted); that I then sealed the ballot(s) in this envelope; and that I have not voted and will not vote in this election at any other time or place.

Signature of Voter _____

Date _____

Signature of witness _____ "

For elections held after January 1, 2004, instead of the envelope containing the above oath, an envelope containing the standard oath prescribed by the presidential designee under § 101(b)(7) of the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. § 20301 et seq.) shall be sent to voters who are qualified to vote absentee under that Act.

When this statement has been properly completed and signed by the registered voter and witnessed, his ballot shall not be subject to challenge pursuant to § 24.2-651.

3. A properly addressed envelope for the return of the ballot to the general registrar by mail or by the applicant in person.

4. Printed instructions for completing the ballot and statement on the envelope and returning the ballot.

For federal elections held after January 1, 2004, for any voter who is required by subparagraph (b) of 52 U.S.C. § 21083 of the Help America Vote Act of 2002 to show identification the first time the voter votes in a federal election in the state, the printed instructions shall direct the voter to submit with his ballot (i) a copy of a current and valid photo identification or (ii) a copy of a current utility bill, bank statement, government check, paycheck or other government

document that shows the name and address of the voter. Such individual who desires to vote by mail but who does not submit one of the forms of identification specified in this paragraph may cast such ballot by mail and the ballot shall be counted as a provisional ballot under the provisions of § 24.2-653. The Department of Elections shall provide instructions to the electoral boards for the handling and counting of such provisional ballots pursuant to subsection B of § 24.2-653 and this section.

5. For any voter entitled to vote absentee under the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. § 20301 et seq.), information provided by the Department of Elections specific to the voting rights and responsibilities for such citizens, or information provided by the registrar specific to the status of the voter registration and absentee ballot application of such voter, may be included.

The envelopes and instructions shall be in the form prescribed by the Department of Elections.

C. If the applicant completes his application in person under § 24.2-701 at a time when the printed ballots for the election are available, he may request that the general registrar send to him by mail the items set forth in subdivisions B 1 through 4, instead of casting the ballot in person. Such request shall be made no later than 5:00 p.m. on the seventh day prior to the election in which the applicant offers to vote, and the general registrar shall send those items to the applicant by mail, obtaining a certificate or other evidence of mailing.

D. If the applicant ~~states as the reason for his absence on election day any of the reasons set forth in subdivision A 2 of § 24.2-700~~ is a covered voter, as defined in § 24.2-452, the general registrar, at the time when the printed ballots for the election are available, shall mail by the deadline set forth in § 24.2-612 or deliver in person to the applicant in the office of the general registrar the items as set forth in subdivisions B 1 through 4 and, if necessary, an application for registration. A certificate or other evidence of mailing shall not be required. If the applicant requests that such items be sent by electronic transmission, the general registrar, at the time when the printed ballots for the election are available but not later than the deadline set forth in § 24.2-612, shall send by electronic transmission the blank ballot, the form for the envelope for returning the marked ballot, and instructions to the voter. Such materials shall be sent using the official email address or fax number of the office of the general registrar published on the Department of Elections website. The State Board of Elections may prescribe by regulation the format of the email address used for transmitting ballots to eligible voters. A general registrar may also use electronic transmission facilities provided by the Federal Voting Assistance Program. The voted ballot shall be returned to the general registrar as otherwise required by this chapter.

E. The circuit courts shall have jurisdiction to issue an injunction to enforce the provisions of this section upon the application of (i) any aggrieved voter, (ii) any candidate in an election district in whole or in part in the court's jurisdiction where a violation of this section has occurred, or is likely to occur, or (iii) the campaign committee or the appropriate district political party chairman of such candidate. Any person who fails to discharge his duty as provided in this section through willful neglect of duty and with malicious intent shall be guilty of a Class 1 misdemeanor as provided in subsection A of § 24.2-1001.

§ 24.2-709. Ballot to be returned in manner prescribed by law.

A. Any ballot returned to the office of the general registrar in any manner except as prescribed by law shall be void. Absentee ballots shall be returned to the general registrar before the closing of the polls. The registrar receiving the ballot shall (i) seal the ballot in an envelope with the statement or declaration of the voter, or both, attached to the outside and (ii) mark on each envelope the date, time, and manner of delivery. No returned absentee ballot shall be deemed void because the inner envelope containing the voted ballot is imperfectly sealed so long as the outside envelope containing the ballot envelope is sealed.

B. Notwithstanding the provisions of subsection A, any absentee ~~ballots~~ ballot (i) received after the close of the polls on any election day, (ii) received before 5:00 p.m. on the second business day before the State Board meets to ascertain the results of the election pursuant to this title, (iii) requested on or before but not sent by the deadline for making absentee ballots available under § 24.2-612, and (iv) cast by ~~an absentee voter who is eligible for an absentee ballot under subdivision A 2 of § 24.2-700~~ a covered voter, as defined in § 24.2-452, shall be counted pursuant to the procedures set forth in this chapter ~~and, if the voter is found entitled to vote, included in the election returns.~~ The electoral board shall prepare an amended certified abstract, which shall include the results of such ballots, and shall deliver such abstract to the State Board by the business day prior to its meeting pursuant to this title, and shall deliver a copy of such abstract to the general registrar to be available for inspection when his office is open for business.

C. Notwithstanding the provisions of clause (i) of subsection B of § 24.2-427, an absentee ballot returned by a voter in compliance with § 24.2-707 and this section who dies prior to the counting of absentee ballots on election day shall be counted pursuant to the procedures set forth in this chapter if the voter is found to have been entitled to vote at the time that he returned the ballot.

§ 24.2-1004. Illegal voting and registrations.

A. Any person who wrongfully deposits a ballot in the ballot container or casts a vote on any voting equipment, is guilty of a Class 1 misdemeanor.

B. Any person who intentionally (i) votes more than once in the same election, whether those votes are cast in Virginia or in Virginia and any other state or territory of the United States, (ii) procures, assists, or induces another to vote more than once in the same election, whether those votes are cast in Virginia or in Virginia and any other state or territory of the United States, (iii) votes knowing that he is not qualified to vote where and when the vote is to be given, or (iv) procures,

assists, or induces another to vote knowing that such person is not qualified to vote where and when the vote is to be given is guilty of a Class 6 felony.

C. Any person who intentionally (i) registers to vote at more than one residence address at the same time, whether such registrations are in Virginia or in Virginia and any other state or territory of the United States, or (ii) procures, assists, or induces another to register to vote at more than one address at the same time, whether such registrations are in Virginia or in Virginia and any other state or territory of the United States, is guilty of a Class 6 felony. This subsection shall not apply to any person who, when registering to vote, changing the address at which he is registered, transferring his registration, or assisting another in registering, changing his address, or transferring his registration, provides the information required by § 24.2-418 on the applicant's place of last previous registration to vote.

D. Nothing in this section shall be construed to prohibit a ~~person entitled to vote absentee under subdivision A 2 of § 24.2-700~~ covered voter, as defined in § 24.2-452, from casting in the same election both a state ballot and a write-in absentee ballot that is processed in the manner provided by the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. § 20301 et seq.). If both ballots are received prior to the close of the polls on election day, the state ballot shall be counted.

CHAPTER 1152

An Act to amend and reenact § 65.2-402.1 of the Code of Virginia, relating to workers' compensation; presumption of compensability for certain diseases.

[S 345]

Approved April 11, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 65.2-402.1 of the Code of Virginia is amended and reenacted as follows:

§ 65.2-402.1. Presumption as to death or disability from infectious disease.

A. Hepatitis, meningococcal meningitis, tuberculosis or HIV causing the death of, or any health condition or impairment resulting in total or partial disability of, any (i) salaried or volunteer firefighter, or salaried or volunteer emergency medical services personnel, (ii) member of the State Police Officers' Retirement System, (iii) member of county, city or town police departments, (iv) sheriff or deputy sheriff, (v) Department of Emergency Management hazardous materials officer, (vi) city sergeant or deputy city sergeant of the City of Richmond, (vii) Virginia Marine Police officer, (viii) conservation police officer who is a full-time sworn member of the enforcement division of the Department of Game and Inland Fisheries, (ix) Capitol Police officer, (x) special agent of the Virginia Alcoholic Beverage Control Authority appointed under the provisions of Chapter 1 (§ 4.1-100 et seq.) of Title 4.1, (xi) for such period that the Metropolitan Washington Airports Authority voluntarily subjects itself to the provisions of this chapter as provided in § 65.2-305, officer of the police force established and maintained by the Metropolitan Washington Airports Authority, (xii) officer of the police force established and maintained by the Norfolk Airport Authority, (xiii) conservation officer of the Department of Conservation and Recreation commissioned pursuant to § 10.1-115, (xiv) sworn officer of the police force established and maintained by the Virginia Port Authority, ~~or~~ (xv) ~~any~~ campus police officer appointed under Article 3 (§ 23.1-809 et seq.) of Chapter 8 of Title 23.1 and employed by any public institution of higher education, (xvi) *correctional officer as defined in § 53.1-1, or (xvii) full-time sworn member of the enforcement division of the Department of Motor Vehicles* who has a documented occupational exposure to blood or body fluids shall be presumed to be occupational diseases, suffered in the line of government duty, that are covered by this title unless such presumption is overcome by a preponderance of competent evidence to the contrary. For purposes of this section, an occupational exposure occurring on or after July 1, 2002, shall be deemed "documented" if the person covered under this section gave notice, written or otherwise, of the occupational exposure to his employer, and an occupational exposure occurring prior to July 1, 2002, shall be deemed "documented" without regard to whether the person gave notice, written or otherwise, of the occupational exposure to his employer. *For any correctional officer as defined in § 53.1-1 or full-time sworn member of the enforcement division of the Department of Motor Vehicles, the presumption shall not apply if such individual was diagnosed with hepatitis, meningococcal meningitis, or HIV before July 1, 2020.*

B. As used in this section:

"Blood or body fluids" means blood and body fluids containing visible blood and other body fluids to which universal precautions for prevention of occupational transmission of blood-borne pathogens, as established by the Centers for Disease Control, apply. For purposes of potential transmission of hepatitis, meningococcal meningitis, tuberculosis, or HIV the term "blood or body fluids" includes respiratory, salivary, and sinus fluids, including droplets, sputum, saliva, mucous, and any other fluid through which infectious airborne or blood-borne organisms can be transmitted between persons.

"Hepatitis" means hepatitis A, hepatitis B, hepatitis non-A, hepatitis non-B, hepatitis C or any other strain of hepatitis generally recognized by the medical community.

"HIV" means the medically recognized retrovirus known as human immunodeficiency virus, type I or type II, causing immunodeficiency syndrome.

"Occupational exposure," in the case of hepatitis, meningococcal meningitis, tuberculosis or HIV, means an exposure that occurs during the performance of job duties that places a covered employee at risk of infection.

C. Persons covered under this section who test positive for exposure to the enumerated occupational diseases, but have not yet incurred the requisite total or partial disability, shall otherwise be entitled to make a claim for medical benefits pursuant to § 65.2-603, including entitlement to an annual medical examination to measure the progress of the condition, if any, and any other medical treatment, prophylactic or otherwise.

D. Whenever any standard, medically-recognized vaccine or other form of immunization or prophylaxis exists for the prevention of a communicable disease for which a presumption is established under this section, if medically indicated by the given circumstances pursuant to immunization policies established by the Advisory Committee on Immunization Practices of the United States Public Health Service, a person subject to the provisions of this section may be required by such person's employer to undergo the immunization or prophylaxis unless the person's physician determines in writing that the immunization or prophylaxis would pose a significant risk to the person's health. Absent such written declaration, failure or refusal by a person subject to the provisions of this section to undergo such immunization or prophylaxis shall disqualify the person from any presumption established by this section.

E. The presumptions described in subsection A shall only apply if persons entitled to invoke them have, if requested by the appointing authority or governing body employing them, undergone preemployment physical examinations that (i) were conducted prior to the making of any claims under this title that rely on such presumptions, (ii) were performed by physicians whose qualifications are as prescribed by the appointing authority or governing body employing such persons, (iii) included such appropriate laboratory and other diagnostic studies as the appointing authorities or governing bodies may have prescribed, and (iv) found such persons free of hepatitis, meningococcal meningitis, tuberculosis or HIV at the time of such examinations. The presumptions described in subsection A shall not be effective until six months following such examinations, unless such persons entitled to invoke such presumption can demonstrate a documented exposure during the six-month period.

F. Persons making claims under this title who rely on such presumption shall, upon the request of appointing authorities or governing bodies employing such persons, submit to physical examinations (i) conducted by physicians selected by such appointing authorities or governing bodies or their representatives and (ii) consisting of such tests and studies as may reasonably be required by such physicians. However, a qualified physician, selected and compensated by the claimant, may, at the election of such claimant, be present at such examination.

CHAPTER 1153

An Act to amend and reenact § 24.2-420.1 of the Code of Virginia, relating to election day voter registration.

[H 201]

Approved April 11, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 24.2-420.1 of the Code of Virginia is amended and reenacted as follows:

§ 24.2-420.1. Extended time for persons to register in person.

A. Notwithstanding the provisions of § 24.2-416, ~~the following persons~~ *any person who is qualified to register to vote shall be entitled to register in person up to and including the day of the election: at the office of the general registrar in the locality in which such person resides or at the polling place for the precinct in which such person resides*

- ~~1. Any member of a uniformed service of the United States, as defined in § 24.2-452, who is on active duty;~~
- ~~2. Any person who resides temporarily outside of the United States; and~~
- ~~3. Any spouse or dependent residing with a person listed in subdivision 1 or 2 of this subsection.~~

~~The provisions of this subsection shall apply only to those persons who are otherwise qualified to register and who, by reason of such active duty or temporary overseas residency, either (i) are normally absent from the city or county in which they reside or (ii) have been absent from such city or county and returned to reside there during the twenty-eight days immediately preceding the election.~~

~~B. Notwithstanding the provisions of § 24.2-416, any person who was on active duty as a member of a uniformed service as defined in § 24.2-452 and discharged from the uniformed service during the sixty days immediately preceding the election, and his spouse or dependent, shall be entitled to register, if otherwise qualified, in person up to and including the day of the election.~~

~~☞ The Department shall prescribe procedures for the addition of persons registered under this section to the lists of registered voters.~~

2. That the provisions of this act shall become effective on October 1, 2022.

CHAPTER 1154

An Act to amend and reenact § 24.2-643 of the Code of Virginia, relating to voter identification; accepted forms of identification; student identification card issued by out-of-state institution of higher education.

[H 213]

Approved April 11, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 24.2-643 of the Code of Virginia is amended and reenacted as follows:

§ 24.2-643. Qualified voter permitted to vote; procedures at polling place; voter identification.

A. After the polls are open, each qualified voter at a precinct shall be permitted to vote. The officers of election shall ascertain that a person offering to vote is a qualified voter before admitting him to the voting booth and furnishing an official ballot to him.

B. An officer of election shall ask the voter for his full name and current residence address and the voter may give such information orally or in writing. The officer of election shall repeat, in a voice audible to party and candidate representatives present, the full name and address provided by the voter. The officer shall ask the voter to present any one of the following forms of identification: (i) his valid Virginia driver's license, his valid United States passport, or any other photo identification issued by the Commonwealth, one of its political subdivisions, or the United States; (ii) any valid student identification card containing a photograph of the voter and issued by any institution of higher education located in the Commonwealth or any private school located in the Commonwealth; (iii) any valid student identification card containing a photograph of the voter and issued by any institution of higher education located in any other state or territory of the United States; or (iv) any valid employee identification card containing a photograph of the voter and issued by an employer of the voter in the ordinary course of the employer's business.

Any voter who does not show one of the forms of identification specified in this subsection shall be offered a provisional ballot under the provisions of § 24.2-653. The State Board of Elections shall provide an ID-ONLY provisional ballot envelope that requires no follow-up action by the registrar or electoral board other than matching submitted identification documents from the voter for the electoral board to make a determination on whether to count the ballot.

If the voter presents one of the forms of identification listed above, if his name is found on the pollbook in a form identical to or substantially similar to the name on the presented form of identification and the name provided by the voter, if he is qualified to vote in the election, and if no objection is made, an officer shall enter, opposite the voter's name on the pollbook, the first or next consecutive number from the voter count form provided by the State Board, or shall enter that the voter has voted if the pollbook is in electronic form; an officer shall provide the voter with the official ballot; and another officer shall admit him to the voting booth. Each voter whose name has been marked on the pollbooks as present to vote and entitled to a ballot shall remain in the presence of the officers of election in the polling place until he has voted. If a line of voters who have been marked on the pollbooks as present to vote forms to await entry to the voting booths, the line shall not be permitted to extend outside of the room containing the voting booths and shall remain under observation by the officers of election.

A voter may be accompanied into the voting booth by his child age 15 or younger.

C. If the current residence address provided by the voter is different from the address shown on the pollbook, the officer of election shall furnish the voter with a change of address form prescribed by the State Board. Upon its completion, the voter shall sign the prescribed form, subject to felony penalties for making false statements pursuant to § 24.2-1016, which the officer of election shall then place in an envelope provided for such forms for transmission to the general registrar who shall then transfer or cancel the registration of such voter pursuant to Chapter 4 (§ 24.2-400 et seq.).

D. At the time the voter is asked his full name and current residence address, the officer of election shall ask any voter for whom the pollbook indicates that an identification number other than a social security number is recorded on the Virginia voter registration system if he presently has a social security number. If the voter is able to provide his social security number, he shall be furnished with a voter registration form prescribed by the State Board to update his registration information. Upon its completion, the form shall be placed by the officer of election in an envelope provided for such forms for transmission to the general registrar. Any social security numbers so provided shall be entered by the general registrar in the voter's record on the voter registration system.

CHAPTER 1155

An Act to amend and reenact § 24.2-706, as it is currently effective and as it shall become effective, of the Code of Virginia, relating to absentee voting; postage prepaid on return envelope.

[H 220]

Approved April 11, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 24.2-706, as it is currently effective and as it shall become effective, of the Code of Virginia is amended and reenacted as follows:

§ 24.2-706. (Effective for elections prior to the general election on November 3, 2020) Duty of general registrar on receipt of application; statement of voter.

On receipt of an application for an absentee ballot, the general registrar shall enroll the name and address of each registered applicant on an absentee voter applicant list that shall be maintained in the office of the general registrar with a file of the applications of the listed applicants. The list shall be available for inspection and copying and the applications shall be available for inspection only by any registered voter during regular office hours. Upon request and for a reasonable fee, the Department of Elections shall provide an electronic copy of the absentee voter applicant list to any political party or

candidate. Such list shall be used only for campaign and political purposes. Any list made available for inspection and copying under this section shall contain the post office box address in lieu of the residence street address for any individual who has furnished at the time of registration or subsequently, in addition to his street address, a post office box address pursuant to subsection B of § 24.2-418.

No list or application containing an individual's social security number, or any part thereof, or the individual's day and month of birth, shall be made available for inspection or copying by anyone. The Department of Elections shall prescribe procedures for general registrars to make the information in the lists and applications available in a manner that does not reveal social security numbers or parts thereof, or an individual's day and month of birth.

The completion and timely delivery of an application for an absentee ballot shall be construed to be an offer by the applicant to vote in the election.

The general registrar shall note on each application received whether the applicant is or is not a registered voter. In reviewing the application for an absentee ballot, the general registrar shall not reject the application of any individual because of an error or omission on any record or paper relating to the application, if such error or omission is not material in determining whether such individual is qualified to vote absentee.

If the application has been properly completed and signed and the applicant is a registered voter of the precinct in which he offers to vote, the general registrar shall, at the time when the printed ballots for the election are available, send by the deadline set out in § 24.2-612, obtaining a certificate or other evidence of either first-class or expedited mailing or delivery from the United States Postal Service or other commercial delivery provider, or deliver to him in person in the office of the registrar, the following items and nothing else:

1. An envelope containing the folded ballot, sealed and marked "Ballot within. Do not open except in presence of a witness."

2. An envelope, with printing only on the flap side, for resealing the marked ballot, on which envelope is printed the following:

"Statement of Voter."

"I do hereby state, subject to felony penalties for making false statements pursuant to § 24.2-1016, that my FULL NAME is _____ (last, first, middle); that I am now or have been at some time since last November's general election a legal resident of _____ (STATE YOUR LEGAL RESIDENCE IN VIRGINIA including the house number, street name or rural route address, city, zip code); that I received the enclosed ballot(s) upon application to the registrar of such county or city; that I opened the envelope marked 'ballot within' and marked the ballot(s) in the presence of the witness, without assistance or knowledge on the part of anyone as to the manner in which I marked it (or I am returning the form required to report how I was assisted); that I then sealed the ballot(s) in this envelope; and that I have not voted and will not vote in this election at any other time or place.

Signature of Voter _____

Date _____

Signature of witness _____"

For elections held after January 1, 2004, instead of the envelope containing the above oath, an envelope containing the standard oath prescribed by the presidential designee under § 101(b)(7) of the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. § 20301 et seq.) shall be sent to voters who are qualified to vote absentee under that Act.

3. ~~A properly addressed~~ An envelope, *properly addressed and postage prepaid*, for the return of the ballot to the general registrar by mail or by the applicant in person.

4. Printed instructions for completing the ballot and statement on the envelope and returning the ballot.

For federal elections held after January 1, 2004, for any voter who is required by subparagraph (b) of 52 U.S.C. § 21083 of the Help America Vote Act of 2002 to show identification the first time the voter votes in a federal election in the state, the printed instructions shall direct the voter to submit with his ballot (i) a copy of a current and valid photo identification or (ii) a copy of a current utility bill, bank statement, government check, paycheck or other government document that shows the name and address of the voter. Such individual who desires to vote by mail but who does not submit one of the forms of identification specified in this paragraph may cast such ballot by mail and the ballot shall be counted as a provisional ballot under the provisions of § 24.2-653. The Department of Elections shall provide instructions to the electoral boards for the handling and counting of such provisional ballots pursuant to subsection B of § 24.2-653 and this section.

5. For any voter entitled to vote absentee under the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. § 20301 et seq.), information provided by the Department of Elections specific to the voting rights and responsibilities for such citizens, or information provided by the registrar specific to the status of the voter registration and absentee ballot application of such voter, may be included.

The envelopes and instructions shall be in the form prescribed by the Department of Elections.

If the applicant makes his application to vote in person under § 24.2-701 at a time when the printed ballots for the election are available, the general registrar, on the determination of the qualifications of the applicant to vote, shall provide to the applicant the items set forth in subdivisions 1 through 4, and no item shall be removed by the applicant from the office of the general registrar. On the request of the applicant, made no later than 5:00 p.m. on the seventh day prior to the election in which the applicant offers to vote, the general registrar may send the items set forth in subdivisions 1 through 4 to the applicant by mail, obtaining a certificate or other evidence of mailing.

If the applicant states as the reason for his absence on election day any of the reasons set forth in subdivision 2 of § 24.2-700, the general registrar, at the time when the printed ballots for the election are available, shall mail by the deadline set forth in § 24.2-612 or deliver in person to the applicant in the office of the general registrar the items as set forth in subdivisions 1 through 4 and, if necessary, an application for registration. A certificate or other evidence of mailing shall not be required. If the applicant requests that such items be sent by electronic transmission, the general registrar, at the time when the printed ballots for the election are available but not later than the deadline set forth in § 24.2-612, shall send by electronic transmission the blank ballot, the form for the envelope for returning the marked ballot, and instructions to the voter. Such materials shall be sent using the official email address or fax number of the office of the general registrar published on the Department of Elections website. The State Board of Elections may prescribe by regulation the format of the email address used for transmitting ballots to eligible voters. A general registrar may also use electronic transmission facilities provided by the Federal Voting Assistance Program. The voted ballot shall be returned to the general registrar as otherwise required by this chapter.

When the statement prescribed in subdivision 2 has been properly completed and signed by the registered voter and witnessed, his ballot shall not be subject to challenge pursuant to § 24.2-651.

The circuit courts shall have jurisdiction to issue an injunction to enforce the provisions of this section upon the application of (i) any aggrieved voter, (ii) any candidate in an election district in whole or in part in the court's jurisdiction where a violation of this section has occurred, or is likely to occur, or (iii) the campaign committee or the appropriate district political party chairman of such candidate. Any person who fails to discharge his duty as provided in this section through willful neglect of duty and with malicious intent shall be guilty of a Class 1 misdemeanor as provided in subsection A of § 24.2-1001.

§ 24.2-706. (Effective for elections beginning with the general election on November 3, 2020) Duty of general registrar on receipt of application; statement of voter.

A. On receipt of an application for an absentee ballot, the general registrar shall enroll the name and address of each registered applicant on an absentee voter applicant list that shall be maintained in the office of the general registrar with a file of the applications received. The list shall be available for inspection and copying and the applications shall be available for inspection only by any registered voter during regular office hours. Upon request and for a reasonable fee, the Department of Elections shall provide an electronic copy of the absentee voter applicant list to any political party or candidate. Such list shall be used only for campaign and political purposes. Any list made available for inspection and copying under this section shall contain the post office box address in lieu of the residence street address for any individual who has furnished at the time of registration or subsequently, in addition to his street address, a post office box address pursuant to subsection B of § 24.2-418.

No list or application containing an individual's social security number, or any part thereof, or the individual's day and month of birth, shall be made available for inspection or copying by anyone. The Department of Elections shall prescribe procedures for general registrars to make the information in the lists and applications available in a manner that does not reveal social security numbers or parts thereof, or an individual's day and month of birth.

B. The completion and timely delivery of an application for an absentee ballot shall be construed to be an offer by the applicant to vote in the election.

The general registrar shall note on each application received whether the applicant is or is not a registered voter. In reviewing the application for an absentee ballot, the general registrar shall not reject the application of any individual because of an error or omission on any record or paper relating to the application, if such error or omission is not material in determining whether such individual is qualified to vote absentee.

If the application has been properly completed and signed and the applicant is a registered voter of the precinct in which he offers to vote, the general registrar shall, at the time when the printed ballots for the election are available, send by the deadline set out in § 24.2-612, obtaining a certificate or other evidence of either first-class or expedited mailing or delivery from the United States Postal Service or other commercial delivery provider, or deliver to him in person in the office of the registrar, the following items and nothing else:

1. An envelope containing the folded ballot, sealed and marked "Ballot within. Do not open except in presence of a witness."

2. An envelope, with printing only on the flap side, for resealing the marked ballot, on which envelope is printed the following:

"Statement of Voter."

"I do hereby state, subject to felony penalties for making false statements pursuant to § 24.2-1016, that my FULL NAME is _____ (last, first, middle); that I am now or have been at some time since last November's general election a legal resident of _____ (STATE YOUR LEGAL RESIDENCE IN VIRGINIA including the house number, street name or rural route address, city, zip code); that I received the enclosed ballot(s) upon application to the registrar of such county or city; that I opened the envelope marked 'ballot within' and marked the ballot(s) in the presence of the witness, without assistance or knowledge on the part of anyone as to the manner in which I marked it (or I am returning the form required to report how I was assisted); that I then sealed the ballot(s) in this envelope; and that I have not voted and will not vote in this election at any other time or place.

Signature of Voter _____

Date _____

Signature of witness _____ "

For elections held after January 1, 2004, instead of the envelope containing the above oath, an envelope containing the standard oath prescribed by the presidential designee under § 101(b)(7) of the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. § 20301 et seq.) shall be sent to voters who are qualified to vote absentee under that Act.

When this statement has been properly completed and signed by the registered voter and witnessed, his ballot shall not be subject to challenge pursuant to § 24.2-651.

3. ~~A properly addressed~~ An envelope, *properly addressed and postage prepaid*, for the return of the ballot to the general registrar by mail or by the applicant in person.

4. Printed instructions for completing the ballot and statement on the envelope and returning the ballot.

For federal elections held after January 1, 2004, for any voter who is required by subparagraph (b) of 52 U.S.C. § 21083 of the Help America Vote Act of 2002 to show identification the first time the voter votes in a federal election in the state, the printed instructions shall direct the voter to submit with his ballot (i) a copy of a current and valid photo identification or (ii) a copy of a current utility bill, bank statement, government check, paycheck or other government document that shows the name and address of the voter. Such individual who desires to vote by mail but who does not submit one of the forms of identification specified in this paragraph may cast such ballot by mail and the ballot shall be counted as a provisional ballot under the provisions of § 24.2-653. The Department of Elections shall provide instructions to the electoral boards for the handling and counting of such provisional ballots pursuant to subsection B of § 24.2-653 and this section.

5. For any voter entitled to vote absentee under the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. § 20301 et seq.), information provided by the Department of Elections specific to the voting rights and responsibilities for such citizens, or information provided by the registrar specific to the status of the voter registration and absentee ballot application of such voter, may be included.

The envelopes and instructions shall be in the form prescribed by the Department of Elections.

C. If the applicant completes his application in person under § 24.2-701 at a time when the printed ballots for the election are available, he may request that the general registrar send to him by mail the items set forth in subdivisions B 1 through 4, instead of casting the ballot in person. Such request shall be made no later than 5:00 p.m. on the seventh day prior to the election in which the applicant offers to vote, and the general registrar shall send those items to the applicant by mail, obtaining a certificate or other evidence of mailing.

D. If the applicant states as the reason for his absence on election day any of the reasons set forth in subdivision A 2 of § 24.2-700, the general registrar, at the time when the printed ballots for the election are available, shall mail by the deadline set forth in § 24.2-612 or deliver in person to the applicant in the office of the general registrar the items as set forth in subdivisions B 1 through 4 and, if necessary, an application for registration. A certificate or other evidence of mailing shall not be required. If the applicant requests that such items be sent by electronic transmission, the general registrar, at the time when the printed ballots for the election are available but not later than the deadline set forth in § 24.2-612, shall send by electronic transmission the blank ballot, the form for the envelope for returning the marked ballot, and instructions to the voter. Such materials shall be sent using the official email address or fax number of the office of the general registrar published on the Department of Elections website. The State Board of Elections may prescribe by regulation the format of the email address used for transmitting ballots to eligible voters. A general registrar may also use electronic transmission facilities provided by the Federal Voting Assistance Program. The voted ballot shall be returned to the general registrar as otherwise required by this chapter.

E. The circuit courts shall have jurisdiction to issue an injunction to enforce the provisions of this section upon the application of (i) any aggrieved voter, (ii) any candidate in an election district in whole or in part in the court's jurisdiction where a violation of this section has occurred, or is likely to occur, or (iii) the campaign committee or the appropriate district political party chairman of such candidate. Any person who fails to discharge his duty as provided in this section through willful neglect of duty and with malicious intent shall be guilty of a Class 1 misdemeanor as provided in subsection A of § 24.2-1001.

2. That the provisions of this act shall not become effective unless reenacted by the 2021 Session of the General Assembly.

CHAPTER 1156

An Act to amend and reenact § 24.2-703.1, as it is currently effective and as it shall become effective, of the Code of Virginia, relating to absentee voting; annual applications for eligible absentee voters.

[H 240]

Approved April 11, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 24.2-703.1, as it is currently effective and as it shall become effective, of the Code of Virginia is amended and reenacted as follows:

§ 24.2-703.1. (Effective for elections prior to the general election on November 3, 2020) Special annual applications for absentee ballots for eligible absentee voters.

Any person who is eligible for an absentee ballot under ~~subdivision 4 of § 24.2-700 because of a disability or illness~~ and who is likely to remain so eligible for the remainder of the calendar year shall be eligible to file a special annual application to receive ballots for all elections in which he is eligible to vote in a calendar year. His first such application shall be accompanied by a statement, on a form prescribed by the State Board and signed by the voter ~~and his physician, provider as defined in § 37.2-403, or accredited religious practitioner,~~ that the voter is eligible for an absentee ballot under ~~subdivision 4 of § 24.2-700~~ and likely to remain so eligible for the remainder of the calendar year.

In accordance with procedures established by the State Board, the general registrar shall retain the application and form, enroll the applicant on a special absentee voter applicant list, and process the applicant's request for an absentee ballot for each succeeding election in the calendar year. The applicant shall specify by party designation the primary ballots he is requesting.

The general registrar shall send each such enrolled applicant a blank application by December 15 for each ensuing calendar year, and upon completion thereof, the applicant shall be eligible to receive ballots for all elections in which he is eligible to vote in that calendar year.

If an official reply to the application or an absentee ballot sent to the applicant is returned as undeliverable, or the general registrar knows that the applicant is no longer a qualified voter, no ballot for any subsequent election shall be sent to the voter until a new application is filed and accepted.

§ 24.2-703.1. (Effective for elections beginning with the general election on November 3, 2020) Special annual applications for absentee ballots for eligible absentee voters.

Any person who is eligible for an absentee ballot under ~~subdivision A 4 subsection A of § 24.2-700 because of a disability or illness~~ and who is likely to remain so eligible for the remainder of the calendar year shall be eligible to file a special annual application to receive ballots for all elections in which he is eligible to vote in a calendar year. His first such application shall be accompanied by a statement, on a form prescribed by the State Board and signed by the voter ~~and his physician, provider as defined in § 37.2-403, or accredited religious practitioner,~~ that the voter is eligible for an absentee ballot under ~~subdivision A 4 subsection A of § 24.2-700~~ and likely to remain so eligible for the remainder of the calendar year.

In accordance with procedures established by the State Board, the general registrar shall retain the application and form, enroll the applicant on a special absentee voter applicant list, and process the applicant's request for an absentee ballot for each succeeding election in the calendar year. The applicant shall specify by party designation the primary ballots he is requesting.

The general registrar shall send each such enrolled applicant a blank application by December 15 for each ensuing calendar year, and upon completion thereof, the applicant shall be eligible to receive ballots for all elections in which he is eligible to vote in that calendar year.

If an official reply to the application or an absentee ballot sent to the applicant is returned as undeliverable, or the general registrar knows that the applicant is no longer a qualified voter, no ballot for any subsequent election shall be sent to the voter until a new application is filed and accepted.

CHAPTER 1157

An Act to amend and reenact §§ 24.2-705 and 24.2-710 of the Code of Virginia and to repeal §§ 24.2-705.1 and 24.2-705.2 of the Code of Virginia, relating to absentee voting; emergency voting.

[H 242]

Approved April 11, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-705 and 24.2-710 of the Code of Virginia are amended and reenacted as follows:

§ 24.2-705. Emergency applications and absentee ballots for individual emergencies.

A. Any person registered and otherwise qualified to vote ~~who becomes incapacitated on or after the seventh day preceding an election~~ may request at any time prior to 2:00 p.m. on the day preceding the election that ~~an he be permitted to vote by emergency absentee ballot application be delivered to him with the assistance of his designated representative. A voter who becomes hospitalized on or after the fourteenth day preceding the election and who is unable, because of his condition, to request an absentee ballot earlier than the seventh day preceding the election may request at any time prior to 2:00 p.m. on the day before an election that an emergency absentee ballot be delivered to him in the hospital. For purposes of this section, "incapacitated" means hospitalized, ill and confined to his residence, bereaved by the death of a spouse, child, or parent, or otherwise incapacitated by an emergency which is found by the general registrar to justify providing an emergency ballot application; and "hospital" means a hospital as defined in § 32.1-123 or 37.2-100 and any comparable hospital in the District of Columbia or any state contiguous to Virginia. The Department shall prescribe a form and the instructions for submitting such a request to the general registrar that shows that the voter requesting an emergency absentee ballot was unable to apply for an absentee ballot by the deadline due to his hospitalization or illness, or the hospitalization, illness, or death of a spouse, child, or parent, or other emergency found to justify receipt of an emergency absentee ballot.~~

~~On receipt of the request, the general registrar shall provide an emergency absentee ballot application to the incapacitated voter's designated representative who shall deliver the application to the voter. If the voter is hospitalized, the~~

delivery shall be made to him at the hospital; and if the voter is otherwise incapacitated, the delivery shall be made to him at his current residence address as shown on the registration records. The representative *designated by a voter for purposes of this subsection* shall be age eighteen 18 or older and shall not be an elected official, a candidate for elected office, or the deputy, spouse, parent, or child of an elected official or candidate.

The application shall be on a form prescribed by the State Board and shall require the applicant (i) to state the cause of his incapacity; (ii) to state that he is unable to be present at the polls on election day, and that he was either incapacitated on or after the seventh day preceding the election or hospitalized on or after the fourteenth day preceding the election and unable to request the application earlier than the seventh day preceding the election; (iii) to designate a representative to receive, deliver and return the ballot; and (iv) to provide other information required by law for an absentee ballot application.

If the voter is hospitalized, a hospital administrative official, a licensed physician attending the applicant, or provider as defined in § 37.2-403, shall certify on the form to the hospitalization of the applicant and the applicant's inability to be present at the polls on election day. If the voter is ill and confined to his residence, a licensed physician, provider as defined in § 37.2-403, or an accredited religious practitioner attending the applicant shall certify on the form to the incapacity of the applicant and the applicant's inability to be present at the polls on election day. If the voter is bereaved, a licensed physician, an accredited religious practitioner, or a funeral service licensee (as defined in § 54.1-2800) shall certify on the form to the incapacity of the applicant and the applicant's inability to be present at the polls on election day. The applicant *requesting voter* shall sign the application form and state, subject to felony penalties for making false statements pursuant to § 24.2-1016, that to the best of his knowledge and belief the facts contained in the application form are true and correct. His signature shall be witnessed by the designated representative, who shall sign and return the completed application form to the office of the general registrar no later than 5:00 p.m. on the day preceding the election. For the purposes of this section, "accredited religious practitioner" means a person who has been trained in spiritual healing or the other healing arts and has been so accredited by a formal religious order. If the requesting voter is blind or physically unable to sign the form, his designated representative shall write on the signature line that the voter is blind or unable to sign his form.

On receipt of the completed application form and a determination of the qualification of the applicant *requesting voter* to vote, the general registrar shall provide, in accordance with the applicable provisions of this chapter, an absentee ballot to the designated representative for delivery to the incapacitated *requesting voter*.

The incapacitated *requesting voter* shall vote the absentee ballot as provided by law and mark it in the presence of the designated representative. The designated representative shall complete a statement, subject to felony penalties for making false statements pursuant to § 24.2-1016, that (i) he is the designated representative of the incapacitated *requesting voter*; (ii) he personally delivered the ballot to the voter who applied for it; (iii) in his presence, the voter marked the ballot, the ballot was placed in the envelope provided, the envelope was sealed, and the statement on its reverse side was signed by the incapacitated *requesting voter*; and (iv) the ballot was returned, under seal, to the general registrar at the registrar's office.

The ballot shall be counted only if the ballot is received by the general registrar prior to the close of polls, and the general registrar shall deliver the ballot to the officers of election at each appropriate precinct pursuant to § 24.2-710.

B. A qualified voter may vote absentee in person in the office of the general registrar through 2:00 p.m. on the day immediately preceding the election by complying with the requirements of § 24.2-643 and affirming that one of the following emergency circumstances will prevent him from voting on election day:

1. *After 12:00 p.m. on the Saturday before the election, an obligation arose that requires the voter be absent from his county or city on election day for (i) his business, profession, or occupation; (ii) the hospitalization of the voter or a member of his immediate family; or (iii) the death of a member of his immediate family. For purposes of this subdivision, "immediate family" means the child, grandchild, parent, grandparent, legal guardian, sibling, or spouse of the voter.*

2. *The voter is an officer of election who was assigned after 12:00 p.m. on the Saturday before the election to work in a precinct other than his own on election day.*

C. The Commissioner of Elections may act administratively to facilitate absentee voting by qualified voters who are emergency workers or utility workers or who otherwise respond to and offer assistance to an area in which a state of emergency has been declared by an appropriate authority. These administrative actions may include central issuance and acceptance of absentee ballots for federal and state elections using the systems and procedures developed for voters who are members of a uniformed service.

§ 24.2-710. Further duties of electoral board and general registrar; absentee voter applicant lists.

On receipt of an absentee ballot, the electoral board or general registrar shall mark the date of receipt in the appropriate column opposite the name and address of the voter on the absentee voter applicant list maintained in the general registrar's office. A board member or registrar shall deposit the return envelope and the unopened ballot envelope in an appropriate container provided for the purpose, in which they shall remain until the day of the election, unless the registrar opts to open sealed ballot envelopes in order to expedite the counting of absentee ballots in accordance with § 24.2-709.1.

On the day before the election, the general registrar shall (i) make out in triplicate on a form prescribed by the State Board the absentee voter applicant list containing the names of all persons who applied for an absentee ballot through the third day before the election and (ii) by noon on the day before the election, deliver two copies of the list to the electoral board. The general registrar shall make out a supplementary list containing the names of all persons voting absentee in

person pursuant to ~~§§ 24.2-705.1 and 24.2-705.2~~, or applying to vote absentee pursuant to § 24.2-705; for delivery by 5:00 p.m. on the day before the election. The supplementary list shall be deemed part of the absentee voter applicant list and shall be prepared and delivered in accordance with the instructions of the State Board. The general registrar shall maintain one copy of the list in his office for two years as a public record open for inspection upon request during regular office hours.

On the day before the election, the electoral board shall deliver one copy of the list provided to it by the general registrar to the chief officer of election for each precinct. The list shall be attested by the secretary of the electoral board who shall be responsible for the delivery of the attested lists to the chief officer of election for each precinct.

Absentee ballots shall be accepted only from voters whose names appear on the attested list.

Before the polls close on the day of the election, the electoral board shall deliver the absentee ballot containers to, and obtain a receipt from, the officers of election at each appropriate precinct. Any ballot returned to the electoral board or general registrar prior to the closing of the polls, but after the ballot container has been delivered, shall be delivered in an appropriate container to the officers of election at each appropriate precinct. The containers shall be sealed prior to delivery to the officers and shall contain the sealed absentee ballots, the accompanying return envelopes, and a copy of the absentee voter applicant list for each precinct.

If the county or city uses a central absentee voter precinct pursuant to § 24.2-712, the lists and containers shall be delivered, as provided in this section, to the officers of election for the absentee precinct.

Before noon on the day following the election, the general registrar shall deliver all applications for absentee ballots for the election, under seal, to the clerk of the circuit court for the county or city, except that the general registrar may retain all applications for absentee ballots until the electoral board has ascertained the results of the election pursuant to § 24.2-671, and has determined the validity of and counted all provisional ballots pursuant to § 24.2-653, at which point all applications shall then be delivered, under seal, to the clerk of the circuit court for the county or city. The clerk shall retain the sealed applications with the counted ballots.

The secretary of the electoral board shall deliver all absentee ballots received after the election to the clerk of the circuit court.

Upon request, the State Board shall provide an electronic copy of the absentee voter applicant list to any political party or candidate. Such lists shall be used only for campaign and political purposes. In no event shall any list furnished under this section contain (i) any voter's social security number or any part thereof, (ii) any voter's day and month of birth, or (iii) the residence address of any voter who has provided a post office box address to be used on public lists pursuant to § 24.2-418.

2. That §§ 24.2-705.1 and 24.2-705.2 of the Code of Virginia are repealed.

CHAPTER 1158

An Act to amend and reenact § 2.2-4302.2 of the Code of Virginia, relating to the Virginia Public Procurement Act; process for competitive negotiation; including employment of persons with a disability as a factor that will be used in evaluating a proposal.

[H 1078]

Approved April 11, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-4302.2 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-4302.2. Process for competitive negotiation.

A. The process for competitive negotiation shall include the following:

1. Issuance of a written Request for Proposal indicating in general terms that which is sought to be procured, specifying the factors that will be used in evaluating the proposal, indicating whether a numerical scoring system will be used in evaluation of the proposal, and containing or incorporating by reference the other applicable contractual terms and conditions, including any unique capabilities, specifications or qualifications that will be required. *Except with regard to contracts for architectural, professional engineering, transportation construction, or transportation-related construction services, a public body may include as a factor that will be used in evaluating a proposal the proposer's employment of persons with disabilities to perform the specifications of the contract.* In the event that a numerical scoring system will be used in the evaluation of proposals, the point values assigned to each of the evaluation criteria shall be included in the Request for Proposal or posted at the location designated for public posting of procurement notices prior to the due date and time for receiving proposals. No Request for Proposal for construction authorized by this chapter shall condition a successful offeror's eligibility on having a specified experience modification factor;

2. Public notice of the Request for Proposal at least 10 days prior to the date set for receipt of proposals by posting on the Department of General Services' central electronic procurement website or other appropriate websites. Public bodies may also publish in a newspaper of general circulation in the area in which the contract is to be performed so as to provide reasonable notice to the maximum number of offerors that can be reasonably anticipated to submit proposals in response to the particular request. Posting on the Department of General Services' central electronic procurement website shall be required of (i) any state public body and (ii) any local public body if such local public body elects not to publish notice of the Request for Proposal in a newspaper of general circulation in the area in which the contract is to be performed. Local public bodies are encouraged to utilize the Department of General Services' central electronic procurement website to

provide the public with centralized visibility and access to the Commonwealth's procurement opportunities. In addition, proposals may be solicited directly from potential contractors. Any additional solicitations shall include certified businesses selected from a list made available by the Department of Small Business and Supplier Diversity; and

3. For goods, nonprofessional services, and insurance, selection shall be made of two or more offerors deemed to be fully qualified and best suited among those submitting proposals, on the basis of the factors involved in the Request for Proposal, including price if so stated in the Request for Proposal. In the case of a proposal for information technology, as defined in § 2.2-2006, a public body shall not require an offeror to state in a proposal any exception to any liability provisions contained in the Request for Proposal. Negotiations shall then be conducted with each of the offerors so selected. The offeror shall state any exception to any liability provisions contained in the Request for Proposal in writing at the beginning of negotiations, and such exceptions shall be considered during negotiation. Price shall be considered, but need not be the sole or primary determining factor. After negotiations have been conducted with each offeror so selected, the public body shall select the offeror which, in its opinion, has made the best proposal and provides the best value, and shall award the contract to that offeror. When the terms and conditions of multiple awards are so provided in the Request for Proposal, awards may be made to more than one offeror. Should the public body determine in writing and in its sole discretion that only one offeror is fully qualified, or that one offeror is clearly more highly qualified than the others under consideration, a contract may be negotiated and awarded to that offeror; or

4. For professional services, the public body shall engage in individual discussions with two or more offerors deemed fully qualified, responsible and suitable on the basis of initial responses and with emphasis on professional competence, to provide the required services. Repetitive informal interviews shall be permissible. The offerors shall be encouraged to elaborate on their qualifications and performance data or staff expertise pertinent to the proposed project, as well as alternative concepts. In addition, offerors shall be informed of any ranking criteria that will be used by the public body in addition to the review of the professional competence of the offeror. The Request for Proposal shall not, however, request that offerors furnish estimates of man-hours or cost for services. At the discussion stage, the public body may discuss nonbinding estimates of total project costs, including, but not limited to, life-cycle costing, and where appropriate, nonbinding estimates of price for services. In accordance with § 2.2-4342, proprietary information from competing offerors shall not be disclosed to the public or to competitors. For architectural or engineering services, the public body shall not request or require offerors to list any exceptions to proposed contractual terms and conditions, unless such terms and conditions are required by statute, regulation, ordinance, or standards developed pursuant to § 2.2-1132, until after the qualified offerors are ranked for negotiations. At the conclusion of discussion, outlined in this subdivision, on the basis of evaluation factors published in the Request for Proposal and all information developed in the selection process to this point, the public body shall select in the order of preference two or more offerors whose professional qualifications and proposed services are deemed most meritorious.

Negotiations shall then be conducted, beginning with the offeror ranked first. If a contract satisfactory and advantageous to the public body can be negotiated at a price considered fair and reasonable and pursuant to contractual terms and conditions acceptable to the public body, the award shall be made to that offeror. Otherwise, negotiations with the offeror ranked first shall be formally terminated and negotiations conducted with the offeror ranked second, and so on until such a contract can be negotiated at a fair and reasonable price.

Notwithstanding the foregoing, if the terms and conditions for multiple awards are included in the Request for Proposal, a public body may award contracts to more than one offeror.

Should the public body determine in writing and in its sole discretion that only one offeror is fully qualified or that one offeror is clearly more highly qualified and suitable than the others under consideration, a contract may be negotiated and awarded to that offeror.

B. Multiphase professional services contracts satisfactory and advantageous to the completion of large, phased, or long-term projects may be negotiated and awarded based on a fair and reasonable price for the first phase only, where the completion of the earlier phases is necessary to provide information critical to the negotiation of a fair and reasonable price for succeeding phases. Prior to entering into any such contract, the public body shall (i) state the anticipated intended total scope of the project and (ii) determine in writing that the nature of the work is such that the best interests of the public body require awarding the contract.

For the purposes of subdivision A 1, "experience modification factor" means a value assigned to an employer as determined by a rate service organization in accordance with its uniform experience rating plan required to be filed pursuant to subsection D of § 38.2-1913.

CHAPTER 1159

An Act to amend and reenact § 63.2-617 of the Code of Virginia, relating to TANF; diversionary cash assistance.

[H 1371]

Approved April 11, 2020

Be it enacted by the General Assembly of Virginia:

- 1. That § 63.2-617 of the Code of Virginia is amended and reenacted as follows:
§ 63.2-617. Diversionary cash assistance.**

A. The Board shall adopt regulations to enable ~~TANF - eligible~~ *TANF-eligible* applicants meeting certain criteria to receive at one time the maximum TANF cash assistance that the applicant would otherwise receive for a period up to 120 days *or \$1,500, whichever is greater*. An individual may receive diversionary TANF cash assistance only one time in a 12-month period and, in so doing, waives his eligibility for TANF for ~~a period of up to 160~~ *the number of days for which assistance is granted multiplied by 1.33*. Diversionary assistance shall be used to divert the family from receiving ongoing TANF cash assistance by providing assistance for one-time emergencies.

B. *The Board shall adopt regulations to enable TANF-eligible applicants meeting certain criteria to receive a TANF emergency assistance payment of up to \$1,500 to prevent eviction or to address needs resulting from a fire or natural disaster.*

CHAPTER 1160

An Act to amend and reenact §§ 38.2-3438, 38.2-3442, and 38.2-3451 of the Code of Virginia, relating to health insurance; essential health benefits; preventive services.

[S 95]

Approved April 11, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 38.2-3438, 38.2-3442, and 38.2-3451 of the Code of Virginia are amended and reenacted as follows:

§ 38.2-3438. Definitions.

As used this article, unless the context requires a different meaning:

"Child" means a son, daughter, stepchild, adopted child, including a child placed for adoption, foster child, or any other child eligible for coverage under the health benefit plan.

"Covered benefits" or "benefits" means those health care services to which an individual is entitled under the terms of a health benefit plan.

"Covered person" means a policyholder, subscriber, enrollee, participant, or other individual covered by a health benefit plan.

"Dependent" means the spouse or child of an eligible employee, subject to the applicable terms of the policy, contract, or plan covering the eligible employee.

"Emergency medical condition" means a medical condition manifesting itself by acute symptoms of sufficient severity, including severe pain, so that a prudent layperson, who possesses an average knowledge of health and medicine, could reasonably expect the absence of immediate medical attention to result in (i) serious jeopardy to the mental or physical health of the individual, (ii) danger of serious impairment to bodily functions, (iii) serious dysfunction of any bodily organ or part, or (iv) in the case of a pregnant woman, serious jeopardy to the health of the fetus.

"Emergency services" means with respect to an emergency medical condition: (i) a medical screening examination as required under § 1867 of the Social Security Act (42 U.S.C. § 1395dd) that is within the capability of the emergency department of a hospital, including ancillary services routinely available to the emergency department to evaluate such emergency medical condition and (ii) such further medical examination and treatment, to the extent they are within the capabilities of the staff and facilities available at the hospital, as are required under § 1867 of the Social Security Act (42 U.S.C. § 1395dd (e)(3)) to stabilize the patient.

"ERISA" means the Employee Retirement Income Security Act of 1974.

"Essential health benefits" include the following general categories and the items and services covered within the categories in accordance with regulations issued pursuant to the PPACA *as of January 1, 2019*: (i) ambulatory patient services; (ii) emergency services; (iii) hospitalization; (iv) laboratory services; (v) maternity and newborn care; (vi) mental health and substance abuse disorder services, including behavioral health treatment; (vii) pediatric services, including oral and vision care; (viii) prescription drugs; (ix) preventive and wellness services and chronic disease management; and (x) rehabilitative and habilitative services and devices.

"Facility" means an institution providing health care related services or a health care setting, including but not limited to hospitals and other licensed inpatient centers; ambulatory surgical or treatment centers; skilled nursing centers; residential treatment centers; diagnostic, laboratory, and imaging centers; and rehabilitation and other therapeutic health settings.

"Genetic information" means, with respect to an individual, information about: (i) the individual's genetic tests; (ii) the genetic tests of the individual's family members; (iii) the manifestation of a disease or disorder in family members of the individual; or (iv) any request for, or receipt of, genetic services, or participation in clinical research that includes genetic services, by the individual or any family member of the individual. "Genetic information" does not include information about the sex or age of any individual. As used in this definition, "family member" includes a first-degree, second-degree, third-degree, or fourth-degree relative of a covered person.

"Genetic services" means (i) a genetic test; (ii) genetic counseling, including obtaining, interpreting, or assessing genetic information; or (iii) genetic education.

"Genetic test" means an analysis of human DNA, RNA, chromosomes, proteins, or metabolites, if the analysis detects genotypes, mutations, or chromosomal changes. "Genetic test" does not include an analysis of proteins or metabolites that is directly related to a manifested disease, disorder, or pathological condition.

"Grandfathered plan" means coverage provided by a health carrier to (i) a small employer on March 23, 2010, or (ii) an individual that was enrolled on March 23, 2010, including any extension of coverage to an individual who becomes a dependent of a grandfathered enrollee after March 23, 2010, for as long as such plan maintains that status in accordance with federal law.

"Group health insurance coverage" means health insurance coverage offered in connection with a group health benefit plan.

"Group health plan" means an employee welfare benefit plan as defined in § 3(1) of ERISA to the extent that the plan provides medical care within the meaning of § 733(a) of ERISA to employees, including both current and former employees, or their dependents as defined under the terms of the plan directly or through insurance, reimbursement, or otherwise.

"Health benefit plan" means a policy, contract, certificate, or agreement offered by a health carrier to provide, deliver, arrange for, pay for, or reimburse any of the costs of health care services. "Health benefit plan" includes short-term and catastrophic health insurance policies, and a policy that pays on a cost-incurred basis, except as otherwise specifically exempted in this definition. "Health benefit plan" does not include the "excepted benefits" as defined in § 38.2-3431.

"Health care professional" means a physician or other health care practitioner licensed, accredited, or certified to perform specified health care services consistent with state law.

"Health care provider" or "provider" means a health care professional or facility.

"Health care services" means services for the diagnosis, prevention, treatment, cure, or relief of a health condition, illness, injury, or disease.

"Health carrier" means an entity subject to the insurance laws and regulations of the Commonwealth and subject to the jurisdiction of the Commission that contracts or offers to contract to provide, deliver, arrange for, pay for, or reimburse any of the costs of health care services, including an insurer licensed to sell accident and sickness insurance, a health maintenance organization, a health services plan, or any other entity providing a plan of health insurance, health benefits, or health care services.

"Health maintenance organization" means a person licensed pursuant to Chapter 43 (§ 38.2-4300 et seq.).

"Health status-related factor" means any of the following factors: health status; medical condition, including physical and mental illnesses; claims experience; receipt of health care services; medical history; genetic information; evidence of insurability, including conditions arising out of acts of domestic violence; disability; or any other health status-related factor as determined by federal regulation.

"Individual health insurance coverage" means health insurance coverage offered to individuals in the individual market, which includes a health benefit plan provided to individuals through a trust arrangement, association, or other discretionary group that is not an employer plan, but does not include coverage defined as "excepted benefits" in § 38.2-3431 or short-term limited duration insurance. Student health insurance coverage shall be considered a type of individual health insurance coverage.

"Individual market" means the market for health insurance coverage offered to individuals other than in connection with a group health plan.

"Managed care plan" means a health benefit plan that either requires a covered person to use, or creates incentives, including financial incentives, for a covered person to use health care providers managed, owned, under contract with, or employed by the health carrier.

"Network" means the group of participating providers providing services to a managed care plan.

"Open enrollment" means, with respect to individual health insurance coverage, the period of time during which any individual has the opportunity to apply for coverage under a health benefit plan offered by a health carrier and must be accepted for coverage under the plan without regard to a preexisting condition exclusion.

"Participating health care professional" means a health care professional who, under contract with the health carrier or with its contractor or subcontractor, has agreed to provide health care services to covered persons with an expectation of receiving payments, other than coinsurance, copayments, or deductibles, directly or indirectly from the health carrier.

"PPACA" means the Patient Protection and Affordable Care Act (P.L. 111-148), as amended by the Health Care and Education Reconciliation Act of 2010 (P.L. 111-152), and as it may be further amended.

"Preexisting condition exclusion" means a limitation or exclusion of benefits, including a denial of coverage, based on the fact that the condition was present before the effective date of coverage, or if the coverage is denied, the date of denial, whether or not any medical advice, diagnosis, care, or treatment was recommended or received before the effective date of coverage. "Preexisting condition exclusion" also includes a condition identified as a result of a pre-enrollment questionnaire or physical examination given to an individual, or review of medical records relating to the pre-enrollment period.

"Premium" means all moneys paid by an employer, eligible employee, or covered person as a condition of coverage from a health carrier, including fees and other contributions associated with the health benefit plan.

"Preventive services" means (i) evidence-based items or services for which a rating of A or B is in effect in the recommendations of the U.S. Preventive Services Task Force with respect to the individual involved; (ii) immunizations for routine use in children, adolescents, and adults for which a recommendation of the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention is in effect with respect to the individual involved; (iii) evidence-informed preventive care and screenings provided for in comprehensive guidelines supported by the Health Resources and Services Administration with respect to infants, children, and adolescents; and (iv) evidence-informed

preventive care and screenings recommended in comprehensive guidelines supported by the Health Resources and Services Administration with respect to women. For purposes of this definition, a recommendation of the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention is considered in effect after it has been adopted by the Director of the Centers for Disease Control and Prevention, and a recommendation is considered to be for routine use if it is listed on the Immunization Schedules of the Centers for Disease Control and Prevention.

"Primary care health care professional" means a health care professional designated by a covered person to supervise, coordinate, or provide initial care or continuing care to the covered person and who may be required by the health carrier to initiate a referral for specialty care and maintain supervision of health care services rendered to the covered person.

"Rescission" means a cancellation or discontinuance of coverage under a health benefit plan that has a retroactive effect. "Rescission" does not include:

1. A cancellation or discontinuance of coverage under a health benefit plan if the cancellation or discontinuance of coverage has only a prospective effect, or the cancellation or discontinuance of coverage is effective retroactively to the extent it is attributable to a failure to timely pay required premiums or contributions towards the cost of coverage; or

2. A cancellation or discontinuance of coverage when the health benefit plan covers active employees and, if applicable, dependents and those covered under continuation coverage provisions, if the employee pays no premiums for coverage after termination of employment and the cancellation or discontinuance of coverage is effective retroactively back to the date of termination of employment due to a delay in administrative recordkeeping.

"Stabilize" means with respect to an emergency medical condition, to provide such medical treatment as may be necessary to assure, within reasonable medical probability, that no material deterioration of the condition is likely to result from or occur during the transfer of the individual from a facility, or, with respect to a pregnant woman, that the woman has delivered, including the placenta.

"Student health insurance coverage" means a type of individual health insurance coverage that is provided pursuant to a written agreement between an institution of higher education, as defined by the Higher Education Act of 1965, and a health carrier and provided to students enrolled in that institution of higher education and their dependents, and that does not make health insurance coverage available other than in connection with enrollment as a student, or as a dependent of a student, in the institution of higher education, and does not condition eligibility for health insurance coverage on any health status-related factor related to a student or a dependent of the student.

"Wellness program" means a program offered by an employer that is designed to promote health or prevent disease.

§ 38.2-3442. Preventive services.

A. Notwithstanding any provision of § 38.2-3406.1; ~~or 38.2-3411.1;~~ or any other section of this title to the contrary, a health carrier shall provide coverage for ~~all of the following items and preventive services;~~ and shall not impose any cost-sharing requirements such as a copayment, coinsurance, or deductible ~~with respect to the following items and services:~~

~~1. Evidence-based items or services that have in effect a rating of A or B in the recommendations of the U.S. Preventive Services Task Force, with respect to the individual involved;~~

~~2. Immunizations for routine use in children, adolescents, and adults that have in effect a recommendation from the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention with respect to the individual involved. For purposes of this subdivision, a recommendation from the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention is considered in effect after it has been adopted by the Director of the Centers for Disease Control and Prevention, and a recommendation is considered to be for routine use if it is listed on the Immunization Schedules of the Centers for Disease Control and Prevention;~~

~~3. With respect to infants, children, and adolescents, evidence-informed preventive care and screenings provided for in comprehensive guidelines supported by the Health Resources and Services Administration; and~~

~~4. With respect to women, evidence-informed preventive care and screenings recommended in comprehensive guidelines supported by the Health Resources and Services Administration.~~

B. A health carrier is ~~not required to~~ shall provide coverage for any items or services *under the most current recommendations and guidelines within the scope of preventive services specified in any recommendation or guideline described in subsection A after the recommendation or guideline is no longer as required by the PPACA as in effect on January 1, 2019.*

C. A health carrier shall at least annually at the beginning of each new plan year or policy year revise the preventive services covered under its health benefit plans pursuant to this section consistent with the most current recommendations of the U.S. Preventive Services Task Force, the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention, and the guidelines with respect to infants, children, adolescents, and women evidence-based preventive care and screenings by the Health Resources and Services Administration in effect at the time.

~~D.~~ 1. A health carrier may impose cost-sharing requirements with respect to an office visit if an item or service is billed separately or is tracked as individual encounter data separately from the office visit.

2. A health carrier shall not impose cost-sharing requirements with respect to an office visit if an item or service is not billed separately or is not tracked as individual encounter data separately from the office visit and the primary purpose of the office visit is the delivery of the item or service.

3. A health carrier may impose cost-sharing requirements with respect to an office visit if an item or service is not billed separately or is not tracked as individual encounter data separately from the office visit and the primary purpose of the office visit is not the delivery of the item or service.

~~E. D.~~ Nothing in this section shall preclude a health carrier that has a network of providers from imposing cost-sharing requirements for items or services that are delivered by an out-of-network provider.

~~F. E.~~ This section shall apply to any health carrier providing individual or group health insurance coverage, except for any grandfathered plan.

§ 38.2-3451. Essential health benefits.

A. Notwithstanding any provision of ~~§ 38.2-3434 or any other section of this title law~~ to the contrary, a health carrier any person offering or providing a health benefit plan providing individual or small group health insurance coverage, including (i) catastrophic health insurance policies, and policies that pay on a cost-incurred basis; (ii) association health plans; and (iii) plans provided by a multiple-employer welfare arrangement, shall provide that such coverage includes the essential health benefits as required by ~~§ 1302(a) of the PPACA~~. Nothing in this section shall require a health benefit plan providing large group health insurance coverage to provide coverage for essential health benefits in a manner that exceeds the requirements of the PPACA as of January 1, 2019. The essential health benefits package may also include associated cost-sharing requirements or limitations. No qualified health insurance plan that is sold or offered for sale through an exchange established or operating in the Commonwealth shall provide coverage for abortions, regardless of whether such coverage is provided through the plan or is offered as a separate optional rider thereto, provided that such limitation shall not apply to an abortion performed ~~(†)~~ (a) when the life of the mother is endangered by a physical disorder, physical illness, or physical injury, including a life-endangering physical condition caused by or arising from the pregnancy itself, or ~~(‡)~~ (b) when the pregnancy is the result of an alleged act of rape or incest.

B. The provisions of subsection A ~~regarding the inclusion of the PPACA required~~ requiring minimum essential pediatric oral health benefits shall be deemed to be satisfied for health benefit plans made available in the small group market or individual market in the Commonwealth outside an exchange, as defined in § 38.2-3455, issued for policy or plan years beginning on or after January 1, 2015, that do not include the ~~PPACA required~~ minimum essential pediatric oral health benefits if the health carrier has obtained reasonable assurance that such pediatric oral health benefits are provided to the purchaser of the health benefit plan. The health carrier shall be deemed to have obtained reasonable assurance that such pediatric oral health benefits are provided to the purchaser of the health benefit plan if:

1. At least one qualified dental plan, as defined in § 38.2-3455, (i) offers the minimum essential pediatric oral health benefits ~~that are required under the PPACA~~ and (ii) is available for purchase by the small group or individual purchaser; and

2. The health carrier prominently discloses, in a form approved by the Commission, at the time that it offers the health benefit plan that the plan does not provide the ~~PPACA required~~ minimum essential pediatric oral health benefits.

CHAPTER 1161

An Act to amend and reenact §§ 38.2-4214 and 38.2-4319 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 36 of Title 38.2 a section numbered 38.2-3610, relating to Medicare supplement policies for certain individuals under age 65.

[S 250]

Approved April 11, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 38.2-4214 and 38.2-4319 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Chapter 36 of Title 38.2 a section numbered 38.2-3610 as follows:

§ 38.2-3610. Medicare supplement policies for persons eligible by reason of disability.

A. An insurer, health services plan, or health maintenance organization issuing Medicare supplement policies or certificates in the Commonwealth, including policies or certificates issued on an individual or group basis or through a group trust, shall offer the opportunity of enrolling in at least one of its issued Medicare supplement policies or certificates to any individual who resides in the Commonwealth, is under 65 years of age, is eligible for Medicare by reason of disability, as defined by 42 U.S.C. § 426(b), and is enrolled in Medicare Part A and B, or will be so enrolled by the effective date of coverage. Such Medicare supplement policies or certificates shall be issued on a guaranteed renewable basis under which the insurer shall be required to continue coverage as long as premiums are paid on the policy or certificate. Such Medicare supplement policies or certificates shall be offered:

1. Upon the request of the individual during the six-month period beginning with the first month in which the individual is eligible for Medicare by reason of a disability. For those persons who are retroactively enrolled in Medicare Part B due to a retroactive eligibility decision made by the Social Security Administration, the application must be submitted within a six-month period beginning with the month in which the person receives notification of the retroactive eligibility decision; or

2. Upon the request of the individual during the 63-day period following voluntary or involuntary termination of coverage under a group health plan.

B. The six-month period to enroll in a Medicare supplement policy or certificate for an individual who is under 65 years of age and is eligible for Medicare by reason of disability and otherwise eligible under subsection A and first enrolled in Medicare Part B before January 1, 2021, shall begin on January 1, 2021.

C. A Medicare supplement policy or certificate issued to an individual under subsection A shall not exclude benefits based on a preexisting condition if the individual has a continuous period of creditable coverage of at least six months as of the effective date of coverage.

D. An insurer may develop premium rates specific to the class of individuals described in subsection A.

E. For purposes of this section, "creditable coverage" and "group health plan" have the same meanings ascribed to the terms in § 38.2-3431.

§ 38.2-4214. Application of certain provisions of law.

No provision of this title except this chapter and, insofar as they are not inconsistent with this chapter, §§ 38.2-200, 38.2-203, 38.2-209 through 38.2-213, 38.2-218 through 38.2-225, 38.2-230, 38.2-232, 38.2-305, 38.2-316, 38.2-316.1, 38.2-322, 38.2-325, 38.2-326, 38.2-400, 38.2-402 through 38.2-413, 38.2-500 through 38.2-515, 38.2-600 through 38.2-620, 38.2-700 through 38.2-705, 38.2-900 through 38.2-904, 38.2-1017, 38.2-1018, 38.2-1038, and 38.2-1040 through 38.2-1044, Articles 1 (§ 38.2-1300 et seq.) and 2 (§ 38.2-1306.2 et seq.) of Chapter 13, §§ 38.2-1312, 38.2-1314, 38.2-1315.1, 38.2-1317 through 38.2-1328, 38.2-1334, 38.2-1340, 38.2-1400 through 38.2-1442, 38.2-1446, 38.2-1447, 38.2-1800 through 38.2-1836, 38.2-3400, 38.2-3401, 38.2-3404, 38.2-3405, 38.2-3405.1, 38.2-3406.1, 38.2-3406.2, 38.2-3407.1 through 38.2-3407.6:1, 38.2-3407.9 through 38.2-3407.20, 38.2-3409, 38.2-3411 through 38.2-3419.1, and 38.2-3430.1 through 38.2-3454, Article 8 (§ 38.2-3461 et seq.) of Chapter 34, §§ 38.2-3501, and 38.2-3502, subdivision 13 of § 38.2-3503, subdivision 8 of § 38.2-3504, §§ 38.2-3514.1, and 38.2-3514.2, §§ 38.2-3516 through 38.2-3520 as they apply to Medicare supplement policies, §§ 38.2-3522.1 through 38.2-3523.4, 38.2-3525, 38.2-3540.1, 38.2-3541 through 38.2-3541.2, 38.2-3542, and 38.2-3543.2, Article 5 (§ 38.2-3551 et seq.) of Chapter 35, Chapter 35.1 (§ 38.2-3556 et seq.), §§ 38.2-3600 through 38.2-3607, and 38.2-3610, Chapter 52 (§ 38.2-5200 et seq.), Chapter 55 (§ 38.2-5500 et seq.), and Chapter 58 (§ 38.2-5800 et seq.) of this title shall apply to the operation of a plan.

§ 38.2-4319. Statutory construction and relationship to other laws.

A. No provisions of this title except this chapter and, insofar as they are not inconsistent with this chapter, §§ 38.2-100, 38.2-136, 38.2-200, 38.2-203, 38.2-209 through 38.2-213, 38.2-216, 38.2-218 through 38.2-225, 38.2-229, 38.2-232, 38.2-305, 38.2-316, 38.2-316.1, 38.2-322, 38.2-325, 38.2-326, 38.2-400, 38.2-402 through 38.2-413, 38.2-500 through 38.2-515, and 38.2-600 through 38.2-620, Chapter 9 (§ 38.2-900 et seq.), §§ 38.2-1016.1 through 38.2-1023, 38.2-1057, and 38.2-1306.1, Article 2 (§ 38.2-1306.2 et seq.), § 38.2-1315.1, and Articles 3.1 (§ 38.2-1316.1 et seq.), 4 (§ 38.2-1317 et seq.), 5 (§ 38.2-1322 et seq.), 5.1 (§ 38.2-1334.3 et seq.), and 5.2 (§ 38.2-1334.11 et seq.) of Chapter 13, Articles 1 (§ 38.2-1400 et seq.), 2 (§ 38.2-1412 et seq.), and 4 (§ 38.2-1446 et seq.) of Chapter 14, Chapter 15 (§ 38.2-1500 et seq.), Chapter 17 (§ 38.2-1700 et seq.), §§ 38.2-1800 through 38.2-1836, 38.2-3401, 38.2-3405, 38.2-3405.1, 38.2-3406.1, 38.2-3407.2 through 38.2-3407.6:1, 38.2-3407.9 through 38.2-3407.20, 38.2-3411, 38.2-3411.2, 38.2-3411.3, 38.2-3411.4, 38.2-3412.1, 38.2-3414.1, 38.2-3418.1 through 38.2-3418.17, 38.2-3419.1, and 38.2-3430.1 through 38.2-3454, Article 8 (§ 38.2-3461 et seq.) of Chapter 34, 38.2-3500, subdivision 13 of § 38.2-3503, subdivision 8 of § 38.2-3504, §§ 38.2-3514.1, 38.2-3514.2, 38.2-3522.1 through 38.2-3523.4, 38.2-3525, 38.2-3540.1, 38.2-3540.2, 38.2-3541.2, 38.2-3542, and 38.2-3543.2, Article 5 (§ 38.2-3551 et seq.) of Chapter 35, Chapter 35.1 (§ 38.2-3556 et seq.), § 38.2-3610, Chapter 52 (§ 38.2-5200 et seq.), Chapter 55 (§ 38.2-5500 et seq.), and Chapter 58 (§ 38.2-5800 et seq.) shall be applicable to any health maintenance organization granted a license under this chapter. This chapter shall not apply to an insurer or health services plan licensed and regulated in conformance with the insurance laws or Chapter 42 (§ 38.2-4200 et seq.) except with respect to the activities of its health maintenance organization.

B. For plans administered by the Department of Medical Assistance Services that provide benefits pursuant to Title XIX or Title XXI of the Social Security Act, as amended, no provisions of this title except this chapter and, insofar as they are not inconsistent with this chapter, §§ 38.2-100, 38.2-136, 38.2-200, 38.2-203, 38.2-209 through 38.2-213, 38.2-216, 38.2-218 through 38.2-225, 38.2-229, 38.2-232, 38.2-322, 38.2-325, 38.2-400, 38.2-402 through 38.2-413, 38.2-500 through 38.2-515, and 38.2-600 through 38.2-620, Chapter 9 (§ 38.2-900 et seq.), §§ 38.2-1016.1 through 38.2-1023, 38.2-1057, and 38.2-1306.1, Article 2 (§ 38.2-1306.2 et seq.), § 38.2-1315.1, Articles 3.1 (§ 38.2-1316.1 et seq.), 4 (§ 38.2-1317 et seq.), 5 (§ 38.2-1322 et seq.), 5.1 (§ 38.2-1334.3 et seq.), and 5.2 (§ 38.2-1334.11 et seq.) of Chapter 13, Articles 1 (§ 38.2-1400 et seq.), 2 (§ 38.2-1412 et seq.), and 4 (§ 38.2-1446 et seq.) of Chapter 14, §§ 38.2-3401, 38.2-3405, 38.2-3407.2 through 38.2-3407.5, 38.2-3407.6, 38.2-3407.6:1, 38.2-3407.9, 38.2-3407.9:01, and 38.2-3407.9:02, subdivisions F 1, F 2, and F 3 of § 38.2-3407.10, §§ 38.2-3407.11, 38.2-3407.11:3, 38.2-3407.13, 38.2-3407.13:1, 38.2-3407.14, 38.2-3411.2, 38.2-3418.1, 38.2-3418.2, 38.2-3419.1, 38.2-3430.1 through 38.2-3437, and 38.2-3500, subdivision 13 of § 38.2-3503, subdivision 8 of § 38.2-3504, §§ 38.2-3514.1, 38.2-3514.2, 38.2-3522.1 through 38.2-3523.4, 38.2-3525, 38.2-3540.1, 38.2-3540.2, 38.2-3541.2, 38.2-3542, and 38.2-3543.2, Chapter 52 (§ 38.2-5200 et seq.), Chapter 55 (§ 38.2-5500 et seq.), and Chapter 58 (§ 38.2-5800 et seq.) shall be applicable to any health maintenance organization granted a license under this chapter. This chapter shall not apply to an insurer or health services plan licensed and regulated in conformance with the insurance laws or Chapter 42 (§ 38.2-4200 et seq.) except with respect to the activities of its health maintenance organization.

C. Solicitation of enrollees by a licensed health maintenance organization or by its representatives shall not be construed to violate any provisions of law relating to solicitation or advertising by health professionals.

D. A licensed health maintenance organization shall not be deemed to be engaged in the unlawful practice of medicine. All health care providers associated with a health maintenance organization shall be subject to all provisions of law.

E. Notwithstanding the definition of an eligible employee as set forth in § 38.2-3431, a health maintenance organization providing health care plans pursuant to § 38.2-3431 shall not be required to offer coverage to or accept applications from an employee who does not reside within the health maintenance organization's service area.

F. For purposes of applying this section, "insurer" when used in a section cited in subsections A and B shall be construed to mean and include "health maintenance organizations" unless the section cited clearly applies to health maintenance organizations without such construction.

CHAPTER 1162

An Act to amend the Code of Virginia by adding a section numbered 54.1-3606.2, relating to Psychology Interjurisdictional Compact.

[S 760]

Approved April 11, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 54.1-3606.2 as follows:
§ 54.1-3606.2. Psychology Interjurisdictional Compact.

ARTICLE I.

PURPOSE.

Whereas, states license psychologists, in order to protect the public through verification of education, training, and experience and ensure accountability for professional practice; and

Whereas, this Compact is intended to regulate the day-to-day practice of telepsychology (i.e., the provision of psychological services using telecommunication technologies) by psychologists across state boundaries in the performance of their psychological practice as assigned by an appropriate authority; and

Whereas, this Compact is intended to regulate the temporary in-person, face-to-face practice of psychology by psychologists across state boundaries for 30 days within a calendar year in the performance of their psychological practice as assigned by an appropriate authority; and

Whereas, this Compact is intended to authorize State Psychology Regulatory Authorities to afford legal recognition, in a manner consistent with the terms of the Compact, to psychologists licensed in another state; and

Whereas, this Compact recognizes that states have a vested interest in protecting the public's health and safety through their licensing and regulation of psychologists and that such state regulation will best protect public health and safety; and

Whereas, this Compact does not apply when a psychologist is licensed in both the Home and Receiving States; and

Whereas, this Compact does not apply to permanent in-person, face-to-face practice, it does allow for authorization of temporary psychological practice.

Consistent with these principles, this Compact is designed to achieve the following purposes and objectives:

1. Increase public access to professional psychological services by allowing for telepsychological practice across state lines, as well as temporary in-person, face-to-face services into a state in which the psychologist is not licensed to practice psychology;

2. Enhance the states' ability to protect the public's health and safety, especially client/patient safety;

3. Encourage the cooperation of Compact States in the areas of psychology licensure and regulation;

4. Facilitate the exchange of information between Compact States regarding psychologist licensure, adverse actions, and disciplinary history;

5. Promote compliance with the laws governing psychological practice in each Compact State; and

6. Invest all Compact States with the authority to hold licensed psychologists accountable through the mutual recognition of Compact State licenses.

ARTICLE II.

DEFINITIONS.

A. "Adverse Action" means any action taken by a State Psychology Regulatory Authority that finds a violation of a statute or regulation that is identified by the State Psychology Regulatory Authority as discipline and is a matter of public record.

B. "Association of State and Provincial Psychology Boards" (ASPPB) means the recognized membership organization composed of State and Provincial Psychology Regulatory Authorities responsible for the licensure and registration of psychologists throughout the United States and Canada.

C. "Authority to Practice Interjurisdictional Telepsychology" means a licensed psychologist's authority to practice telepsychology, within the limits authorized under this Compact, in another Compact State.

D. "Bylaws" means those bylaws established by the Psychology Interjurisdictional Compact Commission pursuant to Article X for its governance, or for directing and controlling its actions and conduct.

E. "Client/Patient" means the recipient of psychological services, whether psychological services are delivered in the context of health care, corporate, supervision, and/or consulting services.

F. "Commissioner" means the voting representative appointed by each State Psychology Regulatory Authority pursuant to Article X.

G. "Compact State" means a state, the District of Columbia, or United States territory that has enacted this Compact legislation and which has not withdrawn pursuant to Article XIII, Section C or been terminated pursuant to Article XII, Section B.

H. "Coordinated Licensure Information System," also referred to as "Coordinated Database," means an integrated process for collecting, storing, and sharing information on psychologists' licensure and enforcement activities related to psychology licensure laws, which is administered by the recognized membership organization composed of State and Provincial Psychology Regulatory Authorities.

I. "Confidentiality" means the principle that data or information is not made available or disclosed to unauthorized persons and/or processes.

J. "Day" means any part of a day in which psychological work is performed.

K. "Distant State" means the Compact State where a psychologist is physically present (not through the use of telecommunications technologies) to provide temporary in-person, face-to-face psychological services.

L. "E.Passport" means a certificate issued by the Association of State and Provincial Psychology Boards (ASPPB) that promotes the standardization in the criteria of interjurisdictional telepsychology practice and facilitates the process for licensed psychologists to provide telepsychological services across state lines.

M. "Executive Board" means a group of directors elected or appointed to act on behalf of, and within the powers granted to them by, the Commission.

N. "Home State" means a Compact State where a psychologist is licensed to practice psychology. If the psychologist is licensed in more than one Compact State and is practicing under the Authorization to Practice Interjurisdictional Telepsychology, the Home State is the Compact State where the psychologist is physically present when the telepsychological services are delivered. If the psychologist is licensed in more than one Compact State and is practicing under the Temporary Authorization to Practice, the Home State is any Compact State where the psychologist is licensed.

O. "Identity History Summary" means: a summary of information retained by the FBI, or other designee with similar authority, in connection with arrests and, in some instances, federal employment, naturalization, or military service.

P. "In-Person, Face-to-Face" means interactions in which the psychologist and the client/patient are in the same physical space and which does not include interactions that may occur through the use of telecommunication technologies.

Q. "Interjurisdictional Practice Certificate (IPC)" means a certificate issued by the Association of State and Provincial Psychology Boards (ASPPB) that grants temporary authority to practice based on notification to the State Psychology Regulatory Authority of intention to practice temporarily, and verification of one's qualifications for such practice.

R. "License" means authorization by a State Psychology Regulatory Authority to engage in the independent practice of psychology, which would be unlawful without the authorization.

S. "Non-Compact State" means any State which is not at the time a Compact State.

T. "Psychologist" means an individual licensed for the independent practice of psychology.

U. "Psychology Interjurisdictional Compact Commission" also referred to as "Commission" means the national administration of which all Compact States are members.

V. "Receiving State" means a Compact State where the client/patient is physically located when the telepsychological services are delivered.

W. "Rule" means a written statement by the Psychology Interjurisdictional Compact Commission promulgated pursuant to Article XI of the Compact that is of general applicability, implements, interprets, or prescribes a policy or provision of the Compact, or an organizational, procedural, or practice requirement of the Commission and has the force and effect of statutory law in a Compact State, and includes the amendment, repeal or suspension of an existing rule.

X. "Significant Investigatory Information" means:

1. Investigative information that a State Psychology Regulatory Authority, after a preliminary inquiry that includes notification and an opportunity to respond if required by state law, has reason to believe, if proven true, would indicate more than a violation of state statute or ethics code that would be considered more substantial than minor infraction; or

2. Investigative information that indicates that the psychologist represents an immediate threat to public health and safety regardless of whether the psychologist has been notified and/or had an opportunity to respond.

Y. "State" means a state, commonwealth, territory, or possession of the United States.

Z. "State Psychology Regulatory Authority" means the Board, office, or other agency with the legislative mandate to license and regulate the practice of psychology.

AA. "Telepsychology" means the provision of psychological services using telecommunication technologies.

BB. "Temporary Authorization to Practice" means a licensed psychologist's authority to conduct temporary in-person, face-to-face practice, within the limits authorized under this Compact, in another Compact State.

CC. "Temporary In-Person, Face-to-Face Practice" means where a psychologist is physically present (not through the use of telecommunications technologies) in the Distant State to provide for the practice of psychology for 30 days within a calendar year and based on notification to the Distant State.

ARTICLE III.

HOME STATE LICENSURE.

A. The Home State shall be a Compact State where a psychologist is licensed to practice psychology.

B. A psychologist may hold one or more Compact State licenses at a time. If the psychologist is licensed in more than one Compact State, the Home State is the Compact State where the psychologist is physically present when the services are delivered as authorized by the Authority to Practice Interjurisdictional Telepsychology under the terms of this Compact.

C. Any Compact State may require a psychologist not previously licensed in a Compact State to obtain and retain a license to be authorized to practice in the Compact State under circumstances not authorized by the Authority to Practice Interjurisdictional Telepsychology under the terms of this Compact.

D. Any Compact State may require a psychologist to obtain and retain a license to be authorized to practice in a Compact State under circumstances not authorized by Temporary Authorization to Practice under the terms of this Compact.

E. A Home State's license authorizes a psychologist to practice in a Receiving State under the Authority to Practice Interjurisdictional Telepsychology only if the Compact State:

- 1. Currently requires the psychologist to hold an active E.Passport;*
- 2. Has a mechanism in place for receiving and investigating complaints about licensed individuals;*
- 3. Notifies the Commission, in compliance with the terms herein, of any adverse action or significant investigatory information regarding a licensed individual;*
- 4. Requires an Identity History Summary of all applicants at initial licensure, including the use of the results of fingerprints or other biometric data checks compliant with the requirements of the Federal Bureau of Investigation (FBI), or other designee with similar authority, no later than 10 years after activation of the Compact; and*
- 5. Complies with the Bylaws and Rules of the Commission.*

F. A Home State's license grants Temporary Authorization to Practice to a psychologist in a Distant State only if the Compact State:

- 1. Currently requires the psychologist to hold an active IPC;*
- 2. Has a mechanism in place for receiving and investigating complaints about licensed individuals;*
- 3. Notifies the Commission, in compliance with the terms herein, of any adverse action or significant investigatory information regarding a licensed individual;*
- 4. Requires an Identity History Summary of all applicants at initial licensure, including the use of the results of fingerprints or other biometric data checks compliant with the requirements of the FBI, or other designee with similar authority, no later than 10 years after activation of the Compact; and*
- 5. Complies with the Bylaws and Rules of the Commission.*

ARTICLE IV.

COMPACT PRIVILEGE TO PRACTICE TELEPSYCHOLOGY.

A. Compact States shall recognize the right of a psychologist, licensed in a Compact State in conformance with Article III, to practice telepsychology in other Compact States (Receiving States) in which the psychologist is not licensed, under the Authority to Practice Interjurisdictional Telepsychology as provided in the Compact.

B. To exercise the Authority to Practice Interjurisdictional Telepsychology under the terms and provisions of this Compact, a psychologist licensed to practice in a Compact State must:

- 1. Hold a graduate degree in psychology from an institute of higher education that was, at the time the degree was awarded:

 - a. Regionally accredited by an accrediting body recognized by the U.S. Department of Education to grant graduate degrees, or authorized by Provincial Statute or Royal Charter to grant doctoral degrees; or*
 - b. A foreign college or university deemed to be equivalent to 1 a by a foreign credential evaluation service that is a member of the National Association of Credential Evaluation Services (NACES) or by a recognized foreign credential evaluation service; and**
- 2. Hold a graduate degree in psychology that meets the following criteria:

 - a. The program, wherever it may be administratively housed, must be clearly identified and labeled as a psychology program. Such a program must specify in pertinent institutional catalogues and brochures its intent to educate and train professional psychologists;*
 - b. The psychology program must stand as a recognizable, coherent, organizational entity within the institution;*
 - c. There must be a clear authority and primary responsibility for the core and specialty areas whether or not the program cuts across administrative lines;*
 - d. The program must consist of an integrated, organized sequence of study;*
 - e. There must be an identifiable psychology faculty sufficient in size and breadth to carry out its responsibilities;*
 - f. The designated director of the program must be a psychologist and a member of the core faculty;*
 - g. The program must have an identifiable body of students who are matriculated in that program for a degree;*
 - h. The program must include supervised practicum, internship, or field training appropriate to the practice of psychology;*
 - i. The curriculum shall encompass a minimum of three academic years of full-time graduate study for doctoral degree and a minimum of one academic year of full-time graduate study for master's degree; and*
 - j. The program includes an acceptable residency as defined by the Rules of the Commission;**
- 3. Possess a current, full, and unrestricted license to practice psychology in a Home State which is a Compact State;*
- 4. Have no history of adverse action that violate the Rules of the Commission;*

5. Have no criminal record history reported on an Identity History Summary that violates the Rules of the Commission;
 6. Possess a current, active E.Passport;
 7. Provide attestations in regard to areas of intended practice, conformity with standards of practice, competence in telepsychology technology; criminal background; and knowledge and adherence to legal requirements in the home and receiving states, and provide a release of information to allow for primary source verification in a manner specified by the Commission; and

8. Meet other criteria as defined by the Rules of the Commission.

C. The Home State maintains authority over the license of any psychologist practicing into a Receiving State under the Authority to Practice Interjurisdictional Telepsychology.

D. A psychologist practicing into a Receiving State under the Authority to Practice Interjurisdictional Telepsychology will be subject to the Receiving State's scope of practice. A Receiving State may, in accordance with that state's due process law, limit or revoke a psychologist's Authority to Practice Interjurisdictional Telepsychology in the Receiving State and may take any other necessary actions under the Receiving State's applicable law to protect the health and safety of the Receiving State's citizens. If a Receiving State takes action, the state shall promptly notify the Home State and the Commission.

E. If a psychologist's license in any Home State, another Compact State, or any Authority to Practice Interjurisdictional Telepsychology in any Receiving State, is restricted, suspended or otherwise limited, the E.Passport shall be revoked and therefore the psychologist shall not be eligible to practice telepsychology in a Compact State under the Authority to Practice Interjurisdictional Telepsychology.

ARTICLE V.

COMPACT TEMPORARY AUTHORIZATION TO PRACTICE.

A. Compact States shall also recognize the right of a psychologist, licensed in a Compact State in conformance with Article III, to practice temporarily in other Compact States (Distant States) in which the psychologist is not licensed, as provided in the Compact.

B. To exercise the Temporary Authorization to Practice under the terms and provisions of this Compact, a psychologist licensed to practice in a Compact State must:

1. Hold a graduate degree in psychology from an institute of higher education that was, at the time the degree was awarded:

a. Regionally accredited by an accrediting body recognized by the U.S. Department of Education to grant graduate degrees, OR authorized by Provincial Statute or Royal Charter to grant doctoral degrees; OR

b. A foreign college or university deemed to be equivalent to 1 a above by a foreign credential evaluation service that is a member of the National Association of Credential Evaluation Services (NACES) or by a recognized foreign credential evaluation service; AND

2. Hold a graduate degree in psychology that meets the following criteria:

a. The program, wherever it may be administratively housed, must be clearly identified and labeled as a psychology program. Such a program must specify in pertinent institutional catalogues and brochures its intent to educate and train professional psychologists;

b. The psychology program must stand as a recognizable, coherent, organizational entity within the institution;

c. There must be a clear authority and primary responsibility for the core and specialty areas whether or not the program cuts across administrative lines;

d. The program must consist of an integrated, organized sequence of study;

e. There must be an identifiable psychology faculty sufficient in size and breadth to carry out its responsibilities;

f. The designated director of the program must be a psychologist and a member of the core faculty;

g. The program must have an identifiable body of students who are matriculated in that program for a degree;

h. The program must include supervised practicum, internship, or field training appropriate to the practice of psychology;

i. The curriculum shall encompass a minimum of three academic years of full-time graduate study for doctoral degrees and a minimum of one academic year of full-time graduate study for master's degrees;

j. The program includes an acceptable residency as defined by the Rules of the Commission;

3. Possess a current, full, and unrestricted license to practice psychology in a Home State which is a Compact State;

4. No history of adverse action that violate the Rules of the Commission;

5. No criminal record history that violates the Rules of the Commission;

6. Possess a current, active IPC;

7. Provide attestations in regard to areas of intended practice and work experience and provide a release of information to allow for primary source verification in a manner specified by the Commission; and

8. Meet other criteria as defined by the Rules of the Commission.

C. A psychologist practicing into a Distant State under the Temporary Authorization to Practice shall practice within the scope of practice authorized by the Distant State.

D. A psychologist practicing into a Distant State under the Temporary Authorization to Practice will be subject to the Distant State's authority and law. A Distant State may, in accordance with that state's due process law, limit or revoke a psychologist's Temporary Authorization to Practice in the Distant State and may take any other necessary actions under the

Distant State's applicable law to protect the health and safety of the Distant State's citizens. If a Distant State takes action, the state shall promptly notify the Home State and the Commission.

E. If a psychologist's license in any Home State, another Compact State, or any Temporary Authorization to Practice in any Distant State, is restricted, suspended or otherwise limited, the IPC shall be revoked and therefore the psychologist shall not be eligible to practice in a Compact State under the Temporary Authorization to Practice.

ARTICLE VI.

CONDITIONS OF TELEPSYCHOLOGY PRACTICE IN A RECEIVING STATE.

A. A psychologist may practice in a Receiving State under the Authority to Practice Interjurisdictional Telepsychology only in the performance of the scope of practice for psychology as assigned by an appropriate State Psychology Regulatory Authority, as defined in the Rules of the Commission, and under the following circumstances:

1. The psychologist initiates a client/patient contact in a Home State via telecommunications technologies with a client/patient in a Receiving State;

2. Other conditions regarding telepsychology as determined by Rules promulgated by the Commission.

ARTICLE VII.

ADVERSE ACTIONS.

A. A Home State shall have the power to impose adverse action against a psychologist's license issued by the Home State. A Distant State shall have the power to take adverse action on a psychologist's Temporary Authorization to Practice within that Distant State.

B. A Receiving State may take adverse action on a psychologist's Authority to Practice Interjurisdictional Telepsychology within that Receiving State. A Home State may take adverse action against a psychologist based on an adverse action taken by a Distant State regarding temporary in-person, face-to-face practice.

C. If a Home State takes adverse action against a psychologist's license, that psychologist's Authority to Practice Interjurisdictional Telepsychology is terminated and the E.Passport is revoked. Furthermore, that psychologist's Temporary Authorization to Practice is terminated and the IPC is revoked.

1. All Home State disciplinary orders that impose adverse action shall be reported to the Commission in accordance with the Rules promulgated by the Commission. A Compact State shall report adverse actions in accordance with the Rules of the Commission.

2. In the event discipline is reported on a psychologist, the psychologist will not be eligible for telepsychology or temporary in-person, face-to-face practice in accordance with the Rules of the Commission.

3. Other actions may be imposed as determined by the Rules promulgated by the Commission.

D. A Home State's Psychology Regulatory Authority shall investigate and take appropriate action with respect to reported inappropriate conduct engaged in by a licensee which occurred in a Receiving State as it would if such conduct had occurred by a licensee within the Home State. In such cases, the Home State's law shall control in determining any adverse action against a psychologist's license.

E. A Distant State's Psychology Regulatory Authority shall investigate and take appropriate action with respect to reported inappropriate conduct engaged in by a psychologist practicing under Temporary Authorization Practice that occurred in that Distant State as it would if such conduct had occurred by a licensee within the Home State. In such cases, Distant State's law shall control in determining any adverse action against a psychologist's Temporary Authorization to Practice.

F. Nothing in this Compact shall override a Compact State's decision that a psychologist's participation in an alternative program may be used in lieu of adverse action and that such participation shall remain non-public if required by the Compact State's law. Compact States must require psychologists who enter any alternative programs to not provide telepsychology services under the Authority to Practice Interjurisdictional Telepsychology or provide temporary psychological services under the Temporary Authorization to Practice in any other Compact State during the term of the alternative program.

G. No other judicial or administrative remedies shall be available to a psychologist in the event a Compact State imposes an adverse action pursuant to subsection C.

ARTICLE VIII.

ADDITIONAL AUTHORITIES INVESTED IN A COMPACT STATE'S PSYCHOLOGY REGULATORY AUTHORITY.

A. In addition to any other powers granted under state law, a Compact State's Psychology Regulatory Authority shall have the authority under this Compact to:

1. Issue subpoenas, for both hearings and investigations, which require the attendance and testimony of witnesses and the production of evidence. Subpoenas issued by a Compact State's Psychology Regulatory Authority for the attendance and testimony of witnesses, and/or the production of evidence from another Compact State shall be enforced in the latter state by any court of competent jurisdiction, according to that court's practice and procedure in considering subpoenas issued in its own proceedings. The issuing State Psychology Regulatory Authority shall pay any witness fees, travel expenses, mileage and other fees required by the service statutes of the state where the witnesses and/or evidence are located; and

2. Issue cease and desist and/or injunctive relief orders to revoke a psychologist's Authority to Practice Interjurisdictional Telepsychology and/or Temporary Authorization to Practice.

B. During the course of any investigation, a psychologist may not change his Home State licensure. A Home State Psychology Regulatory Authority is authorized to complete any pending investigations of a psychologist and to take any

actions appropriate under its law. The Home State Psychology Regulatory Authority shall promptly report the conclusions of such investigations to the Commission. Once an investigation has been completed, and pending the outcome of said investigation, the psychologist may change his Home State licensure. The Commission shall promptly notify the new Home State of any such decisions as provided in the Rules of the Commission. All information provided to the Commission or distributed by Compact States pursuant to the psychologist shall be confidential, filed under seal and used for investigatory or disciplinary matters. The Commission may create additional rules for mandated or discretionary sharing of information by Compact States.

ARTICLE IX.

COORDINATED LICENSURE INFORMATION SYSTEM.

A. The Commission shall provide for the development and maintenance of a Coordinated Licensure Information System (Coordinated Database) and reporting system containing licensure and disciplinary action information on all psychologists individuals to whom this Compact is applicable in all Compact States as defined by the Rules of the Commission.

B. Notwithstanding any other provision of state law to the contrary, a Compact State shall submit a uniform data set to the Coordinated Database on all licensees as required by the Rules of the Commission, including:

1. Identifying information;
2. Licensure data;
3. Significant investigatory information;
4. Adverse actions against a psychologist's license;
5. An indicator that a psychologist's Authority to Practice Interjurisdictional Telepsychology and/or Temporary Authorization to Practice is revoked;
6. Non-confidential information related to alternative program participation information;
7. Any denial of application for licensure, and the reasons for such denial; and
8. Other information that may facilitate the administration of this Compact, as determined by the Rules of the Commission.

C. The Coordinated Database administrator shall promptly notify all Compact States of any adverse action taken against, or significant investigative information on, any licensee in a Compact State.

D. Compact States reporting information to the Coordinated Database may designate information that may not be shared with the public without the express permission of the Compact State reporting the information.

E. Any information submitted to the Coordinated Database that is subsequently required to be expunged by the law of the Compact State reporting the information shall be removed from the Coordinated Database.

ARTICLE X.

ESTABLISHMENT OF THE PSYCHOLOGY INTERJURISDICTIONAL COMPACT COMMISSION.

A. The Compact States hereby create and establish a joint public agency known as the Psychology Interjurisdictional Compact Commission.

1. The Commission is a body politic and an instrumentality of the Compact States.
2. Venue is proper and judicial proceedings by or against the Commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the Commission is located. The Commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings.
3. Nothing in this Compact shall be construed to be a waiver of sovereign immunity.

B. Membership, Voting, and Meetings.

1. The Commission shall consist of one voting representative appointed by each Compact State who shall serve as that state's Commissioner. The State Psychology Regulatory Authority shall appoint its delegate. This delegate shall be empowered to act on behalf of the Compact State. This delegate shall be limited to:

- a. Executive Director; Executive Secretary or similar executive;
- b. Current member of the State Psychology Regulatory Authority of a Compact State; OR
- c. Designee empowered with the appropriate delegate authority to act on behalf of the Compact State.

2. Any Commissioner may be removed or suspended from office as provided by the law of the state from which the Commissioner is appointed. Any vacancy occurring in the Commission shall be filled in accordance with the laws of the Compact State in which the vacancy exists.

3. Each Commissioner shall be entitled to one (1) vote with regard to the promulgation of Rules and creation of Bylaws and shall otherwise have an opportunity to participate in the business and affairs of the Commission. A Commissioner shall vote in person or by such other means as provided in the Bylaws. The Bylaws may provide for Commissioners' participation in meetings by telephone or other means of communication.

4. The Commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the Bylaws.

5. All meetings shall be open to the public, and public notice of meetings shall be given in the same manner as required under the rulemaking provisions in Article XI.

6. The Commission may convene in a closed, non-public meeting if the Commission must discuss:

- a. Non-compliance of a Compact State with its obligations under the Compact;

- b. The employment, compensation, discipline or other personnel matters, or practices or procedures related to specific employees or other matters related to the Commission's internal personnel practices and procedures;*
- c. Current, threatened, or reasonably anticipated litigation against the Commission;*
- d. Negotiation of contracts for the purchase or sale of goods, services, or real estate;*
- e. Accusation against any person of a crime or formally censuring any person;*
- f. Disclosure of trade secrets or commercial or financial information which is privileged or confidential;*
- g. Disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;*
- h. Disclosure of investigatory records compiled for law-enforcement purposes;*
- i. Disclosure of information related to any investigatory reports prepared by or on behalf of or for use of the Commission or other committee charged with responsibility for investigation or determination of compliance issues pursuant to the Compact; or*
- j. Matters specifically exempted from disclosure by federal and state statute.*

7. If a meeting, or portion of a meeting, is closed pursuant to this provision, the Commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision. The Commission shall keep minutes which fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, of any person participating in the meeting, and the reasons therefore, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release only by a majority vote of the Commission or order of a court of competent jurisdiction.

C. The Commission shall, by a majority vote of the Commissioners, prescribe Bylaws and/or Rules to govern its conduct as may be necessary or appropriate to carry out the purposes and exercise the powers of the Compact, including but not limited to:

- 1. Establishing the fiscal year of the Commission;*
- 2. Providing reasonable standards and procedures:*
 - a. For the establishment and meetings of other committees; and*
 - b. Governing any general or specific delegation of any authority or function of the Commission;*
- 3. Providing reasonable procedures for calling and conducting meetings of the Commission, ensuring reasonable advance notice of all meetings and providing an opportunity for attendance of such meetings by interested parties, with enumerated exceptions designed to protect the public's interest, the privacy of individuals of such proceedings, and proprietary information, including trade secrets. The Commission may meet in closed session only after a majority of the Commissioners vote to close a meeting to the public in whole or in part. As soon as practicable, the Commission must make public a copy of the vote to close the meeting revealing the vote of each Commissioner with no proxy votes allowed;*
- 4. Establishing the titles, duties and authority and reasonable procedures for the election of the officers of the Commission;*
- 5. Providing reasonable standards and procedures for the establishment of the personnel policies and programs of the Commission. Notwithstanding any civil service or other similar law of any Compact State, the Bylaws shall exclusively govern the personnel policies and programs of the Commission;*
- 6. Promulgating a Code of Ethics to address permissible and prohibited activities of Commission members and employees;*
- 7. Providing a mechanism for concluding the operations of the Commission and the equitable disposition of any surplus funds that may exist after the termination of the Compact after the payment and/or reserving of all of its debts and obligations;*
- 8. The Commission shall publish its Bylaws in a convenient form and file a copy thereof and a copy of any amendment thereto, with the appropriate agency or officer in each of the Compact States;*
- 9. The Commission shall maintain its financial records in accordance with the Bylaws; and*
- 10. The Commission shall meet and take such actions as are consistent with the provisions of this Compact and the Bylaws.*

D. The Commission shall have the following powers:

- 1. The authority to promulgate uniform rules to facilitate and coordinate implementation and administration of this Compact. The rule shall have the force and effect of law and shall be binding in all Compact States;*
- 2. To bring and prosecute legal proceedings or actions in the name of the Commission, provided that the standing of any State Psychology Regulatory Authority or other regulatory body responsible for psychology licensure to sue or be sued under applicable law shall not be affected;*
- 3. To purchase and maintain insurance and bonds;*
- 4. To borrow, accept or contract for services of personnel, including, but not limited to, employees of a Compact State;*
- 5. To hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the Compact, and to establish the Commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters;*

6. To accept any and all appropriate donations and grants of money, equipment, supplies, materials and services, and to receive, utilize and dispose of the same; provided that at all times the Commission shall strive to avoid any appearance of impropriety and/or conflict of interest;

7. To lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold, improve or use, any property, real, personal or mixed; provided that at all times the Commission shall strive to avoid any appearance of impropriety;

8. To sell, convey, mortgage, pledge, lease, exchange, abandon or otherwise dispose of any property real, personal or mixed;

9. To establish a budget and make expenditures;

10. To borrow money;

11. To appoint committees, including advisory committees comprised of Members, State regulators, State legislators or their representatives, and consumer representatives, and such other interested persons as may be designated in this Compact and the Bylaws;

12. To provide and receive information from, and to cooperate with, law enforcement agencies;

13. To adopt and use an official seal; and

14. To perform such other functions as may be necessary or appropriate to achieve the purposes of this Compact consistent with the state regulation of psychology licensure, temporary in-person, face-to-face practice and telepsychology practice.

E. The Executive Board.

1. The elected officers shall serve as the Executive Board, which shall have the power to act on behalf of the Commission according to the terms of this Compact. The Executive Board shall be comprised of six members:

a. Five voting members who are elected from the current membership of the Commission by the Commission;

b. One ex-officio, nonvoting member from the recognized membership organization composed of State and Provincial Psychology Regulatory Authorities.

2. The ex-officio member must have served as staff or member on a State Psychology Regulatory Authority and will be selected by its respective organization.

3. The Commission may remove any member of the Executive Board as provided in Bylaws.

4. The Executive Board shall meet at least annually.

5. The Executive Board shall have the following duties and responsibilities:

a. Recommend to the entire Commission changes to the Rules or Bylaws, changes to this Compact legislation, fees paid by Compact States such as annual dues, and any other applicable fees;

b. Ensure Compact administration services are appropriately provided, contractual or otherwise;

c. Prepare and recommend the budget;

d. Maintain financial records on behalf of the Commission;

e. Monitor Compact compliance of member states and provide compliance reports to the Commission;

f. Establish additional committees as necessary; and

g. Other duties as provided in Rules or Bylaws.

F. Financing of the Commission.

1. The Commission shall pay, or provide for the payment of the reasonable expenses of its establishment, organization, and ongoing activities.

2. The Commission may accept any and all appropriate revenue sources, donations, and grants of money, equipment, supplies, materials, and services.

3. The Commission may levy on and collect an annual assessment from each Compact State or impose fees on other parties to cover the cost of the operations and activities of the Commission and its staff which must be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the Commission which shall promulgate a rule binding upon all Compact States.

4. The Commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the Commission pledge the credit of any of the Compact States, except by and with the authority of the Compact State.

5. The Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Commission shall be subject to the audit and accounting procedures established under its Bylaws. However, all receipts and disbursements of funds handled by the Commission shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become part of the annual report of the Commission.

G. Qualified Immunity, Defense, and Indemnification.

1. The members, officers, Executive Director, employees and representatives of the Commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties or responsibilities; provided that nothing in this paragraph shall be construed to protect any such person from suit and/or liability for any damage, loss, injury or liability caused by the intentional or willful or wanton misconduct of that person.

2. The Commission shall defend any member, officer, Executive Director, employee or representative of the Commission in any civil action seeking to impose liability arising out of any actual or alleged act, error or omission that occurred within the scope of Commission employment, duties or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties or responsibilities; provided that nothing herein shall be construed to prohibit that person from retaining his or her own counsel; and provided further, that the actual or alleged act, error or omission did not result from that person's intentional or willful or wanton misconduct.

3. The Commission shall indemnify and hold harmless any member, officer, Executive Director, employee or representative of the Commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error or omission that occurred within the scope of Commission employment, duties or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of Commission employment, duties or responsibilities, provided that the actual or alleged act, error or omission did not result from the intentional or willful or wanton misconduct of that person.

ARTICLE XI. RULEMAKING.

A. The Commission shall exercise its rulemaking powers pursuant to the criteria set forth in this Article and the Rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each rule or amendment.

B. If a majority of the legislatures of the Compact States rejects a rule, by enactment of a statute or resolution in the same manner used to adopt the Compact, then such rule shall have no further force and effect in any Compact State.

C. Rules or amendments to the rules shall be adopted at a regular or special meeting of the Commission.

D. Prior to promulgation and adoption of a final rule or Rules by the Commission, and at least 60 days in advance of the meeting at which the rule will be considered and voted upon, the Commission shall file a Notice of Proposed Rulemaking:

1. On the website of the Commission; and

2. On the website of each Compact States' Psychology Regulatory Authority or the publication in which each state would otherwise publish proposed rules.

E. The Notice of Proposed Rulemaking shall include:

1. The proposed time, date, and location of the meeting in which the rule will be considered and voted upon;

2. The text of the proposed rule or amendment and the reason for the proposed rule;

3. A request for comments on the proposed rule from any interested person; and

4. The manner in which interested persons may submit notice to the Commission of their intention to attend the public hearing and any written comments.

F. Prior to adoption of a proposed rule, the Commission shall allow persons to submit written data, facts, opinions and arguments, which shall be made available to the public.

G. The Commission shall grant an opportunity for a public hearing before it adopts a rule or amendment if a hearing is requested by:

1. At least 25 persons who submit comments independently of each other;

2. A governmental subdivision or agency; or

3. A duly-appointed person in an association that has having at least 25 members.

H. If a hearing is held on the proposed rule or amendment, the Commission shall publish the place, time, and date of the scheduled public hearing.

1. All persons wishing to be heard at the hearing shall notify the Executive Director of the Commission or other designated member in writing of their desire to appear and testify at the hearing not fewer than five business days before the scheduled date of the hearing.

2. Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing.

3. No transcript of the hearing is required, unless a written request for a transcript is made, in which case the person requesting the transcript shall bear the cost of producing the transcript. A recording may be made in lieu of a transcript under the same terms and conditions as a transcript. This subsection shall not preclude the Commission from making a transcript or recording of the hearing if it so chooses.

4. Nothing in this section shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the Commission at hearings required by this section.

I. Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the Commission shall consider all written and oral comments received.

J. The Commission shall, by majority vote of all members, take final action on the proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule.

K. If no written notice of intent to attend the public hearing by interested parties is received, the Commission may proceed with promulgation of the proposed rule without a public hearing.

L. Upon determination that an emergency exists, the Commission may consider and adopt an emergency rule without prior notice, opportunity for comment, or hearing, provided that the usual rulemaking procedures provided in the Compact and in this section shall be retroactively applied to the rule as soon as reasonably possible, in no event later than ninety

(90) days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that must be adopted immediately in order to:

1. Meet an imminent threat to public health, safety, or welfare;
2. Prevent a loss of Commission or Compact State funds;
3. Meet a deadline for the promulgation of an administrative rule that is established by federal law or rule; or
4. Protect public health and safety.

M. The Commission or an authorized committee of the Commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the website of the Commission. The revision shall be subject to challenge by any person for a period of thirty (30) days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing, and delivered to the Chair of the Commission prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the Commission.

ARTICLE XII.

OVERSIGHT, DISPUTE RESOLUTION AND ENFORCEMENT.

A. Oversight.

1. The executive, legislative, and judicial branches of state government in each Compact State shall enforce this Compact and take all actions necessary and appropriate to effectuate the Compact's purposes and intent. The provisions of this Compact and the rules promulgated hereunder shall have standing as statutory law.

2. All courts shall take judicial notice of the Compact and the rules in any judicial or administrative proceeding in a Compact State pertaining to the subject matter of this Compact which may affect the powers, responsibilities or actions of the Commission.

3. The Commission shall be entitled to receive service of process in any such proceeding, and shall have standing to intervene in such a proceeding for all purposes. Failure to provide service of process to the Commission shall render a judgment or order void as to the Commission, this Compact or promulgated rules.

B. Default, Technical Assistance, and Termination.

1. If the Commission determines that a Compact State has defaulted in the performance of its obligations or responsibilities under this Compact or the promulgated rules, the Commission shall:

a. Provide written notice to the defaulting state and other Compact States of the nature of the default, the proposed means of remedying the default and/or any other action to be taken by the Commission; and

b. Provide remedial training and specific technical assistance regarding the default.

2. If a state in default fails to remedy the default, the defaulting state may be terminated from the Compact upon an affirmative vote of a majority of the Compact States, and all rights, privileges and benefits conferred by this Compact shall be terminated on the effective date of termination. A remedy of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.

3. Termination of membership in the Compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be submitted by the Commission to the Governor, the majority and minority leaders of the defaulting state's legislature, and each of the Compact States.

4. A Compact State which has been terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including obligations which extend beyond the effective date of termination.

5. The Commission shall not bear any costs incurred by the state which is found to be in default or which has been terminated from the Compact, unless agreed upon in writing between the Commission and the defaulting state.

6. The defaulting state may appeal the action of the Commission by petitioning the U.S. District Court for the state of Georgia or the federal district where the Compact has its principal offices. The prevailing member shall be awarded all costs of such litigation, including reasonable attorney's fees.

C. Dispute Resolution.

1. Upon request by a Compact State, the Commission shall attempt to resolve disputes related to the Compact which arise among Compact States and between Compact and Non-Compact States. 2. The Commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes that arise before the commission.

D. Enforcement.

1. The Commission, in the reasonable exercise of its discretion, shall enforce the provisions and Rules of this Compact.

2. By majority vote, the Commission may initiate legal action in the United States District Court for the State of Georgia or the federal district where the Compact has its principal offices against a Compact State in default to enforce compliance with the provisions of the Compact and its promulgated Rules and Bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing member shall be awarded all costs of such litigation, including reasonable attorney's fees.

3. The remedies herein shall not be the exclusive remedies of the Commission. The Commission may pursue any other remedies available under federal or state law.

ARTICLE XIII.

DATE OF IMPLEMENTATION OF THE PSYCHOLOGY INTERJURISDICTIONAL COMPACT COMMISSION AND ASSOCIATED RULES, WITHDRAWAL, AND AMENDMENTS.

A. The Compact shall come into effect on the date on which the Compact is enacted into law in the seventh Compact State. The provisions which become effective at that time shall be limited to the powers granted to the Commission relating to assembly and the promulgation of rules. Thereafter, the Commission shall meet and exercise rulemaking powers necessary to the implementation and administration of the Compact.

B. Any state which joins the Compact subsequent to the Commission's initial adoption of the rules shall be subject to the rules as they exist on the date on which the Compact becomes law in that state. Any rule which has been previously adopted by the Commission shall have the full force and effect of law on the day the Compact becomes law in that state.

C. Any Compact State may withdraw from this Compact by enacting a statute repealing the same.

1. A Compact State's withdrawal shall not take effect until six months after enactment of the repealing statute.

2. Withdrawal shall not affect the continuing requirement of the withdrawing State's Psychology Regulatory Authority to comply with the investigative and adverse action reporting requirements of this act prior to the effective date of withdrawal.

D. Nothing contained in this Compact shall be construed to invalidate or prevent any psychology licensure agreement or other cooperative arrangement between a Compact State and a Non-Compact State which does not conflict with the provisions of this Compact.

E. This Compact may be amended by the Compact States. No amendment to this Compact shall become effective and binding upon any Compact State until it is enacted into the law of all Compact States.

ARTICLE XIV.

CONSTRUCTION AND SEVERABILITY.

This Compact shall be liberally construed so as to effectuate the purposes thereof. If this Compact shall be held contrary to the constitution of any state member thereto, the Compact shall remain in full force and effect as to the remaining Compact States.

2. That the Board of Psychology shall promulgate regulations to implement the provisions of this act to be effective within 280 days of its enactment.

3. That the provisions of this act shall become effective on January 1, 2021.

CHAPTER 1163

An Act to amend and reenact §§ 24.2-705 and 24.2-705.1 of the Code of Virginia, relating to absentee voting; emergency absentee voting by and late applications for persons hospitalized; definition of hospital.

[S 859]

Approved April 11, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-705 and 24.2-705.1 of the Code of Virginia are amended and reenacted as follows:

§ 24.2-705. Emergency applications and absentee ballots for persons incapacitated or hospitalized.

Any person registered and otherwise qualified to vote who becomes incapacitated on or after the seventh day preceding an election may request at any time prior to 2:00 p.m. on the day preceding the election that an emergency absentee ballot application be delivered to him. A voter who becomes hospitalized on or after the fourteenth day preceding the election and who is unable, because of his condition, to request an absentee ballot earlier than the seventh day preceding the election may request at any time prior to 2:00 p.m. on the day before an election that an emergency absentee ballot be delivered to him in the hospital. For purposes of this section, "incapacitated" means hospitalized, ill and confined to his residence, bereaved by the death of a spouse, child, or parent, or otherwise incapacitated by an emergency which is found by the general registrar to justify providing an emergency ballot application; and "hospital" means a hospital as defined in § 32.1-123 or 37.2-100 and any comparable hospital in the District of Columbia or any state contiguous to Virginia.

On receipt of the request, the general registrar shall provide an emergency absentee ballot application to the incapacitated voter's designated representative who shall deliver the application to the voter. If the voter is hospitalized, the delivery shall be made to him at the hospital; and if the voter is otherwise incapacitated, the delivery shall be made to him at his current residence address as shown on the registration records. The representative shall be age eighteen or older and shall not be an elected official, a candidate for elected office, or the deputy, spouse, parent, or child of an elected official or candidate.

The application shall be on a form prescribed by the State Board and shall require the applicant (i) to state the cause of his incapacity, (ii) to state that he is unable to be present at the polls on election day, and that he was either incapacitated on or after the seventh day preceding the election or hospitalized on or after the fourteenth day preceding the election and unable to request the application earlier than the seventh day preceding the election, (iii) to designate a representative to receive, deliver and return the ballot, and (iv) to provide other information required by law for an absentee ballot application.

If the voter is hospitalized, a hospital administrative official, a licensed physician attending the applicant, or provider as defined in § 37.2-403, shall certify on the form to the hospitalization of the applicant and the applicant's inability to be present at the polls on election day. If the voter is ill and confined to his residence, a licensed physician, provider as defined in § 37.2-403, or an accredited religious practitioner attending the applicant shall certify on the form to the incapacity of the

applicant and the applicant's inability to be present at the polls on election day. If the voter is bereaved, a licensed physician, an accredited religious practitioner, or a funeral service licensee (as defined in § 54.1-2800) shall certify on the form to the incapacity of the applicant and the applicant's inability to be present at the polls on election day. If the voter is otherwise incapacitated as determined by the general registrar, the general registrar shall certify on the form to the incapacity of the applicant and the applicant's inability to be present at the polls on election day. The applicant shall sign the application and state, subject to felony penalties for making false statements pursuant to § 24.2-1016, that to the best of his knowledge and belief the facts contained in the application are true and correct. His signature shall be witnessed by the designated representative who shall sign and return the completed application to the office of the general registrar no later than 5:00 p.m. on the day preceding the election. For the purposes of this section, "accredited religious practitioner" means a person who has been trained in spiritual healing or the other healing arts and has been so accredited by a formal religious order.

On receipt of the completed application and a determination of the qualification of the applicant to vote, the general registrar shall provide, in accordance with the applicable provisions of this chapter, an absentee ballot to the designated representative for delivery to the incapacitated voter.

The incapacitated voter shall vote the absentee ballot as provided by law and mark it in the presence of the designated representative. The representative shall complete a statement, subject to felony penalties for making false statements pursuant to § 24.2-1016, that (i) he is the representative of the incapacitated voter; (ii) he personally delivered the ballot to the voter who applied for it; (iii) in his presence, the voter marked the ballot, the ballot was placed in the envelope provided, the envelope was sealed, and the statement on its reverse side was signed by the incapacitated voter; and (iv) the ballot was returned, under seal, to the general registrar at the registrar's office.

The ballot shall be counted only if the ballot is received by the general registrar prior to the close of polls, and the general registrar shall deliver the ballot to the officers of election at each appropriate precinct pursuant to § 24.2-710.

§ 24.2-705.1. Late applications and in-person absentee voting for business and medical emergencies.

Any person registered and otherwise qualified to vote who (i) becomes obligated after 12:00 noon on the Saturday before an election to be absent from his county or city on election day for a purpose pertaining to (±) his business, profession, or occupation, or (ii) becomes aware after 12:00 noon on the Saturday before an election that he will be unable to vote at his polling place on election day due to the hospitalization of the applicant or a member of his immediate family, or (±±±) the death of a member of his immediate family, may apply for an absentee ballot and vote absentee in person pursuant to this section and subject to the following conditions:

1. The applicant applies in person for an absentee ballot on the Monday immediately preceding the election, before 2:00 p.m., at the principal office of the registrar; and

2. The applicant signs a statement, which shall be deemed part of his absentee ballot application and subject to felony penalties for making false statements pursuant to § 24.2-1016, that he (i) is required to leave the county or city before the opening of the polls on election day for a purpose pertaining to (±) his business, profession or occupation, or (ii) will be unable to vote at his polling place on election day due to the hospitalization of the applicant or a member of his immediate family, or (±±±) the death of a member of his immediate family, and that he did not have notice or knowledge of such required travel or unavailability prior to 12:00 noon on the immediately preceding Saturday. "Immediate family" means the children including adopted children, grandchildren, grandparents, parents, legal guardian, siblings, whether of the whole or half blood, and spouse of the applicant.

"Hospitalization" refers to confinement in a hospital as defined in § 32.1-123 or 37.2-100 and any comparable hospital in the District of Columbia or any state contiguous to Virginia.

CHAPTER 1164

An Act to amend and reenact §§ 2.2-204, 2.2-225, 2.2-3705.6, 2.2-3705.7, 2.2-3711, and 23.1-203 of the Code of Virginia; to amend the Code of Virginia by adding in Chapter 22 of Title 2.2 an article numbered 11, consisting of sections numbered 2.2-2351 through 2.2-2364; and to repeal Article 3 (§§ 2.2-2218 through 2.2-2233.1) of Chapter 22 of Title 2.2, Article 8 (§§ 23.1-3130 through 23.1-3134) of Chapter 31 of Title 23.1, and § 51.1-124.38 of the Code of Virginia, relating to research and development in the Commonwealth.

[H 1017]

Approved April 11, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-204, 2.2-225, 2.2-3705.6, 2.2-3705.7, 2.2-3711, and 23.1-203 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Chapter 22 of Title 2.2 an article numbered 11, consisting of sections numbered 2.2-2351 through 2.2-2364, as follows:

§ 2.2-204. Position established; agencies for which responsible; additional duties.

The position of Secretary of Commerce and Trade (the Secretary) is created. The Secretary shall be responsible to the Governor for the following agencies: Virginia Economic Development Partnership Authority, *Commonwealth of Virginia Innovation Partnership Authority*, Virginia International Trade Corporation, Virginia Tourism Authority, Department of Labor and Industry, Department of Mines, Minerals and Energy, Virginia Employment Commission, Department of Professional and Occupational Regulation, Department of Housing and Community Development, Department of Small

Business and Supplier Diversity, Virginia Housing Development Authority, Tobacco Region Revitalization Commission, and Board of Accountancy. The Governor, by executive order, may assign any state executive agency to the Secretary, or reassign any agency listed in this section to another Secretary.

The Secretary shall implement the provisions of the Virginia Biotechnology Research Act (§ 2.2-5500 et seq.).

§ 2.2-225. Position established; agencies for which responsible; additional powers.

The position of Secretary of Technology (the Secretary) is created. The Secretary shall be responsible to the Governor for the following agencies, councils, and boards: Information Technology Advisory Council, ~~Innovation and Entrepreneurship Investment Authority~~, Virginia Information Technologies Agency, Virginia Geographic Information Network Advisory Board, and the 9-1-1 Services Board. The Governor, by executive order, may assign any other state executive agency to the Secretary, or reassign any agency listed in this section to another Secretary.

Unless the Governor expressly reserves such power to himself, the Secretary may, with regard to strategy development, planning and budgeting for technology programs in the Commonwealth:

1. Monitor trends and advances in fundamental technologies of interest and importance to the economy of the Commonwealth and direct and approve a stakeholder-driven technology strategy development process that results in a comprehensive and coordinated view of research and development goals for industry, academia and government in the Commonwealth. This strategy shall be updated biennially and submitted to the Governor, the Speaker of the House of Delegates and the President Pro Tempore of the Senate.

2. Work closely with the appropriate federal research and development agencies and program managers to maximize the participation of Commonwealth industries and baccalaureate institutions of higher education in these programs consistent with agreed strategy goals.

3. Direct the development of plans and programs for strengthening the technology resources of the Commonwealth's high technology industry sectors and for assisting in the strengthening and development of the Commonwealth's Regional Technology Councils.

4. Direct the development of plans and programs for improving access to capital for technology-based entrepreneurs.

5. Assist the Joint Commission on Technology and Science created pursuant to § 30-85 in its efforts to stimulate, encourage, and promote the development of technology in the Commonwealth.

6. Continuously monitor and analyze the technology investments and strategic initiatives of other states to ensure the Commonwealth remains competitive.

7. Strengthen interstate and international partnerships and relationships in the public and private sectors to bolster the Commonwealth's reputation as a global technology center.

8. Develop and implement strategies to accelerate and expand the commercialization of intellectual property created within the Commonwealth.

9. Ensure the Commonwealth remains competitive in cultivating and expanding growth industries, including life sciences, advanced materials and nanotechnology, biotechnology, and aerospace.

10. Monitor the trends in the availability and deployment of and access to broadband communications services, which include, but are not limited to, competitively priced, high-speed data services and Internet access services of general application, throughout the Commonwealth and advancements in communications technology for deployment potential. The Secretary shall report annually by December 1 to the Governor and General Assembly on those trends.

11. Designate specific projects as enterprise information technology projects, prioritize the implementation of enterprise information technology projects, and establish enterprise oversight committees to provide ongoing oversight for enterprise information technology projects. At the discretion of the Governor, the Secretary shall designate a state agency or public institution of higher education as the business sponsor responsible for implementing an enterprise information technology project, and shall define the responsibilities of lead agencies that implement enterprise information technology projects. For purposes of this subdivision, "enterprise" means an organization with common or unifying business interests. An enterprise may be defined at the Commonwealth level or Secretariat level for programs and project integration within the Commonwealth, Secretariats, or multiple agencies.

12. Establish Internal Agency Oversight Committees and Secretariat Oversight Committees as necessary and in accordance with § 2.2-2021.

13. Review and approve the Commonwealth strategic plan for information technology, as developed and recommended by the Chief Information Officer pursuant to subdivision A 3 of § 2.2-2007.1.

14. Communicate regularly with the Governor and other Secretaries regarding issues related to the provision of information technology services in the Commonwealth, statewide technology initiatives, and investments and other efforts needed to achieve the Commonwealth's information technology strategic goals.

~~15. Provide consultation on guidelines, at the recommendation of the Innovation and Entrepreneurship Investment Authority, for the application, review, and award of funds from the Commonwealth Research Commercialization Fund pursuant to § 2.2-2233.1.~~

Article 11.

Commonwealth of Virginia Innovation Partnership Act.

§ 2.2-2351. Short title; declaration of public purpose.

A. This article shall be known and may be cited as the Commonwealth of Virginia Innovation Partnership Act.

B. It is found and determined by the General Assembly that there exists in the Commonwealth a need to support the life cycle of innovation, from translational research; to entrepreneurship; to pre-seed and seed stage funding; and to acceleration, growth, and commercialization, resulting in the creation of new jobs and company formation. A collaborative, consistent, and consolidated approach will assist the Commonwealth in identifying its entrepreneurial strengths, including the identification of talents and resources that make the Commonwealth a unique place to grow and attract technology-based businesses. It is also found and determined by the General Assembly that there exists in the Commonwealth of Virginia a need to (i) promote the technology-based economic development of the Commonwealth by building, attracting, and retaining innovation and high-technology jobs and businesses in Virginia; (ii) increase industry competitiveness by supporting the application of innovative technologies that improve productivity and efficiency; (iii) attract and provide additional private and public funding in the Commonwealth to enhance and expand the scientific and technological research and commercialization at state and federal research institutions and facilities, including by supporting and working with technology transfer offices to advance research from proof-of-concept to commercialization resulting in new business and job creation; (iv) attract and provide additional private and public funding to support and enhance innovation-led entrepreneurship ecosystems and coordination of existing activities and programs throughout the Commonwealth to create new job opportunities and diversify the economy; (v) ensure promotion and marketing of Virginia's statewide innovation economy and support and coordinate regional marketing efforts to align local and statewide objectives; and (vi) close the Commonwealth's support gap through pre-seed and seed stage investments, coordination of private investor networks, and shared due diligence research.

C. To achieve the objectives set forth in subsection B, there is created and constituted a political subdivision of the Commonwealth to be known as the Commonwealth of Virginia Innovation Partnership Authority. The Authority's exercise of powers conferred by this article shall be deemed to be the performance of an essential governmental function and matters of public necessity for which public moneys may be spent and private property acquired. Nothing in this article shall be construed to diminish or limit the powers and responsibilities of institutions of higher education or other educational or cultural institutions set forth in Title 23.1, including but not limited to such institution's authority to establish its own independent policies and technology transfer offices.

§ 2.2-2352. Definitions.

As used in this article, unless the context requires a different meaning:

"Authority" means the Commonwealth of Virginia Innovation Partnership Authority.

"Board" means the board of directors of the Authority.

"Founder" means a person who founds a company.

"Founder-friendly" means policies related to the transactional process of the development of technology, from research to commercialization, that are fair, transparent, and designed to enable the success of an inventor and business owner as the business grows.

"Index" means the Virginia Innovation Index.

§ 2.2-2353. Board of directors; members; president.

A. The Authority shall be governed by a board of directors consisting of 11 voting members as follows: (i) the Secretary of Commerce and Trade, or his designee; (ii) six nonlegislative citizen members appointed by the Governor; (iii) three nonlegislative citizen members appointed by the Joint Rules Committee; and (iv) one director of technology transfer office or equivalent position from a major research public institution of higher education, appointed by the Joint Rules Committee.

B. Of the nonlegislative citizen members appointed by the Governor, (i) two nonlegislative citizen members shall be from the investor community with experience as a partner in a venture capital fund with a minimum of \$35 million under management or experience qualifying as an accredited investor, as defined by the federal Securities and Exchange Commission, who have experience investing, as an individual or as part of an angel group, in 10 or more early stage companies; (ii) two nonlegislative citizen members shall be from the technology sector with experience (a) as a founder of a science-based or technology-based business and who have raised equity capital or (b) as a senior executive in a science or technology company with operations in Virginia and with annual revenues in excess of \$100 million; and (iii) two nonlegislative citizen members shall have experience acquiring or commercializing intellectual property through private research or experience acquiring or commercializing intellectual property from a university or other research institution. Of the nonlegislative citizen members appointed by the Joint Rules Committee, two nonlegislative citizen members shall have experience in entrepreneurial development or entrepreneurial community and network development. In making the appointments, the Governor and the Joint Rules Committee shall consider the geographic and demographic diversity of the Board.

C. 1. After an initial staggering of terms, members of the Board shall serve terms of four years. No member shall be eligible to serve more than two terms. Any appointment to fill a vacancy shall be for the unexpired term. A person appointed to fill a vacancy may be appointed to serve two additional terms. Nonlegislative citizen members shall be citizens of the Commonwealth.

2. Ex officio members shall serve terms coincident with their terms of office.

D. Members of the Board shall receive such compensation for the performance of their duties as provided in § 2.2-2813. Members shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Funding for the costs of compensation and expenses of the members shall be provided by the Authority.

E. The Board shall elect a chairman from the nonlegislative citizen members of the Board, and the Secretary of Commerce and Trade shall serve as the vice-chairman. The Board shall elect a secretary and a treasurer, who need not be members of the Board, and may also elect other subordinate officers, who need not be members of the Board. The Board may also form advisory committees, which may include representatives who are not members of the Board, to undertake more extensive study on issues before the Board.

F. A majority of the members shall constitute a quorum for the transaction of the Authority's business, and no vacancy in the membership shall impair the right of a quorum to exercise the rights and perform all duties of the Authority. The Board shall meet at least quarterly or at the call of the chairman.

G. The Board shall appoint a president of the Authority, who shall not be a member of the Board who shall serve at the pleasure of the Board and carry out such powers and duties conferred upon him by the Board.

§ 2.2-2354. Powers and duties of the president.

The president shall employ or retain such agents or employees subordinate to the president as may be necessary to fulfill the duties of the Authority conferred upon the president, subject to the Board's approval. Employees of the Authority shall be eligible for membership in the Virginia Retirement System and participation in all of the health and related insurance and other benefits, including premium conversion and flexible benefits, available to state employees as provided by law. The president shall also exercise such of the powers and duties relating to the direction of the Commonwealth's research and commercialization efforts conferred upon the Authority as may be delegated to him by the Board, including powers and duties involving the exercise of discretion. The president shall also exercise and perform such other powers and duties as may be lawfully delegated to him or as may be conferred or imposed upon him by law.

§ 2.2-2355. Powers of the Authority.

The Authority is granted all powers necessary or convenient for the carrying out of its statutory purposes, including, but not limited to, the following rights and powers to:

1. Sue and be sued, implead and be impleaded, and complain and defend in all courts. Nothing herein shall be construed to waive any applicable immunity enjoyed by the Authority.
2. Adopt, use, and alter at will a corporate seal.
3. Acquire, purchase, hold, use, lease, or otherwise dispose of any project and property, real, personal or mixed, tangible or intangible, or any interest therein necessary or desirable for carrying out the purposes of the Authority, and, without limitation of the foregoing, to lease as lessee, any project and any property, real, personal, or mixed, or any interest therein, at such annual rental and on such terms and conditions as may be determined by the Board and to lease as lessor to any person, any project and any property, real, personal, or mixed, tangible or intangible, or any interest therein, at any time acquired by the Authority, whether wholly or partially completed, at such annual rental and on such terms and conditions as may be determined by the Board, and to sell, transfer, or convey any property, real, personal, or mixed, tangible or intangible or any interest therein, at any time acquired or held by the Authority on such terms and conditions as may be determined by the Board.
4. Plan, develop, undertake, carry out, construct, improve, rehabilitate, repair, furnish, maintain, and operate projects.
5. Adopt bylaws for the management and regulation of its affairs.
6. Establish and maintain an office in Richmond to serve as headquarters for the Authority. The Authority may also establish and maintain satellite offices within the Commonwealth.
7. Fix, alter, charge, and collect rates, rentals, and other charges for the use of projects of, or for the sale of products of or for the services rendered by, the Authority, at rates to be determined by it for the purpose of providing for the payment of the expenses of the Authority, the planning, development, construction, improvement, rehabilitation, repair, furnishing, maintenance, and operation of its projects and properties, the payment of the costs accomplishing its purposes set forth in § 2.2-2351, the payment of the principal of and interest on its obligations, and the fulfillment of the terms and provisions of any agreements made with the purchasers or holders of any such obligations.
8. Make and enter into all contracts and agreements necessary or incidental to the performance of its duties, the furtherance of its purposes, and the execution of its powers under this article, including agreements with any person or federal agency.
9. Employ, in its discretion, consultants, researchers, attorneys, architects, engineers, accountants, financial experts, investment bankers, superintendents, managers, and such other employees and agents as may be necessary, and to fix their compensation to be payable from funds made available to the Authority.
10. Receive and accept from any federal or private agency, foundation, corporation, association, or person grants to be expended in accomplishing the objectives of the Authority and receive and accept from the Commonwealth or any state, and any municipality, county, or other political subdivision thereof and from any other source, aid or contributions of either money, property, or other things of value, to be held, used, and applied only for the purposes for which such grants and contributions may be made.
11. Render advice and assistance, and provide services, to institutions of higher education and to other persons providing services or facilities for scientific and technological research or graduate education, provided that credit toward a degree, certificate, or diploma shall be granted only if such education is provided in conjunction with an institution of higher education authorized to operate in Virginia.
12. Develop, undertake, and provide programs, alone or in conjunction with any person or federal agency, for scientific and technological research, technology management, continuing education, and in-service training, provided that

credit toward a degree, certificate, or diploma shall be granted only if such education is provided in conjunction with an institution of higher education authorized to operate in Virginia; foster the utilization of scientific and technological research information, discoveries, and data and to obtain patents, copyrights, and trademarks thereon; to encourage the coordination of the scientific and technological research efforts of public institutions and private industry and collect and maintain data on the development and utilization of scientific and technological research capabilities.

13. Pledge or otherwise encumber all or any of the revenues or receipts of the Authority as security for all or any of the obligations of the Authority.

14. Receive, administer, and market any interest in patents, copyrights, and materials that are potentially patentable or copyrightable developed by or for state agencies, public institutions of higher education, and political subdivisions of the Commonwealth.

15. Develop the Index, pursuant to § 2.2-2360, to use to identify research areas worthy of Commonwealth investment in order to promote commercialization and economic development efforts in the Commonwealth.

16. Foster innovative partnerships and relationships among the Commonwealth, the Commonwealth's institutions of higher education, the private sector, federal labs, and not-for-profit organizations to improve research and development of commercialization efforts.

17. Receive and review annual reports from institutions and facilities regarding the progress of projects funded through the Authority. The Authority shall develop guidelines, methodologies, metrics, and criteria for the reports. The Authority shall aggregate the reports and submit an annual omnibus report on the status of research and development initiatives funded by the Authority in the Commonwealth to the Governor and the Chairmen of the House Committee on Appropriations, the House Committee on Communications, Technology and Innovation, the Senate Committee on Finance and Appropriations, and the Senate Committee on General Laws and Technology.

18. Administer grant, loan, and investment programs as authorized by this article. The Authority shall develop guidelines, subject to the approval of the Board, for the application, review, and award of grants, loans, and investments under the provisions of this article. These guidelines shall address, at a minimum, the application process and, where appropriate, shall give special emphasis to fostering collaboration and partnership among institutions of higher education and partnerships between institutions of higher education and business and industry.

19. Establish and administer, through any nonstock, nonprofit corporation established by the Authority, investment funds that may accept funds from any source, public or private, to support venture capital activities in the Commonwealth. The administration of any such investment fund shall be advised by the Advisory Committee on Investment created pursuant to § 2.2-2358.

20. Report on all investment activities of the Authority, and any entity established by the Authority, including returns on investments, to the Governor and the Chairmen of the House Committee on Appropriations, the House Committee on Communications, Technology and Innovation, the Senate Committee on Finance and Appropriations, and the Senate Committee on General Laws and Technology.

21. Exclusively, or with any other person, form and otherwise develop, own, operate, govern, and otherwise direct the disposition of assets of, or any combination thereof, separate legal entities, on any such terms and conditions and in any such manner as may be determined by the Board, provided that such separate legal entities shall be formed solely for the purpose of managing and administering any assets disposed of by the Authority. Such legal entities may include limited liability companies, limited partnerships, charitable foundations, real estate holding companies, investment holding companies, nonstock corporations, and benefit corporations. Any legal entities created by the Authority shall be operated under the governance of the Authority, and each shall provide quarterly performance reports to the Board. The articles of incorporation, partnership, or organization for such legal entities shall provide that, upon dissolution, the assets of the entities that are owned on behalf of the Commonwealth shall be transferred to the Authority. Any legal entity created pursuant to this subdivision shall ensure that the economic benefits attributable to the income and property rights arising from any transaction in which the entity is involved are allocated based on the reasonable business judgment of the Board, with due account being given to the interest of the citizens of the Commonwealth and the needs of the entity. No legal entity shall be deemed to be a state or government agency, advisory agency, public body, or instrumentality of the Commonwealth. No director, officer, or employee of any such legal entity shall be deemed to be an officer or employee for purposes of the State and Local Government Conflict of Interests Act (§ 2.2-3100 et seq.) solely by virtue of his capacity as a director, officer, or employee of such legal entity. Notwithstanding the foregoing, the Auditor of Public Accounts or his legally authorized representative shall annually audit the financial accounts of the Authority and any such legal entities.

22. Provide leadership for strategic initiatives that explore and shape programs designed to attract and grow innovation in the Commonwealth. Such leadership may include (i) seeking, or supporting others in seeking, federal grants, contracts, or other funding sources that advance the exploration functions of the Authority's public purpose; (ii) assuming responsibility for forward-looking technology assessment and market vision around strategic initiatives and partnerships with federal and local governments; (iii) taking a leading role in defining, promoting, and implementing forward-looking technology market and industry development policies and processes that advance innovation and entrepreneurial activity and the assimilation of technology; (iv) contracting with federal and private entities to further innovation, commercialization, and entrepreneurship in the Commonwealth; and (v) conducting limited-scale commercialization pilot projects based on identified strategic initiatives to promote the industry or commercial development of specific technologies or interests.

23. Do all acts and things necessary or convenient to carry out the powers granted to it by law.

§ 2.2-2356. Designation of staff of not-for-profit entity.

A. The Board may designate the president and staff of a not-for-profit entity established pursuant to this article to carry out the day-to-day operations and activities of the Authority and to perform such other duties as may be directed by the Board.

B. The president shall employ or retain such agents or employees subordinate to the president as may be necessary to fulfill the duties of the Authority and the not-for-profit entity designated herein. Employees shall be eligible for membership in the Virginia Retirement System and participation in all of the health and related insurance and other benefits, including premium conversion and flexible benefits, available to state employees as provided by law.

§ 2.2-2357. Division of Entrepreneurial Ecosystems.

A. Within the Authority shall be created a Division of Entrepreneurial Ecosystems (the Division) to support and promote technology-based entrepreneurial activities in the Commonwealth. The Division shall have the authority to (i) connect regional entrepreneurial support services; (ii) administer the Regional Innovation Fund (the Fund); (iii) coordinate marketing efforts between statewide and regional campaigns; (iv) establish entrepreneurs in residence to align local needs with state initiatives and funds; (v) compile, maintain, and promote an information portal of available public and private funding vehicles; and (vi) perform any other duties assigned by the Board. In performing such duties and responsibilities, the Division may (a) seek to build networks between regional entrepreneur support services; (b) facilitate state-wide information sharing and exchange of ideas and best practices; (c) establish a portal to highlight the availability of regional entrepreneurial support services; (d) aggregate information from national, regional, and local sources and promote available public and private funding vehicles; and (e) undertake any other activities or provide any other services relative to the purpose of the Division.

B. The Division shall be advised by an Advisory Committee (Advisory Committee) on Entrepreneurial Ecosystems, to be appointed by the Board.

C. The Division may partner with the GO Virginia regional councils to offer resources and expertise related to entrepreneurial ecosystem development, to identify multiregion initiatives, and to facilitate communication regarding best practices across regional councils.

D. 1. There is hereby created a permanent fund to be known as the Regional Innovation Fund, to be administered by the Authority. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund at the end of each fiscal year, including interest thereon, shall not revert to the general fund but shall remain in the Fund. Expenditures and disbursements from the Fund, which may consist of grants or loans, shall be made by authorization of the president, chairman, or vice-chairman of the Authority.

2. Moneys in the Fund shall be used for (i) competitive grants or loans to advance regional ecosystem development activities, (ii) support for enhanced capacity building projects, (iii) assistance with the creation and maintenance of appropriate infrastructure for the execution of innovation and startup programming, or (iv) technical assistance to startups in regional ecosystems. Moneys from the Fund shall be used for the purposes set forth in this subdivision that further the goals set forth in the Index.

3. Awards from the Fund shall be made by the Authority pursuant to guidelines, procedures, and criteria for the application for and award of grants or loans developed by the Division in consultation with the Advisory Committee and approved by the Board.

4. Any award from the Fund shall require matching funds at least equal to the award, provided, however, that the Authority shall have the authority to reduce the match requirement to no less than half of the grant upon a finding by the Authority of fiscal distress or an exceptional economic opportunity in a region. Such matching funds may be from local, regional, federal, or private funds, but shall not include any state general funds, from whatever source.

§ 2.2-2358. Division of Investment.

A. Within the Authority shall be created a Division of Investment (the Division) to provide the Commonwealth with a competitive advantage through an array of funding mechanisms as provided in § 2.2-2355 related to direct and indirect venture capital investments. The Division may (i) make direct investments in business entities, (ii) make indirect investments in business entities through intermediary entities, whether formed by the Authority, or by another public or private entity or provide other financial support to encourage the formation of such intermediary entities or sidecar funds, (iii) benchmark state tax incentive programs relating to the formation and growth of technology-based businesses, and (iv) perform any other duties or responsibilities assigned by the Board.

B. The Division shall partner with and support women-owned and minority-owned entrepreneurial entities through initiatives such as investor networks, accelerators, and incubators that promote and develop women and minority founders. Further, the Division shall consider status as a woman-owned or minority-owned business when making direct or indirect investments.

C. The Division shall work to support investments in the diverse economies and regions of the Commonwealth and shall engage members of rural and geographically underrepresented communities on advisory committees and in positions of decision making.

D. The Division shall be advised by an Advisory Committee on Investment (the Advisory Committee), to be appointed by the Board.

E. The Board, in consultation with the Division and the Advisory Committee, shall make biennial recommendations to the Governor regarding investment strategies.

§ 2.2-2359. Division of Commercialization.

A. Within the Authority shall be created a Division of Commercialization (the Division). The Division shall (i) promote research and development excellence in the Commonwealth; (ii) provide guidance and coordination, as deemed necessary, to existing efforts to support research in the Commonwealth with commercial potential; (iii) review and advise on the Index; (iv) administer the Commonwealth Commercialization Fund (the Fund); and (v) perform any other duties or responsibilities assigned by the Board.

B. The Division shall be advised by an Advisory Committee on Commercialization (the Advisory Committee), to be appointed by the Board. The Board shall consider including at least one representative from a major public research institution of higher education located outside of the Commonwealth and at least one representative from a public institution of higher education located within the Commonwealth.

C. The Division, in consultation with the Advisory Committee and subject to approval of the Board, shall develop guidelines, procedures, and criteria for the (i) application for grants and loans from the Fund; (ii) review, certification of scientific merits, and scoring or prioritization of applications for grants and loans from the Fund; and (iii) evaluation and recommendation to the Authority regarding the award of grants and loans from the Fund. The guidelines, procedures, and criteria shall include requirements that applicants demonstrate and the Authority consider:

- 1. Other grants, awards, loans, or funds awarded to the proposed program or project by the Commonwealth;*
- 2. Other applications from the applicant for state grants, awards, loans, or funds currently pending at the time of the application;*
- 3. The potential of the program or project for which a grant or loan is sought to (i) culminate in the commercialization of research; (ii) culminate in the formation or spin-off of technology-based companies; (iii) promote the build-out of scientific areas of expertise in science and technology; (iv) promote applied research and development in the areas of focus identified in the Index; (v) provide modern facilities or infrastructure for research and development; (vi) result in significant capital investment and job creation; or (vii) promote collaboration among the public institutions of higher education.*

D. The Division may forward any application for a grant or loan from the Fund to an entity with recognized science and technology expertise for a review and certification of the scientific merits of the proposal, including a scoring or prioritization of applicant programs and projects deemed viable by the reviewing entity.

E. 1. There is hereby created a permanent fund to be known as the Commonwealth Commercialization Fund. Interest and other income earned on the Fund shall be credited to the Fund. Any moneys remaining in the Fund, including interest and other income thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Expenditures and disbursements from the Fund, which may consist of grants or loans, shall be made upon authorization of the president, chairman, or vice-chairman of the Authority.

2. Awards from the Fund shall be made pursuant to the guidelines developed by the Division and approved by the Board.

3. Moneys in the Fund shall be used for grants and loans to (i) foster innovative and collaborative research, development, and commercialization efforts in the Commonwealth in projects and programs with a high potential for economic development and job creation opportunities; (ii) position the Commonwealth as a national leader in science-based and technology-based research, development, and commercialization; (iii) attract and effectively recruit and retain eminent researchers to enhance research superiority at public institutions of higher education; and (iv) encourage cooperation and collaboration among public institutions of higher education, and with the private sector, in areas and with activities that foster economic development and job creation in the Commonwealth. Grants and loans from the Fund shall be made to applications that further the goals set forth in the Virginia Innovation Index.

4. Awards from the Fund shall require a match of funds at least equal to the amount awarded.

F. The Division, by December 1, 2020, and annually by December 1 each year thereafter, in consultation with the State Council of Higher Education for Virginia and the Board, shall make recommendations regarding oversight of initiatives or Commonwealth centers of excellence related to technology-based or innovation-based economic development. Initiatives and Commonwealth centers of excellence subject to such recommendations include (i) those that engage in commercialization of university research, (ii) technology-driven industries such as unmanned systems, (iii) advanced innovation concepts such as smart community technologies, and (iv) technology-based entrepreneurial activity. Recommendations to evaluate and measure current and future initiatives shall be developed in alignment with the Index to assist the Governor and General Assembly in determining appropriate initiatives to pursue while preventing the establishment of redundant activities.

G. Institutions of higher education may choose to coordinate with the Division and participate in projects using moneys granted or loaned from the Fund. The Division shall coordinate with participating institutions of higher education technology transfer officers and vice-presidents of research and innovation to advance founder-friendly policies throughout the Commonwealth. The results of such partnerships may include the establishment of a central Commonwealth-run technology transfer office and founder-friendly terms for optional use; the creation of an inventory library of statewide available technologies and intellectual property; the support and strengthening of existing technology transfer offices, with focus on the need for proof of concept funds; and the development of commercialization advancement plans.

H. The Division may coordinate with public institutions of higher education, technology transfer offices, the State Council of Higher Education for Virginia, and the Office of the Attorney General to identify the allowable uses of buildings owned by public institutions of higher education for research-led spin-off companies and student commercial initiatives that originate at public institutions of higher education. The Division and its partners shall take official notice of the fact that no general prohibition exists in the acts of assembly or the Code that generally prohibits such use, but that limitations may exist on a case-by-case basis that may prohibit the use of a particular building, facility, or piece of equipment for the purposes set forth in this subsection.

§ 2.2-2360. Virginia Innovation Index.

A. The Authority shall develop, subject to approval by the Board, a Virginia Innovation Index (the Index), a comprehensive research and technology strategic plan for the Commonwealth to identify research areas worthy of Commonwealth economic development. The goal of the Index shall be to develop a cohesive and comprehensive framework through which to encourage collaboration between the Commonwealth's public institutions of higher education, private sector industries, and economic development entities in order to focus on the complete lifecycle of research, development, and commercialization. The framework shall serve as a means to (i) identify the Commonwealth's key industry sectors in which investments in technology should be made by the Commonwealth; (ii) identify basic and applied research opportunities in these sectors that exhibit commercial promise; (iii) encourage commercialization and economic development activities in the Commonwealth in these sectors; and (iv) help ensure that investments of public funds in the Commonwealth in basic and applied research are made prudently in focused areas for projects with significant potential for commercialization and economic growth in the Commonwealth.

B. The Index shall be used to determine areas of focus for grants, loans, and investments by the Authority pursuant to this article.

C. In developing the Index, the Authority shall:

1. Consult with the chief research officers at public institutions of higher education in the Commonwealth regarding the strategic plan for each institution in order to identify common themes;

2. Consult with public institutions of higher education in the Commonwealth, the Virginia Economic Development Partnership, and any other entity deemed relevant to catalog the Commonwealth's assets in order to identify the areas of research and development in which the Commonwealth has a great likelihood of excelling in applied research and commercialization;

3. Make recommendations for the alignment of research and development and economic growth in the Commonwealth, identifying the industry sectors in which the Commonwealth should focus its research, development, investment, and economic development efforts;

4. Establish a process for maintaining an inventory of the Commonwealth's current research and development endeavors in both the public and private sectors that can be used to attract research and commercialization excellence in the Commonwealth;

5. Make recommendations to the Six-Year Capital Outlay Plan Advisory Committee established pursuant to § 2.2-1516 regarding capital construction needs at public institutions of higher education necessary to excel in basic and applied research in identified industry sectors;

6. Solicit feedback from public and private institutions of higher education in the Commonwealth; members of the National Academies of Sciences, Engineering and Medicine; members of the Virginia Academy of Science, Engineering and Medicine; federal research and development assets in the Commonwealth; regional technology councils in the Commonwealth; the Virginia Economic Development Partnership; the Virginia Growth and Opportunity Board; and the private sector;

7. Consult with private industry and industry leaders to identify areas of research and development in which the Commonwealth has a great likelihood of excelling in applied research and commercialization; and

8. Incorporate the work of previous comprehensive research and technology strategic plans developed by the State Council on Higher Education in Virginia.

D. The Authority shall review the Index and make recommendations regarding its update at least once every two years. Such recommended updates shall be submitted to the Board for review and approval.

E. The Authority shall submit a draft of the Index to the Governor and the Chairmen of the Senate Committee on Finance and Appropriations, the House Committee on Appropriations, and the Joint Commission on Technology and Science at least 30 days prior to the Board voting to approve the Index or any subsequent updates. Upon final approval, the Authority shall submit the approved Index, and any subsequent updates, to the Chairmen of the Senate Committee on Finance and Appropriations, the House Committee on Appropriations, and the Joint Commission on Technology and Science.

§ 2.2-2361. Grants or loans of public or private funds.

The Authority may accept, receive, receipt for, disburse, and expend federal and state moneys and other moneys, public or private, made available by grant or loan or both or otherwise, to accomplish, in whole or in part, any of the purposes of this article. All federal moneys accepted under this section shall be accepted and expended by the Authority upon such terms and conditions as are prescribed by the United States and as are consistent with state law; and all state moneys accepted under this section shall be accepted and expended by the Authority upon such terms and conditions as are prescribed by the Commonwealth.

§ 2.2-2362. Moneys of Authority; examination of books by the Auditor of Public Accounts.

All moneys of the Authority, from whatever source derived, shall be paid to the treasurer of the Authority. Such moneys shall be deposited in the first instance by the treasurer in one or more banks or trust companies, in one or more special accounts. All banks and trust companies are authorized to give such security for such deposits, if required by the Authority. The moneys in such accounts shall be paid out on the warrant or other order of the treasurer of the Authority or of other persons as the Authority may authorize to execute such warrants or orders. The Auditor of Public Accounts or his legally authorized representatives shall examine the accounts and books of the Authority.

§ 2.2-2363. Exemption from taxes or assessments.

The exercise of the powers granted by this article shall be in all respects for the benefit of the people of the Commonwealth, for the increase of their commerce and prosperity, and for the improvement of their health and living conditions, and as the operation and maintenance of projects by the Authority and the undertaking of activities in furtherance of the purpose of the Authority constitute the performance of essential governmental functions, the Authority shall not be required to pay any taxes or assessments upon any project or any property acquired or used by the Authority under the provisions of this article or upon the income therefrom, including sales and use taxes on tangible personal property used in the operations of the Authority, and shall at all times be free from state and local taxation. The exemption granted in this section shall not be construed to extend to persons conducting on the premises of a facility businesses for which local or state taxes would otherwise be required.

§ 2.2-2364. Exemption of Authority from personnel and procurement procedures.

The provisions of the Virginia Personnel Act (§ 2.2-2900 et seq.) and the Virginia Public Procurement Act (§ 2.2-4300 et seq.) shall not apply to the Authority in the exercise of any power conferred under this article.

§ 2.2-3705.6. Exclusions to application of chapter; proprietary records and trade secrets.

The following information contained in a public record is excluded from the mandatory disclosure provisions of this chapter but may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law. Redaction of information excluded under this section from a public record shall be conducted in accordance with § 2.2-3704.01.

1. Proprietary information gathered by or for the Virginia Port Authority as provided in § 62.1-132.4 or 62.1-134.1.
2. Financial statements not publicly available filed with applications for industrial development financings in accordance with Chapter 49 (§ 15.2-4900 et seq.) of Title 15.2.
3. Proprietary information, voluntarily provided by private business pursuant to a promise of confidentiality from a public body, used by the public body for business, trade, and tourism development or retention; and memoranda, working papers, or other information related to businesses that are considering locating or expanding in Virginia, prepared by a public body, where competition or bargaining is involved and where disclosure of such information would adversely affect the financial interest of the public body.
4. Information that was filed as confidential under the Toxic Substances Information Act (§ 32.1-239 et seq.), as such Act existed prior to July 1, 1992.
5. Fisheries data that would permit identification of any person or vessel, except when required by court order as specified in § 28.2-204.
6. Confidential financial statements, balance sheets, trade secrets, and revenue and cost projections provided to the Department of Rail and Public Transportation, provided such information is exempt under the federal Freedom of Information Act or the federal Interstate Commerce Act or other laws administered by the Surface Transportation Board or the Federal Railroad Administration with respect to data provided in confidence to the Surface Transportation Board and the Federal Railroad Administration.
7. Proprietary information related to inventory and sales, voluntarily provided by private energy suppliers to the Department of Mines, Minerals and Energy, used by that Department for energy contingency planning purposes or for developing consolidated statistical information on energy supplies.
8. Confidential proprietary information furnished to the Board of Medical Assistance Services or the Medicaid Prior Authorization Advisory Committee pursuant to Article 4 (§ 32.1-331.12 et seq.) of Chapter 10 of Title 32.1.
9. Proprietary, commercial or financial information, balance sheets, trade secrets, and revenue and cost projections provided by a private transportation business to the Virginia Department of Transportation and the Department of Rail and Public Transportation for the purpose of conducting transportation studies needed to obtain grants or other financial assistance under the Transportation Equity Act for the 21st Century (P.L. 105-178) for transportation projects if disclosure of such information is exempt under the federal Freedom of Information Act or the federal Interstate Commerce Act or other laws administered by the Surface Transportation Board or the Federal Railroad Administration with respect to data provided in confidence to the Surface Transportation Board and the Federal Railroad Administration. However, the exclusion provided by this subdivision shall not apply to any wholly owned subsidiary of a public body.
10. Confidential information designated as provided in subsection F of § 2.2-4342 as trade secrets or proprietary information by any person in connection with a procurement transaction or by any person who has submitted to a public body an application for prequalification to bid on public construction projects in accordance with subsection B of § 2.2-4317.
11. a. Memoranda, staff evaluations, or other information prepared by the responsible public entity, its staff, outside advisors, or consultants exclusively for the evaluation and negotiation of proposals filed under the Public-Private

Transportation Act of 1995 (§ 33.2-1800 et seq.) or the Public-Private Education Facilities and Infrastructure Act of 2002 (§ 56-575.1 et seq.) where (i) if such information was made public prior to or after the execution of an interim or a comprehensive agreement, § 33.2-1820 or 56-575.17 notwithstanding, the financial interest or bargaining position of the public entity would be adversely affected and (ii) the basis for the determination required in clause (i) is documented in writing by the responsible public entity; and

b. Information provided by a private entity to a responsible public entity, affected jurisdiction, or affected local jurisdiction pursuant to the provisions of the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.) or the Public-Private Education Facilities and Infrastructure Act of 2002 (§ 56-575.1 et seq.) if disclosure of such information would reveal (i) trade secrets of the private entity; (ii) financial information of the private entity, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise; or (iii) other information submitted by the private entity where if such information was made public prior to the execution of an interim agreement or a comprehensive agreement, the financial interest or bargaining position of the public or private entity would be adversely affected. In order for the information specified in clauses (i), (ii), and (iii) to be excluded from the provisions of this chapter, the private entity shall make a written request to the responsible public entity:

(1) Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;

(2) Identifying with specificity the data or other materials for which protection is sought; and

(3) Stating the reasons why protection is necessary.

The responsible public entity shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets or financial information of the private entity. To protect other information submitted by the private entity from disclosure, the responsible public entity shall determine whether public disclosure prior to the execution of an interim agreement or a comprehensive agreement would adversely affect the financial interest or bargaining position of the public or private entity. The responsible public entity shall make a written determination of the nature and scope of the protection to be afforded by the responsible public entity under this subdivision. Once a written determination is made by the responsible public entity, the information afforded protection under this subdivision shall continue to be protected from disclosure when in the possession of any affected jurisdiction or affected local jurisdiction.

Except as specifically provided in subdivision 11 a, nothing in this subdivision shall be construed to authorize the withholding of (a) procurement records as required by § 33.2-1820 or 56-575.17; (b) information concerning the terms and conditions of any interim or comprehensive agreement, service contract, lease, partnership, or any agreement of any kind entered into by the responsible public entity and the private entity; (c) information concerning the terms and conditions of any financing arrangement that involves the use of any public funds; or (d) information concerning the performance of any private entity developing or operating a qualifying transportation facility or a qualifying project.

For the purposes of this subdivision, the terms "affected jurisdiction," "affected local jurisdiction," "comprehensive agreement," "interim agreement," "qualifying project," "qualifying transportation facility," "responsible public entity," and "private entity" shall mean the same as those terms are defined in the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.) or in the Public-Private Education Facilities and Infrastructure Act of 2002 (§ 56-575.1 et seq.).

12. Confidential proprietary information or trade secrets, not publicly available, provided by a private person or entity pursuant to a promise of confidentiality to the Virginia Resources Authority or to a fund administered in connection with financial assistance rendered or to be rendered by the Virginia Resources Authority where, if such information were made public, the financial interest of the private person or entity would be adversely affected.

13. Trade secrets or confidential proprietary information that is not generally available to the public through regulatory disclosure or otherwise, provided by a (i) bidder or applicant for a franchise or (ii) franchisee under Chapter 21 (§ 15.2-2100 et seq.) of Title 15.2 to the applicable franchising authority pursuant to a promise of confidentiality from the franchising authority, to the extent the information relates to the bidder's, applicant's, or franchisee's financial capacity or provision of new services, adoption of new technologies or implementation of improvements, where such new services, technologies, or improvements have not been implemented by the franchisee on a nonexperimental scale in the franchise area, and where, if such information were made public, the competitive advantage or financial interests of the franchisee would be adversely affected.

In order for trade secrets or confidential proprietary information to be excluded from the provisions of this chapter, the bidder, applicant, or franchisee shall (a) invoke such exclusion upon submission of the data or other materials for which protection from disclosure is sought, (b) identify the data or other materials for which protection is sought, and (c) state the reason why protection is necessary.

No bidder, applicant, or franchisee may invoke the exclusion provided by this subdivision if the bidder, applicant, or franchisee is owned or controlled by a public body or if any representative of the applicable franchising authority serves on the management board or as an officer of the bidder, applicant, or franchisee.

14. Information of a proprietary or confidential nature furnished by a supplier or manufacturer of charitable gaming supplies to the Department of Agriculture and Consumer Services (i) pursuant to subsection E of § 18.2-340.34 and (ii) pursuant to regulations promulgated by the Charitable Gaming Board related to approval of electronic and mechanical equipment.

15. Information related to Virginia apple producer sales provided to the Virginia State Apple Board pursuant to § 3.2-1215.

16. Trade secrets submitted by CMRS providers as defined in § 56-484.12 to the former Wireless Carrier E-911 Cost Recovery Subcommittee created pursuant to former § 56-484.15, relating to the provision of wireless E-911 service.

17. Information relating to a grant or loan application, or accompanying a grant or loan application, to the ~~Innovation and Entrepreneurship Investment Authority pursuant to Article 3 (§ 2.2-2233.1 et seq.) of Chapter 22 of Title 2.2 or to the Commonwealth Health Research Board pursuant to Chapter 5.3 (§ 32.1-162.23 et seq.) of Title 32.1~~ if disclosure of such information would (i) reveal proprietary business or research-related information produced or collected by the applicant in the conduct of or as a result of study or research on medical, rehabilitative, scientific, technical, technological, or scholarly issues, when such information has not been publicly released, published, copyrighted, or patented, and (ii) be harmful to the competitive position of the applicant.

18. Confidential proprietary information and trade secrets developed and held by a local public body (i) providing telecommunication services pursuant to § 56-265.4:4 and (ii) providing cable television services pursuant to Article 1.1 (§ 15.2-2108.2 et seq.) of Chapter 21 of Title 15.2 if disclosure of such information would be harmful to the competitive position of the locality.

In order for confidential proprietary information or trade secrets to be excluded from the provisions of this chapter, the locality in writing shall (a) invoke the protections of this subdivision, (b) identify with specificity the information for which protection is sought, and (c) state the reasons why protection is necessary. However, the exemption provided by this subdivision shall not apply to any authority created pursuant to the BVU Authority Act (§ 15.2-7200 et seq.).

19. Confidential proprietary information and trade secrets developed by or for a local authority created in accordance with the Virginia Wireless Service Authorities Act (§ 15.2-5431.1 et seq.) to provide qualifying communications services as authorized by Article 5.1 (§ 56-484.7:1 et seq.) of Chapter 15 of Title 56, where disclosure of such information would be harmful to the competitive position of the authority, except that information required to be maintained in accordance with § 15.2-2160 shall be released.

20. Trade secrets or financial information of a business, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise, provided to the Department of Small Business and Supplier Diversity as part of an application for certification as a small, women-owned, or minority-owned business in accordance with Chapter 16.1 (§ 2.2-1603 et seq.). In order for such trade secrets or financial information to be excluded from the provisions of this chapter, the business shall (i) invoke such exclusion upon submission of the data or other materials for which protection from disclosure is sought, (ii) identify the data or other materials for which protection is sought, and (iii) state the reasons why protection is necessary.

21. Information of a proprietary or confidential nature disclosed by a carrier to the State Health Commissioner pursuant to §§ 32.1-276.5:1 and 32.1-276.7:1.

22. Trade secrets, including, but not limited to, financial information, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise, and revenue and cost projections supplied by a private or nongovernmental entity to the State Inspector General for the purpose of an audit, special investigation, or any study requested by the Office of the State Inspector General in accordance with law.

In order for the information specified in this subdivision to be excluded from the provisions of this chapter, the private or nongovernmental entity shall make a written request to the State Inspector General:

- a. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;
- b. Identifying with specificity the data or other materials for which protection is sought; and
- c. Stating the reasons why protection is necessary.

The State Inspector General shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets or financial information of the private entity. The State Inspector General shall make a written determination of the nature and scope of the protection to be afforded by it under this subdivision.

23. Information relating to a grant application, or accompanying a grant application, submitted to the Tobacco Region Revitalization Commission that would (i) reveal (a) trade secrets, (b) financial information of a grant applicant that is not a public body, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise, or (c) research-related information produced or collected by the applicant in the conduct of or as a result of study or research on medical, rehabilitative, scientific, technical, technological, or scholarly issues, when such information has not been publicly released, published, copyrighted, or patented, and (ii) be harmful to the competitive position of the applicant; and memoranda, staff evaluations, or other information prepared by the Commission or its staff exclusively for the evaluation of grant applications. The exclusion provided by this subdivision shall apply to grants that are consistent with the powers of and in furtherance of the performance of the duties of the Commission pursuant to § 3.2-3103.

In order for the information specified in this subdivision to be excluded from the provisions of this chapter, the applicant shall make a written request to the Commission:

- a. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;
- b. Identifying with specificity the data, information or other materials for which protection is sought; and
- c. Stating the reasons why protection is necessary.

The Commission shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets, financial information, or research-related information of the applicant. The Commission shall make a written determination of the nature and scope of the protection to be afforded by it under this subdivision.

24. a. Information held by the Commercial Space Flight Authority relating to rate structures or charges for the use of projects of, the sale of products of, or services rendered by the Authority if disclosure of such information would adversely affect the financial interest or bargaining position of the Authority or a private entity providing the information to the Authority; or

b. Information provided by a private entity to the Commercial Space Flight Authority if disclosure of such information would (i) reveal (a) trade secrets of the private entity; (b) financial information of the private entity, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise; or (c) other information submitted by the private entity and (ii) adversely affect the financial interest or bargaining position of the Authority or private entity.

In order for the information specified in clauses (a), (b), and (c) of subdivision 24 b to be excluded from the provisions of this chapter, the private entity shall make a written request to the Authority:

(1) Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;

(2) Identifying with specificity the data or other materials for which protection is sought; and

(3) Stating the reasons why protection is necessary.

The Authority shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets or financial information of the private entity. To protect other information submitted by the private entity from disclosure, the Authority shall determine whether public disclosure would adversely affect the financial interest or bargaining position of the Authority or private entity. The Authority shall make a written determination of the nature and scope of the protection to be afforded by it under this subdivision.

25. Information of a proprietary nature furnished by an agricultural landowner or operator to the Department of Conservation and Recreation, the Department of Environmental Quality, the Department of Agriculture and Consumer Services, or any political subdivision, agency, or board of the Commonwealth pursuant to §§ 10.1-104.7, 10.1-104.8, and 10.1-104.9, other than when required as part of a state or federal regulatory enforcement action.

26. Trade secrets provided to the Department of Environmental Quality pursuant to the provisions of § 10.1-1458. In order for such trade secrets to be excluded from the provisions of this chapter, the submitting party shall (i) invoke this exclusion upon submission of the data or materials for which protection from disclosure is sought, (ii) identify the data or materials for which protection is sought, and (iii) state the reasons why protection is necessary.

27. Information of a proprietary nature furnished by a licensed public-use airport to the Department of Aviation for funding from programs administered by the Department of Aviation or the Virginia Aviation Board, where if such information was made public, the financial interest of the public-use airport would be adversely affected.

In order for the information specified in this subdivision to be excluded from the provisions of this chapter, the public-use airport shall make a written request to the Department of Aviation:

a. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;

b. Identifying with specificity the data or other materials for which protection is sought; and

c. Stating the reasons why protection is necessary.

28. Information relating to a grant ~~or~~ loan, ~~or investment~~ application, or accompanying a grant ~~or~~ loan, ~~or investment~~ application, submitted to the ~~Commonwealth of Virginia Research Investment Committee~~ *Innovation Partnership Authority (the Authority)* established pursuant to Article 8 (~~§ 23.1-3130~~ *§ 2.2-2351* et seq.) of Chapter 31 ~~of Title 23.1~~ *22, an advisory committee of the Authority, or any other entity designated by the Authority to review such applications*, to the extent that such records would (i) reveal (a) trade secrets; (b) financial information of a party to a grant ~~or~~ loan, ~~or investment~~ application that is not a public body, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise; or (c) research-related information produced or collected by a party to the application in the conduct of or as a result of study or research on medical, rehabilitative, scientific, technical, technological, or scholarly issues, when such information has not been publicly released, published, copyrighted, or patented, and (ii) be harmful to the competitive position of a party to a grant ~~or~~ loan, ~~or investment~~ application; and memoranda, staff evaluations, or other information prepared by the ~~Committee~~ *Authority* or its staff, or a reviewing entity ~~pursuant to subsection D of § 23.1-3133~~ *designated by the Authority*, exclusively for the evaluation of grant, ~~or~~ loan, ~~or investment~~ applications, including any scoring or prioritization documents prepared for and forwarded to the ~~Committee~~ *Authority* pursuant to ~~subsection D of § 23.1-3133~~ *Authority*.

In order for the information submitted by the applicant and specified in this subdivision to be excluded from the provisions of this chapter, the applicant shall make a written request to the ~~Committee~~ *Authority*:

a. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;

b. Identifying with specificity the data, information, or other materials for which protection is sought; and

c. Stating the reasons why protection is necessary.

~~The Virginia Research Investment Committee shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets, financial information, or research-related information of the party to the application. The Committee shall make a written determination of the nature and scope of the protection to be afforded by it under this subdivision.~~

29. Proprietary information, voluntarily provided by a private business pursuant to a promise of confidentiality from a public body, used by the public body for a solar services agreement, where disclosure of such information would (i) reveal (a) trade secrets of the private business; (b) financial information of the private business, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise; or (c) other information submitted by the private business and (ii) adversely affect the financial interest or bargaining position of the public body or private business.

In order for the information specified in clauses (i)(a), (b), and (c) to be excluded from the provisions of this chapter, the private business shall make a written request to the public body:

a. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;

b. Identifying with specificity the data or other materials for which protection is sought; and

c. Stating the reasons why protection is necessary.

30. Information contained in engineering and construction drawings and plans submitted for the sole purpose of complying with the Building Code in obtaining a building permit if disclosure of such information would identify specific trade secrets or other information that would be harmful to the competitive position of the owner or lessee. However, such information shall be exempt only until the building is completed. Information relating to the safety or environmental soundness of any building shall not be exempt from disclosure.

31. Trade secrets, including, but not limited to, financial information, including balance sheets and financial statements that are not generally available to the public through regulatory disclosure or otherwise, and revenue and cost projections supplied by a private or nongovernmental entity to the Virginia Department of Transportation for the purpose of an audit, special investigation, or any study requested by the Virginia Department of Transportation in accordance with law.

In order for the records specified in this subdivision to be excluded from the provisions of this chapter, the private or nongovernmental entity shall make a written request to the Department:

a. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;

b. Identifying with specificity the data or other materials for which protection is sought; and

c. Stating the reasons why protection is necessary.

The Virginia Department of Transportation shall determine whether the requested exclusion from disclosure is necessary to protect trade secrets or financial records of the private entity. The Virginia Department of Transportation shall make a written determination of the nature and scope of the protection to be afforded by it under this subdivision.

32. Information related to a grant application, or accompanying a grant application, submitted to the Department of Housing and Community Development that would (i) reveal (a) trade secrets, (b) financial information of a grant applicant that is not a public body, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise, or (c) research-related information produced or collected by the applicant in the conduct of or as a result of study or research on medical, rehabilitative, scientific, technical, technological, or scholarly issues, when such information has not been publicly released, published, copyrighted, or patented, and (ii) be harmful to the competitive position of the applicant. The exclusion provided by this subdivision shall only apply to grants administered by the Department, the Director of the Department, or pursuant to § 36-139, Article 26 (§ 2.2-2484 et seq.) of Chapter 24, or the Virginia Telecommunication Initiative as authorized by the appropriations act.

In order for the information submitted by the applicant and specified in this subdivision to be excluded from the provisions of this chapter, the applicant shall make a written request to the Department:

a. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;

b. Identifying with specificity the data, information, or other materials for which protection is sought; and

c. Stating the reasons why protection is necessary.

The Department shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets or confidential proprietary information of the applicant. The Department shall make a written determination of the nature and scope of the protection to be afforded by it under this subdivision.

§ 2.2-3705.7. Exclusions to application of chapter; records of specific public bodies and certain other limited exclusions.

The following information contained in a public record is excluded from the mandatory disclosure provisions of this chapter but may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law. Redaction of information excluded under this section from a public record shall be conducted in accordance with § 2.2-3704.01.

1. State income, business, and estate tax returns, personal property tax returns, and confidential records held pursuant to § 58.1-3.

2. Working papers and correspondence of the Office of the Governor, the Lieutenant Governor, or the Attorney General; the members of the General Assembly, the Division of Legislative Services, or the Clerks of the House of Delegates or the Senate of Virginia; the mayor or chief executive officer of any political subdivision of the Commonwealth; or the president or other chief executive officer of any public institution of higher education in the Commonwealth. However, no information that is otherwise open to inspection under this chapter shall be deemed excluded by virtue of the fact that it has been attached to or incorporated within any working paper or correspondence. Further, information publicly available or not otherwise subject to an exclusion under this chapter or other provision of law that has been aggregated, combined, or changed in format without substantive analysis or revision shall not be deemed working papers. Nothing in this subdivision shall be construed to authorize the withholding of any resumes or applications submitted by persons who are appointed by the Governor pursuant to § 2.2-106 or 2.2-107.

As used in this subdivision:

"Members of the General Assembly" means each member of the Senate of Virginia and the House of Delegates and their legislative aides when working on behalf of such member.

"Office of the Governor" means the Governor; the Governor's chief of staff, counsel, director of policy, and Cabinet Secretaries; the Assistant to the Governor for Intergovernmental Affairs; and those individuals to whom the Governor has delegated his authority pursuant to § 2.2-104.

"Working papers" means those records prepared by or for a public official identified in this subdivision for his personal or deliberative use.

3. Information contained in library records that can be used to identify (i) both (a) any library patron who has borrowed material from a library and (b) the material such patron borrowed or (ii) any library patron under 18 years of age. For the purposes of clause (ii), access shall not be denied to the parent, including a noncustodial parent, or guardian of such library patron.

4. Contract cost estimates prepared for the confidential use of the Department of Transportation in awarding contracts for construction or the purchase of goods or services, and records and automated systems prepared for the Department's Bid Analysis and Monitoring Program.

5. Lists of registered owners of bonds issued by a political subdivision of the Commonwealth, whether the lists are maintained by the political subdivision itself or by a single fiduciary designated by the political subdivision.

6. Information furnished by a member of the General Assembly to a meeting of a standing committee, special committee, or subcommittee of his house established solely for the purpose of reviewing members' annual disclosure statements and supporting materials filed under § 30-110 or of formulating advisory opinions to members on standards of conduct, or both.

7. Customer account information of a public utility affiliated with a political subdivision of the Commonwealth, including the customer's name and service address, but excluding the amount of utility service provided and the amount of money charged or paid for such utility service.

8. Personal information, as defined in § 2.2-3801, (i) filed with the Virginia Housing Development Authority concerning individuals who have applied for or received loans or other housing assistance or who have applied for occupancy of or have occupied housing financed, owned or otherwise assisted by the Virginia Housing Development Authority; (ii) concerning persons participating in or persons on the waiting list for federally funded rent-assistance programs; (iii) filed with any local redevelopment and housing authority created pursuant to § 36-4 concerning persons participating in or persons on the waiting list for housing assistance programs funded by local governments or by any such authority; or (iv) filed with any local redevelopment and housing authority created pursuant to § 36-4 or any other local government agency concerning persons who have applied for occupancy or who have occupied affordable dwelling units established pursuant to § 15.2-2304 or 15.2-2305. However, access to one's own information shall not be denied.

9. Information regarding the siting of hazardous waste facilities, except as provided in § 10.1-1441, if disclosure of such information would have a detrimental effect upon the negotiating position of a governing body or on the establishment of the terms, conditions, and provisions of the siting agreement.

10. Information on the site-specific location of rare, threatened, endangered, or otherwise imperiled plant and animal species, natural communities, caves, and significant historic and archaeological sites if, in the opinion of the public body that has the responsibility for such information, disclosure of the information would jeopardize the continued existence or the integrity of the resource. This exclusion shall not apply to requests from the owner of the land upon which the resource is located.

11. Memoranda, graphics, video or audio tapes, production models, data, and information of a proprietary nature produced by or for or collected by or for the Virginia Lottery relating to matters of a specific lottery game design, development, production, operation, ticket price, prize structure, manner of selecting the winning ticket, manner of payment of prizes to holders of winning tickets, frequency of drawings or selections of winning tickets, odds of winning, advertising, or marketing, where such information not been publicly released, published, copyrighted, or patented. Whether released, published, or copyrighted, all game-related information shall be subject to public disclosure under this chapter upon the first day of sales for the specific lottery game to which it pertains.

12. Information held by the Virginia Retirement System, acting pursuant to § 51.1-124.30, or a local retirement system, acting pursuant to § 51.1-803, or by a local finance board or board of trustees of a trust established by one or more local public bodies to invest funds for post-retirement benefits other than pensions, acting pursuant to Article 8 (§ 15.2-1544

et seq.) of Chapter 15 of Title 15.2, or by the board of visitors of the University of Virginia, acting pursuant to § 23.1-2210, or by the board of visitors of The College of William and Mary in Virginia, acting pursuant to § 23.1-2803, or by the Virginia College Savings Plan, acting pursuant to § 23.1-704, relating to the acquisition, holding, or disposition of a security or other ownership interest in an entity, where such security or ownership interest is not traded on a governmentally regulated securities exchange, if disclosure of such information would (i) reveal confidential analyses prepared for the board of visitors of the University of Virginia, prepared for the board of visitors of The College of William and Mary in Virginia, prepared by the retirement system, a local finance board or board of trustees, or the Virginia College Savings Plan, or provided to the retirement system, a local finance board or board of trustees, or the Virginia College Savings Plan under a promise of confidentiality of the future value of such ownership interest or the future financial performance of the entity and (ii) have an adverse effect on the value of the investment to be acquired, held, or disposed of by the retirement system, a local finance board or board of trustees, the board of visitors of the University of Virginia, the board of visitors of The College of William and Mary in Virginia, or the Virginia College Savings Plan. Nothing in this subdivision shall be construed to prevent the disclosure of information relating to the identity of any investment held, the amount invested, or the present value of such investment.

13. Financial, medical, rehabilitative, and other personal information concerning applicants for or recipients of loan funds submitted to or maintained by the Assistive Technology Loan Fund Authority under Chapter 11 (§ 51.5-53 et seq.) of Title 51.5.

14. Information held by the Virginia Commonwealth University Health System Authority pertaining to any of the following: an individual's qualifications for or continued membership on its medical or teaching staffs; proprietary information gathered by or in the possession of the Authority from third parties pursuant to a promise of confidentiality; contract cost estimates prepared for confidential use in awarding contracts for construction or the purchase of goods or services; information of a proprietary nature produced or collected by or for the Authority or members of its medical or teaching staffs; financial statements not publicly available that may be filed with the Authority from third parties; the identity, accounts, or account status of any customer of the Authority; consulting or other reports paid for by the Authority to assist the Authority in connection with its strategic planning and goals; the determination of marketing and operational strategies where disclosure of such strategies would be harmful to the competitive position of the Authority; and information of a proprietary nature produced or collected by or for employees of the Authority, other than the Authority's financial or administrative records, in the conduct of or as a result of study or research on medical, scientific, technical, or scholarly issues, whether sponsored by the Authority alone or in conjunction with a governmental body or a private concern, when such information has not been publicly released, published, copyrighted, or patented. This exclusion shall also apply when such information is in the possession of Virginia Commonwealth University.

15. Information held by the Department of Environmental Quality, the State Water Control Board, the State Air Pollution Control Board, or the Virginia Waste Management Board relating to (i) active federal environmental enforcement actions that are considered confidential under federal law and (ii) enforcement strategies, including proposed sanctions for enforcement actions. Upon request, such information shall be disclosed after a proposed sanction resulting from the investigation has been proposed to the director of the agency. This subdivision shall not be construed to prevent the disclosure of information related to inspection reports, notices of violation, and documents detailing the nature of any environmental contamination that may have occurred or similar documents.

16. Information related to the operation of toll facilities that identifies an individual, vehicle, or travel itinerary, including vehicle identification data or vehicle enforcement system information; video or photographic images; Social Security or other identification numbers appearing on driver's licenses; credit card or bank account data; home addresses; phone numbers; or records of the date or time of toll facility use.

17. Information held by the Virginia Lottery pertaining to (i) the social security number, tax identification number, state sales tax number, home address and telephone number, personal and lottery banking account and transit numbers of a retailer, and financial information regarding the nonlottery operations of specific retail locations and (ii) individual lottery winners, except that a winner's name, hometown, and amount won shall be disclosed. If the value of the prize won by the winner exceeds \$10 million, the information described in clause (ii) shall not be disclosed unless the winner consents in writing to such disclosure.

18. Information held by the Board for Branch Pilots relating to the chemical or drug testing of a person regulated by the Board, where such person has tested negative or has not been the subject of a disciplinary action by the Board for a positive test result.

19. Information pertaining to the planning, scheduling, and performance of examinations of holder records pursuant to the Virginia Disposition of Unclaimed Property Act (§ 55.1-2500 et seq.) prepared by or for the State Treasurer or his agents or employees or persons employed to perform an audit or examination of holder records.

20. Information held by the Virginia Department of Emergency Management or a local governing body relating to citizen emergency response teams established pursuant to an ordinance of a local governing body that reveal the name, address, including e-mail address, telephone or pager numbers, or operating schedule of an individual participant in the program.

21. Information held by state or local park and recreation departments and local and regional park authorities concerning identifiable individuals under the age of 18 years. However, nothing in this subdivision shall operate to prevent the disclosure of information defined as directory information under regulations implementing the Family Educational

Rights and Privacy Act, 20 U.S.C. § 1232g, unless the public body has undertaken the parental notification and opt-out requirements provided by such regulations. Access shall not be denied to the parent, including a noncustodial parent, or guardian of such person, unless the parent's parental rights have been terminated or a court of competent jurisdiction has restricted or denied such access. For such information of persons who are emancipated, the right of access may be asserted by the subject thereof. Any parent or emancipated person who is the subject of the information may waive, in writing, the protections afforded by this subdivision. If the protections are so waived, the public body shall open such information for inspection and copying.

22. Information submitted for inclusion in the Statewide Alert Network administered by the Department of Emergency Management that reveal names, physical addresses, email addresses, computer or internet protocol information, telephone numbers, pager numbers, other wireless or portable communications device information, or operating schedules of individuals or agencies, where the release of such information would compromise the security of the Statewide Alert Network or individuals participating in the Statewide Alert Network.

23. Information held by the Judicial Inquiry and Review Commission made confidential by § 17.1-913.

24. Information held by the Virginia Retirement System acting pursuant to § 51.1-124.30, a local retirement system acting pursuant to § 51.1-803 (hereinafter collectively referred to as the retirement system), or the Virginia College Savings Plan, acting pursuant to § 23.1-704 relating to:

a. Internal deliberations of or decisions by the retirement system or the Virginia College Savings Plan on the pursuit of particular investment strategies, or the selection or termination of investment managers, prior to the execution of such investment strategies or the selection or termination of such managers, if disclosure of such information would have an adverse impact on the financial interest of the retirement system or the Virginia College Savings Plan; and

b. Trade secrets provided by a private entity to the retirement system or the Virginia College Savings Plan if disclosure of such records would have an adverse impact on the financial interest of the retirement system or the Virginia College Savings Plan.

For the records specified in subdivision b to be excluded from the provisions of this chapter, the entity shall make a written request to the retirement system or the Virginia College Savings Plan:

(1) Invoking such exclusion prior to or upon submission of the data or other materials for which protection from disclosure is sought;

(2) Identifying with specificity the data or other materials for which protection is sought; and

(3) Stating the reasons why protection is necessary.

The retirement system or the Virginia College Savings Plan shall determine whether the requested exclusion from disclosure meets the requirements set forth in subdivision b.

Nothing in this subdivision shall be construed to prevent the disclosure of the identity or amount of any investment held or the present value and performance of all asset classes and subclasses.

25. Information held by the Department of Corrections made confidential by § 53.1-233.

26. Information maintained by the Department of the Treasury or participants in the Local Government Investment Pool (§ 2.2-4600 et seq.) and required to be provided by such participants to the Department to establish accounts in accordance with § 2.2-4602.

27. Personal information, as defined in § 2.2-3801, contained in the Veterans Care Center Resident Trust Funds concerning residents or patients of the Department of Veterans Services Care Centers, except that access shall not be denied to the person who is the subject of the information.

28. Information maintained in connection with fundraising activities by the Veterans Services Foundation pursuant to § 2.2-2716 that reveal the address, electronic mail address, facsimile or telephone number, social security number or other identification number appearing on a driver's license, or credit card or bank account data of identifiable donors, except that access shall not be denied to the person who is the subject of the information. Nothing in this subdivision, however, shall be construed to prevent the disclosure of information relating to the amount, date, purpose, and terms of the pledge or donation or the identity of the donor, unless the donor has requested anonymity in connection with or as a condition of making a pledge or donation. The exclusion provided by this subdivision shall not apply to protect from disclosure (i) the identities of sponsors providing grants to or contracting with the foundation for the performance of services or other work or (ii) the terms and conditions of such grants or contracts.

29. Information prepared for and utilized by the Commonwealth's Attorneys' Services Council in the training of state prosecutors or law-enforcement personnel, where such information is not otherwise available to the public and the disclosure of such information would reveal confidential strategies, methods, or procedures to be employed in law-enforcement activities or materials created for the investigation and prosecution of a criminal case.

30. Information provided to the Department of Aviation by other entities of the Commonwealth in connection with the operation of aircraft where the information would not be subject to disclosure by the entity providing the information. The entity providing the information to the Department of Aviation shall identify the specific information to be protected and the applicable provision of this chapter that excludes the information from mandatory disclosure.

31. Information created or maintained by or on the behalf of the judicial performance evaluation program related to an evaluation of any individual justice or judge made confidential by § 17.1-100.

32. Information reflecting the substance of meetings in which (i) individual sexual assault cases are discussed by any sexual assault response team established pursuant to § 15.2-1627.4, (ii) individual child abuse or neglect cases or sex

offenses involving a child are discussed by multidisciplinary child sexual abuse response teams established pursuant to § 15.2-1627.5, or (iii) individual cases of abuse, neglect, or exploitation of adults as defined in § 63.2-1603 are discussed by multidisciplinary teams established pursuant to §§ 15.2-1627.5 and 63.2-1605. The findings of any such team may be disclosed or published in statistical or other aggregated form that does not disclose the identity of specific individuals.

33. Information contained in the strategic plan, marketing plan, or operational plan prepared by the Virginia Economic Development Partnership Authority pursuant to § 2.2-2237.1 regarding target companies, specific allocation of resources and staff for marketing activities, and specific marketing activities that would reveal to the Commonwealth's competitors for economic development projects the strategies intended to be deployed by the Commonwealth, thereby adversely affecting the financial interest of the Commonwealth. The executive summaries of the strategic plan, marketing plan, and operational plan shall not be redacted or withheld pursuant to this subdivision.

34. Information discussed in a closed session of the Physical Therapy Compact Commission or the Executive Board or other committees of the Commission for purposes set forth in subsection E of § 54.1-3491.

35. *Information held by the Commonwealth of Virginia Innovation Partnership Authority (the Authority), an advisory committee of the Authority, or any other entity designated by the Authority, relating to (i) internal deliberations or decisions by the Authority on the pursuit of particular investment strategies prior to the execution of such investment strategies and (ii) trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), provided by a private entity to the Authority, if such disclosure of records pursuant to clause (i) or (ii) would have an adverse impact on the financial interest of the Authority or a private entity.*

§ 2.2-3711. Closed meetings authorized for certain limited purposes.

A. Public bodies may hold closed meetings only for the following purposes:

1. Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body; and evaluation of performance of departments or schools of public institutions of higher education where such evaluation will necessarily involve discussion of the performance of specific individuals. Any teacher shall be permitted to be present during a closed meeting in which there is a discussion or consideration of a disciplinary matter that involves the teacher and some student and the student involved in the matter is present, provided the teacher makes a written request to be present to the presiding officer of the appropriate board. Nothing in this subdivision, however, shall be construed to authorize a closed meeting by a local governing body or an elected school board to discuss compensation matters that affect the membership of such body or board collectively.

2. Discussion or consideration of admission or disciplinary matters or any other matters that would involve the disclosure of information contained in a scholastic record concerning any student of any public institution of higher education in the Commonwealth or any state school system. However, any such student, legal counsel and, if the student is a minor, the student's parents or legal guardians shall be permitted to be present during the taking of testimony or presentation of evidence at a closed meeting, if such student, parents, or guardians so request in writing and such request is submitted to the presiding officer of the appropriate board.

3. Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

4. The protection of the privacy of individuals in personal matters not related to public business.

5. Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community.

6. Discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected.

7. Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body. For the purposes of this subdivision, "probable litigation" means litigation that has been specifically threatened or on which the public body or its legal counsel has a reasonable basis to believe will be commenced by or against a known party. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.

8. Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.

9. Discussion or consideration by governing boards of public institutions of higher education of matters relating to gifts, bequests and fund-raising activities, and of grants and contracts for services or work to be performed by such institution. However, the terms and conditions of any such gifts, bequests, grants, and contracts made by a foreign government, a foreign legal entity, or a foreign person and accepted by a public institution of higher education in the Commonwealth shall be subject to public disclosure upon written request to the appropriate board of visitors. For the purpose of this subdivision, (i) "foreign government" means any government other than the United States government or the government of a state or a political subdivision thereof, (ii) "foreign legal entity" means any legal entity (a) created under the laws of the United States or of any state thereof if a majority of the ownership of the stock of such legal entity is owned

by foreign governments or foreign persons or if a majority of the membership of any such entity is composed of foreign persons or foreign legal entities or (b) created under the laws of a foreign government, and (iii) "foreign person" means any individual who is not a citizen or national of the United States or a trust territory or protectorate thereof.

10. Discussion or consideration by the boards of trustees of the Virginia Museum of Fine Arts, the Virginia Museum of Natural History, the Jamestown-Yorktown Foundation, the Fort Monroe Authority, and The Science Museum of Virginia of matters relating to specific gifts, bequests, and grants from private sources.

11. Discussion or consideration of honorary degrees or special awards.

12. Discussion or consideration of tests, examinations, or other information used, administered, or prepared by a public body and subject to the exclusion in subdivision 4 of § 2.2-3705.1.

13. Discussion, consideration, or review by the appropriate House or Senate committees of possible disciplinary action against a member arising out of the possible inadequacy of the disclosure statement filed by the member, provided the member may request in writing that the committee meeting not be conducted in a closed meeting.

14. Discussion of strategy with respect to the negotiation of a hazardous waste siting agreement or to consider the terms, conditions, and provisions of a hazardous waste siting agreement if the governing body in open meeting finds that an open meeting will have an adverse effect upon the negotiating position of the governing body or the establishment of the terms, conditions and provisions of the siting agreement, or both. All discussions with the applicant or its representatives may be conducted in a closed meeting.

15. Discussion by the Governor and any economic advisory board reviewing forecasts of economic activity and estimating general and nongeneral fund revenues.

16. Discussion or consideration of medical and mental health records subject to the exclusion in subdivision 1 of § 2.2-3705.5.

17. Deliberations of the Virginia Lottery Board in a licensing appeal action conducted pursuant to subsection D of § 58.1-4007 regarding the denial or revocation of a license of a lottery sales agent; and discussion, consideration or review of Virginia Lottery matters related to proprietary lottery game information and studies or investigations excluded from disclosure under subdivision 6 of § 2.2-3705.3 and subdivision 11 of § 2.2-3705.7.

18. Those portions of meetings in which the Board of Corrections discusses or discloses the identity of, or information tending to identify, any prisoner who (i) provides information about crimes or criminal activities, (ii) renders assistance in preventing the escape of another prisoner or in the apprehension of an escaped prisoner, or (iii) voluntarily or at the instance of a prison official renders other extraordinary services, the disclosure of which is likely to jeopardize the prisoner's life or safety.

19. Discussion of plans to protect public safety as it relates to terrorist activity or specific cybersecurity threats or vulnerabilities and briefings by staff members, legal counsel, or law-enforcement or emergency service officials concerning actions taken to respond to such matters or a related threat to public safety; discussion of information subject to the exclusion in subdivision 2 or 14 of § 2.2-3705.2, where discussion in an open meeting would jeopardize the safety of any person or the security of any facility, building, structure, information technology system, or software program; or discussion of reports or plans related to the security of any governmental facility, building or structure, or the safety of persons using such facility, building or structure.

20. Discussion by the Board of the Virginia Retirement System, acting pursuant to § 51.1-124.30, or of any local retirement system, acting pursuant to § 51.1-803, or by a local finance board or board of trustees of a trust established by one or more local public bodies to invest funds for postemployment benefits other than pensions, acting pursuant to Article 8 (§ 15.2-1544 et seq.) of Chapter 15 of Title 15.2, or by the board of visitors of the University of Virginia, acting pursuant to § 23.1-2210, or by the Board of the Virginia College Savings Plan, acting pursuant to § 23.1-706, regarding the acquisition, holding or disposition of a security or other ownership interest in an entity, where such security or ownership interest is not traded on a governmentally regulated securities exchange, to the extent that such discussion (i) concerns confidential analyses prepared for the board of visitors of the University of Virginia, prepared by the retirement system, or a local finance board or board of trustees, or the Virginia College Savings Plan or provided to the retirement system, a local finance board or board of trustees, or the Virginia College Savings Plan under a promise of confidentiality, of the future value of such ownership interest or the future financial performance of the entity, and (ii) would have an adverse effect on the value of the investment to be acquired, held, or disposed of by the retirement system, a local finance board or board of trustees, the board of visitors of the University of Virginia, or the Virginia College Savings Plan. Nothing in this subdivision shall be construed to prevent the disclosure of information relating to the identity of any investment held, the amount invested or the present value of such investment.

21. Those portions of meetings in which individual child death cases are discussed by the State Child Fatality Review Team established pursuant to § 32.1-283.1, those portions of meetings in which individual child death cases are discussed by a regional or local child fatality review team established pursuant to § 32.1-283.2, those portions of meetings in which individual death cases are discussed by family violence fatality review teams established pursuant to § 32.1-283.3, those portions of meetings in which individual adult death cases are discussed by the state Adult Fatality Review Team established pursuant to § 32.1-283.5, those portions of meetings in which individual adult death cases are discussed by a local or regional adult fatality review team established pursuant to § 32.1-283.6, those portions of meetings in which individual death cases are discussed by overdose fatality review teams established pursuant to § 32.1-283.7, and those

portions of meetings in which individual maternal death cases are discussed by the Maternal Mortality Review Team pursuant to § 32.1-283.8.

22. Those portions of meetings of the board of visitors of the University of Virginia or the Eastern Virginia Medical School Board of Visitors, as the case may be, and those portions of meetings of any persons to whom management responsibilities for the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, have been delegated, in which there is discussed proprietary, business-related information pertaining to the operations of the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, including business development or marketing strategies and activities with existing or future joint venturers, partners, or other parties with whom the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, has formed, or forms, any arrangement for the delivery of health care, if disclosure of such information would adversely affect the competitive position of the Medical Center or Eastern Virginia Medical School, as the case may be.

23. Discussion or consideration by the Virginia Commonwealth University Health System Authority or the board of visitors of Virginia Commonwealth University of any of the following: the acquisition or disposition by the Authority of real property, equipment, or technology software or hardware and related goods or services, where disclosure would adversely affect the bargaining position or negotiating strategy of the Authority; matters relating to gifts or bequests to, and fund-raising activities of, the Authority; grants and contracts for services or work to be performed by the Authority; marketing or operational strategies plans of the Authority where disclosure of such strategies or plans would adversely affect the competitive position of the Authority; and members of the Authority's medical and teaching staffs and qualifications for appointments thereto.

24. Those portions of the meetings of the Health Practitioners' Monitoring Program Committee within the Department of Health Professions to the extent such discussions identify any practitioner who may be, or who actually is, impaired pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1.

25. Meetings or portions of meetings of the Board of the Virginia College Savings Plan wherein personal information, as defined in § 2.2-3801, which has been provided to the Board or its employees by or on behalf of individuals who have requested information about, applied for, or entered into prepaid tuition contracts or savings trust account agreements pursuant to Chapter 7 (§ 23.1-700 et seq.) of Title 23.1 is discussed.

26. Discussion or consideration, by the former Wireless Carrier E-911 Cost Recovery Subcommittee created pursuant to former § 56-484.15, of trade secrets submitted by CMRS providers, as defined in § 56-484.12, related to the provision of wireless E-911 service.

27. Those portions of disciplinary proceedings by any regulatory board within the Department of Professional and Occupational Regulation, Department of Health Professions, or the Board of Accountancy conducted pursuant to § 2.2-4019 or 2.2-4020 during which the board deliberates to reach a decision or meetings of health regulatory boards or conference committees of such boards to consider settlement proposals in pending disciplinary actions or modifications to previously issued board orders as requested by either of the parties.

28. Discussion or consideration of information subject to the exclusion in subdivision 11 of § 2.2-3705.6 by a responsible public entity or an affected locality or public entity, as those terms are defined in § 33.2-1800, or any independent review panel appointed to review information and advise the responsible public entity concerning such records.

29. Discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body.

30. Discussion or consideration of grant or loan application information subject to the exclusion in subdivision 17 of § 2.2-3705.6 by ~~(i) the Commonwealth Health Research Board or (ii) the Innovation and Entrepreneurship Investment Authority or the Research and Technology Investment Advisory Committee appointed to advise the Innovation and Entrepreneurship Investment Authority.~~

31. Discussion or consideration by the Commitment Review Committee of information subject to the exclusion in subdivision 5 of § 2.2-3705.2 relating to individuals subject to commitment as sexually violent predators under Chapter 9 (§ 37.2-900 et seq.) of Title 37.2.

32. Discussion or consideration of confidential proprietary information and trade secrets developed and held by a local public body providing certain telecommunication services or cable television services and subject to the exclusion in subdivision 18 of § 2.2-3705.6. However, the exemption provided by this subdivision shall not apply to any authority created pursuant to the BVU Authority Act (§ 15.2-7200 et seq.).

33. Discussion or consideration by a local authority created in accordance with the Virginia Wireless Service Authorities Act (§ 15.2-5431.1 et seq.) of confidential proprietary information and trade secrets subject to the exclusion in subdivision 19 of § 2.2-3705.6.

34. Discussion or consideration by the State Board of Elections or local electoral boards of voting security matters made confidential pursuant to § 24.2-410.2 or 24.2-625.1.

35. Discussion or consideration by the Forensic Science Board or the Scientific Advisory Committee created pursuant to Article 2 (§ 9.1-1109 et seq.) of Chapter 11 of Title 9.1 of criminal investigative files subject to the exclusion in subdivision B 1 of § 2.2-3706.

36. Discussion or consideration by the Brown v. Board of Education Scholarship Committee of information or confidential matters subject to the exclusion in subdivision A 3 of § 2.2-3705.4, and meetings of the Committee to

deliberate concerning the annual maximum scholarship award, review and consider scholarship applications and requests for scholarship award renewal, and cancel, rescind, or recover scholarship awards.

37. Discussion or consideration by the Virginia Port Authority of information subject to the exclusion in subdivision 1 of § 2.2-3705.6 related to certain proprietary information gathered by or for the Virginia Port Authority.

38. Discussion or consideration by the Board of Trustees of the Virginia Retirement System acting pursuant to § 51.1-124.30, by the Investment Advisory Committee appointed pursuant to § 51.1-124.26, by any local retirement system, acting pursuant to § 51.1-803, by the Board of the Virginia College Savings Plan acting pursuant to § 23.1-706, or by the Virginia College Savings Plan's Investment Advisory Committee appointed pursuant to § 23.1-702 of information subject to the exclusion in subdivision 24 of § 2.2-3705.7.

39. Discussion or consideration of information subject to the exclusion in subdivision 3 of § 2.2-3705.6 related to economic development.

40. Discussion or consideration by the Board of Education of information relating to the denial, suspension, or revocation of teacher licenses subject to the exclusion in subdivision 11 of § 2.2-3705.3.

41. Those portions of meetings of the Virginia Military Advisory Council or any commission created by executive order for the purpose of studying and making recommendations regarding preventing closure or realignment of federal military and national security installations and facilities located in Virginia and relocation of such facilities to Virginia, or a local or regional military affairs organization appointed by a local governing body, during which there is discussion of information subject to the exclusion in subdivision 8 of § 2.2-3705.2.

42. Discussion or consideration by the Board of Trustees of the Veterans Services Foundation of information subject to the exclusion in subdivision 28 of § 2.2-3705.7 related to personally identifiable information of donors.

43. Discussion or consideration by the Virginia Tobacco Region Revitalization Commission of information subject to the exclusion in subdivision 23 of § 2.2-3705.6 related to certain information contained in grant applications.

44. Discussion or consideration by the board of directors of the Commercial Space Flight Authority of information subject to the exclusion in subdivision 24 of § 2.2-3705.6 related to rate structures or charges for the use of projects of, the sale of products of, or services rendered by the Authority and certain proprietary information of a private entity provided to the Authority.

45. Discussion or consideration of personal and proprietary information related to the resource management plan program and subject to the exclusion in (i) subdivision 25 of § 2.2-3705.6 or (ii) subsection E of § 10.1-104.7. This exclusion shall not apply to the discussion or consideration of records that contain information that has been certified for release by the person who is the subject of the information or transformed into a statistical or aggregate form that does not allow identification of the person who supplied, or is the subject of, the information.

46. Discussion or consideration by the Board of Directors of the Virginia Alcoholic Beverage Control Authority of information subject to the exclusion in subdivision 1 of § 2.2-3705.3 related to investigations of applicants for licenses and permits and of licensees and permittees.

47. Discussion or consideration of grant or, loan, or investment application records subject to the exclusion in subdivision 28 of § 2.2-3705.6 ~~related to the submission of an application for an award from the Virginia Research Investment Fund pursuant to Article 8 (§ 23.1-3130 et seq.) of Chapter 31 of Title 23.1 or interviews of parties to an application by a reviewing entity pursuant to subsection D of § 23.1-3133 or by the Virginia Research Investment Committee for a grant, loan, or investment pursuant to Article 11 (§ 2.2-2351 et seq.) of Chapter 22.~~

48. Discussion or development of grant proposals by a regional council established pursuant to Article 26 (§ 2.2-2484 et seq.) of Chapter 24 to be submitted for consideration to the Virginia Growth and Opportunity Board.

49. Discussion or consideration of (i) individual sexual assault cases by a sexual assault response team established pursuant to § 15.2-1627.4, (ii) individual child abuse or neglect cases or sex offenses involving a child by a child sexual abuse response team established pursuant to § 15.2-1627.5, or (iii) individual cases involving abuse, neglect, or exploitation of adults as defined in § 63.2-1603 pursuant to §§ 15.2-1627.5 and 63.2-1605.

50. Discussion or consideration by the Board of the Virginia Economic Development Partnership Authority, the Joint Legislative Audit and Review Commission, or any subcommittees thereof, of the portions of the strategic plan, marketing plan, or operational plan exempt from disclosure pursuant to subdivision 33 of § 2.2-3705.7.

51. Those portions of meetings of the subcommittee of the Board of the Virginia Economic Development Partnership Authority established pursuant to subsection F of § 2.2-2237.3 to review and discuss information received from the Virginia Employment Commission pursuant to subdivision C 2 of § 60.2-114.

52. *Discussion or consideration by the Commonwealth of Virginia Innovation Partnership Authority (the Authority), an advisory committee of the Authority, or any other entity designated by the Authority, of information subject to the exclusion in subdivision 35 of § 2.2-3705.7.*

B. No resolution, ordinance, rule, contract, regulation or motion adopted, passed or agreed to in a closed meeting shall become effective unless the public body, following the meeting, reconvenes in open meeting and takes a vote of the membership on such resolution, ordinance, rule, contract, regulation, or motion that shall have its substance reasonably identified in the open meeting.

C. Public officers improperly selected due to the failure of the public body to comply with the other provisions of this section shall be de facto officers and, as such, their official actions are valid until they obtain notice of the legal defect in their election.

D. Nothing in this section shall be construed to prevent the holding of conferences between two or more public bodies, or their representatives, but these conferences shall be subject to the same procedures for holding closed meetings as are applicable to any other public body.

E. This section shall not be construed to (i) require the disclosure of any contract between the Department of Health Professions and an impaired practitioner entered into pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1 or (ii) require the board of directors of any authority created pursuant to the Industrial Development and Revenue Bond Act (§ 15.2-4900 et seq.), or any public body empowered to issue industrial revenue bonds by general or special law, to identify a business or industry to which subdivision A 5 applies. However, such business or industry shall be identified as a matter of public record at least 30 days prior to the actual date of the board's authorization of the sale or issuance of such bonds.

§ 23.1-203. Duties of Council.

The Council shall:

1. Develop a statewide strategic plan that (i) reflects the goals set forth in subsection A of § 23.1-1002 or (ii) once adopted, reflects the goals and objectives developed pursuant to subdivision B 5 of § 23.1-309 for higher education in the Commonwealth, identifies a coordinated approach to such state and regional goals, and emphasizes the future needs for higher education in the Commonwealth at both the undergraduate and the graduate levels and the mission, programs, facilities, and location of each of the existing institutions of higher education, each public institution's six-year plan, and such other matters as the Council deems appropriate. The Council shall revise such plan at least once every six years and shall submit such recommendations as are necessary for the implementation of the plan to the Governor and the General Assembly.

2. Review and approve or disapprove any proposed change in the statement of mission of any public institution of higher education and define the mission of all newly created public institutions of higher education. The Council shall report such approvals, disapprovals, and definitions to the Governor and the General Assembly at least once every six years. No such actions shall become effective until 30 days after adjournment of the session of the General Assembly next following the filing of such a report. Nothing in this subdivision shall be construed to authorize the Council to modify any mission statement adopted by the General Assembly or empower the Council to affect, either directly or indirectly, the selection of faculty or the standards and criteria for admission of any public institution of higher education, whether relating to academic standards, residence, or other criteria. Faculty selection and student admission policies shall remain a function of the individual public institutions of higher education.

3. Study any proposed escalation of any public institution of higher education to a degree-granting level higher than that level to which it is presently restricted and submit a report and recommendation to the Governor and the General Assembly relating to the proposal. The study shall include the need for and benefits or detriments to be derived from the escalation. No such institution shall implement any such proposed escalation until the Council's report and recommendation have been submitted to the General Assembly and the General Assembly approves the institution's proposal.

4. Review and approve or disapprove all enrollment projections proposed by each public institution of higher education. The Council's projections shall be organized numerically by level of enrollment and shall be used solely for budgetary, fiscal, and strategic planning purposes. The Council shall develop estimates of the number of degrees to be awarded by each public institution of higher education and include those estimates in its reports of enrollment projections. The student admissions policies for such institutions and their specific programs shall remain the sole responsibility of the individual governing boards but all baccalaureate public institutions of higher education shall adopt dual admissions policies with comprehensive community colleges as required by § 23.1-907.

5. Review and approve or disapprove all new undergraduate or graduate academic programs that any public institution of higher education proposes.

6. Review and require the discontinuance of any undergraduate or graduate academic program that is presently offered by any public institution of higher education when the Council determines that such academic program is (i) nonproductive in terms of the number of degrees granted, the number of students served by the program, the program's effectiveness, and budgetary considerations or (ii) supported by state funds and unnecessarily duplicative of academic programs offered at other public institutions of higher education. The Council shall make a report to the Governor and the General Assembly with respect to the discontinuance of any such academic program. No such discontinuance shall become effective until 30 days after the adjournment of the session of the General Assembly next following the filing of such report.

7. Review and approve or disapprove the establishment of any department, school, college, branch, division, or extension of any public institution of higher education that such institution proposes to establish, whether located on or off the main campus of such institution. If any organizational change is determined by the Council to be proposed solely for the purpose of internal management and the institution's curricular offerings remain constant, the Council shall approve the proposed change. Nothing in this subdivision shall be construed to authorize the Council to disapprove the establishment of any such department, school, college, branch, division, or extension established by the General Assembly.

8. Review the proposed closure of any academic program in a high demand or critical shortage area, as defined by the Council, by any public institution of higher education and assist in the development of an orderly closure plan, when needed.

9. Develop a uniform, comprehensive data information system designed to gather all information necessary to the performance of the Council's duties. The system shall include information on admissions, enrollment, self-identified students with documented disabilities, personnel, programs, financing, space inventory, facilities, and such other areas as

the Council deems appropriate. When consistent with the Government Data Collection and Dissemination Practices Act (§ 2.2-3800 et seq.), the Virginia Unemployment Compensation Act (§ 60.2-100 et seq.), and applicable federal law, the Council, acting solely or in partnership with the Virginia Department of Education or the Virginia Employment Commission, may contract with private entities to create de-identified student records in which all personally identifiable information has been removed for the purpose of assessing the performance of institutions and specific programs relative to the workforce needs of the Commonwealth.

10. In cooperation with public institutions of higher education, develop guidelines for the assessment of student achievement. Each such institution shall use an approved program that complies with the guidelines of the Council and is consistent with the institution's mission and educational objectives in the development of such assessment. The Council shall report each institution's assessment of student achievement in the revisions to the Commonwealth's statewide strategic plan for higher education.

11. In cooperation with the appropriate state financial and accounting officials, develop and establish uniform standards and systems of accounting, recordkeeping, and statistical reporting for public institutions of higher education.

12. Review biennially and approve or disapprove all changes in the inventory of educational and general space that any public institution of higher education proposes and report such approvals and disapprovals to the Governor and the General Assembly. No such change shall become effective until 30 days after the adjournment of the session of the General Assembly next following the filing of such report.

13. Visit and study the operations of each public institution of higher education at such times as the Council deems appropriate and conduct such other studies in the field of higher education as the Council deems appropriate or as may be requested by the Governor or the General Assembly.

14. Provide advisory services to each accredited nonprofit private institution of higher education whose primary purpose is to provide collegiate or graduate education and not to provide religious training or theological education on academic, administrative, financial, and space utilization matters. The Council may review and advise on joint activities, including contracts for services between public institutions of higher education and such private institutions of higher education or between such private institutions of higher education and any agency or political subdivision of the Commonwealth.

15. Adopt such policies and regulations as the Council deems necessary to implement its duties established by state law. Each public institution of higher education shall comply with such policies and regulations.

16. Issue guidelines consistent with the provisions of the federal Family Educational Rights and Privacy Act (20 U.S.C. § 1232g), requiring public institutions of higher education to release a student's academic and disciplinary record to a student's parent.

17. Require each institution of higher education formed, chartered, or established in the Commonwealth after July 1, 1980, to ensure the preservation of student transcripts in the event of institutional closure or revocation of approval to operate in the Commonwealth. An institution may ensure the preservation of student transcripts by binding agreement with another institution of higher education with which it is not corporately connected or in such other way as the Council may authorize by regulation. In the event that an institution closes or has its approval to operate in the Commonwealth revoked, the Council, through its director, may take such action as is necessary to secure and preserve the student transcripts until such time as an appropriate institution accepts all or some of the transcripts. Nothing in this subdivision shall be deemed to interfere with the right of a student to his own transcripts or authorize disclosure of student records except as may otherwise be authorized by law.

18. Require the development and submission of articulation, dual admissions, and guaranteed admissions agreements between associate-degree-granting and baccalaureate public institutions of higher education.

19. Provide periodic updates of base adequacy funding guidelines adopted by the Joint Subcommittee Studying Higher Education Funding Policies for each public institution of higher education.

20. Develop, pursuant to the provisions of § 23.1-907, guidelines for articulation, dual admissions, and guaranteed admissions agreements, including guidelines related to a one-year Uniform Certificate of General Studies Program and a one-semester Passport Program to be offered at each comprehensive community college. The guidelines developed pursuant to this subdivision shall be developed in consultation with all public institutions of higher education in the Commonwealth, the Department of Education, and the Virginia Association of School Superintendents and shall ensure standardization, quality, and transparency in the implementation of the programs and agreements. At the discretion of the Council, private institutions of higher education eligible for tuition assistance grants may also be consulted.

21. Cooperate with the Board of Education in matters of interest to both public elementary and secondary schools and public institutions of higher education, particularly in connection with coordination of the college admission requirements, coordination of teacher training programs with the public school programs, and the Board of Education's Six-Year Educational Technology Plan for Virginia. The Council shall encourage public institutions of higher education to design programs that include the skills necessary for the successful implementation of such Plan.

22. Advise and provide technical assistance to the Brown v. Board of Education Scholarship Committee in the implementation and administration of the Brown v. Board of Education Scholarship Program pursuant to Chapter 34.1 (§ 30-231.01 et seq.) of Title 30.

23. Insofar as possible, seek the cooperation and utilize the facilities of existing state departments, institutions, and agencies in carrying out its duties.

24. Serve as the coordinating council for public institutions of higher education.
 25. Serve as the planning and coordinating agency for all postsecondary educational programs for all health professions and occupations and make recommendations, including those relating to financing, for providing adequate and coordinated educational programs to produce an appropriate supply of properly trained personnel. The Council may conduct such studies as it deems appropriate in furtherance of the requirements of this subdivision. All state departments and agencies shall cooperate with the Council in the execution of its responsibilities under this subdivision.
 26. Carry out such duties as the Governor may assign to it in response to agency designations requested by the federal government.
 27. Insofar as practicable, preserve the individuality, traditions, and sense of responsibility of each public institution of higher education in carrying out its duties.
 28. Insofar as practicable, seek the assistance and advice of each public institution of higher education in fulfilling its duties and responsibilities.
 29. ~~Develop the Commonwealth Research and Technology Strategic Roadmap pursuant to the provisions of § 23.1-3134 to be submitted to the Virginia Research Investment Committee for approval, and otherwise assist the Virginia Research Investment Committee with the administration of the Virginia Research Investment Fund consistent with the provisions of Article 8 (§ 23.1-3130 et seq.) of Chapter 31.~~
 30. Administer the Virginia Longitudinal Data System as a multiagency partnership for the purposes of developing educational, health, social service, and employment outcome data; improving the efficacy of state services; and aiding decision making.
2. That Article 3 (§§ 2.2-2218 through 2.2-2233.1) of Chapter 22 of Title 2.2, Article 8 (§§ 23.1-3130 through 23.1-3134) of Chapter 31 of Title 23.1, and § 51.1-124.38 of the Code of Virginia are repealed.
 3. That the initial appointment of nonlegislative citizen members to the Commonwealth of Virginia Innovation Partnership Authority made in accordance with the provisions of this act shall be staggered as follows: (i) one nonlegislative citizen member appointed by the Governor and one nonlegislative citizen member appointed by the Joint Rules Committee shall be appointed for a term of one year; (ii) one nonlegislative citizen member appointed by the Governor and one nonlegislative citizen member appointed by the Joint Rules Committee shall be appointed for a term of two years; (iii) one nonlegislative citizen member appointed by the Governor and one nonlegislative citizen member appointed by the Joint Rules Committee shall be appointed for a term of three years; and (iv) three nonlegislative citizen members appointed by the Governor shall be appointed for a term of four years. Any member appointed to an initial term of less than four years shall be eligible to serve two additional full four-year-terms.
 4. That any unobligated funds remaining in the Commonwealth Research Commercialization Fund or the Virginia Research Investment Fund upon the effective date of this act shall be transferred to the Commonwealth Commercialization Fund. Any funds remaining in the Commonwealth Growth Acceleration Program Fund upon the effective date of this act shall be transferred to the Commonwealth of Virginia Innovation Partnership Authority.
 5. That as of the effective date of this act, the Commonwealth of Virginia Innovation Partnership Authority (the Authority) shall be deemed the successor in interest to the Virginia Research Investment Committee and the Innovation and Entrepreneurship Investment Authority. Without limiting the foregoing, all right, title, and interest in and to any real or tangible personal property vested in the Virginia Research Investment Committee or the Innovation and Entrepreneurship Investment Authority as of the effective date of this act shall be transferred to and taken as standing in the name of the Authority.
 6. That the Commonwealth of Virginia Innovation Partnership Authority (the Authority) shall be the successor in interest to any grants, loans, or funds currently administered by the Innovation and Entrepreneurship Investment Authority, any entity controlled by the Innovation and Entrepreneurship Investment Authority, or the Virginia Research Investment Committee. All obligations, commitments, and contracts related to such grants, loans, or funds in place on June 30, 2020, shall remain valid obligations of the Authority.
 7. That the Center for Innovative Technology, as it exists on June 30, 2020, shall continue as a nonprofit, nonstock corporation of the Commonwealth of Virginia Innovation Partnership Authority (the Authority) pursuant to Article 11 (§ 2.2-2351 et seq.) of Chapter 22 of Title 2.2 of the Code of Virginia, as created by this act. The Center for Innovative Technology shall continue to administer all programs currently in operation on June 30, 2020, unless otherwise provided by the law. The Center for Innovative Technology shall continue to administer, monitor, and evaluate the award of grants, loans, or investments prior to July 1, 2020, from the Commonwealth Research Commercialization Fund and the Growth Accelerator Program Fund, and begin administration, monitoring, and evaluation of the award of grants or loans prior to July 1, 2020, from the Virginia Research Investment Fund, including the continuing oversight of reporting by grant, loan, and investment recipients for a period of five years following the award of such grants, loans, or investments, and the initiation of clawback proceedings when necessary related to any such grants, loans, or investments. The Authority shall rename the Center for Innovative Technology no later than July 1, 2021.
 8. That the provisions of this act repealing §§ 2.2-2220 and 23.1-3132 of the Code of Virginia shall become effective January 1, 2021. The Board of Directors of the Innovation and Entrepreneurship Investment Authority and the Virginia Research Investment Committee shall assist in the transition of its responsibilities to the Commonwealth of Virginia Innovative Partnership Authority (the Authority) no later than January 1, 2021.

CHAPTER 1165

An Act to amend the Code of Virginia by adding in Chapter 1 of Title 9.1 an article numbered 14, consisting of a section numbered 9.1-191, by adding sections numbered 15.2-1609.10 and 15.2-1722.1, and by adding in Title 52 a chapter numbered 6.1, consisting of sections numbered 52-30.1 through 52-30.4, relating to the Community Policing Act; data collection and reporting requirements.

[H 1250]

Approved April 11, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 1 of Title 9.1 an article numbered 14, consisting of a section numbered 9.1-191, by adding sections numbered 15.2-1609.10 and 15.2-1722.1, and by adding in Title 52 a chapter numbered 6.1, consisting of sections numbered 52-30.1 through 52-30.4, as follows:

Article 14.

Virginia Community Policing Report.

§ 9.1-191. Community Policing Reporting Database; annual report.

A. The Department shall periodically access the Community Policing Reporting Database, which is maintained by the Department of State Police in accordance with § 52-30.3, for the purposes of analyzing the data to determine the existence and prevalence of the practice of bias-based profiling and the prevalence of complaints alleging the use of excessive force. The Department shall maintain all records relating to the analysis, validation, and interpretation of such data. The Department may seek assistance in analyzing the data from any accredited public or private institution of higher education in the Commonwealth or from an independent body having the experience, staff expertise, and technical support capability to provide such assistance.

B. The Director shall annually report the findings and recommendations resulting from the analysis and interpretation of the data from the Community Policing Reporting Database to the Governor, the General Assembly, and the Attorney General beginning on or before July 1, 2021, and each July 1 thereafter. The report shall also include information regarding state or local law-enforcement agencies that have failed or refused to report the required data to the Department of State Police as required by §§ 15.2-1609.10, 15.2-1722.1, and 52-30.2. A copy of the Director's report shall also be provided to each attorney for the Commonwealth of the county or city in which a reporting law-enforcement agency is located.

§ 15.2-1609.10. Prohibited practices; collection of data.

A. No sheriff or deputy sheriff shall engage in bias-based profiling as defined in § 52-30.1 in the performance of his official duties.

B. The sheriff of every locality shall collect data pertaining to motor vehicle or investigative stops pursuant to § 52-30.2 and report such data to the Department of State Police for inclusion in the Community Policing Reporting Database established pursuant to § 52-30.3. The sheriff of the locality shall be responsible for forwarding the data to the Superintendent of State Police.

§ 15.2-1722.1. Prohibited practices; collection of data.

A. No law-enforcement officer shall engage in bias-based profiling as defined in § 52-30.1 in the performance of his official duties.

B. The police force of every locality shall collect data pertaining to motor vehicle or investigatory stops pursuant to § 52-30.2 and report such data to the Department of State Police for inclusion in the Community Policing Reporting Database established pursuant to § 52-30.3. The chief of police of the locality shall be responsible for forwarding the data to the Superintendent of State Police.

CHAPTER 6.1.

VIRGINIA COMMUNITY POLICING ACT.

§ 52-30.1. Definition.

For purposes of this chapter, unless the context requires a different meaning, "bias-based profiling" means actions of a law-enforcement officer that are based solely on the real or perceived race, ethnicity, age, gender, or any combination thereof, or other noncriminal characteristics of an individual, except when such characteristics are used in combination with other identifying factors in seeking to apprehend a suspect who matches a specific description.

§ 52-30.2. Prohibited practices; collection of data.

A. No State Police officer shall engage in bias-based profiling in the performance of his official duties.

B. State Police officers shall collect data pertaining to motor vehicle or investigatory stops to be reported into the Community Policing Reporting Database. State Police officers shall submit the data to their commanding officers, who shall forward it to the Superintendent of State Police.

C. Each time a law-enforcement officer or State Police officer stops a driver of a motor vehicle, such officer shall collect the following data based on the officer's observation or information provided to the officer by the driver: (i) the race, ethnicity, age, and gender of the person stopped; (ii) the reason for the stop; (iii) the location of the stop; (iv) whether a warning, written citation, or summons was issued or whether any person was arrested; (v) if a warning, written citation, or summons was issued or an arrest was made, the warning provided, violation charged, or crime charged; and (vi) whether the vehicle or any person was searched.

D. Each state and local law-enforcement agency shall collect the number of complaints the agency receives alleging the use of excessive force.

§ 52-30.3. Community Policing Reporting ~~base established.~~

A. The Department of State Police shall develop and implement a uniform statewide database to collect motor vehicle and investigatory stop records, records of complaints alleging the use of excessive force, and data and information submitted by law-enforcement agencies pursuant to §§ 15.2-1609.10, 15.2-1722.1, and 52-30.2. The Department of State Police shall provide the Department of Criminal Justice Services with secure remote access to the database for the purposes of analyzing such data as required by subsection A of § 9.1-191.

§ 52-30.4. Reporting of state and local law-enforcement agencies required.

All state and local law-enforcement agencies shall collect the data specified in subsections C and D of § 52-30.2, and any other data as may be specified by the Department of State Police, on forms developed by the Department of State Police.

CHAPTER 1166

An Act to amend and reenact §§ 53.1-234 and 54.1-3307 of the Code of Virginia, relating to practice of pharmacy; compounding; regulation by Board of Pharmacy.

[S 270]

Approved April 11, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 53.1-234 and 54.1-3307 of the Code of Virginia are amended and reenacted as follows:

§ 53.1-234. Transfer of prisoner; how death sentence executed; who to be present.

The clerk of the circuit court in which is pronounced the sentence of death against any person shall, after such judgment becomes final in the circuit court, deliver a certified copy thereof to the Director. Such person so sentenced to death shall be confined prior to the execution of the sentence in a state correctional facility designated by the Director. Prior to the time fixed in the judgment of the court for the execution of the sentence, the Director shall cause the condemned prisoner to be conveyed to the state correctional facility housing the death chamber.

The Director, or the assistants appointed by him, shall at the time named in the sentence, unless a suspension of execution is ordered, cause the prisoner under sentence of death to be electrocuted or injected with a lethal substance, until he is dead. The method of execution shall be chosen by the prisoner. In the event the prisoner refuses to make a choice at least 15 days prior to the scheduled execution, the method of execution shall be by lethal injection. Execution by lethal injection shall be permitted in accordance with procedures developed by the Department. At the execution, there shall be present the Director or an assistant, a physician employed by the Department or his assistant, such other employees of the Department as may be required by the Director, and, in addition thereto, at least six citizens who shall not be employees of the Department. In addition, the counsel for the prisoner and a clergyman may be present.

The Director may make and enter into contracts with a ~~pharmacy, as defined in § 54.1-3300, or an outsourcing facility, as defined in § 54.1-3401, for the compounding of drugs necessary to carry out an execution by lethal injection. Any such drugs provided to the Department pursuant to the terms of such a contract shall be used only for the purpose of carrying out an execution by lethal injection. ~~The compounding of such drugs pursuant to the terms of such a contract (i) shall not constitute the practice of pharmacy as defined in § 54.1-3300; (ii) is not subject to the jurisdiction of the Board of Pharmacy, the Board of Medicine, or the Department of Health Professions; and (iii) is exempt from the provisions of Chapter 33 (§ 54.1-3300 et seq.) of Title 54.1 and the Drug Control Act (§ 54.1-3400 et seq.).~~ The pharmacy or outsourcing facility providing such drugs to the Department pursuant to the terms of such a contract shall label each such drug with the drug name, its quantity, a projected expiration date for the drug, and a statement that the drug shall be used only by the Department for the purpose of carrying out an execution by lethal injection.~~

~~The identities identity of any pharmacy or outsourcing facility that enters into a contract with the Department for the compounding of drugs necessary to carry out an execution by lethal injection, any officer or employee of such pharmacy or outsourcing facility, and any person or entity used by such pharmacy or outsourcing facility to obtain equipment or substances to facilitate the compounding of such drugs and any information reasonably calculated to lead to the identities of such persons or entities, including their names, shall not be confidential, shall be subject to the Virginia Freedom of Information Act (§ 2.2-3700 et seq.), and may be subject to discovery or introduction as evidence in any civil proceeding. However, the residential and office addresses, residential and office telephone numbers, social security numbers, and tax identification numbers, of officers and employees of the outsourcing facility and any person or entity used by the outsourcing facility to obtain equipment or substances to facilitate the compounding of such drugs shall be confidential, shall be and exempt from the Virginia Freedom of Information Act (§ 2.2-3700 et seq.); and shall not be subject to discovery or introduction as evidence in any civil proceeding unless good cause is shown.~~

§ 54.1-3307. Specific powers and duties of Board.

A. The Board shall regulate the practice of pharmacy and the manufacturing, dispensing, selling, distributing, processing, compounding, or disposal of drugs and devices. The Board shall also control the character and standard of all drugs, cosmetics, and devices within the Commonwealth, investigate all complaints as to the quality and strength of all drugs, cosmetics, and devices, and take such action as may be necessary to prevent the manufacturing, dispensing, selling,

distributing, processing, compounding, and disposal of such drugs, cosmetics, and devices that do not conform to the requirements of law.

The Board's regulations shall include criteria for:

1. Maintenance of the quality, quantity, integrity, safety, and efficacy of drugs or devices distributed, dispensed, or administered.
2. Compliance with the prescriber's instructions regarding the drug; *and* its quantity, quality, and directions for use.
3. Controls and safeguards against diversion of drugs or devices.
4. Maintenance of the integrity of, and public confidence in, the profession and improving the delivery of quality pharmaceutical services to the citizens of Virginia.
5. Maintenance of complete records of the nature, quantity, or quality of drugs or substances distributed or dispensed; and of all transactions involving controlled substances or drugs or devices so as to provide adequate information to the patient, the practitioner, or the Board.
6. Control of factors contributing to abuse of legitimately obtained drugs, devices, or controlled substances.
7. Promotion of scientific or technical advances in the practice of pharmacy and the manufacture and distribution of controlled drugs, devices, or substances.
8. Impact on costs to the public and within the health care industry through the modification of mandatory practices and procedures not essential to meeting the criteria set out in subdivisions 1 through 7 ~~of this section~~.
9. Such other factors as may be relevant to, and consistent with, the public health and safety and the cost of rendering pharmacy services.

B. The Board may collect and examine specimens of drugs, devices, and cosmetics that are manufactured, distributed, stored, or dispensed in the Commonwealth.

C. *The Board shall report annually by December 1 to the Chairmen of the Senate Committee on Education and Health and the House Committee on Health, Welfare and Institutions on (i) the number of outsourcing facilities permitted or registered by the Board that have entered into a contract with the Department of Corrections for the compounding of drugs necessary to carry out an execution by lethal injection pursuant to § 53.1-234 and (ii) the name of any such outsourcing facilities that received disciplinary action for a violation of law or regulation related to compounding.*

CHAPTER 1167

An Act to amend and reenact § 19.2-389, as it is currently effective and as it shall become effective, of the Code of Virginia; to amend the Code of Virginia by adding in Chapter 15 of Title 19.2 an article numbered 4.2, consisting of sections numbered 19.2-264.6 through 19.2-264.14; and to repeal § 19.2-265.4 of the Code of Virginia, relating to discovery in criminal cases.

[H 873]

Approved April 11, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-389, as it is currently effective and as it shall become effective, of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Chapter 15 of Title 19.2 an article numbered 4.2, consisting of sections numbered 19.2-264.6 through 19.2-264.14, as follows:

Article 4.2.

Discovery.

§ 19.2-264.6. General provisions.

A. *This article shall apply to any prosecution for a felony in a circuit court and to any misdemeanor brought on direct indictment.*

B. *In any criminal prosecution for a felony in a circuit court or for a misdemeanor brought on direct indictment, the attorney for the Commonwealth shall have a duty to adequately and fully provide discovery as provided under this section and Rule 3A:11 of the Rules of Supreme Court of Virginia. Rule 3A:11 shall be construed to apply to such felony and misdemeanor prosecutions. This duty to disclose shall be continuing and shall apply to any additional evidence or material discovered by the attorney for the Commonwealth prior to or during trial which is subject to discovery or inspection and has been previously requested by the accused. In any criminal prosecution for a misdemeanor by trial de novo in circuit court, the attorney for the Commonwealth shall have a duty to adequately and fully provide discovery as provided under Rule 7C:5 of the Rules of Supreme Court of Virginia. The constitutional and statutory duties of the attorney for the Commonwealth to provide exculpatory, mitigating, and impeachment evidence to an accused supersedes any limitation or restriction on discovery provided pursuant to this article.*

C. *A party may satisfy the requirement to permit the opposing party to inspect and copy or photograph a document, recorded statement, or recorded confession by providing an actual duplicate, facsimile, or copy of the document, recorded statement, or recorded confession to the opposing party in compliance with the applicable time limits and redaction standards set forth in this article.*

D. Any material or evidence disclosed or discovered pursuant to this article and filed with the clerk of court shall be placed under seal until it is either admitted as an exhibit at a trial or hearing or the court enters an order unsealing the specified material or evidence.

E. This section does not prohibit the parties from agreeing to discovery and documentation requirements equal to or greater than those required under this article.

§ 19.2-264.7. Initiation and timing of discovery.

A. A party requesting discovery pursuant to this article shall, before filing any motion before a judge, request in writing that the other party voluntarily comply with such request. Such request shall be made at least 30 days prior to the day fixed for trial. Upon receiving a negative or unsatisfactory response, or upon the passage of seven days following the receipt of the request without response, the party requesting discovery may file a motion for discovery under the provisions of this article concerning any matter as to which voluntary discovery was not made pursuant to the request.

B. Discovery under this section shall be provided in a reasonable time before trial to give the party receiving discovery the opportunity to make meaningful use of the provided information in preparation for trial. If discovery is not provided within such time, even if the disclosure complies with timing requirements pursuant to subsection E or an alternative agreement or order, the aggrieved party shall be entitled to a continuance of an appropriate length to make meaningful use of the discovery.

C. To the extent that discovery authorized in this article is voluntarily made in response to a request or written agreement, the discovery is deemed to have been made under an order of the court for the purposes of this section.

D. If the parties proceed under the voluntary compliance provisions of this section, each party shall certify, prior to plea or trial, that he has complied with the provisions of this section. No adverse consequence to the party or counsel for the party shall result from the filing of a certificate of compliance in good faith, but the court may grant a remedy or sanction for a discovery violation as provided in § 19.2-264.14.

E. Discovery pursuant to this article shall be provided at a reasonable time before trial, but in no case shall it be provided later than (i) 14 days before trial on a misdemeanor in circuit court; (ii) 30 days before trial on a felony or multiple felony counts punishable by confinement in a state correctional facility for an aggregate of 30 years or less; or (iii) 90 days before trial on a felony or multiple felony counts punishable by confinement in a state correctional facility for an aggregate of more than 30 years.

F. Upon an indictment or information, where the attorney for the Commonwealth has made a guilty plea offer requiring a plea to a crime, the attorney for the Commonwealth shall disclose to the defense, and shall permit the defense to discover, inspect, copy, photograph, and test, all items and information that would be discoverable prior to trial under § 19.2-264.8 and that are within the possession, custody, or control of the prosecution. The attorney for the Commonwealth shall disclose the discoverable items and information not less than seven calendar days prior to the expiration date of any guilty plea offer by the attorney for the Commonwealth or any deadline imposed by the court for acceptance of the guilty plea offer. The attorney for the Commonwealth may comply with this subsection by certifying, in writing, that this article was complied with prior to the date set for the preliminary hearing in the district court, provided that such certification includes a list that states, with specificity, what items were provided to the defense under this section. If the attorney for the Commonwealth does not comply with the requirements of this subsection, then, on motion by the accused alleging a violation of this subsection, the court shall consider the impact of any violation on the accused's decision to accept or reject a guilty plea offer. If the court finds that such violation materially affected the accused's decision, and if the attorney for the Commonwealth declines to reinstate the lapsed or withdrawn guilty plea offer, the court shall preclude the admission at trial of any evidence not disclosed as required under this subsection. The court may take other appropriate action as necessary to address such violation. The rights under this subsection do not apply to items or information that is the subject of a protection order issued pursuant to § 19.2-264.12, but if such information tends to be exculpatory, the court shall reconsider the protection order. An accused may waive his rights under this subsection, but a guilty plea offer may not be conditioned on such waiver.

§ 19.2-264.8. Discovery by the accused.

A. The attorney for the Commonwealth shall disclose to the accused, and permit him to discover, inspect, copy, photograph, and test, all items and information that relate to the subject matter of the case and are in the possession, custody, or control of the Commonwealth or persons under the Commonwealth's direction or control, including but not limited to:

1. All written or recorded statements, and the substance of all oral statements, made by the accused or a co-accused to a public servant engaged in law-enforcement activity or to a person then acting under his direction or in cooperation with him.

2. The names of and adequate contact information for all persons other than law-enforcement personnel whom the attorney for the Commonwealth knows to have evidence or information relevant to any offense charged or to any potential defense thereto, including a designation by the prosecutor as to which of those persons may be called as witnesses. Nothing in this paragraph shall require the disclosure of physical addresses; however, upon a motion and good cause shown, the court may direct the disclosure of a physical address. Notwithstanding the requirements of § 19.2-264.9, information under this subdivision relating to a confidential informant may be withheld and redacted from discovery materials, but the attorney for the Commonwealth shall notify the accused in writing that such information has not been disclosed, unless the court rules otherwise for good cause shown.

3. All statements, written or recorded, or summarized in any writing or recording, made by persons who have evidence or information relevant to any offense charged or to any potential defense thereto, including all police reports, notes of law-enforcement officers and other investigators, and law-enforcement agency reports. Such information shall include statements, written or recorded, or summarized in any writing or recording, by persons to be called as witnesses at any pretrial hearing.

4. Written reports of autopsy examinations, ballistic tests, fingerprint analyses, handwriting analyses, blood, urine, and breath tests, other scientific reports, and written reports of a physical or mental examination of the accused or the alleged victim made in connection with the particular case that are within the possession, custody, or control of the attorney for the Commonwealth. Additionally, the attorney for the Commonwealth shall notify the accused in writing of the attorney for the Commonwealth's intent to introduce expert opinion testimony at trial or sentencing and to provide the accused with (i) any written report of the expert witness setting forth the witness's opinions and the bases and reasons for those opinions or, if there is no such report, a written summary of the expected expert testimony setting forth the witness's opinions and the bases and reasons for those opinions and (ii) the witness's qualifications and contact information.

Nothing in this subsection shall render inadmissible an expert witness's testimony at the trial or sentencing further explaining the opinions, bases, and reasons disclosed pursuant to this article, or the expert witness's qualifications, solely because the further explanatory language was not included in the notice and disclosure provided under this article. Providing a copy of a certificate of analysis from the Virginia Department of Forensic Science or any other agency listed in § 19.2-187, signed by hand or by electronic means by the person performing the analysis or examination, shall satisfy the requirements of this subsection.

5. All tapes or other electronic recordings, including all electronic recordings of 911 telephone calls made or received in connection with the alleged criminal incident, and a designation by the attorney for the Commonwealth as to which of the recordings under this paragraph he intends to introduce at trial or any pretrial hearing.

6. All evidence and information, including that which is known to police or other law-enforcement agencies acting on the state or local government's behalf in the case, that tends to (i) negate the accused's guilt as to a charged offense, (ii) reduce the degree of or mitigate the accused's culpability as to a charged offense, (iii) support a potential defense to a charged offense, (iv) impeach the credibility of a testifying witness for the Commonwealth, (v) undermine evidence of the accused's identity as a perpetrator of a charged offense, (vi) provide a basis for a motion to suppress evidence, or (vii) mitigate punishment. Information under this subdivision shall be disclosed whether or not such information is recorded in tangible form and irrespective of whether the attorney for the Commonwealth credits the information. The attorney for the Commonwealth shall disclose the information expeditiously upon its receipt and shall not delay disclosure consistent with the ethical responsibilities of the attorney for the Commonwealth under Rule 3.8 of the Virginia Rules of Professional Conduct.

7. A summary of all promises, rewards, and inducements made to, or in favor of, persons who may be called as witnesses, as well as requests for consideration by persons who may be called as witnesses and copies of all documents relevant to a promise, reward, or inducement.

8. A list of all tangible objects obtained from, or allegedly possessed by, the accused or a co-accused. The list shall include a designation by the attorney for the Commonwealth as to (i) which tangible objects were physically or constructively possessed by the accused and were recovered during a search or seizure by a law-enforcement officer or an agent thereof and (ii) which tangible objects were recovered by a law-enforcement officer or an agent thereof after allegedly being abandoned by the accused. If the attorney for the Commonwealth intends to prove the accused's possession of any tangible objects by means of a statutory presumption of possession, he shall designate such intention as to each such object. If reasonably practicable, the attorney for the Commonwealth shall also designate the location from which each tangible object was recovered. The accused shall have a right to inspect, copy, photograph, and test the listed tangible objects.

9. Whether a search warrant has been executed and all documents relating thereto, including the warrant, the warrant application, supporting affidavits, a law-enforcement inventory of all property seized under the warrant, and a transcript of all testimony or other oral communications offered in support of the warrant application.

10. All tangible property that relates to the subject matter of the case, along with a designation of which items the attorney for the Commonwealth intends to introduce in his case-in-chief at trial or a pretrial hearing. If in the exercise of reasonable diligence the attorney for the Commonwealth has not formed such intention within the time period specified in this section, the attorney for the Commonwealth shall notify the accused in writing as soon as practicable and subject to the continuing duty to disclose.

11. A complete record of judgments of conviction for all persons accused in the case and all persons designated as potential witnesses for the Commonwealth.

12. When it is known to the attorney for the Commonwealth, the existence of any pending criminal action against all persons designated as potential witnesses for the Commonwealth.

13. The approximate date, time, and place of the offense or offenses charged and of the accused's seizure and arrest.

14. A copy of all electronically created or stored information seized or obtained by or on behalf of a law-enforcement agency from (i) the accused or (ii) a source other than the accused that relates to the subject matter of the case. If the electronically created or stored information originates from a device, account, or other electronically stored source that the attorney for the Commonwealth believes the accused owned, maintained, or had lawful access to and is within the possession, custody, or control of the attorney for the Commonwealth or persons under the direction or control of the

attorney for the Commonwealth, the attorney for the Commonwealth shall provide a complete copy of the electronically created or stored information from the device or account or other source. If possession of such electronically created or stored information would be a crime under the laws of the Commonwealth or federal law, the attorney for the Commonwealth shall make those portions of the electronically created or stored information that are not criminal to possess available as specified under this subdivision and shall afford counsel for the accused access to inspect contraband portions at a supervised location that provides regular and reasonable hours for such access, including the attorney for the Commonwealth's office, a police station, or a court. This subdivision shall not be construed to alter or in any way affect the right to be free from unreasonable searches and seizures or such other rights a suspect or accused may derive from the Constitution of Virginia or the Constitution of the United States.

B. The attorney for the Commonwealth shall make a diligent, good faith effort to ascertain the existence of material or information discoverable under § 19.2-264.8 and to cause such material or information to be made available for discovery where it exists but is not within the possession, custody, or control of the attorney for the Commonwealth, provided that the attorney for the Commonwealth shall not be required to obtain by subpoena duces tecum any material or information that the accused may thereby obtain. For purposes of § 19.2-264.8, all items and information related to the prosecution of a charge in the possession of any state or local law-enforcement agency located in the Commonwealth are deemed to be in the possession of the attorney for the Commonwealth. The attorney for the Commonwealth shall identify any laboratory having contact with evidence related to the prosecution of a charge. On a timely basis, law-enforcement and investigatory agencies shall make available to the attorney for the Commonwealth a copy of the complete files related to the investigation of the crimes committed by the accused.

C. The attorney for the Commonwealth shall endeavor to ensure that a flow of information is maintained between law-enforcement agencies, other investigative personnel, and his office sufficient to place within his possession or control all material and information pertinent to the accused and the offense or offenses charged.

D. Whenever an electronic recording of a 911 telephone call or a police radio transmission or video or audio footage from a police body-worn camera or other police recording was made or received in connection with the investigation of an apparent criminal incident, the arresting officer or lead detective shall expeditiously notify the attorney for the Commonwealth in writing upon the filing of an accusatory instrument of the existence of all such known recordings. The attorney for the Commonwealth shall take whatever reasonable steps are necessary to ensure that all known electronic recordings of 911 telephone calls, police radio transmissions, video and audio footage, and other police recordings made or available in connection with the case are preserved. Upon the accused's timely request and designation of a specific electronic recording of a 911 telephone call, the attorney for the Commonwealth shall also expeditiously take whatever reasonable steps are necessary to ensure that it is preserved. If the attorney for the Commonwealth fails to disclose such an electronic recording to the accused, the court upon motion of the accused shall impose an appropriate remedy or sanction under this section.

E. This article does not authorize the discovery of the names or personal identifying information of confidential informants whom the attorney for the Commonwealth does not intend to call at trial and with regard to whose identity the attorney for the Commonwealth asserts he holds a privilege. However, disclosure of such information shall comply with subdivision A 10 and any other obligations required by law.

F. The attorney for the Commonwealth shall provide to the accused a list of the names and, if known, the addresses of all persons who are expected to testify on behalf of the Commonwealth at trial or sentencing. This provision is subject to subdivision A 10 and to any protection order entered by the court pursuant to § 19.2-264.12. In addition, this subdivision shall not be subject to the timing requirements of subsection E of § 19.2-264.7, but shall be provided at least seven days before a misdemeanor trial, at least 14 days before a noncapital felony trial, and at least 28 days before a capital trial.

G. This article does not authorize the discovery or inspection of the work product of the attorney for the Commonwealth, including internal reports, memoranda, correspondence, legal research, or other internal documents prepared by the office of the attorney for the Commonwealth or its agents in anticipation of trial.

§ 19.2-264.9. Redaction and Restricted Dissemination Material.

A. With regard to any material or evidence provided pursuant to this article, the attorney for the Commonwealth may redact the residential address, telephone number, email address, and place of employment of any witness or victim, or any family member of a witness or victim. The attorney for the Commonwealth may redact the date of birth and social security number of any person whose information is contained in material or evidence provided pursuant to this article. If the attorney for the Commonwealth redacts information pursuant to this section, he shall provide the accused with a list of the location of the redacted item in the discovery and a brief statement of why it was redacted, if such reason is not immediately apparent from the remaining portion of the document. If the attorney for the Commonwealth redacts personal identifying information pursuant to this section, the accused may file a motion seeking disclosure of the redacted information. Should the court find good cause for disclosure, it may order the attorney for the Commonwealth to provide the redacted information. In its discretion, the court ordering the provision of redacted personal identifying information may order that the information be identified as Restricted Dissemination Material pursuant to subsection B.

B. The attorney for the Commonwealth may designate any evidence or material subject to disclosure pursuant to this article as Restricted Dissemination Material, without supporting certification, if the accused's attorney agrees to such designation. The attorney for the Commonwealth shall prominently stamp or otherwise mark such items as Restricted Dissemination Material. In the absence of an agreement by the attorney for the accused, the attorney for the Commonwealth

may designate any evidence or material as Restricted Dissemination Material by stamping or otherwise marking it as such and providing a certification in writing, upon information and belief, that (i) the designated material relates to the statement of a child victim or witness or (ii) disclosure of the designated material may result in clear and present danger to the safety or security of a witness or victim, danger of a witness being intimidated or tampered with, or a risk of compromising an ongoing criminal investigation or confidential law-enforcement technique.

Except as otherwise provided by order of the court or this article, Restricted Dissemination Material may be disclosed only to the accused's attorney, the agents or employees of the accused's attorney, or an expert witness. The accused's attorney may orally communicate the content of Restricted Dissemination Material to the accused or allow the accused to view the content of such material, but shall not provide the accused with copies of material so designated. Restricted Dissemination Material may not otherwise be reproduced, copied, or disseminated in any way.

The accused may at any time file a motion seeking to remove a designation made under this subsection from such evidence or material. Should the court find good cause to remove the designation, it may order that the evidence or material no longer be designated as Restricted Dissemination Material.

Within 21 days of the entry of a final order by the trial court, or upon the termination of the representation of the accused, the accused's attorney shall return to the court all originals and copies of any Restricted Dissemination Material disclosed pursuant to this subsection. The court shall maintain such returned Restricted Dissemination Material under seal. Any material sealed pursuant to this subsection shall remain available for inspection by counsel of record. For good cause shown, the court may enter an order allowing additional access to the sealed material as the court deems appropriate.

C. In any case in which an accused is not represented by an attorney, the attorney for the Commonwealth may file a motion seeking to limit the scope of discovery under this article. For good cause shown, the court may order any limitation or restriction on the provision of discovery to an accused who is unrepresented by an attorney as the court in its discretion deems appropriate.

§ 19.2-264.10. Discovery by the Commonwealth.

If the court grants disclosure to the accused under § 19.2-264.8, it shall also order the accused to:

1. Permit the attorney for the Commonwealth to inspect and copy or photograph any written reports of autopsy examinations, ballistic tests, fingerprint analyses, handwriting analyses, blood, urine, and breath analyses, and other scientific testing within the accused's possession, custody, or control that the defense intends to proffer or introduce into evidence at trial or sentencing.

2. Disclose whether the accused intends to introduce evidence to establish an alibi and, if so, disclose the place at which the accused claims to have been at the time the alleged offense was committed.

3. Permit the attorney for the Commonwealth to inspect, copy, or photograph any written reports of physical or mental examination of the accused made in connection with the particular case if the accused intends to rely upon the defense of insanity pursuant to Chapter 11 (§ 19.2-167 et seq.), provided that no statement made by the accused in the course of such an examination disclosed under this article shall be used by the attorney for the Commonwealth in its case-in-chief, whether the examination was conducted with or without the consent of the accused.

4. Notify the attorney for the Commonwealth in writing of the accused's intent to introduce expert opinion testimony at trial or sentencing and to provide the attorney for the Commonwealth with (i) any written report of the expert witness setting forth the witness's opinions and the bases and reasons for those opinions or, if there is no such report, a written summary of the expected expert testimony setting forth the witness's opinions and the bases and reasons for those opinions and (ii) the witness's qualifications and contact information. Nothing in this subdivision shall render inadmissible an expert witness's testimony at the trial or sentencing further explaining the opinions, bases, and reasons disclosed, or the expert witness's qualifications, solely because the further explanatory language was not included in the notice and disclosure provided. Providing a copy of a certificate of analysis from the Virginia Department of Forensic Science or any other agency listed in § 19.2-187, signed by hand or by electronic means by the person performing the analysis or examination, shall satisfy the requirements of this subdivision.

5. Provide to the attorney for the Commonwealth a list of the names and, if known, the addresses of all persons who are expected to testify on behalf of the accused at trial or sentencing. The accused's attorney may redact the personal identifying information of any witness if so authorized by a protection order entered by the court pursuant to § 19.2-264.12. Failure to provide such information shall entitle the attorney for the Commonwealth to a continuance. Such failure shall not constitute a bar on such witness's testimony unless good cause or intentional withholding is shown.

§ 19.2-264.11. Admissibility of discovery.

The fact that a party has indicated during the discovery process an intention to offer specified evidence or to call a specified witness is not admissible in evidence or grounds for adverse comment at a hearing or a trial.

§ 19.2-264.12. Protection order.

A. Upon the motion of either party and for good cause, the court may enter a protective order with regard to the discovery or inspection required by this article. The court in its discretion may order any condition that it deems necessary to the orderly adjudication of the case or to the fair administration of justice. These conditions may include, but are not limited to:

1. A requirement that the parties not disclose the contents of any material or evidence disclosed or discovered pursuant to this article in any public forum, including any website;

2. A requirement that the parties not disclose the contents of any material or evidence disclosed or discovered pursuant to this article to any third party who is not an agent or employee of the parties or an expert witness;

3. Authorization to either party to withhold the residential address, telephone number, email address, or place of employment of any witness not covered by the provisions of § 19.2-264.9; or

4. Authorization for either party in appropriate circumstances to withhold from disclosure or place additional restrictions on dissemination of information otherwise discoverable but not exculpatory.

B. Should either party believe in good faith that the terms of a protective order entered by the court have been violated, such party may move the court to enforce the order and to impose any necessary and appropriate sanction authorized by Virginia law.

§ 19.2-264.13. Continuing duty to disclose.

If, after disposition of a motion made pursuant to this article, a party or counsel to a party discovers, whether before, during, or after trial, additional material previously requested or falling within the scope of an order previously entered, that is subject to discovery or inspection under this article but has not previously been disclosed, the party shall promptly notify the other party or the other party's counsel and the court of the existence of the additional material.

§ 19.2-264.14. Failure to provide discovery or otherwise comply.

A. If at any time during the course of the proceedings the court determines that a party has failed to comply with this article or with an order issued pursuant to this article, the court, in addition to exercising its contempt powers, may (i) order the party to permit discovery or inspection; (ii) grant a continuance or recess; (iii) prohibit the party from introducing evidence that was not disclosed; (iv) declare a mistrial; (v) dismiss the charge, with or without prejudice; or (vi) enter such other order as it deems just under the circumstances.

B. In determining appropriate sanctions, the court shall consider both the materiality of the subject matter and the totality of the circumstances surrounding an alleged failure to comply with this article or an order issued pursuant to this article.

C. For purposes of determining whether to impose personal sanctions for untimely disclosure of a law-enforcement or investigatory agency file, the courts shall presume that the attorney for the Commonwealth and his staff have acted in good faith if such attorney for the Commonwealth and his staff have made a reasonably diligent inquiry of such agency and disclosed the responsive materials.

D. Before the court imposes any sanction, it shall make a specific finding justifying the imposed sanction.

§ 19.2-389. (Effective until January 1, 2021) Dissemination of criminal history record information.

A. Criminal history record information shall be disseminated, whether directly or through an intermediary, only to:

1. Authorized officers or employees of criminal justice agencies, as defined by § 9.1-101, for purposes of the administration of criminal justice and the screening of an employment application or review of employment by a criminal justice agency with respect to its own employees or applicants, and dissemination to the Virginia Parole Board, pursuant to this subdivision, of such information on all state-responsible inmates for the purpose of making parole determinations pursuant to subdivisions 1, 2, 3, and 5 of § 53.1-136 shall include collective dissemination by electronic means every 30 days. For purposes of this subdivision, criminal history record information includes information sent to the Central Criminal Records Exchange pursuant to §§ 37.2-819 and 64.2-2014 when disseminated to any full-time or part-time employee of the State Police, a police department or sheriff's office that is a part of or administered by the Commonwealth or any political subdivision thereof, and who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth for the purposes of the administration of criminal justice;

2. Such other individuals and agencies that require criminal history record information to implement a state or federal statute or executive order of the President of the United States or Governor that expressly refers to criminal conduct and contains requirements or exclusions expressly based upon such conduct, except that information concerning the arrest of an individual may not be disseminated to a noncriminal justice agency or individual if an interval of one year has elapsed from the date of the arrest and no disposition of the charge has been recorded and no active prosecution of the charge is pending;

3. Individuals and agencies pursuant to a specific agreement with a criminal justice agency to provide services required for the administration of criminal justice pursuant to that agreement which shall specifically authorize access to data, limit the use of data to purposes for which given, and ensure the security and confidentiality of the data;

4. Individuals and agencies for the express purpose of research, evaluative, or statistical activities pursuant to an agreement with a criminal justice agency that shall specifically authorize access to data, limit the use of data to research, evaluative, or statistical purposes, and ensure the confidentiality and security of the data;

5. Agencies of state or federal government that are authorized by state or federal statute or executive order of the President of the United States or Governor to conduct investigations determining employment suitability or eligibility for security clearances allowing access to classified information;

6. Individuals and agencies where authorized by court order or court rule;

7. Agencies of any political subdivision of the Commonwealth, public transportation companies owned, operated or controlled by any political subdivision, and any public service corporation that operates a public transit system owned by a local government for the conduct of investigations of applicants for employment, permit, or license whenever, in the interest of public welfare or safety, it is necessary to determine under a duly enacted ordinance if the past criminal conduct of a person with a conviction record would be compatible with the nature of the employment, permit, or license under consideration;

7a. Commissions created pursuant to the Transportation District Act of 1964 (§ 33.2-1900 et seq.) of Title 33.2 and their contractors, for the conduct of investigations of individuals who have been offered a position of employment whenever, in the interest of public welfare or safety and as authorized in the Transportation District Act of 1964, it is necessary to determine if the past criminal conduct of a person with a conviction record would be compatible with the nature of the employment under consideration;

8. Public or private agencies when authorized or required by federal or state law or interstate compact to investigate (i) applicants for foster or adoptive parenthood or (ii) any individual, and the adult members of that individual's household, with whom the agency is considering placing a child or from whom the agency is considering removing a child due to abuse or neglect, on an emergency, temporary, or permanent basis pursuant to §§ 63.2-901.1 and 63.2-1505, subject to the restriction that the data shall not be further disseminated to any party other than a federal or state authority or court as may be required to comply with an express requirement of law;

9. To the extent permitted by federal law or regulation, public service companies as defined in § 56-1, for the conduct of investigations of applicants for employment when such employment involves personal contact with the public or when past criminal conduct of an applicant would be incompatible with the nature of the employment under consideration;

10. The appropriate authority for purposes of granting citizenship and for purposes of international travel, including, but not limited to, issuing visas and passports;

11. A person requesting a copy of his own criminal history record information as defined in § 9.1-101 at his cost, except that criminal history record information shall be supplied at no charge to a person who has applied to be a volunteer with (i) a Virginia affiliate of Big Brothers/Big Sisters of America; (ii) a volunteer fire company; (iii) the Volunteer Emergency Families for Children; (iv) any affiliate of Prevent Child Abuse, Virginia; (v) any Virginia affiliate of Compeer; or (vi) any board member or any individual who has been offered membership on the board of a Crime Stoppers, Crime Solvers or Crime Line program as defined in § 15.2-1713.1;

12. Administrators and board presidents of and applicants for licensure or registration as a child welfare agency as defined in § 63.2-100 for dissemination to the Commissioner of Social Services' representative pursuant to § 63.2-1702 for the conduct of investigations with respect to employees of and volunteers at such facilities, caretakers, and other adults living in family day homes or homes approved by family day systems, and foster and adoptive parent applicants of private child-placing agencies, pursuant to §§ 63.2-1719, 63.2-1720, 63.2-1720.1, 63.2-1721, and 63.2-1721.1, subject to the restriction that the data shall not be further disseminated by the facility or agency to any party other than the data subject, the Commissioner of Social Services' representative or a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination;

13. The school boards of the Commonwealth for the purpose of screening individuals who are offered or who accept public school employment and those current school board employees for whom a report of arrest has been made pursuant to § 19.2-83.1;

14. The Virginia Lottery for the conduct of investigations as set forth in the Virginia Lottery Law (§ 58.1-4000 et seq.), and the Department of Agriculture and Consumer Services for the conduct of investigations as set forth in Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2;

15. Licensed nursing homes, hospitals and home care organizations for the conduct of investigations of applicants for compensated employment in licensed nursing homes pursuant to § 32.1-126.01, hospital pharmacies pursuant to § 32.1-126.02, and home care organizations pursuant to § 32.1-162.9:1, subject to the limitations set out in subsection E;

16. Licensed assisted living facilities and licensed adult day care centers for the conduct of investigations of applicants for compensated employment in licensed assisted living facilities and licensed adult day care centers pursuant to § 63.2-1720, subject to the limitations set out in subsection F;

17. The Virginia Alcoholic Beverage Control Authority for the conduct of investigations as set forth in § 4.1-103.1;

18. The State Board of Elections and authorized officers and employees thereof and general registrars appointed pursuant to § 24.2-110 in the course of conducting necessary investigations with respect to voter registration, limited to any record of felony convictions;

19. The Commissioner of Behavioral Health and Developmental Services for those individuals who are committed to the custody of the Commissioner pursuant to §§ 19.2-169.2, 19.2-169.6, 19.2-182.2, 19.2-182.3, 19.2-182.8, and 19.2-182.9 for the purpose of placement, evaluation, and treatment planning;

20. Any alcohol safety action program certified by the Commission on the Virginia Alcohol Safety Action Program for (i) assessments of habitual offenders under § 46.2-360, (ii) interventions with first offenders under § 18.2-251, or (iii) services to offenders under § 18.2-51.4, 18.2-266, or 18.2-266.1;

21. Residential facilities for juveniles regulated or operated by the Department of Social Services, the Department of Education, or the Department of Behavioral Health and Developmental Services for the purpose of determining applicants' fitness for employment or for providing volunteer or contractual services;

22. The Department of Behavioral Health and Developmental Services and facilities operated by the Department for the purpose of determining an individual's fitness for employment pursuant to departmental instructions;

23. Pursuant to § 22.1-296.3, the governing boards or administrators of private elementary or secondary schools which are accredited pursuant to § 22.1-19 or a private organization coordinating such records information on behalf of such governing boards or administrators pursuant to a written agreement with the Department of State Police;

24. Public institutions of higher education and nonprofit private institutions of higher education for the purpose of screening individuals who are offered or accept employment;

25. Members of a threat assessment team established by a local school board pursuant to § 22.1-79.4, by a public institution of higher education pursuant to § 23.1-805, or by a private nonprofit institution of higher education, for the purpose of assessing or intervening with an individual whose behavior may present a threat to safety; however, no member of a threat assessment team shall redisclose any criminal history record information obtained pursuant to this section or otherwise use any record of an individual beyond the purpose that such disclosure was made to the threat assessment team;

26. Executive directors of community services boards or the personnel director serving the community services board for the purpose of determining an individual's fitness for employment, approval as a sponsored residential service provider, or permission to enter into a shared living arrangement with a person receiving medical assistance services pursuant to a waiver pursuant to §§ 37.2-506 and 37.2-607;

27. Executive directors of behavioral health authorities as defined in § 37.2-600 for the purpose of determining an individual's fitness for employment, approval as a sponsored residential service provider, or permission to enter into a shared living arrangement with a person receiving medical assistance services pursuant to a waiver pursuant to §§ 37.2-506 and 37.2-607;

28. The Commissioner of Social Services for the purpose of locating persons who owe child support or who are alleged in a pending paternity proceeding to be a putative father, provided that only the name, address, demographics and social security number of the data subject shall be released;

29. Authorized officers or directors of agencies licensed pursuant to Article 2 (§ 37.2-403 et seq.) of Chapter 4 of Title 37.2 by the Department of Behavioral Health and Developmental Services for the purpose of determining if any applicant who accepts employment in any direct care position or requests approval as a sponsored residential service provider or permission to enter into a shared living arrangement with a person receiving medical assistance services pursuant to a waiver has been convicted of a crime that affects his fitness to have responsibility for the safety and well-being of individuals with mental illness, intellectual disability, or substance abuse pursuant to §§ 37.2-416, 37.2-506, and 37.2-607;

30. The Commissioner of the Department of Motor Vehicles, for the purpose of evaluating applicants for and holders of a motor carrier certificate or license subject to the provisions of Chapters 20 (§ 46.2-2000 et seq.) and 21 (§ 46.2-2100 et seq.) of Title 46.2;

31. The chairmen of the Committees for Courts of Justice of the Senate or the House of Delegates for the purpose of determining if any person being considered for election to any judgeship has been convicted of a crime;

32. Heads of state agencies in which positions have been identified as sensitive for the purpose of determining an individual's fitness for employment in positions designated as sensitive under Department of Human Resource Management policies developed pursuant to § 2.2-1201.1;

33. The Office of the Attorney General, for all criminal justice activities otherwise permitted under subdivision A 1 and for purposes of performing duties required by the Civil Commitment of Sexually Violent Predators Act (§ 37.2-900 et seq.);

34. Shipyards, to the extent permitted by federal law or regulation, engaged in the design, construction, overhaul, or repair of nuclear vessels for the United States Navy, including their subsidiary companies, for the conduct of investigations of applications for employment or for access to facilities, by contractors, leased laborers, and other visitors;

35. Any employer of individuals whose employment requires that they enter the homes of others, for the purpose of screening individuals who apply for, are offered, or have accepted such employment;

36. Public agencies when and as required by federal or state law to investigate (i) applicants as providers of adult foster care and home-based services or (ii) any individual with whom the agency is considering placing an adult on an emergency, temporary, or permanent basis pursuant to § 63.2-1601.1, subject to the restriction that the data shall not be further disseminated by the agency to any party other than a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination, subject to limitations set out in subsection G;

37. The Department of Medical Assistance Services, or its designee, for the purpose of screening individuals who, through contracts, subcontracts, or direct employment, volunteer, apply for, are offered, or have accepted a position related to the provision of transportation services to enrollees in the Medicaid Program or the Family Access to Medical Insurance Security (FAMIS) Program, or any other program administered by the Department of Medical Assistance Services;

38. The State Corporation Commission for the purpose of investigating individuals who are current or proposed members, senior officers, directors, and principals of an applicant or person licensed under Chapter 16 (§ 6.2-1600 et seq.) or Chapter 19 (§ 6.2-1900 et seq.) of Title 6.2. Notwithstanding any other provision of law, if an application is denied based in whole or in part on information obtained from the Central Criminal Records Exchange pursuant to Chapter 16 or 19 of Title 6.2, the Commissioner of Financial Institutions or his designee may disclose such information to the applicant or its designee;

39. The Department of Professional and Occupational Regulation for the purpose of investigating individuals for initial licensure pursuant to § 54.1-2106.1;

40. The Department for Aging and Rehabilitative Services and the Department for the Blind and Vision Impaired for the purpose of evaluating an individual's fitness for various types of employment and for the purpose of delivering comprehensive vocational rehabilitation services pursuant to Article 11 (§ 51.5-170 et seq.) of Chapter 14 of Title 51.5 that will assist the individual in obtaining employment;

41. Bail bondsmen, in accordance with the provisions of § 19.2-120;

42. The State Treasurer for the purpose of determining whether a person receiving compensation for wrongful incarceration meets the conditions for continued compensation under § 8.01-195.12;

43. The Department of Social Services and directors of local departments of social services for the purpose of screening individuals seeking to enter into a contract with the Department of Social Services or a local department of social services for the provision of child care services for which child care subsidy payments may be provided;

44. The Department of Juvenile Justice to investigate any parent, guardian, or other adult members of a juvenile's household when completing a predispositional or postdispositional report required by § 16.1-273 or a Board of Juvenile Justice regulation promulgated pursuant to § 16.1-233; and

45. Other entities as otherwise provided by law.

Upon an ex parte motion of a defendant in a felony case and upon the showing that the records requested may be relevant to such case, the court shall enter an order requiring the Central Criminal Records Exchange to furnish the defendant, as soon as practicable, copies of any records of persons designated in the order on whom a report has been made under the provisions of this chapter.

Notwithstanding any other provision of this chapter to the contrary, upon a written request sworn to before an officer authorized to take acknowledgments, the Central Criminal Records Exchange, or the criminal justice agency in cases of offenses not required to be reported to the Exchange, shall furnish a copy of conviction data covering the person named in the request to the person making the request; however, such person on whom the data is being obtained shall consent in writing, under oath, to the making of such request. A person receiving a copy of his own conviction data may utilize or further disseminate that data as he deems appropriate. In the event no conviction data is maintained on the data subject, the person making the request shall be furnished at his cost a certification to that effect.

B. Use of criminal history record information disseminated to noncriminal justice agencies under this section shall be limited to the purposes for which it was given and may not be disseminated further.

C. No criminal justice agency or person shall confirm the existence or nonexistence of criminal history record information for employment or licensing inquiries except as provided by law.

D. Criminal justice agencies shall establish procedures to query the Central Criminal Records Exchange prior to dissemination of any criminal history record information on offenses required to be reported to the Central Criminal Records Exchange to ensure that the most up-to-date disposition data is being used. Inquiries of the Exchange shall be made prior to any dissemination except in those cases where time is of the essence and the normal response time of the Exchange would exceed the necessary time period. A criminal justice agency to whom a request has been made for the dissemination of criminal history record information that is required to be reported to the Central Criminal Records Exchange may direct the inquirer to the Central Criminal Records Exchange for such dissemination. Dissemination of information regarding offenses not required to be reported to the Exchange shall be made by the criminal justice agency maintaining the record as required by § 15.2-1722.

E. Criminal history information provided to licensed nursing homes, hospitals and to home care organizations pursuant to subdivision A 15 shall be limited to the convictions on file with the Exchange for any offense specified in §§ 32.1-126.01, 32.1-126.02, and 32.1-162.9:1.

F. Criminal history information provided to licensed assisted living facilities and licensed adult day care centers pursuant to subdivision A 16 shall be limited to the convictions on file with the Exchange for any offense specified in § 63.2-1720.

G. Criminal history information provided to public agencies pursuant to subdivision A 36 shall be limited to the convictions on file with the Exchange for any offense set forth in clause (i) of the definition of barrier crime in § 19.2-392.02.

H. Upon receipt of a written request from an employer or prospective employer, the Central Criminal Records Exchange, or the criminal justice agency in cases of offenses not required to be reported to the Exchange, shall furnish at the employer's cost a copy of conviction data covering the person named in the request to the employer or prospective employer making the request, provided that the person on whom the data is being obtained has consented in writing to the making of such request and has presented a photo-identification to the employer or prospective employer. In the event no conviction data is maintained on the person named in the request, the requesting employer or prospective employer shall be furnished at his cost a certification to that effect. The criminal history record search shall be conducted on forms provided by the Exchange.

I. Nothing in this section shall preclude the dissemination of a person's criminal history record information pursuant to the rules of court or *Article 4.2 (§ 19.2-264.6 et seq.) of Chapter 15* for obtaining discovery or for review by the court.

§ 19.2-389. (Effective January 1, 2021) Dissemination of criminal history record information.

A. Criminal history record information shall be disseminated, whether directly or through an intermediary, only to:

1. Authorized officers or employees of criminal justice agencies, as defined by § 9.1-101, for purposes of the administration of criminal justice and the screening of an employment application or review of employment by a criminal justice agency with respect to its own employees or applicants, and dissemination to the Virginia Parole Board, pursuant to this subdivision, of such information on all state-responsible inmates for the purpose of making parole determinations pursuant to subdivisions 1, 2, 3, and 5 of § 53.1-136 shall include collective dissemination by electronic means every 30 days. For purposes of this subdivision, criminal history record information includes information sent to the Central

Criminal Records Exchange pursuant to §§ 37.2-819 and 64.2-2014 when disseminated to any full-time or part-time employee of the State Police, a police department or sheriff's office that is a part of or administered by the Commonwealth or any political subdivision thereof, and who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth for the purposes of the administration of criminal justice;

2. Such other individuals and agencies that require criminal history record information to implement a state or federal statute or executive order of the President of the United States or Governor that expressly refers to criminal conduct and contains requirements or exclusions expressly based upon such conduct, except that information concerning the arrest of an individual may not be disseminated to a noncriminal justice agency or individual if an interval of one year has elapsed from the date of the arrest and no disposition of the charge has been recorded and no active prosecution of the charge is pending;

3. Individuals and agencies pursuant to a specific agreement with a criminal justice agency to provide services required for the administration of criminal justice pursuant to that agreement which shall specifically authorize access to data, limit the use of data to purposes for which given, and ensure the security and confidentiality of the data;

4. Individuals and agencies for the express purpose of research, evaluative, or statistical activities pursuant to an agreement with a criminal justice agency that shall specifically authorize access to data, limit the use of data to research, evaluative, or statistical purposes, and ensure the confidentiality and security of the data;

5. Agencies of state or federal government that are authorized by state or federal statute or executive order of the President of the United States or Governor to conduct investigations determining employment suitability or eligibility for security clearances allowing access to classified information;

6. Individuals and agencies where authorized by court order or court rule;

7. Agencies of any political subdivision of the Commonwealth, public transportation companies owned, operated or controlled by any political subdivision, and any public service corporation that operates a public transit system owned by a local government for the conduct of investigations of applicants for employment, permit, or license whenever, in the interest of public welfare or safety, it is necessary to determine under a duly enacted ordinance if the past criminal conduct of a person with a conviction record would be compatible with the nature of the employment, permit, or license under consideration;

7a. Commissions created pursuant to the Transportation District Act of 1964 (§ 33.2-1900 et seq.) of Title 33.2 and their contractors, for the conduct of investigations of individuals who have been offered a position of employment whenever, in the interest of public welfare or safety and as authorized in the Transportation District Act of 1964, it is necessary to determine if the past criminal conduct of a person with a conviction record would be compatible with the nature of the employment under consideration;

8. Public or private agencies when authorized or required by federal or state law or interstate compact to investigate (i) applicants for foster or adoptive parenthood or (ii) any individual, and the adult members of that individual's household, with whom the agency is considering placing a child or from whom the agency is considering removing a child due to abuse or neglect, on an emergency, temporary, or permanent basis pursuant to §§ 63.2-901.1 and 63.2-1505, subject to the restriction that the data shall not be further disseminated to any party other than a federal or state authority or court as may be required to comply with an express requirement of law;

9. To the extent permitted by federal law or regulation, public service companies as defined in § 56-1, for the conduct of investigations of applicants for employment when such employment involves personal contact with the public or when past criminal conduct of an applicant would be incompatible with the nature of the employment under consideration;

10. The appropriate authority for purposes of granting citizenship and for purposes of international travel, including, but not limited to, issuing visas and passports;

11. A person requesting a copy of his own criminal history record information as defined in § 9.1-101 at his cost, except that criminal history record information shall be supplied at no charge to a person who has applied to be a volunteer with (i) a Virginia affiliate of Big Brothers/Big Sisters of America; (ii) a volunteer fire company; (iii) the Volunteer Emergency Families for Children; (iv) any affiliate of Prevent Child Abuse, Virginia; (v) any Virginia affiliate of Compeer; or (vi) any board member or any individual who has been offered membership on the board of a Crime Stoppers, Crime Solvers or Crime Line program as defined in § 15.2-1713.1;

12. Administrators and board presidents of and applicants for licensure or registration as a child welfare agency as defined in § 63.2-100 for dissemination to the Commissioner of Social Services' representative pursuant to § 63.2-1702 for the conduct of investigations with respect to employees of and volunteers at such facilities, caretakers, and other adults living in family day homes or homes approved by family day systems, and foster and adoptive parent applicants of private child-placing agencies, pursuant to §§ 63.2-1719, 63.2-1720, 63.2-1720.1, 63.2-1721, and 63.2-1721.1, subject to the restriction that the data shall not be further disseminated by the facility or agency to any party other than the data subject, the Commissioner of Social Services' representative or a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination;

13. The school boards of the Commonwealth for the purpose of screening individuals who are offered or who accept public school employment and those current school board employees for whom a report of arrest has been made pursuant to § 19.2-83.1;

14. The Virginia Lottery for the conduct of investigations as set forth in the Virginia Lottery Law (§ 58.1-4000 et seq.), and the Department of Agriculture and Consumer Services for the conduct of investigations as set forth in Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2;

15. Licensed nursing homes, hospitals and home care organizations for the conduct of investigations of applicants for compensated employment in licensed nursing homes pursuant to § 32.1-126.01, hospital pharmacies pursuant to § 32.1-126.02, and home care organizations pursuant to § 32.1-162.9:1, subject to the limitations set out in subsection E;
16. Licensed assisted living facilities and licensed adult day care centers for the conduct of investigations of applicants for compensated employment in licensed assisted living facilities and licensed adult day care centers pursuant to § 63.2-1720, subject to the limitations set out in subsection F;
17. The Virginia Alcoholic Beverage Control Authority for the conduct of investigations as set forth in § 4.1-103.1;
18. The State Board of Elections and authorized officers and employees thereof and general registrars appointed pursuant to § 24.2-110 in the course of conducting necessary investigations with respect to voter registration, limited to any record of felony convictions;
19. The Commissioner of Behavioral Health and Developmental Services for those individuals who are committed to the custody of the Commissioner pursuant to §§ 19.2-169.2, 19.2-169.6, 19.2-182.2, 19.2-182.3, 19.2-182.8, and 19.2-182.9 for the purpose of placement, evaluation, and treatment planning;
20. Any alcohol safety action program certified by the Commission on the Virginia Alcohol Safety Action Program for (i) assessments of habitual offenders under § 46.2-360, (ii) interventions with first offenders under § 18.2-251, or (iii) services to offenders under § 18.2-51.4, 18.2-266, or 18.2-266.1;
21. Residential facilities for juveniles regulated or operated by the Department of Social Services, the Department of Education, or the Department of Behavioral Health and Developmental Services for the purpose of determining applicants' fitness for employment or for providing volunteer or contractual services;
22. The Department of Behavioral Health and Developmental Services and facilities operated by the Department for the purpose of determining an individual's fitness for employment pursuant to departmental instructions;
23. Pursuant to § 22.1-296.3, the governing boards or administrators of private elementary or secondary schools which are accredited pursuant to § 22.1-19 or a private organization coordinating such records information on behalf of such governing boards or administrators pursuant to a written agreement with the Department of State Police;
24. Public institutions of higher education and nonprofit private institutions of higher education for the purpose of screening individuals who are offered or accept employment;
25. Members of a threat assessment team established by a local school board pursuant to § 22.1-79.4, by a public institution of higher education pursuant to § 23.1-805, or by a private nonprofit institution of higher education, for the purpose of assessing or intervening with an individual whose behavior may present a threat to safety; however, no member of a threat assessment team shall redisclose any criminal history record information obtained pursuant to this section or otherwise use any record of an individual beyond the purpose that such disclosure was made to the threat assessment team;
26. Executive directors of community services boards or the personnel director serving the community services board for the purpose of determining an individual's fitness for employment, approval as a sponsored residential service provider, or permission to enter into a shared living arrangement with a person receiving medical assistance services pursuant to a waiver pursuant to §§ 37.2-506 and 37.2-607;
27. Executive directors of behavioral health authorities as defined in § 37.2-600 for the purpose of determining an individual's fitness for employment, approval as a sponsored residential service provider, or permission to enter into a shared living arrangement with a person receiving medical assistance services pursuant to a waiver pursuant to §§ 37.2-506 and 37.2-607;
28. The Commissioner of Social Services for the purpose of locating persons who owe child support or who are alleged in a pending paternity proceeding to be a putative father, provided that only the name, address, demographics and social security number of the data subject shall be released;
29. Authorized officers or directors of agencies licensed pursuant to Article 2 (§ 37.2-403 et seq.) of Chapter 4 of Title 37.2 by the Department of Behavioral Health and Developmental Services for the purpose of determining if any applicant who accepts employment in any direct care position or requests approval as a sponsored residential service provider or permission to enter into a shared living arrangement with a person receiving medical assistance services pursuant to a waiver has been convicted of a crime that affects his fitness to have responsibility for the safety and well-being of individuals with mental illness, intellectual disability, or substance abuse pursuant to §§ 37.2-416, 37.2-506, and 37.2-607;
30. The Commissioner of the Department of Motor Vehicles, for the purpose of evaluating applicants for and holders of a motor carrier certificate or license subject to the provisions of Chapters 20 (§ 46.2-2000 et seq.) and 21 (§ 46.2-2100 et seq.) of Title 46.2;
31. The chairmen of the Committees for Courts of Justice of the Senate or the House of Delegates for the purpose of determining if any person being considered for election to any judgeship has been convicted of a crime;
32. Heads of state agencies in which positions have been identified as sensitive for the purpose of determining an individual's fitness for employment in positions designated as sensitive under Department of Human Resource Management policies developed pursuant to § 2.2-1201.1;
33. The Office of the Attorney General, for all criminal justice activities otherwise permitted under subdivision A 1 and for purposes of performing duties required by the Civil Commitment of Sexually Violent Predators Act (§ 37.2-900 et seq.);
34. Shipyards, to the extent permitted by federal law or regulation, engaged in the design, construction, overhaul, or repair of nuclear vessels for the United States Navy, including their subsidiary companies, for the conduct of investigations of applications for employment or for access to facilities, by contractors, leased laborers, and other visitors;

35. Any employer of individuals whose employment requires that they enter the homes of others, for the purpose of screening individuals who apply for, are offered, or have accepted such employment;

36. Public agencies when and as required by federal or state law to investigate (i) applicants as providers of adult foster care and home-based services or (ii) any individual with whom the agency is considering placing an adult on an emergency, temporary, or permanent basis pursuant to § 63.2-1601.1, subject to the restriction that the data shall not be further disseminated by the agency to any party other than a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination, subject to limitations set out in subsection G;

37. The Department of Medical Assistance Services, or its designee, for the purpose of screening individuals who, through contracts, subcontracts, or direct employment, volunteer, apply for, are offered, or have accepted a position related to the provision of transportation services to enrollees in the Medicaid Program or the Family Access to Medical Insurance Security (FAMIS) Program, or any other program administered by the Department of Medical Assistance Services;

38. The State Corporation Commission for the purpose of investigating individuals who are current or proposed members, senior officers, directors, and principals of an applicant or person licensed under Chapter 16 (§ 6.2-1600 et seq.) or Chapter 19 (§ 6.2-1900 et seq.) of Title 6.2. Notwithstanding any other provision of law, if an application is denied based in whole or in part on information obtained from the Central Criminal Records Exchange pursuant to Chapter 16 or 19 of Title 6.2, the Commissioner of Financial Institutions or his designee may disclose such information to the applicant or its designee;

39. The Department of Professional and Occupational Regulation for the purpose of investigating individuals for initial licensure pursuant to § 54.1-2106.1;

40. The Department for Aging and Rehabilitative Services and the Department for the Blind and Vision Impaired for the purpose of evaluating an individual's fitness for various types of employment and for the purpose of delivering comprehensive vocational rehabilitation services pursuant to Article 11 (§ 51.5-170 et seq.) of Chapter 14 of Title 51.5 that will assist the individual in obtaining employment;

41. Bail bondsmen, in accordance with the provisions of § 19.2-120;

42. The State Treasurer for the purpose of determining whether a person receiving compensation for wrongful incarceration meets the conditions for continued compensation under § 8.01-195.12;

43. The Department of Social Services and directors of local departments of social services for the purpose of screening individuals seeking to enter into a contract with the Department of Social Services or a local department of social services for the provision of child care services for which child care subsidy payments may be provided;

44. The Department of Juvenile Justice to investigate any parent, guardian, or other adult members of a juvenile's household when completing a predispositional or postdispositional report required by § 16.1-273 or a Board of Juvenile Justice regulation promulgated pursuant to § 16.1-233;

45. The State Corporation Commission, for the purpose of screening applicants for insurance licensure under Chapter 18 (§ 38.2-1800 et seq.) of Title 38.2; and

46. Other entities as otherwise provided by law.

Upon an ex parte motion of a defendant in a felony case and upon the showing that the records requested may be relevant to such case, the court shall enter an order requiring the Central Criminal Records Exchange to furnish the defendant, as soon as practicable, copies of any records of persons designated in the order on whom a report has been made under the provisions of this chapter.

Notwithstanding any other provision of this chapter to the contrary, upon a written request sworn to before an officer authorized to take acknowledgments, the Central Criminal Records Exchange, or the criminal justice agency in cases of offenses not required to be reported to the Exchange, shall furnish a copy of conviction data covering the person named in the request to the person making the request; however, such person on whom the data is being obtained shall consent in writing, under oath, to the making of such request. A person receiving a copy of his own conviction data may utilize or further disseminate that data as he deems appropriate. In the event no conviction data is maintained on the data subject, the person making the request shall be furnished at his cost a certification to that effect.

B. Use of criminal history record information disseminated to noncriminal justice agencies under this section shall be limited to the purposes for which it was given and may not be disseminated further.

C. No criminal justice agency or person shall confirm the existence or nonexistence of criminal history record information for employment or licensing inquiries except as provided by law.

D. Criminal justice agencies shall establish procedures to query the Central Criminal Records Exchange prior to dissemination of any criminal history record information on offenses required to be reported to the Central Criminal Records Exchange to ensure that the most up-to-date disposition data is being used. Inquiries of the Exchange shall be made prior to any dissemination except in those cases where time is of the essence and the normal response time of the Exchange would exceed the necessary time period. A criminal justice agency to whom a request has been made for the dissemination of criminal history record information that is required to be reported to the Central Criminal Records Exchange may direct the inquirer to the Central Criminal Records Exchange for such dissemination. Dissemination of information regarding offenses not required to be reported to the Exchange shall be made by the criminal justice agency maintaining the record as required by § 15.2-1722.

E. Criminal history information provided to licensed nursing homes, hospitals and to home care organizations pursuant to subdivision A 15 shall be limited to the convictions on file with the Exchange for any offense specified in §§ 32.1-126.01, 32.1-126.02, and 32.1-162.9:1.

F. Criminal history information provided to licensed assisted living facilities and licensed adult day care centers pursuant to subdivision A 16 shall be limited to the convictions on file with the Exchange for any offense specified in § 63.2-1720.

G. Criminal history information provided to public agencies pursuant to subdivision A 36 shall be limited to the convictions on file with the Exchange for any offense set forth in clause (i) of the definition of barrier crime in § 19.2-392.02.

H. Upon receipt of a written request from an employer or prospective employer, the Central Criminal Records Exchange, or the criminal justice agency in cases of offenses not required to be reported to the Exchange, shall furnish at the employer's cost a copy of conviction data covering the person named in the request to the employer or prospective employer making the request, provided that the person on whom the data is being obtained has consented in writing to the making of such request and has presented a photo-identification to the employer or prospective employer. In the event no conviction data is maintained on the person named in the request, the requesting employer or prospective employer shall be furnished at his cost a certification to that effect. The criminal history record search shall be conducted on forms provided by the Exchange.

I. Nothing in this section shall preclude the dissemination of a person's criminal history record information pursuant to the rules of court or Article 4.2 (§ 19.2-264.6 et seq.) of Chapter 15 for obtaining discovery or for review by the court.

2. That § 19.2-265.4 of the Code of Virginia is repealed.

3. That the provisions of this act shall become effective in due course, unless the amendments to Rule 3A:11 and 3A:12 of the Rules of Virginia Supreme Court adopted on September 5, 2018, become effective on July 1, 2020.

CHAPTER 1168

An Act to repeal Chapter 23.4 (§§ 54.1-2355 through 54.1-2358) of Title 54.1 of the Code of Virginia, relating to the Department of Professional and Occupational Regulation; natural gas automobile mechanics and technicians.

[H 932]

Approved April 11, 2020

Be it enacted by the General Assembly of Virginia:

1. That Chapter 23.4 (§§ 54.1-2355 through 54.1-2358) of Title 54.1 of the Code of Virginia is repealed.

CHAPTER 1169

An Act to amend and reenact §§ 2.2-204, 2.2-225, 2.2-3705.6, 2.2-3705.7, 2.2-3711, and 23.1-203 of the Code of Virginia; to amend the Code of Virginia by adding in Chapter 22 of Title 2.2 an article numbered 11, consisting of sections numbered 2.2-2351 through 2.2-2364; and to repeal Article 3 (§§ 2.2-2218 through 2.2-2233.1) of Chapter 22 of Title 2.2, Article 8 (§§ 23.1-3130 through 23.1-3134) of Chapter 31 of Title 23.1, and § 51.1-124.38 of the Code of Virginia, relating to research and development in the Commonwealth.

[S 576]

Approved April 11, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-204, 2.2-225, 2.2-3705.6, 2.2-3705.7, 2.2-3711, and 23.1-203 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Chapter 22 of Title 2.2 an article numbered 11, consisting of sections numbered 2.2-2351 through 2.2-2364, as follows:

§ 2.2-204. Position established; agencies for which responsible; additional duties.

The position of Secretary of Commerce and Trade (the Secretary) is created. The Secretary shall be responsible to the Governor for the following agencies: Virginia Economic Development Partnership Authority, *Commonwealth of Virginia Innovation Partnership Authority*, Virginia International Trade Corporation, Virginia Tourism Authority, Department of Labor and Industry, Department of Mines, Minerals and Energy, Virginia Employment Commission, Department of Professional and Occupational Regulation, Department of Housing and Community Development, Department of Small Business and Supplier Diversity, Virginia Housing Development Authority, Tobacco Region Revitalization Commission, and Board of Accountancy. The Governor, by executive order, may assign any state executive agency to the Secretary, or reassign any agency listed in this section to another Secretary.

The Secretary shall implement the provisions of the Virginia Biotechnology Research Act (§ 2.2-5500 et seq.).

§ 2.2-225. Position established; agencies for which responsible; additional powers.

The position of Secretary of Technology (the Secretary) is created. The Secretary shall be responsible to the Governor for the following agencies, councils, and boards: Information Technology Advisory Council, ~~Innovation and Entrepreneurship Investment Authority~~, Virginia Information Technologies Agency, Virginia Geographic Information

Network Advisory Board, and the 9-1-1 Services Board. The Governor, by executive order, may assign any other state executive agency to the Secretary, or reassign any agency listed in this section to another Secretary.

Unless the Governor expressly reserves such power to himself, the Secretary may, with regard to strategy development, planning and budgeting for technology programs in the Commonwealth:

1. Monitor trends and advances in fundamental technologies of interest and importance to the economy of the Commonwealth and direct and approve a stakeholder-driven technology strategy development process that results in a comprehensive and coordinated view of research and development goals for industry, academia and government in the Commonwealth. This strategy shall be updated biennially and submitted to the Governor, the Speaker of the House of Delegates and the President Pro Tempore of the Senate.

2. Work closely with the appropriate federal research and development agencies and program managers to maximize the participation of Commonwealth industries and baccalaureate institutions of higher education in these programs consistent with agreed strategy goals.

3. Direct the development of plans and programs for strengthening the technology resources of the Commonwealth's high technology industry sectors and for assisting in the strengthening and development of the Commonwealth's Regional Technology Councils.

4. Direct the development of plans and programs for improving access to capital for technology-based entrepreneurs.

5. Assist the Joint Commission on Technology and Science created pursuant to § 30-85 in its efforts to stimulate, encourage, and promote the development of technology in the Commonwealth.

6. Continuously monitor and analyze the technology investments and strategic initiatives of other states to ensure the Commonwealth remains competitive.

7. Strengthen interstate and international partnerships and relationships in the public and private sectors to bolster the Commonwealth's reputation as a global technology center.

8. Develop and implement strategies to accelerate and expand the commercialization of intellectual property created within the Commonwealth.

9. Ensure the Commonwealth remains competitive in cultivating and expanding growth industries, including life sciences, advanced materials and nanotechnology, biotechnology, and aerospace.

10. Monitor the trends in the availability and deployment of and access to broadband communications services, which include, but are not limited to, competitively priced, high-speed data services and Internet access services of general application, throughout the Commonwealth and advancements in communications technology for deployment potential. The Secretary shall report annually by December 1 to the Governor and General Assembly on those trends.

11. Designate specific projects as enterprise information technology projects, prioritize the implementation of enterprise information technology projects, and establish enterprise oversight committees to provide ongoing oversight for enterprise information technology projects. At the discretion of the Governor, the Secretary shall designate a state agency or public institution of higher education as the business sponsor responsible for implementing an enterprise information technology project, and shall define the responsibilities of lead agencies that implement enterprise information technology projects. For purposes of this subdivision, "enterprise" means an organization with common or unifying business interests. An enterprise may be defined at the Commonwealth level or Secretariat level for programs and project integration within the Commonwealth, Secretariats, or multiple agencies.

12. Establish Internal Agency Oversight Committees and Secretariat Oversight Committees as necessary and in accordance with § 2.2-2021.

13. Review and approve the Commonwealth strategic plan for information technology, as developed and recommended by the Chief Information Officer pursuant to subdivision A 3 of § 2.2-2007.1.

14. Communicate regularly with the Governor and other Secretaries regarding issues related to the provision of information technology services in the Commonwealth, statewide technology initiatives, and investments and other efforts needed to achieve the Commonwealth's information technology strategic goals.

~~15. Provide consultation on guidelines, at the recommendation of the Innovation and Entrepreneurship Investment Authority, for the application, review, and award of funds from the Commonwealth Research Commercialization Fund pursuant to § 2.2-2233.1.~~

Article 11.

Commonwealth of Virginia Innovation Partnership Act.

§ 2.2-2351. Short title; declaration of public purpose.

A. This article shall be known and may be cited as the Commonwealth of Virginia Innovation Partnership Act.

B. It is found and determined by the General Assembly that there exists in the Commonwealth a need to support the life cycle of innovation, from translational research; to entrepreneurship; to pre-seed and seed stage funding; and to acceleration, growth, and commercialization, resulting in the creation of new jobs and company formation. A collaborative, consistent, and consolidated approach will assist the Commonwealth in identifying its entrepreneurial strengths, including the identification of talents and resources that make the Commonwealth a unique place to grow and attract technology-based businesses. It is also found and determined by the General Assembly that there exists in the Commonwealth of Virginia a need to (i) promote the technology-based economic development of the Commonwealth by building, attracting, and retaining innovation and high-technology jobs and businesses in Virginia; (ii) increase industry competitiveness by supporting the application of innovative technologies that improve productivity and efficiency;

(iii) attract and provide additional private and public funding in the Commonwealth to enhance and expand the scientific and technological research and commercialization at state and federal research institutions and facilities, including by supporting and working with technology transfer offices to advance research from proof-of-concept to commercialization resulting in new business and job creation; (iv) attract and provide additional private and public funding to support and enhance innovation-led entrepreneurship ecosystems and coordination of existing activities and programs throughout the Commonwealth to create new job opportunities and diversify the economy; (v) ensure promotion and marketing of Virginia's statewide innovation economy and support and coordinate regional marketing efforts to align local and statewide objectives; and (vi) close the Commonwealth's support gap through pre-seed and seed stage investments, coordination of private investor networks, and shared due diligence research.

C. To achieve the objectives set forth in subsection B, there is created and constituted a political subdivision of the Commonwealth to be known as the Commonwealth of Virginia Innovation Partnership Authority. The Authority's exercise of powers conferred by this article shall be deemed to be the performance of an essential governmental function and matters of public necessity for which public moneys may be spent and private property acquired. Nothing in this article shall be construed to diminish or limit the powers and responsibilities of institutions of higher education or other educational or cultural institutions set forth in Title 23.1, including but not limited to such institution's authority to establish its own independent policies and technology transfer offices.

§ 2.2-2352. Definitions.

As used in this article, unless the context requires a different meaning:

"Authority" means the Commonwealth of Virginia Innovation Partnership Authority.

"Board" means the board of directors of the Authority.

"Founder" means a person who founds a company.

"Founder-friendly" means policies related to the transactional process of the development of technology, from research to commercialization, that are fair, transparent, and designed to enable the success of an inventor and business owner as the business grows.

"Index" means the Virginia Innovation Index.

§ 2.2-2353. Board of directors; members; president.

A. The Authority shall be governed by a board of directors consisting of 11 voting members as follows: (i) the Secretary of Commerce and Trade, or his designee; (ii) six nonlegislative citizen members appointed by the Governor; (iii) three nonlegislative citizen members appointed by the Joint Rules Committee; and (iv) one director of technology transfer office or equivalent position from a major research public institution of higher education, appointed by the Joint Rules Committee.

B. Of the nonlegislative citizen members appointed by the Governor, (i) two nonlegislative citizen members shall be from the investor community with experience as a partner in a venture capital fund with a minimum of \$35 million under management or experience qualifying as an accredited investor, as defined by the federal Securities and Exchange Commission, who have experience investing, as an individual or as part of an angel group, in 10 or more early stage companies; (ii) two nonlegislative citizen members shall be from the technology sector with experience (a) as a founder of a science-based or technology-based business and who have raised equity capital or (b) as a senior executive in a science or technology company with operations in Virginia and with annual revenues in excess of \$100 million; and (iii) two nonlegislative citizen members shall have experience acquiring or commercializing intellectual property through private research or experience acquiring or commercializing intellectual property from a university or other research institution. Of the nonlegislative citizen members appointed by the Joint Rules Committee, two nonlegislative citizen members shall have experience in entrepreneurial development or entrepreneurial community and network development. In making the appointments, the Governor and the Joint Rules Committee shall consider the geographic and demographic diversity of the Board.

C. 1. After an initial staggering of terms, members of the Board shall serve terms of four years. No member shall be eligible to serve more than two terms. Any appointment to fill a vacancy shall be for the unexpired term. A person appointed to fill a vacancy may be appointed to serve two additional terms. Nonlegislative citizen members shall be citizens of the Commonwealth.

2. Ex officio members shall serve terms coincident with their terms of office.

D. Members of the Board shall receive such compensation for the performance of their duties as provided in § 2.2-2813. Members shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Funding for the costs of compensation and expenses of the members shall be provided by the Authority.

E. The Board shall elect a chairman from the nonlegislative citizen members of the Board, and the Secretary of Commerce and Trade shall serve as the vice-chairman. The Board shall elect a secretary and a treasurer, who need not be members of the Board, and may also elect other subordinate officers, who need not be members of the Board. The Board may also form advisory committees, which may include representatives who are not members of the Board, to undertake more extensive study on issues before the Board.

F. A majority of the members shall constitute a quorum for the transaction of the Authority's business, and no vacancy in the membership shall impair the right of a quorum to exercise the rights and perform all duties of the Authority. The Board shall meet at least quarterly or at the call of the chairman.

G. The Board shall appoint a president of the Authority, who shall not be a member of the Board who shall serve at the pleasure of the Board and carry out such powers and duties conferred upon him by the Board.

§ 2.2-2354. Powers and duties of the president.

The president shall employ or retain such agents or employees subordinate to the president as may be necessary to fulfill the duties of the Authority conferred upon the president, subject to the Board's approval. Employees of the Authority shall be eligible for membership in the Virginia Retirement System and participation in all of the health and related insurance and other benefits, including premium conversion and flexible benefits, available to state employees as provided by law. The president shall also exercise such of the powers and duties relating to the direction of the Commonwealth's research and commercialization efforts conferred upon the Authority as may be delegated to him by the Board, including powers and duties involving the exercise of discretion. The president shall also exercise and perform such other powers and duties as may be lawfully delegated to him or as may be conferred or imposed upon him by law.

§ 2.2-2355. Powers of the Authority.

The Authority is granted all powers necessary or convenient for the carrying out of its statutory purposes, including, but not limited to, the following rights and powers to:

1. Sue and be sued, implead and be impleaded, and complain and defend in all courts. Nothing herein shall be construed to waive any applicable immunity enjoyed by the Authority.

2. Adopt, use, and alter at will a corporate seal.

3. Acquire, purchase, hold, use, lease, or otherwise dispose of any project and property, real, personal or mixed, tangible or intangible, or any interest therein necessary or desirable for carrying out the purposes of the Authority, and, without limitation of the foregoing, to lease as lessee, any project and any property, real, personal, or mixed, or any interest therein, at such annual rental and on such terms and conditions as may be determined by the Board and to lease as lessor to any person, any project and any property, real, personal, or mixed, tangible or intangible, or any interest therein, at any time acquired by the Authority, whether wholly or partially completed, at such annual rental and on such terms and conditions as may be determined by the Board, and to sell, transfer, or convey any property, real, personal, or mixed, tangible or intangible or any interest therein, at any time acquired or held by the Authority on such terms and conditions as may be determined by the Board.

4. Plan, develop, undertake, carry out, construct, improve, rehabilitate, repair, furnish, maintain, and operate projects.

5. Adopt bylaws for the management and regulation of its affairs.

6. Establish and maintain an office in Richmond to serve as headquarters for the Authority. The Authority may also establish and maintain satellite offices within the Commonwealth.

7. Fix, alter, charge, and collect rates, rentals, and other charges for the use of projects of, or for the sale of products of or for the services rendered by, the Authority, at rates to be determined by it for the purpose of providing for the payment of the expenses of the Authority, the planning, development, construction, improvement, rehabilitation, repair, furnishing, maintenance, and operation of its projects and properties, the payment of the costs accomplishing its purposes set forth in § 2.2-2351, the payment of the principal of and interest on its obligations, and the fulfillment of the terms and provisions of any agreements made with the purchasers or holders of any such obligations.

8. Make and enter into all contracts and agreements necessary or incidental to the performance of its duties, the furtherance of its purposes, and the execution of its powers under this article, including agreements with any person or federal agency.

9. Employ, in its discretion, consultants, researchers, attorneys, architects, engineers, accountants, financial experts, investment bankers, superintendents, managers, and such other employees and agents as may be necessary, and to fix their compensation to be payable from funds made available to the Authority.

10. Receive and accept from any federal or private agency, foundation, corporation, association, or person grants to be expended in accomplishing the objectives of the Authority and receive and accept from the Commonwealth or any state, and any municipality, county, or other political subdivision thereof and from any other source, aid or contributions of either money, property, or other things of value, to be held, used, and applied only for the purposes for which such grants and contributions may be made.

11. Render advice and assistance, and provide services, to institutions of higher education and to other persons providing services or facilities for scientific and technological research or graduate education, provided that credit toward a degree, certificate, or diploma shall be granted only if such education is provided in conjunction with an institution of higher education authorized to operate in Virginia.

12. Develop, undertake, and provide programs, alone or in conjunction with any person or federal agency, for scientific and technological research, technology management, continuing education, and in-service training, provided that credit toward a degree, certificate, or diploma shall be granted only if such education is provided in conjunction with an institution of higher education authorized to operate in Virginia; foster the utilization of scientific and technological research information, discoveries, and data and to obtain patents, copyrights, and trademarks thereon; to encourage the coordination of the scientific and technological research efforts of public institutions and private industry and collect and maintain data on the development and utilization of scientific and technological research capabilities.

13. Pledge or otherwise encumber all or any of the revenues or receipts of the Authority as security for all or any of the obligations of the Authority.

14. Receive, administer, and market any interest in patents, copyrights, and materials that are potentially patentable or copyrightable developed by or for state agencies, public institutions of higher education, and political subdivisions of the Commonwealth.

15. Develop the Index, pursuant to § 2.2-2360, to use to identify research areas worthy of Commonwealth investment in order to promote commercialization and economic development efforts in the Commonwealth.

16. Foster innovative partnerships and relationships among the Commonwealth, the Commonwealth's institutions of higher education, the private sector, federal labs, and not-for-profit organizations to improve research and development of commercialization efforts.

17. Receive and review annual reports from institutions and facilities regarding the progress of projects funded through the Authority. The Authority shall develop guidelines, methodologies, metrics, and criteria for the reports. The Authority shall aggregate the reports and submit an annual omnibus report on the status of research and development initiatives funded by the Authority in the Commonwealth to the Governor and the Chairmen of the House Committee on Appropriations, the House Committee on Communications, Technology and Innovation, the Senate Committee on Finance and Appropriations, and the Senate Committee on General Laws and Technology.

18. Administer grant, loan, and investment programs as authorized by this article. The Authority shall develop guidelines, subject to the approval of the Board, for the application, review, and award of grants, loans, and investments under the provisions of this article. These guidelines shall address, at a minimum, the application process and, where appropriate, shall give special emphasis to fostering collaboration and partnership among institutions of higher education and partnerships between institutions of higher education and business and industry.

19. Establish and administer, through any nonstock, nonprofit corporation established by the Authority, investment funds that may accept funds from any source, public or private, to support venture capital activities in the Commonwealth. The administration of any such investment fund shall be advised by the Advisory Committee on Investment created pursuant to § 2.2-2358.

20. Report on all investment activities of the Authority, and any entity established by the Authority, including returns on investments, to the Governor and the Chairmen of the House Committee on Appropriations, the House Committee on Communications, Technology and Innovation, the Senate Committee on Finance and Appropriations, and the Senate Committee on General Laws and Technology.

21. Exclusively, or with any other person, form and otherwise develop, own, operate, govern, and otherwise direct the disposition of assets of, or any combination thereof, separate legal entities, on any such terms and conditions and in any such manner as may be determined by the Board, provided that such separate legal entities shall be formed solely for the purpose of managing and administering any assets disposed of by the Authority. Such legal entities may include limited liability companies, limited partnerships, charitable foundations, real estate holding companies, investment holding companies, nonstock corporations, and benefit corporations. Any legal entities created by the Authority shall be operated under the governance of the Authority, and each shall provide quarterly performance reports to the Board. The articles of incorporation, partnership, or organization for such legal entities shall provide that, upon dissolution, the assets of the entities that are owned on behalf of the Commonwealth shall be transferred to the Authority. Any legal entity created pursuant to this subdivision shall ensure that the economic benefits attributable to the income and property rights arising from any transaction in which the entity is involved are allocated based on the reasonable business judgment of the Board, with due account being given to the interest of the citizens of the Commonwealth and the needs of the entity. No legal entity shall be deemed to be a state or government agency, advisory agency, public body, or instrumentality of the Commonwealth. No director, officer, or employee of any such legal entity shall be deemed to be an officer or employee for purposes of the State and Local Government Conflict of Interests Act (§ 2.2-3100 et seq.) solely by virtue in his capacity as a director, officer, or employee of such legal entity. Notwithstanding the foregoing, the Auditor of Public Accounts or his legally authorized representative shall annually audit the financial accounts of the Authority and any such legal entities.

22. Provide leadership for strategic initiatives that explore and shape programs designed to attract and grow innovation in the Commonwealth. Such leadership may include (i) seeking, or supporting others in seeking, federal grants, contracts, or other funding sources that advance the exploration functions of the Authority's public purpose; (ii) assuming responsibility for forward-looking technology assessment and market vision around strategic initiatives and partnerships with federal and local governments; (iii) taking a leading role in defining, promoting, and implementing forward-looking technology market and industry development policies and processes that advance innovation and entrepreneurial activity and the assimilation of technology; (iv) contracting with federal and private entities to further innovation, commercialization, and entrepreneurship in the Commonwealth; and (v) conducting limited-scale commercialization pilot projects based on identified strategic initiatives to promote the industry or commercial development of specific technologies or interests.

23. Do all acts and things necessary or convenient to carry out the powers granted to it by law.

§ 2.2-2356. Designation of staff of not-for-profit entity.

A. The Board may designate the president and staff of a not-for-profit entity established pursuant to this article to carry out the day-to-day operations and activities of the Authority and to perform such other duties as may be directed by the Board.

B. The president shall employ or retain such agents or employees subordinate to the president as may be necessary to fulfill the duties of the Authority and the not-for-profit entity designated herein. Employees shall be eligible for membership

in the Virginia Retirement System and participation in all of the health and related insurance and other benefits, including premium conversion and flexible benefits, available to state employees as provided by law.

§ 2.2-2357. Division of Entrepreneurial Ecosystems.

A. Within the Authority shall be created a Division of Entrepreneurial Ecosystems (the Division) to support and promote technology-based entrepreneurial activities in the Commonwealth. The Division shall have the authority to (i) connect regional entrepreneurial support services; (ii) administer the Regional Innovation Fund (the Fund); (iii) coordinate marketing efforts between statewide and regional campaigns; (iv) establish entrepreneurs in residence to align local needs with state initiatives and funds; (v) compile, maintain, and promote an information portal of available public and private funding vehicles; and (vi) perform any other duties assigned by the Board. In performing such duties and responsibilities, the Division may (a) seek to build networks between regional entrepreneur support services; (b) facilitate state-wide information sharing and exchange of ideas and best practices; (c) establish a portal to highlight the availability of regional entrepreneurial support services; (d) aggregate information from national, regional, and local sources and promote available public and private funding vehicles; and (e) undertake any other activities or provide any other services relative to the purpose of the Division.

B. The Division shall be advised by an Advisory Committee (Advisory Committee) on Entrepreneurial Ecosystems, to be appointed by the Board.

C. The Division may partner with the GO Virginia regional councils to offer resources and expertise related to entrepreneurial ecosystem development, to identify multiregion initiatives, and to facilitate communication regarding best practices across regional councils.

D. 1. There is hereby created a permanent fund to be known as the Regional Innovation Fund, to be administered by the Authority. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund at the end of each fiscal year, including interest thereon, shall not revert to the general fund but shall remain in the Fund. Expenditures and disbursements from the Fund, which may consist of grants or loans, shall be made by authorization of the president, chairman, or vice-chairman of the Authority.

2. Moneys in the Fund shall be used for (i) competitive grants or loans to advance regional ecosystem development activities, (ii) support for enhanced capacity building projects, (iii) assistance with the creation and maintenance of appropriate infrastructure for the execution of innovation and startup programming, or (iv) technical assistance to startups in regional ecosystems. Moneys from the Fund shall be used for the purposes set forth in this subdivision that further the goals set forth in the Index.

3. Awards from the Fund shall be made by the Authority pursuant to guidelines, procedures, and criteria for the application for and award of grants or loans developed by the Division in consultation with the Advisory Committee and approved by the Board.

4. Any award from the Fund shall require matching funds at least equal to the award, provided, however, that the Authority shall have the authority to reduce the match requirement to no less than half of the grant upon a finding by the Authority of fiscal distress or an exceptional economic opportunity in a region. Such matching funds may be from local, regional, federal, or private funds, but shall not include any state general funds, from whatever source.

§ 2.2-2358. Division of Investment.

A. Within the Authority shall be created a Division of Investment (the Division) to provide the Commonwealth with a competitive advantage through an array of funding mechanisms as provided in § 2.2-2355 related to direct and indirect venture capital investments. The Division may (i) make direct investments in business entities, (ii) make indirect investments in business entities through intermediary entities, whether formed by the Authority, or by another public or private entity or provide other financial support to encourage the formation of such intermediary entities or sidecar funds, (iii) benchmark state tax incentive programs relating to the formation and growth of technology-based businesses, and (iv) perform any other duties or responsibilities assigned by the Board.

B. The Division shall partner with and support women-owned and minority-owned entrepreneurial entities through initiatives such as investor networks, accelerators, and incubators that promote and develop women and minority founders. Further, the Division shall consider status as a woman-owned or minority-owned business when making direct or indirect investments.

C. The Division shall work to support investments in the diverse economies and regions of the Commonwealth and shall engage members of rural and geographically underrepresented communities on advisory committees and in positions of decision making.

D. The Division shall be advised by an Advisory Committee on Investment (the Advisory Committee), to be appointed by the Board.

E. The Board, in consultation with the Division and the Advisory Committee, shall make biennial recommendations to the Governor regarding investment strategies.

§ 2.2-2359. Division of Commercialization.

A. Within the Authority shall be created a Division of Commercialization (the Division). The Division shall (i) promote research and development excellence in the Commonwealth; (ii) provide guidance and coordination, as deemed necessary, to existing efforts to support research in the Commonwealth with commercial potential; (iii) review and advise on the Index; (iv) administer the Commonwealth Commercialization Fund (the Fund); and (v) perform any other duties or responsibilities assigned by the Board.

B. The Division shall be advised by an Advisory Committee on Commercialization (the Advisory Committee), to be appointed by the Board. The Board shall consider including at least one representative from a major public research institution of higher education located outside of the Commonwealth and at least one representative from a public institution of higher education located within the Commonwealth.

C. The Division, in consultation with the Advisory Committee and subject to approval of the Board, shall develop guidelines, procedures, and criteria for the (i) application for grants and loans from the Fund; (ii) review, certification of scientific merits, and scoring or prioritization of applications for grants and loans from the Fund; and (iii) evaluation and recommendation to the Authority regarding the award of grants and loans from the Fund. The guidelines, procedures, and criteria shall include requirements that applicants demonstrate and the Authority consider:

1. Other grants, awards, loans, or funds awarded to the proposed program or project by the Commonwealth;

2. Other applications from the applicant for state grants, awards, loans, or funds currently pending at the time of the application;

3. The potential of the program or project for which a grant or loan is sought to (i) culminate in the commercialization of research; (ii) culminate in the formation or spin-off of technology-based companies; (iii) promote the build-out of scientific areas of expertise in science and technology; (iv) promote applied research and development in the areas of focus identified in the Index; (v) provide modern facilities or infrastructure for research and development; (vi) result in significant capital investment and job creation; or (vii) promote collaboration among the public institutions of higher education.

D. The Division may forward any application for a grant or loan from the Fund to an entity with recognized science and technology expertise for a review and certification of the scientific merits of the proposal, including a scoring or prioritization of applicant programs and projects deemed viable by the reviewing entity.

E. 1. There is hereby created a permanent fund to be known as the Commonwealth Commercialization Fund. Interest and other income earned on the Fund shall be credited to the Fund. Any moneys remaining in the Fund, including interest and other income thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Expenditures and disbursements from the Fund, which may consist of grants or loans, shall be made upon authorization of the president, chairman, or vice-chairman of the Authority.

2. Awards from the Fund shall be made pursuant to the guidelines developed by the Division and approved by the Board.

3. Moneys in the Fund shall be used for grants and loans to (i) foster innovative and collaborative research, development, and commercialization efforts in the Commonwealth in projects and programs with a high potential for economic development and job creation opportunities; (ii) position the Commonwealth as a national leader in science-based and technology-based research, development, and commercialization; (iii) attract and effectively recruit and retain eminent researchers to enhance research superiority at public institutions of higher education; and (iv) encourage cooperation and collaboration among public institutions of higher education, and with the private sector, in areas and with activities that foster economic development and job creation in the Commonwealth. Grants and loans from the Fund shall be made to applications that further the goals set forth in the Virginia Innovation Index.

4. Awards from the Fund shall require a match of funds at least equal to the amount awarded.

F. The Division, by December 1, 2020, and annually by December 1 each year thereafter, in consultation with the State Council of Higher Education for Virginia and the Board, shall make recommendations regarding oversight of initiatives or Commonwealth centers of excellence related to technology-based or innovation-based economic development. Initiatives and Commonwealth centers of excellence subject to such recommendations include (i) those that engage in commercialization of university research, (ii) technology-driven industries such as unmanned systems, (iii) advanced innovation concepts such as smart community technologies, and (iv) technology-based entrepreneurial activity. Recommendations to evaluate and measure current and future initiatives shall be developed in alignment with the Index to assist the Governor and General Assembly in determining appropriate initiatives to pursue while preventing the establishment of redundant activities.

G. Institutions of higher education may choose to coordinate with the Division and participate in projects using moneys granted or loaned from the Fund. The Division shall coordinate with participating institutions of higher education technology transfer officers and vice-presidents of research and innovation to advance founder-friendly policies throughout the Commonwealth. The results of such partnerships may include the establishment of a central Commonwealth-run technology transfer office and founder-friendly terms for optional use; the creation of an inventory library of statewide available technologies and intellectual property; the support and strengthening of existing technology transfer offices, with focus on the need for proof of concept funds; and the development of commercialization advancement plans.

H. The Division may coordinate with public institutions of higher education, technology transfer offices, the State Council of Higher Education for Virginia, and the Office of the Attorney General to identify the allowable uses of buildings owned by public institutions of higher education for research-led spin-off companies and student commercial initiatives that originate at public institutions of higher education. The Division and its partners shall take official notice of the fact that no general prohibition exists in the acts of assembly or the Code that generally prohibits such use, but that limitations may exist on a case-by-case basis that may prohibit the use of a particular building, facility, or piece of equipment for the purposes set forth in this subsection.

§ 2.2-2360. Virginia Innovation Index.

A. The Authority shall develop, subject to approval by the Board, a Virginia Innovation Index (the Index), a comprehensive research and technology strategic plan for the Commonwealth to identify research areas worthy of

Commonwealth economic development. The goal of the Index shall be to develop a cohesive and comprehensive framework through which to encourage collaboration between the Commonwealth's public institutions of higher education, private sector industries, and economic development entities in order to focus on the complete lifecycle of research, development, and commercialization. The framework shall serve as a means to (i) identify the Commonwealth's key industry sectors in which investments in technology should be made by the Commonwealth; (ii) identify basic and applied research opportunities in these sectors that exhibit commercial promise; (iii) encourage commercialization and economic development activities in the Commonwealth in these sectors; and (iv) help ensure that investments of public funds in the Commonwealth in basic and applied research are made prudently in focused areas for projects with significant potential for commercialization and economic growth in the Commonwealth.

B. The Index shall be used to determine areas of focus for grants, loans, and investments by the Authority pursuant to this article.

C. In developing the Index, the Authority shall:

1. Consult with the chief research officers at public institutions of higher education in the Commonwealth regarding the strategic plan for each institution in order to identify common themes;

2. Consult with public institutions of higher education in the Commonwealth, the Virginia Economic Development Partnership, and any other entity deemed relevant to catalog the Commonwealth's assets in order to identify the areas of research and development in which the Commonwealth has a great likelihood of excelling in applied research and commercialization;

3. Make recommendations for the alignment of research and development and economic growth in the Commonwealth, identifying the industry sectors in which the Commonwealth should focus its research, development, investment, and economic development efforts;

4. Establish a process for maintaining an inventory of the Commonwealth's current research and development endeavors in both the public and private sectors that can be used to attract research and commercialization excellence in the Commonwealth;

5. Make recommendations to the Six-Year Capital Outlay Plan Advisory Committee established pursuant to § 2.2-1516 regarding capital construction needs at public institutions of higher education necessary to excel in basic and applied research in identified industry sectors;

6. Solicit feedback from public and private institutions of higher education in the Commonwealth; members of the National Academies of Sciences, Engineering and Medicine; members of the Virginia Academy of Science, Engineering and Medicine; federal research and development assets in the Commonwealth; regional technology councils in the Commonwealth; the Virginia Economic Development Partnership; the Virginia Growth and Opportunity Board; and the private sector;

7. Consult with private industry and industry leaders to identify areas of research and development in which the Commonwealth has a great likelihood of excelling in applied research and commercialization; and

8. Incorporate the work of previous comprehensive research and technology strategic plans developed by the State Council on Higher Education in Virginia.

D. The Authority shall review the Index and make recommendations regarding its update at least once every two years. Such recommended updates shall be submitted to the Board for review and approval.

E. The Authority shall submit a draft of the Index to the Governor and the Chairmen of the Senate Committee on Finance and Appropriations, the House Committee on Appropriations, and the Joint Commission on Technology and Science at least 30 days prior to the Board voting to approve the Index or any subsequent updates. Upon final approval, the Authority shall submit the approved Index, and any subsequent updates, to the Chairmen of the Senate Committee on Finance and Appropriations, the House Committee on Appropriations, and the Joint Commission on Technology and Science.

§ 2.2-2361. Grants or loans of public or private funds.

The Authority may accept, receive, receipt for, disburse, and expend federal and state moneys and other moneys, public or private, made available by grant or loan or both or otherwise, to accomplish, in whole or in part, any of the purposes of this article. All federal moneys accepted under this section shall be accepted and expended by the Authority upon such terms and conditions as are prescribed by the United States and as are consistent with state law; and all state moneys accepted under this section shall be accepted and expended by the Authority upon such terms and conditions as are prescribed by the Commonwealth.

§ 2.2-2362. Moneys of Authority; examination of books by the Auditor of Public Accounts.

All moneys of the Authority, from whatever source derived, shall be paid to the treasurer of the Authority. Such moneys shall be deposited in the first instance by the treasurer in one or more banks or trust companies, in one or more special accounts. All banks and trust companies are authorized to give such security for such deposits, if required by the Authority. The moneys in such accounts shall be paid out on the warrant or other order of the treasurer of the Authority or of other persons as the Authority may authorize to execute such warrants or orders. The Auditor of Public Accounts or his legally authorized representatives shall examine the accounts and books of the Authority.

§ 2.2-2363. Exemption from taxes or assessments.

The exercise of the powers granted by this article shall be in all respects for the benefit of the people of the Commonwealth, for the increase of their commerce and prosperity, and for the improvement of their health and living conditions, and as the operation and maintenance of projects by the Authority and the undertaking of activities in

furtherance of the purpose of the Authority constitute the performance of essential governmental functions, the Authority shall not be required to pay any taxes or assessments upon any project or any property acquired or used by the Authority under the provisions of this article or upon the income therefrom, including sales and use taxes on tangible personal property used in the operations of the Authority, and shall at all times be free from state and local taxation. The exemption granted in this section shall not be construed to extend to persons conducting on the premises of a facility businesses for which local or state taxes would otherwise be required.

§ 2.2-2364. Exemption of Authority from personnel and procurement procedures.

The provisions of the Virginia Personnel Act (§ 2.2-2900 et seq.) and the Virginia Public Procurement Act (§ 2.2-4300 et seq.) shall not apply to the Authority in the exercise of any power conferred under this article.

§ 2.2-3705.6. Exclusions to application of chapter; proprietary records and trade secrets.

The following information contained in a public record is excluded from the mandatory disclosure provisions of this chapter but may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law. Redaction of information excluded under this section from a public record shall be conducted in accordance with § 2.2-3704.01.

1. Proprietary information gathered by or for the Virginia Port Authority as provided in § 62.1-132.4 or 62.1-134.1.
2. Financial statements not publicly available filed with applications for industrial development financings in accordance with Chapter 49 (§ 15.2-4900 et seq.) of Title 15.2.
3. Proprietary information, voluntarily provided by private business pursuant to a promise of confidentiality from a public body, used by the public body for business, trade, and tourism development or retention; and memoranda, working papers, or other information related to businesses that are considering locating or expanding in Virginia, prepared by a public body, where competition or bargaining is involved and where disclosure of such information would adversely affect the financial interest of the public body.
4. Information that was filed as confidential under the Toxic Substances Information Act (§ 32.1-239 et seq.), as such Act existed prior to July 1, 1992.
5. Fisheries data that would permit identification of any person or vessel, except when required by court order as specified in § 28.2-204.
6. Confidential financial statements, balance sheets, trade secrets, and revenue and cost projections provided to the Department of Rail and Public Transportation, provided such information is exempt under the federal Freedom of Information Act or the federal Interstate Commerce Act or other laws administered by the Surface Transportation Board or the Federal Railroad Administration with respect to data provided in confidence to the Surface Transportation Board and the Federal Railroad Administration.
7. Proprietary information related to inventory and sales, voluntarily provided by private energy suppliers to the Department of Mines, Minerals and Energy, used by that Department for energy contingency planning purposes or for developing consolidated statistical information on energy supplies.
8. Confidential proprietary information furnished to the Board of Medical Assistance Services or the Medicaid Prior Authorization Advisory Committee pursuant to Article 4 (§ 32.1-331.12 et seq.) of Chapter 10 of Title 32.1.
9. Proprietary, commercial or financial information, balance sheets, trade secrets, and revenue and cost projections provided by a private transportation business to the Virginia Department of Transportation and the Department of Rail and Public Transportation for the purpose of conducting transportation studies needed to obtain grants or other financial assistance under the Transportation Equity Act for the 21st Century (P.L. 105-178) for transportation projects if disclosure of such information is exempt under the federal Freedom of Information Act or the federal Interstate Commerce Act or other laws administered by the Surface Transportation Board or the Federal Railroad Administration with respect to data provided in confidence to the Surface Transportation Board and the Federal Railroad Administration. However, the exclusion provided by this subdivision shall not apply to any wholly owned subsidiary of a public body.
10. Confidential information designated as provided in subsection F of § 2.2-4342 as trade secrets or proprietary information by any person in connection with a procurement transaction or by any person who has submitted to a public body an application for prequalification to bid on public construction projects in accordance with subsection B of § 2.2-4317.
11. a. Memoranda, staff evaluations, or other information prepared by the responsible public entity, its staff, outside advisors, or consultants exclusively for the evaluation and negotiation of proposals filed under the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.) or the Public-Private Education Facilities and Infrastructure Act of 2002 (§ 56-575.1 et seq.) where (i) if such information was made public prior to or after the execution of an interim or a comprehensive agreement, § 33.2-1820 or 56-575.17 notwithstanding, the financial interest or bargaining position of the public entity would be adversely affected and (ii) the basis for the determination required in clause (i) is documented in writing by the responsible public entity; and
b. Information provided by a private entity to a responsible public entity, affected jurisdiction, or affected local jurisdiction pursuant to the provisions of the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.) or the Public-Private Education Facilities and Infrastructure Act of 2002 (§ 56-575.1 et seq.) if disclosure of such information would reveal (i) trade secrets of the private entity; (ii) financial information of the private entity, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise; or (iii) other information submitted by the private entity where if such information was made public prior to the execution of

an interim agreement or a comprehensive agreement, the financial interest or bargaining position of the public or private entity would be adversely affected. In order for the information specified in clauses (i), (ii), and (iii) to be excluded from the provisions of this chapter, the private entity shall make a written request to the responsible public entity:

(1) Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;

(2) Identifying with specificity the data or other materials for which protection is sought; and

(3) Stating the reasons why protection is necessary.

The responsible public entity shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets or financial information of the private entity. To protect other information submitted by the private entity from disclosure, the responsible public entity shall determine whether public disclosure prior to the execution of an interim agreement or a comprehensive agreement would adversely affect the financial interest or bargaining position of the public or private entity. The responsible public entity shall make a written determination of the nature and scope of the protection to be afforded by the responsible public entity under this subdivision. Once a written determination is made by the responsible public entity, the information afforded protection under this subdivision shall continue to be protected from disclosure when in the possession of any affected jurisdiction or affected local jurisdiction.

Except as specifically provided in subdivision 11 a, nothing in this subdivision shall be construed to authorize the withholding of (a) procurement records as required by § 33.2-1820 or 56-575.17; (b) information concerning the terms and conditions of any interim or comprehensive agreement, service contract, lease, partnership, or any agreement of any kind entered into by the responsible public entity and the private entity; (c) information concerning the terms and conditions of any financing arrangement that involves the use of any public funds; or (d) information concerning the performance of any private entity developing or operating a qualifying transportation facility or a qualifying project.

For the purposes of this subdivision, the terms "affected jurisdiction," "affected local jurisdiction," "comprehensive agreement," "interim agreement," "qualifying project," "qualifying transportation facility," "responsible public entity," and "private entity" shall mean the same as those terms are defined in the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.) or in the Public-Private Education Facilities and Infrastructure Act of 2002 (§ 56-575.1 et seq.).

12. Confidential proprietary information or trade secrets, not publicly available, provided by a private person or entity pursuant to a promise of confidentiality to the Virginia Resources Authority or to a fund administered in connection with financial assistance rendered or to be rendered by the Virginia Resources Authority where, if such information were made public, the financial interest of the private person or entity would be adversely affected.

13. Trade secrets or confidential proprietary information that is not generally available to the public through regulatory disclosure or otherwise, provided by a (i) bidder or applicant for a franchise or (ii) franchisee under Chapter 21 (§ 15.2-2100 et seq.) of Title 15.2 to the applicable franchising authority pursuant to a promise of confidentiality from the franchising authority, to the extent the information relates to the bidder's, applicant's, or franchisee's financial capacity or provision of new services, adoption of new technologies or implementation of improvements, where such new services, technologies, or improvements have not been implemented by the franchisee on a nonexperimental scale in the franchise area, and where, if such information were made public, the competitive advantage or financial interests of the franchisee would be adversely affected.

In order for trade secrets or confidential proprietary information to be excluded from the provisions of this chapter, the bidder, applicant, or franchisee shall (a) invoke such exclusion upon submission of the data or other materials for which protection from disclosure is sought, (b) identify the data or other materials for which protection is sought, and (c) state the reason why protection is necessary.

No bidder, applicant, or franchisee may invoke the exclusion provided by this subdivision if the bidder, applicant, or franchisee is owned or controlled by a public body or if any representative of the applicable franchising authority serves on the management board or as an officer of the bidder, applicant, or franchisee.

14. Information of a proprietary or confidential nature furnished by a supplier or manufacturer of charitable gaming supplies to the Department of Agriculture and Consumer Services (i) pursuant to subsection E of § 18.2-340.34 and (ii) pursuant to regulations promulgated by the Charitable Gaming Board related to approval of electronic and mechanical equipment.

15. Information related to Virginia apple producer sales provided to the Virginia State Apple Board pursuant to § 3.2-1215.

16. Trade secrets submitted by CMRS providers as defined in § 56-484.12 to the former Wireless Carrier E-911 Cost Recovery Subcommittee created pursuant to former § 56-484.15, relating to the provision of wireless E-911 service.

17. Information relating to a grant or loan application, or accompanying a grant or loan application, to the ~~Innovation and Entrepreneurship Investment Authority pursuant to Article 3 (§ 2.2-2233.1 et seq.) of Chapter 22 of Title 2.2 or to the Commonwealth Health Research Board pursuant to Chapter 5.3 (§ 32.1-162.23 et seq.) of Title 32.1~~ if disclosure of such information would (i) reveal proprietary business or research-related information produced or collected by the applicant in the conduct of or as a result of study or research on medical, rehabilitative, scientific, technical, technological, or scholarly issues, when such information has not been publicly released, published, copyrighted, or patented, and (ii) be harmful to the competitive position of the applicant.

18. Confidential proprietary information and trade secrets developed and held by a local public body (i) providing telecommunication services pursuant to § 56-265.4:4 and (ii) providing cable television services pursuant to Article 1.1

(§ 15.2-2108.2 et seq.) of Chapter 21 of Title 15.2 if disclosure of such information would be harmful to the competitive position of the locality.

In order for confidential proprietary information or trade secrets to be excluded from the provisions of this chapter, the locality in writing shall (a) invoke the protections of this subdivision, (b) identify with specificity the information for which protection is sought, and (c) state the reasons why protection is necessary. However, the exemption provided by this subdivision shall not apply to any authority created pursuant to the BVU Authority Act (§ 15.2-7200 et seq.).

19. Confidential proprietary information and trade secrets developed by or for a local authority created in accordance with the Virginia Wireless Service Authorities Act (§ 15.2-5431.1 et seq.) to provide qualifying communications services as authorized by Article 5.1 (§ 56-484.7:1 et seq.) of Chapter 15 of Title 56, where disclosure of such information would be harmful to the competitive position of the authority, except that information required to be maintained in accordance with § 15.2-2160 shall be released.

20. Trade secrets or financial information of a business, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise, provided to the Department of Small Business and Supplier Diversity as part of an application for certification as a small, women-owned, or minority-owned business in accordance with Chapter 16.1 (§ 2.2-1603 et seq.). In order for such trade secrets or financial information to be excluded from the provisions of this chapter, the business shall (i) invoke such exclusion upon submission of the data or other materials for which protection from disclosure is sought, (ii) identify the data or other materials for which protection is sought, and (iii) state the reasons why protection is necessary.

21. Information of a proprietary or confidential nature disclosed by a carrier to the State Health Commissioner pursuant to §§ 32.1-276.5:1 and 32.1-276.7:1.

22. Trade secrets, including, but not limited to, financial information, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise, and revenue and cost projections supplied by a private or nongovernmental entity to the State Inspector General for the purpose of an audit, special investigation, or any study requested by the Office of the State Inspector General in accordance with law.

In order for the information specified in this subdivision to be excluded from the provisions of this chapter, the private or nongovernmental entity shall make a written request to the State Inspector General:

a. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;

b. Identifying with specificity the data or other materials for which protection is sought; and

c. Stating the reasons why protection is necessary.

The State Inspector General shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets or financial information of the private entity. The State Inspector General shall make a written determination of the nature and scope of the protection to be afforded by it under this subdivision.

23. Information relating to a grant application, or accompanying a grant application, submitted to the Tobacco Region Revitalization Commission that would (i) reveal (a) trade secrets, (b) financial information of a grant applicant that is not a public body, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise, or (c) research-related information produced or collected by the applicant in the conduct of or as a result of study or research on medical, rehabilitative, scientific, technical, technological, or scholarly issues, when such information has not been publicly released, published, copyrighted, or patented, and (ii) be harmful to the competitive position of the applicant; and memoranda, staff evaluations, or other information prepared by the Commission or its staff exclusively for the evaluation of grant applications. The exclusion provided by this subdivision shall apply to grants that are consistent with the powers of and in furtherance of the performance of the duties of the Commission pursuant to § 3.2-3103.

In order for the information specified in this subdivision to be excluded from the provisions of this chapter, the applicant shall make a written request to the Commission:

a. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;

b. Identifying with specificity the data, information or other materials for which protection is sought; and

c. Stating the reasons why protection is necessary.

The Commission shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets, financial information, or research-related information of the applicant. The Commission shall make a written determination of the nature and scope of the protection to be afforded by it under this subdivision.

24. a. Information held by the Commercial Space Flight Authority relating to rate structures or charges for the use of projects of, the sale of products of, or services rendered by the Authority if disclosure of such information would adversely affect the financial interest or bargaining position of the Authority or a private entity providing the information to the Authority; or

b. Information provided by a private entity to the Commercial Space Flight Authority if disclosure of such information would (i) reveal (a) trade secrets of the private entity; (b) financial information of the private entity, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise; or (c) other information submitted by the private entity and (ii) adversely affect the financial interest or bargaining position of the Authority or private entity.

In order for the information specified in clauses (a), (b), and (c) of subdivision 24 b to be excluded from the provisions of this chapter, the private entity shall make a written request to the Authority:

(1) Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;

(2) Identifying with specificity the data or other materials for which protection is sought; and

(3) Stating the reasons why protection is necessary.

The Authority shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets or financial information of the private entity. To protect other information submitted by the private entity from disclosure, the Authority shall determine whether public disclosure would adversely affect the financial interest or bargaining position of the Authority or private entity. The Authority shall make a written determination of the nature and scope of the protection to be afforded by it under this subdivision.

25. Information of a proprietary nature furnished by an agricultural landowner or operator to the Department of Conservation and Recreation, the Department of Environmental Quality, the Department of Agriculture and Consumer Services, or any political subdivision, agency, or board of the Commonwealth pursuant to §§ 10.1-104.7, 10.1-104.8, and 10.1-104.9, other than when required as part of a state or federal regulatory enforcement action.

26. Trade secrets provided to the Department of Environmental Quality pursuant to the provisions of § 10.1-1458. In order for such trade secrets to be excluded from the provisions of this chapter, the submitting party shall (i) invoke this exclusion upon submission of the data or materials for which protection from disclosure is sought, (ii) identify the data or materials for which protection is sought, and (iii) state the reasons why protection is necessary.

27. Information of a proprietary nature furnished by a licensed public-use airport to the Department of Aviation for funding from programs administered by the Department of Aviation or the Virginia Aviation Board, where if such information was made public, the financial interest of the public-use airport would be adversely affected.

In order for the information specified in this subdivision to be excluded from the provisions of this chapter, the public-use airport shall make a written request to the Department of Aviation:

a. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;

b. Identifying with specificity the data or other materials for which protection is sought; and

c. Stating the reasons why protection is necessary.

28. Information relating to a grant ~~or~~ loan, ~~or investment~~ application, or accompanying a grant ~~or~~ loan, ~~or investment~~ application, submitted to the ~~Commonwealth of Virginia Research Investment Committee~~ *Innovation Partnership Authority (the Authority)* established pursuant to Article 8 (~~§ 23.1-3130~~ *§ 2.2-2351 et seq.*) of Chapter ~~31 of Title 23.1~~ *22, an advisory committee of the Authority, or any other entity designated by the Authority to review such applications*, to the extent that such records would (i) reveal (a) trade secrets; (b) financial information of a party to a grant ~~or~~ loan, ~~or investment~~ application that is not a public body, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise; or (c) research-related information produced or collected by a party to the application in the conduct of or as a result of study or research on medical, rehabilitative, scientific, technical, technological, or scholarly issues, when such information has not been publicly released, published, copyrighted, or patented, and (ii) be harmful to the competitive position of a party to a grant ~~or~~ loan, ~~or investment~~ application; and memoranda, staff evaluations, or other information prepared by the ~~Committee~~ *Authority* or its staff, or a reviewing entity ~~pursuant to subsection D of § 23.1-3133~~ *designated by the Authority*, exclusively for the evaluation of grant, ~~or~~ loan, ~~or investment~~ applications, including any scoring or prioritization documents prepared for and forwarded to the ~~Committee~~ *Authority* pursuant to ~~subsection D of § 23.1-3133~~ *Authority*.

In order for the information submitted by the applicant and specified in this subdivision to be excluded from the provisions of this chapter, the applicant shall make a written request to the ~~Committee~~:

a. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;

b. Identifying with specificity the data, information, or other materials for which protection is sought; and

c. Stating the reasons why protection is necessary.

The ~~Virginia Research Investment Committee~~ shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets, financial information, or research-related information of the party to the application. The ~~Committee~~ shall make a written determination of the nature and scope of the protection to be afforded by it under this subdivision.

29. Proprietary information, voluntarily provided by a private business pursuant to a promise of confidentiality from a public body, used by the public body for a solar services agreement, where disclosure of such information would (i) reveal (a) trade secrets of the private business; (b) financial information of the private business, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise; or (c) other information submitted by the private business and (ii) adversely affect the financial interest or bargaining position of the public body or private business.

In order for the information specified in clauses (i)(a), (b), and (c) to be excluded from the provisions of this chapter, the private business shall make a written request to the public body:

a. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;

b. Identifying with specificity the data or other materials for which protection is sought; and

c. Stating the reasons why protection is necessary.

30. Information contained in engineering and construction drawings and plans submitted for the sole purpose of complying with the Building Code in obtaining a building permit if disclosure of such information would identify specific trade secrets or other information that would be harmful to the competitive position of the owner or lessee. However, such information shall be exempt only until the building is completed. Information relating to the safety or environmental soundness of any building shall not be exempt from disclosure.

31. Trade secrets, including, but not limited to, financial information, including balance sheets and financial statements that are not generally available to the public through regulatory disclosure or otherwise, and revenue and cost projections supplied by a private or nongovernmental entity to the Virginia Department of Transportation for the purpose of an audit, special investigation, or any study requested by the Virginia Department of Transportation in accordance with law.

In order for the records specified in this subdivision to be excluded from the provisions of this chapter, the private or nongovernmental entity shall make a written request to the Department:

a. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;

b. Identifying with specificity the data or other materials for which protection is sought; and

c. Stating the reasons why protection is necessary.

The Virginia Department of Transportation shall determine whether the requested exclusion from disclosure is necessary to protect trade secrets or financial records of the private entity. The Virginia Department of Transportation shall make a written determination of the nature and scope of the protection to be afforded by it under this subdivision.

32. Information related to a grant application, or accompanying a grant application, submitted to the Department of Housing and Community Development that would (i) reveal (a) trade secrets, (b) financial information of a grant applicant that is not a public body, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise, or (c) research-related information produced or collected by the applicant in the conduct of or as a result of study or research on medical, rehabilitative, scientific, technical, technological, or scholarly issues, when such information has not been publicly released, published, copyrighted, or patented, and (ii) be harmful to the competitive position of the applicant. The exclusion provided by this subdivision shall only apply to grants administered by the Department, the Director of the Department, or pursuant to § 36-139, Article 26 (§ 2.2-2484 et seq.) of Chapter 24, or the Virginia Telecommunication Initiative as authorized by the appropriations act.

In order for the information submitted by the applicant and specified in this subdivision to be excluded from the provisions of this chapter, the applicant shall make a written request to the Department:

a. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;

b. Identifying with specificity the data, information, or other materials for which protection is sought; and

c. Stating the reasons why protection is necessary.

The Department shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets or confidential proprietary information of the applicant. The Department shall make a written determination of the nature and scope of the protection to be afforded by it under this subdivision.

§ 2.2-3705.7. Exclusions to application of chapter; records of specific public bodies and certain other limited exclusions.

The following information contained in a public record is excluded from the mandatory disclosure provisions of this chapter but may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law. Redaction of information excluded under this section from a public record shall be conducted in accordance with § 2.2-3704.01.

1. State income, business, and estate tax returns, personal property tax returns, and confidential records held pursuant to § 58.1-3.

2. Working papers and correspondence of the Office of the Governor, the Lieutenant Governor, or the Attorney General; the members of the General Assembly, the Division of Legislative Services, or the Clerks of the House of Delegates or the Senate of Virginia; the mayor or chief executive officer of any political subdivision of the Commonwealth; or the president or other chief executive officer of any public institution of higher education in the Commonwealth. However, no information that is otherwise open to inspection under this chapter shall be deemed excluded by virtue of the fact that it has been attached to or incorporated within any working paper or correspondence. Further, information publicly available or not otherwise subject to an exclusion under this chapter or other provision of law that has been aggregated, combined, or changed in format without substantive analysis or revision shall not be deemed working papers. Nothing in this subdivision shall be construed to authorize the withholding of any resumes or applications submitted by persons who are appointed by the Governor pursuant to § 2.2-106 or 2.2-107.

As used in this subdivision:

"Members of the General Assembly" means each member of the Senate of Virginia and the House of Delegates and their legislative aides when working on behalf of such member.

"Office of the Governor" means the Governor; the Governor's chief of staff, counsel, director of policy, and Cabinet Secretaries; the Assistant to the Governor for Intergovernmental Affairs; and those individuals to whom the Governor has delegated his authority pursuant to § 2.2-104.

"Working papers" means those records prepared by or for a public official identified in this subdivision for his personal or deliberative use.

3. Information contained in library records that can be used to identify (i) both (a) any library patron who has borrowed material from a library and (b) the material such patron borrowed or (ii) any library patron under 18 years of age. For the purposes of clause (ii), access shall not be denied to the parent, including a noncustodial parent, or guardian of such library patron.

4. Contract cost estimates prepared for the confidential use of the Department of Transportation in awarding contracts for construction or the purchase of goods or services, and records and automated systems prepared for the Department's Bid Analysis and Monitoring Program.

5. Lists of registered owners of bonds issued by a political subdivision of the Commonwealth, whether the lists are maintained by the political subdivision itself or by a single fiduciary designated by the political subdivision.

6. Information furnished by a member of the General Assembly to a meeting of a standing committee, special committee, or subcommittee of his house established solely for the purpose of reviewing members' annual disclosure statements and supporting materials filed under § 30-110 or of formulating advisory opinions to members on standards of conduct, or both.

7. Customer account information of a public utility affiliated with a political subdivision of the Commonwealth, including the customer's name and service address, but excluding the amount of utility service provided and the amount of money charged or paid for such utility service.

8. Personal information, as defined in § 2.2-3801, (i) filed with the Virginia Housing Development Authority concerning individuals who have applied for or received loans or other housing assistance or who have applied for occupancy of or have occupied housing financed, owned or otherwise assisted by the Virginia Housing Development Authority; (ii) concerning persons participating in or persons on the waiting list for federally funded rent-assistance programs; (iii) filed with any local redevelopment and housing authority created pursuant to § 36-4 concerning persons participating in or persons on the waiting list for housing assistance programs funded by local governments or by any such authority; or (iv) filed with any local redevelopment and housing authority created pursuant to § 36-4 or any other local government agency concerning persons who have applied for occupancy or who have occupied affordable dwelling units established pursuant to § 15.2-2304 or 15.2-2305. However, access to one's own information shall not be denied.

9. Information regarding the siting of hazardous waste facilities, except as provided in § 10.1-1441, if disclosure of such information would have a detrimental effect upon the negotiating position of a governing body or on the establishment of the terms, conditions, and provisions of the siting agreement.

10. Information on the site-specific location of rare, threatened, endangered, or otherwise imperiled plant and animal species, natural communities, caves, and significant historic and archaeological sites if, in the opinion of the public body that has the responsibility for such information, disclosure of the information would jeopardize the continued existence or the integrity of the resource. This exclusion shall not apply to requests from the owner of the land upon which the resource is located.

11. Memoranda, graphics, video or audio tapes, production models, data, and information of a proprietary nature produced by or for or collected by or for the Virginia Lottery relating to matters of a specific lottery game design, development, production, operation, ticket price, prize structure, manner of selecting the winning ticket, manner of payment of prizes to holders of winning tickets, frequency of drawings or selections of winning tickets, odds of winning, advertising, or marketing, where such information not been publicly released, published, copyrighted, or patented. Whether released, published, or copyrighted, all game-related information shall be subject to public disclosure under this chapter upon the first day of sales for the specific lottery game to which it pertains.

12. Information held by the Virginia Retirement System, acting pursuant to § 51.1-124.30, or a local retirement system, acting pursuant to § 51.1-803, or by a local finance board or board of trustees of a trust established by one or more local public bodies to invest funds for post-retirement benefits other than pensions, acting pursuant to Article 8 (§ 15.2-1544 et seq.) of Chapter 15 of Title 15.2, or by the board of visitors of the University of Virginia, acting pursuant to § 23.1-2210, or by the board of visitors of The College of William and Mary in Virginia, acting pursuant to § 23.1-2803, or by the Virginia College Savings Plan, acting pursuant to § 23.1-704, relating to the acquisition, holding, or disposition of a security or other ownership interest in an entity, where such security or ownership interest is not traded on a governmentally regulated securities exchange, if disclosure of such information would (i) reveal confidential analyses prepared for the board of visitors of the University of Virginia, prepared for the board of visitors of The College of William and Mary in Virginia, prepared by the retirement system, a local finance board or board of trustees, or the Virginia College Savings Plan, or provided to the retirement system, a local finance board or board of trustees, or the Virginia College Savings Plan under a promise of confidentiality of the future value of such ownership interest or the future financial performance of the entity and (ii) have an adverse effect on the value of the investment to be acquired, held, or disposed of by the retirement system, a local finance board or board of trustees, the board of visitors of the University of Virginia, the board of visitors of The College of William and Mary in Virginia, or the Virginia College Savings Plan. Nothing in this subdivision shall be

construed to prevent the disclosure of information relating to the identity of any investment held, the amount invested, or the present value of such investment.

13. Financial, medical, rehabilitative, and other personal information concerning applicants for or recipients of loan funds submitted to or maintained by the Assistive Technology Loan Fund Authority under Chapter 11 (§ 51.5-53 et seq.) of Title 51.5.

14. Information held by the Virginia Commonwealth University Health System Authority pertaining to any of the following: an individual's qualifications for or continued membership on its medical or teaching staffs; proprietary information gathered by or in the possession of the Authority from third parties pursuant to a promise of confidentiality; contract cost estimates prepared for confidential use in awarding contracts for construction or the purchase of goods or services; information of a proprietary nature produced or collected by or for the Authority or members of its medical or teaching staffs; financial statements not publicly available that may be filed with the Authority from third parties; the identity, accounts, or account status of any customer of the Authority; consulting or other reports paid for by the Authority to assist the Authority in connection with its strategic planning and goals; the determination of marketing and operational strategies where disclosure of such strategies would be harmful to the competitive position of the Authority; and information of a proprietary nature produced or collected by or for employees of the Authority, other than the Authority's financial or administrative records, in the conduct of or as a result of study or research on medical, scientific, technical, or scholarly issues, whether sponsored by the Authority alone or in conjunction with a governmental body or a private concern, when such information has not been publicly released, published, copyrighted, or patented. This exclusion shall also apply when such information is in the possession of Virginia Commonwealth University.

15. Information held by the Department of Environmental Quality, the State Water Control Board, the State Air Pollution Control Board, or the Virginia Waste Management Board relating to (i) active federal environmental enforcement actions that are considered confidential under federal law and (ii) enforcement strategies, including proposed sanctions for enforcement actions. Upon request, such information shall be disclosed after a proposed sanction resulting from the investigation has been proposed to the director of the agency. This subdivision shall not be construed to prevent the disclosure of information related to inspection reports, notices of violation, and documents detailing the nature of any environmental contamination that may have occurred or similar documents.

16. Information related to the operation of toll facilities that identifies an individual, vehicle, or travel itinerary, including vehicle identification data or vehicle enforcement system information; video or photographic images; Social Security or other identification numbers appearing on driver's licenses; credit card or bank account data; home addresses; phone numbers; or records of the date or time of toll facility use.

17. Information held by the Virginia Lottery pertaining to (i) the social security number, tax identification number, state sales tax number, home address and telephone number, personal and lottery banking account and transit numbers of a retailer, and financial information regarding the nonlottery operations of specific retail locations and (ii) individual lottery winners, except that a winner's name, hometown, and amount won shall be disclosed. If the value of the prize won by the winner exceeds \$10 million, the information described in clause (ii) shall not be disclosed unless the winner consents in writing to such disclosure.

18. Information held by the Board for Branch Pilots relating to the chemical or drug testing of a person regulated by the Board, where such person has tested negative or has not been the subject of a disciplinary action by the Board for a positive test result.

19. Information pertaining to the planning, scheduling, and performance of examinations of holder records pursuant to the Virginia Disposition of Unclaimed Property Act (§ 55.1-2500 et seq.) prepared by or for the State Treasurer or his agents or employees or persons employed to perform an audit or examination of holder records.

20. Information held by the Virginia Department of Emergency Management or a local governing body relating to citizen emergency response teams established pursuant to an ordinance of a local governing body that reveal the name, address, including e-mail address, telephone or pager numbers, or operating schedule of an individual participant in the program.

21. Information held by state or local park and recreation departments and local and regional park authorities concerning identifiable individuals under the age of 18 years. However, nothing in this subdivision shall operate to prevent the disclosure of information defined as directory information under regulations implementing the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, unless the public body has undertaken the parental notification and opt-out requirements provided by such regulations. Access shall not be denied to the parent, including a noncustodial parent, or guardian of such person, unless the parent's parental rights have been terminated or a court of competent jurisdiction has restricted or denied such access. For such information of persons who are emancipated, the right of access may be asserted by the subject thereof. Any parent or emancipated person who is the subject of the information may waive, in writing, the protections afforded by this subdivision. If the protections are so waived, the public body shall open such information for inspection and copying.

22. Information submitted for inclusion in the Statewide Alert Network administered by the Department of Emergency Management that reveal names, physical addresses, email addresses, computer or internet protocol information, telephone numbers, pager numbers, other wireless or portable communications device information, or operating schedules of individuals or agencies, where the release of such information would compromise the security of the Statewide Alert Network or individuals participating in the Statewide Alert Network.

23. Information held by the Judicial Inquiry and Review Commission made confidential by § 17.1-913.

24. Information held by the Virginia Retirement System acting pursuant to § 51.1-124.30, a local retirement system acting pursuant to § 51.1-803 (hereinafter collectively referred to as the retirement system), or the Virginia College Savings Plan, acting pursuant to § 23.1-704 relating to:

a. Internal deliberations of or decisions by the retirement system or the Virginia College Savings Plan on the pursuit of particular investment strategies, or the selection or termination of investment managers, prior to the execution of such investment strategies or the selection or termination of such managers, if disclosure of such information would have an adverse impact on the financial interest of the retirement system or the Virginia College Savings Plan; and

b. Trade secrets provided by a private entity to the retirement system or the Virginia College Savings Plan if disclosure of such records would have an adverse impact on the financial interest of the retirement system or the Virginia College Savings Plan.

For the records specified in subdivision b to be excluded from the provisions of this chapter, the entity shall make a written request to the retirement system or the Virginia College Savings Plan:

(1) Invoking such exclusion prior to or upon submission of the data or other materials for which protection from disclosure is sought;

(2) Identifying with specificity the data or other materials for which protection is sought; and

(3) Stating the reasons why protection is necessary.

The retirement system or the Virginia College Savings Plan shall determine whether the requested exclusion from disclosure meets the requirements set forth in subdivision b.

Nothing in this subdivision shall be construed to prevent the disclosure of the identity or amount of any investment held or the present value and performance of all asset classes and subclasses.

25. Information held by the Department of Corrections made confidential by § 53.1-233.

26. Information maintained by the Department of the Treasury or participants in the Local Government Investment Pool (§ 2.2-4600 et seq.) and required to be provided by such participants to the Department to establish accounts in accordance with § 2.2-4602.

27. Personal information, as defined in § 2.2-3801, contained in the Veterans Care Center Resident Trust Funds concerning residents or patients of the Department of Veterans Services Care Centers, except that access shall not be denied to the person who is the subject of the information.

28. Information maintained in connection with fundraising activities by the Veterans Services Foundation pursuant to § 2.2-2716 that reveal the address, electronic mail address, facsimile or telephone number, social security number or other identification number appearing on a driver's license, or credit card or bank account data of identifiable donors, except that access shall not be denied to the person who is the subject of the information. Nothing in this subdivision, however, shall be construed to prevent the disclosure of information relating to the amount, date, purpose, and terms of the pledge or donation or the identity of the donor, unless the donor has requested anonymity in connection with or as a condition of making a pledge or donation. The exclusion provided by this subdivision shall not apply to protect from disclosure (i) the identities of sponsors providing grants to or contracting with the foundation for the performance of services or other work or (ii) the terms and conditions of such grants or contracts.

29. Information prepared for and utilized by the Commonwealth's Attorneys' Services Council in the training of state prosecutors or law-enforcement personnel, where such information is not otherwise available to the public and the disclosure of such information would reveal confidential strategies, methods, or procedures to be employed in law-enforcement activities or materials created for the investigation and prosecution of a criminal case.

30. Information provided to the Department of Aviation by other entities of the Commonwealth in connection with the operation of aircraft where the information would not be subject to disclosure by the entity providing the information. The entity providing the information to the Department of Aviation shall identify the specific information to be protected and the applicable provision of this chapter that excludes the information from mandatory disclosure.

31. Information created or maintained by or on the behalf of the judicial performance evaluation program related to an evaluation of any individual justice or judge made confidential by § 17.1-100.

32. Information reflecting the substance of meetings in which (i) individual sexual assault cases are discussed by any sexual assault response team established pursuant to § 15.2-1627.4, (ii) individual child abuse or neglect cases or sex offenses involving a child are discussed by multidisciplinary child sexual abuse response teams established pursuant to § 15.2-1627.5, or (iii) individual cases of abuse, neglect, or exploitation of adults as defined in § 63.2-1603 are discussed by multidisciplinary teams established pursuant to §§ 15.2-1627.5 and 63.2-1605. The findings of any such team may be disclosed or published in statistical or other aggregated form that does not disclose the identity of specific individuals.

33. Information contained in the strategic plan, marketing plan, or operational plan prepared by the Virginia Economic Development Partnership Authority pursuant to § 2.2-2237.1 regarding target companies, specific allocation of resources and staff for marketing activities, and specific marketing activities that would reveal to the Commonwealth's competitors for economic development projects the strategies intended to be deployed by the Commonwealth, thereby adversely affecting the financial interest of the Commonwealth. The executive summaries of the strategic plan, marketing plan, and operational plan shall not be redacted or withheld pursuant to this subdivision.

34. Information discussed in a closed session of the Physical Therapy Compact Commission or the Executive Board or other committees of the Commission for purposes set forth in subsection E of § 54.1-3491.

35. *Information held by the Commonwealth of Virginia Innovation Partnership Authority (the Authority), an advisory committee of the Authority, or any other entity designated by the Authority, relating to (i) internal deliberations of or decisions by the Authority on the pursuit of particular investment strategies prior to the execution of such investment strategies and (ii) trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), provided by a private entity to the Authority, if such disclosure of records pursuant to clause (i) or (ii) would have an adverse impact on the financial interest of the Authority or a private entity.*

§ 2.2-3711. Closed meetings authorized for certain limited purposes.

A. Public bodies may hold closed meetings only for the following purposes:

1. Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body; and evaluation of performance of departments or schools of public institutions of higher education where such evaluation will necessarily involve discussion of the performance of specific individuals. Any teacher shall be permitted to be present during a closed meeting in which there is a discussion or consideration of a disciplinary matter that involves the teacher and some student and the student involved in the matter is present, provided the teacher makes a written request to be present to the presiding officer of the appropriate board. Nothing in this subdivision, however, shall be construed to authorize a closed meeting by a local governing body or an elected school board to discuss compensation matters that affect the membership of such body or board collectively.

2. Discussion or consideration of admission or disciplinary matters or any other matters that would involve the disclosure of information contained in a scholastic record concerning any student of any public institution of higher education in the Commonwealth or any state school system. However, any such student, legal counsel and, if the student is a minor, the student's parents or legal guardians shall be permitted to be present during the taking of testimony or presentation of evidence at a closed meeting, if such student, parents, or guardians so request in writing and such request is submitted to the presiding officer of the appropriate board.

3. Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

4. The protection of the privacy of individuals in personal matters not related to public business.

5. Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community.

6. Discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected.

7. Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body. For the purposes of this subdivision, "probable litigation" means litigation that has been specifically threatened or on which the public body or its legal counsel has a reasonable basis to believe will be commenced by or against a known party. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.

8. Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.

9. Discussion or consideration by governing boards of public institutions of higher education of matters relating to gifts, bequests and fund-raising activities, and of grants and contracts for services or work to be performed by such institution. However, the terms and conditions of any such gifts, bequests, grants, and contracts made by a foreign government, a foreign legal entity, or a foreign person and accepted by a public institution of higher education in the Commonwealth shall be subject to public disclosure upon written request to the appropriate board of visitors. For the purpose of this subdivision, (i) "foreign government" means any government other than the United States government or the government of a state or a political subdivision thereof, (ii) "foreign legal entity" means any legal entity (a) created under the laws of the United States or of any state thereof if a majority of the ownership of the stock of such legal entity is owned by foreign governments or foreign persons or if a majority of the membership of any such entity is composed of foreign persons or foreign legal entities or (b) created under the laws of a foreign government, and (iii) "foreign person" means any individual who is not a citizen or national of the United States or a trust territory or protectorate thereof.

10. Discussion or consideration by the boards of trustees of the Virginia Museum of Fine Arts, the Virginia Museum of Natural History, the Jamestown-Yorktown Foundation, the Fort Monroe Authority, and The Science Museum of Virginia of matters relating to specific gifts, bequests, and grants from private sources.

11. Discussion or consideration of honorary degrees or special awards.

12. Discussion or consideration of tests, examinations, or other information used, administered, or prepared by a public body and subject to the exclusion in subdivision 4 of § 2.2-3705.1.

13. Discussion, consideration, or review by the appropriate House or Senate committees of possible disciplinary action against a member arising out of the possible inadequacy of the disclosure statement filed by the member, provided the member may request in writing that the committee meeting not be conducted in a closed meeting.

14. Discussion of strategy with respect to the negotiation of a hazardous waste siting agreement or to consider the terms, conditions, and provisions of a hazardous waste siting agreement if the governing body in open meeting finds that an open meeting will have an adverse effect upon the negotiating position of the governing body or the establishment of the terms, conditions and provisions of the siting agreement, or both. All discussions with the applicant or its representatives may be conducted in a closed meeting.

15. Discussion by the Governor and any economic advisory board reviewing forecasts of economic activity and estimating general and nongeneral fund revenues.

16. Discussion or consideration of medical and mental health records subject to the exclusion in subdivision 1 of § 2.2-3705.5.

17. Deliberations of the Virginia Lottery Board in a licensing appeal action conducted pursuant to subsection D of § 58.1-4007 regarding the denial or revocation of a license of a lottery sales agent; and discussion, consideration or review of Virginia Lottery matters related to proprietary lottery game information and studies or investigations excluded from disclosure under subdivision 6 of § 2.2-3705.3 and subdivision 11 of § 2.2-3705.7.

18. Those portions of meetings in which the Board of Corrections discusses or discloses the identity of, or information tending to identify, any prisoner who (i) provides information about crimes or criminal activities, (ii) renders assistance in preventing the escape of another prisoner or in the apprehension of an escaped prisoner, or (iii) voluntarily or at the instance of a prison official renders other extraordinary services, the disclosure of which is likely to jeopardize the prisoner's life or safety.

19. Discussion of plans to protect public safety as it relates to terrorist activity or specific cybersecurity threats or vulnerabilities and briefings by staff members, legal counsel, or law-enforcement or emergency service officials concerning actions taken to respond to such matters or a related threat to public safety; discussion of information subject to the exclusion in subdivision 2 or 14 of § 2.2-3705.2, where discussion in an open meeting would jeopardize the safety of any person or the security of any facility, building, structure, information technology system, or software program; or discussion of reports or plans related to the security of any governmental facility, building or structure, or the safety of persons using such facility, building or structure.

20. Discussion by the Board of the Virginia Retirement System, acting pursuant to § 51.1-124.30, or of any local retirement system, acting pursuant to § 51.1-803, or by a local finance board or board of trustees of a trust established by one or more local public bodies to invest funds for postemployment benefits other than pensions, acting pursuant to Article 8 (§ 15.2-1544 et seq.) of Chapter 15 of Title 15.2, or by the board of visitors of the University of Virginia, acting pursuant to § 23.1-2210, or by the Board of the Virginia College Savings Plan, acting pursuant to § 23.1-706, regarding the acquisition, holding or disposition of a security or other ownership interest in an entity, where such security or ownership interest is not traded on a governmentally regulated securities exchange, to the extent that such discussion (i) concerns confidential analyses prepared for the board of visitors of the University of Virginia, prepared by the retirement system, or a local finance board or board of trustees, or the Virginia College Savings Plan or provided to the retirement system, a local finance board or board of trustees, or the Virginia College Savings Plan under a promise of confidentiality, of the future value of such ownership interest or the future financial performance of the entity, and (ii) would have an adverse effect on the value of the investment to be acquired, held, or disposed of by the retirement system, a local finance board or board of trustees, the board of visitors of the University of Virginia, or the Virginia College Savings Plan. Nothing in this subdivision shall be construed to prevent the disclosure of information relating to the identity of any investment held, the amount invested or the present value of such investment.

21. Those portions of meetings in which individual child death cases are discussed by the State Child Fatality Review Team established pursuant to § 32.1-283.1, those portions of meetings in which individual child death cases are discussed by a regional or local child fatality review team established pursuant to § 32.1-283.2, those portions of meetings in which individual death cases are discussed by family violence fatality review teams established pursuant to § 32.1-283.3, those portions of meetings in which individual adult death cases are discussed by the state Adult Fatality Review Team established pursuant to § 32.1-283.5, those portions of meetings in which individual adult death cases are discussed by a local or regional adult fatality review team established pursuant to § 32.1-283.6, those portions of meetings in which individual death cases are discussed by overdose fatality review teams established pursuant to § 32.1-283.7, and those portions of meetings in which individual maternal death cases are discussed by the Maternal Mortality Review Team pursuant to § 32.1-283.8.

22. Those portions of meetings of the board of visitors of the University of Virginia or the Eastern Virginia Medical School Board of Visitors, as the case may be, and those portions of meetings of any persons to whom management responsibilities for the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, have been delegated, in which there is discussed proprietary, business-related information pertaining to the operations of the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, including business development or marketing strategies and activities with existing or future joint venturers, partners, or other parties with whom the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, has formed, or forms, any arrangement for the delivery of health care, if disclosure of such information would adversely affect the competitive position of the Medical Center or Eastern Virginia Medical School, as the case may be.

23. Discussion or consideration by the Virginia Commonwealth University Health System Authority or the board of visitors of Virginia Commonwealth University of any of the following: the acquisition or disposition by the Authority of

real property, equipment, or technology software or hardware and related goods or services, where disclosure would adversely affect the bargaining position or negotiating strategy of the Authority; matters relating to gifts or bequests to, and fund-raising activities of, the Authority; grants and contracts for services or work to be performed by the Authority; marketing or operational strategies plans of the Authority where disclosure of such strategies or plans would adversely affect the competitive position of the Authority; and members of the Authority's medical and teaching staffs and qualifications for appointments thereto.

24. Those portions of the meetings of the Health Practitioners' Monitoring Program Committee within the Department of Health Professions to the extent such discussions identify any practitioner who may be, or who actually is, impaired pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1.

25. Meetings or portions of meetings of the Board of the Virginia College Savings Plan wherein personal information, as defined in § 2.2-3801, which has been provided to the Board or its employees by or on behalf of individuals who have requested information about, applied for, or entered into prepaid tuition contracts or savings trust account agreements pursuant to Chapter 7 (§ 23.1-700 et seq.) of Title 23.1 is discussed.

26. Discussion or consideration, by the former Wireless Carrier E-911 Cost Recovery Subcommittee created pursuant to former § 56-484.15, of trade secrets submitted by CMRS providers, as defined in § 56-484.12, related to the provision of wireless E-911 service.

27. Those portions of disciplinary proceedings by any regulatory board within the Department of Professional and Occupational Regulation, Department of Health Professions, or the Board of Accountancy conducted pursuant to § 2.2-4019 or 2.2-4020 during which the board deliberates to reach a decision or meetings of health regulatory boards or conference committees of such boards to consider settlement proposals in pending disciplinary actions or modifications to previously issued board orders as requested by either of the parties.

28. Discussion or consideration of information subject to the exclusion in subdivision 11 of § 2.2-3705.6 by a responsible public entity or an affected locality or public entity, as those terms are defined in § 33.2-1800, or any independent review panel appointed to review information and advise the responsible public entity concerning such records.

29. Discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body.

30. Discussion or consideration of grant or loan application information subject to the exclusion in subdivision 17 of § 2.2-3705.6 by ~~(i) the Commonwealth Health Research Board or (ii) the Innovation and Entrepreneurship Investment Authority or the Research and Technology Investment Advisory Committee appointed to advise the Innovation and Entrepreneurship Investment Authority.~~

31. Discussion or consideration by the Commitment Review Committee of information subject to the exclusion in subdivision 5 of § 2.2-3705.2 relating to individuals subject to commitment as sexually violent predators under Chapter 9 (§ 37.2-900 et seq.) of Title 37.2.

32. Discussion or consideration of confidential proprietary information and trade secrets developed and held by a local public body providing certain telecommunication services or cable television services and subject to the exclusion in subdivision 18 of § 2.2-3705.6. However, the exemption provided by this subdivision shall not apply to any authority created pursuant to the BVU Authority Act (§ 15.2-7200 et seq.).

33. Discussion or consideration by a local authority created in accordance with the Virginia Wireless Service Authorities Act (§ 15.2-5431.1 et seq.) of confidential proprietary information and trade secrets subject to the exclusion in subdivision 19 of § 2.2-3705.6.

34. Discussion or consideration by the State Board of Elections or local electoral boards of voting security matters made confidential pursuant to § 24.2-410.2 or 24.2-625.1.

35. Discussion or consideration by the Forensic Science Board or the Scientific Advisory Committee created pursuant to Article 2 (§ 9.1-1109 et seq.) of Chapter 11 of Title 9.1 of criminal investigative files subject to the exclusion in subdivision B 1 of § 2.2-3706.

36. Discussion or consideration by the Brown v. Board of Education Scholarship Committee of information or confidential matters subject to the exclusion in subdivision A 3 of § 2.2-3705.4, and meetings of the Committee to deliberate concerning the annual maximum scholarship award, review and consider scholarship applications and requests for scholarship award renewal, and cancel, rescind, or recover scholarship awards.

37. Discussion or consideration by the Virginia Port Authority of information subject to the exclusion in subdivision 1 of § 2.2-3705.6 related to certain proprietary information gathered by or for the Virginia Port Authority.

38. Discussion or consideration by the Board of Trustees of the Virginia Retirement System acting pursuant to § 51.1-124.30, by the Investment Advisory Committee appointed pursuant to § 51.1-124.26, by any local retirement system, acting pursuant to § 51.1-803, by the Board of the Virginia College Savings Plan acting pursuant to § 23.1-706, or by the Virginia College Savings Plan's Investment Advisory Committee appointed pursuant to § 23.1-702 of information subject to the exclusion in subdivision 24 of § 2.2-3705.7.

39. Discussion or consideration of information subject to the exclusion in subdivision 3 of § 2.2-3705.6 related to economic development.

40. Discussion or consideration by the Board of Education of information relating to the denial, suspension, or revocation of teacher licenses subject to the exclusion in subdivision 11 of § 2.2-3705.3.

41. Those portions of meetings of the Virginia Military Advisory Council or any commission created by executive order for the purpose of studying and making recommendations regarding preventing closure or realignment of federal military and national security installations and facilities located in Virginia and relocation of such facilities to Virginia, or a local or regional military affairs organization appointed by a local governing body, during which there is discussion of information subject to the exclusion in subdivision 8 of § 2.2-3705.2.

42. Discussion or consideration by the Board of Trustees of the Veterans Services Foundation of information subject to the exclusion in subdivision 28 of § 2.2-3705.7 related to personally identifiable information of donors.

43. Discussion or consideration by the Virginia Tobacco Region Revitalization Commission of information subject to the exclusion in subdivision 23 of § 2.2-3705.6 related to certain information contained in grant applications.

44. Discussion or consideration by the board of directors of the Commercial Space Flight Authority of information subject to the exclusion in subdivision 24 of § 2.2-3705.6 related to rate structures or charges for the use of projects of, the sale of products of, or services rendered by the Authority and certain proprietary information of a private entity provided to the Authority.

45. Discussion or consideration of personal and proprietary information related to the resource management plan program and subject to the exclusion in (i) subdivision 25 of § 2.2-3705.6 or (ii) subsection E of § 10.1-104.7. This exclusion shall not apply to the discussion or consideration of records that contain information that has been certified for release by the person who is the subject of the information or transformed into a statistical or aggregate form that does not allow identification of the person who supplied, or is the subject of, the information.

46. Discussion or consideration by the Board of Directors of the Virginia Alcoholic Beverage Control Authority of information subject to the exclusion in subdivision 1 of § 2.2-3705.3 related to investigations of applicants for licenses and permits and of licensees and permittees.

47. Discussion or consideration of grant or, loan, or investment application records subject to the exclusion in subdivision 28 of § 2.2-3705.6 ~~related to the submission of an application for an award from the Virginia Research Investment Fund pursuant to Article 8 (§ 23.1-3130 et seq.) of Chapter 31 of Title 23.1 or interviews of parties to an application by a reviewing entity pursuant to subsection D of § 23.1-3133 or by the Virginia Research Investment Committee for a grant, loan, or investment pursuant to Article 11 (§ 2.2-2351 et seq.) of Chapter 22.~~

48. Discussion or development of grant proposals by a regional council established pursuant to Article 26 (§ 2.2-2484 et seq.) of Chapter 24 to be submitted for consideration to the Virginia Growth and Opportunity Board.

49. Discussion or consideration of (i) individual sexual assault cases by a sexual assault response team established pursuant to § 15.2-1627.4, (ii) individual child abuse or neglect cases or sex offenses involving a child by a child sexual abuse response team established pursuant to § 15.2-1627.5, or (iii) individual cases involving abuse, neglect, or exploitation of adults as defined in § 63.2-1603 pursuant to §§ 15.2-1627.5 and 63.2-1605.

50. Discussion or consideration by the Board of the Virginia Economic Development Partnership Authority, the Joint Legislative Audit and Review Commission, or any subcommittees thereof, of the portions of the strategic plan, marketing plan, or operational plan exempt from disclosure pursuant to subdivision 33 of § 2.2-3705.7.

51. Those portions of meetings of the subcommittee of the Board of the Virginia Economic Development Partnership Authority established pursuant to subsection F of § 2.2-2237.3 to review and discuss information received from the Virginia Employment Commission pursuant to subdivision C 2 of § 60.2-114.

52. *Discussion or consideration by the Commonwealth of Virginia Innovation Partnership Authority (the Authority), an advisory committee of the Authority, or any other entity designated by the Authority, of information subject to the exclusion in subdivision 35 of § 2.2-3705.7.*

B. No resolution, ordinance, rule, contract, regulation or motion adopted, passed or agreed to in a closed meeting shall become effective unless the public body, following the meeting, reconvenes in open meeting and takes a vote of the membership on such resolution, ordinance, rule, contract, regulation, or motion that shall have its substance reasonably identified in the open meeting.

C. Public officers improperly selected due to the failure of the public body to comply with the other provisions of this section shall be de facto officers and, as such, their official actions are valid until they obtain notice of the legal defect in their election.

D. Nothing in this section shall be construed to prevent the holding of conferences between two or more public bodies, or their representatives, but these conferences shall be subject to the same procedures for holding closed meetings as are applicable to any other public body.

E. This section shall not be construed to (i) require the disclosure of any contract between the Department of Health Professions and an impaired practitioner entered into pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1 or (ii) require the board of directors of any authority created pursuant to the Industrial Development and Revenue Bond Act (§ 15.2-4900 et seq.), or any public body empowered to issue industrial revenue bonds by general or special law, to identify a business or industry to which subdivision A 5 applies. However, such business or industry shall be identified as a matter of public record at least 30 days prior to the actual date of the board's authorization of the sale or issuance of such bonds.

§ 23.1-203. Duties of Council.

The Council shall:

1. Develop a statewide strategic plan that (i) reflects the goals set forth in subsection A of § 23.1-1002 or (ii) once adopted, reflects the goals and objectives developed pursuant to subdivision B 5 of § 23.1-309 for higher education in the

Commonwealth, identifies a coordinated approach to such state and regional goals, and emphasizes the future needs for higher education in the Commonwealth at both the undergraduate and the graduate levels and the mission, programs, facilities, and location of each of the existing institutions of higher education, each public institution's six-year plan, and such other matters as the Council deems appropriate. The Council shall revise such plan at least once every six years and shall submit such recommendations as are necessary for the implementation of the plan to the Governor and the General Assembly.

2. Review and approve or disapprove any proposed change in the statement of mission of any public institution of higher education and define the mission of all newly created public institutions of higher education. The Council shall report such approvals, disapprovals, and definitions to the Governor and the General Assembly at least once every six years. No such actions shall become effective until 30 days after adjournment of the session of the General Assembly next following the filing of such a report. Nothing in this subdivision shall be construed to authorize the Council to modify any mission statement adopted by the General Assembly or empower the Council to affect, either directly or indirectly, the selection of faculty or the standards and criteria for admission of any public institution of higher education, whether relating to academic standards, residence, or other criteria. Faculty selection and student admission policies shall remain a function of the individual public institutions of higher education.

3. Study any proposed escalation of any public institution of higher education to a degree-granting level higher than that level to which it is presently restricted and submit a report and recommendation to the Governor and the General Assembly relating to the proposal. The study shall include the need for and benefits or detriments to be derived from the escalation. No such institution shall implement any such proposed escalation until the Council's report and recommendation have been submitted to the General Assembly and the General Assembly approves the institution's proposal.

4. Review and approve or disapprove all enrollment projections proposed by each public institution of higher education. The Council's projections shall be organized numerically by level of enrollment and shall be used solely for budgetary, fiscal, and strategic planning purposes. The Council shall develop estimates of the number of degrees to be awarded by each public institution of higher education and include those estimates in its reports of enrollment projections. The student admissions policies for such institutions and their specific programs shall remain the sole responsibility of the individual governing boards but all baccalaureate public institutions of higher education shall adopt dual admissions policies with comprehensive community colleges as required by § 23.1-907.

5. Review and approve or disapprove all new undergraduate or graduate academic programs that any public institution of higher education proposes.

6. Review and require the discontinuance of any undergraduate or graduate academic program that is presently offered by any public institution of higher education when the Council determines that such academic program is (i) nonproductive in terms of the number of degrees granted, the number of students served by the program, the program's effectiveness, and budgetary considerations or (ii) supported by state funds and unnecessarily duplicative of academic programs offered at other public institutions of higher education. The Council shall make a report to the Governor and the General Assembly with respect to the discontinuance of any such academic program. No such discontinuance shall become effective until 30 days after the adjournment of the session of the General Assembly next following the filing of such report.

7. Review and approve or disapprove the establishment of any department, school, college, branch, division, or extension of any public institution of higher education that such institution proposes to establish, whether located on or off the main campus of such institution. If any organizational change is determined by the Council to be proposed solely for the purpose of internal management and the institution's curricular offerings remain constant, the Council shall approve the proposed change. Nothing in this subdivision shall be construed to authorize the Council to disapprove the establishment of any such department, school, college, branch, division, or extension established by the General Assembly.

8. Review the proposed closure of any academic program in a high demand or critical shortage area, as defined by the Council, by any public institution of higher education and assist in the development of an orderly closure plan, when needed.

9. Develop a uniform, comprehensive data information system designed to gather all information necessary to the performance of the Council's duties. The system shall include information on admissions, enrollment, self-identified students with documented disabilities, personnel, programs, financing, space inventory, facilities, and such other areas as the Council deems appropriate. When consistent with the Government Data Collection and Dissemination Practices Act (§ 2.2-3800 et seq.), the Virginia Unemployment Compensation Act (§ 60.2-100 et seq.), and applicable federal law, the Council, acting solely or in partnership with the Virginia Department of Education or the Virginia Employment Commission, may contract with private entities to create de-identified student records in which all personally identifiable information has been removed for the purpose of assessing the performance of institutions and specific programs relative to the workforce needs of the Commonwealth.

10. In cooperation with public institutions of higher education, develop guidelines for the assessment of student achievement. Each such institution shall use an approved program that complies with the guidelines of the Council and is consistent with the institution's mission and educational objectives in the development of such assessment. The Council shall report each institution's assessment of student achievement in the revisions to the Commonwealth's statewide strategic plan for higher education.

11. In cooperation with the appropriate state financial and accounting officials, develop and establish uniform standards and systems of accounting, recordkeeping, and statistical reporting for public institutions of higher education.

12. Review biennially and approve or disapprove all changes in the inventory of educational and general space that any public institution of higher education proposes and report such approvals and disapprovals to the Governor and the General Assembly. No such change shall become effective until 30 days after the adjournment of the session of the General Assembly next following the filing of such report.

13. Visit and study the operations of each public institution of higher education at such times as the Council deems appropriate and conduct such other studies in the field of higher education as the Council deems appropriate or as may be requested by the Governor or the General Assembly.

14. Provide advisory services to each accredited nonprofit private institution of higher education whose primary purpose is to provide collegiate or graduate education and not to provide religious training or theological education on academic, administrative, financial, and space utilization matters. The Council may review and advise on joint activities, including contracts for services between public institutions of higher education and such private institutions of higher education or between such private institutions of higher education and any agency or political subdivision of the Commonwealth.

15. Adopt such policies and regulations as the Council deems necessary to implement its duties established by state law. Each public institution of higher education shall comply with such policies and regulations.

16. Issue guidelines consistent with the provisions of the federal Family Educational Rights and Privacy Act (20 U.S.C. § 1232g), requiring public institutions of higher education to release a student's academic and disciplinary record to a student's parent.

17. Require each institution of higher education formed, chartered, or established in the Commonwealth after July 1, 1980, to ensure the preservation of student transcripts in the event of institutional closure or revocation of approval to operate in the Commonwealth. An institution may ensure the preservation of student transcripts by binding agreement with another institution of higher education with which it is not corporately connected or in such other way as the Council may authorize by regulation. In the event that an institution closes or has its approval to operate in the Commonwealth revoked, the Council, through its director, may take such action as is necessary to secure and preserve the student transcripts until such time as an appropriate institution accepts all or some of the transcripts. Nothing in this subdivision shall be deemed to interfere with the right of a student to his own transcripts or authorize disclosure of student records except as may otherwise be authorized by law.

18. Require the development and submission of articulation, dual admissions, and guaranteed admissions agreements between associate-degree-granting and baccalaureate public institutions of higher education.

19. Provide periodic updates of base adequacy funding guidelines adopted by the Joint Subcommittee Studying Higher Education Funding Policies for each public institution of higher education.

20. Develop, pursuant to the provisions of § 23.1-907, guidelines for articulation, dual admissions, and guaranteed admissions agreements, including guidelines related to a one-year Uniform Certificate of General Studies Program and a one-semester Passport Program to be offered at each comprehensive community college. The guidelines developed pursuant to this subdivision shall be developed in consultation with all public institutions of higher education in the Commonwealth, the Department of Education, and the Virginia Association of School Superintendents and shall ensure standardization, quality, and transparency in the implementation of the programs and agreements. At the discretion of the Council, private institutions of higher education eligible for tuition assistance grants may also be consulted.

21. Cooperate with the Board of Education in matters of interest to both public elementary and secondary schools and public institutions of higher education, particularly in connection with coordination of the college admission requirements, coordination of teacher training programs with the public school programs, and the Board of Education's Six-Year Educational Technology Plan for Virginia. The Council shall encourage public institutions of higher education to design programs that include the skills necessary for the successful implementation of such Plan.

22. Advise and provide technical assistance to the Brown v. Board of Education Scholarship Committee in the implementation and administration of the Brown v. Board of Education Scholarship Program pursuant to Chapter 34.1 (§ 30-231.01 et seq.) of Title 30.

23. Insofar as possible, seek the cooperation and utilize the facilities of existing state departments, institutions, and agencies in carrying out its duties.

24. Serve as the coordinating council for public institutions of higher education.

25. Serve as the planning and coordinating agency for all postsecondary educational programs for all health professions and occupations and make recommendations, including those relating to financing, for providing adequate and coordinated educational programs to produce an appropriate supply of properly trained personnel. The Council may conduct such studies as it deems appropriate in furtherance of the requirements of this subdivision. All state departments and agencies shall cooperate with the Council in the execution of its responsibilities under this subdivision.

26. Carry out such duties as the Governor may assign to it in response to agency designations requested by the federal government.

27. Insofar as practicable, preserve the individuality, traditions, and sense of responsibility of each public institution of higher education in carrying out its duties.

28. Insofar as practicable, seek the assistance and advice of each public institution of higher education in fulfilling its duties and responsibilities.

29. Develop the Commonwealth Research and Technology Strategic Roadmap pursuant to the provisions of § 23.1-3134 to be submitted to the Virginia Research Investment Committee for approval; and otherwise assist the Virginia Research Investment Committee with the administration of the Virginia Research Investment Fund consistent with the provisions of Article 8 (§ 23.1-3130 et seq.) of Chapter 31.

~~30. Administer the Virginia Longitudinal Data System as a multiagency partnership for the purposes of developing educational, health, social service, and employment outcome data; improving the efficacy of state services; and aiding decision making.~~

2. That Article 3 (§§ 2.2-2218 through 2.2-2233.1) of Chapter 22 of Title 2.2, Article 8 (§§ 23.1-3130 through 23.1-3134) of Chapter 31 of Title 23.1, and § 51.1-124.38 of the Code of Virginia are repealed.

3. That the initial appointment of nonlegislative citizen members to the Commonwealth of Virginia Innovation Partnership Authority made in accordance with the provisions of this act shall be staggered as follows: (i) one nonlegislative citizen member appointed by the Governor and one nonlegislative citizen member appointed by the Joint Rules Committee shall be appointed for a term of one year; (ii) one nonlegislative citizen member appointed by the Governor and one nonlegislative citizen member appointed by the Joint Rules Committee shall be appointed for a term of two years; (iii) one nonlegislative citizen member appointed by the Governor and one nonlegislative citizen member appointed by the Joint Rules Committee shall be appointed for a term of three years; and (iv) three nonlegislative citizen members appointed by the Governor shall be appointed for a term of four years. Any member appointed to an initial term of less than four years shall be eligible to serve two additional full four-year-terms.

4. That any unobligated funds remaining in the Commonwealth Research Commercialization Fund or the Virginia Research Investment Fund upon the effective date of this act shall be transferred to the Commonwealth Commercialization Fund. Any funds remaining in the Commonwealth Growth Acceleration Program Fund upon the effective date of this act shall be transferred to the Commonwealth of Virginia Innovation Partnership Authority.

5. That as of the effective date of this act, the Commonwealth of Virginia Innovation Partnership Authority (the Authority) shall be deemed the successor in interest to the Virginia Research Investment Committee and the Innovation and Entrepreneurship Investment Authority. Without limiting the foregoing, all right, title, and interest in and to any real or tangible personal property vested in the Virginia Research Investment Committee or the Innovation and Entrepreneurship Investment Authority as of the effective date of this act shall be transferred to and taken as standing in the name of the Authority.

6. That the Commonwealth of Virginia Innovation Partnership Authority (the Authority) shall be the successor in interest to any grants, loans, or funds currently administered by the Innovation and Entrepreneurship Investment Authority, any entity controlled by the Innovation and Entrepreneurship Investment Authority, or the Virginia Research Investment Committee. All obligations, commitments, and contracts related to such grants, loans, or funds in place on June 30, 2020, shall remain valid obligations of the Authority.

7. That the Center for Innovative Technology, as it exists on June 30, 2020, shall continue as a nonprofit, nonstock corporation of the Commonwealth of Virginia Innovation Partnership Authority (the Authority) pursuant to Article 11 (§ 2.2-2351 et seq.) of Chapter 22 of Title 2.2 of the Code of Virginia, as created by this act. The Center for Innovative Technology shall continue to administer all programs currently in operation on June 30, 2020, unless otherwise provided by the law. The Center for Innovative Technology shall continue to administer, monitor, and evaluate the award of grants, loans, or investments prior to July 1, 2020, from the Commonwealth Research Commercialization Fund and the Growth Accelerator Program Fund, and begin administration, monitoring, and evaluation of the award of grants or loans prior to July 1, 2020, from the Virginia Research Investment Fund, including the continuing oversight of reporting by grant, loan, and investment recipients for a period of five years following the award of such grants, loans, or investments, and the initiation of clawback proceedings when necessary related to any such grants, loans, or investments. The Authority shall rename the Center for Innovative Technology no later than July 1, 2021.

8. That the provisions of this act repealing §§ 2.2-2220 and 23.1-3132 of the Code of Virginia shall become effective January 1, 2021. The Board of Directors of the Innovation and Entrepreneurship Investment Authority and the Virginia Research Investment Committee shall assist in the transition of its responsibilities to the Commonwealth of Virginia Innovative Partnership Authority (the Authority) no later than January 1, 2021.

CHAPTER 1170

An Act to amend and reenact § 53.1-30 of the Code of Virginia and to amend the Code of Virginia by adding in Article 1 of Chapter 1 of Title 53.1 a section numbered 53.1-1.2, relating to state correctional facilities; visitation policies.

[S 1023]

Approved April 11, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 53.1-30 the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Article 1 of Chapter 1 of Title 53.1 a section numbered 53.1-1.2 as follows:

§ 53.1-1.2. *Visitation policies.*

The following procedures regarding individuals who are physically present at a state correctional facility for the purpose of visiting a prisoner shall apply:

1. Upon entry into a state correctional facility, visitors shall be informed of the items that they are not permitted to bring into the facility and the items that they are permitted to bring into the facility.

2. If an item that is otherwise legal for the visitor to possess is not permitted in the facility, the item may be placed in the possession of facility employees, if the facility is able to store such item, for the duration of the visit and returned to the visitor upon leaving the facility.

3. If equipment is available, visitors shall be scanned or wanded by an electronic scanning or detection device, or both.

4. If detector canines are available, visitors shall be subjected to a detector canine search.

5. If the detector canine search, scanning, or wanding does not indicate any contraband and the visitor is otherwise eligible to visit, the visitor shall be allowed a visit with the prisoner that allows personal contact.

6. If the detector canine search, scanning, or wanding indicates the possibility of contraband, the visitor shall have the option of consenting to a search of his person. If the visitor does not consent to a search of his person after only a detector canine search indicates the possibility of contraband and the visitor is otherwise eligible to visit, he shall be allowed a visit with the prisoner that does not allow personal contact. If the visitor does not consent to a search of his person after scanning or wanding indicates the possibility of contraband, the Department may deny the visitor entry into the facility in accordance with the operating procedures regarding visiting privileges as authorized by § 53.1-30.

7. A visitor shall be allowed to leave the correctional facility and discontinue the search process prior to the discovery of contraband. A visitor shall not be barred from future visits because he stops a search prior to the discovery of contraband or refuses to consent to a search of his person, including refusing to consent to a strip search or a search of any body cavity. Correctional facility personnel shall not use the search procedure or search results as a threat to bar future visits. The superintendent, warden, or other official in charge of the facility shall ensure that correctional facility personnel do not use the search procedure or search results as a threat to bar future visits.

§ 53.1-30. Who may enter interior of state correctional facilities; searches of those entering.

A. The Governor, members of the General Assembly, and members of the Board of Corrections may go into the interior of any state correctional facility. Attorneys shall be permitted in the interior of a state correctional facility to confer with prisoners who are their clients and with prisoners who are witnesses in cases in which they are involved. The Director shall prescribe, subject to approval of the Board, the time and conditions on which attorneys and other persons may enter any state correctional facility.

B. The Department shall promulgate a policy to assist a person who was a victim of a crime committed by an offender incarcerated in any state correctional facility to visit with such offender. Such policy may include provisions necessary to preserve the safety and security of those at such visit and the good order of the facility, including consideration of the offender's security level, crime committed, and institutional behavior of the offender. The Department shall make whatever arrangements are necessary to effectuate such a visit. This subsection shall not apply to juvenile victims.

C. Any person seeking to enter the interior of any state correctional facility shall be subject to a search of his person and effects, *as provided in § 53.1-1.2*. Such search shall be performed in a manner reasonable under the circumstances and may be a condition precedent to entering a correctional facility. *However, no child under the age of 18 shall be strip searched or subjected to a search of any body cavity under any circumstances.*

D. The Department may not permanently ban any person, or insinuate that any person will be permanently banned, from seeking entrance to a state correctional facility on the basis of such person's refusal to consent to a strip search or a search of any body cavity when such person is seeking to enter the interior of any state correctional facility. If a person refuses to consent to a strip search or a search of any body cavity when such person is seeking to enter the interior of any state correctional facility, the Department may deny such person entry to the facility, unless otherwise provided by law, but may not deny such person any future entry on the basis of a prior refusal to consent.

CHAPTER 1171

An Act to amend and reenact §§ 8.01-42.1, 8.01-49.1, 18.2-57, 18.2-121, and 52-8.5 of the Code of Virginia, relating to hate crimes; gender, disability, gender identity, or sexual orientation; penalty.

[S 179]

Approved April 11, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 8.01-42.1, 8.01-49.1, 18.2-57, 18.2-121, and 52-8.5 of the Code of Virginia are amended and reenacted as follows:

§ 8.01-42.1. Civil action for racial, religious, or ethnic harassment, violence or vandalism.

A. An action for injunctive relief or civil damages, or both, shall lie for any person who is subjected to acts of (i) intimidation or harassment ~~or~~, (ii) violence directed against his person~~s~~, or (iii) vandalism directed against his real or personal property, where such acts are motivated by racial, religious, *gender, disability, gender identity, sexual orientation*, or ethnic animosity.

B. Any aggrieved party who initiates and prevails in an action authorized by this section shall be entitled to damages, including punitive damages, and in the discretion of the court to an award of the cost of the litigation and reasonable attorneys' attorney fees in an amount to be fixed by the court.

C. The provisions of this section shall not apply to any actions between an employee and his employer, or between or among employees of the same employer, for damages arising out of incidents occurring in the workplace or arising out of the employee-employer relationship.

D. As used in this section:

"Disability" means a physical or mental impairment that substantially limits one or more of a person's major life activities.

§ 8.01-49.1. Liability for defamatory material on the Internet.

A. No provider or user of an interactive computer service on the Internet shall be treated as the publisher or speaker of any information provided to it by another information content provider. No provider or user of an interactive computer service shall be liable for (i) any action voluntarily taken by it in good faith to restrict access to, or availability of, material that the provider or user considers to be obscene, lewd, lascivious, excessively violent, harassing, or intended to incite hatred on the basis of race, religious conviction, *gender, disability, gender identity, sexual orientation*, color, or national origin, whether or not such material is constitutionally protected, or (ii) any action taken to enable, or make available to information content providers or others, the technical means to restrict access to information provided by another information content provider.

B. ~~Definitions.~~ As used in this section:

"Disability" means a physical or mental impairment that substantially limits one or more of a person's major life activities.

"Information content provider" means any person or entity that is responsible, in whole or in part, for the creation or development of information provided through the Internet or any other interactive computer service.

"Interactive computer service" means any information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, including specifically a service or system that provides access to the Internet and such systems operated or services offered by libraries or educational institutions.

"Internet" means the international computer network of interoperable packet-switched data networks.

§ 18.2-57. Assault and battery; penalty.

A. Any person who commits a simple assault or assault and battery is guilty of a Class 1 misdemeanor, and if the person intentionally selects the person against whom a simple assault is committed because of his race, religious conviction, *gender, disability, gender identity, sexual orientation*, color, or national origin, the penalty upon conviction shall include a term of confinement of at least six months; ~~30 days of which shall be a mandatory minimum term of confinement.~~

B. However, if a person intentionally selects the person against whom an assault and battery resulting in bodily injury is committed because of his race, religious conviction, *gender, disability, gender identity, sexual orientation*, color, or national origin, the person is guilty of a Class 6 felony, and the penalty upon conviction shall include a term of confinement of at least six months; ~~30 days of which shall be a mandatory minimum term of confinement.~~

C. In addition, if any person commits an assault or an assault and battery against another knowing or having reason to know that such other person is a judge, a magistrate, a law-enforcement officer as defined in subsection F, a correctional officer as defined in § 53.1-1, a person directly involved in the care, treatment, or supervision of inmates in the custody of the Department of Corrections or an employee of a local or regional correctional facility directly involved in the care, treatment, or supervision of inmates in the custody of the facility, a person directly involved in the care, treatment, or supervision of persons in the custody of or under the supervision of the Department of Juvenile Justice, an employee or other individual who provides control, care, or treatment of sexually violent predators committed to the custody of the Department of Behavioral Health and Developmental Services, a firefighter as defined in § 65.2-102, or a volunteer firefighter or any emergency medical services personnel member who is employed by or is a volunteer of an emergency medical services agency or as a member of a bona fide volunteer fire department or volunteer emergency medical services agency, regardless of whether a resolution has been adopted by the governing body of a political subdivision recognizing such firefighters or emergency medical services personnel as employees, engaged in the performance of his public duties anywhere in the Commonwealth, such person is guilty of a Class 6 felony, and, upon conviction, the sentence of such person shall include a mandatory minimum term of confinement of six months.

Nothing in this subsection shall be construed to affect the right of any person charged with a violation of this section from asserting and presenting evidence in support of any defenses to the charge that may be available under common law.

D. In addition, if any person commits a battery against another knowing or having reason to know that such other person is a full-time or part-time employee of any public or private elementary or secondary school and is engaged in the performance of his duties as such, he is guilty of a Class 1 misdemeanor and the sentence of such person upon conviction shall include a sentence of 15 days in jail, two days of which shall be a mandatory minimum term of confinement. However, if the offense is committed by use of a firearm or other weapon prohibited on school property pursuant to § 18.2-308.1, the person shall serve a mandatory minimum sentence of confinement of six months.

E. In addition, any person who commits a battery against another knowing or having reason to know that such individual is a health care provider as defined in § 8.01-581.1 who is engaged in the performance of his duties in a hospital or in an emergency room on the premises of any clinic or other facility rendering emergency medical care is guilty of a

Class 1 misdemeanor. The sentence of such person, upon conviction, shall include a term of confinement of 15 days in jail, two days of which shall be a mandatory minimum term of confinement.

F. As used in this section:

"Disability" means a physical or mental impairment that substantially limits one or more of a person's major life activities.

"Hospital" means a public or private institution licensed pursuant to Chapter 5 (§ 32.1-123 et seq.) of Title 32.1 or Article 2 (§ 37.2-403 et seq.) of Chapter 4 of Title 37.2.

"Judge" means any justice or judge of a court of record of the Commonwealth including a judge designated under § 17.1-105, a judge under temporary recall under § 17.1-106, or a judge pro tempore under § 17.1-109, any member of the State Corporation Commission, or of the Virginia Workers' Compensation Commission, and any judge of a district court of the Commonwealth or any substitute judge of such district court.

"Law-enforcement officer" means any full-time or part-time employee of a police department or sheriff's office that is part of or administered by the Commonwealth or any political subdivision thereof who is responsible for the prevention or detection of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth, any conservation officer of the Department of Conservation and Recreation commissioned pursuant to § 10.1-115, any special agent of the Virginia Alcoholic Beverage Control Authority, conservation police officers appointed pursuant to § 29.1-200, full-time sworn members of the enforcement division of the Department of Motor Vehicles appointed pursuant to § 46.2-217, and any employee with internal investigations authority designated by the Department of Corrections pursuant to subdivision 11 of § 53.1-10, and such officer also includes jail officers in local and regional correctional facilities, all deputy sheriffs, whether assigned to law-enforcement duties, court services or local jail responsibilities, auxiliary police officers appointed or provided for pursuant to §§ 15.2-1731 and 15.2-1733, auxiliary deputy sheriffs appointed pursuant to § 15.2-1603, police officers of the Metropolitan Washington Airports Authority pursuant to § 5.1-158, and fire marshals appointed pursuant to § 27-30 when such fire marshals have police powers as set out in §§ 27-34.2 and 27-34.2:1.

"School security officer" means the same as that term is defined in § 9.1-101.

G. "Simple assault" or "assault and battery" shall not be construed to include the use of, by any school security officer or full-time or part-time employee of any public or private elementary or secondary school while acting in the course and scope of his official capacity, any of the following: (i) incidental, minor or reasonable physical contact or other actions designed to maintain order and control; (ii) reasonable and necessary force to quell a disturbance or remove a student from the scene of a disturbance that threatens physical injury to persons or damage to property; (iii) reasonable and necessary force to prevent a student from inflicting physical harm on himself; (iv) reasonable and necessary force for self-defense or the defense of others; or (v) reasonable and necessary force to obtain possession of weapons or other dangerous objects or controlled substances or associated paraphernalia that are upon the person of the student or within his control.

In determining whether a person was acting within the exceptions provided in this subsection, due deference shall be given to reasonable judgments that were made by a school security officer or full-time or part-time employee of any public or private elementary or secondary school at the time of the event.

§ 18.2-121. Entering property of another for purpose of damaging it, etc.

A. As used in this section, *"disability" means a physical or mental impairment that substantially limits one or more of a person's major life activities.*

B. It ~~shall be~~ is unlawful for any person to enter the land, dwelling, outhouse, or any other building of another for the purpose of damaging such property or any of the contents thereof or in any manner to interfere with the rights of the owner, user, or the occupant thereof to use such property free from interference.

Any person violating the provisions of this section ~~shall be~~ is guilty of a Class 1 misdemeanor. However, if a person intentionally selects the property entered because of the race, religious conviction, color, *gender, disability, gender identity, sexual orientation*, or national origin of the owner, user, or occupant of the property, the person ~~shall be~~ is guilty of a Class 6 felony, and the penalty upon conviction shall include a term of confinement of at least six months; ~~30 days of which shall be a mandatory minimum term of confinement.~~

§ 52-8.5. Reporting hate crimes.

A. The Superintendent shall establish and maintain within the Department of State Police a central repository for the collection and analysis of information regarding hate crimes and groups and individuals carrying out such acts.

B. State, county, and municipal law-enforcement agencies shall report to the Department all hate crimes occurring in their jurisdictions in a form, time, and manner prescribed by the Superintendent. Such reports shall not be open to public inspection except insofar as the Superintendent shall permit.

C. ~~For purposes of this section, "hate crime"~~ As used in this section:

"Disability" means a physical or mental impairment that substantially limits one or more of a person's major life activities.

"Hate crime" means (i) a criminal act committed against a person or his property with the specific intent of instilling fear or intimidation in the individual against whom the act is perpetrated because of race, religion, gender, disability, gender identity, sexual orientation, or ethnic or national origin or that is committed for the purpose of restraining that person from exercising his rights under the Constitution or laws of this the Commonwealth or of the United States;; (ii) any illegal act directed against any persons or their property because of those persons' race, religion, gender, disability, gender identity, sexual orientation, or ethnic or national origin;; and (iii) all other incidents, as determined by law-enforcement authorities,

intended to intimidate or harass any individual or group because of race, religion, *gender, disability, gender identity, sexual orientation, or ethnic or national origin.*

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 854 of the Acts of Assembly of 2019 requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

CHAPTER 1172

An Act to amend the Code of Virginia by adding a section numbered 2.2-2001.5, relating to the Department of Veterans Services; eligibility for veteran status under state and local laws; change in treatment of certain discharges.

[S 321]

Approved April 11, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 2.2-2001.5 as follows:

§ 2.2-2001.5. Eligibility for veteran status under state and local laws; change in treatment of certain discharges.

Any person who was separated from active military, naval, or air service with an other than honorable discharge due solely to such person's sexual orientation or gender identity or expression may petition the Department to have his discharge recorded with the Department as honorable. Persons whose discharge status is changed pursuant to such petition shall be afforded the same rights, privileges, and benefits authorized by state law and local ordinances as any other veteran who was honorably discharged.

CHAPTER 1173

An Act to amend and reenact §§ 18.2-308.09, 18.2-308.2:1, 18.2-308.2:2, and 18.2-308.2:3 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 18.2-308.1:6 and by adding in Title 52 a chapter numbered 12, consisting of sections numbered 52-50, 52-51, and 52-52, relating to establishment of the Virginia Voluntary Do Not Sell Firearms List; penalty.

[S 436]

Approved April 11, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 18.2-308.09, 18.2-308.2:1, 18.2-308.2:2, and 18.2-308.2:3 of the Code of Virginia are amended and reenacted, and that the Code of Virginia is amended by adding a section numbered 18.2-308.1:6 and by adding in Title 52 a chapter numbered 12, consisting of sections numbered 52-50, 52-51, and 52-52, as follows:

§ 18.2-308.09. Disqualifications for a concealed handgun permit.

The following persons shall be deemed disqualified from obtaining a permit:

1. An individual who is ineligible to possess a firearm pursuant to § 18.2-308.1:1, 18.2-308.1:2, ~~or~~ 18.2-308.1:3, *or* 18.2-308.1:6 or the substantially similar law of any other state or of the United States.

2. An individual who was ineligible to possess a firearm pursuant to § 18.2-308.1:1 and who was discharged from the custody of the Commissioner pursuant to § 19.2-182.7 less than five years before the date of his application for a concealed handgun permit.

3. An individual who was ineligible to possess a firearm pursuant to § 18.2-308.1:2 and whose competency or capacity was restored pursuant to § 64.2-2012 less than five years before the date of his application for a concealed handgun permit.

4. An individual who was ineligible to possess a firearm under § 18.2-308.1:3 and who was released from commitment less than five years before the date of this application for a concealed handgun permit.

5. An individual who is subject to a restraining order, or to a protective order and prohibited by § 18.2-308.1:4 from purchasing, possessing, or transporting a firearm.

6. (Effective until January 1, 2021) An individual who is prohibited by § 18.2-308.2 from possessing or transporting a firearm, except that a permit may be obtained in accordance with subsection C of that section.

6. (Effective January 1, 2021) An individual who is prohibited by § 18.2-308.2 from possessing or transporting a firearm, except that a restoration order may be obtained in accordance with subsection C of that section.

7. An individual who has been convicted of two or more misdemeanors within the five-year period immediately preceding the application, if one of the misdemeanors was a Class 1 misdemeanor, but the judge shall have the discretion to deny a permit for two or more misdemeanors that are not Class 1. Traffic infractions and misdemeanors set forth in Title 46.2 shall not be considered for purposes of this disqualification.

8. An individual who is addicted to, or is an unlawful user or distributor of, marijuana, synthetic cannabinoids, or any controlled substance.

9. An individual who has been convicted of a violation of § 18.2-266 or a substantially similar local ordinance, or of public drunkenness, or of a substantially similar offense under the laws of any other state, the District of Columbia, the United States, or its territories within the three-year period immediately preceding the application, or who is a habitual drunkard as determined pursuant to § 4.1-333.

10. An alien other than an alien lawfully admitted for permanent residence in the United States.

11. An individual who has been discharged from the armed forces of the United States under dishonorable conditions.

12. An individual who is a fugitive from justice.

13. An individual who the court finds, by a preponderance of the evidence, based on specific acts by the applicant, is likely to use a weapon unlawfully or negligently to endanger others. The sheriff, chief of police, or attorney for the Commonwealth may submit to the court a sworn, written statement indicating that, in the opinion of such sheriff, chief of police, or attorney for the Commonwealth, based upon a disqualifying conviction or upon the specific acts set forth in the statement, the applicant is likely to use a weapon unlawfully or negligently to endanger others. The statement of the sheriff, chief of police, or the attorney for the Commonwealth shall be based upon personal knowledge of such individual or of a deputy sheriff, police officer, or assistant attorney for the Commonwealth of the specific acts, or upon a written statement made under oath before a notary public of a competent person having personal knowledge of the specific acts.

14. An individual who has been convicted of any assault, assault and battery, sexual battery, discharging of a firearm in violation of § 18.2-280 or 18.2-286.1 or brandishing of a firearm in violation of § 18.2-282 within the three-year period immediately preceding the application.

15. An individual who has been convicted of stalking.

16. An individual whose previous convictions or adjudications of delinquency were based on an offense that would have been at the time of conviction a felony if committed by an adult under the laws of any state, the District of Columbia, the United States or its territories. For purposes of this disqualifier, only convictions occurring within 16 years following the later of the date of (i) the conviction or adjudication or (ii) release from any incarceration imposed upon such conviction or adjudication shall be deemed to be "previous convictions." Disqualification under this subdivision shall not apply to an individual with previous adjudications of delinquency who has completed a term of service of no less than two years in the Armed Forces of the United States and, if such person has been discharged from the Armed Forces of the United States, received an honorable discharge.

17. An individual who has a felony charge pending or a charge pending for an offense listed in subdivision 14 or 15.

18. An individual who has received mental health treatment or substance abuse treatment in a residential setting within five years prior to the date of his application for a concealed handgun permit.

19. An individual not otherwise ineligible pursuant to this article, who, within the three-year period immediately preceding the application for the permit, was found guilty of any criminal offense set forth in Article 1 (§ 18.2-247 et seq.) or former § 18.2-248.1:1 or of a criminal offense of illegal possession or distribution of marijuana, synthetic cannabinoids, or any controlled substance, under the laws of any state, the District of Columbia, or the United States or its territories.

20. An individual, not otherwise ineligible pursuant to this article, with respect to whom, within the three-year period immediately preceding the application, upon a charge of any criminal offense set forth in Article 1 (§ 18.2-247 et seq.) or former § 18.2-248.1:1 or upon a charge of illegal possession or distribution of marijuana, synthetic cannabinoids, or any controlled substance under the laws of any state, the District of Columbia, or the United States or its territories, the trial court found that the facts of the case were sufficient for a finding of guilt and disposed of the case pursuant to § 18.2-251 or the substantially similar law of any other state, the District of Columbia, or the United States or its territories.

§ 18.2-308.1:6. Purchase, possession, or transportation of firearm by persons enrolled into the Voluntary Do Not Sell Firearms List; penalty.

It is unlawful for any person enrolled into the Voluntary Do Not Sell Firearms List pursuant to Chapter 12 (§ 52-50 et seq.) of Title 52 to purchase, possess, or transport a firearm. A violation of this section is punishable as a Class 3 misdemeanor.

§ 18.2-308.2:1. Prohibiting the selling, etc., of firearms to certain persons; penalties.

A. Any person who sells, barter, gives, or furnishes, or has in his possession or under his control with the intent of selling, bartering, giving, or furnishing, any firearm to any person he knows is prohibited from possessing or transporting a firearm pursuant to § 18.2-308.1:1, 18.2-308.1:2, 18.2-308.1:3, or 18.2-308.2, subsection B of § 18.2-308.2:01, or § 18.2-308.7 ~~shall be~~ *is* guilty of a Class 4 felony. However, this prohibition shall not be applicable when the person convicted of the felony, adjudicated delinquent, or acquitted by reason of insanity has (i) been issued a permit pursuant to subsection C of § 18.2-308.2 or been granted relief pursuant to subsection B of § 18.2-308.1:1; or § 18.2-308.1:2 or 18.2-308.1:3; (ii) been pardoned or had his political disabilities removed in accordance with subsection B of § 18.2-308.2; or (iii) obtained a permit to ship, transport, possess, or receive firearms pursuant to the laws of the United States.

B. Any person who sells, barter, gives, or furnishes, or has in his possession or under his control with the intent of selling, bartering, giving, or furnishing, any firearm to any person he knows is prohibited from purchasing, possessing or transporting a firearm pursuant to § 18.2-308.1:6 is guilty of a Class 1 misdemeanor.

§ 18.2-308.2:2. Criminal history record information check required for the transfer of certain firearms.

A. Any person purchasing from a dealer a firearm as herein defined shall consent in writing, on a form to be provided by the Department of State Police, to have the dealer obtain criminal history record information. Such form shall include only the written consent; the name, birth date, gender, race, citizenship, and social security number and/or any other

identification number; the number of firearms by category intended to be sold, rented, traded, or transferred; and answers by the applicant to the following questions: (i) has the applicant been convicted of a felony offense or found guilty or adjudicated delinquent as a juvenile 14 years of age or older at the time of the offense of a delinquent act that would be a felony if committed by an adult; (ii) is the applicant subject to a court order restraining the applicant from harassing, stalking, or threatening the applicant's child or intimate partner, or a child of such partner, or is the applicant subject to a protective order; and (iii) has the applicant ever been acquitted by reason of insanity and prohibited from purchasing, possessing, or transporting a firearm pursuant to § 18.2-308.1:1 or any substantially similar law of any other jurisdiction, been adjudicated legally incompetent, mentally incapacitated, or adjudicated an incapacitated person and prohibited from purchasing a firearm pursuant to § 18.2-308.1:2 or any substantially similar law of any other jurisdiction, or been involuntarily admitted to an inpatient facility or involuntarily ordered to outpatient mental health treatment and prohibited from purchasing a firearm pursuant to § 18.2-308.1:3 or any substantially similar law of any other jurisdiction.

B. 1. No dealer shall sell, rent, trade, or transfer from his inventory any such firearm to any other person who is a resident of Virginia until he has (i) obtained written consent and the other information on the consent form specified in subsection A, and provided the Department of State Police with the name, birth date, gender, race, citizenship, and social security and/or any other identification number and the number of firearms by category intended to be sold, rented, traded, or transferred and (ii) requested criminal history record information by a telephone call to or other communication authorized by the State Police and is authorized by subdivision 2 to complete the sale or other such transfer. To establish personal identification and residence in Virginia for purposes of this section, a dealer must require any prospective purchaser to present one photo-identification form issued by a governmental agency of the Commonwealth or by the United States Department of Defense that demonstrates that the prospective purchaser resides in Virginia. For the purposes of this section and establishment of residency for firearm purchase, residency of a member of the armed forces shall include both the state in which the member's permanent duty post is located and any nearby state in which the member resides and from which he commutes to the permanent duty post. A member of the armed forces whose photo identification issued by the Department of Defense does not have a Virginia address may establish his Virginia residency with such photo identification and either permanent orders assigning the purchaser to a duty post, including the Pentagon, in Virginia or the purchaser's Leave and Earnings Statement. When the photo identification presented to a dealer by the prospective purchaser is a driver's license or other photo identification issued by the Department of Motor Vehicles, and such identification form contains a date of issue, the dealer shall not, except for a renewed driver's license or other photo identification issued by the Department of Motor Vehicles, sell or otherwise transfer a firearm to the prospective purchaser until 30 days after the date of issue of an original or duplicate driver's license unless the prospective purchaser also presents a copy of his Virginia Department of Motor Vehicles driver's record showing that the original date of issue of the driver's license was more than 30 days prior to the attempted purchase.

In addition, no dealer shall sell, rent, trade, or transfer from his inventory any assault firearm to any person who is not a citizen of the United States or who is not a person lawfully admitted for permanent residence.

Upon receipt of the request for a criminal history record information check, the State Police shall (a) review its criminal history record information to determine if the buyer or transferee is prohibited from possessing or transporting a firearm by state or federal law, (b) inform the dealer if its record indicates that the buyer or transferee is so prohibited, and (c) provide the dealer with a unique reference number for that inquiry.

2. The State Police shall provide its response to the requesting dealer during the dealer's request, or by return call without delay. If the criminal history record information check indicates the prospective purchaser or transferee has a disqualifying criminal record ~~or~~, has been acquitted by reason of insanity and committed to the custody of the Commissioner of Behavioral Health and Developmental Services, *or is on the Voluntary Do Not Sell Firearms List established in Chapter 12 (§ 52-50 et seq.) of Title 52*, the State Police shall have until the end of the dealer's next business day to advise the dealer if its records indicate the buyer or transferee is prohibited from possessing or transporting a firearm by state or federal law. If not so advised by the end of the dealer's next business day, a dealer who has fulfilled the requirements of subdivision 1 may immediately complete the sale or transfer and shall not be deemed in violation of this section with respect to such sale or transfer. In case of electronic failure or other circumstances beyond the control of the State Police, the dealer shall be advised immediately of the reason for such delay and be given an estimate of the length of such delay. After such notification, the State Police shall, as soon as possible but in no event later than the end of the dealer's next business day, inform the requesting dealer if its records indicate the buyer or transferee is prohibited from possessing or transporting a firearm by state or federal law. A dealer who fulfills the requirements of subdivision 1 and is told by the State Police that a response will not be available by the end of the dealer's next business day may immediately complete the sale or transfer and shall not be deemed in violation of this section with respect to such sale or transfer.

3. Except as required by subsection D of § 9.1-132, the State Police shall not maintain records longer than 30 days, except for multiple handgun transactions for which records shall be maintained for 12 months, from any dealer's request for a criminal history record information check pertaining to a buyer or transferee who is not found to be prohibited from possessing and transporting a firearm under state or federal law. However, the log on requests made may be maintained for a period of 12 months, and such log shall consist of the name of the purchaser, the dealer identification number, the unique approval number, and the transaction date.

4. On the last day of the week following the sale or transfer of any firearm, the dealer shall mail or deliver the written consent form required by subsection A to the Department of State Police. The State Police shall immediately initiate a

search of all available criminal history record information to determine if the purchaser is prohibited from possessing or transporting a firearm under state or federal law. If the search discloses information indicating that the buyer or transferee is so prohibited from possessing or transporting a firearm, the State Police shall inform the chief law-enforcement officer in the jurisdiction where the sale or transfer occurred and the dealer without delay.

5. Notwithstanding any other provisions of this section, rifles and shotguns may be purchased by persons who are citizens of the United States or persons lawfully admitted for permanent residence but residents of other states under the terms of subsections A and B upon furnishing the dealer with one photo-identification form issued by a governmental agency of the person's state of residence and one other form of identification determined to be acceptable by the Department of Criminal Justice Services.

6. For the purposes of this subsection, the phrase "dealer's next business day" ~~shall~~ *does* not include December 25.

C. No dealer shall sell, rent, trade, or transfer from his inventory any firearm, except when the transaction involves a rifle or a shotgun and can be accomplished pursuant to the provisions of subdivision B 5 to any person who is not a resident of Virginia unless he has first obtained from the Department of State Police a report indicating that a search of all available criminal history record information has not disclosed that the person is prohibited from possessing or transporting a firearm under state or federal law. The dealer shall obtain the required report by mailing or delivering the written consent form required under subsection A to the State Police within 24 hours of its execution. If the dealer has complied with the provisions of this subsection and has not received the required report from the State Police within 10 days from the date the written consent form was mailed to the Department of State Police, he shall not be deemed in violation of this section for thereafter completing the sale or transfer.

D. Nothing herein shall prevent a resident of the Commonwealth, at his option, from buying, renting, or receiving a firearm from a dealer in Virginia by obtaining a criminal history record information check through the dealer as provided in subsection C.

E. If any buyer or transferee is denied the right to purchase a firearm under this section, he may exercise his right of access to and review and correction of criminal history record information under § 9.1-132 or institute a civil action as provided in § 9.1-135, provided any such action is initiated within 30 days of such denial.

F. Any dealer who willfully and intentionally requests, obtains, or seeks to obtain criminal history record information under false pretenses, or who willfully and intentionally disseminates or seeks to disseminate criminal history record information except as authorized in this section, shall be guilty of a Class 2 misdemeanor.

G. For purposes of this section:

"Actual buyer" means a person who executes the consent form required in subsection B or C, or other such firearm transaction records as may be required by federal law.

"Antique firearm" means:

1. Any firearm (including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured in or before 1898;

2. Any replica of any firearm described in subdivision 1 of this definition if such replica (i) is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition or (ii) uses rimfire or conventional centerfire fixed ammunition that is no longer manufactured in the United States and that is not readily available in the ordinary channels of commercial trade;

3. Any muzzle-loading rifle, muzzle-loading shotgun, or muzzle-loading pistol that is designed to use black powder, or a black powder substitute, and that cannot use fixed ammunition. For purposes of this subdivision, the term "antique firearm" shall not include any weapon that incorporates a firearm frame or receiver, any firearm that is converted into a muzzle-loading weapon, or any muzzle-loading weapon that can be readily converted to fire fixed ammunition by replacing the barrel, bolt, breech-block, or any combination thereof; or

4. Any curio or relic as defined in this subsection.

"Assault firearm" means any semi-automatic center-fire rifle or pistol which expels single or multiple projectiles by action of an explosion of a combustible material and is equipped at the time of the offense with a magazine which will hold more than 20 rounds of ammunition or designed by the manufacturer to accommodate a silencer or equipped with a folding stock.

"Curios or relics" means firearms that are of special interest to collectors by reason of some quality other than is associated with firearms intended for sporting use or as offensive or defensive weapons. To be recognized as curios or relics, firearms must fall within one of the following categories:

1. Firearms that were manufactured at least 50 years prior to the current date, which use rimfire or conventional centerfire fixed ammunition that is no longer manufactured in the United States and that is not readily available in the ordinary channels of commercial trade, but not including replicas thereof;

2. Firearms that are certified by the curator of a municipal, state, or federal museum that exhibits firearms to be curios or relics of museum interest; and

3. Any other firearms that derive a substantial part of their monetary value from the fact that they are novel, rare, bizarre, or because of their association with some historical figure, period, or event. Proof of qualification of a particular firearm under this category may be established by evidence of present value and evidence that like firearms are not available except as collectors' items, or that the value of like firearms available in ordinary commercial channels is substantially less.

"Dealer" means any person licensed as a dealer pursuant to 18 U.S.C. § 921 et seq.

"Firearm" means any handgun, shotgun, or rifle that will or is designed to or may readily be converted to expel single or multiple projectiles by action of an explosion of a combustible material.

"Handgun" means any pistol or revolver or other firearm originally designed, made and intended to fire single or multiple projectiles by means of an explosion of a combustible material from one or more barrels when held in one hand.

"Lawfully admitted for permanent residence" means the status of having been lawfully accorded the privilege of residing permanently in the United States as an immigrant in accordance with the immigration laws, such status not having changed.

H. The Department of Criminal Justice Services shall promulgate regulations to ensure the identity, confidentiality, and security of all records and data provided by the Department of State Police pursuant to this section.

I. The provisions of this section shall not apply to (i) transactions between persons who are licensed as firearms importers or collectors, manufacturers or dealers pursuant to 18 U.S.C. § 921 et seq.; (ii) purchases by or sales to any law-enforcement officer or agent of the United States, the Commonwealth or any local government, or any campus police officer appointed under Article 3 (§ 23.1-809 et seq.) of Chapter 8 of Title 23.1; or (iii) antique firearms; *or* curios or relics.

J. The provisions of this section shall not apply to restrict purchase, trade, or transfer of firearms by a resident of Virginia when the resident of Virginia makes such purchase, trade, or transfer in another state, in which case the laws and regulations of that state and the United States governing the purchase, trade, or transfer of firearms shall apply. A National Instant Criminal Background Check System (NICS) check shall be performed prior to such purchase, trade, or transfer of firearms.

J1. All licensed firearms dealers shall collect a fee of \$2 for every transaction for which a criminal history record information check is required pursuant to this section, except that a fee of \$5 shall be collected for every transaction involving an out-of-state resident. Such fee shall be transmitted to the Department of State Police by the last day of the month following the sale for deposit in a special fund for use by the State Police to offset the cost of conducting criminal history record information checks under the provisions of this section.

K. Any person willfully and intentionally making a materially false statement on the consent form required in subsection B or C or on such firearm transaction records as may be required by federal law, shall be guilty of a Class 5 felony.

L. Except as provided in § 18.2-308.2:1, any dealer who willfully and intentionally sells, rents, trades, or transfers a firearm in violation of this section shall be guilty of a Class 6 felony.

L1. Any person who attempts to solicit, persuade, encourage, or entice any dealer to transfer or otherwise convey a firearm other than to the actual buyer, as well as any other person who willfully and intentionally aids or abets such person, shall be guilty of a Class 6 felony. This subsection shall not apply to a federal law-enforcement officer or a law-enforcement officer as defined in § 9.1-101, in the performance of his official duties, or other person under his direct supervision.

M. Any person who purchases a firearm with the intent to (i) resell or otherwise provide such firearm to any person who he knows or has reason to believe is ineligible to purchase or otherwise receive from a dealer a firearm for whatever reason or (ii) transport such firearm out of the Commonwealth to be resold or otherwise provided to another person who the transferor knows is ineligible to purchase or otherwise receive a firearm, shall be guilty of a Class 4 felony and sentenced to a mandatory minimum term of imprisonment of one year. However, if the violation of this subsection involves such a transfer of more than one firearm, the person shall be sentenced to a mandatory minimum term of imprisonment of five years. The prohibitions of this subsection shall not apply to the purchase of a firearm by a person for the lawful use, possession, or transport thereof, pursuant to § 18.2-308.7, by his child, grandchild, or individual for whom he is the legal guardian if such child, grandchild, or individual is ineligible, solely because of his age, to purchase a firearm.

N. Any person who is ineligible to purchase or otherwise receive or possess a firearm in the Commonwealth who solicits, employs, or assists any person in violating subsection M shall be guilty of a Class 4 felony and shall be sentenced to a mandatory minimum term of imprisonment of five years.

O. Any mandatory minimum sentence imposed under this section shall be served consecutively with any other sentence.

P. All driver's licenses issued on or after July 1, 1994, shall carry a letter designation indicating whether the driver's license is an original, duplicate, or renewed driver's license.

Q. Prior to selling, renting, trading, or transferring any firearm owned by the dealer but not in his inventory to any other person, a dealer may require such other person to consent to have the dealer obtain criminal history record information to determine if such other person is prohibited from possessing or transporting a firearm by state or federal law. The Department of State Police shall establish policies and procedures in accordance with 28 C.F.R. § 25.6 to permit such determinations to be made by the Department of State Police, and the processes established for making such determinations shall conform to the provisions of this section.

§ 18.2-308.2:3. Criminal background check required for employees of a gun dealer to transfer firearms; exemptions; penalties.

A. No person, corporation, or proprietorship licensed as a firearms dealer pursuant to 18 U.S.C. § 921 et seq. shall employ any person to act as a seller, whether full-time or part-time, permanent, temporary, paid or unpaid, for the transfer of firearms under § 18.2-308.2:2, if such employee would be prohibited from possessing a firearm under § 18.2-308.1:1, 18.2-308.1:2, or 18.2-308.1:3, subsection B of § 18.2-308.1:4, or § 18.2-308.1:6, 18.2-308.2, or 18.2-308.2:01, or is an

illegal alien, or is prohibited from purchasing or transporting a firearm pursuant to subsection A of § 18.2-308.1:4 or § 18.2-308.1:5.

B. Prior to permitting an applicant to begin employment, the dealer shall obtain a written statement or affirmation from the applicant that he is not disqualified from possessing a firearm and shall submit the applicant's fingerprints and personal descriptive information to the Central Criminal Records Exchange to be forwarded to the Federal Bureau of Investigation (FBI) for the purpose of obtaining national criminal history record information regarding the applicant.

C. Prior to August 1, 2000, the dealer shall obtain written statements or affirmations from persons employed before July 1, 2000, to act as a seller under § 18.2-308.2:2 that they are not disqualified from possessing a firearm. Within five working days of the employee's next birthday, after August 1, 2000, the dealer shall submit the employee's fingerprints and personal descriptive information to the Central Criminal Records Exchange to be forwarded to the Federal Bureau of Investigation (FBI) for the purpose of obtaining national criminal history record information regarding the request.

C1. In lieu of submitting fingerprints pursuant to this section, any dealer holding a valid federal firearms license (FFL) issued by the Bureau of Alcohol, Tobacco and Firearms (ATF) may submit a sworn and notarized affidavit to the Department of State Police on a form provided by the Department, stating that the dealer has been subjected to a record check prior to the issuance and that the FFL was issued by the ATF. The affidavit may also contain the names of any employees that have been subjected to a record check and approved by the ATF. This exemption shall apply regardless of whether the FFL was issued in the name of the dealer or in the name of the business. The affidavit shall contain the valid FFL number, state the name of each person requesting the exemption, together with each person's identifying information, including their social security number and the following statement: "I hereby swear, under the penalty of perjury, that as a condition of obtaining a federal firearms license, each person requesting an exemption in this affidavit has been subjected to a fingerprint identification check by the Bureau of Alcohol, Tobacco and Firearms and the Bureau of Alcohol, Tobacco and Firearms subsequently determined that each person satisfied the requirements of 18 U.S.C. § 921 et seq. I understand that any person convicted of making a false statement in this affidavit is guilty of a Class 5 felony and that in addition to any other penalties imposed by law, a conviction under this section shall result in the forfeiture of my federal firearms license."

D. The Department of State Police, upon receipt of an individual's record or notification that no record exists, shall submit an eligibility report to the requesting dealer within 30 days of the applicant beginning his duties for new employees or within 30 days of the applicant's birthday for a person employed prior to July 1, 2000.

E. If any applicant is denied employment because of information appearing on the criminal history record and the applicant disputes the information upon which the denial was based, the Central Criminal Records Exchange shall, upon written request, furnish to the applicant the procedures for obtaining a copy of the criminal history record from the Federal Bureau of Investigation. The information provided to the dealer shall not be disseminated except as provided in this section.

F. The applicant shall bear the cost of obtaining the criminal history record unless the dealer, at his option, decides to pay such cost.

G. Upon receipt of the request for a criminal history record information check, the State Police shall establish a unique number for that firearm seller. Beginning September 1, 2001, the firearm seller's signature, firearm seller's number and the dealer's identification number shall be on all firearm transaction forms. The State Police shall void the firearm seller's number when a disqualifying record is discovered. The State Police may suspend a firearm seller's identification number upon the arrest of the firearm seller for a potentially disqualifying crime.

H. This section shall not restrict the transfer of a firearm at any place other than at a dealership or at any event required to be registered as a gun show.

I. Any person who willfully and intentionally requests, obtains, or seeks to obtain criminal history record information under false pretenses, or who willfully and intentionally disseminates or seeks to disseminate criminal history record information except as authorized by this section and § 18.2-308.2:2, shall be guilty of a Class 2 misdemeanor.

J. Any person willfully and intentionally making a materially false statement on the personal descriptive information required in this section shall be guilty of a Class 5 felony. Any person who offers for transfer any firearm in violation of this section shall be guilty of a Class 1 misdemeanor. Any dealer who willfully and knowingly employs or permits a person to act as a firearm seller in violation of this section shall be guilty of a Class 1 misdemeanor.

K. There is no civil liability for any seller for the actions of any purchaser or subsequent transferee of a firearm lawfully transferred pursuant to this section.

L. The provisions of this section requiring a seller's background check shall not apply to a licensed dealer.

M. Any person who willfully and intentionally makes a false statement in the affidavit as set out in subdivision C 1 shall be guilty of a Class 5 felony.

N. For purposes of this section:

"Dealer" means any person, corporation or proprietorship licensed as a dealer pursuant to 18 U.S.C. § 921 et seq.

"Firearm" means any handgun, shotgun, or rifle that will or is designed to or may readily be converted to expel single or multiple projectiles by action of an explosion of a combustible material.

"Place of business" means any place or premises where a dealer may lawfully transfer firearms.

"Seller" means for the purpose of any single sale of a firearm any person who is a dealer or an agent of a dealer, who may lawfully transfer firearms and who actually performs the criminal background check in accordance with the provisions of § 18.2-308.2:2.

"Transfer" means any act performed with intent to sell, rent, barter, or trade or otherwise transfer ownership or permanent possession of a firearm at the place of business of a dealer.

CHAPTER 12.

VIRGINIA VOLUNTARY DO NOT SELL FIREARMS LIST.

§ 52-50. Establishment of the Virginia Voluntary Do Not Sell Firearms List.

A. The Department of State Police shall establish the Virginia Voluntary Do Not Sell Firearms List (the List) in the Commonwealth to prohibit the possession, transportation, and sale of firearms to any person who voluntarily registers himself to be enrolled into the List. The Department shall maintain and update the List, and the List shall be used in accordance with § 18.2-308.2:2 to advise a dealer if the Department's records indicate a buyer or transferee of firearms is prohibited from purchasing, possessing, or transporting a firearm. The Department shall promulgate any regulations and develop any policies for the implementation of the List.

B. The Department shall withhold from public disclosure all information regarding a request to be enrolled into or removed from the List and any other personal identifying information contained in or related to the List, except that such information may be disclosed to a law-enforcement officer acting in the performance of his official duties or the applicant with respect to his own information.

§ 52-51. Voluntary enrollment and removal.

A. Any person 18 years of age or older may apply in writing to the Department of State Police to request voluntary enrollment into the List and, after being enrolled into such List, may apply in writing to the Department to request removal from such List. The application for enrollment into and removal from the List shall be on forms prescribed by the Department of State Police. Pursuant to subsection D, the forms shall state that any person enrolled into the List shall not be removed from the List until 21 days after receiving an application for removal. The Department of State Police shall make the forms available on the Department's website.

B. Any person requesting enrollment into or removal from such List shall submit a photocopy of one valid form of photo identification issued by a governmental agency of the applicant's state of residency or by the U.S. Department of Defense or U.S. State Department (passport) to accompany the enrollment and removal form. Such request for enrollment into or removal from the List may be submitted to the Department of State Police by mail or in person at any Department of State Police office location.

C. Upon enrolling a person into the List, the Department shall forward a person's eligibility to purchase, possess, or transport a firearm to the National Instant Criminal Background Check System. The Department shall also notify such person by mail that he has been enrolled into the List.

D. The Department shall not remove any person from the List until 21 days after receipt of the person's removal request. Upon removal of a person's name from the List, the Department shall update such person's eligibility to purchase, possess, or transport a firearm to the National Instant Criminal Background Check System and shall destroy all records of enrollment into and request for removal from the List.

§ 52-52. Prohibited conduct; penalty.

A. It is unlawful for any person to inquire as to whether another person has been enrolled into the List for any purpose other than to determine such person's eligibility to purchase, possess, or transport a firearm.

B. It is unlawful for any person to knowingly give any false information or to make any false statement with the intent of enrolling or removing any other person into or from the List.

C. It is unlawful for any person to discriminate against a person with respect to his health care services, employment, education, housing, insurance, governmental benefits, or contracting because that person is not on the List, is on the List, or has previously been on the List.

D. A violation of this section is a Class 1 misdemeanor.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 854 of the Acts of Assembly of 2019 requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

3. That the Department of State Police shall consult with the Department of Behavioral Health and Developmental Services in developing the application for enrollment into or removal from the Virginia Voluntary Do Not Sell Firearms List pursuant to this act.

4. That the Board of Counseling, Board of Medicine, Board of Nursing, and Board of Psychology shall notify all licensees of the existence of the Virginia Voluntary Do Not Sell Firearms List created by this act within 60 days after the effective date of this act.

5. That the provisions of this act shall become effective on July 1, 2021.

CHAPTER 1174

An Act to amend the Code of Virginia by adding in Article 5 of Chapter 9 of Title 15.2 a section numbered 15.2-984, relating to abandoned and stolen shopping carts; local regulation.

[S 631]

Approved April 11, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 5 of Chapter 9 of Title 15.2 a section numbered 15.2-984 as follows:

§ 15.2-984. Disposition of abandoned shopping carts; unauthorized possession; penalties.

A. *The governing body of any locality with a County Manager Plan or Urban County Executive Form may, by ordinance, provide that it shall be unlawful for any person to place, leave, or abandon on any real property in the locality, or within specified districts within the locality, any shopping cart as defined in § 18.2-102.1. The ordinance shall provide that any such shopping cart that remains on real property outside of the premises defined in § 18.2-102.1 at least 15 days after a notice of violation is given to the owner of such shopping cart shall be presumed to be abandoned and subject to removal from the real property by the locality or its agents without further notice.*

B. *A notice of violation sent by registered or certified mail to the last known address of the shopping cart's owner or its registered agent reflected in state or locality public records shall satisfy the notice requirement of this section. In the event that any such shopping cart is so removed, the cost of removal, including the cost of disposal, but not to exceed \$300 per cart, shall be charged to the owner of the shopping cart. Any such charge that is not paid within 30 days of the date on which it is billed to the owner shall constitute a lien upon the shopping cart and may be collected in any manner provided by law for the collection of taxes.*

C. *In addition to any other remedy provided herein, the locality or its designee may institute legal action to enjoin the continuing violating of this section.*

D. *An ordinance adopted pursuant to subsection A may provide that it shall be unlawful for any person, except the owner or his agent, to possess outside of the premises any shopping cart, when the owner has posted notice on the property that removal is unlawful. The locality may provide that a person who violates the ordinance is subject to a civil penalty of not more than \$500. However, such penalty shall not apply when such person has been found guilty of a violation of § 18.2-102.1 for the removal of such shopping cart from a store premises.*

CHAPTER 1175

An Act to amend and reenact §§ 18.2-308.1:3 and 37.2-821 of the Code of Virginia, relating to mental health as disqualifier for firearm possession.

[S 684]

Approved April 11, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 18.2-308.1:3 and 37.2-821 of the Code of Virginia are amended and reenacted as follows:

§ 18.2-308.1:3. Purchase, possession, or transportation of firearm by persons involuntarily admitted or ordered to outpatient treatment; penalty.

A. It shall be unlawful for any person (i) involuntarily admitted to a facility or ordered to mandatory outpatient treatment pursuant to § 19.2-169.2, (ii) involuntarily admitted to a facility or ordered to mandatory outpatient treatment as the result of a commitment hearing pursuant to Article 5 (§ 37.2-814 et seq.) of Chapter 8 of Title 37.2, *notwithstanding the outcome of any appeal taken pursuant to § 37.2-821*, (iii) involuntarily admitted to a facility or ordered to mandatory outpatient treatment as a minor 14 years of age or older as the result of a commitment hearing pursuant to Article 16 (§ 16.1-335 et seq.) of Chapter 11 of Title 16.1, *notwithstanding the outcome of any appeal taken pursuant to § 16.1-345.6*, (iv) who was the subject of a temporary detention order pursuant to § 37.2-809 and subsequently agreed to voluntary admission pursuant to § 37.2-805, or (v) who, as a minor 14 years of age or older, was the subject of a temporary detention order pursuant to § 16.1-340.1 and subsequently agreed to voluntary admission pursuant to § 16.1-338 to purchase, possess, or transport a firearm. A violation of this subsection shall be punishable as a Class 1 misdemeanor.

B. Any person prohibited from purchasing, possessing or transporting firearms under this section may, at any time following his release from involuntary admission to a facility, his release from an order of mandatory outpatient treatment, or his release from voluntary admission pursuant to § 37.2-805 following the issuance of a temporary detention order, petition the general district court in the city or county in which he resides or, if the person is not a resident of the Commonwealth, the general district court of the city or county in which the most recent of the proceedings described in subsection A occurred to restore his right to purchase, possess or transport a firearm. A copy of the petition shall be mailed or delivered to the attorney for the Commonwealth for the jurisdiction where the petition was filed who shall be entitled to respond and represent the interests of the Commonwealth. The court shall conduct a hearing if requested by either party. If the court determines, after receiving and considering evidence concerning the circumstances regarding the disabilities

referred to in subsection A and the person's criminal history, treatment record, and reputation as developed through character witness statements, testimony, or other character evidence, that the person will not likely act in a manner dangerous to public safety and that granting the relief would not be contrary to the public interest, the court shall grant the petition. Any person denied relief by the general district court may petition the circuit court for a de novo review of the denial. Upon a grant of relief in any court, the court shall enter a written order granting the petition, in which event the provisions of subsection A do not apply. The clerk of court shall certify and forward forthwith to the Central Criminal Records Exchange, on a form provided by the Exchange, a copy of any such order.

C. As used in this section, "treatment record" shall include copies of health records detailing the petitioner's psychiatric history, which shall include the records pertaining to the commitment or adjudication that is the subject of the request for relief pursuant to this section.

§ 37.2-821. Appeal of involuntary admission or certification order.

A. Any person involuntarily admitted to an inpatient facility or ordered to mandatory outpatient treatment pursuant to §§ 37.2-814 through 37.2-819 or certified as eligible for admission pursuant to § 37.2-806 shall have the right to appeal the order to the circuit court in the jurisdiction where he was involuntarily admitted or ordered to mandatory outpatient treatment or certified or where the facility to which he was admitted is located. Choice of venue shall rest with such person. The court may transfer the case upon a finding that the other forum is more convenient. An appeal shall be filed within 10 days from the date of the order and shall be given priority over all other pending matters before the court and heard as soon as possible, notwithstanding § 19.2-241 regarding the time within which the court shall set criminal cases for trial. A petition for or the pendency of an appeal shall not suspend any order unless so ordered by a judge or special justice; however, a person may be released after a petition for or during the pendency of an appeal pursuant to § 37.2-837 or 37.2-838. The clerk of the court from which an appeal is taken shall immediately transmit the record to the clerk of the appellate court. The clerk of the circuit court shall provide written notification of the appeal to the petitioner in the case in accordance with procedures set forth in § 16.1-112. No appeal bond or writ tax shall be required, and the appeal shall proceed without the payment of costs or other fees. Costs may be recovered as provided for in § 37.2-804.

B. The appeal shall be heard de novo in accordance with the provisions set forth in §§ 37.2-802, 37.2-804, 37.2-804.1, 37.2-804.2, and 37.2-805, and (i) § 37.2-806 or (ii) §§ 37.2-814 through 37.2-819, except that the court in its discretion may rely upon the evaluation report in the commitment hearing from which the appeal is taken instead of requiring a new evaluation pursuant to § 37.2-815. Any order of the circuit court shall not extend the period of involuntary admission or mandatory outpatient treatment set forth in the order appealed from. An order continuing the involuntary admission shall be entered only if the criteria in § 37.2-817 are met at the time the appeal is heard. *Upon a finding by the court that the appellant no longer meets the criteria for involuntary admission or mandatory outpatient treatment, the court shall not dismiss the Commonwealth's petition but shall reverse the order of the district court.* The person so admitted or certified shall be entitled to trial by jury. Seven persons from a panel of 13 shall constitute a jury.

C. If the person is not represented by counsel, the judge shall appoint an attorney to represent him. Counsel so appointed shall be paid a fee of \$75 and his necessary expenses. The order of the court from which the appeal is taken shall be defended by the attorney for the Commonwealth.

CHAPTER 1176

An Act to amend and reenact §§ 2.1, 3.6, 3.7, 4.1, and 4.5, as amended, of Chapter 136 of the Acts of Assembly of 1988; to amend Chapter 136 of the Acts of Assembly of 1988 by adding sections numbered 2.3 through 2.9; and to repeal §§ 2.2, 4.2, and 4.4 of Chapter 136 of the Acts of Assembly of 1988, which provided a charter for the Town of Dayton in Rockingham County, relating to town council, town powers, and town officials.

[S 690]

Approved April 11, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.1, 3.6, 3.7, 4.1, and 4.5, as amended, of Chapter 136 of the Acts of Assembly of 1988 are amended and reenacted and that Chapter 136 of the Acts of Assembly of 1988 is amended by adding sections numbered 2.3 through 2.9 as follows:

§ 2.1. General grant of powers.

(a) *Powers authorized in the Code of Virginia.*

The town shall have and may exercise all powers which are now or hereafter may be conferred upon or delegated to towns under the Constitution and the laws of the Commonwealth of Virginia as fully and completely as if such powers were specifically enumerated in this charter. No enumeration of particular powers in this charter shall be held to exclude other, unmentioned powers. The town shall have, exercise, and enjoy all the rights, immunities, powers, and privileges and be subject to all the duties and obligations now appertaining to and incumbent upon the town as a municipal corporation.

(b) *Powers exercised by governing body.*

All powers vested in the town by this charter shall be exercised by its governing body unless expressly provided to the contrary. Such powers shall include those not expressly prohibited by the Constitution and general law of the Commonwealth, and which are necessary or desirable to secure and promote the general welfare of the town's inhabitants

and the safety, health, peace, good order, comfort, convenience, morals, trade, commerce, and industry of the town and the town's inhabitants, and the enumeration of specific powers shall not be construed or held to be exclusive or as a limitation upon any general grant of power, but shall be construed and held to be in addition to any general grant of power. The exercise of the powers conferred under this section is specifically limited to the area within the corporate limits of the town, unless otherwise conferred in the applicable sections of the Constitution and general laws, as amended, of the Commonwealth.

(c) *Repeal of prior inconsistent acts and charters.*

All acts and parts of acts in conflict with this charter are hereby repealed, insofar as they affect the provisions of this charter; however, nothing contained in this act shall be construed to invalidate or to in any manner affect the present existing indebtedness and liabilities of the town, whether evidenced by bonded obligations or otherwise, or to relieve it of any part of its present obligation or liability on account of bond issues, liabilities, or debts of whatsoever nature or kind. On and after July 1, 2020, all references to the town superintendent in the town's resolutions, ordinances, code provisions, contracts, and all other official acts and governing documents then in effect shall be deemed as referring to the town manager.

§ 2.3. *Financial powers.*

(a) *Generally.* In accordance with the Constitution of Virginia and the United States Constitution, the town may raise through annual taxes and assessments on property, persons, and other subjects of taxation that are not prohibited by law such sums of money as in the judgment of the town are necessary to pay the debts, defray the expenses, accomplish the purposes, and perform the functions of the town, in such manner as the council deems necessary or expedient.

(b) *Assessments for local improvements.* The town may impose special or local assessments for local improvements and enforce payment thereof, subject, however, to such limitations prescribed by the Constitution of Virginia as may be in force at the time of the imposition of such special or local assessments.

(c) *Water, light, and sewerage rates; rates and charges for public utilities or services, etc., operated, etc., by town.* The town may establish, impose, and enforce water, light, and sewerage rates and rates and charges for public utilities, or other services, products, or conveniences operated, rendered, or furnished by the town and assess, or cause to be assessed, water, light, sewerage, and other public utility rates and charges directly against the owner or owners of the buildings, or against the proper tenant or tenants, and in the event that such rates and charges shall be assessed against a tenant, then the council may, by an ordinance, require of such tenant a deposit of such reasonable amount as may be by such ordinance prescribed before furnishing such services to such tenant.

§ 2.4. *Contractual powers; gifts; grants.*

(a) *Acquisition of property generally; holding, selling, leasing, etc., town property.* The town may acquire, by purchase, gift, devise, condemnation, or otherwise, property, real and personal, or any estate or interest therein, within or without the town or the Commonwealth of Virginia and for any of the purposes of the town.

(b) *Debts and evidence of indebtedness.* The town may contract debts, borrow money, and make and issue evidence of indebtedness.

(c) *Gifts.* The town may accept or refuse gifts, donations, bequests, or grants of any kind from any source, absolutely or in trust, that are related to the town's powers, duties, and functions, or for educational, charitable, or other public purposes, and do all the things and acts necessary to carry out the purposes of such gifts, grants, bequests, and devises, with power to manage, maintain, operate, sell, lease, or otherwise handle or dispose of the same, in accordance with terms and conditions of such gifts, grants, bequests, and devises.

§ 2.5. *Operational powers.*

(a) *Generally.* The town may provide for the organization, conduct, and operation of all departments, offices, boards, commissions, and agencies of the town, subject to such limitations as may be imposed by this charter or otherwise by law, and may establish, consolidate, abolish, or change departments, offices, boards, commissions, and agencies of the municipal corporation and prescribe the powers, duties, and functions thereof, except where such departments, offices, boards, commissions, and agencies or the powers, duties, and functions thereof are specifically established or prescribed by charter or otherwise by law.

(b) *Records and accounts.* The town shall provide for the control and management of the town's affairs and shall prescribe and require the adoption and keeping of such books, records, accounts, and systems of accounting by the departments, boards, commissions, or other agencies of the local government consistent with generally accepted accounting standards and necessary to give full and true accounts of the affairs, resources, and revenues of the municipal corporation and the handling, use, and disposal thereof.

(c) *Expenditure of money.* The town may expend money of the town for all lawful purposes.

(d) *Construction, maintenance, etc., of improvements, buildings, etc., for use and operation of town departments.* The town may construct, maintain, regulate, and operate public improvements of all kinds, including municipal and other buildings, comfort stations, markets, and all buildings and structures necessary or appropriate for the use and proper operation of the various departments of the town, and may acquire by condemnation or otherwise all land, riparian, and other rights and easements necessary for such improvements, or any of them.

(e) *Town events.* The town may conduct festivals, music events, running races, athletic competitions, community festivals, and all such other events and may charge fees for the participation therein.

§ 2.6. *Utilities; public improvements.*

(a) *Water works and water supply.* The town may own, operate, and maintain water works and acquire in any lawful manner in any county or city of the Commonwealth of Virginia such water, lands, property rights, and riparian rights as the council may deem necessary for the purpose of providing the town with an adequate water supply, and of piping or conducting the same; lay all necessary mains and service lines, either within or without the corporate limits of the town, and charge and collect water rents therefor; erect and maintain all necessary dams, pumping stations, and other works in connection therewith; make reasonable rules and regulations for promoting the purity of the town water supply and protecting it from pollution and for this purpose exercise full police powers and sanitary patrol over all lands comprised within the limits of the watershed tributary to any such water supply wherever such lands may be located in the Commonwealth of Virginia; impose and enforce adequate penalties for the violation of any such rules and regulations and prevent by injunction any pollution or threatened pollution of such water supply and any and all acts likely to impair the purity thereof; and for the purpose of acquiring lands, interest in lands, property rights, and riparian rights or materials for any such use, exercise all powers of eminent domain provided by the laws of the Commonwealth of Virginia. For any of the purposes aforesaid, said town may, if the council shall so determine, acquire by condemnation, purchase, or otherwise any estate or interest in such lands or any of them in fee.

(b) *Streets; parks, playgrounds, etc.; infrastructure; vehicles.* The town may establish, maintain, improve, alter, vacate, regulate, and otherwise manage its streets, alleys, parks, playgrounds, and all of its public infrastructure and public works in such manner as best serves the public interest, safety, and convenience; regulate, limit, restrict, and control the services and routes of and rates charged by vehicles for the carrying of passengers and property in accordance with general law; permit or prohibit poles and wires for electric, telephone, telegraph, television, and other purposes to be erected and gas pipes to be laid in the streets and alleys and prescribe and collect an annual charge for such privileges; and, subject to the provisions of franchise agreements, require the owner or lessees of any such poles or wires now in use or hereafter used to place such wires, cables, and accoutrements in conduits underground in accordance with the town's prescribed requirements.

(c) *Public utilities.* Subject to the provisions of the Constitution of Virginia, this charter, and general law, the town may grant franchises for public utilities, reserving rights of transfer, renewal, extension, and amendment thereof.

(d) *Collection and disposition of sewage, garbage, ashes, refuse, etc.; reduction and disposal plant.* The town may collect and dispose of sewage, ashes, garbage, carcasses of dead animals, and other refuse; make reasonable charges therefor; acquire and operate reduction or any other plants for the utilization or destruction of such materials, or any of them; contract for and regulate the collection and disposal thereof, and require and regulate the collection and disposal thereof.

§ 2.7. *Nuisances; sanitary conditions, etc.*

The town may compel the abatement and removal of all nuisances within the town; require all lands, lots, and other premises within the town to be kept clean; regulate the keeping of animals, poultry, and other fowl therein; regulate the exercise of any dangerous or unwholesome business, trade, or employment therein; regulate the transportation of all articles through the streets of the town; compel the abatement of smoke, dust, and unnecessary noise; compel the removal of grass and weeds from private and public property and snow from sidewalks; require the covering or removal of offensive, unwholesome, unsanitary, or unhealthy substances allowed to accumulate in or on any place or premises; require the filling in to the street level of the portion of any lot adjacent to a street where the difference in level between the lot and the street constitutes a danger to life and limb; require the raising or draining of the grounds subject to be covered by stagnant water and the razing or repair of all unsafe, dangerous, or unsanitary public or private buildings, walls, or structures; and remedy, repair, and secure any blighted or derelict building or structure within the town in accordance with applicable law.

§ 2.8. *Police powers.*

(a) The town may exercise full police powers as provided by general law, and establish and maintain a department or division of police.

(b) The town may also do all things whatsoever necessary or expedient for promoting or maintaining the general welfare, comfort, education, morals, peace, government, health, trade, commerce, or industries of the town or its inhabitants; prescribe any penalty for the violation of any town ordinance, rule, or regulation or of any provisions of this charter, not exceeding the fine or sentence imposed by the laws of the Commonwealth of Virginia; pass and enforce all bylaws, rules, regulations, and ordinances that it may deem necessary for the good order and government of the town, the management of its property, the conduct of its affairs, and the peace, comfort, convenience, order, morals, health, and protection of its citizens or their property; and do such other things and pass such other laws as may be necessary or proper to carry into full effect any power, authority, capacity, or jurisdiction that is or shall be granted to or vested in said town, or in the council, court, or offices thereof, or which may be necessarily incident to a municipal corporation.

§ 2.9. *Miscellaneous powers.*

(a) *Removal or reconstruction of unsafe buildings, etc.; protection of public gatherings.* The town may regulate the size, height, materials, and construction of buildings, fences, walls, retaining walls, and other structures hereafter erected in such manner as the public safety and conveniences may require; remove or require to be removed or reconstructed any building, structure, or addition thereto, which by reason of dilapidation, defect of structure, or other causes may have become dangerous to life or property, or which may have been erected contrary to law; and enact stringent and efficient laws for securing the safety of persons from fires in halls and buildings used for public assemblies, entertainments, or amusements.

(b) *Fees for permits, etc.* The town may charge and collect fees for permits to use public facilities and for public services and privileges.

(c) *Cemeteries.* The town may provide in or near the town lands to be used as burial places for the dead; improve and care for the same and the approaches thereto; charge for and regulate the use of ground therein; and provide for the perpetual upkeep and care of any plot or burial lot therein. The town is authorized to take and receive sums of money by gift, bequest, or otherwise to be kept invested, and the income thereof is to be used for the perpetual upkeep and care of the said lot or plot for which the said donation, gift, or bequest shall have been made.

(d) *Injunctive relief.* The town may maintain a suit to restrain by injunction the violation of any ordinance, notwithstanding any punishment that may be provided for the violation of such ordinance.

§ 3.6. Vacancies.

Vacancies on the council shall be filled for the unexpired term from among the qualified voters of the town by a majority vote of the remaining members of the council. A vacancy in the office of mayor shall be filled for the unexpired term from among the qualified voters of the town by a majority vote of the council in accordance with general law.

§ 3.7. Meetings of the council.

(a) *Organizational meeting.* The town council's organizational meeting for the purposes set forth in § 15.2-1416 of the Code of Virginia shall be its first meeting held after January 1 of each year.

(b) *Regular meetings.* The council shall fix the date and time of its regular meetings, which shall be at least once each month.

Except as provided in this charter or the laws of the Commonwealth, the council shall follow Robert's Rules of Order, latest edition, for rules of procedure necessary for the orderly conduction of its business. Its meetings shall be open to the public unless an executive session is called according to law. Special meetings may be called at any time by the mayor provided that all council members are given reasonable notice. Any four members of the council may also call special meetings, provided that other members of the council and the mayor are given reasonable notice. No business shall be transacted at the special meeting except that for which it is called. (c) *Special meetings.* A special meeting of the council shall be held when called by the mayor, or when requested by two or more of the members of council. The call or request shall be made to the clerk and shall specify the matters to be considered at the meeting. Upon receipt of such call or request, the clerk of council, after consultation with the mayor, shall immediately notify each member of council and the town attorney in writing delivered in person, or to his place of residence or business or, if so requested by the member of the governing body, by electronic mail or facsimile, to attend such meeting at the time and place stated in the notice. Such notice shall specify the matters to be considered at the meeting. No matter not specified in the notice shall be considered at such meeting.

(d) *Rules of procedure.* From time to time, the council may adopt rules or procedure governing its meetings, such rules not being inconsistent with state law.

§ 4.1. Town ~~superintendent~~ manager.

The council may appoint a town ~~superintendent~~ who manager who shall be the town's chief administrative officer and the administrative head. The town manager shall be responsible to the council for the proper ~~administration of all affairs~~ management of the town; ~~for the control and supervision of all town departments, employees, and property, and for any other duties prescribed by the council.~~ In addition to any other duties prescribed by council or required by law, the town manager shall:

(a) See that all ordinances, resolutions, directives, and orders of council and all laws of the Commonwealth are faithfully executed;

(b) Appoint, supervise, and dismiss all officers and employees of the town, including but not limited to the police chief and treasurer, if any. The town manager may authorize the head of an office or department to appoint, supervise, and discipline subordinates in such office or department subject to review and approval by the town manager;

(c) Report to council from time to time on the affairs of the town;

(d) Receive reports from, and give directions to, all heads of offices and departments of the town;

(e) Submit to the council a proposed annual budget, in accordance with general law, with recommendations, and execute the budget as finally adopted by council; and

(f) Advise the council on the town's financial condition and future financial needs.

§ 4.5. ~~Recorder~~ Clerk.

The council may appoint a ~~recorder whose~~ clerk who shall be responsible for maintaining the official legislative record of council meetings and actions and perform such other duties as may be prescribed by the council or required by law.

2. That §§ 2.2, 4.2, and 4.4 of Chapter 136 of the Acts of Assembly of 1988 are repealed.

CHAPTER 1177

An Act to amend and reenact § 4.1-221.1, as it is currently effective and as it shall become effective, of the Code of Virginia, relating to alcoholic beverage control; tasting licenses.

[S 833]

Approved April 11, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 4.1-221.1, as it is currently effective and as it shall become effective, of the Code of Virginia is amended and reenacted as follows:

§ 4.1-221.1. (Effective until July 1, 2020) Limitation of tasting licenses.

Samples of alcoholic beverages given or sold by a licensee shall not exceed two ounces per person of each product tasted, provided that (i) in the case of wine or beer, no more than four products shall be offered or (ii) in the case of spirits, no more than two products shall be offered. Tasting licenses for mixed beverages shall only be issued for events to be held in localities which have approved the sale of mixed beverages pursuant to § 4.1-124. No license shall be issued to any person to whom issuance of a retail license is prohibited. No more than ~~four~~ 12 tasting licenses annually shall be issued to any person. The provisions of this section shall not apply to tastings conducted pursuant to § 4.1-201.1.

§ 4.1-221.1. (Effective July 1, 2020) Limitation of tasting licenses.

Samples of alcoholic beverages given or sold by a licensee shall not exceed two ounces per person of each product tasted, provided that (i) in the case of wine or beer, no more than four products shall be offered or (ii) in the case of spirits, no more than two products shall be offered. Tasting licenses for mixed beverages shall only be issued for events to be held in localities that do not prohibit the sale of mixed beverages pursuant to § 4.1-124. No license shall be issued to any person to whom issuance of a retail license is prohibited. No more than ~~four~~ 12 tasting licenses annually shall be issued to any person. The provisions of this section shall not apply to tastings conducted pursuant to § 4.1-201.1.

CHAPTER 1178

An Act to amend the Code of Virginia by adding a section numbered 18.2-152.7:2, relating to computer crimes; monetary harm; penalty.

[S 1003]

Approved April 11, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 18.2-152.7:2 as follows:

§ 18.2-152.7:2. Using computer to commit a scheme involving false representations; penalty.

Any person who, without the intent to receive any direct or indirect benefit, maliciously sends an electronically transmitted communication containing a false representation intended to cause another person to spend money, and such false representation causes such person to spend money, is guilty of a Class 1 misdemeanor.

CHAPTER 1179

An Act to amend and reenact § 4.1-209 of the Code of Virginia, relating to alcoholic beverage control; gourmet shop license; distiller participation in tastings.

[S 1029]

Approved April 11, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 4.1-209 of the Code of Virginia is amended and reenacted as follows:

§ 4.1-209. Wine and beer licenses; advertising.

A. The Board may grant the following licenses relating to wine and beer:

1. Retail on-premises wine and beer licenses to:

a. Hotels, restaurants and clubs, which shall authorize the licensee to sell wine and beer, either with or without meals, only in dining areas and other designated areas of such restaurants, or in dining areas, private guest rooms, and other designated areas of such hotels or clubs, for consumption only in such rooms and areas. However, with regard to a hotel classified by the Board as (i) a resort complex, the Board may authorize the sale and consumption of alcoholic beverages in all areas within the resort complex deemed appropriate by the Board or (ii) a limited service hotel, the Board may authorize the sale and consumption of alcoholic beverages in dining areas, private guest rooms, and other designated areas to persons to whom overnight lodging is being provided, for on-premises consumption in such rooms or areas, and without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises, provided that at least one meal is provided each day by the hotel to such guests. With regard to facilities registered in accordance with Chapter 49 (§ 38.2-4900 et seq.) of Title 38.2 of the Code of Virginia as continuing care communities that are also licensed by the Board under this subdivision, any resident may, upon authorization of the licensee, keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas covered by the license. For purposes of this subdivision, "other designated areas" includes outdoor dining areas, whether or not contiguous to the licensed premises, which may have more than one means of ingress and egress to an adjacent public thoroughfare, provided that such outdoor dining areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201;

b. Persons operating dining cars, buffet cars, and club cars of trains, which shall authorize the licensee to sell wine and beer, either with or without meals, in the dining cars, buffet cars, and club cars so operated by them, for on-premises consumption when carrying passengers;

c. Persons operating sight-seeing boats, or special or charter boats, which shall authorize the licensee to sell wine and beer, either with or without meals, on such boats operated by them for on-premises consumption when carrying passengers;

d. Persons operating as air carriers of passengers on regular schedules in foreign, interstate or intrastate commerce, which shall authorize the licensee to sell wine and beer for consumption by passengers in such airplanes anywhere in or over the Commonwealth while in transit and in designated rooms of establishments of such carriers at airports in the Commonwealth, § 4.1-129 notwithstanding. For purposes of supplying its airplanes, as well as any airplane of a licensed express carrier flying under the same brand, an air carrier licensee may appoint an authorized representative to load wine and beer onto the same airplanes and to transport and store wine and beer at or in close proximity to the airport where the wine and beer will be delivered onto airplanes of the air carrier and any such licensed express carrier. The air carrier licensee shall (i) designate for purposes of its license all locations where the inventory of wine and beer may be stored and from which the wine and beer will be delivered onto airplanes of the air carrier and any such licensed express carrier and (ii) maintain records of all wine and beer to be transported, stored, and delivered by its authorized representative;

e. Hospitals, which shall authorize the licensee to sell wine and beer in the rooms of patients for their on-premises consumption only in such rooms, provided the consent of the patient's attending physician is first obtained;

f. Persons operating food concessions at coliseums, stadia, racetracks or similar facilities, which shall authorize the licensee to sell wine and beer in paper, plastic or similar disposable containers or in single original metal cans, during any event and immediately subsequent thereto, to patrons within all seating areas, concourses, walkways, concession areas and additional locations designated by the Board in such coliseums, stadia, racetracks or similar facilities, for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license;

g. Persons operating food concessions at any outdoor performing arts amphitheater, arena or similar facility which (i) has seating for more than 20,000 persons and is located in Prince William County or the City of Virginia Beach, (ii) has capacity for more than 3,500 persons and is located in the Counties of Albemarle, Alleghany, Augusta, Nelson, Pittsylvania, or Rockingham, or the Cities of Charlottesville, Danville, or Roanoke, or (iii) has capacity for more than 9,500 persons and is located in Henrico County. Such license shall authorize the licensee to sell wine and beer during the performance of any event, in paper, plastic or similar disposable containers or in single original metal cans, to patrons within all seating areas, concourses, walkways, concession areas, or similar facilities, for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license;

h. Persons operating food concessions at exhibition or exposition halls, convention centers or similar facilities located in any county operating under the urban county executive form of government or any city which is completely surrounded by such county, which shall authorize the licensee to sell wine and beer during the event, in paper, plastic or similar disposable containers or in single original metal cans, to patrons or attendees within all seating areas, exhibition areas, concourses, walkways, concession areas, and such additional locations designated by the Board in such facilities, for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. For purposes of this subsection, "exhibition or exposition hall" and "convention centers" mean facilities conducting private or public trade shows or exhibitions in an indoor facility having in excess of 100,000 square feet of floor space;

i. Persons operating a concert and dinner-theater venue on property fronting Natural Bridge School Road in Natural Bridge Station, Virginia, and formerly operated as Natural Bridge High School, which shall authorize the licensee to sell wine and beer during events to patrons or attendees within all seating areas, exhibition areas, concourses, walkways, concession areas, dining areas, and such additional locations designated by the Board in such facilities, for on-premises consumption. Persons licensed pursuant to this subdivision shall serve food, prepared on or off premises, whenever wine or beer is served; and

j. Historic cinema houses, which shall authorize the licensee to sell wine and beer, either with or without meals, during any showing of a motion picture to patrons to whom alcoholic beverages may be lawfully sold, for on-premises consumption. The privileges of this license shall be limited to the premises of the historic cinema house regularly occupied and utilized as such.

2. Retail off-premises wine and beer licenses, which shall authorize the licensee to sell wine and beer in closed containers for off-premises consumption.

3. Gourmet shop licenses, which shall authorize the licensee to sell wine and beer in closed containers for off-premises consumption and, the provisions of § 4.1-308 notwithstanding, to give to any person to whom wine or beer may be lawfully sold, (i) a sample of wine, not to exceed two ounces by volume or (ii) a sample of beer not to exceed four ounces by volume, for on-premises consumption. The licensee may also give samples of wine and beer in designated areas at events held by the licensee for the purpose of featuring and educating the consuming public about the alcoholic beverages being tasted. Additionally, with the consent of the licensee, farm wineries, wineries, breweries, *distillers*, and wholesale licensees may participate in tastings held by licensees authorized to conduct tastings, including the pouring of samples to any person to whom alcoholic beverages may be lawfully sold. Notwithstanding Board regulations relating to food sales, the licensee

shall maintain each year an average monthly inventory and sales volume of at least \$1,000 in products such as cheeses and gourmet food.

4. Convenience grocery store licenses, which shall authorize the licensee to sell wine and beer in closed containers for off-premises consumption.

5. Retail on-and-off premises wine and beer licenses to persons enumerated in subdivision 1 a, which shall accord all the privileges conferred by retail on-premises wine and beer licenses and in addition, shall authorize the licensee to sell wine and beer in closed containers for off-premises consumption.

6. Banquet licenses to persons in charge of banquets, and to duly organized nonprofit corporations or associations in charge of special events, which shall authorize the licensee to sell or give wine and beer in rooms or areas approved by the Board for the occasion for on-premises consumption in such rooms or areas. Licensees who are nonprofit corporations or associations conducting fundraisers (i) shall also be authorized to sell wine, as part of any fundraising activity, in closed containers for off-premises consumption to persons to whom wine may be lawfully sold and (ii) shall be limited to no more than one such fundraiser per year. Except as provided in § 4.1-215, a separate license shall be required for each day of each banquet or special event. For the purposes of this subdivision, when the location named in the original application for a license is outdoors, the application may also name an alternative location in the event of inclement weather. However, no such license shall be required of any hotel, restaurant, or club holding a retail wine and beer license.

7. Gift shop licenses, which shall authorize the licensee to sell wine and beer only within the interior premises of the gift shop in closed containers for off-premises consumption and, the provisions of § 4.1-308 notwithstanding, to give to any person to whom wine or beer may be lawfully sold (i) a sample of wine not to exceed two ounces by volume or (ii) a sample of beer not to exceed four ounces by volume for on-premises consumption. The licensee may also give samples of wine and beer in designated areas at events held by the licensee for the purpose of featuring and educating the consuming public about the alcoholic beverages being tasted.

8. Gourmet brewing shop licenses, which shall authorize the licensee to sell to any person to whom wine or beer may be lawfully sold, ingredients for making wine or brewing beer, including packaging, and to rent to such persons facilities for manufacturing, fermenting, and bottling such wine or beer, for off-premises consumption in accordance with subdivision 6 of § 4.1-200.

9. Annual banquet licenses, to duly organized private nonprofit fraternal, patriotic or charitable membership organizations that are exempt from state and federal taxation and in charge of banquets conducted exclusively for its members and their guests, which shall authorize the licensee to serve wine and beer in rooms or areas approved by the Board for the occasion for on-premises consumption in such rooms or areas. Such license shall authorize the licensee to conduct no more than 12 banquets per calendar year. For the purposes of this subdivision, when the location named in the original application for a license is outdoors, the application may also name an alternative location in the event of inclement weather. However, no such license shall be required of any hotel, restaurant, or club holding a retail wine and beer license.

10. Fulfillment warehouse licenses, which shall authorize associations as defined in § 13.1-313 with a place of business located in the Commonwealth to (i) receive deliveries and shipments of wine or beer owned by holders of wine or beer shipper's licenses, (ii) store such wine or beer on behalf of the owner, and (iii) pick, pack, and ship such wine or beer as directed by the owner, all in accordance with Board regulations. No wholesale wine or wholesale beer licensee, whether licensed in the Commonwealth or not, or any person under common control of such licensee, shall acquire or hold any financial interest, direct or indirect, in the business for which any fulfillment warehouse license is issued.

11. Marketing portal licenses, which shall authorize agricultural cooperative associations organized under the provisions of the Agricultural Cooperative Association Act (§ 13.1-312 et seq.), with a place of business located in the Commonwealth, in accordance with Board regulations, to solicit and receive orders for wine or beer through the use of the Internet from persons in the Commonwealth to whom wine or beer may be lawfully sold, on behalf of holders of wine or beer shipper's licenses. Upon receipt of an order for wine or beer, the licensee shall forward it to a holder of a wine or beer shipper's license for fulfillment. Marketing portal licensees may also accept payment on behalf of the shipper.

12. Gourmet oyster house licenses, to establishments located on the premises of a commercial marina and permitted by the Department of Health to serve oysters and other fresh seafood for consumption on the premises, where the licensee also offers to the public events for the purpose of featuring and educating the consuming public about local oysters and other seafood products. Such license shall authorize the licensee to (i) give samples of or sell wine and beer in designated rooms and outdoor areas approved by the Board for consumption in such approved areas and (ii) sell wine and beer in closed containers for off-premises consumption. Samples of wine shall not exceed two ounces per person. Samples of beer shall not exceed four ounces per person. The Board shall establish a minimum monthly food sale requirement of oysters and other seafood for such license. Additionally, with the consent of the licensee, farm wineries, wineries, and breweries may participate in tastings held by licensees authorized to conduct tastings, including the pouring of samples to any person to whom alcoholic beverages may be lawfully sold.

B. Notwithstanding any provision of law to the contrary, persons granted a wine and beer license pursuant to this section may display within their licensed premises point-of-sale advertising materials that incorporate the use of any professional athlete or athletic team, provided that such advertising materials: (i) otherwise comply with the applicable regulations of the Federal Bureau of Alcohol, Tobacco and Firearms; and (ii) do not depict any athlete consuming or about to consume alcohol prior to or while engaged in an athletic activity; do not depict an athlete consuming alcohol while the

athlete is operating or about to operate a motor vehicle or other machinery; and do not imply that the alcoholic beverage so advertised enhances athletic prowess.

C. Notwithstanding any provision of law to the contrary, persons granted a wine and beer license pursuant to this section may deliver such wine or beer in closed containers for off-premises consumption to such person's vehicle if located in a designated parking area of the retailer's premises where such person has electronically ordered wine or beer in advance of the delivery or (ii) if the licensee holds a delivery permit issued pursuant to § 4.1-212.1, to such other locations as may be permitted by Board regulation.

D. Persons granted retail on-premises and on-and-off-premises wine and beer licenses pursuant to this section or subsection B of § 4.1-210 may conduct wine or beer tastings sponsored by the licensee for its customers for on-premises consumption. Such licensees may sell or give samples of wine and beer in designated areas at events held by the licensee for the purpose of featuring and educating the consuming public about the alcoholic beverages being tasted. Additionally, with the consent of the licensee, farm wineries, wineries, and breweries may participate in tastings held by licensees authorized to conduct tastings, including the pouring of samples to any person to whom alcoholic beverages may be lawfully sold. Samples of wine shall not exceed two ounces per person. Samples of beer shall not exceed four ounces per person.

2. That if § 4.1-209 of the Code of Virginia, as amended by this act, is amended by an act of assembly passed by the 2020 Session of the General Assembly and such act consolidates the gourmet shop license into a broader retail off-premises wine and beer license, the provisions of this act shall remain in effect and shall be relocated in the subdivision of the Code of Virginia in which such retail off-premises wine and beer license is relocated.

CHAPTER 1180

An Act to direct the Department of General Services to determine which state-owned structures are high-risk and the necessity of having key boxes installed in strategic locations on the outside of such structures.

[S 1065]

Approved April 11, 2020

Be it enacted by the General Assembly of Virginia:

1. § 1. *That the Department of General Services (the Department) is directed to (i) determine which state-owned structures have a higher likelihood of being involved in a natural or man-made emergency that may require special access by law-enforcement personnel and (ii) study the desirability and feasibility of coordinating with local law enforcement in the installation of key boxes (a) containing keys or other credentials or access cards that may be necessary for law-enforcement officials to gain access to such structure or an area within such structure during an emergency and (b) listed in accordance with UL LLC Standards 437 and 1037 in strategic locations on the outside of such structures. To the extent that the Department determines that installation of such key boxes is desirable and feasible, it may implement procedures to do so. The Department shall report its findings to the Governor and the General Assembly by December 1, 2020.*

CHAPTER 1181

An Act to amend and reenact § 53.1-30 of the Code of Virginia, relating to visiting state correctional facilities; strip searches of those entering.

[S 1089]

Approved April 11, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 53.1-30 of the Code of Virginia is amended and reenacted as follows:

§ 53.1-30. Who may enter interior of state correctional facilities; searches of those entering.

A. The Governor, members of the General Assembly, and members of the Board of Corrections may go into the interior of any state correctional facility. Attorneys shall be permitted in the interior of a state correctional facility to confer with prisoners who are their clients and with prisoners who are witnesses in cases in which they are involved. The Director shall prescribe, subject to approval of the Board, the time and conditions on which attorneys and other persons may enter any state correctional facility.

B. The Department shall promulgate a policy to assist a person who was a victim of a crime committed by an offender incarcerated in any state correctional facility to visit with such offender. Such policy may include provisions necessary to preserve the safety and security of those at such visit and the good order of the facility, including consideration of the offender's security level, crime committed, and institutional behavior of the offender. The Department shall make whatever arrangements are necessary to effectuate such a visit. This subsection shall not apply to juvenile victims.

C. Any person seeking to enter the interior of any state correctional facility shall be subject to a search of his person and effects. Such search shall be performed in a manner reasonable under the circumstances and may be a condition precedent to entering a correctional facility. *However, no child under the age of 18 shall be strip searched or subjected to a search of any body cavity under any circumstances.*

D. The Department may not permanently ban any person, or insinuate that any person will be permanently banned, from seeking entrance to a state correctional facility on the basis of such person's refusal to consent to a strip search or a search of any body cavity when such person is seeking to enter the interior of any state correctional facility. If a person refuses to consent to a strip search or a search of any body cavity when such person is seeking to enter the interior of any state correctional facility, the Department may deny such person entry to the facility, unless otherwise provided by law, but may not deny such person any future entry on the basis of a prior refusal to consent.

CHAPTER 1182

An Act to amend and reenact § 62.1-44.19:6 of the Code of Virginia, relating to discharge of deleterious substance into state waters; notice.

[H 1205]

Approved April 11, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 62.1-44.19:6 of the Code of Virginia is amended and reenacted as follows:

§ 62.1-44.19:6. Citizen right-to-know provisions.

A. The Board, based on the information in the 303(d) and 305(b) reports, shall:

1. Request the Department of Game and Inland Fisheries or the Virginia Marine Resources Commission to post notices at public access points to all toxic impaired waters. The notice shall be prepared by the Board and shall contain (i) the basis for the impaired designation and (ii) a statement of the potential health risks provided by the Virginia Department of Health. The Board shall annually notify local newspapers, and persons who request notice, of any posting and its contents. The Board shall coordinate with the Virginia Marine Resources Commission and the Department of Game and Inland Fisheries to assure that adequate notice of posted waters is provided to those purchasing hunting and fishing licenses.

2. Maintain a "citizen hot-line" for citizens to obtain, either telephonically or electronically, information about the condition of waterways, including information on toxics, toxic discharges, permit violations and other water quality related issues.

3. Make information regarding the presence of toxics in fish tissue and sediments available to the public on the Internet and through other reasonable means for at least five years after the information is received by the Department of Environmental Quality. The Department of Environmental Quality shall post on the Internet and in the Virginia Register on or about January 1 and July 1 of each year an announcement of any new data that has been received over the past six months and shall make a copy of the information available upon request.

B. The ~~Board~~ *Department of Environmental Quality* shall provide to ~~a~~ *the Virginia Department of Health and local newspaper newspapers, television stations, and radio stations, and shall disseminate via official social media accounts and email notification lists*, the discharge information reported to the Director of the Department of Environmental Quality pursuant to *subsection B of § 62.1-44.5*, when the Virginia Department of Health determines that the discharge may be detrimental to the public health or the ~~Board~~ *Department* determines that the discharge may impair beneficial uses of state waters.

2. That by December 1, 2020, the Department of Environmental Quality shall report to the General Assembly (i) a protocol that could be used to determine whether a discharge would have a de minimis impact on the beneficial uses of state waters and (ii) a proposed implementation procedure if subsection B of § 62.1-44.19:6 of the Code of Virginia were to be amended to require dissemination to media outlets, social media accounts, and email distribution lists of all discharges reported pursuant to subsection B of § 62.1-44.5 of the Code of Virginia except for those determined to have a de minimis impact on the beneficial uses of state waters. The Department of Environmental Quality shall consult with the Virginia Department of Health in preparing such report.

CHAPTER 1183

An Act to amend and reenact §§ 3.2-6587, 18.2-403.1, and 18.2-403.3 of the Code of Virginia, relating to rabid animals; penalty.

[H 1573]

Approved April 11, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 3.2-6587, 18.2-403.1, and 18.2-403.3 of the Code of Virginia are amended and reenacted as follows:

§ 3.2-6587. Unlawful acts; penalties.

A. The following shall be unlawful acts and are Class 4 misdemeanors:

1. For any person to make a false statement in order to secure a dog or cat license to which he is not entitled.
2. For any dog or cat owner to fail to pay any license tax required by this chapter before February 1 for the year in which it is due. In addition, the court may order confiscation and the proper disposition of the dog or cat.
3. For any dog owner to allow a dog to run at large in violation of an ordinance passed pursuant to § 3.2-6539.

4. ~~For~~ *Unless otherwise punishable under subsection B, for any person to fail to obey an ordinance passed pursuant to §§ 3.2-6522 and 3.2-6525.*

5. For any owner to fail to dispose of the body of his companion animals in accordance with § 3.2-6554.

6. For the owner of any dog or cat with a contagious or infectious disease, *other than rabies*, to permit such dog or cat to stray from his premises if such disease is known to the owner.

7. For any person to conceal or harbor any dog or cat on which any required license tax has not been paid.

8. For any person, except the owner or custodian, to remove a legally acquired license tag from a dog or cat without the permission of the owner or custodian.

9. Any other violation of this chapter for which a specific penalty is not provided.

B. It is a Class 1 misdemeanor for any person to:

1. Present a false claim or to receive any money on a false claim under the provisions of § 3.2-6553; ~~or~~.

2. Impersonate a humane investigator.

3. *Permit a dog or cat that he owns or is in his custody to stray from his premises when he knows or has been told by the local health department, law-enforcement agency, animal control agency, or any other person who has a duty to control or respond to a risk of rabies exposure that the dog or cat is suspected of having rabies.*

§ 18.2-403.1. Offenses involving animals — Class 1 misdemeanors.

The following unlawful acts and offenses against animals shall constitute and be punished as a Class 1 misdemeanor:

1. Violation of subsection A of § 3.2-6570 pertaining to cruelty to animals, except as provided for second or subsequent violations in that section.

2. Violation of § 3.2-6508 pertaining to transporting animals under certain conditions.

3. Making a false claim or receiving money on a false claim under § 3.2-6553 pertaining to compensation for livestock and poultry killed by dogs.

4. Violation of § 3.2-6518 pertaining to boarding establishments and groomers as defined in § 3.2-6500.

5. Violation of § 3.2-6504 pertaining to the abandonment of animals.

6. *Violation of subdivision B 3 of § 3.2-6587 pertaining to an animal confinement agreement or plan set forth in § 3.2-6562.1.*

§ 18.2-403.3. Offenses involving animals — Class 4 misdemeanors.

The following unlawful acts and offenses against animals shall constitute and be punished as a Class 4 misdemeanor:

1. Violation of § 3.2-6566 pertaining to interference of agents charged with preventing cruelty to animals.

2. Violation of § 3.2-6573 pertaining to shooting pigeons.

3. Violation of § 3.2-6554 pertaining to disposing of the body of a dead companion animal.

4. ~~Violation~~ *Unless otherwise punishable under subsection B of § 3.2-6587, violation of ordinances passed pursuant to §§ 3.2-6522 and 3.2-6525 pertaining to rabid dogs and preventing the spread of rabies and the running at large of vicious dogs.*

5. Violation of an ordinance passed pursuant to § 3.2-6539 requiring dogs to be on a leash.

6. Failure by any person to secure and exhibit the permits required by § 29.1-422 pertaining to field trails, night trails and foxhounds.

7. Diseased dogs. — For the owner of any dog with a contagious or infectious disease, *other than rabies*, to permit such dog to stray from his premises if such disease is known to the owner.

8. License application. — For any person to make a false statement in order to secure a dog or cat license to which he is not entitled.

9. License tax. — For any dog or cat owner to fail to pay any license tax required by subsection A or C of § 3.2-6530 within one month after the date when it is due. In addition, the court may order confiscation and the proper disposition of the dog or cat.

10. Concealing a dog or cat. — For any person to conceal or harbor any dog or cat on which any required license tax has not been paid.

11. Removing collar and tag. — For any person, except the owner or custodian, to remove a legally acquired license tag from a dog or cat without the permission of the owner or custodian.

12. Violation of § 3.2-6503 pertaining to care of animals by owner.

CHAPTER 1184

An Act to create a heritage trail for motor racing locations in Virginia.

[S 773]

Approved April 11, 2020

Be it enacted by the General Assembly of Virginia:

1. *§ 1. The Virginia Tourism Corporation shall convene a group of stakeholders, including political subdivisions, nonprofits focused on Virginia history or economic development, and owners of NASCAR and other motor vehicle racing tracks and related real property in the Commonwealth, to initiate the creation, design, and implementation of a NASCAR and motor vehicle racing heritage trail for the promotion of tourism and economic development in Virginia.*

CHAPTER 1185

An Act to amend the Code of Virginia by adding in Title 62.1 a chapter numbered 3.8, containing articles numbered 1, 2, and 3, consisting of sections numbered 62.1-44.119 through 62.1-44.123, relating to Chesapeake Bay watershed implementation plan initiatives; civil penalty.

[H 1422]

Approved April 11, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 62.1 a chapter numbered 3.8, containing articles numbered 1, 2, and 3, consisting of sections numbered 62.1-44.119 through 62.1-44.123, as follows:

CHAPTER 3.8.

CHESAPEAKE BAY WATERSHED IMPLEMENTATION PLAN INITIATIVES.

Article 1.

*Chesapeake Bay Watershed Implementation Plan.***§ 62.1-44.119. Target date.**

In recognition of the ecological, cultural, economic, historical, and recreational value of the Chesapeake Bay, as well as the Commonwealth's commitment to the Chesapeake Bay Partnership and the 2014 Chesapeake Bay Agreement, the target date to achieve the water quality goals contained in Virginia's final Chesapeake Bay Total Maximum Daily Load Phase III Watershed Implementation Plan shall be December 31, 2025.

Article 2.

*Nutrient Management Plans for Chesapeake Bay Cropland.***§ 62.1-44.120. Definitions.**

As used in this article, unless the context requires a different meaning:

"Chesapeake Bay cropland" means cropland in the Commonwealth located in the Chesapeake Bay watershed on which fertilizer, manure, sewage sludge, or another compound containing nitrogen or phosphorous is applied. "Chesapeake Bay cropland" does not include lands on which bovines are pastured.

"Department" means the Department of Conservation and Recreation.

"Nutrient management plan" means a plan prepared by a certified nutrient management planner pursuant to § 10.1-104.2 and regulations adopted thereunder.

"Operator" means any person who exercises managerial control over Chesapeake Bay cropland.

§ 62.1-44.121. Chesapeake Bay cropland; nutrient management plans.

A. Any operator of 50 or more acres of Chesapeake Bay cropland shall maintain and implement an approved nutrient management plan.

B. The Department shall review any nutrient management plan submitted pursuant to subsection A within 30 days of submission and shall determine whether such nutrient management plan was prepared by a certified nutrient management planner. If the Department determines that such plan was prepared by a certified nutrient management planner, the Department shall approve such plan. An approved nutrient management plan shall be revised and resubmitted for approval to the Department every five years thereafter. If the Department determines that such nutrient management plan was not prepared by a certified nutrient management planner, the Department shall provide to the person who is required to submit the nutrient management plan a list of items required to be corrected, and such person shall have 30 days to resubmit the plan.

C. Any nutrient management plan required pursuant to subsection A shall be made available to the Department upon request.

D. Any information collected by the Department pursuant to subsection B or C is excluded from the mandatory disclosure provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).

Article 3.

*Chesapeake Bay Watershed Livestock Stream Exclusion.***§ 62.1-44.122. Definitions.**

As used in this article, unless the context requires a different meaning:

"Department" means the Department of Conservation and Recreation.

"Perennial stream" means a body of water depicted as perennial on the most recent U.S. Geological Survey 7-1/2-minute topographic quadrangle map (scale 1:24,000) or identified by a method, established in guidelines approved by the Department, that does not require field verification.

"Stream exclusion practice" means protection of a body of water by fencing, including temporary fencing, or another physical means sufficient to exclude livestock from such body of water. A stream exclusion practice may include designated livestock stream crossings that satisfy criteria established in guidelines adopted by the Department.

§ 62.1-44.123. Bovine livestock stream exclusion.

Any person who owns property in the Chesapeake Bay watershed on which 20 or more bovines are pastured shall install and maintain stream exclusion practices sufficient to exclude all such bovines from any perennial stream in the watershed.

2. That the provisions of Chapter 3.8 (§ 62.1-44.119 et seq.) of Title 62.1 of the Code of Virginia, as created by this act, shall not become effective unless, on or after July 1, 2026, the Secretary of Agriculture and Forestry and the

Secretary of Natural Resources jointly determine that the Commonwealth's commitments in the Chesapeake Bay Total Maximum Daily Load Phase III Watershed Implementation Plan have not been satisfied by a combination of agricultural best management conservation practices, including the coverage of a sufficient portion of Chesapeake Bay cropland by nutrient management plans or the installation of a sufficient number of livestock stream exclusion practices.

3. That the Secretary of Natural Resources and the Secretary of Agriculture (the Secretaries) shall convene a stakeholder advisory group (the Group) to review annual progress toward the implementation of the Commonwealth's agricultural commitments in the Chesapeake Bay Total Maximum Daily Load Phase III Watershed Implementation Plan. The Group shall (i) develop a process to assist any operator of 50 or more acres of Chesapeake Bay cropland in developing a nutrient management plan that meets the requirements of the goals to be achieved by the target date and (ii) develop a plan for the stream exclusion program in the Chesapeake Bay watershed. Such plans and progress reports shall include identification of priority regions, operators affected within each region, initiatives to enhance progress, an accounting of funding received toward the agricultural commitments, shortfalls remaining, and the consequences of such funding shortfalls. The Group shall make recommendations to the Governor regarding necessary revisions to Chapter 3.8 (§ 62.1-44.119 et seq.) of Title 62.1 of the Code of Virginia, as created by this act, to ensure that the Commonwealth's commitments are achieved by December 31, 2025. The Group shall include representatives from the Department of Conservation and Recreation, soil and water conservation districts, the Virginia Farm Bureau Federation, the Virginia Agribusiness Council, the Chesapeake Bay Commission, the Chesapeake Bay Foundation, the Virginia Cooperative Extension, the Virginia Cattlemen's Association, the Virginia Association of the Commissioners of the Revenue, and the Virginia Association of Counties. The Group shall also include two legislative members, one each from the Senate and the House of Delegates. Such legislative members shall be members of the Virginia delegation of the Chesapeake Bay Commission.

4. That the Department of Conservation and Recreation shall, no later than July 1, 2021, establish through the Soil and Water Conservation Technical Advisory Committee and with stakeholder input a portable stream fencing practice for inclusion in the Virginia Agricultural Best Management Practice Cost-Share Program.

5. That the Virginia Soil and Water Conservation Board, as established pursuant to § 10.1-502 of the Code of Virginia, shall establish, no later than December 31, 2020, the methodology for identifying perennial streams, as defined in § 62.1-44.122 of the Code of Virginia, as created by this act.

CHAPTER 1186

An Act to amend the Code of Virginia by adding in Title 62.1 a chapter numbered 3.8, containing articles numbered 1, 2, and 3, consisting of sections numbered 62.1-44.119 through 62.1-44.123, relating to Chesapeake Bay watershed implementation plan initiatives; civil penalty.

[S 704]

Approved April 11, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 62.1 a chapter numbered 3.8, containing articles numbered 1, 2, and 3, consisting of sections numbered 62.1-44.119 through 62.1-44.123, as follows:

CHAPTER 3.8.

CHESAPEAKE BAY WATERSHED IMPLEMENTATION PLAN INITIATIVES.

Article 1.

Chesapeake Bay Watershed Implementation Plan.

§ 62.1-44.119. Target date.

In recognition of the ecological, cultural, economic, historical, and recreational value of the Chesapeake Bay, as well as the Commonwealth's commitment to the Chesapeake Bay Partnership and the 2014 Chesapeake Bay Agreement, the target date to achieve the water quality goals contained in Virginia's final Chesapeake Bay Total Maximum Daily Load Phase III Watershed Implementation Plan shall be December 31, 2025.

Article 2.

Nutrient Management Plans for Chesapeake Bay Cropland.

§ 62.1-44.120. Definitions.

As used in this article, unless the context requires a different meaning:

"Chesapeake Bay cropland" means cropland in the Commonwealth located in the Chesapeake Bay watershed on which fertilizer, manure, sewage sludge, or another compound containing nitrogen or phosphorous is applied. "Chesapeake Bay cropland" does not include lands on which bovines are pastured.

"Department" means the Department of Conservation and Recreation.

"Nutrient management plan" means a plan prepared by a certified nutrient management planner pursuant to § 10.1-104.2 and regulations adopted thereunder.

"Operator" means any person who exercises managerial control over Chesapeake Bay cropland.

§ 62.1-44.121. Chesapeake Bay cropland; nutrient management plans.

A. Any operator of 50 or more acres of Chesapeake Bay cropland shall maintain and implement an approved nutrient management plan.

B. The Department shall review any nutrient management plan submitted pursuant to subsection A within 30 days of submission and shall determine whether such nutrient management plan was prepared by a certified nutrient management planner. If the Department determines that such plan was prepared by a certified nutrient management planner, the Department shall approve such plan. An approved nutrient management plan shall be revised and resubmitted for approval to the Department every five years thereafter. If the Department determines that such nutrient management plan was not prepared by a certified nutrient management planner, the Department shall provide to the person who is required to submit the nutrient management plan a list of items required to be corrected, and such person shall have 30 days to resubmit the plan.

C. Any nutrient management plan required pursuant to subsection A shall be made available to the Department upon request.

D. Any information collected by the Department pursuant to subsection B or C is excluded from the mandatory disclosure provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).

Article 3.

Chesapeake Bay Watershed Livestock Stream Exclusion.

§ 62.1-44.122. Definitions.

As used in this article, unless the context requires a different meaning:

"Department" means the Department of Conservation and Recreation.

"Perennial stream" means a body of water depicted as perennial on the most recent U.S. Geological Survey 7-1/2-minute topographic quadrangle map (scale 1:24,000) or identified by a method, established in guidelines approved by the Department, that does not require field verification.

"Stream exclusion practice" means protection of a body of water by fencing, including temporary fencing, or another physical means sufficient to exclude livestock from such body of water. A stream exclusion practice may include designated livestock stream crossings that satisfy criteria established in guidelines adopted by the Department.

§ 62.1-44.123. Bovine livestock stream exclusion.

Any person who owns property in the Chesapeake Bay watershed on which 20 or more bovines are pastured shall install and maintain stream exclusion practices sufficient to exclude all such bovines from any perennial stream in the watershed.

2. That the provisions of Chapter 3.8 (§ 62.1-44.119 et seq.) of Title 62.1 of the Code of Virginia, as created by this act, shall not become effective unless, on or after July 1, 2026, the Secretary of Agriculture and Forestry and the Secretary of Natural Resources jointly determine that the Commonwealth's commitments in the Chesapeake Bay Total Maximum Daily Load Phase III Watershed Implementation Plan have not been satisfied by a combination of agricultural best management conservation practices, including the coverage of a sufficient portion of Chesapeake Bay cropland by nutrient management plans or the installation of a sufficient number of livestock stream exclusion practices.

3. That the Secretary of Natural Resources and the Secretary of Agriculture (the Secretaries) shall convene a stakeholder advisory group (the Group) to review annual progress toward the implementation of the Commonwealth's agricultural commitments in the Chesapeake Bay Total Maximum Daily Load Phase III Watershed Implementation Plan. The Group shall (i) develop a process to assist any operator of 50 or more acres of Chesapeake Bay cropland in developing a nutrient management plan that meets the requirements of the goals to be achieved by the target date and (ii) develop a plan for the stream exclusion program in the Chesapeake Bay watershed. Such plans and progress reports shall include identification of priority regions, operators affected within each region, initiatives to enhance progress, an accounting of funding received toward the agricultural commitments, shortfalls remaining, and the consequences of such funding shortfalls. The Group shall make recommendations to the Governor regarding necessary revisions to Chapter 3.8 (§ 62.1-44.119 et seq.) of Title 62.1 of the Code of Virginia, as created by this act, to ensure that the Commonwealth's commitments are achieved by December 31, 2025. The Group shall include representatives from the Department of Conservation and Recreation, soil and water conservation districts, the Virginia Farm Bureau Federation, the Virginia Agribusiness Council, the Chesapeake Bay Commission, the Chesapeake Bay Foundation, the Virginia Cooperative Extension, the Virginia Cattlemen's Association, the Virginia Association of the Commissioners of the Revenue, and the Virginia Association of Counties. The Group shall also include two legislative members, one each from the Senate and the House of Delegates. Such legislative members shall be members of the Virginia delegation of the Chesapeake Bay Commission.

4. That the Department of Conservation and Recreation shall, no later than July 1, 2021, establish through the Soil and Water Conservation Technical Advisory Committee and with stakeholder input a portable stream fencing practice for inclusion in the Virginia Agricultural Best Management Practice Cost-Share Program.

5. That the Virginia Soil and Water Conservation Board, as established pursuant to § 10.1-502 of the Code of Virginia, shall establish, no later than December 31, 2020, the methodology for identifying perennial streams, as defined in § 62.1-44.122 of the Code of Virginia, as created by this act.

CHAPTER 1187

An Act to amend and reenact §§ 56-594 and 67-102 of the Code of Virginia and § 1 of the first enactment of Chapters 358 and 382 of the Acts of Assembly of 2013, as amended by Chapter 803 of the Acts of Assembly of 2017, and to amend the Code of Virginia by adding a section numbered 56-585.1:11, relating to the regulation of sales of electricity under third-party sales agreements; net energy; and the removal of other barriers to the increased implementation of distributed solar and other renewable energy in the Commonwealth.

[S 710]

Approved April 11, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 56-594 and 67-102 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 56-585.1:11 as follows:

§ 56-585.1:11. Multi-family shared solar program.

A. As used in this section:

"Applicable bill credit rate" means the dollar-per-kilowatt-hour rate as defined in subsection D used to calculate a subscriber's bill credit. The applicable bill credit rate shall be set such that the shared solar program results in robust project development and shared solar program access for all customer classes.

"Bill credit" means the monetary value of the electricity, in kilowatt-hours, generated by the shared solar facility allocated to a subscriber to offset that subscriber's electricity bill.

"Investor-owned utility" means each investor-owned utility in the Commonwealth including, notwithstanding subsection G of § 56-580, any investor-owned utility whose service territory assigned to it by the Commission is located entirely within the Counties of Dickenson, Lee, Russell, Scott and Wise. "Investor-owned utility" does not include a Phase I Utility, as that term is defined in subdivision A 1 of § 56-585.1.

"Multi-family shared solar program" or "program" means the program created through the adoption of rules to allow for the development of shared solar facilities described in subsection C.

"Shared solar facility" means a facility that:

1. Generates electricity by means of a solar photovoltaic device with a nameplate capacity rating that does not exceed 3,000 kW alternating current at any single location or that does not exceed 5,000 kW alternating current at contiguous locations owned by the same entity or affiliated entities;

2. Is operated pursuant to a program whereby at least three subscribers receive a bill credit for the electricity generated from the facility in proportion to the size of their subscription;

3. Is located in the service territory of an investor-owned utility;

4. Is connected to the electric distribution grid serving the Commonwealth; and

5. Is located on a parcel of land on the premises of the multi-family utility customer or adjacent thereto.

"Subscriber" means a multi-family customer of an investor-owned electric utility that owns one or more subscriptions of a shared solar facility that is interconnected with the utility.

"Subscriber organization" means any for-profit or nonprofit entity that owns or operates one or more shared solar facilities. A "subscriber organization" shall not be considered a utility solely as a result of its ownership or operation of a shared solar facility.

"Subscription" means a contract or other agreement between a subscriber and the owner of a shared solar facility. A subscription shall be sized such that the estimated bill credits do not exceed the subscriber's average annual bill for the customer account to which the subscription is attributed.

B. The Commission shall establish by regulation a program that affords eligible multi-family customers of investor-owned utilities the opportunity to participate in shared solar projects. The regulations shall be adopted by the Commission by January 1, 2021.

C. An investor-owned utility shall provide a bill credit to a subscriber's subsequent monthly electric bill for the proportional output of a shared solar facility attributable to that subscriber. The shared solar program shall be administered as follows:

1. The value of the bill credit for the subscriber shall be calculated by multiplying the subscriber's portion of the kilowatt-hour electricity production from the shared solar facility by the applicable bill credit rate for the subscriber. Any amount of the bill credit that exceeds the subscriber's monthly bill shall be carried over and applied to the next month's bill in perpetuity;

2. The utility shall provide bill credits to a shared solar facility's subscribers for not less than 25 years from the date the shared solar facility becomes commercially operational;

3. The subscriber organization shall, on a monthly basis and in a standardized electronic format, provide to the investor-owned utility a subscriber list indicating the kilowatt-hours of generation attributable to each of the retail customers participating in a shared solar facility in accordance with the subscriber's portion of the output of the shared solar facility;

4. Lists may be updated monthly to reflect canceling subscribers and to add new subscribers. The investor-owned utility shall apply bill credits to subscriber bills within one billing cycle following the cycle during which the energy was generated by the shared solar facility;

5. The investor-owned utility shall, on a monthly basis and in a standardized electronic format, provide to the subscriber organization a report indicating the total value of bill credits generated by the shared solar facility in the prior month as well as the amount of the bill credit applied to each subscriber;

6. A subscriber organization may accumulate bill credits in the event that all of the electricity generated by a shared solar facility is not allocated to subscribers in a given month. On an annual basis, the subscriber organization shall furnish to the utility allocation instructions for distributing excess bill credits to subscribers; and

7. All environmental attributes associated with a shared solar facility, including renewable energy certificates, shall be considered property of the subscriber organization. At the subscriber organization's discretion, those attributes may be distributed to subscribers, sold to investor-owned utilities or other buyers, accumulated, or retired.

D. The Commission shall annually calculate the applicable bill credit rate as the effective retail rate of the customer's rate class, which shall be inclusive of all supply charges, delivery charges, demand charges, fixed charges, and any applicable riders or other charges to the customer. This rate shall be expressed in dollars or cents per kilowatt-hour.

E. The Commission shall establish by regulation a multi-family shared solar program by January 1, 2021, and shall require each investor-owned utility to file any tariffs, agreements, or forms necessary for implementation of the program. Any rule or utility implementation filings approved by the Commission shall:

1. Reasonably allow for the creation and financing of shared solar facilities;

2. Allow all customer classes to participate in the program, and ensure participation opportunities for all customer classes;

3. Not remove a customer from its otherwise applicable customer class in order to participate in a shared solar facility;

4. Reasonably allow for the transferability and portability of subscriptions, including allowing a subscriber to retain a subscription in a shared solar facility if the subscriber moves within the same utility territory;

5. Establish uniform standards, fees, and processes for the interconnection of shared solar facilities that allow the utility to recover reasonable interconnection costs for each shared solar facility;

6. Adopt standardized consumer disclosure forms;

7. Allow the investor-owned utilities to recover reasonable costs of administering the program;

8. Ensure nondiscriminatory and efficient requirements and utility procedures for interconnecting projects;

9. Address the colocation of two or more shared solar facilities on a single parcel of land, and provide guidelines for determining when two or more facilities are colocated; and

10. Include a program implementation schedule.

F. Within 180 days of finalization of the Commission's adoption of regulations for the shared solar program, utilities shall begin crediting subscriber accounts of each shared solar facility interconnected in its service territory.

§ 56-594. Net energy metering provisions.

A. The Commission shall establish by regulation a program that affords eligible customer-generators the opportunity to participate in net energy metering, and a program, to begin no later than July 1, 2014, for customers of investor-owned utilities and to begin no later than July 1, 2015, and to end July 1, 2019, for customers of electric cooperatives as provided in subsection G, to afford eligible agricultural customer-generators the opportunity to participate in net energy metering. The regulations may include, but need not be limited to, requirements for (i) retail sellers; (ii) owners or operators of distribution or transmission facilities; (iii) providers of default service; (iv) eligible customer-generators; (v) eligible agricultural customer-generators; or (vi) any combination of the foregoing, as the Commission determines will facilitate the provision of net energy metering, provided that the Commission determines that such requirements do not adversely affect the public interest. On and after July 1, 2017, small agricultural generators or eligible agricultural customer-generators may elect to interconnect pursuant to the provisions of this section or as small agricultural generators pursuant to § 56-594.2, but not both. Existing eligible agricultural customer-generators may elect to become small agricultural generators, but may not revert to being eligible agricultural customer-generators after such election. On and after July 1, 2019, interconnection of eligible agricultural customer-generators shall cease for electric cooperatives only, and such facilities shall interconnect solely as small agricultural generators. For electric cooperatives, eligible agricultural customer-generators whose renewable energy generating facilities were interconnected before July 1, 2019, may continue to participate in net energy metering pursuant to this section for a period not to exceed 25 years from the date of their renewable energy generating facility's original interconnection.

B. For the purpose of this section:

"Eligible agricultural customer-generator" means a customer that operates a renewable energy generating facility as part of an agricultural business, which generating facility (i) uses as its sole energy source solar power, wind power, or aerobic or anaerobic digester gas, (ii) does not have an aggregate generation capacity of more than 500 kilowatts, (iii) is located on land owned or controlled by the agricultural business, (iv) is connected to the customer's wiring on the customer's side of its interconnection with the distributor; (v) is interconnected and operated in parallel with an electric company's transmission and distribution facilities, and (vi) is used primarily to provide energy to metered accounts of the agricultural business. An eligible agricultural customer-generator may be served by multiple meters *serving the eligible agricultural customer-generator* that are located at ~~separate but contiguous~~ *the same or adjacent sites*, such that the eligible agricultural

customer-generator may aggregate in a single account the electricity consumption and generation measured by the meters, provided that the same utility serves all such meters. The aggregated load shall be served under the appropriate tariff.

"Eligible customer-generator" means a customer that owns and operates, or contracts with other persons to own, operate, or both, an electrical generating facility that (i) has a capacity of not more than ~~20~~ 25 kilowatts for residential customers and not more than ~~one megawatt~~ *three megawatts* for nonresidential customers ~~on an electrical generating facility placed in service after July 1, 2015;~~ (ii) uses as its total source of fuel renewable energy, as defined in § 56-576; (iii) is located on the customer's premises *land owned or leased by the customer* and is connected to the customer's wiring on the customer's side of its interconnection with the distributor; (iv) is interconnected and operated in parallel with an electric company's transmission and distribution facilities; and (v) is intended primarily to offset all or part of the customer's own electricity requirements. In addition to the electrical generating facility size limitations in clause (i), the capacity of any generating facility installed under this section ~~after between July 1, 2015, and July 1, 2020,~~ shall not exceed the expected annual energy consumption based on the previous 12 months of billing history or an annualized calculation of billing history if 12 months of billing history is not available. *In addition to the electrical generating facility size limitation in clause (i), in the certificated service territory of a Phase I Utility, the capacity of any generating facility installed under this section after July 1, 2020, shall not exceed 100 percent of the expected annual energy consumption based on the previous 12 months of billing history or an annualized calculation of billing history if 12 months of billing history is not available, and in the certificated service territory of a Phase II Utility, the capacity of any generating facility installed under this section after July 1, 2020, shall not exceed 150 percent of the expected annual energy consumption based on the previous 12 months of billing history or an annualized calculation of billing history if 12 months of billing history is not available.*

"Net energy metering" means measuring the difference, over the net metering period, between (i) electricity supplied to an eligible customer-generator or eligible agricultural customer-generator from the electric grid and (ii) the electricity generated and fed back to the electric grid by the eligible customer-generator or eligible agricultural customer-generator.

"Net metering period" means the 12-month period following the date of final interconnection of the eligible customer-generator's or eligible agricultural customer-generator's system with an electric service provider, and each 12-month period thereafter.

"Small agricultural generator" has the same meaning that is ascribed to that term in § 56-594.2.

C. The Commission's regulations shall ensure that (i) the metering equipment installed for net metering shall be capable of measuring the flow of electricity in two directions and (ii) any eligible customer-generator seeking to participate in net energy metering shall notify its supplier and receive approval to interconnect prior to installation of an electrical generating facility. The electric distribution company shall have 30 days from the date of notification for residential facilities, and 60 days from the date of notification for nonresidential facilities, to determine whether the interconnection requirements have been met. Such regulations shall allocate fairly the cost of such equipment and any necessary interconnection. An eligible customer-generator's electrical generating system, and each electrical generating system of an eligible agricultural customer-generator, shall meet all applicable safety and performance standards established by the National Electrical Code, the Institute of Electrical and Electronics Engineers, and accredited testing laboratories such as Underwriters Laboratories. Beyond the requirements set forth in this section and to ensure public safety, power quality, and reliability of the supplier's electric distribution system, an eligible customer-generator or eligible agricultural customer-generator whose electrical generating system meets those standards and rules shall bear all reasonable costs of equipment required for the interconnection to the supplier's electric distribution system, including costs, if any, to (a) install additional controls, (b) perform or pay for additional tests, and (c) purchase additional liability insurance.

D. The Commission shall establish minimum requirements for contracts to be entered into by the parties to net metering arrangements. Such requirements shall protect the eligible customer-generator or eligible agricultural customer-generator against discrimination by virtue of its status as an eligible customer-generator or eligible agricultural customer-generator, and permit customers that are served on time-of-use tariffs that have electricity supply demand charges contained within the electricity supply portion of the time-of-use tariffs to participate as an eligible customer-generator or eligible agricultural customer-generator. Notwithstanding the cost allocation provisions of subsection C, eligible customer-generators or eligible agricultural customer-generators served on demand charge-based time-of-use tariffs shall bear the incremental metering costs required to net meter such customers.

E. If electricity generated by an eligible customer-generator or eligible agricultural customer-generator over the net metering period exceeds the electricity consumed by the eligible customer-generator or eligible agricultural customer-generator, the customer-generator or eligible agricultural customer-generator shall be compensated for the excess electricity if the entity contracting to receive such electric energy and the eligible customer-generator or eligible agricultural customer-generator enter into a power purchase agreement for such excess electricity. Upon the written request of the eligible customer-generator or eligible agricultural customer-generator, the supplier that serves the eligible customer-generator or eligible agricultural customer-generator shall enter into a power purchase agreement with the requesting eligible customer-generator or eligible agricultural customer-generator that is consistent with the minimum requirements for contracts established by the Commission pursuant to subsection D. The power purchase agreement shall obligate the supplier to purchase such excess electricity at the rate that is provided for such purchases in a net metering standard contract or tariff approved by the Commission, unless the parties agree to a higher rate. The eligible customer-generator or eligible agricultural customer-generator owns any renewable energy certificates associated with its electrical generating facility; however, at the time that the eligible customer-generator or eligible agricultural

customer-generator enters into a power purchase agreement with its supplier, the eligible customer-generator or eligible agricultural customer-generator shall have a one-time option to sell the renewable energy certificates associated with such electrical generating facility to its supplier and be compensated at an amount that is established by the Commission to reflect the value of such renewable energy certificates. Nothing in this section shall prevent the eligible customer-generator or eligible agricultural customer-generator and the supplier from voluntarily entering into an agreement for the sale and purchase of excess electricity or renewable energy certificates at mutually-agreed upon prices if the eligible customer-generator or eligible agricultural customer-generator does not exercise its option to sell its renewable energy certificates to its supplier at Commission-approved prices at the time that the eligible customer-generator or eligible agricultural customer-generator enters into a power purchase agreement with its supplier. All costs incurred by the supplier to purchase excess electricity and renewable energy certificates from eligible customer-generators or eligible agricultural customer-generators shall be recoverable through its Renewable Energy Portfolio Standard (RPS) rate adjustment clause, if the supplier has a Commission-approved RPS plan. If not, then all costs shall be recoverable through the supplier's fuel adjustment clause. For purposes of this section, "all costs" shall be defined as the rates paid to the eligible customer-generator or eligible agricultural customer-generator for the purchase of excess electricity and renewable energy certificates and any administrative costs incurred to manage the eligible customer-generator's or eligible agricultural customer-generator's power purchase arrangements. The net metering standard contract or tariff shall be available to eligible customer-generators or eligible agricultural customer-generators on a first-come, first-served basis in each electric distribution company's Virginia service area until the rated generating capacity owned and operated by eligible customer-generators, eligible agricultural customer-generators, and small agricultural generators in the Commonwealth reaches ~~one~~ six percent, in the aggregate, five percent of which is available to all customers and one percent of which is available only to low-income utility customers of each electric distribution company's adjusted Virginia peak-load forecast for the previous year (the systemwide cap), and shall require the supplier to pay the eligible customer-generator or eligible agricultural customer-generator for such excess electricity in a timely manner at a rate to be established by the Commission.

On and after the earlier of (i) 2024 for a Phase I Utility or 2025 for a Phase II Utility or (ii) when the aggregate rated generating capacity owned and operated by eligible customer-generators, eligible agricultural customer-generators, and small agricultural generators in the Commonwealth reaches three percent of a Phase I or Phase II Utility's adjusted Virginia peak-load forecast for the previous year, the Commission shall conduct a net energy metering proceeding.

In any net energy metering proceeding, the Commission shall, after notice and opportunity for hearing, evaluate and establish (a) an amount customers shall pay on their utility bills each month for the costs of using the utility's infrastructure; (b) an amount the utility shall pay to appropriately compensate the customer, as determined by the Commission, for the total benefits such facilities provide; (c) the direct and indirect economic impact of net metering to the Commonwealth; and (d) any other information the Commission deems relevant. The Commission shall establish an appropriate rate structure related thereto, which shall govern compensation related to all eligible customer-generators, eligible agricultural customer-generators, and small agricultural generators, except low-income utility customers, that interconnect after the effective date established in the Commission's final order. Nothing in the Commission's final order shall affect any eligible customer-generators, eligible agricultural customer-generators, and small agricultural generators who interconnect before the effective date of such final order. As part of the net energy metering proceeding, the Commission shall evaluate the six percent aggregate net metering cap and may, if appropriate, raise or remove such cap. The Commission shall enter its final order in such a proceeding no later than 12 months after it commences such proceeding, and such final order shall establish a date by which the new terms and conditions shall apply for interconnection and shall also provide that, if the terms and conditions of compensation in the final order differ from the terms and conditions available to customers before the proceeding, low-income utility customers may interconnect under whichever terms are most favorable to them.

F. Any residential eligible customer-generator or eligible agricultural customer-generator, in the service territory of a Phase II Utility who owns and operates, or contracts with other persons to own, operate, or both, an electrical generating facility with a capacity that exceeds ~~40~~ 15 kilowatts shall pay to its supplier, in addition to any other charges authorized by law, a monthly standby charge. The amount of the standby charge and the terms and conditions under which it is assessed shall be in accordance with a methodology developed by the supplier and approved by the Commission. The Commission shall approve a supplier's proposed standby charge methodology if it finds that the standby charges collected from all such eligible customer-generators and eligible agricultural customer-generators allow the supplier to recover only the portion of the supplier's infrastructure costs that are properly associated with serving such eligible customer-generators or eligible agricultural customer-generators. Such an eligible customer-generator or eligible agricultural customer-generator shall not be liable for a standby charge until the date specified in an order of the Commission approving its supplier's methodology. *For customers of all other investor-owned utilities, on and after July 1, 2020, standby charges are prohibited for any residential eligible customer-generator or agricultural customer-generator.*

G. On and after the later of July 1, 2019, or the effective date of regulations that the Commission is required to adopt pursuant to § 56-594.01, (i) net energy metering in the service territory of each electric cooperative shall be conducted as provided in a program implemented pursuant to § 56-594.01 and (ii) the provisions of this section shall not apply to net energy metering in the service territory of an electric cooperative except as provided in § 56-594.01.

H. *The Commission may adopt such rules or establish such guidelines as may be necessary for its general administration of this section.*

I. *When the Commission conducts a net energy metering proceeding, it shall:*

1. Investigate and determine the costs and benefits of the current net energy metering program;

2. Establish an appropriate netting measurement interval for a successor tariff that is just and reasonable in light of the costs and benefits of the net metering program in aggregate, and applicable to new requests for net energy metering service; and

3. Determine a specific avoided cost for customer-generators, the different type of customer-generator technologies where the Commission deems it appropriate, and establish the methodology for determining the compensation rate for any net excess generation determined according to the applicable net measurement interval for any new tariff.

J. In evaluating the costs and benefits of the net energy metering program, the Commission shall consider:

1. The aggregate impact of customer-generators on the electric utility's long-run marginal costs of generation, distribution, and transmission;

2. The cost of service implications of customer-generators on other customers within the same class, including an evaluation of whether customer-generators provide an adequate rate of return to the electrical utility compared to the otherwise applicable rate class when, for analytical purposes only, examined as a separate class within a cost of service study;

3. The direct and indirect economic impact of the net energy metering program to the Commonwealth; and

4. Any other information it deems relevant, including environmental and resilience benefits of customer-generator facilities.

K. Notwithstanding the provisions of this section, § 56-585.1:8, or any other provision of law to the contrary, any locality that is a nonjurisdictional customer of a Phase II Utility, as defined in § 56-585.1:3, and is in Planning District Eight with a population greater than 1 million may (i) install solar-powered or wind-powered electric generation facilities with a rated capacity not exceeding five megawatts, whether the facilities are owned by the locality or owned and operated by a third party pursuant to a contract with the locality, on any locality-owned site within the locality and (ii) credit the electricity generated at any such facility as directed by the governing body of the locality to any one or more of the metered accounts of buildings or other facilities of the locality or the locality's public school division that are located within the locality, without regard to whether the buildings and facilities are located at the same site where the electric generation facility is located or at a site contiguous thereto. The amount of the credit for such electricity to the metered accounts of the locality or its public school division shall be identical, with respect to the rate structure, all retail rate components, and monthly charges, to the amount the locality or public school division would otherwise be charged for such amount of electricity under its contract with the public utility, without the assessment by the public utility of any distribution charges, service charges, or fees in connection with or arising out of such crediting.

§ 67-102. Commonwealth Energy Policy.

A. To achieve the objectives enumerated in § 67-101, it shall be the policy of the Commonwealth to:

1. Support research and development of, and promote the use of, renewable energy sources;

2. Ensure that the combination of energy supplies and energy-saving systems are sufficient to support the demands of economic growth;

3. Promote research and development of clean coal technologies, including but not limited to integrated gasification combined cycle systems;

4. Promote cost-effective conservation of energy and fuel supplies;

5. Ensure the availability of affordable natural gas throughout the Commonwealth by expanding Virginia's natural gas distribution and transmission pipeline infrastructure; developing coalbed methane gas resources and methane hydrate resources; encouraging the productive use of landfill gas; and siting one or more liquefied natural gas terminals;

6. Promote the generation of electricity through technologies that do not contribute to greenhouse gases and global warming;

7. Facilitate the development of new, and the expansion of existing, petroleum refining facilities within the Commonwealth;

8. Promote the use of motor vehicles that utilize alternate fuels and are highly energy efficient;

9. Support efforts to reduce the demand for imported petroleum by developing alternative technologies, including but not limited to the production of synthetic and hydrogen-based fuels, and the infrastructure required for the widespread implementation of such technologies;

10. Promote the sustainable production and use of biofuels produced from silvicultural and agricultural crops grown in the Commonwealth, and support the delivery infrastructure needed for statewide distribution to consumers;

11. Ensure that development of new, or expansion of existing, energy resources or facilities does not have a disproportionate adverse impact on economically disadvantaged or minority communities; ~~and~~

12. Ensure that energy generation and delivery systems that may be approved for development in the Commonwealth, including liquefied natural gas and related delivery and storage systems, should be located so as to minimize impacts to pristine natural areas and other significant onshore natural resources, and as near to compatible development as possible; *and*

13. Support the distributed generation of renewable electricity by:

a. Encouraging private sector investments in distributed renewable energy;

b. Increasing the security of the electricity grid by supporting distributed renewable energy projects with the potential to supply electric energy to critical facilities during a widespread power outage; *and*

c. Augmenting the exercise of private property rights by landowners desiring to generate their own energy from renewable energy sources on their lands.

B. The elements of the policy set forth in subsection A shall be referred to collectively in this title as the Commonwealth Energy Policy.

C. All agencies and political subdivisions of the Commonwealth, in taking discretionary action with regard to energy issues, shall recognize the elements of the Commonwealth Energy Policy and where appropriate, shall act in a manner consistent therewith.

D. The Commonwealth Energy Policy is intended to provide guidance to the agencies and political subdivisions of the Commonwealth in taking discretionary action with regard to energy issues, and shall not be construed to amend, repeal, or override any contrary provision of applicable law. The failure or refusal of any person to recognize the elements of the Commonwealth Energy Policy, to act in a manner consistent with the Commonwealth Energy Policy, or to take any other action whatsoever, shall not create any right, action, or cause of action or provide standing for any person to challenge the action of the Commonwealth or any of its agencies or political subdivisions.

2. That § 1 of the first enactment of Chapters 358 and 382 of the Acts of Assembly of 2013, as amended by Chapter 803 of the Acts of Assembly of 2017, is amended and reenacted as follows:

§ 1. That the State Corporation Commission (Commission) shall conduct pilot programs under which a person that owns or operates a solar-powered or wind-powered electricity generation facility located on premises owned or leased by an eligible customer-generator, as defined in § 56-594 of the Code of Virginia, shall be permitted to sell the electricity generated from such facility exclusively to such eligible customer-generator under a power purchase agreement used to provide third party financing of the costs of such a renewable generation facility (third party power purchase agreement), subject to the following terms, conditions, and restrictions:

a. ~~A Notwithstanding subsection G of § 56-580 of the Code of Virginia or any other provision of law, a pilot program shall be conducted within the certificated service territory of each investor-owned electric utility other than a utility described in subsection G of § 56-580 of the Code of Virginia ("Pilot Utility"); provided that within the certificated service territory of an investor-owned utility that was not bound by a rate case settlement adopted by the Commission that extended in its application beyond January 1, 2002; nonprofit, private institutions of higher education as defined in § 23.1-100 of the Code of Virginia that are not being served by generation provided under subdivision A 5 of § 56-577 of the Code of Virginia shall be deemed to be customer-generators eligible to participate in the pilot program;~~

b. The aggregated capacity of all generation facilities that are subject to such third party power purchase agreements at any time during the pilot program shall not exceed ~~50~~ 500 megawatts for Virginia jurisdictional customers and 500 megawatts for Virginia nonjurisdictional customers for an investor-owned utility that was bound by a rate case settlement adopted by the Commission that extended in its application beyond January 1, 2002, or ~~seven~~ 40 megawatts for an investor-owned utility that was not bound by a rate case settlement adopted by the Commission that extended in its application beyond January 1, 2002. Such limitation on the aggregated capacity of such facilities shall constitute a portion of the existing limit of ~~one~~ six percent of each Pilot Utility's adjusted Virginia peak-load forecast for the previous year that is available to eligible customer-generators pursuant to subsection E of § 56-594 of the Code of Virginia. Notwithstanding any provision of this act that incorporates provisions of § 56-594, the seller and the customer shall elect either to (i) enter into their third party power purchase agreement subject to the conditions and provisions of the Pilot Utility's net energy metering program under § 56-594 or (ii) provide that electricity generated from the generation facilities subject to the third party power purchase agreement will not be net metered under § 56-594, provided that an election not to net meter under § 56-594 shall not exempt the third party power purchase agreement and the parties thereto from the requirements of this act that incorporate provisions of § 56-594;

c. A solar-powered or wind-powered generation facility with a capacity of no less than 50 kilowatts and no more than ~~one megawatt~~ three megawatts shall be eligible for a third party power purchase agreement under the a pilot program; however, if the customer under such agreement is an entity with tax-exempt status in accordance with § 501(c) of the Internal Revenue Code of 1954, as amended, then such facility is eligible for the pilot program even if it does not meet the 50 kilowatts minimum size requirement. The maximum generation capacity of ~~one megawatt~~ three megawatts shall not affect the limits on the capacity of electrical generating capacities of ~~20~~ 25 kilowatts for residential customers and ~~500 kilowatts~~ three megawatts for nonresidential customers set forth in subsection B of § 56-594 of the Code of Virginia, which limitations shall continue to apply to net energy metering generation facilities regardless of whether they are the subject of a third party power purchase agreement under the pilot program;

d. A generation facility that is the subject of a third party power purchase agreement under the pilot program shall serve only one customer, and a third party power purchase agreement shall not serve multiple customers;

e. The customer under a third party power purchase agreement under the pilot program shall be subject to the interconnection and other requirements imposed on eligible customer-generators pursuant to subsection C of § 56-594 of the Code of Virginia, including the requirement that the customer bear the reasonable costs, as determined by the Commission, of the items described in clauses (i), (ii), and (iii) of such subsection;

f. A third party power purchase agreement under the pilot program shall not be valid unless it conforms in all respects to the requirements of the pilot program conducted under the provisions of this act and unless the Commission and the Pilot Utility are provided written notice of the parties' intent to enter into a third party power purchase agreement not less than 30 days prior to the agreement's proposed effective date; and

g. An affiliate of the Pilot Utility shall be permitted to offer and enter into third party power purchase arrangements on the same basis as may any other person that satisfies the requirements of being a seller under a third party power purchase agreement under the pilot program.

CHAPTER 1188

An Act to amend and reenact §§ 56-594 and 67-102 of the Code of Virginia and § 1 of the first enactment of Chapters 358 and 382 of the Acts of Assembly of 2013, as amended by Chapter 803 of the Acts of Assembly of 2017, and to amend the Code of Virginia by adding a section numbered 56-585.1:11, relating to the regulation of sales of electricity under third-party sales agreements; net energy; and the removal of other barriers to the increased implementation of distributed solar and other renewable energy in the Commonwealth.

[H 572]

Approved April 11, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 56-594 and 67-102 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 56-585.1:11 as follows:

§ 56-585.1:11. Multi-family shared solar program.

A. As used in this section:

"Applicable bill credit rate" means the dollar-per-kilowatt-hour rate as defined in subsection D used to calculate a subscriber's bill credit. The applicable bill credit rate shall be set such that the shared solar program results in robust project development and shared solar program access for all customer classes.

"Bill credit" means the monetary value of the electricity, in kilowatt-hours, generated by the shared solar facility allocated to a subscriber to offset that subscriber's electricity bill.

"Investor-owned utility" means each investor-owned utility in the Commonwealth including, notwithstanding subsection G of § 56-580, any investor-owned utility whose service territory assigned to it by the Commission is located entirely within the Counties of Dickenson, Lee, Russell, Scott and Wise. "Investor-owned utility" does not include a Phase I Utility, as that term is defined in subdivision A 1 of § 56-585.1.

"Multi-family shared solar program" or "program" means the program created through the adoption of rules to allow for the development of shared solar facilities described in subsection C.

"Shared solar facility" means a facility that:

1. Generates electricity by means of a solar photovoltaic device with a nameplate capacity rating that does not exceed 3,000 kW alternating current at any single location or that does not exceed 5,000 kW alternating current at contiguous locations owned by the same entity or affiliated entities;

2. Is operated pursuant to a program whereby at least three subscribers receive a bill credit for the electricity generated from the facility in proportion to the size of their subscription;

3. Is located in the service territory of an investor-owned utility;

4. Is connected to the electric distribution grid serving the Commonwealth; and

5. Is located on a parcel of land on the premises of the multi-family utility customer or adjacent thereto.

"Subscriber" means a multi-family customer of an investor-owned electric utility that owns one or more subscriptions of a shared solar facility that is interconnected with the utility.

"Subscriber organization" means any for-profit or nonprofit entity that owns or operates one or more shared solar facilities. A "subscriber organization" shall not be considered a utility solely as a result of its ownership or operation of a shared solar facility.

"Subscription" means a contract or other agreement between a subscriber and the owner of a shared solar facility. A subscription shall be sized such that the estimated bill credits do not exceed the subscriber's average annual bill for the customer account to which the subscription is attributed.

B. The Commission shall establish by regulation a program that affords eligible multi-family customers of investor-owned utilities the opportunity to participate in shared solar projects. The regulations shall be adopted by the Commission by January 1, 2021.

C. An investor-owned utility shall provide a bill credit to a subscriber's subsequent monthly electric bill for the proportional output of a shared solar facility attributable to that subscriber. The shared solar program shall be administered as follows:

1. The value of the bill credit for the subscriber shall be calculated by multiplying the subscriber's portion of the kilowatt-hour electricity production from the shared solar facility by the applicable bill credit rate for the subscriber. Any amount of the bill credit that exceeds the subscriber's monthly bill shall be carried over and applied to the next month's bill in perpetuity;

2. The utility shall provide bill credits to a shared solar facility's subscribers for not less than 25 years from the date the shared solar facility becomes commercially operational;

3. The subscriber organization shall, on a monthly basis and in a standardized electronic format, provide to the investor-owned utility a subscriber list indicating the kilowatt-hours of generation attributable to each of the retail

customers participating in a shared solar facility in accordance with the subscriber's portion of the output of the shared solar facility;

4. Lists may be updated monthly to reflect canceling subscribers and to add new subscribers. The investor-owned utility shall apply bill credits to subscriber bills within one billing cycle following the cycle during which the energy was generated by the shared solar facility;

5. The investor-owned utility shall, on a monthly basis and in a standardized electronic format, provide to the subscriber organization a report indicating the total value of bill credits generated by the shared solar facility in the prior month as well as the amount of the bill credit applied to each subscriber;

6. A subscriber organization may accumulate bill credits in the event that all of the electricity generated by a shared solar facility is not allocated to subscribers in a given month. On an annual basis, the subscriber organization shall furnish to the utility allocation instructions for distributing excess bill credits to subscribers; and

7. All environmental attributes associated with a shared solar facility, including renewable energy certificates, shall be considered property of the subscriber organization. At the subscriber organization's discretion, those attributes may be distributed to subscribers, sold to investor-owned utilities or other buyers, accumulated, or retired.

D. The Commission shall annually calculate the applicable bill credit rate as the effective retail rate of the customer's rate class, which shall be inclusive of all supply charges, delivery charges, demand charges, fixed charges, and any applicable riders or other charges to the customer. This rate shall be expressed in dollars or cents per kilowatt-hour.

E. The Commission shall establish by regulation a multi-family shared solar program by January 1, 2021, and shall require each investor-owned utility to file any tariffs, agreements, or forms necessary for implementation of the program. Any rule or utility implementation filings approved by the Commission shall:

1. Reasonably allow for the creation and financing of shared solar facilities;

2. Allow all customer classes to participate in the program, and ensure participation opportunities for all customer classes;

3. Not remove a customer from its otherwise applicable customer class in order to participate in a shared solar facility;

4. Reasonably allow for the transferability and portability of subscriptions, including allowing a subscriber to retain a subscription in a shared solar facility if the subscriber moves within the same utility territory;

5. Establish uniform standards, fees, and processes for the interconnection of shared solar facilities that allow the utility to recover reasonable interconnection costs for each shared solar facility;

6. Adopt standardized consumer disclosure forms;

7. Allow the investor-owned utilities to recover reasonable costs of administering the program;

8. Ensure nondiscriminatory and efficient requirements and utility procedures for interconnecting projects;

9. Address the colocation of two or more shared solar facilities on a single parcel of land, and provide guidelines for determining when two or more facilities are colocated; and

10. Include a program implementation schedule.

F. Within 180 days of finalization of the Commission's adoption of regulations for the shared solar program, utilities shall begin crediting subscriber accounts of each shared solar facility interconnected in its service territory.

§ 56-594. Net energy metering provisions.

A. The Commission shall establish by regulation a program that affords eligible customer-generators the opportunity to participate in net energy metering, and a program, to begin no later than July 1, 2014, for customers of investor-owned utilities and to begin no later than July 1, 2015, and to end July 1, 2019, for customers of electric cooperatives as provided in subsection G, to afford eligible agricultural customer-generators the opportunity to participate in net energy metering. The regulations may include, but need not be limited to, requirements for (i) retail sellers; (ii) owners or operators of distribution or transmission facilities; (iii) providers of default service; (iv) eligible customer-generators; (v) eligible agricultural customer-generators; or (vi) any combination of the foregoing, as the Commission determines will facilitate the provision of net energy metering, provided that the Commission determines that such requirements do not adversely affect the public interest. On and after July 1, 2017, small agricultural generators or eligible agricultural customer-generators may elect to interconnect pursuant to the provisions of this section or as small agricultural generators pursuant to § 56-594.2, but not both. Existing eligible agricultural customer-generators may elect to become small agricultural generators, but may not revert to being eligible agricultural customer-generators after such election. On and after July 1, 2019, interconnection of eligible agricultural customer-generators shall cease for electric cooperatives only, and such facilities shall interconnect solely as small agricultural generators. For electric cooperatives, eligible agricultural customer-generators whose renewable energy generating facilities were interconnected before July 1, 2019, may continue to participate in net energy metering pursuant to this section for a period not to exceed 25 years from the date of their renewable energy generating facility's original interconnection.

B. For the purpose of this section:

"Eligible agricultural customer-generator" means a customer that operates a renewable energy generating facility as part of an agricultural business, which generating facility (i) uses as its sole energy source solar power, wind power, or aerobic or anaerobic digester gas, (ii) does not have an aggregate generation capacity of more than 500 kilowatts, (iii) is located on land owned or controlled by the agricultural business, (iv) is connected to the customer's wiring on the customer's side of its interconnection with the distributor; (v) is interconnected and operated in parallel with an electric company's transmission and distribution facilities, and (vi) is used primarily to provide energy to metered accounts of the agricultural

business. An eligible agricultural customer-generator may be served by multiple meters *servicing the eligible agricultural customer-generator* that are located at ~~separate but contiguous~~ *the same or adjacent* sites, such that the eligible agricultural customer-generator may aggregate in a single account the electricity consumption and generation measured by the meters, provided that the same utility serves all such meters. The aggregated load shall be served under the appropriate tariff.

"Eligible customer-generator" means a customer that owns and operates, or contracts with other persons to own, operate, or both, an electrical generating facility that (i) has a capacity of not more than ~~20~~ 25 kilowatts for residential customers and not more than ~~one megawatt~~ *three megawatts* for nonresidential customers ~~on an electrical generating facility placed in service after July 1, 2015~~; (ii) uses as its total source of fuel renewable energy, as defined in § 56-576; (iii) is located on ~~the customer's premises~~ *land owned or leased by the customer* and is connected to the customer's wiring on the customer's side of its interconnection with the distributor; (iv) is interconnected and operated in parallel with an electric company's transmission and distribution facilities; and (v) is intended primarily to offset all or part of the customer's own electricity requirements. In addition to the electrical generating facility size limitations in clause (i), the capacity of any generating facility installed under this section ~~after~~ *between July 1, 2015, and July 1, 2020*, shall not exceed the expected annual energy consumption based on the previous 12 months of billing history or an annualized calculation of billing history if 12 months of billing history is not available. *In addition to the electrical generating facility size limitation in clause (i), in the certificated service territory of a Phase I Utility, the capacity of any generating facility installed under this section after July 1, 2020, shall not exceed 100 percent of the expected annual energy consumption based on the previous 12 months of billing history or an annualized calculation of billing history if 12 months of billing history is not available, and in the certificated service territory of a Phase II Utility, the capacity of any generating facility installed under this section after July 1, 2020, shall not exceed 150 percent of the expected annual energy consumption based on the previous 12 months of billing history or an annualized calculation of billing history if 12 months of billing history is not available.*

"Net energy metering" means measuring the difference, over the net metering period, between (i) electricity supplied to an eligible customer-generator or eligible agricultural customer-generator from the electric grid and (ii) the electricity generated and fed back to the electric grid by the eligible customer-generator or eligible agricultural customer-generator.

"Net metering period" means the 12-month period following the date of final interconnection of the eligible customer-generator's or eligible agricultural customer-generator's system with an electric service provider, and each 12-month period thereafter.

"Small agricultural generator" has the same meaning that is ascribed to that term in § 56-594.2.

C. The Commission's regulations shall ensure that (i) the metering equipment installed for net metering shall be capable of measuring the flow of electricity in two directions and (ii) any eligible customer-generator seeking to participate in net energy metering shall notify its supplier and receive approval to interconnect prior to installation of an electrical generating facility. The electric distribution company shall have 30 days from the date of notification for residential facilities, and 60 days from the date of notification for nonresidential facilities, to determine whether the interconnection requirements have been met. Such regulations shall allocate fairly the cost of such equipment and any necessary interconnection. An eligible customer-generator's electrical generating system, and each electrical generating system of an eligible agricultural customer-generator, shall meet all applicable safety and performance standards established by the National Electrical Code, the Institute of Electrical and Electronics Engineers, and accredited testing laboratories such as Underwriters Laboratories. Beyond the requirements set forth in this section and to ensure public safety, power quality, and reliability of the supplier's electric distribution system, an eligible customer-generator or eligible agricultural customer-generator whose electrical generating system meets those standards and rules shall bear all reasonable costs of equipment required for the interconnection to the supplier's electric distribution system, including costs, if any, to (a) install additional controls, (b) perform or pay for additional tests, and (c) purchase additional liability insurance.

D. The Commission shall establish minimum requirements for contracts to be entered into by the parties to net metering arrangements. Such requirements shall protect the eligible customer-generator or eligible agricultural customer-generator against discrimination by virtue of its status as an eligible customer-generator or eligible agricultural customer-generator, and permit customers that are served on time-of-use tariffs that have electricity supply demand charges contained within the electricity supply portion of the time-of-use tariffs to participate as an eligible customer-generator or eligible agricultural customer-generator. Notwithstanding the cost allocation provisions of subsection C, eligible customer-generators or eligible agricultural customer-generators served on demand charge-based time-of-use tariffs shall bear the incremental metering costs required to net meter such customers.

E. If electricity generated by an eligible customer-generator or eligible agricultural customer-generator over the net metering period exceeds the electricity consumed by the eligible customer-generator or eligible agricultural customer-generator, the customer-generator or eligible agricultural customer-generator shall be compensated for the excess electricity if the entity contracting to receive such electric energy and the eligible customer-generator or eligible agricultural customer-generator enter into a power purchase agreement for such excess electricity. Upon the written request of the eligible customer-generator or eligible agricultural customer-generator, the supplier that serves the eligible customer-generator or eligible agricultural customer-generator shall enter into a power purchase agreement with the requesting eligible customer-generator or eligible agricultural customer-generator that is consistent with the minimum requirements for contracts established by the Commission pursuant to subsection D. The power purchase agreement shall obligate the supplier to purchase such excess electricity at the rate that is provided for such purchases in a net metering standard contract or tariff approved by the Commission, unless the parties agree to a higher rate. The eligible

customer-generator or eligible agricultural customer-generator owns any renewable energy certificates associated with its electrical generating facility; however, at the time that the eligible customer-generator or eligible agricultural customer-generator enters into a power purchase agreement with its supplier, the eligible customer-generator or eligible agricultural customer-generator shall have a one-time option to sell the renewable energy certificates associated with such electrical generating facility to its supplier and be compensated at an amount that is established by the Commission to reflect the value of such renewable energy certificates. Nothing in this section shall prevent the eligible customer-generator or eligible agricultural customer-generator and the supplier from voluntarily entering into an agreement for the sale and purchase of excess electricity or renewable energy certificates at mutually-agreed upon prices if the eligible customer-generator or eligible agricultural customer-generator does not exercise its option to sell its renewable energy certificates to its supplier at Commission-approved prices at the time that the eligible customer-generator or eligible agricultural customer-generator enters into a power purchase agreement with its supplier. All costs incurred by the supplier to purchase excess electricity and renewable energy certificates from eligible customer-generators or eligible agricultural customer-generators shall be recoverable through its Renewable Energy Portfolio Standard (RPS) rate adjustment clause, if the supplier has a Commission-approved RPS plan. If not, then all costs shall be recoverable through the supplier's fuel adjustment clause. For purposes of this section, "all costs" shall be defined as the rates paid to the eligible customer-generator or eligible agricultural customer-generator for the purchase of excess electricity and renewable energy certificates and any administrative costs incurred to manage the eligible customer-generator's or eligible agricultural customer-generator's power purchase arrangements. The net metering standard contract or tariff shall be available to eligible customer-generators or eligible agricultural customer-generators on a first-come, first-served basis in each electric distribution company's Virginia service area until the rated generating capacity owned and operated by eligible customer-generators, eligible agricultural customer-generators, and small agricultural generators in the Commonwealth reaches ~~one~~ six percent, in the aggregate, five percent of which is available to all customers and one percent of which is available only to low-income utility customers of each electric distribution company's adjusted Virginia peak-load forecast for the previous year (the systemwide cap), and shall require the supplier to pay the eligible customer-generator or eligible agricultural customer-generator for such excess electricity in a timely manner at a rate to be established by the Commission.

On and after the earlier of (i) 2024 for a Phase I Utility or 2025 for a Phase II Utility or (ii) when the aggregate rated generating capacity owned and operated by eligible customer-generators, eligible agricultural customer-generators, and small agricultural generators in the Commonwealth reaches three percent of a Phase I or Phase II Utility's adjusted Virginia peak-load forecast for the previous year, the Commission shall conduct a net energy metering proceeding.

In any net energy metering proceeding, the Commission shall, after notice and opportunity for hearing, evaluate and establish (a) an amount customers shall pay on their utility bills each month for the costs of using the utility's infrastructure; (b) an amount the utility shall pay to appropriately compensate the customer, as determined by the Commission, for the total benefits such facilities provide; (c) the direct and indirect economic impact of net metering to the Commonwealth; and (d) any other information the Commission deems relevant. The Commission shall establish an appropriate rate structure related thereto, which shall govern compensation related to all eligible customer-generators, eligible agricultural customer-generators, and small agricultural generators, except low-income utility customers, that interconnect after the effective date established in the Commission's final order. Nothing in the Commission's final order shall affect any eligible customer-generators, eligible agricultural customer-generators, and small agricultural generators who interconnect before the effective date of such final order. As part of the net energy metering proceeding, the Commission shall evaluate the six percent aggregate net metering cap and may, if appropriate, raise or remove such cap. The Commission shall enter its final order in such a proceeding no later than 12 months after it commences such proceeding, and such final order shall establish a date by which the new terms and conditions shall apply for interconnection and shall also provide that, if the terms and conditions of compensation in the final order differ from the terms and conditions available to customers before the proceeding, low-income utility customers may interconnect under whichever terms are most favorable to them.

F. Any residential eligible customer-generator or eligible agricultural customer-generator, in the service territory of a Phase II Utility who owns and operates, or contracts with other persons to own, operate, or both, an electrical generating facility with a capacity that exceeds ~~10~~ 15 kilowatts shall pay to its supplier, in addition to any other charges authorized by law, a monthly standby charge. The amount of the standby charge and the terms and conditions under which it is assessed shall be in accordance with a methodology developed by the supplier and approved by the Commission. The Commission shall approve a supplier's proposed standby charge methodology if it finds that the standby charges collected from all such eligible customer-generators and eligible agricultural customer-generators allow the supplier to recover only the portion of the supplier's infrastructure costs that are properly associated with serving such eligible customer-generators or eligible agricultural customer-generators. Such an eligible customer-generator or eligible agricultural customer-generator shall not be liable for a standby charge until the date specified in an order of the Commission approving its supplier's methodology. *For customers of all other investor-owned utilities, on and after July 1, 2020, standby charges are prohibited for any residential eligible customer-generator or agricultural customer-generator.*

G. On and after the later of July 1, 2019, or the effective date of regulations that the Commission is required to adopt pursuant to § 56-594.01, (i) net energy metering in the service territory of each electric cooperative shall be conducted as provided in a program implemented pursuant to § 56-594.01 and (ii) the provisions of this section shall not apply to net energy metering in the service territory of an electric cooperative except as provided in § 56-594.01.

H. The Commission may adopt such rules or establish such guidelines as may be necessary for its general administration of this section.

1. When the Commission conducts a net energy metering proceeding, it shall:

1. Investigate and determine the costs and benefits of the current net energy metering program;
2. Establish an appropriate netting measurement interval for a successor tariff that is just and reasonable in light of the costs and benefits of the net metering program in aggregate, and applicable to new requests for net energy metering service; and

3. Determine a specific avoided cost for customer-generators, the different type of customer-generator technologies where the Commission deems it appropriate, and establish the methodology for determining the compensation rate for any net excess generation determined according to the applicable net measurement interval for any new tariff.

J. In evaluating the costs and benefits of the net energy metering program, the Commission shall consider:

1. The aggregate impact of customer-generators on the electric utility's long-run marginal costs of generation, distribution, and transmission;

2. The cost of service implications of customer-generators on other customers within the same class, including an evaluation of whether customer-generators provide an adequate rate of return to the electrical utility compared to the otherwise applicable rate class when, for analytical purposes only, examined as a separate class within a cost of service study;

3. The direct and indirect economic impact of the net energy metering program to the Commonwealth; and

4. Any other information it deems relevant, including environmental and resilience benefits of customer-generator facilities.

K. Notwithstanding the provisions of this section, § 56-585.1:8, or any other provision of law to the contrary, any locality that is a nonjurisdictional customer of a Phase II Utility, as defined in § 56-585.1:3, and is in Planning District Eight with a population greater than 1 million may (i) install solar-powered or wind-powered electric generation facilities with a rated capacity not exceeding five megawatts, whether the facilities are owned by the locality or owned and operated by a third party pursuant to a contract with the locality, on any locality-owned site within the locality and (ii) credit the electricity generated at any such facility as directed by the governing body of the locality to any one or more of the metered accounts of buildings or other facilities of the locality or the locality's public school division that are located within the locality, without regard to whether the buildings and facilities are located at the same site where the electric generation facility is located or at a site contiguous thereto. The amount of the credit for such electricity to the metered accounts of the locality or its public school division shall be identical, with respect to the rate structure, all retail rate components, and monthly charges, to the amount the locality or public school division would otherwise be charged for such amount of electricity under its contract with the public utility, without the assessment by the public utility of any distribution charges, service charges, or fees in connection with or arising out of such crediting.

§ 67-102. Commonwealth Energy Policy.

A. To achieve the objectives enumerated in § 67-101, it shall be the policy of the Commonwealth to:

1. Support research and development of, and promote the use of, renewable energy sources;
2. Ensure that the combination of energy supplies and energy-saving systems are sufficient to support the demands of economic growth;

3. Promote research and development of clean coal technologies, including but not limited to integrated gasification combined cycle systems;

4. Promote cost-effective conservation of energy and fuel supplies;

5. Ensure the availability of affordable natural gas throughout the Commonwealth by expanding Virginia's natural gas distribution and transmission pipeline infrastructure; developing coalbed methane gas resources and methane hydrate resources; encouraging the productive use of landfill gas; and siting one or more liquefied natural gas terminals;

6. Promote the generation of electricity through technologies that do not contribute to greenhouse gases and global warming;

7. Facilitate the development of new, and the expansion of existing, petroleum refining facilities within the Commonwealth;

8. Promote the use of motor vehicles that utilize alternate fuels and are highly energy efficient;

9. Support efforts to reduce the demand for imported petroleum by developing alternative technologies, including but not limited to the production of synthetic and hydrogen-based fuels, and the infrastructure required for the widespread implementation of such technologies;

10. Promote the sustainable production and use of biofuels produced from silvicultural and agricultural crops grown in the Commonwealth, and support the delivery infrastructure needed for statewide distribution to consumers;

11. Ensure that development of new, or expansion of existing, energy resources or facilities does not have a disproportionate adverse impact on economically disadvantaged or minority communities; and

12. Ensure that energy generation and delivery systems that may be approved for development in the Commonwealth, including liquefied natural gas and related delivery and storage systems, should be located so as to minimize impacts to pristine natural areas and other significant onshore natural resources, and as near to compatible development as possible; and

13. Support the distributed generation of renewable electricity by:

a. Encouraging private sector investments in distributed renewable energy;

b. Increasing the security of the electricity grid by supporting distributed renewable energy projects with the potential to supply electric energy to critical facilities during a widespread power outage; and

c. Augmenting the exercise of private property rights by landowners desiring to generate their own energy from renewable energy sources on their lands.

B. The elements of the policy set forth in subsection A shall be referred to collectively in this title as the Commonwealth Energy Policy.

C. All agencies and political subdivisions of the Commonwealth, in taking discretionary action with regard to energy issues, shall recognize the elements of the Commonwealth Energy Policy and where appropriate, shall act in a manner consistent therewith.

D. The Commonwealth Energy Policy is intended to provide guidance to the agencies and political subdivisions of the Commonwealth in taking discretionary action with regard to energy issues, and shall not be construed to amend, repeal, or override any contrary provision of applicable law. The failure or refusal of any person to recognize the elements of the Commonwealth Energy Policy, to act in a manner consistent with the Commonwealth Energy Policy, or to take any other action whatsoever, shall not create any right, action, or cause of action or provide standing for any person to challenge the action of the Commonwealth or any of its agencies or political subdivisions.

2. That § 1 of the first enactment of Chapters 358 and 382 of the Acts of Assembly of 2013, as amended by Chapter 803 of the Acts of Assembly of 2017, is amended and reenacted as follows:

§ 1. That the State Corporation Commission (Commission) shall conduct pilot programs under which a person that owns or operates a solar-powered or wind-powered electricity generation facility located on premises owned or leased by an eligible customer-generator, as defined in § 56-594 of the Code of Virginia, shall be permitted to sell the electricity generated from such facility exclusively to such eligible customer-generator under a power purchase agreement used to provide third party financing of the costs of such a renewable generation facility (third party power purchase agreement), subject to the following terms, conditions, and restrictions:

a. ~~A Notwithstanding subsection G of § 56-580 of the Code of Virginia or any other provision of law, a pilot program shall be conducted within the certificated service territory of each investor-owned electric utility other than a utility described in subsection G of § 56-580 of the Code of Virginia ("Pilot Utility"); provided that within the certificated service territory of an investor-owned utility that was not bound by a rate case settlement adopted by the Commission that extended in its application beyond January 1, 2002, nonprofit, private institutions of higher education as defined in § 23-1-100 of the Code of Virginia that are not being served by generation provided under subdivision A 5 of § 56-577 of the Code of Virginia shall be deemed to be customer-generators eligible to participate in the pilot program;~~

b. The aggregated capacity of all generation facilities that are subject to such third party power purchase agreements at any time during the pilot program shall not exceed ~~50~~ 500 megawatts for Virginia jurisdictional customers and 500 megawatts for Virginia nonjurisdictional customers for an investor-owned utility that was bound by a rate case settlement adopted by the Commission that extended in its application beyond January 1, 2002, or ~~seven~~ 40 megawatts for an investor-owned utility that was not bound by a rate case settlement adopted by the Commission that extended in its application beyond January 1, 2002. Such limitation on the aggregated capacity of such facilities shall constitute a portion of the existing limit of ~~one~~ six percent of each Pilot Utility's adjusted Virginia peak-load forecast for the previous year that is available to eligible customer-generators pursuant to subsection E of § 56-594 of the Code of Virginia. Notwithstanding any provision of this act that incorporates provisions of § 56-594, the seller and the customer shall elect either to (i) enter into their third party power purchase agreement subject to the conditions and provisions of the Pilot Utility's net energy metering program under § 56-594 or (ii) provide that electricity generated from the generation facilities subject to the third party power purchase agreement will not be net metered under § 56-594, provided that an election not to net meter under § 56-594 shall not exempt the third party power purchase agreement and the parties thereto from the requirements of this act that incorporate provisions of § 56-594;

c. A solar-powered or wind-powered generation facility with a capacity of no less than 50 kilowatts and no more than ~~one megawatt~~ three megawatts shall be eligible for a third party power purchase agreement under ~~the~~ a pilot program; however, if the customer under such agreement is an entity with tax-exempt status in accordance with § 501(c) of the Internal Revenue Code of 1954, as amended, then such facility is eligible for the pilot program even if it does not meet the 50 kilowatts minimum size requirement. The maximum generation capacity of ~~one megawatt~~ three megawatts shall not affect the limits on the capacity of electrical generating capacities of ~~20~~ 25 kilowatts for residential customers and ~~500 kilowatts~~ three megawatts for nonresidential customers set forth in subsection B of § 56-594 of the Code of Virginia, which limitations shall continue to apply to net energy metering generation facilities regardless of whether they are the subject of a third party power purchase agreement under the pilot program;

d. A generation facility that is the subject of a third party power purchase agreement under the pilot program shall serve only one customer, and a third party power purchase agreement shall not serve multiple customers;

e. The customer under a third party power purchase agreement under the pilot program shall be subject to the interconnection and other requirements imposed on eligible customer-generators pursuant to subsection C of § 56-594 of the Code of Virginia, including the requirement that the customer bear the reasonable costs, as determined by the Commission, of the items described in clauses (i), (ii), and (iii) of such subsection;

f. A third party power purchase agreement under the pilot program shall not be valid unless it conforms in all respects to the requirements of the pilot program conducted under the provisions of this act and unless the Commission and the Pilot

Utility are provided written notice of the parties' intent to enter into a third party power purchase agreement not less than 30 days prior to the agreement's proposed effective date; and

g. An affiliate of the Pilot Utility shall be permitted to offer and enter into third party power purchase arrangements on the same basis as may any other person that satisfies the requirements of being a seller under a third party power purchase agreement under the pilot program.

CHAPTER 1189

An Act to amend and reenact §§ 56-594 and 67-102 of the Code of Virginia and § 1 of the first enactment of Chapters 358 and 382 of the Acts of Assembly of 2013, as amended by Chapter 803 of the Acts of Assembly of 2017, and to amend the Code of Virginia by adding a section numbered 56-585.1:11, relating to the regulation of sales of electricity under third-party sales agreements; net energy; and the removal of other barriers to the increased implementation of distributed solar and other renewable energy in the Commonwealth.

[H 1184]

Approved April 11, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 56-594 and 67-102 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 56-585.1:11 as follows:

§ 56-585.1:11. Multi-family shared solar program.

A. As used in this section:

"Applicable bill credit rate" means the dollar-per-kilowatt-hour rate as defined in subsection D used to calculate a subscriber's bill credit. The applicable bill credit rate shall be set such that the shared solar program results in robust project development and shared solar program access for all customer classes.

"Bill credit" means the monetary value of the electricity, in kilowatt-hours, generated by the shared solar facility allocated to a subscriber to offset that subscriber's electricity bill.

"Investor-owned utility" means each investor-owned utility in the Commonwealth including, notwithstanding subsection G of § 56-580, any investor-owned utility whose service territory assigned to it by the Commission is located entirely within the Counties of Dickenson, Lee, Russell, Scott and Wise. "Investor-owned utility" does not include a Phase I Utility, as that term is defined in subdivision A 1 of § 56-585.1.

"Multi-family shared solar program" or "program" means the program created through the adoption of rules to allow for the development of shared solar facilities described in subsection C.

"Shared solar facility" means a facility that:

1. Generates electricity by means of a solar photovoltaic device with a nameplate capacity rating that does not exceed 3,000 kW alternating current at any single location or that does not exceed 5,000 kW alternating current at contiguous locations owned by the same entity or affiliated entities;

2. Is operated pursuant to a program whereby at least three subscribers receive a bill credit for the electricity generated from the facility in proportion to the size of their subscription;

3. Is located in the service territory of an investor-owned utility;

4. Is connected to the electric distribution grid serving the Commonwealth; and

5. Is located on a parcel of land on the premises of the multi-family utility customer or adjacent thereto.

"Subscriber" means a multi-family customer of an investor-owned electric utility that owns one or more subscriptions of a shared solar facility that is interconnected with the utility.

"Subscriber organization" means any for-profit or nonprofit entity that owns or operates one or more shared solar facilities. A "subscriber organization" shall not be considered a utility solely as a result of its ownership or operation of a shared solar facility.

"Subscription" means a contract or other agreement between a subscriber and the owner of a shared solar facility. A subscription shall be sized such that the estimated bill credits do not exceed the subscriber's average annual bill for the customer account to which the subscription is attributed.

B. The Commission shall establish by regulation a program that affords eligible multi-family customers of investor-owned utilities the opportunity to participate in shared solar projects. The regulations shall be adopted by the Commission by January 1, 2021.

C. An investor-owned utility shall provide a bill credit to a subscriber's subsequent monthly electric bill for the proportional output of a shared solar facility attributable to that subscriber. The shared solar program shall be administered as follows:

1. The value of the bill credit for the subscriber shall be calculated by multiplying the subscriber's portion of the kilowatt-hour electricity production from the shared solar facility by the applicable bill credit rate for the subscriber. Any amount of the bill credit that exceeds the subscriber's monthly bill shall be carried over and applied to the next month's bill in perpetuity;

2. The utility shall provide bill credits to a shared solar facility's subscribers for not less than 25 years from the date the shared solar facility becomes commercially operational;

3. The subscriber organization shall, on a monthly basis and in a standardized electronic format, provide to the investor-owned utility a subscriber list indicating the kilowatt-hours of generation attributable to each of the retail customers participating in a shared solar facility in accordance with the subscriber's portion of the output of the shared solar facility;

4. Lists may be updated monthly to reflect canceling subscribers and to add new subscribers. The investor-owned utility shall apply bill credits to subscriber bills within one billing cycle following the cycle during which the energy was generated by the shared solar facility;

5. The investor-owned utility shall, on a monthly basis and in a standardized electronic format, provide to the subscriber organization a report indicating the total value of bill credits generated by the shared solar facility in the prior month as well as the amount of the bill credit applied to each subscriber;

6. A subscriber organization may accumulate bill credits in the event that all of the electricity generated by a shared solar facility is not allocated to subscribers in a given month. On an annual basis, the subscriber organization shall furnish to the utility allocation instructions for distributing excess bill credits to subscribers; and

7. All environmental attributes associated with a shared solar facility, including renewable energy certificates, shall be considered property of the subscriber organization. At the subscriber organization's discretion, those attributes may be distributed to subscribers, sold to investor-owned utilities or other buyers, accumulated, or retired.

D. The Commission shall annually calculate the applicable bill credit rate as the effective retail rate of the customer's rate class, which shall be inclusive of all supply charges, delivery charges, demand charges, fixed charges, and any applicable riders or other charges to the customer. This rate shall be expressed in dollars or cents per kilowatt-hour.

E. The Commission shall establish by regulation a multi-family shared solar program by January 1, 2021, and shall require each investor-owned utility to file any tariffs, agreements, or forms necessary for implementation of the program. Any rule or utility implementation filings approved by the Commission shall:

1. Reasonably allow for the creation and financing of shared solar facilities;

2. Allow all customer classes to participate in the program, and ensure participation opportunities for all customer classes;

3. Not remove a customer from its otherwise applicable customer class in order to participate in a shared solar facility;

4. Reasonably allow for the transferability and portability of subscriptions, including allowing a subscriber to retain a subscription in a shared solar facility if the subscriber moves within the same utility territory;

5. Establish uniform standards, fees, and processes for the interconnection of shared solar facilities that allow the utility to recover reasonable interconnection costs for each shared solar facility;

6. Adopt standardized consumer disclosure forms;

7. Allow the investor-owned utilities to recover reasonable costs of administering the program;

8. Ensure nondiscriminatory and efficient requirements and utility procedures for interconnecting projects;

9. Address the colocation of two or more shared solar facilities on a single parcel of land, and provide guidelines for determining when two or more facilities are colocated; and

10. Include a program implementation schedule.

F. Within 180 days of finalization of the Commission's adoption of regulations for the shared solar program, utilities shall begin crediting subscriber accounts of each shared solar facility interconnected in its service territory.

§ 56-594. Net energy metering provisions.

A. The Commission shall establish by regulation a program that affords eligible customer-generators the opportunity to participate in net energy metering, and a program, to begin no later than July 1, 2014, for customers of investor-owned utilities and to begin no later than July 1, 2015, and to end July 1, 2019, for customers of electric cooperatives as provided in subsection G, to afford eligible agricultural customer-generators the opportunity to participate in net energy metering. The regulations may include, but need not be limited to, requirements for (i) retail sellers; (ii) owners or operators of distribution or transmission facilities; (iii) providers of default service; (iv) eligible customer-generators; (v) eligible agricultural customer-generators; or (vi) any combination of the foregoing, as the Commission determines will facilitate the provision of net energy metering, provided that the Commission determines that such requirements do not adversely affect the public interest. On and after July 1, 2017, small agricultural generators or eligible agricultural customer-generators may elect to interconnect pursuant to the provisions of this section or as small agricultural generators pursuant to § 56-594.2, but not both. Existing eligible agricultural customer-generators may elect to become small agricultural generators, but may not revert to being eligible agricultural customer-generators after such election. On and after July 1, 2019, interconnection of eligible agricultural customer-generators shall cease for electric cooperatives only, and such facilities shall interconnect solely as small agricultural generators. For electric cooperatives, eligible agricultural customer-generators whose renewable energy generating facilities were interconnected before July 1, 2019, may continue to participate in net energy metering pursuant to this section for a period not to exceed 25 years from the date of their renewable energy generating facility's original interconnection.

B. For the purpose of this section:

"Eligible agricultural customer-generator" means a customer that operates a renewable energy generating facility as part of an agricultural business, which generating facility (i) uses as its sole energy source solar power, wind power, or aerobic or anaerobic digester gas, (ii) does not have an aggregate generation capacity of more than 500 kilowatts, (iii) is located on land owned or controlled by the agricultural business, (iv) is connected to the customer's wiring on the customer's

side of its interconnection with the distributor; (v) is interconnected and operated in parallel with an electric company's transmission and distribution facilities, and (vi) is used primarily to provide energy to metered accounts of the agricultural business. An eligible agricultural customer-generator may be served by multiple meters *servicing the eligible agricultural customer-generator* that are located at ~~separate but contiguous~~ *the same or adjacent* sites, such that the eligible agricultural customer-generator may aggregate in a single account the electricity consumption and generation measured by the meters, provided that the same utility serves all such meters. The aggregated load shall be served under the appropriate tariff.

"Eligible customer-generator" means a customer that owns and operates, or contracts with other persons to own, operate, or both, an electrical generating facility that (i) has a capacity of not more than ~~20~~ 25 kilowatts for residential customers and not more than ~~one megawatt~~ *three megawatts* for nonresidential customers ~~on an electrical generating facility placed in service after July 1, 2015~~; (ii) uses as its total source of fuel renewable energy, as defined in § 56-576; (iii) is located on ~~the customer's premises~~ *land owned or leased by the customer* and is connected to the customer's wiring on the customer's side of its interconnection with the distributor; (iv) is interconnected and operated in parallel with an electric company's transmission and distribution facilities; and (v) is intended primarily to offset all or part of the customer's own electricity requirements. In addition to the electrical generating facility size limitations in clause (i), the capacity of any generating facility installed under this section ~~after~~ *between July 1, 2015, and July 1, 2020*, shall not exceed the expected annual energy consumption based on the previous 12 months of billing history or an annualized calculation of billing history if 12 months of billing history is not available. *In addition to the electrical generating facility size limitation in clause (i), in the certificated service territory of a Phase I Utility, the capacity of any generating facility installed under this section after July 1, 2020, shall not exceed 100 percent of the expected annual energy consumption based on the previous 12 months of billing history or an annualized calculation of billing history if 12 months of billing history is not available, and in the certificated service territory of a Phase II Utility, the capacity of any generating facility installed under this section after July 1, 2020, shall not exceed 150 percent of the expected annual energy consumption based on the previous 12 months of billing history or an annualized calculation of billing history if 12 months of billing history is not available.*

"Net energy metering" means measuring the difference, over the net metering period, between (i) electricity supplied to an eligible customer-generator or eligible agricultural customer-generator from the electric grid and (ii) the electricity generated and fed back to the electric grid by the eligible customer-generator or eligible agricultural customer-generator.

"Net metering period" means the 12-month period following the date of final interconnection of the eligible customer-generator's or eligible agricultural customer-generator's system with an electric service provider, and each 12-month period thereafter.

"Small agricultural generator" has the same meaning that is ascribed to that term in § 56-594.2.

C. The Commission's regulations shall ensure that (i) the metering equipment installed for net metering shall be capable of measuring the flow of electricity in two directions and (ii) any eligible customer-generator seeking to participate in net energy metering shall notify its supplier and receive approval to interconnect prior to installation of an electrical generating facility. The electric distribution company shall have 30 days from the date of notification for residential facilities, and 60 days from the date of notification for nonresidential facilities, to determine whether the interconnection requirements have been met. Such regulations shall allocate fairly the cost of such equipment and any necessary interconnection. An eligible customer-generator's electrical generating system, and each electrical generating system of an eligible agricultural customer-generator, shall meet all applicable safety and performance standards established by the National Electrical Code, the Institute of Electrical and Electronics Engineers, and accredited testing laboratories such as Underwriters Laboratories. Beyond the requirements set forth in this section and to ensure public safety, power quality, and reliability of the supplier's electric distribution system, an eligible customer-generator or eligible agricultural customer-generator whose electrical generating system meets those standards and rules shall bear all reasonable costs of equipment required for the interconnection to the supplier's electric distribution system, including costs, if any, to (a) install additional controls, (b) perform or pay for additional tests, and (c) purchase additional liability insurance.

D. The Commission shall establish minimum requirements for contracts to be entered into by the parties to net metering arrangements. Such requirements shall protect the eligible customer-generator or eligible agricultural customer-generator against discrimination by virtue of its status as an eligible customer-generator or eligible agricultural customer-generator, and permit customers that are served on time-of-use tariffs that have electricity supply demand charges contained within the electricity supply portion of the time-of-use tariffs to participate as an eligible customer-generator or eligible agricultural customer-generator. Notwithstanding the cost allocation provisions of subsection C, eligible customer-generators or eligible agricultural customer-generators served on demand charge-based time-of-use tariffs shall bear the incremental metering costs required to net meter such customers.

E. If electricity generated by an eligible customer-generator or eligible agricultural customer-generator over the net metering period exceeds the electricity consumed by the eligible customer-generator or eligible agricultural customer-generator, the customer-generator or eligible agricultural customer-generator shall be compensated for the excess electricity if the entity contracting to receive such electric energy and the eligible customer-generator or eligible agricultural customer-generator enter into a power purchase agreement for such excess electricity. Upon the written request of the eligible customer-generator or eligible agricultural customer-generator, the supplier that serves the eligible customer-generator or eligible agricultural customer-generator shall enter into a power purchase agreement with the requesting eligible customer-generator or eligible agricultural customer-generator that is consistent with the minimum requirements for contracts established by the Commission pursuant to subsection D. The power purchase agreement shall

obligate the supplier to purchase such excess electricity at the rate that is provided for such purchases in a net metering standard contract or tariff approved by the Commission, unless the parties agree to a higher rate. The eligible customer-generator or eligible agricultural customer-generator owns any renewable energy certificates associated with its electrical generating facility; however, at the time that the eligible customer-generator or eligible agricultural customer-generator enters into a power purchase agreement with its supplier, the eligible customer-generator or eligible agricultural customer-generator shall have a one-time option to sell the renewable energy certificates associated with such electrical generating facility to its supplier and be compensated at an amount that is established by the Commission to reflect the value of such renewable energy certificates. Nothing in this section shall prevent the eligible customer-generator or eligible agricultural customer-generator and the supplier from voluntarily entering into an agreement for the sale and purchase of excess electricity or renewable energy certificates at mutually-agreed upon prices if the eligible customer-generator or eligible agricultural customer-generator does not exercise its option to sell its renewable energy certificates to its supplier at Commission-approved prices at the time that the eligible customer-generator or eligible agricultural customer-generator enters into a power purchase agreement with its supplier. All costs incurred by the supplier to purchase excess electricity and renewable energy certificates from eligible customer-generators or eligible agricultural customer-generators shall be recoverable through its Renewable Energy Portfolio Standard (RPS) rate adjustment clause, if the supplier has a Commission-approved RPS plan. If not, then all costs shall be recoverable through the supplier's fuel adjustment clause. For purposes of this section, "all costs" shall be defined as the rates paid to the eligible customer-generator or eligible agricultural customer-generator for the purchase of excess electricity and renewable energy certificates and any administrative costs incurred to manage the eligible customer-generator's or eligible agricultural customer-generator's power purchase arrangements. The net metering standard contract or tariff shall be available to eligible customer-generators or eligible agricultural customer-generators on a first-come, first-served basis in each electric distribution company's Virginia service area until the rated generating capacity owned and operated by eligible customer-generators, eligible agricultural customer-generators, and small agricultural generators in the Commonwealth reaches ~~one~~ six percent, in the aggregate, five percent of which is available to all customers and one percent of which is available only to low-income utility customers of each electric distribution company's adjusted Virginia peak-load forecast for the previous year (the systemwide cap), and shall require the supplier to pay the eligible customer-generator or eligible agricultural customer-generator for such excess electricity in a timely manner at a rate to be established by the Commission.

On and after the earlier of (i) 2024 for a Phase I Utility or 2025 for a Phase II Utility or (ii) when the aggregate rated generating capacity owned and operated by eligible customer-generators, eligible agricultural customer-generators, and small agricultural generators in the Commonwealth reaches three percent of a Phase I or Phase II Utility's adjusted Virginia peak-load forecast for the previous year, the Commission shall conduct a net energy metering proceeding.

In any net energy metering proceeding, the Commission shall, after notice and opportunity for hearing, evaluate and establish (a) an amount customers shall pay on their utility bills each month for the costs of using the utility's infrastructure; (b) an amount the utility shall pay to appropriately compensate the customer, as determined by the Commission, for the total benefits such facilities provide; (c) the direct and indirect economic impact of net metering to the Commonwealth; and (d) any other information the Commission deems relevant. The Commission shall establish an appropriate rate structure related thereto, which shall govern compensation related to all eligible customer-generators, eligible agricultural customer-generators, and small agricultural generators, except low-income utility customers, that interconnect after the effective date established in the Commission's final order. Nothing in the Commission's final order shall affect any eligible customer-generators, eligible agricultural customer-generators, and small agricultural generators who interconnect before the effective date of such final order. As part of the net energy metering proceeding, the Commission shall evaluate the six percent aggregate net metering cap and may, if appropriate, raise or remove such cap. The Commission shall enter its final order in such a proceeding no later than 12 months after it commences such proceeding, and such final order shall establish a date by which the new terms and conditions shall apply for interconnection and shall also provide that, if the terms and conditions of compensation in the final order differ from the terms and conditions available to customers before the proceeding, low-income utility customers may interconnect under whichever terms are most favorable to them.

F. Any residential eligible customer-generator or eligible agricultural customer-generator, in the service territory of a Phase II Utility who owns and operates, or contracts with other persons to own, operate, or both, an electrical generating facility with a capacity that exceeds ~~40~~ 15 kilowatts shall pay to its supplier, in addition to any other charges authorized by law, a monthly standby charge. The amount of the standby charge and the terms and conditions under which it is assessed shall be in accordance with a methodology developed by the supplier and approved by the Commission. The Commission shall approve a supplier's proposed standby charge methodology if it finds that the standby charges collected from all such eligible customer-generators and eligible agricultural customer-generators allow the supplier to recover only the portion of the supplier's infrastructure costs that are properly associated with serving such eligible customer-generators or eligible agricultural customer-generators. Such an eligible customer-generator or eligible agricultural customer-generator shall not be liable for a standby charge until the date specified in an order of the Commission approving its supplier's methodology. *For customers of all other investor-owned utilities, on and after July 1, 2020, standby charges are prohibited for any residential eligible customer-generator or agricultural customer-generator.*

G. On and after the later of July 1, 2019, or the effective date of regulations that the Commission is required to adopt pursuant to § 56-594.01, (i) net energy metering in the service territory of each electric cooperative shall be conducted as

provided in a program implemented pursuant to § 56-594.01 and (ii) the provisions of this section shall not apply to net energy metering in the service territory of an electric cooperative except as provided in § 56-594.01.

H. The Commission may adopt such rules or establish such guidelines as may be necessary for its general administration of this section.

I. When the Commission conducts a net energy metering proceeding, it shall:

1. Investigate and determine the costs and benefits of the current net energy metering program;
2. Establish an appropriate netting measurement interval for a successor tariff that is just and reasonable in light of the costs and benefits of the net metering program in aggregate, and applicable to new requests for net energy metering service; and

3. Determine a specific avoided cost for customer-generators, the different type of customer-generator technologies where the Commission deems it appropriate, and establish the methodology for determining the compensation rate for any net excess generation determined according to the applicable net measurement interval for any new tariff.

J. In evaluating the costs and benefits of the net energy metering program, the Commission shall consider:

1. The aggregate impact of customer-generators on the electric utility's long-run marginal costs of generation, distribution, and transmission;

2. The cost of service implications of customer-generators on other customers within the same class, including an evaluation of whether customer-generators provide an adequate rate of return to the electrical utility compared to the otherwise applicable rate class when, for analytical purposes only, examined as a separate class within a cost of service study;

3. The direct and indirect economic impact of the net energy metering program to the Commonwealth; and

4. Any other information it deems relevant, including environmental and resilience benefits of customer-generator facilities.

K. Notwithstanding the provisions of this section, § 56-585.1:8, or any other provision of law to the contrary, any locality that is a nonjurisdictional customer of a Phase II Utility, as defined in § 56-585.1:3, and is in Planning District Eight with a population greater than 1 million may (i) install solar-powered or wind-powered electric generation facilities with a rated capacity not exceeding five megawatts, whether the facilities are owned by the locality or owned and operated by a third party pursuant to a contract with the locality, on any locality-owned site within the locality and (ii) credit the electricity generated at any such facility as directed by the governing body of the locality to any one or more of the metered accounts of buildings or other facilities of the locality or the locality's public school division that are located within the locality, without regard to whether the buildings and facilities are located at the same site where the electric generation facility is located or at a site contiguous thereto. The amount of the credit for such electricity to the metered accounts of the locality or its public school division shall be identical, with respect to the rate structure, all retail rate components, and monthly charges, to the amount the locality or public school division would otherwise be charged for such amount of electricity under its contract with the public utility, without the assessment by the public utility of any distribution charges, service charges, or fees in connection with or arising out of such crediting.

§ 67-102. Commonwealth Energy Policy.

A. To achieve the objectives enumerated in § 67-101, it shall be the policy of the Commonwealth to:

1. Support research and development of, and promote the use of, renewable energy sources;

2. Ensure that the combination of energy supplies and energy-saving systems are sufficient to support the demands of economic growth;

3. Promote research and development of clean coal technologies, including but not limited to integrated gasification combined cycle systems;

4. Promote cost-effective conservation of energy and fuel supplies;

5. Ensure the availability of affordable natural gas throughout the Commonwealth by expanding Virginia's natural gas distribution and transmission pipeline infrastructure; developing coalbed methane gas resources and methane hydrate resources; encouraging the productive use of landfill gas; and siting one or more liquefied natural gas terminals;

6. Promote the generation of electricity through technologies that do not contribute to greenhouse gases and global warming;

7. Facilitate the development of new, and the expansion of existing, petroleum refining facilities within the Commonwealth;

8. Promote the use of motor vehicles that utilize alternate fuels and are highly energy efficient;

9. Support efforts to reduce the demand for imported petroleum by developing alternative technologies, including but not limited to the production of synthetic and hydrogen-based fuels, and the infrastructure required for the widespread implementation of such technologies;

10. Promote the sustainable production and use of biofuels produced from silvicultural and agricultural crops grown in the Commonwealth, and support the delivery infrastructure needed for statewide distribution to consumers;

11. Ensure that development of new, or expansion of existing, energy resources or facilities does not have a disproportionate adverse impact on economically disadvantaged or minority communities; ~~and~~

12. Ensure that energy generation and delivery systems that may be approved for development in the Commonwealth, including liquefied natural gas and related delivery and storage systems, should be located so as to minimize impacts to pristine natural areas and other significant onshore natural resources, and as near to compatible development as possible; *and*

13. Support the distributed generation of renewable electricity by:

- a. Encouraging private sector investments in distributed renewable energy;
- b. Increasing the security of the electricity grid by supporting distributed renewable energy projects with the potential to supply electric energy to critical facilities during a widespread power outage; and
- c. Augmenting the exercise of private property rights by landowners desiring to generate their own energy from renewable energy sources on their lands.

B. The elements of the policy set forth in subsection A shall be referred to collectively in this title as the Commonwealth Energy Policy.

C. All agencies and political subdivisions of the Commonwealth, in taking discretionary action with regard to energy issues, shall recognize the elements of the Commonwealth Energy Policy and where appropriate, shall act in a manner consistent therewith.

D. The Commonwealth Energy Policy is intended to provide guidance to the agencies and political subdivisions of the Commonwealth in taking discretionary action with regard to energy issues, and shall not be construed to amend, repeal, or override any contrary provision of applicable law. The failure or refusal of any person to recognize the elements of the Commonwealth Energy Policy, to act in a manner consistent with the Commonwealth Energy Policy, or to take any other action whatsoever, shall not create any right, action, or cause of action or provide standing for any person to challenge the action of the Commonwealth or any of its agencies or political subdivisions.

2. That § 1 of the first enactment of Chapters 358 and 382 of the Acts of Assembly of 2013, as amended by Chapter 803 of the Acts of Assembly of 2017, is amended and reenacted as follows:

§ 1. That the State Corporation Commission (Commission) shall conduct pilot programs under which a person that owns or operates a solar-powered or wind-powered electricity generation facility located on premises owned or leased by an eligible customer-generator, as defined in § 56-594 of the Code of Virginia, shall be permitted to sell the electricity generated from such facility exclusively to such eligible customer-generator under a power purchase agreement used to provide third party financing of the costs of such a renewable generation facility (third party power purchase agreement), subject to the following terms, conditions, and restrictions:

a. ~~Notwithstanding subsection G of § 56-580 of the Code of Virginia or any other provision of law, a pilot program shall be conducted within the certificated service territory of each investor-owned electric utility other than a utility described in subsection G of § 56-580 of the Code of Virginia ("Pilot Utility"); provided that within the certificated service territory of an investor-owned utility that was not bound by a rate case settlement adopted by the Commission that extended in its application beyond January 1, 2002, nonprofit, private institutions of higher education as defined in § 23.1-100 of the Code of Virginia that are not being served by generation provided under subdivision A 5 of § 56-577 of the Code of Virginia shall be deemed to be customer-generators eligible to participate in the pilot program;~~

b. The aggregated capacity of all generation facilities that are subject to such third party power purchase agreements at any time during the pilot program shall not exceed ~~50~~ 500 megawatts for Virginia jurisdictional customers and 500 megawatts for Virginia nonjurisdictional customers for an investor-owned utility that was bound by a rate case settlement adopted by the Commission that extended in its application beyond January 1, 2002, or ~~seven~~ 40 megawatts for an investor-owned utility that was not bound by a rate case settlement adopted by the Commission that extended in its application beyond January 1, 2002. Such limitation on the aggregated capacity of such facilities shall constitute a portion of the existing limit of ~~one~~ six percent of each Pilot Utility's adjusted Virginia peak-load forecast for the previous year that is available to eligible customer-generators pursuant to subsection E of § 56-594 of the Code of Virginia. Notwithstanding any provision of this act that incorporates provisions of § 56-594, the seller and the customer shall elect either to (i) enter into their third party power purchase agreement subject to the conditions and provisions of the Pilot Utility's net energy metering program under § 56-594 or (ii) provide that electricity generated from the generation facilities subject to the third party power purchase agreement will not be net metered under § 56-594, provided that an election not to net meter under § 56-594 shall not exempt the third party power purchase agreement and the parties thereto from the requirements of this act that incorporate provisions of § 56-594;

c. A solar-powered or wind-powered generation facility with a capacity of no less than 50 kilowatts and no more than ~~one megawatt~~ three megawatts shall be eligible for a third party power purchase agreement under ~~the~~ a pilot program; however, if the customer under such agreement is an entity with tax-exempt status in accordance with § 501(c) of the Internal Revenue Code of 1954, as amended, then such facility is eligible for the pilot program even if it does not meet the 50 kilowatts minimum size requirement. The maximum generation capacity of ~~one megawatt~~ three megawatts shall not affect the limits on the capacity of electrical generating capacities of ~~20~~ 25 kilowatts for residential customers and ~~500 kilowatts~~ three megawatts for nonresidential customers set forth in subsection B of § 56-594 of the Code of Virginia, which limitations shall continue to apply to net energy metering generation facilities regardless of whether they are the subject of a third party power purchase agreement under the pilot program;

d. A generation facility that is the subject of a third party power purchase agreement under the pilot program shall serve only one customer, and a third party power purchase agreement shall not serve multiple customers;

e. The customer under a third party power purchase agreement under the pilot program shall be subject to the interconnection and other requirements imposed on eligible customer-generators pursuant to subsection C of § 56-594 of the Code of Virginia, including the requirement that the customer bear the reasonable costs, as determined by the Commission, of the items described in clauses (i), (ii), and (iii) of such subsection;

f. A third party power purchase agreement under the pilot program shall not be valid unless it conforms in all respects to the requirements of the pilot program conducted under the provisions of this act and unless the Commission and the Pilot Utility are provided written notice of the parties' intent to enter into a third party power purchase agreement not less than 30 days prior to the agreement's proposed effective date; and

g. An affiliate of the Pilot Utility shall be permitted to offer and enter into third party power purchase arrangements on the same basis as may any other person that satisfies the requirements of being a seller under a third party power purchase agreement under the pilot program.

CHAPTER 1190

An Act to amend and reenact §§ 56-265.1, 56-585.1, 56-585.1:4, 56-598, and 56-599 of the Code of Virginia and to amend and reenact the fourteenth enactment of Chapter 296 of the Acts of Assembly of 2018, relating to public utilities; energy storage capacity in the Commonwealth.

[S 632]

Approved April 11, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 56-265.1, 56-585.1, 56-585.1:4, 56-598, and 56-599 of the Code of Virginia are amended and reenacted as follows:

§ 56-265.1. Definitions.

In this chapter, the following terms shall have the following meanings:

(a) "Company" means a corporation, a limited liability company, an individual, a partnership, an association, a joint-stock company, a business trust, a cooperative, or an organized group of persons, whether incorporated or not; or any receiver, trustee or other liquidating agent of any of the foregoing in his capacity as such; but not a municipal corporation or a county, unless such municipal corporation or county has obtained a certificate pursuant to § 56-265.4:4.

(b) "Public utility" means any company that owns or operates facilities within the Commonwealth of Virginia for the generation, transmission, ~~storage,~~ or distribution of electric energy for sale, for the production, storage, transmission, or distribution, otherwise than in enclosed portable containers, of natural or manufactured gas or geothermal resources for sale for heat, light or power, or for the furnishing of telephone service, sewerage facilities or water. ~~As used in this definition, A "public utility" may own a facility for the storage of electric energy for sale that includes one or more pumped hydroelectricity generation and storage facilities located in the coalfield region of Virginia as described in § 15.2-6002.~~ However, the term "public utility" does not include any of the following:

(1) Except as otherwise provided in § 56-265.3:1, any company furnishing sewerage facilities, geothermal resources or water to less than 50 customers. Any company furnishing water or sewer services to 10 or more customers and excluded by this subdivision from the definition of "public utility" for purposes of this chapter nevertheless shall not abandon the water or sewer services unless and until approval is granted by the Commission or all the customers receiving such services agree to accept ownership of the company.

(2) Any company generating and distributing electric energy exclusively for its own consumption.

(3) Any company (A) which furnishes electric service together with heating and cooling services, generated at a central plant installed on the premises to be served, to the tenants of a building or buildings located on a single tract of land undivided by any publicly maintained highway, street or road at the time of installation of the central plant, and (B) which does not charge separately or by meter for electric energy used by any tenant except as part of a rental charge. Any company excluded by this subdivision from the definition of "public utility" for the purposes of this chapter nevertheless shall, within 30 days following the issuance of a building permit, notify the State Corporation Commission in writing of the ownership, capacity and location of such central plant, and it shall be subject, with regard to the quality of electric service furnished, to the provisions of Chapters 10 (§ 56-232 et seq.) and 17 (§ 56-509 et seq.) and regulations thereunder and be deemed a public utility for such purposes, if such company furnishes such service to 100 or more lessees.

(4) Any company, or affiliate thereof, making a first or direct sale, or ancillary transmission or delivery service, of natural or manufactured gas to fewer than 35 commercial or industrial customers, which are not themselves "public utilities" as defined in this chapter, or to certain public schools as indicated in this subdivision, for use solely by such purchasing customers at facilities which are not located in a territory for which a certificate to provide gas service has been issued by the Commission under this chapter and which, at the time of the Commission's receipt of the notice provided under § 56-265.4:5, are not located within any area, territory, or jurisdiction served by a municipal corporation that provided gas distribution service as of January 1, 1992, provided that such company shall comply with the provisions of § 56-265.4:5. Direct sales or ancillary transmission or delivery services of natural gas to public schools in the following localities may be made without regard to the number of schools involved and shall not count against the "fewer than 35" requirement in this subdivision: the Counties of Dickenson, Wise, Russell, and Buchanan, and the City of Norton.

(5) Any company which is not a public service corporation and which provides compressed natural gas service at retail for the public.

(6) Any company selling landfill gas from a solid waste management facility permitted by the Department of Environmental Quality to a public utility certificated by the Commission to provide gas distribution service to the public in

the area in which the solid waste management facility is located. If such company submits to the public utility a written offer for sale of such gas and the public utility does not agree within 60 days to purchase such gas on mutually satisfactory terms, then the company may sell such gas to (i) any facility owned and operated by the Commonwealth which is located within three miles of the solid waste management facility or (ii) any purchaser after such landfill gas has been liquefied. The provisions of this subdivision shall not apply to the City of Lynchburg or Fairfax County.

(7) Any authority created pursuant to the Virginia Water and Waste Authorities Act (§ 15.2-5100 et seq.) making a sale or ancillary transmission or delivery service of landfill gas to a commercial or industrial customer from a solid waste management facility permitted by the Department of Environmental Quality and operated by that same authority, if such an authority limits off-premises sale, transmission or delivery service of landfill gas to no more than one purchaser. The authority may contract with other persons for the construction and operation of facilities necessary or convenient to the sale, transmission or delivery of landfill gas, and no such person shall be deemed a public utility solely by reason of its construction or operation of such facilities. If the purchaser of the landfill gas is located within the certificated service territory of a natural gas public utility, the public utility may file for Commission approval a proposed tariff to reflect any anticipated or known changes in service to the purchaser as a result of the use of landfill gas. No such tariff shall impose on the purchaser of the landfill gas terms less favorable than similarly situated customers with alternative fuel capabilities; provided, however, that such tariff may impose such requirements as are reasonably calculated to recover the cost of such service and to protect and ensure the safety and integrity of the public utility's facilities.

(8) A company selling or delivering only landfill gas, electricity generated from only landfill gas, or both, that is derived from a solid waste management facility permitted by the Department of Environmental Quality and sold or delivered from any such facility to not more than three commercial or industrial purchasers or to a natural gas or electric public utility, municipal corporation or county as authorized by this section. If a purchaser of the landfill gas is located within the certificated service territory of a natural gas public utility or within an area in which a municipal corporation provides gas distribution service and the landfill gas is to be used in facilities constructed after January 1, 2000, such company shall submit to such public utility or municipal corporation a written offer for sale of that gas prior to offering the gas for sale or delivery to a commercial or industrial purchaser. If the public utility or municipal corporation does not agree within 60 days following the date of the offer to purchase such landfill gas on mutually satisfactory terms, then the company shall be authorized to sell such landfill gas, electricity, or both, to the commercial or industrial purchaser, utility, municipal corporation, or county. Such public utility may file for Commission approval a proposed tariff to reflect any anticipated or known changes in service to the purchaser as a result of the purchaser's use of the landfill gas. No such tariff shall impose on such purchaser of the landfill gas terms less favorable than those imposed on similarly situated customers with alternative fuel capabilities; provided, however, that such tariff may impose such requirements as are reasonably calculated to recover any cost of such service and to protect and ensure the safety and integrity of the public utility's facilities.

(9) A company that is not organized as a public service company pursuant to subsection D of § 13.1-620 and that sells and delivers propane air only to one or more public utilities. Any company excluded by this subdivision from the definition of "public utility" for the purposes of this chapter nevertheless shall be subject to the Commission's jurisdiction relating to gas pipeline safety and enforcement.

(10) A farm or aggregation of farms that owns and operates facilities within the Commonwealth for the generation of electric energy from waste-to-energy technology. As used in this subdivision, (i) "farm" means any person that obtains at least 51 percent of its annual gross income from agricultural operations and produces the agricultural waste used as feedstock for the waste-to-energy technology, (ii) "agricultural waste" means biomass waste materials capable of decomposition that are produced from the raising of plants and animals during agricultural operations, including animal manures, bedding, plant stalks, hulls, and vegetable matter, and (iii) "waste-to-energy technology" means any technology, including ~~but not limited to~~ a methane digester, that converts agricultural waste into gas, steam, or heat that is used to generate electricity on-site.

(11) A company, other than an entity organized as a public service company, that provides non-utility gas service as provided in § 56-265.4:6.

(12) A company, other than an entity organized as a public service company, that provides storage of electric energy that is not for sale to the public.

(c) "Commission" means the State Corporation Commission.

(d) "Geothermal resources" means those resources as defined in § 45.1-179.2.

§ 56-585.1. Generation, distribution, and transmission rates after capped rates terminate or expire.

A. During the first six months of 2009, the Commission shall, after notice and opportunity for hearing, initiate proceedings to review the rates, terms and conditions for the provision of generation, distribution and transmission services of each investor-owned incumbent electric utility. Such proceedings shall be governed by the provisions of Chapter 10 (§ 56-232 et seq.), except as modified herein. In such proceedings the Commission shall determine fair rates of return on common equity applicable to the generation and distribution services of the utility. In so doing, the Commission may use any methodology to determine such return it finds consistent with the public interest, but such return shall not be set lower than the average of the returns on common equity reported to the Securities and Exchange Commission for the three most recent annual periods for which such data are available by not less than a majority, selected by the Commission as specified in subdivision 2 b, of other investor-owned electric utilities in the peer group of the utility, nor shall the Commission set such return more than 300 basis points higher than such average. The peer group of the utility shall be determined in the

manner prescribed in subdivision 2 b. The Commission may increase or decrease such combined rate of return by up to 100 basis points based on the generating plant performance, customer service, and operating efficiency of a utility, as compared to nationally recognized standards determined by the Commission to be appropriate for such purposes. In such a proceeding, the Commission shall determine the rates that the utility may charge until such rates are adjusted. If the Commission finds that the utility's combined rate of return on common equity is more than 50 basis points below the combined rate of return as so determined, it shall be authorized to order increases to the utility's rates necessary to provide the opportunity to fully recover the costs of providing the utility's services and to earn not less than such combined rate of return. If the Commission finds that the utility's combined rate of return on common equity is more than 50 basis points above the combined rate of return as so determined, it shall be authorized either (i) to order reductions to the utility's rates it finds appropriate, provided that the Commission may not order such rate reduction unless it finds that the resulting rates will provide the utility with the opportunity to fully recover its costs of providing its services and to earn not less than the fair rates of return on common equity applicable to the generation and distribution services; or (ii) to direct that 60 percent of the amount of the utility's earnings that were more than 50 basis points above the fair combined rate of return for calendar year 2008 be credited to customers' bills, in which event such credits shall be amortized over a period of six to 12 months, as determined at the discretion of the Commission, following the effective date of the Commission's order and be allocated among customer classes such that the relationship between the specific customer class rates of return to the overall target rate of return will have the same relationship as the last approved allocation of revenues used to design base rates. Commencing in 2011, the Commission, after notice and opportunity for hearing, shall conduct reviews of the rates, terms and conditions for the provision of generation, distribution and transmission services by each investor-owned incumbent electric utility, subject to the following provisions:

1. Rates, terms and conditions for each service shall be reviewed separately on an unbundled basis, and such reviews shall be conducted in a single, combined proceeding. Pursuant to subsection A of § 56-585.1:1, the Commission shall conduct a review for a Phase I Utility in 2020, utilizing the three successive 12-month test periods beginning January 1, 2017, and ending December 31, 2019. Thereafter, reviews for a Phase I Utility will be on a triennial basis with subsequent proceedings utilizing the three successive 12-month test periods ending December 31 immediately preceding the year in which such review proceeding is conducted. Pursuant to subsection A of § 56-585.1:1, the Commission shall conduct a review for a Phase II Utility in 2021, utilizing the four successive 12-month test periods beginning January 1, 2017, and ending December 31, 2020, with subsequent reviews on a triennial basis utilizing the three successive 12-month test periods ending December 31 immediately preceding the year in which such review proceeding is conducted. All such reviews occurring after December 31, 2017, shall be referred to as triennial reviews. For purposes of this section, a Phase I Utility is an investor-owned incumbent electric utility that was, as of July 1, 1999, not bound by a rate case settlement adopted by the Commission that extended in its application beyond January 1, 2002, and a Phase II Utility is an investor-owned incumbent electric utility that was bound by such a settlement.

2. Subject to the provisions of subdivision 6, the fair rate of return on common equity applicable separately to the generation and distribution services of such utility, and for the two such services combined, and for any rate adjustment clauses approved under subdivision 5 or 6, shall be determined by the Commission during each such triennial review, as follows:

a. The Commission may use any methodology to determine such return it finds consistent with the public interest, but such return shall not be set lower than the average of the returns on common equity reported to the Securities and Exchange Commission for the three most recent annual periods for which such data are available by not less than a majority, selected by the Commission as specified in subdivision 2 b, of other investor-owned electric utilities in the peer group of the utility subject to such triennial review, nor shall the Commission set such return more than 300 basis points higher than such average.

b. In selecting such majority of peer group investor-owned electric utilities, the Commission shall first remove from such group the two utilities within such group that have the lowest reported returns of the group, as well as the two utilities within such group that have the highest reported returns of the group, and the Commission shall then select a majority of the utilities remaining in such peer group. In its final order regarding such triennial review, the Commission shall identify the utilities in such peer group it selected for the calculation of such limitation. For purposes of this subdivision, an investor-owned electric utility shall be deemed part of such peer group if (i) its principal operations are conducted in the southeastern United States east of the Mississippi River in either the states of West Virginia or Kentucky or in those states south of Virginia, excluding the state of Tennessee, (ii) it is a vertically-integrated electric utility providing generation, transmission and distribution services whose facilities and operations are subject to state public utility regulation in the state where its principal operations are conducted, (iii) it had a long-term bond rating assigned by Moody's Investors Service of at least Baa at the end of the most recent test period subject to such triennial review, and (iv) it is not an affiliate of the utility subject to such triennial review.

c. The Commission may, consistent with its precedent for incumbent electric utilities prior to the enactment of Chapters 888 and 933 of the Acts of Assembly of 2007, increase or decrease the utility's combined rate of return based on the Commission's consideration of the utility's performance.

d. In any Current Proceeding, the Commission shall determine whether the Current Return has increased, on a percentage basis, above the Initial Return by more than the increase, expressed as a percentage, in the United States Average Consumer Price Index for all items, all urban consumers (CPI-U), as published by the Bureau of Labor Statistics of the

United States Department of Labor, since the date on which the Commission determined the Initial Return. If so, the Commission may conduct an additional analysis of whether it is in the public interest to utilize such Current Return for the Current Proceeding then pending. A finding of whether the Current Return justifies such additional analysis shall be made without regard to any enhanced rate of return on common equity awarded pursuant to the provisions of subdivision 6. Such additional analysis shall include, but not be limited to, a consideration of overall economic conditions, the level of interest rates and cost of capital with respect to business and industry, in general, as well as electric utilities, the current level of inflation and the utility's cost of goods and services, the effect on the utility's ability to provide adequate service and to attract capital if less than the Current Return were utilized for the Current Proceeding then pending, and such other factors as the Commission may deem relevant. If, as a result of such analysis, the Commission finds that use of the Current Return for the Current Proceeding then pending would not be in the public interest, then the lower limit imposed by subdivision 2 a on the return to be determined by the Commission for such utility shall be calculated, for that Current Proceeding only, by increasing the Initial Return by a percentage at least equal to the increase, expressed as a percentage, in the United States Average Consumer Price Index for all items, all urban consumers (CPI-U), as published by the Bureau of Labor Statistics of the United States Department of Labor, since the date on which the Commission determined the Initial Return. For purposes of this subdivision:

"Current Proceeding" means any proceeding conducted under any provisions of this subsection that require or authorize the Commission to determine a fair combined rate of return on common equity for a utility and that will be concluded after the date on which the Commission determined the Initial Return for such utility.

"Current Return" means the minimum fair combined rate of return on common equity required for any Current Proceeding by the limitation regarding a utility's peer group specified in subdivision 2 a.

"Initial Return" means the fair combined rate of return on common equity determined for such utility by the Commission on the first occasion after July 1, 2009, under any provision of this subsection pursuant to the provisions of subdivision 2 a.

e. In addition to other considerations, in setting the return on equity within the range allowed by this section, the Commission shall strive to maintain costs of retail electric energy that are cost competitive with costs of retail electric energy provided by the other peer group investor-owned electric utilities.

f. The determination of such returns shall be made by the Commission on a stand-alone basis, and specifically without regard to any return on common equity or other matters determined with regard to facilities described in subdivision 6.

g. If the combined rate of return on common equity earned by the generation and distribution services is no more than 50 basis points above or below the return as so determined or, for any test period commencing after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, such return is no more than 70 basis points above or below the return as so determined, such combined return shall not be considered either excessive or insufficient, respectively. However, for any test period commencing after December 31, 2012, for a Phase II Utility, and after December 31, 2013, for a Phase I Utility, if the utility has, during the test period or periods under review, earned below the return as so determined, whether or not such combined return is within 70 basis points of the return as so determined, the utility may petition the Commission for approval of an increase in rates in accordance with the provisions of subdivision 8 a as if it had earned more than 70 basis points below a fair combined rate of return, and such proceeding shall otherwise be conducted in accordance with the provisions of this section. The provisions of this subdivision are subject to the provisions of subdivision 8.

h. Any amount of a utility's earnings directed by the Commission to be credited to customers' bills pursuant to this section shall not be considered for the purpose of determining the utility's earnings in any subsequent triennial review.

3. Each such utility shall make a triennial filing by March 31 of every third year, with such filings commencing for a Phase I Utility in 2020, and such filings commencing for a Phase II Utility in 2021, consisting of the schedules contained in the Commission's rules governing utility rate increase applications. Such filing shall encompass the three successive 12-month test periods ending December 31 immediately preceding the year in which such proceeding is conducted, except that the filing for a Phase II Utility in 2021 shall encompass the four successive 12-month test periods ending December 31, 2020, and in every such case the filing for each year shall be identified separately and shall be segregated from any other year encompassed by the filing. If the Commission determines that rates should be revised or credits be applied to customers' bills pursuant to subdivision 8 or 9, any rate adjustment clauses previously implemented related to facilities utilizing simple-cycle combustion turbines described in subdivision 6, shall be combined with the utility's costs, revenues and investments until the amounts that are the subject of such rate adjustment clauses are fully recovered. The Commission shall combine such clauses with the utility's costs, revenues and investments only after it makes its initial determination with regard to necessary rate revisions or credits to customers' bills, and the amounts thereof, but after such clauses are combined as herein specified, they shall thereafter be considered part of the utility's costs, revenues, and investments for the purposes of future triennial review proceedings. In a triennial filing under this subdivision that does not result in an overall rate change a utility may propose an adjustment to one or more tariffs that are revenue neutral to the utility.

4. (Expires December 31, 2023) The following costs incurred by the utility shall be deemed reasonable and prudent: (i) costs for transmission services provided to the utility by the regional transmission entity of which the utility is a member, as determined under applicable rates, terms and conditions approved by the Federal Energy Regulatory Commission; (ii) costs charged to the utility that are associated with demand response programs approved by the Federal Energy Regulatory Commission and administered by the regional transmission entity of which the utility is a member; and

(iii) costs incurred by the utility to construct, operate, and maintain transmission lines and substations installed in order to provide service to a business park. Upon petition of a utility at any time after the expiration or termination of capped rates, but not more than once in any 12-month period, the Commission shall approve a rate adjustment clause under which such costs, including, without limitation, costs for transmission service; charges for new and existing transmission facilities, including costs incurred by the utility to construct, operate, and maintain transmission lines and substations installed in order to provide service to a business park; administrative charges; and ancillary service charges designed to recover transmission costs, shall be recovered on a timely and current basis from customers. Retail rates to recover these costs shall be designed using the appropriate billing determinants in the retail rate schedules.

4. (Effective January 1, 2024) The following costs incurred by the utility shall be deemed reasonable and prudent: (i) costs for transmission services provided to the utility by the regional transmission entity of which the utility is a member, as determined under applicable rates, terms and conditions approved by the Federal Energy Regulatory Commission, and (ii) costs charged to the utility that are associated with demand response programs approved by the Federal Energy Regulatory Commission and administered by the regional transmission entity of which the utility is a member. Upon petition of a utility at any time after the expiration or termination of capped rates, but not more than once in any 12-month period, the Commission shall approve a rate adjustment clause under which such costs, including, without limitation, costs for transmission service, charges for new and existing transmission facilities, administrative charges, and ancillary service charges designed to recover transmission costs, shall be recovered on a timely and current basis from customers. Retail rates to recover these costs shall be designed using the appropriate billing determinants in the retail rate schedules.

5. A utility may at any time, after the expiration or termination of capped rates, but not more than once in any 12-month period, petition the Commission for approval of one or more rate adjustment clauses for the timely and current recovery from customers of the following costs:

a. Incremental costs described in clause (vi) of subsection B of § 56-582 incurred between July 1, 2004, and the expiration or termination of capped rates, if such utility is, as of July 1, 2007, deferring such costs consistent with an order of the Commission entered under clause (vi) of subsection B of § 56-582. The Commission shall approve such a petition allowing the recovery of such costs that comply with the requirements of clause (vi) of subsection B of § 56-582;

b. Projected and actual costs for the utility to design and operate fair and effective peak-shaving programs. The Commission shall approve such a petition if it finds that the program is in the public interest; provided that the Commission shall allow the recovery of such costs as it finds are reasonable;

c. Projected and actual costs for the utility to design, implement, and operate energy efficiency programs, including a margin to be recovered on operating expenses, which margin for the purposes of this section shall be equal to the general rate of return on common equity determined as described in subdivision 2. Any such petition shall include a proposed budget for the design, implementation, and operation of the energy efficiency program. The Commission shall only approve such a petition if it finds that the program is in the public interest. If the Commission determines that an energy efficiency program or portfolio of programs is not in the public interest, its final order shall include all work product and analysis conducted by the Commission's staff in relation to that program that has bearing upon the Commission's determination. Such order shall adhere to existing protocols for extraordinarily sensitive information. As part of such cost recovery, the Commission, if requested by the utility, shall allow for the recovery of revenue reductions related to energy efficiency programs. The Commission shall only allow such recovery to the extent that the Commission determines such revenue has not been recovered through margins from incremental off-system sales as defined in § 56-249.6 that are directly attributable to energy efficiency programs.

None of the costs of new energy efficiency programs of an electric utility, including recovery of revenue reductions, shall be assigned to any large general service customer. A large general service customer is a customer that has a verifiable history of having used more than 500 kilowatts of demand from a single meter of delivery. A utility shall not charge such large general service customer, as defined by the Commission, for the costs of installing energy efficiency equipment beyond what is required to provide electric service and meter such service on the customer's premises if the customer provides, at the customer's expense, equivalent energy efficiency equipment. In all relevant proceedings pursuant to this section, the Commission shall take into consideration the goals of economic development, energy efficiency and environmental protection in the Commonwealth;

d. Projected and actual costs of participation in a renewable energy portfolio standard program pursuant to § 56-585.2 that are not recoverable under subdivision 6. The Commission shall approve such a petition allowing the recovery of such costs as are provided for in a program approved pursuant to § 56-585.2;

e. Projected and actual costs of projects that the Commission finds to be necessary to comply with state or federal environmental laws or regulations applicable to generation facilities used to serve the utility's native load obligations. The Commission shall approve such a petition if it finds that such costs are necessary to comply with such environmental laws or regulations; and

f. Projected and actual costs, not currently in rates, for the utility to design, implement, and operate programs approved by the Commission that accelerate the vegetation management of distribution rights-of-way. No costs shall be allocated to or recovered from customers that are served within the large general service rate classes for a Phase II Utility or that are served at subtransmission or transmission voltage, or take delivery at a substation served from subtransmission or transmission voltage, for a Phase I Utility.

Any rate adjustment clause approved under subdivision 5 c by the Commission shall remain in effect until the utility exhausts the approved budget for the energy efficiency program. The Commission shall have the authority to determine the duration or amortization period for any other rate adjustment clause approved under this subdivision.

6. To ensure the generation and delivery of a reliable and adequate supply of electricity, to meet the utility's projected native load obligations and to promote economic development, a utility may at any time, after the expiration or termination of capped rates, petition the Commission for approval of a rate adjustment clause for recovery on a timely and current basis from customers of the costs of (i) a coal-fueled generation facility that utilizes Virginia coal and is located in the coalfield region of the Commonwealth as described in § 15.2-6002, regardless of whether such facility is located within or without the utility's service territory, (ii) one or more other generation facilities, (iii) one or more major unit modifications of generation facilities, including the costs of any system or equipment upgrade, system or equipment replacement, or other cost reasonably appropriate to extend the combined operating license for or the operating life of one or more generation facilities utilizing nuclear power, (iv) one or more new underground facilities to replace one or more existing overhead distribution facilities of 69 kilovolts or less located within the Commonwealth, (v) one or more pumped hydroelectricity generation and storage facilities that utilize on-site or off-site renewable energy resources as all or a portion of their power source and such facilities and associated resources are located in the coalfield region of the Commonwealth as described in § 15.2-6002, regardless of whether such facility is located within or without the utility's service territory, or (vi) one or more electric distribution grid transformation projects; however, subject to the provisions of the following sentence, the utility shall not file a petition under clause (iv) more often than annually and, in such petition, shall not seek any annual incremental increase in the level of investments associated with such a petition that exceeds five percent of such utility's distribution rate base, as such rate base was determined for the most recently ended 12-month test period in the utility's latest review proceeding conducted pursuant to subdivision 3 and concluded by final order of the Commission prior to the date of filing of such petition under clause (iv). In all proceedings regarding petitions filed under clause (iv) or (vi), the level of investments approved for recovery in such proceedings shall be in addition to, and not in lieu of, levels of investments previously approved for recovery in prior proceedings under clause (iv) or (vi), as applicable. As of December 1, 2028, any costs recovered by a utility pursuant to clause (iv) shall be limited to any remaining costs associated with conversions of overhead distribution facilities to underground facilities that have been previously approved or are pending approval by the Commission through a petition by the utility under this subdivision. Such a petition concerning facilities described in clause (ii) that utilize nuclear power, facilities described in clause (ii) that are coal-fueled and will be built by a Phase I Utility, or facilities described in clause (i) may also be filed before the expiration or termination of capped rates. A utility that constructs or makes modifications to any such facility, or purchases any facility consisting of at least one megawatt of generating capacity using energy derived from sunlight and located in the Commonwealth and that utilizes goods or services sourced, in whole or in part, from one or more Virginia businesses, shall have the right to recover the costs of the facility, as accrued against income, through its rates, including projected construction work in progress, and any associated allowance for funds used during construction, planning, development and construction or acquisition costs, life-cycle costs, costs related to assessing the feasibility of potential sites for new underground facilities, and costs of infrastructure associated therewith, plus, as an incentive to undertake such projects, an enhanced rate of return on common equity calculated as specified below; however, in determining the amounts recoverable under a rate adjustment clause for new underground facilities, the Commission shall not consider, or increase or reduce such amounts recoverable because of (a) the operation and maintenance costs attributable to either the overhead distribution facilities being replaced or the new underground facilities or (b) any other costs attributable to the overhead distribution facilities being replaced. Notwithstanding the preceding sentence, the costs described in clauses (a) and (b) thereof shall remain eligible for recovery from customers through the utility's base rates for distribution service. A utility filing a petition for approval to construct or purchase a facility consisting of at least one megawatt of generating capacity using energy derived from sunlight and located in the Commonwealth and that utilizes goods or services sourced, in whole or in part, from one or more Virginia businesses may propose a rate adjustment clause based on a market index in lieu of a cost of service model for such facility. A utility seeking approval to construct or purchase a generating facility described in clause (i) or (ii) shall demonstrate that it has considered and weighed alternative options, including third-party market alternatives, in its selection process. The costs of the facility, other than return on projected construction work in progress and allowance for funds used during construction, shall not be recovered prior to the date a facility constructed by the utility and described in clause (i), (ii), (iii) or (v) begins commercial operation, the date the utility becomes the owner of a purchased generation facility consisting of at least one megawatt of generating capacity using energy derived from sunlight and located in the Commonwealth and that utilizes goods or services sourced, in whole or in part, from one or more Virginia businesses, or the date new underground facilities are classified by the utility as plant in service.

Such enhanced rate of return on common equity shall be applied to allowance for funds used during construction and to construction work in progress during the construction phase of the facility and shall thereafter be applied to the entire facility during the first portion of the service life of the facility. The first portion of the service life shall be as specified in the table below; however, the Commission shall determine the duration of the first portion of the service life of any facility, within the range specified in the table below, which determination shall be consistent with the public interest and shall reflect the Commission's determinations regarding how critical the facility may be in meeting the energy needs of the citizens of the Commonwealth and the risks involved in the development of the facility. After the first portion of the service life of the facility is concluded, the utility's general rate of return shall be applied to such facility for the remainder of its

service life. As used herein, the service life of the facility shall be deemed to begin on the date a facility constructed by the utility and described in clause (i), (ii), (iii) or (v) begins commercial operation, the date the utility becomes the owner of a purchased generation facility consisting of at least one megawatt of generating capacity using energy derived from sunlight and located in the Commonwealth and that utilizes goods or services sourced, in whole or in part, from one or more Virginia businesses, or the date new underground facilities or new electric distribution grid transformation projects are classified by the utility as plant in service, and such service life shall be deemed equal in years to the life of that facility as used to calculate the utility's depreciation expense. Such enhanced rate of return on common equity shall be calculated by adding the basis points specified in the table below to the utility's general rate of return, and such enhanced rate of return shall apply only to the facility that is the subject of such rate adjustment clause. Allowance for funds used during construction shall be calculated for any such facility utilizing the utility's actual capital structure and overall cost of capital, including an enhanced rate of return on common equity as determined pursuant to this subdivision, until such construction work in progress is included in rates. The construction of any facility described in clause (i) or (v) is in the public interest, and in determining whether to approve such facility, the Commission shall liberally construe the provisions of this title. The construction or purchase by a utility of one or more generation facilities with at least one megawatt of generating capacity, and with an aggregate rated capacity that does not exceed 5,000 megawatts, including rooftop solar installations with a capacity of not less than 50 kilowatts, and with an aggregate capacity of 50 megawatts, that use energy derived from sunlight or from wind and are located in the Commonwealth or off the Commonwealth's Atlantic shoreline, regardless of whether any of such facilities are located within or without the utility's service territory, is in the public interest, and in determining whether to approve such facility, the Commission shall liberally construe the provisions of this title. A utility may enter into short-term or long-term power purchase contracts for the power derived from sunlight generated by such generation facility prior to purchasing the generation facility. The replacement of any subset of a utility's existing overhead distribution tap lines that have, in the aggregate, an average of nine or more total unplanned outage events-per-mile over a preceding 10-year period with new underground facilities in order to improve electric service reliability is in the public interest. In determining whether to approve petitions for rate adjustment clauses for such new underground facilities that meet this criteria, and in determining the level of costs to be recovered thereunder, the Commission shall liberally construe the provisions of this title.

The conversion of any such facilities on or after September 1, 2016, is deemed to provide local and system-wide benefits and to be cost beneficial, and the costs associated with such new underground facilities are deemed to be reasonably and prudently incurred and, notwithstanding the provisions of subsection C or D, shall be approved for recovery by the Commission pursuant to this subdivision, provided that the total costs associated with the replacement of any subset of existing overhead distribution tap lines proposed by the utility with new underground facilities, exclusive of financing costs, shall not exceed an average cost per customer of \$20,000, with such customers, including those served directly by or downline of the tap lines proposed for conversion, and, further, such total costs shall not exceed an average cost per mile of tap lines converted, exclusive of financing costs, of \$750,000. A utility shall, without regard for whether it has petitioned for any rate adjustment clause pursuant to clause (vi), petition the Commission, not more than once annually, for approval of a plan for electric distribution grid transformation projects. Any plan for electric distribution grid transformation projects shall include both measures to facilitate integration of distributed energy resources and measures to enhance physical electric distribution grid reliability and security. In ruling upon such a petition, the Commission shall consider whether the utility's plan for such projects, and the projected costs associated therewith, are reasonable and prudent. Such petition shall be considered on a stand-alone basis without regard to the other costs, revenues, investments, or earnings of the utility; without regard to whether the costs associated with such projects will be recovered through a rate adjustment clause under this subdivision or through the utility's rates for generation and distribution services; and without regard to whether such costs will be the subject of a customer credit offset, as applicable, pursuant to subdivision 8 d. The Commission's final order regarding any such petition for approval of an electric distribution grid transformation plan shall be entered by the Commission not more than six months after the date of filing such petition. The Commission shall likewise enter its final order with respect to any petition by a utility for a certificate to construct and operate a generating facility or facilities utilizing energy derived from sunlight, pursuant to subsection D of § 56-580, within six months after the date of filing such petition. The basis points to be added to the utility's general rate of return to calculate the enhanced rate of return on common equity, and the first portion of that facility's service life to which such enhanced rate of return shall be applied, shall vary by type of facility, as specified in the following table:

Type of Generation Facility	Basis Points	First Portion of Service Life
Nuclear-powered	200	Between 12 and 25 years
Carbon capture compatible, clean-coal powered	200	Between 10 and 20 years
Renewable powered, other than landfill gas powered	200	Between 5 and 15 years
Coalbed methane gas powered	150	Between 5 and 15 years
Landfill gas powered	200	Between 5 and 15 years
Conventional coal or combined-cycle combustion turbine	100	Between 10 and 20 years

For generating facilities other than those utilizing nuclear power constructed pursuant to clause (ii) or those utilizing energy derived from offshore wind, as of July 1, 2013, only those facilities as to which a rate adjustment clause under this subdivision has been previously approved by the Commission, or as to which a petition for approval of such rate adjustment clause was filed with the Commission, on or before January 1, 2013, shall be entitled to the enhanced rate of return on common equity as specified in the above table during the construction phase of the facility and the approved first portion of its service life.

For generating facilities within the Commonwealth utilizing nuclear power or those utilizing energy derived from offshore wind projects located in waters off the Commonwealth's Atlantic shoreline, such facilities shall continue to be eligible for an enhanced rate of return on common equity during the construction phase of the facility and the approved first portion of its service life of between 12 and 25 years in the case of a facility utilizing nuclear power and for a service life of between 5 and 15 years in the case of a facility utilizing energy derived from offshore wind, provided, however, that, as of July 1, 2013, the enhanced return for such facilities constructed pursuant to clause (ii) shall be 100 basis points, which shall be added to the utility's general rate of return as determined under subdivision 2. Thirty percent of all costs of such a facility utilizing nuclear power that the utility incurred between July 1, 2007, and December 31, 2013, and all of such costs incurred after December 31, 2013, may be deferred by the utility and recovered through a rate adjustment clause under this subdivision at such time as the Commission provides in an order approving such a rate adjustment clause. The remaining 70 percent of all costs of such a facility that the utility incurred between July 1, 2007, and December 31, 2013, shall not be deferred for recovery through a rate adjustment clause under this subdivision; however, such remaining 70 percent of all costs shall be recovered ratably through existing base rates as determined by the Commission in the test periods under review in the utility's next review filed after July 1, 2014. Thirty percent of all costs of such a facility utilizing energy derived from offshore wind that the utility incurred between July 1, 2007, and December 31, 2013, and all of such costs incurred after December 31, 2013, may be deferred by the utility and recovered through a rate adjustment clause under this subdivision at such time as the Commission provides in an order approving such a rate adjustment clause. The remaining 70 percent of all costs of such a facility that the utility incurred between July 1, 2007, and December 31, 2013, shall not be deferred for recovery through a rate adjustment clause under this subdivision; however, such remaining 70 percent of all costs shall be recovered ratably through existing base rates as determined by the Commission in the test periods under review in the utility's next review filed after July 1, 2014.

In connection with planning to meet forecasted demand for electric generation supply and assure the adequate and sufficient reliability of service, consistent with § 56-598, planning and development activities for a new nuclear generation facility or facilities are in the public interest.

In connection with planning to meet forecasted demand for electric generation supply and assure the adequate and sufficient reliability of service, consistent with § 56-598, planning and development activities for a new utility-owned and utility-operated generating facility or facilities utilizing energy derived from sunlight or from onshore or offshore wind are in the public interest.

Construction, purchasing, or leasing activities for a new utility-owned and utility-operated generating facility or facilities utilizing energy derived from sunlight or from wind with an aggregate capacity of 5,000 megawatts, including rooftop solar installations with a capacity of not less than 50 kilowatts, and with an aggregate capacity of 50 megawatts, together with a new test or demonstration project for a utility-owned and utility-operated generating facility or facilities utilizing energy derived from offshore wind with an aggregate capacity of not more than 16 megawatts, are in the public interest. *Additionally, energy storage facilities with an aggregate capacity of 2,700 megawatts are in the public interest.* To the extent that a utility elects to recover the costs of any such new generation or energy storage facility or facilities through its rates for generation and distribution services and does not petition and receive approval from the Commission for recovery of such costs through a rate adjustment clause described in clause (ii), the Commission shall, upon the request of the utility in a triennial review proceeding, provide for a customer credit reinvestment offset, as applicable, pursuant to subdivision 8 d with respect to all costs deemed reasonable and prudent by the Commission in a proceeding pursuant to subsection D of § 56-580 or in a triennial review proceeding.

Electric distribution grid transformation projects are in the public interest. To the extent that a utility elects to recover the costs of such electric distribution grid transformation projects through its rates for generation and distribution services, and does not petition and receive approval from the Commission for recovery of such costs through a rate adjustment clause described in clause (vi), the Commission shall, upon the request of the utility in a triennial review proceeding, provide for a customer credit reinvestment offset, as applicable, pursuant to subdivision 8 d with respect to all costs deemed reasonable and prudent by the Commission in a proceeding for approval of a plan for electric distribution grid transformation projects pursuant to subdivision 6 or in a triennial review proceeding.

Neither generation facilities described in clause (ii) that utilize simple-cycle combustion turbines nor new underground facilities shall receive an enhanced rate of return on common equity as described herein, but instead shall receive the utility's general rate of return during the construction phase of the facility and, thereafter, for the entire service life of the facility. No rate adjustment clause for new underground facilities shall allocate costs to, or provide for the recovery of costs from, customers that are served within the large power service rate class for a Phase I Utility and the large general service rate classes for a Phase II Utility. New underground facilities are hereby declared to be ordinary extensions or improvements in the usual course of business under the provisions of § 56-265.2.

As used in this subdivision, a generation facility is (1) "coalbed methane gas powered" if the facility is fired at least 50 percent by coalbed methane gas, as such term is defined in § 45.1-361.1, produced from wells located in the Commonwealth, and (2) "landfill gas powered" if the facility is fired by methane or other combustible gas produced by the anaerobic digestion or decomposition of biodegradable materials in a solid waste management facility licensed by the Waste Management Board. A landfill gas powered facility includes, in addition to the generation facility itself, the equipment used in collecting, drying, treating, and compressing the landfill gas and in transmitting the landfill gas from the solid waste management facility where it is collected to the generation facility where it is combusted.

For purposes of this subdivision, "general rate of return" means the fair combined rate of return on common equity as it is determined by the Commission for such utility pursuant to subdivision 2.

Notwithstanding any other provision of this subdivision, if the Commission finds during the triennial review conducted for a Phase II Utility in 2021 that such utility has not filed applications for all necessary federal and state regulatory approvals to construct one or more nuclear-powered or coal-fueled generation facilities that would add a total capacity of at least 1500 megawatts to the amount of the utility's generating resources as such resources existed on July 1, 2007, or that, if all such approvals have been received, that the utility has not made reasonable and good faith efforts to construct one or more such facilities that will provide such additional total capacity within a reasonable time after obtaining such approvals, then the Commission, if it finds it in the public interest, may reduce on a prospective basis any enhanced rate of return on common equity previously applied to any such facility to no less than the general rate of return for such utility and may apply no less than the utility's general rate of return to any such facility for which the utility seeks approval in the future under this subdivision.

Notwithstanding any other provision of this subdivision, if a Phase II utility obtains approval from the Commission of a rate adjustment clause pursuant to subdivision 6 associated with a test or demonstration project involving a generation facility utilizing energy from offshore wind, and such utility has not, as of July 1, 2023, commenced construction as defined for federal income tax purposes of an offshore wind generation facility or facilities with a minimum aggregate capacity of 250 megawatts, then the Commission, if it finds it in the public interest, may direct that the costs associated with any such rate adjustment clause involving said test or demonstration project shall thereafter no longer be recovered through a rate adjustment clause pursuant to subdivision 6 and shall instead be recovered through the utility's rates for generation and distribution services, with no change in such rates for generation and distribution services as a result of the combination of such costs with the other costs, revenues, and investments included in the utility's rates for generation and distribution services. Any such costs shall remain combined with the utility's other costs, revenues, and investments included in its rates for generation and distribution services until such costs are fully recovered.

7. Any petition filed pursuant to subdivision 4, 5, or 6 shall be considered by the Commission on a stand-alone basis without regard to the other costs, revenues, investments, or earnings of the utility. Any costs incurred by a utility prior to the filing of such petition, or during the consideration thereof by the Commission, that are proposed for recovery in such petition and that are related to subdivision 5 a, or that are related to facilities and projects described in clause (i) of subdivision 6, or that are related to new underground facilities described in clause (iv) of subdivision 6, shall be deferred on the books and records of the utility until the Commission's final order in the matter, or until the implementation of any applicable approved rate adjustment clauses, whichever is later. Except as otherwise provided in subdivision 6, any costs prudently incurred on or after July 1, 2007, by a utility prior to the filing of such petition, or during the consideration thereof by the Commission, that are proposed for recovery in such petition and that are related to facilities and projects described in clause (ii) or clause (iii) of subdivision 6 that utilize nuclear power, or coal-fueled facilities and projects described in clause (ii) of subdivision 6 if such coal-fueled facilities will be built by a Phase I Utility, shall be deferred on the books and records of the utility until the Commission's final order in the matter, or until the implementation of any applicable approved rate adjustment clauses, whichever is later. Any costs prudently incurred after the expiration or termination of capped rates related to other matters described in subdivision 4, 5, or 6 shall be deferred beginning only upon the expiration or termination of capped rates, provided, however, that no provision of this act shall affect the rights of any parties with respect to the rulings of the Federal Energy Regulatory Commission in PJM Interconnection LLC and Virginia Electric and Power Company, 109 F.E.R.C. P 61,012 (2004). A utility shall establish a regulatory asset for regulatory accounting and ratemaking purposes under which it shall defer its operation and maintenance costs incurred in connection with (i) the refueling of any nuclear-powered generating plant and (ii) other work at such plant normally performed during a refueling outage. The utility shall amortize such deferred costs over the refueling cycle, but in no case more than 18 months, beginning with the month in which such plant resumes operation after such refueling. The refueling cycle shall be the applicable period of time between planned refueling outages for such plant. As of January 1, 2014, such amortized costs are a component of base rates, recoverable in base rates only ratably over the refueling cycle rather than when such outages occur, and are the only nuclear refueling costs recoverable in base rates. This provision shall apply to any nuclear-powered generating plant refueling outage commencing after December 31, 2013, and the Commission shall treat the deferred and amortized costs of such regulatory asset as part of the utility's costs for the purpose of proceedings conducted (a) with respect to triennial filings under subdivision 3 made on and after July 1, 2014, and (b) pursuant to § 56-245 or the Commission's rules governing utility rate increase applications as provided in subsection B. This provision shall not be deemed to change or reset base rates.

The Commission's final order regarding any petition filed pursuant to subdivision 4, 5, or 6 shall be entered not more than three months, eight months, and nine months, respectively, after the date of filing of such petition. If such petition is

approved, the order shall direct that the applicable rate adjustment clause be applied to customers' bills not more than 60 days after the date of the order, or upon the expiration or termination of capped rates, whichever is later.

8. In any triennial review proceeding, for the purposes of reviewing earnings on the utility's rates for generation and distribution services, the following utility generation and distribution costs not proposed for recovery under any other subdivision of this subsection, as recorded per books by the utility for financial reporting purposes and accrued against income, shall be attributed to the test periods under review and deemed fully recovered in the period recorded: costs associated with asset impairments related to early retirement determinations made by the utility for utility generation facilities fueled by coal, natural gas, or oil or for automated meter reading electric distribution service meters; costs associated with projects necessary to comply with state or federal environmental laws, regulations, or judicial or administrative orders relating to coal combustion by-product management that the utility does not petition to recover through a rate adjustment clause pursuant to subdivision 5 e; costs associated with severe weather events; and costs associated with natural disasters. Such costs shall be deemed to have been recovered from customers through rates for generation and distribution services in effect during the test periods under review unless such costs, individually or in the aggregate, together with the utility's other costs, revenues, and investments to be recovered through rates for generation and distribution services, result in the utility's earned return on its generation and distribution services for the combined test periods under review to fall more than 50 basis points below the fair combined rate of return authorized under subdivision 2 for such periods or, for any test period commencing after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, to fall more than 70 basis points below the fair combined rate of return authorized under subdivision 2 for such periods. In such cases, the Commission shall, in such triennial review proceeding, authorize deferred recovery of such costs and allow the utility to amortize and recover such deferred costs over future periods as determined by the Commission. The aggregate amount of such deferred costs shall not exceed an amount that would, together with the utility's other costs, revenues, and investments to be recovered through rates for generation and distribution services, cause the utility's earned return on its generation and distribution services to exceed the fair rate of return authorized under subdivision 2, less 50 basis points, for the combined test periods under review or, for any test period commencing after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, to exceed the fair rate of return authorized under subdivision 2 less 70 basis points. Nothing in this section shall limit the Commission's authority, pursuant to the provisions of Chapter 10 (§ 56-232 et seq.), including specifically § 56-235.2, following the review of combined test period earnings of the utility in a triennial review, for normalization of nonrecurring test period costs and annualized adjustments for future costs, in determining any appropriate increase or decrease in the utility's rates for generation and distribution services pursuant to subdivision 8 a or 8 c.

If the Commission determines as a result of such triennial review that:

a. The utility has, during the test period or periods under review, considered as a whole, earned more than 50 basis points below a fair combined rate of return on its generation and distribution services or, for any test period commencing after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, more than 70 basis points below a fair combined rate of return on its generation and distribution services, as determined in subdivision 2, without regard to any return on common equity or other matters determined with respect to facilities described in subdivision 6, the Commission shall order increases to the utility's rates necessary to provide the opportunity to fully recover the costs of providing the utility's services and to earn not less than such fair combined rate of return, using the most recently ended 12-month test period as the basis for determining the amount of the rate increase necessary. However, in the first triennial review proceeding conducted after January 1, 2021, for a Phase II Utility, the Commission may not order a rate increase, and in all triennial reviews of a Phase I or Phase II utility, the Commission may not order such rate increase unless it finds that the resulting rates are necessary to provide the utility with the opportunity to fully recover its costs of providing its services and to earn not less than a fair combined rate of return on both its generation and distribution services, as determined in subdivision 2, without regard to any return on common equity or other matters determined with respect to facilities described in subdivision 6, using the most recently ended 12-month test period as the basis for determining the permissibility of any rate increase under the standards of this sentence, and the amount thereof; and provided that, solely in connection with making its determination concerning the necessity for such a rate increase or the amount thereof, the Commission shall, in any triennial review proceeding conducted prior to July 1, 2028, exclude from this most recently ended 12-month test period any remaining investment levels associated with a prior customer credit reinvestment offset pursuant to subdivision d.

b. The utility has, during the test period or test periods under review, considered as a whole, earned more than 50 basis points above a fair combined rate of return on its generation and distribution services or, for any test period commencing after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, more than 70 basis points above a fair combined rate of return on its generation and distribution services, as determined in subdivision 2, without regard to any return on common equity or other matters determined with respect to facilities described in subdivision 6, the Commission shall, subject to the provisions of subdivisions 8 d and 9, direct that 60 percent of the amount of such earnings that were more than 50 basis points, or, for any test period commencing after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, that 70 percent of the amount of such earnings that were more than 70 basis points, above such fair combined rate of return for the test period or periods under review, considered as a whole, shall be credited to customers' bills. Any such credits shall be amortized over a period of six to 12 months, as determined at the discretion of the Commission, following the effective date of the Commission's order, and shall be allocated among

customer classes such that the relationship between the specific customer class rates of return to the overall target rate of return will have the same relationship as the last approved allocation of revenues used to design base rates; or

c. In any triennial review proceeding conducted after January 1, 2020, for a Phase I Utility or after January 1, 2021, for a Phase II Utility in which the utility has, during the test period or test periods under review, considered as a whole, earned more than 50 basis points above a fair combined rate of return on its generation and distribution services or, for any test period commencing after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, more than 70 basis points above a fair combined rate of return on its generation and distribution services, as determined in subdivision 2, without regard to any return on common equity or other matter determined with respect to facilities described in subdivision 6, and the combined aggregate level of capital investment that the Commission has approved other than those capital investments that the Commission has approved for recovery pursuant to a rate adjustment clause pursuant to subdivision 6 made by the utility during the test periods under review in that triennial review proceeding in new utility-owned generation facilities utilizing energy derived from sunlight, or from wind, and in electric distribution grid transformation projects, as determined pursuant to subdivision 8 d, does not equal or exceed 100 percent of the earnings that are more than 70 basis points above the utility's fair combined rate of return on its generation and distribution services for the combined test periods under review in that triennial review proceeding, the Commission shall, subject to the provisions of subdivision 9 and in addition to the actions authorized in subdivision b, also order reductions to the utility's rates it finds appropriate. However, in the first triennial review proceeding conducted after January 1, 2021, for a Phase II Utility, any reduction to the utility's rates ordered by the Commission pursuant to this subdivision shall not exceed \$50 million in annual revenues, with any reduction allocated to the utility's rates for generation services, and in each triennial review of a Phase I or Phase II Utility, the Commission may not order such rate reduction unless it finds that the resulting rates will provide the utility with the opportunity to fully recover its costs of providing its services and to earn not less than a fair combined rate of return on its generation and distribution services, as determined in subdivision 2, without regard to any return on common equity or other matters determined with respect to facilities described in subdivision 6, using the most recently ended 12-month test period as the basis for determining the permissibility of any rate reduction under the standards of this sentence, and the amount thereof; and

d. (Expires July 1, 2028) In any triennial review proceeding conducted after December 31, 2017, upon the request of the utility, the Commission shall determine, prior to directing that 70 percent of earnings that are more than 70 basis points above the utility's fair combined rate of return on its generation and distribution services for the test period or periods under review be credited to customer bills pursuant to subdivision 8 b, the aggregate level of prior capital investment that the Commission has approved other than those capital investments that the Commission has approved for recovery pursuant to a rate adjustment clause pursuant to subdivision 6 made by the utility during the test period or periods under review in both (i) new utility-owned generation facilities utilizing energy derived from sunlight, or from onshore or offshore wind, and (ii) electric distribution grid transformation projects, as determined by the utility's plant in service and construction work in progress balances related to such investments as recorded per books by the utility for financial reporting purposes as of the end of the most recent test period under review. Any such combined capital investment amounts shall offset any customer bill credit amounts, on a dollar for dollar basis, up to the aggregate level of invested or committed capital under clauses (i) and (ii). The aggregate level of qualifying invested or committed capital under clauses (i) and (ii) is referred to in this subdivision as the customer credit reinvestment offset, which offsets the customer bill credit amount that the utility has invested or will invest in new solar or wind generation facilities or electric distribution grid transformation projects for the benefit of customers, in amounts up to 100 percent of earnings that are more than 70 basis points above the utility's fair rate of return on its generation and distribution services, and thereby reduce or eliminate otherwise incremental rate adjustment clause charges and increases to customer bills, which is deemed to be in the public interest. If 100 percent of the amount of earnings that are more than 70 basis points above the utility's fair combined rate of return on its generation and distribution services, as determined in subdivision 2, exceeds the aggregate level of invested capital in new utility-owned generation facilities utilizing energy derived from sunlight, or from wind, and electric distribution grid transformation projects, as provided in clauses (i) and (ii), during the test period or periods under review, then 70 percent of the amount of such excess shall be credited to customer bills as provided in subdivision 8 b in connection with the triennial review proceeding. The portion of any costs associated with new utility-owned generation facilities utilizing energy derived from sunlight, or from wind, or electric distribution grid transformation projects that is the subject of any customer credit reinvestment offset pursuant to this subdivision shall not thereafter be recovered through the utility's rates for generation and distribution services over the service life of such facilities and shall not thereafter be included in the utility's costs, revenues, and investments in future triennial review proceedings conducted pursuant to subdivision 2 and shall not be the subject of a rate adjustment clause petition pursuant to subdivision 6. The portion of any costs associated with new utility-owned generation facilities utilizing energy derived from sunlight, or from wind, or electric distribution grid transformation projects that is not the subject of any customer credit reinvestment offset pursuant to this subdivision may be recovered through the utility's rates for generation and distribution services over the service life of such facilities and shall be included in the utility's costs, revenues, and investments in future triennial review proceedings conducted pursuant to subdivision 2 until such costs are fully recovered, and if such costs are recovered through the utility's rates for generation and distribution services, they shall not be the subject of a rate adjustment clause petition pursuant to subdivision 6. Only the portion of such costs of new utility-owned generation facilities utilizing energy derived from sunlight, or from wind, or electric distribution grid transformation projects that has not been included in any customer credit reinvestment offset pursuant to this subdivision,

and not otherwise recovered through the utility's rates for generation and distribution services, may be the subject of a rate adjustment clause petition by the utility pursuant to subdivision 6.

The Commission's final order regarding such triennial review shall be entered not more than eight months after the date of filing, and any revisions in rates or credits so ordered shall take effect not more than 60 days after the date of the order. The fair combined rate of return on common equity determined pursuant to subdivision 2 in such triennial review shall apply, for purposes of reviewing the utility's earnings on its rates for generation and distribution services, to the entire three successive 12-month test periods ending December 31 immediately preceding the year of the utility's subsequent triennial review filing under subdivision 3 and shall apply to applicable rate adjustment clauses under subdivisions 5 and 6 prospectively from the date the Commission's final order in the triennial review proceeding, utilizing rate adjustment clause true-up protocols as the Commission in its discretion may determine.

9. If, as a result of a triennial review required under this subsection and conducted with respect to any test period or periods under review ending later than December 31, 2010 (or, if the Commission has elected to stagger its biennial reviews of utilities as provided in subdivision 1, under review ending later than December 31, 2010, for a Phase I Utility, or December 31, 2011, for a Phase II Utility), the Commission finds, with respect to such test period or periods considered as a whole, that (i) any utility has, during the test period or periods under review, considered as a whole, earned more than 50 basis points above a fair combined rate of return on its generation and distribution services or, for any test period commencing after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, more than 70 basis points above a fair combined rate of return on its generation and distribution services, as determined in subdivision 2, without regard to any return on common equity or other matters determined with respect to facilities described in subdivision 6, and (ii) the total aggregate regulated rates of such utility at the end of the most recently ended 12-month test period exceeded the annual increases in the United States Average Consumer Price Index for all items, all urban consumers (CPI-U), as published by the Bureau of Labor Statistics of the United States Department of Labor, compounded annually, when compared to the total aggregate regulated rates of such utility as determined pursuant to the review conducted for the base period, the Commission shall, unless it finds that such action is not in the public interest or that the provisions of subdivisions 8 b and c are more consistent with the public interest, direct that any or all earnings for such test period or periods under review, considered as a whole that were more than 50 basis points, or, for any test period commencing after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, more than 70 basis points, above such fair combined rate of return shall be credited to customers' bills, in lieu of the provisions of subdivisions 8 b and c, provided that no credits shall be provided pursuant to this subdivision in connection with any triennial review unless such bill credits would be payable pursuant to the provisions of subdivision 8 d, and any credits under this subdivision shall be calculated net of any customer credit reinvestment offset amounts under subdivision 8 d. Any such credits shall be amortized and allocated among customer classes in the manner provided by subdivision 8 b. For purposes of this subdivision:

"Base period" means (i) the test period ending December 31, 2010 (or, if the Commission has elected to stagger its biennial reviews of utilities as provided in subdivision 1, the test period ending December 31, 2010, for a Phase I Utility, or December 31, 2011, for a Phase II Utility), or (ii) the most recent test period with respect to which credits have been applied to customers' bills under the provisions of this subdivision, whichever is later.

"Total aggregate regulated rates" shall include: (i) fuel tariffs approved pursuant to § 56-249.6, except for any increases in fuel tariffs deferred by the Commission for recovery in periods after December 31, 2010, pursuant to the provisions of clause (ii) of subsection C of § 56-249.6; (ii) rate adjustment clauses implemented pursuant to subdivision 4 or 5; (iii) revisions to the utility's rates pursuant to subdivision 8 a; (iv) revisions to the utility's rates pursuant to the Commission's rules governing utility rate increase applications, as permitted by subsection B, occurring after July 1, 2009; and (v) base rates in effect as of July 1, 2009.

10. For purposes of this section, the Commission shall regulate the rates, terms and conditions of any utility subject to this section on a stand-alone basis utilizing the actual end-of-test period capital structure and cost of capital of such utility, excluding any debt associated with securitized bonds that are the obligation of non-Virginia jurisdictional customers, unless the Commission finds that the debt to equity ratio of such capital structure is unreasonable for such utility, in which case the Commission may utilize a debt to equity ratio that it finds to be reasonable for such utility in determining any rate adjustment pursuant to subdivisions 8 a and c, and without regard to the cost of capital, capital structure, revenues, expenses or investments of any other entity with which such utility may be affiliated. In particular, and without limitation, the Commission shall determine the federal and state income tax costs for any such utility that is part of a publicly traded, consolidated group as follows: (i) such utility's apportioned state income tax costs shall be calculated according to the applicable statutory rate, as if the utility had not filed a consolidated return with its affiliates, and (ii) such utility's federal income tax costs shall be calculated according to the applicable federal income tax rate and shall exclude any consolidated tax liability or benefit adjustments originating from any taxable income or loss of its affiliates.

B. Nothing in this section shall preclude an investor-owned incumbent electric utility from applying for an increase in rates pursuant to § 56-245 or the Commission's rules governing utility rate increase applications; however, in any such filing, a fair rate of return on common equity shall be determined pursuant to subdivision A 2. Nothing in this section shall preclude such utility's recovery of fuel and purchased power costs as provided in § 56-249.6.

C. Except as otherwise provided in this section, the Commission shall exercise authority over the rates, terms and conditions of investor-owned incumbent electric utilities for the provision of generation, transmission and distribution

services to retail customers in the Commonwealth pursuant to the provisions of Chapter 10 (§ 56-232 et seq.), including specifically § 56-235.2.

D. The Commission may determine, during any proceeding authorized or required by this section, the reasonableness or prudence of any cost incurred or projected to be incurred, by a utility in connection with the subject of the proceeding. A determination of the Commission regarding the reasonableness or prudence of any such cost shall be consistent with the Commission's authority to determine the reasonableness or prudence of costs in proceedings pursuant to the provisions of Chapter 10 (§ 56-232 et seq.). In determining the reasonableness or prudence of a utility providing energy and capacity to its customers from renewable energy resources, the Commission shall consider the extent to which such renewable energy resources, whether utility-owned or by contract, further the objectives of the Commonwealth Energy Policy set forth in §§ 67-101 and 67-102, and shall also consider whether the costs of such resources is likely to result in unreasonable increases in rates paid by customers.

E. The Commission shall promulgate such rules and regulations as may be necessary to implement the provisions of this section.

§ 56-585.1:4. Development of solar and wind generation and energy storage capacity in the Commonwealth.

A. Prior to January 1, 2024, (i) the construction or purchase by a public utility of one or more solar or wind generation facilities located in the Commonwealth or off the Commonwealth's Atlantic shoreline, each having a rated capacity of at least one megawatt and having in the aggregate a rated capacity that does not exceed 5,000 megawatts, or (ii) the purchase by a public utility of energy, capacity, and environmental attributes from solar facilities described in clause (i) owned by persons other than a public utility is in the public interest, and the Commission shall so find if required to make a finding regarding whether such construction or purchase is in the public interest.

B. Prior to January 1, 2024, (i) the construction or purchase by a public utility of one or more solar or wind generation facilities located in the Commonwealth or off the Commonwealth's Atlantic shoreline, each having a rated capacity of less than one megawatt, including rooftop solar installations with a capacity of not less than 50 kilowatts, and having in the aggregate a rated capacity that does not exceed 500 megawatts, or (ii) the purchase by a public utility of energy, capacity, and environmental attributes from solar facilities described in clause (i) owned by persons other than a public utility is in the public interest, and the Commission shall so find if required to make a finding regarding whether such construction or purchase is in the public interest.

C. The aggregate cap of 5,000 megawatts of rated capacity described in clause (i) of subsection A and the aggregate cap of 500 megawatts of rated capacity described in clause (i) of subsection B are separate and independent from each other. The capacity of facilities in subsection B shall not be counted in determining the capacity of facilities in subsection A, and the capacity of facilities in subsection A shall not be counted in determining the capacity of facilities in subsection B.

D. Twenty-five percent of the solar generation capacity placed in service on or after July 1, 2018, located in the Commonwealth, and found to be in the public interest pursuant to subsection A or B shall be from the purchase by a public utility of energy, capacity, and environmental attributes from solar facilities owned by persons other than a public utility. The remainder shall be construction or purchase by a public utility of one or more solar generation facilities located in the Commonwealth. All of the solar generation capacity located in the Commonwealth and found to be in the public interest pursuant to subsection A or B shall be subject to competitive procurement, provided that a public utility may select solar generation capacity without regard to whether such selection satisfies price criteria if the selection of the solar generating capacity materially advances non-price criteria, including favoring geographic distribution of generating capacity, areas of higher employment, or regional economic development, if such non-price solar generating capacity selected does not exceed 25 percent of the utility's solar generating capacity.

E. Construction, purchasing, or leasing activities for a test or demonstration project for a new utility-owned and utility-operated generating facility or facilities utilizing energy derived from offshore wind with an aggregate capacity of not more than 16 megawatts are in the public interest.

F. *Prior to January 1, 2030, (i) the construction by a public utility of one or more energy storage facilities located in the Commonwealth, having in the aggregate a rated capacity that does not exceed 2,700 megawatts, or (ii) the purchase by a public utility of energy storage facilities described in clause (i) owned by persons other than a public utility or the capacity from such facilities is in the public interest, and the Commission shall so find if required to make a finding regarding whether such construction or purchase is in the public interest.*

G. *At least 65 percent of the energy storage capacity placed in service on or after July 1, 2020, located in the Commonwealth and found to be in the public interest pursuant to subsection F shall be from the purchase by a public utility of energy storage facilities owned by persons other than a public utility or the capacity from such facilities. All of the energy storage facilities located in the Commonwealth and found to be in the public interest pursuant to subsection F shall be subject to competitive procurement, provided that a public utility may select energy storage facilities without regard to whether such selection satisfies price criteria if the selection of the energy storage facilities materially advances non-price criteria, including favoring geographic distribution of generating facilities, areas of higher employment, or regional economic development, if such energy storage facilities selected for the advancement of non-price criteria do not exceed 25 percent of the utility's energy storage capacity.*

H. A utility may elect to petition the Commission, outside of a triennial review proceeding conducted pursuant to § 56-585.1, at any time for a prudency determination with respect to the construction or purchase by the utility of one or more solar or wind generation facilities located in the Commonwealth or off the Commonwealth's Atlantic Shoreline or the

purchase by the utility of energy, capacity, and environmental attributes from solar or wind facilities owned by persons other than the utility. The Commission's final order regarding any such petition shall be entered by the Commission not more than three months after the date of the filing of such petition.

§ 56-598. Contents of integrated resource plans.

An IRP should:

1. Integrate, over the planning period, the electric utility's forecast of demand for electric generation supply with recommended plans to meet that forecasted demand and assure adequate and sufficient reliability of service, including, ~~but~~ ~~not limited to:~~

- a. Generating electricity from generation facilities that it currently operates or intends to construct or purchase;
- b. Purchasing electricity from affiliates and third parties; ~~and~~
- c. Reducing load growth and peak demand growth through cost-effective demand reduction programs; *and*
- d. *Utilizing energy storage facilities to help meet forecasted demand and assure adequate and sufficient reliability of service;*

2. Identify a portfolio of electric generation supply resources, including purchased and self-generated electric power, that:

a. Consistent with § 56-585.1, is most likely to provide the electric generation supply needed to meet the forecasted demand, net of any reductions from demand side programs, so that the utility will continue to provide reliable service at reasonable prices over the long term; and

b. Will consider low cost energy/capacity available from short-term or spot market transactions, consistent with a reasonable assessment of risk with respect to both price and generation supply availability over the term of the plan;

3. Reflect a diversity of electric generation supply and cost-effective demand reduction contracts and services so as to reduce the risks associated with an over-reliance on any particular fuel or type of generation demand and supply resources and be consistent with the Commonwealth's energy policies as set forth in § 67-102; and

4. Include such additional information as the Commission requests pertaining to how the electric utility intends to meet its obligation to provide electric generation service for use by its retail customers over the planning period.

§ 56-599. Integrated resource plan required.

A. Each electric utility shall file an updated integrated resource plan by July 1, 2015. Thereafter, each electric utility shall file an updated integrated resource plan by May 1, in each year immediately preceding the year the utility is subject to a triennial review filing. A copy of each integrated resource plan shall be provided to the Chairmen of the House and Senate Committees on Commerce and Labor and to the Chairman of the Commission on Electric Utility Regulation. All updated integrated resource plans shall comply with the provisions of any relevant order of the Commission establishing guidelines for the format and contents of updated and revised integrated resource plans. Each integrated resource plan shall consider options for maintaining and enhancing rate stability, energy independence, economic development including retention and expansion of energy-intensive industries, and service reliability.

B. In preparing an integrated resource plan, each electric utility shall systematically evaluate; and may propose:

1. Entering into short-term and long-term electric power purchase contracts;

2. Owning and operating electric power generation facilities;

3. Building new generation facilities;

4. Relying on purchases from the short term or spot markets;

5. Making investments in demand-side resources, including energy efficiency and demand-side management services;

6. Taking such other actions, as the Commission may approve, to diversify its generation supply portfolio and ensure that the electric utility is able to implement an approved plan;

7. The methods by which the electric utility proposes to acquire the supply and demand resources identified in its proposed integrated resource plan;

8. The effect of current and pending state and federal environmental regulations upon the continued operation of existing electric generation facilities or options for construction of new electric generation facilities;

9. The most cost effective means of complying with current and pending state and federal environmental regulations, including compliance options to minimize effects on customer rates of such regulations;

10. Long-term electric distribution grid planning and proposed electric distribution grid transformation projects; ~~and~~

11. Developing a long-term plan for energy efficiency measures to accomplish policy goals of reduction in customer bills, particularly for low-income, elderly, and disabled customers; reduction in emissions; and reduction in carbon intensity; *and*

12. *Developing a long-term plan to integrate new energy storage facilities into existing generation and distribution assets to assist with grid transformation.*

C. The Commission shall analyze and review an integrated resource plan and, after giving notice and opportunity to be heard, the Commission shall make a determination within nine months after the date of filing as to whether such an integrated resource plan is reasonable and is in the public interest.

2. That the fourteenth enactment of Chapter 296 of the Acts of Assembly of 2018 is amended and reenacted as follows:

14. That it is the objective of the General Assembly that the construction and development of new utility-owned and utility-operated generating facilities utilizing energy derived from sunlight and from wind with an aggregate

capacity of 5,000 megawatts, including rooftop solar installations with a capacity of not less than 50 kilowatts, and with an aggregate capacity of 50 megawatts, be placed in service on or before July 1, 2028. *It is also the objective of the General Assembly that 2,700 megawatts of aggregate energy storage capacity be placed into service on or before July 1, 2030.* The State Corporation Commission shall submit a report and make recommendations to the Governor and the General Assembly annually on or before December 1 of each year through December 1, 2028, assessing (i) the aggregate annual new construction and development of new utility-owned and utility-operated generating facilities utilizing energy derived from sunlight, (ii) the integration of utility-owned renewable electric generation resources with the utility's electric distribution grids, (iii) the aggregate additional utility-owned and utility-operated generating facilities utilizing energy derived from sunlight placed in operation since July 1, 2018, ~~and~~ (iv) the need for additional generation of electricity utilizing energy derived from sunlight in order to meet the objective of the General Assembly on or before July 1, 2028, *and (v) the aggregate annual new construction or purchase of energy storage facilities.* The State Corporation Commission shall submit copies of such annual reports to the Chairmen of the House and Senate Committees on Commerce and Labor and the Chairman of the Commission on Electric Utility Regulation.

CHAPTER 1191

An Act to amend and reenact §§ 67-100, 67-101, 67-102, and 67-201 of the Code of Virginia, relating to the Commonwealth Energy Policy and Virginia Energy Plan.

[S 94]

Approved April 11, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 67-100, 67-101, 67-102, and 67-201 of the Code of Virginia are amended and reenacted as follows:

§ 67-100. Legislative findings.

The General Assembly hereby finds that:

1. Energy is essential to the health, safety, and welfare of the people of this Commonwealth and to the Commonwealth's economy;
2. The state government should facilitate the availability and delivery of reliable and adequate supplies of energy to industrial, commercial, and residential users at reasonable costs such that these users and the Commonwealth's economy are able to be productive; ~~and~~
3. The Commonwealth would benefit from articulating clear objectives pertaining to energy issues, adopting an energy policy that advances these objectives, and establishing a procedure for measuring the implementation of these policies;
4. *Climate change is an urgent and pressing challenge for Virginia. Swift decarbonization and a transition to clean energy are required to meet the urgency of the challenge; and*
5. *The Commonwealth will benefit from being a leader in deploying a low-carbon energy economy.*

§ 67-101. Energy objectives.

The Commonwealth recognizes each of the following objectives pertaining to energy issues will advance the health, welfare, and safety of the residents of the Commonwealth:

1. Ensuring an adequate energy supply and a Virginia-based energy production capacity;
2. Minimizing the Commonwealth's long-term exposure to volatility and increases in world energy prices through greater energy independence;
3. Ensuring the availability of reliable energy at costs that are reasonable and in quantities that will support the Commonwealth's economy;
4. Managing the rate of consumption of existing energy resources in relation to economic growth;
5. Establishing sufficient supply and delivery infrastructure to *enable widespread deployment of distributed energy resources and to maintain reliable energy availability in the event of a disruption occurring to a portion of the Commonwealth's energy matrix;*
6. ~~Using energy resources more efficiently~~ *Maximizing energy efficiency programs, which are the lowest-cost energy option to reduce greenhouse gas emissions, in order to produce electricity cost savings and to create jobs and economic opportunity from the energy efficiency service sector;*
7. Facilitating conservation;
8. Optimizing intrastate and interstate use of energy supply and delivery to maximize energy availability, reliability, and price opportunities to the benefit of all user classes and the Commonwealth's economy as stated in subdivision 2 of § 67-100;
9. Increasing Virginia's reliance on sources of energy that, compared to traditional energy resources, are less polluting of the Commonwealth's air and waters;
10. ~~Researching the efficacy, cost, and benefits of reducing, avoiding, or sequestering the emissions of greenhouse gases produced in connection with the generation of energy~~ *Establishing greenhouse gas emissions reduction goals across Virginia's economy sufficient to reach net-zero emissions by 2045, including the electric power, transportation, industrial, agricultural, building, and infrastructure sectors;*

11. *Requiring that pathways to net-zero greenhouse gas emissions be determined based on technical, policy, and economic analysis to maximize their effectiveness, optimize Virginia's economic development, and create quality jobs while minimizing adverse impacts on public health, affected communities, and the environment;*

12. *Developing energy resources necessary to produce 30 percent of Virginia's electricity from renewable energy sources by 2030 and 100 percent of Virginia's electricity from carbon-free sources by 2040;*

13. *Enabling widespread integration of distributed energy resources into the grid, including storage and carbon-free generation such as rooftop solar installations as defined in § 56-576;*

14. *Removing impediments to the use of abundant low-cost carbon-free energy resources located within and outside the Commonwealth and ensuring the economic viability of the producers, especially those in the Commonwealth, of such, including distributed renewable energy generation resources, nuclear power plants, and generation resources that employ carbon capture and sequestration;*

~~12. Developing energy resources and facilities in a manner that does not impose a disproportionate adverse impact on economically disadvantaged or minority communities;~~

~~13. Recognizing the need to foster those economically developable alternative sources of energy that can be provided at market prices as vital components of a diversified portfolio of energy resources; and~~

~~14. 15. Mitigating the negative impacts of climate change and the energy transition on disadvantaged communities and prioritizing investment in these communities;~~

16. *Developing the carbon-free energy resources required to fully decarbonize the electric power supply of the Commonwealth, including deployment of 30 percent renewables by 2030 and realizing 100 percent carbon-free electric power by 2040;*

17. *Increasing Virginia's reliance on and production of sustainably produced biofuels made from traditional agricultural crops and other feedstocks, such as winter cover crops, warm season grasses, fast-growing trees, algae or other suitable feedstocks grown in the Commonwealth that will create jobs and income, produce clean-burning fuels that will help to improve air quality, and provide the new markets for Virginia's silvicultural and agricultural products needed to preserve farm employment, conserve farmland and forestland, and increase implementation of silvicultural and agricultural best management practices to protect water quality; and*

18. *Ensuring that decision making is transparent and includes opportunities for full participation by the public.*

Except as provided in subsection D of § 56-585.1, nothing in this section shall be deemed to abrogate or modify in any way the provisions of the Virginia Electric Utility Regulation Act (§ 56-576 et seq.).

§ 67-102. Commonwealth Energy Policy.

A. To achieve the objectives enumerated in § 67-101, it shall be the policy of the Commonwealth to:

1. Support research and development of, and promote the use of, renewable energy sources;

2. Ensure that the combination of energy supplies and energy-saving systems are sufficient to support the demands of economic growth;

~~3. Promote research and development of clean coal technologies, including but not limited to integrated gasification combined cycle systems;~~

4. Promote cost-effective conservation of energy and fuel supplies;

~~5. Ensure the availability of affordable natural gas throughout the Commonwealth by expanding Virginia's natural gas distribution and transmission pipeline infrastructure; developing coalbed methane gas resources and methane hydrate resources; encouraging the productive use of landfill gas; and siting one or more liquefied natural gas terminals;~~

~~4. Ensure the adequate supply of natural gas necessary to ensure the reliability of the electricity supply and the needs of businesses during the transition to renewable energy.~~

6-5. Promote the generation of electricity through technologies that do not contribute to greenhouse gases and global warming;

~~7. Facilitate the development of new, and the expansion of existing, petroleum refining facilities within the Commonwealth;~~

~~8-6. Promote the use of motor vehicles that utilize alternate fuels and are highly energy efficient;~~

~~9-7. Support efforts to reduce the demand for imported petroleum by developing alternative technologies, including but not limited to the production of synthetic and hydrogen-based fuels, and the infrastructure required for the widespread implementation of such technologies;~~

~~10. Promote the sustainable production and use of biofuels produced from silvicultural and agricultural crops grown in the Commonwealth, and support the delivery infrastructure needed for statewide distribution to consumers;~~

~~11-8. Ensure that development of new, or expansion of existing, energy resources or facilities does not have a disproportionate adverse impact on economically disadvantaged or minority communities; and~~

~~12. Ensure that energy generation and delivery systems that may be approved for development in the Commonwealth, including liquefied natural gas and related delivery and storage systems, should be located so as to minimize impacts to pristine natural areas and other significant onshore natural resources, and as near to compatible development as possible~~

9. *Establish greenhouse gas emissions reduction standards across all sectors of Virginia's economy that target net-zero emissions carbon by 2045;*

10. *Enact mandatory clean energy standards and overall strategies for reaching net-zero carbon in the electric power sector by 2040;*

11. Equitably incorporate requirements for technical, policy, and economic analyses and assessments that recognize the unique attributes of different energy resources and delivery systems to identify pathways to net-zero carbon that maximize Virginia's energy reliability and resilience, economic development, and jobs; and

12. Minimize the negative impacts of climate change and the energy transition on economically disadvantaged or minority communities and prioritize investment in these areas.

B. The elements of the policy set forth in subsection A shall be referred to collectively in this title as the Commonwealth Energy Policy.

C. All agencies and political subdivisions of the Commonwealth, in taking discretionary action with regard to energy issues, shall recognize the elements of the Commonwealth Energy Policy and where appropriate, shall act in a manner consistent therewith.

D. The Commonwealth Energy Policy is intended to provide guidance to the agencies and political subdivisions of the Commonwealth in taking discretionary action with regard to energy issues, and shall not be construed to amend, repeal, or override any contrary provision of applicable law. The failure or refusal of any person to recognize the elements of the Commonwealth Energy Policy, to act in a manner consistent with the Commonwealth Energy Policy, or to take any other action whatsoever, shall not create any right, action, or cause of action or provide standing for any person to challenge the action of the Commonwealth or any of its agencies or political subdivisions.

§ 67-201. Development of the Virginia Energy Plan.

A. The Division, in consultation with the State Corporation Commission, the Department of Environmental Quality, ~~and the Center for Coal and Energy Research~~ Clean Energy Advisory Board, solar, wind, and energy efficiency sectors, and a stakeholder group that shall include representatives of consumer, environmental, manufacturing, forestry, and agricultural organizations and natural gas and electric utilities, shall prepare a comprehensive Virginia Energy Plan ~~covering~~ (the Plan) that identifies actions over a 10-year period consistent with the goal of the Commonwealth Energy Policy set forth in § 67-102 to achieve, no later than 2045, a net-zero carbon energy economy for all sectors, including electricity, transportation, building, agricultural, and industrial sectors. The Plan shall propose actions, consistent with the objectives enumerated in § 67-101, that will implement the Commonwealth Energy Policy set forth in § 67-102.

B. In addition, the Plan shall include:

1. Projections of energy consumption in the Commonwealth, including ~~but not limited to~~ the use of fuel sources and costs of electricity, natural gas, gasoline, coal, renewable resources, and other forms of *non-greenhouse-gas-generating* energy resources, *such as nuclear power*, used in the Commonwealth;

2. An analysis of the adequacy of electricity generation, transmission, and distribution resources in the Commonwealth for the natural gas and electric industries, and how *distributed energy resources* and regional generation, transmission, and distribution resources affect the Commonwealth;

3. An analysis of siting requirements for electric generation resources and natural gas and electric transmission and distribution resources, *including an assessment of state and local impediments to expanded use of distributed resources and recommendations to reduce or eliminate these impediments*;

4. An analysis of fuel diversity for electricity generation, recognizing the importance of flexibility in meeting future capacity needs;

5. An analysis of the efficient use of energy resources and conservation initiatives;

6. An analysis of how these Virginia-specific issues relate to regional initiatives to assure the adequacy of fuel production, generation, transmission, and distribution assets;

7. An analysis of siting of energy resource development, refining or transmission facilities to identify any disproportionate adverse impact of such activities on economically disadvantaged or minority communities;

8. With regard to any regulations proposed or promulgated by the U.S. Environmental Protection Agency to reduce carbon dioxide emissions from fossil fuel-fired electric generating units under § 111(d) of the Clean Air Act, 42 U.S.C. § 7411 (d), an analysis of (i) the costs to and benefits for energy producers and electric utility customers; (ii) the effect on energy markets and reliability; and (iii) the commercial availability of technology required to comply with such regulations; ~~and~~

9. *An inventory of greenhouse gas emissions using a method determined by the Department of Environmental Quality for the four years prior to the issuance of the Plan; and*

10. Recommendations, based on the analyses completed under subdivisions 1 through 9, for legislative, regulatory, and other public and private actions to implement the elements of the Commonwealth Energy Policy.

C. In preparing the Plan, the Division and other agencies involved in the planning process shall utilize state geographic information systems, to the extent deemed practicable, to assess how recommendations in the ~~plan~~ Plan may affect pristine natural areas and other significant onshore natural resources. *Effective October 1, 2024, interim updates on the Plan shall also contain projections for greenhouse gas emissions that would result from implementation of the Plan's recommendations.*

D. In preparing the Plan, the Division and other agencies involved in the planning process shall develop a system for ascribing numerical scores to parcels of real property based on the extent to which the parcels are suitable for the siting of a wind energy facility or solar energy facility. For wind energy facilities, the scoring system shall address the wind velocity, sustained velocity, turbulence, proximity to electric power transmission systems, potential impacts to natural and historic resources and to economically disadvantaged or minority communities, and compatibility with the local land use plan. For solar energy facilities, the scoring system shall address the parcel's proximity to electric power transmission lines, potential

impacts of such a facility to natural and historic resources and to economically disadvantaged or minority communities, and compatibility with the local land use plan. The system developed pursuant to this section shall allow the suitability of the parcel for the siting of a wind energy facility or solar energy facility to be compared to the suitability of other parcels so scored, and shall be based on a scale that allows the suitability of the parcel for the siting of a such an energy facility to be measured against the hypothetical score of an ideal location for such a facility.

E. After July 1, 2007, upon receipt by the Division of a recommendation from the Department of General Services, a local governing body, or the parcel's owner that a parcel of real property is a potentially suitable location for a wind energy facility or solar energy facility, the Division shall analyze the suitability of the parcel for the location of such a facility. In conducting its analysis, the Division shall ascribe a numerical score to the parcel using the scoring system developed pursuant to subsection D.

CHAPTER 1192

An Act to amend and reenact §§ 67-100, 67-101, 67-102, and 67-201 of the Code of Virginia, relating to the Commonwealth Energy Policy and Virginia Energy Plan.

[H 714]

Approved April 11, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 67-100, 67-101, 67-102, and 67-201 of the Code of Virginia are amended and reenacted as follows:

§ 67-100. Legislative findings.

The General Assembly hereby finds that:

1. Energy is essential to the health, safety, and welfare of the people of this Commonwealth and to the Commonwealth's economy;
2. The state government should facilitate the availability and delivery of reliable and adequate supplies of energy to industrial, commercial, and residential users at reasonable costs such that these users and the Commonwealth's economy are able to be productive; ~~and~~
3. The Commonwealth would benefit from articulating clear objectives pertaining to energy issues, adopting an energy policy that advances these objectives, and establishing a procedure for measuring the implementation of these policies;
4. *Climate change is an urgent and pressing challenge for Virginia. Swift decarbonization and a transition to clean energy are required to meet the urgency of the challenge; and*
5. *The Commonwealth will benefit from being a leader in deploying a low-carbon energy economy.*

§ 67-101. Energy objectives.

The Commonwealth recognizes each of the following objectives pertaining to energy issues will advance the health, welfare, and safety of the residents of the Commonwealth:

1. Ensuring an adequate energy supply and a Virginia-based energy production capacity;
2. Minimizing the Commonwealth's long-term exposure to volatility and increases in world energy prices through greater energy independence;
3. Ensuring the availability of reliable energy at costs that are reasonable and in quantities that will support the Commonwealth's economy;
4. Managing the rate of consumption of existing energy resources in relation to economic growth;
5. Establishing sufficient supply and delivery infrastructure to *enable widespread deployment of distributed energy resources and to maintain reliable energy availability in the event of a disruption occurring to a portion of the Commonwealth's energy matrix;*
6. ~~Using energy resources more efficiently~~ *Maximizing energy efficiency programs, which are the lowest-cost energy option to reduce greenhouse gas emissions, in order to produce electricity cost savings and to create jobs and economic opportunity from the energy efficiency service sector;*
7. Facilitating conservation;
8. Optimizing intrastate and interstate use of energy supply and delivery to maximize energy availability, reliability, and price opportunities to the benefit of all user classes and the Commonwealth's economy as stated in subdivision 2 of § 67-100;
9. Increasing Virginia's reliance on sources of energy that, compared to traditional energy resources, are less polluting of the Commonwealth's air and waters;
10. ~~Researching the efficacy, cost, and benefits of reducing, avoiding, or sequestering the emissions of greenhouse gases produced in connection with the generation of energy~~ *Establishing greenhouse gas emissions reduction goals across Virginia's economy sufficient to reach net-zero emissions by 2045, including the electric power, transportation, industrial, agricultural, building, and infrastructure sectors;*
11. *Requiring that pathways to net-zero greenhouse gas emissions be determined based on technical, policy, and economic analysis to maximize their effectiveness, optimize Virginia's economic development, and create quality jobs while minimizing adverse impacts on public health, affected communities, and the environment;*

12. Developing energy resources necessary to produce 30 percent of Virginia's electricity from renewable energy sources by 2030 and 100 percent of Virginia's electricity from carbon-free sources by 2040;

13. Enabling widespread integration of distributed energy resources into the grid, including storage and carbon-free generation such as rooftop solar installations as defined in § 56-576;

14. Removing impediments to the use of abundant low-cost carbon-free energy resources located within and outside the Commonwealth and ensuring the economic viability of the producers, especially those in the Commonwealth, of such, including distributed renewable energy generation resources, nuclear power plants, and generation resources that employ carbon capture and sequestration;

12. Developing energy resources and facilities in a manner that does not impose a disproportionate adverse impact on economically disadvantaged or minority communities;

13. Recognizing the need to foster those economically developable alternative sources of energy that can be provided at market prices as vital components of a diversified portfolio of energy resources; and

14. 15. Mitigating the negative impacts of climate change and the energy transition on disadvantaged communities and prioritizing investment in these communities;

16. Developing the carbon-free energy resources required to fully decarbonize the electric power supply of the Commonwealth, including deployment of 30 percent renewables by 2030 and realizing 100 percent carbon-free electric power by 2040;

17. Increasing Virginia's reliance on and production of sustainably produced biofuels made from traditional agricultural crops and other feedstocks, such as winter cover crops, warm season grasses, fast-growing trees, algae or other suitable feedstocks grown in the Commonwealth that will create jobs and income, produce clean-burning fuels that will help to improve air quality, and provide the new markets for Virginia's silvicultural and agricultural products needed to preserve farm employment, conserve farmland and forestland, and increase implementation of silvicultural and agricultural best management practices to protect water quality; and

18. Ensuring that decision making is transparent and includes opportunities for full participation by the public.

Except as provided in subsection D of § 56-585.1, nothing in this section shall be deemed to abrogate or modify in any way the provisions of the Virginia Electric Utility Regulation Act (§ 56-576 et seq.).

§ 67-102. Commonwealth Energy Policy.

A. To achieve the objectives enumerated in § 67-101, it shall be the policy of the Commonwealth to:

1. Support research and development of, and promote the use of, renewable energy sources;

2. Ensure that the combination of energy supplies and energy-saving systems are sufficient to support the demands of economic growth;

3. Promote research and development of clean coal technologies, including but not limited to integrated gasification combined cycle systems;

4. Promote cost-effective conservation of energy and fuel supplies;

5. Ensure the availability of affordable natural gas throughout the Commonwealth by expanding Virginia's natural gas distribution and transmission pipeline infrastructure; developing coalbed methane gas resources and methane hydrate resources; encouraging the productive use of landfill gas; and siting one or more liquefied natural gas terminals;

4. Ensure the adequate supply of natural gas necessary to ensure the reliability of the electricity supply and the needs of businesses during the transition to renewable energy.

6. 5. Promote the generation of electricity through technologies that do not contribute to greenhouse gases and global warming;

7. Facilitate the development of new, and the expansion of existing, petroleum refining facilities within the Commonwealth;

8. 6. Promote the use of motor vehicles that utilize alternate fuels and are highly energy efficient;

9. 7. Support efforts to reduce the demand for imported petroleum by developing alternative technologies, including but not limited to the production of synthetic and hydrogen-based fuels, and the infrastructure required for the widespread implementation of such technologies;

10. Promote the sustainable production and use of biofuels produced from silvicultural and agricultural crops grown in the Commonwealth, and support the delivery infrastructure needed for statewide distribution to consumers;

11. 8. Ensure that development of new, or expansion of existing, energy resources or facilities does not have a disproportionate adverse impact on economically disadvantaged or minority communities; and

12. Ensure that energy generation and delivery systems that may be approved for development in the Commonwealth, including liquefied natural gas and related delivery and storage systems, should be located so as to minimize impacts to pristine natural areas and other significant onshore natural resources, and as near to compatible development as possible

9. Establish greenhouse gas emissions reduction standards across all sectors of Virginia's economy that target net-zero emissions carbon by 2045;

10. Enact mandatory clean energy standards and overall strategies for reaching net-zero carbon in the electric power sector by 2040;

11. Equitably incorporate requirements for technical, policy, and economic analyses and assessments that recognize the unique attributes of different energy resources and delivery systems to identify pathways to net-zero carbon that maximize Virginia's energy reliability and resilience, economic development, and jobs; and

12. Minimize the negative impacts of climate change and the energy transition on economically disadvantaged or minority communities and prioritize investment in these areas.

B. The elements of the policy set forth in subsection A shall be referred to collectively in this title as the Commonwealth Energy Policy.

C. All agencies and political subdivisions of the Commonwealth, in taking discretionary action with regard to energy issues, shall recognize the elements of the Commonwealth Energy Policy and where appropriate, shall act in a manner consistent therewith.

D. The Commonwealth Energy Policy is intended to provide guidance to the agencies and political subdivisions of the Commonwealth in taking discretionary action with regard to energy issues, and shall not be construed to amend, repeal, or override any contrary provision of applicable law. The failure or refusal of any person to recognize the elements of the Commonwealth Energy Policy, to act in a manner consistent with the Commonwealth Energy Policy, or to take any other action whatsoever, shall not create any right, action, or cause of action or provide standing for any person to challenge the action of the Commonwealth or any of its agencies or political subdivisions.

§ 67-201. Development of the Virginia Energy Plan.

A. The Division, in consultation with the State Corporation Commission, the Department of Environmental Quality, ~~and the Center for Coal and Energy Research~~ *Clean Energy Advisory Board, solar, wind, and energy efficiency sectors, and a stakeholder group that shall include representatives of consumer, environmental, manufacturing, forestry, and agricultural organizations and natural gas and electric utilities*, shall prepare a comprehensive Virginia Energy Plan ~~covering~~ *(the Plan) that identifies actions over a 10-year period consistent with the goal of the Commonwealth Energy Policy set forth in § 67-102 to achieve, no later than 2045, a net-zero carbon energy economy for all sectors, including electricity, transportation, building, agricultural, and industrial sectors.* The Plan shall propose actions, consistent with the objectives enumerated in § 67-101, that will implement the Commonwealth Energy Policy set forth in § 67-102.

B. In addition, the Plan shall include:

1. Projections of energy consumption in the Commonwealth, including ~~but not limited to~~ the use of fuel sources and costs of electricity, natural gas, gasoline, coal, renewable resources, and other forms of *non-greenhouse-gas-generating* energy resources, *such as nuclear power*, used in the Commonwealth;

2. An analysis of the adequacy of electricity generation, transmission, and distribution resources in the Commonwealth for the natural gas and electric industries, and how *distributed energy resources and* regional generation, transmission, and distribution resources affect the Commonwealth;

3. An analysis of siting requirements for electric generation resources and natural gas and electric transmission and distribution resources, *including an assessment of state and local impediments to expanded use of distributed resources and recommendations to reduce or eliminate these impediments*;

4. An analysis of fuel diversity for electricity generation, recognizing the importance of flexibility in meeting future capacity needs;

5. An analysis of the efficient use of energy resources and conservation initiatives;

6. An analysis of how these Virginia-specific issues relate to regional initiatives to assure the adequacy of fuel production, generation, transmission, and distribution assets;

7. An analysis of siting of energy resource development, refining or transmission facilities to identify any disproportionate adverse impact of such activities on economically disadvantaged or minority communities;

8. With regard to any regulations proposed or promulgated by the U.S. Environmental Protection Agency to reduce carbon dioxide emissions from fossil fuel-fired electric generating units under § 111(d) of the Clean Air Act, 42 U.S.C. § 7411 (d), an analysis of (i) the costs to and benefits for energy producers and electric utility customers; (ii) the effect on energy markets and reliability; and (iii) the commercial availability of technology required to comply with such regulations; ~~and~~

9. *An inventory of greenhouse gas emissions using a method determined by the Department of Environmental Quality for the four years prior to the issuance of the Plan; and*

10. Recommendations, based on the analyses completed under subdivisions 1 through 9, for legislative, regulatory, and other public and private actions to implement the elements of the Commonwealth Energy Policy.

C. In preparing the Plan, the Division and other agencies involved in the planning process shall utilize state geographic information systems, to the extent deemed practicable, to assess how recommendations in the ~~plan~~ *Plan* may affect pristine natural areas and other significant onshore natural resources. *Effective October 1, 2024, interim updates on the Plan shall also contain projections for greenhouse gas emissions that would result from implementation of the Plan's recommendations.*

D. In preparing the Plan, the Division and other agencies involved in the planning process shall develop a system for ascribing numerical scores to parcels of real property based on the extent to which the parcels are suitable for the siting of a wind energy facility or solar energy facility. For wind energy facilities, the scoring system shall address the wind velocity, sustained velocity, turbulence, proximity to electric power transmission systems, potential impacts to natural and historic resources and to economically disadvantaged or minority communities, and compatibility with the local land use plan. For solar energy facilities, the scoring system shall address the parcel's proximity to electric power transmission lines, potential impacts of such a facility to natural and historic resources and to economically disadvantaged or minority communities, and compatibility with the local land use plan. The system developed pursuant to this section shall allow the suitability of the parcel for the siting of a wind energy facility or solar energy facility to be compared to the suitability of other parcels so

scored, and shall be based on a scale that allows the suitability of the parcel for the siting of a such an energy facility to be measured against the hypothetical score of an ideal location for such a facility.

E. After July 1, 2007, upon receipt by the Division of a recommendation from the Department of General Services, a local governing body, or the parcel's owner that a parcel of real property is a potentially suitable location for a wind energy facility or solar energy facility, the Division shall analyze the suitability of the parcel for the location of such a facility. In conducting its analysis, the Division shall ascribe a numerical score to the parcel using the scoring system developed pursuant to subsection D.

CHAPTER 1193

An Act to amend and reenact §§ 10.1-1308, 56-576, 56-585.1, 56-585.1:4, 56-594, and 56-596.2 of the Code of Virginia and § 1 of the first enactment of Chapters 358 and 382 of the Acts of Assembly of 2013, as amended by Chapter 803 of the Acts of Assembly of 2017; to amend the Code of Virginia by adding sections numbered 56-585.1:11, 56-585.5, and 56-585.6; and to repeal § 56-585.2 of the Code of Virginia, relating to the regulation of electric utilities; ending carbon dioxide emissions; construction or acquisition of renewable energy facilities; renewable portfolio standards for electric utilities and suppliers; energy efficiency programs and standards; energy storage; net energy metering; third-party power purchase agreements; and the Percentage of Income Payment Program.

[H 1526]

Approved April 11, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 10.1-1308, 56-576, 56-585.1, 56-585.1:4, 56-594, and 56-596.2 of the Code of Virginia and § 1 of the first enactment of Chapters 358 and 382 of the Acts of Assembly of 2013, as amended by Chapter 803 of the Acts of Assembly of 2017, are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 56-585.1:11, 56-585.5, and 56-585.6 as follows:

§ 10.1-1308. Regulations.

A. The Board, after having studied air pollution in the various areas of the Commonwealth, its causes, prevention, control and abatement, shall have the power to promulgate regulations, including emergency regulations, abating, controlling and prohibiting air pollution throughout or in any part of the Commonwealth in accordance with the provisions of the Administrative Process Act (§ 2.2-4000 et seq.), except that a description of provisions of any proposed regulation which are more restrictive than applicable federal requirements, together with the reason why the more restrictive provisions are needed, shall be provided to the standing committee of each house of the General Assembly to which matters relating to the content of the regulation are most properly referable. No such regulation shall prohibit the burning of leaves from trees by persons on property where they reside if the local governing body of the county, city or town has enacted an otherwise valid ordinance regulating such burning. The regulations shall not promote or encourage any substantial degradation of present air quality in any air basin or region which has an air quality superior to that stipulated in the regulations. Any regulations adopted by the Board to have general effect in part or all of the Commonwealth shall be filed in accordance with the Virginia Register Act (§ 2.2-4100 et seq.).

B. Any regulation that prohibits the selling of any consumer product shall not restrict the continued sale of the product by retailers of any existing inventories in stock at the time the regulation is promulgated.

C. Any regulation requiring the use of stage 1 vapor recovery equipment at gasoline dispensing facilities may be applicable only in areas that have been designated at any time by the U.S. Environmental Protection Agency as nonattainment for the pollutant ozone. For purposes of this section, gasoline dispensing facility means any site where gasoline is dispensed to motor vehicle tanks from storage tanks.

D. No regulation of the Board shall require permits for the construction or operation of qualified fumigation facilities, as defined in § 10.1-1308.01.

E. Notwithstanding any other provision of law and no earlier than July 1, 2024, the Board shall adopt regulations to reduce, for the period of 2031 to 2050, the carbon dioxide emissions from any electricity generating unit in the Commonwealth, regardless of fuel type, that serves an electricity generator with a nameplate capacity equal to or greater than 25 megawatts that supplies (i) 10 percent or more of its annual net electrical generation to the electric grid or (ii) more than 15 percent of its annual total useful energy to any entity other than the manufacturing facility to which the generating source is interconnected (covered unit).

The Board may establish, implement, and manage an auction program to sell allowances to carry out the purposes of such regulations or may in its discretion utilize an existing multistate trading system.

The Board may utilize its existing regulations to reduce carbon dioxide emissions from electric power generating facilities; however, the regulations shall provide that no allowances be issued for covered units in 2050 or any year beyond 2050. The Board may establish rules for trading, the use of banked allowances, and other auction or market mechanisms as it may find appropriate to control allowance costs and otherwise carry out the purpose of this subsection.

In adopting such regulations, the Board shall consider only the carbon dioxide emissions from the covered units. The Board shall not provide for emission offsetting or netting based on fuel type.

Regulations adopted by the Board under this subsection shall be subject to the requirements set out in §§ 2.2-4007.03, 2.2-4007.04, 2.2-4007.05, and 2.2-4026 through 2.2-4030 of the Administrative Process Act (§ 2.2-4000 et seq.) and shall be published in the Virginia Register of Regulations.

§ 56-576. Definitions.

As used in this chapter:

"Affiliate" means any person that controls, is controlled by, or is under common control with an electric utility.

"Aggregator" means a person that, as an agent or intermediary, (i) offers to purchase, or purchases, electric energy or (ii) offers to arrange for, or arranges for, the purchase of electric energy, for sale to, or on behalf of, two or more retail customers not controlled by or under common control with such person. The following activities shall not, in and of themselves, make a person an aggregator under this chapter: (i) furnishing legal services to two or more retail customers, suppliers or aggregators; (ii) furnishing educational, informational, or analytical services to two or more retail customers, unless direct or indirect compensation for such services is paid by an aggregator or supplier of electric energy; (iii) furnishing educational, informational, or analytical services to two or more suppliers or aggregators; (iv) providing default service under § 56-585; (v) engaging in activities of a retail electric energy supplier, licensed pursuant to § 56-587, which are authorized by such supplier's license; and (vi) engaging in actions of a retail customer, in common with one or more other such retail customers, to issue a request for proposal or to negotiate a purchase of electric energy for consumption by such retail customers.

(Expires December 31, 2023) "Business park" means a land development containing a minimum of 100 contiguous acres classified as a Tier 4 site under the Virginia Economic Development Partnership's Business Ready Sites Program that is developed and constructed by an industrial development authority, or a similar political subdivision of the Commonwealth created pursuant to § 15.2-4903 or other act of the General Assembly, in order to promote business development and that is located in an area of the Commonwealth designated as a qualified opportunity zone by the U.S. Secretary of the Treasury via his delegation of authority to the Internal Revenue Service.

"Combined heat and power" means a method of using waste heat from electrical generation to offset traditional processes, space heating, air conditioning, or refrigeration.

"Commission" means the State Corporation Commission.

"Community in which a majority of the population are people of color" means a U.S. Census tract where more than 50 percent of the population comprises individuals who identify as belonging to one or more of the following groups: Black, African American, Asian, Pacific Islander, Native American, other non-white race, mixed race, Hispanic, Latino, or linguistically isolated.

"Cooperative" means a utility formed under or subject to Chapter 9.1 (§ 56-231.15 et seq.).

"Covered entity" means a provider in the Commonwealth of an electric service not subject to competition but ~~shall~~ does not include default service providers.

"Covered transaction" means an acquisition, merger, or consolidation of, or other transaction involving stock, securities, voting interests or assets by which one or more persons obtains control of a covered entity.

"Curtailement" means inducing retail customers to reduce load during times of peak demand so as to ease the burden on the electrical grid.

"Customer choice" means the opportunity for a retail customer in the Commonwealth to purchase electric energy from any supplier licensed and seeking to sell electric energy to that customer.

"Demand response" means measures aimed at shifting time of use of electricity from peak-use periods to times of lower demand by inducing retail customers to curtail electricity usage during periods of congestion and higher prices in the electrical grid.

"Distribute," "distributing," or "distribution of" electric energy means the transfer of electric energy through a retail distribution system to a retail customer.

"Distributor" means a person owning, controlling, or operating a retail distribution system to provide electric energy directly to retail customers.

"Electric distribution grid transformation project" means a project associated with electric distribution infrastructure, including related data analytics equipment, that is designed to accommodate or facilitate the integration of utility-owned or customer-owned renewable electric generation resources with the utility's electric distribution grid or to otherwise enhance electric distribution grid reliability, electric distribution grid security, customer service, or energy efficiency and conservation, including advanced metering infrastructure; intelligent grid devices for real time system and asset information; automated control systems for electric distribution circuits and substations; communications networks for service meters; intelligent grid devices and other distribution equipment; distribution system hardening projects for circuits, other than the conversion of overhead tap lines to underground service, and substations designed to reduce service outages or service restoration times; physical security measures at key distribution substations; cyber security measures; energy storage systems and microgrids that support circuit-level grid stability, power quality, reliability, or resiliency or provide temporary backup energy supply; electrical facilities and infrastructure necessary to support electric vehicle charging systems; LED street light conversions; and new customer information platforms designed to provide improved customer access, greater service options, and expanded access to energy usage information.

"Electric utility" means any person that generates, transmits, or distributes electric energy for use by retail customers in the Commonwealth, including any investor-owned electric utility, cooperative electric utility, or electric utility owned or operated by a municipality.

"Energy efficiency program" means a program that reduces the total amount of electricity that is required for the same process or activity implemented after the expiration of capped rates. Energy efficiency programs include equipment, physical, or program change designed to produce measured and verified reductions in the amount of electricity required to perform the same function and produce the same or a similar outcome. Energy efficiency programs may include, but are not limited to, (i) programs that result in improvements in lighting design, heating, ventilation, and air conditioning systems, appliances, building envelopes, and industrial and commercial processes; (ii) measures, such as but not limited to the installation of advanced meters, implemented or installed by utilities, that reduce fuel use or losses of electricity and otherwise improve internal operating efficiency in generation, transmission, and distribution systems; and (iii) customer engagement programs that result in measurable and verifiable energy savings that lead to efficient use patterns and practices. Energy efficiency programs include demand response, combined heat and power and waste heat recovery, curtailment, or other programs that are designed to reduce electricity consumption so long as they reduce the total amount of electricity that is required for the same process or activity. Utilities shall be authorized to install and operate such advanced metering technology and equipment on a customer's premises; however, nothing in this chapter establishes a requirement that an energy efficiency program be implemented on a customer's premises and be connected to a customer's wiring on the customer's side of the inter-connection without the customer's expressed consent.

"Generate," "generating," or "generation of" electric energy means the production of electric energy.

"Generator" means a person owning, controlling, or operating a facility that produces electric energy for sale.

"Historically economically disadvantaged community" means (i) a community in which a majority of the population are people of color or (ii) a low-income geographic area.

"Incumbent electric utility" means each electric utility in the Commonwealth that, prior to July 1, 1999, supplied electric energy to retail customers located in an exclusive service territory established by the Commission.

"Independent system operator" means a person that may receive or has received, by transfer pursuant to this chapter, any ownership or control of, or any responsibility to operate, all or part of the transmission systems in the Commonwealth.

"In the public interest," for purposes of assessing energy efficiency programs, describes an energy efficiency program if the Commission determines that the net present value of the benefits exceeds the net present value of the costs as determined by not less than any three of the following four tests: (i) the Total Resource Cost Test; (ii) the Utility Cost Test (also referred to as the Program Administrator Test); (iii) the Participant Test; and (iv) the Ratepayer Impact Measure Test. Such determination shall include an analysis of all four tests, and a program or portfolio of programs shall be approved if the net present value of the benefits exceeds the net present value of the costs as determined by not less than any three of the four tests. If the Commission determines that an energy efficiency program or portfolio of programs is not in the public interest, its final order shall include all work product and analysis conducted by the Commission's staff in relation to that program, including testimony relied upon by the Commission's staff, that has bearing upon the Commission's decision. If the Commission reduces the proposed budget for a program or portfolio of programs, its final order shall include an analysis of the impact such budget reduction has upon the cost-effectiveness of such program or portfolio of programs. An order by the Commission (a) finding that a program or portfolio of programs is not in the public interest or (b) reducing the proposed budget for any program or portfolio of programs shall adhere to existing protocols for extraordinarily sensitive information. In addition, an energy efficiency program may be deemed to be "in the public interest" if the program (1) provides measurable and verifiable energy savings to low-income customers or elderly customers or (2) is a pilot program of limited scope, cost, and duration, that is intended to determine whether a new or substantially revised program or technology would be cost-effective.

"Low-income geographic area" means any locality, or community within a locality, that has a median household income that is not greater than 80 percent of the local median household income, or any area in the Commonwealth designated as a qualified opportunity zone by the U.S. Secretary of the Treasury via his delegation of authority to the Internal Revenue Service.

"Low-income utility customer" means any person or household whose income is no more than 80 percent of the median income of the locality in which the customer resides. The median income of the locality is determined by the U.S. Department of Housing and Urban Development.

"Measured and verified" means a process determined pursuant to methods accepted for use by utilities and industries to measure, verify, and validate energy savings and peak demand savings. This may include the protocol established by the United States Department of Energy, Office of Federal Energy Management Programs, Measurement and Verification Guidance for Federal Energy Projects, measurement and verification standards developed by the American Society of Heating, Refrigeration and Air Conditioning Engineers (ASHRAE), or engineering-based estimates of energy and demand savings associated with specific energy efficiency measures, as determined by the Commission.

"Municipality" means a city, county, town, authority, or other political subdivision of the Commonwealth.

"New underground facilities" means facilities to provide underground distribution service. "New underground facilities" includes underground cables with voltages of 69 kilovolts or less, pad-mounted devices, connections at customer meters, and transition terminations from existing overhead distribution sources.

"Peak-shaving" means measures aimed solely at shifting time of use of electricity from peak-use periods to times of lower demand by inducing retail customers to curtail electricity usage during periods of congestion and higher prices in the electrical grid.

"Percentage of Income Payment Program (PIPP) eligible utility customer" means any person or household participating in any of the following public assistance programs: the Supplemental Nutrition Assistance Program, Temporary Assistance for Needy Families, Special Supplemental Nutrition Program for Women, Infants and Children, Virginia Low Income Home Energy Assistance Program, federal Low Income Home Energy Assistance Program, state plan for medical assistance, Medicaid, Housing Choice Voucher Program, or Family Access to Medical Insurance Security Plan.

"Person" means any individual, corporation, partnership, association, company, business, trust, joint venture, or other private legal entity, and the Commonwealth or any municipality.

"Qualified waste heat resource" means (i) exhaust heat or flared gas from an industrial process that does not have, as its primary purpose, the production of electricity and (ii) a pressure drop in any gas for an industrial or commercial process.

"Renewable energy" means energy derived from sunlight, wind, falling water, biomass, sustainable or otherwise, (the definitions of which shall be liberally construed), energy from waste, landfill gas, municipal solid waste, wave motion, tides, and geothermal power, and does not include energy derived from coal, oil, natural gas, or nuclear power. "Renewable energy" also includes the proportion of the thermal or electric energy from a facility that results from the co-firing of biomass. *"Renewable energy" does not include waste heat from fossil-fired facilities or electricity generated from pumped storage but includes run-of-river generation from a combined pumped-storage and run-of-river facility.*

"Renewable thermal energy" means the thermal energy output from (i) a renewable-fueled combined heat and power generation facility that is (a) constructed, or renovated and improved, after January 1, 2012, (b) located in the Commonwealth, and (c) utilized in industrial processes other than the combined heat and power generation facility or (ii) a solar energy system, certified to the OG-100 standard of the Solar Ratings and Certification Corporation or an equivalent certification body, that (a) is constructed, or renovated and improved, after January 1, 2013, (b) is located in the Commonwealth, and (c) heats water or air for residential, commercial, institutional, or industrial purposes.

"Renewable thermal energy equivalent" means the electrical equivalent in megawatt hours of renewable thermal energy calculated by dividing (i) the heat content, measured in British thermal units (BTUs), of the renewable thermal energy at the point of transfer to a residential, commercial, institutional, or industrial process by (ii) the standard conversion factor of 3.413 million BTUs per megawatt hour.

"Renovated and improved facility" means a facility the components of which have been upgraded to enhance its operating efficiency.

"Retail customer" means any person that purchases retail electric energy for its own consumption at one or more metering points or nonmetered points of delivery located in the Commonwealth.

"Retail electric energy" means electric energy sold for ultimate consumption to a retail customer.

"Revenue reductions related to energy efficiency programs" means reductions in the collection of total non-fuel revenues, previously authorized by the Commission to be recovered from customers by a utility, that occur due to measured and verified decreased consumption of electricity caused by energy efficiency programs approved by the Commission and implemented by the utility, less the amount by which such non-fuel reductions in total revenues have been mitigated through other program-related factors, including reductions in variable operating expenses.

"Rooftop solar installation" means a distributed electric generation facility, storage facility, or generation and storage facility utilizing energy derived from sunlight, with a rated capacity of not less than 50 kilowatts, that is installed on the roof structure of an incumbent electric utility's commercial or industrial class customer, including host sites on commercial buildings, multifamily residential buildings, school or university buildings, and buildings of a church or religious body.

"Solar energy system" means a system of components that produces heat or electricity, or both, from sunlight.

"Supplier" means any generator, distributor, aggregator, broker, marketer, or other person who offers to sell or sells electric energy to retail customers and is licensed by the Commission to do so, but it does not mean a generator that produces electric energy exclusively for its own consumption or the consumption of an affiliate.

"Supply" or "supplying" electric energy means the sale of or the offer to sell electric energy to a retail customer.

"Total annual energy savings" means (i) the total combined kilowatt-hour savings achieved by electric utility energy efficiency and demand response programs and measures installed in that program year, as well as savings still being achieved by measures and programs implemented in prior years, or (ii) savings attributable to newly installed combined heat and power facilities, including waste heat-to-power facilities, and any associated reduction in transmission line losses, provided that biomass is not a fuel and the total efficiency, including the use of thermal energy, for eligible combined heat and power facilities must meet or exceed 65 percent and have a nameplate capacity rating of less than 25 megawatts.

"Transmission of," "transmit," or "transmitting" electric energy means the transfer of electric energy through the Commonwealth's interconnected transmission grid from a generator to either a distributor or a retail customer.

"Transmission system" means those facilities and equipment that are required to provide for the transmission of electric energy.

"Waste heat to power" means a system that generates electricity through the recovery of a qualified waste heat resource.

§ 56-585.1. Generation, distribution, and transmission rates after capped rates terminate or expire.

A. During the first six months of 2009, the Commission shall, after notice and opportunity for hearing, initiate proceedings to review the rates, terms and conditions for the provision of generation, distribution and transmission services of each investor-owned incumbent electric utility. Such proceedings shall be governed by the provisions of Chapter 10 (§ 56-232 et seq.), except as modified herein. In such proceedings the Commission shall determine fair rates of return on common equity applicable to the generation and distribution services of the utility. In so doing, the Commission may use any methodology to determine such return it finds consistent with the public interest, but such return shall not be set lower than the average of the returns on common equity reported to the Securities and Exchange Commission for the three most recent annual periods for which such data are available by not less than a majority, selected by the Commission as specified in subdivision 2 b, of other investor-owned electric utilities in the peer group of the utility, nor shall the Commission set such return more than 300 basis points higher than such average. The peer group of the utility shall be determined in the manner prescribed in subdivision 2 b. The Commission may increase or decrease such combined rate of return by up to 100 basis points based on the generating plant performance, customer service, and operating efficiency of a utility, as compared to nationally recognized standards determined by the Commission to be appropriate for such purposes. In such a proceeding, the Commission shall determine the rates that the utility may charge until such rates are adjusted. If the Commission finds that the utility's combined rate of return on common equity is more than 50 basis points below the combined rate of return as so determined, it shall be authorized to order increases to the utility's rates necessary to provide the opportunity to fully recover the costs of providing the utility's services and to earn not less than such combined rate of return. If the Commission finds that the utility's combined rate of return on common equity is more than 50 basis points above the combined rate of return as so determined, it shall be authorized either (i) to order reductions to the utility's rates it finds appropriate, provided that the Commission may not order such rate reduction unless it finds that the resulting rates will provide the utility with the opportunity to fully recover its costs of providing its services and to earn not less than the fair rates of return on common equity applicable to the generation and distribution services; or (ii) to direct that 60 percent of the amount of the utility's earnings that were more than 50 basis points above the fair combined rate of return for calendar year 2008 be credited to customers' bills, in which event such credits shall be amortized over a period of six to 12 months, as determined at the discretion of the Commission, following the effective date of the Commission's order and be allocated among customer classes such that the relationship between the specific customer class rates of return to the overall target rate of return will have the same relationship as the last approved allocation of revenues used to design base rates. Commencing in 2011, the Commission, after notice and opportunity for hearing, shall conduct reviews of the rates, terms and conditions for the provision of generation, distribution and transmission services by each investor-owned incumbent electric utility, subject to the following provisions:

1. Rates, terms and conditions for each service shall be reviewed separately on an unbundled basis, and such reviews shall be conducted in a single, combined proceeding. Pursuant to subsection A of § 56-585.1:1, the Commission shall conduct a review for a Phase I Utility in 2020, utilizing the three successive 12-month test periods beginning January 1, 2017, and ending December 31, 2019. Thereafter, reviews for a Phase I Utility will be on a triennial basis with subsequent proceedings utilizing the three successive 12-month test periods ending December 31 immediately preceding the year in which such review proceeding is conducted. Pursuant to subsection A of § 56-585.1:1, the Commission shall conduct a review for a Phase II Utility in 2021, utilizing the four successive 12-month test periods beginning January 1, 2017, and ending December 31, 2020, with subsequent reviews on a triennial basis utilizing the three successive 12-month test periods ending December 31 immediately preceding the year in which such review proceeding is conducted. All such reviews occurring after December 31, 2017, shall be referred to as triennial reviews. For purposes of this section, a Phase I Utility is an investor-owned incumbent electric utility that was, as of July 1, 1999, not bound by a rate case settlement adopted by the Commission that extended in its application beyond January 1, 2002, and a Phase II Utility is an investor-owned incumbent electric utility that was bound by such a settlement.

2. Subject to the provisions of subdivision 6, the fair rate of return on common equity applicable separately to the generation and distribution services of such utility, and for the two such services combined, and for any rate adjustment clauses approved under subdivision 5 or 6, shall be determined by the Commission during each such triennial review, as follows:

a. The Commission may use any methodology to determine such return it finds consistent with the public interest, but such return shall not be set lower than the average of the returns on common equity reported to the Securities and Exchange Commission for the three most recent annual periods for which such data are available by not less than a majority, selected by the Commission as specified in subdivision 2 b, of other investor-owned electric utilities in the peer group of the utility subject to such triennial review, nor shall the Commission set such return more than 300 basis points higher than such average.

b. In selecting such majority of peer group investor-owned electric utilities, the Commission shall first remove from such group the two utilities within such group that have the lowest reported returns of the group, as well as the two utilities within such group that have the highest reported returns of the group, and the Commission shall then select a majority of the utilities remaining in such peer group. In its final order regarding such triennial review, the Commission shall identify the utilities in such peer group it selected for the calculation of such limitation. For purposes of this subdivision, an investor-owned electric utility shall be deemed part of such peer group if (i) its principal operations are conducted in the southeastern United States east of the Mississippi River in either the states of West Virginia or Kentucky or in those states south of Virginia, excluding the state of Tennessee, (ii) it is a vertically-integrated electric utility providing generation,

transmission and distribution services whose facilities and operations are subject to state public utility regulation in the state where its principal operations are conducted, (iii) it had a long-term bond rating assigned by Moody's Investors Service of at least Baa at the end of the most recent test period subject to such triennial review, and (iv) it is not an affiliate of the utility subject to such triennial review.

c. The Commission may, consistent with its precedent for incumbent electric utilities prior to the enactment of Chapters 888 and 933 of the Acts of Assembly of 2007, increase or decrease the utility's combined rate of return based on the Commission's consideration of the utility's performance.

d. In any Current Proceeding, the Commission shall determine whether the Current Return has increased, on a percentage basis, above the Initial Return by more than the increase, expressed as a percentage, in the United States Average Consumer Price Index for all items, all urban consumers (CPI-U), as published by the Bureau of Labor Statistics of the United States Department of Labor, since the date on which the Commission determined the Initial Return. If so, the Commission may conduct an additional analysis of whether it is in the public interest to utilize such Current Return for the Current Proceeding then pending. A finding of whether the Current Return justifies such additional analysis shall be made without regard to any enhanced rate of return on common equity awarded pursuant to the provisions of subdivision 6. Such additional analysis shall include, but not be limited to, a consideration of overall economic conditions, the level of interest rates and cost of capital with respect to business and industry, in general, as well as electric utilities, the current level of inflation and the utility's cost of goods and services, the effect on the utility's ability to provide adequate service and to attract capital if less than the Current Return were utilized for the Current Proceeding then pending, and such other factors as the Commission may deem relevant. If, as a result of such analysis, the Commission finds that use of the Current Return for the Current Proceeding then pending would not be in the public interest, then the lower limit imposed by subdivision 2 a on the return to be determined by the Commission for such utility shall be calculated, for that Current Proceeding only, by increasing the Initial Return by a percentage at least equal to the increase, expressed as a percentage, in the United States Average Consumer Price Index for all items, all urban consumers (CPI-U), as published by the Bureau of Labor Statistics of the United States Department of Labor, since the date on which the Commission determined the Initial Return. For purposes of this subdivision:

"Current Proceeding" means any proceeding conducted under any provisions of this subsection that require or authorize the Commission to determine a fair combined rate of return on common equity for a utility and that will be concluded after the date on which the Commission determined the Initial Return for such utility.

"Current Return" means the minimum fair combined rate of return on common equity required for any Current Proceeding by the limitation regarding a utility's peer group specified in subdivision 2 a.

"Initial Return" means the fair combined rate of return on common equity determined for such utility by the Commission on the first occasion after July 1, 2009, under any provision of this subsection pursuant to the provisions of subdivision 2 a.

e. In addition to other considerations, in setting the return on equity within the range allowed by this section, the Commission shall strive to maintain costs of retail electric energy that are cost competitive with costs of retail electric energy provided by the other peer group investor-owned electric utilities.

f. The determination of such returns shall be made by the Commission on a stand-alone basis, and specifically without regard to any return on common equity or other matters determined with regard to facilities described in subdivision 6.

g. If the combined rate of return on common equity earned by the generation and distribution services is no more than 50 basis points above or below the return as so determined or, for any test period commencing after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, such return is no more than 70 basis points above or below the return as so determined, such combined return shall not be considered either excessive or insufficient, respectively. However, for any test period commencing after December 31, 2012, for a Phase II Utility, and after December 31, 2013, for a Phase I Utility, if the utility has, during the test period or periods under review, earned below the return as so determined, whether or not such combined return is within 70 basis points of the return as so determined, the utility may petition the Commission for approval of an increase in rates in accordance with the provisions of subdivision 8 a as if it had earned more than 70 basis points below a fair combined rate of return, and such proceeding shall otherwise be conducted in accordance with the provisions of this section. The provisions of this subdivision are subject to the provisions of subdivision 8.

h. Any amount of a utility's earnings directed by the Commission to be credited to customers' bills pursuant to this section shall not be considered for the purpose of determining the utility's earnings in any subsequent triennial review.

3. Each such utility shall make a triennial filing by March 31 of every third year, with such filings commencing for a Phase I Utility in 2020, and such filings commencing for a Phase II Utility in 2021, consisting of the schedules contained in the Commission's rules governing utility rate increase applications. Such filing shall encompass the three successive 12-month test periods ending December 31 immediately preceding the year in which such proceeding is conducted, except that the filing for a Phase II Utility in 2021 shall encompass the four successive 12-month test periods ending December 31, 2020, and in every such case the filing for each year shall be identified separately and shall be segregated from any other year encompassed by the filing. If the Commission determines that rates should be revised or credits be applied to customers' bills pursuant to subdivision 8 or 9, any rate adjustment clauses previously implemented related to facilities utilizing simple-cycle combustion turbines described in subdivision 6, shall be combined with the utility's costs, revenues and investments until the amounts that are the subject of such rate adjustment clauses are fully recovered. The Commission shall combine such clauses with the utility's costs, revenues and investments only after it makes its initial determination with

regard to necessary rate revisions or credits to customers' bills, and the amounts thereof, but after such clauses are combined as herein specified, they shall thereafter be considered part of the utility's costs, revenues, and investments for the purposes of future triennial review proceedings. In a triennial filing under this subdivision that does not result in an overall rate change a utility may propose an adjustment to one or more tariffs that are revenue neutral to the utility.

4. (Expires December 31, 2023) The following costs incurred by the utility shall be deemed reasonable and prudent: (i) costs for transmission services provided to the utility by the regional transmission entity of which the utility is a member, as determined under applicable rates, terms and conditions approved by the Federal Energy Regulatory Commission; (ii) costs charged to the utility that are associated with demand response programs approved by the Federal Energy Regulatory Commission and administered by the regional transmission entity of which the utility is a member; and (iii) costs incurred by the utility to construct, operate, and maintain transmission lines and substations installed in order to provide service to a business park. Upon petition of a utility at any time after the expiration or termination of capped rates, but not more than once in any 12-month period, the Commission shall approve a rate adjustment clause under which such costs, including, without limitation, costs for transmission service; charges for new and existing transmission facilities, including costs incurred by the utility to construct, operate, and maintain transmission lines and substations installed in order to provide service to a business park; administrative charges; and ancillary service charges designed to recover transmission costs, shall be recovered on a timely and current basis from customers. Retail rates to recover these costs shall be designed using the appropriate billing determinants in the retail rate schedules.

4. (Effective January 1, 2024) The following costs incurred by the utility shall be deemed reasonable and prudent: (i) costs for transmission services provided to the utility by the regional transmission entity of which the utility is a member, as determined under applicable rates, terms and conditions approved by the Federal Energy Regulatory Commission, and (ii) costs charged to the utility that are associated with demand response programs approved by the Federal Energy Regulatory Commission and administered by the regional transmission entity of which the utility is a member. Upon petition of a utility at any time after the expiration or termination of capped rates, but not more than once in any 12-month period, the Commission shall approve a rate adjustment clause under which such costs, including, without limitation, costs for transmission service, charges for new and existing transmission facilities, administrative charges, and ancillary service charges designed to recover transmission costs, shall be recovered on a timely and current basis from customers. Retail rates to recover these costs shall be designed using the appropriate billing determinants in the retail rate schedules.

5. A utility may at any time, after the expiration or termination of capped rates, but not more than once in any 12-month period, petition the Commission for approval of one or more rate adjustment clauses for the timely and current recovery from customers of the following costs:

a. Incremental costs described in clause (vi) of subsection B of § 56-582 incurred between July 1, 2004, and the expiration or termination of capped rates, if such utility is, as of July 1, 2007, deferring such costs consistent with an order of the Commission entered under clause (vi) of subsection B of § 56-582. The Commission shall approve such a petition allowing the recovery of such costs that comply with the requirements of clause (vi) of subsection B of § 56-582;

b. Projected and actual costs for the utility to design and operate fair and effective peak-shaving programs *or pilot programs*. The Commission shall approve such a petition if it finds that the program is in the public interest, provided that the Commission shall allow the recovery of such costs as it finds are reasonable;

c. Projected and actual costs for the utility to design, implement, and operate energy efficiency programs; ~~including a margin to be recovered on operating expenses, which margin for the purposes of this section shall be equal to the general rate of return on common equity determined as described in subdivision 2~~ *or pilot programs*. Any such petition shall include a proposed budget for the design, implementation, and operation of the energy efficiency program, *including anticipated savings from and spending on each program, and the Commission shall grant a final order on such petitions within eight months of initial filing*. The Commission shall only approve such a petition if it finds that the program is in the public interest. If the Commission determines that an energy efficiency program or portfolio of programs is not in the public interest, its final order shall include all work product and analysis conducted by the Commission's staff in relation to that program that has bearing upon the Commission's determination. Such order shall adhere to existing protocols for extraordinarily sensitive information. ~~As part of such cost recovery, the Commission, if requested by the utility, shall allow for the recovery of revenue reductions related to energy efficiency programs. The Commission shall only allow such recovery to the extent that the Commission determines such revenue has not been recovered through margins from incremental off-system sales as defined in § 56-249.6 that are directly attributable to energy efficiency programs.~~

Energy efficiency pilot programs are in the public interest provided that the pilot program is (i) of limited scope, cost, and duration and (ii) intended to determine whether a new or substantially revised program would be cost-effective.

Prior to January 1, 2022, the Commission shall award a margin for recovery on operating expenses for energy efficiency programs and pilot programs, which margin shall be equal to the general rate of return on common equity determined as described in subdivision 2. Beginning January 1, 2022, and thereafter, if the Commission determines that the utility meets in any year the annual energy efficiency standards set forth in § 56-596.2, in the following year, the Commission shall award a margin on energy efficiency program operating expenses in that year, to be recovered through a rate adjustment clause, which margin shall be equal to the general rate of return on common equity determined as described in subdivision 2. If the Commission does not approve energy efficiency programs that, in the aggregate, can achieve the annual energy efficiency standards, the Commission shall award a margin on energy efficiency operating expenses in that year for any programs the Commission has approved, to be recovered through a rate adjustment clause

under this subdivision, which margin shall equal the general rate of return on common equity determined as described in subdivision 2. Any margin awarded pursuant to this subdivision shall be applied as part of the utility's next rate adjustment clause true-up proceeding. The Commission shall also award an additional 20 basis points for each additional incremental 0.1 percent in annual savings in any year achieved by the utility's energy efficiency programs approved by the Commission pursuant to this subdivision, beyond the annual requirements set forth in § 56-596.2, provided that the total performance incentive awarded in any year shall not exceed 10 percent of that utility's total energy efficiency program spending in that same year.

The Commission shall annually monitor and report to the General Assembly the performance of all programs approved pursuant to this subdivision, including each utility's compliance with the total annual savings required by § 56-596.2, as well as the annual and lifecycle net and gross energy and capacity savings, related emissions reductions, and other quantifiable benefits of each program; total customer bill savings that the programs produce; utility spending on each program, including any associated administrative costs; and each utility's avoided costs and cost-effectiveness results.

Notwithstanding any other provision of law, unless the Commission finds in its discretion and after consideration of all in-state and regional transmission entity resources that there is a threat to the reliability or security of electric service to the utility's customers, the Commission shall not approve construction of any new utility-owned generating facilities that emit carbon dioxide as a by-product of combusting fuel to generate electricity unless the utility has already met the energy savings goals identified in § 56-596.2 and the Commission finds that supply-side resources are more cost-effective than demand-side or energy storage resources.

~~None of the costs of new energy efficiency programs of an electric utility, including recovery of revenue reductions, shall be assigned to any large general service customer. As used in this subdivision, "large general service customer is" means a customer that has a verifiable history of having used more than 500 kilowatts one megawatt of demand from a single meter of delivery site.~~

Large general service customers shall be exempt from requirements that they participate in energy efficiency programs if the Commission finds that the large general service customer has, at the customer's own expense, implemented energy efficiency programs that have produced or will produce measured and verified results consistent with industry standards and other regulatory criteria stated in this section. The Commission shall, no later than June 30, 2021, adopt rules or regulations (a) establishing the process for large general service customers to apply for such an exemption, (b) establishing the administrative procedures by which eligible customers will notify the utility, and (c) defining the standard criteria that shall be satisfied by an applicant in order to notify the utility, including means of evaluation measurement and verification and confidentiality requirements. At a minimum, such rules and regulations shall require that each exempted large general service customer certify to the utility and Commission that its implemented energy efficiency programs have delivered measured and verified savings within the prior five years. In adopting such rules or regulations, the Commission shall also specify the timing as to when a utility shall accept and act on such notice, taking into consideration the utility's integrated resource planning process, as well as its administration of energy efficiency programs that are approved for cost recovery by the Commission. Savings from large general service customers shall be accounted for in utility reporting in the standards in § 56-596.2.

The notice of nonparticipation by a large general service customer shall be for the duration of the service life of the customer's energy efficiency measures. The Commission may on its own motion initiate steps necessary to verify such nonparticipant's achievement of energy efficiency if the Commission has a body of evidence that the nonparticipant has knowingly misrepresented its energy efficiency achievement.

A utility shall not charge such large general service customer, ~~as defined by the Commission,~~ for the costs of installing energy efficiency equipment beyond what is required to provide electric service and meter such service on the customer's premises if the customer provides, at the customer's expense, equivalent energy efficiency equipment. In all relevant proceedings pursuant to this section, the Commission shall take into consideration the goals of economic development, energy efficiency and environmental protection in the Commonwealth;

d. Projected and actual costs of ~~participation in a compliance with renewable energy portfolio standard program requirements pursuant to § 56-585.2~~ 56-585.5 that are not recoverable under subdivision 6. The Commission shall approve such a petition allowing the recovery of such costs ~~incurred as are provided for in a program approved pursuant to required by § 56-585.2~~ 56-585.5, provided that the Commission does not otherwise find such costs were unreasonably or imprudently incurred;

e. Projected and actual costs of projects that the Commission finds to be necessary to mitigate impacts to marine life caused by construction of offshore wind generating facilities, as described in § 56-585.1:11, or to comply with state or federal environmental laws or regulations applicable to generation facilities used to serve the utility's native load obligations, including the costs of allowances purchased through a market-based trading program for carbon dioxide emissions. The Commission shall approve such a petition if it finds that such costs are necessary to comply with such environmental laws or regulations; and

f. Projected and actual costs, not currently in rates, for the utility to design, implement, and operate programs approved by the Commission that accelerate the vegetation management of distribution rights-of-way. No costs shall be allocated to or recovered from customers that are served within the large general service rate classes for a Phase II Utility or that are served at subtransmission or transmission voltage, or take delivery at a substation served from subtransmission or transmission voltage, for a Phase I Utility.

Any rate adjustment clause approved under subdivision 5 c by the Commission shall remain in effect until the utility exhausts the approved budget for the energy efficiency program. The Commission shall have the authority to determine the duration or amortization period for any other rate adjustment clause approved under this subdivision.

6. To ensure the generation and delivery of a reliable and adequate supply of electricity, to meet the utility's projected native load obligations and to promote economic development, a utility may at any time, after the expiration or termination of capped rates, petition the Commission for approval of a rate adjustment clause for recovery on a timely and current basis from customers of the costs of (i) a coal-fueled generation facility that utilizes Virginia coal and is located in the coalfield region of the Commonwealth as described in § 15.2-6002, regardless of whether such facility is located within or without the utility's service territory, (ii) one or more other generation facilities, (iii) one or more major unit modifications of generation facilities, including the costs of any system or equipment upgrade, system or equipment replacement, or other cost reasonably appropriate to extend the combined operating license for or the operating life of one or more generation facilities utilizing nuclear power, (iv) one or more new underground facilities to replace one or more existing overhead distribution facilities of 69 kilovolts or less located within the Commonwealth, (v) one or more pumped hydroelectricity generation and storage facilities that utilize on-site or off-site renewable energy resources as all or a portion of their power source and such facilities and associated resources are located in the coalfield region of the Commonwealth as described in § 15.2-6002, regardless of whether such facility is located within or without the utility's service territory, or (vi) one or more electric distribution grid transformation projects; however, subject to the provisions of the following sentence, the utility shall not file a petition under clause (iv) more often than annually and, in such petition, shall not seek any annual incremental increase in the level of investments associated with such a petition that exceeds five percent of such utility's distribution rate base, as such rate base was determined for the most recently ended 12-month test period in the utility's latest review proceeding conducted pursuant to subdivision 3 and concluded by final order of the Commission prior to the date of filing of such petition under clause (iv). In all proceedings regarding petitions filed under clause (iv) or (vi), the level of investments approved for recovery in such proceedings shall be in addition to, and not in lieu of, levels of investments previously approved for recovery in prior proceedings under clause (iv) or (vi), as applicable. As of December 1, 2028, any costs recovered by a utility pursuant to clause (iv) shall be limited to any remaining costs associated with conversions of overhead distribution facilities to underground facilities that have been previously approved or are pending approval by the Commission through a petition by the utility under this subdivision. Such a petition concerning facilities described in clause (ii) that utilize nuclear power, facilities described in clause (ii) that are coal-fueled and will be built by a Phase I Utility, or facilities described in clause (i) may also be filed before the expiration or termination of capped rates. A utility that constructs or makes modifications to any such facility, or purchases any facility consisting of at least one megawatt of generating capacity using energy derived from sunlight and located in the Commonwealth and that utilizes goods or services sourced, in whole or in part, from one or more Virginia businesses, shall have the right to recover the costs of the facility, as accrued against income, through its rates, including projected construction work in progress, and any associated allowance for funds used during construction, planning, development and construction or acquisition costs, life-cycle costs, costs related to assessing the feasibility of potential sites for new underground facilities, and costs of infrastructure associated therewith, plus, as an incentive to undertake such projects, an enhanced rate of return on common equity calculated as specified below; however, in determining the amounts recoverable under a rate adjustment clause for new underground facilities, the Commission shall not consider, or increase or reduce such amounts recoverable because of (a) the operation and maintenance costs attributable to either the overhead distribution facilities being replaced or the new underground facilities or (b) any other costs attributable to the overhead distribution facilities being replaced. Notwithstanding the preceding sentence, the costs described in clauses (a) and (b) thereof shall remain eligible for recovery from customers through the utility's base rates for distribution service. A utility filing a petition for approval to construct or purchase a facility consisting of at least one megawatt of generating capacity using energy derived from sunlight and located in the Commonwealth and that utilizes goods or services sourced, in whole or in part, from one or more Virginia businesses may propose a rate adjustment clause based on a market index in lieu of a cost of service model for such facility. A utility seeking approval to construct or purchase a generating facility ~~described in clause (i) or (ii) that emits carbon dioxide~~ shall demonstrate that it has *already met the energy savings goals identified in § 56-596.2 and that the identified need cannot be met more affordably through the deployment or utilization of demand-side resources or energy storage resources and that it has considered and weighed alternative options, including third-party market alternatives, in its selection process.*

The costs of the facility, other than return on projected construction work in progress and allowance for funds used during construction, shall not be recovered prior to the date a facility constructed by the utility and described in clause (i), (ii), (iii) or (v) begins commercial operation, the date the utility becomes the owner of a purchased generation facility consisting of at least one megawatt of generating capacity using energy derived from sunlight and located in the Commonwealth and that utilizes goods or services sourced, in whole or in part, from one or more Virginia businesses, or the date new underground facilities are classified by the utility as plant in service. *In any application to construct a new generating facility, the utility shall include, and the Commission shall consider, the social cost of carbon, as determined by the Commission, as a benefit or cost, whichever is appropriate. The Commission shall ensure that the development of new, or expansion of existing, energy resources or facilities does not have a disproportionate adverse impact on historically economically disadvantaged communities. The Commission may adopt any rules it deems necessary to determine the social cost of carbon and shall use the best available science and technology, including the Technical Support Document:*

Technical Update of the Social Cost of Carbon for Regulatory Impact Analysis Under Executive Order 12866, published by the Interagency Working Group on Social Cost of Greenhouse Gases from the United States Government in August 2016, as guidance. The Commission shall include a system to adjust the costs established in this section with inflation.

Such enhanced rate of return on common equity shall be applied to allowance for funds used during construction and to construction work in progress during the construction phase of the facility and shall thereafter be applied to the entire facility during the first portion of the service life of the facility. The first portion of the service life shall be as specified in the table below; however, the Commission shall determine the duration of the first portion of the service life of any facility, within the range specified in the table below, which determination shall be consistent with the public interest and shall reflect the Commission's determinations regarding how critical the facility may be in meeting the energy needs of the citizens of the Commonwealth and the risks involved in the development of the facility. After the first portion of the service life of the facility is concluded, the utility's general rate of return shall be applied to such facility for the remainder of its service life. As used herein, the service life of the facility shall be deemed to begin on the date a facility constructed by the utility and described in clause (i), (ii), (iii) or (v) begins commercial operation, the date the utility becomes the owner of a purchased generation facility consisting of at least one megawatt of generating capacity using energy derived from sunlight and located in the Commonwealth and that utilizes goods or services sourced, in whole or in part, from one or more Virginia businesses, or the date new underground facilities or new electric distribution grid transformation projects are classified by the utility as plant in service, and such service life shall be deemed equal in years to the life of that facility as used to calculate the utility's depreciation expense. Such enhanced rate of return on common equity shall be calculated by adding the basis points specified in the table below to the utility's general rate of return, and such enhanced rate of return shall apply only to the facility that is the subject of such rate adjustment clause. Allowance for funds used during construction shall be calculated for any such facility utilizing the utility's actual capital structure and overall cost of capital, including an enhanced rate of return on common equity as determined pursuant to this subdivision, until such construction work in progress is included in rates. The construction of any facility described in clause (i) or (v) is in the public interest, and in determining whether to approve such facility, the Commission shall liberally construe the provisions of this title. The construction or purchase by a utility of one or more generation facilities with at least one megawatt of generating capacity, and with an aggregate rated capacity that does not exceed ~~5,000~~ 16,100 megawatts, including rooftop solar installations with a capacity of not less than 50 kilowatts, and with an aggregate capacity of ~~50~~ 100 megawatts, that use energy derived from sunlight or from *onshore* wind and are located in the Commonwealth or off the Commonwealth's Atlantic shoreline, regardless of whether any of such facilities are located within or without the utility's service territory, is in the public interest, and in determining whether to approve such facility, the Commission shall liberally construe the provisions of this title. A utility may enter into short-term or long-term power purchase contracts for the power derived from sunlight generated by such generation facility prior to purchasing the generation facility. The replacement of any subset of a utility's existing overhead distribution tap lines that have, in the aggregate, an average of nine or more total unplanned outage events-per-mile over a preceding 10-year period with new underground facilities in order to improve electric service reliability is in the public interest. In determining whether to approve petitions for rate adjustment clauses for such new underground facilities that meet this criteria, and in determining the level of costs to be recovered thereunder, the Commission shall liberally construe the provisions of this title.

The conversion of any such facilities on or after September 1, 2016, is deemed to provide local and system-wide benefits and to be cost beneficial, and the costs associated with such new underground facilities are deemed to be reasonably and prudently incurred and, notwithstanding the provisions of subsection C or D, shall be approved for recovery by the Commission pursuant to this subdivision, provided that the total costs associated with the replacement of any subset of existing overhead distribution tap lines proposed by the utility with new underground facilities, exclusive of financing costs, shall not exceed an average cost per customer of \$20,000, with such customers, including those served directly by or downline of the tap lines proposed for conversion, and, further, such total costs shall not exceed an average cost per mile of tap lines converted, exclusive of financing costs, of \$750,000. A utility shall, without regard for whether it has petitioned for any rate adjustment clause pursuant to clause (vi), petition the Commission, not more than once annually, for approval of a plan for electric distribution grid transformation projects. Any plan for electric distribution grid transformation projects shall include both measures to facilitate integration of distributed energy resources and measures to enhance physical electric distribution grid reliability and security. In ruling upon such a petition, the Commission shall consider whether the utility's plan for such projects, and the projected costs associated therewith, are reasonable and prudent. Such petition shall be considered on a stand-alone basis without regard to the other costs, revenues, investments, or earnings of the utility; without regard to whether the costs associated with such projects will be recovered through a rate adjustment clause under this subdivision or through the utility's rates for generation and distribution services; and without regard to whether such costs will be the subject of a customer credit offset, as applicable, pursuant to subdivision 8 d. The Commission's final order regarding any such petition for approval of an electric distribution grid transformation plan shall be entered by the Commission not more than six months after the date of filing such petition. The Commission shall likewise enter its final order with respect to any petition by a utility for a certificate to construct and operate a generating facility or facilities utilizing energy derived from sunlight, pursuant to subsection D of § 56-580, within six months after the date of filing such petition. The basis points to be added to the utility's general rate of return to calculate the enhanced rate of return on

common equity, and the first portion of that facility's service life to which such enhanced rate of return shall be applied, shall vary by type of facility, as specified in the following table:

Type of Generation Facility	Basis Points	First Portion of Service Life
Nuclear-powered	200	Between 12 and 25 years
Carbon capture compatible, clean-coal powered	200	Between 10 and 20 years
Renewable powered, other than landfill gas powered	200	Between 5 and 15 years
Coalbed methane gas powered	150	Between 5 and 15 years
Landfill gas powered	200	Between 5 and 15 years
Conventional coal or combined-cycle combustion turbine	100	Between 10 and 20 years

~~For generating facilities other than those utilizing nuclear power constructed pursuant to clause (ii) or those utilizing energy derived from offshore wind, as of July 1, 2013, only~~ Only those facilities as to which a rate adjustment clause under this subdivision has been previously approved by the Commission, or as to which a petition for approval of such rate adjustment clause was filed with the Commission, on or before January 1, 2013, shall be entitled to the enhanced rate of return on common equity as specified in the above table during the construction phase of the facility and the approved first portion of its service life.

~~For generating facilities within the Commonwealth utilizing nuclear power or those utilizing energy derived from offshore wind projects located in waters off the Commonwealth's Atlantic shoreline, such facilities shall continue to be eligible for an enhanced rate of return on common equity during the construction phase of the facility and the approved first portion of its service life of between 12 and 25 years in the case of a facility utilizing nuclear power and for a service life of between 5 and 15 years in the case of a facility utilizing energy derived from offshore wind, provided, however, that, as of July 1, 2013, the enhanced return for such facilities constructed pursuant to clause (ii) shall be 100 basis points, which shall be added to the utility's general rate of return as determined under subdivision 2.~~ Thirty percent of all costs of such a facility utilizing nuclear power that the utility incurred between July 1, 2007, and December 31, 2013, and all of such costs incurred after December 31, 2013, may be deferred by the utility and recovered through a rate adjustment clause under this subdivision at such time as the Commission provides in an order approving such a rate adjustment clause. The remaining 70 percent of all costs of such a facility that the utility incurred between July 1, 2007, and December 31, 2013, shall not be deferred for recovery through a rate adjustment clause under this subdivision; however, such remaining 70 percent of all costs shall be recovered ratably through existing base rates as determined by the Commission in the test periods under review in the utility's next review filed after July 1, 2014. Thirty percent of all costs of ~~such~~ a facility utilizing energy derived from offshore wind that the utility incurred between July 1, 2007, and December 31, 2013, and all of such costs incurred after December 31, 2013, may be deferred by the utility and recovered through a rate adjustment clause under this subdivision at such time as the Commission provides in an order approving such a rate adjustment clause. The remaining 70 percent of all costs of such a facility that the utility incurred between July 1, 2007, and December 31, 2013, shall not be deferred for recovery through a rate adjustment clause under this subdivision; however, such remaining 70 percent of all costs shall be recovered ratably through existing base rates as determined by the Commission in the test periods under review in the utility's next review filed after July 1, 2014.

~~In connection with planning to meet forecasted demand for electric generation supply and assure the adequate and sufficient reliability of service, consistent with § 56-598, planning and development activities for a new nuclear generation facility or facilities are in the public interest.~~

In connection with planning to meet forecasted demand for electric generation supply and assure the adequate and sufficient reliability of service, consistent with § 56-598, planning and development activities for a new utility-owned and utility-operated generating facility or facilities utilizing energy derived from sunlight or from onshore or offshore wind are in the public interest.

~~Construction~~ Notwithstanding any provision of Chapter 296 of the Acts of Assembly of 2018, construction, purchasing, or leasing activities for a new utility-owned and utility-operated generating facility or facilities utilizing energy derived from sunlight or from onshore wind with an aggregate capacity of ~~5,000~~ 16,100 megawatts, including rooftop solar installations with a capacity of not less than 50 kilowatts, and with an aggregate capacity of ~~50~~ 100 megawatts, together with a ~~new test or demonstration project~~ for a utility-owned and utility-operated generating facility or facilities utilizing energy derived from offshore wind with an aggregate capacity of not more than ~~16~~ 3,000 megawatts, are in the public interest. To the extent that a utility elects to recover the costs of any such new generation facility or facilities through its rates for generation and distribution services and does not petition and receive approval from the Commission for recovery of such costs through a rate adjustment clause described in clause (ii), the Commission shall, upon the request of the utility in a triennial review proceeding, provide for a customer credit reinvestment offset, as applicable, pursuant to subdivision 8 d

with respect to all costs deemed reasonable and prudent by the Commission in a proceeding pursuant to subsection D of § 56-580 or in a triennial review proceeding.

Electric distribution grid transformation projects are in the public interest. To the extent that a utility elects to recover the costs of such electric distribution grid transformation projects through its rates for generation and distribution services, and does not petition and receive approval from the Commission for recovery of such costs through a rate adjustment clause described in clause (vi), the Commission shall, upon the request of the utility in a triennial review proceeding, provide for a customer credit reinvestment offset, as applicable, pursuant to subdivision 8 d with respect to all costs deemed reasonable and prudent by the Commission in a proceeding for approval of a plan for electric distribution grid transformation projects pursuant to subdivision 6 or in a triennial review proceeding.

Neither generation facilities described in clause (ii) that utilize simple-cycle combustion turbines nor new underground facilities shall receive an enhanced rate of return on common equity as described herein, but instead shall receive the utility's general rate of return during the construction phase of the facility and, thereafter, for the entire service life of the facility. No rate adjustment clause for new underground facilities shall allocate costs to, or provide for the recovery of costs from, customers that are served within the large power service rate class for a Phase I Utility and the large general service rate classes for a Phase II Utility. New underground facilities are hereby declared to be ordinary extensions or improvements in the usual course of business under the provisions of § 56-265.2.

As used in this subdivision, a generation facility is (1) "coalbed methane gas powered" if the facility is fired at least 50 percent by coalbed methane gas, as such term is defined in § 45.1-361.1, produced from wells located in the Commonwealth, and (2) "landfill gas powered" if the facility is fired by methane or other combustible gas produced by the anaerobic digestion or decomposition of biodegradable materials in a solid waste management facility licensed by the Waste Management Board. A landfill gas powered facility includes, in addition to the generation facility itself, the equipment used in collecting, drying, treating, and compressing the landfill gas and in transmitting the landfill gas from the solid waste management facility where it is collected to the generation facility where it is combusted.

For purposes of this subdivision, "general rate of return" means the fair combined rate of return on common equity as it is determined by the Commission for such utility pursuant to subdivision 2.

Notwithstanding any other provision of this subdivision, if the Commission finds during the triennial review conducted for a Phase II Utility in 2021 that such utility has not filed applications for all necessary federal and state regulatory approvals to construct one or more nuclear-powered or coal-fueled generation facilities that would add a total capacity of at least 1500 megawatts to the amount of the utility's generating resources as such resources existed on July 1, 2007, or that, if all such approvals have been received, that the utility has not made reasonable and good faith efforts to construct one or more such facilities that will provide such additional total capacity within a reasonable time after obtaining such approvals, then the Commission, if it finds it in the public interest, may reduce on a prospective basis any enhanced rate of return on common equity previously applied to any such facility to no less than the general rate of return for such utility and may apply no less than the utility's general rate of return to any such facility for which the utility seeks approval in the future under this subdivision.

Notwithstanding any other provision of this subdivision, if a Phase II utility obtains approval from the Commission of a rate adjustment clause pursuant to subdivision 6 associated with a test or demonstration project involving a generation facility utilizing energy from offshore wind, and such utility has not, as of July 1, 2023, commenced construction as defined for federal income tax purposes of an offshore wind generation facility or facilities with a minimum aggregate capacity of 250 megawatts, then the Commission, if it finds it in the public interest, may direct that the costs associated with any such rate adjustment clause involving said test or demonstration project shall thereafter no longer be recovered through a rate adjustment clause pursuant to subdivision 6 and shall instead be recovered through the utility's rates for generation and distribution services, with no change in such rates for generation and distribution services as a result of the combination of such costs with the other costs, revenues, and investments included in the utility's rates for generation and distribution services. Any such costs shall remain combined with the utility's other costs, revenues, and investments included in its rates for generation and distribution services until such costs are fully recovered.

7. Any petition filed pursuant to subdivision 4, 5, or 6 shall be considered by the Commission on a stand-alone basis without regard to the other costs, revenues, investments, or earnings of the utility. Any costs incurred by a utility prior to the filing of such petition, or during the consideration thereof by the Commission, that are proposed for recovery in such petition and that are related to subdivision 5 a, or that are related to facilities and projects described in clause (i) of subdivision 6, or that are related to new underground facilities described in clause (iv) of subdivision 6, shall be deferred on the books and records of the utility until the Commission's final order in the matter, or until the implementation of any applicable approved rate adjustment clauses, whichever is later. Except as otherwise provided in subdivision 6, any costs prudently incurred on or after July 1, 2007, by a utility prior to the filing of such petition, or during the consideration thereof by the Commission, that are proposed for recovery in such petition and that are related to facilities and projects described in clause (ii) or clause (iii) of subdivision 6 that utilize nuclear power, or coal-fueled facilities and projects described in clause (ii) of subdivision 6 if such coal-fueled facilities will be built by a Phase I Utility, shall be deferred on the books and records of the utility until the Commission's final order in the matter, or until the implementation of any applicable approved rate adjustment clauses, whichever is later. Any costs prudently incurred after the expiration or termination of capped rates related to other matters described in subdivision 4, 5, or 6 shall be deferred beginning only upon the expiration or termination of capped rates, provided, however, that no provision of this act shall affect the rights of any parties with respect

to the rulings of the Federal Energy Regulatory Commission in PJM Interconnection LLC and Virginia Electric and Power Company, 109 F.E.R.C. P 61,012 (2004). A utility shall establish a regulatory asset for regulatory accounting and ratemaking purposes under which it shall defer its operation and maintenance costs incurred in connection with (i) the refueling of any nuclear-powered generating plant and (ii) other work at such plant normally performed during a refueling outage. The utility shall amortize such deferred costs over the refueling cycle, but in no case more than 18 months, beginning with the month in which such plant resumes operation after such refueling. The refueling cycle shall be the applicable period of time between planned refueling outages for such plant. As of January 1, 2014, such amortized costs are a component of base rates, recoverable in base rates only ratably over the refueling cycle rather than when such outages occur, and are the only nuclear refueling costs recoverable in base rates. This provision shall apply to any nuclear-powered generating plant refueling outage commencing after December 31, 2013, and the Commission shall treat the deferred and amortized costs of such regulatory asset as part of the utility's costs for the purpose of proceedings conducted (a) with respect to triennial filings under subdivision 3 made on and after July 1, 2014, and (b) pursuant to § 56-245 or the Commission's rules governing utility rate increase applications as provided in subsection B. This provision shall not be deemed to change or reset base rates.

The Commission's final order regarding any petition filed pursuant to subdivision 4, 5, or 6 shall be entered not more than three months, eight months, and nine months, respectively, after the date of filing of such petition. If such petition is approved, the order shall direct that the applicable rate adjustment clause be applied to customers' bills not more than 60 days after the date of the order, or upon the expiration or termination of capped rates, whichever is later.

8. In any triennial review proceeding, for the purposes of reviewing earnings on the utility's rates for generation and distribution services, the following utility generation and distribution costs not proposed for recovery under any other subdivision of this subsection, as recorded per books by the utility for financial reporting purposes and accrued against income, shall be attributed to the test periods under review and deemed fully recovered in the period recorded: costs associated with asset impairments related to early retirement determinations made by the utility for utility generation facilities fueled by coal, natural gas, or oil or for automated meter reading electric distribution service meters; costs associated with projects necessary to comply with state or federal environmental laws, regulations, or judicial or administrative orders relating to coal combustion by-product management that the utility does not petition to recover through a rate adjustment clause pursuant to subdivision 5 e; costs associated with severe weather events; and costs associated with natural disasters. Such costs shall be deemed to have been recovered from customers through rates for generation and distribution services in effect during the test periods under review unless such costs, individually or in the aggregate, together with the utility's other costs, revenues, and investments to be recovered through rates for generation and distribution services, result in the utility's earned return on its generation and distribution services for the combined test periods under review to fall more than 50 basis points below the fair combined rate of return authorized under subdivision 2 for such periods or, for any test period commencing after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, to fall more than 70 basis points below the fair combined rate of return authorized under subdivision 2 for such periods. In such cases, the Commission shall, in such triennial review proceeding, authorize deferred recovery of such costs and allow the utility to amortize and recover such deferred costs over future periods as determined by the Commission. The aggregate amount of such deferred costs shall not exceed an amount that would, together with the utility's other costs, revenues, and investments to be recovered through rates for generation and distribution services, cause the utility's earned return on its generation and distribution services to exceed the fair rate of return authorized under subdivision 2, less 50 basis points, for the combined test periods under review or, for any test period commencing after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, to exceed the fair rate of return authorized under subdivision 2 less 70 basis points. Nothing in this section shall limit the Commission's authority, pursuant to the provisions of Chapter 10 (§ 56-232 et seq.), including specifically § 56-235.2, following the review of combined test period earnings of the utility in a triennial review, for normalization of nonrecurring test period costs and annualized adjustments for future costs, in determining any appropriate increase or decrease in the utility's rates for generation and distribution services pursuant to subdivision 8 a or 8 c.

If the Commission determines as a result of such triennial review that:

a. ~~The Revenue reductions related to energy efficiency measures or programs approved and deployed since the utility's previous triennial review have caused the utility, as verified by the Commission, during the test period or periods under review, considered as a whole, to earn more than 50 basis points below a fair combined rate of return on its generation and distribution services or, for any test period commencing after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, more than 70 basis points below a fair combined rate of return on its generation and distribution services, as determined in subdivision 2, without regard to any return on common equity or other matters determined with respect to facilities described in subdivision 6, the Commission shall order increases to the utility's rates for generation and distribution services necessary to recover such revenue reductions. If the Commission finds, for reasons other than revenue reductions related to energy efficiency measures, that the utility has, during the test period or periods under review, considered as a whole, earned more than 50 basis points below a fair combined rate of return on its generation and distribution services or, for any test period commencing after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, more than 70 basis points below a fair combined rate of return on its generation and distribution services, as determined in subdivision 2, without regard to any return on common equity or other matters determined with respect to facilities described in subdivision 6, the Commission shall order increases to the utility's rates~~

necessary to provide the opportunity to fully recover the costs of providing the utility's services and to earn not less than such fair combined rate of return, using the most recently ended 12-month test period as the basis for determining the amount of the rate increase necessary. However, in the first triennial review proceeding conducted after January 1, 2021, for a Phase II Utility, the Commission may not order a rate increase, and in all triennial reviews of a Phase I or Phase II utility, the Commission may not order such rate increase unless it finds that the resulting rates are necessary to provide the utility with the opportunity to fully recover its costs of providing its services and to earn not less than a fair combined rate of return on both its generation and distribution services, as determined in subdivision 2, without regard to any return on common equity or other matters determined with respect to facilities described in subdivision 6, using the most recently ended 12-month test period as the basis for determining the permissibility of any rate increase under the standards of this sentence, and the amount thereof; and provided that, solely in connection with making its determination concerning the necessity for such a rate increase or the amount thereof, the Commission shall, in any triennial review proceeding conducted prior to July 1, 2028, exclude from this most recently ended 12-month test period any remaining investment levels associated with a prior customer credit reinvestment offset pursuant to subdivision d.

b. The utility has, during the test period or test periods under review, considered as a whole, earned more than 50 basis points above a fair combined rate of return on its generation and distribution services or, for any test period commencing after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, more than 70 basis points above a fair combined rate of return on its generation and distribution services, as determined in subdivision 2, without regard to any return on common equity or other matters determined with respect to facilities described in subdivision 6, the Commission shall, subject to the provisions of subdivisions 8 d and 9, direct that 60 percent of the amount of such earnings that were more than 50 basis points, or, for any test period commencing after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, that 70 percent of the amount of such earnings that were more than 70 basis points, above such fair combined rate of return for the test period or periods under review, considered as a whole, shall be credited to customers' bills. Any such credits shall be amortized over a period of six to 12 months, as determined at the discretion of the Commission, following the effective date of the Commission's order, and shall be allocated among customer classes such that the relationship between the specific customer class rates of return to the overall target rate of return will have the same relationship as the last approved allocation of revenues used to design base rates; or

c. In any triennial review proceeding conducted after January 1, 2020, for a Phase I Utility or after January 1, 2021, for a Phase II Utility in which the utility has, during the test period or test periods under review, considered as a whole, earned more than 50 basis points above a fair combined rate of return on its generation and distribution services or, for any test period commencing after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, more than 70 basis points above a fair combined rate of return on its generation and distribution services, as determined in subdivision 2, without regard to any return on common equity or other matter determined with respect to facilities described in subdivision 6, and the combined aggregate level of capital investment that the Commission has approved other than those capital investments that the Commission has approved for recovery pursuant to a rate adjustment clause pursuant to subdivision 6 made by the utility during the test periods under review in that triennial review proceeding in new utility-owned generation facilities utilizing energy derived from sunlight, or from wind, and in electric distribution grid transformation projects, as determined pursuant to subdivision 8 d, does not equal or exceed 100 percent of the earnings that are more than 70 basis points above the utility's fair combined rate of return on its generation and distribution services for the combined test periods under review in that triennial review proceeding, the Commission shall, subject to the provisions of subdivision 9 and in addition to the actions authorized in subdivision b, also order reductions to the utility's rates it finds appropriate. However, in the first triennial review proceeding conducted after January 1, 2021, for a Phase II Utility, any reduction to the utility's rates ordered by the Commission pursuant to this subdivision shall not exceed \$50 million in annual revenues, with any reduction allocated to the utility's rates for generation services, and in each triennial review of a Phase I or Phase II Utility, the Commission may not order such rate reduction unless it finds that the resulting rates will provide the utility with the opportunity to fully recover its costs of providing its services and to earn not less than a fair combined rate of return on its generation and distribution services, as determined in subdivision 2, without regard to any return on common equity or other matters determined with respect to facilities described in subdivision 6, using the most recently ended 12-month test period as the basis for determining the permissibility of any rate reduction under the standards of this sentence, and the amount thereof; and

d. (Expires July 1, 2028) In any triennial review proceeding conducted after December 31, 2017, upon the request of the utility, the Commission shall determine, prior to directing that 70 percent of earnings that are more than 70 basis points above the utility's fair combined rate of return on its generation and distribution services for the test period or periods under review be credited to customer bills pursuant to subdivision 8 b, the aggregate level of prior capital investment that the Commission has approved other than those capital investments that the Commission has approved for recovery pursuant to a rate adjustment clause pursuant to subdivision 6 made by the utility during the test period or periods under review in both (i) new utility-owned generation facilities utilizing energy derived from sunlight, or from onshore or offshore wind, and (ii) electric distribution grid transformation projects, as determined by the utility's plant in service and construction work in progress balances related to such investments as recorded per books by the utility for financial reporting purposes as of the end of the most recent test period under review. Any such combined capital investment amounts shall offset any customer bill credit amounts, on a dollar for dollar basis, up to the aggregate level of invested or committed capital under clauses (i) and (ii). The aggregate level of qualifying invested or committed capital under clauses (i) and (ii) is referred to in this

subdivision as the customer credit reinvestment offset, which offsets the customer bill credit amount that the utility has invested or will invest in new solar or wind generation facilities or electric distribution grid transformation projects for the benefit of customers, in amounts up to 100 percent of earnings that are more than 70 basis points above the utility's fair rate of return on its generation and distribution services, and thereby reduce or eliminate otherwise incremental rate adjustment clause charges and increases to customer bills, which is deemed to be in the public interest. If 100 percent of the amount of earnings that are more than 70 basis points above the utility's fair combined rate of return on its generation and distribution services, as determined in subdivision 2, exceeds the aggregate level of invested capital in new utility-owned generation facilities utilizing energy derived from sunlight, or from wind, and electric distribution grid transformation projects, as provided in clauses (i) and (ii), during the test period or periods under review, then 70 percent of the amount of such excess shall be credited to customer bills as provided in subdivision 8 b in connection with the triennial review proceeding. The portion of any costs associated with new utility-owned generation facilities utilizing energy derived from sunlight, or from wind, or electric distribution grid transformation projects that is the subject of any customer credit reinvestment offset pursuant to this subdivision shall not thereafter be recovered through the utility's rates for generation and distribution services over the service life of such facilities and shall not thereafter be included in the utility's costs, revenues, and investments in future triennial review proceedings conducted pursuant to subdivision 2 and shall not be the subject of a rate adjustment clause petition pursuant to subdivision 6. The portion of any costs associated with new utility-owned generation facilities utilizing energy derived from sunlight, or from wind, or electric distribution grid transformation projects that is not the subject of any customer credit reinvestment offset pursuant to this subdivision may be recovered through the utility's rates for generation and distribution services over the service life of such facilities and shall be included in the utility's costs, revenues, and investments in future triennial review proceedings conducted pursuant to subdivision 2 until such costs are fully recovered, and if such costs are recovered through the utility's rates for generation and distribution services, they shall not be the subject of a rate adjustment clause petition pursuant to subdivision 6. Only the portion of such costs of new utility-owned generation facilities utilizing energy derived from sunlight, or from wind, or electric distribution grid transformation projects that has not been included in any customer credit reinvestment offset pursuant to this subdivision, and not otherwise recovered through the utility's rates for generation and distribution services, may be the subject of a rate adjustment clause petition by the utility pursuant to subdivision 6.

The Commission's final order regarding such triennial review shall be entered not more than eight months after the date of filing, and any revisions in rates or credits so ordered shall take effect not more than 60 days after the date of the order. The fair combined rate of return on common equity determined pursuant to subdivision 2 in such triennial review shall apply, for purposes of reviewing the utility's earnings on its rates for generation and distribution services, to the entire three successive 12-month test periods ending December 31 immediately preceding the year of the utility's subsequent triennial review filing under subdivision 3 and shall apply to applicable rate adjustment clauses under subdivisions 5 and 6 prospectively from the date the Commission's final order in the triennial review proceeding, utilizing rate adjustment clause true-up protocols as the Commission in its discretion may determine.

9. If, as a result of a triennial review required under this subsection and conducted with respect to any test period or periods under review ending later than December 31, 2010 (or, if the Commission has elected to stagger its biennial reviews of utilities as provided in subdivision 1, under review ending later than December 31, 2010, for a Phase I Utility, or December 31, 2011, for a Phase II Utility), the Commission finds, with respect to such test period or periods considered as a whole, that (i) any utility has, during the test period or periods under review, considered as a whole, earned more than 50 basis points above a fair combined rate of return on its generation and distribution services or, for any test period commencing after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, more than 70 basis points above a fair combined rate of return on its generation and distribution services, as determined in subdivision 2, without regard to any return on common equity or other matters determined with respect to facilities described in subdivision 6, and (ii) the total aggregate regulated rates of such utility at the end of the most recently ended 12-month test period exceeded the annual increases in the United States Average Consumer Price Index for all items, all urban consumers (CPI-U), as published by the Bureau of Labor Statistics of the United States Department of Labor, compounded annually, when compared to the total aggregate regulated rates of such utility as determined pursuant to the review conducted for the base period, the Commission shall, unless it finds that such action is not in the public interest or that the provisions of subdivisions 8 b and c are more consistent with the public interest, direct that any or all earnings for such test period or periods under review, considered as a whole that were more than 50 basis points, or, for any test period commencing after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, more than 70 basis points, above such fair combined rate of return shall be credited to customers' bills, in lieu of the provisions of subdivisions 8 b and c, provided that no credits shall be provided pursuant to this subdivision in connection with any triennial review unless such bill credits would be payable pursuant to the provisions of subdivision 8 d, and any credits under this subdivision shall be calculated net of any customer credit reinvestment offset amounts under subdivision 8 d. Any such credits shall be amortized and allocated among customer classes in the manner provided by subdivision 8 b. For purposes of this subdivision:

"Base period" means (i) the test period ending December 31, 2010 (or, if the Commission has elected to stagger its biennial reviews of utilities as provided in subdivision 1, the test period ending December 31, 2010, for a Phase I Utility, or December 31, 2011, for a Phase II Utility), or (ii) the most recent test period with respect to which credits have been applied to customers' bills under the provisions of this subdivision, whichever is later.

"Total aggregate regulated rates" shall include: (i) fuel tariffs approved pursuant to § 56-249.6, except for any increases in fuel tariffs deferred by the Commission for recovery in periods after December 31, 2010, pursuant to the provisions of clause (ii) of subsection C of § 56-249.6; (ii) rate adjustment clauses implemented pursuant to subdivision 4 or 5; (iii) revisions to the utility's rates pursuant to subdivision 8 a; (iv) revisions to the utility's rates pursuant to the Commission's rules governing utility rate increase applications, as permitted by subsection B, occurring after July 1, 2009; and (v) base rates in effect as of July 1, 2009.

10. For purposes of this section, the Commission shall regulate the rates, terms and conditions of any utility subject to this section on a stand-alone basis utilizing the actual end-of-test period capital structure and cost of capital of such utility, excluding any debt associated with securitized bonds that are the obligation of non-Virginia jurisdictional customers, unless the Commission finds that the debt to equity ratio of such capital structure is unreasonable for such utility, in which case the Commission may utilize a debt to equity ratio that it finds to be reasonable for such utility in determining any rate adjustment pursuant to subdivisions 8 a and c, and without regard to the cost of capital, capital structure, revenues, expenses or investments of any other entity with which such utility may be affiliated. In particular, and without limitation, the Commission shall determine the federal and state income tax costs for any such utility that is part of a publicly traded, consolidated group as follows: (i) such utility's apportioned state income tax costs shall be calculated according to the applicable statutory rate, as if the utility had not filed a consolidated return with its affiliates, and (ii) such utility's federal income tax costs shall be calculated according to the applicable federal income tax rate and shall exclude any consolidated tax liability or benefit adjustments originating from any taxable income or loss of its affiliates.

B. Nothing in this section shall preclude an investor-owned incumbent electric utility from applying for an increase in rates pursuant to § 56-245 or the Commission's rules governing utility rate increase applications; however, in any such filing, a fair rate of return on common equity shall be determined pursuant to subdivision A 2. Nothing in this section shall preclude such utility's recovery of fuel and purchased power costs as provided in § 56-249.6.

C. Except as otherwise provided in this section, the Commission shall exercise authority over the rates, terms and conditions of investor-owned incumbent electric utilities for the provision of generation, transmission and distribution services to retail customers in the Commonwealth pursuant to the provisions of Chapter 10 (§ 56-232 et seq.), including specifically § 56-235.2.

D. The Commission may determine, during any proceeding authorized or required by this section, the reasonableness or prudence of any cost incurred or projected to be incurred, by a utility in connection with the subject of the proceeding. A determination of the Commission regarding the reasonableness or prudence of any such cost shall be consistent with the Commission's authority to determine the reasonableness or prudence of costs in proceedings pursuant to the provisions of Chapter 10 (§ 56-232 et seq.). In determining the reasonableness or prudence of a utility providing energy and capacity to its customers from renewable energy resources, the Commission shall consider the extent to which such renewable energy resources, whether utility-owned or by contract, further the objectives of the Commonwealth Energy Policy set forth in §§ 67-101 and 67-102, and shall also consider whether the costs of such resources is likely to result in unreasonable increases in rates paid by customers.

E. The Commission shall promulgate such rules and regulations as may be necessary to implement the provisions of this section.

§ 56-585.1:4. Development of solar and wind generation capacity and energy storage capacity in the Commonwealth.

A. Prior to January 1, 2024, (i) the construction or purchase by a public utility of one or more solar or wind generation facilities located in the Commonwealth or off the Commonwealth's Atlantic shoreline, each having a rated capacity of at least one megawatt and having in the aggregate a rated capacity that does not exceed 5,000 megawatts, or (ii) the purchase by a public utility of energy, capacity, and environmental attributes from solar facilities described in clause (i) owned by persons other than a public utility is in the public interest, and the Commission shall so find if required to make a finding regarding whether such construction or purchase is in the public interest.

B. Prior to January 1, 2024, (i) the construction or purchase by a public utility of one or more solar or wind generation facilities located in the Commonwealth or off the Commonwealth's Atlantic shoreline, each having a rated capacity of less than one megawatt, including rooftop solar installations with a capacity of not less than 50 kilowatts, and having in the aggregate a rated capacity that does not exceed 500 megawatts, or (ii) the purchase by a public utility of energy, capacity, and environmental attributes from solar facilities described in clause (i) owned by persons other than a public utility is in the public interest, and the Commission shall so find if required to make a finding regarding whether such construction or purchase is in the public interest.

C. The aggregate cap of 5,000 megawatts of rated capacity described in clause (i) of subsection A and the aggregate cap of 500 megawatts of rated capacity described in clause (i) of subsection B are separate and independent from each other. The capacity of facilities in subsection B shall not be counted in determining the capacity of facilities in subsection A, and the capacity of facilities in subsection A shall not be counted in determining the capacity of facilities in subsection B.

D. Twenty-five percent of the solar generation capacity placed in service on or after July 1, 2018, located in the Commonwealth, and found to be in the public interest pursuant to subsection A or B shall be from the purchase by a public utility of energy, capacity, and environmental attributes from solar facilities owned by persons other than a public utility. The remainder shall be construction or purchase by a public utility of one or more solar generation facilities located in the Commonwealth. All of the solar generation capacity located in the Commonwealth and found to be in the public interest

pursuant to subsection A or B shall be subject to competitive procurement, provided that a public utility may select solar generation capacity without regard to whether such selection satisfies price criteria if the selection of the solar generating capacity materially advances non-price criteria, including favoring geographic distribution of generating capacity, areas of higher employment, or regional economic development, if such non-price solar generating capacity selected does not exceed 25 percent of the utility's solar generating capacity.

E. Construction, purchasing, or leasing activities for a test or demonstration project for a new utility-owned and utility-operated generating facility or facilities utilizing energy derived from offshore wind with an aggregate capacity of not more than 16 megawatts are in the public interest.

F. Prior to January 1, 2035, (i) the construction by a public utility of one or more energy storage facilities located in the Commonwealth, having in the aggregate a rated capacity that does not exceed 2,700 megawatts, or (ii) the purchase by a public utility of energy storage facilities described in clause (i) owned by persons other than a public utility or the capacity from such facilities is in the public interest, and the Commission shall so find if required to make a finding regarding whether such construction or purchase is in the public interest.

G. At least 35 percent of the energy storage capacity placed in service on or after July 1, 2020, located in the Commonwealth and found to be in the public interest pursuant to subsection F shall be from the purchase by a public utility of energy storage facilities owned by persons other than a public utility or the capacity from such facilities. All of the energy storage facilities located in the Commonwealth and found to be in the public interest pursuant to subsection F shall be subject to competitive procurement, provided that a public utility may select energy storage facilities without regard to whether such selection satisfies price criteria if the selection of the energy storage facilities materially advances non-price criteria, including favoring geographic distribution of generating facilities, areas of higher employment, or regional economic development, if such energy storage facilities selected for the advancement of non-price criteria do not exceed 25 percent of the utility's energy storage capacity.

H. A utility may elect to petition the Commission, outside of a triennial review proceeding conducted pursuant to § 56-585.1, at any time for a prudency determination with respect to the construction or purchase by the utility of one or more solar or wind generation facilities located in the Commonwealth or off the Commonwealth's Atlantic Shoreline or the purchase by the utility of energy, capacity, and environmental attributes from solar or wind facilities owned by persons other than the utility. The Commission's final order regarding any such petition shall be entered by the Commission not more than three months after the date of the filing of such petition.

§ 56-585.1:11. Development of offshore wind capacity.

A. As used in this section:

"Advanced clean energy buyer" means a commercial or industrial customer of a Phase II Utility, irrespective of generation supplier, (i) with an aggregate load over 100 megawatts; (ii) with an aggregate amount of at least 200 megawatts of solar or wind energy supply under contract with a term of 10 years or more from facilities located within the Commonwealth by January 1, 2024; and (iii) that directly procures from the utility the electric supply and environmental attributes of the offshore wind facility associated with the lesser of 50 megawatts of nameplate capacity or 15 percent of the commercial or industrial customer's annual peak demand for a contract period of 15 years.

"Aggregate load" means the combined electrical load associated with selected accounts of an advanced clean energy buyer with the same legal entity name as, or in the names of affiliated entities that control, are controlled by, or are under common control of, such legal entity or are the names of affiliated entities under a common parent.

"Control" means the legal right, directly or indirectly, to direct or cause the direction of the management, actions, or policies of an affiliated entity, whether through the ability to exercise voting power, by contract, or otherwise. "Control" does not include control of an entity through a franchise or similar contractual agreement.

"Qualifying large general service customer" means a customer of a Phase II Utility, irrespective of general supplier, (i) whose peak demand during the most recent calendar year exceeded five megawatts and (ii) that contracts with the utility to directly procure electric supply and environmental attributes associated with the offshore wind facility in amounts commensurate with the customer's electric usage for a contract period of 15 years or more.

B. In order to meet the Commonwealth's clean energy goals, prior to December 31, 2034, the construction or purchase by a public utility of one or more offshore wind generation facilities located off the Commonwealth's Atlantic shoreline or in federal waters and interconnected directly into the Commonwealth, with an aggregate capacity of up to 5,200 megawatts, is in the public interest and the Commission shall so find, provided that no customers of the utility shall be responsible for costs of any such facility in a proportion greater than the utility's share of the facility.

C. 1. Pursuant to subsection B, construction by a Phase II Utility of one or more new utility-owned and utility-operated generating facilities utilizing energy derived from offshore wind and located off the Commonwealth's Atlantic shoreline, with an aggregate rated capacity of not less than 2,500 megawatts and not more than 3,000 megawatts, along with electrical transmission or distribution facilities associated therewith for interconnection is in the public interest. In acting upon any request for cost recovery by a Phase II Utility for costs associated with such a facility, the Commission shall determine the reasonableness and prudence of any such costs, provided that such costs shall be presumed to be reasonably and prudently incurred if the Commission determines that (i) the utility has complied with the competitive solicitation and procurement requirements pursuant to subsection E; (ii) the project's projected total levelized cost of energy, including any tax credit, on a cost per megawatt hour basis, inclusive of the costs of transmission and distribution facilities associated with the facility's interconnection, does not exceed 1.4 times the comparable cost, on an unweighted average basis, of a

conventional simple cycle combustion turbine generating facility as estimated by the U.S. Energy Information Administration in its Annual Energy Outlook 2019; and (iii) the utility has commenced construction of such facilities for U.S. income taxation purposes prior to January 1, 2024, or has a plan for such facility or facilities to be in service prior to January 1, 2028. The Commission shall disallow costs, or any portion thereof, only if they are otherwise unreasonably and imprudently incurred. In its review, the Commission shall give due consideration to (a) the Commonwealth's renewable portfolio standards and carbon reduction requirements, (b) the promotion of new renewable generation resources, and (c) the economic development benefits of the project for the Commonwealth, including capital investments and job creation.

2. Notwithstanding the provisions of § 56-585.1, the Commission shall not grant an enhanced rate of return to a Phase II Utility for the construction of one or more new utility-owned and utility-operated generating facilities utilizing energy derived from offshore wind and located off the Commonwealth's Atlantic shoreline pursuant to this section.

3. Any such costs proposed for recovery through a rate adjustment clause pursuant to subdivision A 6 of § 56-585.1 shall be allocated to all customers of the utility in the Commonwealth as a non-bypassable charge, regardless of the generation supplier of any such customer, other than (i) PIPP eligible utility customers, (ii) advanced clean energy buyers, and (iii) qualifying large general service customers. No electric cooperative customer of the utility shall be assigned, nor shall the utility collect from any such cooperative, any of the costs of such facilities, including electrical transmission or distribution facilities associated therewith for interconnection. The Commission may promulgate such rules, regulations, or other directives necessary to administer the eligibility for these exemptions.

4. The Commission shall permit a portion of the nameplate capacity of any such facility, in the aggregate, to be allocated to (i) advanced clean energy buyers or (ii) qualifying large general service customers, provided that no more than 10 percent of the offshore wind facility's capacity is allocated to qualifying large general service customers. A Phase II Utility shall petition the Commission for approval of a special contract with any advanced clean energy buyer, or any special rate applicable to qualifying large general service customers, pursuant to § 56-235.2, no later than 15 months prior to the projected commercial operation date of the facility, and all customer enrollments associated with such special contracts or rates shall be completed prior to commercial operation of the facility. Any such special contract or rate may include provisions for levelized rates of service over the duration of the customer's contracted agreement with the utility, and the Commission shall determine that such special contract or rate is designed to hold nonparticipating customers harmless over its term in connection with any petition for approval by the utility. The utility may petition for approval of such special contracts or rates in connection with any petition for approval of a rate adjustment clause pursuant to subdivision A 6 of § 56-585.1 to recover the costs of the facility, and the Commission shall rule upon any such petitions in its final order in such proceeding within nine months from the date of filing.

D. In constructing any such facility contemplated in subsection B, the utility shall develop and submit a plan to the Commission for review that includes the following considerations: (i) options for utilizing local workers; (ii) the economic development benefits of the project for the Commonwealth, including capital investments and job creation; (iii) consultation with the Commonwealth's Chief Workforce Development Officer, the Chief Diversity, Equity, and Inclusion Officer, and the Virginia Economic Development Partnership on opportunities to advance the Commonwealth's workforce and economic development goals, including furtherance of apprenticeship and other workforce training programs; and (iv) giving priority to the hiring, apprenticeship, and training of veterans, as that term is defined in § 2.2-2000.1, local workers, and workers from historically economically disadvantaged communities.

E. Any project constructed or purchased pursuant to subsection B shall (i) be subject to competitive procurement or solicitation for a substantial majority of the services and equipment, exclusive of interconnection costs, associated with the facility's construction; (ii) involve at least one experienced developer; and (iii) demonstrate the economic development benefits within the Commonwealth, including capital investments and job creation. A utility may give appropriate consideration to suppliers and developers that have demonstrated successful experience in offshore wind.

F. Any project shall include an environmental and fisheries mitigation plan submitted to the Commission for the construction and operation of such offshore wind facilities, provided that such plan includes an explicit description of the best management practices the bidder will employ that considers the latest science at the time the proposal is made to mitigate adverse impacts to wildlife, natural resources, ecosystems, and traditional or existing water-dependent uses. The plan shall include a summary of pre-construction assessment activities, consistent with federal requirements, to determine the spatial and temporal presence and abundance of marine mammals, sea turtles, birds, and bats in the offshore wind lease area.

§ 56-585.5. Generation of electricity from renewable and zero carbon sources.

A. As used in this section:

"Accelerated renewable energy buyer" means a commercial or industrial customer of a Phase I or Phase II Utility, irrespective of generation supplier, with an aggregate load over 25 megawatts in the prior calendar year, that enters into arrangements pursuant to subsection G, as certified by the Commission.

"Aggregate load" means the combined electrical load associated with selected accounts of an accelerated renewable energy buyer with the same legal entity name as, or in the names of affiliated entities that control, are controlled by, or are under common control of, such legal entity or are the names of affiliated entities under a common parent.

"Control" has the same meaning as provided in § 56-585.1:11.

"Falling water" means hydroelectric resources, including run-of-river generation from a combined pumped-storage and run-of-river facility. "Falling water" does not include electricity generated from pumped-storage facilities.

"Low-income qualifying projects" means a project that provides a minimum of 50 percent of the respective electric output to low-income utility customers as that term is defined in § 56-576.

"Phase I Utility" has the same meaning as provided in subdivision A 1 of § 56-585.1.

"Phase II Utility" has the same meaning as provided in subdivision A 1 of § 56-585.1.

"Previously developed project site" means any property, including related buffer areas, if any, that has been previously disturbed or developed for non-single-family residential, nonagricultural, or nonsilvicultural use, regardless of whether such property currently is being used for any purpose. "Previously developed project site" includes a brownfield as defined in § 10.1-1230 or any parcel that has been previously used (i) for a retail, commercial, or industrial purpose; (ii) as a parking lot; (iii) as the site of a parking lot canopy or structure; (iv) for mining, which is any lands affected by coal mining that took place before August 3, 1977, or any lands upon which extraction activities have been permitted by the Department of Mines, Minerals and Energy under Title 45.1; (v) for quarrying; or (vi) as a landfill.

"Total electric energy" means total electric energy sold to retail customers in the Commonwealth service territory of a Phase I or Phase II Utility, other than accelerated renewable energy buyers, by the incumbent electric utility or other retail supplier of electric energy in the previous calendar year, excluding an amount equivalent to the annual percentages of the electric energy that was supplied to such customer from nuclear generating plants located within the Commonwealth in the previous calendar year, provided such nuclear units were operating by July 1, 2020, or from any zero-carbon electric generating facilities not otherwise RPS eligible sources and placed into service in the Commonwealth after July 1, 2030.

"Zero-carbon electricity" means electricity generated by any generating unit that does not emit carbon dioxide as a by-product of combusting fuel to generate electricity.

B. 1. By December 31, 2024, except for any coal-fired electric generating units (i) jointly owned with a cooperative utility or (ii) owned and operated by a Phase II Utility located in the coalfield region of the Commonwealth that co-fires with biomass, any Phase I and Phase II Utility shall retire all generating units principally fueled by oil with a rated capacity in excess of 500 megawatts and all coal-fired electric generating units operating in the Commonwealth.

2. By December 31, 2028, each Phase I and II Utility shall retire all biomass-fired electric generating units that do not co-fire with coal.

3. By December 31, 2045, each Phase I and II Utility shall retire all other electric generating units located in the Commonwealth that emit carbon as a by-product of combusting fuel to generate electricity.

4. A Phase I or Phase II Utility may petition the Commission for relief from the requirements of this subsection on the basis that the requirement would threaten the reliability or security of electric service to customers. The Commission shall consider in-state and regional transmission entity resources and shall evaluate the reliability of each proposed retirement on a case-by-case basis in ruling upon any such petition.

C. Each Phase I and Phase II Utility shall participate in a renewable energy portfolio standard program (RPS Program) that establishes annual goals for the sale of renewable energy to all retail customers in the utility's service territory, other than accelerated renewable energy buyers pursuant to subsection G, regardless of whether such customers purchase electric supply service from the utility or from suppliers other than the utility. To comply with the RPS Program, each Phase I and Phase II Utility shall procure and retire Renewable Energy Certificates (RECs) originating from renewable energy standard eligible sources (RPS eligible sources). For purposes of complying with the RPS Program from 2021 to 2024, a Phase I and Phase II Utility may use RECs from any renewable energy facility, as defined in § 56-576, provided that such facilities are located in the Commonwealth or are physically located within the PJM Interconnection, LLC (PJM) region. However, at no time during this period or thereafter may any Phase I or Phase II Utility use RECs from (i) renewable thermal energy, (ii) renewable thermal energy equivalent, (iii) biomass-fired facilities that are outside the Commonwealth, or (iv) biomass-fired facilities operating in the Commonwealth as of January 1, 2020, that supply 10 percent or more of their annual net electrical generation to the electric grid or more than 15 percent of their annual total useful energy to any entity other than the manufacturing facility to which the generating source is interconnected. From compliance year 2025 and all years after, each Phase I and Phase II Utility may only use RECs from RPS eligible sources for compliance with the RPS Program.

In order to qualify as RPS eligible sources, such sources must be (a) electric-generating resources that generate electric energy derived from solar or wind located in the Commonwealth or off the Commonwealth's Atlantic shoreline or in federal waters and interconnected directly into the Commonwealth or physically located within the PJM region; (b) falling water resources located in the Commonwealth or physically located within the PJM region that were in operation as of January 1, 2020, that are owned by a Phase I or Phase II Utility or for which a Phase I or Phase II Utility has entered into a contract prior to January 1, 2020, to purchase the energy, capacity, and renewable attributes of such falling water resources; (c) non-utility-owned resources from falling water that (1) are less than 65 megawatts, (2) began commercial operation after December 31, 1979, or (3) added incremental generation representing greater than 50 percent of the original nameplate capacity after December 31, 1979, provided that such resources are located in the Commonwealth or are physically located within the PJM region; (d) waste-to-energy or landfill gas-fired generating resources located in the Commonwealth and in operation as of January 1, 2020, provided that such resources do not use waste heat from fossil fuel combustion or forest or woody biomass as fuel; or (e) biomass-fired facilities in operation in the Commonwealth and in operation as of January 1, 2020, that supply no more than 10 percent of their annual net electrical generation to the electric grid or no more than 15 percent of their annual total useful energy to any entity other than the manufacturing facility to which the generating source is interconnected. Regardless of any future maintenance, expansion, or refurbishment

activities, the total amount of RECs that may be sold by any RPS eligible source using biomass in any year shall be no more than the number of megawatt hours of electricity produced by that facility in 2019; however, in no year may any RPS eligible source using biomass sell RECs in excess of the actual megawatt-hours of electricity generated by such facility that year. In order to comply with the RPS Program, each Phase I and Phase II Utility may use and retire the environmental attributes associated with any existing owned or contracted solar, wind, or falling water electric generating resources in operation, or proposed for operation, in the Commonwealth or physically located within the PJM region, with such resource qualifying as a Commonwealth-located resource for purposes of this subsection, as of January 1, 2020, provided such renewable attributes are verified as RECs consistent with the PJM-EIS Generation Attribute Tracking System.

The RPS Program requirements shall be a percentage of the total electric energy sold in the previous calendar year and shall be implemented in accordance with the following schedule:

Phase I Utilities		Phase II Utilities	
Year	RPS Program Requirement	Year	RPS Program Requirement
2021	6%	2021	14%
2022	7%	2022	17%
2023	8%	2023	20%
2024	10%	2024	23%
2025	14%	2025	26%
2026	17%	2026	29%
2027	20%	2027	32%
2028	24%	2028	35%
2029	27%	2029	38%
2030	30%	2030	41%
2031	33%	2031	45%
2032	36%	2032	49%
2033	39%	2033	52%
2034	42%	2034	55%
2035	45%	2035	59%
2036	53%	2036	63%
2037	53%	2037	67%
2038	57%	2038	71%
2039	61%	2039	75%
2040	65%	2040	79%
2041	68%	2041	83%
2042	71%	2042	87%
2043	74%	2043	91%
2044	77%	2044	95%
2045	80%	2045 and thereafter	100%
2046	84%		
2047	88%		
2048	92%		
2049	96%		
2050 and thereafter	100%		

A Phase II Utility shall meet one percent of the RPS Program requirements in any given compliance year with solar, wind, or anaerobic digestion resources of one megawatt or less located in the Commonwealth, with not more than 3,000 kilowatts at any single location or at contiguous locations owned by the same entity or affiliated entities and, to the extent that low-income qualifying projects are available, then no less than 25 percent of such one percent shall be composed of low-income qualifying projects.

Beginning with the 2025 compliance year and thereafter, at least 75 percent of all RECs used by a Phase II Utility in a compliance period shall come from RPS eligible resources located in the Commonwealth.

Any Phase I or Phase II Utility may apply renewable energy sales achieved or RECs acquired in excess of the sales requirement for that RPS Program to the sales requirements for RPS Program requirements in the year in which it was generated and the five calendar years after the renewable energy was generated or the RECs were created. To the extent that a Phase I or Phase II Utility procures RECs for RPS Program compliance from resources the utility does not own, the utility shall be entitled to recover the costs of such certificates at its election pursuant to § 56-249.6 or subdivision A 5 d of § 56-585.1.

D. Each Phase I or Phase II Utility shall petition the Commission for necessary approvals to procure zero-carbon electricity generating capacity as set forth in this subsection and energy storage resources as set forth in subsection E. To the extent that a Phase I or Phase II Utility constructs or acquires new zero-carbon generating facilities or energy storage resources, the utility shall petition the Commission for the recovery of the costs of such facilities, at the utility's election, either through its rates for generation and distribution services or through a rate adjustment clause pursuant to subdivision A 6 of § 56-585.1. All costs not sought for recovery through a rate adjustment clause pursuant to subdivision A 6 of § 56-585.1 associated with generating facilities provided by sunlight or onshore or offshore wind are also eligible to be applied by the utility as a customer credit reinvestment offset as provided in subdivision A 8 of § 56-585.1. Costs associated with the purchase of energy, capacity, or environmental attributes from facilities owned by the persons other than the utility required by this subsection shall be recovered by the utility either through its rates for generation and distribution services or pursuant to § 56-249.6.

1. Each Phase I Utility shall petition the Commission for necessary approvals to construct, acquire, or enter into agreements to purchase the energy, capacity, and environmental attributes of 600 megawatts of generating capacity using energy derived from sunlight or onshore wind.

a. By December 31, 2023, each Phase I Utility shall petition the Commission for necessary approvals to construct, acquire, or enter into agreements to purchase the energy, capacity, and environmental attributes of at least 200 megawatts of generating capacity located in the Commonwealth using energy derived from sunlight or onshore wind, and 35 percent of such generating capacity procured shall be from the purchase of energy, capacity, and environmental attributes from solar or onshore wind facilities owned by persons other than the utility, with the remainder, in the aggregate, being from construction or acquisition by such Phase I Utility.

b. By December 31, 2027, each Phase I Utility shall petition the Commission for necessary approvals to construct, acquire, or enter into agreements to purchase the energy, capacity, and environmental attributes of at least 200 megawatts of additional generating capacity located in the Commonwealth using energy derived from sunlight or onshore wind, and 35 percent of such generating capacity procured shall be from the purchase of energy, capacity, and environmental attributes from solar or onshore wind facilities owned by persons other than the utility, with the remainder, in the aggregate, being from construction or acquisition by such Phase I Utility.

c. By December 31, 2030, each Phase I Utility shall petition the Commission for necessary approvals to construct, acquire, or enter into agreements to purchase the energy, capacity, and environmental attributes of at least 200 megawatts of additional generating capacity located in the Commonwealth using energy derived from sunlight or onshore wind, and 35 percent of such generating capacity procured shall be from the purchase of energy, capacity, and environmental attributes from solar or onshore wind facilities owned by persons other than the utility, with the remainder, in the aggregate, being from construction or acquisition by such Phase I Utility.

d. Nothing in this subdivision 1 shall prohibit such Phase I Utility from constructing, acquiring, or entering into agreements to purchase the energy, capacity, and environmental attributes of more than 600 megawatts of generating capacity located in the Commonwealth using energy derived from sunlight or onshore wind, provided the utility receives approval from the Commission pursuant to §§ 56-580 and 56-585.1.

2. By December 31, 2035, each Phase II Utility shall petition the Commission for necessary approvals to (i) construct, acquire, or enter into agreements to purchase the energy, capacity, and environmental attributes of 16,100 megawatts of generating capacity located in the Commonwealth using energy derived from sunlight or onshore wind, which shall include 1,100 megawatts of solar generation of a nameplate capacity not to exceed three megawatts per individual project and 35 percent of such generating capacity procured shall be from the purchase of energy, capacity, and environmental attributes from solar facilities owned by persons other than a utility, including utility affiliates and deregulated affiliates and (ii) pursuant to § 56-585.1:11, construct or purchase one or more offshore wind generation facilities located off the Commonwealth's Atlantic shoreline or in federal waters and interconnected directly into the Commonwealth with an aggregate capacity of up to 5,200 megawatts. At least 200 megawatts of the 16,100 megawatts shall be placed on previously developed project sites.

a. By December 31, 2024, each Phase II Utility shall petition the Commission for necessary approvals to construct, acquire, or enter into agreements to purchase the energy, capacity, and environmental attributes of at least 3,000 megawatts of generating capacity located in the Commonwealth using energy derived from sunlight or onshore wind, and 35 percent of such generating capacity procured shall be from the purchase of energy, capacity, and environmental attributes from solar or onshore wind facilities owned by persons other than the utility, with the remainder, in the aggregate, being from construction or acquisition by such Phase II Utility.

b. By December 31, 2027, each Phase II Utility shall petition the Commission for necessary approvals to construct, acquire, or enter into agreements to purchase the energy, capacity, and environmental attributes of at least 3,000 megawatts of additional generating capacity located in the Commonwealth using energy derived from sunlight or onshore wind, and 35 percent of such generating capacity procured shall be from the purchase of energy, capacity, and environmental attributes from solar or onshore wind facilities owned by persons other than the utility, with the remainder, in the aggregate, being from construction or acquisition by such Phase II Utility.

c. By December 31, 2030, each Phase II Utility shall petition the Commission for necessary approvals to construct, acquire, or enter into agreements to purchase the energy, capacity, and environmental attributes of at least 4,000 megawatts of additional generating capacity located in the Commonwealth using energy derived from sunlight or onshore wind, and 35 percent of such generating capacity procured shall be from the purchase of energy, capacity, and environmental attributes from solar or onshore wind facilities owned by persons other than the utility, with the remainder, in the aggregate, being from construction or acquisition by such Phase II Utility.

d. By December 31, 2035, each Phase II Utility shall petition the Commission for necessary approvals to construct, acquire, or enter into agreements to purchase the energy, capacity, and environmental attributes of at least 6,100 megawatts of additional generating capacity located in the Commonwealth using energy derived from sunlight or onshore wind, and 35 percent of such generating capacity procured shall be from the purchase of energy, capacity, and environmental attributes from solar or onshore wind facilities owned by persons other than the utility, with the remainder, in the aggregate, being from construction or acquisition by such Phase II Utility.

e. Nothing in this subdivision 2 shall prohibit such Phase II Utility from constructing, acquiring, or entering into agreements to purchase the energy, capacity, and environmental attributes of more than 16,100 megawatts of generating capacity located in the Commonwealth using energy derived from sunlight or onshore wind, provided the utility receives approval from the Commission pursuant to §§ 56-580 and 56-585.1.

3. Nothing in this section shall prohibit a utility from petitioning the Commission to construct or acquire zero-carbon electricity or from entering into contracts to procure the energy, capacity, and environmental attributes of zero-carbon electricity generating resources in excess of the requirements in subsection B. The Commission shall determine whether to approve such petitions on a stand-alone basis pursuant to §§ 56-580 and 56-585.1, provided that the Commission's review shall also consider whether the proposed generating capacity (i) is necessary to meet the utility's native load, (ii) is likely to lower customer fuel costs, (iii) will provide economic development opportunities in the Commonwealth, and (iv) serves a need that cannot be more affordably met with demand-side or energy storage resources.

Each Phase I and Phase II Utility shall, at least once every year, conduct a request for proposals for new solar and wind resources. Such requests shall quantify and describe the utility's need for energy, capacity, or renewable energy certificates. The requests for proposals shall be publicly announced and made available for public review on the utility's website at least 45 days prior to the closing of such request for proposals. The requests for proposals shall provide, at a minimum, the following information: (a) the size, type, and timing of resources for which the utility anticipates contracting; (b) any minimum thresholds that must be met by respondents; (c) major assumptions to be used by the utility in the bid evaluation process, including environmental emission standards; (d) detailed instructions for preparing bids so that bids can be evaluated on a consistent basis; (e) the preferred general location of additional capacity; and (f) specific information concerning the factors involved in determining the price and non-price criteria used for selecting winning bids. A utility may evaluate responses to requests for proposals based on any criteria that it deems reasonable but shall at a minimum consider the following in its selection process: (1) the status of a particular project's development; (2) the age of existing generation facilities; (3) the demonstrated financial viability of a project and the developer; (4) a developer's prior experience in the field; (5) the location and effect on the transmission grid of a generation facility; (6) benefits to the Commonwealth that are associated with particular projects, including regional economic development and the use of goods and services from Virginia businesses; and (7) the environmental impacts of particular resources, including impacts on air quality within the Commonwealth and the carbon intensity of the utility's generation portfolio.

4. In connection with the requirements of this subsection, each Phase I and Phase II Utility shall, commencing in 2020 and concluding in 2035, submit annually a plan and petition for approval for the development of new solar and onshore wind generation capacity. Such plan shall reflect, in the aggregate and over its duration, the requirements of subsection D concerning the allocation percentages for construction or purchase of such capacity. Such petition shall contain any request for approval to construct such facilities pursuant to subsection D of § 56-580 and a request for approval or update of a rate adjustment clause pursuant to subdivision A 6 of § 56-585.1 to recover the costs of such facilities. Such plan shall also include the utility's plan to meet the energy storage project targets of subsection E, including the goal of installing at least 10 percent of such energy storage projects behind the meter. In determining whether to approve the utility's plan and any associated petition requests, the Commission shall determine whether they are reasonable and prudent and shall give due consideration to (i) the RPS and carbon dioxide reduction requirements in this section, (ii) the promotion of new renewable generation and energy storage resources within the Commonwealth, and associated economic development, and (iii) fuel savings projected to be achieved by the plan. Notwithstanding any other provision of this title, the Commission's final order regarding any such petition and associated requests shall be entered by the Commission not more than six months after the date of the filing of such petition.

5. If, in any year, a Phase I or Phase II Utility is unable to meet the compliance obligation of the RPS Program requirements or if the cost of RECs necessary to comply with RPS Program requirements exceeds \$45 per megawatt hour,

such supplier shall be obligated to make a deficiency payment equal to \$45 for each megawatt-hour shortfall for the year of noncompliance, except that the deficiency payment for any shortfall in procuring RECs for solar, wind, or anaerobic digesters located in the Commonwealth shall be \$75 per megawatts hour for resources one megawatt and lower. The amount of any deficiency payment shall increase by one percent annually after 2021. A Phase I or Phase II Utility shall be entitled to recover the costs of such payments as a cost of compliance with the requirements of this subsection pursuant to subdivision A 5 d of § 56-585.1. All proceeds from the deficiency payments shall be deposited into an interest-bearing account administered by the Department of Mines, Minerals and Energy. In administering this account, the Department of Mines, Minerals and Energy shall manage the account as follows: (i) 50 percent of total revenue shall be directed to job training programs in historically economically disadvantaged communities; (ii) 16 percent of total revenue shall be directed to energy efficiency measures for public facilities; (iii) 30 percent of total revenue shall be directed to renewable energy programs located in historically economically disadvantaged communities; and (iv) four percent of total revenue shall be directed to administrative costs.

E. To enhance reliability and performance of the utility's generation and distribution system, each Phase I and Phase II Utility shall petition the Commission for necessary approvals to construct or acquire new, utility-owned energy storage resources.

1. By December 31, 2035, each Phase I Utility shall petition the Commission for necessary approvals to construct or acquire 400 megawatts of energy storage capacity. Nothing in this subdivision shall prohibit a Phase I Utility from constructing or acquiring more than 400 megawatts of energy storage, provided that the utility receives approval from the Commission pursuant to §§ 56-580 and 56-585.1.

2. By December 31, 2035, each Phase II Utility shall petition the Commission for necessary approvals to construct or acquire 2,700 megawatts of energy storage capacity. Nothing in this subdivision shall prohibit a Phase II Utility from constructing or acquiring more than 2,700 megawatts of energy storage, provided that the utility receives approval from the Commission pursuant to §§ 56-580 and 56-585.1.

3. No single energy storage project shall exceed 500 megawatts in size, except that a Phase II Utility may procure a single energy storage project up to 800 megawatts.

4. All energy storage projects procured pursuant to this subsection shall meet the competitive procurement protocols established in subdivision D 3.

5. After July 1, 2020, at least 35 percent of the energy storage facilities placed into service shall be (i) purchased by the public utility from a party other than the public utility or (ii) owned by a party other than a public utility, with the capacity from such facilities sold to the public utility. By January 1, 2021, the Commission shall adopt regulations to achieve the deployment of energy storage for the Commonwealth required in subdivisions 1 and 2, including regulations that set interim targets and update existing utility planning and procurement rules. The regulations shall include programs and mechanisms to deploy energy storage, including competitive solicitations, behind-the-meter incentives, non-wires alternatives programs, and peak demand reduction programs.

F. All costs incurred by a Phase I or Phase II Utility related to compliance with the requirements of this section or pursuant to § 56-585.1:11, including (i) costs of generation facilities powered by sunlight or onshore or offshore wind, or energy storage facilities, that are constructed or acquired by a Phase I or Phase II Utility after July 1, 2020, (ii) costs of capacity, energy, or environmental attributes from generation facilities powered by sunlight or onshore or offshore wind, or falling water, or energy storage facilities purchased by the utility from persons other than the utility through agreements after July 1, 2020, and (iii) all other costs of compliance, including costs associated with the purchase of RECs associated with RPS Program requirements pursuant to this section shall be recovered from all retail customers in the service territory of a Phase I or Phase II Utility as a non-bypassable charge, irrespective of the generation supplier of such customer, except (a) as provided in subsection G for an accelerated renewable energy buyer or (b) as provided in subdivision C 3 of § 56-585.1:11, with respect to the costs of an offshore wind generation facility, for a PIPP eligible utility customer or an advanced clean energy buyer or qualifying large general service customer, as those terms are defined in § 56-585.11. If a Phase I or Phase II Utility serves customers in more than one jurisdiction, such utility shall recover all of the costs of compliance with the RPS Program requirements from its Virginia customers through the applicable cost recovery mechanism, and all associated energy, capacity, and environmental attributes shall be assigned to Virginia to the extent that such costs are requested but not recovered from any system customers outside the Commonwealth.

By September 1, 2020, the Commission shall direct the initiation of a proceeding for each Phase I and Phase II Utility to review and determine the amount of such costs, net of benefits, that should be allocated to retail customers within the utility's service territory which have elected to receive electric supply service from a supplier of electric energy other than the utility, and shall direct that tariff provisions be implemented to recover those costs from such customers beginning no later than January 1, 2021. Thereafter, such charges and tariff provisions shall be updated and trued up by the utility on an annual basis, subject to continuing review and approval by the Commission.

G. 1. An accelerated renewable energy buyer may contract with a Phase I or Phase II Utility, or a person other than a Phase I or Phase II Utility, to obtain (i) RECs from RPS eligible resources or (ii) bundled capacity, energy, and RECs from solar or wind generation resources located within the PJM region and initially placed in commercial operation after January 1, 2015. Such an accelerated renewable energy buyer may offset all or a portion of its electric load for purposes of RPS compliance through such arrangements. An accelerated renewable energy buyer shall be exempt from the assignment of non-bypassable RPS compliance costs pursuant to subsection F, with the exception of the costs of an offshore wind

generating facility pursuant to § 56-585.1:11, based on the amount of RECs obtained pursuant to this subsection in proportion to the customer's total electric energy consumption, on an annual basis, however, an accelerated renewable energy buyer obtaining RECs only shall not be exempt from costs related to procurement of new solar or onshore wind generation capacity, energy, or environmental attributes, or energy storage facilities by the utility pursuant to subsections D and E. To the extent that an accelerated renewable energy buyer contracts for the capacity of new solar or wind generation resources pursuant to this subsection, the aggregate amount of such nameplate capacity shall be offset from the utility's procurement requirements pursuant to subsection D. All RECs associated with contracts entered into by an accelerated renewable energy buyer with the utility, or a person other than the utility, for an RPS Program shall not be credited to the utility's compliance with its RPS requirements, and the calculation of the utility's RPS Program requirements shall not include the electric load covered by customers certified as accelerated renewable energy buyers.

2. Each Phase I or Phase II Utility shall certify, and verify as necessary, to the Commission that the accelerated renewable energy buyer has satisfied the exemption requirements of this subsection for each year, or an accelerated renewable energy buyer may choose to certify satisfaction of this exemption by reporting to the Commission individually. The Commission may promulgate such rules and regulations as may be necessary to implement the provisions of this subsection.

3. Provided that no incremental costs associated with any contract between a Phase I or Phase II Utility and an accelerated renewable energy buyer is allocated to or recovered from any other customer of the utility, any such contract with an accelerated renewable energy buyer that is a jurisdictional customer of the utility shall not be deemed a special rate or contract requiring Commission approval pursuant to § 56-235.2.

H. No customer of a Phase II Utility with a peak demand in excess of 100 megawatts in 2019 that elected pursuant to subdivision A 3 of § 56-577 to purchase electric energy from a competitive service provider prior to April 1, 2019, shall be allocated any non-bypassable charges pursuant to subsection F for such period that the customer is not purchasing electric energy from the utility, and such customer's electric load shall not be included in the utility's RPS Program requirements. No customer of a Phase I Utility that elected pursuant to subdivision A 3 of § 56-577 to purchase electric energy from a competitive service provider prior to February 1, 2019, shall be allocated any non-bypassable charges pursuant to subsection F for such period that the customer is not purchasing electric energy from the utility, and such customer's electric load shall not be included in the utility's RPS Program requirements.

I. Nothing in this section shall apply to any entity organized under Chapter 9.1 (§ 56-231.15 et seq.).

J. The Commission shall adopt such rules and regulations as may be necessary to implement the provisions of this section, including a requirement that participants verify whether the RPS Program requirements are met in accordance with this section.

§ 56-585.6. Universal service fee; Percentage of Income Payment Program.

A. The Commission shall, after notice and opportunity for hearing, initiate a proceeding to establish the rates, terms, and conditions of a non-bypassable universal service fee to fund the Percentage of Income Payment Program (PIPP). Such universal service fee shall be allocated to retail electric customers of a Phase I and Phase II Utility on the basis of the amount of kilowatt-hours used and be established at such level to adequately address the PIPP's objectives to (i) reduce the energy burden of eligible participants by limiting electric bill payments directly to no more than six percent of the eligible participant's annual household income if the household's heating source is anything other than electricity, and to no more than 10 percent of an eligible participant's annual household income on electricity costs if the household's heating source is electricity, and (ii) reduce the amount of electricity used by the eligible participant's household through participation in weatherization or energy efficiency programs and energy conservation education programs.

B. The Commission shall determine the reasonable administrative costs for the investor-owned utility to collect the universal service fee and remit such funds to the Percentage of Income Payment Fund, and any other administrative costs the investor-owned utility may incur in complying with the PIPP, and shall determine the proper recovery mechanism for such costs. A Phase I and Phase II Utility shall not be eligible to earn a rate of return on any equity or costs incurred for comply with the program requirements or implementation.

§ 56-594. Net energy metering provisions.

A. The Commission shall establish by regulation a program that affords eligible customer-generators the opportunity to participate in net energy metering, and a program, to begin no later than July 1, 2014, for customers of investor-owned utilities and to begin no later than July 1, 2015, and to end July 1, 2019, for customers of electric cooperatives as provided in subsection G, to afford eligible agricultural customer-generators the opportunity to participate in net energy metering. The regulations may include, but need not be limited to, requirements for (i) retail sellers; (ii) owners or operators of distribution or transmission facilities; (iii) providers of default service; (iv) eligible customer-generators; (v) eligible agricultural customer-generators; or (vi) any combination of the foregoing, as the Commission determines will facilitate the provision of net energy metering, provided that the Commission determines that such requirements do not adversely affect the public interest. On and after July 1, 2017, small agricultural generators or eligible agricultural customer-generators may elect to interconnect pursuant to the provisions of this section or as small agricultural generators pursuant to § 56-594.2, but not both. Existing eligible agricultural customer-generators may elect to become small agricultural generators, but may not revert to being eligible agricultural customer-generators after such election. On and after July 1, 2019, interconnection of eligible agricultural customer-generators shall cease for electric cooperatives only, and such facilities shall interconnect solely as small agricultural generators. For electric cooperatives, eligible agricultural customer-generators whose renewable

energy generating facilities were interconnected before July 1, 2019, may continue to participate in net energy metering pursuant to this section for a period not to exceed 25 years from the date of their renewable energy generating facility's original interconnection.

B. For the purpose of this section:

"Eligible agricultural customer-generator" means a customer that operates a renewable energy generating facility as part of an agricultural business, which generating facility (i) uses as its sole energy source solar power, wind power, or aerobic or anaerobic digester gas, (ii) does not have an aggregate generation capacity of more than 500 kilowatts, (iii) is located on land owned or controlled by the agricultural business, (iv) is connected to the customer's wiring on the customer's side of its interconnection with the distributor; (v) is interconnected and operated in parallel with an electric company's transmission and distribution facilities, and (vi) is used primarily to provide energy to metered accounts of the agricultural business. An eligible agricultural customer-generator may be served by multiple meters that are located at separate but contiguous sites, such that the eligible agricultural customer-generator may aggregate in a single account the electricity consumption and generation measured by the meters, provided that the same utility serves all such meters. The aggregated load shall be served under the appropriate tariff.

"Eligible customer-generator" means a customer that owns and operates, or contracts with other persons to own, operate, or both, an electrical generating facility that (i) has a capacity of not more than ~~20~~ 25 kilowatts for residential customers and not more than ~~one megawatt~~ *three megawatts* for nonresidential customers on an electrical generating facility placed in service after July 1, 2015; (ii) uses as its total source of fuel renewable energy, as defined in § 56-576; (iii) is located on the customer's premises and is connected to the customer's wiring on the customer's side of its interconnection with the distributor; (iv) is interconnected and operated in parallel with an electric company's transmission and distribution facilities; and (v) is intended primarily to offset all or part of the customer's own electricity requirements. In addition to the electrical generating facility size limitations in clause (i), the capacity of any generating facility installed under this section after July 1, 2015, shall not exceed the expected annual energy consumption based on the previous 12 months of billing history or an annualized calculation of billing history if 12 months of billing history is not available. *In addition to the electrical generating facility size limitation in clause (i), in the certificated service territory of a Phase I Utility, the capacity of any generating facility installed under this section after July 1, 2020, shall not exceed 100 percent of the expected annual energy consumption based on the previous 12 months of billing history or an annualized calculation of billing history if 12 months of billing history is not available, and in the certificated service territory of a Phase II Utility, the capacity of any generating facility installed under this section after July 1, 2020, shall not exceed 150 percent of the expected annual energy consumption based on the previous 12 months of billing history or an annualized calculation of billing history if 12 months of billing history is not available.*

"Net energy metering" means measuring the difference, over the net metering period, between (i) electricity supplied to an eligible customer-generator or eligible agricultural customer-generator from the electric grid and (ii) the electricity generated and fed back to the electric grid by the eligible customer-generator or eligible agricultural customer-generator.

"Net metering period" means the 12-month period following the date of final interconnection of the eligible customer-generator's or eligible agricultural customer-generator's system with an electric service provider, and each 12-month period thereafter.

"Small agricultural generator" has the same meaning that is ascribed to that term in § 56-594.2.

C. The Commission's regulations shall ensure that (i) the metering equipment installed for net metering shall be capable of measuring the flow of electricity in two directions and (ii) any eligible customer-generator seeking to participate in net energy metering shall notify its supplier and receive approval to interconnect prior to installation of an electrical generating facility. The electric distribution company shall have 30 days from the date of notification for residential facilities, and 60 days from the date of notification for nonresidential facilities, to determine whether the interconnection requirements have been met. Such regulations shall allocate fairly the cost of such equipment and any necessary interconnection. An eligible customer-generator's electrical generating system, and each electrical generating system of an eligible agricultural customer-generator, shall meet all applicable safety and performance standards established by the National Electrical Code, the Institute of Electrical and Electronics Engineers, and accredited testing laboratories such as Underwriters Laboratories. Beyond the requirements set forth in this section and to ensure public safety, power quality, and reliability of the supplier's electric distribution system, an eligible customer-generator or eligible agricultural customer-generator whose electrical generating system meets those standards and rules shall bear all reasonable costs of equipment required for the interconnection to the supplier's electric distribution system, including costs, if any, to (a) install additional controls, (b) perform or pay for additional tests, and (c) purchase additional liability insurance.

D. The Commission shall establish minimum requirements for contracts to be entered into by the parties to net metering arrangements. Such requirements shall protect the eligible customer-generator or eligible agricultural customer-generator against discrimination by virtue of its status as an eligible customer-generator or eligible agricultural customer-generator, and permit customers that are served on time-of-use tariffs that have electricity supply demand charges contained within the electricity supply portion of the time-of-use tariffs to participate as an eligible customer-generator or eligible agricultural customer-generator. Notwithstanding the cost allocation provisions of subsection C, eligible customer-generators or eligible agricultural customer-generators served on demand charge-based time-of-use tariffs shall bear the incremental metering costs required to net meter such customers.

E. If electricity generated by an eligible customer-generator or eligible agricultural customer-generator over the net metering period exceeds the electricity consumed by the eligible customer-generator or eligible agricultural customer-generator, the customer-generator or eligible agricultural customer-generator shall be compensated for the excess electricity if the entity contracting to receive such electric energy and the eligible customer-generator or eligible agricultural customer-generator enter into a power purchase agreement for such excess electricity. Upon the written request of the eligible customer-generator or eligible agricultural customer-generator, the supplier that serves the eligible customer-generator or eligible agricultural customer-generator shall enter into a power purchase agreement with the requesting eligible customer-generator or eligible agricultural customer-generator that is consistent with the minimum requirements for contracts established by the Commission pursuant to subsection D. The power purchase agreement shall obligate the supplier to purchase such excess electricity at the rate that is provided for such purchases in a net metering standard contract or tariff approved by the Commission, unless the parties agree to a higher rate. The eligible customer-generator or eligible agricultural customer-generator owns any renewable energy certificates associated with its electrical generating facility; however, at the time that the eligible customer-generator or eligible agricultural customer-generator enters into a power purchase agreement with its supplier, the eligible customer-generator or eligible agricultural customer-generator shall have a one-time option to sell the renewable energy certificates associated with such electrical generating facility to its supplier and be compensated at an amount that is established by the Commission to reflect the value of such renewable energy certificates. Nothing in this section shall prevent the eligible customer-generator or eligible agricultural customer-generator and the supplier from voluntarily entering into an agreement for the sale and purchase of excess electricity or renewable energy certificates at mutually-agreed upon prices if the eligible customer-generator or eligible agricultural customer-generator does not exercise its option to sell its renewable energy certificates to its supplier at Commission-approved prices at the time that the eligible customer-generator or eligible agricultural customer-generator enters into a power purchase agreement with its supplier. All costs incurred by the supplier to purchase excess electricity and renewable energy certificates from eligible customer-generators or eligible agricultural customer-generators shall be recoverable through its Renewable Energy Portfolio Standard (RPS) rate adjustment clause, if the supplier has a Commission-approved RPS plan. If not, then all costs shall be recoverable through the supplier's fuel adjustment clause. For purposes of this section, "all costs" shall be defined as the rates paid to the eligible customer-generator or eligible agricultural customer-generator for the purchase of excess electricity and renewable energy certificates and any administrative costs incurred to manage the eligible customer-generator's or eligible agricultural customer-generator's power purchase arrangements. The net metering standard contract or tariff shall be available to eligible customer-generators or eligible agricultural customer-generators on a first-come, first-served basis in each electric distribution company's Virginia service area until the rated generating capacity owned and operated by eligible customer-generators, eligible agricultural customer-generators, and small agricultural generators in the Commonwealth reaches ~~one~~ six percent, in the aggregate, five percent of which is available to all customers and one percent of which is available only to low-income utility customers of each electric distribution company's adjusted Virginia peak-load forecast for the previous year (~~the systemwide cap~~), and shall require the supplier to pay the eligible customer-generator or eligible agricultural customer-generator for such excess electricity in a timely manner at a rate to be established by the Commission.

On and after the earlier of (i) 2024 for a Phase I Utility or 2025 for a Phase II Utility or (ii) when the aggregate rated generating capacity owned and operated by eligible customer-generators, eligible agricultural customer-generators, and small agricultural generators in the Commonwealth reaches three percent of a Phase I or Phase II Utility's adjusted Virginia peak-load forecast for the previous year, the Commission shall conduct a net energy metering proceeding.

In any net energy metering proceeding, the Commission shall, after notice and opportunity for hearing, evaluate and establish (a) an amount customers shall pay on their utility bills each month for the costs of using the utility's infrastructure; (b) an amount the utility shall pay to appropriately compensate the customer, as determined by the Commission, for the total benefits such facilities provide; (c) the direct and indirect economic impact of net metering to the Commonwealth; and (d) any other information the Commission deems relevant. The Commission shall establish an appropriate rate structure related thereto, which shall govern compensation related to all eligible customer-generators, eligible agricultural customer-generators, and small agricultural generators, except low-income utility customers, that interconnect after the effective date established in the Commission's final order. Nothing in the Commission's final order shall affect any eligible customer-generators, eligible agricultural customer-generators, and small agricultural generators who interconnect before the effective date of such final order. As part of the net energy metering proceeding, the Commission shall evaluate the six percent aggregate net metering cap and may, if appropriate, raise or remove such cap. The Commission shall enter its final order in such a proceeding no later than 12 months after it commences such proceeding, and such final order shall establish a date by which the new terms and conditions shall apply for interconnection and shall also provide that, if the terms and conditions of compensation in the final order differ from the terms and conditions available to customers before the proceeding, low-income utility customers may interconnect under whichever terms are most favorable to them.

F. Any residential eligible customer-generator or eligible agricultural customer-generator who owns and operates, or contracts with other persons to own, operate, or both, an electrical generating facility with a capacity that exceeds ~~10~~ 15 kilowatts shall pay to its supplier, in addition to any other charges authorized by law, a monthly standby charge. The amount of the standby charge and the terms and conditions under which it is assessed shall be in accordance with a methodology developed by the supplier and approved by the Commission. The Commission shall approve a supplier's proposed standby charge methodology if it finds that the standby charges collected from all such eligible

customer-generators and eligible agricultural customer-generators allow the supplier to recover only the portion of the supplier's infrastructure costs that are properly associated with serving such eligible customer-generators or eligible agricultural customer-generators. Such an eligible customer-generator or eligible agricultural customer-generator shall not be liable for a standby charge until the date specified in an order of the Commission approving its supplier's methodology.

G. On and after the later of July 1, 2019, or the effective date of regulations that the Commission is required to adopt pursuant to § 56-594.01, (i) net energy metering in the service territory of each electric cooperative shall be conducted as provided in a program implemented pursuant to § 56-594.01 and (ii) the provisions of this section shall not apply to net energy metering in the service territory of an electric cooperative except as provided in § 56-594.01.

H. *The Commission may adopt such rules or establish such guidelines as may be necessary for its general administration of this section.*

1. When the Commission conducts a net energy metering proceeding, it shall:

1. Investigate and determine the costs and benefits of the current net energy metering program;
2. Establish an appropriate netting measurement interval for a successor tariff that is just and reasonable in light of the costs and benefits of the net metering program in aggregate, and applicable to new requests for net energy metering service; and

3. Determine a specific avoided cost for customer-generators, the different type of customer-generator technologies where the Commission deems it appropriate, and establish the methodology for determining the compensation rate for any net excess generation determined according to the applicable net measurement interval for any new tariff.

J. In evaluating the costs and benefits of the net energy metering program, the Commission shall consider:

1. The aggregate impact of customer-generators on the electric utility's long-run marginal costs of generation, distribution, and transmission;

2. The cost of service implications of customer-generators on other customers within the same class, including an evaluation of whether customer-generators provide an adequate rate of return to the electrical utility compared to the otherwise applicable rate class when, for analytical purposes only, examined as a separate class within a cost of service study;

3. The direct and indirect economic impact of the net energy metering program to the Commonwealth; and

4. Any other information it deems relevant, including environmental and resilience benefits of customer-generator facilities.

§ 56-596.2. Energy efficiency programs; financial assistance for low-income customers.

~~Each Phase I Utility and Phase II Utility, as such terms are defined in subdivision A 1 of § 56-585.1, A. Notwithstanding subsection G of § 56-580, or any other provision of law, each incumbent investor-owned electric utility shall develop a proposed program of energy conservation measures efficiency programs. Any program shall provide for the submission of a petition or petitions for approval to design, implement, and operate energy efficiency programs pursuant to subdivision A 5 c of § 56-585.1. At least five 15 percent of such proposed costs of energy efficiency programs shall be allocated to programs designed to benefit low-income, elderly, and or disabled individuals or veterans.~~

~~B. Notwithstanding any other provision of law, each investor-owned incumbent electric utility shall implement energy efficiency programs and measures to achieve the following total annual energy savings:~~

~~1. For Phase I electric utilities:~~

~~a. In calendar year 2022, at least 0.5 percent of the average annual energy jurisdictional retail sales by that utility in 2019;~~

~~b. In calendar year 2023, at least 1.0 percent of the average annual energy jurisdictional retail sales by that utility in 2019;~~

~~c. In calendar year 2024, at least 1.5 percent of the average annual energy jurisdictional retail sales by that utility in 2019; and~~

~~d. In calendar year 2025, at least 2.0 percent of the average annual energy jurisdictional retail sales by that utility in 2019;~~

~~2. For Phase II electric utilities:~~

~~a. In calendar year 2022, at least 1.25 percent of the average annual energy jurisdictional retail sales by that utility in 2019;~~

~~b. In calendar year 2023, at least 2.5 percent of the average annual energy jurisdictional retail sales by that utility in 2019;~~

~~c. In calendar year 2024, at least 3.75 percent of the average annual energy jurisdictional retail sales by that utility in 2019; and~~

~~d. In calendar year 2025, at least 5.0 percent of the average annual energy jurisdictional retail sales by that utility in 2019; and~~

~~3. For the time period 2026 through 2028, and for every successive three-year period thereafter, the Commission shall establish new energy efficiency savings targets. In advance of the effective date of such targets, the Commission shall, after notice and opportunity for hearing, initiate proceedings to establish such targets. As part of such proceeding, the Commission shall consider the feasibility of achieving energy efficiency goals and future energy efficiency savings through cost-effective programs and measures. The Commission shall annually review the feasibility of the energy efficiency program savings in this section and report to the Chairs of the House Committee on Labor and Commerce and the Senate~~

Committee on Commerce and Labor and the Secretary of Natural Resources and the Secretary of Commerce and Trade on such feasibility by October 1, 2022, and each year thereafter.

C. The projected costs for the utility to design, implement, and operate such energy efficiency programs, ~~including a margin to be recovered on operating expenses,~~ shall be no less than an aggregate amount of \$140 million for a Phase I Utility and \$870 million for a Phase II Utility for the period beginning July 1, 2018, and ending July 1, 2028, including any existing approved energy efficiency programs. In developing such portfolio of energy efficiency programs, each utility shall utilize a stakeholder process, to be facilitated by an independent monitor compensated under the funding provided pursuant to subdivision E of § 56-592.1, to provide input and feedback on (i) the development of such energy efficiency programs and portfolios of programs; (ii) compliance with the total annual energy savings set forth in this subsection and how such savings affect utility integrated resource plans; (iii) recommended policy reforms by which the General Assembly or the Commission can ensure maximum and cost-effective deployment of energy efficiency technology across the Commonwealth; and (iv) best practices for evaluation, measurement, and verification for the purposes of assessing compliance with the total annual energy savings set forth in subsection B. Utilities shall utilize the services of a third party to perform evaluation, measurement, and verification services to determine a utility's total annual savings as required by this subsection, as well as the annual and lifecycle net and gross energy and capacity savings, related emissions reductions, and other quantifiable benefits of each program; total customer bill savings that the programs and portfolios produce; and utility spending on each program, including any associated administrative costs. The third-party evaluator shall include and review each utility's avoided costs and cost-benefit analyses. The findings and reports of such third parties shall be concurrently provided to both the Commission and the utility, and the Commission shall make each such final annual report easily and publicly accessible online. Such stakeholder process shall include the participation of representatives from each utility, relevant directors, deputy directors, and staff members of the ~~State Corporation~~ Commission who participate in approval and oversight of utility efficiency programs, the office of Consumer Counsel of the Attorney General, the Department of Mines, Minerals and Energy, energy efficiency program implementers, energy efficiency providers, residential and small business customers, and any other interested stakeholder who the independent monitor deems appropriate for inclusion in such process. The independent monitor shall convene meetings of the participants in the stakeholder process not less frequently than twice in each calendar year during the period beginning July 1, 2019, and ending July 1, 2028. The independent monitor shall report on the status of the energy efficiency stakeholder process, including ~~(i)~~ (a) the objectives established by the stakeholder group during this process related to programs to be proposed, ~~(ii)~~ (b) recommendations related to programs to be proposed that result from the stakeholder process, and ~~(iii)~~ (c) the status of those recommendations, in addition to the petitions filed and the determination thereon, to the Governor, the State Corporation Commission, and the Chairmen of the House ~~Committee on Labor and Commerce~~ and Senate ~~Committee on Commerce and Labor~~ ~~Committees~~ on July 1, 2019, and annually thereafter through July 1, 2028.

D. Nothing in this section shall apply to any entity organized under Chapter 9.1 (§ 56-231.15 et seq.).

2. That § 1 of the first enactment of Chapters 358 and 382 of the Acts of Assembly of 2013, as amended by Chapter 803 of the Acts of Assembly of 2017, is amended and reenacted as follows:

§ 1. That the State Corporation Commission (Commission) shall conduct pilot programs under which a person that owns or operates a solar-powered or wind-powered electricity generation facility located on premises owned or leased by an eligible customer-generator, as defined in § 56-594 of the Code of Virginia, shall be permitted to sell the electricity generated from such facility exclusively to such eligible customer-generator under a power purchase agreement used to provide third party financing of the costs of such a renewable generation facility (third party power purchase agreement), subject to the following terms, conditions, and restrictions:

a. ~~A Notwithstanding subsection G of § 56-580 of the Code of Virginia or any other provision of law, a pilot program shall be conducted within the certificated service territory of each investor-owned electric utility other than a utility described in subsection G of § 56-580 of the Code of Virginia ("Pilot Utility"); provided that within the certificated service territory of an investor-owned utility that was not bound by a rate case settlement adopted by the Commission that extended in its application beyond January 1, 2002; nonprofit, private institutions of higher education as defined in § 23-1-100 of the Code of Virginia that are not being served by generation provided under subdivision A 5 of § 56-577 of the Code of Virginia shall be deemed to be customer-generators eligible to participate in the pilot program;~~

b. The aggregated capacity of all generation facilities that are subject to such third party power purchase agreements at any time during the pilot program shall not exceed ~~50~~ 500 megawatts for Virginia jurisdictional customers and 500 megawatts for Virginia nonjurisdictional customers for an investor-owned utility that was bound by a rate case settlement adopted by the Commission that extended in its application beyond January 1, 2002, or ~~seven~~ 40 megawatts for an investor-owned utility that was not bound by a rate case settlement adopted by the Commission that extended in its application beyond January 1, 2002. Such limitation on the aggregated capacity of such facilities shall constitute a portion of the existing limit of ~~one~~ six percent of each Pilot Utility's adjusted Virginia peak-load forecast for the previous year that is available to eligible customer-generators pursuant to subsection E of § 56-594 of the Code of Virginia. Notwithstanding any provision of this act that incorporates provisions of § 56-594, the seller and the customer shall elect either to (i) enter into their third party power purchase agreement subject to the conditions and provisions of the Pilot Utility's net energy metering program under § 56-594 or (ii) provide that electricity generated from the generation facilities subject to the third party power purchase agreement will not be net metered under § 56-594, provided that an election not to net meter under

§ 56-594 shall not exempt the third party power purchase agreement and the parties thereto from the requirements of this act that incorporate provisions of § 56-594;

c. A solar-powered or wind-powered generation facility with a capacity of no less than 50 kilowatts and no more than ~~one megawatt~~ *three megawatts* shall be eligible for a third party power purchase agreement under ~~the~~ *a* pilot program; however, if the customer under such agreement is *a low-income utility customer, as defined in § 56-576 of the Code of Virginia, or is an entity with tax-exempt status in accordance with § 501(c) of the Internal Revenue Code of 1954, as amended*, then such facility is eligible for the pilot program even if it does not meet the 50 kilowatts minimum size requirement. The maximum generation capacity of ~~one megawatt~~ *three megawatts* shall not affect the limits on the capacity of electrical generating capacities of ~~20~~ 25 kilowatts for residential customers and ~~500 kilowatts~~ *three megawatts* for nonresidential customers set forth in subsection B of § 56-594 of the Code of Virginia, which limitations shall continue to apply to net energy metering generation facilities regardless of whether they are the subject of a third party power purchase agreement under the pilot program;

d. A generation facility that is the subject of a third party power purchase agreement under the pilot program shall serve only one customer, and a third party power purchase agreement shall not serve multiple customers;

e. The customer under a third party power purchase agreement under the pilot program shall be subject to the interconnection and other requirements imposed on eligible customer-generators pursuant to subsection C of § 56-594 of the Code of Virginia, including the requirement that the customer bear the reasonable costs, as determined by the Commission, of the items described in clauses (i), (ii), and (iii) of such subsection;

f. A third party power purchase agreement under the pilot program shall not be valid unless it conforms in all respects to the requirements of the pilot program conducted under the provisions of this act and unless the Commission and the Pilot Utility are provided written notice of the parties' intent to enter into a third party power purchase agreement not less than 30 days prior to the agreement's proposed effective date; and

g. An affiliate of the Pilot Utility shall be permitted to offer and enter into third party power purchase arrangements on the same basis as may any other person that satisfies the requirements of being a seller under a third party power purchase agreement under the pilot program.

3. That § 56-585.2 of the Code of Virginia is repealed.

4. That each investor-owned utility shall consult with the Clean Energy Advisory Board established by Chapter 554 of the Acts of Assembly of 2019 in how best to inform low-income customers of opportunities to lower electric bills through access to solar energy.

5. That beginning September 1, 2022, and every three years thereafter, the Department of Mines, Minerals and Energy, in consultation with the Council on Environmental Justice and appropriate stakeholders, shall determine whether implementation of this act imposes a disproportionate burden on historically economically disadvantaged communities, as defined in § 56-576 of the Code of Virginia, as amended by this act, and shall report by January 1, 2023, and every three years thereafter, to the Chairs of the House Committee on Labor and Commerce and the Senate Committee on Commerce and Labor and to the Council on Environmental Justice.

6. That in developing a plan to reduce carbon dioxide emissions from covered units described in § 10.1-1308 of the Code of Virginia, as amended by this act, the Secretary of Natural Resources and the Secretary of Commerce and Trade, in consultation with the State Corporation Commission and the Council on Environmental Justice and appropriate stakeholders, shall report to the General Assembly by January 1, 2022, any recommendations on how to achieve 100 percent carbon-free electric energy generation by 2045 at least cost for ratepayers. Such report shall include a recommendation on whether the General Assembly should permanently repeal the ability to obtain a certificate of public convenience and necessity for any electric generating unit that emits carbon as a by-product of combusting fuel to generate electricity. Until the General Assembly receives such report, the State Corporation Commission shall not issue a certificate of public convenience and necessity for any investor-owned utility to own, operate, or construct any electric generating unit that emits carbon as a by-product of combusting fuel to generate electricity.

7. That it shall be the policy of the Commonwealth that the State Corporation Commission, Department of Mines, Minerals and Energy, and Virginia Council on Environmental Justice, in the development of energy programs, job training programs, and placement of renewable energy facilities, shall consider whether and how those facilities and programs benefit local workers, historically economically disadvantaged communities, as defined in § 56-576 of the Code of Virginia, as amended by this act, veterans, and individuals in the Virginia coalfield region that are located near previously and presently permitted fossil fuel facilities or coal mines.

8. That should the State Corporation Commission amend rules pursuant to the provisions of § 56-594 of the Code of Virginia, as amended by this act, it shall set forth rules for net energy metering at electric cooperatives in a new and separate chapter of the Virginia Administrative Code.

9. That nothing in this act shall require the utilities or the State Corporation Commission to take any action that, in the State Corporation Commission's discretion and after consideration of all in-state and regional transmission entity resources, threatens the reliability or security of electric service to the utility's customers.

10. That the investor-owned utility constructing a facility pursuant to § 56-585.1:11 of the Code of Virginia, as created by this act, shall provide the State Corporation Commission with reports on the facility's construction progress, including performance to construction timeline and budget, on no less than a quarterly basis throughout

the construction period. The State Corporation Commission shall retain ongoing authority to review the reasonableness and prudence of any increases in the total projected cost of the RPS Program and the offshore wind facility during its construction period.

11. That by January 1, 2028, if the Secretary of Natural Resources and the Secretary of Commerce and Trade (the Secretaries) determine that the greenhouse gas reduction targets are not met pursuant to § 10-1308 of the Code of Virginia, the Secretaries shall make a recommendation to the Chairs of the House Committee on Labor and Commerce and the Senate Committee on Commerce and Labor on the necessity and advisability of a moratorium on the issuance of permits for new fossil fuel-fired generating facilities by January 1, 2030.

12. That the State Corporation Commission shall issue its final order in the Percentage of Income Payment Program (PIPP) proceeding established pursuant to § 56-585.6 of the Code of Virginia, as created by this act, by December 31, 2020, provided that the non-bypassable universal service fee shall not be collected from customers of a Phase I or a Phase II Utility, as those terms are defined in subdivision A 1 of § 56-585.1 of the Code of Virginia, as amended by this act, until such time as the PIPP is established. The Department of Housing and Community Development and the Department of Social Services shall convene a stakeholder working group and develop recommendations regarding the implementation of PIPP. Such recommendations shall allow for a utility to reimburse the administrative costs of the PIPP, not to exceed \$3 million, and shall be submitted to the Chairs of the House Committee on Labor and Commerce and the Senate Committee on Commerce and Labor by December 1, 2020.

13. That this bill shall be referred to as the Virginia Clean Economy Act.

CHAPTER 1194

An Act to amend and reenact §§ 10.1-1308, 56-576, 56-585.1, 56-585.1:4, 56-594, and 56-596.2 of the Code of Virginia and § 1 of the first enactment of Chapters 358 and 382 of the Acts of Assembly of 2013, as amended by Chapter 803 of the Acts of Assembly of 2017; to amend the Code of Virginia by adding sections numbered 56-585.1:11, 56-585.5, and 56-585.6; and to repeal § 56-585.2 of the Code of Virginia, relating to the regulation of electric utilities; ending carbon dioxide emissions; construction or acquisition of renewable energy facilities; renewable portfolio standards for electric utilities and suppliers; energy efficiency programs and standards; energy storage; net energy metering; third-party power purchase agreements; and the Percentage of Income Payment Program.

[S 851]

Approved April 11, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 10.1-1308, 56-576, 56-585.1, 56-585.1:4, 56-594, and 56-596.2 of the Code of Virginia and § 1 of the first enactment of Chapters 358 and 382 of the Acts of Assembly of 2013, as amended by Chapter 803 of the Acts of Assembly of 2017, are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 56-585.1:11, 56-585.5, and 56-585.6 as follows:

§ 10.1-1308. Regulations.

A. The Board, after having studied air pollution in the various areas of the Commonwealth, its causes, prevention, control and abatement, shall have the power to promulgate regulations, including emergency regulations, abating, controlling and prohibiting air pollution throughout or in any part of the Commonwealth in accordance with the provisions of the Administrative Process Act (§ 2.2-4000 et seq.), except that a description of provisions of any proposed regulation which are more restrictive than applicable federal requirements, together with the reason why the more restrictive provisions are needed, shall be provided to the standing committee of each house of the General Assembly to which matters relating to the content of the regulation are most properly referable. No such regulation shall prohibit the burning of leaves from trees by persons on property where they reside if the local governing body of the county, city or town has enacted an otherwise valid ordinance regulating such burning. The regulations shall not promote or encourage any substantial degradation of present air quality in any air basin or region which has an air quality superior to that stipulated in the regulations. Any regulations adopted by the Board to have general effect in part or all of the Commonwealth shall be filed in accordance with the Virginia Register Act (§ 2.2-4100 et seq.).

B. Any regulation that prohibits the selling of any consumer product shall not restrict the continued sale of the product by retailers of any existing inventories in stock at the time the regulation is promulgated.

C. Any regulation requiring the use of stage 1 vapor recovery equipment at gasoline dispensing facilities may be applicable only in areas that have been designated at any time by the U.S. Environmental Protection Agency as nonattainment for the pollutant ozone. For purposes of this section, gasoline dispensing facility means any site where gasoline is dispensed to motor vehicle tanks from storage tanks.

D. No regulation of the Board shall require permits for the construction or operation of qualified fumigation facilities, as defined in § 10.1-1308.01.

E. Notwithstanding any other provision of law and no earlier than July 1, 2024, the Board shall adopt regulations to reduce, for the period of 2031 to 2050, the carbon dioxide emissions from any electricity generating unit in the Commonwealth, regardless of fuel type, that serves an electricity generator with a nameplate capacity equal to or greater

than 25 megawatts that supplies (i) 10 percent or more of its annual net electrical generation to the electric grid or (ii) more than 15 percent of its annual total useful energy to any entity other than the manufacturing facility to which the generating source is interconnected (covered unit).

The Board may establish, implement, and manage an auction program to sell allowances to carry out the purposes of such regulations or may in its discretion utilize an existing multistate trading system.

The Board may utilize its existing regulations to reduce carbon dioxide emissions from electric power generating facilities; however, the regulations shall provide that no allowances be issued for covered units in 2050 or any year beyond 2050. The Board may establish rules for trading, the use of banked allowances, and other auction or market mechanisms as it may find appropriate to control allowance costs and otherwise carry out the purpose of this subsection.

In adopting such regulations, the Board shall consider only the carbon dioxide emissions from the covered units. The Board shall not provide for emission offsetting or netting based on fuel type.

Regulations adopted by the Board under this subsection shall be subject to the requirements set out in §§ 2.2-4007.03, 2.2-4007.04, 2.2-4007.05, and 2.2-4026 through 2.2-4030 of the Administrative Process Act (§ 2.2-4000 et seq.) and shall be published in the Virginia Register of Regulations.

§ 56-576. Definitions.

As used in this chapter:

"Affiliate" means any person that controls, is controlled by, or is under common control with an electric utility.

"Aggregator" means a person that, as an agent or intermediary, (i) offers to purchase, or purchases, electric energy or (ii) offers to arrange for, or arranges for, the purchase of electric energy, for sale to, or on behalf of, two or more retail customers not controlled by or under common control with such person. The following activities shall not, in and of themselves, make a person an aggregator under this chapter: (i) furnishing legal services to two or more retail customers, suppliers or aggregators; (ii) furnishing educational, informational, or analytical services to two or more retail customers, unless direct or indirect compensation for such services is paid by an aggregator or supplier of electric energy; (iii) furnishing educational, informational, or analytical services to two or more suppliers or aggregators; (iv) providing default service under § 56-585; (v) engaging in activities of a retail electric energy supplier, licensed pursuant to § 56-587, which are authorized by such supplier's license; and (vi) engaging in actions of a retail customer, in common with one or more other such retail customers, to issue a request for proposal or to negotiate a purchase of electric energy for consumption by such retail customers.

(Expires December 31, 2023) "Business park" means a land development containing a minimum of 100 contiguous acres classified as a Tier 4 site under the Virginia Economic Development Partnership's Business Ready Sites Program that is developed and constructed by an industrial development authority, or a similar political subdivision of the Commonwealth created pursuant to § 15.2-4903 or other act of the General Assembly, in order to promote business development and that is located in an area of the Commonwealth designated as a qualified opportunity zone by the U.S. Secretary of the Treasury via his delegation of authority to the Internal Revenue Service.

"Combined heat and power" means a method of using waste heat from electrical generation to offset traditional processes, space heating, air conditioning, or refrigeration.

"Commission" means the State Corporation Commission.

"Community in which a majority of the population are people of color" means a U.S. Census tract where more than 50 percent of the population comprises individuals who identify as belonging to one or more of the following groups: Black, African American, Asian, Pacific Islander, Native American, other non-white race, mixed race, Hispanic, Latino, or linguistically isolated.

"Cooperative" means a utility formed under or subject to Chapter 9.1 (§ 56-231.15 et seq.).

"Covered entity" means a provider in the Commonwealth of an electric service not subject to competition but ~~shall~~ does not include default service providers.

"Covered transaction" means an acquisition, merger, or consolidation of, or other transaction involving stock, securities, voting interests or assets by which one or more persons obtains control of a covered entity.

"Curtailment" means inducing retail customers to reduce load during times of peak demand so as to ease the burden on the electrical grid.

"Customer choice" means the opportunity for a retail customer in the Commonwealth to purchase electric energy from any supplier licensed and seeking to sell electric energy to that customer.

"Demand response" means measures aimed at shifting time of use of electricity from peak-use periods to times of lower demand by inducing retail customers to curtail electricity usage during periods of congestion and higher prices in the electrical grid.

"Distribute," "distributing," or "distribution of" electric energy means the transfer of electric energy through a retail distribution system to a retail customer.

"Distributor" means a person owning, controlling, or operating a retail distribution system to provide electric energy directly to retail customers.

"Electric distribution grid transformation project" means a project associated with electric distribution infrastructure, including related data analytics equipment, that is designed to accommodate or facilitate the integration of utility-owned or customer-owned renewable electric generation resources with the utility's electric distribution grid or to otherwise enhance electric distribution grid reliability, electric distribution grid security, customer service, or energy efficiency and

conservation, including advanced metering infrastructure; intelligent grid devices for real time system and asset information; automated control systems for electric distribution circuits and substations; communications networks for service meters; intelligent grid devices and other distribution equipment; distribution system hardening projects for circuits, other than the conversion of overhead tap lines to underground service, and substations designed to reduce service outages or service restoration times; physical security measures at key distribution substations; cyber security measures; energy storage systems and microgrids that support circuit-level grid stability, power quality, reliability, or resiliency or provide temporary backup energy supply; electrical facilities and infrastructure necessary to support electric vehicle charging systems; LED street light conversions; and new customer information platforms designed to provide improved customer access, greater service options, and expanded access to energy usage information.

"Electric utility" means any person that generates, transmits, or distributes electric energy for use by retail customers in the Commonwealth, including any investor-owned electric utility, cooperative electric utility, or electric utility owned or operated by a municipality.

"Energy efficiency program" means a program that reduces the total amount of electricity that is required for the same process or activity implemented after the expiration of capped rates. Energy efficiency programs include equipment, physical, or program change designed to produce measured and verified reductions in the amount of electricity required to perform the same function and produce the same or a similar outcome. Energy efficiency programs may include, but are not limited to, (i) programs that result in improvements in lighting design, heating, ventilation, and air conditioning systems, appliances, building envelopes, and industrial and commercial processes; (ii) measures, such as but not limited to the installation of advanced meters, implemented or installed by utilities, that reduce fuel use or losses of electricity and otherwise improve internal operating efficiency in generation, transmission, and distribution systems; and (iii) customer engagement programs that result in measurable and verifiable energy savings that lead to efficient use patterns and practices. Energy efficiency programs include demand response, combined heat and power and waste heat recovery, curtailment, or other programs that are designed to reduce electricity consumption so long as they reduce the total amount of electricity that is required for the same process or activity. Utilities shall be authorized to install and operate such advanced metering technology and equipment on a customer's premises; however, nothing in this chapter establishes a requirement that an energy efficiency program be implemented on a customer's premises and be connected to a customer's wiring on the customer's side of the inter-connection without the customer's expressed consent.

"Generate," "generating," or "generation of" electric energy means the production of electric energy.

"Generator" means a person owning, controlling, or operating a facility that produces electric energy for sale.

"Historically economically disadvantaged community" means (i) a community in which a majority of the population are people of color or (ii) a low-income geographic area.

"Incumbent electric utility" means each electric utility in the Commonwealth that, prior to July 1, 1999, supplied electric energy to retail customers located in an exclusive service territory established by the Commission.

"Independent system operator" means a person that may receive or has received, by transfer pursuant to this chapter, any ownership or control of, or any responsibility to operate, all or part of the transmission systems in the Commonwealth.

"In the public interest," for purposes of assessing energy efficiency programs, describes an energy efficiency program if the Commission determines that the net present value of the benefits exceeds the net present value of the costs as determined by not less than any three of the following four tests: (i) the Total Resource Cost Test; (ii) the Utility Cost Test (also referred to as the Program Administrator Test); (iii) the Participant Test; and (iv) the Ratepayer Impact Measure Test. Such determination shall include an analysis of all four tests, and a program or portfolio of programs shall be approved if the net present value of the benefits exceeds the net present value of the costs as determined by not less than any three of the four tests. If the Commission determines that an energy efficiency program or portfolio of programs is not in the public interest, its final order shall include all work product and analysis conducted by the Commission's staff in relation to that program, including testimony relied upon by the Commission's staff, that has bearing upon the Commission's decision. If the Commission reduces the proposed budget for a program or portfolio of programs, its final order shall include an analysis of the impact such budget reduction has upon the cost-effectiveness of such program or portfolio of programs. An order by the Commission (a) finding that a program or portfolio of programs is not in the public interest or (b) reducing the proposed budget for any program or portfolio of programs shall adhere to existing protocols for extraordinarily sensitive information. In addition, an energy efficiency program may be deemed to be "in the public interest" if the program (1) provides measurable and verifiable energy savings to low-income customers or elderly customers or (2) is a pilot program of limited scope, cost, and duration, that is intended to determine whether a new or substantially revised program or technology would be cost-effective.

"Low-income geographic area" means any locality, or community within a locality, that has a median household income that is not greater than 80 percent of the local median household income, or any area in the Commonwealth designated as a qualified opportunity zone by the U.S. Secretary of the Treasury via his delegation of authority to the Internal Revenue Service.

"Low-income utility customer" means any person or household whose income is no more than 80 percent of the median income of the locality in which the customer resides. The median income of the locality is determined by the U.S. Department of Housing and Urban Development.

"Measured and verified" means a process determined pursuant to methods accepted for use by utilities and industries to measure, verify, and validate energy savings and peak demand savings. This may include the protocol established by the

United States Department of Energy, Office of Federal Energy Management Programs, Measurement and Verification Guidance for Federal Energy Projects, measurement and verification standards developed by the American Society of Heating, Refrigeration and Air Conditioning Engineers (ASHRAE), or engineering-based estimates of energy and demand savings associated with specific energy efficiency measures, as determined by the Commission.

"Municipality" means a city, county, town, authority, or other political subdivision of the Commonwealth.

"New underground facilities" means facilities to provide underground distribution service. "New underground facilities" includes underground cables with voltages of 69 kilovolts or less, pad-mounted devices, connections at customer meters, and transition terminations from existing overhead distribution sources.

"Peak-shaving" means measures aimed solely at shifting time of use of electricity from peak-use periods to times of lower demand by inducing retail customers to curtail electricity usage during periods of congestion and higher prices in the electrical grid.

"Percentage of Income Payment Program (PIPP) eligible utility customer" means any person or household participating in any of the following public assistance programs: the Supplemental Nutrition Assistance Program, Temporary Assistance for Needy Families, Special Supplemental Nutrition Program for Women, Infants and Children, Virginia Low Income Home Energy Assistance Program, federal Low Income Home Energy Assistance Program, state plan for medical assistance, Medicaid, Housing Choice Voucher Program, or Family Access to Medical Insurance Security Plan.

"Person" means any individual, corporation, partnership, association, company, business, trust, joint venture, or other private legal entity, and the Commonwealth or any municipality.

"Qualified waste heat resource" means (i) exhaust heat or flared gas from an industrial process that does not have, as its primary purpose, the production of electricity and (ii) a pressure drop in any gas for an industrial or commercial process.

"Renewable energy" means energy derived from sunlight, wind, falling water, biomass, sustainable or otherwise, (the definitions of which shall be liberally construed), energy from waste, landfill gas, municipal solid waste, wave motion, tides, and geothermal power, and does not include energy derived from coal, oil, natural gas, or nuclear power. "Renewable energy shall also include" also includes the proportion of the thermal or electric energy from a facility that results from the co-firing of biomass. "Renewable energy" does not include waste heat from fossil-fired facilities or electricity generated from pumped storage but includes run-of-river generation from a combined pumped-storage and run-of-river facility.

"Renewable thermal energy" means the thermal energy output from (i) a renewable-fueled combined heat and power generation facility that is (a) constructed, or renovated and improved, after January 1, 2012, (b) located in the Commonwealth, and (c) utilized in industrial processes other than the combined heat and power generation facility or (ii) a solar energy system, certified to the OG-100 standard of the Solar Ratings and Certification Corporation or an equivalent certification body, that (a) is constructed, or renovated and improved, after January 1, 2013, (b) is located in the Commonwealth, and (c) heats water or air for residential, commercial, institutional, or industrial purposes.

"Renewable thermal energy equivalent" means the electrical equivalent in megawatt hours of renewable thermal energy calculated by dividing (i) the heat content, measured in British thermal units (BTUs), of the renewable thermal energy at the point of transfer to a residential, commercial, institutional, or industrial process by (ii) the standard conversion factor of 3.413 million BTUs per megawatt hour.

"Renovated and improved facility" means a facility the components of which have been upgraded to enhance its operating efficiency.

"Retail customer" means any person that purchases retail electric energy for its own consumption at one or more metering points or nonmetered points of delivery located in the Commonwealth.

"Retail electric energy" means electric energy sold for ultimate consumption to a retail customer.

"Revenue reductions related to energy efficiency programs" means reductions in the collection of total non-fuel revenues, previously authorized by the Commission to be recovered from customers by a utility, that occur due to measured and verified decreased consumption of electricity caused by energy efficiency programs approved by the Commission and implemented by the utility, less the amount by which such non-fuel reductions in total revenues have been mitigated through other program-related factors, including reductions in variable operating expenses.

"Rooftop solar installation" means a distributed electric generation facility, storage facility, or generation and storage facility utilizing energy derived from sunlight, with a rated capacity of not less than 50 kilowatts, that is installed on the roof structure of an incumbent electric utility's commercial or industrial class customer, including host sites on commercial buildings, multifamily residential buildings, school or university buildings, and buildings of a church or religious body.

"Solar energy system" means a system of components that produces heat or electricity, or both, from sunlight.

"Supplier" means any generator, distributor, aggregator, broker, marketer, or other person who offers to sell or sells electric energy to retail customers and is licensed by the Commission to do so, but it does not mean a generator that produces electric energy exclusively for its own consumption or the consumption of an affiliate.

"Supply" or "supplying" electric energy means the sale of or the offer to sell electric energy to a retail customer.

"Total annual energy savings" means (i) the total combined kilowatt-hour savings achieved by electric utility energy efficiency and demand response programs and measures installed in that program year, as well as savings still being achieved by measures and programs implemented in prior years, or (ii) savings attributable to newly installed combined heat and power facilities, including waste heat-to-power facilities, and any associated reduction in transmission line losses,

provided that biomass is not a fuel and the total efficiency, including the use of thermal energy, for eligible combined heat and power facilities must meet or exceed 65 percent and have a nameplate capacity rating of less than 25 megawatts.

"Transmission of," "transmit," or "transmitting" electric energy means the transfer of electric energy through the Commonwealth's interconnected transmission grid from a generator to either a distributor or a retail customer.

"Transmission system" means those facilities and equipment that are required to provide for the transmission of electric energy.

"Waste heat to power" means a system that generates electricity through the recovery of a qualified waste heat resource.

§ 56-585.1. Generation, distribution, and transmission rates after capped rates terminate or expire.

A. During the first six months of 2009, the Commission shall, after notice and opportunity for hearing, initiate proceedings to review the rates, terms and conditions for the provision of generation, distribution and transmission services of each investor-owned incumbent electric utility. Such proceedings shall be governed by the provisions of Chapter 10 (§ 56-232 et seq.), except as modified herein. In such proceedings the Commission shall determine fair rates of return on common equity applicable to the generation and distribution services of the utility. In so doing, the Commission may use any methodology to determine such return it finds consistent with the public interest, but such return shall not be set lower than the average of the returns on common equity reported to the Securities and Exchange Commission for the three most recent annual periods for which such data are available by not less than a majority, selected by the Commission as specified in subdivision 2 b, of other investor-owned electric utilities in the peer group of the utility, nor shall the Commission set such return more than 300 basis points higher than such average. The peer group of the utility shall be determined in the manner prescribed in subdivision 2 b. The Commission may increase or decrease such combined rate of return by up to 100 basis points based on the generating plant performance, customer service, and operating efficiency of a utility, as compared to nationally recognized standards determined by the Commission to be appropriate for such purposes. In such a proceeding, the Commission shall determine the rates that the utility may charge until such rates are adjusted. If the Commission finds that the utility's combined rate of return on common equity is more than 50 basis points below the combined rate of return as so determined, it shall be authorized to order increases to the utility's rates necessary to provide the opportunity to fully recover the costs of providing the utility's services and to earn not less than such combined rate of return. If the Commission finds that the utility's combined rate of return on common equity is more than 50 basis points above the combined rate of return as so determined, it shall be authorized either (i) to order reductions to the utility's rates it finds appropriate, provided that the Commission may not order such rate reduction unless it finds that the resulting rates will provide the utility with the opportunity to fully recover its costs of providing its services and to earn not less than the fair rates of return on common equity applicable to the generation and distribution services; or (ii) to direct that 60 percent of the amount of the utility's earnings that were more than 50 basis points above the fair combined rate of return for calendar year 2008 be credited to customers' bills, in which event such credits shall be amortized over a period of six to 12 months, as determined at the discretion of the Commission, following the effective date of the Commission's order and be allocated among customer classes such that the relationship between the specific customer class rates of return to the overall target rate of return will have the same relationship as the last approved allocation of revenues used to design base rates. Commencing in 2011, the Commission, after notice and opportunity for hearing, shall conduct reviews of the rates, terms and conditions for the provision of generation, distribution and transmission services by each investor-owned incumbent electric utility, subject to the following provisions:

1. Rates, terms and conditions for each service shall be reviewed separately on an unbundled basis, and such reviews shall be conducted in a single, combined proceeding. Pursuant to subsection A of § 56-585.1:1, the Commission shall conduct a review for a Phase I Utility in 2020, utilizing the three successive 12-month test periods beginning January 1, 2017, and ending December 31, 2019. Thereafter, reviews for a Phase I Utility will be on a triennial basis with subsequent proceedings utilizing the three successive 12-month test periods ending December 31 immediately preceding the year in which such review proceeding is conducted. Pursuant to subsection A of § 56-585.1:1, the Commission shall conduct a review for a Phase II Utility in 2021, utilizing the four successive 12-month test periods beginning January 1, 2017, and ending December 31, 2020, with subsequent reviews on a triennial basis utilizing the three successive 12-month test periods ending December 31 immediately preceding the year in which such review proceeding is conducted. All such reviews occurring after December 31, 2017, shall be referred to as triennial reviews. For purposes of this section, a Phase I Utility is an investor-owned incumbent electric utility that was, as of July 1, 1999, not bound by a rate case settlement adopted by the Commission that extended in its application beyond January 1, 2002, and a Phase II Utility is an investor-owned incumbent electric utility that was bound by such a settlement.

2. Subject to the provisions of subdivision 6, the fair rate of return on common equity applicable separately to the generation and distribution services of such utility, and for the two such services combined, and for any rate adjustment clauses approved under subdivision 5 or 6, shall be determined by the Commission during each such triennial review, as follows:

a. The Commission may use any methodology to determine such return it finds consistent with the public interest, but such return shall not be set lower than the average of the returns on common equity reported to the Securities and Exchange Commission for the three most recent annual periods for which such data are available by not less than a majority, selected by the Commission as specified in subdivision 2 b, of other investor-owned electric utilities in the peer group of the utility

subject to such triennial review, nor shall the Commission set such return more than 300 basis points higher than such average.

b. In selecting such majority of peer group investor-owned electric utilities, the Commission shall first remove from such group the two utilities within such group that have the lowest reported returns of the group, as well as the two utilities within such group that have the highest reported returns of the group, and the Commission shall then select a majority of the utilities remaining in such peer group. In its final order regarding such triennial review, the Commission shall identify the utilities in such peer group it selected for the calculation of such limitation. For purposes of this subdivision, an investor-owned electric utility shall be deemed part of such peer group if (i) its principal operations are conducted in the southeastern United States east of the Mississippi River in either the states of West Virginia or Kentucky or in those states south of Virginia, excluding the state of Tennessee, (ii) it is a vertically-integrated electric utility providing generation, transmission and distribution services whose facilities and operations are subject to state public utility regulation in the state where its principal operations are conducted, (iii) it had a long-term bond rating assigned by Moody's Investors Service of at least Baa at the end of the most recent test period subject to such triennial review, and (iv) it is not an affiliate of the utility subject to such triennial review.

c. The Commission may, consistent with its precedent for incumbent electric utilities prior to the enactment of Chapters 888 and 933 of the Acts of Assembly of 2007, increase or decrease the utility's combined rate of return based on the Commission's consideration of the utility's performance.

d. In any Current Proceeding, the Commission shall determine whether the Current Return has increased, on a percentage basis, above the Initial Return by more than the increase, expressed as a percentage, in the United States Average Consumer Price Index for all items, all urban consumers (CPI-U), as published by the Bureau of Labor Statistics of the United States Department of Labor, since the date on which the Commission determined the Initial Return. If so, the Commission may conduct an additional analysis of whether it is in the public interest to utilize such Current Return for the Current Proceeding then pending. A finding of whether the Current Return justifies such additional analysis shall be made without regard to any enhanced rate of return on common equity awarded pursuant to the provisions of subdivision 6. Such additional analysis shall include, but not be limited to, a consideration of overall economic conditions, the level of interest rates and cost of capital with respect to business and industry, in general, as well as electric utilities, the current level of inflation and the utility's cost of goods and services, the effect on the utility's ability to provide adequate service and to attract capital if less than the Current Return were utilized for the Current Proceeding then pending, and such other factors as the Commission may deem relevant. If, as a result of such analysis, the Commission finds that use of the Current Return for the Current Proceeding then pending would not be in the public interest, then the lower limit imposed by subdivision 2 a on the return to be determined by the Commission for such utility shall be calculated, for that Current Proceeding only, by increasing the Initial Return by a percentage at least equal to the increase, expressed as a percentage, in the United States Average Consumer Price Index for all items, all urban consumers (CPI-U), as published by the Bureau of Labor Statistics of the United States Department of Labor, since the date on which the Commission determined the Initial Return. For purposes of this subdivision:

"Current Proceeding" means any proceeding conducted under any provisions of this subsection that require or authorize the Commission to determine a fair combined rate of return on common equity for a utility and that will be concluded after the date on which the Commission determined the Initial Return for such utility.

"Current Return" means the minimum fair combined rate of return on common equity required for any Current Proceeding by the limitation regarding a utility's peer group specified in subdivision 2 a.

"Initial Return" means the fair combined rate of return on common equity determined for such utility by the Commission on the first occasion after July 1, 2009, under any provision of this subsection pursuant to the provisions of subdivision 2 a.

e. In addition to other considerations, in setting the return on equity within the range allowed by this section, the Commission shall strive to maintain costs of retail electric energy that are cost competitive with costs of retail electric energy provided by the other peer group investor-owned electric utilities.

f. The determination of such returns shall be made by the Commission on a stand-alone basis, and specifically without regard to any return on common equity or other matters determined with regard to facilities described in subdivision 6.

g. If the combined rate of return on common equity earned by the generation and distribution services is no more than 50 basis points above or below the return as so determined or, for any test period commencing after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, such return is no more than 70 basis points above or below the return as so determined, such combined return shall not be considered either excessive or insufficient, respectively. However, for any test period commencing after December 31, 2012, for a Phase II Utility, and after December 31, 2013, for a Phase I Utility, if the utility has, during the test period or periods under review, earned below the return as so determined, whether or not such combined return is within 70 basis points of the return as so determined, the utility may petition the Commission for approval of an increase in rates in accordance with the provisions of subdivision 8 a as if it had earned more than 70 basis points below a fair combined rate of return, and such proceeding shall otherwise be conducted in accordance with the provisions of this section. The provisions of this subdivision are subject to the provisions of subdivision 8.

h. Any amount of a utility's earnings directed by the Commission to be credited to customers' bills pursuant to this section shall not be considered for the purpose of determining the utility's earnings in any subsequent triennial review.

3. Each such utility shall make a triennial filing by March 31 of every third year, with such filings commencing for a Phase I Utility in 2020, and such filings commencing for a Phase II Utility in 2021, consisting of the schedules contained in the Commission's rules governing utility rate increase applications. Such filing shall encompass the three successive 12-month test periods ending December 31 immediately preceding the year in which such proceeding is conducted, except that the filing for a Phase II Utility in 2021 shall encompass the four successive 12-month test periods ending December 31, 2020, and in every such case the filing for each year shall be identified separately and shall be segregated from any other year encompassed by the filing. If the Commission determines that rates should be revised or credits be applied to customers' bills pursuant to subdivision 8 or 9, any rate adjustment clauses previously implemented related to facilities utilizing simple-cycle combustion turbines described in subdivision 6, shall be combined with the utility's costs, revenues and investments until the amounts that are the subject of such rate adjustment clauses are fully recovered. The Commission shall combine such clauses with the utility's costs, revenues and investments only after it makes its initial determination with regard to necessary rate revisions or credits to customers' bills, and the amounts thereof, but after such clauses are combined as herein specified, they shall thereafter be considered part of the utility's costs, revenues, and investments for the purposes of future triennial review proceedings. In a triennial filing under this subdivision that does not result in an overall rate change a utility may propose an adjustment to one or more tariffs that are revenue neutral to the utility.

4. (Expires December 31, 2023) The following costs incurred by the utility shall be deemed reasonable and prudent: (i) costs for transmission services provided to the utility by the regional transmission entity of which the utility is a member, as determined under applicable rates, terms and conditions approved by the Federal Energy Regulatory Commission; (ii) costs charged to the utility that are associated with demand response programs approved by the Federal Energy Regulatory Commission and administered by the regional transmission entity of which the utility is a member; and (iii) costs incurred by the utility to construct, operate, and maintain transmission lines and substations installed in order to provide service to a business park. Upon petition of a utility at any time after the expiration or termination of capped rates, but not more than once in any 12-month period, the Commission shall approve a rate adjustment clause under which such costs, including, without limitation, costs for transmission service; charges for new and existing transmission facilities, including costs incurred by the utility to construct, operate, and maintain transmission lines and substations installed in order to provide service to a business park; administrative charges; and ancillary service charges designed to recover transmission costs, shall be recovered on a timely and current basis from customers. Retail rates to recover these costs shall be designed using the appropriate billing determinants in the retail rate schedules.

4. (Effective January 1, 2024) The following costs incurred by the utility shall be deemed reasonable and prudent: (i) costs for transmission services provided to the utility by the regional transmission entity of which the utility is a member, as determined under applicable rates, terms and conditions approved by the Federal Energy Regulatory Commission, and (ii) costs charged to the utility that are associated with demand response programs approved by the Federal Energy Regulatory Commission and administered by the regional transmission entity of which the utility is a member. Upon petition of a utility at any time after the expiration or termination of capped rates, but not more than once in any 12-month period, the Commission shall approve a rate adjustment clause under which such costs, including, without limitation, costs for transmission service, charges for new and existing transmission facilities, administrative charges, and ancillary service charges designed to recover transmission costs, shall be recovered on a timely and current basis from customers. Retail rates to recover these costs shall be designed using the appropriate billing determinants in the retail rate schedules.

5. A utility may at any time, after the expiration or termination of capped rates, but not more than once in any 12-month period, petition the Commission for approval of one or more rate adjustment clauses for the timely and current recovery from customers of the following costs:

a. Incremental costs described in clause (vi) of subsection B of § 56-582 incurred between July 1, 2004, and the expiration or termination of capped rates, if such utility is, as of July 1, 2007, deferring such costs consistent with an order of the Commission entered under clause (vi) of subsection B of § 56-582. The Commission shall approve such a petition allowing the recovery of such costs that comply with the requirements of clause (vi) of subsection B of § 56-582;

b. Projected and actual costs for the utility to design and operate fair and effective peak-shaving programs *or pilot programs*. The Commission shall approve such a petition if it finds that the program is in the public interest, provided that the Commission shall allow the recovery of such costs as it finds are reasonable;

c. Projected and actual costs for the utility to design, implement, and operate energy efficiency programs, ~~including a margin to be recovered on operating expenses, which margin for the purposes of this section shall be equal to the general rate of return on common equity determined as described in subdivision 2 or pilot programs.~~ Any such petition shall include a proposed budget for the design, implementation, and operation of the energy efficiency program, *including anticipated savings from and spending on each program, and the Commission shall grant a final order on such petitions within eight months of initial filing.* The Commission shall only approve such a petition if it finds that the program is in the public interest. If the Commission determines that an energy efficiency program or portfolio of programs is not in the public interest, its final order shall include all work product and analysis conducted by the Commission's staff in relation to that program that has bearing upon the Commission's determination. Such order shall adhere to existing protocols for extraordinarily sensitive information. ~~As part of such cost recovery, the Commission, if requested by the utility, shall allow for the recovery of revenue reductions related to energy efficiency programs. The Commission shall only allow such recovery to the extent that the Commission determines such revenue has not been recovered through margins from incremental off-system sales as defined in § 56-249.6 that are directly attributable to energy efficiency programs.~~

Energy efficiency pilot programs are in the public interest provided that the pilot program is (i) of limited scope, cost, and duration and (ii) intended to determine whether a new or substantially revised program would be cost-effective.

Prior to January 1, 2022, the Commission shall award a margin for recovery on operating expenses for energy efficiency programs and pilot programs, which margin shall be equal to the general rate of return on common equity determined as described in subdivision 2. Beginning January 1, 2022, and thereafter, if the Commission determines that the utility meets in any year the annual energy efficiency standards set forth in § 56-596.2, in the following year, the Commission shall award a margin on energy efficiency program operating expenses in that year, to be recovered through a rate adjustment clause, which margin shall be equal to the general rate of return on common equity determined as described in subdivision 2. If the Commission does not approve energy efficiency programs that, in the aggregate, can achieve the annual energy efficiency standards, the Commission shall award a margin on energy efficiency operating expenses in that year for any programs the Commission has approved, to be recovered through a rate adjustment clause under this subdivision, which margin shall equal the general rate of return on common equity determined as described in subdivision 2. Any margin awarded pursuant to this subdivision shall be applied as part of the utility's next rate adjustment clause true-up proceeding. The Commission shall also award an additional 20 basis points for each additional incremental 0.1 percent in annual savings in any year achieved by the utility's energy efficiency programs approved by the Commission pursuant to this subdivision, beyond the annual requirements set forth in § 56-596.2, provided that the total performance incentive awarded in any year shall not exceed 10 percent of that utility's total energy efficiency program spending in that same year.

The Commission shall annually monitor and report to the General Assembly the performance of all programs approved pursuant to this subdivision, including each utility's compliance with the total annual savings required by § 56-596.2, as well as the annual and lifecycle net and gross energy and capacity savings, related emissions reductions, and other quantifiable benefits of each program; total customer bill savings that the programs produce; utility spending on each program, including any associated administrative costs; and each utility's avoided costs and cost-effectiveness results.

Notwithstanding any other provision of law, unless the Commission finds in its discretion and after consideration of all in-state and regional transmission entity resources that there is a threat to the reliability or security of electric service to the utility's customers, the Commission shall not approve construction of any new utility-owned generating facilities that emit carbon dioxide as a by-product of combusting fuel to generate electricity unless the utility has already met the energy savings goals identified in § 56-596.2 and the Commission finds that supply-side resources are more cost-effective than demand-side or energy storage resources.

~~None of the costs of new energy efficiency programs of an electric utility, including recovery of revenue reductions, shall be assigned to any large general service customer. As used in this subdivision, "large general service customer is" means a customer that has a verifiable history of having used more than 500 kilowatts one megawatt of demand from a single meter of delivery site.~~

Large general service customers shall be exempt from requirements that they participate in energy efficiency programs if the Commission finds that the large general service customer has, at the customer's own expense, implemented energy efficiency programs that have produced or will produce measured and verified results consistent with industry standards and other regulatory criteria stated in this section. The Commission shall, no later than June 30, 2021, adopt rules or regulations (a) establishing the process for large general service customers to apply for such an exemption, (b) establishing the administrative procedures by which eligible customers will notify the utility, and (c) defining the standard criteria that shall be satisfied by an applicant in order to notify the utility, including means of evaluation measurement and verification and confidentiality requirements. At a minimum, such rules and regulations shall require that each exempted large general service customer certify to the utility and Commission that its implemented energy efficiency programs have delivered measured and verified savings within the prior five years. In adopting such rules or regulations, the Commission shall also specify the timing as to when a utility shall accept and act on such notice, taking into consideration the utility's integrated resource planning process, as well as its administration of energy efficiency programs that are approved for cost recovery by the Commission. Savings from large general service customers shall be accounted for in utility reporting in the standards in § 56-596.2.

The notice of nonparticipation by a large general service customer shall be for the duration of the service life of the customer's energy efficiency measures. The Commission may on its own motion initiate steps necessary to verify such nonparticipant's achievement of energy efficiency if the Commission has a body of evidence that the nonparticipant has knowingly misrepresented its energy efficiency achievement.

A utility shall not charge such large general service customer, as defined by the Commission, for the costs of installing energy efficiency equipment beyond what is required to provide electric service and meter such service on the customer's premises if the customer provides, at the customer's expense, equivalent energy efficiency equipment. In all relevant proceedings pursuant to this section, the Commission shall take into consideration the goals of economic development, energy efficiency and environmental protection in the Commonwealth;

d. Projected and actual costs of participation in a compliance with renewable energy portfolio standard program requirements pursuant to § ~~56-585.2~~ 56-585.5 that are not recoverable under subdivision 6. The Commission shall approve such a petition allowing the recovery of such costs incurred as are provided for in a program approved pursuant to required by § ~~56-585.2~~ 56-585.5, provided that the Commission does not otherwise find such costs were unreasonably or imprudently incurred;

e. Projected and actual costs of projects that the Commission finds to be necessary *to mitigate impacts to marine life caused by construction of offshore wind generating facilities, as described in § 56-585.1:11*, or to comply with state or federal environmental laws or regulations applicable to generation facilities used to serve the utility's native load obligations, *including the costs of allowances purchased through a market-based trading program for carbon dioxide emissions*. The Commission shall approve such a petition if it finds that such costs are necessary to comply with such environmental laws or regulations; and

f. Projected and actual costs, not currently in rates, for the utility to design, implement, and operate programs approved by the Commission that accelerate the vegetation management of distribution rights-of-way. No costs shall be allocated to or recovered from customers that are served within the large general service rate classes for a Phase II Utility or that are served at subtransmission or transmission voltage, or take delivery at a substation served from subtransmission or transmission voltage, for a Phase I Utility.

Any rate adjustment clause approved under subdivision 5 c by the Commission shall remain in effect until the utility exhausts the approved budget for the energy efficiency program. The Commission shall have the authority to determine the duration or amortization period for any other rate adjustment clause approved under this subdivision.

6. To ensure the generation and delivery of a reliable and adequate supply of electricity, to meet the utility's projected native load obligations and to promote economic development, a utility may at any time, after the expiration or termination of capped rates, petition the Commission for approval of a rate adjustment clause for recovery on a timely and current basis from customers of the costs of (i) a coal-fueled generation facility that utilizes Virginia coal and is located in the coalfield region of the Commonwealth as described in § 15.2-6002, regardless of whether such facility is located within or without the utility's service territory, (ii) one or more other generation facilities, (iii) one or more major unit modifications of generation facilities, including the costs of any system or equipment upgrade, system or equipment replacement, or other cost reasonably appropriate to extend the combined operating license for or the operating life of one or more generation facilities utilizing nuclear power, (iv) one or more new underground facilities to replace one or more existing overhead distribution facilities of 69 kilovolts or less located within the Commonwealth, (v) one or more pumped hydroelectricity generation and storage facilities that utilize on-site or off-site renewable energy resources as all or a portion of their power source and such facilities and associated resources are located in the coalfield region of the Commonwealth as described in § 15.2-6002, regardless of whether such facility is located within or without the utility's service territory, or (vi) one or more electric distribution grid transformation projects; however, subject to the provisions of the following sentence, the utility shall not file a petition under clause (iv) more often than annually and, in such petition, shall not seek any annual incremental increase in the level of investments associated with such a petition that exceeds five percent of such utility's distribution rate base, as such rate base was determined for the most recently ended 12-month test period in the utility's latest review proceeding conducted pursuant to subdivision 3 and concluded by final order of the Commission prior to the date of filing of such petition under clause (iv). In all proceedings regarding petitions filed under clause (iv) or (vi), the level of investments approved for recovery in such proceedings shall be in addition to, and not in lieu of, levels of investments previously approved for recovery in prior proceedings under clause (iv) or (vi), as applicable. As of December 1, 2028, any costs recovered by a utility pursuant to clause (iv) shall be limited to any remaining costs associated with conversions of overhead distribution facilities to underground facilities that have been previously approved or are pending approval by the Commission through a petition by the utility under this subdivision. Such a petition concerning facilities described in clause (ii) that utilize nuclear power, facilities described in clause (ii) that are coal-fueled and will be built by a Phase I Utility, or facilities described in clause (i) may also be filed before the expiration or termination of capped rates. A utility that constructs or makes modifications to any such facility, or purchases any facility consisting of at least one megawatt of generating capacity using energy derived from sunlight and located in the Commonwealth and that utilizes goods or services sourced, in whole or in part, from one or more Virginia businesses, shall have the right to recover the costs of the facility, as accrued against income, through its rates, including projected construction work in progress, and any associated allowance for funds used during construction, planning, development and construction or acquisition costs, life-cycle costs, costs related to assessing the feasibility of potential sites for new underground facilities, and costs of infrastructure associated therewith, plus, as an incentive to undertake such projects, an enhanced rate of return on common equity calculated as specified below; however, in determining the amounts recoverable under a rate adjustment clause for new underground facilities, the Commission shall not consider, or increase or reduce such amounts recoverable because of (a) the operation and maintenance costs attributable to either the overhead distribution facilities being replaced or the new underground facilities or (b) any other costs attributable to the overhead distribution facilities being replaced. Notwithstanding the preceding sentence, the costs described in clauses (a) and (b) thereof shall remain eligible for recovery from customers through the utility's base rates for distribution service. A utility filing a petition for approval to construct or purchase a facility consisting of at least one megawatt of generating capacity using energy derived from sunlight and located in the Commonwealth and that utilizes goods or services sourced, in whole or in part, from one or more Virginia businesses may propose a rate adjustment clause based on a market index in lieu of a cost of service model for such facility. A utility seeking approval to construct or purchase a generating facility ~~described in clause (i) or (ii) that emits carbon dioxide~~ shall demonstrate that it has *already met the energy savings goals identified in § 56-596.2 and that the identified need cannot be met more affordably through the deployment or utilization of demand-side resources or energy storage resources and that it has considered and weighed alternative options, including third-party market alternatives, in its selection process.*

The costs of the facility, other than return on projected construction work in progress and allowance for funds used during construction, shall not be recovered prior to the date a facility constructed by the utility and described in clause (i), (ii), (iii) or (v) begins commercial operation, the date the utility becomes the owner of a purchased generation facility consisting of at least one megawatt of generating capacity using energy derived from sunlight and located in the Commonwealth and that utilizes goods or services sourced, in whole or in part, from one or more Virginia businesses, or the date new underground facilities are classified by the utility as plant in service. *In any application to construct a new generating facility, the utility shall include, and the Commission shall consider, the social cost of carbon, as determined by the Commission, as a benefit or cost, whichever is appropriate. The Commission shall ensure that the development of new, or expansion of existing, energy resources or facilities does not have a disproportionate adverse impact on historically economically disadvantaged communities. The Commission may adopt any rules it deems necessary to determine the social cost of carbon and shall use the best available science and technology, including the Technical Support Document: Technical Update of the Social Cost of Carbon for Regulatory Impact Analysis Under Executive Order 12866, published by the Interagency Working Group on Social Cost of Greenhouse Gases from the United States Government in August 2016, as guidance. The Commission shall include a system to adjust the costs established in this section with inflation.*

Such enhanced rate of return on common equity shall be applied to allowance for funds used during construction and to construction work in progress during the construction phase of the facility and shall thereafter be applied to the entire facility during the first portion of the service life of the facility. The first portion of the service life shall be as specified in the table below; however, the Commission shall determine the duration of the first portion of the service life of any facility, within the range specified in the table below, which determination shall be consistent with the public interest and shall reflect the Commission's determinations regarding how critical the facility may be in meeting the energy needs of the citizens of the Commonwealth and the risks involved in the development of the facility. After the first portion of the service life of the facility is concluded, the utility's general rate of return shall be applied to such facility for the remainder of its service life. As used herein, the service life of the facility shall be deemed to begin on the date a facility constructed by the utility and described in clause (i), (ii), (iii) or (v) begins commercial operation, the date the utility becomes the owner of a purchased generation facility consisting of at least one megawatt of generating capacity using energy derived from sunlight and located in the Commonwealth and that utilizes goods or services sourced, in whole or in part, from one or more Virginia businesses, or the date new underground facilities or new electric distribution grid transformation projects are classified by the utility as plant in service, and such service life shall be deemed equal in years to the life of that facility as used to calculate the utility's depreciation expense. Such enhanced rate of return on common equity shall be calculated by adding the basis points specified in the table below to the utility's general rate of return, and such enhanced rate of return shall apply only to the facility that is the subject of such rate adjustment clause. Allowance for funds used during construction shall be calculated for any such facility utilizing the utility's actual capital structure and overall cost of capital, including an enhanced rate of return on common equity as determined pursuant to this subdivision, until such construction work in progress is included in rates. The construction of any facility described in clause (i) or (v) is in the public interest, and in determining whether to approve such facility, the Commission shall liberally construe the provisions of this title. The construction or purchase by a utility of one or more generation facilities with at least one megawatt of generating capacity, and with an aggregate rated capacity that does not exceed ~~5,000~~ 16,100 megawatts, including rooftop solar installations with a capacity of not less than 50 kilowatts, and with an aggregate capacity of ~~50~~ 100 megawatts, that use energy derived from sunlight or from *onshore* wind and are located in the Commonwealth or off the Commonwealth's Atlantic shoreline, regardless of whether any of such facilities are located within or without the utility's service territory, is in the public interest, and in determining whether to approve such facility, the Commission shall liberally construe the provisions of this title. A utility may enter into short-term or long-term power purchase contracts for the power derived from sunlight generated by such generation facility prior to purchasing the generation facility. The replacement of any subset of a utility's existing overhead distribution tap lines that have, in the aggregate, an average of nine or more total unplanned outage events-per-mile over a preceding 10-year period with new underground facilities in order to improve electric service reliability is in the public interest. In determining whether to approve petitions for rate adjustment clauses for such new underground facilities that meet this criteria, and in determining the level of costs to be recovered thereunder, the Commission shall liberally construe the provisions of this title.

The conversion of any such facilities on or after September 1, 2016, is deemed to provide local and system-wide benefits and to be cost beneficial, and the costs associated with such new underground facilities are deemed to be reasonably and prudently incurred and, notwithstanding the provisions of subsection C or D, shall be approved for recovery by the Commission pursuant to this subdivision, provided that the total costs associated with the replacement of any subset of existing overhead distribution tap lines proposed by the utility with new underground facilities, exclusive of financing costs, shall not exceed an average cost per customer of \$20,000, with such customers, including those served directly by or downline of the tap lines proposed for conversion, and, further, such total costs shall not exceed an average cost per mile of tap lines converted, exclusive of financing costs, of \$750,000. A utility shall, without regard for whether it has petitioned for any rate adjustment clause pursuant to clause (vi), petition the Commission, not more than once annually, for approval of a plan for electric distribution grid transformation projects. Any plan for electric distribution grid transformation projects shall include both measures to facilitate integration of distributed energy resources and measures to enhance physical electric distribution grid reliability and security. In ruling upon such a petition, the Commission shall consider whether the utility's plan for such projects, and the projected costs associated therewith, are reasonable and prudent. Such petition shall

be considered on a stand-alone basis without regard to the other costs, revenues, investments, or earnings of the utility; without regard to whether the costs associated with such projects will be recovered through a rate adjustment clause under this subdivision or through the utility's rates for generation and distribution services; and without regard to whether such costs will be the subject of a customer credit offset, as applicable, pursuant to subdivision 8 d. The Commission's final order regarding any such petition for approval of an electric distribution grid transformation plan shall be entered by the Commission not more than six months after the date of filing such petition. The Commission shall likewise enter its final order with respect to any petition by a utility for a certificate to construct and operate a generating facility or facilities utilizing energy derived from sunlight, pursuant to subsection D of § 56-580, within six months after the date of filing such petition. The basis points to be added to the utility's general rate of return to calculate the enhanced rate of return on common equity, and the first portion of that facility's service life to which such enhanced rate of return shall be applied, shall vary by type of facility, as specified in the following table:

Type of Generation Facility	Basis Points	First Portion of Service Life
Nuclear-powered	200	Between 12 and 25 years
Carbon capture compatible, clean-coal powered	200	Between 10 and 20 years
Renewable powered, other than landfill gas powered	200	Between 5 and 15 years
Coalbed methane gas powered	150	Between 5 and 15 years
Landfill gas powered	200	Between 5 and 15 years
Conventional coal or combined-cycle combustion turbine	100	Between 10 and 20 years

~~For generating facilities other than those utilizing nuclear power constructed pursuant to clause (ii) or those utilizing energy derived from offshore wind, as of July 1, 2013, only~~ Only those facilities as to which a rate adjustment clause under this subdivision has been previously approved by the Commission, or as to which a petition for approval of such rate adjustment clause was filed with the Commission, on or before January 1, 2013, shall be entitled to the enhanced rate of return on common equity as specified in the above table during the construction phase of the facility and the approved first portion of its service life.

~~For generating facilities within the Commonwealth utilizing nuclear power or those utilizing energy derived from offshore wind projects located in waters off the Commonwealth's Atlantic shoreline, such facilities shall continue to be eligible for an enhanced rate of return on common equity during the construction phase of the facility and the approved first portion of its service life of between 12 and 25 years in the case of a facility utilizing nuclear power and for a service life of between 5 and 15 years in the case of a facility utilizing energy derived from offshore wind; provided, however, that, as of July 1, 2013, the enhanced return for such facilities constructed pursuant to clause (ii) shall be 100 basis points, which shall be added to the utility's general rate of return as determined under subdivision 2.~~ Thirty percent of all costs of such a facility utilizing nuclear power that the utility incurred between July 1, 2007, and December 31, 2013, and all of such costs incurred after December 31, 2013, may be deferred by the utility and recovered through a rate adjustment clause under this subdivision at such time as the Commission provides in an order approving such a rate adjustment clause. The remaining 70 percent of all costs of such a facility that the utility incurred between July 1, 2007, and December 31, 2013, shall not be deferred for recovery through a rate adjustment clause under this subdivision; however, such remaining 70 percent of all costs shall be recovered ratably through existing base rates as determined by the Commission in the test periods under review in the utility's next review filed after July 1, 2014. Thirty percent of all costs of ~~such~~ a facility utilizing energy derived from offshore wind that the utility incurred between July 1, 2007, and December 31, 2013, and all of such costs incurred after December 31, 2013, may be deferred by the utility and recovered through a rate adjustment clause under this subdivision at such time as the Commission provides in an order approving such a rate adjustment clause. The remaining 70 percent of all costs of such a facility that the utility incurred between July 1, 2007, and December 31, 2013, shall not be deferred for recovery through a rate adjustment clause under this subdivision; however, such remaining 70 percent of all costs shall be recovered ratably through existing base rates as determined by the Commission in the test periods under review in the utility's next review filed after July 1, 2014.

~~In connection with planning to meet forecasted demand for electric generation supply and assure the adequate and sufficient reliability of service, consistent with § 56-598, planning and development activities for a new nuclear generation facility or facilities are in the public interest.~~

In connection with planning to meet forecasted demand for electric generation supply and assure the adequate and sufficient reliability of service, consistent with § 56-598, planning and development activities for a new utility-owned and utility-operated generating facility or facilities utilizing energy derived from sunlight or from onshore or offshore wind are in the public interest.

~~Construction~~ Notwithstanding any provision of Chapter 296 of the Acts of Assembly of 2018, construction, purchasing, or leasing activities for a new utility-owned and utility-operated generating facility or facilities utilizing energy derived

from sunlight or from *onshore* wind with an aggregate capacity of ~~5,000~~ 16,100 megawatts, including rooftop solar installations with a capacity of not less than 50 kilowatts, and with an aggregate capacity of ~~50~~ 100 megawatts, together with a ~~new test or demonstration project~~ for a utility-owned and utility-operated generating facility or facilities utilizing energy derived from offshore wind with an aggregate capacity of not more than ~~46~~ 3,000 megawatts, are in the public interest. To the extent that a utility elects to recover the costs of any such new generation facility or facilities through its rates for generation and distribution services and does not petition and receive approval from the Commission for recovery of such costs through a rate adjustment clause described in clause (ii), the Commission shall, upon the request of the utility in a triennial review proceeding, provide for a customer credit reinvestment offset, as applicable, pursuant to subdivision 8 d with respect to all costs deemed reasonable and prudent by the Commission in a proceeding pursuant to subsection D of § 56-580 or in a triennial review proceeding.

Electric distribution grid transformation projects are in the public interest. To the extent that a utility elects to recover the costs of such electric distribution grid transformation projects through its rates for generation and distribution services, and does not petition and receive approval from the Commission for recovery of such costs through a rate adjustment clause described in clause (vi), the Commission shall, upon the request of the utility in a triennial review proceeding, provide for a customer credit reinvestment offset, as applicable, pursuant to subdivision 8 d with respect to all costs deemed reasonable and prudent by the Commission in a proceeding for approval of a plan for electric distribution grid transformation projects pursuant to subdivision 6 or in a triennial review proceeding.

Neither generation facilities described in clause (ii) that utilize simple-cycle combustion turbines nor new underground facilities shall receive an enhanced rate of return on common equity as described herein, but instead shall receive the utility's general rate of return during the construction phase of the facility and, thereafter, for the entire service life of the facility. No rate adjustment clause for new underground facilities shall allocate costs to, or provide for the recovery of costs from, customers that are served within the large power service rate class for a Phase I Utility and the large general service rate classes for a Phase II Utility. New underground facilities are hereby declared to be ordinary extensions or improvements in the usual course of business under the provisions of § 56-265.2.

As used in this subdivision, a generation facility is (1) "coalbed methane gas powered" if the facility is fired at least 50 percent by coalbed methane gas, as such term is defined in § 45.1-361.1, produced from wells located in the Commonwealth, and (2) "landfill gas powered" if the facility is fired by methane or other combustible gas produced by the anaerobic digestion or decomposition of biodegradable materials in a solid waste management facility licensed by the Waste Management Board. A landfill gas powered facility includes, in addition to the generation facility itself, the equipment used in collecting, drying, treating, and compressing the landfill gas and in transmitting the landfill gas from the solid waste management facility where it is collected to the generation facility where it is combusted.

For purposes of this subdivision, "general rate of return" means the fair combined rate of return on common equity as it is determined by the Commission for such utility pursuant to subdivision 2.

Notwithstanding any other provision of this subdivision, if the Commission finds during the triennial review conducted for a Phase II Utility in 2021 that such utility has not filed applications for all necessary federal and state regulatory approvals to construct one or more nuclear-powered or coal-fueled generation facilities that would add a total capacity of at least 1500 megawatts to the amount of the utility's generating resources as such resources existed on July 1, 2007, or that, if all such approvals have been received, that the utility has not made reasonable and good faith efforts to construct one or more such facilities that will provide such additional total capacity within a reasonable time after obtaining such approvals, then the Commission, if it finds it in the public interest, may reduce on a prospective basis any enhanced rate of return on common equity previously applied to any such facility to no less than the general rate of return for such utility and may apply no less than the utility's general rate of return to any such facility for which the utility seeks approval in the future under this subdivision.

Notwithstanding any other provision of this subdivision, if a Phase II utility obtains approval from the Commission of a rate adjustment clause pursuant to subdivision 6 associated with a test or demonstration project involving a generation facility utilizing energy from offshore wind, and such utility has not, as of July 1, 2023, commenced construction as defined for federal income tax purposes of an offshore wind generation facility or facilities with a minimum aggregate capacity of 250 megawatts, then the Commission, if it finds it in the public interest, may direct that the costs associated with any such rate adjustment clause involving said test or demonstration project shall thereafter no longer be recovered through a rate adjustment clause pursuant to subdivision 6 and shall instead be recovered through the utility's rates for generation and distribution services, with no change in such rates for generation and distribution services as a result of the combination of such costs with the other costs, revenues, and investments included in the utility's rates for generation and distribution services. Any such costs shall remain combined with the utility's other costs, revenues, and investments included in its rates for generation and distribution services until such costs are fully recovered.

7. Any petition filed pursuant to subdivision 4, 5, or 6 shall be considered by the Commission on a stand-alone basis without regard to the other costs, revenues, investments, or earnings of the utility. Any costs incurred by a utility prior to the filing of such petition, or during the consideration thereof by the Commission, that are proposed for recovery in such petition and that are related to subdivision 5 a, or that are related to facilities and projects described in clause (i) of subdivision 6, or that are related to new underground facilities described in clause (iv) of subdivision 6, shall be deferred on the books and records of the utility until the Commission's final order in the matter, or until the implementation of any applicable approved rate adjustment clauses, whichever is later. Except as otherwise provided in subdivision 6, any costs

prudently incurred on or after July 1, 2007, by a utility prior to the filing of such petition, or during the consideration thereof by the Commission, that are proposed for recovery in such petition and that are related to facilities and projects described in clause (ii) or clause (iii) of subdivision 6 that utilize nuclear power, or coal-fueled facilities and projects described in clause (ii) of subdivision 6 if such coal-fueled facilities will be built by a Phase I Utility, shall be deferred on the books and records of the utility until the Commission's final order in the matter, or until the implementation of any applicable approved rate adjustment clauses, whichever is later. Any costs prudently incurred after the expiration or termination of capped rates related to other matters described in subdivision 4, 5, or 6 shall be deferred beginning only upon the expiration or termination of capped rates, provided, however, that no provision of this act shall affect the rights of any parties with respect to the rulings of the Federal Energy Regulatory Commission in PJM Interconnection LLC and Virginia Electric and Power Company, 109 F.E.R.C. P 61,012 (2004). A utility shall establish a regulatory asset for regulatory accounting and ratemaking purposes under which it shall defer its operation and maintenance costs incurred in connection with (i) the refueling of any nuclear-powered generating plant and (ii) other work at such plant normally performed during a refueling outage. The utility shall amortize such deferred costs over the refueling cycle, but in no case more than 18 months, beginning with the month in which such plant resumes operation after such refueling. The refueling cycle shall be the applicable period of time between planned refueling outages for such plant. As of January 1, 2014, such amortized costs are a component of base rates, recoverable in base rates only ratably over the refueling cycle rather than when such outages occur, and are the only nuclear refueling costs recoverable in base rates. This provision shall apply to any nuclear-powered generating plant refueling outage commencing after December 31, 2013, and the Commission shall treat the deferred and amortized costs of such regulatory asset as part of the utility's costs for the purpose of proceedings conducted (a) with respect to triennial filings under subdivision 3 made on and after July 1, 2014, and (b) pursuant to § 56-245 or the Commission's rules governing utility rate increase applications as provided in subsection B. This provision shall not be deemed to change or reset base rates.

The Commission's final order regarding any petition filed pursuant to subdivision 4, 5, or 6 shall be entered not more than three months, eight months, and nine months, respectively, after the date of filing of such petition. If such petition is approved, the order shall direct that the applicable rate adjustment clause be applied to customers' bills not more than 60 days after the date of the order, or upon the expiration or termination of capped rates, whichever is later.

8. In any triennial review proceeding, for the purposes of reviewing earnings on the utility's rates for generation and distribution services, the following utility generation and distribution costs not proposed for recovery under any other subdivision of this subsection, as recorded per books by the utility for financial reporting purposes and accrued against income, shall be attributed to the test periods under review and deemed fully recovered in the period recorded: costs associated with asset impairments related to early retirement determinations made by the utility for utility generation facilities fueled by coal, natural gas, or oil or for automated meter reading electric distribution service meters; costs associated with projects necessary to comply with state or federal environmental laws, regulations, or judicial or administrative orders relating to coal combustion by-product management that the utility does not petition to recover through a rate adjustment clause pursuant to subdivision 5 e; costs associated with severe weather events; and costs associated with natural disasters. Such costs shall be deemed to have been recovered from customers through rates for generation and distribution services in effect during the test periods under review unless such costs, individually or in the aggregate, together with the utility's other costs, revenues, and investments to be recovered through rates for generation and distribution services, result in the utility's earned return on its generation and distribution services for the combined test periods under review to fall more than 50 basis points below the fair combined rate of return authorized under subdivision 2 for such periods or, for any test period commencing after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, to fall more than 70 basis points below the fair combined rate of return authorized under subdivision 2 for such periods. In such cases, the Commission shall, in such triennial review proceeding, authorize deferred recovery of such costs and allow the utility to amortize and recover such deferred costs over future periods as determined by the Commission. The aggregate amount of such deferred costs shall not exceed an amount that would, together with the utility's other costs, revenues, and investments to be recovered through rates for generation and distribution services, cause the utility's earned return on its generation and distribution services to exceed the fair rate of return authorized under subdivision 2, less 50 basis points, for the combined test periods under review or, for any test period commencing after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, to exceed the fair rate of return authorized under subdivision 2 less 70 basis points. Nothing in this section shall limit the Commission's authority, pursuant to the provisions of Chapter 10 (§ 56-232 et seq.), including specifically § 56-235.2, following the review of combined test period earnings of the utility in a triennial review, for normalization of nonrecurring test period costs and annualized adjustments for future costs, in determining any appropriate increase or decrease in the utility's rates for generation and distribution services pursuant to subdivision 8 a or 8 c.

If the Commission determines as a result of such triennial review that:

a. ~~The Revenue reductions related to energy efficiency measures or programs approved and deployed since the utility's previous triennial review have caused the utility, as verified by the Commission, during the test period or periods under review, considered as a whole, to earn more than 50 basis points below a fair combined rate of return on its generation and distribution services or, for any test period commencing after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, more than 70 basis points below a fair combined rate of return on its generation and distribution services, as determined in subdivision 2, without regard to any return on common equity or other matters~~

determined with respect to facilities described in subdivision 6, the Commission shall order increases to the utility's rates for generation and distribution services necessary to recover such revenue reductions. If the Commission finds, for reasons other than revenue reductions related to energy efficiency measures, that the utility has, during the test period or periods under review, considered as a whole, earned more than 50 basis points below a fair combined rate of return on its generation and distribution services or, for any test period commencing after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, more than 70 basis points below a fair combined rate of return on its generation and distribution services, as determined in subdivision 2, without regard to any return on common equity or other matters determined with respect to facilities described in subdivision 6, the Commission shall order increases to the utility's rates necessary to provide the opportunity to fully recover the costs of providing the utility's services and to earn not less than such fair combined rate of return, using the most recently ended 12-month test period as the basis for determining the amount of the rate increase necessary. However, in the first triennial review proceeding conducted after January 1, 2021, for a Phase II Utility, the Commission may not order a rate increase, and in all triennial reviews of a Phase I or Phase II utility, the Commission may not order such rate increase unless it finds that the resulting rates are necessary to provide the utility with the opportunity to fully recover its costs of providing its services and to earn not less than a fair combined rate of return on both its generation and distribution services, as determined in subdivision 2, without regard to any return on common equity or other matters determined with respect to facilities described in subdivision 6, using the most recently ended 12-month test period as the basis for determining the permissibility of any rate increase under the standards of this sentence, and the amount thereof; and provided that, solely in connection with making its determination concerning the necessity for such a rate increase or the amount thereof, the Commission shall, in any triennial review proceeding conducted prior to July 1, 2028, exclude from this most recently ended 12-month test period any remaining investment levels associated with a prior customer credit reinvestment offset pursuant to subdivision d.

b. The utility has, during the test period or test periods under review, considered as a whole, earned more than 50 basis points above a fair combined rate of return on its generation and distribution services or, for any test period commencing after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, more than 70 basis points above a fair combined rate of return on its generation and distribution services, as determined in subdivision 2, without regard to any return on common equity or other matters determined with respect to facilities described in subdivision 6, the Commission shall, subject to the provisions of subdivisions 8 d and 9, direct that 60 percent of the amount of such earnings that were more than 50 basis points, or, for any test period commencing after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, that 70 percent of the amount of such earnings that were more than 70 basis points, above such fair combined rate of return for the test period or periods under review, considered as a whole, shall be credited to customers' bills. Any such credits shall be amortized over a period of six to 12 months, as determined at the discretion of the Commission, following the effective date of the Commission's order, and shall be allocated among customer classes such that the relationship between the specific customer class rates of return to the overall target rate of return will have the same relationship as the last approved allocation of revenues used to design base rates; or

c. In any triennial review proceeding conducted after January 1, 2020, for a Phase I Utility or after January 1, 2021, for a Phase II Utility in which the utility has, during the test period or test periods under review, considered as a whole, earned more than 50 basis points above a fair combined rate of return on its generation and distribution services or, for any test period commencing after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, more than 70 basis points above a fair combined rate of return on its generation and distribution services, as determined in subdivision 2, without regard to any return on common equity or other matter determined with respect to facilities described in subdivision 6, and the combined aggregate level of capital investment that the Commission has approved other than those capital investments that the Commission has approved for recovery pursuant to a rate adjustment clause pursuant to subdivision 6 made by the utility during the test periods under review in that triennial review proceeding in new utility-owned generation facilities utilizing energy derived from sunlight, or from wind, and in electric distribution grid transformation projects, as determined pursuant to subdivision 8 d, does not equal or exceed 100 percent of the earnings that are more than 70 basis points above the utility's fair combined rate of return on its generation and distribution services for the combined test periods under review in that triennial review proceeding, the Commission shall, subject to the provisions of subdivision 9 and in addition to the actions authorized in subdivision b, also order reductions to the utility's rates it finds appropriate. However, in the first triennial review proceeding conducted after January 1, 2021, for a Phase II Utility, any reduction to the utility's rates ordered by the Commission pursuant to this subdivision shall not exceed \$50 million in annual revenues, with any reduction allocated to the utility's rates for generation services, and in each triennial review of a Phase I or Phase II Utility, the Commission may not order such rate reduction unless it finds that the resulting rates will provide the utility with the opportunity to fully recover its costs of providing its services and to earn not less than a fair combined rate of return on its generation and distribution services, as determined in subdivision 2, without regard to any return on common equity or other matters determined with respect to facilities described in subdivision 6, using the most recently ended 12-month test period as the basis for determining the permissibility of any rate reduction under the standards of this sentence, and the amount thereof; and

d. (Expires July 1, 2028) In any triennial review proceeding conducted after December 31, 2017, upon the request of the utility, the Commission shall determine, prior to directing that 70 percent of earnings that are more than 70 basis points above the utility's fair combined rate of return on its generation and distribution services for the test period or periods under review be credited to customer bills pursuant to subdivision 8 b, the aggregate level of prior capital investment that the

Commission has approved other than those capital investments that the Commission has approved for recovery pursuant to a rate adjustment clause pursuant to subdivision 6 made by the utility during the test period or periods under review in both (i) new utility-owned generation facilities utilizing energy derived from sunlight, or from onshore or offshore wind, and (ii) electric distribution grid transformation projects, as determined by the utility's plant in service and construction work in progress balances related to such investments as recorded per books by the utility for financial reporting purposes as of the end of the most recent test period under review. Any such combined capital investment amounts shall offset any customer bill credit amounts, on a dollar for dollar basis, up to the aggregate level of invested or committed capital under clauses (i) and (ii). The aggregate level of qualifying invested or committed capital under clauses (i) and (ii) is referred to in this subdivision as the customer credit reinvestment offset, which offsets the customer bill credit amount that the utility has invested or will invest in new solar or wind generation facilities or electric distribution grid transformation projects for the benefit of customers, in amounts up to 100 percent of earnings that are more than 70 basis points above the utility's fair rate of return on its generation and distribution services, and thereby reduce or eliminate otherwise incremental rate adjustment clause charges and increases to customer bills, which is deemed to be in the public interest. If 100 percent of the amount of earnings that are more than 70 basis points above the utility's fair combined rate of return on its generation and distribution services, as determined in subdivision 2, exceeds the aggregate level of invested capital in new utility-owned generation facilities utilizing energy derived from sunlight, or from wind, and electric distribution grid transformation projects, as provided in clauses (i) and (ii), during the test period or periods under review, then 70 percent of the amount of such excess shall be credited to customer bills as provided in subdivision 8 b in connection with the triennial review proceeding. The portion of any costs associated with new utility-owned generation facilities utilizing energy derived from sunlight, or from wind, or electric distribution grid transformation projects that is the subject of any customer credit reinvestment offset pursuant to this subdivision shall not thereafter be recovered through the utility's rates for generation and distribution services over the service life of such facilities and shall not thereafter be included in the utility's costs, revenues, and investments in future triennial review proceedings conducted pursuant to subdivision 2 and shall not be the subject of a rate adjustment clause petition pursuant to subdivision 6. The portion of any costs associated with new utility-owned generation facilities utilizing energy derived from sunlight, or from wind, or electric distribution grid transformation projects that is not the subject of any customer credit reinvestment offset pursuant to this subdivision may be recovered through the utility's rates for generation and distribution services over the service life of such facilities and shall be included in the utility's costs, revenues, and investments in future triennial review proceedings conducted pursuant to subdivision 2 until such costs are fully recovered, and if such costs are recovered through the utility's rates for generation and distribution services, they shall not be the subject of a rate adjustment clause petition pursuant to subdivision 6. Only the portion of such costs of new utility-owned generation facilities utilizing energy derived from sunlight, or from wind, or electric distribution grid transformation projects that has not been included in any customer credit reinvestment offset pursuant to this subdivision, and not otherwise recovered through the utility's rates for generation and distribution services, may be the subject of a rate adjustment clause petition by the utility pursuant to subdivision 6.

The Commission's final order regarding such triennial review shall be entered not more than eight months after the date of filing, and any revisions in rates or credits so ordered shall take effect not more than 60 days after the date of the order. The fair combined rate of return on common equity determined pursuant to subdivision 2 in such triennial review shall apply, for purposes of reviewing the utility's earnings on its rates for generation and distribution services, to the entire three successive 12-month test periods ending December 31 immediately preceding the year of the utility's subsequent triennial review filing under subdivision 3 and shall apply to applicable rate adjustment clauses under subdivisions 5 and 6 prospectively from the date the Commission's final order in the triennial review proceeding, utilizing rate adjustment clause true-up protocols as the Commission in its discretion may determine.

9. If, as a result of a triennial review required under this subsection and conducted with respect to any test period or periods under review ending later than December 31, 2010 (or, if the Commission has elected to stagger its biennial reviews of utilities as provided in subdivision 1, under review ending later than December 31, 2010, for a Phase I Utility, or December 31, 2011, for a Phase II Utility), the Commission finds, with respect to such test period or periods considered as a whole, that (i) any utility has, during the test period or periods under review, considered as a whole, earned more than 50 basis points above a fair combined rate of return on its generation and distribution services or, for any test period commencing after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, more than 70 basis points above a fair combined rate of return on its generation and distribution services, as determined in subdivision 2, without regard to any return on common equity or other matters determined with respect to facilities described in subdivision 6, and (ii) the total aggregate regulated rates of such utility at the end of the most recently ended 12-month test period exceeded the annual increases in the United States Average Consumer Price Index for all items, all urban consumers (CPI-U), as published by the Bureau of Labor Statistics of the United States Department of Labor, compounded annually, when compared to the total aggregate regulated rates of such utility as determined pursuant to the review conducted for the base period, the Commission shall, unless it finds that such action is not in the public interest or that the provisions of subdivisions 8 b and c are more consistent with the public interest, direct that any or all earnings for such test period or periods under review, considered as a whole that were more than 50 basis points, or, for any test period commencing after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, more than 70 basis points, above such fair combined rate of return shall be credited to customers' bills, in lieu of the provisions of subdivisions 8 b and c, provided that no credits shall be provided pursuant to this subdivision in connection with any triennial review unless

such bill credits would be payable pursuant to the provisions of subdivision 8 d, and any credits under this subdivision shall be calculated net of any customer credit reinvestment offset amounts under subdivision 8 d. Any such credits shall be amortized and allocated among customer classes in the manner provided by subdivision 8 b. For purposes of this subdivision:

"Base period" means (i) the test period ending December 31, 2010 (or, if the Commission has elected to stagger its biennial reviews of utilities as provided in subdivision 1, the test period ending December 31, 2010, for a Phase I Utility, or December 31, 2011, for a Phase II Utility), or (ii) the most recent test period with respect to which credits have been applied to customers' bills under the provisions of this subdivision, whichever is later.

"Total aggregate regulated rates" shall include: (i) fuel tariffs approved pursuant to § 56-249.6, except for any increases in fuel tariffs deferred by the Commission for recovery in periods after December 31, 2010, pursuant to the provisions of clause (ii) of subsection C of § 56-249.6; (ii) rate adjustment clauses implemented pursuant to subdivision 4 or 5; (iii) revisions to the utility's rates pursuant to subdivision 8 a; (iv) revisions to the utility's rates pursuant to the Commission's rules governing utility rate increase applications, as permitted by subsection B, occurring after July 1, 2009; and (v) base rates in effect as of July 1, 2009.

10. For purposes of this section, the Commission shall regulate the rates, terms and conditions of any utility subject to this section on a stand-alone basis utilizing the actual end-of-test period capital structure and cost of capital of such utility, excluding any debt associated with securitized bonds that are the obligation of non-Virginia jurisdictional customers, unless the Commission finds that the debt to equity ratio of such capital structure is unreasonable for such utility, in which case the Commission may utilize a debt to equity ratio that it finds to be reasonable for such utility in determining any rate adjustment pursuant to subdivisions 8 a and c, and without regard to the cost of capital, capital structure, revenues, expenses or investments of any other entity with which such utility may be affiliated. In particular, and without limitation, the Commission shall determine the federal and state income tax costs for any such utility that is part of a publicly traded, consolidated group as follows: (i) such utility's apportioned state income tax costs shall be calculated according to the applicable statutory rate, as if the utility had not filed a consolidated return with its affiliates, and (ii) such utility's federal income tax costs shall be calculated according to the applicable federal income tax rate and shall exclude any consolidated tax liability or benefit adjustments originating from any taxable income or loss of its affiliates.

B. Nothing in this section shall preclude an investor-owned incumbent electric utility from applying for an increase in rates pursuant to § 56-245 or the Commission's rules governing utility rate increase applications; however, in any such filing, a fair rate of return on common equity shall be determined pursuant to subdivision A 2. Nothing in this section shall preclude such utility's recovery of fuel and purchased power costs as provided in § 56-249.6.

C. Except as otherwise provided in this section, the Commission shall exercise authority over the rates, terms and conditions of investor-owned incumbent electric utilities for the provision of generation, transmission and distribution services to retail customers in the Commonwealth pursuant to the provisions of Chapter 10 (§ 56-232 et seq.), including specifically § 56-235.2.

D. The Commission may determine, during any proceeding authorized or required by this section, the reasonableness or prudence of any cost incurred or projected to be incurred, by a utility in connection with the subject of the proceeding. A determination of the Commission regarding the reasonableness or prudence of any such cost shall be consistent with the Commission's authority to determine the reasonableness or prudence of costs in proceedings pursuant to the provisions of Chapter 10 (§ 56-232 et seq.). In determining the reasonableness or prudence of a utility providing energy and capacity to its customers from renewable energy resources, the Commission shall consider the extent to which such renewable energy resources, whether utility-owned or by contract, further the objectives of the Commonwealth Energy Policy set forth in §§ 67-101 and 67-102, and shall also consider whether the costs of such resources is likely to result in unreasonable increases in rates paid by customers.

E. The Commission shall promulgate such rules and regulations as may be necessary to implement the provisions of this section.

§ 56-585.1:4. Development of solar and wind generation capacity and energy storage capacity in the Commonwealth.

A. Prior to January 1, 2024, (i) the construction or purchase by a public utility of one or more solar or wind generation facilities located in the Commonwealth or off the Commonwealth's Atlantic shoreline, each having a rated capacity of at least one megawatt and having in the aggregate a rated capacity that does not exceed 5,000 megawatts, or (ii) the purchase by a public utility of energy, capacity, and environmental attributes from solar facilities described in clause (i) owned by persons other than a public utility is in the public interest, and the Commission shall so find if required to make a finding regarding whether such construction or purchase is in the public interest.

B. Prior to January 1, 2024, (i) the construction or purchase by a public utility of one or more solar or wind generation facilities located in the Commonwealth or off the Commonwealth's Atlantic shoreline, each having a rated capacity of less than one megawatt, including rooftop solar installations with a capacity of not less than 50 kilowatts, and having in the aggregate a rated capacity that does not exceed 500 megawatts, or (ii) the purchase by a public utility of energy, capacity, and environmental attributes from solar facilities described in clause (i) owned by persons other than a public utility is in the public interest, and the Commission shall so find if required to make a finding regarding whether such construction or purchase is in the public interest.

C. The aggregate cap of 5,000 megawatts of rated capacity described in clause (i) of subsection A and the aggregate cap of 500 megawatts of rated capacity described in clause (i) of subsection B are separate and independent from each other. The capacity of facilities in subsection B shall not be counted in determining the capacity of facilities in subsection A, and the capacity of facilities in subsection A shall not be counted in determining the capacity of facilities in subsection B.

D. Twenty-five percent of the solar generation capacity placed in service on or after July 1, 2018, located in the Commonwealth, and found to be in the public interest pursuant to subsection A or B shall be from the purchase by a public utility of energy, capacity, and environmental attributes from solar facilities owned by persons other than a public utility. The remainder shall be construction or purchase by a public utility of one or more solar generation facilities located in the Commonwealth. All of the solar generation capacity located in the Commonwealth and found to be in the public interest pursuant to subsection A or B shall be subject to competitive procurement, provided that a public utility may select solar generation capacity without regard to whether such selection satisfies price criteria if the selection of the solar generating capacity materially advances non-price criteria, including favoring geographic distribution of generating capacity, areas of higher employment, or regional economic development, if such non-price solar generating capacity selected does not exceed 25 percent of the utility's solar generating capacity.

E. Construction, purchasing, or leasing activities for a test or demonstration project for a new utility-owned and utility-operated generating facility or facilities utilizing energy derived from offshore wind with an aggregate capacity of not more than 16 megawatts are in the public interest.

F. Prior to January 1, 2035, (i) the construction by a public utility of one or more energy storage facilities located in the Commonwealth, having in the aggregate a rated capacity that does not exceed 2,700 megawatts, or (ii) the purchase by a public utility of energy storage facilities described in clause (i) owned by persons other than a public utility or the capacity from such facilities is in the public interest, and the Commission shall so find if required to make a finding regarding whether such construction or purchase is in the public interest.

G. At least 35 percent of the energy storage capacity placed in service on or after July 1, 2020, located in the Commonwealth and found to be in the public interest pursuant to subsection F shall be from the purchase by a public utility of energy storage facilities owned by persons other than a public utility or the capacity from such facilities. All of the energy storage facilities located in the Commonwealth and found to be in the public interest pursuant to subsection F shall be subject to competitive procurement, provided that a public utility may select energy storage facilities without regard to whether such selection satisfies price criteria if the selection of the energy storage facilities materially advances non-price criteria, including favoring geographic distribution of generating facilities, areas of higher employment, or regional economic development, if such energy storage facilities selected for the advancement of non-price criteria do not exceed 25 percent of the utility's energy storage capacity.

H. A utility may elect to petition the Commission, outside of a triennial review proceeding conducted pursuant to § 56-585.1, at any time for a prudency determination with respect to the construction or purchase by the utility of one or more solar or wind generation facilities located in the Commonwealth or off the Commonwealth's Atlantic Shoreline or the purchase by the utility of energy, capacity, and environmental attributes from solar or wind facilities owned by persons other than the utility. The Commission's final order regarding any such petition shall be entered by the Commission not more than three months after the date of the filing of such petition.

§ 56-585.1:11. Development of offshore wind capacity.

A. As used in this section:

"Advanced clean energy buyer" means a commercial or industrial customer of a Phase II Utility, irrespective of generation supplier, (i) with an aggregate load over 100 megawatts; (ii) with an aggregate amount of at least 200 megawatts of solar or wind energy supply under contract with a term of 10 years or more from facilities located within the Commonwealth by January 1, 2024; and (iii) that directly procures from the utility the electric supply and environmental attributes of the offshore wind facility associated with the lesser of 50 megawatts of nameplate capacity or 15 percent of the commercial or industrial customer's annual peak demand for a contract period of 15 years.

"Aggregate load" means the combined electrical load associated with selected accounts of an advanced clean energy buyer with the same legal entity name as, or in the names of affiliated entities that control, are controlled by, or are under common control of, such legal entity or are the names of affiliated entities under a common parent.

"Control" means the legal right, directly or indirectly, to direct or cause the direction of the management, actions, or policies of an affiliated entity, whether through the ability to exercise voting power, by contract, or otherwise. "Control" does not include control of an entity through a franchise or similar contractual agreement.

"Qualifying large general service customer" means a customer of a Phase II Utility, irrespective of general supplier, (i) whose peak demand during the most recent calendar year exceeded five megawatts and (ii) that contracts with the utility to directly procure electric supply and environmental attributes associated with the offshore wind facility in amounts commensurate with the customer's electric usage for a contract period of 15 years or more.

B. In order to meet the Commonwealth's clean energy goals, prior to December 31, 2034, the construction or purchase by a public utility of one or more offshore wind generation facilities located off the Commonwealth's Atlantic shoreline or in federal waters and interconnected directly into the Commonwealth, with an aggregate capacity of up to 5,200 megawatts, is in the public interest and the Commission shall so find, provided that no customers of the utility shall be responsible for costs of any such facility in a proportion greater than the utility's share of the facility.

C. 1. Pursuant to subsection B, construction by a Phase II Utility of one or more new utility-owned and utility-operated generating facilities utilizing energy derived from offshore wind and located off the Commonwealth's Atlantic shoreline, with an aggregate rated capacity of not less than 2,500 megawatts and not more than 3,000 megawatts, along with electrical transmission or distribution facilities associated therewith for interconnection is in the public interest. In acting upon any request for cost recovery by a Phase II Utility for costs associated with such a facility, the Commission shall determine the reasonableness and prudence of any such costs, provided that such costs shall be presumed to be reasonable and prudently incurred if the Commission determines that (i) the utility has complied with the competitive solicitation and procurement requirements pursuant to subsection E; (ii) the project's projected total levelized cost of energy, including any tax credit, on a cost per megawatt hour basis, inclusive of the costs of transmission and distribution facilities associated with the facility's interconnection, does not exceed 1.4 times the comparable cost, on an unweighted average basis, of a conventional simple cycle combustion turbine generating facility as estimated by the U.S. Energy Information Administration in its Annual Energy Outlook 2019; and (iii) the utility has commenced construction of such facilities for U.S. income taxation purposes prior to January 1, 2024, or has a plan for such facility or facilities to be in service prior to January 1, 2028. The Commission shall disallow costs, or any portion thereof, only if they are otherwise unreasonably and imprudently incurred. In its review, the Commission shall give due consideration to (a) the Commonwealth's renewable portfolio standards and carbon reduction requirements, (b) the promotion of new renewable generation resources, and (c) the economic development benefits of the project for the Commonwealth, including capital investments and job creation.

2. Notwithstanding the provisions of § 56-585.1, the Commission shall not grant an enhanced rate of return to a Phase II Utility for the construction of one or more new utility-owned and utility-operated generating facilities utilizing energy derived from offshore wind and located off the Commonwealth's Atlantic shoreline pursuant to this section.

3. Any such costs proposed for recovery through a rate adjustment clause pursuant to subdivision A 6 of § 56-585.1 shall be allocated to all customers of the utility in the Commonwealth as a non-bypassable charge, regardless of the generation supplier of any such customer, other than (i) PIPP eligible utility customers, (ii) advanced clean energy buyers, and (iii) qualifying large general service customers. No electric cooperative customer of the utility shall be assigned, nor shall the utility collect from any such cooperative, any of the costs of such facilities, including electrical transmission or distribution facilities associated therewith for interconnection. The Commission may promulgate such rules, regulations, or other directives necessary to administer the eligibility for these exemptions.

4. The Commission shall permit a portion of the nameplate capacity of any such facility, in the aggregate, to be allocated to (i) advanced clean energy buyers or (ii) qualifying large general service customers, provided that no more than 10 percent of the offshore wind facility's capacity is allocated to qualifying large general service customers. A Phase II Utility shall petition the Commission for approval of a special contract with any advanced clean energy buyer, or any special rate applicable to qualifying large general service customers, pursuant to § 56-235.2, no later than 15 months prior to the projected commercial operation date of the facility, and all customer enrollments associated with such special contracts or rates shall be completed prior to commercial operation of the facility. Any such special contract or rate may include provisions for levelized rates of service over the duration of the customer's contracted agreement with the utility, and the Commission shall determine that such special contract or rate is designed to hold nonparticipating customers harmless over its term in connection with any petition for approval by the utility. The utility may petition for approval of such special contracts or rates in connection with any petition for approval of a rate adjustment clause pursuant to subdivision A 6 of § 56-585.1 to recover the costs of the facility, and the Commission shall rule upon any such petitions in its final order in such proceeding within nine months from the date of filing.

D. In constructing any such facility contemplated in subsection B, the utility shall develop and submit a plan to the Commission for review that includes the following considerations: (i) options for utilizing local workers; (ii) the economic development benefits of the project for the Commonwealth, including capital investments and job creation; (iii) consultation with the Commonwealth's Chief Workforce Development Officer, the Chief Diversity, Equity, and Inclusion Officer, and the Virginia Economic Development Partnership on opportunities to advance the Commonwealth's workforce and economic development goals, including furtherance of apprenticeship and other workforce training programs; and (iv) giving priority to the hiring, apprenticeship, and training of veterans, as that term is defined in § 2.2-2000.1, local workers, and workers from historically economically disadvantaged communities.

E. Any project constructed or purchased pursuant to subsection B shall (i) be subject to competitive procurement or solicitation for a substantial majority of the services and equipment, exclusive of interconnection costs, associated with the facility's construction; (ii) involve at least one experienced developer; and (iii) demonstrate the economic development benefits within the Commonwealth, including capital investments and job creation. A utility may give appropriate consideration to suppliers and developers that have demonstrated successful experience in offshore wind.

F. Any project shall include an environmental and fisheries mitigation plan submitted to the Commission for the construction and operation of such offshore wind facilities, provided that such plan includes an explicit description of the best management practices the bidder will employ that considers the latest science at the time the proposal is made to mitigate adverse impacts to wildlife, natural resources, ecosystems, and traditional or existing water-dependent uses. The plan shall include a summary of pre-construction assessment activities, consistent with federal requirements, to determine the spatial and temporal presence and abundance of marine mammals, sea turtles, birds, and bats in the offshore wind lease area.

§ 56-585.5. Generation of electricity from renewable and zero carbon sources.

A. As used in this section:

"Accelerated renewable energy buyer" means a commercial or industrial customer of a Phase I or Phase II Utility, irrespective of generation supplier, with an aggregate load over 25 megawatts in the prior calendar year, that enters into arrangements pursuant to subsection G, as certified by the Commission.

"Aggregate load" means the combined electrical load associated with selected accounts of an accelerated renewable energy buyer with the same legal entity name as, or in the names of affiliated entities that control, are controlled by, or are under common control of, such legal entity or are the names of affiliated entities under a common parent.

"Control" has the same meaning as provided in § 56-585.1:11.

"Falling water" means hydroelectric resources, including run-of-river generation from a combined pumped-storage and run-of-river facility. "Falling water" does not include electricity generated from pumped-storage facilities.

"Low-income qualifying projects" means a project that provides a minimum of 50 percent of the respective electric output to low-income utility customers as that term is defined in § 56-576.

"Phase I Utility" has the same meaning as provided in subdivision A 1 of § 56-585.1.

"Phase II Utility" has the same meaning as provided in subdivision A 1 of § 56-585.1.

"Previously developed project site" means any property, including related buffer areas, if any, that has been previously disturbed or developed for non-single-family residential, nonagricultural, or nonsilvicultural use, regardless of whether such property currently is being used for any purpose. "Previously developed project site" includes a brownfield as defined in § 10.1-1230 or any parcel that has been previously used (i) for a retail, commercial, or industrial purpose; (ii) as a parking lot; (iii) as the site of a parking lot canopy or structure; (iv) for mining, which is any lands affected by coal mining that took place before August 3, 1977, or any lands upon which extraction activities have been permitted by the Department of Mines, Minerals and Energy under Title 45.1; (v) for quarrying; or (vi) as a landfill.

"Total electric energy" means total electric energy sold to retail customers in the Commonwealth service territory of a Phase I or Phase II Utility, other than accelerated renewable energy buyers, by the incumbent electric utility or other retail supplier of electric energy in the previous calendar year, excluding an amount equivalent to the annual percentages of the electric energy that was supplied to such customer from nuclear generating plants located within the Commonwealth in the previous calendar year, provided such nuclear units were operating by July 1, 2020, or from any zero-carbon electric generating facilities not otherwise RPS eligible sources and placed into service in the Commonwealth after July 1, 2030.

"Zero-carbon electricity" means electricity generated by any generating unit that does not emit carbon dioxide as a by-product of combusting fuel to generate electricity.

B. 1. By December 31, 2024, except for any coal-fired electric generating units (i) jointly owned with a cooperative utility or (ii) owned and operated by a Phase II Utility located in the coalfield region of the Commonwealth that co-fires with biomass, any Phase I and Phase II Utility shall retire all generating units principally fueled by oil with a rated capacity in excess of 500 megawatts and all coal-fired electric generating units operating in the Commonwealth.

2. By December 31, 2028, each Phase I and II Utility shall retire all biomass-fired electric generating units that do not co-fire with coal.

3. By December 31, 2045, each Phase I and II Utility shall retire all other electric generating units located in the Commonwealth that emit carbon as a by-product of combusting fuel to generate electricity.

4. A Phase I or Phase II Utility may petition the Commission for relief from the requirements of this subsection on the basis that the requirement would threaten the reliability or security of electric service to customers. The Commission shall consider in-state and regional transmission entity resources and shall evaluate the reliability of each proposed retirement on a case-by-case basis in ruling upon any such petition.

C. Each Phase I and Phase II Utility shall participate in a renewable energy portfolio standard program (RPS Program) that establishes annual goals for the sale of renewable energy to all retail customers in the utility's service territory, other than accelerated renewable energy buyers pursuant to subsection G, regardless of whether such customers purchase electric supply service from the utility or from suppliers other than the utility. To comply with the RPS Program, each Phase I and Phase II Utility shall procure and retire Renewable Energy Certificates (RECs) originating from renewable energy standard eligible sources (RPS eligible sources). For purposes of complying with the RPS Program from 2021 to 2024, a Phase I and Phase II Utility may use RECs from any renewable energy facility, as defined in § 56-576, provided that such facilities are located in the Commonwealth or are physically located within the PJM Interconnection, LLC (PJM) region. However, at no time during this period or thereafter may any Phase I or Phase II Utility use RECs from (i) renewable thermal energy, (ii) renewable thermal energy equivalent, (iii) biomass-fired facilities that are outside the Commonwealth, or (iv) biomass-fired facilities operating in the Commonwealth as of January 1, 2020, that supply 10 percent or more of their annual net electrical generation to the electric grid or more than 15 percent of their annual total useful energy to any entity other than the manufacturing facility to which the generating source is interconnected. From compliance year 2025 and all years after, each Phase I and Phase II Utility may only use RECs from RPS eligible sources for compliance with the RPS Program.

In order to qualify as RPS eligible sources, such sources must be (a) electric-generating resources that generate electric energy derived from solar or wind located in the Commonwealth or off the Commonwealth's Atlantic shoreline or in federal waters and interconnected directly into the Commonwealth or physically located within the PJM region; (b) falling water resources located in the Commonwealth or physically located within the PJM region that were in operation as of January 1, 2020, that are owned by a Phase I or Phase II Utility or for which a Phase I or Phase II Utility has entered into a contract prior to January 1, 2020, to purchase the energy, capacity, and renewable attributes of such falling water

resources; (c) non-utility-owned resources from falling water that (1) are less than 65 megawatts, (2) began commercial operation after December 31, 1979, or (3) added incremental generation representing greater than 50 percent of the original nameplate capacity after December 31, 1979, provided that such resources are located in the Commonwealth or are physically located within the PJM region; (d) waste-to-energy or landfill gas-fired generating resources located in the Commonwealth and in operation as of January 1, 2020, provided that such resources do not use waste heat from fossil fuel combustion or forest or woody biomass as fuel; or (e) biomass-fired facilities in operation in the Commonwealth and in operation as of January 1, 2020, that supply no more than 10 percent of their annual net electrical generation to the electric grid or no more than 15 percent of their annual total useful energy to any entity other than the manufacturing facility to which the generating source is interconnected. Regardless of any future maintenance, expansion, or refurbishment activities, the total amount of RECs that may be sold by any RPS eligible source using biomass in any year shall be no more than the number of megawatt hours of electricity produced by that facility in 2019; however, in no year may any RPS eligible source using biomass sell RECs in excess of the actual megawatt-hours of electricity generated by such facility that year. In order to comply with the RPS Program, each Phase I and Phase II Utility may use and retire the environmental attributes associated with any existing owned or contracted solar, wind, or falling water electric generating resources in operation, or proposed for operation, in the Commonwealth or physically located within the PJM region, with such resource qualifying as a Commonwealth-located resource for purposes of this subsection, as of January 1, 2020, provided such renewable attributes are verified as RECs consistent with the PJM-EIS Generation Attribute Tracking System.

The RPS Program requirements shall be a percentage of the total electric energy sold in the previous calendar year and shall be implemented in accordance with the following schedule:

<i>Phase I Utilities</i>		<i>Phase II Utilities</i>	
<i>Year</i>	<i>RPS Program Requirement</i>	<i>Year</i>	<i>RPS Program Requirement</i>
2021	6%	2021	14%
2022	7%	2022	17%
2023	8%	2023	20%
2024	10%	2024	23%
2025	14%	2025	26%
2026	17%	2026	29%
2027	20%	2027	32%
2028	24%	2028	35%
2029	27%	2029	38%
2030	30%	2030	41%
2031	33%	2031	45%
2032	36%	2032	49%
2033	39%	2033	52%
2034	42%	2034	55%
2035	45%	2035	59%
2036	53%	2036	63%
2037	53%	2037	67%
2038	57%	2038	71%
2039	61%	2039	75%
2040	65%	2040	79%
2041	68%	2041	83%
2042	71%	2042	87%
2043	74%	2043	91%
2044	77%	2044	95%
2045	80%	2045 and thereafter	100%
2046	84%		
2047	88%		
2048	92%		

2049	96%
2050 and thereafter	100%

A Phase II Utility shall meet one percent of the RPS Program requirements in any given compliance year with solar, wind, or anaerobic digestion resources of one megawatt or less located in the Commonwealth, with not more than 3,000 kilowatts at any single location or at contiguous locations owned by the same entity or affiliated entities and, to the extent that low-income qualifying projects are available, then no less than 25 percent of such one percent shall be composed of low-income qualifying projects.

Beginning with the 2025 compliance year and thereafter, at least 75 percent of all RECs used by a Phase II Utility in a compliance period shall come from RPS eligible resources located in the Commonwealth.

Any Phase I or Phase II Utility may apply renewable energy sales achieved or RECs acquired in excess of the sales requirement for that RPS Program to the sales requirements for RPS Program requirements in the year in which it was generated and the five calendar years after the renewable energy was generated or the RECs were created. To the extent that a Phase I or Phase II Utility procures RECs for RPS Program compliance from resources the utility does not own, the utility shall be entitled to recover the costs of such certificates at its election pursuant to § 56-249.6 or subdivision A 5 d of § 56-585.1.

D. Each Phase I or Phase II Utility shall petition the Commission for necessary approvals to procure zero-carbon electricity generating capacity as set forth in this subsection and energy storage resources as set forth in subsection E. To the extent that a Phase I or Phase II Utility constructs or acquires new zero-carbon generating facilities or energy storage resources, the utility shall petition the Commission for the recovery of the costs of such facilities, at the utility's election, either through its rates for generation and distribution services or through a rate adjustment clause pursuant to subdivision A 6 of § 56-585.1. All costs not sought for recovery through a rate adjustment clause pursuant to subdivision A 6 of § 56-585.1 associated with generating facilities provided by sunlight or onshore or offshore wind are also eligible to be applied by the utility as a customer credit reinvestment offset as provided in subdivision A 8 of § 56-585.1. Costs associated with the purchase of energy, capacity, or environmental attributes from facilities owned by the persons other than the utility required by this subsection shall be recovered by the utility either through its rates for generation and distribution services or pursuant to § 56-249.6.

1. Each Phase I Utility shall petition the Commission for necessary approvals to construct, acquire, or enter into agreements to purchase the energy, capacity, and environmental attributes of 600 megawatts of generating capacity using energy derived from sunlight or onshore wind.

a. By December 31, 2023, each Phase I Utility shall petition the Commission for necessary approvals to construct, acquire, or enter into agreements to purchase the energy, capacity, and environmental attributes of at least 200 megawatts of generating capacity located in the Commonwealth using energy derived from sunlight or onshore wind, and 35 percent of such generating capacity procured shall be from the purchase of energy, capacity, and environmental attributes from solar or onshore wind facilities owned by persons other than the utility, with the remainder, in the aggregate, being from construction or acquisition by such Phase I Utility.

b. By December 31, 2027, each Phase I Utility shall petition the Commission for necessary approvals to construct, acquire, or enter into agreements to purchase the energy, capacity, and environmental attributes of at least 200 megawatts of additional generating capacity located in the Commonwealth using energy derived from sunlight or onshore wind, and 35 percent of such generating capacity procured shall be from the purchase of energy, capacity, and environmental attributes from solar or onshore wind facilities owned by persons other than the utility, with the remainder, in the aggregate, being from construction or acquisition by such Phase I Utility.

c. By December 31, 2030, each Phase I Utility shall petition the Commission for necessary approvals to construct, acquire, or enter into agreements to purchase the energy, capacity, and environmental attributes of at least 200 megawatts of additional generating capacity located in the Commonwealth using energy derived from sunlight or onshore wind, and 35 percent of such generating capacity procured shall be from the purchase of energy, capacity, and environmental attributes from solar or onshore wind facilities owned by persons other than the utility, with the remainder, in the aggregate, being from construction or acquisition by such Phase I Utility.

d. Nothing in this subdivision 1 shall prohibit such Phase I Utility from constructing, acquiring, or entering into agreements to purchase the energy, capacity, and environmental attributes of more than 600 megawatts of generating capacity located in the Commonwealth using energy derived from sunlight or onshore wind, provided the utility receives approval from the Commission pursuant to §§ 56-580 and 56-585.1.

2. By December 31, 2035, each Phase II Utility shall petition the Commission for necessary approvals to (i) construct, acquire, or enter into agreements to purchase the energy, capacity, and environmental attributes of 16,100 megawatts of generating capacity located in the Commonwealth using energy derived from sunlight or onshore wind, which shall include 1,100 megawatts of solar generation of a nameplate capacity not to exceed three megawatts per individual project and 35 percent of such generating capacity procured shall be from the purchase of energy, capacity, and environmental attributes from solar facilities owned by persons other than a utility, including utility affiliates and deregulated affiliates and (ii) pursuant to § 56-585.1:11, construct or purchase one or more offshore wind generation facilities located off the Commonwealth's Atlantic shoreline or in federal waters and interconnected directly into the Commonwealth with an

aggregate capacity of up to 5,200 megawatts. At least 200 megawatts of the 16,100 megawatts shall be placed on previously developed project sites.

a. By December 31, 2024, each Phase II Utility shall petition the Commission for necessary approvals to construct, acquire, or enter into agreements to purchase the energy, capacity, and environmental attributes of at least 3,000 megawatts of generating capacity located in the Commonwealth using energy derived from sunlight or onshore wind, and 35 percent of such generating capacity procured shall be from the purchase of energy, capacity, and environmental attributes from solar or onshore wind facilities owned by persons other than the utility, with the remainder, in the aggregate, being from construction or acquisition by such Phase II Utility.

b. By December 31, 2027, each Phase II Utility shall petition the Commission for necessary approvals to construct, acquire, or enter into agreements to purchase the energy, capacity, and environmental attributes of at least 3,000 megawatts of additional generating capacity located in the Commonwealth using energy derived from sunlight or onshore wind, and 35 percent of such generating capacity procured shall be from the purchase of energy, capacity, and environmental attributes from solar or onshore wind facilities owned by persons other than the utility, with the remainder, in the aggregate, being from construction or acquisition by such Phase II Utility.

c. By December 31, 2030, each Phase II Utility shall petition the Commission for necessary approvals to construct, acquire, or enter into agreements to purchase the energy, capacity, and environmental attributes of at least 4,000 megawatts of additional generating capacity located in the Commonwealth using energy derived from sunlight or onshore wind, and 35 percent of such generating capacity procured shall be from the purchase of energy, capacity, and environmental attributes from solar or onshore wind facilities owned by persons other than the utility, with the remainder, in the aggregate, being from construction or acquisition by such Phase II Utility.

d. By December 31, 2035, each Phase II Utility shall petition the Commission for necessary approvals to construct, acquire, or enter into agreements to purchase the energy, capacity, and environmental attributes of at least 6,100 megawatts of additional generating capacity located in the Commonwealth using energy derived from sunlight or onshore wind, and 35 percent of such generating capacity procured shall be from the purchase of energy, capacity, and environmental attributes from solar or onshore wind facilities owned by persons other than the utility, with the remainder, in the aggregate, being from construction or acquisition by such Phase II Utility.

e. Nothing in this subdivision 2 shall prohibit such Phase II Utility from constructing, acquiring, or entering into agreements to purchase the energy, capacity, and environmental attributes of more than 16,100 megawatts of generating capacity located in the Commonwealth using energy derived from sunlight or onshore wind, provided the utility receives approval from the Commission pursuant to §§ 56-580 and 56-585.1.

3. Nothing in this section shall prohibit a utility from petitioning the Commission to construct or acquire zero-carbon electricity or from entering into contracts to procure the energy, capacity, and environmental attributes of zero-carbon electricity generating resources in excess of the requirements in subsection B. The Commission shall determine whether to approve such petitions on a stand-alone basis pursuant to §§ 56-580 and 56-585.1, provided that the Commission's review shall also consider whether the proposed generating capacity (i) is necessary to meet the utility's native load, (ii) is likely to lower customer fuel costs, (iii) will provide economic development opportunities in the Commonwealth, and (iv) serves a need that cannot be more affordably met with demand-side or energy storage resources.

Each Phase I and Phase II Utility shall, at least once every year, conduct a request for proposals for new solar and wind resources. Such requests shall quantify and describe the utility's need for energy, capacity, or renewable energy certificates. The requests for proposals shall be publicly announced and made available for public review on the utility's website at least 45 days prior to the closing of such request for proposals. The requests for proposals shall provide, at a minimum, the following information: (a) the size, type, and timing of resources for which the utility anticipates contracting; (b) any minimum thresholds that must be met by respondents; (c) major assumptions to be used by the utility in the bid evaluation process, including environmental emission standards; (d) detailed instructions for preparing bids so that bids can be evaluated on a consistent basis; (e) the preferred general location of additional capacity; and (f) specific information concerning the factors involved in determining the price and non-price criteria used for selecting winning bids. A utility may evaluate responses to requests for proposals based on any criteria that it deems reasonable but shall at a minimum consider the following in its selection process: (1) the status of a particular project's development; (2) the age of existing generation facilities; (3) the demonstrated financial viability of a project and the developer; (4) a developer's prior experience in the field; (5) the location and effect on the transmission grid of a generation facility; (6) benefits to the Commonwealth that are associated with particular projects, including regional economic development and the use of goods and services from Virginia businesses; and (7) the environmental impacts of particular resources, including impacts on air quality within the Commonwealth and the carbon intensity of the utility's generation portfolio.

4. In connection with the requirements of this subsection, each Phase I and Phase II Utility shall, commencing in 2020 and concluding in 2035, submit annually a plan and petition for approval for the development of new solar and onshore wind generation capacity. Such plan shall reflect, in the aggregate and over its duration, the requirements of subsection D concerning the allocation percentages for construction or purchase of such capacity. Such petition shall contain any request for approval to construct such facilities pursuant to subsection D of § 56-580 and a request for approval or update of a rate adjustment clause pursuant to subdivision A 6 of § 56-585.1 to recover the costs of such facilities. Such plan shall also include the utility's plan to meet the energy storage project targets of subsection E, including the goal of installing at least 10 percent of such energy storage projects behind the meter. In determining whether to approve the utility's plan and any

associated petition requests, the Commission shall determine whether they are reasonable and prudent and shall give due consideration to (i) the RPS and carbon dioxide reduction requirements in this section, (ii) the promotion of new renewable generation and energy storage resources within the Commonwealth, and associated economic development, and (iii) fuel savings projected to be achieved by the plan. Notwithstanding any other provision of this title, the Commission's final order regarding any such petition and associated requests shall be entered by the Commission not more than six months after the date of the filing of such petition.

5. If, in any year, a Phase I or Phase II Utility is unable to meet the compliance obligation of the RPS Program requirements or if the cost of RECs necessary to comply with RPS Program requirements exceeds \$45 per megawatt hour, such supplier shall be obligated to make a deficiency payment equal to \$45 for each megawatt-hour shortfall for the year of noncompliance, except that the deficiency payment for any shortfall in procuring RECs for solar, wind, or anaerobic digesters located in the Commonwealth shall be \$75 per megawatts hour for resources one megawatt and lower. The amount of any deficiency payment shall increase by one percent annually after 2021. A Phase I or Phase II Utility shall be entitled to recover the costs of such payments as a cost of compliance with the requirements of this subsection pursuant to subdivision A 5 d of § 56-585.1. All proceeds from the deficiency payments shall be deposited into an interest-bearing account administered by the Department of Mines, Minerals and Energy. In administering this account, the Department of Mines, Minerals and Energy shall manage the account as follows: (i) 50 percent of total revenue shall be directed to job training programs in historically economically disadvantaged communities; (ii) 16 percent of total revenue shall be directed to energy efficiency measures for public facilities; (iii) 30 percent of total revenue shall be directed to renewable energy programs located in historically economically disadvantaged communities; and (iv) four percent of total revenue shall be directed to administrative costs.

E. To enhance reliability and performance of the utility's generation and distribution system, each Phase I and Phase II Utility shall petition the Commission for necessary approvals to construct or acquire new, utility-owned energy storage resources.

1. By December 31, 2035, each Phase I Utility shall petition the Commission for necessary approvals to construct or acquire 400 megawatts of energy storage capacity. Nothing in this subdivision shall prohibit a Phase I Utility from constructing or acquiring more than 400 megawatts of energy storage, provided that the utility receives approval from the Commission pursuant to §§ 56-580 and 56-585.1.

2. By December 31, 2035, each Phase II Utility shall petition the Commission for necessary approvals to construct or acquire 2,700 megawatts of energy storage capacity. Nothing in this subdivision shall prohibit a Phase II Utility from constructing or acquiring more than 2,700 megawatts of energy storage, provided that the utility receives approval from the Commission pursuant to §§ 56-580 and 56-585.1.

3. No single energy storage project shall exceed 500 megawatts in size, except that a Phase II Utility may procure a single energy storage project up to 800 megawatts.

4. All energy storage projects procured pursuant to this subsection shall meet the competitive procurement protocols established in subdivision D 3.

5. After July 1, 2020, at least 35 percent of the energy storage facilities placed into service shall be (i) purchased by the public utility from a party other than the public utility or (ii) owned by a party other than a public utility, with the capacity from such facilities sold to the public utility. By January 1, 2021, the Commission shall adopt regulations to achieve the deployment of energy storage for the Commonwealth required in subdivisions 1 and 2, including regulations that set interim targets and update existing utility planning and procurement rules. The regulations shall include programs and mechanisms to deploy energy storage, including competitive solicitations, behind-the-meter incentives, non-wires alternatives programs, and peak demand reduction programs.

F. All costs incurred by a Phase I or Phase II Utility related to compliance with the requirements of this section or pursuant to § 56-585.1:11, including (i) costs of generation facilities powered by sunlight or onshore or offshore wind, or energy storage facilities, that are constructed or acquired by a Phase I or Phase II Utility after July 1, 2020, (ii) costs of capacity, energy, or environmental attributes from generation facilities powered by sunlight or onshore or offshore wind, or falling water, or energy storage facilities purchased by the utility from persons other than the utility through agreements after July 1, 2020, and (iii) all other costs of compliance, including costs associated with the purchase of RECs associated with RPS Program requirements pursuant to this section shall be recovered from all retail customers in the service territory of a Phase I or Phase II Utility as a non-bypassable charge, irrespective of the generation supplier of such customer, except (a) as provided in subsection G for an accelerated renewable energy buyer or (b) as provided in subdivision C 3 of § 56-585.1:11, with respect to the costs of an offshore wind generation facility, for a PIPP eligible utility customer or an advanced clean energy buyer or qualifying large general service customer, as those terms are defined in § 56-585.11. If a Phase I or Phase II Utility serves customers in more than one jurisdiction, such utility shall recover all of the costs of compliance with the RPS Program requirements from its Virginia customers through the applicable cost recovery mechanism, and all associated energy, capacity, and environmental attributes shall be assigned to Virginia to the extent that such costs are requested but not recovered from any system customers outside the Commonwealth.

By September 1, 2020, the Commission shall direct the initiation of a proceeding for each Phase I and Phase II Utility to review and determine the amount of such costs, net of benefits, that should be allocated to retail customers within the utility's service territory which have elected to receive electric supply service from a supplier of electric energy other than the utility, and shall direct that tariff provisions be implemented to recover those costs from such customers beginning no

later than January 1, 2021. Thereafter, such charges and tariff provisions shall be updated and trued up by the utility on an annual basis, subject to continuing review and approval by the Commission.

G. 1. An accelerated renewable energy buyer may contract with a Phase I or Phase II Utility, or a person other than a Phase I or Phase II Utility, to obtain (i) RECs from RPS eligible resources or (ii) bundled capacity, energy, and RECs from solar or wind generation resources located within the PJM region and initially placed in commercial operation after January 1, 2015. Such an accelerated renewable energy buyer may offset all or a portion of its electric load for purposes of RPS compliance through such arrangements. An accelerated renewable energy buyer shall be exempt from the assignment of non-bypassable RPS compliance costs pursuant to subsection F, with the exception of the costs of an offshore wind generating facility pursuant to § 56-585.1:11, based on the amount of RECs obtained pursuant to this subsection in proportion to the customer's total electric energy consumption, on an annual basis, however, an accelerated renewable energy buyer obtaining RECs only shall not be exempt from costs related to procurement of new solar or onshore wind generation capacity, energy, or environmental attributes, or energy storage facilities by the utility pursuant to subsections D and E. To the extent that an accelerated renewable energy buyer contracts for the capacity of new solar or wind generation resources pursuant to this subsection, the aggregate amount of such nameplate capacity shall be offset from the utility's procurement requirements pursuant to subsection D. All RECs associated with contracts entered into by an accelerated renewable energy buyer with the utility, or a person other than the utility, for an RPS Program shall not be credited to the utility's compliance with its RPS requirements, and the calculation of the utility's RPS Program requirements shall not include the electric load covered by customers certified as accelerated renewable energy buyers.

2. Each Phase I or Phase II Utility shall certify, and verify as necessary, to the Commission that the accelerated renewable energy buyer has satisfied the exemption requirements of this subsection for each year, or an accelerated renewable energy buyer may choose to certify satisfaction of this exemption by reporting to the Commission individually. The Commission may promulgate such rules and regulations as may be necessary to implement the provisions of this subsection.

3. Provided that no incremental costs associated with any contract between a Phase I or Phase II Utility and an accelerated renewable energy buyer is allocated to or recovered from any other customer of the utility, any such contract with an accelerated renewable energy buyer that is a jurisdictional customer of the utility shall not be deemed a special rate or contract requiring Commission approval pursuant to § 56-235.2.

H. No customer of a Phase II Utility with a peak demand in excess of 100 megawatts in 2019 that elected pursuant to subdivision A 3 of § 56-577 to purchase electric energy from a competitive service provider prior to April 1, 2019, shall be allocated any non-bypassable charges pursuant to subsection F for such period that the customer is not purchasing electric energy from the utility, and such customer's electric load shall not be included in the utility's RPS Program requirements. No customer of a Phase I Utility that elected pursuant to subdivision A 3 of § 56-577 to purchase electric energy from a competitive service provider prior to February 1, 2019, shall be allocated any non-bypassable charges pursuant to subsection F for such period that the customer is not purchasing electric energy from the utility, and such customer's electric load shall not be included in the utility's RPS Program requirements.

I. Nothing in this section shall apply to any entity organized under Chapter 9.1 (§ 56-231.15 et seq.).

J. The Commission shall adopt such rules and regulations as may be necessary to implement the provisions of this section, including a requirement that participants verify whether the RPS Program requirements are met in accordance with this section.

§ 56-585.6. Universal service fee; Percentage of Income Payment Program.

A. The Commission shall, after notice and opportunity for hearing, initiate a proceeding to establish the rates, terms, and conditions of a non-bypassable universal service fee to fund the Percentage of Income Payment Program (PIPP). Such universal service fee shall be allocated to retail electric customers of a Phase I and Phase II Utility on the basis of the amount of kilowatt-hours used and be established at such level to adequately address the PIPP's objectives to (i) reduce the energy burden of eligible participants by limiting electric bill payments directly to no more than six percent of the eligible participant's annual household income if the household's heating source is anything other than electricity, and to no more than 10 percent of an eligible participant's annual household income on electricity costs if the household's heating source is electricity, and (ii) reduce the amount of electricity used by the eligible participant's household through participation in weatherization or energy efficiency programs and energy conservation education programs.

B. The Commission shall determine the reasonable administrative costs for the investor-owned utility to collect the universal service fee and remit such funds to the Percentage of Income Payment Fund, and any other administrative costs the investor-owned utility may incur in complying with the PIPP, and shall determine the proper recovery mechanism for such costs. A Phase I and Phase II Utility shall not be eligible to earn a rate of return on any equity or costs incurred to comply with the program requirements or implementation.

§ 56-594. Net energy metering provisions.

A. The Commission shall establish by regulation a program that affords eligible customer-generators the opportunity to participate in net energy metering, and a program, to begin no later than July 1, 2014, for customers of investor-owned utilities and to begin no later than July 1, 2015, and to end July 1, 2019, for customers of electric cooperatives as provided in subsection G, to afford eligible agricultural customer-generators the opportunity to participate in net energy metering. The regulations may include, but need not be limited to, requirements for (i) retail sellers; (ii) owners or operators of distribution or transmission facilities; (iii) providers of default service; (iv) eligible customer-generators; (v) eligible agricultural

customer-generators; or (vi) any combination of the foregoing, as the Commission determines will facilitate the provision of net energy metering, provided that the Commission determines that such requirements do not adversely affect the public interest. On and after July 1, 2017, small agricultural generators or eligible agricultural customer-generators may elect to interconnect pursuant to the provisions of this section or as small agricultural generators pursuant to § 56-594.2, but not both. Existing eligible agricultural customer-generators may elect to become small agricultural generators, but may not revert to being eligible agricultural customer-generators after such election. On and after July 1, 2019, interconnection of eligible agricultural customer-generators shall cease for electric cooperatives only, and such facilities shall interconnect solely as small agricultural generators. For electric cooperatives, eligible agricultural customer-generators whose renewable energy generating facilities were interconnected before July 1, 2019, may continue to participate in net energy metering pursuant to this section for a period not to exceed 25 years from the date of their renewable energy generating facility's original interconnection.

B. For the purpose of this section:

"Eligible agricultural customer-generator" means a customer that operates a renewable energy generating facility as part of an agricultural business, which generating facility (i) uses as its sole energy source solar power, wind power, or aerobic or anaerobic digester gas, (ii) does not have an aggregate generation capacity of more than 500 kilowatts, (iii) is located on land owned or controlled by the agricultural business, (iv) is connected to the customer's wiring on the customer's side of its interconnection with the distributor; (v) is interconnected and operated in parallel with an electric company's transmission and distribution facilities, and (vi) is used primarily to provide energy to metered accounts of the agricultural business. An eligible agricultural customer-generator may be served by multiple meters that are located at separate but contiguous sites, such that the eligible agricultural customer-generator may aggregate in a single account the electricity consumption and generation measured by the meters, provided that the same utility serves all such meters. The aggregated load shall be served under the appropriate tariff.

"Eligible customer-generator" means a customer that owns and operates, or contracts with other persons to own, operate, or both, an electrical generating facility that (i) has a capacity of not more than ~~20~~ 25 kilowatts for residential customers and not more than ~~one megawatt~~ *three megawatts* for nonresidential customers on an electrical generating facility placed in service after July 1, 2015; (ii) uses as its total source of fuel renewable energy, as defined in § 56-576; (iii) is located on the customer's premises and is connected to the customer's wiring on the customer's side of its interconnection with the distributor; (iv) is interconnected and operated in parallel with an electric company's transmission and distribution facilities; and (v) is intended primarily to offset all or part of the customer's own electricity requirements. In addition to the electrical generating facility size limitations in clause (i), the capacity of any generating facility installed under this section after July 1, 2015, shall not exceed the expected annual energy consumption based on the previous 12 months of billing history or an annualized calculation of billing history if 12 months of billing history is not available. *In addition to the electrical generating facility size limitation in clause (i), in the certificated service territory of a Phase I Utility, the capacity of any generating facility installed under this section after July 1, 2020, shall not exceed 100 percent of the expected annual energy consumption based on the previous 12 months of billing history or an annualized calculation of billing history if 12 months of billing history is not available, and in the certificated service territory of a Phase II Utility, the capacity of any generating facility installed under this section after July 1, 2020, shall not exceed 150 percent of the expected annual energy consumption based on the previous 12 months of billing history or an annualized calculation of billing history if 12 months of billing history is not available.*

"Net energy metering" means measuring the difference, over the net metering period, between (i) electricity supplied to an eligible customer-generator or eligible agricultural customer-generator from the electric grid and (ii) the electricity generated and fed back to the electric grid by the eligible customer-generator or eligible agricultural customer-generator.

"Net metering period" means the 12-month period following the date of final interconnection of the eligible customer-generator's or eligible agricultural customer-generator's system with an electric service provider, and each 12-month period thereafter.

"Small agricultural generator" has the same meaning that is ascribed to that term in § 56-594.2.

C. The Commission's regulations shall ensure that (i) the metering equipment installed for net metering shall be capable of measuring the flow of electricity in two directions and (ii) any eligible customer-generator seeking to participate in net energy metering shall notify its supplier and receive approval to interconnect prior to installation of an electrical generating facility. The electric distribution company shall have 30 days from the date of notification for residential facilities, and 60 days from the date of notification for nonresidential facilities, to determine whether the interconnection requirements have been met. Such regulations shall allocate fairly the cost of such equipment and any necessary interconnection. An eligible customer-generator's electrical generating system, and each electrical generating system of an eligible agricultural customer-generator, shall meet all applicable safety and performance standards established by the National Electrical Code, the Institute of Electrical and Electronics Engineers, and accredited testing laboratories such as Underwriters Laboratories. Beyond the requirements set forth in this section and to ensure public safety, power quality, and reliability of the supplier's electric distribution system, an eligible customer-generator or eligible agricultural customer-generator whose electrical generating system meets those standards and rules shall bear all reasonable costs of equipment required for the interconnection to the supplier's electric distribution system, including costs, if any, to (a) install additional controls, (b) perform or pay for additional tests, and (c) purchase additional liability insurance.

D. The Commission shall establish minimum requirements for contracts to be entered into by the parties to net metering arrangements. Such requirements shall protect the eligible customer-generator or eligible agricultural customer-generator against discrimination by virtue of its status as an eligible customer-generator or eligible agricultural customer-generator, and permit customers that are served on time-of-use tariffs that have electricity supply demand charges contained within the electricity supply portion of the time-of-use tariffs to participate as an eligible customer-generator or eligible agricultural customer-generator. Notwithstanding the cost allocation provisions of subsection C, eligible customer-generators or eligible agricultural customer-generators served on demand charge-based time-of-use tariffs shall bear the incremental metering costs required to net meter such customers.

E. If electricity generated by an eligible customer-generator or eligible agricultural customer-generator over the net metering period exceeds the electricity consumed by the eligible customer-generator or eligible agricultural customer-generator, the customer-generator or eligible agricultural customer-generator shall be compensated for the excess electricity if the entity contracting to receive such electric energy and the eligible customer-generator or eligible agricultural customer-generator enter into a power purchase agreement for such excess electricity. Upon the written request of the eligible customer-generator or eligible agricultural customer-generator, the supplier that serves the eligible customer-generator or eligible agricultural customer-generator shall enter into a power purchase agreement with the requesting eligible customer-generator or eligible agricultural customer-generator that is consistent with the minimum requirements for contracts established by the Commission pursuant to subsection D. The power purchase agreement shall obligate the supplier to purchase such excess electricity at the rate that is provided for such purchases in a net metering standard contract or tariff approved by the Commission, unless the parties agree to a higher rate. The eligible customer-generator or eligible agricultural customer-generator owns any renewable energy certificates associated with its electrical generating facility; however, at the time that the eligible customer-generator or eligible agricultural customer-generator enters into a power purchase agreement with its supplier, the eligible customer-generator or eligible agricultural customer-generator shall have a one-time option to sell the renewable energy certificates associated with such electrical generating facility to its supplier and be compensated at an amount that is established by the Commission to reflect the value of such renewable energy certificates. Nothing in this section shall prevent the eligible customer-generator or eligible agricultural customer-generator and the supplier from voluntarily entering into an agreement for the sale and purchase of excess electricity or renewable energy certificates at mutually-agreed upon prices if the eligible customer-generator or eligible agricultural customer-generator does not exercise its option to sell its renewable energy certificates to its supplier at Commission-approved prices at the time that the eligible customer-generator or eligible agricultural customer-generator enters into a power purchase agreement with its supplier. All costs incurred by the supplier to purchase excess electricity and renewable energy certificates from eligible customer-generators or eligible agricultural customer-generators shall be recoverable through its Renewable Energy Portfolio Standard (RPS) rate adjustment clause, if the supplier has a Commission-approved RPS plan. If not, then all costs shall be recoverable through the supplier's fuel adjustment clause. For purposes of this section, "all costs" shall be defined as the rates paid to the eligible customer-generator or eligible agricultural customer-generator for the purchase of excess electricity and renewable energy certificates and any administrative costs incurred to manage the eligible customer-generator's or eligible agricultural customer-generator's power purchase arrangements. The net metering standard contract or tariff shall be available to eligible customer-generators or eligible agricultural customer-generators on a first-come, first-served basis in each electric distribution company's Virginia service area until the rated generating capacity owned and operated by eligible customer-generators, eligible agricultural customer-generators, and small agricultural generators in the Commonwealth reaches ~~one~~ six percent, *in the aggregate, five percent of which is available to all customers and one percent of which is available only to low-income utility customers* of each electric distribution company's adjusted Virginia peak-load forecast for the previous year ~~(the systemwide cap)~~, and shall require the supplier to pay the eligible customer-generator or eligible agricultural customer-generator for such excess electricity in a timely manner at a rate to be established by the Commission.

On and after the earlier of (i) 2024 for a Phase I Utility or 2025 for a Phase II Utility or (ii) when the aggregate rated generating capacity owned and operated by eligible customer-generators, eligible agricultural customer-generators, and small agricultural generators in the Commonwealth reaches three percent of a Phase I or Phase II Utility's adjusted Virginia peak-load forecast for the previous year, the Commission shall conduct a net energy metering proceeding.

In any net energy metering proceeding, the Commission shall, after notice and opportunity for hearing, evaluate and establish (a) an amount customers shall pay on their utility bills each month for the costs of using the utility's infrastructure; (b) an amount the utility shall pay to appropriately compensate the customer, as determined by the Commission, for the total benefits such facilities provide; (c) the direct and indirect economic impact of net metering to the Commonwealth; and (d) any other information the Commission deems relevant. The Commission shall establish an appropriate rate structure related thereto, which shall govern compensation related to all eligible customer-generators, eligible agricultural customer-generators, and small agricultural generators, except low-income utility customers, that interconnect after the effective date established in the Commission's final order. Nothing in the Commission's final order shall affect any eligible customer-generators, eligible agricultural customer-generators, and small agricultural generators who interconnect before the effective date of such final order. As part of the net energy metering proceeding, the Commission shall evaluate the six percent aggregate net metering cap and may, if appropriate, raise or remove such cap. The Commission shall enter its final order in such a proceeding no later than 12 months after it commences such proceeding, and such final order shall establish a date by which the new terms and conditions shall apply for interconnection and shall also provide that, if the terms and

conditions of compensation in the final order differ from the terms and conditions available to customers before the proceeding, low-income utility customers may interconnect under whichever terms are most favorable to them.

F. Any residential eligible customer-generator or eligible agricultural customer-generator who owns and operates, or contracts with other persons to own, operate, or both, an electrical generating facility with a capacity that exceeds ~~10~~ 15 kilowatts shall pay to its supplier, in addition to any other charges authorized by law, a monthly standby charge. The amount of the standby charge and the terms and conditions under which it is assessed shall be in accordance with a methodology developed by the supplier and approved by the Commission. The Commission shall approve a supplier's proposed standby charge methodology if it finds that the standby charges collected from all such eligible customer-generators and eligible agricultural customer-generators allow the supplier to recover only the portion of the supplier's infrastructure costs that are properly associated with serving such eligible customer-generators or eligible agricultural customer-generators. Such an eligible customer-generator or eligible agricultural customer-generator shall not be liable for a standby charge until the date specified in an order of the Commission approving its supplier's methodology.

G. On and after the later of July 1, 2019, or the effective date of regulations that the Commission is required to adopt pursuant to § 56-594.01, (i) net energy metering in the service territory of each electric cooperative shall be conducted as provided in a program implemented pursuant to § 56-594.01 and (ii) the provisions of this section shall not apply to net energy metering in the service territory of an electric cooperative except as provided in § 56-594.01.

H. The Commission may adopt such rules or establish such guidelines as may be necessary for its general administration of this section.

I. When the Commission conducts a net energy metering proceeding, it shall:

1. Investigate and determine the costs and benefits of the current net energy metering program;
2. Establish an appropriate netting measurement interval for a successor tariff that is just and reasonable in light of the costs and benefits of the net metering program in aggregate, and applicable to new requests for net energy metering service; and

3. Determine a specific avoided cost for customer-generators, the different type of customer-generator technologies where the Commission deems it appropriate, and establish the methodology for determining the compensation rate for any net excess generation determined according to the applicable net measurement interval for any new tariff.

J. In evaluating the costs and benefits of the net energy metering program, the Commission shall consider:

1. The aggregate impact of customer-generators on the electric utility's long-run marginal costs of generation, distribution, and transmission;
2. The cost of service implications of customer-generators on other customers within the same class, including an evaluation of whether customer-generators provide an adequate rate of return to the electrical utility compared to the otherwise applicable rate class when, for analytical purposes only, examined as a separate class within a cost of service study;
3. The direct and indirect economic impact of the net energy metering program to the Commonwealth; and
4. Any other information it deems relevant, including environmental and resilience benefits of customer-generator facilities.

§ 56-596.2. Energy efficiency programs; financial assistance for low-income customers.

~~Each Phase I Utility and Phase II Utility, as such terms are defined in subdivision A 1 of § 56-585.1, A. Notwithstanding subsection G of § 56-580, or any other provision of law, each incumbent investor-owned electric utility shall develop a proposed program of energy conservation measures efficiency programs. Any program shall provide for the submission of a petition or petitions for approval to design, implement, and operate energy efficiency programs pursuant to subdivision A 5 c of § 56-585.1. At least five 15 percent of such proposed costs of energy efficiency programs shall be allocated to programs designed to benefit low-income, elderly, and or disabled individuals or veterans.~~

B. Notwithstanding any other provision of law, each investor-owned incumbent electric utility shall implement energy efficiency programs and measures to achieve the following total annual energy savings:

1. For Phase I electric utilities:

- a. In calendar year 2022, at least 0.5 percent of the average annual energy jurisdictional retail sales by that utility in 2019;
- b. In calendar year 2023, at least 1.0 percent of the average annual energy jurisdictional retail sales by that utility in 2019;
- c. In calendar year 2024, at least 1.5 percent of the average annual energy jurisdictional retail sales by that utility in 2019; and
- d. In calendar year 2025, at least 2.0 percent of the average annual energy jurisdictional retail sales by that utility in 2019;

2. For Phase II electric utilities:

- a. In calendar year 2022, at least 1.25 percent of the average annual energy jurisdictional retail sales by that utility in 2019;
- b. In calendar year 2023, at least 2.5 percent of the average annual energy jurisdictional retail sales by that utility in 2019;
- c. In calendar year 2024, at least 3.75 percent of the average annual energy jurisdictional retail sales by that utility in 2019; and

d. In calendar year 2025, at least 5.0 percent of the average annual energy jurisdictional retail sales by that utility in 2019; and

3. For the time period 2026 through 2028, and for every successive three-year period thereafter, the Commission shall establish new energy efficiency savings targets. In advance of the effective date of such targets, the Commission shall, after notice and opportunity for hearing, initiate proceedings to establish such targets. As part of such proceeding, the Commission shall consider the feasibility of achieving energy efficiency goals and future energy efficiency savings through cost-effective programs and measures. The Commission shall annually review the feasibility of the energy efficiency program savings in this section and report to the Chairs of the House Committee on Labor and Commerce and the Senate Committee on Commerce and Labor and the Secretary of Natural Resources and the Secretary of Commerce and Trade on such feasibility by October 1, 2022, and each year thereafter.

C. The projected costs for the utility to design, implement, and operate such energy efficiency programs; ~~including a margin to be recovered on operating expenses;~~ shall be no less than an aggregate amount of \$140 million for a Phase I Utility and \$870 million for a Phase II Utility for the period beginning July 1, 2018, and ending July 1, 2028, including any existing approved energy efficiency programs. In developing such portfolio of energy efficiency programs, each utility shall utilize a stakeholder process, to be facilitated by an independent monitor compensated under the funding provided pursuant to subdivision E of § 56-592.1, to provide input and feedback on (i) the development of such energy efficiency programs and portfolios of programs; (ii) compliance with the total annual energy savings set forth in this subsection and how such savings affect utility integrated resource plans; (iii) recommended policy reforms by which the General Assembly or the Commission can ensure maximum and cost-effective deployment of energy efficiency technology across the Commonwealth; and (iv) best practices for evaluation, measurement, and verification for the purposes of assessing compliance with the total annual energy savings set forth in subsection B. Utilities shall utilize the services of a third party to perform evaluation, measurement, and verification services to determine a utility's total annual savings as required by this subsection, as well as the annual and lifecycle net and gross energy and capacity savings, related emissions reductions, and other quantifiable benefits of each program; total customer bill savings that the programs and portfolios produce; and utility spending on each program, including any associated administrative costs. The third-party evaluator shall include and review each utility's avoided costs and cost-benefit analyses. The findings and reports of such third parties shall be concurrently provided to both the Commission and the utility, and the Commission shall make each such final annual report easily and publicly accessible online. Such stakeholder process shall include the participation of representatives from each utility, relevant directors, deputy directors, and staff members of the ~~State Corporation~~ Commission who participate in approval and oversight of utility efficiency programs, the office of Consumer Counsel of the Attorney General, the Department of Mines, Minerals and Energy, energy efficiency program implementers, energy efficiency providers, residential and small business customers, and any other interested stakeholder who the independent monitor deems appropriate for inclusion in such process. The independent monitor shall convene meetings of the participants in the stakeholder process not less frequently than twice in each calendar year during the period beginning July 1, 2019, and ending July 1, 2028. The independent monitor shall report on the status of the energy efficiency stakeholder process, including ~~(a)~~ (a) the objectives established by the stakeholder group during this process related to programs to be proposed, ~~(b)~~ (b) recommendations related to programs to be proposed that result from the stakeholder process, and ~~(c)~~ (c) the status of those recommendations, in addition to the petitions filed and the determination thereon, to the Governor, the State Corporation Commission, and the Chairmen of the House Committee on Labor and Commerce and Senate Committee on Commerce and Labor Committees on July 1, 2019, and annually thereafter through July 1, 2028.

D. Nothing in this section shall apply to any entity organized under Chapter 9.1 (§ 56-231.15 et seq.).

2. That § 1 of the first enactment of Chapters 358 and 382 of the Acts of Assembly of 2013, as amended by Chapter 803 of the Acts of Assembly of 2017, is amended and reenacted as follows:

§ 1. That the State Corporation Commission (Commission) shall conduct pilot programs under which a person that owns or operates a solar-powered or wind-powered electricity generation facility located on premises owned or leased by an eligible customer-generator, as defined in § 56-594 of the Code of Virginia, shall be permitted to sell the electricity generated from such facility exclusively to such eligible customer-generator under a power purchase agreement used to provide third party financing of the costs of such a renewable generation facility (third party power purchase agreement), subject to the following terms, conditions, and restrictions:

a. ~~Notwithstanding subsection G of § 56-580 of the Code of Virginia or any other provision of law, a pilot program shall be conducted within the certificated service territory of each investor-owned electric utility other than a utility described in subsection G of § 56-580 of the Code of Virginia ("Pilot Utility"); provided that within the certificated service territory of an investor-owned utility that was not bound by a rate case settlement adopted by the Commission that extended in its application beyond January 1, 2002, nonprofit, private institutions of higher education as defined in § 23-1-100 of the Code of Virginia that are not being served by generation provided under subdivision A 5 of § 56-577 of the Code of Virginia shall be deemed to be customer-generators eligible to participate in the pilot program;~~

b. The aggregated capacity of all generation facilities that are subject to such third party power purchase agreements at any time during the pilot program shall not exceed ~~50~~ 500 megawatts for Virginia jurisdictional customers and 500 megawatts for Virginia nonjurisdictional customers for an investor-owned utility that was bound by a rate case settlement adopted by the Commission that extended in its application beyond January 1, 2002, or ~~seven~~ 40 megawatts for an investor-owned utility that was not bound by a rate case settlement adopted by the Commission that extended in its

application beyond January 1, 2002. Such limitation on the aggregated capacity of such facilities shall constitute a portion of the existing limit of ~~one~~ six percent of each Pilot Utility's adjusted Virginia peak-load forecast for the previous year that is available to eligible customer-generators pursuant to subsection E of § 56-594 of the Code of Virginia. Notwithstanding any provision of this act that incorporates provisions of § 56-594, the seller and the customer shall elect either to (i) enter into their third party power purchase agreement subject to the conditions and provisions of the Pilot Utility's net energy metering program under § 56-594 or (ii) provide that electricity generated from the generation facilities subject to the third party power purchase agreement will not be net metered under § 56-594, provided that an election not to net meter under § 56-594 shall not exempt the third party power purchase agreement and the parties thereto from the requirements of this act that incorporate provisions of § 56-594;

c. A solar-powered or wind-powered generation facility with a capacity of no less than 50 kilowatts and no more than ~~one megawatt~~ *three megawatts* shall be eligible for a third party power purchase agreement under ~~the~~ a pilot program; however, if the customer under such agreement is *a low-income utility customer, as defined in § 56-576 of the Code of Virginia, or is an entity with tax-exempt status in accordance with § 501(c) of the Internal Revenue Code of 1954, as amended*, then such facility is eligible for the pilot program even if it does not meet the 50 kilowatts minimum size requirement. The maximum generation capacity of ~~one megawatt~~ *three megawatts* shall not affect the limits on the capacity of electrical generating capacities of ~~20~~ 25 kilowatts for residential customers and ~~500 kilowatts~~ *three megawatts* for nonresidential customers set forth in subsection B of § 56-594 of the Code of Virginia, which limitations shall continue to apply to net energy metering generation facilities regardless of whether they are the subject of a third party power purchase agreement under the pilot program;

d. A generation facility that is the subject of a third party power purchase agreement under the pilot program shall serve only one customer, and a third party power purchase agreement shall not serve multiple customers;

e. The customer under a third party power purchase agreement under the pilot program shall be subject to the interconnection and other requirements imposed on eligible customer-generators pursuant to subsection C of § 56-594 of the Code of Virginia, including the requirement that the customer bear the reasonable costs, as determined by the Commission, of the items described in clauses (i), (ii), and (iii) of such subsection;

f. A third party power purchase agreement under the pilot program shall not be valid unless it conforms in all respects to the requirements of the pilot program conducted under the provisions of this act and unless the Commission and the Pilot Utility are provided written notice of the parties' intent to enter into a third party power purchase agreement not less than 30 days prior to the agreement's proposed effective date; and

g. An affiliate of the Pilot Utility shall be permitted to offer and enter into third party power purchase arrangements on the same basis as may any other person that satisfies the requirements of being a seller under a third party power purchase agreement under the pilot program.

3. That § 56-585.2 of the Code of Virginia is repealed.

4. That each investor-owned utility shall consult with the Clean Energy Advisory Board established by Chapter 554 of the Acts of Assembly of 2019 in how best to inform low-income customers of opportunities to lower electric bills through access to solar energy.

5. That beginning September 1, 2022, and every three years thereafter, the Department of Mines, Minerals and Energy, in consultation with the Council on Environmental Justice and appropriate stakeholders, shall determine whether implementation of this act imposes a disproportionate burden on historically economically disadvantaged communities, as defined in § 56-576 of the Code of Virginia, as amended by this act, and shall report by January 1, 2023, and every three years thereafter, to the Chairs of the House Committee on Labor and Commerce and the Senate Committee on Commerce and Labor and to the Council on Environmental Justice.

6. That in developing a plan to reduce carbon dioxide emissions from covered units described in § 10.1-1308 of the Code of Virginia, as amended by this act, the Secretary of Natural Resources and the Secretary of Commerce and Trade, in consultation with the State Corporation Commission and the Council on Environmental Justice and appropriate stakeholders, shall report to the General Assembly by January 1, 2022, any recommendations on how to achieve 100 percent carbon-free electric energy generation by 2045 at least cost for ratepayers. Such report shall include a recommendation on whether the General Assembly should permanently repeal the ability to obtain a certificate of public convenience and necessity for any electric generating unit that emits carbon as a by-product of combusting fuel to generate electricity. Until the General Assembly receives such report, the State Corporation Commission shall not issue a certificate of public convenience and necessity for any investor-owned utility to own, operate, or construct any electric generating unit that emits carbon as a by-product of combusting fuel to generate electricity.

7. That it shall be the policy of the Commonwealth that the State Corporation Commission, Department of Mines, Minerals and Energy, and Virginia Council on Environmental Justice, in the development of energy programs, job training programs, and placement of renewable energy facilities, shall consider whether and how those facilities and programs benefit local workers, historically economically disadvantaged communities, as defined in § 56-576 of the Code of Virginia, as amended by this act, veterans, and individuals in the Virginia coalfield region that are located near previously and presently permitted fossil fuel facilities or coal mines.

8. That should the State Corporation Commission amend rules pursuant to the provisions of § 56-594 of the Code of Virginia, as amended by this act, it shall set forth rules for net energy metering at electric cooperatives in a new and separate chapter of the Virginia Administrative Code.

9. That nothing in this act shall require the utilities or the State Corporation Commission to take any action that, in the State Corporation Commission's discretion and after consideration of all in-state and regional transmission entity resources, threatens the reliability or security of electric service to the utility's customers.

10. That the investor-owned utility constructing a facility pursuant to § 56-585.1:11 of the Code of Virginia, as created by this act, shall provide the State Corporation Commission with reports on the facility's construction progress, including performance to construction timeline and budget, on no less than a quarterly basis throughout the construction period. The State Corporation Commission shall retain ongoing authority to review the reasonableness and prudence of any increases in the total projected cost of the RPS Program and the offshore wind facility during its construction period.

11. That by January 1, 2028, if the Secretary of Natural Resources and the Secretary of Commerce and Trade (the Secretaries) determine that the greenhouse gas reduction targets are not met pursuant to § 10-1308 of the Code of Virginia, the Secretaries shall make a recommendation to the Chairs of the House Committee on Labor and Commerce and the Senate Committee on Commerce and Labor on the necessity and advisability of a moratorium on the issuance of permits for new fossil fuel-fired generating facilities by January 1, 2030.

12. That the State Corporation Commission shall issue its final order in the Percentage of Income Payment Program (PIPP) proceeding established pursuant to § 56-585.6 of the Code of Virginia, as created by this act, by December 31, 2020, provided that the non-bypassable universal service fee shall not be collected from customers of a Phase I or a Phase II Utility, as those terms are defined in subdivision A 1 of § 56-585.1 of the Code of Virginia, as amended by this act, until such time as the PIPP is established. The Department of Housing and Community Development and the Department of Social Services shall convene a stakeholder working group and develop recommendations regarding the implementation of PIPP. Such recommendations shall allow for a utility to reimburse the administrative costs of the PIPP, not to exceed \$3 million, and shall be submitted to the Chairs of the House Committee on Labor and Commerce and the Senate Committee on Commerce and Labor by December 1, 2020.

13. That this bill shall be referred to as the Virginia Clean Economy Act.

CHAPTER 1195

HOUSE JOINT RESOLUTION NO. 103

Proposing an amendment to Section 6 of Article X of the Constitution of Virginia, relating to personal property tax exemption; motor vehicle owned by a veteran who is disabled.

Agreed to by the House of Delegates, February 10, 2020

Agreed to by the Senate, March 3, 2020

WHEREAS, a proposed amendment to the Constitution of Virginia, hereinafter set forth, was agreed to by a majority of the members elected to each of the two houses of the General Assembly at the regular session of 2019 and referred to this, the next regular session held after the 2019 general election of members of the House of Delegates, as required by the Constitution of Virginia; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the following amendment to the Constitution of Virginia be, and the same hereby is, proposed in conformity with the provisions of Section 1 of Article XII of the Constitution of Virginia, namely:

Amend Section 6 of Article X of the Constitution of Virginia as follows:

ARTICLE X

TAXATION AND FINANCE

Section 6. Exempt property.

(a) Except as otherwise provided in this Constitution, the following property and no other shall be exempt from taxation, State and local, including inheritance taxes:

(1) Property owned directly or indirectly by the Commonwealth or any political subdivision thereof, and obligations of the Commonwealth or any political subdivision thereof exempt by law.

(2) Real estate and personal property owned and exclusively occupied or used by churches or religious bodies for religious worship or for the residences of their ministers.

(3) Private or public burying grounds or cemeteries, provided the same are not operated for profit.

(4) Property owned by public libraries or by institutions of learning not conducted for profit, so long as such property is primarily used for literary, scientific, or educational purposes or purposes incidental thereto. This provision may also apply to leasehold interests in such property as may be provided by general law.

(5) Intangible personal property, or any class or classes thereof, as may be exempted in whole or in part by general law.

(6) Property used by its owner for religious, charitable, patriotic, historical, benevolent, cultural, or public park and playground purposes, as may be provided by classification or designation by an ordinance adopted by the local governing body and subject to such restrictions and conditions as provided by general law.

(7) Land subject to a perpetual easement permitting inundation by water as may be exempted in whole or in part by general law.

(8) *One motor vehicle owned and used primarily by or for a veteran of the armed forces of the United States or the Virginia National Guard who has been rated by the United States Department of Veterans Affairs or its successor agency pursuant to federal law with a one hundred percent service-connected, permanent, and total disability. For purposes of this subdivision, the term "motor vehicle" shall include only automobiles and pickup trucks. Any such motor vehicle owned by a married person may qualify if either spouse is a veteran who is one hundred percent disabled pursuant to this subdivision. This exemption shall be applicable on the date the motor vehicle is acquired or the effective date of this subdivision, whichever is later, but shall not be applicable for any period of time prior to the effective date.*

(b) The General Assembly may by general law authorize the governing body of any county, city, town, or regional government to provide for the exemption from local property taxation, or a portion thereof, within such restrictions and upon such conditions as may be prescribed, of real estate and personal property designed for continuous habitation owned by, and occupied as the sole dwelling of, persons not less than sixty-five years of age or persons permanently and totally disabled as established by general law. A local governing body may be authorized to establish either income or financial worth limitations, or both, in order to qualify for such relief.

(c) Except as to property of the Commonwealth, the General Assembly by general law may restrict or condition, in whole or in part, but not extend, any or all of the above exemptions.

(d) The General Assembly may define as a separate subject of taxation any property, including real or personal property, equipment, facilities, or devices, used primarily for the purpose of abating or preventing pollution of the atmosphere or waters of the Commonwealth or for the purpose of transferring or storing solar energy, and by general law may allow the governing body of any county, city, town, or regional government to exempt or partially exempt such property from taxation, or by general law may directly exempt or partially exempt such property from taxation.

(e) The General Assembly may define as a separate subject of taxation household goods, personal effects and tangible farm property and products, and by general law may allow the governing body of any county, city, town, or regional government to exempt or partially exempt such property from taxation, or by general law may directly exempt or partially exempt such property from taxation.

(f) Exemptions of property from taxation as established or authorized hereby shall be strictly construed; provided, however, that all property exempt from taxation on the effective date of this section shall continue to be exempt until otherwise provided by the General Assembly as herein set forth.

(g) The General Assembly may by general law authorize any county, city, town, or regional government to impose a service charge upon the owners of a class or classes of exempt property for services provided by such governments.

(h) The General Assembly may by general law authorize the governing body of any county, city, town, or regional government to provide for a partial exemption from local real property taxation, within such restrictions and upon such conditions as may be prescribed, (i) of real estate whose improvements, by virtue of age and use, have undergone substantial renovation, rehabilitation or replacement or (ii) of real estate with new structures and improvements in conservation, redevelopment, or rehabilitation areas.

(i) The General Assembly may by general law allow the governing body of any county, city, or town to exempt or partially exempt from taxation any generating equipment installed after December thirty-one, nineteen hundred seventy-four, for the purpose of converting from oil or natural gas to coal or to wood, wood bark, wood residue, or to any other alternate energy source for manufacturing, and any co-generation equipment installed since such date for use in manufacturing.

(j) The General Assembly may by general law allow the governing body of any county, city, or town to have the option to exempt or partially exempt from taxation any business, occupational or professional license or any merchants' capital, or both.

(k) The General Assembly may by general law authorize the governing body of any county, city, or town to provide for a partial exemption from local real property taxation, within such restrictions and upon such conditions as may be prescribed, of improved real estate subject to recurrent flooding upon which flooding abatement, mitigation, or resiliency efforts have been undertaken.

CHAPTER 1196

SENATE JOINT RESOLUTION NO. 18

Proposing an amendment to Section 6 of Article II of the Constitution of Virginia and proposing an amendment to the Constitution of Virginia by adding in Article II a section numbered 6-A, relating to apportionment; Virginia Redistricting Commission.

Agreed to by the Senate, February 11, 2020

Agreed to by the House of Delegates, March 5, 2020

WHEREAS, proposed amendments to the Constitution of Virginia, hereinafter set forth, were agreed to by a majority of the members elected to each of the two houses of the General Assembly at the regular session of 2019 and referred to this, the next regular session held after the 2019 general election of members of the House of Delegates, as required by the Constitution of Virginia; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the following amendments to the Constitution of Virginia be, and the same hereby are, proposed in conformity with the provisions of Section 1 of Article XII of the Constitution of Virginia, namely:

Amend Section 6 of Article II of the Constitution of Virginia and amend the Constitution of Virginia by adding in Article II a section numbered 6-A as follows:

ARTICLE II
FRANCHISE AND OFFICERS

Section 6. Apportionment.

Members of the House of Representatives of the United States and members of the Senate and of the House of Delegates of the General Assembly shall be elected from electoral districts established by the General Assembly pursuant to Section 6-A of this Constitution. Every electoral district shall be composed of contiguous and compact territory and shall be so constituted as to give, as nearly as is practicable, representation in proportion to the population of the district. *Every electoral district shall be drawn in accordance with the requirements of federal and state laws that address racial and ethnic fairness, including the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States and provisions of the Voting Rights Act of 1965, as amended, and judicial decisions interpreting such laws. Districts shall provide, where practicable, opportunities for racial and ethnic communities to elect candidates of their choice.*

The General Assembly shall reapportion the Commonwealth *shall be reapportioned* into electoral districts in accordance with this section and Section 6-A in the year ~~2011~~ 2021 and every ten years thereafter.

Any such decennial reapportionment law shall take effect immediately and not be subject to the limitations contained in Article IV, Section 13, of this Constitution.

The districts delineated in the decennial reapportionment law shall be implemented for the November general election for the United States House of Representatives, Senate, or House of Delegates, respectively, that is held immediately prior to the expiration of the term being served in the year that the reapportionment law is required to be enacted. A member in office at the time that a decennial redistricting law is enacted shall complete his term of office and shall continue to represent the district from which he was elected for the duration of such term of office so long as he does not move his residence from the district from which he was elected. Any vacancy occurring during such term shall be filled from the same district that elected the member whose vacancy is being filled.

Section 6-A. Virginia Redistricting Commission.

(a) In the year 2020 and every ten years thereafter, the Virginia Redistricting Commission (the Commission) shall be convened for the purpose of establishing districts for the United States House of Representatives and for the Senate and the House of Delegates of the General Assembly pursuant to Article II, Section 6 of this Constitution.

(b) The Commission shall consist of sixteen commissioners who shall be selected in accordance with the provisions of this subsection.

(1) Eight commissioners shall be legislative members, four of whom shall be members of the Senate of Virginia and four of whom shall be members of the House of Delegates. These commissioners shall be appointed no later than December 1 of the year ending in zero and shall continue to serve until their successors are appointed.

(A) Two commissioners shall represent the political party having the highest number of members in the Senate of Virginia and shall be appointed by the President pro tempore of the Senate of Virginia.

(B) Two commissioners shall represent the political party having the next highest number of members in the Senate of Virginia and shall be appointed by the leader of that political party.

(C) Two commissioners shall represent the political party having the highest number of members in the House of Delegates and shall be appointed by the Speaker of the House of Delegates.

(D) Two commissioners shall represent the political party having the next highest number of members in the House of Delegates and shall be appointed by the leader of that political party.

(2) Eight commissioners shall be citizen members who shall be selected in accordance with the provisions of this subdivision and in the manner determined by the General Assembly by general law.

(A) There shall be a Redistricting Commission Selection Committee (the Committee) consisting of five retired judges of the circuit courts of Virginia. By November 15 of the year ending in zero, the Chief Justice of the Supreme Court of Virginia shall certify to the Speaker of the House of Delegates, the leader in the House of Delegates of the political party having the next highest number of members in the House of Delegates, the President pro tempore of the Senate of Virginia, and the leader in the Senate of Virginia of the political party having the next highest number of members in the Senate a list of retired judges of the circuit courts of Virginia who are willing to serve on the Committee, and these members shall each select a judge from the list. The four judges selected to serve on the Committee shall select, by a majority vote, a judge from the list prescribed herein to serve as the fifth member of the Committee and to serve as the chairman of the Committee.

(B) By January 1 of the year ending in one, the Speaker of the House of Delegates, the leader in the House of Delegates of the political party having the next highest number of members in the House of Delegates, the President pro tempore of the Senate of Virginia, and the leader in the Senate of the political party having the next highest number of members in the

Senate shall each submit to the Committee a list of at least sixteen citizen candidates for service on the Commission. Such citizen candidates shall meet the criteria established by the General Assembly by general law.

The Committee shall select, by a majority vote, two citizen members from each list submitted. No member or employee of the Congress of the United States or of the General Assembly shall be eligible to serve as a citizen member.

(c) By February 1 of the year ending in one, the Commission shall hold a public meeting at which it shall select a chairman from its membership. The chairman shall be a citizen member and shall be responsible for coordinating the work of the Commission.

(d) The Commission shall submit to the General Assembly plans for districts for the Senate and the House of Delegates of the General Assembly no later than 45 days following the receipt of census data and shall submit to the General Assembly plans for districts for the United States House of Representatives no later than 60 days following the receipt of census data or by the first day of July of that year, whichever occurs later.

(1) To be submitted as a proposed plan for districts for members of the United States House of Representatives, a plan shall receive affirmative votes of at least six of the eight legislative members and six of the eight citizen members.

(2) To be submitted as a proposed plan for districts for members of the Senate, a plan shall receive affirmative votes of at least six of the eight legislative members, including at least three of the four legislative members who are members of the Senate, and at least six of the eight citizen members.

(3) To be submitted as a proposed plan for districts for members of the House of Delegates, a plan shall receive affirmative votes of at least six of the eight legislative members, including at least three of the four legislative members who are members of the House of Delegates, and at least six of the eight citizen members.

(e) Plans for districts for the Senate and the House of Delegates shall be embodied in and voted on as a single bill. The vote on any bill embodying a plan for districts shall be taken in accordance with the provisions of Article IV, Section 11 of this Constitution, except that no amendments shall be permitted. Such bills shall not be subject to the provisions contained in Article V, Section 6 of this Constitution.

(f) Within fifteen days of receipt of a plan for districts, the General Assembly shall take a vote on the bill embodying that plan in accordance with the provisions of subsection (e). If the General Assembly fails to adopt such bill by this deadline, the Commission shall submit a new plan for districts to the General Assembly within fourteen days of the General Assembly's failure to adopt the bill. The General Assembly shall take a vote on the bill embodying such plan within seven days of receipt of the plan. If the General Assembly fails to adopt such bill by this deadline, the districts shall be established by the Supreme Court of Virginia.

(g) If the Commission fails to submit a plan for districts by the deadline set forth in subsection (d), the Commission shall have fourteen days following its initial failure to submit a plan to the General Assembly. If the Commission fails to submit a plan for districts to the General Assembly by this deadline, the districts shall be established by the Supreme Court of Virginia.

If the Commission submits a plan for districts within fourteen days following its initial failure to submit a plan, the General Assembly shall take a vote on the bill embodying such plan within seven days of its receipt. If the General Assembly fails to adopt such bill by this deadline, the districts shall be established by the Supreme Court of Virginia.

(h) All meetings of the Commission shall be open to the public. Prior to proposing any redistricting plans and prior to voting on redistricting plans, the Commission shall hold at least three public hearings in different parts of the Commonwealth to receive and consider comments from the public.

(i) All records and documents of the Commission, or any individual or group performing delegated functions of or advising the Commission, related to the Commission's work, including internal communications and communications from outside parties, shall be considered public information.

CHAPTER 1197

An Act to amend and reenact §§ 2.2-401.01, 2.2-3711, 15.2-2825, 19.2-389, as it is currently effective and as it shall become effective, 37.2-304, 58.1-4002, 58.1-4004, 58.1-4006, and 59.1-364 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 3 of Title 11 a section numbered 11-16.1, by adding a section numbered 18.2-334.5, by adding in Article 1 of Chapter 3 of Title 37.2 a section numbered 37.2-314.1, and by adding in Title 58.1 a chapter numbered 41, containing articles numbered 1 through 11, consisting of sections numbered 58.1-4100 through 58.1-4141, relating to regulation of casino gaming by Virginia Lottery Board; Regional Improvement Commission; penalties.

[H 4]

Approved April 22, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-401.01, 2.2-3711, 15.2-2825, 19.2-389, as it is currently effective and as it shall become effective, 37.2-304, 58.1-4002, 58.1-4004, 58.1-4006, and 59.1-364 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Chapter 3 of Title 11 a section numbered 11-16.1, by adding a section numbered 18.2-334.5, by adding in Article 1 of Chapter 3 of Title 37.2 a section numbered 37.2-314.1, and by adding in Title 58.1 a chapter numbered 41, containing articles numbered 1 through 11, consisting of sections numbered 58.1-4100 through 58.1-4141, as follows:

§ 2.2-401.01. Liaison to Virginia Indian tribes; Virginia Indigenous People's Trust Fund.

A. The Secretary of the Commonwealth shall:

1. Serve as the Governor's liaison to the Virginia Indian tribes; and
2. Report annually on the status of Indian tribes in Virginia.

B. The Secretary of the Commonwealth may establish a Virginia Indian advisory board to assist the Secretary in reviewing applications seeking recognition as a Virginia Indian tribe and to make recommendations to the Secretary, the Governor, and the General Assembly on such applications and other matters relating to recognition as follows:

1. The members of any such board shall be composed of no more than seven members to be appointed by the Secretary as follows: at least three of the members shall be members of Virginia recognized tribes to represent the Virginia Indian community, and one nonlegislative citizen member shall represent the Commonwealth's scholarly community. The Librarian of Virginia, the Director of the Department of Historic Resources, and the Superintendent of Public Instruction, or their designees, shall serve ex officio with voting privileges. Nonlegislative citizen members of any such board shall be citizens of the Commonwealth. Ex officio members shall serve terms coincident with their terms of office. Nonlegislative citizen members shall be appointed for a term of two years. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. All members may be reappointed. The Secretary of the Commonwealth shall appoint a chairperson from among the members for a two-year term. Members shall be reimbursed for reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825.

2. Any such board shall have the following powers and duties:

a. Establish guidance for documentation required to meet the criteria for full recognition of the Virginia Indian tribes that is consistent with the principles and requirements of federal tribal recognition;

b. Establish a process for accepting and reviewing all applications for full tribal recognition;

c. Appoint and establish a workgroup on tribal recognition composed of nonlegislative citizens at large who have knowledge of Virginia Indian history and current status. Such workgroup (i) may be activated in any year in which an application for full tribal recognition has been submitted and in other years as deemed appropriate by any such board and (ii) shall include at a minimum a genealogist and at least two scholars with recognized familiarity with Virginia Indian tribes. No member of the workgroup shall be associated in any way with the applicant. Members of the workgroup shall be reimbursed for reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825;

d. Solicit, accept, use, and dispose of gifts, grants, donations, bequests, or other funds or real or personal property for the purpose of aiding or facilitating the work of the board;

e. Make recommendations to the Secretary for full tribal recognition based on the findings of the workgroup and the board; and

f. Perform such other duties, functions, and activities as may be necessary to facilitate and implement the objectives of this subsection.

C. There is hereby created in the state treasury a special nonreverting fund to be known as the Virginia Indigenous People's Trust Fund, referred to in this section as "the Fund." The Fund shall be established on the books of the Comptroller. All funds appropriated for such purpose, any tax revenue accruing to the Fund pursuant to § 58.1-4125, and any gifts, donations, grants, bequests, and other funds received on its behalf shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. After payment of the costs of administration of the Fund, moneys in the Fund shall be used to make disbursements on a quarterly basis in equal amounts to each of the six Virginia Indian tribes federally recognized under P.L. 115-121 of 2018. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Secretary of the Commonwealth.

§ 2.2-3711. Closed meetings authorized for certain limited purposes.

A. Public bodies may hold closed meetings only for the following purposes:

1. Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body; and evaluation of performance of departments or schools of public institutions of higher education where such evaluation will necessarily involve discussion of the performance of specific individuals. Any teacher shall be permitted to be present during a closed meeting in which there is a discussion or consideration of a disciplinary matter that involves the teacher and some student and the student involved in the matter is present, provided the teacher makes a written request to be present to the presiding officer of the appropriate board. Nothing in this subdivision, however, shall be construed to authorize a closed meeting by a local governing body or an elected school board to discuss compensation matters that affect the membership of such body or board collectively.

2. Discussion or consideration of admission or disciplinary matters or any other matters that would involve the disclosure of information contained in a scholastic record concerning any student of any public institution of higher education in the Commonwealth or any state school system. However, any such student, legal counsel and, if the student is a minor, the student's parents or legal guardians shall be permitted to be present during the taking of testimony or presentation of evidence at a closed meeting, if such student, parents, or guardians so request in writing and such request is submitted to the presiding officer of the appropriate board.

3. Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

4. The protection of the privacy of individuals in personal matters not related to public business.

5. Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community.

6. Discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected.

7. Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body. For the purposes of this subdivision, "probable litigation" means litigation that has been specifically threatened or on which the public body or its legal counsel has a reasonable basis to believe will be commenced by or against a known party. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.

8. Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.

9. Discussion or consideration by governing boards of public institutions of higher education of matters relating to gifts, bequests and fund-raising activities, and of grants and contracts for services or work to be performed by such institution. However, the terms and conditions of any such gifts, bequests, grants, and contracts made by a foreign government, a foreign legal entity, or a foreign person and accepted by a public institution of higher education in the Commonwealth shall be subject to public disclosure upon written request to the appropriate board of visitors. For the purpose of this subdivision, (i) "foreign government" means any government other than the United States government or the government of a state or a political subdivision thereof, (ii) "foreign legal entity" means any legal entity (a) created under the laws of the United States or of any state thereof if a majority of the ownership of the stock of such legal entity is owned by foreign governments or foreign persons or if a majority of the membership of any such entity is composed of foreign persons or foreign legal entities or (b) created under the laws of a foreign government, and (iii) "foreign person" means any individual who is not a citizen or national of the United States or a trust territory or protectorate thereof.

10. Discussion or consideration by the boards of trustees of the Virginia Museum of Fine Arts, the Virginia Museum of Natural History, the Jamestown-Yorktown Foundation, the Fort Monroe Authority, and The Science Museum of Virginia of matters relating to specific gifts, bequests, and grants from private sources.

11. Discussion or consideration of honorary degrees or special awards.

12. Discussion or consideration of tests, examinations, or other information used, administered, or prepared by a public body and subject to the exclusion in subdivision 4 of § 2.2-3705.1.

13. Discussion, consideration, or review by the appropriate House or Senate committees of possible disciplinary action against a member arising out of the possible inadequacy of the disclosure statement filed by the member, provided the member may request in writing that the committee meeting not be conducted in a closed meeting.

14. Discussion of strategy with respect to the negotiation of a hazardous waste siting agreement or to consider the terms, conditions, and provisions of a hazardous waste siting agreement if the governing body in open meeting finds that an open meeting will have an adverse effect upon the negotiating position of the governing body or the establishment of the terms, conditions and provisions of the siting agreement, or both. All discussions with the applicant or its representatives may be conducted in a closed meeting.

15. Discussion by the Governor and any economic advisory board reviewing forecasts of economic activity and estimating general and nongeneral fund revenues.

16. Discussion or consideration of medical and mental health records subject to the exclusion in subdivision 1 of § 2.2-3705.5.

17. Deliberations of the Virginia Lottery Board in a licensing appeal action conducted pursuant to subsection D of § 58.1-4007 regarding the denial or revocation of a license of a lottery sales agent; and discussion, consideration or review of Virginia Lottery matters related to proprietary lottery game information and studies or investigations excluded from disclosure under subdivision 6 of § 2.2-3705.3 and subdivision 11 of § 2.2-3705.7.

18. Those portions of meetings in which the Board of Corrections discusses or discloses the identity of, or information tending to identify, any prisoner who (i) provides information about crimes or criminal activities, (ii) renders assistance in preventing the escape of another prisoner or in the apprehension of an escaped prisoner, or (iii) voluntarily or at the instance of a prison official renders other extraordinary services, the disclosure of which is likely to jeopardize the prisoner's life or safety.

19. Discussion of plans to protect public safety as it relates to terrorist activity or specific cybersecurity threats or vulnerabilities and briefings by staff members, legal counsel, or law-enforcement or emergency service officials concerning actions taken to respond to such matters or a related threat to public safety; discussion of information subject to the exclusion in subdivision 2 or 14 of § 2.2-3705.2, where discussion in an open meeting would jeopardize the safety of any person or the security of any facility, building, structure, information technology system, or software program; or discussion

of reports or plans related to the security of any governmental facility, building or structure, or the safety of persons using such facility, building or structure.

20. Discussion by the Board of the Virginia Retirement System, acting pursuant to § 51.1-124.30, or of any local retirement system, acting pursuant to § 51.1-803, or by a local finance board or board of trustees of a trust established by one or more local public bodies to invest funds for postemployment benefits other than pensions, acting pursuant to Article 8 (§ 15.2-1544 et seq.) of Chapter 15 of Title 15.2, or by the board of visitors of the University of Virginia, acting pursuant to § 23.1-2210, or by the Board of the Virginia College Savings Plan, acting pursuant to § 23.1-706, regarding the acquisition, holding or disposition of a security or other ownership interest in an entity, where such security or ownership interest is not traded on a governmentally regulated securities exchange, to the extent that such discussion (i) concerns confidential analyses prepared for the board of visitors of the University of Virginia, prepared by the retirement system, or a local finance board or board of trustees, or the Virginia College Savings Plan or provided to the retirement system, a local finance board or board of trustees, or the Virginia College Savings Plan under a promise of confidentiality, of the future value of such ownership interest or the future financial performance of the entity, and (ii) would have an adverse effect on the value of the investment to be acquired, held, or disposed of by the retirement system, a local finance board or board of trustees, the board of visitors of the University of Virginia, or the Virginia College Savings Plan. Nothing in this subdivision shall be construed to prevent the disclosure of information relating to the identity of any investment held, the amount invested or the present value of such investment.

21. Those portions of meetings in which individual child death cases are discussed by the State Child Fatality Review Team established pursuant to § 32.1-283.1, those portions of meetings in which individual child death cases are discussed by a regional or local child fatality review team established pursuant to § 32.1-283.2, those portions of meetings in which individual death cases are discussed by family violence fatality review teams established pursuant to § 32.1-283.3, those portions of meetings in which individual adult death cases are discussed by the state Adult Fatality Review Team established pursuant to § 32.1-283.5, those portions of meetings in which individual adult death cases are discussed by a local or regional adult fatality review team established pursuant to § 32.1-283.6, those portions of meetings in which individual death cases are discussed by overdose fatality review teams established pursuant to § 32.1-283.7, and those portions of meetings in which individual maternal death cases are discussed by the Maternal Mortality Review Team pursuant to § 32.1-283.8.

22. Those portions of meetings of the board of visitors of the University of Virginia or the Eastern Virginia Medical School Board of Visitors, as the case may be, and those portions of meetings of any persons to whom management responsibilities for the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, have been delegated, in which there is discussed proprietary, business-related information pertaining to the operations of the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, including business development or marketing strategies and activities with existing or future joint venturers, partners, or other parties with whom the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, has formed, or forms, any arrangement for the delivery of health care, if disclosure of such information would adversely affect the competitive position of the Medical Center or Eastern Virginia Medical School, as the case may be.

23. Discussion or consideration by the Virginia Commonwealth University Health System Authority or the board of visitors of Virginia Commonwealth University of any of the following: the acquisition or disposition by the Authority of real property, equipment, or technology software or hardware and related goods or services, where disclosure would adversely affect the bargaining position or negotiating strategy of the Authority; matters relating to gifts or bequests to, and fund-raising activities of, the Authority; grants and contracts for services or work to be performed by the Authority; marketing or operational strategies plans of the Authority where disclosure of such strategies or plans would adversely affect the competitive position of the Authority; and members of the Authority's medical and teaching staffs and qualifications for appointments thereto.

24. Those portions of the meetings of the Health Practitioners' Monitoring Program Committee within the Department of Health Professions to the extent such discussions identify any practitioner who may be, or who actually is, impaired pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1.

25. Meetings or portions of meetings of the Board of the Virginia College Savings Plan wherein personal information, as defined in § 2.2-3801, which has been provided to the Board or its employees by or on behalf of individuals who have requested information about, applied for, or entered into prepaid tuition contracts or savings trust account agreements pursuant to Chapter 7 (§ 23.1-700 et seq.) of Title 23.1 is discussed.

26. Discussion or consideration, by the former Wireless Carrier E-911 Cost Recovery Subcommittee created pursuant to former § 56-484.15, of trade secrets submitted by CMRS providers, as defined in § 56-484.12, related to the provision of wireless E-911 service.

27. Those portions of disciplinary proceedings by any regulatory board within the Department of Professional and Occupational Regulation, Department of Health Professions, or the Board of Accountancy conducted pursuant to § 2.2-4019 or 2.2-4020 during which the board deliberates to reach a decision or meetings of health regulatory boards or conference committees of such boards to consider settlement proposals in pending disciplinary actions or modifications to previously issued board orders as requested by either of the parties.

28. Discussion or consideration of information subject to the exclusion in subdivision 11 of § 2.2-3705.6 by a responsible public entity or an affected locality or public entity, as those terms are defined in § 33.2-1800, or any independent review panel appointed to review information and advise the responsible public entity concerning such records.

29. Discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body.

30. Discussion or consideration of grant or loan application information subject to the exclusion in subdivision 17 of § 2.2-3705.6 by (i) the Commonwealth Health Research Board or (ii) the Innovation and Entrepreneurship Investment Authority or the Research and Technology Investment Advisory Committee appointed to advise the Innovation and Entrepreneurship Investment Authority.

31. Discussion or consideration by the Commitment Review Committee of information subject to the exclusion in subdivision 5 of § 2.2-3705.2 relating to individuals subject to commitment as sexually violent predators under Chapter 9 (§ 37.2-900 et seq.) of Title 37.2.

32. Discussion or consideration of confidential proprietary information and trade secrets developed and held by a local public body providing certain telecommunication services or cable television services and subject to the exclusion in subdivision 18 of § 2.2-3705.6. However, the exemption provided by this subdivision shall not apply to any authority created pursuant to the BVU Authority Act (§ 15.2-7200 et seq.).

33. Discussion or consideration by a local authority created in accordance with the Virginia Wireless Service Authorities Act (§ 15.2-5431.1 et seq.) of confidential proprietary information and trade secrets subject to the exclusion in subdivision 19 of § 2.2-3705.6.

34. Discussion or consideration by the State Board of Elections or local electoral boards of voting security matters made confidential pursuant to § 24.2-410.2 or 24.2-625.1.

35. Discussion or consideration by the Forensic Science Board or the Scientific Advisory Committee created pursuant to Article 2 (§ 9.1-1109 et seq.) of Chapter 11 of Title 9.1 of criminal investigative files subject to the exclusion in subdivision B 1 of § 2.2-3706.

36. Discussion or consideration by the Brown v. Board of Education Scholarship Committee of information or confidential matters subject to the exclusion in subdivision A 3 of § 2.2-3705.4, and meetings of the Committee to deliberate concerning the annual maximum scholarship award, review and consider scholarship applications and requests for scholarship award renewal, and cancel, rescind, or recover scholarship awards.

37. Discussion or consideration by the Virginia Port Authority of information subject to the exclusion in subdivision 1 of § 2.2-3705.6 related to certain proprietary information gathered by or for the Virginia Port Authority.

38. Discussion or consideration by the Board of Trustees of the Virginia Retirement System acting pursuant to § 51.1-124.30, by the Investment Advisory Committee appointed pursuant to § 51.1-124.26, by any local retirement system, acting pursuant to § 51.1-803, by the Board of the Virginia College Savings Plan acting pursuant to § 23.1-706, or by the Virginia College Savings Plan's Investment Advisory Committee appointed pursuant to § 23.1-702 of information subject to the exclusion in subdivision 24 of § 2.2-3705.7.

39. Discussion or consideration of information subject to the exclusion in subdivision 3 of § 2.2-3705.6 related to economic development.

40. Discussion or consideration by the Board of Education of information relating to the denial, suspension, or revocation of teacher licenses subject to the exclusion in subdivision 11 of § 2.2-3705.3.

41. Those portions of meetings of the Virginia Military Advisory Council or any commission created by executive order for the purpose of studying and making recommendations regarding preventing closure or realignment of federal military and national security installations and facilities located in Virginia and relocation of such facilities to Virginia, or a local or regional military affairs organization appointed by a local governing body, during which there is discussion of information subject to the exclusion in subdivision 8 of § 2.2-3705.2.

42. Discussion or consideration by the Board of Trustees of the Veterans Services Foundation of information subject to the exclusion in subdivision 28 of § 2.2-3705.7 related to personally identifiable information of donors.

43. Discussion or consideration by the Virginia Tobacco Region Revitalization Commission of information subject to the exclusion in subdivision 23 of § 2.2-3705.6 related to certain information contained in grant applications.

44. Discussion or consideration by the board of directors of the Commercial Space Flight Authority of information subject to the exclusion in subdivision 24 of § 2.2-3705.6 related to rate structures or charges for the use of projects of, the sale of products of, or services rendered by the Authority and certain proprietary information of a private entity provided to the Authority.

45. Discussion or consideration of personal and proprietary information related to the resource management plan program and subject to the exclusion in (i) subdivision 25 of § 2.2-3705.6 or (ii) subsection E of § 10.1-104.7. This exclusion shall not apply to the discussion or consideration of records that contain information that has been certified for release by the person who is the subject of the information or transformed into a statistical or aggregate form that does not allow identification of the person who supplied, or is the subject of, the information.

46. Discussion or consideration by the Board of Directors of the Virginia Alcoholic Beverage Control Authority of information subject to the exclusion in subdivision 1 of § 2.2-3705.3 related to investigations of applicants for licenses and permits and of licensees and permittees.

47. Discussion or consideration of grant or loan application records subject to the exclusion in subdivision 28 of § 2.2-3705.6 related to the submission of an application for an award from the Virginia Research Investment Fund pursuant to Article 8 (§ 23.1-3130 et seq.) of Chapter 31 of Title 23.1 or interviews of parties to an application by a reviewing entity pursuant to subsection D of § 23.1-3133 or by the Virginia Research Investment Committee.

48. Discussion or development of grant proposals by a regional council established pursuant to Article 26 (§ 2.2-2484 et seq.) of Chapter 24 to be submitted for consideration to the Virginia Growth and Opportunity Board.

49. Discussion or consideration of (i) individual sexual assault cases by a sexual assault response team established pursuant to § 15.2-1627.4, (ii) individual child abuse or neglect cases or sex offenses involving a child by a child sexual abuse response team established pursuant to § 15.2-1627.5, or (iii) individual cases involving abuse, neglect, or exploitation of adults as defined in § 63.2-1603 pursuant to §§ 15.2-1627.5 and 63.2-1605.

50. Discussion or consideration by the Board of the Virginia Economic Development Partnership Authority, the Joint Legislative Audit and Review Commission, or any subcommittees thereof, of the portions of the strategic plan, marketing plan, or operational plan exempt from disclosure pursuant to subdivision 33 of § 2.2-3705.7.

51. Those portions of meetings of the subcommittee of the Board of the Virginia Economic Development Partnership Authority established pursuant to subsection F of § 2.2-2237.3 to review and discuss information received from the Virginia Employment Commission pursuant to subdivision C 2 of § 60.2-114.

52. *Deliberations of the Virginia Lottery Board in a licensing appeal action conducted pursuant to § 58.1-4105 regarding the denial or revocation of a license of a casino gaming operator and discussion, consideration, or review of matters related to investigations exempt from disclosure under subdivision 1 of § 2.2-3705.3.*

B. No resolution, ordinance, rule, contract, regulation or motion adopted, passed or agreed to in a closed meeting shall become effective unless the public body, following the meeting, reconvenes in open meeting and takes a vote of the membership on such resolution, ordinance, rule, contract, regulation, or motion that shall have its substance reasonably identified in the open meeting.

C. Public officers improperly selected due to the failure of the public body to comply with the other provisions of this section shall be de facto officers and, as such, their official actions are valid until they obtain notice of the legal defect in their election.

D. Nothing in this section shall be construed to prevent the holding of conferences between two or more public bodies, or their representatives, but these conferences shall be subject to the same procedures for holding closed meetings as are applicable to any other public body.

E. This section shall not be construed to (i) require the disclosure of any contract between the Department of Health Professions and an impaired practitioner entered into pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1 or (ii) require the board of directors of any authority created pursuant to the Industrial Development and Revenue Bond Act (§ 15.2-4900 et seq.), or any public body empowered to issue industrial revenue bonds by general or special law, to identify a business or industry to which subdivision A 5 applies. However, such business or industry shall be identified as a matter of public record at least 30 days prior to the actual date of the board's authorization of the sale or issuance of such bonds.

§ 11-16.1. Exemption from the chapter.

This chapter shall not apply to any bet, wager, or casino gaming permitted by Chapter 41 (§ 58.1-4100 et seq.) of Title 58.1 or to any contract, conduct, or transaction arising from conduct lawful thereunder.

§ 15.2-2825. Smoking in restaurants prohibited; exceptions; posting of signs; penalty for violation.

A. Effective December 1, 2009, smoking shall be prohibited and no person shall smoke in any restaurant in the Commonwealth or in any restroom within such restaurant, except that smoking may be permitted in:

1. Any place or operation that prepares or stores food for distribution to persons of the same business operation or of a related business operation for service to the public. Examples of such places or operations include the preparation or storage of food for catering services, pushcart operations, hotdog stands, and other mobile points of service;

2. Any outdoor area of a restaurant, with or without roof covering, at such times when such outdoor area is not enclosed in whole or in part by any screened walls, roll-up doors, windows or other seasonal or temporary enclosures;

3. Any restaurants located on the premises of any manufacturer of tobacco products;

4. Any portion of a restaurant that is used exclusively for private functions, provided such functions are limited to those portions of the restaurant that meet the requirements of subdivision 5;

5. Any portion of a restaurant that is constructed in such a manner that the area where smoking may be permitted is (i) structurally separated from the portion of the restaurant in which smoking is prohibited and to which ingress and egress is through a door and (ii) separately vented to prevent the recirculation of air from such area to the area of the restaurant where smoking is prohibited. At least one public entrance to the restaurant shall be into an area of the restaurant where smoking is prohibited. For the purposes of the preceding sentence, nothing shall be construed to require the creation of an additional public entrance in cases where the only public entrance to a restaurant in existence as of December 1, 2009, is through an outdoor area described in subdivision 2; ~~and~~

6. Any private club; *and*

7. *Any portion of a facility licensed to conduct casino gaming pursuant to Chapter 41 (§ 58.1-4100 et seq.) of Title 58.1 designated pursuant to the provisions of and that meets the requirements of § 15.2-2827. Any restaurant within a facility licensed to conduct casino gaming shall comply with the provisions of this section.*

B. For the purposes of this section:

"Proprietor" means the owner, lessee or other person who ultimately controls the activities within the restaurant. The term "proprietor" includes corporations, associations, or partnerships as well as individuals.

"Structurally separated" means a stud wall covered with drywall or other building material or other like barrier, which, when completed, extends from the floor to the ceiling, resulting in a physically separated room. Such wall or barrier may include portions that are glass or other gas-impervious building material.

C. No individual who is wait staff or bus staff in a restaurant shall be required by the proprietor to work in any area of the restaurant where smoking may be permitted without the consent of such individual. Nothing in this subsection shall be interpreted to create a cause of action against such proprietor.

D. The proprietor of any restaurant shall:

1. Post signs stating "No Smoking" or containing the international "No Smoking" symbol, consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a bar across it, clearly and conspicuously in every restaurant where smoking is prohibited in accordance with this section; and

2. Remove all ashtrays and other smoking paraphernalia from any area in the restaurant where smoking is prohibited in accordance with this section.

E. Any proprietor of a restaurant who fails to comply with the requirements of this section shall be subject to the civil penalty of not more than \$25.

F. No person shall smoke in any area of a restaurant in which smoking is prohibited as provided in this section. Any person who continues to smoke in such area after having been asked to refrain from smoking shall be subject to a civil penalty of not more than \$25.

G. It shall be an affirmative defense to a complaint brought against a proprietor for a violation of this section that the proprietor or an employee of such proprietor:

1. Posted a "No Smoking" sign as required;

2. Removed all ashtrays and other smoking paraphernalia from all areas where smoking is prohibited;

3. Refused to seat or serve any individual who was smoking in a prohibited area; and

4. If the individual continued to smoke after an initial warning, asked the individual to leave the establishment.

H. Civil penalties assessed under this section shall be paid into the Virginia Health Care Fund established under § 32.1-366.

I. Any local health department or its designee shall, while inspecting a restaurant as otherwise required by law, inspect for compliance with this section.

§ 18.2-334.5. Exemptions to article; certain gaming operations.

Nothing in this article shall be construed to make it illegal to participate in any casino gaming operation conducted in accordance with Chapter 41 (§ 58.1-4100 et seq.) of Title 58.1.

§ 19.2-389. (Effective until January 1, 2021) Dissemination of criminal history record information.

A. Criminal history record information shall be disseminated, whether directly or through an intermediary, only to:

1. Authorized officers or employees of criminal justice agencies, as defined by § 9.1-101, for purposes of the administration of criminal justice and the screening of an employment application or review of employment by a criminal justice agency with respect to its own employees or applicants, and dissemination to the Virginia Parole Board, pursuant to this subdivision, of such information on all state-responsible inmates for the purpose of making parole determinations pursuant to subdivisions 1, 2, 3, and 5 of § 53.1-136 shall include collective dissemination by electronic means every 30 days. For purposes of this subdivision, criminal history record information includes information sent to the Central Criminal Records Exchange pursuant to §§ 37.2-819 and 64.2-2014 when disseminated to any full-time or part-time employee of the State Police, a police department or sheriff's office that is a part of or administered by the Commonwealth or any political subdivision thereof, and who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth for the purposes of the administration of criminal justice;

2. Such other individuals and agencies that require criminal history record information to implement a state or federal statute or executive order of the President of the United States or Governor that expressly refers to criminal conduct and contains requirements or exclusions expressly based upon such conduct, except that information concerning the arrest of an individual may not be disseminated to a noncriminal justice agency or individual if an interval of one year has elapsed from the date of the arrest and no disposition of the charge has been recorded and no active prosecution of the charge is pending;

3. Individuals and agencies pursuant to a specific agreement with a criminal justice agency to provide services required for the administration of criminal justice pursuant to that agreement which shall specifically authorize access to data, limit the use of data to purposes for which given, and ensure the security and confidentiality of the data;

4. Individuals and agencies for the express purpose of research, evaluative, or statistical activities pursuant to an agreement with a criminal justice agency that shall specifically authorize access to data, limit the use of data to research, evaluative, or statistical purposes, and ensure the confidentiality and security of the data;

5. Agencies of state or federal government that are authorized by state or federal statute or executive order of the President of the United States or Governor to conduct investigations determining employment suitability or eligibility for security clearances allowing access to classified information;

6. Individuals and agencies where authorized by court order or court rule;

7. Agencies of any political subdivision of the Commonwealth, public transportation companies owned, operated or controlled by any political subdivision, and any public service corporation that operates a public transit system owned by a

local government for the conduct of investigations of applicants for employment, permit, or license whenever, in the interest of public welfare or safety, it is necessary to determine under a duly enacted ordinance if the past criminal conduct of a person with a conviction record would be compatible with the nature of the employment, permit, or license under consideration;

7a. Commissions created pursuant to the Transportation District Act of 1964 (§ 33.2-1900 et seq.) of Title 33.2 and their contractors, for the conduct of investigations of individuals who have been offered a position of employment whenever, in the interest of public welfare or safety and as authorized in the Transportation District Act of 1964, it is necessary to determine if the past criminal conduct of a person with a conviction record would be compatible with the nature of the employment under consideration;

8. Public or private agencies when authorized or required by federal or state law or interstate compact to investigate (i) applicants for foster or adoptive parenthood or (ii) any individual, and the adult members of that individual's household, with whom the agency is considering placing a child or from whom the agency is considering removing a child due to abuse or neglect, on an emergency, temporary, or permanent basis pursuant to §§ 63.2-901.1 and 63.2-1505, subject to the restriction that the data shall not be further disseminated to any party other than a federal or state authority or court as may be required to comply with an express requirement of law;

9. To the extent permitted by federal law or regulation, public service companies as defined in § 56-1, for the conduct of investigations of applicants for employment when such employment involves personal contact with the public or when past criminal conduct of an applicant would be incompatible with the nature of the employment under consideration;

10. The appropriate authority for purposes of granting citizenship and for purposes of international travel, including, but not limited to, issuing visas and passports;

11. A person requesting a copy of his own criminal history record information as defined in § 9.1-101 at his cost, except that criminal history record information shall be supplied at no charge to a person who has applied to be a volunteer with (i) a Virginia affiliate of Big Brothers/Big Sisters of America; (ii) a volunteer fire company; (iii) the Volunteer Emergency Families for Children; (iv) any affiliate of Prevent Child Abuse, Virginia; (v) any Virginia affiliate of Compeer; or (vi) any board member or any individual who has been offered membership on the board of a Crime Stoppers, Crime Solvers or Crime Line program as defined in § 15.2-1713.1;

12. Administrators and board presidents of and applicants for licensure or registration as a child welfare agency as defined in § 63.2-100 for dissemination to the Commissioner of Social Services' representative pursuant to § 63.2-1702 for the conduct of investigations with respect to employees of and volunteers at such facilities, caretakers, and other adults living in family day homes or homes approved by family day systems, and foster and adoptive parent applicants of private child-placing agencies, pursuant to §§ 63.2-1719, 63.2-1720, 63.2-1720.1, 63.2-1721, and 63.2-1721.1, subject to the restriction that the data shall not be further disseminated by the facility or agency to any party other than the data subject, the Commissioner of Social Services' representative or a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination;

13. The school boards of the Commonwealth for the purpose of screening individuals who are offered or who accept public school employment and those current school board employees for whom a report of arrest has been made pursuant to § 19.2-83.1;

14. The Virginia Lottery for the conduct of investigations as set forth in the Virginia Lottery Law (§ 58.1-4000 et seq.) and *casino gaming as set forth in Chapter 41 (§ 58.1-4100 et seq.) of Title 58.1*, and the Department of Agriculture and Consumer Services for the conduct of investigations as set forth in Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2;

15. Licensed nursing homes, hospitals and home care organizations for the conduct of investigations of applicants for compensated employment in licensed nursing homes pursuant to § 32.1-126.01, hospital pharmacies pursuant to § 32.1-126.02, and home care organizations pursuant to § 32.1-162.9:1, subject to the limitations set out in subsection E;

16. Licensed assisted living facilities and licensed adult day care centers for the conduct of investigations of applicants for compensated employment in licensed assisted living facilities and licensed adult day care centers pursuant to § 63.2-1720, subject to the limitations set out in subsection F;

17. The Virginia Alcoholic Beverage Control Authority for the conduct of investigations as set forth in § 4.1-103.1;

18. The State Board of Elections and authorized officers and employees thereof and general registrars appointed pursuant to § 24.2-110 in the course of conducting necessary investigations with respect to voter registration, limited to any record of felony convictions;

19. The Commissioner of Behavioral Health and Developmental Services for those individuals who are committed to the custody of the Commissioner pursuant to §§ 19.2-169.2, 19.2-169.6, 19.2-182.2, 19.2-182.3, 19.2-182.8, and 19.2-182.9 for the purpose of placement, evaluation, and treatment planning;

20. Any alcohol safety action program certified by the Commission on the Virginia Alcohol Safety Action Program for (i) assessments of habitual offenders under § 46.2-360, (ii) interventions with first offenders under § 18.2-251, or (iii) services to offenders under § 18.2-51.4, 18.2-266, or 18.2-266.1;

21. Residential facilities for juveniles regulated or operated by the Department of Social Services, the Department of Education, or the Department of Behavioral Health and Developmental Services for the purpose of determining applicants' fitness for employment or for providing volunteer or contractual services;

22. The Department of Behavioral Health and Developmental Services and facilities operated by the Department for the purpose of determining an individual's fitness for employment pursuant to departmental instructions;
23. Pursuant to § 22.1-296.3, the governing boards or administrators of private elementary or secondary schools which are accredited pursuant to § 22.1-19 or a private organization coordinating such records information on behalf of such governing boards or administrators pursuant to a written agreement with the Department of State Police;
24. Public institutions of higher education and nonprofit private institutions of higher education for the purpose of screening individuals who are offered or accept employment;
25. Members of a threat assessment team established by a local school board pursuant to § 22.1-79.4, by a public institution of higher education pursuant to § 23.1-805, or by a private nonprofit institution of higher education, for the purpose of assessing or intervening with an individual whose behavior may present a threat to safety; however, no member of a threat assessment team shall redisclose any criminal history record information obtained pursuant to this section or otherwise use any record of an individual beyond the purpose that such disclosure was made to the threat assessment team;
26. Executive directors of community services boards or the personnel director serving the community services board for the purpose of determining an individual's fitness for employment, approval as a sponsored residential service provider, or permission to enter into a shared living arrangement with a person receiving medical assistance services pursuant to a waiver pursuant to §§ 37.2-506 and 37.2-607;
27. Executive directors of behavioral health authorities as defined in § 37.2-600 for the purpose of determining an individual's fitness for employment, approval as a sponsored residential service provider, or permission to enter into a shared living arrangement with a person receiving medical assistance services pursuant to a waiver pursuant to §§ 37.2-506 and 37.2-607;
28. The Commissioner of Social Services for the purpose of locating persons who owe child support or who are alleged in a pending paternity proceeding to be a putative father, provided that only the name, address, demographics and social security number of the data subject shall be released;
29. Authorized officers or directors of agencies licensed pursuant to Article 2 (§ 37.2-403 et seq.) of Chapter 4 of Title 37.2 by the Department of Behavioral Health and Developmental Services for the purpose of determining if any applicant who accepts employment in any direct care position or requests approval as a sponsored residential service provider or permission to enter into a shared living arrangement with a person receiving medical assistance services pursuant to a waiver has been convicted of a crime that affects his fitness to have responsibility for the safety and well-being of individuals with mental illness, intellectual disability, or substance abuse pursuant to §§ 37.2-416, 37.2-506, and 37.2-607;
30. The Commissioner of the Department of Motor Vehicles, for the purpose of evaluating applicants for and holders of a motor carrier certificate or license subject to the provisions of Chapters 20 (§ 46.2-2000 et seq.) and 21 (§ 46.2-2100 et seq.) of Title 46.2;
31. The chairmen of the Committees for Courts of Justice of the Senate or the House of Delegates for the purpose of determining if any person being considered for election to any judgeship has been convicted of a crime;
32. Heads of state agencies in which positions have been identified as sensitive for the purpose of determining an individual's fitness for employment in positions designated as sensitive under Department of Human Resource Management policies developed pursuant to § 2.2-1201.1;
33. The Office of the Attorney General, for all criminal justice activities otherwise permitted under subdivision A 1 and for purposes of performing duties required by the Civil Commitment of Sexually Violent Predators Act (§ 37.2-900 et seq.);
34. Shipyards, to the extent permitted by federal law or regulation, engaged in the design, construction, overhaul, or repair of nuclear vessels for the United States Navy, including their subsidiary companies, for the conduct of investigations of applications for employment or for access to facilities, by contractors, leased laborers, and other visitors;
35. Any employer of individuals whose employment requires that they enter the homes of others, for the purpose of screening individuals who apply for, are offered, or have accepted such employment;
36. Public agencies when and as required by federal or state law to investigate (i) applicants as providers of adult foster care and home-based services or (ii) any individual with whom the agency is considering placing an adult on an emergency, temporary, or permanent basis pursuant to § 63.2-1601.1, subject to the restriction that the data shall not be further disseminated by the agency to any party other than a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination, subject to limitations set out in subsection G;
37. The Department of Medical Assistance Services, or its designee, for the purpose of screening individuals who, through contracts, subcontracts, or direct employment, volunteer, apply for, are offered, or have accepted a position related to the provision of transportation services to enrollees in the Medicaid Program or the Family Access to Medical Insurance Security (FAMIS) Program, or any other program administered by the Department of Medical Assistance Services;
38. The State Corporation Commission for the purpose of investigating individuals who are current or proposed members, senior officers, directors, and principals of an applicant or person licensed under Chapter 16 (§ 6.2-1600 et seq.) or Chapter 19 (§ 6.2-1900 et seq.) of Title 6.2. Notwithstanding any other provision of law, if an application is denied based in whole or in part on information obtained from the Central Criminal Records Exchange pursuant to Chapter 16 or 19 of Title 6.2, the Commissioner of Financial Institutions or his designee may disclose such information to the applicant or its designee;

39. The Department of Professional and Occupational Regulation for the purpose of investigating individuals for initial licensure pursuant to § 54.1-2106.1;

40. The Department for Aging and Rehabilitative Services and the Department for the Blind and Vision Impaired for the purpose of evaluating an individual's fitness for various types of employment and for the purpose of delivering comprehensive vocational rehabilitation services pursuant to Article 11 (§ 51.5-170 et seq.) of Chapter 14 of Title 51.5 that will assist the individual in obtaining employment;

41. Bail bondsmen, in accordance with the provisions of § 19.2-120;

42. The State Treasurer for the purpose of determining whether a person receiving compensation for wrongful incarceration meets the conditions for continued compensation under § 8.01-195.12;

43. The Department of Social Services and directors of local departments of social services for the purpose of screening individuals seeking to enter into a contract with the Department of Social Services or a local department of social services for the provision of child care services for which child care subsidy payments may be provided;

44. The Department of Juvenile Justice to investigate any parent, guardian, or other adult members of a juvenile's household when completing a predispositional or postdispositional report required by § 16.1-273 or a Board of Juvenile Justice regulation promulgated pursuant to § 16.1-233; and

45. Other entities as otherwise provided by law.

Upon an ex parte motion of a defendant in a felony case and upon the showing that the records requested may be relevant to such case, the court shall enter an order requiring the Central Criminal Records Exchange to furnish the defendant, as soon as practicable, copies of any records of persons designated in the order on whom a report has been made under the provisions of this chapter.

Notwithstanding any other provision of this chapter to the contrary, upon a written request sworn to before an officer authorized to take acknowledgments, the Central Criminal Records Exchange, or the criminal justice agency in cases of offenses not required to be reported to the Exchange, shall furnish a copy of conviction data covering the person named in the request to the person making the request; however, such person on whom the data is being obtained shall consent in writing, under oath, to the making of such request. A person receiving a copy of his own conviction data may utilize or further disseminate that data as he deems appropriate. In the event no conviction data is maintained on the data subject, the person making the request shall be furnished at his cost a certification to that effect.

B. Use of criminal history record information disseminated to noncriminal justice agencies under this section shall be limited to the purposes for which it was given and may not be disseminated further.

C. No criminal justice agency or person shall confirm the existence or nonexistence of criminal history record information for employment or licensing inquiries except as provided by law.

D. Criminal justice agencies shall establish procedures to query the Central Criminal Records Exchange prior to dissemination of any criminal history record information on offenses required to be reported to the Central Criminal Records Exchange to ensure that the most up-to-date disposition data is being used. Inquiries of the Exchange shall be made prior to any dissemination except in those cases where time is of the essence and the normal response time of the Exchange would exceed the necessary time period. A criminal justice agency to whom a request has been made for the dissemination of criminal history record information that is required to be reported to the Central Criminal Records Exchange may direct the inquirer to the Central Criminal Records Exchange for such dissemination. Dissemination of information regarding offenses not required to be reported to the Exchange shall be made by the criminal justice agency maintaining the record as required by § 15.2-1722.

E. Criminal history information provided to licensed nursing homes, hospitals and to home care organizations pursuant to subdivision A 15 shall be limited to the convictions on file with the Exchange for any offense specified in §§ 32.1-126.01, 32.1-126.02, and 32.1-162.9:1.

F. Criminal history information provided to licensed assisted living facilities and licensed adult day care centers pursuant to subdivision A 16 shall be limited to the convictions on file with the Exchange for any offense specified in § 63.2-1720.

G. Criminal history information provided to public agencies pursuant to subdivision A 36 shall be limited to the convictions on file with the Exchange for any offense set forth in clause (i) of the definition of barrier crime in § 19.2-392.02.

H. Upon receipt of a written request from an employer or prospective employer, the Central Criminal Records Exchange, or the criminal justice agency in cases of offenses not required to be reported to the Exchange, shall furnish at the employer's cost a copy of conviction data covering the person named in the request to the employer or prospective employer making the request, provided that the person on whom the data is being obtained has consented in writing to the making of such request and has presented a photo-identification to the employer or prospective employer. In the event no conviction data is maintained on the person named in the request, the requesting employer or prospective employer shall be furnished at his cost a certification to that effect. The criminal history record search shall be conducted on forms provided by the Exchange.

I. Nothing in this section shall preclude the dissemination of a person's criminal history record information pursuant to the rules of court for obtaining discovery or for review by the court.

§ 19.2-389. (Effective January 1, 2021) Dissemination of criminal history record information.

A. Criminal history record information shall be disseminated, whether directly or through an intermediary, only to:

1. Authorized officers or employees of criminal justice agencies, as defined by § 9.1-101, for purposes of the administration of criminal justice and the screening of an employment application or review of employment by a criminal justice agency with respect to its own employees or applicants, and dissemination to the Virginia Parole Board, pursuant to this subdivision, of such information on all state-responsible inmates for the purpose of making parole determinations pursuant to subdivisions 1, 2, 3, and 5 of § 53.1-136 shall include collective dissemination by electronic means every 30 days. For purposes of this subdivision, criminal history record information includes information sent to the Central Criminal Records Exchange pursuant to §§ 37.2-819 and 64.2-2014 when disseminated to any full-time or part-time employee of the State Police, a police department or sheriff's office that is a part of or administered by the Commonwealth or any political subdivision thereof, and who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth for the purposes of the administration of criminal justice;

2. Such other individuals and agencies that require criminal history record information to implement a state or federal statute or executive order of the President of the United States or Governor that expressly refers to criminal conduct and contains requirements or exclusions expressly based upon such conduct, except that information concerning the arrest of an individual may not be disseminated to a noncriminal justice agency or individual if an interval of one year has elapsed from the date of the arrest and no disposition of the charge has been recorded and no active prosecution of the charge is pending;

3. Individuals and agencies pursuant to a specific agreement with a criminal justice agency to provide services required for the administration of criminal justice pursuant to that agreement which shall specifically authorize access to data, limit the use of data to purposes for which given, and ensure the security and confidentiality of the data;

4. Individuals and agencies for the express purpose of research, evaluative, or statistical activities pursuant to an agreement with a criminal justice agency that shall specifically authorize access to data, limit the use of data to research, evaluative, or statistical purposes, and ensure the confidentiality and security of the data;

5. Agencies of state or federal government that are authorized by state or federal statute or executive order of the President of the United States or Governor to conduct investigations determining employment suitability or eligibility for security clearances allowing access to classified information;

6. Individuals and agencies where authorized by court order or court rule;

7. Agencies of any political subdivision of the Commonwealth, public transportation companies owned, operated or controlled by any political subdivision, and any public service corporation that operates a public transit system owned by a local government for the conduct of investigations of applicants for employment, permit, or license whenever, in the interest of public welfare or safety, it is necessary to determine under a duly enacted ordinance if the past criminal conduct of a person with a conviction record would be compatible with the nature of the employment, permit, or license under consideration;

7a. Commissions created pursuant to the Transportation District Act of 1964 (§ 33.2-1900 et seq.) of Title 33.2 and their contractors, for the conduct of investigations of individuals who have been offered a position of employment whenever, in the interest of public welfare or safety and as authorized in the Transportation District Act of 1964, it is necessary to determine if the past criminal conduct of a person with a conviction record would be compatible with the nature of the employment under consideration;

8. Public or private agencies when authorized or required by federal or state law or interstate compact to investigate (i) applicants for foster or adoptive parenthood or (ii) any individual, and the adult members of that individual's household, with whom the agency is considering placing a child or from whom the agency is considering removing a child due to abuse or neglect, on an emergency, temporary, or permanent basis pursuant to §§ 63.2-901.1 and 63.2-1505, subject to the restriction that the data shall not be further disseminated to any party other than a federal or state authority or court as may be required to comply with an express requirement of law;

9. To the extent permitted by federal law or regulation, public service companies as defined in § 56-1, for the conduct of investigations of applicants for employment when such employment involves personal contact with the public or when past criminal conduct of an applicant would be incompatible with the nature of the employment under consideration;

10. The appropriate authority for purposes of granting citizenship and for purposes of international travel, including, but not limited to, issuing visas and passports;

11. A person requesting a copy of his own criminal history record information as defined in § 9.1-101 at his cost, except that criminal history record information shall be supplied at no charge to a person who has applied to be a volunteer with (i) a Virginia affiliate of Big Brothers/Big Sisters of America; (ii) a volunteer fire company; (iii) the Volunteer Emergency Families for Children; (iv) any affiliate of Prevent Child Abuse, Virginia; (v) any Virginia affiliate of Compeer; or (vi) any board member or any individual who has been offered membership on the board of a Crime Stoppers, Crime Solvers or Crime Line program as defined in § 15.2-1713.1;

12. Administrators and board presidents of and applicants for licensure or registration as a child welfare agency as defined in § 63.2-100 for dissemination to the Commissioner of Social Services' representative pursuant to § 63.2-1702 for the conduct of investigations with respect to employees of and volunteers at such facilities, caretakers, and other adults living in family day homes or homes approved by family day systems, and foster and adoptive parent applicants of private child-placing agencies, pursuant to §§ 63.2-1719, 63.2-1720, 63.2-1720.1, 63.2-1721, and 63.2-1721.1, subject to the restriction that the data shall not be further disseminated by the facility or agency to any party other than the data subject, the Commissioner of Social Services' representative or a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination;

13. The school boards of the Commonwealth for the purpose of screening individuals who are offered or who accept public school employment and those current school board employees for whom a report of arrest has been made pursuant to § 19.2-83.1;

14. The Virginia Lottery for the conduct of investigations as set forth in the Virginia Lottery Law (§ 58.1-4000 et seq.) and casino gaming as set forth in Chapter 41 (§ 58.1-4100 et seq.) of Title 58.1, and the Department of Agriculture and Consumer Services for the conduct of investigations as set forth in Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2;

15. Licensed nursing homes, hospitals and home care organizations for the conduct of investigations of applicants for compensated employment in licensed nursing homes pursuant to § 32.1-126.01, hospital pharmacies pursuant to § 32.1-126.02, and home care organizations pursuant to § 32.1-162.9:1, subject to the limitations set out in subsection E;

16. Licensed assisted living facilities and licensed adult day care centers for the conduct of investigations of applicants for compensated employment in licensed assisted living facilities and licensed adult day care centers pursuant to § 63.2-1720, subject to the limitations set out in subsection F;

17. The Virginia Alcoholic Beverage Control Authority for the conduct of investigations as set forth in § 4.1-103.1;

18. The State Board of Elections and authorized officers and employees thereof and general registrars appointed pursuant to § 24.2-110 in the course of conducting necessary investigations with respect to voter registration, limited to any record of felony convictions;

19. The Commissioner of Behavioral Health and Developmental Services for those individuals who are committed to the custody of the Commissioner pursuant to §§ 19.2-169.2, 19.2-169.6, 19.2-182.2, 19.2-182.3, 19.2-182.8, and 19.2-182.9 for the purpose of placement, evaluation, and treatment planning;

20. Any alcohol safety action program certified by the Commission on the Virginia Alcohol Safety Action Program for (i) assessments of habitual offenders under § 46.2-360, (ii) interventions with first offenders under § 18.2-251, or (iii) services to offenders under § 18.2-51.4, 18.2-266, or 18.2-266.1;

21. Residential facilities for juveniles regulated or operated by the Department of Social Services, the Department of Education, or the Department of Behavioral Health and Developmental Services for the purpose of determining applicants' fitness for employment or for providing volunteer or contractual services;

22. The Department of Behavioral Health and Developmental Services and facilities operated by the Department for the purpose of determining an individual's fitness for employment pursuant to departmental instructions;

23. Pursuant to § 22.1-296.3, the governing boards or administrators of private elementary or secondary schools which are accredited pursuant to § 22.1-19 or a private organization coordinating such records information on behalf of such governing boards or administrators pursuant to a written agreement with the Department of State Police;

24. Public institutions of higher education and nonprofit private institutions of higher education for the purpose of screening individuals who are offered or accept employment;

25. Members of a threat assessment team established by a local school board pursuant to § 22.1-79.4, by a public institution of higher education pursuant to § 23.1-805, or by a private nonprofit institution of higher education, for the purpose of assessing or intervening with an individual whose behavior may present a threat to safety; however, no member of a threat assessment team shall redisclose any criminal history record information obtained pursuant to this section or otherwise use any record of an individual beyond the purpose that such disclosure was made to the threat assessment team;

26. Executive directors of community services boards or the personnel director serving the community services board for the purpose of determining an individual's fitness for employment, approval as a sponsored residential service provider, or permission to enter into a shared living arrangement with a person receiving medical assistance services pursuant to a waiver pursuant to §§ 37.2-506 and 37.2-607;

27. Executive directors of behavioral health authorities as defined in § 37.2-600 for the purpose of determining an individual's fitness for employment, approval as a sponsored residential service provider, or permission to enter into a shared living arrangement with a person receiving medical assistance services pursuant to a waiver pursuant to §§ 37.2-506 and 37.2-607;

28. The Commissioner of Social Services for the purpose of locating persons who owe child support or who are alleged in a pending paternity proceeding to be a putative father, provided that only the name, address, demographics and social security number of the data subject shall be released;

29. Authorized officers or directors of agencies licensed pursuant to Article 2 (§ 37.2-403 et seq.) of Chapter 4 of Title 37.2 by the Department of Behavioral Health and Developmental Services for the purpose of determining if any applicant who accepts employment in any direct care position or requests approval as a sponsored residential service provider or permission to enter into a shared living arrangement with a person receiving medical assistance services pursuant to a waiver has been convicted of a crime that affects his fitness to have responsibility for the safety and well-being of individuals with mental illness, intellectual disability, or substance abuse pursuant to §§ 37.2-416, 37.2-506, and 37.2-607;

30. The Commissioner of the Department of Motor Vehicles, for the purpose of evaluating applicants for and holders of a motor carrier certificate or license subject to the provisions of Chapters 20 (§ 46.2-2000 et seq.) and 21 (§ 46.2-2100 et seq.) of Title 46.2;

31. The chairmen of the Committees for Courts of Justice of the Senate or the House of Delegates for the purpose of determining if any person being considered for election to any judgeship has been convicted of a crime;

32. Heads of state agencies in which positions have been identified as sensitive for the purpose of determining an individual's fitness for employment in positions designated as sensitive under Department of Human Resource Management policies developed pursuant to § 2.2-1201.1;

33. The Office of the Attorney General, for all criminal justice activities otherwise permitted under subdivision A 1 and for purposes of performing duties required by the Civil Commitment of Sexually Violent Predators Act (§ 37.2-900 et seq.);

34. Shipyards, to the extent permitted by federal law or regulation, engaged in the design, construction, overhaul, or repair of nuclear vessels for the United States Navy, including their subsidiary companies, for the conduct of investigations of applications for employment or for access to facilities, by contractors, leased laborers, and other visitors;

35. Any employer of individuals whose employment requires that they enter the homes of others, for the purpose of screening individuals who apply for, are offered, or have accepted such employment;

36. Public agencies when and as required by federal or state law to investigate (i) applicants as providers of adult foster care and home-based services or (ii) any individual with whom the agency is considering placing an adult on an emergency, temporary, or permanent basis pursuant to § 63.2-1601.1, subject to the restriction that the data shall not be further disseminated by the agency to any party other than a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination, subject to limitations set out in subsection G;

37. The Department of Medical Assistance Services, or its designee, for the purpose of screening individuals who, through contracts, subcontracts, or direct employment, volunteer, apply for, are offered, or have accepted a position related to the provision of transportation services to enrollees in the Medicaid Program or the Family Access to Medical Insurance Security (FAMIS) Program, or any other program administered by the Department of Medical Assistance Services;

38. The State Corporation Commission for the purpose of investigating individuals who are current or proposed members, senior officers, directors, and principals of an applicant or person licensed under Chapter 16 (§ 6.2-1600 et seq.) or Chapter 19 (§ 6.2-1900 et seq.) of Title 6.2. Notwithstanding any other provision of law, if an application is denied based in whole or in part on information obtained from the Central Criminal Records Exchange pursuant to Chapter 16 or 19 of Title 6.2, the Commissioner of Financial Institutions or his designee may disclose such information to the applicant or its designee;

39. The Department of Professional and Occupational Regulation for the purpose of investigating individuals for initial licensure pursuant to § 54.1-2106.1;

40. The Department for Aging and Rehabilitative Services and the Department for the Blind and Vision Impaired for the purpose of evaluating an individual's fitness for various types of employment and for the purpose of delivering comprehensive vocational rehabilitation services pursuant to Article 11 (§ 51.5-170 et seq.) of Chapter 14 of Title 51.5 that will assist the individual in obtaining employment;

41. Bail bondsmen, in accordance with the provisions of § 19.2-120;

42. The State Treasurer for the purpose of determining whether a person receiving compensation for wrongful incarceration meets the conditions for continued compensation under § 8.01-195.12;

43. The Department of Social Services and directors of local departments of social services for the purpose of screening individuals seeking to enter into a contract with the Department of Social Services or a local department of social services for the provision of child care services for which child care subsidy payments may be provided;

44. The Department of Juvenile Justice to investigate any parent, guardian, or other adult members of a juvenile's household when completing a predispositional or postdispositional report required by § 16.1-273 or a Board of Juvenile Justice regulation promulgated pursuant to § 16.1-233;

45. The State Corporation Commission, for the purpose of screening applicants for insurance licensure under Chapter 18 (§ 38.2-1800 et seq.) of Title 38.2; and

46. Other entities as otherwise provided by law.

Upon an ex parte motion of a defendant in a felony case and upon the showing that the records requested may be relevant to such case, the court shall enter an order requiring the Central Criminal Records Exchange to furnish the defendant, as soon as practicable, copies of any records of persons designated in the order on whom a report has been made under the provisions of this chapter.

Notwithstanding any other provision of this chapter to the contrary, upon a written request sworn to before an officer authorized to take acknowledgments, the Central Criminal Records Exchange, or the criminal justice agency in cases of offenses not required to be reported to the Exchange, shall furnish a copy of conviction data covering the person named in the request to the person making the request; however, such person on whom the data is being obtained shall consent in writing, under oath, to the making of such request. A person receiving a copy of his own conviction data may utilize or further disseminate that data as he deems appropriate. In the event no conviction data is maintained on the data subject, the person making the request shall be furnished at his cost a certification to that effect.

B. Use of criminal history record information disseminated to noncriminal justice agencies under this section shall be limited to the purposes for which it was given and may not be disseminated further.

C. No criminal justice agency or person shall confirm the existence or nonexistence of criminal history record information for employment or licensing inquiries except as provided by law.

D. Criminal justice agencies shall establish procedures to query the Central Criminal Records Exchange prior to dissemination of any criminal history record information on offenses required to be reported to the Central Criminal

Records Exchange to ensure that the most up-to-date disposition data is being used. Inquiries of the Exchange shall be made prior to any dissemination except in those cases where time is of the essence and the normal response time of the Exchange would exceed the necessary time period. A criminal justice agency to whom a request has been made for the dissemination of criminal history record information that is required to be reported to the Central Criminal Records Exchange may direct the inquirer to the Central Criminal Records Exchange for such dissemination. Dissemination of information regarding offenses not required to be reported to the Exchange shall be made by the criminal justice agency maintaining the record as required by § 15.2-1722.

E. Criminal history information provided to licensed nursing homes, hospitals and to home care organizations pursuant to subdivision A 15 shall be limited to the convictions on file with the Exchange for any offense specified in §§ 32.1-126.01, 32.1-126.02, and 32.1-162.9:1.

F. Criminal history information provided to licensed assisted living facilities and licensed adult day care centers pursuant to subdivision A 16 shall be limited to the convictions on file with the Exchange for any offense specified in § 63.2-1720.

G. Criminal history information provided to public agencies pursuant to subdivision A 36 shall be limited to the convictions on file with the Exchange for any offense set forth in clause (i) of the definition of barrier crime in § 19.2-392.02.

H. Upon receipt of a written request from an employer or prospective employer, the Central Criminal Records Exchange, or the criminal justice agency in cases of offenses not required to be reported to the Exchange, shall furnish at the employer's cost a copy of conviction data covering the person named in the request to the employer or prospective employer making the request, provided that the person on whom the data is being obtained has consented in writing to the making of such request and has presented a photo-identification to the employer or prospective employer. In the event no conviction data is maintained on the person named in the request, the requesting employer or prospective employer shall be furnished at his cost a certification to that effect. The criminal history record search shall be conducted on forms provided by the Exchange.

I. Nothing in this section shall preclude the dissemination of a person's criminal history record information pursuant to the rules of court for obtaining discovery or for review by the court.

§ 37.2-304. Duties of Commissioner.

The Commissioner shall be the chief executive officer of the Department and shall have the following duties and powers:

1. To supervise and manage the Department and its state facilities.
2. To employ the personnel required to carry out the purposes of this title.
3. To make and enter into all contracts and agreements necessary or incidental to the performance of the Department's duties and the execution of its powers under this title, including contracts with the United States, other states, and agencies and governmental subdivisions of the Commonwealth, consistent with policies and regulations of the Board and applicable federal and state statutes and regulations.
4. To accept, hold, and enjoy gifts, donations, and bequests on behalf of the Department from the United States government, agencies and instrumentalities thereof, and any other source, subject to the approval of the Governor. To these ends, the Commissioner shall have the power to comply with conditions and execute agreements that may be necessary, convenient, or desirable, consistent with policies and regulations of the Board.
5. To accept, execute, and administer any trust in which the Department may have an interest, under the terms of the instruments creating the trust, subject to the approval of the Governor.
6. To transfer between state hospitals and training centers school-age individuals who have been identified as appropriate to be placed in public school programs and to negotiate with other school divisions for placements in order to ameliorate the impact on those school divisions located in a jurisdiction in which a state hospital or training center is located.
7. To provide to the Director of the Commonwealth's designated protection and advocacy system, established pursuant to § 51.5-39.13, a written report setting forth the known facts of (i) critical incidents, as that term is defined in § 37.2-709.1, or deaths of individuals receiving services in facilities and (ii) serious injuries, as that term is defined in regulations adopted by the Board pursuant to § 37.2-400, or deaths of individuals receiving services in programs operated or licensed by the Department within 15 working days of the critical incident, serious injury, or death.
8. To work with the appropriate state and federal entities to ensure that any individual who has received services in a state facility for more than one year has possession of or receives prior to discharge any of the following documents, when they are needed to obtain the services contained in his discharge plan: a Department of Motor Vehicles approved identification card that will expire 90 days from issuance, a copy of his birth certificate if the individual was born in the Commonwealth, or a social security card from the Social Security Administration. State facility directors, as part of their responsibilities pursuant to § 37.2-837, shall implement this provision when discharging individuals.
9. To work with the Department of Veterans Services and the Department for Aging and Rehabilitative Services to establish a program for mental health and rehabilitative services for Virginia veterans and members of the Virginia National Guard and Virginia residents in the Armed Forces Reserves not in active federal service and their family members pursuant to § 2.2-2001.1.

10. To establish and maintain a pharmaceutical and therapeutics committee composed of representatives of the Department of Medical Assistance Services, state facilities operated by the Department, community services boards, at least one health insurance plan, and at least one individual receiving services to develop a drug formulary for use at all community services boards, state facilities operated by the Department, and providers licensed by the Department.

11. To establish and maintain the Commonwealth Mental Health First Aid Program pursuant to § 37.2-312.2.

12. To submit a report for the preceding fiscal year by December 1 of each year to the Governor and the Chairmen of the House *Committee on Appropriations* and Senate ~~Finances Committees~~ *Committee on Finance and Appropriations* that provides information on the operation of Virginia's publicly funded behavioral health and developmental services system. The report shall include a brief narrative and data on the number of individuals receiving state facility services or community services board services, including purchased inpatient psychiatric services; the types and amounts of services received by these individuals; and state facility and community services board service capacities, staffing, revenues, and expenditures. The annual report shall describe major new initiatives implemented during the past year and shall provide information on the accomplishment of systemic outcome and performance measures during the year.

13. *To establish a comprehensive program for the prevention and treatment of problem gambling in the Commonwealth and administer the Problem Gambling Treatment and Support Fund established pursuant to § 37.2-314.1.*

Unless specifically authorized by the Governor to accept or undertake activities for compensation, the Commissioner shall devote his entire time to his duties.

§ 37.2-314.1. Problem Gambling Treatment and Support Fund.

A. *As used in this section:*

"Compulsive gambling" means persistent and recurrent problem gambling behavior leading to clinically significant impairment or distress, as indicated by an individual exhibiting four or more of the criteria as defined by the *Diagnostic Statistical Manual of Mental Disorders* in a 12-month period and where the behavior is not better explained by a manic episode.

"Problem gambling" means a gambling behavior that causes disruptions in any major area of life, including the psychological, social, or vocational areas of life, but does not fulfill the criteria for diagnosis as a gambling disorder.

B. *There is hereby created in the state treasury a special nonreverting fund to be known as the Problem Gambling Treatment and Support Fund, referred to in this section as "the Fund." The Fund shall be established on the books of the Comptroller. All moneys required to be deposited into the Fund pursuant to Chapter 41 (§ 58.1-4100 et seq.) of Title 58.1 shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purposes of (i) providing counseling and other support services for compulsive and problem gamblers, (ii) developing and implementing compulsive and problem gambling treatment and prevention programs, and (iii) providing grants to support organizations that provide assistance to compulsive and problem gamblers. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Commissioner.*

§ 58.1-4002. Definitions.

~~For the purposes of~~ *As used in this chapter, unless the context requires a different meaning:*

"Board" means the Virginia Lottery Board established by this chapter.

"Casino gaming" or "game" means baccarat, blackjack, twenty-one, poker, craps, dice, slot machines, roulette wheels, Klondike tables, punchboards, faro layouts, numbers tickets, push cards, jar tickets, or pull tabs and any other activity that is authorized by the Board as a wagering game or device under Chapter 41 (§ 58.1-4100 et seq.). "Casino gaming" or "game" includes on-premises mobile casino gaming.

"Department" means the independent agency responsible for the administration of the Virginia Lottery created in this chapter.

"Director" means the Director of the Virginia Lottery.

"On-premises mobile casino gaming" means casino gaming offered by a casino gaming operator at a casino gaming establishment using a computer network of both federal and nonfederal interoperable packet-switched data networks through which the casino gaming operator may offer casino gaming to individuals who have established an on-premises mobile casino gaming account with the casino gaming operator and who are physically present on the premises of the casino gaming establishment, as authorized by regulations promulgated by the Board.

"Lottery" or "state lottery" means the lottery or lotteries established and operated pursuant to this chapter.

"Sports betting" means placing wagers on sporting events as such activity is regulated by the Board.

"Ticket courier service" means a service operated for the purpose of purchasing Virginia Lottery tickets on behalf of individuals located within or outside the Commonwealth and delivering or transmitting such tickets, or electronic images thereof, to such individuals as a business-for-profit delivery service.

§ 58.1-4004. Membership of Board; appointment; terms; vacancies; removal; expenses.

A. The Board shall consist of ~~five~~ seven members, all of whom shall be citizens and residents of ~~the~~ the Commonwealth and all of whom shall be appointed by and serve at the pleasure of the Governor, subject to confirmation by a majority of the members elected to each house of the General Assembly if in session when the appointment is made, and if not in session, then at its next succeeding session. *At least one member shall be a law-enforcement officer, and at least one member shall be*

a certified public accountant authorized to practice in the Commonwealth. Prior to the appointment of any Board members, the Governor shall consider the political affiliation and the geographic residence of the Board members. The members shall be appointed for terms of five years. The members shall annually elect one member as chairman of the Board.

B. Any vacancy on the Board occurring for any reason other than the expiration of a term shall be filled for the unexpired term in the same manner as the original term.

C. The members of the Board shall receive such compensation as provided in § 2.2-2813, shall be subject to the requirements of such section, and shall be allowed reasonable expenses incurred in the performance of their official duties.

D. Before entering upon the discharge of their duties, the members of the Board shall take an oath that they will faithfully and honestly execute the duties of the office during their continuance therein and they shall give bond in such amount as may be fixed by the Governor, conditioned upon the faithful discharge of their duties. The premium on such bond shall be paid out of the Virginia Lottery Fund.

E. No member of the Board shall:

1. *Have any direct or indirect financial, ownership, or management interest in any gaming activities, including any casino gaming operation, charitable gaming, pari-mutuel wagering, or lottery.*

2. *Receive or share in, directly or indirectly, the receipts or proceeds of any gaming activities, including any casino gaming operation, charitable gaming, pari-mutuel wagering, or lottery.*

3. *Have an interest in any contract for the manufacture or sale of gaming devices, the conduct of any gaming activity, or the provision of independent consulting services in connection with any gaming establishment or gaming activity.*

§ 58.1-4006. Powers of the Director.

A. The Director shall supervise and administer ~~the~~:

1. *The operation of the lottery in accordance with the provisions of this chapter and with the rules and regulations promulgated hereunder; and*

2. *The regulation of casino gaming in accordance with Chapter 41 (§ 58.1-4100 et seq.).*

B. The Director shall also:

1. *Employ such deputy directors, professional, technical and clerical assistants, and other employees as may be required to carry out the functions and duties of the Department.*

2. *Act as secretary and executive officer of the Board.*

3. *Require bond or other surety satisfactory to the Director from licensed agents as provided in subsection E of § 58.1-4009 and Department employees with access to Department funds or lottery funds, in such amount as provided in the rules and regulations of the Board. The Director may also require bond from other employees as he deems necessary.*

4. *Confer regularly, but not less than four times each year, with the Board on the operation and administration of the lottery and the regulation of casino gaming; make available for inspection by the Board, upon request, all books, records, files, and other information and documents of the Department; and advise the Board and recommend such matters as he deems necessary and advisable to improve the operation and administration of the lottery and the regulation of casino gaming.*

5. *Suspend, revoke, or refuse to renew any license issued pursuant to this chapter or the rules and regulations adopted hereunder.*

6. *Suspend, revoke, or refuse to renew any license or permit issued pursuant to Chapter 41 (§ 58.1-4100 et seq.).*

7. *Eject or exclude from a casino gaming establishment any person, whether or not he possesses a license or permit, whose conduct or reputation is such that his presence may, in the opinion of the Director, reflect negatively on the honesty and integrity of casino gaming or interfere with the orderly gaming operations.*

8. *Immediately upon the receipt of a credible complaint of an alleged criminal violation of Chapter 41 (§ 58.1-4100 et seq.), report the complaint to the Attorney General and the State Police for appropriate action.*

9. *Inspect and investigate, and have free access to, the offices, facilities, or other places of business of any licensee or permit holder and may compel the production of any of the books, documents, records, or memoranda of any licensee or permit holder for the purpose of ensuring compliance with Chapter 41 (§ 58.1-4100 et seq.) and Department regulations.*

10. *Compel any person holding a license or permit pursuant to Chapter 41 (§ 58.1-4100 et seq.) to file with the Department such information as shall appear to the Director to be necessary for the performance of the Department's functions, including financial statements and information relative to principals and all others with any pecuniary interest in such person.*

11. *Impose a fine or penalty not to exceed \$1 million upon any person determined, in proceedings commenced pursuant to § 58.1-4105, to have violated any of the provisions of Chapter 41 (§ 58.1-4100 et seq.) or regulations promulgated by the Board.*

12. *Enter into arrangements with any foreign or domestic governmental agency for the purposes of exchanging information or performing any other act to better ensure the proper conduct of casino gaming operations or the efficient conduct of the Director's duties.*

13. *Enter into contracts for the operation of the lottery, or any part thereof, for the promotion of the lottery and into interstate lottery contracts with other states. A contract awarded or entered into by the Director shall not be assigned by the holder thereof except by specific approval of the Director.*

14. *Certify monthly to the State Comptroller and the Board a full and complete statement of lottery revenues, prize disbursements and other expenses for the preceding month.*

~~8-~~ 15. Report monthly to the Governor, the Secretary of Finance, and the Chairmen of the Senate *Committee on Finance Committee and Appropriations*, House *Committee on Finance Committee*, and House *Committee on Appropriations Committee* the total lottery revenues, prize disbursements, and other expenses for the preceding month; and make an annual report, which shall include a full and complete statement of lottery revenues, prize disbursements, and other expenses, *as well as a separate financial statement of the expenses incurred in the regulation of casino gaming operations as defined in § 58.1-4100*, to the Governor and the General Assembly. Such annual report shall also include such recommendations for changes in this chapter *and Chapter 41 (§ 58.1-4100 et seq.)* as the Director and Board deem necessary or desirable.

~~9-~~ 16. Report immediately to the Governor and the General Assembly any matters ~~which~~ *that* require immediate changes in the laws of ~~this~~ *the* Commonwealth in order to prevent abuses and evasions of this chapter *and Chapter 41 (§ 58.1-4100 et seq.)* or the rules and regulations adopted hereunder or to rectify undesirable conditions in connection with the administration or operation of the lottery.

~~10-~~ 17. Notify prize winners and appropriate state and federal agencies of the payment of prizes in excess of \$600 in the manner required by the lottery rules and regulations.

~~11-~~ 18. Provide for the withholding of the applicable amount of state and federal income tax of persons claiming a prize for a winning ticket in excess of \$5,001.

C. The Director and the director of security or investigators appointed by the Director shall be vested with the powers of sheriff and sworn to enforce the statutes and regulations pertaining to the Department and to investigate violations of the statutes and regulations that the Director is required to enforce.

D. The Director may authorize temporary bonus or incentive programs for payments to licensed sales agents ~~which~~ *that* he determines will be cost effective and support increased sales of lottery products.

CHAPTER 41.

CASINO GAMING.

Article 1.

General Provisions.

§ 58.1-4100. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Adjusted gross receipts" means the gross receipts from casino gaming less winnings paid to winners.

"Board" means the Virginia Lottery Board established in the Virginia Lottery Law (§ 58.1-4000 et seq.).

"Casino gaming" or "game" means baccarat, blackjack, twenty-one, poker, craps, dice, slot machines, roulette wheels, Klondike tables, punchboards, faro layouts, numbers tickets, push cards, jar tickets, or pull tabs and any other activity that is authorized by the Board as a wagering game or device under this chapter. "Casino gaming" or "game" includes on-premises mobile casino gaming.

"Casino gaming establishment" means the premises upon which lawful casino gaming is authorized and licensed as provided in this chapter. "Casino gaming establishment" does not include a riverboat or similar vessel.

"Casino gaming operator" means any person issued a license by the Board to operate a casino gaming establishment.

"Cheat" means to alter the selection criteria that determine the result of a game or the amount or frequency of payment in a game for the purpose of obtaining an advantage for one or more participants in a game over other participants in a game.

"Department" means the independent agency responsible for the administration of the Virginia Lottery created in the Virginia Lottery Law (§ 58.1-4000 et seq.).

"Director" means the Director of the Virginia Lottery.

"Eligible host city" means any city described in § 58.1-4107 in which a casino gaming establishment is authorized to be located.

"Entity" means a person that is not a natural person.

"Gaming operation" means the conduct of authorized casino gaming within a casino gaming establishment.

"Gross receipts" means the total amount of money exchanged for the purchase of chips, tokens, or electronic cards by casino gaming patrons.

"Immediate family" means (i) a spouse and (ii) any other person residing in the same household as an officer or employee and who is a dependent of the officer or employee or of whom the officer or employee is a dependent.

"Individual" means a natural person.

"On-premises mobile casino gaming" means casino gaming offered by a casino gaming operator at a casino gaming establishment using a computer network of both federal and nonfederal interoperable packet-switched data networks through which the casino gaming operator may offer casino gaming to individuals who have established an on-premises mobile casino gaming account with the casino gaming operator and who are physically present on the premises of the casino gaming establishment, as authorized by regulations promulgated by the Board.

"Licensee" or "license holder" means any person holding an operator's license under § 58.1-4111.

"Permit holder" means any person holding a supplier or service permit pursuant to this chapter.

"Person" means an individual, partnership, joint venture, association, limited liability company, stock corporation, or nonstock corporation and includes any person that directly or indirectly controls or is under common control with another person.

"Preferred casino gaming operator" means the proposed casino gaming establishment and operator thereof submitted by an eligible host city to the Board as an applicant for licensure.

"Principal" means any individual who solely or together with his immediate family members (i) owns or controls, directly or indirectly, five percent or more of the pecuniary interest in any entity that is a licensee or (ii) has the power to vote or cause the vote of five percent or more of the voting securities or other ownership interests of such entity, and any person who manages a gaming operation on behalf of a licensee.

"Professional sports" means an athletic event involving at least two competing individuals who receive compensation, in excess of their expenses, for participating in such event.

"Security" has the same meaning as provided in § 13.1-501. If the Board finds that any obligation, stock, or other equity interest creates control of or voice in the management operations of an entity in the manner of a security, then such interest shall be considered a security.

"Sports betting" means placing wagers on sporting events as such activity is regulated by the Board.

"Supplier" means any person that sells or leases, or contracts to sell or lease, any casino gaming equipment, devices, or supplies, or provides any management services, to a licensee.

"Voluntary exclusion program" means a program established by the Board pursuant to § 58.1-4103 that allows individuals to voluntarily exclude themselves from engaging in the activities described in subdivision B 1 of § 58.1-4103 by placing their names on a voluntary exclusion list and following the procedures set forth by the Board.

§ 58.1-4101. Regulation and control of casino gaming; limitation.

A. Casino gaming shall be licensed and permitted as herein provided to benefit the people of the Commonwealth. The Board is vested with control of all casino gaming in the Commonwealth, with authority to prescribe regulations and conditions under this chapter. The purposes of this chapter are to assist economic development, promote tourism, and provide for the implementation of casino gaming operations of the highest quality, honesty, and integrity and free of any corrupt, incompetent, dishonest, or unprincipled practices.

B. The conduct of casino gaming shall be limited to the qualified locations established in § 58.1-4107. The Board shall be limited to the issuance of a single operator's license for each such qualified location.

C. The conduct of any casino gaming and entrance to such establishment is a privilege that may be granted or denied by the Board or its duly authorized representatives in its discretion in order to effectuate the purposes set forth in this chapter. Any proposed site for a casino gaming establishment shall be privately owned property subject to the local land use and property taxation authority of the eligible host city in which the casino gaming establishment is located.

§ 58.1-4102. Powers and duties of the Board; regulations.

The Board shall have the power and duty to:

1. Issue permits and licenses under this chapter and supervise all gaming operations licensed under the provisions of this chapter, including all persons conducting or participating in any gaming operation. The Board shall employ such persons to be present during gaming operations as are necessary to ensure that such gaming operations are conducted with order and the highest degree of integrity.

2. Adopt regulations regarding the conditions under which casino gaming shall be conducted in the Commonwealth and all such other regulations it deems necessary and appropriate to further the purposes of this chapter.

3. Issue an operator's license only to a person who meets the criteria of § 58.1-4107.

4. Issue subpoenas for the attendance of witnesses before the Board, administer oaths, and compel production of records or other documents and testimony of such witnesses whenever in the judgment of the Board it is necessary to do so for the effectual discharge of its duties.

5. Order such audits as it deems necessary and desirable.

6. Provide for the withholding of the applicable amount of state and federal income tax of persons claiming a prize or payoff for winning a game and establish the thresholds for such withholdings.

§ 58.1-4103. Voluntary exclusion program.

A. The Board shall adopt regulations to establish and implement a voluntary exclusion program.

B. The regulations shall include the following provisions:

1. Except as provided by regulation of the Board, a person who participates in the voluntary exclusion program agrees to refrain from (i) playing any account-based lottery game authorized under the provisions of this chapter or Chapter 40 (§ 58.1-4000 et seq.); (ii) participating in sports betting as such activity is regulated by the Board; (iii) engaging in any form of casino gaming authorized under the provisions of this chapter; (iv) participating in charitable gaming, as defined in § 18.2-340.16; (v) participating in fantasy contests, as defined in § 59.1-556; or (vi) wagering on horse racing, as defined in § 59.1-365. Any state agency, at the request of the Department, shall assist in administering the voluntary exclusion program pursuant to the provisions of this section.

2. A person who participates in the voluntary exclusion program may choose an exclusion period of two years, five years, or lifetime.

3. Except as provided by regulation of the Board, a person who participates in the voluntary exclusion program may not petition the Board for removal from the program for the duration of his exclusion period.

4. The name of a person participating in the program shall be included on a list of excluded persons. The list of persons entering the voluntary exclusion program and the personal information of the participants shall be confidential, with dissemination by the Department limited to lottery sales agents licensed under Chapter 40 (§ 58.1-4000 et seq.),

owners and operators of casino gaming establishments, and any other parties the Department deems necessary for purposes of enforcement. The list and the personal information of participants in the voluntary exclusion program shall not be subject to disclosure under the Virginia Freedom of Information Act (§ 2.2-3700 et seq.). In addition, the Board may disseminate the list to other parties upon request by the participant and agreement by the Board.

5. Lottery sales agents and owners and operators of casino gaming establishments shall make all reasonable attempts as determined by the Board to cease all direct marketing efforts to a person participating in the program. The voluntary exclusion program shall not preclude lottery sales agents and owners and operators of casino gaming establishments from seeking the payment of a debt incurred by a person before entering the program. In addition, the owner or operator of a casino gaming establishment may share the names of individuals who self-exclude across its corporate enterprise, including sharing such information with any of its affiliates.

§ 58.1-4104. Fingerprints and background investigations.

The Board, in conjunction with an accredited law-enforcement agency, shall conduct a background investigation, including a criminal history records check and fingerprinting, of the following individuals: (i) every individual applying for a license or permit pursuant to this chapter; (ii) every individual who is an officer, director, or principal of a licensee or applicant for a license and every employee of the licensee who conducts gaming operations; (iii) all security personnel of any licensee; and (iv) all permit holders and officers, directors, principals, and employees of permit holders whose duties relate to gaming operations in Virginia. Each such individual shall submit his fingerprints and personal descriptive information to the Central Criminal Records Exchange to be forwarded to the Federal Bureau of Investigation for a national criminal records search and to the Department of State Police for a Virginia criminal history records check. The results of the background check and national and state criminal records check shall be returned to the Board.

§ 58.1-4105. Hearing and appeal.

Any person aggrieved by a refusal of the Department to issue any license or permit, the suspension or revocation of a license or permit, the imposition of a fine, or any other action of the Department may seek review of such action in accordance with Department regulations and Article 3 (§ 2.2-4018 et seq.) of the Administrative Process Act in the Circuit Court of the City of Richmond. Further appeals shall also be in accordance with Article 5 (§ 2.2-4025 et seq.) of the Administrative Process Act.

§ 58.1-4106. Injunction.

The Department may apply to the appropriate circuit court for an injunction against any person who has violated or may violate any provision of this chapter or any regulation or final decision of the Department. The order granting or refusing such injunction shall be subject to appeal as in other cases in equity.

Article 2.

Eligible Host City; Certification of Preferred Casino Gaming Operator.

§ 58.1-4107. Eligible host city; certification of preferred casino gaming operator.

A. The conduct of casino gaming shall be limited to the following eligible host cities:

1. Any city (i) in which at least 40 percent of the assessed value of all real estate in such city is exempt from local property taxation, according to the Virginia Department of Taxation Annual Report for Fiscal Year 2018, and (ii) that experienced a population decrease of at least seven percent from 1990 to 2016, according to data provided by the U.S. Census Bureau;

2. Any city that had (i) an annual unemployment rate of at least five percent in 2018, according to data provided by the U.S. Bureau of Labor Statistics; (ii) an annual poverty rate of at least 20 percent in 2017, according to data provided by the U.S. Census Bureau; and (iii) a population decrease of at least 20 percent from 1990 to 2016, according to data provided by the U.S. Census Bureau;

3. Any city that (i) had an annual unemployment rate of at least 3.6 percent in 2018, according to data provided by the U.S. Bureau of Labor Statistics; (ii) had an annual poverty rate of at least 20 percent in 2017, according to data provided by the U.S. Census Bureau; (iii) experienced a population decrease of at least four percent from 1990 to 2016, according to data provided by the U.S. Census Bureau; and (iv) is located adjacent to a state that has adopted a Border Region Retail Tourism Development District Act;

4. Any city (i) with a population greater than 200,000 according to the 2018 population estimates from the Weldon Cooper Center for Public Service of the University of Virginia; (ii) in which at least 24 percent of the assessed value of all real estate in such city is exempt from local property taxation, according to the Virginia Department of Taxation Annual Report for Fiscal Year 2018; and (iii) that experienced a population decrease of at least five percent from 1990 to 2016, according to data provided by the U.S. Census Bureau; and

5. Any city (i) with a population greater than 200,000 according to the 2018 population estimates from the Weldon Cooper Center for Public Service of the University of Virginia; (ii) in which at least 24 percent of the assessed value of all real estate in such city is exempt from local property taxation, according to the Virginia Department of Taxation Annual Report for Fiscal Year 2018; and (iii) that had a poverty rate of at least 24 percent in 2017, according to data provided by the U.S. Census Bureau.

B. In selecting a preferred casino gaming operator, an eligible host city shall have considered and given substantial weight to factors such as:

1. The potential benefit and prospective revenues of the proposed casino gaming establishment.
2. The total value of the proposed casino gaming establishment.

3. The proposed capital investment and the financial health of the proposer and any proposed development partners.
 4. The experience of the proposer and any development partners in the operation of a casino gaming establishment.
 5. Security plans for the proposed casino gaming establishment.
 6. The economic development value of the proposed casino gaming establishment and the potential for community reinvestment and redevelopment in an area in need of such.
 7. Availability of city-owned assets and privately owned assets, such as real property, including where there is only one location practicably available or land under a development agreement between a potential operator and the city, incorporated in the proposal.

8. The best financial interest of the city.

9. The proposer's status as a minority-owned business as defined in § 2.2-1604 or the proposer's commitment to solicit equity investment in the proposed casino gaming establishment from one or more minority-owned businesses and the proposer's commitment to solicit contracts with minority-owned businesses for the purchase of goods and services.

C. The Department shall, upon request of any eligible host city, provide a list of resources that may be of assistance in evaluating the technical merits of any proposal submitted pursuant to this section, provided that selection of the preferred casino gaming operator shall be at the city's sole discretion.

D. The eligible host city described in subdivision A 4 shall provide substantial and preferred consideration to a proposer who is a Virginia Indian tribe recognized in House Joint Resolution No. 54 (1983) and acknowledged by the Assistant Secretary-Indian Affairs for the U.S. Department of the Interior as an Indian tribe within the meaning of federal law that has the authority to conduct gaming activities as a matter of claimed inherent authority or under the authority of the Indian Gaming Regulatory Act (25 U.S.C. § 2701 et seq.).

E. The eligible host city described in subdivision A 5 may provide preferred consideration to a proposer who is a Virginia Indian tribe recognized in House Joint Resolution No. 54 (1983) and acknowledged by the Assistant Secretary-Indian Affairs for the U.S. Department of the Interior as an Indian tribe within the meaning of federal law that has the authority to conduct gaming activities as a matter of claimed inherent authority or under the authority of the Indian Gaming Regulatory Act (25 U.S.C. § 2701 et seq.).

F. An eligible host city shall promptly submit its preferred casino gaming operator to the Department for review prior to scheduling the referendum required by § 58.1-4123. An eligible host city shall include with the submission any written or electronic documentation considered as part of the criteria in subsection B, including any memorandums of understanding, incentives, development agreements, land purchase agreements, or local infrastructure agreements. The Department shall conduct a preliminary review of the financial status and ability of the preferred casino gaming operator to operate and properly support ongoing operations in an eligible host city, as well as current casino operations in other states and territories. The Department shall conduct such review within 45 days of receipt of the submission by the eligible host city. An eligible host city and preferred casino gaming operator shall fully cooperate with all necessary requests by the Department in that regard. Upon successful preliminary review, the Department shall certify approval for the eligible host city to proceed to the referendum required by § 58.1-4123. The Department shall develop guidelines establishing procedures and criteria for conducting the preliminary review required by this subsection. Certification by the Department to proceed to referendum shall in no way entitle the preferred casino gaming operator to approval of any application to operate a casino gaming establishment.

Article 3.

Licenses.

§ 58.1-4108. Operator's license required; capital investment; equity interest; transferability; fee.

A. No person shall operate a casino gaming establishment unless he has obtained an operator's license issued by the Department in accordance with the provisions of this chapter and the regulations promulgated hereunder.

B. To obtain an operator's license issued under the provisions of this chapter, the applicant shall (i) make a capital investment of at least \$300 million in a casino gaming establishment, including the value of the real property upon which such establishment is located and all furnishings, fixtures, and other improvements, and (ii) possess an equity interest equal to at least 20 percent of the casino gaming establishment.

C. A license issued under the provisions of this chapter shall be transferable, provided that the Department has approved the proposed transfer and all licensure requirements are satisfied at the time the transfer takes effect.

D. A nonrefundable fee of \$15 million shall be paid by the applicant to the Department upon the issuance of a license and upon any subsequent transfer of a license to operate a casino gaming establishment.

E. No person issued a license pursuant to this chapter shall be precluded from obtaining a license for online sports betting pursuant to the Virginia Lottery Law (§ 58.1-4000 et seq.) or any subsequently created online sports betting license.

§ 58.1-4109. Submission of preferred casino gaming operator by eligible host city; application for operator's license; penalty.

A. A majority of those voting in a referendum held pursuant to § 58.1-4123 vote in the affirmative, the eligible host city shall certify its preferred casino gaming operator and submit such certification to the Department within 30 days.

B. Any preferred casino gaming operator desiring to operate a casino gaming establishment shall file with the Department an application for an operator's license. Such application shall be filed at the place prescribed by the Department and shall be in such form and contain such information as prescribed by the Department, including but not limited to the following:

1. The name and address of such person; if a corporation, the state of its incorporation, the full name and address of each officer and director thereof, and, if a foreign corporation, whether it is qualified to do business in the Commonwealth; if a partnership or joint venture, the name and address of each general partner thereof; if a limited liability company, the name and address of each manager thereof; or, if another entity, the name and address of each person performing duties similar to those of officers, directors, and general partners;

2. The name and address of each principal and of each person who has contracted to become a principal of the applicant, including providing management services with respect to any part of gaming operations; the nature and cost of such principal's interest; and the name and address of each person who has agreed to lend money to the applicant;

3. Such information as the Department considers appropriate regarding the character, background, and responsibility of the applicant and the principals, officers, and directors of the applicant;

4. A description of the casino gaming establishment in which such gaming operations are to be conducted, the city where such casino gaming establishment will be located, and the applicant's capital investment plan for the site. The Board shall require such information about a casino gaming establishment and its location as it deems necessary and appropriate to determine whether it complies with the minimum standards provided in this chapter and whether gaming operations at such location will be in furtherance of the purposes of this chapter;

5. Such information relating to the financial responsibility of the applicant and the applicant's ability to perform under its license as the Department considers appropriate;

6. If any of the facilities necessary for the conduct of gaming operations are to be leased, the terms of such lease;

7. Evidence of compliance by the applicant with the economic development and land use plans and design review criteria of the local governing body of the city in which the casino gaming establishment is proposed to be located, including certification that the project complies with all applicable land use ordinances pursuant to Chapter 22 (§ 15.2-2200 et seq.) of Title 15.2;

8. Such information necessary to enable the Department to review the application based upon the best financial interests of the Commonwealth; and

9. Any other information that the Department in its discretion considers appropriate.

C. A nonrefundable application fee of \$50,000 shall be paid for each principal at the time of filing to defray the costs associated with the background investigation conducted for the Department. If the reasonable costs of the investigation exceed the application fee, the applicant shall pay the additional amount to the Department. The Board may establish regulations calculating the reasonable costs to the Department in performing its functions under this chapter and allocating such costs to the applicants for licensure at the time of filing.

D. Any license application from an Indian tribe as described in subsection D of § 58.1-4107 shall certify that the material terms of the relevant development agreements between the Indian tribe and any development partner have been determined in the opinion of the Office of General Counsel of the National Indian Gaming Commission after review not to deprive the Indian tribe of the sole proprietor interest in the gaming operations for purposes of federal Indian gaming law.

E. Any application filed hereunder shall be verified by the oath or affirmation of the applicant. Any person who knowingly makes a false statement on an application is guilty of a Class 4 felony.

F. The licensed operator shall be the person primarily responsible for the gaming operations under its license and compliance of such operations with the provisions of this chapter.

§ 58.1-4110. Issuance of operator's license to preferred casino gaming operator; standards for licensure; temporary casino gaming allowed under certain conditions.

A. If a preferred casino gaming operator, as certified by the applicable eligible host city, submits an application that meets the standards for licensure set forth in this article, the Board shall issue an operator's license to such preferred casino gaming operator. The Board shall not consider an application from any applicant that has not been certified as a preferred casino gaming operator by an eligible host city.

B. The Board may issue an operator's license to an applicant only if it finds that:

1. The applicant submits a plan for addressing responsible gaming issues, including the goals of the plan, procedures, and deadlines for implementation of the plan;

2. The casino gaming establishment the applicant proposes to use on a permanent basis is or will be appropriate for gaming operations consistent with the purposes of this chapter;

3. The city where the casino gaming establishment will be located certifies that the proposed project complies with all applicable land use ordinances pursuant to Chapter 22 (§ 15.2-2200 et seq.) of Title 15.2;

4. Any required local infrastructure or site improvements, including necessary sewerage, water, drainage facilities, or traffic flow, are to be paid exclusively by the applicant without state or local financial assistance;

5. If the applicant is an entity, its securities are fully paid and, in the case of stock, nonassessable and have been subscribed and will be paid for only in cash or property to the exclusion of past services;

6. All principals meet the criteria of this subsection and have submitted to the jurisdiction of the Virginia courts, and all nonresident principals have designated the Director as their agent for receipt of process;

7. If the applicant is an entity, it has the right to purchase at fair market value the securities of, and require the resignation of, any person who is or becomes disqualified under subsection C;

8. The applicant meets any other criteria established by this chapter and the Board's regulations for the granting of an operator's license;

9. The applicant is qualified to do business in Virginia or is subject to the jurisdiction of the courts of the Commonwealth; and

10. The applicant has not previously been denied a license pursuant to subsection C.

C. The Board shall deny a license to an applicant if it finds that for any reason the issuance of a license to the applicant would reflect adversely on the honesty and integrity of the casino gaming industry in the Commonwealth or that the applicant, or any officer, principal, manager, or director of the applicant:

1. Is or has been guilty of any illegal act, conduct, or practice in connection with gaming operations in this or any other state or has been convicted of a felony;

2. Has had a license or permit to hold or conduct a gaming operation denied for cause, suspended, or revoked, in this or any other state or country, unless the license or permit was subsequently granted or reinstated;

3. Has at any time during the previous five years knowingly failed to comply with the provisions of this chapter or any Department regulation;

4. Has knowingly made a false statement of material fact to the Department or has deliberately failed to disclose any information requested by the Department;

5. Has defaulted in the payment of any obligation or debt due to the Commonwealth and has not cured such default; or

6. Has operated or caused to be operated a casino gaming establishment for which a license is required under this chapter without obtaining such license.

D. The Board shall make a determination regarding whether to issue the operator's license within 12 months of the receipt of a completed application.

E. The Board shall be limited to the issuance of one operator's license for each eligible host city.

F. The Department may authorize casino gaming to occur on a temporary basis for a period of one year under the following conditions:

1. The request to authorize casino gaming is made by a preferred casino gaming operator that has been issued a license pursuant to this section.

2. The preferred casino gaming operator has submitted as a part of its application for licensure a construction schedule for a casino gaming establishment that has been approved by the eligible host city and the Department.

3. The temporary casino gaming is to be conducted at the same site referenced in the referendum held pursuant to § 58.1-4123.

4. The preferred casino gaming operator has secured suppliers and employees holding the appropriate permits required by this chapter and sufficient for the routine operation of the site where the temporary casino gaming is authorized.

5. A performance bond is posted in an amount acceptable to the Board.

G. No portion of any facility developed with the assistance of any grants or loans provided by a redevelopment and housing authority created pursuant to § 36-4 shall be used as a casino gaming establishment.

The Department may renew the authorization to conduct temporary casino gaming for an additional year if it determines that the preferred casino gaming operator has made a good faith effort to comply with the approved construction schedule.

§ 58.1-4111. Duration and form of operator's license; bond.

A. A casino gaming operator license under this chapter shall be valid for a period of 10 years from its date of issuance but shall be reviewed no less frequently than annually to determine compliance with this chapter and Department regulations. Such annual review shall include a certification by the eligible host city of the status of the operator's compliance with local ordinances and regulations. If the certification states that the operator is not in compliance, the Department shall require the operator to submit a plan of compliance, corrective action, or request for variance.

B. The Board shall establish by regulation the criteria and procedures for license renewal and for amending licenses to conform to changes in a licensee's gaming operations. Such regulations shall require the operator to submit to the Board any updates or revisions to the capital investment plan provided with the initial license application pursuant to subdivision B 4 of § 58.1-4109. Renewal shall not be unreasonably refused.

C. The Department shall require a bond with surety acceptable to it, and in an amount determined by it, to be sufficient to cover any indebtedness incurred by the licensee to the Commonwealth.

§ 58.1-4112. Records to be kept; reports; reinvestment projection.

A. A licensed operator shall keep his books and records so as to clearly indicate the total amount of gross receipts and adjusted gross receipts.

B. The licensed operator shall furnish to the Department reports and information as the Department may require with respect to its activities on forms designated and supplied for such purpose by the Department.

C. Every five years the licensed operator shall submit to the Department for review and approval a reinvestment projection related to the casino gaming establishment to cover the succeeding five-year period of operations.

§ 58.1-4113. Electronic accounting and reporting requirements; annual audit of licensed gaming operations.

A. Each casino game that operates electronically shall be connected to a central monitoring and audit system established and operated by the Department. Such system shall provide the ability to audit and account for terminal revenues and distributions in real time. The central monitoring and audit system shall collect the following information from each electronically operated casino game, as applicable: (i) cash in, (ii) cash out, (iii) points played, (iv) points won, (v) gross terminal income, (vi) net terminal income, (vii) the number of plays of the game, (viii) the amounts paid to play the

game, (ix) door openings, (x) power failures, (xi) remote activations and disabling, and (xii) any other information required by Board regulations.

B. Within 90 days after the end of each fiscal year, the licensed operator shall transmit to the Department a third-party, independent audit of the financial transactions and condition of the licensee's total operations. All audits required by this section shall conform to Board regulations.

Article 4.

Supplier's Permits.

§ 58.1-4114. Supplier's permits; penalty.

A. The Board may issue a supplier's permit to any person upon application and payment of a nonrefundable application fee set by the Board, a determination by the Board that the applicant is eligible for a supplier's permit, and payment of a \$5,000 initial permit fee. A supplier's permit shall be renewed annually at a fee to be determined by the Department, not to exceed \$5,000.

B. The holder of a supplier's permit may sell or lease, or contract to sell or lease, casino gaming equipment and supplies, or provide management services, to any licensee involved in the ownership or management of gaming operations to the extent provided in the permit.

C. Gaming equipment, devices, and supplies shall not be distributed unless such equipment, devices, and supplies conform to standards adopted by the Department.

D. A person is ineligible to receive a supplier's permit if:

1. The person has been convicted of a felony under the laws of the Commonwealth or any other state or of the United States;

2. The person has submitted an application for a license under this chapter that contains false information;

3. The person is a Board member, employee of the Department, or a member of the immediate household of a Board member or Department employee;

4. The person is an entity in which a person described in subdivision 1, 2, or 3 is an officer, director, principal, or managerial employee;

5. The firm or corporation employs a person who participates in the management or operation of casino gaming authorized under this chapter; or

6. A prior permit issued to such person to own or operate casino gaming establishments or supply goods or services to a gaming operation under this chapter or any laws of any other jurisdiction has been revoked.

E. Any person that supplies any casino gaming equipment, devices, or supplies to a licensed gaming operation or manages any operation, including a computerized network, of a casino gaming establishment shall first obtain a supplier's permit. A supplier shall furnish to the Department a list of all management services, equipment, devices, and supplies offered for sale or lease in connection with the games authorized under this chapter. A supplier shall keep books and records for the furnishing of casino gaming equipment, devices, and supplies to gaming operations separate and distinct from any other business that the supplier might operate. A supplier shall file a quarterly return with the Department listing all sales and leases for which a permit is required. A supplier shall permanently affix its name to all its equipment, devices, and supplies for gaming operations. Any supplier's equipment, devices, or supplies that are used by any person in an unauthorized gaming operation shall be forfeited to the Commonwealth.

F. A licensed operator may operate its own equipment, devices, and supplies and may utilize casino gaming equipment, devices, and supplies at such locations as may be approved by the Department for the purpose of training enrollees in a school operated by the licensee to train individuals who desire to become qualified for employment or promotion in gaming operations. The Board may promulgate regulations for the conduct of any such schools.

G. Each holder of an operator's license under this chapter shall file an annual report with the Department listing its inventories of casino gaming equipment, devices, and supplies related to its operations in Virginia.

H. Any person who knowingly makes a false statement on an application for a supplier's permit is guilty of a Class 4 felony.

§ 58.1-4115. Denial of permit final.

The denial of a supplier's permit by the Department shall be final unless appealed under § 58.1-4105. A permit may not be applied for again for a period of five years from the date of denial without the permission of the Department.

Article 5.

Suspension and Revocation of Licenses and Supplier's Permits; Acquisition of Interest in Licensee or Holder of Supplier's Permit.

§ 58.1-4116. Suspension or revocation of license or permit.

A. The Director may suspend, revoke, refuse to renew, or assess a civil penalty against the holder of a license or permit in a sum not to exceed \$100,000, after notice and a hearing. Such license or permit may, however, be temporarily suspended by the Director without prior notice, pending any prosecution, hearing, or investigation, whether by a third party or by the Director. A license may be suspended, revoked, or refused renewal by the Director for one or more of the following reasons:

1. Failure to comply with, or violation of, any provision of this chapter or any regulation or condition of the Department;

2. Failure to disclose facts during the application process that indicate that such license or permit should not have been issued;

3. Conviction of a felony under the laws of the Commonwealth or any other state or of the United States subsequent to issuance of a license or permit;

4. Failure to file any return or report, to keep any records, or to pay any fees or other charges required by this chapter;

5. Any act of fraud, deceit, misrepresentation, or conduct prejudicial to public confidence in the integrity of gaming operations;

6. A material change, since issuance of the license or permit, with respect to any matters required to be considered by the Director under this chapter; or

7. Other factors established by Board regulation.

B. Such action by the Director shall be final unless appealed in accordance with § 58.1-4105. Suspension or revocation of a license or permit for any violation shall not preclude criminal liability for such violation.

§ 58.1-4117. Acquisition of interest in licensee or permit holder.

The Department shall require any person desiring to become a principal of, or other investor in, any licensee or holder of a supplier's permit to apply to the Board for approval and may demand such information of the applicant as it finds necessary. The Board shall consider such application within 60 days of its receipt, and if in its judgment the acquisition by the applicant would be detrimental to the public interest, to the honesty and integrity of gaming operations, or to its reputation, the application shall be denied. All reasonable costs for review by the Board shall be borne by the applicant.

Article 6.

Service Permits.

§ 58.1-4118. Service permit required.

No person shall participate in any gaming operation as a casino gaming employee or concessionaire or employee of either or in any other occupation that the Board has determined necessary to regulate in order to ensure the integrity of casino gaming in the Commonwealth unless such person possesses a service permit to perform such occupation issued by the Board. The Board shall prescribe by regulation the criteria for the issuance, duration, and renewal of service permits.

§ 58.1-4119. Application for service permit.

A. Any person desiring to obtain a service permit as required by this chapter shall apply on a form prescribed by the Department. The application shall be accompanied by a fee prescribed by the Department.

B. Any application filed hereunder shall be verified by the oath or affirmation of the applicant.

§ 58.1-4120. Consideration of service permit application.

A. The Department shall promptly consider any application for a service permit and issue or deny such service permit on the basis of the information in the application and all other information provided, including any investigation it considers appropriate. If an application for a service permit is approved, the Department shall issue a service permit containing such information as the Department considers appropriate.

B. The Department shall deny the application and refuse to issue the service permit, which denial shall be final unless an appeal is taken under § 58.1-4105, if it finds that the issuance of such service permit to such applicant would not be in the best interests of the Commonwealth or would reflect negatively on the honesty and integrity of casino gaming in the Commonwealth or that the applicant:

1. Has knowingly made a false statement of a material fact in the application or has deliberately failed to disclose any information requested by the Department;

2. Is or has been guilty of any corrupt or fraudulent practice or conduct in connection with gaming operations in the Commonwealth or any other state;

3. Has knowingly failed to comply with the provisions of this chapter or the regulations promulgated hereunder;

4. Has had a service permit to engage in activity related to casino gaming denied for cause, suspended, or revoked in the Commonwealth or any other state, and such denial, suspension, or revocation is still in effect;

5. Is unqualified to perform the duties required for the service permit sought; or

6. Has been convicted of a misdemeanor or felony involving unlawful conduct of wagering, fraudulent use of a gaming credential, unlawful transmission of information, touting, bribery, embezzlement, distribution or possession of drugs, or any crime considered by the Department to be detrimental to the honesty and integrity of casino gaming in the Commonwealth.

C. The Department may refuse to issue a service permit if for any reason it determines the granting of such service permit is not consistent with the provisions of this chapter or its responsibilities or any regulations promulgated by any other agency of the Commonwealth.

§ 58.1-4121. Suspension or revocation of service permit; civil penalty.

A. The Director may suspend, revoke, refuse to renew, or assess a civil penalty against the holder of a service permit in a sum not to exceed \$10,000, after notice and a hearing. Such service permit may, however, be temporarily suspended by the Director without prior notice, pending any prosecution, hearing, or investigation, whether by a third party or by the Director. A service permit may be suspended, revoked, or refused renewal by the Director for one or more of the following reasons:

1. Failure to comply with, or violation of, any provision of this chapter or any regulation or condition of the Department;

2. Failure to disclose facts during the application process that indicate that such service permit should not have been issued;

3. Conviction of a felony under the laws of the Commonwealth or any other state or of the United States subsequent to issuance of a service permit;

4. Failure to file any return or report, keep any record, or pay any fees or other charges required by this chapter;

5. Any act of fraud, deceit, misrepresentation, or conduct prejudicial to public confidence in the integrity of gaming operations;

6. A material change, since issuance of the service permit, with respect to any matters required to be considered by the Director under this chapter; or

7. Other factors established by Department regulation.

B. Actions taken by the Director pursuant to this section shall be final unless appealed in accordance with § 58.1-4105. Suspension or revocation of a service permit for any violation shall not preclude criminal liability for such violation.

Article 7.

Conduct of Casino Gaming.

§ 58.1-4122. Conduct of casino gaming.

A. Casino gaming may be conducted by licensed operators, subject to the following:

1. Minimum and maximum wagers on games shall be set by Department regulations.

2. Agents of the Department, the Department of State Police, and the local law-enforcement and fire departments may enter any casino gaming establishment and inspect such facility at any time for the purpose of determining compliance with this chapter and other applicable fire prevention and safety laws.

3. Employees of the Department shall have the right to be present in any facilities under the control of the licensee.

4. Gaming equipment, devices, and supplies customarily used in conducting casino gaming shall be purchased or leased only from suppliers holding permits for such purpose under this chapter.

5. Persons licensed under this chapter shall permit no form of wagering on games except as permitted by this chapter.

6. Wagers may be received only from a person present at the licensed casino gaming establishment. No person present at such facility shall place or attempt to place a wager on behalf of another person who is not present at the facility.

7. No person under age 21 shall be permitted to make a wager under this chapter or be present where casino gaming is being conducted.

8. No person shall place or accept a wager on youth sports.

9. No licensee or permit holder shall accept postdated checks in payment for participation in any gaming operation.

No licensee or permit holder, or any person on the premises of a casino gaming establishment, shall extend lines of credit or accept any credit card or other electronic fund transfer in payment for participation in any gaming operation.

B. Casino gaming wagers shall be conducted only with tokens, chips, or electronic cards purchased from a licensed casino gaming operator. Such tokens, chips, or electronic cards may be used only for the purpose of (i) making wagers on games or (ii) making a donation to a charitable entity granted tax-exempt status under § 501(c)(3) of the Internal Revenue Code, provided that the donated tokens, chips, or electronic cards are redeemed by the same charitable entity accepting the donation.

Article 8.

Local Referendum.

§ 58.1-4123. Local referendum required.

A. The Department shall not grant any initial license to operate a gaming operation in an eligible host city until a referendum on the question of whether casino gaming shall be permitted in such city is approved by the voters of such city.

B. The governing body of any city containing an eligible host city shall petition the court, by resolution, asking that a referendum be held on the question of whether casino gaming shall be permitted within the city. The court, by order entered of record in accordance with Article 5 (§ 24.2-681 et seq.) of Chapter 6 of Title 24.2, shall require the regular election officials of the city to open the polls and take the sense of the voters on the question as herein provided.

C. The clerk of such court of record of such city shall publish notice of such election in a newspaper of general circulation in such city once a week for three consecutive weeks prior to such election.

D. The regular election officers of such city shall open the polls at the various voting places in such city on the date specified in such order and conduct such election in the manner provided by law. The election shall be by ballot, which shall be prepared by the electoral board of the city and on which shall be printed the following question:

"Shall casino gaming be permitted at a casino gaming establishment in _____ (name of city and location) as may be approved by the Virginia Lottery Board?

[] Yes

[] No"

In the blank shall be inserted the name of the city in which such election is held and the proposed location of the casino gaming establishment. Any voter desiring to vote "Yes" shall mark in the square provided for such purpose immediately preceding the word "Yes," leaving the square immediately preceding the word "No" unmarked. Any voter desiring to vote "No" shall mark in the square provided for such purpose immediately preceding the word "No," leaving the square immediately preceding the word "Yes" unmarked.

E. The ballots shall be counted, the returns made and canvassed as in other elections, and the results certified by the electoral board to the court ordering such election. Thereupon, such court shall enter an order proclaiming the results of

such election and a duly certified copy of such order shall be transmitted to the Department and to the governing body of such city.

F. A subsequent local referendum shall be required if a license has not been granted by the Board within five years of the court order proclaiming the results of the election.

Article 9.

Taxation.

§ 58.1-4124. Tax rate on adjusted gross receipts.

A. A tax on the adjusted gross receipts of each licensed operator received from games authorized under this chapter shall be imposed as follows:

1. On the first \$200 million of adjusted gross receipts of an operator, a rate of 18 percent.
2. On the adjusted gross receipts of an operator that exceed \$200 million but do not exceed \$400 million, a rate of 23 percent.
3. On the adjusted gross receipts of an operator that exceed \$400 million, a rate of 30 percent.

B. All tax revenues collected pursuant to the provisions of this section shall accrue to the Gaming Proceeds Fund and be allocated as provided in § 58.1-4125.

C. The taxes imposed by this section shall be paid by the licensed operator to the Department no later than the close of the fifth day of each month for the preceding month when the adjusted gross receipts were received and shall be accompanied by forms and returns prescribed by the Board. Revenues collected pursuant to this section shall be credited to the Gaming Proceeds Fund to be appropriated as set forth in § 58.1-4125. The Department may suspend or revoke the license of an operator for willful failure to submit the wagering tax payment or the return within the specified time.

§ 58.1-4125. Gaming Proceeds Fund.

A. There is hereby created in the state treasury a special nonreverting fund to be known as the Gaming Proceeds Fund, referred to in this section as "the Fund." The Fund shall be established on the books of the Comptroller. All moneys required to be deposited into the Fund pursuant to this chapter shall be paid into the state treasury and credited to the Fund. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund.

B. Revenues from the Fund shall be appropriated by the General Assembly as follows:

1. The following amounts shall be appropriated to the city in which they were collected:
 - a. An amount equal to a six percent tax on the first \$200 million of adjusted gross receipts;
 - b. An amount equal to a seven percent tax on the adjusted gross receipts that exceed \$200 million but do not exceed \$400 million; and
 - c. An amount equal to an eight percent tax on the adjusted gross receipts that exceed \$400 million.
2. For any casino gaming establishment operated by a Virginia Indian tribe recognized in House Joint Resolution No. 54 (1983) and acknowledged by the Assistant Secretary-Indian Affairs of the U.S. Department of the Interior as an Indian tribe within the meaning of federal law that has the authority to conduct gaming activities as a matter of claimed inherent authority or under the authority of the Indian Gaming Regulatory Act (25 U.S.C. § 2701 et seq.), an amount equal to a tax of one percent on the adjusted gross receipts of such establishment shall be deposited in the Virginia Indigenous People's Trust Fund established pursuant to § 2.2-401.01.

3. Eight-tenths of one percent of the Fund shall be appropriated to the Problem Gambling Treatment and Support Fund established pursuant to § 37.2-314.1.

4. Two-tenths of one percent of the Fund shall be appropriated to the Family and Children's Trust Fund established pursuant to § 63.2-2100.

5. Any remaining revenues not appropriated pursuant to subdivisions B 1 through B 4 shall remain in the Fund until appropriated by the General Assembly for programs established to address public school construction, renovations, or upgrades.

Article 10.

Prohibited Acts; Penalties.

§ 58.1-4126. Illegal operation; penalty.

A. No person shall:

1. Operate casino gaming where wagering is used or to be used without a license issued by the Department.
2. Operate casino gaming where wagering is permitted other than in the manner specified by this chapter.
3. Offer, promise, or give anything of value or benefit to a person who is connected with a gaming operation, including an officer or employee of a licensed operator or permit holder, pursuant to an agreement or arrangement or with the intent that the promise or thing of value or benefit will influence the actions of the person to whom the offer, promise, or gift was made in order to affect or attempt to affect the outcome of a game, or to influence official action of a member of the Board, the Director, a Department employee, or a local governing body.
4. Solicit or knowingly accept a promise of anything of value or benefit while the person is connected with a gaming operation, including an officer or employee of a licensed operator or permit holder, pursuant to an understanding or arrangement or with the intent that the promise or thing of value or benefit will influence the actions of the person to affect or attempt to affect the outcome of a game, or to influence official action of a member of the Board, the Director, a Department employee, or a local governing body.

5. Use or possess with the intent to use a device to assist in:

a. Projecting the outcome of a game;

b. Keeping track of the cards played;

c. Analyzing the probability of the occurrence of an event relating to a game; or

d. Analyzing the strategy for playing or betting to be used in a game except as permitted by Department regulation.

6. Cheat at gaming.

7. Manufacture, sell, or distribute any card, chip, dice, game, or device that is intended to be used to violate any provision of this chapter.

8. Alter or misrepresent the outcome of a game on which wagers have been made after the outcome is made sure but before it is revealed to the players.

9. Place a bet after acquiring knowledge, not available to all players, of the outcome of the game that is the subject of the bet or to aid a person in acquiring the knowledge for the purpose of placing a bet contingent on that outcome.

10. Claim, collect, or take, or attempt to claim, collect, or take, money or anything of value in or from a game, with intent to defraud, without having made a wager contingent on winning the game or claim, collect, or take an amount of money or thing of value of greater value than the amount won.

11. Use counterfeit chips or tokens in a game.

12. Possess any key or device designed for the purpose of opening, entering, or affecting the operation of a game, drop box, or electronic or mechanical device connected with the game or for removing coins, tokens, chips, or other contents of a game. This subdivision does not apply to a casino gaming licensee or employee of a casino gaming licensee acting in furtherance of the employee's employment.

B. Any person convicted of a violation of this section is guilty of a Class 6 felony. In addition, any person convicted of a violation of subsection A shall be barred for life from gaming operations under the jurisdiction of the Board.

§ 58.1-4127. Fraudulent use of credential; penalty.

Any person other than the lawful holder thereof who has in his possession any credential, license, or permit issued by the Department, or any person who has in his possession any forged or simulated credential, license, or permit of the Department, and who uses such credential, license, or permit for the purposes of misrepresentation, fraud, or touting, is guilty of a Class 4 felony.

Any credential, license, or permit issued by the Department, if used by the holder thereof for a purpose other than identification and in the performance of legitimate duties in a casino gaming establishment, shall be automatically revoked.

§ 58.1-4128. Prohibition on persons under 21 years of age placing wagers and sports betting on youth sports; penalty.

A. No person shall wager on or conduct any wagering on the outcome of a game pursuant to the provisions of this chapter unless such person is 21 years of age or older. No person shall accept any wager from a person under age 21.

B. No person shall wager on or conduct any wagering on the outcome of a youth sports game. No person shall accept any wager from a person on a youth sports game.

C. Violation of this section is a Class 1 misdemeanor.

§ 58.1-4129. Conspiracies and attempts to commit violations; penalty.

A. Any person who conspires, confederates, or combines with another, either within or outside the Commonwealth, to commit a felony prohibited by this chapter is guilty of a Class 6 felony.

B. Any person who attempts to commit any act prohibited by this article is guilty of a criminal offense and shall be punished as provided in § 18.2-26, 18.2-27, or 18.2-28, as appropriate.

§ 58.1-4130. Civil penalties.

Any person who conducts a gaming operation without first obtaining a license to do so, or who continues to conduct such games after revocation of his license, in addition to other penalties provided, shall be subject to a civil penalty assessed by the Board equal to the amount of gross receipts derived from wagering on games, whether unauthorized or authorized, conducted on the day, as well as confiscation and forfeiture of all casino gaming equipment, devices, and supplies used in the conduct of unauthorized games. Any civil penalties collected pursuant to this section shall be payable to the State Treasurer for deposit to the general fund.

Article 11.

On-premises Mobile Casino Gaming.

§ 58.1-4131. Federal law applicable.

On-premises mobile casino gaming shall be subject to the provisions of, and preempted and superseded by, any applicable federal law.

§ 58.1-4132. Authorized on-premises mobile casino gaming.

On-premises mobile casino gaming is prohibited except when offered by a casino gaming operator to individuals who participate in on-premises mobile casino gaming on the premises of the casino gaming establishment. Any casino gaming operator that offers on-premises mobile casino gaming shall comply with any regulations promulgated by the Board related to on-premises mobile casino gaming.

§ 58.1-4133. Location of primary on-premises mobile casino gaming operation.

A. A casino gaming operator's primary on-premises mobile casino gaming operation, including facilities, equipment, and personnel who are directly engaged in the conduct of on-premises mobile casino gaming, shall be located within a

restricted area on the premises of the casino gaming establishment. Backup equipment used on a temporary basis pursuant to regulations promulgated by the Board to conduct on-premises mobile casino gaming may, with the approval of the Department, be located outside the territorial limits of a casino gaming establishment.

B. Facilities used to conduct and support on-premises mobile casino gaming shall:

1. Be arranged in a manner promoting optimum security;
2. Include a closed circuit visual monitoring system according to specifications approved by the Department, with access on the premises to the system or its signal provided to the Department;
3. Not be designed in any way that might interfere with the ability of the Department to supervise on-premises mobile casino gaming operations; and
4. Comply in all respects with regulations of the Board pertaining thereto.

§ 58.1-4134. On-premises mobile casino gaming accounts.

A. A casino gaming operator may offer on-premises mobile casino gaming only to an individual who has established an on-premises mobile casino gaming account and uses such account to place wagers as follows:

1. Any wager shall be placed directly with the casino gaming operator by the account holder;
2. The casino gaming operator shall verify the account holder's physical presence on the premises of the casino gaming establishment; and
3. The account holder shall provide the casino licensee with the correct authentication information for access to the wagering account.

B. A casino gaming operator shall not accept a wager in an amount in excess of funds on deposit in the account of the individual placing the wager.

§ 58.1-4135. Disposition of inactive, dormant accounts.

All amounts remaining in on-premises mobile casino gaming accounts inactive or dormant for such period and under such conditions as established by regulation by the Board shall be closed. Any funds remaining in the account at such time shall be paid 50 percent to the casino gaming operator and 50 percent to the general fund. Before closing an account pursuant to this section, the casino gaming operator shall attempt to contact the account holder by mail, phone, and electronic mail.

§ 58.1-4136. Assistance to people with gambling problem.

A. In order to assist those persons who may have a gambling problem, a casino gaming operator shall:

1. Cause the words "If you or someone you know has a gambling problem and wants help, call 1-800-GAMBLER," or some comparable language approved by the Department, which language shall include the words "gambling problem" and "call 1-800 GAMBLER," to be displayed prominently at log-on and log-off times to any person visiting or logged onto on-premises mobile casino gaming; and

2. Provide a mechanism by which an account holder may establish the following controls on wagering activity through the wagering account:

a. A limit on the amount of money deposited within a specified period of time and the length of time the account holder will be unable to participate in gaming if the holder reaches the established deposit limit; and

b. A temporary suspension of gaming through the account for any number of hours or days.

B. The casino gaming operator shall not send gaming-related electronic mail to an account holder while gaming through his account is suspended, if the suspension is for at least 72 hours. The casino gaming operator shall provide a mechanism by which an account holder may change these controls, except that, while gaming through the wagering account is suspended, the account holder may not change gaming controls until the suspension expires, but the account holder shall continue to have access to the account and shall be permitted to withdraw funds from the account upon proper application therefor.

§ 58.1-4137. Offering of on-premises mobile casino gaming without approval; penalties.

Any person who offers on-premises mobile casino gaming in violation of this article or regulations promulgated thereunder is guilty of a Class 6 felony and subject to a fine of not more than \$25,000 and, in the case of a person other than a natural person, to a fine of not more than \$100,000.

§ 58.1-4138. Tampering with equipment; penalties.

A. Any person who knowingly tampers with software, computers, or other equipment used to conduct on-premises mobile casino gaming to alter the odds or the payout of a game or disables the game from operating according to the rules of the game as promulgated by the Board is guilty of a Class 5 felony and subject to a fine of not more than \$50,000 and, in the case of a person other than a natural person, to a fine of not more than \$200,000.

B. In addition to the penalties provided in subsection A, an employee of the casino gaming operator who violates this section shall have his license revoked and shall be subject to such further penalty as the Department deems appropriate.

C. In addition to the penalties provided in subsection A, a casino gaming operator that violates this section shall have its license to conduct casino gaming suspended for a period determined by the Department and shall be subject to such further penalty as the Department deems appropriate.

§ 58.1-4139. Tampering affecting odds, payout; penalties.

A. Any person who knowingly offers or allows to be offered any on-premises mobile casino game that has been tampered with in a way that affects the odds or the payout of a game or disables the game from operating according to the

rules of the game as promulgated by the Board is guilty of a Class 5 felony and subject to a fine of not more than \$50,000 and, in the case of a person other than a natural person, to a fine of not more than \$200,000.

B. In addition to the penalties provided in subsection A, an employee of the casino gaming operator who violates this section shall have his license suspended for a period of not less than 30 days.

C. In addition to the penalties provided in subsection A, a casino gaming operator that violates this section shall have its permit to conduct casino gaming suspended for a period of not less than 30 days.

§ 58.1-4140. Facilities permitted to conduct on-premises mobile casino gaming; violations, penalties.

No person shall make its premises available for on-premises mobile casino gaming or advertise that its premises may be used for such purpose, other than a casino gaming operator that (i) has located all of its equipment used to conduct on-premises mobile casino gaming, including computers, servers, monitoring rooms, and hubs, on the premises of its casino gaming establishment and (ii) that offers on-site mobile casino gaming only to individuals who participate in such gaming on the premises of the casino gaming establishment. Any person that is determined by the Department to have violated the provisions of this section shall be subject to a penalty of \$1,000 per player per day for making its premises available for on-premises mobile casino gaming and of \$10,000 per violation for advertising that its premises may be used for such purpose.

§ 58.1-4141. Taxation.

Any gross receipts from on-premises mobile casino gaming shall be included in a casino gaming operator's adjusted gross receipts and subject to taxation pursuant to the provisions of Article 9 (§ 58.1-4124 et seq.).

§ 59.1-364. Control of racing with pari-mutuel wagering.

A. Horse racing with pari-mutuel wagering as licensed herein shall be permitted in the Commonwealth for the promotion, sustenance and growth of a native industry, in a manner consistent with the health, safety and welfare of the people. The Virginia Racing Commission is vested with control of all horse racing with pari-mutuel wagering in the Commonwealth, with plenary power to prescribe regulations and conditions under which such racing and wagering shall be conducted, so as to maintain horse racing in the Commonwealth of the highest quality and free of any corrupt, incompetent, dishonest or unprincipled practices and to maintain in such racing complete honesty and integrity. The Virginia Racing Commission shall encourage participation by local individuals and businesses in those activities associated with horse racing.

B. The conduct of any horse racing with pari-mutuel wagering participation in such racing or wagering and entrance to any place where such racing or wagering is conducted is a privilege which may be granted or denied by the Commission or its duly authorized representatives in its discretion in order to effectuate the purposes set forth in this chapter.

C. The award of any prize money for any pari-mutuel wager placed at a racetrack or satellite facility licensed by the Commission shall not be deemed to be a part of any gaming contract within the purview of § 11-14.

D. This section shall not apply to any sports betting or related activity that is lawful under Chapter 41 (§ 58.1-4100 et seq.) of Title 58.1.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 854 of the Acts of Assembly of 2019 requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

3. That the Virginia Lottery Board shall promulgate regulations to implement the provisions of this act to be effective within 280 days of its enactment.

4. That if the Virginia Lottery (the Lottery) administers a program under which the Lottery issues licenses or permits to operate online sports betting platforms or sports betting facilities, the Lottery shall issue any such licenses or permits to any casino gaming operator licensed under Article 3 (§ 58.1-4108 et seq.) of Chapter 41 of Title 58.1 of the Code of Virginia, as created by this act, regardless of whether such casino gaming operator otherwise meets the requirements for obtaining such license or permit. Any casino gaming operator receiving a license or permit to operate an online sports betting platform and a sports betting facility pursuant to the provisions of this enactment shall be subject to all Virginia statutory or regulatory laws governing sports betting, including: (i) laws defining sports betting and prohibiting any activities related thereto; (ii) fees for applications, licenses, and permits, and any other payments required by the Lottery; and (iii) taxes for offering sports betting. Notwithstanding any law to the contrary, a casino gaming operator receiving a license or permit to operate an online sports betting platform or a sports betting facility pursuant to the provisions of this enactment shall not allow wagering on any athletic event in which at least one participant is a team from a Virginia public or private institution of higher education. Any license or permit issued pursuant to the provisions of this enactment shall expire whenever the casino gaming operator is no longer licensed under Article 3 (§ 58.1-4108 et seq.) of Chapter 41 of Title 58.1 of the Code of Virginia, as created by this act.

5. That there is hereby established the Regional Improvement Commission (the Commission). The membership of the Commission shall consist of one member appointed by the local governing body of each jurisdiction composing the transportation district created pursuant to the Transportation District Act of 1964 (§ 33.2-1900 et seq. of the Code of Virginia) that includes the eligible host city described in subdivision A 3 of § 58.1-4107 of the Code of Virginia, as created by this act. Each member shall be appointed to serve a two-year term. Notwithstanding the

provisions of subdivision B 1 of § 58.1-4125 of the Code of Virginia, as created by this act, for a casino gaming establishment located in the eligible host city described in subdivision A 3 of § 58.1-4107 of the Code of Virginia, as created by this act, such transfer, otherwise returned to the city where it was collected, shall instead be made to the Commission. The purpose of the Commission shall be to (i) receive disbursements made to it; (ii) establish funding priorities for member localities related to improvements in the areas of education, transportation, and public safety; and (iii) make annual payments divided equally among the jurisdictions to fund the established priorities as determined by the Commission.

6. That the referendum required by § 58.1-4123 of the Code of Virginia, as created by this act, on the question of whether casino gaming shall be permitted at a casino gaming establishment located in the eligible host city in which such referendum is conducted, shall be conducted in each eligible host city described in subdivisions A 1 through 4 of § 58.1-4107 of the Code of Virginia, as created by this act, at the regular general election held on November 3, 2020, unless a court of competent jurisdiction sets an alternative date.

7. That the Virginia Racing Commission (the Commission) shall authorize an additional 600 historical racing terminals each time a local referendum required by § 58.1-4123 of the Code of Virginia, as created by this act, is approved, provided that the total number of additional machines authorized in this enactment shall not exceed 2,000 statewide. The tax rate for any machine added pursuant to this enactment clause shall be 20 percent as calculated and distributed pursuant to the method used to calculate and distribute such rate in effect for machines in existence as of January 1, 2020. For every 100 additional machines authorized pursuant to this enactment clause, the total number of live horse racing days shall be increased by one day. Excluding machines installed as of March 1, 2020, each location operating historical racing terminals shall be prohibited from having more than forty percent of its terminals manufactured by any single manufacturer. The increase in historical racing terminals shall not apply with respect to any city where a significant infrastructure limited licensee, as defined in § 59.1-365 of the Code of Virginia, or the affiliate of such licensee is awarded a casino operator's license pursuant to this act. Notwithstanding the provisions of 11VAC10-47-180 and subject to the local referendum requirements of § 59.1-391 of the Code of Virginia, for the machines specifically authorized in this enactment, the Commission shall authorize up to 1,650 machines in a satellite facility in a metropolitan area with a population in excess of 2.5 million located in a jurisdiction that has passed a referendum pursuant to the requirements of § 59.1-391 of the Code of Virginia prior to January 1, 2020, and 500 machines in a metropolitan area with a population in excess of 300,000, provided that no additional machines authorized in this enactment shall be located within 35 miles of an eligible host city as described in § 58.1-4107 of the Code of Virginia, as created by this act. No satellite facility shall be authorized in any locality that is included in the Regional Improvement Commission established in the fifth enactment of this act. Population determinations pursuant to this enactment shall be based on the 2018 population estimates from the Weldon Cooper Center for Public Service of the University of Virginia. Except as provided herein, the Commission shall not be authorized to promulgate regulations to allow or grant a license to authorize historical horse racing terminals in excess of those permitted by the emergency regulations that became effective on October 5, 2018.

8. That a contract between an eligible host city and its preferred casino gaming operator, as those terms are defined in § 58.1-4100 of the Code of Virginia, as created by this act, shall require the operator to agree that any contractor hired for construction on the site of the casino gaming establishment (the site) shall be required to (i) pay the local prevailing wage rate as determined by the U.S. Secretary of Labor under the provisions of the Davis-Bacon Act, 40 U.S.C. § 276 et seq., as amended, to each laborer, workman, and mechanic the contractor employs on the site; (ii) participate in apprenticeship programs that have been certified by the Department of Labor and Industry or the U.S. Department of Labor; (iii) establish preferences for hiring residents of the eligible host city and adjacent localities, veterans, women, and minorities for work performed on the site; (iv) provide health insurance and retirement benefits for all full-time employees performing work on the site; and (v) require that the provisions of clauses (i) through (iv) be included in every subcontract so that the provisions will be binding upon each subcontractor. The contract between an eligible host city and its preferred casino gaming operator shall also require that the operator agree to (a) pay any of its full-time employees performing work on the site an hourly wage or a salary, including tips, that equates to an hourly rate no less than 125 percent of the federal minimum wage; (b) establish preferences for hiring residents of the eligible host city and adjacent localities, veterans, women, and minorities for work performed on the site in compliance with any applicable federal law; (c) provide access to health insurance and retirement savings benefit opportunities for all full-time employees of the operator performing work on the site; and (d) require that any contract for services performed on the site, other than construction, with projected annual services fees exceeding \$500,000, meet the requirements of clauses (a), (b), and (c) with regard to full-time personnel of the subcontractor who will be performing services under the contract between the operator and the subcontractor.

CHAPTER 1198

An Act to amend and reenact §§ 19.2-389, as it is currently effective and as it shall become effective, and 59.1-200 of the Code of Virginia and to amend the Code of Virginia by adding in Title 6.2 a chapter numbered 26, consisting of

sections numbered 6.2-2600 through 6.2-2622, relating to student loans; licensing of qualified education loan servicers; civil penalties.

[H 10]

Approved April 22, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 19.2-389, as it is currently effective and as it shall become effective, and 59.1-200 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Title 6.2 a chapter numbered 26, consisting of sections numbered 6.2-2600 through 6.2-2622, as follows:

CHAPTER 26.

QUALIFIED EDUCATION LOAN SERVICERS.

§ 6.2-2600. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Licensee" means a person to whom a license has been issued under this chapter.

"Nationwide Multistate Licensing System and Registry" or "Registry" means the nationwide multistate licensing system and registry created by the Conference of State Bank Supervisors and the American Association of Residential Mortgage Regulators.

"Principal" means any person who, directly or indirectly, owns or controls (i) 10 percent or more of the outstanding stock of a stock corporation or (ii) a 10 percent or greater interest in any other type of entity.

"Qualified education loan" means any loan primarily used to finance a postsecondary education and costs of attendance at a postsecondary public or private educational institution, including tuition, fees, books and supplies, room and board, transportation, and miscellaneous personal expenses. "Qualified education loan" includes a loan made to refinance a qualified education loan. "Qualified education loan" does not include an extension of credit under an open-end credit plan, a reverse mortgage transaction, a residential mortgage transaction, or any other loan that is secured by real property or a dwelling.

"Qualified education loan borrower" or "borrower" means (i) any current resident of the Commonwealth who has received or agreed to pay a qualified education loan or (ii) any person who is contractually obligated with such resident for repaying the qualified education loan.

"Qualified education loan servicer" or "loan servicer" means any person, wherever located, that:

1. (i) Receives any scheduled periodic payments from a qualified education loan borrower or notification of such payments or (ii) applies payments to the qualified education loan borrower's account pursuant to the terms of the qualified education loan or the contract governing the servicing;

2. During a period when no payment is required on a qualified education loan, (i) maintains account records for the qualified education loan and (ii) communicates with the qualified education loan borrower regarding the qualified education loan, on behalf of the qualified education loan's holder; or

3. Interacts with a qualified education loan borrower, which includes conducting activities to help prevent default on obligations arising from qualified education loans or to facilitate any activity described in clause (i) or (ii) of subdivision 1.

"Servicing" means:

1. (i) Receiving any scheduled periodic payments from a qualified education loan borrower or notification of such payments or (ii) applying the payments of principal and interest and such other payments, with respect to the amounts received from a qualified education loan borrower, as may be required pursuant to the terms of a qualified education loan;

2. During a period when no payment is required on a qualified education loan, (i) maintaining account records for the loan and (ii) communicating with the qualified education loan borrower regarding the qualified education loan, on behalf of the qualified education loan's holder; or

3. Interacting with a qualified education loan borrower, including conducting activities to help prevent default on obligations arising from qualified education loans or to facilitate any activity described in clause (i) or (ii) of subdivision 1.

§ 6.2-2601. License requirement; exceptions.

A. No person shall act as a qualified education loan servicer, directly or indirectly, whether or not the person has an office or any other physical presence in the Commonwealth, except in accordance with the provisions of this chapter and without having first obtained a license under this chapter from the Commission.

B. Every qualified education loan servicer required to be licensed under this chapter shall register with the Registry and be subject to such registration and renewal requirements as may be established by the Registry, in addition to any requirements of this chapter. In adopting regulations pursuant to § 6.2-2622, the Commission shall include any terms, conditions, or requirements applicable to such registration and renewal. Any fees required by the Registry shall be separate and apart from any fees imposed by this chapter. The Commission, at its discretion, may collect any registration and renewal fees on behalf of the Registry and remit such fees to the Registry or permit the Registry to collect any fees imposed by this chapter and remit such fees to the Commission.

C. In connection with its implementation and administration of this chapter, the Commission may establish agreements or contracts with the Registry or other entities designated by the Registry to collect, distribute, and maintain information and records, and process fees, related to qualified education loan servicers required to be licensed under this chapter. In

establishing such agreements or contracts, the Commission shall not be subject to the Virginia Public Procurement Act (§ 2.2-4300 et seq.).

D. The provisions of this chapter shall not apply to:

1. Any bank, savings institution, credit union, or financial institution subject to regulation under 12 U.S.C. § 2002;
2. Any wholly owned subsidiary of any bank, savings institution, or credit union, provided that such wholly owned subsidiary is subject to the general supervision or regulation of, or subject to audit or examination by, a regulatory body or agency of the United States or any state; or
3. Any public or private nonprofit institution of higher education.

§ 6.2-2602. Licensure of qualified education loan servicers; automatic issuance of license for federal student loan servicing contractors.

A. A person seeking to act as a qualified education loan servicer is exempt from the application procedures described in subsections A and B of § 6.2-2603 upon determination by the Commissioner that the person (i) has an agreement with the U.S. Secretary of Education under 20 U.S.C. § 1078(b), solely to the extent of the person's actions as a guarantor that engages in averting defaults, or (ii) is a party to a contract awarded by the U.S. Secretary of Education under 20 U.S.C. § 1087f. The Commissioner shall prescribe the procedure to document eligibility for this exemption.

B. With regard to a person exempted from the application procedures described in subsections A and B of § 6.2-2603 pursuant to subsection A, the Commissioner shall:

1. Automatically issue a license upon payment of the fee required by subsection C of § 6.2-2603 and the providing of the bond required by § 6.2-2604;

2. Automatically renew a license upon payment of the fees required by subsection E of § 6.2-2607; and

3. Deem the person to have met all the requirements set forth in subsections A and B of § 6.2-2603.

C. A person issued a license pursuant to subdivision B 1:

1. Is exempt from subsections A and B of § 6.2-2603; and

2. Shall comply with the record requirements in § 6.2-2608 except to the extent that the requirements are inconsistent with federal law.

D. A person issued a license pursuant to subdivision B 1 shall, within seven days after receiving notification of the expiration, revocation, or termination of (i) an agreement with the U.S. Secretary of Education under 20 U.S.C. § 1078(b) or (ii) any contract awarded by the U.S. Secretary of Education under 20 U.S.C. § 1087f, provide the Commissioner with written notice of such expiration, revocation, or termination. Notwithstanding any other provision of this chapter, such person's license shall automatically expire 30 days after the expiration, revocation, or termination of such person's contract. A person seeking to act as a qualified education loan servicer following the expiration of its license may apply for a new license by filing an application that meets the requirements of §§ 6.2-2603 and 6.2-2604 and subsection B of § 6.2-2605.

E. With respect to qualified education loan servicing not conducted pursuant to (i) an agreement with the U.S. Secretary of Education under 20 U.S.C. § 1078(b) or (ii) a contract awarded by the U.S. Secretary of Education under 20 U.S.C. § 1087f, nothing in this section prevents the Commission from issuing an order to temporarily or permanently prohibit or bar any person from acting as a qualified education loan servicer or violating applicable law.

F. In the case of qualified education loan servicing conducted pursuant to (i) an agreement with the U.S. Secretary of Education under 20 U.S.C. § 1078(b) or (ii) a contract awarded by the U.S. Secretary of Education under 20 U.S.C. § 1087f, nothing in this section shall prevent the Commission from issuing a cease and desist order or injunction against any qualified education loan servicer to cease activities in violation of this act.

§ 6.2-2603. Application for license; form; content; fee.

A. An application for a license under this chapter shall be made in writing and on a form provided by the Commission.

B. The application shall set forth:

1. The name and address of the applicant, the name and address of each senior officer, and (i) if the applicant is a partnership, firm, or association, the name and address of each partner or member; (ii) if the applicant is a corporation or limited liability company, the name and address of each director, member, registered agent, and principal; or (iii) if the applicant is a business trust, the name and address of each trustee;

2. The address of the principal place of business to be licensed;

3. Such other information concerning the financial responsibility, background, experience, and general fitness of the applicant and its members, senior officers, directors, trustees, and principals as the Commissioner may require; and

4. Any other pertinent information that the Commissioner may require.

C. The application shall be accompanied by payment of a nonrefundable application fee as prescribed by the Commission. The fee shall not be abated by surrender, suspension, or revocation of the license.

D. If the Commissioner requests information to complete a deficient application and the information is not received within 60 days of the Commissioner's request, the application shall be deemed abandoned unless a request for an extension of time is received and approved by the Commissioner prior to the expiration of the 60-day period. However, this subsection shall not be construed to prohibit the Commission from denying a license application that does not meet the requirements of this chapter.

§ 6.2-2604. Bond required.

The application for a license shall be accompanied by a bond filed with the Commissioner with corporate surety authorized to execute such bond, in the principal amount as determined by the Commissioner. The amount of the bond shall be not less than \$50,000 nor more than \$500,000. The form of such bond shall be approved by the Commissioner. Such bond shall be continuously maintained thereafter in full force. Such bond shall be conditioned upon the applicant or licensee performing all written agreements pertaining to qualified education loans, correctly and accurately accounting for all funds received by the applicant or licensee in connection with qualified education loans, and conducting its business in conformity with this chapter and all applicable laws. The aggregate liability under the bond shall not exceed the penal sum of the bond.

§ 6.2-2605. Investigation of applications.

A. The Commissioner may make such investigations as he deems necessary to determine if the applicant has complied with all applicable provisions of law and regulations.

B. For the purpose of investigating individuals who are members, senior officers, directors, trustees, and principals of an applicant, such persons shall consent to a criminal history records check and submit to fingerprinting. Each member, senior officer, director, trustee, and principal shall pay for the cost of such fingerprinting and criminal history records check. Such persons shall cause their fingerprints, personal descriptive information, and records check fees to be submitted to either of the following, as prescribed by the Commissioner:

1. The Bureau, which shall forward these items to the Central Criminal Records Exchange. The Central Criminal Records Exchange shall (i) conduct a search of its own criminal history records and forward such individuals' fingerprints and personal descriptive information to the Federal Bureau of Investigation for the purpose of obtaining national criminal history record information regarding such individuals and (ii) forward the results of the state and national records searches to the Commissioner or his designee, who shall be an employee of the Commission; or

2. The Registry, provided that it is capable of processing criminal history records checks.

C. If any member, senior officer, director, trustee, or principal of an applicant fails to cause his fingerprints, personal descriptive information, or records check fees to be submitted in accordance with subsection B, the application for a qualified education loan servicer license shall be denied.

§ 6.2-2606. Qualifications.

A. Upon the filing and investigation of an application for a license, compliance by the applicant with the provisions of §§ 6.2-2603 and 6.2-2604, and compliance by the persons identified in subsection B of § 6.2-2605 with the provisions contained therein, the Commission shall issue and deliver to the applicant the license applied for to engage in business under this chapter at the location specified in the application if it finds that:

1. The financial responsibility, character, experience, and general fitness of the applicant and its members, senior officers, directors, trustees, and principals are such as to warrant belief that the business will be operated efficiently and fairly, in the public interest, and in accordance with the law;

2. The application does not contain any false statement of a material fact; and

3. The application does not omit any statement of a material fact that is required by § 6.2-2603.

B. If the Commission fails to make such findings, no license shall be issued and the Commissioner shall notify the applicant of the denial and the reasons for such denial.

§ 6.2-2607. Licenses; place of business; changes; renewal.

A. Each license shall state the address at which the principal place of business is to be conducted and shall state fully the legal name of the licensee as well as any fictitious names by which the licensee is conducting business under this chapter. Licenses shall not be transferable or assignable, by operation of law or otherwise. No licensee shall use any names other than the legal name or fictitious names set forth on the license issued by the Commission.

B. Every licensee shall notify the Commissioner, in writing, at least 30 days prior to relocating its principal place of business and confirm the change in writing within five days after such relocation.

C. Every licensee shall within 10 days notify the Commissioner, in writing, of (i) any change to its legal name; (ii) any change to or additional fictitious name by which the licensee is conducting business under this chapter; and (iii) the name, address, and position of each new member, senior officer, director, trustee, and principal. At the direction of the Commissioner, any such individual shall be treated as a member, senior officer, director, trustee, or principal of an applicant for the purpose of being investigated pursuant to subsection B of § 6.2-2605. The licensee shall provide such other information with respect to the changes and persons identified in this subsection as the Commissioner may reasonably require.

D. Every license shall remain in force until it expires or has been surrendered, revoked, or suspended. The expiration, surrender, revocation, or suspension of a license shall not affect any preexisting legal right or obligation of such licensee.

E. Notwithstanding any other provision of this chapter, a qualified education loan servicer license shall expire at the end of each calendar year unless it is renewed by a licensee prior to the expiration date. A licensee may renew its license by (i) requesting renewal through the Registry and (ii) complying with any requirements associated with such renewal request that are imposed by the Registry. If a qualified education loan servicer license has expired, the Commission may by regulation permit the former licensee to seek license reinstatement after the license expiration date by renewing its license in accordance with this subsection and paying a reinstatement fee as prescribed by the Commission.

§ 6.2-2608. Retention of records; responding to the Bureau.

A. Each licensee shall maintain in its principal place of business such books, accounts, and records as the Commissioner may reasonably require in order to determine whether such person is complying with the provisions of this chapter and other laws applicable to the conduct of its business. Such books, accounts, and records shall be maintained apart and separate from any other business in which the qualified education loan servicer is involved. Each licensee shall maintain adequate records of each qualified education loan transaction for at least three years after final payment is made on such loan or the assignment of such qualified education loan, whichever occurs first.

B. To safeguard the privacy of qualified education loan borrowers, records containing personal financial information shall be shredded, incinerated, or otherwise disposed of by a licensee in a secure manner. Licensees may arrange for the shredding, incineration, or other disposal of the records from a business record destruction vendor.

C. When the Bureau requests a written response, books, records, documentation, or other information from a licensee in connection with the Bureau's investigation, enforcement, or examination of compliance with applicable laws, the licensee shall deliver a written response as well as any requested books, records, documentation, or information within the time period specified in the Bureau's request. If no time period is specified, a written response as well as any requested books, records, documentation, or information shall be delivered by the licensee to the Bureau not later than 30 days from the date of such request. In determining the specified time period for responding to the Bureau and when considering a request for an extension of time to respond, the Bureau shall take into consideration the volume and complexity of the requested written response, books, records, documentation, or information and such other factors as the Bureau determines to be relevant under the circumstances.

§ 6.2-2609. Acquisition of control; application.

A. Except as provided in this section, no person shall acquire, directly or indirectly, 25 percent or more of the voting shares of a corporation or 25 percent or more of the ownership of any other person licensed to conduct business under this chapter unless such person first:

1. Files an application with the Commission in such form as the Commissioner may prescribe from time to time;

2. Delivers such other information to the Commissioner as the Commissioner may require concerning the financial responsibility, background, experience, and general fitness of the applicant and of any proposed new directors, senior officers, principals, trustees, or members of the licensee;

3. Submits and furnishes to the Commissioner information concerning the identity of the applicant and of any proposed new directors, senior officers, principals, trustees, or members of the licensee. Such individuals shall (i) consent to a criminal history records check, submit to fingerprinting, and pay for the cost of such fingerprinting and criminal records check and (ii) cause their fingerprints, personal descriptive information, and records check fees to be submitted to either of the following, as prescribed by the Commissioner:

a. The Bureau, who shall forward these items to the Central Criminal Records Exchange. The Central Criminal Records Exchange shall (i) conduct searches of its own criminal history records and forward such individuals' fingerprints and personal descriptive information to the Federal Bureau of Investigation for the purpose of obtaining national criminal history record information regarding such individuals and (ii) forward the results of the state and national records search to the Commissioner or his designee, who shall be an employee of the Commission; or

b. The Registry, provided that it is capable of processing criminal history records checks; and

4. Pays such application fee as the Commission may prescribe.

B. Upon the filing and investigation of an application, the Commission shall permit the applicant to acquire the interest in the licensee if it finds that the applicant and any proposed new directors, members, senior officers, trustees, and principals of the licensee have the financial responsibility, character, experience, and general fitness to warrant belief that the business will be operated efficiently and fairly, in the public interest, and in accordance with law. The Commission shall grant or deny the application within 60 days from the date a completed application accompanied by the required fee is filed unless the period is extended by order of the Commissioner giving the reasons for the extension. If the application is denied, the Commission shall notify the applicant of the denial and the reasons for the denial.

C. The provisions of this section shall not apply to the acquisition of an interest in a licensee (i) directly or indirectly, including an acquisition by merger or consolidation, by or with a person licensed or exempt from licensing under this chapter; (ii) directly or indirectly, by merger or consolidation by or with a person affiliated through common ownership with the licensee; or (iii) by bequest, descent, survivorship, or operation of law. This section shall also not apply to the acquisition of an interest in a licensee that (i) an agreement with the U.S. Secretary of Education under 20 U.S.C. § 1078(b) or (ii) is a party to a contract awarded by the U.S. Secretary of Education under 20 U.S.C. § 1087f. The person acquiring an interest in a licensee in a transaction that is exempt from filing an application by this subsection shall send written notice of such acquisition to the Commissioner within 30 days of its closing.

§ 6.2-2610. Prohibited activities; compliance with federal laws and regulations.

A. No qualified education loan servicer shall:

1. Directly or indirectly employ any scheme, device, or artifice to defraud or mislead qualified education loan borrowers;

2. Engage in any unfair or deceptive act or practice toward any person or misrepresent or omit any material information in connection with the servicing of a qualified education loan, including misrepresenting (i) the amount, nature, or terms of any fee or payment due or claimed to be due on a qualified education loan; (ii) the terms and conditions of the loan agreement; or (iii) the borrower's obligations under the loan;

3. Obtain property by fraud or misrepresentation;
4. Misapply qualified education loan payments to the outstanding balance of a qualified education loan;
5. Provide inaccurate information to a nationally recognized consumer credit bureau;
6. Fail to report both the favorable and unfavorable payment history of the borrower to a nationally recognized consumer credit bureau at least annually if the loan servicer regularly reports information to such a credit bureau;
7. Fail to communicate with an authorized representative of the borrower who provides a written authorization signed by the borrower, provided that the loan servicer may adopt procedures reasonably related to verifying that the representative is in fact authorized to act on behalf of the borrower;
8. Make any false statement of a material fact or omit any material fact in connection with any information provided to the Commission or another governmental authority; or
9. Engage in any other prohibited activities identified in regulations adopted by the Commission pursuant to this chapter.

B. A qualified education loan servicer shall comply with all federal laws and regulations applicable to the conduct of its licensed business. In addition to any other remedies provided by law, a violation of any such federal law or regulation shall be deemed a violation of this chapter and a basis upon which the Commission may take enforcement action pursuant to § 6.2-2615, 6.2-2617, or 6.2-2618.

C. A qualified education loan servicer shall not engage in abusive acts or practices when servicing a qualified education loan. An act or practice is abusive in connection with the servicing of a qualified education loan if the act or practice does either of the following:

1. Materially interferes with the ability of a borrower to understand a term or condition of a qualified education loan; or
2. Takes unreasonable advantage of:
 - a. A lack of understanding on the part of a qualified education loan borrower of the material risks, costs, or conditions of the qualified education loan;
 - b. The reasonable reliance by the borrower on a person engaged in the servicing of a qualified education loan to act in the interests of the borrower; or
 - c. The inability of a borrower to protect the interests of the borrower when selecting (i) a qualified education loan or (ii) a feature, term, or condition of a qualified education loan.

§ 6.2-2611. Affirmative acts required of qualified education loan servicers.

Except to the extent that this section is inconsistent with any provision of federal law or regulation, and then only to the extent of the inconsistency, a person engaged in qualified education loan servicing shall:

1. Evaluate a qualified education loan borrower for eligibility for an income-driven repayment program prior to placing the borrower in forbearance or default, if an income-driven repayment program is available to the borrower;
2. Respond to a written inquiry from a qualified education loan borrower or the representative of a qualified education loan borrower within 10 business days after receipt of the request and, within 30 business days after receipt of the request, provide information relating to the request and, if applicable, to the action the qualified education loan servicer will take to correct the account or an explanation for the qualified education loan servicer's position that the borrower's account is correct. Such 30-day period may be extended for not more than 15 days if, before the end of the 30-day period, the qualified education loan servicer notifies the borrower, or the borrower's representative, as applicable, of the extension and the reasons for the delay in responding;
3. Not furnish to a consumer reporting agency, during 60 days following receipt of a written request related to a dispute on a borrower's payment on a qualified education loan, information regarding a payment that is the subject of the written request;
4. Except as provided in federal law or required by a qualified education loan agreement, inquire of a borrower how to apply an overpayment to a qualified education loan. A borrower's direction on how to apply an overpayment to a qualified education loan shall remain in effect for any future overpayments during the term of a qualified education loan or until the borrower provides different directions. As used in this subdivision, "overpayment" means a payment on a qualified education loan that exceeds the monthly amount due from a borrower on the qualified education loan, which payment may be referred to as a payment;
5. Apply partial payments in a manner that minimizes late fees and negative credit reporting. If loans on a borrower's qualified education loan account have an equal level of delinquency, a qualified education loan servicer shall apply partial payments to satisfy as many individual loan payments as possible on a borrower's account. As used in this subdivision, "partial payment" means a payment on a qualified education loan account that contains multiple individual loans in an amount less than the amount necessary to satisfy the outstanding payment due on all loans in the qualified education loan account, which payment may be referred to as an underpayment;
6. Require, as a condition of a sale, an assignment, or any other transfer of the servicing of a qualified education loan, that the new loan servicer honor all benefits originally represented as available to a qualified education loan borrower during the repayment of the qualified education loan and preserve the availability of the benefits, including any benefits for which the qualified education loan borrower has not yet qualified. If a qualified education loan servicer is not also the loan holder or is not acting on behalf of the loan holder, the loan servicer satisfies the requirement of this subsection by providing the new loan servicer with information necessary for the new loan servicer to honor all benefits originally

represented as available to a qualified education loan borrower during the repayment of the qualified education loan and preserve the availability of the benefits, including any benefits for which the loan borrower has not yet qualified; and

7. In the event of a sale, assignment, or other transfer of the servicing of a qualified education loan that results in a change in the identity of the person to whom a qualified education loan borrower is required to send payments or direct any communication concerning the qualified education loan:

a. Transfer to the new loan servicer all records regarding the qualified education loan borrower, the account of the loan borrower, and the qualified education loan of the loan borrower. Such records include the repayment status of the qualified education loan borrower and any benefits associated with the qualified education loan of the loan borrower. The transfer of records shall be completed within 45 days after the sale, assignment, or other transfer of the servicing of a qualified education loan;

b. Notify affected qualified education loan borrowers of the sale, assignment, or other transfer of the servicing of a qualified education loan at least seven days before the next payment on the loan is due. The notice shall include (i) the identity of the new qualified education loan servicer; (ii) the effective date of the transfer of the borrower's qualified education loan to the new loan servicer; (iii) the date on which the existing loan servicer will no longer accept payments; and (iv) the contact information for the new loan servicer; and

c. Adopt policies and procedures to verify that the new qualified education loan servicer has received all records regarding the qualified education loan borrower, the account of the qualified education loan borrower, and the qualified education loan of the borrower, including the repayment status of the qualified education loan borrower and any benefits associated with the qualified education loan of the borrower.

§ 6.2-2612. Reporting requirements.

A. Within 15 days following the occurrence of any of the following events, a licensee shall file a written report with the Commission describing such event and its expected impact upon the business of the licensee:

1. The filing of bankruptcy, reorganization, or receivership proceedings by or against the licensee;
2. The institution of administrative or regulatory proceedings against the licensee by any governmental authority;
3. Any felony indictment of the licensee or any of its members, directors, senior officers, trustees, or principals;
4. Any felony conviction of the licensee or any of its members, directors, senior officers, trustees, or principals; and
5. Such other events as the Commission may prescribe by regulation.

B. Each licensee shall file periodic written reports with the Commissioner or the Registry containing such information as the Commissioner may require concerning the licensee's business and operations. Reports shall be in the form and be submitted with such frequency and by such dates as may be prescribed by the Commissioner.

§ 6.2-2613. Investigations; examinations.

A. The Commission may, as often as it deems necessary, investigate and examine the affairs, business, premises, and records of any person licensed or required to be licensed under this chapter insofar as they pertain to any business for which a license is required by this chapter. Examinations of licensees shall be conducted at least once in each three-year period. In the course of such investigations and examinations, the owners, members, officers, directors, partners, trustees, and employees of the person being investigated or examined shall, upon demand of the person making such investigation or examination, afford full access to all premises, books, records, and information that the person making such investigation or examination deems necessary.

B. Examinations under this section may be conducted in conjunction with examinations to be performed by representatives of agencies of the federal government or another state. In lieu of conducting an examination, the Commission may accept the examination report of the federal government or another state.

§ 6.2-2614. Annual fees.

A. In order to defray the costs of their examination, supervision, and regulation, every licensee under this chapter shall pay an annual fee calculated in accordance with a schedule set by the Commission. All such fees shall be assessed on or before April 1 for every calendar year. All such fees shall be paid by the licensee to the State Treasurer on or before May 1 following each assessment.

B. In addition to the annual fee prescribed in subsection A, when it becomes necessary to examine or investigate the books and records of a licensee under this chapter at a location outside the Commonwealth, the licensee shall be liable for and shall pay to the Commission within 30 days of the presentation of an itemized statement the actual travel and reasonable living expenses incurred on account of its examination, supervision, and regulation or shall pay a reasonable per diem rate approved by the Commission.

§ 6.2-2615. Suspension or revocation of license.

A. The Commission may suspend or revoke any license issued under this chapter upon any of the following grounds:

1. Any ground for denial of a license under this chapter;
2. Any violation of the provisions of this chapter or regulations adopted by the Commission pursuant thereto, or a violation of any other law or regulation applicable to the conduct of the licensee's business;
3. A course of conduct consisting of the failure to perform written agreements with qualified education loan borrowers;
4. Failure to account for funds received or disbursed to the satisfaction of the person supplying or receiving qualified education loan funds;
5. Conviction of any felony or of a misdemeanor involving fraud, misrepresentation, or deceit;
6. Entry of a judgment against the licensee involving fraud, misrepresentation, or deceit;

7. Entry of a federal or state administrative order against the licensee for violation of any law or regulation applicable to the conduct of the licensee's business;

8. Refusal to permit an investigation or examination by the Commission;

9. Failure to pay any fee or assessment imposed by this chapter; or

10. Failure to comply with any order of the Commission.

B. For the purposes of this section, acts of any senior officer, director, member, partner, trustee, or principal shall be deemed acts of the licensee.

§ 6.2-2616. Notice of proposed suspension or revocation.

The Commission shall not revoke or suspend the license of any licensee upon any of the grounds set forth in § 6.2-2615 until it has given the licensee (i) 21 days' notice in writing of the reasons for the proposed revocation or suspension and (ii) an opportunity to introduce evidence and be heard. The notice shall be sent by certified mail to the principal place of business of such licensee and shall state with particularity the grounds for the contemplated action. Within 14 days of mailing the notice, the licensee named therein may file with the Clerk of the Commission a written request for a hearing. If a hearing is requested, the Commission shall not suspend or revoke the license except based upon findings made at such hearing. The hearing shall be conducted in accordance with the Commission's Rules.

§ 6.2-2617. Cease and desist orders.

A. If the Commission determines that any person has violated any provision of this chapter or any regulation adopted by the Commission pursuant thereto, or violated any other law or regulation applicable to the conduct of a licensee's business, the Commission may, upon 21 days' notice in writing, order such person to cease and desist from such practices and to comply with the provisions of this chapter and other applicable laws and regulations. The notice shall be sent by certified mail to the principal place of business of such person or other address authorized under § 12.1-19.1 and shall state the grounds for the contemplated action.

B. Within 14 days of mailing the notice, the person named therein may file with the clerk of the Commission a written request for a hearing. If a hearing is requested, the Commission shall not issue a cease and desist order except on the basis of findings made at the hearing. The hearing shall be conducted in accordance with the Commission's Rules. The Commission may enforce compliance with any order issued under this section by imposition and collection of such fines and penalties as may be prescribed by law.

§ 6.2-2618. Civil penalties.

The Commission may impose a civil penalty not exceeding \$2,500 upon any person who it determines, in proceedings commenced in accordance with the Commission's Rules, has violated any of the provisions of this chapter or regulations adopted by the Commission pursuant thereto or violated any other law or regulation applicable to conduct of the person's business. For the purposes of this section, each separate violation shall be subject to the civil penalty prescribed in this section, and each day that an unlicensed person engages in the business of a qualified education loan servicer shall constitute a separate violation.

§ 6.2-2619. Private cause of action.

A. A qualified education loan servicer shall:

1. Comply with this chapter.

2. Comply with all applicable federal laws related to qualified education loan servicing, as from time to time amended, and the regulations promulgated thereunder.

B. Any person who suffers damage as a result of the failure of a qualified education loan servicer to comply with the requirements of subdivisions A 1 and 2 may bring an action against that qualified education loan servicer to recover or obtain any of the following:

1. Actual damages, but in no case shall the total award of damages be less than \$500 per violation;

2. An order enjoining the methods, acts, or practices;

3. Restitution of property;

4. Punitive damages;

5. Attorney fees; and

6. Any other relief the court deems proper.

C. In addition to any other remedies provided by this section or otherwise provided by law, whenever it is proven by a preponderance of the evidence that a qualified education loan servicer has engaged in conduct that substantially interferes with a borrower's right to (i) an alternative payment arrangement; (ii) loan forgiveness, cancellation, or discharge; or (iii) any other financial benefit as established under the terms of a borrower's promissory note or under the Higher Education Act of 1965, 20 U.S.C. § 1070a et seq., as amended from time to time, and regulations promulgated thereunder, the court shall award treble actual damages to the plaintiff, but in no case shall the award of damages be less than \$1,500 per violation.

D. The remedies provided in this section are not intended to be the exclusive remedies available to the qualified education loan borrower, and a qualified education loan borrower shall not be required to exhaust any administrative remedies established pursuant to this chapter or any other applicable law prior to proceeding under this section.

§ 6.2-2620. Investigating and restraining prohibited acts.

A. Notwithstanding the provisions of § 59.1-199, whenever the Attorney General has reasonable cause to believe that any person has engaged in, or is engaging in, or is about to engage in any violation of this chapter, the Attorney General is

empowered to issue a civil investigative demand. The provisions of § 59.1-9.10 shall apply *mutatis mutandis* to civil investigative demands issued pursuant to this section.

B. Notwithstanding any other provisions of law to the contrary, the Attorney General may cause an action to be brought in the appropriate circuit court in the name of the Commonwealth to enjoin any violation of this chapter. The circuit court having jurisdiction may enjoin such violations notwithstanding the existence of an adequate remedy at law. In any action under this section, it shall not be necessary that damages be proved.

C. The circuit courts are authorized to issue temporary or permanent injunctions to restrain and prevent violations of this chapter.

§ 6.2-2621. Violation of the Virginia Consumer Protection Act.

Notwithstanding the provisions of § 59.1-199, any violation of the provisions of this chapter shall constitute a prohibited practice in accordance with § 59.1-200 and shall be subject to any and all of the enforcement provisions of the Virginia Consumer Protection Act (§ 59.1-196 et seq.).

§ 6.2-2622. Regulations.

The Commission shall adopt such regulations as it deems appropriate to effect the purposes of this chapter. Before adopting any such regulation, the Commission shall give reasonable notice of its content and shall afford interested parties an opportunity to be heard, in accordance with the Commission's Rules.

§ 19.2-389. (Effective until January 1, 2021) Dissemination of criminal history record information.

A. Criminal history record information shall be disseminated, whether directly or through an intermediary, only to:

1. Authorized officers or employees of criminal justice agencies, as defined by § 9.1-101, for purposes of the administration of criminal justice and the screening of an employment application or review of employment by a criminal justice agency with respect to its own employees or applicants, and dissemination to the Virginia Parole Board, pursuant to this subdivision, of such information on all state-responsible inmates for the purpose of making parole determinations pursuant to subdivisions 1, 2, 3, and 5 of § 53.1-136 shall include collective dissemination by electronic means every 30 days. For purposes of this subdivision, criminal history record information includes information sent to the Central Criminal Records Exchange pursuant to §§ 37.2-819 and 64.2-2014 when disseminated to any full-time or part-time employee of the State Police, a police department or sheriff's office that is a part of or administered by the Commonwealth or any political subdivision thereof, and who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth for the purposes of the administration of criminal justice;

2. Such other individuals and agencies that require criminal history record information to implement a state or federal statute or executive order of the President of the United States or Governor that expressly refers to criminal conduct and contains requirements or exclusions expressly based upon such conduct, except that information concerning the arrest of an individual may not be disseminated to a noncriminal justice agency or individual if an interval of one year has elapsed from the date of the arrest and no disposition of the charge has been recorded and no active prosecution of the charge is pending;

3. Individuals and agencies pursuant to a specific agreement with a criminal justice agency to provide services required for the administration of criminal justice pursuant to that agreement which shall specifically authorize access to data, limit the use of data to purposes for which given, and ensure the security and confidentiality of the data;

4. Individuals and agencies for the express purpose of research, evaluative, or statistical activities pursuant to an agreement with a criminal justice agency that shall specifically authorize access to data, limit the use of data to research, evaluative, or statistical purposes, and ensure the confidentiality and security of the data;

5. Agencies of state or federal government that are authorized by state or federal statute or executive order of the President of the United States or Governor to conduct investigations determining employment suitability or eligibility for security clearances allowing access to classified information;

6. Individuals and agencies where authorized by court order or court rule;

7. Agencies of any political subdivision of the Commonwealth, public transportation companies owned, operated or controlled by any political subdivision, and any public service corporation that operates a public transit system owned by a local government for the conduct of investigations of applicants for employment, permit, or license whenever, in the interest of public welfare or safety, it is necessary to determine under a duly enacted ordinance if the past criminal conduct of a person with a conviction record would be compatible with the nature of the employment, permit, or license under consideration;

7a. Commissions created pursuant to the Transportation District Act of 1964 (§ 33.2-1900 et seq.) of Title 33.2 and their contractors, for the conduct of investigations of individuals who have been offered a position of employment whenever, in the interest of public welfare or safety and as authorized in the Transportation District Act of 1964, it is necessary to determine if the past criminal conduct of a person with a conviction record would be compatible with the nature of the employment under consideration;

8. Public or private agencies when authorized or required by federal or state law or interstate compact to investigate (i) applicants for foster or adoptive parenthood or (ii) any individual, and the adult members of that individual's household, with whom the agency is considering placing a child or from whom the agency is considering removing a child due to abuse or neglect, on an emergency, temporary, or permanent basis pursuant to §§ 63.2-901.1 and 63.2-1505, subject to the restriction that the data shall not be further disseminated to any party other than a federal or state authority or court as may be required to comply with an express requirement of law;

9. To the extent permitted by federal law or regulation, public service companies as defined in § 56-1, for the conduct of investigations of applicants for employment when such employment involves personal contact with the public or when past criminal conduct of an applicant would be incompatible with the nature of the employment under consideration;

10. The appropriate authority for purposes of granting citizenship and for purposes of international travel, including, but not limited to, issuing visas and passports;

11. A person requesting a copy of his own criminal history record information as defined in § 9.1-101 at his cost, except that criminal history record information shall be supplied at no charge to a person who has applied to be a volunteer with (i) a Virginia affiliate of Big Brothers/Big Sisters of America; (ii) a volunteer fire company; (iii) the Volunteer Emergency Families for Children; (iv) any affiliate of Prevent Child Abuse, Virginia; (v) any Virginia affiliate of Compeer; or (vi) any board member or any individual who has been offered membership on the board of a Crime Stoppers, Crime Solvers or Crime Line program as defined in § 15.2-1713.1;

12. Administrators and board presidents of and applicants for licensure or registration as a child welfare agency as defined in § 63.2-100 for dissemination to the Commissioner of Social Services' representative pursuant to § 63.2-1702 for the conduct of investigations with respect to employees of and volunteers at such facilities, caretakers, and other adults living in family day homes or homes approved by family day systems, and foster and adoptive parent applicants of private child-placing agencies, pursuant to §§ 63.2-1719, 63.2-1720, 63.2-1720.1, 63.2-1721, and 63.2-1721.1, subject to the restriction that the data shall not be further disseminated by the facility or agency to any party other than the data subject, the Commissioner of Social Services' representative or a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination;

13. The school boards of the Commonwealth for the purpose of screening individuals who are offered or who accept public school employment and those current school board employees for whom a report of arrest has been made pursuant to § 19.2-83.1;

14. The Virginia Lottery for the conduct of investigations as set forth in the Virginia Lottery Law (§ 58.1-4000 et seq.), and the Department of Agriculture and Consumer Services for the conduct of investigations as set forth in Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2;

15. Licensed nursing homes, hospitals and home care organizations for the conduct of investigations of applicants for compensated employment in licensed nursing homes pursuant to § 32.1-126.01, hospital pharmacies pursuant to § 32.1-126.02, and home care organizations pursuant to § 32.1-162.9:1, subject to the limitations set out in subsection E;

16. Licensed assisted living facilities and licensed adult day care centers for the conduct of investigations of applicants for compensated employment in licensed assisted living facilities and licensed adult day care centers pursuant to § 63.2-1720, subject to the limitations set out in subsection F;

17. The Virginia Alcoholic Beverage Control Authority for the conduct of investigations as set forth in § 4.1-103.1;

18. The State Board of Elections and authorized officers and employees thereof and general registrars appointed pursuant to § 24.2-110 in the course of conducting necessary investigations with respect to voter registration, limited to any record of felony convictions;

19. The Commissioner of Behavioral Health and Developmental Services for those individuals who are committed to the custody of the Commissioner pursuant to §§ 19.2-169.2, 19.2-169.6, 19.2-182.2, 19.2-182.3, 19.2-182.8, and 19.2-182.9 for the purpose of placement, evaluation, and treatment planning;

20. Any alcohol safety action program certified by the Commission on the Virginia Alcohol Safety Action Program for (i) assessments of habitual offenders under § 46.2-360, (ii) interventions with first offenders under § 18.2-251, or (iii) services to offenders under § 18.2-51.4, 18.2-266, or 18.2-266.1;

21. Residential facilities for juveniles regulated or operated by the Department of Social Services, the Department of Education, or the Department of Behavioral Health and Developmental Services for the purpose of determining applicants' fitness for employment or for providing volunteer or contractual services;

22. The Department of Behavioral Health and Developmental Services and facilities operated by the Department for the purpose of determining an individual's fitness for employment pursuant to departmental instructions;

23. Pursuant to § 22.1-296.3, the governing boards or administrators of private elementary or secondary schools which are accredited pursuant to § 22.1-19 or a private organization coordinating such records information on behalf of such governing boards or administrators pursuant to a written agreement with the Department of State Police;

24. Public institutions of higher education and nonprofit private institutions of higher education for the purpose of screening individuals who are offered or accept employment;

25. Members of a threat assessment team established by a local school board pursuant to § 22.1-79.4, by a public institution of higher education pursuant to § 23.1-805, or by a private nonprofit institution of higher education, for the purpose of assessing or intervening with an individual whose behavior may present a threat to safety; however, no member of a threat assessment team shall redisclose any criminal history record information obtained pursuant to this section or otherwise use any record of an individual beyond the purpose that such disclosure was made to the threat assessment team;

26. Executive directors of community services boards or the personnel director serving the community services board for the purpose of determining an individual's fitness for employment, approval as a sponsored residential service provider, or permission to enter into a shared living arrangement with a person receiving medical assistance services pursuant to a waiver pursuant to §§ 37.2-506 and 37.2-607;

27. Executive directors of behavioral health authorities as defined in § 37.2-600 for the purpose of determining an individual's fitness for employment, approval as a sponsored residential service provider, or permission to enter into a shared living arrangement with a person receiving medical assistance services pursuant to a waiver pursuant to §§ 37.2-506 and 37.2-607;

28. The Commissioner of Social Services for the purpose of locating persons who owe child support or who are alleged in a pending paternity proceeding to be a putative father, provided that only the name, address, demographics and social security number of the data subject shall be released;

29. Authorized officers or directors of agencies licensed pursuant to Article 2 (§ 37.2-403 et seq.) of Chapter 4 of Title 37.2 by the Department of Behavioral Health and Developmental Services for the purpose of determining if any applicant who accepts employment in any direct care position or requests approval as a sponsored residential service provider or permission to enter into a shared living arrangement with a person receiving medical assistance services pursuant to a waiver has been convicted of a crime that affects his fitness to have responsibility for the safety and well-being of individuals with mental illness, intellectual disability, or substance abuse pursuant to §§ 37.2-416, 37.2-506, and 37.2-607;

30. The Commissioner of the Department of Motor Vehicles, for the purpose of evaluating applicants for and holders of a motor carrier certificate or license subject to the provisions of Chapters 20 (§ 46.2-2000 et seq.) and 21 (§ 46.2-2100 et seq.) of Title 46.2;

31. The chairmen of the Committees for Courts of Justice of the Senate or the House of Delegates for the purpose of determining if any person being considered for election to any judgeship has been convicted of a crime;

32. Heads of state agencies in which positions have been identified as sensitive for the purpose of determining an individual's fitness for employment in positions designated as sensitive under Department of Human Resource Management policies developed pursuant to § 2.2-1201.1;

33. The Office of the Attorney General, for all criminal justice activities otherwise permitted under subdivision A 1 and for purposes of performing duties required by the Civil Commitment of Sexually Violent Predators Act (§ 37.2-900 et seq.);

34. Shipyards, to the extent permitted by federal law or regulation, engaged in the design, construction, overhaul, or repair of nuclear vessels for the United States Navy, including their subsidiary companies, for the conduct of investigations of applications for employment or for access to facilities, by contractors, leased laborers, and other visitors;

35. Any employer of individuals whose employment requires that they enter the homes of others, for the purpose of screening individuals who apply for, are offered, or have accepted such employment;

36. Public agencies when and as required by federal or state law to investigate (i) applicants as providers of adult foster care and home-based services or (ii) any individual with whom the agency is considering placing an adult on an emergency, temporary, or permanent basis pursuant to § 63.2-1601.1, subject to the restriction that the data shall not be further disseminated by the agency to any party other than a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination, subject to limitations set out in subsection G;

37. The Department of Medical Assistance Services, or its designee, for the purpose of screening individuals who, through contracts, subcontracts, or direct employment, volunteer, apply for, are offered, or have accepted a position related to the provision of transportation services to enrollees in the Medicaid Program or the Family Access to Medical Insurance Security (FAMIS) Program, or any other program administered by the Department of Medical Assistance Services;

38. The State Corporation Commission for the purpose of investigating individuals who are current or proposed members, senior officers, directors, and principals of an applicant or person licensed under Chapter 16 (§ 6.2-1600 et seq.) ~~or~~, Chapter 19 (§ 6.2-1900 et seq.), *or Chapter 26 (§ 6.2-2600 et seq.)* of Title 6.2. Notwithstanding any other provision of law, if an application is denied based in whole or in part on information obtained from the Central Criminal Records Exchange pursuant to Chapter 16 ~~or~~, 19, *or 26* of Title 6.2, the Commissioner of Financial Institutions or his designee may disclose such information to the applicant or its designee;

39. The Department of Professional and Occupational Regulation for the purpose of investigating individuals for initial licensure pursuant to § 54.1-2106.1;

40. The Department for Aging and Rehabilitative Services and the Department for the Blind and Vision Impaired for the purpose of evaluating an individual's fitness for various types of employment and for the purpose of delivering comprehensive vocational rehabilitation services pursuant to Article 11 (§ 51.5-170 et seq.) of Chapter 14 of Title 51.5 that will assist the individual in obtaining employment;

41. Bail bondsmen, in accordance with the provisions of § 19.2-120;

42. The State Treasurer for the purpose of determining whether a person receiving compensation for wrongful incarceration meets the conditions for continued compensation under § 8.01-195.12;

43. The Department of Social Services and directors of local departments of social services for the purpose of screening individuals seeking to enter into a contract with the Department of Social Services or a local department of social services for the provision of child care services for which child care subsidy payments may be provided;

44. The Department of Juvenile Justice to investigate any parent, guardian, or other adult members of a juvenile's household when completing a predispositional or postdispositional report required by § 16.1-273 or a Board of Juvenile Justice regulation promulgated pursuant to § 16.1-233; and

45. Other entities as otherwise provided by law.

Upon an ex parte motion of a defendant in a felony case and upon the showing that the records requested may be relevant to such case, the court shall enter an order requiring the Central Criminal Records Exchange to furnish the defendant, as soon as practicable, copies of any records of persons designated in the order on whom a report has been made under the provisions of this chapter.

Notwithstanding any other provision of this chapter to the contrary, upon a written request sworn to before an officer authorized to take acknowledgments, the Central Criminal Records Exchange, or the criminal justice agency in cases of offenses not required to be reported to the Exchange, shall furnish a copy of conviction data covering the person named in the request to the person making the request; however, such person on whom the data is being obtained shall consent in writing, under oath, to the making of such request. A person receiving a copy of his own conviction data may utilize or further disseminate that data as he deems appropriate. In the event no conviction data is maintained on the data subject, the person making the request shall be furnished at his cost a certification to that effect.

B. Use of criminal history record information disseminated to noncriminal justice agencies under this section shall be limited to the purposes for which it was given and may not be disseminated further.

C. No criminal justice agency or person shall confirm the existence or nonexistence of criminal history record information for employment or licensing inquiries except as provided by law.

D. Criminal justice agencies shall establish procedures to query the Central Criminal Records Exchange prior to dissemination of any criminal history record information on offenses required to be reported to the Central Criminal Records Exchange to ensure that the most up-to-date disposition data is being used. Inquiries of the Exchange shall be made prior to any dissemination except in those cases where time is of the essence and the normal response time of the Exchange would exceed the necessary time period. A criminal justice agency to whom a request has been made for the dissemination of criminal history record information that is required to be reported to the Central Criminal Records Exchange may direct the inquirer to the Central Criminal Records Exchange for such dissemination. Dissemination of information regarding offenses not required to be reported to the Exchange shall be made by the criminal justice agency maintaining the record as required by § 15.2-1722.

E. Criminal history information provided to licensed nursing homes, hospitals and to home care organizations pursuant to subdivision A 15 shall be limited to the convictions on file with the Exchange for any offense specified in §§ 32.1-126.01, 32.1-126.02, and 32.1-162.9:1.

F. Criminal history information provided to licensed assisted living facilities and licensed adult day care centers pursuant to subdivision A 16 shall be limited to the convictions on file with the Exchange for any offense specified in § 63.2-1720.

G. Criminal history information provided to public agencies pursuant to subdivision A 36 shall be limited to the convictions on file with the Exchange for any offense set forth in clause (i) of the definition of barrier crime in § 19.2-392.02.

H. Upon receipt of a written request from an employer or prospective employer, the Central Criminal Records Exchange, or the criminal justice agency in cases of offenses not required to be reported to the Exchange, shall furnish at the employer's cost a copy of conviction data covering the person named in the request to the employer or prospective employer making the request, provided that the person on whom the data is being obtained has consented in writing to the making of such request and has presented a photo-identification to the employer or prospective employer. In the event no conviction data is maintained on the person named in the request, the requesting employer or prospective employer shall be furnished at his cost a certification to that effect. The criminal history record search shall be conducted on forms provided by the Exchange.

I. Nothing in this section shall preclude the dissemination of a person's criminal history record information pursuant to the rules of court for obtaining discovery or for review by the court.

§ 19.2-389. (Effective January 1, 2021) Dissemination of criminal history record information.

A. Criminal history record information shall be disseminated, whether directly or through an intermediary, only to:

1. Authorized officers or employees of criminal justice agencies, as defined by § 9.1-101, for purposes of the administration of criminal justice and the screening of an employment application or review of employment by a criminal justice agency with respect to its own employees or applicants, and dissemination to the Virginia Parole Board, pursuant to this subdivision, of such information on all state-responsible inmates for the purpose of making parole determinations pursuant to subdivisions 1, 2, 3, and 5 of § 53.1-136 shall include collective dissemination by electronic means every 30 days. For purposes of this subdivision, criminal history record information includes information sent to the Central Criminal Records Exchange pursuant to §§ 37.2-819 and 64.2-2014 when disseminated to any full-time or part-time employee of the State Police, a police department or sheriff's office that is a part of or administered by the Commonwealth or any political subdivision thereof, and who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth for the purposes of the administration of criminal justice;

2. Such other individuals and agencies that require criminal history record information to implement a state or federal statute or executive order of the President of the United States or Governor that expressly refers to criminal conduct and contains requirements or exclusions expressly based upon such conduct, except that information concerning the arrest of an individual may not be disseminated to a noncriminal justice agency or individual if an interval of one year has elapsed from the date of the arrest and no disposition of the charge has been recorded and no active prosecution of the charge is pending;

3. Individuals and agencies pursuant to a specific agreement with a criminal justice agency to provide services required for the administration of criminal justice pursuant to that agreement which shall specifically authorize access to data, limit the use of data to purposes for which given, and ensure the security and confidentiality of the data;

4. Individuals and agencies for the express purpose of research, evaluative, or statistical activities pursuant to an agreement with a criminal justice agency that shall specifically authorize access to data, limit the use of data to research, evaluative, or statistical purposes, and ensure the confidentiality and security of the data;

5. Agencies of state or federal government that are authorized by state or federal statute or executive order of the President of the United States or Governor to conduct investigations determining employment suitability or eligibility for security clearances allowing access to classified information;

6. Individuals and agencies where authorized by court order or court rule;

7. Agencies of any political subdivision of the Commonwealth, public transportation companies owned, operated or controlled by any political subdivision, and any public service corporation that operates a public transit system owned by a local government for the conduct of investigations of applicants for employment, permit, or license whenever, in the interest of public welfare or safety, it is necessary to determine under a duly enacted ordinance if the past criminal conduct of a person with a conviction record would be compatible with the nature of the employment, permit, or license under consideration;

7a. Commissions created pursuant to the Transportation District Act of 1964 (§ 33.2-1900 et seq.) of Title 33.2 and their contractors, for the conduct of investigations of individuals who have been offered a position of employment whenever, in the interest of public welfare or safety and as authorized in the Transportation District Act of 1964, it is necessary to determine if the past criminal conduct of a person with a conviction record would be compatible with the nature of the employment under consideration;

8. Public or private agencies when authorized or required by federal or state law or interstate compact to investigate (i) applicants for foster or adoptive parenthood or (ii) any individual, and the adult members of that individual's household, with whom the agency is considering placing a child or from whom the agency is considering removing a child due to abuse or neglect, on an emergency, temporary, or permanent basis pursuant to §§ 63.2-901.1 and 63.2-1505, subject to the restriction that the data shall not be further disseminated to any party other than a federal or state authority or court as may be required to comply with an express requirement of law;

9. To the extent permitted by federal law or regulation, public service companies as defined in § 56-1, for the conduct of investigations of applicants for employment when such employment involves personal contact with the public or when past criminal conduct of an applicant would be incompatible with the nature of the employment under consideration;

10. The appropriate authority for purposes of granting citizenship and for purposes of international travel, including, but not limited to, issuing visas and passports;

11. A person requesting a copy of his own criminal history record information as defined in § 9.1-101 at his cost, except that criminal history record information shall be supplied at no charge to a person who has applied to be a volunteer with (i) a Virginia affiliate of Big Brothers/Big Sisters of America; (ii) a volunteer fire company; (iii) the Volunteer Emergency Families for Children; (iv) any affiliate of Prevent Child Abuse, Virginia; (v) any Virginia affiliate of Compeer; or (vi) any board member or any individual who has been offered membership on the board of a Crime Stoppers, Crime Solvers or Crime Line program as defined in § 15.2-1713.1;

12. Administrators and board presidents of and applicants for licensure or registration as a child welfare agency as defined in § 63.2-100 for dissemination to the Commissioner of Social Services' representative pursuant to § 63.2-1702 for the conduct of investigations with respect to employees of and volunteers at such facilities, caretakers, and other adults living in family day homes or homes approved by family day systems, and foster and adoptive parent applicants of private child-placing agencies, pursuant to §§ 63.2-1719, 63.2-1720, 63.2-1720.1, 63.2-1721, and 63.2-1721.1, subject to the restriction that the data shall not be further disseminated by the facility or agency to any party other than the data subject, the Commissioner of Social Services' representative or a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination;

13. The school boards of the Commonwealth for the purpose of screening individuals who are offered or who accept public school employment and those current school board employees for whom a report of arrest has been made pursuant to § 19.2-83.1;

14. The Virginia Lottery for the conduct of investigations as set forth in the Virginia Lottery Law (§ 58.1-4000 et seq.), and the Department of Agriculture and Consumer Services for the conduct of investigations as set forth in Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2;

15. Licensed nursing homes, hospitals and home care organizations for the conduct of investigations of applicants for compensated employment in licensed nursing homes pursuant to § 32.1-126.01, hospital pharmacies pursuant to § 32.1-126.02, and home care organizations pursuant to § 32.1-162.9:1, subject to the limitations set out in subsection E;

16. Licensed assisted living facilities and licensed adult day care centers for the conduct of investigations of applicants for compensated employment in licensed assisted living facilities and licensed adult day care centers pursuant to § 63.2-1720, subject to the limitations set out in subsection F;

17. The Virginia Alcoholic Beverage Control Authority for the conduct of investigations as set forth in § 4.1-103.1;

18. The State Board of Elections and authorized officers and employees thereof and general registrars appointed pursuant to § 24.2-110 in the course of conducting necessary investigations with respect to voter registration, limited to any record of felony convictions;

19. The Commissioner of Behavioral Health and Developmental Services for those individuals who are committed to the custody of the Commissioner pursuant to §§ 19.2-169.2, 19.2-169.6, 19.2-182.2, 19.2-182.3, 19.2-182.8, and 19.2-182.9 for the purpose of placement, evaluation, and treatment planning;

20. Any alcohol safety action program certified by the Commission on the Virginia Alcohol Safety Action Program for (i) assessments of habitual offenders under § 46.2-360, (ii) interventions with first offenders under § 18.2-251, or (iii) services to offenders under § 18.2-51.4, 18.2-266, or 18.2-266.1;

21. Residential facilities for juveniles regulated or operated by the Department of Social Services, the Department of Education, or the Department of Behavioral Health and Developmental Services for the purpose of determining applicants' fitness for employment or for providing volunteer or contractual services;

22. The Department of Behavioral Health and Developmental Services and facilities operated by the Department for the purpose of determining an individual's fitness for employment pursuant to departmental instructions;

23. Pursuant to § 22.1-296.3, the governing boards or administrators of private elementary or secondary schools which are accredited pursuant to § 22.1-19 or a private organization coordinating such records information on behalf of such governing boards or administrators pursuant to a written agreement with the Department of State Police;

24. Public institutions of higher education and nonprofit private institutions of higher education for the purpose of screening individuals who are offered or accept employment;

25. Members of a threat assessment team established by a local school board pursuant to § 22.1-79.4, by a public institution of higher education pursuant to § 23.1-805, or by a private nonprofit institution of higher education, for the purpose of assessing or intervening with an individual whose behavior may present a threat to safety; however, no member of a threat assessment team shall redisclose any criminal history record information obtained pursuant to this section or otherwise use any record of an individual beyond the purpose that such disclosure was made to the threat assessment team;

26. Executive directors of community services boards or the personnel director serving the community services board for the purpose of determining an individual's fitness for employment, approval as a sponsored residential service provider, or permission to enter into a shared living arrangement with a person receiving medical assistance services pursuant to a waiver pursuant to §§ 37.2-506 and 37.2-607;

27. Executive directors of behavioral health authorities as defined in § 37.2-600 for the purpose of determining an individual's fitness for employment, approval as a sponsored residential service provider, or permission to enter into a shared living arrangement with a person receiving medical assistance services pursuant to a waiver pursuant to §§ 37.2-506 and 37.2-607;

28. The Commissioner of Social Services for the purpose of locating persons who owe child support or who are alleged in a pending paternity proceeding to be a putative father, provided that only the name, address, demographics and social security number of the data subject shall be released;

29. Authorized officers or directors of agencies licensed pursuant to Article 2 (§ 37.2-403 et seq.) of Chapter 4 of Title 37.2 by the Department of Behavioral Health and Developmental Services for the purpose of determining if any applicant who accepts employment in any direct care position or requests approval as a sponsored residential service provider or permission to enter into a shared living arrangement with a person receiving medical assistance services pursuant to a waiver has been convicted of a crime that affects his fitness to have responsibility for the safety and well-being of individuals with mental illness, intellectual disability, or substance abuse pursuant to §§ 37.2-416, 37.2-506, and 37.2-607;

30. The Commissioner of the Department of Motor Vehicles, for the purpose of evaluating applicants for and holders of a motor carrier certificate or license subject to the provisions of Chapters 20 (§ 46.2-2000 et seq.) and 21 (§ 46.2-2100 et seq.) of Title 46.2;

31. The chairmen of the Committees for Courts of Justice of the Senate or the House of Delegates for the purpose of determining if any person being considered for election to any judgeship has been convicted of a crime;

32. Heads of state agencies in which positions have been identified as sensitive for the purpose of determining an individual's fitness for employment in positions designated as sensitive under Department of Human Resource Management policies developed pursuant to § 2.2-1201.1;

33. The Office of the Attorney General, for all criminal justice activities otherwise permitted under subdivision A 1 and for purposes of performing duties required by the Civil Commitment of Sexually Violent Predators Act (§ 37.2-900 et seq.);

34. Shipyards, to the extent permitted by federal law or regulation, engaged in the design, construction, overhaul, or repair of nuclear vessels for the United States Navy, including their subsidiary companies, for the conduct of investigations of applications for employment or for access to facilities, by contractors, leased laborers, and other visitors;

35. Any employer of individuals whose employment requires that they enter the homes of others, for the purpose of screening individuals who apply for, are offered, or have accepted such employment;

36. Public agencies when and as required by federal or state law to investigate (i) applicants as providers of adult foster care and home-based services or (ii) any individual with whom the agency is considering placing an adult on an emergency, temporary, or permanent basis pursuant to § 63.2-1601.1, subject to the restriction that the data shall not be further

disseminated by the agency to any party other than a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination, subject to limitations set out in subsection G;

37. The Department of Medical Assistance Services, or its designee, for the purpose of screening individuals who, through contracts, subcontracts, or direct employment, volunteer, apply for, are offered, or have accepted a position related to the provision of transportation services to enrollees in the Medicaid Program or the Family Access to Medical Insurance Security (FAMIS) Program, or any other program administered by the Department of Medical Assistance Services;

38. The State Corporation Commission for the purpose of investigating individuals who are current or proposed members, senior officers, directors, and principals of an applicant or person licensed under Chapter 16 (§ 6.2-1600 et seq.) ~~or~~, Chapter 19 (§ 6.2-1900 et seq.), *or Chapter 26 (§ 6.2-2600 et seq.)* of Title 6.2. Notwithstanding any other provision of law, if an application is denied based in whole or in part on information obtained from the Central Criminal Records Exchange pursuant to Chapter 16 ~~or~~, 19, *or 26* of Title 6.2, the Commissioner of Financial Institutions or his designee may disclose such information to the applicant or its designee;

39. The Department of Professional and Occupational Regulation for the purpose of investigating individuals for initial licensure pursuant to § 54.1-2106.1;

40. The Department for Aging and Rehabilitative Services and the Department for the Blind and Vision Impaired for the purpose of evaluating an individual's fitness for various types of employment and for the purpose of delivering comprehensive vocational rehabilitation services pursuant to Article 11 (§ 51.5-170 et seq.) of Chapter 14 of Title 51.5 that will assist the individual in obtaining employment;

41. Bail bondsmen, in accordance with the provisions of § 19.2-120;

42. The State Treasurer for the purpose of determining whether a person receiving compensation for wrongful incarceration meets the conditions for continued compensation under § 8.01-195.12;

43. The Department of Social Services and directors of local departments of social services for the purpose of screening individuals seeking to enter into a contract with the Department of Social Services or a local department of social services for the provision of child care services for which child care subsidy payments may be provided;

44. The Department of Juvenile Justice to investigate any parent, guardian, or other adult members of a juvenile's household when completing a predispositional or postdispositional report required by § 16.1-273 or a Board of Juvenile Justice regulation promulgated pursuant to § 16.1-233;

45. The State Corporation Commission, for the purpose of screening applicants for insurance licensure under Chapter 18 (§ 38.2-1800 et seq.) of Title 38.2; and

46. Other entities as otherwise provided by law.

Upon an ex parte motion of a defendant in a felony case and upon the showing that the records requested may be relevant to such case, the court shall enter an order requiring the Central Criminal Records Exchange to furnish the defendant, as soon as practicable, copies of any records of persons designated in the order on whom a report has been made under the provisions of this chapter.

Notwithstanding any other provision of this chapter to the contrary, upon a written request sworn to before an officer authorized to take acknowledgments, the Central Criminal Records Exchange, or the criminal justice agency in cases of offenses not required to be reported to the Exchange, shall furnish a copy of conviction data covering the person named in the request to the person making the request; however, such person on whom the data is being obtained shall consent in writing, under oath, to the making of such request. A person receiving a copy of his own conviction data may utilize or further disseminate that data as he deems appropriate. In the event no conviction data is maintained on the data subject, the person making the request shall be furnished at his cost a certification to that effect.

B. Use of criminal history record information disseminated to noncriminal justice agencies under this section shall be limited to the purposes for which it was given and may not be disseminated further.

C. No criminal justice agency or person shall confirm the existence or nonexistence of criminal history record information for employment or licensing inquiries except as provided by law.

D. Criminal justice agencies shall establish procedures to query the Central Criminal Records Exchange prior to dissemination of any criminal history record information on offenses required to be reported to the Central Criminal Records Exchange to ensure that the most up-to-date disposition data is being used. Inquiries of the Exchange shall be made prior to any dissemination except in those cases where time is of the essence and the normal response time of the Exchange would exceed the necessary time period. A criminal justice agency to whom a request has been made for the dissemination of criminal history record information that is required to be reported to the Central Criminal Records Exchange may direct the inquirer to the Central Criminal Records Exchange for such dissemination. Dissemination of information regarding offenses not required to be reported to the Exchange shall be made by the criminal justice agency maintaining the record as required by § 15.2-1722.

E. Criminal history information provided to licensed nursing homes, hospitals and to home care organizations pursuant to subdivision A 15 shall be limited to the convictions on file with the Exchange for any offense specified in §§ 32.1-126.01, 32.1-126.02, and 32.1-162.9:1.

F. Criminal history information provided to licensed assisted living facilities and licensed adult day care centers pursuant to subdivision A 16 shall be limited to the convictions on file with the Exchange for any offense specified in § 63.2-1720.

G. Criminal history information provided to public agencies pursuant to subdivision A 36 shall be limited to the convictions on file with the Exchange for any offense set forth in clause (i) of the definition of barrier crime in § 19.2-392.02.

H. Upon receipt of a written request from an employer or prospective employer, the Central Criminal Records Exchange, or the criminal justice agency in cases of offenses not required to be reported to the Exchange, shall furnish at the employer's cost a copy of conviction data covering the person named in the request to the employer or prospective employer making the request, provided that the person on whom the data is being obtained has consented in writing to the making of such request and has presented a photo-identification to the employer or prospective employer. In the event no conviction data is maintained on the person named in the request, the requesting employer or prospective employer shall be furnished at his cost a certification to that effect. The criminal history record search shall be conducted on forms provided by the Exchange.

I. Nothing in this section shall preclude the dissemination of a person's criminal history record information pursuant to the rules of court for obtaining discovery or for review by the court.

§ 59.1-200. Prohibited practices.

A. The following fraudulent acts or practices committed by a supplier in connection with a consumer transaction are hereby declared unlawful:

1. Misrepresenting goods or services as those of another;
2. Misrepresenting the source, sponsorship, approval, or certification of goods or services;
3. Misrepresenting the affiliation, connection, or association of the supplier, or of the goods or services, with another;
4. Misrepresenting geographic origin in connection with goods or services;
5. Misrepresenting that goods or services have certain quantities, characteristics, ingredients, uses, or benefits;
6. Misrepresenting that goods or services are of a particular standard, quality, grade, style, or model;
7. Advertising or offering for sale goods that are used, secondhand, repossessed, defective, blemished, deteriorated, or reconditioned, or that are "seconds," irregulars, imperfects, or "not first class," without clearly and unequivocally indicating in the advertisement or offer for sale that the goods are used, secondhand, repossessed, defective, blemished, deteriorated, reconditioned, or are "seconds," irregulars, imperfects or "not first class";
8. Advertising goods or services with intent not to sell them as advertised, or with intent not to sell at the price or upon the terms advertised.

In any action brought under this subdivision, the refusal by any person, or any employee, agent, or servant thereof, to sell any goods or services advertised or offered for sale at the price or upon the terms advertised or offered, shall be prima facie evidence of a violation of this subdivision. This paragraph shall not apply when it is clearly and conspicuously stated in the advertisement or offer by which such goods or services are advertised or offered for sale, that the supplier or offeror has a limited quantity or amount of such goods or services for sale, and the supplier or offeror at the time of such advertisement or offer did in fact have or reasonably expected to have at least such quantity or amount for sale;

9. Making false or misleading statements of fact concerning the reasons for, existence of, or amounts of price reductions;
10. Misrepresenting that repairs, alterations, modifications, or services have been performed or parts installed;
11. Misrepresenting by the use of any written or documentary material that appears to be an invoice or bill for merchandise or services previously ordered;
12. Notwithstanding any other provision of law, using in any manner the words "wholesale," "wholesaler," "factory," or "manufacturer" in the supplier's name, or to describe the nature of the supplier's business, unless the supplier is actually engaged primarily in selling at wholesale or in manufacturing the goods or services advertised or offered for sale;
13. Using in any contract or lease any liquidated damage clause, penalty clause, or waiver of defense, or attempting to collect any liquidated damages or penalties under any clause, waiver, damages, or penalties that are void or unenforceable under any otherwise applicable laws of the Commonwealth, or under federal statutes or regulations;
- 13a. Failing to provide to a consumer, or failing to use or include in any written document or material provided to or executed by a consumer, in connection with a consumer transaction any statement, disclosure, notice, or other information however characterized when the supplier is required by 16 C.F.R. Part 433 to so provide, use, or include the statement, disclosure, notice, or other information in connection with the consumer transaction;
14. Using any other deception, fraud, false pretense, false promise, or misrepresentation in connection with a consumer transaction;
15. Violating any provision of § 3.2-6512, 3.2-6513, or 3.2-6516, relating to the sale of certain animals by pet dealers which is described in such sections, is a violation of this chapter;
16. Failing to disclose all conditions, charges, or fees relating to:

a. The return of goods for refund, exchange, or credit. Such disclosure shall be by means of a sign attached to the goods, or placed in a conspicuous public area of the premises of the supplier, so as to be readily noticeable and readable by the person obtaining the goods from the supplier. If the supplier does not permit a refund, exchange, or credit for return, he shall so state on a similar sign. The provisions of this subdivision shall not apply to any retail merchant who has a policy of providing, for a period of not less than 20 days after date of purchase, a cash refund or credit to the purchaser's credit card account for the return of defective, unused, or undamaged merchandise upon presentation of proof of purchase. In the case of merchandise paid for by check, the purchase shall be treated as a cash purchase and any refund may be delayed for a

period of 10 banking days to allow for the check to clear. This subdivision does not apply to sale merchandise that is obviously distressed, out of date, post season, or otherwise reduced for clearance; nor does this subdivision apply to special order purchases where the purchaser has requested the supplier to order merchandise of a specific or unusual size, color, or brand not ordinarily carried in the store or the store's catalog; nor shall this subdivision apply in connection with a transaction for the sale or lease of motor vehicles, farm tractors, or motorcycles as defined in § 46.2-100;

b. A layaway agreement. Such disclosure shall be furnished to the consumer (i) in writing at the time of the layaway agreement, or (ii) by means of a sign placed in a conspicuous public area of the premises of the supplier, so as to be readily noticeable and readable by the consumer, or (iii) on the bill of sale. Disclosure shall include the conditions, charges, or fees in the event that a consumer breaches the agreement;

16a. Failing to provide written notice to a consumer of an existing open-end credit balance in excess of \$5 (i) on an account maintained by the supplier and (ii) resulting from such consumer's overpayment on such account. Suppliers shall give consumers written notice of such credit balances within 60 days of receiving overpayments. If the credit balance information is incorporated into statements of account furnished consumers by suppliers within such 60-day period, no separate or additional notice is required;

17. If a supplier enters into a written agreement with a consumer to resolve a dispute that arises in connection with a consumer transaction, failing to adhere to the terms and conditions of such an agreement;

18. Violating any provision of the Virginia Health Club Act, Chapter 24 (§ 59.1-294 et seq.);

19. Violating any provision of the Virginia Home Solicitation Sales Act, Chapter 2.1 (§ 59.1-21.1 et seq.);

20. Violating any provision of the Automobile Repair Facilities Act, Chapter 17.1 (§ 59.1-207.1 et seq.);

21. Violating any provision of the Virginia Lease-Purchase Agreement Act, Chapter 17.4 (§ 59.1-207.17 et seq.);

22. Violating any provision of the Prizes and Gifts Act, Chapter 31 (§ 59.1-415 et seq.);

23. Violating any provision of the Virginia Public Telephone Information Act, Chapter 32 (§ 59.1-424 et seq.);

24. Violating any provision of § 54.1-1505;

25. Violating any provision of the Motor Vehicle Manufacturers' Warranty Adjustment Act, Chapter 17.6 (§ 59.1-207.34 et seq.);

26. Violating any provision of § 3.2-5627, relating to the pricing of merchandise;

27. Violating any provision of the Pay-Per-Call Services Act, Chapter 33 (§ 59.1-429 et seq.);

28. Violating any provision of the Extended Service Contract Act, Chapter 34 (§ 59.1-435 et seq.);

29. Violating any provision of the Virginia Membership Camping Act, Chapter 25 (§ 59.1-311 et seq.);

30. Violating any provision of the Comparison Price Advertising Act, Chapter 17.7 (§ 59.1-207.40 et seq.);

31. Violating any provision of the Virginia Travel Club Act, Chapter 36 (§ 59.1-445 et seq.);

32. Violating any provision of §§ 46.2-1231 and 46.2-1233.1;

33. Violating any provision of Chapter 40 (§ 54.1-4000 et seq.) of Title 54.1;

34. Violating any provision of Chapter 10.1 (§ 58.1-1031 et seq.) of Title 58.1;

35. Using the consumer's social security number as the consumer's account number with the supplier, if the consumer has requested in writing that the supplier use an alternate number not associated with the consumer's social security number;

36. Violating any provision of Chapter 18 (§ 6.2-1800 et seq.) of Title 6.2;

37. Violating any provision of § 8.01-40.2;

38. Violating any provision of Article 7 (§ 32.1-212 et seq.) of Chapter 6 of Title 32.1;

39. Violating any provision of Chapter 34.1 (§ 59.1-441.1 et seq.);

40. Violating any provision of Chapter 20 (§ 6.2-2000 et seq.) of Title 6.2;

41. Violating any provision of the Virginia Post-Disaster Anti-Price Gouging Act, Chapter 46 (§ 59.1-525 et seq.);

42. Violating any provision of Chapter 47 (§ 59.1-530 et seq.);

43. Violating any provision of § 59.1-443.2;

44. Violating any provision of Chapter 48 (§ 59.1-533 et seq.);

45. Violating any provision of Chapter 25 (§ 6.2-2500 et seq.) of Title 6.2;

46. Violating the provisions of clause (i) of subsection B of § 54.1-1115;

47. Violating any provision of § 18.2-239;

48. Violating any provision of Chapter 26 (§ 59.1-336 et seq.);

49. Selling, offering for sale, or manufacturing for sale a children's product the supplier knows or has reason to know was recalled by the U.S. Consumer Product Safety Commission. There is a rebuttable presumption that a supplier has reason to know a children's product was recalled if notice of the recall has been posted continuously at least 30 days before the sale, offer for sale, or manufacturing for sale on the website of the U.S. Consumer Product Safety Commission. This prohibition does not apply to children's products that are used, secondhand or "seconds";

50. Violating any provision of Chapter 44.1 (§ 59.1-518.1 et seq.);

51. Violating any provision of Chapter 22 (§ 6.2-2200 et seq.) of Title 6.2;

52. Violating any provision of § 8.2-317.1;

53. Violating subsection A of § 9.1-149.1;

54. Selling, offering for sale, or using in the construction, remodeling, or repair of any residential dwelling in the Commonwealth, any drywall that the supplier knows or has reason to know is defective drywall. This subdivision shall not

apply to the sale or offering for sale of any building or structure in which defective drywall has been permanently installed or affixed;

55. Engaging in fraudulent or improper or dishonest conduct as defined in § 54.1-1118 while engaged in a transaction that was initiated (i) during a declared state of emergency as defined in § 44-146.16 or (ii) to repair damage resulting from the event that prompted the declaration of a state of emergency, regardless of whether the supplier is licensed as a contractor in the Commonwealth pursuant to Chapter 11 (§ 54.1-1100 et seq.) of Title 54.1;

56. Violating any provision of Chapter 33.1 (§ 59.1-434.1 et seq.);

57. Violating any provision of § 18.2-178, 18.2-178.1, or 18.2-200.1;

58. Violating any provision of Chapter 17.8 (§ 59.1-207.45 et seq.);

59. Violating any provision of subsection E of § 32.1-126; ~~and~~

60. Violating any provision of § 54.1-111 relating to the unlicensed practice of a profession licensed under Chapter 11 (§ 54.1-1100 et seq.) or Chapter 21 (§ 54.1-2100 et seq.) of Title 54.1; *and*

61. *Violating any provision of Chapter 26 (§ 6.2-2600 et seq.) of Title 6.2.*

B. Nothing in this section shall be construed to invalidate or make unenforceable any contract or lease solely by reason of the failure of such contract or lease to comply with any other law of the Commonwealth or any federal statute or regulation, to the extent such other law, statute, or regulation provides that a violation of such law, statute, or regulation shall not invalidate or make unenforceable such contract or lease.

2. That the provisions of the first enactment of this act shall become effective on July 1, 2021.

3. That on or before March 1, 2021, the State Corporation Commission shall begin accepting applications for licenses to be issued pursuant to Chapter 26 (§ 6.2-2600 et seq.) of Title 6.2 of the Code of Virginia, as created by this act, when such chapter becomes effective. Applications filed with the Commission may be investigated prior to July 1, 2021, in accordance with § 6.2-2605 of the Code of Virginia, as created by this act.

4. That the State Corporation Commission (the Commission) shall provide a report to members of the House Committee on Labor and Commerce, the Senate Committee on Commerce and Labor, the House Committee on Education, and the Senate Committee on Education and Health on or before November 1, 2022, that contains the following: (i) the number of licenses issued under Chapter 26 (§ 6.2-2600 et seq.) of Title 6.2 of the Code of Virginia, as created by this act (the Chapter); (ii) the number of applications for a license under the Chapter that have been denied and the reasons for such denials; (iii) the number of licensees under the Chapter that filed a written report with the Commission pursuant to subsection A of § 6.2-2612, as created by this act, and for which of the events enumerated in subdivisions A 1 through 5 of § 6.2-2612, as created by this act, the written report was filed; (iv) the number and nature of complaints received under the Chapter; and (v) the number of investigations and examinations resulting from such complaints and the disposition of such investigations and examinations.

CHAPTER 1199

An Act to amend and reenact §§ 10.1-603.24 and 10.1-603.25 of the Code of Virginia, relating to Virginia Community Flood Preparedness Fund; loans.

[H 22]

Approved April 22, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 10.1-603.24 and 10.1-603.25 of the Code of Virginia are amended and reenacted as follows:

Article 1.3.

Virginia ~~Shoreline Resiliency~~ *Community Flood Preparedness Fund.*

§ 10.1-603.24. Definitions.

As used in this article, unless the context requires a different meaning:

"Authority" means the Virginia Resources Authority.

"Cost," as applied to any project financed under the provisions of this article, means the total of all costs incurred by the local government as reasonable and necessary for carrying out all works and undertakings necessary or incident to the accomplishment of any project.

"Department" means the Virginia Department of ~~Emergency Management~~ *Conservation and Recreation.*

"Flood prevention or protection" means the construction of hazard mitigation projects, acquisition of land, or implementation of land use controls that reduce or mitigate damage from coastal or riverine flooding.

"Flood prevention or protection study" means the conduct of a hydraulic or hydrologic study of a flood plain with historic and predicted floods, the assessment of flood risk, and the development of strategies to prevent or mitigate damage from coastal or riverine flooding.

"Fund" means the Virginia ~~Shoreline Resiliency~~ *Community Flood Preparedness Fund created pursuant to § 10.1-603.25.*

"Local government" means any county, city, town, municipal corporation, authority, district, commission, or political subdivision created by the General Assembly or pursuant to the Constitution of Virginia or laws of the Commonwealth.

"Low-income geographic area" means any locality, or community within a locality, that has a median household income that is not greater than 80 percent of the local median household income, or any area in the Commonwealth designated as a qualified opportunity zone by the U.S. Secretary of the Treasury via his delegation of authority to the Internal Revenue Service.

"Nature-based solution" means an approach that reduces the impacts of flood and storm events through the use of environmental processes and natural systems. A nature-based solution may provide additional benefits beyond flood control, including recreational opportunities and improved water quality.

§ 10.1-603.25. Virginia Community Flood Preparedness Fund; loan and grant program.

~~There shall be set apart a permanent and perpetual fund, to be known as the A. The Virginia Shoreline Resiliency Fund, consisting of such is hereby continued as a permanent and perpetual fund to be known as the Virginia Community Flood Preparedness Fund. All sums that are designated for deposit, for the purpose of assisting localities and their residents affected by recurrent flooding, sea level rise, and flooding from severe weather events, in the Fund from revenue generated by the sale of emissions allowances, all sums that may be appropriated to the Fund by the General Assembly, all receipts by the Fund from the repayment of loans made by it to local governments, all income from the investment of moneys held in the Fund, and any other sums designated for deposit to the Fund from any source, public or private, including any federal grants and awards or other forms of assistance received by the Commonwealth that are eligible for deposit in the Fund under federal law, shall be designated for deposit to it. Any moneys remaining in the Fund, including any appropriated funds and all principal, interest accrued, and payments, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. All loans and grants provided under this article shall be deemed to promote the public purposes of flood prevention or protection and enhancing flood prevention or protection and coastal resilience. The Fund shall be administered by the Department as prescribed in this article. The Department shall establish guidelines regarding the distribution of loans from the Fund and prioritization of such loans.~~

B. Moneys in the Fund shall be used solely for the purposes of enhancing flood prevention or protection and coastal resilience as required by this article. The Authority shall manage the Fund and shall establish interest rates and repayment terms of such loans as provided in this article in accordance with a memorandum of agreement with the Department. The Authority may disburse from the Fund its reasonable costs and expenses incurred in the management of the Fund. The Department shall direct distribution of loans and grants from the Fund in accordance with the provisions of subsection D.

C. The Authority is authorized at any time and from time to time to pledge, assign, or transfer from the Fund or any bank or trust company designated by the Authority any or all of the assets of the Fund to be held in trust as security for the payment of principal of, premium, if any, and interest on any and all bonds, as defined in § 62.1-199, issued to finance any flood prevention or protection project undertaken pursuant to the provisions of this article. In addition, the Authority is authorized at any time and from time to time to sell upon such terms and conditions as the Authority deems appropriate any loan or interest thereon made pursuant to this article. The net proceeds of the sale remaining after payment of costs and expenses shall be designated for deposit to, and become part of, the Fund.

D. The Fund shall be administered by the Department as prescribed in this article. The Department, in consultation with the Secretary of Natural Resources and the Special Assistant to the Governor for Coastal Adaptation and Protection, shall establish guidelines regarding the distribution and prioritization of loans and grants, including loans and grants that support flood prevention or protection studies of statewide or regional significance.

~~E. Localities shall use moneys from the Fund primarily for the purpose of creating a low-interest loan program to help residents and businesses implementing flood prevention and protection projects and studies in areas that are subject to recurrent flooding as confirmed by a locality-certified floodplain manager. Moneys in the Fund may be used to mitigate future flood damage and to assist inland and coastal communities across the Commonwealth that are subject to recurrent or repetitive flooding. No less than 25 percent of the moneys disbursed from the Fund each year shall be used for projects in low-income geographic areas. Priority shall be given to projects that implement community-scale hazard mitigation activities that use nature-based solutions to reduce flood risk.~~

~~F. Any locality is authorized to secure a loan made through such a low-interest loan program pursuant to this section by placing a lien up to the value of the loan against any property that benefits from the loan. Such a lien shall be subordinate to each prior lien on such property, except prior liens for which the prior lienholder executes a written subordination agreement, in a form and substance acceptable to the prior lienholder in its sole and exclusive discretion, that is recorded in the land records where the property is located.~~

G. Any locality using moneys in the Fund to provide a loan for a project in a low-income geographic area is authorized to forgive the principal of such loan. If a locality forgives the principal of any such loan, any obligation of the locality to repay that principal to the Commonwealth shall not be forgiven and such obligation shall remain in full force and effect. The total amount of loans forgiven by all localities in a fiscal year shall not exceed 30 percent of the amount appropriated in such fiscal year to the Fund by the General Assembly.

2. That any moneys in the Virginia Shoreline Resiliency Fund as created by Chapter 762 of the Acts of Assembly of 2016 shall remain in the Virginia Community Flood Preparedness Fund pursuant to § 10.1-603.25 of the Code of Virginia, as amended and reenacted by this act.

**ACTS
OF THE
GENERAL ASSEMBLY**



2020 REGULAR SESSION

VOLUME I

VOLUME II

VOLUME III

VOLUME IV

ACTS

OF THE

GENERAL ASSEMBLY

OF THE

COMMONWEALTH OF VIRGINIA

2020 REGULAR SESSION

which met at the State Capitol, Richmond

Convened Wednesday, January 8, 2020

Adjourned sine die Thursday, March 12, 2020

Reconvened Wednesday, April 22, 2020

Adjourned sine die Wednesday, April 22, 2020

VOLUME III

CHAPTERS 1200-1289

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Clerk of the House of Delegates
and
Keeper of the Rolls of the Commonwealth**

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in cooperation with the

**Senate of Virginia,
Division of Legislative Services,
and
Division of Legislative Automated Systems**

TABLE OF CONTENTS
2020 REGULAR SESSION

VOLUME I

CHAPTERS 1-827 1

VOLUME II

CHAPTERS 828-1199 1311

VOLUME III

CHAPTERS 1200-1289 2607

VOLUME IV

CHAPTER 1289..... 3867

CERTIFICATION OF THE 2020 REGULAR SESSION ACTS OF ASSEMBLY 4282

RESOLUTIONS OF THE GENERAL ASSEMBLY-2020 REGULAR SESSION

House Joint Resolutions and House Resolutions 4283
Senate Joint Resolutions and Senate Resolutions 4627

APPENDIX

Summary of 2020 Regular Session Legislation 4835
House Bills Approved with Chapter and Page Numbers 4836
Senate Bills Approved with Chapter and Page Numbers 4840
Bills Vetoed by Governor 4843
Members of the Senate 4844
Members of the House of Delegates 4847
Senators and Delegates by Counties 4852
Senators and Delegates by Cities 4856
Counties and Cities--Land Area and Population 4858
Counties and Cities--Ranked by Population 4859
Table of Titles of the Code of Virginia 4860

INDEX..... 4863

CHAPTER 1200

An Act to amend and reenact § 53.1-165.1 of the Code of Virginia, relating to parole; exception to the limitation on the application of parole statutes.

[H 33]

Approved April 22, 2020

Be it enacted by the General Assembly of Virginia:**1. That § 53.1-165.1 of the Code of Virginia is amended and reenacted as follows:****§ 53.1-165.1. Limitation on the application of parole statutes.**

A. The provisions of this article, except §§ 53.1-160 and 53.1-160.1, shall not apply to any sentence imposed or to any prisoner incarcerated upon a conviction for a felony offense committed on or after January 1, 1995. Any person sentenced to a term of incarceration for a felony offense committed on or after January 1, 1995, shall not be eligible for parole upon that offense.

B. *The provisions of this article shall apply to any person who was sentenced by a jury prior to June 9, 2000, for any felony offense committed on or after January 1, 1995, and who remained incarcerated for such offense on July 1, 2020, other than (i) a Class 1 felony or (ii) any of the following felony offenses where the victim was a minor: (a) rape in violation of § 18.2-61; (b) forcible sodomy in violation of § 18.2-67.1; (c) object sexual penetration in violation of § 18.2-67.2; (d) aggravated sexual battery in violation of § 18.2-67.3; (e) an attempt to commit a violation of clause (a), (b), (c), or (d); or (f) carnal knowledge in violation of § 18.2-63, 18.2-64.1, or 18.2-64.2.*

C. *The Parole Board shall establish procedures for consideration of parole of persons entitled under subsection B consistent with the provisions of § 53.1-154.*

D. *Any person who meets eligibility criteria for parole under subsection B and pursuant to § 53.1-151 as of July 1, 2020, shall be scheduled for a parole interview no later than July 1, 2021, allowing for extension of time for reasonable cause.*

2. That an emergency exists and this act is in force from its passage.

CHAPTER 1201

An Act to amend and reenact §§ 24.2-416.1, 24.2-452, 24.2-612, 24.2-700, 24.2-701, 24.2-701.1, 24.2-702.1, 24.2-703.1, 24.2-703.2, 24.2-705.1, 24.2-705.2, 24.2-706, 24.2-709, and 24.2-1004 of the Code of Virginia and to repeal the second enactment of Chapter 668 and the second enactment of Chapter 669 of the Acts of Assembly of 2019, relating to absentee voting; no excuse required; permanent absentee voter list.

[H 207]

Approved April 22, 2020

Be it enacted by the General Assembly of Virginia:**1. That §§ 24.2-416.1, 24.2-452, 24.2-612, 24.2-700, 24.2-701, 24.2-701.1, 24.2-702.1, 24.2-703.1, 24.2-703.2, 24.2-705.1, 24.2-705.2, 24.2-706, 24.2-709, and 24.2-1004 of the Code of Virginia are amended and reenacted as follows:****§ 24.2-416.1. Voter registration by mail.**

A. A person may apply to register to vote by mail by completing and returning a mail voter registration application form in the manner and time provided by law.

B. Any person, who applies to register to vote by mail pursuant to this article and who has not previously voted in the county or city in which he registers to vote, shall be required to vote in person, either at the polls on election day or in-person absentee. However, this requirement to vote in person shall not apply to a person so long as he (i) is entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. § 20302 et seq.); (ii) is provided the right to vote otherwise than in person under § 3(b)(2)(B)(ii) of the Voting Accessibility for the Elderly and Handicapped Act (52 U.S.C. § 20102(b)(2)(B)(ii)), including any disabled voter and any voter age 65 or older who is otherwise qualified to vote absentee under § 24.2-700; (iii) is entitled to vote otherwise than in person under other federal law; (iv) is a full-time student in an institution of higher education; or (v) requests to vote an absentee ballot by mail for presidential and vice-presidential elections only, for any reason, as entitled by federal law.

§ 24.2-452. Definitions.

As used in this chapter, unless the context requires a different meaning:

1. "Covered voter" means:

a. A uniformed-service voter or an overseas voter who is registered to vote in this state;

b. A uniformed-service voter defined in subdivision 9 a whose voting residence is in this state and who otherwise satisfies this state's voter eligibility requirements, including subdivision A 2 of § 24.2-700;

c. An overseas voter who, before leaving the United States, was last eligible to vote in this state and, except for a state residency requirement, otherwise satisfies this state's voter eligibility requirements;

d. An overseas voter who, before leaving the United States, would have been last eligible to vote in this state had the voter then been of voting age and, except for a state residency requirement, otherwise satisfies this state's voter eligibility requirements; or

e. An overseas voter who was born outside the United States, is not described in subdivision c or d, and, except for a state residency requirement, otherwise satisfies this state's voter eligibility requirements, if:

(1) The last place where a parent or legal guardian of the voter was, or under this chapter would have been, eligible to vote before leaving the United States is within this state; and

(2) The voter has not previously registered to vote in any other state.

2. "Dependent" means an individual recognized as a dependent by a uniformed service.

3. "Federal postcard application" means the application prescribed under § 101(b)(2) of the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. § 20301(b)(2).

4. "Federal write-in absentee ballot" means the ballot described in § 103 of the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. § 20303, that may be used in all elections in which the voter is eligible to vote as provided in § 24.2-702.1.

5. "Military-overseas ballot" means:

a. A federal write-in absentee ballot;

b. A ballot specifically prepared or distributed for use by a covered voter in accordance with this title; or

c. A ballot cast by a covered voter in accordance with this title.

6. "Overseas voter" means a United States citizen who is outside the United States.

7. "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

8. "Uniformed service" means:

a. Active and reserve components of the Army, Navy, Air Force, Marine Corps, or Coast Guard of the United States;

b. The Merchant Marine, the commissioned corps of the Public Health Service, or the commissioned corps of the National Oceanic and Atmospheric Administration of the United States; or

c. The Virginia National Guard.

9. "Uniformed-service voter" means an individual who is qualified to vote and is:

a. A member of the active or reserve components of the Army, Navy, Air Force, Marine Corps, or Coast Guard of the United States who is on active duty;

b. A member of the Merchant Marine, the commissioned corps of the Public Health Service, or the commissioned corps of the National Oceanic and Atmospheric Administration of the United States;

c. A member on activated status of the National Guard; or

d. A spouse or dependent of a member referred to in this definition.

10. "United States," used in the territorial sense, means the several states, the District of Columbia, Puerto Rico, the United States Virgin Islands, and any territory or insular possession subject to the jurisdiction of the United States.

§ 24.2-612. List of offices and candidates filed with Department of Elections and checked for accuracy; when ballots printed; number required.

Immediately after the expiration of the time provided by law for a candidate for any office to qualify to have his name printed on the official ballot and prior to printing the ballots for an election, each general registrar shall forward to the Department of Elections a list of the county, city, or town offices to be filled at the election and the names of all candidates who have filed for each office. In addition, each general registrar shall forward the name of any candidate who failed to qualify with the reason for his disqualification. On that same day, the general registrar shall also provide a copy of the notice to each disqualified candidate. The notice shall be sent by email or regular mail to the address on the candidate's certificate of candidate qualification, and such notice shall be deemed sufficient. The Department of Elections shall promptly advise the general registrar of the accuracy of the list. The failure of any general registrar to send the list to the Department of Elections for verification shall not invalidate any election.

Each general registrar shall have printed the number of ballots he determines will be sufficient to conduct the election. Such determination shall be based on the number of active registered voters and historical election data, including voter turnout, and shall be subject to the approval by the electoral board.

Notwithstanding any other provisions of this title, the Department of Elections may print or otherwise provide one statewide paper ballot style for each paper ballot style in use for presidential and vice-presidential electors for use only by persons eligible to vote for those offices only under § 24.2-402 or only for federal elections under § 24.2-453. The Department of Elections may apportion or authorize the printer or vendor to apportion the costs for these ballots among the localities based on the number of ballots ordered. Any printer employed by the Department of Elections shall execute the statement required by § 24.2-616. The Department of Elections shall designate a representative to be present at the printing of such ballots and deliver them to the appropriate general registrars pursuant to § 24.2-617. Upon receipt of such paper ballots, the electoral board or the general registrar shall affix the seal of the electoral board. Thereafter, such ballots shall be handled and accounted for, and the votes counted as the Department of Elections shall specifically direct.

The general registrar shall make printed ballots available for absentee voting not later than 45 days prior to any election or within three business days of the receipt of a properly completed absentee ballot application, whichever is later. In the case of a special election, excluding for federal offices, if time is insufficient to meet the applicable deadline established

herein, then the general registrar shall make printed ballots available as soon after the deadline as possible. For the purposes of this chapter, making printed ballots available includes mailing of such ballots or electronic transmission of such ballots pursuant to § 24.2-706 to a qualified absentee voter who is eligible for an absentee ballot under subdivision A 2 of § 24.2-700 covered voter, as defined in § 24.2-452, who has applied for an absentee ballot pursuant to § 24.2-701. Not later than five days after absentee ballots are made available, each general registrar shall report to the Department of Elections, in writing on a form approved by the Department of Elections, whether he has complied with the applicable deadline.

Only the names of candidates for offices to be voted on in a particular election district shall be printed on the ballots for that election district.

The general registrar shall send to the Department of Elections a statement of the number of ballots ordered to be printed, proofs of each printed ballot for verification, and copies of each final ballot. If the Department of Elections finds that, in its opinion, the number of ballots ordered to be printed by any general registrar is not sufficient, it may direct the general registrar to order the printing of a reasonable number of additional ballots.

§ 24.2-700. Persons entitled to vote by absentee ballot.

A. The following registered voters may vote by absentee ballot in accordance with the provisions of this chapter in any election in which they are qualified to vote:

1. Any person who, in the regular and orderly course of his business, profession, or occupation or while on personal business or vacation, will be absent from the county or city in which he is entitled to vote;

2. Any person who is (i) a member of a uniformed service, as defined in § 24.2-452, on active duty, (ii) temporarily residing outside of the United States, or (iii) the spouse or dependent residing with any person listed in clause (i) or (ii), and who will be absent on the day of the election from the county or city in which he is entitled to vote;

3. Any student attending a school or institution of higher education, or his spouse, who will be absent on the day of election from the county or city in which he is entitled to vote;

4. Any duly registered person with a disability, as defined in § 24.2-101, who is unable to go in person to the polls on the day of election because of his disability, illness, or pregnancy;

5. Any person who is confined while awaiting trial or for having been convicted of a misdemeanor, provided that the trial or release date is scheduled on or after the third day preceding the election. Any person who is awaiting trial and is a resident of the county or city where he is confined shall, on his request, be taken to the polls to vote on election day if his trial date is postponed and he did not have an opportunity to vote absentee;

6. Any person who is a member of an electoral board, registrar, officer of election, or custodian of voting equipment;

7. Any duly registered person who is unable to go in person to the polls on the day of the election because he is primarily and personally responsible for the care of an ill or disabled family member who is confined at home;

8. Any duly registered person who is unable to go in person to the polls on the day of the election because of an obligation occasioned by his religion;

9. Any person who, in the regular and orderly course of his business, profession, or occupation, will be at his place of work and commuting to and from his home to his place of work for 11 or more hours of the 13 hours that the polls are open pursuant to § 24.2-603;

10. Any person who is a law-enforcement officer, as defined in § 18.2-51.1; firefighter, as defined in § 65.2-102; volunteer firefighter, as defined in § 27-42; search and rescue personnel, as defined in § 18.2-51.1; or emergency medical services personnel, as defined in § 32.1-111.1;

11. Any person who has been designated by a political party, independent candidate, or candidate in a primary election to be a representative of the party or candidate inside a polling place on the day of the election pursuant to subsection C of § 24.2-604 and § 24.2-639; or

12. Any person granted a protective order issued by or under the authority of any court of competent jurisdiction.

B. Any registered voter may vote by absentee ballot in person beginning on the second Saturday immediately preceding in accordance with the provisions of this chapter in any election in which he is qualified to vote.

§ 24.2-701. Application for absentee ballot.

A. The State Board Department shall furnish each general registrar with a sufficient number of applications for official absentee ballots. The registrars shall furnish applications to persons requesting them.

The State Board Department shall implement a system that enables eligible persons to request and receive an absentee ballot application electronically through the Internet. Electronic absentee ballot applications shall be in a form approved by the State Board.

Except as provided in § 24.2-703 or 24.2-703.1, a separate application shall be completed for each election in which the applicant offers to vote. An application for an absentee ballot may be accepted the later of (i) 12 months before an election or (ii) the day following any election held in the twelfth month prior to the election in which the applicant is applying to vote.

An application that is completed in person at the same time that the applicant registers to vote shall be held and processed no sooner than the fifth day after the date that the applicant registered to vote; however, this requirement shall not be applicable to any person who is qualified to vote absentee under subdivision A 2 of § 24.2-700 covered voter, as defined in § 24.2-452.

Any application received before the ballots are printed shall be held and processed as soon as the printed ballots for the election are available.

For the purposes of this chapter, the general registrar's office shall be open a minimum of eight hours between the hours of 8:00 a.m. and 5:00 p.m. on the first and second Saturday immediately preceding all elections.

Unless the applicant is disabled, all applications for absentee ballots shall be signed by the applicant who shall state, subject to felony penalties for making false statements pursuant to § 24.2-1016, that to the best of his knowledge and belief the facts contained in the application are true and correct and that he has not and will not vote in the election at any other place in Virginia or in any other state. If the applicant is unable to sign the application, a person assisting the applicant will note this fact on the applicant signature line and provide his signature, name, and address.

B. Applications for absentee ballots shall be completed in the following manner:

1. An application completed in person shall be completed only in the office of the general registrar and signed by the applicant in the presence of a registrar. The applicant shall provide one of the forms of identification specified in subsection B of § 24.2-643. Any applicant who does not show one of the forms of identification specified in subsection B of § 24.2-643 shall be offered a provisional ballot under the provisions of § 24.2-653. The State Board of Elections shall provide instructions to the general registrar for the handling and counting of such provisional ballots pursuant to subsection B of § 24.2-653 and this section.

2. Any other application may be made by mail, by electronic or telephonic transmission to a facsimile device if one is available to the office of the general registrar or to the office of the State Board Department if a device is not available locally, or by other means. The application shall be on a form furnished by the registrar or, if made under subdivision A 2 of § 24.2-700, may be on a federal postcard application prescribed pursuant to 52 U.S.C. § 20301(b)(2). The federal postcard application may be accepted the later of (i) 12 months before an election or (ii) the day following any election held in the twelfth month prior to the election in which the applicant is applying to vote. The application shall be made to the appropriate registrar no later than 5:00 p.m. on the seventh day prior to the election in which the applicant offers to vote as specified in subdivision 3. The application shall be made to the appropriate registrar no later than 5:00 p.m. on the seventh day prior to the election in which the applicant offers to vote.

3. The application of any covered voter, as defined in § 24.2-452, may be on a federal postcard application, as defined in § 24.2-452. The federal postcard application may be accepted the later of (i) 12 months before an election or (ii) the day following any election held in the twelfth month prior to the election in which the applicant is applying to vote.

C. Applications for absentee ballots shall contain the following information:

1. The applicant's printed name, and the last four digits of the applicant's social security number, and the reason the applicant will be absent or cannot vote at his polling place on the day of the election. However, an applicant completing the application in person shall not be required to provide the last four digits of his social security number;

2. A statement that he is registered in the county or city in which he offers to vote and his residence address in such county or city. Any person temporarily residing outside the United States shall provide the last date of residency at his Virginia residence address, if that residence is no longer available to him. Any person who makes application under subdivision A 2 of § 24.2-700 covered voter, as defined in § 24.2-452, who is not a registered voter may file the applications to register and for a ballot simultaneously; and

3. The complete address to which the ballot is to be sent directly to the applicant, unless the application is made in person at a time when the printed ballots for the election are available and the applicant chooses to vote in person at the time of completing his application. The address given shall be (i) the address of the applicant on file in the registration records; (ii) the address at which he will be located while absent from his county or city; or (iii) the address at which he will be located while temporarily confined due to a disability or illness. No ballot shall be sent to, or in care of, any other person; and

4. In the case of a person, or the spouse or dependent of a person, who is on active duty as a member of the uniformed services as defined in § 24.2-452, the branch of service to which he or the spouse belongs; or

5. In the case of a student, or the spouse of a student, who is attending a school or institution of higher education, the name of the school or institution of higher education; or

6. In the case of any duly registered person with a disability, as defined in § 24.2-101, who is unable to go in person to the polls on the day of the election because of his disability, illness, or pregnancy, that he is a person with a disability, illness, or pregnancy; or

7. In the case of a person who is confined awaiting trial or for having been convicted of a misdemeanor, the name of the institution of confinement; or

8. In the case of a person who will be absent on election day for business reasons, the name of his employer or business; or

9. In the case of a person who will be absent on election day for personal business or vacation reasons, the name of the county or city in Virginia or the state or country to which he is traveling; or

10. In the case of a person who is unable to go to the polls on the day of election because he is primarily and personally responsible for the care of an ill or disabled family member who is confined at home, his relationship to the family member; or

11. In the case of a person who is unable to go to the polls on the day of election because of an obligation occasioned by his religion, that he has an obligation occasioned by his religion; or

12. In the case of a person who, in the regular and orderly course of his business, profession, or occupation, will be at his place of work and commuting to and from his home to his place of work for 11 or more hours of the 13 hours that the polls are open pursuant to § 24.2-603, the name of his business or employer and hours he will be at the workplace and commuting on election day; or

13. In the case of a law-enforcement officer, as defined in § 18.2-51.1; firefighter, as defined in § 65.2-102; volunteer firefighter, as defined in § 27-42; search and rescue personnel, as defined in § 18.2-51.1; or emergency medical services personnel, as defined in § 32.1-111.1, that he is a first responder; or

14. In the case of a person who has been designated by a political party, independent candidate, or candidate in a primary election to be a representative of the party or candidate inside a polling place on the day of the election pursuant to subsection C of § 24.2-604 and § 24.2-639, the fact that he is so designated; or

15. In the case of a person who has been granted a protective order issued by or under the authority of any court of competent jurisdiction, the name of the county or city in Virginia or the state of the issuing court.

D. An application shall not be required for any registered voter appearing in person to cast an absentee ballot during the period beginning on the second Saturday immediately preceding the election in which he is offering to vote pursuant to § 24.2-701.1.

§ 24.2-701.1. Absentee voting in person.

A. Absentee voting in person shall be available on the forty-fifth day prior to any election and shall continue until 5:00 p.m. on the Saturday immediately preceding the election. *In the case of a special election, excluding for federal offices, if time is insufficient between the issuance of the writ calling for the special election and the date of the special election, absentee voting in person shall be available as soon as possible after the issuance of the writ.*

1. Any registered voter eligible to vote absentee pursuant to subsection A of § 24.2-700 may vote absentee in person beginning on the forty-fifth day prior to the election in which he is offering to vote and continuing until the second Friday immediately preceding such election. He shall complete the application for an absentee ballot required by § 24.2-701, and the general registrar shall process that application in accordance with the provisions of § 24.2-706.

2. Any registered voter ~~may offering to~~ vote absentee in person ~~on or after the second Saturday immediately preceding the election in which he is offering to vote.~~ He shall provide his name and his residence address in the county or city in which he is offering to vote. After verifying that the voter is a registered voter of that county or city, the general registrar shall enroll the voter's name and address on the absentee voter applicant list maintained pursuant to § 24.2-706.

A registered voter voting by absentee ballot in person shall provide one of the forms of identification specified in subsection B of § 24.2-643. If he does not show one of the forms of identification specified in subsection B of § 24.2-643, he shall be offered a provisional ballot under the provisions of § 24.2-653. The State Board shall provide instructions to the general registrar for the handling and counting of such provisional ballots pursuant to subsection B of § 24.2-653 and this section.

B. Absentee voting in person shall be available during regular business hours. The electoral board of each county and city shall provide for absentee voting in person in the office of the general registrar. For purposes of this chapter, such office shall be open a minimum of eight hours between the hours of 8:00 a.m. and 5:00 p.m. on the first and second Saturday immediately preceding all elections. Any applicant who is in line to cast his ballot when the office of the general registrar or location being used for in-person absentee voting closes shall be permitted to cast his absentee ballot that day.

C. Additional locations in the county or city approved by the electoral boards may be available for absentee voting in person. Any such location shall be in a public building owned or leased by the county, city, or town within the county and may be in a facility that is owned or leased by the Commonwealth and used as a location for Department of Motor Vehicles facilities or as an office of the general registrar. *Such location shall be deemed the equivalent of the office of the general registrar for the purposes of completing the application for an absentee ballot in person pursuant to §§ 24.2-701 and 24.2-706.* Any such location shall have adequate facilities for the protection of all elections materials produced in the process of absentee voting in person, the voted and unvoted absentee ballots, and any voting systems in use at the location.

D. The general registrar may provide for the casting of absentee ballots in person pursuant to this section on voting systems. The Department shall prescribe the procedures for use of voting systems. The procedures shall provide for absentee voting in person on voting systems that have been certified and are currently approved by the State Board. The procedures shall be applicable and uniformly applied by the Department to all localities using comparable voting systems.

E. At least two officers of election shall be present during all hours that absentee voting in person is available and shall represent the two major political parties, except in the case of a party primary, when they may represent the party conducting the primary. However, such requirement shall not apply when (i) voting systems that are being used pursuant to subsection D are located in the office of the general registrar and (ii) the general registrar or an assistant registrar is present.

F. The Department shall include absentee ballots voted in person in its instructions for the preparation, maintenance, and reporting of ballots, pollbooks, records, and returns.

§ 24.2-702.1. Federal write-in absentee ballots.

A. Notwithstanding any other provision of this title, a ~~qualified absentee voter who is eligible for an absentee ballot under subdivision A 2 of § 24.2-700 covered voter, as defined in § 24.2-452,~~ may use a federal write-in absentee ballot in any election. Such ballot shall be submitted and processed in the manner provided by the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. § 20301 et seq.) and this article.

B. Notwithstanding any other provision of this title, a federal write-in absentee ballot submitted pursuant to subsection A shall be considered valid for purposes of simultaneously satisfying both an absentee ballot application and a completed absentee ballot, provided that the ballot is received no later than the deadline for the return of absentee ballots as provided in § 24.2-709 for the election in which the voter offers to vote, and the application contains the following information: (i) the voter's signature; however, if the voter is unable to sign, the person assisting the voter will note this fact in the voter

signature box; (ii) the voter's printed name; (iii) the county or city in which he is registered and offers to vote; (iv) the residence address at which he is registered to vote; (v) his current military or overseas address; and (vi) the signature of a witness who shall sign the same application.

C. This section shall not be construed to require that an absentee ballot be sent to the absentee voter on receipt of a federal write-in absentee ballot unless the voter has also submitted an absentee ballot application pursuant to § 24.2-701 or 24.2-703.

§ 24.2-703.1. Permanent absentee voter list.

A. Any person who is eligible for an absentee ballot under subdivision A 4 of § 24.2-700 because of a disability or illness and who is likely to remain so eligible for the remainder of the calendar year registered voter shall be eligible to file a special annual application to receive *absentee* ballots for all elections in which he is eligible to vote in a calendar year. His first such application shall be accompanied by a statement, on a form prescribed by the State Board and signed by the voter and his physician, provider as defined in § 37.2-403, or accredited religious practitioner, that the voter is eligible for an absentee ballot under subdivision A 4 of § 24.2-700 and likely to remain so eligible for the remainder of the calendar year. Such application shall be on a form approved by the State Board. The absentee ballots sent to a voter on the permanent absentee voter list shall be sent to the address in the voter's registration record, except as provided in subdivision C 1.

B. In accordance with procedures established by the State Board, the general registrar shall retain the application and form, enroll the applicant on a special permanent absentee voter applicant list, and process the applicant's request for an absentee ballot for each succeeding election in the calendar year. The applicant shall specify by party designation the primary ballots he is requesting.

The general registrar shall send each such enrolled applicant a blank application by December 15 for each ensuing calendar year, and upon completion thereof, the applicant shall be eligible to receive ballots for all elections in which he is eligible to vote in that calendar year.

If an official reply to the application or C. The State Board shall prescribe the process by which a voter on the permanent absentee voter list may:

1. Request that his absentee ballot for (i) a single election or (ii) a primary election and the following general election be sent to an address other than the address on his voter registration record.

2. Request a primary ballot for a political party other than the one he specified on his application for permanent absentee voter status for a single primary election.

3. Change his political party selection for all succeeding primary elections.

D. A voter shall be removed from the permanent absentee voter list if (i) the voter requests in writing to be removed from the list, (ii) the voter's registration is canceled pursuant to § 24.2-427, (iii) the voter's registration is placed on inactive status pursuant to § 24.2-428 or 24.2-428.1, or (iv) the voter moves to a different address not in the same county or city of his registration an absentee ballot sent to the applicant is returned as undeliverable or the general registrar knows that the applicant is no longer a qualified voter, no ballot for any subsequent election shall be sent to the voter until a new application is filed and accepted.

§ 24.2-703.2. Replacement absentee ballots for certain disabled or ill voters; penalty.

A voter seeking to cast an absentee ballot may obtain a replacement absentee ballot subject to the following conditions: (i) the voter applied for an absentee ballot under subdivision A 4 of § 24.2-700 because of a disability or illness; (ii) the application was approved and an absentee ballot mailed to the voter; and (iii) the voter *A person with a disability or illness who has applied for and has been sent an absentee ballot who did not receive or has lost the absentee ballot on or before the Saturday before the election may obtain a replacement absentee ballot.* In such case, the voter may request a replacement absentee ballot by the close of business for the local elections office on the Saturday before election day and designate, in writing, a representative to obtain a replacement absentee ballot on his behalf from the general registrar and to return the properly completed ballot as directed by the general registrar no later than the close of polls on the day of election for which the absentee ballot is valid. The representative shall be age eighteen 18 or older and shall not be an elected official, a candidate for elected office, or the deputy, spouse, parent, or child of an elected official or candidate. The voter and representative shall complete the form prescribed by the State Board to implement the provisions of this section. The form shall include a statement signed by the voter that he did not receive the ballot or has lost the ballot. Statements on the form shall be subject to felony penalties for making false statements pursuant to § 24.2-1016.

§ 24.2-705.1. Late applications and in-person absentee voting for business and medical emergencies.

Any person registered and otherwise qualified to vote who becomes obligated after 12:00 noon on the Saturday before an election to be absent from his county or city on election day for a purpose pertaining to (i) his business, profession, or occupation, (ii) the hospitalization of the applicant or a member of his immediate family, or (iii) the death of a member of his immediate family, may apply for an absentee ballot and vote absentee in person pursuant to this section and subject to the following conditions:

1. The applicant applies in person for an absentee ballot offers to vote absentee in person on the Monday immediately preceding the election, before 2:00 p.m., at the principal office of the registrar; and

2. The applicant signs a statement, which shall be deemed part of his absentee ballot application and subject to felony penalties for making false statements pursuant to § 24.2-1016, that he is required to leave the county or city before the opening of the polls on election day for a purpose pertaining to (i) his business, profession or occupation, (ii) the hospitalization of the applicant or a member of his immediate family, or (iii) the death of a member of his immediate family,

and that he did not have notice or knowledge of such required travel prior to 12:00 noon on the immediately preceding Saturday. "Immediate family" means the children including adopted children, grandchildren, grandparents, parents, legal guardian, siblings, whether of the whole or half blood, and spouse of the applicant.

"Hospitalization" refers to confinement in a hospital as defined in § 32.1-123 or 37.2-100 and any comparable hospital in the District of Columbia or any state contiguous to Virginia.

§ 24.2-705.2. Late applications and in-person absentee voting for certain officers of election.

Any officer of election, registered and otherwise qualified to vote, who is assigned after 12:00 noon on the Saturday before an election to be absent from his precinct and to serve as an officer of election in another precinct on election day, may ~~apply for an absentee ballot and~~ vote absentee in person pursuant to this section and subject to the following conditions:

1. The officer of election ~~applies in person for an absentee ballot~~ *offers to vote absentee in person* on the Monday immediately preceding the election, before 2:00 p.m., at the principal office of the registrar; and

2. The officer signs a statement, ~~which shall be deemed part of his absentee ballot application~~ and subject to felony penalties for making false statements pursuant to § 24.2-1016, that he has been assigned to serve in a precinct other than the precinct where he votes and that he did not have notice or knowledge of such assignment prior to 12:00 noon on the immediately preceding Saturday.

§ 24.2-706. Duty of general registrar on receipt of application; statement of voter.

A. On receipt of an application for an absentee ballot, the general registrar shall enroll the name and address of each registered applicant on an absentee voter applicant list that shall be maintained in the office of the general registrar with a file of the applications received. The list shall be available for inspection and copying and the applications shall be available for inspection only by any registered voter during regular office hours. Upon request and for a reasonable fee, the Department of Elections shall provide an electronic copy of the absentee voter applicant list to any political party or candidate. Such list shall be used only for campaign and political purposes. Any list made available for inspection and copying under this section shall contain the post office box address in lieu of the residence street address for any individual who has furnished at the time of registration or subsequently, in addition to his street address, a post office box address pursuant to subsection B of § 24.2-418.

No list or application containing an individual's social security number, or any part thereof, or the individual's day and month of birth, shall be made available for inspection or copying by anyone. The Department of Elections shall prescribe procedures for general registrars to make the information in the lists and applications available in a manner that does not reveal social security numbers or parts thereof, or an individual's day and month of birth.

B. The completion and timely delivery of an application for an absentee ballot shall be construed to be an offer by the applicant to vote in the election.

The general registrar shall note on each application received whether the applicant is or is not a registered voter. In reviewing the application for an absentee ballot, the general registrar shall not reject the application of any individual because of an error or omission on any record or paper relating to the application, if such error or omission is not material in determining whether such individual is qualified to vote absentee.

If the application has been properly completed and signed and the applicant is a registered voter of the precinct in which he offers to vote, the general registrar shall, at the time when the printed ballots for the election are available, send by the deadline set out in § 24.2-612, obtaining a certificate or other evidence of either first-class or expedited mailing or delivery from the United States Postal Service or other commercial delivery provider, or deliver to him in person in the office of the registrar, the following items and nothing else:

1. An envelope containing the folded ballot, sealed and marked "Ballot within. Do not open except in presence of a witness."

2. An envelope, with printing only on the flap side, for resealing the marked ballot, on which envelope is printed the following:

"Statement of Voter."

"I do hereby state, subject to felony penalties for making false statements pursuant to § 24.2-1016, that my FULL NAME is _____ (last, first, middle); that I am now or have been at some time since last November's general election a legal resident of _____ (STATE YOUR LEGAL RESIDENCE IN VIRGINIA including the house number, street name or rural route address, city, zip code); that I received the enclosed ballot(s) upon application to the registrar of such county or city; that I opened the envelope marked 'ballot within' and marked the ballot(s) in the presence of the witness, without assistance or knowledge on the part of anyone as to the manner in which I marked it (or I am returning the form required to report how I was assisted); that I then sealed the ballot(s) in this envelope; and that I have not voted and will not vote in this election at any other time or place.

Signature of Voter _____

Date _____

Signature of witness _____ "

For elections held after January 1, 2004, instead of the envelope containing the above oath, an envelope containing the standard oath prescribed by the presidential designee under § 101(b)(7) of the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. § 20301 et seq.) shall be sent to voters who are qualified to vote absentee under that Act.

When this statement has been properly completed and signed by the registered voter and witnessed, his ballot shall not be subject to challenge pursuant to § 24.2-651.

3. A properly addressed envelope for the return of the ballot to the general registrar by mail or by the applicant in person.

4. Printed instructions for completing the ballot and statement on the envelope and returning the ballot.

For federal elections held after January 1, 2004, for any voter who is required by subparagraph (b) of 52 U.S.C. § 21083 of the Help America Vote Act of 2002 to show identification the first time the voter votes in a federal election in the state, the printed instructions shall direct the voter to submit with his ballot (i) a copy of a current and valid photo identification or (ii) a copy of a current utility bill, bank statement, government check, paycheck or other government document that shows the name and address of the voter. Such individual who desires to vote by mail but who does not submit one of the forms of identification specified in this paragraph may cast such ballot by mail and the ballot shall be counted as a provisional ballot under the provisions of § 24.2-653. The Department of Elections shall provide instructions to the electoral boards for the handling and counting of such provisional ballots pursuant to subsection B of § 24.2-653 and this section.

5. For any voter entitled to vote absentee under the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. § 20301 et seq.), information provided by the Department of Elections specific to the voting rights and responsibilities for such citizens, or information provided by the registrar specific to the status of the voter registration and absentee ballot application of such voter, may be included.

The envelopes and instructions shall be in the form prescribed by the Department of Elections.

C. If the applicant completes his application in person under § 24.2-701 at a time when the printed ballots for the election are available, he may request that the general registrar send to him by mail the items set forth in subdivisions B 1 through 4, instead of casting the ballot in person. Such request shall be made no later than 5:00 p.m. on the seventh day prior to the election in which the applicant offers to vote, and the general registrar shall send those items to the applicant by mail, obtaining a certificate or other evidence of mailing.

D. If the applicant states as the reason for his absence on election day any of the reasons set forth in subdivision A 2 of § 24.2-700 is a covered voter, as defined in § 24.2-452, the general registrar, at the time when the printed ballots for the election are available, shall mail by the deadline set forth in § 24.2-612 or deliver in person to the applicant in the office of the general registrar the items as set forth in subdivisions B 1 through 4 and, if necessary, an application for registration. A certificate or other evidence of mailing shall not be required. If the applicant requests that such items be sent by electronic transmission, the general registrar, at the time when the printed ballots for the election are available but not later than the deadline set forth in § 24.2-612, shall send by electronic transmission the blank ballot, the form for the envelope for returning the marked ballot, and instructions to the voter. Such materials shall be sent using the official email address or fax number of the office of the general registrar published on the Department of Elections website. The State Board of Elections may prescribe by regulation the format of the email address used for transmitting ballots to eligible voters. A general registrar may also use electronic transmission facilities provided by the Federal Voting Assistance Program. The voted ballot shall be returned to the general registrar as otherwise required by this chapter.

E. The circuit courts shall have jurisdiction to issue an injunction to enforce the provisions of this section upon the application of (i) any aggrieved voter, (ii) any candidate in an election district in whole or in part in the court's jurisdiction where a violation of this section has occurred, or is likely to occur, or (iii) the campaign committee or the appropriate district political party chairman of such candidate. Any person who fails to discharge his duty as provided in this section through willful neglect of duty and with malicious intent shall be guilty of a Class 1 misdemeanor as provided in subsection A of § 24.2-1001.

§ 24.2-709. Ballot to be returned in manner prescribed by law.

A. Any ballot returned to the office of the general registrar in any manner except as prescribed by law shall be void. Absentee ballots shall be returned to the general registrar before the closing of the polls. The registrar receiving the ballot shall (i) seal the ballot in an envelope with the statement or declaration of the voter, or both, attached to the outside and (ii) mark on each envelope the date, time, and manner of delivery. No returned absentee ballot shall be deemed void because the inner envelope containing the voted ballot is imperfectly sealed so long as the outside envelope containing the ballot envelope is sealed.

B. Notwithstanding the provisions of subsection A, any absentee ballots ~~ballot~~ (i) received after the close of the polls on any election day, (ii) received before 5:00 p.m. on the second business day before the State Board meets to ascertain the results of the election pursuant to this title, (iii) requested on or before but not sent by the deadline for making absentee ballots available under § 24.2-612, and (iv) cast by an absentee voter who is eligible for an absentee ballot under ~~subdivision A 2 of § 24.2-700 a covered voter, as defined in § 24.2-452~~, shall be counted pursuant to the procedures set forth in this chapter ~~and, if the voter is found entitled to vote, included in the election returns~~. The electoral board shall prepare an amended certified abstract, which shall include the results of such ballots, and shall deliver such abstract to the State Board by the business day prior to its meeting pursuant to this title, and shall deliver a copy of such abstract to the general registrar to be available for inspection when his office is open for business.

C. Notwithstanding the provisions of clause (i) of subsection B of § 24.2-427, an absentee ballot returned by a voter in compliance with § 24.2-707 and this section who dies prior to the counting of absentee ballots on election day shall be

counted pursuant to the procedures set forth in this chapter if the voter is found to have been entitled to vote at the time that he returned the ballot.

§ 24.2-1004. Illegal voting and registrations.

A. Any person who wrongfully deposits a ballot in the ballot container or casts a vote on any voting equipment, is guilty of a Class 1 misdemeanor.

B. Any person who intentionally (i) votes more than once in the same election, whether those votes are cast in Virginia or in Virginia and any other state or territory of the United States, (ii) procures, assists, or induces another to vote more than once in the same election, whether those votes are cast in Virginia or in Virginia and any other state or territory of the United States, (iii) votes knowing that he is not qualified to vote where and when the vote is to be given, or (iv) procures, assists, or induces another to vote knowing that such person is not qualified to vote where and when the vote is to be given is guilty of a Class 6 felony.

C. Any person who intentionally (i) registers to vote at more than one residence address at the same time, whether such registrations are in Virginia or in Virginia and any other state or territory of the United States, or (ii) procures, assists, or induces another to register to vote at more than one address at the same time, whether such registrations are in Virginia or in Virginia and any other state or territory of the United States, is guilty of a Class 6 felony. This subsection shall not apply to any person who, when registering to vote, changing the address at which he is registered, transferring his registration, or assisting another in registering, changing his address, or transferring his registration, provides the information required by § 24.2-418 on the applicant's place of last previous registration to vote.

D. Nothing in this section shall be construed to prohibit a person entitled to vote absentee under subdivision A 2 of § 24.2-700 covered voter, as defined in § 24.2-452, from casting in the same election both a state ballot and a write-in absentee ballot that is processed in the manner provided by the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. § 20301 et seq.). If both ballots are received prior to the close of the polls on election day, the state ballot shall be counted.

2. That the provisions of this act amending § 24.2-703.1 of the Code of Virginia shall become effective on July 1, 2021.

3. That the second enactment of Chapter 668 and the second enactment of Chapter 669 of the Acts of Assembly of 2019 are repealed.

CHAPTER 1202

An Act to amend the Code of Virginia by adding in Chapter 7 of Title 44 a section numbered 44-209, relating to emergency laws; civil relief; citizens of the Commonwealth furloughed or otherwise not receiving wages or payments due to closure of the federal government or declaration of emergency by the Governor.

[H 340]

Approved April 22, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 7 of Title 44 a section numbered 44-209 as follows:

§ 44-209. Closure of United States government; civil relief for furloughed employees and contractors.

A. As used in this section:

"Closure of the United States government" means a closure of the United States federal government for a period of 14 consecutive days or longer as a result of a lapse of appropriation that leads to (i) the curtailment of federal agency activities and services, (ii) a shutdown of nonessential operations, (iii) nonessential workers being furloughed, and (iv) only essential employees in departments covering the safety of human life or protection of property being retained.

"Written proof" means (i) a paystub issued by a federal government agency showing zero dollars in earnings for a pay period within the period of any closure of the United States government, (ii) a copy of a furlough notification letter or essential employee status letter indicating the employee's status as nonessential, or (iii) a letter from a company under contract with the United States government issued and signed by an officer or owner of the company or by the company's human resources director stating that the employee's not receiving payment from the contractor is directly attributable to a closure of the United States government.

B. Notwithstanding any provision of law to the contrary, any tenant as defined in § 55.1-1200 who is a defendant in an unlawful detainer for nonpayment of rent pursuant to § 55.1-1245 for rent due after the commencement of a closure of the United States government seeking a judgment for the payment of money or possession of the premises shall be granted a 60-day continuance of such unlawful detainer action from the initial court date if the tenant appears on such court date and provides written proof that he was furloughed or otherwise was or is not currently receiving wages or payments as a result of a closure of the United States government, and is (i) an employee of the United States government, (ii) an independent contractor for the United States government, or (iii) an employee of a company under contract with the United States government. The provisions of this subsection shall not apply if the landlord has filed a material noncompliance notice for a non-rent violation of the rental agreement or of the Code of Virginia.

C. Notwithstanding any provision of law to the contrary, any homeowner who, after the commencement of a closure of the United States government, defaults on a note that is secured by a one-family to four-family residential property located in the Commonwealth and is subject to a foreclosure proceeding on any mortgage or to the execution of or sale under any

deed of trust shall be granted a 30-day stay of such proceeding if the homeowner, within 90 days of such closure or 90 days following the end of a closure of the United States government, whichever is later, requests a stay and provides written proof to his lender that he was furloughed or otherwise was or is not currently receiving wages or payments as a result of a closure of the United States government, and is (i) an employee of the United States government, (ii) an independent contractor for the United States government, or (iii) an employee of a company under contract with the United States government.

D. Notwithstanding any provision of law to the contrary, any owner who rents a one-family to four-family residential dwelling unit located in the Commonwealth to a tenant as defined in § 55.1-1200 and who, after the commencement of a closure of the United States government, defaults on a note that is secured by such dwelling unit and is subject to a foreclosure proceeding on any mortgage or to the execution of or sale under any deed of trust shall be granted a 30-day stay of such proceeding if the owner, within 90 days of such closure or 90 days following the end of a closure of the United States government, whichever is later, requests a stay and provides written proof to his lender that his tenant was furloughed or otherwise was or is not currently receiving wages or payments as a result of a closure of the United States government, and is (i) an employee of the United States government, (ii) an independent contractor for the United States government, or (iii) an employee of a company under contract with the United States government.

E. The provisions of this section shall not (i) apply in an instance where a separate, signed legal agreement exists between a landlord and tenant or homeowner and mortgage holder to stay legal action or defer the filing of an unlawful detainer motion for nonpayment of rent or foreclosure proceeding on any mortgage or to the execution of or sale under any deed of trust for a term of 30 days or greater or (ii) affect any other terms of a valid rental agreement or note secured by a one-family to four-family residential property, mortgage, or deed of trust unrelated to nonpayment of rent or default of a mortgage caused by a closure of the United States government.

2. § 1. That the provisions of subsections B, C, and D of § 44-209, as created by this act, with respect to a continuance or stay of (i) an unlawful detainer action or (ii) a foreclosure proceeding on a mortgage or an execution of or sale under any deed of trust shall also be applicable to any tenant, homeowner, or owner, respectively, affected by the novel coronavirus (COVID-19) pandemic public health crisis during the period for which the Governor has declared a state of emergency (the Emergency). The provisions of subsection D of § 44-209, as created by this act, shall be expanded during the Emergency to include any owner who (a) rents a residential dwelling unit, regardless of its size or capacity, located in the Commonwealth, and (b) is affected by the Emergency.

§ 2. Homeowners and owners shall be excluded from the provisions of this enactment if they are subject to protection from foreclosure under the provisions of a federal, state, or local law, regulation, or action enacted in response to the COVID-19 pandemic or the Emergency.

§ 3. Any continuance or stay period provided by this enactment shall be tolled during the period of any judicial emergency declared pursuant to § 17.1-330 of the Code of Virginia due to the Emergency.

§ 4. The 60-day continuance provided by this enactment shall run concurrently with any period of eviction protection provided by any other state or federal law.

§ 5. For purposes of this enactment:

"Affected by" means to experience a loss of income from a public or private source due to the Emergency, such that the affected party must request a stay or continuance, as applicable, by providing written proof to a court or lender, as applicable, stating that he is not currently receiving wages or payments from a public or private source as a result of the Emergency.

"Written proof" means (i) a paystub showing zero dollars in earnings for a pay period within the period for which the Governor has declared a state of emergency (the Emergency) in response to the novel coronavirus (COVID-19) pandemic public health crisis, (ii) a copy of a furlough notification letter or essential employee status letter indicating the employee's status as nonessential due to the Emergency, or (iii) any other documentation deemed appropriate by a court or lender.

3. That an emergency exists and this act is in force from its passage.

4. That the provisions of the second enactment of this act shall expire 90 days following the end of a state of emergency declared by the Governor in response to the novel coronavirus (COVID-19) pandemic public health crisis.

CHAPTER 1203

An Act to amend and reenact § 2.2-4321.2 of the Code of Virginia, relating to contracts with government agencies for public works; agreements with labor organizations.

[H 358]

Approved April 22, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-4321.2 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-4321.2. Public works contracts; project labor agreements authorized.

A. As used in this section:

"Project labor agreement" means a pre-hire collective bargaining agreement with one or more labor organizations that establishes the terms and conditions of employment for a specific public works project.

"Public body" has the same meaning as provided in § 2.2-4301.

"Public works" means the operation, erection, construction, alteration, improvement, maintenance, or repair of any public facility or immovable property owned, used, or leased by a state agency *public body*.

"State agency" means any authority, board, department, instrumentality, institution, agency, or other unit of state government. "State agency" shall not include any county, city, or town.

B. Except as provided in subsection F or as required by federal law, each state agency *Each public body*, when engaged in procuring products or services or letting contracts for construction, manufacture, maintenance, or operation of public works paid for in whole or in part by state funds, or when overseeing or administering such procurement, construction, manufacture, maintenance, or operation, shall ensure that neither the state agency nor any construction manager acting on behalf of the state agency shall *may*, in its bid specifications, project agreements, or other controlling documents:

1. Require or prohibit bidders, offerors, contractors, or subcontractors to enter into or adhere to *project labor* agreements with one or more labor organizations, on the same or related public works projects; ~~or and~~

2. Otherwise discriminate against *Require* bidders, offerors, contractors, subcontractors, or operators for becoming or refusing to become or remain signatories or otherwise to adhere to *project labor* agreements with one or more labor organizations, on the same or other related public works projects.

Nothing in this subsection shall prohibit contractors or subcontractors from voluntarily entering into agreements described in subdivision 1.

C. A state agency issuing grants, providing financial assistance, or entering into cooperative agreements for the construction, manufacture, maintenance, or operation of public works shall ensure that neither the bid specifications, project agreements, nor other controlling documents therefor awarded by recipients of grants or financial assistance or by parties to cooperative agreements, nor those of any construction manager acting on behalf of such recipients, shall:

1. Require or prohibit bidders, offerors, contractors, or subcontractors to enter into or adhere to agreements with one or more labor organizations, on the same or related projects; or

2. Otherwise discriminate against bidders, offerors, contractors, subcontractors, or operators for becoming or refusing to become or remain signatories or otherwise to adhere to agreements with one or more labor organizations, on the same or other related projects.

D. If an awarding authority, a recipient of grants or financial assistance, a party to a cooperative agreement, or a construction manager acting on behalf of any of them performs in a manner contrary to the provisions of subsection B or C, the state agency awarding the contract, grant, or assistance shall be entitled to injunctive relief to prevent any violation of this section.

E. Any interested party, which shall include a bidder, offeror, contractor, subcontractor, or operator, shall have standing to challenge any bid specification, project agreement, neutrality agreement, controlling document, grant, or cooperative agreement that violates the provisions of this section. Furthermore, such interested party shall be entitled to injunctive relief to prevent any violation of this section.

F. The provisions of this section shall not:

1. Apply to any public-private agreement for any construction or infrastructure project in which the private body, as a condition of its investment or partnership with the state agency, requires that the private body have the right to control its labor relations policy and perform all work associated with such investment or partnership in compliance with all collective bargaining agreements to which the private party is a signatory and is thus legally bound with its own employees and the employees of its contractors and subcontractors in any manner permitted by the National Labor Relations Act, 29 U.S.C. § 151 et seq., or the Railway Labor Act, 45 U.S.C. § 151 et seq.;

2. Prohibit an employer or any other person covered by the National Labor Relations Act or the Railway Labor Act from entering into agreements or engaging in any other activity protected by law; or

3. Be interpreted to interfere with the labor relations of persons covered by the National Labor Relations Act or the Railway Labor Act.

2. That the provisions of this act shall become effective on May 1, 2021.

CHAPTER 1204

An Act to amend and reenact §§ 40.1-28.9 and 40.1-28.10 of the Code of Virginia, relating to the minimum wage.

Approved April 22, 2020

[H 395]

Be it enacted by the General Assembly of Virginia:

1. That §§ 40.1-28.9 and 40.1-28.10 of the Code of Virginia are amended and reenacted as follows:

§ 40.1-28.9. Definitions.

A. As used in this article:

"Adjusted state hourly minimum wage" means the amount established by the Commissioner pursuant to subsection H of § 40.1-28.10.

"Employee" includes any individual employed by an employer, except the following. "Employee" includes a home care provider. "Employee" does not include the following:

1. Any person employed as a farm laborer or farm employee;
2. ~~Any person employed in domestic service or in or about a private home or in an eleemosynary institution primarily supported by public funds;~~
3. 2. Any person engaged in the activities of an educational, charitable, religious, or nonprofit organization where the relationship of employer-employee does not, in fact, exist, or where the services rendered to such ~~organizations~~ *organization* are on a voluntary basis;
4. 3. Caddies on golf courses;
5. 4. Traveling salesmen or outside salesmen working on a commission basis; taxicab drivers and operators;
6. 5. Any person under the age of 18 in the employ of his ~~father, mother~~ *parent* or legal guardian;
7. 6. Any person confined in any penal or corrective institution of the ~~State Commonwealth~~ or any of its political subdivisions or admitted to a state hospital or training center operated by the Department of Behavioral Health and Developmental Services;
8. 7. Any person employed by a summer camp for boys, girls, or both boys and girls;
9. 8. Any person under the age of 16, regardless of by whom employed;
10. ~~Any person who normally works and is paid based on the amount of work done;~~
11. 9. Any person whose employment is covered by ~~who is paid pursuant to 29 U.S.C. § 214(c) of the Fair Labor Standards Act of 1938, as amended;~~
12. Any person whose earning capacity is impaired by physical deficiency, mental illness, or intellectual disability;
13. 10. Students participating in a bona fide educational program;
14. ~~Any person employed by an employer who does not have four or more persons employed at any one time; provided that husbands, wives, sons, daughters and parents of the employer shall not be counted in determining the number of persons employed;~~
15. 11. Any person who is less than 18 years of age and who is currently enrolled on a full-time basis in any secondary school, institution of higher education, or trade school, provided *that* the person is not employed more than 20 hours per week;
16. 12. Any person of any age who is currently enrolled on a full-time basis in any secondary school, institution of higher education, or trade school and is in a work-study program or its equivalent at the institution at which he or she is enrolled as a student;
17. ~~Any person who is less than 18 years of age and who is under the jurisdiction and direction of a juvenile and domestic relations district court; or~~
18. 13. Any person who works as a babysitter for fewer than 10 hours per week;
14. ~~Any person participating as an au pair in the U.S. Department of State's Exchange Visitor Program governed by 22 C.F.R. § 62.31;~~
15. ~~Any individual employed as a temporary foreign worker as governed by 20 C.F.R. Part 655; and~~
16. ~~Any person who is exempt from the federal minimum wage pursuant to 29 U.S.C. § 213(a)(3).~~

"Employer" includes any individual, partnership, association, corporation, or business trust, or any person or ~~groups~~ *group* of persons acting directly or indirectly in the interest of an employer in relation to an employee. "Employer" includes the Commonwealth, any of its agencies, institutions, or political subdivisions, and any public body.

"Federal minimum wage" means the minimum wage or, if applicable, the federal training wage prescribed by the U.S. Fair Labor Standards Act, 29 U.S.C. § 201 *et seq.*

"Home care provider" means an individual who provides (i) home health services, including services provided by or under the direct supervision of any health care professional under a medical plan of care in a patient's residence on a visit or hourly basis to patients who have or are at risk of injury, illness, or a disabling condition and require short-term or long-term interventions, or (ii) personal care services, including assistance in personal care to include activities of a daily living provided in an individual's residence on a visit or hourly basis to individuals who have or are at risk of an illness, injury, or disabling condition.

"Tipped employee" means an employee engaged in an occupation in which he customarily and regularly receives more than \$30 per month in tips.

"Wages" means legal tender of the United States or checks or drafts on banks negotiable into cash on demand or upon acceptance at full value; ~~provided, wages may include.~~ "Wages" includes the reasonable cost to the employer of furnishing meals and for lodging to an employee, if such board or lodging is customarily furnished by the employer, and used by the employee.

B. In determining the wage of a tipped employee, the amount paid such employee by his employer shall be deemed to be increased on account of tips by an amount determined by the employer, except in the case of an employee who establishes by clear and convincing evidence that the actual amount of tips received by him was less than the amount determined by the employer. In such case, the amount paid such employee by his employer shall be deemed to have been increased by such lesser amount. *An employer shall not classify an individual as a tipped employee if the individual is prohibited by applicable federal or state law or regulation from soliciting tips.*

§ 40.1-28.10. Minimum wages.

Every A. 1. Prior to May 1, 2021, every employer shall pay to each of his ~~its~~ employees wages at a rate not less than the federal minimum wage and a training wage as prescribed by the U.S. Fair Labor Standards Act (29 U.S.C. § 201 *et seq.*).

2. Beginning May 1, 2021, every employer shall pay to each of his employees at a rate not less than the federal minimum wage or 75 percent of the Virginia minimum wage provided for in this section, whichever is greater. For the purposes of this subdivision "employee" means any person or individual who is enrolled in an established employer on-the-job or other training program for a period not to exceed 90 days which meets standards set by regulations adopted by the Commissioner.

B. From May 1, 2021, until January 1, 2022, every employer shall pay to each of its employees wages at a rate not less than the greater of (i) \$9.50 per hour or (ii) the federal minimum wage.

C. From January 1, 2022, until January 1, 2023, every employer shall pay to each of its employees wages at a rate not less than the greater of (i) \$11.00 per hour or (ii) the federal minimum wage.

D. From January 1, 2023, until January 1, 2025, every employer shall pay to each of its employees wages at a rate not less than the greater of (i) \$12.00 per hour or (ii) the federal minimum wage.

E. From January 1, 2025, until January 1, 2026, every employer shall pay to each of its employees wages at a rate not less than the greater of (i) \$13.50 per hour or (ii) the federal minimum wage.

F. From January 1, 2026, until January 1, 2027, every employer shall pay to each of its employees wages at a rate not less than the greater of (i) \$15.00 per hour or (ii) the federal minimum wage.

G. From and after January 1, 2027, every employer shall pay to each of his employees wages at a rate not less than the greater of (i) the adjusted state hourly minimum wage or (ii) the federal minimum wage.

H. By October 1, 2026, and annually thereafter, the Commissioner shall establish the adjusted state hourly minimum wage that shall be in effect during the 12-month period commencing on the following January 1. The Commissioner shall set the adjusted state hourly minimum wage at the sum of (i) the amount of the state hourly minimum wage rate that is in effect on the date such adjustment is made and (ii) a percentage of the amount described in clause (i) that is equal to the percentage by which the United States Average Consumer Price Index for all items, all urban consumers (CPI-U), as published by the Bureau of Labor Statistics of the U.S. Department of Labor, or a successor index as calculated by the U.S. Department of Labor, has increased during the most recent calendar year for which such information is available. The amount of each annual adjustment shall not be less than zero.

2. Beginning January 1, 2022, the Virginia Department of Housing and Community Development, the Virginia Economic Development Partnership Authority, and the Virginia Employment Commission (the agencies) shall conduct a joint review of the feasibility and potential impact of instituting a regional minimum wage in the Commonwealth. In evaluating a regional minimum wage, the agencies shall form a work group to assess various factors, including, but not limited to, the cost of living in the Commonwealth; the potential impact on employers and any fringe benefits offered to employees such as employer-sponsored health insurance; the potential impact on workers, with a focus on income inequality; the potential impact on agricultural workers; the experience of other states with a regional wage; and the equity and fairness of the exemption from the minimum wage for any person employed as a farm laborer or farm employee provided by § 40.1-28.10 of the Code of Virginia. The agencies also shall provide an assessment of options for utilizing a minimum wage in the Commonwealth, the feasibility of a regional minimum wage, and the economic benefits or impacts of utilizing a minimum wage. The agencies shall also assess the effects of the minimum wage increases scheduled in § 40.1-28.10 of the Code of Virginia, as amended by this act. The agencies shall submit to the General Assembly and the Governor an executive summary and a report of their findings and recommendations. The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents no later than December 1, 2023, and shall be posted on the General Assembly's website.

3. That the provisions of subsections E and F of § 40.1-28.10 of the Code of Virginia, as amended by this act, shall not become effective unless reenacted by a regular or special session of the General Assembly prior to July 1, 2024. If the General Assembly does not reenact subsections E and F by July 1, 2024, then (i) the Commissioner of Labor and Industry shall establish the adjusted state hourly minimum wage as provided in subsection H by October 1, 2024, and annually thereafter; and (ii) from and after January 1, 2025, every employer shall pay to each of his employees wages as specified in subsections G.

CHAPTER 1205

An Act to amend and reenact §§ 15.2-915 and 15.2-915.5 of the Code of Virginia and to repeal § 15.2-915.1 of the Code of Virginia, relating to control of firearms by localities.

[H 421]

Approved April 22, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 15.2-915 and 15.2-915.5 of the Code of Virginia are amended and reenacted as follows:

§ 15.2-915. Control of firearms; applicability to authorities and local governmental agencies.

A. No locality shall adopt or enforce any ordinance, resolution, or motion, as permitted by § 15.2-1425, and no agent of such locality shall take any administrative action, governing the purchase, possession, transfer, ownership, carrying, storage, or transporting of firearms, ammunition, or components or combination thereof other than those expressly

authorized by statute. For purposes of this section, a statute that does not refer to firearms, ammunition, or components or combination thereof, shall not be construed to provide express authorization.

Nothing in this section shall prohibit a locality from adopting workplace rules relating to terms and conditions of employment of the workforce. However, no locality shall adopt any workplace rule, other than for the purposes of a community services board or behavioral health authority as defined in § 37.2-100, that prevents an employee of that locality from storing at that locality's workplace a lawfully possessed firearm and ammunition in a locked private motor vehicle. Nothing in this section shall prohibit a law-enforcement officer, as defined in § 9.1-101, from acting within the scope of his duties.

The provisions of this section applicable to a locality shall also apply to any authority or to a local governmental entity, including a department or agency, but not including any local or regional jail, juvenile detention facility, or state-governed entity, department, or agency.

B. Any local ordinance, resolution, or motion adopted prior to July 1, 2004, governing the purchase, possession, transfer, ownership, carrying, or transporting of firearms, ammunition, or components or combination thereof, other than those expressly authorized by statute, is invalid.

C. In addition to any other relief provided, the court may award reasonable attorney fees, expenses, and court costs to any person, group, or entity that prevails in an action challenging (i) an ordinance, resolution, or motion as being in conflict with this section or (ii) an administrative action taken in bad faith as being in conflict with this section.

D. For purposes of this section, "workplace" means "workplace of the locality."

E. *Notwithstanding the provisions of this section, a locality may adopt an ordinance that prohibits the possession, carrying, or transportation of any firearms, ammunition, or components or combination thereof (i) in any building, or part thereof, owned or used by such locality, or by any authority or local governmental entity created or controlled by the locality, for governmental purposes; (ii) in any public park owned or operated by the locality, or by any authority or local governmental entity created or controlled by the locality; (iii) in any recreation or community center facility operated by the locality, or by any authority or local governmental entity created or controlled by the locality; or (iv) in any public street, road, alley, or sidewalk or public right-of-way or any other place of whatever nature that is open to the public and is being used by or is adjacent to a permitted event or an event that would otherwise require a permit. In buildings that are not owned by a locality, or by any authority or local governmental entity created or controlled by the locality, such ordinance shall apply only to the part of the building that is being used for a governmental purpose and when such building, or part thereof, is being used for a governmental purpose.*

Any such ordinance may include security measures that are designed to reasonably prevent the unauthorized access of such buildings, parks, recreation or community center facilities, or public streets, roads, alleys, or sidewalks or public rights-of-way or any other place of whatever nature that is open to the public and is being used by or is adjacent to a permitted event or an event that would otherwise require a permit by a person with any firearms, ammunition, or components or combination thereof, such as the use of metal detectors and increased use of security personnel.

The provisions of this subsection shall not apply to the activities of (i) a Senior Reserve Officers' Training Corps program operated at a public or private institution of higher education in accordance with the provisions of 10 U.S.C. § 2101 et seq. or (ii) any intercollegiate athletics program operated by a public or private institution of higher education and governed by the National Collegiate Athletic Association or any club sports team recognized by a public or private institution of higher education where the sport engaged in by such program or team involves the use of a firearm. Such activities shall follow strict guidelines developed by such institutions for these activities and shall be conducted under the supervision of staff officials of such institutions.

F. *Notice of any ordinance adopted pursuant to subsection E shall be posted (i) at all entrances of any building, or part thereof, owned or used by the locality, or by any authority or local governmental entity created or controlled by the locality, for governmental purposes; (ii) at all entrances of any public park owned or operated by the locality, or by any authority or local governmental entity created or controlled by the locality; (iii) at all entrances of any recreation or community center facilities operated by the locality, or by any authority or local governmental entity created or controlled by the locality; and (iv) at all entrances or other appropriate places of ingress and egress to any public street, road, alley, or sidewalk or public right-of-way or any other place of whatever nature that is open to the public and is being used by or is adjacent to a permitted event or an event that would otherwise require a permit.*

§ 15.2-915.5. Disposition of firearms acquired by localities.

A. No locality or agent of such locality may participate in any program in which individuals are given a thing of value provided by another individual or other entity in exchange for surrendering a firearm to the locality or agent of such locality unless the governing body of the locality has enacted an ordinance, pursuant to § 15.2-1425, authorizing the participation of the locality or agent of such locality in such program.

B. Any ordinance enacted pursuant to this section shall require that any firearm received, except a firearm of the type defined in § 18.2-288 or 18.2-299 or a firearm the transfer for which is prohibited by federal law, shall be *destroyed by the locality unless the person surrendering the firearm requests in writing that the firearm be offered for sale by public auction or sealed bids to a person licensed as a dealer pursuant to 18 U.S.C. § 921 et seq.* Notice of the date, time, and place of *any sale conducted pursuant to this subsection* shall be given by advertisement in at least two newspapers published and having general circulation in the Commonwealth, at least one of which shall have general circulation in the locality in which the property to be sold is located. At least 30 days shall elapse between publication of the notice and the auction or the date on

which sealed bids will be opened. Any firearm remaining in possession of the locality or agent of the locality after attempts to sell at public auction or by sealed bids shall be disposed of in a manner the locality deems proper, which may include destruction of the firearm or, subject to any registration requirements of federal law, sale of the firearm to a licensed dealer.

2. That § 15.2-915.1 of the Code of Virginia is repealed.

CHAPTER 1206

An Act to amend and reenact § 9.1-102 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 1 of Title 65.2 a section numbered 65.2-107, relating to workers' compensation; compensability of post-traumatic stress disorder incurred by a law-enforcement officer or firefighter.

[H 438]

Approved April 22, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 9.1-102 of the Code of Virginia is amended and reenacted and the Code of Virginia is amended by adding in Chapter 1 of Title 65.2 a section numbered 65.2-107 as follows:

§ 9.1-102. Powers and duties of the Board and the Department.

The Department, under the direction of the Board, which shall be the policy-making body for carrying out the duties and powers hereunder, shall have the power and duty to:

1. Adopt regulations, pursuant to the Administrative Process Act (§ 2.2-4000 et seq.), for the administration of this chapter including the authority to require the submission of reports and information by law-enforcement officers within the Commonwealth. Any proposed regulations concerning the privacy, confidentiality, and security of criminal justice information shall be submitted for review and comment to any board, commission, or committee or other body which may be established by the General Assembly to regulate the privacy, confidentiality, and security of information collected and maintained by the Commonwealth or any political subdivision thereof;

2. Establish compulsory minimum training standards subsequent to employment as a law-enforcement officer in (i) permanent positions, and (ii) temporary or probationary status, and establish the time required for completion of such training;

3. Establish minimum training standards and qualifications for certification and recertification for law-enforcement officers serving as field training officers;

4. Establish compulsory minimum curriculum requirements for in-service and advanced courses and programs for schools, whether located in or outside the Commonwealth, which are operated for the specific purpose of training law-enforcement officers;

5. Establish (i) compulsory minimum training standards for law-enforcement officers who utilize radar or an electrical or microcomputer device to measure the speed of motor vehicles as provided in § 46.2-882 and establish the time required for completion of the training and (ii) compulsory minimum qualifications for certification and recertification of instructors who provide such training;

6. [Repealed];

7. Establish compulsory minimum entry-level, in-service and advanced training standards for those persons designated to provide courthouse and courtroom security pursuant to the provisions of § 53.1-120, and to establish the time required for completion of such training;

8. Establish compulsory minimum entry-level, in-service and advanced training standards for deputy sheriffs designated to serve process pursuant to the provisions of § 8.01-293, and establish the time required for the completion of such training;

9. Establish compulsory minimum entry-level, in-service, and advanced training standards, as well as the time required for completion of such training, for persons employed as deputy sheriffs and jail officers by local criminal justice agencies and correctional officers employed by the Department of Corrections under the provisions of Title 53.1;

10. Establish compulsory minimum training standards for all dispatchers employed by or in any local or state government agency, whose duties include the dispatching of law-enforcement personnel. Such training standards shall apply only to dispatchers hired on or after July 1, 1988;

11. Establish compulsory minimum training standards for all auxiliary police officers employed by or in any local or state government agency. Such training shall be graduated and based on the type of duties to be performed by the auxiliary police officers. Such training standards shall not apply to auxiliary police officers exempt pursuant to § 15.2-1731;

12. Consult and cooperate with counties, municipalities, agencies of the Commonwealth, other state and federal governmental agencies, and institutions of higher education within or outside the Commonwealth, concerning the development of police training schools and programs or courses of instruction;

13. Approve institutions, curricula and facilities, whether located in or outside the Commonwealth, for school operation for the specific purpose of training law-enforcement officers; but this shall not prevent the holding of any such school whether approved or not;

14. Establish and maintain police training programs through such agencies and institutions as the Board deems appropriate;

15. Establish compulsory minimum qualifications of certification and recertification for instructors in criminal justice training schools approved by the Department;

16. Conduct and stimulate research by public and private agencies which shall be designed to improve police administration and law enforcement;

17. Make recommendations concerning any matter within its purview pursuant to this chapter;

18. Coordinate its activities with those of any interstate system for the exchange of criminal history record information, nominate one or more of its members to serve upon the council or committee of any such system, and participate when and as deemed appropriate in any such system's activities and programs;

19. Conduct inquiries and investigations it deems appropriate to carry out its functions under this chapter and, in conducting such inquiries and investigations, may require any criminal justice agency to submit information, reports, and statistical data with respect to its policy and operation of information systems or with respect to its collection, storage, dissemination, and usage of criminal history record information and correctional status information, and such criminal justice agencies shall submit such information, reports, and data as are reasonably required;

20. Conduct audits as required by § 9.1-131;

21. Conduct a continuing study and review of questions of individual privacy and confidentiality of criminal history record information and correctional status information;

22. Advise criminal justice agencies and initiate educational programs for such agencies with respect to matters of privacy, confidentiality, and security as they pertain to criminal history record information and correctional status information;

23. Maintain a liaison with any board, commission, committee, or other body which may be established by law, executive order, or resolution to regulate the privacy and security of information collected by the Commonwealth or any political subdivision thereof;

24. Adopt regulations establishing guidelines and standards for the collection, storage, and dissemination of criminal history record information and correctional status information, and the privacy, confidentiality, and security thereof necessary to implement state and federal statutes, regulations, and court orders;

25. Operate a statewide criminal justice research center, which shall maintain an integrated criminal justice information system, produce reports, provide technical assistance to state and local criminal justice data system users, and provide analysis and interpretation of criminal justice statistical information;

26. Develop a comprehensive, statewide, long-range plan for strengthening and improving law enforcement and the administration of criminal justice throughout the Commonwealth, and periodically update that plan;

27. Cooperate with, and advise and assist, all agencies, departments, boards and institutions of the Commonwealth, and units of general local government, or combinations thereof, including planning district commissions, in planning, developing, and administering programs, projects, comprehensive plans, and other activities for improving law enforcement and the administration of criminal justice throughout the Commonwealth, including allocating and subgranting funds for these purposes;

28. Define, develop, organize, encourage, conduct, coordinate, and administer programs, projects and activities for the Commonwealth and units of general local government, or combinations thereof, in the Commonwealth, designed to strengthen and improve law enforcement and the administration of criminal justice at every level throughout the Commonwealth;

29. Review and evaluate programs, projects, and activities, and recommend, where necessary, revisions or alterations to such programs, projects, and activities for the purpose of improving law enforcement and the administration of criminal justice;

30. Coordinate the activities and projects of the state departments, agencies, and boards of the Commonwealth and of the units of general local government, or combination thereof, including planning district commissions, relating to the preparation, adoption, administration, and implementation of comprehensive plans to strengthen and improve law enforcement and the administration of criminal justice;

31. Do all things necessary on behalf of the Commonwealth and its units of general local government, to determine and secure benefits available under the Omnibus Crime Control and Safe Streets Act of 1968 (P.L. 90-351, 82 Stat. 197), as amended, and under any other federal acts and programs for strengthening and improving law enforcement, the administration of criminal justice, and delinquency prevention and control;

32. Receive, administer, and expend all funds and other assistance available to the Board and the Department for carrying out the purposes of this chapter and the Omnibus Crime Control and Safe Streets Act of 1968, as amended;

33. Apply for and accept grants from the United States government or any other source in carrying out the purposes of this chapter and accept any and all donations both real and personal, and grants of money from any governmental unit or public agency, or from any institution, person, firm or corporation, and may receive, utilize and dispose of the same. Any arrangements pursuant to this section shall be detailed in the annual report of the Board. Such report shall include the identity of the donor, the nature of the transaction, and the conditions, if any. Any moneys received pursuant to this section shall be deposited in the state treasury to the account of the Department. To these ends, the Board shall have the power to comply with conditions and execute such agreements as may be necessary;

34. Make and enter into all contracts and agreements necessary or incidental to the performance of its duties and execution of its powers under this chapter, including but not limited to, contracts with the United States, units of general

local government or combinations thereof, in Virginia or other states, and with agencies and departments of the Commonwealth;

35. Adopt and administer reasonable regulations for the planning and implementation of programs and activities and for the allocation, expenditure and subgranting of funds available to the Commonwealth and to units of general local government, and for carrying out the purposes of this chapter and the powers and duties set forth herein;

36. Certify and decertify law-enforcement officers in accordance with §§ 15.2-1706 and 15.2-1707;

37. Establish training standards and publish and periodically update model policies for law-enforcement personnel in the following subjects:

a. The handling of family abuse, domestic violence, sexual assault, and stalking cases, including standards for determining the predominant physical aggressor in accordance with § 19.2-81.3. The Department shall provide technical support and assistance to law-enforcement agencies in carrying out the requirements set forth in subsection A of § 9.1-1301;

b. Communication with and facilitation of the safe return of individuals diagnosed with Alzheimer's disease;

c. Sensitivity to and awareness of cultural diversity and the potential for biased policing;

d. Protocols for local and regional sexual assault response teams;

e. Communication of death notifications;

f. The questioning of individuals suspected of driving while intoxicated concerning the physical location of such individual's last consumption of an alcoholic beverage and the communication of such information to the Virginia Alcoholic Beverage Control Authority;

g. Vehicle patrol duties that embody current best practices for pursuits and for responding to emergency calls;

h. Criminal investigations that embody current best practices for conducting photographic and live lineups;

i. Sensitivity to and awareness of human trafficking offenses and the identification of victims of human trafficking offenses for personnel involved in criminal investigations or assigned to vehicle or street patrol duties; and

j. Missing children, missing adults, and search and rescue protocol;

38. Establish compulsory training standards for basic training and the recertification of law-enforcement officers to ensure sensitivity to and awareness of cultural diversity and the potential for biased policing;

39. Review and evaluate community-policing programs in the Commonwealth, and recommend where necessary statewide operating procedures, guidelines, and standards which strengthen and improve such programs, including sensitivity to and awareness of cultural diversity and the potential for biased policing;

40. Establish a Virginia Law-Enforcement Accreditation Center. The Center may, in cooperation with Virginia law-enforcement agencies, provide technical assistance and administrative support, including staffing, for the establishment of voluntary state law-enforcement accreditation standards. The Center may provide accreditation assistance and training, resource material, and research into methods and procedures that will assist the Virginia law-enforcement community efforts to obtain Virginia accreditation status;

41. Promote community policing philosophy and practice throughout the Commonwealth by providing community policing training and technical assistance statewide to all law-enforcement agencies, community groups, public and private organizations and citizens; developing and distributing innovative policing curricula and training tools on general community policing philosophy and practice and contemporary critical issues facing Virginia communities; serving as a consultant to Virginia organizations with specific community policing needs; facilitating continued development and implementation of community policing programs statewide through discussion forums for community policing leaders, development of law-enforcement instructors; promoting a statewide community policing initiative; and serving as a statewide information source on the subject of community policing including, but not limited to periodic newsletters, a website and an accessible lending library;

42. Establish, in consultation with the Department of Education and the Virginia State Crime Commission, compulsory minimum standards for employment and job-entry and in-service training curricula and certification requirements for school security officers, including school security officers described in clause (b) of § 22.1-280.2:1, which training and certification shall be administered by the Virginia Center for School and Campus Safety (VCSCS) pursuant to § 9.1-184. Such training standards shall include, but shall not be limited to, the role and responsibility of school security officers, relevant state and federal laws, school and personal liability issues, security awareness in the school environment, mediation and conflict resolution, disaster and emergency response, and student behavioral dynamics. The Department shall establish an advisory committee consisting of local school board representatives, principals, superintendents, and school security personnel to assist in the development of the standards and certification requirements in this subdivision. The Department shall require any school security officer who carries a firearm in the performance of his duties to provide proof that he has completed a training course provided by a federal, state, or local law-enforcement agency that includes training in active shooter emergency response, emergency evacuation procedure, and threat assessment;

43. License and regulate property bail bondsmen and surety bail bondsmen in accordance with Article 11 (§ 9.1-185 et seq.);

44. License and regulate bail enforcement agents in accordance with Article 12 (§ 9.1-186 et seq.);

45. In conjunction with the Virginia State Police and the State Compensation Board, advise criminal justice agencies regarding the investigation, registration, and dissemination of information requirements as they pertain to the Sex Offender and Crimes Against Minors Registry Act (§ 9.1-900 et seq.);

46. Establish minimum standards for (i) employment, (ii) job-entry and in-service training curricula, and (iii) certification requirements for campus security officers. Such training standards shall include, but not be limited to, the role and responsibility of campus security officers, relevant state and federal laws, school and personal liability issues, security awareness in the campus environment, and disaster and emergency response. The Department shall provide technical support and assistance to campus police departments and campus security departments on the establishment and implementation of policies and procedures, including but not limited to: the management of such departments, investigatory procedures, judicial referrals, the establishment and management of databases for campus safety and security information sharing, and development of uniform record keeping for disciplinary records and statistics, such as campus crime logs, judicial referrals and Clery Act statistics. The Department shall establish an advisory committee consisting of college administrators, college police chiefs, college security department chiefs, and local law-enforcement officials to assist in the development of the standards and certification requirements and training pursuant to this subdivision;

47. Assess and report, in accordance with § 9.1-190, the crisis intervention team programs established pursuant to § 9.1-187;

48. In conjunction with the Office of the Attorney General, advise law-enforcement agencies and attorneys for the Commonwealth regarding the identification, investigation, and prosecution of human trafficking offenses using the common law and existing criminal statutes in the Code of Virginia;

49. Register tow truck drivers in accordance with § 46.2-116 and carry out the provisions of § 46.2-117;

50. Administer the activities of the Virginia Sexual and Domestic Violence Program Professional Standards Committee by providing technical assistance and administrative support, including staffing, for the Committee;

51. In accordance with § 9.1-102.1, design and approve the issuance of photo-identification cards to private security services registrants registered pursuant to Article 4 (§ 9.1-138 et seq.);

52. In consultation with the State Council of Higher Education for Virginia and the Virginia Association of Campus Law Enforcement Administrators, develop multidisciplinary curricula on trauma-informed sexual assault investigation;

53. In consultation with the Department of Behavioral Health and Developmental Services, develop a model addiction recovery program that may be administered by sheriffs, deputy sheriffs, jail officers, administrators, or superintendents in any local or regional jail. Such program shall be based on any existing addiction recovery programs that are being administered by any local or regional jails in the Commonwealth. Participation in the model addiction recovery program shall be voluntary, and such program may address aspects of the recovery process, including medical and clinical recovery, peer-to-peer support, availability of mental health resources, family dynamics, and aftercare aspects of the recovery process;

54. Establish compulsory minimum training standards for certification and recertification of law-enforcement officers serving as school resource officers. Such training shall be specific to the role and responsibility of a law-enforcement officer working with students in a school environment; and

55. *Establish compulsory training standards for basic training of law-enforcement officers for recognizing and managing stress, self-care techniques, and resiliency.*

56. Perform such other acts as may be necessary or convenient for the effective performance of its duties.

§ 65.2-107. Post-traumatic stress disorder incurred by law-enforcement officers and firefighters.

A. As used in this section:

"Firefighter" means any (i) salaried firefighter, including special forest wardens designated pursuant to § 10.1-1135, emergency medical services personnel, and local and state fire scene investigators and (ii) volunteer firefighter and volunteer emergency medical services personnel.

"In the line of duty" means any action that a law-enforcement officer or firefighter was obligated or authorized to perform by rule, regulation, written condition of employment service, or law.

"Law-enforcement officer" means any (i) member of the State Police Officers' Retirement System; (ii) member of a county, city, or town police department; (iii) sheriff or deputy sheriff; (iv) Department of Emergency Management hazardous materials officer; (v) city sergeant or deputy city sergeant of the City of Richmond; (vi) Virginia Marine Police officer; (vii) conservation police officer who is a full-time sworn member of the enforcement division of the Department of Game and Inland Fisheries; (viii) Capitol Police officer; (ix) special agent of the Virginia Alcoholic Beverage Control Authority appointed under the provisions of Chapter 1 (§ 4.1-100 et seq.) of Title 4.1; (x) for such period that the Metropolitan Washington Airports Authority voluntarily subjects itself to the provisions of this chapter as provided in § 65.2-305, officer of the police force established and maintained by the Metropolitan Washington Airports Authority; (xi) officer of the police force established and maintained by the Norfolk Airport Authority; (xii) sworn officer of the police force established and maintained by the Virginia Port Authority; or (xiii) campus police officer appointed under Article 3 (§ 23.1-809 et seq.) of Chapter 8 of Title 23.1 and employed by any public institution of higher education.

"Mental health professional" means a board-certified psychiatrist or a psychologist licensed pursuant to Title 54.1 who has experience diagnosing and treating post-traumatic stress disorder.

"Post-traumatic stress disorder" means a disorder that meets the diagnostic criteria for post-traumatic stress disorder as specified in the most recent edition of the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders.

"Qualifying event" means an incident or exposure occurring in the line of duty on or after July 1, 2020:

- 1. Resulting in serious bodily injury or death to any person or persons;*
- 2. Involving a minor who has been injured, killed, abused, or exploited;*

3. Involving an immediate threat to life of the claimant or another individual;

4. Involving mass casualties; or

5. Responding to crime scenes for investigation.

B. Post-traumatic stress disorder incurred by a law-enforcement officer or firefighter is compensable under this title if:

1. A mental health professional examines a law-enforcement officer or firefighter and diagnoses the law-enforcement officer or firefighter as suffering from post-traumatic stress disorder as a result of the individual's undergoing a qualifying event;

2. The post-traumatic stress disorder resulted from the law-enforcement officer or firefighter acting in the line of duty and, in the case of a firefighter, such firefighter complied with federal Occupational Safety and Health Act standards adopted pursuant to 29 C.F.R. 1910.134 and 29 C.F.R. 1910.156;

3. The law-enforcement officer's or firefighter's undergoing a qualifying event was a substantial factor in causing his post-traumatic stress disorder;

4. Such qualifying event, and not another event or source of stress, was the primary cause of the post-traumatic stress disorder; and

5. The post-traumatic stress disorder did not result from any disciplinary action, work evaluation, job transfer, layoff, demotion, promotion, termination, retirement, or similar action of the officer or firefighter.

Any such mental health professional shall comply with any workers' compensation guidelines for approved medical providers, including guidelines on release of past or contemporaneous medical records.

C. Notwithstanding any provision of this title, workers' compensation benefits for any law-enforcement officer or firefighter payable pursuant to this section shall (i) include any combination of medical treatment prescribed by a board-certified psychiatrist or a licensed psychologist, temporary total incapacity benefits under § 65.2-500 and temporary partial incapacity benefits under § 65.2-502 and (ii) be provided for a maximum of 52 weeks from the date of diagnosis. No medical treatment, temporary total incapacity benefits under § 65.2-500 or temporary partial incapacity benefits under § 65.2-502 shall be awarded beyond four years from the date of the qualifying event that formed the basis for the claim for benefits under this section. The weekly benefits received by a law-enforcement officer or a firefighter pursuant to § 65.2-500 or 65.2-502, when combined with other benefits, including contributory and noncontributory retirement benefits, Social Security benefits, benefits under a long-term or short-term disability plan, but not including payments for medical care, shall not exceed the average weekly wage paid to such law-enforcement officer or firefighter.

D. No later than January 1, 2021, each employer of law-enforcement officers or firefighters shall (i) make peer support available to such law-enforcement officers and firefighters and (ii) refer a law-enforcement officer or firefighter seeking mental health care services to a mental health professional.

E. Each fire basic training program conducted or administered by the Department of Fire Programs or a municipal fire department in the Commonwealth shall provide, in consultation with the Department of Behavioral Health and Developmental Services, resilience and self-care technique training for any individual who begins basic training as a firefighter on or after July 1, 2021.

CHAPTER 1207

An Act to amend and reenact § 62.1-44.15:72 of the Code of Virginia, relating to Chesapeake Bay Preservation Areas; mature trees.

[H 504]

Approved April 22, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 62.1-44.15:72 of the Code of Virginia is amended and reenacted as follows:

§ 62.1-44.15:72. Board to develop criteria.

A. In order to implement the provisions of this article and to assist counties, cities, and towns in regulating the use and development of land and in protecting the quality of state waters, the Board shall promulgate regulations that establish criteria for use by local governments to determine the ecological and geographic extent of Chesapeake Bay Preservation Areas. The Board shall also promulgate regulations that establish criteria for use by local governments in granting, denying, or modifying requests to rezone, subdivide, or use and develop land in these areas.

B. In developing and amending the criteria, the Board shall consider all factors relevant to the protection of water quality from significant degradation as a result of the use and development of land. The criteria shall incorporate measures such as performance standards, best management practices, and various planning and zoning concepts to protect the quality of state waters while allowing use and development of land consistent with the provisions of this chapter. The criteria adopted by the Board, operating in conjunction with other state water quality programs, shall encourage and promote (i) protection of existing high quality state waters and restoration of all other state waters to a condition or quality that will permit all reasonable public uses and will support the propagation and growth of all aquatic life, including game fish, ~~which~~ *that* might reasonably be expected to inhabit them; (ii) safeguarding of the clean waters of the Commonwealth from pollution; (iii) prevention of any increase in pollution; (iv) reduction of existing pollution; (v) *preservation of mature trees or planting of trees as a water quality protection tool and as a means of providing other natural resource benefits;*

(vi) *coastal resilience and adaptation to sea-level rise and climate change*; and ~~(v)~~ (vii) promotion of water resource conservation in order to provide for the health, safety, and welfare of the present and future citizens of the Commonwealth.

C. Prior to the development or amendment of criteria, the Board shall give due consideration to, among other things, the economic and social costs and benefits ~~which~~ *that* can reasonably be expected to obtain as a result of the adoption or amendment of the criteria.

D. In developing such criteria the Board may consult with and obtain the comments of any federal, state, regional, or local agency that has jurisdiction by law or special expertise with respect to the use and development of land or the protection of water. The Board shall give due consideration to the comments submitted by such federal, state, regional, or local agencies.

E. In developing such criteria, the Board shall provide that any locality in a Chesapeake Bay Preservation Area that allows the owner of an on-site sewage treatment system not requiring a Virginia Pollutant Discharge Elimination System permit to submit documentation in lieu of proof of septic tank pump-out shall require such owner to have such documentation certified by an operator or on-site soil evaluator licensed or certified under Chapter 23 (§ 54.1-2300 et seq.) of Title 54.1 as being qualified to operate, maintain, or design on-site sewage systems.

F. In developing such criteria, the Board shall not require the designation of a Resource Protection Area (RPA) as defined according to the criteria developed by the Board, adjacent to a daylighted stream. However, a locality that elects not to designate an RPA adjacent to a daylighted stream shall use a water quality impact assessment to ensure that proposed development on properties adjacent to the daylighted stream does not result in the degradation of the stream. The water quality impact assessment shall (i) be consistent with the Board's criteria for water quality assessments in RPAs, (ii) identify the impacts of the proposed development on water quality, and (iii) determine specific measures for the mitigation of those impacts. The objective of this assessment is to ensure that practices on properties adjacent to daylighted streams are effective in retarding runoff, preventing erosion, and filtering nonpoint source pollution. The specific content for the water quality impact assessment shall be established and implemented by any locality that chooses not to designate an RPA adjacent to a daylighted stream. Nothing in this subsection shall limit a locality's authority to include a daylighted stream within the extent of an RPA.

G. Effective July 1, 2014, requirements promulgated under this article directly related to compliance with the erosion and sediment control and stormwater management provisions of this chapter and regulated under the authority of those provisions shall cease to have effect.

2. That the State Water Control Board (the Board) shall adopt regulations to implement the provisions of this act. The initial adoption of such regulations shall be exempt from the requirements of Article 2 (§ 2.2-4006 et seq.) of Chapter 40 of Title 2.2 of the Code of Virginia. Such proposed regulations shall be subject to a public comment period of at least 60 days prior to final adoption by the Board.

CHAPTER 1208

An Act to amend and reenact § 56-596.2 of the Code of Virginia, relating to electric utilities; energy efficiency programs; stakeholder process.

[H 575]

Approved April 22, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 56-596.2 of the Code of Virginia is amended and reenacted as follows:

§ 56-596.2. Energy efficiency programs.

Each Phase I Utility and Phase II Utility, as such terms are defined in subdivision A 1 of § 56-585.1, shall develop a proposed program of energy conservation measures. Any program shall provide for the submission of a petition or petitions for approval to design, implement, and operate energy efficiency programs pursuant to subdivision A 5 c of § 56-585.1. At least five percent of such energy efficiency programs shall benefit low-income, elderly, and disabled individuals. The projected costs for the utility to design, implement, and operate such energy efficiency programs *and portfolios of programs*, including a margin to be recovered on operating expenses, shall be no less than an aggregate amount of \$140 million for a Phase I Utility and \$870 million for a Phase II Utility for the period beginning July 1, 2018, and ending July 1, 2028, including any existing approved energy efficiency programs. In developing such portfolio of energy efficiency programs *and portfolios of programs*, each utility shall utilize a stakeholder process, to be facilitated by an independent monitor compensated under the funding provided pursuant to ~~subdivision~~ *subsection* E of § 56-592.1, to provide input and feedback on (i) the development of such energy efficiency programs *and portfolios of programs*; (ii) *compliance with the total annual energy savings and how such savings affect utility integrated resource plans*; (iii) *recommended policy reforms by which the General Assembly or the Commission can ensure maximum and cost-effective deployment of energy efficiency technology across the Commonwealth*; and (iv) *best practices for evaluation, measurement, and verification for the purposes of assessing compliance with the total annual energy savings*. Such stakeholder process shall include *the participation of representatives from each utility, relevant directors, deputy directors, and staff members of the State Corporation Commission who participate in approval and oversight of utility energy efficiency savings programs*, the office of Consumer Counsel of the Attorney General, the Department of Mines, Minerals and Energy, energy efficiency program

implementers, energy efficiency providers, residential and small business customers, and any other interested stakeholder ~~who~~ whom the independent monitor deems appropriate for inclusion in such process. The independent monitor shall convene meetings of the participants in the stakeholder process not less frequently than twice in each calendar year during the period beginning July 1, 2019, and ending July 1, 2028. The independent monitor shall report on the status of the energy efficiency stakeholder process, including (i) (a) the objectives established by the stakeholder group during this process related to programs to be proposed, (ii) (b) recommendations related to programs to be proposed that result from the stakeholder process, and (iii) (c) the status of those recommendations, in addition to the petitions filed and the determination thereon, to the Governor, the ~~State Corporation~~ Commission, and the Chairmen of the House *Committee on Labor and Commerce* and the Senate *Committee on Commerce and Labor* ~~Committees~~ on July 1, 2019, and annually thereafter through July 1, 2028.

CHAPTER 1209

An Act to amend and reenact §§ 40.1-55, 40.1-57.2, and 40.1-57.3 of the Code of Virginia, relating to employees of local governments; collective bargaining.

[H 582]

Approved April 22, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 40.1-55, 40.1-57.2, and 40.1-57.3 of the Code of Virginia are amended and reenacted as follows:

§ 40.1-55. Employee striking terminates, and becomes temporarily ineligible for, public employment.

A. Any employee of the Commonwealth, or of any county, city, town or other political subdivision thereof, or of any agency of any one of them, who, in concert with two or more other such employees, for the purpose of obstructing, impeding or suspending any activity or operation of his employing agency or any other governmental agency, strikes or willfully refuses to perform the duties of his employment shall, by such action, be deemed to have terminated his employment and shall thereafter be ineligible for employment in any position or capacity during the next ~~twelve~~ 12 months by the Commonwealth, or any county, city, town or other political subdivision of the Commonwealth, or by any department or agency of any of them.

B. *The provisions of subsection A shall apply to any employee of any county, city, or town or local school board without regard to any local ordinance or resolution adopted pursuant to § 40.1-57.2 by such county, city, or town or school board that authorizes its employees to engage in collective bargaining.*

§ 40.1-57.2. Collective bargaining.

A. No state, county, ~~municipal~~ city, town, or like governmental officer, agent, or governing body is vested with or possesses any authority to recognize any labor union or other employee association as a bargaining agent of any public officers or employees, or to collectively bargain or enter into any collective bargaining contract with any such union or association or its agents with respect to any matter relating to them or their employment or service *unless, in the case of a county, city, or town, such authority is provided for or permitted by a local ordinance or by a resolution. Any such ordinance or resolution shall provide for procedures for the certification and decertification of exclusive bargaining representatives, including reasonable public notice and opportunity for labor organizations to intervene in the process for designating an exclusive representative of a bargaining unit. As used in this section, "county, city, or town" includes any local school board, and "public officers or employees" includes employees of a local school board.*

B. *No ordinance or resolution adopted pursuant to subsection A shall include provisions that restrict the governing body's authority to establish the budget or appropriate funds.*

C. *For any governing body of a county, city, or town that has not adopted an ordinance or resolution providing for collective bargaining, such governing body shall, within 120 days of receiving certification from a majority of public employees in a unit considered by such employees to be appropriate for the purposes of collective bargaining, take a vote to adopt or not adopt an ordinance or resolution to provide for collective bargaining by such public employees and any other public employees deemed appropriate by the governing body. Nothing in this subsection shall require any governing body to adopt an ordinance or resolution authorizing collective bargaining.*

D. *Notwithstanding the provisions of subsection A regarding a local ordinance or resolution granting or permitting collective bargaining, no officer elected pursuant to Article VII, Section 4 of the Constitution of Virginia or any employee of such officer is vested with or possesses any authority to recognize any labor union or other employee association as a bargaining agent of any public officers or employees, or to collectively bargain or enter into any collective bargaining contract with any such union or association or its agents, with respect to any matter relating to them or their employment or service.*

§ 40.1-57.3. Certain activities permitted.

Nothing in this article shall be construed to prevent employees of the Commonwealth, of its political subdivisions, or of any governmental agency of any of them from forming associations for the purpose of promoting their interests before the employing agency *and, if they are employees of a county, city, or town or local school board that has, by a local ordinance or resolution as provided in § 40.1-57.2, authorized its employees to engage in collective bargaining, from doing so as provided in such ordinance or resolution.*

2. That the provisions of this act shall become effective on May 1, 2021.

CHAPTER 1210

An Act to amend the Code of Virginia by adding in Article 1 of Chapter 3 of Title 40.1 a section numbered 40.1-28.7:7, relating to a prohibition on employers' limiting employees' discussions of wage information; civil penalty.

[H 622]

Approved April 22, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 1 of Chapter 3 of Title 40.1 a section numbered 40.1-28.7:7 as follows:

§ 40.1-28.7:7. Limiting employees' sharing wage information with other persons prohibited; civil penalty.

A. No employer shall discharge from employment or take other retaliatory action against an employee because the employee (i) inquired about or discussed with, or disclosed to, another employee any information about either the employee's own wages or other compensation or about any other employee's wages or other compensation or (ii) filed a complaint with the Department alleging a violation of this section. However, the provisions of this section shall not apply to employees who have access to the compensation information of other employees or applicants for employment as part of their essential job functions who disclose the pay of other employees or applicants to individuals who do not otherwise have access to compensation information, unless the disclosure is (a) in response to a formal complaint or charge, (b) in furtherance of an investigation, proceeding, hearing, or action, including an investigation conducted by the employer, or (c) consistent with a legal duty to furnish information.

B. Any employer that violates the provisions of this section shall be subject to a civil penalty not to exceed \$100 for each violation. The Commissioner shall notify any employer who he alleges has violated any provision of this section by certified mail. Such notice shall contain a description of the alleged violation. Within 15 days of receipt of notice of the alleged violation, the employer may request an informal conference regarding such violation with the Commissioner. In determining the amount of any penalty to be imposed, the Commissioner shall consider the size of the business of the employer charged and the gravity of the violation. The decision of the Commissioner shall be final. Civil penalties under this section shall be assessed by the Commissioner and paid to the Literary Fund. The Commissioner shall prescribe procedures for the payment of proposed penalties that are not contested by employers.

C. The Commissioner or his authorized representative shall have the right to petition a circuit court for injunctive or such other relief as may be necessary for enforcement of this section.

CHAPTER 1211

An Act to amend and reenact § 8.01-422 of the Code of Virginia, relating to statutory recoupment.

[H 651]

Approved April 22, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 8.01-422 of the Code of Virginia is amended and reenacted as follows:

§ 8.01-422. Pleading recoupment.

In any action on a contract, the defendant may file a pleading, alleging any matter arising out of the transaction which would entitle him to relief in equity or at law, including (i) failure in the consideration of such contract, (ii) fraud in such contract's procurement, (iii) breach of any other provision of such contract, (iv) breach of any duty imposed upon the plaintiff by law in the making or performance of such contract, or (v) any other matter arising out of the transaction that would entitle the defendant to recover damages from the plaintiff, or the person under whom the plaintiff claims, in whole or in part, against the obligation of the contract; or, if the contract be by deed, alleging any such matter arising under the contract, existing before its execution, or any such mistake therein, or in the execution thereof, or any such other matter arising out of the transaction as would entitle him to such relief in equity or at law; and in either case alleging the amount to which he is entitled by reason of the matters contained in the pleading. If the amount claimed by the defendant exceeds the amount of the plaintiff's claim, the court or jury may, in a proper case, give judgment in favor of the defendant for such excess.

CHAPTER 1212

An Act to amend the Code of Virginia by adding in Chapter 2 of Title 2.2 an article numbered 12, consisting of sections numbered 2.2-234 and 2.2-235, relating to policy regarding environmental justice.

[H 704]

Approved April 22, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 2 of Title 2.2 an article numbered 12, consisting of sections numbered 2.2-234 and 2.2-235, as follows:

Article 12.

Virginia Environmental Justice Act.

§ 2.2-234. Definitions.

For purposes of this article, unless the context requires a different meaning:

"Community of color" means any geographically distinct area where the population of color, expressed as a percentage of the total population of such area, is higher than the population of color in the Commonwealth expressed as a percentage of the total population of the Commonwealth. However, if a community of color is composed primarily of one of the groups listed in the definition of "population of color," the percentage population of such group in the Commonwealth shall be used instead of the percentage population of color in the Commonwealth.

"Environment" means the natural, cultural, social, economic, and political assets or components of a community.

"Environmental justice" means the fair treatment and meaningful involvement of every person, regardless of race, color, national origin, income, faith, or disability, regarding the development, implementation, or enforcement of any environmental law, regulation, or policy.

"Environmental justice community" means any low-income community or community of color.

"Fair treatment" means the equitable consideration of all people whereby no group of people bears a disproportionate share of any negative environmental consequence resulting from an industrial, governmental, or commercial operation, program, or policy.

"Fenceline community" means an area that contains all or part of a low-income community or community of color and that presents an increased health risk to its residents due to its proximity to a major source of pollution.

"Low income" means having an annual household income equal to or less than the greater of (i) an amount equal to 80 percent of the median income of the area in which the household is located, as reported by the Department of Housing and Urban Development, and (ii) 200 percent of the Federal Poverty Level.

"Low-income community" means any census block group in which 30 percent or more of the population is composed of people with low income.

"Meaningful involvement" means the requirements that (i) affected and vulnerable community residents have access and opportunities to participate in the full cycle of the decision-making process about a proposed activity that will affect their environment or health and (ii) decision makers will seek out and consider such participation, allowing the views and perspectives of community residents to shape and influence the decision.

"Population of color" means a population of individuals who identify as belonging to one or more of the following groups: Black, African American, Asian, Pacific Islander, Native American, other non-white race, mixed race, Hispanic, Latino, or linguistically isolated.

"State agency" means any agency, authority, institution, board, bureau, commission, council, or instrumentality of state government in the executive branch of government.

§ 2.2-235. Policy regarding environmental justice.

It is the policy of the Commonwealth to promote environmental justice and ensure that it is carried out throughout the Commonwealth, with a focus on environmental justice communities and fenceline communities.

CHAPTER 1213

An Act to amend and reenact § 58.1-3965 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 58.1-3221.6, relating to real property taxes; blighted and derelict properties in certain localities.

[H 755]

Approved April 22, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-3965 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 58.1-3221.6 as follows:

§ 58.1-3221.6. Classification of blighted and derelict properties in certain localities.

A. For the purposes of this section:

"Blighted property" means the same as that term is defined in § 36-3.

"Derelict building" means the same as that term is defined in § 15.2-907.1.

"Qualifying locality" means a locality with a score of 107 or higher on the fiscal stress index, as published by the Department of Housing and Community Development in July 2019 using the revised data for fiscal year 2017.

B. In a qualifying locality, blighted properties, along with the land such properties are located on, are declared to be a separate class of property and shall constitute a separate classification for local taxation of real property.

C. In a qualifying locality, derelict buildings, along with the land such properties are located on, are declared to be a separate class of property and shall constitute a separate classification for local taxation of real property.

D. The governing body of a qualifying locality may, by ordinance, levy a tax on the property enumerated in subsection B at a rate different than that levied on other real property. The rate of tax imposed on such property may exceed the rate applicable to the general class of real property by up to five percent, but shall not be less than the rate applicable to the general class of real property.

E. The governing body of a qualifying locality may, by ordinance, levy a tax on the property enumerated in subsection C at a rate different than that levied on other real property. The rate of tax imposed on the property enumerated in subsection C may exceed the rate applicable to the general class of real property by up to 10 percent, but shall not be less than the rate applicable to the general class of real property.

F. Any tax levied pursuant to subsection D or E shall be imposed on a property upon a determination by the real estate assessor of the locality that such property constitutes either a blighted property or derelict structure, respectively. Such tax shall continue to be imposed until it has been determined by the real estate assessor of the locality that such property no longer constitutes a blighted property or derelict structure.

G. Any person aggrieved by the application of this section may appeal the determination by the real estate assessor as an erroneous assessment in accordance with Article 5 (§ 58.1-3980 et seq.) of Chapter 39.

§ 58.1-3965. When land may be sold for delinquent taxes; notice of sale; owner's right of redemption.

A. When any taxes on any real estate in a locality are delinquent on December 31 following the second anniversary of the date on which such taxes have become due, or, in the case of real property upon which is situated (i) any structure that has been condemned by the local building official pursuant to applicable law or ordinance; (ii) any nuisance as that term is defined in § 15.2-900; (iii) any derelict building as that term is defined in § 15.2-907.1; or (iv) any property that has been declared to be blighted as that term is defined in § 36-49.1:1, the first anniversary of the date on which such taxes have become due, such real estate may be sold for the purpose of collecting all delinquent taxes on such property.

However, in a qualifying locality, as defined in § 58.1-3221.6, whenever (a) taxes on any real estate in the locality are delinquent upon the expiration of six months following the date on which such taxes became due and (b) the locality has incurred abatement costs which remain unpaid upon the expiration of six months following the date on which the abatement costs were first incurred, real estate meeting the conditions described in clause (i), (ii), (iii), or (iv) may be sold for the purpose of collecting all delinquent taxes and abatement costs on such property. For the purposes of this section, "abatement costs" means costs incurred by a locality that result from the conditions described in clause (i), (ii), (iii), or (iv).

Upon a finding by the court, on real estate with an assessed value of \$100,000 or less in any locality, that (i) any taxes on such real estate are delinquent on December 31 following the first anniversary of the date on which such taxes have become due or (ii) there is a lien on such real estate pursuant to § 15.2-900, 15.2-906, 15.2-907, 15.2-907.1, 15.2-908.1, or 36-49.1:1, which lien remains unpaid on December 31 following the first anniversary of the date on which such lien was recorded, the property shall be deemed subject to sale by public auction pursuant to proper notice under this subsection.

The officer charged with the duty of collecting taxes for the locality wherein the real property lies shall, at least 30 days prior to instituting any judicial proceeding pursuant to this section, send a notice to (i) the last known address of the property owner as such owner and address appear in the records of the treasurer, (ii) the property address if the property address is different from the owner's address and if the real estate is listed with the post office by a numbered and named street address and (iii) the last known address of any trustee under any deed of trust, mortgagee under any mortgage and any other lien creditor, if such trustee, mortgagee or lien creditor is not otherwise made a party defendant under § 58.1-3967, advising such property owner, trustee, mortgagee or other lien creditor of the delinquency and the officer's intention to take action. Such notice shall advise the taxpayer that the taxpayer may request the treasurer to enter into a payment agreement to permit the payment of the delinquent taxes, interest, and penalties over a period not to exceed 36 months in accordance with the provisions of subsection C. Such officer shall also cause to be published at least once a list of real estate which will be offered for sale under the provisions of this article in a newspaper of general circulation in the locality, at least 30 days prior to the date on which judicial proceedings under the provisions of this article are to be commenced.

The pro rata cost of such publication shall become a part of the tax and together with all other costs, including reasonable attorneys' fees set by the court and the costs of any title examination conducted in order to comply with the notice requirements imposed by this section, shall be collected if payment is made by the owner in redemption of the real property described therein whether or not court proceedings have been initiated. A notice substantially in the following form shall be sufficient:

Notice

Judicial Sale of Real Property

On..... (date)..... proceedings will be commenced under the authority of § 58.1-3965 et seq. of the Code of Virginia to sell the following parcels for payment of delinquent taxes:

(description of properties)

B. The owner of any property listed may redeem it at any time before the date of the sale by paying all accumulated taxes, penalties, reasonable attorneys' fees, interest and costs thereon, including the pro rata cost of publication hereunder. Partial payment of delinquent taxes, penalties, reasonable attorneys' fees, interest or costs shall not be sufficient to redeem the property, and shall not operate to suspend, invalidate or make moot any action for judicial sale brought pursuant to this article.

C. Notwithstanding the provisions of subsection B and of § 58.1-3954, the treasurer or other officer responsible for collecting taxes may suspend any action for sale of the property commenced pursuant to this article upon entering into an agreement with the owner of the real property for the payment of all delinquent amounts in installments over a period which is reasonable under the circumstances, but in no event shall exceed 36 months. Any such agreement shall be secured by the lien of the locality pursuant to § 58.1-3340.

D. During the pendency of any installment agreement permitted under subsection C, any proceeding for a sale previously commenced shall not abate, but shall be continued on the docket of the court in which such action is pending. It shall be the duty of the treasurer or other officer responsible for collecting taxes to promptly notify the clerk of such court when obligations arising under such an installment agreement have been fully satisfied. Upon the receipt of such notice, the clerk shall cause the action to be stricken from the docket.

E. In the event the owner of the property or other responsible person defaults upon obligations arising under an installment agreement permitted by subsection C, or during the term of any installment agreement, defaults on any current obligation as it becomes due, such agreement shall be voidable by the treasurer or other officer responsible for collecting taxes upon 15 days' written notice to the signatories of such agreement irrespective of the amount remaining due. Any action for the sale previously commenced pursuant to this article may proceed without any requirement that the notice or advertisement required by subsection A, which had previously been made with respect to such property, be repeated. No owner of property which has been the subject of a defaulted installment agreement shall be eligible to enter into a second installment agreement with respect to the same property within three years of such default.

F. Any corporate, partnership or limited liability officer, as those terms are defined in § 58.1-1813, who willfully fails to pay any tax being enforced by this section, shall, in addition to other penalties provided by law, be liable to a penalty of the amount of the tax not paid, to be assessed and collected in the same manner as such taxes are assessed and collected.

G. During the pendency of the action, the circuit court in which the action is pending may, on its own motion or on the motion of any party, refer the parties to a dispute resolution proceeding pursuant to the provisions of Chapter 20.2 (§ 8.01-576.4 et seq.) of Title 8.01.

H. In any case in which real estate subject to delinquent taxes is situated in two or more jurisdictions, a suit to sell the entirety of the real estate pursuant to this article may be brought in a single jurisdiction provided that (i) taxes are delinquent in all jurisdictions for periods not less than the minimum applicable periods set forth in subsection A and (ii) the treasurer of each jurisdiction within which the property is situated consents to the suit.

The suit shall identify the taxes, penalties, interest, and other charges due in each jurisdiction. The publications and notices required pursuant to this section shall identify each of the jurisdictions in which the property is situated. Upon sale of the property, the order confirming the sale shall provide for the payment of taxes, penalties, interest, and other charges to each jurisdiction, and copies of the order confirming the sale and the deed conveying the property to the purchaser shall be recorded among the land records of the clerk's office of the circuit court for each jurisdiction within which the property that is the subject of the suit is situated.

CHAPTER 1214

An Act to amend and reenact §§ 58.1-3818, 58.1-3819, 58.1-3823, as it is currently effective and as it may become effective, 58.1-3825.3, 58.1-3830, 58.1-3833, 58.1-3834, and 58.1-3840 of the Code of Virginia and to repeal §§ 58.1-3818.01, 58.1-3818.03, 58.1-3818.04, 58.1-3820, 58.1-3821, and 58.1-3831, relating to local taxing authority.

[H 785]

Approved April 22, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 58.1-3818, 58.1-3819, 58.1-3823, as it is currently effective and as it may become effective, 58.1-3825.3, 58.1-3830, 58.1-3833, 58.1-3834, and 58.1-3840 of the Code of Virginia are amended and reenacted as follows:

§ 58.1-3818. Admissions tax in counties.

A. Fairfax, Arlington, Dinwiddie, Prince George and Brunswick Counties are *Any county, except as provided in subsection C*, is hereby authorized to levy a tax on admissions charged for attendance at any event. The tax shall not exceed 10 percent of the amount of charge for admission to any such event. Notwithstanding any other provisions of law, the governing bodies of such counties shall prescribe by ordinance the terms, conditions, and amount of such tax and may classify between events conducted for charitable purposes and those events conducted for noncharitable purposes.

B. Notwithstanding the provisions of subsection A, Culpeper County and New Kent County are hereby authorized to levy a tax on admissions charged for attendance at any event as set forth in subsection A.

C. Notwithstanding the provisions of subsection A, Charlotte County, Clarke County, Madison County, Nelson County, and Sussex County are hereby authorized to levy a tax on admissions charged for attendance at any spectator event; however, a tax shall not be levied on admissions charged to participants in order to participate in any event. The tax shall not exceed 10 percent of the amount of charge for admission to any event. Notwithstanding any other provisions of law, the governing body of such county shall prescribe by ordinance the terms, conditions and amount of such tax and may classify between the events as set forth in § 58.1-3817.

D. Notwithstanding the provisions of subsections subsection A, B and C, localities may, by ordinance, elect not to levy an admissions tax on admission to an event, provided that the purpose of the event is solely to raise money for charitable purposes and that the net proceeds derived from the event will be transferred to an entity or entities that are exempt from sales and use tax pursuant to § 58.1-609.11.

C. No tax under this section shall be authorized in any county in which a state sales and use tax, in addition to the taxes authorized pursuant to §§ 58.1-603 and 58.1-604, is imposed at a rate of at least one percent, a portion of which is dedicated to the promotion of tourism.

§ 58.1-3819. Transient occupancy tax.

A. 1. Any county, by duly adopted ordinance, may levy a transient occupancy tax on hotels, motels, boarding houses, travel campgrounds, and other facilities offering guest rooms rented out for continuous occupancy for fewer than 30 consecutive days. Such tax shall be in such amount and on such terms as the governing body may, by ordinance, prescribe. Such tax shall not exceed two percent of the amount of charge for the occupancy of any room or space occupied; however, Accomack County, Albemarle County, Alleghany County, Amherst County, Augusta County, Bedford County, Bland County, Botetourt County, Brunswick County, Campbell County, Caroline County, Carroll County, Craig County, Cumberland County, Dickenson County, Dinwiddie County, Floyd County, Franklin County, Frederick County, Giles County, Gloucester County, Goochland County, Grayson County, Greene County, Greensville County, Halifax County, Highland County, Isle of Wight County, James City County, King George County, Loudoun County, Madison County, Mecklenburg County, Montgomery County, Nelson County, Northampton County, Page County, Patrick County, Powhatan County, Prince Edward County, Prince George County, Prince William County, Pulaski County, Rockbridge County, Rockingham County, Russell County, Smyth County, Spotsylvania County, Stafford County, Tazewell County, Warren County, Washington County, Wise County, Wythe County, and York County may levy a transient occupancy tax not to exceed five percent, and

2. *Unless otherwise provided in this article, any county that imposes a transient occupancy tax at a rate greater than two percent shall, by ordinance, provide that (i) any excess from a rate over two percent shall be designated and spent solely for such purpose as was authorized under this article prior to January 1, 2020, or (ii) if clause (i) is inapplicable, any excess from a rate over two percent but not exceeding five percent shall be designated and spent solely for tourism and travel, marketing of tourism or initiatives that, as determined after consultation with the local tourism industry organizations, including representatives of lodging properties located in the county, attract travelers to the locality, increase occupancy at lodging properties, and generate tourism revenues in the locality. Unless otherwise provided in this article, for any county that imposes a transient occupancy tax pursuant to this section or an additional transient occupancy tax pursuant to another provision of this article, any excess over five percent, combining the rates of all taxes imposed pursuant to this article, shall not be restricted in its use and may be spent in the same manner as general revenues.* If any locality has enacted an additional transient occupancy tax pursuant to subsection C of § 58.1-3823, then the governing body of the locality shall be deemed to have complied with the requirement that it consult with local tourism industry organizations, including lodging properties. If there are no local tourism industry organizations in the locality, the governing body shall hold a public hearing prior to making any determination relating to how to attract travelers to the locality and generate tourism revenues in the locality.

B. The tax imposed hereunder shall not apply to rooms or spaces rented and continuously occupied by the same individual or same group of individuals for 30 or more days in hotels, motels, boarding houses, travel campgrounds, and other facilities offering guest rooms. In addition, that portion of any tax imposed hereunder in excess of two percent shall not apply to travel campgrounds in Stafford County.

C. Nothing herein contained shall affect any authority heretofore granted to any county, city or town to levy such a transient occupancy tax. The county tax limitations imposed pursuant to § 58.1-3711 shall apply to any tax levied under this section, mutatis mutandis.

D. Any county, city or town that requires local hotel and motel businesses, or any class thereof, to collect, account for and remit to such locality a local tax imposed on the consumer may allow such businesses a commission for such service in the form of a deduction from the tax remitted. Such commission shall be provided for by ordinance, which shall set the rate thereof at no less than three percent and not to exceed five percent of the amount of tax due and accounted for. No commission shall be allowed if the amount due was delinquent.

E. All transient occupancy tax collections shall be deemed to be held in trust for the county, city or town imposing the tax.

§ 58.1-3823. (For contingent expiration date, see Acts 2018, c. 850) Additional transient occupancy tax for certain counties.

A. ~~In addition to such transient occupancy taxes as are authorized by §§ 58.1-3819 through 58.1-3821, Hanover County, Chesterfield County, and Henrico County may impose:~~

1. ~~An additional transient occupancy tax not to exceed four percent of the amount of the charge for the occupancy of any room or space occupied. The tax imposed hereunder shall not apply to rooms or spaces rented and continuously occupied by the same individual or same group of individuals for 30 or more days. The revenues collected from the additional tax shall be designated and spent for promoting tourism, travel or business that generates tourism or travel in the Richmond metropolitan area; and~~

2. ~~An additional transient occupancy tax not to exceed two percent of the amount of the charge for the occupancy of any room or space occupied. The tax imposed hereunder shall not apply to rooms or spaces rented and continuously occupied by the same individual or same group of individuals for 30 or more days. The revenues collected from the additional tax shall be designated and spent for expanding the Richmond Centre, a convention and exhibition facility in the City of Richmond.~~

3. An additional transient occupancy tax not to exceed one percent of the amount of the charge for the occupancy of any room or space occupied. The tax imposed hereunder shall not apply to rooms or spaces rented and continuously occupied by the same individual or group of individuals for 30 or more days. The revenues collected from the additional tax shall be designated and spent for the development and improvement of the Virginia Performing Arts Foundation's facilities in Richmond, for promoting the use of the Richmond Centre and for promoting tourism, travel or business that generates tourism and travel in the Richmond metropolitan area.

B. ~~In addition to such transient occupancy taxes as are authorized by §§ 58.1-3819 through 58.1-3821, any~~ Any county with the county manager plan of government may impose an additional transient occupancy tax not to exceed two percent of the amount of the charge for the occupancy of any room or space occupied, provided the county's governing body approves the construction of a county conference center. The tax imposed hereunder shall not apply to rooms or spaces rented and continuously occupied by the same individual or same group of individuals for 30 or more days. The revenues collected from the additional tax shall be designated and spent for the design, construction, debt payment, and operation of such conference center.

C. ~~In addition to such transient occupancy taxes as are authorized by §§ 58.1-3819 through 58.1-3821, the~~ The Counties of James City and York may impose an additional transient occupancy tax not to exceed \$2 per room per night for the occupancy of any overnight guest room. The tax imposed by this subsection shall not apply to travel campground sites or to rooms or spaces rented and continuously occupied by the same individual or same group of individuals for 30 or more days. Of the revenues generated by the tax authorized by this subsection, one-half of the revenues generated from each night of occupancy of an overnight guest room shall be deposited into the Historic Triangle Marketing Fund, created pursuant to subdivision E 1 of § 58.1-603.2, and one-half of the revenues shall be retained by the locality in which the tax is imposed.

D. ~~In addition to such transient occupancy taxes as are authorized by §§ 58.1-3819 through 58.1-3822, Bedford County~~ may impose an additional transient occupancy tax not to exceed two percent of the amount of the charge for the occupancy of any room or space occupied. The tax imposed hereunder shall not apply to rooms or spaces rented and continuously occupied by the same individual or same group of individuals for 30 or more days.

The revenues collected from the additional tax shall be designated and spent solely for tourism and travel; marketing of tourism; or initiatives that, as determined after consultation with local tourism industry organizations, including representatives of lodging properties located in the county, attract travelers to the locality, increase occupancy at lodging properties, and generate tourism revenues in the locality.

E. ~~In addition to such transient occupancy taxes as are authorized by §§ 58.1-3819 through 58.1-3822, Botetourt County~~ may impose an additional transient occupancy tax not to exceed two percent of the amount of the charge for the occupancy of any room or space occupied. The tax imposed hereunder shall not apply to rooms or spaces rented and continuously occupied by the same individual or same group of individuals for 30 or more days.

The revenue generated and collected from the two percent tax rate increase shall be designated and expended solely for advertising the Roanoke metropolitan area as an overnight tourist destination by members of the Roanoke Valley Convention and Visitors Bureau. For purposes of this subsection, "advertising the Roanoke metropolitan area as an overnight tourism destination" means advertising that is intended to attract visitors from a sufficient distance so as to require an overnight stay.

F. The county tax limitations imposed pursuant to § 58.1-3711 shall apply to any tax levied under this section, mutatis mutandis.

G. *The authority to impose a tax pursuant to this section shall be in addition to the authority provided by the provisions of § 58.1-3819.*

§ 58.1-3823. (For contingent effective date, see Acts 2018, c. 850) Additional transient occupancy tax for certain counties.

A. ~~In addition to such transient occupancy taxes as are authorized by §§ 58.1-3819 through 58.1-3821, Hanover County, Chesterfield County and Henrico County may impose:~~

1. An additional transient occupancy tax not to exceed four percent of the amount of the charge for the occupancy of any room or space occupied. The tax imposed hereunder shall not apply to rooms or spaces rented and continuously occupied by the same individual or same group of individuals for 30 or more days. The revenues collected from the additional tax shall be designated and spent for promoting tourism, travel or business that generates tourism or travel in the Richmond metropolitan area; and

2. An additional transient occupancy tax not to exceed two percent of the amount of the charge for the occupancy of any room or space occupied. The tax imposed hereunder shall not apply to rooms or spaces rented and continuously occupied by the same individual or same group of individuals for 30 or more days. The revenues collected from the additional tax shall be designated and spent for expanding the Richmond Centre, a convention and exhibition facility in the City of Richmond.

3. An additional transient occupancy tax not to exceed one percent of the amount of the charge for the occupancy of any room or space occupied. The tax imposed hereunder shall not apply to rooms or spaces rented and continuously occupied by the same individual or group of individuals for 30 or more days. The revenues collected from the additional tax shall be designated and spent for the development and improvement of the Virginia Performing Arts Foundation's facilities in Richmond, for promoting the use of the Richmond Centre and for promoting tourism, travel or business that generates tourism and travel in the Richmond metropolitan area.

B. In addition to such transient occupancy taxes as are authorized by §§ 58.1-3819 through 58.1-3821, any *Any* county with the county manager plan of government may impose an additional transient occupancy tax not to exceed two percent of the amount of the charge for the occupancy of any room or space occupied, provided the county's governing body approves the construction of a county conference center. The tax imposed hereunder shall not apply to rooms or spaces rented and continuously occupied by the same individual or same group of individuals for 30 or more days. The revenues collected from the additional tax shall be designated and spent for the design, construction, debt payment, and operation of such conference center.

C. 1. In addition to such transient occupancy taxes as are authorized by §§ 58.1-3819 through 58.1-3821, the *The* Counties of James City and York may impose an additional transient occupancy tax not to exceed \$2 per room per night for the occupancy of any overnight guest room. The revenues collected from the additional tax shall be designated and expended solely for advertising the Historic Triangle area, which includes all of the City of Williamsburg and the Counties of James City and York, as an overnight tourism destination by the members of the Williamsburg Area Destination Marketing Committee of the Greater Williamsburg Chamber and Tourism Alliance. The tax imposed by this subsection shall not apply to travel campground sites or to rooms or spaces rented and continuously occupied by the same individual or same group of individuals for 30 or more days.

2. The Williamsburg Area Destination Marketing Committee shall consist of the members as provided herein. The governing bodies of the City of Williamsburg, the County of James City, and the County of York shall each designate one of their members to serve as members of the Williamsburg Area Destination Marketing Committee. These three members of the Committee shall have two votes apiece. In no case shall a person who is a member of the Committee by virtue of the designation of a local governing body be eligible to be selected a member of the Committee pursuant to subdivision a.

a. Further, one member of the Committee shall be selected by the Board of Directors of the Williamsburg Hotel and Motel Association; one member of the Committee shall be from The Colonial Williamsburg Foundation and shall be selected by the Foundation; one member of the Committee shall be an employee of Busch Gardens Europe/Water Country USA and shall be selected by Busch Gardens Europe/Water Country USA; one member of the Committee shall be from the Jamestown-Yorktown Foundation and shall be selected by the Foundation; one member of the Committee shall be selected by the Executive Committee of the Greater Williamsburg Chamber and Tourism Alliance; and one member of the Committee shall be the President and Chief Executive Officer of the Virginia Tourism Authority who shall serve ex officio. Each of these six members of the Committee shall have one vote apiece. The President of the Greater Williamsburg Chamber and Tourism Alliance shall serve ex officio with nonvoting privileges unless chosen by the Executive Committee of the Greater Williamsburg Chamber and Tourism Alliance to serve as its voting representative. The Executive Director of the Williamsburg Hotel and Motel Association shall serve ex officio with nonvoting privileges unless chosen by the Board of Directors of the Williamsburg Hotel and Motel Association to serve as its voting representative.

In no case shall more than one person of the same local government, including the governing body of the locality, serve as a member of the Committee at the same time.

If at any time a person who has been selected to the Committee by other than a local governing body becomes or is (a) a member of the local governing body of the City of Williamsburg, the County of James City, or the County of York, or (b) an employee of one of such local governments, the person shall be ineligible to serve as a member of the Committee while a member of the local governing body or an employee of one of such local governments. In such case, the body that selected the person to serve as a member of the Commission shall promptly select another person to serve as a member of the Committee.

3. The Williamsburg Area Destination Marketing Committee shall maintain all authorities granted by this section. The Greater Williamsburg Chamber and Tourism Alliance shall serve as the fiscal agent for the Williamsburg Area Destination Marketing Committee with specific responsibilities to be defined in a contract between such two entities. The contract shall include provisions to reimburse the Greater Williamsburg Chamber and Tourism Alliance for annual audits and any other agreed-upon expenditures. The Williamsburg Area Destination Marketing Committee shall also contract with the Greater Williamsburg Chamber and Tourism Alliance to provide administrative support services as the entities shall mutually agree.

4. The provisions in subdivision 2 relating to the composition and voting powers of the Williamsburg Area Destination Marketing Committee shall be a condition of the authority to impose the tax provided herein.

For purposes of this subsection, "advertising the Historic Triangle area" as an overnight tourism destination means advertising that is intended to attract visitors from a sufficient distance so as to require an overnight stay of at least one night.

D. In addition to such transient occupancy taxes as are authorized by §§ 58.1-3819 through 58.1-3822, Bedford County may impose an additional transient occupancy tax not to exceed two percent of the amount of the charge for the occupancy of any room or space occupied. The tax imposed hereunder shall not apply to rooms or spaces rented and continuously occupied by the same individual or same group of individuals for 30 or more days.

The revenues collected from the additional tax shall be designated and spent solely for tourism and travel; marketing of tourism; or initiatives that, as determined after consultation with local tourism industry organizations, including representatives of lodging properties located in the county, attract travelers to the locality, increase occupancy at lodging properties, and generate tourism revenues in the locality.

E. In addition to such transient occupancy taxes as are authorized by §§ 58.1-3819 through 58.1-3822, Botetourt County may impose an additional transient occupancy tax not to exceed two percent of the amount of the charge for the

occupancy of any room or space occupied. The tax imposed hereunder shall not apply to rooms or spaces rented and continuously occupied by the same individual or same group of individuals for 30 or more days.

The revenue generated and collected from the two percent tax rate increase shall be designated and expended solely for advertising the Roanoke metropolitan area as an overnight tourist destination by members of the Roanoke Valley Convention and Visitors Bureau. For purposes of this subsection, "advertising the Roanoke metropolitan area as an overnight tourism destination" means advertising that is intended to attract visitors from a sufficient distance so as to require an overnight stay.

F. The county tax limitations imposed pursuant to § 58.1-3711 shall apply to any tax levied under this section, mutatis mutandis.

G. *The authority to impose a tax pursuant to this section shall be in addition to the authority provided by the provisions of § 58.1-3819.*

§ 58.1-3825.3. Additional transient occupancy tax in Arlington County.

In addition to ~~such~~ the transient occupancy taxes as are tax authorized by §§ 58.1-3819 and 58.1-3820, beginning July 1, 2018, and ending July 1, 2021, Arlington County may impose an additional transient occupancy tax not to exceed one-fourth of one percent of the amount of the charge for the occupancy of any room or space occupied. The revenues collected from the additional tax shall be designated and spent for the purpose of promoting tourism and business travel in the county.

§ 58.1-3830. Local cigarette taxes authorized; use of dual die or stamp to evidence payment.

A. ~~No provision of Chapter 10 (§ 58.1-1000 et seq.) of this title shall be construed to deprive counties, cities, and towns of the right~~ Any county, city, or town is authorized to levy taxes upon the sale or use of cigarettes, provided such county, city or town had such power prior to January 1, 1977. The governing body of any county, city, or town which that levies a cigarette tax and permits the use of meter impressions or stamps to evidence its payment may authorize an officer of the county, city, or town or joint enforcement authority to enter into an arrangement with the Department of Taxation under which a tobacco wholesaler who so desires may use a dual die or stamp to evidence the payment of both the county, city, or town tax, and the state tax, and the Department is hereby authorized to enter into such an arrangement. The procedure under such an arrangement shall be such as may be agreed upon by and between the authorized county, city, town or joint enforcement authority officer and the Department.

B. Any county cigarette tax imposed shall not apply within the limits of any town located in such county where such town now, or hereafter, imposes a town cigarette tax. However, if the governing body of any such town shall provide that a county cigarette tax, as well as the town cigarette tax, shall apply within the limits of such town, then such cigarette tax may be imposed by the county within such town.

C. *The maximum tax rate imposed by a locality on cigarettes pursuant to the provisions of this section shall be as follows:*

1. *If such locality is (i) a city or town that, on January 1, 2020, had in effect a rate not exceeding two cents (\$0.02) per cigarette sold or (ii) a county, then the maximum rate shall be two cents (\$0.02) per cigarette sold.*

2. *If such locality is a city or town that, on January 1, 2020, had in effect a rate exceeding two cents (\$0.02) per cigarette sold, then the maximum rate shall be the rate in effect on January 1, 2020.*

§ 58.1-3833. County food and beverage tax.

A. 1. Any county is hereby authorized to levy a tax on food and beverages sold, for human consumption, by a restaurant, as such term is defined in § 35.1-1, not to exceed ~~four~~ six percent of the amount charged for such food and beverages. Such tax shall not be levied on food and beverages sold through vending machines or by (i) boardinghouses that do not accommodate transients; (ii) cafeterias operated by industrial plants for employees only; (iii) restaurants to their employees as part of their compensation when no charge is made to the employee; (iv) volunteer fire departments and volunteer emergency medical services agencies; nonprofit churches or other religious bodies; or educational, charitable, fraternal, or benevolent organizations the first three times per calendar year and, beginning with the fourth time, on the first \$100,000 of gross receipts per calendar year from sales of food and beverages (excluding gross receipts from the first three times), as a fundraising activity, the gross proceeds of which are to be used by such church, religious body or organization exclusively for nonprofit educational, charitable, benevolent, or religious purposes; (v) churches that serve meals for their members as a regular part of their religious observances; (vi) public or private elementary or secondary schools or institutions of higher education to their students or employees; (vii) hospitals, medical clinics, convalescent homes, nursing homes, or other extended care facilities to patients or residents thereof; (viii) day care centers; (ix) homes for the aged, infirm, handicapped, battered women, narcotic addicts, or alcoholics; or (x) age-restricted apartment complexes or residences with restaurants, not open to the public, where meals are served and fees are charged for such food and beverages and are included in rental fees. Also, the tax shall not be levied on food and beverages: (a) when used or consumed and paid for by the Commonwealth, any political subdivision of the Commonwealth, or the United States; or (b) provided by a public or private nonprofit charitable organization or establishment to elderly, infirm, blind, handicapped, or needy persons in their homes, or at central locations; or (c) provided by private establishments that contract with the appropriate agency of the Commonwealth to offer food, food products, or beverages for immediate consumption at concession prices to elderly, infirm, blind, handicapped, or needy persons in their homes or at central locations.

2. Grocery stores and convenience stores selling prepared foods ready for human consumption at a delicatessen counter shall be subject to the tax, for that portion of the grocery store or convenience store selling such items.

3. This tax shall be levied only if the tax is approved in a referendum within the county which shall be held in accordance with § 24.2-684 and initiated either by a resolution of the board of supervisors or on the filing of a petition signed by a number of registered voters of the county equal in number to 10 percent of the number of voters registered in the county, as appropriate on January 1 of the year in which the petition is filed with the court of such county. However, no referendum initiated by a resolution of the board of supervisors shall be authorized in a county in the three calendar years subsequent to the electoral defeat of any referendum held pursuant to this section in such county. The clerk of the circuit court shall publish notice of the election in a newspaper of general circulation in the county once a week for three consecutive weeks prior to the election. If the voters affirm the levy of a local meals tax, the tax shall be effective in an amount and on such terms as the governing body may by ordinance prescribe. If such resolution of the board of supervisors or such petition states for what projects and/or purposes the revenues collected from the tax are to be used, then the question on the ballot for the referendum shall include language stating for what projects and/or purposes the revenues collected from the tax are to be used.

4. Any referendum held for the purpose of approving a county food and beverage tax pursuant to this section shall, in the language of the ballot question presented to voters, contain the following text in a paragraph unto itself: "If this food and beverage tax is adopted and a maximum tax rate of four percent is imposed, then the total tax imposed on all prepared food and beverage shall be ..." followed by the total, expressed as a percentage, of all existing ad valorem taxes applicable to the transaction added to the four percent county food and beverage tax to be approved by the referendum.

5. Notwithstanding any other provision of this section, if a county that has not imposed a county food and beverage tax adopts an ordinance or resolution pursuant to subdivision 1 of § 15.2-2607 providing for the payment of the principal and premium, if any, and interest on bonds issued in accordance with the Public Finance Act (§ 15.2-2600 et seq.) from revenue collected from a county food and beverage tax, then the ballot may provide, as a single question:

- a. The purpose or purposes of the bonds to be issued;
- b. The estimated maximum amount of such bonds proposed in the notice required in subsection A of § 15.2-2606;
- c. The request for approval by the voters of a county food and beverage tax authorized and levied in accordance with subdivision 3;
- d. The language required to be included in the ballot question as set forth in subdivision 4; and
- e. An explanation that the bonds shall be issued only if the county food and beverage tax is approved in the referendum.

Any referendum placed on the ballot pursuant to this subdivision 5 shall be submitted according to the procedures specified in § 24.2-684.

The term "beverage" as set forth herein shall mean alcoholic beverages as defined in § 4.1-100 and nonalcoholic beverages served as part of a meal. The tax shall be in addition to the sales tax currently imposed by the county pursuant to the authority of Chapter 6 (§ 58.1-600 et seq.). Collection of such tax shall be in a manner prescribed by the governing body.

B. Notwithstanding the provisions of subsection A, Roanoke County, Rockbridge County, Frederick County, Arlington County, and Montgomery County are hereby authorized to levy a tax on food and beverages sold for human consumption by a restaurant, as such term is defined in § 35.1-1 and as modified in subsection A and subject to the same exemptions, not to exceed four percent of the amount charged for such food and beverages, provided that the governing body of the respective county holds a public hearing before adopting a local food and beverage tax, and the governing body by unanimous vote adopts such tax by local ordinance. The tax shall be effective in an amount and on such terms as the governing body may by ordinance prescribe.

C. B. Nothing herein contained shall affect any authority heretofore granted to any county, city, or town to levy a meals tax. The county tax limitations imposed pursuant to § 58.1-3711 shall apply to any tax levied under this section, mutatis mutandis. All food and beverage tax collections and all meals tax collections shall be deemed to be held in trust for the county, city, or town imposing the applicable tax. The wrongful and fraudulent use of such collections other than remittance of the same as provided by law shall constitute embezzlement pursuant to § 18.2-111.

D. No county which has heretofore adopted an ordinance pursuant to subsection A shall be required to submit an amendment to its meals tax ordinance to the voters in a referendum.

E. C. Notwithstanding any other provision of this section, no locality shall levy any tax under this section upon (i) that portion of the amount paid by the purchaser as a discretionary gratuity in addition to the sales price; (ii) that portion of the amount paid by the purchaser as a mandatory gratuity or service charge added by the restaurant in addition to the sales price, but only to the extent that such mandatory gratuity or service charge does not exceed 20 percent of the sales price; or (iii) alcoholic beverages sold in factory sealed containers and purchased for off-premises consumption or food purchased for human consumption as "food" is defined in the Food Stamp Act of 1977, 7 U.S.C. § 2012, as amended, and federal regulations adopted pursuant to that act, except for the following items: sandwiches, salad bar items sold from a salad bar, repackaged single-serving salads consisting primarily of an assortment of vegetables, and nonfactory sealed beverages.

§ 58.1-3834. Apportionment of food and beverage or meals tax.

In any case where a business is located partially within two or more local jurisdictions by reason of the boundary line between the local jurisdictions passing through such place of business, and one or more of the local jurisdictions imposes the food and beverage or meals tax, the tax rate shall be computed by applying the apportionment formula in § 58.1-3709 to the food and beverage or meals tax rate of each applicable local jurisdiction. Such apportioned rate shall be rounded to the nearest one-half percent; provided, the total tax rate shall not exceed the rate authorized in § 58.1-3833.

§ 58.1-3840. Certain excise taxes permitted.

A. The provisions of Chapter 6 (§ 58.1-600 et seq.) to the contrary notwithstanding, any city or town having general taxing powers established by charter pursuant to or consistent with the provisions of § 15.2-1104 *and, to the extent authorized in this chapter, any county* may impose excise taxes on cigarettes, admissions, transient room rentals, meals, and travel campgrounds. No such taxes on meals may be imposed on (i) that portion of the amount paid by the purchaser as a discretionary gratuity in addition to the sales price of the meal; (ii) that portion of the amount paid by the purchaser as a mandatory gratuity or service charge added by the restaurant in addition to the sales price of the meal, but only to the extent that such mandatory gratuity or service charge does not exceed 20 percent of the sales price; or (iii) food and beverages sold through vending machines or on any tangible personal property purchased with food coupons issued by the United States Department of Agriculture under the Food Stamp Program or drafts issued through the Virginia Special Supplemental Food Program for Women, Infants, and Children. No such taxes on meals may be imposed when sold or provided by (a) restaurants, as such term is defined in § 35.1-1, to their employees as part of their compensation when no charge is made to the employee; (b) volunteer fire departments and volunteer emergency medical services agencies; nonprofit churches or other religious bodies; or educational, charitable, fraternal, or benevolent organizations, the first three times per calendar year and, beginning with the fourth time, on the first \$100,000 of gross receipts per calendar year from sales of meals (excluding gross receipts from the first three times), as a fundraising activity, the gross proceeds of which are to be used by such church, religious body or organization exclusively for nonprofit educational, charitable, benevolent, or religious purposes; (c) churches that serve meals for their members as a regular part of their religious observances; (d) public or private elementary or secondary schools or institutions of higher education to their students or employees; (e) hospitals, medical clinics, convalescent homes, nursing homes, or other extended care facilities to patients or residents thereof; (f) day care centers; (g) homes for the aged, infirm, handicapped, battered women, narcotic addicts, or alcoholics; or (h) age-restricted apartment complexes or residences with restaurants, not open to the public, where meals are served and fees are charged for such food and beverages and are included in rental fees.

Also, the tax shall not be levied on meals: (1) when used or consumed and paid for by the Commonwealth, any political subdivision of the Commonwealth, or the United States; (2) provided by a public or private nonprofit charitable organization or establishment to elderly, infirm, blind, handicapped, or needy persons in their homes, or at central locations; or (3) provided by private establishments that contract with the appropriate agency of the Commonwealth to offer food, food products, or beverages for immediate consumption at concession prices to elderly, infirm, blind, handicapped, or needy persons in their homes or at central locations.

In addition, as set forth in § 51.5-98, no blind person operating a vending stand or other business enterprise under the jurisdiction of the Department for the Blind and Vision Impaired and located on property acquired and used by the United States for any military or naval purpose shall be required to collect and remit meals taxes.

B. Notwithstanding any other provision of this section, no city or town shall levy any tax under this section upon alcoholic beverages sold in factory sealed containers and purchased for off-premises consumption or food purchased for human consumption as "food" is defined in the Food Stamp Act of 1977, 7 U.S.C. § 2012, as amended, and federal regulations adopted pursuant to that act, except for the following items: sandwiches, salad bar items sold from a salad bar, prepackaged single-serving salads consisting primarily of an assortment of vegetables, and nonfactory sealed beverages.

C. Any city or town that is authorized to levy a tax on admissions may levy the tax on admissions paid for any event held at facilities that are not owned by the city or town at a lower rate than the rate levied on admissions paid for any event held at its city- or town-owned civic centers, stadiums, and amphitheaters.

D. [Expired.]

2. That §§ 58.1-3818.01, 58.1-3818.03, and 58.1-3818.04 of the Code of Virginia are repealed; that §§ 58.1-3820 and 58.1-3821 of the Code of Virginia are repealed effective May 1, 2021; and that § 58.1-3831 of the Code of Virginia is repealed effective July 1, 2021.

3. That the provisions of this act amending §§ 58.1-3819, 58.1-3823, as it is currently effective and as it may become effective, and 58.1-3825.3 of the Code of Virginia shall become effective May 1, 2021, and that the provisions of this act amending § 58.1-3830 of the Code of Virginia shall become effective on July 1, 2021.

4. That notwithstanding the provisions of this act, no county that held a referendum pursuant to § 58.1-3833 of the Code of Virginia prior to July 1, 2020, that was defeated may impose a tax pursuant to § 58.1-3833 of the Code of Virginia until six years after the date of such referendum, unless a successful referendum was held after the defeated referendum and before July 1, 2020.

5. That the Division of Legislative Services (the Division) shall convene a work group of stakeholders to identify and make recommendations as to other amendments necessary, including repealing obsolete provisions and making technical amendments to existing provisions, to the Code of Virginia to effectuate the provisions of this act. The Division also shall identify the different legal authorities and requirements that apply to cities and counties that are not related to taxation, including those related to the provision of local services and related to sovereign immunity. The Division shall submit a summary of its recommendations and a draft of any recommended changes to the Chairmen of the House Committees on Appropriations and Finance and the Senate Committee on Finance and Appropriations no later than October 31, 2020.

6. That the Department of Taxation (the Department) shall convene a work group of stakeholders to identify and make recommendations for (i) modernizing the process for using stamps to certify that tax has been paid on

cigarettes and (ii) unifying the stamping process so that it is administered solely by the Department of Taxation. The Department shall submit a summary of its recommendations, including any proposed amendments to the Code of Virginia, to the Chairmen of the House Committees on Appropriations and Finance and the Senate Committee on Finance and Appropriations no later than October 31, 2020.

CHAPTER 1215

An Act to amend and reenact §§ 6.2-303, 6.2-312, 6.2-435, 6.2-1500, 6.2-1501, 6.2-1505, 6.2-1507, 6.2-1509, 6.2-1517, 6.2-1518, 6.2-1520, 6.2-1523, 6.2-1524, 6.2-1800, 6.2-1801, 6.2-1803, 6.2-1804, 6.2-1807, 6.2-1809, 6.2-1810, 6.2-1811, 6.2-1816, 6.2-1817, 6.2-1819, 6.2-1820, 6.2-1827, 6.2-1828, 6.2-2200, 6.2-2201, 6.2-2203, 6.2-2204, 6.2-2207, 6.2-2210, 6.2-2215, 6.2-2216, 6.2-2217, 6.2-2224, 6.2-2226, 59.1-200, and 59.1-335.5 of the Code of Virginia; to amend the Code of Virginia by adding sections numbered 6.2-1508.1, 6.2-1523.1, 6.2-1523.2, 6.2-1523.3, 6.2-1816.1, 6.2-1817.1, 6.2-1818.1 through 6.2-1818.4, 6.2-2215.1, 6.2-2216.1 through 6.2-2216.5, and 6.2-2218.1; and to repeal § 6.2-1818 of the Code of Virginia, relating to open-end credit plans; payday lenders and short-term loans; consumer finance loans; car title lending.

[H 789]

Approved April 22, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 6.2-303, 6.2-312, 6.2-435, 6.2-1500, 6.2-1501, 6.2-1505, 6.2-1507, 6.2-1509, 6.2-1517, 6.2-1518, 6.2-1520, 6.2-1523, 6.2-1524, 6.2-1800, 6.2-1801, 6.2-1803, 6.2-1804, 6.2-1807, 6.2-1809, 6.2-1810, 6.2-1811, 6.2-1816, 6.2-1817, 6.2-1819, 6.2-1820, 6.2-1827, 6.2-1828, 6.2-2200, 6.2-2201, 6.2-2203, 6.2-2204, 6.2-2207, 6.2-2210, 6.2-2215, 6.2-2216, 6.2-2217, 6.2-2224, 6.2-2226, 59.1-200, and 59.1-335.5 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 6.2-1508.1, 6.2-1523.1, 6.2-1523.2, 6.2-1523.3, 6.2-1816.1, 6.2-1817.1, 6.2-1818.1 through 6.2-1818.4, 6.2-2215.1, 6.2-2216.1 through 6.2-2216.5, and 6.2-2218.1 as follows:

§ 6.2-303. Contracts for more than legal rate of interest.

A. Except as otherwise permitted by law, no contract shall be made for the payment of interest on a loan at a rate that exceeds 12 percent per year.

B. Laws that permit payment of interest at a rate that exceeds 12 percent per year are set out, without limitation, in:

1. Article 4 (§ 6.2-309 et seq.) of this chapter;
2. Chapter 15 (§ 6.2-1500 et seq.), relating to powers of consumer finance companies;
3. Chapter 18 (§ 6.2-1800 et seq.), relating to ~~payday lenders~~ *short-term loans*;
4. Chapter 22 (§ 6.2-2200 et seq.), relating to interest chargeable by motor vehicle title lenders;
5. § 36-55.31, relating to loans by the Virginia Housing Development Authority;
6. § 38.2-1806, relating to interest chargeable by insurance agents;
7. Chapter 47 (§ 38.2-4700 et seq.) of Title 38.2, relating to interest chargeable by premium finance companies;
8. § 54.1-4008, relating to interest chargeable by pawnbrokers; and
9. § 58.1-3018, relating to interest and origination fees payable under third-party tax payment agreements.

C. In the case of any loan upon which a person is not permitted to plead usury, interest and other charges may be imposed and collected as agreed by the parties.

D. Any provision of this chapter that provides that a loan or extension of credit may be enforced as agreed in the contract of indebtedness, shall not be construed to preclude the charging or collecting of other loan fees and charges permitted by law, in addition to the stated interest rate. Such other loan fees and charges need not be included in the rate of interest stated in the contract of indebtedness.

E. *The provisions of subsection A shall apply to any person who seeks to evade its application by any device, subterfuge, or pretense whatsoever, including:*

1. *The loan, forbearance, use, or sale of (i) credit, as guarantor, surety, endorser, comaker, or otherwise; (ii) money; (iii) goods; or (iv) things in action;*
2. *The use of collateral or related sales or purchases of goods or services, or agreements to sell or purchase, whether real or pretended; receiving or charging compensation for goods or services, whether or not sold, delivered, or provided; and*
3. *The real or pretended negotiation, arrangement, or procurement of a loan through any use or activity of a third person, whether real or fictitious.*

F. *Any contract made in violation of this section is void and no person shall have the right to collect, receive, or retain any principal, interest, fees, or other charges in connection with the contract.*

§ 6.2-312. Open-end credit plans.

A. *The provisions of this section shall apply to any person that makes, arranges, or negotiates a loan or otherwise extends credit under an open-end credit plan, whether or not the person maintains a physical presence in the Commonwealth. However, the provisions of this section shall not apply to any bank, savings institution, or credit union as such terms are defined in § 6.2-300.*

B. Notwithstanding any provision of this chapter other than § 6.2-327, and except as provided in ~~subsection C~~ *subsections D, E, and F*, a seller or lender engaged in extending credit under an open-end credit plan may impose, on credit

extended under the plan, finance charges and other charges and fees at such rates and in such amounts and manner as may be agreed upon by the creditor and the obligor, if under the plan a finance charge is imposed upon the obligor if payment in full of the unpaid balance is not received at the place designated by the creditor prior to the next billing date, which shall be at least 25 days later than the prior billing date.

B. C. Notwithstanding the provisions of § 6.2-327 and subject to the provisions of § 8.9A-204.1, any loan made under this section may be secured in whole or in part by a subordinate mortgage or deed of trust on residential real estate improved by the construction thereon of housing consisting of one- to four-family dwelling units.

C. ~~(i) A licensee, as defined in § 6.2-1800, shall not engage D. The following persons are prohibited from engaging in the extension of credit under an open-end credit plan described in this section and, (ii) a third party shall not engage in the extension of credit under an open-end credit plan described in this section: (i) any person licensed under Chapter 18 (§ 6.2-1800 et seq.), any person affiliated through common ownership with such licensed person, and any person that is a subsidiary of such licensed person; (ii) any person licensed under Chapter 22 (§ 6.2-2200 et seq.), any person affiliated through common ownership with such licensed person, and any person that is a subsidiary of such licensed person; and (iii) any person conducting business at any office, suite, room, or place of business where a licensee conducts the business of making payday loans person described in clause (i) or (ii) is conducting business. In addition to any other remedies or penalties provided for a violation of this section, any such extension of credit made by a licensee or third party in violation of this subsection shall be unenforceable against the borrower.~~

D. E. No person shall make a loan or otherwise extend credit under an open-end credit plan or any other lending arrangement that is secured by a non-purchase money security interest in a motor vehicle, as such term is defined in § 6.2-2200, unless such loan or extension of credit is made in accordance with, or is exempt from, the provisions of Chapter 22 (§ 6.2-2200 et seq.).

E. If a licensee, as defined in § 6.2-1800, surrenders its license under Chapter 18 (§ 6.2-1800 et seq.) or has its license revoked, and if following such surrender or revocation of its license the former licensee engages in the extension of credit under an open-end credit plan as described in this section, then the Commission shall not issue to such former licensee, or to any affiliate of the former licensee, a license under Chapter 18 (§ 6.2-1800 et seq.) for a period of 10 years from the date such license is surrendered or revoked. As used in this subsection, "affiliate of the former licensee" means a business entity that owns or controls, is owned or controlled by, or is under common ownership or control with, the former licensee.

F. A seller or lender engaged in extending credit under an open-end credit plan to a resident of the Commonwealth or to any individual in the Commonwealth shall not charge, collect, or receive, directly or indirectly, credit insurance premiums, charges for any ancillary product sold, charges for negotiating forms of loan proceeds or refunds other than cash, charges for brokering or obtaining an extension of credit, or any fees, interest, or charges in connection with credit extended under the plan, other than (i) interest at a simple annual rate not to exceed 36 percent and (ii) a participation fee not to exceed \$50 per year. Any extension of credit made in violation of this subsection is void and no person shall have the right to collect, receive, or retain any principal, interest, fees, or other charges in connection with the extension of credit.

G. Any violation of the provisions of this section shall constitute a prohibited practice in accordance with § 59.1-200 and shall be subject to any and all of the enforcement provisions of the Virginia Consumer Protection Act (§ 59.1-196 et seq.).

H. A third party shall not engage in the extension of credit under an open-end credit plan described in this section.

§ 6.2-435. Law governing open-end credit contract or plan by seller or lender.

An open-end credit plan as defined in § 6.2-300, between a seller or lender and an obligor shall be governed solely by federal law, and by the laws of the Commonwealth, unless otherwise expressly agreed in writing by the parties.

§ 6.2-1500. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Access partner" means a person that, at the person's physical location in the Commonwealth, facilitates the making and servicing of a loan through provision of some or all of the services described in § 6.2-1523.1 pursuant to a contract with a licensee. The term does not include (i) a person licensed under Chapter 25.1 (§ 59.1-335.1 et seq.) of Title 59.1; (ii) a person that is ineligible for licensure under § 6.2-1502 or to which this chapter shall not apply under § 6.2-1503; (iii) a person that has had any license revoked by the Commission at any time in the previous three years; (iv) a person that has violated or participated in the violation of § 6.2-1501 in the previous five years; or (v) a person who is licensed under Chapter 18 (§ 6.2-1800 et seq.) or Chapter 22 (§ 6.2-2200 et seq.).

"Arranging or brokering" means, with respect to consumer finance loans, negotiating, placing, or finding consumer finance loans for consumers, or offering to negotiate, place, or find consumer finance loans for consumers, in return for compensation paid directly by the consumers.

"Consumer finance company" means a person engaged in the business of making loans to individuals for personal, family, household, or other nonbusiness purposes.

"License" means a single license issued under this chapter with respect to a single place of business.

"Licensee" means a consumer finance company to which one or more licenses have a license has been issued by the Commission pursuant to this chapter.

"Principal" means any person who, directly or indirectly, owns or controls (i) 10 percent or more of the outstanding stock of a stock corporation or (ii) a 10 percent or greater interest in another person.

§ 6.2-1501. Compliance with chapter; license required; attempts to evade application of chapter.

A. No person shall engage in the business of making loans to individuals for personal, family, household, or other nonbusiness purposes, and charge, contract for, or receive, directly or indirectly, on or in connection with any loan interest, charges, compensation, consideration, or expense that in the aggregate is greater than the interest permitted by § 6.2-303, *whether or not the person has a location in the Commonwealth*, except as provided in and authorized by this chapter, Chapter 18 (§ 6.2-1800 *et seq.*), or Chapter 22 (§ 6.2-2200 *et seq.*) and without first having obtained a license from the Commission.

B. Subject to subdivision C 3 and subsection C of § 6.2-1524, the prohibition in subsection A shall not be construed to prevent any person, other than a licensee, from:

1. Making a loan in accordance with Chapter 18 (§ 6.2-1800 *et seq.*) *Providing the services of an access partner described in § 6.2-1523.1;*

2. Making a mortgage loan pursuant to §§ 6.2-325 and 6.2-326 or §§ 6.2-327 and 6.2-328 in any principal amount; or

3. Extending credit as described in § 6.2-312 in any amount.

C. The provisions of subsection A shall apply to any person who seeks to evade its application by any device, subterfuge, or pretense whatsoever, including:

1. The loan, forbearance, use, or sale of (i) credit, as guarantor, surety, endorser, comaker, or otherwise; (ii) money; (iii) goods; or (iv) things in action;

2. The use of collateral or related sales or purchases of goods or services, or agreements to sell or purchase, whether real or pretended; receiving or charging compensation for goods or services, whether or not sold, delivered, or provided; and

3. The real or pretended negotiation, arrangement, or procurement of a loan through any use or activity of a third person, whether real or fictitious.

D. No person shall engage in the business of arranging or brokering consumer finance loans for any consumer residing in the Commonwealth, whether or not the person has an office or conducts business at a location in the Commonwealth.

E. The provisions of this section shall apply to any person, whether or not the person has an office or conducts business at a location in the Commonwealth.

F. Any loan made in violation of this section is void, and no person shall have the right to collect, receive, or retain any principal, interest, fees, or other charges in connection with the loan.

§ 6.2-1505. Application for license; application fee.

A. Application for a license to make loans under this chapter shall be in writing, under oath, and in the form prescribed by the Commission.

B. The application shall contain:

1. The name and address of the applicant;

2. If the applicant is a partnership or association, the name and address of each partner or member of the partnership or association;

3. If the applicant is a corporation or limited liability company, the name and address of each senior officer, director, member, registered agent, and principal;

4. If the applicant is a business trust, the name and address of each trustee and beneficiary;

5. The address, with street and number, if any, *addresses of the locations* where the business is to be conducted; and

6. Such other information as may be required by the Commission.

C. The application shall be accompanied by payment of an application fee of \$500.

§ 6.2-1507. Issuance of license.

A. The Commission shall issue and deliver to the applicant a license to make loans in accordance with the provisions of this chapter ~~at the location in the Commonwealth specified in the application~~ if it finds:

1. That the financial responsibility, experience, character and general fitness of the applicant and its members, senior officers, directors, and principals are such as to command the confidence of the public and to warrant belief that this business will be operated lawfully, honestly, fairly and efficiently within the purpose of this chapter;

2. That the applicant has available, for the operation of the business ~~at the specified location~~, *unencumbered* liquid assets of at least \$50,000 ~~if the specified location is in a locality with a population of more than 20,000, or of at least \$25,000 if the per location is not in a locality with a population of more than 20,000; and~~

3. That the applicant has complied with all of the prerequisites to obtaining the license prescribed by § 6.2-1505; *and*

4. *That the applicant will not make loans in accordance with the provisions of this chapter at the same location at which the applicant, its affiliate, or its subsidiary conducts business under either Chapter 18 (§ 6.2-1800 *et seq.*) or Chapter 22 (§ 6.2-2200 *et seq.*).*

If the Commission fails to make the findings required by subdivisions 1, 2, ~~and 3, and 4~~, it shall deny the application for a license.

B. Notwithstanding the provisions of subsection A, if the applicant has an existing license at another location in the Commonwealth, the Commission shall issue and deliver to the applicant a license to make loans in accordance with the provisions of this chapter ~~at the location specified in the application~~ if it finds:

1. That the general fitness of the licensee is such as to command the confidence of the public and to warrant belief that this business will be operated lawfully, honestly, fairly and efficiently within the purpose of this chapter; and

2. That the applicant has complied with all of the prerequisites to obtaining the license prescribed by § 6.2-1505.

If the Commission fails to make the findings required by subdivisions 1 and 2, it shall deny the application for a license.

C. If the Commission denies an application for a license, it shall notify the applicant of the denial. The Commission shall retain the application fee.

§ 6.2-1508.1. Additional offices; relocation of offices.

A. No licensee shall open an additional office without prior approval of the Commission. Applications for such approval shall be made in writing on a form prescribed by the Commissioner and shall be accompanied by payment of a \$150 nonrefundable application fee. The application shall be approved unless the Commission finds that the applicant does not have the required liquid assets or surety bond or has not conducted business under this chapter efficiently, fairly, in the public interest, and in accordance with the law. The application shall be deemed approved if notice to the contrary has not been sent by the Commission to the applicant within 30 days of the date the application is received by the Commission.

B. Prior approval of the Commission shall not be required in the event that a licensee needs to temporarily open an office due to a natural disaster or act of God. However, the licensee shall notify the Commission within 10 days of opening the office.

C. A licensee shall notify the Commission in writing within 10 days of relocating any approved office.

§ 6.2-1509. Contents, posting, transfer, and duration of license.

A. Each license shall contain:

1. The address at which the business is to be conducted;

2. The full name of the licensee or, if the licensee is a partnership or association, the names of the partners or members; and

3. If the licensee is a corporation, the date and place of incorporation.

B. The licensee shall keep ~~post~~ the license conspicuously ~~posted~~ prominently in its each approved place of business of the licensee. The licensee shall prominently disclose on its website the license number assigned by the Commission to the licensee.

C. The license shall not be transferable or assignable.

D. Each license shall remain in full force and effect until surrendered, revoked, or suspended as provided by this chapter or by lawful order of the Commission.

§ 6.2-1517. Place of business generally.

~~A. Not more than one place of business shall be maintained under the same license.~~

~~B. The Commission may issue more than one license to the same licensee upon compliance, as to each additional license, with all applicable provisions of this chapter governing issuance of a single license.~~

~~C. A licensee shall not use any name other than the legal name or fictitious name set forth on the license issued by the Commission. No licensee shall conduct the business of making loans provided for by this chapter under any other name or at within any place of business within the Commonwealth other than as is designated in the license issued by the Commission.~~

§ 6.2-1518. Notice of conduct of other business in same place of business; fee.

A. A licensee shall not conduct the business of making loans under this chapter within any office, suite, room, or other place of business in which any other business is solicited or engaged in, or in association or conjunction with any other business, unless the licensee has first given 30 days' written notice to the Commission. Every notice shall be accompanied by a fee of \$300.

B. Upon receipt of such notice and fee, the Commission may require the licensee to provide information relating to the other business, including how and by whom it will be conducted. The Commission shall have the authority to investigate the conduct of such other businesses in the licensee's place of business.

C. The provisions of this section shall not affect (i) any regulations adopted by the Commission prior to July 1, 2000, governing the conduct of other businesses in the place of business designated in a license or (ii) the authority of the Commission to adopt such regulations as the Commission deems necessary.

D. If the Commission finds that the other business (i) is of such a nature or is being conducted in such a manner as to conceal or facilitate a violation or evasion of the provisions of this chapter or regulations adopted pursuant to it; (ii) is contrary to the public interest; or (iii) is otherwise being conducted in an unlawful manner, the Commission may, after notice to the licensee and an opportunity for a hearing, prohibit or limit the conduct of such other business in the place of business designated in the license.

E. Any authority granted under this section shall remain in full force and effect until surrendered, or until revoked or suspended by the Commission as provided in this chapter or by lawful order of the Commission.

~~F. A licensee that conducts the business of making loans pursuant to this chapter solely over the Internet shall not offer, sell, or make available any other products or services to Virginia residents, except as permitted by Commission regulation or upon approval of a written application with the Commission, payment of a fee of \$300, and provision of such information as the Commission may deem pertinent.~~

~~G. This section shall not apply to any other business that is transacted solely with persons residing outside the Commonwealth.~~

§ 6.2-1520. Rate of interest; late charges; processing fees.

A. A licensee may ~~charge and receive interest on~~ make installment loans of:

1. ~~Not more than \$2,500, between \$300 and \$35,000, which loans shall have a term of no fewer than six months and no more than 120 months and shall be repayable in at least six substantially equal consecutive payments. A licensee may charge and collect interest on a loan made under this chapter at a single annual rate not to exceed 36 percent; and~~

2. ~~More than \$2,500, at such single annual rate as shall be stated in the loan contract.~~

~~The annual rate of interest shall be charged only upon principal balances outstanding from time to time. Interest shall not be charged on an add-on basis and shall not be compounded or paid, deducted or received in advance but shall be computed and paid only as a percentage of the unpaid principal balance. For the purpose of calculating interest under this section, a year may be any period of time consisting of 360 or 365 days. Interest shall be computed on the basis of the number of days elapsed; however, if part or all of the consideration for a loan contract is the unpaid principal balance of a prior loan, then the principal amount payable under the loan contract may include any unpaid interest on the prior loan that has accrued within 90 days before the making of the new loan contract. For the purpose of computing interest, a day may equal 1/360th or 1/365th of a year.~~

B. ~~A licensee may impose charge a late charge for failure to make timely payment fee of \$20 for any installment due on a debt, which late charge shall not exceed five percent of the amount of such installment payment or portion of a payment not received and applied within 10 days of the contractual due date. The late charge shall be specified in the loan contract between the lender and the borrower. For purposes of this section, "timely payment" means a payment made by the date fixed for payment or within a period of seven calendar days after such fixed date a late payment fee for any individual scheduled contractual payment due may be assessed only once. The late payment fee shall be specified in the contract between the lender and the borrower.~~

C. ~~A licensee may charge and receive a loan processing fee, charged on not to exceed the greater of \$50 or six percent of the principal amount of the loan, for processing the loan contract provided that the loan processing fee shall in no event exceed \$150. The loan processing fee shall be stated in the loan contract. Such The loan processing fee shall not be deemed to constitute interest charged on the principal amount of the loan for purposes of determining whether the interest charged on a loan of not more than \$2,500 exceeds the 36 percent annual contract interest rate limitation imposed by subdivision subsection A 4. Upon payment of the full amount of principal due plus accrued interest and any other applicable fees within the first 30 days, whether through outside funds or a refinancing under a new loan advance, the borrower shall be entitled to a full rebate of the loan processing fee less an amount not to exceed \$50 or the actual loan processing fee, whichever is less. If a loan is refinanced or renewed, a licensee may assess an additional loan processing fee on the loan no more than once during any 12-month period.~~

D. ~~A licensee may collect from the borrower the amount of any actual fees necessary to file, record, or release its security interest with any public official or agency of a locality or the Commonwealth as may be required by law.~~

§ 6.2-1523. Additional charges prohibited; exceptions.

In addition to the interest, late charges payment fees, and loan processing fee permitted under § 6.2-1520, no further or other amount whatsoever for any examination service, brokerage, commission, fine, notarial fee, or other thing or otherwise shall be directly or indirectly charged, contracted for, collected, or received, except:

1. Insurance premiums actually paid out by the licensee to any insurance company or agent duly authorized to do business in the Commonwealth or another state for insurance for the protection and benefit of the borrower written in connection with any loan;

2. The actual cost of recordation fees or, on loans over \$100, the amount of the lawful premiums, no greater than such fees, actually paid for insurance against the risk of not recording any instrument securing the loan; and

3. A handling fee not to exceed \$15 \$25 for each check returned to the licensee because the drawer had no account or insufficient funds in the payor bank.

§ 6.2-1523.1. Access partners.

A. ~~Notwithstanding the provisions of §§ 6.2-1501 and 6.2-1518, a licensee may use the services of one or more access partners, provided that all of the following conditions are met:~~

1. ~~All loans made in connection with an access partner comply with the requirements of this chapter.~~

2. ~~The licensee maintains a written agreement with each access partner. The written agreement shall (i) require the access partner to comply with this section and all rules adopted under this section regarding the activities of access partners; (ii) give the Commission access to the access partner's books and records pertaining to the access partner's operations under the agreement with the licensee in accordance with § 6.2-1533 and authority to examine the access partner pursuant to § 6.2-1531; (iii) prohibit the access partner from charging or accepting any fees or compensation in connection with a loan from any person, other than what the licensee pays to the access partner under the terms of the contract; and (iv) require the access partner to keep written records sufficient to ensure compliance with this chapter, including records of all loan disbursements and loan payments for at least three years.~~

3. ~~A licensee shall conduct a due diligence review of all access partners. The due diligence shall include a review of the access partner's financial soundness and legal compliance and the criminal history of the access partner and its employees. A licensee shall be responsible for implementing and maintaining a reasonable risk-based supervision program to monitor its access partners. The licensee shall provide to the Commission any information relating to the access partners as the Commissioner prescribes. Such information shall be provided in a form and manner as prescribed by the Commissioner.~~

4. ~~The services of an access partner shall be limited to (i) distributing written materials or providing written factual information about loans that has been prepared or authorized in writing by the licensee; (ii) explaining the loan application~~

process to prospective borrowers or assisting applicants to complete a loan application according to procedures the licensee approves; (iii) processing credit applications provided by the licensee, which applications shall clearly state that the licensee is the lender and disclose the licensee's contact information and how to submit complaints to the Commission; (iv) communicating with the licensee or the applicant about the status of applications; (v) obtaining the borrower's signature on documents prepared by the licensee and delivering final documents to the borrower; (vi) disbursing loan proceeds or receiving loan payments, provided the access partner provides a plain and complete written receipt at the time each disbursement or payment is made; and (vii) operating electronic access points through which a prospective borrower may directly access the website of the licensee to apply for a loan.

5. An access partner shall not (i) provide counseling or advice to a borrower or prospective borrower with respect to any loan term; (ii) provide loan-related marketing material that has not previously been approved by the licensee; (iii) negotiate a loan term between a licensee and a prospective borrower; (iv) offer information pertaining to a single prospective borrower to more than one licensee, except that if a licensee has declined to offer a loan to a prospective borrower in writing the access partner may offer information pertaining to that borrower to another licensee with whom it has an access partner agreement; or (v) offer information pertaining to any prospective borrower to any person or entity other than a licensee operating under this chapter, subject to clause (iv).

6. A licensee shall apply any payment a borrower makes to an access partner as of the date on which the payment is received by the access partner.

7. A licensee shall not (i) hold a borrower liable for a failure or delay by an access partner in transmitting a payment to the licensee; (ii) knowingly conduct business with an access partner that has solicited or accepted fees or compensation in connection with a licensee's loan other than what is specified in the written agreement described in subdivision 2; or (iii) directly or indirectly pass on to a borrower any fee or other compensation that a licensee pays to an access partner in connection with such borrower's loan.

B. A licensee shall be responsible for any act of its access partner if such act would violate any provision of this chapter.

C. The Commission may (i) bar a licensee that violates any part of this chapter from using the services of specified access partners, or access partners generally; (ii) subject a licensee to disciplinary action for any violation of this chapter committed by a contracted access partner; or (iii) bar any person who violates the requirements of this chapter from performing services pursuant to this chapter generally or at particular locations.

D. The Commission shall have the authority to conduct investigation and examination of access partners, provided the scope of any investigation or examination shall be limited to those books, accounts, records, documents, materials, and matters reasonably necessary to determine compliance with this chapter.

E. An access partner location shall not be considered an office for purposes of § 6.2-1508.1.

F. An access partner shall not be required to be licensed under Chapter 19 (§ 6.2-1900 et seq.) to provide the services of an access partner described in subdivision A 4.

§ 6.2-1523.2. Application of chapter to Internet loans.

A. The provisions of this chapter, including specifically the licensure requirements of § 6.2-1501, shall apply to persons making loans over the Internet to Virginia residents or any individuals in Virginia, whether or not the person maintains a physical presence in the Commonwealth.

B. The Commission may, from time to time, by administrative rule or policy statement, set requirements that the Commission reasonably deems necessary to ensure compliance with this section.

§ 6.2-1523.3. Bond required.

An application for a license under this chapter shall be accompanied by a bond filed with the Commissioner with corporate surety authorized to execute such bond in the Commonwealth, in the sum of \$25,000, or such greater sum as the Commission may require, but not to exceed a total of \$500,000. The form of such bond shall be approved by the Commission. Such bond shall be continuously maintained thereafter in full force. Such bond shall be conditioned upon the applicant or licensee performing all written agreements with borrowers or prospective borrowers, correctly and accurately accounting for all funds received by it in its licensed business, and conducting its licensed business in conformity with this chapter and all applicable laws. Any person who may be damaged by noncompliance of the licensee with any condition of such bond may proceed on such bond against the principal or surety thereon, or both, to recover damages. The aggregate liability under the bond shall not exceed the penal sum of the bond.

§ 6.2-1524. Required and prohibited activities and conduct.

A. Each licensee shall maintain at all times the minimum *unencumbered liquid* assets prescribed by this chapter for each license, either (i) in liquid form available for the operation of the business at the location specified in each license or (ii) actually used, whether pledged or not, in the conduct of the business at the location specified in each license § 6.2-1507.

B. A licensee or other person subject to this chapter shall not advertise, display, distribute or broadcast, or cause or permit to be advertised, displayed, distributed or broadcast, in any manner whatsoever, any false, misleading, or deceptive statement or representation with regard to the rates, terms, or conditions for loans made under this chapter. The Commission may require that charges or rates of charge, if stated by a licensee, be stated fully and clearly in such manner as it deems necessary to prevent misunderstanding by prospective borrowers. The Commission may permit or require licensees to refer in their advertising to the fact that their business is under state supervision, subject to conditions imposed by it to prevent false, misleading, or deceptive impression as to the scope or degree of protection provided by this chapter.

C. A licensee shall not take a lien upon real estate as security for any loan made under the provisions of this chapter, except a lien arising upon rendition of a judgment. Any lien taken in violation of this subsection shall be void.

D. A licensee shall, at the time any loan is made, deliver to the borrower, or if there are two or more borrowers to one of them, a statement disclosing (i) the names and addresses of the licensee and of the principal debtor on the loan contract, and (ii) a statement in compliance with Consumer Financial Protection Bureau Regulation Z (12 C.F.R. Part 1026).

E. A licensee shall give the borrower a receipt for all cash payments. The Commission may specify the form and content of such receipts in keeping with the intent and purpose of this chapter.

F. A licensee shall permit payment to be made in advance in whole, or in part equal to one or more full installments. The licensee may apply the payment first to any amounts that are due and unpaid at the time of such payment.

G. A licensee shall, upon repayment of the loan in full, (i) mark plainly every obligation and security other than a security agreement executed by the borrower with the word "Paid" or "Canceled," (ii) mark satisfied any judgment, (iii) restore any pledge, (iv) cancel and return any note and any assignment given by the borrower to the licensee, and (v) release any security agreement or other form of security instrument that no longer secures an outstanding loan between the borrower and the licensee.

H. In the event of collection by foreclosure sale or otherwise, a licensee shall pay and return to the borrower, or to another person entitled thereto, any surplus arising after the payment of the expenses of collection, sale or foreclosure and satisfaction of the debt.

I. A licensee shall not take any confession of judgment or any power of attorney running to himself or to any third person to confess judgment or to appear for the borrower in a judicial proceeding. Any such confession of judgment or power of attorney to confess judgment shall be void.

J. A licensee shall not take any note, promise to pay, or instrument of security in which blanks are left to be filled in after execution, or that does not give the amount of the loan, a clear description of the installment payments required, and the rate of interest charged. A licensee may also include the disclosures required by Consumer Financial Protection Bureau Regulation Z (12 C.F.R. Part 1026) in the note, promise to pay, or instrument of security.

K. Every loan contract shall be in writing, be signed by the borrower, and provide for repayment of the amount loaned in substantially equal monthly installments of principal and interest, and include the following statement: "This loan is made pursuant to Chapter 15 of Title 6.2 of the Code of Virginia". Nothing contained in this chapter shall prevent (i) a loan being considered a new loan because the proceeds of the loan are used to pay an existing loan contract or (ii) a licensee from entering into a loan contract providing for an odd first payment period of up to 45 days and an odd first payment greater than other monthly payments because of such odd first payment period.

CHAPTER 18.

PAYDAY LENDERS SHORT-TERM LOANS.

§ 6.2-1800. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Affiliate" means a person related to a licensee by common ownership or control, or any employee or agent of a licensee.

"Annual percentage rate" has the same meaning as in the federal Truth in Lending Act (15 U.S.C. § 1601 et seq.) and its implementing regulations, as they may be amended from time to time. All fees and charges payable directly or indirectly by a borrower to a licensee as a condition to a loan, including interest and the monthly maintenance fees authorized under § 6.2-1817, shall be included in the computation of the annual percentage rate.

"Check" means a draft drawn on the account of an individual at a depository institution.

"Depository institution" means a bank, savings institution, or credit union.

"Interest" means all charges payable directly or indirectly by a borrower to a licensee as a condition to a loan, including fees, service charges, and renewal charges, and any ancillary product sold in connection with a loan, but does not include the monthly maintenance fees, deposit item return fees, or late charges authorized under § 6.2-1817.

"Licensee" means a person to whom a license has been issued under this chapter.

"Payday loan" means a small, short-maturity loan on the security of (i) a check, (ii) any form of assignment of an interest in the account of an individual at a depository institution, or (iii) any form of assignment of income payable to an individual, other than loans based on income tax refunds.

"Loan amount" means the principal amount of a loan, exclusive of fees or charges.

"Principal" means any person who, directly or indirectly, owns or controls (i) 10 percent or more of the outstanding stock of a stock corporation or (ii) a 10 percent or greater interest in a nonstock corporation or a limited liability company.

"Short-term loan" means a loan made pursuant to this chapter.

§ 6.2-1801. License requirement.

A. No person shall engage in the business of making payday loans to any consumer residing in the Commonwealth, whether or not the person has an office or conducts business at a location in the Commonwealth, except in accordance with the provisions of this chapter individuals for personal, family, household, or other nonbusiness purposes, and charge, contract for, or receive, directly or indirectly, on or in connection with any loan interest, charges, compensation, consideration, or expense that in the aggregate is greater than the interest permitted by § 6.2-303, whether or not the person has a location in the Commonwealth, except as provided and authorized by this chapter, Chapter 15 (§ 6.2-1500 et seq.), or Chapter 22 (§ 6.2-2200 et seq.) and without having first obtained a license under this chapter from the Commission.

B. No person shall engage in the business of arranging or brokering ~~payday~~ *short-term* loans for any consumer residing in the Commonwealth, whether or not the person has an office or conducts business at a location in the Commonwealth.

C. *The provisions of subsection A shall apply to any person who seeks to evade its application by any device, subterfuge, or pretense whatsoever, including:*

1. *The loan, forbearance, use, or sale of (i) credit, as guarantor, surety, endorser, comaker, or otherwise; (ii) money; (iii) goods; or (iv) things in action;*
2. *The use of collateral or related sales or purchases of goods or services, or agreements to sell or purchase, whether real or pretended; receiving or charging compensation for goods or services, whether or not sold, delivered, or provided; and*
3. *The real or pretended negotiation, arrangement, or procurement of a loan through any use or activity of a third person, whether real or fictitious.*

D. *Any loan made in violation of this section is void, and no person shall have the right to collect, receive, or retain any principal, interest, fees, or other charges in connection with the loan.*

§ 6.2-1803. Application for license; form; content; fee.

A. An application for a license under this chapter shall be made in writing, under oath and on a form provided by the Commissioner.

B. The application shall set forth:

1. The name and address of the applicant;
2. If the applicant is a firm or partnership, the name and address of each member of the firm or partnership;
3. If the applicant is a corporation or a limited liability company, the name and address of each officer, director, registered agent, and each principal;
4. The addresses of the locations of the offices to be approved; and
5. Such other information concerning the financial responsibility, background, experience and activities of the applicant and its members, officers, directors, and principals as the Commissioner may require.

C. The application shall be accompanied by payment of an application fee of \$500 *or other reasonable amount that the Commission prescribes by regulation.*

D. The application fee shall not be refundable in any event. The fee shall not be abated by surrender, suspension, or revocation of the license.

§ 6.2-1804. Bond required.

The application for a license shall be accompanied by a bond filed with the Commissioner with corporate surety authorized to execute such bond in the Commonwealth, in the sum of \$10,000 per office, *or such greater sum as the Commission may require, but not to exceed a total of \$50,000 \$500,000.* The form of such bond shall be approved by the Commission. The bond shall be continuously maintained thereafter in full force. The bond shall be conditioned upon the applicant or licensee performing all written agreements with borrowers or prospective borrowers, correctly and accurately accounting for all funds received by him in his licensed business, and conducting his licensed business in conformity with this chapter and all other applicable law. Any person who may be damaged by noncompliance of the licensee with any condition of such bond may proceed on such bond against the principal or surety thereon, or both, to recover damages. The aggregate liability under the bond shall not exceed the penal sum of the bond.

§ 6.2-1807. Licenses; places of offices; changes.

A. Each license shall:

1. State the address of each approved office at which the business is to be conducted;
2. State fully the name of the licensee; and
3. Be prominently posted in each office of the licensee.

B. No licensee shall:

1. Use any name other than the name set forth on the license issued by the Commission; or
2. Open an additional office or relocate any office without prior approval of the Commission.

C. Applications for Commission approval to open an additional office or relocate any office shall be made in writing on a form provided by the Commissioner and shall be accompanied by payment of a \$150 nonrefundable application fee *or other reasonable amount as the Commission may prescribe by regulation.* The application shall be approved unless the Commission finds that the applicant does not have the required liquid assets or has not conducted business under this chapter efficiently, fairly, in the public interest, and in accordance with law. The application shall be deemed approved if notice to the contrary has not been mailed by the Commission to the applicant within 30 days of the date the application is received by the Commission. After approval, the applicant shall give written notice to the Commissioner within 10 days of the commencement of business at the additional office or relocated office.

D. Every licensee shall within 10 days notify the Commissioner, in writing, of the closing of any office and of the name, address, and position of each new senior officer, member, partner, or director and provide such other information with respect to any such change as the Commissioner may reasonably require.

E. Licenses shall:

1. Not be transferable or assignable, by operation of law or otherwise; and
2. Remain in force until they have been surrendered, revoked, or suspended. The surrender, revocation, or suspension of a license shall not affect any preexisting legal right or obligation of the licensee.

§ 6.2-1809. Retention of books, accounts, and records.

Every licensee shall maintain in its approved offices such books, accounts and records as the Commission may reasonably require in order to determine whether such licensee is complying with the provisions of this chapter and regulations adopted in furtherance thereof. Such books, accounts and records shall be maintained apart and separate from any other business in which the licensee is involved. Such records relating to ~~payday~~ *short-term* loans, including copies of checks given to a licensee as security for such loans, shall be retained for at least three years after final payment is made on any loan.

§ 6.2-1810. Loan database.

A. The Commission shall certify and contract with one or more third parties to develop, implement, and maintain a real-time, Internet-accessible database that contains such ~~payday~~ *short-term* loan information as the Commission may require from time to time by administrative rule or policy statement. ~~The database shall be operational by January 1, 2009.~~

B. The following provisions shall apply to the database:

1. Before making a ~~payday~~ *short-term* loan, a licensee shall query the database through a Commission-certified database provider and shall retain evidence of the query for the Commission's supervisory review. The database shall allow a licensee to make a ~~payday~~ *short-term* loan only if making the loan is permissible under the provisions of this chapter. During any period that the database is unavailable due to technical problems beyond the licensee's control, a licensee may rely on the ~~payday~~ loan applicant's written representations, rather than the database's information, to verify that making the loan applied for is permissible under the provisions of this chapter. Because a licensee may rely on the accuracy of the applicant's representations and the database's information, a licensee is not subject to any administrative penalty or civil liability if that information is later determined to be inaccurate.

2. The database provider shall maintain the database, take all actions it deems necessary to protect the confidentiality and security of the information contained in the database, be responsible for the confidentiality and security of such information, and own the information contained in the database. The Commission shall have access to and utilize the database as ~~an~~ *a supervision and* enforcement tool to ensure licensees' compliance with the provisions of this chapter.

3. Upon a licensee's query, the database shall advise the licensee whether the applicant is eligible for a new ~~payday~~ *short-term* loan and, if the applicant is ineligible, the reason for such ineligibility. If the database advises the licensee that the applicant is ineligible for a ~~payday~~ *short-term* loan, then the applicant shall direct any inquiry regarding the specific reason for such ineligibility to the database provider rather than to the licensee. The information contained in the ~~payday~~ loan database is confidential and exempt from the Freedom of Information Act (§ 2.2-3700 et seq.).

4. If a licensee and borrower consummate a ~~payday~~ loan, then the licensee shall pay a fee to defray the costs of submitting the database inquiry. The amount of the database inquiry fee shall be calculated in accordance with a schedule set by the Commission. The schedule shall bear a reasonable relationship to actual cost of the operation of the database. If a licensee submits a database inquiry but does not consummate a ~~payday~~ loan with the applicant, then the licensee shall not pay the database inquiry fee. Each licensee shall remit all database inquiry fees directly to the database provider on a weekly basis.

5. If a borrower enters into a ~~payday~~ *short-term* loan or pays or otherwise satisfies a ~~payday~~ *short-term* loan in full, ~~or if a borrower enters into an extended payment plan as provided in subdivision 26 of § 6.2-1816 or an extended term loan as provided in subdivision 27 of § 6.2-1816,~~ then the licensee making the loan shall report such event or other information to the database not later than the close of business on the date of such event.

§ 6.2-1811. Annual report.

A. Each licensee under this chapter shall annually, on or before March 25, file a written report with the Commissioner containing such information as the Commissioner may require concerning his business and operations during the preceding calendar year as to each approved office. Reports shall be made under oath and shall be in the form prescribed by the Commissioner.

B. *The Commissioner shall publish annually and make available to the public an analysis of the information required under this section and other information the Commissioner may choose to include. The published analysis shall include all of the following:*

1. *The total number of borrowers, loans, defaulted loans, and charged-off loans and the total dollar value of the charged-off loans;*

2. *The average loan size, average contracted annual percentage rate, average contracted loan charges, average loan charges actually paid, total contracted loan charges, and total loan charges actually paid;*

3. *The total number of deposit item return fees and the total dollar value of those charges;*

4. *The total number of licensee business locations and the average number of borrowers per location; and*

5. *A summary of pending and completed enforcement actions, which shall include lists of suspended or revoked licenses, cease and desist orders, and civil penalties pursuant to this chapter.*

§ 6.2-1816. Required and prohibited business methods.

Each licensee shall comply with the following requirements and prohibitions:

1. Each ~~payday~~ loan shall be evidenced by a written loan agreement, which shall be signed by the borrower and a person authorized by the licensee to sign such agreements and dated the same day the loan is made and disbursed. The loan agreement shall set forth, at a minimum: (i) the principal amount of the loan; (ii) the interest and any fee charged; (iii) the annual percentage rate, which shall be stated using that term, applicable to the transaction calculated in accordance with Consumer Financial Protection Bureau Regulation Z (12 C.F.R. Part 1026); (iv) evidence of receipt from the borrower of a check, dated as of the date that the loan is due, as security for the loan, stating the amount of the check; (v) an agreement by

the licensee not to present the check for payment or deposit until the date the loan is due, which date shall produce a loan term of at least two times the borrower's pay cycle and after which date interest shall not accrue on the amount advanced at a greater rate than six percent per year; (vi) an agreement by the licensee that the borrower shall have the right to cancel the loan transaction at any time before the close of business on the next business day following the date of the transaction by paying to the licensee, in the form of cash or other good funds instrument, the amount advanced to the borrower; and (vii) an agreement that the borrower shall have the right to prepay the loan prior to maturity by paying the licensee the principal amount advanced and any accrued and unpaid interest, fees, and charges *A licensee shall not make a loan that does not comply with § 6.2-1816.1.*

2. The *A* licensee shall give a duplicate original of the loan agreement to the borrower at the time of the transaction *not charge, collect, or receive, directly or indirectly, credit insurance premiums, charges for any ancillary product sold, charges for disbursing loan proceeds or refunds including check-cashing charges and any other charges for negotiating forms of payment other than cash, charges for brokering or obtaining a loan, or any fees, interest, or charges in connection with a loan, other than fees and charges permitted by § 6.2-1817.*

3. A licensee shall not obtain any agreement from the borrower (i) giving the licensee or any third person power of attorney or authority to confess judgment for the borrower; (ii) authorizing the licensee or any third party to bring suit against the borrower in a court outside the Commonwealth; or (iii) waiving *the borrower's right to legal recourse or any other right the borrower has under this chapter any otherwise applicable provision of state or federal law.*

4. A licensee shall not ~~require or accept more than one check from a borrower as security for any loan~~ *make a loan to a person if that person is obligated upon any loan to a person licensed under Chapter 22 (§ 6.2-2200 et seq.). Prior to making a loan, a licensee shall make a reasonable attempt to verify the borrower's eligibility under this subsection that includes reviewing the files of any affiliate that is licensed under Chapter 22. Unless the Commission requires otherwise by administrative rule or policy statement, a licensee may rely on the loan applicant's written representations with respect to the applicant's obligations to lenders that are licensed under Chapter 22 (§ 6.2-2200 et seq.) but are not affiliates of the licensee, and a licensee is not subject to any administrative penalty or civil liability if such representations are later determined to be inaccurate.*

5. A licensee shall not cause any person to be obligated to the licensee in any capacity at any time in the principal amount of more than ~~\$500~~ *\$2,500.*

6. *Except as provided in § 6.2-1818.1, a licensee shall not (i) refinance, renew, or extend any payday short-term loan; (ii) or make a loan to a person if the loan would cause the person to have more than one payday short-term loan from any licensee outstanding at the same time; (iii) make a loan to a borrower on the same day that a borrower paid or otherwise satisfied in full a previous payday loan; (iv) make a payday loan to a person within 90 days following the date that the person has paid or otherwise satisfied in full a payday loan through an extended payment plan as provided in subdivision 26; (v) make a payday loan to a person within 45 days following the date that the person has paid or otherwise satisfied in full a fifth payday loan made within a period of 180 days as provided in subdivision 27 a; or (vi) make a payday loan to a person within the longer of (a) 90 days following the date that the person has paid or otherwise satisfied in full an extended term loan or (b) 150 days following the date that the person enters into an extended term loan, as provided in subdivision 27 b.*

7. A licensee shall not cause a borrower to be obligated upon more than one loan at any time.

8. A check accepted by a licensee as security for any loan shall be dated as ~~of the date the loan is due~~ *no earlier than the date of the first required loan payment shown in the loan agreement.*

9. Notwithstanding any provision of § 8.01-226.10 to the contrary, a licensee shall not threaten, or cause to be instigated, criminal proceedings against a borrower if a check given as security for a loan is dishonored *or for any reason related to the borrower's failure to pay any sum due under a loan agreement. In addition to any other remedies available at law, a licensee that knowingly violates this prohibition shall pay the affected borrower a civil monetary penalty equal to three times the amount of the dishonored check.*

10. A licensee shall not ~~take an~~ *(i) accept the title or registration of a vehicle, real or personal property, or any interest in any property other than a check payable to the licensee as security for a loan; (ii) create or accept any remotely created check, as defined in 12 C.F.R. § 229.2(fff), in connection with a loan; (iii) draft funds electronically from a borrower's account without express written authorization from the borrower; or (iv) fail to stop attempts to draft funds electronically from a borrower's account upon request from the borrower or his agent. Nothing in this section shall prohibit the conversion of a negotiable instrument into an electronic form for processing through the automated clearing house system.*

11. *A licensee shall not present a check, negotiable order of withdrawal, share draft, or other negotiable instrument that has been previously presented by the licensee and subsequently returned dishonored for any reason, unless the licensee obtains new written authorization from the borrower to present the previously returned item.*

12. *A licensee shall not attempt to draft funds electronically from a borrower's account after two consecutive attempts have failed, unless the licensee obtains new written authorization from the borrower to transfer or withdraw funds electronically from the borrower's account.*

13. A licensee shall not make a loan to a borrower to enable the borrower to (i) pay for any other product or service sold at the licensee's office location or (ii) repay any amount owed to the licensee or an affiliate of the licensee in connection with another credit transaction.

~~12.~~ 14. Loan proceeds shall be disbursed in cash or by the licensee's business check. No fee shall be charged by the licensee or an ~~affiliated check casher affiliate~~ *for cashing a loan proceeds check.*

13. 15. A check given as security for a loan shall not be negotiated to a third party.

14. 16. Upon receipt of a check given as security for a loan, the licensee shall stamp the check with an endorsement stating: "This check is being negotiated as part of a *payday short-term* loan pursuant to Chapter 18 (§ 6.2-1800 et seq.) of Title 6.2 of the Code of Virginia, and any holder of this check takes it subject to all claims and defenses of the maker."

15. 17. Before entering into a *payday short-term* loan, the licensee shall provide each borrower with a pamphlet, in form consistent with regulations adopted by the Commission, explaining in plain language the rights and responsibilities of the borrower and providing a toll-free number at the Commission for assistance with complaints.

16. Before disbursing funds pursuant to a *payday* loan, a licensee shall provide a clear and conspicuous printed notice to the borrower indicating that a *payday* loan is not intended to meet long-term financial needs and that the borrower should use a *payday* loan only to meet short-term cash needs.

17. A borrower shall be permitted to make partial payments, in increments of not less than \$5, on the loan at any time prior to maturity, without charge. The licensee shall give the borrower signed, dated receipts for each payment made, which shall state the balance due on the loan. Upon repayment of the loan in full, the licensee shall mark the original loan agreement with the word "paid" or "canceled," return it to the borrower, and retain a copy in its records.

18. Each licensee shall conspicuously post in each approved office (i) a schedule of fees and interest charges, with which shall include examples using a \$300 loan payable repaid in 14 days and 30 days three months, a \$500 loan repaid in five months, and a \$1,000 loan repaid in 10 months, and (ii) a notice containing the following statement: "If you wish to file a complaint against us, you may contact the Bureau of Financial Institutions at [insert contact information]." The Commission shall furnish licensees with the appropriate contact information.

19. Any advertising materials used to promote *payday* loans that includes the amount of any payment, expressed either as a percentage or dollar amount, or the amount of any finance charge, shall also include a statement of the interest, fees and charges, expressed as an annual percentage rate, payable using as an example a \$300 loan payable in 14 and 30 days.

20. In any print media advertisement, including any web page, used to promote *payday* loans, the disclosure statements shall be conspicuous. "Conspicuous" shall have the meaning set forth in subdivision (a)(14) of § 59.1-501.2. If a single advertisement consists of multiple pages, folds, or faces, the disclosure requirement applies only to one page, fold, or face. In a television advertisement used to promote *payday* loans, the visual disclosure legend shall include 20 scan lines in size. In a radio advertisement or advertisement communicated by telephone used to promote *payday* loans, the disclosure statement shall last at least two seconds and the statement shall be spoken so that its contents may be easily understood.

21. A licensee or affiliate shall not knowingly make a *payday short-term* loan to a person who is a member of the military services of the United States or the spouse or other dependent of a member of the military services of the United States. Prior to making a *payday short-term* loan, every licensee or affiliate shall inquire of every prospective borrower if he is a member of the military services of the United States or the spouse or other dependent of a member of the military services of the United States. The loan documents shall include verification that the borrower is not a member of the military services of the United States or the spouse or other dependent of a member of the military services of the United States.

22. 20. In collecting or attempting to collect a *payday short-term* loan, a licensee shall comply with the restrictions and prohibitions applicable to debt collectors contained in the Fair Debt Collection Practices Act (15 U.S.C. § 1692 et seq.) regarding harassment or abuse, false or misleading misrepresentations, and unfair practices in collections.

21. A licensee shall not contact a borrower for any reason other than (i) for the borrower's benefit regarding upcoming payments, options for obtaining loans, payment options, payment due dates, the effect of default, or, after default, receiving payments or other actions permitted by the licensee; (ii) to advise the borrower of missed payments or dishonored checks; or (iii) to assist the transmittal of payments via a third-party mechanism.

22. A short-term loan agreement shall not be sold or otherwise assigned to any other person who is not also a licensee, and if a loan agreement or its servicing is sold or assigned to another licensee, the buyer or assignee of the loan agreement shall be subject to the same obligations under this chapter that apply to the selling or assigning licensee. If a licensee sells or assigns a short-term loan or its servicing, the licensee shall provide to the borrower written notice and the information needed to make future payments no later than 10 days before the borrower's next payment due date.

23. A licensee shall not make a loan to a borrower that includes an acceleration clause or demand feature that permits the licensee, in the event the borrower fails to meet the repayment terms for any outstanding balance, to terminate the loan in advance of the original maturity date and to demand repayment of the entire outstanding balance, unless both of the following conditions are met: (i) not earlier than 10 days after the borrower's payment was due, the licensee provides written notice to the borrower of the termination of the loan and (ii) in addition to the outstanding balance, the licensee collects only prorated interest and the fees earned up to termination of the loan. For purposes of this subdivision, the outstanding balance and prorated interest and fees shall be calculated as if the borrower had voluntarily prepaid the loan in full on the date of termination.

23. 24. A licensee may not file or initiate a legal proceeding of any kind against a borrower until 60 days after the date of default on a *payday short-term* loan, during which period the licensee and borrower may voluntarily enter into a repayment arrangement.

24. A licensee shall not obtain authorization to electronically debit a borrower's deposit account in connection with any *payday* loan.

25. A licensee shall not recommend to a borrower that the borrower obtain a loan for a dollar amount that is higher than the borrower has requested.

26. A licensee may not engage in any unfair, misleading, deceptive, or fraudulent acts or practices in the conduct of its business.

26. A borrower may pay any outstanding payday loan from any licensee by means of an extended payment plan as follows:

a. A borrower shall not be eligible to enter into more than one extended payment plan in any 12-month period.

b. To enter into an extended payment plan with respect to a payday loan, the borrower shall agree in a written and signed document to repay the amount owed in at least four equal installments over an aggregate term of at least 60 days. Interest shall not accrue on the indebtedness during the term of the extended payment plan. The borrower may prepay an extended payment plan in full at any time without penalty. If the borrower fails to pay the amount owed under the extended payment plan when due, then the licensee may immediately accelerate the unpaid loan balance.

c. If the borrower enters into an extended payment plan, then no licensee may make a payday loan to the borrower until a waiting period of 90 days shall have elapsed from the date that the borrower pays or satisfies in full the balance of the loan under the terms of the extended payment plan.

d. At each approved office, the licensee shall post a notice in at least 24-point bold type, in a form established or approved by the Commission, informing persons that they may be eligible to enter into an extended payment plan.

e. The licensee shall provide oral notice to any borrower who is eligible to enter into an extended payment plan, at the time a payday loan is made, which notice shall inform the borrower of his ability to pay the payday loan by means of an extended payment plan. The information contained in the notice shall be in a form provided by the Bureau.

27. In addition to the other conditions set forth in this chapter, the fifth payday loan that is made to any person within a period of 180 days shall be made only in compliance with, at the option of the borrower, either of the following:

a. The fifth payday loan is made upon the same terms and conditions otherwise applicable to payday loans under the terms of this chapter, except that (i) no licensee may make a payday loan to such borrower during a period of 45 days following the date such fifth payday loan is paid or otherwise satisfied in full and (ii) the borrower may elect, at any time on or before its due date, to repay such fifth payday loan by means of an extended payment plan as provided in subdivision 26 b; or

b. The fifth payday loan is made in the form of an extended term loan. An extended term loan is a loan that complies with the terms and conditions otherwise applicable to payday loans under the terms of this chapter except that (i) the principal amount of the loan, and any interest and fees permitted by § 6.2-1817, shall be payable in four equal installments over a payment period of 60 days following the date the loan is made and (ii) no licensee may make a payday loan to such borrower during the longer of (a) 90 days following the date the extended term loan is paid or otherwise satisfied in full or (b) 150 days following the date the extended term loan is made.

§ 6.2-1816.1. Loan terms and conditions.

A licensee may engage in the business of making short-term loans, provided that each loan meets all of the following conditions:

1. The total amount of the loan does not exceed \$2,500.

2. The minimum duration of the loan is four months and the maximum duration of the loan is 24 months; however, the minimum duration of the loan may be less than four months if the total monthly payment on the loan does not exceed the greater of (i) an amount that is five percent of the borrower's verified gross monthly income or (ii) six percent of the borrower's verified net monthly income.

3. The loan is made pursuant to a written loan contract that sets forth the terms and conditions of the loan, which shall be signed by the borrower and a person authorized by the licensee to sign such agreements and dated the same day the loan is made and disbursed. A copy of the signed loan contract shall be provided to the borrower. The loan contract shall disclose in a clear and concise manner all of the following:

a. The principal amount of the loan and the total amount of fees and charges the borrower will be required to pay in connection with the loan pursuant to the loan contract;

b. The amount of each payment of principal and interest, when each payment is due, the total number of payments that the borrower will be required to make under the loan contract, and the loan's maturity date;

c. If the licensee receives a check as security for the loan, evidence of receipt from the borrower of a check, stating the amount of the check and terms upon which the check may be presented for payment;

d. A statement, printed in a minimum font size of 10 points, that informs the borrower that complaints regarding the loan or lender may be submitted to the Bureau and includes the correct telephone number, website address, and mailing address for the Bureau;

e. Any disclosures required under the federal Truth in Lending Act (15 U.S.C. § 1601 et seq.) and its implementing regulations, as they may be amended from time to time;

f. The annual percentage rate;

g. A statement, printed in a minimum font size of 10 points, as follows: "This loan is made pursuant to Chapter 18 of Title 6.2 of the Code of Virginia. You have the right to rescind or cancel this loan by returning the loan proceeds check or the originally contracted loan amount by 5 p.m. of the third business day immediately following the day you enter into this contract.";

h. A statement, printed in a minimum font size of 10 points, as follows: "Electronic payment is optional. You have the right to revoke or remove your authorization for electronic payment at any time.";

i. The borrower's mailing address.

j. Such other information relating to the loan as the Commission shall determine, by regulation, is necessary to ensure that the borrower is provided adequate notice of the relevant provisions of the loan.

4. The loan is a precomputed loan and is payable in substantially equal installments consisting of principal, fees, and interest combined. For purposes of this section, "precomputed loan" means a loan in which the debt is a sum comprising the principal amount and the amount of fees and interest computed in advance on the assumption that all scheduled payments will be made when due.

5. The loan may be rescinded or canceled on or before 5 p.m. of the third business day immediately following the day of the loan transaction upon the borrower returning the original loan proceeds check or paying to the licensee, in the form of cash or other good funds instrument, the loan proceeds.

§ 6.2-1817. Authorized fees and charges.

A. A licensee may charge, collect, and receive on each only the following fees and charges in connection with a short-term loan interest, provided such fees and charges are set forth in the written loan contract described in § 6.2-1816.1:

1. Interest at a simple annual rate not to exceed 36 percent. A licensee may also charge (i) a loan fee as provided in subsection B and (ii) a verification fee as provided in subsection C.

B. A licensee may charge and receive a loan fee in an amount not to exceed 20 percent of the amount of the loan proceeds advanced to the borrower.

C. A licensee may charge and receive a verification fee in an amount not to exceed \$5 for a loan made under this chapter. The verification fee shall be used in part to defray the costs of submitting a database inquiry as provided in subdivision B 4 of § 6.2-1810.;

2. Subject to § 6.2-1817.1, a monthly maintenance fee that does not exceed the lesser of eight percent of the originally contracted loan amount or \$25, provided the fee is not added to the loan balance on which interest is charged;

3. Any deposit item return fee incurred by the licensee, not to exceed \$25, if a borrower's check or electronic draft is returned because the account on which it was drawn was closed by the borrower or contained insufficient funds, or the borrower stopped payment of the check or electronic draft, provided that the terms and conditions upon which such fee will be charged to the borrower are set forth in the written loan contract described in § 6.2-1816.1; and

4. Damages and costs to which the licensee may become entitled to by law in connection with any civil action to collect a loan after default, except that the total amount of damages and costs shall not exceed the originally contracted loan amount.

B. A licensee may impose a late charge according to the provisions of § 6.2-400 provided, however, that the late charge shall not exceed \$20.

§ 6.2-1817.1. Inflation adjustment of maximum monthly maintenance fee.

The Commission may, from time to time, by regulation, adjust the dollar amount of \$25 specified in subsection A of § 6.2-1817 to reflect the rate of inflation from the previous date that the dollar amount was established, as measured by the Consumer Price Index or other method of measuring the rate of inflation that the Commission determines is reliable and generally accepted.

§ 6.2-1818.1. Refinancing of short-term loans.

Subject to subsection F of § 6.2-1818.2, a licensee may refinance a short-term loan, provided that the refinanced loan is also a short-term loan.

§ 6.2-1818.2. Statement of balance due; repayment and refunds.

A. The licensee shall, upon the request of the borrower or his agent, provide a statement of balance due on a short-term loan.

B. A borrower shall be permitted to make partial payments, in increments of not less than \$5, on the loan at any time prior to maturity, without charge. The licensee shall give the borrower dated receipts for each payment made, which shall state the updated balance due on the loan.

C. When providing a statement of balance due on the loan, the licensee shall state the amount required to discharge the borrower's obligation in full as of the date the notice is provided and for each of the next three business days following that date. If the licensee cannot reasonably supply a firm statement of balance due when requested or required, the licensee may provide a good faith estimate of the balance due immediately and provide to the borrower or his agent a firm statement of balance due within two business days.

D. The licensee shall provide any statement of balance due verbally and in writing, and shall not fail to provide the information by phone upon the request of the borrower or his agent.

E. A licensee shall not fail to accept cash or other good funds instrument from the borrower, or a third party when submitted on behalf of the borrower, for repayment of a short-term loan in full or in part. Payments shall be credited by the licensee on the date received.

F. Notwithstanding any other provision of law, if a short-term loan is prepaid in full or refinanced prior to the loan's maturity date, the licensee shall refund to the borrower a prorated portion of fees and charges based on a ratio of the number of days the loan was outstanding and the number of days for which the loan was originally contracted. For

purposes of this section, all charges made in connection with the loan shall be included when calculating the loan charges except for deposit item return fees and late charges authorized under § 6.2-1817.

G. If a licensee presents a check held as security for a loan, the licensee shall refund any amount received that is in excess of the payment due on the loan as of the day the licensee presents the check. For purposes of this subsection, the payment due on the loan shall be no more than the amount of unpaid payments and fees that have already come due according to the loan contract or, if applicable, the amount due according to a valid contractual acceleration clause or demand feature as described in subdivision 23 of § 6.2-1816.

H. The licensee shall provide any refund due to a borrower in the form of cash or business check as soon as reasonably possible and not later than two business days after receiving payment from the borrower.

I. Upon repayment of the loan in full, the licensee shall mark the original loan agreement with the word "paid" or "canceled," return it to the borrower, and retain a copy in its records.

§ 6.2-1818.3. Restriction on certain fees and charges.

Notwithstanding any provision of this chapter to the contrary, a licensee shall not contract for, charge, collect, or receive in connection with a short-term loan a total amount of fees and charges that exceeds either (i) 50 percent of the originally contracted loan amount, if the originally contracted loan amount was \$1,500 or less or (ii) 60 percent of the originally contracted loan amount, if the originally contracted loan amount was greater than \$1,500. For purposes of this section, all charges made in connection with the loan shall be included when calculating the total loan charges except for deposit item return fees and late charges authorized under § 6.2-1817.

§ 6.2-1818.4. Verification of borrower's income.

Before initiating a short-term loan transaction with a borrower, a licensee shall make a reasonable attempt to verify the borrower's income. At a minimum, the licensee shall obtain from the borrower one or more recent pay stubs or other written evidence of recurring income, such as a bank statement. The written evidence shall include at least one document that, when presented to the licensee, is dated not earlier than 45 days prior to the borrower's initiation of the short-term loan transaction.

§ 6.2-1819. Advertising.

A. No person licensed or required to be licensed under this chapter shall use or cause to be published any advertisement that (i) contains any false, misleading or deceptive statement or representation; or (ii) identifies the person by any name other than the name set forth on the license issued by the Commission.

B. Any advertising materials used to promote short-term loans that includes the amount of any payment, expressed either as a percentage or dollar amount, or the amount of any finance charge, shall also include a statement of the interest, fees and charges, expressed as an annual percentage rate, payable using examples of a \$300 loan repaid in three months, a \$500 loan repaid in five months, and a \$1,000 loan repaid in 10 months.

C. In any print media advertisement, including any website, used to promote short-term loans, the disclosure statements described in subsection B shall be conspicuous. "Conspicuous" shall have the meaning set forth in subdivision (a) (14) of § 59.1-501.2. If a single advertisement consists of multiple pages, folds, or faces, the disclosure requirement applies only to one page, fold, or face. In a television advertisement used to promote short-term loans, the visual disclosure legend shall include 20 scan lines in size. In a radio advertisement or advertisement communicated by telephone used to promote short-term loans, the disclosure statement shall last at least two seconds and the statement shall be spoken so that its contents may be easily understood.

§ 6.2-1820. Other business.

No licensee shall conduct the business of making payday short-term loans under this chapter at any office, suite, room, or other place of business where any other business is solicited or conducted except a registered check cashing business, a motor vehicle title loan business licensed under Chapter 22 (§ 6.2-2200 et seq.), or such other business as the Commission determines should be permitted, and subject to such conditions as the Commission deems necessary and in the public interest. No such other business shall be allowed except as permitted by Commission regulation or upon the filing of a written application with the Commission, payment of a \$300 fee or other reasonable amount that the Commission may set, and provision of such information as the Commission may deem pertinent. The Commission shall not, however, permit the sale of insurance or the enrolling of borrowers under group insurance policies. This section shall not apply to any other business that is transacted with persons residing solely outside the Commonwealth.

§ 6.2-1827. Application of chapter to Internet loans.

A. The provisions of this chapter, including specifically the licensure requirements of § 6.2-1801, shall apply to persons making payday short-term loans over the Internet to Virginia residents or any individual in the Commonwealth, whether or not the person making the loan maintains a physical presence in the Commonwealth.

B. The Commission may, from time to time, by administrative rule or policy statement, set requirements that the Commission reasonably deems necessary to ensure compliance with this section.

§ 6.2-1828. Authority of Attorney General; referral by Commission to Attorney General.

A. If the Commission determines that a person is in violation of, or has violated, any provision of this chapter, the Commission may refer the information to the Attorney General and may request that the Attorney General investigate such violations. Upon With or without such referral, the Attorney General is authorized to seek to enjoin violations of this chapter. The circuit court having jurisdiction may enjoin such violations notwithstanding the existence of an adequate remedy at law.

B. Upon such referral by the Commission, the Attorney General may also seek, and the circuit court may order or decree, damages and such other relief allowed by law, including restitution to the extent available to borrowers under applicable law. Persons entitled to any relief as authorized by this section shall be identified by order of the court within 180 days from the date of the order permanently enjoining the unlawful act or practice.

C. In any action brought by the Attorney General by virtue of the authority granted in this provision, the Attorney General shall be entitled to seek reasonable attorney fees and costs.

D. If the Attorney General files an action to enjoin violations of this chapter, the Attorney General shall give notice of such action to the Commission.

§ 6.2-2200. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Affiliate" means a person related to a licensee by common ownership or control, or any employee or agent of a licensee.

"Annual percentage rate" has the same meaning as in the federal Truth in Lending Act (15 U.S.C. § 1601 et seq.) and its implementing regulations, as they may be amended from time to time. All fees and charges payable directly or indirectly by a borrower to a licensee as a condition to a loan, including interest and the monthly maintenance fees authorized under § 6.2-2216, shall be included in the computation of the annual percentage rate.

"Bond" includes any form of financial instrument that provides security equivalent to that provided by a bond, such as an irrevocable letter of credit, if its use in lieu of a bond is authorized pursuant to regulations adopted by the Commission.

"Interest" means all charges payable directly or indirectly by a borrower to a licensee as a condition to a loan, including fees, service charges, and renewal charges, and any ancillary product sold in connection with a loan, but does not include the monthly maintenance fees, deposit item return fees, late charges, or reasonable costs of repossession and sale authorized under § 6.2-2216.

"Licensee" means a person to whom a license has been issued under this chapter.

"Loan amount" means the principal amount of a loan exclusive of fees or charges.

"Motor vehicle" means an automobile, motorcycle, mobile home, truck, van, or other vehicle operated on public highways and streets.

"Motor vehicle title loan" or "title loan" means a loan secured by a non-purchase money security interest in a motor vehicle.

"Motor vehicle title loan agreement" or "loan agreement" means a written document that sets out the terms and conditions under which a licensee agrees to make a motor vehicle title loan to a borrower, and the borrower agrees to give to the licensee a security interest in a motor vehicle owned by the borrower to secure repayment of the motor vehicle title loan and performance of the other obligations under the loan agreement.

"Person" means any individual, corporation, partnership, association, cooperative, limited liability company, trust, joint venture, or other legal or commercial entity.

"Principal" means any person who, directly or indirectly, owns or controls (i) 10 percent or more of the outstanding stock of a stock corporation or (ii) a 10 percent or greater interest in any other type of entity.

§ 6.2-2201. License required.

A. Unless exempted from the provisions of this chapter pursuant to § 6.2-2202:

1. No person shall engage in the business of making motor vehicle title loans to residents of the Commonwealth or to any individuals in the Commonwealth, whether or not the person has a location in the Commonwealth, except in accordance with the provisions of this chapter and without having first obtained a license under this chapter from the Commission; and

2. No person shall engage in the business of arranging or brokering motor vehicle title loans for residents of the Commonwealth, or any individuals in the Commonwealth, whether or not the person has a location in the Commonwealth; and

3. Any loan made in violation of this section is void, and no person shall have the right to collect, receive, or retain any principal, interest, fees, or other charges in connection with the loan.

B. The provisions of subsection A shall apply to any person who seeks to evade its application by any device, subterfuge, or pretense whatsoever, including:

1. The loan, forbearance, use, or sale of (i) credit, as guarantor, surety, endorser, comaker, or otherwise; (ii) money; (iii) goods; or (iv) things in action;

2. The use of collateral or related sales or purchases of goods or services, or agreements to sell or purchase, whether real or pretended; receiving or charging compensation for goods or services, whether or not sold, delivered, or provided; and

3. The real or pretended negotiation, arrangement, or procurement of a loan through any use or activity of a third person, whether real or fictitious.

§ 6.2-2203. Application for license; form; content; fee.

A. An application for a license under this chapter shall be made in writing, under oath, and on a form provided by the Commissioner.

B. The application shall set forth:

1. The name and address of the applicant and (i) if the applicant is a partnership, firm, or association, the name and address of each partner or member; (ii) if the applicant is a corporation or limited liability company, the name and address of

each director, member, registered agent, and principal; or (iii) if the applicant is a business trust, the name and address of each trustee and beneficiary;

2. The addresses of the locations of the business to be licensed; and

3. Such other information concerning the financial responsibility, background, experience, and activities of the applicant and its members, officers, directors, and principals as the Commissioner may require.

C. The application shall be accompanied by payment of an application fee of \$500, *or other reasonable amount that the Commission may prescribe by regulation.*

D. The application fee shall not be refundable in any event. The fee shall not be abated by surrender, suspension, or revocation of the license.

§ 6.2-2204. Bond required.

The application for a license shall also be accompanied by a bond filed with the Commissioner with corporate surety authorized to execute such bond in the Commonwealth, in the sum of \$50,000 per location, *or such greater sum as the Commission may require, but* not to exceed a total of \$500,000. The form of such bond shall be approved by the Commission. Such bond shall be continuously maintained thereafter in full force. Such bond shall be conditioned upon the applicant or licensee performing all written agreements with borrowers or prospective borrowers, correctly and accurately accounting for all funds received by him in his licensed business, and conducting his licensed business in conformity with this chapter and all applicable laws. Any person who may be damaged by noncompliance of the licensee with any condition of such bond may proceed on such bond against the principal or surety thereon, or both, to recover damages. The aggregate liability under the bond shall not exceed the penal sum of the bond.

§ 6.2-2207. Licenses; places of business; changes.

A. Each license shall state the address or addresses at which the business is to be conducted and shall state fully the legal name of the licensee as well as any fictitious name by which the licensee is operating in the Commonwealth. Each license shall be posted prominently in each place of business of the licensee. Licenses shall not be transferable or assignable, by operation of law or otherwise. No licensee shall use any name in the Commonwealth other than the legal name or fictitious name set forth on the license issued by the Commission.

B. No licensee shall open an additional office or relocate any place of business without prior approval of the Commission. Applications for such approval shall be made in writing on a form provided by the Commissioner and shall be accompanied by payment of a \$150 nonrefundable application fee *or other reasonable amount that the Commission may prescribe by regulation.* The application shall be approved unless the Commission finds that the applicant does not have the required liquid assets or has not conducted business under this chapter efficiently, fairly, in the public interest, and in accordance with law. The application shall be deemed approved if notice to the contrary has not been mailed by the Commission to the applicant within 30 days of the date the application is received by the Commission. After approval, the applicant shall give written notice to the Commissioner within 10 days of the commencement of business at the additional location or relocated place of business.

C. Every licensee shall within 10 days notify the Commissioner, in writing, of the closing of any business location and of the name, address, and position of each new senior officer, member, partner, or director and provide such other information with respect to any such change as the Commissioner may reasonably require.

D. Every license shall remain in force until it has been surrendered, revoked, or suspended. The surrender, revocation, or suspension of a license shall not affect any preexisting legal right or obligation of such licensee.

§ 6.2-2210. Annual report.

A. Each licensee under this chapter shall annually, on or before March 25, file a written report with the Commissioner containing such information as the Commissioner may require concerning his business and operations during the preceding calendar year as to each licensed place of business. Reports shall be made under oath and shall be in the form prescribed by the Commissioner.

B. *The Commissioner shall publish annually and make available to the public an analysis of the information required under this section and other information the Commissioner may choose to include. The published analysis shall include all of the following:*

1. *The total number of borrowers, loans, defaulted loans, and charged-off loans and the total dollar value of the charged-off loans;*

2. *The average loan size, average contracted annual percentage rate, average contracted charges per loan, total contracted loan charges, and total loan charges actually paid;*

3. *The total number of deposit item return fees and the total dollar value of those charges;*

4. *The total number of licensee business locations and the average number of borrowers per location;*

5. *The total number of title loan contracts that resulted in repossession or surrender of a vehicle, the total number of title loan contracts that resulted in a borrower redeeming a repossessed or surrendered vehicle, the total number of repossessed or surrendered vehicles that were sold, the total fair market value of repossessed or surrendered vehicles that were sold as stated in the loan contracts, the total amount of proceeds licensees received from the sale of repossessed or surrendered vehicles, the total amount of sale proceeds in excess of the redemption amount paid to borrowers as described in subsection C of § 6.2-2217, the total amount of charges licensees received from borrowers related to the repossession and sale of vehicles, and the percentage of all title loan contracts that resulted in a repossession of a vehicle; and*

6. A summary of pending and completed enforcement actions, which shall include lists of suspended or revoked licenses, cease and desist orders, and civil penalties pursuant to this chapter.

§ 6.2-2215. Required and prohibited business methods.

Each licensee shall comply with the following requirements and prohibitions:

1. Each motor vehicle title loan shall be evidenced by a written motor vehicle title loan agreement. Each motor vehicle title loan agreement shall:

a. Be signed by the borrower and by a person authorized by the licensee to sign such agreements;

b. Be dated the day it is executed by the borrower;

c. Set forth or contain, at a minimum: (i) the loan amount; (ii) the interest rate and any fees charged pursuant to the loan, which shall not exceed the maximum rate permitted pursuant to § 6.2-2216; (iii) the annual percentage rate, which shall be stated using that term, calculated in accordance with Consumer Financial Protection Bureau Regulation Z (12 C.F.R. Part 1026); (iv) the amounts and scheduled due dates of the monthly installment payments of principal and interest; (v) the borrower's mailing address; (vi) the make, model, year, and vehicle identification number of the motor vehicle in which a security interest is being given as security for the loan; (vii) that the borrower shall have the right to cancel the loan agreement at any time before the close of business on the next business day following the day the loan agreement is executed by returning the original loan proceeds check to or paying to the licensee, in the form of cash or other good funds instrument, the loan proceeds; (viii) the loan's maturity date, which shall not be earlier than 120 days from the date the loan agreement is executed nor later than 12 months from the date the loan agreement is executed; and (ix) such other information relating to the title loan as the Commission shall determine, by regulation, is necessary in order to ensure that the borrower is provided adequate notice of the relevant provisions of the title loan;

d. Not cause any person to be obligated to the licensee for a principal amount that exceeds 50 percent of the fair market value of the motor vehicle in which the licensee is taking an interest, which value shall be determined by reference to the loan value for the motor vehicle specified in a recognized pricing guide if the motor vehicle is included in a recognized pricing guide; and

e. Contain the following notice in at least 14-point bold type immediately above the borrower's signature:

THE INTEREST RATE ON THIS LOAN IS HIGH. YOU SHOULD CONSIDER WHETHER THERE ARE OTHER LOWER COST LOANS AVAILABLE TO YOU.

THIS IS A MOTOR VEHICLE TITLE LOAN AGREEMENT. IT ALLOWS YOU TO RECEIVE LOAN PROCEEDS TO MEET YOUR IMMEDIATE CASH NEEDS. IT IS NOT INTENDED TO MEET YOUR LONG-TERM FINANCIAL NEEDS.

WHEN USING THIS LOAN, YOU SHOULD REQUEST THE MINIMUM AMOUNT REQUIRED TO MEET YOUR IMMEDIATE NEEDS AND YOU SHOULD REPAY THE LOAN AS QUICKLY AS POSSIBLE TO REDUCE THE AMOUNT OF INTEREST YOU ARE CHARGED.

YOU SHOULD TRY TO REPAY THIS LOAN AS QUICKLY AS POSSIBLE. YOU WILL BE REQUIRED TO PAY THE PRINCIPAL AND INTEREST ON THE LOAN IN MONTHLY SUBSTANTIALLY EQUAL INSTALLMENTS. YOU SHOULD TRY TO PAY EVEN MORE TOWARDS YOUR PRINCIPAL BALANCE EACH MONTH. DOING SO WILL SAVE YOU MONEY.

YOU MAY RESCIND THIS LOAN WITHOUT COST OR FURTHER OBLIGATION IF YOU RETURN THE LOAN PROCEEDS, IN CASH OR THE ORIGINAL LOAN CHECK, PRIOR TO THE CLOSE OF BUSINESS ON THE BUSINESS DAY IMMEDIATELY FOLLOWING THE EXECUTION OF THIS AGREEMENT.

YOU ARE PLEDGING YOUR MOTOR VEHICLE AS COLLATERAL FOR THIS LOAN. IF YOU FAIL TO REPAY THE LOAN PURSUANT TO THIS AGREEMENT, WE MAY REPOSSESS YOUR MOTOR VEHICLE.

UNLESS YOU CONCEAL OR INTENTIONALLY DAMAGE THE MOTOR VEHICLE, OR OTHERWISE IMPAIR OUR SECURITY INTEREST BY PLEDGING THE MOTOR VEHICLE TO A THIRD PARTY OR PLEDGING A MOTOR VEHICLE TO US THAT IS ALREADY SUBJECT TO AN UNDISCLOSED EXISTING LIEN, YOUR LIABILITY FOR DEFAULTING UNDER THIS LOAN IS LIMITED TO THE LOSS OF THE MOTOR VEHICLE.

IF YOUR MOTOR VEHICLE IS SOLD DUE TO YOUR DEFAULT, YOU ARE ENTITLED TO ANY SURPLUS OBTAINED AT SUCH SALE BEYOND WHAT IS OWED PURSUANT TO THIS AGREEMENT ALONG WITH ANY REASONABLE COSTS OF RECOVERY AND SALE A licensee shall not make a loan that does not comply with § 6.2-2215.1;

2. A licensee shall not charge, collect, or receive, directly or indirectly, credit insurance premiums, charges for any ancillary product sold, charges for disbursing loan proceeds or refunds including check-cashing charges and any other charges for negotiating forms of payment other than cash, charges for brokering or obtaining a loan, or any fees, interest, or charges in connection with a loan, other than fees and charges permitted by § 6.2-2216;

3. A licensee shall not make a loan to a person if that person is obligated upon any loan to a person licensed under Chapter 18 (§ 6.2-1800 et seq.). Prior to making a loan, a licensee shall make a reasonable attempt to verify the prospective borrower's eligibility under this section which shall include reviewing the files of any affiliate that is licensed under Chapter 18. Unless the Commission requires otherwise by administrative rule or policy statement, a licensee may rely on the loan applicant's written representations with respect to the applicant's obligations to lenders that are licensed under Chapter 18 but are not affiliates of the licensee and a licensee is not subject to any administrative penalty or civil liability if such representations are later determined to be inaccurate;

4. Except as provided in § 6.2-2216.2, a licensee shall not refinance, renew, or extend any title loan or make a loan to a person if the loan would cause the person to have more than one title loan from any licensee outstanding at the same time;

5. Before entering into a motor vehicle title loan, a licensee shall provide each borrower with a pamphlet, in a form consistent with regulations adopted by the Commission, explaining in plain language the rights and responsibilities of the borrower and providing a toll-free number at the Commission for assistance with complaints;

3. The borrower shall have the right to prepay the title loan prior to maturity by paying the outstanding balance at any time without penalty. A borrower shall also be permitted to make partial payments on a motor vehicle equity loan without charge at any time prior to the date such amounts would otherwise be due to the licensee. The licensee shall give the borrower signed, dated receipts for any cash payment made in person;

4. 6. A licensee shall give a duplicate original of the loan agreement to the borrower at the time it is executed not cause any person to be obligated to the licensee in any capacity at any time in the principal amount of more than \$2,500;

5. 7. A licensee shall not obtain any agreement from the borrower (i) giving the licensee or any third person power of attorney or authority to confess judgment for the borrower; (ii) authorizing the licensee or any third party to bring suit against the borrower in a court outside the Commonwealth; or (iii) waiving or modifying any the borrower's right the borrower has under this chapter or Title 8.9A; or (iv) requiring the borrower to use arbitration or other alternative dispute resolution mechanisms that do not conform to Chapter 21 (§ 8.01-577 et seq.) of Title 8.01 to legal recourse or any other right the borrower has under any otherwise applicable provision of state or federal law;

6. 8. A motor vehicle title loan agreement shall not (i) contain a provision by which a person acting on behalf of the licensee is treated as an agent of the borrower in connection with its formation or execution other than for purposes of filing or releasing a lien with the state where the motor vehicle is registered, (ii) contain an acceleration clause under which a licensee may demand immediate payment of any amount owed to it unless the borrower is in default under the terms of the loan agreement, or (iii) (ii) be sold or otherwise assigned to any other person who is not also a licensee, and if a loan agreement is sold or assigned to another licensee, the buyer or assignee of the loan agreement shall be subject to the same obligations under this chapter that apply to the selling or assigning licensee. If a motor vehicle title loan or its servicing is sold or assigned, a licensee shall provide to the borrower written notice and the information needed to make future payments no later than 10 days before the borrower's next payment due date;

7. 9. Loan proceeds shall be disbursed (i) in cash, (ii) by the licensee's business check, or (iii) by debit card provided that the borrower will not be directly charged a fee by the licensee in connection with the withdrawal of the funds. No fee shall be charged by the licensee or check casher affiliate for cashing a title loan proceeds check;

8. A licensee shall not obtain or accept from a borrower an authorization to electronically debit the borrower's deposit account;

9. 10. A licensee shall not take an (i) accept a check, real or personal property, or any interest in any real or personal property other than the title of one motor vehicle owned by the borrower as security for a title loan; (ii) create or accept any remotely created check, as defined in 12 C.F.R. § 229.2(fff), in connection with a loan; (iii) draft funds electronically from a borrower's account without express written authorization from the borrower; (iv) fail to stop attempts to draft funds electronically from a borrower's account upon request from the borrower or his agent; or (v) require or accept from a borrower a set of keys to a motor vehicle that secures a loan. Nothing in this subdivision shall prohibit the conversion of a negotiable instrument into an electronic form for processing through the automated clearing house system. For purposes of this subdivision, "motor vehicle" includes any accessories or accessions to a motor vehicle that are affixed thereto;

11. A licensee shall not attempt to draft funds electronically from a borrower's account after two consecutive attempts have failed, unless the licensee obtains new written authorization from the borrower to transfer or withdraw funds electronically from the borrower's account;

10. 12. A licensee shall not (i) make a motor vehicle title loan if, on the date the loan agreement is signed by the borrower, the motor vehicle's certificate of title evidences that the motor vehicle is security for another loan or otherwise is encumbered by a lien; (ii) make a loan to an individual who the licensee knows is a borrower under another motor vehicle title loan, whether made by the same or another licensee, or (iii) knowingly cause a borrower to be obligated upon more than one motor vehicle title loan at any time. Prior to making a motor vehicle title loan, every licensee shall inquire of every prospective borrower if the individual is obligated on a motor vehicle title loan with any licensee. Each loan agreement shall include the borrower's certification that the borrower is not obligated on another motor vehicle title loan;

11. 13. A licensee shall (i) hold the certificate of title to the motor vehicle throughout the period that the loan agreement is in effect and (ii) within seven days following the date of the motor vehicle title loan agreement, file to have its security interest in the motor vehicle added to its certificate of title by complying with the requirements of § 46.2-637, or in the case of a motor vehicle registered in a state other than the Commonwealth by complying with that state's requirements for perfecting a security interest in a motor vehicle;

12. 14. A licensee shall not knowingly make a title loan to a borrower to enable the borrower to (i) pay for any other product or service sold at the licensee's business location or by an affiliate or (ii) repay any amount owed to the licensee or an affiliate of the licensee in connection with another credit transaction;

13. A licensee's security interest in a motor vehicle shall be promptly released when the borrower's obligations under the loan agreement are satisfied in full. When releasing the security interest in a motor vehicle, a licensee shall (i) mark the original loan agreement with the word "paid" or "canceled," return it to the borrower, and retain a copy in its records;

(ii) take any action necessary to reflect the termination of its lien on the motor vehicle's certificate of title; and (iii) return the certificate of title to the borrower;

14. 15. A licensee shall conspicuously post in each licensed location (i) a schedule of finance charges on a title loan, using as an example a \$1,000 loan that is repaid over a 12-month period and (ii) a notice containing the following statement: "Should you wish to file a complaint against us, you may contact the Bureau of Financial Institutions at [insert contact information]." The Commission shall furnish licensees with the appropriate contact information;

15. 16. A licensee or affiliate shall not knowingly make a motor vehicle title loan to a covered member of the armed forces or a dependent of such member. Prior to making a motor vehicle title loan, every licensee or affiliate shall inquire of every prospective borrower if the individual is a covered member of the armed forces or a dependent of a covered member. The prospective borrower shall affirm in writing to the licensee or affiliate if he is not a covered member of the armed forces or a dependent of a covered member. For purposes of this section, "covered member of the armed forces" means a person on active duty under a call or order that does not specify a period of 30 days or less or on active guard and reserve duty. For purposes of this section, "dependent of a covered member of the armed forces" means the member's spouse, the member's child as defined by 38 U.S.C. § 101 (4), or an individual for whom the member provided more than one-half of the individual's support for 180 days immediately preceding the date the motor vehicle title loan is sought;

16. 17. In collecting or attempting to collect a motor vehicle title loan, a licensee shall comply with the restrictions and prohibitions applicable to debt collectors contained in the Fair Debt Collection Practices Act (15 U.S.C. § 1692 et seq.) regarding harassment or abuse, false, misleading or deceptive statements or representations, and unfair practices in collections;

17. 18. A licensee shall not contact a borrower for any reason other than (i) for the borrower's benefit regarding upcoming payments, options for obtaining loans, payment options, payment due dates, the effect of default, or, after default, receiving payments or other actions permitted by the licensee; (ii) to advise the borrower of missed payments or dishonored checks; (iii) to advise the borrower regarding a repossessed or surrendered vehicle; or (iv) to assist the transmittal of payments via a third-party mechanism;

18. 19. A licensee shall not make a loan to a borrower that includes an acceleration clause or a demand feature that permits the licensee, in the event the borrower fails to meet the repayment terms for any outstanding balance, to terminate the loan in advance of the original maturity date and to demand repayment of the entire outstanding balance, unless both of the following conditions are met: (i) not earlier than 10 days after the borrower's payment was due, the licensee provides written notice to the borrower of the termination of the loan and (ii) in addition to the outstanding balance, the licensee collects only prorated interest and the fees earned up to the date the loan was terminated or the borrower's vehicle was repossessed or surrendered, whichever is earlier. For purposes of this subsection, the outstanding balance and prorated interest and fees shall be calculated as if the borrower had voluntarily prepaid the loan in full on the date of termination, repossession, or surrender;

19. 20. A licensee shall not recommend to a borrower that the borrower obtain a loan for a dollar amount that is higher than the borrower has requested;

20. 21. A licensee shall not (i) engage in any unfair, misleading, deceptive, or fraudulent acts or practices in the conduct of its business, (ii) engage in any business or activity that directly or indirectly results in an evasion of the provisions of this chapter, or (iii) (i) threaten, or cause to be instigated, criminal proceedings against a borrower arising from the borrower's failure to pay any sum due under a loan agreement;

21. 18. A licensee shall not conduct the business of making motor vehicle title loans under this chapter at any office, suite, room, or place of business where any other business is solicited or conducted except a registered check cashing business or such other business as the Commission determines should be permitted, and subject to such conditions as the Commission deems necessary and in the public interest. No other such business shall be allowed except as permitted by Commission regulation or upon the filing of a written application with the Commission, payment of a \$300 fee, and provision of such information as the Commission may deem pertinent. The Commission shall not, however, permit the sale of insurance or the enrolling of borrowers under group insurance policies;

19. 22. A licensee shall provide a safe place for the keeping of all certificates of title while they are in its possession;

20. 23. A licensee may require a borrower to purchase or maintain property insurance upon a motor vehicle securing a title loan made pursuant to this chapter. A licensee may not require the borrower to obtain such insurance from a particular provider; and

21. 24. If the a licensee or any person acting at its direction takes possession of a motor vehicle securing a title loan, the vehicle and any personal items in it shall be stored in a secure location.

§ 6.2-2215.1. Loan terms and conditions.

A licensee may engage in the business of making motor vehicle title loans provided that each loan meets all of the following conditions:

1. The total amount of the loan does not exceed \$2,500.

2. The minimum duration of the loan is six months and the maximum duration of the loan is 24 months; however, the minimum duration of the loan may be less than six months if the total monthly payment on the loan does not exceed the greater of an amount that is (i) five percent of the borrower's verified gross monthly income or (ii) six percent of the borrower's verified net monthly income.

3. The loan is made pursuant to a written loan contract that sets forth the terms and conditions of the loan, which shall be signed by the borrower and a person authorized by the licensee to sign such agreements and dated the same day the loan is made and disbursed. A copy of the signed loan contract shall be provided to the borrower. The loan contract shall disclose in a clear and concise manner all of the following:

a. The principal amount of the loan and the total amount of fees and charges the borrower will be required to pay in connection with the loan pursuant to the loan contract.

b. The amount of each payment of principal and interest, when each payment is due, the total number of payments that the borrower will be required to make under the loan contract, and the loan's maturity date.

c. The make, model, year, and vehicle identification number of the motor vehicle in which a security interest is being given as security for the loan, and the fair market value of the vehicle which value the licensee shall determine by reference to the value for the motor vehicle specified in a recognized pricing guide if the motor vehicle is included in a recognized pricing guide.

d. A statement, printed in a minimum font size of 10 points, that informs the borrower that complaints regarding the loan or lender may be submitted to the Bureau and includes the correct telephone number, website address, and mailing address for the Bureau.

e. Any disclosures required under the federal Truth in Lending Act (15 U.S.C. § 1601 et seq.) and its implementing regulations, as they may be amended from time to time.

f. The annual percentage rate.

g. A statement, printed in a minimum font size of 10 points, as follows: "This loan is made pursuant to Chapter 22 of Title 6.2 of the Code of Virginia. You have the right to rescind or cancel this loan by returning the loan proceeds check or the originally contracted loan amount by 5 p.m. of the third business day immediately following the day you enter into this contract."

h. A statement, printed in a minimum font size of 10 points, as follows: "Electronic payment is optional. You have the right to revoke or remove your authorization for electronic payment at any time."

i. The borrower's mailing address.

j. A statement, printed in at least 14-point bold type immediately above the borrower's signature, as follows:

YOU ARE PLEDGING YOUR MOTOR VEHICLE AS COLLATERAL FOR THIS LOAN. IF YOU FAIL TO REPAY THE LOAN PURSUANT TO THIS AGREEMENT, WE MAY REPOSSESS YOUR MOTOR VEHICLE.

UNLESS YOU CONCEAL OR INTENTIONALLY DAMAGE THE MOTOR VEHICLE, OR OTHERWISE IMPAIR OUR SECURITY INTEREST BY PLEDGING THE MOTOR VEHICLE TO A THIRD PARTY OR PLEDGING A MOTOR VEHICLE TO US THAT IS ALREADY SUBJECT TO AN UNDISCLOSED EXISTING LIEN, YOUR LIABILITY FOR DEFAULTING UNDER THIS LOAN IS LIMITED TO THE LOSS OF THE MOTOR VEHICLE.

IF YOUR MOTOR VEHICLE IS SOLD DUE TO YOUR DEFAULT, YOU ARE ENTITLED TO ANY SURPLUS OBTAINED AT SUCH SALE BEYOND WHAT IS OWED PURSUANT TO THIS AGREEMENT ALONG WITH ANY REASONABLE COSTS OF RECOVERY AND SALE.

k. Such other information relating to the loan as the Commission shall determine, by regulation, is necessary to ensure that the borrower is provided adequate notice of the relevant provisions of the loan.

4. The loan is a precomputed loan and is payable in substantially equal installments consisting of principal, fees, and interest combined. For purposes of this section, "precomputed loan" means a loan in which the debt is a sum comprising the principal amount and the amount of fees and interest computed in advance on the assumption that all scheduled payments will be made when due.

5. The loan may be rescinded or canceled on or before 5 p.m. of the third business day immediately following the day of the loan transaction upon the borrower returning the original loan proceeds check or paying to the licensee, in the form of cash or other good funds instrument, the loan proceeds.

§ 6.2-2216. Authorized fees and charges.

A. A licensee may charge and, collect interest on a motor vehicle title loan at rates not to exceed the following:

1. Twenty-two percent per month on the portion of the principal that does not exceed \$700;
2. Eighteen percent per month on the portion of the principal that exceeds \$700 but does not exceed \$1,400; and
3. Fifteen percent per month on the portion of the principal that exceeds \$1,400.

B. The annual rate of interest shall be charged only upon principal balances outstanding from time to time. Interest shall not be charged on an add-on basis and shall not be compounded or paid, deducted or received in advance. On motor vehicle title loans in excess of \$700, a licensee may accrue interest utilizing a single blended interest rate provided the maximum charge allowed pursuant to subsection A is not exceeded.

C., and receive only the following fees and charges in connection with a motor vehicle title loan, provided such fees and charges are set forth in the written loan contract described in § 6.2-2215.1:

1. Interest at a simple annual rate not to exceed 36 percent;

2. Subject to § 6.2-2216.1, a monthly maintenance fee that does not exceed the lesser of eight percent of the originally contracted loan amount or \$15, provided the fee is not added to the loan balance on which interest is charged;

3. Any deposit item return fee incurred by the licensee, not to exceed \$25, if a borrower's check or electronic draft is returned because the account on which it was drawn was closed by the borrower or contained insufficient funds, or the borrower stopped payment of the check or electronic draft;

4. Damages and costs to which the licensee may become entitled to by law in connection with any civil action to collect a loan after default, except that the total amount of damages and costs shall not exceed the originally contracted loan amount;

5. Reasonable costs of repossession and sale of the motor vehicle in accordance with § 6.2-2217, provided that the total amount of such costs of repossession and sale that a licensee or any person working on its behalf may charge or receive from the borrower shall be limited to an amount equal to five percent of the originally contracted loan amount; and

6. A late charge in accordance with the provisions of § 6.2-400 provided that the late charge shall not exceed \$20.

B. Notwithstanding anything set forth in subsection A, other provisions of this chapter, or in a motor vehicle title loan agreement, interest shall not accrue on the principal balance of a motor vehicle title loan from and after:

1. The date that the motor vehicle securing the title loan is repossessed by or at the direction of the licensee making the loan; or

2. Sixty days after the borrower has failed to make a monthly payment on a motor vehicle title loan as required by the loan agreement unless the borrower has not surrendered the motor vehicle and the borrower is concealing the motor vehicle.

D. In addition to the loan principal and interest permitted under subsection A, a licensee shall not directly or indirectly charge, contract for, collect, receive, recover, or require a borrower to pay any further or other fee, charge, or amount whatsoever except for (i) a licensee's actual cost of perfecting its security interest in a motor vehicle securing the borrower's obligations under a loan agreement and (ii) reasonable costs of repossession and sale of the motor vehicle in accordance with § 6.2-2217. C. A licensee shall not be entitled to collect or recover from a borrower any sum otherwise permitted pursuant to § 6.2-302, 8.01-27.2, or 8.01-382. In no event shall the borrower be liable for fees incurred in connection with the storage of a motor vehicle securing a title loan following the motor vehicle's repossession by the licensee or its agent, or the voluntary surrender of possession of the motor vehicle by the borrower to the licensee.

E. Every title loan shall be a term loan providing for repayment of the principal and interest in substantially equal monthly installments of principal and interest; however, nothing in this chapter shall prohibit a loan agreement from providing for an odd first payment period and an odd first payment greater than other monthly payments because of such odd first payment period.

F. A title loan agreement may not be extended, renewed, or refinanced.

G. A licensee may impose a late charge for failure to make timely payment of any amount due under the loan agreement provided that such late charge does not exceed the amount permitted by § 6.2-400.

H. Payments shall be credited by the licensee on the date received.

D. If any person causes a borrower to pay fees related to repossession or sale of the motor vehicle in excess of the amount allowed under subdivision A 5, or any fee to store the motor vehicle, the borrower shall be entitled to recover such amounts or fees from the licensee upon presenting a valid receipt.

§ 6.2-2216.1. Inflation adjustment of maximum monthly maintenance fee.

The Commission may, from time to time, by regulation, adjust the dollar amount of \$15 specified in subdivision A 2 of § 6.2-2216 to reflect the rate of inflation from the previous date that the dollar amount was established, as measured by the Consumer Price Index or other method of measuring the rate of inflation which the Commission determines is reliable and generally accepted.

§ 6.2-2216.2. Refinancing of motor vehicle title loan.

Subject to subsection F of § 6.2-2216.3, a licensee may refinance a title loan, provided that the refinanced loan is also a title loan.

§ 6.2-2216.3. Statement of balance due; repayment and refunds.

A. The licensee shall, upon the request of the borrower or his agent, provide a statement of balance due on a motor vehicle title loan.

B. A borrower shall be permitted to make partial payments, in increments of not less than \$5, on the loan at any time prior to maturity, without charge. The licensee shall give the borrower dated receipts for each payment made, which shall state the updated balance due on the loan.

C. When providing a statement of balance due on the loan, the licensee shall state the amount required to discharge the borrower's obligation in full as of the date the notice is provided and for each of the next three business days following that date. If the licensee cannot reasonably supply a firm statement of balance due when requested or required, the licensee may provide a good faith estimate of the balance due immediately and provide to the borrower or his agent a firm statement of balance due within two business days.

D. The licensee shall provide any statement of balance due verbally and in writing, and shall not fail to provide the information by phone upon the request of the borrower or his agent.

E. A licensee shall not fail to accept cash or other good funds instrument from the borrower, or a third party when submitted on behalf of the borrower, for repayment of a title loan in full or in part. Payments shall be credited by the licensee on the date received.

F. Notwithstanding any other provision of law, if a title loan is prepaid in full or refinanced prior to the loan's maturity date, the licensee shall refund to the borrower a prorated portion of loan charges based on a ratio of the number of days the loan was outstanding and the number of days for which the loan was originally contracted. For purposes of this section, all charges made in connection with the loan shall be included when calculating the loan charges except for deposit item return fees, late charges, and reasonable costs of repossession and sale authorized under § 6.2-2216.

G. The licensee shall provide any refund due to a borrower in the form of cash or business check as soon as reasonably possible and not later than two business days after receiving payment from the borrower.

H. Upon repayment of the loan in full, the licensee shall (i) mark the original loan agreement with the word "paid" or "canceled," return it to the borrower, and retain a copy in its records and (ii) promptly release any security interest in a motor vehicle.

I. When releasing a security interest in a motor vehicle, a licensee shall (i) take any action necessary to reflect the termination of its lien on the motor vehicle's certificate of title and (ii) promptly return the certificate of title to the borrower.

§ 6.2-2216.4. Restriction on certain fees and charges.

Notwithstanding any provision of this chapter to the contrary, a licensee shall not contract for, charge, collect, or receive in connection with a motor vehicle title loan a total amount of fees and charges that exceeds either (i) 50 percent of the originally contracted loan amount, if the originally contracted loan amount was \$1,500 or less, or (ii) 60 percent of the originally contracted loan amount, if the originally contracted loan amount was greater than \$1,500. For purposes of this section, all charges made in connection with the loan shall be included when calculating the total loan charges except for deposit item return fees, late charges, and reasonable costs of repossession and sale authorized under § 6.2-2216.

§ 6.2-2216.5. Verification of borrower's income.

Before initiating a motor vehicle title loan transaction with a borrower, a licensee shall make a reasonable attempt to verify the borrower's income. At a minimum, the licensee shall obtain from the borrower one or more recent pay stubs or other written evidence of recurring income, such as a bank statement. The written evidence shall include at least one document that, when presented to the licensee, is dated not earlier than 45 days prior to the borrower's initiation of the title loan transaction.

§ 6.2-2217. Limited recourse; repossession and sale of motor vehicle.

A. Except as otherwise provided in subsection E, a licensee taking a security interest in a motor vehicle pursuant to this chapter shall be limited, upon default by the borrower, to seeking repossession of, preparing for sale, and selling the motor vehicle in accordance with Title 8.9A. Unless (i) the licensee, at least 10 days prior to repossessing the motor vehicle securing a title loan, has sent to the borrower, by first class mail, written notice advising the borrower that his title loan is in default and stating that the motor vehicle may be repossessed unless the principal and interest owed under the loan agreement are paid and (ii) the borrower does not pay such principal and interest prior to the date the motor vehicle is repossessed by or at the direction of the licensee, then the licensee shall not collect or charge the costs of repossessing and selling the motor vehicle described in ~~clause (ii) of subsection D subdivision A 5 of § 6.2-2216.~~ A licensee shall not repossess a motor vehicle securing a title loan prior to the date specified in the notice. Except as otherwise provided in subsection E, a licensee shall not seek or obtain a personal money judgment against a borrower for any amount owed under a loan agreement or any deficiency resulting after the sale of a motor vehicle.

B. At least 15 days prior to the sale of a motor vehicle, a licensee shall (i) notify the borrower of the date and time after which the motor vehicle is subject to sale and (ii) provide the borrower with a written accounting of the *redemption amount, which shall be the sum of the principal amount due to the licensee, interest accrued through the date the licensee took possession of the motor vehicle, and any reasonable expenses incurred to date by the licensee in taking possession of, preparing for sale, and selling the motor vehicle.* At any time prior to such sale, the licensee shall permit the borrower to redeem the motor vehicle by tendering cash or other good funds instrument for the principal amount due to the licensee, interest accrued through the date the licensee took possession, and any ~~reasonable expenses incurred by the licensee in taking possession of, preparing for sale, and selling the motor vehicle~~ *allowable fees or costs of repossessing and selling the motor vehicle described in subdivision A 5 of § 6.2-2216.* Borrowers shall be permitted to recover personal items from repossessed motor vehicles promptly and at no cost.

C. Within ~~30~~ 10 days of the licensee's receipt of funds from the sale of a motor vehicle, the borrower is entitled to receive all proceeds from such sale of the motor vehicle in excess of the ~~principal amount due to the licensee, interest accrued through the date the licensee took possession, and the reasonable expenses incurred by the licensee in taking possession of, preparing for sale, and selling the motor vehicle~~ *redemption amount included in the notice described in subsection B, less any additional allowable fees or costs of repossessing and selling the motor vehicle described in subdivision A 5 of § 6.2-2216 that were not included in the redemption amount.*

D. Except in the case of fraud or a voluntary surrender of the motor vehicle, a licensee shall not take possession of a motor vehicle until such time as a borrower is in default under the loan agreement. Except as otherwise provided in this chapter, the repossession and sale of a motor vehicle shall be subject to the provisions of Title 8.9A.

E. Notwithstanding any provision to the contrary, *but subject to § 6.2-2216,* upon default by a borrower, a licensee may seek a personal money judgment against the borrower for any amounts owed under a loan agreement if the borrower impairs the licensee's security interest by (i) intentionally damaging or destroying the motor vehicle, (ii) intentionally concealing the motor vehicle, (iii) giving the licensee a lien in a motor vehicle that is already encumbered by an undisclosed prior lien, or (iv) subsequently giving a security interest in, or selling, a motor vehicle that secures a title loan to a third party, without the licensee's written consent.

§ 6.2-2218.1. Other business.

A licensee shall not conduct the business of making motor vehicle title loans under this chapter at any office, suite, room, or place of business where any other business is solicited or conducted except a registered check cashing business, a short-term loan business licensed under Chapter 18 (§ 6.2-1800 et seq.), or such other business as the Commission

determines should be permitted, and subject to such conditions as the Commission deems necessary and in the public interest. No such other business shall be allowed except as permitted by Commission regulation or upon the filing of a written application with the Commission, payment of a \$300 fee, or other reasonable amount that the Commissioner may set, and provision of such information as the Commission may deem pertinent. The Commission shall not, however, permit the sale of insurance or the enrolling of borrowers under group insurance policies. This section shall not apply to any other business that is transacted solely with persons residing outside the Commonwealth.

§ 6.2-2224. Validity of noncompliant loan agreement; private right of action.

A. If any provision of a motor vehicle title loan agreement violates a requirement of this chapter, such provision shall be unenforceable against the borrower.

B. Any person who suffers loss by reason of a violation of any provision of this chapter may bring a civil action to enforce such provision. Any person who is successful in such action shall recover reasonable attorney fees, expert witness fees, and court costs incurred by bringing such action.

§ 6.2-2226. Authority of Attorney General; referral by Commission to Attorney General.

A. If the Commission determines that a person is in violation of, or has violated, any provision of this chapter, the Commission may refer the information to the Attorney General and may request that the Attorney General investigate such violations. ~~In the case of~~ *With or without* such referral, the Attorney General is hereby authorized to seek to enjoin violations of this chapter. The circuit court having jurisdiction may enjoin such violations notwithstanding the existence of an adequate remedy at law.

B. ~~Upon such referral of the Commission, the~~ *The* Attorney General may also seek, and the circuit court may order or decree, damages and such other relief allowed by law, including restitution to the extent available to borrowers under applicable law. Persons entitled to any relief as authorized by this section shall be identified by order of the court within 180 days from the date of the order permanently enjoining the unlawful act or practice.

C. In any action brought by the Attorney General by virtue of the authority granted in this section, the Attorney General shall be entitled to seek reasonable attorney fees and costs.

§ 59.1-200. Prohibited practices.

A. The following fraudulent acts or practices committed by a supplier in connection with a consumer transaction are hereby declared unlawful:

1. Misrepresenting goods or services as those of another;
2. Misrepresenting the source, sponsorship, approval, or certification of goods or services;
3. Misrepresenting the affiliation, connection, or association of the supplier, or of the goods or services, with another;
4. Misrepresenting geographic origin in connection with goods or services;
5. Misrepresenting that goods or services have certain quantities, characteristics, ingredients, uses, or benefits;
6. Misrepresenting that goods or services are of a particular standard, quality, grade, style, or model;
7. Advertising or offering for sale goods that are used, secondhand, repossessed, defective, blemished, deteriorated, or reconditioned, or that are "seconds," irregulars, imperfects, or "not first class," without clearly and unequivocally indicating in the advertisement or offer for sale that the goods are used, secondhand, repossessed, defective, blemished, deteriorated, reconditioned, or are "seconds," irregulars, imperfects or "not first class";
8. Advertising goods or services with intent not to sell them as advertised, or with intent not to sell at the price or upon the terms advertised.

In any action brought under this subdivision, the refusal by any person, or any employee, agent, or servant thereof, to sell any goods or services advertised or offered for sale at the price or upon the terms advertised or offered, shall be prima facie evidence of a violation of this subdivision. This paragraph shall not apply when it is clearly and conspicuously stated in the advertisement or offer by which such goods or services are advertised or offered for sale, that the supplier or offeror has a limited quantity or amount of such goods or services for sale, and the supplier or offeror at the time of such advertisement or offer did in fact have or reasonably expected to have at least such quantity or amount for sale;

9. Making false or misleading statements of fact concerning the reasons for, existence of, or amounts of price reductions;

10. Misrepresenting that repairs, alterations, modifications, or services have been performed or parts installed;

11. Misrepresenting by the use of any written or documentary material that appears to be an invoice or bill for merchandise or services previously ordered;

12. Notwithstanding any other provision of law, using in any manner the words "wholesale," "wholesaler," "factory," or "manufacturer" in the supplier's name, or to describe the nature of the supplier's business, unless the supplier is actually engaged primarily in selling at wholesale or in manufacturing the goods or services advertised or offered for sale;

13. Using in any contract or lease any liquidated damage clause, penalty clause, or waiver of defense, or attempting to collect any liquidated damages or penalties under any clause, waiver, damages, or penalties that are void or unenforceable under any otherwise applicable laws of the Commonwealth, or under federal statutes or regulations;

13a. Failing to provide to a consumer, or failing to use or include in any written document or material provided to or executed by a consumer, in connection with a consumer transaction any statement, disclosure, notice, or other information however characterized when the supplier is required by 16 C.F.R. Part 433 to so provide, use, or include the statement, disclosure, notice, or other information in connection with the consumer transaction;

14. Using any other deception, fraud, false pretense, false promise, or misrepresentation in connection with a consumer transaction;
15. Violating any provision of § 3.2-6512, 3.2-6513, or 3.2-6516, relating to the sale of certain animals by pet dealers which is described in such sections, is a violation of this chapter;
16. Failing to disclose all conditions, charges, or fees relating to:
 - a. The return of goods for refund, exchange, or credit. Such disclosure shall be by means of a sign attached to the goods, or placed in a conspicuous public area of the premises of the supplier, so as to be readily noticeable and readable by the person obtaining the goods from the supplier. If the supplier does not permit a refund, exchange, or credit for return, he shall so state on a similar sign. The provisions of this subdivision shall not apply to any retail merchant who has a policy of providing, for a period of not less than 20 days after date of purchase, a cash refund or credit to the purchaser's credit card account for the return of defective, unused, or undamaged merchandise upon presentation of proof of purchase. In the case of merchandise paid for by check, the purchase shall be treated as a cash purchase and any refund may be delayed for a period of 10 banking days to allow for the check to clear. This subdivision does not apply to sale merchandise that is obviously distressed, out of date, post season, or otherwise reduced for clearance; nor does this subdivision apply to special order purchases where the purchaser has requested the supplier to order merchandise of a specific or unusual size, color, or brand not ordinarily carried in the store or the store's catalog; nor shall this subdivision apply in connection with a transaction for the sale or lease of motor vehicles, farm tractors, or motorcycles as defined in § 46.2-100;
 - b. A layaway agreement. Such disclosure shall be furnished to the consumer (i) in writing at the time of the layaway agreement, or (ii) by means of a sign placed in a conspicuous public area of the premises of the supplier, so as to be readily noticeable and readable by the consumer, or (iii) on the bill of sale. Disclosure shall include the conditions, charges, or fees in the event that a consumer breaches the agreement;
- 16a. Failing to provide written notice to a consumer of an existing open-end credit balance in excess of \$5 (i) on an account maintained by the supplier and (ii) resulting from such consumer's overpayment on such account. Suppliers shall give consumers written notice of such credit balances within 60 days of receiving overpayments. If the credit balance information is incorporated into statements of account furnished consumers by suppliers within such 60-day period, no separate or additional notice is required;
17. If a supplier enters into a written agreement with a consumer to resolve a dispute that arises in connection with a consumer transaction, failing to adhere to the terms and conditions of such an agreement;
18. Violating any provision of the Virginia Health Club Act, Chapter 24 (§ 59.1-294 et seq.);
19. Violating any provision of the Virginia Home Solicitation Sales Act, Chapter 2.1 (§ 59.1-21.1 et seq.);
20. Violating any provision of the Automobile Repair Facilities Act, Chapter 17.1 (§ 59.1-207.1 et seq.);
21. Violating any provision of the Virginia Lease-Purchase Agreement Act, Chapter 17.4 (§ 59.1-207.17 et seq.);
22. Violating any provision of the Prizes and Gifts Act, Chapter 31 (§ 59.1-415 et seq.);
23. Violating any provision of the Virginia Public Telephone Information Act, Chapter 32 (§ 59.1-424 et seq.);
24. Violating any provision of § 54.1-1505;
25. Violating any provision of the Motor Vehicle Manufacturers' Warranty Adjustment Act, Chapter 17.6 (§ 59.1-207.34 et seq.);
26. Violating any provision of § 3.2-5627, relating to the pricing of merchandise;
27. Violating any provision of the Pay-Per-Call Services Act, Chapter 33 (§ 59.1-429 et seq.);
28. Violating any provision of the Extended Service Contract Act, Chapter 34 (§ 59.1-435 et seq.);
29. Violating any provision of the Virginia Membership Camping Act, Chapter 25 (§ 59.1-311 et seq.);
30. Violating any provision of the Comparison Price Advertising Act, Chapter 17.7 (§ 59.1-207.40 et seq.);
31. Violating any provision of the Virginia Travel Club Act, Chapter 36 (§ 59.1-445 et seq.);
32. Violating any provision of §§ 46.2-1231 and 46.2-1233.1;
33. Violating any provision of Chapter 40 (§ 54.1-4000 et seq.) of Title 54.1;
34. Violating any provision of Chapter 10.1 (§ 58.1-1031 et seq.) of Title 58.1;
35. Using the consumer's social security number as the consumer's account number with the supplier, if the consumer has requested in writing that the supplier use an alternate number not associated with the consumer's social security number;
36. Violating any provision of Chapter 18 (§ 6.2-1800 et seq.) of Title 6.2;
37. Violating any provision of § 8.01-40.2;
38. Violating any provision of Article 7 (§ 32.1-212 et seq.) of Chapter 6 of Title 32.1;
39. Violating any provision of Chapter 34.1 (§ 59.1-441.1 et seq.);
40. Violating any provision of Chapter 20 (§ 6.2-2000 et seq.) of Title 6.2;
41. Violating any provision of the Virginia Post-Disaster Anti-Price Gouging Act, Chapter 46 (§ 59.1-525 et seq.);
42. Violating any provision of Chapter 47 (§ 59.1-530 et seq.);
43. Violating any provision of § 59.1-443.2;
44. Violating any provision of Chapter 48 (§ 59.1-533 et seq.);
45. Violating any provision of Chapter 25 (§ 6.2-2500 et seq.) of Title 6.2;
46. Violating the provisions of clause (i) of subsection B of § 54.1-1115;
47. Violating any provision of § 18.2-239;
48. Violating any provision of Chapter 26 (§ 59.1-336 et seq.);

49. Selling, offering for sale, or manufacturing for sale a children's product the supplier knows or has reason to know was recalled by the U.S. Consumer Product Safety Commission. There is a rebuttable presumption that a supplier has reason to know a children's product was recalled if notice of the recall has been posted continuously at least 30 days before the sale, offer for sale, or manufacturing for sale on the website of the U.S. Consumer Product Safety Commission. This prohibition does not apply to children's products that are used, secondhand or "seconds";

50. Violating any provision of Chapter 44.1 (§ 59.1-518.1 et seq.);

51. Violating any provision of Chapter 22 (§ 6.2-2200 et seq.) of Title 6.2;

52. Violating any provision of § 8.2-317.1;

53. Violating subsection A of § 9.1-149.1;

54. Selling, offering for sale, or using in the construction, remodeling, or repair of any residential dwelling in the Commonwealth, any drywall that the supplier knows or has reason to know is defective drywall. This subdivision shall not apply to the sale or offering for sale of any building or structure in which defective drywall has been permanently installed or affixed;

55. Engaging in fraudulent or improper or dishonest conduct as defined in § 54.1-1118 while engaged in a transaction that was initiated (i) during a declared state of emergency as defined in § 44-146.16 or (ii) to repair damage resulting from the event that prompted the declaration of a state of emergency, regardless of whether the supplier is licensed as a contractor in the Commonwealth pursuant to Chapter 11 (§ 54.1-1100 et seq.) of Title 54.1;

56. Violating any provision of Chapter 33.1 (§ 59.1-434.1 et seq.);

57. Violating any provision of § 18.2-178, 18.2-178.1, or 18.2-200.1;

58. Violating any provision of Chapter 17.8 (§ 59.1-207.45 et seq.);

59. Violating any provision of subsection E of § 32.1-126; **and**

60. Violating any provision of § 54.1-111 relating to the unlicensed practice of a profession licensed under Chapter 11 (§ 54.1-1100 et seq.) or Chapter 21 (§ 54.1-2100 et seq.) of Title 54.1; *and*

61. *Violating any provision of § 6.2-312.*

B. Nothing in this section shall be construed to invalidate or make unenforceable any contract or lease solely by reason of the failure of such contract or lease to comply with any other law of the Commonwealth or any federal statute or regulation, to the extent such other law, statute, or regulation provides that a violation of such law, statute, or regulation shall not invalidate or make unenforceable such contract or lease.

§ 59.1-335.5. Prohibited practices.

A credit services business, and its salespersons, agents and representatives, and independent contractors who sell or attempt to sell the services of a credit services business, shall not do any of the following:

1. Charge or receive any money or other valuable consideration prior to full and complete performance of the services that the credit services business has agreed to perform for or on behalf of the consumer, unless the consumer has agreed to pay for such services during the term of a written subscription agreement that provides for the consumer to make periodic payments during the agreement's term in consideration for the credit services business's ongoing performance of services for or on behalf of the consumer, provided that such subscription agreement may be cancelled at any time by the consumer;

2. Charge or receive any money or other valuable consideration solely for referral of the consumer to a retail seller or to any other credit grantor who will or may extend to the consumer, if the credit that is or will be extended to the consumer is upon substantially the same terms as those available to the general public;

3. Make, or counsel or advise any consumer to make, any statement that is untrue or misleading and which is known, or which by the exercise of reasonable care should be known, to be untrue or misleading, to a consumer reporting agency or to any person who has extended credit to a consumer or to whom a consumer is applying for an extension of credit, with respect to a consumer's creditworthiness, credit standing, or credit capacity; **or**

4. Make or use any untrue or misleading representations in the offer or sale of the services of a credit services business or engage, directly or indirectly, in any act, practice, or course of business which operates or would operate as a fraud or deception upon any person in connection with the offer or sale of the services of a credit services business; *or*

5. *Advertise, offer, sell, provide, or perform any of the services of a credit services business in connection with an extension of credit that meets any of the following conditions:*

a. The amount of credit is less than \$5,000;

b. The repayment term is one year or less;

c. The credit is provided under an open-end credit plan; or

d. The annual percentage rate exceeds 36 percent. For purposes of this section, "annual percentage rate" has the same meaning as in the federal Truth in Lending Act (15 U.S.C. § 1601 et seq.) and its implementing regulations, as they may be amended from time to time.

2. That § 6.2-1818 of the Code of Virginia is repealed.

3. That any person not licensed under Chapter 15 (§ 6.2-1500 et seq.), Chapter 18 (§ 6.2-1800 et seq.), or Chapter 22 (§ 6.2-2200 et seq.) of Title 6.2 of the Code of Virginia who will be required to be licensed when the provisions of the first and second enactments of this act become effective shall apply for a license on or before October 1, 2020. Any license issued by the State Corporation Commission to any such person prior to January 1, 2021, shall become effective January 1, 2021.

4. That every person licensed under Chapter 15 (§ 6.2-1500 et seq.) of Title 6.2 of the Code of Virginia shall, on or before January 1, 2021, file a surety bond with the Commissioner of Financial Institutions that meets the requirements of § 6.2-1523.3 of the Code of Virginia, as created by this act.

5. That the provisions of the first and second enactments of this act shall become effective on January 1, 2021, except that the database required by § 6.2-1810 of the Code of Virginia, as amended by this act, shall be modified to accommodate the provisions of this first enactment of this act by January 1, 2022.

CHAPTER 1216

An Act to amend and reenact § 40.1-6 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 2.2-4321.3, relating to prevailing wage requirement for public works contracts; penalty.

[H 833]

Approved April 22, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 40.1-6 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 2.2-4321.3 as follows:

§ 2.2-4321.3. Payment of prevailing wage for work performed on public works contracts; penalty.

A. As used in this section:

"Locality" means any county, city, or town, school division, or other political subdivision.

"Prevailing wage rate" means the rate, amount, or level of wages, salaries, benefits, and other remuneration prevailing for the corresponding classes of mechanics, laborers, or workers employed for the same work in the same trade or occupation in the locality in which the public facility or immovable property that is the subject of public works is located, as determined by the Commissioner of Labor and Industry on the basis of applicable prevailing wage rate determinations made by the U.S. Secretary of Labor under the provisions of the Davis-Bacon Act, 40 U.S.C. § 276 et seq., as amended.

"Public works" means the operation, erection, construction, alteration, improvement, maintenance, or repair of any public facility or immovable property owned, used, or leased by a state agency or locality.

"State agency" has the same meaning ascribed to such term in subsection A of § 2.2-4321.2.

B. Notwithstanding any other provision of this chapter, each state agency, when procuring services or letting contracts for public works paid for in whole or in part by state funds, or when overseeing or administering such contracts for public works, shall ensure that its bid specifications or other public contracts applicable to the public works require bidders, offerors, contractors, and subcontractors to pay wages, salaries, benefits, and other remuneration to any mechanic, laborer, or worker employed, retained, or otherwise hired to perform services in connection with the public contract for public works at the prevailing wage rate. Each public contract for public works by a state agency shall contain a provision requiring that the remuneration to any individual performing the work of any mechanic, laborer, or worker on the work contracted to be done under the public contract shall be at a rate equal to the prevailing wage rate.

C. Notwithstanding any other provision of this chapter, any locality may adopt an ordinance requiring that, when letting contracts for public works paid for in whole or in part by funds of the locality, or when overseeing or administering a public contract, its bid specifications, project agreements, or other public contracts applicable to the public works, bidders, offerors, contractors, and subcontractors shall pay wages, salaries, benefits, and other remuneration to any mechanic, laborer, or worker employed, retained, or otherwise hired to perform services in connection with the public contract at the prevailing wage rate. Each public contract of a locality that has adopted an ordinance described in this section shall contain a provision requiring that the remuneration to any individual performing the work of any mechanic, laborer, or worker on the work contracted to be done under the public contract shall be at a rate equal to the prevailing wage rate.

D. Any contractor or subcontractor who employs any mechanic, laborer, or worker to perform work contracted to be done under the public contract for public works for or on behalf of a state agency or for or on behalf of a locality that has adopted an ordinance described in subsection C or at a rate that is less than the prevailing wage rate (i) shall be liable to such individuals for the payment of all wages due, plus interest at an annual rate of eight percent accruing from the date the wages were due; and (ii) shall be disqualified from bidding on public contracts with any public body until the contractor or subcontractor has made full restitution of the amount described in clause (i) owed to such individuals. A contractor or subcontractor who willfully violates this section is guilty of a Class I misdemeanor.

E. Any interested party, which shall include a bidder, offeror, contractor, subcontractor, or operator, shall have standing to challenge any bid specification, project agreement, or other public contract for public works that violates the provisions of this section. Such interested party shall be entitled to injunctive relief to prevent any violation of this section. Any interested party bringing a successful action under this section shall be entitled to recover reasonable attorney fees and costs from the responsible party.

F. A representative of a state agency or a representative of a locality that has adopted an ordinance described in subsection C may contact the Commissioner of Labor and Industry, at least 10 but not more than 20 days prior to the date bids for such a public contract for public works will be advertised or solicited, to ascertain the proper prevailing wage rate for work to be performed under the public contract.

G. Upon the award of any public contract subject to the provisions of this section, the contractor to whom such contract is awarded shall certify, under oath, to the Commissioner of Labor and Industry the pay scale for each craft or trade employed on the project to be used by such contractor and any of the contractor's subcontractors for work to be performed under such public contract. This certification shall, for each craft or trade employed on the project, specify the total hourly amount to be paid to employees, including wages and applicable fringe benefits, provide an itemization of the amount paid in wages and each applicable benefit, and list the names and addresses of any third party fund, plan or program to which benefit payments will be made on behalf of employees.

H. Each employer subject to the provisions of this section shall keep, maintain, and preserve (i) records relating to the wages paid to and hours worked by each individual performing the work of any mechanic, laborer, or worker and (ii) a schedule of the occupation or work classification at which each individual performing the work of any mechanic, laborer, or worker on the public works project is employed during each work day and week. The employer shall preserve these records for a minimum of six years and make such records available to the Department of Labor and Industry within 10 days of a request and shall certify that records reflect the actual hours worked and the amount paid to its workers for whatever time period they request.

I. Contractors and subcontractors performing public works for a state agency or for a locality that has adopted an ordinance described in subsection C shall post the general prevailing wage rate for each craft and classification involved, as determined by the Commissioner of Labor and Industry, including the effective date of any changes thereof, in prominent and easily accessible places at the site of the work or at any such places as are used by the contractor or subcontractors to pay workers their wages. Within 10 days of such posting, a contractor or subcontractor shall certify to the Commissioner of Labor and Industry its compliance with this subsection.

J. The provisions of this section shall not apply to any public contract for public works of \$250,000 or less.

§ 40.1-6. Powers and duties of Commissioner.

The Commissioner shall:

- (1) 1. Have general supervision and control of the Department.;
- (2) 2. Enforce the provisions of this title and shall cause to be prosecuted all violations of law relating to employers or business establishments before any court of competent jurisdiction.;
- (3) 3. Make such rules and regulations as may be necessary for the enforcement of this title and procedural rules as are required to comply with the Federal federal Occupational Safety and Health Act of 1970 (P.L. 91-596). All such rules and regulations shall be subject to Chapter 40 (§ 2.2-4000 et seq.) of Title 2.2.;
- (4) 4. In the discharge of his duties, have power to take and preserve testimony, examine witnesses, and administer oaths and to file a written or printed list of relevant interrogatories and require full and complete answers to the same to be returned under oath within ~~thirty~~ 30 days of the receipt of such list of questions.;
- (5) 5. Have power to appoint such representatives as may be necessary to aid ~~him~~ the Commissioner in his work; ~~their~~, with the duties ~~shall be of such representatives to be prescribed by the Commissioner.~~
- (6) ~~[Repealed.]~~ 6. Determine the prevailing wage required to be paid under a public contract for public works as provided in § 2.2-4321.3 and perform all other duties imposed on the Commissioner under such section. Any determination of the prevailing wage rate made by the Commissioner shall be based on applicable prevailing wage rate determinations made by the U.S. Secretary of Labor under the provisions of the Davis-Bacon Act, 40 U.S.C. § 276 et seq., as amended.
- (7) 7. Have power to require that accident, injury, and occupational illness records and reports be kept at any place of employment and that such records and reports be made available to the Commissioner or his duly authorized representatives upon request. ~~Further, he may,~~ and to require employers to develop, maintain, and make available such other records and information as are deemed necessary for the proper enforcement of this title.;
- (8) 8. Have power, upon presenting appropriate credentials to the owner, operator, or agent in charge:
 - (a) a. To enter without delay and at reasonable times any business establishment, construction site, or other area, workplace, or environment where work is performed by an employee of any employer in this Commonwealth; and
 - (b) b. To inspect and investigate, during regular working hours and at other reasonable times, and within reasonable limits and in a reasonable manner, without prior notice, unless such notice is authorized by the Commissioner or his representative, any such business establishment or place of employment and all pertinent conditions, structures, machines, apparatus, devices, equipment, and materials therein, and to question privately any such employer, officer, owner, operator, agent, or employee. If such entry or inspection is refused, prohibited, or otherwise interfered with, the Commissioner shall have power to seek from a court having equity jurisdiction an order compelling such entry or inspection.;
- (9) 9. Make rules and regulations governing the granting of temporary or permanent variances from all standards promulgated by the Board under this title. Any interested or affected party may appeal to the Board, the Commissioner's determination to grant or deny such a variance. The Board may, as it sees fit, adopt, modify, or reject the determination of the Commissioner.;

~~(10) All~~ 10. Have authority to issue orders to protect the confidentiality of all information reported to or otherwise obtained by the Commissioner, the Board, or the agents or employees of either ~~which~~ that contains or might reveal a trade secret. Such information shall be confidential and shall be limited to those persons who need such information for purposes of enforcement of this title. ~~The Commissioner shall have authority to issue orders to protect the confidentiality of such information.~~ Violations of such orders shall be punishable as civil contempt upon application to the Circuit Court of the City

of Richmond. It shall be the duty of each employer to notify the Commissioner, or his representatives, of the existence of trade secrets where he desires the protection provided herein.

(14) 11. Serve as executive officer of the Virginia Safety and Health Codes Board and of the Apprenticeship Council and see that the rules, regulations, and policies that they promulgate are carried out.

2. That the provisions of this act shall become effective on May 1, 2021.

CHAPTER 1217

An Act to amend and reenact § 18.2-325 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 2.2-115.1 and 18.2-334.5, relating to illegal gambling; skill games; exception; COVID-19 Relief Fund created.

[H 881]

Approved April 22, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-325 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding sections numbered 2.2-115.1 and 18.2-334.5 as follows:

§ 2.2-115.1. COVID-19 Relief Fund.

There is hereby created in the state treasury a special nonreverting fund to be known as the COVID-19 Relief Fund, referred to in this section as "the Fund." The Fund shall be established on the books of the Comptroller. All funds appropriated to the Fund and any gifts, donations, grants, bequests, and other funds received on its behalf shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used by the Governor solely for the purposes of responding to the Commonwealth's needs related to the Coronavirus Disease of 2019 (COVID-19) pandemic. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Governor or his designee.

§ 18.2-325. Definitions.

1. "Illegal gambling" means the making, placing, or receipt of any bet or wager in the Commonwealth of money or other consideration or thing of value, made in exchange for a chance to win a prize, stake, or other consideration or thing of value, dependent upon the result of any game, contest, or any other event the outcome of which is uncertain or a matter of chance, whether such game, contest, or event occurs or is to occur inside or outside the limits of the Commonwealth.

For the purposes of this subdivision and notwithstanding any provision in this section to the contrary, the making, placing, or receipt of any bet or wager of money or other consideration or thing of value shall include the purchase of a product, Internet access, or other thing made in exchange for a chance to win a prize, stake, or other consideration or thing of value by means of the operation of a gambling device as described in subdivision 3 b, regardless of whether the chance to win such prize, stake, or other consideration or thing of value may be offered in the absence of a purchase.

"Illegal gambling" also means the playing or offering for play of any skill game.

2. "Interstate gambling" means the conduct of an enterprise for profit which engages in the purchase or sale within the Commonwealth of any interest in a lottery of another state or country whether or not such interest is an actual lottery ticket, receipt, contingent promise to pay, order to purchase, or other record of such interest.

3. "Gambling device" includes:

a. Any device, machine, paraphernalia, equipment, or other thing, including books, records and other papers, which are actually used in an illegal gambling operation or activity; **and**

b. Any machine, apparatus, implement, instrument, contrivance, board or other thing, or electronic or video versions thereof, including but not limited to those dependent upon the insertion of a coin or other object for their operation, which operates, either completely automatically or with the aid of some physical act by the player or operator, in such a manner that, depending upon elements of chance, it may eject something of value or determine the prize or other thing of value to which the player is entitled; provided, however, that the return to the user of nothing more than additional chances or the right to use such machine is not deemed something of value within the meaning of this subsection; and provided further, that machines that only sell, or entitle the user to, items of merchandise of equivalent value that may differ from each other in composition, size, shape or color, shall not be deemed gambling devices within the meaning of this subsection; *and*

c. *Skill games.*

Such devices are no less gambling devices if they indicate beforehand the definite result of one or more operations but not all the operations. Nor are they any less a gambling device because, apart from their use or adaptability as such, they may also sell or deliver something of value on a basis other than chance.

4. "Operator" includes any person, firm or association of persons, who conducts, finances, manages, supervises, directs or owns all or part of an illegal gambling enterprise, activity or operation.

5. *"Skill" means the knowledge, dexterity, or any other ability or expertise of a natural person.*

6. *"Skill game" means an electronic, computerized, or mechanical contrivance, terminal, machine, or other device that requires the insertion of a coin, currency, ticket, token, or similar object to operate, activate, or play a game, the outcome of*

which is determined by any element of skill of the player and that may deliver or entitle the person playing or operating the device to receive cash; cash equivalents, gift cards, vouchers, billets, tickets, tokens, or electronic credits to be exchanged for cash; merchandise; or anything of value whether the payoff is made automatically from the device or manually.

§ 18.2-334.5. Exemptions to article; certain skill games offered at family entertainment centers.

A. As used in this section:

"Coin-operated amusement games" means games that do not deliver or entitle the person playing or operating the game to receive cash; cash equivalents, gift cards, vouchers, billets, tickets, tokens, or electronic credits to be exchanged for cash; or merchandise or anything of value.

"Family entertainment center" means an establishment that (i) is located in a building that is owned, leased, or occupied by the establishment for the primary purpose of providing amusement and entertainment to the public; (ii) offers coin-operated amusement games and skill games pursuant to the exemption created by this section; and (iii) markets its business to families with children.

B. Notwithstanding the provisions of § 18.2-325, a person operating a family entertainment center may make skill games available for play if the prize won or distributed to a player is a noncash, merchandise prize or a voucher, billet, ticket, token, or electronic credit redeemable only for a noncash, merchandise prize (i) the value of which does not exceed the cost of playing the skill game or the total aggregate cost of playing multiple skill games; (ii) that is not and does not include an alcoholic beverage; (iii) that is not eligible for repurchase; and (iv) that is not exchangeable for cash, cash equivalents, or anything of value whatsoever.

2. That until July 1, 2021, distributors shall remit a monthly tax to the Department of Taxation (the Department) of \$1,200 for each skill game that such distributor provided for play in Virginia during the previous month. The Department shall allocate (i) two percent of the tax revenue collected pursuant to the second enactment of this act to the Problem Gambling Treatment and Support Fund, created pursuant to legislation enacted during the 2020 Regular Session of the General Assembly; (ii) two percent of the tax revenue collected pursuant to the second enactment of this act to the Virginia Alcoholic Beverage Control Authority (the Authority) for the purposes of implementing the second, third, fourth, fifth, sixth, and seventh enactments of this act; (iii) 12 percent of the tax revenue collected pursuant to the second enactment of this act to the localities in which the skill games are located; and (iv) 84 percent of the tax revenue collected pursuant to the second enactment of this act to the COVID-19 Relief Fund established pursuant to § 2.2-115.1 of the Code of Virginia, as created by this act. Allocation of funds by the Department pursuant to the second enactment of this act shall occur no later than 60 days after such funds are collected. For purposes of the second, third, fourth, fifth, and sixth enactments of this act, "distributor" means any person that (i) manufactures and sells skill games, including software and hardware, and distributes such devices to an ABC retail licensee or a truck stop or (ii) purchases or leases skill games from a manufacturer and provides such devices to an ABC retail licensee or a truck stop, and who otherwise maintains such games and is otherwise responsible for on-site data collection and accounting. For purposes of the second, third, fourth, fifth, and sixth enactments of this act, "ABC retail licensee" means a person licensed by the Authority pursuant to Title 4.1 of the Code of Virginia. For purposes of the second, third, fourth, fifth, and sixth enactments of this act, "truck stop" means an establishment (i) that is equipped with diesel islands used for fueling commercial motor vehicles; (ii) has sold, on average, at least 50,000 gallons of diesel or biodiesel fuel each month for the previous 12 months, or is projected to sell an average of at least 50,000 gallons of diesel or biodiesel fuel each month for the next 12 months; (iii) has parking spaces dedicated to commercial motor vehicles; (iv) has a convenience store; and (v) is situated on not less than three acres of land that the establishment owns or leases.

3. That, beginning July 1, 2020, and each month following until July 1, 2021, distributors shall provide a report to the Virginia Alcoholic Beverage Control Authority (the Authority), in such form as required by the Authority, detailing (i) the total number of skill games provided for play in Virginia by the distributor, (ii) the address of each location where skill games are provided for play in Virginia by the distributor, (iii) the total number of skill games provided for play by the distributor at each respective location, (iv) the total amount wagered during the previous month on each skill game provided for play in Virginia by the distributor at each respective location where the skill game was provided, and (v) the total amount of prizes or winnings awarded during the previous month on each skill game provided for play in Virginia by the distributor at each respective location where the skill game was provided. The Authority shall aggregate information collected pursuant to this enactment and report it to the Governor, the Chairman of the Senate Committee on Finance and Appropriations, and the Chairmen of the House Committees on Appropriations and Finance on a monthly basis.

4. That the total number of machines provided for play in Virginia by a distributor shall not exceed the total number of machines reported by that distributor to the Virginia Alcoholic Beverage Control Authority on July 1, 2020, pursuant to the third enactment of this act.

5. That only those skill games that were provided by a distributor and available for play in ABC retail licensees and truck stops on June 30, 2020, may continue to operate on or after July 1, 2020.

6. That any distributor found by the Virginia Alcoholic Beverage Control Authority (the Authority) to be in violation of the second, third, fourth, or fifth enactments of this act shall be subject to a civil penalty of not less than \$25,000 and not more than \$50,000 per incident. Civil penalties collected pursuant to the sixth enactment of this act shall be

paid to the Authority and remitted by the Authority to the COVID-19 Relief Fund established pursuant to § 2.2-115.1 of the Code of Virginia, as created by this act.

7. That, notwithstanding the provisions of § 58.1-3 of the Code of Virginia, the Department of Taxation shall be permitted to disclose information to the Virginia Alcoholic Beverage Control Authority regarding the tax remitted by any distributor pursuant to the second enactment of this act.

8. That the second, third, fourth, fifth, sixth, and seventh enactments of this act shall expire on July 1, 2021.

9. That the provisions of the first enactment of this act amending the Code of Virginia by adding a section numbered 2.2-115.1 shall become effective on July 1, 2020, and that the remaining provisions of the first enactment of this act shall become effective on July 1, 2021.

CHAPTER 1218

An Act to amend and reenact §§ 2.2-3705.7, 2.2-3711, 18.2-334.3, 37.2-304, 58.1-4000, 58.1-4002, 58.1-4007, 58.1-4027, 59.1-364, and 59.1-569 of the Code of Virginia; to amend the Code of Virginia by adding in Chapter 3 of Title 11 a section numbered 11-16.1, by adding in Article 1 of Chapter 3 of Title 37.2 a section numbered 37.2-314.1, by adding a section numbered 58.1-4015.1, and by adding in Chapter 40 of Title 58.1 an article numbered 2, consisting of sections numbered 58.1-4030 through 58.1-4047, relating to sports betting.

[H 896]

Approved April 22, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-3705.7, 2.2-3711, 18.2-334.3, 37.2-304, 58.1-4000, 58.1-4002, 58.1-4007, 58.1-4027, 59.1-364, and 59.1-569 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Chapter 3 of Title 11 a section numbered 11-16.1, by adding in Article 1 of Chapter 3 of Title 37.2 a section numbered 37.2-314.1, by adding a section numbered 58.1-4015.1, and by adding in Chapter 40 of Title 58.1 an article numbered 2, consisting of sections numbered 58.1-4030 through 58.1-4047, as follows:

§ 2.2-3705.7. Exclusions to application of chapter; records of specific public bodies and certain other limited exclusions.

The following information contained in a public record is excluded from the mandatory disclosure provisions of this chapter but may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law. Redaction of information excluded under this section from a public record shall be conducted in accordance with § 2.2-3704.01.

1. State income, business, and estate tax returns, personal property tax returns, and confidential records held pursuant to § 58.1-3.

2. Working papers and correspondence of the Office of the Governor, the Lieutenant Governor, or the Attorney General; the members of the General Assembly, the Division of Legislative Services, or the Clerks of the House of Delegates or the Senate of Virginia; the mayor or chief executive officer of any political subdivision of the Commonwealth; or the president or other chief executive officer of any public institution of higher education in the Commonwealth. However, no information that is otherwise open to inspection under this chapter shall be deemed excluded by virtue of the fact that it has been attached to or incorporated within any working paper or correspondence. Further, information publicly available or not otherwise subject to an exclusion under this chapter or other provision of law that has been aggregated, combined, or changed in format without substantive analysis or revision shall not be deemed working papers. Nothing in this subdivision shall be construed to authorize the withholding of any resumes or applications submitted by persons who are appointed by the Governor pursuant to § 2.2-106 or 2.2-107.

As used in this subdivision:

"Members of the General Assembly" means each member of the Senate of Virginia and the House of Delegates and their legislative aides when working on behalf of such member.

"Office of the Governor" means the Governor; the Governor's chief of staff, counsel, director of policy, and Cabinet Secretaries; the Assistant to the Governor for Intergovernmental Affairs; and those individuals to whom the Governor has delegated his authority pursuant to § 2.2-104.

"Working papers" means those records prepared by or for a public official identified in this subdivision for his personal or deliberative use.

3. Information contained in library records that can be used to identify (i) both (a) any library patron who has borrowed material from a library and (b) the material such patron borrowed or (ii) any library patron under 18 years of age. For the purposes of clause (ii), access shall not be denied to the parent, including a noncustodial parent, or guardian of such library patron.

4. Contract cost estimates prepared for the confidential use of the Department of Transportation in awarding contracts for construction or the purchase of goods or services, and records and automated systems prepared for the Department's Bid Analysis and Monitoring Program.

5. Lists of registered owners of bonds issued by a political subdivision of the Commonwealth, whether the lists are maintained by the political subdivision itself or by a single fiduciary designated by the political subdivision.

6. Information furnished by a member of the General Assembly to a meeting of a standing committee, special committee, or subcommittee of his house established solely for the purpose of reviewing members' annual disclosure statements and supporting materials filed under § 30-110 or of formulating advisory opinions to members on standards of conduct, or both.

7. Customer account information of a public utility affiliated with a political subdivision of the Commonwealth, including the customer's name and service address, but excluding the amount of utility service provided and the amount of money charged or paid for such utility service.

8. Personal information, as defined in § 2.2-3801, (i) filed with the Virginia Housing Development Authority concerning individuals who have applied for or received loans or other housing assistance or who have applied for occupancy of or have occupied housing financed, owned or otherwise assisted by the Virginia Housing Development Authority; (ii) concerning persons participating in or persons on the waiting list for federally funded rent-assistance programs; (iii) filed with any local redevelopment and housing authority created pursuant to § 36-4 concerning persons participating in or persons on the waiting list for housing assistance programs funded by local governments or by any such authority; or (iv) filed with any local redevelopment and housing authority created pursuant to § 36-4 or any other local government agency concerning persons who have applied for occupancy or who have occupied affordable dwelling units established pursuant to § 15.2-2304 or 15.2-2305. However, access to one's own information shall not be denied.

9. Information regarding the siting of hazardous waste facilities, except as provided in § 10.1-1441, if disclosure of such information would have a detrimental effect upon the negotiating position of a governing body or on the establishment of the terms, conditions, and provisions of the siting agreement.

10. Information on the site-specific location of rare, threatened, endangered, or otherwise imperiled plant and animal species, natural communities, caves, and significant historic and archaeological sites if, in the opinion of the public body that has the responsibility for such information, disclosure of the information would jeopardize the continued existence or the integrity of the resource. This exclusion shall not apply to requests from the owner of the land upon which the resource is located.

11. Memoranda, graphics, video or audio tapes, production models, data, and information of a proprietary nature produced by or for or collected by or for the Virginia Lottery relating to matters of a specific lottery game design, development, production, operation, ticket price, prize structure, manner of selecting the winning ticket, manner of payment of prizes to holders of winning tickets, frequency of drawings or selections of winning tickets, odds of winning, advertising, or marketing, where such information not been publicly released, published, copyrighted, or patented. Whether released, published, or copyrighted, all game-related information shall be subject to public disclosure under this chapter upon the first day of sales for the specific lottery game to which it pertains.

12. Information held by the Virginia Retirement System, acting pursuant to § 51.1-124.30, or a local retirement system, acting pursuant to § 51.1-803, or by a local finance board or board of trustees of a trust established by one or more local public bodies to invest funds for post-retirement benefits other than pensions, acting pursuant to Article 8 (§ 15.2-1544 et seq.) of Chapter 15 of Title 15.2, or by the board of visitors of the University of Virginia, acting pursuant to § 23.1-2210, or by the board of visitors of The College of William and Mary in Virginia, acting pursuant to § 23.1-2803, or by the Virginia College Savings Plan, acting pursuant to § 23.1-704, relating to the acquisition, holding, or disposition of a security or other ownership interest in an entity, where such security or ownership interest is not traded on a governmentally regulated securities exchange, if disclosure of such information would (i) reveal confidential analyses prepared for the board of visitors of the University of Virginia, prepared for the board of visitors of The College of William and Mary in Virginia, prepared by the retirement system, a local finance board or board of trustees, or the Virginia College Savings Plan, or provided to the retirement system, a local finance board or board of trustees, or the Virginia College Savings Plan under a promise of confidentiality of the future value of such ownership interest or the future financial performance of the entity and (ii) have an adverse effect on the value of the investment to be acquired, held, or disposed of by the retirement system, a local finance board or board of trustees, the board of visitors of the University of Virginia, the board of visitors of The College of William and Mary in Virginia, or the Virginia College Savings Plan. Nothing in this subdivision shall be construed to prevent the disclosure of information relating to the identity of any investment held, the amount invested, or the present value of such investment.

13. Financial, medical, rehabilitative, and other personal information concerning applicants for or recipients of loan funds submitted to or maintained by the Assistive Technology Loan Fund Authority under Chapter 11 (§ 51.5-53 et seq.) of Title 51.5.

14. Information held by the Virginia Commonwealth University Health System Authority pertaining to any of the following: an individual's qualifications for or continued membership on its medical or teaching staffs; proprietary information gathered by or in the possession of the Authority from third parties pursuant to a promise of confidentiality; contract cost estimates prepared for confidential use in awarding contracts for construction or the purchase of goods or services; information of a proprietary nature produced or collected by or for the Authority or members of its medical or teaching staffs; financial statements not publicly available that may be filed with the Authority from third parties; the identity, accounts, or account status of any customer of the Authority; consulting or other reports paid for by the Authority to assist the Authority in connection with its strategic planning and goals; the determination of marketing and operational strategies where disclosure of such strategies would be harmful to the competitive position of the Authority; and information of a proprietary nature produced or collected by or for employees of the Authority, other than the Authority's

financial or administrative records, in the conduct of or as a result of study or research on medical, scientific, technical, or scholarly issues, whether sponsored by the Authority alone or in conjunction with a governmental body or a private concern, when such information has not been publicly released, published, copyrighted, or patented. This exclusion shall also apply when such information is in the possession of Virginia Commonwealth University.

15. Information held by the Department of Environmental Quality, the State Water Control Board, the State Air Pollution Control Board, or the Virginia Waste Management Board relating to (i) active federal environmental enforcement actions that are considered confidential under federal law and (ii) enforcement strategies, including proposed sanctions for enforcement actions. Upon request, such information shall be disclosed after a proposed sanction resulting from the investigation has been proposed to the director of the agency. This subdivision shall not be construed to prevent the disclosure of information related to inspection reports, notices of violation, and documents detailing the nature of any environmental contamination that may have occurred or similar documents.

16. Information related to the operation of toll facilities that identifies an individual, vehicle, or travel itinerary, including vehicle identification data or vehicle enforcement system information; video or photographic images; Social Security or other identification numbers appearing on driver's licenses; credit card or bank account data; home addresses; phone numbers; or records of the date or time of toll facility use.

17. Information held by the Virginia Lottery pertaining to (i) the social security number, tax identification number, state sales tax number, home address and telephone number, personal and lottery banking account and transit numbers of a retailer, and financial information regarding the nonlottery operations of specific retail locations and (ii) individual lottery winners, except that a winner's name, hometown, and amount won shall be disclosed. If the value of the prize won by the winner exceeds \$10 million, the information described in clause (ii) shall not be disclosed unless the winner consents in writing to such disclosure.

18. Information held by the Board for Branch Pilots relating to the chemical or drug testing of a person regulated by the Board, where such person has tested negative or has not been the subject of a disciplinary action by the Board for a positive test result.

19. Information pertaining to the planning, scheduling, and performance of examinations of holder records pursuant to the Virginia Disposition of Unclaimed Property Act (§ 55.1-2500 et seq.) prepared by or for the State Treasurer or his agents or employees or persons employed to perform an audit or examination of holder records.

20. Information held by the Virginia Department of Emergency Management or a local governing body relating to citizen emergency response teams established pursuant to an ordinance of a local governing body that reveal the name, address, including e-mail address, telephone or pager numbers, or operating schedule of an individual participant in the program.

21. Information held by state or local park and recreation departments and local and regional park authorities concerning identifiable individuals under the age of 18 years. However, nothing in this subdivision shall operate to prevent the disclosure of information defined as directory information under regulations implementing the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, unless the public body has undertaken the parental notification and opt-out requirements provided by such regulations. Access shall not be denied to the parent, including a noncustodial parent, or guardian of such person, unless the parent's parental rights have been terminated or a court of competent jurisdiction has restricted or denied such access. For such information of persons who are emancipated, the right of access may be asserted by the subject thereof. Any parent or emancipated person who is the subject of the information may waive, in writing, the protections afforded by this subdivision. If the protections are so waived, the public body shall open such information for inspection and copying.

22. Information submitted for inclusion in the Statewide Alert Network administered by the Department of Emergency Management that reveal names, physical addresses, email addresses, computer or internet protocol information, telephone numbers, pager numbers, other wireless or portable communications device information, or operating schedules of individuals or agencies, where the release of such information would compromise the security of the Statewide Alert Network or individuals participating in the Statewide Alert Network.

23. Information held by the Judicial Inquiry and Review Commission made confidential by § 17.1-913.

24. Information held by the Virginia Retirement System acting pursuant to § 51.1-124.30, a local retirement system acting pursuant to § 51.1-803 (hereinafter collectively referred to as the retirement system), or the Virginia College Savings Plan, acting pursuant to § 23.1-704 relating to:

a. Internal deliberations of or decisions by the retirement system or the Virginia College Savings Plan on the pursuit of particular investment strategies, or the selection or termination of investment managers, prior to the execution of such investment strategies or the selection or termination of such managers, if disclosure of such information would have an adverse impact on the financial interest of the retirement system or the Virginia College Savings Plan; and

b. Trade secrets provided by a private entity to the retirement system or the Virginia College Savings Plan if disclosure of such records would have an adverse impact on the financial interest of the retirement system or the Virginia College Savings Plan.

For the records specified in subdivision b to be excluded from the provisions of this chapter, the entity shall make a written request to the retirement system or the Virginia College Savings Plan:

(1) Invoking such exclusion prior to or upon submission of the data or other materials for which protection from disclosure is sought;

(2) Identifying with specificity the data or other materials for which protection is sought; and

(3) Stating the reasons why protection is necessary.

The retirement system or the Virginia College Savings Plan shall determine whether the requested exclusion from disclosure meets the requirements set forth in subdivision b.

Nothing in this subdivision shall be construed to prevent the disclosure of the identity or amount of any investment held or the present value and performance of all asset classes and subclasses.

25. Information held by the Department of Corrections made confidential by § 53.1-233.

26. Information maintained by the Department of the Treasury or participants in the Local Government Investment Pool (§ 2.2-4600 et seq.) and required to be provided by such participants to the Department to establish accounts in accordance with § 2.2-4602.

27. Personal information, as defined in § 2.2-3801, contained in the Veterans Care Center Resident Trust Funds concerning residents or patients of the Department of Veterans Services Care Centers, except that access shall not be denied to the person who is the subject of the information.

28. Information maintained in connection with fundraising activities by the Veterans Services Foundation pursuant to § 2.2-2716 that reveal the address, electronic mail address, facsimile or telephone number, social security number or other identification number appearing on a driver's license, or credit card or bank account data of identifiable donors, except that access shall not be denied to the person who is the subject of the information. Nothing in this subdivision, however, shall be construed to prevent the disclosure of information relating to the amount, date, purpose, and terms of the pledge or donation or the identity of the donor, unless the donor has requested anonymity in connection with or as a condition of making a pledge or donation. The exclusion provided by this subdivision shall not apply to protect from disclosure (i) the identities of sponsors providing grants to or contracting with the foundation for the performance of services or other work or (ii) the terms and conditions of such grants or contracts.

29. Information prepared for and utilized by the Commonwealth's Attorneys' Services Council in the training of state prosecutors or law-enforcement personnel, where such information is not otherwise available to the public and the disclosure of such information would reveal confidential strategies, methods, or procedures to be employed in law-enforcement activities or materials created for the investigation and prosecution of a criminal case.

30. Information provided to the Department of Aviation by other entities of the Commonwealth in connection with the operation of aircraft where the information would not be subject to disclosure by the entity providing the information. The entity providing the information to the Department of Aviation shall identify the specific information to be protected and the applicable provision of this chapter that excludes the information from mandatory disclosure.

31. Information created or maintained by or on the behalf of the judicial performance evaluation program related to an evaluation of any individual justice or judge made confidential by § 17.1-100.

32. Information reflecting the substance of meetings in which (i) individual sexual assault cases are discussed by any sexual assault response team established pursuant to § 15.2-1627.4, (ii) individual child abuse or neglect cases or sex offenses involving a child are discussed by multidisciplinary child sexual abuse response teams established pursuant to § 15.2-1627.5, or (iii) individual cases of abuse, neglect, or exploitation of adults as defined in § 63.2-1603 are discussed by multidisciplinary teams established pursuant to §§ 15.2-1627.5 and 63.2-1605. The findings of any such team may be disclosed or published in statistical or other aggregated form that does not disclose the identity of specific individuals.

33. Information contained in the strategic plan, marketing plan, or operational plan prepared by the Virginia Economic Development Partnership Authority pursuant to § 2.2-2237.1 regarding target companies, specific allocation of resources and staff for marketing activities, and specific marketing activities that would reveal to the Commonwealth's competitors for economic development projects the strategies intended to be deployed by the Commonwealth, thereby adversely affecting the financial interest of the Commonwealth. The executive summaries of the strategic plan, marketing plan, and operational plan shall not be redacted or withheld pursuant to this subdivision.

34. Information discussed in a closed session of the Physical Therapy Compact Commission or the Executive Board or other committees of the Commission for purposes set forth in subsection E of § 54.1-3491.

35. *Personal information provided to or obtained by the Virginia Lottery in connection with the voluntary exclusion program administered pursuant to § 58.1-4015.1.*

36. *Personal information provided to or obtained by the Virginia Lottery concerning the identity of any person reporting prohibited conduct pursuant to § 58.1-4043.*

§ 2.2-3711. Closed meetings authorized for certain limited purposes.

A. Public bodies may hold closed meetings only for the following purposes:

1. Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body; and evaluation of performance of departments or schools of public institutions of higher education where such evaluation will necessarily involve discussion of the performance of specific individuals. Any teacher shall be permitted to be present during a closed meeting in which there is a discussion or consideration of a disciplinary matter that involves the teacher and some student and the student involved in the matter is present, provided the teacher makes a written request to be present to the presiding officer of the appropriate board. Nothing in this subdivision, however, shall be construed to authorize a closed meeting by a local governing body or an elected school board to discuss compensation matters that affect the membership of such body or board collectively.

2. Discussion or consideration of admission or disciplinary matters or any other matters that would involve the disclosure of information contained in a scholastic record concerning any student of any public institution of higher education in the Commonwealth or any state school system. However, any such student, legal counsel and, if the student is a minor, the student's parents or legal guardians shall be permitted to be present during the taking of testimony or presentation of evidence at a closed meeting, if such student, parents, or guardians so request in writing and such request is submitted to the presiding officer of the appropriate board.

3. Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

4. The protection of the privacy of individuals in personal matters not related to public business.

5. Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community.

6. Discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected.

7. Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body. For the purposes of this subdivision, "probable litigation" means litigation that has been specifically threatened or on which the public body or its legal counsel has a reasonable basis to believe will be commenced by or against a known party. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.

8. Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.

9. Discussion or consideration by governing boards of public institutions of higher education of matters relating to gifts, bequests and fund-raising activities, and of grants and contracts for services or work to be performed by such institution. However, the terms and conditions of any such gifts, bequests, grants, and contracts made by a foreign government, a foreign legal entity, or a foreign person and accepted by a public institution of higher education in the Commonwealth shall be subject to public disclosure upon written request to the appropriate board of visitors. For the purpose of this subdivision, (i) "foreign government" means any government other than the United States government or the government of a state or a political subdivision thereof, (ii) "foreign legal entity" means any legal entity (a) created under the laws of the United States or of any state thereof if a majority of the ownership of the stock of such legal entity is owned by foreign governments or foreign persons or if a majority of the membership of any such entity is composed of foreign persons or foreign legal entities or (b) created under the laws of a foreign government, and (iii) "foreign person" means any individual who is not a citizen or national of the United States or a trust territory or protectorate thereof.

10. Discussion or consideration by the boards of trustees of the Virginia Museum of Fine Arts, the Virginia Museum of Natural History, the Jamestown-Yorktown Foundation, the Fort Monroe Authority, and The Science Museum of Virginia of matters relating to specific gifts, bequests, and grants from private sources.

11. Discussion or consideration of honorary degrees or special awards.

12. Discussion or consideration of tests, examinations, or other information used, administered, or prepared by a public body and subject to the exclusion in subdivision 4 of § 2.2-3705.1.

13. Discussion, consideration, or review by the appropriate House or Senate committees of possible disciplinary action against a member arising out of the possible inadequacy of the disclosure statement filed by the member, provided the member may request in writing that the committee meeting not be conducted in a closed meeting.

14. Discussion of strategy with respect to the negotiation of a hazardous waste siting agreement or to consider the terms, conditions, and provisions of a hazardous waste siting agreement if the governing body in open meeting finds that an open meeting will have an adverse effect upon the negotiating position of the governing body or the establishment of the terms, conditions and provisions of the siting agreement, or both. All discussions with the applicant or its representatives may be conducted in a closed meeting.

15. Discussion by the Governor and any economic advisory board reviewing forecasts of economic activity and estimating general and nongeneral fund revenues.

16. Discussion or consideration of medical and mental health records subject to the exclusion in subdivision 1 of § 2.2-3705.5.

17. Deliberations of the Virginia Lottery Board in a licensing appeal action conducted pursuant to subsection D of § 58.1-4007 regarding the denial or revocation of a license of a lottery sales agent; and discussion, consideration or review of Virginia Lottery matters related to proprietary lottery game information and studies or investigations excluded from disclosure under subdivision 6 of § 2.2-3705.3 and subdivision 11 of § 2.2-3705.7.

18. Those portions of meetings in which the Board of Corrections discusses or discloses the identity of, or information tending to identify, any prisoner who (i) provides information about crimes or criminal activities, (ii) renders assistance in preventing the escape of another prisoner or in the apprehension of an escaped prisoner, or (iii) voluntarily or at the instance

of a prison official renders other extraordinary services, the disclosure of which is likely to jeopardize the prisoner's life or safety.

19. Discussion of plans to protect public safety as it relates to terrorist activity or specific cybersecurity threats or vulnerabilities and briefings by staff members, legal counsel, or law-enforcement or emergency service officials concerning actions taken to respond to such matters or a related threat to public safety; discussion of information subject to the exclusion in subdivision 2 or 14 of § 2.2-3705.2, where discussion in an open meeting would jeopardize the safety of any person or the security of any facility, building, structure, information technology system, or software program; or discussion of reports or plans related to the security of any governmental facility, building or structure, or the safety of persons using such facility, building or structure.

20. Discussion by the Board of the Virginia Retirement System, acting pursuant to § 51.1-124.30, or of any local retirement system, acting pursuant to § 51.1-803, or by a local finance board or board of trustees of a trust established by one or more local public bodies to invest funds for postemployment benefits other than pensions, acting pursuant to Article 8 (§ 15.2-1544 et seq.) of Chapter 15 of Title 15.2, or by the board of visitors of the University of Virginia, acting pursuant to § 23.1-2210, or by the Board of the Virginia College Savings Plan, acting pursuant to § 23.1-706, regarding the acquisition, holding or disposition of a security or other ownership interest in an entity, where such security or ownership interest is not traded on a governmentally regulated securities exchange, to the extent that such discussion (i) concerns confidential analyses prepared for the board of visitors of the University of Virginia, prepared by the retirement system, or a local finance board or board of trustees, or the Virginia College Savings Plan or provided to the retirement system, a local finance board or board of trustees, or the Virginia College Savings Plan under a promise of confidentiality, of the future value of such ownership interest or the future financial performance of the entity, and (ii) would have an adverse effect on the value of the investment to be acquired, held, or disposed of by the retirement system, a local finance board or board of trustees, the board of visitors of the University of Virginia, or the Virginia College Savings Plan. Nothing in this subdivision shall be construed to prevent the disclosure of information relating to the identity of any investment held, the amount invested or the present value of such investment.

21. Those portions of meetings in which individual child death cases are discussed by the State Child Fatality Review Team established pursuant to § 32.1-283.1, those portions of meetings in which individual child death cases are discussed by a regional or local child fatality review team established pursuant to § 32.1-283.2, those portions of meetings in which individual death cases are discussed by family violence fatality review teams established pursuant to § 32.1-283.3, those portions of meetings in which individual adult death cases are discussed by the state Adult Fatality Review Team established pursuant to § 32.1-283.5, those portions of meetings in which individual adult death cases are discussed by a local or regional adult fatality review team established pursuant to § 32.1-283.6, those portions of meetings in which individual death cases are discussed by overdose fatality review teams established pursuant to § 32.1-283.7, and those portions of meetings in which individual maternal death cases are discussed by the Maternal Mortality Review Team pursuant to § 32.1-283.8.

22. Those portions of meetings of the board of visitors of the University of Virginia or the Eastern Virginia Medical School Board of Visitors, as the case may be, and those portions of meetings of any persons to whom management responsibilities for the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, have been delegated, in which there is discussed proprietary, business-related information pertaining to the operations of the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, including business development or marketing strategies and activities with existing or future joint venturers, partners, or other parties with whom the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, has formed, or forms, any arrangement for the delivery of health care, if disclosure of such information would adversely affect the competitive position of the Medical Center or Eastern Virginia Medical School, as the case may be.

23. Discussion or consideration by the Virginia Commonwealth University Health System Authority or the board of visitors of Virginia Commonwealth University of any of the following: the acquisition or disposition by the Authority of real property, equipment, or technology software or hardware and related goods or services, where disclosure would adversely affect the bargaining position or negotiating strategy of the Authority; matters relating to gifts or bequests to, and fund-raising activities of, the Authority; grants and contracts for services or work to be performed by the Authority; marketing or operational strategies plans of the Authority where disclosure of such strategies or plans would adversely affect the competitive position of the Authority; and members of the Authority's medical and teaching staffs and qualifications for appointments thereto.

24. Those portions of the meetings of the Health Practitioners' Monitoring Program Committee within the Department of Health Professions to the extent such discussions identify any practitioner who may be, or who actually is, impaired pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1.

25. Meetings or portions of meetings of the Board of the Virginia College Savings Plan wherein personal information, as defined in § 2.2-3801, which has been provided to the Board or its employees by or on behalf of individuals who have requested information about, applied for, or entered into prepaid tuition contracts or savings trust account agreements pursuant to Chapter 7 (§ 23.1-700 et seq.) of Title 23.1 is discussed.

26. Discussion or consideration, by the former Wireless Carrier E-911 Cost Recovery Subcommittee created pursuant to former § 56-484.15, of trade secrets submitted by CMRS providers, as defined in § 56-484.12, related to the provision of wireless E-911 service.

27. Those portions of disciplinary proceedings by any regulatory board within the Department of Professional and Occupational Regulation, Department of Health Professions, or the Board of Accountancy conducted pursuant to § 2.2-4019 or 2.2-4020 during which the board deliberates to reach a decision or meetings of health regulatory boards or conference committees of such boards to consider settlement proposals in pending disciplinary actions or modifications to previously issued board orders as requested by either of the parties.

28. Discussion or consideration of information subject to the exclusion in subdivision 11 of § 2.2-3705.6 by a responsible public entity or an affected locality or public entity, as those terms are defined in § 33.2-1800, or any independent review panel appointed to review information and advise the responsible public entity concerning such records.

29. Discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body.

30. Discussion or consideration of grant or loan application information subject to the exclusion in subdivision 17 of § 2.2-3705.6 by (i) the Commonwealth Health Research Board or (ii) the Innovation and Entrepreneurship Investment Authority or the Research and Technology Investment Advisory Committee appointed to advise the Innovation and Entrepreneurship Investment Authority.

31. Discussion or consideration by the Commitment Review Committee of information subject to the exclusion in subdivision 5 of § 2.2-3705.2 relating to individuals subject to commitment as sexually violent predators under Chapter 9 (§ 37.2-900 et seq.) of Title 37.2.

32. Discussion or consideration of confidential proprietary information and trade secrets developed and held by a local public body providing certain telecommunication services or cable television services and subject to the exclusion in subdivision 18 of § 2.2-3705.6. However, the exemption provided by this subdivision shall not apply to any authority created pursuant to the BVU Authority Act (§ 15.2-7200 et seq.).

33. Discussion or consideration by a local authority created in accordance with the Virginia Wireless Service Authorities Act (§ 15.2-5431.1 et seq.) of confidential proprietary information and trade secrets subject to the exclusion in subdivision 19 of § 2.2-3705.6.

34. Discussion or consideration by the State Board of Elections or local electoral boards of voting security matters made confidential pursuant to § 24.2-410.2 or 24.2-625.1.

35. Discussion or consideration by the Forensic Science Board or the Scientific Advisory Committee created pursuant to Article 2 (§ 9.1-1109 et seq.) of Chapter 11 of Title 9.1 of criminal investigative files subject to the exclusion in subdivision B 1 of § 2.2-3706.

36. Discussion or consideration by the Brown v. Board of Education Scholarship Committee of information or confidential matters subject to the exclusion in subdivision A 3 of § 2.2-3705.4, and meetings of the Committee to deliberate concerning the annual maximum scholarship award, review and consider scholarship applications and requests for scholarship award renewal, and cancel, rescind, or recover scholarship awards.

37. Discussion or consideration by the Virginia Port Authority of information subject to the exclusion in subdivision 1 of § 2.2-3705.6 related to certain proprietary information gathered by or for the Virginia Port Authority.

38. Discussion or consideration by the Board of Trustees of the Virginia Retirement System acting pursuant to § 51.1-124.30, by the Investment Advisory Committee appointed pursuant to § 51.1-124.26, by any local retirement system, acting pursuant to § 51.1-803, by the Board of the Virginia College Savings Plan acting pursuant to § 23.1-706, or by the Virginia College Savings Plan's Investment Advisory Committee appointed pursuant to § 23.1-702 of information subject to the exclusion in subdivision 24 of § 2.2-3705.7.

39. Discussion or consideration of information subject to the exclusion in subdivision 3 of § 2.2-3705.6 related to economic development.

40. Discussion or consideration by the Board of Education of information relating to the denial, suspension, or revocation of teacher licenses subject to the exclusion in subdivision 11 of § 2.2-3705.3.

41. Those portions of meetings of the Virginia Military Advisory Council or any commission created by executive order for the purpose of studying and making recommendations regarding preventing closure or realignment of federal military and national security installations and facilities located in Virginia and relocation of such facilities to Virginia, or a local or regional military affairs organization appointed by a local governing body, during which there is discussion of information subject to the exclusion in subdivision 8 of § 2.2-3705.2.

42. Discussion or consideration by the Board of Trustees of the Veterans Services Foundation of information subject to the exclusion in subdivision 28 of § 2.2-3705.7 related to personally identifiable information of donors.

43. Discussion or consideration by the Virginia Tobacco Region Revitalization Commission of information subject to the exclusion in subdivision 23 of § 2.2-3705.6 related to certain information contained in grant applications.

44. Discussion or consideration by the board of directors of the Commercial Space Flight Authority of information subject to the exclusion in subdivision 24 of § 2.2-3705.6 related to rate structures or charges for the use of projects of, the sale of products of, or services rendered by the Authority and certain proprietary information of a private entity provided to the Authority.

45. Discussion or consideration of personal and proprietary information related to the resource management plan program and subject to the exclusion in (i) subdivision 25 of § 2.2-3705.6 or (ii) subsection E of § 10.1-104.7. This exclusion shall not apply to the discussion or consideration of records that contain information that has been certified for

release by the person who is the subject of the information or transformed into a statistical or aggregate form that does not allow identification of the person who supplied, or is the subject of, the information.

46. Discussion or consideration by the Board of Directors of the Virginia Alcoholic Beverage Control Authority of information subject to the exclusion in subdivision 1 of § 2.2-3705.3 related to investigations of applicants for licenses and permits and of licensees and permittees.

47. Discussion or consideration of grant or loan application records subject to the exclusion in subdivision 28 of § 2.2-3705.6 related to the submission of an application for an award from the Virginia Research Investment Fund pursuant to Article 8 (§ 23.1-3130 et seq.) of Chapter 31 of Title 23.1 or interviews of parties to an application by a reviewing entity pursuant to subsection D of § 23.1-3133 or by the Virginia Research Investment Committee.

48. Discussion or development of grant proposals by a regional council established pursuant to Article 26 (§ 2.2-2484 et seq.) of Chapter 24 to be submitted for consideration to the Virginia Growth and Opportunity Board.

49. Discussion or consideration of (i) individual sexual assault cases by a sexual assault response team established pursuant to § 15.2-1627.4, (ii) individual child abuse or neglect cases or sex offenses involving a child by a child sexual abuse response team established pursuant to § 15.2-1627.5, or (iii) individual cases involving abuse, neglect, or exploitation of adults as defined in § 63.2-1603 pursuant to §§ 15.2-1627.5 and 63.2-1605.

50. Discussion or consideration by the Board of the Virginia Economic Development Partnership Authority, the Joint Legislative Audit and Review Commission, or any subcommittees thereof, of the portions of the strategic plan, marketing plan, or operational plan exempt from disclosure pursuant to subdivision 33 of § 2.2-3705.7.

51. Those portions of meetings of the subcommittee of the Board of the Virginia Economic Development Partnership Authority established pursuant to subsection F of § 2.2-2237.3 to review and discuss information received from the Virginia Employment Commission pursuant to subdivision C 2 of § 60.2-114.

52. *Deliberations of the Virginia Lottery Board in an appeal conducted pursuant to § 58.1-4007 regarding the denial of, revocation of, suspension of, or refusal to renew a permit related to sports betting and any discussion, consideration, or review of matters related to investigations excluded from mandatory disclosure under subdivision 1 of § 2.2-3705.3.*

B. No resolution, ordinance, rule, contract, regulation or motion adopted, passed or agreed to in a closed meeting shall become effective unless the public body, following the meeting, reconvenes in open meeting and takes a vote of the membership on such resolution, ordinance, rule, contract, regulation, or motion that shall have its substance reasonably identified in the open meeting.

C. Public officers improperly selected due to the failure of the public body to comply with the other provisions of this section shall be de facto officers and, as such, their official actions are valid until they obtain notice of the legal defect in their election.

D. Nothing in this section shall be construed to prevent the holding of conferences between two or more public bodies, or their representatives, but these conferences shall be subject to the same procedures for holding closed meetings as are applicable to any other public body.

E. This section shall not be construed to (i) require the disclosure of any contract between the Department of Health Professions and an impaired practitioner entered into pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1 or (ii) require the board of directors of any authority created pursuant to the Industrial Development and Revenue Bond Act (§ 15.2-4900 et seq.), or any public body empowered to issue industrial revenue bonds by general or special law, to identify a business or industry to which subdivision A 5 applies. However, such business or industry shall be identified as a matter of public record at least 30 days prior to the actual date of the board's authorization of the sale or issuance of such bonds.

§ 11-16.1. Exemption; authorized sports betting.

This chapter shall not apply to any sports betting or related activity that is lawful under Article 2 (§ 58.1-4030 et seq.) of Chapter 40 of Title 58.1.

§ 18.2-334.3. Exemptions to article; state lottery; sports betting.

Nothing in this article shall apply to any:

1. Any lottery conducted by the Commonwealth of Virginia pursuant to Article 1 (§ 58.1-4000 et seq.) of Chapter 40 of Title 58.1; or

2. Any sports betting or related activity that is lawful under Article 2 (§ 58.1-4030 et seq.) of Chapter 40 of Title 58.1.

§ 37.2-304. Duties of Commissioner.

The Commissioner shall be the chief executive officer of the Department and shall have the following duties and powers:

1. To supervise and manage the Department and its state facilities.

2. To employ the personnel required to carry out the purposes of this title.

3. To make and enter into all contracts and agreements necessary or incidental to the performance of the Department's duties and the execution of its powers under this title, including contracts with the United States, other states, and agencies and governmental subdivisions of the Commonwealth, consistent with policies and regulations of the Board and applicable federal and state statutes and regulations.

4. To accept, hold, and enjoy gifts, donations, and bequests on behalf of the Department from the United States government, agencies and instrumentalities thereof, and any other source, subject to the approval of the Governor. To these ends, the Commissioner shall have the power to comply with conditions and execute agreements that may be necessary, convenient, or desirable, consistent with policies and regulations of the Board.

5. To accept, execute, and administer any trust in which the Department may have an interest, under the terms of the instruments creating the trust, subject to the approval of the Governor.

6. To transfer between state hospitals and training centers school-age individuals who have been identified as appropriate to be placed in public school programs and to negotiate with other school divisions for placements in order to ameliorate the impact on those school divisions located in a jurisdiction in which a state hospital or training center is located.

7. To provide to the Director of the Commonwealth's designated protection and advocacy system, established pursuant to § 51.5-39.13, a written report setting forth the known facts of (i) critical incidents, as that term is defined in § 37.2-709.1, or deaths of individuals receiving services in facilities and (ii) serious injuries, as that term is defined in regulations adopted by the Board pursuant to § 37.2-400, or deaths of individuals receiving services in programs operated or licensed by the Department within 15 working days of the critical incident, serious injury, or death.

8. To work with the appropriate state and federal entities to ensure that any individual who has received services in a state facility for more than one year has possession of or receives prior to discharge any of the following documents, when they are needed to obtain the services contained in his discharge plan: a Department of Motor Vehicles approved identification card that will expire 90 days from issuance, a copy of his birth certificate if the individual was born in the Commonwealth, or a social security card from the Social Security Administration. State facility directors, as part of their responsibilities pursuant to § 37.2-837, shall implement this provision when discharging individuals.

9. To work with the Department of Veterans Services and the Department for Aging and Rehabilitative Services to establish a program for mental health and rehabilitative services for Virginia veterans and members of the Virginia National Guard and Virginia residents in the Armed Forces Reserves not in active federal service and their family members pursuant to § 2.2-2001.1.

10. To establish and maintain a pharmaceutical and therapeutics committee composed of representatives of the Department of Medical Assistance Services, state facilities operated by the Department, community services boards, at least one health insurance plan, and at least one individual receiving services to develop a drug formulary for use at all community services boards, state facilities operated by the Department, and providers licensed by the Department.

11. To establish and maintain the Commonwealth Mental Health First Aid Program pursuant to § 37.2-312.2.

12. To submit a report for the preceding fiscal year by December 1 of each year to the Governor and the Chairmen of the House Appropriations and Senate Finances Committees that provides information on the operation of Virginia's publicly funded behavioral health and developmental services system. The report shall include a brief narrative and data on the number of individuals receiving state facility services or community services board services, including purchased inpatient psychiatric services; the types and amounts of services received by these individuals; and state facility and community services board service capacities, staffing, revenues, and expenditures. The annual report shall describe major new initiatives implemented during the past year and shall provide information on the accomplishment of systemic outcome and performance measures during the year.

13. *To establish a comprehensive program for the prevention and treatment of problem gambling in the Commonwealth and administer the Problem Gambling Treatment and Support Fund established pursuant to § 37.2-314.1.*

Unless specifically authorized by the Governor to accept or undertake activities for compensation, the Commissioner shall devote his entire time to his duties.

§ 37.2-314.1. Problem Gambling Treatment and Support Fund.

There is hereby created in the state treasury a special nonreverting fund to be known as the Problem Gambling Treatment and Support Fund, referred to in this section as "the Fund." The Fund shall be established on the books of the Comptroller. All revenue accruing to the Fund pursuant to subsection A of § 58.1-4038 shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purposes of (i) providing counseling and other support services for compulsive and problem gamblers, (ii) developing and implementing problem gambling treatment and prevention programs, and (iii) providing grants to supporting organizations that provide assistance to compulsive gamblers. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Commissioner.

CHAPTER 40.

VIRGINIA LOTTERY LAW; SPORTS BETTING.

Article 1.

Powers and Duties of Virginia Lottery Board; Administration of Tickets and Prizes.

§ 58.1-4000. Short title.

This chapter shall be known and may be cited as the "Virginia Lottery Law."

§ 58.1-4002. Definitions.

For the purposes of *As used* in this chapter, unless the context requires a different meaning:

"Board" means the Virginia Lottery Board established by this chapter.

"Department" means the independent agency responsible for the administration of the Virginia Lottery created in this chapter pursuant to this article and sports betting pursuant to Article 2 (§ 58.1-4030 et seq.).

"Director" means the Director of the Virginia Lottery.

"Lottery" or "state lottery" means the lottery or lotteries established and operated pursuant to this chapter.

"Ticket courier service" means a service operated for the purpose of purchasing Virginia Lottery tickets on behalf of individuals located within or outside the Commonwealth and delivering or transmitting such tickets, or electronic images thereof, to such individuals as a business-for-profit delivery service.

"Voluntary exclusion program" means a program established by the Board pursuant to § 58.1-4015.1 that allows individuals to voluntarily exclude themselves from engaging in the activities described in subdivision B 1 of § 58.1-4015.1 by placing their name on a voluntary exclusion list and following the procedures set forth by the Board.

§ 58.1-4007. Powers of the Board.

A. The Board shall have the power to adopt regulations governing the establishment and operation of a lottery pursuant to this article and sports betting pursuant to Article 2 (§ 58.1-4030 et seq.). The regulations governing the establishment and operation of the lottery and sports betting shall be promulgated by the Board after consultation with the Director. Such regulations shall be in accordance with the Administrative Process Act (§ 2.2-4000 et seq.). The regulations shall provide for all matters necessary or desirable for the efficient, honest, and economical operation and administration of the lottery and sports betting and for the convenience of the purchasers of tickets or shares, and the holders of winning tickets or shares, and sports bettors. The regulations, which may be amended, repealed, or supplemented as necessary, shall include, but not be limited to, the following:

1. The type or types of lottery or game to be conducted in accordance with § 58.1-4001.
2. The price or prices of tickets or shares in the lottery.
3. The numbers and sizes of the prizes on the winning tickets or shares, including informing the public of the approximate odds of winning and the proportion of lottery revenues (i) disbursed as prizes and (ii) returned to the Commonwealth as net revenues.
4. The manner of selecting the winning tickets or shares.
5. The manner of payment of prizes to the holders of winning tickets or shares.
6. The frequency of the drawings or selections of winning tickets or shares without limitation.
7. Without limitation as to number, the type or types of locations at which tickets or shares may be sold.
8. The method to be used in selling tickets or shares.
9. The advertisement of the lottery in accordance with the provisions of subsection E of § 58.1-4022.
10. The licensing of agents to sell tickets or shares who will best serve the public convenience and promote the sale of tickets or shares. No person under the age of 18 shall be licensed as an agent. A licensed agent may employ a person who is 16 years of age or older to sell or otherwise vend tickets at the agent's place of business so long as the employee is supervised in the selling or vending of tickets by the manager or supervisor in charge at the location where the tickets are being sold. Employment of such person shall be in compliance with Chapter 5 (§ 40.1-78 et seq.) of Title 40.1.

11. The manner and amount of compensation, if any, to be paid licensed sales agents necessary to provide for the adequate availability of tickets or shares to prospective buyers and for the convenience of the public. Notwithstanding the provisions of this subdivision, the Board shall not be required to approve temporary bonus or incentive programs for payments to licensed sales agents.

12. Apportionment of the total revenues accruing from the sale of tickets or shares and from all other sources and establishment of the amount of the special reserve fund as provided in § 58.1-4022 of this chapter.

13. Such other matters necessary or desirable for the efficient and economical operation and administration of the lottery.

14. *The operation of sports betting pursuant to Article 2 (§ 58.1-4030 et seq.). In adopting such regulations, the Board shall establish a consumer protection program and publish a consumer protection bill of rights. Such program and bill of rights shall include measures to protect sports bettors, as defined in § 58.1-4030, with respect to identity, funds and accounts, consumer complaints, self-exclusion, and any other consumer protection measure the Board determines to be reasonable.*

15. *The administration of a voluntary exclusion program as provided in § 58.1-4015.1.*

The Department shall not be subject to the provisions of Chapter 43 (§ 2.2-4300 et seq.) of Title 2.2; however, the Board shall promulgate regulations, after consultation with the Director, relative to departmental procurement which include standards of ethics for procurement consistent with the provisions of Article 6 (§ 2.2-4367 et seq.) of Chapter 43 of Title 2.2 and which ensure that departmental procurement will be based on competitive principles.

The Board shall have the power to advise and recommend, but shall have no power to veto or modify administrative decisions of the Director. However, the Board shall have the power to accept, modify or reject any revenue projections before such projections are forwarded to the Governor.

B. The Board shall carry on a continuous study and investigation of the lottery and sports betting throughout the Commonwealth to:

1. Ascertain any defects of this chapter or the regulations issued hereunder which cause abuses in the administration and operation of the lottery and sports betting and any evasions of such provisions.
2. Formulate, with the Director, recommendations for changes in this chapter and the regulations promulgated hereunder to prevent such abuses and evasions.
3. Guard against the use of this chapter and the regulations promulgated hereunder as a subterfuge for organized crime and illegal gambling.

4. Ensure that this law and the regulations of the Board are in such form and are so administered as to serve the true purpose of this chapter.

C. The Board shall make a continuous study and investigation of (i) the operation and the administration of similar laws ~~which that~~ may be in effect in other states or countries, (ii) any literature on the subject ~~which that~~ may be published or available, (iii) any federal laws ~~which that~~ may affect the operation of the lottery *and sports betting*, and (iv) the reaction of Virginia citizens to the potential features of the lottery *and sports betting* with a view to recommending or effecting changes that will serve the purpose of this chapter.

D. The Board shall hear and decide an appeal of any denial by the Director of the licensing or revocation of a license of a lottery agent pursuant to subdivision *A 10* ~~of subsection A~~ of this section and subdivision *B 5* ~~of subsection B~~ of § 58.1-4006 ~~of this chapter~~. *The Board shall hear and decide an appeal of any penalty, denial of a permit or renewal, or suspension or revocation of a permit imposed by the Director pursuant to Article 2 (§ 58.1-4030 et seq.).*

E. The Board shall have the authority to initiate procedures for the planning, acquisition, and construction of capital projects as set forth in Article 4 (§ 2.2-1129 et seq.) of Chapter 11 and Article 3 (§ 2.2-1819 et seq.) of Chapter 18 of Title 2.2.

F. The Board may adjust the percentage of uncollectible gaming receivables allowed to be subtracted from adjusted gross revenue, as defined in § 58.1-4030, if it determines that a different percentage is reasonable and customary in the sports betting industry.

§ 58.1-4015.1. Voluntary exclusion program.

A. The Board shall adopt regulations to establish and implement a voluntary exclusion program.

B. The regulations shall include the following provisions:

1. Except as provided by regulation of the Board, a person who participates in the voluntary exclusion program agrees to refrain from (i) playing any account-based lottery game authorized under the provisions of this article; (ii) participating in sports betting, as defined in § 58.1-4030; (iii) engaging in any form of casino gaming that may be allowed under the laws of the Commonwealth; (iv) participating in charitable gaming, as defined in § 18.2-340.16; (v) participating in fantasy contests, as defined in § 59.1-556; or (vi) wagering on horse racing, as defined in § 59.1-365. Any state agency, at the request of the Department, shall assist in administering the voluntary exclusion program pursuant to the provisions of this section.

2. A person who participates in the voluntary exclusion program may choose an exclusion period of two years, five years, or lifetime.

3. Except as provided by regulation of the Board, a person who participates in the voluntary exclusion program may not petition the Board for removal from the program for the duration of his exclusion period.

4. The name of a person participating in the program shall be included on a list of excluded persons. The list of persons entering the voluntary exclusion program and the personal information of the participants shall be confidential, with dissemination by the Department limited to sales agents and permit holders, as defined in § 58.1-4030, and any other parties the Department deems necessary for purposes of enforcement. The list and the personal information of participants in the voluntary exclusion program shall not be subject to disclosure under the Virginia Freedom of Information Act (§ 2.2-3700 et seq.). In addition, the Board may disseminate the list to other parties upon request by the participant and agreement by the Board.

5. Sales agents and permit holders shall make all reasonable attempts as determined by the Board to cease all direct marketing efforts to a person participating in the program. The voluntary exclusion program shall not preclude sales agents and permit holders from seeking the payment of a debt incurred by a person before entering the program. In addition, a permit holder may share the names of individuals who self-exclude across its corporate enterprise, including sharing such information with any of its affiliates.

§ 58.1-4027. Judicial review.

The action of the Board in (i) ~~granting, or in refusing to grant, or denying a license or registration or in suspending or revoking any license or registration~~ under the provisions of this ~~chapter~~ article and (ii) ~~granting, denying, suspending, or revoking any permit or imposing any penalty pursuant to Article 2 (§ 58.1-4030 et seq.)~~ shall be subject to review in accordance with the provisions of the Administrative Process Act (§ 2.2-4000 et seq.). Such review shall be limited to the evidential record of the proceedings provided by the Board. Both the petitioner and the Board shall have the right to appeal to the Court of Appeals from any order of the court.

Article 2.

Sports Betting.

§ 58.1-4030. Definitions.

As used in this article, unless the context requires a different meaning:

"Adjusted gross revenue" means gross revenue minus:

1. All cash and the cash value of merchandise paid out as winnings to bettors, and the value of all bonuses or promotions provided to patrons as an incentive to place or as a result of their having placed Internet sports betting wagers;

2. Uncollectible gaming receivables, which shall not exceed two percent, or a different percentage as determined by the Board pursuant to subsection F of § 58.1-4007, of gross revenue minus all cash paid out as winnings to bettors;

3. If the permit holder is a significant infrastructure limited licensee, as defined in § 59.1-365, any funds paid into the horsemen's purse account pursuant to the provisions of subdivision 14 of § 59.1-369; and

4. All excise taxes on sports betting paid pursuant to federal law.

"College sports" means an athletic event (i) in which at least one participant is a team from a public or private institution of higher education, regardless of where such institution is located, and (ii) that does not include a team from a Virginia public or private institution of higher education.

"Covered persons" means athletes; umpires, referees, and officials; personnel associated with clubs, teams, leagues, and athletic associations; medical professionals and athletic trainers who provide services to athletes and players; and the immediate family members and associates of such persons.

"Gross revenue" means the total of all cash, property, or any other form of remuneration, whether collected or not, received by a permittee from its sports betting operations.

"Major league sports franchise" means a professional baseball, basketball, football, hockey, or soccer team that is at the highest-level league of play for its respective sport.

"Motor sports facility" means an outdoor motor sports facility that hosts a National Association for Stock Car Auto Racing (NASCAR) national touring race.

"Official league data" means statistics, results, outcomes, and other data relating to a professional sports event obtained by a permit holder under an agreement with a sports governing body or with an entity expressly authorized by a sports governing body for determining the outcome of tier 2 bets.

"Permit holder" means a person to which the Director issues a permit pursuant to §§ 58.1-4032 and 58.1-4033.

"Personal biometric data" means any information about an athlete that is derived from his DNA, heart rate, blood pressure, perspiration rate, internal or external body temperature, hormone levels, glucose levels, hydration levels, vitamin levels, bone density, muscle density, or sleep patterns, or other information as may be prescribed by the Board by regulation.

"Principal" means any individual who solely or together with his immediate family members (i) owns or controls, directly or indirectly, five percent or more of the pecuniary interest in any entity that is a permit holder or (ii) has the power to vote or cause the vote of five percent or more of the voting securities or other ownership interests of such entity. "Principal" includes any individual who is employed in a managerial capacity for a sports betting platform on behalf of a permit holder.

"Professional sports" means an athletic event involving at least two human competitors who receive compensation, in excess of their expenses, for participating in such event. "Professional sports" does not include charitable gaming, as defined in § 18.2-340.16; fantasy contests, as defined in § 59.1-556; or horse racing, as defined in § 59.1-365.

"Prohibited conduct" means any statement, action, or other communication intended to influence, manipulate, or control a betting outcome of a sports event or of any individual occurrence or performance in a sports event in exchange for financial gain or to avoid financial or physical harm. "Prohibited conduct" includes statements, actions, and communications made to a covered person by a third party. "Prohibited conduct" does not include statements, actions, or communications made or sanctioned by a sports team or sports governing body.

"Proposition bet" means a bet on an individual action, statistic, occurrence, or non-occurrence to be determined during an athletic event and includes any such action, statistic, occurrence, or non-occurrence that does not directly affect the final outcome of the athletic event to which it relates.

"Sports betting" means placing wagers on professional sports, college sports, sporting events, and any portion thereof, and includes placing wagers related to the individual performance statistics of athletes in such sports and events. "Sports betting" includes any system or method of wagering approved by the Director, including single-game bets, teaser bets, parlays, over-under, moneyline, pools, exchange wagering, in-game wagering, in-play bets, proposition bets, and straight bets. "Sports betting" does not include participating in charitable gaming authorized by Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2; participating in any lottery game authorized under Article 1 (§ 58.1-4000 et seq.); wagering on horse racing authorized by Chapter 29 (§ 59.1-364 et seq.) of Title 59.1; or participating in fantasy contests authorized by Chapter 51 (§ 59.1-556 et seq.) of Title 59.1. "Sports betting" does not include placing a wager on a college sports event in which a Virginia public or private institution of higher education is a participant.

"Sports betting permit" means a permit to operate a sports betting platform issued pursuant to the provisions of §§ 58.1-4032, 58.1-4033, and 58.1-4034.

"Sports betting platform" means a website, app, or other platform accessible via the Internet or mobile, wireless, or similar communications technology that sports bettors use to participate in sports betting.

"Sports betting program" means the program established by the Board to allow sports betting as described in this article.

"Sports bettor" means a person physically located in Virginia who participates in sports betting.

"Sports event" or "sporting event" means professional sports, college sports, and any athletic event, motor race event, electronic sports event, or competitive video game event.

"Sports governing body" means an organization, headquartered in the United States, that prescribes rules and enforces codes of conduct with respect to a professional sports or college sports event and the participants therein. "Sports governing body" includes a designee of the sports governing body.

"Stadium" means the physical facility that is the primary location at which a major league sports franchise hosts athletic events and any appurtenant facilities.

"Tier 1 bet" means a bet that is placed using the Internet and that is not a tier 2 bet.

"Tier 2 bet" means a bet that is placed using the Internet and that is placed after the event it concerns has started.

"Virginia college sports" means an athletic event in which at least one participant is a team from a Virginia public or private institution of higher education.

"Youth sports" means an athletic event (i) involving a majority of participants under age 18 or (ii) in which at least one participant is a team from a public or private elementary, middle, or secondary school, regardless of where such school is located. However, if an athletic event meets the definition of college sports or professional sports, such event shall not be considered youth sports regardless of the age of the participants.

§ 58.1-4031. Powers and duties of the Director related to sports betting; reporting.

A. The Department shall operate a sports betting program under the direction of the Director, who shall allow applicants to apply for permits to engage in sports betting operations in the Commonwealth. The Board shall regulate such operations. The Department shall not operate a sports betting platform.

B. The Director may:

1. Require bond or other surety satisfactory to the Director from permit holders in such amount as provided in the rules and regulations of the Board adopted under this article;

2. Suspend, revoke, or refuse to renew any permit issued pursuant to this article or the rules and regulations adopted under this article; and

3. Enter into contracts for the operation of the sports betting program, and enter into contracts with other states related to sports betting, provided that a contract awarded or entered into by the Director shall not be assigned by the holder thereof except by specific approval of the Director.

C. The Director shall:

1. Certify monthly to the State Comptroller and the Board a full and complete statement of sports betting revenues and expenses for the previous month;

2. Report monthly to the Governor, the Secretary of Finance, and the Chairmen of the Senate Committee on Finance and Appropriations, House Committee on Finance, and House Committee on Appropriations the total sports betting revenues and expenses for the previous month and make an annual report, which shall include a full and complete statement of sports betting revenues and expenses, to the Governor and the General Assembly, including recommendations for changes in this article as the Director and Board deem prudent; and

3. Report immediately to the Governor and the General Assembly any matters that require immediate changes in the laws of the Commonwealth in order to prevent abuses and evasions of this article or the rules and regulations adopted under this article or to rectify undesirable conditions in connection with the administration or operation of the sports betting program.

D. In accordance with sports betting program regulations, the Director shall approve methods for sports bettors to fund sports betting accounts, including automated clearing house payments, credit cards, debit cards, wire transfers, and any other method that the Board determines is appropriate for sports betting.

§ 58.1-4032. Application for a sports betting permit; penalty.

A. An applicant for a sports betting permit shall:

1. Submit an application to the Director, on forms prescribed by the Director, containing the information prescribed in subsection B; and

2. Pay to the Department a nonrefundable fee of \$50,000 for each principal at the time of filing to defray the costs associated with the background investigations conducted by the Department. If the reasonable costs of the investigation exceed the application fee, the applicant shall pay the additional amount to the Department. The Board may establish regulations calculating the reasonable costs to the Department in performing its functions under this article and allocating such costs to the applicants for licensure at the time of filing.

B. An application for a sports betting permit shall include the following information:

1. The applicant's background in sports betting;

2. The applicant's experience in wagering activities in other jurisdictions, including the applicant's history and reputation of integrity and compliance;

3. The applicant's proposed internal controls, including controls to ensure that no prohibited or voluntarily excluded person will be able to participate in sports betting;

4. The applicant's history of working to prevent compulsive gambling, including training programs for its employees;

5. If applicable, any supporting documentation necessary to establish eligibility for substantial and preferred consideration pursuant to the provisions of this section;

6. The applicant's proposed procedures to detect and report suspicious or illegal betting activity; and

7. Any other information the Director deems necessary.

C. The Department shall conduct a background investigation on the applicant. The background investigation shall include a credit history check, a tax record check, and a criminal history records check.

D. 1. The Director shall not issue any permit pursuant to this article until the Board has established a consumer protection program and published a consumer protection bill of rights pursuant to the provisions of subdivision A 14 of § 58.1-4007.

2. a. The Director shall issue no fewer than four permits pursuant to this section; however, if an insufficient number of applicants apply for the Director to satisfy such minimum, this provision shall not be interpreted to direct the Director to issue a permit to an unqualified applicant. A permit shall not count toward this minimum if it (i) is issued pursuant to

subdivision 4 or 5 to a major league sports franchise or to the operator of a facility; (ii) is issued pursuant to subdivision 6 to an applicant that operates or intends to operate a casino gaming establishment; or (iii) is revoked, expires, or otherwise becomes not effective.

b. The Director shall issue no more than 12 permits pursuant to this section. A permit shall not count toward this maximum if it (i) is issued pursuant to subdivision 4 or 5 to a major league sports franchise or to the operator of a facility or (ii) is revoked, expires, or otherwise becomes not effective.

3. In issuing permits to operate sports betting platforms, the Director shall consider the following factors:

a. The contents of the applicant's application as required by subsection B;

b. The extent to which the applicant demonstrates past experience, financial viability, compliance with applicable laws and regulations, and success with sports betting operations in other states;

c. The extent to which the applicant will be able to meet the duties of a permit holder, as specified in § 58.1-4034;

d. Whether the applicant has demonstrated to the Department that it has made serious, good-faith efforts to solicit and interview a reasonable number of investors that are minority individuals, as defined in § 2.2-1604;

e. The amount of adjusted gross revenue and associated tax revenue that an applicant is expected to generate;

f. The effect of issuing an additional permit on the amount of gross revenue and associated tax revenue generated by all existing permit holders, considered in the aggregate; and

g. Any other factor the Director considers relevant.

4. In issuing permits to operate sports betting platforms prior to July 1, 2025, the Director shall give substantial and preferred consideration to any applicant that is a major league sports franchise headquartered in the Commonwealth that remitted personal state income tax withholdings based on taxable wages in the Commonwealth in excess of \$200 million for the 2019 taxable year. Any permit holder granted a permit pursuant to this subdivision shall receive substantial and preferred consideration of its first, second, and third applications for renewal pursuant to the provisions of § 58.1-4033; however, such permit holder shall not receive substantial and preferred consideration of its fourth and subsequent applications for renewal. Any permit granted pursuant to this subdivision shall expire if the permit holder ceases to maintain its headquarters in the Commonwealth.

5. In issuing permits to operate sports betting platforms prior to July 1, 2025, the Director shall give substantial and preferred consideration to any applicant that is a major league sports franchise that plays five or more regular season games per year at a facility in the Commonwealth or that is the operator of a facility in the Commonwealth where a major league sports franchise plays five or more regular season games per year; however, the Director shall give such substantial and preferred consideration only if the applicant (i) is headquartered in the Commonwealth, (ii) has an annualized payroll for taxable wages in the Commonwealth that is in excess of \$10 million over the 90-day period prior to the application date, and (iii) the total number of individuals working at the facility in the Commonwealth where the major league sports franchise plays five or more regular season games is in excess of 100.

6. If casino gaming is authorized under the laws of the Commonwealth, then in issuing permits to operate sports betting platforms, the Director shall give substantial and preferred consideration to any applicant that (i) has made or intends to make a capital investment of at least \$250 million in a casino gaming establishment, including the value of the real property upon which such establishment is located and all furnishings, fixtures, and other improvements; (ii) has had its name submitted as a preferred casino gaming operator to the Department by an eligible host city; and (iii) has been certified by the Department to proceed to a local referendum on whether casino gaming will be allowed in the locality in which the applicant intends to operate a casino gaming establishment.

7. In a manner as may be required by Board regulation, any entity that applies pursuant to subdivision D 4, D 5, or D 6 may demonstrate compliance with the requirements of an application, the duties of a permit holder, and any other provision of this article through the use of a partner, subcontractor, or other affiliate of the applicant.

E. The Director shall make a determination on an initial application for a sports betting permit within 90 days of receipt. The Director's action shall be final unless appealed in accordance with § 58.1-4007.

F. The following shall be grounds for denial of a permit or renewal of a permit:

1. The Director reasonably believes the applicant will be unable to satisfy the duties of a permit holder as described in subsection A of § 58.1-4034;

2. The Director reasonably believes that the applicant or its directors lack good character, honesty, or integrity;

3. The Director reasonably believes that the applicant's prior activities, criminal record, reputation, or associations are likely to (i) pose a threat to the public interest, (ii) impede the regulation of sports betting, or (iii) promote unfair or illegal activities in the conduct of sports betting;

4. The applicant or its directors knowingly make a false statement of material fact or deliberately fail to disclose information requested by the Director;

5. The applicant or its directors knowingly fail to comply with the provisions of this article or any requirements of the Director;

6. The applicant or its directors were convicted of a felony, a crime of moral turpitude, or any criminal offense involving dishonesty or breach of trust within the 10 years prior to the submission date of the permit application;

7. The applicant's license, registration, or permit to conduct a sports betting operation issued by any other jurisdiction has been suspended or revoked;

8. The applicant defaults in payment of any obligation or debt due to the Commonwealth; or

9. The applicant's application is incomplete.

G. The Director shall have the discretion to waive any of the grounds for denial of a permit or renewal of a permit if he determines that denial would limit the number of applicants or permit holders in a manner contrary to the best interests of the Commonwealth.

H. Prior to issuance of a permit, each permit holder shall either (i) be bonded by a surety company entitled to do business in the Commonwealth in such amount and penalty as may be prescribed by the regulations of the Board or (ii) provide other surety, letter of credit, or reserve as may be satisfactory to the Director. Such surety shall be prescribed by Board regulations and shall not exceed a reasonable amount.

I. Any person who knowingly and willfully falsifies, conceals, or misrepresents a material fact or knowingly and willfully makes a false, fictitious, or fraudulent statement or representation in any application pursuant to this article is guilty of a Class 1 misdemeanor.

J. In addition to the fee required pursuant to subdivision A 2, any applicant to which the Department issues a permit shall pay a nonrefundable fee of \$250,000 to the Department prior to the issuance of such permit.

§ 58.1-4033. Renewals of permits.

A. A permit issued pursuant to § 58.1-4032 shall be valid for three years from the date issued.

B. At least 60 days before the expiration of a permit, the permit holder shall submit a renewal application, on forms prescribed by the Director, with a nonrefundable renewal fee of \$200,000.

C. The Director may deny a permit renewal if he finds grounds for denial as described in subsection F of § 58.1-4032. The Director's action shall be final unless appealed in accordance with § 58.1-4007.

D. The Director shall make a determination on an application for a renewal of a sports betting permit within 60 days of receipt. The Director's action shall be final unless appealed in accordance with § 58.1-4007.

§ 58.1-4034. Duties of permit holders.

A. A permit holder shall ensure that its sports betting operation takes reasonable measures to:

1. Ensure that only persons physically located in Virginia are able to place bets through its sports betting platform, if applicable;

2. Protect the confidential information of bettors using its sports betting platform or placing bets at its sports betting facility;

3. Prevent betting on events that are prohibited by § 58.1-4039, underage betting as prohibited by § 58.1-4040, and bets by persons who are prohibited from sports betting by § 58.1-4041;

4. Allow persons to restrict themselves from placing bets with the permit holder, including sharing, at the person's request, his request for self-exclusion with the Department for the sole purpose of disseminating the request to other permit holders;

5. Establish procedures to detect suspicious or illegal betting activity, including measures to immediately report such activity to the Department;

6. Provide for the issuance of applicable tax forms to persons who meet the reporting threshold for income from sports betting; and

7. If applicable, allow sports bettors to establish and fund sports betting accounts over the Internet on a sports betting platform, which may be funded through methods including automated clearing house payments, credit cards, debit cards, wire transfers, or any other method approved by the Director under § 58.1-4031.

B. A permit holder shall maintain records on:

1. All bets, including the bettor's personal information, the amount and type of bet, the time and location of the bet, and the outcome of the bet; and

2. Suspicious or illegal betting activity.

C. A permit holder shall disclose the records described in subsection B to the Department upon request and shall maintain such records for at least three years after the related sports event occurs.

D. 1. If a sports governing body notifies the Department that real-time information-sharing for bets placed on its sporting events is necessary and desirable, permit holders shall, as soon as is commercially reasonable, share the information required to be retained pursuant to subdivision B 1 of § 58.1-4034 with the sports governing body or its designee with respect to bets on its sporting events. The information shared pursuant to this subsection shall be shared pseudonymously and shall not include personal information associated with any bettor. A permit holder shall not be required to share any information that is required to be kept confidential under federal or Virginia law.

2. A sports governing body shall use information shared pursuant to this subsection only for the purpose of integrity monitoring and shall not use such information for any commercial purpose. A sports governing body shall provide for security measures with respect to such information so as to prevent unauthorized access and distribution.

E. In advertising its sports betting operations, a permit holder shall ensure that its advertisements:

1. Do not target persons under the age of 21;

2. Disclose the identity of the permit holder;

3. Provide information about or links to resources related to gambling addiction; and

4. Are not misleading to a reasonable person.

F. A permit holder shall not sublicense, convey, concede, or otherwise transfer its permit to a third party unless granted approval by the Director. The Director shall charge a nonrefundable fee of \$200,000 for a permit transfer.

G. 1. A permit holder may operate its sports betting platform under a brand other than its own but is prohibited from holding itself out to the public as a sports betting operation under more than one brand, and a permit holder shall conspicuously display its utilized brand to sports bettors; however, if a permit holder is a major league sports franchise, it shall not be required to associate the name of its sports betting platform with the name of the major league sports franchise and shall be allowed to hold its sports betting platform out to the public under a separate brand name.

2. A permit holder is prohibited from cooperatively marketing its sports betting platform with any business issued a license pursuant to the provisions of Title 4.1. This prohibition shall not apply to any motor sports facility, major league sports franchise, or operator of a facility issued a permit pursuant to the provisions of subdivision D 4 or D 5 of § 58.1-4032, provided that such motor sports facility, major league sports franchise, or operator of a facility shall be authorized to cooperatively market only on the premises of its stadium. If casino gaming is authorized under the laws of the Commonwealth and a casino gaming operator is licensed by the Department as a permit holder, the prohibition in this subdivision shall not apply to such operator, provided that such operator shall be authorized to cooperatively market only on the premises of its casino gaming establishment. A permit holder shall not be allowed an exemption from the prohibition in this subdivision unless (i) such permit holder complies with any applicable local zoning ordinances and (ii) the local governing body approves by ordinance cooperative marketing with respect to the permit holder's stadium or casino gaming establishment.

H. A permit holder shall not purchase or use any personal biometric data unless the permit holder has received written permission from the athlete's exclusive bargaining representative.

I. Permit holders shall at all times maintain cash reserves in amounts to be established by Board regulation.

§ 58.1-4035. Suspension and revocation of permits; civil penalties.

If the Director determines that a permit holder has violated this article, he may, with at least 15 days' notice and a hearing, (i) suspend or revoke the permit holder's permit and (ii) impose a monetary penalty of not more than \$1,000 for each violation per day of this article. The Department shall enforce civil penalties under this section and shall deposit all collected penalties to the general fund. The Director's action shall be final unless appealed in accordance with § 58.1-4007.

§ 58.1-4036. Use of official league data.

A. A permit holder may use any data source for determining the result of a tier 1 bet.

B. A sports governing body may notify the Department that it desires permit holders to use official league data to settle tier 2 bets. A notification under this subsection shall be made according to forms and procedures prescribed by the Director. The Director shall notify each permit holder of the sports governing body's notification within five days after the Department's receipt of the notification. If a sports governing body does not notify the Department of its desire to supply official league data, a permit holder may use any data source for determining the result of a tier 2 bet on a professional sports event of the league governed by the sports governing body.

C. Within 60 days after the Director notifies each permit holder as required under subsection B, permit holders shall use only official league data to determine the results of tier 2 bets on professional sports events of the league governed by the sports governing body, unless any of the following apply:

1. The sports governing body is unable to provide a feed, on commercially reasonable terms, of official league data to determine the results of a tier 2 bets, in which case permit holders may use any data source for determining the results of tier 2 bets until the data feed becomes available on commercially reasonable terms.

2. A permit holder demonstrates to the Department that the sports governing body has not provided or offered to provide a feed of official league data to such permit holder on commercially reasonable terms, according to criteria identified in subsection D.

D. The Director shall consider the following information in determining whether a sports governing body has provided or offered to provide a feed of official league data on commercially reasonable terms:

1. The availability of a sports governing body's official league data for tier 2 bets from more than one authorized source;

2. Market information regarding the purchase, in Virginia and in other states, by permit holders of data from all authorized sources;

3. The nature and quantity of the data, including the quality and complexity of the process used for collecting the data; and

4. Any other information the Director deems relevant.

E. During any time period in which the Director is determining whether official league data is available on commercially reasonable terms pursuant to the provisions of subsections C and D, a permit holder may use any data source for determining the results of any tier 2 bets. The Director shall make a determination under subsections C and D within 120 days after a permit holder notifies the Department that it desires to demonstrate that a sports governing body has not provided or offered to provide a feed of official league data to the permit holder on commercially reasonable terms.

§ 58.1-4037. Tax on adjusted gross revenue.

A. There shall be imposed a tax of 15 percent on a permit holder's adjusted gross revenue.

B. The tax imposed pursuant to this section is due monthly to the Department, and the permit holder shall remit it on or before the twentieth day of the next succeeding calendar month. If the permit holder's accounting necessitates corrections to a previously remitted tax, the permit holder shall document such corrections when it pays the following month's taxes.

C. If the permit holder's adjusted gross revenue for a month is a negative number, the permit holder may carry over the negative amount to a return filed for a subsequent month and deduct such amount from its tax liability for such month, provided that such amount shall not be carried over and deducted against tax liability in any month that is more than 12 months later than the month in which such amount was accrued.

§ 58.1-4038. Distribution of tax revenue.

A. The Department shall allocate 2.5 percent of the tax revenue collected pursuant to § 58.1-4037 to the Problem Gambling Treatment and Support Fund established pursuant to § 37.2-314.1.

B. The Department shall allocate the remaining 97.5 percent of the tax revenue collected pursuant to § 58.1-4037 to the general fund.

§ 58.1-4039. Events on which betting is prohibited; penalty.

A. 1. No person shall place or accept a bet on youth sports.

2. No person shall place or accept a proposition bet on college sports.

3. No person shall place or accept a bet on Virginia college sports.

B. 1. A sports governing body may notify the Department that it desires to restrict, limit, or prohibit sports betting on its sporting events by providing notice in accordance with requirements prescribed by the Director. A sports governing body also may request to restrict the types of bets that may be offered.

2. For any request made pursuant to subdivision 1, the requester shall bear the burden of establishing to the satisfaction of the Director that the relevant betting or other activity poses a significant and unreasonable integrity risk. The Director shall seek input from affected permit holders before making a determination on such request.

3. If the Director denies a request made pursuant to subdivision 1, the Director shall give the requester notice and the right to be heard and offer proof in opposition to such determination in accordance with regulations established by the Board. If the Director grants a request, the Board shall promulgate by regulation such restrictions, limitations, or prohibitions as may be requested.

4. A permit holder shall not offer or take any bets in violation of regulations promulgated by the Board pursuant to this subsection.

C. The prohibitions in subdivisions A 1 and A 3 shall be limited to the single game or match in which a youth sports or Virginia college sports team is a participant. The prohibitions shall not be construed to prohibit betting on other games in a tournament or multigame event in which a youth sports or Virginia college sports team participates, so long as such other games do not have a participant that is a youth sports or Virginia college sports team.

D. Any person convicted of violating this section is guilty of a Class 1 misdemeanor.

§ 58.1-4040. Underage betting prohibited; penalty.

A. No person shall knowingly accept or redeem a sports bet by, or knowingly offer to accept or redeem a sports bet on behalf of, a person under the age of 21 years.

B. Any person convicted of violating this section is guilty of a Class 1 misdemeanor.

§ 58.1-4041. Persons prohibited from sports betting; penalty.

A. The following persons shall be prohibited from sports betting:

1. The Director and any Board member, officer, or employee of the Department;

2. Any permit holder;

3. Any director, officer, owner, or employee of a permit holder and any relative living in the same household as such persons; and

4. Any officer or employee of any entity working directly on a contract with the Department related to sports betting.

B. The persons described in subdivision A 3 shall be prohibited from sports betting only with respect to the related permit holder, but shall not be prohibited from placing sports bets with other permit holders.

C. Any competitor, coach, trainer, employee, or owner of a team in a professional or college sports event, or any referee for a professional or college sports event, shall be prohibited from placing a bet on any event in a league in which such person participates. In determining which persons are prohibited from placing wagers under this subsection, a permit holder shall use publicly available information and any lists of persons that a sports governing body may provide to the Department.

D. Any person convicted of violating this section is guilty of a Class 1 misdemeanor.

§ 58.1-4042. Operation and advertising of unpermitted facilities prohibited; penalty.

A. No person, except for a permit holder authorized pursuant to the provisions of this article, shall make its premises available for placing sports bets using the Internet or advertise that its premises may be used for such purpose.

B. The Director may impose a monetary penalty of for each violation of this section. For a person determined to have made its premises available for placing sports bets using the Internet, the penalty shall not exceed \$1,000 per day per individual who places a sports bet. For a person determined to have advertised that its premises may be used for such purpose, the penalty shall not exceed \$10,000 per violation.

§ 58.1-4043. Reporting and investigating prohibited conduct.

A. The Department shall establish a hotline or other method of communication that allows any person to confidentially report information about prohibited conduct to the Board.

B. The Department shall investigate all reasonable allegations of prohibited conduct by a permit holder. The Department shall refer credible allegations of prohibited conduct by any person to the appropriate law-enforcement entity.

C. The Department shall maintain the confidentiality of the identity of any reporting person unless such person authorizes disclosure of his identity or until such time as the allegation of prohibited conduct is referred to law enforcement. If an allegation of prohibited conduct is referred to law enforcement, the Department shall disclose a reporting person's identity only to the applicable law-enforcement agency. The identity of a reporting person shall be excluded from the provisions of § 2.2-3705.7.

D. If the Department receives a complaint of prohibited conduct by an athlete, the Department shall notify the appropriate sports governing body of the athlete to review the complaint.

E. The Department and permit holders shall cooperate with investigations conducted by sports governing bodies or law-enforcement agencies. Such cooperation shall include providing or facilitating the provision of account-level betting information and audio or video files relating to persons placing wagers.

§ 58.1-4044. Required direct notification to the Department and to sports governing bodies.

A. A permit holder shall, as soon as is commercially reasonable, report to the Department any information relating to:

1. Criminal or disciplinary proceedings commenced against the permit holder in connection with its operations in the Commonwealth or in any other jurisdiction;
2. Abnormal betting activity or patterns that may indicate a risk to the integrity of a bet or wager;
3. Any potential breach of a sports governing body's rules and codes of conduct pertaining to sports betting, to the extent that such rules and codes of conduct are provided to and known by the permit holder;
4. Any conduct that may alter the outcome of an athletic event for purposes of financial gain, including match fixing; and
5. Suspicious or illegal wagering activities, including using funds derived from illegal activity to place bets, using bets to conceal or launder funds derived from illegal activity, using agents to place bets, and using false identification to place bets.

B. A permit holder shall, as soon as is commercially practicable, report the information described in subdivisions A 2, 3, and 4 to any sports governing body that may be affected by the activities described in subdivisions A 2, 3, and 4.

§ 58.1-4045. Liquidity pools.

The Board may promulgate rules authorizing permit holders to offset loss and manage risk, directly or with a third party approved by the Director, through the use of a liquidity pool in Virginia or another jurisdiction so long as such permit holder, or an affiliate of such permit holder, is licensed by such jurisdiction to operate a sports betting business. However, a permit holder's use of a liquidity pool shall not eliminate its duty to ensure that it has sufficient funds available to pay bettors.

§ 58.1-4046. Intermediate routing of electronic data.

All sports betting shall be initiated and received within Virginia unless otherwise permitted by federal law. Consistent with the intent of the United States Congress as expressed in the Unlawful Internet Gambling Enforcement Act, 31 U.S.C. § 5361 et seq., the intermediate routing of electronic data relating to lawful intrastate sports betting authorized under this article shall not determine the location in which such bet is initiated and received.

§ 58.1-4047. Certain provisions in Article 1 (§ 58.1-4000 et seq.) to apply, mutatis mutandis.

Except as provided in this article, the provisions of Article 1 (§ 58.1-4000 et seq.) shall apply to sports betting under this article. The Board shall promulgate regulations to interpret and clarify the applicability of Article 1 to this article.

§ 59.1-364. Control of racing with pari-mutuel wagering.

A. Horse racing with pari-mutuel wagering as licensed herein shall be permitted in the Commonwealth for the promotion, sustenance and growth of a native industry, in a manner consistent with the health, safety and welfare of the people. The Virginia Racing Commission is vested with control of all horse racing with pari-mutuel wagering in the Commonwealth, with plenary power to prescribe regulations and conditions under which such racing and wagering shall be conducted, so as to maintain horse racing in the Commonwealth of the highest quality and free of any corrupt, incompetent, dishonest or unprincipled practices and to maintain in such racing complete honesty and integrity. The Virginia Racing Commission shall encourage participation by local individuals and businesses in those activities associated with horse racing.

B. The conduct of any horse racing with pari-mutuel wagering participation in such racing or wagering and entrance to any place where such racing or wagering is conducted is a privilege which may be granted or denied by the Commission or its duly authorized representatives in its discretion in order to effectuate the purposes set forth in this chapter.

C. The award of any prize money for any pari-mutuel wager placed at a racetrack or satellite facility licensed by the Commission shall not be deemed to be a part of any gaming contract within the purview of § 11-14.

D. This section shall not apply to any sports betting or related activity that is lawful under Article 2 (§ 58.1-4030 et seq.) of Chapter 40 of Title 58.1, which shall be regulated pursuant to such chapter.

§ 59.1-569. Fantasy contests conducted under this chapter not illegal gambling.

A. Nothing contained in Article 1 (§ 18.2-325 et seq.) of Chapter 8 of Title 18.2 shall be applicable to a fantasy contest conducted in accordance with this chapter. The award of any prize money for any fantasy contest shall not be deemed to be part of any gaming contract within the purview of § 11-14.

B. This section shall not apply to any sports betting or related activity that is lawful under Article 2 (§ 58.1-4030 et seq.) of Chapter 40 of Title 58.1, which shall be regulated pursuant to such chapter.

2. That the Virginia Lottery Board (the Board) shall promulgate regulations implementing the provisions of this act. The Board's initial adoption of regulations shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq. of

the Code of Virginia), except that the Board shall provide an opportunity for public comment on the regulations prior to adoption. The Board shall complete work on such regulations no later than September 15, 2020.

CHAPTER 1219

An Act to amend and reenact §§ 10.1-603.24 and 10.1-603.25 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 13 of Title 10.1 an article numbered 4, consisting of sections numbered 10.1-1329, 10.1-1330, and 10.1-1331, relating to Clean Energy and Community Flood Preparedness Act; fund.

[H 981]

Approved April 22, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 10.1-603.24 and 10.1-603.25 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Chapter 13 of Title 10.1 an article numbered 4, consisting of sections numbered 10.1-1329, 10.1-1330, and 10.1-1331, as follows:

Article 1.3.

Virginia ~~Shoreline Resiliency~~ Community Flood Preparedness Fund.

§ 10.1-603.24. Definitions.

As used in this article, unless the context requires a different meaning:

"Authority" means the Virginia Resources Authority.

"Cost," as applied to any project financed under the provisions of this article, means the total of all costs incurred by the local government as reasonable and necessary for carrying out all works and undertakings necessary or incident to the accomplishment of any project.

"Department" means the Virginia Department of ~~Emergency Management~~ Conservation and Recreation.

"Flood prevention or protection" means the construction of hazard mitigation projects, acquisition of land, or implementation of land use controls that reduce or mitigate damage from coastal or riverine flooding.

"Flood prevention or protection study" means the conduct of a hydraulic or hydrologic study of a flood plain with historic and predicted floods, the assessment of flood risk, and the development of strategies to prevent or mitigate damage from coastal or riverine flooding.

"Fund" means the Virginia ~~Shoreline Resiliency~~ Community Flood Preparedness Fund created pursuant to § 10.1-603.25.

"Local government" means any county, city, town, municipal corporation, authority, district, commission, or political subdivision created by the General Assembly or pursuant to the Constitution of Virginia or laws of the Commonwealth.

"Low-income geographic area" means any locality, or community within a locality, that has a median household income that is not greater than 80 percent of the local median household income, or any area in the Commonwealth designated as a qualified opportunity zone by the U.S. Secretary of the Treasury via his delegation of authority to the Internal Revenue Service.

"Nature-based solution" means an approach that reduces the impacts of flood and storm events through the use of environmental processes and natural systems. A nature-based solution may provide additional benefits beyond flood control, including recreational opportunities and improved water quality.

§ 10.1-603.25. Virginia Community Flood Preparedness Fund; loan and grant program.

~~There shall be set apart a permanent and perpetual fund, to be known as the A. The Virginia Shoreline Resiliency Fund, consisting of such is hereby continued as a permanent and perpetual fund to be known as the Virginia Community Flood Preparedness Fund. All sums that are designated for deposit in the Fund from revenue generated by the sale of emissions allowances pursuant to subdivision C 1 of § 10.1-1330, all sums that may be appropriated to the Fund by the General Assembly, all receipts by the Fund from the repayment of loans made by it to local governments, all income from the investment of moneys held in the Fund, and any other sums designated for deposit to the Fund from any source, public or private, including any federal grants and awards or other forms of assistance received by the Commonwealth that are eligible for deposit in the Fund under federal law, shall be designated for deposit to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including any appropriated funds and all principal, interest accrued, and payments, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. All loans and grants provided under this article shall be deemed to promote the public purposes of enhancing flood prevention or protection and coastal resilience. The Fund shall be administered by the Department as prescribed in this article. The Department shall establish guidelines regarding the distribution of loans from the Fund and prioritization of such loans.~~

B. Moneys in the Fund shall be used solely for the purposes of enhancing flood prevention or protection and coastal resilience as required by this article. The Authority shall manage the Fund and shall establish interest rates and repayment terms of such loans as provided in this article in accordance with a memorandum of agreement with the Department. The Authority may disburse from the Fund its reasonable costs and expenses incurred in the management of the Fund. The Department shall direct distribution of loans and grants from the Fund in accordance with the provisions of subsection D.

C. The Authority is authorized at any time and from time to time to pledge, assign, or transfer from the Fund or any bank or trust company designated by the Authority any or all of the assets of the Fund to be held in trust as security for the payment of principal of, premium, if any, and interest on any and all bonds, as defined in § 62.1-199, issued to finance any flood prevention or protection project undertaken pursuant to the provisions of this article. In addition, the Authority is authorized at any time and from time to time to sell upon such terms and conditions as the Authority deems appropriate any loan or interest thereon made pursuant to this article. The net proceeds of the sale remaining after payment of costs and expenses shall be designated for deposit to, and become part of, the Fund.

D. The Fund shall be administered by the Department as prescribed in this article. The Department, in consultation with the Secretary of Natural Resources and the Special Assistant to the Governor for Coastal Adaptation and Protection, shall establish guidelines regarding the distribution and prioritization of loans and grants, including loans and grants that support flood prevention or protection studies of statewide or regional significance.

E. Localities shall use moneys from the Fund primarily for the purpose of ~~creating a low-interest loan program to help residents and businesses implementing flood prevention and protection projects and studies in areas~~ that are subject to recurrent flooding as confirmed by a locality-certified floodplain manager. Moneys in the Fund may be used to mitigate future flood damage and to assist inland and coastal communities across the Commonwealth that are subject to recurrent or repetitive flooding. No less than 25 percent of the moneys disbursed from the Fund each year shall be used for projects in low-income geographic areas. Priority shall be given to projects that implement community-scale hazard mitigation activities that use nature-based solutions to reduce flood risk.

F. Any locality is authorized to secure a loan made ~~through such a low-interest loan program pursuant to this section~~ by placing a lien up to the value of the loan against any property that benefits from the loan. Such a lien shall be subordinate to each prior lien on such property, except prior liens for which the prior lienholder executes a written subordination agreement, in a form and substance acceptable to the prior lienholder in its sole and exclusive discretion, that is recorded in the land records where the property is located.

G. Any locality using moneys in the Fund to provide a loan for a project in a low-income geographic area is authorized to forgive the principal of such loan. If a locality forgives the principal of any such loan, any obligation of the locality to repay that principal to the Commonwealth shall not be forgiven and such obligation shall remain in full force and effect. The total amount of loans forgiven by all localities in a fiscal year shall not exceed 30 percent of the amount appropriated in such fiscal year to the Fund by the General Assembly.

Article 4.

Clean Energy and Community Flood Preparedness Act.

§ 10.1-1329. Definitions.

As used in this article, unless the context requires a different meaning:

"Allowance" means an authorization to emit a fixed amount of carbon dioxide.

"Allowance auction" means an auction in which the Department or its agent offers allowances for sale.

"DHCD" means the Department of Housing and Community Development.

"DMME" means the Department of Mines, Minerals and Energy.

"Energy efficiency program" has the same meaning as provided in § 56-576.

"Fund" means the Virginia Community Flood Preparedness Fund created pursuant to § 10.1-603.25.

"Housing development" means the same as that term is defined in § 36-141.

"Regional Greenhouse Gas Initiative" or "RGGI" means the program to implement the memorandum of understanding between signatory states dated December 20, 2005, and as may be amended, and the corresponding model rule that established a regional carbon dioxide electric power sector cap and trade program.

"Secretary" means the Secretary of Natural Resources.

§ 10.1-1330. Clean Energy and Community Flood Preparedness.

A. The provisions of this article shall be incorporated by the Department, without further action by the Board, into the final regulation adopted by the Board on April 19, 2019, and published in the Virginia Register on May 27, 2019. Such incorporation by the Department shall be exempt from the provisions of the Virginia Administrative Process Act (§ 2.2-4000 et seq.).

B. The Director is hereby authorized to establish, implement, and manage an auction program to sell allowances into a market-based trading program consistent with the RGGI program and this article. The Director shall seek to sell 100 percent of all allowances issued each year through the allowance auction, unless the Department finds that doing so will have a negative impact on the value of allowances and result in a net loss of consumer benefit or is otherwise inconsistent with the RGGI program.

C. To the extent permitted by Article X, Section 7 of the Constitution of Virginia, the state treasury shall (i) hold the proceeds recovered from the allowance auction in an interest-bearing account with all interest directed to the account to carry out the purposes of this article and (ii) use the proceeds without further appropriation for the following purposes:

1. Forty-five percent of the revenue shall be credited to the account established pursuant to the Fund for the purpose of assisting localities and their residents affected by recurrent flooding, sea level rise, and flooding from severe weather events.

2. Fifty percent of the revenue shall be credited to an account administered by DHCD to support low-income energy efficiency programs, including programs for eligible housing developments. DHCD shall review and approve funding proposals for such energy efficiency programs, and DMME shall provide technical assistance upon request. Any sums

remaining within the account administered by DHCD, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in such account to support low-income energy efficiency programs.

3. Three percent of the revenue shall be used to (i) cover reasonable administrative expenses of the Department in the administration of the revenue allocation, carbon dioxide emissions cap and trade program, and auction and (ii) carry out statewide climate change planning and mitigation activities.

4. Two percent of the revenue shall be used by DHCD, in partnership with DMME, to administer and implement low-income energy efficiency programs pursuant to subdivision 2.

D. The Department, the Department of Conservation and Recreation, DHCD, and DMME shall prepare a joint annual written report describing the Commonwealth's participation in RGGI, the annual reduction in greenhouse gas emissions, the revenues collected and deposited in the interest-bearing account maintained by the Department pursuant to this article, and a description of each way in which money was expended during the fiscal year. The report shall be submitted to the Governor and General Assembly by January 1, 2022, and annually thereafter.

§ 10.1-1331. Energy conversion or energy tolling agreements.

If the Governor seeks to include the Commonwealth as a full participant in RGGI or another carbon trading program with an open auction of allowances, or if the Department implements the final carbon trading regulation as approved by the Board on April 19, 2019, (the Final Regulation) in order to establish a carbon dioxide cap and trade program that limits and reduces the total carbon dioxide emissions released by certain electric generation facilities and that complies with the RGGI model rule, then (i) the definition of the term "life-of-the-unit contractual arrangement" under the Final Regulation shall include any energy conversion or energy tolling agreement that has a primary term of 20 years or more and pursuant to which the purchaser is required to deliver fuel to the CO2 budget source or CO2 budget unit and is entitled to receive all of the nameplate capacity and associated energy generated by such source or unit for the entire contractual period and (ii) any purchaser under an energy conversion or energy tolling agreement shall be responsible for acquiring any CO2 allowances required under the Final Regulation in relation to a CO2 budget source or CO2 budget unit that is subject to such agreement.

2. That the costs of allowances purchased through a market-based trading program consistent with the provisions of Article 4 (§ 10.1-1329 et seq.) of Chapter 13 of Title 10.1 of the Code of Virginia as added by this act are deemed to constitute environmental compliance project costs that may be recovered by a Phase I Utility or Phase II Utility, as defined in subdivision A 1 of § 56-585.1 of the Code of Virginia, pursuant to subdivision A 5 e of § 56-585.1 of the Code of Virginia.

3. That any moneys in the Virginia Shoreline Resiliency Fund as created by Chapter 762 of the Acts of Assembly of 2016 shall remain in the Virginia Community Flood Preparedness Fund pursuant to § 10.1-603.25 of the Code of Virginia, as amended and reenacted by this act.

CHAPTER 1220

An Act to amend and reenact §§ 3.2-303 and 3.2-304 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 3.1 of Title 3.2 a section numbered 3.2-310, relating to Agriculture and Forestry Industries Development Planning Grant Program.

[H 1002]

Approved April 22, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 3.2-303 and 3.2-304 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Chapter 3.1 of Title 3.2 a section numbered 3.2-310 as follows:

§ 3.2-303. Definitions.

A. As used in this chapter, unless the context requires a different meaning:

"Agricultural products" means crops, livestock, and livestock products, including field crops, fruits, vegetables, horticultural specialties, cattle, sheep, hogs, goats, horses, poultry, fur-bearing animals, milk, eggs, aquaculture, commercially harvested wild fish, commercially harvested wild shellfish, and furs.

"Agriculture and forestry processing/value-added facilities" means any for-profit or nonprofit business that creates value-added agricultural or forestal products.

"Forestal products" means saw timber, pulpwood, posts, firewood, Christmas trees, and other tree and wood products for sale or for farm use.

"Fund" means the Governor's Agriculture and Forestry Industries Development Fund established pursuant to § 3.2-304.

"New job" means employment of an indefinite duration, created as the direct result of the private investment, for which the firm pays the wages and standard fringe benefits for its employee, requiring a minimum of either (i) 35 hours of the employee's time a week for the entire normal year of the firm's operations, which "normal year" shall consist of at least 48 weeks, or (ii) 1,680 hours per year. Seasonal or temporary positions, positions created when a job function is shifted from an existing location in the Commonwealth to the location of the economic development project, positions with

suppliers, and multiplier or spin-off jobs shall not qualify as new jobs. The term "new job" shall include positions with contractors provided that all requirements included within the definition of the term are met.

"Prevailing average wage" means that amount determined by the Virginia Employment Commission to be the average wage paid workers in the city or county of the Commonwealth where the economic development project is located. The prevailing average wage shall be determined without regard to any fringe benefits.

"Private investment" means the private investment required under this chapter.

"Program" means the *Agriculture and Forestry Industries Development Planning Grant Program established pursuant to § 3.2-310*.

"Value-added agricultural or forestal products" means any agricultural or forestal product that (i) has undergone a change in physical state; (ii) was produced in a manner that enhances the value of the agricultural commodity or product; (iii) is physically segregated in a manner that results in the enhancement of the value of the agricultural or forestal product; (iv) is a source of renewable energy; or (v) is aggregated and marketed as a locally produced agricultural or forestal product.

§ 3.2-304. Governor's Agriculture and Forestry Industries Development Fund established; purpose; use of funds.

A. There is hereby created in the state treasury a nonreverting fund to be known as the Governor's Agriculture and Forestry Industries Development Fund (the Fund) to be used by the Governor to attract new and expanding agriculture and forestry processing/value-added facilities using Virginia-grown products. The Fund shall consist of any funds appropriated to it by the general appropriation act and revenue from any other source, public or private. The Fund shall be established on the books of the Comptroller, and any funds remaining in the Fund at the end of a biennium shall not revert to the general fund but shall remain in the Fund. Interest earned on the Fund shall be credited to the Fund. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller. The Governor shall report to the Chairmen of the House Committees on Appropriations and Finance and the Senate Committee on Finance as funds are awarded in accordance with this chapter.

B. Funds shall be awarded from the Fund by the Governor as grants or loans to political subdivisions. The criteria for making such grants or loans shall include (i) ~~amount~~ number of jobs expected to be created, (ii) anticipated amount of private capital investment, (iii) ~~anticipated~~ additional state tax revenue expected to accrue to the state and affected localities as a result of the capital investment and jobs created, (iv) anticipated amount of Virginia-grown agricultural and forestal products used by the project, (v) projected impact on agricultural and forestal producers, (vi) a return on investment analysis to determine the appropriate size of any grant or loan, and (vii) an analysis of the impact on competing businesses already located in the area.

C. Funds may be used for public and private utility extension or capacity development on and off site; public and private installation, extension, or capacity development of high-speed or broadband Internet access, whether on or off site; road, rail, or other transportation access costs beyond the funding capability of existing programs; site acquisition; grading, drainage, paving, and any other activity required to prepare a site for construction; construction or build-out of publicly or privately owned buildings; training; or grants or loans to an industrial development authority, housing and redevelopment authority, or other political subdivision for purposes directly relating to any of the foregoing. However, in no case shall funds from the Fund be used, directly or indirectly, to pay or guarantee the payment for any rental, lease, license, or other contractual right to the use of any property.

D. *Funds may be used for grants to political subdivisions through the Agriculture and Forestry Industries Development Planning Grant Program pursuant to § 3.2-310.*

E. Moneys in the Fund shall not be used for any economic development project in which a business relocates or expands its operations in one or more Virginia localities and simultaneously closes its operations or substantially reduces the number of its employees in another Virginia locality. The Secretary of Agriculture and Forestry shall enforce this policy and for any exception thereto shall promptly provide written notice to the Chairmen of the Senate Finance and House Appropriations Committees, which notice shall include a justification for any exception to such policy.

~~E.~~ F. The Governor shall provide grants and commitments from the Fund in an amount not to exceed the dollar amount contained in the Fund. If the Governor commits funds for years beyond the fiscal years covered under the existing appropriation act, the State Treasurer shall set aside and reserve the funds the Governor has committed, and the funds shall remain in the Fund for those future fiscal years. No grant shall be payable in the years beyond the existing appropriation act unless the funds are currently available in the Fund.

§ 3.2-310. Agriculture and Forestry Industries Development Planning Grant Program.

A. *The Governor may award grants from the Fund for the Agriculture and Forestry Industries Development Planning Grant Program to encourage efforts by political subdivisions to support agriculture and forestry.*

B. *Any funds awarded by the Governor pursuant to this section shall be awarded as reimbursable grants to political subdivisions.*

C. *The Secretary of Agriculture and Forestry shall develop guidelines for the Program and administer the Program on behalf of the Governor. Such guidelines shall (i) include a requirement that any political subdivision applying for a grant provide matching funds and (ii) state the criteria the Governor will use in evaluating any grant application submitted pursuant to this section. Such guidelines may (a) allow contributions to a project by certain specified entities, such as a nonprofit organization or charitable foundation, to count as eligible local matching funds and (b) accept a reduced match requirement for an economically distressed locality applying for an award.*

2. That an emergency exists and this act is in force from its passage.

CHAPTER 1221

An Act to amend and reenact §§ 18.2-308.1:4 and 18.2-308.2:1 of the Code of Virginia, relating to protective orders; possession of firearms; surrender or transfer of firearms; penalty.

[H 1004]

Approved April 22, 2020

Be it enacted by the General Assembly of Virginia:**1. That §§ 18.2-308.1:4 and 18.2-308.2:1 of the Code of Virginia are amended and reenacted as follows:****§ 18.2-308.1:4. Purchase or transportation of firearm by persons subject to protective orders; penalties.**

A. It is unlawful for any person who is subject to (i) a protective order entered pursuant to § 16.1-253.1, 16.1-253.4, 16.1-278.2, 16.1-279.1, 19.2-152.8, 19.2-152.9, or 19.2-152.10; (ii) an order issued pursuant to subsection B of § 20-103; (iii) an order entered pursuant to subsection D of § 18.2-60.3; (iv) a preliminary protective order entered pursuant to subsection F of § 16.1-253 where a petition alleging abuse or neglect has been filed; or (v) an order issued by a tribunal of another state, the United States or any of its territories, possessions, or commonwealths, or the District of Columbia pursuant to a statute that is substantially similar to those cited in clauses (i), (ii), (iii), or (iv) to purchase or transport any firearm while the order is in effect. Any person with a concealed handgun permit shall be prohibited from carrying any concealed firearm, and shall surrender his permit to the court entering the order, for the duration of any protective order referred to herein. A violation of this subsection is a Class 1 misdemeanor.

B. In addition to the prohibition set forth in subsection A, it is unlawful for any person who is subject to a protective order entered pursuant to § 16.1-279.1 or 19.2-152.10 or an order issued by a tribunal of another state, the United States or any of its territories, possessions, or commonwealths, or the District of Columbia pursuant to a statute that is substantially similar to § 16.1-279.1 or 19.2-152.10 to knowingly possess any firearm while the order is in effect, provided that for a period of 24 hours after being served with a protective order in accordance with subsection C of § 16.1-279.1 or subsection C of § 19.2-152.10 such person may continue to possess and, notwithstanding the provisions of subsection A, transport any firearm possessed by such person at the time of service for the purposes of *surrendering any such firearm to a law-enforcement agency in accordance with subsection C or selling or transferring any such firearm to a dealer as defined in § 18.2-308.2:2 or to any person who is not otherwise prohibited by law from possessing such firearm in accordance with subsection C.* A violation of this subsection is a Class 6 felony.

C. *Upon issuance of a protective order pursuant to § 16.1-279.1 or 19.2-152.10, the court shall order the person who is subject to the protective order to (i) within 24 hours after being served with a protective order in accordance with subsection C of § 16.1-279.1 or subsection C of § 19.2-152.10 (a) surrender any firearm possessed by such person to a designated local law-enforcement agency, (b) sell or transfer any firearm possessed by such person to a dealer as defined in § 18.2-308.2:2, or (c) sell or transfer any firearm possessed by such person to any person who is not otherwise prohibited by law from possessing such firearm and (ii) within 48 hours after being served with a protective order in accordance with subsection C of § 16.1-279.1 or subsection C of § 19.2-152.10, certify in writing, on a form provided by the Office of the Executive Secretary of the Supreme Court, that such person does not possess any firearms or that all firearms possessed by such person have been surrendered, sold, or transferred and file such certification with the clerk of the court that entered the protective order. The willful failure of any person to certify in writing in accordance with this section that all firearms possessed by such person have been surrendered, sold, or transferred or that such person does not possess any firearms shall constitute contempt of court.*

D. *The person who is subject to a protective order pursuant to § 16.1-279.1 or 19.2-152.10 shall be provided with the address and hours of operation of a designated local law-enforcement agency and the certification forms when such person is served with a protective order in accordance with subsection C of § 16.1-279.1 or subsection C of § 19.2-152.10.*

E. *A law-enforcement agency that takes into custody a firearm surrendered to such agency pursuant to subsection C by a person who is subject to a protective order pursuant to § 16.1-279.1 or 19.2-152.10 shall prepare a written receipt containing the name of the person who surrendered the firearm and the manufacturer, model, and serial number of the firearm and provide a copy to such person. Any firearm surrendered to and held by a law-enforcement agency pursuant to subsection C shall be returned by such agency to the person who surrendered the firearm upon the expiration or dissolution of the protective order entered pursuant to § 16.1-279.1 or 19.2-152.10. Such agency shall return the firearm within five days of receiving a written request for the return of the firearm by the person who surrendered the firearm and a copy of the receipt provided to such person by the agency. Prior to returning the firearm to such person, the law-enforcement agency holding the firearm shall confirm that such person is no longer subject to a protective order issued pursuant to § 16.1-279.1 or 19.2-152.10 and is not otherwise prohibited by law from possessing a firearm. A firearm surrendered to a law-enforcement agency pursuant to subsection C may be disposed of in accordance with the provisions of § 15.2-1721 if (i) the person from whom the firearm was seized provides written authorization for such disposal to the agency or (ii) the firearm remains in the possession of the agency more than 120 days after such person is no longer subject to a protective order issued pursuant to § 16.1-279.1 or 19.2-152.10 and such person has not submitted a request in writing for the return of the firearm.*

F. Any law-enforcement agency or law-enforcement officer that takes into custody, stores, possesses, or transports a firearm pursuant to this section shall be immune from civil or criminal liability for any damage to or deterioration, loss, or theft of such firearm.

G. The law-enforcement agencies of the counties, cities, and towns within each judicial circuit shall designate, in coordination with each other, and provide to the chief judges of all circuit and district courts within the judicial circuit, one or more local law-enforcement agencies to receive and store firearms pursuant to this section. The law-enforcement agencies shall provide the chief judges with a list that includes the addresses and hours of operation for any law-enforcement agencies so designated that such addresses and hours of operation may be provided to a person served with a protective order in accordance with subsection C of § 16.1-279.1 or subsection C of § 19.2-152.10.

§ 18.2-308.2:1. Prohibiting the selling, etc., of firearms to certain persons.

Any person who sells, barter, gives or furnishes, or has in his possession or under his control with the intent of selling, bartering, giving or furnishing, any firearm to any person he knows is prohibited from possessing or transporting a firearm pursuant to § 18.2-308.1:1, 18.2-308.1:2, or 18.2-308.1:3, subsection B of § 18.2-308.1:4, § 18.2-308.2, subsection B of § 18.2-308.2:01, or § 18.2-308.7 shall be guilty of a Class 4 felony. However, this prohibition shall not be applicable when the person convicted of the felony, adjudicated delinquent or acquitted by reason of insanity has (i) been issued a permit pursuant to subsection C of § 18.2-308.2 or been granted relief pursuant to subsection B of § 18.2-308.1:1, or § 18.2-308.1:2 or 18.2-308.1:3; (ii) been pardoned or had his political disabilities removed in accordance with subsection B of § 18.2-308.2; or (iii) obtained a permit to ship, transport, possess or receive firearms pursuant to the laws of the United States.

2. That any petition for a protective order promulgated by the Executive Secretary of the Supreme Court of Virginia shall include a provision where the petitioner may indicate whether the petitioner knows or has reason to know that the respondent owns or otherwise possesses any firearms.

3. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 854 of the Acts of Assembly of 2019 requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

CHAPTER 1222

An Act to amend and reenact §§ 54.1-2900 and 54.1-2956.13 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 54.1-2956.14, relating to surgical assistants; licensure.

[H 1084]

Approved April 22, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-2900 and 54.1-2956.13 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 54.1-2956.14 as follows:

§ 54.1-2900. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Acupuncturist" means an individual approved by the Board to practice acupuncture. This is limited to "licensed acupuncturist" which means an individual other than a doctor of medicine, osteopathy, chiropractic or podiatry who has successfully completed the requirements for licensure established by the Board (approved titles are limited to: Licensed Acupuncturist, Lic.Ac., and L.Ac.).

"Auricular acupuncture" means the subcutaneous insertion of sterile, disposable acupuncture needles in predetermined, bilateral locations in the outer ear when used exclusively and specifically in the context of a chemical dependency treatment program.

"Board" means the Board of Medicine.

"Certified nurse midwife" means an advanced practice registered nurse who is certified in the specialty of nurse midwifery and who is jointly licensed by the Boards of Medicine and Nursing as a nurse practitioner pursuant to § 54.1-2957.

"Certified registered nurse anesthetist" means an advanced practice registered nurse who is certified in the specialty of nurse anesthesia, who is jointly licensed by the Boards of Medicine and Nursing as a nurse practitioner pursuant to § 54.1-2957, and who practices under the supervision of a doctor of medicine, osteopathy, podiatry, or dentistry but is not subject to the practice agreement requirement described in § 54.1-2957.

"Collaboration" means the communication and decision-making process among health care providers who are members of a patient care team related to the treatment of a patient that includes the degree of cooperation necessary to provide treatment and care of the patient and includes (i) communication of data and information about the treatment and care of a patient, including the exchange of clinical observations and assessments, and (ii) development of an appropriate

plan of care, including decisions regarding the health care provided, accessing and assessment of appropriate additional resources or expertise, and arrangement of appropriate referrals, testing, or studies.

"Consultation" means communicating data and information, exchanging clinical observations and assessments, accessing and assessing additional resources and expertise, problem-solving, and arranging for referrals, testing, or studies.

"Genetic counselor" means a person licensed by the Board to engage in the practice of genetic counseling.

"Healing arts" means the arts and sciences dealing with the prevention, diagnosis, treatment and cure or alleviation of human physical or mental ailments, conditions, diseases, pain or infirmities.

"Medical malpractice judgment" means any final order of any court entering judgment against a licensee of the Board that arises out of any tort action or breach of contract action for personal injuries or wrongful death, based on health care or professional services rendered, or that should have been rendered, by a health care provider, to a patient.

"Medical malpractice settlement" means any written agreement and release entered into by or on behalf of a licensee of the Board in response to a written claim for money damages that arises out of any personal injuries or wrongful death, based on health care or professional services rendered, or that should have been rendered, by a health care provider, to a patient.

"Nurse practitioner" means an advanced practice registered nurse who is jointly licensed by the Boards of Medicine and Nursing pursuant to § 54.1-2957.

"Occupational therapy assistant" means an individual who has met the requirements of the Board for licensure and who works under the supervision of a licensed occupational therapist to assist in the practice of occupational therapy.

"Patient care team" means a multidisciplinary team of health care providers actively functioning as a unit with the management and leadership of one or more patient care team physicians for the purpose of providing and delivering health care to a patient or group of patients.

"Patient care team physician" means a physician who is actively licensed to practice medicine in the Commonwealth, who regularly practices medicine in the Commonwealth, and who provides management and leadership in the care of patients as part of a patient care team.

"Patient care team podiatrist" means a podiatrist who is actively licensed to practice podiatry in the Commonwealth, who regularly practices podiatry in the Commonwealth, and who provides management and leadership to physician assistants in the care of patients as part of a patient care team.

"Physician assistant" means a health care professional who has met the requirements of the Board for licensure as a physician assistant.

"Practice of acupuncture" means the stimulation of certain points on or near the surface of the body by the insertion of needles to prevent or modify the perception of pain or to normalize physiological functions, including pain control, for the treatment of certain ailments or conditions of the body and includes the techniques of electroacupuncture, cupping and moxibustion. The practice of acupuncture does not include the use of physical therapy, chiropractic, or osteopathic manipulative techniques; the use or prescribing of any drugs, medications, serums or vaccines; or the procedure of auricular acupuncture as exempted in § 54.1-2901 when used in the context of a chemical dependency treatment program for patients eligible for federal, state or local public funds by an employee of the program who is trained and approved by the National Acupuncture Detoxification Association or an equivalent certifying body.

"Practice of athletic training" means the prevention, recognition, evaluation, and treatment of injuries or conditions related to athletic or recreational activity that requires physical skill and utilizes strength, power, endurance, speed, flexibility, range of motion or agility or a substantially similar injury or condition resulting from occupational activity immediately upon the onset of such injury or condition; and subsequent treatment and rehabilitation of such injuries or conditions under the direction of the patient's physician or under the direction of any doctor of medicine, osteopathy, chiropractic, podiatry, or dentistry, while using heat, light, sound, cold, electricity, exercise or mechanical or other devices.

"Practice of behavior analysis" means the design, implementation, and evaluation of environmental modifications, using behavioral stimuli and consequences, to produce socially significant improvement in human behavior, including the use of direct observation, measurement, and functional analysis of the relationship between environment and behavior.

"Practice of chiropractic" means the adjustment of the 24 movable vertebrae of the spinal column, and assisting nature for the purpose of normalizing the transmission of nerve energy, but does not include the use of surgery, obstetrics, osteopathy or the administration or prescribing of any drugs, medicines, serums or vaccines. "Practice of chiropractic" shall include performing the physical examination of an applicant for a commercial driver's license or commercial learner's permit pursuant to § 46.2-341.12 if the practitioner has (i) applied for and received certification as a medical examiner pursuant to 49 C.F.R. Part 390, Subpart D and (ii) registered with the National Registry of Certified Medical Examiners.

"Practice of genetic counseling" means (i) obtaining and evaluating individual and family medical histories to assess the risk of genetic medical conditions and diseases in a patient, his offspring, and other family members; (ii) discussing the features, history, diagnosis, environmental factors, and risk management of genetic medical conditions and diseases; (iii) ordering genetic laboratory tests and other diagnostic studies necessary for genetic assessment; (iv) integrating the results with personal and family medical history to assess and communicate risk factors for genetic medical conditions and diseases; (v) evaluating the patient's and family's responses to the medical condition or risk of recurrence and providing client-centered counseling and anticipatory guidance; (vi) identifying and utilizing community resources that provide medical, educational, financial, and psychosocial support and advocacy; and (vii) providing written documentation of medical, genetic, and counseling information for families and health care professionals.

"Practice of medicine or osteopathic medicine" means the prevention, diagnosis and treatment of human physical or mental ailments, conditions, diseases, pain or infirmities by any means or method.

"Practice of occupational therapy" means the therapeutic use of occupations for habilitation and rehabilitation to enhance physical health, mental health, and cognitive functioning and includes the evaluation, analysis, assessment, and delivery of education and training in basic and instrumental activities of daily living; the design, fabrication, and application of orthoses (splints); the design, selection, and use of adaptive equipment and assistive technologies; therapeutic activities to enhance functional performance; vocational evaluation and training; and consultation concerning the adaptation of physical, sensory, and social environments.

"Practice of podiatry" means the prevention, diagnosis, treatment, and cure or alleviation of physical conditions, diseases, pain, or infirmities of the human foot and ankle, including the medical, mechanical and surgical treatment of the ailments of the human foot and ankle, but does not include amputation of the foot proximal to the transmetatarsal level through the metatarsal shafts. Amputations proximal to the metatarsal-phalangeal joints may only be performed in a hospital or ambulatory surgery facility accredited by an organization listed in § 54.1-2939. The practice includes the diagnosis and treatment of lower extremity ulcers; however, the treatment of severe lower extremity ulcers proximal to the foot and ankle may only be performed by appropriately trained, credentialed podiatrists in an approved hospital or ambulatory surgery center at which the podiatrist has privileges, as described in § 54.1-2939. The Board of Medicine shall determine whether a specific type of treatment of the foot and ankle is within the scope of practice of podiatry.

"Practice of radiologic technology" means the application of ionizing radiation to human beings for diagnostic or therapeutic purposes.

"Practice of respiratory care" means the (i) administration of pharmacological, diagnostic, and therapeutic agents related to respiratory care procedures necessary to implement a treatment, disease prevention, pulmonary rehabilitative, or diagnostic regimen prescribed by a practitioner of medicine or osteopathic medicine; (ii) transcription and implementation of the written or verbal orders of a practitioner of medicine or osteopathic medicine pertaining to the practice of respiratory care; (iii) observation and monitoring of signs and symptoms, general behavior, general physical response to respiratory care treatment and diagnostic testing, including determination of whether such signs, symptoms, reactions, behavior or general physical response exhibit abnormal characteristics; and (iv) implementation of respiratory care procedures, based on observed abnormalities, or appropriate reporting, referral, respiratory care protocols or changes in treatment pursuant to the written or verbal orders by a licensed practitioner of medicine or osteopathic medicine or the initiation of emergency procedures, pursuant to the Board's regulations or as otherwise authorized by law. The practice of respiratory care may be performed in any clinic, hospital, skilled nursing facility, private dwelling or other place deemed appropriate by the Board in accordance with the written or verbal order of a practitioner of medicine or osteopathic medicine, and shall be performed under qualified medical direction.

"Practice of surgical assisting" means the performance of significant surgical tasks, including manipulation of organs, suturing of tissue, placement of hemostatic agents, injection of local anesthetic, harvesting of veins, implementation of devices, and other duties as directed by a licensed doctor of medicine, osteopathy, or podiatry under the direct supervision of a licensed doctor of medicine, osteopathy, or podiatry.

"Qualified medical direction" means, in the context of the practice of respiratory care, having readily accessible to the respiratory therapist a licensed practitioner of medicine or osteopathic medicine who has specialty training or experience in the management of acute and chronic respiratory disorders and who is responsible for the quality, safety, and appropriateness of the respiratory services provided by the respiratory therapist.

"Radiologic technologist" means an individual, other than a licensed doctor of medicine, osteopathy, podiatry, or chiropractic or a dentist licensed pursuant to Chapter 27 (§ 54.1-2700 et seq.), who (i) performs, may be called upon to perform, or is licensed to perform a comprehensive scope of diagnostic or therapeutic radiologic procedures employing ionizing radiation and (ii) is delegated or exercises responsibility for the operation of radiation-generating equipment, the shielding of patient and staff from unnecessary radiation, the appropriate exposure of radiographs, the administration of radioactive chemical compounds under the direction of an authorized user as specified by regulations of the Department of Health, or other procedures that contribute to any significant extent to the site or dosage of ionizing radiation to which a patient is exposed.

"Radiologic technologist, limited" means an individual, other than a licensed radiologic technologist, dental hygienist, or person who is otherwise authorized by the Board of Dentistry under Chapter 27 (§ 54.1-2700 et seq.) and the regulations pursuant thereto, who performs diagnostic radiographic procedures employing equipment that emits ionizing radiation that is limited to specific areas of the human body.

"Radiologist assistant" means an individual who has met the requirements of the Board for licensure as an advanced-level radiologic technologist and who, under the direct supervision of a licensed doctor of medicine or osteopathy specializing in the field of radiology, is authorized to (i) assess and evaluate the physiological and psychological responsiveness of patients undergoing radiologic procedures; (ii) evaluate image quality, make initial observations, and communicate observations to the supervising radiologist; (iii) administer contrast media or other medications prescribed by the supervising radiologist; and (iv) perform, or assist the supervising radiologist to perform, any other procedure consistent with the guidelines adopted by the American College of Radiology, the American Society of Radiologic Technologists, and the American Registry of Radiologic Technologists.

"Respiratory care" means the practice of the allied health profession responsible for the direct and indirect services, including inhalation therapy and respiratory therapy, in the treatment, management, diagnostic testing, control, and care of patients with deficiencies and abnormalities associated with the cardiopulmonary system under qualified medical direction.

"Surgical assistant" means an individual who has met the requirements of the Board for licensure as a surgical assistant and who works under the direct supervision of a licensed doctor of medicine, osteopathy, or podiatry.

§ 54.1-2956.13. Licensure of surgical assistant; practice of surgical assisting; use of title.

A. No person shall engage in the practice of surgical assisting or use or assume the title "registered surgical assistant" unless such person is registered with holds a license as a surgical assistant issued by the Board. Nothing in this section shall be construed as prohibiting any professional licensed, certified, or registered by a health regulatory board from acting within the scope of his practice.

B. The Board shall register as a registered establish criteria for licensure as a surgical assistant any applicant who presents satisfactory evidence that he (i) holds, which shall include evidence that the applicant:

1. Holds a current credential as a surgical assistant or surgical first assistant issued by the National Board of Surgical Technology and Surgical Assisting, the National Surgical Assistant Association, or the National Commission for Certification of Surgical Assistants or their successors, (ii) has;

2. Has successfully completed a surgical assistant training program during the person's service as a member of any branch of the armed forces of the United States,; or (iii) has

3. Has practiced as a surgical assistant in the Commonwealth at any time in the six months immediately prior to July 1, 2014, provided he registers with the Board by December 31, 2016 July 1, 2020.

C. For renewal of a registration license, a surgical assistant who was registered licensed based on a credential as a surgical assistant or surgical first assistant issued by the National Board of Surgical Technology and Surgical Assisting, the National Surgical Assistant Association, or the National Commission for the Certification of Surgical Assistants or their successors shall attest that the credential is current at the time of renewal.

§ 54.1-2956.14. Advisory Board on Surgical Assisting; appointments; terms; duties.

A. The Advisory Board on Surgical Assisting (Advisory Board) shall assist the Board in carrying out the provisions of this chapter regarding the qualifications and regulation of licensed surgical assistants.

B. The Advisory Board shall consist of five members appointed by the Governor for four-year terms. Three members of the Board shall be, at the time of appointment, surgical assistants who have practiced in the Commonwealth for not less than three years; one member shall be a doctor of medicine, osteopathy, or podiatry whose practice shall include surgery; and one member shall be a citizen member appointed from the Commonwealth at large. Vacancies occurring other than by expiration of a term shall be filled for the unexpired term. No person shall be eligible to serve on the Advisory Board for more than two consecutive terms.

C. The Advisory Board shall, under the authority of the Board, recommend to the Board for its enactment into regulations (i) standards for continued licensure of surgical assistants, including continuing education requirements, and (ii) standards relating to the professional conduct, termination and reinstatement and renewal of licenses of surgical assistants.

2. That initial appointments to the Advisory Board on Surgical Assisting established pursuant to this act shall be made for the following terms: one member shall be appointed for a term of one year, one member shall be appointed for a term of two years, one member shall be appointed for a term of three years, and two members shall be appointed for a term of four years.

CHAPTER 1223

An Act to amend and reenact § 32.1-46 of the Code of Virginia, relating to required immunizations.

[H 1090]

Approved April 22, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 32.1-46 of the Code of Virginia is amended and reenacted as follows:

§ 32.1-46. Immunization of patients against certain diseases.

A. The parent, guardian or person standing in loco parentis of each child within this Commonwealth shall cause such child to be immunized in accordance with the Immunization Schedule developed and published by the Centers for Disease Control and Prevention (CDC), Advisory Committee on Immunization Practices (ACIP), the American Academy of Pediatrics (AAP), and the American Academy of Family Physicians (AAFP). The required immunizations for attendance at a public or private elementary, middle or secondary school, child care center, nursery school, family day care home, or developmental center shall be those set forth in the State Board of Health Regulations for the Immunization of School Children. The Board's regulations shall at a minimum require:

1. A minimum of three properly spaced doses of hepatitis B vaccine (HepB).

2. A minimum of three or more properly spaced doses of diphtheria toxoid. One dose shall be administered on or after the fourth birthday.

3. A minimum of three or more properly spaced doses of tetanus toxoid. One dose shall be administered on or after the fourth birthday.

4. A minimum of three or more properly spaced doses of acellular pertussis vaccine. One dose shall be administered on or after the fourth birthday. A booster dose shall be administered prior to entry into the seventh grade.

5. Two or three primary doses of Haemophilus influenzae type b (Hib) vaccine, depending on the manufacturer, for children up to 60 months of age.

6. Two properly spaced doses of live attenuated measles (rubeola) vaccine. The first dose shall be administered at age 12 months or older.

7. One dose of live attenuated rubella vaccine shall be administered at age 12 months or older.

8. One dose of live attenuated mumps vaccine shall be administered at age 12 months or older.

9. ~~All children born on and after January 1, 1997, shall be required to have one dose~~ *Two properly spaced doses of varicella vaccine on or after 12 months. The first dose shall be administered at age 12 months or older.*

10. Three or more properly spaced doses of oral polio vaccine (OPV) or inactivated polio vaccine (IPV). One dose shall be administered on or after the fourth birthday. A fourth dose shall be required if the three dose primary series consisted of a combination of OPV and IPV.

11. One to four doses, dependent on age at first dose, of properly spaced pneumococcal conjugate (PCV) vaccine for children up to 60 months of age.

12. ~~Three~~ *Two* doses of properly spaced human papillomavirus (HPV) vaccine ~~for females~~. The first dose shall be administered before the child enters the ~~sixth~~ *seventh* grade.

13. *Two or three properly spaced doses of rotavirus vaccine, depending on the manufacturer, for children up to eight months of age.*

14. *Two properly spaced doses of hepatitis A vaccine (HAV). The first dose shall be administered at age 12 months or older.*

15. *Two properly spaced doses of meningococcal conjugate vaccine (MenACWY). The first dose shall be administered prior to entry to seventh grade. The second dose shall be administered prior to entry to twelfth grade.*

The parent, guardian or person standing in loco parentis may have such child immunized by a physician, physician assistant, nurse practitioner, registered nurse, or licensed practical nurse, or a pharmacist who administers pursuant to a valid prescription, or may present the child to the appropriate local health department, which shall administer the vaccines required by the State Board of Health Regulations for the Immunization of School Children without charge to the parent of or person standing in loco parentis to the child if (i) the child is eligible for the Vaccines for Children Program or (ii) the child is eligible for coverages issued pursuant to Title XVIII of the Social Security Act, 42 U.S.C. § 1395 et seq. (Medicare), Title XIX of the Social Security Act, 42 U.S.C. § 1396 et seq. (Medicaid), Title XXI of the Social Security Act, 42 U.S.C. § 1397aa et seq. (CHIP), or 10 U.S.C. § 1071 et seq. (CHAMPUS). In all cases in which a child is covered by a health carrier, Medicare, Medicaid, CHIP, or CHAMPUS, the Department shall seek reimbursement from the health carrier, Medicare, Medicaid, CHIP, or CHAMPUS for all allowable costs associated with the provision of the vaccine. For the purposes of this section, the Department shall be deemed a participating provider with a managed care health insurance plan as defined in § 32.1-137.1.

B. A physician, physician assistant, nurse practitioner, registered nurse, licensed practical nurse, pharmacist, or local health department administering a vaccine required by this section shall provide to the person who presents the child for immunizations a certificate that shall state the diseases for which the child has been immunized, the numbers of doses given, the dates when administered and any further immunizations indicated.

~~C. The vaccines required by this section shall meet the standards prescribed in, and be administered in accordance with, regulations of the Board.~~

C. The vaccines required by this section shall meet the standards prescribed in, and be administered in accordance with, the State Board of Health Regulations for the Immunization of School Children. The State Board of Health shall amend the State Board of Health Regulations for the Immunization of School Children as necessary from time to time to maintain conformity with evidence-based, routinely recommended vaccinations for children. The adoption of such regulations shall be exempt from the requirements of Article 2 (§ 2.2-4006 et seq.) of the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia). However, the Department shall (i) provide a Notice of Intended Regulatory Action and (ii) provide for a 60-day public comment period prior to the Board's adoption of the regulations.

D. The provisions of this section shall not apply if:

1. The parent or guardian of the child objects thereto on the grounds that the administration of immunizing agents conflicts with his religious tenets or practices, unless an emergency or epidemic of disease has been declared by the Board;

2. The parent or guardian presents a statement from a physician licensed to practice medicine in Virginia, a licensed nurse practitioner, or a local health department that states that the physical condition of the child is such that the administration of one or more of the required immunizing agents would be detrimental to the health of the child; or

3. Because the human papillomavirus is not communicable in a school setting, a parent or guardian, at the parent's or guardian's sole discretion, may elect for the parent's or guardian's child not to receive the human papillomavirus vaccine, after having reviewed materials describing the link between the human papillomavirus and cervical cancer approved for such use by the Board.

E. For the purpose of protecting the public health by ensuring that each child receives age-appropriate immunizations, any physician, physician assistant, nurse practitioner, licensed institutional health care provider, local or district health department, the Virginia Immunization Information System, and the Department of Health may share immunization and patient locator information without parental authorization, including, but not limited to, the month, day, and year of each administered immunization; the patient's name, address, telephone number, birth date, and social security number; and the parents' names. The immunization information; the patient's name, address, telephone number, birth date, and social security number; and the parents' names shall be confidential and shall only be shared for the purposes set out in this subsection.

F. The State Board of Health shall review this section annually and make recommendations for revision by September 1 to the Governor, the General Assembly, and the Joint Commission on Health Care.

2. That the Department of Health and the Department of Education shall jointly review §§ 22.1-271.2 and 32.1-46 of the Code of Virginia as amended by this act and report to the House Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health on the effectiveness of the required vaccination program in promoting public health by December 1, 2021.

3. That the provisions of this act shall become effective on July 1, 2021.

CHAPTER 1224

An Act to amend and reenact § 58.1-3660 of the Code of Virginia and to amend the Code of Virginia by adding in Article 2 of Chapter 26 of Title 58.1 a section numbered 58.1-2636, relating to solar energy projects; revenue share assessment.

[H 1131]

Approved April 22, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-3660 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Article 2 of Chapter 26 of Title 58.1 a section numbered 58.1-2636 as follows:

§ 58.1-2636. Revenue share for solar energy projects.

A. Any locality may by ordinance assess a revenue share of up to \$1,400 per megawatt, as measured in alternating current (AC) generation capacity of the nameplate capacity of the facility based on submissions by the facility owner to the interconnecting utility, on any solar photovoltaic (electric energy) project.

B. For purposes of this section, "solar photovoltaic (electric energy) project" shall not include any project that is (i) described in § 56-594, 56-594.01, or 56-594.2 or Chapters 358 and 382 of the Acts of Assembly of 2013, as amended; (ii) 20 megawatts or less, as measured in alternating current (AC) generation capacity, for which an initial interconnection request form has been filed with an electric utility or a regional transmission organization on or before December 31, 2018; or (iii) five megawatts or less.

§ 58.1-3660. Certified pollution control equipment and facilities.

A. Certified pollution control equipment and facilities, as defined herein, are hereby declared to be a separate class of property and shall constitute a classification for local taxation separate from other such classification of real or personal property and such property. Certified pollution control equipment and facilities shall be exempt from state and local taxation pursuant to Article X, Section 6 (d) of the Constitution of Virginia.

B. As used in this section:

"Certified pollution control equipment and facilities" shall mean any property, including real or personal property, equipment, facilities, or devices, used primarily for the purpose of abating or preventing pollution of the atmosphere or waters of the Commonwealth and which the state certifying authority having jurisdiction with respect to such property has certified to the Department of Taxation as having been constructed, reconstructed, erected, or acquired in conformity with the state program or requirements for abatement or control of water or atmospheric pollution or contamination. Such property shall include, but is not limited to, any equipment used to grind, chip, or mulch trees, tree stumps, underbrush, and other vegetative cover for reuse as mulch, compost, landfill gas, synthetic or natural gas recovered from waste or other fuel, and equipment used in collecting, processing, and distributing, or generating electricity from, landfill gas or synthetic or natural gas recovered from waste, whether or not such property has been certified to the Department of Taxation by a state certifying authority. Such property shall also include solar energy equipment, facilities, or devices owned or operated by a business that collect, generate, transfer, or store thermal or electric energy whether or not such property has been certified to the Department of Taxation by a state certifying authority.

C. For solar photovoltaic (electric energy) systems, this exemption applies only to (i) projects equaling 20 megawatts or less, as measured in alternating current (AC) generation capacity, for which an initial interconnection request form has been filed with an electric utility or a regional transmission organization on or before December 31, 2018; (ii) projects equaling 20 megawatts or less, as measured in alternating current (AC) generation capacity, that serve any of the public institutions of higher education listed in § 23.1-100 or any private college as defined in § 23.1-105; (iii) 80 percent of the assessed value of projects for which an initial interconnection request form has been filed with an electric utility or a regional transmission organization (a) between January 1, 2015, and June 30, 2018, for projects greater than 20 megawatts or (b) on or after July 1, 2018, for projects greater than 20 megawatts and less than 150 megawatts, as measured in

alternating current (AC) generation capacity, and that are first in service on or after January 1, 2017; (iv) projects equaling five megawatts or less, as measured in alternating current (AC) generation capacity, for which an initial interconnection request form has been filed with an electric utility or a regional transmission organization on or after January 1, 2019; and (v) 80 percent of the assessed value of all other projects equaling more than five megawatts and less than 150 megawatts, as measured in alternating current (AC) generation capacity for which an initial interconnection request form has been filed with an electric utility or a regional transmission organization on or after January 1, 2019.

The D. The exemption for solar photovoltaic (electric energy) projects greater than five megawatts, as measured in alternating current (AC) generation capacity, shall not apply to any such project unless an application has been filed with the locality for the project before July 1, 2030, regardless of whether a locality assesses a revenue share on such project pursuant to the provisions of § 58.1-2636. If a locality adopts an energy revenue share ordinance under § 58.1-2636, the exemption for solar photovoltaic (electric energy) projects greater than ~~20~~ five megawatts, as measured in alternating current (AC) generation capacity, shall not apply to projects upon which construction begins after January 1, 2024 be 100 percent of the assessed value. If a locality does not adopt an energy revenue share ordinance under § 58.1-2636, the exemption for solar photovoltaic (electric energy) projects greater than five megawatts, as measured in alternating current (AC) generation capacity, for which an initial interconnection request form has been filed with an electric utility or a regional transmission organization, shall be 80 percent of the assessed value when an application has been filed with the locality prior to July 1, 2030. For purposes of this subsection, "application has been filed with the locality" means an applicant has filed an application for a zoning confirmation from the locality for a by-right use, or an application for land use approval under the locality's zoning ordinance to include an application for a conditional use permit, special use permit, special exception, or other application as set out in the locality's zoning ordinance.

E. For pollution control equipment and facilities certified by the Virginia Department of Health, this exemption applies only to onsite sewage systems that serve 10 or more households, use nitrogen-reducing processes and technology, and are constructed, wholly or partially, with public funds. All such property as described in this definition shall not include the land on which such equipment or facilities are located.

"State certifying authority" shall mean the State Water Control Board or the Virginia Department of Health, for water pollution; the State Air Pollution Control Board, for air pollution; the Department of Mines, Minerals and Energy, for solar energy projects and for coal, oil, and gas production, including gas, natural gas, and coalbed methane gas; and the Virginia Waste Management Board, for waste disposal facilities, natural gas recovered from waste facilities, and landfill gas production facilities, and shall include any interstate agency authorized to act in place of a certifying authority of the Commonwealth.

2. That no revenue share established pursuant to this act shall retroactively apply to any solar photovoltaic (electric energy) project for which an application was filed with the locality on or before July 1, 2020, unless (i) the locality and the applicant or owner agree to revise any existing voluntary payment agreement, or enter into any new voluntary payment agreement, under which the applicant or owner agree to voluntarily waive a portion of the exemption from machinery and tools tax as provided in § 58.1-3660 of the Code of Virginia, as amended by this act, and (ii) the locality and the applicant or owner agree to substitute the amount of such voluntary payment for a similar amount of a solar energy revenue share authorized by § 58.1-2636 of the Code of Virginia, as created by this act. However, nothing in this act shall preclude an applicant or owner of a solar photovoltaic (electric energy) project previously approved by a locality from entering into a written agreement to submit such project to a local ordinance that requires a solar energy revenue share to be paid as authorized by § 58.1-2636 of the Code of Virginia, as created by this act.

CHAPTER 1225

An Act to amend and reenact §§ 56-576 and 56-585.1:4 of the Code of Virginia, relating to electric utilities; projects on previously developed project sites.

[H 1133]

Approved April 22, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 56-576 and 56-585.1:4 of the Code of Virginia are amended and reenacted as follows:

§ 56-576. Definitions.

As used in this chapter:

"Affiliate" means any person that controls, is controlled by, or is under common control with an electric utility.

"Aggregator" means a person that, as an agent or intermediary, (i) offers to purchase, or purchases, electric energy or (ii) offers to arrange for, or arranges for, the purchase of electric energy, for sale to, or on behalf of, two or more retail customers not controlled by or under common control with such person. The following activities shall not, in and of themselves, make a person an aggregator under this chapter: (i) furnishing legal services to two or more retail customers, suppliers or aggregators; (ii) furnishing educational, informational, or analytical services to two or more retail customers, unless direct or indirect compensation for such services is paid by an aggregator or supplier of electric energy; (iii) furnishing educational, informational, or analytical services to two or more suppliers or aggregators; (iv) providing

default service under § 56-585; (v) engaging in activities of a retail electric energy supplier, licensed pursuant to § 56-587, which are authorized by such supplier's license; and (vi) engaging in actions of a retail customer, in common with one or more other such retail customers, to issue a request for proposal or to negotiate a purchase of electric energy for consumption by such retail customers.

(Expires December 31, 2023) "Business park" means a land development containing a minimum of 100 contiguous acres classified as a Tier 4 site under the Virginia Economic Development Partnership's Business Ready Sites Program that is developed and constructed by an industrial development authority, or a similar political subdivision of the Commonwealth created pursuant to § 15.2-4903 or other act of the General Assembly, in order to promote business development and that is located in an area of the Commonwealth designated as a qualified opportunity zone by the U.S. Secretary of the Treasury via his delegation of authority to the Internal Revenue Service.

"Combined heat and power" means a method of using waste heat from electrical generation to offset traditional processes, space heating, air conditioning, or refrigeration.

"Commission" means the State Corporation Commission.

"Cooperative" means a utility formed under or subject to Chapter 9.1 (§ 56-231.15 et seq.).

"Covered entity" means a provider in the Commonwealth of an electric service not subject to competition but shall not include default service providers.

"Covered transaction" means an acquisition, merger, or consolidation of, or other transaction involving stock, securities, voting interests or assets by which one or more persons obtains control of a covered entity.

"Curtailment" means inducing retail customers to reduce load during times of peak demand so as to ease the burden on the electrical grid.

"Customer choice" means the opportunity for a retail customer in the Commonwealth to purchase electric energy from any supplier licensed and seeking to sell electric energy to that customer.

"Demand response" means measures aimed at shifting time of use of electricity from peak-use periods to times of lower demand by inducing retail customers to curtail electricity usage during periods of congestion and higher prices in the electrical grid.

"Distribute," "distributing," or "distribution of" electric energy means the transfer of electric energy through a retail distribution system to a retail customer.

"Distributor" means a person owning, controlling, or operating a retail distribution system to provide electric energy directly to retail customers.

"Electric distribution grid transformation project" means a project associated with electric distribution infrastructure, including related data analytics equipment, that is designed to accommodate or facilitate the integration of utility-owned or customer-owned renewable electric generation resources with the utility's electric distribution grid or to otherwise enhance electric distribution grid reliability, electric distribution grid security, customer service, or energy efficiency and conservation, including advanced metering infrastructure; intelligent grid devices for real time system and asset information; automated control systems for electric distribution circuits and substations; communications networks for service meters; intelligent grid devices and other distribution equipment; distribution system hardening projects for circuits, other than the conversion of overhead tap lines to underground service, and substations designed to reduce service outages or service restoration times; physical security measures at key distribution substations; cyber security measures; energy storage systems and microgrids that support circuit-level grid stability, power quality, reliability, or resiliency or provide temporary backup energy supply; electrical facilities and infrastructure necessary to support electric vehicle charging systems; LED street light conversions; and new customer information platforms designed to provide improved customer access, greater service options, and expanded access to energy usage information.

"Electric utility" means any person that generates, transmits, or distributes electric energy for use by retail customers in the Commonwealth, including any investor-owned electric utility, cooperative electric utility, or electric utility owned or operated by a municipality.

"Energy efficiency program" means a program that reduces the total amount of electricity that is required for the same process or activity implemented after the expiration of capped rates. Energy efficiency programs include equipment, physical, or program change designed to produce measured and verified reductions in the amount of electricity required to perform the same function and produce the same or a similar outcome. Energy efficiency programs may include, but are not limited to, (i) programs that result in improvements in lighting design, heating, ventilation, and air conditioning systems, appliances, building envelopes, and industrial and commercial processes; (ii) measures, such as but not limited to the installation of advanced meters, implemented or installed by utilities, that reduce fuel use or losses of electricity and otherwise improve internal operating efficiency in generation, transmission, and distribution systems; and (iii) customer engagement programs that result in measurable and verifiable energy savings that lead to efficient use patterns and practices. Energy efficiency programs include demand response, combined heat and power and waste heat recovery, curtailment, or other programs that are designed to reduce electricity consumption so long as they reduce the total amount of electricity that is required for the same process or activity. Utilities shall be authorized to install and operate such advanced metering technology and equipment on a customer's premises; however, nothing in this chapter establishes a requirement that an energy efficiency program be implemented on a customer's premises and be connected to a customer's wiring on the customer's side of the inter-connection without the customer's expressed consent.

"Generate," "generating," or "generation of" electric energy means the production of electric energy.

"Generator" means a person owning, controlling, or operating a facility that produces electric energy for sale.

"Incumbent electric utility" means each electric utility in the Commonwealth that, prior to July 1, 1999, supplied electric energy to retail customers located in an exclusive service territory established by the Commission.

"Independent system operator" means a person that may receive or has received, by transfer pursuant to this chapter, any ownership or control of, or any responsibility to operate, all or part of the transmission systems in the Commonwealth.

"In the public interest," for purposes of assessing energy efficiency programs, describes an energy efficiency program if the Commission determines that the net present value of the benefits exceeds the net present value of the costs as determined by not less than any three of the following four tests: (i) the Total Resource Cost Test; (ii) the Utility Cost Test (also referred to as the Program Administrator Test); (iii) the Participant Test; and (iv) the Ratepayer Impact Measure Test. Such determination shall include an analysis of all four tests, and a program or portfolio of programs shall be approved if the net present value of the benefits exceeds the net present value of the costs as determined by not less than any three of the four tests. If the Commission determines that an energy efficiency program or portfolio of programs is not in the public interest, its final order shall include all work product and analysis conducted by the Commission's staff in relation to that program, including testimony relied upon by the Commission's staff, that has bearing upon the Commission's decision. If the Commission reduces the proposed budget for a program or portfolio of programs, its final order shall include an analysis of the impact such budget reduction has upon the cost-effectiveness of such program or portfolio of programs. An order by the Commission (a) finding that a program or portfolio of programs is not in the public interest or (b) reducing the proposed budget for any program or portfolio of programs shall adhere to existing protocols for extraordinarily sensitive information. In addition, an energy efficiency program may be deemed to be "in the public interest" if the program provides measurable and verifiable energy savings to low-income customers or elderly customers.

"Measured and verified" means a process determined pursuant to methods accepted for use by utilities and industries to measure, verify, and validate energy savings and peak demand savings. This may include the protocol established by the United States Department of Energy, Office of Federal Energy Management Programs, Measurement and Verification Guidance for Federal Energy Projects, measurement and verification standards developed by the American Society of Heating, Refrigeration and Air Conditioning Engineers (ASHRAE), or engineering-based estimates of energy and demand savings associated with specific energy efficiency measures, as determined by the Commission.

"Municipality" means a city, county, town, authority, or other political subdivision of the Commonwealth.

"New underground facilities" means facilities to provide underground distribution service. "New underground facilities" includes underground cables with voltages of 69 kilovolts or less, pad-mounted devices, connections at customer meters, and transition terminations from existing overhead distribution sources.

"Peak-shaving" means measures aimed solely at shifting time of use of electricity from peak-use periods to times of lower demand by inducing retail customers to curtail electricity usage during periods of congestion and higher prices in the electrical grid.

"Person" means any individual, corporation, partnership, association, company, business, trust, joint venture, or other private legal entity, and the Commonwealth or any municipality.

"Previously developed project site" means any property, including related buffer areas, if any, that has been previously disturbed or developed for non-single-family residential, non-agricultural, or non-silvicultural use, regardless of whether such property currently is being used for any purpose. "Previously developed project site" includes a brownfield as defined in § 10.1-1230 or any parcel that has been previously used (i) for a retail, commercial, or industrial purpose; (ii) as a parking lot; (iii) as the site of a parking lot canopy or structure; (iv) for mining, which is any lands affected by coal mining that took place before August 3, 1977, or any lands upon which extraction activities have been permitted by the Department of Mines, Minerals and Energy under Title 45.1; (v) for quarrying; or (vi) as a landfill.

"Renewable energy" means energy derived from sunlight, wind, falling water, biomass, sustainable or otherwise, (the definitions of which shall be liberally construed), energy from waste, landfill gas, municipal solid waste, wave motion, tides, and geothermal power, and does not include energy derived from coal, oil, natural gas, or nuclear power. Renewable energy shall also include the proportion of the thermal or electric energy from a facility that results from the co-firing of biomass.

"Renewable thermal energy" means the thermal energy output from (i) a renewable-fueled combined heat and power generation facility that is (a) constructed, or renovated and improved, after January 1, 2012, (b) located in the Commonwealth, and (c) utilized in industrial processes other than the combined heat and power generation facility or (ii) a solar energy system, certified to the OG-100 standard of the Solar Ratings and Certification Corporation or an equivalent certification body, that (a) is constructed, or renovated and improved, after January 1, 2013, (b) is located in the Commonwealth, and (c) heats water or air for residential, commercial, institutional, or industrial purposes.

"Renewable thermal energy equivalent" means the electrical equivalent in megawatt hours of renewable thermal energy calculated by dividing (i) the heat content, measured in British thermal units (BTUs), of the renewable thermal energy at the point of transfer to a residential, commercial, institutional, or industrial process by (ii) the standard conversion factor of 3.413 million BTUs per megawatt hour.

"Renovated and improved facility" means a facility the components of which have been upgraded to enhance its operating efficiency.

"Retail customer" means any person that purchases retail electric energy for its own consumption at one or more metering points or nonmetered points of delivery located in the Commonwealth.

"Retail electric energy" means electric energy sold for ultimate consumption to a retail customer.

"Revenue reductions related to energy efficiency programs" means reductions in the collection of total non-fuel revenues, previously authorized by the Commission to be recovered from customers by a utility, that occur due to measured and verified decreased consumption of electricity caused by energy efficiency programs approved by the Commission and implemented by the utility, less the amount by which such non-fuel reductions in total revenues have been mitigated through other program-related factors, including reductions in variable operating expenses.

"Rooftop solar installation" means a distributed electric generation facility, storage facility, or generation and storage facility utilizing energy derived from sunlight, with a rated capacity of not less than 50 kilowatts, that is installed on the roof structure of an incumbent electric utility's commercial or industrial class customer, including host sites on commercial buildings, multifamily residential buildings, school or university buildings, and buildings of a church or religious body.

"Solar energy system" means a system of components that produces heat or electricity, or both, from sunlight.

"Supplier" means any generator, distributor, aggregator, broker, marketer, or other person who offers to sell or sells electric energy to retail customers and is licensed by the Commission to do so, but it does not mean a generator that produces electric energy exclusively for its own consumption or the consumption of an affiliate.

"Supply" or "supplying" electric energy means the sale of or the offer to sell electric energy to a retail customer.

"Transmission of," "transmit," or "transmitting" electric energy means the transfer of electric energy through the Commonwealth's interconnected transmission grid from a generator to either a distributor or a retail customer.

"Transmission system" means those facilities and equipment that are required to provide for the transmission of electric energy.

§ 56-585.1:4. Development of solar and wind generation capacity in the Commonwealth.

A. Prior to January 1, 2024, (i) the construction or purchase by a public utility of one or more solar or wind generation facilities located in the Commonwealth or off the Commonwealth's Atlantic shoreline, each having a rated capacity of at least one megawatt and having in the aggregate a rated capacity that does not exceed 5,000 megawatts, or (ii) the purchase by a public utility of energy, capacity, and environmental attributes from solar facilities described in clause (i) owned by persons other than a public utility is in the public interest, and the Commission shall so find if required to make a finding regarding whether such construction or purchase is in the public interest.

B. Prior to January 1, 2024, (i) the construction or purchase by a public utility of one or more solar or wind generation facilities located in the Commonwealth or off the Commonwealth's Atlantic shoreline, each having a rated capacity of less than one megawatt, including rooftop solar installations with a capacity of not less than 50 kilowatts, and having in the aggregate a rated capacity that does not exceed 500 megawatts, or (ii) the purchase by a public utility of energy, capacity, and environmental attributes from solar facilities described in clause (i) owned by persons other than a public utility is in the public interest, and the Commission shall so find if required to make a finding regarding whether such construction or purchase is in the public interest.

C. The aggregate cap of 5,000 megawatts of rated capacity described in clause (i) of subsection A **and**, the aggregate cap of 500 megawatts of rated capacity described in clause (i) of subsection B, *and the aggregate cap of 200 megawatts of rated capacity described in subsection G* are separate and independent from each other. The capacity of facilities in subsection B shall not be counted in determining the capacity of facilities in subsection A, **and or G**; the capacity of facilities in subsection A shall not be counted in determining the capacity of facilities in subsection B **or G**; *and the capacity of facilities in subsection G shall not be counted in determining the capacity of facilities in subsection A or B.*

D. Twenty-five percent of the solar generation capacity placed in service on or after July 1, 2018, located in the Commonwealth, and found to be in the public interest pursuant to subsection A or B shall be from the purchase by a public utility of energy, capacity, and environmental attributes from solar facilities owned by persons other than a public utility. The remainder shall be construction or purchase by a public utility of one or more solar generation facilities located in the Commonwealth. All of the solar generation capacity located in the Commonwealth and found to be in the public interest pursuant to subsection A or B shall be subject to competitive procurement, provided that a public utility may select solar generation capacity without regard to whether such selection satisfies price criteria if the selection of the solar generating capacity materially advances non-price criteria, including favoring geographic distribution of generating capacity, areas of higher employment, or regional economic development, if such non-price solar generating capacity selected does not exceed 25 percent of the utility's solar generating capacity.

E. Construction, purchasing, or leasing activities for a test or demonstration project for a new utility-owned and utility-operated generating facility or facilities utilizing energy derived from offshore wind with an aggregate capacity of not more than 16 megawatts are in the public interest.

F. A utility may elect to petition the Commission, outside of a triennial review proceeding conducted pursuant to § 56-585.1, at any time for a prudency determination with respect to the construction or purchase by the utility of one or more solar or wind generation facilities located in the Commonwealth or off the Commonwealth's Atlantic Shoreline or the purchase by the utility of energy, capacity, and environmental attributes from solar or wind facilities owned by persons other than the utility. The Commission's final order regarding any such petition shall be entered by the Commission not more than three months after the date of the filing of such petition.

G. *Prior to January 1, 2024, (i) the construction or purchase by a public utility of one or more solar or wind generation facilities located on a previously developed project site in the Commonwealth having in the aggregate a rated capacity that does not exceed 200 megawatts or (ii) the purchase by a public utility of energy, capacity, and environmental attributes from solar facilities described in clause (i) owned by persons other than a public utility, is in the public interest.*

CHAPTER 1226

An Act to amend and reenact §§ 13.1-603, 13.1-604, 13.1-609, and 13.1-610, §§ 13.1-614.1, 13.1-614.7, 13.1-615.1, and 13.1-616, as they shall become effective, §§ 13.1-624, 13.1-630, 13.1-636, 13.1-652, 13.1-657, 13.1-679, 13.1-692.1, 13.1-695, 13.1-712.1, as it shall become effective, 13.1-718, 13.1-719, and 13.1-721, §§ 13.1-721.1, 13.1-722.5, 13.1-722.7:1, and 13.1-722.9 through 13.1-722.13, as they shall become effective, and §§ 13.1-761, 13.1-764, and 13.1-766.1 of the Code of Virginia, to amend and reenact the second enactment of Chapter 636 of the Acts of Assembly of 2019 and the third and fourth enactments of Chapter 734 of the Acts of Assembly of 2019, and to repeal § 13.1-768.1 of the Code of Virginia, relating to the Virginia Stock Corporation Act.

[H 1149]

Approved April 22, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 13.1-603, 13.1-604, 13.1-609, and 13.1-610, §§ 13.1-614.1, 13.1-614.7, 13.1-615.1, and 13.1-616, as they shall become effective, §§ 13.1-624, 13.1-630, 13.1-636, 13.1-652, 13.1-657, 13.1-679, 13.1-692.1, 13.1-695, 13.1-712.1, as it shall become effective, 13.1-718, 13.1-719, and 13.1-721, §§ 13.1-721.1, 13.1-722.5, 13.1-722.7:1, and 13.1-722.9 through 13.1-722.13, as they shall become effective, and §§ 13.1-761, 13.1-764, and 13.1-766.1 of the Code of Virginia are amended and reenacted as follows:

§ 13.1-603. Definitions.

As used in this chapter:

"Articles of incorporation" means all documents constituting, at any particular time, the charter of a corporation. It includes the original charter issued by the General Assembly, a court or the Commission and all amendments including certificates of consolidation, serial designation, reduction, correction, and merger. It excludes articles of share exchange filed by an acquiring corporation. When the articles of incorporation have been restated pursuant to any articles of restatement, amendment, domestication, or merger, it includes only the restated articles of incorporation, including any articles of serial designation, without the accompanying articles of restatement, amendment, domestication, or merger. When used with respect to a foreign corporation, the "articles of incorporation" of such entity means the document that is equivalent to the articles of incorporation of a domestic corporation.

"Authorized shares" means the shares of all classes a domestic or foreign corporation is authorized to issue.

"Beneficial shareholder" means a person that owns the beneficial interest in shares, which may be a record shareholder or a person on whose behalf shares are registered in the name of an intermediary as nominee.

"Certificate," when relating to articles filed with the Commission, means the order of the Commission that makes the articles effective, together with the articles.

"Commission" means the State Corporation Commission of Virginia.

"Conspicuous" means so written, displayed, or presented that a reasonable person against whom the writing is to operate should have noticed it. For example, text that is italicized, is in boldface, contrasting colors, or capitals, or is underlined, is conspicuous.

"Corporation" or "domestic corporation" means a corporation authorized by law to issue shares, irrespective of the nature of the business to be transacted, organized under this chapter or existing pursuant to the laws of the Commonwealth on January 1, 1986, or which, by virtue of articles of incorporation, amendment, or merger, has become a domestic corporation of the Commonwealth, even though also being a corporation organized under laws other than the laws of the Commonwealth, or that has become a domestic corporation of the Commonwealth pursuant to Article 12.1 (§ 13.1-722.1:1 et seq.) or Article 12.2 (§ 13.1-722.8 et seq.) of this chapter or Article 15 (§ 13.1-1081 et seq.) of Chapter 12.

"Deliver" or "delivery" means any method of delivery used in conventional commercial practice, including delivery by hand, mail, commercial delivery, and, if authorized in accordance with § 13.1-610, electronic transmission.

"Derivative proceeding" means a civil suit in the right of a domestic corporation or, to the extent provided in Article 8.1 (§ 13.1-672.1 et seq.), a foreign corporation.

"Disinterested director" means, except with respect to Article 14 (§ 13.1-725 et seq.), a director who, at the time action is to be taken under subdivision B 5 of § 13.1-619, § 13.1-672.4, 13.1-691, 13.1-699, or 13.1-701, does not have (i) a financial interest in a matter that is the subject of such action or (ii) a familial, financial, professional, employment, or other relationship with a person who has a financial interest in the matter, either of which would reasonably be expected to impair the objectivity of the director's judgment when participating in the action, and if the action is to be taken under § 13.1-699 or 13.1-701, is also not a party to the proceeding. The presence of one or more of the following circumstances shall not by itself prevent a person from being a disinterested director: (i) nomination or election of the director to the board by any director who is not a disinterested director with respect to the matter or by any person that has a material relationship with that director, acting alone or participating with others; (ii) service as a director of another corporation of which a director who is not a disinterested director with respect to the matter, or any person that has a material relationship with that director, is or was also a director; or (iii) at the time action is to be taken under § 13.1-672.4, status as a named defendant, as a director against whom action is demanded, or as a director who approved the act being challenged.

"Distribution" means a direct or indirect transfer of cash or other property, except the corporation's own shares, or incurrence of indebtedness by a corporation to or for the benefit of its shareholders in respect of any of its shares. A

distribution may be in the form of a payment of a dividend; a purchase, redemption, or other acquisition of shares; a distribution of indebtedness of the corporation; a distribution in liquidation; or otherwise. Distribution does not include an acquisition by a corporation of its shares from the estate or personal representative of a deceased shareholder, or any other shareholder, but only to the extent the acquisition is effected using the proceeds of insurance on the life of such deceased shareholder and the board of directors approved the policy and the terms of the redemption prior to the shareholder's death.

"Document" means (i) any tangible medium on which information is inscribed, and includes handwritten, typed, printed, or similar instruments and copies of such instruments, or (ii) an electronic record.

"Domestic" with respect to an entity, means an entity governed as to its internal affairs by the organic law of the Commonwealth.

"Domestic business trust" has the same meaning as specified in § 13.1-1201.

"Domestic limited liability company" has the same meaning as specified in § 13.1-1002.

"Domestic limited partnership" has the same meaning as specified in § 50-73.1.

"Domestic nonstock corporation" has the same meaning as "domestic corporation" as specified in § 13.1-803.

"Domestic partnership" means an association of two or more persons to carry on as co-owners a business for profit formed under § 50-73.88, or predecessor law of the Commonwealth, and includes, for all purposes of the laws of the Commonwealth, a registered limited liability partnership.

"Effective date," when referring to a document for which effectiveness is contingent upon issuance of a certificate by the Commission, means the time and date determined in accordance with § 13.1-606.

"Effective date of notice" is defined in subdivision A 9 of § 13.1-610.

"Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

"Electronic record" means information that is stored in an electronic or other nontangible medium and is retrievable in paper form through an automated process used in conventional commercial practice, unless otherwise authorized in accordance with subdivision A 10 of § 13.1-610.

"Electronic transmission" or "electronically transmitted" means any form or process of communication, not directly involving the physical transfer of paper or another tangible medium, that (i) is suitable for the retention, retrieval, and reproduction of information by the recipient, and (ii) is retrievable in paper form by the recipient through an automated process used in conventional commercial practice, unless otherwise authorized in accordance with subdivision A 10 of § 13.1-610.

"Eligible entity" means a domestic or foreign unincorporated entity or a domestic or foreign nonstock corporation.

"Eligible interests" means interests or memberships.

"Employee" includes, unless otherwise provided in the bylaws, an officer but not a director. A director may accept duties that make the director also an employee.

"Entity" includes any domestic or foreign corporation; any domestic or foreign nonstock corporation; any domestic or foreign unincorporated entity; any estate or trust; and any state, the United States and any foreign government.

"Expenses" means reasonable expenses of any kind that are incurred in connection with a matter.

"Filing entity" means an unincorporated entity other than a general partnership.

"Foreign," with respect to an entity, means an entity governed as to its internal affairs by the organic law of a jurisdiction other than the Commonwealth.

"Foreign business trust" has the same meaning as specified in § 13.1-1201.

"Foreign corporation" means a corporation authorized by law to issue shares, organized under laws other than the laws of the Commonwealth.

"Foreign limited liability company" has the same meaning as specified in § 13.1-1002.

"Foreign limited partnership" has the same meaning as specified in § 50-73.1.

"Foreign nonstock corporation" means a corporation that is incorporated under a law other than the law of the Commonwealth and would, based on its public organic record, be a nonstock corporation if incorporated under the law of the Commonwealth.

"Foreign partnership" means an association of two or more persons to carry on as co-owners of a business for profit formed under the laws of any state or jurisdiction other than the Commonwealth, and includes, for all purposes of the laws of the Commonwealth, a foreign registered limited liability partnership.

"Foreign registered limited liability partnership" has the same meaning as specified in § 50-73.79.

"Foreign unincorporated entity" means an unincorporated entity whose internal affairs are governed by the organic law of a jurisdiction other than the Commonwealth a foreign partnership, foreign limited liability company, foreign limited partnership, or foreign business trust.

"Government subdivision" includes authority, county, district, and municipality.

"Governor" means any person under whose authority the powers of an entity are exercised and under whose direction the activities and affairs of the entity are managed pursuant to the organic law governing the entity and its organic rules.

"Includes" and "including" denote a partial definition as a nonexclusive list.

"Individual" means a natural person.

"Interest" means either or both of the following rights under the organic law governing an unincorporated entity:

1. The right to receive distributions from the entity either in the ordinary course or upon liquidation; or

2. The right to receive notice or to vote on issues involving its internal affairs, other than as an agent, assignee, proxy or person responsible for managing its business and affairs.

"Interest holder" means a person who holds of record an interest.

"Interest holder liability" means:

1. Personal liability for a debt, obligation, or other liability of a domestic or foreign corporation or domestic or foreign eligible entity that is imposed on a person:

a. Solely by reason of the person's status as a shareholder, member, or interest holder; or

b. By the articles of incorporation of the domestic corporation or the organic rules of the eligible entity or foreign corporation that make one or more specified shareholders, members, or interest holders, or categories of shareholders, members, or interest holders, liable in their capacity as shareholders, members, or interest holders for all or specified liabilities of the corporation or eligible entity; or

2. An obligation of a shareholder, member, or interest holder under the articles of incorporation of a domestic corporation or the organic rules of an eligible entity or foreign corporation to contribute to the entity.

For purposes of the foregoing, except as otherwise provided in the articles of incorporation of a domestic corporation or the organic law or organic rules of an eligible entity or a foreign corporation, interest holder liability arises under subdivision 1 when the corporation or eligible entity incurs the liability.

"Jurisdiction of formation" means the state or country the law of which includes the organic law governing a domestic or foreign corporation or eligible entity.

"Means" denotes an exhaustive definition.

"Membership" means the rights of a member in a domestic or foreign nonstock corporation or limited liability company.

"Merger" means a transaction pursuant to § 13.1-716 or 13.1-766.1.

"Notice" is defined in § 13.1-610.

"Organic law" means the statute governing the internal affairs of a domestic or foreign corporation or eligible entity.

"Organic rules" means the public organic record and private organic rules of a domestic or foreign corporation or eligible entity.

~~"Partnership" has the same meaning as specified in § 50-73.79.~~

"Person" includes an individual and an entity.

"Principal office" means the office, in or out of the Commonwealth, where the principal executive offices of a domestic or foreign corporation are located, or, if there are no such offices, the office, in or out of the Commonwealth, so designated by the board of directors. The designation of the principal office in the most recent annual report filed pursuant to § 13.1-775 shall be conclusive for purposes of this chapter.

"Private organic rules" means (i) the bylaws of a domestic or foreign corporation or nonstock corporation or (ii) the rules, regardless of whether in writing, that govern the internal affairs of an unincorporated entity, are binding on all its interest holders, and are not part of its public organic record. Where private organic rules have been amended or restated, the term means the private organic rules as last amended or restated.

"Proceeding" includes civil suit and criminal, administrative, and investigatory action.

"Protected series" has the same meaning as specified in § 13.1-1002.

"Public corporation" means a corporation that has shares listed on a national securities exchange or regularly traded in a market maintained by one or more members of a national or affiliated securities association.

"Public organic record" means (i) the articles of incorporation of a domestic or foreign corporation or nonstock corporation or (ii) the document, the filing of which is required to create an unincorporated entity. Where a public organic record has been amended or restated, the term means the public organic record as last amended or restated.

"Record date" means the date fixed for determining the identity of the corporation's shareholders and their shareholdings for purposes of this chapter. The determinations shall be made as of the close of business at the principal office of the corporation on the record date unless another time for doing so is specified when the record date is fixed.

"Record shareholder" means (i) the person in whose name shares are registered in the records of the corporation or (ii) the person identified as the beneficial owner of shares in a beneficial ownership certificate pursuant to § 13.1-664 on file with the corporation to the extent of the rights granted by such certificate.

"Registered limited liability partnership" has the same meaning as specified in § 50-73.79.

"Secretary" means the corporate officer or other individual to whom the board of directors has delegated responsibility under subsection C of § 13.1-693 for custody of the minutes of the meetings of the board of directors and of the shareholders and for authenticating records of the corporation.

"Series limited liability company" has the same meaning as specified in § 13.1-1002.

"Share exchange" means a transaction pursuant to § 13.1-717.

"Shareholder" means a record shareholder.

"Shares" means the units into which the proprietary interests in a corporation are divided.

"Sign" or "signature" means, with present intent to authenticate or adopt a document: (i) to execute or adopt a tangible symbol to a document, and includes any manual, facsimile, or conformed signature; or (ii) to attach to or logically associate with an electronic transmission an electronic sound, symbol, or process, and includes an electronic signature in an electronic transmission.

"State" when referring to a part of the United States, includes a state, commonwealth, and the District of Columbia, and their agencies and governmental subdivisions; and a territory or insular possession, and their agencies and governmental subdivisions, of the United States.

"Subscriber" means a person who subscribes for shares in a corporation, whether before or after incorporation.

"Subsidiary" means, as to any corporation, any other corporation of which it owns, directly or indirectly, voting shares entitled to cast a majority of the votes entitled to be cast generally in an election of directors of such other corporation.

"Unincorporated entity" or "domestic unincorporated entity" means a domestic partnership, limited liability company, limited partnership or business trust.

"United States" includes district, authority, bureau, commission, department, and any other agency of the United States.

"Unrestricted voting trust beneficial owner" means, with respect to any shareholder rights, a voting trust beneficial owner whose entitlement to exercise the shareholder right in question is not inconsistent with the voting trust agreement.

"Voting group" means all shares of one or more classes or series that under the articles of incorporation or this chapter are entitled to vote and be counted together collectively on a matter at a meeting of shareholders. All shares entitled by the articles of incorporation or this chapter to vote generally on the matter are for that purpose a single voting group.

"Voting power" means the current power to vote in the election of directors.

"Voting trust beneficial owner" means an owner of a beneficial interest in shares of the corporation held in a voting trust established pursuant to subsection A of § 13.1-670.

"Writing" or "written" means any information in the form of a document.

§ 13.1-604. Filing requirements.

A. A document shall satisfy the requirements of this section, and of any other section that adds to or varies these requirements, to be entitled to be filed with the Commission.

B. To be entitled to be filed with the Commission, this chapter shall require or permit the document to be filed with the Commission.

C. The document shall contain the information required by this chapter and may contain other information as well.

D. The document shall be typewritten or printed or, if electronically transmitted, shall be in a format that can be retrieved or reproduced in typewritten or printed form. The typewritten or printed portion shall be in black. Photocopies, or other reproduced copies, of typewritten or printed documents may be filed. In every case, information in the document shall be legible and the document shall be capable of being reformatted and reproduced in copies of archival quality.

E. The document shall be in the English language. A corporate name need not be in English if written in English letters or Arabic or Roman numerals. The articles of incorporation, duly authenticated by the official having custody of corporate records in the jurisdiction of formation of the foreign corporation, that are required of foreign corporations need not be in English if accompanied by a reasonably authenticated English translation.

F. The document shall be signed in the name of the domestic or foreign corporation:

1. By the chairman or any vice-chairman of the board of directors, the president, or any other of its officers;
2. If directors have not been selected or the corporation has not been formed, by an incorporator; or
3. If the corporation is in the hands of a receiver, trustee, or other court-appointed fiduciary, by that fiduciary.

G. Any annual report required to be filed by § 13.1-775 shall be signed in the name of the corporation by an officer or director listed in the report or, if the corporation is in the hands of a receiver, trustee, or other court-appointed fiduciary, by that fiduciary.

H. The person executing the document shall sign it and state beneath or opposite his signature his name and the capacity in which the document is signed. The document may but need not contain a corporate seal, attestation, acknowledgment, or verification.

I. If, pursuant to any provision of this chapter, the Commission has prescribed a mandatory form for the document, the document shall be in or on the prescribed form.

J. The document shall be delivered to the Commission for filing and shall be accompanied by the correct filing fee, and any franchise tax, charter or entrance fee, registration fee, or penalty required by this chapter to be paid at the time of delivery for filing.

K. The Commission may accept the electronic transmission of any document or other information required or permitted to be filed by this chapter and may prescribe the methods of execution, recording, reproduction and certification of electronically transmitted information pursuant to § 59.1-496.

L. Whenever a provision of this chapter permits any of the terms of a plan or a filed document to be dependent on facts objectively ascertainable outside the plan or filed document, the following provisions apply:

1. The plan or filed document shall specify the nationally recognized news or information medium in which the facts can be found or otherwise state the manner in which the facts can be objectively ascertained. The manner in which the facts will operate upon the terms of the plan or filed document shall be set forth in the plan or filed document.

2. The facts may include:

a. Any of the following that is available in a nationally recognized news or information medium either in print or electronically: statistical or market indices, market prices of any security or group of securities, interest rates, currency exchange rates, or similar economic or financial data;

b. A determination or action by any person or body, including the corporation or any other party to a plan or filed document; or

c. The terms of, or actions taken under, an agreement to which the corporation is a party, or any other agreement or document.

3. As used in this subsection:

a. "Filed document" means a document filed with the Commission under § 13.1-619 or Article 11 (§ 13.1-705 et seq.), 12 (§ 13.1-715.1 et seq.), 12.1 (§ 13.1-722.1:1 et seq.), 12.2 (§ 13.1-722.8 et seq.), 16 (§ 13.1-742 et seq.), or 22 (§ 13.1-782 et seq.); and

b. "Plan" means a plan of domestication, conversion, merger, or share exchange.

4. The following terms of a plan or filed document may not be made dependent on facts outside the plan or filed document:

a. The name and address of any person required in a filed document;

b. *A purpose that is required to be set forth in a filed document;*

c. The registered office *address* of any entity required in a filed document;

~~e. d.~~ *The name or qualification of the registered agent of any entity required in a filed document;*

~~d. e.~~ *The number of authorized shares and the designation and terms, including the preferences, rights, and limitations of each class or series of shares;*

~~e. f.~~ *The effective date of a filed document; and*

~~f. g.~~ *Any required statement in a filed document of the date on which the underlying transaction was approved or the manner in which that approval was given.*

5. If a term of a filed document is made dependent on a fact objectively ascertainable outside of the filed document, and that fact is not objectively ascertainable by reference to a source described in subdivision 2 a or a document that is a matter of public record, nor has notice of the fact been given by the corporation to the affected shareholders, then the corporation shall file with the Commission articles of amendment setting forth the fact promptly after the time when the fact referred to is first ascertainable or thereafter changes. Articles of amendment under this subdivision are deemed to be authorized by the authorization of the original filed document or plan to which they relate and may be filed by the corporation without further action by the board of directors or the shareholders.

6. The provisions of subdivisions 1, 2, and 5 shall not be considered by the Commission in deciding whether the terms of a plan or filed document comply with the requirements of law.

§ 13.1-609. Certificate of good standing.

A. Anyone may apply to the Commission to furnish a certificate of good standing for a domestic or foreign corporation.

B. The certificate of good standing shall state that the corporation is in good standing in ~~this~~ *the* Commonwealth and shall set forth:

1. The domestic corporation's corporate name or the foreign corporation's corporate name ~~used~~ *and, if applicable, the designated name adopted for use in this the* Commonwealth;

2. That (i) the domestic corporation is duly incorporated under the law of the Commonwealth, the date of its incorporation, which is the original date of incorporation *or formation* of the domesticated *or converted* corporation if the corporation was domesticated *or converted* from a foreign jurisdiction, and the period of its duration if less than perpetual, or (ii) the foreign corporation is authorized to transact business in the Commonwealth; and

3. If requested, a list of all certificates relating to articles filed with the Commission that have been issued by the Commission with respect to such corporation and their respective effective dates.

C. A domestic corporation or a foreign corporation authorized to transact business in the Commonwealth shall be deemed to be in good standing if:

1. All fees, fines, penalties, and interest assessed, imposed, charged or to be collected by the Commission pursuant to this chapter have been paid except for any annual registration fee that is not due;

2. An annual report required by § 13.1-775 has been delivered to and accepted by the Commission; and

3. No certificate of dissolution, certificate of withdrawal, or order of reinstatement prohibiting the domestic corporation from engaging in business until it changes its corporate name has been issued or such certificate or prohibition has not become effective or no longer is in effect.

D. The certificate may state any other facts of record in the office of the clerk of the Commission that may be requested by the applicant.

E. Subject to any qualification stated in the certificate, a certificate of good standing issued by the Commission may be relied upon as conclusive evidence that the domestic or foreign corporation is in good standing in the Commonwealth.

§ 13.1-610. Notices and other communications.

A. For purposes of this chapter, except for notice to or from the Commission:

1. A notice shall be in writing except that oral notice of any meeting of the board of directors may be given if expressly authorized by the articles of incorporation or bylaws.

2. Unless otherwise agreed between the sender and the recipient, words in a notice or other communication under this chapter shall be in the English language. A notice or other communication may be given by any method of delivery, except that electronic transmissions shall be in accordance with this section. If the methods of delivery are impracticable, a notice

or other communication may be given by a broad non-exclusionary dissemination to the public, which may include a newspaper of general circulation in the area where the notice is intended to be given, or by radio, television, or other form of public communication in the area where the notice is intended to be given or other methods of distribution that the corporation has previously identified to its shareholders.

3. A notice or other communication to a domestic or foreign corporation authorized to transact business in the Commonwealth may be delivered to the corporation's registered agent at its registered office or to the secretary at the corporation's principal office shown in its most recent annual report or, in the case of a foreign corporation that has not yet delivered an annual report, in its application for a certificate of authority.

4. A notice or other communication may be delivered by electronic transmission if consented to by the recipient or if otherwise authorized by ~~subdivision 4~~ *subsection B*.

5. Any consent under subdivision 4 may be revoked by the person who consented by written or electronic notice to the person to whom the consent was delivered. Any such consent is deemed revoked if (i) the corporation is unable to deliver two consecutive electronic transmissions given by the corporation in accordance with such consent and (ii) such inability becomes known to the secretary or an assistant secretary of the corporation or to the transfer agent or other person responsible for the giving of notice or other communications; however, the inadvertent failure to treat such inability as a revocation shall not invalidate any meeting or other action.

6. Unless otherwise agreed between the sender and the recipient, an electronic transmission is received when:

a. It enters an information processing system that the recipient has designated or uses for the purpose of receiving electronic transmissions or information of the type sent, and from which the recipient is able to retrieve the electronic transmission; and

b. It is in a form capable of being processed by that system.

7. Receipt of an electronic acknowledgment from an information processing system described in subdivision 6 a establishes that an electronic transmission was received. However, such receipt of an electronic acknowledgment, by itself, does not establish that the content sent corresponds to the content received.

8. An electronic transmission is received under this section even if no individual is aware of its receipt.

9. A notice or other communication, if in a comprehensible form or manner, is effective at the earliest of the following:

a. If in physical form, the earliest of when it is actually received or when it is left at:

(1) A shareholder's address shown on the corporation's record of shareholders maintained by the corporation pursuant to subsection C of § 13.1-770;

(2) A director's residence or usual place of business;

(3) The corporation's *principal* office; or

(4) The corporation's registered office when left with the corporation's registered agent;

b. If mailed postage prepaid and correctly addressed to a shareholder, upon deposit in the United States mail;

c. If mailed by United States mail postage prepaid and correctly addressed to a recipient other than a shareholder, the earliest of when it is actually received or: (i) if sent by registered or certified mail return receipt requested, the date shown on the return receipt, signed by or on behalf of the addressee; or (ii) five days after it is deposited in the United States mail;

d. If an electronic transmission, when it is received as provided in subdivision 7; and

e. If oral, when communicated.

10. A notice or other communication may be in the form of an electronic transmission that cannot be directly reproduced in paper form by the recipient through an automated process used in conventional commercial practice only if (i) the electronic transmission is otherwise retrievable in perceivable form, and (ii) the sender and the recipient have consented in writing to the use of such form of electronic transmission.

~~11.~~ *B.* If this chapter prescribes requirements for notices or other communications in particular circumstances, those requirements govern. If articles of incorporation or bylaws prescribe requirements for notices or other communications not inconsistent with this section or other provisions of this chapter, those requirements govern. The articles of incorporation or bylaws may authorize or require delivery of notices of meetings of directors by electronic transmission.

~~12.~~ *C.* Without limiting the manner by which notice otherwise may be given effectively to shareholders, any notice to shareholders given by a public corporation, under any provision of this chapter, the articles of incorporation, or the bylaws, shall be effective if given in a manner permitted by the rules and regulations under the federal Securities Exchange Act of 1934, provided that the corporation has first received any affirmative written consent or implied consent required under those rules and regulations.

~~13.~~ *D.* If any provisions of this chapter are deemed to modify, limit, or supersede the federal General Electronic Signatures in Global and National Commerce Act, 15 U.S.C. § 7001 et seq., the provisions of this chapter shall control to the maximum extent permitted by § 102(a)(2) of that federal act or any successor provision of that federal act.

§ 13.1-614.1. (Effective July 1, 2020) Definitions.

As used in this article:

"Corporate action" means any action taken by or on behalf of the corporation, including any action taken by the incorporator, the board of directors, a committee, an officer or agent of the corporation, or the shareholders.

"Date of the defective corporate action" means the date, or the approximate date if the exact date is unknown, the defective corporate action was purported to have been taken.

"Defective corporate action" means (i) any corporate action purportedly taken that is, and at the time such corporate action was purportedly taken would have been, within the power of the corporation, but is void or voidable due to a failure of authorization, or (ii) an over-issuance of shares.

"Failure of authorization" means the failure to authorize, approve, or otherwise effect a corporate action in compliance with the provisions of this chapter, the articles of incorporation or bylaws, a corporate resolution, or any plan or agreement to which the corporation is a party, if and to the extent such failure would render such corporate action voidable.

"Over-issuance of shares" means the purported issuance of:

1. Shares of a class or series in excess of the number of shares of the class or series the corporation had the power to issue under § 13.1-638 at the time of such issuance; or
2. Shares of any class or series that was not then authorized for issuance by the articles of incorporation.

"Putative shares" means the shares of any class or series of the corporation, including shares issued upon exercise of rights, options, warrants, or other securities convertible into shares of the corporation, or interests with respect to such shares, that were created or issued as a result of a defective corporate action, that (i) but for any failure of authorization would constitute valid shares or (ii) cannot be determined by the board of directors to be valid shares.

"Valid shares" means the shares of any class or series of the corporation that have been duly authorized and validly issued in accordance with this chapter, including as a result of ratification or validation under this article.

"Validation effective time" with respect to any defective corporate action ratified under this article means the later of:

1. The time at which the ratification of the defective corporate action is approved by the shareholders or, if approval of shareholders is not required, the time at which the notice required by § 13.1-614.5 becomes effective in accordance with § 13.1-610; and
2. The time at which any document filed in accordance with § 13.1-614.7 becomes effective.

The validation effective time shall not be affected by the filing or pendency of a proceeding under § 13.1-614.8 or otherwise, unless ordered by the ~~court~~ *Commission*.

§ 13.1-614.7. (Effective July 1, 2020) Filings.

A. ~~If the~~ *After a* defective corporate action *is* ratified under this article ~~would have for a document required under any other section of by this chapter a filing with to be filed with the Commission, the corporation shall deliver to the Commission in accordance with this chapter, then, regardless of whether a for filing:~~

1. ~~If a filing with the Commission was previously made in with respect of to such defective corporate action and in lieu of a filing otherwise required by this chapter, the corporation shall make the required filing or, as appropriate, an amended filing in accordance with this section, and such filing shall the Commission issued with respect thereto a certificate, the articles of ratification, which may serve to amend or substitute for any other the filing previously made; or~~

2. ~~If no filing with the Commission was previously made with respect to such defective corporate action, the articles required by the this chapter.~~

B. The ~~filed~~ document *required by subsection A* shall set forth:

1. The defective corporate action that is the subject of the ~~filed~~ document, including, in the case of any defective corporate action involving the issuance of putative shares, the number and type of putative shares issued and the date or dates upon which such putative shares were purported to have been issued;
2. The date of the defective corporate action;
3. The nature of the failure of authorization in respect of the defective corporate action;
4. A statement that the defective corporate action was ratified in accordance with § 13.1-614.3, including the date on which the board of directors ratified such defective corporate action and the date, if any, on which the shareholders approved the ratification of such defective corporate action; and
5. The information required by subsection C.

C. The ~~filed~~ document *required by subsection A* shall also contain the following information:

1. If a filing with the Commission was previously made in respect of the defective corporate action and no changes to such filing are required to give effect to the ratification of such defective corporate action in accordance with § 13.1-614.3, the ~~filed~~ document shall set forth (i) the name, title and filing date of the filing previously made and any articles of correction to that filing and (ii) a statement that a copy of the filing previously made, together with any articles of correction to that filing, is attached as an exhibit;

2. If a filing *with the Commission* was previously made in respect of the defective corporate action and such filing requires any change to give effect to the ratification of such defective corporate action in accordance with § 13.1-614.3, the ~~filed~~ document shall set forth (i) the name, title, and filing date of the filing previously made and any articles of correction to that filing ~~and~~, (ii) a statement that a filing containing all of the information required to be included under the applicable section or sections of ~~the this~~ chapter to give effect to such defective corporate action is attached as an exhibit, and (iii) the date and time that ~~such filing the document~~ is deemed to have become effective; or

3. If a filing *with the Commission* was not previously made in respect of the defective corporate action and the defective corporate action ratified under § 13.1-614.3 would have required a filing under any other section of ~~the this~~ chapter, the ~~filed~~ document shall set forth (i) a ~~statement that a filing containing~~ all of the information required to be included under the applicable section or sections of ~~the this~~ chapter to give effect to such defective corporate action is ~~attached as an exhibit~~ and (ii) the date and time that ~~such filing the document~~ is deemed to have become effective.

D. If the Commission finds that the ~~filed~~ document *required by subsection A* complies with the requirements of law and that all required fees have been paid, it shall issue a certificate of ratification of defective corporate action *or the certificate required by this chapter for the articles that were filed.*

§ 13.1-615.1. (Effective July 1, 2020) Charter and entrance fees for corporations.

A. Every domestic corporation, upon the granting of its charter or upon its incorporation by domestication or conversion, shall pay a charter fee into the state treasury, and every foreign corporation, when it obtains from the State Corporation Commission a certificate of authority to transact business in the Commonwealth, shall pay an entrance fee into the state treasury. The fee in each case is to be ascertained and fixed as follows:

For any domestic or foreign corporation whose number of authorized shares is 1,000,000 or fewer shares: \$50 for each 25,000 shares or fraction thereof;

For any domestic or foreign corporation whose number of authorized shares is more than 1,000,000 shares: \$2,500.

B. For any foreign corporation that files articles of domestication and that had authority to transact business in the Commonwealth at the time of such filing, the charter fee to be charged upon domestication shall be an amount equal to the difference between the amount that would be required by this section and the amount already paid as an entrance fee by such corporation.

C. For any foreign corporation that files an application for a certificate of authority to transact business in the Commonwealth and that had previously surrendered its articles of incorporation as a domestic corporation, the entrance fee to be charged upon obtaining a certificate of authority to transact business in the Commonwealth shall be an amount equal to the difference between the amount that would be required by this section and the amount already paid as a charter fee by such corporation.

D. Whenever by articles of amendment ~~or~~, articles of merger, *articles of correction, or articles of ratification*, the number of authorized shares of any domestic or foreign corporation or of the surviving corporation is increased, the charter or entrance fee to be charged shall be an amount equal to the difference between the amount already paid as a charter or entrance fee by such corporation and the amount that would be required by this section to be paid if the increased number of authorized shares were being stated at that time in the original articles of incorporation.

E. For any domestic limited liability company that files articles of conversion to become a domestic corporation and that had previously converted from a domestic corporation, the charter fee to be charged upon conversion shall be an amount equal to the difference between the amount that would be required by this section and the amount already paid as a charter fee by the domestic limited liability company when it was a domestic corporation.

F. For any domestic nonstock corporation that files articles of restatement to become a domestic corporation, the charter fee to be charged shall be an amount equal to the difference between the amount already paid as a charter fee by the domestic nonstock corporation upon its incorporation and the amount that would be required by this section to be paid in accordance with the number of authorized shares in the corporation's amended and restated articles of incorporation.

G. If no charter or entrance fee has been heretofore paid to the Commonwealth, the amount to be paid shall be the same as would have to be paid on original incorporation or application for authority to transact business.

§ 13.1-616. (Effective July 1, 2020) Fees for filing documents or issuing certificates.

The Commission shall charge and collect the following fees, except as provided in § 12.1-21.2:

1. For filing of articles of conversion to convert a corporation to an eligible entity, the fee shall be \$100.

2. For filing any one of the following, the fee shall be \$25:

a. Articles of incorporation or domestication.

b. Articles of conversion to convert an eligible entity to a corporation.

c. Articles of amendment or restatement.

d. Articles of merger or share exchange.

e. Articles of correction.

f. *Articles of ratification.*

g. An application of a foreign corporation for a certificate of authority to transact business in the Commonwealth.

~~g.~~ h. An application of a foreign corporation for an amended certificate of authority to transact business in the Commonwealth.

~~h.~~ i. A copy of an amendment of the articles of incorporation of a foreign corporation holding a certificate of authority to transact business in the Commonwealth.

~~i.~~ j. A copy of articles of merger of a foreign corporation holding a certificate of authority to transact business in the Commonwealth.

~~j.~~ k. A copy of an instrument of conversion of a foreign corporation holding a certificate of authority to transact business in the Commonwealth.

~~k.~~ l. An application to register or to renew the registration of a corporate name.

3. For filing any one of the following, the fee shall be \$10:

a. An application to reserve or to renew the reservation of a corporate name.

b. A notice of transfer of a reserved corporate name.

c. An application for use of an indistinguishable name.

d. Articles of dissolution.

e. Articles of revocation of dissolution.

- f. Articles of termination of corporate existence.
 - g. An application for a certificate of withdrawal of a foreign corporation.
 - h. A notice of release of a registered name.
4. For issuing a certificate pursuant to § 13.1-781, the fee shall be \$6.

§ 13.1-624. Bylaws.

A. The incorporators or board of directors of a corporation shall adopt initial bylaws for the corporation.

B. The bylaws of a corporation may contain any provision that is not inconsistent with law or the articles of incorporation.

C. The bylaws may contain one or more of the following provisions:

1. A requirement that if the corporation solicits proxies or consents with respect to an election of directors, the corporation include in its proxy statement and any form of its proxy or consent, to the extent and subject to such procedures or conditions as are provided in the bylaws, one or more individuals nominated by a shareholder in addition to individuals nominated by the board of directors; and

2. A requirement that any or all internal corporate claims shall be brought exclusively in a circuit court or a federal district court in the Commonwealth and, if so specified, in any additional courts in the Commonwealth or in any other jurisdictions with in which the corporation maintains its principal office. As used in this subdivision, "internal corporate claims" means (i) any derivative action or proceeding brought on behalf of the corporation; (ii) any action for breach of duty to the corporation or the corporation's shareholders by any current or former officer, director, or shareholder of the corporation; (iii) any action asserting a claim arising pursuant to this chapter or the corporation's articles of incorporation or bylaws; or (iv) any action asserting a claim governed by the internal affairs doctrine that is not included in clause (i), (ii), or (iii). Notwithstanding any other provision of this chapter to the contrary, to the extent any provision of this chapter allows or requires an action or proceeding to be brought in the circuit court of the county or city where the corporation's principal office or registered office is located or in any other specified court location, such action or proceeding shall instead be brought in a court in the Commonwealth specified in a bylaw, if any, authorized by this subdivision and adopted prior to the commencement of such action or proceeding.

D. A provision of the bylaws adopted under subdivision C 2 shall not have the effect of conferring jurisdiction on any court or over any person or claim, and shall not apply if none of the courts specified by such provision has the requisite personal and subject matter jurisdiction. If the court or courts specified in a provision adopted under subdivision C 2 do not have the requisite personal and subject matter jurisdiction and another court of the Commonwealth does have such jurisdiction, then the internal corporate claim may be brought in such other court of the Commonwealth, notwithstanding that such other court of the Commonwealth is not specified in such provision, and in any other court specified in such provision that has the requisite jurisdiction. No provision of the articles of incorporation or the bylaws may prohibit bringing an internal corporate claim in the courts of the Commonwealth or require any such claim to be determined by arbitration.

E. Notwithstanding subdivision B 2 of § 13.1-714, the shareholders in amending, repealing, or adopting a bylaw described in subdivision C 1 may not limit the authority of the board of directors to amend or repeal any condition or procedure set forth in, or to add any procedure or condition to, such a bylaw to provide for a reasonable, practicable, and orderly process.

§ 13.1-630. Corporate name.

A. A corporate name shall contain the word "corporation," "incorporated," "company," or "limited," or the abbreviation "corp.," "inc.," "co.," or "ltd." Such words and their corresponding abbreviations may be used interchangeably for all purposes.

B. A corporate name shall not contain:

1. Any language stating or implying that the corporation will conduct any of the special kinds of businesses listed in § 13.1-620 unless it proposes in fact to engage in such special kind of business;

2. The word "redevelopment" unless the corporation is organized as an urban redevelopment corporation pursuant to Chapter 190 of the 1946 Acts of Assembly, as amended;

3. Any word, abbreviation, or combination of characters that states or implies the corporation is a limited liability company or, a limited partnership, or a *protected series of a series limited liability company*; or

4. Any word or phrase that is prohibited by law for such corporation.

C. Except as authorized by subsection D, a corporate name shall be distinguishable upon the records of the Commission from:

1. The name of any corporation, whether issuing shares or not issuing shares, existing under the laws of the Commonwealth or authorized to transact business in the Commonwealth;

2. A corporate name reserved or registered under § 13.1-631, 13.1-632, 13.1-830 or 13.1-831;

3. The designated name adopted by a foreign corporation, whether issuing shares or not issuing shares, because its real name is unavailable for use in the Commonwealth;

4. The name of a domestic limited liability company or a foreign limited liability company registered to transact business in the Commonwealth;

5. A limited liability company name reserved under § 13.1-1013;

6. The designated name adopted by a foreign limited liability company because its real name is unavailable for use in the Commonwealth;

7. The name of a domestic business trust or a foreign business trust registered to transact business in the Commonwealth;

8. A business trust name reserved under § 13.1-1215;

9. The designated name adopted by a foreign business trust because its real name is unavailable for use in the Commonwealth;

10. The name of a domestic limited partnership or a foreign limited partnership registered to transact business in the Commonwealth;

11. A limited partnership name reserved under § 50-73.3; and

12. The designated name adopted by a foreign limited partnership because its real name is unavailable for use in the Commonwealth.

D. A domestic corporation may apply to the Commission for authorization to use a name that is not distinguishable upon the Commission's records from one or more of the names described in subsection C. The Commission shall authorize use of the name applied for if the other entity consents to the use in writing and submits an undertaking in a form satisfactory to the Commission to change its name to a name that is distinguishable upon the records of the Commission from the name of the applying corporation.

E. The use of assumed names or fictitious names, as provided for in Chapter 5 (§ 59.1-69 et seq.) of Title 59.1, is not affected by this chapter.

F. The Commission, in determining whether a corporate name is distinguishable upon its records from the name of any of the business entities listed in subsection C, shall not consider any word, phrase, abbreviation, or designation required or permitted under this section and § 13.1-544.1, subsection A of § 13.1-1012, § 13.1-1104, subsection A of § 50-73.2, and subdivision A 2 of § 50-73.78 to be contained in the name of a business entity formed or organized under the laws of the Commonwealth or authorized or registered to transact business in the Commonwealth.

§ 13.1-636. Resignation of registered agent.

A. A registered agent may resign as agent for the corporation by signing and filing with the Commission a statement of resignation stating (i) the name of the corporation, (ii) the name of the agent, and (iii) that the agent resigns from serving as registered agent for the corporation. The statement of resignation shall be accompanied by a certification that the registered agent will have a copy of the statement mailed to the principal office of the corporation by certified mail on or before the business day following the day on which the statement is filed. ~~The~~ *When the* statement of resignation ~~may include a statement that takes effect,~~ the registered office is also discontinued.

B. A statement of resignation takes effect on the earlier of (i) 12:01 a.m. on the thirty-first day after the date on which the statement was filed with the Commission or (ii) the date on which a statement of change in accordance with § 13.1-635 is filed with the Commission.

§ 13.1-652. Corporation's acquisition of its own shares.

A. A corporation may acquire its own shares, and shares so acquired constitute authorized but unissued shares of the same class, if any, but undesignated as to series.

B. If the articles of incorporation prohibit the reissuance of acquired shares or if the board of directors has authorized the reduction in the number of authorized shares by the number of shares acquired, the number of authorized shares shall be reduced by the number of shares acquired effective when the certificate of amendment is effective. The corporation shall deliver to the Commission for filing articles of amendment that shall set forth:

1. The name of the corporation;

2. The reduction in the number of authorized shares, itemized by class and series;

3. The total number of authorized shares, itemized by class and series, remaining after reduction of the shares; and

4. A statement that the reduction in the number of authorized shares was required by the articles of incorporation or was adopted by the board of directors *without shareholder approval pursuant to this section*, with the date of adoption.

C. The articles of amendment may be adopted by the board of directors without shareholder action.

D. If the Commission finds that the articles of amendment comply with the requirements of law and that all required fees have been paid, it shall issue a certificate of amendment.

§ 13.1-657. Action without meeting.

A. Action required or permitted by this chapter to be taken at a shareholders' meeting may be taken without a meeting if the action is taken by all the shareholders entitled to vote on the action, in which case no action by the board of directors shall be required. The action shall be evidenced by one or more written consents bearing the date of signature and describing the action taken, signed by all the shareholders entitled to vote on the action and delivered to the corporation's secretary for filing by the corporation with the minutes of the meeting or corporate records.

B. The articles of incorporation may authorize action by shareholders by less than unanimous written consent, provided that the taking of such action is consistent with any requirements that may be set forth in the articles of incorporation, the bylaws, or this section; however, unless the articles of incorporation of a public corporation authorized action by shareholders by less than unanimous written consent as of April 1, 2018, the shareholders of the public corporation shall not be entitled to act by less than unanimous written consent even if so authorized by the articles of incorporation if the articles of incorporation or bylaws of such public corporation allow the holders of 30 percent or fewer of

all votes entitled to be cast to demand the calling of a special meeting of shareholders. For action by shareholders by less than unanimous written consent to be valid:

1. It shall be an action that this chapter requires or permits to be taken at a shareholders' meeting;
 2. The articles of incorporation shall authorize action by shareholders by less than unanimous written consent and, if a public corporation at the time of such authorization in addition to the other limitations in this subsection B, the inclusion of the authorization in the articles of incorporation was approved by each voting group entitled to vote by the greater of:
 - a. The vote of that voting group required by the articles of incorporation to amend the articles of incorporation; ~~and~~ *or*
 - b. More than two-thirds of all votes that the voting group is entitled to cast on the amendment;
 3. At least 10 days before the holders of more than 10 percent of the outstanding shares of any voting group entitled to vote on the action to be taken have signed the written consent, the corporation's secretary shall have received a copy of the form of written consent setting forth the action to be taken;
 4. If required by this chapter, the articles of incorporation, or the bylaws, the board of directors shall have approved this action; and
 5. The holders of not less than the minimum number of outstanding shares of each voting group entitled to vote on the action that would be required to take the action at a shareholders' meeting at which all shares of each voting group entitled to vote on the action were present and voted shall have signed written consents setting forth the action to be taken.
- C. A written consent shall bear the date on which each shareholder signed the consent and be delivered to the corporation's secretary for inclusion in the minutes or filing with the corporate records.
- D. If not otherwise fixed under § 13.1-656 or 13.1-660 and if prior action by the board of directors is not required respecting the action to be taken without a meeting, the record date for determining the shareholders entitled to take action without a meeting shall be the first date on which a signed written consent is delivered to the corporation's secretary. If not otherwise fixed under § 13.1-656 or 13.1-660 and if prior action by the board of directors is required respecting the action to be taken without a meeting, the record date shall be the close of business on the day the action of the board is taken. No written consent shall be effective to take the action referred to in such consent unless, within 60 days of the earliest date on which a consent delivered to the corporation's secretary as required by this section was signed, written consents signed by the holders of shares having sufficient votes to take the corporate action have been delivered to the corporation's secretary. A written consent may be revoked by a writing to that effect delivered to the corporation's secretary before unrevoked written consents sufficient in number to take the corporate action are delivered to the corporation.
- E. A consent signed pursuant to the provisions of this section has the effect of a vote taken at a meeting and may be described as such in any document. Unless the articles of incorporation, bylaws, or a resolution of the board of directors provides for a reasonable delay to permit tabulation of written consents, the action taken by written consent shall be effective when (i) written consents signed by the holders of shares having sufficient votes to adopt or take the action are delivered to the corporation's secretary or (ii) if an effective date is specified therein, as of such date provided such consent states the date of execution by the consenting shareholder.
- F. For purposes of this section, a written consent and the signing thereof may be accomplished by one or more electronic transmissions.
- G. Any person, whether or not then a shareholder, may provide that a consent in writing as a shareholder shall be effective at a future time, including the time when an event occurs, but such future time shall not be more than 60 days after such provision is made. Any such consent shall be deemed to have been made for purposes of this section at the future time so specified for the consent to be effective, provided that (i) the person is a shareholder at such future time and (ii) the person did not revoke the consent prior to such future time. Any such consent may be revoked, in the manner provided in subsection D, prior to its becoming effective.
- H. If this chapter requires that notice of a proposed action be given to nonvoting shareholders and the action is to be taken by written consent of the voting shareholders, the corporation shall give its nonvoting shareholders written notice of the action not more than 10 days after (i) written consents sufficient to take the action have been delivered to the corporation's secretary, or (ii) such later date that tabulation of consents is completed pursuant to an authorization under subsection E. The notice shall reasonably describe the action taken and contain or be accompanied by the same material that, under any provision of this chapter, would have been required to be sent to nonvoting shareholders in a notice of a meeting at which the proposed action would have been submitted to the shareholders for action.
- I. If action is taken by less than unanimous written consent of the voting shareholders, the corporation shall give its nonconsenting voting shareholders written notice of the action not more than 10 days after (i) written consents sufficient to take the action have been delivered to the corporation's secretary or (ii) such later date that tabulation of consents is completed pursuant to an authorization under subsection E. The notice shall reasonably describe the action taken and contain or be accompanied by the same material, that under any provision of this chapter, would have been required to be sent to voting shareholders in a notice of a meeting at which the action would have been submitted to the shareholders for action.
- J. The notice requirements in subsections H and I shall not delay the effectiveness of actions taken by written consent, and a failure to comply with such notice requirements shall not invalidate actions taken by written consent, provided that this subsection shall not be deemed to limit judicial power to fashion any appropriate remedy in favor of a shareholder adversely affected by a failure to give such notice within the required time period.

§ 13.1-679. Resignation of directors.

A. A director may resign at any time by delivering a written notice of resignation to the board of directors or its chairman, or to the secretary of the corporation.

B. A resignation is effective as provided in subdivision A 9 of § 13.1-610 unless the resignation provides for a delayed effectiveness including effectiveness determined upon a future event or events. If a resignation provides for a delayed effectiveness, the board of directors may fill the pending vacancy before the effectiveness of the resignation if the board of directors provides that the successor does not take office until the effectiveness of the resignation. A resignation that is conditioned upon failing to receive a specified vote for election as a director may provide that it is irrevocable.

C. Any person whose name is of record in the office of the clerk of the Commission as a director of a corporation, and who has resigned or whose name is incorrectly of record, may file a statement to that effect with the Commission.

D. Upon the resignation of a director, the corporation may file an amended annual report with the Commission indicating the resignation of the director and the successor in office, if any.

§ 13.1-692.1. Limitation on liability of officers and directors; exception.

A. In any proceeding brought by or in the right of a corporation or brought by or on behalf of shareholders of the corporation, the damages assessed against an officer or director arising out of a single transaction, occurrence or course of conduct shall not exceed the lesser of:

1. The monetary amount, including the elimination of liability, specified in the articles of incorporation or, if approved by the shareholders, in the bylaws as a limitation on or elimination of the liability of the officer or director; or

2. The greater of (i) \$100,000 or (ii) the amount of cash compensation received by the officer or director from the corporation during the 12 months immediately preceding the act or omission for which liability was imposed.

B. The liability of an officer or director shall not be limited as provided in this section if the officer or director engaged in willful misconduct or a knowing violation of the criminal law or of any federal or state securities law, including, without limitation, any claim of unlawful insider trading or manipulation of the market for any security.

C. *No limitation or elimination of liability adopted pursuant to this section may be affected by any amendment of the articles of incorporation or bylaws with respect to any action or omission occurring before such amendment.*

§ 13.1-695. Resignation and removal of officers.

A. An officer may resign at any time by delivering a written notice to the board of directors, its chairman, the appointing officer, if any, or the corporation's secretary. A resignation is effective as provided in subdivision A 9 of § 13.1-610 unless the notice provides for a delayed effectiveness. If effectiveness of a resignation is stated to be delayed and the board of directors or the appointing officer, if any, accepts the delay, the board of directors or the appointing officer, if any, may fill the pending vacancy before the delayed effectiveness but the new officer may not take office until the vacancy occurs.

B. An officer may be removed at any time with or without cause by (i) the board of directors; (ii) the appointing officer, if any, unless the bylaws or the board of directors provides otherwise; or (iii) any other officer, if authorized by the bylaws or the board of directors. An officer's removal does not affect such officer's contract rights, if any, with the corporation. An officer's resignation does not affect the corporation's contract rights, if any, with the officer.

C. Any person who has resigned as an officer of a corporation, or whose name is of record in the office of the clerk of the Commission as an officer of a corporation, may file a statement to that effect with the Commission.

D. Upon the resignation or removal of an officer, the corporation may file an amended annual report with the Commission indicating the resignation or removal of the officer and the successor in office, if any.

E. As used in this section "appointing officer" means the officer, including any successor to that officer, who, in accordance with subsection B of § 13.1-693, appointed the officer who is resigning or being removed.

§ 13.1-712.1. (Effective July 1, 2020) Abandonment of amendment or restatement of articles of incorporation.

A. After an amendment or restatement of the articles of incorporation has been adopted and approved as required by this article, and at any time before the certificate of amendment or restatement has become effective, the amendment or restatement of the articles of incorporation may be abandoned by the corporation without action by its shareholders in the manner determined by the board of directors.

B. If articles of amendment or restatement of the articles of incorporation are abandoned after they have been filed with the Commission but before the certificate of amendment or restatement of the articles of incorporation has become effective, a statement of abandonment shall be signed by the corporation and delivered to the Commission for filing prior to the effective time and date of the certificate of amendment or restatement of the articles of incorporation. If the Commission finds that the statement of abandonment complies with the requirements of law, it shall issue a certificate of abandonment, effective as of the date and time the statement of abandonment was received by the Commission, and the amendment or restatement of the articles of incorporation shall be deemed abandoned and shall not become effective.

C. The statement of abandonment shall contain:

1. The name of the corporation;

2. The date on which the articles of amendment or restatement of the articles of incorporation were filed with the Commission;

3. The date and time on which the Commission's certificate of ~~abandonment~~ amendment or restatement becomes effective; and

4. A statement that the amendment or restatement of the articles of incorporation is being abandoned in accordance with this section.

§ 13.1-718. Action on a plan of merger or share exchange.

A. Subject to the provisions of subdivision F 4, in the case of a domestic corporation that is (i) a party to a merger, (ii) an acquired entity in a share exchange, or (iii) the acquiring entity in a share exchange:

1. The plan of merger or share exchange shall first be adopted by the board of directors.

2. Except as provided in subsections F and G and in §§ 13.1-719 and 13.1-719.1, after adopting the plan of merger or share exchange the board of directors shall submit the plan to the shareholders for their approval. The board of directors shall also transmit to the shareholders a recommendation that the shareholders approve the plan or, in the case of an offer referred to in subsection G, that the shareholders tender their shares to the offeror in response to the offer, unless the board of directors makes a determination that because of conflicts of interest or other special circumstances it should not make such a recommendation, in which case the board of directors shall inform the shareholders of the basis for that determination.

B. The board of directors may set conditions for the approval of the plan of merger or share exchange by the shareholders or the effectiveness of the plan of merger or share exchange.

C. If the plan of merger or share exchange is required to be approved by the shareholders, and if the approval is to be given at a meeting, the corporation shall notify each shareholder, whether or not entitled to vote, of the meeting of shareholders at which the plan is to be submitted for approval. The notice shall state that the purpose, or one of the purposes, of the meeting is to consider the plan and shall contain or be accompanied by a copy or summary of the plan. If the corporation is to be merged into an existing domestic or foreign corporation or eligible entity and its shareholders are to receive shares or other eligible interests or the right to receive shares or other eligible interests in the survivor, the notice shall also include or be accompanied by a copy or summary of the articles of incorporation and bylaws or organic rules of the survivor. If the corporation is to be merged into a domestic or foreign corporation or eligible entity and a new domestic or foreign corporation or eligible entity is to be created pursuant to the merger, the notice shall include or be accompanied by a copy or a summary of the articles of incorporation and bylaws or organic rules of the new corporation or eligible entity.

D. Unless the articles of incorporation, or the board of directors acting pursuant to subsection B, require a greater vote, approval of the plan of merger or share exchange requires the approval of each voting group entitled to vote on the plan by more than two-thirds of all the votes entitled to be cast by that voting group. The articles of incorporation may provide for a greater or lesser vote than that provided for in this subsection or a vote by separate voting groups so long as the vote provided for is not less than a majority of all the votes cast on the plan by each voting group entitled to vote on the plan of merger or share exchange at a meeting at which a quorum of the voting group exists.

E. Separate voting by voting groups is required:

1. Except as otherwise provided in the articles of incorporation, on a plan of merger by each class or series of shares that:

a. Is to be converted under the plan of merger into shares, other securities, eligible interests, obligations, rights to acquire shares, other securities or eligible interests, cash, other property, or any combination of the foregoing, or is proposed to be eliminated without being converted into any of the foregoing; or

b. Would be entitled to vote as a separate group on a provision in the plan that, if contained in a proposed amendment to articles of incorporation, would require action by separate voting groups under § 13.1-708;

2. Except as otherwise provided in the articles of incorporation, on a plan of share exchange, by each class or series of shares included in the exchange, with each class or series constituting a separate voting group;

3. On a plan of merger, if the voting group is entitled under the articles of incorporation to vote as a voting group to approve a plan of merger; and

4. On a plan of share exchange, if the voting group is entitled under the articles of incorporation to vote as a voting group to approve a plan of share exchange.

F. Unless the articles of incorporation otherwise provide, approval by the corporation's shareholders of a plan of merger or share exchange is not required if:

1. The corporation will survive the merger or is the acquiring corporation in a share exchange;

2. Except for amendments permitted by § 13.1-706, its articles of incorporation will not be changed;

3. Each shareholder of the corporation whose shares were outstanding immediately before the effective time of the merger or share exchange will hold the same number of shares, with identical preferences, limitations, and rights immediately after the effective time of the merger or share exchange; and

4. With respect to shares of the surviving corporation in a merger or the shares of the acquiring entity in a share exchange entity that are entitled to vote unconditionally in the election of directors, the number of shares outstanding immediately after the merger or share exchange, plus the number of shares issuable as a result of the merger or share exchange, either by the conversion of securities issued pursuant to the merger or share exchange or the exercise of options, rights, and warrants issued pursuant to the merger or share exchange, will not exceed by more than 20 percent the total number of shares of the surviving corporation outstanding immediately before the merger or share exchange.

G. Unless the articles of incorporation otherwise provide, approval by the corporation's shareholders of a plan of merger or share exchange is not required if:

1. The plan of merger or share exchange expressly (i) permits or requires such a merger or share exchange to be effected under this subsection and (ii) provides that such merger or share exchange be effected as soon as practicable following the consummation of the offer referred to in subdivision 3 if such merger or share exchange is effected under this subsection;

2. Another party to the merger, the acquiring entity in the share exchange, or a parent of another party to the merger or the acquiring entity in the share exchange, makes an offer to purchase, on the terms provided in the plan of merger or share

exchange, any and all of the outstanding shares of the corporation that, absent this subsection, would be entitled to vote on the plan of merger or share exchange, except that the offer may exclude shares of the corporation that are owned at the commencement of the offer by the corporation, the offeror, or any parent of the offeror, or by any wholly owned subsidiary of any of the foregoing;

3. The offer discloses that the plan of merger or share exchange provides that the merger or share exchange will be effected as soon as practicable following the satisfaction of the requirement set forth in subdivision 7 and that the shares of the corporation that are not tendered in response to the offer will be treated as set forth in subdivision 8;

4. The offer remains open for at least 10 business days;

5. The offeror purchases all shares properly tendered in response to the offer and not properly withdrawn;

6. The shares listed below are collectively entitled to cast at least the minimum number of votes on the merger or share exchange that, absent this subsection, would be required by this chapter and by the articles of incorporation for the approval of the merger or share exchange by the shareholders and by any other voting group entitled to vote on the merger or share exchange at a meeting at which all shares entitled to vote on the approval were present and voted:

a. Shares purchased by the offeror in accordance with the offer;

b. Shares otherwise owned by the offeror or by any parent of the offeror or any wholly owned subsidiary of any of the foregoing; and

c. Shares subject to an agreement that they are to be transferred, contributed, or delivered to the offeror, any parent of the offeror, or any wholly owned subsidiary of any of the foregoing in exchange for shares or eligible interests in such offeror, parent, or subsidiary;

7. The offeror or a wholly owned subsidiary of the offeror merges with or into, or effects a share exchange in which it acquires shares of, the corporation; and

8. Each outstanding share of each class or series of shares of the corporation that the offeror is offering to purchase in accordance with the offer, and that is not purchased in accordance with the offer, is to be converted in the merger into, or into the right to receive, or is to be exchanged in the share exchange for, or for the right to receive, the same amount and kind of securities, eligible interests, obligations, rights, cash, or other property to be paid or exchanged in accordance with the offer for each share of that class or series of shares that is tendered in response to the offer, except that shares of the corporation that are owned by the corporation or that are described in subdivision G 6 a or c need not be converted into or exchanged for the consideration described in this subdivision.

9. *H.* As used in this subsection *G*:

"Offer" means the offer referred to in subdivision 3.

"Offeror" means the person making the offer.

"Parent" of any entity means a person that owns, directly or indirectly, through one or more wholly owned subsidiaries, all of the outstanding shares or eligible interests in that entity.

"Wholly owned subsidiary" of a person means an entity of or in which that person owns, directly or indirectly, through one or more wholly owned subsidiaries, all of the outstanding shares or eligible interests.

H. I. If a corporation has not yet issued shares and its articles of incorporation do not otherwise provide, its board of directors may adopt and approve a plan of merger or share exchange on behalf of the corporation without shareholder action.

I. J. If as a result of a merger or share exchange one or more shareholders of a domestic corporation would become subject to new interest holder liability, approval of the plan of merger or share exchange requires the signing in connection with the transaction, by each such shareholder, of a separate written consent to become subject to such new interest holder liability, unless in the case of a shareholder that already has interest holder liability with respect to such domestic corporation, (i) the new interest holder liability is with respect to a domestic or foreign corporation, which may be a different or the same domestic corporation in which the person is a shareholder, and (ii) the terms and conditions of the new interest holder liability are substantially identical to those of the existing interest holder liability, other than for changes that eliminate or reduce such interest holder liability.

J. K. Shares tendered in response to an offer shall be deemed, for purposes of this section, to have been purchased in accordance with the offer at the earliest time as of which the offeror has irrevocably accepted those shares for payment and either (i) in the case of shares represented by certificates, the offeror, or the offeror's designated depository or other agent, has physically received the certificates representing those shares or (ii) in the case of shares without certificates, those shares have been transferred into the account of the offeror or its designated depository or other agent, or an agent's message relating to those shares has been received by the offeror or its designated depository or other agent.

§ 13.1-719. Merger between parent and subsidiary or between subsidiaries.

A. As used in this section:

"Parent entity" means a domestic or foreign corporation or eligible entity that owns shares of a domestic corporation that possess at least 90 percent of the voting power of each class and series of the outstanding shares of the domestic corporation that have voting power.

"Subsidiary" means the domestic corporation whose outstanding shares are owned by a parent entity.

B. A parent entity may merge (i) a subsidiary into itself or another subsidiary or (ii) itself into a subsidiary without the approval of the board of directors or the shareholders of any subsidiary and, if the parent entity is a domestic corporation,

without the approval of the shareholders of the parent entity, unless the articles of incorporation of any subsidiary or the articles of incorporation or the organic rules of the parent entity otherwise provide.

C. A parent entity may be a foreign corporation or eligible entity only if the merger is permitted under the laws by which the foreign corporation or eligible entity is organized.

D. The parent entity shall, within 10 days after the effective date of the merger, notify each of the subsidiary's shareholders that the merger has become effective.

E. Except as provided in subsections B and C, a merger under this section shall be governed by the provisions of this article applicable to mergers generally, including subsection *I J* of § 13.1-718.

F. The articles of incorporation of the survivor shall not be altered or amended by a merger pursuant to this section, except for amendments permitted by § 13.1-706.

G. Two or more domestic corporations may be merged into a parent entity pursuant to this section.

§ 13.1-721. Effect of merger or share exchange.

A. When a merger becomes effective:

1. The domestic or foreign corporation or eligible entity that is designated in the plan of merger as the survivor continues or comes into existence as the case may be;

2. The separate existence of every domestic or foreign corporation or eligible entity that is merged into the survivor ceases;

3. All property owned by, and every contract right possessed by, each domestic or foreign corporation or eligible entity that merges into the survivor is vested in the survivor without transfer, reversion or impairment;

4. All debts, obligations, and liabilities of each domestic or foreign corporation or eligible entity that is merged into the survivor are debts, obligations, or liabilities of the survivor;

5. The name of the survivor may, but need not be, substituted in any pending proceeding for the name of any party to the merger whose separate existence ceased in the merger;

6. If the survivor is a domestic corporation, the articles of incorporation and bylaws of the survivor are amended to the extent provided in the plan of merger;

7. The articles of incorporation and bylaws of a survivor that is a domestic corporation created by the merger become effective;

8. The shares of each domestic or foreign corporation that is a party to the merger, and the eligible interests in a domestic or foreign eligible entity that is a party to the merger, that are to be converted under the plan of merger into shares, other securities, eligible interests, obligations, rights to acquire shares, other securities, or eligible interests, cash, other property or any combination of the foregoing, are converted, and the former holders of such shares or eligible interests are entitled only to the rights provided to them in the plan of merger or to any rights they may have under Article 15 (§ 13.1-729 et seq.) or the organic law governing the foreign corporation or domestic or foreign eligible entity;

9. Except as provided by law or the plan of merger, all the rights, privileges, franchises, and immunities of each entity that was a party to the merger, other than the survivor, are the rights, privileges, franchises, and immunities of the survivor; and

10. If the survivor existed before the merger:

a. All the property and contract rights of the survivor remain its property and contract rights without transfer, reversion, or impairment;

b. The survivor remains subject to all its debts, obligations, and other liabilities; and

c. Except as provided by law or the plan of merger, the survivor continues to hold all of its rights, privileges, franchises, and immunities.

B. When a share exchange becomes effective, the shares or eligible interests in the acquired entity that are to be exchanged for shares and other securities, eligible interests, obligations, rights to acquire shares, other securities, eligible interests, cash, other property, or any combination of the foregoing, are entitled only to the rights provided to them in the plan of share exchange or to any rights they may have under Article 15 (§ 13.1-729 et seq.) or under the organic law governing the acquired entity.

C. Except as otherwise provided in the articles of incorporation of a domestic corporation or the organic law governing or organic rules of a foreign corporation or a domestic or foreign eligible entity, the effect of a merger or share exchange on interest holder liability is as follows:

1. A person who becomes subject to a new interest holder liability in respect of an entity as a result of a merger or share exchange shall have that new interest holder liability only in respect of interest holder liabilities that arise after the merger or share exchange becomes effective.

2. If a person had interest holder liability with respect to a party to the merger or the acquired entity before the merger or share exchange becomes effective with respect to shares or eligible interests of such party or acquired entity that were (i) exchanged in the merger or share exchange, (ii) were canceled in the merger, or (iii) the terms and conditions of which relating to interest holder liability were amended pursuant to the merger:

a. The merger or share exchange does not discharge that prior interest holder liability with respect to any interest holder liabilities that arose before the merger or share exchange becomes effective.

b. The provisions of the organic law governing any entity for which the person had that prior interest holder liability shall continue to apply to the collection or discharge of any interest holder liabilities preserved by subdivision C 2 a, as if the merger or share exchange had not occurred.

c. The person shall have such rights of contribution from other persons as are provided by the organic law governing the entity for which the person had that prior interest holder liability with respect to any interest holder liabilities preserved by subdivision C 2 a, as if the merger or share exchange had not occurred.

d. The person shall not, by reason of such prior interest holder liability, have interest holder liability with respect to any interest holder liabilities that arise after the merger or share exchange becomes effective.

3. If a person has interest holder liability both before and after a merger becomes effective with unchanged terms and conditions with respect to the entity that is the survivor by reason of owning the same shares or eligible interests before and after the merger becomes effective, the merger has no effect on such interest holder liability.

4. A share exchange has no effect on interest holder liability related to shares or eligible interests of the acquired entity that were not exchanged in the share exchange.

D. Upon a merger becoming effective, a foreign corporation or a foreign eligible entity that is the survivor of the merger is deemed to:

1. Appoint the clerk of the Commission as its agent for service of process in a *any* proceeding (i) to enforce the rights of shareholders of each domestic corporation that was a party to the merger who exercise appraisal rights or (ii) based on a cause of action against a nonsurviving domestic corporation arising during the time it was in existence under the laws of the Commonwealth, which service of process shall be made on the clerk in accordance with § 12.1-19.1; and

2. Agree that it will promptly pay the amount, if any, to which such shareholders are entitled under Article 15 (§ 13.1-729 et seq.).

E. No corporation that is required by law to be a domestic corporation, may, by merger, cease to be a domestic corporation, but every such corporation, even though a corporation of some other state, the United States or another country, shall also be a domestic corporation of the Commonwealth.

F. Except as provided in the organic law governing a party to a merger or in its articles of incorporation or organic rules, the merger does not give rise to any rights that a third party would have upon a dissolution, liquidation, or winding up of that party. The merger does not require a party to the merger to wind up the affairs of that party and does not constitute or cause its dissolution, termination, or cancellation.

G. A bequest, devise, gift, grant, or promise contained in a will or other instrument of donation, subscription, or conveyance that is made to an entity that is a party to a merger that is not the survivor and that takes effect or remains payable after the merger inures to the survivor.

H. A trust obligation that would govern property if transferred to a nonsurviving entity applies to property that is transferred to the survivor after a merger becomes effective.

§ 13.1-721.1. (Effective July 1, 2020) Abandonment of a merger or share exchange.

A. Unless otherwise provided in a plan of merger or share exchange or in the laws under which a foreign corporation or a domestic or foreign eligible entity that is a party to a merger or a share exchange is organized or by which it is governed, after a plan of merger or share exchange has been adopted and approved as required by this article, and at any time before the certificate of merger or share exchange has become effective, the plan may be abandoned by a domestic corporation that is a party thereto without action by shareholders in accordance with any procedures set forth in the plan of merger or share exchange or, if no such procedures are set forth in the plan, in the manner determined by the board of directors, subject to any contractual rights of other parties to the plan of merger or share exchange.

B. If a merger or share exchange is abandoned after the articles of merger or share exchange have been filed with the Commission but before the certificate of merger or share exchange has become effective, in order for the certificate of merger or share exchange to be ~~cancelled~~ abandoned, all parties to the plan of merger or share exchange shall sign a ~~request for a certificate of cancellation~~ statement of abandonment and deliver it ~~with~~ to the Commission for filing prior to the effective time and date of the certificate of merger or share exchange. If the Commission finds that the statement of abandonment complies with the requirements of law, it shall issue a certificate of abandonment, effective as of the date and time the statement of abandonment was received by the Commission, and the merger or share exchange shall be deemed abandoned and shall not become effective.

C. The statement of ~~cancellation~~ abandonment shall contain:

1. The name of the corporation;
2. The date on which the articles of merger or share exchange were filed with the Commission;
3. The date and time on which the Commission's certificate of merger or share exchange becomes effective; and
4. A statement that the merger or share exchange is being abandoned in accordance with this section.

§ 13.1-722.5. (Effective July 1, 2020) Articles of domestication; effectiveness.

A. After (i) a plan of domestication of a domestic corporation has been adopted and approved as required by this chapter or (ii) a foreign corporation that is the domesticating corporation has approved a domestication as required under its organic law, articles of domestication shall be signed in the name of the domesticating corporation. The articles shall set forth:

1. The name of the domesticating corporation and its jurisdiction of formation;
2. The original name, date of formation, jurisdiction of formation, and entity type of the domesticating corporation and its name, jurisdiction of formation, and entity type upon each subsequent domestication or conversion;
3. The plan of domestication;
4. If the domesticating corporation is a domestic corporation:
 - a. The date the plan of domestication was approved;

b. A statement that the plan of domestication was approved *by the unanimous consent of the shareholders, or that the plan was submitted by the board of directors to the shareholders* in accordance with this chapter *and was duly approved by the shareholders in the manner required by this chapter and by the articles of incorporation*;

c. A statement that the corporation revokes the authority of its registered agent to accept service on its behalf and appoints the clerk of the Commission as an agent for service of process in any proceeding based on a cause of action arising during the time it was incorporated in the Commonwealth;

d. A mailing address to which the clerk may mail a copy of any process served on the clerk under subdivision c; and

e. A commitment by the corporation to notify the clerk of the Commission in the future of any change in the mailing address of the corporation; and

5. If the domesticating corporation is a foreign corporation, a statement that the domestication is permitted by and was approved in accordance with the organic law of the foreign corporation.

B. The articles of domestication shall be delivered to the Commission for filing. If the Commission finds that the articles of domestication comply with the requirements of law and that all required fees have been paid, it shall issue a certificate of domestication.

~~C. If the domesticating corporation is a foreign corporation that has a certificate of authority to transact business in the Commonwealth under Article 17 (§ 13.1-757 et seq.), its certificate of authority shall be deemed withdrawn automatically when the domestication becomes effective.~~

§ 13.1-722.7:1. (Effective July 1, 2020) Effect of domestication.

A. When a domestication of a foreign corporation into a domestic corporation becomes effective:

1. All property owned by, and every contract right possessed by, the domesticating corporation are the property and contract rights of the domesticated corporation without transfer, reversion, or impairment;

2. All debts, obligations, and other liabilities of the domesticating corporation are the debts, obligations, and other liabilities of the domesticated corporation;

3. The name of the domesticated corporation may, but need not, be substituted for the name of the domesticating corporation in any pending proceeding;

4. The articles of incorporation and bylaws of the domesticated corporation become effective;

5. The shares of the domesticating corporation are reclassified into shares or other securities, obligations, rights to acquire shares or other securities, cash, or other property in accordance with the terms of the domestication, and the shareholders of the domesticating corporation are entitled only to the rights provided to them by those terms and to any appraisal rights they may have under the organic law of the domesticating corporation; ~~and~~

6. The domesticated corporation is:

a. Incorporated under and subject to the organic law of the domesticated corporation;

b. The same corporation without interruption as the domesticating corporation; and

c. Deemed to have been incorporated on the date the domesticating corporation was originally incorporated; *and*

~~7. If the foreign corporation has a certificate of authority to transact business in the Commonwealth, its certificate of authority is deemed withdrawn.~~

B. When a domestication of a domestic corporation into a foreign jurisdiction becomes effective, the domesticated corporation is deemed to:

1. Appoint the clerk of the Commission as an agent for service of process in a *any* proceeding (i) to enforce the rights of shareholders who exercise appraisal rights in connection with the domestication *or (ii) based on a cause of action against the domesticating domestic corporation arising during the time it was in existence under the laws of the Commonwealth, which service of process shall be made on the clerk in accordance with § 12.1-19.1*; and

2. Agree that it will promptly pay the amount, if any, to which such shareholders are entitled under Article 15 (§ 13.1-729 et seq.).

C. Except as otherwise provided in the organic law or organic rules of a domesticating foreign corporation, the interest holder liability of a shareholder in a foreign corporation that is domesticated into the Commonwealth who had interest holder liability in respect of such domesticating corporation before the domestication becomes effective shall be as follows:

1. The domestication does not discharge that prior interest holder liability with respect to any interest holder liabilities that arose before the domestication becomes effective.

2. The provisions of the organic law of the domesticating corporation shall continue to apply to the collection or discharge of any interest holder liabilities preserved by subdivision 1, as if the domestication had not occurred.

3. The shareholder shall have such rights of contribution from other persons as are provided by the organic law of the domesticating corporation with respect to any interest holder liabilities preserved by subdivision 1, as if the domestication had not occurred.

4. The shareholder shall not, by reason of such prior interest holder liability, have interest holder liability with respect to any interest holder liabilities preserved that arise after the domestication becomes effective.

D. A shareholder who becomes subject to interest holder liability in respect of the domesticated corporation as a result of the domestication shall have such interest holder liability only in respect of interest holder liabilities that arise after the domestication becomes effective.

E. A domestication does not constitute or cause the dissolution of the domesticating corporation.

F. Property held for charitable purposes under the laws of the Commonwealth by a domestic or foreign corporation immediately before a domestication shall not, as a result of the transaction, be diverted from the objects for which it was donated, granted, devised, or otherwise transferred except and to the extent permitted by or pursuant to the laws of the Commonwealth addressing cy pres or dealing with nondiversion of charitable assets.

G. A bequest, devise, gift, grant, or promise contained in a will or other instrument of donation, subscription, or conveyance which is made to the domesticating corporation and which takes effect or remains payable after the domestication inures to the domesticated corporation.

H. A trust obligation that would govern property if transferred to the domesticating corporation applies to property that is transferred to the domesticated corporation after the domestication takes effect.

§ 13.1-722.9. (Effective July 1, 2020) Conversion.

A. By complying with this article, a domestic corporation may become (i) a domestic eligible entity or (ii) a foreign eligible entity if the conversion is permitted by the organic law of the foreign entity.

B. By complying with this article and applicable provisions of its organic law, a domestic eligible entity may become a domestic corporation. If procedures for the approval of a conversion are not provided by the organic law or organic rules of a domestic eligible entity, the conversion shall be adopted and approved in the same manner as a merger of that eligible entity. If the organic law or organic rules of a domestic eligible entity do not provide procedures for the approval of either a conversion or a merger, a plan of conversion may nonetheless be adopted and approved by the unanimous consent of all the interest holders of such eligible entity. In either such case, the conversion thereafter may be effected as provided in the other provisions of this article, and for purposes of applying this article in such a case:

1. The eligible entity, its members or interest holders, eligible interests, and organic rules taken together, shall be deemed to be a domestic corporation, shareholders, shares, and articles of incorporation, respectively and vice versa, as the context may require; and

2. If the business and affairs of the eligible entity are managed by a person or persons that are not identical to the members or interest holders, that person or persons shall be deemed to be the board of directors.

C. By complying with the provisions of this article applicable to foreign entities, a foreign eligible entity may become a domestic corporation if the organic law of the foreign eligible entity permits it to become a corporation in another jurisdiction and it has complied with said law in effecting the conversion.

D. ~~Unless~~ *Notwithstanding the provisions of subsection B, unless* otherwise provided for in Chapter 2.2 (§ 50-73.79 et seq.) of Title 50, a domestic partnership that has filed either a statement of partnership authority or a statement of registration as a registered limited liability partnership with the Commission that is not canceled may become a domestic corporation pursuant to a plan of conversion that is approved by the domestic partnership in accordance with the provisions of this article.

§ 13.1-722.10. (Effective July 1, 2020) Plan of conversion.

A. A domestic corporation may convert to a domestic or foreign eligible entity, *or a domestic eligible entity may convert to a domestic corporation*, under this article by approving a plan of conversion. The plan of conversion shall include:

1. The name of the converting corporation;

2. The name, jurisdiction of formation, and type of entity of the converted entity;

3. The manner and basis of converting the shares and any rights to acquire shares of the domestic corporation into eligible interests or other securities, obligations, rights to acquire eligible interests or other securities, cash, other property, or any combination of the foregoing;

4. If the converted entity will be a domestic corporation, (i) the proposed articles of incorporation of the converted entity that satisfy the requirements of § 13.1-619 and (ii) the proposed bylaws of the converted entity, which shall not be included with the articles of conversion delivered to the Commission for filing;

5. If the converted entity will be a domestic eligible entity and a filing entity, the full text, as it will be in effect immediately after the conversion becomes effective, of the organic rules of the converted entity, *including the public organic record that satisfies the requirements of § 13.1-819, 13.1-1101, 13.1-1212, or 50.73.111, as the case may be*, provided that the private organic rules shall not be included with the articles of conversion delivered to the Commission for filing; ~~and~~

6. *If the converted entity will be a foreign corporation or eligible entity, the plan of conversion may include the organic rules of the converted entity, provided that the organic rules shall not be included with the articles of conversion delivered to the Commission for filing; and*

7. The other terms and conditions of the conversion.

B. In addition to the requirements of subsection A, a plan of conversion may contain any other provision not prohibited by law.

C. The terms of a plan of conversion may be made dependent upon facts objectively ascertainable outside the plan in accordance with subsection L of § 13.1-604.

§ 13.1-722.11. (Effective July 1, 2020) Action on plan of conversion.

A. In the case of a conversion of a domestic corporation to a domestic or foreign eligible entity, the plan of conversion shall be adopted in the following manner:

1. The plan of conversion shall first be adopted by the board of directors.

2. After adopting the plan of conversion, the board of directors shall submit the plan to the shareholders for their approval. In submitting the plan of conversion to the shareholders for their approval, the board of directors shall recommend that the shareholders approve the plan unless the board of directors makes a determination that because of conflicts of interest or other special circumstances it should not make such a recommendation, in which case the board of directors shall inform the shareholders of the basis for that determination.

3. The board of directors may set conditions for approval of the plan of conversion by the shareholders or the effectiveness of the plan of conversion.

4. If the approval of the shareholders is to be sought at a shareholders meeting, the corporation shall notify each shareholder, regardless of whether entitled to vote, of the meeting of shareholders at which the plan of conversion is to be submitted for approval. The notice shall state that the purpose, or one of the purposes, of the meeting is to consider the plan of conversion and shall contain or be accompanied by a copy or summary of the plan. The notice must include or be accompanied by a copy of the organic rules of the converted entity, which are to be in writing as they will be in effect immediately after the conversion.

5. Unless the articles of incorporation or the board of directors acting pursuant to subdivision 3, requires a greater vote, approval of the plan of conversion requires (i) the approval of the shareholders at a meeting at which a quorum exists consisting of more than two thirds of the votes entitled to be cast on the plan and (ii) the approval of each class or series of shares voting as a separate voting group at a meeting at which a quorum of the voting group exists consisting of more than two thirds of the votes entitled to be cast on the plan by that voting group. The articles of incorporation may provide for a greater or lesser vote than that provided in this subsection or a vote by separate voting groups so long as the vote provided for is not less than a majority of all votes cast on the plan by each voting group entitled to vote on the plan at a meeting at which a quorum of the voting group exists.

B. In the case of a conversion of a domestic eligible entity to a domestic corporation, the plan of conversion shall be adopted in accordance with subsection B of § 13.1-722.9.

C. If as a result of the conversion one or more shareholders of the converting domestic corporation would become subject to interest holder liability, approval of the plan of conversion shall require the signing in connection with the transaction, by each such shareholder, of a separate written consent to become subject to such interest holder liability.

§ 13.1-722.12. (Effective July 1, 2020) Articles of conversion; effectiveness.

A. After (i) a plan of conversion of a domestic corporation has been adopted and approved as required by this article or (ii) a domestic or foreign eligible entity that is the converting entity has approved a conversion as required under its organic law, *or, if applicable, this article*, articles of conversion shall be signed in the name of the converting entity. The articles of conversion shall set forth:

1. The name of the converting entity, its jurisdiction of formation, and entity type;
2. The original name, date of formation, jurisdiction of formation, and entity type of the converted entity and its name, jurisdiction of formation, and entity type upon each subsequent domestication or conversion;
3. ~~The plan of conversion;~~
4. If the converting entity is a domestic corporation:
 - a. *The plan of conversion;*
 - b. The date the plan of conversion was approved;
 - ~~b. c.~~ c. A statement that the plan of conversion was approved ~~in accordance with this chapter~~ *by the unanimous consent of the shareholders, or a statement that the plan was submitted by the board of directors to the shareholders in accordance with this chapter and was duly approved by the shareholders in the manner required by this chapter and by the articles of incorporation;*
 - ~~e.~~ 4. If the converted entity is a foreign eligible entity:
 - a. A statement that the corporation revokes the authority of its registered agent to accept service on its behalf and appoints the clerk of the Commission as an agent for service of process in any proceeding based on a cause of action arising during the time it was incorporated in the Commonwealth;
 - ~~d.~~ b. A mailing address to which the clerk may mail a copy of any process served on the clerk under subdivision e a; and
 - ~~e.~~ c. A commitment by the ~~foreign eligible converting~~ *foreign eligible* entity to notify the clerk of the Commission in the future of any change in the ~~its~~ *its* mailing address of the ~~foreign eligible entity~~ *foreign eligible entity* after the conversion becomes effective.
5. If the converting entity is a foreign eligible entity and the converted entity is a domestic corporation, a statement that the conversion is permitted by and was approved in accordance with the organic law of the foreign eligible entity; and
6. If the converting entity is a domestic nonstock corporation, limited partnership, partnership, or business trust and the converted entity is a domestic corporation:
 - a. *The plan of conversion;*
 - b. The date the plan of conversion was approved; and
 - ~~b. c.~~ c. A statement that the plan of conversion was approved in accordance with this chapter.

B. The articles of conversion shall be delivered to the Commission for filing. If the Commission finds that the articles of conversion comply with the requirements of law and that all required fees have been paid, it shall issue a certificate of conversion.

C. Articles of conversion under this section may be combined with any required conversion filing under the organic law of a domestic eligible entity or a foreign eligible entity that is authorized or registered to transact business in the

Commonwealth that is the converting entity or converted entity if the combined filing satisfies the requirements of both this section and the other organic law.

~~D.~~ If the converting entity is a foreign eligible entity that is authorized or registered to transact business in the Commonwealth, its certificate of authority or registration shall be deemed withdrawn on the effective date of its conversion.

§ 13.1-722.13. (Effective July 1, 2020) Effect of conversion.

A. When a conversion becomes effective:

1. All property owned by, and every contract right possessed by, the converting entity remains the property and contract rights of the converted entity without reversion or impairment;

2. All debts, obligations, and other liabilities of the converting entity remain the debts, obligations, and other liabilities of the converted entity;

3. The name of the converted entity may, but need not, be substituted for the name of the converting entity in any pending action or proceeding;

4. If the converted entity is a filing entity or a domestic corporation or a domestic or foreign nonstock corporation, its public organic record and its private organic rules become effective;

5. If the converted entity is not a filing entity, its private organic rules become effective;

6. If the converted entity is a registered limited liability partnership, the filing required to become a registered limited liability partnership and its private organic rules become effective;

7. The shares or eligible interests of the converting entity are reclassified into shares, eligible interests, or other securities, obligations, rights to acquire shares, eligible interests or other securities, cash, or other property in accordance with the terms of the conversion, and the shareholders or interest holders of the converting entity are entitled only to the rights provided to them by those terms and to any appraisal rights they may have under the organic law of the converting entity;

8. The converted entity is:

a. Incorporated or organized under and subject to the organic law of the converted entity;

b. The same entity without interruption as the converting entity; and

c. Deemed to have been incorporated or otherwise organized on the date that the converting entity was originally incorporated or organized.

B. When a conversion of a domestic corporation to a foreign eligible entity becomes effective, the converted entity is deemed to:

1. Appoint the clerk of the Commission as an agent for service of process in a *any* proceeding to (i) enforce the rights of shareholders who exercise appraisal rights in connection with the conversion or (ii) based on a cause of action against a *non*surviving domestic corporation arising during the time it was in existence under the laws of the Commonwealth, which service of process shall be made on the clerk in accordance with § 12.1-19.1; and

2. Agree that it will promptly pay the amount, if any, to which such shareholders are entitled under Article 15 (§ 13.1-729 et seq.).

~~C.~~ If the converting entity is a foreign eligible entity that is authorized or registered to transact business in the Commonwealth, its certificate of authority or registration shall be deemed withdrawn on the effective date of its conversion.

D. Except as otherwise provided in the articles of incorporation of a domestic corporation or the organic law or organic rules of a foreign corporation or a domestic or a foreign eligible entity, a shareholder or eligible interest holder who becomes subject to interest holder liability in respect of a domestic corporation or eligible entity as a result of the conversion shall have such interest holder liability only in respect of interest holder liabilities that arise after the conversion becomes effective.

~~D.~~ E. Except as otherwise provided in the organic law or the organic rules of the eligible entity, the interest holder liability of an interest holder in a converting eligible entity that converts to a domestic corporation who had interest holder liability in respect of such converting eligible entity before the conversion becomes effective shall be as follows:

1. The conversion does not discharge that prior interest holder liability with respect to any interest holder liabilities that arose before the conversion became effective.

2. The provisions of the organic law of the eligible entity shall continue to apply to the collection or discharge of any interest holder liabilities preserved by subdivision 1, as if the conversion had not occurred.

3. The eligible interest holder shall have such rights of contribution from other persons as are provided by the organic law of the eligible entity with respect to any interest holder liabilities preserved by subdivision 1, as if the conversion had not occurred.

4. The eligible interest holder shall not, by reason of such prior interest holder liability, have interest holder liability with respect to any interest holder liabilities that arise after the conversion becomes effective.

~~E.~~ F. A conversion does not require the converting entity to wind up its affairs and does not constitute or cause the dissolution, termination, or cancellation of the entity.

~~F.~~ G. Property held for charitable purposes under the laws of the Commonwealth by a corporation or a domestic or foreign eligible entity immediately before a conversion shall not, as a result of the transaction, be diverted from the objects for which it was donated, granted, devised, or otherwise transferred except and to the extent permitted by or pursuant to the laws of the Commonwealth addressing cy pres or dealing with nondiversion of charitable assets.

G. H. A bequest, devise, gift, grant, or promise contained in a will or other instrument of donation, subscription, or conveyance which is made to the converting entity and which takes effect or remains payable after the conversion inures to the converted entity.

H. I. A trust obligation that would govern property if transferred to the converting entity applies to property that is transferred to the converted entity after the conversion takes effect.

§ 13.1-761. Effect of certificate of authority.

A. A certificate of authority authorizes the foreign corporation ~~to which it is issued~~ to transact business in the Commonwealth subject, however, to the right of the Commonwealth to revoke the certificate as provided in this chapter.

B. A foreign corporation holding a valid certificate of authority shall have no greater rights and privileges than a domestic corporation. The certificate of authority shall not be deemed to authorize the foreign corporation to exercise any of its corporate powers or purposes that a foreign corporation is forbidden by law to exercise in the Commonwealth.

C. This chapter does not authorize the Commonwealth to regulate the organization or internal affairs of a foreign corporation authorized to transact business in the Commonwealth.

§ 13.1-764. Change of registered office or registered agent of a foreign corporation.

A. A foreign corporation authorized to transact business in the Commonwealth may change its registered office or registered agent, or both, upon filing with the Commission a statement of change on a form prescribed and furnished by the Commission that sets forth:

1. The name of the foreign corporation;
2. The address of its current registered office;
3. If the current registered office is to be changed, the post office address, including the street and number, if any, of the new registered office, and the name of the city or county in which it is to be located;
4. The name of its current registered agent;
5. If the current registered agent is to be changed, the name of the new registered agent; and
6. That after the change or changes are made, the corporation will be in compliance with the requirements of § 13.1-763.

B. A statement of change shall be filed with the Commission by a foreign corporation if its registered agent dies, resigns, or ceases to satisfy the requirements of § 13.1-763.

C. A foreign corporation's registered agent may sign a statement as required above if (i) the business address of the registered agent changes to another post office address within the Commonwealth ~~or~~, (ii) *the name of the county or city in which the registered office is located changes or is incorrect on the Commission's records*, or (iii) the name of the registered agent has been legally changed. A foreign corporation's new registered agent may sign and submit for filing a statement as required above if (a) the former registered agent is a business entity that has been merged into the new registered agent, (b) the instrument of merger is on record with the Commission, and (c) the new registered agent is an entity that is qualified to serve as a registered agent pursuant to § 13.1-763. In either instance, the registered agent or surviving entity shall forthwith file a statement as required above, which shall recite that a copy of the statement shall be mailed to the principal office of the foreign corporation on or before the business day following the day on which the statement is filed with the Commission.

§ 13.1-766.1. Merger of foreign corporation authorized to transact business in Commonwealth.

A. Whenever a foreign corporation authorized to transact business in the Commonwealth is a party to a merger permitted by the laws of its jurisdiction of formation, and such foreign corporation is the surviving entity of the merger, it shall, within 30 days after such merger becomes effective, file with the Commission a copy of the instrument of merger duly authenticated by the Secretary of State or other official having custody of corporate records in its jurisdiction of formation; however, the filing shall not be required when a foreign corporation merges with a domestic corporation or eligible entity, the foreign corporation's articles of incorporation are not amended by said merger, and the articles or statement of merger filed on behalf of the domestic corporation or eligible entity pursuant to § 13.1-720, 13.1-1072, 13.1-1261, 50-73.48:3, or 50-73.131 contains a statement that the participation of the foreign corporation ~~or eligible entity~~ was duly authorized as required by its organic law.

B. Whenever a foreign corporation authorized to transact business in the Commonwealth is a party to a merger permitted by the laws of its jurisdiction of formation, and such corporation is not the surviving entity of the merger or, whenever such a foreign corporation is a party to a consolidation so permitted, the surviving or resulting foreign corporation or eligible entity, if there is one, shall, if not continuing to transact business in the Commonwealth, within 30 days after such merger or consolidation becomes effective, deliver to the Commission a copy of the instrument of merger or consolidation duly authenticated by the Secretary of State or other official having custody of corporate records in the foreign corporation's jurisdiction of formation, and comply in behalf of the predecessor corporation with the provisions of § 13.1-767. However, if the surviving or resulting foreign corporation or eligible entity is to continue to transact business in the Commonwealth and has not obtained a certificate of authority or a certificate of registration to transact business in the Commonwealth then, within such 30 days, it shall deliver to the Commission an application for a certificate of authority or a certificate of registration to transact business in the Commonwealth, pursuant to and in compliance with § 13.1-759, 13.1-921, 13.1-1052, 13.1-1242, 50-73.54, or 50-73.138, as applicable.

C. Upon the merger or consolidation of a foreign corporation with one or more foreign corporations or eligible entities, all property in the Commonwealth owned by any of the foreign corporations or eligible entities shall pass to the surviving or

resulting foreign corporation or eligible entity except as otherwise provided by the laws of its jurisdiction of formation, but only from and after the time when a duly authenticated copy of the instrument of merger or consolidation is filed with the Commission.

2. That § 13.1-768.1 of the Code of Virginia is repealed.

3. That the provisions of the first and second enactments of this act shall become effective July 1, 2021.

4. That the second enactment of Chapter 636 of the Acts of Assembly of 2019 is amended and reenacted as follows:

2. That the provisions of this act shall become effective on July 1, ~~2020~~ 2021.

5. That the third and fourth enactments of Chapter 734 of the Acts of Assembly of 2019 are amended and reenacted as follows:

3. That the provisions of this act (i) amending and reenacting §§ 13.1-615, 13.1-615.1, 13.1-616, 13.1-632, 13.1-721.1, and 13.1-722.2 through 13.1-722.13 of the Code of Virginia; (ii) amending the Code of Virginia by adding in Chapter 9 of Title 13.1 an article numbered 1.1, consisting of sections numbered 13.1-614.1 through 13.1-614.8, and by adding sections numbered 13.1-712.1, 13.1-722.1:1, 13.1-722.7:1, and 13.1-722.12:1; and (iii) repealing §§ 13.1-722.4, 13.1-722.7, and 13.1-722.14 of the Code of Virginia shall become effective on July 1, ~~2020~~ 2021.

4. That until July 1, ~~2020~~ 2021, the term "conversion," when used in any provision of the first enactment of this act, shall be construed to mean "entity conversion."

CHAPTER 1227

An Act to amend and reenact §§ 2.2-3705.7, 2.2-3808.1, 4.1-305, 8.01-313, 8.01-420.8, 8.9A-503, 12.1-19, 16.1-69.40:1, 16.1-228, 17.1-293, 18.2-6, 18.2-268.1, 19.2-258.1, 20-60.3, 20-107.1, 22.1-205, 24.2-410.1, 24.2-411.1, 24.2-416.7, 24.2-643, 32.1-291.2, 33.2-613, 38.2-2212, 46.2-328.1, 46.2-330, 46.2-332, 46.2-333.1, 46.2-335, 46.2-343, 58.1-3, 59.1-442, 59.1-443.3, 63.2-1916, and 63.2-1941 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 46.2-328.3, relating to driver privilege cards; penalty.

[H 1211]

Approved April 22, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-3705.7, 2.2-3808.1, 4.1-305, 8.01-313, 8.01-420.8, 8.9A-503, 12.1-19, 16.1-69.40:1, 16.1-228, 17.1-293, 18.2-6, 18.2-268.1, 19.2-258.1, 20-60.3, 20-107.1, 22.1-205, 24.2-410.1, 24.2-411.1, 24.2-416.7, 24.2-643, 32.1-291.2, 33.2-613, 38.2-2212, 46.2-328.1, 46.2-330, 46.2-332, 46.2-333.1, 46.2-335, 46.2-343, 58.1-3, 59.1-442, 59.1-443.3, 63.2-1916, and 63.2-1941 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 46.2-328.3 as follows:

§ 2.2-3705.7. Exclusions to application of chapter; records of specific public bodies and certain other limited exclusions.

The following information contained in a public record is excluded from the mandatory disclosure provisions of this chapter but may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law. Redaction of information excluded under this section from a public record shall be conducted in accordance with § 2.2-3704.01.

1. State income, business, and estate tax returns, personal property tax returns, and confidential records held pursuant to § 58.1-3.

2. Working papers and correspondence of the Office of the Governor, the Lieutenant Governor, or the Attorney General; the members of the General Assembly, the Division of Legislative Services, or the Clerks of the House of Delegates or the Senate of Virginia; the mayor or chief executive officer of any political subdivision of the Commonwealth; or the president or other chief executive officer of any public institution of higher education in the Commonwealth. However, no information that is otherwise open to inspection under this chapter shall be deemed excluded by virtue of the fact that it has been attached to or incorporated within any working paper or correspondence. Further, information publicly available or not otherwise subject to an exclusion under this chapter or other provision of law that has been aggregated, combined, or changed in format without substantive analysis or revision shall not be deemed working papers. Nothing in this subdivision shall be construed to authorize the withholding of any resumes or applications submitted by persons who are appointed by the Governor pursuant to § 2.2-106 or 2.2-107.

As used in this subdivision:

"Members of the General Assembly" means each member of the Senate of Virginia and the House of Delegates and their legislative aides when working on behalf of such member.

"Office of the Governor" means the Governor; the Governor's chief of staff, counsel, director of policy, and Cabinet Secretaries; the Assistant to the Governor for Intergovernmental Affairs; and those individuals to whom the Governor has delegated his authority pursuant to § 2.2-104.

"Working papers" means those records prepared by or for a public official identified in this subdivision for his personal or deliberative use.

3. Information contained in library records that can be used to identify (i) both (a) any library patron who has borrowed material from a library and (b) the material such patron borrowed or (ii) any library patron under 18 years of age. For the purposes of clause (ii), access shall not be denied to the parent, including a noncustodial parent, or guardian of such library patron.

4. Contract cost estimates prepared for the confidential use of the Department of Transportation in awarding contracts for construction or the purchase of goods or services, and records and automated systems prepared for the Department's Bid Analysis and Monitoring Program.

5. Lists of registered owners of bonds issued by a political subdivision of the Commonwealth, whether the lists are maintained by the political subdivision itself or by a single fiduciary designated by the political subdivision.

6. Information furnished by a member of the General Assembly to a meeting of a standing committee, special committee, or subcommittee of his house established solely for the purpose of reviewing members' annual disclosure statements and supporting materials filed under § 30-110 or of formulating advisory opinions to members on standards of conduct, or both.

7. Customer account information of a public utility affiliated with a political subdivision of the Commonwealth, including the customer's name and service address, but excluding the amount of utility service provided and the amount of money charged or paid for such utility service.

8. Personal information, as defined in § 2.2-3801, (i) filed with the Virginia Housing Development Authority concerning individuals who have applied for or received loans or other housing assistance or who have applied for occupancy of or have occupied housing financed, owned or otherwise assisted by the Virginia Housing Development Authority; (ii) concerning persons participating in or persons on the waiting list for federally funded rent-assistance programs; (iii) filed with any local redevelopment and housing authority created pursuant to § 36-4 concerning persons participating in or persons on the waiting list for housing assistance programs funded by local governments or by any such authority; or (iv) filed with any local redevelopment and housing authority created pursuant to § 36-4 or any other local government agency concerning persons who have applied for occupancy or who have occupied affordable dwelling units established pursuant to § 15.2-2304 or 15.2-2305. However, access to one's own information shall not be denied.

9. Information regarding the siting of hazardous waste facilities, except as provided in § 10.1-1441, if disclosure of such information would have a detrimental effect upon the negotiating position of a governing body or on the establishment of the terms, conditions, and provisions of the siting agreement.

10. Information on the site-specific location of rare, threatened, endangered, or otherwise imperiled plant and animal species, natural communities, caves, and significant historic and archaeological sites if, in the opinion of the public body that has the responsibility for such information, disclosure of the information would jeopardize the continued existence or the integrity of the resource. This exclusion shall not apply to requests from the owner of the land upon which the resource is located.

11. Memoranda, graphics, video or audio tapes, production models, data, and information of a proprietary nature produced by or for or collected by or for the Virginia Lottery relating to matters of a specific lottery game design, development, production, operation, ticket price, prize structure, manner of selecting the winning ticket, manner of payment of prizes to holders of winning tickets, frequency of drawings or selections of winning tickets, odds of winning, advertising, or marketing, where such information not been publicly released, published, copyrighted, or patented. Whether released, published, or copyrighted, all game-related information shall be subject to public disclosure under this chapter upon the first day of sales for the specific lottery game to which it pertains.

12. Information held by the Virginia Retirement System, acting pursuant to § 51.1-124.30, or a local retirement system, acting pursuant to § 51.1-803, or by a local finance board or board of trustees of a trust established by one or more local public bodies to invest funds for post-retirement benefits other than pensions, acting pursuant to Article 8 (§ 15.2-1544 et seq.) of Chapter 15 of Title 15.2, or by the board of visitors of the University of Virginia, acting pursuant to § 23.1-2210, or by the board of visitors of The College of William and Mary in Virginia, acting pursuant to § 23.1-2803, or by the Virginia College Savings Plan, acting pursuant to § 23.1-704, relating to the acquisition, holding, or disposition of a security or other ownership interest in an entity, where such security or ownership interest is not traded on a governmentally regulated securities exchange, if disclosure of such information would (i) reveal confidential analyses prepared for the board of visitors of the University of Virginia, prepared for the board of visitors of The College of William and Mary in Virginia, prepared by the retirement system, a local finance board or board of trustees, or the Virginia College Savings Plan, or provided to the retirement system, a local finance board or board of trustees, or the Virginia College Savings Plan under a promise of confidentiality of the future value of such ownership interest or the future financial performance of the entity and (ii) have an adverse effect on the value of the investment to be acquired, held, or disposed of by the retirement system, a local finance board or board of trustees, the board of visitors of the University of Virginia, the board of visitors of The College of William and Mary in Virginia, or the Virginia College Savings Plan. Nothing in this subdivision shall be construed to prevent the disclosure of information relating to the identity of any investment held, the amount invested, or the present value of such investment.

13. Financial, medical, rehabilitative, and other personal information concerning applicants for or recipients of loan funds submitted to or maintained by the Assistive Technology Loan Fund Authority under Chapter 11 (§ 51.5-53 et seq.) of Title 51.5.

14. Information held by the Virginia Commonwealth University Health System Authority pertaining to any of the following: an individual's qualifications for or continued membership on its medical or teaching staffs; proprietary information gathered by or in the possession of the Authority from third parties pursuant to a promise of confidentiality; contract cost estimates prepared for confidential use in awarding contracts for construction or the purchase of goods or services; information of a proprietary nature produced or collected by or for the Authority or members of its medical or teaching staffs; financial statements not publicly available that may be filed with the Authority from third parties; the identity, accounts, or account status of any customer of the Authority; consulting or other reports paid for by the Authority to assist the Authority in connection with its strategic planning and goals; the determination of marketing and operational strategies where disclosure of such strategies would be harmful to the competitive position of the Authority; and information of a proprietary nature produced or collected by or for employees of the Authority, other than the Authority's financial or administrative records, in the conduct of or as a result of study or research on medical, scientific, technical, or scholarly issues, whether sponsored by the Authority alone or in conjunction with a governmental body or a private concern, when such information has not been publicly released, published, copyrighted, or patented. This exclusion shall also apply when such information is in the possession of Virginia Commonwealth University.

15. Information held by the Department of Environmental Quality, the State Water Control Board, the State Air Pollution Control Board, or the Virginia Waste Management Board relating to (i) active federal environmental enforcement actions that are considered confidential under federal law and (ii) enforcement strategies, including proposed sanctions for enforcement actions. Upon request, such information shall be disclosed after a proposed sanction resulting from the investigation has been proposed to the director of the agency. This subdivision shall not be construed to prevent the disclosure of information related to inspection reports, notices of violation, and documents detailing the nature of any environmental contamination that may have occurred or similar documents.

16. Information related to the operation of toll facilities that identifies an individual, vehicle, or travel itinerary, including vehicle identification data or vehicle enforcement system information; video or photographic images; Social Security or other identification numbers appearing on driver's licenses; credit card or bank account data; home addresses; phone numbers; or records of the date or time of toll facility use.

17. Information held by the Virginia Lottery pertaining to (i) the social security number, tax identification number, state sales tax number, home address and telephone number, personal and lottery banking account and transit numbers of a retailer, and financial information regarding the nonlottery operations of specific retail locations and (ii) individual lottery winners, except that a winner's name, hometown, and amount won shall be disclosed. If the value of the prize won by the winner exceeds \$10 million, the information described in clause (ii) shall not be disclosed unless the winner consents in writing to such disclosure.

18. Information held by the Board for Branch Pilots relating to the chemical or drug testing of a person regulated by the Board, where such person has tested negative or has not been the subject of a disciplinary action by the Board for a positive test result.

19. Information pertaining to the planning, scheduling, and performance of examinations of holder records pursuant to the Virginia Disposition of Unclaimed Property Act (§ 55.1-2500 et seq.) prepared by or for the State Treasurer or his agents or employees or persons employed to perform an audit or examination of holder records.

20. Information held by the Virginia Department of Emergency Management or a local governing body relating to citizen emergency response teams established pursuant to an ordinance of a local governing body that reveal the name, address, including e-mail address, telephone or pager numbers, or operating schedule of an individual participant in the program.

21. Information held by state or local park and recreation departments and local and regional park authorities concerning identifiable individuals under the age of 18 years. However, nothing in this subdivision shall operate to prevent the disclosure of information defined as directory information under regulations implementing the *federal* Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, unless the public body has undertaken the parental notification and opt-out requirements provided by such regulations. Access shall not be denied to the parent, including a noncustodial parent, or guardian of such person, unless the parent's parental rights have been terminated or a court of competent jurisdiction has restricted or denied such access. For such information of persons who are emancipated, the right of access may be asserted by the subject thereof. Any parent or emancipated person who is the subject of the information may waive, in writing, the protections afforded by this subdivision. If the protections are so waived, the public body shall open such information for inspection and copying.

22. Information submitted for inclusion in the Statewide Alert Network administered by the Department of Emergency Management that reveal names, physical addresses, email addresses, computer or internet protocol information, telephone numbers, pager numbers, other wireless or portable communications device information, or operating schedules of individuals or agencies, where the release of such information would compromise the security of the Statewide Alert Network or individuals participating in the Statewide Alert Network.

23. Information held by the Judicial Inquiry and Review Commission made confidential by § 17.1-913.

24. Information held by the Virginia Retirement System acting pursuant to § 51.1-124.30, a local retirement system acting pursuant to § 51.1-803 (hereinafter collectively referred to as the retirement system), or the Virginia College Savings Plan, acting pursuant to § 23.1-704 relating to:

a. Internal deliberations of or decisions by the retirement system or the Virginia College Savings Plan on the pursuit of particular investment strategies, or the selection or termination of investment managers, prior to the execution of such investment strategies or the selection or termination of such managers, if disclosure of such information would have an adverse impact on the financial interest of the retirement system or the Virginia College Savings Plan; and

b. Trade secrets provided by a private entity to the retirement system or the Virginia College Savings Plan if disclosure of such records would have an adverse impact on the financial interest of the retirement system or the Virginia College Savings Plan.

For the records specified in subdivision b to be excluded from the provisions of this chapter, the entity shall make a written request to the retirement system or the Virginia College Savings Plan:

(1) Invoking such exclusion prior to or upon submission of the data or other materials for which protection from disclosure is sought;

(2) Identifying with specificity the data or other materials for which protection is sought; and

(3) Stating the reasons why protection is necessary.

The retirement system or the Virginia College Savings Plan shall determine whether the requested exclusion from disclosure meets the requirements set forth in subdivision b.

Nothing in this subdivision shall be construed to prevent the disclosure of the identity or amount of any investment held or the present value and performance of all asset classes and subclasses.

25. Information held by the Department of Corrections made confidential by § 53.1-233.

26. Information maintained by the Department of the Treasury or participants in the Local Government Investment Pool (§ 2.2-4600 et seq.) and required to be provided by such participants to the Department to establish accounts in accordance with § 2.2-4602.

27. Personal information, as defined in § 2.2-3801, contained in the Veterans Care Center Resident Trust Funds concerning residents or patients of the Department of Veterans Services Care Centers, except that access shall not be denied to the person who is the subject of the information.

28. Information maintained in connection with fundraising activities by the Veterans Services Foundation pursuant to § 2.2-2716 that reveal the address, electronic mail address, facsimile or telephone number, social security number or other identification number appearing on a driver's license *or other document issued under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2 or the comparable law of another jurisdiction*, or credit card or bank account data of identifiable donors, except that access shall not be denied to the person who is the subject of the information. Nothing in this subdivision, however, shall be construed to prevent the disclosure of information relating to the amount, date, purpose, and terms of the pledge or donation or the identity of the donor, unless the donor has requested anonymity in connection with or as a condition of making a pledge or donation. The exclusion provided by this subdivision shall not apply to protect from disclosure (i) the identities of sponsors providing grants to or contracting with the foundation for the performance of services or other work or (ii) the terms and conditions of such grants or contracts.

29. Information prepared for and utilized by the Commonwealth's Attorneys' Services Council in the training of state prosecutors or law-enforcement personnel, where such information is not otherwise available to the public and the disclosure of such information would reveal confidential strategies, methods, or procedures to be employed in law-enforcement activities or materials created for the investigation and prosecution of a criminal case.

30. Information provided to the Department of Aviation by other entities of the Commonwealth in connection with the operation of aircraft where the information would not be subject to disclosure by the entity providing the information. The entity providing the information to the Department of Aviation shall identify the specific information to be protected and the applicable provision of this chapter that excludes the information from mandatory disclosure.

31. Information created or maintained by or on the behalf of the judicial performance evaluation program related to an evaluation of any individual justice or judge made confidential by § 17.1-100.

32. Information reflecting the substance of meetings in which (i) individual sexual assault cases are discussed by any sexual assault response team established pursuant to § 15.2-1627.4, (ii) individual child abuse or neglect cases or sex offenses involving a child are discussed by multidisciplinary child sexual abuse response teams established pursuant to § 15.2-1627.5, or (iii) individual cases of abuse, neglect, or exploitation of adults as defined in § 63.2-1603 are discussed by multidisciplinary teams established pursuant to §§ 15.2-1627.5 and 63.2-1605. The findings of any such team may be disclosed or published in statistical or other aggregated form that does not disclose the identity of specific individuals.

33. Information contained in the strategic plan, marketing plan, or operational plan prepared by the Virginia Economic Development Partnership Authority pursuant to § 2.2-2237.1 regarding target companies, specific allocation of resources and staff for marketing activities, and specific marketing activities that would reveal to the Commonwealth's competitors for economic development projects the strategies intended to be deployed by the Commonwealth, thereby adversely affecting the financial interest of the Commonwealth. The executive summaries of the strategic plan, marketing plan, and operational plan shall not be redacted or withheld pursuant to this subdivision.

34. Information discussed in a closed session of the Physical Therapy Compact Commission or the Executive Board or other committees of the Commission for purposes set forth in subsection E of § 54.1-3491.

§ 2.2-3808.1. Agencies' disclosure of certain account information prohibited.

Notwithstanding Chapter 37 (§ 2.2-3700 et seq.) of this title, it shall be unlawful for any agency to disclose the social security number or other identification numbers appearing on a driver's license *license or other document issued under*

Chapter 3 (§ 46.2-300 et seq.) of Title 46.2 or the comparable law of another jurisdiction or information on credit cards, debit cards, bank accounts, or other electronic billing and payment systems that was supplied to an agency for the purpose of paying fees, fines, taxes, or other charges collected by such agency. The prohibition shall not apply where disclosure of such information is required (i) to conduct or complete the transaction for which such information was submitted or (ii) by other law or court order.

§ 4.1-305. Purchasing or possessing alcoholic beverages unlawful in certain cases; venue; exceptions; penalty; forfeiture; deferred proceedings; treatment and education programs and services.

A. No person to whom an alcoholic beverage may not lawfully be sold under § 4.1-304 shall consume, purchase or possess, or attempt to consume, purchase or possess, any alcoholic beverage, except (i) pursuant to subdivisions 1 through 7 of § 4.1-200; (ii) where possession of the alcoholic beverages by a person less than 21 years of age is due to such person's making a delivery of alcoholic beverages in pursuance of his employment or an order of his parent; or (iii) by any state, federal, or local law-enforcement officer or his agent when possession of an alcoholic beverage is necessary in the performance of his duties. Such person may be prosecuted either in the county or city in which the alcohol was possessed or consumed, or in the county or city in which the person exhibits evidence of physical indicia of consumption of alcohol. It shall be an affirmative defense to a charge of a violation of this subsection if the defendant shows that such consumption or possession was pursuant to subdivision 7 of § 4.1-200.

B. No person under the age of 21 years shall use or attempt to use any (i) altered, fictitious, facsimile, or simulated license to operate a motor vehicle; (ii) altered, fictitious, facsimile, or simulated document, including, but not limited to a birth certificate or student identification card; or (iii) motor vehicle operator's driver's license or other document issued under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2 or the comparable law of another jurisdiction, birth certificate, or student identification card of another person in order to establish a false identification or false age for himself to consume, purchase, or attempt to consume or purchase an alcoholic beverage.

C. Any person found guilty of a violation of this section shall be is guilty of a Class 1 misdemeanor, and upon conviction, (i) such person shall be ordered to pay a mandatory minimum fine of \$500 or ordered to perform a mandatory minimum of 50 hours of community service as a condition of probation supervision and (ii) the license to operate a motor vehicle in the Commonwealth of any such person age 18 or older shall be suspended for a period of not less than six months and not more than one year; the license to operate a motor vehicle in the Commonwealth of any juvenile shall be handled in accordance with the provisions of § 16.1-278.9. The court, in its discretion and upon a demonstration of hardship, may authorize an adult convicted of a violation of this section the use of a restricted permit license to operate a motor vehicle in accordance with the provisions of subsection E of § 18.2-271.1 or when referred to a local community-based probation services agency established pursuant to Article 9 (§ 9.1-173 et seq.) of Chapter 1 of Title 9.1. During the period of license suspension, the court may require an adult who is issued a restricted permit license under the provisions of this subsection to be (a) monitored by an alcohol safety action program, or (b) supervised by a local community-based probation services agency established pursuant to Article 9 (§ 9.1-173 et seq.) of Chapter 1 of Title 9.1, if one has been established for the locality. The alcohol safety action program or local community-based probation services agency shall report to the court any violation of the terms of the restricted permit license, the required alcohol safety action program monitoring or local community-based probation services and any condition related thereto or any failure to remain alcohol-free during the suspension period.

D. Any alcoholic beverage purchased or possessed in violation of this section shall be deemed contraband and forfeited to the Commonwealth in accordance with § 4.1-338.

E. Any retail licensee who in good faith promptly notifies the Board or any state or local law-enforcement agency of a violation or suspected violation of this section shall be accorded immunity from an administrative penalty for a violation of § 4.1-304.

F. When any adult who has not previously been convicted of underaged consumption, purchase or possession of alcoholic beverages in Virginia or any other state or the United States is before the court, the court may, upon entry of a plea of guilty or not guilty, if the facts found by the court would justify a finding of guilt of a violation of subsection A, without entering a judgment of guilt and with the consent of the accused, defer further proceedings and place him on probation subject to appropriate conditions. Such conditions may include the imposition of the license suspension and restricted license provisions in subsection C. However, in all such deferred proceedings, the court shall require the accused to enter a treatment or education program or both, if available, that in the opinion of the court best suits the needs of the accused. If the accused is placed on local community-based probation, the program or services shall be located in any of the judicial districts served by the local community-based probation services agency or in any judicial district ordered by the court when the placement is with an alcohol safety action program. The services shall be provided by (i) a program licensed by the Department of Behavioral Health and Developmental Services, (ii) certified by the Commission on VASAP, or (iii) by a program or services made available through a community-based probation services agency established pursuant to Article 9 (§ 9.1-173 et seq.) of Chapter 1 of Title 9.1, if one has been established for the locality. When an offender is ordered to a local community-based probation services rather than the alcohol safety action program, the local community-based probation services agency shall be responsible for providing for services or referring the offender to education or treatment services as a condition of probation.

Upon violation of a condition, the court may enter an adjudication of guilt and proceed as otherwise provided. Upon fulfillment of the conditions, the court shall discharge the person and dismiss the proceedings against him without an

adjudication of guilt. A discharge and dismissal hereunder shall be treated as a conviction for the purpose of applying this section in any subsequent proceedings.

When any juvenile is found to have committed a violation of subsection A, the disposition of the case shall be handled according to the provisions of Article 9 (§ 16.1-278 et seq.) of Chapter 11 of Title 16.1.

§ 8.01-313. Specific addresses for mailing by statutory agent.

A. For the statutory agent appointed pursuant to §§ 8.01-308 and 8.01-309, the address for the mailing of the process as required by § 8.01-312 shall be the last known address of the nonresident or, where appropriate under subdivision B 1 or 2 of § 8.01-310 B, of the executor, administrator, or other personal representative of the nonresident. However, upon the filing of an affidavit by the plaintiff that he does not know and is unable with due diligence to ascertain any post-office address of such nonresident, service of process on the statutory agent shall be sufficient without the mailing otherwise required by this section. Provided further that:

1. In the case of a nonresident defendant licensed by the Commonwealth to operate a motor vehicle, the last address reported by such defendant to the Department of Motor Vehicles as his address on an application for or renewal of a driver's license *driving privileges* shall be deemed to be the address of the defendant for the purpose of the mailing required by this section if no other address is known, and, in any case in which the affidavit provided for in § 8.01-316 of this chapter is filed, such a defendant, by so notifying the Department of such an address, and by failing to notify the Department of any change therein, shall be deemed to have appointed the Commissioner of the Department of Motor Vehicles his statutory agent for service of process in an action arising out of operation of a motor vehicle by him in the Commonwealth, and to have accepted as valid service such mailing to such address; or

2. In the case of a nonresident defendant not licensed by the Commonwealth to operate a motor vehicle, the address shown on the copy of the report of accident required by § 46.2-372 filed by or for him with the Department, and on file at the office of the Department, or the address reported by such a defendant to any state or local police officer, or sheriff investigating the accident sued on, if no other address is known, shall be conclusively presumed to be a valid address of such defendant for the purpose of the mailing provided for in this section, and his so reporting of an incorrect address, or his moving from the address so reported without making provision for forwarding to him of mail directed thereto, shall be deemed to be a waiver of notice and a consent to and acceptance of service of process served upon the Commissioner of the Department of Motor Vehicles as provided in this section.

B. For the statutory agent appointed pursuant to § 64.2-1426, the address for the mailing of process as required by § 8.01-312 shall be the address of the fiduciary's statutory agent as contained in the written consent most recently filed with the clerk of the circuit court wherein the qualification of such fiduciary was had or, in the event of the death, removal, resignation or absence from the Commonwealth of such statutory agent, or in the event that such statutory agent cannot with due diligence be found at such address, the address of the clerk of such circuit court.

§ 8.01-420.8. Protection of confidential information in court files.

A. Whenever a party files, or causes to be filed, with the court a motion, pleading, subpoena, exhibit, or other document containing a social security number or other identification number appearing on a driver's license *or other document issued under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2 or the comparable law of another jurisdiction, or on a credit card, debit card, bank account, or other electronic billing and payment system, the party shall make reasonable efforts to redact all but the last four digits of the identification number.*

B. The provisions of subsection A apply to all civil actions in circuit and district court, unless there is a specific statute to the contrary that applies to the particular type of proceeding in which the party is involved.

C. Nothing in this section shall create a private cause of action against the party or lawyer who filed the document or any court personnel, the clerk, or any employees of the clerk's office who received it for filing.

§ 8.9A-503. Name of debtor and secured party.

(a) Sufficiency of debtor's name. A financing statement sufficiently provides the name of the debtor:

(1) except as otherwise provided in paragraph (3), if the debtor is a registered organization or the collateral is held in a trust that is a registered organization, only if the financing statement provides the name that is stated to be the registered organization's name on the public organic record most recently filed with or issued or enacted by the registered organization's jurisdiction of organization which purports to state, amend, or restate the registered organization's name;

(2) subject to subsection (f), if the collateral is being administered by the personal representative of a decedent, only if the financing statement provides, as the name of the debtor, the name of the decedent and, in a separate part of the financing statement, indicates that the collateral is being administered by a personal representative;

(3) if the collateral is held in a trust that is not a registered organization, only if the financing statement:

(A) provides, as the name of the debtor:

(i) if the organic record of the trust specifies a name for the trust, the name specified; or

(ii) if the organic record of the trust does not specify a name for the trust, the name of the settlor or testator; and

(B) in a separate part of the financing statement:

(i) if the name is provided in accordance with subparagraph (A)(i), indicates that the collateral is held in trust; or

(ii) if the name is provided in accordance with subparagraph (A)(ii), provides additional information sufficient to distinguish the trust from other trusts having one or more of the same settlors or the same testator and indicates that the collateral is held in a trust, unless the additional information so indicates;

(4) subject to subsection (g), if the debtor is an individual to whom the Commonwealth has issued a driver's license or ~~identification card pursuant to other document under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2 that has not expired, only if it provides the name of the individual which is indicated on the driver's license or~~ ~~identification card~~ *other document*;

(5) if the debtor is an individual to whom paragraph (4) does not apply, only if it provides the individual name of the debtor or the surname and first personal name of the debtor; and

(6) in other cases:

(A) if the debtor has a name, only if it provides the organizational name of the debtor; and

(B) if the debtor does not have a name, only if it provides the names of the partners, members, associates, or other persons comprising the debtor, in a manner that each name provided would be sufficient if the person named were the debtor.

(b) Additional debtor-related information. A financing statement that provides the name of the debtor in accordance with subsection (a) is not rendered ineffective by the absence of:

(1) a trade name or other name of the debtor; or

(2) unless required under subsection (a)(6)(B), names of partners, members, associates, or other persons comprising the debtor.

(c) Debtor's trade name insufficient. A financing statement that provides only the debtor's trade name does not sufficiently provide the name of the debtor.

(d) Representative capacity. Failure to indicate the representative capacity of a secured party or representative of a secured party does not affect the sufficiency of a financing statement.

(e) Multiple debtors and secured parties. A financing statement may provide the name of more than one debtor and the name of more than one secured party.

(f) Name of decedent. The name of the decedent indicated on the order appointing the personal representative of the decedent issued by the court having jurisdiction over the collateral is sufficient as the "name of the decedent" under subsection (a)(2).

(g) Multiple driver's licenses. If the Commonwealth has issued to an individual more than one driver's license or ~~identification card~~ *other document* of a kind described in subsection (a)(4), the one that was issued most recently is the one to which subsection (a)(4) refers.

(h) Definition. In this section, the "name of the settlor or testator" means:

(1) if the settlor is a registered organization, the name of the registered organization indicated on the public organic record filed with or issued or enacted by the registered organization's jurisdiction of organization; or

(2) in other cases, the name of the settlor or testator indicated in the trust's organic record.

§ 12.1-19. Duties of clerk; records; copies; personal identifiable information; records related to the administrative activities of the Commission; unauthorized filings.

A. The clerk of the Commission shall:

1. Keep a record of all the proceedings, orders, findings, and judgments of the public sessions of the Commission, and the minutes of the proceedings of each day's public session shall be read and approved by the Commission and signed by its chairman, or acting chairman;

2. Subject to the supervision and control of the Commission, have custody of and preserve all of the records, documents, papers, and files of the Commission, or which may be filed before it in any complaint, proceeding, contest, or controversy, and such records, documents, papers, and files shall be open to public examination in the office of the clerk to the same extent as the records and files of the courts of this Commonwealth;

3. When requested, make and certify copies from any record, document, paper, or file in the clerk's office, and if required, affix the seal of the Commission (or a facsimile thereof) thereto, and otherwise furnish and certify information from the Commission records by any means the Commission may deem suitable; and, except when made at the instance of the Commission or on behalf of the Commonwealth, a political subdivision of the Commonwealth, or the government of the United States, the clerk shall charge and collect the fees fixed by §§ 12.1-21.1 and 12.1-21.2; and any such copy or information, so certified, shall have the same faith, credit, and legal effect as copies made and certified by the clerks of the courts of this Commonwealth from the records and files thereof;

4. Certify all allowances made by the Commission to be paid out of the public treasury for witness fees, service of process, or other expenses;

5. Issue all notices, writs, processes, or orders awarded by the Commission, or authorized by law, or by the rules of the Commission;

6. Receive all fines and penalties imposed by the Commission, all moneys collected on judgments, all registration fees required by law to be paid by corporations, limited liability companies, and other types of business entities, including delinquencies thereof, and all other fees collected by the Commission, and shall keep an accurate account of the same and the disposition of such receipts and shall, at least once in every 30 days during the clerk's term of office, render a statement of all such receipts and collections to the Comptroller, and pay the same into the treasury of the Commonwealth, and shall keep all such other accounts of such collections and disbursements, and shall make all such other reports thereof as may be required by law or by the regulations prescribed by the Comptroller; and

7. Generally have the powers, discharge the functions, and perform the duties of a clerk of a court of record in all matters within the jurisdiction of the Commission. The Commission may designate one or more deputies or assistants of the clerk who may discharge any of the clerk's official duties during the clerk's continuance in office.

B. A person who prepares or submits to the office of the clerk of the Commission a document or any information for filing with the Commission pursuant to Title 8.9A, Title 13.1, or Title 50 is responsible for ensuring that the document or information does not contain any personal identifiable information, unless such information is otherwise publicly available or is required or authorized by law to be included in the document or information provided. For purposes of this subsection, "personal identifiable information" means (i) a social security number or any other numbers appearing on driver's licenses or other documents issued under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2 or the comparable law of another jurisdiction; (ii) information on credit cards, debit cards, bank accounts, or other electronic billing and payment systems; (iii) a date of birth identified with a particular individual; (iv) the maiden name of an individual's parent; or (v) any financial account number. Any person who prepares or submits to the office of the clerk a document for filing that contains personal identifiable information shall be deemed to have authorized the clerk or any member of the clerk's staff to remove, delete, or obliterate, without prior notice, such information prior or subsequent to recording or filing the document in the office of the clerk. Nothing in this subsection shall be deemed to require the clerk to alter any document submitted for filing. The clerk may refuse to accept for filing any document that includes personal identifiable information and return it for modification or explanation. The Commission, its members, the clerk of the Commission, and any member of the clerk's staff are immune from liability in any proceeding arising from any acts or omissions in the implementation of this subsection. This subsection shall not be construed to limit, withdraw, or overturn any defense or immunity that exists under statutory or common law.

C. 1. The Commission shall make available for public inspection records related to the administrative activities of the Commission.

2. Disclosure of such records shall not be required, however, if (i) such records are otherwise covered by applicable legal privileges, (ii) disclosure of such records could threaten the safety or security of the Commission's employees, physical plant, or information technology assets or data, or (iii) such records are not publicly available from other public entities under the laws of the Commonwealth, including §§ 2.2-3705.1 and 2.2-4342.

3. Records held by the clerk of the Commission related to business entities shall be made public or held confidential in accordance with laws and regulations applicable specifically to such records.

4. The Commission shall respond within five business days of receiving requests for administrative records. If it is impracticable to provide the records requested within such time period, the Commission shall notify the requester that an additional seven business days will be required, unless due to the scope of the records requested or length of search necessary to locate them the Commission requires additional time, which shall not be unreasonable in length. When any such requested records are not provided, the Commission shall notify the requester of the basis of the denial.

5. As used in this subsection, "administrative activities" means matters related to the Commission's operational responsibilities and operational functions, including its revenues, expenditures, financial management and budgetary practices, personnel policies and practices, and procurement policies and practices. "Administrative activities" shall not include the Commission's formal or informal regulatory or legal proceedings or activities, records related to which shall be governed, inter alia, by laws and regulations applicable specifically to such regulatory and legal proceedings or activities, or in accordance with applicable legal privileges.

D. Notwithstanding any other provision of law, the clerk may review the circumstances surrounding the execution or delivery of any document associated with any business entity of record in the office of the clerk that was submitted for filing under a business entity statute administered by the Commission pursuant to Title 13.1 or Title 50. If the clerk determines that the person who executed or delivered the document was without authority to act on behalf of the business entity, the clerk is authorized (i) to refuse to accept the document for filing or (ii) if the document has been filed, to summarily remove the document and any documents and data related to the filing from the records in the office of the clerk, correct such records, and provide notice to any business entity affected by the filing. The Commission, its members, the clerk of the Commission, and any member of the clerk's staff are immune from liability in any proceeding arising from any acts or omissions in the implementation of this subsection. This subsection shall not be construed to limit, withdraw, or overturn any defense or immunity that exists under statutory or common law.

§ 16.1-69.40:1. Traffic infractions within authority of traffic violations clerk; schedule of fines; prepayment of local ordinances.

A. The Supreme Court shall by rule, which may from time to time be amended, supplemented or repealed, but which shall be uniform in its application throughout the Commonwealth, designate the traffic infractions for which a pretrial waiver of appearance, plea of guilty and fine payment may be accepted. Such designated infractions shall include violations of §§ 46.2-830.1, 46.2-878.2 and 46.2-1242 or any parallel local ordinances. Notwithstanding any rule of the Supreme Court, a person charged with a traffic offense that is listed as prepayable in the Uniform Fine Schedule may prepay his fines and costs without court appearance whether or not he was involved in an accident. The prepayable fine amount for a violation of § 46.2-878.2 shall be \$200 plus an amount per mile-per-hour in excess of posted speed limits, as authorized in § 46.2-878.3.

Such infractions shall not include:

1. Indictable offenses;
2. [Repealed.]

3. Operation of a motor vehicle while under the influence of intoxicating liquor or a narcotic or habit-producing drug, or permitting another person, who is under the influence of intoxicating liquor or a narcotic or habit-producing drug, to operate a motor vehicle owned by the defendant or in his custody or control;

4. Reckless driving;

5. Leaving the scene of an accident;

6. Driving while under suspension or revocation of ~~driver's license~~ *driving privileges*;

7. Driving without being licensed to drive.

8. [Repealed.]

B. An appearance may be made in person or in writing by mail to a clerk of court or in person before a magistrate, prior to any date fixed for trial in court. Any person so appearing may enter a waiver of trial and a plea of guilty and pay the fine and any civil penalties established for the offense charged, with costs. He shall, prior to the plea, waiver, and payment, be informed of his right to stand trial, that his signature to a plea of guilty will have the same force and effect as a judgment of court, and that the record of conviction will be sent to the Commissioner of the Department of Motor Vehicles ~~or the appropriate offices of the State where he received his license to drive.~~

C. The Supreme Court, upon the recommendation of the Committee on District Courts, shall establish a schedule, within the limits prescribed by law, of the amounts of fines and any civil penalties to be imposed, designating each infraction specifically. The schedule, which may from time to time be amended, supplemented or repealed, shall be uniform in its application throughout the Commonwealth. Such schedule shall not be construed or interpreted so as to limit the discretion of any trial judge trying individual cases at the time fixed for trial. The rule of the Supreme Court establishing the schedule shall be prominently posted in the place where the fines are paid. Fines and costs shall be paid in accordance with the provisions of this Code or any rules or regulations promulgated thereunder.

D. Fines imposed under local traffic infraction ordinances that do not parallel provisions of state law and fulfill the criteria set out in subsection A may be prepayable in the manner set forth in subsection B if such ordinances appear in a schedule entered by order of the local circuit courts. The chief judge of each circuit may establish a schedule of the fines, within the limits prescribed by local ordinances, to be imposed for prepayment of local ordinances designating each offense specifically. Upon the entry of such order it shall be forwarded within 10 days to the Supreme Court of Virginia by the clerk of the local circuit court. The schedule, which from time to time may be amended, supplemented or repealed, shall be uniform in its application throughout the circuit. Such schedule shall not be construed or interpreted so as to limit the discretion of any trial judge trying individual cases at the time fixed for trial. This schedule shall be prominently posted in the place where fines are paid. Fines and costs shall be paid in accordance with the provisions of this Code or any rules or regulations promulgated thereunder.

§ 16.1-228. Definitions.

When *As* used in this chapter, unless the context otherwise requires *a different meaning*:

"Abused or neglected child" means any child:

1. Whose parents or other person responsible for his care creates or inflicts, threatens to create or inflict, or allows to be created or inflicted upon such child a physical or mental injury by other than accidental means, or creates a substantial risk of death, disfigurement or impairment of bodily or mental functions, including, but not limited to, a child who is with his parent or other person responsible for his care either (i) during the manufacture or attempted manufacture of a Schedule I or II controlled substance, or (ii) during the unlawful sale of such substance by that child's parents or other person responsible for his care, where such manufacture, or attempted manufacture or unlawful sale would constitute a felony violation of § 18.2-248;

2. Whose parents or other person responsible for his care neglects or refuses to provide care necessary for his health; however, no child who in good faith is under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination shall for that reason alone be considered to be an abused or neglected child;

3. Whose parents or other person responsible for his care abandons such child;

4. Whose parents or other person responsible for his care commits or allows to be committed any sexual act upon a child in violation of the law;

5. Who is without parental care or guardianship caused by the unreasonable absence or the mental or physical incapacity of the child's parent, guardian, legal custodian, or other person standing in loco parentis;

6. Whose parents or other person responsible for his care creates a substantial risk of physical or mental injury by knowingly leaving the child alone in the same dwelling, including an apartment as defined in § 55.1-2000, with a person to whom the child is not related by blood or marriage and who the parent or other person responsible for his care knows has been convicted of an offense against a minor for which registration is required as a violent sexual offender pursuant to § 9.1-902; or

7. Who has been identified as a victim of sex trafficking or severe forms of trafficking as defined in the *federal* Trafficking Victims Protection Act of 2000, 22 U.S.C. § 7102 et seq., and in the *federal* Justice for Victims of Trafficking Act of 2015, 42 U.S.C. § 5101 et seq.

If a civil proceeding under this chapter is based solely on the parent having left the child at a hospital or emergency medical services agency, it shall be an affirmative defense that such parent safely delivered the child to a hospital that provides 24-hour emergency services or to an attended emergency medical services agency that employs emergency

medical services personnel, within 14 days of the child's birth. For purposes of terminating parental rights pursuant to § 16.1-283 and placement for adoption, the court may find such a child is a neglected child upon the ground of abandonment.

"Adoptive home" means the place of residence of any natural person in which a child resides as a member of the household and in which he has been placed for the purposes of adoption or in which he has been legally adopted by another member of the household.

"Adult" means a person 18 years of age or older.

"Ancillary crime" or "ancillary charge" means any delinquent act committed by a juvenile as a part of the same act or transaction as, or which constitutes a part of a common scheme or plan with, a delinquent act which would be a felony if committed by an adult.

"Boot camp" means a short term secure or nonsecure juvenile residential facility with highly structured components including, but not limited to, military style drill and ceremony, physical labor, education and rigid discipline, and no less than six months of intensive aftercare.

"Child," "juvenile," or "minor" means a person less than 18 years of age.

"Child in need of services" means (i) a child whose behavior, conduct or condition presents or results in a serious threat to the well-being and physical safety of the child or (ii) a child under the age of 14 whose behavior, conduct or condition presents or results in a serious threat to the well-being and physical safety of another person; however, no child who in good faith is under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination shall for that reason alone be considered to be a child in need of services, nor shall any child who habitually remains away from or habitually deserts or abandons his family as a result of what the court or the local child protective services unit determines to be incidents of physical, emotional or sexual abuse in the home be considered a child in need of services for that reason alone.

However, to find that a child falls within these provisions, (i) the conduct complained of must present a clear and substantial danger to the child's life or health or to the life or health of another person, (ii) the child or his family is in need of treatment, rehabilitation or services not presently being received, and (iii) the intervention of the court is essential to provide the treatment, rehabilitation or services needed by the child or his family.

"Child in need of supervision" means:

1. A child who, while subject to compulsory school attendance, is habitually and without justification absent from school, and (i) the child has been offered an adequate opportunity to receive the benefit of any and all educational services and programs that are required to be provided by law and which meet the child's particular educational needs, (ii) the school system from which the child is absent or other appropriate agency has made a reasonable effort to effect the child's regular attendance without success, and (iii) the school system has provided documentation that it has complied with the provisions of § 22.1-258; or

2. A child who, without reasonable cause and without the consent of his parent, lawful custodian or placement authority, remains away from or deserts or abandons his family or lawful custodian on more than one occasion or escapes or remains away without proper authority from a residential care facility in which he has been placed by the court, and (i) such conduct presents a clear and substantial danger to the child's life or health, (ii) the child or his family is in need of treatment, rehabilitation or services not presently being received, and (iii) the intervention of the court is essential to provide the treatment, rehabilitation or services needed by the child or his family.

"Child welfare agency" means a child-placing agency, child-caring institution or independent foster home as defined in § 63.2-100.

"The court" or the "juvenile court" or the "juvenile and domestic relations court" means the juvenile and domestic relations district court of each county or city.

"Delinquent act" means (i) an act designated a crime under the law of the Commonwealth, or an ordinance of any city, county, town, or service district, or under federal law, (ii) a violation of § 18.2-308.7, or (iii) a violation of a court order as provided for in § 16.1-292, but shall not include an act other than a violation of § 18.2-308.7, which is otherwise lawful, but is designated a crime only if committed by a child. For purposes of §§ 16.1-241 and 16.1-278.9, the term shall include a refusal to take a breath test in violation of § 18.2-268.2 or a similar ordinance of any county, city, or town.

"Delinquent child" means a child who has committed a delinquent act or an adult who has committed a delinquent act prior to his 18th birthday, except where the jurisdiction of the juvenile court has been terminated under the provisions of § 16.1-269.6.

"Department" means the Department of Juvenile Justice and "Director" means the administrative head in charge thereof or such of his assistants and subordinates as are designated by him to discharge the duties imposed upon him under this law.

"Driver's license" means any document issued under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2, or the comparable law of another jurisdiction, authorizing the operation of a motor vehicle upon the highways.

"Family abuse" means any act involving violence, force, or threat that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury and that is committed by a person against such person's family or household member. Such act includes, but is not limited to, any forceful detention, stalking, criminal sexual assault in violation of Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2, or any criminal offense that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury.

"Family or household member" means (i) the person's spouse, whether or not he or she resides in the same home with the person, (ii) the person's former spouse, whether or not he or she resides in the same home with the person, (iii) the person's parents, stepparents, children, stepchildren, brothers, sisters, half-brothers, half-sisters, grandparents and grandchildren, regardless of whether such persons reside in the same home with the person, (iv) the person's mother-in-law, father-in-law, sons-in-law, daughters-in-law, brothers-in-law and sisters-in-law who reside in the same home with the person, (v) any individual who has a child in common with the person, whether or not the person and that individual have been married or have resided together at any time, or (vi) any individual who cohabits or who, within the previous 12 months, cohabited with the person, and any children of either of them then residing in the same home with the person.

"Fictive kin" means persons who are not related to a child by blood or adoption but have an established relationship with the child or his family.

"Foster care services" means the provision of a full range of casework, treatment and community services for a planned period of time to a child who is abused or neglected as defined in § 63.2-100 or in need of services as defined in this section and his family when the child (i) has been identified as needing services to prevent or eliminate the need for foster care placement, (ii) has been placed through an agreement between the local board of social services or a public agency designated by the community policy and management team and the parents or guardians where legal custody remains with the parents or guardians, (iii) has been committed or entrusted to a local board of social services or child welfare agency, or (iv) has been placed under the supervisory responsibility of the local board pursuant to § 16.1-293.

"Independent living arrangement" means placement of (i) a child at least 16 years of age who is in the custody of a local board or licensed child-placing agency by the local board or licensed child-placing agency or (ii) a child at least 16 years of age or a person between the ages of 18 and 21 who was committed to the Department of Juvenile Justice immediately prior to placement by the Department of Juvenile Justice, in a living arrangement in which such child or person does not have daily substitute parental supervision.

"Independent living services" means services and activities provided to a child in foster care 14 years of age or older and who has been committed or entrusted to a local board of social services, child welfare agency, or private child-placing agency. "Independent living services" may also mean services and activities provided to a person who (i) was in foster care on his 18th birthday and has not yet reached the age of 21 years; (ii) is between the ages of 18 and 21 and who, immediately prior to his commitment to the Department of Juvenile Justice, was in the custody of a local board of social services; or (iii) is a child at least 16 years of age or a person between the ages of 18 and 21 who was committed to the Department of Juvenile Justice immediately prior to placement in an independent living arrangement. Such services shall include counseling, education, housing, employment, and money management skills development and access to essential documents and other appropriate services to help children or persons prepare for self-sufficiency.

"Intake officer" means a juvenile probation officer appointed as such pursuant to the authority of this chapter.

"Jail" or "other facility designed for the detention of adults" means a local or regional correctional facility as defined in § 53.1-1, except those facilities utilized on a temporary basis as a court holding cell for a child incident to a court hearing or as a temporary lock-up room or ward incident to the transfer of a child to a juvenile facility.

"The judge" means the judge or the substitute judge of the juvenile and domestic relations district court of each county or city.

"This law" or "the law" means the Juvenile and Domestic Relations District Court Law embraced in this chapter.

"Legal custody" means (i) a legal status created by court order which vests in a custodian the right to have physical custody of the child, to determine and redetermine where and with whom he shall live, the right and duty to protect, train and discipline him and to provide him with food, shelter, education and ordinary medical care, all subject to any residual parental rights and responsibilities or (ii) the legal status created by court order of joint custody as defined in § 20-107.2.

"Permanent foster care placement" means the place of residence in which a child resides and in which he has been placed pursuant to the provisions of §§ 63.2-900 and 63.2-908 with the expectation and agreement between the placing agency and the place of permanent foster care that the child shall remain in the placement until he reaches the age of majority unless modified by court order or unless removed pursuant to § 16.1-251 or 63.2-1517. A permanent foster care placement may be a place of residence of any natural person or persons deemed appropriate to meet a child's needs on a long-term basis.

"Qualified individual" means a trained professional or licensed clinician who is not an employee of the local board of social services or licensed child-placing agency that placed the child in a qualified residential treatment program and is not affiliated with any placement setting in which children are placed by such local board of social services or licensed child-placing agency.

"Qualified residential treatment program" means a program that (i) provides 24-hour residential placement services for children in foster care; (ii) has adopted a trauma-informed treatment model that meets the clinical and other needs of children with serious emotional or behavioral disorders, including any clinical or other needs identified through assessments conducted pursuant to clause (viii) of this definition; (iii) employs registered or licensed nursing and other clinical staff who provide care, on site and within the scope of their practice, and are available 24 hours a day, 7 days a week; (iv) conducts outreach with the child's family members, including efforts to maintain connections between the child and his siblings and other family; documents and maintains records of such outreach efforts; and maintains contact information for any known biological family and fictive kin of the child; (v) whenever appropriate and in the best interest of the child, facilitates participation by family members in the child's treatment program before and after discharge and documents the manner in

which such participation is facilitated; (vi) provides discharge planning and family-based aftercare support for at least six months after discharge; (vii) is licensed in accordance with 42 U.S.C. § 671(a)(10) and accredited by an organization approved by the federal Secretary of Health and Human Services; and (viii) requires that any child placed in the program receive an assessment within 30 days of such placement by a qualified individual that (a) assesses the strengths and needs of the child using an age-appropriate, evidence-based, validated, and functional assessment tool approved by the Commissioner of Social Services; (b) identifies whether the needs of the child can be met through placement with a family member or in a foster home or, if not, in a placement setting authorized by 42 U.S.C. § 672(k)(2), including a qualified residential treatment program, that would provide the most effective and appropriate level of care for the child in the least restrictive environment and be consistent with the short-term and long-term goals established for the child in his foster care or permanency plan; (c) establishes a list of short-term and long-term mental and behavioral health goals for the child; and (d) is documented in a written report to be filed with the court prior to any hearing on the child's placement pursuant to § 16.1-281, 16.1-282, 16.1-282.1, or 16.1-282.2.

"Residual parental rights and responsibilities" means all rights and responsibilities remaining with the parent after the transfer of legal custody or guardianship of the person, including but not limited to the right of visitation, consent to adoption, the right to determine religious affiliation and the responsibility for support.

"Secure facility" or "detention home" means a local, regional or state public or private locked residential facility that has construction fixtures designed to prevent escape and to restrict the movement and activities of children held in lawful custody.

"Shelter care" means the temporary care of children in physically unrestricting facilities.

"State Board" means the State Board of Juvenile Justice.

"Status offender" means a child who commits an act prohibited by law which would not be criminal if committed by an adult.

"Status offense" means an act prohibited by law which would not be an offense if committed by an adult.

"Violent juvenile felony" means any of the delinquent acts enumerated in subsection B or C of § 16.1-269.1 when committed by a juvenile 14 years of age or older.

§ 17.1-293. Posting and availability of certain information on the Internet; prohibitions.

A. Notwithstanding Chapter 37 (§ 2.2-3700 et seq.) of Title 2.2 or subsection B, it shall be unlawful for any court clerk to disclose the social security number or other identification numbers appearing on driver's licenses or other documents issued under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2 or the comparable law of another jurisdiction or information on credit cards, debit cards, bank accounts, or other electronic billing and payment systems that was supplied to a court clerk for the purpose of paying fees, fines, taxes, or other charges collected by such court clerk. The prohibition shall not apply where disclosure of such information is required (i) to conduct or complete the transaction for which such information was submitted or (ii) by other law or court order.

B. Beginning January 1, 2004, no court clerk shall post on the Internet any document that contains the following information: (i) an actual signature, (ii) a social security number, (iii) a date of birth identified with a particular person, (iv) the maiden name of a person's parent so as to be identified with a particular person, (v) any financial account number or numbers, or (vi) the name and age of any minor child.

C. Each such clerk shall post notice that includes a list of the documents routinely posted on its website. However, the clerk shall not post information on his website that includes private activity for private financial gain.

D. Nothing in this section shall be construed to prohibit access to any original document as provided by law.

E. This section shall not apply to the following:

1. Providing access to any document among the land records via secure remote access pursuant to § 17.1-294;
2. Postings related to legitimate law-enforcement purposes;
3. Postings of historical, genealogical, interpretive, or educational documents and information about historic persons and events;
4. Postings of instruments and records filed or recorded that are more than 100 years old;
5. Providing secure remote access to any person, his counsel, or staff which counsel directly supervises to documents filed in matters to which such person is a party;
6. Providing official certificates and certified records in digital form of any document maintained by the clerk pursuant to § 17.1-258.3:2; and
7. Providing secure remote access to nonconfidential court records, subject to any fees charged by the clerk, to members in good standing with the Virginia State Bar and their authorized agents, pro hac vice attorneys authorized by the court for purposes of the practice of law, and such governmental agencies as authorized by the clerk.

F. Nothing in this section shall prohibit the Supreme Court or any other court clerk from providing online access to a case management system that may include abstracts of case filings and proceedings in the courts of the Commonwealth, including online access to subscribers of nonconfidential criminal case information to confirm the complete date of birth of a defendant.

G. The court clerk shall be immune from suit arising from any acts or omissions relating to providing remote access on the Internet pursuant to this section unless the clerk was grossly negligent or engaged in willful misconduct.

This subsection shall not be construed to limit, withdraw, or overturn any defense or immunity already existing in statutory or common law, or to affect any cause of action accruing prior to July 1, 2005.

H. Nothing in this section shall be construed to permit any data accessed by secure remote access to be sold or posted on any other website or in any way redistributed to any third party, and the clerk, in his discretion, may deny secure remote access to ensure compliance with these provisions. However, the data accessed by secure remote access may be included in products or services provided to a third party of the subscriber provided that (i) such data is not made available to the general public and (ii) the subscriber maintains administrative, technical, and security safeguards to protect the confidentiality, integrity, and limited availability of the data.

§ 18.2-6. Meaning of certain terms.

As used in this title:

The word "court," unless otherwise clearly indicated by the context in which it appears, shall mean and include any court vested with appropriate jurisdiction under the Constitution and laws of ~~this~~ the Commonwealth.

The words "driver's license" and "license to operate a motor vehicle" shall mean any document issued under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2, or the comparable law of another jurisdiction, authorizing the operation of a motor vehicle upon the highways.

The word "judge," unless otherwise clearly indicated by the context in which it appears, shall mean and include any judge, associate judge or substitute judge, or police justice, of any court.

The words "motor vehicle," "semitrailer," "trailer" and "vehicle" shall have the respective meanings assigned to them by § 46.2-100.

§ 18.2-268.1. Chemical testing to determine alcohol or drug content of blood; definitions.

As used in §§ 18.2-268.2 through 18.2-268.12, unless the context clearly indicates otherwise:

The phrase "alcohol or drug" means alcohol, a drug or drugs, or any combination of alcohol and a drug or drugs.

The phrase "blood or breath" means either or both.

"Chief police officer" means the sheriff in any county not having a chief of police, the chief of police of any county having a chief of police, the chief of police of the city, or the sergeant or chief of police of the town in which the charge will be heard, or their authorized representatives.

"Department" means the Department of Forensic Science.

"Director" means the Director of the Department of Forensic Science.

"License" means any driver's license, ~~temporary driver's license, or instruction permit authorizing the operation of a motor vehicle upon the highways as defined in § 18.2-6.~~

"Ordinance" means a county, city or town ordinance.

§ 19.2-258.1. Trial of traffic infractions; measure of proof; failure to appear.

For any traffic infraction cases tried in a district court, the court shall hear and determine the case without the intervention of a jury. For any traffic infraction case appealed to a circuit court, the defendant shall have the right to trial by jury. The defendant shall be presumed innocent until proven guilty beyond a reasonable doubt.

When a person charged with a traffic infraction fails to enter a written or court appearance, he shall be deemed to have waived court hearing and the case may be heard in his absence, after which he shall be notified of the court's finding. He shall be advised that if he fails to comply with any order of the court therein, the court may order suspension of his ~~driver's license~~ *driving privileges* as provided in § 46.2-395 but the court shall not issue a warrant for his failure to appear pursuant to § 46.2-938.

§ 20-60.3. Contents of support orders.

All orders directing the payment of spousal support where there are minor children whom the parties have a mutual duty to support and all orders directing the payment of child support, including those orders confirming separation agreements, entered on or after October 1, 1985, whether they are original orders or modifications of existing orders, shall contain the following:

1. Notice that support payments may be withheld as they become due pursuant to § 20-79.1 or § 20-79.2, from income as defined in § 63.2-1900, without further amendments of this order or having to file an application for services with the Department of Social Services; however, absence of such notice in an order entered prior to July 1, 1988, shall not bar withholding of support payments pursuant to § 20-79.1;

2. Notice that support payments may be withheld pursuant to Chapter 19 (§ 63.2-1900 et seq.) of Title 63.2 without further amendments to the order upon application for services with the Department of Social Services; however, absence of such notice in an order entered prior to July 1, 1988, shall not bar withholding of support payments pursuant to Chapter 19 (§ 63.2-1900 et seq.) of Title 63.2;

3. The name, date of birth, and last four digits of the social security number of each child to whom a duty of support is then owed by the parent;

4. If known, the name, date of birth, and last four digits of the social security number of each parent of the child and, unless otherwise ordered, each parent's residential and, if different, mailing address, residential and employer telephone number, ~~driver's license~~ *and number appearing on a driver's license or other document issued under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2 or the comparable law of another jurisdiction*, and the name and address of ~~his or her~~ *each parent's* employer; however, when a protective order has been issued or the court otherwise finds reason to believe that a party is at risk of physical or emotional harm from the other party, information other than the name of the party at risk shall not be included in the order;

5. Notice that, pursuant to § 20-124.2, support will continue to be paid for any child over the age of 18 who is (i) a full-time high school student, (ii) not self-supporting, and (iii) living in the home of the party seeking or receiving child support until such child reaches the age of 19 or graduates from high school, whichever occurs first, and that the court may also order that support be paid or continue to be paid for any child over the age of 18 who is (a) severely and permanently mentally or physically disabled, and such disability existed prior to the child reaching the age of 18 or the age of 19 if the child met the requirements of clauses (i), (ii), and (iii); (b) unable to live independently and support himself; and (c) residing in the home of the parent seeking or receiving child support;

6. On and after July 1, 1994, notice that a petition may be filed for suspension of any license, certificate, registration or other authorization to engage in a profession, trade, business, occupation, or recreational activity issued by the Commonwealth to a parent as provided in § 63.2-1937 upon a delinquency for a period of 90 days or more or in an amount of \$5,000 or more. The order shall indicate whether either or both parents currently hold such an authorization and, if so, the type of authorization held;

7. The monthly amount of support and the effective date of the order. In proceedings on initial petitions, the effective date shall be the date of filing of the petition; in modification proceedings, the effective date may be the date of notice to the responding party. The first monthly payment shall be due on the first day of the month following the hearing date and on the first day of each month thereafter. In addition, an amount shall be assessed for any full and partial months between the effective date of the order and the date that the first monthly payment is due. The assessment for the initial partial month shall be prorated from the effective date through the end of that month, based on the current monthly obligation;

8. a. An order for health care coverage, including the health insurance policy information, for dependent children pursuant to §§ 20-108.1 and 20-108.2 if available at reasonable cost as defined in § 63.2-1900, or a written statement that health care coverage is not available at a reasonable cost as defined in such section, and a statement as to whether there is an order for health care coverage for a spouse or former spouse; and

b. A statement as to whether cash medical support, as defined in § 63.2-1900, is to be paid by or reimbursed to a party pursuant to subsections D and G of § 20-108.2, and if such expenses are ordered, then the provisions governing how such payment is to be made;

9. If support arrearages exist, (i) to whom an arrearage is owed and the amount of the arrearage, (ii) the period of time for which such arrearage is calculated, and (iii) a direction that all payments are to be credited to current support obligations first, with any payment in excess of the current obligation applied to arrearages;

10. If child support payments are ordered to be paid through the Department of Social Services or directly to the obligee, and unless the court for good cause shown orders otherwise, the parties shall give each other and the court and, when payments are to be made through the Department, the Department of Social Services at least 30 days' written notice, in advance, of any change of address and any change of telephone number within 30 days after the change;

11. If child support payments are ordered to be paid through the Department of Social Services, a provision requiring an obligor to keep the Department of Social Services informed of the name, address and telephone number of his current employer, or if payments are ordered to be paid directly to the obligee, a provision requiring an obligor to keep the court informed of the name, address and telephone number of his current employer;

12. If child support payments are ordered to be paid through the Department of Social Services, a provision requiring the party obligated to provide health care coverage to keep the Department of Social Services informed of any changes in the availability of the health care coverage for the minor child or children, or if payments are ordered to be paid directly to the obligee, a provision requiring the party obligated to provide health care coverage to keep the other party informed of any changes in the availability of the health care coverage for the minor child or children;

13. The separate amounts due to each person under the order, unless the court specifically orders a unitary award of child and spousal support due or the order affirms a separation agreement containing provision for such unitary award;

14. Notice that in determination of a support obligation, the support obligation as it becomes due and unpaid creates a judgment by operation of law. The order shall also provide, pursuant to § 20-78.2, for interest on the arrearage at the judgment rate as established by § 6.2-302 unless the obligee, in a writing submitted to the court, waives the collection of interest;

15. Notice that on and after July 1, 1994, the Department of Social Services may, pursuant to Chapter 19 (§ 63.2-1900 et seq.) of Title 63.2 and in accordance with §§ 20-108.2 and 63.2-1921, initiate a review of the amount of support ordered by any court;

16. A statement that if any arrearages for child support, including interest or fees, exist at the time the youngest child included in the order emancipates, payments shall continue in the total amount due (current support plus amount applied toward arrearages) at the time of emancipation until all arrearages are paid; and

17. Notice that, in cases enforced by the Department of Social Services, the Department of Motor Vehicles may suspend or refuse to renew the driver's license, or other document issued under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2 authorizing the operation of a motor vehicle upon the highways, of any person upon receipt of notice from the Department of Social Services that the person (i) is delinquent in the payment of child support by 90 days or in an amount of \$5,000 or more or (ii) has failed to comply with a subpoena, summons, or warrant relating to paternity or child support proceedings.

The provisions of this section shall not apply to divorce decrees where there are no minor children whom the parties have a mutual duty to support.

§ 20-107.1. Court may decree as to maintenance and support of spouses.

A. Pursuant to any proceeding arising under subsection L of § 16.1-241 or upon the entry of a decree providing (i) for the dissolution of a marriage, (ii) for a divorce, whether from the bond of matrimony or from bed and board, (iii) that neither party is entitled to a divorce, or (iv) for separate maintenance, the court may make such further decree as it shall deem expedient concerning the maintenance and support of the spouses, notwithstanding a party's failure to prove his grounds for divorce, provided that a claim for support has been properly pled by the party seeking support. However, the court shall have no authority to decree maintenance and support payable by the estate of a deceased spouse.

B. Any maintenance and support shall be subject to the provisions of § 20-109, and no permanent maintenance and support shall be awarded from a spouse if there exists in such spouse's favor a ground of divorce under the provisions of subdivision A (1) of § 20-91. However, the court may make such an award notwithstanding the existence of such ground if the court determines from clear and convincing evidence, that a denial of support and maintenance would constitute a manifest injustice, based upon the respective degrees of fault during the marriage and the relative economic circumstances of the parties.

C. The court, in its discretion, may decree that maintenance and support of a spouse be made in periodic payments for a defined duration, or in periodic payments for an undefined duration, or in a lump sum award, or in any combination thereof.

D. In addition to or in lieu of an award pursuant to subsection C, the court may reserve the right of a party to receive support in the future. In any case in which the right to support is so reserved, there shall be a rebuttable presumption that the reservation will continue for a period equal to 50 percent of the length of time between the date of the marriage and the date of separation. Once granted, the duration of such a reservation shall not be subject to modification.

E. The court, in determining whether to award support and maintenance for a spouse, shall consider the circumstances and factors which contributed to the dissolution of the marriage, specifically including adultery and any other ground for divorce under the provisions of subdivision A (3) or (6) of § 20-91 or § 20-95. In determining the nature, amount and duration of an award pursuant to this section, the court shall consider the following:

1. The obligations, needs and financial resources of the parties, including but not limited to income from all pension, profit sharing or retirement plans, of whatever nature;
2. The standard of living established during the marriage;
3. The duration of the marriage;
4. The age and physical and mental condition of the parties and any special circumstances of the family;
5. The extent to which the age, physical or mental condition or special circumstances of any child of the parties would make it appropriate that a party not seek employment outside of the home;
6. The contributions, monetary and nonmonetary, of each party to the well-being of the family;
7. The property interests of the parties, both real and personal, tangible and intangible;
8. The provisions made with regard to the marital property under § 20-107.3;
9. The earning capacity, including the skills, education and training of the parties and the present employment opportunities for persons possessing such earning capacity;
10. The opportunity for, ability of, and the time and costs involved for a party to acquire the appropriate education, training and employment to obtain the skills needed to enhance his or her earning ability;
11. The decisions regarding employment, career, economics, education and parenting arrangements made by the parties during the marriage and their effect on present and future earning potential, including the length of time one or both of the parties have been absent from the job market;
12. The extent to which either party has contributed to the attainment of education, training, career position or profession of the other party; and
13. Such other factors, including the tax consequences to each party and the circumstances and factors that contributed to the dissolution, specifically including any ground for divorce, as are necessary to consider the equities between the parties.

F. In contested cases in the circuit courts, any order granting, reserving or denying a request for spousal support shall be accompanied by written findings and conclusions of the court identifying the factors in subsection E which support the court's order. Any order granting or reserving any request for spousal support shall state whether the retirement of either party was contemplated by the court and specifically considered by the court in making its award, and, if so, the order shall state the facts the court contemplated and specifically considered as to the retirement of the party. If the court awards periodic support for a defined duration, such findings shall identify the basis for the nature, amount and duration of the award and, if appropriate, a specification of the events and circumstances reasonably contemplated by the court which support the award.

G. For purposes of this section and § 20-109, "date of separation" means the earliest date at which the parties are physically separated and at least one party intends such separation to be permanent provided the separation is continuous thereafter and "defined duration" means a period of time (i) with a specific beginning and ending date or (ii) specified in relation to the occurrence or cessation of an event or condition other than death or termination pursuant to § 20-110.

H. Where there are no minor children whom the parties have a mutual duty to support, an order directing the payment of spousal support, including those orders confirming separation agreements, entered on or after October 1, 1985, whether they are original orders or modifications of existing orders, shall contain the following:

1. If known, the name, date of birth, and social security number of each party and, unless otherwise ordered, each party's residential and, if different, mailing address, residential and employer telephone number, ~~driver's license and number appearing on a driver's license or other document issued under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2 or the comparable law of another jurisdiction~~, and the name and address of ~~his~~ *each party's* employer; however, when a protective order has been issued or the court otherwise finds reason to believe that a party is at risk of physical or emotional harm from the other party, information other than the name of the party at risk shall not be included in the order;

2. The amount of periodic spousal support expressed in fixed sums, together with the payment interval, the date payments are due, and the date the first payment is due;

3. A statement as to whether there is an order for health care coverage for a party;

4. If support arrearages exist, (i) to whom an arrearage is owed and the amount of the arrearage, (ii) the period of time for which such arrearage is calculated, and (iii) a direction that all payments are to be credited to current spousal support obligations first, with any payment in excess of the current obligation applied to arrearages;

5. If spousal support payments are ordered to be paid directly to the obligee, and unless the court for good cause shown orders otherwise, the parties shall give each other and the court at least 30 days' written notice, in advance, of any change of address and any change of telephone number within 30 days after the change; and

6. Notice that in determination of a spousal support obligation, the support obligation as it becomes due and unpaid creates a judgment by operation of law.

§ 22.1-205. Driver education programs.

A. The Board of Education shall establish for the public school system a standardized program of driver education in the safe operation of motor vehicles. Such program shall consist of classroom training and behind-the-wheel driver training. However, any student who participates in such a program of driver education shall meet the academic requirements established by the Board, and no student in a course shall be permitted to operate a motor vehicle without a license or ~~permit to do so~~ *other document issued by the Department of Motor Vehicles under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2, or the comparable law of another jurisdiction, authorizing the operation of a motor vehicle upon the highways.*

1. The driver education program shall include (i) instruction concerning (a) alcohol and drug abuse; (b) aggressive driving; (c) distracted driving; (d) motorcycle awareness; (e) organ and tissue donor awareness; (f) fuel-efficient driving practices; and (g) traffic stops, including law-enforcement procedures for traffic stops, appropriate actions to be taken by drivers during traffic stops, and appropriate interactions with law-enforcement officers who initiate traffic stops, and (ii) in Planning District 8, an additional minimum 90-minute parent/student driver education component. The additional parent/student driver education component may be provided to students outside Planning District 8, at the discretion of each local school board.

2. The parent/student driver education component shall be administered as part of the classroom portion of the driver education curriculum. In Planning District 8, the parent/student driver education component shall be administered in-person. Outside Planning District 8, the parent/student driver education component may be administered either in-person or online by a public school or driver training schools that are licensed as computer-based driver education providers. For students in Planning District 8 and those students in school divisions that offer the parent/student component, the participation of the student's parent or guardian shall be required, and the program shall emphasize (i) parental responsibilities regarding juvenile driver behavior, (ii) juvenile driving restrictions pursuant to the Code of Virginia, and (iii) the dangers of driving while intoxicated and underage consumption of alcohol. Such instruction shall be developed by the Department in cooperation with the Virginia Alcohol Safety Action Program, the Department of Health, and the Department of Behavioral Health and Developmental Services, as appropriate. Nothing in this subdivision precludes any school division outside Planning District 8 from including a program of parental involvement as part of a driver education program in addition to or as an alternative to the minimum 90-minute parent/student driver education component.

3. Any driver education program shall require a minimum number of miles driven during the behind-the-wheel driver training.

B. The Board shall assist school divisions by preparation, publication and distribution of competent driver education instructional materials to ensure a more complete understanding of the responsibilities and duties of motor vehicle operators.

C. Each school board shall determine whether to offer the program of driver education in the safe operation of motor vehicles and, if offered, whether such program shall be an elective or a required course. In addition to the fee approved by the Board of Education pursuant to the appropriation act that allows local school boards to charge a per pupil fee for behind-the-wheel driver education, the Board of Education may authorize a local school board's request to assess a surcharge in order to further recover program costs that exceed state funds distributed through basic aid to school divisions offering driver education programs. Each school board may waive the fee or the surcharge in total or in part for those students it determines cannot pay the fee or surcharge. Only school divisions complying with the standardized program and regulations established by the Board of Education and the provisions of § 46.2-335 shall be entitled to participate in the distribution of state funds appropriated for driver education.

School boards in Planning District 8 shall make the 90-minute parent/student driver education component available to all students and their parents or guardians who are in compliance with § 22.1-254.

D. The actual initial driving instruction shall be conducted, with motor vehicles equipped as may be required by regulation of the Board of Education, on private or public property removed from public highways if practicable; if

impracticable, then, at the request of the school board, the Commissioner of Highways shall designate a suitable section of road near the school to be used for such instruction. Such section of road shall be marked with signs, which the Commissioner of Highways shall supply, giving notice of its use for driving instruction. Such signs shall be removed at the close of the instruction period. No vehicle other than those used for driver training shall be operated between such signs at a speed in excess of 25 miles per hour. Violation of this limit shall be a Class 4 misdemeanor.

E. The Board of Education may, in its discretion, promulgate regulations for the use and certification of paraprofessionals as teaching assistants in the driver education programs of school divisions.

F. The Board of Education shall approve correspondence courses for the classroom training component of driver education. These correspondence courses shall be consistent in quality with instructional programs developed by the Board for classroom training in the public schools. Students completing the correspondence courses for classroom training, who are eligible to take behind-the-wheel driver training, may receive behind-the-wheel driver training (i) from a public school, upon payment of the required fee, if the school division offers behind-the-wheel driver training and space is available, (ii) from a driver training school licensed by the Department of Motor Vehicles, or (iii) in the case of a home schooling parent or guardian instructing his own child who meets the requirements for home school instruction under § 22.1-254.1 or subdivision B 1 of § 22.1-254, from a behind-the-wheel training course approved by the Board. Nothing herein shall be construed to require any school division to provide behind-the-wheel driver training to nonpublic school students.

§ 24.2-410.1. Citizenship status; Department of Motor Vehicles to furnish lists of noncitizens.

A. The Department of Motor Vehicles shall include on the application for a ~~driver's license, commercial driver's license, temporary driver's permit, learner's permit, motorcycle learner's permit, special identification card~~ *any document*, or renewal thereof, issued pursuant to the provisions of Chapter 3 (§ 46.2-300 et seq.) of Title 46.2, as a predicate to offering a voter registration application pursuant to § 24.2-411.1, a statement asking the applicant if he is a United States citizen. If the applicant indicates a noncitizen status, the Department of Motor Vehicles shall not offer that applicant the opportunity to apply for voter registration. If the applicant indicates that he is a United States citizen and that he wishes to register to vote or change his voter registration address, the statement that he is a United States citizen shall become part of the voter registration application offered to the applicant. Information on citizenship status shall not be a determinative factor for the issuance of any document pursuant to the provisions of Chapter 3 (§ 46.2-300 et seq.) of Title 46.2.

B. Additionally, the Department of Motor Vehicles shall furnish monthly to the Department of Elections a complete list of all persons who have indicated a noncitizen status to the Department of Motor Vehicles in obtaining a ~~driver's license, commercial driver's license, temporary driver's permit, learner's permit, motorcycle learner's permit, special identification card~~ *any document*, or renewal thereof, issued pursuant to the provisions of Chapter 3 (§ 46.2-300 et seq.) of Title 46.2. The Department of Elections shall transmit the information from the list to the appropriate general registrars. Information in the lists shall be confidential and available only for official use by the Department of Elections and general registrars.

C. For the purposes of this section, the Department of Motor Vehicles is not responsible for verifying the claim of any applicant who indicates United States citizen status when applying for a ~~driver's license, commercial driver's license, temporary driver's permit, learner's permit, motorcycle learner's permit, special identification card~~ *any document*, or renewal thereof, issued pursuant to the provisions of Chapter 3 (§ 46.2-300 et seq.) of Title 46.2.

§ 24.2-411.1. Offices of the Department of Motor Vehicles.

A. The Department of Motor Vehicles shall provide the opportunity to register to vote to each person who comes to an office of the Department of Motor Vehicles to:

1. Apply for, replace, or renew a ~~driver's license or other document issued under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2 except driver privilege cards or permits issued pursuant to § 46.2-328.3; or~~
2. ~~Apply for, replace, or renew a special identification card; or~~
- 3- Change an address on an existing driver's license or ~~special identification card~~ *other document issued under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2 except driver privilege cards or permits issued pursuant to § 46.2-328.3.*

B. The method used to receive an application for voter registration shall avoid duplication of the license portion of the license application and require only the minimum additional information necessary to enable registrars to determine the voter eligibility of the applicant and to administer voter registration and election laws. A person who does not sign the registration portion of the application shall be deemed to have declined to register at that time. The voter application shall include a statement that, if an applicant declines to register to vote, the fact the applicant has declined to register will remain confidential and will be used only for voter registration purposes.

Each application form distributed under this section shall be accompanied by the following statement featured prominently in boldface capital letters: "WARNING: INTENTIONALLY MAKING A MATERIALLY FALSE STATEMENT ON THIS FORM CONSTITUTES THE CRIME OF ELECTION FRAUD, WHICH IS PUNISHABLE UNDER VIRGINIA LAW AS A FELONY. VIOLATORS MAY BE SENTENCED TO UP TO 10 YEARS IN PRISON, OR UP TO 12 MONTHS IN JAIL AND/OR FINED UP TO \$2,500."

Any completed application for voter registration submitted by a person who is already registered shall serve as a written request to update his registration record. Any change of address form submitted for purposes of a motor vehicle driver's license or ~~special identification card~~ *other document issued under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2* shall serve as notification of change of address for voter registration for the registrant involved unless the registrant states on the form that the change of address is not for voter registration purposes. If the information from the notification of change of address for voter registration indicates that the registered voter has moved to another general registrar's jurisdiction within

the Commonwealth, the notification shall be treated as a request for transfer from the registered voter. The notification and the registered voter's registration record shall be transmitted as directed by the Department of Elections to the appropriate general registrar who shall send confirmation documents of the transfer to the voter pursuant to § 24.2-424. The Department of Motor Vehicles and Department of Elections shall cooperate in the prompt transmittal by electronic or other means of the notification to the appropriate general registrar.

C. The completed voter registration portion of the application shall be transmitted as directed by the Department of Elections not later than five business days after the date of receipt. The Department of Motor Vehicles and Department of Elections shall cooperate in the prompt transmittal by electronic or other means of the voter registration portion of the application to the appropriate general registrar.

D. The Department of Elections shall maintain statistical records on the number of applications to register to vote with information provided from the Department of Motor Vehicles.

E. A person who provides services at the Department of Motor Vehicles shall not disclose, except as authorized by law for official use, the social security number, or any part thereof, of any applicant for voter registration.

F. The Department of Motor Vehicles shall provide assistance as required in providing voter photo identification cards as provided in subdivision A 3 of § 24.2-404.

§ 24.2-416.7. Application for voter registration by electronic means.

A. Notwithstanding any other provision of law, a person who is qualified to register to vote may apply to register to vote by electronic means as authorized by the State Board by completing an electronic registration application.

B. Notwithstanding any other provision of law, a registered voter may satisfy the requirements of §§ 24.2-423 and 24.2-424 to notify the general registrar of a change of legal name or place of residence within the Commonwealth by electronic means as authorized by the State Board by completing an electronic registration application.

C. An electronic registration application completed pursuant to this article shall require that an applicant:

1. Provide the information as required under § 24.2-418;
2. Have a Virginia driver's license or ~~special identification card~~ *other document* issued by the Department of Motor Vehicles *under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2;*
3. Provide a social security number and Department of Motor Vehicles customer identifier number that matches the applicant's record in the Department of Motor Vehicles records;
4. Attest to the truth of the information provided;
5. Sign the application in a manner consistent with the Uniform Electronic Transactions Act (§ 59.1-479 et seq.); and
6. Affirmatively authorize the Department of Elections and general registrar to use the applicant's signature obtained by the Department of Motor Vehicles for voter registration purposes.

D. In order for an individual to complete a transaction under this article, the general registrar shall verify that the Department of Motor Vehicles customer identifier number, date of birth, and social security number provided by the applicant match the information contained in the Department of Motor Vehicles records.

E. The Department of Motor Vehicles shall provide to the Department of Elections a digital copy of the applicant's signature on record with the Department of Motor Vehicles.

F. The Department of Elections shall transmit to the general registrar an applicant's completed voter registration application and digital signature not later than five business days after the date of receipt.

G. Each transaction taking place under this section shall be accompanied by the following statement featured prominently in boldface capital letters: "WARNING: INTENTIONALLY MAKING A MATERIALLY FALSE STATEMENT DURING THIS TRANSACTION CONSTITUTES THE CRIME OF ELECTION FRAUD, WHICH IS PUNISHABLE UNDER VIRGINIA LAW AS A FELONY. VIOLATORS MAY BE SENTENCED TO UP TO 10 YEARS IN PRISON, OR UP TO 12 MONTHS IN JAIL AND/OR FINED UP TO \$2,500."

H. The Department of Elections may use additional security measures approved by the State Board to ensure the accuracy and integrity of registration transactions performed under this article.

§ 24.2-643. Qualified voter permitted to vote; procedures at polling place; voter identification.

A. After the polls are open, each qualified voter at a precinct shall be permitted to vote. The officers of election shall ascertain that a person offering to vote is a qualified voter before admitting him to the voting booth and furnishing an official ballot to him.

B. An officer of election shall ask the voter for his full name and current residence address and the voter may give such information orally or in writing. The officer of election shall repeat, in a voice audible to party and candidate representatives present, the full name and address provided by the voter. The officer shall ask the voter to present any one of the following forms of identification: his valid Virginia driver's license, his valid United States passport, or any other photo identification issued by the Commonwealth, one of its political subdivisions, or the United States, *other than a driver privilege card issued under § 46.2-328.3*; any valid student identification card containing a photograph of the voter and issued by any institution of higher education located in the Commonwealth or any private school located in the Commonwealth; or any valid employee identification card containing a photograph of the voter and issued by an employer of the voter in the ordinary course of the employer's business.

Any voter who does not show one of the forms of identification specified in this subsection shall be offered a provisional ballot under the provisions of § 24.2-653. The State Board of Elections shall provide an ID-ONLY provisional

ballot envelope that requires no follow-up action by the registrar or electoral board other than matching submitted identification documents from the voter for the electoral board to make a determination on whether to count the ballot.

If the voter presents one of the forms of identification listed above, if his name is found on the pollbook in a form identical to or substantially similar to the name on the presented form of identification and the name provided by the voter, if he is qualified to vote in the election, and if no objection is made, an officer shall enter, opposite the voter's name on the pollbook, the first or next consecutive number from the voter count form provided by the State Board, or shall enter that the voter has voted if the pollbook is in electronic form; an officer shall provide the voter with the official ballot; and another officer shall admit him to the voting booth. Each voter whose name has been marked on the pollbooks as present to vote and entitled to a ballot shall remain in the presence of the officers of election in the polling place until he has voted. If a line of voters who have been marked on the pollbooks as present to vote forms to await entry to the voting booths, the line shall not be permitted to extend outside of the room containing the voting booths and shall remain under observation by the officers of election.

A voter may be accompanied into the voting booth by his child age 15 or younger.

C. If the current residence address provided by the voter is different from the address shown on the pollbook, the officer of election shall furnish the voter with a change of address form prescribed by the State Board. Upon its completion, the voter shall sign the prescribed form, subject to felony penalties for making false statements pursuant to § 24.2-1016, which the officer of election shall then place in an envelope provided for such forms for transmission to the general registrar who shall then transfer or cancel the registration of such voter pursuant to Chapter 4 (§ 24.2-400 et seq.).

D. At the time the voter is asked his full name and current residence address, the officer of election shall ask any voter for whom the pollbook indicates that an identification number other than a social security number is recorded on the Virginia voter registration system if he presently has a social security number. If the voter is able to provide his social security number, he shall be furnished with a voter registration form prescribed by the State Board to update his registration information. Upon its completion, the form shall be placed by the officer of election in an envelope provided for such forms for transmission to the general registrar. Any social security numbers so provided shall be entered by the general registrar in the voter's record on the voter registration system.

§ 32.1-291.2. Definitions.

As used in this Act, unless the context requires otherwise:

"Adult" means an individual who is at least 18 years of age.

"Agent" means an individual:

1. Authorized to make health-care decisions on the principal's behalf by a power of attorney for health care; or
2. Expressly authorized to make an anatomical gift on the principal's behalf by any other record signed by the principal.

"Anatomical gift" means a donation of all or part of a human body to take effect after the donor's death for the purpose of transplantation, therapy, research, or education.

"Decedent" means a deceased individual whose body or part is or may be the source of an anatomical gift. The term includes a stillborn infant and, subject to restrictions imposed by law other than this Act, a fetus.

"Disinterested witness" means a witness other than the spouse, child, parent, sibling, grandchild, grandparent, or guardian of the individual who makes, amends, revokes, or refuses to make an anatomical gift, or another adult who exhibited special care and concern for the individual. The term does not include a person to whom an anatomical gift could pass under § 32.1-291.11.

"Document of gift" means a donor card or other record used to make an anatomical gift. The term includes a statement or symbol on a driver's license, identification card, or donor registry.

"Donor" means an individual whose body or part is the subject of an anatomical gift.

"Donor registry" means a database that contains records of anatomical gifts.

"Driver's license" means a license or ~~permit~~ *other document* issued by the Virginia Department of Motor Vehicles to operate under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2 authorizing the operation of a motor vehicle upon the highways, whether or not conditions are attached to the license or ~~permit~~ *other document*.

"Eye bank" means a person that is licensed, accredited, or regulated under federal or state law to engage in the recovery, screening, testing, processing, storage, or distribution of human eyes or portions of human eyes and that is a member of the Virginia Transplant Council, accredited by the Eye Bank Association of America or the American Association of Tissue Banks and operating in the Commonwealth of Virginia.

"Guardian" means a person appointed by a court to make decisions regarding the support, care, education, health, or welfare of an individual. The term does not include a guardian ad litem, except when the guardian ad litem is authorized by a court to consent to donation.

"Hospital" means a facility licensed as a hospital under the law of any state or a facility operated as a hospital by the United States, a state, or a subdivision of a state.

"Identification card" means an identification card issued by the Virginia Department of Motor Vehicles under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2.

"Know" means to have actual knowledge.

"Minor" means an individual who is under 18 years of age.

"Organ procurement organization" means a person designated by the Secretary of the United States Department of Health and Human Services as an organ procurement organization that is also a member of the Virginia Transplant Council.

"Parent" means a parent whose parental rights have not been terminated.

"Part" means an organ, an eye, or tissue of a human being. The term does not include the whole body.

"Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.

"Physician" means an individual authorized to practice medicine or osteopathy under the law of any state.

"Procurement organization" means an eye bank, organ procurement organization, or tissue bank that is a member of the Virginia Transplant Council.

"Prospective donor" means an individual who is dead or whose death is imminent and has been determined by a procurement organization to have a part that could be medically suitable for transplantation, therapy, research, or education. The term does not include an individual who has made a refusal.

"Reasonably available" means able to be contacted by a procurement organization without undue effort and willing and able to act in a timely manner consistent with existing medical criteria necessary for the making of an anatomical gift.

"Recipient" means an individual into whose body a decedent's part has been or is intended to be transplanted.

"Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

"Refusal" means a record created under § 32.1-291.7 that expressly states an intent to bar other persons from making an anatomical gift of an individual's body or part.

"Sign" means, with the present intent to authenticate or adopt a record:

1. To execute or adopt a tangible symbol; or
2. To attach to or logically associate with the record an electronic symbol, sound, or process.

"State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

"Technician" means an individual determined to be qualified to remove or process parts by an appropriate organization that is licensed, accredited, or regulated under federal or state law. The term includes an enucleator.

"Tissue" means a portion of the human body other than an organ or an eye. The term does not include blood unless the blood is donated for the purpose of research or education.

"Tissue bank" means a person that is licensed, accredited, or regulated under federal or state law to engage in the recovery, screening, testing, processing, storage, or distribution of tissue and that is a member of the Virginia Transplant Council, accredited by the American Association of Tissue Banks, and operating in the Commonwealth of Virginia.

"Transplant hospital" means a hospital that furnishes organ transplants and other medical and surgical specialty services required for the care of transplant patients.

§ 33.2-613. Free use of toll facilities by certain state officers and employees; penalties.

A. Upon presentation of a toll pass issued pursuant to regulations promulgated by the Board, the following persons may use all toll bridges, toll ferries, toll tunnels, and toll roads in the Commonwealth without the payment of toll while in the performance of their official duties:

1. The Commissioner of Highways;
2. Members of the Commonwealth Transportation Board;
3. Employees of the Department of Transportation;
4. The Superintendent of the Department of State Police;
5. Officers and employees of the Department of State Police;
6. Members of the Board of Directors of the Virginia Alcoholic Beverage Control Authority;
7. Employees of the regulatory and hearings divisions of the Virginia Alcoholic Beverage Control Authority and special agents of the Virginia Alcoholic Beverage Control Authority;
8. The Commissioner of the Department of Motor Vehicles;
9. Employees of the Department of Motor Vehicles;
10. Local police officers;
11. Sheriffs and their deputies;
12. Regional jail officials;
13. Animal wardens;
14. The Director and officers of the Department of Game and Inland Fisheries;
15. Persons operating firefighting equipment and emergency medical services vehicles as defined in § 32.1-111.1;
16. Operators of school buses being used to transport pupils to or from schools;
17. Operators of (i) commuter buses having a capacity of 20 or more passengers, including the driver, and used to regularly transport workers to and from their places of employment and (ii) public transit buses;
18. Employees of the Department of Rail and Public Transportation;
19. Employees of any transportation facility created pursuant to the Virginia Highway Corporation Act of 1988; and
20. Law-enforcement officers of the Virginia Marine Resources Commission.

B. Notwithstanding the provision of subsection A requiring presentation of a toll pass for toll-free use of such facilities, in cases of emergency and circumstances of concern for public safety on the highways of the Commonwealth, the Department of Transportation shall, in order to alleviate an actual or potential threat or risk to the public's safety, facilitate

the flow of traffic on or within the vicinity of the toll facility by permitting the temporary suspension of toll collection operations on its facilities.

1. The assessment of the threat to public safety shall be performed and the decision temporarily to suspend toll collection operations shall be made by the Commissioner of Highways or his designee.

2. Major incidents that may require the temporary suspension of toll collection operations shall include (i) natural disasters, such as hurricanes, tornadoes, fires, and floods; (ii) accidental releases of hazardous materials, such as chemical spills; (iii) major traffic accidents, such as multivehicle collisions; and (iv) other incidents deemed to present a risk to public safety. Any mandatory evacuation during a state of emergency as defined in § 44-146.16 shall require the temporary suspension of toll collection operations in affected evacuation zones on routes designated as mass evacuation routes. The Commissioner of Highways shall reinstate toll collection when the mandatory evacuation period ends.

3. In any judicial proceeding in which a person is found to be criminally responsible or civilly liable for any incident resulting in the suspension of toll collections as provided in this subsection, the court may assess against the person an amount equal to lost toll revenue as a part of the costs of the proceeding and order that such amount, not to exceed \$2,000 for any individual incident, be paid to the Department of Transportation for deposit into the toll road fund.

C. Any tollgate keeper who refuses to permit the persons listed in subsection A to use any toll bridge, toll ferry, toll tunnel, or toll road upon presentation of such a toll pass is guilty of a misdemeanor punishable by a fine of not more than \$50 and not less than \$2.50. Any person other than those listed in subsection A who exhibits any such toll pass for the purpose of using any toll bridge, toll ferry, toll tunnel, or toll road is guilty of a Class 1 misdemeanor.

D. Any vehicle operated by the holder of a valid driver's license issued by the Commonwealth or any other state or other document issued under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2, or the comparable law of another jurisdiction, authorizing the operation of a motor vehicle upon the highways shall be allowed free use of all toll bridges, toll roads, and other toll facilities in the Commonwealth if:

1. The vehicle is specially equipped to permit its operation by a handicapped person;

2. The driver of the vehicle has been certified, either by a physician licensed by the Commonwealth or any other state or by the Adjudication Office of the U.S. Department of Veterans Affairs, as being severely physically disabled and having permanent upper limb mobility or dexterity impairments that substantially impair his ability to deposit coins in toll baskets;

3. The driver has applied for and received from the Department of Transportation a vehicle window sticker identifying him as eligible for such free passage; and

4. Such identifying window sticker is properly displayed on the vehicle.

A copy of this subsection shall be posted at all toll bridges, toll roads, and other toll facilities in the Commonwealth. The Department of Transportation shall provide envelopes for payments of tolls by those persons exempted from tolls pursuant to this subsection and shall accept any payments made by such persons.

E. Nothing contained in this section or in § 33.2-612 or 33.2-1718 shall operate to affect the provisions of § 22.1-187.

F. Notwithstanding the provisions of subsections A, B, and C, only the following persons may use the Chesapeake Bay Bridge-Tunnel, facilities of the Richmond Metropolitan Transportation Authority, or facilities of an operator authorized to operate a toll facility pursuant to the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.) without the payment of toll when necessary and incidental to the conduct of official business:

1. The Commissioner of Highways;

2. Members of the Commonwealth Transportation Board;

3. Employees of the Department of Transportation;

4. The Superintendent of the Department of State Police;

5. Officers and employees of the Department of State Police;

6. The Commissioner of the Department of Motor Vehicles;

7. Employees of the Department of Motor Vehicles; and

8. Sheriffs and deputy sheriffs.

However, in the event of a mandatory evacuation and suspension of tolls pursuant to subdivision B 2, the Commissioner of Highways or his designee shall order the temporary suspension of toll collection operations on facilities of all operators authorized to operate a toll facility pursuant to the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.) that has been designated as a mass evacuation route in affected evacuation zones, to the extent such order is necessary to facilitate evacuation and is consistent with the terms of the applicable comprehensive agreement between the operator and the Department. The Commissioner of Highways shall authorize the reinstatement of toll collections suspended pursuant to this subsection when the mandatory evacuation period ends or upon the reinstatement of toll collections on other tolled facilities in the same affected area, whichever occurs first.

G. Any vehicle operated by a quadriplegic driver shall be allowed free use of all toll facilities in Virginia controlled by the Richmond Metropolitan Transportation Authority, pursuant to the requirements of subdivisions D 1 through 4.

H. Vehicles transporting two or more persons, including the driver, may be permitted toll-free use of the Dulles Toll Road during rush hours by the Board; however, notwithstanding the provisions of subdivision B 1 of § 56-543, such vehicles shall not be permitted toll-free use of a roadway as defined pursuant to the Virginia Highway Corporation Act of 1988 (§ 56-535 et seq.).

§ 38.2-2212. Grounds and procedure for cancellation of or refusal to renew motor vehicle insurance policies; review by Commissioner.

A. The following definitions shall apply to this section:

"Cancellation" or "to cancel" means a termination of a policy during the policy period.

"Insurer" means any insurance company, association, or exchange licensed to transact motor vehicle insurance in this Commonwealth.

"Policy of motor vehicle insurance" or "policy" means a policy or contract for bodily injury or property damage liability insurance issued or delivered in this Commonwealth covering liability arising from the ownership, maintenance, or use of any motor vehicle, insuring as the named insured one individual or husband and wife who are residents of the same household, and under which the insured vehicle designated in the policy is either:

a. A motor vehicle of a private passenger, station wagon, or motorcycle type that is not used commercially, rented to others, or used as a public or livery conveyance where the term "public or livery conveyance" does not include car pools, or

b. Any other four-wheel motor vehicle which is not used in the occupation, profession, or business, other than farming, of the insured, or as a public or livery conveyance, or rented to others. The term "policy of motor vehicle insurance" or "policy" does not include (i) any policy issued through the Virginia Automobile Insurance Plan, (ii) any policy covering the operation of a garage, sales agency, repair shop, service station, or public parking place, (iii) any policy providing insurance only on an excess basis, or (iv) any other contract providing insurance to the named insured even though the contract may incidentally provide insurance on motor vehicles.

"Renewal" or "to renew" means (i) the issuance and delivery by an insurer of a policy superseding at the end of the policy period a policy previously issued and delivered by the same insurer, providing types and limits of coverage at least equal to those contained in the policy being superseded, or (ii) the issuance and delivery of a certificate or notice extending the term of a policy beyond its policy period or term with types and limits of coverage at least equal to those contained in the policy. Each renewal shall conform with the requirements of the manual rules and rating program currently filed by the insurer with the Commission. Except as provided in subsection K, any policy with a policy period or term of less than 12 months or any policy with no fixed expiration date shall for the purpose of this section be considered as if written for successive policy periods or terms of six months from the original effective date.

B. This section shall apply only to that portion of a policy of motor vehicle insurance providing the coverage required by §§ 38.2-2204, 38.2-2205, and 38.2-2206.

C. 1. No insurer shall refuse to renew a motor vehicle insurance policy solely because of any one or more of the following factors:

a. Age;

b. Sex;

c. Residence;

d. Race;

e. Color;

f. Creed;

g. National origin;

h. Ancestry;

i. Marital status;

j. Lawful occupation, including the military service;

k. Lack of driving experience, or number of years driving experience;

l. Lack of supporting business or lack of the potential for acquiring such business;

m. One or more accidents or violations that occurred more than 48 months immediately preceding the upcoming anniversary date;

n. One or more claims submitted under the uninsured motorists coverage of the policy where the uninsured motorist is known or there is physical evidence of contact;

o. A single claim by a single insured submitted under the medical expense coverage due to an accident for which the insured was neither wholly nor partially at fault;

p. One or more claims submitted under the comprehensive or towing coverages. However, nothing in this section shall prohibit an insurer from modifying or refusing to renew the comprehensive or towing coverages at the time of renewal of the policy on the basis of one or more claims submitted by an insured under those coverages, provided that the insurer shall mail or deliver to the insured at the address shown in the policy, or deliver electronically to the address provided by the named insured, written notice of any such change in coverage at least 45 days prior to the renewal;

q. Two or fewer motor vehicle accidents within a three-year period unless the accident was caused either wholly or partially by the named insured, a resident of the same household, or other customary operator;

r. Credit information contained in a "consumer report," as defined in the federal Fair Credit Reporting Act, 15 U.S.C. § 1681 et seq., bearing on a natural person's creditworthiness, credit standing or credit capacity. If credit information is used, in part, as the basis for the nonrenewal, such credit information shall be based on a consumer report procured within 120 days from the effective date of the nonrenewal. The provisions of this subdivision shall apply only to insurance purchased primarily for personal, family, or household purposes;

s. The refusal of a motor vehicle owner as defined in § 46.2-1088.6 to provide access to recorded data from a recording device as defined in § 46.2-1088.6; or

t. The status of the person as a foster care provider or a person in foster care.

2. Nothing in this section shall require any insurer to renew a policy for an insured where the insured's occupation has changed so as to materially increase the risk. Nothing contained in subdivisions 1 n, o, and p shall prohibit an insurer from refusing to renew a policy where a claim is false or fraudulent. Nothing in this section prohibits any insurer from setting rates in accordance with relevant actuarial data.

D. No insurer shall cancel a policy except for one or more of the following reasons:

1. The named insured or any other operator who either resides in the same household or customarily operates a motor vehicle insured under the policy has had his ~~driver's license~~ *driving privileges* suspended or revoked during the policy period or, if the policy is a renewal, during its policy period or the 90 days immediately preceding the last effective date.

2. The named insured fails to pay the premium for the policy or any installment of the premium, whether payable to the insurer or its agent either directly or indirectly under any premium finance plan or extension of credit.

3. The named insured or his duly constituted attorney-in-fact has notified the insurer of a change in the insured's legal residence to a state other than Virginia and the insured vehicle will be principally garaged in the new state of legal residence.

E. No cancellation or refusal to renew by an insurer of a policy of motor vehicle insurance shall be effective unless the insurer delivers or mails to the named insured at the address shown in the policy a written notice of the cancellation or refusal to renew, or the insurer delivers such notice electronically to the address provided by the named insured. The notice shall:

1. Be in a type size authorized under § 38.2-311.

2. State the effective date of the cancellation or refusal to renew. The effective date of cancellation or refusal to renew shall be at least 45 days after mailing or delivering to the insured the notice of cancellation or notice of refusal to renew. However, when the policy is being canceled or not renewed for the reason set forth in subdivision D 2 the effective date may be less than 45 days but at least 15 days from the date of mailing or delivery.

3. State the specific reason of the insurer for cancellation or refusal to renew and provide for the notification required by §§ 38.2-608, 38.2-609, and subsection B of § 38.2-610. However, those notification requirements shall not apply when the policy is being canceled or not renewed for the reason set forth in subdivision D 2.

4. Inform the insured of his right to request in writing within 15 days of the receipt of the notice that the Commissioner review the action of the insurer.

The notice of cancellation or refusal to renew shall contain the following statement to inform the insured of such right:

IMPORTANT NOTICE

Within 15 days of receiving this notice, you or your attorney may request in writing that the Commissioner of Insurance review this action to determine whether the insurer has complied with Virginia laws in canceling or nonrenewing your policy. If this insurer has failed to comply with the cancellation or nonrenewal laws, the Commissioner may require that your policy be reinstated. However, the Commissioner is prohibited from making underwriting judgments. If this insurer has complied with the cancellation or nonrenewal laws, the Commissioner does not have the authority to overturn this action.

5. Inform the insured of the possible availability of other insurance which may be obtained through his agent, through another insurer, or through the Virginia Automobile Insurance Plan.

6. If sent by mail or delivered electronically, comply with the provisions of § 38.2-2208.

Nothing in this subsection prohibits any insurer or agent from including in the notice of cancellation or refusal to renew, any additional disclosure statements required by state or federal laws, or any additional information relating to the availability of other insurance.

F. Nothing in this section shall apply:

1. If the insurer or its agent acting on behalf of the insurer has manifested its willingness to renew by issuing or offering to issue a renewal policy, certificate, or other evidence of renewal, or has manifested its willingness to renew in writing to the insured. The written manifestation shall include the name of a proposed insurer, the expiration date of the policy, the type of insurance coverage, and information regarding the estimated renewal premium. The insurer shall retain a copy of each written manifestation for a period of at least one year from the expiration date of any policy that is not renewed;

2. If the named insured, or his duly constituted attorney-in-fact, has notified the insurer or its agent orally, or in writing, if the insurer requires such notification to be in writing, that he wishes the policy to be canceled or that he does not wish the policy to be renewed, or if prior to the date of expiration he fails to accept the offer of the insurer to renew the policy;

3. To any motor vehicle insurance policy which has been in effect less than 60 days when the termination notice is mailed or delivered to the insured, unless it is a renewal policy; or

4. If an affiliated insurer has manifested its willingness to provide coverage at a lower premium than would have been charged for the same exposures on the expiring policy. The affiliated insurer shall manifest its willingness to provide coverage by issuing a policy with the types and limits of coverage at least equal to those contained in the expiring policy unless the named insured has requested a change in coverage or limits. When such offer is made by an affiliated insurer, an offer of renewal shall not be required of the insurer of the expiring policy, and the policy issued by the affiliated insurer shall be deemed to be a renewal policy.

G. There shall be no liability on the part of and no cause of action of any nature shall arise against the Commissioner or his subordinates; any insurer, its authorized representatives, its agents, or its employees; or any person furnishing to the insurer information as to reasons for cancellation or refusal to renew, for any statement made by any of them in complying with this section or for providing information pertaining to the cancellation or refusal to renew. For the purposes of this section, no insurer shall be required to furnish a notice of cancellation or refusal to renew to anyone other than the named

insured, any person designated by the named insured, or any other person to whom such notice is required to be given by the terms of the policy and the Commissioner.

H. Within 15 days of receipt of the notice of cancellation or refusal to renew, any insured or his attorney shall be entitled to request in writing to the Commissioner that he review the action of the insurer in canceling or refusing to renew the policy of the insured. Upon receipt of the request, the Commissioner shall promptly begin a review to determine whether the insurer's cancellation or refusal to renew complies with the requirements of this section and of § 38.2-2208 if the notice was sent by mail or delivered electronically. The policy shall remain in full force and effect during the pendency of the review by the Commissioner except where the cancellation or refusal to renew is for the reason set forth in subdivision D 2, in which case the policy shall terminate as of the effective date stated in the notice. Where the Commissioner finds from the review that the cancellation or refusal to renew has not complied with the requirements of this section or of § 38.2-2208, he shall immediately notify the insurer, the insured and any other person to whom such notice was required to be given by the terms of the policy that the cancellation or refusal to renew is not effective. Nothing in this section authorizes the Commissioner to substitute his judgment as to underwriting for that of the insurer. Where the Commissioner finds in favor of the insured, the Commission in its discretion may award the insured reasonable attorneys' fees.

I. Each insurer shall maintain for at least one year, records of cancellation and refusal to renew and copies of every notice or statement referred to in subsection E that it sends to any of its insureds.

J. The provisions of this section shall not apply to any insurer that limits the issuance of policies of motor vehicle liability insurance to one class or group of persons engaged in any one particular profession, trade, occupation, or business. Nothing in this section requires an insurer to renew a policy of motor vehicle insurance if the insured does not conform to the occupational or membership requirements of an insurer who limits its writings to an occupation or membership of an organization. No insurer is required to renew a policy if the insured becomes a nonresident of Virginia.

K. Notwithstanding any other provision of this section, a motor vehicle insurance policy with a policy period or term of five months or less may expire at its expiration date when the insurer has manifested in writing its willingness to renew the policy for at least 30 days and has mailed or delivered the written manifestation to the insured at least 15 days before the expiration date of the policy. The written manifestation shall include the name of the proposed insurer, the expiration date of the policy, the type of insurance coverage, and the estimated renewal premium. The insurer shall retain a copy of the written manifestation for at least one year from the expiration date of any policy that is not renewed.

§ 46.2-328.1. Licenses, permits, and special identification cards to be issued only to United States citizens, legal permanent resident aliens, or holders of valid unexpired nonimmigrant visas; exceptions; renewal, duplication, or reissuance.

A. Notwithstanding any other provision of this title, except as provided in subsection G of § 46.2-345, the Department shall not issue an original license, permit, or special identification card to any applicant who has not presented to the Department, with the application, valid documentary evidence that the applicant is either (i) a citizen of the United States, (ii) a legal permanent resident of the United States, ~~or~~ (iii) a conditional resident alien of the United States, (iv) *an approved applicant for asylum in the United States*, (v) *an entrant into the United States in refugee status*, or (vi) *a citizen of the Federated States of Micronesia, the Republic of Palau, or the Republic of the Marshall Islands, collectively known as the Freely Associated States*.

B. Notwithstanding the provisions of subsection A and the provisions of §§ 46.2-330 and 46.2-345, an applicant who presents in person valid documentary evidence of ~~(i) a valid, unexpired nonimmigrant visa or nonimmigrant visa status for entry into the United States, (ii) a pending or approved application for asylum in the United States, (iii) entry into the United States in refugee status, (iv) a pending or approved application for temporary protected status in the United States, (v) approved deferred action status, or (vi) a pending application for adjustment of status to legal permanent residence status or conditional resident status, that a federal court or federal agency having jurisdiction over immigration has authorized the applicant to be in the United States or an applicant for a REAL ID credential who provides evidence of temporary lawful status in the United States as required pursuant to the REAL ID Act of 2005, as amended, and its implementing regulations~~ may be issued a ~~temporary~~ limited-duration license, permit, or special identification card. Such ~~temporary~~ limited-duration license, permit, or special identification card shall be valid only during the period of time of the applicant's authorized stay in the United States or if there is no definite end to the period of authorized stay a period of one year. No license, permit, or special identification card shall be issued if an applicant's authorized stay in the United States is less than 30 days from the date of application. Any ~~temporary~~ limited-duration license, permit, or special identification card issued pursuant to this subsection shall clearly indicate that it is ~~temporary~~ valid for a limited period and shall state the date that it expires. Such a ~~temporary~~ limited-duration license, permit, or special identification card may be renewed only upon presentation of valid documentary evidence that the status by which the applicant qualified for the ~~temporary~~ limited-duration license, permit, or special identification has been extended by ~~the United States Immigration and Naturalization Service or the Bureau of Citizenship and Immigration Services of the Department of Homeland Security~~ *a federal court or federal agency having jurisdiction over immigration*.

C. Any license, permit, or special identification card for which an application has been made for renewal, duplication, or reissuance shall be presumed to have been issued in accordance with the provisions of subsection A, provided that, at the time the application is made, (i) the license, permit, or special identification card has not expired or been cancelled, suspended, or revoked or (ii) the license, permit, or special identification card has been canceled or suspended as a result of the applicant having been placed under medical review by the Department pursuant to § 46.2-322. The requirements of

subsection A shall apply, however, to a renewal, duplication, or reissuance if the Department is notified by a local, state, or federal government agency that the individual seeking such renewal, duplication, or reissuance is neither a citizen of the United States nor legally in the United States.

D. The Department shall cancel any license, permit, or special identification card that it has issued to an individual if it is notified by a federal government agency that the individual is neither a citizen of the United States nor legally present in the United States.

E. For any applicant who presents a document pursuant to this section proving legal presence other than citizenship, the Department shall record and provide to the State Board of Elections monthly the applicant's document number, if any, issued by an agency or court of the United States government.

§ 46.2-328.3. Driver privilege cards and permits.

A. Upon application of any person who does not meet the requirements for a driver's license or permit under subsection A or B of § 46.2-328.1, the Department may issue to the applicant a driver privilege card or permit if the Department determines that the applicant (i) has reported income and deductions from Virginia sources, as defined in § 58.1-302, or been claimed as a dependent, on an individual income tax return filed with the Commonwealth in the preceding 12 months and (ii) is not in violation of the insurance requirements set forth in Article 8 (§ 46.2-705 et seq.) of Chapter 6.

B. Driver privilege cards and permits shall confer the same privileges and shall be subject to the same provisions of this title as driver's licenses and permits issued under this chapter, unless otherwise provided, and shall be subject to the following conditions and exceptions:

1. The front of a driver privilege card or permit shall be identical in appearance to a driver's license or permit that is not a REAL ID credential and the back of the card or permit shall be identical in appearance to the restriction on the back of a limited-duration license, permit, or special identification card;

2. An applicant for a driver privilege card or permit shall not be eligible for a waiver of any part of the driver examination provided under § 46.2-325;

3. An applicant for a driver privilege card or permit shall not be required to present proof of legal presence in the United States;

4. A driver privilege card or permit shall expire on the applicant's second birthday following the date of issuance;

5. The fee for an original driver privilege card or permit shall be \$50. The Department may issue, upon application by the holder of a valid, unexpired card or permit issued under this section, and upon payment of a fee of \$50, another driver privilege card or permit that shall be valid for a period of two years from the date of issuance. The amount paid by an applicant for a driver privilege card or other document issued pursuant to this chapter shall be considered privileged information for the purposes of § 46.2-208. No applicant shall be required to provide proof of compliance with clauses (i) and (ii) of subsection A for a reissued, renewed, or duplicate card or permit; and

6. Any information collected pursuant to this section that is not otherwise collected by the Department or required for the issuance of any other driving credential issued pursuant to the provisions of this chapter and any information regarding restrictions in the Department's records related to the issuance of a credential issued pursuant to this section shall be considered privileged. Notwithstanding the provisions of § 46.2-208, such information shall not be released except upon request by the subject of the information, the parent of a minor who is the subject of the information, the guardian of the subject of the information, or the authorized representative of the subject of the information, or pursuant to a court order.

C. The Department shall not release the following information relating to the issuance of a driver privilege card or permit, except upon request by the subject of the information, the parent of a minor who is the subject of the information, the guardian of the subject of the information, or the authorized representative of the subject of the information, or pursuant to a court order, (i) proof documents submitted for the purpose of obtaining a driver privilege card or permit, (ii) the information in the Department's records indicating the type of proof documentation that was provided, or (iii) applications.

The Department shall release to any federal, state, or local governmental entity, local government group self-insurance pool, law-enforcement officer, attorney for the Commonwealth, or court, or the authorized agent of any of the foregoing, information related to the issuance of a driver privilege card or permit, the release of which is not otherwise prohibited by this section, that is required for a requester to carry out the requester's official functions if the requester provides the individual's name and other sufficient identifying information contained on the individual's record. If the requester has entered into an agreement with the Department, such agreement shall be in a manner prescribed by the Department and such agreement shall contain the legal authority that authorizes the performance of the requester's official functions and a description of how such information will be used to carry out such official functions. If the Commissioner determines that sufficient authority has not been provided by the requester to show that the purpose for which such information shall be used is one of the requester's official functions, the Commissioner shall refuse to enter into any agreement. If the requester submits a request for information in accordance with this subsection without an existing agreement to receive the information, such request shall be in a manner prescribed by the Department and such request shall contain the legal authority that authorizes the performance of the requester's official functions and a description of how such information will be used to carry out such official functions. If the Commissioner determines that sufficient authority has not been provided by the requester to show that the purpose for which such information shall be used is one of the requester's official functions, the Commissioner shall deny such request.

§ 46.2-330. Expiration and renewal of licenses; examinations required.

A. Every driver's license shall expire on the applicant's birthday at the end of the period of years for which a driver's license has been issued. At no time shall any driver's license be issued for more than eight years or less than five years, unless otherwise provided by law. Thereafter the driver's license shall be renewed on or before the birthday of the licensee and shall be valid for a period not to exceed eight years except as otherwise provided by law. Any driver's license issued to a person age 75 or older shall be issued for a period not to exceed five years. Notwithstanding these limitations, the Commissioner may extend the validity period of an expiring license if (i) the Department is unable to process an application for renewal due to circumstances beyond its control, (ii) the extension has been authorized under a directive from the Governor, and (iii) the license was not issued as a ~~temporary~~ *limited-duration* driver's license under the provisions of subsection B of § 46.2-328.1. However, in no event shall the validity period be extended more than 90 days per occurrence of such conditions. In determining the number of years for which a driver's license shall be renewed, the Commissioner shall take into consideration the examinations, conditions, requirements, and other criteria provided under this title that relate to the issuance of a license to operate a vehicle. Any driver's license issued to a person required to register pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1 shall expire on the applicant's birthday in years which the applicant attains an age equally divisible by five.

B. Within one year prior to the date shown on the driver's license as the date of expiration, the Department shall send notice, to the holder thereof, at the address shown on the records of the Department in its driver's license file, that his license will expire on a date specified therein, whether he must be reexamined, and when he may be reexamined. Nonreceipt of the notice shall not extend the period of validity of the driver's license beyond its expiration date. The license holder may request the Department to send such renewal notice to an email or other electronic address, upon provision of such address to the Department.

Any driver's license may be renewed by application after the applicant has taken and successfully completed those parts of the examination provided for in §§ 46.2-311, 46.2-325, and the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.), including vision and written tests, other than the parts of the examination requiring the applicant to drive a motor vehicle. All drivers applying in person for renewal of a license shall take and successfully complete the examination each renewal year. Every applicant for a renewal shall appear in person before the Department, unless specifically notified by the Department that renewal may be accomplished in another manner as provided in the notice. Applicants who are required to appear in person before the Department to apply for a renewal may also be required to present proof of identity, legal presence, residency, and social security number or non-work authorized status.

C. Notwithstanding any other provision of this section, the Commissioner, in his discretion, may require any applicant for renewal to be fully examined as provided in §§ 46.2-311 and 46.2-325 and the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.). Furthermore, if the applicant is less than 75 years old, the Commissioner may waive the vision examination for any applicant for renewal of a driver's license that is not a commercial driver's license and the requirement for the taking of the written test as provided in subsection B of this section, § 46.2-325, and the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.). However, in no case shall there be any waiver of the vision examination for applicants for renewal of a commercial driver's license or of the knowledge test required by the Virginia Commercial Driver's License Act for the hazardous materials endorsement on a commercial driver's license. No driver's license or learner's permit issued to any person who is 75 years old or older shall be renewed unless the applicant for renewal appears in person and either (i) passes a vision examination or (ii) presents a report of a vision examination, made within 90 days prior thereto by an ophthalmologist or optometrist, indicating that the applicant's vision meets or exceeds the standards contained in § 46.2-311.

D. Every applicant for renewal of a driver's license, whether renewal shall or shall not be dependent on any examination of the applicant, shall appear in person before the Department to apply for renewal, unless specifically notified by the Department that renewal may be accomplished in another manner as provided in the notice.

E. This section shall not modify the provisions of § 46.2-221.2.

F. 1. The Department shall electronically transmit application information, including a photograph, to the Department of State Police, in a format approved by the State Police, for comparison with information contained in the Virginia Criminal Information Network and National Crime Information Center Convicted Sexual Offender Registry files, at the time of the renewal of a driver's license. Whenever it appears from the records of the State Police that a person has failed to comply with the duty to register or reregister pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, the State Police shall promptly investigate and, if there is probable cause to believe a violation has occurred, obtain a warrant or assist in obtaining an indictment charging a violation of § 18.2-472.1 in the jurisdiction in which the person last registered or reregistered or in the jurisdiction where the person made application for licensure. The Department of State Police shall electronically transmit to the Department, in a format approved by the Department, for each person required to register pursuant to Chapter 9 of Title 9.1, registry information consisting of the person's name, all aliases that he has used or under which he may have been known, his date of birth, and his social security number as set out in § 9.1-903.

2. For each person required to register pursuant to Chapter 9 of Title 9.1, the Department may not waive the requirement that each such person shall appear for each renewal or the requirement to obtain a photograph in accordance with subsection C of § 46.2-323.

§ 46.2-332. Fees.

~~On and after January 1, 1990, the~~ *The fee for each driver's license other than a commercial driver's license shall be \$2.40 per year. This fee shall not apply to driver privilege cards or permits issued under § 46.2-328.3. If the license is a*

commercial driver's license or seasonal restricted commercial driver's license, the fee shall be \$6 per year. ~~Persons 21 years old or older may be issued a scenic driver's license, learner's permit, or commercial driver's license for an additional fee of \$5.~~ For any one or more driver's license endorsements or classifications, except a motorcycle classification, there shall be an additional fee of \$1 per year; for a motorcycle classification, there shall be an additional fee of \$2 per year. For any and all driver's license classifications, there shall be an additional fee of \$1 per year. For any revalidation of a seasonal restricted commercial driver's license, the fee shall be \$5. A fee of \$10 shall be charged to extend the validity period of a driver's license pursuant to subsection B of § 46.2-221.2.

In addition to any other fee imposed and collected by the Department, the Department shall impose and collect a service charge of \$5 upon each person who carries out the renewal of a driver's license or special identification card in any of the Department's Customer Service Centers if such renewal can be conducted by mail or telephone or by using an electronic medium in a format prescribed by the Commissioner. Such service charge shall not apply if, concurrently with the renewal of the driver's license or special identification card, the person undertakes another transaction at a Customer Service Center that cannot be conducted by mail or telephone or by using an electronic medium in a format prescribed by the Commissioner. Such service charge shall be paid by the Commissioner into the state treasury and shall be set aside as a special fund to be used to meet the expenses of the Department.

A reexamination fee of \$2 shall be charged for each administration of the knowledge portion of the driver's license examination taken by an applicant who is 18 years of age or older if taken more than once within a 15-day period. The reexamination fee shall be charged each time the examination is administered until the applicant successfully completes the examination, if taken prior to the fifteenth day.

An applicant who is less than 18 years of age who does not successfully complete the knowledge portion of the driver's license examination shall not be permitted to take the knowledge portion more than once in 15 days.

A fee of \$50 shall be charged each time an applicant for a commercial driver's license fails to keep a scheduled skills test appointment, unless such applicant cancels his appointment with the assigned driver's license examiner at least 24 hours in advance of the scheduled appointment. The Commissioner may, on a case-by-case basis, waive such fee for good cause shown. All such fees shall be paid by the Commissioner into the state treasury and set aside as a special fund to be used to meet the necessary expenses incurred by the Department.

If the applicant for a driver's license is an employee of the Commonwealth, or of any county, city, or town who drives a motorcycle or a commercial motor vehicle solely in the line of his duty, he shall be exempt from the additional fee otherwise assessable for a motorcycle classification or a commercial motor vehicle endorsement. The Commissioner may prescribe the forms as may be requisite for completion by persons claiming exemption from additional fees imposed by this section.

No additional fee above \$2.40 per year shall be assessed for the driver's license or commercial driver's license required for the operation of a school bus.

Excluding the \$2 reexamination fee, \$1.50 of all fees collected for each original or renewal driver's license, *other than a driver privilege card issued under § 46.2-328.3*, shall be paid into the driver education fund of the state treasury and expended as provided by law. Unexpended funds from the driver education fund shall be retained in the fund and be available for expenditure in ensuing years as provided therein.

All fees for motorcycle classifications shall be distributed as provided in § 46.2-1191.

This section shall supersede conflicting provisions of this chapter.

§ 46.2-333.1. Surcharges on certain fees of Department; disposition of proceeds.

Notwithstanding any contrary provision of this chapter, there are hereby imposed, in addition to other fees imposed by this chapter, the following surcharges in the following amounts:

1. For the issuance of any driver's license other than a commercial driver's license, *or a driver privilege card issued under § 46.2-328.3*, \$1.60 per year of validity of the license;
2. For the issuance of any commercial driver's license, \$1 per year of validity of the license;
3. For the reissuance or replacement of any driver's license, \$5; and
4. For the reinstatement of any driver's license, \$15.

All surcharges collected by the Department under this section shall be paid into the state treasury and shall be set aside as a special fund to be used to support the operation and activities of the Department's customer service centers.

§ 46.2-335. Learner's permits; fees; certification required.

A. The Department, on receiving from any Virginia resident over the age of 15 years and six months an application for a learner's permit or motorcycle learner's permit, may, subject to the applicant's satisfactory documentation of meeting the requirements of this chapter and successful completion of the written or automated knowledge and vision examinations and, in the case of a motorcycle learner's permit applicant, the automated motorcycle test, issue a permit entitling the applicant, while having the permit in his immediate possession, to drive a motor vehicle or, if the application is made for a motorcycle learner's permit, a motorcycle, on the highways, when accompanied by any licensed driver 21 years of age or older or by his parent or legal guardian, or by a brother, sister, half-brother, half-sister, step-brother, or step-sister 18 years of age or older. The accompanying person shall be (i) alert, able to assist the driver, and actually occupying a seat beside the driver or, for motorcycle instruction, providing immediate supervision from a separate accompanying motor vehicle and (ii) lawfully permitted to operate the motor vehicle or accompanying motorcycle at that time.

The Department shall not, however, issue a learner's permit or motorcycle learner's permit to any minor applicant required to provide evidence of compliance with the compulsory school attendance law set forth in Article 1 (§ 22.1-254

et seq.) of Chapter 14 of Title 22.1, unless such applicant is in good academic standing or, if not in such standing or submitting evidence thereof, whose parent or guardian, having custody of such minor, provides written authorization for the minor to obtain a learner's permit or motorcycle learner's permit, which written authorization shall be obtained on forms provided by the Department and indicating the Commonwealth's interest in the good academic standing and regular school attendance of such minors. Any minor providing proper evidence of the solemnization of his marriage or a certified copy of a court order of emancipation shall not be required to provide the certification of good academic standing or any written authorization from his parent or guardian to obtain a learner's permit or motorcycle learner's permit.

Such permit, except a motorcycle learner's permit, shall be valid until the holder thereof either is issued a driver's license as provided for in this chapter or no longer meets the qualifications for issuance of a learner's permit as provided in this section. Motorcycle learner's permits shall be valid for 12 months. When a motorcycle learner's permit expires, the permittee may, upon submission of an application, payment of the application fee, and successful completion of the examinations, be issued another motorcycle learner's permit valid for 12 months.

Any person 25 years of age or older who is eligible to receive an operator's license in Virginia, but who is required, pursuant to § 46.2-324.1, to be issued a learner's permit for 60 days prior to his first behind-the-wheel exam, may be issued such learner's permit even though restrictions on his driving privilege have been ordered by a court. Any such learner's permit shall be subject to the restrictions ordered by the court.

B. No driver's license shall be issued to any such person who is less than 18 years old unless, while holding a learner's permit, he has driven a motor vehicle for at least 45 hours, at least 15 of which were after sunset, as certified by his parent, foster parent, or legal guardian unless the person is married or otherwise emancipated. Such certification shall be on a form provided by the Commissioner and shall contain the following statement:

"It is illegal for anyone to give false information in connection with obtaining a driver's license. This certification is considered part of the driver's license application, and anyone who certifies to a false statement may be prosecuted. I certify that the statements made and the information submitted by me regarding this certification are true and correct."

Such form shall also include the driver's license or Department of Motor Vehicles-issued identification card number of the person making the certification.

C. No learner's permit shall authorize its holder to operate a motor vehicle with more than one passenger who is less than 21 years old, except when participating in a driver education program approved by the Department of Education or a course offered by a driver training school licensed by the Department. This passenger limitation, however, shall not apply to the members of the driver's family or household as defined in subsection B of § 46.2-334.01.

D. No learner's permit shall authorize its holder to operate a motor vehicle between midnight and four o'clock a.m.

E. Except in a driver emergency or when the vehicle is lawfully parked or stopped, no holder of a learner's permit shall operate a motor vehicle on the highways of the Commonwealth while using any cellular telephone or any other wireless telecommunications device, regardless of whether or not such device is handheld. No citation for a violation of this subsection shall be issued unless the officer issuing such citation has cause to stop or arrest the driver of such motor vehicle for the violation of some other provision of this Code or local ordinance relating to the operation, ownership, or maintenance of a motor vehicle or any criminal statute.

F. A violation of subsection C, D, or E shall not constitute negligence, be considered in mitigation of damages of whatever nature, be admissible in evidence or be the subject of comment by counsel in any action for the recovery of damages arising out of the operation, ownership, or maintenance of a motor vehicle, nor shall anything in this subsection change any existing law, rule, or procedure pertaining to any such civil action.

G. The provisions of §§ 46.2-323 and 46.2-334 relating to evidence and certification of Virginia residence and, in the case of persons of school age, compliance with the compulsory school attendance law shall apply, mutatis mutandis, to applications for learner's permits and motorcycle learner's permits issued under this section.

H. For persons qualifying for a driver's license through driver education courses approved by the Department of Education or courses offered by driver training schools licensed by the Department, the application for the learner's permit shall be used as the application for the driver's license.

I. The Department shall charge a fee of \$3 for each learner's permit and motorcycle learner's permit issued under this section. Fees for issuance of learner's permits shall be paid into the driver education fund of the state treasury; fees for issuance of motorcycle learner's permits, *other than permits issued under § 46.2-328.3*, shall be paid into the state treasury and credited to the Motorcycle Rider Safety Training Program Fund created pursuant to § 46.2-1191. It ~~shall be~~ *is* unlawful for any person, after having received a learner's permit, to drive a motor vehicle without being accompanied by a licensed driver as provided in the foregoing provisions of this section; however, a learner's permit other than a motorcycle learner's permit, accompanied by documentation verifying that the driver is at least 16 years and three months old and has successfully completed an approved driver's education course, signed by the minor's parent, guardian, legal custodian or other person standing in loco parentis, shall constitute a temporary driver's license for the purpose of driving unaccompanied by a licensed driver 18 years of age or older, if all other requirements of this chapter have been met. Such temporary driver's license shall only be valid until the driver has received his permanent license pursuant to § 46.2-336.

J. Nothing in this section shall be construed to permit the issuance of a learner's permit entitling a person to drive a commercial motor vehicle, except as provided by the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.).

K. The following limitations shall apply to operation of motorcycles by all persons holding motorcycle learner's permits:

1. The operator shall wear an approved safety helmet as provided in § 46.2-910.

2. Operation shall be under the immediate supervision of a person licensed to operate a motorcycle who is 21 years of age or older.

3. No person other than the operator shall occupy the motorcycle.

L. Any violation of this section shall be punishable as a Class 2 misdemeanor.

§ 46.2-343. Duplicate driver's license, reissued driver's licenses, learner's permit; fees.

If a driver's license or learner's permit issued under the provisions of this chapter is lost, stolen, or destroyed, the person to whom it was issued may obtain a duplicate or substitute thereof on furnishing proof satisfactory to the Department that his license or permit has been lost, stolen, or destroyed, or that there are good reasons why a duplicate should be issued. Every applicant for a duplicate or reissued driver's license shall appear in person before the Department to apply, unless permitted by the Department to apply for duplicate or reissue in another manner. Applicants who are required to apply in person may be required to present proof of identity, legal presence, residency, and social security number or non-work authorized status.

There shall be a fee of five dollars \$5 for each duplicate license and two dollars \$2 for each duplicate learner's permit. ~~An additional fee of five dollars shall be charged to add or change the scene on a duplicate license or duplicate learner's permit.~~

There shall be a fee of five dollars \$5 for reissuance of any driver's license upon the termination of driving restrictions imposed upon the licensee by the Department or a court. ~~An additional fee of five dollars shall be charged to add or change the scene on a license upon reissuance.~~

§ 58.1-3. Secrecy of information; penalties.

A. Except in accordance with a proper judicial order or as otherwise provided by law, the Tax Commissioner or agent, clerk, commissioner of the revenue, treasurer, or any other state or local tax or revenue officer or employee, or any person to whom tax information is divulged pursuant to this section or § 58.1-512 or 58.1-2712.2, or any former officer or employee of any of the aforementioned offices shall not divulge any information acquired by him in the performance of his duties with respect to the transactions, property, including personal property, income or business of any person, firm or corporation. Such prohibition specifically includes any copy of a federal return or federal return information required by Virginia law to be attached to or included in the Virginia return. This prohibition shall apply to any reports, returns, financial documents or other information filed with the Attorney General pursuant to the provisions of Article 3 (§ 3.2-4204 et seq.) of Chapter 42 of Title 3.2. Any person violating the provisions of this section is guilty of a Class 1 misdemeanor. The provisions of this subsection shall not be applicable, however, to:

1. Matters required by law to be entered on any public assessment roll or book;

2. Acts performed or words spoken, published, or shared with another agency or subdivision of the Commonwealth in the line of duty under state law;

3. Inquiries and investigations to obtain information as to the process of real estate assessments by a duly constituted committee of the General Assembly, or when such inquiry or investigation is relevant to its study, provided that any such information obtained shall be privileged;

4. The sales price, date of construction, physical dimensions or characteristics of real property, or any information required for building permits;

5. Copies of or information contained in an estate's probate tax return, filed with the clerk of court pursuant to § 58.1-1714, when requested by a beneficiary of the estate or an heir at law of the decedent or by the commissioner of accounts making a settlement of accounts filed in such estate;

6. Information regarding nonprofit entities exempt from sales and use tax under § 58.1-609.11, when requested by the General Assembly or any duly constituted committee of the General Assembly;

7. Reports or information filed with the Attorney General by a Stamping Agent pursuant to the provisions of Article 3 (§ 3.2-4204 et seq.), when such reports or information are provided by the Attorney General to a tobacco products manufacturer who is required to establish a qualified escrow fund pursuant to § 3.2-4201 and are limited to the brand families of that manufacturer as listed in the Tobacco Directory established pursuant to § 3.2-4206 and are limited to the current or previous two calendar years or in any year in which the Attorney General receives Stamping Agent information that potentially alters the required escrow deposit of the manufacturer. The information shall only be provided in the following manner: the manufacturer may make a written request, on a quarterly or yearly basis or when the manufacturer is notified by the Attorney General of a potential change in the amount of a required escrow deposit, to the Attorney General for a list of the Stamping Agents who reported stamping or selling its products and the amount reported. The Attorney General shall provide the list within 15 days of receipt of the request. If the manufacturer wishes to obtain actual copies of the reports the Stamping Agents filed with the Attorney General, it must first request them from the Stamping Agents pursuant to subsection C of § 3.2-4209. If the manufacturer does not receive the reports pursuant to subsection C of § 3.2-4209, the manufacturer may make a written request to the Attorney General, including a copy of the prior written request to the Stamping Agent and any response received, for copies of any reports not received. The Attorney General shall provide copies of the reports within 45 days of receipt of the request.

B. 1. Nothing contained in this section shall be construed to prohibit the publication of statistics so classified as to prevent the identification of particular reports or returns and the items thereof or the publication of delinquent lists showing the names of taxpayers who are currently delinquent, together with any relevant information which in the opinion of the Department may assist in the collection of such delinquent taxes. Notwithstanding any other provision of this section or

other law, the Department, upon request by the General Assembly or any duly constituted committee of the General Assembly, shall disclose the total aggregate amount of an income tax deduction or credit taken by all taxpayers, regardless of (i) how few taxpayers took the deduction or credit or (ii) any other circumstances. This section shall not be construed to prohibit a local tax official from disclosing whether a person, firm or corporation is licensed to do business in that locality and divulging, upon written request, the name and address of any person, firm or corporation transacting business under a fictitious name. Additionally, notwithstanding any other provision of law, the commissioner of revenue is authorized to provide, upon written request stating the reason for such request, the Tax Commissioner with information obtained from local tax returns and other information pertaining to the income, sales and property of any person, firm or corporation licensed to do business in that locality.

2. This section shall not prohibit the Department from disclosing whether a person, firm, or corporation is registered as a retail sales and use tax dealer pursuant to Chapter 6 (§ 58.1-600 et seq.) or whether a certificate of registration number relating to such tax is valid. Additionally, notwithstanding any other provision of law, the Department is hereby authorized to make available the names and certificate of registration numbers of dealers who are currently registered for retail sales and use tax.

3. This section shall not prohibit the Department from disclosing information to nongovernmental entities with which the Department has entered into a contract to provide services that assist it in the administration of refund processing or other services related to its administration of taxes.

4. This section shall not prohibit the Department from disclosing information to taxpayers regarding whether the taxpayer's employer or another person or entity required to withhold on behalf of such taxpayer submitted withholding records to the Department for a specific taxable year as required pursuant to subdivision C 1 of § 58.1-478.

5. This section shall not prohibit the commissioner of the revenue, treasurer, director of finance, or other similar local official who collects or administers taxes for a county, city, or town from disclosing information to nongovernmental entities with which the locality has entered into a contract to provide services that assist it in the administration of refund processing or other non-audit services related to its administration of taxes. The commissioner of the revenue, treasurer, director of finance, or other similar local official who collects or administers taxes for a county, city, or town shall not disclose information to such entity unless he has obtained a written acknowledgement by such entity that the confidentiality and nondisclosure obligations of and penalties set forth in subsection A apply to such entity and that such entity agrees to abide by such obligations.

C. Notwithstanding the provisions of subsection A or B or any other provision of this title, the Tax Commissioner is authorized to (i) divulge tax information to any commissioner of the revenue, director of finance, or other similar collector of county, city, or town taxes who, for the performance of his official duties, requests the same in writing setting forth the reasons for such request; (ii) provide to the Commissioner of the Department of Social Services, upon entering into a written agreement, the amount of income, filing status, number and type of dependents, and Forms W-2 and 1099 to facilitate the administration of public assistance or social services benefits as defined in § 63.2-100 or child support services pursuant to Chapter 19 (§ 63.2-1900 et seq.) of Title 63.2; (iii) provide to the chief executive officer of the designated student loan guarantor for the Commonwealth of Virginia, upon written request, the names and home addresses of those persons identified by the designated guarantor as having delinquent loans guaranteed by the designated guarantor; (iv) provide current address information upon request to state agencies and institutions for their confidential use in facilitating the collection of accounts receivable, and to the clerk of a circuit or district court for their confidential use in facilitating the collection of fines, penalties, and costs imposed in a proceeding in that court; (v) provide to the Commissioner of the Virginia Employment Commission, after entering into a written agreement, such tax information as may be necessary to facilitate the collection of unemployment taxes and overpaid benefits; (vi) provide to the Virginia Alcoholic Beverage Control Authority, upon entering into a written agreement, such tax information as may be necessary to facilitate the collection of state and local taxes and the administration of the alcoholic beverage control laws; (vii) provide to the Director of the Virginia Lottery such tax information as may be necessary to identify those lottery ticket retailers who owe delinquent taxes; (viii) provide to the Department of the Treasury for its confidential use such tax information as may be necessary to facilitate the location of owners and holders of unclaimed property, as defined in § 55.1-2500; (ix) provide to the State Corporation Commission, upon entering into a written agreement, such tax information as may be necessary to facilitate the collection of taxes and fees administered by the Commission; (x) provide to the Executive Director of the Potomac and Rappahannock Transportation Commission for his confidential use such tax information as may be necessary to facilitate the collection of the motor vehicle fuel sales tax; (xi) provide to the Commissioner of the Department of Agriculture and Consumer Services such tax information as may be necessary to identify those applicants for registration as a supplier of charitable gaming supplies who have not filed required returns or who owe delinquent taxes; (xii) provide to the Department of Housing and Community Development for its confidential use such tax information as may be necessary to facilitate the administration of the remaining effective provisions of the Enterprise Zone Act (§ 59.1-270 et seq.), and the Enterprise Zone Grant Program (§ 59.1-538 et seq.); (xiii) provide current name and address information to private collectors entering into a written agreement with the Tax Commissioner, for their confidential use when acting on behalf of the Commonwealth or any of its political subdivisions; however, the Tax Commissioner is not authorized to provide such information to a private collector who has used or disseminated in an unauthorized or prohibited manner any such information previously provided to such collector; (xiv) provide current name and address information as to the identity of the wholesale or retail dealer that affixed a tax stamp to a package of cigarettes to any person who manufactures or sells at

retail or wholesale cigarettes and who may bring an action for injunction or other equitable relief for violation of Chapter 10.1, Enforcement of Illegal Sale or Distribution of Cigarettes Act; (xv) provide to the Commissioner of Labor and Industry, upon entering into a written agreement, such tax information as may be necessary to facilitate the collection of unpaid wages under § 40.1-29; (xvi) provide to the Director of the Department of Human Resource Management, upon entering into a written agreement, such tax information as may be necessary to identify persons receiving workers' compensation indemnity benefits who have failed to report earnings as required by § 65.2-712; (xvii) provide to any commissioner of the revenue, director of finance, or any other officer of any county, city, or town performing any or all of the duties of a commissioner of the revenue and to any dealer registered for the collection of the Communications Sales and Use Tax, a list of the names, business addresses, and dates of registration of all dealers registered for such tax; (xviii) provide to the Executive Director of the Northern Virginia Transportation Commission for his confidential use such tax information as may be necessary to facilitate the collection of the motor vehicle fuel sales tax; (xix) provide to the Commissioner of Agriculture and Consumer Services the name and address of the taxpayer businesses licensed by the Commonwealth that identify themselves as subject to regulation by the Board of Agriculture and Consumer Services pursuant to § 3.2-5130; (xx) provide to the developer or the economic development authority of a tourism project authorized by § 58.1-3851.1, upon entering into a written agreement, tax information facilitating the repayment of gap financing; and (xxi) provide to the Virginia Retirement System and the Department of Human Resource Management, after entering into a written agreement, such tax information as may be necessary to facilitate the enforcement of subdivision C 4 of § 9.1-401; and (xxii) provide to the Commissioner of the Department of Motor Vehicles information sufficient to verify that an applicant for a driver privilege card or permit under § 46.2-328.3 reported income and deductions from Virginia sources, as defined in § 58.1-302, or was claimed as a dependent, on an individual income tax return filed with the Commonwealth within the preceding 12 months. The Tax Commissioner is further authorized to enter into written agreements with duly constituted tax officials of other states and of the United States for the inspection of tax returns, the making of audits, and the exchange of information relating to any tax administered by the Department of Taxation. Any person to whom tax information is divulged pursuant to this section shall be subject to the prohibitions and penalties prescribed herein as though he were a tax official.

D. Notwithstanding the provisions of subsection A or B or any other provision of this title, the commissioner of revenue or other assessing official is authorized to (i) provide, upon written request stating the reason for such request, the chief executive officer of any county or city with information furnished to the commissioner of revenue by the Tax Commissioner relating to the name and address of any dealer located within the county or city who paid sales and use tax, for the purpose of verifying the local sales and use tax revenues payable to the county or city; (ii) provide to the Department of Professional and Occupational Regulation for its confidential use the name, address, and amount of gross receipts of any person, firm or entity subject to a criminal investigation of an unlawful practice of a profession or occupation administered by the Department of Professional and Occupational Regulation, only after the Department of Professional and Occupational Regulation exhausts all other means of obtaining such information; and (iii) provide to any representative of a condominium unit owners' association, property owners' association or real estate cooperative association, or to the owner of property governed by any such association, the names and addresses of parties having a security interest in real property governed by any such association; however, such information shall be released only upon written request stating the reason for such request, which reason shall be limited to proposing or opposing changes to the governing documents of the association, and any information received by any person under this subsection shall be used only for the reason stated in the written request. The treasurer or other local assessing official may require any person requesting information pursuant to clause (iii) of this subsection to pay the reasonable cost of providing such information. Any person to whom tax information is divulged pursuant to this subsection shall be subject to the prohibitions and penalties prescribed herein as though he were a tax official.

Notwithstanding the provisions of subsection A or B or any other provisions of this title, the treasurer or other collector of taxes for a county, city or town is authorized to provide information relating to any motor vehicle, trailer or semitrailer obtained by such treasurer or collector in the course of performing his duties to the commissioner of the revenue or other assessing official for such jurisdiction for use by such commissioner or other official in performing assessments.

This section shall not be construed to prohibit a local tax official from imprinting or displaying on a motor vehicle local license decal the year, make, and model and any other legal identification information about the particular motor vehicle for which that local license decal is assigned.

E. Notwithstanding any other provisions of law, state agencies and any other administrative or regulatory unit of state government shall divulge to the Tax Commissioner or his authorized agent, upon written request, the name, address, and social security number of a taxpayer, necessary for the performance of the Commissioner's official duties regarding the administration and enforcement of laws within the jurisdiction of the Department of Taxation. The receipt of information by the Tax Commissioner or his agent which may be deemed taxpayer information shall not relieve the Commissioner of the obligations under this section.

F. Additionally, it shall be unlawful for any person to disseminate, publish, or cause to be published any confidential tax document which he knows or has reason to know is a confidential tax document. A confidential tax document is any correspondence, document, or tax return that is prohibited from being divulged by subsection A, B, C, or D and includes any document containing information on the transactions, property, income, or business of any person, firm, or corporation that is required to be filed with any state official by § 58.1-512. This prohibition shall not apply if such confidential tax

document has been divulged or disseminated pursuant to a provision of law authorizing disclosure. Any person violating the provisions of this subsection is guilty of a Class 1 misdemeanor.

§ 59.1-442. Sale of purchaser information; notice required.

A. No merchant, without giving notice to the purchaser, shall sell to any third person information ~~which~~ *that* concerns the purchaser and ~~which~~ *that* is gathered in connection with the sale, rental, or exchange of tangible personal property to the purchaser at the merchant's place of business. Notice required by this section may be by the posting of a sign or any other reasonable method. If requested by a purchaser not to sell such information, the merchant shall not do so. No merchant shall sell any information gathered solely as the result of any customer payment by personal check, credit card, or where the merchant records the *number of the customer's driver's license number or other document issued under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2 or the comparable law of another jurisdiction.* This subsection shall not be construed as authorizing a merchant to sell to a third person any information concerning a purchaser if the sale or dissemination of the information is prohibited pursuant to § 59.1-443.3.

B. For the purposes of this section and § 59.1-443.3, "merchant" means any person or entity engaged in the sale of goods from a fixed retail location in Virginia.

§ 59.1-443.3. Scanning information from driver's licenses and other documents; retention, sale, or dissemination of information.

A. No merchant may scan the machine-readable zone of a *driver's license or other document issued by the Department of Motor Vehicles—issued identification card or driver's license under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2 or the comparable law of another jurisdiction,* except for the following purposes:

1. To verify authenticity of the ~~identification card or driver's license~~ *or other document* or to verify the identity of the individual if the individual pays for goods or services with a method other than cash, returns an item, or requests a refund or an exchange;

2. To verify the individual's age when providing age-restricted goods or services to the individual if there is a reasonable doubt of the individual having reached 18 years of age or older;

3. To prevent fraud or other criminal activity if the individual returns an item or requests a refund or an exchange and the merchant uses a fraud prevention service company or system. Information collected by scanning an individual's ~~identification card or driver's license~~ *or other document* pursuant to this subdivision shall be limited to the individual's name, address, *and* date of birth, *and the number of the driver's license number or identification card number other document;*

4. To comply with a requirement imposed on the merchant by ~~state~~ *the laws of the Commonwealth* or federal law;

5. To provide to a check services company regulated by the federal Fair Credit Reporting Act, (15 U.S.C. § 1681 et seq.), that receives information obtained from an individual's ~~identification card or driver's license~~ *or other document* to administer or enforce a transaction or to prevent fraud or other criminal activity; or

6. To complete a transaction permitted under the *federal* Gramm-Leach-Bliley Act, (15 U.S.C. § 6801 et seq.), or the federal Fair Credit Reporting Act, (15 U.S.C. § 1681 et seq.).

B. No merchant shall retain any information obtained from a scan of the machine-readable zone of an individual's ~~identification card or driver's license~~ *or other document* except as permitted in subdivision A 3, 4, 5, or 6.

C. No merchant shall sell or disseminate to a third party any information obtained from a scan of the machine-readable zone of an individual's ~~identification card or driver's license~~ *or other document* for any marketing, advertising, or promotional purpose. This subsection shall not prohibit a merchant from disseminating to a third party any such information for a purpose described in subdivision A 3, 4, 5, or 6.

D. Any waiver of a provision of this section is contrary to public policy and is void and unenforceable.

§ 63.2-1916. Notice of administrative support order; contents; hearing; modification.

The Commissioner may proceed against a noncustodial parent whose support debt has accrued or is accruing based upon subrogation to, assignment of, or authorization to enforce a support obligation. Such obligation may be created by a court order for support of a child or child and spouse or decree of divorce ordering support of a child or child and spouse. In the absence of such a court order or decree of divorce, the Commissioner may, pursuant to this chapter, proceed against a person whose support debt has accrued or is accruing based upon payment of public assistance or who has a responsibility for the support of any dependent child or children and their custodial parent. The administrative support order shall also provide that support shall continue to be paid for any child over the age of 18 who is (i) a full-time high school student, (ii) not self-supporting, and (iii) living in the home of the parent seeking or receiving child support, until such child reaches the age of 19 or graduates from high school, whichever comes first. The Commissioner shall initiate proceedings by issuing notice containing the administrative support order which shall become effective unless timely contested. The notice shall be served upon the debtor (a) in accordance with the provisions of § 8.01-296, 8.01-327 or 8.01-329 or (b) by certified mail, return receipt requested, or by electronic means, or the debtor may accept service by signing a formal waiver. A copy of the notice shall be provided to the obligee. The notice shall include the following:

1. A statement of the support debt or obligation accrued or accruing and the basis and authority under which the assessment of the debt or obligation was made. The initial administrative support order shall be effective on the date of service and the first monthly payment shall be due on the first of the month following the date of service and the first of each month thereafter. A modified administrative support order shall be effective the date that notice of the review is served on the nonrequesting party, and the first monthly payment shall be due on the first day of the month following the date of such

service and on the first day of each month thereafter. In addition, an amount shall be assessed for the partial month between the effective date of the order and the date that the first monthly payment is due. The assessment for the initial partial month shall be prorated from the effective date through the end of that month, based on the current monthly obligation. All payments are to be credited to current support obligations first, with any payment in excess of the current obligation applied to arrearages, if any;

2. A statement of the name, date of birth, and last four digits of the social security number of the child or children for whom support is being sought;

3. A statement that support shall continue to be paid for any child over the age of 18 who is (i) a full-time high school student, (ii) not self-supporting, and (iii) living in the home of the party seeking or receiving child support, until such child reaches the age of 19 or graduates from high school, whichever comes first;

4. A demand for immediate payment of the support debt or obligation or, in the alternative, a demand that the debtor file an answer with the Commissioner within 10 days of the date of service of the notice stating his defenses to liability;

5. If known, the full name, date of birth, and last four digits of the social security number of each parent of the child; however, when a protective order has been issued or the Department otherwise finds reason to believe that a party is at risk of physical or emotional harm from the other party, only the name of the party at risk shall be included in the order;

6. A statement that if no answer is made on or before 10 days from the date of service of the notice, the administrative support order shall be final and enforceable, and the support debt shall be assessed and determined subject to computation, and is subject to collection action;

7. A statement that the debtor may be subject to mandatory withholding of income, the interception of state or federal tax refunds, interception of payments due to the debtor from the Commonwealth, notification of arrearage information to consumer reporting agencies, passport denial or suspension, or incarceration and that the debtor's property will be subject to lien and foreclosure, distraint, seizure and sale, an order to withhold and deliver, or withholding of income;

8. A statement that the parents shall keep the Department informed regarding access to health insurance coverage and health insurance policy information and a statement that health care coverage shall be required for the parents' dependent children if available at reasonable cost as defined in § 63.2-1900, or pursuant to subsection A of § 63.2-1903. If a child is enrolled in Department-sponsored health care coverage, the Department shall collect the cost of the coverage pursuant to subsection E of § 20-108.2;

9. A statement of each party's right to appeal and the procedures applicable to appeals from the decision of the Commissioner;

10. A statement that the obligor's income shall be immediately withheld to comply with this order unless the obligee, or the Department, if the obligee is receiving public assistance, and obligor agree to an alternative arrangement;

11. A statement that any determination of a support obligation under this section creates a judgment by operation of law and as such is entitled to full faith and credit in any other state or jurisdiction;

12. A statement that each party shall give the Department written notice of any change in his address, including email address, or phone number, including cell phone number, within 30 days;

13. A statement that each party shall keep the Department informed of the name, telephone number and address of his current employer;

14. A statement that if any arrearages for child support, including interest or fees, exist at the time the youngest child included in the order emancipates, payments shall continue in the total amount due (current support plus amount applied toward arrearages) at the time of emancipation until all arrearages are paid;

15. A statement that a petition may be filed for suspension of any license, certificate, registration, or other authorization to engage in a profession, trade, business, occupation, or recreational activity issued by the Commonwealth to a parent as provided in § 63.2-1937 upon a delinquency for a period of 90 days or more or in amount of \$5,000 or more. The order shall indicate whether either or both parents currently hold such an authorization and, if so, the type of authorization held;

16. A statement that the Department of Motor Vehicles may suspend or refuse to renew the ~~driver's license~~ *driving privileges* of any person upon receipt of notice from the Department of Social Services that the person (i) is delinquent in the payment of child support by 90 days or in an amount of \$5,000 or more or (ii) has failed to comply with a subpoena, summons, or warrant relating to paternity or child support proceedings; and

17. A statement that on and after July 1, 1994, the Department of Social Services, as provided in § 63.2-1921 and in accordance with § 20-108.2, may initiate a review of the amount of support ordered by any court.

If no answer is received by the Commissioner within 10 days of the date of service or acceptance, the administrative support order shall be effective as provided in the notice. The Commissioner may initiate collection procedures pursuant to this chapter, Chapter 11 (§ 16.1-226 et seq.) of Title 16.1 or Title 20. The debtor and the obligee have 10 days from the date of receipt of the notice to file an answer with the Commissioner to exercise the right to an administrative hearing.

Any changes in the amount of the administrative order must be made pursuant to this section. In no event shall an administrative hearing alter or amend the amount or terms of any court order for support or decree of divorce ordering support. No administrative support order may be retroactively modified, but may be modified from the date that notice of the review has been served on the nonrequesting party. Notice of each review shall be served on the nonrequesting party (1) in accordance with the provisions of § 8.01-296, 8.01-327, or 8.01-329, (2) by certified mail, return receipt requested, (3) by electronic means, or (4) by the nonrequesting party executing a waiver. The existence of an administrative order shall

not preclude either an obligor or obligee from commencing appropriate proceedings in a juvenile and domestic relations district court or a circuit court.

§ 63.2-1941. Additional enforcement remedies.

In addition to its other enforcement remedies, the Division of Child Support Enforcement is authorized to:

1. Attach unemployment benefits through the Virginia Employment Commission pursuant to § 60.2-608 and workers' compensation benefits through the Workers' Compensation Commission pursuant to § 65.2-531; and

2. Suspend an individual's ~~driver's license~~ *driving privileges* pursuant to § 46.2-320.1.

2. That the provisions of this act shall become effective on January 1, 2021.

3. That no later than December 1, 2021, the Commissioner of the Department of Motor Vehicles shall report to the Chairmen of the House and Senate Committees on Transportation regarding the Commissioner's progress in implementing the provisions of this act.

4. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 854 of the Acts of Assembly of 2019 requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

CHAPTER 1228

An Act to amend and reenact § 40.1-121 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 40.1-120.1, relating to prohibited discrimination in apprenticeship programs.

[H 1252]

Approved April 22, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 40.1-121 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 40.1-120.1 as follows:

§ 40.1-120.1. Discrimination prohibitions for registered apprenticeship programs.

A. Notwithstanding the provisions of the Virginia Human Rights Act (§ 2.2-3900 et seq.), for purposes of this chapter a sponsor of a registered apprenticeship program shall not discriminate against an apprentice or applicant for apprenticeship on the basis of race, color, religion, national origin, sex, sexual orientation, gender identity, age if the age of the individual is 40 years of age or older, genetic information, or disability.

B. Notwithstanding any other provisions of this title, it shall not be an unlawful practice for an employer to fail or refuse to hire and employ any individual for any position in a registered apprenticeship program, or for any registered apprenticeship program to fail or refuse to accept or admit any individual to any registered apprenticeship program, if:

1. The occupancy of such position, or access to the premises in or upon which any part of the duties of such position is performed or is to be performed, is subject to any requirement imposed in the interest of the national security of the United States under any security program in effect pursuant to or administered under any statute of the United States or any Executive Order of the President; and

2. Such individual has not fulfilled or has ceased to fulfill any requirement set forth in subdivision 1.

C. The sole remedy for a violation of subsection A shall be as provided in subdivision B 5 of § 40.1-125.

§ 40.1-121. Requisites of apprentice agreement.

Every apprentice agreement entered into under this chapter shall contain:

1. The names, signatures, and addresses of the contracting parties;

2. The date of birth of the apprentice;

3. The contact information of the Program Sponsor and the Division of Registered Apprenticeship;

4. A statement of the occupation or business that the apprentice is to be taught and the time at which the apprenticeship will begin and end;

5. A statement showing the number of hours to be spent by the apprentice in work and the number of hours to be spent in related or supplemental instruction;

6. A statement setting forth a schedule of the processes in the occupation or industry division in which the apprentice is to be taught and the approximate time to be spent at each process;

7. A statement of the graduated scale of wages to be paid the apprentice and whether the required related instruction shall be compensated;

8. A statement providing for a period of probation of not less than 500 hours of employment and instruction extending over not less than four months, during which time the apprentice agreement shall be terminated by the Commissioner at the request in writing of either party, and providing that after such probationary period the apprentice agreement may be terminated by the Commissioner by mutual agreement of all parties thereto, or cancelled by the Commissioner for good and sufficient reason;

9. A reference incorporating as part of the agreement the standards of the apprenticeship program as they exist on the date of the agreement and as they may be amended during the period of the agreement;

10. A statement that the apprentice will be accorded equal opportunity in all phases of apprenticeship employment and training without discrimination ~~on the basis of race, color, religion, national origin, or sex as provided in § 40.1-120.1;~~

11. Contact information, including name, address, phone number, and email if appropriate, of the appropriate authority designated under the program to receive, process, and make disposition of controversies or differences arising out of the apprenticeship agreement when the controversies or differences cannot be adjusted locally or resolved in accordance with the established procedure or applicable collective bargaining provisions;

12. A provision that an employer who is unable to fulfill his obligation under the apprentice agreement may, with the approval of the Commissioner, transfer such contract to any other employer if (i) the apprentice consents, (ii) such other employer agrees to assume the obligations of the apprentice agreement, and (iii) the transfer is reported to the registration agency within 30 days of the transfer; and

13. Such additional terms and conditions as may be prescribed or approved by the Commissioner not inconsistent with the provisions of this chapter.

CHAPTER 1229

An Act to amend and reenact §§ 24.2-304.1, 30-265, and 53.1-10 of the Code of Virginia and to amend the Code of Virginia by adding in Article 2 of Chapter 3 of Title 24.2 a section numbered 24.2-304.04, by adding in Chapter 3 of Title 24.2 an article numbered 5, consisting of a section numbered 24.2-314, and by adding a section numbered 53.1-5.2, relating to redistricting; congressional and state legislative districts; standards and criteria; population data.

[H 1255]

Approved April 22, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-304.1, 30-265, and 53.1-10 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Article 2 of Chapter 3 of Title 24.2 a section numbered 24.2-304.04, by adding in Chapter 3 of Title 24.2 an article numbered 5, consisting of a section numbered 24.2-314, and by adding a section numbered 53.1-5.2 as follows:

§ 24.2-304.04. Standards and criteria for congressional and state legislative districts.

Every congressional and state legislative district shall be constituted so as to adhere to the following criteria:

1. Districts shall be so constituted as to give, as nearly as is practicable, representation in proportion to the population of the district. A deviation of no more than five percent shall be permitted for state legislative districts.

2. Districts shall be drawn in accordance with the requirements of the Constitution of the United States, including the Equal Protection Clause of the Fourteenth Amendment, and the Constitution of Virginia; federal and state laws, including the federal Voting Rights Act of 1965, as amended; and relevant judicial decisions relating to racial and ethnic fairness.

3. No district shall be drawn that results in a denial or abridgement of the right of any citizen to vote on account of race or color or membership in a language minority group. No district shall be drawn that results in a denial or abridgement of the rights of any racial or language minority group to participate in the political process and to elect representatives of their choice. A violation of this subdivision is established if, on the basis of the totality of the circumstances, it is shown that districts were drawn in such a way that members of a racial or language minority group are dispersed into districts in which they constitute an ineffective minority of voters or are concentrated into districts where they constitute an excessive majority. The extent to which members of a racial or language minority group have been elected to office in the state or the political subdivision is one circumstance that may be considered. Nothing in this subdivision shall establish a right to have members of a racial or language minority group elected in numbers equal to their proportion in the population.

4. Districts shall be drawn to give racial and language minorities an equal opportunity to participate in the political process and shall not dilute or diminish their ability to elect candidates of choice either alone or in coalition with others.

5. Districts shall be drawn to preserve communities of interest. For purposes of this subdivision, a "community of interest" means a neighborhood or any geographically defined group of people living in an area who share similar social, cultural, and economic interests. A "community of interest" does not include a community based upon political affiliation or relationship with a political party, elected official, or candidate for office.

6. Districts shall be composed of contiguous territory, with no district contiguous only by connections by water running downstream or upriver, and political boundaries may be considered.

7. Districts shall be composed of compact territory and shall be drawn employing one or more standard numerical measures of individual and average district compactness, both statewide and district by district.

8. A map of districts shall not, when considered on a statewide basis, unduly favor or disfavor any political party.

9. The whole number of persons reported in the most recent federal decennial census by the United States Bureau of the Census shall be the basis for determining district populations, except that no person shall be deemed to have gained or lost a residence by reason of conviction and incarceration in a federal, state, or local correctional facility. Persons

incarcerated in a federal, state, or local correctional facility shall be counted in the locality of their address at the time of incarceration, and the Division of Legislative Services shall adjust the census data pursuant to § 24.2-314 for this purpose.

§ 24.2-304.1. At-large and district elections; reapportionment and redistricting of districts or wards; limits.

A. Except as otherwise specifically limited by general law or special act, the governing body of each county, city, or town may provide by ordinance for the election of its members on any of the following bases: (i) at large from the county, city, or town; (ii) from single-member or multi-member districts or wards, or any combination thereof; or (iii) from any combination of at-large, single-member, and multi-member districts or wards. A change in the basis for electing the members of the governing body shall not constitute a change in the form of county government.

B. If the members are elected from districts or wards and other than entirely at large from the locality, the districts or wards shall be composed of contiguous and compact territory and shall be so constituted as to give, as nearly as is practicable, representation in proportion to the population of the district or ward. In 1971 and every 10 years thereafter, the governing body of each such locality shall reapportion the representation among the districts or wards, including, if the governing body deems it appropriate, increasing or diminishing the number of such districts or wards, in order to give, as nearly as is practicable, representation on the basis of population.

C. For the purposes of redistricting and reapportioning representation in 2001-2021 and every 10 years thereafter, the governing body of a county, city, or town shall use the most recent decennial population figures for such county, city, or town from the United States Bureau of the Census, ~~which figures are identical to those from the actual enumeration conducted by the United States Bureau of the Census for the apportionment of representatives in the United States House of Representatives, except that the~~ *as adjusted by the Division of Legislative Services pursuant to § 24.2-314. The census data for these redistricting and apportionment purposes will not include any population figure that is not allocated to specific census blocks within the Commonwealth, even though that population may have been included in the apportionment population figures of the Commonwealth for the purpose of allocating United States House of Representatives seats among the states. The governing body of any county, city, or town may elect to exclude the adult inmate population of any federal, state, or regional adult correctional facility located in the locality from the population figures used for the purposes of the decennial reapportionment and redistricting. The adult inmate population so excluded shall be based on information provided by the facility as to the adult inmate population at the facility on the date of the decennial census.*

D. Notwithstanding any other provision of general law or special act, the governing body of a county, city, or town shall not reapportion the representation in the governing body at any time other than that required following the decennial census, except as (i) provided by law upon a change in the boundaries of the county, city, or town that results in an increase or decrease in the population of the county, city, or town of more than one percent, (ii) the result of a court order, (iii) the result of a change in the form of government, or (iv) the result of an increase or decrease in the number of districts or wards other than at-large districts or wards. The foregoing provisions notwithstanding, the governing body subsequent to the decennial redistricting may adjust district or ward boundaries in order that the boundaries might coincide with state legislative or congressional district boundaries; however, no adjustment shall affect more than five percent of the population of a ward or district or 250 persons, whichever is lesser. If districts created by a reapportionment enacted subsequent to a decennial reapportionment are invalid under the provisions of this subsection, the immediately preexisting districts shall remain in force and effect until validly reapportioned in accordance with law.

Article 5.

Population Data.

§ 24.2-314. Population data; reallocation of prison populations.

A. *Persons incarcerated in federal correctional facilities and in state and local correctional facilities, as those terms are defined in § 53.1-1, shall be counted and reallocated for redistricting and reapportionment purposes in accordance with the provisions of this section and the following:*

1. *A person incarcerated in a federal, state, or local correctional facility whose address at the time of incarceration was located within the Commonwealth shall be deemed to reside at such address.*

2. *A person incarcerated in a federal, state, or local correctional facility whose address at the time of incarceration was located outside of the Commonwealth or whose address at the time of incarceration cannot be determined shall be deemed to reside at the location of the facility in which he is incarcerated.*

B. *By July 1 of any year in which the decennial census is taken, the Department of Corrections and the Board of Corrections shall provide to the Division of Legislative Services, in a format specified by the Division of Legislative Services, the following information for each person who was incarcerated in a state or local correctional facility on April 1 of that year:*

1. *A unique identifier, other than his name or offender identification number, assigned by the Department of Corrections or the Board of Corrections for this purpose;*

2. *His residential street address at the time of incarceration, or other legal residence, if known;*

3. *His race, his ethnicity as identified by him, and whether he is 18 years of age or older; and*

4. *The street address of the correctional facility in which he was incarcerated on April 1 of that year.*

C. *The Division of Legislative Services shall request each agency operating a federal correctional facility in the Commonwealth that incarcerates persons convicted of a criminal offense to provide to the Division of Legislative Services by July 1 of any year in which the decennial census is taken a record containing the information specified in subsection B for each person who was incarcerated in the facility on April 1 of that year. Any person incarcerated in a federal*

correctional facility for whom a record is not received by the Division of Legislative Services shall be deemed to have an address at the time of incarceration that cannot be determined.

D. The Division of Legislative Services shall prepare adjusted population data, including race and ethnicity data, in a manner that reflects the inclusion of incarcerated persons in the population count of the locality in which he is deemed to reside pursuant to subdivision A 1 or 2.

This adjusted population data shall be used for purposes of redistricting and reapportionment and shall be the basis for congressional, state Senate, House of Delegates, and local government election districts. This adjusted population data shall not be used in the distribution of any federal or state aid.

E. The Division of Legislative Services shall make the adjusted population data available no later than 30 days following receipt of population data from the United States Bureau of the Census pursuant to P.L. 94-171. In making this data available, the Division of Legislative Services shall ensure no information regarding a specific incarcerated person's address at the time of incarceration is made public.

§ 30-265. Reapportionment of congressional and state legislative districts; United States Census population counts.

For the purposes of redrawing the boundaries of the congressional, state Senate, and House of Delegates districts after the United States Census for the year 2000 2020 and every 10 years thereafter, the General Assembly shall use the population data provided by the United States Bureau of the Census ~~identical to those from the actual enumeration conducted by the Bureau for the apportionment of the Representatives of the United States House of Representatives following the United States decennial census, except that the as adjusted by the Division of Legislative Services pursuant to § 24.2-314.~~ The census data used for this apportionment purpose shall not include any population figure which is not allocated to specific census blocks within the Commonwealth, even though that population may have been included in the apportionment population figures of the Commonwealth for the purpose of allocating United States House of Representatives seats among the states.

§ 53.1-5.2. Compilation of certain data for redistricting purposes.

A. The Board shall direct the sheriffs of all local jails and the jail superintendents of all regional jails to provide to it, no later than May 1 of any year in which the decennial census is taken, information regarding each person incarcerated in a local or regional jail on April 1 of that year. Such information shall include, for each person incarcerated, (i) his residential street address at the time of incarceration, or other legal residence, if known; (ii) his race, his ethnicity as identified by him, and whether he is 18 years of age or older; and (iii) the street address of the correctional facility in which he was incarcerated on April 1 of that year. Upon receipt of such information, the Board shall assign to each person a unique identifier, other than his name or offender identification number.

B. Pursuant to § 24.2-314, the Board shall provide to the Division of Legislative Services, not later than July 1 of any year in which the decennial census is taken and in a format specified by the Division of Legislative Services, the information specified in subsection A, including the Board-assigned unique identifier.

§ 53.1-10. Powers and duties of Director.

The Director shall be the chief executive officer of the Department and shall have the following duties and powers:

1. To supervise and manage the Department and its system of state correctional facilities;
2. To implement the standards and goals of the Board as formulated for local and community correctional programs and facilities and lock-ups;
3. To employ such personnel and develop and implement such programs as may be necessary to carry out the provisions of this title, subject to Chapter 29 (§ 2.2-2900 et seq.) of Title 2.2, and within the limits of appropriations made therefor by the General Assembly;

4. To establish and maintain a general system of schools for persons committed to the institutions and community-based programs for adults as set forth in § 53.1-67.9. Such system shall include, as applicable, elementary, secondary, postsecondary, career and technical education, adult, and special education schools.

a. The Director shall employ a Superintendent who will oversee the operation of educational and vocational programs in all institutions and community-based programs for adults as set forth in § 53.1-67.9 operated by the Department. The Department shall be designated as a local education agency (LEA) but shall not be eligible to receive state funds appropriated for direct aid to public education.

b. When the Department employs a teacher licensed by the Board of Education to provide instruction in the schools of the correctional centers, the Department of Human Resource Management shall establish salary schedules for the teachers which endeavor to be competitive with those in effect for the school division in which the correctional center is located.

c. The Superintendent shall develop a functional literacy program for inmates testing below a selected grade level, which shall be at least at the twelfth grade level. The program shall include guidelines for implementation and test administration, participation requirements, criteria for satisfactory completion, and a strategic plan for encouraging enrollment at an institution of higher education or an accredited vocational training program or other accredited continuing education program.

d. For the purposes of this section, the term "functional literacy" shall mean those educational skills necessary to function independently in society, including, but not limited to, reading, writing, comprehension, and arithmetic computation.

e. In evaluating a prisoner's educational needs and abilities pursuant to § 53.1-32.1, the Superintendent shall create a system for identifying prisoners with learning disabilities.

5. a. To make and enter into all contracts and agreements necessary or incidental to the performance of the Department's duties and the execution of its powers under this title, including, but not limited to, contracts with the United States, other states, and agencies and governmental subdivisions of this Commonwealth, and contracts with corporations, partnerships, or individuals which include, but are not limited to, the purchase of water or wastewater treatment services or both as necessary for the expansion or construction of correctional facilities, consistent with applicable standards and goals of the Board;

b. Notwithstanding the Director's discretion to make and enter into all contracts and agreements necessary or incidental to the performance of the Department's duties and the execution of its powers under this title, upon determining that it shall be desirable to contract with a public or private entity for the provision of community-based residential services pursuant to Chapter 5 (§ 53.1-177 et seq.), the Director shall notify the local governing body of the jurisdiction in which the facility is to be located of the proposal and of the facility's proposed location and provide notice, where requested, to the chief law-enforcement officer for such locality when an offender is placed in the facility at issue;

c. Notwithstanding the Director's discretion to make and enter into all contracts and agreements necessary or incidental to the performance of the Department's duties and the execution of its powers under this title, upon determining that it is necessary to transport Virginia prisoners through or to another state and for other states to transport their prisoners within the Commonwealth, the Director may execute reciprocal agreements with other states' corrections agencies governing such transports that shall include provisions allowing each state to retain authority over its prisoners while in the other state.

6. To accept, hold and enjoy gifts, donations and bequests on behalf of the Department from the United States government and agencies and instrumentalities thereof, and any other source, subject to the approval of the Governor. To these ends, the Director shall have the power to comply with such conditions and execute such agreements as may be necessary, convenient or desirable, consistent with applicable standards and goals of the Board;

7. To collect data pertaining to the demographic characteristics of adults, and juveniles who are adjudicated as adults, incarcerated in state correctional institutions, including, but not limited to, the race or ethnicity, age, and gender of such persons, whether they are a member of a criminal gang, and the types of and extent to which health-related problems are prevalent among such persons. Beginning July 1, 1997, such data shall be collected, tabulated quarterly, and reported by the Director to the Governor and the General Assembly at each regular session of the General Assembly thereafter. The report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports;

8. To make application to the appropriate state and federal entities so as to provide any prisoner who is committed to the custody of the state a Department of Motor Vehicles approved identification card that would expire 90 days from issuance, a copy of his birth certificate if such person was born in the Commonwealth, and a social security card from the Social Security Administration;

9. To forward to the Commonwealth's Attorneys' Services Council, updated on a monthly basis, a list of all identified criminal gang members incarcerated in state correctional institutions. The list shall contain identifying information for each criminal gang member, as well as his criminal record;

10. To give notice, to the attorney for the Commonwealth prosecuting a defendant for an offense that occurred in a state correctional facility, of that defendant's known gang membership. The notice shall contain identifying information for each criminal gang member as well as his criminal record;

11. To designate employees of the Department with internal investigations authority to have the same power as a sheriff or a law-enforcement officer in the investigation of allegations of criminal behavior affecting the operations of the Department. Such employees shall be subject to any minimum training standards established by the Department of Criminal Justice Services under § 9.1-102 for law-enforcement officers prior to exercising any law-enforcement power granted under this subdivision. Nothing in this section shall be construed to grant the Department any authority over the operation and security of local jails not specified in any other provision of law. The Department shall investigate allegations of criminal behavior in accordance with a written agreement entered into with the Department of State Police. The Department shall not investigate any action falling within the authority vested in the Office of the State Inspector General pursuant to Chapter 3.2 (§ 2.2-307 et seq.) of Title 2.2 unless specifically authorized by the Office of the State Inspector General;

12. To enforce and direct the Department to enforce regulatory policies promulgated by the Board prohibiting the possession of obscene materials, as defined in Article 5 (§ 18.2-372 et seq.) of Chapter 8 of Title 18.2, by prisoners incarcerated in state correctional facilities; ~~and~~

13. To develop and administer a survey of each correctional officer, as defined in § 53.1-1, who resigns, is terminated, or is transitioned to a position other than correctional officer for the purpose of evaluating employment conditions and factors that contribute to or impede the retention of correctional officers; *and*

14. *To provide, pursuant to § 24.2-314, to the Division of Legislative Services, not later than July 1 of any year in which the decennial census is taken and in a format specified by the Division of Legislative Services, information regarding each person incarcerated in a state correctional facility on April 1 of that year. Such information shall include, for each person incarcerated, (i) a unique identifier, other than his name or offender identification number, assigned by the Director; (ii) his residential street address at the time of incarceration, or other legal residence, if known; (iii) his race, his ethnicity as identified by him, and whether he is 18 years of age or older; and (iv) the street address of the correctional facility in which he was incarcerated on April 1 of that year.*

2. That, notwithstanding the deadlines set forth in §§ 24.2-314 and 53.1-5.2 of the Code of Virginia, as created by this act, and in § 53.1-10 of the Code of Virginia, as amended by this act, the Board of Corrections shall direct the sheriffs of all local jails and the jail superintendents of all regional jails to provide to it the information required pursuant to § 53.1-5.2 of the Code of Virginia, as created by this act, by August 1, 2020; the Department of Corrections and the Board of Corrections shall provide to the Division of Legislative Services the information required pursuant to § 24.2-314 of the Code of Virginia, as created by this act, by September 1, 2020; and the Division of Legislative Services shall require each agency operating a federal correctional facility in the Commonwealth to provide to it the information specified in § 24.2-314 of the Code of Virginia, as created by this act, by September 1, 2020.

CHAPTER 1230

An Act to amend and reenact §§ 2.2-1509.2, 2.2-1514, as it is currently effective and as it may become effective, 5.1-2.2:2, 5.1-2.2:3, 5.1-2.16, 15.2-5928, 33.2-214, 33.2-214.4, 33.2-226, 33.2-232, 33.2-356, 33.2-357, 33.2-358, 33.2-365, 33.2-366, 33.2-1502, 33.2-1510, 33.2-1524, 33.2-1526 through 33.2-1528, 33.2-1529.1, 33.2-1530, 33.2-1532, 33.2-1602, 33.2-1604, 33.2-1700, 33.2-1701, 33.2-1708, 33.2-1709, 33.2-1803, 33.2-1803.1, 33.2-1803.1:1, 33.2-1803.2, 33.2-1809, 33.2-2300, 33.2-2301, 33.2-2400, 33.2-2401, 33.2-2509, 33.2-3601, 46.2-214.3, 46.2-332, 46.2-341.20:5, 46.2-341.20:6, 46.2-686, 46.2-694, as it is currently effective, 46.2-697, as it is currently effective, 46.2-752, 46.2-1158, 46.2-1158.02, 46.2-1507, 46.2-1546, 46.2-1573, 46.2-1573.11, 46.2-1573.23, 46.2-1573.36, 58.1-608.3, 58.1-638, 58.1-638.3, as it is currently effective, 58.1-802.3, 58.1-811, as it is currently effective, 58.1-815.4, 58.1-816, 58.1-816.1, 58.1-1741, 58.1-1743, 58.1-1744, 58.1-2217, 58.1-2249, 58.1-2289, 58.1-2295, as it is currently effective, 58.1-2299.20, as it is currently effective and as it may become effective, 58.1-2425, as it is currently effective and as it may become effective, 58.1-2531, 58.1-2701, as it is currently effective, and 62.1-132.1 of the Code of Virginia and § 2 of Chapter 8 of the Acts of Assembly of 1989, Special Session II, as amended by Chapter 538 of the Acts of Assembly of 1999 and Chapter 296 of the Acts of Assembly of 2013; to amend the Code of Virginia by adding in Chapter 2 of Title 33.2 an article numbered 6, consisting of sections numbered 33.2-287 through 33.2-299.8, by adding in Article 5 of Chapter 3 of Title 33.2 sections numbered 33.2-372, 33.2-373, and 33.2-374, by adding sections numbered 33.2-1524.1 and 33.2-1526.2 through 33.2-1526.7, by adding in Title 46.2 a chapter numbered 7, consisting of sections numbered 46.2-770 through 46.2-774, and by adding a section numbered 58.1-802.4; and to repeal §§ 33.2-1601, 33.2-1603, 46.2-702.1, 46.2-702.1:1, 58.1-2217.1, and 58.1-2295.1 of the Code of Virginia and the fifth enactments of Chapters 837 and 846 of the Acts of Assembly of 2019, relating to transportation.

[H 1414]

Approved April 22, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-1509.2, 2.2-1514, as it is currently effective and as it may become effective, 5.1-2.2:2, 5.1-2.2:3, 5.1-2.16, 15.2-5928, 33.2-214, 33.2-214.4, 33.2-226, 33.2-232, 33.2-356, 33.2-357, 33.2-358, 33.2-365, 33.2-366, 33.2-1502, 33.2-1510, 33.2-1524, 33.2-1526 through 33.2-1528, 33.2-1529.1, 33.2-1530, 33.2-1532, 33.2-1602, 33.2-1604, 33.2-1700, 33.2-1701, 33.2-1708, 33.2-1709, 33.2-1803, 33.2-1803.1, 33.2-1803.1:1, 33.2-1803.2, 33.2-1809, 33.2-2300, 33.2-2301, 33.2-2400, 33.2-2401, 33.2-2509, 33.2-3601, 46.2-214.3, 46.2-332, 46.2-341.20:5, 46.2-341.20:6, 46.2-686, 46.2-694, as it is currently effective, 46.2-697, as it is currently effective, 46.2-752, 46.2-1158, 46.2-1158.02, 46.2-1507, 46.2-1546, 46.2-1573, 46.2-1573.11, 46.2-1573.23, 46.2-1573.36, 58.1-608.3, 58.1-638, 58.1-638.3, as it is currently effective, 58.1-802.3, 58.1-811, as it is currently effective, 58.1-815.4, 58.1-816, 58.1-816.1, 58.1-1741, 58.1-1743, 58.1-1744, 58.1-2217, 58.1-2249, 58.1-2289, 58.1-2295, as it is currently effective, 58.1-2299.20, as it is currently effective and as it may become effective, 58.1-2425, as it is currently effective and as it may become effective, 58.1-2531, 58.1-2701, as it is currently effective, and 62.1-132.1 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Chapter 2 of Title 33.2 an article numbered 6, consisting of sections numbered 33.2-287 through 33.2-299.8, by adding in Article 5 of Chapter 3 of Title 33.2 sections numbered 33.2-372, 33.2-373, and 33.2-374, by adding sections numbered 33.2-1524.1 and 33.2-1526.2 through 33.2-1526.7, by adding in Title 46.2 a chapter numbered 7, consisting of sections numbered 46.2-770 through 46.2-774, and by adding a section numbered 58.1-802.4 as follows:

§ 2.2-1509.2. Budget Bill to include amounts diverted from Commonwealth Transportation Fund.

If any money in the Highway Maintenance and Operating Fund established pursuant to § 33.2-1530 or the Commonwealth Transportation Trust Fund established pursuant to § 33.2-1524 is proposed to be used for any purpose other than administering, planning, constructing, improving, and maintaining the roads embraced in the systems of highways for the Commonwealth and its localities and/or furthering the interests of the Commonwealth in the areas of public transportation, railways, seaports, *spaceports*, and/or airports, then the Governor, if such diversion is proposed by the Governor, shall include with any such proposal a plan for repayment of funds diverted within three years of such use in "The Budget Bill" submitted pursuant to § 2.2-1509.

If such diversion of funds from the ~~Highway Maintenance and Operating Fund~~ or the *Commonwealth* Transportation Trust Fund is proposed by the General Assembly as an amendment to the Budget Bill, such amendment shall include language setting out the plan for repayment of such funds within three years.

§ 2.2-1514. (Contingent expiration date) Commitment of general fund for nonrecurring expenditures.

A. As used in this section:

"The Budget Bill" means "The Budget Bill" submitted pursuant to § 2.2-1509, including any amendments to a general appropriation act pursuant to such section.

"Nonrecurring expenditures" means the acquisition or construction of capital outlay projects as defined in § 2.2-1518, the acquisition or construction of capital improvements, the acquisition of land, the acquisition of equipment, or other expenditures of a one-time nature as specified in the general appropriation act.

B. At the end of each fiscal year, the Comptroller shall commit within his annual report pursuant to § 2.2-813 as follows: 67 percent of the remaining amount of the general fund balance that is not otherwise restricted, committed, or assigned for other usage within the general fund shall be committed by the Comptroller for deposit into the *Commonwealth* Transportation Trust Fund established pursuant to § 33.2-1524 or a subfund thereof, and the remaining amount shall be committed for nonrecurring expenditures. No such commitment shall be made unless the full amounts required for other restrictions, commitments, or assignments including but not limited to (i) the Revenue Stabilization Fund deposit pursuant to § 2.2-1829, (ii) the Virginia Water Quality Improvement Fund deposit pursuant to § 10.1-2128, but excluding any deposits provided under the Virginia Natural Resources Commitment Fund established under § 10.1-2128.1, (iii) capital outlay reappropriations pursuant to the general appropriation act, (iv)(a) operating expense reappropriations pursuant to the general appropriation act, and (b) reappropriations of unexpended appropriations to certain public institutions of higher education pursuant to § 23.1-1002, (v) pro rata rebate payments to certain public institutions of higher education pursuant to § 23.1-1002, (vi) the unappropriated balance anticipated in the general appropriation act for the end of such fiscal year, (vii) interest payments on deposits of certain public institutions of higher education pursuant to § 23.1-1002, and (viii) the Revenue Reserve Fund deposit pursuant to § 2.2-1831.2 are set aside. The Comptroller shall set aside amounts required for clauses (iv)(b), (v), and (vii) beginning with the initial fiscal year as determined under § 23.1-1002 and for all fiscal years thereafter.

C. The Governor shall include in "The Budget Bill" pursuant to § 2.2-1509 recommended appropriations from the general fund or recommended amendments to general fund appropriations in the general appropriation act in effect at that time an amount for deposit into the *Commonwealth* Transportation Trust Fund or a subfund thereof, and an amount for nonrecurring expenditures equal to the amounts committed by the Comptroller for such purposes pursuant to the provisions of subsection B. Such deposit to the *Commonwealth* Transportation Trust Fund or a subfund thereof shall not preclude the appropriation of additional amounts from the general fund for transportation purposes.

§ 2.2-1514. (Contingent effective date) Commitment of general fund for nonrecurring expenditures.

A. As used in this section:

"The Budget Bill" means "The Budget Bill" submitted pursuant to § 2.2-1509, including any amendments to a general appropriation act pursuant to such section.

"Nonrecurring expenditures" means the acquisition or construction of capital outlay projects as defined in § 2.2-1518, the acquisition or construction of capital improvements, the acquisition of land, the acquisition of equipment, or other expenditures of a one-time nature as specified in the general appropriation act.

B. At the end of each fiscal year, the Comptroller shall commit within his annual report pursuant to § 2.2-813 as follows: 67 percent of the remaining amount of the general fund balance that is not otherwise restricted, committed, or assigned for other usage within the general fund shall be committed by the Comptroller for deposit into the *Commonwealth* Transportation Trust Fund established pursuant to § 33.2-1524 or a subfund thereof, and the remaining amount shall be committed for nonrecurring expenditures. No such commitment shall be made unless the full amounts required for other restrictions, commitments, or assignments including but not limited to (i) the Revenue Stabilization Fund deposit pursuant to § 2.2-1829, (ii) the Virginia Water Quality Improvement Fund deposit pursuant to § 10.1-2128, but excluding any deposits provided under the Virginia Natural Resources Commitment Fund established under § 10.1-2128.1, (iii) capital outlay reappropriations pursuant to the general appropriation act, (iv)(a) operating expense reappropriations pursuant to the general appropriation act, and (b) reappropriations of unexpended appropriations to certain public institutions of higher education pursuant to § 23.1-1002, (v) pro rata rebate payments to certain public institutions of higher education pursuant to § 23.1-1002, (vi) the unappropriated balance anticipated in the general appropriation act for the end of such fiscal year, (vii) interest payments on deposits of certain public institutions of higher education pursuant to § 23.1-1002, and (viii) the Revenue Reserve Fund deposit pursuant to § 2.2-1831.2 are set aside. The Comptroller shall set aside amounts required for clauses (iv) (b), (v), and (vii) beginning with the initial fiscal year as determined under § 23.1-1002 and for all fiscal years thereafter.

C. The Governor shall include in "The Budget Bill" pursuant to § 2.2-1509 recommended appropriations from the general fund or recommended amendments to general fund appropriations in the general appropriation act in effect at that time an amount for deposit into the *Commonwealth* Transportation Trust Fund or a subfund thereof, and an amount for nonrecurring expenditures equal to the amount committed by the Comptroller for such purpose pursuant to the provisions of subsection B. Such deposit to the *Commonwealth* Transportation Trust Fund or a subfund thereof shall not preclude the appropriation of additional amounts from the general fund for transportation purposes.

§ 5.1-2.2:2. Commercial air service plan.

A. The Board shall develop and review every five years a commercial air service plan for commercial air service airports within the Commonwealth. In developing and reviewing such plan, the Board shall (i) analyze trends in commercial air service generally, (ii) analyze the current and projected future demographic and economic trends related to air travel needs in the Commonwealth, (iii) solicit input from other appropriate stakeholders, (iv) consider any other factors determined to be appropriate by the Board, and (v) establish reasonable goals for commercial air service based on clauses (i) through (iv).

B. In developing the plan pursuant to subsection A, the Board shall coordinate with each commercial air service airport.

C. Prior to the allocation of funds pursuant to ~~subdivision A 3 of § 58.1-638 § 33.2-1526.6~~, the Board shall ensure that any requested funds are not inconsistent with the Board's commercial air service plan and that no commercial service airport is penalized for not meeting goals set forth in such commercial air service plan.

§ 5.1-2.2:3. Transparency and accountability in the use of Commonwealth Aviation Fund revenues.

A. By November 1 of each year, the Board shall report to the Governor and the General Assembly on the use of Commonwealth ~~Airport~~ Aviation Fund revenues the previous fiscal year. The report shall include at a minimum the following:

1. The use of entitlement funds allocated pursuant to ~~subdivision A 3 a of § 58.1-638 B 1 of § 33.2-1526.6~~ by each air carrier airport, including the amount of funds that are unobligated;

2. The award and use of discretionary funds allocated for air carrier and reliever airports pursuant to ~~subdivision A 3 b (1) (a) of § 58.1-638 B 2 a (1) of § 33.2-1526.6~~ by every such airport;

3. The award and use of discretionary funds allocated for general aviation airports pursuant to ~~subdivision A 3 b (1) (b) of § 58.1-638 B 2 a (2) of § 33.2-1526.6~~ by every such airport; and

4. The award and use of discretionary funds allocated for all airports pursuant to ~~subdivision A 3 b (2) of § 58.1-638 B 2 b of § 33.2-1526.6~~ by every such airport.

Such report shall also include the status of ongoing projects funded in whole or in part by the Commonwealth ~~Airport~~ Aviation Fund pursuant to ~~subdivision A 3 of § 58.1-638 § 33.2-1526.6~~.

B. Each year prior to the release of entitlement funds allocated pursuant to ~~subdivision A 3 a of § 58.1-638 B 1 of § 33.2-1526.6~~, each air carrier airport shall submit a plan that outlines the planned use of such funds for the upcoming fiscal year to the Board for review and approval. The Board shall approve such plan provided that the use of funds is in accordance with Board policies. An airport may modify its plan during a fiscal year by submitting a revised plan to the Board for review.

C. The Board shall have the right to withhold entitlement funds allocated pursuant to ~~subdivision A 3 a of § 58.1-638 B 1 of § 33.2-1526.6~~ in the event that the entitlement utilization plan is not approved by the Board or the airport uses the funds in a manner that is inconsistent with the approved plan.

§ 5.1-2.16. Grants or loans of public or private funds.

The Board is authorized to accept, receive, receipt for, disburse, and expend federal and state moneys and other moneys, public or private, made available by grant or loan or both, to accomplish, in whole or in part, any of the purposes of this chapter. All federal moneys accepted under this section shall be accepted and expended by the Board upon such terms and conditions as are prescribed by the United States and as are consistent with state law, and all state moneys accepted under this section shall be accepted and expended by the Board upon such terms and conditions as are prescribed by the Commonwealth. State moneys allocated pursuant to ~~subdivision A 3 of § 58.1-638 § 33.2-1526.6~~ shall not be used for (i) operating costs unless otherwise approved by the Board or (ii) purposes related to supporting the operation of an airline, either directly or indirectly, through grants, credit enhancements, or other related means.

In considering or evaluating the application for or award of any grant of moneys under this section, the Board shall take into account the capacities of all airports within the affected geographic region.

§ 15.2-5928. Definitions.

As used in this chapter, unless the context requires a different meaning:

"City" or "City of Virginia Beach" means the City of Virginia Beach or the City of Virginia Beach Development Authority.

"Sales and use tax revenues" means tax collections under the Virginia Retail Sales and Use Tax Act (§ 58.1-600 et seq.), as limited herein, generated by transactions taking place upon the premises of a sports or entertainment project, including transactions generating revenues in connection with the development and construction of such project that would not be generated but for the existence of such project. For purposes of this chapter, "sales and use tax revenues" does not include the revenue generated by (i) the one-half percent sales and use tax increase enacted by Chapters 11, 12, and 15 of the Acts of Assembly of 1986, Special Session I, which shall be paid into the *Commonwealth* Transportation Trust Fund as defined in § 33.2-1524; (ii) the one percent of the state sales and use tax revenue distributed among the counties and cities of the Commonwealth pursuant to subsection D of § 58.1-638 on the basis of school-age population; and (iii) the additional state sales and use tax in certain counties and cities assessed pursuant to Chapter 766 of the Acts of Assembly of 2013 and any amendments thereto.

"Sports and entertainment district" means the geographic area in the City of Virginia Beach located south of 21st Street, north of Norfolk Avenue, east of Birdneck Road, and west of Atlantic Avenue.

"Sports or entertainment project" means a project including sports facilities, entertainment facilities, or both, representing at least \$100 million of investment in the sports and entertainment district of the City of Virginia Beach, including any office, restaurant, concessions, retail, residential, and lodging facilities that are owned and operated adjacent to or in connection with such sports or entertainment project; film and sound studios and any other sports or entertainment-related infrastructure; and any other directly related properties, including onsite and offsite parking lots, garages, and other properties. "Sports or entertainment project" includes multiple facilities located on multiple properties, provided that such facilities share a nexus of ownership or management.

§ 33.2-214. Transportation; Six-Year Improvement Program.

A. The Board shall have the power and duty to monitor and, where necessary, approve actions taken by the Department of Rail and Public Transportation pursuant to Article 5 (§ 33.2-281 et seq.) in order to ensure the efficient and economical development of public transportation, the enhancement of rail transportation, and the coordination of such rail and public transportation plans with highway programs.

B. The Board shall have the power and duty to coordinate the planning for financing of transportation needs, including needs for highways, railways, seaports, airports, and public transportation and set aside funds as provided in § ~~33.2-1524~~ *33.2-1524.1*. To allocate funds for these needs pursuant to §§ § 33.2-358 and ~~58.1-638~~ *Chapter 15 (§ 33.2-1500 et seq.)*, the Board shall adopt a Six-Year Improvement Program of anticipated projects and programs by July 1 of each year. This program shall be based on the most recent official *Commonwealth* Transportation Trust Fund revenue forecast and shall be consistent with a debt management policy adopted by the Board in consultation with the Debt Capacity Advisory Committee and the Department of the Treasury.

C. The Board shall have the power and duty to enter into contracts with local districts, commissions, agencies, or other entities created for transportation purposes.

D. The Board shall have the power and duty to promote increasing private investment in the Commonwealth's transportation infrastructure, including acquisition of causeways, bridges, tunnels, highways, and other transportation facilities.

E. The Board shall only include a project or program wholly or partially funded with funds from the State of Good Repair Program pursuant to § 33.2-369, the High Priority Projects Program pursuant to § 33.2-370, ~~or the Highway Construction District Grant Programs pursuant to § 33.2-371, or the Interstate Operations and Enhancement Program pursuant to § 33.2-372, or capital projects funded through the Virginia Highway Safety Improvement Program pursuant to § 33.2-373~~ in the Six-Year Improvement Program if the allocation of funds from those programs and other funding committed to such project or program within the six-year horizon of the Six-Year Improvement Program is sufficient to complete the project or program. The provisions of this subsection shall not apply to any project (i) the design and construction of which cannot be completed within six years, (ii) the estimated costs of which exceed \$2 billion, and (iii) that requires the Board to exercise its authority to waive the funding cap pursuant to subsection B of § 33.2-369.

F. The Board shall have the power and duty to integrate land use with transportation planning and programming, consistent with the efficient and economical use of public funds. If the Board determines that a local transportation plan described in § 15.2-2223 or any amendment as described in § 15.2-2229 or a metropolitan regional long-range transportation plan or regional Transportation Improvement Program as described in § 33.2-3201 is not consistent with the Board's Statewide Transportation Plan developed pursuant to § 33.2-353, the Six-Year Improvement Program adopted pursuant to subsection B, and the location of routes to be followed by roads comprising systems of state highways pursuant to subsection A of § 33.2-208, the Board shall notify the locality of such inconsistency and request that the applicable plan or program be amended accordingly. If, after a reasonable time, the Board determines that there is a refusal to amend the plan or program, then the Board may reallocate funds that were allocated to the nonconforming project as permitted by state or federal law. However, the Board shall not reallocate any funds allocated pursuant to § 33.2-319 or 33.2-366, based on a determination of inconsistency with the Board's Statewide Transportation Plan or the Six-Year Improvement Program nor shall the Board reallocate any funds, allocated pursuant to subsection C or D of § 33.2-358, from any projects on highways controlled by any county that has withdrawn, or elects to withdraw, from the secondary system of state highways based on a determination of inconsistency with the Board's Statewide Transportation Plan or the Six-Year Improvement Program. If a locality or metropolitan planning organization requests the termination of a project, and the Department does not agree to the termination, or if a locality or metropolitan planning organization does not advance a project to the next phase of construction when requested by the Board and the Department has expended state or federal funds, the locality or the localities within the metropolitan planning organization may be required to reimburse the Department for all funds expended on the project. If, after design approval by the Chief Engineer of the Department, a locality or metropolitan planning organization requests alterations to a project that, in the aggregate, exceeds 10 percent of the total project costs, the locality or the localities within the metropolitan planning organization may be required to reimburse the Department for the additional project costs above the original estimates for making such alterations.

§ 33.2-214.4. Statewide prioritization for the Commonwealth Mass Transit Fund.

A. 1. The Board shall develop a prioritization process for the use of funds allocated pursuant to subdivision ~~C D~~ *D 2* of § 33.2-1526.1. Such prioritization process shall be used for the development of the Six-Year Improvement Program adopted annually by the Board pursuant to § 33.2-214. There shall be a separate prioritization process for state of good repair projects and major expansion projects. The prioritization process shall, for state of good repair projects, be based upon transit asset management principles, including federal requirements for Transit Asset Management pursuant to 49 U.S.C.

§ 5326. The prioritization process shall, for major expansion projects, be based on an objective and quantifiable analysis that considers the following factors relative to the cost of a major expansion project: congestion mitigation, economic development, accessibility, safety, environmental quality, and land use.

2. The Board shall solicit input from localities, metropolitan planning organizations, transit authorities, transportation authorities, and other stakeholders in its development of the prioritization process pursuant to this subsection. Further, the Board shall explicitly consider input provided by an applicable metropolitan planning organization or the Northern Virginia Transportation Authority when developing the prioritization process set forth in subdivision 1 for a metropolitan planning area with a population of over 200,000 individuals.

B. 1. The Board shall create for the Department of Rail and Public Transportation a Transit Service Delivery Advisory Committee, consisting of two members appointed by the Virginia Transit Association, one member appointed by the Community Transportation Association of Virginia, one member appointed by the Virginia Municipal League, one member appointed by the Virginia Association of Counties, and three members appointed by the Director of the Department of Rail and Public Transportation, to advise the Department of Rail and Public Transportation in the development of the process set forth in subdivision 2. The Transit Service Delivery Advisory Committee shall elect a chairman from among its membership. The Department of Rail and Public Transportation shall provide administrative support to the Transit Service Delivery Advisory Committee. The Transit Service Delivery Advisory Committee shall meet at least annually and consult with interested stakeholders and hold at least one public hearing and report its findings to the Director of the Department of Rail and Public Transportation.

2. The Department of Rail and Public Transportation, in conjunction with the Transit Service Delivery Advisory Committee, shall develop a process for the distribution of the funds allocated pursuant to subdivision ~~C D~~ 1 of § 33.2-1526.1 and the incorporation by transit systems of the service delivery factors set forth therein into their transit development plans. Prior to the Board approving service delivery factors, the Director of the Department of Rail and Public Transportation and the Chairman of the Transit Service Delivery Advisory Committee shall brief the House Committees on Appropriations and Transportation and the Senate Committees on Finance and Transportation regarding the findings and recommendations of the Transit Service Delivery Advisory Committee and the Department of Rail and Public Transportation. Before redefining any component of the service delivery factors, the Board shall consult with the Director of the Department of Rail and Public Transportation, the Transit Service Delivery Advisory Committee, and interested stakeholders, and shall provide for a 45-day public comment period. The process required to be delivered by this subsection shall be adopted no later than July 1, 2019, and shall apply beginning with the fiscal year 2020-2025 Six-Year Improvement Program.

§ 33.2-226. Authority to lease or convey airspace.

The Commissioner of Highways may lease or sell and convey the airspace superjacent or subjacent to any highway in the Commonwealth that is within his jurisdiction and in which the Commonwealth owns fee simple title after satisfying itself that use of the airspace will not impair the full use and safety of the highway or otherwise interfere with the free flow of traffic thereon and it cannot be reasonably foreseen as needed in the future for highway and other transit uses and purposes. The Commissioner of Highways may provide in such leases and conveyances of airspace for columns of support, in fee or otherwise, ingress, egress, and utilities.

No lease or conveyance shall be entered into by the Commissioner of Highways unless the locality, by action of its governing body by majority recorded vote, approves the projected use of the airspace in question and has taken such steps as it deems proper to regulate the type and use of the improvements to be erected in such airspace by appropriate zoning or other method of land use control.

All leases and conveyances shall contain those terms deemed necessary by the Commissioner of Highways to protect the interests of the Commonwealth and the public. The Commissioner of Highways may utilize any competitive procurement process authorized by law, including (i) competitive sealed bidding, (ii) competitive negotiation, (iii) best value procurements as defined in § 2.2-4301, and (iv) public-private partnerships pursuant to the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.), as determined by the Commissioner of Highways, in his sole discretion, to be appropriate and the method most likely to achieve the identified goals of the proposed lease or sale and conveyance of airspace. The Commissioner of Highways may reject any bid or offer that he believes is not in the best interest of the Commonwealth.

Compensation paid for such leases and conveyances shall be credited to the ~~Priority~~ *Priority* Transportation Trust Fund established pursuant to § ~~33.2-1524~~ *33.2-1527*.

§ 33.2-232. Biennial reports by Commissioner of Highways and the Office of Intermodal Planning and Investment.

A. The Secretary of Transportation shall ensure that the reports required under subsections B and C are provided in writing to the Governor, the General Assembly, and the Commonwealth Transportation Board by the dates specified.

B. The Commissioner of Highways shall provide to each recipient specified in subsection A, no later than November 1 of each even-numbered year, a report, the content of which shall be specified by the Board and shall contain, at a minimum:

1. The methodology used to determine maintenance needs, including an explanation of the transparent methodology used for the allocation of funds from the Highway Maintenance and Operating Fund pursuant to subsection A of § 33.2-352;

2. The methodology approved by the Board for the allocation of funds for state of good repair purposes as defined in § 33.2-369 and, if necessary, an explanation and rationale for any waiver of the cap provided for in subsection B of § 33.2-369;

3. The expenditures from the Highway Maintenance and Operating Program for the past fiscal year by asset class or activity and by construction district as well as the planned expenditure for the current fiscal year;

4. A description of transportation systems management and operations in the Commonwealth and the operating condition of primary and secondary state highways, including location and average duration of incidents;

5. A listing of prioritized pavement and bridge needs based on the priority ranking system developed by the Board pursuant to § 33.2-369 and a description of the priority ranking system;

6. A description of actions taken to improve highway operations within the Commonwealth, including the use of funds in the Innovation and Technology Transportation Fund established pursuant to § 33.2-1531; ~~and~~

7. *The use of funds in the Special Structure Fund established pursuant to § 33.2-1532;*

8. *The status of the Interstate Operations and Enhancement Program, including, at a minimum, the allocation of revenues for the program, the current and projected performance of each interstate highway corridor, and the anticipated benefits of funded strategies, capital improvements, and services by the interstate highway; and*

9. A review of the Department's collaboration with the private sector in delivering services.

C. The Office of Intermodal Planning and Investment of the Secretary of Transportation shall provide to each recipient specified in subsection A, no later than November 1 of each odd-numbered year, a report, the content of which shall be specified by the Board and shall contain, at a minimum:

1. A list of transportation projects approved or modified during the prior fiscal year, including whether each such project was evaluated pursuant to § 33.2-214.1 and the program from which each such project received funding;

2. The results of the most recent project evaluations pursuant to § 33.2-214.1, including a comparison of (i) projects selected for funding with projects not selected for funding, (ii) funding allocated by district and by mode of transportation, and (iii) the size of projects selected for funding;

3. The current performance of the Commonwealth's surface transportation system, the targets for future performance, and the progress toward such targets based on the measures developed pursuant to § 2.2-229;

4. The status of the Virginia Transportation Infrastructure Bank, including the balance in the Bank, funding commitments made over the prior fiscal year, and performance of the current loan portfolio;

5. The status of the Toll Facilities Revolving Account, including the balance in the account, project commitments from the account, repayment schedules, and the performance of the current loan portfolio; and

6. Progress made toward achieving the performance targets established by the Commonwealth Transportation Board.

D. The purpose of the reports required pursuant to this section is to ensure transparency and accountability in the use of transportation funds. Reports required by this section shall be made available to the public on the website of the Commonwealth Transportation Board.

Article 6.

Virginia Passenger Rail Authority Act.

§ 33.2-287. Definitions.

As used in this article, unless the context requires a different meaning:

"Authority" means the Virginia Passenger Rail Authority.

"Board" means the Board of Directors of the Authority.

"Bonds" means the revenue notes, bonds, certificates, and other evidences of indebtedness or obligations of the Authority.

"Cost" means, as applied to rail facilities, (i) the cost of construction; (ii) the cost of acquisition of all lands, structures, fixtures, rights-of-way, franchises, easements, and other property rights and interests; (iii) the cost of demolishing, removing, or relocating any buildings, structures, or fixtures on lands acquired, including the cost of acquiring any lands to which such buildings, structures, or fixtures may be moved or relocated; (iv) the cost of all labor, materials, machinery, and equipment; (v) financing charges and interest on all bonds prior to and during construction and for one year after completion of construction; (vi) the cost of engineering, financial, and legal services, plans, specifications, studies, surveys, estimates of cost and of revenues, and other expenses incidental to determining the feasibility of acquiring, constructing, operating, or maintaining rail facilities; (vii) administrative expenses, provisions for working capital, and reserves for interest and for extensions, enlargements, additions, and improvements; and (viii) such other expenses as may be necessary or incidental to the acquisition, construction, financing, operations, and maintenance of rail facilities. Any obligation or expense incurred by the Commonwealth or any agency thereof for studies, surveys, borings, preparation of plans, and specification or other work or materials in the acquisition or construction of rail facilities may be regarded as a part of the cost of rail facilities and may be reimbursed to the Commonwealth or any agency thereof out of the proceeds of the bonds issued for such rail facilities as herein authorized.

"Department" means the Department of Rail and Public Transportation.

"Rail facilities" means the assets consisting of the real, personal, or mixed property, or any interest in that property, whether tangible or intangible, that are determined to be necessary or convenient for the provision of passenger rail service. "Rail facilities" includes all property or interests necessary or convenient for the acquiring, providing, using,

equipping, or maintaining of a rail facility or system, including right-of-way, trackwork, train controls, stations, and maintenance facilities.

"Transportation Board" means the Commonwealth Transportation Board.

§ 33.2-288. Declaration of public purpose; Virginia Passenger Rail Authority.

A. The General Assembly finds and determines that (i) it is the policy of the Commonwealth to improve, identify, encourage, and promote new approaches to economic development throughout the Commonwealth; (ii) passenger rail travel and services are integral to the economic development and expansion of the Commonwealth's economy; and (iii) there exists in the Commonwealth a need to increase passenger rail capacity in the Commonwealth and improve passenger rail services.

B. In order to increase passenger rail capacity, improve passenger rail services, ameliorate current and future traffic congestion on Virginia highways, and promote the industrial and economic development of the Commonwealth, there is hereby created a body corporate and political subdivision of the Commonwealth to be known as the Virginia Passenger Rail Authority. The Authority is hereby constituted as a public instrumentality exercising public and essential governmental functions, and the exercise of powers conferred by this article shall be deemed to be the performance of an essential governmental function and matters of public necessity for which public moneys may be spent and private property acquired.

C. The purpose of the Authority shall be to promote, sustain, and expand the availability of passenger and commuter rail service in the Commonwealth and to increase ridership of such service by connecting population centers with passenger and commuter rail service and increasing availability of such service.

§ 33.2-289. Board of Directors.

A. The Authority shall be governed by the Board of Directors of the Authority consisting of 15 members as follows: (i) 12 nonlegislative citizen members, appointed by the Governor, who shall serve with voting privileges; (ii) a designee of the President and Chief Executive Officer of the National Passenger Rail Corporation, who shall serve without voting privileges; (iii) the chief executive officer of a commuter rail service jointly operated by the Northern Virginia Transportation District established pursuant to § 33.2-1904 and the Potomac and Rappahannock Transportation District established pursuant to the Transportation District Act (§ 33.2-1900 et seq.), who shall serve ex officio without voting privileges; and (iv) the Director of the Department, who shall serve ex officio and shall have voting privileges only in the event of a tie. Of the 12 nonlegislative citizen members with voting privileges:

1. Three members shall reside within the boundaries of the Northern Virginia Transportation District established pursuant to § 33.2-1904. Such members may be selected from a list recommended by the Northern Virginia Transportation Commission, after due consideration of such list by the Governor;

2. Three members shall reside within the boundaries of the Potomac-Rappahannock Transportation District established pursuant to the Transportation District Act of 1964 (§ 33.2-1900 et seq.). Such members may be selected from a list recommended by the Potomac and Rappahannock Transportation Commission, after due consideration of such list by the Governor;

3. Two members shall reside within the boundaries of the Richmond Metropolitan Transportation Authority established pursuant to Chapter 29 (§ 33.2-2900 et seq.);

4. Two members shall reside within the boundaries of the Hampton Roads Transportation Accountability Commission established pursuant to Chapter 26 (§ 33.2-2600 et seq.); and

5. Two members shall reside within the boundaries of Planning District 5, 9, 10, or 11.

B. The nonlegislative citizen members appointed by the Governor shall be subject to confirmation by the General Assembly. Vacancies shall be filled by appointment by the Governor for the unexpired term and shall be effective until 30 days after the next meeting of the ensuing General Assembly and, if confirmed, thereafter for the remainder of the term. No member shall be eligible to serve more than two consecutive four-year terms. The remainder of any term for which a member is appointed to fill a vacancy shall not constitute a term in determining that member's eligibility for reappointment. No member of a governing body of a locality shall be eligible, during the term of office for which he was elected or appointed, to serve as an appointed member of the Board. The Director shall serve terms coincident with his term of office.

C. The Director of the Department shall serve as chairman of the Board. The Board shall annually elect from among its members a vice-chairman and a secretary. The Board shall also annually elect a treasurer, who need not be a member of the Board, and may also elect other subordinate officers who need not be a member of the Board, as it deems proper. The chairman or, in his absence, the vice-chairman shall preside at all meetings of the Board. In the absence of both the chairman and vice-chairman, the Board shall appoint a chairman pro tempore, who shall preside at such meetings.

D. Seven members shall constitute a quorum for the transaction of the Authority's business, and no vacancy in the membership shall impair the right of a quorum to exercise all the rights and perform all the duties of the Authority. All actions of the Board shall require the affirmative vote of a majority of the members present and voting, except that the sale of land or issuance of bonds shall require an affirmative vote of nine members present and voting.

E. The Board shall meet at least once quarterly. The Board shall determine the times and places of its regular meetings. Special meetings of the Board shall be held when requested by three or more members of the Board. Any such request for a special meeting shall be in writing, and the request shall specify the time and place of the meeting and the matters to be considered at the meeting. A reasonable effort shall be made to provide each member with notice of any special meeting. No matter not specified in the notice shall be considered at such special meeting unless all members of the Board are present.

F. The members of the Board shall be entitled to reimbursement for their reasonable travel, meal, and lodging expenses incurred in attending the meetings of the Board or while otherwise engaged in the discharge of their duties. Such expenses shall be paid out of the treasury of the Authority upon vouchers signed by the chairman of the Board or by such other person or persons as may be designated by the Board for this purpose.

§ 33.2-290. Executive Director; agents and employees.

A. The Board shall employ an Executive Director of the Authority, who shall not be a member of the Board and who shall serve at the pleasure of the Board, to direct the day-to-day operations and activities of the Authority and carry out the powers and duties conferred upon him as may be delegated to him by the Board. The Executive Director's compensation from the Commonwealth shall be fixed by the Board in accordance with law. This compensation shall be established at a level that will enable the Authority to attract and retain a capable Executive Director.

B. The Executive Director shall employ or retain such other agents or employees subordinate to the Executive Director as may be necessary, subject to the Board's approval.

C. Employees of the Authority shall be employed on such terms and conditions as established by the Authority and shall be considered employees of the Commonwealth. Employees of the Authority shall be eligible for membership in the Virginia Retirement System or other retirement plans authorized by Article 4 (§ 51.1-125 et seq.) of Chapter 1 of Title 51.1 and participation in all health and related insurance and other benefits, including premium coverage and flexible benefits, available to state employees and provided by law. The Board shall develop and adopt personnel rules, policies, and procedures to give its employees grievance rights, ensure that employment decisions shall be based upon merit and fitness of applicants, and prohibit discrimination on the basis of race, religion, color, national origin, sex, pregnancy, childbirth or related medical conditions, age, sexual orientation, marital status, or disability. Notwithstanding any other provision of law, the Board shall develop, implement, and administer a paid leave program, which may include annual, personal, and sick leave or any combination thereof. All other leave benefits shall be administered in accordance with Chapter 11 (§ 51.1-1100 et seq.) or Chapter 11.1 (§ 51.1-1150 et seq.) of Title 51.1, except as otherwise provided in this section.

§ 33.2-291. Local authorities subordinate to Authority.

Any conflict between any authority granted to localities or other entities of the Commonwealth, other than the Transportation Board and the Department, with respect to the ownership or use of rail facilities or the provision of passenger rail service, or the exercise of that authority, and the exercise of the authority granted by the Board under this article shall be resolved in favor of the exercise of such authority by the Board. Rights-of-way transferred to the Authority from a railroad shall not be subject to the requirements of any local ordinances enacted pursuant to Chapter 22 (§ 15.2-2200 et seq.) of Title 15.2.

§ 33.2-292. Powers of the Authority.

A. The Authority, in addition to other powers enumerated in this article, is hereby granted and shall have and may exercise all powers necessary or convenient for the carrying out of its statutory purposes, including, but without limiting the generality of the foregoing, the power to:

- 1. Make and adopt bylaws, rules, and regulations;*
- 2. Adopt, use, and alter at will a common seal;*
- 3. Maintain offices;*

4. Sue and be sued, implead and be impleaded, complain, and defend in all courts in its own name; however, this shall not be deemed a waiver or relinquishment of any sovereign immunity to which the Authority or its officers, directors, employees, or agents are otherwise entitled;

5. Grant others the privilege to design, build, finance, operate, and maintain rail facilities;

6. Grant others the privilege to operate concessions, leases, and franchises, including but not limited to the accommodation and comfort of persons using rail facilities and the provision of ground transportation services and parking facilities for such persons;

7. Borrow money and issue bonds to finance and refinance rail facilities pursuant to § 33.2-294; and pledge or otherwise encumber all or any of the revenues or receipts of the Authority as security for all or any of the obligations of the Authority, subject to the limitations in subsection J of § 33.2-294;

8. Fix, alter, charge, and collect fees, rates, rentals, and other charges for the use of rail facilities, the sale of products, or services rendered by the Authority at rates to be determined by it for the purpose of providing for the payment of (i) expenses of the Authority; (ii) the costs of planning, development, construction, improvement, rehabilitation, repair, furnishing, maintenance, and operation of its rail facilities and properties; (iii) the costs of accomplishing its purposes set forth in § 33.2-288; and (iv) the principal of and interest on its obligations, and the funding of reserves for such purposes, and the costs of maintaining, repairing, and operating any rail facilities and fulfilling the terms and provisions of any agreement made with the purchasers or holders of any such obligations;

9. Make and enter into all contracts and agreements necessary or incidental to the performance of its duties, the furtherance of its purposes, and the execution of its powers under this article, including agreements with any person, federal agency, other state, or political subdivision of the Commonwealth;

10. Employ, in its discretion, consultants, attorneys, architects, engineers, accountants, financial experts, investment bankers, superintendents, managers, and such other employees and agents as may be necessary and fix their compensation to be payable from funds lawfully available to the Authority;

11. Appoint advisory committees as may be necessary for the performance of its duties, the furtherance of its purposes, and the execution of its powers under this article;

12. Vacate or change location of any portion of any public highway, street, public way, public utility, sewer, pipe, main, conduit, cable, wire, tower pole, or other equipment of the Commonwealth and its political subdivisions and reconnect the same in a new location;

13. Enter upon lands, waters, and premises for surveys, soundings, borings, examinations, and other activities as may be necessary for the performance of its duties;

14. Receive and accept from any federal or private agency, foundation, corporation, association, or person grants, donations of money or real or personal property for the benefit of the Authority and receive and accept from the Commonwealth or any state, and any municipality, county, or other political subdivision thereof and from any other source, aid or contributions of either money, property, or other things of value to be held, used, and applied for the purposes for which such grants and contributions may be made, provided that any federal moneys so received and accepted shall be accepted and expended by the Authority upon such terms and conditions as are prescribed by the United States and as are consistent with the laws of the Commonwealth and any state moneys so received shall be accepted and expended by the Authority upon such terms and conditions as are prescribed by the Commonwealth;

15. Accept loans from the federal government, the state government, regional authorities, localities, and private sources, provided that any federal moneys so accepted shall be accepted and expended by the Authority upon such terms and conditions as are prescribed by the United States and as are consistent with laws of the Commonwealth and any state moneys so accepted shall be accepted and expended by the Authority upon such terms and conditions as are prescribed by the Commonwealth;

16. Lease or sell and convey the airspace superadjacent or subadjacent to any rail facility owned by the Authority;

17. Pledge or otherwise encumber all or any of the revenues or receipts of the Authority as security for all or any of the obligations of the Authority;

18. Participate in joint ventures with individuals, domestic or foreign stock and nonstock corporations, limited liability companies, partnerships, limited partnerships, associations, foundations, or other supporting organizations or other entities for providing passenger rail or related services or other activities that the Authority may undertake to the extent that such undertakings assist the Authority in carrying out the purposes and intent of this article;

19. Act as a "responsible public entity" for the purposes of the acquisition, construction, improvement, maintenance, or operation, or any combination thereof, of a "qualifying transportation facility" under the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.); and

20. Undertake all actions necessary and convenient to carry out the powers granted herein.

B. Notwithstanding the provisions of this section, the Authority shall not directly operate any passenger, commuter, or other rail service.

§ 33.2-293. Acquisition, possession, and disposition of rail facilities; eminent domain.

A. The Authority shall have the right to acquire by purchase, lease, or grant rail facilities and other lands, structures, property, both real and personal, tangible and intangible, rights, rights-of-way, franchises, easements, and other interests therein, whether located within or not within the geographic boundaries of the Commonwealth, for the construction, operation, maintenance, and use of rail facilities.

B. The Authority shall have the right to hold and dispose of rail facilities and other lands, structures, property, both real and personal, tangible and intangible, rights, rights-of-way, franchises, easements, and other interests therein in the exercise of its powers and the performance of its duties under this article, including but not limited to the sale, exchange, lease, mortgage, or pledge of such property or interest therein, provided that any such disposition that involves property or interests with a fair market value in excess of \$5 million shall require the consent of the Transportation Board.

C. The Commonwealth and any agencies or political subdivisions thereof may provide services, donate, lease, sell, convey, or otherwise transfer, with or without consideration or for minimal consideration, real or personal property and make appropriations to the Authority for the design, acquisition, construction, equipping, maintenance, and operation of rail facilities and may issue bonds in the manner provided in the Public Finance Act (§ 15.2-2600 et seq.) or in its municipal charter for the purpose of providing funds to be appropriated to the Authority; the Authority may agree to assume, or reimburse such a political subdivision for, any indebtedness incurred by such political subdivision with respect to facilities conveyed by it to the Authority.

D. The Authority is authorized to acquire by the exercise of the power of eminent domain any lands, property rights, rights-of-way, franchises, easements, and other property, including public lands, parks, playgrounds, reservations, highways, or parkways, or parts thereof or rights therein, of any person, partnership, association, railroad, public service, public utility, or other corporation, or of any municipality, county, or other political subdivision, deemed necessary for the construction or the efficient operation of rail facilities or necessary in the restoration, replacement, or relocation of public or private property damaged or destroyed whenever a reasonable price cannot be agreed upon with the governing body of such municipality, county, or other political subdivision as to such property owned by it or whenever the Authority cannot agree on the terms of purchase or settlement with the other owners because of the incapacity of such owners, because of the inability to agree on the compensation to be paid or other terms of settlement or purchase, or because such owners are nonresidents of the Commonwealth, are unknown, or are unable to convey valid title to such property. Such proceedings shall be in accordance with and subject to the provisions of any and all laws of the Commonwealth applicable to the

exercise of the power of eminent domain and subject to the provisions of Chapter 2 (§ 25.1-200 et seq.) of Title 25.1. Title to any property condemned by the Authority shall immediately vest in the Authority, and the Authority shall be entitled to the immediate possession of such property upon the deposit with the clerk of the court in which such condemnation proceedings are originated of the total amount of the appraised price of the property and court costs and fees as provided by law, notwithstanding that any of the parties to such proceedings may appeal from any decision in such condemnation proceedings. Whenever the Authority makes such deposit in connection with any condemnation proceedings, the making of such deposit shall not preclude the Authority from appealing any decision rendered in such proceedings. Upon the deposit with the clerk of the court of the appraised price, any person entitled thereto may, upon petition to the court, be paid his or their pro rata share of 100 percent of such appraised price. The acceptance of such payment shall not preclude such person from appealing any decision rendered in such proceedings. If the appraisal is greater or less than the amount finally determined by the decision in such proceedings or by an appeal, the amount of the increase or decrease shall be paid or refunded to the Authority.

E. The acquisition of any such property by condemnation or by the exercise of the power of eminent domain for the purposes provided herein shall be and is declared to be a public use of such property.

F. For purposes of this section, the terms "appraised price" and "appraisal" mean the value determined by two competent real estate appraisers appointed by the Authority for such purposes.

§ 33.2-294. Issuance of bonds.

A. The Authority may issue bonds from time to time in its discretion, for any of its purposes, including the payment of all or any part of the cost of rail facilities. Notwithstanding the foregoing, any bonds issued to pay for the initial funding of capital projects shall be limited to financing capital expenditures and projects submitted for approval by the Transportation Board as set forth in § 33.2-298.

B. The Authority may issue refunding bonds for the purpose of refunding any bonds then outstanding that shall have been issued under the provisions of this article, including the payment of any redemption premium thereon and any interest accrued or to accrue to the date fixed for redemption of such bonds. The issuance of such bonds, the maturities and other details thereof, the rights of the holders thereof, and the rights, duties, and obligations of the Authority in respect of the same shall be governed by the provisions of this article insofar as the same may be applicable.

C. The bonds of each issue shall be dated such date as may be determined by the Authority; shall bear interest at such rate or rates as shall be fixed by the Authority, or as may be determined in such manner as the Authority may provide, including the determination by agents designated by the Authority under guidelines established by the Authority; shall mature at such time or times not exceeding 40 years from their date or dates, as may be determined by the Authority; and may be made redeemable before maturity, at the option of the Authority, at such price or prices and under such terms and conditions as may be fixed by the Authority prior to the issuance of the bonds.

D. The Authority shall determine the form of the bonds and manner of execution of the bonds and shall fix the denomination or denominations of the bonds and the place or places of payment of principal and interest, which may be at any bank or trust company within or outside the Commonwealth. The bonds shall be signed by the chairman or vice-chairman of the Authority or, if so authorized by the Authority, shall bear his facsimile signature and the official seal of the Authority, or, if so authorized by the Authority, a facsimile thereof shall be impressed or imprinted thereon and attested by the secretary or any assistant secretary of the Authority, or, if so authorized by the Authority, with the facsimile signature of such secretary or assistant secretary. Any coupons attached to bonds issued by the Authority shall bear the signature of the chairman or vice-chairman of the Authority or a facsimile thereof. In case any officer whose signature or a facsimile of whose signature shall appear on any bonds or coupons shall cease to be such officer before the delivery of such bonds, such signature or facsimile shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery, and any bonds may bear the facsimile signature of, or may be signed by, such persons as at the actual time of the execution of such bonds shall be the proper officers to sign such bonds although at the date of such bonds such persons may not have been such officers.

E. The bonds may be issued in coupon or in registered form, or both, as the Authority may determine, and provision may be made for the registration of any coupon bonds as to principal alone and also as to both principal and interest, for the reconversion into coupon bonds of any bonds registered as to both principal and interest, and for the interchange of registered and coupon bonds. Bonds issued in registered form may be issued under a system of book-entry for recording the ownership and transfer of ownership of rights to receive payment of principal of, and premium on, if any, and interest on such bonds. The Authority may contract for the services of one or more banks, trust companies, financial institutions, or other entities or persons, within or outside the Commonwealth, for the authentication, registration, transfer, exchange, and payment of the bonds or may provide such services itself. The Authority may sell such bonds in such manner, either at public or private sale, and for such price as it may determine will best effect the purposes of this article.

F. The proceeds of the bonds of each issue shall be used solely for the purposes, and in furtherance of the powers, of the Authority as may be provided in the resolution authorizing the issuance of such bonds or in the trust agreement hereinafter mentioned securing the same.

G. In addition to the above powers, the Authority shall have the authority to issue interim receipts or temporary bonds as provided in § 15.2-2616 and to execute and deliver new bonds in place of bonds mutilated, lost, or destroyed as provided in § 15.2-2621.

H. All expenses incurred in carrying out the provisions of this article shall be payable solely from funds available pursuant to the provisions of this article, and no liability shall be incurred by the Authority hereunder beyond the extent to which moneys shall have been provided or received under the provisions of this article.

I. At the discretion of the Authority, any bonds issued under the provisions of this article may be secured by a trust indenture or agreement by and between the Authority and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or outside the Commonwealth. Such trust indenture or agreement or the resolution providing for the issuance of such bonds may pledge or assign the revenues to be received and provide for the mortgage of any rail facilities or property or any part thereof. Such trust indenture or agreement or resolution providing for the issuance of such bonds may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law, including covenants providing for the repossession and sale by the Authority or any trustees under any trust indenture or agreement of any rail facilities, or part thereof, upon any default under the lease or sale of such rail facilities, setting forth the duties of the Authority in relation to the acquisition of property and the planning, development, acquisition, construction, rehabilitation, establishment, improvement, extension, enlargement, maintenance, repair, operation, and insurance of the rail facilities in connection with which such bonds shall have been authorized; the amounts of rates, rents, fees, and other charges to be charged; the collection of such rates, rents, fees, and other charges; the custody, safeguarding, and application of all moneys; and conditions or limitations with respect to the issuance of additional bonds. It is lawful for any national bank with its main office in the Commonwealth or any other state or any bank or trust company incorporated under the laws of the Commonwealth or another state that may act as depository of the proceeds of bonds or of revenues to furnish such indemnifying bonds or to pledge such securities as may be required by the Authority. Any such trust indenture or agreement or resolution may set forth the rights of action by bondholders. In addition to the foregoing, any such trust indenture or agreement or resolution may contain such other provisions as the Authority may deem reasonable and proper for the security of the bondholders, including, without limitation, provisions for the assignment to a corporate trustee or escrow agent of any rights of the Authority in any project owned by, or leases or sales of any rail facilities made by, the Authority. All expenses incurred in carrying out the provisions of such trust indenture or agreement or resolution or other agreements relating to any rail facilities, including those to which the Authority may not be a party, may be treated as a part of the cost of the operation of the rail facilities.

J. No obligation of the Authority shall be deemed to constitute a debt, or pledge of the faith and credit, of the Commonwealth or of any other political subdivision thereof but shall be payable solely from the revenues and other funds of the Authority pledged thereto, excluding revenues provided from the Commonwealth Rail Fund pursuant to § 33.2-1526.4. All such obligations shall contain on the face thereof a statement to the effect that the Commonwealth, any political subdivision thereof, and the Authority shall not be obligated to pay the same or the interest thereon except from revenues and other funds of the Authority pledged thereto, and that neither the faith and credit nor the taxing power of the Commonwealth or of any political subdivision thereof is pledged to the payment of the principal of or the interest on such obligations.

K. Any bonds or refunding bonds issued under the provisions of this article and any transfer of such bonds shall at all times be free from Commonwealth and local taxation. The interest on the bonds and any refunding bonds or bond anticipation notes shall at all times be exempt from taxation by the Commonwealth and by any political subdivision thereof.

L. Neither the directors of the Board nor any person executing the bonds shall be liable personally on the bonds by reason of the issuance thereof.

M. Any holder of bonds issued under the provisions of this article or any of the coupons appertaining thereto, and the trustee under any trust indenture or agreement or resolution, except to the extent the rights herein given may be restricted by such trust indenture or agreement or resolution authorizing the issuance of such bonds, may either at law or in equity, by suit, action, mandamus, or other proceeding, protect and enforce any and all rights under the laws of the Commonwealth or granted hereunder or under such trust indenture or agreement or resolution and may enforce and compel the performance of all duties required by this article or by such trust indenture or agreement or resolution to be performed by the Authority or by any officer thereof, including the fixing, charging, and collecting of rates, rentals, fees, and other charges.

N. Provision may be made in the proceedings authorizing refunding bonds for the purchase of the refunded bonds in the open market or pursuant to tenders made from time to time where there is available in the escrow or sinking fund for the payment of the refunded bonds a surplus in an amount to be fixed in such proceedings.

O. 1. The Authority is hereby authorized to apply for, execute, and/or endorse applications submitted by private entities or political subdivisions of the Commonwealth to obtain federal credit assistance for one or more qualifying transportation infrastructure projects or facilities to be developed pursuant to the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.). Any such application, agreement, and/or endorsement shall not financially obligate the Commonwealth or be construed to implicate the credit of the Commonwealth as security for any such federal credit assistance.

2. The Authority is hereby authorized to pursue or otherwise apply for, and execute, an agreement to obtain financing using a federal credit instrument for project financings otherwise authorized by this article or other acts of assembly.

§ 33.2-295. Deposit and investment of funds.

Bonds issued by the Authority under the provisions of this article are hereby made securities in which all public officers and public bodies of the Commonwealth and its political subdivisions, and all insurance companies, trust companies, banking associations, investment companies, executors, administrators, trustees, and other fiduciaries may

properly and legally invest funds, including capital in their control or belonging to them. Such bonds are hereby made securities that may properly and legally be deposited with and received by any state or municipal officer or any agency or political subdivision of the Commonwealth for any purpose for which the deposit of bonds or obligations of the Commonwealth is now or may hereafter be authorized by law.

§ 33.2-296. Revenues of the Authority.

All moneys received by the Authority pursuant to this article including, without limitation, moneys received from the Commonwealth Rail Fund established pursuant to § 33.2-1526.4, whether as proceeds from the sale of bonds or as revenues, shall be deemed to be trust funds to be held and applied solely as provided in this article. The resolution authorizing the bonds of any issue or the trust indenture or agreement or resolution securing such bonds shall provide that any officer with whom, or any bank or trust company with which, such moneys shall be deposited shall act as a trustee of such moneys and shall hold and apply the same for the purposes hereof, subject to such regulations as this article and such trust indenture or agreement or resolution may provide.

§ 33.2-297. Moneys of Authority.

All moneys of the Authority, from whatever source derived, shall be paid to the treasurer of the Authority. Such moneys shall be deposited in the first instance by the treasurer in one or more banks or trust companies, in one or more special accounts. All banks and trust companies are authorized to give such security for such deposits, if required by the Authority. The moneys in such accounts shall be paid out on the warrant or other order of such person or persons as the Authority may authorize to execute such warrants or orders.

§ 33.2-298. Annual budget.

The Authority shall prepare and submit a detailed annual operating plan and budget to the Transportation Board by February 1 of each fiscal year. The Authority shall also prepare and submit for approval any proposed capital expenditures and projects for the following fiscal year to the Transportation Board by February 1. The Transportation Board shall have until May 30 to approve or deny any capital expenditures, and, in the event the Transportation Board has not approved or denied the Authority's proposed capital expenditures by such deadline, such expenditures shall be deemed approved. The operating plan and budget shall be in a form prescribed by the Transportation Board and shall include information on expenditures, indebtedness, and other information as prescribed by the Transportation Board.

§ 33.2-299. Recordkeeping; audits.

A. The accounts and records of the Authority showing the receipt and disbursement of funds from whatever source derived shall be in a form prescribed by governmental generally accepted accounting principles. Such accounts shall correspond as nearly as possible to the accounts and records for such matters maintained by enterprises.

B. The accounts of the Authority shall be audited annually by a certified public accounting firm selected by the Auditor of Public Accounts with the assistance of the Authority through a process of competitive negotiation. The cost of such audit and review shall be borne by the Authority.

C. The Authority shall submit an annual report to the Governor and the General Assembly on or before November 1 of each year. Such report shall contain the audited financial statements of the Authority for the fiscal year ending the preceding June 30.

D. The Board, the General Assembly, or the Governor may at any time request that the Office of the State Inspector General, created pursuant to § 2.2-308, review any area of the Authority's finances or operations.

§ 33.2-299.1. Exemption of Authority from personnel and procurement procedures.

The provisions of the Virginia Personnel Act (§ 2.2-2900 et seq.) and the Virginia Public Procurement Act (§ 2.2-4300 et seq.) shall not apply to the Authority in the exercise of any power conferred under this article. The Authority shall develop and adopt rules governing their procurement procedures. However, such rules adopted for the procurement of professional services with a cost expected to exceed \$80,000 shall be consistent with the provisions of §§ 2.2-4302.2, 2.2-4303.1 and 2.2-4303.2. The initial rules shall be adopted by the Board no later than six months after the first meeting of the Board.

§ 33.2-299.2. Police powers; Authority rules and regulations.

The Authority is empowered to adopt and enforce reasonable rules and regulations governing any and all activities using Authority property. Such rules and regulations shall have the force and effect of law after publication one time in full in a newspaper of general circulation in the county or city where the affected property is located.

§ 33.2-299.3. Governmental function; exemption from taxation.

The exercise of the powers granted by this article will be in all respects for the benefit of the people of the Commonwealth, for the increase of their commerce and prosperity, and for the improvement of their health and living conditions, and as the operation and maintenance of rail facilities by the Authority and the undertaking of activities in the furtherance of the purposes of the Authority will constitute the performance of the essential governmental functions, the Authority shall not be required to pay any taxes or assessments upon any rail facilities or any property acquired or used by the Authority under the provisions of this article or upon the income therefrom, including sales and use taxes on the tangible personal property used in the operations of the Authority. The exemption hereby granted shall not be construed to extend to persons conducting on the premises of any rail facility businesses for which local or state taxes would otherwise be required.

§ 33.2-299.4. Cooperation with federal agencies.

The Authority is empowered to cooperate with, and act as an agent for, the United States or any agency, department, corporation, or instrumentality thereof in the maintenance, development, improvement, and use of rail facilities of the Commonwealth and in any other matter within the purposes, duties, and powers of the Authority.

§ 33.2-299.5. Continuing responsibilities of the Transportation Board and the Department.

The Transportation Board and the Department shall cooperate and assist the Authority in the accomplishment of its purposes as set forth in § 33.2-288.

§ 33.2-299.6. Dissolution of Authority.

Whenever the Board determines that the purposes for which it was created have been substantially fulfilled or are impractical or impossible to accomplish and that all bonds theretofore issued and all other obligations therefore incurred by the Authority have been paid or that cash or a sufficient amount of United States government securities has been deposited for their payment, and upon the approval of the Governor and the General Assembly, the Board may adopt resolutions or ordinances declaring and finding that the Authority should be dissolved and that appropriate articles of dissolution shall be filed with the State Corporation Commission. Upon the filing of such articles of dissolution by the Authority, such dissolution shall become effective and the title to all funds and other property owned by the Authority at the time of such filing shall vest in the Department.

§ 33.2-299.7. Exclusions from the Virginia Freedom of Information Act; proprietary records and trade secrets.

A. Notwithstanding the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.), the Authority shall keep confidential trade secrets or confidential proprietary information, not publicly available, provided by a private person or entity pursuant to a promise of confidentiality where if such information were made public, the financial interest of the private person or entity could be adversely affected. In order for trade secrets or proprietary information to be excluded from the provisions of the Virginia Freedom of Information Act, the private person or entity shall (i) invoke such exclusion upon submission of the data or other materials for which protection from disclosure is sought, (ii) identify the data or other materials for which protection is sought, and (iii) state the reason why protection is necessary.

B. Notwithstanding the provisions of the Virginia Freedom of Information Act, the Authority shall keep confidential information submitted by a private person, entity, or other party in negotiations with the Authority, where if such information was made public prior to the execution of a business arrangement, the financial interests of bargaining positions of the public or private entity would be adversely affected.

§ 33.2-299.8. Liberal construction.

Neither this article nor anything herein contained is or shall be construed as a restriction or limitation upon any powers that the Authority might otherwise have under any laws of the Commonwealth, and this article is cumulative to any such powers. This article does and shall be construed to provide a complete, additional, and alternative method for the doing of things authorized thereby and shall be regarded as supplemental and additional to power conferred by other laws. However, except as otherwise explicitly provided herein, the issuance of bonds, notes, and other obligations and refunding bonds under the provisions of this article need not comply with the requirements of any other law of the Commonwealth applicable to the issuance of bonds, notes, and other obligations. No proceedings, notice, or approval shall be required for the issuance of any bonds, notes, and other obligations or any instrument as security therefor, except as is provided in this article.

§ 33.2-356. Funding for extraordinary repairs.

Notwithstanding any contrary provision of this Code, the Board has the authority to provide, from revenues available for ~~highway capital improvements under § 33.2-1526~~ construction programs pursuant to § 33.2-358, except for revenues pledged to secure any bonds issued for transportation purposes, for exceptionally heavy expenditures for repairs or replacements made necessary by highway damage resulting from extraordinary accidents, vandalism, weather conditions, or acts of God as well as to respond to federal funding initiatives that require matching funds.

§ 33.2-357. Revenue-sharing funds for systems in certain localities.

A. From revenues made available by the General Assembly and appropriated for the improvement, construction, reconstruction, or maintenance of the systems of state highways, the Board may make an equivalent matching allocation to any locality for designations by the governing body of up to \$5 million for use by the locality to improve, construct, maintain, or reconstruct the highway systems within such locality with up to \$2.5 million for use by the locality to maintain the highway systems within such locality. After adopting a resolution supporting the action, the governing body of the locality may request revenue-sharing funds to improve, construct, reconstruct, or maintain a highway system located in another locality or between two or more localities or to bring subdivision streets, used as such prior to the date specified in § 33.2-335, up to standards sufficient to qualify them for inclusion in the primary or secondary state highway system. All requests for funding shall be accompanied by a prioritized listing of specified projects.

B. In allocating funds under this section, the Board shall give priority to projects as follows: first, to projects that have previously received an allocation of funds pursuant to this section; second, to projects that (i) meet a transportation need identified in the Statewide Transportation Plan pursuant to § 33.2-353 or (ii) accelerate a project in a locality's capital plan; and third, to projects that address pavement resurfacing and bridge rehabilitation projects where the maintenance needs analysis determines that the infrastructure does not meet the Department's maintenance performance targets.

C. The Department shall contract with the locality for the implementation of the project. Such contract may cover either a single project or may provide for the locality's implementation of several projects. The locality shall undertake implementation of the particular project by obtaining the necessary permits from the Department in order to ensure that the

improvement is consistent with the Department's standards for such improvements. At the request of the locality, the Department may provide the locality with engineering, right-of-way acquisition, construction, or maintenance services for a project with its own forces. The locality shall provide payment to the Department for any such services. If administered by the Department, such contract shall also require that the governing body of the locality pay to the Department within 30 days the local revenue-sharing funds upon written notice by the Department of its intent to proceed. Any project having funds allocated under this program shall be initiated in such a fashion that at least a portion of such funds have been expended within one year of allocation. Any revenue-sharing funds for projects not initiated after two subsequent fiscal years of allocation may be reallocated at the discretion of the Board.

D. Total Commonwealth funds allocated by the Board under this section shall not exceed the greater of \$100 million or seven percent of funds available for distribution pursuant to subsection *B* of § 33.2-358 prior to the distribution of funds pursuant to this section, whichever is greater, in each fiscal year, subject to appropriation for such purpose. For any fiscal year in which less than the full program allocation has been allocated by the Board to specific governing bodies, those localities requesting the maximum allocation under subsection A may be allowed an additional allocation at the discretion of the Board.

E. The funds allocated by the Board under this section shall be distributed and administered in accordance with the revenue-sharing program guidelines established by the Board.

§ 33.2-358. Allocation of funds to programs.

A. For the purposes of this section:

"Bridge reconstruction and rehabilitation" means reconstruction and rehabilitation of those bridges identified by the Department as being functionally obsolete or structurally deficient.

"High priority projects" means those projects of regional or statewide significance identified by the Board that reduce congestion, increase safety, create jobs, or increase economic development.

"High-tech infrastructure improvements" means those projects or programs identified by the Board that reduce congestion, improve mobility, improve safety, provide up-to-date travel data, or improve emergency response.

B. The Board shall allocate each year from all funds made available for highway purposes such amount as it deems reasonable and necessary for the maintenance of roads within the Interstate System, the primary state highway system, and the secondary state highway system and for city and town street maintenance payments made pursuant to § 33.2-319 and payments made to counties that have withdrawn or elect to withdraw from the secondary state highway system pursuant to § 33.2-366.

C. Until July 1, 2020, after funds are set aside for administrative and general expenses and pursuant to other provisions in this title that provide for the disposition of funds prior to allocation for highway purposes, and after allocation is made pursuant to subsection B, the Board shall allocate an amount determined by the Board not to exceed \$500 million in any given year as follows: (i) 25 percent to bridge reconstruction and rehabilitation; (ii) 25 percent to advancing high priority projects statewide; (iii) 25 percent to reconstructing deteriorated Interstate System, primary state highway system, and municipality maintained primary extension pavements determined to have a Combined Condition Index of less than 60; (iv) 15 percent to projects undertaken pursuant to the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.); (v) five percent to paving or improving unpaved highways carrying more than 50 vehicles per day; and (vi) five percent to the Innovation and Technology Transportation Fund established pursuant to § 33.2-1531 for high-tech infrastructure improvements, provided that at the discretion of the Board such percentages of funds may be adjusted in any given year to meet project cash flow needs or when funds cannot be expended due to legal, environmental, or other project management considerations. After such allocations are made, the Board may allocate each year up to 10 percent of the funds remaining for highway purposes for the undertaking and financing of rail projects that in the Board's determination will result in mitigation of highway congestion. After the foregoing allocations have been made, the Board shall allocate the remaining funds available for highway purposes, exclusive of federal funds for the Interstate System, pursuant to § 33.2-360 and any funds not allocated to a project in the Six-Year Improvement Program as follows:

50 percent for the high-priority projects program established pursuant to § 33.2-370 and 50 percent for the highway construction district grant programs established pursuant to § 33.2-371.

D. For funds allocated for fiscal years beginning on and after July 1, 2020, after B. After funds are set aside for administrative and general expenses and pursuant to other provisions in this title that provide for the disposition of funds prior to allocation for highway purposes *construction programs*, and after allocation is made pursuant to subsection B A, the Board shall allocate all remaining funds, including funds apportioned pursuant to 23 U.S.C. § 104, or any successor programs, as follows:

1. ~~Forty-five~~ *Thirty* percent of the remaining funds to state of good repair purposes as set forth in § 33.2-369;
2. ~~Twenty-seven and one-half~~ *Twenty* percent of the remaining funds to the high-priority projects program established pursuant to § 33.2-370; and
3. ~~Twenty-seven and one-half~~ *Twenty* percent of the remaining funds to the highway construction district grant programs established pursuant to ~~§ 33.2-371~~ § 33.2-371;
4. *Twenty percent of the remaining funds to the Interstate Operations and Enhancement Program established pursuant to § 33.2-372; and*
5. *Ten percent of the remaining funds to the Virginia Highway Safety Improvement Program established pursuant to § 33.2-373.*

E. The funds allocated in subsection C or D shall not include any federal funds and related state match for federal funds with restrictions regarding the construction of general capacity expansion of roadways, or federal funds not under the control of the Board. Such exclusion shall not include restrictions on the location of projects to specific road classifications. C. The funds allocated in subsection B shall not include the following funds: Congestion Mitigation Air Quality funds apportioned to the state pursuant to 23 U.S.C. § 104(b)(4), or any successor program, and any state matching funds; Surface Transportation Block Grant set-aside for Transportation Alternatives pursuant to 23 U.S.C. § 213, or any successor program, and any state matching funds; Surface Transportation Block Grant Program funds subject to 23 U.S.C. § 133(d)(1)(A)(i), or any successor program, and any state matching funds; and funds received pursuant to federal programs established by the federal government after June 30, 2020, with specific rules that include major restrictions on the types of projects that may be funded, excluding restrictions on the location of projects with regard to highway functional or administrative classification or population, provided such funds are under the control of the Board.

F. D. In addition, the Board, from funds appropriated for such purpose in the general appropriation act, shall allocate additional funds to the Cities of Newport News, Norfolk, and Portsmouth and the County of Warren in such manner and apportion such funds among such localities as the Board may determine, unless otherwise provided in the general appropriation act. The localities shall use such funds to address highway maintenance and repair needs created by or associated with port operations in those localities.

G. E. Notwithstanding the provisions of this section, the General Assembly may, through the general appropriation act, permit the Governor to increase the amounts to be allocated to highway maintenance, highway construction, either or both.

§ 33.2-365. Allocation of proceeds of Commonwealth of Virginia Transportation Capital Projects Revenue Bonds.

The Board shall allocate, use, and distribute the proceeds of any bonds it is authorized to issue on or after July 1, 2007, pursuant to subdivision 10 of § 33.2-1701, as follows:

1. A minimum of 20 percent of the bond proceeds shall be used for transit capital as further described in ~~subdivision A 4 e of § 58.1-638~~ § 33.2-1526.2.

2. A minimum of 4.3 percent of the bond proceeds shall be used for rail capital consistent with the provisions of ~~§§ 33.2-1604~~ 33.2-1526.2 and 33.2-1602.

3. The remaining amount of bond proceeds shall be used for paying the costs incurred or to be incurred for construction of transportation projects with such bond proceeds used or allocated as follows: (i) first, to match federal highway funds projected to be made available and allocated to highway and public transportation capital projects to the extent determined by the Board, for purposes of allowing additional state construction funds to be allocated pursuant to § 33.2-358; (ii) second, to provide any required funding to fulfill the Commonwealth's allocation of equivalent revenue sharing matching funds pursuant to § 33.2-357 to the extent determined by the Board; and (iii) third, to pay or fund the costs of statewide or regional projects throughout the Commonwealth. Costs incurred or to be incurred for construction or funding of these transportation projects shall include environmental and engineering studies; rights-of-way acquisition; improvements to all modes of transportation; acquisition, construction, and related improvements; and any financing costs or other financing expenses relating to such bonds. Such costs may include the payment of interest on such bonds for a period during construction and not exceeding one year after completion of construction of the relevant project.

4. The total amount of bonds authorized shall be used for purposes of applying the percentages in subdivisions 1, 2, and 3.

§ 33.2-366. Funds for counties that have withdrawn or elect to withdraw from the secondary state highway system.

Pursuant to subsection ~~B A~~ of § 33.2-358, the Board shall make the following payments to counties that have withdrawn or elect to withdraw from the secondary state highway system under the provisions of § 11 of Chapter 415 of the Acts of Assembly of 1932 and that have not elected to return: to any county having withdrawn prior to June 30, 1985, and having an area greater than 100 square miles, an amount equal to \$12,529 per lane-mile for fiscal year 2014, and to any county having an area less than 100 square miles, an amount equal to \$17,218 per lane-mile for fiscal year 2014; to any county that elects to withdraw after June 30, 1985, the Board shall establish a rate per lane-mile for the first year using (i) an amount for maintenance based on maintenance standards and unit costs used by the Department to prepare its secondary state highway system maintenance budget for the year in which the county withdraws and (ii) an amount for administration equal to five percent of the maintenance figure determined in clause (i). The payment rates shall be adjusted annually by the Board in accordance with procedures established for adjusting payments to cities and towns under § 33.2-319, and lane mileage shall be adjusted annually to include (a) streets and highways accepted for maintenance in the county system by the local governing body or (b) streets and highways constructed according to standards set forth in the county subdivision ordinance or county thoroughfare plan, and being not less than the standards set by the Department. Such counties shall be eligible to receive allocations pursuant to subsection ~~C or D B~~ of § 33.2-358.

Payment of the funds shall be made in four equal sums, one in each quarter of the fiscal year.

The chief administrative officer of such counties receiving such funds shall make annual reports of expenditures to the Board, in such form as the Board shall prescribe, accounting for all expenditures, including delineation between construction and maintenance expenditures and reporting on their performance as specified in subsection B of § 33.2-352. Such reports shall be included in the scope of the annual audit of each county conducted by independent certified public accountants.

§ 33.2-372. Interstate Operations and Enhancement Program.

A. The Board shall establish the Interstate Operations and Enhancement Program (the Program) to improve the safety, reliability, and travel flow along interstate highway corridors in the Commonwealth.

B. The Board may use funds in the Program to address identified needs in the Statewide Transportation Plan pursuant to § 33.2-353 or an interstate corridor plan approved by the Board through (i) operational and transportation demand management strategies and (ii) other transportation improvements, strategies, or services.

C. The Board, with the assistance of the Office of Intermodal Planning and Investment, shall establish a process to evaluate and prioritize potential strategies and improvements, with priority given first to operational and transportation demand management strategies that improve reliability and safety of travel.

D. The Board may not use funds in the Program to supplant existing levels of support as of July 1, 2019, for existing operational and transportation demand management strategies.

E. The Board shall distribute to the Interstate 81 Corridor Improvement Fund established pursuant to 33.2-3601 an amount equal to the revenues provided to the Program multiplied by the ratio of the vehicle miles traveled on Interstate 81 by vehicles classified as Class 6 or higher by the Federal Highway Administration to the total vehicle miles traveled on all interstate highways in the Commonwealth by vehicles classified as Class 6 or higher.

F. The Board shall distribute to the Northern Virginia Transportation Authority Fund established pursuant to § 33.2-2509 an amount equal to the revenues provided to the Program multiplied by the ratio of vehicle miles traveled on interstate highways in Planning District 8 by vehicles classified as Class 6 or higher by the Federal Highway Administration to the total vehicle miles traveled on all interstate highways in the Commonwealth by vehicles classified as Class 6 or higher.

G. For any interstate highway with more than 10 percent of total vehicle miles traveled by vehicles classified as Class 6 or higher by the Federal Highway Administration, the Board shall ensure that the total long-term expenditure for each interstate highway shall be approximately equal to the proportion of the total revenue deposited in the Fund attributable to each interstate highway based on such interstate highway's proportional share of interstate vehicle miles traveled by vehicles classified as Class 6 or higher.

§ 33.2-373. Virginia Highway Safety Improvement Program.

A. The Board shall establish the Virginia Highway Safety Improvement Program (the Program) to reduce motorized and nonmotorized fatalities and severe injuries on highways in the Commonwealth, whether such highways are state or locally maintained. The Board shall use funds set aside pursuant to § 33.2-358 for the Program.

B. Beginning in fiscal year 2024, the Board shall, after program administration costs, allocate the funds in accordance with its adopted investment strategy pursuant to subsection C as follows:

1. At least 54 percent for infrastructure projects that address a hazardous road location or feature and address an identified highway safety problem;
2. At least 29 percent for strategies and activities to address behavioral causes of crashes that result in fatalities and severe injuries; and
3. The remaining amount for eligible purposes under this section pursuant to the investment strategy adopted pursuant to subsection C.

C. The Board shall adopt an investment strategy to guide the investments of the Program. The strategy shall cover a period of at least five years and seek to achieve a significant reduction in the anticipated number of fatalities and severe injuries over the covered period and shall give priority to projects, strategies, and activities based on the expected reduction in fatalities and severe injuries relative to cost, including improvements that are widely implemented based on a high-risk roadway feature that is correlated with a particular crash type, rather than crash frequency.

§ 33.2-374. Special Structure Program.

A. For purposes of this section, "special structure" means very large, indispensable, and unique bridges and tunnels identified by the Commissioner and approved by the Commonwealth Transportation Board.

B. The General Assembly declares it to be in the public interest that the maintenance, rehabilitation, and replacement of special structures in the Commonwealth occur timely as to provide and protect a safe and efficient highway system.

C. The Board shall establish a program for the maintenance, rehabilitation, and replacement of special structures in the Commonwealth. With the assistance of the Department of Transportation, the Board shall develop and maintain a plan for the maintenance, rehabilitation, and replacement of special structures in the Commonwealth. The plan shall cover at a minimum a 30-year period and shall be updated biennially no later than November 1 of each even-numbered year.

D. The Board shall use the funds allocated in §§ 33.2-1524 and 33.2-1530 to the Special Structure Fund pursuant to § 33.2-1532 for maintenance, rehabilitation, and replacement of special structures to implement the plan developed pursuant to subsection C.

§ 33.2-1502. Creation of the Virginia Transportation Infrastructure Bank.

A. There is hereby created in the state treasury a special nonreverting, revolving loan fund, known as the Virginia Transportation Infrastructure Bank, that is a subfund of the Transportation Trust Fund established pursuant to § 33.2-1524 33.2-1524.1. The Bank shall be established on the books of the Comptroller. The Bank shall be capitalized with (i) ~~two-thirds of all interest, dividends, and appreciation that may accrue to the Transportation Trust Fund and the Highway Maintenance and Operating Fund funds pursuant to subdivision B 3 of § 33.2-1524~~ and (ii) moneys appropriated by the General Assembly and credited to the Bank. Disbursements from the Bank shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Commissioner of Highways or his designee. Payments on

project obligations and interest earned on the moneys in the Bank shall be credited to the Bank. Any moneys remaining in the Bank, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Bank. Notwithstanding anything to the contrary set forth in this article or in the management agreement, the Board will have the right to determine the projects for which loans or other financial assistance may be provided by the Bank. Moneys in the Bank shall be used solely for the purposes enumerated in subsection C.

B. The Board, the manager, and the Secretary of Finance are authorized to enter into a management agreement which may include provisions (i) setting forth the terms and conditions under which the manager will advise the Board on the financial propriety of providing particular loans or other financial assistance; (ii) setting forth the terms and conditions under which the substantive requirements of subsections C, D, and E and § 33.2-1505 will be applied and administered; and (iii) authorizing the manager to request the Board to disburse from the moneys in the Bank the reasonable costs and expenses the manager may incur in the management and administration of the Bank and a reasonable fee to be approved by the Board for the manager's management and administrative services.

C. 1. Moneys deposited in the Bank shall be used for the purpose of making loans and other financial assistance to finance projects.

2. Each project obligation shall be payable, in whole or in part, from reliable repayment sources pledged for such purpose.

3. The interest rate on a project obligation shall be determined by reference to the current market rates for comparable obligations, the nature of the project and the financing structure therefor, and the creditworthiness of the eligible borrower and other project sponsors.

4. The repayment schedule for each project obligation shall require (i) the amortization of principal beginning within five years following the later of substantial project completion or the date of incurrence of the project obligation and (ii) a final maturity date of not more than 35 years following substantial project completion.

D. The pledge of reliable repayment sources and other property securing any project obligation may be subordinate to the pledge securing any other senior debt obligations incurred to finance the project.

E. Notwithstanding subdivision C 4, the manager may at any time following substantial project completion defer payments on a project obligation if the project is unable to generate sufficient revenues to pay the scheduled payments.

F. No loan or other financial assistance may be provided or committed to be provided by the Bank in a manner that would cause such loan or other financial assistance to be tax-supported debt within the meaning of § 2.2-2713 or be deemed to constitute a debt of the Commonwealth or a pledge of the full faith and credit of the Commonwealth but shall be payable solely from legally available moneys held by the Bank.

G. Neither the Bank nor the manager is authorized or empowered to be or to constitute (i) a bank or trust company within the jurisdiction or under the control of the Commonwealth or an agency thereof or the Comptroller of Currency of the U.S. Treasury Department or (ii) a bank, banker, or dealer in securities within the meaning of, or subject to the provisions of, any securities, securities exchange, or securities dealers law of the United States or of the Commonwealth.

H. The Board or the manager may establish or direct the establishment of federal and state accounts or subaccounts as may be necessary to meet any applicable federal law requirements or desirable for the efficient administration of the Bank in accordance with this article.

§ 33.2-1510. Fund for access roads and bikeways to public recreational areas and historical sites; construction, maintenance, etc., of such facilities.

A. The General Assembly finds and declares that there is an increasing demand by the public for more public recreational areas throughout the Commonwealth, therefore creating a need for more access to these areas. There are also many sites of historical significance to which access is needed.

The General Assembly hereby declares it to be in the public interest that access roads and bikeways to public recreational areas and historical sites be provided by using funds obtained from motor fuel tax collections on motor fuel used for propelling boats and ships and funds contained in the highway portion of the Transportation Trust Fund.

B. (Effective until July 1, 2020) The Board shall, from funds allocated to the primary system, secondary system, or urban system, set aside the sum of \$3 million initially. This fund shall be expended by the Board for the construction, reconstruction, maintenance, or improvement of access roads and bikeways within localities. At the close of each succeeding fiscal year, the Board shall replenish this fund to the extent it deems necessary to carry out the purpose intended, provided the balance in the fund plus the replenishment does not exceed \$3 million.

B. (Effective July 1, 2020) Prior to making allocations pursuant to subsection ~~D~~ B of § 33.2-358, the Board shall set aside the sum of \$3 million initially. This fund shall be expended by the Board for the construction, reconstruction, maintenance, or improvement of access roads and bikeways within localities. At the close of each succeeding fiscal year, the Board shall replenish this fund to the extent it deems necessary to carry out the purpose intended, provided the balance in the fund plus the replenishment does not exceed \$3 million.

C. Upon the setting aside of the funds as provided in this section, the Board shall construct, reconstruct, maintain, or improve access roads and bikeways to public recreational areas and historical sites upon the following conditions:

1. When the Director of the Department of Conservation and Recreation has designated a public recreational area as such or when the Director of the Department of Historic Resources has determined a site or area to be historic and recommends to the Board that an access road or bikeway be provided or maintained to that area;

2. When the Board pursuant to the recommendation from the Director of the Department of Conservation and Recreation declares by resolution that the access road or bikeway be provided or maintained;

3. When the governing body of the locality in which the access road or bikeway is to be provided or maintained passes a resolution requesting the road; and

4. When the governing body of the locality in which the bikeway is to be provided or maintained adopts an ordinance pursuant to Article 7 (§ 15.2-2280 et seq.) of Chapter 22 of Title 15.2.

No access road or bikeway shall be constructed, reconstructed, maintained, or improved on privately owned property.

D. Any access road constructed, reconstructed, maintained, or improved pursuant to the provisions of this section shall become part of the primary state highway system, the secondary state highway system, or the road system of the locality in which it is located in the manner provided by law and shall thereafter be constructed, reconstructed, maintained, and improved as other roads or highways in such systems. Any bikeway path constructed, reconstructed, maintained, or improved pursuant to the provisions of this section that is not situated within the right-of-way limits of an access road that has become, or which is to become, part of the primary state highway system, the secondary state highway system, or the road system of the locality shall, upon completion, become part of and be regulated and maintained by the authority or agency maintaining the public recreational area or historical site. It shall be the responsibility of the authority, agency, or locality requesting that a bikeway be provided for a public recreational or historical site to provide the right-of-way needed for the construction, reconstruction, maintenance, or improvement of the bikeway if such is to be situated outside the right-of-way limits of an access road.

To maximize the impact of the Fund, not more than \$400,000 of recreational access funds may be allocated for each individual access road project to or within any public recreational area or historical site operated by a state agency and not more than \$250,000 of recreational access funds may be allocated for each individual access road project to or within a public recreational area or historical site operated by a locality or an authority with an additional \$100,000 if supplemented on a dollar-for-dollar basis by the locality or authority from other than highway sources. Not more than \$75,000 of recreational access funds may be allocated for each individual bikeway project to a public recreational area or historical site operated by a state agency and not more than \$60,000 of recreational access funds may be allocated for each individual bikeway project to a public recreational area or historical site operated by a locality or an authority with an additional \$15,000 if supplemented on a dollar-for-dollar basis by a locality or authority from other than highway sources.

The Board, with the concurrence of the Director of the Department of Conservation and Recreation, is hereby authorized to establish guidelines to carry out the provisions of this section.

§ 33.2-1524. Commonwealth Transportation Fund.

A. There is hereby created in the Department of the Treasury a special nonreverting fund to be known as the *Commonwealth Transportation Trust Fund*, consisting of *(the Fund)*. *The Fund shall be established on the books of the Comptroller. Any moneys remaining in the Fund at the end of the year shall not revert to the general fund but shall remain in the Fund. The Fund shall consist of all funds appropriated to the Fund and all funds dedicated to the Fund pursuant to law, including:*

1. ~~Funds remaining for highway construction purposes among the highway systems pursuant to § 33.2-358. Revenues pursuant to §§ 58.1-2289 and 58.1-2701;~~

2. ~~The additional revenues generated by enactments of Chapters 41, 42, and 45 of the 1986 Acts of Assembly, Special Session I, and designated for this fund. Revenues pursuant to subsections A and G of § 58.1-638 and § 58.1-638.3;~~

3. Tolls and other revenues derived from the projects financed or refinanced pursuant to this title that are payable into the state treasury and tolls and other revenues derived from other transportation projects, which may include upon the request of the applicable appointed local governing body, as soon as their obligations have been satisfied, such tolls and revenue derived for transportation projects pursuant to the Chesapeake Bay Bridge and Tunnel District and Commission established in Chapter 22 (§ 33.2-2200 et seq.) and to the Richmond Metropolitan Transportation Authority established in Chapter 29 (§ 33.2-2900 et seq.), or if the appointed local governing body requests refunding or advanced refunding by the Board and such refunding or advanced refunding is approved by the General Assembly. Such funds shall be held in separate subaccounts of the *Commonwealth Transportation Trust Fund* to the extent required by law or the Board;

4. ~~Revenues pursuant to § 58.1-2425;~~

5. ~~Revenues pursuant to subdivisions A 1 through 12 of § 46.2-694 and §§ 46.2-694.1, 46.2-697, and 46.2-697.2, except where provided elsewhere in such sections and excluding revenues deposited into a special fund for the Department of Motor Vehicles pursuant to § 46.2-686;~~

6. ~~Revenues pursuant to § 58.1-1741;~~

7. ~~Revenues pursuant to § 58.1-815.4;~~

8. ~~Revenues from § 58.1-2249;~~

9. Such other funds as may be appropriated by the General Assembly from time to time and designated for the *Commonwealth Transportation Trust Fund*;

5. 10. All interest, dividends, and appreciation that may accrue to the *Transportation Trust Fund* established pursuant to § 33.2-1524.1 and the *Highway Maintenance and Operating Fund*, established pursuant to § 33.2-1530;

6. 11. All amounts required by contract to be paid over to the *Commonwealth Transportation Trust Fund*;

7. 12. Concession payments paid to the Commonwealth by a private entity pursuant to the *Public-Private Transportation Act of 1995* (§ 33.2-1800 et seq.); and

13. Revenues pursuant to § 58.1-2531.

B. Funds in the Fund shall be distributed as follows:

1. Of the funds from subdivisions A 1, 2, 4 through 8, and 13: (i) 51 percent to the Highway Maintenance and Operating Fund established pursuant to § 33.2-1530 and (ii) 49 percent to the Transportation Trust Fund established pursuant to § 33.2-1524.1;

2. The funds from subdivisions A 3 and 12 shall be deposited into the Transportation Trust Fund established pursuant to § 33.2-1524.1;

3. Of the funds from subdivision A 10: (i) two-thirds shall be deposited in the Virginia Transportation Infrastructure Bank established pursuant to Article 1 (§ 33.2-1500 et seq.) and (ii) one-third shall be deposited into the Transportation Partnership Opportunity Fund established pursuant to § 33.2-1529.1.

C. From funds available pursuant to subsection B, (i) \$40 million annually shall be deposited into the Route 58 Corridor Development Fund pursuant to § 33.2-2300, (ii) \$40 million annually shall be deposited into the Northern Virginia Transportation District Fund pursuant to § 33.2-2400, and (iii) \$80 million annually shall be deposited into the Special Structure Fund pursuant to § 33.2-1532, though the amount deposited shall be adjusted annually based on the change in the United States Average Consumer Price Index for all items, all urban consumers (CPI-U), as published by the Bureau of Labor Statistics of the U.S. Department of Labor. Such deposits may be made in one or more installments.

§ 33.2-1524.1. Transportation Trust Fund.

There is hereby created in the Department of Treasury a special nonreverting fund to be known as the Transportation Trust Fund, consisting of funds distributed from the Commonwealth Transportation Fund pursuant to § 33.2-1524. The revenues deposited pursuant to subdivision B 1 of § 33.2-1524 shall be distributed during the year to result in the following:

1. For construction programs pursuant to § 33.2-358, 53 percent;

2. To the Commonwealth Mass Transit Fund established pursuant to § 33.2-1526, 23 percent;

3. To the Commonwealth Rail Fund established pursuant to § 33.2-1526.4, 7.5 percent;

4. To the Commonwealth Port Fund established pursuant to § 33.2-1526.5, 2.5 percent;

5. To the Commonwealth Aviation Fund established pursuant to § 33.2-1526.6, 1.5 percent;

6. To the Commonwealth Space Flight Fund established pursuant to § 33.2-1526.7, one percent;

7. To the Priority Transportation Fund established pursuant to § 33.2-1527, 10.5 percent; and

8. To a special fund within the Commonwealth Transportation Fund in the state treasury, one percent to be used to meet the necessary expenses of the Department of Motor Vehicles.

§ 33.2-1526. Commonwealth Mass Transit Fund.

Of the funds becoming part of the Transportation Trust Fund pursuant to subdivision 2 of § 33.2-1524, an aggregate of 4.2 percent shall be set aside as the Commonwealth Port Fund as established in subdivision A 2 of § 58.1-638; an aggregate of 2.4 percent shall be set aside as the Commonwealth Airport Fund as established in subdivision A 3 of § 58.1-638; and an aggregate of 14.7 percent shall be set aside as the Commonwealth Mass Transit Fund as established in subdivision A 4 of § 58.1-638. Beginning with the Commonwealth's 2012-2013 fiscal year through the Commonwealth's 2023-2024 fiscal year, each fiscal year from the funds becoming part of the Transportation Trust Fund pursuant to subdivision 2 of § 33.2-1524 the Comptroller shall transfer \$15.8 million to the Commonwealth Space Flight Fund as established in subdivision A 3a of § 58.1-638. The remaining funds deposited into or held in the Transportation Trust Fund pursuant to subdivision 2 of § 33.2-1524, together with funds deposited pursuant to subdivisions 1 and 4 of § 33.2-1524, shall be expended for capital improvements, including construction, reconstruction, maintenance, and improvements of highways according to the provisions of subsection C or D of § 33.2-358 or to secure bonds issued for such purposes, as provided by the Board and the General Assembly.

A. There is hereby created in the State Treasury a special nonreverting fund that shall be a part of the Transportation Trust Fund and shall be known as the Commonwealth Mass Transit Fund (the Fund). The Fund shall be established on the books of the Comptroller and any funds remaining in the Fund at the end of the biennium shall not revert to the general fund but shall remain in the Fund. Interest earned on such funds shall be credited to the Fund.

B. The amounts allocated to the Fund pursuant to § 33.2-1526.1 shall be used to support the operating, capital, and administrative costs of public transportation at a state share determined by the Board, and such amounts may be used to support the capital project costs of public transportation and ridesharing equipment, facilities, and associated costs at a state share determined by the Board. Capital costs may include debt service payments on local or agency transit bonds.

§ 33.2-1526.1. Use of the Commonwealth Mass Transit Fund.

A. All funds deposited pursuant to §§ 58.1-638, 58.1-638.3, 58.1-815.4, and 58.1-2289 § 33.2-1524.1 into the Commonwealth Mass Transit Fund (the Fund), established pursuant to subdivision A 4 of § 58.1-638 § 33.2-1526, shall be allocated as set forth in this section.

B. From funds available pursuant to subsection D, beginning in fiscal year 2022, up to \$50 million shall be allocated to the Washington Metropolitan Area Transit Authority as matching funds to federal and other funds provided by the Federal Transit Administration, the District of Columbia, and the State of Maryland. However, such funds shall only be provided if the District of Columbia and the State of Maryland each provide an amount equal to one-third of the funding provided by the Federal Transit Administration to the Washington Metropolitan Area Transit Authority. The funds provided by the Commonwealth shall not exceed the funds provided by the District of Columbia or the State of Maryland.

C. The Board may establish policies for the implementation of this section, including the determination of the state share of operating, capital, and administrative costs related to mass transit. For purposes of this section, capital costs may include debt service payments on local or agency transit bonds. Funds may be paid to any local governing body, transportation district commission, or public service corporation for the purposes as set forth in this section. No funds from the Fund shall be allocated without a local match from the recipient.

~~C. D.~~ Each year the Director of the Department of Rail and Public Transportation shall make recommendations to the Board for the allocation of funds from the Fund. Such recommendations, and the final allocations approved by the Board, shall adhere to the following:

1. ~~Thirty-one~~ *Twenty-seven* percent of the funds shall be allocated to support operating costs of transit providers and shall be distributed by the Board on the basis of service delivery factors, based on effectiveness and efficiency as established by the Board. Such measures and their relative weight shall be evaluated every three years and, if redefined by the Board, shall be published and made available for public comment at least one year in advance of being applied. The Washington Metropolitan Area Transit Authority (WMATA) shall not be eligible for an allocation of funds pursuant to this subdivision.

2. ~~Twelve and one-half~~ *Eighteen* percent of the funds shall be allocated for capital purposes and distributed utilizing the transit capital prioritization process established by the Board pursuant to § 33.2-214.4. The Washington Metropolitan Area Transit Authority shall not be eligible for an allocation of funds pursuant to this subdivision.

3. ~~Fifty-three and one-half~~ *Forty-six and one-half* percent of the funds shall be allocated to the Northern Virginia Transportation Commission for distribution to WMATA for capital purposes and operating assistance, as determined by the Commission.

4. *Six percent of the funds shall be allocated by the Board for the Transit Ridership Incentive Program established pursuant to § 33.2-1526.3.*

~~Three~~ *Two and one-half* percent of the funds shall be allocated for special programs, including ridesharing, transportation demand management programs, experimental transit, public transportation promotion, operation studies, and technical assistance, and may be allocated to any local governing body, planning district commission, transportation district commission, or public transit corporation. Remaining funds may also be used directly by the Department of Rail and Public Transportation to (i) finance a program administered by the Department of Rail and Public Transportation designed to promote the use of public transportation and ridesharing throughout the Commonwealth or (ii) finance up to 80 percent of the cost of development and implementation of projects with a purpose of enhancing the provision and use of public transportation services.

~~D. E.~~ The Board may consider the transfer of funds from subdivisions ~~C D 2~~ and ~~4 5~~ to subdivision ~~C D 1~~ in times of statewide economic distress or statewide special need.

~~E. F.~~ The Department of Rail and Public Transportation may reserve a balance of up to five percent of the Fund revenues in order to ensure stability in providing operating and capital funding to transit entities from year to year, provided that such balance shall not exceed five percent of revenues in a given biennium.

~~F. G.~~ The Board may allocate up to 3.5 percent of the funds set aside for the Fund to support costs of project development, project administration, and project compliance incurred by the Department of Rail and Public Transportation in implementing rail, public transportation, and congestion management grants and programs.

~~G. H.~~ Funds allocated to the Northern Virginia Transportation Commission (NVTC) for WMATA pursuant to subdivision ~~C D 3~~ shall be credited to the Counties of Arlington and Fairfax and the Cities of Alexandria, Fairfax, and Falls Church. Beginning in the fiscal year when service starts on Phase II of the Silver Line, such funds shall also be credited to Loudoun County. Funds allocated pursuant to this subsection shall be credited as follows:

1. Local obligations for debt service for WMATA rail transit bonds apportioned to each locality using WMATA's capital formula shall be paid first by NVTC, which shall use 95 percent state aid for these payments.

2. The remaining funds shall be apportioned to reflect WMATA's allocation formulas by using the related WMATA-allocated subsidies and relative shares of local transit subsidies. Capital costs shall include 20 percent of annual local bus capital expenses. Local transit subsidies and local capital costs of Loudoun County shall not be included. Hold harmless protections and obligations for NVTC's jurisdictions agreed to by NVTC on November 5, 1998, shall remain in effect.

~~H. I.~~ Appropriations from the Fund are intended to provide a stable and reliable source of revenue, as defined by P.L. 96-184.

~~I. J.~~ Notwithstanding any other provision of law, funds allocated to WMATA may be disbursed by the Department of Rail and Public Transportation directly to WMATA or to any other transportation entity that has an agreement to provide funding to WMATA.

~~J. K.~~ In any year that the total Virginia operating assistance in the approved WMATA budget increases by more than ~~three~~ percent from the total operating assistance in the prior year's approved WMATA budget, the Board shall withhold an amount equal to 35 percent of the funds available under subdivision ~~C D 3~~. The following items shall not be included in the calculation of any WMATA budget increase: (i) any service, equipment, or facility that is required by any applicable law, rule, or regulation; (ii) any capital project approved by the WMATA Board before or after the effective date of this provision; and (iii) any payments or obligations of any kind arising from or related to legal disputes or proceedings between or among WMATA and any other person or entity.

~~K. L.~~ The Board shall withhold 20 percent of the funds available pursuant to subdivision ~~€ D~~ 3 if (i) any alternate directors participate or take action at an official WMATA Board meeting or committee meeting as Board directors for a WMATA compact member when both directors appointed by that same WMATA compact member are present at the WMATA Board meeting or committee meeting or (ii) the WMATA Board of Directors has not adopted bylaws that would prohibit such participation by alternate directors.

§ 33.2-1526.2. Commonwealth Transit Capital Fund.

A. There is hereby created in the Department of the Treasury a special nonreverting fund known as the Commonwealth Transit Capital Fund. The Commonwealth Transit Capital Fund shall be a subaccount of the Commonwealth Mass Transit Fund.

B. The Commonwealth Transit Capital Fund subaccount shall be established on the books of the Comptroller and consist of such moneys as are appropriated to it by the General Assembly and of all donations, gifts, bequests, grants, endowments, and other moneys given, bequeathed, granted, or otherwise made available to the Commonwealth Transit Capital Fund. Any funds remaining in the Commonwealth Transit Capital Fund at the end of the biennium shall not revert to the general fund, but shall remain in the Commonwealth Transit Capital Fund. Interest earned on funds within the Commonwealth Transit Capital Fund shall remain in and be credited to the Commonwealth Transit Capital Fund.

C. Proceeds of the Commonwealth Transit Capital Fund may be paid to any political subdivision, another public entity created by an act of the General Assembly, or a private entity as defined in § 33.2-1800 and for purposes as enumerated in subdivision 7 of § 33.2-1701 or expended by the Department of Rail and Public Transportation for the purposes specified in this subsection. Revenues of the Commonwealth Transit Capital Fund shall be used to support capital expenditures involving the establishment, improvement, or expansion of public transportation services through specific projects approved by the Commonwealth Transportation Board.

D. The Commonwealth Transit Capital Fund shall not be allocated without requiring a local match from the recipient.

§ 33.2-1526.3. Transit Ridership Incentive Program.

A. The Board shall establish the Transit Ridership Incentive Program (the Program) to promote improved transit service in urbanized areas of the Commonwealth with a population in excess of 100,000 and to reduce barriers to transit use for low-income individuals.

B. The goal of the Program shall be to encourage the identification and establishment of routes of regional significance, the development and implementation of a regional subsidy allocation model, implementation of integrated fare collection, establishment of bus-only lanes on routes of regional significance, and other actions and service determined by the Board to improve transit service.

C. The Board shall establish guidelines for the implementation the Program and review such guidelines, at a minimum, every five years. The funds in the Program shall be awarded such that on a five-year rolling average, the amount of funds awarded to each urbanized area shall be equal to a ratio of the population within the Commonwealth of such urbanized area compared to the total population within the Commonwealth of all eligible urbanized areas. The Board may through an affirmative vote of a majority of the members vote to waive this requirement for a period not to exceed two years when they find there is a need that justifies such waiver.

D. Notwithstanding the provisions of this section, the Board shall use an amount not to exceed 25 percent of the funds available to support the establishment of programs to reduce the impact of fares on low-income individuals, including reduced-fare programs and elimination of fares. The restrictions in subsection A shall not apply to funds used pursuant to this subsection.

E. The Board shall report annually to the Governor and the General Assembly on the projects and services funded by the Program. The report shall, at a minimum, include an analysis of the performance of the funded projects, the performance of the identified routes of regional significance, transit ridership, efforts funded pursuant to subsection E, and any other information the Board determines to be appropriate.

§ 33.2-1526.4. Commonwealth Rail Fund.

A. The General Assembly declares it to be in the public interest that developing and continuing intercity passenger and freight rail operations and the development of rail infrastructure, rolling stock, and support facilities to support intercity passenger and freight rail service are important elements of a balanced transportation system in the Commonwealth and further declares it to be in the public interest that the retention, maintenance, improvement, and development of intercity passenger and freight rail-related infrastructure improvements and operations are essential to the Commonwealth's continued economic growth, vitality, and competitiveness in national and world markets.

B. There is hereby established in the state treasury a special nonreverting fund to be known as the Commonwealth Rail Fund (the Fund). The Fund shall be established on the books of the Comptroller and shall consist of funds dedicated pursuant to subdivision 3 of § 33.2-1524.1. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely as provided in this section.

C. The amounts dedicated to the Fund pursuant to § 33.2-1524.1 shall be deposited monthly into the Fund. Thereafter, 93 percent shall be distributed to the Virginia Passenger Rail Authority as soon as practicable for use in accordance with the provisions of Article 6 (§ 33.2-287 et seq.) of Chapter 2. The remaining seven percent shall remain in the Fund for the Department of Rail and Public Transportation for planning purposes and for grants for rail projects not administered by the

Virginia Passenger Rail Authority. The Department of Rail and Public Transportation may use up to \$4 million for the purposes of the Shortline Railway Preservation and Development Fund pursuant to § 33.2-1602.

§ 33.2-1526.5. Commonwealth Port Fund.

A. There is hereby created in the Department of the Treasury a special nonreverting fund that shall be a part of the Transportation Trust Fund and shall be known as the Commonwealth Port Fund (the Fund).

B. The Fund shall be established on the books of the Comptroller and the funds remaining in such Fund at the end of a biennium shall not revert to the general fund but shall remain in the Fund. Interest earned on such funds shall remain in the Fund and be credited to it. Funds may be paid to any authority, locality, or commission for the purposes hereinafter specified.

C. The amounts allocated pursuant to this section shall be allocated by the Board to the Board of Commissioners of the Virginia Port Authority to be used to support port capital needs and the preservation of existing capital needs of all ocean, river, or tributary ports within the Commonwealth. Expenditures for such capital needs are restricted to those capital projects specified in subsection B of § 62.1-132.1.

D. Fund revenue shall be allocated by the Board of Commissioners to the Virginia Port Authority in order to foster and stimulate the flow of maritime commerce through the ports of Virginia, including but not limited to the ports of Richmond, Hopewell, and Alexandria.

§ 33.2-1526.6. Commonwealth Aviation Fund.

A. There is hereby created in the Department of the Treasury a special nonreverting fund that shall be part of the Transportation Trust Fund and shall be known as the Commonwealth Aviation Fund (the Fund). The Fund shall be established on the books of the Comptroller and any funds remaining in the Fund at the end of a biennium shall not revert to the general fund but shall remain in the Fund. Interest earned on the funds shall be credited to the Fund. The funds shall be allocated by the Board to the Virginia Aviation Board, to be allocated by the Virginia Aviation Board to any Virginia airport that is owned by the Commonwealth, a governmental subdivision thereof, or a private entity to which the public has access for the purposes enumerated in § 5.1-2.16, or is owned or leased by the Metropolitan Washington Airports Authority (MWAA), as set forth in subsection B:

B. Any new funds in excess of \$12.1 million that are available for allocation by the Virginia Aviation Board shall be allocated as follows: 40 percent to air carrier airports as provided in subdivision 1 and 60 percent to MWAA, up to a maximum annual amount of \$2 million. Except for adjustments due to changes in enplaned passengers, no air carrier airport sponsor, excluding MWAA, shall receive less funds identified under subdivision 1 than it received in fiscal year 1994-1995.

Of the remaining amount:

1. Forty percent of the funds shall be allocated to air carrier airports that are not airports owned or leased by MWAA, based upon the percentage of enplanements for each airport to total enplanements at all air carrier airports that are not airports owned or leased by MWAA. No air carrier airport sponsor shall receive less than \$50,000 nor more than \$2 million per year from this provision.

2. Sixty percent of the funds shall be allocated as follows:

a. For the first six months of each fiscal year, the funds shall be allocated as follows:

(1) Forty percent of the funds shall be allocated by the Virginia Aviation Board for air carrier and reliever airports on a discretionary basis, except airports owned or leased by MWAA; and

(2) Twenty percent of the funds shall be allocated by the Virginia Aviation Board for general aviation airports on a discretionary basis; and

b. For the second six months of each fiscal year, all remaining funds shall be allocated by the Virginia Aviation Board for all eligible airports on a discretionary basis, except airports owned or leased by MWAA.

§ 33.2-1526.7. Commonwealth Space Flight Fund.

A. There is hereby created in the Department of the Treasury a special nonreverting fund that shall be a part of the Commonwealth Transportation Fund and shall be known as the Commonwealth Space Flight Fund (the Fund). The Fund shall be established on the books of the Comptroller and the funds remaining in such Fund at the end of a biennium shall not revert to the general fund but shall remain in the Fund. Interest earned on such funds shall remain in the Fund and be credited to it.

B. The amounts allocated to the Commonwealth Space Flight Fund pursuant to § 33.2-1524.1 shall be allocated by the Board to the Board of Directors of the Virginia Commercial Space Flight Authority to be used to support the capital needs, maintenance, and operating costs of any and all facilities owned and operated by the Virginia Commercial Space Flight Authority.

C. Commonwealth Space Flight Fund revenue shall be allocated by the Board of Directors to the Virginia Commercial Space Flight Authority in order to foster and stimulate the growth of the commercial space flight industry in Virginia.

§ 33.2-1527. Priority Transportation Fund.

A. There is hereby created in the state treasury a special nonreverting fund to be known as the Priority Transportation Fund; hereafter referred to as " (the Fund)." The Fund shall be established on the books of the Comptroller. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. All funds as may be designated in the appropriation act for deposit to the Fund shall be paid into the state treasury and credited to the Fund. Such funds shall include:

1. Beginning with the fiscal year ending June 30, 2000, and for fiscal years thereafter, all revenues that exceed the official forecast, pursuant to § 2.2-1503, for (i) *the allocation to* the Highway Maintenance and Operating Fund established in § 33.2-1530 *as set forth in § 33.2-1524* and (ii) the allocation to highway and mass transit improvement projects as set forth in ~~§ 33.2-1526~~ *33.2-1524.1*, but not including any amounts that are allocated to the Commonwealth Port Fund and the Commonwealth ~~Aviation~~ *Aviation* Fund under such section;

2. All revenues deposited into the Fund pursuant to ~~§ 58.1-2531~~ *subdivision 7 of § 33.2-1524.1*;

3. All revenues deposited into the Fund pursuant to ~~subsection E of § 58.1-2289~~ *§ 33.2-226*; and

4. Any other such funds as may be transferred, allocated, or appropriated.

All moneys in the Fund shall first be used for debt service payments on bonds or obligations for which the Fund is expressly required for making debt service payments, to the extent needed. The Fund shall be considered a part of the Transportation Trust Fund. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purposes enumerated in subsection B. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller.

B. The Board shall use the Fund to facilitate the financing of priority transportation projects throughout the Commonwealth. The Board may use the Fund by (i) expending amounts therein on such projects directly; (ii) payment to any authority, locality, commission, or other entity for the purpose of paying the costs thereof; or (iii) using such amounts to support, secure, or leverage financing for such projects. No expenditures from or other use of amounts in the Fund shall be considered in allocating highway maintenance and construction funds under § 33.2-358 or apportioning Transportation Trust Fund funds under § 58.1-638 but shall be in addition thereto. The Board shall use the Fund to facilitate the financing of priority transportation projects as designated by the General Assembly, provided that at the discretion of the Board funds allocated to projects within a transportation district may be allocated among projects within the same transportation district as needed to meet construction cash-flow needs.

C. Notwithstanding any other provision of this section, beginning July 1, 2007, no bonds, obligations, or other evidences of debt (the bonds) that expressly require as a source for debt service payments or for the repayment of such bonds the revenues of the Fund shall be issued or entered into, unless at the time of the issuance the revenues then in the Fund or reasonably anticipated to be deposited into the Fund pursuant to the law then in effect are by themselves sufficient to make 100 percent of the contractually required debt service payments on all such bonds, including any interest related thereto and the retirement of such bonds.

§ 33.2-1528. Concession Payments Account.

A. Concession payments to the Commonwealth deposited into the Transportation Trust Fund pursuant to subdivision ~~7 B 2~~ of § 33.2-1524 from qualifying transportation facilities developed and/or operated pursuant to the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.) shall be held in a separate subaccount to be designated the Concession Payments Account, (the Account) together with all interest, dividends, and appreciation that accrue to the Account and that are not otherwise specifically directed by law or reserved by the Board for other purposes allowed by law.

B. The Board may make allocations from the Account upon such terms and subject to such conditions as the Board deems appropriate to:

1. Pay or finance all or part of the costs of programs or projects, including the costs of planning, operation, maintenance, and improvements incurred in connection with the acquisition and construction of projects, provided that allocations from the Account shall be limited to programs and projects that are reasonably related to or benefit the users of the qualifying transportation facility that was the subject of a concession pursuant to the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.). The priorities of metropolitan planning organizations, planning district commissions, local governments, and transportation corridors shall be considered by the Board in making project allocations from moneys in the Account.

2. Repay funds from the Toll Facilities Revolving Account or the Transportation Partnership Opportunity Fund.

3. Pay the Board's reasonable costs and expenses incurred in the administration and management of the Account.

C. Concession payments to the Commonwealth for a qualifying transportation facility located within the boundaries of a rapid rail project for which a federal Record of Decision has been issued shall be held in a subaccount separate from the Concession Payments Account together with all interest, dividends, and appreciation that accrue to the subaccount. The Board may make allocations from the subaccount as the Board deems appropriate to:

1. Pay or finance all or part of the costs of planning, design, land acquisition, and improvements incurred in connection with the construction of such rapid rail project consistent with the issued federal Record of Decision, as may be revised; and

2. Upon determination by the Board that sufficient funds are or will be available to meet the schedule for construction of such rapid rail project, pay or finance all or part of the costs of planning, design, land acquisition, and improvements incurred in connection with other highway and public transportation projects within the corridor of the rapid rail project or within the boundaries of the qualifying transportation facility. In the case of highway projects, the Board shall follow an approval process generally in accordance with subsection B of § 33.2-208.

D. The provisions of this section shall be liberally construed to the end that its beneficial purposes may be effectuated. Insofar as this provision is inconsistent with the provisions of any other general, special, or local law, this provision shall be controlling.

§ 33.2-1529.1. Transportation Partnership Opportunity Fund.

A. There is hereby created the Transportation Partnership Opportunity Fund (the Fund) to be used by the Governor to provide funds to address the transportation aspects of economic development opportunities. The Fund shall consist of (i) ~~one-third of all interest, dividends, and appreciation that may accrue to the Transportation Trust Fund and the Highway Maintenance and Operating Fund funds pursuant to subdivision B 3 of § 33.2-1524~~ and (ii) any funds appropriated to it by the general appropriation act and revenue from any other source, public or private. The Fund shall be established on the books of the Comptroller, and any funds remaining in the Fund at the end of a biennium shall not revert to the general fund but shall remain in the Fund. All interest and dividends that are earned on the Fund shall be credited to the Fund. The Governor shall report to the Chairmen of the House Committees on Appropriations, Finance, and Transportation and the Senate Committees on Finance and Transportation as funds are awarded in accordance with this section.

B. The Fund shall be a subfund of the Transportation Trust Fund. Provisions of this title and Title 58.1 relating to the allocations or disbursements of proceeds of the Commonwealth Transportation Fund, the Transportation Trust Fund, or the Highway Maintenance and Operating Fund shall not apply to the Fund.

C. Funds shall be awarded from the Fund by the Governor as grants, revolving loans, or other financing tools and equity contributions to an agency or political subdivision of the Commonwealth. Loans shall be approved by the Governor and made in accordance with procedures established by the Board and approved by the Comptroller. Loans shall be interest-free and shall be repaid to the Fund. The Governor may establish the duration of any loan, but such term shall not exceed seven years. The Department shall be responsible for monitoring repayment of such loans and reporting the receivables to the Comptroller as required.

D. Grants or revolving loans may be used for transportation capacity development on and off site; road, rail, mass transit, or other transportation access costs beyond the funding capability of existing programs; studies of transportation projects, including environmental analysis, geotechnical assessment, survey, design and engineering, advance right-of-way acquisition, traffic analysis, toll sensitivity studies, and financial analysis; or anything else permitted by law. Funds may be used for any transportation project or any transportation facility. Any transportation infrastructure completed with moneys from the Fund shall not become private property, and the results of any studies or analysis completed as a result of a grant or loan from the Fund shall be property of the Commonwealth.

E. The Board, in consultation with the Secretary of Transportation and the Secretary of Commerce and Trade, shall develop guidelines and criteria that shall be used in awarding grants or making loans from the Fund; however, no grant shall exceed \$5 million and no loan shall exceed \$30 million. No grant or loan shall be awarded until the Governor has provided copies of the guidelines and criteria to the Chairmen of the House Committees on Appropriations, Finance, and Transportation and the Senate Committees on Finance and Transportation. The guidelines and criteria shall include provisions including the number of jobs and amounts of investment that must be committed in the event moneys are being used for an economic development project, a statement of how the studies and analysis to be completed using moneys from the Fund will advance the development of a transportation facility, a process for the application for and review of grant and loan requests, a timeframe for completion of any work, the comparative benefit resulting from the development of a transportation project, assessment of the ability of the recipient to repay any loan funds, and other criteria as necessary to support the timely development of transportation projects. The criteria shall also include incentives to encourage matching funds from any other local, federal, or private source.

F. Within 30 days of each six-month period ending June 30 and December 31, the Governor shall provide a report to the Chairmen of the House Committees on Appropriations, Finance, and Transportation and the Senate Committees on Finance and Transportation that shall include the following information: the locality in which the project is being developed, the amount of the grant or loan made or committed from the Fund and the purpose for which it will be used, the number of jobs created or projected to be created, and the amount of a company's investment in the Commonwealth if the project is part of an economic development opportunity.

G. The Governor shall provide grants and commitments from the Fund in an amount not to exceed the total value of the moneys contained in the Fund. If the Governor commits funds for years beyond the fiscal years covered under the existing appropriation act, the State Treasurer shall set aside and reserve the funds the Governor has committed, and the funds set aside and reserved shall remain in the Fund for those future fiscal years. No grant or loan shall be payable in the years beyond the existing appropriation act unless the funds are currently available in the Fund.

§ 33.2-1530. Highway Maintenance and Operating Fund.

There is hereby created in the state treasury a special nonreverting fund to be known as the Highway Maintenance and Operating Fund, ~~referred to in this section as "~~(the Fund).~~"~~ The Fund shall be established on the books of the Comptroller. Any moneys remaining in the Fund at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund.

The sources of funds for the Fund shall be paid into the state treasury and credited to the Fund and, in addition to all funds appropriated by the General Assembly, includes shall consist of the following:

1. Revenues generated pursuant to § 33.2-213 allocated pursuant to subdivision B 1 of § 33.2-1524;
2. Revenues generated pursuant to § 33.2-213;
3. Right-of-way use fees pursuant to § 56-484.32;
4. Civil penalties collected pursuant to § pursuant to §§ 33.2-216, 33.2-1224, 33.2-1229, 46.2-341.20:2, 46.2-1573, 46.2-1573.11, 46.2-1573.23, and 46.2-1573.36;
3. Civil penalties collected pursuant to § 33.2-1224;

4. Civil penalties collected pursuant to § 33.2-1229;
 5. Permit fees as outlined in § 46.2-652.1;
 6. Revenues generated pursuant to § 46.2-702.1;
 7. 6. Permit fees pursuant to §§ 46.2-1128, 46.2-1140.1, 46.2-1142.1, 46.2-1143, 46.2-1148, and 46.2-1149.1;
 8. 7. Applicable portions of emissions inspection fees from on-road emissions inspectors as designated in § 46.2-1182;
 9. Revenues from subsection G of § 58.1-638 and § 58.1-638.3;
 10. Revenues generated pursuant to subsection B of § 58.1-2249;
 11. Revenues as apportioned in subsection E of § 58.1-2289;
 12. Revenues as outlined in subsection A of § 58.1-2425; and
 13. Taxes and fees pursuant to § 58.1-2701
8. Any other funds appropriated by the General Assembly.

In any year in which the Board determines funding in excess of the amount provided pursuant to § 33.2-1524 is necessary for the Special Structure Program pursuant to § 33.2-374, the Board shall allocate moneys from the Fund to the Special Structure Fund established pursuant to § 33.2-1532.

§ 33.2-1532. Special Structure Fund.

A. There is hereby created in the state treasury a special nonreverting fund to be known as the Special Structure Fund, referred to in this section as "the Fund." The Fund shall be established on the books of the Comptroller.

B. The amount allocated to the Fund pursuant to §§ ~~33.2-358, 33.2-369, 33.2-1524~~ and 33.2-1530 and any funds as may be appropriated by the General Assembly shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund.

C. Moneys in the Fund shall be *allocated by the Board and* used solely for the purposes of funding maintenance, rehabilitation, and replacement of ~~large and unique special~~ structures, *as defined in § 33.2-374.* ~~Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Secretary of Transportation. No later than November 30 each year, the Commissioner of Highways shall submit a report to the Governor and General Assembly on the use of moneys in the Fund.~~

§ 33.2-1602. Shortline Railway Preservation and Development Fund.

A. For the purposes of this section:

"Fund" means the Shortline Railway Preservation and Development Fund.

"Railway transportation support facilities" means facilities required for the loading, transfer, or additional track capacity to facilitate the shipment of goods by rail other than as provided for in § 33.2-1600 ~~or 33.2-1601.~~

"Shortline railway" means any Class II or Class III railroad as defined by the U.S. Surface Transportation Board.

B. The General Assembly declares it to be in the public interest that shortline railway preservation and development of railway transportation support facilities are important elements of a balanced transportation system of the Commonwealth for freight and passengers, and further declares it to be in the public interest that the retention, maintenance, and improvement of the shortline railway and development of railway transportation support facilities are essential to the Commonwealth's continued economic growth, vitality, and competitiveness in national and world markets.

C. There is hereby created in the state treasury a special nonreverting fund to be known as the Shortline Railway Preservation and Development Fund. The Fund shall be established on the books of the Comptroller and shall consist of such funds from such sources as shall be set forth in the general appropriation act and shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely as provided in this section. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Director of the Department of Rail and Public Transportation or the Director's designee.

D. To fulfill this purpose, there shall be funding set forth each year in the appropriation act and appropriated by the General Assembly in the Rail Assistance Program of the Department of Rail and Public Transportation. These funds shall be used by the Department of Rail and Public Transportation to administer a Shortline Railway Preservation and Development Program for the purposes described in subsection B. Furthermore, the Board shall include an annual allocation for such purpose in its allocation of transportation revenues.

E. The Director of the Department of Rail and Public Transportation shall administer and expend or commit, subject to the approval of the Board, the Fund for acquiring, leasing, or improving shortline railways and the development of railway transportation support facilities or assisting other appropriate entities to acquire, lease, or improve shortline railways and the development of railway transportation purposes whenever the Board has determined that such acquisition, lease, or improvement is for the common good of a region of the Commonwealth or the Commonwealth as a whole. The Director of the Department of Rail and Public Transportation may consult with other agencies or their designated representatives concerning projects to be undertaken under this section.

F. Tracks and facilities constructed, and property and equipment purchased, with funds under this section shall be the property of the Commonwealth for the useful life of the project, as determined by the Director of the Department of Rail and Public Transportation, and shall be made available for use by all common carriers using the railway system to which they connect under the trackage rights agreements between the parties. Projects undertaken pursuant to this section shall be

limited to those of a region of the Commonwealth or the Commonwealth as a whole. Such projects shall include a minimum of 30 percent cash or in-kind matching contribution from a private source, which may include a railroad, a regional authority, private industry, a local government source, or a combination of such sources. No single project shall be allocated more than 50 percent of total available funds.

§ 33.2-1604. Funds for administration of Department of Rail and Public Transportation.

The Commonwealth Transportation Board may annually allocate up to 3.5 percent of the revenues available each year in the funds established pursuant to §§ ~~33.2-1601~~, ~~33.2-1526.4~~ and ~~33.2-1602~~, and ~~33.2-1603~~ and subdivision A 4 of § ~~58.1-638~~ to support the costs of project development, project administration, and project compliance incurred by the Department of Rail and Public Transportation in implementing rail, public transportation, and congestion management programs and grants.

§ 33.2-1700. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Board" means the Commonwealth Transportation Board, or if the Commonwealth Transportation Board is abolished, any board, commission, or officer succeeding to the principal functions thereof or upon whom the powers given by this chapter to the Board shall be given by law.

"Cost of the project," as applied to a project to be acquired by purchase or by condemnation, includes:

1. The purchase price or the amount of the award;
2. The cost of improvements, financing charges, and interest during any period of disuse before completion of improvements;
3. The cost of traffic estimates and of engineering data;
4. The cost of engineering and legal expenses;
5. The cost of plans, specifications and surveys, and estimates of cost and of revenues; and
6. Other expenses necessary or incident to determining the feasibility or practicability of the enterprises, administrative expenses, and such other expenses as may be necessary or incident to the financing authorized in this chapter and the acquisition of the project and the placing of the project in operation.

"Cost of the project," as applied to a project to be constructed, includes:

1. The cost of construction;
2. The cost of all lands, properties, rights, easements, and franchises acquired that are deemed necessary for such construction;
3. The cost of acquiring by purchase or condemnation any ferry that is deemed by the Board to be competitive with any bridge to be constructed;
4. The cost of all machinery and equipment;
5. The cost of financing charges and interest prior to construction, during construction, and for one year after completion of construction;
6. The cost of traffic estimates and of engineering data;
7. The cost of engineering and legal expenses;
8. The cost of plans, specifications and surveys, estimates of cost and of revenues; and
9. Other expenses necessary or incident to determining the feasibility or practicability of the enterprise, administrative expenses, and such other expenses as may be necessary or incident to the financing authorized in this chapter, the construction of the project, the placing of the project in operation, and the condemnation of property necessary for such construction and operation.

"Improvements" means those repairs to, replacements of, additions to, and betterments of a project acquired by purchase or by condemnation as are deemed necessary to place it in a safe and efficient condition for the use of the public, if such repairs, replacements, additions, and betterments are ordered prior to the sale of any bonds for the acquisition of such project.

"Owner" includes all individuals, incorporated companies, partnerships, societies, and associations having any title or interest in any property rights, easements, or franchises authorized to be acquired by this chapter.

"Project" means any one or more of the following:

1. The York River Bridges, extending from a point within Yorktown in York County or within York County across the York River to Gloucester Point or some point in Gloucester County.
2. The Rappahannock River Bridge, extending from Greys Point, or its vicinity, in Middlesex County, across the Rappahannock River to a point in the vicinity of White Stone, in Lancaster County, or at some other feasible point in the general vicinity of the two respective points.
3. The James River Bridge, from a point at or near Jamestown, in James City County, across the James River to a point in Surry County.
4. The James River, Chuckatuck, and Nansemond River Bridges, together with necessary connecting roads, in the Cities of Newport News and Suffolk and the County of Isle of Wight.
5. The Hampton Roads Bridge-Tunnel or Bridge and Tunnel System, extending from a point or points in the Cities of Newport News and Hampton on the northwest shore of Hampton Roads across Hampton Roads to a point or points in the City of Norfolk or Suffolk on the southeast shore of Hampton Roads.

6. Interstate 264, extending from a point in the vicinity of the intersection of Interstate 64 and U.S. Route 58 at Norfolk to some feasible point between London Bridge and U.S. Route 60.

7. The Henrico-James River Bridge, extending from a point on the eastern shore of the James River in Henrico County to a point on the western shore, between Falling Creek and Bells Road interchanges of Interstate 95; however, the project shall be deemed to include all property, rights, easements, and franchises relating to this project and deemed necessary or convenient for its operation, including its approaches.

8. The limited access highway between the Newport News/Williamsburg International Airport area and the Newport News downtown area, which generally runs parallel to tracks of the Chesapeake and Ohio Railroad.

9. Transportation improvements in the Dulles Corridor, with an eastern terminus of the East Falls Church Metrorail station at Interstate 66 and a western terminus of Virginia Route 772 in Loudoun County, including without limitation the Dulles Toll Road; the Dulles Access Road; outer roadways adjacent or parallel thereto; mass transit, including rail; bus rapid transit; and capacity-enhancing treatments such as high-occupancy vehicle lanes, high-occupancy toll lanes, interchange improvements, commuter parking lots, and other transportation management strategies.

10. Subject to the limitations and approvals of § 33.2-1712, any other highway for a primary highway transportation improvement district or transportation service district that the Board has agreed to finance under a contract with any such district or any other alternative mechanism for generation of local revenues for specific funding of a project satisfactory to the Board, the financing for which is to be secured by Transportation Trust Fund revenues under any appropriation made by the General Assembly for that purpose and payable first from revenues received under such contract or other local funding source; second, to the extent required, from funds appropriated and allocated, pursuant to the highway allocation formula as provided by law, to the highway construction district in which the project is located or to the county or counties in which the project is located; and third, to the extent required from other legally available revenues of the Transportation Trust Fund and from any other available source of funds.

11. The U.S. Route 58 Corridor Development Program projects as defined in §§ 33.2-2300 and 33.2-2301.

12. The Northern Virginia Transportation District Program as defined in §§ 33.2-2400 and 33.2-2401.

13. Any program for highways or mass transit or transportation facilities endorsed by the affected localities, which agree that certain distributions of state recordation taxes will be dedicated and used for the payment of any bonds or other obligations, including interest thereon, the proceeds of which were used to pay the cost of the program. Any such program shall be referred to as a "Transportation Improvement Program."

14. Any project designated by the General Assembly financed in whole or part through the issuance of Commonwealth of Virginia Federal Highway Reimbursement Anticipation Notes.

15. Any project authorized by the General Assembly financed in whole or in part by funds from the Priority Transportation Fund established pursuant to § 33.2-1527 or from the proceeds of bonds whose debt service is paid in whole or in part by funds from such Fund.

16. Any project identified by the Board to be financed in whole or in part through the issuance of Commonwealth of Virginia Federal Transportation Grant Anticipation Revenue Notes.

17. *The Interstate 81 Corridor Improvement Program projects as defined in §§ 33.2-3600 and 33.2-3602.*

18. *Railroad and other infrastructure improvements leading into Washington, D.C., from Virginia and new Metrorail-related improvements to, and serving, the Rosslyn Metrorail station in Arlington County.*

"Revenues" includes tolls and any other moneys received or pledged by the Board pursuant to this chapter, including legally available Transportation Trust Fund revenues and any federal highway reimbursements and any other federal highway assistance received by the Commonwealth.

"Toll project" means a project financed in whole or in part through the issuance of revenue bonds that are secured by toll revenues generated by the project.

"Undertaking" means all of the projects authorized to be acquired or constructed under this chapter.

§ 33.2-1701. General powers of Commonwealth Transportation Board.

The Board may, subject to the provisions of this chapter:

1. Acquire by purchase or by condemnation, construct, improve, operate, and maintain any one or more of the projects mentioned and included in the undertaking as defined in § 33.2-1700;

2. Issue revenue bonds of the Commonwealth to be known and designated as "Commonwealth of Virginia Toll Revenue Bonds," payable from earnings and from any other available sources of funds, to pay the cost of such projects;

3. Subject to the limitations and approvals of § 33.2-1712, issue revenue bonds of the Commonwealth to be known and designated as "Commonwealth of Virginia Transportation Contract Revenue Bonds," secured by Transportation Trust Fund revenues under a payment agreement between the Board and the Treasury Board, subject to their appropriation by the General Assembly and payable first from revenues received pursuant to contracts with a primary highway transportation improvement district or transportation service district or other local revenue sources for which specific funding of any such bonds may be authorized by law; second, to the extent required, from funds appropriated and allocated, pursuant to the highway allocation formula as provided by law, to the highway construction district in which the project to be financed is located or to the county or counties in which the project to be financed is located; and third, to the extent required, from other legally available revenues of the Transportation Trust Fund and from any other available source of funds;

4. Issue revenue bonds of the Commonwealth to be known and designated as "Commonwealth of Virginia Transportation Revenue Bonds," secured (i) by revenues received from the U.S. Route 58 Corridor Development Fund,

subject to their appropriation by the General Assembly; (ii) to the extent required, from revenues legally available from the Transportation Trust Fund; and (iii) to the extent required, from any other legally available funds that have been appropriated by the General Assembly;

5. Issue revenue bonds of the Commonwealth to be known and designated as "Commonwealth of Virginia Transportation Revenue Bonds," secured, subject to their appropriation by the General Assembly, (i) first from revenues received from the Northern Virginia Transportation District Fund; (ii) to the extent required, from funds appropriated and allocated, pursuant to the highway allocation formula as provided by law, to the highway construction district in which the project to be financed is located or to the city or county in which the project to be financed is located; (iii) to the extent required, from legally available revenues of the Transportation Trust Fund; and (iv) from such other funds that may be appropriated by the General Assembly;

6. Issue revenue bonds of the Commonwealth to be known and designated as "Commonwealth of Virginia Transportation Program Revenue Bonds," secured, subject to their appropriation by the General Assembly, (i) first from any revenues received from any Set-aside Fund established by the General Assembly pursuant to § 58.1-816.1; (ii) to the extent required, from revenues received pursuant to any contract with a locality or any alternative mechanism for generation of local revenues for specific funding of a project satisfactory to the Board; (iii) to the extent required, from funds appropriated and allocated, pursuant to the highway allocation formula as provided by law, to the highway construction district in which the project to be financed is located or to the city or county in which the project to be financed is located; (iv) to the extent required, from legally available revenues of the Transportation Trust Fund; and (v) from such other funds that may be appropriated by the General Assembly. No bonds for any project shall be issued under the authority of this subdivision unless such project is specifically included in a bill or resolution passed by the General Assembly;

7. Issue revenue bonds of the Commonwealth to be known and designated as "Commonwealth of Virginia Transportation Program Revenue Bonds," secured, subject to their appropriation by the General Assembly, (i) first from any revenues received from the Commonwealth Transit Capital Fund established by the General Assembly pursuant to ~~subdivision A 4 e of § 58.1-638~~ § 33.2-1526.2; (ii) to the extent required, from legally available revenues of the Transportation Trust Fund; and (iii) from such other funds that may be appropriated by the General Assembly. No bonds for any project shall be issued under the authority of this subdivision unless such project is specifically included in a bill or resolution passed by the General Assembly;

8. Issue revenue bonds of the Commonwealth to be known and designated as "Commonwealth of Virginia Federal Highway Reimbursement Anticipation Notes," secured, subject to their appropriation by the General Assembly, (i) first from any federal highway reimbursements and any other federal highway assistance received by the Commonwealth; (ii) then, at the discretion of the Board, to the extent required, from legally available revenues of the Transportation Trust Fund; and (iii) then from such other funds, if any, that are designated by the General Assembly for such purpose;

9. Issue revenue bonds of the Commonwealth to be known and designated as "Commonwealth of Virginia Credit Assistance Revenue Bonds," secured, subject to their appropriation by the General Assembly, solely from revenues with respect to or generated by the project being financed thereby and any tolls or other revenues pledged by the Board as security therefor and in accordance with the applicable federal credit assistance authorized with respect to such project by the U.S. Department of Transportation;

10. Issue revenue bonds of the Commonwealth to be known and designated as "Commonwealth of Virginia Transportation Capital Projects Revenue Bonds," secured, subject to their appropriation by the General Assembly, (i) from the revenues deposited into the Priority Transportation Fund established pursuant to § 33.2-1527; (ii) to the extent required, from revenues legally available from the Transportation Trust Fund; and (iii) to the extent required, from any other legally available funds;

11. Issue grant anticipation notes of the Commonwealth from time to time to be known and designated as "Commonwealth of Virginia Federal Transportation Grant Anticipation Revenue Notes," secured, subject to their appropriation by the General Assembly, (i) first from the project-specific reimbursements pursuant to § 33.2-1520; (ii) then, at the discretion of the Board, to the extent required, from legally available revenues of the Transportation Trust Fund; and (iii) then from such other funds, if any, that are designated by the General Assembly for such purpose;

12. *Issue revenue bonds of the Commonwealth to be known and designated as "Commonwealth of Virginia Interstate 81 Program Revenue Bonds," secured, subject to appropriation by the General Assembly, by revenues received from the Interstate 81 Corridor Improvement Fund from deposits thereto pursuant to § 58.1-2299.20 derived from the receipt of the regional fuels tax levied pursuant to § 58.1-2295;*

13. Fix and collect tolls and other charges for the use of such projects or to refinance the cost of such projects;

~~13.~~ 14. Construct grade separations at intersections of any projects with public highways, railways, or streets and adjust the lines and grades thereof so as to accommodate the same to the design of such grade separations, the cost of such grade separations and any damage incurred in adjusting the lines and grades of such highways, railways, or streets to be ascertained and paid by the Board as a part of the cost of the project;

~~14.~~ 15. Vacate or change the location of any portion of any public highway and reconstruct the same at such new location as the Board deems most favorable for the project and of substantially the same type and in as good condition as the original highway, the cost of such reconstruction and any damage incurred in vacating or changing the location thereof to be ascertained and paid by the Board as a part of the cost of the project. Any public highway vacated or relocated by the Board

shall be vacated or relocated in the manner provided by law for the vacation or relocation of public highways, and any damages awarded on account thereof may be paid by the Board as a part of the cost of the project;

~~15.~~ 16. Make reasonable regulations for the installation, construction, maintenance, repair, renewal, and relocation of pipes, mains, sewers, conduits, cables, wires, towers, poles, and other equipment and appliances, referred to in this subdivision as "public utility facilities," of the Commonwealth and of any locality, political subdivision, public utility, or public service corporation owning or operating the same in, on, along, over, or under the project. Whenever the Board determines that it is necessary that any such public utility facilities should be relocated or removed, the Commonwealth or such locality, political subdivision, public utility, or public service corporation shall relocate or remove the same in accordance with the order of the Board. The cost and expense of such relocation or removal, including the cost of installing such public utility facilities in a new location or locations, the cost of any lands or any rights or interests in lands, and any other rights acquired to accomplish such relocation or removal, shall be ascertained by the Board.

On any toll project, the Board shall pay the cost and expense of relocation or removal as a part of the cost of the project for those public utility facilities owned or operated by the Commonwealth or such locality, political subdivision, public utility, or public service corporation. On all other projects under this chapter, the Board shall pay the cost and expense of relocation or removal as a part of the cost of the project for those public utility facilities owned or operated by the Commonwealth or such locality or political subdivision. The Commonwealth or such locality, political subdivision, public utility, or public service corporation may maintain and operate such public utility facilities with the necessary appurtenances in the new location for as long a period and upon the same terms and conditions as it had the right to maintain and operate such public utility facilities in their former location;

~~16.~~ 17. Acquire by the exercise of the power of eminent domain any lands, property, rights, rights-of-way, franchises, easements, and other property, including public lands, parks, playgrounds, reservations, highways, or parkways, or parts thereof or rights therein, of any locality or political subdivision, deemed necessary or convenient for the construction or the efficient operation of the project or necessary in the restoration, replacement, or relocation of public or private property damaged or destroyed.

The cost of such projects shall be paid solely from the proceeds of Commonwealth of Virginia Toll or Transportation Contract Revenue Bonds or a combination thereof or from such proceeds and from any grant or contribution that may be made thereto pursuant to the provisions of this chapter;

~~17.~~ 18. Notwithstanding any provision of this chapter to the contrary, the Board shall be authorized to exercise the powers conferred in this chapter, in addition to its general powers to acquire rights-of-way and to construct, operate, and maintain state highways, with respect to any project that the General Assembly has authorized or may hereafter authorize to be financed in whole or in part through the issuance of bonds of the Commonwealth pursuant to the provisions of Article X, Section 9 (c) of the Constitution of Virginia; ~~and~~

~~18.~~ 19. Enter into any agreements or take such other actions as the Board determines in connection with applying for or obtaining any federal credit assistance, including without limitation loan guarantees and lines of credit, pursuant to authorization from the U.S. Department of Transportation with respect to any project included in the Commonwealth's long-range transportation plan and the approved State Transportation Improvement Program; *and*

20. Issue revenue bonds of the Commonwealth to be known and designated as "Commonwealth of Virginia Passenger Rail Facilities Bonds," secured, subject to their appropriation by the General Assembly from net revenues resulting from tolls, rates, fees, and charges for or in connection with the use, occupancy, and services of the Transform 66 Inside the Beltway express lanes project and remaining after payment of expenses incurred in operating such project's toll facilities.

§ 33.2-1708. Revenue bonds.

The Board may provide by resolution, at one time or from time to time, for the issuance of revenue bonds, notes, or other revenue obligations of the Commonwealth for the purpose of paying all or any part of the cost, as defined in § 33.2-1700, of any one or more projects, as defined in § 33.2-1700. The principal or purchase price of, and redemption premium, if any, and interest on such obligations shall be payable solely from the special funds herein provided for such payment. For the purposes of this section, "special funds" includes any funds established for Commonwealth of Virginia Toll Revenue Bonds, Commonwealth of Virginia Transportation Contract Revenue Bonds, Commonwealth of Virginia Transportation Revenue Bonds, *Commonwealth of Virginia Interstate 81 Program Revenue Bonds*, Commonwealth of Virginia Federal Highway Reimbursement Anticipation Notes, or Commonwealth of Virginia Federal Transportation Grant Anticipation Revenue Notes, *or Commonwealth of Virginia Passenger Rail Facilities Bonds*.

§ 33.2-1709. Credit of Commonwealth not pledged.

A. Commonwealth of Virginia Toll Revenue Bonds issued under the provisions of this chapter shall not be deemed to constitute a debt of the Commonwealth or a pledge of the full faith and credit of the Commonwealth, but such bonds shall be payable solely from the funds provided therefor from tolls and revenues pursuant to this chapter, from bond proceeds or earnings thereon, and from any other available sources of funds. All such bonds shall state on their face that the Commonwealth is not obligated to pay the same or the interest thereon except from the special fund provided therefor from tolls and revenues under this chapter, from bond proceeds or earnings thereon, and from any other available sources of funds, and that the full faith and credit of the Commonwealth are not pledged to the payment of the principal or interest of such bonds. The issuance of such revenue bonds under the provisions of this chapter shall not directly or indirectly or contingently obligate the Commonwealth to levy or to pledge any form of taxation whatever therefor or to make any

appropriation for their payment, other than appropriate available funds derived as revenues from tolls and charges under this chapter or derived from bond proceeds or earnings thereon and from any other available sources of funds.

B. Commonwealth of Virginia Transportation Contract Revenue Bonds issued under the provisions of this chapter shall not be deemed to constitute a debt of the Commonwealth or a pledge of the full faith and credit of the Commonwealth, but such bonds shall be payable solely from the funds provided therefor pursuant to this chapter (i) from revenues received pursuant to contracts with a primary highway transportation district or transportation service district or any other alternative mechanism for generation of local revenues for specific funding of a project satisfactory to the Board; (ii) to the extent required, from funds appropriated and allocated, pursuant to the highway allocation formula as provided by law, to the highway construction district in which the project to be financed is located or to the county or counties in which such project is located; (iii) from bond proceeds or earnings thereon; (iv) to the extent required, from other legally available revenues of the Transportation Trust Fund; and (v) from any other available source of funds. All such bonds shall state on their face that the Commonwealth is not obligated to pay the same or the interest thereon except from revenues in clauses (i) and (iii) and that the full faith and credit of the Commonwealth are not pledged to the payment of the principal and interest of such bonds. The issuance of such revenue bonds under the provisions of this chapter shall not directly or indirectly or contingently obligate the Commonwealth to levy or to pledge any form of taxation whatever or to make any appropriation for their payment, other than to appropriate available funds derived as revenues under this chapter from the sources set forth in clauses (i) and (iii). Nothing in this chapter shall be construed to obligate the General Assembly to make any appropriation of the funds set forth in clause (ii) or (iv) for payment of such bonds.

C. Commonwealth of Virginia Transportation Revenue Bonds issued under the provisions of this chapter shall not be deemed to constitute a debt of the Commonwealth or a pledge of the full faith and credit of the Commonwealth, but such bonds shall be payable solely from the funds provided therefor pursuant to this chapter (i) from revenues received from the U.S. Route 58 Corridor Development Fund established pursuant to § 33.2-2300, subject to their appropriation by the General Assembly; (ii) to the extent required, from revenues legally available from the Transportation Trust Fund; and (iii) to the extent required, from any other legally available funds that may be appropriated by the General Assembly.

D. Commonwealth of Virginia Transportation Revenue Bonds issued under this chapter for Category 1 projects as provided in subdivision 12 of the definition of "project" in § 33.2-1700 shall not be deemed to constitute a debt of the Commonwealth or a pledge of the full faith and credit of the Commonwealth. Such bonds shall be payable solely, subject to their appropriation by the General Assembly, (i) first from revenues received from the Northern Virginia Transportation District Fund established pursuant to § 33.2-2400; (ii) to the extent required, from funds appropriated and allocated, pursuant to the highway allocation formula as provided by law, to the highway construction district in which the project to be financed is located or to the city or county in which the project to be financed is located; (iii) to the extent required, from legally available revenues of the Transportation Trust Fund; and (iv) from such other funds that may be appropriated by the General Assembly.

E. Commonwealth of Virginia Transportation Program Revenue Bonds issued under this chapter for projects defined in subdivision 13 of the definition of "project" in § 33.2-1700 shall not be deemed to constitute a debt of the Commonwealth or a pledge of the full faith and credit of the Commonwealth. Such bonds shall be payable solely, subject to their appropriation by the General Assembly, (i) first from any revenues received from any Set-aside Fund established by the General Assembly pursuant to § 58.1-816.1; (ii) to the extent required, from revenues received pursuant to any contract with a locality or any alternative mechanism for generation of local revenues for specific funding of a project satisfactory to the Board; (iii) to the extent required, from funds appropriated and allocated, pursuant to the highway allocation formula as provided by law, to the highway construction district in which the project to be financed is located or to the city or county in which the project to be financed is located; (iv) to the extent required, from legally available revenues from the Transportation Trust Fund; and (v) from such other funds that may be appropriated by the General Assembly.

F. Commonwealth of Virginia Federal Highway Reimbursement Anticipation Notes issued under this chapter shall not be deemed to constitute a debt of the Commonwealth or a pledge of the full faith and credit of the Commonwealth, but such obligations shall be payable solely, subject to appropriation by the General Assembly, (i) first from any federal highway reimbursements and any other federal highway assistance received by the Commonwealth; (ii) then, at the discretion of the Board, to the extent required, from legally available revenues of the Transportation Trust Fund; and (iii) then, from such other funds, if any, that are designated by the General Assembly for such purpose.

G. Commonwealth of Virginia Transportation Credit Assistance Revenue Bonds issued under the provisions of this chapter shall not be deemed to constitute a debt of the Commonwealth or a pledge of the full faith and credit of the Commonwealth, but such obligations shall be payable solely, subject to appropriation by the General Assembly, from revenues with respect to or generated by the project being financed thereby and any tolls or other revenues pledged by the Board as security therefor and in accordance with the applicable federal credit assistance authorized with respect to such project by the U.S. Department of Transportation.

H. Commonwealth of Virginia Transportation Capital Projects Revenue Bonds issued under the provisions of this chapter for projects as provided in subdivision 15 of the definition of "project" in § 33.2-1700 shall not be deemed to constitute a debt of the Commonwealth or a pledge of the full faith and credit of the Commonwealth, but such bonds shall be payable solely, subject to their appropriation by the General Assembly, (i) from the revenues deposited into the Priority Transportation Fund established pursuant to § 33.2-1527; (ii) to the extent required, from revenues legally available from the Transportation Trust Fund; and (iii) to the extent required, from any other legally available funds.

I. Commonwealth of Virginia Federal Transportation Grant Anticipation Revenue Notes issued under the provisions of Article 4 (§ 33.2-1511 et seq.) of Chapter 15 and this chapter shall not be deemed to constitute a debt of the Commonwealth or a pledge of the full faith and credit of the Commonwealth, but such notes shall be payable solely, subject to their appropriation by the General Assembly, (i) first from the project-specific reimbursements pursuant to § 33.2-1520; (ii) then, at the discretion of the Board, to the extent required, from legally available revenues of the Transportation Trust Fund; and (iii) then from such other funds, if any, that are designated by the General Assembly for such purpose.

J. Commonwealth of Virginia Interstate 81 Program Revenue Bonds issued under the provisions of this chapter shall not be deemed to constitute a debt of the Commonwealth or a pledge of the full faith and credit of the Commonwealth, but such bonds shall be payable solely from the funds provided therefor pursuant to this chapter, subject to their appropriation by the General Assembly, from revenues received from the Interstate 81 Corridor Improvement Fund from deposits thereto pursuant to § 58.1-2299.20 derived from the receipt of the regional fuels tax levied pursuant to § 58.1-2295.

K. Commonwealth of Virginia Passenger Rail Facilities Bonds issued under the provisions of this chapter shall not be deemed to constitute a debt of the Commonwealth or a pledge of the full faith and credit of the Commonwealth but such bonds shall be payable solely from the funds provided therefor from tolls, rates, fees, and charges pursuant to this chapter. All such bonds shall state on their face that the Commonwealth is not obligated to pay the same or the interest thereon except from revenues and funds provided from tolls, rates, fees, and charges pursuant to this chapter and the full faith and credit of the Commonwealth are not pledged to the payment of the principal of and interest on such bonds. The issuance of such revenue bonds under the provisions of this chapter shall not directly or indirectly or contingently obligate the Commonwealth to levy or to pledge any form of taxation whatsoever or to make any appropriation for their payment, other than to appropriate available funds from pledged revenues.

§ 33.2-1803. Approval by the responsible public entity.

A. The private entity may request approval by the responsible public entity. Any such request shall be accompanied by the following material and information unless waived by the responsible public entity in its guidelines or other instructions given, in writing, to the private entity with respect to the transportation facility or facilities that the private entity proposes to develop and/or operate as a qualifying transportation facility:

1. A topographic map (1:2,000 or other appropriate scale) indicating the location of the transportation facility or facilities;

2. A description of the transportation facility or facilities, including the conceptual design of such facility or facilities and all proposed interconnections with other transportation facilities;

3. The proposed date for development and/or operation of the transportation facility or facilities along with an estimate of the life-cycle cost of the transportation facility as proposed;

4. A statement setting forth the method by which the private entity proposes to secure any property interests required for the transportation facility or facilities;

5. Information relating to the current transportation plans, if any, of each affected locality or public entity;

6. A list of all permits and approvals required for developing and/or operating improvements to the transportation facility or facilities from local, state, or federal agencies and a projected schedule for obtaining such permits and approvals;

7. A list of public utility's, locality's, or political subdivision's facilities, if any, that will be crossed by the transportation facility or facilities and a statement of the plans of the private entity to accommodate such crossings;

8. A statement setting forth the private entity's general plans for developing and/or operating the transportation facility or facilities, including identification of any revenue, public or private, or proposed debt or equity investment or concession proposed by the private entity;

9. The names and addresses of the persons who may be contacted for further information concerning the request;

10. Information on how the private entity's proposal will address the needs identified in the appropriate state, regional, or local transportation plan by improving safety, reducing congestion, increasing capacity, enhancing economic efficiency, or any combination thereof;

11. A statement of the risks, liabilities, and responsibilities to be transferred, assigned, or assumed by the private entity for the development and/or operation of the transportation facility, including revenue risk and operations and maintenance; and

12. Such additional material and information as the responsible public entity may reasonably request pursuant to its guidelines or other written instructions.

B. The responsible public entity may request proposals from private entities for the development and/or operation of transportation facilities subject to the following:

1. For transportation facilities where the Department of Transportation, *the Virginia Passenger Rail Authority*, or the Department of Rail and Public Transportation is the responsible public entity, the Transportation Public-Private Partnership Steering Committee established pursuant to § 33.2-1803.2 has determined that moving forward with the development and/or operation of the facility pursuant to this article serves the best interest of the public.

2. A finding of public interest pursuant to § 33.2-1803.1 has been issued by the responsible public entity.

3. The responsible public entity shall not charge a fee to cover the costs of processing, reviewing, and evaluating proposals received in response to such requests.

C. The responsible public entity may grant approval of the development and/or operation of the transportation facility or facilities as a qualifying transportation facility if the responsible public entity determines that it is in the best interest of

the public. The responsible public entity may determine that the development and/or operation of the transportation facility or facilities as a qualifying transportation facility serves the best interest of the public if:

1. The private entity can develop and/or operate the transportation facility or facilities with a public contribution amount that is less than the maximum public contribution determined pursuant to subsection A of § 33.2-1803.1:1 for transportation facilities where the Department of Transportation, the *Virginia Passenger Rail Authority*, or the Department of Rail and Public Transportation is the responsible public entity;

2. There is a public need for the transportation facility or facilities the private entity proposes to develop and/or operate as a qualifying transportation facility and for transportation facilities where the Department of Transportation or the Department of Rail and Public Transportation is the responsible public entity, such facility or facilities meet a need included in the plan developed pursuant to § 33.2-353;

3. The plan for the development and/or operation of the transportation facility or facilities is anticipated to have significant benefits as determined pursuant to subdivision B 1 of § 33.2-1803.1;

4. The private entity's plans will result in the timely development and/or operation of the transportation facility or facilities or their more efficient operation; and

5. The risks, liabilities, and responsibilities transferred, assigned, or assumed by the private entity provide sufficient benefits to the public to not proceed with the development and/or operation of the transportation facility through other means of procurement available to the responsible public entity.

In evaluating any request, the responsible public entity may rely upon internal staff reports prepared by personnel familiar with the operation of similar facilities or the advice of outside advisors or consultants having relevant experience.

D. The responsible public entity shall not enter into a comprehensive agreement unless the chief executive officer of the responsible public entity certifies in writing to the Governor and the General Assembly that:

1. The finding of public interest issued pursuant to § 33.2-1803.1 is still valid;

2. The transfer, assignment, and assumption of risks, liabilities, and permitting responsibilities and the mitigation of revenue risk by the private sector have not materially changed since the finding of public interest was issued pursuant to § 33.2-1803.1; and

3. The public contribution requested by the private entity does not exceed the maximum public contribution determined pursuant to subsection A of § 33.2-1803.1:1.

Changes to the project scope that do not impact the assignment of risks or liabilities or the mitigation of revenue risk shall not be considered material changes to the finding of public interest, provided that such changes were presented in a public meeting to the Commonwealth Transportation Board, other state board, or the governing body of a locality, as appropriate.

E. The responsible public entity may charge a reasonable fee to cover the costs of processing, reviewing, and evaluating the request submitted by a private entity pursuant to subsection A, including reasonable attorney fees and fees for financial and other necessary advisors or consultants. The responsible public entity shall also develop guidelines that establish the process for the acceptance and review of a proposal from a private entity pursuant to subsections A, B, C, and D. Such guidelines shall establish a specific schedule for review of the proposal by the responsible public entity, a process for alteration of that schedule by the responsible public entity if it deems that changes are necessary because of the scope or complexity of proposals it receives, the process for receipt and review of competing proposals, and the type and amount of information that is necessary for adequate review of proposals in each stage of review. For qualifying transportation facilities that have approved or pending state and federal environmental clearances, have secured significant right-of-way, have previously allocated significant state or federal funding, or exhibit other circumstances that could reasonably reduce the amount of time to develop and/or operate the qualifying transportation facility in accordance with the purpose of this chapter, the guidelines shall provide for a prioritized documentation, review, and selection process.

F. The approval of the responsible public entity shall be subject to the private entity's entering into an interim agreement or a comprehensive agreement with the responsible public entity. For any project with an estimated construction cost of over \$50 million, the responsible public entity also shall require the private entity to pay the costs for an independent audit of any and all traffic and cost estimates associated with the private entity's proposal, as well as a review of all public costs and potential liabilities to which taxpayers could be exposed (including improvements to other transportation facilities that may be needed as a result of the proposal, failure by the private entity to reimburse the responsible public entity for services provided, and potential risk and liability in the event the private entity defaults on the comprehensive agreement or on bonds issued for the project). This independent audit shall be conducted by an independent consultant selected by the responsible public entity, and all such information from such review shall be fully disclosed.

G. In connection with its approval of the development and/or operation of the transportation facility or facilities as a qualifying transportation facility, the responsible public entity shall establish a date for the acquisition of or the beginning of construction of or improvements to the qualifying transportation facility. The responsible public entity may extend such date.

H. The responsible public entity shall take appropriate action, as more specifically set forth in its guidelines, to protect confidential and proprietary information provided by the private entity pursuant to an agreement under subdivision 11 of § 2.2-3705.6.

I. The responsible public entity may also apply for, execute, and/or endorse applications submitted by private entities to obtain federal credit assistance for qualifying projects developed and/or operated pursuant to this chapter.

§ 33.2-1803.1. Finding of public interest.

A. Prior to the meeting of the Committee pursuant to subsection C of § 33.2-1803.2, the chief executive officer of the responsible public entity shall make a finding of public interest. Such finding shall include information set forth in subsection B. For transportation facilities where the Department of Transportation, *the Virginia Passenger Rail Authority*, or the Department of Rail and Public Transportation is the responsible public entity, the Secretary of Transportation, in his role as chairman of the Board, must concur with the finding of public interest.

B. At a minimum, a finding of public interest shall contain the following information:

1. A description of the benefits expected to be realized by the responsible public entity through the development and/or operation of the transportation facility, including person throughput, congestion mitigation, safety, economic development, environmental quality, and land use.

2. An analysis of the public contribution necessary for the development and/or operation of the facility or facilities pursuant to subsection A of § 33.2-1803.1:1, including a maximum public contribution that will be allowed under the procurement.

3. A description of the benefits expected to be realized by the responsible public entity through the use of this chapter compared with the development and/or operation of the transportation facility through other options available to the responsible public entity.

4. A statement of the risks, liabilities, and responsibilities to be transferred, assigned, or assumed by the private entity, which shall include the following:

a. A discussion of whether revenue risk will be transferred to the private entity and the degree to which any such transfer may be mitigated through other provisions in the interim or comprehensive agreements;

b. A description of the risks, liabilities, and responsibilities to be retained by the responsible public entity; and

c. Other items determined appropriate by the responsible public entity in the guidelines for this chapter.

5. The determination of whether the project has a high, medium, or low level of project delivery risk and a description of how such determination was made. If the qualifying transportation facility is determined to contain high risk, a description of how the public's interest will be protected through the transfer, assignment, or assumption of risks or responsibilities by the private entity in the event that issues arise with the development and/or operation of the qualifying transportation facility.

6. If the responsible public entity proposes to enter into an interim or comprehensive agreement pursuant to subdivision 2 of § 33.2-1819, information and the rationale demonstrating that proceeding in this manner is more beneficial than proceeding pursuant to subdivision 1 of § 33.2-1819.

§ 33.2-1803.1:1. Public sector analysis and competition.

A. For any transportation facility under consideration for development and/or operation under this chapter by the Department of Transportation, *the Virginia Passenger Rail Authority*, or the Department of Rail and Public Transportation, the responsible public entity shall ensure competition throughout the procurement process by developing a public sector option based on the analysis conducted in subsection B. The public sector option shall identify a maximum public contribution.

B. The responsible public entity shall undertake, in cooperation with the Secretary of Transportation and the Secretary of Finance, a public sector analysis of the cost for the responsible entity to develop and/or operate the transportation facility or facilities being considered for development and/or operation pursuant to this chapter. At a minimum, such analysis shall contain the following information:

1. Any mitigation of risk of user-fee financing through assumptions related to competing facilities, compensation for high usage of the facility by high-occupancy vehicles, or other considerations that may mitigate the risk of user-fee financing.

2. Whether the Department of Transportation, *the Virginia Passenger Rail Authority*, or the Department of Rail and Public Transportation intends to maintain and operate the facility, or if the public sector option is based on the transfer of such responsibilities to the private sector.

3. Public contribution, if any, that would still be required to cover all costs necessary for the development and/or operation of the transportation facility in excess of financing available should the General Assembly authorize the use of debt secured by a pledge of net revenues derived from rates, fees, or other charges and the full faith and credit of the Commonwealth pursuant to Article X, Section 9 (c) of the Constitution of Virginia.

4. Funds provided to support nonuser fee generating components of the project that contribute to the benefits expected to be realized from the transportation facility pursuant to subdivision B 1 of § 33.2-1803.1.

§ 33.2-1803.2. Transportation Public-Private Partnership Steering Committee.

A. There is hereby established the Transportation Public-Private Partnership Steering Committee (the Committee) to evaluate and review financing options for the development and/or operation of transportation facility or facilities.

The Committee shall consist of the following members:

1. Two members of the Commonwealth Transportation Board;

2. The staff director of the House Committee on Appropriations, or his designee, and the staff director of the Senate Committee on Finance, or his designee;

3. A Deputy Secretary of Transportation who shall serve as the chairman;

4. The chief financial officer of either the Department of Transportation or the Department of Rail and Public Transportation, as appropriate; and

5. A nonagency public financial expert, as selected by the Secretary of Transportation.

B. Prior to the initiation of any procurement pursuant to § 33.2-1803 by the Department of Transportation, *the Virginia Passenger Rail Authority*, or the Department of Rail and Public Transportation, the Committee shall meet to review the public sector analysis and competition developed pursuant to § 33.2-1803.1:1 and concur that:

1. The assumptions regarding the project scope, benefits, and costs of the public sector option developed pursuant to § 33.2-1803.1:1 were fully and reasonably developed;

2. The assumed financing costs and valuation of both financial and construction risk mitigation included in the public sector option are financially sound and reflect the best interest of the public; and

3. The terms sheet developed for the proposed procurement contains all necessary elements.

C. After receipt of responses to the request for qualifications, but prior to the issuance of the first draft request for proposals, the Committee shall meet to determine that the development and/or operation of the transportation facility or facilities as a qualifying transportation facility serves the public interest pursuant to § 33.2-1803.1. If the Committee makes an affirmative determination, as evidenced by an affirmative vote of a majority of the members of the Committee, the Department of Transportation or the Department of Rail and Public Transportation may proceed with the procurement pursuant to § 33.2-1803.

D. Meetings of the Committee shall be open to the public, and meetings will be scheduled on an as-needed basis. However, the Committee may convene a closed session pursuant to the provisions of subdivisions A 6 and 29 of § 2.2-3711 to allow the Committee to review the public sector analysis and competition and to review proposals received pursuant to a request for qualifications.

E. The Committee shall, within 10 business days of any meeting, report on the findings of such meeting. Such report shall be made to the Chairmen of the House and Senate Committees on Transportation, the House Committee on Appropriations, and the Senate Committee on Finance.

F. Within 60 days of the execution of a comprehensive agreement pursuant to § 33.2-1803, the Department of Transportation or the Department of Rail and Public Transportation, as appropriate, shall, in closed session, brief the Committee on the details of the final bids received and the details of the evaluation of such bids.

§ 33.2-1809. Interim agreement.

A. Prior to or in connection with the negotiation of the comprehensive agreement, the responsible public entity may enter into an interim agreement with the private entity proposing the development and/or operation of the facility or facilities. Such interim agreement may (i) permit the private entity to commence activities for which it may be compensated relating to the proposed qualifying transportation facility, including project planning and development, advance right-of-way acquisition, design and engineering, environmental analysis and mitigation, survey, conducting transportation and revenue studies, and ascertaining the availability of financing for the proposed facility or facilities; (ii) establish the process and timing of the negotiation of the comprehensive agreement; and (iii) contain any other provisions related to any aspect of the development and/or operation of a qualifying transportation facility that the parties may deem appropriate.

B. Notwithstanding any provision of this chapter to the contrary, a responsible public entity may enter in to an interim agreement with multiple private entities if the responsible public entity determines in writing that it is in the public interest to do so.

C. The Department of Transportation, *the Virginia Passenger Rail Authority*, and the Department of Rail and Public Transportation shall not enter into an interim agreement for the development of a transportation facility under this chapter that either (i) establishes a process and timing of the negotiations of the comprehensive agreement or (ii) allows for competitive negotiations as set forth in § 2.2-4302.2.

§ 33.2-2300. U.S. Route 58 Corridor Development Fund.

There is hereby created in the Department of the Treasury a special nonreverting fund that shall be a part of the Transportation Trust Fund and that shall be known as the U.S. Route 58 Corridor Development Fund, referred to in this chapter as "the Fund," consisting of the first \$40 million of annual collections of ~~the state recordation taxes imposed by Chapter 8 of Title 58.1, provided, however, that this dedication shall not affect the local recordation taxes under subsection B of § 58.1-802 and § 58.1-814 from the Commonwealth Transportation Fund pursuant to § 33.2-1524.~~ The Fund shall also include such other funds as may be appropriated by the General Assembly and designated for the Fund and all interest, dividends, and appreciation that may accrue thereto. Any moneys remaining in the Fund at the end of a biennium shall not revert to the general fund, but shall remain in the Fund. Allocations from the Fund may be paid to any authority, locality, or commission for the purposes specified in § 33.2-2301.

§ 33.2-2301. U.S. Route 58 Corridor Development Program.

A. The General Assembly declares it to be in the public interest that the economic development needs and economic growth potential of south-central and Southwest Virginia be addressed by the Fund. Moneys contained in the Fund shall be used for the costs of providing an adequate, modern, safe, and efficient highway system, generally along Virginia's southern boundary (the Program), including environmental and engineering studies, rights-of-way acquisition, construction, improvements, and financing costs.

B. Allocations from the Fund shall be made annually by the Commonwealth Transportation Board for the creation and enhancement of a safe, efficient highway system connecting the communities, businesses, places of employment, and residents of the southwestern-most portion of the Commonwealth to the communities, businesses, places of employment,

and residents of the southeastern-most portion of the Commonwealth, thereby enhancing the economic development potential, employment opportunities, mobility, and quality along such highway.

C. Allocations from the Fund shall not diminish or replace allocations made or planned to be made from other sources or diminish allocations to which any highway, project, facility, district, system, or locality would be entitled under other provisions of this title, but shall be supplemental to other allocations to the end that highway resource improvements in the U.S. Route 58 Corridor may be accelerated and augmented. Notwithstanding any contrary provisions of this title, allocations from the Fund may be applied to highway projects in the Interstate System, primary or secondary state highway system, or urban highway system. Allocations under this subsection shall not be limited to projects involving only existing U.S. Route 58 but may be made to projects involving other highways, provided that the broader goal of creation of an adequate modern highway system generally along Virginia's southern boundary is served thereby.

D. The Commonwealth Transportation Board may expend such funds from all sources as may be lawfully available to initiate the Program and to support bonds and other obligations referenced in subsection F. Any moneys expended from the Transportation Trust Fund for the Program, other than moneys contained in the Fund, may be reimbursed from the Fund, to the extent permitted by Article X, Section 9 of the Constitution of Virginia.

E. The Commonwealth Transportation Board is encouraged to utilize the existing four-lane divided highways, available rights-of-way acquired for additional four-laning, bypasses, connectors, and alternate routes.

F. To the extent permitted by Article X, Section 9 of the Constitution of Virginia, moneys contained in the Fund may be used to secure payment of bonds or other obligations, and the interest thereon, issued in furtherance of the purposes of this section. In addition, the Commonwealth Transportation Board is authorized to receive, dedicate, or use legally available Transportation Trust Fund revenues and any other available sources of funds to secure the payment of bonds or other obligations, including interest thereon, in furtherance of the Program. No bond or other obligations payable from revenues of the Fund shall be issued unless specifically approved by the General Assembly. No bond or other obligations, secured in whole or in part by revenues of the Fund, shall pledge the full faith and credit of the Commonwealth.

G. Forty million dollars shall be transferred annually to the Fund with the first such transfer to be made on July 1, 1990, or as soon thereafter as reasonably practicable. Such transfer shall be made by the issuance of a treasury loan at no interest in the amount of \$40 million to the Fund to ensure that the Fund is fully funded on the first day of the fiscal year. Such treasury loan shall be repaid from the Commonwealth's portion of the state recordation tax imposed by Chapter 8 (§ 58.1-800 et seq.) of Title 58.1 designated for the Fund by § 33.2-2300 Commonwealth Transportation Fund pursuant to subsection C of § 33.2-1524. For each fiscal year following July 1, 1990, the Secretary of Finance is authorized to make additional treasury loans in the amount of \$40 million on July 1 of such fiscal years, and such treasury loans shall be repaid in a like manner as provided in this subsection.

§ 33.2-2400. Northern Virginia Transportation District Fund.

A. There is hereby created in the Department of the Treasury a special nonreverting fund that shall be a part of the Transportation Trust Fund and that shall be known as the Northern Virginia Transportation District Fund, referred to in this chapter as "the Fund," consisting of transfers pursuant to § 58.1-816 of annual collections of the state recordation taxes attributable to the Cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park and the Counties of Arlington, Fairfax, Loudoun, and Prince William; however, this dedication shall not affect the local recordation taxes under subsection B of § 58.1-802 and § 58.1-814 \$40 million from the Commonwealth Transportation Fund pursuant to subsection C of § 33.2-1524. The Fund shall also include any public rights-of-way use fees appropriated by the General Assembly; any state or local revenues, including any funds distributed pursuant to § 33.2-366, that may be deposited into the Fund pursuant to a contract between a jurisdiction participating in the Northern Virginia Transportation District Program and the Commonwealth Transportation Board; and any other funds as may be appropriated by the General Assembly and designated for the Fund and all interest, dividends, and appreciation that may accrue thereto. Any moneys remaining in the Fund at the end of a biennium shall not revert to the general fund, but shall remain in the Fund, subject to the determination by the Commonwealth Transportation Board that a Category 2, 3, or 4 project may be funded.

B. Allocations from the Fund may be paid (i) to any authority, locality, or commission for the purposes of paying the costs of the Northern Virginia Transportation District Program, which consists of the following: the Fairfax County Parkway, the Route 234 Bypass, Metrorail capital improvements attributable to Fairfax County including Metro parking expansions, Metrorail capital improvements including the Franconia-Springfield Metrorail Station and new rail car purchases, the Route 7 improvements in Loudoun County and Fairfax County, the Route 50/Courthouse Road interchange improvements in Arlington County, the Route 28/Route 625 interchange improvements in Loudoun County, Metrorail capital improvements attributable to the City of Alexandria including the King Street Metrorail Station access, Metrorail capital improvements attributable to Arlington County including Ballston Station improvements, the Route 15 safety improvements in Loudoun County, the Route 28 parallel roads in Loudoun County, the Route 28/Sterling Boulevard interchange in Loudoun County, the Route 1/Route 123 interchange improvements in Prince William County, the Lee Highway improvements in the City of Fairfax, the Route 123 improvements in Fairfax County, the Telegraph Road improvements in Fairfax County, the Route 123 Occoquan River Bridge, Gallows Road in Fairfax County, the Route 1/Route 234 interchange improvements in Prince William County, the Potomac-Rappahannock Potomac and Rappahannock Transportation Commission bus replacement program, and the Dulles Corridor Enhanced Transit program and (ii) for Category 4 projects as provided in § 2 of the act or acts authorizing the issuance of Bonds for the Northern Virginia Transportation District Program.

C. On or before July 15, 1994, \$19 million shall be transferred to the Fund. Such transfer shall be made by the issuance of a treasury loan at no interest in the amount of \$19 million in the event such an amount is not included for the Fund in the general appropriation act enacted by the 1994 Session of the General Assembly. Such treasury loan shall be repaid from the Commonwealth's portion of the state recordation tax imposed by Chapter 8 (§ 58.1-800 et seq.) of Title 58.1 designated for the Fund by this section and § 58.1-816 *Commonwealth Transportation Fund pursuant to subsection C of § 33.2-1524*.

D. Beginning in fiscal year 2019, \$20 million each year shall be transferred from the Fund to the Washington Metropolitan Area Transit Authority Capital Fund established pursuant to § 33.2-3401.

E. *Beginning in fiscal year 2021, \$20 million each year shall be transferred from the Fund to the Northern Virginia Transportation Authority Fund established pursuant to § 33.2-2509.*

§ 33.2-2401. Northern Virginia Transportation District Program.

A. The General Assembly declares it to be in the public interest that the economic development needs and economic growth potential of Northern Virginia be addressed by a special transportation program to provide for the costs of providing an adequate, modern, safe, and efficient transportation network in Northern Virginia that shall be known as the Northern Virginia Transportation District Program (the Program), including environmental and engineering studies, rights-of-way acquisition, construction, improvements to all modes of transportation, and financing costs. The Program consists of the projects listed in clause (i) of subsection B of § 33.2-2400.

B. Allocations to the Program from the Fund shall be made annually by the Commonwealth Transportation Board for the creation and enhancement of a safe and efficient transportation system connecting the communities, businesses, places of employment, and residences of the Commonwealth, thereby enhancing the economic development potential, employment opportunities, mobility, and quality of life in the Commonwealth.

C. Except in the event that the Fund is insufficient to pay for the costs of the Program, allocations to the Program shall not diminish or replace allocations made from other sources or diminish allocations to which any district, system, or locality would be entitled under other provisions of this title but shall be supplemental to other allocations to the end that transportation improvements in the Northern Virginia Transportation District may be accelerated and augmented. Allocations under this subsection shall be limited to projects specified in subdivision 12 of § 33.2-1700.

D. The Commonwealth Transportation Board may expend such funds from all sources as may be lawfully available to initiate the Program and to support bonds and other obligations referenced in subsection E and in subsection D of § 33.2-2400.

E. The Commonwealth Transportation Board is authorized to receive, dedicate, or use (i) first from revenues received from the Fund; (ii) to the extent required, funds available for distribution after providing for subsection B A of § 33.2-358; (iii) to the extent required, legally available revenues of the Transportation Trust Fund; and (iv) such other funds that may be appropriated by the General Assembly for the payment of bonds or other obligations, including interest thereon, issued in furtherance of the Program. No such bond or other obligations shall pledge the full faith and credit of the Commonwealth.

§ 33.2-2509. Northern Virginia Transportation Authority Fund.

There is hereby created in the state treasury a special nonreverting fund for Planning District 8 to be known as the Northern Virginia Transportation Authority Fund, referred to in this chapter as "the Fund." The Fund shall be established on the books of the Comptroller. All revenues dedicated to the Fund pursuant to §§ 33.2-2400, 58.1-638, and 58.1-802.4, any other funds that may be appropriated by the General Assembly, and any funds that may be received for the credit of the Fund from any other source shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund.

The amounts dedicated to the Fund pursuant to §§ 33.2-2400, 58.1-638, and 58.1-802.4 shall be deposited monthly by the Comptroller into the Fund and thereafter distributed to the Authority as soon as practicable for use in accordance with § 33.2-2510. If the Authority determines that such moneys distributed to it exceed the amount required to meet the current needs and demands to fund transportation projects pursuant to § 33.2-2510, the Authority may invest such excess moneys to the same extent as provided in subsection A of § 33.2-1525 for excess funds in the Transportation Trust Fund.

§ 33.2-3601. Interstate 81 Corridor Improvement Fund.

A. There is hereby created in the state treasury a special nonreverting fund to be known as the Interstate 81 Corridor Improvement Fund. The Fund shall be established on the books of the Comptroller. All revenues dedicated to the Fund pursuant to §§ ~~46.2-702.1:1, 58.1-2217.1, 33.2-372 and 58.1-2299.20, and 58.1-2701~~, any other funds that may be appropriated by the General Assembly, and any funds that may be received for credit to the Fund from any other sources shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund.

B. Moneys in the Fund shall be used only for capital, operating, and other improvement costs identified in the Plan.

C. The amounts deposited into the Fund and the distribution and expenditure of such amounts shall not be used to calculate or reduce the share of federal, state, or local revenues otherwise available to jurisdictions along the Interstate 81 corridor. Further, such revenues and moneys shall not be included in any computation of, or formula for, a locality's ability to pay for public education, upon which appropriations of state revenues to local governments for public education are determined.

§ 46.2-214.3. Discount for multiyear registration.

A. In addition to any other fee imposed and collected by the Department, the Department shall impose and collect a service charge upon each person who carries out the registration renewal of a vehicle in any of the Department's Customer Service Centers if such registration can be conducted (i) by mail or telephone or by using an electronic medium using a format prescribed by the Commissioner, or (ii) through an agent of the Department that has entered into an agreement with the Department to perform certain services as described in subsection B of § 46.2-205. The service charge shall not apply (a) if concurrently with the registration of the vehicle, the person undertakes another transaction at a Customer Service Center, which other transaction cannot be conducted through a means described in clause (i) or (ii), (b) to the registration of any vehicle for which no registration fee is otherwise required by law, or (c) to any registration conducted by a motor vehicle dealer subject to the provisions of § 46.2-1530.2.

B. The service charge shall equal \$5 per vehicle registration renewal that is carried out in any Customer Service Center of the Department. The Department shall include information regarding such service charge in all vehicle registration renewal notices sent to vehicle owners.

C. All service charges imposed and collected by the Commissioner under this section shall be paid into the state treasury and shall be set aside as a special fund to be used to meet the expenses of the Department.

D. Pursuant to subsection C of § 46.2-646, for each motor vehicle, trailer, or semitrailer registered, the Commissioner may offer, at his discretion, a discount for multiyear registrations of such vehicles. The discount shall be equal to \$1 for each year of the multiyear registration or fraction thereof. The discount shall not be applicable to any motor vehicle, trailer, or semitrailer registered (i) under the International Registration Plan or (ii) as an uninsured motor vehicle. When this option is offered and chosen by the registrant, all annual and 12-month fees due at the time of registration shall be multiplied by the number of years or fraction thereof that the vehicle will be registered.

E. B. In addition to the discount authorized in subsection D A, for the renewal of registration of each motor vehicle, trailer, or semitrailer pursuant to § 46.2-646, the Commissioner shall offer a discount for renewal when such registration renewal is conducted using the Internet. The discount shall be equal to \$1. The discount shall not apply to any motor vehicle, trailer, or semitrailer registered (i) under the International Registration Plan or (ii) as an uninsured motor vehicle.

§ 46.2-332. Fees.

On and after January 1, 1990, the fee for each driver's license other than a commercial driver's license shall be \$2.40 per year. If the license is a commercial driver's license or seasonal restricted commercial driver's license, the fee shall be \$6 per year. Persons 21 years old or older may be issued a scenic driver's license, learner's permit, or commercial driver's license for an additional fee of \$5. For any one or more driver's license endorsements or classifications, except a motorcycle classification, there shall be an additional fee of \$1 per year; for a motorcycle classification, there shall be an additional fee of \$2 per year. For any and all driver's license classifications, there shall be an additional fee of \$1 per year. For any revalidation of a seasonal restricted commercial driver's license, the fee shall be \$5. A fee of \$10 shall be charged to extend the validity period of a driver's license pursuant to subsection B of § 46.2-221.2.

In addition to any other fee imposed and collected by the Department, the Department shall impose and collect a service charge of \$5 upon each person who carries out the renewal of a driver's license or special identification card in any of the Department's Customer Service Centers if such renewal can be conducted by mail or telephone or by using an electronic medium in a format prescribed by the Commissioner. Such service charge shall not apply if, concurrently with the renewal of the driver's license or special identification card, the person undertakes another transaction at a Customer Service Center that cannot be conducted by mail or telephone or by using an electronic medium in a format prescribed by the Commissioner. Such service charge shall be paid by the Commissioner into the state treasury and shall be set aside as a special fund to be used to meet the expenses of the Department.

A reexamination fee of \$2 shall be charged for each administration of the knowledge portion of the driver's license examination taken by an applicant who is 18 years of age or older if taken more than once within a 15-day period. The reexamination fee shall be charged each time the examination is administered until the applicant successfully completes the examination, if taken prior to the fifteenth day.

An applicant who is less than 18 years of age who does not successfully complete the knowledge portion of the driver's license examination shall not be permitted to take the knowledge portion more than once in 15 days.

A fee of \$50 shall be charged each time an applicant for a commercial driver's license fails to keep a scheduled skills test appointment, unless such applicant cancels his appointment with the assigned driver's license examiner at least 24 hours in advance of the scheduled appointment. The Commissioner may, on a case-by-case basis, waive such fee for good cause shown. All such fees shall be paid by the Commissioner into the state treasury and set aside as a special fund to be used to meet the necessary expenses incurred by the Department.

If the applicant for a driver's license is an employee of the Commonwealth, or of any county, city, or town who drives a motorcycle or a commercial motor vehicle solely in the line of his duty, he shall be exempt from the additional fee otherwise assessable for a motorcycle classification or a commercial motor vehicle endorsement. The Commissioner may prescribe the forms as may be requisite for completion by persons claiming exemption from additional fees imposed by this section.

No additional fee above \$2.40 per year shall be assessed for the driver's license or commercial driver's license required for the operation of a school bus.

Excluding the \$2 reexamination fee, \$1.50 of all fees collected for each original or renewal driver's license shall be paid into the driver education fund of the state treasury and expended as provided by law. Unexpended funds from the driver education fund shall be retained in the fund and be available for expenditure in ensuing years as provided therein.

All fees for motorcycle classifications shall be distributed as provided in § 46.2-1191.

This section shall supersede conflicting provisions of this chapter.

§ 46.2-341.20:5. Prohibition on texting and use of handheld mobile telephone; penalties.

A. No person driving a commercial motor vehicle shall text or use a handheld mobile telephone while driving such vehicle. A driver who violates this section is subject to a civil penalty not to exceed \$2,750. Civil penalties collected under this section shall be deposited into the ~~Transportation Trust~~ *Highway Maintenance and Operating* Fund established pursuant to § ~~33.2-1524~~ § 33.2-1530. Pursuant to 49 C.F.R. § 386.81, the determination of the actual civil penalties assessed is based on consideration of information available at the time the claim is made concerning the nature and gravity of the violation and, with respect to the violator, the degree of culpability, history of prior offenses, ability to pay, effect on ability to continue to do business, and such other matters as justice and public safety may require.

B. Notwithstanding the definition of commercial motor vehicle in § 46.2-341.4, this section shall apply to any driver who drives a vehicle designed or used to transport between nine and 15 passengers, including the driver, not for direct compensation.

C. The provisions of this section shall not apply to drivers who are texting or using a handheld mobile telephone when necessary to communicate with law-enforcement officials or other emergency services.

D. The following words and phrases when used in this section only shall have the meanings respectively ascribed to them in this section except in those instances where the context clearly indicates a different meaning:

"Driving" means operating a commercial motor vehicle on a highway, including while temporarily stationary because of traffic, a traffic control device, or other momentary delays. Driving does not include operating a commercial motor vehicle when the driver has moved the vehicle to the side of or off a highway and has halted in a location where the vehicle can safely remain stationary.

"Mobile telephone" means a mobile communication device that falls under or uses any commercial mobile radio service, as defined in regulations of the Federal Communications Commission, 47 C.F.R. § 20.3. "Mobile telephone" does not include two-way or citizens band radio services.

"Texting" means manually entering alphanumeric text into, or reading text from, an electronic device. This action includes, but is not limited to, short message service, emailing, instant messaging, a command or request to access a website, pressing more than a single button to initiate or terminate a voice communication using a mobile telephone, or engaging in any other form of electronic text retrieval or entry for present or future communication. "Texting" does not include inputting, selecting, or reading information on a global positioning system or navigation system; pressing a single button to initiate or terminate a voice communication using a telephone; or using a device capable of performing multiple functions (e.g., fleet management systems, dispatching devices, smartphones, citizens band radios, music players, etc.) for a purpose that is not otherwise prohibited in this section.

"Use a handheld mobile telephone" means using at least one hand to hold a mobile telephone to conduct a voice communication; dialing or answering a mobile telephone by pressing more than a single button; or reaching for a mobile telephone in a manner that requires a driver to maneuver so that he is no longer in a seated driving position, restrained by a seat belt that is installed in accordance with 49 C.F.R. § 393.93 and adjusted in accordance with the vehicle manufacturer's instructions.

§ 46.2-341.20:6. Prohibition on requiring use of handheld mobile telephone or texting; motor carrier penalty.

No motor carrier shall allow or require its drivers to use a handheld mobile telephone or to text while driving a commercial motor vehicle. Motor carriers violating this section are subject to a civil penalty not to exceed \$11,000. Civil penalties collected under this section shall be deposited into the ~~Transportation Trust~~ *Highway Maintenance and Operating* Fund established pursuant to § ~~33.2-1524~~ § 33.2-1530. Pursuant to 49 C.F.R. § 386.81, the determination of the actual civil penalties assessed is based on consideration of information available at the time the claim is made concerning the nature and gravity of the violation and, with respect to the violator, the degree of culpability, history of prior offenses, ability to pay, effect on ability to continue to do business, and such other matters as justice and public safety may require. "Driving," "mobile telephone," "texting," and "use a handheld mobile telephone" have the same meanings as assigned to them in § 46.2-341.20:5.

§ 46.2-686. Portion of certain fees to be paid into special fund.

Except as provided in subdivision A 13 of subsection A of § 46.2-694 and § 46.2-703, an amount equal to ~~twenty~~ *19.6* percent of the fees collected, after refunds, from the registration of motor vehicles, trailers, and semitrailers pursuant to this chapter, ~~calculated at the rates in effect on December 31, 1986,~~ shall be transferred from the special fund established by the provisions of § 46.2-206 to a special fund in the state treasury to be used to meet the expenses of the Department.

§ 46.2-694. (Contingent expiration date) Fees for vehicles designed and used for transportation of passengers; weights used for computing fees; burden of proof.

A. The annual registration fees for motor vehicles, trailers, and semitrailers designed and used for the transportation of passengers on the highways in the Commonwealth are:

1. ~~Thirty-three~~ *a. Twenty-three* dollars for each private passenger car or motor home if the passenger car or motor home weighs 4,000 pounds or less, provided that it is not used for the transportation of passengers for compensation and is not kept or used for rent or for hire, or is not operated under a lease without a chauffeur; however, the fee provided under this

subdivision shall apply to a private passenger car or motor home that weighs 4,000 pounds or less and is used as a TNC partner vehicle as defined in § 46.2-2000.

b. Thirty-three dollars for each motor home if the motor home weighs 4,000 pounds or less, provided that it is not used for the transportation of passengers for compensation and is not kept or used for rent or for hire, or is not operated under a lease without a chauffeur.

~~2. Thirty-eight~~ *a. Twenty-eight* dollars for each private passenger car or motor home that weighs more than 4,000 pounds, provided that it is not used for the transportation of passengers for compensation and is not kept or used for rent or for hire, or is not operated under a lease without a chauffeur; however, the fee provided under this subdivision shall apply to a private passenger car or motor home that weighs more than 4,000 pounds and is used as a TNC partner vehicle as defined in § 46.2-2000.

b. Thirty-eight dollars for each motor home if the motor home weighs more than 4,000 pounds, provided that it is not used for the transportation of passengers for compensation and is not kept or used for rent or for hire, or is not operated under a lease without a chauffeur.

3. Thirty cents per 100 pounds or major fraction thereof for a private motor vehicle other than a motorcycle with a normal seating capacity of more than 10 adults, including the driver, if the private motor vehicle is not used for the transportation of passengers for compensation and is not kept or used for rent or for hire or is not operated under a lease without a chauffeur. In no case shall the fee be less than \$23 if the vehicle weighs 4,000 pounds or less or \$28 if the vehicle weighs more than 4,000 pounds.

4. Thirty cents per 100 pounds or major fraction thereof for a school bus. In no case shall the fee be less than \$23 if the vehicle weighs 4,000 pounds or less or \$28 if the vehicle weighs more than 4,000 pounds.

5. Twenty-three dollars for each trailer or semitrailer designed for use as living quarters for human beings.

6. Thirteen dollars plus \$0.30 per 100 pounds or major fraction thereof for each motor vehicle, trailer, or semitrailer used as a common carrier of passengers, operating either intrastate or interstate. Interstate common carriers of interstate passengers may elect to be licensed and pay the fees prescribed in subdivision 7 on submission to the Commissioner of a declaration of operations and equipment as he may prescribe. An additional \$5 shall be charged if the motor vehicle weighs more than 4,000 pounds.

7. Thirteen dollars plus \$0.70 per 100 pounds or major fraction thereof for each motor vehicle, trailer, or semitrailer used as a common carrier of interstate passengers if election is made to be licensed under this subsection. An additional \$5 shall be charged if the motor vehicle weighs more than 4,000 pounds. In lieu of the foregoing fee of \$0.70 per 100 pounds, a motor carrier of passengers, operating two or more vehicles both within and outside the Commonwealth and registered for insurance purposes with the Surface Transportation Board of the U.S. Department of Transportation, Federal Highway Administration, may apply to the Commissioner for prorated registration. Upon the filing of such application, in such form as the Commissioner may prescribe, the Commissioner shall apportion the registration fees provided in this subsection so that the total registration fees to be paid for such vehicles of such carrier shall be that proportion of the total fees, if there were no apportionment, that the total number of miles traveled by such vehicles of such carrier within the Commonwealth bears to the total number of miles traveled by such vehicles within and outside the Commonwealth. Such total mileage in each instance is the estimated total mileage to be traveled by such vehicles during the license year for which such fees are paid, subject to the adjustment in accordance with an audit to be made by representatives of the Commissioner at the end of such license year, the expense of such audit to be borne by the carrier being audited. Each vehicle passing into or through Virginia shall be registered and licensed in Virginia and the annual registration fee to be paid for each such vehicle shall not be less than \$33. For the purpose of determining such apportioned registration fees, only those motor vehicles, trailers, or semitrailers operated both within and outside the Commonwealth shall be subject to inclusion in determining the apportionment provided for herein.

8. Thirteen dollars plus \$0.80 per 100 pounds or major fraction thereof for each motor vehicle, trailer or semitrailer kept or used for rent or for hire or operated under a lease without a chauffeur for the transportation of passengers. An additional fee of \$5 shall be charged if the vehicle weighs more than 4,000 pounds. This subdivision does not apply to vehicles used as common carriers or as TNC partner vehicles as defined in § 46.2-2000.

9. Twenty-three dollars for a taxicab or other vehicle which is kept for rent or hire operated with a chauffeur for the transportation of passengers, and which operates or should operate under permits issued by the Department as required by law. An additional fee of \$5 shall be charged if the vehicle weighs more than 4,000 pounds. This subdivision does not apply to vehicles used as common carriers or as TNC partner vehicles as defined in § 46.2-2000.

~~10. Eighteen~~ *Fourteen* dollars for a motorcycle, with or without a sidecar. To this fee shall be added a surcharge of \$3 which shall be distributed as provided in § 46.2-1191.

~~10a. Fourteen~~ *Twelve* dollars for a moped, to be paid into the state treasury and set aside as a special fund to be used to meet the expenses of the Department.

~~10b. Eighteen~~ *Fourteen* dollars for an autocycle.

11. Twenty-three dollars for a bus used exclusively for transportation to and from church school, for the purpose of religious instruction, or church, for the purpose of divine worship. If the empty weight of the vehicle exceeds 4,000 pounds, the fee shall be \$28.

12. Thirteen dollars plus \$0.70 per 100 pounds or major fraction thereof for other passenger-carrying vehicles.

13. An additional fee of \$4.25 per year shall be charged and collected at the time of registration of each pickup or panel truck and each motor vehicle under subdivisions 1 through 12. All funds collected from \$4 of the \$4.25 fee shall be paid into the state treasury and shall be set aside as a special fund to be used only for emergency medical services purposes. The moneys in the special emergency medical services fund shall be distributed as follows:

a. Two percent shall be distributed to the State Department of Health to provide funding to the Virginia Association of Volunteer Rescue Squads to be used solely for the purpose of conducting volunteer recruitment, retention, and training activities;

b. Thirty percent shall be distributed to the State Department of Health to support (i) emergency medical services training programs (excluding advanced life support classes); (ii) advanced life support training; (iii) recruitment and retention programs (all funds for such support shall be used to recruit and retain volunteer emergency medical services personnel only, including public awareness campaigns, technical assistance programs, and similar activities); (iv) emergency medical services system development, initiatives, and priorities based on needs identified by the State Emergency Medical Services Advisory Board; (v) local, regional, and statewide performance contracts for emergency medical services to meet the objectives stipulated in § 32.1-111.3; (vi) technology and radio communication enhancements; and (vii) improved emergency preparedness and response. Any funds set aside for distribution under this provision and remaining undistributed at the end of any fiscal year shall revert to the Rescue Squad Assistance Fund;

c. Thirty-two percent shall be distributed to the Rescue Squad Assistance Fund;

d. Ten percent shall be available to the State Department of Health's Office of Emergency Medical Services for use in emergency medical services; and

e. Twenty-six percent shall be returned by the Comptroller to the locality wherein such vehicle is registered, to provide funding for training of volunteer or salaried emergency medical services personnel of nonprofit emergency medical services agencies that hold a valid license issued by the Commissioner of Health and for the purchase of necessary equipment and supplies for use in such locality for emergency medical services provided by nonprofit emergency medical services agencies that hold a valid license issued by the Commissioner of Health.

All revenues generated by the remaining \$0.25 of the \$4.25 fee approved by the 2008 Session of the General Assembly shall be deposited into the Rescue Squad Assistance Fund and used only to pay for the costs associated with the certification and recertification training of emergency medical services personnel.

The Comptroller shall clearly designate on the warrant, check, or other means of transmitting these funds that such moneys are only to be used for purposes set forth in this subdivision. Such funds shall be in addition to any local appropriations and local governing bodies shall not use these funds to supplant local funds. Each local governing body shall report annually to the Board of Health on the use of the funds returned to it pursuant to this section. In any case in which the local governing body grants the funds to a regional emergency medical services council to be distributed to the nonprofit emergency medical services agency that holds a valid license issued by the Commissioner of Health, the local governing body shall remain responsible for the proper use of the funds. If, at the end of any fiscal year, a report on the use of the funds returned to the locality pursuant to this section for that year has not been received from a local governing body, any funds due to that local governing body for the next fiscal year shall be retained until such time as the report has been submitted to the Board.

B. All motor vehicles, trailers, and semitrailers registered as provided in subsection B of § 46.2-646 shall pay a registration fee equal to one-twelfth of all fees required by subsection A of this section or § 46.2-697 for such motor vehicle, trailer, or semitrailer, computed to the nearest cent, multiplied by the number of months in the registration period for such motor vehicles, trailers, and semitrailers.

C. The manufacturer's shipping weight or scale weight shall be used for computing all fees required by this section to be based upon the weight of the vehicle.

D. The applicant for registration bears the burden of proof that the vehicle for which registration is sought is entitled by weight, design, and use to be registered at the fee tendered by the applicant to the Commissioner or to his authorized agent.

§ 46.2-697. (Contingent expiration date) Fees for vehicles not designed or used for transportation of passengers.

A. Except as otherwise provided in this section, the fee for registration of all motor vehicles not designed and used for the transportation of passengers shall be \$23 plus an amount determined by the gross weight of the vehicle or combination of vehicles of which it is a part, when loaded to the maximum capacity for which it is registered and licensed, according to the schedule of fees set forth in this section. For each 1,000 pounds of gross weight, or major fraction thereof, for which any such vehicle is registered, there shall be paid to the Commissioner the fee indicated in the following schedule immediately opposite the weight group and under the classification established by the provisions of subsection B of § 46.2-711 into which such vehicle, or any combination of vehicles of which it is a part, falls when loaded to the maximum capacity for which it is registered and licensed. The fee for a pickup or panel truck shall be ~~\$33~~ \$23 if its gross weight is 4,000 pounds or less, and \$38 \$28 if its gross weight is 4,001 pounds through 6,500 pounds. The fee shall be ~~\$39~~ \$32 for any motor vehicle with a gross weight of 6,501 pounds through 10,000 pounds.

Fee Per Thousand Pounds of Gross Weight

Gross Weight Groups (pounds)	Private Carriers	For Rent or For Hire Carriers
10,001 — 11,000	\$3.17	\$4.75
11,001 — 12,000	3.42	4.90
12,001 — 13,000	3.66	5.15
13,001 — 14,000	3.90	5.40
14,001 — 15,000	4.15	5.65
15,001 — 16,000	4.39	5.90
16,001 — 17,000	4.88	6.15
17,001 — 18,000	5.37	6.40
18,001 — 19,000	5.86	7.50
19,001 — 20,000	6.34	7.70
20,001 — 21,000	6.83	7.90
21,001 — 22,000	7.32	8.10
22,001 — 23,000	7.81	8.30
23,001 — 24,000	8.30	8.50
24,001 — 25,000	8.42	8.70
25,001 — 26,000	8.48	8.90
26,001 — 27,000	10.07	10.35
27,001 — 28,000	10.13	10.55
28,001 — 29,000	10.18	10.75
29,001 — 40,000	10.31	10.95
40,001 — 45,000	10.43	11.15
45,001 — 50,000	10.68	11.25
50,001 — 55,000	11.29	13.25
55,001 — 76,000	13.73	15.25
76,001 — 80,000	16.17	16.25

For all such motor vehicles exceeding a gross weight of 6,500 pounds, an additional fee of ~~five dollars~~ \$5 shall be imposed.

B. In lieu of registering any motor vehicle referred to in this section for an entire licensing year, the owner may elect to register the vehicle only for one or more quarters of a licensing year, and in such case, the fee shall be ~~twenty-five~~ 25 percent of the annual fee plus ~~five dollars~~ \$5 for each quarter that the vehicle is registered.

C. When an owner elects to register and license a motor vehicle under subsection B of ~~this section~~, the provisions of §§ 46.2-646 and 46.2-688 shall not apply.

D. Notwithstanding any other provision of law, no vehicle designed, equipped, and used to tow disabled or inoperable motor vehicles shall be required to register in accordance with any gross weight other than the gross weight of the towing vehicle itself, exclusive of any vehicle being towed.

E. All registrations and licenses issued for less than a full year shall expire on the date shown on the license and registration.

§ 46.2-752. Taxes and license fees imposed by counties, cities, and towns; limitations on amounts; disposition of revenues; requiring evidence of payment of personal property taxes and certain fines; prohibiting display of licenses after expiration; failure to display valid local license required by other localities; penalty.

A. Except as provided in § 46.2-755, counties, cities, and towns may levy and assess taxes and charge license fees on motor vehicles, trailers, and semitrailers. However, none of these taxes and license fees shall be assessed or charged by any county on vehicles owned by residents of any town located in the county when such town constitutes a separate school district if the vehicles are already subject to town license fees and taxes, nor shall a town charge a license fee to any new resident of the town, previously a resident of a county within which all or part of the town is situated, who has previously paid a license fee for the same tax year to such county. The amount of the license fee or tax imposed by any county, city, or town on any motor vehicle, trailer, or semitrailer shall not be greater than the annual or one-year fee imposed by the Commonwealth on the motor vehicle, trailer, or semitrailer *in effect on January 1, 2020*. The license fees and taxes shall be imposed in such manner, on such basis, for such periods, and subject to proration for fractional periods of years, as the proper local authorities may determine.

Owners or lessees of motor vehicles, trailers, and semitrailers who have served outside of the United States in the armed services of the United States shall have a 90-day grace period, beginning on the date they are no longer serving outside the United States, in which to comply with the requirements of this section. For purposes of this section, "the armed services of the United States" includes active duty service with the regular Armed Forces of the United States or the National Guard or other reserve component.

Local licenses may be issued free of charge for any or all of the following:

1. Vehicles powered by clean special fuels as defined in § 46.2-749.3, including dual-fuel and bi-fuel vehicles,
2. Vehicles owned by volunteer emergency medical services agencies,
3. Vehicles owned by volunteer fire departments,
4. Vehicles owned or leased by active members or active auxiliary members of volunteer emergency medical services agencies,
5. Vehicles owned or leased by active members or active auxiliary members of volunteer fire departments,
6. Vehicles owned or leased by auxiliary police officers,
7. Vehicles owned or leased by volunteer police chaplains,
8. Vehicles owned by surviving spouses of persons qualified to receive special license plates under § 46.2-739,
9. Vehicles owned or leased by auxiliary deputy sheriffs or volunteer deputy sheriffs,
10. Vehicles owned by persons qualified to receive special license plates under § 46.2-739,
11. Vehicles owned by any of the following who served at least 10 years in the locality: former members of volunteer emergency medical services agencies, former members of volunteer fire departments, former auxiliary police officers, members and former members of authorized police volunteer citizen support units, members and former members of authorized sheriff's volunteer citizen support units, former volunteer police chaplains, and former volunteer special police officers appointed under former § 15.2-1737. In the case of active members of volunteer emergency medical services agencies and active members of volunteer fire departments, applications for such licenses shall be accompanied by written evidence, in a form acceptable to the locality, of their active affiliation or membership, and no member of an emergency medical services agency or member of a volunteer fire department shall be issued more than one such license free of charge,
12. All vehicles having a situs for the imposition of licensing fees under this section in the locality,
13. Vehicles owned or leased by deputy sheriffs; however, no deputy sheriff shall be issued more than one such license free of charge,
14. Vehicles owned or leased by police officers; however, no police officer shall be issued more than one such license free of charge,
15. Vehicles owned or leased by officers of the State Police; however, no officer of the State Police shall be issued more than one such license free of charge,
16. Vehicles owned or leased by salaried firefighters; however, no salaried firefighter shall be issued more than one such license free of charge,
17. Vehicles owned or leased by salaried emergency medical services personnel; however, no salaried emergency medical services personnel shall be issued more than one such license free of charge,
18. Vehicles with a gross weight exceeding 10,000 pounds owned by museums officially designated by the Commonwealth,
19. Vehicles owned by persons, or their surviving spouses, qualified to receive special license plates under subsection A of § 46.2-743, and
20. Vehicles owned or leased by members of the Virginia Defense Force; however, no member of the Virginia Defense Force shall be issued more than one such license free of charge.

The governing body of any county, city, or town issuing licenses under this section may by ordinance provide for a 50 percent reduction in the fee charged for the issuance of any such license issued for any vehicle owned or leased by any person who is 65 years old or older. No such discount, however, shall be available for more than one vehicle owned or leased by the same person.

The governing body of any county, city, or town issuing licenses free of charge under this subsection may by ordinance provide for (i) the limitation, restriction, or denial of such free issuance to an otherwise qualified applicant, including without limitation the denial of free issuance to a taxpayer who has failed to timely pay personal property taxes due with respect to the vehicle and (ii) the grounds for such limitation, restriction, or denial.

The situs for the imposition of licensing fees under this section shall in all cases, except as hereinafter provided, be the county, city, or town in which the motor vehicle, trailer, or semitrailer is normally garaged, stored, or parked. If it cannot be determined where the personal property is normally garaged, stored, or parked, the situs shall be the domicile of its owner. In the event the owner of the motor vehicle is a full-time student attending an institution of higher education, the situs shall be the domicile of such student, provided the student has presented sufficient evidence that he has paid a personal property tax on the motor vehicle in his domicile.

B. The revenue derived from all county, city, or town taxes and license fees imposed on motor vehicles, trailers, or semitrailers shall be applied to general county, city, or town purposes.

C. A county, city, or town may require that no motor vehicle, trailer, or semitrailer shall be locally licensed until the applicant has produced satisfactory evidence that all personal property taxes on the motor vehicle, trailer, or semitrailer to be licensed have been paid and satisfactory evidence that any delinquent motor vehicle, trailer, or semitrailer personal

property taxes owing have been paid which have been properly assessed or are assessable against the applicant by the county, city, or town. A county, city, or town may also provide that no motor vehicle license shall be issued unless the tangible personal property taxes properly assessed or assessable by that locality on any tangible personal property used or usable as a dwelling titled by the Department of Motor Vehicles and owned by the taxpayer have been paid. Any county and any town within any such county may by agreement require that all personal property taxes assessed by either the county or the town on any vehicle be paid before licensure of such vehicle by either the county or the town.

C1. The Counties of Dinwiddie, Lee, and Wise may, by ordinance or resolution adopted after public notice and hearing and, with the consent of the treasurer, require that no license may be issued under this section unless the applicant has produced satisfactory evidence that all fees, including delinquent fees, payable to such county or local solid waste authority, for the disposal of solid waste pursuant to the Virginia Water and Waste Authorities Act (§ 15.2-5100 et seq.), or pursuant to § 15.2-2159, have been paid in full. For purposes of this subsection, all fees, including delinquent fees, payable to a county for waste disposal services described herein, shall be paid to the treasurer of such county; however, in Wise County, the fee shall be paid to the county or its agent.

D. The Counties of Arlington, Fairfax, Loudoun, and Prince William and towns within them and any city may require that no motor vehicle, trailer, or semitrailer shall be licensed by that jurisdiction unless all fines owed to the jurisdiction by the owner of the vehicle, trailer, or semitrailer for violation of the jurisdiction's ordinances governing parking of vehicles have been paid. The provisions of this subsection shall not apply to vehicles owned by firms or companies in the business of renting motor vehicles.

E. If in any county imposing license fees and taxes under this section, a town therein imposes like fees and taxes on vehicles of owners resident in the town, the owner of any vehicle subject to the fees or taxes shall be entitled, on the owner's displaying evidence that he has paid the fees or taxes, to receive a credit on the fees or taxes imposed by the county to the extent of the fees or taxes he has paid to the town. Nothing in this section shall deprive any town now imposing these licenses and taxes from increasing them or deprive any town not now imposing them from hereafter doing so, but subject to the limitations provided in subsection D. The governing body of any county and the governing body of any town in that county wherein each imposes the license tax herein provided may provide mutual agreements so that not more than one license plate or decal in addition to the state plate shall be required.

F. Notwithstanding the provisions of subsection E, in a consolidated county wherein a tier-city exists, the tier-city may, in accordance with the provisions of the agreement or plan of consolidation, impose license fees and taxes under this section in addition to those fees and taxes imposed by the county, provided that the combined county and tier-city rates do not exceed the maximum provided in subsection A. No credit shall be allowed on the fees or taxes imposed by the county for fees or taxes paid to the tier-city, except as may be provided by the consolidation agreement or plan. The governing body of any county and the governing body of any tier-city in such county wherein each imposes the license tax herein may provide by mutual agreement that no more than one license plate or decal in addition to the state license plate shall be required.

G. Any county, city, or town may by ordinance provide that it shall be unlawful for any owner or operator of a motor vehicle, trailer, or semitrailer (i) to fail to obtain and, if any required by such ordinance, to display the local license required by any ordinance of the county, city or town in which the vehicle is registered, or (ii) to display upon a motor vehicle, trailer, or semitrailer any such local license, required by ordinance to be displayed, after its expiration date. The ordinance may provide that a violation shall constitute a misdemeanor the penalty for which shall not exceed that of a Class 4 misdemeanor and may, in the case of a motor vehicle registered to a resident of the locality where such vehicle is registered, authorize the issuance by local law-enforcement officers of citations, summonses, parking tickets, or uniform traffic summonses for violations. Any such ordinance may also provide that a violation of the ordinance by the registered owner of the vehicle may not be discharged by payment of a fine except upon presentation of satisfactory evidence that the required license has been obtained. Nothing in this section shall be construed to require a county, city, or town to issue a decal or any other tangible evidence of a local license to be displayed on the licensed vehicle if the county's, city's, or town's ordinance does not require display of a decal or other evidence of payment. No ordinance adopted pursuant to this section shall require the display of any local license, decal, or sticker on any vehicle owned by a public service company, as defined in § 56-76, having a fleet of at least 2,500 vehicles garaged in the Commonwealth.

H. Except as provided by subsections E and F, no vehicle shall be subject to taxation under the provisions of this section in more than one jurisdiction. Furthermore, no person who has purchased a local vehicle license, decal, or sticker for a vehicle in one county, city, or town and then moves to and garages his vehicle in another county, city, or town shall be required to purchase another local license, decal, or sticker from the county, city, or town to which he has moved and wherein his vehicle is now garaged until the expiration date of the local license, decal, or sticker issued by the county, city, or town from which he moved.

I. Purchasers of new or used motor vehicles shall be allowed at least a 10-day grace period, beginning with the date of purchase, during which to pay license fees charged by local governments under authority of this section.

J. The treasurer or director of finance of any county, city, or town may enter into an agreement with the Commissioner whereby the Commissioner will refuse to issue or renew any vehicle registration of any applicant therefor who owes to such county, city, or town any local vehicle license fees or delinquent tangible personal property tax or parking citations. Before being issued any vehicle registration or renewal of such license or registration by the Commissioner, the applicant shall first satisfy all such local vehicle license fees and delinquent taxes or parking citations and present evidence satisfactory to the Commissioner that all such local vehicle license fees and delinquent taxes or parking citations have been paid in full.

However, a vehicle purchased by an applicant subsequent to the onset of enforcement action under this subsection may be issued an initial registration for a period of up to 90 days to allow the applicant to satisfy all applicable requirements under this subsection, provided that a fee sufficient for the registration period, as calculated under subsection B of § 46.2-694, is paid. Such initial registration shall not be eligible for the one-month registration extension provided for in § 46.2-646.2 for this same purpose. The Commissioner shall charge a reasonable fee to cover the costs of such enforcement action, and the treasurer or director of finance may add the cost of this fee to the delinquent tax bill or the amount of the parking citation. The treasurer or director of finance of any county, city, or town seeking to collect delinquent taxes or parking citations through the withholding of registration or renewal thereof by the Commissioner as provided for in this subsection shall notify the Commissioner in the manner provided for in his agreement with the Commissioner and supply to the Commissioner information necessary to identify the debtor whose registration or renewal is to be denied. Any agreement entered into pursuant to the provisions of this subsection shall provide the debtor notice of the intent to deny renewal of registration or issuance of registration for any currently unregistered vehicle at least 30 days prior to the expiration date of a current vehicle registration. For the purposes of this subsection, notice by first-class mail to the registrant's address as maintained in the records of the Department of Motor Vehicles shall be deemed sufficient. In the case of parking violations, the Commissioner shall only refuse to issue or renew the vehicle registration of any applicant therefor pursuant to this subsection for the vehicle that incurred the parking violations. The provisions of this subsection shall not apply to vehicles owned by firms or companies in the business of renting motor vehicles.

K. The governing bodies of any two or more counties, cities, or towns may enter into compacts for the regional enforcement of local motor vehicle license requirements. The governing body of each participating jurisdiction may by ordinance require the owner or operator of any motor vehicle, trailer, or semitrailer to display on his vehicle a valid local license issued by another county, city, or town that is a party to the regional compact, provided that the owner or operator is required by the jurisdiction of situs, as provided in § 58.1-3511, to obtain and display such license. The ordinance may also provide that no motor vehicle, trailer, or semitrailer shall be locally licensed until the applicant has produced satisfactory evidence that (i) all personal property taxes on the motor vehicle, trailer, or semitrailer to be licensed have been paid to all participating jurisdictions and (ii) any delinquent motor vehicle, trailer, or semitrailer personal property taxes that have been properly assessed or are assessable by any participating jurisdiction against the applicant have been paid. Any city and any county having the urban county executive form of government, the counties adjacent to such county and towns within them may require that no motor vehicle, trailer, or semitrailer shall be licensed by that jurisdiction or any other jurisdiction in the compact unless all fines owed to any participating jurisdiction by the owner of the vehicle for violation of any participating jurisdiction's ordinances governing parking of vehicles have been paid. The ordinance may further provide that a violation shall constitute a misdemeanor the penalty for which shall not exceed that of a Class 4 misdemeanor. Any such ordinance may also provide that a violation of the ordinance by the owner of the vehicle may not be discharged by payment of a fine and applicable court costs except upon presentation of satisfactory evidence that the required license has been obtained. The provisions of this subsection shall not apply to vehicles owned by firms or companies in the business of renting motor vehicles.

L. In addition to the taxes and license fees permitted in subsection A, counties, cities, and towns may charge a license fee of no more than \$1 per motor vehicle, trailer, and semitrailer. Except for the provisions of subsection B, such fee shall be subject to all other provisions of this section. All funds collected pursuant to this subsection shall be paid pursuant to § 51.1-1204 to the Volunteer Firefighters' and Rescue Squad Workers' Service Award Fund to the accounts of all members of the Fund who are volunteers for fire departments or emergency medical services agencies within the jurisdiction of the particular county, city, or town.

M. In any county, the county treasurer or comparable officer and the treasurer of any town located wholly or partially within such county may enter into a reciprocal agreement, with the approval of the respective local governing bodies, that provides for the town treasurer to collect license fees or taxes on any motor vehicle, trailer, or semitrailer owed to the county that are non-delinquent, delinquent, or both or for the county treasurer to collect license fees or taxes on any motor vehicle, trailer, or semitrailer owed to the town that are non-delinquent, delinquent, or both. A treasurer or comparable officer collecting any such license fee or tax pursuant to an agreement entered into under this subsection shall account for and pay over such amounts to the locality owed such license fee or tax in the same manner as provided by law. As used in this subsection, with regard to towns, "treasurer" means the town officer or employee vested with authority by the charter, statute, or governing body to collect local taxes.

N. For any summons issued for a violation of this section, the court may, in its discretion, dismiss the summons, where proof of compliance with this section is provided to the court on or before the court date.

CHAPTER 7.

HIGHWAY USE FEE AND MILEAGE-BASED USER FEE PROGRAM.

§ 46.2-770. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Alternative fuel vehicle" means a vehicle equipped to be powered by a combustible gas, liquid, or other source of energy that can be used to generate power to operate a highway vehicle and that is neither a motor fuel nor electricity used to recharge an electric motor vehicle or a hybrid electric motor vehicle.

"Electric motor vehicle" means a vehicle that uses electricity as its only source of motive power.

"Fuel-efficient vehicle" means a vehicle that has a combined fuel economy of 25 miles per gallon or greater.

§ 46.2-771. Purpose.

The purpose of this chapter is to ensure more equitable contributions to the Commonwealth Transportation Fund from alternative fuel vehicles, electric motor vehicles, and fuel-efficient vehicles using highways in the Commonwealth.

§ 46.2-772. Highway use fee.

A. Except as provided in subsection C, there is hereby imposed an annual highway use fee on any motor vehicle registered in the Commonwealth under § 46.2-694 or 46.2-697 that is an alternative fuel vehicle, an electric motor vehicle, or a fuel-efficient vehicle. The fee shall be collected by the Department at the time of vehicle registration. If the vehicle is registered for a period of other than one year as provided in § 46.2-646, the highway use fee shall be multiplied by the number of years or fraction thereof that the vehicle will be registered.

B. For an electric motor vehicle, the highway use fee shall be 85 percent of the amount of taxes paid under subsection A of § 58.1-2217 on fuel used by a vehicle with a combined fuel economy of 23.7 miles per gallon for the average number of miles traveled by a passenger vehicle in the Commonwealth, as determined by the Commissioner. For all other fuel-efficient vehicles, the highway use fee shall be 85 percent of the difference between the tax paid under subsection A of § 58.1-2217 on the fuel used by a vehicle with a combined fuel economy of 23.7 miles per gallon for the average number of miles traveled by a passenger vehicle in the Commonwealth in a year, as determined by the Commissioner, and the tax paid under subsection A of § 58.1-2217 on the fuel used by the vehicle being registered for the average number of miles traveled by a passenger vehicle in the Commonwealth in a year, as determined by the Commissioner.

For purposes of this chapter, the Commissioner shall use combined fuel economy as determined by the manufacturer of the vehicle. If the Commissioner is unable to obtain the manufacturer's fuel economy for a vehicle, then the Commissioner shall use the final estimate of average fuel economy, as determined by the U.S. Environmental Protection Agency, of (i) all trucks having the same model year as the vehicle being registered, if the vehicle has a gross weight between 6,000 pounds and 10,000 pounds, or (ii) all cars having the same model year as the vehicle. If data is not available for the model year of the vehicle being registered, then the Commissioner shall use available data for the model year that is closest to the model year of the vehicle being registered.

The Commissioner shall update the fees calculated under this section by July 1 of each year.

C. This section shall not apply to:

1. An auticycle, moped, or motorcycle;
2. A vehicle with a gross weight over 10,000 pounds;
3. A vehicle that is owned by a governmental entity as defined in § 58.1-2201; or
4. A vehicle that is registered under the International Registration Plan.

A vehicle shall not be subject to the fee set forth in this section in any year in which such vehicle is registered to participate in the mileage-based user fee program established pursuant to § 46.2-773.

§ 46.2-773. Mileage-based user fee program.

A. There is hereby established a mileage-based user fee program. The program shall be a voluntary program that allows owners of vehicles subject to the highway use fee pursuant to § 46.2-772 to pay a mileage-based fee in lieu of the highway use fee. No owner of a motor vehicle registered in the Commonwealth shall be required to participate in the program established pursuant to this section.

B. In any year that an owner pays the fee set forth in this section, such owner shall not be subject to the fee set forth in § 46.2-772 for the same vehicle. In no case shall the fees paid pursuant to this section during a 12-month period exceed the annual highway use fee that would have otherwise been paid.

C. The fee schedule for the mileage-based user fee program shall be calculated by dividing the amount of the highway use fee as determined pursuant to subsection B of § 46.2-772 by the average number of miles traveled by a passenger vehicle in the Commonwealth to determine a fee per mile driven.

D. The Department shall establish procedures for the collection of the fees set forth in this section. Such procedures may limit the total number of participants during the first four years of the program.

§ 46.2-774. Distribution of revenues.

All revenues collected pursuant to this chapter shall be used first to pay for the direct cost of administration of this chapter by the Department, and then shall be deposited into the Commonwealth Transportation Fund established pursuant to § 33.2-1524.

§ 46.2-1158. Frequency of inspection; scope of inspection.

Motor vehicles, trailers, and semitrailers required to be inspected pursuant to the provisions of § 46.2-1157 shall be reinspected within 12 months of the month of the first inspection and at least once every 12 months thereafter.

Each inspection shall be a complete inspection. A reinspection of a rejected vehicle by the same station during the period of validity of the rejection sticker on such vehicle, however, need only include an inspection of the item or items previously found defective unless there is found an obvious defect that would warrant further rejection of the vehicle.

A rejection sticker shall be valid for 15 calendar days beyond the day of issuance, during which time the operator of the vehicle shall not be charged for a violation of vehicle equipment requirements set forth in Article 3 (§ 46.2-1010 et seq.) through Article 9 (§ 46.2-1066 et seq.) for such vehicle. A complete inspection shall be performed on any vehicle bearing an expired rejection sticker.

The completion of the conversion process for a converted electric vehicle shall invalidate any inspection of such vehicle conducted in accordance with this section prior to the conversion. Following the initial inspection of a converted

electric vehicle, as required under § 46.2-602.3 and the provisions of this chapter, such vehicle shall be reinspected in accordance with this section.

§ 46.2-1158.02. Penalty for failure to have motor vehicle inspection.

A. Notwithstanding the penalty provisions of § 46.2-1171, a violation of § 46.2-1158 constitutes a traffic infraction. The court may, in its discretion, dismiss a summons issued under § 46.2-1158 where correction of vehicle or safety equipment defects or proof of compliance with § 46.2-1158 is provided to the court subsequent to the issuance of the summons.

B. *The operator of a motor vehicle who is cited for a violation of § 46.2-1158 shall not be cited during the same occurrence for a violation of vehicle equipment requirements set forth in Article 3 (§ 46.2-1010 et seq.) through Article 9 (§ 46.2-1066 et seq.) for such vehicle, nor shall the operator of the motor vehicle that is subject to the citation be cited for a violation of such vehicle equipment requirements for such vehicle for a period of 15 calendar days.*

§ 46.2-1507. Penalties.

Except as otherwise provided in this chapter, any person violating any of the provisions of this chapter may be assessed a civil penalty by the Board. No such civil penalty shall exceed \$1,000 for any single violation. Civil penalties collected under this chapter shall be deposited in the *Commonwealth Transportation Trust Fund* established pursuant to § 33.2-1524.

§ 46.2-1546. Registration of dealers; fees.

Every manufacturer, distributor, or dealer, before he commences to operate vehicles in his inventory for sale or resale, shall apply to the Commissioner for a dealer's certificate of vehicle registration and license plates. For the purposes of this article, a vehicle is in inventory when it is owned by or assigned to a dealer and is offered and available for sale or resale. All dealer's certificates of vehicle registration and license plates issued under this section may, at the discretion of the Commissioner, be placed in a system of staggered issue to distribute the work of issuing vehicle registration certificates and license plates as uniformly as practicable throughout the year. Dealerships which sold fewer than ~~twenty-five~~ 25 vehicles during the last ~~twelve~~ 12 months of the preceding license year shall be eligible to receive no more than two dealer's license plates; dealerships which sold at least ~~twenty-five~~ 25 but fewer than ~~fifty~~ 50 vehicles during the last ~~twelve~~ 12 months of the preceding license year shall be eligible to receive no more than four dealer's license plates. However, dealerships ~~which that~~ sold ~~fifty~~ 50 or more vehicles during their current license year may apply for additional license plates not to exceed four times the number of licensed salespersons employed by that dealership. Dealerships ~~which that~~ sold ~~fifty~~ 50 or more vehicles during the last ~~twelve~~ 12 months of the preceding license year shall be eligible to receive a number of dealer's license plates not to exceed four times the number of licensed salespersons employed by that dealership. A new applicant for a dealership shall be eligible to receive a number of dealer's license plates not to exceed four times the number of licensed salespersons employed by that dealership. For the purposes of this article, a salesperson or employee shall be considered to be employed only if he (i) works for the dealership at least ~~twenty-five~~ 25 hours each week on a regular basis and (ii) is compensated for this work. All salespersons' or employees' employment records shall be retained in accordance with the provisions of § 46.2-1529. A salesperson shall not be considered employed, within the meaning of this section, if he is an independent contractor as defined by the United States Internal Revenue Code. The fee for the issuance of dealer's license plates shall be determined by the Board, but not more than \$30 per license plate; however, the fee for the first two dealer's plates shall not be less than ~~twenty-four dollars~~ \$24 and the fee for additional dealer's license plates shall not be less than ~~ten dollars and forty cents~~ \$10.40 each. For the first two dealer's license plates issued by the Department to a dealer, ~~twenty-four dollars~~ \$24 shall be deposited into the *Commonwealth Transportation Trust Fund* established pursuant to § 33.2-1524 and the remainder shall be deposited into the Motor Vehicle Dealer Fund. For each additional dealer's license plate issued to a dealer, ~~ten dollars and forty cents~~ \$10.40 shall be deposited into the Transportation Trust Fund and the remainder shall be deposited into the Motor Vehicle Dealer Fund.

§ 46.2-1573. Hearings and other remedies; civil penalties.

A. In every case of a hearing before the Commissioner authorized under this article, the Commissioner shall give reasonable notice of each hearing to all interested parties, and the Commissioner's decision shall be binding on the parties, subject to the rights of judicial review and appeal as provided in Chapter 40 (§ 2.2-4000 et seq.) of Title 2.2. In every case of a hearing before the Commissioner authorized under this article based on a request or petition of a motor vehicle dealer, the manufacturer, factory branch, distributor, or distributor branch shall have the burden of proving by a preponderance of the evidence that the manufacturer, factory branch, distributor, or distributor branch has good cause to take the action or actions for which the dealer has filed the petition for a hearing or that such actions are reasonable if required under the relevant provision.

B. The hearing process before the Commissioner under this article shall commence within 90 days of the request for a hearing by prehearing conference between the hearing officer and the parties in person, by telephone, or by other electronic means designated by the Commissioner. The hearing officer will set the hearing on a date or dates consistent with the rights of due process of the parties. The Commissioner's decision shall be rendered within 60 days from the receipt of the hearing officer's recommendation. Hearings authorized under this article shall be presided over by a hearing officer selected from a list prepared by the Executive Secretary of the Supreme Court of Virginia within 60 days following the request for a hearing. Reasonable efforts shall be made to ensure that a hearing officer shall have at least five years of experience as a hearing officer in administrative hearings in the Commonwealth, shall have telephone and email capability, and shall be an active member of the Virginia State Bar. On request of the Commissioner, the Executive Secretary will name a hearing

officer from the list, selected on a rotation system administered by the Executive Secretary. The hearing officer shall provide recommendations to the Commissioner within 90 days of the conclusion of the hearing.

C. Notwithstanding any contrary provision of this article, the Commissioner shall initiate investigations, conduct hearings, and determine the rights of parties under this article whenever he is provided information by the Motor Vehicle Dealer Board or any other person indicating a possible violation of any provision of this article. The Commissioner shall issue a response to the Motor Vehicle Dealer Board or person reporting the alleged violation and any other party to the investigation providing an explanation of action taken under this section and the reason for such action.

D. For purposes of any matter brought to the Commissioner under subdivisions 3, 4, 5, 6 and 7b of § 46.2-1569 with respect to which the Commissioner is to determine whether there is good cause for a proposed action or whether it would be unreasonable under the circumstances, the Commissioner shall consider:

1. The volume of the affected dealer's business in the relevant market area;
2. The nature and extent of the dealer's investment in its business;
3. The adequacy of the dealer's capitalization to the franchisor's standards and the adequacy of the dealer's facilities, equipment, parts, supplies, and personnel;
4. The effect of the proposed action on the community;
5. The extent and quality of the dealer's service under motor vehicle warranties;
6. The dealer's performance under the terms of its franchise;
7. Other economic and geographical factors reasonably associated with the proposed action; and
8. The recommendations, if any, from a three-member panel composed of members of the Board who are franchised dealers not of the same line-make involved in the hearing and who are appointed to the panel by the Commissioner.

E. An interested party in a hearing held pursuant to subsection A of this section shall comply with the effective date of compliance established by the Commissioner in his decision in such hearing, unless a stay or extension of such date is granted by the Commissioner or the Commissioner's decision is under judicial review and appeal as provided in subsection A of this section. If, after notice to such interested party and an opportunity to comment, the Commissioner finds an interested party has not complied with his decision by the designated date of compliance, unless a stay or extension of such date has been granted by the Commissioner or the Commissioner's decision is under judicial review and appeal, the Commissioner may assess such interested party a civil penalty not to exceed \$1,000 per day of noncompliance. Civil penalties collected under this subsection shall be deposited into the *Commonwealth* Transportation Trust Fund established pursuant to § 33.2-1524.

F. During the hearing process, parties may obtain documents and materials by discovery pursuant to Rules 4:9 and 4:9A of the Supreme Court of Virginia. The parties shall exchange reports of experts, which shall meet the standard of Rule 4:1 of the Supreme Court of Virginia, at times to be established by the hearing officer. The parties may utilize any other form of discovery provided under the Rules of Supreme Court of Virginia if allowed by the hearing officer based on good cause shown. For discovery permitted under the Rules of Supreme Court of Virginia, a party may object to the discovery sought or seek to limit the discovery sought on any grounds permitted by the Rules or applicable law.

§ 46.2-1573.11. Hearings and other remedies; civil penalties.

A. In every case of a hearing before the Commissioner authorized under this article, the Commissioner shall give reasonable notice of each hearing to all interested parties, and the Commissioner's decision shall be binding on the parties, subject to the rights of judicial review and appeal as provided in the Administrative Process Act (§ 2.2-4000 et seq.).

B. Hearings before the Commissioner under this article shall commence within 90 days of the request for a hearing, and the Commissioner's decision shall be rendered within 60 days from the receipt of the hearing officer's recommendation. Hearings authorized under this article shall be presided over by a hearing officer selected from a list prepared by the Executive Secretary of the Supreme Court. On request of the Commissioner, the Executive Secretary will name a hearing officer from the list, selected on a rotation system administered by the Executive Secretary. The hearing officer shall provide recommendations to the Commissioner within 90 days of the conclusion of the hearing.

C. Notwithstanding any contrary provision of this article, the Commissioner shall initiate investigations, conduct hearings, and determine the rights of parties under this article whenever he is provided information indicating a possible violation of any provision of this article.

D. For purposes of any matter brought to the Commissioner under subdivisions 3, 4, 5, 6, and 9 of § 46.2-1573.5 with respect to which the Commissioner is to determine whether there is good cause for a proposed action or whether it would be unreasonable under the circumstances, the Commissioner shall consider:

1. The volume of the affected dealer's business in the relevant market area;
2. The nature and extent of the dealer's investment in its business;
3. The adequacy of the dealer's service facilities, equipment, parts, supplies, and personnel;
4. The effect of the proposed action on the community;
5. The extent and quality of the dealer's service under recreational vehicle warranties;
6. The dealer's performance under the terms of its franchise; and
7. Other economic and geographical factors reasonably associated with the proposed action.

With respect to subdivision 6, any performance standard or program for measuring dealership performance that may have a material effect on a dealer, and the application of any such standard or program by a manufacturer or distributor, shall be fair, reasonable, and equitable and, if based upon a survey, shall be based upon a statistically valid sample. Upon the

request of any dealer, a manufacturer or distributor shall disclose in writing to the dealer a description of how a performance standard or program is designed and all relevant information used in the application of the performance standard or program to that dealer.

E. An interested party in a hearing held pursuant to subsection A shall comply with the effective date of compliance established by the Commissioner in his decision in such hearing, unless a stay or extension of such date is granted by the Commissioner or the Commissioner's decision is under judicial review and appeal as provided in subsection A. If, after notice to such interested party and an opportunity to comment, the Commissioner finds an interested party has not complied with his decision by the designated date of compliance, unless a stay or extension of such date has been granted by the Commissioner or the Commissioner's decision is under judicial review and appeal, the Commissioner may assess such interested party a civil penalty not to exceed \$1,000 per day of noncompliance. Civil penalties collected under this subsection shall be deposited into the ~~Transportation Trust~~ *Highway Maintenance and Operating* Fund established pursuant to § 33.2-1524 § 33.2-1530.

§ 46.2-1573.23. Hearings and other remedies; civil penalties.

A. In every case of a hearing before the Commissioner authorized under this article, the Commissioner shall give reasonable notice of each hearing to all interested parties, and the Commissioner's decision shall be binding on the parties, subject to the rights of judicial review and appeal as provided in the Administrative Process Act (§ 2.2-4000 et seq.).

B. Hearings before the Commissioner under this article shall commence within 90 days of the request for a hearing, and the Commissioner's decision shall be rendered within 60 days from the receipt of the hearing officer's recommendation. Hearings authorized under this article shall be presided over by a hearing officer selected from a list prepared by the Executive Secretary of the Supreme Court. On request of the Commissioner, the Executive Secretary will name a hearing officer from the list, selected on a rotation system administered by the Executive Secretary. The hearing officer shall provide recommendations to the Commissioner within 90 days of the conclusion of the hearing.

C. Notwithstanding any contrary provision of this article, the Commissioner shall initiate investigations, conduct hearings, and determine the rights of parties under this article whenever he is provided information indicating a possible violation of any provision of this article.

D. For purposes of any matter brought to the Commissioner under subdivisions 3, 4, 5, 6, and 9 of § 46.2-1573.16 with respect to which the Commissioner is to determine whether there is good cause for a proposed action or whether it would be unreasonable under the circumstances, the Commissioner shall consider:

1. The volume of the affected dealer's business in the relevant market area;
2. The nature and extent of the dealer's investment in its business;
3. The adequacy of the dealer's service facilities, equipment, parts, supplies, and personnel;
4. The effect of the proposed action on the community;
5. The extent and quality of the dealer's service under trailer warranties;
6. The dealer's performance under the terms of its franchise; and
7. Other economic and geographical factors reasonably associated with the proposed action.

With respect to subdivision 6, any performance standard or program for measuring dealership performance that may have a material effect on a dealer, and the application of any such standard or program by a manufacturer or distributor, shall be fair, reasonable, and equitable and, if based upon a survey, shall be based upon a statistically valid sample. Upon the request of any dealer, a manufacturer or distributor shall disclose in writing to the dealer a description of how a performance standard or program is designed and all relevant information used in the application of the performance standard or program to that dealer.

E. An interested party in a hearing held pursuant to subsection A shall comply with the effective date of compliance established by the Commissioner in his decision in such hearing, unless a stay or extension of such date is granted by the Commissioner or the Commissioner's decision is under judicial review and appeal as provided in subsection A. If, after notice to such interested party and an opportunity to comment, the Commissioner finds an interested party has not complied with his decision by the designated date of compliance, unless a stay or extension of such date has been granted by the Commissioner or the Commissioner's decision is under judicial review and appeal, the Commissioner may assess such interested party a civil penalty not to exceed \$1,000 per day of noncompliance. Civil penalties collected under this subsection shall be deposited into the ~~Transportation Trust~~ *Highway Maintenance and Operating* Fund established pursuant to § 33.2-1524 § 33.2-1530.

§ 46.2-1573.36. Hearings and other remedies; civil penalties.

A. In every case of a hearing before the Commissioner authorized under this article, the Commissioner shall give reasonable notice of each hearing to all interested parties, and the Commissioner's decision shall be binding on the parties, subject to the rights of judicial review and appeal as provided in the Administrative Process Act (§ 2.2-4000 et seq.).

B. Hearings before the Commissioner under this article shall commence within 90 days of the request for a hearing, and the Commissioner's decision shall be rendered within 60 days from the receipt of the hearing officer's recommendation. Hearings authorized under this article shall be presided over by a hearing officer selected from a list prepared by the Executive Secretary of the Supreme Court. On request of the Commissioner, the Executive Secretary will name a hearing officer from the list, selected on a rotation system administered by the Executive Secretary. The hearing officer shall provide recommendations to the Commissioner within 90 days of the conclusion of the hearing.

C. Notwithstanding any contrary provision of this article, the Commissioner shall initiate investigations, conduct hearings, and determine the rights of parties under this article whenever he is provided information indicating a possible violation of any provision of this article.

D. For purposes of any matter brought to the Commissioner under subdivisions 3, 4, 5, 6, and 9 of § 46.2-1573.28 with respect to which the Commissioner is to determine whether there is good cause for a proposed action or whether it would be unreasonable under the circumstances, the Commissioner shall consider:

1. The volume of the affected dealer's business in the relevant market area;
2. The nature and extent of the dealer's investment in its business;
3. The adequacy of the dealer's service facilities, equipment, parts, supplies, and personnel;
4. The effect of the proposed action on the community;
5. The extent and quality of the dealer's service under motorcycle warranties;
6. The dealer's performance under the terms of its franchise; and
7. Other economic and geographical factors reasonably associated with the proposed action.

With respect to subdivision 6, any performance standard or program for measuring dealership performance that may have a material effect on a dealer, and the application of any such standard or program by a manufacturer or distributor, shall be fair, reasonable, and equitable and, if based upon a survey, shall be based upon a statistically valid sample. Upon the request of any dealer, a manufacturer or distributor shall disclose in writing to the dealer a description of how a performance standard or program is designed and all relevant information used in the application of the performance standard or program to that dealer.

E. An interested party in a hearing held pursuant to subsection A shall comply with the effective date of compliance established by the Commissioner in his decision in such hearing, unless a stay or extension of such date is granted by the Commissioner or the Commissioner's decision is under judicial review and appeal as provided in subsection A. If, after notice to such interested party and an opportunity to comment, the Commissioner finds an interested party has not complied with his decision by the designated date of compliance, unless a stay or extension of such date has been granted by the Commissioner or the Commissioner's decision is under judicial review and appeal, the Commissioner may assess such interested party a civil penalty not to exceed \$1,000 per day of noncompliance. Civil penalties collected under this subsection shall be deposited into the ~~Transportation Trust~~ *Highway Maintenance and Operating Fund* established pursuant to § ~~33.2-1524~~ § *33.2-1530*.

§ 58.1-608.3. Entitlement to certain sales tax revenues.

A. As used in this section, the following words and terms have the following meanings, unless some other meaning is plainly intended:

"Bonds" means any obligations of a municipality for the payment of money.

"Cost," as applied to any public facility or to extensions or additions to any public facility, includes: (i) the purchase price of any public facility acquired by the municipality or the cost of acquiring all of the capital stock of the corporation owning the public facility and the amount to be paid to discharge any obligations in order to vest title to the public facility or any part of it in the municipality; (ii) expenses incident to determining the feasibility or practicability of the public facility; (iii) the cost of plans and specifications, surveys and estimates of costs and of revenues; (iv) the cost of all land, property, rights, easements and franchises acquired; (v) the cost of improvements, property or equipment; (vi) the cost of engineering, legal and other professional services; (vii) the cost of construction or reconstruction; (viii) the cost of all labor, materials, machinery and equipment; (ix) financing charges; (x) interest before and during construction and for up to one year after completion of construction; (xi) start-up costs and operating capital; (xii) payments by a municipality of its share of the cost of any multijurisdictional public facility; (xiii) administrative expense; (xiv) any amounts to be deposited to reserve or replacement funds; and (xv) other expenses as may be necessary or incident to the financing of the public facility. Any obligation or expense incurred by the public facility in connection with any of the foregoing items of cost may be regarded as a part of the cost.

"Municipality" means any county, city, town, authority, commission, or other public entity.

"Public facility" means (i) any auditorium, coliseum, convention center, or conference center, which is owned by a Virginia county, city, town, authority, or other public entity and where exhibits, meetings, conferences, conventions, seminars, or similar public events may be conducted; (ii) any hotel which is owned by a foundation whose sole purpose is to benefit a baccalaureate public institution of higher education in the Commonwealth and which is attached to and is an integral part of such facility, together with any lands reasonably necessary for the conduct of the operation of such events; (iii) any hotel which is attached to and is an integral part of such facility; (iv) any hotel that is adjacent to a convention center owned by a public entity and where the hotel owner enters into a public-private partnership whereby the locality contributes infrastructure, real property, or conference space; or (v) a sports complex consisting of a minor league baseball stadium and related tournament, training, and parking facilities, where a municipality owns a component of the sports complex. However, such public facility must be located in the City of Fredericksburg, City of Hampton, City of Lynchburg, City of Newport News, City of Norfolk, City of Portsmouth, City of Richmond, City of Roanoke, City of Salem, City of Staunton, City of Suffolk, City of Virginia Beach, City of Winchester, or Town of Wise. Any property, real, personal, or mixed, which is necessary or desirable in connection with any such auditorium, coliseum, convention center, sports complex, or conference center, including, without limitation, facilities for food preparation and serving, parking facilities, and office space, is encompassed within this definition. However, structures commonly referred to as "shopping centers" or

"malls" shall not constitute a public facility hereunder. A public facility shall not include residential condominiums, townhomes, or other residential units. In addition, only a new public facility, or a public facility which will undergo a substantial and significant renovation or expansion, shall be eligible under subsection C. A new public facility is one whose construction began after December 31, 1991. A substantial and significant renovation entails a project whose cost is at least 50 percent of the original cost of the facility being renovated and shall have begun after December 31, 1991. A substantial and significant expansion entails an increase in floor space of at least 50 percent over that existing in the preexisting facility and shall have begun after December 31, 1991; or an increase in floor space of at least 10 percent over that existing in a public facility that qualified as such under this section and was constructed after December 31, 1991.

"Sales tax revenues" means such tax collections realized under the Virginia Retail Sales and Use Tax Act (§ 58.1-600 et seq.), as limited herein. "Sales tax revenues" does not include the revenue generated by (i) the 0.5 percent sales and use tax increase enacted by the 1986 Special Session of the General Assembly which shall be paid to the *Commonwealth Transportation Trust Fund* as defined in established pursuant to § 33.2-1524, (ii) the 1.0 percent of the state sales and use tax revenue distributed among the counties and cities of the Commonwealth pursuant to subsection D of § 58.1-638 on the basis of school age population, or (iii) any sales and use tax revenues generated by increases or allocation changes imposed by the 2013 Session of the General Assembly.

B. Notwithstanding the definition of "public facility" in subsection A, a development project that meets the requirements for a "development of regional impact" set forth herein shall be deemed to be a public facility under the provisions of this section. The locality in which the public facility is located shall be entitled to all sales tax revenues generated by transactions taking place at such public facility solely to pay the cost of any bonds issued to pay the cost, or portion thereof, of such public facility pursuant to subsection C. For purposes of this subsection, the development of regional impact must be located in the City of Bristol.

For purposes of this subsection, a "development of regional impact" means a development project (i) towards which the locality contributes infrastructure or real property as part of a public-private partnership with the developer that is equal to at least 20 percent of the aggregate cost of development, (ii) that is reasonably expected to require a capital investment of at least \$50 million, (iii) that is reasonably expected to generate at least \$5 million annually in state sales and use tax revenue from sales within the development, (iv) that is reasonably expected to attract at least one million visitors annually, (v) that is reasonably expected to create at least 2,000 permanent jobs, (vi) that is located in a locality that had a rate of unemployment at least three percentage points higher than the statewide average in November 2011, and (vii) that is located in a locality that is adjacent to a state that has adopted a Border Region Retail Tourism Development District Act. Within 30 days from the date of notification by a locality that it intends to contribute infrastructure or real property as part of a public-private partnership with the developer of a development of regional impact, the Department of Taxation shall review the findings of the locality with respect to clauses (i) through (vi) and shall file a written report with the Chairmen of the House Committee on Finance, the House Committee on Appropriations, and the Senate Committee on Finance.

C. Any municipality which has issued bonds (i) after December 31, 1991, but before January 1, 1996, (ii) on or after January 1, 1998, but before July 1, 1999, (iii) on or after January 1, 1999, but before July 1, 2001, (iv) on or after July 1, 2000, but before July 1, 2003, (v) on or after July 1, 2001, but before July 1, 2005, (vi) on or after July 1, 2004, but before July 1, 2007, (vii) on or after July 1, 2009, but before July 1, 2012, (viii) on or after January 1, 2011, but prior to July 1, 2015, or (ix) on or after January 1, 2013, but prior to July 1, 2020, to pay the cost, or portion thereof, of any public facility shall be entitled to all sales tax revenues generated by transactions taking place in such public facility. In the case of a public facility described in clause (v) of the definition of public facility, all such sales tax revenues shall be applied solely to repayment of the bonds issued to pay the cost, or portion thereof, of the municipality-owned component of the sports complex. Such entitlement shall continue for the lifetime of such bonds, or any refinancing or refunding thereof, but in no event shall such entitlement exceed 35 years from the initial date that any bonds were issued to pay the cost, or a portion thereof, of any public facility, and all such sales tax revenues shall be applied to repayment of the bonds. The State Comptroller shall remit such sales tax revenues to the municipality on a quarterly basis, subject to such reasonable processing delays as may be required by the Department of Taxation to calculate the actual net sales tax revenues derived from the public facility. The State Comptroller shall make such remittances to eligible municipalities, as provided herein, notwithstanding any provisions to the contrary in the Virginia Retail Sales and Use Tax Act (§ 58.1-600 et seq.). No such remittances shall be made until construction is completed and, in the case of a renovation or expansion, until the governing body of the municipality has certified that the renovation or expansion is completed; however, in the case of any public facility consisting of more than one building or structure, such remittances shall be made on a quarterly basis beginning with the first quarter in which any sales tax revenue is generated by transactions taking place at any building or structure within such public facility, whether or not construction of all or any portion, phase, building, or structure of such public facility has been completed.

D. Nothing in this section shall be construed as authorizing the pledging of the faith and credit of the Commonwealth of Virginia, or any of its revenues, for the payment of any bonds. Any appropriation made pursuant to this section shall be made only from sales tax revenues derived from the public facility for which bonds may have been issued to pay the cost, in whole or in part, of such public facility.

§ 58.1-638. Disposition of state sales and use tax revenue.

A. The Comptroller shall designate a specific revenue code number for all the state sales and use tax revenue collected under the preceding sections of this chapter.

1. The sales and use tax revenue generated by the one-half percent sales and use tax increase enacted by the 1986 Special Session of the General Assembly shall be paid, in the manner hereinafter provided in this section, to the Commonwealth Transportation Trust Fund as defined in *established pursuant to* § 33.2-1524. Of the funds paid to the Transportation Trust Fund, an aggregate of 4.2 percent shall be set aside as the Commonwealth Port Fund as provided in this section; an aggregate of 2.4 percent shall be set aside as the Commonwealth Airport Fund as provided in this section; and an aggregate of 14.7 percent shall be set aside as the Commonwealth Mass Transit Fund as provided in this section. The Fund's share of such net revenue shall be computed as an estimate of the net revenue to be received into the state treasury each month, and such estimated payment shall be adjusted for the actual net revenue received in the preceding month. All payments shall be made to the Fund on the last day of each month.

2. There is hereby created in the Department of the Treasury a special nonreverting fund which shall be a part of the Transportation Trust Fund and which shall be known as the Commonwealth Port Fund.

a. The Commonwealth Port Fund shall be established on the books of the Comptroller and the funds remaining in such Fund at the end of a biennium shall not revert to the general fund but shall remain in the Fund. Interest earned on such funds shall remain in the Fund and be credited to it. Funds may be paid to any authority, locality or commission for the purposes hereinafter specified.

b. The amounts allocated pursuant to this section shall be allocated by the Commonwealth Transportation Board to the Board of Commissioners of the Virginia Port Authority to be used to support port capital needs and the preservation of existing capital needs of all ocean, river, or tributary ports within the Commonwealth. Expenditures for such capital needs are restricted to those capital projects specified in subsection B of § 62.1-132.1.

c. Commonwealth Port Fund revenue shall be allocated by the Board of Commissioners to the Virginia Port Authority in order to foster and stimulate the flow of maritime commerce through the ports of Virginia, including but not limited to the ports of Richmond, Hopewell, and Alexandria.

3. There is hereby created in the Department of the Treasury a special nonreverting fund which shall be part of the Transportation Trust Fund and which shall be known as the Commonwealth Airport Fund. The Commonwealth Airport Fund shall be established on the books of the Comptroller and any funds remaining in such Fund at the end of a biennium shall not revert to the general fund but shall remain in the Fund. Interest earned on the funds shall be credited to the Fund. The funds so allocated shall be allocated by the Commonwealth Transportation Board to the Virginia Aviation Board. The funds shall be allocated by the Virginia Aviation Board to any Virginia airport which is owned by the Commonwealth, a governmental subdivision thereof, or a private entity to which the public has access for the purposes enumerated in § 5.1-2.16, or is owned or leased by the Metropolitan Washington Airports Authority (MWAA), as follows:

Any new funds in excess of \$12.1 million which are available for allocation by the Virginia Aviation Board from the Commonwealth Transportation Fund, shall be allocated as follows: 60 percent to MWAA, up to a maximum annual amount of \$2 million, and 40 percent to air carrier airports as provided in subdivision A 3 a. Except for adjustments due to changes in enplaned passengers, no air carrier airport sponsor, excluding MWAA, shall receive less funds identified under subdivision A 3 a than it received in fiscal year 1994-1995.

Of the remaining amount:

a. Forty percent of the funds shall be allocated to air carrier airports, except airports owned or leased by MWAA, based upon the percentage of enplanements for each airport to total enplanements at all air carrier airports, except airports owned or leased by MWAA. No air carrier airport sponsor, however, shall receive less than \$50,000 nor more than \$2 million per year from this provision.

b. Sixty percent of the funds shall be allocated as follows:

(1) For the first six months of each fiscal year, the funds shall be allocated as follows:

(a) Forty percent of the funds shall be allocated by the Aviation Board for air carrier and reliever airports on a discretionary basis, except airports owned or leased by MWAA; and

(b) Twenty percent of the funds shall be allocated by the Aviation Board for general aviation airports on a discretionary basis; and

(2) For the second six months of each fiscal year, all remaining funds shall be allocated by the Aviation Board for all eligible airports on a discretionary basis, except airports owned or leased by MWAA.

3a. There is hereby created in the Department of the Treasury a special nonreverting fund that shall be a part of the Transportation Trust Fund and that shall be known as the Commonwealth Space Flight Fund. The Commonwealth Space Flight Fund shall be established on the books of the Comptroller and the funds remaining in such Fund at the end of a biennium shall not revert to the general fund but shall remain in the Fund. Interest earned on such funds shall remain in the Fund and be credited to it.

a. The amounts allocated to the Commonwealth Space Flight Fund pursuant to § 33.2-1526 shall be allocated by the Commonwealth Transportation Board to the Board of Directors of the Virginia Commercial Space Flight Authority to be used to support the capital needs, maintenance, and operating costs of any and all facilities owned and operated by the Virginia Commercial Space Flight Authority.

b. Commonwealth Space Flight Fund revenue shall be allocated by the Board of Directors to the Virginia Commercial Space Flight Authority in order to foster and stimulate the growth of the commercial space flight industry in Virginia.

4. There is hereby created in the Department of the Treasury a special nonreverting fund which shall be a part of the Transportation Trust Fund and which shall be known as the Commonwealth Mass Transit Fund.

a. The Commonwealth Mass Transit Fund shall be established on the books of the Comptroller and any funds remaining in such Fund at the end of the biennium shall not revert to the general fund but shall remain in the Fund. Interest earned on such funds shall be credited to the Fund.

b. The amounts allocated pursuant to § 33.2-1526.1 shall be used to support the operating, capital, and administrative costs of public transportation at a state share determined by the Commonwealth Transportation Board, and these amounts may be used to support the capital project costs of public transportation and ridesharing equipment, facilities, and associated costs at a state share determined by the Commonwealth Transportation Board. Capital costs may include debt service payments on local or agency transit bonds.

c. There is hereby created in the Department of the Treasury a special nonreverting fund known as the Commonwealth Transit Capital Fund. The Commonwealth Transit Capital Fund shall be part of the Commonwealth Mass Transit Fund. The Commonwealth Transit Capital Fund subaccount shall be established on the books of the Comptroller and consist of such moneys as are appropriated to it by the General Assembly and of all donations, gifts, bequests, grants, endowments, and other moneys given, bequeathed, granted, or otherwise made available to the Commonwealth Transit Capital Fund. Any funds remaining in the Commonwealth Transit Capital Fund at the end of the biennium shall not revert to the general fund, but shall remain in the Commonwealth Transit Capital Fund. Interest earned on funds within the Commonwealth Transit Capital Fund shall remain in and be credited to the Commonwealth Transit Capital Fund. Proceeds of the Commonwealth Transit Capital Fund may be paid to any political subdivision, another public entity created by an act of the General Assembly, or a private entity as defined in § 33.2-1800 and for purposes as enumerated in subdivision 7 of § 33.2-1701 or expended by the Department of Rail and Public Transportation for the purposes specified in this subdivision. Revenues of the Commonwealth Transit Capital Fund shall be used to support capital expenditures involving the establishment, improvement, or expansion of public transportation services through specific projects approved by the Commonwealth Transportation Board. The Commonwealth Transit Capital Fund shall not be allocated without requiring a local match from the recipient.

B. The sales and use tax revenue generated by a one percent sales and use tax shall be distributed among the counties and cities of the Commonwealth in the manner provided in subsections C and D.

C. The localities' share of the net revenue distributable under this section among the counties and cities shall be apportioned by the Comptroller and distributed among them by warrants of the Comptroller drawn on the Treasurer of Virginia as soon as practicable after the close of each month during which the net revenue was received into the state treasury. The distribution of the localities' share of such net revenue shall be computed with respect to the net revenue received into the state treasury during each month, and such distribution shall be made as soon as practicable after the close of each such month.

D. The net revenue so distributable among the counties and cities shall be apportioned and distributed upon the basis of the latest yearly estimate of the population of cities and counties ages five to 19, provided by the Weldon Cooper Center for Public Service of the University of Virginia. Such population estimate produced by the Weldon Cooper Center for Public Service of the University of Virginia shall account for persons who are domiciled in orphanages or charitable institutions or who are dependents living on any federal military or naval reservation or other federal property within the school division in which the institutions or federal military or naval reservation or other federal property is located. Such population estimate produced by the Weldon Cooper Center for Public Service of the University of Virginia shall account for members of the military services who are under 20 years of age within the school division in which the parents or guardians of such persons legally reside. Such population estimate produced by the Weldon Cooper Center for Public Service of the University of Virginia shall account for individuals receiving services in state hospitals, state training centers, or mental health facilities, persons who are confined in state or federal correctional institutions, or persons who attend the Virginia School for the Deaf and the Blind within the school division in which the parents or guardians of such persons legally reside. Such population estimate produced by the Weldon Cooper Center for Public Service of the University of Virginia shall account for persons who attend institutions of higher education within the school division in which the student's parents or guardians legally reside. To such estimate, the Department of Education shall add the population of students with disabilities, ages two through four and 20 through 21, as provided to the Department of Education by school divisions. The revenue so apportionable and distributable is hereby appropriated to the several counties and cities for maintenance, operation, capital outlays, debt and interest payments, or other expenses incurred in the operation of the public schools, which shall be considered as funds raised from local resources. In any county, however, wherein is situated any incorporated town constituting a school division, the county treasurer shall pay into the town treasury for maintenance, operation, capital outlays, debt and interest payments, or other expenses incurred in the operation of the public schools, the proper proportionate amount received by him in the ratio that the school population of such town bears to the school population of the entire county. If the school population of any city or of any town constituting a school division is increased by the annexation of territory since the last estimate of school population provided by the Weldon Cooper Center for Public Service, such increase shall, for the purposes of this section, be added to the school population of such city or town as shown by the last such estimate and a proper reduction made in the school population of the county or counties from which the annexed territory was acquired.

E. Beginning July 1, 2000, of the remaining sales and use tax revenue, the revenue generated by a two percent sales and use tax, up to an annual amount of \$13 million, collected from the sales of hunting equipment, auxiliary hunting equipment, fishing equipment, auxiliary fishing equipment, wildlife-watching equipment, and auxiliary wildlife-watching

equipment in Virginia, as estimated by the most recent U.S. Department of the Interior, Fish and Wildlife Service and U.S. Department of Commerce, Bureau of the Census National Survey of Fishing, Hunting, and Wildlife-Associated Recreation, shall be paid into the Game Protection Fund established under § 29.1-101 and shall be used, in part, to defray the cost of law enforcement. Not later than 30 days after the close of each quarter, the Comptroller shall transfer to the Game Protection Fund the appropriate amount of collections to be dedicated to such Fund. At any time that the balance in the Capital Improvement Fund, established under § 29.1-101.01, is equal to or in excess of \$35 million, any portion of sales and use tax revenues that would have been transferred to the Game Protection Fund, established under § 29.1-101, in excess of the net operating expenses of the Board, after deduction of other amounts which accrue to the Board and are set aside for the Game Protection Fund, shall remain in the general fund until such time as the balance in the Capital Improvement Fund is less than \$35 million.

F. 1. Of the net revenue generated from the one-half percent increase in the rate of the state sales and use tax effective August 1, 2004, pursuant to enactments of the 2004 Special Session I of the General Assembly, the Comptroller shall transfer from the general fund of the state treasury to the Public Education Standards of Quality/Local Real Estate Property Tax Relief Fund established under § 58.1-638.1 an amount equivalent to one-half of the net revenue generated from such one-half percent increase as provided in this subdivision. The transfers to the Public Education Standards of Quality/Local Real Estate Property Tax Relief Fund under this subdivision shall be for one-half of the net revenue generated (and collected in the succeeding month) from such one-half percent increase for the month of August 2004 and for each month thereafter.

2. Beginning July 1, 2013, of the remaining sales and use tax revenue, an amount equal to the revenue generated by a 0.125 percent sales and use tax shall be distributed to the Public Education Standards of Quality/Local Real Estate Property Tax Relief Fund established under § 58.1-638.1, and be used for the state's share of Standards of Quality basic aid payments.

3. For the purposes of the Comptroller making the required transfers under subdivision 1 and 2, the Tax Commissioner shall make a written certification to the Comptroller no later than the twenty-fifth of each month certifying the sales and use tax revenues generated in the preceding month. Within three calendar days of receiving such certification, the Comptroller shall make the required transfers to the Public Education Standards of Quality/Local Real Estate Property Tax Relief Fund.

G. (Contingent expiration date) Beginning July 1, ~~2013~~ 2020, of the remaining sales and use tax revenue, an amount equal to the following percentages ~~20 percent~~ of the revenue generated by a one-half percent sales and use tax, such as that paid to the ~~Commonwealth Transportation Trust~~ Fund as provided in ~~subdivision subsection A 4~~, shall be paid to the ~~Highway Maintenance and Operating Commonwealth Transportation~~ Fund established pursuant to § ~~33.2-1530~~:

1. For fiscal year 2014, an amount equal to 10 percent;

2. For fiscal year 2015, an amount equal to 20 percent;

3. For fiscal year 2016, an amount equal to 30 percent; and

4. For fiscal year 2017 and thereafter, an amount equal to 35 percent § 33.2-1524.

The ~~Highway Maintenance and Operating Commonwealth Transportation~~ Fund's share of the net revenue distributable under this subsection shall be computed as an estimate of the net revenue to be received into the state treasury each month, and such estimated payment shall be adjusted for the actual net revenue received in the preceding month. All payments shall be made to the Fund on the last day of each month.

H. (Contingent expiration date) 1. The additional revenue generated by increases in the state sales and use tax from Planning District 8 pursuant to §§ 58.1-603.1, 58.1-604.01, 58.1-604.1, and 58.1-614 shall be deposited by the Comptroller in the fund established under § 33.2-2509.

2. The additional revenue generated by increases in the state sales and use tax from Planning District 23 pursuant to §§ 58.1-603.1, 58.1-604.01, 58.1-604.1, and 58.1-614 shall be deposited by the Comptroller in the fund established under § 33.2-2600.

3. The additional revenue generated by increases in the state sales and use tax in any other Planning District pursuant to §§ 58.1-603.1, 58.1-604.01, 58.1-604.1, and 58.1-614 shall be deposited into special funds that shall be established by appropriate legislation.

4. The net revenues distributable under this subsection shall be computed as an estimate of the net revenue to be received by the state treasury each month, and such estimated payment shall be adjusted for the actual net revenue received in the preceding month. All payments shall be made to the appropriate funds on the last day of each month.

I. (For contingent expiration date, see Acts 2018, c. 850) The additional revenue generated by increases in the state sales and use tax from the Historic Triangle pursuant to § 58.1-603.2 shall be deposited by the Comptroller as follows: (i) 50 percent shall be deposited into the Historic Triangle Marketing Fund established pursuant to subsection E of § 58.1-603.2; and (ii) 50 percent shall be deposited in the special fund created pursuant to subdivision D 2 of § 58.1-603.2 and distributed to the localities in which the revenues were collected. The net revenues distributable under this subsection shall be computed as an estimate of the net revenues to be received by the state treasury each month, and such estimated payment shall be adjusted for the actual net revenue received in the preceding month. All payments shall be made to the appropriate funds on the last day of each month.

J. Beginning July 1, 2020, the first \$40 million of sales and use taxes remitted by online retailers with a physical nexus established pursuant to subsection D of § 58.1-612 shall be deposited into the Major Headquarters Workforce Grant Fund established pursuant to § 59.1-284.31.

K. If errors are made in any distribution, or adjustments are otherwise necessary, the errors shall be corrected and adjustments made in the distribution for the next quarter or for subsequent quarters.

L. The term "net revenue," as used in this section, means the gross revenue received into the general fund or the Commonwealth Transportation Trust Fund of the state treasury under the preceding sections of this chapter, less refunds to taxpayers.

§ 58.1-638.3. (Contingent expiration date) Disposition of 0.3 percent state and local sales tax for transportation.

A. The sales and use tax revenue generated by the 0.3 percent sales and use tax increase enacted by the 2013 Session of the General Assembly shall be allocated as follows:

1. An amount equal to a 0.175 percent sales and use tax shall be deposited into the Highway Maintenance and Operating Fund established pursuant to § 33.2-1530;
2. An amount equal to a 0.05 percent sales and use tax shall be deposited into the Intercity Passenger Rail Operating and Capital Fund established under § 33.2-1603; and
3. An amount equal to a 0.075 percent sales and use tax shall be deposited into the Commonwealth Mass Transit Fund deposited into the Commonwealth Transportation Fund established pursuant to § 33.2-1524.

B. The net revenues distributable under this section shall be computed as an estimate of the net revenue to be received by the state treasury each month, and such estimated payment shall be adjusted for the actual net revenue received in the preceding month. All payments shall be made to the funds set forth in subsection A on the last day of each month.

§ 58.1-802.3. Regional transportation improvement fee.

In addition to any other tax or fee imposed under the provisions of this chapter, a fee, delineated as the "regional WMATA capital fee," is hereby imposed on each deed, instrument, or writing by which lands, tenements, or other realty located in any county or city that is a member of the Northern Virginia Transportation Authority is sold and is granted, assigned, transferred, or otherwise conveyed to or vested in the purchaser or any other person, by such purchaser's direction. The rate of the fee, when the consideration or value of the interest, whichever is greater, equals or exceeds \$100, shall be \$0.15 \$0.10 for each \$100 or fraction thereof, exclusive of the value of any lien or encumbrance remaining thereon at the time of the sale, whether such lien is assumed or the realty is sold subject to such lien or encumbrance.

The fee imposed by this section shall be paid by the grantor, or any person who signs on behalf of the grantor, of any deed, instrument, or writing subject to the fee imposed by this section.

No such deed, instrument, or other writing shall be admitted to record unless certification of the clerk wherein first recorded has been affixed thereto that the fee imposed pursuant to this section has been paid.

Fees imposed by this section shall be collected by the clerk of the court. For fees collected in a county or city located in a transportation district established pursuant to Chapter 19 (§ 33.2-1900 et seq.) of Title 33.2 that as of January 1, 2018, meets the criteria established in § 33.2-1936 shall be transferred to the state treasury as soon as practicable and deposited into the fund established in § 33.2-3401. The fees collected in any other county or city in which the fee is imposed shall be retained by the county or city, and shall be used solely for transportation purposes.

§ 58.1-802.4. Regional congestion relief fee.

In addition to any other tax or fee imposed under the provisions of this chapter, a fee, delineated as the "regional congestion relief fee," is hereby imposed on each deed, instrument, or writing by which lands, tenements, or other realty located in any county or city in a planning district described in this section is sold and is granted, assigned, transferred, or otherwise conveyed to or vested in the purchaser or any other person, by such purchaser's direction. The fee shall be imposed in a planning district established pursuant to Chapter 42 (§ 15.2-4200 et seq.) of Title 15.2 that (i) as of January 1, 2013, has a population of two million or more, as shown by the most recent United States census, has not less than 1.7 million motor vehicles registered therein, and has a total transit ridership of not less than 50 million riders per year across all transit systems within the planning district or (ii) as shown by the most recent United States census meets the population criteria set forth in clause (i) and also meets the vehicle registration and ridership criteria set forth in clause (i). The rate of the fee, when the consideration or value of the interest, whichever is greater, equals or exceeds \$100, shall be \$0.10 for each \$100 or fraction thereof, exclusive of the value of any lien or encumbrance remaining thereon at the time of the sale, whether such lien is assumed or the realty is sold subject to such lien or encumbrance. In any case in which the fee is imposed pursuant to clause (ii) such fee shall be effective beginning on the July 1 immediately following the calendar year in which all of the criteria under such clause have been met.

The fee imposed by this section shall be paid by the grantor, or any person who signs on behalf of the grantor, of any deed, instrument, or writing subject to the fee imposed by this section; however, the grantor and grantee may arrange for the grantee to pay all or a portion of the fee.

No such deed, instrument, or other writing shall be admitted to record unless certification of the clerk wherein first recorded has been affixed thereto that the fee imposed pursuant to this section has been paid.

Fees imposed by this section shall be collected by the clerk of the court and deposited into the state treasury as soon as practicable. Such fees shall then be deposited into special funds established by law. In the case of Planning District 8, the revenue generated and collected therein shall be deposited into the fund established in § 33.2-2509. For additional planning districts that may become subject to this section, funds shall be established by appropriate legislation.

§ 58.1-811. (Contingent expiration date) Exemptions.

A. The taxes imposed by §§ 58.1-801 and 58.1-807 shall not apply to any deed conveying real estate or lease of real estate:

1. To an incorporated college or other incorporated institution of learning not conducted for profit, where such real estate is intended to be used for educational purposes and not as a source of revenue or profit;

2. To an incorporated church or religious body or to the trustee or trustees of any church or religious body, or a corporation mentioned in § 57-16.1, where such real estate is intended to be used exclusively for religious purposes, or for the residence of the minister of any such church or religious body;

3. To the United States, the Commonwealth, or to any county, city, town, district, or other political subdivision of the Commonwealth;

4. To the Virginia Division of the United Daughters of the Confederacy;

5. To any nonstock corporation organized exclusively for the purpose of owning or operating a hospital or hospitals not for pecuniary profit;

6. To a corporation upon its organization by persons in control of the corporation in a transaction which qualifies for nonrecognition of gain or loss pursuant to § 351 of the Internal Revenue Code as it exists at the time of the conveyance;

7. From a corporation to its stockholders upon complete or partial liquidation of the corporation in a transaction which qualifies for income tax treatment pursuant to § 331, 332, 333, or 337 of the Internal Revenue Code as it exists at the time of liquidation;

8. To the surviving or new corporation, partnership, limited partnership, business trust, or limited liability company upon a merger or consolidation to which two or more such entities are parties, or in a reorganization within the meaning of § 368(a)(1)(C) and (F) of the Internal Revenue Code as amended;

9. To a subsidiary corporation from its parent corporation, or from a subsidiary corporation to a parent corporation, if the transaction qualifies for nonrecognition of gain or loss under the Internal Revenue Code as amended;

10. To a partnership or limited liability company, when the grantors are entitled to receive not less than 50 percent of the profits and surplus of such partnership or limited liability company, provided that the transfer to a limited liability company is not a precursor to a transfer of control of the assets of the company to avoid recordation taxes;

11. From a partnership or limited liability company, when the grantees are entitled to receive not less than 50 percent of the profits and surplus of such partnership or limited liability company, provided that the transfer from a limited liability company is not subsequent to a transfer of control of the assets of the company to avoid recordation taxes;

12. To trustees of a revocable inter vivos trust, when the grantors in the deed and the beneficiaries of the trust are the same persons, regardless of whether other beneficiaries may also be named in the trust instrument, when no consideration has passed between the grantor and the beneficiaries;

13. When the grantor is an organization exempt from taxation under § 501(c)(3) of the Internal Revenue Code that is organized and operated primarily to acquire land and purchase materials to erect or rehabilitate low-cost homes on such land, which homes are sold at cost to persons who otherwise would be unable to afford to buy a home through conventional means;

14. When it is a deed of partition, or any combination of deeds simultaneously executed and having the effect of a deed of partition, among joint tenants, tenants in common, or coparceners; or

15. When it is a deed transferring property pursuant to a decree of divorce or of separate maintenance or pursuant to a written instrument incident to such divorce or separation.

B. The taxes imposed by §§ 58.1-803 and 58.1-804 shall not apply to any deed of trust or mortgage:

1. Given by an incorporated college or other incorporated institution of learning not conducted for profit;

2. Given by the trustee or trustees of a church or religious body or given by an incorporated church or religious body, or given by a corporation mentioned in § 57-16.1;

3. Given by any nonstock corporation organized exclusively for the purpose of owning and/or operating a hospital or hospitals not for pecuniary profit;

4. Given by any local governmental entity or political subdivision of the Commonwealth to secure a debt payable to any other local governmental entity or political subdivision;

5. Securing a loan made by an organization described in subdivision A 13;

6. Securing a loan made by a county, city, or town, or an agency of such a locality, to a borrower whose household income does not exceed 80 percent of the area median household income established by the U.S. Department of Housing and Urban Development, for the purpose of erecting or rehabilitating a home for such borrower, including the purchase of land for such home; or

7. Given by any entity organized pursuant to Chapter 9.1 (§ 56-231.15 et seq.) of Title 56.

C. The tax imposed by § 58.1-802 and the fee imposed by §§ 58.1-802.3 and 58.1-802.4 shall not apply to any:

1. Transaction described in subdivisions A 6 through 12, 14, and 15;

2. Instrument or writing given to secure a debt;

3. Deed conveying real estate from an incorporated college or other incorporated institution of learning not conducted for profit;

4. Deed conveying real estate from the United States, the Commonwealth or any county, city, town, district, or other political subdivision thereof;

5. Conveyance of real estate to the Commonwealth or any county, city, town, district, or other political subdivision thereof, if such political unit is required by law to reimburse the parties taxable pursuant to § 58.1-802 or subject to the fee under § 58.1-802.3; or

6. Deed conveying real estate from the trustee or trustees of a church or religious body or from an incorporated church or religious body, or from a corporation mentioned in § 57-16.1.

D. No recordation tax shall be required for the recordation of any deed of gift between a grantor or grantors and a grantee or grantees when no consideration has passed between the parties. Such deed shall state therein that it is a deed of gift.

E. The tax imposed by § 58.1-807 shall not apply to any lease to the United States, the Commonwealth, or any county, city, town, district, or other political subdivision of the Commonwealth.

F. The taxes and fees imposed by §§ 58.1-801, 58.1-802, 58.1-802.3, 58.1-807, 58.1-808, and 58.1-814 shall not apply to (i) any deed of gift conveying real estate or any interest therein to The Nature Conservancy or (ii) any lease of real property or any interest therein to The Nature Conservancy, where such deed of gift or lease of real estate is intended to be used exclusively for the purpose of preserving wilderness, natural, or open space areas.

G. The words "trustee" or "trustees," as used in subdivisions A 2, B 2, and C 6, include the trustees mentioned in § 57-8 and the ecclesiastical officers mentioned in § 57-16.

H. No recordation tax levied pursuant to this chapter shall be levied on the release of a contractual right, if the release is contained within a single deed that performs more than one function, and at least one of the other functions performed by the deed is subject to the recordation tax.

I. No recordation tax levied pursuant to this chapter shall be levied on a deed, lease, easement, release, or other document recorded in connection with a concession pursuant to the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.) or similar federal law.

J. No recordation tax shall be required for the recordation of any transfer on death deed or any revocation of transfer on death deed made pursuant to the Uniform Real Property Transfer on Death Act (§ 64.2-621 et seq.) when no consideration has passed between the parties.

K. No recordation tax levied pursuant to this chapter shall be required for the recordation of any deed of distribution when no consideration has passed between the parties. Such deed shall state therein on the front page that it is a deed of distribution. As used in this subsection, "deed of distribution" means a deed conveying property from an estate or trust (i) to the original beneficiaries of a trust from the trustees holding title under a deed in trust; (ii) the purpose of which is to comply with a devise or bequest in the decedent's will or to transfer title to one or more beneficiaries after the death of the settlor in accordance with a dispositive provision in the trust instrument; (iii) that carries out the exercise of a power of appointment; or (iv) is pursuant to the exercise of the power under the Uniform Trust Decanting Act (§ 64.2-779.1 et seq.).

§ 58.1-815.4. (Contingent expiration dates) Distribution of recordation tax to the Commonwealth Transportation Fund.

Of the state recordation taxes imposed pursuant to §§ 58.1-801 and 58.1-803, the revenues collected each fiscal year from \$0.03 of the total tax imposed under each section shall be deposited by the Comptroller into the Commonwealth ~~Mass Transit~~ *Transportation Fund* established pursuant to ~~subdivision A 4 of § 58.1-638~~ *33.2-1524*.

§ 58.1-816. Distribution of recordation tax to cities and counties.

A. Effective October 1, 1993, ~~twenty~~ *\$20 million dollars* of the taxes imposed under §§ 58.1-801 through 58.1-809 ~~which that~~ are actually paid into the state treasury, shall be distributed among the counties and cities of ~~this the~~ *the Commonwealth, except for counties and cities located in Planning District 8, in the manner provided in subsection B of this section.* Effective July 1, 1994, such annual distribution shall increase to ~~forty~~ *\$40 million dollars.* *Effective July 1, 2020, such annual distribution shall be \$20 million.*

B. Subject to any ~~transfers transfer~~ required under ~~§§ 33.2-2400 and § 58.1-816.1~~, the share of the state taxes distributable under this section among the counties and cities shall be apportioned and distributed quarterly to each county or city by the Comptroller by multiplying the amount to be distributed by a fraction in which the numerator is the amount of the taxes imposed under §§ 58.1-801 through 58.1-809 and actually paid into the state treasury which are attributable to deeds and other instruments recorded in the county or city and the denominator is the amount of taxes imposed under §§ 58.1-801 through 58.1-809 actually paid into the state treasury. All distributions pursuant to this section shall be made on a quarterly basis within ~~thirty~~ *30* days of the end of the quarter. Such quarterly distribution shall equal ~~ten~~ *\$10 million dollars.* Each clerk of the court shall certify to the Comptroller, within ~~fifteen~~ *15* days after the end of the quarter, all amounts collected under §§ 58.1-801 through 58.1-809 and actually paid into the state treasury which are attributable to deeds and other instruments recorded in such county or city.

C. All moneys distributed to counties and cities pursuant to this section shall be used for (i) transportation purposes, including, without limitation, construction, administration, operation, improvement, maintenance and financing of transportation facilities, or (ii) public education.

As used in this section, the term "transportation facilities" shall include all transportation-related facilities including, but not limited to, all highway systems, public transportation or mass transit systems as defined in § 33.2-100, airports as defined in § 5.1-1, and port facilities as defined in § 62.1-140. Such term shall be liberally construed for purposes of this section.

D. If any revenues distributed to a county or city under subsection C ~~of this section~~ are applied or expended for any transportation facilities under the control and jurisdiction of any state agency, board, commission or authority, such transportation facilities shall be constructed, operated, administered, improved and maintained in accordance with laws, rules, regulations, policies and procedures governing such state agency, board, commission or authority; however, in the event these revenues, or a portion thereof, are expended for improving or constructing highways in a county which is subject to the provisions of § 33.2-338, such expenditures shall be undertaken in the manner prescribed in that statute.

E. In the case of any distribution to a county or city in which an office sharing agreement pursuant to §§ 15.2-1637 and 15.2-3822 is in effect, the Comptroller shall divide the distribution among the office sharing counties and cities. Each clerk of the court acting pursuant to an office sharing agreement shall certify to the Comptroller, within ~~fifteen~~ 15 days after the end of the quarter, all amounts collected under §§ 58.1-801 through 58.1-809 and actually paid into the state treasury which are attributable to deeds and other instruments recorded on behalf of each county and city.

§ 58.1-816.1. Transportation Improvement Program Set-aside Fund.

There is hereby created in the Department of the Treasury a special nonreverting fund which shall be a part of the Transportation Trust Fund established pursuant to ~~§ 33.2-1524~~ § 33.2-1524.1 and which shall be known as the Transportation Improvement Program Set-aside Fund ("Set-aside Fund"), consisting of transfers pursuant to § 58.1-816 of annual collections of the state recordation taxes attributable to any local jurisdiction which adopts an ordinance to dedicate and use its share of state recordation tax distributions for transportation purposes; however, this dedication shall not affect the local recordation taxes under §§ 58.1-802 B and 58.1-814. Any local jurisdiction making such an election shall transmit a copy of its ordinance to the State Treasurer at least ninety days before transfers to the Set-aside Fund are to take effect. The State Treasurer is hereby authorized to commingle the funds of the various local jurisdictions in the Set-aside Fund, subject to the establishment of an accounting system which allows for the separate tracking of each local jurisdiction's share. The election to participate in the Set-aside Fund shall be revocable by the passage of an ordinance to that effect; however, if debt has been issued or other obligations incurred on the local jurisdiction's behalf, the election to participate shall be irrevocable so long as such bonds, or other obligations, are outstanding. A permitted revocation shall entitle the local jurisdiction to receive its remaining share, plus earnings and less the Treasurer's investment charges.

The Set-aside Fund shall also include such other funds as may be appropriated by the General Assembly from time to time and designated for the Set-aside Fund and all interest, dividends and appreciation which may accrue thereto. Any moneys remaining in the Set-aside Fund at the end of a biennium shall not revert to the general fund, but shall remain in the Set-aside Fund. Allocations from the Set-aside Fund may be paid to any authority, locality or commission for the purposes of paying the costs of any Transportation Improvement Program in which the local jurisdiction elects to participate.

§ 58.1-1741. Disposition of revenues.

A. After the direct costs of administering this article are recovered by the Department of Taxation, the remaining revenues collected hereunder by the Tax Commissioner shall be forthwith paid into the state treasury. Except as otherwise provided in this section, these funds shall constitute special funds within the Commonwealth Transportation Fund. Any balances remaining in these funds at the end of the year shall be available for use in subsequent years for the purposes set forth in this article, and any interest income on such funds shall accrue to these funds. The revenue so derived, after refunds have been deducted, is hereby allocated for the construction, reconstruction, and maintenance of highways and the regulation of traffic thereon and for no other purpose. However, (i) all funds collected from the additional tax imposed by subdivision A 2 of § 58.1-1736 on the rental of daily rental vehicles shall be distributed quarterly to the county, city, or town wherein such vehicle was delivered to the rentee; (ii) except as provided in clause (iii), an amount equivalent to the net additional revenues from the motor vehicle rental tax generated by enactments of the 1986 Special Session of the Virginia General Assembly which amended §§ 46.2-694, 46.2-697, and by §§ 58.1-1735, 58.1-1736 and this section, shall be distributed to and paid into the *Commonwealth Transportation Trust Fund* established pursuant to § 33.2-1524, a ~~special fund within the Commonwealth Transportation Fund~~, and are hereby appropriated to the Commonwealth Transportation Board for transportation needs; (iii) all moneys collected from the tax on the gross proceeds from the rental in Virginia of any motor vehicle pursuant to subdivision A 1 of § 58.1-1736 at the tax rate in effect on December 31, 1986, shall be paid by the Tax Commissioner into the state treasury and two-thirds of which shall be paid into the ~~Rail Enhancement Commonwealth Transportation Fund~~ established by ~~§ 33.2-1601 pursuant to § 33.2-1524~~ and one-third of which shall be deposited into the Washington Metropolitan Area Transit Authority Capital Fund pursuant to § 33.2-3401; and (iv) all additional revenues resulting from the fee imposed under subdivision A 3 of § 58.1-1736 shall be used to pay the debt service on the bonds issued by the Virginia Public Building Authority for the Statewide Agencies Radio System (STARS) for the Department of State Police pursuant to the authority granted by the 2004 Session of the General Assembly.

B. ~~As provided in subsection A of § 58.1-638, of the funds becoming part of the Transportation Trust Fund pursuant to subdivision A 2, an aggregate of 4.2 percent shall be set aside as the Commonwealth Port Fund; an aggregate of 2.4 percent shall be set aside as the Commonwealth Airport Fund; and an aggregate of 14.7 percent shall be set aside as the Commonwealth Mass Transit Fund.~~

§ 58.1-1743. Transportation district transient occupancy tax.

In addition to all other fees and taxes imposed under law, there is hereby imposed an additional transient occupancy tax at the rate of ~~two~~ *three* percent of the amount of the charge for the occupancy of any room or space occupied in any county or city located in a transportation district established pursuant to Chapter 19 (§ 33.2-1900 et seq.) of Title 33.2 that as of January 1, 2018, meets the criteria established in § 33.2-1936.

The tax imposed under this section shall be imposed only for the occupancy of any room or space that is suitable or intended for occupancy by transients for dwelling, lodging, or sleeping purposes.

The tax imposed under this section shall be administered by the locality in which the room or space is located in the same manner as it administers the tax authorized by § 58.1-3819 or 58.1-3840, mutatis mutandis, except as herein provided. The revenue generated and collected from the tax shall be deposited by the local treasurer into the state treasury pursuant to § 2.2-806 and transferred by the Comptroller into special funds established by law. In the case of the Northern Virginia

Transportation District, the revenue generated and collected therein shall be deposited into the fund established in § 33.2-3401. For additional transportation districts that may become subject to this section, funds shall be established by appropriate legislation.

§ 58.1-1744. Local transportation transient occupancy tax.

In addition to all other fees and taxes imposed under law, there is hereby imposed an additional transient occupancy tax at the rate of ~~two~~ *three* percent of the amount of the charge for the occupancy of any room or space occupied in any county or city that is (i) a member of the Northern Virginia Transportation Authority and (ii) that is not described in § 58.1-1743.

The tax imposed under this section shall be imposed only for the occupancy of any room or space that is suitable or intended for occupancy by transients for dwelling, lodging, or sleeping purposes.

The tax imposed under this section shall be administered by the locality in which the room or space is located in the same manner as it administers the tax authorized by § 58.1-3819 or 58.1-3840, mutatis mutandis, except as herein provided. The revenue generated and collected from the tax shall be deposited by the local treasurer and ~~may be used only for public transportation purposes.~~ *Two-thirds of the revenue collected pursuant to this section may be used only for public transportation purposes and the remaining revenue may be used for any transportation purpose.*

§ 58.1-2217. Taxes levied; rate.

A. There is hereby levied a tax at the rate of ~~seventeen and one-half cents per gallon on gasoline and gasohol.~~ Beginning January 1, 2015, the tax rate shall be 5.1 percent of the statewide average wholesale price of a gallon of unleaded regular gasoline for the applicable base period, excluding federal and state excise taxes, as determined by the Commissioner.

In computing the average wholesale price of a gallon of gasoline, the Commissioner shall use the period from December 1 through May 31 as the base period for such determination for the immediately following period beginning July 1 and ending December 31, inclusive. The period from June 1 through November 30 shall be the next base period for the immediately following period beginning January 1 and ending June 30, inclusive. In no case shall the average wholesale price computed for purposes of this section be less than the statewide average wholesale price of a gallon of unleaded regular gasoline on February 20, 2013. *There is hereby levied an excise tax on gasoline and gasohol as follows:*

1. *On and after July 1, 2020, but before July 1, 2021, the rate shall be 21.2 cents per gallon;*

2. *On and after July 1, 2021, but before July 1, 2022, the rate shall be 26.2 cents per gallon; and*

3. *On and after July 1, 2022, the rate shall be adjusted annually based on the greater of (i) the change in the United States Average Consumer Price Index for all items, all urban consumers (CPI-U), as published by the Bureau of Labor Statistics for the U.S. Department of Labor for the previous year or (ii) zero.*

B. There is hereby levied a tax at the rate of ~~seventeen and one-half cents per gallon on diesel fuel.~~ Beginning January 1, 2015, the tax rate shall be six percent of the statewide average wholesale price of a gallon of diesel fuel for the applicable base period, excluding federal and state excise taxes, as determined by the Commissioner.

In computing the average wholesale price of a gallon of diesel fuel, the Commissioner shall use the period from December 1 through May 31 as the base period for such determination for the immediately following period beginning July 1 and ending December 31, inclusive. The period from June 1 through November 30 shall be the next base period for the immediately following period beginning January 1 and ending June 30, inclusive. In no case shall the average wholesale price computed for purposes of this section be less than the statewide average wholesale price of a gallon of diesel fuel on February 20, 2013. *There is hereby levied an excise tax on diesel fuel as follows:*

1. *On and after July 1, 2020, but before July 1, 2021, the rate shall be 20.2 cents per gallon;*

2. *On and after July 1, 2021, but before July 1, 2022, the rate shall be 27 cents per gallon; and*

3. *On and after July 1, 2022, the rate shall be adjusted annually based on the greater of (i) the change in the United States Average Consumer Price Index for all items, all urban consumers (CPI-U), as published by the Bureau of Labor Statistics for the U.S. Department of Labor for the previous year or (ii) zero.*

C. Blended fuel that contains gasoline shall be taxed at the rate levied on gasoline. Blended fuel that contains diesel fuel shall be taxed at the rate levied on diesel fuel.

D. There is hereby levied a tax at the rate of five cents per gallon on aviation gasoline. Any person, whether or not licensed under this chapter, who uses, acquires for use, sells or delivers for use in highway vehicles any aviation gasoline shall be liable for the tax at the rate levied on gasoline and gasohol, along with any penalties and interest that may accrue.

E. There is hereby levied a tax at the rate of five cents per gallon on aviation jet fuel purchased or acquired for use by a user of aviation fuel other than an aviation consumer. There is hereby levied a tax at the rate of five cents per gallon upon the first 100,000 gallons of aviation jet fuel, excluding bonded aviation jet fuel, purchased or acquired for use by any aviation consumer in any fiscal year. There is hereby levied a tax at the rate of one-half cent per gallon on all aviation jet fuel, excluding bonded aviation jet fuel, purchased or acquired for use by an aviation consumer in excess of 100,000 gallons in any fiscal year. Any person, whether or not licensed under this chapter, who uses, acquires for use, sells or delivers for use in highway vehicles any aviation jet fuel taxable under this chapter shall be liable for the tax imposed at the rate levied on diesel fuel, along with any penalties and interest that may accrue.

F. In accordance with § 62.1-44.34:13, a storage tank fee is imposed on each gallon of gasoline, aviation gasoline, diesel fuel (including dyed diesel fuel), blended fuel, and heating oil sold and delivered or used in the Commonwealth.

§ 58.1-2249. Tax on alternative fuel.

A. There is hereby levied a tax at the rate levied on gasoline and gasohol on liquid alternative fuel used to operate a highway vehicle by means of a vehicle supply tank that stores fuel only for the purpose of supplying fuel to operate the vehicle. There is hereby levied a tax at a rate equivalent to that levied on gasoline and gasohol on all other alternative fuel used to operate a highway vehicle. The Commissioner shall determine the equivalent rate applicable to such other alternative fuels.

B. (Contingent expiration date) In addition to any tax imposed by this article, there is hereby levied an annual license tax of \$64 per vehicle on each highway vehicle registered in Virginia that is an electric motor vehicle or an alternative fuel vehicle. However, no license tax shall be levied on any vehicle that (i) is subject to the tax on fuels levied pursuant to subsection A, (ii) is subject to the federal excise tax levied under § 4041 of the Internal Revenue Code, (iii) is a moped as defined in § 46.2-100, or (iv) is registered under the International Registration Plan. If such a highway vehicle is registered for a period other than one year as provided under § 46.2-646, the license tax shall be multiplied by the number of years or fraction thereof that the vehicle will be registered. The revenues generated by this subsection shall be deposited in the Highway Maintenance and Operating Fund established pursuant to § 33.2-1530.

B. (Contingent effective date) In addition to any tax imposed by this article, there is hereby levied an annual license tax of \$50 per vehicle on each highway vehicle registered in Virginia that is an electric motor vehicle. If such a highway vehicle is registered for a period other than one year as provided under § 46.2-646, the license tax shall be multiplied by the number of years or fraction thereof that the vehicle will be registered.

§ 58.1-2289. Disposition of tax revenue generally.

A. Unless otherwise provided in this section, all taxes and fees, including civil penalties, collected by the Commissioner pursuant to this chapter, less a reasonable amount to be allocated for refunds, shall be promptly paid into the state treasury and shall constitute special funds within the Commonwealth Transportation Fund. Any balances remaining in these funds at the end of the year shall be available for use in subsequent years for the purposes set forth in this chapter, and any interest income on such funds shall accrue to these funds.

The Governor is hereby authorized to transfer out of such fund an amount necessary for the inspection of gasoline and motor grease measuring and distributing equipment, and for the inspection and analysis of gasoline for purity.

B. The tax collected on each gallon of aviation fuel sold and delivered or used in this Commonwealth, less refunds, shall be paid into a special fund of the state treasury. Proceeds of this special fund within the Commonwealth Transportation Fund shall be disbursed upon order of the Department of Aviation, on warrants of the Comptroller, to defray the cost of the administration of the laws of this Commonwealth relating to aviation, for the construction, maintenance and improvement of airports and landing fields to which the public now has or which it is proposed shall have access, and for the promotion of aviation in the interest of operators and the public generally.

C. One-half cent of the tax collected on each gallon of fuel on which a refund has been paid for gasoline, gasohol, diesel fuel, blended fuel, or alternative fuel, for fuel consumed in tractors and unlicensed equipment used for agricultural purposes shall be paid into a special fund of the state treasury, known as the Virginia Agricultural Foundation Fund, to be disbursed to make certain refunds and defray the costs of the research and educational phases of the agricultural program, including supplemental salary payments to certain employees at Virginia Polytechnic Institute and State University, the Department of Agriculture and Consumer Services and the Virginia Truck and Ornamentals Research Station, including reasonable expenses of the Virginia Agricultural Council.

D. One and one-half cents of the tax collected on each gallon of fuel used to propel a commercial watercraft upon which a refund has been paid shall be paid to the credit of the Game Protection Fund of the state treasury to be made available to the Board of Game and Inland Fisheries until expended for the purposes provided generally in subsection C of § 29.1-701, including acquisition, construction, improvement and maintenance of public boating access areas on the public waters of this Commonwealth and for other activities and purposes of direct benefit and interest to the boating public and for no other purpose. However, one and one-half cents per gallon on fuel used by commercial fishing, oystering, clamming, and crabbing boats shall be paid to the Department of Transportation to be used for the construction, repair, improvement and maintenance of the public docks of this Commonwealth used by said commercial watercraft. Any expenditures for the acquisition, construction, improvement and maintenance of the public docks shall be made according to a plan developed by the Virginia Marine Resources Commission.

From the tax collected pursuant to the provisions of this chapter from the sales of gasoline used for the propelling of watercraft, after deduction for lawful refunds, there shall be paid into the state treasury for use by the Marine Resources Commission, the Virginia Soil and Water Conservation Board, the State Water Control Board, and the Commonwealth Transportation Board to (i) improve the public docks as specified in this section, (ii) improve commercial and sports fisheries in Virginia's tidal waters, (iii) make environmental improvements including, without limitation, fisheries management and habitat enhancement in the Chesapeake and its tributaries, and (iv) further the purposes set forth in § 33.2-1510, a sum as established by the General Assembly.

E. Of the remaining revenues deposited into the Commonwealth Transportation Fund pursuant to this chapter less refunds authorized by this chapter: (i) 80 percent shall be deposited into the Highway Maintenance and Operating Fund established pursuant to § 33.2-1530, (ii) 11.3 percent shall be deposited into the Transportation Trust Fund established pursuant to § 33.2-1524, (iii) four percent shall be deposited into the Priority Transportation Fund, (iv) 3.7 percent shall be deposited into the Commonwealth Mass Transit Fund established pursuant to subdivision A 4 of § 58.1-638, and (v) one percent shall be transferred to a special fund within the Commonwealth Transportation Fund in the state treasury, to be used

to meet the necessary expenses of the Department of Motor Vehicles *All remaining revenue shall be deposited into the Commonwealth Transportation Fund established pursuant to § 33.2-1524.*

§ 58.1-2295. (Contingent expiration date) Levy; payment of tax.

A. 1. In addition to all other taxes now imposed by law, there is hereby imposed a tax upon every distributor who engages in the business of selling fuels at wholesale to retail dealers for retail sale in any county or city that is a member of (i) any transportation district in which a rapid heavy rail commuter mass transportation system operating on an exclusive right-of-way and a bus commuter mass transportation system are owned, operated, or controlled by an agency or commission as defined in § 33.2-1901 or (ii) any transportation district that is subject to subsection C of § 33.2-1915 and that is contiguous to the Northern Virginia Transportation District.

2. In addition to all other taxes now imposed by law, there is hereby imposed a tax upon every distributor who engages in the business of selling fuels at wholesale to retail dealers for retail sale in any county or city that is located in a Planning District established pursuant to Chapter 42 (§ 15.2-4200 et seq.) of Title 15.2 that (i) as of January 1, 2013, has a population of not less than 1.5 million but fewer than two million, as shown by the most recent United States Census, has not less than 1.2 million but fewer than 1.7 million motor vehicles registered therein, and has a total transit ridership of not less than 15 million but fewer than 50 million riders per year across all transit systems within the Planning District or (ii) as shown by the most recent United States Census meets the population criteria set forth in clause (i) and also meets the vehicle registration and ridership criteria set forth in clause (i). In any case in which the tax is imposed pursuant to clause (ii), such tax shall be effective beginning on the July 1 immediately following the calendar year in which all of the criteria have been met.

3. *In addition to all other taxes now imposed by law, there is hereby imposed a tax upon every distributor who engages in the business of selling fuels at wholesale to retail dealers for retail sale in (i) any county or city, or (ii) any city wholly embraced by a county, through which an interstate passes that (a) is more than 300 miles in length in the Commonwealth and (b) as of January 1, 2019, carried more than 40 percent of interstate vehicle miles traveled for vehicles classified as Class 6 or higher.*

4. *In addition to all other taxes now imposed by law, there is hereby imposed a tax upon every distributor who engages in the business of selling fuels at wholesale to retail dealers for retail sale in any county or city in which a tax is not otherwise imposed pursuant to this section.*

B. 1. The tax shall be imposed on each gallon of fuel, other than diesel fuel, sold by a distributor to a retail dealer for retail sale in any such county or city described in subsection A at a rate of ~~2.4 percent of the statewide average distributor price of a gallon of unleaded regular gasoline as determined by the Commissioner pursuant to subdivision C 1~~ *7.6 cents per gallon on gasoline and gasohol. Beginning July 1, 2021, the tax rate shall be adjusted annually based on the greater of (i) the change in the United States Average Consumer Price Index for all items, all urban consumers (CPI-U), as published by the Bureau of Labor Statistics for the U.S. Department of Labor for the previous year or (ii) zero.* For alternative fuels other than liquid alternative fuels, the Commissioner shall determine an equivalent tax rate based on gasoline gallon equivalency.

2. The tax shall be imposed on each gallon of diesel fuel sold by a distributor to a retail dealer for retail sale in any such county or city at a rate of ~~2.4 percent of the statewide average distributor price of a gallon of diesel fuel as determined by the Commissioner pursuant to subdivision C 2~~ *7.7 cents per gallon on diesel fuel. Beginning July 1, 2021, the tax rate shall be adjusted annually based on the greater of (i) the change in the United States Average Consumer Price Index for all items, all urban consumers (CPI-U), as published by the Bureau of Labor Statistics for the U.S. Department of Labor for the previous year or (ii) zero.*

C. 1. ~~To determine the statewide average distributor price of a gallon of unleaded regular gasoline, the Commissioner shall use the period from June 1 to November 30, inclusive, as the base period for the determination of the rate of the tax for the immediately following applied period beginning January 1 and ending June 30, inclusive. The Commissioner shall use the period from December 1 to May 31, inclusive, as the base period for the determination of the rate of the tax for the immediately following applied period beginning July 1 and ending December 31, inclusive. In no case shall the statewide average distributor price of a gallon of unleaded regular gasoline determined for the purposes of this section be less than the statewide average wholesale price of a gallon of unleaded regular gasoline on February 20, 2013, plus a distributor charge calculated by the Commissioner for that date.~~

2. ~~To determine the statewide average distributor price of a gallon of diesel fuel, the Commissioner shall use the period from June 1 to November 30, inclusive, as the base period for the determination of the rate of the tax for the immediately following applied period beginning January 1 and ending June 30, inclusive. The Commissioner shall use the period from December 1 to May 31, inclusive, as the base period for the determination of the rate of the tax for the immediately following applied period beginning July 1 and ending December 31, inclusive. In no case shall the statewide average distributor price of a gallon of diesel fuel determined for the purposes of this section be less than the statewide average wholesale price of a gallon of diesel fuel on February 20, 2013, plus a distributor charge calculated by the Commissioner for that date.~~

~~D.~~ The tax levied under this section shall be imposed at the time of sale by the distributor to the retail dealer.

~~E.~~ *D.* The tax imposed by this section shall be paid by the distributor, but the distributor shall separately state the amount of the tax and add such tax to the price or charge. Thereafter, such tax shall be a debt from the retail dealer to the distributor until paid and shall be recoverable at law in the same manner as other debts. No action at law or suit in equity

under this chapter shall be maintained in the Commonwealth by any distributor who is not registered under § 58.1-2299.2 or is delinquent in the payment of taxes imposed under this chapter.

F. E. Nothing in this section shall be construed to exempt the imposition and remittance of tax pursuant to this section in a sale to a retail dealer in which the distributor and the retail dealer are the same person.

§ 58.1-2299.20. (Contingent expiration dates) Disposition of tax revenues.

A. All taxes, interest, and civil penalties paid to the Commissioner pursuant to this chapter for the sale of fuels at wholesale to retail dealers for retail sale in any county or city set forth in clause (i) of subdivision A 1 of § 58.1-2295, after subtraction of the direct costs of administration by the Department, shall be deposited each month as follows:

1. One-twelfth of an amount determined by multiplying \$15 million by a fraction, the numerator of which shall be such transportation district's share of funding for the commuter rail service jointly operated by the two transportation districts and the denominator of which shall be the total funding share for such commuter rail service, shall be deposited in the Commuter Rail Operating and Capital Fund established pursuant to § 33.2-3500;

2. a. ~~Until June 30, 2019, an amount equal to the increase in taxes, interest, and civil penalties paid to the Commissioner each month, compared with the same month for fiscal year 2018, minus any amounts deposited pursuant to subdivision 1, shall be deposited into the Washington Metropolitan Area Transit Capital Fund established pursuant to § 33.2-3401; and~~

~~b. Beginning on July 1, 2019, an amount equal to one-twelfth of the increase in taxes, interest, and civil penalties paid to the Commissioner in fiscal year 2019 compared to fiscal year 2018, minus any amounts deposited pursuant to subdivision A 1, *One-twelfth of \$22.183 million* shall be deposited in the Washington Metropolitan Area Transit Authority Capital Fund established pursuant to § 33.2-3401; and~~

3. All remaining funds shall be deposited in a special fund entitled the "Special Fund Account of the Transportation District of _____." The amounts deposited in the special fund shall be distributed monthly to the applicable transportation district commission of which the county or city is a member to be applied to the operating deficit, capital, and debt service of the mass transit system of such district or, in the case of a transportation district subject to the provisions of subsection C of § 33.2-1915, to be applied to and expended for any transportation purpose of such district. In the case of a jurisdiction which, after July 1, 1989, joins a transportation district which was established on or before January 1, 1986, and is also subject to subsection C of § 33.2-1915, the funds collected from that jurisdiction shall be applied to and expended for any transportation purpose of such jurisdiction.

B. All taxes, interest, and civil penalties paid to the Commissioner pursuant to this chapter for the sale of fuels at wholesale to retail dealers for retail sale in any county or city set forth in clause (ii) of subdivision A 1 of § 58.1-2295, after subtraction of the direct costs of administration by the Department, shall be deposited each month as follows:

1. One-twelfth of an amount determined by multiplying \$15 million by a fraction, the numerator of which shall be such transportation district's share of funding for the commuter rail service jointly operated by the two transportation districts and the denominator of which shall be the total funding share for such commuter rail service, shall be deposited in the Commuter Rail Operating and Capital Fund established pursuant to § 33.2-3500; and

2. All remaining funds shall be deposited in a special fund entitled the "Special Fund Account of the Transportation District of _____." The amounts deposited in the special fund shall be distributed monthly to the applicable transportation district commission of which the county or city is a member to be applied to the operating deficit, capital, and debt service of the mass transit system of such district or, in the case of a transportation district subject to the provisions of subsection C of § 33.2-1915, to be applied to and expended for any transportation purpose of such district. In the case of a jurisdiction which, after July 1, 1989, joins a transportation district that was established on or before January 1, 1986, and is also subject to subsection C of § 33.2-1915, the funds collected from that jurisdiction shall be applied to and expended for any transportation purpose of such jurisdiction.

C. All taxes, interest, and civil penalties paid to the Commissioner pursuant to this chapter for the sale of fuels at wholesale to retail dealers for retail sale in any county or city set forth in subdivision A 2 of § 58.1-2295, after subtraction of the direct costs of administration by the Department, shall be deposited into special funds established by law. In the case of Planning District 23, the revenue generated and collected therein shall be deposited into the fund established in § 33.2-2600. For additional Planning Districts that may become subject to this section, funds shall be established by appropriate legislation.

D. All taxes, interest, and civil penalties paid to the Commissioner pursuant to this chapter for the sale of fuels at wholesale to retail dealers for retail sale in any county or city set forth in ~~§ 58.1-2295.4~~ *subdivision A 3 of § 58.1-2295*, after subtraction of the direct costs of administration by the Department, shall be deposited into the Interstate 81 Corridor Improvement Fund established pursuant to Chapter 36 (§ 33.2-3600) of Title 33.2.

E. All taxes, interest, and civil penalties paid to the Commissioner pursuant to this chapter for the sale of fuels at wholesale to retail dealers for retail sale in any county or city set forth in subdivision A 4 of § 58.1-2295, after subtraction of the direct costs of administration by the Department, shall be deposited in a special fund titled the "Special Fund Account for the Highway Construction District Grant Program" to be allocated by the Commonwealth Transportation Board as highway construction district grants pursuant to § 33.2-371 to the construction districts in which the taxes, interest, and civil penalties were generated.

F. The direct cost of administration of this section shall be credited to the funds appropriated to the Department.

§ 58.1-2299.20. (For contingent effective date see Acts 2019, cc. 837 and 846) Disposition of tax revenues.

A. All taxes, interest, and civil penalties paid to the Commissioner pursuant to this chapter for the sale of fuels at wholesale to retail dealers for retail sale in any county or city set forth in clause (i) of subdivision A 1 of § 58.1-2295, after subtraction of the direct costs of administration by the Department, shall be deposited each month as follows:

1. One-twelfth of an amount determined by multiplying \$15 million by a fraction, the numerator of which shall be such transportation district's share of funding for the commuter rail service jointly operated by the two transportation districts and the denominator of which shall be the total funding share for such commuter rail service, shall be deposited in the Commuter Rail Operating and Capital Fund established pursuant to § 33.2-3500;

2. a. ~~Until June 30, 2019, an amount equal to the increase in taxes, interest, and civil penalties paid to the Commissioner each month, compared with the same month for fiscal year 2018, minus any amounts deposited pursuant to subdivision 1, shall be deposited into the Washington Metropolitan Area Transit Capital Fund established pursuant to § 33.2-3401; and~~

b. ~~Beginning on July 1, 2019, an amount equal to one-twelfth of the increase in taxes, interest, and civil penalties paid to the Commissioner in fiscal year 2019 compared to fiscal year 2018, minus any amounts deposited pursuant to subdivision A 1, One-twelfth of \$22.183 million shall be deposited in the Washington Metropolitan Area Transit Authority Capital Fund established pursuant to § 33.2-3401; and~~

3. All remaining funds shall be deposited in a special fund entitled the "Special Fund Account of the Transportation District of _____." The amounts deposited in the special fund shall be distributed monthly to the applicable transportation district commission of which the county or city is a member to be applied to the operating deficit, capital, and debt service of the mass transit system of such district or, in the case of a transportation district subject to the provisions of subsection C of § 33.2-1915, to be applied to and expended for any transportation purpose of such district. In the case of a jurisdiction which, after July 1, 1989, joins a transportation district which was established on or before January 1, 1986, and is also subject to subsection C of § 33.2-1915, the funds collected from that jurisdiction shall be applied to and expended for any transportation purpose of such jurisdiction.

B. All taxes, interest, and civil penalties paid to the Commissioner pursuant to this chapter for the sale of fuels at wholesale to retail dealers for retail sale in any county or city set forth in clause (ii) of subdivision A 1 of § 58.1-2295, after subtraction of the direct costs of administration by the Department, shall be deposited each month as follows:

1. One-twelfth of an amount determined by multiplying \$15 million by a fraction, the numerator of which shall be such transportation district's share of funding for the commuter rail service jointly operated by the two transportation districts and the denominator of which shall be the total funding share for such commuter rail service, shall be deposited in the Commuter Rail Operating and Capital Fund established pursuant to § 33.2-3500; and

2. All remaining funds shall be deposited in a special fund entitled the "Special Fund Account of the Transportation District of _____." The amounts deposited in the special fund shall be distributed monthly to the applicable transportation district commission of which the county or city is a member to be applied to the operating deficit, capital, and debt service of the mass transit system of such district or, in the case of a transportation district subject to the provisions of subsection C of § 33.2-1915, to be applied to and expended for any transportation purpose of such district. In the case of a jurisdiction which, after July 1, 1989, joins a transportation district that was established on or before January 1, 1986, and is also subject to subsection C of § 33.2-1915, the funds collected from that jurisdiction shall be applied to and expended for any transportation purpose of such jurisdiction.

C. All taxes, interest, and civil penalties paid to the Commissioner pursuant to this chapter for the sale of fuels at wholesale to retail dealers for retail sale in any county or city set forth in subdivision A 2 of § 58.1-2295, after subtraction of the direct costs of administration by the Department, shall be deposited into special funds established by law. In the case of Planning District 23, the revenue generated and collected therein shall be deposited into the fund established in § 33.2-2600. For additional Planning Districts that may become subject to this section, funds shall be established by appropriate legislation.

D. *All taxes, interest, and civil penalties paid to the Commissioner pursuant to this chapter for the sale of fuels at wholesale to retail dealers for retail sale in any county or city set forth in subdivision A 4 of § 58.1-2295, after subtraction of the direct costs of administration by the Department, shall be deposited in a special fund titled the "Special Fund Account for the Highway Construction District Grant Program" to be allocated by the Commonwealth Transportation Board as highway construction district grants pursuant to § 33.2-371 to the construction districts in which the taxes, interest, and civil penalties were generated.*

E. The direct cost of administration of this section shall be credited to the funds appropriated to the Department.

§ 58.1-2425. (Contingent expiration date) Disposition of revenues.

A. (For contingent expiration date, see Acts 2019, c. 52, cl. 2) Funds collected hereunder by the Commissioner shall be forthwith paid into the state treasury. Except as otherwise provided in this section, these funds shall constitute special funds within the Commonwealth Transportation Fund. Any balances remaining in these funds at the end of the year shall be available for use in subsequent years for the purposes set forth in this chapter, and any interest income on such funds shall accrue to these funds. The revenue so derived, after refunds have been deducted, is hereby allocated for the construction, reconstruction and maintenance of highways and the regulation of traffic thereon and for no other purpose. However, (i) all funds collected pursuant to the provisions of this chapter from manufactured homes, as defined in § 46.2-100, shall be distributed to the city, town, or county wherein such manufactured home is to be situated as a dwelling; (ii) ~~effective January 1, 1987, an amount equivalent to the net additional revenues from the sales and use tax on motor vehicles generated~~

by enactments of the 1986 Special Session of the Virginia General Assembly which amended §§ 46.2-694, 46.2-697, 58.1-2401, 58.1-2402, and this section shall be distributed to and paid into the Transportation Trust Fund established pursuant to § 33.2-1524, a special fund within the Commonwealth Transportation Fund, and are hereby appropriated to the Commonwealth Transportation Board for transportation needs; (iii) the net additional revenues generated by increases in the rates of taxes under subdivisions A 1 and A 2 of § 58.1-2402 and generated by the increase in the minimum tax under subdivision A 3 of § 58.1-2402 pursuant to enactments of a Session of the General Assembly held in 2013 shall be deposited by the Comptroller into the Highway Maintenance and Operating Fund established pursuant to § 33.2-1530; and (iv) all funds collected pursuant to the provisions of this chapter from all-terrain vehicles, mopeds, and off-road motorcycles, as those terms are defined in § 46.2-100, shall be distributed as follows: (a) an amount equal to a one percent tax shall be distributed in the same manner as the one percent local sales tax pursuant to § 58.1-605, except that this amount collected on sales by anyone other than a Virginia dealer or on sales outside of Virginia shall be distributed to the county or city in which the vehicle is used or stored for use; (b) an amount equal to a 4.3 percent tax shall be distributed in the same manner as the state sales and use tax pursuant to §§ 58.1-638 and 58.1-638.3, except that this amount collected on sales by anyone other than a Virginia dealer or on sales outside of Virginia shall be distributed to the county or city in which the vehicle is used or stored for use; (c) if the all-terrain vehicle, moped, or off-road motorcycle was purchased from a Virginia dealer in a county or city in a planning district described in § 58.1-603.1, an amount equal to a 0.7 percent tax shall be distributed pursuant to § 58.1-603.1; (d) if the all-terrain vehicle, moped, or off-road motorcycle was purchased from anyone other than a Virginia dealer or outside of Virginia and then used or stored for use in a county or city in a planning district described in § 58.1-603.1, an amount equal to a 0.7 percent tax shall be distributed to the county or city in which the vehicle is used or stored for use; and (e) an amount equal to a one percent tax shall be distributed in a manner consistent with the provisions of subsection I of § 58.1-638 for each all-terrain vehicle, moped, and off-road motorcycle subject to the additional tax within the Historic Triangle under subdivision A 1 of § 58.1-2402; and (iii) all remaining funds, after the collection costs of the Department of Motor Vehicles, from the sales and use tax on motor vehicles shall be distributed to and paid into the Commonwealth Transportation Fund pursuant to § 33.2-1524.

A. (For contingent effective date, see Acts 2019, c. 52, cl. 2) Funds collected hereunder by the Commissioner shall be forthwith paid into the state treasury. Except as otherwise provided in this section, these funds shall constitute special funds within the Commonwealth Transportation Fund. Any balances remaining in these funds at the end of the year shall be available for use in subsequent years for the purposes set forth in this chapter, and any interest income on such funds shall accrue to these funds. The revenue so derived, after refunds have been deducted, is hereby allocated for the construction, reconstruction and maintenance of highways and the regulation of traffic thereon and for no other purpose. However, (i) all funds collected pursuant to the provisions of this chapter from manufactured homes, as defined in § 46.2-100, shall be distributed to the city, town, or county wherein such manufactured home is to be situated as a dwelling; (ii) effective January 1, 1987, an amount equivalent to the net additional revenues from the sales and use tax on motor vehicles generated by enactments of the 1986 Special Session of the Virginia General Assembly which amended §§ 46.2-694, 46.2-697, 58.1-2401, 58.1-2402, and this section shall be distributed to and paid into the Transportation Trust Fund established pursuant to § 33.2-1524, a special fund within the Commonwealth Transportation Fund, and are hereby appropriated to the Commonwealth Transportation Board for transportation needs; (iii) the net additional revenues generated by increases in the rates of taxes under subdivisions A 1 and A 2 of § 58.1-2402 and generated by the increase in the minimum tax under subdivision A 3 of § 58.1-2402 pursuant to enactments of a Session of the General Assembly held in 2013 shall be deposited by the Comptroller into the Highway Maintenance and Operating Fund established pursuant to § 33.2-1530; and (iv) all funds collected pursuant to the provisions of this chapter from all-terrain vehicles, mopeds, and off-road motorcycles, as those terms are defined in § 46.2-100, shall be distributed as follows: (a) an amount equal to a one percent tax shall be distributed in the same manner as the one percent local sales tax pursuant to § 58.1-605, except that this amount collected on sales by anyone other than a Virginia dealer or on sales outside of Virginia shall be distributed to the county or city in which the vehicle is used or stored for use; (b) an amount equal to a 4.3 percent tax shall be distributed in the same manner as the state sales and use tax pursuant to §§ 58.1-638 and 58.1-638.3, except that this amount collected on sales by anyone other than a Virginia dealer or on sales outside of Virginia shall be distributed to the county or city in which the vehicle is used or stored for use; (c) if the all-terrain vehicle, moped, or off-road motorcycle was purchased from a Virginia dealer in a county or city in a planning district described in § 58.1-603.1, an amount equal to a 0.7 percent tax shall be distributed pursuant to § 58.1-603.1; and (d) if the all-terrain vehicle, moped, or off-road motorcycle was purchased from anyone other than a Virginia dealer or outside of Virginia and then used or stored for use in a county or city in a planning district described in § 58.1-603.1, an amount equal to a 0.7 percent tax shall be distributed to the county or city in which the vehicle is used or stored for use; and (iii) all remaining funds, after the collection costs of the Department of Motor Vehicles, from the sales and use tax on motor vehicles shall be distributed to and paid into the Commonwealth Transportation Fund pursuant to § 33.2-1524.

B. As provided in subsection A of § 58.1-638, of the funds becoming part of the Transportation Trust Fund pursuant to clause (ii) of subsection A, an aggregate of 4.2 percent shall be set aside as the Commonwealth Port Fund; an aggregate of 2.4 percent shall be set aside as the Commonwealth Airport Fund; and an aggregate of 14.5 percent in fiscal year 1998-1999 and 14.7 percent in fiscal year 1999-2000 and thereafter shall be set aside as the Commonwealth Mass Transit Fund.

§ 58.1-2425. (Contingent effective date) Disposition of revenues.

A. (For contingent expiration date, see Acts 2019, c. 52, cl. 2) Funds collected hereunder by the Commissioner shall be forthwith paid into the state treasury. Except as otherwise provided in this section, these funds shall constitute special funds within the Commonwealth Transportation Fund. Any balances remaining in these funds at the end of the year shall be available for use in subsequent years for the purposes set forth in this chapter, and any interest income on such funds shall accrue to these funds. The revenue so derived, after refunds have been deducted, is hereby allocated for the construction, reconstruction and maintenance of highways and the regulation of traffic thereon and for no other purpose. However, (i) all funds collected pursuant to the provisions of this chapter from manufactured homes, as defined in § 46.2-100, shall be distributed to the city, town, or county wherein such manufactured home is to be situated as a dwelling; (ii) effective January 1, 1987, an amount equivalent to the net additional revenues from the sales and use tax on motor vehicles generated by enactments of the 1986 Special Session of the Virginia General Assembly which amended §§ 46.2-694, 46.2-697, 58.1-2401, 58.1-2402 and this section shall be distributed to and paid into the Transportation Trust Fund established pursuant to § 33.2-1524, a special fund within the Commonwealth Transportation Fund, and are hereby appropriated to the Commonwealth Transportation Board for transportation needs; and (iii) all funds collected pursuant to the provisions of this chapter from all-terrain vehicles, mopeds, and off-road motorcycles, as those terms are defined in § 46.2-100, shall be distributed as follows: (a) an amount equal to a one percent tax shall be distributed in the same manner as the one percent local sales tax pursuant to § 58.1-605, except that this amount collected on sales by anyone other than a Virginia dealer or on sales outside of Virginia shall be distributed to the county or city in which the vehicle is used or stored for use; (b) an amount equal to a four percent tax shall be distributed in the same manner as the state sales and use tax pursuant to § 58.1-638, except that this amount collected on sales by anyone other than a Virginia dealer or on sales outside of Virginia shall be distributed to the county or city in which the vehicle is used or stored for use; and (c) an amount equal to a one percent tax shall be distributed in a manner consistent with the provisions of subsection I of § 58.1-638 for each all-terrain vehicle, moped, and off-road motorcycle subject to the additional tax within the Historic Triangle under subdivision A 1 of § 58.1-2402; and (iii) all remaining funds, after the collection costs of the Department of Motor Vehicles, from the sales and use tax on motor vehicles shall be distributed to and paid into the Commonwealth Transportation Fund established pursuant to § 33.2-1524.

A. (For contingent effective date, see Acts 2019, c. 52, cl. 2) Funds collected hereunder by the Commissioner shall be forthwith paid into the state treasury. Except as otherwise provided in this section, these funds shall constitute special funds within the Commonwealth Transportation Fund. Any balances remaining in these funds at the end of the year shall be available for use in subsequent years for the purposes set forth in this chapter, and any interest income on such funds shall accrue to these funds. The revenue so derived, after refunds have been deducted, is hereby allocated for the construction, reconstruction and maintenance of highways and the regulation of traffic thereon and for no other purpose. However, (i) all funds collected pursuant to the provisions of this chapter from manufactured homes, as defined in § 46.2-100, shall be distributed to the city, town, or county wherein such manufactured home is to be situated as a dwelling; (ii) effective January 1, 1987, an amount equivalent to the net additional revenues from the sales and use tax on motor vehicles generated by enactments of the 1986 Special Session of the Virginia General Assembly which amended §§ 46.2-694, 46.2-697, 58.1-2401, 58.1-2402 and this section shall be distributed to and paid into the Transportation Trust Fund established pursuant to § 33.2-1524, a special fund within the Commonwealth Transportation Fund, and are hereby appropriated to the Commonwealth Transportation Board for transportation needs; and (iii) all funds collected pursuant to the provisions of this chapter from all-terrain vehicles, mopeds, and off-road motorcycles, as those terms are defined in § 46.2-100, shall be distributed as follows: (a) an amount equal to a one percent tax shall be distributed in the same manner as the one percent local sales tax pursuant to § 58.1-605, except that this amount collected on sales by anyone other than a Virginia dealer or on sales outside of Virginia shall be distributed to the county or city in which the vehicle is used or stored for use and (b) an amount equal to a four percent tax shall be distributed in the same manner as the state sales and use tax pursuant to § 58.1-638, except that this amount collected on sales by anyone other than a Virginia dealer or on sales outside of Virginia shall be distributed to the county or city in which the vehicle is used or stored for use; and (iii) all remaining funds, after the collection costs of the Department of Motor Vehicles, from the sales and use tax on motor vehicles shall be distributed to and paid into the Commonwealth Transportation Fund established pursuant to § 33.2-1524.

B. As provided in subsection A of § 58.1-638, of the funds becoming part of the Transportation Trust Fund pursuant to clause (ii) of subsection A of this section, an aggregate of 4.2 percent shall be set aside as the Commonwealth Port Fund; an aggregate of 2.4 percent shall be set aside as the Commonwealth Airport Fund; and an aggregate of 14.5 percent in fiscal year 1998-1999 and 14.7 percent in fiscal year 1999-2000 and thereafter shall be set aside as the Commonwealth Mass Transit Fund.

§ 58.1-2531. Distribution of certain revenue.

A. Beginning with the Commonwealth's fiscal year beginning on July 1, 2008 and for each fiscal year thereafter, an amount equal to one-third of all revenues collected by the Department in the most recently ended fiscal year from the tax imposed under this chapter, less one-third of the total amount of such tax refunded in the most recently ended fiscal year, shall be deposited by the Comptroller to the Priority Commonwealth Transportation Fund established under § 33.2-1527 33.2-1524.

B. For purposes of the Comptroller's deposits under this section, the Tax Commissioner shall, no later than July 15 of each year, provide a written certification to the Comptroller that reports the amount to be deposited pursuant to subsection A. After the required amount has been deposited as provided in subsection A, all remaining revenues from the tax imposed

under this chapter shall be deposited into the general fund of the state treasury. The Comptroller shall make all deposits under this section as soon as practicable.

§ 58.1-2701. (Contingent expiration date) Amount of tax.

A. Except as provided in subsection C, every motor carrier shall pay a road tax per gallon equivalent to the cents per gallon credit for diesel fuel as determined under subsection A of § 58.1-2706 for the relevant period plus an additional amount per gallon, as determined by subsection B, calculated on the amount of motor fuel, diesel fuel or liquefied gases (which would not exist as liquids at a temperature of 60 degrees Fahrenheit and a pressure of 14.7 pounds per square inch absolute), used in its operations within the Commonwealth.

The tax imposed by this chapter shall be in addition to all other taxes of whatever character imposed on a motor carrier by any other provision of law.

B. The additional amount per gallon shall be determined by the Commissioner annually, effective July 1 of each year. On July 1, 2019, the additional amount per gallon shall be calculated by multiplying the average fuel economy by \$0.01125. On July 1, 2020, and each July 1 thereafter, the additional amount per gallon shall be calculated by multiplying the average fuel economy by \$0.0225. The additional amount per gallon shall be rounded to the nearest one-tenth of a cent. For purposes of this subsection, "average fuel economy" shall be calculated by dividing the total taxable miles driven in the Commonwealth by the total taxable gallons of fuel consumed in the Commonwealth, as reported in IFTA returns in the preceding taxable year.

C. In lieu of the tax imposed in subsection A, motor carriers registering qualified highway vehicles that are not registered under the International Registration Plan shall pay a fee of \$150 per year for each qualified highway vehicle regardless of whether such vehicle will be included on the motor carrier's IFTA return. For the period of July 1, 2019, through June 30, 2020, the fee shall be adjusted based on the percent change in the road tax imposed pursuant to subsection A from June 30, 2019, to July 1, 2019. The Commissioner shall adjust the fee annually on July 1 of every year thereafter based on the percentage change in the road tax imposed pursuant to subsection A for the previous fiscal year as compared to the current fiscal year. The fee is due and payable when the vehicle registration fees are paid pursuant to the provisions of Article 7 (§ 46.2-685 et seq.) of Chapter 6 of Title 46.2.

If a vehicle becomes a qualified highway vehicle before the end of its registration period, the fee due at the time the vehicle becomes a qualified highway vehicle shall be prorated monthly to the registration expiration month. Fees paid under this subsection shall not be refunded unless a full refund of the registration fee paid is authorized by law.

D. ~~1. Except as provided in subdivision 2, all All taxes and fees paid under the provisions of this chapter shall be credited to the Highway Maintenance and Operating Fund established pursuant to § 33.2-1530, a special fund within deposited into the Commonwealth Transportation Fund established pursuant to § 33.2-1524.~~

~~2. The net additional revenues generated by this section pursuant to enactments of the 2019 Session of the General Assembly shall be deposited as follows: (i) an amount equal to such net revenues multiplied by a ratio of the vehicle miles traveled on Interstate 81 by vehicles classified as Class 6 or higher by the Federal Highway Administration to the total vehicle miles traveled on all interstate highways in the Commonwealth by vehicles classified as Class 6 or higher by the Federal Highway Administration into the Interstate 81 Corridor Improvement Fund established pursuant to § 33.2-3601; (ii) an amount equal to such net revenues multiplied by a ratio of the vehicle miles traveled on the portion of interstate highways located within the boundaries of Planning District 8 by vehicles classified as Class 6 or higher by the Federal Highway Administration to total vehicle miles traveled on all interstate highways in the Commonwealth by vehicles classified as Class 6 or higher by the Federal Highway Administration into the Northern Virginia Transportation Authority Fund established pursuant to § 33.2-2509; and (iii) all remaining net revenues to the Commonwealth Transportation Board for use for operational improvements and other enhancements to improve the safety and reliability of, and travel flow along, interstate highway corridors in the Commonwealth. The Board shall ensure that for any interstate highway with more than 10 percent of total interstate truck vehicle miles traveled that the total long-term expenditure for each such interstate highway is approximately equal to the proportional revenue subject to clause (iii) that is attributable to such interstate highway. For purposes of this subdivision, "net additional revenues" means the additional revenues generated by this section pursuant to enactments of the 2019 Session of the General Assembly, minus any refunds or remittances required to be paid.~~

§ 62.1-132.1. General powers.

A. Except as provided in subsection B, the Authority is vested with the powers of a body corporate, including, without limitation, to:

1. Sue and be sued;
2. Make contracts;
3. Adopt and use a common seal, and alter such seal at its pleasure;

4. Procure insurance, participate in insurance plans, and provide self-insurance. The purchase of insurance, participation in an insurance plan, or the creation of a self-insurance plan by the Authority shall not be deemed a waiver or relinquishment of any sovereign immunity to which the Authority or its officers, directors, employees, or agents are otherwise entitled;

5. Develop policies and procedures generally applicable to the procurement of goods, services and construction based on competitive principles; and

6. Exercise all the powers that are conferred upon industrial development authorities created pursuant to Chapter 49 (§ 15.2-4900 et seq.) of Title 15.2, except that the power to effect a change in ownership or operation of the Port of Virginia shall be subject to the provisions of § 62.1-132.19.

B. Expenditures by the Authority for capital projects are restricted to projects located on real property that is owned, leased, or operated by the Virginia Port Authority, except those expenditures (i) as provided in § 62.1-132.13 or 62.1-132.14, (ii) on grants to local government for financial assistance for port facilities as approved by the Board in policies posted on the Authority's website, or (iii) to provide support for the types of projects eligible for funding under subsection A of § 33.2-1509, subsection A of § 33.2-1600, or ~~subsection A of § 33.2-1601~~ § 33.2-1526.4.

2. That the General Assembly finds that the completion of Corridor Q of the Appalachian Development Highway System is required to provide an adequate, modern, safe, and efficient highway that will further the economic development needs and economic growth potential of south-central and southwest Virginia.

3. That § 2 of the first enactment of Chapter 8 of the Acts of Assembly of 1989, Special Session II, as amended by Chapter 538 of the Acts of Assembly of 1999 and Chapter 296 of the Acts of Assembly of 2013, is amended and reenacted as follows:

§ 2. The Commonwealth Transportation Board is hereby authorized, by and with the consent of the Governor, to issue, pursuant to the provisions of §§ ~~33.1-267 through 33.1-295~~ *the Transportation Development and Revenue Bond Act* (§ 33.2-1700 et seq. of the Code of Virginia), at one time or from time to time, bonds of the Commonwealth to be designated "Commonwealth of Virginia Transportation Revenue Bonds, Series", in an aggregate principal amount not exceeding \$1,300,000,000, to finance the cost of the project plus an amount for the issuance costs, reserve funds, and other financing expenses. However, the additional amount of bonds that may be issued solely because of the amendments to this section by the 2013 Session of the General Assembly may be issued only if the debt service of such bonds can be met solely with the revenues provided to the Route 58 Corridor Development Fund pursuant to the provisions of § 58.1-815 of the Code of Virginia. The proceeds of such bonds shall be used exclusively for the purpose of providing funds, with any other available funds, for paying all costs incurred or to be incurred for the construction of an adequate, modern, safe, and efficient highway system, generally along Virginia's southern boundary and which comprises the U.S. Route 58 Corridor Development Program as established in § ~~33.1-221.1:2~~ *33.2-2301 of the Code of Virginia*, consisting of the environmental and engineering studies, rights-of-way acquisition, construction and related improvements (the Project).

Of the \$104.3 million increase in bond issuance authorized by the 1999 Session of the General Assembly, \$82 million shall be issued for portions of the Project as follows:

Portion of the Project	Bond amount
Ben Hur to Pennington Gap in Lee County	\$9,800,000
Pennington Gap to Dryden in Lee County	\$35,600,000
Anticipated shortfall on the Danville Bypass, Clarksville Bypass, Stuart Bypass, and completion of a gap west of Jonesville in Lee County	\$35,100,000
Taylor's Valley in Washington County	\$1,500,000
Total	\$82,000,000

The remaining balance of the bond issuance in the amount of \$22.3 million, together with any bond issuance not necessary to complete the above projects, shall be issued for right-of-way acquisition from the Town of Stuart, in Patrick County along the Route 58 corridor to its intersection with Interstate 77 in Carroll County.

Beginning July 1, 2013, completion of the following portions of the Project shall have priority over any other portions of the Project:

- Crooked Oak Section
- ROW Acquisition
- Utility Relocation
- Permitting and Mitigation
- Design
- Construction and Inspection
- Vesta Section
- ROW Acquisition
- Utility Relocation
- Permitting and Mitigation
- Design
- Construction and Inspection
- Lover's Leap Section
- ROW Acquisition
- Utility Relocation
- Permitting and Mitigation
- Design

Construction and Inspection
Final Section of Corridor Q - Route 121/460 Poplar Creek, Phase B
ROW Acquisition
Utility Relocation
Permitting and Mitigation
Design
Construction and Inspection

Of the foregoing four sections of the Project, construction of the Lover's Leap Section shall have priority over construction of the other three sections. However, construction of these other three sections may proceed simultaneously with the construction of the Lover's Leap Section if such simultaneous construction does not delay construction of the Lover's Leap Section.

Such revenue bonds shall be issued by the Commonwealth Transportation Board and sold through the Treasury Board, which is hereby designated the sales and paying agent of the Commonwealth Transportation Board with respect to such bonds. The Treasury Board's duties shall include the approval of the terms and structure of the bonds.

4. That §§ 33.2-1601, 33.2-1603, 46.2-702.1, 46.2-702.1:1, 58.1-2217.1, and 58.1-2295.1 of the Code of Virginia are repealed.

5. That the fifth enactments of Chapters 837 and 846 of the Acts of Assembly of 2019 are repealed.

6. That the provisions of § 46.2-773 of the Code of Virginia, as created by this act, shall become effective on July 1, 2022.

7. That the Commissioner of the Department of Motor Vehicles (the Commissioner) shall convene a working group to assist the Department of Motor Vehicles in the development of the mileage-based user fee program authorized pursuant to § 46.2-773 of the Code of Virginia, as created by this act. In developing recommendations, the working group shall consider (i) the protection of all personally identifiable information that may be divulged in the reporting of highway usage; (ii) methods to record and report highway usage; (iii) the administration of the program, including the collection of fees for highway usage; and (iv) other issues identified by the Commissioner. The Commissioner shall issue an interim report no later than July 1, 2021, and a final report no later than December 15, 2021, on the findings of the working group. The Commissioner shall issue guidelines for the program no later than May 15, 2022. Such guidelines shall not be subject to the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia).

8. That the prioritization process established pursuant to subsection C of § 33.2-372 of the Code of Virginia, as created by this act, shall not apply to projects and strategies included or identified in the Interstate 81 Corridor Improvement Plan adopted by the Commonwealth Transportation Board on December 5, 2018.

9. That the initial terms for members of the Board of the Virginia Passenger Rail Authority shall be staggered as follows: (i) of the members appointed pursuant to subdivision A 1 of § 33.2-289 of the Code of Virginia, as created by this act, one shall be for a term of two years, one shall be for a term of three years, and one shall be for a term of four years; (ii) of the members appointed pursuant to subdivision A 2 of § 33.2-289, one shall be for a term of one year, one shall be for a term of two years, and one shall be for a term of four years; (iii) of the members appointed pursuant to subdivision A 3 of § 33.2-289, one shall be for a term of one year, and one shall be for a term of three years; (iv) of the members appointed pursuant to subdivision A 4 of § 33.2-289, one shall be for a term of two years and one shall be for a term of four years; and (v) of the members appointed pursuant to subdivision A 5 of § 33.2-289, one shall be for a term of one year and one shall be for a term of three years.

10. That the provisions of this act generating additional state revenue for transportation shall expire on December 31 of any year in which the General Assembly appropriates or transfers any of such additional revenues for any non-transportation-related purposes.

11. That notwithstanding the provisions of this act, the Commonwealth Transportation Board (i) shall take actions deemed necessary in fiscal years 2021, 2022 and 2023 to ensure appropriate coverage ratios for any outstanding debt backed by the Transportation Trust Fund and (ii) shall ensure funds for modal programs and the highway maintenance and operating fund are at least equal to the amounts provided for the six-year financial plan for the Commonwealth Transportation Fund as in effect on January 1, 2020.

12. That the General Assembly has determined that the development, expansion, and continuation of commuter and intercity passenger rail service and the development of rail infrastructure, rolling stock, and support facilities to support commuter and intercity passenger rail service are important elements of a balanced transportation system in the Commonwealth and are essential to the Commonwealth's continued economic growth, vitality, and competitiveness in national and world markets; and that, in pursuit of the development, expansion, and continuation of commuter and intercity passenger rail service, the Commonwealth is pursuing various rail and other infrastructure improvements leading into Washington, D.C., from Virginia, including a new bridge structure that crosses the Potomac River between Arlington County and the District of Columbia in the vicinity of the 14th Street Bridge complex and the Metro Fenwick Bridge and which may include, in addition to the river crossing, reasonably related new track approaches to the new bridge, as well as property acquisition and upgrades to the existing tracks on the Virginia and the Washington, D.C., sides of the new bridge; and that new Metrorail related improvements to, and serving, the Rosslyn Metrorail station in Arlington County that would facilitate the movement of passengers and

relieve train congestion on the Blue, Orange, and Silver Metrorail lines, and which may include a new platform and station, pedestrian connections to the existing Rosslyn Metrorail station, and a future new extension of Metrorail under the Potomac River (the Rail Improvements); and that the Commonwealth, through either or both of the Virginia Department of Rail and Public Transportation and the Virginia Passenger Rail Authority or such other Commonwealth agency or political subdivision as the General Assembly may authorize, will own the network of Rail Improvements and the various rail facilities, structures, and equipment constructed or acquired in connection therewith (the Rail Network) and may partner with one or more passenger or commuter rail service providers, including but not limited to Amtrak and the owners and operators of Virginia Rail Express, to deliver enhanced and reliable passenger rail service throughout the Rail Network; and that the Commonwealth, through the Virginia Department of Transportation, owns and operates the tolled express lanes comprising part of the Transform 66 Inside the Beltway express lanes project (the Inside the Beltway Express Lanes) and the revenues therefrom are intended to be applied to pay for transportation and other infrastructure improvements in and around the I-66 corridor; and that the General Assembly desires to authorize the incurrence of obligations secured, in part, by a pledge of certain net toll revenues from the Inside the Beltway Express Lanes collected by the Commonwealth and appropriated by the General Assembly, to finance the costs of (i) acquiring, constructing, renovating, expanding, enlarging, improving, installing, and equipping the Rail Improvements and the Rail Network; (ii) acquiring any lands, structures, fixtures, rights-of-way, franchises, easements, and other property rights and interests related to the Rail Improvements; and (iii) demolishing, removing, or relocating any buildings, structures, or fixtures on lands acquired for the Rail Improvements.

13. That notwithstanding the provisions of § 33.2-1524 of the Code of Virginia, as amended by this act, the Special Structure Fund established pursuant to § 33.2-1532 of the Code of Virginia shall receive \$10 million in Fiscal Year 2021 and \$30 million in Fiscal Year 2022.

14. § 1. *Commonwealth of Virginia Passenger Rail Facilities Bond Act of 2020.*

This act shall be known and may be cited as the "Commonwealth of Virginia Passenger Rail Facilities Bond Act of 2020" (the Act).

§ 2. *Authorization of bonds and bond anticipation notes.*

The Commonwealth Transportation Board (the Transportation Board) is hereby authorized, by and with the consent of the Governor, to sell and issue, pursuant to Article X, Section 9 (d) of the Constitution of Virginia, at one time or from time to time, bonds of the Commonwealth, to be designated "Commonwealth of Virginia Passenger Rail Facilities Bonds, Series" in an aggregate principal amount not exceeding \$1 billion, plus amounts needed to fund issuance costs, reserve funds, capitalized interest, and other financing expenses. The Transportation Board is further hereby authorized, by and with the consent of the Governor, to borrow money in anticipation of the issuance of bonds by the issuance of bond anticipation notes (BANs), including BANs issued as commercial paper. The proceeds of such bonds and BANs, excluding amounts needed to fund issuance costs, reserve funds, capitalized interest, and other financing expenses, shall be used exclusively for the purpose of providing funds, together with any other available funds made available by the Transportation Board, the Virginia Department of Rail and Public Transportation, and the Virginia Passenger Rail Authority, to pay all or a portion of the costs of (i) acquiring, constructing, renovating, expanding, enlarging, improving, installing, and equipping the Rail Improvements, as defined in the twelfth enactment of this act, and the various rail facilities, structures, and equipment constructed or acquired in connection therewith; (ii) acquiring any lands, structures, fixtures, rights-of-way, franchises, easements, and other property rights and interests related to the Rail Improvements; and (iii) demolishing, removing, or relocating any buildings, structures, or fixtures on lands acquired for the Rail Improvements (any of which may be referred to as an "authorized capital project").

§ 3. *Deposit and application of proceeds.*

The proceeds, including any premium, of bonds and BANs (except the proceeds of (i) bonds the issuance of which has been anticipated by BANs, (ii) refunding bonds, and (iii) refunding BANs), shall be deposited in a special capital outlay fund in the state treasury or may be placed with a trustee, and, together with the investment income thereon, shall be disbursed for paying all or any part of the costs of an authorized capital project, including financing costs. The proceeds of (a) bonds the issuance of which has been anticipated by BANs, (b) refunding bonds, and (c) refunding BANs shall be used to pay such BANs, refunded bonds, and refunded BANs.

§ 4. *Details, sale of bonds and BANs.*

The terms and structure of each issue of bonds and BANs shall be determined by the Transportation Board, subject to approval of the Treasury Board if required by the provisions of § 2.2-2416 of the Code of Virginia. The bonds and BANs shall be dated, and may be made redeemable before their maturity or maturities at such price or prices or within such price parameters, all as may be determined by the Transportation Board. Bonds and BANs shall be in such form, shall bear interest at such rate or rates, either at fixed rates or at rates established by formula or other method, and may contain such other provisions, including senior and subordinate lien priorities on the pledged toll revenues as provided in § 7, with respect to such bonds and BANs, all as determined by the Transportation Board. The principal of and premium, if any, and the interest on bonds and BANs shall be payable in lawful money of the United States of America. Bonds and BANs may be certificated or uncertificated as determined by the Transportation Board. The Transportation Board may contract for services of such registrars, transfer agents, or other authenticating agents as it deems appropriate to maintain a record of the persons entitled to the bonds and BANs. Bonds and BANs issued in certificated form may be issued under a system of

book entry for recording the ownership and transfer of ownership of rights to receive payments on the bonds and BANs. The Treasury Board shall fix the authorized denomination or denominations of the bonds and the place or places of payment of certificated bonds and BANs, which may be at the Office of the State Treasurer or at any bank or trust company within or without the Commonwealth. Bonds shall mature at such time or times not exceeding 39 years from their date or dates, and BANs shall mature at such time or times not exceeding five years from their date or dates.

The Transportation Board may sell bonds and BANs at one time or from time to time, at public or private sale, by competitive bidding, negotiated sale, or private placement with private lenders or governmental lenders, and for such price or prices, all as it may determine to be in the best interest of the Commonwealth.

§ 5. Execution of bonds and BANs.

The bonds and BANs shall be signed on behalf of the Transportation Board by the chairman or vice-chairman of the Transportation Board, or shall bear the facsimile signature of such officer, and shall bear the official seal of the Transportation Board, which shall be attested by the manual or facsimile signature of the secretary or assistant secretary of the Transportation Board. In the event that the bonds or BANs shall bear the facsimile signature of the chairman or vice-chairman of the Transportation Board, such bonds or BANs shall be signed by such administrative assistant as the chairman of the Transportation Board shall determine or by any registrar or paying agent that may be designated by the Transportation Board. If any officer whose signature or facsimile signature appears on any bonds or BANs ceases to be such officer before delivery, such signature or facsimile signature shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until such delivery.

§ 6. Sources for payment of expenses.

All expenses incurred under this act or in connection with the issuance of bonds or BANs shall be paid from the proceeds of bonds or BANs or from other available funds as the Transportation Board shall determine.

§ 7. Revenues.

The Transportation Board is hereby authorized (i) to fix, revise, charge, and collect tolls, rates, fees, and charges for or in connection with the use, occupancy, and services of the Inside the Beltway Express Lanes, as defined in the twelfth enactment of this act, in amounts sufficient to provide for the operating costs of the Inside the Beltway Express Lanes tolling facilities and to provide for the payment of the principal of and the premium, if any, and interest on the bonds and BANs and the debt service and sinking funds and reserves established as provided below and (ii) to pledge to the payment of the bonds or any portion thereof or BANs issued to finance or refinance the Rail Improvements the net revenues resulting from such tolls, rates, fees, and charges and remaining after payment of expenses incurred in operating the Inside the Beltway Express Lanes tolling facilities (the Toll Revenues). The Transportation Board is further authorized to create debt service and sinking funds for the payments of the principal of and premium, if any, and interest on the bonds and BANs and other reserves required by any of the purchasers.

§ 8. Investments and contracts.

A. Pending the application of the proceeds of the bonds or BANs (including refunding bonds and BANs) to the purpose for which they have been authorized and the application of funds set aside for the purpose to the payment of bonds or BANs, they may be invested by the State Treasurer or by a trustee in securities that are legal investments under the laws of the Commonwealth for public funds and sinking funds, as the case may be. Whenever the State Treasurer or trustee receives interest from the investment of the proceeds of bonds or any BANs, such interest shall become a part of the principal of the bonds and any BANs and shall be used in the same manner as required for principal of the bonds or BANs.

B. The Commonwealth may enter into any contract or other arrangement that is determined to be necessary or appropriate to place the obligation or investment of the Commonwealth, as represented by bonds, BANs, or investments, in whole or in part, on the interest rate, cash flow, or other basis desired by the Commonwealth. Such contract or other arrangement may include, without limitation, contracts commonly known as interest rate swap agreements and futures or contracts providing for payments based on levels of, or changes in, interest rates. These contracts or arrangements may be entered into by the Commonwealth in connection with, incidental to, entering into, or maintaining, any (i) agreement that secures bonds or BANs or (ii) investment, or contract providing for investment, otherwise authorized by law. These contracts and arrangements may contain such payment, security, default, remedy, and other terms and conditions as determined by the Commonwealth, after giving due consideration to the creditworthiness of the counterparty or other obligated party, including any rating by any nationally recognized rating agency, and any other criteria as may be appropriate. The determinations referred to in this subsection may be made by the Treasury Board or any public funds manager with professional investment capabilities duly authorized by the Treasury Board to make such determinations.

C. Any money set aside and pledged to secure payments of bonds, BANs, or any of the contracts entered into pursuant to this section may be invested in accordance with subsection A and may be pledged to and used to service any of the contracts or other arrangements entered into pursuant to subsection B.

§ 9. Security for bonds and BANs.

Subject to appropriation by the General Assembly of such amounts, the Toll Revenues are hereby irrevocably pledged for the payment of the principal of and premium, if any, and interest on bonds and BANs issued under this act. The proceeds of (i) bonds the issuance of which has been anticipated by BANs, (ii) refunding bonds, and (iii) refunding BANs are hereby irrevocably pledged for the payment of principal of and premium, if any, and interest on the BANs or bonds to be paid or redeemed thereby. Nothing in this act or the bonds or BANs shall be deemed to create or constitute a pledge of the faith and credit of the Commonwealth or any political subdivision thereof.

§ 10. *Exemption of interest from tax.*

The bonds and BANs issued under the provisions of this act, their transfer and the income therefrom, including any profit made on the sale thereof, shall at all times be free and exempt from taxation by the Commonwealth and by any county, city, or town, or other political subdivision thereof. The Transportation Board is authorized to take or refrain from taking any and all actions and to covenant to such effect, and to require the Transportation Board, the Virginia Department of Rail and Public Transportation, and the Virginia Passenger Rail Authority to do and to covenant likewise, to the extent that, in the judgment of the Transportation Board, it is appropriate in order that interest on the bonds and BANs may be exempt from federal income tax. Alternatively, interest on bonds and BANs may be made subject to inclusion in gross income of the holders thereof for federal income tax purposes.

§ 11. *Refunding bonds and BANs.*

The Transportation Board is authorized, by and with the consent of the Governor, to sell and issue, at one time or from time to time, refunding bonds and BANs of the Commonwealth and to refund any or all of the bonds and BANs, respectively, issued under this act. Refunding bonds and BANs may be issued in a principal amount up to the amount necessary to pay at maturity or redeem the bonds and BANs to be refunded and pay all issuance costs and other financing expenses of the refunding. Such refunding bonds and BANs may be issued whether or not the obligations to be refunded are then subject to redemption.

§ 12. *Defeasance.*

Any bond or BAN for which cash or direct obligations of the United States of America shall have been set aside in escrow with the State Treasurer or a bank or trust company, within or without the Commonwealth, shall be deemed no longer outstanding under the applicable authorizing instrument, this act, and Article X, Section 9 (d) of the Constitution of Virginia.

§ 13. *Legal investments.*

All obligations issued under the provisions of this act are hereby made securities in which all public officers and bodies of the Commonwealth and political subdivisions thereof, insurance companies and associations, savings banks and savings institutions, including savings and loan associations, trust companies, beneficial and benevolent associations, administrators, guardians, executors, trustees, and other fiduciaries in the Commonwealth may properly and legally invest funds under their control.

§ 14. *Severability.*

The provisions of this act or the application thereof to any person or circumstances that are held invalid shall not affect the validity of other provisions or applications of this act which can be given effect without the invalid provisions or applications.

§ 15. *Appropriation.*

The proceeds of the bonds are hereby appropriated for disbursement from the state treasury pursuant to Article X, Section 7 of the Constitution of Virginia and § 2.2-1819 of the Code of Virginia. The general conditions and general provisions of the general appropriation act enacted pursuant to Chapter 15 (§ 2.2-1500 et seq.) of Title 2.2 of the Code of Virginia, as such general appropriation act may be amended from time to time, and all of the terms and conditions contained therein shall apply to the authorized capital project described in this act.

15. § 1. Commonwealth Transportation Interstate 81 Corridor Bond Act of 2020.

This act shall be known and may be cited as the "Commonwealth Transportation Interstate 81 Corridor Bond Act of 2020."

§ 2. *Definitions.*

"Act" means the Commonwealth Transportation Interstate 81 Corridor Bond Act of 2020.

"Board" means the Commonwealth Transportation Board established pursuant to Article 1 (§ 33.2-200 et seq.) of Chapter 2 of Title 33.2 of the Code of Virginia.

"Bond" means a bond, a note, a credit facility, an anticipatory borrowing, and any other evidence of indebtedness issued pursuant to the provisions of the Act. A bond may contain any designation appropriate to the debt instrument.

"Bond Act" means Chapter 17 (§ 33.2-1700 et seq.) of Title 33.2 of the Code of Virginia and any amendments thereto.

"Fund" means the same as such term is defined in § 33.2-3600 of the Code of Virginia.

"Plan" means the same as such term is defined in § 33.2-3600 of the Code of Virginia.

"Program" means the same as such term is defined in § 33.2-3600 of the Code of Virginia.

§ 3. *Authorization of bonds and bond anticipation notes.*

The Board is hereby authorized, by and with the consent of the Governor, to issue, pursuant to the provisions of the Bond Act, revenue obligations of the Commonwealth, to be designated "Commonwealth of Virginia Interstate 81 Corridor Program Revenue Bonds, Series". The Board may issue bonds in one or multiple issues, provided that the aggregate principal amount does not exceed \$1 billion after all costs. Such amount shall include amounts needed to fund issuance costs, reserve funds, capitalized interest, and other financing expenses, but shall exclude any refunding bonds. Such aggregate principal amount shall not include the principal amount of any bonds issued to refund prior obligations issued under this Act and shall not include any pre-project completion interest that may be converted to principal in connection with any federal program borrowing undertaken pursuant to subsection D of § 6.

§ 4. The Board shall use the proceeds of any bonds, including any premium received on the sale thereof, for the exclusive purpose of paying costs incurred or to be incurred in relation to the Plan and the Program. Such costs may

include payment of bond interest during and after the construction of transportation improvements, as determined by the Board. Such costs may include expenditures for:

1. Environmental and engineering studies;
2. Acquisition of rights of way;
3. Improvements to any existing mode of transportation;
4. Acquisition of real and personal property;
5. Construction of new modes of transportation and improvements thereto;
6. Contributions to reserve funds;
7. Any financing expenses; and
8. Any purpose the Board deems necessary to implementing the Plan and the Program.

§ 5. The Board shall make proceeds of the bonds available to pay costs for the purposes identified in § 4, or to refund previously issued bonds providing funds to pay for the purposes identified in § 4. The Board may make payments to any authority, commission, locality, or other entity of the Commonwealth for purposes of paying such entity's costs related to transportation projects. The Board shall use bond proceeds together with any federal, local, or private funds that may be made available for similar purposes. The Board may use proceeds from the bonds, together with any investment earnings from such bonds, to secure the payment of principal or the purchase price and redemption premium, if any, and interest on the bonds.

§ 6. A. The Board shall determine the terms and structure of each issue of bonds, provided that its determination shall be subject to approval by the Treasury Board in accordance with § 2.2-2416 of the Code of Virginia and any amendments thereto. The bonds of each issue shall:

1. Be dated;
2. Be issued in a principal amount subject to the limitations identified in § 3;
3. Bear interest at rate or rates, which may be fixed, adjustable, variable, or a combination thereof and which may be determined according to a formula or other method;
4. Mature at a time or times not exceeding 39 years from the date of issue, except as provided in subsection D; and
5. If directed by the Board, be issued under a system of book entry for recording the ownership and transfer of ownership of rights to receive payments of principal or purchase price and redemption premium, if any, and interest on such bonds.

B. The Board may determine that bonds be made subject to purchase or redemption before their maturity or maturities, at such price or prices and under such terms and conditions it deems appropriate. The Board shall:

1. Determine the form of the bonds;
2. Determine whether the bonds are certificated or uncertificated;
3. Fix the authorized denomination of the bonds, provided that interest on the bonds shall be made payable in lawful money of the United States; and
4. Fix the place or places of payment of the bonds' principal, purchase price, redemption premium, if any, and interest, provided that such place may be the office of the State Treasurer or any bank or trust company in the United States.

C. All bonds issued under the Act shall have, as between successive holders, all the qualities and incidents of negotiable instruments under the Commonwealth's negotiable instruments laws.

D. Notwithstanding the maturity limitation prescribed in subdivision A 4, if the Board enters into an agreement with the authorization of the U.S. Department of Transportation pursuant to the provisions of subdivision 18 of § 33.2-1701 of the Code of Virginia, any loan, credit facility, or other borrowing that occurs under such agreement, including any advancement under a line of credit or lending program with an individualized prepayment schedule, shall not exceed 39 years from the first scheduled payment of principal. The first scheduled payment of principal shall be not more than five years from the initial advancement of funds under such loan, credit facility, line of credit, or other borrowing.

E. The Board may sell bonds from time to time at public or private sale for such price or prices as it determines to be in the best interest of the Commonwealth. The Board may sell bonds by competitive bidding, negotiated sale, or private placement with private lenders or governmental agencies.

§ 7. A. Any bonds issued pursuant to this act shall (i) be signed on behalf of the Board by the chairman or vice-chairman of the Board or shall bear the facsimile signature of such officer and (ii) bear the official seal of the Board, which shall be attested to by the manual or facsimile signature of the secretary or assistant secretary of the Board. If a bond bears a facsimile signature pursuant to clause (i), the bonds shall be signed by a designee of the Board, who may be an administrative assistant, a registrar, or a paying agent. If an officer whose signature or facsimile signature ceases to be an officer before the delivery of a bond that he signed, his signature or facsimile signature shall be valid and sufficient for all purposes as if he had remained an officer until delivery of such bonds.

B. If a loan, line of credit, or other borrowing is not evidenced by a bond, any agreements and instruments as may be necessary to provide evidence of such loan, line of credit, or other borrowing shall be signed on behalf of the Board by the chairman or vice-chairman of the Board. Such agreements and instruments may bear the official seal of the Board. Such agreements and instruments shall be signed by the secretary or assistant secretary of the Board.

§ 8. All expenses incurred under this Act or in connection with any bond issuance shall be paid from the proceeds of such bonds or from any available funds in the Fund.

§ 9. A. The proceeds of the bonds and of any anticipation notes authorized pursuant to the Act shall be placed by the State Treasurer in a special fund in the State Treasury or placed with a trustee in accordance with the provisions of

§ 33.2-1716 of the Code of Virginia and any amendments thereto. Such proceeds shall be disbursed only for the purpose for which such bonds and anticipation notes were issued. Proceeds derived from the sale of bonds authorized by this Act shall first be used to pay anticipation notes, if any were issued in anticipation of the sale of such bonds and renewals of such bonds.

B. Subsection A shall not apply to the proceeds of bonds when the issuance of such bonds has been anticipated by anticipation notes.

C. In accordance with subsection C of § 33.2-3601 of the Code of Virginia, proceeds of bonds and the distribution and expenditure of such proceeds shall not reduce the share of federal, state, or local revenues otherwise available to jurisdictions along the Interstate 81 corridor. Such revenues shall not affect the calculation of a locality's ability to pay for public education for purposes of determining appropriations of state revenues to localities for public education.

§ 10. The Board may receive any other funds that may be made available to pay costs of projects related to the Plan and the Program and, subject to appropriation by the General Assembly, may make available such funds for the payment of the principal, purchase price, and redemption premium, if any, and interest on bonds authorized under this Act. The Board is authorized to enter into agreements with any department or agency of the Commonwealth or any other party to allow for such funds, and any other funds, to be paid into the state treasury, or to a trustee in accordance with the provisions of § 33.2-1716 of the Code of Virginia and any amendments thereto, to pay a part of the costs of such projects, to pay any costs of issuance, to fund any part of any reserve fund, or to pay the principal or purchase price of, and redemption premium, if any, and interest on the bonds.

§ 11. In connection with the issuance or planned issuance of any bonds, the Board shall establish a fund either in the state treasury with the cooperation of the State Treasurer, or with a trustee in accordance with the provisions of § 33.2-1716 of the Code of Virginia and any amendments thereto. Such fund shall secure and be used for the payments of the bonds to the credit of which there shall be deposited such amounts, subject to appropriation by the General Assembly, necessary to pay principal, purchase price of, redemption premium if any, and interest on the bonds, as and when such costs become due and payable. Such costs shall be paid from the revenues deposited into the Interstate 81 Corridor Improvement Fund pursuant to § 58.1-2299.20 of the Code of Virginia derived from the receipt of regional fuels tax levied pursuant to § 58.1-2295 of the Code of Virginia.

§ 12. In connection with the issuance or planned issuance of any bonds, the Board may pay any necessary and appropriate support costs, including debt service or deposits to reserve funds, from revenues deposited to the Interstate 81 Corridor Improvement Fund pursuant to § 58.1-2299.20 of the Code of Virginia derived from the receipt of regional fuels tax levied pursuant to § 58.1-2295 of the Code of Virginia.

§ 13. The State Treasurer shall invest bond proceeds and moneys in any reserve funds and sinking funds related to bonds in accordance with the provisions of Chapter 18 (§ 2.2-1800 et seq.) of Title 2.2 of the Code of Virginia and any applicable law governing management of funds by a trustee pursuant to § 33.2-1716 of the Code of Virginia, and any amendments thereto.

§ 14. No tax or fee shall be imposed by the Commonwealth, a locality, or any other entity of the Commonwealth on the interest income and profit made on the sale of obligations issued under the provisions of the Act.

§ 15. Any obligation issued under this Act shall be considered a security in which any person and entity identified in § 33.2-1713 of the Code of Virginia may properly and legally invest funds.

§ 16. If any provision of this Act conflicts with a provision of the Bond Act, the provision of this Act shall control.

§ 17. This Act, being necessary for the welfare of the Commonwealth and its inhabitants, shall be liberally construed to effect the purpose of this Act.

§ 18. That should any portion of this Act be held unconstitutional by a court of competent jurisdiction, the remaining portions of this Act shall remain in effect.

16. That the provisions of this act amending §§ 58.1-802.3, 58.1-1743, and 58.1-1744 of the Code of Virginia shall become effective on May 1, 2021.

17. That notwithstanding the provisions of § 58.1-802.4 of the Code of Virginia, as created by this act, to the contrary, for the period of July 1, 2020, through April 30, 2021, the rate of the regional congestion relief fee, when the consideration or value of interest, whichever is greater, equals or exceeds \$100, shall be \$0.05 per \$100 or fraction thereof, exclusive of the value of any lien or encumbrance remaining thereon at the time of sale, whether such lien is assumed or the realty is sold subject to such lien or encumbrance.

18. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 854 of the Acts of Assembly of 2019 requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation is \$0 for periods of commitment to the custody of the Department of Juvenile Justice.

CHAPTER 1231

An Act to amend and reenact §§ 55.1-1204 and 55.1-1250 of the Code of Virginia, relating to landlord and tenant; charge for late payment of rent; restrictions.

[H 1420]

Approved April 22, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 55.1-1204 and 55.1-1250 of the Code of Virginia are amended and reenacted as follows:

§ 55.1-1204. Terms and conditions of rental agreement; payment of rent; copy of rental agreement for tenant.

A. A landlord and tenant may include in a rental agreement terms and conditions not prohibited by this chapter or other rule of law, including rent, charges for late payment of rent, the term of the agreement, automatic renewal of the rental agreement, requirements for notice of intent to vacate or terminate the rental agreement, and other provisions governing the rights and obligations of the parties.

B. The landlord shall offer the tenant a written rental agreement containing the terms governing the rental of the dwelling unit and setting forth the terms and conditions of the landlord tenant relationship. Such written rental agreement shall be effective upon the date signed by the parties.

C. If a landlord does not offer a written rental agreement, the tenancy shall exist by operation of law, consisting of the following terms and conditions:

1. The provision of this chapter shall be applicable to the dwelling unit that is being rented;

2. The duration of the rental agreement shall be for 12 months and shall not be subject to automatic renewal, except in the event of a month-to-month lease as otherwise provided for under subsection C of § 55.1-1253;

3. Rent shall be paid in 12 equal periodic installments in an amount agreed upon by the landlord and the tenant and if no amount is agreed upon, the installments shall be at fair market rent;

4. Rent payments shall be due on the first day of each month during the tenancy and shall be considered late if not paid by the fifth of the month;

5. If the rent is paid by the tenant after the fifth day of any given month, the landlord shall be entitled to charge a late charge as provided in this chapter;

6. The landlord may collect a security deposit not to exceed an amount equal to two months of rent; and

7. The parties may enter into a written rental agreement at any time during the 12-month tenancy created by this subsection.

D. Except as provided in the written rental agreement, or as provided in subsection C if no written agreement is offered, rent shall be payable without demand or notice at the time and place agreed upon by the parties. Except as provided in the written rental agreement, rent is payable at the place designated by the landlord, and periodic rent is payable at the beginning of any term of one month or less and otherwise in equal installments at the beginning of each month. If the landlord receives from a tenant a written request for a written statement of charges and payments, he shall provide the tenant with a written statement showing all debits and credits over the tenancy or the past 12 months, whichever is shorter. The landlord shall provide such written statement within 10 business days of receiving the request.

E. *A landlord shall not charge a tenant for late payment of rent unless such charge is provided for in the written rental agreement. No such late charge shall exceed the lesser of 10 percent of the periodic rent or 10 percent of the remaining balance due and owed by the tenant.*

F. Except as provided in the written rental agreement or, as provided in subsection C if no written agreement is offered, the tenancy shall be week-to-week in the case of a tenant who pays weekly rent and month-to-month in all other cases. Terminations of tenancies shall be governed by § 55.1-1253 unless the rental agreement provides for a different notice period.

G. If the rental agreement contains any provision allowing the landlord to approve or disapprove a sublessee or assignee of the tenant, the landlord shall, within 10 business days of receipt of the written application of the prospective sublessee or assignee on a form to be provided by the landlord, approve or disapprove the sublessee or assignee. Failure of the landlord to act within 10 business days is evidence of his approval.

H. The landlord shall provide a copy of any written rental agreement signed by both the tenant and the landlord to the tenant within one month of the effective date of the written rental agreement. The failure of the landlord to deliver such a rental agreement shall not affect the validity of the agreement.

I. No unilateral change in the terms of a rental agreement by a landlord or tenant shall be valid unless (i) notice of the change is given in accordance with the terms of the rental agreement or as otherwise required by law and (ii) both parties consent in writing to the change.

J. The landlord shall provide the tenant with a written receipt, upon request from the tenant, whenever the tenant pays rent in the form of cash or money order.

§ 55.1-1250. Landlord's acceptance of rent with reservation.

A. The landlord may accept full or partial payment of all rent and receive an order of possession from a court of competent jurisdiction pursuant to an unlawful detainer action filed under Article 13 (§ 8.01-124 et seq.) of Chapter 3 of Title 8.01 and proceed with eviction under § 55.1-1255, provided that the landlord has stated in a written notice to the tenant

that any and all amounts owed to the landlord by the tenant, including payment of any rent, damages, money judgment, award of attorney fees, and court costs, would be accepted with reservation and would not constitute a waiver of the landlord's right to evict the tenant from the dwelling unit. Such notice may be included in a written termination notice given by the landlord to the tenant in accordance with § 55.1-1245, and if so included, nothing herein shall be construed by a court of law or otherwise as requiring such landlord to give the tenant subsequent written notice. If the dwelling unit is a public housing unit or other housing unit subject to regulation by the U.S. Department of Housing and Urban Development, nothing in this section shall be construed to require that written notice be given to any public agency paying a portion of the rent under the rental agreement. If a landlord enters into a new written rental agreement with the tenant prior to eviction, an order of possession obtained prior to the entry of such new rental agreement is not enforceable.

B. The tenant may pay or present to the court a redemption tender for payment of all rent due and owing as of the return date, including late charges, attorney fees, and court costs, at or before the first return date on an action for unlawful detainer. For purposes of this section, "redemption tender" means a written commitment to pay all rent due and owing as of the return date, including late charges, attorney fees, and court costs, by a local government or nonprofit entity within 10 days of such return date.

C. If the tenant presents a redemption tender to the court at the return date, the court shall continue the action for unlawful detainer for 10 days following the return date for payment to the landlord of all rent due and owing as of the return date, including late charges, attorney fees, and court costs, and dismiss the action upon such payment. Should the landlord not receive full payment of all rent due and owing as of the return date, including late charges, attorney fees, and court costs, within 10 days of the return date, the court shall, without further evidence, grant to the landlord judgment for all amounts due and immediate possession of the premises.

D. In cases of unlawful detainer, a tenant may pay the landlord or the landlord's attorney or pay into court all (i) rent due and owing as of the court date as contracted for in the rental agreement, (ii) other charges and fees as contracted for in the rental agreement, (iii) late charges contracted for in the rental agreement, (iv) reasonable attorney fees as contracted for in the rental agreement or as provided by law, and (v) costs of the proceeding as provided by law, at which time the unlawful detainer proceeding shall be dismissed. If such payment has not been made as of the return date for the unlawful detainer, the tenant may pay to the landlord, the landlord's attorney, or the court all amounts claimed on the summons in unlawful detainer, including current rent, damages, late fees charges, costs of court, any civil recovery, attorney fees, and sheriff fees, no less than two business days before the date scheduled by the officer to whom the writ of eviction has been delivered to be executed. Any payments made by the tenant shall be by cashier's check, certified check, or money order. A tenant may invoke the rights granted in this section no more than one time during any 12-month period of continuous residency in the dwelling unit, regardless of the term of the rental agreement or any renewal term of the rental agreement.

2. That an emergency exists and this act is in force from its passage.

CHAPTER 1232

An Act to amend and reenact §§ 46.2-208 and 46.2-882 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 46.2-882.1, relating to photo speed monitoring devices; civil penalty.

[H 1442]

Approved April 22, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-208 and 46.2-882 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 46.2-882.1 as follows:

§ 46.2-208. Records of Department; when open for inspection; release of privileged information.

A. All records in the office of the Department containing the specific classes of information outlined below shall be considered privileged records:

1. Personal information, including all data defined as "personal information" in § 2.2-3801;
2. Driver information, including all data that relates to driver's license status and driver activity; and
3. Vehicle information, including all descriptive vehicle data and title, registration, and vehicle activity data.

B. The Commissioner shall release such information only under the following conditions:

1. Notwithstanding other provisions of this section, medical data included in personal data shall be released only to a physician, physician assistant, or nurse practitioner as provided in § 46.2-322.
2. Insurance data may be released as specified in §§ 46.2-372, 46.2-380, and 46.2-706.
3. Notwithstanding other provisions of this section, information disclosed or furnished shall be assessed a fee as specified in § 46.2-214.

4. When the person requesting the information is (i) the subject of the information, (ii) the parent or guardian of the subject of the information, (iii) the authorized representative of the subject of the information, or (iv) the owner of the vehicle that is the subject of the information, the Commissioner shall provide him with the requested information and a complete explanation of it. Requests for such information need not be made in writing or in person and may be made orally or by telephone, provided that the Department is satisfied that there is adequate verification of the requester's identity. When so requested in writing by (a) the subject of the information, (b) the parent or guardian of the subject of the information,

(c) the authorized representative of the subject of the information, or (d) the owner of the vehicle that is the subject of the information, the Commissioner shall verify and, if necessary, correct the personal information provided and furnish driver and vehicle information in the form of an abstract of the record.

5. On the written request of any insurance carrier, surety, or representative of an insurance carrier or surety, the Commissioner shall furnish such insurance carrier, surety, or representative an abstract of the record of any person subject to the provisions of this title. The abstract shall include any record of any conviction of a violation of any provision of any statute or ordinance relating to the operation or ownership of a motor vehicle or of any injury or damage in which he was involved and a report of which is required by § 46.2-372. No such report of any conviction or accident shall be made after 60 months from the date of the conviction or accident unless the Commissioner or court used the conviction or accident as a reason for the suspension or revocation of a driver's license or driving privilege, in which case the revocation or suspension and any conviction or accident pertaining thereto shall not be reported after 60 months from the date that the driver's license or driving privilege has been reinstated. This abstract shall not be admissible in evidence in any court proceedings.

6. On the written request of any business organization or its agent, in the conduct of its business, the Commissioner shall compare personal information supplied by the business organization or agent with that contained in the Department's records and, when the information supplied by the business organization or agent is different from that contained in the Department's records, provide the business organization or agent with correct information as contained in the Department's records. Personal information provided under this subdivision shall be used solely for the purpose of pursuing remedies that require locating an individual.

7. The Commissioner shall provide vehicle information to any business organization or agent on such business' or agent's written request. Disclosures made under this subdivision shall not include any personal information and shall not be subject to the limitations contained in subdivision 6.

8. On the written request of any motor vehicle rental or leasing company or its designated agent, the Commissioner shall (i) compare personal information supplied by the company or agent with that contained in the Department's records and, when the information supplied by the company or agent is different from that contained in the Department's records, provide the company or agent with correct information as contained in the Department's records and (ii) provide the company or agent with driver information in the form of an abstract of any person subject to the provisions of this title. Such abstract shall include any record of any conviction of a violation of any provision of any statute or ordinance relating to the operation or ownership of a motor vehicle or of any injury or damage in which the subject of the abstract was involved and a report of which is required by § 46.2-372. No such abstract shall include any record of any conviction or accident more than 60 months after the date of such conviction or accident unless the Commissioner or court used the conviction or accident as a reason for the suspension or revocation of a driver's license or driving privilege, in which case the revocation or suspension and any conviction or accident pertaining thereto shall cease to be included in such abstract after 60 months from the date on which the driver's license or driving privilege was reinstated. No abstract released under this subdivision shall be admissible in evidence in any court proceedings.

9. On the request of any federal, state, or local governmental entity, local government group self-insurance pool, law-enforcement officer, attorney for the Commonwealth, court, or the authorized agent of any of the foregoing, the Commissioner shall (i) compare personal information supplied by the governmental entity, local government group self-insurance pool, law-enforcement officer, attorney for the Commonwealth, court, or the authorized agent of any of the foregoing, with that contained in the Department's records and, when the information supplied by the governmental entity, local government group self-insurance pool, law-enforcement officer, attorney for the Commonwealth, court, or the authorized agent of any of the foregoing, is different from that contained in the Department's records, provide the governmental entity, local government group self-insurance pool, law-enforcement officer, attorney for the Commonwealth, court, or the authorized agent of any of the foregoing, with correct information as contained in the Department's records and (ii) provide driver and vehicle information in the form of an abstract of the record showing all convictions, accidents, and driver's license suspensions or revocations. The Commissioner may also release other appropriate information as the governmental entity, local government group self-insurance pool, law-enforcement officer, attorney for the Commonwealth, court, or the authorized agent of any of the foregoing, may require in order to carry out its official functions. The abstract shall be provided free of charge.

10. On request of the driver licensing authority in any other state or foreign country, the Commissioner shall provide whatever classes of information the requesting authority shall require in order to carry out its official functions. The information shall be provided free of charge.

11. On the written request of any employer, prospective employer, or authorized agent of either, and with the written consent of the individual concerned, the Commissioner shall (i) compare personal information supplied by the employer, prospective employer, or agent with that contained in the Department's records and, when the information supplied by the employer, prospective employer, or agent is different from that contained in the Department's records, provide the employer, prospective employer, or agent with correct information as contained in the Department's records and (ii) provide the employer, prospective employer, or agent with driver information in the form of an abstract of an individual's record showing all convictions, accidents, driver's license suspensions or revocations, and any type of driver's license that the individual currently possesses, provided that the individual's position or the position that the individual is being considered for involves the operation of a motor vehicle.

12. On the written request of any member of or applicant for membership in a volunteer fire company or any volunteer emergency medical services personnel or applicant to serve as volunteer emergency medical services personnel, the Commissioner shall (i) compare personal information supplied by the volunteer fire company or volunteer emergency medical services agency with that contained in the Department's records and, when the information supplied by the volunteer fire company or volunteer emergency medical services agency is different from that contained in the Department's records, provide the volunteer fire company or volunteer emergency medical services agency with correct information as contained in the Department's records and (ii) provide driver information in the form of an abstract of the member's, personnel, or applicant's record showing all convictions, accidents, license suspensions or revocations, and any type of driver's license that the individual currently possesses. Such abstract shall be provided free of charge if the request is accompanied by appropriate written evidence that the person is a member of or applicant for membership in a volunteer fire company or a volunteer emergency medical services agency to serve as a member of a volunteer emergency medical services agency and the abstract is needed by a volunteer fire company or volunteer emergency medical services agency to establish the qualifications of the member, volunteer, or applicant to operate equipment owned by the volunteer fire company or volunteer emergency medical services agency.

13. On the written request of any person who has applied to be a volunteer with a Virginia affiliate of Big Brothers/Big Sisters of America, the Commissioner shall (i) compare personal information supplied by a Virginia affiliate of Big Brothers/Big Sisters of America with that contained in the Department's records and, when the information supplied by a Virginia affiliate of Big Brothers/Big Sisters of America is different from that contained in the Department's records, provide the Virginia affiliate of Big Brothers/Big Sisters of America with correct information as contained in the Department's records and (ii) provide driver information in the form of an abstract of the applicant's record showing all convictions, accidents, license suspensions or revocations, and any type of driver's license that the individual currently possesses. Such abstract shall be provided at a fee that is one-half the normal charge if the request is accompanied by appropriate written evidence that the person has applied to be a volunteer with a Virginia affiliate of Big Brothers/Big Sisters of America.

14. On the written request of any person who has applied to be a volunteer with a court-appointed special advocate program pursuant to § 9.1-153, the Commissioner shall provide an abstract of the applicant's record showing all convictions, accidents, license suspensions or revocations, and any type of driver's license that the individual currently possesses. Such abstract shall be provided free of charge if the request is accompanied by appropriate written evidence that the person has applied to be a volunteer with a court-appointed special advocate program pursuant to § 9.1-153.

15. Upon the request of any employer, prospective employer, or authorized representative of either, the Commissioner shall (i) compare personal information supplied by the employer, prospective employer, or agent with that contained in the Department's records and, when the information supplied by the employer, prospective employer, or agent is different from that contained in the Department's records, provide the employer, prospective employer, or agent with correct information as contained in the Department's records and (ii) provide driver information in the form of an abstract of the driving record of any individual who has been issued a commercial driver's license, provided that the individual's position or the position that the individual is being considered for involves the operation of a commercial motor vehicle. Such abstract shall show all convictions, accidents, license suspensions, revocations, or disqualifications, and any type of driver's license that the individual currently possesses.

16. Upon the receipt of a completed application and payment of applicable processing fees, the Commissioner may enter into an agreement with any governmental authority or business to exchange information specified in this section by electronic or other means.

17. Upon the request of an attorney representing a person in a motor vehicle accident, the Commissioner shall provide vehicle information, including the owner's name and address, to the attorney.

18. Upon the request, in the course of business, of any authorized representative of an insurance company or of any not-for-profit entity organized to prevent and detect insurance fraud, or perform rating and underwriting activities, the Commissioner shall provide to such person (i) all vehicle information, including the owner's name and address, descriptive data and title, registration, and vehicle activity data as requested or (ii) all driver information including name, license number and classification, date of birth, and address information for each driver under the age of 22 licensed in the Commonwealth of Virginia meeting the request criteria designated by such person, with such request criteria consisting of driver's license number or address information. No such information shall be used for solicitation of sales, marketing, or other commercial purposes.

19. Upon the request of an officer authorized to issue criminal warrants, for the purpose of issuing a warrant for arrest for unlawful disposal of trash or refuse in violation of § 33.2-802 the Commissioner shall provide vehicle information, including the owner's name and address.

20. Upon written request of the compliance agent of a private security services business, as defined in § 9.1-138, which is licensed by the Department of Criminal Justice Services, the Commissioner shall provide the name and address of the owner of the vehicle under procedures determined by the Commissioner.

21. Upon the request of the operator of a toll facility or traffic light photo-monitoring system acting on behalf of a government entity, or of the Dulles Access Highway, or an authorized agent or employee of a toll facility operator or traffic light photo-monitoring system operator acting on behalf of a government entity or the Dulles Access Highway, for the purpose of obtaining vehicle owner data under subsection M of § 46.2-819.1 or subsection H of § 15.2-968.1 or

subsection N of § 46.2-819.5. Information released pursuant to this subdivision shall be limited to the name and address of the owner of the vehicle having failed to pay a toll or having failed to comply with a traffic light signal or having improperly used the Dulles Access Highway and the vehicle information, including all descriptive vehicle data and title and registration data of the same vehicle.

22. On the written request of any person who has applied to be a volunteer with a Virginia affiliate of Compeer, the Commissioner shall (i) compare personal information supplied by a Virginia affiliate of Compeer with that contained in the Department's records and, when the information supplied by a Virginia affiliate of Compeer is different from that contained in the Department's records, provide the Virginia affiliate of Compeer with correct information as contained in the Department's records and (ii) provide driver information in the form of an abstract of the applicant's record showing all convictions, accidents, license suspensions or revocations, and any type of driver's license that the individual currently possesses. Such abstract shall be provided at a fee that is one-half the normal charge if the request is accompanied by appropriate written evidence that the person has applied to be a volunteer with a Virginia affiliate of Compeer.

23. Upon the request of the Department of Environmental Quality for the purpose of obtaining vehicle owner data in connection with enforcement actions involving on-road testing of motor vehicles, pursuant to § 46.2-1178.1.

24. On the written request of any person who has applied to be a volunteer vehicle operator with a Virginia chapter of the American Red Cross, the Commissioner shall (i) compare personal information supplied by a Virginia chapter of the American Red Cross with that contained in the Department's records and, when the information supplied by a Virginia chapter of the American Red Cross is different from that contained in the Department's records, provide the Virginia chapter of the American Red Cross with correct information as contained in the Department's records and (ii) provide driver information in the form of an abstract of the applicant's record showing all convictions, accidents, license suspensions or revocations, and any type of driver's license that the individual currently possesses. Such abstract shall be provided at a fee that is one-half the normal charge if the request is accompanied by appropriate written evidence that the person has applied to be a volunteer vehicle operator with a Virginia chapter of the American Red Cross.

25. On the written request of any person who has applied to be a volunteer vehicle operator with a Virginia chapter of the Civil Air Patrol, the Commissioner shall (i) compare personal information supplied by a Virginia chapter of the Civil Air Patrol with that contained in the Department's records and, when the information supplied by a Virginia chapter of the Civil Air Patrol is different from that contained in the Department's records, provide the Virginia chapter of the Civil Air Patrol with correct information as contained in the Department's records and (ii) provide driver information in the form of an abstract of the applicant's record showing all convictions, accidents, license suspensions or revocations, and any type of driver's license that the individual currently possesses. Such abstract shall be provided at a fee that is one-half the normal charge if the request is accompanied by appropriate written evidence that the person has applied to be a volunteer vehicle operator with a Virginia chapter of the Civil Air Patrol.

26. On the written request of any person who has applied to be a volunteer vehicle operator with Faith in Action, the Commissioner shall (i) compare personal information supplied by Faith in Action with that contained in the Department's records and, when the information supplied by Faith in Action is different from that contained in the Department's records, provide Faith in Action with correct information as contained in the Department's records and (ii) provide driver information in the form of an abstract of the applicant's record showing all convictions, accidents, license suspensions or revocations, and any type of driver's license that the individual currently possesses. Such abstract shall be provided at a fee that is one-half the normal charge if the request is accompanied by appropriate written evidence that the person has applied to be a volunteer vehicle operator with Faith in Action.

27. On the written request of the surviving spouse or child of a deceased person or the executor or administrator of a deceased person's estate, the Department shall, if the deceased person had been issued a driver's license or special identification card by the Department, supply the requestor with a hard copy image of any photograph of the deceased person kept in the Department's records.

28. On the written request of any person who has applied to be a volunteer with a Virginia Council of the Girl Scouts of the USA, the Commissioner shall (i) compare personal information supplied by a Virginia Council of the Girl Scouts of the USA with that contained in the Department's records and, when the information supplied by a Virginia Council of the Girl Scouts of the USA is different from that contained in the Department's records, provide a Virginia Council of the Girl Scouts of the USA with correct information as contained in the Department's records and (ii) provide driver information in the form of an abstract of the applicant's record showing all convictions, accidents, license suspensions or revocations, and any type of driver's license that the individual currently possesses. Such abstract shall be provided at a fee that is one-half the normal charge if the request is accompanied by appropriate written evidence that the person has applied to be a volunteer with the Virginia Council of the Girl Scouts of the USA.

29. Upon written agreement, the Commissioner may digitally verify the authenticity and validity of a driver's license, learner's permit, or special identification card to the American Association of Motor Vehicle Administrators, a motor vehicle dealer as defined in § 46.2-1500, or other organization approved by the Commissioner.

30. Upon the request of the operator of a video-monitoring system as defined in § 46.2-844 acting on behalf of a government entity, the Commissioner shall provide vehicle owner data pursuant to subsection B of § 46.2-844. Information released pursuant to this subdivision shall be limited to the name and address of the owner of the vehicle having passed a stopped school bus and the vehicle information, including all descriptive vehicle data and title and registration data for such vehicle.

31. Upon the request of the operator of a photo speed monitoring device as defined in § 46.2-882.1 acting on behalf of a government entity, the Commissioner shall provide vehicle owner data pursuant to subsection B of § 46.2-882.1. Information released pursuant to this subdivision shall be limited to the name and address of the owner of the vehicle having committed a violation of § 46.2-873 or 46.2-878.1 and the vehicle information, including all descriptive vehicle data and title and registration data, for such vehicle.

C. Whenever the Commissioner issues an order to suspend or revoke the driver's license or driving privilege of any individual, he may notify the National Driver Register Service operated by the United States Department of Transportation and any similar national driver information system and provide whatever classes of information the authority may require.

D. Accident reports may be inspected under the provisions of §§ 46.2-379 and 46.2-380.

E. Whenever the Commissioner takes any licensing action pursuant to the provisions of the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.), he may provide information to the Commercial Driver License Information System, or any similar national commercial driver information system, regarding such action.

F. In addition to the foregoing provisions of this section, vehicle information may also be inspected under the provisions of §§ 46.2-633, 46.2-644.02, 46.2-644.03, and §§ 46.2-1200.1 through 46.2-1237.

G. The Department may promulgate regulations to govern the means by which personal, vehicle, and driver information is requested and disseminated.

H. Driving records of any person accused of an offense involving the operation of a motor vehicle shall be provided by the Commissioner upon request to any person acting as counsel for the accused. If such counsel is from the public defender's office or has been appointed by the court, such records shall be provided free of charge.

I. The Department shall maintain the records of persons convicted of violations of § 18.2-36.2, subsection B of § 29.1-738, and §§ 29.1-738.02, 29.1-738.2, and 29.1-738.4 which shall be forwarded by every general district court or circuit court or the clerk thereof, pursuant to § 46.2-383. Such records shall be electronically available to any law-enforcement officer as provided for under clause (ii) of subdivision B 9.

J. Whenever the Commissioner issues a certificate of title for a motor vehicle, he may notify the National Motor Vehicle Title Information System, or any other nationally recognized system providing similar information, or any entity contracted to collect information for such system, and may provide whatever classes of information are required by such system.

§ 46.2-882. Determining speed with various devices; certificate as to accuracy of device; arrest without warrant.

The speed of any motor vehicle may be determined by the use of (i) a laser speed determination device, (ii) radar, (iii) a microcomputer device that is physically connected to an odometer cable and both measures and records distance traveled and elapsed time to determine the average speed of a motor vehicle, or (iv) a microcomputer device that is located aboard an airplane or helicopter and measures and records distance traveled and elapsed time to determine the average speed of a motor vehicle being operated on highways within the Interstate System of highways as defined in § 33.2-100. *The speed of motor vehicles may be determined by the use of a photo speed monitoring device as authorized in § 46.2-882.1.* The results of such determinations shall be accepted as prima facie evidence of the speed of such motor vehicle in any court or legal proceeding where the speed of the motor vehicle is at issue.

In any court or legal proceeding in which any question arises about the calibration or accuracy of any laser speed determination device, radar, or microcomputer device, or photo speed monitoring device as described in this section used to determine the speed of any motor vehicle, a certificate, or a true copy thereof, showing the calibration or accuracy of (i) (a) the speedometer of any vehicle, (ii) (b) any tuning fork employed in calibrating or testing the radar or other speed determination device, or (iii) (c) any other method employed in calibrating or testing any laser speed determination device or photo speed monitoring device, and when and by whom the calibration was made, shall be admissible as evidence of the facts therein stated. No calibration or testing of such any device other than a photo speed monitoring device shall be valid for longer than six months. *No calibration or testing of a photo speed monitoring device shall be valid for longer than 12 months.*

The driver of any such motor vehicle may be arrested without a warrant under this section if the arresting officer is in uniform and displays his badge of authority and if the officer has observed the registration of the speed of such motor vehicle by the laser speed determination device, radar, or microcomputer device as described in this section, or has received a radio message from the officer who observed the speed of the motor vehicle registered by the laser speed determination device, radar, or microcomputer device as described in this section. However, in case of an arrest based on such a message, such radio message shall have been dispatched immediately after the speed of the motor vehicle was registered and furnished the license number or other positive identification of the vehicle and the registered speed to the arresting officer.

Neither State Police officers nor local law-enforcement officers shall use laser speed determination devices or radar, as described herein in airplanes or helicopters for the purpose of determining the speed of motor vehicles.

State Police officers may use laser speed determination devices, radar, and/or microcomputer devices as described in this section. All localities may use radar and laser speed determination devices to measure speed. *State Police officers and local law-enforcement may use photo speed monitoring devices to measure speed as authorized in § 46.2-882.1.* The Cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park and the Counties of Arlington, Fairfax, Loudoun, and Prince William and towns within such counties may use microcomputer devices as described in this section.

The Division of Purchases and Supply, pursuant to § 2.2-1112, shall determine the proper equipment used to determine the speed of motor vehicles and shall advise the respective law-enforcement officials of the same. Police chiefs and sheriffs

shall ensure that all such equipment and devices purchased on or after July 1, 1986, meet or exceed the standards established by the Division.

§ 46.2-882.1. Use of photo speed monitoring devices in highway work zones and school crossing zones; civil penalty.

A. For the purposes of this section:

"Highway work zone" has the same meaning ascribed to it in § 46.2-878.1.

"Photo speed monitoring device" means equipment that uses radar or LIDAR-based speed detection and produces one or more photographs, microphotographs, videotapes, or other recorded images of vehicles.

"School crossing zone" has the same meaning ascribed to it in § 46.2-873.

B. A state or local law-enforcement agency may place and operate a photo speed monitoring device in school crossing zones for the purposes of recording violations of § 46.2-873 and in highway work zones for the purposes of recording violations of § 46.2-878.1.

1. The operator of a vehicle shall be liable for a monetary civil penalty imposed pursuant to this section if such vehicle is found, as evidenced by information obtained from a photo speed monitoring device, to be traveling at speeds of at least 10 miles per hour above the posted school crossing zone or highway work zone speed limit within such school crossing zone or highway work zone. Such civil penalty shall not exceed \$100, and any prosecution shall be instituted and conducted in the same manner as prosecution for traffic infractions. Civil penalties collected under this section resulting from a summons issued by a local law-enforcement officer shall be paid to the locality in which such violation occurred. Civil penalties collected under this section resulting from a summons issued by a law-enforcement officer employed by the Department of State Police shall be paid into the Literary Fund.

2. If a photo speed monitoring device is used, proof of a violation of § 46.2-873 or 46.2-878.1 shall be evidenced by information obtained from such device. A certificate, or a facsimile thereof, sworn to or affirmed by a law-enforcement officer, based upon inspection of photographs, microphotographs, videotapes, or other recorded images produced by a photo speed monitoring device, shall be prima facie evidence of the facts contained therein. Any photographs, microphotographs, videotapes, or other recorded images evidencing such a violation shall be available for inspection in any proceeding to adjudicate the liability for such violation of § 46.2-873 or 46.2-878.1.

3. In the prosecution for a violation of § 46.2-873 or 46.2-878.1 in which a summons was issued by mail, prima facie evidence that the vehicle described in the summons issued pursuant to this section was operated in violation of § 46.2-873 or 46.2-878.1, together with proof that the defendant was at the time of such violation the owner, lessee, or renter of the vehicle, shall constitute in evidence a rebuttable presumption that such owner, lessee, or renter of the vehicle was the person who committed the violation. Such presumption shall be rebutted if the owner, lessee, or renter of the vehicle (i) files an affidavit by regular mail with the clerk of the general district court that he was not the operator of the vehicle at the time of the alleged violation and provides the name and address of the person who was operating the vehicle at the time of the alleged violation or (ii) testifies in open court under oath that he was not the operator of the vehicle at the time of the alleged violation and provides the name and address of the person who was operating the vehicle at the time of the alleged violation. Such presumption shall also be rebutted if a certified copy of a police report, showing that the vehicle had been reported to the police as stolen prior to the time of the alleged violation of § 46.2-873 or 46.2-878.1, is presented, prior to the return date established on the summons issued pursuant to this section, to the court adjudicating the alleged violation.

4. Imposition of a penalty pursuant to this section by mailing a summons shall not be deemed a conviction as an operator and shall not be made part of the operating record of the person upon whom such liability is imposed, nor shall it be used for insurance purposes in the provision of motor vehicle insurance coverage. However, if a law-enforcement officer uses a photo speed monitoring device to record a violation of § 46.2-873 or 46.2-878.1 and personally issues a summons at the time of the violation, the conviction that results shall be made a part of such driver's driving record and used for insurance purposes in the provision of motor vehicle insurance coverage.

5. A summons for a violation of § 46.2-873 or 46.2-878.1 issued by mail pursuant to this section may be executed pursuant to § 19.2-76.2. Notwithstanding the provisions of § 19.2-76, a summons issued by mail pursuant to this section may be executed by mailing by first-class mail a copy thereof to the owner, lessee, or renter of the vehicle. In the case of a vehicle owner, the copy shall be mailed to the address contained in the records of or accessible to the Department. In the case of a vehicle lessee or renter, the copy shall be mailed to the address contained in the records of the lessor or renter. Every such mailing shall include, in addition to the summons, a notice of (i) the summoned person's ability to rebut the presumption that he was the operator of the vehicle at the time of the alleged violation through the filing of an affidavit as provided in subdivision 3 and (ii) instructions for filing such affidavit, including the address to which the affidavit is to be sent. If the summoned person fails to appear on the date of return set out in the summons mailed pursuant to this section, the summons shall be executed in the manner set out in § 19.2-76.3. No proceedings for contempt or arrest of a person summoned by mailing shall be instituted for failure to appear on the return date of the summons. If the summons is issued to an owner, lessee, or renter of a vehicle with a registration outside the Commonwealth and such person fails to appear on the date of return set out in the summons mailed pursuant to this section, the summons will be eligible for all legal collections activities. Any summons executed for a violation of § 46.2-873 or 46.2-878.1 issued pursuant to this section shall provide to the person summoned at least 30 days from the mailing of the summons to inspect information collected by a photo speed monitoring device in connection with the violation. If the law-enforcement agency that was operating the photo speed monitoring device does not execute a summons for a violation of § 46.2-873 or 46.2-878.1 issued pursuant to this section

within 30 days from the date of the violation, all information collected pertaining to that suspected violation shall be purged within 60 days from the date of the violation.

6. A private vendor may enter into an agreement with a law-enforcement agency to be compensated for providing a photo speed monitoring device and all related support services, including consulting, operations, and administration. However, only a law-enforcement officer may swear to or affirm the certificate required by this subsection. Any such agreement for compensation shall be based on the value of the goods and services provided, not on the number of violations paid or monetary penalties imposed. Any private vendor contracting with a law-enforcement agency pursuant to this section may enter into an agreement with the Department, in accordance with the provisions of subdivision B 31 of § 46.2-208, to obtain vehicle owner information regarding the registered owners of vehicles that committed a violation of § 46.2-873 or 46.2-878.1. Any such information provided to such private vendor shall be protected in a database.

7. Information collected by a photo speed monitoring device operated pursuant to this section shall be limited exclusively to that information that is necessary for the enforcement of school crossing zone and highway work zone speeding violations. Information provided to the operator of a photo speed monitoring device shall be protected in a database and used only for enforcement against individuals who violate the provisions of this section or § 46.2-873 or 46.2-878.1. Notwithstanding any other provision of law, all photographs, microphotographs, videotapes, or other recorded images collected by a photo speed monitoring device shall be used exclusively for enforcing school crossing zone and highway work zone speed limits and shall not be (i) open to the public; (ii) sold or used for sales, solicitation, or marketing purposes; (iii) disclosed to any other entity except as may be necessary for the enforcement of school crossing zone and highway work zone speed limits or to a vehicle owner or operator as part of a challenge to the violation; or (iv) used in a court in a pending action or proceeding unless the action or proceeding relates to a violation of this section or § 46.2-873 or 46.2-878.1, or such information is requested upon order from a court of competent jurisdiction. Information collected under this section pertaining to a specific violation shall be purged and not retained later than 60 days after the collection of any civil penalties. Any law-enforcement agency using photo speed monitoring devices shall annually certify compliance with this section and make all records pertaining to such system available for inspection and audit by the Commissioner of Highways or the Commissioner of the Department of Motor Vehicles or his designee. Any person who discloses personal information in violation of the provisions of this subdivision shall be subject to a civil penalty of \$1,000 per disclosure.

8. A conspicuous sign shall be placed within 1,000 feet of any school crossing zone or highway work zone at which a photo speed monitoring device is used, indicating the use of the device. There shall be a rebuttable presumption that such sign was in place at the time of the commission of the speed limit violation.

9. Any state or local law-enforcement agency that places and operates a photo speed monitoring device pursuant to the provisions of this section shall report to the Department of State Police, in a format to be determined by the Department of State Police, by January 15 of each year on the number of traffic violations prosecuted, the number of successful prosecutions, and the total amount of monetary civil penalties collected. The Department of State Police shall aggregate such information and report it to the General Assembly by February 15 of each year.

CHAPTER 1233

An Act to amend and reenact §§ 37.2-808 and 37.2-1104 of the Code of Virginia, relating to temporary detention for observation and treatment.

[H 1452]

Approved April 22, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 37.2-808 and 37.2-1104 of the Code of Virginia are amended and reenacted as follows:

§ 37.2-808. Emergency custody; issuance and execution of order.

A. Any magistrate shall issue, upon the sworn petition of any responsible person, treating physician, or upon his own motion, an emergency custody order when he has probable cause to believe that any person (i) has a mental illness and that there exists a substantial likelihood that, as a result of mental illness, the person will, in the near future, (a) cause serious physical harm to himself or others as evidenced by recent behavior causing, attempting, or threatening harm and other relevant information, if any, or (b) suffer serious harm due to his lack of capacity to protect himself from harm or to provide for his basic human needs, (ii) is in need of hospitalization or treatment, and (iii) is unwilling to volunteer or incapable of volunteering for hospitalization or treatment. Any emergency custody order entered pursuant to this section shall provide for the disclosure of medical records pursuant to § 37.2-804.2. This subsection shall not preclude any other disclosures as required or permitted by law.

When considering whether there is probable cause to issue an emergency custody order, the magistrate may, in addition to the petition, consider (1) the recommendations of any treating or examining physician or psychologist licensed in Virginia, if available, (2) any past actions of the person, (3) any past mental health treatment of the person, (4) any relevant hearsay evidence, (5) any medical records available, (6) any affidavits submitted, if the witness is unavailable and it so states in the affidavit, and (7) any other information available that the magistrate considers relevant to the determination of whether probable cause exists to issue an emergency custody order.

B. Any person for whom an emergency custody order is issued shall be taken into custody and transported to a convenient location to be evaluated to determine whether the person meets the criteria for temporary detention pursuant to § 37.2-809 and to assess the need for hospitalization or treatment. The evaluation shall be made by a person designated by the community services board who is skilled in the diagnosis and treatment of mental illness and who has completed a certification program approved by the Department.

C. The magistrate issuing an emergency custody order shall specify the primary law-enforcement agency and jurisdiction to execute the emergency custody order and provide transportation. However, the magistrate shall consider any request to authorize transportation by an alternative transportation provider in accordance with this section, whenever an alternative transportation provider is identified to the magistrate, which may be a person, facility, or agency, including a family member or friend of the person who is the subject of the order, a representative of the community services board, or other transportation provider with personnel trained to provide transportation in a safe manner, upon determining, following consideration of information provided by the petitioner; the community services board or its designee; the local law-enforcement agency, if any; the person's treating physician, if any; or other persons who are available and have knowledge of the person, and, when the magistrate deems appropriate, the proposed alternative transportation provider, either in person or via two-way electronic video and audio or telephone communication system, that the proposed alternative transportation provider is available to provide transportation, willing to provide transportation, and able to provide transportation in a safe manner. When transportation is ordered to be provided by an alternative transportation provider, the magistrate shall order the specified primary law-enforcement agency to execute the order, to take the person into custody, and to transfer custody of the person to the alternative transportation provider identified in the order. In such cases, a copy of the emergency custody order shall accompany the person being transported pursuant to this section at all times and shall be delivered by the alternative transportation provider to the community services board or its designee responsible for conducting the evaluation. The community services board or its designee conducting the evaluation shall return a copy of the emergency custody order to the court designated by the magistrate as soon as is practicable. Delivery of an order to a law-enforcement officer or alternative transportation provider and return of an order to the court may be accomplished electronically or by facsimile.

Transportation under this section shall include transportation to a medical facility as may be necessary to obtain emergency medical evaluation or treatment that shall be conducted immediately in accordance with state and federal law. Transportation under this section shall include transportation to a medical facility for a medical evaluation if a physician at the hospital in which the person subject to the emergency custody order may be detained requires a medical evaluation prior to admission.

D. In specifying the primary law-enforcement agency and jurisdiction for purposes of this section, the magistrate shall order the primary law-enforcement agency from the jurisdiction served by the community services board that designated the person to perform the evaluation required in subsection B to execute the order and, in cases in which transportation is ordered to be provided by the primary law-enforcement agency, provide transportation. If the community services board serves more than one jurisdiction, the magistrate shall designate the primary law-enforcement agency from the particular jurisdiction within the community services board's service area where the person who is the subject of the emergency custody order was taken into custody or, if the person has not yet been taken into custody, the primary law-enforcement agency from the jurisdiction where the person is presently located to execute the order and provide transportation.

E. The law-enforcement agency or alternative transportation provider providing transportation pursuant to this section may transfer custody of the person to the facility or location to which the person is transported for the evaluation required in subsection B, G, or H if the facility or location (i) is licensed to provide the level of security necessary to protect both the person and others from harm, (ii) is actually capable of providing the level of security necessary to protect the person and others from harm, and (iii) in cases in which transportation is provided by a law-enforcement agency, has entered into an agreement or memorandum of understanding with the law-enforcement agency setting forth the terms and conditions under which it will accept a transfer of custody, provided, however, that the facility or location may not require the law-enforcement agency to pay any fees or costs for the transfer of custody.

F. A law-enforcement officer may lawfully go or be sent beyond the territorial limits of the county, city, or town in which he serves to any point in the Commonwealth for the purpose of executing an emergency custody order pursuant to this section.

G. A law-enforcement officer who, based upon his observation or the reliable reports of others, has probable cause to believe that a person meets the criteria for emergency custody as stated in this section may take that person into custody and transport that person to an appropriate location to assess the need for hospitalization or treatment without prior authorization. A law-enforcement officer who takes a person into custody pursuant to this subsection or subsection H may lawfully go or be sent beyond the territorial limits of the county, city, or town in which he serves to any point in the Commonwealth for the purpose of obtaining the assessment. Such evaluation shall be conducted immediately. The period of custody shall not exceed eight hours from the time the law-enforcement officer takes the person into custody.

H. A law-enforcement officer who is transporting a person who has voluntarily consented to be transported to a facility for the purpose of assessment or evaluation and who is beyond the territorial limits of the county, city, or town in which he serves may take such person into custody and transport him to an appropriate location to assess the need for hospitalization or treatment without prior authorization when the law-enforcement officer determines (i) that the person has revoked consent to be transported to a facility for the purpose of assessment or evaluation, and (ii) based upon his observations, that

probable cause exists to believe that the person meets the criteria for emergency custody as stated in this section. The period of custody shall not exceed eight hours from the time the law-enforcement officer takes the person into custody.

I. Nothing herein shall preclude a law-enforcement officer or alternative transportation provider from obtaining emergency medical treatment or further medical evaluation at any time for a person in his custody as provided in this section.

J. A representative of the primary law-enforcement agency specified to execute an emergency custody order or a representative of the law-enforcement agency employing a law-enforcement officer who takes a person into custody pursuant to subsection G or H shall notify the community services board responsible for conducting the evaluation required in subsection B, G, or H as soon as practicable after execution of the emergency custody order or after the person has been taken into custody pursuant to subsection G or H.

K. The person shall remain in custody until (i) a temporary detention order is issued *in accordance with § 37.2-809*, ~~until~~ (ii) *an order for temporary detention for observation, testing, or treatment is entered in accordance with § 37.2-1104, ending law enforcement custody*, (iii) the person is released, or ~~until~~ (iv) the emergency custody order expires. An emergency custody order shall be valid for a period not to exceed eight hours from the time of execution.

L. Nothing in this section shall preclude the issuance of an order for temporary detention for testing, observation, or treatment pursuant to § 37.2-1104 for a person who is also the subject of an emergency custody order issued pursuant to this section. In any case in which an order for temporary detention for testing, observation, or treatment is issued for a person who is also the subject of an emergency custody order, the person may be detained by a hospital emergency room or other appropriate facility for testing, observation, and treatment for a period not to exceed 24 hours, unless extended by the court as part of an order pursuant to § 37.2-1101, in accordance with subsection A C of § 37.2-1104. Upon completion of testing, observation, or treatment pursuant to § 37.2-1104, the hospital emergency room or other appropriate facility in which the person is detained shall notify the nearest community services board, and the designee of the community services board shall, as soon as is practicable and prior to the expiration of the order for temporary detention issued pursuant to § 37.2-1104, conduct an evaluation of the person to determine if he meets the criteria for temporary detention pursuant to § 37.2-809.

M. Any person taken into emergency custody pursuant to this section shall be given a written summary of the emergency custody procedures and the statutory protections associated with those procedures.

N. If an emergency custody order is not executed within eight hours of its issuance, the order shall be void and shall be returned unexecuted to the office of the clerk of the issuing court or, if such office is not open, to any magistrate serving the jurisdiction of the issuing court.

O. In addition to the eight-hour period of emergency custody set forth in subsection G, H, or K, if the individual is detained in a state facility pursuant to subsection E of § 37.2-809, the state facility and an employee or designee of the community services board as defined in § 37.2-809 may, for an additional four hours, continue to attempt to identify an alternative facility that is able and willing to provide temporary detention and appropriate care to the individual.

P. Payments shall be made pursuant to § 37.2-804 to licensed health care providers for medical screening and assessment services provided to persons with mental illnesses while in emergency custody.

Q. No person who provides alternative transportation pursuant to this section shall be liable to the person being transported for any civil damages for ordinary negligence in acts or omissions that result from providing such alternative transportation.

§ 37.2-1104. Temporary detention in hospital for testing, observation, or treatment.

A. ~~Upon the advice of a licensed physician who has attempted to obtain consent and upon a finding of probable cause to believe that an adult person within the court's jurisdiction is incapable of making an informed decision regarding treatment of a physical or mental condition or is incapable of communicating such a decision due to a physical or mental condition and that the medical standard of care calls for testing, observation, or treatment within the next 24 hours to prevent death or disability, or to treat an emergency medical condition that requires immediate action to avoid harm, injury, or death, the~~ *As used in this section, "mental or physical condition" includes intoxication.*

B. ~~The court or, if the court is unavailable, a magistrate serving the jurisdiction where the respondent is located may, with the advice of a licensed physician who has attempted to obtain informed consent of an adult person to treatment of a mental or physical condition, issue an order authorizing temporary detention of the adult person by in a hospital emergency room department or other appropriate facility and authorizing such for testing, observation, or treatment upon a finding that~~ (i) *probable cause exists to believe the person is incapable of making or communicating an informed decision regarding treatment of a physical or mental condition due to a mental or physical condition and* (ii) *the medical standard of care calls for observation, testing, or treatment within the next 24 hours to prevent injury, disability, death, or other harm to the person resulting from such mental or physical condition.*

C. ~~The duration of temporary detention may pursuant to this section shall not be for a period exceeding exceed~~ 24 hours, unless extended by the court as part of an order authorizing treatment under § 37.2-1101. If, before completion of authorized testing, observation, or treatment, the physician determines that a person subject to an order under this subsection has become capable of making and communicating an informed decision, the physician shall rely on the person's decision on whether to consent to further testing, observation, or treatment. If, before issuance of an order under this subsection or during its period of effectiveness, the physician learns of an objection by a member of the person's immediate family to the

testing, observation, or treatment, he shall so notify the court or magistrate, who shall consider the objection in determining whether to issue, modify, or terminate the order.

B. D. A court or, if the court is unavailable, a magistrate serving the jurisdiction may issue an order authorizing temporary detention for testing, observation, or treatment for a person who is also the subject of an emergency custody order issued pursuant to § 37.2-808, if such person meets the criteria set forth in subsection **A B**. In any case in which an order for temporary detention for testing, observation, or treatment is issued for a person who is also the subject of an emergency custody order pursuant to § 37.2-808, the hospital emergency room or other appropriate facility in which the person is detained for testing, observation, or treatment shall notify the nearest community services board when such testing, observation, or treatment is complete, and the designee of the community services board shall, as soon as is practicable and prior to the expiration of the order for temporary detention issued pursuant to subsection **A B**, conduct an evaluation of the person to determine if he meets the criteria for temporary detention pursuant to § 37.2-809.

2. That the Department of Behavioral Health and Developmental Services shall convene a work group to include representatives from the Virginia College of Emergency Physicians, the Virginia Hospital and Healthcare Association, the Virginia Sheriff's Association, and the Office of the Executive Secretary of the Supreme Court of Virginia to develop standard policies and procedures regarding medical temporary detention orders. The work group shall complete its work no later than December 1, 2020.

CHAPTER 1234

An Act to amend and reenact §§ 2.2-1605 and 2.2-1616 of the Code of Virginia and to repeal §§ 2.2-1611 and 2.2-1615 of the Code of Virginia, relating to the Department of Small Business and Supplier Diversity; small business grant funds.

[H 1505]

Approved April 22, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-1605 and 2.2-1616 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-1605. Powers and duties of Department.

A. The Department shall have the following powers and duties:

1. Coordinate as consistent with prevailing law the plans, programs, and operations of the state government that affect or may contribute to the establishment, preservation, and strengthening of small, women-owned, and minority-owned businesses;

2. Promote the mobilization of activities and resources of state and local governments, businesses and trade associations, baccalaureate institutions of higher education, foundations, professional organizations, and volunteer and other groups towards the growth of small businesses and businesses owned by women and minorities, and facilitate the coordination of the efforts of these groups with those of state departments and agencies;

3. Establish a center for the development, collection, summarization, and dissemination of information that will be helpful to persons and organizations throughout the nation in undertaking or promoting procurement from small, women-owned, and minority-owned businesses;

4. Consistent with prevailing law and availability of funds, and according to the Director's discretion, provide technical and management assistance to small, women-owned, and minority-owned businesses and defray all or part of the costs of pilot or demonstration projects that are designed to overcome the special problems of small, women-owned, and minority-owned businesses;

5. Advise the Small Business Financing Authority on the management and administration of the Small, Women-owned, and Minority-owned Business Loan Fund created pursuant to § 2.2-2311.1;

6. Implement any remediation or enhancement measure for small, women-owned, or minority-owned businesses as may be authorized by the Governor pursuant to subsection C of § 2.2-4310 and develop regulations, consistent with prevailing law, for program implementation. Such regulations shall be developed in consultation with the state agencies with procurement responsibility and promulgated by those agencies in accordance with applicable law; and

7. Receive and coordinate, with the appropriate state agency, the investigation of complaints that a business certified pursuant to this chapter has failed to comply with its subcontracting plan under subsection D of § 2.2-4310. If the Department determines that a business certified pursuant to this chapter has failed to comply with the subcontracting plan, the business shall provide a written explanation.

B. In addition, the Department shall serve as the liaison between the Commonwealth's existing businesses and state government in order to promote the development of Virginia's economy. To that end, the Department shall:

1. Encourage the training or retraining of individuals for specific employment opportunities at new or expanding business facilities in the Commonwealth;

2. Develop and implement programs to assist small businesses in the Commonwealth in order to promote their growth and the creation and retention of jobs for Virginians;

3. Establish an industry program that is the principal point of communication between basic employers in the Commonwealth and the state government that will address issues of significance to business;

4. Make available to existing businesses, in conjunction and cooperation with localities, chambers of commerce, and other public and private groups, basic information and pertinent factors of interest and concern to such businesses; *and*

5. Develop statistical reports on job creation and the general economic conditions in the Commonwealth; *and*

6. Administer the Small Business Jobs Grant Fund Program described in Article 2 (§ 2.2-1611 et seq.).

C. All agencies of the Commonwealth shall assist the Department upon request and furnish such information and assistance as the Department may require in the discharge of its duties.

§ 2.2-1616. Creation, administration, and management of the Small Business Investment Grant Fund.

A. As used in this section:

"Authority" means the Virginia Small Business Financing Authority.

"Eligible investor" means an individual subject to the tax imposed by § 58.1-320 or a special purpose entity established for the purpose of making investments for an individual. "Eligible investor" does not include an individual who engages in the business of making debt or equity investments in private businesses, or any person that would be allocated a portion of the grant under this section as a partner, shareholder, member, or owner of an entity that engages in such business.

"Fund" means the Small Business Investment Grant Fund.

"Pass-through entity" means the same as that term is defined in § 58.1-390.1.

"Qualified investment" means a cash investment in a qualified business in the form of equity or subordinated debt.

"Small business" means a corporation, pass-through entity, or other entity that (i) has annual gross revenues of no more than \$5 million in its most recent fiscal year; (ii) has its principal office or facility in the Commonwealth; (iii) is engaged in business primarily in or does substantially all of its production in the Commonwealth; (iv) has not obtained during its existence more than \$5 million in aggregate gross cash proceeds from the issuance of its equity or debt investments, not including commercial loans from national or state-chartered banking or savings and loan institutions; (v) has no more than 50 employees who are employed within the Commonwealth; and (vi) has been designated as such by the Authority pursuant to the provisions of this section.

"Subordinated debt" means indebtedness of a corporation, general or limited partnership, or limited liability company that (i) by its terms required no repayment of principal for the first three years after issuance, (ii) is not guaranteed by any other person or secured by any assets of the issuer or any other person, and (iii) is subordinated to all indebtedness and obligations of the issuer to national or state-chartered banking or savings and loan institutions.

B. From such funds as may be appropriated by the General Assembly and any gifts, grants, or donations from public or private sources, there is hereby created in the state treasury a special nonreverting, permanent fund to be known as the Small Business Investment Grant Fund, to be administered by the Department. The Fund shall be established on the books of the Comptroller. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund at the end of each fiscal year, including interest thereon, shall not revert to the general fund but shall remain in the Fund. Expenditures and disbursements from the Fund, which shall be in the form of grants pursuant to this section, shall be made by the State Treasurer on warrants issued by the Comptroller upon written request bearing the signature of the Director. Grants from the Fund shall only be made to applications pursuant to this section.

C. An eligible investor that makes a qualified investment in a small business on or after July 1, 2019, but prior to January 1, 2022, that has been certified by the Authority pursuant to subsection D shall be eligible for a grant in an amount equal to the lesser of 50 percent of the qualified investment or \$50,000. An eligible investor may apply for a grant for each qualified investment that is made to one or more small businesses not to exceed a total grant allocation from the Fund of \$250,000 per eligible investor.

D. A small business shall apply with the Authority to receive qualified investments eligible for the grant pursuant to this section and shall provide to the Authority such information as the Authority deems necessary to demonstrate that it meets the qualifications set forth in subsection A.

E. Any eligible investor applying for a grant pursuant to this section shall submit an application to the Authority. The Authority shall determine the amount of the grant allowable to the eligible investor for the year.

F. If an eligible investor is awarded a grant pursuant to this section and the small business in which the investment was made (i) relocates outside of the Commonwealth within two years of the award of the grant or (ii) closes within two years of the award of the grant as a result of a criminal conviction on the part of any officer, director, manager, or general partner of such business relating to his involvement with the business, such investor shall forfeit the grant and refund such moneys to the Authority.

Additionally, unless the eligible investor transfers the equity received in connection with a qualified investment as a result of (a) the liquidation of the small business issuing such equity; (b) the merger, consolidation, or other acquisition of such business with or by a party not affiliated with such business; or (c) the death of the eligible investor, any eligible investor that fails to hold such equity for at least two years shall forfeit the grant and shall pay the Authority interest on the total allowed grant at the rate of one percent per month, compounded monthly, from the date the grant was awarded to the taxpayer.

The Authority shall deposit any amounts received under this subsection into the general fund of the Commonwealth.

G. Grants shall be issued in the order that each completed eligible application is received by the Authority. In the event that the amount of eligible grants requested in a fiscal year exceeds the funds available in the Fund, such grants shall be paid in the next fiscal year in which funds are available.

H. An eligible investor shall not be awarded a grant pursuant to this section for any investment in a small business for which the eligible investor has been allowed a tax credit pursuant to § 58.1-339.4.

I. The Authority shall establish policies and procedures relating to (i) the certification of small businesses, (ii) the application for grants, and (iii) the recapture of grant awards claimed with interest in the event that the qualified investment is not held for the requisite period set forth in subsection F. Such policies and procedures shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq.).

2. That §§ 2.2-1611 and 2.2-1615 of the Code of Virginia are repealed.

3. That any cash balances in the Small Business Jobs Grant Fund as of the effective date of this act shall be transferred by the Department of Small Business and Supplier Diversity to the Small Business Investment Grant Fund established pursuant to § 2.2-1616 of the Code of Virginia. The Virginia Small Business Financing Authority (the Authority) may utilize such cash balance to implement a grant program for small businesses affected by the novel coronavirus (COVID-19) pandemic public health crisis during the period for which the Governor has declared a state of emergency (the emergency). A small business must demonstrate financial stress from the emergency; be established before March 12, 2020; be in good standing; have annual gross revenues of no more than \$1.5 million in its most recent fiscal year; have no more than 25 employees, all of whom are employed within the Commonwealth; and otherwise meet the requirements of a "small business" as that term is defined in subsection A of § 2.2-1616 of the Code of Virginia. A small business shall apply with the Authority to receive a grant of up to \$5,000 pursuant to this enactment for the following eligible expenses: (i) payroll support, including paid sick, medical, or family leave, and costs related to the continuation of group health care benefits during those periods of leave; (ii) employee salaries; (iii) mortgage payments; (iv) rent (including rent under a lease agreement); (v) utilities; and (vi) principal and interest payments for any business loans from national or state-chartered banking, savings and loan institutions, or credit unions, that were incurred before or during the emergency. A small business shall provide to the Authority such information as the Authority deems necessary to demonstrate that it meets the qualifications set forth in this enactment and in subsection A of § 2.2-1616 of the Code of Virginia.

4. That an emergency exists and this act is in force from its passage.

CHAPTER 1235

An Act to amend and reenact §§ 58.1-603.1, 58.1-604.01, 58.1-638, 58.1-2295, as it is currently effective, and 58.1-2299.20, as it is currently effective and as it may become effective, of the Code of Virginia and to amend the Code of Virginia by adding in Title 33.2 a chapter numbered 37, consisting of sections numbered 33.2-3700 through 33.2-3713, relating to creation of the Central Virginia Transportation Authority; funding.

[H 1541]

Approved April 22, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 58.1-603.1, 58.1-604.01, 58.1-638, 58.1-2295, as it is currently effective, and 58.1-2299.20, as it is currently effective and as it may become effective, of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Title 33.2 a chapter numbered 37, consisting of sections numbered 33.2-3700 through 33.2-3713, as follows:

CHAPTER 37.

CENTRAL VIRGINIA TRANSPORTATION AUTHORITY.

§ 33.2-3700. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Authority" means the Central Virginia Transportation Authority.

"Fund" means the Central Virginia Transportation Fund.

§ 33.2-3701. Central Virginia Transportation Fund.

A. There is hereby created in the state treasury a special nonreverting fund for Planning District 15 to be known as the Central Virginia Transportation Fund. The Fund shall be established on the books of the Comptroller. All revenues dedicated to the Fund pursuant to § 58.1-638 and Chapter 22.1 (§ 58.1-2291 et seq.) of Title 58.1 shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. The moneys deposited in the Fund shall be used solely for (i) transportation purposes benefiting the localities comprising Planning District 15 and (ii) administrative and operating expenses as specified in subsection B of § 33.2-3706.

B. The amounts dedicated to the Fund shall be deposited monthly by the Comptroller into the Fund and thereafter distributed to the Authority as soon as practicable for use in accordance with this chapter. If the Authority determines that such moneys distributed to it exceed the amount required to meet the current needs and demands to fund transportation purposes pursuant to this chapter, the Authority may invest such excess moneys to the same extent and in the same manner as provided in subsection A of § 33.2-1525 for excess funds in the Transportation Trust Fund.

C. The amounts deposited into the Fund and the distribution and expenditure of such amounts shall not be used to calculate or reduce the share of federal, state, or local revenues otherwise available to participating localities. Further, such revenues and moneys shall not be included in any computation of, or formula for, a locality's ability to pay for public education, upon which appropriations of state revenues to local governments for public education are determined.

D. After provision for the payment of administrative and operating expenses as specified in subsection B of § 33.2-3706, the revenues in the Fund shall be allocated as follows:

1. Thirty-five percent shall be retained by the Authority to be used for transportation-related purposes benefiting the localities comprising Planning District 15;

2. Fifteen percent shall be distributed to the Greater Richmond Transit Company (GRTC), or its successor, to provide transit and mobility services in Planning District 15; and

3. Fifty percent shall be returned, proportionally, to each locality located in Planning District 15 to be used to improve local mobility, which may include construction, maintenance, or expansion of roads, sidewalks, trails, mobility services, or transit located in the locality.

E. Each locality's share of the revenues returned pursuant to subdivision D 3 shall be the total of the taxes dedicated to the Fund that are generated or attributable to the locality divided by the total of such taxes dedicated to the Fund. Each locality shall create a separate, special fund in which all revenues received pursuant to subdivision D 3 shall be deposited. Each locality shall annually provide to the Authority sufficient documentation, as required by the Authority, showing that the revenues distributed under subdivision D 3 were used for the purposes set forth therein.

F. The projects and other transportation purposes supported by the revenues allocated under subdivisions D 1 and 2 shall be approved by the Authority.

G. The GRTC shall create a separate, special fund in which all revenues received pursuant to subdivision D 2 shall be deposited. The GRTC shall develop a plan for regional public transportation within Planning District 15 in collaboration with the Richmond Regional Transportation Planning Organization in conformance with the guidelines required by § 33.2-286. The GRTC shall annually provide to the Authority sufficient documentation, as required by the Authority, showing that the revenues distributed under subdivision D 2 were applied in accordance with Authority approval and the guidelines required by § 33.2-286.

H. The Authority shall develop a prioritization process based on an objective and quantifiable analysis that considers the benefits of projects relative to their cost. Only projects evaluated using such process may be funded pursuant to subdivision D 1.

§ 33.2-3702. Central Virginia Transportation Authority created.

The Central Virginia Transportation Authority is hereby created as a body politic and as a political subdivision of the Commonwealth. The Authority shall embrace each county, city, and town located in Planning District 15, which is established pursuant to Chapter 42 (§ 15.2-4200 et seq.) of Title 15.2.

§ 33.2-3703. Composition of Authority.

The Authority shall consist of 16 members as follows:

1. The chief elected officer, or his designee, of the governing body of each of the counties embraced by the Authority;

2. The chief elected officer, or his designee, of the City of Richmond and the Town of Ashland;

3. One member of the House of Delegates who resides in a county or city embraced by the Authority, appointed by the Speaker of the House, and one member of the Senate who resides in a county or city embraced by the Authority, appointed by the Senate Committee on Rules;

4. A member of the Commonwealth Transportation Board who resides in a locality embraced by the Authority and is appointed by the Governor; and

5. The following four persons serving ex officio as nonvoting members of the Authority: the Director of the Department of Rail and Public Transportation, or his designee; the Commissioner of Highways, or his designee; the Chief Executive Officer of the Greater Richmond Transit Company (GRTC); and the Chief Executive Officer of the Richmond Metropolitan Transportation Authority.

All members of the Authority shall serve terms coincident with their terms of office. Vacancies shall be filled in the same manner as the original appointment. If a member of the Authority who represents a locality as provided in subdivision 1 or 2 is unable to attend a meeting of the Authority, he may designate another current elected official of such governing body to attend such meeting of the Authority. Such designation shall be for the purposes of one meeting and shall be submitted in writing or electronically to the Chairman of the Authority at least 48 hours prior to the affected meeting.

The Authority shall elect a chairman and vice-chairman from among its voting membership.

The Auditor of Public Accounts, or his legally authorized representatives, shall annually audit the financial accounts of the Authority, and the cost of such audit shall be borne by the Authority.

§ 33.2-3704. Staff.

The Authority may employ a chief executive officer and such staff as it shall determine to be necessary to carry out its duties and responsibilities under this chapter. No such person shall contemporaneously serve as a member of the Authority. The Department of Transportation and the Department of Rail and Public Transportation shall make their employees available to assist the Authority, upon request.

§ 33.2-3705. Decisions of the Authority.

A majority of voting members of the Authority shall constitute a quorum. Vacancies shall not be considered in the establishment of a quorum. Votes of the chief elected officers of localities, or their designees, appointed to the Authority shall be weighted, based upon population of the locality, as follows: (i) the chief elected officers, or their designees, from the Counties of Chesterfield and Henrico and the City of Richmond shall each receive four votes; (ii) the chief elected officer, or his designee, from the County of Hanover shall receive three votes; (iii) the chief elected officers, or their designees, from the Counties of Goochland, New Kent, and Powhatan shall each receive two votes; and (iv) the chief elected officers, or their designees, from the Town of Ashland and the County of Charles City shall each receive one vote. The Delegate and Senator appointed to the Authority and the member of the Commonwealth Transportation Board appointed by the Governor shall each receive one vote. Decisions of the Authority shall require an affirmative vote of those present and voting whose votes represent at least four-fifths of the population embraced by the Authority; however, no motion to fund a specific facility or service shall fail because of this population criterion if such facility or service is not located or to be located or provided or to be provided within the county or city whose chief elected officer's or elected official's, or its respective designee's, sole negative vote caused the facility or service to fail to meet the population criterion. The population of counties and cities embraced by the Authority shall be the population as determined by the most recently preceding decennial census, except that on July 1 of the fifth year following such census, the population of each county and city shall be adjusted, based on population estimates made by the Weldon Cooper Center for Public Service of the University of Virginia.

§ 33.2-3706. Annual budget and allocation of expenses.

A. The Authority shall adopt an annual budget and develop a funding plan to be supported by the revenues allocated under subdivision D 1 of § 33.2-3701 and shall provide for such development and adoption in its bylaws. The funding plan shall provide for the expenditure of funds for transportation purposes over a four-to-six-year period and shall align with the Statewide Transportation Plan established pursuant to § 33.2-353, the long-range transportation plan of Planning District 15, or the long-range transportation plans of participating localities as much as possible. The Authority shall solicit public comment on its budget and funding plan by posting a summary of such budget and funding plan on its website and holding a public hearing. Such public hearing shall be advertised on the Authority's website and in a newspaper of general circulation in Planning District 15.

B. The administrative and operating expenses of the Authority shall be provided in an annual budget adopted by the Authority and to the extent funds for such expenses are not provided from other sources shall be paid from the Fund. Such budget shall be limited solely to the administrative and operating expenses of the Authority and shall not include any funds for construction or acquisition of transportation facilities or the maintenance or performance of any transportation service.

C. Members may be reimbursed for all reasonable and necessary expenses provided in §§ 2.2-2813 and 2.2-2825, if approved by the Authority. Funding for the costs of compensation and expenses of the members shall be provided by the Authority.

§ 33.2-3707. Authority to issue bonds.

The Authority may issue bonds and other evidences of debt as may be authorized by this section or other law. The provisions of Article 5 (§ 33.2-1920 et seq.) of Chapter 19 shall apply, *mutatis mutandis*, to the issuance of such bonds or other debt. The Authority may issue bonds or other debt in such amounts as it deems appropriate. The bonds may be supported by any funds available.

§ 33.2-3708. Powers of the Authority.

A. The Authority shall have the following powers together with all powers incidental thereto or necessary for the performance of those hereinafter stated:

1. To sue and be sued and to prosecute and defend, at law or in equity, in any court having jurisdiction of the subject matter and of the parties;
2. To adopt and use a corporate seal and to alter the same at its pleasure;
3. To procure insurance, participate in insurance plans, and provide self-insurance; however, the purchase of insurance, participation in an insurance plan, or the creation of a self-insurance plan by the Authority shall not be deemed a waiver or relinquishment of any sovereign immunity to which the Authority or its officers, directors, employees, or agents are otherwise entitled;
4. To establish bylaws and make all rules and regulations, not inconsistent with the provisions of this chapter, deemed expedient for the management of the Authority's affairs;
5. To apply for and accept money, materials, contributions, grants, or other financial assistance from the United States and agencies or instrumentalities thereof, the Commonwealth and any political subdivision, agency, or instrumentality of the Commonwealth, and any legitimate private source;
6. To acquire real and personal property or any interest therein by purchase, lease, gift, or otherwise for purposes consistent with this chapter and to hold, encumber, sell, or otherwise dispose of such land or interest for purposes consistent with this chapter;
7. To acquire by purchase, lease, contract, or otherwise, highways, bridges, or tunnels and to construct the same by purchase, lease, contract, or otherwise;
8. In consultation with the Commonwealth Transportation Board for projects that encompass a state highway, and with each city or county in which the facility or any part thereof is or is to be located, to repair, expand, enlarge, construct,

reconstruct, or renovate any or all highways, bridges, and tunnels within Planning District 15 and to acquire any real or personal property needed for any such purpose;

9. To enter into agreements or leases with public or private entities for the operation and maintenance of bridges, transit and rail facilities, and highways;

10. To make and execute contracts, deeds, mortgages, leases, and all other instruments and agreements necessary or convenient for the performance of its duties and the exercise of its powers and functions under this chapter;

11. To the extent funds are made or become available to the Authority to do so, to employ employees, agents, advisors, and consultants, including without limitation attorneys, financial advisers, engineers, and other technical advisers and, the provisions of any other law to the contrary notwithstanding, to determine their duties and compensation;

12. To exercise the powers of a locality pursuant to § 33.2-269; and

13. To the extent not inconsistent with the other provisions of this chapter, and without limiting or restricting the powers otherwise given the Authority, to exercise all of the powers given to transportation district commissions by § 33.2-1919.

B. The Authority shall comply with the provisions governing localities contained in § 15.2-2108.23.

§ 33.2-3709. Additional Powers of the Authority.

Notwithstanding any contrary provision of this title and in accordance with all applicable federal statutes and requirements, the Authority shall control and operate and may impose and collect tolls in amounts established by the Authority for the use of any new or improved highway, bridge, or tunnel, to increase capacity on such facility or to address congestion within Planning District 15, constructed by the Commission (i) with federal, state, or local funds, (ii) solely with revenues of the Authority, or (iii) with revenues under the control of the Authority. The amount of any such toll may be varied from facility to facility, by lane, by congestion levels, by day of the week, by time of day, by type or size of vehicle, by number of axles, or by any similar combination thereof or any other factor the Authority may deem proper, and a reduced rate may be established for commuters as defined by the Authority. All such tolls shall be used for programs and projects that are reasonably related to or benefit the users of the new or improved highway, bridge, or tunnel, including, but not limited to, for the debt service and other costs of bonds whose proceeds are used for construction or improvement of such highway, bridge, or tunnel.

Any tolls imposed by the Authority shall be collected by an electronic toll system that, to the extent possible, shall not impede the traffic flow of the facility or prohibit a toll facility from retaining means of nonautomated toll collection in some lanes of the facility. For all facilities tolled by the Authority, there shall be signs erected prior to the point of toll collection that clearly state how the majority of the toll revenue is being spent by the Authority to benefit the users of the facility.

§ 33.2-3710. Authority a responsible public entity under Public-Private Transportation Act of 1995.

The Authority is a responsible public entity as defined in § 33.2-1800 and shall be regulated in accordance with the terms of the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.) and regulations and guidelines adopted pursuant thereto.

§ 33.2-3711. Continuing responsibilities of the Commonwealth Transportation Board and the Department of Transportation.

Except as otherwise explicitly provided in this chapter, until such time as the Authority and the Department of Transportation, or the Authority and the Commonwealth Transportation Board, agree otherwise in writing, the Commonwealth Transportation Board shall allocate funding to and the Department of Transportation shall perform or cause to be performed all maintenance and operation of the bridges and roadways and shall perform such other required services and activities with respect to such bridges and roadways as were being performed on July 1, 2020.

§ 33.2-3712. Continued responsibilities for local transit funding.

No locality embraced by the Authority shall reduce its local funding for public transit by more than 50 percent of what it appropriated for public transit as of July 1, 2019. Starting in fiscal year 2023, the amount required to be provided by a locality pursuant to this section shall be adjusted annually based on the greater of (i) the change in the United States Average Consumer Price Index for all items, all urban consumers (CPI-U), as published by the Bureau of Labor Statistics for the U.S. Department of Labor for the previous year, or (ii) zero.

§ 33.2-3713. Use of revenues by the Authority.

Notwithstanding any other provision of this chapter, all moneys received by the Authority shall be used by the Authority solely for the benefit of those counties, cities, and towns that are embraced by the Authority, and such moneys shall be used by the Authority in a manner that is consistent with the purposes stated in this chapter.

§ 58.1-603.1. (For contingent expiration date, see Acts 2013, c. 766) Additional state sales tax in certain counties and cities.

A. In addition to the sales tax imposed pursuant to § 58.1-603, there is hereby levied and imposed in each county and city located in a Planning District established pursuant to Chapter 42 (§ 15.2-4200 et seq.) of Title 15.2 that (i) as of January 1, 2013, has a population of 1.5 million or more as shown by the most recent United States Census, has not less than 1.2 million motor vehicles registered therein, and has a total transit ridership of not less than 15 million riders per year across all transit systems within the Planning District or (ii) as shown by the most recent United States Census meets the population criteria set forth in clause (i) and also meets the vehicle registration and ridership criteria set forth in clause (i), a retail sales tax at the rate of 0.70 percent. In any case in which the tax is imposed pursuant to clause (ii) such tax shall be effective beginning on the July 1 immediately following the calendar year in which all of the criteria have been met.

B. In addition to the sales tax imposed pursuant to § 58.1-603, there is hereby levied and imposed in each county and city located in Planning District 15 established pursuant to Chapter 42 (§ 15.2-4200 et seq.) of Title 15.2 a retail sales tax at the rate of 0.70 percent. In no case shall an additional sales tax be imposed pursuant to both clause (ii) of subsection A and this subsection.

~~Such~~ *C. The tax imposed pursuant to subsections A and B shall not be levied upon food purchased for human consumption and essential personal hygiene products, as such terms are defined in § 58.1-611.1. Such tax shall be added to the rate of the state sales tax imposed pursuant to § 58.1-603 in each such county and city and shall be subject to all the provisions of this chapter and the rules and regulations published with respect thereto. No discount under § 58.1-622 shall be allowed for the tax imposed under this section. Such tax shall be administered and collected by the Tax Commissioner in the same manner and subject to the same penalties as provided for the state sales tax under § 58.1-603.*

*D. The revenue generated and collected pursuant to the tax authorized under this section, less the applicable portion of any refunds to taxpayers, shall be deposited by the Comptroller into special funds established by law. In the case of Planning District 8, the revenue generated and collected therein shall be deposited into the fund established in § 33.2-2509. In the case of Planning District 23, the revenue generated and collected therein shall be deposited into the fund established in § 33.2-2600. In the case of Planning District 15, the revenue generated and collected therein shall be deposited into the fund established in § 33.2-3701. For additional ~~Planning Districts~~ *planning districts* that may become subject to this section, funds shall be established by appropriate legislation.*

§ 58.1-604.01. (For contingent expiration date, see Acts 2013, c. 766) Additional state use tax in certain counties and cities.

A. In addition to the use tax imposed pursuant to § 58.1-604, there is hereby levied and imposed in each county and city located in a Planning District established pursuant to Chapter 42 (§ 15.2-4200 et seq.) of Title 15.2 that (i) as of January 1, 2013, has a population of 1.5 million or more, as shown by the most recent United States Census, has not less than 1.2 million motor vehicles registered therein, and has a total transit ridership of not less than 15 million riders per year across all transit systems within the Planning District or (ii) as shown by the most recent United States Census meets the population criteria set forth in clause (i) and also meets the vehicle registration and ridership criteria set forth in clause (i), a retail use tax at the rate of 0.70 percent. In any case in which the tax is imposed pursuant to clause (ii) such tax shall be effective beginning on the July 1 immediately following the calendar year in which all of the criteria have been met.

B. In addition to the sales tax imposed pursuant to § 58.1-603, there is hereby levied and imposed in each county and city located in Planning District 15 established pursuant to Chapter 42 (§ 15.2-4200 et seq.) of Title 15.2 a retail use tax at the rate of 0.70 percent. In no case shall an additional use tax be imposed pursuant to both clause (ii) of subsection A and this subsection.

~~Such~~ *C. The tax imposed pursuant to subsections A and B shall not be levied upon food purchased for human consumption and essential personal hygiene products, as such terms are defined in § 58.1-611.1. Such tax shall be added to the rate of the state use tax imposed pursuant to § 58.1-604 in such county and city and shall be subject to all the provisions of this chapter and the rules and regulations published with respect thereto. No discount under § 58.1-622 shall be allowed for the tax described under this section. Such tax shall be administered and collected by the Tax Commissioner in the same manner and subject to the same penalties as provided for the state use tax under § 58.1-604.*

*D. The revenue generated and collected pursuant to the tax authorized under this section, less the applicable portion of any refunds to taxpayers, shall be deposited by the Comptroller into special funds established by law. In the case of Planning District 8, the revenue generated and collected therein shall be deposited into the fund established in § 33.2-2509. In the case of Planning District 23, the revenue generated and collected therein shall be deposited into the fund established in § 33.2-2600. In the case of Planning District 15, the revenue generated and collected therein shall be deposited into the fund established in § 33.2-3701. For any additional ~~Planning Districts~~ *planning districts* that may become subject to this section, funds shall be established by appropriate legislation.*

§ 58.1-638. Disposition of state sales and use tax revenue.

A. The Comptroller shall designate a specific revenue code number for all the state sales and use tax revenue collected under the preceding sections of this chapter.

1. The sales and use tax revenue generated by the one-half percent sales and use tax increase enacted by the 1986 Special Session of the General Assembly shall be paid, in the manner hereinafter provided in this section, to the Transportation Trust Fund as defined in § 33.2-1524. Of the funds paid to the Transportation Trust Fund, an aggregate of 4.2 percent shall be set aside as the Commonwealth Port Fund as provided in this section; an aggregate of 2.4 percent shall be set aside as the Commonwealth Airport Fund as provided in this section; and an aggregate of 14.7 percent shall be set aside as the Commonwealth Mass Transit Fund as provided in this section. The Fund's share of such net revenue shall be computed as an estimate of the net revenue to be received into the state treasury each month, and such estimated payment shall be adjusted for the actual net revenue received in the preceding month. All payments shall be made to the Fund on the last day of each month.

2. There is hereby created in the Department of the Treasury a special nonreverting fund which shall be a part of the Transportation Trust Fund and which shall be known as the Commonwealth Port Fund.

a. The Commonwealth Port Fund shall be established on the books of the Comptroller and the funds remaining in such Fund at the end of a biennium shall not revert to the general fund but shall remain in the Fund. Interest earned on such funds

shall remain in the Fund and be credited to it. Funds may be paid to any authority, locality or commission for the purposes hereinafter specified.

b. The amounts allocated pursuant to this section shall be allocated by the Commonwealth Transportation Board to the Board of Commissioners of the Virginia Port Authority to be used to support port capital needs and the preservation of existing capital needs of all ocean, river, or tributary ports within the Commonwealth. Expenditures for such capital needs are restricted to those capital projects specified in subsection B of § 62.1-132.1.

c. Commonwealth Port Fund revenue shall be allocated by the Board of Commissioners to the Virginia Port Authority in order to foster and stimulate the flow of maritime commerce through the ports of Virginia, including but not limited to the ports of Richmond, Hopewell, and Alexandria.

3. There is hereby created in the Department of the Treasury a special nonreverting fund which shall be part of the Transportation Trust Fund and which shall be known as the Commonwealth Airport Fund. The Commonwealth Airport Fund shall be established on the books of the Comptroller and any funds remaining in such Fund at the end of a biennium shall not revert to the general fund but shall remain in the Fund. Interest earned on the funds shall be credited to the Fund. The funds so allocated shall be allocated by the Commonwealth Transportation Board to the Virginia Aviation Board. The funds shall be allocated by the Virginia Aviation Board to any Virginia airport which is owned by the Commonwealth, a governmental subdivision thereof, or a private entity to which the public has access for the purposes enumerated in § 5.1-2.16, or is owned or leased by the Metropolitan Washington Airports Authority (MWAA), as follows:

Any new funds in excess of \$12.1 million which are available for allocation by the Virginia Aviation Board from the Commonwealth Transportation Fund, shall be allocated as follows: 60 percent to MWAA, up to a maximum annual amount of \$2 million, and 40 percent to air carrier airports as provided in subdivision A 3 a. Except for adjustments due to changes in enplaned passengers, no air carrier airport sponsor, excluding MWAA, shall receive less funds identified under subdivision A 3 a than it received in fiscal year 1994-1995.

Of the remaining amount:

a. Forty percent of the funds shall be allocated to air carrier airports, except airports owned or leased by MWAA, based upon the percentage of enplanements for each airport to total enplanements at all air carrier airports, except airports owned or leased by MWAA. No air carrier airport sponsor, however, shall receive less than \$50,000 nor more than \$2 million per year from this provision.

b. Sixty percent of the funds shall be allocated as follows:

(1) For the first six months of each fiscal year, the funds shall be allocated as follows:

(a) Forty percent of the funds shall be allocated by the Aviation Board for air carrier and reliever airports on a discretionary basis, except airports owned or leased by MWAA; and

(b) Twenty percent of the funds shall be allocated by the Aviation Board for general aviation airports on a discretionary basis; and

(2) For the second six months of each fiscal year, all remaining funds shall be allocated by the Aviation Board for all eligible airports on a discretionary basis, except airports owned or leased by MWAA.

3a. There is hereby created in the Department of the Treasury a special nonreverting fund that shall be a part of the Transportation Trust Fund and that shall be known as the Commonwealth Space Flight Fund. The Commonwealth Space Flight Fund shall be established on the books of the Comptroller and the funds remaining in such Fund at the end of a biennium shall not revert to the general fund but shall remain in the Fund. Interest earned on such funds shall remain in the Fund and be credited to it.

a. The amounts allocated to the Commonwealth Space Flight Fund pursuant to § 33.2-1526 shall be allocated by the Commonwealth Transportation Board to the Board of Directors of the Virginia Commercial Space Flight Authority to be used to support the capital needs, maintenance, and operating costs of any and all facilities owned and operated by the Virginia Commercial Space Flight Authority.

b. Commonwealth Space Flight Fund revenue shall be allocated by the Board of Directors to the Virginia Commercial Space Flight Authority in order to foster and stimulate the growth of the commercial space flight industry in Virginia.

4. There is hereby created in the Department of the Treasury a special nonreverting fund which shall be a part of the Transportation Trust Fund and which shall be known as the Commonwealth Mass Transit Fund.

a. The Commonwealth Mass Transit Fund shall be established on the books of the Comptroller and any funds remaining in such Fund at the end of the biennium shall not revert to the general fund but shall remain in the Fund. Interest earned on such funds shall be credited to the Fund.

b. The amounts allocated pursuant to § 33.2-1526.1 shall be used to support the operating, capital, and administrative costs of public transportation at a state share determined by the Commonwealth Transportation Board, and these amounts may be used to support the capital project costs of public transportation and ridesharing equipment, facilities, and associated costs at a state share determined by the Commonwealth Transportation Board. Capital costs may include debt service payments on local or agency transit bonds.

c. There is hereby created in the Department of the Treasury a special nonreverting fund known as the Commonwealth Transit Capital Fund. The Commonwealth Transit Capital Fund shall be part of the Commonwealth Mass Transit Fund. The Commonwealth Transit Capital Fund subaccount shall be established on the books of the Comptroller and consist of such moneys as are appropriated to it by the General Assembly and of all donations, gifts, bequests, grants, endowments, and other moneys given, bequeathed, granted, or otherwise made available to the Commonwealth Transit Capital Fund. Any

funds remaining in the Commonwealth Transit Capital Fund at the end of the biennium shall not revert to the general fund, but shall remain in the Commonwealth Transit Capital Fund. Interest earned on funds within the Commonwealth Transit Capital Fund shall remain in and be credited to the Commonwealth Transit Capital Fund. Proceeds of the Commonwealth Transit Capital Fund may be paid to any political subdivision, another public entity created by an act of the General Assembly, or a private entity as defined in § 33.2-1800 and for purposes as enumerated in subdivision 7 of § 33.2-1701 or expended by the Department of Rail and Public Transportation for the purposes specified in this subdivision. Revenues of the Commonwealth Transit Capital Fund shall be used to support capital expenditures involving the establishment, improvement, or expansion of public transportation services through specific projects approved by the Commonwealth Transportation Board. The Commonwealth Transit Capital Fund shall not be allocated without requiring a local match from the recipient.

B. The sales and use tax revenue generated by a one percent sales and use tax shall be distributed among the counties and cities of the Commonwealth in the manner provided in subsections C and D.

C. The localities' share of the net revenue distributable under this section among the counties and cities shall be apportioned by the Comptroller and distributed among them by warrants of the Comptroller drawn on the Treasurer of Virginia as soon as practicable after the close of each month during which the net revenue was received into the state treasury. The distribution of the localities' share of such net revenue shall be computed with respect to the net revenue received into the state treasury during each month, and such distribution shall be made as soon as practicable after the close of each such month.

D. The net revenue so distributable among the counties and cities shall be apportioned and distributed upon the basis of the latest yearly estimate of the population of cities and counties ages five to 19, provided by the Weldon Cooper Center for Public Service of the University of Virginia. Such population estimate produced by the Weldon Cooper Center for Public Service of the University of Virginia shall account for persons who are domiciled in orphanages or charitable institutions or who are dependents living on any federal military or naval reservation or other federal property within the school division in which the institutions or federal military or naval reservation or other federal property is located. Such population estimate produced by the Weldon Cooper Center for Public Service of the University of Virginia shall account for members of the military services who are under 20 years of age within the school division in which the parents or guardians of such persons legally reside. Such population estimate produced by the Weldon Cooper Center for Public Service of the University of Virginia shall account for individuals receiving services in state hospitals, state training centers, or mental health facilities, persons who are confined in state or federal correctional institutions, or persons who attend the Virginia School for the Deaf and the Blind within the school division in which the parents or guardians of such persons legally reside. Such population estimate produced by the Weldon Cooper Center for Public Service of the University of Virginia shall account for persons who attend institutions of higher education within the school division in which the student's parents or guardians legally reside. To such estimate, the Department of Education shall add the population of students with disabilities, ages two through four and 20 through 21, as provided to the Department of Education by school divisions. The revenue so apportionable and distributable is hereby appropriated to the several counties and cities for maintenance, operation, capital outlays, debt and interest payments, or other expenses incurred in the operation of the public schools, which shall be considered as funds raised from local resources. In any county, however, wherein is situated any incorporated town constituting a school division, the county treasurer shall pay into the town treasury for maintenance, operation, capital outlays, debt and interest payments, or other expenses incurred in the operation of the public schools, the proper proportionate amount received by him in the ratio that the school population of such town bears to the school population of the entire county. If the school population of any city or of any town constituting a school division is increased by the annexation of territory since the last estimate of school population provided by the Weldon Cooper Center for Public Service, such increase shall, for the purposes of this section, be added to the school population of such city or town as shown by the last such estimate and a proper reduction made in the school population of the county or counties from which the annexed territory was acquired.

E. Beginning July 1, 2000, of the remaining sales and use tax revenue, the revenue generated by a two percent sales and use tax, up to an annual amount of \$13 million, collected from the sales of hunting equipment, auxiliary hunting equipment, fishing equipment, auxiliary fishing equipment, wildlife-watching equipment, and auxiliary wildlife-watching equipment in Virginia, as estimated by the most recent U.S. Department of the Interior, Fish and Wildlife Service and U.S. Department of Commerce, Bureau of the Census National Survey of Fishing, Hunting, and Wildlife-Associated Recreation, shall be paid into the Game Protection Fund established under § 29.1-101 and shall be used, in part, to defray the cost of law enforcement. Not later than 30 days after the close of each quarter, the Comptroller shall transfer to the Game Protection Fund the appropriate amount of collections to be dedicated to such Fund. At any time that the balance in the Capital Improvement Fund, established under § 29.1-101.01, is equal to or in excess of \$35 million, any portion of sales and use tax revenues that would have been transferred to the Game Protection Fund, established under § 29.1-101, in excess of the net operating expenses of the Board, after deduction of other amounts which accrue to the Board and are set aside for the Game Protection Fund, shall remain in the general fund until such time as the balance in the Capital Improvement Fund is less than \$35 million.

F. 1. Of the net revenue generated from the one-half percent increase in the rate of the state sales and use tax effective August 1, 2004, pursuant to enactments of the 2004 Special Session I of the General Assembly, the Comptroller shall transfer from the general fund of the state treasury to the Public Education Standards of Quality/Local Real Estate Property

Tax Relief Fund established under § 58.1-638.1 an amount equivalent to one-half of the net revenue generated from such one-half percent increase as provided in this subdivision. The transfers to the Public Education Standards of Quality/Local Real Estate Property Tax Relief Fund under this subdivision shall be for one-half of the net revenue generated (and collected in the succeeding month) from such one-half percent increase for the month of August 2004 and for each month thereafter.

2. Beginning July 1, 2013, of the remaining sales and use tax revenue, an amount equal to the revenue generated by a 0.125 percent sales and use tax shall be distributed to the Public Education Standards of Quality/Local Real Estate Property Tax Relief Fund established under § 58.1-638.1, and be used for the state's share of Standards of Quality basic aid payments.

3. For the purposes of the Comptroller making the required transfers under subdivision 1 and 2, the Tax Commissioner shall make a written certification to the Comptroller no later than the twenty-fifth of each month certifying the sales and use tax revenues generated in the preceding month. Within three calendar days of receiving such certification, the Comptroller shall make the required transfers to the Public Education Standards of Quality/Local Real Estate Property Tax Relief Fund.

G. (Contingent expiration date) Beginning July 1, 2013, of the remaining sales and use tax revenue, an amount equal to the following percentages of the revenue generated by a one-half percent sales and use tax, such as that paid to the Transportation Trust Fund as provided in subdivision A 1, shall be paid to the Highway Maintenance and Operating Fund established pursuant to § 33.2-1530:

1. For fiscal year 2014, an amount equal to 10 percent;
2. For fiscal year 2015, an amount equal to 20 percent;
3. For fiscal year 2016, an amount equal to 30 percent; and
4. For fiscal year 2017 and thereafter, an amount equal to 35 percent.

The Highway Maintenance and Operating Fund's share of the net revenue distributable under this subsection shall be computed as an estimate of the net revenue to be received into the state treasury each month, and such estimated payment shall be adjusted for the actual net revenue received in the preceding month. All payments shall be made to the Fund on the last day of each month.

H. (Contingent expiration date) 1. The additional revenue generated by increases in the state sales and use tax from Planning District 8 pursuant to §§ 58.1-603.1, 58.1-604.01, 58.1-604.1, and 58.1-614 shall be deposited by the Comptroller in the fund established under § 33.2-2509.

2. The additional revenue generated by increases in the state sales and use tax from Planning District 23 pursuant to §§ 58.1-603.1, 58.1-604.01, 58.1-604.1, and 58.1-614 shall be deposited by the Comptroller in the fund established under § 33.2-2600.

3. *The additional revenue generated by increases in the state sales and use tax from Planning District 15 pursuant to §§ 58.1-603.1, 58.1-604.01, 58.1-604.1, and 58.1-614 shall be deposited by the Comptroller in the fund established under § 33.2-3701.*

4. The additional revenue generated by increases in the state sales and use tax in any other Planning District pursuant to §§ 58.1-603.1, 58.1-604.01, 58.1-604.1, and 58.1-614 shall be deposited into special funds that shall be established by appropriate legislation.

4. 5. The net revenues distributable under this subsection shall be computed as an estimate of the net revenue to be received by the state treasury each month, and such estimated payment shall be adjusted for the actual net revenue received in the preceding month. All payments shall be made to the appropriate funds on the last day of each month.

I. (For contingent expiration date, see Acts 2018, c. 850) The additional revenue generated by increases in the state sales and use tax from the Historic Triangle pursuant to § 58.1-603.2 shall be deposited by the Comptroller as follows: (i) 50 percent shall be deposited into the Historic Triangle Marketing Fund established pursuant to subsection E of § 58.1-603.2; and (ii) 50 percent shall be deposited in the special fund created pursuant to subdivision D 2 of § 58.1-603.2 and distributed to the localities in which the revenues were collected. The net revenues distributable under this subsection shall be computed as an estimate of the net revenues to be received by the state treasury each month, and such estimated payment shall be adjusted for the actual net revenue received in the preceding month. All payments shall be made to the appropriate funds on the last day of each month.

J. Beginning July 1, 2020, the first \$40 million of sales and use taxes remitted by online retailers with a physical nexus established pursuant to subsection D of § 58.1-612 shall be deposited into the Major Headquarters Workforce Grant Fund established pursuant to § 59.1-284.31.

K. If errors are made in any distribution, or adjustments are otherwise necessary, the errors shall be corrected and adjustments made in the distribution for the next quarter or for subsequent quarters.

L. The term "net revenue," as used in this section, means the gross revenue received into the general fund or the Transportation Trust Fund of the state treasury under the preceding sections of this chapter, less refunds to taxpayers.

§ 58.1-2295. (Contingent expiration date) Levy; payment of tax.

A. 1. In addition to all other taxes now imposed by law, there is hereby imposed a tax upon every distributor who engages in the business of selling fuels at wholesale to retail dealers for retail sale in any county or city that is a member of (i) any transportation district in which a rapid heavy rail commuter mass transportation system operating on an exclusive right-of-way and a bus commuter mass transportation system are owned, operated, or controlled by an agency or commission as defined in § 33.2-1901 or (ii) any transportation district that is subject to subsection C of § 33.2-1915 and that is contiguous to the Northern Virginia Transportation District.

2. In addition to all other taxes now imposed by law, there is hereby imposed a tax upon every distributor who engages in the business of selling fuels at wholesale to retail dealers for retail sale in any county or city that is located in a Planning District established pursuant to Chapter 42 (§ 15.2-4200 et seq.) of Title 15.2 that (i) as of January 1, 2013, has a population of not less than 1.5 million but fewer than two million, as shown by the most recent United States Census, has not less than 1.2 million but fewer than 1.7 million motor vehicles registered therein, and has a total transit ridership of not less than 15 million but fewer than 50 million riders per year across all transit systems within the Planning District or (ii) as shown by the most recent United States Census meets the population criteria set forth in clause (i) and also meets the vehicle registration and ridership criteria set forth in clause (i). In any case in which the tax is imposed pursuant to clause (ii), such tax shall be effective beginning on the July 1 immediately following the calendar year in which all of the criteria have been met.

3. *In addition to all other taxes now imposed by law, there is hereby imposed a tax upon every distributor who engages in the business of selling fuels at wholesale to retail dealers for retail sale in any county or city located in Planning District 15, as established pursuant to Chapter 42 (§ 15.2-4200) of Title 15.2, in which a tax is not otherwise imposed pursuant to this section.*

B. 1. The tax shall be imposed on each gallon of fuel, other than diesel fuel, sold by a distributor to a retail dealer for retail sale in any such county or city described in subsection A at a rate of ~~2.1 percent of the statewide average distributor price of a gallon of unleaded regular gasoline as determined by the Commissioner pursuant to subdivision C 1~~ *7.6 cents per gallon on gasoline and gasohol. Beginning July 1, 2021, the tax rate shall be adjusted annually based on the greater of (i) the change in the United States Average Consumer Price Index for all items, all urban consumers (CPI-U), as published by the Bureau of Labor Statistics for the U.S. Department of Labor for the previous year, or (ii) zero.* For alternative fuels other than liquid alternative fuels, the Commissioner shall determine an equivalent tax rate based on gasoline gallon equivalency.

2. The tax shall be imposed on each gallon of diesel fuel sold by a distributor to a retail dealer for retail sale in any such county or city at a rate of ~~2.1 percent of the statewide average distributor price of a gallon of diesel fuel as determined by the Commissioner pursuant to subdivision C 2~~ *7.7 cents per gallon on diesel fuel. Beginning July 1, 2021, the tax rate shall be adjusted annually based on the greater of (i) the change in the United States Average Consumer Price Index for all items, all urban consumers (CPI-U), as published by the Bureau of Labor Statistics for the U.S. Department of Labor for the previous year, or (ii) zero.*

C. 1. ~~To determine the statewide average distributor price of a gallon of unleaded regular gasoline, the Commissioner shall use the period from June 1 to November 30, inclusive, as the base period for the determination of the rate of the tax for the immediately following applied period beginning January 1 and ending June 30, inclusive. The Commissioner shall use the period from December 1 to May 31, inclusive, as the base period for the determination of the rate of the tax for the immediately following applied period beginning July 1 and ending December 31, inclusive. In no case shall the statewide average distributor price of a gallon of unleaded regular gasoline determined for the purposes of this section be less than the statewide average wholesale price of a gallon of unleaded regular gasoline on February 20, 2013, plus a distributor charge calculated by the Commissioner for that date.~~

2. ~~To determine the statewide average distributor price of a gallon of diesel fuel, the Commissioner shall use the period from June 1 to November 30, inclusive, as the base period for the determination of the rate of the tax for the immediately following applied period beginning January 1 and ending June 30, inclusive. The Commissioner shall use the period from December 1 to May 31, inclusive, as the base period for the determination of the rate of the tax for the immediately following applied period beginning July 1 and ending December 31, inclusive. In no case shall the statewide average distributor price of a gallon of diesel fuel determined for the purposes of this section be less than the statewide average wholesale price of a gallon of diesel fuel on February 20, 2013, plus a distributor charge calculated by the Commissioner for that date.~~

D. The tax levied under this section shall be imposed at the time of sale by the distributor to the retail dealer.

E. *D.* The tax imposed by this section shall be paid by the distributor, but the distributor shall separately state the amount of the tax and add such tax to the price or charge. Thereafter, such tax shall be a debt from the retail dealer to the distributor until paid and shall be recoverable at law in the same manner as other debts. No action at law or suit in equity under this chapter shall be maintained in the Commonwealth by any distributor who is not registered under § 58.1-2299.2 or is delinquent in the payment of taxes imposed under this chapter.

F. *E.* Nothing in this section shall be construed to exempt the imposition and remittance of tax pursuant to this section in a sale to a retail dealer in which the distributor and the retail dealer are the same person.

§ 58.1-2299.20. (Contingent expiration dates) Disposition of tax revenues.

A. All taxes, interest, and civil penalties paid to the Commissioner pursuant to this chapter for the sale of fuels at wholesale to retail dealers for retail sale in any county or city set forth in clause (i) of subdivision A 1 of § 58.1-2295, after subtraction of the direct costs of administration by the Department, shall be deposited each month as follows:

1. One-twelfth of an amount determined by multiplying \$15 million by a fraction, the numerator of which shall be such transportation district's share of funding for the commuter rail service jointly operated by the two transportation districts and the denominator of which shall be the total funding share for such commuter rail service, shall be deposited in the Commuter Rail Operating and Capital Fund established pursuant to § 33.2-3500;

2. a. Until June 30, 2019, an amount equal to the increase in taxes, interest, and civil penalties paid to the Commissioner each month, compared with the same month for fiscal year 2018, minus any amounts deposited pursuant to

subdivision 1, shall be deposited into the Washington Metropolitan Area Transit Capital Fund established pursuant to § 33.2-3401; and

b. Beginning on July 1, 2019, an amount equal to one-twelfth of the increase in taxes, interest, and civil penalties paid to the Commissioner in fiscal year 2019 compared to fiscal year 2018, minus any amounts deposited pursuant to subdivision A 1, shall be deposited in the Washington Metropolitan Area Transit Authority Capital Fund established pursuant to § 33.2-3401; and

3. All remaining funds shall be deposited in a special fund entitled the "Special Fund Account of the Transportation District of _____." The amounts deposited in the special fund shall be distributed monthly to the applicable transportation district commission of which the county or city is a member to be applied to the operating deficit, capital, and debt service of the mass transit system of such district or, in the case of a transportation district subject to the provisions of subsection C of § 33.2-1915, to be applied to and expended for any transportation purpose of such district. In the case of a jurisdiction which, after July 1, 1989, joins a transportation district which was established on or before January 1, 1986, and is also subject to subsection C of § 33.2-1915, the funds collected from that jurisdiction shall be applied to and expended for any transportation purpose of such jurisdiction.

B. All taxes, interest, and civil penalties paid to the Commissioner pursuant to this chapter for the sale of fuels at wholesale to retail dealers for retail sale in any county or city set forth in clause (ii) of subdivision A 1 of § 58.1-2295, after subtraction of the direct costs of administration by the Department, shall be deposited each month as follows:

1. One-twelfth of an amount determined by multiplying \$15 million by a fraction, the numerator of which shall be such transportation district's share of funding for the commuter rail service jointly operated by the two transportation districts and the denominator of which shall be the total funding share for such commuter rail service, shall be deposited in the Commuter Rail Operating and Capital Fund established pursuant to § 33.2-3500; and

2. All remaining funds shall be deposited in a special fund entitled the "Special Fund Account of the Transportation District of _____." The amounts deposited in the special fund shall be distributed monthly to the applicable transportation district commission of which the county or city is a member to be applied to the operating deficit, capital, and debt service of the mass transit system of such district or, in the case of a transportation district subject to the provisions of subsection C of § 33.2-1915, to be applied to and expended for any transportation purpose of such district. In the case of a jurisdiction which, after July 1, 1989, joins a transportation district that was established on or before January 1, 1986, and is also subject to subsection C of § 33.2-1915, the funds collected from that jurisdiction shall be applied to and expended for any transportation purpose of such jurisdiction.

C. All taxes, interest, and civil penalties paid to the Commissioner pursuant to this chapter for the sale of fuels at wholesale to retail dealers for retail sale in any county or city set forth in subdivision A 2 of § 58.1-2295, after subtraction of the direct costs of administration by the Department, shall be deposited into special funds established by law. In the case of Planning District 23, the revenue generated and collected therein shall be deposited into the fund established in § 33.2-2600. For additional Planning Districts that may become subject to this section, funds shall be established by appropriate legislation.

D. All taxes, interest, and civil penalties paid to the Commissioner pursuant to this chapter for the sale of fuels at wholesale to retail dealers for retail sale in any county or city set forth in § 58.1-2295.1, after subtraction of the direct costs of administration by the Department, shall be deposited into the Interstate 81 Corridor Improvement Fund established pursuant to Chapter 36 (§ 33.2-3600) of Title 33.2.

E. *All taxes, interest, and civil penalties paid to the Commonwealth pursuant to this chapter for the sale of fuels at wholesale to retail dealers for retail sale in any county or city set forth in subdivision A 3 of § 58.1-2295, after subtraction of the direct costs of administration by the Department, shall be deposited into the fund established pursuant to § 33.2-3701.*

F. The direct cost of administration of this section shall be credited to the funds appropriated to the Department.

§ 58.1-2299.20. (For contingent effective date, see Acts 2019, cc. 837 and 846) Disposition of tax revenues.

A. All taxes, interest, and civil penalties paid to the Commissioner pursuant to this chapter for the sale of fuels at wholesale to retail dealers for retail sale in any county or city set forth in clause (i) of subdivision A 1 of § 58.1-2295, after subtraction of the direct costs of administration by the Department, shall be deposited each month as follows:

1. One-twelfth of an amount determined by multiplying \$15 million by a fraction, the numerator of which shall be such transportation district's share of funding for the commuter rail service jointly operated by the two transportation districts and the denominator of which shall be the total funding share for such commuter rail service, shall be deposited in the Commuter Rail Operating and Capital Fund established pursuant to § 33.2-3500;

2. a. Until June 30, 2019, an amount equal to the increase in taxes, interest, and civil penalties paid to the Commissioner each month, compared with the same month for fiscal year 2018, minus any amounts deposited pursuant to subdivision 1, shall be deposited into the Washington Metropolitan Area Transit Capital Fund established pursuant to § 33.2-3401; and

b. Beginning on July 1, 2019, an amount equal to one-twelfth of the increase in taxes, interest, and civil penalties paid to the Commissioner in fiscal year 2019 compared to fiscal year 2018, minus any amounts deposited pursuant to subdivision A 1, shall be deposited in the Washington Metropolitan Area Transit Authority Capital Fund established pursuant to § 33.2-3401; and

3. All remaining funds shall be deposited in a special fund entitled the "Special Fund Account of the Transportation District of _____." The amounts deposited in the special fund shall be distributed monthly to the applicable transportation

district commission of which the county or city is a member to be applied to the operating deficit, capital, and debt service of the mass transit system of such district or, in the case of a transportation district subject to the provisions of subsection C of § 33.2-1915, to be applied to and expended for any transportation purpose of such district. In the case of a jurisdiction which, after July 1, 1989, joins a transportation district which was established on or before January 1, 1986, and is also subject to subsection C of § 33.2-1915, the funds collected from that jurisdiction shall be applied to and expended for any transportation purpose of such jurisdiction.

B. All taxes, interest, and civil penalties paid to the Commissioner pursuant to this chapter for the sale of fuels at wholesale to retail dealers for retail sale in any county or city set forth in clause (ii) of subdivision A 1 of § 58.1-2295, after subtraction of the direct costs of administration by the Department, shall be deposited each month as follows:

1. One-twelfth of an amount determined by multiplying \$15 million by a fraction, the numerator of which shall be such transportation district's share of funding for the commuter rail service jointly operated by the two transportation districts and the denominator of which shall be the total funding share for such commuter rail service, shall be deposited in the Commuter Rail Operating and Capital Fund established pursuant to § 33.2-3500; and

2. All remaining funds shall be deposited in a special fund entitled the "Special Fund Account of the Transportation District of _____." The amounts deposited in the special fund shall be distributed monthly to the applicable transportation district commission of which the county or city is a member to be applied to the operating deficit, capital, and debt service of the mass transit system of such district or, in the case of a transportation district subject to the provisions of subsection C of § 33.2-1915, to be applied to and expended for any transportation purpose of such district. In the case of a jurisdiction which, after July 1, 1989, joins a transportation district that was established on or before January 1, 1986, and is also subject to subsection C of § 33.2-1915, the funds collected from that jurisdiction shall be applied to and expended for any transportation purpose of such jurisdiction.

C. All taxes, interest, and civil penalties paid to the Commissioner pursuant to this chapter for the sale of fuels at wholesale to retail dealers for retail sale in any county or city set forth in subdivision A 2 of § 58.1-2295, after subtraction of the direct costs of administration by the Department, shall be deposited into special funds established by law. In the case of Planning District 23, the revenue generated and collected therein shall be deposited into the fund established in § 33.2-2600. For additional Planning Districts that may become subject to this section, funds shall be established by appropriate legislation.

D. *All taxes, interest, and civil penalties paid to the Commonwealth pursuant to this chapter for the sale of fuels at wholesale to retail dealers for retail sale in any county or city set forth in subdivision A 3 of § 58.1-2295, after subtraction of the direct costs of administration by the Department, shall be deposited into the fund established pursuant to § 33.2-3701.*

E. The direct cost of administration of this section shall be credited to the funds appropriated to the Department.

§ 58.1-2299.20. (For contingent effective date, see Acts 2013, c. 766) Disposition of tax revenues.

A. Except as provided in subsection B, all taxes, interest, and civil penalties paid to the Commissioner pursuant to this chapter, after subtraction of the direct costs of administration by the Department, shall be deposited in a special fund entitled the "Special Fund Account of the Transportation District of _____." The amounts deposited in the special fund shall be distributed monthly to the applicable transportation district commission of which the county or city is a member to be applied to the operating deficit, capital, and debt service of the mass transit system of such district or, in the case of a transportation district subject to the provisions of subsection C of § 33.2-1915, to be applied to and expended for any transportation purpose of such district. In the case of a jurisdiction which, after July 1, 1989, joins a transportation district which was established on or before January 1, 1986, and is also subject to subsection C of § 33.2-1915, the funds collected from that jurisdiction shall be applied to and expended for any transportation purpose of such jurisdiction. The direct costs of administration shall be credited to the funds appropriated to the Department.

B. All taxes, interest, and civil penalties paid to the Commissioner pursuant to this chapter for the sale of fuels at wholesale to retail dealers for retail sale in any county or city set forth in § 58.1-2295.1, after subtraction of the direct costs of administration by the Department, shall be deposited into the Interstate 81 Corridor Improvement Fund established pursuant to Chapter 36 (§ 33.2-3600) of Title 33.2.

C. *All taxes, interest, and civil penalties paid to the Commonwealth pursuant to this chapter for the sale of fuels at wholesale to retail dealers for retail sale in any county or city set forth in subdivision A 3 of § 58.1-2295, after subtraction of the direct costs of administration by the Department, shall be deposited into the fund established pursuant to § 33.2-3701.*

2. That the provisions of this act that generate additional revenues for transportation shall expire on December 31 of any year in which the General Assembly, a locality located in Planning District 15, or the Central Virginia Transportation Authority, as created by this act, appropriates or transfers any of such additional revenue for any non-transportation-related purpose.

3. That the Central Virginia Transportation Authority, as created by Chapter 37 (§ 33.2-3700 et seq.) of Title 33.2 of the Code of Virginia, as created by this act, shall evaluate the governance structure of transit service in the Richmond region, including the evaluation of establishing a transportation district pursuant to Chapter 19 (§ 33.2-1900 et seq.) of Title 33.2 of the Code of Virginia, and report the results of such evaluation to the Governor and the General Assembly no later than December 1, 2020.

4. That the provisions of this act amending §§ 58.1-603.1, 58.1-604.01, and 58.1-638 of the Code of Virginia shall become effective on October 1, 2020.

5. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 854 of the Acts of Assembly of 2019 requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation is \$0 for periods of commitment to the custody of the Department of Juvenile Justice.

CHAPTER 1236

An Act to amend and reenact § 19.2-59.1 of the Code of Virginia, relating to strip searches of children.

[H 1544]

Approved April 22, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-59.1 of the Code of Virginia is amended and reenacted as follows:

§ 19.2-59.1. Strip searches prohibited; exceptions; how strip searches conducted.

A. No person in custodial arrest for a traffic infraction, Class 3 or Class 4 misdemeanor, or a violation of a city, county, or town ordinance, which is punishable by no more than ~~thirty~~ 30 days in jail shall be strip searched unless there is reasonable cause to believe on the part of a law-enforcement officer authorizing the search that the individual is concealing a weapon. All strip searches conducted under this section shall be performed by persons of the same sex as the person arrested and on premises where the search cannot be observed by persons not physically conducting the search.

B. A regional jail superintendent or the chief of police or the sheriff of the county or city shall develop a written policy regarding strip searches.

C. A search of any body cavity must be performed under sanitary conditions and a search of any body cavity, other than the mouth, shall be conducted either by or under the supervision of medically trained personnel.

D. Strip searches authorized pursuant to the exceptions stated in subsection A of ~~this section~~ shall be conducted by a law-enforcement officer as defined in § 9.1-101.

E. The provisions of this section shall not apply when the person is taken into custody by or remanded to a law-enforcement officer pursuant to a circuit or district court order.

F. For purposes of this section, "strip search" ~~shall mean~~ means having an arrested person remove or arrange some or all of his clothing so as to permit a visual inspection of the genitals, buttocks, anus, female breasts, or undergarments of such person.

G. Nothing in this section shall prohibit a sheriff or a regional jail superintendent from requiring that inmates take hot water and soap showers and be subjected to visual inspection upon assignment to the general population area of the jail or upon determination by the sheriff or regional jail superintendent that the inmate must be held at the jail by reason of his inability to post bond after reasonable opportunity to do so.

H. *Except for children committed to the Department of Juvenile Justice or confined or detained in a secure local facility for juveniles or a jail or other facility for the detention of adults and except as provided in subsection E, no child under the age of 18 shall be strip searched or subjected to a search of any body cavity by a law-enforcement officer, as defined in § 9.1-101, or a jail officer unless the child is in custodial arrest and there is reasonable cause to believe on the part of a law-enforcement officer or jail officer authorizing the search that the child is concealing a weapon.*

CHAPTER 1237

An Act to amend and reenact § 46.2-116 of the Code of Virginia, relating to tow truck drivers; criminal history.

[H 1577]

Approved April 22, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-116 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-116. Registration with Department of Criminal Justice Services required for tow truck drivers; penalty.

A. As used in this section and §§ 46.2-117, 46.2-118, and 46.2-119:

"Consumer" means a person who (i) has vested ownership, dominion, or title to the vehicle; (ii) is the authorized agent of the owner as defined in clause (i); or (iii) is an employee, agent, or representative of an insurance company representing any party involved in a collision that resulted in a police-requested tow who represents in writing that the insurance company had obtained the oral or written consent of the title owner or his agent or the lessee of the vehicle to obtain possession of the vehicle.

"Department" means the Department of Criminal Justice Services.

"Tow truck driver" means an individual who drives a tow truck as defined in § 46.2-100.

"Towing and recovery operator" means any person engaging in the business of providing or offering to provide services involving the use of a tow truck and services incidental to use of a tow truck. "Towing and recovery operator" shall

not include a franchised motor vehicle dealer as defined in § 46.2-1500 using a tow truck owned by a dealer when transporting a vehicle to or from a repair facility owned by the dealer when the dealer does not receive compensation from the vehicle owner for towing of the vehicle or when transporting a vehicle in which the dealer has an ownership or security interest.

B. On and after January 1, 2013, no tow truck driver shall drive any tow truck without being registered with the Department, except that this requirement shall not apply to any holder of a tow truck driver authorization document issued pursuant to former § 46.2-2814 until the expiration date of such document. The Department may offer a temporary registration or driver authorization document that is effective upon the submission of an application and that expires upon the issuance or denial of a permanent registration. Every applicant for an initial registration or renewal of registration pursuant to this section shall submit his registration application, fingerprints, and personal descriptive information to the Department and a nonrefundable application fee of \$100. The Department shall forward the personal descriptive information along with the applicant's fingerprints through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining a national criminal history record check regarding such applicant. The cost of the fingerprinting and criminal history record check shall be paid by the applicant.

The Central Criminal Records Exchange, upon receipt of an applicant's record or notification that no record exists, shall make a report to the Department. If an applicant is denied registration as a tow truck driver because of the information appearing in his criminal history record, the Department shall notify the applicant that information obtained from the Central Criminal Records Exchange contributed to such denial. The information shall not be disseminated except as provided in this section.

C. 1. No registration shall be issued to any person who (i) is required to register as a sex offender as provided in § 9.1-901 or in a substantially similar law of any other state, the United States, or any foreign jurisdiction; (ii) has been convicted *within the 15 years prior to the date of the application* of a violent crime as defined in subsection C of § 17.1-805 unless such person held a valid tow truck driver authorization document on January 1, 2013, issued by the Board of Towing and Recovery Operators pursuant to former Chapter 28 (§ 46.2-2800 et seq.), and has not been convicted of a violent crime as defined in subsection C of § 17.1-805 subsequent to the abolition of the Board; or (iii) has been convicted *within the 15 years prior to the date of the application* of any crime involving the driving of a tow truck, including drug or alcohol offenses, but not traffic infraction convictions.

2. *The Department may deny a registration to any person who (i) has been convicted more than 15 years prior to the date of the application of a violent crime as defined in subsection C of § 17.1-805 or (ii) has been convicted more than 15 years prior to the date of the application of any crime involving the driving of a tow truck, including drug or alcohol offenses. The Department shall deny a registration to a person described in clause (i) or (ii) if the person has not completed all terms of probation or parole related to such conviction.*

3. Any person registered pursuant to this section shall report to the Department within 10 days of conviction any convictions for felonies or misdemeanors that occur while he is registered with the Department.

D. Any tow truck driver failing to register with the Department as required by this section is guilty of a Class 3 misdemeanor. A tow truck driver registered with the Department shall have such registration in his possession whenever driving a tow truck on the highways.

E. Registrations issued by the Department pursuant to this section shall be valid for a period not to exceed 24 months, unless revoked or suspended by the Department in accordance with § 46.2-117.

CHAPTER 1238

An Act to amend the Code of Virginia by adding a section numbered 56-594.3, relating to electric utility regulation; shared solar programs.

[H 1634]

Approved April 22, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 56-594.3 as follows:

§ 56-594.3. Shared solar programs.

A. As used in this section:

"Applicable bill credit rate" means the dollar-per-kilowatt-hour rate used to calculate the subscriber's bill credit.

"Bill credit" means the monetary value of the electricity, in kilowatt-hours, generated by the shared solar facility allocated to a subscriber to offset that subscriber's electricity bill.

"Low-income customer" means any person or household whose income is no more than 80 percent of the median income of the locality in which the customer resides. The median income of the locality is determined by the U.S. Department of Housing and Urban Development.

"Low-income service organization" means a nonresidential customer of an investor-owned utility whose primary purpose is to serve low-income individuals and households.

"Low-income shared solar facility" means a shared solar facility at least 30 percent of the capacity of which is subscribed by low-income customers or low-income service organizations.

"Minimum bill" means an amount determined by the Commission under subsection D that subscribers are required to, at a minimum, pay on their utility bill each month after accounting for any bill credits.

"Phase II Utility" has the same meaning as provided in subdivision A 1 of § 56-585.1.

"Shared solar facility" means a facility that:

- 1. Generates electricity by means of a solar photovoltaic device with a nameplate capacity rating that does not exceed 5,000 kilowatts of alternating current;*
- 2. Is located in the service territory of an investor-owned electric utility;*
- 3. Is connected to the electric distribution grid serving the Commonwealth;*
- 4. Has at least three subscribers;*
- 5. Has at least 40 percent of its capacity subscribed by customers with subscriptions of 25 kilowatts or less; and*
- 6. Is located on a single parcel of land.*

"Shared solar program" or "program" means the program created through the adoption of rules to allow for the development of shared solar facilities.

"Subscriber" means a retail customer of a utility that (i) owns one or more subscriptions of a shared solar facility that is interconnected with the utility and (ii) receives service in the service territory of the same utility in whose service territory the shared solar facility is located.

"Subscriber organization" means any for-profit or nonprofit entity that owns or operates one or more shared solar facilities. A subscriber organization shall not be considered a utility solely as a result of its ownership or operation of a shared solar facility.

"Subscription" means a contract or other agreement between a subscriber and the owner of a shared solar facility. A subscription shall be sized such that the estimated bill credits do not exceed the subscriber's average annual bill for the customer account to which the subscription is attributed.

"Utility" means a Phase II Utility.

B. The Commission shall establish by regulation a program that affords customers of a Phase II Utility the opportunity to participate in shared solar projects. Under its shared solar program, a utility shall provide a bill credit for the proportional output of a shared solar facility attributable to that subscriber. The shared solar program shall be administered as follows:

1. The value of the bill credit for the subscriber shall be calculated by multiplying the subscriber's portion of the kilowatt-hour electricity production from the shared solar facility by the applicable bill credit rate for the subscriber. Any amount of the bill credit that exceeds the subscriber's monthly bill, minus the minimum bill, shall be carried over and applied to the next month's bill.

2. The utility shall provide bill credits to a shared solar facility's subscribers for not less than 25 years from the date the shared solar facility becomes commercially operational.

3. The subscriber organization shall, on a monthly basis, in a standardized electronic format, and pursuant to guidelines established by the Commission, provide to the utility a subscriber list indicating the kilowatt-hours of generation attributable to each of the subscribers participating in a shared solar facility in accordance with the subscriber's portion of the output of the shared solar facility.

4. A subscriber lists may be updated monthly to reflect canceling subscribers and to add new subscribers. The utility shall apply bill credits to subscriber bills within two billing cycles following the cycle during which the energy was generated by the shared solar facility.

5. Each utility shall, on a monthly basis and in a standardized electronic format, provide to the subscriber organization a report indicating the total value of bill credits generated by the shared solar facility in the prior month, as well as the amount of the bill credit applied to each subscriber.

6. A subscriber organization may accumulate bill credits in the event that all of the electricity generated by a shared solar facility is not allocated to subscribers in a given month. On an annual basis and pursuant to guidelines established by the Commission, the subscriber organization shall furnish to the utility allocation instructions for distributing excess bill credits to subscribers.

7. All environmental attributes associated with a shared solar facility, including renewable energy certificates, shall be considered property of the subscriber organization. At the subscriber organization's discretion, such environmental attributes may be distributed to the subscribers, sold to load-serving entities with compliance obligations or other buyers, accumulated, or retired.

C. Each subscriber shall pay a minimum bill, established pursuant to subsection D, and shall receive an applicable bill credit based on the subscriber's customer class of residential, commercial, or industrial. Each class's applicable credit rate shall be calculated by the Commission annually by dividing revenues to the class by sales, measured in kilowatt-hours, to that class to yield a bill credit rate for the class (\$/kWh).

D. The Commission shall establish a minimum bill, which shall include the costs of all utility infrastructure and services used to provide electric service and administrative costs of the shared solar program. The Commission may modify the minimum bill over time. In establishing the minimum bill, the Commission shall (i) consider further costs the Commission deems relevant to ensure subscribing customers pay a fair share of the costs of providing electric services and (ii) minimize the costs shifted to customers not in a shared solar program. Low-income customers shall be exempt from the minimum bill.

E. The Commission shall approve a shared solar facility program of 150 megawatts with a minimum requirement of 30 percent low-income customers. The Commission shall approve an additional 50 megawatts of capacity upon determining that at least 45 megawatts of the aggregated shared solar capacity in the Commonwealth have been subscribed to by low-income customers. Subscriber organizations shall be allowed to demonstrate compliance with the low income requirement using either project capacity or project savings methodology. The Commission, in collaboration with the Department of Mines, Minerals and Energy, may adopt mechanisms to ensure low-income customer participation.

F. The Commission shall establish by regulation a shared solar program that complies with the provisions of subsections B, C, D, and E by January 1, 2021, and shall require each utility to file any tariffs, agreements, or forms necessary for implementation of the program within 60 days of the utility's full implementation of a new customer information platform or by July 1, 2023, whichever occurs first. Any rule or utility implementation filings approved by the Commission shall:

- 1. Reasonably allow for the creation of shared solar facilities;*
- 2. Allow all customer classes to participate in the program;*
- 3. Create a stakeholder working group including low-income community representatives and community solar providers to facilitate low-income customer and low-income service organization participation in the program;*
- 4. Encourage public-private partnerships to further the Commonwealth's clean energy and equity goals, such as state agency and affordable housing provider participation in the program as subscribers of shared solar projects;*
- 5. Not remove a customer from its otherwise applicable customer class in order to participate in a shared solar facility;*
- 6. Reasonably allow for the transferability and portability of subscriptions, including allowing a subscriber to retain a subscription to a shared solar facility if the subscriber moves within the same utility's service territory;*
- 7. Establish standards, fees, and processes for the interconnection of shared solar facilities that allow the utility to recover reasonable interconnection costs for each shared solar facility;*
- 8. Adopt standardized consumer disclosure forms;*
- 9. Allow the utility the opportunity to recover reasonable costs of administering the program;*
- 10. Ensure nondiscriminatory and efficient requirements and utility procedures for interconnecting projects;*
- 11. Address the co-location of two or more shared solar facilities on a single parcel of land and provide guidelines for determining when two or more facilities are co-located;*
- 12. Include a program implementation schedule;*
- 13. Prohibit credit checks as a means of establishing eligibility for residential customers to become subscribers;*
- 14. Require net crediting functionality as part of any new customer information platform approved by the Commission. Under net crediting, the utility shall include the shared solar subscription fee on the customer's utility bill and provide the customer with a net credit equivalent to the total bill credit value for that generation period minus the shared solar subscription fee as set by the subscriber organization. The net crediting fee shall not exceed one percent of the bill credit value. Net crediting shall be optional for subscriber organizations, and any shared solar subscription fees charged via the net crediting model shall be set to ensure that subscribers do not pay more in subscription fees than they receive in bill credits; and*

15. Allow the utility to recover as the cost of purchased power pursuant to § 56-249.6 any difference between the bill credit provided to the subscriber and the cost of energy injected into the grid by the subscriber organization.

G. Within 180 days of finalization of the Commission's adoption of regulations for the shared solar program, a utility shall, provided that the utility has successfully implemented its customer information platform, begin crediting subscriber accounts of each shared solar facility interconnected in its service territory, subject to the requirements of this section and regulations adopted thereto.

CHAPTER 1239

An Act to amend and reenact §§ 56-594 and 67-102 of the Code of Virginia and § 1 of the first enactment of Chapters 358 and 382 of the Acts of Assembly of 2013, as amended by Chapter 803 of the Acts of Assembly of 2017, and to amend the Code of Virginia by adding a section numbered 56-585.1:11, relating to the regulation of sales of electricity under third-party sales agreements; net energy; and the removal of other barriers to the increased implementation of distributed solar and other renewable energy in the Commonwealth.

[H 1647]

Approved April 22, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 56-594 and 67-102 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 56-585.1:11 as follows:

§ 56-585.1:11. Multi-family shared solar program.

A. As used in this section:

"Applicable bill credit rate" means the dollar-per-kilowatt-hour rate as defined in subsection D used to calculate a subscriber's bill credit. The applicable bill credit rate shall be set such that the shared solar program results in robust project development and shared solar program access for all customer classes.

"Bill credit" means the monetary value of the electricity, in kilowatt-hours, generated by the shared solar facility allocated to a subscriber to offset that subscriber's electricity bill.

"Investor-owned utility" means each investor-owned utility in the Commonwealth including, notwithstanding subsection G of § 56-580, any investor-owned utility whose service territory assigned to it by the Commission is located entirely within the Counties of Dickenson, Lee, Russell, Scott and Wise. "Investor-owned utility" does not include a Phase I Utility, as that term is defined in subdivision A 1 of § 56-585.1.

"Multi-family shared solar program" or "program" means the program created through the adoption of rules to allow for the development of shared solar facilities described in subsection C.

"Shared solar facility" means a facility that:

1. Generates electricity by means of a solar photovoltaic device with a nameplate capacity rating that does not exceed 3,000 kW alternating current at any single location or that does not exceed 5,000 kW alternating current at contiguous locations owned by the same entity or affiliated entities;

2. Is operated pursuant to a program whereby at least three subscribers receive a bill credit for the electricity generated from the facility in proportion to the size of their subscription;

3. Is located in the service territory of an investor-owned utility;

4. Is connected to the electric distribution grid serving the Commonwealth; and

5. Is located on a parcel of land on the premises of the multi-family utility customer or adjacent thereto.

"Subscriber" means a multi-family customer of an investor-owned electric utility that owns one or more subscriptions of a shared solar facility that is interconnected with the utility.

"Subscriber organization" means any for-profit or nonprofit entity that owns or operates one or more shared solar facilities. A "subscriber organization" shall not be considered a utility solely as a result of its ownership or operation of a shared solar facility.

"Subscription" means a contract or other agreement between a subscriber and the owner of a shared solar facility. A subscription shall be sized such that the estimated bill credits do not exceed the subscriber's average annual bill for the customer account to which the subscription is attributed.

B. The Commission shall establish by regulation a program that affords eligible multi-family customers of investor-owned utilities the opportunity to participate in shared solar projects. The regulations shall be adopted by the Commission by January 1, 2021.

C. An investor-owned utility shall provide a bill credit to a subscriber's subsequent monthly electric bill for the proportional output of a shared solar facility attributable to that subscriber. The shared solar program shall be administered as follows:

1. The value of the bill credit for the subscriber shall be calculated by multiplying the subscriber's portion of the kilowatt-hour electricity production from the shared solar facility by the applicable bill credit rate for the subscriber. Any amount of the bill credit that exceeds the subscriber's monthly bill shall be carried over and applied to the next month's bill in perpetuity;

2. The utility shall provide bill credits to a shared solar facility's subscribers for not less than 25 years from the date the shared solar facility becomes commercially operational;

3. The subscriber organization shall, on a monthly basis and in a standardized electronic format, provide to the investor-owned utility a subscriber list indicating the kilowatt-hours of generation attributable to each of the retail customers participating in a shared solar facility in accordance with the subscriber's portion of the output of the shared solar facility;

4. Lists may be updated monthly to reflect canceling subscribers and to add new subscribers. The investor-owned utility shall apply bill credits to subscriber bills within one billing cycle following the cycle during which the energy was generated by the shared solar facility;

5. The investor-owned utility shall, on a monthly basis and in a standardized electronic format, provide to the subscriber organization a report indicating the total value of bill credits generated by the shared solar facility in the prior month as well as the amount of the bill credit applied to each subscriber;

6. A subscriber organization may accumulate bill credits in the event that all of the electricity generated by a shared solar facility is not allocated to subscribers in a given month. On an annual basis, the subscriber organization shall furnish to the utility allocation instructions for distributing excess bill credits to subscribers; and

7. All environmental attributes associated with a shared solar facility, including renewable energy certificates, shall be considered property of the subscriber organization. At the subscriber organization's discretion, those attributes may be distributed to subscribers, sold to investor-owned utilities or other buyers, accumulated, or retired.

D. The Commission shall annually calculate the applicable bill credit rate as the effective retail rate of the customer's rate class, which shall be inclusive of all supply charges, delivery charges, demand charges, fixed charges, and any applicable riders or other charges to the customer. This rate shall be expressed in dollars or cents per kilowatt-hour.

E. The Commission shall establish by regulation a multi-family shared solar program by January 1, 2021, and shall require each investor-owned utility to file any tariffs, agreements, or forms necessary for implementation of the program. Any rule or utility implementation filings approved by the Commission shall:

1. Reasonably allow for the creation and financing of shared solar facilities;

2. Allow all customer classes to participate in the program, and ensure participation opportunities for all customer classes;

3. Not remove a customer from its otherwise applicable customer class in order to participate in a shared solar facility;

4. Reasonably allow for the transferability and portability of subscriptions, including allowing a subscriber to retain a subscription in a shared solar facility if the subscriber moves within the same utility territory;

5. Establish uniform standards, fees, and processes for the interconnection of shared solar facilities that allow the utility to recover reasonable interconnection costs for each shared solar facility;

6. Adopt standardized consumer disclosure forms;

7. Allow the investor-owned utilities to recover reasonable costs of administering the program;

8. Ensure nondiscriminatory and efficient requirements and utility procedures for interconnecting projects;

9. Address the collocation of two or more shared solar facilities on a single parcel of land, and provide guidelines for determining when two or more facilities are colocated; and

10. Include a program implementation schedule.

F. Within 180 days of finalization of the Commission's adoption of regulations for the shared solar program, utilities shall begin crediting subscriber accounts of each shared solar facility interconnected in its service territory.

§ 56-594. Net energy metering provisions.

A. The Commission shall establish by regulation a program that affords eligible customer-generators the opportunity to participate in net energy metering, and a program, to begin no later than July 1, 2014, for customers of investor-owned utilities and to begin no later than July 1, 2015, and to end July 1, 2019, for customers of electric cooperatives as provided in subsection G, to afford eligible agricultural customer-generators the opportunity to participate in net energy metering. The regulations may include, but need not be limited to, requirements for (i) retail sellers; (ii) owners or operators of distribution or transmission facilities; (iii) providers of default service; (iv) eligible customer-generators; (v) eligible agricultural customer-generators; or (vi) any combination of the foregoing, as the Commission determines will facilitate the provision of net energy metering, provided that the Commission determines that such requirements do not adversely affect the public interest. On and after July 1, 2017, small agricultural generators or eligible agricultural customer-generators may elect to interconnect pursuant to the provisions of this section or as small agricultural generators pursuant to § 56-594.2, but not both. Existing eligible agricultural customer-generators may elect to become small agricultural generators, but may not revert to being eligible agricultural customer-generators after such election. On and after July 1, 2019, interconnection of eligible agricultural customer-generators shall cease for electric cooperatives only, and such facilities shall interconnect solely as small agricultural generators. For electric cooperatives, eligible agricultural customer-generators whose renewable energy generating facilities were interconnected before July 1, 2019, may continue to participate in net energy metering pursuant to this section for a period not to exceed 25 years from the date of their renewable energy generating facility's original interconnection.

B. For the purpose of this section:

"Eligible agricultural customer-generator" means a customer that operates a renewable energy generating facility as part of an agricultural business, which generating facility (i) uses as its sole energy source solar power, wind power, or aerobic or anaerobic digester gas, (ii) does not have an aggregate generation capacity of more than 500 kilowatts, (iii) is located on land owned or controlled by the agricultural business, (iv) is connected to the customer's wiring on the customer's side of its interconnection with the distributor; (v) is interconnected and operated in parallel with an electric company's transmission and distribution facilities, and (vi) is used primarily to provide energy to metered accounts of the agricultural business. An eligible agricultural customer-generator may be served by multiple meters *servicing the eligible agricultural customer-generator* that are located at ~~separate but contiguous~~ *the same or adjacent* sites, such that the eligible agricultural customer-generator may aggregate in a single account the electricity consumption and generation measured by the meters, provided that the same utility serves all such meters. The aggregated load shall be served under the appropriate tariff.

"Eligible customer-generator" means a customer that owns and operates, or contracts with other persons to own, operate, or both, an electrical generating facility that (i) has a capacity of not more than ~~20~~ 25 kilowatts for residential customers and not more than ~~one megawatt~~ *three megawatts* for nonresidential customers ~~on an electrical generating facility placed in service after July 1, 2015;~~ (ii) uses as its total source of fuel renewable energy, as defined in § 56-576; (iii) is located on the ~~customer's premises~~ *land owned or leased by the customer* and is connected to the customer's wiring on the customer's side of its interconnection with the distributor; (iv) is interconnected and operated in parallel with an electric company's transmission and distribution facilities; and (v) is intended primarily to offset all or part of the customer's own electricity requirements. In addition to the electrical generating facility size limitations in clause (i), the capacity of any generating facility installed under this section ~~after~~ *between* July 1, 2015, and July 1, 2020, shall not exceed the expected annual energy consumption based on the previous 12 months of billing history or an annualized calculation of billing history if 12 months of billing history is not available. *In addition to the electrical generating facility size limitation in clause (i), in the certificated service territory of a Phase I Utility, the capacity of any generating facility installed under this section after July 1, 2020, shall not exceed 100 percent of the expected annual energy consumption based on the previous 12 months of billing history or an annualized calculation of billing history if 12 months of billing history is not available, and in the certificated service territory of a Phase II Utility, the capacity of any generating facility installed under this section after July 1, 2020, shall not exceed 150 percent of the expected annual energy consumption based on the previous 12 months of billing history or an annualized calculation of billing history if 12 months of billing history is not available.*

"Net energy metering" means measuring the difference, over the net metering period, between (i) electricity supplied to an eligible customer-generator or eligible agricultural customer-generator from the electric grid and (ii) the electricity generated and fed back to the electric grid by the eligible customer-generator or eligible agricultural customer-generator.

"Net metering period" means the 12-month period following the date of final interconnection of the eligible customer-generator's or eligible agricultural customer-generator's system with an electric service provider, and each 12-month period thereafter.

"Small agricultural generator" has the same meaning that is ascribed to that term in § 56-594.2.

C. The Commission's regulations shall ensure that (i) the metering equipment installed for net metering shall be capable of measuring the flow of electricity in two directions and (ii) any eligible customer-generator seeking to participate in net energy metering shall notify its supplier and receive approval to interconnect prior to installation of an electrical generating facility. The electric distribution company shall have 30 days from the date of notification for residential facilities, and 60 days from the date of notification for nonresidential facilities, to determine whether the interconnection requirements have been met. Such regulations shall allocate fairly the cost of such equipment and any necessary interconnection. An eligible customer-generator's electrical generating system, and each electrical generating system of an eligible agricultural customer-generator, shall meet all applicable safety and performance standards established by the National Electrical Code, the Institute of Electrical and Electronics Engineers, and accredited testing laboratories such as Underwriters Laboratories. Beyond the requirements set forth in this section and to ensure public safety, power quality, and reliability of the supplier's electric distribution system, an eligible customer-generator or eligible agricultural customer-generator whose electrical generating system meets those standards and rules shall bear all reasonable costs of equipment required for the interconnection to the supplier's electric distribution system, including costs, if any, to (a) install additional controls, (b) perform or pay for additional tests, and (c) purchase additional liability insurance.

D. The Commission shall establish minimum requirements for contracts to be entered into by the parties to net metering arrangements. Such requirements shall protect the eligible customer-generator or eligible agricultural customer-generator against discrimination by virtue of its status as an eligible customer-generator or eligible agricultural customer-generator, and permit customers that are served on time-of-use tariffs that have electricity supply demand charges contained within the electricity supply portion of the time-of-use tariffs to participate as an eligible customer-generator or eligible agricultural customer-generator. Notwithstanding the cost allocation provisions of subsection C, eligible customer-generators or eligible agricultural customer-generators served on demand charge-based time-of-use tariffs shall bear the incremental metering costs required to net meter such customers.

E. If electricity generated by an eligible customer-generator or eligible agricultural customer-generator over the net metering period exceeds the electricity consumed by the eligible customer-generator or eligible agricultural customer-generator, the customer-generator or eligible agricultural customer-generator shall be compensated for the excess electricity if the entity contracting to receive such electric energy and the eligible customer-generator or eligible agricultural customer-generator enter into a power purchase agreement for such excess electricity. Upon the written request of the eligible customer-generator or eligible agricultural customer-generator, the supplier that serves the eligible customer-generator or eligible agricultural customer-generator shall enter into a power purchase agreement with the requesting eligible customer-generator or eligible agricultural customer-generator that is consistent with the minimum requirements for contracts established by the Commission pursuant to subsection D. The power purchase agreement shall obligate the supplier to purchase such excess electricity at the rate that is provided for such purchases in a net metering standard contract or tariff approved by the Commission, unless the parties agree to a higher rate. The eligible customer-generator or eligible agricultural customer-generator owns any renewable energy certificates associated with its electrical generating facility; however, at the time that the eligible customer-generator or eligible agricultural customer-generator enters into a power purchase agreement with its supplier, the eligible customer-generator or eligible agricultural customer-generator shall have a one-time option to sell the renewable energy certificates associated with such electrical generating facility to its supplier and be compensated at an amount that is established by the Commission to reflect the value of such renewable energy certificates. Nothing in this section shall prevent the eligible customer-generator or eligible agricultural customer-generator and the supplier from voluntarily entering into an agreement for the sale and purchase of excess electricity or renewable energy certificates at mutually-agreed upon prices if the eligible customer-generator or eligible agricultural customer-generator does not exercise its option to sell its renewable energy certificates to its supplier at Commission-approved prices at the time that the eligible customer-generator or eligible agricultural customer-generator enters into a power purchase agreement with its supplier. All costs incurred by the supplier to purchase excess electricity and renewable energy certificates from eligible customer-generators or eligible agricultural customer-generators shall be recoverable through its Renewable Energy Portfolio Standard (RPS) rate adjustment clause, if the supplier has a Commission-approved RPS plan. If not, then all costs shall be recoverable through the supplier's fuel adjustment clause. For purposes of this section, "all costs" shall be defined as the rates paid to the eligible customer-generator or eligible agricultural customer-generator for the purchase of excess electricity and renewable energy certificates and any administrative costs incurred to manage the eligible customer-generator's or eligible agricultural customer-generator's power purchase arrangements. The net metering standard contract or tariff shall be available to eligible customer-generators or eligible agricultural customer-generators on a first-come, first-served basis in each electric distribution company's Virginia service area until the rated generating capacity owned and operated by eligible customer-generators, eligible agricultural customer-generators, and small agricultural generators in the Commonwealth

reaches one six percent, in the aggregate, five percent of which is available to all customers and one percent of which is available only to low-income utility customers of each electric distribution company's adjusted Virginia peak-load forecast for the previous year (the systemwide cap), and shall require the supplier to pay the eligible customer-generator or eligible agricultural customer-generator for such excess electricity in a timely manner at a rate to be established by the Commission.

On and after the earlier of (i) 2024 for a Phase I Utility or 2025 for a Phase II Utility or (ii) when the aggregate rated generating capacity owned and operated by eligible customer-generators, eligible agricultural customer-generators, and small agricultural generators in the Commonwealth reaches three percent of a Phase I or Phase II Utility's adjusted Virginia peak-load forecast for the previous year, the Commission shall conduct a net energy metering proceeding.

In any net energy metering proceeding, the Commission shall, after notice and opportunity for hearing, evaluate and establish (a) an amount customers shall pay on their utility bills each month for the costs of using the utility's infrastructure; (b) an amount the utility shall pay to appropriately compensate the customer, as determined by the Commission, for the total benefits such facilities provide; (c) the direct and indirect economic impact of net metering to the Commonwealth; and (d) any other information the Commission deems relevant. The Commission shall establish an appropriate rate structure related thereto, which shall govern compensation related to all eligible customer-generators, eligible agricultural customer-generators, and small agricultural generators, except low-income utility customers, that interconnect after the effective date established in the Commission's final order. Nothing in the Commission's final order shall affect any eligible customer-generators, eligible agricultural customer-generators, and small agricultural generators who interconnect before the effective date of such final order. As part of the net energy metering proceeding, the Commission shall evaluate the six percent aggregate net metering cap and may, if appropriate, raise or remove such cap. The Commission shall enter its final order in such a proceeding no later than 12 months after it commences such proceeding, and such final order shall establish a date by which the new terms and conditions shall apply for interconnection and shall also provide that, if the terms and conditions of compensation in the final order differ from the terms and conditions available to customers before the proceeding, low-income utility customers may interconnect under whichever terms are most favorable to them.

F. Any residential eligible customer-generator or eligible agricultural customer-generator, in the service territory of a Phase II Utility who owns and operates, or contracts with other persons to own, operate, or both, an electrical generating facility with a capacity that exceeds 10 15 kilowatts shall pay to its supplier, in addition to any other charges authorized by law, a monthly standby charge. The amount of the standby charge and the terms and conditions under which it is assessed shall be in accordance with a methodology developed by the supplier and approved by the Commission. The Commission shall approve a supplier's proposed standby charge methodology if it finds that the standby charges collected from all such eligible customer-generators and eligible agricultural customer-generators allow the supplier to recover only the portion of the supplier's infrastructure costs that are properly associated with serving such eligible customer-generators or eligible agricultural customer-generators. Such an eligible customer-generator or eligible agricultural customer-generator shall not be liable for a standby charge until the date specified in an order of the Commission approving its supplier's methodology. For customers of all other investor-owned utilities, on and after July 1, 2020, standby charges are prohibited for any residential eligible customer-generator or agricultural customer-generator.

G. On and after the later of July 1, 2019, or the effective date of regulations that the Commission is required to adopt pursuant to § 56-594.01, (i) net energy metering in the service territory of each electric cooperative shall be conducted as provided in a program implemented pursuant to § 56-594.01 and (ii) the provisions of this section shall not apply to net energy metering in the service territory of an electric cooperative except as provided in § 56-594.01.

H. The Commission may adopt such rules or establish such guidelines as may be necessary for its general administration of this section.

1. When the Commission conducts a net energy metering proceeding, it shall:

1. Investigate and determine the costs and benefits of the current net energy metering program;
2. Establish an appropriate netting measurement interval for a successor tariff that is just and reasonable in light of the costs and benefits of the net metering program in aggregate, and applicable to new requests for net energy metering service; and

3. Determine a specific avoided cost for customer-generators, the different type of customer-generator technologies where the Commission deems it appropriate, and establish the methodology for determining the compensation rate for any net excess generation determined according to the applicable net measurement interval for any new tariff.

J. In evaluating the costs and benefits of the net energy metering program, the Commission shall consider:

1. The aggregate impact of customer-generators on the electric utility's long-run marginal costs of generation, distribution, and transmission;

2. The cost of service implications of customer-generators on other customers within the same class, including an evaluation of whether customer-generators provide an adequate rate of return to the electrical utility compared to the otherwise applicable rate class when, for analytical purposes only, examined as a separate class within a cost of service study;

3. The direct and indirect economic impact of the net energy metering program to the Commonwealth; and

4. Any other information it deems relevant, including environmental and resilience benefits of customer-generator facilities.

K. Notwithstanding the provisions of this section, § 56-585.1:8, or any other provision of law to the contrary, any locality that is a nonjurisdictional customer of a Phase II Utility, as defined in § 56-585.1:3, and is in Planning District

Eight with a population greater than 1 million may (i) install solar-powered or wind-powered electric generation facilities with a rated capacity not exceeding five megawatts, whether the facilities are owned by the locality or owned and operated by a third party pursuant to a contract with the locality, on any locality-owned site within the locality and (ii) credit the electricity generated at any such facility as directed by the governing body of the locality to any one or more of the metered accounts of buildings or other facilities of the locality or the locality's public school division that are located within the locality, without regard to whether the buildings and facilities are located at the same site where the electric generation facility is located or at a site contiguous thereto. The amount of the credit for such electricity to the metered accounts of the locality or its public school division shall be identical, with respect to the rate structure, all retail rate components, and monthly charges, to the amount the locality or public school division would otherwise be charged for such amount of electricity under its contract with the public utility, without the assessment by the public utility of any distribution charges, service charges, or fees in connection with or arising out of such crediting.

§ 67-102. Commonwealth Energy Policy.

A. To achieve the objectives enumerated in § 67-101, it shall be the policy of the Commonwealth to:

1. Support research and development of, and promote the use of, renewable energy sources;
2. Ensure that the combination of energy supplies and energy-saving systems are sufficient to support the demands of economic growth;
3. Promote research and development of clean coal technologies, including but not limited to integrated gasification combined cycle systems;
4. Promote cost-effective conservation of energy and fuel supplies;
5. Ensure the availability of affordable natural gas throughout the Commonwealth by expanding Virginia's natural gas distribution and transmission pipeline infrastructure; developing coalbed methane gas resources and methane hydrate resources; encouraging the productive use of landfill gas; and siting one or more liquefied natural gas terminals;
6. Promote the generation of electricity through technologies that do not contribute to greenhouse gases and global warming;
7. Facilitate the development of new, and the expansion of existing, petroleum refining facilities within the Commonwealth;
8. Promote the use of motor vehicles that utilize alternate fuels and are highly energy efficient;
9. Support efforts to reduce the demand for imported petroleum by developing alternative technologies, including but not limited to the production of synthetic and hydrogen-based fuels, and the infrastructure required for the widespread implementation of such technologies;
10. Promote the sustainable production and use of biofuels produced from silvicultural and agricultural crops grown in the Commonwealth, and support the delivery infrastructure needed for statewide distribution to consumers;
11. Ensure that development of new, or expansion of existing, energy resources or facilities does not have a disproportionate adverse impact on economically disadvantaged or minority communities; ~~and~~
12. Ensure that energy generation and delivery systems that may be approved for development in the Commonwealth, including liquefied natural gas and related delivery and storage systems, should be located so as to minimize impacts to pristine natural areas and other significant onshore natural resources, and as near to compatible development as possible; *and*
13. *Support the distributed generation of renewable electricity by:*
 - a. *Encouraging private sector investments in distributed renewable energy;*
 - b. *Increasing the security of the electricity grid by supporting distributed renewable energy projects with the potential to supply electric energy to critical facilities during a widespread power outage; and*
 - c. *Augmenting the exercise of private property rights by landowners desiring to generate their own energy from renewable energy sources on their lands.*

B. The elements of the policy set forth in subsection A shall be referred to collectively in this title as the Commonwealth Energy Policy.

C. All agencies and political subdivisions of the Commonwealth, in taking discretionary action with regard to energy issues, shall recognize the elements of the Commonwealth Energy Policy and where appropriate, shall act in a manner consistent therewith.

D. The Commonwealth Energy Policy is intended to provide guidance to the agencies and political subdivisions of the Commonwealth in taking discretionary action with regard to energy issues, and shall not be construed to amend, repeal, or override any contrary provision of applicable law. The failure or refusal of any person to recognize the elements of the Commonwealth Energy Policy, to act in a manner consistent with the Commonwealth Energy Policy, or to take any other action whatsoever, shall not create any right, action, or cause of action or provide standing for any person to challenge the action of the Commonwealth or any of its agencies or political subdivisions.

2. That § 1 of the first enactment of Chapters 358 and 382 of the Acts of Assembly of 2013, as amended by Chapter 803 of the Acts of Assembly of 2017, is amended and reenacted as follows:

§ 1. That the State Corporation Commission (Commission) shall conduct pilot programs under which a person that owns or operates a solar-powered or wind-powered electricity generation facility located on premises owned or leased by an eligible customer-generator, as defined in § 56-594 of the Code of Virginia, shall be permitted to sell the electricity generated from such facility exclusively to such eligible customer-generator under a power purchase agreement used to

provide third party financing of the costs of such a renewable generation facility (third party power purchase agreement), subject to the following terms, conditions, and restrictions:

a. ~~A Notwithstanding subsection G of § 56-580 of the Code of Virginia or any other provision of law, a pilot program shall be conducted within the certificated service territory of each investor-owned electric utility other than a utility described in subsection G of § 56-580 of the Code of Virginia ("Pilot Utility"); provided that within the certificated service territory of an investor-owned utility that was not bound by a rate case settlement adopted by the Commission that extended in its application beyond January 1, 2002, nonprofit, private institutions of higher education as defined in § 23.1-100 of the Code of Virginia that are not being served by generation provided under subdivision A 5 of § 56-577 of the Code of Virginia shall be deemed to be customer-generators eligible to participate in the pilot program;~~

b. ~~The aggregated capacity of all generation facilities that are subject to such third party power purchase agreements at any time during the pilot program shall not exceed 50 500 megawatts for Virginia jurisdictional customers and 500 megawatts for Virginia nonjurisdictional customers for an investor-owned utility that was bound by a rate case settlement adopted by the Commission that extended in its application beyond January 1, 2002, or seven 40 megawatts for an investor-owned utility that was not bound by a rate case settlement adopted by the Commission that extended in its application beyond January 1, 2002. Such limitation on the aggregated capacity of such facilities shall constitute a portion of the existing limit of one six percent of each Pilot Utility's adjusted Virginia peak-load forecast for the previous year that is available to eligible customer-generators pursuant to subsection E of § 56-594 of the Code of Virginia. Notwithstanding any provision of this act that incorporates provisions of § 56-594, the seller and the customer shall elect either to (i) enter into their third party power purchase agreement subject to the conditions and provisions of the Pilot Utility's net energy metering program under § 56-594 or (ii) provide that electricity generated from the generation facilities subject to the third party power purchase agreement will not be net metered under § 56-594, provided that an election not to net meter under § 56-594 shall not exempt the third party power purchase agreement and the parties thereto from the requirements of this act that incorporate provisions of § 56-594;~~

c. ~~A solar-powered or wind-powered generation facility with a capacity of no less than 50 kilowatts and no more than one megawatt three megawatts shall be eligible for a third party power purchase agreement under the a pilot program; however, if the customer under such agreement is an entity with tax-exempt status in accordance with § 501(c) of the Internal Revenue Code of 1954, as amended, then such facility is eligible for the pilot program even if it does not meet the 50 kilowatts minimum size requirement. The maximum generation capacity of one megawatt three megawatts shall not affect the limits on the capacity of electrical generating capacities of 20 25 kilowatts for residential customers and 500 kilowatts three megawatts for nonresidential customers set forth in subsection B of § 56-594 of the Code of Virginia, which limitations shall continue to apply to net energy metering generation facilities regardless of whether they are the subject of a third party power purchase agreement under the pilot program;~~

d. ~~A generation facility that is the subject of a third party power purchase agreement under the pilot program shall serve only one customer, and a third party power purchase agreement shall not serve multiple customers;~~

e. ~~The customer under a third party power purchase agreement under the pilot program shall be subject to the interconnection and other requirements imposed on eligible customer-generators pursuant to subsection C of § 56-594 of the Code of Virginia, including the requirement that the customer bear the reasonable costs, as determined by the Commission, of the items described in clauses (i), (ii), and (iii) of such subsection;~~

f. ~~A third party power purchase agreement under the pilot program shall not be valid unless it conforms in all respects to the requirements of the pilot program conducted under the provisions of this act and unless the Commission and the Pilot Utility are provided written notice of the parties' intent to enter into a third party power purchase agreement not less than 30 days prior to the agreement's proposed effective date; and~~

g. ~~An affiliate of the Pilot Utility shall be permitted to offer and enter into third party power purchase arrangements on the same basis as may any other person that satisfies the requirements of being a seller under a third party power purchase agreement under the pilot program.~~

CHAPTER 1240

An Act to amend the Code of Virginia by adding a section numbered 56-585.1:11, relating to electric utilities; development of offshore wind generation facilities.

[H 1664]

Approved April 22, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 56-585.1:11 as follows:

§ 56-585.1:11. Development of offshore wind capacity.

A. As used in this section:

"Advanced clean energy buyer" means a commercial or industrial customer of a Phase II Utility, irrespective of generation supplier, (i) with an aggregate load over 100 megawatts; (ii) with an aggregate amount of at least 200 megawatts of solar or wind energy supply under contract with a term of 10 years or more from facilities located within the Commonwealth by January 1, 2024; and (iii) that directly procures from the utility the electric supply and environmental

attributes of the offshore wind facility associated with the lesser of 50 megawatts of nameplate capacity or 15 percent of the commercial or industrial customer's annual peak demand for a contract period of 15 years.

"Aggregate load" means the combined electrical load associated with selected accounts of an advanced clean energy buyer with the same legal entity name as, or in the names of affiliated entities that control, are controlled by, or are under common control of, such legal entity or are the names of affiliated entities under a common parent.

"Control" means the legal right, directly or indirectly, to direct or cause the direction of the management, actions, or policies of an affiliated entity, whether through the ability to exercise voting power, by contract, or otherwise. "Control" does not include control of an entity through a franchise or similar contractual agreement.

"Qualifying large general service customer" means a customer of a Phase II Utility, irrespective of general supplier, (i) whose peak demand during the most recent calendar year exceeded five megawatts and (ii) that contracts with the utility to directly procure electric supply and environmental attributes associated with the offshore wind facility in amounts commensurate with the customer's electric usage for a contract period of 15 years or more.

B. In order to meet the Commonwealth's clean energy goals, prior to December 31, 2034, the construction or purchase by a public utility of one or more offshore wind generation facilities located off the Commonwealth's Atlantic shoreline or in federal waters and interconnected directly into the Commonwealth, with an aggregate capacity of up to 5,200 megawatts, is in the public interest and the Commission shall so find, provided that no customers of the utility shall be responsible for costs of any such facility in a proportion greater than the utility's share of the facility.

C. 1. Pursuant to subsection B, construction by a Phase II Utility of one or more new utility-owned and utility-operated generating facilities utilizing energy derived from offshore wind and located off the Commonwealth's Atlantic shoreline, with an aggregate rated capacity of not less than 2,500 megawatts and not more than 3,000 megawatts, along with electrical transmission or distribution facilities associated therewith for interconnection is in the public interest. In acting upon any request for cost recovery by a Phase II Utility for costs associated with such a facility, the Commission shall determine the reasonableness and prudence of any such costs, provided that such costs shall be presumed to be reasonably and prudently incurred if the Commission determines that (i) the utility has complied with the competitive solicitation and procurement requirements pursuant to subsection E; (ii) the project's projected total levelized cost of energy, including any tax credit, on a cost per megawatt hour basis, inclusive of the costs of transmission and distribution facilities associated with the facility's interconnection, does not exceed 1.4 times the comparable cost, on an unweighted average basis, of a conventional simple cycle combustion turbine generating facility as estimated by the U.S. Energy Information Administration in its Annual Energy Outlook 2019; and (iii) the utility has commenced construction of such facilities for U.S. income taxation purposes prior to January 1, 2024, or has a plan for such facility or facilities to be in service prior to January 1, 2028. The Commission shall disallow costs, or any portion thereof, only if they are otherwise unreasonably and imprudently incurred. In its review, the Commission shall give due consideration to (a) the Commonwealth's renewable portfolio standards and carbon reduction requirements, (b) the promotion of new renewable generation resources, and (c) the economic development benefits of the project for the Commonwealth, including capital investments and job creation.

2. Notwithstanding the provisions of § 56-585.1, the Commission shall not grant an enhanced rate of return to a Phase II Utility for the construction of one or more new utility-owned and utility-operated generating facilities utilizing energy derived from offshore wind and located off the Commonwealth's Atlantic shoreline pursuant to this section.

3. Any such costs proposed for recovery through a rate adjustment clause pursuant to subdivision A 6 of § 56-585.1 shall be allocated to all customers of the utility in the Commonwealth as a non-bypassable charge, regardless of the generation supplier of any such customer, other than (i) PIPP eligible utility customers, (ii) advanced clean energy buyers, and (iii) qualifying large general service customers. No electric cooperative customer of the utility shall be assigned, nor shall the utility collect from any such cooperative, any of the costs of such facilities, including electrical transmission or distribution facilities associated therewith for interconnection. The Commission may promulgate such rules, regulations, or other directives necessary to administer the eligibility for these exemptions.

4. The Commission shall permit a portion of the nameplate capacity of any such facility, in the aggregate, to be allocated to (i) advanced clean energy buyers or (ii) qualifying large general service customers, provided that no more than 10 percent of the offshore wind facility's capacity is allocated to qualifying large general service customers. A Phase II Utility shall petition the Commission for approval of a special contract with any advanced clean energy buyer, or any special rate applicable to qualifying large general service customers, pursuant to § 56-235.2, no later than 15 months prior to the projected commercial operation date of the facility, and all customer enrollments associated with such special contracts or rates shall be completed prior to commercial operation of the facility. Any such special contract or rate may include provisions for levelized rates of service over the duration of the customer's contracted agreement with the utility, and the Commission shall determine that such special contract or rate is designed to hold nonparticipating customers harmless over its term in connection with any petition for approval by the utility. The utility may petition for approval of such special contracts or rates in connection with any petition for approval of a rate adjustment clause pursuant to subdivision A 6 of § 56-585.1 to recover the costs of the facility, and the Commission shall rule upon any such petitions in its final order in such proceeding within nine months from the date of filing.

D. In constructing any such facility contemplated in subsection B, the utility shall develop and submit a plan to the Commission for review that includes the following considerations: (i) options for utilizing local workers; (ii) the economic development benefits of the project for the Commonwealth, including capital investments and job creation; (iii) consultation with the Commonwealth's Chief Workforce Development Officer, the Chief Diversity, Equity, and Inclusion Officer, and the

Virginia Economic Development Partnership, on opportunities to advance the Commonwealth's workforce and economic development goals, including furtherance of apprenticeship and other workforce training programs; and (iv) giving priority to the hiring, apprenticeship, and training of veterans, as that term is defined in § 2.2-2000.1, local workers, and workers from historically economically disadvantaged communities.

E. Any project constructed or purchased pursuant to subsection B shall (i) be subject to competitive procurement or solicitation for a substantial majority of the services and equipment, exclusive of interconnection costs, associated with the facility's construction; (ii) involve at least one experienced developer; and (iii) demonstrate the economic development benefits within the Commonwealth, including capital investments and job creation. A utility may give appropriate consideration to suppliers and developers that have demonstrated successful experience in offshore wind.

F. Any project shall include an environmental and fisheries mitigation plan submitted to the Commission for the construction and operation of such offshore wind facilities, provided that such plan includes an explicit description of the best management practices the bidder will employ that considers the latest science at the time the proposal is made to mitigate adverse impacts to wildlife, natural resources, ecosystems, and traditional or existing water-dependent uses. The plan shall include a summary of pre-construction assessment activities, consistent with federal requirements, to determine the spatial and temporal presence and abundance of marine mammals, sea turtles, birds, and bats, in the offshore wind lease area.

2. That the utility constructing a facility pursuant to § 56-585.1:11 of the Code of Virginia, as created by this act, shall provide the State Corporation Commission (the Commission) with reports on the facility's construction progress, including performance to construction timeline and budget, on no less than a quarterly basis throughout the construction period. The Commission shall retain ongoing authority to review the reasonableness and prudence of any increases in the total projected cost of the facility during its construction period.

CHAPTER 1241

An Act to amend and reenact §§ 33.2-2605, 58.1-811, as it is currently effective, 58.1-816, and 58.1-1743 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 33.2-2600.1 and 58.1-802.4, relating to transit funding in the Hampton Roads region.

[H 1726]

Approved April 22, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 33.2-2605, 58.1-811, as it is currently effective, 58.1-816, and 58.1-1743 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 33.2-2600.1 and 58.1-802.4 as follows:

§ 33.2-2600.1. Hampton Roads Regional Transit Program and Fund.

A. The General Assembly declares it to be in the public interest that developing and continuing operations of reliable regional public transportation is important for a balanced and effective multimodal transportation system in the Hampton Roads region and is essential to the region's economic growth, vitality, and competitiveness. The General Assembly further declares that a special transportation program, to be known as the Hampton Roads Regional Transit Program (the Program), should provide for the costs of developing, maintaining, and improving a core regional network of transit routes and related infrastructure, rolling stock, and support facilities that have the greatest positive impacts on economic development potential, employment opportunities, mobility, environmental sustainability, and quality of life. The goal of the Program is to provide a modern, safe, and efficient core network of transit services across the Hampton Roads region. The Program shall be incorporated into strategic plans developed pursuant to § 33.2-286 and adopted by the governing board of each transit entity and shall form the basis for the regional transit planning process coordinated by the federally designated Metropolitan Planning Organization.

B. There is hereby created in the state treasury a special nonreverting fund for Planning District 23 to be known as the Hampton Roads Regional Transit Fund, referred to in this chapter as "the Regional Transit Fund." The Regional Transit Fund shall be established on the books of the Comptroller. All revenues dedicated to the Regional Transit Fund pursuant to §§ 58.1-802.4, 58.1-816, and 58.1-1743 shall be paid into the state treasury and credited to the Regional Transit Fund. Interest earned on moneys in the Regional Transit Fund shall remain in the Regional Transit Fund and be credited to it. Any moneys remaining in the Regional Transit Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Regional Transit Fund.

C. The Regional Transit Fund shall be managed by the Commission, and disbursements from the Regional Transit Fund shall be approved by the Commission consistent with the regional transit planning process developed pursuant to subsection D of § 33.2-286. The moneys deposited in the Regional Transit Fund shall be used solely for (i) the development, maintenance, improvement, and operation of a core and connected regional network of transit routes and related infrastructure, rolling stock, and support facilities, to include the operation of a regional system of interjurisdictional, high-frequency bus service, in a transportation district in Hampton Roads created pursuant to § 33.2-1903 as included in the strategic plans and regional transit planning process developed pursuant to § 33.2-286 and (ii) administrative and operating expenses of the Commission as specified in subsection B of § 33.2-2605. In the allocation of funds, priority shall

be given, when possible, to investments in the most sustainable and cost-effective operations, rolling stock, and facilities to reduce or eliminate reliance upon diesel fuels. Funds from the Regional Transit Fund shall not be used to support the expansion of light rail beyond the boundaries of a locality where light rail is operated on January 1, 2020. The amounts dedicated to the Regional Transit Fund shall be deposited monthly by the Comptroller into the Regional Transit Fund and thereafter distributed to the Commission as soon as practicable for use in accordance with this chapter. If the Commission determines that such moneys distributed to it exceed the amount required to meet the current needs and demands to fund transit projects pursuant to this chapter, the Commission may invest such excess moneys to the same extent and in the same manner as provided in subsection A of § 33.2-1525 for excess funds in the Transportation Trust Fund.

D. The amounts deposited into the Regional Transit Fund and the distribution and expenditure of such amounts shall not (i) be used to calculate or reduce the share of federal, state, or local revenues otherwise available to participating localities; (ii) allow a local government that is a member of the transportation district to reduce its local funding for public transportation purposes to an amount less than what was appropriated on July 1, 2019, for such purposes; or (iii) diminish or supplant allocations and appropriations from other sources or diminish allocations to which a transportation district, transit system, or locality would be entitled under any other provisions of law but shall supplement such funds to accelerate and augment transportation improvements in the Hampton Roads region. Further, such revenues and moneys shall not be included in any computation of, or formula for, a locality's ability to pay for public education, upon which appropriations of state revenues to local governments for public education are determined. Any amounts paid from the Regional Transit Fund shall be considered local funds when used to make a required match for state or federal transportation grant funds.

§ 33.2-2605. Annual budget and allocation of expenses.

A. The Commission shall adopt an annual budget and develop a funding plan and shall provide for such adoption in its bylaws. The funding plan shall provide for the expenditure of funds over a four- to six-year period and shall align with the Statewide Transportation Plan established pursuant to § 33.2-353 as much as possible. The Commission shall solicit public comment on its budget and funding plan by posting a summary of such budget and funding plan on its website and holding a public hearing. Such public hearing shall be advertised on the Commission's website and in a newspaper of general circulation in Planning District 23.

B. The administrative and operating expenses of the Commission shall be provided in an annual budget adopted by the Commission and to. To the extent that funds for such expenses are not provided from other sources, the expenses shall be paid from the Fund and the Regional Transit Fund on an approximately pro rata basis of the programs supported by the Fund and the Regional Transit Fund. Such budget shall be limited solely to the administrative and operating expenses of the Commission and shall not include any funds for construction or acquisition of transportation facilities or the performance of any transportation service.

C. Members may be reimbursed for all reasonable and necessary expenses provided in §§ 2.2-2813 and 2.2-2825, if approved by the Commission. Funding for the costs of compensation and expenses of the members shall be provided by the Commission.

§ 58.1-802.4. Regional transportation improvement fee.

In addition to any other tax or fee imposed under the provisions of this chapter, a fee, delineated as the "regional transportation improvement fee," is hereby imposed on each deed, instrument, or writing by which lands, tenements, or other realty located in a county or city located in a transportation district in Hampton Roads created pursuant to § 33.2-1903 is sold and is granted, assigned, transferred, or otherwise conveyed to or vested in the purchaser or any other person, by such purchaser's direction. The rate of the fee, when the consideration or value of the interest, whichever is greater, equals or exceeds \$100, shall be \$0.06 for each \$100 or fraction thereof, exclusive of the value of any lien or encumbrance remaining thereon at the time of the sale, whether such lien is assumed or the realty is sold subject to such lien or encumbrance.

The fee imposed by this section shall be paid by the grantor, or any person who signs on behalf of the grantor, of any deed, instrument, or writing subject to the fee imposed by this section; however, the grantor and grantee may arrange for the grantee to pay all or a portion of the fee.

No such deed, instrument, or other writing shall be admitted to record unless certification of the clerk wherein first recorded has been affixed thereto that the fee imposed pursuant to this section has been paid.

Fees imposed by this section shall be collected by the clerk of the court and deposited into the state treasury as soon as practicable. Such fees shall then be deposited into the Regional Transit Fund established in § 33.2-2600.1.

§ 58.1-811. (Contingent expiration date) Exemptions.

A. The taxes imposed by §§ 58.1-801 and 58.1-807 shall not apply to any deed conveying real estate or lease of real estate:

1. To an incorporated college or other incorporated institution of learning not conducted for profit, where such real estate is intended to be used for educational purposes and not as a source of revenue or profit;
2. To an incorporated church or religious body or to the trustee or trustees of any church or religious body, or a corporation mentioned in § 57-16.1, where such real estate is intended to be used exclusively for religious purposes, or for the residence of the minister of any such church or religious body;
3. To the United States, the Commonwealth, or to any county, city, town, district, or other political subdivision of the Commonwealth;
4. To the Virginia Division of the United Daughters of the Confederacy;

5. To any nonstock corporation organized exclusively for the purpose of owning or operating a hospital or hospitals not for pecuniary profit;

6. To a corporation upon its organization by persons in control of the corporation in a transaction which qualifies for nonrecognition of gain or loss pursuant to § 351 of the Internal Revenue Code as it exists at the time of the conveyance;

7. From a corporation to its stockholders upon complete or partial liquidation of the corporation in a transaction which qualifies for income tax treatment pursuant to § 331, 332, 333, or 337 of the Internal Revenue Code as it exists at the time of liquidation;

8. To the surviving or new corporation, partnership, limited partnership, business trust, or limited liability company upon a merger or consolidation to which two or more such entities are parties, or in a reorganization within the meaning of § 368(a)(1)(C) and (F) of the Internal Revenue Code as amended;

9. To a subsidiary corporation from its parent corporation, or from a subsidiary corporation to a parent corporation, if the transaction qualifies for nonrecognition of gain or loss under the Internal Revenue Code as amended;

10. To a partnership or limited liability company, when the grantors are entitled to receive not less than 50 percent of the profits and surplus of such partnership or limited liability company, provided that the transfer to a limited liability company is not a precursor to a transfer of control of the assets of the company to avoid recordation taxes;

11. From a partnership or limited liability company, when the grantees are entitled to receive not less than 50 percent of the profits and surplus of such partnership or limited liability company, provided that the transfer from a limited liability company is not subsequent to a transfer of control of the assets of the company to avoid recordation taxes;

12. To trustees of a revocable inter vivos trust, when the grantors in the deed and the beneficiaries of the trust are the same persons, regardless of whether other beneficiaries may also be named in the trust instrument, when no consideration has passed between the grantor and the beneficiaries;

13. When the grantor is an organization exempt from taxation under § 501(c)(3) of the Internal Revenue Code that is organized and operated primarily to acquire land and purchase materials to erect or rehabilitate low-cost homes on such land, which homes are sold at cost to persons who otherwise would be unable to afford to buy a home through conventional means;

14. When it is a deed of partition, or any combination of deeds simultaneously executed and having the effect of a deed of partition, among joint tenants, tenants in common, or coparceners; or

15. When it is a deed transferring property pursuant to a decree of divorce or of separate maintenance or pursuant to a written instrument incident to such divorce or separation.

B. The taxes imposed by §§ 58.1-803 and 58.1-804 shall not apply to any deed of trust or mortgage:

1. Given by an incorporated college or other incorporated institution of learning not conducted for profit;

2. Given by the trustee or trustees of a church or religious body or given by an incorporated church or religious body, or given by a corporation mentioned in § 57-16.1;

3. Given by any nonstock corporation organized exclusively for the purpose of owning and/or operating a hospital or hospitals not for pecuniary profit;

4. Given by any local governmental entity or political subdivision of the Commonwealth to secure a debt payable to any other local governmental entity or political subdivision;

5. Securing a loan made by an organization described in subdivision A 13;

6. Securing a loan made by a county, city, or town, or an agency of such a locality, to a borrower whose household income does not exceed 80 percent of the area median household income established by the U.S. Department of Housing and Urban Development, for the purpose of erecting or rehabilitating a home for such borrower, including the purchase of land for such home; or

7. Given by any entity organized pursuant to Chapter 9.1 (§ 56-231.15 et seq.) of Title 56.

C. The tax imposed by § 58.1-802 and the fee imposed by §§ 58.1-802.3 and 58.1-802.4 shall not apply to any:

1. Transaction described in subdivisions A 6 through 12, 14, and 15;

2. Instrument or writing given to secure a debt;

3. Deed conveying real estate from an incorporated college or other incorporated institution of learning not conducted for profit;

4. Deed conveying real estate from the United States, the Commonwealth or any county, city, town, district, or other political subdivision thereof;

5. Conveyance of real estate to the Commonwealth or any county, city, town, district, or other political subdivision thereof, if such political unit is required by law to reimburse the parties taxable pursuant to § 58.1-802 or subject to the fee under § 58.1-802.3 or 58.1-802.4; or

6. Deed conveying real estate from the trustee or trustees of a church or religious body or from an incorporated church or religious body, or from a corporation mentioned in § 57-16.1.

D. No recordation tax shall be required for the recordation of any deed of gift between a grantor or grantors and a grantee or grantees when no consideration has passed between the parties. Such deed shall state therein that it is a deed of gift.

E. The tax imposed by § 58.1-807 shall not apply to any lease to the United States, the Commonwealth, or any county, city, town, district, or other political subdivision of the Commonwealth.

F. The taxes and fees imposed by §§ 58.1-801, 58.1-802, 58.1-802.3, 58.1-802.4, 58.1-807, 58.1-808, and 58.1-814 shall not apply to (i) any deed of gift conveying real estate or any interest therein to The Nature Conservancy or (ii) any

lease of real property or any interest therein to The Nature Conservancy, where such deed of gift or lease of real estate is intended to be used exclusively for the purpose of preserving wilderness, natural, or open space areas.

G. The words "trustee" or "trustees," as used in subdivisions A 2, B 2, and C 6, include the trustees mentioned in § 57-8 and the ecclesiastical officers mentioned in § 57-16.

H. No recordation tax levied pursuant to this chapter shall be levied on the release of a contractual right, if the release is contained within a single deed that performs more than one function, and at least one of the other functions performed by the deed is subject to the recordation tax.

I. No recordation tax levied pursuant to this chapter shall be levied on a deed, lease, easement, release, or other document recorded in connection with a concession pursuant to the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.) or similar federal law.

J. No recordation tax shall be required for the recordation of any transfer on death deed or any revocation of transfer on death deed made pursuant to the Uniform Real Property Transfer on Death Act (§ 64.2-621 et seq.) when no consideration has passed between the parties.

K. No recordation tax levied pursuant to this chapter shall be required for the recordation of any deed of distribution when no consideration has passed between the parties. Such deed shall state therein on the front page that it is a deed of distribution. As used in this subsection, "deed of distribution" means a deed conveying property from an estate or trust (i) to the original beneficiaries of a trust from the trustees holding title under a deed in trust; (ii) the purpose of which is to comply with a devise or bequest in the decedent's will or to transfer title to one or more beneficiaries after the death of the settlor in accordance with a dispositive provision in the trust instrument; (iii) that carries out the exercise of a power of appointment; or (iv) is pursuant to the exercise of the power under the Uniform Trust Decanting Act (§ 64.2-779.1 et seq.).

§ 58.1-816. Distribution of recordation tax to cities and counties.

A. Effective October 1, 1993, twenty million dollars of the taxes imposed under §§ 58.1-801 through 58.1-809 which are actually paid into the state treasury, shall be distributed among the counties and cities of this Commonwealth in the manner provided in subsection B of this section. Effective July 1, 1994, such annual distribution shall increase to forty million dollars.

B. Subject to any transfers required under §§ 33.2-2400 and 58.1-816.1, ~~the share of the (i) \$20 million of the state taxes distributable under this section among the counties and cities shall be deposited annually into the fund established pursuant to § 33.2-2600.1, and (ii) the remaining amount of state taxes distributable under this section shall be apportioned and distributed quarterly to each county or city, except for those counties or cities located in a transportation district in Hampton Roads created pursuant to § 33.2-1903,~~ by the Comptroller by multiplying the amount to be distributed by a fraction in which the numerator is the amount of the taxes imposed under §§ 58.1-801 through 58.1-809 and actually paid into the state treasury which are attributable to deeds and other instruments recorded in the county or city and the denominator is the amount of taxes imposed under §§ 58.1-801 through 58.1-809 actually paid into the state treasury. All distributions pursuant to ~~this section clause (ii)~~ shall be made on a quarterly basis within ~~thirty~~ 30 days of the end of the quarter. Such quarterly distribution shall equal ~~ten million dollars one quarter of the annual distribution amount set forth in subsection A available after the distribution required by clause (i).~~ Each clerk of the court shall certify to the Comptroller, within ~~fifteen~~ 15 days after the end of the quarter, all amounts collected under §§ 58.1-801 through 58.1-809 and actually paid into the state treasury which are attributable to deeds and other instruments recorded in such county or city.

C. ~~All moneys distributed pursuant to clause (i) of subsection B shall be used in accordance with § 33.2-2600.1. All moneys distributed to counties and cities pursuant to this section clause (ii) of subsection B shall be used for (i) transportation purposes, including, without limitation, construction, administration, operation, improvement, maintenance, and financing of transportation facilities, or (ii) public education.~~

As used in this section, the term "transportation facilities" shall include all transportation-related facilities, including, but not limited to, all highway systems, public transportation or mass transit systems as defined in § 33.2-100, airports as defined in § 5.1-1, and port facilities as defined in § 62.1-140. Such term shall be liberally construed for purposes of this section.

D. If any revenues distributed to a county or city under ~~subsection C of this section clause (ii) of subsection B~~ are applied or expended for any transportation facilities under the control and jurisdiction of any state agency, board, commission, or authority, such transportation facilities shall be constructed, operated, administered, improved, and maintained in accordance with laws, rules, regulations, policies, and procedures governing such state agency, board, commission, or authority; however, in the event ~~that~~ these revenues, or a portion thereof, are expended for improving or constructing highways in a county ~~which that~~ is subject to the provisions of § 33.2-338, such expenditures shall be undertaken in the manner prescribed in that statute.

E. In the case of any distribution to a county or city in which an office sharing agreement pursuant to §§ 15.2-1637 and 15.2-3822 is in effect, the Comptroller shall divide the distribution among the office sharing counties and cities. Each clerk of the court acting pursuant to an office sharing agreement shall certify to the Comptroller, within ~~fifteen~~ 15 days after the end of the quarter, all amounts collected under §§ 58.1-801 through 58.1-809 and actually paid into the state treasury which are attributable to deeds and other instruments recorded on behalf of each county and city.

§ 58.1-1743. Transportation district transient occupancy tax.

A. In addition to all other fees and taxes imposed under law, there is hereby imposed an additional transient occupancy tax at the rate of two percent of the amount of the charge for the occupancy of any room or space occupied in any county or

city located in a transportation district established pursuant to Chapter 19 (§ 33.2-1900 et seq.) of Title 33.2 that as of January 1, 2018, meets the criteria established in § 33.2-1936.

B. In addition to all other fees and taxes imposed under law, there is hereby imposed an additional transient occupancy tax at the rate of one percent of the amount of the charge for the occupancy of any room or space occupied in any county or city located in a transportation district in Hampton Roads created pursuant to § 33.2-1903.

C. The tax imposed under this section shall be imposed only for the occupancy of any room or space that is suitable or intended for occupancy by transients for dwelling, lodging, or sleeping purposes.

D. The tax imposed under this section shall be administered by the locality in which the room or space is located in the same manner as it administers the tax authorized by § 58.1-3819 or 58.1-3840, mutatis mutandis, except as herein provided. The revenue generated and collected from the tax shall be deposited by the local treasurer into the state treasury pursuant to § 2.2-806 and transferred by the Comptroller into special funds established by law. In the case of the Northern Virginia Transportation District, the revenue generated and collected therein shall be deposited into the fund established in § 33.2-3401. *In the case of a transportation district in Hampton Roads created pursuant to § 33.2-1903, the revenue generated and collected therein shall be deposited into the fund established in § 33.2-2600.1.* For additional transportation districts that may become subject to this section, funds shall be established by appropriate legislation.

2. That the provisions of this act that generate additional revenues through state taxes or fees for transportation in a transportation district in Hampton Roads created pursuant to § 33.2-1903 of the Code of Virginia shall expire on December 31 of any year in which the General Assembly appropriates any of such additional revenues for any non-transportation-related purpose or transfers any of such additional revenues that are to be deposited into the Hampton Roads Regional Transit Fund, as created by this act, or any subfund thereof, pursuant to general law for a non-transportation-related purpose. In the event a local government of any county or city wherein the additional taxes or fees are levied appropriates or allocates any such additional revenues to a non-transportation purpose, such locality shall not be the direct beneficiary of any of the revenues generated by the taxes or fees in the year immediately succeeding the year in which the revenues were appropriated or allocated to a non-transportation purpose.

3. That the Hampton Roads Transportation Planning Organization shall establish a regional transit advisory panel composed of representatives of major business and industry groups, employers, shopping destinations, institutions of higher education, military installations, hospitals and health care centers, public transit entities, and any other groups identified as necessary to provide ongoing advice to the regional planning process required pursuant to § 33.2-286 of the Code of Virginia on the long-term vision for a multimodal regional public transit network in Hampton Roads.

4. That the provisions of § 33.2-2604 of the Code of Virginia shall not apply to decisions of the Hampton Roads Transportation Accountability Commission (the Commission) regarding the disbursement of funds pursuant to § 33.2-2600.1 of the Code of Virginia, as created by this act. The disbursement of funds pursuant to § 33.2-2600.1 of the Code of Virginia, as created by this act, shall require the affirmative vote of two-thirds of the members of the Commission subject to the taxes imposed pursuant to § 58.1-802.4 of the Code of Virginia, as created by this act, and § 58.1-1743 of the Code of Virginia, as amended by this act, and the Commission shall not establish provisions that require the affirmative vote of any members of the Commission not subject to such taxes for the disbursement of funds pursuant to § 33.2-2600.1 of the Code of Virginia, as created by this act.

5. That the provisions of this act amending § 58.1-1743 of the Code of Virginia shall become effective on May 1, 2021.

CHAPTER 1242

An Act to amend and reenact §§ 40.1-28.9 and 40.1-28.10 of the Code of Virginia, relating to the minimum wage.

[S 7]

Approved April 22, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 40.1-28.9 and 40.1-28.10 of the Code of Virginia are amended and reenacted as follows:

§ 40.1-28.9. Definitions.

A. As used in this article:

"Adjusted state hourly minimum wage" means the amount established by the Commissioner pursuant to subsection H of § 40.1-28.10.

"Employee" includes any individual employed by an employer, except the following. "Employee" includes a home care provider. "Employee" does not include the following:

1. Any person employed as a farm laborer or farm employee;

2. Any person employed in domestic service or in or about a private home or in an eleemosynary institution primarily supported by public funds;

3. 2. Any person engaged in the activities of an educational, charitable, religious, or nonprofit organization where the relationship of employer-employee does not, in fact, exist, or where the services rendered to such organizations are on a voluntary basis;

4. 3. Caddies on golf courses;
5. 4. Traveling salesmen or outside salesmen working on a commission basis; taxicab drivers and operators;
6. 5. Any person under the age of 18 in the employ of his ~~father, mother~~ *parent* or legal guardian;
7. 6. Any person confined in any penal or corrective institution of the *State Commonwealth* or any of its political subdivisions or admitted to a state hospital or training center operated by the Department of Behavioral Health and Developmental Services;
8. 7. Any person employed by a summer camp for boys, girls, or both boys and girls;
9. 8. Any person under the age of 16, regardless of by whom employed;
10. ~~Any person who normally works and is paid based on the amount of work done;~~
11. 9. Any person whose employment is covered by *who is paid pursuant to 29 U.S.C. § 214(c) of the Fair Labor Standards Act of 1938, as amended;*
12. ~~Any person whose earning capacity is impaired by physical deficiency, mental illness, or intellectual disability;~~
13. 10. Students participating in a bona fide educational program;
14. ~~Any person employed by an employer who does not have four or more persons employed at any one time; provided that husbands, wives, sons, daughters and parents of the employer shall not be counted in determining the number of persons employed;~~
15. 11. Any person who is less than 18 years of age and who is currently enrolled on a full-time basis in any secondary school, institution of higher education, or trade school, provided *that* the person is not employed more than 20 hours per week;
16. 12. Any person of any age who is currently enrolled on a full-time basis in any secondary school, institution of higher education, or trade school and is in a work-study program or its equivalent at the institution at which he ~~or she~~ is enrolled as a student;
17. ~~Any person who is less than 18 years of age and who is under the jurisdiction and direction of a juvenile and domestic relations district court; or~~
18. 13. Any person who works as a babysitter for fewer than 10 hours per week;
14. ~~Any person participating as an au pair in the U.S. Department of State's Exchange Visitor Program governed by 22 C.F.R. § 62.31;~~
15. ~~Any individual employed as a temporary foreign worker as governed by 20 C.F.R. Part 655; and~~
16. ~~Any person who is exempt from the federal minimum wage pursuant to 29 U.S.C. § 213(a)(3).~~
- "Employer" includes any individual, partnership, association, corporation, *or* business trust, or any person or ~~groups~~ *group* of persons acting directly or indirectly in the interest of an employer in relation to an employee. "Employer" *includes the Commonwealth, any of its agencies, institutions, or political subdivisions, and any public body.*
- "Federal minimum wage" *means the minimum wage or, if applicable, the federal training wage prescribed by the U.S. Fair Labor Standards Act, 29 U.S.C. § 201 et seq.*
- "Home care provider" *means an individual who provides (i) home health services, including services provided by or under the direct supervision of any health care professional under a medical plan of care in a patient's residence on a visit or hourly basis to patients who have or are at risk of injury, illness, or a disabling condition and require short-term or long-term interventions, or (ii) personal care services, including assistance in personal care to include activities of a daily living provided in an individual's residence on a visit or hourly basis to individuals who have or are at risk of an illness, injury, or disabling condition.*
- "Tipped employee" *means an employee engaged in an occupation in which he customarily and regularly receives more than \$30 per month in tips.*

"Wages" means legal tender of the United States or checks or drafts on banks negotiable into cash on demand or upon acceptance at full value; ~~provided, wages may include.~~ "Wages" *includes the reasonable cost to the employer of furnishing meals and ~~for~~ lodging to an employee, if such board or lodging is customarily furnished by the employer, and used by the employee.*

B. In determining the wage of a tipped employee, the amount paid such employee by his employer shall be deemed to be increased on account of tips by an amount determined by the employer, except in the case of an employee who establishes by clear and convincing evidence that the actual amount of tips received by him was less than the amount determined by the employer. In such case, the amount paid such employee by his employer shall be deemed to have been increased by such lesser amount. *An employer shall not classify an individual as a tipped employee if the individual is prohibited by applicable federal or state law or regulation from soliciting tips.*

§ 40.1-28.10. Minimum wages.

~~Every~~ *A. 1. Prior to May 1, 2021, every employer shall pay to each of his its employees wages at a rate not less than the federal minimum wage and a training wage as prescribed by the U.S. Fair Labor Standards Act (29 U.S.C. § 201 et seq.).*

2. Beginning May 1, 2021, every employer shall pay to each of his employees at a rate not less than the federal minimum wage or 75 percent of the Virginia minimum wage provided for in this section, whichever is greater. For the purposes of this subdivision "employee" means any person or individual who is enrolled in an established employer on-the-job or other training program for a period not to exceed 90 days which meets standards set by regulations adopted by the Commissioner.

B. From May 1, 2021, until January 1, 2022, every employer shall pay to each of its employees wages at a rate not less than the greater of (i) \$9.50 per hour or (ii) the federal minimum wage.

C. From January 1, 2022, until January 1, 2023, every employer shall pay to each of its employees wages at a rate not less than the greater of (i) \$11.00 per hour or (ii) the federal minimum wage.

D. From January 1, 2023, until January 1, 2025, every employer shall pay to each of its employees wages at a rate not less than the greater of (i) \$12.00 per hour or (ii) the federal minimum wage.

E. From January 1, 2025, until January 1, 2026, every employer shall pay to each of its employees wages at a rate not less than the greater of (i) \$13.50 per hour or (ii) the federal minimum wage.

F. From January 1, 2026, until January 1, 2027, every employer shall pay to each of its employees wages at a rate not less than the greater of (i) \$15.00 per hour or (ii) the federal minimum wage.

G. From and after January 1, 2027, every employer shall pay to each of his employees wages at a rate not less than the greater of (i) the adjusted state hourly minimum wage or (ii) the federal minimum wage.

H. By October 1, 2026, and annually thereafter, the Commissioner shall establish the adjusted state hourly minimum wage that shall be in effect during the 12-month period commencing on the following January 1. The Commissioner shall set the adjusted state hourly minimum wage at the sum of (i) the amount of the state hourly minimum wage rate that is in effect on the date such adjustment is made and (ii) a percentage of the amount described in clause (i) that is equal to the percentage by which the United States Average Consumer Price Index for all items, all urban consumers (CPI-U), as published by the Bureau of Labor Statistics of the U.S. Department of Labor, or a successor index as calculated by the U.S. Department of Labor, has increased during the most recent calendar year for which such information is available. The amount of each annual adjustment shall not be less than zero.

2. Beginning January 1, 2022, the Virginia Department of Housing and Community Development, the Virginia Economic Development Partnership Authority, and the Virginia Employment Commission (the agencies) shall conduct a joint review of the feasibility and potential impact of instituting a regional minimum wage in the Commonwealth. In evaluating a regional minimum wage, the agencies shall form a work group to assess various factors, including, but not limited to, the cost of living in the Commonwealth; the potential impact on employers and any fringe benefits offered to employees such as employer-sponsored health insurance; the potential impact on workers, with a focus on income inequality; the potential impact on agricultural workers; the experience of other states with a regional wage; and the equity and fairness of the exemption from the minimum wage for any person employed as a farm laborer or farm employee provided by § 40.1-28.10 of the Code of Virginia. The agencies also shall provide an assessment of options for utilizing a minimum wage in the Commonwealth, the feasibility of a regional minimum wage, and the economic benefits or impacts of utilizing a minimum wage. The agencies shall also assess the effects of the minimum wage increases scheduled in § 40.1-28.10 of the Code of Virginia, as amended by this act. The agencies shall submit to the General Assembly and the Governor an executive summary and a report of their findings and recommendations. The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents no later than December 1, 2023, and shall be posted on the General Assembly's website.

3. That the provisions of subsections E and F of § 40.1-28.10 of the Code of Virginia, as amended by this act, shall not become effective unless reenacted by a regular or special session of the General Assembly prior to July 1, 2024. If the General Assembly does not reenact subsections E and F by July 1, 2024, then (i) the Commissioner of Labor and Industry shall establish the adjusted state hourly minimum wage as provided in subsection H by October 1, 2024, and annually thereafter; and (ii) from and after January 1, 2025, every employer shall pay to each of his employees wages as specified in subsections G.

CHAPTER 1243

An Act to amend and reenact § 40.1-6 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 2.2-4321.3, relating to prevailing wage requirement for public works contracts; penalty.

[S 8]

Approved April 22, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 40.1-6 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 2.2-4321.3 as follows:

§ 2.2-4321.3. Payment of prevailing wage for work performed on public works contracts; penalty.

A. As used in this section:

"Locality" means any county, city, or town, school division, or other political subdivision.

"Prevailing wage rate" means the rate, amount, or level of wages, salaries, benefits, and other remuneration prevailing for the corresponding classes of mechanics, laborers, or workers employed for the same work in the same trade or occupation in the locality in which the public facility or immovable property that is the subject of public works is located, as determined by the Commissioner of Labor and Industry on the basis of applicable prevailing wage rate determinations made by the U.S. Secretary of Labor under the provisions of the Davis-Bacon Act, 40 U.S.C. § 276 et seq., as amended.

"Public works" means the operation, erection, construction, alteration, improvement, maintenance, or repair of any public facility or immovable property owned, used, or leased by a state agency or locality.

"State agency" has the same meaning ascribed to such term in subsection A of § 2.2-4321.2.

B. Notwithstanding any other provision of this chapter, each state agency, when procuring services or letting contracts for public works paid for in whole or in part by state funds, or when overseeing or administering such contracts for public works, shall ensure that its bid specifications or other public contracts applicable to the public works require bidders, offerors, contractors, and subcontractors to pay wages, salaries, benefits, and other remuneration to any mechanic, laborer, or worker employed, retained, or otherwise hired to perform services in connection with the public contract for public works at the prevailing wage rate. Each public contract for public works by a state agency shall contain a provision requiring that the remuneration to any individual performing the work of any mechanic, laborer, or worker on the work contracted to be done under the public contract shall be at a rate equal to the prevailing wage rate.

C. Notwithstanding any other provision of this chapter, any locality may adopt an ordinance requiring that, when letting contracts for public works paid for in whole or in part by funds of the locality, or when overseeing or administering a public contract, its bid specifications, project agreements, or other public contracts applicable to the public works, bidders, offerors, contractors, and subcontractors shall pay wages, salaries, benefits, and other remuneration to any mechanic, laborer, or worker employed, retained, or otherwise hired to perform services in connection with the public contract at the prevailing wage rate. Each public contract of a locality that has adopted an ordinance described in this section shall contain a provision requiring that the remuneration to any individual performing the work of any mechanic, laborer, or worker on the work contracted to be done under the public contract shall be at a rate equal to the prevailing wage rate.

D. Any contractor or subcontractor who employs any mechanic, laborer, or worker to perform work contracted to be done under the public contract for public works for or on behalf of a state agency or for or on behalf of a locality that has adopted an ordinance described in subsection C or at a rate that is less than the prevailing wage rate (i) shall be liable to such individuals for the payment of all wages due, plus interest at an annual rate of eight percent accruing from the date the wages were due; and (ii) shall be disqualified from bidding on public contracts with any public body until the contractor or subcontractor has made full restitution of the amount described in clause (i) owed to such individuals. A contractor or subcontractor who willfully violates this section is guilty of a Class I misdemeanor.

E. Any interested party, which shall include a bidder, offeror, contractor, subcontractor, or operator, shall have standing to challenge any bid specification, project agreement, or other public contract for public works that violates the provisions of this section. Such interested party shall be entitled to injunctive relief to prevent any violation of this section. Any interested party bringing a successful action under this section shall be entitled to recover reasonable attorney fees and costs from the responsible party.

F. A representative of a state agency or a representative of a locality that has adopted an ordinance described in subsection C may contact the Commissioner of Labor and Industry, at least 10 but not more than 20 days prior to the date bids for such a public contract for public works will be advertised or solicited, to ascertain the proper prevailing wage rate for work to be performed under the public contract.

G. Upon the award of any public contract subject to the provisions of this section, the contractor to whom such contract is awarded shall certify, under oath, to the Commissioner of Labor and Industry the pay scale for each craft or trade employed on the project to be used by such contractor and any of the contractor's subcontractors for work to be performed under such public contract. This certification shall, for each craft or trade employed on the project, specify the total hourly amount to be paid to employees, including wages and applicable fringe benefits, provide an itemization of the amount paid in wages and each applicable benefit, and list the names and addresses of any third party fund, plan or program to which benefit payments will be made on behalf of employees.

H. Each employer subject to the provisions of this section shall keep, maintain, and preserve (i) records relating to the wages paid to and hours worked by each individual performing the work of any mechanic, laborer, or worker and (ii) a schedule of the occupation or work classification at which each individual performing the work of any mechanic, laborer, or worker on the public works project is employed during each work day and week. The employer shall preserve these records for a minimum of six years and make such records available to the Department of Labor and Industry within 10 days of a request and shall certify that records reflect the actual hours worked and the amount paid to its workers for whatever time period they request.

I. Contractors and subcontractors performing public works for a state agency or for a locality that has adopted an ordinance described in subsection C shall post the general prevailing wage rate for each craft and classification involved, as determined by the Commissioner of Labor and Industry, including the effective date of any changes thereof, in prominent and easily accessible places at the site of the work or at any such places as are used by the contractor or subcontractors to pay workers their wages. Within 10 days of such posting, a contractor or subcontractor shall certify to the Commissioner of Labor and Industry its compliance with this subsection.

J. The provisions of this section shall not apply to any public contract for public works of \$250,000 or less.

§ 40.1-6. Powers and duties of Commissioner.

The Commissioner shall:

- (1) 1. Have general supervision and control of the Department;:
- (2) 2. Enforce the provisions of this title and shall cause to be prosecuted all violations of law relating to employers or business establishments before any court of competent jurisdiction;:

(3) 3. Make such rules and regulations as may be necessary for the enforcement of this title and procedural rules as are required to comply with the Federal ~~federal~~ Occupational Safety and Health Act of 1970 (P.L. 91-596). All such rules and regulations shall be subject to Chapter 40 (§ 2.2-4000 et seq.) of Title 2.2.;

(4) 4. In the discharge of his duties, have power to take and preserve testimony, examine witnesses, and administer oaths and to file a written or printed list of relevant interrogatories and require full and complete answers to the same to be returned under oath within ~~thirty~~ 30 days of the receipt of such list of questions.;

(5) 5. Have power to appoint such representatives as may be necessary to aid ~~him~~ the Commissioner in his work; ~~their~~, with the duties ~~shall be of such representatives to be~~ prescribed by the Commissioner.;

(6) ~~[Repealed.]~~ 6. Determine the prevailing wage required to be paid under a public contract for public works as provided in § 2.2-4321.3 and perform all other duties imposed on the Commissioner under such section. Any determination of the prevailing wage rate made by the Commissioner shall be based on applicable prevailing wage rate determinations made by the U.S. Secretary of Labor under the provisions of the Davis-Bacon Act, 40 U.S.C. § 276 et seq., as amended.

(7) 7. Have power to require that accident, injury, and occupational illness records and reports be kept at any place of employment and that such records and reports be made available to the Commissioner or his duly authorized representatives upon request. ~~Further, he may,~~ and to require employers to develop, maintain, and make available such other records and information as are deemed necessary for the proper enforcement of this title.;

(8) 8. Have power, upon presenting appropriate credentials to the owner, operator, or agent in charge:

(a) a. To enter without delay and at reasonable times any business establishment, construction site, or other area, workplace, or environment where work is performed by an employee of any employer in this Commonwealth; and

(b) b. To inspect and investigate, during regular working hours and at other reasonable times, and within reasonable limits and in a reasonable manner, without prior notice, unless such notice is authorized by the Commissioner or his representative, any such business establishment or place of employment and all pertinent conditions, structures, machines, apparatus, devices, equipment, and materials therein, and to question privately any such employer, officer, owner, operator, agent, or employee. If such entry or inspection is refused, prohibited, or otherwise interfered with, the Commissioner shall have power to seek from a court having equity jurisdiction an order compelling such entry or inspection.;

(9) 9. Make rules and regulations governing the granting of temporary or permanent variances from all standards promulgated by the Board under this title. Any interested or affected party may appeal to the Board, the Commissioner's determination to grant or deny such a variance. The Board may, as it sees fit, adopt, modify, or reject the determination of the Commissioner.;

(10) ~~AH~~ 10. Have authority to issue orders to protect the confidentiality of all information reported to or otherwise obtained by the Commissioner, the Board, or the agents or employees of either ~~which~~ that contains or might reveal a trade secret. Such information shall be confidential and shall be limited to those persons who need such information for purposes of enforcement of this title. ~~The Commissioner shall have authority to issue orders to protect the confidentiality of such information.~~ Violations of such orders shall be punishable as civil contempt upon application to the Circuit Court of the City of Richmond. It shall be the duty of each employer to notify the Commissioner, or his representatives, of the existence of trade secrets where he desires the protection provided herein.

(11) 11. Serve as executive officer of the Virginia Safety and Health Codes Board and of the Apprenticeship Council and see that the rules, regulations, and policies that they promulgate are carried out.

2. That the provisions of this act shall become effective on May 1, 2021.

CHAPTER 1244

An Act to amend and reenact § 25.1-245.1 of the Code of Virginia and to repeal § 25.1-245 of the Code of Virginia, relating to eminent domain; costs.

[S 28]

Approved April 22, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 25.1-245.1 of the Code of Virginia is amended and reenacted as follows:

§ 25.1-245.1. Costs.

A. Except as otherwise provided in this chapter, all costs of the proceeding in the trial court that are fixed by statute shall be taxed against the condemnor.

B. The court may in its discretion tax as a cost a fee, not to exceed \$1,000, for a survey for the landowner.

C. If an owner whose property is taken by condemnation under this title or under Title 33.2 is awarded at trial, as compensation for the taking of or damage to his real property, an amount that is 25 percent or more greater than the amount of the condemnor's initial written offer made pursuant to § 25.1-204, the court may order the condemnor to pay to the owner those (i) reasonable costs, other than attorney fees, and (ii) reasonable fees and travel costs, including reasonable appraisal and engineering fees incurred by the owner, for up to three experts or as many experts as are called by the condemnor, whichever is greater, who testified at trial.

D. All costs on appeal shall be assessed and assessable in the manner provided by law and the Rules of Court as in other civil cases.

~~E. The requirements of this section shall not apply to those condemnation actions initiated by a public service company, public service corporation, railroad pursuant to the delegation of the power of eminent domain granted in Title 56, or government utility corporation, as defined by § 1-219.1, E. The requirements of this section shall not apply to those condemnation actions initiated by a public service company, public service corporation, railroad pursuant to the delegation of the power of eminent domain granted in Title 56, or government utility corporation, as defined by § 1-219.1, which shall be governed by § 25.1-245, involving easements adjudged at less than \$10,000.~~

2. That § 25.1-245 of the Code of Virginia is repealed.

3. That the provisions of this act shall not apply to condemnation proceedings in which the petitioner filed, prior to July 1, 2020, (i) a petition in condemnation pursuant to Chapter 2 (§ 25.1 et seq.) of Title 25.1 of the Code of Virginia or (ii) a certificate of take or deposit pursuant to Chapter 3 (§ 25.1-300 et seq.) of Title 25.1 or Title 33.2 of the Code of Virginia. Any condemnation proceedings in which the petitioner filed a petition or certificate described in clause (i) or (ii) on or after July 1, 2016, and prior to July 1, 2020, shall be governed by the provisions of §§ 25.1-245 and 25.1-245.1 of the Code of Virginia in effect prior to July 1, 2020.

CHAPTER 1245

An Act to amend and reenact §§ 25.1-310, 33.2-1021, and 33.2-1023 of the Code of Virginia, relating to eminent domain; costs for petition for distribution of funds; interest rate; recordation of certificate.

[S 31]

Approved April 22, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 25.1-310, 33.2-1021, and 33.2-1023 of the Code of Virginia are amended and reenacted as follows:

§ 25.1-310. Proceedings for distribution of funds.

A. Any person shown by a certificate to be entitled to funds deposited with the court or represented by a certificate of deposit may petition the court for the distribution of all or any part of the funds. *Any costs of filing such petition or otherwise withdrawing the funds shall be taxed against the condemnor.*

B. A copy of such petition shall be served on either (i) the attorney of record for the petitioner, if a condemnation proceeding is pending; or (ii) if such a proceeding is not pending, an officer or agent of the authorized condemnor who is authorized to accept service of process in any court proceeding on behalf of the authorized condemnor.

C. The copy of the petition shall be served with a notice returnable to the court not less than 21 days after such service, to show cause, if the authorized condemnor can, why such amount should not be distributed in accordance with the petition.

D. If the authorized condemnor does not, on or before the return day of the petition, show such cause, and if the record in the proceeding does not disclose any denial or dispute with respect thereto, the court shall enter an order directing the distribution of such amount in accordance with the prayers of the petition. However, in the case of a nonresident petitioner the court may in its discretion require a bond before ordering the distribution.

E. If funds have been deposited with the court pursuant to subdivision A 1 of § 25.1-305, any interest that has accrued on the funds shall be payable to the person or persons entitled to receive such funds.

F. If funds are not then on deposit with the court but are represented by a certificate of deposit pursuant to subdivision A 2 of § 25.1-305, a certified copy of such order shall forthwith be sent to the authorized condemnor by the clerk. The authorized condemnor shall deposit such funds with the court within 30 days of the date of such order.

G. Interest shall be payable on funds represented by a certificate of deposit from the date of filing of the certificate of deposit until the funds are paid into court at ~~the general account's primary liquidity portfolio rate for the month in which the order pursuant to this section is entered no less than the judgment rate of interest as set forth in § 8.01-382.~~ However, interest shall not accrue if an injunction is filed against the authorized condemnor that enjoins the taking of the property described in the certificate.

H. If the authorized condemnor shows such cause, or if the record in the proceeding discloses any denial or dispute as to the persons entitled to such distribution or to any interest or share therein, the court shall direct such proceedings as are provided by § 25.1-241 for the distribution of awards.

I. All funds due and owing pursuant to this section shall be payable promptly to the owner or, if the owner consents, to the owner's attorney. Nothing in this subsection shall be construed to alter the priority of liens or any obligation to satisfy or release any outstanding liens on the property or the funds.

§ 33.2-1021. Recordation of certificates; transfer of title or interest; land situated in two or more counties or cities.

~~The certificate of the Commissioner of Highways shall be recorded in the clerk's office of the court where deeds are recorded.~~

~~A. Upon such recordation, the of a certificate:~~

~~1. The interest or estate of the owner of such the property described therein shall terminate and the;~~

~~2. The title to such property or interest or estate of the owner shall be vested in the Commonwealth. Such;~~

~~3. The owner shall have such interest or estate in the funds held on deposit by virtue of the certificate deposited with the court or represented by the certificate of deposit as he the owner had in the property taken or damaged; and all~~

4. All liens by deed of trust, judgment, or otherwise upon such property or estate or interest shall be transferred to such funds.

B. The title in the Commonwealth shall be defeasible until (i) the ~~reaching of Commonwealth and such owner reach an agreement between the Commissioner of Highways and such owner~~, as provided in § 33.2-1027, or (ii) the compensation for the taking or damage to the property is determined by condemnation proceedings as provided in §§ 33.2-1022 through 33.2-1028.

C. If the land affected by the certificate is situated in two or more counties or cities, the clerk of the court wherein the certificate is recorded shall certify a copy of such certificate to the clerk of the court of the counties or cities in which any portion of the land lies, who shall record the same in his deed book and index it in the name of the person who had the land before and also in the name of the Commonwealth.

§ 33.2-1023. Proceedings for distribution of funds; effect of acceptance of payments; evidence as to amount of deposit or certificate.

A. Any person or persons shown by a certificate to be entitled thereto may petition the court for the distribution of all or any part of the funds deposited with the court pursuant to subdivision A 1 of § 33.2-1019 or represented by a certificate of deposit filed pursuant to subdivision A 2 of § 33.2-1019. *Any costs of filing such petition or otherwise withdrawing the funds shall be taxed against the Commissioner of Highways.*

B. A copy of such petition shall be served on the Commissioner of Highways, his deputy, or any attorney authorized to accept service with a notice, returnable to the court or judge not less than 21 days after such service, to show cause, if any, why such amount should not be distributed in accordance with the prayers of the petition.

C. If the Commissioner of Highways does not, on or before the return day of the petition, show such cause, and if the record in the proceeding does not disclose any denial or dispute with respect thereto, the court shall enter an order directing the distribution of such amount in accordance with the prayers of the petition. However, in the case of a nonresident petitioner the court may require a bond before ordering the distribution.

D. If funds have been deposited with the court pursuant to subdivision A 1 of § 33.2-1019, any interest that has accrued on the funds shall be payable to the person or persons entitled to receive such funds.

E. If funds are not then on deposit with the court but are represented by a certificate of deposit filed pursuant to subdivision A 2 of § 33.2-1019, a certified copy of such order shall forthwith be sent to the Commissioner of Highways by the clerk. It shall be the duty of the Commissioner of Highways to deposit such funds with the court within 21 days of the date of such order.

F. Interest shall be payable on funds represented by a certificate of deposit from the date of filing of the certificate of deposit until the funds are paid into court at the ~~rate of interest established pursuant to § 6621(a)(2) of the Internal Revenue Code of 1954, as amended, for the month in which the order pursuant to this section is entered~~ *no less than the judgment rate of interest as set forth in § 8.01-382.* However, interest shall not accrue if an injunction is filed against the Department that enjoins the taking of the property described in the certificate.

G. If the Commissioner of Highways shows such cause, or if the record in the proceeding discloses any denial or dispute as to the persons entitled to such distribution or to any interest or share therein, the court shall direct such proceedings as are provided by § 25.1-240 for the distribution of awards.

H. However, the acceptance of such payment shall not limit the amount to be allowed by a commissioner in a condemnation proceeding, nor limit the rights of any party or parties to the proceeding to appeal from any decision therein; nor shall any party to such proceeding be entitled to introduce evidence of any amount deposited with the court or represented by a certificate, nor of any amount that has been accepted by any party entitled thereto pursuant to this section.

I. All funds due and owing pursuant to this section shall be payable promptly to the owner or, if the owner consents, to the owner's attorney. Nothing in this section shall be construed to alter the priority of liens or any obligation to satisfy or release any outstanding liens on the property or the funds.

2. That the provisions of this act shall not apply to condemnation proceedings in which the petitioner filed, prior to July 1, 2020, (i) a petition in condemnation pursuant to Chapter 2 (§ 25.1-200 et seq.) of Title 25.1 of the Code of Virginia or (ii) a certificate of take or deposit pursuant to Chapter 3 (§ 25.1-300 et seq.) of Title 25.1 or Title 33.2 of the Code of Virginia. Any condemnation proceedings in which the petitioner filed a petition or certificate described in clause (i) or (ii) on or after July 1, 2005, and prior to July 1, 2020, shall be governed by the provisions of the Code of Virginia in effect prior to July 1, 2020.

CHAPTER 1246

An Act to amend and reenact §§ 2.2-3705.7, 2.2-3808.1, 4.1-305, 8.01-313, 8.01-420.8, 8.9A-503, 12.1-19, 16.1-69.40:1, 16.1-228, 17.1-293, 18.2-6, 18.2-268.1, 19.2-258.1, 20-60.3, 20-107.1, 22.1-205, 24.2-410.1, 24.2-411.1, 24.2-416.7, 24.2-643, 32.1-291.2, 33.2-613, 38.2-2212, 46.2-328.1, 46.2-330, 46.2-332, 46.2-333.1, 46.2-335, 46.2-343, 58.1-3, 59.1-442, 59.1-443.3, 63.2-1916, and 63.2-1941 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 46.2-328.3, relating to driver privilege cards; penalty.

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-3705.7, 2.2-3808.1, 4.1-305, 8.01-313, 8.01-420.8, 8.9A-503, 12.1-19, 16.1-69.40:1, 16.1-228, 17.1-293, 18.2-6, 18.2-268.1, 19.2-258.1, 20-60.3, 20-107.1, 22.1-205, 24.2-410.1, 24.2-411.1, 24.2-416.7, 24.2-643, 32.1-291.2, 33.2-613, 38.2-2212, 46.2-328.1, 46.2-330, 46.2-332, 46.2-333.1, 46.2-335, 46.2-343, 58.1-3, 59.1-442, 59.1-443.3, 63.2-1916, and 63.2-1941 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 46.2-328.3 as follows:

§ 2.2-3705.7. Exclusions to application of chapter; records of specific public bodies and certain other limited exclusions.

The following information contained in a public record is excluded from the mandatory disclosure provisions of this chapter but may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law. Redaction of information excluded under this section from a public record shall be conducted in accordance with § 2.2-3704.01.

1. State income, business, and estate tax returns, personal property tax returns, and confidential records held pursuant to § 58.1-3.

2. Working papers and correspondence of the Office of the Governor, the Lieutenant Governor, or the Attorney General; the members of the General Assembly, the Division of Legislative Services, or the Clerks of the House of Delegates or the Senate of Virginia; the mayor or chief executive officer of any political subdivision of the Commonwealth; or the president or other chief executive officer of any public institution of higher education in the Commonwealth. However, no information that is otherwise open to inspection under this chapter shall be deemed excluded by virtue of the fact that it has been attached to or incorporated within any working paper or correspondence. Further, information publicly available or not otherwise subject to an exclusion under this chapter or other provision of law that has been aggregated, combined, or changed in format without substantive analysis or revision shall not be deemed working papers. Nothing in this subdivision shall be construed to authorize the withholding of any resumes or applications submitted by persons who are appointed by the Governor pursuant to § 2.2-106 or 2.2-107.

As used in this subdivision:

"Members of the General Assembly" means each member of the Senate of Virginia and the House of Delegates and their legislative aides when working on behalf of such member.

"Office of the Governor" means the Governor; the Governor's chief of staff, counsel, director of policy, and Cabinet Secretaries; the Assistant to the Governor for Intergovernmental Affairs; and those individuals to whom the Governor has delegated his authority pursuant to § 2.2-104.

"Working papers" means those records prepared by or for a public official identified in this subdivision for his personal or deliberative use.

3. Information contained in library records that can be used to identify (i) both (a) any library patron who has borrowed material from a library and (b) the material such patron borrowed or (ii) any library patron under 18 years of age. For the purposes of clause (ii), access shall not be denied to the parent, including a noncustodial parent, or guardian of such library patron.

4. Contract cost estimates prepared for the confidential use of the Department of Transportation in awarding contracts for construction or the purchase of goods or services, and records and automated systems prepared for the Department's Bid Analysis and Monitoring Program.

5. Lists of registered owners of bonds issued by a political subdivision of the Commonwealth, whether the lists are maintained by the political subdivision itself or by a single fiduciary designated by the political subdivision.

6. Information furnished by a member of the General Assembly to a meeting of a standing committee, special committee, or subcommittee of his house established solely for the purpose of reviewing members' annual disclosure statements and supporting materials filed under § 30-110 or of formulating advisory opinions to members on standards of conduct, or both.

7. Customer account information of a public utility affiliated with a political subdivision of the Commonwealth, including the customer's name and service address, but excluding the amount of utility service provided and the amount of money charged or paid for such utility service.

8. Personal information, as defined in § 2.2-3801, (i) filed with the Virginia Housing Development Authority concerning individuals who have applied for or received loans or other housing assistance or who have applied for occupancy of or have occupied housing financed, owned or otherwise assisted by the Virginia Housing Development Authority; (ii) concerning persons participating in or persons on the waiting list for federally funded rent-assistance programs; (iii) filed with any local redevelopment and housing authority created pursuant to § 36-4 concerning persons participating in or persons on the waiting list for housing assistance programs funded by local governments or by any such authority; or (iv) filed with any local redevelopment and housing authority created pursuant to § 36-4 or any other local government agency concerning persons who have applied for occupancy or who have occupied affordable dwelling units established pursuant to § 15.2-2304 or 15.2-2305. However, access to one's own information shall not be denied.

9. Information regarding the siting of hazardous waste facilities, except as provided in § 10.1-1441, if disclosure of such information would have a detrimental effect upon the negotiating position of a governing body or on the establishment of the terms, conditions, and provisions of the siting agreement.

10. Information on the site-specific location of rare, threatened, endangered, or otherwise imperiled plant and animal species, natural communities, caves, and significant historic and archaeological sites if, in the opinion of the public body that has the responsibility for such information, disclosure of the information would jeopardize the continued existence or the integrity of the resource. This exclusion shall not apply to requests from the owner of the land upon which the resource is located.

11. Memoranda, graphics, video or audio tapes, production models, data, and information of a proprietary nature produced by or for or collected by or for the Virginia Lottery relating to matters of a specific lottery game design, development, production, operation, ticket price, prize structure, manner of selecting the winning ticket, manner of payment of prizes to holders of winning tickets, frequency of drawings or selections of winning tickets, odds of winning, advertising, or marketing, where such information not been publicly released, published, copyrighted, or patented. Whether released, published, or copyrighted, all game-related information shall be subject to public disclosure under this chapter upon the first day of sales for the specific lottery game to which it pertains.

12. Information held by the Virginia Retirement System, acting pursuant to § 51.1-124.30, or a local retirement system, acting pursuant to § 51.1-803, or by a local finance board or board of trustees of a trust established by one or more local public bodies to invest funds for post-retirement benefits other than pensions, acting pursuant to Article 8 (§ 15.2-1544 et seq.) of Chapter 15 of Title 15.2, or by the board of visitors of the University of Virginia, acting pursuant to § 23.1-2210, or by the board of visitors of The College of William and Mary in Virginia, acting pursuant to § 23.1-2803, or by the Virginia College Savings Plan, acting pursuant to § 23.1-704, relating to the acquisition, holding, or disposition of a security or other ownership interest in an entity, where such security or ownership interest is not traded on a governmentally regulated securities exchange, if disclosure of such information would (i) reveal confidential analyses prepared for the board of visitors of the University of Virginia, prepared for the board of visitors of The College of William and Mary in Virginia, prepared by the retirement system, a local finance board or board of trustees, or the Virginia College Savings Plan, or provided to the retirement system, a local finance board or board of trustees, or the Virginia College Savings Plan under a promise of confidentiality of the future value of such ownership interest or the future financial performance of the entity and (ii) have an adverse effect on the value of the investment to be acquired, held, or disposed of by the retirement system, a local finance board or board of trustees, the board of visitors of the University of Virginia, the board of visitors of The College of William and Mary in Virginia, or the Virginia College Savings Plan. Nothing in this subdivision shall be construed to prevent the disclosure of information relating to the identity of any investment held, the amount invested, or the present value of such investment.

13. Financial, medical, rehabilitative, and other personal information concerning applicants for or recipients of loan funds submitted to or maintained by the Assistive Technology Loan Fund Authority under Chapter 11 (§ 51.5-53 et seq.) of Title 51.5.

14. Information held by the Virginia Commonwealth University Health System Authority pertaining to any of the following: an individual's qualifications for or continued membership on its medical or teaching staffs; proprietary information gathered by or in the possession of the Authority from third parties pursuant to a promise of confidentiality; contract cost estimates prepared for confidential use in awarding contracts for construction or the purchase of goods or services; information of a proprietary nature produced or collected by or for the Authority or members of its medical or teaching staffs; financial statements not publicly available that may be filed with the Authority from third parties; the identity, accounts, or account status of any customer of the Authority; consulting or other reports paid for by the Authority to assist the Authority in connection with its strategic planning and goals; the determination of marketing and operational strategies where disclosure of such strategies would be harmful to the competitive position of the Authority; and information of a proprietary nature produced or collected by or for employees of the Authority, other than the Authority's financial or administrative records, in the conduct of or as a result of study or research on medical, scientific, technical, or scholarly issues, whether sponsored by the Authority alone or in conjunction with a governmental body or a private concern, when such information has not been publicly released, published, copyrighted, or patented. This exclusion shall also apply when such information is in the possession of Virginia Commonwealth University.

15. Information held by the Department of Environmental Quality, the State Water Control Board, the State Air Pollution Control Board, or the Virginia Waste Management Board relating to (i) active federal environmental enforcement actions that are considered confidential under federal law and (ii) enforcement strategies, including proposed sanctions for enforcement actions. Upon request, such information shall be disclosed after a proposed sanction resulting from the investigation has been proposed to the director of the agency. This subdivision shall not be construed to prevent the disclosure of information related to inspection reports, notices of violation, and documents detailing the nature of any environmental contamination that may have occurred or similar documents.

16. Information related to the operation of toll facilities that identifies an individual, vehicle, or travel itinerary, including vehicle identification data or vehicle enforcement system information; video or photographic images; Social Security or other identification numbers appearing on driver's licenses; credit card or bank account data; home addresses; phone numbers; or records of the date or time of toll facility use.

17. Information held by the Virginia Lottery pertaining to (i) the social security number, tax identification number, state sales tax number, home address and telephone number, personal and lottery banking account and transit numbers of a retailer, and financial information regarding the nonlottery operations of specific retail locations and (ii) individual lottery winners, except that a winner's name, hometown, and amount won shall be disclosed. If the value of the prize won by the

winner exceeds \$10 million, the information described in clause (ii) shall not be disclosed unless the winner consents in writing to such disclosure.

18. Information held by the Board for Branch Pilots relating to the chemical or drug testing of a person regulated by the Board, where such person has tested negative or has not been the subject of a disciplinary action by the Board for a positive test result.

19. Information pertaining to the planning, scheduling, and performance of examinations of holder records pursuant to the Virginia Disposition of Unclaimed Property Act (§ 55.1-2500 et seq.) prepared by or for the State Treasurer or his agents or employees or persons employed to perform an audit or examination of holder records.

20. Information held by the Virginia Department of Emergency Management or a local governing body relating to citizen emergency response teams established pursuant to an ordinance of a local governing body that reveal the name, address, including e-mail address, telephone or pager numbers, or operating schedule of an individual participant in the program.

21. Information held by state or local park and recreation departments and local and regional park authorities concerning identifiable individuals under the age of 18 years. However, nothing in this subdivision shall operate to prevent the disclosure of information defined as directory information under regulations implementing the *federal* Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, unless the public body has undertaken the parental notification and opt-out requirements provided by such regulations. Access shall not be denied to the parent, including a noncustodial parent, or guardian of such person, unless the parent's parental rights have been terminated or a court of competent jurisdiction has restricted or denied such access. For such information of persons who are emancipated, the right of access may be asserted by the subject thereof. Any parent or emancipated person who is the subject of the information may waive, in writing, the protections afforded by this subdivision. If the protections are so waived, the public body shall open such information for inspection and copying.

22. Information submitted for inclusion in the Statewide Alert Network administered by the Department of Emergency Management that reveal names, physical addresses, email addresses, computer or internet protocol information, telephone numbers, pager numbers, other wireless or portable communications device information, or operating schedules of individuals or agencies, where the release of such information would compromise the security of the Statewide Alert Network or individuals participating in the Statewide Alert Network.

23. Information held by the Judicial Inquiry and Review Commission made confidential by § 17.1-913.

24. Information held by the Virginia Retirement System acting pursuant to § 51.1-124.30, a local retirement system acting pursuant to § 51.1-803 (hereinafter collectively referred to as the retirement system), or the Virginia College Savings Plan, acting pursuant to § 23.1-704 relating to:

a. Internal deliberations of or decisions by the retirement system or the Virginia College Savings Plan on the pursuit of particular investment strategies, or the selection or termination of investment managers, prior to the execution of such investment strategies or the selection or termination of such managers, if disclosure of such information would have an adverse impact on the financial interest of the retirement system or the Virginia College Savings Plan; and

b. Trade secrets provided by a private entity to the retirement system or the Virginia College Savings Plan if disclosure of such records would have an adverse impact on the financial interest of the retirement system or the Virginia College Savings Plan.

For the records specified in subdivision b to be excluded from the provisions of this chapter, the entity shall make a written request to the retirement system or the Virginia College Savings Plan:

(1) Invoking such exclusion prior to or upon submission of the data or other materials for which protection from disclosure is sought;

(2) Identifying with specificity the data or other materials for which protection is sought; and

(3) Stating the reasons why protection is necessary.

The retirement system or the Virginia College Savings Plan shall determine whether the requested exclusion from disclosure meets the requirements set forth in subdivision b.

Nothing in this subdivision shall be construed to prevent the disclosure of the identity or amount of any investment held or the present value and performance of all asset classes and subclasses.

25. Information held by the Department of Corrections made confidential by § 53.1-233.

26. Information maintained by the Department of the Treasury or participants in the Local Government Investment Pool (§ 2.2-4600 et seq.) and required to be provided by such participants to the Department to establish accounts in accordance with § 2.2-4602.

27. Personal information, as defined in § 2.2-3801, contained in the Veterans Care Center Resident Trust Funds concerning residents or patients of the Department of Veterans Services Care Centers, except that access shall not be denied to the person who is the subject of the information.

28. Information maintained in connection with fundraising activities by the Veterans Services Foundation pursuant to § 2.2-2716 that reveal the address, electronic mail address, facsimile or telephone number, social security number or other identification number appearing on a driver's license *or other document issued under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2 or the comparable law of another jurisdiction*, or credit card or bank account data of identifiable donors, except that access shall not be denied to the person who is the subject of the information. Nothing in this subdivision, however, shall be construed to prevent the disclosure of information relating to the amount, date, purpose, and terms of the pledge or

donation or the identity of the donor, unless the donor has requested anonymity in connection with or as a condition of making a pledge or donation. The exclusion provided by this subdivision shall not apply to protect from disclosure (i) the identities of sponsors providing grants to or contracting with the foundation for the performance of services or other work or (ii) the terms and conditions of such grants or contracts.

29. Information prepared for and utilized by the Commonwealth's Attorneys' Services Council in the training of state prosecutors or law-enforcement personnel, where such information is not otherwise available to the public and the disclosure of such information would reveal confidential strategies, methods, or procedures to be employed in law-enforcement activities or materials created for the investigation and prosecution of a criminal case.

30. Information provided to the Department of Aviation by other entities of the Commonwealth in connection with the operation of aircraft where the information would not be subject to disclosure by the entity providing the information. The entity providing the information to the Department of Aviation shall identify the specific information to be protected and the applicable provision of this chapter that excludes the information from mandatory disclosure.

31. Information created or maintained by or on the behalf of the judicial performance evaluation program related to an evaluation of any individual justice or judge made confidential by § 17.1-100.

32. Information reflecting the substance of meetings in which (i) individual sexual assault cases are discussed by any sexual assault response team established pursuant to § 15.2-1627.4, (ii) individual child abuse or neglect cases or sex offenses involving a child are discussed by multidisciplinary child sexual abuse response teams established pursuant to § 15.2-1627.5, or (iii) individual cases of abuse, neglect, or exploitation of adults as defined in § 63.2-1603 are discussed by multidisciplinary teams established pursuant to §§ 15.2-1627.5 and 63.2-1605. The findings of any such team may be disclosed or published in statistical or other aggregated form that does not disclose the identity of specific individuals.

33. Information contained in the strategic plan, marketing plan, or operational plan prepared by the Virginia Economic Development Partnership Authority pursuant to § 2.2-2237.1 regarding target companies, specific allocation of resources and staff for marketing activities, and specific marketing activities that would reveal to the Commonwealth's competitors for economic development projects the strategies intended to be deployed by the Commonwealth, thereby adversely affecting the financial interest of the Commonwealth. The executive summaries of the strategic plan, marketing plan, and operational plan shall not be redacted or withheld pursuant to this subdivision.

34. Information discussed in a closed session of the Physical Therapy Compact Commission or the Executive Board or other committees of the Commission for purposes set forth in subsection E of § 54.1-3491.

§ 2.2-3808.1. Agencies' disclosure of certain account information prohibited.

Notwithstanding Chapter 37 (§ 2.2-3700 et seq.) of this title, it shall be unlawful for any agency to disclose the social security number or other identification numbers appearing on a driver's licenses or other document issued under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2 or the comparable law of another jurisdiction or information on credit cards, debit cards, bank accounts, or other electronic billing and payment systems that was supplied to an agency for the purpose of paying fees, fines, taxes, or other charges collected by such agency. The prohibition shall not apply where disclosure of such information is required (i) to conduct or complete the transaction for which such information was submitted or (ii) by other law or court order.

§ 4.1-305. Purchasing or possessing alcoholic beverages unlawful in certain cases; venue; exceptions; penalty; forfeiture; deferred proceedings; treatment and education programs and services.

A. No person to whom an alcoholic beverage may not lawfully be sold under § 4.1-304 shall consume, purchase or possess, or attempt to consume, purchase or possess, any alcoholic beverage, except (i) pursuant to subdivisions 1 through 7 of § 4.1-200; (ii) where possession of the alcoholic beverages by a person less than 21 years of age is due to such person's making a delivery of alcoholic beverages in pursuance of his employment or an order of his parent; or (iii) by any state, federal, or local law-enforcement officer or his agent when possession of an alcoholic beverage is necessary in the performance of his duties. Such person may be prosecuted either in the county or city in which the alcohol was possessed or consumed, or in the county or city in which the person exhibits evidence of physical indicia of consumption of alcohol. It shall be an affirmative defense to a charge of a violation of this subsection if the defendant shows that such consumption or possession was pursuant to subdivision 7 of § 4.1-200.

B. No person under the age of 21 years shall use or attempt to use any (i) altered, fictitious, facsimile, or simulated license to operate a motor vehicle; (ii) altered, fictitious, facsimile, or simulated document, including, but not limited to a birth certificate or student identification card; or (iii) motor vehicle operator's driver's license or other document issued under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2 or the comparable law of another jurisdiction, birth certificate, or student identification card of another person in order to establish a false identification or false age for himself to consume, purchase, or attempt to consume or purchase an alcoholic beverage.

C. Any person found guilty of a violation of this section shall be guilty of a Class 1 misdemeanor, and upon conviction, (i) such person shall be ordered to pay a mandatory minimum fine of \$500 or ordered to perform a mandatory minimum of 50 hours of community service as a condition of probation supervision and (ii) the license to operate a motor vehicle in the Commonwealth of any such person age 18 or older shall be suspended for a period of not less than six months and not more than one year; the license to operate a motor vehicle in the Commonwealth of any juvenile shall be handled in accordance with the provisions of § 16.1-278.9. The court, in its discretion and upon a demonstration of hardship, may authorize an adult convicted of a violation of this section the use of a restricted permit license to operate a motor vehicle in accordance with the provisions of subsection E of § 18.2-271.1 or when referred to a local community-based probation

services agency established pursuant to Article 9 (§ 9.1-173 et seq.) of Chapter 1 of Title 9.1. During the period of license suspension, the court may require an adult who is issued a restricted ~~permit~~ license under the provisions of this subsection to be (a) monitored by an alcohol safety action program, or (b) supervised by a local community-based probation services agency established pursuant to Article 9 (§ 9.1-173 et seq.) of Chapter 1 of Title 9.1, if one has been established for the locality. The alcohol safety action program or local community-based probation services agency shall report to the court any violation of the terms of the restricted ~~permit~~ license, the required alcohol safety action program monitoring or local community-based probation services and any condition related thereto or any failure to remain alcohol-free during the suspension period.

D. Any alcoholic beverage purchased or possessed in violation of this section shall be deemed contraband and forfeited to the Commonwealth in accordance with § 4.1-338.

E. Any retail licensee who in good faith promptly notifies the Board or any state or local law-enforcement agency of a violation or suspected violation of this section shall be accorded immunity from an administrative penalty for a violation of § 4.1-304.

F. When any adult who has not previously been convicted of underaged consumption, purchase or possession of alcoholic beverages in Virginia or any other state or the United States is before the court, the court may, upon entry of a plea of guilty or not guilty, if the facts found by the court would justify a finding of guilt of a violation of subsection A, without entering a judgment of guilt and with the consent of the accused, defer further proceedings and place him on probation subject to appropriate conditions. Such conditions may include the imposition of the license suspension and restricted license provisions in subsection C. However, in all such deferred proceedings, the court shall require the accused to enter a treatment or education program or both, if available, that in the opinion of the court best suits the needs of the accused. If the accused is placed on local community-based probation, the program or services shall be located in any of the judicial districts served by the local community-based probation services agency or in any judicial district ordered by the court when the placement is with an alcohol safety action program. The services shall be provided by (i) a program licensed by the Department of Behavioral Health and Developmental Services, (ii) certified by the Commission on VASAP, or (iii) by a program or services made available through a community-based probation services agency established pursuant to Article 9 (§ 9.1-173 et seq.) of Chapter 1 of Title 9.1, if one has been established for the locality. When an offender is ordered to a local community-based probation services rather than the alcohol safety action program, the local community-based probation services agency shall be responsible for providing for services or referring the offender to education or treatment services as a condition of probation.

Upon violation of a condition, the court may enter an adjudication of guilt and proceed as otherwise provided. Upon fulfillment of the conditions, the court shall discharge the person and dismiss the proceedings against him without an adjudication of guilt. A discharge and dismissal hereunder shall be treated as a conviction for the purpose of applying this section in any subsequent proceedings.

When any juvenile is found to have committed a violation of subsection A, the disposition of the case shall be handled according to the provisions of Article 9 (§ 16.1-278 et seq.) of Chapter 11 of Title 16.1.

§ 8.01-313. Specific addresses for mailing by statutory agent.

A. For the statutory agent appointed pursuant to §§ 8.01-308 and 8.01-309, the address for the mailing of the process as required by § 8.01-312 shall be the last known address of the nonresident or, where appropriate under subdivision B 1 or 2 of § 8.01-310 B, of the executor, administrator, or other personal representative of the nonresident. However, upon the filing of an affidavit by the plaintiff that he does not know and is unable with due diligence to ascertain any post-office address of such nonresident, service of process on the statutory agent shall be sufficient without the mailing otherwise required by this section. Provided further that:

1. In the case of a nonresident defendant licensed by the Commonwealth to operate a motor vehicle, the last address reported by such defendant to the Department of Motor Vehicles as his address on an application for or renewal of a ~~driver's license driving privileges~~ shall be deemed to be the address of the defendant for the purpose of the mailing required by this section if no other address is known, and, in any case in which the affidavit provided for in § 8.01-316 of this chapter is filed, such a defendant, by so notifying the Department of such an address, and by failing to notify the Department of any change therein, shall be deemed to have appointed the Commissioner of the Department of Motor Vehicles his statutory agent for service of process in an action arising out of operation of a motor vehicle by him in the Commonwealth, and to have accepted as valid service such mailing to such address; or

2. In the case of a nonresident defendant not licensed by the Commonwealth to operate a motor vehicle, the address shown on the copy of the report of accident required by § 46.2-372 filed by or for him with the Department, and on file at the office of the Department, or the address reported by such a defendant to any state or local police officer, or sheriff investigating the accident sued on, if no other address is known, shall be conclusively presumed to be a valid address of such defendant for the purpose of the mailing provided for in this section, and his so reporting of an incorrect address, or his moving from the address so reported without making provision for forwarding to him of mail directed thereto, shall be deemed to be a waiver of notice and a consent to and acceptance of service of process served upon the Commissioner of the Department of Motor Vehicles as provided in this section.

B. For the statutory agent appointed pursuant to § 64.2-1426, the address for the mailing of process as required by § 8.01-312 shall be the address of the fiduciary's statutory agent as contained in the written consent most recently filed with the clerk of the circuit court wherein the qualification of such fiduciary was had or, in the event of the death, removal,

resignation or absence from the Commonwealth of such statutory agent, or in the event that such statutory agent cannot with due diligence be found at such address, the address of the clerk of such circuit court.

§ 8.01-420.8. Protection of confidential information in court files.

A. Whenever a party files, or causes to be filed, with the court a motion, pleading, subpoena, exhibit, or other document containing a social security number or other identification number appearing on a driver's license *or other document issued under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2 or the comparable law of another jurisdiction, or on a credit card, debit card, bank account, or other electronic billing and payment system*, the party shall make reasonable efforts to redact all but the last four digits of the identification number.

B. The provisions of subsection A apply to all civil actions in circuit and district court, unless there is a specific statute to the contrary that applies to the particular type of proceeding in which the party is involved.

C. Nothing in this section shall create a private cause of action against the party or lawyer who filed the document or any court personnel, the clerk, or any employees of the clerk's office who received it for filing.

§ 8.9A-503. Name of debtor and secured party.

(a) Sufficiency of debtor's name. A financing statement sufficiently provides the name of the debtor:

(1) except as otherwise provided in paragraph (3), if the debtor is a registered organization or the collateral is held in a trust that is a registered organization, only if the financing statement provides the name that is stated to be the registered organization's name on the public organic record most recently filed with or issued or enacted by the registered organization's jurisdiction of organization which purports to state, amend, or restate the registered organization's name;

(2) subject to subsection (f), if the collateral is being administered by the personal representative of a decedent, only if the financing statement provides, as the name of the debtor, the name of the decedent and, in a separate part of the financing statement, indicates that the collateral is being administered by a personal representative;

(3) if the collateral is held in a trust that is not a registered organization, only if the financing statement:

(A) provides, as the name of the debtor:

(i) if the organic record of the trust specifies a name for the trust, the name specified; or

(ii) if the organic record of the trust does not specify a name for the trust, the name of the settlor or testator; and

(B) in a separate part of the financing statement:

(i) if the name is provided in accordance with subparagraph (A)(i), indicates that the collateral is held in trust; or

(ii) if the name is provided in accordance with subparagraph (A)(ii), provides additional information sufficient to distinguish the trust from other trusts having one or more of the same settlors or the same testator and indicates that the collateral is held in a trust, unless the additional information so indicates;

(4) subject to subsection (g), if the debtor is an individual to whom the Commonwealth has issued a driver's license or identification card pursuant to *other document under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2* that has not expired, only if it provides the name of the individual which is indicated on the driver's license or identification card *or other document*;

(5) if the debtor is an individual to whom paragraph (4) does not apply, only if it provides the individual name of the debtor or the surname and first personal name of the debtor; and

(6) in other cases:

(A) if the debtor has a name, only if it provides the organizational name of the debtor; and

(B) if the debtor does not have a name, only if it provides the names of the partners, members, associates, or other persons comprising the debtor, in a manner that each name provided would be sufficient if the person named were the debtor.

(b) Additional debtor-related information. A financing statement that provides the name of the debtor in accordance with subsection (a) is not rendered ineffective by the absence of:

(1) a trade name or other name of the debtor; or

(2) unless required under subsection (a)(6)(B), names of partners, members, associates, or other persons comprising the debtor.

(c) Debtor's trade name insufficient. A financing statement that provides only the debtor's trade name does not sufficiently provide the name of the debtor.

(d) Representative capacity. Failure to indicate the representative capacity of a secured party or representative of a secured party does not affect the sufficiency of a financing statement.

(e) Multiple debtors and secured parties. A financing statement may provide the name of more than one debtor and the name of more than one secured party.

(f) Name of decedent. The name of the decedent indicated on the order appointing the personal representative of the decedent issued by the court having jurisdiction over the collateral is sufficient as the "name of the decedent" under subsection (a)(2).

(g) Multiple driver's licenses. If the Commonwealth has issued to an individual more than one driver's license or identification card *or other document* of a kind described in subsection (a)(4), the one that was issued most recently is the one to which subsection (a)(4) refers.

(h) Definition. In this section, the "name of the settlor or testator" means:

(1) if the settlor is a registered organization, the name of the registered organization indicated on the public organic record filed with or issued or enacted by the registered organization's jurisdiction of organization; or

(2) in other cases, the name of the settlor or testator indicated in the trust's organic record.

§ 12.1-19. Duties of clerk; records; copies; personal identifiable information; records related to the administrative activities of the Commission; unauthorized filings.

A. The clerk of the Commission shall:

1. Keep a record of all the proceedings, orders, findings, and judgments of the public sessions of the Commission, and the minutes of the proceedings of each day's public session shall be read and approved by the Commission and signed by its chairman, or acting chairman;

2. Subject to the supervision and control of the Commission, have custody of and preserve all of the records, documents, papers, and files of the Commission, or which may be filed before it in any complaint, proceeding, contest, or controversy, and such records, documents, papers, and files shall be open to public examination in the office of the clerk to the same extent as the records and files of the courts of this Commonwealth;

3. When requested, make and certify copies from any record, document, paper, or file in the clerk's office, and if required, affix the seal of the Commission (or a facsimile thereof) thereto, and otherwise furnish and certify information from the Commission records by any means the Commission may deem suitable; and, except when made at the instance of the Commission or on behalf of the Commonwealth, a political subdivision of the Commonwealth, or the government of the United States, the clerk shall charge and collect the fees fixed by §§ 12.1-21.1 and 12.1-21.2; and any such copy or information, so certified, shall have the same faith, credit, and legal effect as copies made and certified by the clerks of the courts of this Commonwealth from the records and files thereof;

4. Certify all allowances made by the Commission to be paid out of the public treasury for witness fees, service of process, or other expenses;

5. Issue all notices, writs, processes, or orders awarded by the Commission, or authorized by law, or by the rules of the Commission;

6. Receive all fines and penalties imposed by the Commission, all moneys collected on judgments, all registration fees required by law to be paid by corporations, limited liability companies, and other types of business entities, including delinquencies thereof, and all other fees collected by the Commission, and shall keep an accurate account of the same and the disposition of such receipts and shall, at least once in every 30 days during the clerk's term of office, render a statement of all such receipts and collections to the Comptroller, and pay the same into the treasury of the Commonwealth, and shall keep all such other accounts of such collections and disbursements, and shall make all such other reports thereof as may be required by law or by the regulations prescribed by the Comptroller; and

7. Generally have the powers, discharge the functions, and perform the duties of a clerk of a court of record in all matters within the jurisdiction of the Commission. The Commission may designate one or more deputies or assistants of the clerk who may discharge any of the clerk's official duties during the clerk's continuance in office.

B. A person who prepares or submits to the office of the clerk of the Commission a document or any information for filing with the Commission pursuant to Title 8.9A, Title 13.1, or Title 50 is responsible for ensuring that the document or information does not contain any personal identifiable information, unless such information is otherwise publicly available or is required or authorized by law to be included in the document or information provided. For purposes of this subsection, "personal identifiable information" means (i) a social security number or any other numbers appearing on driver's licenses or other documents issued under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2 or the comparable law of another jurisdiction; (ii) information on credit cards, debit cards, bank accounts, or other electronic billing and payment systems; (iii) a date of birth identified with a particular individual; (iv) the maiden name of an individual's parent; or (v) any financial account number. Any person who prepares or submits to the office of the clerk a document for filing that contains personal identifiable information shall be deemed to have authorized the clerk or any member of the clerk's staff to remove, delete, or obliterate, without prior notice, such information prior or subsequent to recording or filing the document in the office of the clerk. Nothing in this subsection shall be deemed to require the clerk to alter any document submitted for filing. The clerk may refuse to accept for filing any document that includes personal identifiable information and return it for modification or explanation. The Commission, its members, the clerk of the Commission, and any member of the clerk's staff are immune from liability in any proceeding arising from any acts or omissions in the implementation of this subsection. This subsection shall not be construed to limit, withdraw, or overturn any defense or immunity that exists under statutory or common law.

C. 1. The Commission shall make available for public inspection records related to the administrative activities of the Commission.

2. Disclosure of such records shall not be required, however, if (i) such records are otherwise covered by applicable legal privileges, (ii) disclosure of such records could threaten the safety or security of the Commission's employees, physical plant, or information technology assets or data, or (iii) such records are not publicly available from other public entities under the laws of the Commonwealth, including §§ 2.2-3705.1 and 2.2-4342.

3. Records held by the clerk of the Commission related to business entities shall be made public or held confidential in accordance with laws and regulations applicable specifically to such records.

4. The Commission shall respond within five business days of receiving requests for administrative records. If it is impracticable to provide the records requested within such time period, the Commission shall notify the requester that an additional seven business days will be required, unless due to the scope of the records requested or length of search necessary to locate them the Commission requires additional time, which shall not be unreasonable in length. When any such requested records are not provided, the Commission shall notify the requester of the basis of the denial.

5. As used in this subsection, "administrative activities" means matters related to the Commission's operational responsibilities and operational functions, including its revenues, expenditures, financial management and budgetary practices, personnel policies and practices, and procurement policies and practices. "Administrative activities" shall not include the Commission's formal or informal regulatory or legal proceedings or activities, records related to which shall be governed, inter alia, by laws and regulations applicable specifically to such regulatory and legal proceedings or activities, or in accordance with applicable legal privileges.

D. Notwithstanding any other provision of law, the clerk may review the circumstances surrounding the execution or delivery of any document associated with any business entity of record in the office of the clerk that was submitted for filing under a business entity statute administered by the Commission pursuant to Title 13.1 or Title 50. If the clerk determines that the person who executed or delivered the document was without authority to act on behalf of the business entity, the clerk is authorized (i) to refuse to accept the document for filing or (ii) if the document has been filed, to summarily remove the document and any documents and data related to the filing from the records in the office of the clerk, correct such records, and provide notice to any business entity affected by the filing. The Commission, its members, the clerk of the Commission, and any member of the clerk's staff are immune from liability in any proceeding arising from any acts or omissions in the implementation of this subsection. This subsection shall not be construed to limit, withdraw, or overturn any defense or immunity that exists under statutory or common law.

§ 16.1-69.40:1. Traffic infractions within authority of traffic violations clerk; schedule of fines; prepayment of local ordinances.

A. The Supreme Court shall by rule, which may from time to time be amended, supplemented or repealed, but which shall be uniform in its application throughout the Commonwealth, designate the traffic infractions for which a pretrial waiver of appearance, plea of guilty and fine payment may be accepted. Such designated infractions shall include violations of §§ 46.2-830.1, 46.2-878.2 and 46.2-1242 or any parallel local ordinances. Notwithstanding any rule of the Supreme Court, a person charged with a traffic offense that is listed as prepayable in the Uniform Fine Schedule may prepay his fines and costs without court appearance whether or not he was involved in an accident. The prepayable fine amount for a violation of § 46.2-878.2 shall be \$200 plus an amount per mile-per-hour in excess of posted speed limits, as authorized in § 46.2-878.3.

Such infractions shall not include:

1. Indictable offenses;
2. [Repealed.]
3. Operation of a motor vehicle while under the influence of intoxicating liquor or a narcotic or habit-producing drug, or permitting another person, who is under the influence of intoxicating liquor or a narcotic or habit-producing drug, to operate a motor vehicle owned by the defendant or in his custody or control;
4. Reckless driving;
5. Leaving the scene of an accident;
6. Driving while under suspension or revocation of ~~driver's license~~ *driving privileges*;
7. Driving without being licensed to drive.
8. [Repealed.]

B. An appearance may be made in person or in writing by mail to a clerk of court or in person before a magistrate, prior to any date fixed for trial in court. Any person so appearing may enter a waiver of trial and a plea of guilty and pay the fine and any civil penalties established for the offense charged, with costs. He shall, prior to the plea, waiver, and payment, be informed of his right to stand trial, that his signature to a plea of guilty will have the same force and effect as a judgment of court, and that the record of conviction will be sent to the Commissioner of the Department of Motor Vehicles ~~or the appropriate offices of the State where he received his license to drive.~~

C. The Supreme Court, upon the recommendation of the Committee on District Courts, shall establish a schedule, within the limits prescribed by law, of the amounts of fines and any civil penalties to be imposed, designating each infraction specifically. The schedule, which may from time to time be amended, supplemented or repealed, shall be uniform in its application throughout the Commonwealth. Such schedule shall not be construed or interpreted so as to limit the discretion of any trial judge trying individual cases at the time fixed for trial. The rule of the Supreme Court establishing the schedule shall be prominently posted in the place where the fines are paid. Fines and costs shall be paid in accordance with the provisions of this Code or any rules or regulations promulgated thereunder.

D. Fines imposed under local traffic infraction ordinances that do not parallel provisions of state law and fulfill the criteria set out in subsection A may be prepayable in the manner set forth in subsection B if such ordinances appear in a schedule entered by order of the local circuit courts. The chief judge of each circuit may establish a schedule of the fines, within the limits prescribed by local ordinances, to be imposed for prepayment of local ordinances designating each offense specifically. Upon the entry of such order it shall be forwarded within 10 days to the Supreme Court of Virginia by the clerk of the local circuit court. The schedule, which from time to time may be amended, supplemented or repealed, shall be uniform in its application throughout the circuit. Such schedule shall not be construed or interpreted so as to limit the discretion of any trial judge trying individual cases at the time fixed for trial. This schedule shall be prominently posted in the place where fines are paid. Fines and costs shall be paid in accordance with the provisions of this Code or any rules or regulations promulgated thereunder.

§ 16.1-228. Definitions.

When *As* used in this chapter, unless the context otherwise requires a *different meaning*:

"Abused or neglected child" means any child:

1. Whose parents or other person responsible for his care creates or inflicts, threatens to create or inflict, or allows to be created or inflicted upon such child a physical or mental injury by other than accidental means, or creates a substantial risk of death, disfigurement or impairment of bodily or mental functions, including, but not limited to, a child who is with his parent or other person responsible for his care either (i) during the manufacture or attempted manufacture of a Schedule I or II controlled substance, or (ii) during the unlawful sale of such substance by that child's parents or other person responsible for his care, where such manufacture, or attempted manufacture or unlawful sale would constitute a felony violation of § 18.2-248;

2. Whose parents or other person responsible for his care neglects or refuses to provide care necessary for his health; however, no child who in good faith is under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination shall for that reason alone be considered to be an abused or neglected child;

3. Whose parents or other person responsible for his care abandons such child;

4. Whose parents or other person responsible for his care commits or allows to be committed any sexual act upon a child in violation of the law;

5. Who is without parental care or guardianship caused by the unreasonable absence or the mental or physical incapacity of the child's parent, guardian, legal custodian, or other person standing in loco parentis;

6. Whose parents or other person responsible for his care creates a substantial risk of physical or mental injury by knowingly leaving the child alone in the same dwelling, including an apartment as defined in § 55.1-2000, with a person to whom the child is not related by blood or marriage and who the parent or other person responsible for his care knows has been convicted of an offense against a minor for which registration is required as a violent sexual offender pursuant to § 9.1-902; or

7. Who has been identified as a victim of sex trafficking or severe forms of trafficking as defined in the *federal* Trafficking Victims Protection Act of 2000, 22 U.S.C. § 7102 et seq., and in the *federal* Justice for Victims of Trafficking Act of 2015, 42 U.S.C. § 5101 et seq.

If a civil proceeding under this chapter is based solely on the parent having left the child at a hospital or emergency medical services agency, it shall be an affirmative defense that such parent safely delivered the child to a hospital that provides 24-hour emergency services or to an attended emergency medical services agency that employs emergency medical services personnel, within 14 days of the child's birth. For purposes of terminating parental rights pursuant to § 16.1-283 and placement for adoption, the court may find such a child is a neglected child upon the ground of abandonment.

"Adoptive home" means the place of residence of any natural person in which a child resides as a member of the household and in which he has been placed for the purposes of adoption or in which he has been legally adopted by another member of the household.

"Adult" means a person 18 years of age or older.

"Ancillary crime" or "ancillary charge" means any delinquent act committed by a juvenile as a part of the same act or transaction as, or which constitutes a part of a common scheme or plan with, a delinquent act which would be a felony if committed by an adult.

"Boot camp" means a short term secure or nonsecure juvenile residential facility with highly structured components including, but not limited to, military style drill and ceremony, physical labor, education and rigid discipline, and no less than six months of intensive aftercare.

"Child," "juvenile," or "minor" means a person less than 18 years of age.

"Child in need of services" means (i) a child whose behavior, conduct or condition presents or results in a serious threat to the well-being and physical safety of the child or (ii) a child under the age of 14 whose behavior, conduct or condition presents or results in a serious threat to the well-being and physical safety of another person; however, no child who in good faith is under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination shall for that reason alone be considered to be a child in need of services, nor shall any child who habitually remains away from or habitually deserts or abandons his family as a result of what the court or the local child protective services unit determines to be incidents of physical, emotional or sexual abuse in the home be considered a child in need of services for that reason alone.

However, to find that a child falls within these provisions, (i) the conduct complained of must present a clear and substantial danger to the child's life or health or to the life or health of another person, (ii) the child or his family is in need of treatment, rehabilitation or services not presently being received, and (iii) the intervention of the court is essential to provide the treatment, rehabilitation or services needed by the child or his family.

"Child in need of supervision" means:

1. A child who, while subject to compulsory school attendance, is habitually and without justification absent from school, and (i) the child has been offered an adequate opportunity to receive the benefit of any and all educational services and programs that are required to be provided by law and which meet the child's particular educational needs, (ii) the school system from which the child is absent or other appropriate agency has made a reasonable effort to effect the child's regular

attendance without success, and (iii) the school system has provided documentation that it has complied with the provisions of § 22.1-258; or

2. A child who, without reasonable cause and without the consent of his parent, lawful custodian or placement authority, remains away from or deserts or abandons his family or lawful custodian on more than one occasion or escapes or remains away without proper authority from a residential care facility in which he has been placed by the court, and (i) such conduct presents a clear and substantial danger to the child's life or health, (ii) the child or his family is in need of treatment, rehabilitation or services not presently being received, and (iii) the intervention of the court is essential to provide the treatment, rehabilitation or services needed by the child or his family.

"Child welfare agency" means a child-placing agency, child-caring institution or independent foster home as defined in § 63.2-100.

"The court" or the "juvenile court" or the "juvenile and domestic relations court" means the juvenile and domestic relations district court of each county or city.

"Delinquent act" means (i) an act designated a crime under the law of the Commonwealth, or an ordinance of any city, county, town, or service district, or under federal law, (ii) a violation of § 18.2-308.7, or (iii) a violation of a court order as provided for in § 16.1-292, but shall not include an act other than a violation of § 18.2-308.7, which is otherwise lawful, but is designated a crime only if committed by a child. For purposes of §§ 16.1-241 and 16.1-278.9, the term shall include a refusal to take a breath test in violation of § 18.2-268.2 or a similar ordinance of any county, city, or town.

"Delinquent child" means a child who has committed a delinquent act or an adult who has committed a delinquent act prior to his 18th birthday, except where the jurisdiction of the juvenile court has been terminated under the provisions of § 16.1-269.6.

"Department" means the Department of Juvenile Justice and "Director" means the administrative head in charge thereof or such of his assistants and subordinates as are designated by him to discharge the duties imposed upon him under this law.

"Driver's license" means any document issued under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2, or the comparable law of another jurisdiction, authorizing the operation of a motor vehicle upon the highways.

"Family abuse" means any act involving violence, force, or threat that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury and that is committed by a person against such person's family or household member. Such act includes, but is not limited to, any forceful detention, stalking, criminal sexual assault in violation of Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2, or any criminal offense that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury.

"Family or household member" means (i) the person's spouse, whether or not he or she resides in the same home with the person, (ii) the person's former spouse, whether or not he or she resides in the same home with the person, (iii) the person's parents, stepparents, children, stepchildren, brothers, sisters, half-brothers, half-sisters, grandparents and grandchildren, regardless of whether such persons reside in the same home with the person, (iv) the person's mother-in-law, father-in-law, sons-in-law, daughters-in-law, brothers-in-law and sisters-in-law who reside in the same home with the person, (v) any individual who has a child in common with the person, whether or not the person and that individual have been married or have resided together at any time, or (vi) any individual who cohabits or who, within the previous 12 months, cohabited with the person, and any children of either of them then residing in the same home with the person.

"Fictive kin" means persons who are not related to a child by blood or adoption but have an established relationship with the child or his family.

"Foster care services" means the provision of a full range of casework, treatment and community services for a planned period of time to a child who is abused or neglected as defined in § 63.2-100 or in need of services as defined in this section and his family when the child (i) has been identified as needing services to prevent or eliminate the need for foster care placement, (ii) has been placed through an agreement between the local board of social services or a public agency designated by the community policy and management team and the parents or guardians where legal custody remains with the parents or guardians, (iii) has been committed or entrusted to a local board of social services or child welfare agency, or (iv) has been placed under the supervisory responsibility of the local board pursuant to § 16.1-293.

"Independent living arrangement" means placement of (i) a child at least 16 years of age who is in the custody of a local board or licensed child-placing agency by the local board or licensed child-placing agency or (ii) a child at least 16 years of age or a person between the ages of 18 and 21 who was committed to the Department of Juvenile Justice immediately prior to placement by the Department of Juvenile Justice, in a living arrangement in which such child or person does not have daily substitute parental supervision.

"Independent living services" means services and activities provided to a child in foster care 14 years of age or older and who has been committed or entrusted to a local board of social services, child welfare agency, or private child-placing agency. "Independent living services" may also mean services and activities provided to a person who (i) was in foster care on his 18th birthday and has not yet reached the age of 21 years; (ii) is between the ages of 18 and 21 and who, immediately prior to his commitment to the Department of Juvenile Justice, was in the custody of a local board of social services; or (iii) is a child at least 16 years of age or a person between the ages of 18 and 21 who was committed to the Department of Juvenile Justice immediately prior to placement in an independent living arrangement. Such services shall include counseling, education, housing, employment, and money management skills development and access to essential documents and other appropriate services to help children or persons prepare for self-sufficiency.

"Intake officer" means a juvenile probation officer appointed as such pursuant to the authority of this chapter.

"Jail" or "other facility designed for the detention of adults" means a local or regional correctional facility as defined in § 53.1-1, except those facilities utilized on a temporary basis as a court holding cell for a child incident to a court hearing or as a temporary lock-up room or ward incident to the transfer of a child to a juvenile facility.

"The judge" means the judge or the substitute judge of the juvenile and domestic relations district court of each county or city.

"This law" or "the law" means the Juvenile and Domestic Relations District Court Law embraced in this chapter.

"Legal custody" means (i) a legal status created by court order which vests in a custodian the right to have physical custody of the child, to determine and redetermine where and with whom he shall live, the right and duty to protect, train and discipline him and to provide him with food, shelter, education and ordinary medical care, all subject to any residual parental rights and responsibilities or (ii) the legal status created by court order of joint custody as defined in § 20-107.2.

"Permanent foster care placement" means the place of residence in which a child resides and in which he has been placed pursuant to the provisions of §§ 63.2-900 and 63.2-908 with the expectation and agreement between the placing agency and the place of permanent foster care that the child shall remain in the placement until he reaches the age of majority unless modified by court order or unless removed pursuant to § 16.1-251 or 63.2-1517. A permanent foster care placement may be a place of residence of any natural person or persons deemed appropriate to meet a child's needs on a long-term basis.

"Qualified individual" means a trained professional or licensed clinician who is not an employee of the local board of social services or licensed child-placing agency that placed the child in a qualified residential treatment program and is not affiliated with any placement setting in which children are placed by such local board of social services or licensed child-placing agency.

"Qualified residential treatment program" means a program that (i) provides 24-hour residential placement services for children in foster care; (ii) has adopted a trauma-informed treatment model that meets the clinical and other needs of children with serious emotional or behavioral disorders, including any clinical or other needs identified through assessments conducted pursuant to clause (viii) of this definition; (iii) employs registered or licensed nursing and other clinical staff who provide care, on site and within the scope of their practice, and are available 24 hours a day, 7 days a week; (iv) conducts outreach with the child's family members, including efforts to maintain connections between the child and his siblings and other family; documents and maintains records of such outreach efforts; and maintains contact information for any known biological family and fictive kin of the child; (v) whenever appropriate and in the best interest of the child, facilitates participation by family members in the child's treatment program before and after discharge and documents the manner in which such participation is facilitated; (vi) provides discharge planning and family-based aftercare support for at least six months after discharge; (vii) is licensed in accordance with 42 U.S.C. § 671(a)(10) and accredited by an organization approved by the federal Secretary of Health and Human Services; and (viii) requires that any child placed in the program receive an assessment within 30 days of such placement by a qualified individual that (a) assesses the strengths and needs of the child using an age-appropriate, evidence-based, validated, and functional assessment tool approved by the Commissioner of Social Services; (b) identifies whether the needs of the child can be met through placement with a family member or in a foster home or, if not, in a placement setting authorized by 42 U.S.C. § 672(k)(2), including a qualified residential treatment program, that would provide the most effective and appropriate level of care for the child in the least restrictive environment and be consistent with the short-term and long-term goals established for the child in his foster care or permanency plan; (c) establishes a list of short-term and long-term mental and behavioral health goals for the child; and (d) is documented in a written report to be filed with the court prior to any hearing on the child's placement pursuant to § 16.1-281, 16.1-282, 16.1-282.1, or 16.1-282.2.

"Residual parental rights and responsibilities" means all rights and responsibilities remaining with the parent after the transfer of legal custody or guardianship of the person, including but not limited to the right of visitation, consent to adoption, the right to determine religious affiliation and the responsibility for support.

"Secure facility" or "detention home" means a local, regional or state public or private locked residential facility that has construction fixtures designed to prevent escape and to restrict the movement and activities of children held in lawful custody.

"Shelter care" means the temporary care of children in physically unrestricting facilities.

"State Board" means the State Board of Juvenile Justice.

"Status offender" means a child who commits an act prohibited by law which would not be criminal if committed by an adult.

"Status offense" means an act prohibited by law which would not be an offense if committed by an adult.

"Violent juvenile felony" means any of the delinquent acts enumerated in subsection B or C of § 16.1-269.1 when committed by a juvenile 14 years of age or older.

§ 17.1-293. Posting and availability of certain information on the Internet; prohibitions.

A. Notwithstanding Chapter 37 (§ 2.2-3700 et seq.) of Title 2.2 or subsection B, it shall be unlawful for any court clerk to disclose the social security number or other identification numbers appearing on driver's licenses or other documents issued under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2 or the comparable law of another jurisdiction or information on credit cards, debit cards, bank accounts, or other electronic billing and payment systems that was supplied to a court clerk for the purpose of paying fees, fines, taxes, or other charges collected by such court clerk. The prohibition shall

not apply where disclosure of such information is required (i) to conduct or complete the transaction for which such information was submitted or (ii) by other law or court order.

B. Beginning January 1, 2004, no court clerk shall post on the Internet any document that contains the following information: (i) an actual signature, (ii) a social security number, (iii) a date of birth identified with a particular person, (iv) the maiden name of a person's parent so as to be identified with a particular person, (v) any financial account number or numbers, or (vi) the name and age of any minor child.

C. Each such clerk shall post notice that includes a list of the documents routinely posted on its website. However, the clerk shall not post information on his website that includes private activity for private financial gain.

D. Nothing in this section shall be construed to prohibit access to any original document as provided by law.

E. This section shall not apply to the following:

1. Providing access to any document among the land records via secure remote access pursuant to § 17.1-294;
2. Postings related to legitimate law-enforcement purposes;
3. Postings of historical, genealogical, interpretive, or educational documents and information about historic persons and events;
4. Postings of instruments and records filed or recorded that are more than 100 years old;
5. Providing secure remote access to any person, his counsel, or staff which counsel directly supervises to documents filed in matters to which such person is a party;
6. Providing official certificates and certified records in digital form of any document maintained by the clerk pursuant to § 17.1-258.3:2; and
7. Providing secure remote access to nonconfidential court records, subject to any fees charged by the clerk, to members in good standing with the Virginia State Bar and their authorized agents, pro hac vice attorneys authorized by the court for purposes of the practice of law, and such governmental agencies as authorized by the clerk.

F. Nothing in this section shall prohibit the Supreme Court or any other court clerk from providing online access to a case management system that may include abstracts of case filings and proceedings in the courts of the Commonwealth, including online access to subscribers of nonconfidential criminal case information to confirm the complete date of birth of a defendant.

G. The court clerk shall be immune from suit arising from any acts or omissions relating to providing remote access on the Internet pursuant to this section unless the clerk was grossly negligent or engaged in willful misconduct.

This subsection shall not be construed to limit, withdraw, or overturn any defense or immunity already existing in statutory or common law, or to affect any cause of action accruing prior to July 1, 2005.

H. Nothing in this section shall be construed to permit any data accessed by secure remote access to be sold or posted on any other website or in any way redistributed to any third party, and the clerk, in his discretion, may deny secure remote access to ensure compliance with these provisions. However, the data accessed by secure remote access may be included in products or services provided to a third party of the subscriber provided that (i) such data is not made available to the general public and (ii) the subscriber maintains administrative, technical, and security safeguards to protect the confidentiality, integrity, and limited availability of the data.

§ 18.2-6. Meaning of certain terms.

As used in this title:

The word "court," unless otherwise clearly indicated by the context in which it appears, shall mean and include any court vested with appropriate jurisdiction under the Constitution and laws of this the Commonwealth.

The words "driver's license" and "license to operate a motor vehicle" shall mean any document issued under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2, or the comparable law of another jurisdiction, authorizing the operation of a motor vehicle upon the highways.

The word "judge," unless otherwise clearly indicated by the context in which it appears, shall mean and include any judge, associate judge or substitute judge, or police justice, of any court.

The words "motor vehicle," "semitrailer," "trailer" and "vehicle" shall have the respective meanings assigned to them by § 46.2-100.

§ 18.2-268.1. Chemical testing to determine alcohol or drug content of blood; definitions.

As used in §§ 18.2-268.2 through 18.2-268.12, unless the context clearly indicates otherwise:

The phrase "alcohol or drug" means alcohol, a drug or drugs, or any combination of alcohol and a drug or drugs.

The phrase "blood or breath" means either or both.

"Chief police officer" means the sheriff in any county not having a chief of police, the chief of police of any county having a chief of police, the chief of police of the city, or the sergeant or chief of police of the town in which the charge will be heard, or their authorized representatives.

"Department" means the Department of Forensic Science.

"Director" means the Director of the Department of Forensic Science.

"License" means any driver's license, ~~temporary driver's license, or instruction permit~~ authorizing the operation of a motor vehicle upon the highways as defined in § 18.2-6.

"Ordinance" means a county, city or town ordinance.

§ 19.2-258.1. Trial of traffic infractions; measure of proof; failure to appear.

For any traffic infraction cases tried in a district court, the court shall hear and determine the case without the intervention of a jury. For any traffic infraction case appealed to a circuit court, the defendant shall have the right to trial by jury. The defendant shall be presumed innocent until proven guilty beyond a reasonable doubt.

When a person charged with a traffic infraction fails to enter a written or court appearance, he shall be deemed to have waived court hearing and the case may be heard in his absence, after which he shall be notified of the court's finding. He shall be advised that if he fails to comply with any order of the court therein, the court may order suspension of his ~~driver's license~~ *driving privileges* as provided in § 46.2-395 but the court shall not issue a warrant for his failure to appear pursuant to § 46.2-938.

§ 20-60.3. Contents of support orders.

All orders directing the payment of spousal support where there are minor children whom the parties have a mutual duty to support and all orders directing the payment of child support, including those orders confirming separation agreements, entered on or after October 1, 1985, whether they are original orders or modifications of existing orders, shall contain the following:

1. Notice that support payments may be withheld as they become due pursuant to § 20-79.1 or § 20-79.2, from income as defined in § 63.2-1900, without further amendments of this order or having to file an application for services with the Department of Social Services; however, absence of such notice in an order entered prior to July 1, 1988, shall not bar withholding of support payments pursuant to § 20-79.1;

2. Notice that support payments may be withheld pursuant to Chapter 19 (§ 63.2-1900 et seq.) of Title 63.2 without further amendments to the order upon application for services with the Department of Social Services; however, absence of such notice in an order entered prior to July 1, 1988, shall not bar withholding of support payments pursuant to Chapter 19 (§ 63.2-1900 et seq.) of Title 63.2;

3. The name, date of birth, and last four digits of the social security number of each child to whom a duty of support is then owed by the parent;

4. If known, the name, date of birth, and last four digits of the social security number of each parent of the child and, unless otherwise ordered, each parent's residential and, if different, mailing address, residential and employer telephone number, ~~driver's license~~ *and number appearing on a driver's license or other document issued under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2 or the comparable law of another jurisdiction*, and the name and address of ~~his or her~~ *each parent's* employer; however, when a protective order has been issued or the court otherwise finds reason to believe that a party is at risk of physical or emotional harm from the other party, information other than the name of the party at risk shall not be included in the order;

5. Notice that, pursuant to § 20-124.2, support will continue to be paid for any child over the age of 18 who is (i) a full-time high school student, (ii) not self-supporting, and (iii) living in the home of the party seeking or receiving child support until such child reaches the age of 19 or graduates from high school, whichever occurs first, and that the court may also order that support be paid or continue to be paid for any child over the age of 18 who is (a) severely and permanently mentally or physically disabled, and such disability existed prior to the child reaching the age of 18 or the age of 19 if the child met the requirements of clauses (i), (ii), and (iii); (b) unable to live independently and support himself; and (c) residing in the home of the parent seeking or receiving child support;

6. On and after July 1, 1994, notice that a petition may be filed for suspension of any license, certificate, registration or other authorization to engage in a profession, trade, business, occupation, or recreational activity issued by the Commonwealth to a parent as provided in § 63.2-1937 upon a delinquency for a period of 90 days or more or in an amount of \$5,000 or more. The order shall indicate whether either or both parents currently hold such an authorization and, if so, the type of authorization held;

7. The monthly amount of support and the effective date of the order. In proceedings on initial petitions, the effective date shall be the date of filing of the petition; in modification proceedings, the effective date may be the date of notice to the responding party. The first monthly payment shall be due on the first day of the month following the hearing date and on the first day of each month thereafter. In addition, an amount shall be assessed for any full and partial months between the effective date of the order and the date that the first monthly payment is due. The assessment for the initial partial month shall be prorated from the effective date through the end of that month, based on the current monthly obligation;

8. a. An order for health care coverage, including the health insurance policy information, for dependent children pursuant to §§ 20-108.1 and 20-108.2 if available at reasonable cost as defined in § 63.2-1900, or a written statement that health care coverage is not available at a reasonable cost as defined in such section, and a statement as to whether there is an order for health care coverage for a spouse or former spouse; and

b. A statement as to whether cash medical support, as defined in § 63.2-1900, is to be paid by or reimbursed to a party pursuant to subsections D and G of § 20-108.2, and if such expenses are ordered, then the provisions governing how such payment is to be made;

9. If support arrearages exist, (i) to whom an arrearage is owed and the amount of the arrearage, (ii) the period of time for which such arrearage is calculated, and (iii) a direction that all payments are to be credited to current support obligations first, with any payment in excess of the current obligation applied to arrearages;

10. If child support payments are ordered to be paid through the Department of Social Services or directly to the obligee, and unless the court for good cause shown orders otherwise, the parties shall give each other and the court and,

when payments are to be made through the Department, the Department of Social Services at least 30 days' written notice, in advance, of any change of address and any change of telephone number within 30 days after the change;

11. If child support payments are ordered to be paid through the Department of Social Services, a provision requiring an obligor to keep the Department of Social Services informed of the name, address and telephone number of his current employer, or if payments are ordered to be paid directly to the obligee, a provision requiring an obligor to keep the court informed of the name, address and telephone number of his current employer;

12. If child support payments are ordered to be paid through the Department of Social Services, a provision requiring the party obligated to provide health care coverage to keep the Department of Social Services informed of any changes in the availability of the health care coverage for the minor child or children, or if payments are ordered to be paid directly to the obligee, a provision requiring the party obligated to provide health care coverage to keep the other party informed of any changes in the availability of the health care coverage for the minor child or children;

13. The separate amounts due to each person under the order, unless the court specifically orders a unitary award of child and spousal support due or the order affirms a separation agreement containing provision for such unitary award;

14. Notice that in determination of a support obligation, the support obligation as it becomes due and unpaid creates a judgment by operation of law. The order shall also provide, pursuant to § 20-78.2, for interest on the arrearage at the judgment rate as established by § 6.2-302 unless the obligee, in a writing submitted to the court, waives the collection of interest;

15. Notice that on and after July 1, 1994, the Department of Social Services may, pursuant to Chapter 19 (§ 63.2-1900 et seq.) of Title 63.2 and in accordance with §§ 20-108.2 and 63.2-1921, initiate a review of the amount of support ordered by any court;

16. A statement that if any arrearages for child support, including interest or fees, exist at the time the youngest child included in the order emancipates, payments shall continue in the total amount due (current support plus amount applied toward arrearages) at the time of emancipation until all arrearages are paid; and

17. Notice that, in cases enforced by the Department of Social Services, the Department of Motor Vehicles may suspend or refuse to renew the driver's license, *or other document issued under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2 authorizing the operation of a motor vehicle upon the highways*, of any person upon receipt of notice from the Department of Social Services that the person (i) is delinquent in the payment of child support by 90 days or in an amount of \$5,000 or more or (ii) has failed to comply with a subpoena, summons, or warrant relating to paternity or child support proceedings.

The provisions of this section shall not apply to divorce decrees where there are no minor children whom the parties have a mutual duty to support.

§ 20-107.1. Court may decree as to maintenance and support of spouses.

A. Pursuant to any proceeding arising under subsection L of § 16.1-241 or upon the entry of a decree providing (i) for the dissolution of a marriage, (ii) for a divorce, whether from the bond of matrimony or from bed and board, (iii) that neither party is entitled to a divorce, or (iv) for separate maintenance, the court may make such further decree as it shall deem expedient concerning the maintenance and support of the spouses, notwithstanding a party's failure to prove his grounds for divorce, provided that a claim for support has been properly pled by the party seeking support. However, the court shall have no authority to decree maintenance and support payable by the estate of a deceased spouse.

B. Any maintenance and support shall be subject to the provisions of § 20-109, and no permanent maintenance and support shall be awarded from a spouse if there exists in such spouse's favor a ground of divorce under the provisions of subdivision A (1) of § 20-91. However, the court may make such an award notwithstanding the existence of such ground if the court determines from clear and convincing evidence, that a denial of support and maintenance would constitute a manifest injustice, based upon the respective degrees of fault during the marriage and the relative economic circumstances of the parties.

C. The court, in its discretion, may decree that maintenance and support of a spouse be made in periodic payments for a defined duration, or in periodic payments for an undefined duration, or in a lump sum award, or in any combination thereof.

D. In addition to or in lieu of an award pursuant to subsection C, the court may reserve the right of a party to receive support in the future. In any case in which the right to support is so reserved, there shall be a rebuttable presumption that the reservation will continue for a period equal to 50 percent of the length of time between the date of the marriage and the date of separation. Once granted, the duration of such a reservation shall not be subject to modification.

E. The court, in determining whether to award support and maintenance for a spouse, shall consider the circumstances and factors which contributed to the dissolution of the marriage, specifically including adultery and any other ground for divorce under the provisions of subdivision A (3) or (6) of § 20-91 or § 20-95. In determining the nature, amount and duration of an award pursuant to this section, the court shall consider the following:

1. The obligations, needs and financial resources of the parties, including but not limited to income from all pension, profit sharing or retirement plans, of whatever nature;

2. The standard of living established during the marriage;

3. The duration of the marriage;

4. The age and physical and mental condition of the parties and any special circumstances of the family;

5. The extent to which the age, physical or mental condition or special circumstances of any child of the parties would make it appropriate that a party not seek employment outside of the home;

6. The contributions, monetary and nonmonetary, of each party to the well-being of the family;
7. The property interests of the parties, both real and personal, tangible and intangible;
8. The provisions made with regard to the marital property under § 20-107.3;
9. The earning capacity, including the skills, education and training of the parties and the present employment opportunities for persons possessing such earning capacity;
10. The opportunity for, ability of, and the time and costs involved for a party to acquire the appropriate education, training and employment to obtain the skills needed to enhance his or her earning ability;
11. The decisions regarding employment, career, economics, education and parenting arrangements made by the parties during the marriage and their effect on present and future earning potential, including the length of time one or both of the parties have been absent from the job market;
12. The extent to which either party has contributed to the attainment of education, training, career position or profession of the other party; and
13. Such other factors, including the tax consequences to each party and the circumstances and factors that contributed to the dissolution, specifically including any ground for divorce, as are necessary to consider the equities between the parties.

F. In contested cases in the circuit courts, any order granting, reserving or denying a request for spousal support shall be accompanied by written findings and conclusions of the court identifying the factors in subsection E which support the court's order. Any order granting or reserving any request for spousal support shall state whether the retirement of either party was contemplated by the court and specifically considered by the court in making its award, and, if so, the order shall state the facts the court contemplated and specifically considered as to the retirement of the party. If the court awards periodic support for a defined duration, such findings shall identify the basis for the nature, amount and duration of the award and, if appropriate, a specification of the events and circumstances reasonably contemplated by the court which support the award.

G. For purposes of this section and § 20-109, "date of separation" means the earliest date at which the parties are physically separated and at least one party intends such separation to be permanent provided the separation is continuous thereafter and "defined duration" means a period of time (i) with a specific beginning and ending date or (ii) specified in relation to the occurrence or cessation of an event or condition other than death or termination pursuant to § 20-110.

H. Where there are no minor children whom the parties have a mutual duty to support, an order directing the payment of spousal support, including those orders confirming separation agreements, entered on or after October 1, 1985, whether they are original orders or modifications of existing orders, shall contain the following:

1. If known, the name, date of birth, and social security number of each party and, unless otherwise ordered, each party's residential and, if different, mailing address, residential and employer telephone number, ~~driver's license and number appearing on a driver's license or other document issued under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2 or the comparable law of another jurisdiction~~, and the name and address of his ~~each party's~~ employer; however, when a protective order has been issued or the court otherwise finds reason to believe that a party is at risk of physical or emotional harm from the other party, information other than the name of the party at risk shall not be included in the order;
2. The amount of periodic spousal support expressed in fixed sums, together with the payment interval, the date payments are due, and the date the first payment is due;
3. A statement as to whether there is an order for health care coverage for a party;
4. If support arrearages exist, (i) to whom an arrearage is owed and the amount of the arrearage, (ii) the period of time for which such arrearage is calculated, and (iii) a direction that all payments are to be credited to current spousal support obligations first, with any payment in excess of the current obligation applied to arrearages;
5. If spousal support payments are ordered to be paid directly to the obligee, and unless the court for good cause shown orders otherwise, the parties shall give each other and the court at least 30 days' written notice, in advance, of any change of address and any change of telephone number within 30 days after the change; and
6. Notice that in determination of a spousal support obligation, the support obligation as it becomes due and unpaid creates a judgment by operation of law.

§ 22.1-205. Driver education programs.

A. The Board of Education shall establish for the public school system a standardized program of driver education in the safe operation of motor vehicles. Such program shall consist of classroom training and behind-the-wheel driver training. However, any student who participates in such a program of driver education shall meet the academic requirements established by the Board, and no student in a course shall be permitted to operate a motor vehicle without a license or ~~permit to do so~~ other document issued by the Department of Motor Vehicles under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2, or the comparable law of another jurisdiction, authorizing the operation of a motor vehicle upon the highways.

1. The driver education program shall include (i) instruction concerning (a) alcohol and drug abuse; (b) aggressive driving; (c) distracted driving; (d) motorcycle awareness; (e) organ and tissue donor awareness; (f) fuel-efficient driving practices; and (g) traffic stops, including law-enforcement procedures for traffic stops, appropriate actions to be taken by drivers during traffic stops, and appropriate interactions with law-enforcement officers who initiate traffic stops, and (ii) in Planning District 8, an additional minimum 90-minute parent/student driver education component. The additional parent/student driver education component may be provided to students outside Planning District 8, at the discretion of each local school board.

2. The parent/student driver education component shall be administered as part of the classroom portion of the driver education curriculum. In Planning District 8, the parent/student driver education component shall be administered in-person. Outside Planning District 8, the parent/student driver education component may be administered either in-person or online by a public school or driver training schools that are licensed as computer-based driver education providers. For students in Planning District 8 and those students in school divisions that offer the parent/student component, the participation of the student's parent or guardian shall be required, and the program shall emphasize (i) parental responsibilities regarding juvenile driver behavior, (ii) juvenile driving restrictions pursuant to the Code of Virginia, and (iii) the dangers of driving while intoxicated and underage consumption of alcohol. Such instruction shall be developed by the Department in cooperation with the Virginia Alcohol Safety Action Program, the Department of Health, and the Department of Behavioral Health and Developmental Services, as appropriate. Nothing in this subdivision precludes any school division outside Planning District 8 from including a program of parental involvement as part of a driver education program in addition to or as an alternative to the minimum 90-minute parent/student driver education component.

3. Any driver education program shall require a minimum number of miles driven during the behind-the-wheel driver training.

B. The Board shall assist school divisions by preparation, publication and distribution of competent driver education instructional materials to ensure a more complete understanding of the responsibilities and duties of motor vehicle operators.

C. Each school board shall determine whether to offer the program of driver education in the safe operation of motor vehicles and, if offered, whether such program shall be an elective or a required course. In addition to the fee approved by the Board of Education pursuant to the appropriation act that allows local school boards to charge a per pupil fee for behind-the-wheel driver education, the Board of Education may authorize a local school board's request to assess a surcharge in order to further recover program costs that exceed state funds distributed through basic aid to school divisions offering driver education programs. Each school board may waive the fee or the surcharge in total or in part for those students it determines cannot pay the fee or surcharge. Only school divisions complying with the standardized program and regulations established by the Board of Education and the provisions of § 46.2-335 shall be entitled to participate in the distribution of state funds appropriated for driver education.

School boards in Planning District 8 shall make the 90-minute parent/student driver education component available to all students and their parents or guardians who are in compliance with § 22.1-254.

D. The actual initial driving instruction shall be conducted, with motor vehicles equipped as may be required by regulation of the Board of Education, on private or public property removed from public highways if practicable; if impracticable, then, at the request of the school board, the Commissioner of Highways shall designate a suitable section of road near the school to be used for such instruction. Such section of road shall be marked with signs, which the Commissioner of Highways shall supply, giving notice of its use for driving instruction. Such signs shall be removed at the close of the instruction period. No vehicle other than those used for driver training shall be operated between such signs at a speed in excess of 25 miles per hour. Violation of this limit shall be a Class 4 misdemeanor.

E. The Board of Education may, in its discretion, promulgate regulations for the use and certification of paraprofessionals as teaching assistants in the driver education programs of school divisions.

F. The Board of Education shall approve correspondence courses for the classroom training component of driver education. These correspondence courses shall be consistent in quality with instructional programs developed by the Board for classroom training in the public schools. Students completing the correspondence courses for classroom training, who are eligible to take behind-the-wheel driver training, may receive behind-the-wheel driver training (i) from a public school, upon payment of the required fee, if the school division offers behind-the-wheel driver training and space is available, (ii) from a driver training school licensed by the Department of Motor Vehicles, or (iii) in the case of a home schooling parent or guardian instructing his own child who meets the requirements for home school instruction under § 22.1-254.1 or subdivision B 1 of § 22.1-254, from a behind-the-wheel training course approved by the Board. Nothing herein shall be construed to require any school division to provide behind-the-wheel driver training to nonpublic school students.

§ 24.2-410.1. Citizenship status; Department of Motor Vehicles to furnish lists of noncitizens.

A. The Department of Motor Vehicles shall include on the application for a ~~driver's license, commercial driver's license, temporary driver's permit, learner's permit, motorcycle learner's permit, special identification card any document,~~ or renewal thereof, issued pursuant to the provisions of Chapter 3 (§ 46.2-300 et seq.) of Title 46.2, as a predicate to offering a voter registration application pursuant to § 24.2-411.1, a statement asking the applicant if he is a United States citizen. If the applicant indicates a noncitizen status, the Department of Motor Vehicles shall not offer that applicant the opportunity to apply for voter registration. If the applicant indicates that he is a United States citizen and that he wishes to register to vote or change his voter registration address, the statement that he is a United States citizen shall become part of the voter registration application offered to the applicant. Information on citizenship status shall not be a determinative factor for the issuance of any document pursuant to the provisions of Chapter 3 (§ 46.2-300 et seq.) of Title 46.2.

B. Additionally, the Department of Motor Vehicles shall furnish monthly to the Department of Elections a complete list of all persons who have indicated a noncitizen status to the Department of Motor Vehicles in obtaining a ~~driver's license, commercial driver's license, temporary driver's permit, learner's permit, motorcycle learner's permit, special identification card any document,~~ or renewal thereof, issued pursuant to the provisions of Chapter 3 (§ 46.2-300 et seq.) of Title 46.2. The

Department of Elections shall transmit the information from the list to the appropriate general registrars. Information in the lists shall be confidential and available only for official use by the Department of Elections and general registrars.

C. For the purposes of this section, the Department of Motor Vehicles is not responsible for verifying the claim of any applicant who indicates United States citizen status when applying for a ~~driver's license, commercial driver's license, temporary driver's permit, learner's permit, motorcycle learner's permit, special identification card~~ *any document*, or renewal thereof, issued pursuant to the provisions of Chapter 3 (§ 46.2-300 et seq.) of Title 46.2.

§ 24.2-411.1. Offices of the Department of Motor Vehicles.

A. The Department of Motor Vehicles shall provide the opportunity to register to vote to each person who comes to an office of the Department of Motor Vehicles to:

1. Apply for, replace, or renew a driver's license *or other document issued under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2 except driver privilege cards or permits issued pursuant to § 46.2-328.3; or*
2. ~~Apply for, replace, or renew a special identification card; or~~
3. Change an address on an existing driver's license ~~or special identification card~~ *other document issued under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2 except driver privilege cards or permits issued pursuant to § 46.2-328.3.*

B. The method used to receive an application for voter registration shall avoid duplication of the license portion of the license application and require only the minimum additional information necessary to enable registrars to determine the voter eligibility of the applicant and to administer voter registration and election laws. A person who does not sign the registration portion of the application shall be deemed to have declined to register at that time. The voter application shall include a statement that, if an applicant declines to register to vote, the fact the applicant has declined to register will remain confidential and will be used only for voter registration purposes.

Each application form distributed under this section shall be accompanied by the following statement featured prominently in boldface capital letters: "WARNING: INTENTIONALLY MAKING A MATERIALLY FALSE STATEMENT ON THIS FORM CONSTITUTES THE CRIME OF ELECTION FRAUD, WHICH IS PUNISHABLE UNDER VIRGINIA LAW AS A FELONY. VIOLATORS MAY BE SENTENCED TO UP TO 10 YEARS IN PRISON, OR UP TO 12 MONTHS IN JAIL AND/OR FINED UP TO \$2,500."

Any completed application for voter registration submitted by a person who is already registered shall serve as a written request to update his registration record. Any change of address form submitted for purposes of a motor vehicle driver's license ~~or special identification card~~ *other document issued under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2* shall serve as notification of change of address for voter registration for the registrant involved unless the registrant states on the form that the change of address is not for voter registration purposes. If the information from the notification of change of address for voter registration indicates that the registered voter has moved to another general registrar's jurisdiction within the Commonwealth, the notification shall be treated as a request for transfer from the registered voter. The notification and the registered voter's registration record shall be transmitted as directed by the Department of Elections to the appropriate general registrar who shall send confirmation documents of the transfer to the voter pursuant to § 24.2-424. The Department of Motor Vehicles and Department of Elections shall cooperate in the prompt transmittal by electronic or other means of the notification to the appropriate general registrar.

C. The completed voter registration portion of the application shall be transmitted as directed by the Department of Elections not later than five business days after the date of receipt. The Department of Motor Vehicles and Department of Elections shall cooperate in the prompt transmittal by electronic or other means of the voter registration portion of the application to the appropriate general registrar.

D. The Department of Elections shall maintain statistical records on the number of applications to register to vote with information provided from the Department of Motor Vehicles.

E. A person who provides services at the Department of Motor Vehicles shall not disclose, except as authorized by law for official use, the social security number, or any part thereof, of any applicant for voter registration.

F. The Department of Motor Vehicles shall provide assistance as required in providing voter photo identification cards as provided in subdivision A 3 of § 24.2-404.

§ 24.2-416.7. Application for voter registration by electronic means.

A. Notwithstanding any other provision of law, a person who is qualified to register to vote may apply to register to vote by electronic means as authorized by the State Board by completing an electronic registration application.

B. Notwithstanding any other provision of law, a registered voter may satisfy the requirements of §§ 24.2-423 and 24.2-424 to notify the general registrar of a change of legal name or place of residence within the Commonwealth by electronic means as authorized by the State Board by completing an electronic registration application.

C. An electronic registration application completed pursuant to this article shall require that an applicant:

1. Provide the information as required under § 24.2-418;
2. Have a Virginia driver's license ~~or special identification card~~ *other document* issued by the Department of Motor Vehicles *under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2;*
3. Provide a social security number and Department of Motor Vehicles customer identifier number that matches the applicant's record in the Department of Motor Vehicles records;
4. Attest to the truth of the information provided;
5. Sign the application in a manner consistent with the Uniform Electronic Transactions Act (§ 59.1-479 et seq.); and

6. Affirmatively authorize the Department of Elections and general registrar to use the applicant's signature obtained by the Department of Motor Vehicles for voter registration purposes.

D. In order for an individual to complete a transaction under this article, the general registrar shall verify that the Department of Motor Vehicles customer identifier number, date of birth, and social security number provided by the applicant match the information contained in the Department of Motor Vehicles records.

E. The Department of Motor Vehicles shall provide to the Department of Elections a digital copy of the applicant's signature on record with the Department of Motor Vehicles.

F. The Department of Elections shall transmit to the general registrar an applicant's completed voter registration application and digital signature not later than five business days after the date of receipt.

G. Each transaction taking place under this section shall be accompanied by the following statement featured prominently in boldface capital letters: "WARNING: INTENTIONALLY MAKING A MATERIALLY FALSE STATEMENT DURING THIS TRANSACTION CONSTITUTES THE CRIME OF ELECTION FRAUD, WHICH IS PUNISHABLE UNDER VIRGINIA LAW AS A FELONY. VIOLATORS MAY BE SENTENCED TO UP TO 10 YEARS IN PRISON, OR UP TO 12 MONTHS IN JAIL AND/OR FINED UP TO \$2,500."

H. The Department of Elections may use additional security measures approved by the State Board to ensure the accuracy and integrity of registration transactions performed under this article.

§ 24.2-643. Qualified voter permitted to vote; procedures at polling place; voter identification.

A. After the polls are open, each qualified voter at a precinct shall be permitted to vote. The officers of election shall ascertain that a person offering to vote is a qualified voter before admitting him to the voting booth and furnishing an official ballot to him.

B. An officer of election shall ask the voter for his full name and current residence address and the voter may give such information orally or in writing. The officer of election shall repeat, in a voice audible to party and candidate representatives present, the full name and address provided by the voter. The officer shall ask the voter to present any one of the following forms of identification: his valid Virginia driver's license, his valid United States passport, or any other photo identification issued by the Commonwealth, one of its political subdivisions, or the United States, *other than a driver privilege card issued under § 46.2-328.3*; any valid student identification card containing a photograph of the voter and issued by any institution of higher education located in the Commonwealth or any private school located in the Commonwealth; or any valid employee identification card containing a photograph of the voter and issued by an employer of the voter in the ordinary course of the employer's business.

Any voter who does not show one of the forms of identification specified in this subsection shall be offered a provisional ballot under the provisions of § 24.2-653. The State Board of Elections shall provide an ID-ONLY provisional ballot envelope that requires no follow-up action by the registrar or electoral board other than matching submitted identification documents from the voter for the electoral board to make a determination on whether to count the ballot.

If the voter presents one of the forms of identification listed above, if his name is found on the pollbook in a form identical to or substantially similar to the name on the presented form of identification and the name provided by the voter, if he is qualified to vote in the election, and if no objection is made, an officer shall enter, opposite the voter's name on the pollbook, the first or next consecutive number from the voter count form provided by the State Board, or shall enter that the voter has voted if the pollbook is in electronic form; an officer shall provide the voter with the official ballot; and another officer shall admit him to the voting booth. Each voter whose name has been marked on the pollbooks as present to vote and entitled to a ballot shall remain in the presence of the officers of election in the polling place until he has voted. If a line of voters who have been marked on the pollbooks as present to vote forms to await entry to the voting booths, the line shall not be permitted to extend outside of the room containing the voting booths and shall remain under observation by the officers of election.

A voter may be accompanied into the voting booth by his child age 15 or younger.

C. If the current residence address provided by the voter is different from the address shown on the pollbook, the officer of election shall furnish the voter with a change of address form prescribed by the State Board. Upon its completion, the voter shall sign the prescribed form, subject to felony penalties for making false statements pursuant to § 24.2-1016, which the officer of election shall then place in an envelope provided for such forms for transmission to the general registrar who shall then transfer or cancel the registration of such voter pursuant to Chapter 4 (§ 24.2-400 et seq.).

D. At the time the voter is asked his full name and current residence address, the officer of election shall ask any voter for whom the pollbook indicates that an identification number other than a social security number is recorded on the Virginia voter registration system if he presently has a social security number. If the voter is able to provide his social security number, he shall be furnished with a voter registration form prescribed by the State Board to update his registration information. Upon its completion, the form shall be placed by the officer of election in an envelope provided for such forms for transmission to the general registrar. Any social security numbers so provided shall be entered by the general registrar in the voter's record on the voter registration system.

§ 32.1-291.2. Definitions.

As used in this Act, unless the context requires otherwise:

"Adult" means an individual who is at least 18 years of age.

"Agent" means an individual:

1. Authorized to make health-care decisions on the principal's behalf by a power of attorney for health care; or

2. Expressly authorized to make an anatomical gift on the principal's behalf by any other record signed by the principal. "Anatomical gift" means a donation of all or part of a human body to take effect after the donor's death for the purpose of transplantation, therapy, research, or education.

"Decedent" means a deceased individual whose body or part is or may be the source of an anatomical gift. The term includes a stillborn infant and, subject to restrictions imposed by law other than this Act, a fetus.

"Disinterested witness" means a witness other than the spouse, child, parent, sibling, grandchild, grandparent, or guardian of the individual who makes, amends, revokes, or refuses to make an anatomical gift, or another adult who exhibited special care and concern for the individual. The term does not include a person to whom an anatomical gift could pass under § 32.1-291.11.

"Document of gift" means a donor card or other record used to make an anatomical gift. The term includes a statement or symbol on a driver's license, identification card, or donor registry.

"Donor" means an individual whose body or part is the subject of an anatomical gift.

"Donor registry" means a database that contains records of anatomical gifts.

"Driver's license" means a license or ~~permit~~ *other document* issued by the Virginia Department of Motor Vehicles ~~to operate under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2 authorizing the operation of a motor vehicle upon the highways,~~ whether or not conditions are attached to the license or ~~permit~~ *other document*.

"Eye bank" means a person that is licensed, accredited, or regulated under federal or state law to engage in the recovery, screening, testing, processing, storage, or distribution of human eyes or portions of human eyes and that is a member of the Virginia Transplant Council, accredited by the Eye Bank Association of America or the American Association of Tissue Banks and operating in the Commonwealth of Virginia.

"Guardian" means a person appointed by a court to make decisions regarding the support, care, education, health, or welfare of an individual. The term does not include a guardian ad litem, except when the guardian ad litem is authorized by a court to consent to donation.

"Hospital" means a facility licensed as a hospital under the law of any state or a facility operated as a hospital by the United States, a state, or a subdivision of a state.

"Identification card" means an identification card issued by the Virginia Department of Motor Vehicles *under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2*.

"Know" means to have actual knowledge.

"Minor" means an individual who is under 18 years of age.

"Organ procurement organization" means a person designated by the Secretary of the United States Department of Health and Human Services as an organ procurement organization that is also a member of the Virginia Transplant Council.

"Parent" means a parent whose parental rights have not been terminated.

"Part" means an organ, an eye, or tissue of a human being. The term does not include the whole body.

"Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.

"Physician" means an individual authorized to practice medicine or osteopathy under the law of any state.

"Procurement organization" means an eye bank, organ procurement organization, or tissue bank that is a member of the Virginia Transplant Council.

"Prospective donor" means an individual who is dead or whose death is imminent and has been determined by a procurement organization to have a part that could be medically suitable for transplantation, therapy, research, or education. The term does not include an individual who has made a refusal.

"Reasonably available" means able to be contacted by a procurement organization without undue effort and willing and able to act in a timely manner consistent with existing medical criteria necessary for the making of an anatomical gift.

"Recipient" means an individual into whose body a decedent's part has been or is intended to be transplanted.

"Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

"Refusal" means a record created under § 32.1-291.7 that expressly states an intent to bar other persons from making an anatomical gift of an individual's body or part.

"Sign" means, with the present intent to authenticate or adopt a record:

1. To execute or adopt a tangible symbol; or
2. To attach to or logically associate with the record an electronic symbol, sound, or process.

"State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

"Technician" means an individual determined to be qualified to remove or process parts by an appropriate organization that is licensed, accredited, or regulated under federal or state law. The term includes an enucleator.

"Tissue" means a portion of the human body other than an organ or an eye. The term does not include blood unless the blood is donated for the purpose of research or education.

"Tissue bank" means a person that is licensed, accredited, or regulated under federal or state law to engage in the recovery, screening, testing, processing, storage, or distribution of tissue and that is a member of the Virginia Transplant Council, accredited by the American Association of Tissue Banks, and operating in the Commonwealth of Virginia.

"Transplant hospital" means a hospital that furnishes organ transplants and other medical and surgical specialty services required for the care of transplant patients.

§ 33.2-613. Free use of toll facilities by certain state officers and employees; penalties.

A. Upon presentation of a toll pass issued pursuant to regulations promulgated by the Board, the following persons may use all toll bridges, toll ferries, toll tunnels, and toll roads in the Commonwealth without the payment of toll while in the performance of their official duties:

1. The Commissioner of Highways;
2. Members of the Commonwealth Transportation Board;
3. Employees of the Department of Transportation;
4. The Superintendent of the Department of State Police;
5. Officers and employees of the Department of State Police;
6. Members of the Board of Directors of the Virginia Alcoholic Beverage Control Authority;
7. Employees of the regulatory and hearings divisions of the Virginia Alcoholic Beverage Control Authority and special agents of the Virginia Alcoholic Beverage Control Authority;
8. The Commissioner of the Department of Motor Vehicles;
9. Employees of the Department of Motor Vehicles;
10. Local police officers;
11. Sheriffs and their deputies;
12. Regional jail officials;
13. Animal wardens;
14. The Director and officers of the Department of Game and Inland Fisheries;
15. Persons operating firefighting equipment and emergency medical services vehicles as defined in § 32.1-111.1;
16. Operators of school buses being used to transport pupils to or from schools;
17. Operators of (i) commuter buses having a capacity of 20 or more passengers, including the driver, and used to regularly transport workers to and from their places of employment and (ii) public transit buses;
18. Employees of the Department of Rail and Public Transportation;
19. Employees of any transportation facility created pursuant to the Virginia Highway Corporation Act of 1988; and
20. Law-enforcement officers of the Virginia Marine Resources Commission.

B. Notwithstanding the provision of subsection A requiring presentation of a toll pass for toll-free use of such facilities, in cases of emergency and circumstances of concern for public safety on the highways of the Commonwealth, the Department of Transportation shall, in order to alleviate an actual or potential threat or risk to the public's safety, facilitate the flow of traffic on or within the vicinity of the toll facility by permitting the temporary suspension of toll collection operations on its facilities.

1. The assessment of the threat to public safety shall be performed and the decision temporarily to suspend toll collection operations shall be made by the Commissioner of Highways or his designee.

2. Major incidents that may require the temporary suspension of toll collection operations shall include (i) natural disasters, such as hurricanes, tornadoes, fires, and floods; (ii) accidental releases of hazardous materials, such as chemical spills; (iii) major traffic accidents, such as multivehicle collisions; and (iv) other incidents deemed to present a risk to public safety. Any mandatory evacuation during a state of emergency as defined in § 44-146.16 shall require the temporary suspension of toll collection operations in affected evacuation zones on routes designated as mass evacuation routes. The Commissioner of Highways shall reinstate toll collection when the mandatory evacuation period ends.

3. In any judicial proceeding in which a person is found to be criminally responsible or civilly liable for any incident resulting in the suspension of toll collections as provided in this subsection, the court may assess against the person an amount equal to lost toll revenue as a part of the costs of the proceeding and order that such amount, not to exceed \$2,000 for any individual incident, be paid to the Department of Transportation for deposit into the toll road fund.

C. Any tollgate keeper who refuses to permit the persons listed in subsection A to use any toll bridge, toll ferry, toll tunnel, or toll road upon presentation of such a toll pass is guilty of a misdemeanor punishable by a fine of not more than \$50 and not less than \$2.50. Any person other than those listed in subsection A who exhibits any such toll pass for the purpose of using any toll bridge, toll ferry, toll tunnel, or toll road is guilty of a Class 1 misdemeanor.

D. Any vehicle operated by the holder of a valid driver's license issued by the Commonwealth or any other state or other document issued under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2, or the comparable law of another jurisdiction, authorizing the operation of a motor vehicle upon the highways shall be allowed free use of all toll bridges, toll roads, and other toll facilities in the Commonwealth if:

1. The vehicle is specially equipped to permit its operation by a handicapped person;
2. The driver of the vehicle has been certified, either by a physician licensed by the Commonwealth or any other state or by the Adjudication Office of the U.S. Department of Veterans Affairs, as being severely physically disabled and having permanent upper limb mobility or dexterity impairments that substantially impair his ability to deposit coins in toll baskets;
3. The driver has applied for and received from the Department of Transportation a vehicle window sticker identifying him as eligible for such free passage; and
4. Such identifying window sticker is properly displayed on the vehicle.

A copy of this subsection shall be posted at all toll bridges, toll roads, and other toll facilities in the Commonwealth. The Department of Transportation shall provide envelopes for payments of tolls by those persons exempted from tolls pursuant to this subsection and shall accept any payments made by such persons.

E. Nothing contained in this section or in § 33.2-612 or 33.2-1718 shall operate to affect the provisions of § 22.1-187.

F. Notwithstanding the provisions of subsections A, B, and C, only the following persons may use the Chesapeake Bay Bridge-Tunnel, facilities of the Richmond Metropolitan Transportation Authority, or facilities of an operator authorized to operate a toll facility pursuant to the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.) without the payment of toll when necessary and incidental to the conduct of official business:

1. The Commissioner of Highways;
2. Members of the Commonwealth Transportation Board;
3. Employees of the Department of Transportation;
4. The Superintendent of the Department of State Police;
5. Officers and employees of the Department of State Police;
6. The Commissioner of the Department of Motor Vehicles;
7. Employees of the Department of Motor Vehicles; and
8. Sheriffs and deputy sheriffs.

However, in the event of a mandatory evacuation and suspension of tolls pursuant to subdivision B 2, the Commissioner of Highways or his designee shall order the temporary suspension of toll collection operations on facilities of all operators authorized to operate a toll facility pursuant to the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.) that has been designated as a mass evacuation route in affected evacuation zones, to the extent such order is necessary to facilitate evacuation and is consistent with the terms of the applicable comprehensive agreement between the operator and the Department. The Commissioner of Highways shall authorize the reinstatement of toll collections suspended pursuant to this subsection when the mandatory evacuation period ends or upon the reinstatement of toll collections on other tolled facilities in the same affected area, whichever occurs first.

G. Any vehicle operated by a quadriplegic driver shall be allowed free use of all toll facilities in Virginia controlled by the Richmond Metropolitan Transportation Authority, pursuant to the requirements of subdivisions D 1 through 4.

H. Vehicles transporting two or more persons, including the driver, may be permitted toll-free use of the Dulles Toll Road during rush hours by the Board; however, notwithstanding the provisions of subdivision B 1 of § 56-543, such vehicles shall not be permitted toll-free use of a roadway as defined pursuant to the Virginia Highway Corporation Act of 1988 (§ 56-535 et seq.).

§ 38.2-2212. Grounds and procedure for cancellation of or refusal to renew motor vehicle insurance policies; review by Commissioner.

A. The following definitions shall apply to this section:

"Cancellation" or "to cancel" means a termination of a policy during the policy period.

"Insurer" means any insurance company, association, or exchange licensed to transact motor vehicle insurance in this Commonwealth.

"Policy of motor vehicle insurance" or "policy" means a policy or contract for bodily injury or property damage liability insurance issued or delivered in this Commonwealth covering liability arising from the ownership, maintenance, or use of any motor vehicle, insuring as the named insured one individual or husband and wife who are residents of the same household, and under which the insured vehicle designated in the policy is either:

a. A motor vehicle of a private passenger, station wagon, or motorcycle type that is not used commercially, rented to others, or used as a public or livery conveyance where the term "public or livery conveyance" does not include car pools, or

b. Any other four-wheel motor vehicle which is not used in the occupation, profession, or business, other than farming, of the insured, or as a public or livery conveyance, or rented to others. The term "policy of motor vehicle insurance" or "policy" does not include (i) any policy issued through the Virginia Automobile Insurance Plan, (ii) any policy covering the operation of a garage, sales agency, repair shop, service station, or public parking place, (iii) any policy providing insurance only on an excess basis, or (iv) any other contract providing insurance to the named insured even though the contract may incidentally provide insurance on motor vehicles.

"Renewal" or "to renew" means (i) the issuance and delivery by an insurer of a policy superseding at the end of the policy period a policy previously issued and delivered by the same insurer, providing types and limits of coverage at least equal to those contained in the policy being superseded, or (ii) the issuance and delivery of a certificate or notice extending the term of a policy beyond its policy period or term with types and limits of coverage at least equal to those contained in the policy. Each renewal shall conform with the requirements of the manual rules and rating program currently filed by the insurer with the Commission. Except as provided in subsection K, any policy with a policy period or term of less than 12 months or any policy with no fixed expiration date shall for the purpose of this section be considered as if written for successive policy periods or terms of six months from the original effective date.

B. This section shall apply only to that portion of a policy of motor vehicle insurance providing the coverage required by §§ 38.2-2204, 38.2-2205, and 38.2-2206.

C. 1. No insurer shall refuse to renew a motor vehicle insurance policy solely because of any one or more of the following factors:

- a. Age;

- b. Sex;
 - c. Residence;
 - d. Race;
 - e. Color;
 - f. Creed;
 - g. National origin;
 - h. Ancestry;
 - i. Marital status;
 - j. Lawful occupation, including the military service;
 - k. Lack of driving experience, or number of years driving experience;
 - l. Lack of supporting business or lack of the potential for acquiring such business;
 - m. One or more accidents or violations that occurred more than 48 months immediately preceding the upcoming anniversary date;
 - n. One or more claims submitted under the uninsured motorists coverage of the policy where the uninsured motorist is known or there is physical evidence of contact;
 - o. A single claim by a single insured submitted under the medical expense coverage due to an accident for which the insured was neither wholly nor partially at fault;
 - p. One or more claims submitted under the comprehensive or towing coverages. However, nothing in this section shall prohibit an insurer from modifying or refusing to renew the comprehensive or towing coverages at the time of renewal of the policy on the basis of one or more claims submitted by an insured under those coverages, provided that the insurer shall mail or deliver to the insured at the address shown in the policy, or deliver electronically to the address provided by the named insured, written notice of any such change in coverage at least 45 days prior to the renewal;
 - q. Two or fewer motor vehicle accidents within a three-year period unless the accident was caused either wholly or partially by the named insured, a resident of the same household, or other customary operator;
 - r. Credit information contained in a "consumer report," as defined in the federal Fair Credit Reporting Act, 15 U.S.C. § 1681 et seq., bearing on a natural person's creditworthiness, credit standing or credit capacity. If credit information is used, in part, as the basis for the nonrenewal, such credit information shall be based on a consumer report procured within 120 days from the effective date of the nonrenewal. The provisions of this subdivision shall apply only to insurance purchased primarily for personal, family, or household purposes;
 - s. The refusal of a motor vehicle owner as defined in § 46.2-1088.6 to provide access to recorded data from a recording device as defined in § 46.2-1088.6; or
 - t. The status of the person as a foster care provider or a person in foster care.
2. Nothing in this section shall require any insurer to renew a policy for an insured where the insured's occupation has changed so as to materially increase the risk. Nothing contained in subdivisions 1 n, o, and p shall prohibit an insurer from refusing to renew a policy where a claim is false or fraudulent. Nothing in this section prohibits any insurer from setting rates in accordance with relevant actuarial data.
- D. No insurer shall cancel a policy except for one or more of the following reasons:
1. The named insured or any other operator who either resides in the same household or customarily operates a motor vehicle insured under the policy has had his ~~driver's license~~ *driving privileges* suspended or revoked during the policy period or, if the policy is a renewal, during its policy period or the 90 days immediately preceding the last effective date.
 2. The named insured fails to pay the premium for the policy or any installment of the premium, whether payable to the insurer or its agent either directly or indirectly under any premium finance plan or extension of credit.
 3. The named insured or his duly constituted attorney-in-fact has notified the insurer of a change in the insured's legal residence to a state other than Virginia and the insured vehicle will be principally garaged in the new state of legal residence.
- E. No cancellation or refusal to renew by an insurer of a policy of motor vehicle insurance shall be effective unless the insurer delivers or mails to the named insured at the address shown in the policy a written notice of the cancellation or refusal to renew, or the insurer delivers such notice electronically to the address provided by the named insured. The notice shall:
1. Be in a type size authorized under § 38.2-311.
 2. State the effective date of the cancellation or refusal to renew. The effective date of cancellation or refusal to renew shall be at least 45 days after mailing or delivering to the insured the notice of cancellation or notice of refusal to renew. However, when the policy is being canceled or not renewed for the reason set forth in subdivision D 2 the effective date may be less than 45 days but at least 15 days from the date of mailing or delivery.
 3. State the specific reason of the insurer for cancellation or refusal to renew and provide for the notification required by §§ 38.2-608, 38.2-609, and subsection B of § 38.2-610. However, those notification requirements shall not apply when the policy is being canceled or not renewed for the reason set forth in subdivision D 2.
 4. Inform the insured of his right to request in writing within 15 days of the receipt of the notice that the Commissioner review the action of the insurer.
- The notice of cancellation or refusal to renew shall contain the following statement to inform the insured of such right:
- IMPORTANT NOTICE**
- Within 15 days of receiving this notice, you or your attorney may request in writing that the Commissioner of Insurance review this action to determine whether the insurer has complied with Virginia laws in canceling or nonrenewing

your policy. If this insurer has failed to comply with the cancellation or nonrenewal laws, the Commissioner may require that your policy be reinstated. However, the Commissioner is prohibited from making underwriting judgments. If this insurer has complied with the cancellation or nonrenewal laws, the Commissioner does not have the authority to overturn this action.

5. Inform the insured of the possible availability of other insurance which may be obtained through his agent, through another insurer, or through the Virginia Automobile Insurance Plan.

6. If sent by mail or delivered electronically, comply with the provisions of § 38.2-2208.

Nothing in this subsection prohibits any insurer or agent from including in the notice of cancellation or refusal to renew, any additional disclosure statements required by state or federal laws, or any additional information relating to the availability of other insurance.

F. Nothing in this section shall apply:

1. If the insurer or its agent acting on behalf of the insurer has manifested its willingness to renew by issuing or offering to issue a renewal policy, certificate, or other evidence of renewal, or has manifested its willingness to renew in writing to the insured. The written manifestation shall include the name of a proposed insurer, the expiration date of the policy, the type of insurance coverage, and information regarding the estimated renewal premium. The insurer shall retain a copy of each written manifestation for a period of at least one year from the expiration date of any policy that is not renewed;

2. If the named insured, or his duly constituted attorney-in-fact, has notified the insurer or its agent orally, or in writing, if the insurer requires such notification to be in writing, that he wishes the policy to be canceled or that he does not wish the policy to be renewed, or if prior to the date of expiration he fails to accept the offer of the insurer to renew the policy;

3. To any motor vehicle insurance policy which has been in effect less than 60 days when the termination notice is mailed or delivered to the insured, unless it is a renewal policy; or

4. If an affiliated insurer has manifested its willingness to provide coverage at a lower premium than would have been charged for the same exposures on the expiring policy. The affiliated insurer shall manifest its willingness to provide coverage by issuing a policy with the types and limits of coverage at least equal to those contained in the expiring policy unless the named insured has requested a change in coverage or limits. When such offer is made by an affiliated insurer, an offer of renewal shall not be required of the insurer of the expiring policy, and the policy issued by the affiliated insurer shall be deemed to be a renewal policy.

G. There shall be no liability on the part of and no cause of action of any nature shall arise against the Commissioner or his subordinates; any insurer, its authorized representatives, its agents, or its employees; or any person furnishing to the insurer information as to reasons for cancellation or refusal to renew, for any statement made by any of them in complying with this section or for providing information pertaining to the cancellation or refusal to renew. For the purposes of this section, no insurer shall be required to furnish a notice of cancellation or refusal to renew to anyone other than the named insured, any person designated by the named insured, or any other person to whom such notice is required to be given by the terms of the policy and the Commissioner.

H. Within 15 days of receipt of the notice of cancellation or refusal to renew, any insured or his attorney shall be entitled to request in writing to the Commissioner that he review the action of the insurer in canceling or refusing to renew the policy of the insured. Upon receipt of the request, the Commissioner shall promptly begin a review to determine whether the insurer's cancellation or refusal to renew complies with the requirements of this section and of § 38.2-2208 if the notice was sent by mail or delivered electronically. The policy shall remain in full force and effect during the pendency of the review by the Commissioner except where the cancellation or refusal to renew is for the reason set forth in subdivision D 2, in which case the policy shall terminate as of the effective date stated in the notice. Where the Commissioner finds from the review that the cancellation or refusal to renew has not complied with the requirements of this section or of § 38.2-2208, he shall immediately notify the insurer, the insured and any other person to whom such notice was required to be given by the terms of the policy that the cancellation or refusal to renew is not effective. Nothing in this section authorizes the Commissioner to substitute his judgment as to underwriting for that of the insurer. Where the Commissioner finds in favor of the insured, the Commission in its discretion may award the insured reasonable attorneys' fees.

I. Each insurer shall maintain for at least one year, records of cancellation and refusal to renew and copies of every notice or statement referred to in subsection E that it sends to any of its insureds.

J. The provisions of this section shall not apply to any insurer that limits the issuance of policies of motor vehicle liability insurance to one class or group of persons engaged in any one particular profession, trade, occupation, or business. Nothing in this section requires an insurer to renew a policy of motor vehicle insurance if the insured does not conform to the occupational or membership requirements of an insurer who limits its writings to an occupation or membership of an organization. No insurer is required to renew a policy if the insured becomes a nonresident of Virginia.

K. Notwithstanding any other provision of this section, a motor vehicle insurance policy with a policy period or term of five months or less may expire at its expiration date when the insurer has manifested in writing its willingness to renew the policy for at least 30 days and has mailed or delivered the written manifestation to the insured at least 15 days before the expiration date of the policy. The written manifestation shall include the name of the proposed insurer, the expiration date of the policy, the type of insurance coverage, and the estimated renewal premium. The insurer shall retain a copy of the written manifestation for at least one year from the expiration date of any policy that is not renewed.

§ 46.2-328.1. Licenses, permits, and special identification cards to be issued only to United States citizens, legal permanent resident aliens, or holders of valid unexpired nonimmigrant visas; exceptions; renewal, duplication, or reissuance.

A. Notwithstanding any other provision of this title, except as provided in subsection G of § 46.2-345, the Department shall not issue an original license, permit, or special identification card to any applicant who has not presented to the Department, with the application, valid documentary evidence that the applicant is either (i) a citizen of the United States, (ii) a legal permanent resident of the United States, ~~or~~ (iii) a conditional resident alien of the United States, (iv) *an approved applicant for asylum in the United States*, (v) *an entrant into the United States in refugee status*, or (vi) *a citizen of the Federated States of Micronesia, the Republic of Palau, or the Republic of the Marshall Islands, collectively known as the Freely Associated States*.

B. Notwithstanding the provisions of subsection A and the provisions of §§ 46.2-330 and 46.2-345, an applicant who presents in person valid documentary evidence of ~~(i) a valid, unexpired nonimmigrant visa or nonimmigrant visa status for entry into the United States, (ii) a pending or approved application for asylum in the United States, (iii) entry into the United States in refugee status, (iv) a pending or approved application for temporary protected status in the United States, (v) approved deferred action status, or (vi) a pending application for adjustment of status to legal permanent residence status or conditional resident status, that a federal court or federal agency having jurisdiction over immigration has authorized the applicant to be in the United States or an applicant for a REAL ID credential who provides evidence of temporary lawful status in the United States as required pursuant to the REAL ID Act of 2005, as amended, and its implementing regulations~~ may be issued a ~~temporary limited-duration~~ license, permit, or special identification card. Such ~~temporary limited-duration~~ license, permit, or special identification card shall be valid only during the period of time of the applicant's authorized stay in the United States or if there is no definite end to the period of authorized stay a period of one year. No license, permit, or special identification card shall be issued if an applicant's authorized stay in the United States is less than 30 days from the date of application. Any ~~temporary limited-duration~~ license, permit, or special identification card issued pursuant to this subsection shall clearly indicate that it is ~~temporary valid for a limited period~~ and shall state the date that it expires. Such a ~~temporary limited-duration~~ license, permit, or special identification card may be renewed only upon presentation of valid documentary evidence that the status by which the applicant qualified for the ~~temporary limited-duration~~ license, permit, or special identification has been extended by ~~the United States Immigration and Naturalization Service or the Bureau of Citizenship and Immigration Services of the Department of Homeland Security~~ *a federal court or federal agency having jurisdiction over immigration*.

C. Any license, *permit*, or special identification card for which an application has been made for renewal, duplication, or reissuance shall be presumed to have been issued in accordance with the provisions of subsection A, provided that, at the time the application is made, (i) the license, *permit*, or special identification card has not expired or been cancelled, suspended, or revoked or (ii) the license, *permit*, or special identification card has been canceled or suspended as a result of the applicant having been placed under medical review by the Department pursuant to § 46.2-322. The requirements of subsection A shall apply, however, to a renewal, duplication, or reissuance if the Department is notified by a local, state, or federal government agency that the individual seeking such renewal, duplication, or reissuance is neither a citizen of the United States nor legally in the United States.

D. The Department shall cancel any license, permit, or special identification card that it has issued to an individual if it is notified by a federal government agency that the individual is neither a citizen of the United States nor legally present in the United States.

E. For any applicant who presents a document pursuant to this section proving legal presence other than citizenship, the Department shall record and provide to the State Board of Elections monthly the applicant's document number, if any, issued by an agency or court of the United States government.

§ 46.2-328.3. Driver privilege cards and permits.

A. *Upon application of any person who does not meet the requirements for a driver's license or permit under subsection A or B of § 46.2-328.1, the Department may issue to the applicant a driver privilege card or permit if the Department determines that the applicant (i) has reported income and deductions from Virginia sources, as defined in § 58.1-302, or been claimed as a dependent, on an individual income tax return filed with the Commonwealth in the preceding 12 months and (ii) is not in violation of the insurance requirements set forth in Article 8 (§ 46.2-705 et seq.) of Chapter 6.*

B. *Driver privilege cards and permits shall confer the same privileges and shall be subject to the same provisions of this title as driver's licenses and permits issued under this chapter, unless otherwise provided, and shall be subject to the following conditions and exceptions:*

1. *The front of a driver privilege card or permit shall be identical in appearance to a driver's license or permit that is not a REAL ID credential and the back of the card or permit shall be identical in appearance to the restriction on the back of a limited-duration license, permit, or special identification card;*

2. *An applicant for a driver privilege card or permit shall not be eligible for a waiver of any part of the driver examination provided under § 46.2-325;*

3. *An applicant for a driver privilege card or permit shall not be required to present proof of legal presence in the United States;*

4. *A driver privilege card or permit shall expire on the applicant's second birthday following the date of issuance;*

5. The fee for an original driver privilege card or permit shall be \$50. The Department may issue, upon application by the holder of a valid, unexpired card or permit issued under this section, and upon payment of a fee of \$50, another driver privilege card or permit that shall be valid for a period of two years from the date of issuance. The amount paid by an applicant for a driver privilege card or other document issued pursuant to this chapter shall be considered privileged information for the purposes of § 46.2-208. No applicant shall be required to provide proof of compliance with clauses (i) and (ii) of subsection A for a reissued, renewed, or duplicate card or permit; and

6. Any information collected pursuant to this section that is not otherwise collected by the Department or required for the issuance of any other driving credential issued pursuant to the provisions of this chapter and any information regarding restrictions in the Department's records related to the issuance of a credential issued pursuant to this section shall be considered privileged. Notwithstanding the provisions of § 46.2-208, such information shall not be released except upon request by the subject of the information, the parent of a minor who is the subject of the information, the guardian of the subject of the information, or the authorized representative of the subject of the information, or pursuant to a court order:

C. The Department shall not release the following information relating to the issuance of a driver privilege card or permit, except upon request by the subject of the information, the parent of a minor who is the subject of the information, the guardian of the subject of the information, or the authorized representative of the subject of the information, or pursuant to a court order; (i) proof documents submitted for the purpose of obtaining a driver privilege card or permit, (ii) the information in the Department's records indicating the type of proof documentation that was provided, or (iii) applications.

The Department shall release to any federal, state, or local governmental entity, local government group self-insurance pool, law-enforcement officer, attorney for the Commonwealth, or court, or the authorized agent of any of the foregoing, information related to the issuance of a driver privilege card or permit, the release of which is not otherwise prohibited by this section, that is required for a requester to carry out the requester's official functions if the requester provides the individual's name and other sufficient identifying information contained on the individual's record. If the requester has entered into an agreement with the Department, such agreement shall be in a manner prescribed by the Department and such agreement shall contain the legal authority that authorizes the performance of the requester's official functions and a description of how such information will be used to carry out such official functions. If the Commissioner determines that sufficient authority has not been provided by the requester to show that the purpose for which such information shall be used is one of the requester's official functions, the Commissioner shall refuse to enter into any agreement. If the requester submits a request for information in accordance with this subsection without an existing agreement to receive the information, such request shall be in a manner prescribed by the Department and such request shall contain the legal authority that authorizes the performance of the requester's official functions and a description of how such information will be used to carry out such official functions. If the Commissioner determines that sufficient authority has not been provided by the requester to show that the purpose for which such information shall be used is one of the requester's official functions, the Commissioner shall deny such request.

§ 46.2-330. Expiration and renewal of licenses; examinations required.

A. Every driver's license shall expire on the applicant's birthday at the end of the period of years for which a driver's license has been issued. At no time shall any driver's license be issued for more than eight years or less than five years, unless otherwise provided by law. Thereafter the driver's license shall be renewed on or before the birthday of the licensee and shall be valid for a period not to exceed eight years except as otherwise provided by law. Any driver's license issued to a person age 75 or older shall be issued for a period not to exceed five years. Notwithstanding these limitations, the Commissioner may extend the validity period of an expiring license if (i) the Department is unable to process an application for renewal due to circumstances beyond its control, (ii) the extension has been authorized under a directive from the Governor, and (iii) the license was not issued as a temporary limited-duration driver's license under the provisions of subsection B of § 46.2-328.1. However, in no event shall the validity period be extended more than 90 days per occurrence of such conditions. In determining the number of years for which a driver's license shall be renewed, the Commissioner shall take into consideration the examinations, conditions, requirements, and other criteria provided under this title that relate to the issuance of a license to operate a vehicle. Any driver's license issued to a person required to register pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1 shall expire on the applicant's birthday in years which the applicant attains an age equally divisible by five.

B. Within one year prior to the date shown on the driver's license as the date of expiration, the Department shall send notice, to the holder thereof, at the address shown on the records of the Department in its driver's license file, that his license will expire on a date specified therein, whether he must be reexamined, and when he may be reexamined. Nonreceipt of the notice shall not extend the period of validity of the driver's license beyond its expiration date. The license holder may request the Department to send such renewal notice to an email or other electronic address, upon provision of such address to the Department.

Any driver's license may be renewed by application after the applicant has taken and successfully completed those parts of the examination provided for in §§ 46.2-311, 46.2-325, and the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.), including vision and written tests, other than the parts of the examination requiring the applicant to drive a motor vehicle. All drivers applying in person for renewal of a license shall take and successfully complete the examination each renewal year. Every applicant for a renewal shall appear in person before the Department, unless specifically notified by the Department that renewal may be accomplished in another manner as provided in the notice.

Applicants who are required to appear in person before the Department to apply for a renewal may also be required to present proof of identity, legal presence, residency, and social security number or non-work authorized status.

C. Notwithstanding any other provision of this section, the Commissioner, in his discretion, may require any applicant for renewal to be fully examined as provided in §§ 46.2-311 and 46.2-325 and the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.). Furthermore, if the applicant is less than 75 years old, the Commissioner may waive the vision examination for any applicant for renewal of a driver's license that is not a commercial driver's license and the requirement for the taking of the written test as provided in subsection B of this section, § 46.2-325, and the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.). However, in no case shall there be any waiver of the vision examination for applicants for renewal of a commercial driver's license or of the knowledge test required by the Virginia Commercial Driver's License Act for the hazardous materials endorsement on a commercial driver's license. No driver's license or learner's permit issued to any person who is 75 years old or older shall be renewed unless the applicant for renewal appears in person and either (i) passes a vision examination or (ii) presents a report of a vision examination, made within 90 days prior thereto by an ophthalmologist or optometrist, indicating that the applicant's vision meets or exceeds the standards contained in § 46.2-311.

D. Every applicant for renewal of a driver's license, whether renewal shall or shall not be dependent on any examination of the applicant, shall appear in person before the Department to apply for renewal, unless specifically notified by the Department that renewal may be accomplished in another manner as provided in the notice.

E. This section shall not modify the provisions of § 46.2-221.2.

F. 1. The Department shall electronically transmit application information, including a photograph, to the Department of State Police, in a format approved by the State Police, for comparison with information contained in the Virginia Criminal Information Network and National Crime Information Center Convicted Sexual Offender Registry files, at the time of the renewal of a driver's license. Whenever it appears from the records of the State Police that a person has failed to comply with the duty to register or reregister pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, the State Police shall promptly investigate and, if there is probable cause to believe a violation has occurred, obtain a warrant or assist in obtaining an indictment charging a violation of § 18.2-472.1 in the jurisdiction in which the person last registered or reregistered or in the jurisdiction where the person made application for licensure. The Department of State Police shall electronically transmit to the Department, in a format approved by the Department, for each person required to register pursuant to Chapter 9 of Title 9.1, registry information consisting of the person's name, all aliases that he has used or under which he may have been known, his date of birth, and his social security number as set out in § 9.1-903.

2. For each person required to register pursuant to Chapter 9 of Title 9.1, the Department may not waive the requirement that each such person shall appear for each renewal or the requirement to obtain a photograph in accordance with subsection C of § 46.2-323.

§ 46.2-332. Fees.

~~On and after January 1, 1990, the~~ *The* fee for each driver's license other than a commercial driver's license shall be \$2.40 per year. *This fee shall not apply to driver privilege cards or permits issued under § 46.2-328.3.* If the license is a commercial driver's license or seasonal restricted commercial driver's license, the fee shall be \$6 per year. ~~Persons 21 years old or older may be issued a scenic driver's license, learner's permit, or commercial driver's license for an additional fee of \$5.~~ For any one or more driver's license endorsements or classifications, except a motorcycle classification, there shall be an additional fee of \$1 per year; for a motorcycle classification, there shall be an additional fee of \$2 per year. For any and all driver's license classifications, there shall be an additional fee of \$1 per year. For any revalidation of a seasonal restricted commercial driver's license, the fee shall be \$5. A fee of \$10 shall be charged to extend the validity period of a driver's license pursuant to subsection B of § 46.2-221.2.

In addition to any other fee imposed and collected by the Department, the Department shall impose and collect a service charge of \$5 upon each person who carries out the renewal of a driver's license or special identification card in any of the Department's Customer Service Centers if such renewal can be conducted by mail or telephone or by using an electronic medium in a format prescribed by the Commissioner. Such service charge shall not apply if, concurrently with the renewal of the driver's license or special identification card, the person undertakes another transaction at a Customer Service Center that cannot be conducted by mail or telephone or by using an electronic medium in a format prescribed by the Commissioner. Such service charge shall be paid by the Commissioner into the state treasury and shall be set aside as a special fund to be used to meet the expenses of the Department.

A reexamination fee of \$2 shall be charged for each administration of the knowledge portion of the driver's license examination taken by an applicant who is 18 years of age or older if taken more than once within a 15-day period. The reexamination fee shall be charged each time the examination is administered until the applicant successfully completes the examination, if taken prior to the fifteenth day.

An applicant who is less than 18 years of age who does not successfully complete the knowledge portion of the driver's license examination shall not be permitted to take the knowledge portion more than once in 15 days.

A fee of \$50 shall be charged each time an applicant for a commercial driver's license fails to keep a scheduled skills test appointment, unless such applicant cancels his appointment with the assigned driver's license examiner at least 24 hours in advance of the scheduled appointment. The Commissioner may, on a case-by-case basis, waive such fee for good cause shown. All such fees shall be paid by the Commissioner into the state treasury and set aside as a special fund to be used to meet the necessary expenses incurred by the Department.

If the applicant for a driver's license is an employee of the Commonwealth, or of any county, city, or town who drives a motorcycle or a commercial motor vehicle solely in the line of his duty, he shall be exempt from the additional fee otherwise assessable for a motorcycle classification or a commercial motor vehicle endorsement. The Commissioner may prescribe the forms as may be requisite for completion by persons claiming exemption from additional fees imposed by this section.

No additional fee above \$2.40 per year shall be assessed for the driver's license or commercial driver's license required for the operation of a school bus.

Excluding the \$2 reexamination fee, \$1.50 of all fees collected for each original or renewal driver's license, *other than a driver privilege card issued under § 46.2-328.3*, shall be paid into the driver education fund of the state treasury and expended as provided by law. Unexpended funds from the driver education fund shall be retained in the fund and be available for expenditure in ensuing years as provided therein.

All fees for motorcycle classifications shall be distributed as provided in § 46.2-1191.

This section shall supersede conflicting provisions of this chapter.

§ 46.2-333.1. Surcharges on certain fees of Department; disposition of proceeds.

Notwithstanding any contrary provision of this chapter, there are hereby imposed, in addition to other fees imposed by this chapter, the following surcharges in the following amounts:

1. For the issuance of any driver's license other than a commercial driver's license, *or a driver privilege card issued under § 46.2-328.3*, \$1.60 per year of validity of the license;

2. For the issuance of any commercial driver's license, \$1 per year of validity of the license;

3. For the reissuance or replacement of any driver's license, \$5; and

4. For the reinstatement of any driver's license, \$15.

All surcharges collected by the Department under this section shall be paid into the state treasury and shall be set aside as a special fund to be used to support the operation and activities of the Department's customer service centers.

§ 46.2-335. Learner's permits; fees; certification required.

A. The Department, on receiving from any Virginia resident over the age of 15 years and six months an application for a learner's permit or motorcycle learner's permit, may, subject to the applicant's satisfactory documentation of meeting the requirements of this chapter and successful completion of the written or automated knowledge and vision examinations and, in the case of a motorcycle learner's permit applicant, the automated motorcycle test, issue a permit entitling the applicant, while having the permit in his immediate possession, to drive a motor vehicle or, if the application is made for a motorcycle learner's permit, a motorcycle, on the highways, when accompanied by any licensed driver 21 years of age or older or by his parent or legal guardian, or by a brother, sister, half-brother, half-sister, step-brother, or step-sister 18 years of age or older. The accompanying person shall be (i) alert, able to assist the driver, and actually occupying a seat beside the driver or, for motorcycle instruction, providing immediate supervision from a separate accompanying motor vehicle and (ii) lawfully permitted to operate the motor vehicle or accompanying motorcycle at that time.

The Department shall not, however, issue a learner's permit or motorcycle learner's permit to any minor applicant required to provide evidence of compliance with the compulsory school attendance law set forth in Article 1 (§ 22.1-254 et seq.) of Chapter 14 of Title 22.1, unless such applicant is in good academic standing or, if not in such standing or submitting evidence thereof, whose parent or guardian, having custody of such minor, provides written authorization for the minor to obtain a learner's permit or motorcycle learner's permit, which written authorization shall be obtained on forms provided by the Department and indicating the Commonwealth's interest in the good academic standing and regular school attendance of such minors. Any minor providing proper evidence of the solemnization of his marriage or a certified copy of a court order of emancipation shall not be required to provide the certification of good academic standing or any written authorization from his parent or guardian to obtain a learner's permit or motorcycle learner's permit.

Such permit, except a motorcycle learner's permit, shall be valid until the holder thereof either is issued a driver's license as provided for in this chapter or no longer meets the qualifications for issuance of a learner's permit as provided in this section. Motorcycle learner's permits shall be valid for 12 months. When a motorcycle learner's permit expires, the permittee may, upon submission of an application, payment of the application fee, and successful completion of the examinations, be issued another motorcycle learner's permit valid for 12 months.

Any person 25 years of age or older who is eligible to receive an operator's license in Virginia, but who is required, pursuant to § 46.2-324.1, to be issued a learner's permit for 60 days prior to his first behind-the-wheel exam, may be issued such learner's permit even though restrictions on his driving privilege have been ordered by a court. Any such learner's permit shall be subject to the restrictions ordered by the court.

B. No driver's license shall be issued to any such person who is less than 18 years old unless, while holding a learner's permit, he has driven a motor vehicle for at least 45 hours, at least 15 of which were after sunset, as certified by his parent, foster parent, or legal guardian unless the person is married or otherwise emancipated. Such certification shall be on a form provided by the Commissioner and shall contain the following statement:

"It is illegal for anyone to give false information in connection with obtaining a driver's license. This certification is considered part of the driver's license application, and anyone who certifies to a false statement may be prosecuted. I certify that the statements made and the information submitted by me regarding this certification are true and correct."

Such form shall also include the driver's license or Department of Motor Vehicles-issued identification card number of the person making the certification.

C. No learner's permit shall authorize its holder to operate a motor vehicle with more than one passenger who is less than 21 years old, except when participating in a driver education program approved by the Department of Education or a course offered by a driver training school licensed by the Department. This passenger limitation, however, shall not apply to the members of the driver's family or household as defined in subsection B of § 46.2-334.01.

D. No learner's permit shall authorize its holder to operate a motor vehicle between midnight and four o'clock a.m.

E. Except in a driver emergency or when the vehicle is lawfully parked or stopped, no holder of a learner's permit shall operate a motor vehicle on the highways of the Commonwealth while using any cellular telephone or any other wireless telecommunications device, regardless of whether or not such device is handheld. No citation for a violation of this subsection shall be issued unless the officer issuing such citation has cause to stop or arrest the driver of such motor vehicle for the violation of some other provision of this Code or local ordinance relating to the operation, ownership, or maintenance of a motor vehicle or any criminal statute.

F. A violation of subsection C, D, or E shall not constitute negligence, be considered in mitigation of damages of whatever nature, be admissible in evidence or be the subject of comment by counsel in any action for the recovery of damages arising out of the operation, ownership, or maintenance of a motor vehicle, nor shall anything in this subsection change any existing law, rule, or procedure pertaining to any such civil action.

G. The provisions of §§ 46.2-323 and 46.2-334 relating to evidence and certification of Virginia residence and, in the case of persons of school age, compliance with the compulsory school attendance law shall apply, mutatis mutandis, to applications for learner's permits and motorcycle learner's permits issued under this section.

H. For persons qualifying for a driver's license through driver education courses approved by the Department of Education or courses offered by driver training schools licensed by the Department, the application for the learner's permit shall be used as the application for the driver's license.

I. The Department shall charge a fee of \$3 for each learner's permit and motorcycle learner's permit issued under this section. Fees for issuance of learner's permits shall be paid into the driver education fund of the state treasury; fees for issuance of motorcycle learner's permits, *other than permits issued under § 46.2-328.3*, shall be paid into the state treasury and credited to the Motorcycle Rider Safety Training Program Fund created pursuant to § 46.2-1191. It shall be unlawful for any person, after having received a learner's permit, to drive a motor vehicle without being accompanied by a licensed driver as provided in the foregoing provisions of this section; however, a learner's permit other than a motorcycle learner's permit, accompanied by documentation verifying that the driver is at least 16 years and three months old and has successfully completed an approved driver's education course, signed by the minor's parent, guardian, legal custodian or other person standing in loco parentis, shall constitute a temporary driver's license for the purpose of driving unaccompanied by a licensed driver 18 years of age or older, if all other requirements of this chapter have been met. Such temporary driver's license shall only be valid until the driver has received his permanent license pursuant to § 46.2-336.

J. Nothing in this section shall be construed to permit the issuance of a learner's permit entitling a person to drive a commercial motor vehicle, except as provided by the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.).

K. The following limitations shall apply to operation of motorcycles by all persons holding motorcycle learner's permits:

1. The operator shall wear an approved safety helmet as provided in § 46.2-910.

2. Operation shall be under the immediate supervision of a person licensed to operate a motorcycle who is 21 years of age or older.

3. No person other than the operator shall occupy the motorcycle.

L. Any violation of this section shall be punishable as a Class 2 misdemeanor.

§ 46.2-343. Duplicate driver's license, reissued driver's licenses, learner's permit; fees.

If a driver's license or learner's permit issued under the provisions of this chapter is lost, stolen, or destroyed, the person to whom it was issued may obtain a duplicate or substitute thereof on furnishing proof satisfactory to the Department that his license or permit has been lost, stolen, or destroyed, or that there are good reasons why a duplicate should be issued. Every applicant for a duplicate or reissued driver's license shall appear in person before the Department to apply, unless permitted by the Department to apply for duplicate or reissue in another manner. Applicants who are required to apply in person may be required to present proof of identity, legal presence, residency, and social security number or non-work authorized status.

There shall be a fee of ~~five dollars~~ \$5 for each duplicate license and ~~two dollars~~ \$2 for each duplicate learner's permit. ~~An additional fee of five dollars shall be charged to add or change the scene on a duplicate license or duplicate learner's permit.~~

There shall be a fee of ~~five dollars~~ \$5 for reissuance of any driver's license upon the termination of driving restrictions imposed upon the licensee by the Department or a court. ~~An additional fee of five dollars shall be charged to add or change the scene on a license upon reissuance.~~

§ 58.1-3. Secrecy of information; penalties.

A. Except in accordance with a proper judicial order or as otherwise provided by law, the Tax Commissioner or agent, clerk, commissioner of the revenue, treasurer, or any other state or local tax or revenue officer or employee, or any person to whom tax information is divulged pursuant to this section or § 58.1-512 or 58.1-2712.2, or any former officer or employee of any of the aforementioned offices shall not divulge any information acquired by him in the performance of his duties with respect to the transactions, property, including personal property, income or business of any person, firm or corporation.

Such prohibition specifically includes any copy of a federal return or federal return information required by Virginia law to be attached to or included in the Virginia return. This prohibition shall apply to any reports, returns, financial documents or other information filed with the Attorney General pursuant to the provisions of Article 3 (§ 3.2-4204 et seq.) of Chapter 42 of Title 3.2. Any person violating the provisions of this section is guilty of a Class 1 misdemeanor. The provisions of this subsection shall not be applicable, however, to:

1. Matters required by law to be entered on any public assessment roll or book;
2. Acts performed or words spoken, published, or shared with another agency or subdivision of the Commonwealth in the line of duty under state law;
3. Inquiries and investigations to obtain information as to the process of real estate assessments by a duly constituted committee of the General Assembly, or when such inquiry or investigation is relevant to its study, provided that any such information obtained shall be privileged;
4. The sales price, date of construction, physical dimensions or characteristics of real property, or any information required for building permits;
5. Copies of or information contained in an estate's probate tax return, filed with the clerk of court pursuant to § 58.1-1714, when requested by a beneficiary of the estate or an heir at law of the decedent or by the commissioner of accounts making a settlement of accounts filed in such estate;
6. Information regarding nonprofit entities exempt from sales and use tax under § 58.1-609.11, when requested by the General Assembly or any duly constituted committee of the General Assembly;
7. Reports or information filed with the Attorney General by a Stamping Agent pursuant to the provisions of Article 3 (§ 3.2-4204 et seq.), when such reports or information are provided by the Attorney General to a tobacco products manufacturer who is required to establish a qualified escrow fund pursuant to § 3.2-4201 and are limited to the brand families of that manufacturer as listed in the Tobacco Directory established pursuant to § 3.2-4206 and are limited to the current or previous two calendar years or in any year in which the Attorney General receives Stamping Agent information that potentially alters the required escrow deposit of the manufacturer. The information shall only be provided in the following manner: the manufacturer may make a written request, on a quarterly or yearly basis or when the manufacturer is notified by the Attorney General of a potential change in the amount of a required escrow deposit, to the Attorney General for a list of the Stamping Agents who reported stamping or selling its products and the amount reported. The Attorney General shall provide the list within 15 days of receipt of the request. If the manufacturer wishes to obtain actual copies of the reports the Stamping Agents filed with the Attorney General, it must first request them from the Stamping Agents pursuant to subsection C of § 3.2-4209. If the manufacturer does not receive the reports pursuant to subsection C of § 3.2-4209, the manufacturer may make a written request to the Attorney General, including a copy of the prior written request to the Stamping Agent and any response received, for copies of any reports not received. The Attorney General shall provide copies of the reports within 45 days of receipt of the request.

B. 1. Nothing contained in this section shall be construed to prohibit the publication of statistics so classified as to prevent the identification of particular reports or returns and the items thereof or the publication of delinquent lists showing the names of taxpayers who are currently delinquent, together with any relevant information which in the opinion of the Department may assist in the collection of such delinquent taxes. Notwithstanding any other provision of this section or other law, the Department, upon request by the General Assembly or any duly constituted committee of the General Assembly, shall disclose the total aggregate amount of an income tax deduction or credit taken by all taxpayers, regardless of (i) how few taxpayers took the deduction or credit or (ii) any other circumstances. This section shall not be construed to prohibit a local tax official from disclosing whether a person, firm or corporation is licensed to do business in that locality and divulging, upon written request, the name and address of any person, firm or corporation transacting business under a fictitious name. Additionally, notwithstanding any other provision of law, the commissioner of revenue is authorized to make available, upon written request stating the reason for such request, the Tax Commissioner with information obtained from local tax returns and other information pertaining to the income, sales and property of any person, firm or corporation licensed to do business in that locality.

2. This section shall not prohibit the Department from disclosing whether a person, firm, or corporation is registered as a retail sales and use tax dealer pursuant to Chapter 6 (§ 58.1-600 et seq.) or whether a certificate of registration number relating to such tax is valid. Additionally, notwithstanding any other provision of law, the Department is hereby authorized to make available the names and certificate of registration numbers of dealers who are currently registered for retail sales and use tax.

3. This section shall not prohibit the Department from disclosing information to nongovernmental entities with which the Department has entered into a contract to provide services that assist it in the administration of refund processing or other services related to its administration of taxes.

4. This section shall not prohibit the Department from disclosing information to taxpayers regarding whether the taxpayer's employer or another person or entity required to withhold on behalf of such taxpayer submitted withholding records to the Department for a specific taxable year as required pursuant to subdivision C 1 of § 58.1-478.

5. This section shall not prohibit the commissioner of the revenue, treasurer, director of finance, or other similar local official who collects or administers taxes for a county, city, or town from disclosing information to nongovernmental entities with which the locality has entered into a contract to provide services that assist it in the administration of refund processing or other non-audit services related to its administration of taxes. The commissioner of the revenue, treasurer, director of

finance, or other similar local official who collects or administers taxes for a county, city, or town shall not disclose information to such entity unless he has obtained a written acknowledgement by such entity that the confidentiality and nondisclosure obligations of and penalties set forth in subsection A apply to such entity and that such entity agrees to abide by such obligations.

C. Notwithstanding the provisions of subsection A or B or any other provision of this title, the Tax Commissioner is authorized to (i) divulge tax information to any commissioner of the revenue, director of finance, or other similar collector of county, city, or town taxes who, for the performance of his official duties, requests the same in writing setting forth the reasons for such request; (ii) provide to the Commissioner of the Department of Social Services, upon entering into a written agreement, the amount of income, filing status, number and type of dependents, and Forms W-2 and 1099 to facilitate the administration of public assistance or social services benefits as defined in § 63.2-100 or child support services pursuant to Chapter 19 (§ 63.2-1900 et seq.) of Title 63.2; (iii) provide to the chief executive officer of the designated student loan guarantor for the Commonwealth of Virginia, upon written request, the names and home addresses of those persons identified by the designated guarantor as having delinquent loans guaranteed by the designated guarantor; (iv) provide current address information upon request to state agencies and institutions for their confidential use in facilitating the collection of accounts receivable, and to the clerk of a circuit or district court for their confidential use in facilitating the collection of fines, penalties, and costs imposed in a proceeding in that court; (v) provide to the Commissioner of the Virginia Employment Commission, after entering into a written agreement, such tax information as may be necessary to facilitate the collection of unemployment taxes and overpaid benefits; (vi) provide to the Virginia Alcoholic Beverage Control Authority, upon entering into a written agreement, such tax information as may be necessary to facilitate the collection of state and local taxes and the administration of the alcoholic beverage control laws; (vii) provide to the Director of the Virginia Lottery such tax information as may be necessary to identify those lottery ticket retailers who owe delinquent taxes; (viii) provide to the Department of the Treasury for its confidential use such tax information as may be necessary to facilitate the location of owners and holders of unclaimed property, as defined in § 55.1-2500; (ix) provide to the State Corporation Commission, upon entering into a written agreement, such tax information as may be necessary to facilitate the collection of taxes and fees administered by the Commission; (x) provide to the Executive Director of the Potomac and Rappahannock Transportation Commission for his confidential use such tax information as may be necessary to facilitate the collection of the motor vehicle fuel sales tax; (xi) provide to the Commissioner of the Department of Agriculture and Consumer Services such tax information as may be necessary to identify those applicants for registration as a supplier of charitable gaming supplies who have not filed required returns or who owe delinquent taxes; (xii) provide to the Department of Housing and Community Development for its confidential use such tax information as may be necessary to facilitate the administration of the remaining effective provisions of the Enterprise Zone Act (§ 59.1-270 et seq.), and the Enterprise Zone Grant Program (§ 59.1-538 et seq.); (xiii) provide current name and address information to private collectors entering into a written agreement with the Tax Commissioner, for their confidential use when acting on behalf of the Commonwealth or any of its political subdivisions; however, the Tax Commissioner is not authorized to provide such information to a private collector who has used or disseminated in an unauthorized or prohibited manner any such information previously provided to such collector; (xiv) provide current name and address information as to the identity of the wholesale or retail dealer that affixed a tax stamp to a package of cigarettes to any person who manufactures or sells at retail or wholesale cigarettes and who may bring an action for injunction or other equitable relief for violation of Chapter 10.1, Enforcement of Illegal Sale or Distribution of Cigarettes Act; (xv) provide to the Commissioner of Labor and Industry, upon entering into a written agreement, such tax information as may be necessary to facilitate the collection of unpaid wages under § 40.1-29; (xvi) provide to the Director of the Department of Human Resource Management, upon entering into a written agreement, such tax information as may be necessary to identify persons receiving workers' compensation indemnity benefits who have failed to report earnings as required by § 65.2-712; (xvii) provide to any commissioner of the revenue, director of finance, or any other officer of any county, city, or town performing any or all of the duties of a commissioner of the revenue and to any dealer registered for the collection of the Communications Sales and Use Tax, a list of the names, business addresses, and dates of registration of all dealers registered for such tax; (xviii) provide to the Executive Director of the Northern Virginia Transportation Commission for his confidential use such tax information as may be necessary to facilitate the collection of the motor vehicle fuel sales tax; (xix) provide to the Commissioner of Agriculture and Consumer Services the name and address of the taxpayer businesses licensed by the Commonwealth that identify themselves as subject to regulation by the Board of Agriculture and Consumer Services pursuant to § 3.2-5130; (xx) provide to the developer or the economic development authority of a tourism project authorized by § 58.1-3851.1, upon entering into a written agreement, tax information facilitating the repayment of gap financing; ~~and~~ (xxi) provide to the Virginia Retirement System and the Department of Human Resource Management, after entering into a written agreement, such tax information as may be necessary to facilitate the enforcement of subdivision C 4 of § 9.1-401; *and (xxii) provide to the Commissioner of the Department of Motor Vehicles information sufficient to verify that an applicant for a driver privilege card or permit under § 46.2-328.3 reported income and deductions from Virginia sources, as defined in § 58.1-302, or was claimed as a dependent, on an individual income tax return filed with the Commonwealth within the preceding 12 months.* The Tax Commissioner is further authorized to enter into written agreements with duly constituted tax officials of other states and of the United States for the inspection of tax returns, the making of audits, and the exchange of information relating to any tax administered by the Department of Taxation. Any person to whom tax

information is divulged pursuant to this section shall be subject to the prohibitions and penalties prescribed herein as though he were a tax official.

D. Notwithstanding the provisions of subsection A or B or any other provision of this title, the commissioner of revenue or other assessing official is authorized to (i) provide, upon written request stating the reason for such request, the chief executive officer of any county or city with information furnished to the commissioner of revenue by the Tax Commissioner relating to the name and address of any dealer located within the county or city who paid sales and use tax, for the purpose of verifying the local sales and use tax revenues payable to the county or city; (ii) provide to the Department of Professional and Occupational Regulation for its confidential use the name, address, and amount of gross receipts of any person, firm or entity subject to a criminal investigation of an unlawful practice of a profession or occupation administered by the Department of Professional and Occupational Regulation, only after the Department of Professional and Occupational Regulation exhausts all other means of obtaining such information; and (iii) provide to any representative of a condominium unit owners' association, property owners' association or real estate cooperative association, or to the owner of property governed by any such association, the names and addresses of parties having a security interest in real property governed by any such association; however, such information shall be released only upon written request stating the reason for such request, which reason shall be limited to proposing or opposing changes to the governing documents of the association, and any information received by any person under this subsection shall be used only for the reason stated in the written request. The treasurer or other local assessing official may require any person requesting information pursuant to clause (iii) of this subsection to pay the reasonable cost of providing such information. Any person to whom tax information is divulged pursuant to this subsection shall be subject to the prohibitions and penalties prescribed herein as though he were a tax official.

Notwithstanding the provisions of subsection A or B or any other provisions of this title, the treasurer or other collector of taxes for a county, city or town is authorized to provide information relating to any motor vehicle, trailer or semitrailer obtained by such treasurer or collector in the course of performing his duties to the commissioner of the revenue or other assessing official for such jurisdiction for use by such commissioner or other official in performing assessments.

This section shall not be construed to prohibit a local tax official from imprinting or displaying on a motor vehicle local license decal the year, make, and model and any other legal identification information about the particular motor vehicle for which that local license decal is assigned.

E. Notwithstanding any other provisions of law, state agencies and any other administrative or regulatory unit of state government shall divulge to the Tax Commissioner or his authorized agent, upon written request, the name, address, and social security number of a taxpayer, necessary for the performance of the Commissioner's official duties regarding the administration and enforcement of laws within the jurisdiction of the Department of Taxation. The receipt of information by the Tax Commissioner or his agent which may be deemed taxpayer information shall not relieve the Commissioner of the obligations under this section.

F. Additionally, it shall be *is* unlawful for any person to disseminate, publish, or cause to be published any confidential tax document which he knows or has reason to know is a confidential tax document. A confidential tax document is any correspondence, document, or tax return that is prohibited from being divulged by subsection A, B, C, or D and includes any document containing information on the transactions, property, income, or business of any person, firm, or corporation that is required to be filed with any state official by § 58.1-512. This prohibition shall not apply if such confidential tax document has been divulged or disseminated pursuant to a provision of law authorizing disclosure. Any person violating the provisions of this subsection is guilty of a Class 1 misdemeanor.

§ 59.1-442. Sale of purchaser information; notice required.

A. No merchant, without giving notice to the purchaser, shall sell to any third person information ~~which that~~ concerns the purchaser and ~~which that~~ is gathered in connection with the sale, rental, or exchange of tangible personal property to the purchaser at the merchant's place of business. Notice required by this section may be by the posting of a sign or any other reasonable method. If requested by a purchaser not to sell such information, the merchant shall not do so. No merchant shall sell any information gathered solely as the result of any customer payment by personal check, credit card, or where the merchant records the *number of the customer's driver's license number or other document issued under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2 or the comparable law of another jurisdiction.* This subsection shall not be construed as authorizing a merchant to sell to a third person any information concerning a purchaser if the sale or dissemination of the information is prohibited pursuant to § 59.1-443.3.

B. For the purposes of this section and § 59.1-443.3, "merchant" means any person or entity engaged in the sale of goods from a fixed retail location in Virginia.

§ 59.1-443.3. Scanning information from driver's licenses and other documents; retention, sale, or dissemination of information.

A. No merchant may scan the machine-readable zone of a *driver's license or other document issued by the Department of Motor Vehicles-issued identification card or driver's license under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2 or the comparable law of another jurisdiction,* except for the following purposes:

1. To verify authenticity of the ~~identification card or driver's license or other document~~ or to verify the identity of the individual if the individual pays for goods or services with a method other than cash, returns an item, or requests a refund or an exchange;

2. To verify the individual's age when providing age-restricted goods or services to the individual if there is a reasonable doubt of the individual having reached 18 years of age or older;

3. To prevent fraud or other criminal activity if the individual returns an item or requests a refund or an exchange and the merchant uses a fraud prevention service company or system. Information collected by scanning an individual's ~~identification card or driver's license or other document~~ pursuant to this subdivision shall be limited to the individual's name, address, and date of birth, and ~~the number of the driver's license number or identification card number other document~~;

4. To comply with a requirement imposed on the merchant by ~~state~~ *the laws of the Commonwealth* or federal law;

5. To provide to a check services company regulated by the federal Fair Credit Reporting Act, (15 U.S.C. § 1681 et seq.), that receives information obtained from an individual's ~~identification card or driver's license or other document~~ to administer or enforce a transaction or to prevent fraud or other criminal activity; or

6. To complete a transaction permitted under the *federal* Gramm-Leach-Bliley Act, (15 U.S.C. § 6801 et seq.), or the federal Fair Credit Reporting Act, (15 U.S.C. § 1681 et seq.).

B. No merchant shall retain any information obtained from a scan of the machine-readable zone of an individual's ~~identification card or driver's license or other document~~ except as permitted in subdivision A 3, 4, 5, or 6.

C. No merchant shall sell or disseminate to a third party any information obtained from a scan of the machine-readable zone of an individual's ~~identification card or driver's license or other document~~ for any marketing, advertising, or promotional purpose. This subsection shall not prohibit a merchant from disseminating to a third party any such information for a purpose described in subdivision A 3, 4, 5, or 6.

D. Any waiver of a provision of this section is contrary to public policy and is void and unenforceable.

§ 63.2-1916. Notice of administrative support order; contents; hearing; modification.

The Commissioner may proceed against a noncustodial parent whose support debt has accrued or is accruing based upon subrogation to, assignment of, or authorization to enforce a support obligation. Such obligation may be created by a court order for support of a child or child and spouse or decree of divorce ordering support of a child or child and spouse. In the absence of such a court order or decree of divorce, the Commissioner may, pursuant to this chapter, proceed against a person whose support debt has accrued or is accruing based upon payment of public assistance or who has a responsibility for the support of any dependent child or children and their custodial parent. The administrative support order shall also provide that support shall continue to be paid for any child over the age of 18 who is (i) a full-time high school student, (ii) not self-supporting, and (iii) living in the home of the parent seeking or receiving child support, until such child reaches the age of 19 or graduates from high school, whichever comes first. The Commissioner shall initiate proceedings by issuing notice containing the administrative support order which shall become effective unless timely contested. The notice shall be served upon the debtor (a) in accordance with the provisions of § 8.01-296, 8.01-327 or 8.01-329 or (b) by certified mail, return receipt requested, or by electronic means, or the debtor may accept service by signing a formal waiver. A copy of the notice shall be provided to the obligee. The notice shall include the following:

1. A statement of the support debt or obligation accrued or accruing and the basis and authority under which the assessment of the debt or obligation was made. The initial administrative support order shall be effective on the date of service and the first monthly payment shall be due on the first of the month following the date of service and the first of each month thereafter. A modified administrative support order shall be effective the date that notice of the review is served on the nonrequesting party, and the first monthly payment shall be due on the first day of the month following the date of such service and on the first day of each month thereafter. In addition, an amount shall be assessed for the partial month between the effective date of the order and the date that the first monthly payment is due. The assessment for the initial partial month shall be prorated from the effective date through the end of that month, based on the current monthly obligation. All payments are to be credited to current support obligations first, with any payment in excess of the current obligation applied to arrearages, if any;

2. A statement of the name, date of birth, and last four digits of the social security number of the child or children for whom support is being sought;

3. A statement that support shall continue to be paid for any child over the age of 18 who is (i) a full-time high school student, (ii) not self-supporting, and (iii) living in the home of the party seeking or receiving child support, until such child reaches the age of 19 or graduates from high school, whichever comes first;

4. A demand for immediate payment of the support debt or obligation or, in the alternative, a demand that the debtor file an answer with the Commissioner within 10 days of the date of service of the notice stating his defenses to liability;

5. If known, the full name, date of birth, and last four digits of the social security number of each parent of the child; however, when a protective order has been issued or the Department otherwise finds reason to believe that a party is at risk of physical or emotional harm from the other party, only the name of the party at risk shall be included in the order;

6. A statement that if no answer is made on or before 10 days from the date of service of the notice, the administrative support order shall be final and enforceable, and the support debt shall be assessed and determined subject to computation, and is subject to collection action;

7. A statement that the debtor may be subject to mandatory withholding of income, the interception of state or federal tax refunds, interception of payments due to the debtor from the Commonwealth, notification of arrearage information to consumer reporting agencies, passport denial or suspension, or incarceration and that the debtor's property will be subject to lien and foreclosure, distraint, seizure and sale, an order to withhold and deliver, or withholding of income;

8. A statement that the parents shall keep the Department informed regarding access to health insurance coverage and health insurance policy information and a statement that health care coverage shall be required for the parents' dependent children if available at reasonable cost as defined in § 63.2-1900, or pursuant to subsection A of § 63.2-1903. If a child is enrolled in Department-sponsored health care coverage, the Department shall collect the cost of the coverage pursuant to subsection E of § 20-108.2;

9. A statement of each party's right to appeal and the procedures applicable to appeals from the decision of the Commissioner;

10. A statement that the obligor's income shall be immediately withheld to comply with this order unless the obligee, or the Department, if the obligee is receiving public assistance, and obligor agree to an alternative arrangement;

11. A statement that any determination of a support obligation under this section creates a judgment by operation of law and as such is entitled to full faith and credit in any other state or jurisdiction;

12. A statement that each party shall give the Department written notice of any change in his address, including email address, or phone number, including cell phone number, within 30 days;

13. A statement that each party shall keep the Department informed of the name, telephone number and address of his current employer;

14. A statement that if any arrearages for child support, including interest or fees, exist at the time the youngest child included in the order emancipates, payments shall continue in the total amount due (current support plus amount applied toward arrearages) at the time of emancipation until all arrearages are paid;

15. A statement that a petition may be filed for suspension of any license, certificate, registration, or other authorization to engage in a profession, trade, business, occupation, or recreational activity issued by the Commonwealth to a parent as provided in § 63.2-1937 upon a delinquency for a period of 90 days or more or in amount of \$5,000 or more. The order shall indicate whether either or both parents currently hold such an authorization and, if so, the type of authorization held;

16. A statement that the Department of Motor Vehicles may suspend or refuse to renew the ~~driver's license~~ *driving privileges* of any person upon receipt of notice from the Department of Social Services that the person (i) is delinquent in the payment of child support by 90 days or in an amount of \$5,000 or more or (ii) has failed to comply with a subpoena, summons, or warrant relating to paternity or child support proceedings; and

17. A statement that on and after July 1, 1994, the Department of Social Services, as provided in § 63.2-1921 and in accordance with § 20-108.2, may initiate a review of the amount of support ordered by any court.

If no answer is received by the Commissioner within 10 days of the date of service or acceptance, the administrative support order shall be effective as provided in the notice. The Commissioner may initiate collection procedures pursuant to this chapter, Chapter 11 (§ 16.1-226 et seq.) of Title 16.1 or Title 20. The debtor and the obligee have 10 days from the date of receipt of the notice to file an answer with the Commissioner to exercise the right to an administrative hearing.

Any changes in the amount of the administrative order must be made pursuant to this section. In no event shall an administrative hearing alter or amend the amount or terms of any court order for support or decree of divorce ordering support. No administrative support order may be retroactively modified, but may be modified from the date that notice of the review has been served on the nonrequesting party. Notice of each review shall be served on the nonrequesting party (1) in accordance with the provisions of § 8.01-296, 8.01-327, or 8.01-329, (2) by certified mail, return receipt requested, (3) by electronic means, or (4) by the nonrequesting party executing a waiver. The existence of an administrative order shall not preclude either an obligor or obligee from commencing appropriate proceedings in a juvenile and domestic relations district court or a circuit court.

§ 63.2-1941. Additional enforcement remedies.

In addition to its other enforcement remedies, the Division of Child Support Enforcement is authorized to:

1. Attach unemployment benefits through the Virginia Employment Commission pursuant to § 60.2-608 and workers' compensation benefits through the Workers' Compensation Commission pursuant to § 65.2-531; and

2. Suspend an individual's ~~driver's license~~ *driving privileges* pursuant to § 46.2-320.1.

2. That the provisions of this act shall become effective on January 1, 2021.

3. That no later than December 1, 2021, the Commissioner of the Department of Motor Vehicles shall report to the Chairmen of the House and Senate Committees on Transportation regarding the Commissioner's progress in implementing the provisions of this act.

4. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 854 of the Acts of Assembly of 2019 requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

CHAPTER 1247

An Act to amend and reenact §§ 15.2-915 and 15.2-915.5 of the Code of Virginia and to repeal § 15.2-915.1 of the Code of Virginia, relating to control of firearms by localities.

[S 35]

Approved April 22, 2020

Be it enacted by the General Assembly of Virginia:**1. That §§ 15.2-915 and 15.2-915.5 of the Code of Virginia are amended and reenacted as follows:****§ 15.2-915. Control of firearms; applicability to authorities and local governmental agencies.**

A. No locality shall adopt or enforce any ordinance, resolution, or motion, as permitted by § 15.2-1425, and no agent of such locality shall take any administrative action, governing the purchase, possession, transfer, ownership, carrying, storage, or transporting of firearms, ammunition, or components or combination thereof other than those expressly authorized by statute. For purposes of this section, a statute that does not refer to firearms, ammunition, or components or combination thereof, shall not be construed to provide express authorization.

Nothing in this section shall prohibit a locality from adopting workplace rules relating to terms and conditions of employment of the workforce. However, no locality shall adopt any workplace rule, other than for the purposes of a community services board or behavioral health authority as defined in § 37.2-100, that prevents an employee of that locality from storing at that locality's workplace a lawfully possessed firearm and ammunition in a locked private motor vehicle. Nothing in this section shall prohibit a law-enforcement officer, as defined in § 9.1-101, from acting within the scope of his duties.

The provisions of this section applicable to a locality shall also apply to any authority or to a local governmental entity, including a department or agency, but not including any local or regional jail, juvenile detention facility, or state-governed entity, department, or agency.

B. Any local ordinance, resolution, or motion adopted prior to July 1, 2004, governing the purchase, possession, transfer, ownership, carrying, or transporting of firearms, ammunition, or components or combination thereof, other than those expressly authorized by statute, is invalid.

C. In addition to any other relief provided, the court may award reasonable attorney fees, expenses, and court costs to any person, group, or entity that prevails in an action challenging (i) an ordinance, resolution, or motion as being in conflict with this section or (ii) an administrative action taken in bad faith as being in conflict with this section.

D. For purposes of this section, "workplace" means "workplace of the locality."

E. *Notwithstanding the provisions of this section, a locality may adopt an ordinance that prohibits the possession, carrying, or transportation of any firearms, ammunition, or components or combination thereof (i) in any building, or part thereof, owned or used by such locality, or by any authority or local governmental entity created or controlled by the locality, for governmental purposes; (ii) in any public park owned or operated by the locality, or by any authority or local governmental entity created or controlled by the locality; (iii) in any recreation or community center facility operated by the locality, or by any authority or local governmental entity created or controlled by the locality; or (iv) in any public street, road, alley, or sidewalk or public right-of-way or any other place of whatever nature that is open to the public and is being used by or is adjacent to a permitted event or an event that would otherwise require a permit. In buildings that are not owned by a locality, or by any authority or local governmental entity created or controlled by the locality, such ordinance shall apply only to the part of the building that is being used for a governmental purpose and when such building, or part thereof, is being used for a governmental purpose.*

Any such ordinance may include security measures that are designed to reasonably prevent the unauthorized access of such buildings, parks, recreation or community center facilities, or public streets, roads, alleys, or sidewalks or public rights-of-way or any other place of whatever nature that is open to the public and is being used by or is adjacent to a permitted event or an event that would otherwise require a permit by a person with any firearms, ammunition, or components or combination thereof, such as the use of metal detectors and increased use of security personnel.

The provisions of this subsection shall not apply to the activities of (i) a Senior Reserve Officers' Training Corps program operated at a public or private institution of higher education in accordance with the provisions of 10 U.S.C. § 2101 et seq. or (ii) any intercollegiate athletics program operated by a public or private institution of higher education and governed by the National Collegiate Athletic Association or any club sports team recognized by a public or private institution of higher education where the sport engaged in by such program or team involves the use of a firearm. Such activities shall follow strict guidelines developed by such institutions for these activities and shall be conducted under the supervision of staff officials of such institutions.

F. *Notice of any ordinance adopted pursuant to subsection E shall be posted (i) at all entrances of any building, or part thereof, owned or used by the locality, or by any authority or local governmental entity created or controlled by the locality, for governmental purposes; (ii) at all entrances of any public park owned or operated by the locality, or by any authority or local governmental entity created or controlled by the locality; (iii) at all entrances of any recreation or community center facilities operated by the locality, or by any authority or local governmental entity created or controlled by the locality; and (iv) at all entrances or other appropriate places of ingress and egress to any public street, road, alley, or sidewalk or public*

right-of-way or any other place of whatever nature that is open to the public and is being used by or is adjacent to a permitted event or an event that would otherwise require a permit.

§ 15.2-915.5. Disposition of firearms acquired by localities.

A. No locality or agent of such locality may participate in any program in which individuals are given a thing of value provided by another individual or other entity in exchange for surrendering a firearm to the locality or agent of such locality unless the governing body of the locality has enacted an ordinance, pursuant to § 15.2-1425, authorizing the participation of the locality or agent of such locality in such program.

B. Any ordinance enacted pursuant to this section shall require that any firearm received, except a firearm of the type defined in § 18.2-288 or 18.2-299 or a firearm the transfer for which is prohibited by federal law, shall be *destroyed by the locality unless the person surrendering the firearm requests in writing that the firearm be offered for sale by public auction or sealed bids to a person licensed as a dealer pursuant to 18 U.S.C. § 921 et seq.* Notice of the date, time, and place of *any sale conducted pursuant to this subsection* shall be given by advertisement in at least two newspapers published and having general circulation in the Commonwealth, at least one of which shall have general circulation in the locality in which the property to be sold is located. At least 30 days shall elapse between publication of the notice and the auction or the date on which sealed bids will be opened. Any firearm remaining in possession of the locality or agent of the locality after attempts to sell at public auction or by sealed bids shall be disposed of in a manner the locality deems proper, which may include destruction of the firearm or, subject to any registration requirements of federal law, sale of the firearm to a licensed dealer.

2. That § 15.2-915.1 of the Code of Virginia is repealed.

CHAPTER 1248

An Act to amend and reenact §§ 2.2-401.01, 2.2-3711, 15.2-2825, 19.2-389, as it is currently effective and as it shall become effective, 37.2-304, 58.1-4002, 58.1-4004, 58.1-4006, and 59.1-364 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 3 of Title 11 a section numbered 11-16.1, by adding a section numbered 18.2-334.5, by adding in Article 1 of Chapter 3 of Title 37.2 a section numbered 37.2-314.1, and by adding in Title 58.1 a chapter numbered 41, containing articles numbered 1 through 11, consisting of sections numbered 58.1-4100 through 58.1-4141, relating to regulation of casino gaming by Virginia Lottery Board; Regional Improvement Commission; penalties.

[S 36]

Approved April 22, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-401.01, 2.2-3711, 15.2-2825, 19.2-389, as it is currently effective and as it shall become effective, 37.2-304, 58.1-4002, 58.1-4004, 58.1-4006, and 59.1-364 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Chapter 3 of Title 11 a section numbered 11-16.1, by adding a section numbered 18.2-334.5, by adding in Article 1 of Chapter 3 of Title 37.2 a section numbered 37.2-314.1, and by adding in Title 58.1 a chapter numbered 41, containing articles numbered 1 through 11, consisting of sections numbered 58.1-4100 through 58.1-4141, as follows:

§ 2.2-401.01. Liaison to Virginia Indian tribes; Virginia Indigenous People's Trust Fund.

A. The Secretary of the Commonwealth shall:

1. Serve as the Governor's liaison to the Virginia Indian tribes; and
2. Report annually on the status of Indian tribes in Virginia.

B. The Secretary of the Commonwealth may establish a Virginia Indian advisory board to assist the Secretary in reviewing applications seeking recognition as a Virginia Indian tribe and to make recommendations to the Secretary, the Governor, and the General Assembly on such applications and other matters relating to recognition as follows:

1. The members of any such board shall be composed of no more than seven members to be appointed by the Secretary as follows: at least three of the members shall be members of Virginia recognized tribes to represent the Virginia Indian community, and one nonlegislative citizen member shall represent the Commonwealth's scholarly community. The Librarian of Virginia, the Director of the Department of Historic Resources, and the Superintendent of Public Instruction, or their designees, shall serve ex officio with voting privileges. Nonlegislative citizen members of any such board shall be citizens of the Commonwealth. Ex officio members shall serve terms coincident with their terms of office. Nonlegislative citizen members shall be appointed for a term of two years. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. All members may be reappointed. The Secretary of the Commonwealth shall appoint a chairperson from among the members for a two-year term. Members shall be reimbursed for reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825.

2. Any such board shall have the following powers and duties:

- a. Establish guidance for documentation required to meet the criteria for full recognition of the Virginia Indian tribes that is consistent with the principles and requirements of federal tribal recognition;
- b. Establish a process for accepting and reviewing all applications for full tribal recognition;
- c. Appoint and establish a workgroup on tribal recognition composed of nonlegislative citizens at large who have knowledge of Virginia Indian history and current status. Such workgroup (i) may be activated in any year in which an

application for full tribal recognition has been submitted and in other years as deemed appropriate by any such board and (ii) shall include at a minimum a genealogist and at least two scholars with recognized familiarity with Virginia Indian tribes. No member of the workgroup shall be associated in any way with the applicant. Members of the workgroup shall be reimbursed for reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825;

d. Solicit, accept, use, and dispose of gifts, grants, donations, bequests, or other funds or real or personal property for the purpose of aiding or facilitating the work of the board;

e. Make recommendations to the Secretary for full tribal recognition based on the findings of the workgroup and the board; and

f. Perform such other duties, functions, and activities as may be necessary to facilitate and implement the objectives of this subsection.

C. There is hereby created in the state treasury a special nonreverting fund to be known as the Virginia Indigenous People's Trust Fund, referred to in this section as "the Fund." The Fund shall be established on the books of the Comptroller. All funds appropriated for such purpose, any tax revenue accruing to the Fund pursuant to § 58.1-4125, and any gifts, donations, grants, bequests, and other funds received on its behalf shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. After payment of the costs of administration of the Fund, moneys in the Fund shall be used to make disbursements on a quarterly basis in equal amounts to each of the six Virginia Indian tribes federally recognized under P.L. 115-121 of 2018. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Secretary of the Commonwealth.

§ 2.2-3711. Closed meetings authorized for certain limited purposes.

A. Public bodies may hold closed meetings only for the following purposes:

1. Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body; and evaluation of performance of departments or schools of public institutions of higher education where such evaluation will necessarily involve discussion of the performance of specific individuals. Any teacher shall be permitted to be present during a closed meeting in which there is a discussion or consideration of a disciplinary matter that involves the teacher and some student and the student involved in the matter is present, provided the teacher makes a written request to be present to the presiding officer of the appropriate board. Nothing in this subdivision, however, shall be construed to authorize a closed meeting by a local governing body or an elected school board to discuss compensation matters that affect the membership of such body or board collectively.

2. Discussion or consideration of admission or disciplinary matters or any other matters that would involve the disclosure of information contained in a scholastic record concerning any student of any public institution of higher education in the Commonwealth or any state school system. However, any such student, legal counsel and, if the student is a minor, the student's parents or legal guardians shall be permitted to be present during the taking of testimony or presentation of evidence at a closed meeting, if such student, parents, or guardians so request in writing and such request is submitted to the presiding officer of the appropriate board.

3. Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

4. The protection of the privacy of individuals in personal matters not related to public business.

5. Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community.

6. Discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected.

7. Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body. For the purposes of this subdivision, "probable litigation" means litigation that has been specifically threatened or on which the public body or its legal counsel has a reasonable basis to believe will be commenced by or against a known party. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.

8. Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.

9. Discussion or consideration by governing boards of public institutions of higher education of matters relating to gifts, bequests and fund-raising activities, and of grants and contracts for services or work to be performed by such institution. However, the terms and conditions of any such gifts, bequests, grants, and contracts made by a foreign government, a foreign legal entity, or a foreign person and accepted by a public institution of higher education in the Commonwealth shall be subject to public disclosure upon written request to the appropriate board of visitors. For the

purpose of this subdivision, (i) "foreign government" means any government other than the United States government or the government of a state or a political subdivision thereof, (ii) "foreign legal entity" means any legal entity (a) created under the laws of the United States or of any state thereof if a majority of the ownership of the stock of such legal entity is owned by foreign governments or foreign persons or if a majority of the membership of any such entity is composed of foreign persons or foreign legal entities or (b) created under the laws of a foreign government, and (iii) "foreign person" means any individual who is not a citizen or national of the United States or a trust territory or protectorate thereof.

10. Discussion or consideration by the boards of trustees of the Virginia Museum of Fine Arts, the Virginia Museum of Natural History, the Jamestown-Yorktown Foundation, the Fort Monroe Authority, and The Science Museum of Virginia of matters relating to specific gifts, bequests, and grants from private sources.

11. Discussion or consideration of honorary degrees or special awards.

12. Discussion or consideration of tests, examinations, or other information used, administered, or prepared by a public body and subject to the exclusion in subdivision 4 of § 2.2-3705.1.

13. Discussion, consideration, or review by the appropriate House or Senate committees of possible disciplinary action against a member arising out of the possible inadequacy of the disclosure statement filed by the member, provided the member may request in writing that the committee meeting not be conducted in a closed meeting.

14. Discussion of strategy with respect to the negotiation of a hazardous waste siting agreement or to consider the terms, conditions, and provisions of a hazardous waste siting agreement if the governing body in open meeting finds that an open meeting will have an adverse effect upon the negotiating position of the governing body or the establishment of the terms, conditions and provisions of the siting agreement, or both. All discussions with the applicant or its representatives may be conducted in a closed meeting.

15. Discussion by the Governor and any economic advisory board reviewing forecasts of economic activity and estimating general and nongeneral fund revenues.

16. Discussion or consideration of medical and mental health records subject to the exclusion in subdivision 1 of § 2.2-3705.5.

17. Deliberations of the Virginia Lottery Board in a licensing appeal action conducted pursuant to subsection D of § 58.1-4007 regarding the denial or revocation of a license of a lottery sales agent; and discussion, consideration or review of Virginia Lottery matters related to proprietary lottery game information and studies or investigations excluded from disclosure under subdivision 6 of § 2.2-3705.3 and subdivision 11 of § 2.2-3705.7.

18. Those portions of meetings in which the Board of Corrections discusses or discloses the identity of, or information tending to identify, any prisoner who (i) provides information about crimes or criminal activities, (ii) renders assistance in preventing the escape of another prisoner or in the apprehension of an escaped prisoner, or (iii) voluntarily or at the instance of a prison official renders other extraordinary services, the disclosure of which is likely to jeopardize the prisoner's life or safety.

19. Discussion of plans to protect public safety as it relates to terrorist activity or specific cybersecurity threats or vulnerabilities and briefings by staff members, legal counsel, or law-enforcement or emergency service officials concerning actions taken to respond to such matters or a related threat to public safety; discussion of information subject to the exclusion in subdivision 2 or 14 of § 2.2-3705.2, where discussion in an open meeting would jeopardize the safety of any person or the security of any facility, building, structure, information technology system, or software program; or discussion of reports or plans related to the security of any governmental facility, building or structure, or the safety of persons using such facility, building or structure.

20. Discussion by the Board of the Virginia Retirement System, acting pursuant to § 51.1-124.30, or of any local retirement system, acting pursuant to § 51.1-803, or by a local finance board or board of trustees of a trust established by one or more local public bodies to invest funds for postemployment benefits other than pensions, acting pursuant to Article 8 (§ 15.2-1544 et seq.) of Chapter 15 of Title 15.2, or by the board of visitors of the University of Virginia, acting pursuant to § 23.1-2210, or by the Board of the Virginia College Savings Plan, acting pursuant to § 23.1-706, regarding the acquisition, holding or disposition of a security or other ownership interest in an entity, where such security or ownership interest is not traded on a governmentally regulated securities exchange, to the extent that such discussion (i) concerns confidential analyses prepared for the board of visitors of the University of Virginia, prepared by the retirement system, or a local finance board or board of trustees, or the Virginia College Savings Plan or provided to the retirement system, a local finance board or board of trustees, or the Virginia College Savings Plan under a promise of confidentiality, of the future value of such ownership interest or the future financial performance of the entity, and (ii) would have an adverse effect on the value of the investment to be acquired, held, or disposed of by the retirement system, a local finance board or board of trustees, the board of visitors of the University of Virginia, or the Virginia College Savings Plan. Nothing in this subdivision shall be construed to prevent the disclosure of information relating to the identity of any investment held, the amount invested or the present value of such investment.

21. Those portions of meetings in which individual child death cases are discussed by the State Child Fatality Review Team established pursuant to § 32.1-283.1, those portions of meetings in which individual child death cases are discussed by a regional or local child fatality review team established pursuant to § 32.1-283.2, those portions of meetings in which individual death cases are discussed by family violence fatality review teams established pursuant to § 32.1-283.3, those portions of meetings in which individual adult death cases are discussed by the state Adult Fatality Review Team established pursuant to § 32.1-283.5, those portions of meetings in which individual adult death cases are discussed by a

local or regional adult fatality review team established pursuant to § 32.1-283.6, those portions of meetings in which individual death cases are discussed by overdose fatality review teams established pursuant to § 32.1-283.7, and those portions of meetings in which individual maternal death cases are discussed by the Maternal Mortality Review Team pursuant to § 32.1-283.8.

22. Those portions of meetings of the board of visitors of the University of Virginia or the Eastern Virginia Medical School Board of Visitors, as the case may be, and those portions of meetings of any persons to whom management responsibilities for the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, have been delegated, in which there is discussed proprietary, business-related information pertaining to the operations of the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, including business development or marketing strategies and activities with existing or future joint venturers, partners, or other parties with whom the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, has formed, or forms, any arrangement for the delivery of health care, if disclosure of such information would adversely affect the competitive position of the Medical Center or Eastern Virginia Medical School, as the case may be.

23. Discussion or consideration by the Virginia Commonwealth University Health System Authority or the board of visitors of Virginia Commonwealth University of any of the following: the acquisition or disposition by the Authority of real property, equipment, or technology software or hardware and related goods or services, where disclosure would adversely affect the bargaining position or negotiating strategy of the Authority; matters relating to gifts or bequests to, and fund-raising activities of, the Authority; grants and contracts for services or work to be performed by the Authority; marketing or operational strategies plans of the Authority where disclosure of such strategies or plans would adversely affect the competitive position of the Authority; and members of the Authority's medical and teaching staffs and qualifications for appointments thereto.

24. Those portions of the meetings of the Health Practitioners' Monitoring Program Committee within the Department of Health Professions to the extent such discussions identify any practitioner who may be, or who actually is, impaired pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1.

25. Meetings or portions of meetings of the Board of the Virginia College Savings Plan wherein personal information, as defined in § 2.2-3801, which has been provided to the Board or its employees by or on behalf of individuals who have requested information about, applied for, or entered into prepaid tuition contracts or savings trust account agreements pursuant to Chapter 7 (§ 23.1-700 et seq.) of Title 23.1 is discussed.

26. Discussion or consideration, by the former Wireless Carrier E-911 Cost Recovery Subcommittee created pursuant to former § 56-484.15, of trade secrets submitted by CMRS providers, as defined in § 56-484.12, related to the provision of wireless E-911 service.

27. Those portions of disciplinary proceedings by any regulatory board within the Department of Professional and Occupational Regulation, Department of Health Professions, or the Board of Accountancy conducted pursuant to § 2.2-4019 or 2.2-4020 during which the board deliberates to reach a decision or meetings of health regulatory boards or conference committees of such boards to consider settlement proposals in pending disciplinary actions or modifications to previously issued board orders as requested by either of the parties.

28. Discussion or consideration of information subject to the exclusion in subdivision 11 of § 2.2-3705.6 by a responsible public entity or an affected locality or public entity, as those terms are defined in § 33.2-1800, or any independent review panel appointed to review information and advise the responsible public entity concerning such records.

29. Discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body.

30. Discussion or consideration of grant or loan application information subject to the exclusion in subdivision 17 of § 2.2-3705.6 by (i) the Commonwealth Health Research Board or (ii) the Innovation and Entrepreneurship Investment Authority or the Research and Technology Investment Advisory Committee appointed to advise the Innovation and Entrepreneurship Investment Authority.

31. Discussion or consideration by the Commitment Review Committee of information subject to the exclusion in subdivision 5 of § 2.2-3705.2 relating to individuals subject to commitment as sexually violent predators under Chapter 9 (§ 37.2-900 et seq.) of Title 37.2.

32. Discussion or consideration of confidential proprietary information and trade secrets developed and held by a local public body providing certain telecommunication services or cable television services and subject to the exclusion in subdivision 18 of § 2.2-3705.6. However, the exemption provided by this subdivision shall not apply to any authority created pursuant to the BVU Authority Act (§ 15.2-7200 et seq.).

33. Discussion or consideration by a local authority created in accordance with the Virginia Wireless Service Authorities Act (§ 15.2-5431.1 et seq.) of confidential proprietary information and trade secrets subject to the exclusion in subdivision 19 of § 2.2-3705.6.

34. Discussion or consideration by the State Board of Elections or local electoral boards of voting security matters made confidential pursuant to § 24.2-410.2 or 24.2-625.1.

35. Discussion or consideration by the Forensic Science Board or the Scientific Advisory Committee created pursuant to Article 2 (§ 9.1-1109 et seq.) of Chapter 11 of Title 9.1 of criminal investigative files subject to the exclusion in subdivision B 1 of § 2.2-3706.

36. Discussion or consideration by the Brown v. Board of Education Scholarship Committee of information or confidential matters subject to the exclusion in subdivision A 3 of § 2.2-3705.4, and meetings of the Committee to deliberate concerning the annual maximum scholarship award, review and consider scholarship applications and requests for scholarship award renewal, and cancel, rescind, or recover scholarship awards.

37. Discussion or consideration by the Virginia Port Authority of information subject to the exclusion in subdivision 1 of § 2.2-3705.6 related to certain proprietary information gathered by or for the Virginia Port Authority.

38. Discussion or consideration by the Board of Trustees of the Virginia Retirement System acting pursuant to § 51.1-124.30, by the Investment Advisory Committee appointed pursuant to § 51.1-124.26, by any local retirement system, acting pursuant to § 51.1-803, by the Board of the Virginia College Savings Plan acting pursuant to § 23.1-706, or by the Virginia College Savings Plan's Investment Advisory Committee appointed pursuant to § 23.1-702 of information subject to the exclusion in subdivision 24 of § 2.2-3705.7.

39. Discussion or consideration of information subject to the exclusion in subdivision 3 of § 2.2-3705.6 related to economic development.

40. Discussion or consideration by the Board of Education of information relating to the denial, suspension, or revocation of teacher licenses subject to the exclusion in subdivision 11 of § 2.2-3705.3.

41. Those portions of meetings of the Virginia Military Advisory Council or any commission created by executive order for the purpose of studying and making recommendations regarding preventing closure or realignment of federal military and national security installations and facilities located in Virginia and relocation of such facilities to Virginia, or a local or regional military affairs organization appointed by a local governing body, during which there is discussion of information subject to the exclusion in subdivision 8 of § 2.2-3705.2.

42. Discussion or consideration by the Board of Trustees of the Veterans Services Foundation of information subject to the exclusion in subdivision 28 of § 2.2-3705.7 related to personally identifiable information of donors.

43. Discussion or consideration by the Virginia Tobacco Region Revitalization Commission of information subject to the exclusion in subdivision 23 of § 2.2-3705.6 related to certain information contained in grant applications.

44. Discussion or consideration by the board of directors of the Commercial Space Flight Authority of information subject to the exclusion in subdivision 24 of § 2.2-3705.6 related to rate structures or charges for the use of projects of, the sale of products of, or services rendered by the Authority and certain proprietary information of a private entity provided to the Authority.

45. Discussion or consideration of personal and proprietary information related to the resource management plan program and subject to the exclusion in (i) subdivision 25 of § 2.2-3705.6 or (ii) subsection E of § 10.1-104.7. This exclusion shall not apply to the discussion or consideration of records that contain information that has been certified for release by the person who is the subject of the information or transformed into a statistical or aggregate form that does not allow identification of the person who supplied, or is the subject of, the information.

46. Discussion or consideration by the Board of Directors of the Virginia Alcoholic Beverage Control Authority of information subject to the exclusion in subdivision 1 of § 2.2-3705.3 related to investigations of applicants for licenses and permits and of licensees and permittees.

47. Discussion or consideration of grant or loan application records subject to the exclusion in subdivision 28 of § 2.2-3705.6 related to the submission of an application for an award from the Virginia Research Investment Fund pursuant to Article 8 (§ 23.1-3130 et seq.) of Chapter 31 of Title 23.1 or interviews of parties to an application by a reviewing entity pursuant to subsection D of § 23.1-3133 or by the Virginia Research Investment Committee.

48. Discussion or development of grant proposals by a regional council established pursuant to Article 26 (§ 2.2-2484 et seq.) of Chapter 24 to be submitted for consideration to the Virginia Growth and Opportunity Board.

49. Discussion or consideration of (i) individual sexual assault cases by a sexual assault response team established pursuant to § 15.2-1627.4, (ii) individual child abuse or neglect cases or sex offenses involving a child by a child sexual abuse response team established pursuant to § 15.2-1627.5, or (iii) individual cases involving abuse, neglect, or exploitation of adults as defined in § 63.2-1603 pursuant to §§ 15.2-1627.5 and 63.2-1605.

50. Discussion or consideration by the Board of the Virginia Economic Development Partnership Authority, the Joint Legislative Audit and Review Commission, or any subcommittees thereof, of the portions of the strategic plan, marketing plan, or operational plan exempt from disclosure pursuant to subdivision 33 of § 2.2-3705.7.

51. Those portions of meetings of the subcommittee of the Board of the Virginia Economic Development Partnership Authority established pursuant to subsection F of § 2.2-2237.3 to review and discuss information received from the Virginia Employment Commission pursuant to subdivision C 2 of § 60.2-114.

52. *Deliberations of the Virginia Lottery Board in a licensing appeal action conducted pursuant to § 58.1-4105 regarding the denial or revocation of a license of a casino gaming operator and discussion, consideration, or review of matters related to investigations exempt from disclosure under subdivision 1 of § 2.2-3705.3.*

B. No resolution, ordinance, rule, contract, regulation or motion adopted, passed or agreed to in a closed meeting shall become effective unless the public body, following the meeting, reconvenes in open meeting and takes a vote of the membership on such resolution, ordinance, rule, contract, regulation, or motion that shall have its substance reasonably identified in the open meeting.

C. Public officers improperly selected due to the failure of the public body to comply with the other provisions of this section shall be de facto officers and, as such, their official actions are valid until they obtain notice of the legal defect in their election.

D. Nothing in this section shall be construed to prevent the holding of conferences between two or more public bodies, or their representatives, but these conferences shall be subject to the same procedures for holding closed meetings as are applicable to any other public body.

E. This section shall not be construed to (i) require the disclosure of any contract between the Department of Health Professions and an impaired practitioner entered into pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1 or (ii) require the board of directors of any authority created pursuant to the Industrial Development and Revenue Bond Act (§ 15.2-4900 et seq.), or any public body empowered to issue industrial revenue bonds by general or special law, to identify a business or industry to which subdivision A 5 applies. However, such business or industry shall be identified as a matter of public record at least 30 days prior to the actual date of the board's authorization of the sale or issuance of such bonds.

§ 11-16.1. Exemption from the chapter.

This chapter shall not apply to any bet, wager, or casino gaming permitted by Chapter 41 (§ 58.1-4100 et seq.) of Title 58.1 or to any contract, conduct, or transaction arising from conduct lawful thereunder.

§ 15.2-2825. Smoking in restaurants prohibited; exceptions; posting of signs; penalty for violation.

A. Effective December 1, 2009, smoking shall be prohibited and no person shall smoke in any restaurant in the Commonwealth or in any restroom within such restaurant, except that smoking may be permitted in:

1. Any place or operation that prepares or stores food for distribution to persons of the same business operation or of a related business operation for service to the public. Examples of such places or operations include the preparation or storage of food for catering services, pushcart operations, hotdog stands, and other mobile points of service;

2. Any outdoor area of a restaurant, with or without roof covering, at such times when such outdoor area is not enclosed in whole or in part by any screened walls, roll-up doors, windows or other seasonal or temporary enclosures;

3. Any restaurants located on the premises of any manufacturer of tobacco products;

4. Any portion of a restaurant that is used exclusively for private functions, provided such functions are limited to those portions of the restaurant that meet the requirements of subdivision 5;

5. Any portion of a restaurant that is constructed in such a manner that the area where smoking may be permitted is (i) structurally separated from the portion of the restaurant in which smoking is prohibited and to which ingress and egress is through a door and (ii) separately vented to prevent the recirculation of air from such area to the area of the restaurant where smoking is prohibited. At least one public entrance to the restaurant shall be into an area of the restaurant where smoking is prohibited. For the purposes of the preceding sentence, nothing shall be construed to require the creation of an additional public entrance in cases where the only public entrance to a restaurant in existence as of December 1, 2009, is through an outdoor area described in subdivision 2; and

6. Any private club; and

7. Any portion of a facility licensed to conduct casino gaming pursuant to Chapter 41 (§ 58.1-4100 et seq.) of Title 58.1 designated pursuant to the provisions of and that meets the requirements of § 15.2-2827. Any restaurant within a facility licensed to conduct casino gaming shall comply with the provisions of this section.

B. For the purposes of this section:

"Proprietor" means the owner, lessee or other person who ultimately controls the activities within the restaurant. The term "proprietor" includes corporations, associations, or partnerships as well as individuals.

"Structurally separated" means a stud wall covered with drywall or other building material or other like barrier, which, when completed, extends from the floor to the ceiling, resulting in a physically separated room. Such wall or barrier may include portions that are glass or other gas-impervious building material.

C. No individual who is wait staff or bus staff in a restaurant shall be required by the proprietor to work in any area of the restaurant where smoking may be permitted without the consent of such individual. Nothing in this subsection shall be interpreted to create a cause of action against such proprietor.

D. The proprietor of any restaurant shall:

1. Post signs stating "No Smoking" or containing the international "No Smoking" symbol, consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a bar across it, clearly and conspicuously in every restaurant where smoking is prohibited in accordance with this section; and

2. Remove all ashtrays and other smoking paraphernalia from any area in the restaurant where smoking is prohibited in accordance with this section.

E. Any proprietor of a restaurant who fails to comply with the requirements of this section shall be subject to the civil penalty of not more than \$25.

F. No person shall smoke in any area of a restaurant in which smoking is prohibited as provided in this section. Any person who continues to smoke in such area after having been asked to refrain from smoking shall be subject to a civil penalty of not more than \$25.

G. It shall be an affirmative defense to a complaint brought against a proprietor for a violation of this section that the proprietor or an employee of such proprietor:

1. Posted a "No Smoking" sign as required;

2. Removed all ashtrays and other smoking paraphernalia from all areas where smoking is prohibited;

3. Refused to seat or serve any individual who was smoking in a prohibited area; and
4. If the individual continued to smoke after an initial warning, asked the individual to leave the establishment.

H. Civil penalties assessed under this section shall be paid into the Virginia Health Care Fund established under § 32.1-366.

I. Any local health department or its designee shall, while inspecting a restaurant as otherwise required by law, inspect for compliance with this section.

§ 18.2-334.5. Exemptions to article; certain gaming operations.

Nothing in this article shall be construed to make it illegal to participate in any casino gaming operation conducted in accordance with Chapter 41 (§ 58.1-4100 et seq.) of Title 58.1.

§ 19.2-389. (Effective until January 1, 2021) Dissemination of criminal history record information.

A. Criminal history record information shall be disseminated, whether directly or through an intermediary, only to:

1. Authorized officers or employees of criminal justice agencies, as defined by § 9.1-101, for purposes of the administration of criminal justice and the screening of an employment application or review of employment by a criminal justice agency with respect to its own employees or applicants, and dissemination to the Virginia Parole Board, pursuant to this subdivision, of such information on all state-responsible inmates for the purpose of making parole determinations pursuant to subdivisions 1, 2, 3, and 5 of § 53.1-136 shall include collective dissemination by electronic means every 30 days. For purposes of this subdivision, criminal history record information includes information sent to the Central Criminal Records Exchange pursuant to §§ 37.2-819 and 64.2-2014 when disseminated to any full-time or part-time employee of the State Police, a police department or sheriff's office that is a part of or administered by the Commonwealth or any political subdivision thereof, and who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth for the purposes of the administration of criminal justice;

2. Such other individuals and agencies that require criminal history record information to implement a state or federal statute or executive order of the President of the United States or Governor that expressly refers to criminal conduct and contains requirements or exclusions expressly based upon such conduct, except that information concerning the arrest of an individual may not be disseminated to a noncriminal justice agency or individual if an interval of one year has elapsed from the date of the arrest and no disposition of the charge has been recorded and no active prosecution of the charge is pending;

3. Individuals and agencies pursuant to a specific agreement with a criminal justice agency to provide services required for the administration of criminal justice pursuant to that agreement which shall specifically authorize access to data, limit the use of data to purposes for which given, and ensure the security and confidentiality of the data;

4. Individuals and agencies for the express purpose of research, evaluative, or statistical activities pursuant to an agreement with a criminal justice agency that shall specifically authorize access to data, limit the use of data to research, evaluative, or statistical purposes, and ensure the confidentiality and security of the data;

5. Agencies of state or federal government that are authorized by state or federal statute or executive order of the President of the United States or Governor to conduct investigations determining employment suitability or eligibility for security clearances allowing access to classified information;

6. Individuals and agencies where authorized by court order or court rule;

7. Agencies of any political subdivision of the Commonwealth, public transportation companies owned, operated or controlled by any political subdivision, and any public service corporation that operates a public transit system owned by a local government for the conduct of investigations of applicants for employment, permit, or license whenever, in the interest of public welfare or safety, it is necessary to determine under a duly enacted ordinance if the past criminal conduct of a person with a conviction record would be compatible with the nature of the employment, permit, or license under consideration;

7a. Commissions created pursuant to the Transportation District Act of 1964 (§ 33.2-1900 et seq.) of Title 33.2 and their contractors, for the conduct of investigations of individuals who have been offered a position of employment whenever, in the interest of public welfare or safety and as authorized in the Transportation District Act of 1964, it is necessary to determine if the past criminal conduct of a person with a conviction record would be compatible with the nature of the employment under consideration;

8. Public or private agencies when authorized or required by federal or state law or interstate compact to investigate (i) applicants for foster or adoptive parenthood or (ii) any individual, and the adult members of that individual's household, with whom the agency is considering placing a child or from whom the agency is considering removing a child due to abuse or neglect, on an emergency, temporary, or permanent basis pursuant to §§ 63.2-901.1 and 63.2-1505, subject to the restriction that the data shall not be further disseminated to any party other than a federal or state authority or court as may be required to comply with an express requirement of law;

9. To the extent permitted by federal law or regulation, public service companies as defined in § 56-1, for the conduct of investigations of applicants for employment when such employment involves personal contact with the public or when past criminal conduct of an applicant would be incompatible with the nature of the employment under consideration;

10. The appropriate authority for purposes of granting citizenship and for purposes of international travel, including, but not limited to, issuing visas and passports;

11. A person requesting a copy of his own criminal history record information as defined in § 9.1-101 at his cost, except that criminal history record information shall be supplied at no charge to a person who has applied to be a volunteer with (i) a Virginia affiliate of Big Brothers/Big Sisters of America; (ii) a volunteer fire company; (iii) the Volunteer

Emergency Families for Children; (iv) any affiliate of Prevent Child Abuse, Virginia; (v) any Virginia affiliate of Compeer; or (vi) any board member or any individual who has been offered membership on the board of a Crime Stoppers, Crime Solvers or Crime Line program as defined in § 15.2-1713.1;

12. Administrators and board presidents of and applicants for licensure or registration as a child welfare agency as defined in § 63.2-100 for dissemination to the Commissioner of Social Services' representative pursuant to § 63.2-1702 for the conduct of investigations with respect to employees of and volunteers at such facilities, caretakers, and other adults living in family day homes or homes approved by family day systems, and foster and adoptive parent applicants of private child-placing agencies, pursuant to §§ 63.2-1719, 63.2-1720, 63.2-1720.1, 63.2-1721, and 63.2-1721.1, subject to the restriction that the data shall not be further disseminated by the facility or agency to any party other than the data subject, the Commissioner of Social Services' representative or a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination;

13. The school boards of the Commonwealth for the purpose of screening individuals who are offered or who accept public school employment and those current school board employees for whom a report of arrest has been made pursuant to § 19.2-83.1;

14. The Virginia Lottery for the conduct of investigations as set forth in the Virginia Lottery Law (§ 58.1-4000 et seq.) and casino gaming as set forth in Chapter 41 (§ 58.1-4100 et seq.) of Title 58.1, and the Department of Agriculture and Consumer Services for the conduct of investigations as set forth in Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2;

15. Licensed nursing homes, hospitals and home care organizations for the conduct of investigations of applicants for compensated employment in licensed nursing homes pursuant to § 32.1-126.01, hospital pharmacies pursuant to § 32.1-126.02, and home care organizations pursuant to § 32.1-162.9:1, subject to the limitations set out in subsection E;

16. Licensed assisted living facilities and licensed adult day care centers for the conduct of investigations of applicants for compensated employment in licensed assisted living facilities and licensed adult day care centers pursuant to § 63.2-1720, subject to the limitations set out in subsection F;

17. The Virginia Alcoholic Beverage Control Authority for the conduct of investigations as set forth in § 4.1-103.1;

18. The State Board of Elections and authorized officers and employees thereof and general registrars appointed pursuant to § 24.2-110 in the course of conducting necessary investigations with respect to voter registration, limited to any record of felony convictions;

19. The Commissioner of Behavioral Health and Developmental Services for those individuals who are committed to the custody of the Commissioner pursuant to §§ 19.2-169.2, 19.2-169.6, 19.2-182.2, 19.2-182.3, 19.2-182.8, and 19.2-182.9 for the purpose of placement, evaluation, and treatment planning;

20. Any alcohol safety action program certified by the Commission on the Virginia Alcohol Safety Action Program for (i) assessments of habitual offenders under § 46.2-360, (ii) interventions with first offenders under § 18.2-251, or (iii) services to offenders under § 18.2-51.4, 18.2-266, or 18.2-266.1;

21. Residential facilities for juveniles regulated or operated by the Department of Social Services, the Department of Education, or the Department of Behavioral Health and Developmental Services for the purpose of determining applicants' fitness for employment or for providing volunteer or contractual services;

22. The Department of Behavioral Health and Developmental Services and facilities operated by the Department for the purpose of determining an individual's fitness for employment pursuant to departmental instructions;

23. Pursuant to § 22.1-296.3, the governing boards or administrators of private elementary or secondary schools which are accredited pursuant to § 22.1-19 or a private organization coordinating such records information on behalf of such governing boards or administrators pursuant to a written agreement with the Department of State Police;

24. Public institutions of higher education and nonprofit private institutions of higher education for the purpose of screening individuals who are offered or accept employment;

25. Members of a threat assessment team established by a local school board pursuant to § 22.1-79.4, by a public institution of higher education pursuant to § 23.1-805, or by a private nonprofit institution of higher education, for the purpose of assessing or intervening with an individual whose behavior may present a threat to safety; however, no member of a threat assessment team shall redisclose any criminal history record information obtained pursuant to this section or otherwise use any record of an individual beyond the purpose that such disclosure was made to the threat assessment team;

26. Executive directors of community services boards or the personnel director serving the community services board for the purpose of determining an individual's fitness for employment, approval as a sponsored residential service provider, or permission to enter into a shared living arrangement with a person receiving medical assistance services pursuant to a waiver pursuant to §§ 37.2-506 and 37.2-607;

27. Executive directors of behavioral health authorities as defined in § 37.2-600 for the purpose of determining an individual's fitness for employment, approval as a sponsored residential service provider, or permission to enter into a shared living arrangement with a person receiving medical assistance services pursuant to a waiver pursuant to §§ 37.2-506 and 37.2-607;

28. The Commissioner of Social Services for the purpose of locating persons who owe child support or who are alleged in a pending paternity proceeding to be a putative father, provided that only the name, address, demographics and social security number of the data subject shall be released;

29. Authorized officers or directors of agencies licensed pursuant to Article 2 (§ 37.2-403 et seq.) of Chapter 4 of Title 37.2 by the Department of Behavioral Health and Developmental Services for the purpose of determining if any applicant who accepts employment in any direct care position or requests approval as a sponsored residential service provider or permission to enter into a shared living arrangement with a person receiving medical assistance services pursuant to a waiver has been convicted of a crime that affects his fitness to have responsibility for the safety and well-being of individuals with mental illness, intellectual disability, or substance abuse pursuant to §§ 37.2-416, 37.2-506, and 37.2-607;

30. The Commissioner of the Department of Motor Vehicles, for the purpose of evaluating applicants for and holders of a motor carrier certificate or license subject to the provisions of Chapters 20 (§ 46.2-2000 et seq.) and 21 (§ 46.2-2100 et seq.) of Title 46.2;

31. The chairmen of the Committees for Courts of Justice of the Senate or the House of Delegates for the purpose of determining if any person being considered for election to any judgeship has been convicted of a crime;

32. Heads of state agencies in which positions have been identified as sensitive for the purpose of determining an individual's fitness for employment in positions designated as sensitive under Department of Human Resource Management policies developed pursuant to § 2.2-1201.1;

33. The Office of the Attorney General, for all criminal justice activities otherwise permitted under subdivision A 1 and for purposes of performing duties required by the Civil Commitment of Sexually Violent Predators Act (§ 37.2-900 et seq.);

34. Shipyards, to the extent permitted by federal law or regulation, engaged in the design, construction, overhaul, or repair of nuclear vessels for the United States Navy, including their subsidiary companies, for the conduct of investigations of applications for employment or for access to facilities, by contractors, leased laborers, and other visitors;

35. Any employer of individuals whose employment requires that they enter the homes of others, for the purpose of screening individuals who apply for, are offered, or have accepted such employment;

36. Public agencies when and as required by federal or state law to investigate (i) applicants as providers of adult foster care and home-based services or (ii) any individual with whom the agency is considering placing an adult on an emergency, temporary, or permanent basis pursuant to § 63.2-1601.1, subject to the restriction that the data shall not be further disseminated by the agency to any party other than a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination, subject to limitations set out in subsection G;

37. The Department of Medical Assistance Services, or its designee, for the purpose of screening individuals who, through contracts, subcontracts, or direct employment, volunteer, apply for, are offered, or have accepted a position related to the provision of transportation services to enrollees in the Medicaid Program or the Family Access to Medical Insurance Security (FAMIS) Program, or any other program administered by the Department of Medical Assistance Services;

38. The State Corporation Commission for the purpose of investigating individuals who are current or proposed members, senior officers, directors, and principals of an applicant or person licensed under Chapter 16 (§ 6.2-1600 et seq.) or Chapter 19 (§ 6.2-1900 et seq.) of Title 6.2. Notwithstanding any other provision of law, if an application is denied based in whole or in part on information obtained from the Central Criminal Records Exchange pursuant to Chapter 16 or 19 of Title 6.2, the Commissioner of Financial Institutions or his designee may disclose such information to the applicant or its designee;

39. The Department of Professional and Occupational Regulation for the purpose of investigating individuals for initial licensure pursuant to § 54.1-2106.1;

40. The Department for Aging and Rehabilitative Services and the Department for the Blind and Vision Impaired for the purpose of evaluating an individual's fitness for various types of employment and for the purpose of delivering comprehensive vocational rehabilitation services pursuant to Article 11 (§ 51.5-170 et seq.) of Chapter 14 of Title 51.5 that will assist the individual in obtaining employment;

41. Bail bondsmen, in accordance with the provisions of § 19.2-120;

42. The State Treasurer for the purpose of determining whether a person receiving compensation for wrongful incarceration meets the conditions for continued compensation under § 8.01-195.12;

43. The Department of Social Services and directors of local departments of social services for the purpose of screening individuals seeking to enter into a contract with the Department of Social Services or a local department of social services for the provision of child care services for which child care subsidy payments may be provided;

44. The Department of Juvenile Justice to investigate any parent, guardian, or other adult members of a juvenile's household when completing a predispositional or postdispositional report required by § 16.1-273 or a Board of Juvenile Justice regulation promulgated pursuant to § 16.1-233; and

45. Other entities as otherwise provided by law.

Upon an ex parte motion of a defendant in a felony case and upon the showing that the records requested may be relevant to such case, the court shall enter an order requiring the Central Criminal Records Exchange to furnish the defendant, as soon as practicable, copies of any records of persons designated in the order on whom a report has been made under the provisions of this chapter.

Notwithstanding any other provision of this chapter to the contrary, upon a written request sworn to before an officer authorized to take acknowledgments, the Central Criminal Records Exchange, or the criminal justice agency in cases of offenses not required to be reported to the Exchange, shall furnish a copy of conviction data covering the person named in

the request to the person making the request; however, such person on whom the data is being obtained shall consent in writing, under oath, to the making of such request. A person receiving a copy of his own conviction data may utilize or further disseminate that data as he deems appropriate. In the event no conviction data is maintained on the data subject, the person making the request shall be furnished at his cost a certification to that effect.

B. Use of criminal history record information disseminated to noncriminal justice agencies under this section shall be limited to the purposes for which it was given and may not be disseminated further.

C. No criminal justice agency or person shall confirm the existence or nonexistence of criminal history record information for employment or licensing inquiries except as provided by law.

D. Criminal justice agencies shall establish procedures to query the Central Criminal Records Exchange prior to dissemination of any criminal history record information on offenses required to be reported to the Central Criminal Records Exchange to ensure that the most up-to-date disposition data is being used. Inquiries of the Exchange shall be made prior to any dissemination except in those cases where time is of the essence and the normal response time of the Exchange would exceed the necessary time period. A criminal justice agency to whom a request has been made for the dissemination of criminal history record information that is required to be reported to the Central Criminal Records Exchange may direct the inquirer to the Central Criminal Records Exchange for such dissemination. Dissemination of information regarding offenses not required to be reported to the Exchange shall be made by the criminal justice agency maintaining the record as required by § 15.2-1722.

E. Criminal history information provided to licensed nursing homes, hospitals and to home care organizations pursuant to subdivision A 15 shall be limited to the convictions on file with the Exchange for any offense specified in §§ 32.1-126.01, 32.1-126.02, and 32.1-162.9:1.

F. Criminal history information provided to licensed assisted living facilities and licensed adult day care centers pursuant to subdivision A 16 shall be limited to the convictions on file with the Exchange for any offense specified in § 63.2-1720.

G. Criminal history information provided to public agencies pursuant to subdivision A 36 shall be limited to the convictions on file with the Exchange for any offense set forth in clause (i) of the definition of barrier crime in § 19.2-392.02.

H. Upon receipt of a written request from an employer or prospective employer, the Central Criminal Records Exchange, or the criminal justice agency in cases of offenses not required to be reported to the Exchange, shall furnish at the employer's cost a copy of conviction data covering the person named in the request to the employer or prospective employer making the request, provided that the person on whom the data is being obtained has consented in writing to the making of such request and has presented a photo-identification to the employer or prospective employer. In the event no conviction data is maintained on the person named in the request, the requesting employer or prospective employer shall be furnished at his cost a certification to that effect. The criminal history record search shall be conducted on forms provided by the Exchange.

I. Nothing in this section shall preclude the dissemination of a person's criminal history record information pursuant to the rules of court for obtaining discovery or for review by the court.

§ 19.2-389. (Effective January 1, 2021) Dissemination of criminal history record information.

A. Criminal history record information shall be disseminated, whether directly or through an intermediary, only to:

1. Authorized officers or employees of criminal justice agencies, as defined by § 9.1-101, for purposes of the administration of criminal justice and the screening of an employment application or review of employment by a criminal justice agency with respect to its own employees or applicants, and dissemination to the Virginia Parole Board, pursuant to this subdivision, of such information on all state-responsible inmates for the purpose of making parole determinations pursuant to subdivisions 1, 2, 3, and 5 of § 53.1-136 shall include collective dissemination by electronic means every 30 days. For purposes of this subdivision, criminal history record information includes information sent to the Central Criminal Records Exchange pursuant to §§ 37.2-819 and 64.2-2014 when disseminated to any full-time or part-time employee of the State Police, a police department or sheriff's office that is a part of or administered by the Commonwealth or any political subdivision thereof, and who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth for the purposes of the administration of criminal justice;

2. Such other individuals and agencies that require criminal history record information to implement a state or federal statute or executive order of the President of the United States or Governor that expressly refers to criminal conduct and contains requirements or exclusions expressly based upon such conduct, except that information concerning the arrest of an individual may not be disseminated to a noncriminal justice agency or individual if an interval of one year has elapsed from the date of the arrest and no disposition of the charge has been recorded and no active prosecution of the charge is pending;

3. Individuals and agencies pursuant to a specific agreement with a criminal justice agency to provide services required for the administration of criminal justice pursuant to that agreement which shall specifically authorize access to data, limit the use of data to purposes for which given, and ensure the security and confidentiality of the data;

4. Individuals and agencies for the express purpose of research, evaluative, or statistical activities pursuant to an agreement with a criminal justice agency that shall specifically authorize access to data, limit the use of data to research, evaluative, or statistical purposes, and ensure the confidentiality and security of the data;

5. Agencies of state or federal government that are authorized by state or federal statute or executive order of the President of the United States or Governor to conduct investigations determining employment suitability or eligibility for security clearances allowing access to classified information;

6. Individuals and agencies where authorized by court order or court rule;

7. Agencies of any political subdivision of the Commonwealth, public transportation companies owned, operated or controlled by any political subdivision, and any public service corporation that operates a public transit system owned by a local government for the conduct of investigations of applicants for employment, permit, or license whenever, in the interest of public welfare or safety, it is necessary to determine under a duly enacted ordinance if the past criminal conduct of a person with a conviction record would be compatible with the nature of the employment, permit, or license under consideration;

7a. Commissions created pursuant to the Transportation District Act of 1964 (§ 33.2-1900 et seq.) of Title 33.2 and their contractors, for the conduct of investigations of individuals who have been offered a position of employment whenever, in the interest of public welfare or safety and as authorized in the Transportation District Act of 1964, it is necessary to determine if the past criminal conduct of a person with a conviction record would be compatible with the nature of the employment under consideration;

8. Public or private agencies when authorized or required by federal or state law or interstate compact to investigate (i) applicants for foster or adoptive parenthood or (ii) any individual, and the adult members of that individual's household, with whom the agency is considering placing a child or from whom the agency is considering removing a child due to abuse or neglect, on an emergency, temporary, or permanent basis pursuant to §§ 63.2-901.1 and 63.2-1505, subject to the restriction that the data shall not be further disseminated to any party other than a federal or state authority or court as may be required to comply with an express requirement of law;

9. To the extent permitted by federal law or regulation, public service companies as defined in § 56-1, for the conduct of investigations of applicants for employment when such employment involves personal contact with the public or when past criminal conduct of an applicant would be incompatible with the nature of the employment under consideration;

10. The appropriate authority for purposes of granting citizenship and for purposes of international travel, including, but not limited to, issuing visas and passports;

11. A person requesting a copy of his own criminal history record information as defined in § 9.1-101 at his cost, except that criminal history record information shall be supplied at no charge to a person who has applied to be a volunteer with (i) a Virginia affiliate of Big Brothers/Big Sisters of America; (ii) a volunteer fire company; (iii) the Volunteer Emergency Families for Children; (iv) any affiliate of Prevent Child Abuse, Virginia; (v) any Virginia affiliate of Compeer; or (vi) any board member or any individual who has been offered membership on the board of a Crime Stoppers, Crime Solvers or Crime Line program as defined in § 15.2-1713.1;

12. Administrators and board presidents of and applicants for licensure or registration as a child welfare agency as defined in § 63.2-100 for dissemination to the Commissioner of Social Services' representative pursuant to § 63.2-1702 for the conduct of investigations with respect to employees of and volunteers at such facilities, caretakers, and other adults living in family day homes or homes approved by family day systems, and foster and adoptive parent applicants of private child-placing agencies, pursuant to §§ 63.2-1719, 63.2-1720, 63.2-1720.1, 63.2-1721, and 63.2-1721.1, subject to the restriction that the data shall not be further disseminated by the facility or agency to any party other than the data subject, the Commissioner of Social Services' representative or a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination;

13. The school boards of the Commonwealth for the purpose of screening individuals who are offered or who accept public school employment and those current school board employees for whom a report of arrest has been made pursuant to § 19.2-83.1;

14. The Virginia Lottery for the conduct of investigations as set forth in the Virginia Lottery Law (§ 58.1-4000 et seq.) and casino gaming as set forth in Chapter 41 (§ 58.1-4100 et seq.) of Title 58.1, and the Department of Agriculture and Consumer Services for the conduct of investigations as set forth in Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2;

15. Licensed nursing homes, hospitals and home care organizations for the conduct of investigations of applicants for compensated employment in licensed nursing homes pursuant to § 32.1-126.01, hospital pharmacies pursuant to § 32.1-126.02, and home care organizations pursuant to § 32.1-162.9:1, subject to the limitations set out in subsection E;

16. Licensed assisted living facilities and licensed adult day care centers for the conduct of investigations of applicants for compensated employment in licensed assisted living facilities and licensed adult day care centers pursuant to § 63.2-1720, subject to the limitations set out in subsection F;

17. The Virginia Alcoholic Beverage Control Authority for the conduct of investigations as set forth in § 4.1-103.1;

18. The State Board of Elections and authorized officers and employees thereof and general registrars appointed pursuant to § 24.2-110 in the course of conducting necessary investigations with respect to voter registration, limited to any record of felony convictions;

19. The Commissioner of Behavioral Health and Developmental Services for those individuals who are committed to the custody of the Commissioner pursuant to §§ 19.2-169.2, 19.2-169.6, 19.2-182.2, 19.2-182.3, 19.2-182.8, and 19.2-182.9 for the purpose of placement, evaluation, and treatment planning;

20. Any alcohol safety action program certified by the Commission on the Virginia Alcohol Safety Action Program for (i) assessments of habitual offenders under § 46.2-360, (ii) interventions with first offenders under § 18.2-251, or (iii) services to offenders under § 18.2-51.4, 18.2-266, or 18.2-266.1;

21. Residential facilities for juveniles regulated or operated by the Department of Social Services, the Department of Education, or the Department of Behavioral Health and Developmental Services for the purpose of determining applicants' fitness for employment or for providing volunteer or contractual services;

22. The Department of Behavioral Health and Developmental Services and facilities operated by the Department for the purpose of determining an individual's fitness for employment pursuant to departmental instructions;

23. Pursuant to § 22.1-296.3, the governing boards or administrators of private elementary or secondary schools which are accredited pursuant to § 22.1-19 or a private organization coordinating such records information on behalf of such governing boards or administrators pursuant to a written agreement with the Department of State Police;

24. Public institutions of higher education and nonprofit private institutions of higher education for the purpose of screening individuals who are offered or accept employment;

25. Members of a threat assessment team established by a local school board pursuant to § 22.1-79.4, by a public institution of higher education pursuant to § 23.1-805, or by a private nonprofit institution of higher education, for the purpose of assessing or intervening with an individual whose behavior may present a threat to safety; however, no member of a threat assessment team shall redisclose any criminal history record information obtained pursuant to this section or otherwise use any record of an individual beyond the purpose that such disclosure was made to the threat assessment team;

26. Executive directors of community services boards or the personnel director serving the community services board for the purpose of determining an individual's fitness for employment, approval as a sponsored residential service provider, or permission to enter into a shared living arrangement with a person receiving medical assistance services pursuant to a waiver pursuant to §§ 37.2-506 and 37.2-607;

27. Executive directors of behavioral health authorities as defined in § 37.2-600 for the purpose of determining an individual's fitness for employment, approval as a sponsored residential service provider, or permission to enter into a shared living arrangement with a person receiving medical assistance services pursuant to a waiver pursuant to §§ 37.2-506 and 37.2-607;

28. The Commissioner of Social Services for the purpose of locating persons who owe child support or who are alleged in a pending paternity proceeding to be a putative father, provided that only the name, address, demographics and social security number of the data subject shall be released;

29. Authorized officers or directors of agencies licensed pursuant to Article 2 (§ 37.2-403 et seq.) of Chapter 4 of Title 37.2 by the Department of Behavioral Health and Developmental Services for the purpose of determining if any applicant who accepts employment in any direct care position or requests approval as a sponsored residential service provider or permission to enter into a shared living arrangement with a person receiving medical assistance services pursuant to a waiver has been convicted of a crime that affects his fitness to have responsibility for the safety and well-being of individuals with mental illness, intellectual disability, or substance abuse pursuant to §§ 37.2-416, 37.2-506, and 37.2-607;

30. The Commissioner of the Department of Motor Vehicles, for the purpose of evaluating applicants for and holders of a motor carrier certificate or license subject to the provisions of Chapters 20 (§ 46.2-2000 et seq.) and 21 (§ 46.2-2100 et seq.) of Title 46.2;

31. The chairmen of the Committees for Courts of Justice of the Senate or the House of Delegates for the purpose of determining if any person being considered for election to any judgeship has been convicted of a crime;

32. Heads of state agencies in which positions have been identified as sensitive for the purpose of determining an individual's fitness for employment in positions designated as sensitive under Department of Human Resource Management policies developed pursuant to § 2.2-1201.1;

33. The Office of the Attorney General, for all criminal justice activities otherwise permitted under subdivision A 1 and for purposes of performing duties required by the Civil Commitment of Sexually Violent Predators Act (§ 37.2-900 et seq.);

34. Shipyards, to the extent permitted by federal law or regulation, engaged in the design, construction, overhaul, or repair of nuclear vessels for the United States Navy, including their subsidiary companies, for the conduct of investigations of applications for employment or for access to facilities, by contractors, leased laborers, and other visitors;

35. Any employer of individuals whose employment requires that they enter the homes of others, for the purpose of screening individuals who apply for, are offered, or have accepted such employment;

36. Public agencies when and as required by federal or state law to investigate (i) applicants as providers of adult foster care and home-based services or (ii) any individual with whom the agency is considering placing an adult on an emergency, temporary, or permanent basis pursuant to § 63.2-1601.1, subject to the restriction that the data shall not be further disseminated by the agency to any party other than a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination, subject to limitations set out in subsection G;

37. The Department of Medical Assistance Services, or its designee, for the purpose of screening individuals who, through contracts, subcontracts, or direct employment, volunteer, apply for, are offered, or have accepted a position related to the provision of transportation services to enrollees in the Medicaid Program or the Family Access to Medical Insurance Security (FAMIS) Program, or any other program administered by the Department of Medical Assistance Services;

38. The State Corporation Commission for the purpose of investigating individuals who are current or proposed members, senior officers, directors, and principals of an applicant or person licensed under Chapter 16 (§ 6.2-1600 et seq.) or Chapter 19 (§ 6.2-1900 et seq.) of Title 6.2. Notwithstanding any other provision of law, if an application is denied based in whole or in part on information obtained from the Central Criminal Records Exchange pursuant to Chapter 16 or 19 of Title 6.2, the Commissioner of Financial Institutions or his designee may disclose such information to the applicant or its designee;

39. The Department of Professional and Occupational Regulation for the purpose of investigating individuals for initial licensure pursuant to § 54.1-2106.1;

40. The Department for Aging and Rehabilitative Services and the Department for the Blind and Vision Impaired for the purpose of evaluating an individual's fitness for various types of employment and for the purpose of delivering comprehensive vocational rehabilitation services pursuant to Article 11 (§ 51.5-170 et seq.) of Chapter 14 of Title 51.5 that will assist the individual in obtaining employment;

41. Bail bondsmen, in accordance with the provisions of § 19.2-120;

42. The State Treasurer for the purpose of determining whether a person receiving compensation for wrongful incarceration meets the conditions for continued compensation under § 8.01-195.12;

43. The Department of Social Services and directors of local departments of social services for the purpose of screening individuals seeking to enter into a contract with the Department of Social Services or a local department of social services for the provision of child care services for which child care subsidy payments may be provided;

44. The Department of Juvenile Justice to investigate any parent, guardian, or other adult members of a juvenile's household when completing a predispositional or postdispositional report required by § 16.1-273 or a Board of Juvenile Justice regulation promulgated pursuant to § 16.1-233;

45. The State Corporation Commission, for the purpose of screening applicants for insurance licensure under Chapter 18 (§ 38.2-1800 et seq.) of Title 38.2; and

46. Other entities as otherwise provided by law.

Upon an ex parte motion of a defendant in a felony case and upon the showing that the records requested may be relevant to such case, the court shall enter an order requiring the Central Criminal Records Exchange to furnish the defendant, as soon as practicable, copies of any records of persons designated in the order on whom a report has been made under the provisions of this chapter.

Notwithstanding any other provision of this chapter to the contrary, upon a written request sworn to before an officer authorized to take acknowledgments, the Central Criminal Records Exchange, or the criminal justice agency in cases of offenses not required to be reported to the Exchange, shall furnish a copy of conviction data covering the person named in the request to the person making the request; however, such person on whom the data is being obtained shall consent in writing, under oath, to the making of such request. A person receiving a copy of his own conviction data may utilize or further disseminate that data as he deems appropriate. In the event no conviction data is maintained on the data subject, the person making the request shall be furnished at his cost a certification to that effect.

B. Use of criminal history record information disseminated to noncriminal justice agencies under this section shall be limited to the purposes for which it was given and may not be disseminated further.

C. No criminal justice agency or person shall confirm the existence or nonexistence of criminal history record information for employment or licensing inquiries except as provided by law.

D. Criminal justice agencies shall establish procedures to query the Central Criminal Records Exchange prior to dissemination of any criminal history record information on offenses required to be reported to the Central Criminal Records Exchange to ensure that the most up-to-date disposition data is being used. Inquiries of the Exchange shall be made prior to any dissemination except in those cases where time is of the essence and the normal response time of the Exchange would exceed the necessary time period. A criminal justice agency to whom a request has been made for the dissemination of criminal history record information that is required to be reported to the Central Criminal Records Exchange may direct the inquirer to the Central Criminal Records Exchange for such dissemination. Dissemination of information regarding offenses not required to be reported to the Exchange shall be made by the criminal justice agency maintaining the record as required by § 15.2-1722.

E. Criminal history information provided to licensed nursing homes, hospitals and to home care organizations pursuant to subdivision A 15 shall be limited to the convictions on file with the Exchange for any offense specified in §§ 32.1-126.01, 32.1-126.02, and 32.1-162.9:1.

F. Criminal history information provided to licensed assisted living facilities and licensed adult day care centers pursuant to subdivision A 16 shall be limited to the convictions on file with the Exchange for any offense specified in § 63.2-1720.

G. Criminal history information provided to public agencies pursuant to subdivision A 36 shall be limited to the convictions on file with the Exchange for any offense set forth in clause (i) of the definition of barrier crime in § 19.2-392.02.

H. Upon receipt of a written request from an employer or prospective employer, the Central Criminal Records Exchange, or the criminal justice agency in cases of offenses not required to be reported to the Exchange, shall furnish at the employer's cost a copy of conviction data covering the person named in the request to the employer or prospective employer making the request, provided that the person on whom the data is being obtained has consented in writing to the making of

such request and has presented a photo-identification to the employer or prospective employer. In the event no conviction data is maintained on the person named in the request, the requesting employer or prospective employer shall be furnished at his cost a certification to that effect. The criminal history record search shall be conducted on forms provided by the Exchange.

I. Nothing in this section shall preclude the dissemination of a person's criminal history record information pursuant to the rules of court for obtaining discovery or for review by the court.

§ 37.2-304. Duties of Commissioner.

The Commissioner shall be the chief executive officer of the Department and shall have the following duties and powers:

1. To supervise and manage the Department and its state facilities.
2. To employ the personnel required to carry out the purposes of this title.
3. To make and enter into all contracts and agreements necessary or incidental to the performance of the Department's duties and the execution of its powers under this title, including contracts with the United States, other states, and agencies and governmental subdivisions of the Commonwealth, consistent with policies and regulations of the Board and applicable federal and state statutes and regulations.

4. To accept, hold, and enjoy gifts, donations, and bequests on behalf of the Department from the United States government, agencies and instrumentalities thereof, and any other source, subject to the approval of the Governor. To these ends, the Commissioner shall have the power to comply with conditions and execute agreements that may be necessary, convenient, or desirable, consistent with policies and regulations of the Board.

5. To accept, execute, and administer any trust in which the Department may have an interest, under the terms of the instruments creating the trust, subject to the approval of the Governor.

6. To transfer between state hospitals and training centers school-age individuals who have been identified as appropriate to be placed in public school programs and to negotiate with other school divisions for placements in order to ameliorate the impact on those school divisions located in a jurisdiction in which a state hospital or training center is located.

7. To provide to the Director of the Commonwealth's designated protection and advocacy system, established pursuant to § 51.5-39.13, a written report setting forth the known facts of (i) critical incidents, as that term is defined in § 37.2-709.1, or deaths of individuals receiving services in facilities and (ii) serious injuries, as that term is defined in regulations adopted by the Board pursuant to § 37.2-400, or deaths of individuals receiving services in programs operated or licensed by the Department within 15 working days of the critical incident, serious injury, or death.

8. To work with the appropriate state and federal entities to ensure that any individual who has received services in a state facility for more than one year has possession of or receives prior to discharge any of the following documents, when they are needed to obtain the services contained in his discharge plan: a Department of Motor Vehicles approved identification card that will expire 90 days from issuance, a copy of his birth certificate if the individual was born in the Commonwealth, or a social security card from the Social Security Administration. State facility directors, as part of their responsibilities pursuant to § 37.2-837, shall implement this provision when discharging individuals.

9. To work with the Department of Veterans Services and the Department for Aging and Rehabilitative Services to establish a program for mental health and rehabilitative services for Virginia veterans and members of the Virginia National Guard and Virginia residents in the Armed Forces Reserves not in active federal service and their family members pursuant to § 2.2-2001.1.

10. To establish and maintain a pharmaceutical and therapeutics committee composed of representatives of the Department of Medical Assistance Services, state facilities operated by the Department, community services boards, at least one health insurance plan, and at least one individual receiving services to develop a drug formulary for use at all community services boards, state facilities operated by the Department, and providers licensed by the Department.

11. To establish and maintain the Commonwealth Mental Health First Aid Program pursuant to § 37.2-312.2.

12. To submit a report for the preceding fiscal year by December 1 of each year to the Governor and the Chairmen of the House *Committee on Appropriations* and Senate ~~Finances Committees~~ *Committee on Finance and Appropriations* that provides information on the operation of Virginia's publicly funded behavioral health and developmental services system. The report shall include a brief narrative and data on the number of individuals receiving state facility services or community services board services, including purchased inpatient psychiatric services; the types and amounts of services received by these individuals; and state facility and community services board service capacities, staffing, revenues, and expenditures. The annual report shall describe major new initiatives implemented during the past year and shall provide information on the accomplishment of systemic outcome and performance measures during the year.

13. *To establish a comprehensive program for the prevention and treatment of problem gambling in the Commonwealth and administer the Problem Gambling Treatment and Support Fund established pursuant to § 37.2-314.1.*

Unless specifically authorized by the Governor to accept or undertake activities for compensation, the Commissioner shall devote his entire time to his duties.

§ 37.2-314.1. Problem Gambling Treatment and Support Fund.

A. As used in this section:

"Compulsive gambling" means persistent and recurrent problem gambling behavior leading to clinically significant impairment or distress, as indicated by an individual exhibiting four or more of the criteria as defined by the Diagnostic

Statistical Manual of Mental Disorders in a 12-month period and where the behavior is not better explained by a manic episode.

"Problem gambling" means a gambling behavior that causes disruptions in any major area of life, including the psychological, social, or vocational areas of life, but does not fulfill the criteria for diagnosis as a gambling disorder.

B. There is hereby created in the state treasury a special nonreverting fund to be known as the Problem Gambling Treatment and Support Fund, referred to in this section as "the Fund." The Fund shall be established on the books of the Comptroller. All moneys required to be deposited into the Fund pursuant to Chapter 41 (§ 58.1-4100 et seq.) of Title 58.1 shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purposes of (i) providing counseling and other support services for compulsive and problem gamblers, (ii) developing and implementing compulsive and problem gambling treatment and prevention programs, and (iii) providing grants to support organizations that provide assistance to compulsive and problem gamblers. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Commissioner.

§ 58.1-4002. Definitions.

For the purposes of As used in this chapter, unless the context requires a different meaning:

"Board" means the Virginia Lottery Board established by this chapter.

"Casino gaming" or "game" means baccarat, blackjack, twenty-one, poker, craps, dice, slot machines, roulette wheels, Klondike tables, punchboards, faro layouts, numbers tickets, push cards, jar tickets, or pull tabs and any other activity that is authorized by the Board as a wagering game or device under Chapter 41 (§ 58.1-4100 et seq.). "Casino gaming" or "game" includes on-premises mobile casino gaming.

"Department" means the independent agency responsible for the administration of the Virginia Lottery created in this chapter.

"Director" means the Director of the Virginia Lottery.

"On-premises mobile casino gaming" means casino gaming offered by a casino gaming operator at a casino gaming establishment using a computer network of both federal and nonfederal interoperable packet-switched data networks through which the casino gaming operator may offer casino gaming to individuals who have established an on-premises mobile casino gaming account with the casino gaming operator and who are physically present on the premises of the casino gaming establishment, as authorized by regulations promulgated by the Board.

"Lottery" or "state lottery" means the lottery or lotteries established and operated pursuant to this chapter.

"Sports betting" means placing wagers on sporting events as such activity is regulated by the Board.

"Ticket courier service" means a service operated for the purpose of purchasing Virginia Lottery tickets on behalf of individuals located within or outside the Commonwealth and delivering or transmitting such tickets, or electronic images thereof, to such individuals as a business-for-profit delivery service.

§ 58.1-4004. Membership of Board; appointment; terms; vacancies; removal; expenses.

*A. The Board shall consist of ~~five~~ seven members, all of whom shall be citizens and residents of ~~this~~ the Commonwealth and all of whom shall be appointed by and serve at the pleasure of the Governor, subject to confirmation by a majority of the members elected to each house of the General Assembly if in session when the appointment is made, and if not in session, then at its next succeeding session. *At least one member shall be a law-enforcement officer, and at least one member shall be a certified public accountant authorized to practice in the Commonwealth.* Prior to the appointment of any Board members, the Governor shall consider the political affiliation and the geographic residence of the Board members. The members shall be appointed for terms of five years. The members shall annually elect one member as chairman of the Board.*

B. Any vacancy on the Board occurring for any reason other than the expiration of a term shall be filled for the unexpired term in the same manner as the original term.

C. The members of the Board shall receive such compensation as provided in § 2.2-2813, shall be subject to the requirements of such section, and shall be allowed reasonable expenses incurred in the performance of their official duties.

D. Before entering upon the discharge of their duties, the members of the Board shall take an oath that they will faithfully and honestly execute the duties of the office during their continuance therein and they shall give bond in such amount as may be fixed by the Governor, conditioned upon the faithful discharge of their duties. The premium on such bond shall be paid out of the Virginia Lottery Fund.

E. No member of the Board shall:

1. Have any direct or indirect financial, ownership, or management interest in any gaming activities, including any casino gaming operation, charitable gaming, pari-mutuel wagering, or lottery.

2. Receive or share in, directly or indirectly, the receipts or proceeds of any gaming activities, including any casino gaming operation, charitable gaming, pari-mutuel wagering, or lottery.

3. Have an interest in any contract for the manufacture or sale of gaming devices, the conduct of any gaming activity, or the provision of independent consulting services in connection with any gaming establishment or gaming activity.

§ 58.1-4006. Powers of the Director.

A. The Director shall supervise and administer ~~the~~

1. The operation of the lottery in accordance with the provisions of this chapter and with the rules and regulations promulgated hereunder; and

2. The regulation of casino gaming in accordance with Chapter 41 (§ 58.1-4100 et seq.).

B. The Director shall also:

1. Employ such deputy directors, professional, technical and clerical assistants, and other employees as may be required to carry out the functions and duties of the Department.

2. Act as secretary and executive officer of the Board.

3. Require bond or other surety satisfactory to the Director from licensed agents as provided in subsection E of § 58.1-4009 and Department employees with access to Department funds or lottery funds, in such amount as provided in the rules and regulations of the Board. The Director may also require bond from other employees as he deems necessary.

4. Confer regularly, but not less than four times each year, with the Board on the operation and administration of the lottery and the regulation of casino gaming; make available for inspection by the Board, upon request, all books, records, files, and other information and documents of the Department; and advise the Board and recommend such matters as he deems necessary and advisable to improve the operation and administration of the lottery and the regulation of casino gaming.

5. Suspend, revoke, or refuse to renew any license issued pursuant to this chapter or the rules and regulations adopted hereunder.

6. Suspend, revoke, or refuse to renew any license or permit issued pursuant to Chapter 41 (§ 58.1-4100 et seq.).

7. Eject or exclude from a casino gaming establishment any person, whether or not he possesses a license or permit, whose conduct or reputation is such that his presence may, in the opinion of the Director, reflect negatively on the honesty and integrity of casino gaming or interfere with the orderly gaming operations.

8. Immediately upon the receipt of a credible complaint of an alleged criminal violation of Chapter 41 (§ 58.1-4100 et seq.), report the complaint to the Attorney General and the State Police for appropriate action.

9. Inspect and investigate, and have free access to, the offices, facilities, or other places of business of any licensee or permit holder and may compel the production of any of the books, documents, records, or memoranda of any licensee or permit holder for the purpose of ensuring compliance with Chapter 41 (§ 58.1-4100 et seq.) and Department regulations.

10. Compel any person holding a license or permit pursuant to Chapter 41 (§ 58.1-4100 et seq.) to file with the Department such information as shall appear to the Director to be necessary for the performance of the Department's functions, including financial statements and information relative to principals and all others with any pecuniary interest in such person.

11. Impose a fine or penalty not to exceed \$1 million upon any person determined, in proceedings commenced pursuant to § 58.1-4105, to have violated any of the provisions of Chapter 41 (§ 58.1-4100 et seq.) or regulations promulgated by the Board.

12. Enter into arrangements with any foreign or domestic governmental agency for the purposes of exchanging information or performing any other act to better ensure the proper conduct of casino gaming operations or the efficient conduct of the Director's duties.

13. Enter into contracts for the operation of the lottery, or any part thereof, for the promotion of the lottery and into interstate lottery contracts with other states. A contract awarded or entered into by the Director shall not be assigned by the holder thereof except by specific approval of the Director.

14. Certify monthly to the State Comptroller and the Board a full and complete statement of lottery revenues, prize disbursements and other expenses for the preceding month.

15. Report monthly to the Governor, the Secretary of Finance, and the Chairmen of the Senate Committee on Finance Committee and Appropriations, House Committee on Finance Committee, and House Committee on Appropriations Committee the total lottery revenues, prize disbursements, and other expenses for the preceding month, and make an annual report, which shall include a full and complete statement of lottery revenues, prize disbursements, and other expenses, as well as a separate financial statement of the expenses incurred in the regulation of casino gaming operations as defined in § 58.1-4100, to the Governor and the General Assembly. Such annual report shall also include such recommendations for changes in this chapter and Chapter 41 (§ 58.1-4100 et seq.) as the Director and Board deem necessary or desirable.

16. Report immediately to the Governor and the General Assembly any matters which that require immediate changes in the laws of this the Commonwealth in order to prevent abuses and evasions of this chapter and Chapter 41 (§ 58.1-4100 et seq.) or the rules and regulations adopted hereunder or to rectify undesirable conditions in connection with the administration or operation of the lottery.

17. Notify prize winners and appropriate state and federal agencies of the payment of prizes in excess of \$600 in the manner required by the lottery rules and regulations.

18. Provide for the withholding of the applicable amount of state and federal income tax of persons claiming a prize for a winning ticket in excess of \$5,001.

C. The Director and the director of security or investigators appointed by the Director shall be vested with the powers of sheriff and sworn to enforce the statutes and regulations pertaining to the Department and to investigate violations of the statutes and regulations that the Director is required to enforce.

D. The Director may authorize temporary bonus or incentive programs for payments to licensed sales agents which that he determines will be cost effective and support increased sales of lottery products.

CHAPTER 41.

CASINO GAMING.

Article I.

General Provisions.

§ 58.1-4100. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Adjusted gross receipts" means the gross receipts from casino gaming less winnings paid to winners.

"Board" means the Virginia Lottery Board established in the Virginia Lottery Law (§ 58.1-4000 et seq.).

"Casino gaming" or "game" means baccarat, blackjack, twenty-one, poker, craps, dice, slot machines, roulette wheels, Klondike tables, punchboards, faro layouts, numbers tickets, push cards, jar tickets, or pull tabs and any other activity that is authorized by the Board as a wagering game or device under this chapter. "Casino gaming" or "game" includes on-premises mobile casino gaming.

"Casino gaming establishment" means the premises upon which lawful casino gaming is authorized and licensed as provided in this chapter. "Casino gaming establishment" does not include a riverboat or similar vessel.

"Casino gaming operator" means any person issued a license by the Board to operate a casino gaming establishment.

"Cheat" means to alter the selection criteria that determine the result of a game or the amount or frequency of payment in a game for the purpose of obtaining an advantage for one or more participants in a game over other participants in a game.

"Department" means the independent agency responsible for the administration of the Virginia Lottery created in the Virginia Lottery Law (§ 58.1-4000 et seq.).

"Director" means the Director of the Virginia Lottery.

"Eligible host city" means any city described in § 58.1-4107 in which a casino gaming establishment is authorized to be located.

"Entity" means a person that is not a natural person.

"Gaming operation" means the conduct of authorized casino gaming within a casino gaming establishment.

"Gross receipts" means the total amount of money exchanged for the purchase of chips, tokens, or electronic cards by casino gaming patrons.

"Immediate family" means (i) a spouse and (ii) any other person residing in the same household as an officer or employee and who is a dependent of the officer or employee or of whom the officer or employee is a dependent.

"Individual" means a natural person.

"On-premises mobile casino gaming" means casino gaming offered by a casino gaming operator at a casino gaming establishment using a computer network of both federal and nonfederal interoperable packet-switched data networks through which the casino gaming operator may offer casino gaming to individuals who have established an on-premises mobile casino gaming account with the casino gaming operator and who are physically present on the premises of the casino gaming establishment, as authorized by regulations promulgated by the Board.

"Licensee" or "license holder" means any person holding an operator's license under § 58.1-4111.

"Permit holder" means any person holding a supplier or service permit pursuant to this chapter.

"Person" means an individual, partnership, joint venture, association, limited liability company, stock corporation, or nonstock corporation and includes any person that directly or indirectly controls or is under common control with another person.

"Preferred casino gaming operator" means the proposed casino gaming establishment and operator thereof submitted by an eligible host city to the Board as an applicant for licensure.

"Principal" means any individual who solely or together with his immediate family members (i) owns or controls, directly or indirectly, five percent or more of the pecuniary interest in any entity that is a licensee or (ii) has the power to vote or cause the vote of five percent or more of the voting securities or other ownership interests of such entity, and any person who manages a gaming operation on behalf of a licensee.

"Professional sports" means an athletic event involving at least two competing individuals who receive compensation, in excess of their expenses, for participating in such event.

"Security" has the same meaning as provided in § 13.1-501. If the Board finds that any obligation, stock, or other equity interest creates control of or voice in the management operations of an entity in the manner of a security, then such interest shall be considered a security.

"Sports betting" means placing wagers on sporting events as such activity is regulated by the Board.

"Supplier" means any person that sells or leases, or contracts to sell or lease, any casino gaming equipment, devices, or supplies, or provides any management services, to a licensee.

"Voluntary exclusion program" means a program established by the Board pursuant to § 58.1-4103 that allows individuals to voluntarily exclude themselves from engaging in the activities described in subdivision B 1 of § 58.1-4103 by placing their names on a voluntary exclusion list and following the procedures set forth by the Board.

§ 58.1-4101. Regulation and control of casino gaming; limitation.

A. Casino gaming shall be licensed and permitted as herein provided to benefit the people of the Commonwealth. The Board is vested with control of all casino gaming in the Commonwealth, with authority to prescribe regulations and

conditions under this chapter. The purposes of this chapter are to assist economic development, promote tourism, and provide for the implementation of casino gaming operations of the highest quality, honesty, and integrity and free of any corrupt, incompetent, dishonest, or unprincipled practices.

B. The conduct of casino gaming shall be limited to the qualified locations established in § 58.1-4107. The Board shall be limited to the issuance of a single operator's license for each such qualified location.

C. The conduct of any casino gaming and entrance to such establishment is a privilege that may be granted or denied by the Board or its duly authorized representatives in its discretion in order to effectuate the purposes set forth in this chapter. Any proposed site for a casino gaming establishment shall be privately owned property subject to the local land use and property taxation authority of the eligible host city in which the casino gaming establishment is located.

§ 58.1-4102. Powers and duties of the Board; regulations.

The Board shall have the power and duty to:

1. Issue permits and licenses under this chapter and supervise all gaming operations licensed under the provisions of this chapter, including all persons conducting or participating in any gaming operation. The Board shall employ such persons to be present during gaming operations as are necessary to ensure that such gaming operations are conducted with order and the highest degree of integrity.

2. Adopt regulations regarding the conditions under which casino gaming shall be conducted in the Commonwealth and all such other regulations it deems necessary and appropriate to further the purposes of this chapter.

3. Issue an operator's license only to a person who meets the criteria of § 58.1-4107.

4. Issue subpoenas for the attendance of witnesses before the Board, administer oaths, and compel production of records or other documents and testimony of such witnesses whenever in the judgment of the Board it is necessary to do so for the effectual discharge of its duties.

5. Order such audits as it deems necessary and desirable.

6. Provide for the withholding of the applicable amount of state and federal income tax of persons claiming a prize or payoff for winning a game and establish the thresholds for such withholdings.

§ 58.1-4103. Voluntary exclusion program.

A. The Board shall adopt regulations to establish and implement a voluntary exclusion program.

B. The regulations shall include the following provisions:

1. Except as provided by regulation of the Board, a person who participates in the voluntary exclusion program agrees to refrain from (i) playing any account-based lottery game authorized under the provisions of this chapter or Chapter 40 (§ 58.1-4000 et seq.); (ii) participating in sports betting as such activity is regulated by the Board; (iii) engaging in any form of casino gaming authorized under the provisions of this chapter; (iv) participating in charitable gaming, as defined in § 18.2-340.16; (v) participating in fantasy contests, as defined in § 59.1-556; or (vi) wagering on horse racing, as defined in § 59.1-365. Any state agency, at the request of the Department, shall assist in administering the voluntary exclusion program pursuant to the provisions of this section.

2. A person who participates in the voluntary exclusion program may choose an exclusion period of two years, five years, or lifetime.

3. Except as provided by regulation of the Board, a person who participates in the voluntary exclusion program may not petition the Board for removal from the program for the duration of his exclusion period.

4. The name of a person participating in the program shall be included on a list of excluded persons. The list of persons entering the voluntary exclusion program and the personal information of the participants shall be confidential, with dissemination by the Department limited to lottery sales agents licensed under Chapter 40 (§ 58.1-4000 et seq.), owners and operators of casino gaming establishments, and any other parties the Department deems necessary for purposes of enforcement. The list and the personal information of participants in the voluntary exclusion program shall not be subject to disclosure under the Virginia Freedom of Information Act (§ 2.2-3700 et seq.). In addition, the Board may disseminate the list to other parties upon request by the participant and agreement by the Board.

5. Lottery sales agents and owners and operators of casino gaming establishments shall make all reasonable attempts as determined by the Board to cease all direct marketing efforts to a person participating in the program. The voluntary exclusion program shall not preclude lottery sales agents and owners and operators of casino gaming establishments from seeking the payment of a debt incurred by a person before entering the program. In addition, the owner or operator of a casino gaming establishment may share the names of individuals who self-exclude across its corporate enterprise, including sharing such information with any of its affiliates.

§ 58.1-4104. Fingerprints and background investigations.

The Board, in conjunction with an accredited law-enforcement agency, shall conduct a background investigation, including a criminal history records check and fingerprinting, of the following individuals: (i) every individual applying for a license or permit pursuant to this chapter; (ii) every individual who is an officer, director, or principal of a licensee or applicant for a license and every employee of the licensee who conducts gaming operations; (iii) all security personnel of any licensee; and (iv) all permit holders and officers, directors, principals, and employees of permit holders whose duties relate to gaming operations in Virginia. Each such individual shall submit his fingerprints and personal descriptive information to the Central Criminal Records Exchange to be forwarded to the Federal Bureau of Investigation for a national criminal records search and to the Department of State Police for a Virginia criminal history records check. The results of the background check and national and state criminal records check shall be returned to the Board.

§ 58.1-4105. Hearing and appeal.

Any person aggrieved by a refusal of the Department to issue any license or permit, the suspension or revocation of a license or permit, the imposition of a fine, or any other action of the Department may seek review of such action in accordance with Department regulations and Article 3 (§ 2.2-4018 et seq.) of the Administrative Process Act in the Circuit Court of the City of Richmond. Further appeals shall also be in accordance with Article 5 (§ 2.2-4025 et seq.) of the Administrative Process Act.

§ 58.1-4106. Injunction.

The Department may apply to the appropriate circuit court for an injunction against any person who has violated or may violate any provision of this chapter or any regulation or final decision of the Department. The order granting or refusing such injunction shall be subject to appeal as in other cases in equity.

Article 2.

Eligible Host City; Certification of Preferred Casino Gaming Operator.

§ 58.1-4107. Eligible host city; certification of preferred casino gaming operator.

A. The conduct of casino gaming shall be limited to the following eligible host cities:

1. Any city (i) in which at least 40 percent of the assessed value of all real estate in such city is exempt from local property taxation, according to the Virginia Department of Taxation Annual Report for Fiscal Year 2018, and (ii) that experienced a population decrease of at least seven percent from 1990 to 2016, according to data provided by the U.S. Census Bureau;

2. Any city that had (i) an annual unemployment rate of at least five percent in 2018, according to data provided by the U.S. Bureau of Labor Statistics; (ii) an annual poverty rate of at least 20 percent in 2017, according to data provided by the U.S. Census Bureau; and (iii) a population decrease of at least 20 percent from 1990 to 2016, according to data provided by the U.S. Census Bureau;

3. Any city that (i) had an annual unemployment rate of at least 3.6 percent in 2018, according to data provided by the U.S. Bureau of Labor Statistics; (ii) had an annual poverty rate of at least 20 percent in 2017, according to data provided by the U.S. Census Bureau; (iii) experienced a population decrease of at least four percent from 1990 to 2016, according to data provided by the U.S. Census Bureau; and (iv) is located adjacent to a state that has adopted a Border Region Retail Tourism Development District Act;

4. Any city (i) with a population greater than 200,000 according to the 2018 population estimates from the Weldon Cooper Center for Public Service of the University of Virginia; (ii) in which at least 24 percent of the assessed value of all real estate in such city is exempt from local property taxation, according to the Virginia Department of Taxation Annual Report for Fiscal Year 2018; and (iii) that experienced a population decrease of at least five percent from 1990 to 2016, according to data provided by the U.S. Census Bureau; and

5. Any city (i) with a population greater than 200,000 according to the 2018 population estimates from the Weldon Cooper Center for Public Service of the University of Virginia; (ii) in which at least 24 percent of the assessed value of all real estate in such city is exempt from local property taxation, according to the Virginia Department of Taxation Annual Report for Fiscal Year 2018; and (iii) that had a poverty rate of at least 24 percent in 2017, according to data provided by the U.S. Census Bureau.

B. In selecting a preferred casino gaming operator, an eligible host city shall have considered and given substantial weight to factors such as:

1. The potential benefit and prospective revenues of the proposed casino gaming establishment.

2. The total value of the proposed casino gaming establishment.

3. The proposed capital investment and the financial health of the proposer and any proposed development partners.

4. The experience of the proposer and any development partners in the operation of a casino gaming establishment.

5. Security plans for the proposed casino gaming establishment.

6. The economic development value of the proposed casino gaming establishment and the potential for community reinvestment and redevelopment in an area in need of such.

7. Availability of city-owned assets and privately owned assets, such as real property, including where there is only one location practicably available or land under a development agreement between a potential operator and the city, incorporated in the proposal.

8. The best financial interest of the city.

9. The proposer's status as a minority-owned business as defined in § 2.2-1604 or the proposer's commitment to solicit equity investment in the proposed casino gaming establishment from one or more minority-owned businesses and the proposer's commitment to solicit contracts with minority-owned businesses for the purchase of goods and services.

C. The Department shall, upon request of any eligible host city, provide a list of resources that may be of assistance in evaluating the technical merits of any proposal submitted pursuant to this section, provided that selection of the preferred casino gaming operator shall be at the city's sole discretion.

D. The eligible host city described in subdivision A 4 shall provide substantial and preferred consideration to a proposer who is a Virginia Indian tribe recognized in House Joint Resolution No. 54 (1983) and acknowledged by the Assistant Secretary-Indian Affairs for the U.S. Department of the Interior as an Indian tribe within the meaning of federal law that has the authority to conduct gaming activities as a matter of claimed inherent authority or under the authority of the Indian Gaming Regulatory Act (25 U.S.C. § 2701 et seq.).

E. The eligible host city described in subdivision A 5 may provide preferred consideration to a proposer who is a Virginia Indian tribe recognized in House Joint Resolution No. 54 (1983) and acknowledged by the Assistant Secretary-Indian Affairs for the U.S. Department of the Interior as an Indian tribe within the meaning of federal law that has the authority to conduct gaming activities as a matter of claimed inherent authority or under the authority of the Indian Gaming Regulatory Act (25 U.S.C. § 2701 et seq.).

F. An eligible host city shall promptly submit its preferred casino gaming operator to the Department for review prior to scheduling the referendum required by § 58.1-4123. An eligible host city shall include with the submission any written or electronic documentation considered as part of the criteria in subsection B, including any memorandums of understanding, incentives, development agreements, land purchase agreements, or local infrastructure agreements. The Department shall conduct a preliminary review of the financial status and ability of the preferred casino gaming operator to operate and properly support ongoing operations in an eligible host city, as well as current casino operations in other states and territories. The Department shall conduct such review within 45 days of receipt of the submission by the eligible host city. An eligible host city and preferred casino gaming operator shall fully cooperate with all necessary requests by the Department in that regard. Upon successful preliminary review, the Department shall certify approval for the eligible host city to proceed to the referendum required by § 58.1-4123. The Department shall develop guidelines establishing procedures and criteria for conducting the preliminary review required by this subsection. Certification by the Department to proceed to referendum shall in no way entitle the preferred casino gaming operator to approval of any application to operate a casino gaming establishment.

Article 3.

Licenses.

§ 58.1-4108. Operator's license required; capital investment; equity interest; transferability; fee.

A. No person shall operate a casino gaming establishment unless he has obtained an operator's license issued by the Department in accordance with the provisions of this chapter and the regulations promulgated hereunder.

B. To obtain an operator's license issued under the provisions of this chapter, the applicant shall (i) make a capital investment of at least \$300 million in a casino gaming establishment, including the value of the real property upon which such establishment is located and all furnishings, fixtures, and other improvements, and (ii) possess an equity interest equal to at least 20 percent of the casino gaming establishment.

C. A license issued under the provisions of this chapter shall be transferable, provided that the Department has approved the proposed transfer and all licensure requirements are satisfied at the time the transfer takes effect.

D. A nonrefundable fee of \$15 million shall be paid by the applicant to the Department upon the issuance of a license and upon any subsequent transfer of a license to operate a casino gaming establishment.

E. No person issued a license pursuant to this chapter shall be precluded from obtaining a license for online sports betting pursuant to the Virginia Lottery Law (§ 58.1-4000 et seq.) or any subsequently created online sports betting license.

§ 58.1-4109. Submission of preferred casino gaming operator by eligible host city; application for operator's license; penalty.

A. If a majority of those voting in a referendum held pursuant to § 58.1-4123 vote in the affirmative, the eligible host city shall certify its preferred casino gaming operator and submit such certification to the Department within 30 days.

B. Any preferred casino gaming operator desiring to operate a casino gaming establishment shall file with the Department an application for an operator's license. Such application shall be filed at the place prescribed by the Department and shall be in such form and contain such information as prescribed by the Department, including but not limited to the following:

1. The name and address of such person; if a corporation, the state of its incorporation, the full name and address of each officer and director thereof, and, if a foreign corporation, whether it is qualified to do business in the Commonwealth; if a partnership or joint venture, the name and address of each general partner thereof; if a limited liability company, the name and address of each manager thereof; or, if another entity, the name and address of each person performing duties similar to those of officers, directors, and general partners;

2. The name and address of each principal and of each person who has contracted to become a principal of the applicant, including providing management services with respect to any part of gaming operations; the nature and cost of such principal's interest; and the name and address of each person who has agreed to lend money to the applicant;

3. Such information as the Department considers appropriate regarding the character, background, and responsibility of the applicant and the principals, officers, and directors of the applicant;

4. A description of the casino gaming establishment in which such gaming operations are to be conducted, the city where such casino gaming establishment will be located, and the applicant's capital investment plan for the site. The Board shall require such information about a casino gaming establishment and its location as it deems necessary and appropriate to determine whether it complies with the minimum standards provided in this chapter and whether gaming operations at such location will be in furtherance of the purposes of this chapter;

5. Such information relating to the financial responsibility of the applicant and the applicant's ability to perform under its license as the Department considers appropriate;

6. If any of the facilities necessary for the conduct of gaming operations are to be leased, the terms of such lease;

7. Evidence of compliance by the applicant with the economic development and land use plans and design review criteria of the local governing body of the city in which the casino gaming establishment is proposed to be located,

including certification that the project complies with all applicable land use ordinances pursuant to Chapter 22 (§ 15.2-2200 et seq.) of Title 15.2;

8. Such information necessary to enable the Department to review the application based upon the best financial interests of the Commonwealth; and

9. Any other information that the Department in its discretion considers appropriate.

C. A nonrefundable application fee of \$50,000 shall be paid for each principal at the time of filing to defray the costs associated with the background investigation conducted for the Department. If the reasonable costs of the investigation exceed the application fee, the applicant shall pay the additional amount to the Department. The Board may establish regulations calculating the reasonable costs to the Department in performing its functions under this chapter and allocating such costs to the applicants for licensure at the time of filing.

D. Any license application from an Indian tribe as described in subsection D of § 58.1-4107 shall certify that the material terms of the relevant development agreements between the Indian tribe and any development partner have been determined in the opinion of the Office of General Counsel of the National Indian Gaming Commission after review not to deprive the Indian tribe of the sole proprietor interest in the gaming operations for purposes of federal Indian gaming law.

E. Any application filed hereunder shall be verified by the oath or affirmation of the applicant. Any person who knowingly makes a false statement on an application is guilty of a Class 4 felony.

F. The licensed operator shall be the person primarily responsible for the gaming operations under its license and compliance of such operations with the provisions of this chapter.

§ 58.1-4110. Issuance of operator's license to preferred casino gaming operator; standards for licensure; temporary casino gaming allowed under certain conditions.

A. If a preferred casino gaming operator, as certified by the applicable eligible host city, submits an application that meets the standards for licensure set forth in this article, the Board shall issue an operator's license to such preferred casino gaming operator. The Board shall not consider an application from any applicant that has not been certified as a preferred casino gaming operator by an eligible host city.

B. The Board may issue an operator's license to an applicant only if it finds that:

1. The applicant submits a plan for addressing responsible gaming issues, including the goals of the plan, procedures, and deadlines for implementation of the plan;

2. The casino gaming establishment the applicant proposes to use on a permanent basis is or will be appropriate for gaming operations consistent with the purposes of this chapter;

3. The city where the casino gaming establishment will be located certifies that the proposed project complies with all applicable land use ordinances pursuant to Chapter 22 (§ 15.2-2200 et seq.) of Title 15.2;

4. Any required local infrastructure or site improvements, including necessary sewerage, water, drainage facilities, or traffic flow, are to be paid exclusively by the applicant without state or local financial assistance;

5. If the applicant is an entity, its securities are fully paid and, in the case of stock, nonassessable and have been subscribed and will be paid for only in cash or property to the exclusion of past services;

6. All principals meet the criteria of this subsection and have submitted to the jurisdiction of the Virginia courts, and all nonresident principals have designated the Director as their agent for receipt of process;

7. If the applicant is an entity, it has the right to purchase at fair market value the securities of, and require the resignation of, any person who is or becomes disqualified under subsection C;

8. The applicant meets any other criteria established by this chapter and the Board's regulations for the granting of an operator's license;

9. The applicant is qualified to do business in Virginia or is subject to the jurisdiction of the courts of the Commonwealth; and

10. The applicant has not previously been denied a license pursuant to subsection C.

C. The Board shall deny a license to an applicant if it finds that for any reason the issuance of a license to the applicant would reflect adversely on the honesty and integrity of the casino gaming industry in the Commonwealth or that the applicant, or any officer, principal, manager, or director of the applicant:

1. Is or has been guilty of any illegal act, conduct, or practice in connection with gaming operations in this or any other state or has been convicted of a felony;

2. Has had a license or permit to hold or conduct a gaming operation denied for cause, suspended, or revoked, in this or any other state or country, unless the license or permit was subsequently granted or reinstated;

3. Has at any time during the previous five years knowingly failed to comply with the provisions of this chapter or any Department regulation;

4. Has knowingly made a false statement of material fact to the Department or has deliberately failed to disclose any information requested by the Department;

5. Has defaulted in the payment of any obligation or debt due to the Commonwealth and has not cured such default; or

6. Has operated or caused to be operated a casino gaming establishment for which a license is required under this chapter without obtaining such license.

D. The Board shall make a determination regarding whether to issue the operator's license within 12 months of the receipt of a completed application.

E. The Board shall be limited to the issuance of one operator's license for each eligible host city.

F. The Department may authorize casino gaming to occur on a temporary basis for a period of one year under the following conditions:

1. The request to authorize casino gaming is made by a preferred casino gaming operator that has been issued a license pursuant to this section.

2. The preferred casino gaming operator has submitted as a part of its application for licensure a construction schedule for a casino gaming establishment that has been approved by the eligible host city and the Department.

3. The temporary casino gaming is to be conducted at the same site referenced in the referendum held pursuant to § 58.1-4123.

4. The preferred casino gaming operator has secured suppliers and employees holding the appropriate permits required by this chapter and sufficient for the routine operation of the site where the temporary casino gaming is authorized.

5. A performance bond is posted in an amount acceptable to the Board.

G. No portion of any facility developed with the assistance of any grants or loans provided by a redevelopment and housing authority created pursuant to § 36-4 shall be used as a casino gaming establishment.

The Department may renew the authorization to conduct temporary casino gaming for an additional year if it determines that the preferred casino gaming operator has made a good faith effort to comply with the approved construction schedule.

§ 58.1-4111. Duration and form of operator's license; bond.

A. A casino gaming operator license under this chapter shall be valid for a period of 10 years from its date of issuance but shall be reviewed no less frequently than annually to determine compliance with this chapter and Department regulations. Such annual review shall include a certification by the eligible host city of the status of the operator's compliance with local ordinances and regulations. If the certification states that the operator is not in compliance, the Department shall require the operator to submit a plan of compliance, corrective action, or request for variance.

B. The Board shall establish by regulation the criteria and procedures for license renewal and for amending licenses to conform to changes in a licensee's gaming operations. Such regulations shall require the operator to submit to the Board any updates or revisions to the capital investment plan provided with the initial license application pursuant to subdivision B 4 of § 58.1-4109. Renewal shall not be unreasonably refused.

C. The Department shall require a bond with surety acceptable to it, and in an amount determined by it, to be sufficient to cover any indebtedness incurred by the licensee to the Commonwealth.

§ 58.1-4112. Records to be kept; reports; reinvestment projection.

A. A licensed operator shall keep his books and records so as to clearly indicate the total amount of gross receipts and adjusted gross receipts.

B. The licensed operator shall furnish to the Department reports and information as the Department may require with respect to its activities on forms designated and supplied for such purpose by the Department.

C. Every five years the licensed operator shall submit to the Department for review and approval a reinvestment projection related to the casino gaming establishment to cover the succeeding five-year period of operations.

§ 58.1-4113. Electronic accounting and reporting requirements; annual audit of licensed gaming operations.

A. Each casino game that operates electronically shall be connected to a central monitoring and audit system established and operated by the Department. Such system shall provide the ability to audit and account for terminal revenues and distributions in real time. The central monitoring and audit system shall collect the following information from each electronically operated casino game, as applicable: (i) cash in, (ii) cash out, (iii) points played, (iv) points won, (v) gross terminal income, (vi) net terminal income, (vii) the number of plays of the game, (viii) the amounts paid to play the game, (ix) door openings, (x) power failures, (xi) remote activations and disabling, and (xii) any other information required by Board regulations.

B. Within 90 days after the end of each fiscal year, the licensed operator shall transmit to the Department a third-party, independent audit of the financial transactions and condition of the licensee's total operations. All audits required by this section shall conform to Board regulations.

Article 4.

Supplier's Permits.

§ 58.1-4114. Supplier's permits; penalty.

A. The Board may issue a supplier's permit to any person upon application and payment of a nonrefundable application fee set by the Board, a determination by the Board that the applicant is eligible for a supplier's permit, and payment of a \$5,000 initial permit fee. A supplier's permit shall be renewed annually at a fee to be determined by the Department, not to exceed \$5,000.

B. The holder of a supplier's permit may sell or lease, or contract to sell or lease, casino gaming equipment and supplies, or provide management services, to any licensee involved in the ownership or management of gaming operations to the extent provided in the permit.

C. Gaming equipment, devices, and supplies shall not be distributed unless such equipment, devices, and supplies conform to standards adopted by the Department.

D. A person is ineligible to receive a supplier's permit if:

1. The person has been convicted of a felony under the laws of the Commonwealth or any other state or of the United States;

2. The person has submitted an application for a license under this chapter that contains false information;
 3. The person is a Board member, employee of the Department, or a member of the immediate household of a Board member or Department employee;
 4. The person is an entity in which a person described in subdivision 1, 2, or 3 is an officer, director, principal, or managerial employee;

5. The firm or corporation employs a person who participates in the management or operation of casino gaming authorized under this chapter; or

6. A prior permit issued to such person to own or operate casino gaming establishments or supply goods or services to a gaming operation under this chapter or any laws of any other jurisdiction has been revoked.

E. Any person that supplies any casino gaming equipment, devices, or supplies to a licensed gaming operation or manages any operation, including a computerized network, of a casino gaming establishment shall first obtain a supplier's permit. A supplier shall furnish to the Department a list of all management services, equipment, devices, and supplies offered for sale or lease in connection with the games authorized under this chapter. A supplier shall keep books and records for the furnishing of casino gaming equipment, devices, and supplies to gaming operations separate and distinct from any other business that the supplier might operate. A supplier shall file a quarterly return with the Department listing all sales and leases for which a permit is required. A supplier shall permanently affix its name to all its equipment, devices, and supplies for gaming operations. Any supplier's equipment, devices, or supplies that are used by any person in an unauthorized gaming operation shall be forfeited to the Commonwealth.

F. A licensed operator may operate its own equipment, devices, and supplies and may utilize casino gaming equipment, devices, and supplies at such locations as may be approved by the Department for the purpose of training enrollees in a school operated by the licensee to train individuals who desire to become qualified for employment or promotion in gaming operations. The Board may promulgate regulations for the conduct of any such schools.

G. Each holder of an operator's license under this chapter shall file an annual report with the Department listing its inventories of casino gaming equipment, devices, and supplies related to its operations in Virginia.

H. Any person who knowingly makes a false statement on an application for a supplier's permit is guilty of a Class 4 felony.

§ 58.1-4115. Denial of permit final.

The denial of a supplier's permit by the Department shall be final unless appealed under § 58.1-4105. A permit may not be applied for again for a period of five years from the date of denial without the permission of the Department.

Article 5.

Suspension and Revocation of Licenses and Supplier's Permits; Acquisition of Interest in Licensee or Holder of Supplier's Permit.

§ 58.1-4116. Suspension or revocation of license or permit.

A. The Director may suspend, revoke, refuse to renew, or assess a civil penalty against the holder of a license or permit in a sum not to exceed \$100,000, after notice and a hearing. Such license or permit may, however, be temporarily suspended by the Director without prior notice, pending any prosecution, hearing, or investigation, whether by a third party or by the Director. A license may be suspended, revoked, or refused renewal by the Director for one or more of the following reasons:

1. Failure to comply with, or violation of, any provision of this chapter or any regulation or condition of the Department;

2. Failure to disclose facts during the application process that indicate that such license or permit should not have been issued;

3. Conviction of a felony under the laws of the Commonwealth or any other state or of the United States subsequent to issuance of a license or permit;

4. Failure to file any return or report, to keep any records, or to pay any fees or other charges required by this chapter;

5. Any act of fraud, deceit, misrepresentation, or conduct prejudicial to public confidence in the integrity of gaming operations;

6. A material change, since issuance of the license or permit, with respect to any matters required to be considered by the Director under this chapter; or

7. Other factors established by Board regulation.

B. Such action by the Director shall be final unless appealed in accordance with § 58.1-4105. Suspension or revocation of a license or permit for any violation shall not preclude criminal liability for such violation.

§ 58.1-4117. Acquisition of interest in licensee or permit holder.

The Department shall require any person desiring to become a principal of, or other investor in, any licensee or holder of a supplier's permit to apply to the Board for approval and may demand such information of the applicant as it finds necessary. The Board shall consider such application within 60 days of its receipt, and if in its judgment the acquisition by the applicant would be detrimental to the public interest, to the honesty and integrity of gaming operations, or to its reputation, the application shall be denied. All reasonable costs for review by the Board shall be borne by the applicant.

Article 6.

Service Permits.

§ 58.1-4118. Service permit required.

No person shall participate in any gaming operation as a casino gaming employee or concessionaire or employee of either or in any other occupation that the Board has determined necessary to regulate in order to ensure the integrity of casino gaming in the Commonwealth unless such person possesses a service permit to perform such occupation issued by the Board. The Board shall prescribe by regulation the criteria for the issuance, duration, and renewal of service permits.

§ 58.1-4119. Application for service permit.

A. Any person desiring to obtain a service permit as required by this chapter shall apply on a form prescribed by the Department. The application shall be accompanied by a fee prescribed by the Department.

B. Any application filed hereunder shall be verified by the oath or affirmation of the applicant.

§ 58.1-4120. Consideration of service permit application.

A. The Department shall promptly consider any application for a service permit and issue or deny such service permit on the basis of the information in the application and all other information provided, including any investigation it considers appropriate. If an application for a service permit is approved, the Department shall issue a service permit containing such information as the Department considers appropriate.

B. The Department shall deny the application and refuse to issue the service permit, which denial shall be final unless an appeal is taken under § 58.1-4105, if it finds that the issuance of such service permit to such applicant would not be in the best interests of the Commonwealth or would reflect negatively on the honesty and integrity of casino gaming in the Commonwealth or that the applicant:

1. Has knowingly made a false statement of a material fact in the application or has deliberately failed to disclose any information requested by the Department;

2. Is or has been guilty of any corrupt or fraudulent practice or conduct in connection with gaming operations in the Commonwealth or any other state;

3. Has knowingly failed to comply with the provisions of this chapter or the regulations promulgated hereunder;

4. Has had a service permit to engage in activity related to casino gaming denied for cause, suspended, or revoked in the Commonwealth or any other state, and such denial, suspension, or revocation is still in effect;

5. Is unqualified to perform the duties required for the service permit sought; or

6. Has been convicted of a misdemeanor or felony involving unlawful conduct of wagering, fraudulent use of a gaming credential, unlawful transmission of information, touting, bribery, embezzlement, distribution or possession of drugs, or any crime considered by the Department to be detrimental to the honesty and integrity of casino gaming in the Commonwealth.

C. The Department may refuse to issue a service permit if for any reason it determines the granting of such service permit is not consistent with the provisions of this chapter or its responsibilities or any regulations promulgated by any other agency of the Commonwealth.

§ 58.1-4121. Suspension or revocation of service permit; civil penalty.

A. The Director may suspend, revoke, refuse to renew, or assess a civil penalty against the holder of a service permit in a sum not to exceed \$10,000, after notice and a hearing. Such service permit may, however, be temporarily suspended by the Director without prior notice, pending any prosecution, hearing, or investigation, whether by a third party or by the Director. A service permit may be suspended, revoked, or refused renewal by the Director for one or more of the following reasons:

1. Failure to comply with, or violation of, any provision of this chapter or any regulation or condition of the Department;

2. Failure to disclose facts during the application process that indicate that such service permit should not have been issued;

3. Conviction of a felony under the laws of the Commonwealth or any other state or of the United States subsequent to issuance of a service permit;

4. Failure to file any return or report, keep any record, or pay any fees or other charges required by this chapter;

5. Any act of fraud, deceit, misrepresentation, or conduct prejudicial to public confidence in the integrity of gaming operations;

6. A material change, since issuance of the service permit, with respect to any matters required to be considered by the Director under this chapter; or

7. Other factors established by Department regulation.

B. Actions taken by the Director pursuant to this section shall be final unless appealed in accordance with § 58.1-4105. Suspension or revocation of a service permit for any violation shall not preclude criminal liability for such violation.

Article 7.

Conduct of Casino Gaming.

§ 58.1-4122. Conduct of casino gaming.

A. Casino gaming may be conducted by licensed operators, subject to the following:

1. Minimum and maximum wagers on games shall be set by Department regulations.

2. Agents of the Department, the Department of State Police, and the local law-enforcement and fire departments may enter any casino gaming establishment and inspect such facility at any time for the purpose of determining compliance with this chapter and other applicable fire prevention and safety laws.

3. Employees of the Department shall have the right to be present in any facilities under the control of the licensee.

4. Gaming equipment, devices, and supplies customarily used in conducting casino gaming shall be purchased or leased only from suppliers holding permits for such purpose under this chapter.

5. Persons licensed under this chapter shall permit no form of wagering on games except as permitted by this chapter.

6. Wagers may be received only from a person present at the licensed casino gaming establishment. No person present at such facility shall place or attempt to place a wager on behalf of another person who is not present at the facility.

7. No person under age 21 shall be permitted to make a wager under this chapter or be present where casino gaming is being conducted.

8. No person shall place or accept a wager on youth sports.

9. No licensee or permit holder shall accept postdated checks in payment for participation in any gaming operation. No licensee or permit holder, or any person on the premises of a casino gaming establishment, shall extend lines of credit or accept any credit card or other electronic fund transfer in payment for participation in any gaming operation.

B. Casino gaming wagers shall be conducted only with tokens, chips, or electronic cards purchased from a licensed casino gaming operator. Such tokens, chips, or electronic cards may be used only for the purpose of (i) making wagers on games or (ii) making a donation to a charitable entity granted tax-exempt status under § 501(c)(3) of the Internal Revenue Code, provided that the donated tokens, chips, or electronic cards are redeemed by the same charitable entity accepting the donation.

Article 8.

Local Referendum.

§ 58.1-4123. Local referendum required.

A. The Department shall not grant any initial license to operate a gaming operation in an eligible host city until a referendum on the question of whether casino gaming shall be permitted in such city is approved by the voters of such city.

B. The governing body of any city containing an eligible host city shall petition the court, by resolution, asking that a referendum be held on the question of whether casino gaming shall be permitted within the city. The court, by order entered of record in accordance with Article 5 (§ 24.2-681 et seq.) of Chapter 6 of Title 24.2, shall require the regular election officials of the city to open the polls and take the sense of the voters on the question as herein provided.

C. The clerk of such court of record of such city shall publish notice of such election in a newspaper of general circulation in such city once a week for three consecutive weeks prior to such election.

D. The regular election officers of such city shall open the polls at the various voting places in such city on the date specified in such order and conduct such election in the manner provided by law. The election shall be by ballot, which shall be prepared by the electoral board of the city and on which shall be printed the following question:

"Shall casino gaming be permitted at a casino gaming establishment in _____ (name of city and location) as may be approved by the Virginia Lottery Board?

Yes

No"

In the blank shall be inserted the name of the city in which such election is held and the proposed location of the casino gaming establishment. Any voter desiring to vote "Yes" shall mark in the square provided for such purpose immediately preceding the word "Yes," leaving the square immediately preceding the word "No" unmarked. Any voter desiring to vote "No" shall mark in the square provided for such purpose immediately preceding the word "No," leaving the square immediately preceding the word "Yes" unmarked.

E. The ballots shall be counted, the returns made and canvassed as in other elections, and the results certified by the electoral board to the court ordering such election. Thereupon, such court shall enter an order proclaiming the results of such election and a duly certified copy of such order shall be transmitted to the Department and to the governing body of such city.

F. A subsequent local referendum shall be required if a license has not been granted by the Board within five years of the court order proclaiming the results of the election.

Article 9.

Taxation.

§ 58.1-4124. Tax rate on adjusted gross receipts.

A. A tax on the adjusted gross receipts of each licensed operator received from games authorized under this chapter shall be imposed as follows:

1. On the first \$200 million of adjusted gross receipts of an operator, a rate of 18 percent.

2. On the adjusted gross receipts of an operator that exceed \$200 million but do not exceed \$400 million, a rate of 23 percent.

3. On the adjusted gross receipts of an operator that exceed \$400 million, a rate of 30 percent.

B. All tax revenues collected pursuant to the provisions of this section shall accrue to the Gaming Proceeds Fund and be allocated as provided in § 58.1-4125.

C. The taxes imposed by this section shall be paid by the licensed operator to the Department no later than the close of the fifth day of each month for the preceding month when the adjusted gross receipts were received and shall be accompanied by forms and returns prescribed by the Board. Revenues collected pursuant to this section shall be credited to the Gaming Proceeds Fund to be appropriated as set forth in § 58.1-4125. The Department may suspend or revoke the license of an operator for willful failure to submit the wagering tax payment or the return within the specified time.

§ 58.1-4125. Gaming Proceeds Fund.

A. There is hereby created in the state treasury a special nonreverting fund to be known as the Gaming Proceeds Fund, referred to in this section as "the Fund." The Fund shall be established on the books of the Comptroller. All moneys required to be deposited into the Fund pursuant to this chapter shall be paid into the state treasury and credited to the Fund. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund.

B. Revenues from the Fund shall be appropriated by the General Assembly as follows:

1. The following amounts shall be appropriated to the city in which they were collected:

a. An amount equal to a six percent tax on the first \$200 million of adjusted gross receipts;

b. An amount equal to a seven percent tax on the adjusted gross receipts that exceed \$200 million but do not exceed \$400 million; and

c. An amount equal to an eight percent tax on the adjusted gross receipts that exceed \$400 million.

2. For any casino gaming establishment operated by a Virginia Indian tribe recognized in House Joint Resolution No. 54 (1983) and acknowledged by the Assistant Secretary-Indian Affairs of the U.S. Department of the Interior as an Indian tribe within the meaning of federal law that has the authority to conduct gaming activities as a matter of claimed inherent authority or under the authority of the Indian Gaming Regulatory Act (25 U.S.C. § 2701 et seq.), an amount equal to a tax of one percent on the adjusted gross receipts of such establishment shall be deposited in the Virginia Indigenous People's Trust Fund established pursuant to § 2.2-401.01.

3. Eight-tenths of one percent of the Fund shall be appropriated to the Problem Gambling Treatment and Support Fund established pursuant to § 37.2-314.1.

4. Two-tenths of one percent of the Fund shall be appropriated to the Family and Children's Trust Fund established pursuant to § 63.2-2100.

5. Any remaining revenues not appropriated pursuant to subdivisions B 1 through B 4 shall remain in the Fund until appropriated by the General Assembly for programs established to address public school construction, renovations, or upgrades.

Article 10.

Prohibited Acts; Penalties.

§ 58.1-4126. Illegal operation; penalty.

A. No person shall:

1. Operate casino gaming where wagering is used or to be used without a license issued by the Department.

2. Operate casino gaming where wagering is permitted other than in the manner specified by this chapter.

3. Offer, promise, or give anything of value or benefit to a person who is connected with a gaming operation, including an officer or employee of a licensed operator or permit holder, pursuant to an agreement or arrangement or with the intent that the promise or thing of value or benefit will influence the actions of the person to whom the offer, promise, or gift was made in order to affect or attempt to affect the outcome of a game, or to influence official action of a member of the Board, the Director, a Department employee, or a local governing body.

4. Solicit or knowingly accept a promise of anything of value or benefit while the person is connected with a gaming operation, including an officer or employee of a licensed operator or permit holder, pursuant to an understanding or arrangement or with the intent that the promise or thing of value or benefit will influence the actions of the person to affect or attempt to affect the outcome of a game, or to influence official action of a member of the Board, the Director, a Department employee, or a local governing body.

5. Use or possess with the intent to use a device to assist in:

a. Projecting the outcome of a game;

b. Keeping track of the cards played;

c. Analyzing the probability of the occurrence of an event relating to a game; or

d. Analyzing the strategy for playing or betting to be used in a game except as permitted by Department regulation.

6. Cheat at gaming.

7. Manufacture, sell, or distribute any card, chip, dice, game, or device that is intended to be used to violate any provision of this chapter.

8. Alter or misrepresent the outcome of a game on which wagers have been made after the outcome is made sure but before it is revealed to the players.

9. Place a bet after acquiring knowledge, not available to all players, of the outcome of the game that is the subject of the bet or to aid a person in acquiring the knowledge for the purpose of placing a bet contingent on that outcome.

10. Claim, collect, or take, or attempt to claim, collect, or take, money or anything of value in or from a game, with intent to defraud, without having made a wager contingent on winning the game or claim, collect, or take an amount of money or thing of value of greater value than the amount won.

11. Use counterfeit chips or tokens in a game.

12. Possess any key or device designed for the purpose of opening, entering, or affecting the operation of a game, drop box, or electronic or mechanical device connected with the game or for removing coins, tokens, chips, or other contents of a game. This subdivision does not apply to a casino gaming licensee or employee of a casino gaming licensee acting in furtherance of the employee's employment.

B. Any person convicted of a violation of this section is guilty of a Class 6 felony. In addition, any person convicted of a violation of subsection A shall be barred for life from gaming operations under the jurisdiction of the Board.

§ 58.1-4127. Fraudulent use of credential; penalty.

Any person other than the lawful holder thereof who has in his possession any credential, license, or permit issued by the Department, or any person who has in his possession any forged or simulated credential, license, or permit of the Department, and who uses such credential, license, or permit for the purposes of misrepresentation, fraud, or touting, is guilty of a Class 4 felony.

Any credential, license, or permit issued by the Department, if used by the holder thereof for a purpose other than identification and in the performance of legitimate duties in a casino gaming establishment, shall be automatically revoked.

§ 58.1-4128. Prohibition on persons under 21 years of age placing wagers and sports betting on youth sports; penalty.

A. No person shall wager on or conduct any wagering on the outcome of a game pursuant to the provisions of this chapter unless such person is 21 years of age or older. No person shall accept any wager from a person under age 21.

B. No person shall wager on or conduct any wagering on the outcome of a youth sports game. No person shall accept any wager from a person on a youth sports game.

C. Violation of this section is a Class 1 misdemeanor.

§ 58.1-4129. Conspiracies and attempts to commit violations; penalty.

A. Any person who conspires, confederates, or combines with another, either within or outside the Commonwealth, to commit a felony prohibited by this chapter is guilty of a Class 6 felony.

B. Any person who attempts to commit any act prohibited by this article is guilty of a criminal offense and shall be punished as provided in § 18.2-26, 18.2-27, or 18.2-28, as appropriate.

§ 58.1-4130. Civil penalties.

Any person who conducts a gaming operation without first obtaining a license to do so, or who continues to conduct such games after revocation of his license, in addition to other penalties provided, shall be subject to a civil penalty assessed by the Board equal to the amount of gross receipts derived from wagering on games, whether unauthorized or authorized, conducted on the day, as well as confiscation and forfeiture of all casino gaming equipment, devices, and supplies used in the conduct of unauthorized games. Any civil penalties collected pursuant to this section shall be payable to the State Treasurer for deposit to the general fund.

Article 11.

On-premises Mobile Casino Gaming.

§ 58.1-4131. Federal law applicable.

On-premises mobile casino gaming shall be subject to the provisions of, and preempted and superseded by, any applicable federal law.

§ 58.1-4132. Authorized on-premises mobile casino gaming.

On-premises mobile casino gaming is prohibited except when offered by a casino gaming operator to individuals who participate in on-premises mobile casino gaming on the premises of the casino gaming establishment. Any casino gaming operator that offers on-premises mobile casino gaming shall comply with any regulations promulgated by the Board related to on-premises mobile casino gaming.

§ 58.1-4133. Location of primary on-premises mobile casino gaming operation.

A. A casino gaming operator's primary on-premises mobile casino gaming operation, including facilities, equipment, and personnel who are directly engaged in the conduct of on-premises mobile casino gaming, shall be located within a restricted area on the premises of the casino gaming establishment. Backup equipment used on a temporary basis pursuant to regulations promulgated by the Board to conduct on-premises mobile casino gaming may, with the approval of the Department, be located outside the territorial limits of a casino gaming establishment.

B. Facilities used to conduct and support on-premises mobile casino gaming shall:

- 1. Be arranged in a manner promoting optimum security;*
- 2. Include a closed circuit visual monitoring system according to specifications approved by the Department, with access on the premises to the system or its signal provided to the Department;*
- 3. Not be designed in any way that might interfere with the ability of the Department to supervise on-premises mobile casino gaming operations; and*
- 4. Comply in all respects with regulations of the Board pertaining thereto.*

§ 58.1-4134. On-premises mobile casino gaming accounts.

A. A casino gaming operator may offer on-premises mobile casino gaming only to an individual who has established an on-premises mobile casino gaming account and uses such account to place wagers as follows:

- 1. Any wager shall be placed directly with the casino gaming operator by the account holder;*
- 2. The casino gaming operator shall verify the account holder's physical presence on the premises of the casino gaming establishment; and*
- 3. The account holder shall provide the casino licensee with the correct authentication information for access to the wagering account.*

B. A casino gaming operator shall not accept a wager in an amount in excess of funds on deposit in the account of the individual placing the wager.

§ 58.1-4135. Disposition of inactive, dormant accounts.

All amounts remaining in on-premises mobile casino gaming accounts inactive or dormant for such period and under such conditions as established by regulation by the Board shall be closed. Any funds remaining in the account at such time shall be paid 50 percent to the casino gaming operator and 50 percent to the general fund. Before closing an account pursuant to this section, the casino gaming operator shall attempt to contact the account holder by mail, phone, and electronic mail.

§ 58.1-4136. Assistance to people with gambling problem.

A. In order to assist those persons who may have a gambling problem, a casino gaming operator shall:

1. Cause the words "If you or someone you know has a gambling problem and wants help, call 1-800-GAMBLER," or some comparable language approved by the Department, which language shall include the words "gambling problem" and "call 1-800 GAMBLER," to be displayed prominently at log-on and log-off times to any person visiting or logged onto on-premises mobile casino gaming; and

2. Provide a mechanism by which an account holder may establish the following controls on wagering activity through the wagering account:

a. A limit on the amount of money deposited within a specified period of time and the length of time the account holder will be unable to participate in gaming if the holder reaches the established deposit limit; and

b. A temporary suspension of gaming through the account for any number of hours or days.

B. The casino gaming operator shall not send gaming-related electronic mail to an account holder while gaming through his account is suspended, if the suspension is for at least 72 hours. The casino gaming operator shall provide a mechanism by which an account holder may change these controls, except that, while gaming through the wagering account is suspended, the account holder may not change gaming controls until the suspension expires, but the account holder shall continue to have access to the account and shall be permitted to withdraw funds from the account upon proper application therefor.

§ 58.1-4137. Offering of on-premises mobile casino gaming without approval; penalties.

Any person who offers on-premises mobile casino gaming in violation of this article or regulations promulgated thereunder is guilty of a Class 6 felony and subject to a fine of not more than \$25,000 and, in the case of a person other than a natural person, to a fine of not more than \$100,000.

§ 58.1-4138. Tampering with equipment; penalties.

A. Any person who knowingly tampers with software, computers, or other equipment used to conduct on-premises mobile casino gaming to alter the odds or the payout of a game or disables the game from operating according to the rules of the game as promulgated by the Board is guilty of a Class 5 felony and subject to a fine of not more than \$50,000 and, in the case of a person other than a natural person, to a fine of not more than \$200,000.

B. In addition to the penalties provided in subsection A, an employee of the casino gaming operator who violates this section shall have his license revoked and shall be subject to such further penalty as the Department deems appropriate.

C. In addition to the penalties provided in subsection A, a casino gaming operator that violates this section shall have its license to conduct casino gaming suspended for a period determined by the Department and shall be subject to such further penalty as the Department deems appropriate.

§ 58.1-4139. Tampering affecting odds, payout; penalties.

A. Any person who knowingly offers or allows to be offered any on-premises mobile casino game that has been tampered with in a way that affects the odds or the payout of a game or disables the game from operating according to the rules of the game as promulgated by the Board is guilty of a Class 5 felony and subject to a fine of not more than \$50,000 and, in the case of a person other than a natural person, to a fine of not more than \$200,000.

B. In addition to the penalties provided in subsection A, an employee of the casino gaming operator who violates this section shall have his license suspended for a period of not less than 30 days.

C. In addition to the penalties provided in subsection A, a casino gaming operator that violates this section shall have its permit to conduct casino gaming suspended for a period of not less than 30 days.

§ 58.1-4140. Facilities permitted to conduct on-premises mobile casino gaming; violations, penalties.

No person shall make its premises available for on-premises mobile casino gaming or advertise that its premises may be used for such purpose, other than a casino gaming operator that (i) has located all of its equipment used to conduct on-premises mobile casino gaming, including computers, servers, monitoring rooms, and hubs, on the premises of its casino gaming establishment and (ii) that offers on-site mobile casino gaming only to individuals who participate in such gaming on the premises of the casino gaming establishment. Any person that is determined by the Department to have violated the provisions of this section shall be subject to a penalty of \$1,000 per player per day for making its premises available for on-premises mobile casino gaming and of \$10,000 per violation for advertising that its premises may be used for such purpose.

§ 58.1-4141. Taxation.

Any gross receipts from on-premises mobile casino gaming shall be included in a casino gaming operator's adjusted gross receipts and subject to taxation pursuant to the provisions of Article 9 (§ 58.1-4124 et seq.).

§ 59.1-364. Control of racing with pari-mutuel wagering.

A. Horse racing with pari-mutuel wagering as licensed herein shall be permitted in the Commonwealth for the promotion, sustenance and growth of a native industry, in a manner consistent with the health, safety and welfare of the

people. The Virginia Racing Commission is vested with control of all horse racing with pari-mutuel wagering in the Commonwealth, with plenary power to prescribe regulations and conditions under which such racing and wagering shall be conducted, so as to maintain horse racing in the Commonwealth of the highest quality and free of any corrupt, incompetent, dishonest or unprincipled practices and to maintain in such racing complete honesty and integrity. The Virginia Racing Commission shall encourage participation by local individuals and businesses in those activities associated with horse racing.

B. The conduct of any horse racing with pari-mutuel wagering participation in such racing or wagering and entrance to any place where such racing or wagering is conducted is a privilege which may be granted or denied by the Commission or its duly authorized representatives in its discretion in order to effectuate the purposes set forth in this chapter.

C. The award of any prize money for any pari-mutuel wager placed at a racetrack or satellite facility licensed by the Commission shall not be deemed to be a part of any gaming contract within the purview of § 11-14.

D. This section shall not apply to any sports betting or related activity that is lawful under Chapter 41 (§ 58.1-4100 et seq.) of Title 58.1.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 854 of the Acts of Assembly of 2019 requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

3. That the Virginia Lottery Board shall promulgate regulations to implement the provisions of this act to be effective within 280 days of its enactment.

4. That if the Virginia Lottery (the Lottery) administers a program under which the Lottery issues licenses or permits to operate online sports betting platforms or sports betting facilities, the Lottery shall issue any such licenses or permits to any casino gaming operator licensed under Article 3 (§ 58.1-4108 et seq.) of Chapter 41 of Title 58.1 of the Code of Virginia, as created by this act, regardless of whether such casino gaming operator otherwise meets the requirements for obtaining such license or permit. Any casino gaming operator receiving a license or permit to operate an online sports betting platform and a sports betting facility pursuant to the provisions of this enactment shall be subject to all Virginia statutory or regulatory laws governing sports betting, including: (i) laws defining sports betting and prohibiting any activities related thereto; (ii) fees for applications, licenses, and permits, and any other payments required by the Lottery; and (iii) taxes for offering sports betting. Notwithstanding any law to the contrary, a casino gaming operator receiving a license or permit to operate an online sports betting platform or a sports betting facility pursuant to the provisions of this enactment shall not allow wagering on any athletic event in which at least one participant is a team from a Virginia public or private institution of higher education. Any license or permit issued pursuant to the provisions of this enactment shall expire whenever the casino gaming operator is no longer licensed under Article 3 (§ 58.1-4108 et seq.) of Chapter 41 of Title 58.1 of the Code of Virginia, as created by this act.

5. That there is hereby established the Regional Improvement Commission (the Commission). The membership of the Commission shall consist of one member appointed by the local governing body of each jurisdiction composing the transportation district created pursuant to the Transportation District Act of 1964 (§ 33.2-1900 et seq. of the Code of Virginia) that includes the eligible host city described in subdivision A 3 of § 58.1-4107 of the Code of Virginia, as created by this act. Each member shall be appointed to serve a two-year term. Notwithstanding the provisions of subdivision B 1 of § 58.1-4125 of the Code of Virginia, as created by this act, for a casino gaming establishment located in the eligible host city described in subdivision A 3 of § 58.1-4107 of the Code of Virginia, as created by this act, such transfer, otherwise returned to the city where it was collected, shall instead be made to the Commission. The purpose of the Commission shall be to (i) receive disbursements made to it; (ii) establish funding priorities for member localities related to improvements in the areas of education, transportation, and public safety; and (iii) make annual payments divided equally among the jurisdictions to fund the established priorities as determined by the Commission.

6. That the referendum required by § 58.1-4123 of the Code of Virginia, as created by this act, on the question of whether casino gaming shall be permitted at a casino gaming establishment located in the eligible host city in which such referendum is conducted, shall be conducted in each eligible host city described in subdivisions A 1 through 4 of § 58.1-4107 of the Code of Virginia, as created by this act, at the regular general election held on November 3, 2020, unless a court of competent jurisdiction sets an alternative date.

7. That the Virginia Racing Commission (the Commission) shall authorize an additional 600 historical racing terminals each time a local referendum required by § 58.1-4123 of the Code of Virginia, as created by this act, is approved, provided that the total number of additional machines authorized in this enactment shall not exceed 2,000 statewide. The tax rate for any machine added pursuant to this enactment clause shall be 20 percent as calculated and distributed pursuant to the method used to calculate and distribute such rate in effect for machines in existence as of January 1, 2020. For every 100 additional machines authorized pursuant to this enactment clause, the total number of live horse racing days shall be increased by one day. Excluding machines installed as of March 1, 2020, each location operating historical racing terminals shall be prohibited from having more than forty percent of its terminals manufactured by any single manufacturer. The increase in historical racing terminals shall

not apply with respect to any city where a significant infrastructure limited licensee, as defined in § 59.1-365 of the Code of Virginia, or the affiliate of such licensee is awarded a casino operator's license pursuant to this act. Notwithstanding the provisions of 11VAC10-47-180 and subject to the local referendum requirements of § 59.1-391 of the Code of Virginia, for the machines specifically authorized in this enactment, the Commission shall authorize up to 1,650 machines in a satellite facility in a metropolitan area with a population in excess of 2.5 million located in a jurisdiction that has passed a referendum pursuant to the requirements of § 59.1-391 of the Code of Virginia prior to January 1, 2020, and 500 machines in a metropolitan area with a population in excess of 300,000, provided that no additional machines authorized in this enactment shall be located within 35 miles of an eligible host city as described in § 58.1-4107 of the Code of Virginia, as created by this act. No satellite facility shall be authorized in any locality that is included in the Regional Improvement Commission established in the fifth enactment of this act. Population determinations pursuant to this enactment shall be based on the 2018 population estimates from the Weldon Cooper Center for Public Service of the University of Virginia. Except as provided herein, the Commission shall not be authorized to promulgate regulations to allow or grant a license to authorize historical horse racing terminals in excess of those permitted by the emergency regulations that became effective on October 5, 2018.

8. That a contract between an eligible host city and its preferred casino gaming operator, as those terms are defined in § 58.1-4100 of the Code of Virginia, as created by this act, shall require the operator to agree that any contractor hired for construction on the site of the casino gaming establishment (the site) shall be required to (i) pay the local prevailing wage rate as determined by the U.S. Secretary of Labor under the provisions of the Davis-Bacon Act, 40 U.S.C. § 276 et seq., as amended, to each laborer, workman, and mechanic the contractor employs on the site; (ii) participate in apprenticeship programs that have been certified by the Department of Labor and Industry or the U.S. Department of Labor; (iii) establish preferences for hiring residents of the eligible host city and adjacent localities, veterans, women, and minorities for work performed on the site; (iv) provide health insurance and retirement benefits for all full-time employees performing work on the site; and (v) require that the provisions of clauses (i) through (iv) be included in every subcontract so that the provisions will be binding upon each subcontractor. The contract between an eligible host city and its preferred casino gaming operator shall also require that the operator agree to (a) pay any of its full-time employees performing work on the site an hourly wage or a salary, including tips, that equates to an hourly rate no less than 125 percent of the federal minimum wage; (b) establish preferences for hiring residents of the eligible host city and adjacent localities, veterans, women, and minorities for work performed on the site in compliance with any applicable federal law; (c) provide access to health insurance and retirement savings benefit opportunities for all full-time employees of the operator performing work on the site; and (d) require that any contract for services performed on the site, other than construction, with projected annual services fees exceeding \$500,000, meet the requirements of clauses (a), (b), and (c) with regard to full-time personnel of the subcontractor who will be performing services under the contract between the operator and the subcontractor.

CHAPTER 1249

An Act to amend and reenact § 18.2-308.1 of the Code of Virginia, relating to possession of firearms, other weapons on school property.

[S 71]

Approved April 22, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-308.1 of the Code of Virginia is amended and reenacted as follows:

§ 18.2-308.1. Possession of firearm, stun weapon, or other weapon on school property prohibited; penalty.

A. If any person knowingly possesses any (i) stun weapon as defined in this section; (ii) knife, except a pocket knife having a folding metal blade of less than three inches; or (iii) weapon, including a weapon of like kind, designated in subsection A of § 18.2-308, other than a firearm; upon (a) the property of any *child day center* or public, private, or religious *preschool*, elementary, middle, or high school, including buildings and grounds; (b) that portion of any property open to the public and then exclusively used for school-sponsored functions or extracurricular activities while such functions or activities are taking place; or (c) any school bus owned or operated by any such school, he is guilty of a Class 1 misdemeanor.

B. If any person knowingly possesses any firearm designed or intended to expel a projectile by action of an explosion of a combustible material while such person is upon (i) *the property of any child day center* or public, private, or religious *preschool*, elementary, middle, or high school, including buildings and grounds; (ii) that portion of any property open to the public and then exclusively used for school-sponsored functions or extracurricular activities while such functions or activities are taking place; or (iii) any school bus owned or operated by any such school, he is guilty of a Class 6 felony.

C. If any person knowingly possesses any firearm designed or intended to expel a projectile by action of an explosion of a combustible material *within the building of a child day center* or public, private, or religious *preschool*, elementary, middle, or high school *building* and intends to use, or attempts to use, such firearm, or displays such weapon in a threatening

manner, such person is guilty of a Class 6 felony and sentenced to a mandatory minimum term of imprisonment of five years to be served consecutively with any other sentence.

D. The child day center and private or religious preschool provisions of this section (i) shall apply only during the operating hours of such child day center or private or religious preschool and (ii) shall not apply to any person (a) whose residence is on the property of a child day center or a private or religious preschool and (b) who possesses a firearm or other weapon prohibited under this section while in his residence.

E. The exemptions set out in §§ 18.2-308 and 18.2-308.016 shall apply, mutatis mutandis, to the provisions of this section. The provisions of this section shall not apply to (i) persons who possess such weapon or weapons as a part of the school's curriculum or activities; (ii) a person possessing a knife customarily used for food preparation or service and using it for such purpose; (iii) persons who possess such weapon or weapons as a part of any program sponsored or facilitated by either the school or any organization authorized by the school to conduct its programs either on or off the school premises; (iv) any law-enforcement officer, or retired law-enforcement officer qualified pursuant to subsection C of § 18.2-308.016; (v) any person who possesses a knife or blade which he uses customarily in his trade; (vi) a person who possesses an unloaded firearm that is in a closed container, or a knife having a metal blade, in or upon a motor vehicle, or an unloaded shotgun or rifle in a firearms rack in or upon a motor vehicle; (vii) a person who has a valid concealed handgun permit and possesses a concealed handgun while in a motor vehicle in a parking lot, traffic circle, or other means of vehicular ingress or egress to the school; (viii) a school security officer authorized to carry a firearm pursuant to § 22.1-280.2:1; or (ix) an armed security officer, licensed pursuant to Article 4 (§ 9.1-138 et seq.) of Chapter 1 of Title 9.1, hired by a child day center or a private or religious school for the protection of students and employees as authorized by such school. For the purposes of this paragraph, "weapon" includes a knife having a metal blade of three inches or longer and "closed container" includes a locked vehicle trunk.

F. As used in this section:

"Child day center" means a child day center, as defined in § 63.2-100, that is licensed in accordance with the provisions of Chapter 17 (§ 63.2-1700 et seq.) of Title 63.2 and is not operated at the residence of the provider or of any of the children.

"Stun weapon" means any device that emits a momentary or pulsed output, which is electrical, audible, optical or electromagnetic in nature and which is designed to temporarily incapacitate a person.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation is \$0 for periods of imprisonment in state adult correctional facilities and cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

CHAPTER 1250

An Act to amend and reenact §§ 19.2-389, as it is currently effective and as it shall become effective, and 59.1-200 of the Code of Virginia and to amend the Code of Virginia by adding in Title 6.2 a chapter numbered 26, consisting of sections numbered 6.2-2600 through 6.2-2622, relating to student loans; licensing of qualified education loan servicers; civil penalties.

[S 77]

Approved April 22, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 19.2-389, as it is currently effective and as it shall become effective, and 59.1-200 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Title 6.2 a chapter numbered 26, consisting of sections numbered 6.2-2600 through 6.2-2622, as follows:

CHAPTER 26.

QUALIFIED EDUCATION LOAN SERVICERS.

§ 6.2-2600. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Licensee" means a person to whom a license has been issued under this chapter.

"Nationwide Multistate Licensing System and Registry" or "Registry" means the nationwide multistate licensing system and registry created by the Conference of State Bank Supervisors and the American Association of Residential Mortgage Regulators.

"Principal" means any person who, directly or indirectly, owns or controls (i) 10 percent or more of the outstanding stock of a stock corporation or (ii) a 10 percent or greater interest in any other type of entity.

"Qualified education loan" means any loan primarily used to finance a postsecondary education and costs of attendance at a postsecondary public or private educational institution, including tuition, fees, books and supplies, room and board, transportation, and miscellaneous personal expenses. "Qualified education loan" includes a loan made to refinance a qualified education loan. "Qualified education loan" does not include an extension of credit under an open-end credit plan, a reverse mortgage transaction, a residential mortgage transaction, or any other loan that is secured by real property or a dwelling.

"Qualified education loan borrower" or "borrower" means (i) any current resident of the Commonwealth who has received or agreed to pay a qualified education loan or (ii) any person who is contractually obligated with such resident for repaying the qualified education loan.

"Qualified education loan servicer" or "loan servicer" means any person, wherever located, that:

1. *(i) Receives any scheduled periodic payments from a qualified education loan borrower or notification of such payments or (ii) applies payments to the qualified education loan borrower's account pursuant to the terms of the qualified education loan or the contract governing the servicing;*

2. *During a period when no payment is required on a qualified education loan, (i) maintains account records for the qualified education loan and (ii) communicates with the qualified education loan borrower regarding the qualified education loan, on behalf of the qualified education loan's holder; or*

3. *Interacts with a qualified education loan borrower; which includes conducting activities to help prevent default on obligations arising from qualified education loans or to facilitate any activity described in clause (i) or (ii) of subdivision 1.*

"Servicing" means:

1. *(i) Receiving any scheduled periodic payments from a qualified education loan borrower or notification of such payments or (ii) applying the payments of principal and interest and such other payments, with respect to the amounts received from a qualified education loan borrower; as may be required pursuant to the terms of a qualified education loan;*

2. *During a period when no payment is required on a qualified education loan, (i) maintaining account records for the loan and (ii) communicating with the qualified education loan borrower regarding the qualified education loan, on behalf of the qualified education loan's holder; or*

3. *Interacting with a qualified education loan borrower, including conducting activities to help prevent default on obligations arising from qualified education loans or to facilitate any activity described in clause (i) or (ii) of subdivision 1.*

§ 6.2-2601. License requirement; exceptions.

A. *No person shall act as a qualified education loan servicer, directly or indirectly, whether or not the person has an office or any other physical presence in the Commonwealth, except in accordance with the provisions of this chapter and without having first obtained a license under this chapter from the Commission.*

B. *Every qualified education loan servicer required to be licensed under this chapter shall register with the Registry and be subject to such registration and renewal requirements as may be established by the Registry, in addition to any requirements of this chapter. In adopting regulations pursuant to § 6.2-2622, the Commission shall include any terms, conditions, or requirements applicable to such registration and renewal. Any fees required by the Registry shall be separate and apart from any fees imposed by this chapter. The Commission, at its discretion, may collect any registration and renewal fees on behalf of the Registry and remit such fees to the Registry or permit the Registry to collect any fees imposed by this chapter and remit such fees to the Commission.*

C. *In connection with its implementation and administration of this chapter, the Commission may establish agreements or contracts with the Registry or other entities designated by the Registry to collect, distribute, and maintain information and records, and process fees, related to qualified education loan servicers required to be licensed under this chapter. In establishing such agreements or contracts, the Commission shall not be subject to the Virginia Public Procurement Act (§ 2.2-4300 et seq.).*

D. *The provisions of this chapter shall not apply to:*

1. *Any bank, savings institution, credit union, or financial institution subject to regulation under 12 U.S.C. § 2002;*

2. *Any wholly owned subsidiary of any bank, savings institution, or credit union, provided that such wholly owned subsidiary is subject to the general supervision or regulation of, or subject to audit or examination by, a regulatory body or agency of the United States or any state; or*

3. *Any public or private nonprofit institution of higher education.*

§ 6.2-2602. Licensure of qualified education loan servicers; automatic issuance of license for federal student loan servicing contractors.

A. *A person seeking to act as a qualified education loan servicer is exempt from the application procedures described in subsections A and B of § 6.2-2603 upon determination by the Commissioner that the person (i) has an agreement with the U.S. Secretary of Education under 20 U.S.C. § 1078(b), solely to the extent of the person's actions as a guarantor that engages in averting defaults, or (ii) is a party to a contract awarded by the U.S. Secretary of Education under 20 U.S.C. § 1087f. The Commissioner shall prescribe the procedure to document eligibility for this exemption.*

B. *With regard to a person exempted from the application procedures described in subsections A and B of § 6.2-2603 pursuant to subsection A, the Commissioner shall:*

1. *Automatically issue a license upon payment of the fee required by subsection C of § 6.2-2603 and the providing of the bond required by § 6.2-2604;*

2. *Automatically renew a license upon payment of the fees required by subsection E of § 6.2-2607; and*

3. *Deem the person to have met all the requirements set forth in subsections A and B of § 6.2-2603.*

C. *A person issued a license pursuant to subdivision B 1:*

1. *Is exempt from subsections A and B of § 6.2-2603; and*

2. *Shall comply with the record requirements in § 6.2-2608 except to the extent that the requirements are inconsistent with federal law.*

D. A person issued a license pursuant to subdivision B 1 shall, within seven days after receiving notification of the expiration, revocation, or termination of (i) an agreement with the U.S. Secretary of Education under 20 U.S.C. § 1078(b) or (ii) any contract awarded by the U.S. Secretary of Education under 20 U.S.C. § 1087f, provide the Commissioner with written notice of such expiration, revocation, or termination. Notwithstanding any other provision of this chapter, such person's license shall automatically expire 30 days after the expiration, revocation, or termination of such person's contract. A person seeking to act as a qualified education loan servicer following the expiration of its license may apply for a new license by filing an application that meets the requirements of §§ 6.2-2603 and 6.2-2604 and subsection B of § 6.2-2605.

E. With respect to qualified education loan servicing not conducted pursuant to (i) an agreement with the U.S. Secretary of Education under 20 U.S.C. § 1078(b) or (ii) a contract awarded by the U.S. Secretary of Education under 20 U.S.C. § 1087f, nothing in this section prevents the Commission from issuing an order to temporarily or permanently prohibit or bar any person from acting as a qualified education loan servicer or violating applicable law.

F. In the case of qualified education loan servicing conducted pursuant to (i) an agreement with the U.S. Secretary of Education under 20 U.S.C. § 1078(b) or (ii) a contract awarded by the U.S. Secretary of Education under 20 U.S.C. § 1087f, nothing in this section shall prevent the Commission from issuing a cease and desist order or injunction against any qualified education loan servicer to cease activities in violation of this act.

§ 6.2-2603. Application for license; form; content; fee.

A. An application for a license under this chapter shall be made in writing and on a form provided by the Commission.

B. The application shall set forth:

1. The name and address of the applicant, the name and address of each senior officer, and (i) if the applicant is a partnership, firm, or association, the name and address of each partner or member; (ii) if the applicant is a corporation or limited liability company, the name and address of each director, member, registered agent, and principal; or (iii) if the applicant is a business trust, the name and address of each trustee;

2. The address of the principal place of business to be licensed;

3. Such other information concerning the financial responsibility, background, experience, and general fitness of the applicant and its members, senior officers, directors, trustees, and principals as the Commissioner may require; and

4. Any other pertinent information that the Commissioner may require.

C. The application shall be accompanied by payment of a nonrefundable application fee as prescribed by the Commission. The fee shall not be abated by surrender, suspension, or revocation of the license.

D. If the Commissioner requests information to complete a deficient application and the information is not received within 60 days of the Commissioner's request, the application shall be deemed abandoned unless a request for an extension of time is received and approved by the Commissioner prior to the expiration of the 60-day period. However, this subsection shall not be construed to prohibit the Commission from denying a license application that does not meet the requirements of this chapter.

§ 6.2-2604. Bond required.

The application for a license shall be accompanied by a bond filed with the Commissioner with corporate surety authorized to execute such bond, in the principal amount as determined by the Commissioner. The amount of the bond shall be not less than \$50,000 nor more than \$500,000. The form of such bond shall be approved by the Commissioner. Such bond shall be continuously maintained thereafter in full force. Such bond shall be conditioned upon the applicant or licensee performing all written agreements pertaining to qualified education loans, correctly and accurately accounting for all funds received by the applicant or licensee in connection with qualified education loans, and conducting its business in conformity with this chapter and all applicable laws. The aggregate liability under the bond shall not exceed the penal sum of the bond.

§ 6.2-2605. Investigation of applications.

A. The Commissioner may make such investigations as he deems necessary to determine if the applicant has complied with all applicable provisions of law and regulations.

B. For the purpose of investigating individuals who are members, senior officers, directors, trustees, and principals of an applicant, such persons shall consent to a criminal history records check and submit to fingerprinting. Each member, senior officer, director, trustee, and principal shall pay for the cost of such fingerprinting and criminal history records check. Such persons shall cause their fingerprints, personal descriptive information, and records check fees to be submitted to either of the following, as prescribed by the Commissioner:

1. The Bureau, which shall forward these items to the Central Criminal Records Exchange. The Central Criminal Records Exchange shall (i) conduct a search of its own criminal history records and forward such individuals' fingerprints and personal descriptive information to the Federal Bureau of Investigation for the purpose of obtaining national criminal history record information regarding such individuals and (ii) forward the results of the state and national records searches to the Commissioner or his designee, who shall be an employee of the Commission; or

2. The Registry, provided that it is capable of processing criminal history records checks.

C. If any member, senior officer, director, trustee, or principal of an applicant fails to cause his fingerprints, personal descriptive information, or records check fees to be submitted in accordance with subsection B, the application for a qualified education loan servicer license shall be denied.

§ 6.2-2606. Qualifications.

A. Upon the filing and investigation of an application for a license, compliance by the applicant with the provisions of §§ 6.2-2603 and 6.2-2604, and compliance by the persons identified in subsection B of § 6.2-2605 with the provisions contained therein, the Commission shall issue and deliver to the applicant the license applied for to engage in business under this chapter at the location specified in the application if it finds that:

1. The financial responsibility, character, experience, and general fitness of the applicant and its members, senior officers, directors, trustees, and principals are such as to warrant belief that the business will be operated efficiently and fairly, in the public interest, and in accordance with the law;

2. The application does not contain any false statement of a material fact; and

3. The application does not omit any statement of a material fact that is required by § 6.2-2603.

B. If the Commission fails to make such findings, no license shall be issued and the Commissioner shall notify the applicant of the denial and the reasons for such denial.

§ 6.2-2607. Licenses; place of business; changes; renewal.

A. Each license shall state the address at which the principal place of business is to be conducted and shall state fully the legal name of the licensee as well as any fictitious names by which the licensee is conducting business under this chapter. Licenses shall not be transferable or assignable, by operation of law or otherwise. No licensee shall use any names other than the legal name or fictitious names set forth on the license issued by the Commission.

B. Every licensee shall notify the Commissioner, in writing, at least 30 days prior to relocating its principal place of business and confirm the change in writing within five days after such relocation.

C. Every licensee shall within 10 days notify the Commissioner, in writing, of (i) any change to its legal name; (ii) any change to or additional fictitious name by which the licensee is conducting business under this chapter; and (iii) the name, address, and position of each new member, senior officer, director, trustee, and principal. At the direction of the Commissioner, any such individual shall be treated as a member, senior officer, director, trustee, or principal of an applicant for the purpose of being investigated pursuant to subsection B of § 6.2-2605. The licensee shall provide such other information with respect to the changes and persons identified in this subsection as the Commissioner may reasonably require.

D. Every license shall remain in force until it expires or has been surrendered, revoked, or suspended. The expiration, surrender, revocation, or suspension of a license shall not affect any preexisting legal right or obligation of such licensee.

E. Notwithstanding any other provision of this chapter, a qualified education loan servicer license shall expire at the end of each calendar year unless it is renewed by a licensee prior to the expiration date. A licensee may renew its license by (i) requesting renewal through the Registry and (ii) complying with any requirements associated with such renewal request that are imposed by the Registry. If a qualified education loan servicer license has expired, the Commission may by regulation permit the former licensee to seek license reinstatement after the license expiration date by renewing its license in accordance with this subsection and paying a reinstatement fee as prescribed by the Commission.

§ 6.2-2608. Retention of records; responding to the Bureau.

A. Each licensee shall maintain in its principal place of business such books, accounts, and records as the Commissioner may reasonably require in order to determine whether such person is complying with the provisions of this chapter and other laws applicable to the conduct of its business. Such books, accounts, and records shall be maintained apart and separate from any other business in which the qualified education loan servicer is involved. Each licensee shall maintain adequate records of each qualified education loan transaction for at least three years after final payment is made on such loan or the assignment of such qualified education loan, whichever occurs first.

B. To safeguard the privacy of qualified education loan borrowers, records containing personal financial information shall be shredded, incinerated, or otherwise disposed of by a licensee in a secure manner. Licensees may arrange for the shredding, incineration, or other disposal of the records from a business record destruction vendor.

C. When the Bureau requests a written response, books, records, documentation, or other information from a licensee in connection with the Bureau's investigation, enforcement, or examination of compliance with applicable laws, the licensee shall deliver a written response as well as any requested books, records, documentation, or information within the time period specified in the Bureau's request. If no time period is specified, a written response as well as any requested books, records, documentation, or information shall be delivered by the licensee to the Bureau not later than 30 days from the date of such request. In determining the specified time period for responding to the Bureau and when considering a request for an extension of time to respond, the Bureau shall take into consideration the volume and complexity of the requested written response, books, records, documentation, or information and such other factors as the Bureau determines to be relevant under the circumstances.

§ 6.2-2609. Acquisition of control; application.

A. Except as provided in this section, no person shall acquire, directly or indirectly, 25 percent or more of the voting shares of a corporation or 25 percent or more of the ownership of any other person licensed to conduct business under this chapter unless such person first:

1. Files an application with the Commission in such form as the Commissioner may prescribe from time to time;

2. Delivers such other information to the Commissioner as the Commissioner may require concerning the financial responsibility, background, experience, and general fitness of the applicant and of any proposed new directors, senior officers, principals, trustees, or members of the licensee;

3. Submits and furnishes to the Commissioner information concerning the identity of the applicant and of any proposed new directors, senior officers, principals, trustees, or members of the licensee. Such individuals shall (i) consent to a criminal history records check, submit to fingerprinting, and pay for the cost of such fingerprinting and criminal records check and (ii) cause their fingerprints, personal descriptive information, and records check fees to be submitted to either of the following, as prescribed by the Commissioner:

a. The Bureau, who shall forward these items to the Central Criminal Records Exchange. The Central Criminal Records Exchange shall (i) conduct searches of its own criminal history records and forward such individuals' fingerprints and personal descriptive information to the Federal Bureau of Investigation for the purpose of obtaining national criminal history record information regarding such individuals and (ii) forward the results of the state and national records search to the Commissioner or his designee, who shall be an employee of the Commission; or

b. The Registry, provided that it is capable of processing criminal history records checks; and

4. Pays such application fee as the Commission may prescribe.

B. Upon the filing and investigation of an application, the Commission shall permit the applicant to acquire the interest in the licensee if it finds that the applicant and any proposed new directors, members, senior officers, trustees, and principals of the licensee have the financial responsibility, character, experience, and general fitness to warrant belief that the business will be operated efficiently and fairly, in the public interest, and in accordance with law. The Commission shall grant or deny the application within 60 days from the date a completed application accompanied by the required fee is filed unless the period is extended by order of the Commissioner giving the reasons for the extension. If the application is denied, the Commission shall notify the applicant of the denial and the reasons for the denial.

C. The provisions of this section shall not apply to the acquisition of an interest in a licensee (i) directly or indirectly, including an acquisition by merger or consolidation, by or with a person licensed or exempt from licensing under this chapter; (ii) directly or indirectly, by merger or consolidation by or with a person affiliated through common ownership with the licensee; or (iii) by bequest, descent, survivorship, or operation of law. This section shall also not apply to the acquisition of an interest in a licensee that (i) an agreement with the U.S. Secretary of Education under 20 U.S.C. § 1078(b) or (ii) is a party to a contract awarded by the U.S. Secretary of Education under 20 U.S.C. § 1087f. The person acquiring an interest in a licensee in a transaction that is exempt from filing an application by this subsection shall send written notice of such acquisition to the Commissioner within 30 days of its closing.

§ 6.2-2610. Prohibited activities; compliance with federal laws and regulations.

A. No qualified education loan servicer shall:

1. Directly or indirectly employ any scheme, device, or artifice to defraud or mislead qualified education loan borrowers;

2. Engage in any unfair or deceptive act or practice toward any person or misrepresent or omit any material information in connection with the servicing of a qualified education loan, including misrepresenting (i) the amount, nature, or terms of any fee or payment due or claimed to be due on a qualified education loan; (ii) the terms and conditions of the loan agreement; or (iii) the borrower's obligations under the loan;

3. Obtain property by fraud or misrepresentation;

4. Misapply qualified education loan payments to the outstanding balance of a qualified education loan;

5. Provide inaccurate information to a nationally recognized consumer credit bureau;

6. Fail to report both the favorable and unfavorable payment history of the borrower to a nationally recognized consumer credit bureau at least annually if the loan servicer regularly reports information to such a credit bureau;

7. Fail to communicate with an authorized representative of the borrower who provides a written authorization signed by the borrower; provided that the loan servicer may adopt procedures reasonably related to verifying that the representative is in fact authorized to act on behalf of the borrower;

8. Make any false statement of a material fact or omit any material fact in connection with any information provided to the Commission or another governmental authority; or

9. Engage in any other prohibited activities identified in regulations adopted by the Commission pursuant to this chapter.

B. A qualified education loan servicer shall comply with all federal laws and regulations applicable to the conduct of its licensed business. In addition to any other remedies provided by law, a violation of any such federal law or regulation shall be deemed a violation of this chapter and a basis upon which the Commission may take enforcement action pursuant to § 6.2-2615, 6.2-2617, or 6.2-2618.

C. A qualified education loan servicer shall not engage in abusive acts or practices when servicing a qualified education loan. An act or practice is abusive in connection with the servicing of a qualified education loan if the act or practice does either of the following:

1. Materially interferes with the ability of a borrower to understand a term or condition of a qualified education loan; or

2. Takes unreasonable advantage of:

a. A lack of understanding on the part of a qualified education loan borrower of the material risks, costs, or conditions of the qualified education loan;

b. The reasonable reliance by the borrower on a person engaged in the servicing of a qualified education loan to act in the interests of the borrower; or

c. The inability of a borrower to protect the interests of the borrower when selecting (i) a qualified education loan or (ii) a feature, term, or condition of a qualified education loan.

§ 6.2-2611. Affirmative acts required of qualified education loan servicers.

Except to the extent that this section is inconsistent with any provision of federal law or regulation, and then only to the extent of the inconsistency, a person engaged in qualified education loan servicing shall:

1. Evaluate a qualified education loan borrower for eligibility for an income-driven repayment program prior to placing the borrower in forbearance or default, if an income-driven repayment program is available to the borrower;

2. Respond to a written inquiry from a qualified education loan borrower or the representative of a qualified education loan borrower within 10 business days after receipt of the request and, within 30 business days after receipt of the request, provide information relating to the request and, if applicable, to the action the qualified education loan servicer will take to correct the account or an explanation for the qualified education loan servicer's position that the borrower's account is correct. Such 30-day period may be extended for not more than 15 days if, before the end of the 30-day period, the qualified education loan servicer notifies the borrower, or the borrower's representative, as applicable, of the extension and the reasons for the delay in responding;

3. Not furnish to a consumer reporting agency, during 60 days following receipt of a written request related to a dispute on a borrower's payment on a qualified education loan, information regarding a payment that is the subject of the written request;

4. Except as provided in federal law or required by a qualified education loan agreement, inquire of a borrower how to apply an overpayment to a qualified education loan. A borrower's direction on how to apply an overpayment to a qualified education loan shall remain in effect for any future overpayments during the term of a qualified education loan or until the borrower provides different directions. As used in this subdivision, "overpayment" means a payment on a qualified education loan that exceeds the monthly amount due from a borrower on the qualified education loan, which payment may be referred to as a prepayment;

5. Apply partial payments in a manner that minimizes late fees and negative credit reporting. If loans on a borrower's qualified education loan account have an equal level of delinquency, a qualified education loan servicer shall apply partial payments to satisfy as many individual loan payments as possible on a borrower's account. As used in this subdivision, "partial payment" means a payment on a qualified education loan account that contains multiple individual loans in an amount less than the amount necessary to satisfy the outstanding payment due on all loans in the qualified education loan account, which payment may be referred to as an underpayment;

6. Require, as a condition of a sale, an assignment, or any other transfer of the servicing of a qualified education loan, that the new loan servicer honor all benefits originally represented as available to a qualified education loan borrower during the repayment of the qualified education loan and preserve the availability of the benefits, including any benefits for which the qualified education loan borrower has not yet qualified. If a qualified education loan servicer is not also the loan holder or is not acting on behalf of the loan holder, the loan servicer satisfies the requirement of this subsection by providing the new loan servicer with information necessary for the new loan servicer to honor all benefits originally represented as available to a qualified education loan borrower during the repayment of the qualified education loan and preserve the availability of the benefits, including any benefits for which the loan borrower has not yet qualified; and

7. In the event of a sale, assignment, or other transfer of the servicing of a qualified education loan that results in a change in the identity of the person to whom a qualified education loan borrower is required to send payments or direct any communication concerning the qualified education loan:

a. Transfer to the new loan servicer all records regarding the qualified education loan borrower, the account of the loan borrower, and the qualified education loan of the loan borrower. Such records include the repayment status of the qualified education loan borrower and any benefits associated with the qualified education loan of the loan borrower. The transfer of records shall be completed within 45 days after the sale, assignment, or other transfer of the servicing of a qualified education loan;

b. Notify affected qualified education loan borrowers of the sale, assignment, or other transfer of the servicing of a qualified education loan at least seven days before the next payment on the loan is due. The notice shall include (i) the identity of the new qualified education loan servicer; (ii) the effective date of the transfer of the borrower's qualified education loan to the new loan servicer; (iii) the date on which the existing loan servicer will no longer accept payments; and (iv) the contact information for the new loan servicer; and

c. Adopt policies and procedures to verify that the new qualified education loan servicer has received all records regarding the qualified education loan borrower, the account of the qualified education loan borrower, and the qualified education loan of the borrower, including the repayment status of the qualified education loan borrower and any benefits associated with the qualified education loan of the borrower.

§ 6.2-2612. Reporting requirements.

A. Within 15 days following the occurrence of any of the following events, a licensee shall file a written report with the Commission describing such event and its expected impact upon the business of the licensee:

1. The filing of bankruptcy, reorganization, or receivership proceedings by or against the licensee;

2. The institution of administrative or regulatory proceedings against the licensee by any governmental authority;

3. Any felony indictment of the licensee or any of its members, directors, senior officers, trustees, or principals;

4. Any felony conviction of the licensee or any of its members, directors, senior officers, trustees, or principals; and

5. Such other events as the Commission may prescribe by regulation.

B. Each licensee shall file periodic written reports with the Commissioner or the Registry containing such information as the Commissioner may require concerning the licensee's business and operations. Reports shall be in the form and be submitted with such frequency and by such dates as may be prescribed by the Commissioner.

§ 6.2-2613. Investigations; examinations.

A. The Commission may, as often as it deems necessary, investigate and examine the affairs, business, premises, and records of any person licensed or required to be licensed under this chapter insofar as they pertain to any business for which a license is required by this chapter. Examinations of licensees shall be conducted at least once in each three-year period. In the course of such investigations and examinations, the owners, members, officers, directors, partners, trustees, and employees of the person being investigated or examined shall, upon demand of the person making such investigation or examination, afford full access to all premises, books, records, and information that the person making such investigation or examination deems necessary.

B. Examinations under this section may be conducted in conjunction with examinations to be performed by representatives of agencies of the federal government or another state. In lieu of conducting an examination, the Commission may accept the examination report of the federal government or another state.

§ 6.2-2614. Annual fees.

A. In order to defray the costs of their examination, supervision, and regulation, every licensee under this chapter shall pay an annual fee calculated in accordance with a schedule set by the Commission. All such fees shall be assessed on or before April 1 for every calendar year. All such fees shall be paid by the licensee to the State Treasurer on or before May 1 following each assessment.

B. In addition to the annual fee prescribed in subsection A, when it becomes necessary to examine or investigate the books and records of a licensee under this chapter at a location outside the Commonwealth, the licensee shall be liable for and shall pay to the Commission within 30 days of the presentation of an itemized statement the actual travel and reasonable living expenses incurred on account of its examination, supervision, and regulation or shall pay a reasonable per diem rate approved by the Commission.

§ 6.2-2615. Suspension or revocation of license.

A. The Commission may suspend or revoke any license issued under this chapter upon any of the following grounds:

1. Any ground for denial of a license under this chapter;
2. Any violation of the provisions of this chapter or regulations adopted by the Commission pursuant thereto, or a violation of any other law or regulation applicable to the conduct of the licensee's business;
3. A course of conduct consisting of the failure to perform written agreements with qualified education loan borrowers;
4. Failure to account for funds received or disbursed to the satisfaction of the person supplying or receiving qualified education loan funds;
5. Conviction of any felony or of a misdemeanor involving fraud, misrepresentation, or deceit;
6. Entry of a judgment against the licensee involving fraud, misrepresentation, or deceit;
7. Entry of a federal or state administrative order against the licensee for violation of any law or regulation applicable to the conduct of the licensee's business;
8. Refusal to permit an investigation or examination by the Commission;
9. Failure to pay any fee or assessment imposed by this chapter; or
10. Failure to comply with any order of the Commission.

B. For the purposes of this section, acts of any senior officer, director, member, partner, trustee, or principal shall be deemed acts of the licensee.

§ 6.2-2616. Notice of proposed suspension or revocation.

The Commission shall not revoke or suspend the license of any licensee upon any of the grounds set forth in § 6.2-2615 until it has given the licensee (i) 21 days' notice in writing of the reasons for the proposed revocation or suspension and (ii) an opportunity to introduce evidence and be heard. The notice shall be sent by certified mail to the principal place of business of such licensee and shall state with particularity the grounds for the contemplated action. Within 14 days of mailing the notice, the licensee named therein may file with the Clerk of the Commission a written request for a hearing. If a hearing is requested, the Commission shall not suspend or revoke the license except based upon findings made at such hearing. The hearing shall be conducted in accordance with the Commission's Rules.

§ 6.2-2617. Cease and desist orders.

A. If the Commission determines that any person has violated any provision of this chapter or any regulation adopted by the Commission pursuant thereto, or violated any other law or regulation applicable to the conduct of a licensee's business, the Commission may, upon 21 days' notice in writing, order such person to cease and desist from such practices and to comply with the provisions of this chapter and other applicable laws and regulations. The notice shall be sent by certified mail to the principal place of business of such person or other address authorized under § 12.1-19.1 and shall state the grounds for the contemplated action.

B. Within 14 days of mailing the notice, the person named therein may file with the clerk of the Commission a written request for a hearing. If a hearing is requested, the Commission shall not issue a cease and desist order except on the basis of findings made at the hearing. The hearing shall be conducted in accordance with the Commission's Rules. The

Commission may enforce compliance with any order issued under this section by imposition and collection of such fines and penalties as may be prescribed by law.

§ 6.2-2618. Civil penalties.

The Commission may impose a civil penalty not exceeding \$2,500 upon any person who it determines, in proceedings commenced in accordance with the Commission's Rules, has violated any of the provisions of this chapter or regulations adopted by the Commission pursuant thereto or violated any other law or regulation applicable to conduct of the person's business. For the purposes of this section, each separate violation shall be subject to the civil penalty prescribed in this section, and each day that an unlicensed person engages in the business of a qualified education loan servicer shall constitute a separate violation.

§ 6.2-2619. Private cause of action.

A. A qualified education loan servicer shall:

1. Comply with this chapter.
2. Comply with all applicable federal laws related to qualified education loan servicing, as from time to time amended, and the regulations promulgated thereunder.

B. Any person who suffers damage as a result of the failure of a qualified education loan servicer to comply with the requirements of subdivisions A 1 and 2 may bring an action against that qualified education loan servicer to recover or obtain any of the following:

- 1. Actual damages, but in no case shall the total award of damages be less than \$500 per violation;*
- 2. An order enjoining the methods, acts, or practices;*
- 3. Restitution of property;*
- 4. Punitive damages;*
- 5. Attorney fees; and*
- 6. Any other relief the court deems proper.*

C. In addition to any other remedies provided by this section or otherwise provided by law, whenever it is proven by a preponderance of the evidence that a qualified education loan servicer has engaged in conduct that substantially interferes with a borrower's right to (i) an alternative payment arrangement; (ii) loan forgiveness, cancellation, or discharge; or (iii) any other financial benefit as established under the terms of a borrower's promissory note or under the Higher Education Act of 1965, 20 U.S.C. § 1070a et seq., as amended from time to time, and regulations promulgated thereunder, the court shall award treble actual damages to the plaintiff, but in no case shall the award of damages be less than \$1,500 per violation.

D. The remedies provided in this section are not intended to be the exclusive remedies available to the qualified education loan borrower; and a qualified education loan borrower shall not be required to exhaust any administrative remedies established pursuant to this chapter or any other applicable law prior to proceeding under this section.

§ 6.2-2620. Investigating and restraining prohibited acts.

A. Notwithstanding the provisions of § 59.1-199, whenever the Attorney General has reasonable cause to believe that any person has engaged in, or is engaging in, or is about to engage in any violation of this chapter, the Attorney General is empowered to issue a civil investigative demand. The provisions of § 59.1-9.10 shall apply mutatis mutandis to civil investigative demands issued pursuant to this section.

B. Notwithstanding any other provisions of law to the contrary, the Attorney General may cause an action to be brought in the appropriate circuit court in the name of the Commonwealth to enjoin any violation of this chapter. The circuit court having jurisdiction may enjoin such violations notwithstanding the existence of an adequate remedy at law. In any action under this section, it shall not be necessary that damages be proved.

C. The circuit courts are authorized to issue temporary or permanent injunctions to restrain and prevent violations of this chapter.

§ 6.2-2621. Violation of the Virginia Consumer Protection Act.

Notwithstanding the provisions of § 59.1-199, any violation of the provisions of this chapter shall constitute a prohibited practice in accordance with § 59.1-200 and shall be subject to any and all of the enforcement provisions of the Virginia Consumer Protection Act (§ 59.1-196 et seq.).

§ 6.2-2622. Regulations.

The Commission shall adopt such regulations as it deems appropriate to effect the purposes of this chapter. Before adopting any such regulation, the Commission shall give reasonable notice of its content and shall afford interested parties an opportunity to be heard, in accordance with the Commission's Rules.

§ 19.2-389. (Effective until January 1, 2021) Dissemination of criminal history record information.

A. Criminal history record information shall be disseminated, whether directly or through an intermediary, only to:

1. Authorized officers or employees of criminal justice agencies, as defined by § 9.1-101, for purposes of the administration of criminal justice and the screening of an employment application or review of employment by a criminal justice agency with respect to its own employees or applicants, and dissemination to the Virginia Parole Board, pursuant to this subdivision, of such information on all state-responsible inmates for the purpose of making parole determinations pursuant to subdivisions 1, 2, 3, and 5 of § 53.1-136 shall include collective dissemination by electronic means every 30 days. For purposes of this subdivision, criminal history record information includes information sent to the Central Criminal Records Exchange pursuant to §§ 37.2-819 and 64.2-2014 when disseminated to any full-time or part-time

employee of the State Police, a police department or sheriff's office that is a part of or administered by the Commonwealth or any political subdivision thereof, and who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth for the purposes of the administration of criminal justice;

2. Such other individuals and agencies that require criminal history record information to implement a state or federal statute or executive order of the President of the United States or Governor that expressly refers to criminal conduct and contains requirements or exclusions expressly based upon such conduct, except that information concerning the arrest of an individual may not be disseminated to a noncriminal justice agency or individual if an interval of one year has elapsed from the date of the arrest and no disposition of the charge has been recorded and no active prosecution of the charge is pending;

3. Individuals and agencies pursuant to a specific agreement with a criminal justice agency to provide services required for the administration of criminal justice pursuant to that agreement which shall specifically authorize access to data, limit the use of data to purposes for which given, and ensure the security and confidentiality of the data;

4. Individuals and agencies for the express purpose of research, evaluative, or statistical activities pursuant to an agreement with a criminal justice agency that shall specifically authorize access to data, limit the use of data to research, evaluative, or statistical purposes, and ensure the confidentiality and security of the data;

5. Agencies of state or federal government that are authorized by state or federal statute or executive order of the President of the United States or Governor to conduct investigations determining employment suitability or eligibility for security clearances allowing access to classified information;

6. Individuals and agencies where authorized by court order or court rule;

7. Agencies of any political subdivision of the Commonwealth, public transportation companies owned, operated or controlled by any political subdivision, and any public service corporation that operates a public transit system owned by a local government for the conduct of investigations of applicants for employment, permit, or license whenever, in the interest of public welfare or safety, it is necessary to determine under a duly enacted ordinance if the past criminal conduct of a person with a conviction record would be compatible with the nature of the employment, permit, or license under consideration;

7a. Commissions created pursuant to the Transportation District Act of 1964 (§ 33.2-1900 et seq.) of Title 33.2 and their contractors, for the conduct of investigations of individuals who have been offered a position of employment whenever, in the interest of public welfare or safety and as authorized in the Transportation District Act of 1964, it is necessary to determine if the past criminal conduct of a person with a conviction record would be compatible with the nature of the employment under consideration;

8. Public or private agencies when authorized or required by federal or state law or interstate compact to investigate (i) applicants for foster or adoptive parenthood or (ii) any individual, and the adult members of that individual's household, with whom the agency is considering placing a child or from whom the agency is considering removing a child due to abuse or neglect, on an emergency, temporary, or permanent basis pursuant to §§ 63.2-901.1 and 63.2-1505, subject to the restriction that the data shall not be further disseminated to any party other than a federal or state authority or court as may be required to comply with an express requirement of law;

9. To the extent permitted by federal law or regulation, public service companies as defined in § 56-1, for the conduct of investigations of applicants for employment when such employment involves personal contact with the public or when past criminal conduct of an applicant would be incompatible with the nature of the employment under consideration;

10. The appropriate authority for purposes of granting citizenship and for purposes of international travel, including, but not limited to, issuing visas and passports;

11. A person requesting a copy of his own criminal history record information as defined in § 9.1-101 at his cost, except that criminal history record information shall be supplied at no charge to a person who has applied to be a volunteer with (i) a Virginia affiliate of Big Brothers/Big Sisters of America; (ii) a volunteer fire company; (iii) the Volunteer Emergency Families for Children; (iv) any affiliate of Prevent Child Abuse, Virginia; (v) any Virginia affiliate of Compeer; or (vi) any board member or any individual who has been offered membership on the board of a Crime Stoppers, Crime Solvers or Crime Line program as defined in § 15.2-1713.1;

12. Administrators and board presidents of and applicants for licensure or registration as a child welfare agency as defined in § 63.2-100 for dissemination to the Commissioner of Social Services' representative pursuant to § 63.2-1702 for the conduct of investigations with respect to employees of and volunteers at such facilities, caretakers, and other adults living in family day homes or homes approved by family day systems, and foster and adoptive parent applicants of private child-placing agencies, pursuant to §§ 63.2-1719, 63.2-1720, 63.2-1720.1, 63.2-1721, and 63.2-1721.1, subject to the restriction that the data shall not be further disseminated by the facility or agency to any party other than the data subject, the Commissioner of Social Services' representative or a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination;

13. The school boards of the Commonwealth for the purpose of screening individuals who are offered or who accept public school employment and those current school board employees for whom a report of arrest has been made pursuant to § 19.2-83.1;

14. The Virginia Lottery for the conduct of investigations as set forth in the Virginia Lottery Law (§ 58.1-4000 et seq.), and the Department of Agriculture and Consumer Services for the conduct of investigations as set forth in Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2;

15. Licensed nursing homes, hospitals and home care organizations for the conduct of investigations of applicants for compensated employment in licensed nursing homes pursuant to § 32.1-126.01, hospital pharmacies pursuant to § 32.1-126.02, and home care organizations pursuant to § 32.1-162.9:1, subject to the limitations set out in subsection E;
16. Licensed assisted living facilities and licensed adult day care centers for the conduct of investigations of applicants for compensated employment in licensed assisted living facilities and licensed adult day care centers pursuant to § 63.2-1720, subject to the limitations set out in subsection F;
17. The Virginia Alcoholic Beverage Control Authority for the conduct of investigations as set forth in § 4.1-103.1;
18. The State Board of Elections and authorized officers and employees thereof and general registrars appointed pursuant to § 24.2-110 in the course of conducting necessary investigations with respect to voter registration, limited to any record of felony convictions;
19. The Commissioner of Behavioral Health and Developmental Services for those individuals who are committed to the custody of the Commissioner pursuant to §§ 19.2-169.2, 19.2-169.6, 19.2-182.2, 19.2-182.3, 19.2-182.8, and 19.2-182.9 for the purpose of placement, evaluation, and treatment planning;
20. Any alcohol safety action program certified by the Commission on the Virginia Alcohol Safety Action Program for (i) assessments of habitual offenders under § 46.2-360, (ii) interventions with first offenders under § 18.2-251, or (iii) services to offenders under § 18.2-51.4, 18.2-266, or 18.2-266.1;
21. Residential facilities for juveniles regulated or operated by the Department of Social Services, the Department of Education, or the Department of Behavioral Health and Developmental Services for the purpose of determining applicants' fitness for employment or for providing volunteer or contractual services;
22. The Department of Behavioral Health and Developmental Services and facilities operated by the Department for the purpose of determining an individual's fitness for employment pursuant to departmental instructions;
23. Pursuant to § 22.1-296.3, the governing boards or administrators of private elementary or secondary schools which are accredited pursuant to § 22.1-19 or a private organization coordinating such records information on behalf of such governing boards or administrators pursuant to a written agreement with the Department of State Police;
24. Public institutions of higher education and nonprofit private institutions of higher education for the purpose of screening individuals who are offered or accept employment;
25. Members of a threat assessment team established by a local school board pursuant to § 22.1-79.4, by a public institution of higher education pursuant to § 23.1-805, or by a private nonprofit institution of higher education, for the purpose of assessing or intervening with an individual whose behavior may present a threat to safety; however, no member of a threat assessment team shall redisclose any criminal history record information obtained pursuant to this section or otherwise use any record of an individual beyond the purpose that such disclosure was made to the threat assessment team;
26. Executive directors of community services boards or the personnel director serving the community services board for the purpose of determining an individual's fitness for employment, approval as a sponsored residential service provider, or permission to enter into a shared living arrangement with a person receiving medical assistance services pursuant to a waiver pursuant to §§ 37.2-506 and 37.2-607;
27. Executive directors of behavioral health authorities as defined in § 37.2-600 for the purpose of determining an individual's fitness for employment, approval as a sponsored residential service provider, or permission to enter into a shared living arrangement with a person receiving medical assistance services pursuant to a waiver pursuant to §§ 37.2-506 and 37.2-607;
28. The Commissioner of Social Services for the purpose of locating persons who owe child support or who are alleged in a pending paternity proceeding to be a putative father, provided that only the name, address, demographics and social security number of the data subject shall be released;
29. Authorized officers or directors of agencies licensed pursuant to Article 2 (§ 37.2-403 et seq.) of Chapter 4 of Title 37.2 by the Department of Behavioral Health and Developmental Services for the purpose of determining if any applicant who accepts employment in any direct care position or requests approval as a sponsored residential service provider or permission to enter into a shared living arrangement with a person receiving medical assistance services pursuant to a waiver has been convicted of a crime that affects his fitness to have responsibility for the safety and well-being of individuals with mental illness, intellectual disability, or substance abuse pursuant to §§ 37.2-416, 37.2-506, and 37.2-607;
30. The Commissioner of the Department of Motor Vehicles, for the purpose of evaluating applicants for and holders of a motor carrier certificate or license subject to the provisions of Chapters 20 (§ 46.2-2000 et seq.) and 21 (§ 46.2-2100 et seq.) of Title 46.2;
31. The chairmen of the Committees for Courts of Justice of the Senate or the House of Delegates for the purpose of determining if any person being considered for election to any judgeship has been convicted of a crime;
32. Heads of state agencies in which positions have been identified as sensitive for the purpose of determining an individual's fitness for employment in positions designated as sensitive under Department of Human Resource Management policies developed pursuant to § 2.2-1201.1;
33. The Office of the Attorney General, for all criminal justice activities otherwise permitted under subdivision A 1 and for purposes of performing duties required by the Civil Commitment of Sexually Violent Predators Act (§ 37.2-900 et seq.);

34. Shipyards, to the extent permitted by federal law or regulation, engaged in the design, construction, overhaul, or repair of nuclear vessels for the United States Navy, including their subsidiary companies, for the conduct of investigations of applications for employment or for access to facilities, by contractors, leased laborers, and other visitors;

35. Any employer of individuals whose employment requires that they enter the homes of others, for the purpose of screening individuals who apply for, are offered, or have accepted such employment;

36. Public agencies when and as required by federal or state law to investigate (i) applicants as providers of adult foster care and home-based services or (ii) any individual with whom the agency is considering placing an adult on an emergency, temporary, or permanent basis pursuant to § 63.2-1601.1, subject to the restriction that the data shall not be further disseminated by the agency to any party other than a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination, subject to limitations set out in subsection G;

37. The Department of Medical Assistance Services, or its designee, for the purpose of screening individuals who, through contracts, subcontracts, or direct employment, volunteer, apply for, are offered, or have accepted a position related to the provision of transportation services to enrollees in the Medicaid Program or the Family Access to Medical Insurance Security (FAMIS) Program, or any other program administered by the Department of Medical Assistance Services;

38. The State Corporation Commission for the purpose of investigating individuals who are current or proposed members, senior officers, directors, and principals of an applicant or person licensed under Chapter 16 (§ 6.2-1600 et seq.) ~~or~~, Chapter 19 (§ 6.2-1900 et seq.), *or Chapter 26 (§ 6.2-2600 et seq.)* of Title 6.2. Notwithstanding any other provision of law, if an application is denied based in whole or in part on information obtained from the Central Criminal Records Exchange pursuant to Chapter 16 ~~or~~, 19, *or 26* of Title 6.2, the Commissioner of Financial Institutions or his designee may disclose such information to the applicant or its designee;

39. The Department of Professional and Occupational Regulation for the purpose of investigating individuals for initial licensure pursuant to § 54.1-2106.1;

40. The Department for Aging and Rehabilitative Services and the Department for the Blind and Vision Impaired for the purpose of evaluating an individual's fitness for various types of employment and for the purpose of delivering comprehensive vocational rehabilitation services pursuant to Article 11 (§ 51.5-170 et seq.) of Chapter 14 of Title 51.5 that will assist the individual in obtaining employment;

41. Bail bondsmen, in accordance with the provisions of § 19.2-120;

42. The State Treasurer for the purpose of determining whether a person receiving compensation for wrongful incarceration meets the conditions for continued compensation under § 8.01-195.12;

43. The Department of Social Services and directors of local departments of social services for the purpose of screening individuals seeking to enter into a contract with the Department of Social Services or a local department of social services for the provision of child care services for which child care subsidy payments may be provided;

44. The Department of Juvenile Justice to investigate any parent, guardian, or other adult members of a juvenile's household when completing a predispositional or postdispositional report required by § 16.1-273 or a Board of Juvenile Justice regulation promulgated pursuant to § 16.1-233; and

45. Other entities as otherwise provided by law.

Upon an ex parte motion of a defendant in a felony case and upon the showing that the records requested may be relevant to such case, the court shall enter an order requiring the Central Criminal Records Exchange to furnish the defendant, as soon as practicable, copies of any records of persons designated in the order on whom a report has been made under the provisions of this chapter.

Notwithstanding any other provision of this chapter to the contrary, upon a written request sworn to before an officer authorized to take acknowledgments, the Central Criminal Records Exchange, or the criminal justice agency in cases of offenses not required to be reported to the Exchange, shall furnish a copy of conviction data covering the person named in the request to the person making the request; however, such person on whom the data is being obtained shall consent in writing, under oath, to the making of such request. A person receiving a copy of his own conviction data may utilize or further disseminate that data as he deems appropriate. In the event no conviction data is maintained on the data subject, the person making the request shall be furnished at his cost a certification to that effect.

B. Use of criminal history record information disseminated to noncriminal justice agencies under this section shall be limited to the purposes for which it was given and may not be disseminated further.

C. No criminal justice agency or person shall confirm the existence or nonexistence of criminal history record information for employment or licensing inquiries except as provided by law.

D. Criminal justice agencies shall establish procedures to query the Central Criminal Records Exchange prior to dissemination of any criminal history record information on offenses required to be reported to the Central Criminal Records Exchange to ensure that the most up-to-date disposition data is being used. Inquiries of the Exchange shall be made prior to any dissemination except in those cases where time is of the essence and the normal response time of the Exchange would exceed the necessary time period. A criminal justice agency to whom a request has been made for the dissemination of criminal history record information that is required to be reported to the Central Criminal Records Exchange may direct the inquirer to the Central Criminal Records Exchange for such dissemination. Dissemination of information regarding offenses not required to be reported to the Exchange shall be made by the criminal justice agency maintaining the record as required by § 15.2-1722.

E. Criminal history information provided to licensed nursing homes, hospitals and to home care organizations pursuant to subdivision A 15 shall be limited to the convictions on file with the Exchange for any offense specified in §§ 32.1-126.01, 32.1-126.02, and 32.1-162.9:1.

F. Criminal history information provided to licensed assisted living facilities and licensed adult day care centers pursuant to subdivision A 16 shall be limited to the convictions on file with the Exchange for any offense specified in § 63.2-1720.

G. Criminal history information provided to public agencies pursuant to subdivision A 36 shall be limited to the convictions on file with the Exchange for any offense set forth in clause (i) of the definition of barrier crime in § 19.2-392.02.

H. Upon receipt of a written request from an employer or prospective employer, the Central Criminal Records Exchange, or the criminal justice agency in cases of offenses not required to be reported to the Exchange, shall furnish at the employer's cost a copy of conviction data covering the person named in the request to the employer or prospective employer making the request, provided that the person on whom the data is being obtained has consented in writing to the making of such request and has presented a photo-identification to the employer or prospective employer. In the event no conviction data is maintained on the person named in the request, the requesting employer or prospective employer shall be furnished at his cost a certification to that effect. The criminal history record search shall be conducted on forms provided by the Exchange.

I. Nothing in this section shall preclude the dissemination of a person's criminal history record information pursuant to the rules of court for obtaining discovery or for review by the court.

§ 19.2-389. (Effective January 1, 2021) Dissemination of criminal history record information.

A. Criminal history record information shall be disseminated, whether directly or through an intermediary, only to:

1. Authorized officers or employees of criminal justice agencies, as defined by § 9.1-101, for purposes of the administration of criminal justice and the screening of an employment application or review of employment by a criminal justice agency with respect to its own employees or applicants, and dissemination to the Virginia Parole Board, pursuant to this subdivision, of such information on all state-responsible inmates for the purpose of making parole determinations pursuant to subdivisions 1, 2, 3, and 5 of § 53.1-136 shall include collective dissemination by electronic means every 30 days. For purposes of this subdivision, criminal history record information includes information sent to the Central Criminal Records Exchange pursuant to §§ 37.2-819 and 64.2-2014 when disseminated to any full-time or part-time employee of the State Police, a police department or sheriff's office that is a part of or administered by the Commonwealth or any political subdivision thereof, and who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth for the purposes of the administration of criminal justice;

2. Such other individuals and agencies that require criminal history record information to implement a state or federal statute or executive order of the President of the United States or Governor that expressly refers to criminal conduct and contains requirements or exclusions expressly based upon such conduct, except that information concerning the arrest of an individual may not be disseminated to a noncriminal justice agency or individual if an interval of one year has elapsed from the date of the arrest and no disposition of the charge has been recorded and no active prosecution of the charge is pending;

3. Individuals and agencies pursuant to a specific agreement with a criminal justice agency to provide services required for the administration of criminal justice pursuant to that agreement which shall specifically authorize access to data, limit the use of data to purposes for which given, and ensure the security and confidentiality of the data;

4. Individuals and agencies for the express purpose of research, evaluative, or statistical activities pursuant to an agreement with a criminal justice agency that shall specifically authorize access to data, limit the use of data to research, evaluative, or statistical purposes, and ensure the confidentiality and security of the data;

5. Agencies of state or federal government that are authorized by state or federal statute or executive order of the President of the United States or Governor to conduct investigations determining employment suitability or eligibility for security clearances allowing access to classified information;

6. Individuals and agencies where authorized by court order or court rule;

7. Agencies of any political subdivision of the Commonwealth, public transportation companies owned, operated or controlled by any political subdivision, and any public service corporation that operates a public transit system owned by a local government for the conduct of investigations of applicants for employment, permit, or license whenever, in the interest of public welfare or safety, it is necessary to determine under a duly enacted ordinance if the past criminal conduct of a person with a conviction record would be compatible with the nature of the employment, permit, or license under consideration;

7a. Commissions created pursuant to the Transportation District Act of 1964 (§ 33.2-1900 et seq.) of Title 33.2 and their contractors, for the conduct of investigations of individuals who have been offered a position of employment whenever, in the interest of public welfare or safety and as authorized in the Transportation District Act of 1964, it is necessary to determine if the past criminal conduct of a person with a conviction record would be compatible with the nature of the employment under consideration;

8. Public or private agencies when authorized or required by federal or state law or interstate compact to investigate (i) applicants for foster or adoptive parenthood or (ii) any individual, and the adult members of that individual's household, with whom the agency is considering placing a child or from whom the agency is considering removing a child due to abuse or neglect, on an emergency, temporary, or permanent basis pursuant to §§ 63.2-901.1 and 63.2-1505, subject to the

restriction that the data shall not be further disseminated to any party other than a federal or state authority or court as may be required to comply with an express requirement of law;

9. To the extent permitted by federal law or regulation, public service companies as defined in § 56-1, for the conduct of investigations of applicants for employment when such employment involves personal contact with the public or when past criminal conduct of an applicant would be incompatible with the nature of the employment under consideration;

10. The appropriate authority for purposes of granting citizenship and for purposes of international travel, including, but not limited to, issuing visas and passports;

11. A person requesting a copy of his own criminal history record information as defined in § 9.1-101 at his cost, except that criminal history record information shall be supplied at no charge to a person who has applied to be a volunteer with (i) a Virginia affiliate of Big Brothers/Big Sisters of America; (ii) a volunteer fire company; (iii) the Volunteer Emergency Families for Children; (iv) any affiliate of Prevent Child Abuse, Virginia; (v) any Virginia affiliate of Compeer; or (vi) any board member or any individual who has been offered membership on the board of a Crime Stoppers, Crime Solvers or Crime Line program as defined in § 15.2-1713.1;

12. Administrators and board presidents of and applicants for licensure or registration as a child welfare agency as defined in § 63.2-100 for dissemination to the Commissioner of Social Services' representative pursuant to § 63.2-1702 for the conduct of investigations with respect to employees of and volunteers at such facilities, caretakers, and other adults living in family day homes or homes approved by family day systems, and foster and adoptive parent applicants of private child-placing agencies, pursuant to §§ 63.2-1719, 63.2-1720, 63.2-1720.1, 63.2-1721, and 63.2-1721.1, subject to the restriction that the data shall not be further disseminated by the facility or agency to any party other than the data subject, the Commissioner of Social Services' representative or a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination;

13. The school boards of the Commonwealth for the purpose of screening individuals who are offered or who accept public school employment and those current school board employees for whom a report of arrest has been made pursuant to § 19.2-83.1;

14. The Virginia Lottery for the conduct of investigations as set forth in the Virginia Lottery Law (§ 58.1-4000 et seq.), and the Department of Agriculture and Consumer Services for the conduct of investigations as set forth in Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2;

15. Licensed nursing homes, hospitals and home care organizations for the conduct of investigations of applicants for compensated employment in licensed nursing homes pursuant to § 32.1-126.01, hospital pharmacies pursuant to § 32.1-126.02, and home care organizations pursuant to § 32.1-162.9:1, subject to the limitations set out in subsection E;

16. Licensed assisted living facilities and licensed adult day care centers for the conduct of investigations of applicants for compensated employment in licensed assisted living facilities and licensed adult day care centers pursuant to § 63.2-1720, subject to the limitations set out in subsection F;

17. The Virginia Alcoholic Beverage Control Authority for the conduct of investigations as set forth in § 4.1-103.1;

18. The State Board of Elections and authorized officers and employees thereof and general registrars appointed pursuant to § 24.2-110 in the course of conducting necessary investigations with respect to voter registration, limited to any record of felony convictions;

19. The Commissioner of Behavioral Health and Developmental Services for those individuals who are committed to the custody of the Commissioner pursuant to §§ 19.2-169.2, 19.2-169.6, 19.2-182.2, 19.2-182.3, 19.2-182.8, and 19.2-182.9 for the purpose of placement, evaluation, and treatment planning;

20. Any alcohol safety action program certified by the Commission on the Virginia Alcohol Safety Action Program for (i) assessments of habitual offenders under § 46.2-360, (ii) interventions with first offenders under § 18.2-251, or (iii) services to offenders under § 18.2-51.4, 18.2-266, or 18.2-266.1;

21. Residential facilities for juveniles regulated or operated by the Department of Social Services, the Department of Education, or the Department of Behavioral Health and Developmental Services for the purpose of determining applicants' fitness for employment or for providing volunteer or contractual services;

22. The Department of Behavioral Health and Developmental Services and facilities operated by the Department for the purpose of determining an individual's fitness for employment pursuant to departmental instructions;

23. Pursuant to § 22.1-296.3, the governing boards or administrators of private elementary or secondary schools which are accredited pursuant to § 22.1-19 or a private organization coordinating such records information on behalf of such governing boards or administrators pursuant to a written agreement with the Department of State Police;

24. Public institutions of higher education and nonprofit private institutions of higher education for the purpose of screening individuals who are offered or accept employment;

25. Members of a threat assessment team established by a local school board pursuant to § 22.1-79.4, by a public institution of higher education pursuant to § 23.1-805, or by a private nonprofit institution of higher education, for the purpose of assessing or intervening with an individual whose behavior may present a threat to safety; however, no member of a threat assessment team shall redisclose any criminal history record information obtained pursuant to this section or otherwise use any record of an individual beyond the purpose that such disclosure was made to the threat assessment team;

26. Executive directors of community services boards or the personnel director serving the community services board for the purpose of determining an individual's fitness for employment, approval as a sponsored residential service provider,

or permission to enter into a shared living arrangement with a person receiving medical assistance services pursuant to a waiver pursuant to §§ 37.2-506 and 37.2-607;

27. Executive directors of behavioral health authorities as defined in § 37.2-600 for the purpose of determining an individual's fitness for employment, approval as a sponsored residential service provider, or permission to enter into a shared living arrangement with a person receiving medical assistance services pursuant to a waiver pursuant to §§ 37.2-506 and 37.2-607;

28. The Commissioner of Social Services for the purpose of locating persons who owe child support or who are alleged in a pending paternity proceeding to be a putative father, provided that only the name, address, demographics and social security number of the data subject shall be released;

29. Authorized officers or directors of agencies licensed pursuant to Article 2 (§ 37.2-403 et seq.) of Chapter 4 of Title 37.2 by the Department of Behavioral Health and Developmental Services for the purpose of determining if any applicant who accepts employment in any direct care position or requests approval as a sponsored residential service provider or permission to enter into a shared living arrangement with a person receiving medical assistance services pursuant to a waiver has been convicted of a crime that affects his fitness to have responsibility for the safety and well-being of individuals with mental illness, intellectual disability, or substance abuse pursuant to §§ 37.2-416, 37.2-506, and 37.2-607;

30. The Commissioner of the Department of Motor Vehicles, for the purpose of evaluating applicants for and holders of a motor carrier certificate or license subject to the provisions of Chapters 20 (§ 46.2-2000 et seq.) and 21 (§ 46.2-2100 et seq.) of Title 46.2;

31. The chairmen of the Committees for Courts of Justice of the Senate or the House of Delegates for the purpose of determining if any person being considered for election to any judgeship has been convicted of a crime;

32. Heads of state agencies in which positions have been identified as sensitive for the purpose of determining an individual's fitness for employment in positions designated as sensitive under Department of Human Resource Management policies developed pursuant to § 2.2-1201.1;

33. The Office of the Attorney General, for all criminal justice activities otherwise permitted under subdivision A 1 and for purposes of performing duties required by the Civil Commitment of Sexually Violent Predators Act (§ 37.2-900 et seq.);

34. Shipyards, to the extent permitted by federal law or regulation, engaged in the design, construction, overhaul, or repair of nuclear vessels for the United States Navy, including their subsidiary companies, for the conduct of investigations of applications for employment or for access to facilities, by contractors, leased laborers, and other visitors;

35. Any employer of individuals whose employment requires that they enter the homes of others, for the purpose of screening individuals who apply for, are offered, or have accepted such employment;

36. Public agencies when and as required by federal or state law to investigate (i) applicants as providers of adult foster care and home-based services or (ii) any individual with whom the agency is considering placing an adult on an emergency, temporary, or permanent basis pursuant to § 63.2-1601.1, subject to the restriction that the data shall not be further disseminated by the agency to any party other than a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination, subject to limitations set out in subsection G;

37. The Department of Medical Assistance Services, or its designee, for the purpose of screening individuals who, through contracts, subcontracts, or direct employment, volunteer, apply for, are offered, or have accepted a position related to the provision of transportation services to enrollees in the Medicaid Program or the Family Access to Medical Insurance Security (FAMIS) Program, or any other program administered by the Department of Medical Assistance Services;

38. The State Corporation Commission for the purpose of investigating individuals who are current or proposed members, senior officers, directors, and principals of an applicant or person licensed under Chapter 16 (§ 6.2-1600 et seq.) ~~or~~ Chapter 19 (§ 6.2-1900 et seq.), *or Chapter 26 (§ 6.2-2600 et seq.)* of Title 6.2. Notwithstanding any other provision of law, if an application is denied based in whole or in part on information obtained from the Central Criminal Records Exchange pursuant to Chapter 16 ~~or~~, 19, *or 26* of Title 6.2, the Commissioner of Financial Institutions or his designee may disclose such information to the applicant or its designee;

39. The Department of Professional and Occupational Regulation for the purpose of investigating individuals for initial licensure pursuant to § 54.1-2106.1;

40. The Department for Aging and Rehabilitative Services and the Department for the Blind and Vision Impaired for the purpose of evaluating an individual's fitness for various types of employment and for the purpose of delivering comprehensive vocational rehabilitation services pursuant to Article 11 (§ 51.5-170 et seq.) of Chapter 14 of Title 51.5 that will assist the individual in obtaining employment;

41. Bail bondsmen, in accordance with the provisions of § 19.2-120;

42. The State Treasurer for the purpose of determining whether a person receiving compensation for wrongful incarceration meets the conditions for continued compensation under § 8.01-195.12;

43. The Department of Social Services and directors of local departments of social services for the purpose of screening individuals seeking to enter into a contract with the Department of Social Services or a local department of social services for the provision of child care services for which child care subsidy payments may be provided;

44. The Department of Juvenile Justice to investigate any parent, guardian, or other adult members of a juvenile's household when completing a predispositional or postdispositional report required by § 16.1-273 or a Board of Juvenile Justice regulation promulgated pursuant to § 16.1-233;

45. The State Corporation Commission, for the purpose of screening applicants for insurance licensure under Chapter 18 (§ 38.2-1800 et seq.) of Title 38.2; and

46. Other entities as otherwise provided by law.

Upon an ex parte motion of a defendant in a felony case and upon the showing that the records requested may be relevant to such case, the court shall enter an order requiring the Central Criminal Records Exchange to furnish the defendant, as soon as practicable, copies of any records of persons designated in the order on whom a report has been made under the provisions of this chapter.

Notwithstanding any other provision of this chapter to the contrary, upon a written request sworn to before an officer authorized to take acknowledgments, the Central Criminal Records Exchange, or the criminal justice agency in cases of offenses not required to be reported to the Exchange, shall furnish a copy of conviction data covering the person named in the request to the person making the request; however, such person on whom the data is being obtained shall consent in writing, under oath, to the making of such request. A person receiving a copy of his own conviction data may utilize or further disseminate that data as he deems appropriate. In the event no conviction data is maintained on the data subject, the person making the request shall be furnished at his cost a certification to that effect.

B. Use of criminal history record information disseminated to noncriminal justice agencies under this section shall be limited to the purposes for which it was given and may not be disseminated further.

C. No criminal justice agency or person shall confirm the existence or nonexistence of criminal history record information for employment or licensing inquiries except as provided by law.

D. Criminal justice agencies shall establish procedures to query the Central Criminal Records Exchange prior to dissemination of any criminal history record information on offenses required to be reported to the Central Criminal Records Exchange to ensure that the most up-to-date disposition data is being used. Inquiries of the Exchange shall be made prior to any dissemination except in those cases where time is of the essence and the normal response time of the Exchange would exceed the necessary time period. A criminal justice agency to whom a request has been made for the dissemination of criminal history record information that is required to be reported to the Central Criminal Records Exchange may direct the inquirer to the Central Criminal Records Exchange for such dissemination. Dissemination of information regarding offenses not required to be reported to the Exchange shall be made by the criminal justice agency maintaining the record as required by § 15.2-1722.

E. Criminal history information provided to licensed nursing homes, hospitals and to home care organizations pursuant to subdivision A 15 shall be limited to the convictions on file with the Exchange for any offense specified in §§ 32.1-126.01, 32.1-126.02, and 32.1-162.9:1.

F. Criminal history information provided to licensed assisted living facilities and licensed adult day care centers pursuant to subdivision A 16 shall be limited to the convictions on file with the Exchange for any offense specified in § 63.2-1720.

G. Criminal history information provided to public agencies pursuant to subdivision A 36 shall be limited to the convictions on file with the Exchange for any offense set forth in clause (i) of the definition of barrier crime in § 19.2-392.02.

H. Upon receipt of a written request from an employer or prospective employer, the Central Criminal Records Exchange, or the criminal justice agency in cases of offenses not required to be reported to the Exchange, shall furnish at the employer's cost a copy of conviction data covering the person named in the request to the employer or prospective employer making the request, provided that the person on whom the data is being obtained has consented in writing to the making of such request and has presented a photo-identification to the employer or prospective employer. In the event no conviction data is maintained on the person named in the request, the requesting employer or prospective employer shall be furnished at his cost a certification to that effect. The criminal history record search shall be conducted on forms provided by the Exchange.

I. Nothing in this section shall preclude the dissemination of a person's criminal history record information pursuant to the rules of court for obtaining discovery or for review by the court.

§ 59.1-200. Prohibited practices.

A. The following fraudulent acts or practices committed by a supplier in connection with a consumer transaction are hereby declared unlawful:

1. Misrepresenting goods or services as those of another;
2. Misrepresenting the source, sponsorship, approval, or certification of goods or services;
3. Misrepresenting the affiliation, connection, or association of the supplier, or of the goods or services, with another;
4. Misrepresenting geographic origin in connection with goods or services;
5. Misrepresenting that goods or services have certain quantities, characteristics, ingredients, uses, or benefits;
6. Misrepresenting that goods or services are of a particular standard, quality, grade, style, or model;
7. Advertising or offering for sale goods that are used, secondhand, repossessed, defective, blemished, deteriorated, or reconditioned, or that are "seconds," irregulars, imperfects, or "not first class," without clearly and unequivocally indicating

in the advertisement or offer for sale that the goods are used, secondhand, repossessed, defective, blemished, deteriorated, reconditioned, or are "seconds," irregulars, imperfects or "not first class";

8. Advertising goods or services with intent not to sell them as advertised, or with intent not to sell at the price or upon the terms advertised.

In any action brought under this subdivision, the refusal by any person, or any employee, agent, or servant thereof, to sell any goods or services advertised or offered for sale at the price or upon the terms advertised or offered, shall be prima facie evidence of a violation of this subdivision. This paragraph shall not apply when it is clearly and conspicuously stated in the advertisement or offer by which such goods or services are advertised or offered for sale, that the supplier or offeror has a limited quantity or amount of such goods or services for sale, and the supplier or offeror at the time of such advertisement or offer did in fact have or reasonably expected to have at least such quantity or amount for sale;

9. Making false or misleading statements of fact concerning the reasons for, existence of, or amounts of price reductions;

10. Misrepresenting that repairs, alterations, modifications, or services have been performed or parts installed;

11. Misrepresenting by the use of any written or documentary material that appears to be an invoice or bill for merchandise or services previously ordered;

12. Notwithstanding any other provision of law, using in any manner the words "wholesale," "wholesaler," "factory," or "manufacturer" in the supplier's name, or to describe the nature of the supplier's business, unless the supplier is actually engaged primarily in selling at wholesale or in manufacturing the goods or services advertised or offered for sale;

13. Using in any contract or lease any liquidated damage clause, penalty clause, or waiver of defense, or attempting to collect any liquidated damages or penalties under any clause, waiver, damages, or penalties that are void or unenforceable under any otherwise applicable laws of the Commonwealth, or under federal statutes or regulations;

13a. Failing to provide to a consumer, or failing to use or include in any written document or material provided to or executed by a consumer, in connection with a consumer transaction any statement, disclosure, notice, or other information however characterized when the supplier is required by 16 C.F.R. Part 433 to so provide, use, or include the statement, disclosure, notice, or other information in connection with the consumer transaction;

14. Using any other deception, fraud, false pretense, false promise, or misrepresentation in connection with a consumer transaction;

15. Violating any provision of § 3.2-6512, 3.2-6513, or 3.2-6516, relating to the sale of certain animals by pet dealers which is described in such sections, is a violation of this chapter;

16. Failing to disclose all conditions, charges, or fees relating to:

a. The return of goods for refund, exchange, or credit. Such disclosure shall be by means of a sign attached to the goods, or placed in a conspicuous public area of the premises of the supplier, so as to be readily noticeable and readable by the person obtaining the goods from the supplier. If the supplier does not permit a refund, exchange, or credit for return, he shall so state on a similar sign. The provisions of this subdivision shall not apply to any retail merchant who has a policy of providing, for a period of not less than 20 days after date of purchase, a cash refund or credit to the purchaser's credit card account for the return of defective, unused, or undamaged merchandise upon presentation of proof of purchase. In the case of merchandise paid for by check, the purchase shall be treated as a cash purchase and any refund may be delayed for a period of 10 banking days to allow for the check to clear. This subdivision does not apply to sale merchandise that is obviously distressed, out of date, post season, or otherwise reduced for clearance; nor does this subdivision apply to special order purchases where the purchaser has requested the supplier to order merchandise of a specific or unusual size, color, or brand not ordinarily carried in the store or the store's catalog; nor shall this subdivision apply in connection with a transaction for the sale or lease of motor vehicles, farm tractors, or motorcycles as defined in § 46.2-100;

b. A layaway agreement. Such disclosure shall be furnished to the consumer (i) in writing at the time of the layaway agreement, or (ii) by means of a sign placed in a conspicuous public area of the premises of the supplier, so as to be readily noticeable and readable by the consumer, or (iii) on the bill of sale. Disclosure shall include the conditions, charges, or fees in the event that a consumer breaches the agreement;

16a. Failing to provide written notice to a consumer of an existing open-end credit balance in excess of \$5 (i) on an account maintained by the supplier and (ii) resulting from such consumer's overpayment on such account. Suppliers shall give consumers written notice of such credit balances within 60 days of receiving overpayments. If the credit balance information is incorporated into statements of account furnished consumers by suppliers within such 60-day period, no separate or additional notice is required;

17. If a supplier enters into a written agreement with a consumer to resolve a dispute that arises in connection with a consumer transaction, failing to adhere to the terms and conditions of such an agreement;

18. Violating any provision of the Virginia Health Club Act, Chapter 24 (§ 59.1-294 et seq.);

19. Violating any provision of the Virginia Home Solicitation Sales Act, Chapter 2.1 (§ 59.1-21.1 et seq.);

20. Violating any provision of the Automobile Repair Facilities Act, Chapter 17.1 (§ 59.1-207.1 et seq.);

21. Violating any provision of the Virginia Lease-Purchase Agreement Act, Chapter 17.4 (§ 59.1-207.17 et seq.);

22. Violating any provision of the Prizes and Gifts Act, Chapter 31 (§ 59.1-415 et seq.);

23. Violating any provision of the Virginia Public Telephone Information Act, Chapter 32 (§ 59.1-424 et seq.);

24. Violating any provision of § 54.1-1505;

25. Violating any provision of the Motor Vehicle Manufacturers' Warranty Adjustment Act, Chapter 17.6 (§ 59.1-207.34 et seq.);

26. Violating any provision of § 3.2-5627, relating to the pricing of merchandise;

27. Violating any provision of the Pay-Per-Call Services Act, Chapter 33 (§ 59.1-429 et seq.);

28. Violating any provision of the Extended Service Contract Act, Chapter 34 (§ 59.1-435 et seq.);

29. Violating any provision of the Virginia Membership Camping Act, Chapter 25 (§ 59.1-311 et seq.);

30. Violating any provision of the Comparison Price Advertising Act, Chapter 17.7 (§ 59.1-207.40 et seq.);

31. Violating any provision of the Virginia Travel Club Act, Chapter 36 (§ 59.1-445 et seq.);

32. Violating any provision of §§ 46.2-1231 and 46.2-1233.1;

33. Violating any provision of Chapter 40 (§ 54.1-4000 et seq.) of Title 54.1;

34. Violating any provision of Chapter 10.1 (§ 58.1-1031 et seq.) of Title 58.1;

35. Using the consumer's social security number as the consumer's account number with the supplier, if the consumer has requested in writing that the supplier use an alternate number not associated with the consumer's social security number;

36. Violating any provision of Chapter 18 (§ 6.2-1800 et seq.) of Title 6.2;

37. Violating any provision of § 8.01-40.2;

38. Violating any provision of Article 7 (§ 32.1-212 et seq.) of Chapter 6 of Title 32.1;

39. Violating any provision of Chapter 34.1 (§ 59.1-441.1 et seq.);

40. Violating any provision of Chapter 20 (§ 6.2-2000 et seq.) of Title 6.2;

41. Violating any provision of the Virginia Post-Disaster Anti-Price Gouging Act, Chapter 46 (§ 59.1-525 et seq.);

42. Violating any provision of Chapter 47 (§ 59.1-530 et seq.);

43. Violating any provision of § 59.1-443.2;

44. Violating any provision of Chapter 48 (§ 59.1-533 et seq.);

45. Violating any provision of Chapter 25 (§ 6.2-2500 et seq.) of Title 6.2;

46. Violating the provisions of clause (i) of subsection B of § 54.1-1115;

47. Violating any provision of § 18.2-239;

48. Violating any provision of Chapter 26 (§ 59.1-336 et seq.);

49. Selling, offering for sale, or manufacturing for sale a children's product the supplier knows or has reason to know was recalled by the U.S. Consumer Product Safety Commission. There is a rebuttable presumption that a supplier has reason to know a children's product was recalled if notice of the recall has been posted continuously at least 30 days before the sale, offer for sale, or manufacturing for sale on the website of the U.S. Consumer Product Safety Commission. This prohibition does not apply to children's products that are used, secondhand or "seconds";

50. Violating any provision of Chapter 44.1 (§ 59.1-518.1 et seq.);

51. Violating any provision of Chapter 22 (§ 6.2-2200 et seq.) of Title 6.2;

52. Violating any provision of § 8.2-317.1;

53. Violating subsection A of § 9.1-149.1;

54. Selling, offering for sale, or using in the construction, remodeling, or repair of any residential dwelling in the Commonwealth, any drywall that the supplier knows or has reason to know is defective drywall. This subdivision shall not apply to the sale or offering for sale of any building or structure in which defective drywall has been permanently installed or affixed;

55. Engaging in fraudulent or improper or dishonest conduct as defined in § 54.1-1118 while engaged in a transaction that was initiated (i) during a declared state of emergency as defined in § 44-146.16 or (ii) to repair damage resulting from the event that prompted the declaration of a state of emergency, regardless of whether the supplier is licensed as a contractor in the Commonwealth pursuant to Chapter 11 (§ 54.1-1100 et seq.) of Title 54.1;

56. Violating any provision of Chapter 33.1 (§ 59.1-434.1 et seq.);

57. Violating any provision of § 18.2-178, 18.2-178.1, or 18.2-200.1;

58. Violating any provision of Chapter 17.8 (§ 59.1-207.45 et seq.);

59. Violating any provision of subsection E of § 32.1-126; and

60. Violating any provision of § 54.1-111 relating to the unlicensed practice of a profession licensed under Chapter 11 (§ 54.1-1100 et seq.) or Chapter 21 (§ 54.1-2100 et seq.) of Title 54.1; and

61. Violating any provision of Chapter 26 (§ 6.2-2600 et seq.) of Title 6.2.

B. Nothing in this section shall be construed to invalidate or make unenforceable any contract or lease solely by reason of the failure of such contract or lease to comply with any other law of the Commonwealth or any federal statute or regulation, to the extent such other law, statute, or regulation provides that a violation of such law, statute, or regulation shall not invalidate or make unenforceable such contract or lease.

2. That the provisions of the first enactment of this act shall become effective on July 1, 2021.

3. That on or before March 1, 2021, the State Corporation Commission shall begin accepting applications for licenses to be issued pursuant to Chapter 26 (§ 6.2-2600 et seq.) of Title 6.2 of the Code of Virginia, as created by this act, when such chapter becomes effective. Applications filed with the Commission may be investigated prior to July 1, 2021, in accordance with § 6.2-2605 of the Code of Virginia, as created by this act.

4. That the State Corporation Commission (the Commission) shall provide a report to members of the House Committee on Labor and Commerce, the Senate Committee on Commerce and Labor, the House Committee on

Education, and the Senate Committee on Education and Health on or before November 1, 2022, that contains the following: (i) the number of licenses issued under Chapter 26 (§ 6.2-2600 et seq.) of Title 6.2 of the Code of Virginia, as created by this act (the Chapter); (ii) the number of applications for a license under the Chapter that have been denied and the reasons for such denials; (iii) the number of licensees under the Chapter that filed a written report with the Commission pursuant to subsection A of § 6.2-2612, as created by this act, and for which of the events enumerated in subdivisions A 1 through 5 of § 6.2-2612, as created by this act, the written report was filed; (iv) the number and nature of complaints received under the Chapter; and (v) the number of investigations and examinations resulting from such complaints and the disposition of such investigations and examinations.

CHAPTER 1251

An Act to amend and reenact § 2.2-4321.2 of the Code of Virginia, relating to contracts with government agencies for public works; agreements with labor organizations.

[S 182]

Approved April 22, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-4321.2 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-4321.2. Public works contracts; project labor agreements authorized.

A. As used in this section:

"Project labor agreement" means a pre-hire collective bargaining agreement with one or more labor organizations that establishes the terms and conditions of employment for a specific public works project.

"Public body" has the same meaning as provided in § 2.2-4301.

"Public works" means the operation, erection, construction, alteration, improvement, maintenance, or repair of any public facility or immovable property owned, used, or leased by a state agency public body.

"State agency" means any authority, board, department, instrumentality, institution, agency, or other unit of state government. "State agency" shall not include any county, city, or town.

B. Except as provided in subsection F or as required by federal law, each state agency *Each public body*, when engaged in procuring products or services or letting contracts for construction, manufacture, maintenance, or operation of public works paid for in whole or in part by state funds, or when overseeing or administering such procurement, construction, manufacture, maintenance, or operation, shall ensure that neither the state agency nor any construction manager acting on behalf of the state agency shall *may*, in its bid specifications, project agreements, or other controlling documents:

1. Require or prohibit bidders, offerors, contractors, or subcontractors to enter into or adhere to *project labor* agreements with one or more labor organizations, on the same or related public works projects; ~~or and~~

2. Otherwise discriminate against *Require* bidders, offerors, contractors, subcontractors, or operators for becoming or refusing to become or remain signatories or otherwise to adhere to *project labor* agreements with one or more labor organizations, on the same or other related public works projects.

Nothing in this subsection shall prohibit contractors or subcontractors from voluntarily entering into agreements described in subdivision 1.

C. A state agency issuing grants, providing financial assistance, or entering into cooperative agreements for the construction, manufacture, maintenance, or operation of public works shall ensure that neither the bid specifications, project agreements, nor other controlling documents therefor awarded by recipients of grants or financial assistance or by parties to cooperative agreements, nor those of any construction manager acting on behalf of such recipients, shall:

1. Require or prohibit bidders, offerors, contractors, or subcontractors to enter into or adhere to agreements with one or more labor organizations, on the same or related projects; or

2. Otherwise discriminate against bidders, offerors, contractors, subcontractors, or operators for becoming or refusing to become or remain signatories or otherwise to adhere to agreements with one or more labor organizations, on the same or other related projects.

D. If an awarding authority, a recipient of grants or financial assistance, a party to a cooperative agreement, or a construction manager acting on behalf of any of them performs in a manner contrary to the provisions of subsection B or C, the state agency awarding the contract, grant, or assistance shall be entitled to injunctive relief to prevent any violation of this section.

E. Any interested party, which shall include a bidder, offeror, contractor, subcontractor, or operator, shall have standing to challenge any bid specification, project agreement, neutrality agreement, controlling document, grant, or cooperative agreement that violates the provisions of this section. Furthermore, such interested party shall be entitled to injunctive relief to prevent any violation of this section.

F. The provisions of this section shall not:

1. Apply to any public-private agreement for any construction or infrastructure project in which the private body, as a condition of its investment or partnership with the state agency, requires that the private body have the right to control its labor relations policy and perform all work associated with such investment or partnership in compliance with all collective bargaining agreements to which the private party is a signatory and is thus legally bound with its own employees and the

employees of its contractors and subcontractors in any manner permitted by the National Labor Relations Act, 29 U.S.C. § 151 et seq., or the Railway Labor Act, 45 U.S.C. § 151 et seq.;

2. Prohibit an employer or any other person covered by the National Labor Relations Act or the Railway Labor Act from entering into agreements or engaging in any other activity protected by law; or

3. Be interpreted to interfere with the labor relations of persons covered by the National Labor Relations Act or the Railway Labor Act.

2. That the provisions of this act shall become effective on May 1, 2021.

CHAPTER 1252

An Act to amend and reenact §§ 3.1, 3.4, 3.5, 3.9, 5.1, 5.4, 5.6, 5.8, 5.9, 5.10, and 5.11 of Chapter 243 of the Acts of Assembly of 1998, which provided a charter for the Town of Scottsville in the County of Albemarle, and to amend Chapter 243 of the Acts of Assembly of 1998 by adding sections numbered 5.12 and 5.13, relating to town council and other town officers.

[S 281]

Approved April 22, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 3.1, 3.4, 3.5, 3.9, 5.1, 5.4, 5.6, 5.8, 5.9, 5.10, and 5.11 of Chapter 243 of the Acts of Assembly of 1998 are amended and reenacted and that Chapter 243 of the Acts of Assembly of 1998 is amended by adding sections numbered 5.12 and 5.13 as follows:

§ 3.1. Governing body.

There shall be a mayor who shall be an elector of said town, and who, together with the six members of the council, shall constitute the governing body of the town. He *or she* shall be elected by the qualified electors of said town at the general election to be held on the first Tuesday in May 1998, and every ~~two~~ four years thereafter, and shall enter upon the duties of his *or her* office on the first day of July next succeeding his *or her* election, and shall continue in office until his *or her* successor is elected and qualified.

There shall be six members of the council, all of whom shall be electors of said town, who, together with the mayor, shall constitute the governing body of said town, and they shall be elected *to serve staggered four-year terms* by the qualified electors of said town at the general election to be held on the first Tuesday in May 1998, and every two years thereafter. All members of the council shall enter upon the duties of that office on the first day of July next succeeding their election, and shall continue in office until their successors are elected and qualified.

However, in 2020, the mayor and the three town council candidates receiving the greatest number of votes shall be elected for terms of four years, and the three town council candidates receiving the next greatest number of votes shall be elected for terms of two years. Beginning in 2022 and every four years thereafter, three council members shall be elected at the time of the May general election, with terms to commence on July 1 following the election. Beginning in 2024 and every four years thereafter, the mayor and three council members shall be elected at the time of the May election, with terms to commence on July 1 following the election.

§ 3.4. Mayor chief executive.

The mayor shall be the chief executive officer of the town, and may receive a salary to be fixed by the council. He *or she* shall see that the ordinances and bylaws of the town are fully executed and enforced.

§ 3.5. Powers of mayor.

The mayor shall preside over the deliberations of the council, but shall have no vote except in case of a tie. The mayor shall have the power to appoint and swear in special policemen for any occasion when in his *or her* judgment it is expedient for the peace and good government of the territory under the criminal jurisdiction of said town, and at such compensation as may be fixed by the council. In case of a vacancy in the office of town sergeant, the mayor shall have power and authority to fill same by temporary appointment until the council shall meet and appoint a town sergeant, such temporary appointment by the mayor to be at such compensation as may be fixed by the council.

§ 3.9. Appointment of council ~~president~~ *vice-mayor*.

The council shall appoint one of its members ~~president~~ *vice-mayor* who shall, in the absence or inability of the mayor, preside over the meetings of the council. In the absence or the inability of the mayor, the ~~president of the council~~ *vice-mayor* shall have the powers of, and perform the duties of the mayor.

§ 5.1. Town sergeant; police officers.

The council shall appoint a town sergeant who shall be the chief police officer of the town, and who shall hold office at the pleasure of the council. ~~His~~ *with such salary as* shall be fixed by the council. ~~The council may appoint an additional police officer, or officers, for the town whenever deemed necessary or expedient who shall hold office at the pleasure of the council, and receive such compensation as the council shall fix. Any~~ *The town sergeant, or other police officer,* may at any time be removed from office by a majority of votes of the council.

The town sergeant shall perform such other duties as the council may direct. He *or she* shall be vested with all the powers ~~which~~ *that* the general laws of the Commonwealth confer upon constables and police officers.

The council may require the town sergeant to execute before the mayor bond, with surety to be approved by him *or her* in the amount to be approved by the council, conditioned for the faithful performance of his *the* duties as *of* town sergeant.

§ 5.4. Duties of treasurer.

The treasurer shall receive all money belonging to the town, and shall perform such other duties as are, or may be, prescribed by the council. He *or she* shall keep his *or her* books and accounts in such manner as the council may prescribe, and such books and accounts shall always be subject to the inspection of the mayor and council.

§ 5.6. Deposit of town moneys.

The treasurer shall be required to keep all moneys in his *or her* hands belonging to the town in such place, or places, of deposit as the town council by ordinance may provide or direct.

§ 5.8. Report of treasurer.

The treasurer shall report to the town council, or a committee thereof, as often as required a full and detailed account of all receipts and expenditures during the month, and the state of the treasury. He *or she* shall also keep a record of all warrants, or orders, their dates, amount, number and the person to whom paid, specifying also the time of payment; and such warrants, or orders, shall be examined at the time of making such report to the council by the auditing committee thereof who shall examine and compare the same with the books of the treasurer and report discrepancies, if any, to the council.

§ 5.9. Town clerk.

The council shall appoint a town clerk, who shall hold office at the pleasure of the council, and who shall receive such compensation as may be fixed by the council and may hold other appointive office or not.

The town clerk shall have the custody of the corporate seal, and he *or she* shall keep all the papers that by the provisions, or the direction of the council, are required to be filed with, or kept by him *or her*; and he *or she* shall perform such other acts and duties as the council may require. He *or she* shall receive such compensation as may be allowed by the council.

§ 5.10. Appointment; duties of clerk of the council.

The council shall appoint a clerk, to be known as the clerk of the council, who may *either* be ~~either~~ a member of the council or hold other appointive office or not.

The clerk of the council shall attend the meetings of the council and keep the record of its proceedings and he *or she* shall perform such other acts and duties as the council may require. He *or she* shall receive such compensation as may be allowed by the council.

§ 5.11. Appointment of town attorney.

The council shall designate from time to time or annually in its discretion, a discreet and competent attorney at law, licensed to practice his *or her* profession in all the courts of the Commonwealth, and shall fix his *or her* compensation.

The town attorney shall advise the mayor and council and the town officers on any official matter presented to him *or her*, and shall prosecute the violation of all town ordinances, upon authorization from the council.

§ 5.12. Town administrator.

The council shall appoint a town administrator; who shall be the executive officer of the town and shall be responsible to the town council and mayor for the proper administration of the town government. It shall be the duties of the town administrator to:

(a) Attend all meetings of the town council, with the right to speak when recognized but not to vote;

(b) Keep the mayor and town council advised of the financial condition, with advice from the town treasurer; and the future needs of the town and all matters pertaining to its proper administration, and make such recommendations as may seem desirable with the assistance of other Charter officers to the mayor and town council;

(c) With the mayor; prepare and submit, with the assistance of the town treasurer and other town officers, the annual budget of the town and be responsible for its administration after its adoption;

(d) Submit adequate reports as required by the town council and mayor; and

(e) Perform such other duties as may be prescribed by this Charter, or required in accordance therewith by the mayor and town council, or which may be required by the chief executive officer of a town by the general laws of the Commonwealth.

All employees of the town, except those appointed by the town council pursuant to this Charter or the general laws of the Commonwealth, shall be appointed and may be removed by the town administrator; who shall report each appointment or removal to the mayor and town council immediately. The town council shall designate a person to act as town administrator in case of the absence, incapacity, death, or resignation of the town administrator; until his or her return to duty or appointment of a successor. Until such time as the town council appoints any such town administrator, the duties and powers outlined herein shall be given to the mayor or such other person as may be designated by the town council. The removal of such town administrator shall be by majority vote of the town council.

§ 5.13. Appointment of one person to more than one office.

The town council may appoint the same person to more than one appointive office, at the discretion of the town council, subject to limitations set forth in the Constitution of Virginia and Title 15.2 (§ 15.2-100 et seq.) of the Code of Virginia, as amended from time to time.

2. That an emergency exists and this act is in force from its passage.

CHAPTER 1253

An Act to amend and reenact §§ 24.2-311, 24.2-503, 24.2-507, 24.2-510, 24.2-515, and 24.2-515.1 of the Code of Virginia, relating to elections; date of June primary election.

[S 316]

Approved April 22, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-311, 24.2-503, 24.2-507, 24.2-510, 24.2-515, and 24.2-515.1 of the Code of Virginia are amended and reenacted as follows:

§ 24.2-311. Effective date of decennial redistricting measures; elections following decennial redistricting.

A. Legislation enacted to accomplish the decennial redistricting of congressional and General Assembly districts required by Article II, Section 6 of the Constitution of Virginia shall take effect immediately. Members of Congress and the General Assembly in office on the effective date of the decennial redistricting legislation shall complete their terms of office. The elections for their successors shall be held at the November general election next preceding the expiration of the terms of office of the incumbent members and shall be conducted on the basis of the districts set out in the legislation to accomplish the decennial redistricting. However, (i) if the decennial redistricting of congressional districts has not been enacted and approved for implementation pursuant to § 5 of the United States Voting Rights Act of 1965 before January 1 of the year of the election for statewide office, the previously enacted congressional districts shall remain in effect for the purpose of meeting the petition signature requirements set out in §§ 24.2-506, 24.2-521, 24.2-543, and 24.2-545 and (ii) any reference on a petition to the usual primary date of the ~~second~~ *third* Tuesday in June shall not be cause to invalidate the petition even though the date of the primary may be altered by law.

B. Ordinances adopted by local governing bodies to accomplish the decennial redistricting of districts for county, city, and town governing bodies required by Article VII, Section 5 of the Constitution of Virginia shall take effect immediately. Members of county, city, and town governing bodies in office on the effective date of a decennial redistricting measure shall complete their terms of office. The elections for their successors shall be held at the general election next preceding the expiration of the terms of office of the incumbent members and shall be conducted on the basis of the districts set out in the measures to accomplish the decennial redistricting.

C. If a vacancy in any such office occurs after the effective date of a decennial redistricting measure and a special election is required by law to fill the vacancy, the vacancy shall be filled from the district in the decennial redistricting measure which most closely approximates the district in which the vacancy occurred.

D. If a decennial redistricting measure adopted by a local governing body adds one or more districts and also increases the size of the governing body, an election for the additional governing body member or members to represent the additional district or districts for the full or partial term provided by law shall be held at the next November general election in any county or in any city or town that regularly elects its governing body in November pursuant to § 24.2-222.1, or at the next May general election in any other city or town, which occurs at least 120 days after the effective date of the redistricting measure.

E. In the event of a conflict between the provisions of a decennial redistricting measure and the provisions of the charter of any locality, the provisions of the redistricting measure shall be deemed to override the charter provisions to the extent required to give effect to the redistricting plan.

§ 24.2-503. Deadlines for filing required statements; extensions.

The written statements of qualification and economic interests shall be filed by (i) primary candidates not later than the filing deadline for the primary, (ii) all other candidates for city and town offices to be filled at a May general election by 7:00 p.m. on the first Tuesday in March, (iii) candidates in special elections by the time of qualifying as a candidate, and (iv) all other candidates by 7:00 p.m. on the ~~second~~ *third* Tuesday in June.

A statement shall be deemed to be timely filed if it is mailed postage prepaid to the appropriate office by registered or certified mail and if the official receipt therefor, which shall be exhibited on demand, shows mailing within the prescribed time limits.

The State Board may grant an extension of any deadline for filing either or both written statements and shall notify all candidates who have not filed their statements of the extension. Any extension shall be granted for a fixed period of time of ten days from the date of the mailing of the notice of the extension.

§ 24.2-507. Deadlines for filing declarations and petitions of candidacy.

For any office, declarations of candidacy and the petitions therefor shall be filed according to the following schedule:

1. For a general election in November, by 7:00 p.m. on the ~~second~~ *third* Tuesday in June;
2. For a general election in May, by 7:00 p.m. on the first Tuesday in March;
3. For a special election held at the same time as a November general election, either (i) at least 81 days before the election or (ii) if the special election is being held at the second November election after the vacancy occurred, by 7:00 p.m. on the ~~second~~ *third* Tuesday in June before that November election;
4. For a special election held at the same time as a May general election, by 7:00 p.m. on the first Tuesday in March; or

5. For a special election held at a time other than a general election, (i) at least 60 days before the election or (ii) within five days of any writ of election or order calling a special election to be held less than 60 days after the issuance of the writ or order.

§ 24.2-510. Deadlines for parties to nominate by methods other than primary.

For any office, nominations by political parties by methods other than a primary shall be made and completed in the manner prescribed by law according to the following schedule:

1. For a general election in November, by 7:00 p.m. on the ~~second~~ *third* Tuesday in June;
2. For a general election in May, by 7:00 p.m. on the first Tuesday in March;
3. For a special election held at the same time as a November general election, either (i) at least 81 days before the election or (ii) if the special election is held at the second November election after the vacancy occurred, by 7:00 p.m. on the ~~second~~ *third* Tuesday in June before that November election;
4. For a special election held at the same time as a May general election, by 7:00 p.m. on the first Tuesday in March; or
5. For a special election held at a time other than a general election, (i) at least 60 days before the election or (ii) within five days of any writ of election or order calling a special election to be held less than 60 days after the issuance of the writ or order.

In the case of all general elections a party shall nominate its candidate for any office by a nonprimary method only within the 47 days immediately preceding the primary date established for nominating candidates for the office in question. This limitation shall have no effect, however, on nominations for special elections or pursuant to § 24.2-539.

§ 24.2-515. Presidential election year primaries.

Primaries for the nomination of candidates for offices to be voted on at the general election date in November shall be held on the ~~second~~ *third* Tuesday in June next preceding such election, except that beginning with the year 2012 and in presidential election years thereafter, primaries to choose among presidential candidates may be held as provided in Article 7 (§ 24.2-544 et seq.). Primaries for the nomination of candidates for offices to be voted on at the general election date in May shall be held on the first Tuesday in March next preceding such election.

§ 24.2-515.1. Schedule for primaries in the year 2001 and each tenth year thereafter.

Primaries for the nomination of candidates for the offices listed in Section 4 of Article VII of the Constitution of Virginia to be voted on at the general election in November 2001 and each tenth year thereafter shall be held on the ~~second~~ *third* Tuesday in June next preceding such election notwithstanding any special primary schedule enacted for any other office.

2. That the provisions of this act shall not become effective unless reenacted by the 2021 Session of the General Assembly.

CHAPTER 1254

An Act to amend and reenact §§ 10.1-603.24 and 10.1-603.25 of the Code of Virginia, relating to Virginia Community Flood Preparedness Fund; loans.

[S 320]

Approved April 22, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 10.1-603.24 and 10.1-603.25 of the Code of Virginia are amended and reenacted as follows:

Article 1.3.

Virginia Shoreline Resiliency Community Flood Preparedness Fund.

§ 10.1-603.24. Definitions.

As used in this article, unless the context requires a different meaning:

"Authority" means the Virginia Resources Authority.

"Cost," as applied to any project financed under the provisions of this article, means the total of all costs incurred by the local government as reasonable and necessary for carrying out all works and undertakings necessary or incident to the accomplishment of any project.

"Department" means the Virginia Department of ~~Emergency Management~~ *Conservation and Recreation*.

"Flood prevention or protection" means the construction of hazard mitigation projects, acquisition of land, or implementation of land use controls that reduce or mitigate damage from coastal or riverine flooding.

"Flood prevention or protection study" means the conduct of a hydraulic or hydrologic study of a flood plain with historic and predicted floods, the assessment of flood risk, and the development of strategies to prevent or mitigate damage from coastal or riverine flooding.

"Fund" means the Virginia ~~Shoreline Resiliency~~ *Community Flood Preparedness* Fund created pursuant to § 10.1-603.25.

"Local government" means any county, city, town, municipal corporation, authority, district, commission, or political subdivision created by the General Assembly or pursuant to the Constitution of Virginia or laws of the Commonwealth.

"Low-income geographic area" means any locality, or community within a locality, that has a median household income that is not greater than 80 percent of the local median household income, or any area in the Commonwealth

designated as a qualified opportunity zone by the U.S. Secretary of the Treasury via his delegation of authority to the Internal Revenue Service.

"Nature-based solution" means an approach that reduces the impacts of flood and storm events through the use of environmental processes and natural systems. A nature-based solution may provide additional benefits beyond flood control, including recreational opportunities and improved water quality.

§ 10.1-603.25. Virginia Community Flood Preparedness Fund; loan and grant program.

~~There shall be set apart a permanent and perpetual fund, to be known as the~~ A. The Virginia Shoreline Resiliency Fund, consisting of such is hereby continued as a permanent and perpetual fund to be known as the Virginia Community Flood Preparedness Fund. All sums that are designated for deposit, for the purpose of assisting localities and their residents affected by recurrent flooding, sea level rise, and flooding from severe weather events, in the Fund from revenue generated by the sale of emissions allowances, all sums that may be appropriated to the Fund by the General Assembly, all receipts by the Fund from the repayment of loans made by it to local governments, all income from the investment of moneys held in the Fund, and any other sums designated for deposit to the Fund from any source, public or private, including any federal grants and awards or other forms of assistance received by the Commonwealth that are eligible for deposit in the Fund under federal law, shall be designated for deposit to it. Any moneys remaining in the Fund, including any appropriated funds and all principal, interest accrued, and payments, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. All loans and grants provided under this article shall be deemed to promote the public purposes of flood prevention or protection and enhancing flood prevention or protection and coastal resilience. ~~The Fund shall be administered by the Department as prescribed in this article. The Department shall establish guidelines regarding the distribution of loans from the Fund and prioritization of such loans.~~

B. Moneys in the Fund shall be used solely for the purposes of enhancing flood prevention or protection and coastal resilience as required by this article. The Authority shall manage the Fund and shall establish interest rates and repayment terms of such loans as provided in this article in accordance with a memorandum of agreement with the Department. The Authority may disburse from the Fund its reasonable costs and expenses incurred in the management of the Fund. The Department shall direct distribution of loans and grants from the Fund in accordance with the provisions of subsection D.

C. The Authority is authorized at any time and from time to time to pledge, assign, or transfer from the Fund or any bank or trust company designated by the Authority any or all of the assets of the Fund to be held in trust as security for the payment of principal of, premium, if any, and interest on any and all bonds, as defined in § 62.1-199, issued to finance any flood prevention or protection project undertaken pursuant to the provisions of this article. In addition, the Authority is authorized at any time and from time to time to sell upon such terms and conditions as the Authority deems appropriate any loan or interest thereon made pursuant to this article. The net proceeds of the sale remaining after payment of costs and expenses shall be designated for deposit to, and become part of, the Fund.

D. The Fund shall be administered by the Department as prescribed in this article. The Department, in consultation with the Secretary of Natural Resources and the Special Assistant to the Governor for Coastal Adaptation and Protection, shall establish guidelines regarding the distribution and prioritization of loans and grants, including loans and grants that support flood prevention or protection studies of statewide or regional significance.

E. Localities shall use moneys from the Fund primarily for the purpose of creating a low-interest loan program to help residents and businesses implementing flood prevention and protection projects and studies in areas that are subject to recurrent flooding as confirmed by a locality-certified floodplain manager. Moneys in the Fund may be used to mitigate future flood damage and to assist inland and coastal communities across the Commonwealth that are subject to recurrent or repetitive flooding. No less than 25 percent of the moneys disbursed from the Fund each year shall be used for projects in low-income geographic areas. Priority shall be given to projects that implement community-scale hazard mitigation activities that use nature-based solutions to reduce flood risk.

F. Any locality is authorized to secure a loan made through such a low-interest loan program pursuant to this section by placing a lien up to the value of the loan against any property that benefits from the loan. Such a lien shall be subordinate to each prior lien on such property, except prior liens for which the prior lienholder executes a written subordination agreement, in a form and substance acceptable to the prior lienholder in its sole and exclusive discretion, that is recorded in the land records where the property is located.

G. Any locality using moneys in the Fund to provide a loan for a project in a low-income geographic area is authorized to forgive the principal of such loan. If a locality forgives the principal of any such loan, any obligation of the locality to repay that principal to the Commonwealth shall not be forgiven and such obligation shall remain in full force and effect. The total amount of loans forgiven by all localities in a fiscal year shall not exceed 30 percent of the amount appropriated in such fiscal year to the Fund by the General Assembly.

2. That any moneys in the Virginia Shoreline Resiliency Fund as created by Chapter 762 of the Acts of Assembly of 2016 shall remain in the Virginia Community Flood Preparedness Fund pursuant to § 10.1-603.25 of the Code of Virginia, as amended and reenacted by this act.

CHAPTER 1255

An Act to amend and reenact § 5.1-5 of the Code of Virginia, relating to aircraft; registration.

[S 356]

Approved April 22, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 5.1-5 of the Code of Virginia is amended and reenacted as follows:

§ 5.1-5. Registration of aircraft.

A. Every resident of the Commonwealth owning a civil aircraft, every nonresident owning a civil aircraft based in the Commonwealth for more than ~~60~~ 90 days during any ~~12-month period~~ calendar year, and every owner of an aerial application aircraft operating within the Commonwealth or of a civil aircraft operated in the Commonwealth as a for-hire intrastate air carrier shall register such aircraft with the Department before such aircraft is operated in the Commonwealth.

B. The Department shall provide for the issuance, expiration, suspension, and revocation of aircraft registration in accordance with regulations promulgated by the Board. Such aircraft registration or registration requirement shall be considered the licensure or licensure requirement for purposes of the tax imposed pursuant to Chapter 15 (§ 58.1-1500 et seq.) of Title 58.1. The Department shall furnish any necessary forms pursuant to the issuance of such registration and may assess a fee for such issuance not in excess of \$5 annually. The Department may, in lieu of issuing aircraft registration required by subsection A, issue commercial aircraft registration to air carriers and commercial dealers and issue to noncommercial dealers noncommercial dealer fleet registration, to cover all aircraft owned by such dealers and all aircraft for sale held by dealers on a consignment basis from an aircraft manufacturer. The Department may assess a fee not in excess of \$50 annually for any such noncommercial dealer fleet registrations issued and a fee not in excess of \$100 annually for any such commercial fleet registrations issued. The fee for a commercial single aircraft registration shall not be in excess of \$10 annually.

C. *Notwithstanding the provisions of subsection A, no aircraft shall be required to be registered if the aircraft is brought into the Commonwealth solely for major maintenance or major repair. An aircraft owner shall provide proof that the aircraft is based at an airport in another state, shown by evidence of a hangar or tie-down lease for a minimum of 12 months prior to the aircraft being brought into the Commonwealth, and proof of the work being performed in the Commonwealth, shown by presentation of invoices that describe such work.*

CHAPTER 1256

An Act to amend and reenact §§ 2.2-3705.7, 2.2-3711, 18.2-334.3, 37.2-304, 58.1-4000, 58.1-4002, 58.1-4007, 58.1-4027, 59.1-364, and 59.1-569 of the Code of Virginia; to amend the Code of Virginia by adding in Chapter 3 of Title 11 a section numbered 11-16.1, by adding in Article 1 of Chapter 3 of Title 37.2 a section numbered 37.2-314.1, by adding a section numbered 58.1-4015.1, and by adding in Chapter 40 of Title 58.1 an article numbered 2, consisting of sections numbered 58.1-4030 through 58.1-4047, relating to sports betting.

[S 384]

Approved April 22, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-3705.7, 2.2-3711, 18.2-334.3, 37.2-304, 58.1-4000, 58.1-4002, 58.1-4007, 58.1-4027, 59.1-364, and 59.1-569 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Chapter 3 of Title 11 a section numbered 11-16.1, by adding in Article 1 of Chapter 3 of Title 37.2 a section numbered 37.2-314.1, by adding a section numbered 58.1-4015.1, and by adding in Chapter 40 of Title 58.1 an article numbered 2, consisting of sections numbered 58.1-4030 through 58.1-4047, as follows:

§ 2.2-3705.7. Exclusions to application of chapter; records of specific public bodies and certain other limited exclusions.

The following information contained in a public record is excluded from the mandatory disclosure provisions of this chapter but may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law. Redaction of information excluded under this section from a public record shall be conducted in accordance with § 2.2-3704.01.

1. State income, business, and estate tax returns, personal property tax returns, and confidential records held pursuant to § 58.1-3.

2. Working papers and correspondence of the Office of the Governor, the Lieutenant Governor, or the Attorney General; the members of the General Assembly, the Division of Legislative Services, or the Clerks of the House of Delegates or the Senate of Virginia; the mayor or chief executive officer of any political subdivision of the Commonwealth; or the president or other chief executive officer of any public institution of higher education in the Commonwealth. However, no information that is otherwise open to inspection under this chapter shall be deemed excluded by virtue of the fact that it has been attached to or incorporated within any working paper or correspondence. Further, information publicly available or not otherwise subject to an exclusion under this chapter or other provision of law that has been aggregated,

combined, or changed in format without substantive analysis or revision shall not be deemed working papers. Nothing in this subdivision shall be construed to authorize the withholding of any resumes or applications submitted by persons who are appointed by the Governor pursuant to § 2.2-106 or 2.2-107.

As used in this subdivision:

"Members of the General Assembly" means each member of the Senate of Virginia and the House of Delegates and their legislative aides when working on behalf of such member.

"Office of the Governor" means the Governor; the Governor's chief of staff, counsel, director of policy, and Cabinet Secretaries; the Assistant to the Governor for Intergovernmental Affairs; and those individuals to whom the Governor has delegated his authority pursuant to § 2.2-104.

"Working papers" means those records prepared by or for a public official identified in this subdivision for his personal or deliberative use.

3. Information contained in library records that can be used to identify (i) both (a) any library patron who has borrowed material from a library and (b) the material such patron borrowed or (ii) any library patron under 18 years of age. For the purposes of clause (ii), access shall not be denied to the parent, including a noncustodial parent, or guardian of such library patron.

4. Contract cost estimates prepared for the confidential use of the Department of Transportation in awarding contracts for construction or the purchase of goods or services, and records and automated systems prepared for the Department's Bid Analysis and Monitoring Program.

5. Lists of registered owners of bonds issued by a political subdivision of the Commonwealth, whether the lists are maintained by the political subdivision itself or by a single fiduciary designated by the political subdivision.

6. Information furnished by a member of the General Assembly to a meeting of a standing committee, special committee, or subcommittee of his house established solely for the purpose of reviewing members' annual disclosure statements and supporting materials filed under § 30-110 or of formulating advisory opinions to members on standards of conduct, or both.

7. Customer account information of a public utility affiliated with a political subdivision of the Commonwealth, including the customer's name and service address, but excluding the amount of utility service provided and the amount of money charged or paid for such utility service.

8. Personal information, as defined in § 2.2-3801, (i) filed with the Virginia Housing Development Authority concerning individuals who have applied for or received loans or other housing assistance or who have applied for occupancy of or have occupied housing financed, owned or otherwise assisted by the Virginia Housing Development Authority; (ii) concerning persons participating in or persons on the waiting list for federally funded rent-assistance programs; (iii) filed with any local redevelopment and housing authority created pursuant to § 36-4 concerning persons participating in or persons on the waiting list for housing assistance programs funded by local governments or by any such authority; or (iv) filed with any local redevelopment and housing authority created pursuant to § 36-4 or any other local government agency concerning persons who have applied for occupancy or who have occupied affordable dwelling units established pursuant to § 15.2-2304 or 15.2-2305. However, access to one's own information shall not be denied.

9. Information regarding the siting of hazardous waste facilities, except as provided in § 10.1-1441, if disclosure of such information would have a detrimental effect upon the negotiating position of a governing body or on the establishment of the terms, conditions, and provisions of the siting agreement.

10. Information on the site-specific location of rare, threatened, endangered, or otherwise imperiled plant and animal species, natural communities, caves, and significant historic and archaeological sites if, in the opinion of the public body that has the responsibility for such information, disclosure of the information would jeopardize the continued existence or the integrity of the resource. This exclusion shall not apply to requests from the owner of the land upon which the resource is located.

11. Memoranda, graphics, video or audio tapes, production models, data, and information of a proprietary nature produced by or for or collected by or for the Virginia Lottery relating to matters of a specific lottery game design, development, production, operation, ticket price, prize structure, manner of selecting the winning ticket, manner of payment of prizes to holders of winning tickets, frequency of drawings or selections of winning tickets, odds of winning, advertising, or marketing, where such information not been publicly released, published, copyrighted, or patented. Whether released, published, or copyrighted, all game-related information shall be subject to public disclosure under this chapter upon the first day of sales for the specific lottery game to which it pertains.

12. Information held by the Virginia Retirement System, acting pursuant to § 51.1-124.30, or a local retirement system, acting pursuant to § 51.1-803, or by a local finance board or board of trustees of a trust established by one or more local public bodies to invest funds for post-retirement benefits other than pensions, acting pursuant to Article 8 (§ 15.2-1544 et seq.) of Chapter 15 of Title 15.2, or by the board of visitors of the University of Virginia, acting pursuant to § 23.1-2210, or by the board of visitors of The College of William and Mary in Virginia, acting pursuant to § 23.1-2803, or by the Virginia College Savings Plan, acting pursuant to § 23.1-704, relating to the acquisition, holding, or disposition of a security or other ownership interest in an entity, where such security or ownership interest is not traded on a governmentally regulated securities exchange, if disclosure of such information would (i) reveal confidential analyses prepared for the board of visitors of the University of Virginia, prepared for the board of visitors of The College of William and Mary in Virginia, prepared by the retirement system, a local finance board or board of trustees, or the Virginia College Savings Plan, or

provided to the retirement system, a local finance board or board of trustees, or the Virginia College Savings Plan under a promise of confidentiality of the future value of such ownership interest or the future financial performance of the entity and (ii) have an adverse effect on the value of the investment to be acquired, held, or disposed of by the retirement system, a local finance board or board of trustees, the board of visitors of the University of Virginia, the board of visitors of The College of William and Mary in Virginia, or the Virginia College Savings Plan. Nothing in this subdivision shall be construed to prevent the disclosure of information relating to the identity of any investment held, the amount invested, or the present value of such investment.

13. Financial, medical, rehabilitative, and other personal information concerning applicants for or recipients of loan funds submitted to or maintained by the Assistive Technology Loan Fund Authority under Chapter 11 (§ 51.5-53 et seq.) of Title 51.5.

14. Information held by the Virginia Commonwealth University Health System Authority pertaining to any of the following: an individual's qualifications for or continued membership on its medical or teaching staffs; proprietary information gathered by or in the possession of the Authority from third parties pursuant to a promise of confidentiality; contract cost estimates prepared for confidential use in awarding contracts for construction or the purchase of goods or services; information of a proprietary nature produced or collected by or for the Authority or members of its medical or teaching staffs; financial statements not publicly available that may be filed with the Authority from third parties; the identity, accounts, or account status of any customer of the Authority; consulting or other reports paid for by the Authority to assist the Authority in connection with its strategic planning and goals; the determination of marketing and operational strategies where disclosure of such strategies would be harmful to the competitive position of the Authority; and information of a proprietary nature produced or collected by or for employees of the Authority, other than the Authority's financial or administrative records, in the conduct of or as a result of study or research on medical, scientific, technical, or scholarly issues, whether sponsored by the Authority alone or in conjunction with a governmental body or a private concern, when such information has not been publicly released, published, copyrighted, or patented. This exclusion shall also apply when such information is in the possession of Virginia Commonwealth University.

15. Information held by the Department of Environmental Quality, the State Water Control Board, the State Air Pollution Control Board, or the Virginia Waste Management Board relating to (i) active federal environmental enforcement actions that are considered confidential under federal law and (ii) enforcement strategies, including proposed sanctions for enforcement actions. Upon request, such information shall be disclosed after a proposed sanction resulting from the investigation has been proposed to the director of the agency. This subdivision shall not be construed to prevent the disclosure of information related to inspection reports, notices of violation, and documents detailing the nature of any environmental contamination that may have occurred or similar documents.

16. Information related to the operation of toll facilities that identifies an individual, vehicle, or travel itinerary, including vehicle identification data or vehicle enforcement system information; video or photographic images; Social Security or other identification numbers appearing on driver's licenses; credit card or bank account data; home addresses; phone numbers; or records of the date or time of toll facility use.

17. Information held by the Virginia Lottery pertaining to (i) the social security number, tax identification number, state sales tax number, home address and telephone number, personal and lottery banking account and transit numbers of a retailer, and financial information regarding the nonlottery operations of specific retail locations and (ii) individual lottery winners, except that a winner's name, hometown, and amount won shall be disclosed. If the value of the prize won by the winner exceeds \$10 million, the information described in clause (ii) shall not be disclosed unless the winner consents in writing to such disclosure.

18. Information held by the Board for Branch Pilots relating to the chemical or drug testing of a person regulated by the Board, where such person has tested negative or has not been the subject of a disciplinary action by the Board for a positive test result.

19. Information pertaining to the planning, scheduling, and performance of examinations of holder records pursuant to the Virginia Disposition of Unclaimed Property Act (§ 55.1-2500 et seq.) prepared by or for the State Treasurer or his agents or employees or persons employed to perform an audit or examination of holder records.

20. Information held by the Virginia Department of Emergency Management or a local governing body relating to citizen emergency response teams established pursuant to an ordinance of a local governing body that reveal the name, address, including e-mail address, telephone or pager numbers, or operating schedule of an individual participant in the program.

21. Information held by state or local park and recreation departments and local and regional park authorities concerning identifiable individuals under the age of 18 years. However, nothing in this subdivision shall operate to prevent the disclosure of information defined as directory information under regulations implementing the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, unless the public body has undertaken the parental notification and opt-out requirements provided by such regulations. Access shall not be denied to the parent, including a noncustodial parent, or guardian of such person, unless the parent's parental rights have been terminated or a court of competent jurisdiction has restricted or denied such access. For such information of persons who are emancipated, the right of access may be asserted by the subject thereof. Any parent or emancipated person who is the subject of the information may waive, in writing, the protections afforded by this subdivision. If the protections are so waived, the public body shall open such information for inspection and copying.

22. Information submitted for inclusion in the Statewide Alert Network administered by the Department of Emergency Management that reveal names, physical addresses, email addresses, computer or internet protocol information, telephone numbers, pager numbers, other wireless or portable communications device information, or operating schedules of individuals or agencies, where the release of such information would compromise the security of the Statewide Alert Network or individuals participating in the Statewide Alert Network.

23. Information held by the Judicial Inquiry and Review Commission made confidential by § 17.1-913.

24. Information held by the Virginia Retirement System acting pursuant to § 51.1-124.30, a local retirement system acting pursuant to § 51.1-803 (hereinafter collectively referred to as the retirement system), or the Virginia College Savings Plan, acting pursuant to § 23.1-704 relating to:

a. Internal deliberations of or decisions by the retirement system or the Virginia College Savings Plan on the pursuit of particular investment strategies, or the selection or termination of investment managers, prior to the execution of such investment strategies or the selection or termination of such managers, if disclosure of such information would have an adverse impact on the financial interest of the retirement system or the Virginia College Savings Plan; and

b. Trade secrets provided by a private entity to the retirement system or the Virginia College Savings Plan if disclosure of such records would have an adverse impact on the financial interest of the retirement system or the Virginia College Savings Plan.

For the records specified in subdivision b to be excluded from the provisions of this chapter, the entity shall make a written request to the retirement system or the Virginia College Savings Plan:

(1) Invoking such exclusion prior to or upon submission of the data or other materials for which protection from disclosure is sought;

(2) Identifying with specificity the data or other materials for which protection is sought; and

(3) Stating the reasons why protection is necessary.

The retirement system or the Virginia College Savings Plan shall determine whether the requested exclusion from disclosure meets the requirements set forth in subdivision b.

Nothing in this subdivision shall be construed to prevent the disclosure of the identity or amount of any investment held or the present value and performance of all asset classes and subclasses.

25. Information held by the Department of Corrections made confidential by § 53.1-233.

26. Information maintained by the Department of the Treasury or participants in the Local Government Investment Pool (§ 2.2-4600 et seq.) and required to be provided by such participants to the Department to establish accounts in accordance with § 2.2-4602.

27. Personal information, as defined in § 2.2-3801, contained in the Veterans Care Center Resident Trust Funds concerning residents or patients of the Department of Veterans Services Care Centers, except that access shall not be denied to the person who is the subject of the information.

28. Information maintained in connection with fundraising activities by the Veterans Services Foundation pursuant to § 2.2-2716 that reveal the address, electronic mail address, facsimile or telephone number, social security number or other identification number appearing on a driver's license, or credit card or bank account data of identifiable donors, except that access shall not be denied to the person who is the subject of the information. Nothing in this subdivision, however, shall be construed to prevent the disclosure of information relating to the amount, date, purpose, and terms of the pledge or donation or the identity of the donor, unless the donor has requested anonymity in connection with or as a condition of making a pledge or donation. The exclusion provided by this subdivision shall not apply to protect from disclosure (i) the identities of sponsors providing grants to or contracting with the foundation for the performance of services or other work or (ii) the terms and conditions of such grants or contracts.

29. Information prepared for and utilized by the Commonwealth's Attorneys' Services Council in the training of state prosecutors or law-enforcement personnel, where such information is not otherwise available to the public and the disclosure of such information would reveal confidential strategies, methods, or procedures to be employed in law-enforcement activities or materials created for the investigation and prosecution of a criminal case.

30. Information provided to the Department of Aviation by other entities of the Commonwealth in connection with the operation of aircraft where the information would not be subject to disclosure by the entity providing the information. The entity providing the information to the Department of Aviation shall identify the specific information to be protected and the applicable provision of this chapter that excludes the information from mandatory disclosure.

31. Information created or maintained by or on the behalf of the judicial performance evaluation program related to an evaluation of any individual justice or judge made confidential by § 17.1-100.

32. Information reflecting the substance of meetings in which (i) individual sexual assault cases are discussed by any sexual assault response team established pursuant to § 15.2-1627.4, (ii) individual child abuse or neglect cases or sex offenses involving a child are discussed by multidisciplinary child sexual abuse response teams established pursuant to § 15.2-1627.5, or (iii) individual cases of abuse, neglect, or exploitation of adults as defined in § 63.2-1603 are discussed by multidisciplinary teams established pursuant to §§ 15.2-1627.5 and 63.2-1605. The findings of any such team may be disclosed or published in statistical or other aggregated form that does not disclose the identity of specific individuals.

33. Information contained in the strategic plan, marketing plan, or operational plan prepared by the Virginia Economic Development Partnership Authority pursuant to § 2.2-2237.1 regarding target companies, specific allocation of resources and staff for marketing activities, and specific marketing activities that would reveal to the Commonwealth's competitors for

economic development projects the strategies intended to be deployed by the Commonwealth, thereby adversely affecting the financial interest of the Commonwealth. The executive summaries of the strategic plan, marketing plan, and operational plan shall not be redacted or withheld pursuant to this subdivision.

34. Information discussed in a closed session of the Physical Therapy Compact Commission or the Executive Board or other committees of the Commission for purposes set forth in subsection E of § 54.1-3491.

35. *Personal information provided to or obtained by the Virginia Lottery in connection with the voluntary exclusion program administered pursuant to § 58.1-4015.1.*

36. *Personal information provided to or obtained by the Virginia Lottery concerning the identity of any person reporting prohibited conduct pursuant to § 58.1-4043.*

§ 2.2-3711. Closed meetings authorized for certain limited purposes.

A. Public bodies may hold closed meetings only for the following purposes:

1. Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body; and evaluation of performance of departments or schools of public institutions of higher education where such evaluation will necessarily involve discussion of the performance of specific individuals. Any teacher shall be permitted to be present during a closed meeting in which there is a discussion or consideration of a disciplinary matter that involves the teacher and some student and the student involved in the matter is present, provided the teacher makes a written request to be present to the presiding officer of the appropriate board. Nothing in this subdivision, however, shall be construed to authorize a closed meeting by a local governing body or an elected school board to discuss compensation matters that affect the membership of such body or board collectively.

2. Discussion or consideration of admission or disciplinary matters or any other matters that would involve the disclosure of information contained in a scholastic record concerning any student of any public institution of higher education in the Commonwealth or any state school system. However, any such student, legal counsel and, if the student is a minor, the student's parents or legal guardians shall be permitted to be present during the taking of testimony or presentation of evidence at a closed meeting, if such student, parents, or guardians so request in writing and such request is submitted to the presiding officer of the appropriate board.

3. Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

4. The protection of the privacy of individuals in personal matters not related to public business.

5. Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community.

6. Discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected.

7. Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body. For the purposes of this subdivision, "probable litigation" means litigation that has been specifically threatened or on which the public body or its legal counsel has a reasonable basis to believe will be commenced by or against a known party. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.

8. Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.

9. Discussion or consideration by governing boards of public institutions of higher education of matters relating to gifts, bequests and fund-raising activities, and of grants and contracts for services or work to be performed by such institution. However, the terms and conditions of any such gifts, bequests, grants, and contracts made by a foreign government, a foreign legal entity, or a foreign person and accepted by a public institution of higher education in the Commonwealth shall be subject to public disclosure upon written request to the appropriate board of visitors. For the purpose of this subdivision, (i) "foreign government" means any government other than the United States government or the government of a state or a political subdivision thereof, (ii) "foreign legal entity" means any legal entity (a) created under the laws of the United States or of any state thereof if a majority of the ownership of the stock of such legal entity is owned by foreign governments or foreign persons or if a majority of the membership of any such entity is composed of foreign persons or foreign legal entities or (b) created under the laws of a foreign government, and (iii) "foreign person" means any individual who is not a citizen or national of the United States or a trust territory or protectorate thereof.

10. Discussion or consideration by the boards of trustees of the Virginia Museum of Fine Arts, the Virginia Museum of Natural History, the Jamestown-Yorktown Foundation, the Fort Monroe Authority, and The Science Museum of Virginia of matters relating to specific gifts, bequests, and grants from private sources.

11. Discussion or consideration of honorary degrees or special awards.

12. Discussion or consideration of tests, examinations, or other information used, administered, or prepared by a public body and subject to the exclusion in subdivision 4 of § 2.2-3705.1.

13. Discussion, consideration, or review by the appropriate House or Senate committees of possible disciplinary action against a member arising out of the possible inadequacy of the disclosure statement filed by the member, provided the member may request in writing that the committee meeting not be conducted in a closed meeting.

14. Discussion of strategy with respect to the negotiation of a hazardous waste siting agreement or to consider the terms, conditions, and provisions of a hazardous waste siting agreement if the governing body in open meeting finds that an open meeting will have an adverse effect upon the negotiating position of the governing body or the establishment of the terms, conditions and provisions of the siting agreement, or both. All discussions with the applicant or its representatives may be conducted in a closed meeting.

15. Discussion by the Governor and any economic advisory board reviewing forecasts of economic activity and estimating general and nongeneral fund revenues.

16. Discussion or consideration of medical and mental health records subject to the exclusion in subdivision 1 of § 2.2-3705.5.

17. Deliberations of the Virginia Lottery Board in a licensing appeal action conducted pursuant to subsection D of § 58.1-4007 regarding the denial or revocation of a license of a lottery sales agent; and discussion, consideration or review of Virginia Lottery matters related to proprietary lottery game information and studies or investigations excluded from disclosure under subdivision 6 of § 2.2-3705.3 and subdivision 11 of § 2.2-3705.7.

18. Those portions of meetings in which the Board of Corrections discusses or discloses the identity of, or information tending to identify, any prisoner who (i) provides information about crimes or criminal activities, (ii) renders assistance in preventing the escape of another prisoner or in the apprehension of an escaped prisoner, or (iii) voluntarily or at the instance of a prison official renders other extraordinary services, the disclosure of which is likely to jeopardize the prisoner's life or safety.

19. Discussion of plans to protect public safety as it relates to terrorist activity or specific cybersecurity threats or vulnerabilities and briefings by staff members, legal counsel, or law-enforcement or emergency service officials concerning actions taken to respond to such matters or a related threat to public safety; discussion of information subject to the exclusion in subdivision 2 or 14 of § 2.2-3705.2, where discussion in an open meeting would jeopardize the safety of any person or the security of any facility, building, structure, information technology system, or software program; or discussion of reports or plans related to the security of any governmental facility, building or structure, or the safety of persons using such facility, building or structure.

20. Discussion by the Board of the Virginia Retirement System, acting pursuant to § 51.1-124.30, or of any local retirement system, acting pursuant to § 51.1-803, or by a local finance board or board of trustees of a trust established by one or more local public bodies to invest funds for postemployment benefits other than pensions, acting pursuant to Article 8 (§ 15.2-1544 et seq.) of Chapter 15 of Title 15.2, or by the board of visitors of the University of Virginia, acting pursuant to § 23.1-2210, or by the Board of the Virginia College Savings Plan, acting pursuant to § 23.1-706, regarding the acquisition, holding or disposition of a security or other ownership interest in an entity, where such security or ownership interest is not traded on a governmentally regulated securities exchange, to the extent that such discussion (i) concerns confidential analyses prepared for the board of visitors of the University of Virginia, prepared by the retirement system, or a local finance board or board of trustees, or the Virginia College Savings Plan or provided to the retirement system, a local finance board or board of trustees, or the Virginia College Savings Plan under a promise of confidentiality, of the future value of such ownership interest or the future financial performance of the entity, and (ii) would have an adverse effect on the value of the investment to be acquired, held, or disposed of by the retirement system, a local finance board or board of trustees, the board of visitors of the University of Virginia, or the Virginia College Savings Plan. Nothing in this subdivision shall be construed to prevent the disclosure of information relating to the identity of any investment held, the amount invested or the present value of such investment.

21. Those portions of meetings in which individual child death cases are discussed by the State Child Fatality Review Team established pursuant to § 32.1-283.1, those portions of meetings in which individual child death cases are discussed by a regional or local child fatality review team established pursuant to § 32.1-283.2, those portions of meetings in which individual death cases are discussed by family violence fatality review teams established pursuant to § 32.1-283.3, those portions of meetings in which individual adult death cases are discussed by the state Adult Fatality Review Team established pursuant to § 32.1-283.5, those portions of meetings in which individual adult death cases are discussed by a local or regional adult fatality review team established pursuant to § 32.1-283.6, those portions of meetings in which individual death cases are discussed by overdose fatality review teams established pursuant to § 32.1-283.7, and those portions of meetings in which individual maternal death cases are discussed by the Maternal Mortality Review Team pursuant to § 32.1-283.8.

22. Those portions of meetings of the board of visitors of the University of Virginia or the Eastern Virginia Medical School Board of Visitors, as the case may be, and those portions of meetings of any persons to whom management responsibilities for the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, have been delegated, in which there is discussed proprietary, business-related information pertaining to the operations of the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, including business development or marketing strategies and activities with existing or future joint venturers, partners, or other parties with whom the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, has formed, or

forms, any arrangement for the delivery of health care, if disclosure of such information would adversely affect the competitive position of the Medical Center or Eastern Virginia Medical School, as the case may be.

23. Discussion or consideration by the Virginia Commonwealth University Health System Authority or the board of visitors of Virginia Commonwealth University of any of the following: the acquisition or disposition by the Authority of real property, equipment, or technology software or hardware and related goods or services, where disclosure would adversely affect the bargaining position or negotiating strategy of the Authority; matters relating to gifts or bequests to, and fund-raising activities of, the Authority; grants and contracts for services or work to be performed by the Authority; marketing or operational strategies plans of the Authority where disclosure of such strategies or plans would adversely affect the competitive position of the Authority; and members of the Authority's medical and teaching staffs and qualifications for appointments thereto.

24. Those portions of the meetings of the Health Practitioners' Monitoring Program Committee within the Department of Health Professions to the extent such discussions identify any practitioner who may be, or who actually is, impaired pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1.

25. Meetings or portions of meetings of the Board of the Virginia College Savings Plan wherein personal information, as defined in § 2.2-3801, which has been provided to the Board or its employees by or on behalf of individuals who have requested information about, applied for, or entered into prepaid tuition contracts or savings trust account agreements pursuant to Chapter 7 (§ 23.1-700 et seq.) of Title 23.1 is discussed.

26. Discussion or consideration, by the former Wireless Carrier E-911 Cost Recovery Subcommittee created pursuant to former § 56-484.15, of trade secrets submitted by CMRS providers, as defined in § 56-484.12, related to the provision of wireless E-911 service.

27. Those portions of disciplinary proceedings by any regulatory board within the Department of Professional and Occupational Regulation, Department of Health Professions, or the Board of Accountancy conducted pursuant to § 2.2-4019 or 2.2-4020 during which the board deliberates to reach a decision or meetings of health regulatory boards or conference committees of such boards to consider settlement proposals in pending disciplinary actions or modifications to previously issued board orders as requested by either of the parties.

28. Discussion or consideration of information subject to the exclusion in subdivision 11 of § 2.2-3705.6 by a responsible public entity or an affected locality or public entity, as those terms are defined in § 33.2-1800, or any independent review panel appointed to review information and advise the responsible public entity concerning such records.

29. Discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body.

30. Discussion or consideration of grant or loan application information subject to the exclusion in subdivision 17 of § 2.2-3705.6 by (i) the Commonwealth Health Research Board or (ii) the Innovation and Entrepreneurship Investment Authority or the Research and Technology Investment Advisory Committee appointed to advise the Innovation and Entrepreneurship Investment Authority.

31. Discussion or consideration by the Commitment Review Committee of information subject to the exclusion in subdivision 5 of § 2.2-3705.2 relating to individuals subject to commitment as sexually violent predators under Chapter 9 (§ 37.2-900 et seq.) of Title 37.2.

32. Discussion or consideration of confidential proprietary information and trade secrets developed and held by a local public body providing certain telecommunication services or cable television services and subject to the exclusion in subdivision 18 of § 2.2-3705.6. However, the exemption provided by this subdivision shall not apply to any authority created pursuant to the BVU Authority Act (§ 15.2-7200 et seq.).

33. Discussion or consideration by a local authority created in accordance with the Virginia Wireless Service Authorities Act (§ 15.2-5431.1 et seq.) of confidential proprietary information and trade secrets subject to the exclusion in subdivision 19 of § 2.2-3705.6.

34. Discussion or consideration by the State Board of Elections or local electoral boards of voting security matters made confidential pursuant to § 24.2-410.2 or 24.2-625.1.

35. Discussion or consideration by the Forensic Science Board or the Scientific Advisory Committee created pursuant to Article 2 (§ 9.1-1109 et seq.) of Chapter 11 of Title 9.1 of criminal investigative files subject to the exclusion in subdivision B 1 of § 2.2-3706.

36. Discussion or consideration by the Brown v. Board of Education Scholarship Committee of information or confidential matters subject to the exclusion in subdivision A 3 of § 2.2-3705.4, and meetings of the Committee to deliberate concerning the annual maximum scholarship award, review and consider scholarship applications and requests for scholarship award renewal, and cancel, rescind, or recover scholarship awards.

37. Discussion or consideration by the Virginia Port Authority of information subject to the exclusion in subdivision 1 of § 2.2-3705.6 related to certain proprietary information gathered by or for the Virginia Port Authority.

38. Discussion or consideration by the Board of Trustees of the Virginia Retirement System acting pursuant to § 51.1-124.30, by the Investment Advisory Committee appointed pursuant to § 51.1-124.26, by any local retirement system, acting pursuant to § 51.1-803, by the Board of the Virginia College Savings Plan acting pursuant to § 23.1-706, or by the Virginia College Savings Plan's Investment Advisory Committee appointed pursuant to § 23.1-702 of information subject to the exclusion in subdivision 24 of § 2.2-3705.7.

39. Discussion or consideration of information subject to the exclusion in subdivision 3 of § 2.2-3705.6 related to economic development.

40. Discussion or consideration by the Board of Education of information relating to the denial, suspension, or revocation of teacher licenses subject to the exclusion in subdivision 11 of § 2.2-3705.3.

41. Those portions of meetings of the Virginia Military Advisory Council or any commission created by executive order for the purpose of studying and making recommendations regarding preventing closure or realignment of federal military and national security installations and facilities located in Virginia and relocation of such facilities to Virginia, or a local or regional military affairs organization appointed by a local governing body, during which there is discussion of information subject to the exclusion in subdivision 8 of § 2.2-3705.2.

42. Discussion or consideration by the Board of Trustees of the Veterans Services Foundation of information subject to the exclusion in subdivision 28 of § 2.2-3705.7 related to personally identifiable information of donors.

43. Discussion or consideration by the Virginia Tobacco Region Revitalization Commission of information subject to the exclusion in subdivision 23 of § 2.2-3705.6 related to certain information contained in grant applications.

44. Discussion or consideration by the board of directors of the Commercial Space Flight Authority of information subject to the exclusion in subdivision 24 of § 2.2-3705.6 related to rate structures or charges for the use of projects of, the sale of products of, or services rendered by the Authority and certain proprietary information of a private entity provided to the Authority.

45. Discussion or consideration of personal and proprietary information related to the resource management plan program and subject to the exclusion in (i) subdivision 25 of § 2.2-3705.6 or (ii) subsection E of § 10.1-104.7. This exclusion shall not apply to the discussion or consideration of records that contain information that has been certified for release by the person who is the subject of the information or transformed into a statistical or aggregate form that does not allow identification of the person who supplied, or is the subject of, the information.

46. Discussion or consideration by the Board of Directors of the Virginia Alcoholic Beverage Control Authority of information subject to the exclusion in subdivision 1 of § 2.2-3705.3 related to investigations of applicants for licenses and permits and of licensees and permittees.

47. Discussion or consideration of grant or loan application records subject to the exclusion in subdivision 28 of § 2.2-3705.6 related to the submission of an application for an award from the Virginia Research Investment Fund pursuant to Article 8 (§ 23.1-3130 et seq.) of Chapter 31 of Title 23.1 or interviews of parties to an application by a reviewing entity pursuant to subsection D of § 23.1-3133 or by the Virginia Research Investment Committee.

48. Discussion or development of grant proposals by a regional council established pursuant to Article 26 (§ 2.2-2484 et seq.) of Chapter 24 to be submitted for consideration to the Virginia Growth and Opportunity Board.

49. Discussion or consideration of (i) individual sexual assault cases by a sexual assault response team established pursuant to § 15.2-1627.4, (ii) individual child abuse or neglect cases or sex offenses involving a child by a child sexual abuse response team established pursuant to § 15.2-1627.5, or (iii) individual cases involving abuse, neglect, or exploitation of adults as defined in § 63.2-1603 pursuant to §§ 15.2-1627.5 and 63.2-1605.

50. Discussion or consideration by the Board of the Virginia Economic Development Partnership Authority, the Joint Legislative Audit and Review Commission, or any subcommittees thereof, of the portions of the strategic plan, marketing plan, or operational plan exempt from disclosure pursuant to subdivision 33 of § 2.2-3705.7.

51. Those portions of meetings of the subcommittee of the Board of the Virginia Economic Development Partnership Authority established pursuant to subsection F of § 2.2-2237.3 to review and discuss information received from the Virginia Employment Commission pursuant to subdivision C 2 of § 60.2-114.

52. *Deliberations of the Virginia Lottery Board in an appeal conducted pursuant to § 58.1-4007 regarding the denial of, revocation of, suspension of, or refusal to renew a permit related to sports betting and any discussion, consideration, or review of matters related to investigations excluded from mandatory disclosure under subdivision 1 of § 2.2-3705.3.*

B. No resolution, ordinance, rule, contract, regulation or motion adopted, passed or agreed to in a closed meeting shall become effective unless the public body, following the meeting, reconvenes in open meeting and takes a vote of the membership on such resolution, ordinance, rule, contract, regulation, or motion that shall have its substance reasonably identified in the open meeting.

C. Public officers improperly selected due to the failure of the public body to comply with the other provisions of this section shall be de facto officers and, as such, their official actions are valid until they obtain notice of the legal defect in their election.

D. Nothing in this section shall be construed to prevent the holding of conferences between two or more public bodies, or their representatives, but these conferences shall be subject to the same procedures for holding closed meetings as are applicable to any other public body.

E. This section shall not be construed to (i) require the disclosure of any contract between the Department of Health Professions and an impaired practitioner entered into pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1 or (ii) require the board of directors of any authority created pursuant to the Industrial Development and Revenue Bond Act (§ 15.2-4900 et seq.), or any public body empowered to issue industrial revenue bonds by general or special law, to identify a business or industry to which subdivision A 5 applies. However, such business or industry shall be identified as a matter of public record at least 30 days prior to the actual date of the board's authorization of the sale or issuance of such bonds.

§ 11-16.1. Exemption; authorized sports betting.

This chapter shall not apply to any sports betting or related activity that is lawful under Article 2 (§ 58.1-4030 et seq.) of Chapter 40 of Title 58.1.

§ 18.2-334.3. Exemptions to article; state lottery; sports betting.

Nothing in this article shall apply to any:

1. Any lottery conducted by the Commonwealth of Virginia pursuant to Article 1 (§ 58.1-4000 et seq.) of Chapter 40 of Title 58.1; or

2. Any sports betting or related activity that is lawful under Article 2 (§ 58.1-4030 et seq.) of Chapter 40 of Title 58.1.

§ 37.2-304. Duties of Commissioner.

The Commissioner shall be the chief executive officer of the Department and shall have the following duties and powers:

1. To supervise and manage the Department and its state facilities.

2. To employ the personnel required to carry out the purposes of this title.

3. To make and enter into all contracts and agreements necessary or incidental to the performance of the Department's duties and the execution of its powers under this title, including contracts with the United States, other states, and agencies and governmental subdivisions of the Commonwealth, consistent with policies and regulations of the Board and applicable federal and state statutes and regulations.

4. To accept, hold, and enjoy gifts, donations, and bequests on behalf of the Department from the United States government, agencies and instrumentalities thereof, and any other source, subject to the approval of the Governor. To these ends, the Commissioner shall have the power to comply with conditions and execute agreements that may be necessary, convenient, or desirable, consistent with policies and regulations of the Board.

5. To accept, execute, and administer any trust in which the Department may have an interest, under the terms of the instruments creating the trust, subject to the approval of the Governor.

6. To transfer between state hospitals and training centers school-age individuals who have been identified as appropriate to be placed in public school programs and to negotiate with other school divisions for placements in order to ameliorate the impact on those school divisions located in a jurisdiction in which a state hospital or training center is located.

7. To provide to the Director of the Commonwealth's designated protection and advocacy system, established pursuant to § 51.5-39.13, a written report setting forth the known facts of (i) critical incidents, as that term is defined in § 37.2-709.1, or deaths of individuals receiving services in facilities and (ii) serious injuries, as that term is defined in regulations adopted by the Board pursuant to § 37.2-400, or deaths of individuals receiving services in programs operated or licensed by the Department within 15 working days of the critical incident, serious injury, or death.

8. To work with the appropriate state and federal entities to ensure that any individual who has received services in a state facility for more than one year has possession of or receives prior to discharge any of the following documents, when they are needed to obtain the services contained in his discharge plan: a Department of Motor Vehicles approved identification card that will expire 90 days from issuance, a copy of his birth certificate if the individual was born in the Commonwealth, or a social security card from the Social Security Administration. State facility directors, as part of their responsibilities pursuant to § 37.2-837, shall implement this provision when discharging individuals.

9. To work with the Department of Veterans Services and the Department for Aging and Rehabilitative Services to establish a program for mental health and rehabilitative services for Virginia veterans and members of the Virginia National Guard and Virginia residents in the Armed Forces Reserves not in active federal service and their family members pursuant to § 2.2-2001.1.

10. To establish and maintain a pharmaceutical and therapeutics committee composed of representatives of the Department of Medical Assistance Services, state facilities operated by the Department, community services boards, at least one health insurance plan, and at least one individual receiving services to develop a drug formulary for use at all community services boards, state facilities operated by the Department, and providers licensed by the Department.

11. To establish and maintain the Commonwealth Mental Health First Aid Program pursuant to § 37.2-312.2.

12. To submit a report for the preceding fiscal year by December 1 of each year to the Governor and the Chairmen of the House Appropriations and Senate Finances Committees that provides information on the operation of Virginia's publicly funded behavioral health and developmental services system. The report shall include a brief narrative and data on the number of individuals receiving state facility services or community services board services, including purchased inpatient psychiatric services; the types and amounts of services received by these individuals; and state facility and community services board service capacities, staffing, revenues, and expenditures. The annual report shall describe major new initiatives implemented during the past year and shall provide information on the accomplishment of systemic outcome and performance measures during the year.

13. To establish a comprehensive program for the prevention and treatment of problem gambling in the Commonwealth and administer the Problem Gambling Treatment and Support Fund established pursuant to § 37.2-314.1.

Unless specifically authorized by the Governor to accept or undertake activities for compensation, the Commissioner shall devote his entire time to his duties.

§ 37.2-314.1. Problem Gambling Treatment and Support Fund.

There is hereby created in the state treasury a special nonreverting fund to be known as the Problem Gambling Treatment and Support Fund, referred to in this section as "the Fund." The Fund shall be established on the books of the

Comptroller. All revenue accruing to the Fund pursuant to subsection A of § 58.1-4038 shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purposes of (i) providing counseling and other support services for compulsive and problem gamblers, (ii) developing and implementing problem gambling treatment and prevention programs, and (iii) providing grants to supporting organizations that provide assistance to compulsive gamblers. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Commissioner.

CHAPTER 40.

VIRGINIA LOTTERY LAW; *SPORTS BETTING.*

Article 1.

Powers and Duties of Virginia Lottery Board; Administration of Tickets and Prizes.

§ 58.1-4000. Short title.

This chapter article shall be known and may be cited as the "Virginia Lottery Law."

§ 58.1-4002. Definitions.

For the purposes of *As used in this chapter, unless the context requires a different meaning:*

"Board" means the Virginia Lottery Board established by this chapter.

"Department" means the independent agency responsible for the administration of the Virginia Lottery ~~created in this chapter pursuant to this article and sports betting pursuant to Article 2 (§ 58.1-4030 et seq.).~~

"Director" means the Director of the Virginia Lottery.

"Lottery" or "state lottery" means the lottery or lotteries established and operated pursuant to this chapter.

"Ticket courier service" means a service operated for the purpose of purchasing Virginia Lottery tickets on behalf of individuals located within or outside the Commonwealth and delivering or transmitting such tickets, or electronic images thereof, to such individuals as a business-for-profit delivery service.

"*Voluntary exclusion program*" means a program established by the Board pursuant to § 58.1-4015.1 that allows individuals to voluntarily exclude themselves from engaging in the activities described in subdivision B 1 of § 58.1-4015.1 by placing their name on a voluntary exclusion list and following the procedures set forth by the Board.

§ 58.1-4007. Powers of the Board.

A. The Board shall have the power to adopt regulations governing the establishment and operation of a lottery pursuant to this article and sports betting pursuant to Article 2 (§ 58.1-4030 et seq.). The regulations governing the establishment and operation of the lottery and sports betting shall be promulgated by the Board after consultation with the Director. Such regulations shall be in accordance with the Administrative Process Act (§ 2.2-4000 et seq.). The regulations shall provide for all matters necessary or desirable for the efficient, honest, and economical operation and administration of the lottery and sports betting and for the convenience of the purchasers of tickets or shares, and the holders of winning tickets or shares, and sports bettors. The regulations, which may be amended, repealed, or supplemented as necessary, shall include, but not be limited to, the following:

1. The type or types of lottery or game to be conducted in accordance with § 58.1-4001.
2. The price or prices of tickets or shares in the lottery.
3. The numbers and sizes of the prizes on the winning tickets or shares, including informing the public of the approximate odds of winning and the proportion of lottery revenues (i) disbursed as prizes and (ii) returned to the Commonwealth as net revenues.
4. The manner of selecting the winning tickets or shares.
5. The manner of payment of prizes to the holders of winning tickets or shares.
6. The frequency of the drawings or selections of winning tickets or shares without limitation.
7. Without limitation as to number, the type or types of locations at which tickets or shares may be sold.
8. The method to be used in selling tickets or shares.
9. The advertisement of the lottery in accordance with the provisions of subsection E of § 58.1-4022.
10. The licensing of agents to sell tickets or shares who will best serve the public convenience and promote the sale of tickets or shares. No person under the age of 18 shall be licensed as an agent. A licensed agent may employ a person who is 16 years of age or older to sell or otherwise vend tickets at the agent's place of business so long as the employee is supervised in the selling or vending of tickets by the manager or supervisor in charge at the location where the tickets are being sold. Employment of such person shall be in compliance with Chapter 5 (§ 40.1-78 et seq.) of Title 40.1.
11. The manner and amount of compensation, if any, to be paid licensed sales agents necessary to provide for the adequate availability of tickets or shares to prospective buyers and for the convenience of the public. Notwithstanding the provisions of this subdivision, the Board shall not be required to approve temporary bonus or incentive programs for payments to licensed sales agents.
12. Apportionment of the total revenues accruing from the sale of tickets or shares and from all other sources and establishment of the amount of the special reserve fund as provided in § 58.1-4022 of this chapter.
13. Such other matters necessary or desirable for the efficient and economical operation and administration of the lottery.
14. *The operation of sports betting pursuant to Article 2 (§ 58.1-4030 et seq.). In adopting such regulations, the Board shall establish a consumer protection program and publish a consumer protection bill of rights. Such program and bill of*

rights shall include measures to protect sports bettors, as defined in § 58.1-4030, with respect to identity, funds and accounts, consumer complaints, self-exclusion, and any other consumer protection measure the Board determines to be reasonable.

15. *The administration of a voluntary exclusion program as provided in § 58.1-4015.1.*

The Department shall not be subject to the provisions of Chapter 43 (§ 2.2-4300 et seq.) of Title 2.2; however, the Board shall promulgate regulations, after consultation with the Director, relative to departmental procurement which include standards of ethics for procurement consistent with the provisions of Article 6 (§ 2.2-4367 et seq.) of Chapter 43 of Title 2.2 and which ensure that departmental procurement will be based on competitive principles.

The Board shall have the power to advise and recommend, but shall have no power to veto or modify administrative decisions of the Director. However, the Board shall have the power to accept, modify or reject any revenue projections before such projections are forwarded to the Governor.

B. The Board shall carry on a continuous study and investigation of the lottery and sports betting throughout the Commonwealth to:

1. Ascertain any defects of this chapter or the regulations issued hereunder which cause abuses in the administration and operation of the lottery and sports betting and any evasions of such provisions.

2. Formulate, with the Director, recommendations for changes in this chapter and the regulations promulgated hereunder to prevent such abuses and evasions.

3. Guard against the use of this chapter and the regulations promulgated hereunder as a subterfuge for organized crime and illegal gambling.

4. Ensure that this law and the regulations of the Board are in such form and are so administered as to serve the true purpose of this chapter.

C. The Board shall make a continuous study and investigation of (i) the operation and the administration of similar laws which that may be in effect in other states or countries, (ii) any literature on the subject which that may be published or available, (iii) any federal laws which that may affect the operation of the lottery and sports betting, and (iv) the reaction of Virginia citizens to the potential features of the lottery and sports betting with a view to recommending or effecting changes that will serve the purpose of this chapter.

D. The Board shall hear and decide an appeal of any denial by the Director of the licensing or revocation of a license of a lottery agent pursuant to subdivision A 10 of subsection A of this section and subdivision B 5 of subsection B of § 58.1-4006 of this chapter. *The Board shall hear and decide an appeal of any penalty, denial of a permit or renewal, or suspension or revocation of a permit imposed by the Director pursuant to Article 2 (§ 58.1-4030 et seq.).*

E. The Board shall have the authority to initiate procedures for the planning, acquisition, and construction of capital projects as set forth in Article 4 (§ 2.2-1129 et seq.) of Chapter 11 and Article 3 (§ 2.2-1819 et seq.) of Chapter 18 of Title 2.2.

F. *The Board may adjust the percentage of uncollectible gaming receivables allowed to be subtracted from adjusted gross revenue, as defined in § 58.1-4030, if it determines that a different percentage is reasonable and customary in the sports betting industry.*

§ 58.1-4015.1. Voluntary exclusion program.

A. *The Board shall adopt regulations to establish and implement a voluntary exclusion program.*

B. *The regulations shall include the following provisions:*

1. *Except as provided by regulation of the Board, a person who participates in the voluntary exclusion program agrees to refrain from (i) playing any account-based lottery game authorized under the provisions of this article; (ii) participating in sports betting, as defined in § 58.1-4030; (iii) engaging in any form of casino gaming that may be allowed under the laws of the Commonwealth; (iv) participating in charitable gaming, as defined in § 18.2-340.16; (v) participating in fantasy contests, as defined in § 59.1-556; or (vi) wagering on horse racing, as defined in § 59.1-365. Any state agency, at the request of the Department, shall assist in administering the voluntary exclusion program pursuant to the provisions of this section.*

2. *A person who participates in the voluntary exclusion program may choose an exclusion period of two years, five years, or lifetime.*

3. *Except as provided by regulation of the Board, a person who participates in the voluntary exclusion program may not petition the Board for removal from the program for the duration of his exclusion period.*

4. *The name of a person participating in the program shall be included on a list of excluded persons. The list of persons entering the voluntary exclusion program and the personal information of the participants shall be confidential, with dissemination by the Department limited to sales agents and permit holders, as defined in § 58.1-4030, and any other parties the Department deems necessary for purposes of enforcement. The list and the personal information of participants in the voluntary exclusion program shall not be subject to disclosure under the Virginia Freedom of Information Act (§ 2.2-3700 et seq.). In addition, the Board may disseminate the list to other parties upon request by the participant and agreement by the Board.*

5. *Sales agents and permit holders shall make all reasonable attempts as determined by the Board to cease all direct marketing efforts to a person participating in the program. The voluntary exclusion program shall not preclude sales agents and permit holders from seeking the payment of a debt incurred by a person before entering the program. In addition, a permit holder may share the names of individuals who self-exclude across its corporate enterprise, including sharing such information with any of its affiliates.*

§ 58.1-4027. Judicial review.

The action of the Board in (i) granting, or in refusing to grant, or denying a license or registration or in suspending or revoking any license or registration under the provisions of this chapter article and (ii) granting, denying, suspending, or revoking any permit or imposing any penalty pursuant to Article 2 (§ 58.1-4030 et seq.) shall be subject to review in accordance with the provisions of the Administrative Process Act (§ 2.2-4000 et seq.). Such review shall be limited to the evidential record of the proceedings provided by the Board. Both the petitioner and the Board shall have the right to appeal to the Court of Appeals from any order of the court.

*Article 2.**Sports Betting.***§ 58.1-4030. Definitions.**

As used in this article, unless the context requires a different meaning:

"Adjusted gross revenue" means gross revenue minus:

1. All cash and the cash value of merchandise paid out as winnings to bettors, and the value of all bonuses or promotions provided to patrons as an incentive to place or as a result of their having placed Internet sports betting wagers;
2. Uncollectible gaming receivables, which shall not exceed two percent, or a different percentage as determined by the Board pursuant to subsection F of § 58.1-4007, of gross revenue minus all cash paid out as winnings to bettors;
3. If the permit holder is a significant infrastructure limited licensee, as defined in § 59.1-365, any funds paid into the horsemen's purse account pursuant to the provisions of subdivision 14 of § 59.1-369; and
4. All excise taxes on sports betting paid pursuant to federal law.

"College sports" means an athletic event (i) in which at least one participant is a team from a public or private institution of higher education, regardless of where such institution is located, and (ii) that does not include a team from a Virginia public or private institution of higher education.

"Covered persons" means athletes; umpires, referees, and officials; personnel associated with clubs, teams, leagues, and athletic associations; medical professionals and athletic trainers who provide services to athletes and players; and the immediate family members and associates of such persons.

"Gross revenue" means the total of all cash, property, or any other form of remuneration, whether collected or not, received by a permittee from its sports betting operations.

"Major league sports franchise" means a professional baseball, basketball, football, hockey, or soccer team that is at the highest-level league of play for its respective sport.

"Motor sports facility" means an outdoor motor sports facility that hosts a National Association for Stock Car Auto Racing (NASCAR) national touring race.

"Official league data" means statistics, results, outcomes, and other data relating to a professional sports event obtained by a permit holder under an agreement with a sports governing body or with an entity expressly authorized by a sports governing body for determining the outcome of tier 2 bets.

"Permit holder" means a person to which the Director issues a permit pursuant to §§ 58.1-4032 and 58.1-4033.

"Personal biometric data" means any information about an athlete that is derived from his DNA, heart rate, blood pressure, perspiration rate, internal or external body temperature, hormone levels, glucose levels, hydration levels, vitamin levels, bone density, muscle density, or sleep patterns, or other information as may be prescribed by the Board by regulation.

"Principal" means any individual who solely or together with his immediate family members (i) owns or controls, directly or indirectly, five percent or more of the pecuniary interest in any entity that is a permit holder or (ii) has the power to vote or cause the vote of five percent or more of the voting securities or other ownership interests of such entity.

"Principal" includes any individual who is employed in a managerial capacity for a sports betting platform on behalf of a permit holder.

"Professional sports" means an athletic event involving at least two human competitors who receive compensation, in excess of their expenses, for participating in such event. "Professional sports" does not include charitable gaming, as defined in § 18.2-340.16; fantasy contests, as defined in § 59.1-556; or horse racing, as defined in § 59.1-365.

"Prohibited conduct" means any statement, action, or other communication intended to influence, manipulate, or control a betting outcome of a sports event or of any individual occurrence or performance in a sports event in exchange for financial gain or to avoid financial or physical harm. "Prohibited conduct" includes statements, actions, and communications made to a covered person by a third party. "Prohibited conduct" does not include statements, actions, or communications made or sanctioned by a sports team or sports governing body.

"Proposition bet" means a bet on an individual action, statistic, occurrence, or non-occurrence to be determined during an athletic event and includes any such action, statistic, occurrence, or non-occurrence that does not directly affect the final outcome of the athletic event to which it relates.

"Sports betting" means placing wagers on professional sports, college sports, sporting events, and any portion thereof, and includes placing wagers related to the individual performance statistics of athletes in such sports and events. "Sports betting" includes any system or method of wagering approved by the Director, including single-game bets, teaser bets, parlays, over-under, moneyline, pools, exchange wagering, in-game wagering, in-play bets, proposition bets, and straight bets. "Sports betting" does not include participating in charitable gaming authorized by Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2; participating in any lottery game authorized under Article 1 (§ 58.1-4000 et seq.);

wagering on horse racing authorized by Chapter 29 (§ 59.1-364 et seq.) of Title 59.1; or participating in fantasy contests authorized by Chapter 51 (§ 59.1-556 et seq.) of Title 59.1. "Sports betting" does not include placing a wager on a college sports event in which a Virginia public or private institution of higher education is a participant.

"Sports betting permit" means a permit to operate a sports betting platform issued pursuant to the provisions of §§ 58.1-4032, 58.1-4033, and 58.1-4034.

"Sports betting platform" means a website, app, or other platform accessible via the Internet or mobile, wireless, or similar communications technology that sports bettors use to participate in sports betting.

"Sports betting program" means the program established by the Board to allow sports betting as described in this article.

"Sports bettor" means a person physically located in Virginia who participates in sports betting.

"Sports event" or "sporting event" means professional sports, college sports, and any athletic event, motor race event, electronic sports event, or competitive video game event.

"Sports governing body" means an organization, headquartered in the United States, that prescribes rules and enforces codes of conduct with respect to a professional sports or college sports event and the participants therein. "Sports governing body" includes a designee of the sports governing body.

"Stadium" means the physical facility that is the primary location at which a major league sports franchise hosts athletic events and any appurtenant facilities.

"Tier 1 bet" means a bet that is placed using the Internet and that is not a tier 2 bet.

"Tier 2 bet" means a bet that is placed using the Internet and that is placed after the event it concerns has started.

"Virginia college sports" means an athletic event in which at least one participant is a team from a Virginia public or private institution of higher education.

"Youth sports" means an athletic event (i) involving a majority of participants under age 18 or (ii) in which at least one participant is a team from a public or private elementary, middle, or secondary school, regardless of where such school is located. However, if an athletic event meets the definition of college sports or professional sports, such event shall not be considered youth sports regardless of the age of the participants.

§ 58.1-4031. Powers and duties of the Director related to sports betting; reporting.

A. The Department shall operate a sports betting program under the direction of the Director, who shall allow applicants to apply for permits to engage in sports betting operations in the Commonwealth. The Board shall regulate such operations. The Department shall not operate a sports betting platform.

B. The Director may:

1. Require bond or other surety satisfactory to the Director from permit holders in such amount as provided in the rules and regulations of the Board adopted under this article;

2. Suspend, revoke, or refuse to renew any permit issued pursuant to this article or the rules and regulations adopted under this article; and

3. Enter into contracts for the operation of the sports betting program, and enter into contracts with other states related to sports betting, provided that a contract awarded or entered into by the Director shall not be assigned by the holder thereof except by specific approval of the Director.

C. The Director shall:

1. Certify monthly to the State Comptroller and the Board a full and complete statement of sports betting revenues and expenses for the previous month;

2. Report monthly to the Governor, the Secretary of Finance, and the Chairmen of the Senate Committee on Finance and Appropriations, House Committee on Finance, and House Committee on Appropriations the total sports betting revenues and expenses for the previous month and make an annual report, which shall include a full and complete statement of sports betting revenues and expenses, to the Governor and the General Assembly, including recommendations for changes in this article as the Director and Board deem prudent; and

3. Report immediately to the Governor and the General Assembly any matters that require immediate changes in the laws of the Commonwealth in order to prevent abuses and evasions of this article or the rules and regulations adopted under this article or to rectify undesirable conditions in connection with the administration or operation of the sports betting program.

D. In accordance with sports betting program regulations, the Director shall approve methods for sports bettors to fund sports betting accounts, including automated clearing house payments, credit cards, debit cards, wire transfers, and any other method that the Board determines is appropriate for sports betting.

§ 58.1-4032. Application for a sports betting permit; penalty.

A. An applicant for a sports betting permit shall:

1. Submit an application to the Director, on forms prescribed by the Director, containing the information prescribed in subsection B; and

2. Pay to the Department a nonrefundable fee of \$50,000 for each principal at the time of filing to defray the costs associated with the background investigations conducted by the Department. If the reasonable costs of the investigation exceed the application fee, the applicant shall pay the additional amount to the Department. The Board may establish regulations calculating the reasonable costs to the Department in performing its functions under this article and allocating such costs to the applicants for licensure at the time of filing.

B. An application for a sports betting permit shall include the following information:

- 1. The applicant's background in sports betting;*
- 2. The applicant's experience in wagering activities in other jurisdictions, including the applicant's history and reputation of integrity and compliance;*
- 3. The applicant's proposed internal controls, including controls to ensure that no prohibited or voluntarily excluded person will be able to participate in sports betting;*
- 4. The applicant's history of working to prevent compulsive gambling, including training programs for its employees;*
- 5. If applicable, any supporting documentation necessary to establish eligibility for substantial and preferred consideration pursuant to the provisions of this section;*
- 6. The applicant's proposed procedures to detect and report suspicious or illegal betting activity; and*
- 7. Any other information the Director deems necessary.*

C. The Department shall conduct a background investigation on the applicant. The background investigation shall include a credit history check, a tax record check, and a criminal history records check.

D. 1. The Director shall not issue any permit pursuant to this article until the Board has established a consumer protection program and published a consumer protection bill of rights pursuant to the provisions of subdivision A 14 of § 58.1-4007.

2. a. The Director shall issue no fewer than four permits pursuant to this section; however, if an insufficient number of applicants apply for the Director to satisfy such minimum, this provision shall not be interpreted to direct the Director to issue a permit to an unqualified applicant. A permit shall not count toward this minimum if it (i) is issued pursuant to subdivision 4 or 5 to a major league sports franchise or to the operator of a facility; (ii) is issued pursuant to subdivision 6 to an applicant that operates or intends to operate a casino gaming establishment; or (iii) is revoked, expires, or otherwise becomes not effective.

b. The Director shall issue no more than 12 permits pursuant to this section. A permit shall not count toward this maximum if it (i) is issued pursuant to subdivision 4 or 5 to a major league sports franchise or to the operator of a facility or (ii) is revoked, expires, or otherwise becomes not effective.

3. In issuing permits to operate sports betting platforms, the Director shall consider the following factors:

- a. The contents of the applicant's application as required by subsection B;*
- b. The extent to which the applicant demonstrates past experience, financial viability, compliance with applicable laws and regulations, and success with sports betting operations in other states;*
- c. The extent to which the applicant will be able to meet the duties of a permit holder, as specified in § 58.1-4034;*
- d. Whether the applicant has demonstrated to the Department that it has made serious, good-faith efforts to solicit and interview a reasonable number of investors that are minority individuals, as defined in § 2.2-1604;*
- e. The amount of adjusted gross revenue and associated tax revenue that an applicant is expected to generate;*
- f. The effect of issuing an additional permit on the amount of gross revenue and associated tax revenue generated by all existing permit holders, considered in the aggregate; and*
- g. Any other factor the Director considers relevant.*

4. In issuing permits to operate sports betting platforms prior to July 1, 2025, the Director shall give substantial and preferred consideration to any applicant that is a major league sports franchise headquartered in the Commonwealth that remitted personal state income tax withholdings based on taxable wages in the Commonwealth in excess of \$200 million for the 2019 taxable year. Any permit holder granted a permit pursuant to this subdivision shall receive substantial and preferred consideration of its first, second, and third applications for renewal pursuant to the provisions of § 58.1-4033; however, such permit holder shall not receive substantial and preferred consideration of its fourth and subsequent applications for renewal. Any permit granted pursuant to this subdivision shall expire if the permit holder ceases to maintain its headquarters in the Commonwealth.

5. In issuing permits to operate sports betting platforms prior to July 1, 2025, the Director shall give substantial and preferred consideration to any applicant that is a major league sports franchise that plays five or more regular season games per year at a facility in the Commonwealth or that is the operator of a facility in the Commonwealth where a major league sports franchise plays five or more regular season games per year; however, the Director shall give such substantial and preferred consideration only if the applicant (i) is headquartered in the Commonwealth, (ii) has an annualized payroll for taxable wages in the Commonwealth that is in excess of \$10 million over the 90-day period prior to the application date, and (iii) the total number of individuals working at the facility in the Commonwealth where the major league sports franchise plays five or more regular season games is in excess of 100.

6. If casino gaming is authorized under the laws of the Commonwealth, then in issuing permits to operate sports betting platforms, the Director shall give substantial and preferred consideration to any applicant that (i) has made or intends to make a capital investment of at least \$250 million in a casino gaming establishment, including the value of the real property upon which such establishment is located and all furnishings, fixtures, and other improvements; (ii) has had its name submitted as a preferred casino gaming operator to the Department by an eligible host city; and (iii) has been certified by the Department to proceed to a local referendum on whether casino gaming will be allowed in the locality in which the applicant intends to operate a casino gaming establishment.

7. In a manner as may be required by Board regulation, any entity that applies pursuant to subdivision D 4, D 5, or D 6 may demonstrate compliance with the requirements of an application, the duties of a permit holder, and any other provision of this article through the use of a partner, subcontractor, or other affiliate of the applicant.

E. The Director shall make a determination on an initial application for a sports betting permit within 90 days of receipt. The Director's action shall be final unless appealed in accordance with § 58.1-4007.

F. The following shall be grounds for denial of a permit or renewal of a permit:

1. The Director reasonably believes the applicant will be unable to satisfy the duties of a permit holder as described in subsection A of § 58.1-4034;

2. The Director reasonably believes that the applicant or its directors lack good character, honesty, or integrity;

3. The Director reasonably believes that the applicant's prior activities, criminal record, reputation, or associations are likely to (i) pose a threat to the public interest, (ii) impede the regulation of sports betting, or (iii) promote unfair or illegal activities in the conduct of sports betting;

4. The applicant or its directors knowingly make a false statement of material fact or deliberately fail to disclose information requested by the Director;

5. The applicant or its directors knowingly fail to comply with the provisions of this article or any requirements of the Director;

6. The applicant or its directors were convicted of a felony, a crime of moral turpitude, or any criminal offense involving dishonesty or breach of trust within the 10 years prior to the submission date of the permit application;

7. The applicant's license, registration, or permit to conduct a sports betting operation issued by any other jurisdiction has been suspended or revoked;

8. The applicant defaults in payment of any obligation or debt due to the Commonwealth; or

9. The applicant's application is incomplete.

G. The Director shall have the discretion to waive any of the grounds for denial of a permit or renewal of a permit if he determines that denial would limit the number of applicants or permit holders in a manner contrary to the best interests of the Commonwealth.

H. Prior to issuance of a permit, each permit holder shall either (i) be bonded by a surety company entitled to do business in the Commonwealth in such amount and penalty as may be prescribed by the regulations of the Board or (ii) provide other surety, letter of credit, or reserve as may be satisfactory to the Director. Such surety shall be prescribed by Board regulations and shall not exceed a reasonable amount.

I. Any person who knowingly and willfully falsifies, conceals, or misrepresents a material fact or knowingly and willfully makes a false, fictitious, or fraudulent statement or representation in any application pursuant to this article is guilty of a Class 1 misdemeanor.

J. In addition to the fee required pursuant to subdivision A 2, any applicant to which the Department issues a permit shall pay a nonrefundable fee of \$250,000 to the Department prior to the issuance of such permit.

§ 58.1-4033. Renewals of permits.

A. A permit issued pursuant to § 58.1-4032 shall be valid for three years from the date issued.

B. At least 60 days before the expiration of a permit, the permit holder shall submit a renewal application, on forms prescribed by the Director, with a nonrefundable renewal fee of \$200,000.

C. The Director may deny a permit renewal if he finds grounds for denial as described in subsection F of § 58.1-4032. The Director's action shall be final unless appealed in accordance with § 58.1-4007.

D. The Director shall make a determination on an application for a renewal of a sports betting permit within 60 days of receipt. The Director's action shall be final unless appealed in accordance with § 58.1-4007.

§ 58.1-4034. Duties of permit holders.

A. A permit holder shall ensure that its sports betting operation takes reasonable measures to:

1. Ensure that only persons physically located in Virginia are able to place bets through its sports betting platform, if applicable;

2. Protect the confidential information of bettors using its sports betting platform or placing bets at its sports betting facility;

3. Prevent betting on events that are prohibited by § 58.1-4039, underage betting as prohibited by § 58.1-4040, and bets by persons who are prohibited from sports betting by § 58.1-4041;

4. Allow persons to restrict themselves from placing bets with the permit holder, including sharing, at the person's request, his request for self-exclusion with the Department for the sole purpose of disseminating the request to other permit holders;

5. Establish procedures to detect suspicious or illegal betting activity, including measures to immediately report such activity to the Department;

6. Provide for the issuance of applicable tax forms to persons who meet the reporting threshold for income from sports betting; and

7. If applicable, allow sports bettors to establish and fund sports betting accounts over the Internet on a sports betting platform, which may be funded through methods including automated clearing house payments, credit cards, debit cards, wire transfers, or any other method approved by the Director under § 58.1-4031.

B. A permit holder shall maintain records on:

1. All bets, including the bettor's personal information, the amount and type of bet, the time and location of the bet, and the outcome of the bet; and

2. Suspicious or illegal betting activity.

C. A permit holder shall disclose the records described in subsection B to the Department upon request and shall maintain such records for at least three years after the related sports event occurs.

D. 1. If a sports governing body notifies the Department that real-time information-sharing for bets placed on its sporting events is necessary and desirable, permit holders shall, as soon as is commercially reasonable, share the information required to be retained pursuant to subdivision B 1 of § 58.1-4034 with the sports governing body or its designee with respect to bets on its sporting events. The information shared pursuant to this subsection shall be shared pseudonymously and shall not include personal information associated with any bettor. A permit holder shall not be required to share any information that is required to be kept confidential under federal or Virginia law.

2. A sports governing body shall use information shared pursuant to this subsection only for the purpose of integrity monitoring and shall not use such information for any commercial purpose. A sports governing body shall provide for security measures with respect to such information so as to prevent unauthorized access and distribution.

E. In advertising its sports betting operations, a permit holder shall ensure that its advertisements:

1. Do not target persons under the age of 21;

2. Disclose the identity of the permit holder;

3. Provide information about or links to resources related to gambling addiction; and

4. Are not misleading to a reasonable person.

F. A permit holder shall not sublicense, convey, concede, or otherwise transfer its permit to a third party unless granted approval by the Director. The Director shall charge a nonrefundable fee of \$200,000 for a permit transfer.

G. 1. A permit holder may operate its sports betting platform under a brand other than its own but is prohibited from holding itself out to the public as a sports betting operation under more than one brand, and a permit holder shall conspicuously display its utilized brand to sports bettors; however, if a permit holder is a major league sports franchise, it shall not be required to associate the name of its sports betting platform with the name of the major league sports franchise and shall be allowed to hold its sports betting platform out to the public under a separate brand name.

2. A permit holder is prohibited from cooperatively marketing its sports betting platform with any business issued a license pursuant to the provisions of Title 4.1. This prohibition shall not apply to any motor sports facility, major league sports franchise, or operator of a facility issued a permit pursuant to the provisions of subdivision D 4 or D 5 of § 58.1-4032, provided that such motor sports facility, major league sports franchise, or operator of a facility shall be authorized to cooperatively market only on the premises of its stadium. If casino gaming is authorized under the laws of the Commonwealth and a casino gaming operator is licensed by the Department as a permit holder, the prohibition in this subdivision shall not apply to such operator, provided that such operator shall be authorized to cooperatively market only on the premises of its casino gaming establishment. A permit holder shall not be allowed an exemption from the prohibition in this subdivision unless (i) such permit holder complies with any applicable local zoning ordinances and (ii) the local governing body approves by ordinance cooperative marketing with respect to the permit holder's stadium or casino gaming establishment.

H. A permit holder shall not purchase or use any personal biometric data unless the permit holder has received written permission from the athlete's exclusive bargaining representative.

I. Permit holders shall at all times maintain cash reserves in amounts to be established by Board regulation.

§ 58.1-4035. Suspension and revocation of permits; civil penalties.

If the Director determines that a permit holder has violated this article, he may, with at least 15 days' notice and a hearing, (i) suspend or revoke the permit holder's permit and (ii) impose a monetary penalty of not more than \$1,000 for each violation per day of this article. The Department shall enforce civil penalties under this section and shall deposit all collected penalties to the general fund. The Director's action shall be final unless appealed in accordance with § 58.1-4007.

§ 58.1-4036. Use of official league data.

A. A permit holder may use any data source for determining the result of a tier 1 bet.

B. A sports governing body may notify the Department that it desires permit holders to use official league data to settle tier 2 bets. A notification under this subsection shall be made according to forms and procedures prescribed by the Director. The Director shall notify each permit holder of the sports governing body's notification within five days after the Department's receipt of the notification. If a sports governing body does not notify the Department of its desire to supply official league data, a permit holder may use any data source for determining the result of a tier 2 bet on a professional sports event of the league governed by the sports governing body.

C. Within 60 days after the Director notifies each permit holder as required under subsection B, permit holders shall use only official league data to determine the results of tier 2 bets on professional sports events of the league governed by the sports governing body, unless any of the following apply:

1. The sports governing body is unable to provide a feed, on commercially reasonable terms, of official league data to determine the results of a tier 2 bet, in which case permit holders may use any data source for determining the results of tier 2 bets until the data feed becomes available on commercially reasonable terms.

2. A permit holder demonstrates to the Department that the sports governing body has not provided or offered to provide a feed of official league data to such permit holder on commercially reasonable terms, according to criteria identified in subsection D.

D. The Director shall consider the following information in determining whether a sports governing body has provided or offered to provide a feed of official league data on commercially reasonable terms:

1. The availability of a sports governing body's official league data for tier 2 bets from more than one authorized source;

2. Market information regarding the purchase, in Virginia and in other states, by permit holders of data from all authorized sources;

3. The nature and quantity of the data, including the quality and complexity of the process used for collecting the data; and

4. Any other information the Director deems relevant.

E. During any time period in which the Director is determining whether official league data is available on commercially reasonable terms pursuant to the provisions of subsections C and D, a permit holder may use any data source for determining the results of any tier 2 bets. The Director shall make a determination under subsections C and D within 120 days after a permit holder notifies the Department that it desires to demonstrate that a sports governing body has not provided or offered to provide a feed of official league data to the permit holder on commercially reasonable terms.

§ 58.1-4037. Tax on adjusted gross revenue.

A. There shall be imposed a tax of 15 percent on a permit holder's adjusted gross revenue.

B. The tax imposed pursuant to this section is due monthly to the Department, and the permit holder shall remit it on or before the twentieth day of the next succeeding calendar month. If the permit holder's accounting necessitates corrections to a previously remitted tax, the permit holder shall document such corrections when it pays the following month's taxes.

C. If the permit holder's adjusted gross revenue for a month is a negative number, the permit holder may carry over the negative amount to a return filed for a subsequent month and deduct such amount from its tax liability for such month, provided that such amount shall not be carried over and deducted against tax liability in any month that is more than 12 months later than the month in which such amount was accrued.

§ 58.1-4038. Distribution of tax revenue.

A. The Department shall allocate 2.5 percent of the tax revenue collected pursuant to § 58.1-4037 to the Problem Gambling Treatment and Support Fund established pursuant to § 37.2-314.1.

B. The Department shall allocate the remaining 97.5 percent of the tax revenue collected pursuant to § 58.1-4037 to the general fund.

§ 58.1-4039. Events on which betting is prohibited; penalty.

A. 1. No person shall place or accept a bet on youth sports.

2. No person shall place or accept a proposition bet on college sports.

3. No person shall place or accept a bet on Virginia college sports.

B. 1. A sports governing body may notify the Department that it desires to restrict, limit, or prohibit sports betting on its sporting events by providing notice in accordance with requirements prescribed by the Director. A sports governing body also may request to restrict the types of bets that may be offered.

2. For any request made pursuant to subdivision 1, the requester shall bear the burden of establishing to the satisfaction of the Director that the relevant betting or other activity poses a significant and unreasonable integrity risk. The Director shall seek input from affected permit holders before making a determination on such request.

3. If the Director denies a request made pursuant to subdivision 1, the Director shall give the requester notice and the right to be heard and offer proof in opposition to such determination in accordance with regulations established by the Board. If the Director grants a request, the Board shall promulgate by regulation such restrictions, limitations, or prohibitions as may be requested.

4. A permit holder shall not offer or take any bets in violation of regulations promulgated by the Board pursuant to this subsection.

C. The prohibitions in subdivisions A 1 and A 3 shall be limited to the single game or match in which a youth sports or Virginia college sports team is a participant. The prohibitions shall not be construed to prohibit betting on other games in a tournament or multigame event in which a youth sports or Virginia college sports team participates, so long as such other games do not have a participant that is a youth sports or Virginia college sports team.

D. Any person convicted of violating this section is guilty of a Class 1 misdemeanor.

§ 58.1-4040. Underage betting prohibited; penalty.

A. No person shall knowingly accept or redeem a sports bet by, or knowingly offer to accept or redeem a sports bet on behalf of, a person under the age of 21 years.

B. Any person convicted of violating this section is guilty of a Class 1 misdemeanor.

§ 58.1-4041. Persons prohibited from sports betting; penalty.

A. The following persons shall be prohibited from sports betting:

1. The Director and any Board member, officer, or employee of the Department;

2. Any permit holder;

3. Any director, officer, owner, or employee of a permit holder and any relative living in the same household as such persons; and

4. Any officer or employee of any entity working directly on a contract with the Department related to sports betting.

B. The persons described in subdivision A 3 shall be prohibited from sports betting only with respect to the related permit holder, but shall not be prohibited from placing sports bets with other permit holders.

C. Any competitor, coach, trainer, employee, or owner of a team in a professional or college sports event, or any referee for a professional or college sports event, shall be prohibited from placing a bet on any event in a league in which such person participates. In determining which persons are prohibited from placing wagers under this subsection, a permit holder shall use publicly available information and any lists of persons that a sports governing body may provide to the Department.

D. Any person convicted of violating this section is guilty of a Class 1 misdemeanor.

§ 58.1-4042. Operation and advertising of unpermitted facilities prohibited; penalty.

A. No person, except for a permit holder authorized pursuant to the provisions of this article, shall make its premises available for placing sports bets using the Internet or advertise that its premises may be used for such purpose.

B. The Director may impose a monetary penalty of for each violation of this section. For a person determined to have made its premises available for placing sports bets using the Internet, the penalty shall not exceed \$1,000 per day per individual who places a sports bet. For a person determined to have advertised that its premises may be used for such purpose, the penalty shall not exceed \$10,000 per violation.

§ 58.1-4043. Reporting and investigating prohibited conduct.

A. The Department shall establish a hotline or other method of communication that allows any person to confidentially report information about prohibited conduct to the Board.

B. The Department shall investigate all reasonable allegations of prohibited conduct by a permit holder. The Department shall refer credible allegations of prohibited conduct by any person to the appropriate law-enforcement entity.

C. The Department shall maintain the confidentiality of the identity of any reporting person unless such person authorizes disclosure of his identity or until such time as the allegation of prohibited conduct is referred to law enforcement. If an allegation of prohibited conduct is referred to law enforcement, the Department shall disclose a reporting person's identity only to the applicable law-enforcement agency. The identity of a reporting person shall be excluded from the provisions of § 2.2-3705.7.

D. If the Department receives a complaint of prohibited conduct by an athlete, the Department shall notify the appropriate sports governing body of the athlete to review the complaint.

E. The Department and permit holders shall cooperate with investigations conducted by sports governing bodies or law-enforcement agencies. Such cooperation shall include providing or facilitating the provision of account-level betting information and audio or video files relating to persons placing wagers.

§ 58.1-4044. Required direct notification to the Department and to sports governing bodies.

A. A permit holder shall, as soon as is commercially reasonable, report to the Department any information relating to:

1. Criminal or disciplinary proceedings commenced against the permit holder in connection with its operations in the Commonwealth or in any other jurisdiction;

2. Abnormal betting activity or patterns that may indicate a risk to the integrity of a bet or wager;

3. Any potential breach of a sports governing body's rules and codes of conduct pertaining to sports betting, to the extent that such rules and codes of conduct are provided to and known by the permit holder;

4. Any conduct that may alter the outcome of an athletic event for purposes of financial gain, including match fixing; and

5. Suspicious or illegal wagering activities, including using funds derived from illegal activity to place bets, using bets to conceal or launder funds derived from illegal activity, using agents to place bets, and using false identification to place bets.

B. A permit holder shall, as soon as is commercially practicable, report the information described in subdivisions A 2, 3, and 4 to any sports governing body that may be affected by the activities described in subdivisions A 2, 3, and 4.

§ 58.1-4045. Liquidity pools.

The Board may promulgate rules authorizing permit holders to offset loss and manage risk, directly or with a third party approved by the Director, through the use of a liquidity pool in Virginia or another jurisdiction so long as such permit holder, or an affiliate of such permit holder, is licensed by such jurisdiction to operate a sports betting business. However, a permit holder's use of a liquidity pool shall not eliminate its duty to ensure that it has sufficient funds available to pay bettors.

§ 58.1-4046. Intermediate routing of electronic data.

All sports betting shall be initiated and received within Virginia unless otherwise permitted by federal law. Consistent with the intent of the United States Congress as expressed in the Unlawful Internet Gambling Enforcement Act, 31 U.S.C. § 5361 et seq., the intermediate routing of electronic data relating to lawful intrastate sports betting authorized under this article shall not determine the location in which such bet is initiated and received.

§ 58.1-4047. Certain provisions in Article 1 (§ 58.1-4000 et seq.) to apply, mutatis mutandis.

Except as provided in this article, the provisions of Article 1 (§ 58.1-4000 et seq.) shall apply to sports betting under this article. The Board shall promulgate regulations to interpret and clarify the applicability of Article 1 to this article.

§ 59.1-364. Control of racing with pari-mutuel wagering.

A. Horse racing with pari-mutuel wagering as licensed herein shall be permitted in the Commonwealth for the promotion, sustenance and growth of a native industry, in a manner consistent with the health, safety and welfare of the

people. The Virginia Racing Commission is vested with control of all horse racing with pari-mutuel wagering in the Commonwealth, with plenary power to prescribe regulations and conditions under which such racing and wagering shall be conducted, so as to maintain horse racing in the Commonwealth of the highest quality and free of any corrupt, incompetent, dishonest or unprincipled practices and to maintain in such racing complete honesty and integrity. The Virginia Racing Commission shall encourage participation by local individuals and businesses in those activities associated with horse racing.

B. The conduct of any horse racing with pari-mutuel wagering participation in such racing or wagering and entrance to any place where such racing or wagering is conducted is a privilege which may be granted or denied by the Commission or its duly authorized representatives in its discretion in order to effectuate the purposes set forth in this chapter.

C. The award of any prize money for any pari-mutuel wager placed at a racetrack or satellite facility licensed by the Commission shall not be deemed to be a part of any gaming contract within the purview of § 11-14.

D. *This section shall not apply to any sports betting or related activity that is lawful under Article 2 (§ 58.1-4030 et seq.) of Chapter 40 of Title 58.1, which shall be regulated pursuant to such chapter.*

§ 59.1-569. Fantasy contests conducted under this chapter not illegal gambling.

A. Nothing contained in Article 1 (§ 18.2-325 et seq.) of Chapter 8 of Title 18.2 shall be applicable to a fantasy contest conducted in accordance with this chapter. The award of any prize money for any fantasy contest shall not be deemed to be part of any gaming contract within the purview of § 11-14.

B. *This section shall not apply to any sports betting or related activity that is lawful under Article 2 (§ 58.1-4030 et seq.) of Chapter 40 of Title 58.1, which shall be regulated pursuant to such chapter.*

2. That the Virginia Lottery Board (the Board) shall promulgate regulations implementing the provisions of this act. The Board's initial adoption of regulations shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia), except that the Board shall provide an opportunity for public comment on the regulations prior to adoption. The Board shall complete work on such regulations no later than September 15, 2020.

CHAPTER 1257

An Act to amend the Code of Virginia by adding in Chapter 2 of Title 2.2 an article numbered 12, consisting of sections numbered 2.2-234 and 2.2-235, relating to policy regarding environmental justice.

[S 406]

Approved April 22, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 2 of Title 2.2 an article numbered 12, consisting of sections numbered 2.2-234 and 2.2-235, as follows:

Article 12.

Virginia Environmental Justice Act.

§ 2.2-234. Definitions.

For purposes of this article, unless the context requires a different meaning:

"Community of color" means any geographically distinct area where the population of color, expressed as a percentage of the total population of such area, is higher than the population of color in the Commonwealth expressed as a percentage of the total population of the Commonwealth. However, if a community of color is composed primarily of one of the groups listed in the definition of "population of color," the percentage population of such group in the Commonwealth shall be used instead of the percentage population of color in the Commonwealth.

"Environment" means the natural, cultural, social, economic, and political assets or components of a community.

"Environmental justice" means the fair treatment and meaningful involvement of every person, regardless of race, color, national origin, income, faith, or disability, regarding the development, implementation, or enforcement of any environmental law, regulation, or policy.

"Environmental justice community" means any low-income community or community of color.

"Fair treatment" means the equitable consideration of all people whereby no group of people bears a disproportionate share of any negative environmental consequence resulting from an industrial, governmental, or commercial operation, program, or policy.

"Fenceline community" means an area that contains all or part of a low-income community or community of color and that presents an increased health risk to its residents due to its proximity to a major source of pollution.

"Low income" means having an annual household income equal to or less than the greater of (i) an amount equal to 80 percent of the median income of the area in which the household is located, as reported by the Department of Housing and Urban Development, and (ii) 200 percent of the Federal Poverty Level.

"Low-income community" means any census block group in which 30 percent or more of the population is composed of people with low income.

"Meaningful involvement" means the requirements that (i) affected and vulnerable community residents have access and opportunities to participate in the full cycle of the decision-making process about a proposed activity that will affect

their environment or health and (ii) decision makers will seek out and consider such participation, allowing the views and perspectives of community residents to shape and influence the decision.

"Population of color" means a population of individuals who identify as belonging to one or more of the following groups: Black, African American, Asian, Pacific Islander, Native American, other non-white race, mixed race, Hispanic, Latino, or linguistically isolated.

"State agency" means any agency, authority, institution, board, bureau, commission, council, or instrumentality of state government in the executive branch of government.

§ 2.2-235. Policy regarding environmental justice.

It is the policy of the Commonwealth to promote environmental justice and ensure that it is carried out throughout the Commonwealth, with a focus on environmental justice communities and fenceline communities.

CHAPTER 1258

An Act to amend and reenact §§ 6.2-303, 6.2-312, 6.2-435, 6.2-1500, 6.2-1501, 6.2-1505, 6.2-1507, 6.2-1509, 6.2-1517, 6.2-1518, 6.2-1520, 6.2-1523, 6.2-1524, 6.2-1800, 6.2-1801, 6.2-1803, 6.2-1804, 6.2-1807, 6.2-1809, 6.2-1810, 6.2-1811, 6.2-1816, 6.2-1817, 6.2-1819, 6.2-1820, 6.2-1827, 6.2-1828, 6.2-2200, 6.2-2201, 6.2-2203, 6.2-2204, 6.2-2207, 6.2-2210, 6.2-2215, 6.2-2216, 6.2-2217, 6.2-2224, 6.2-2226, 59.1-200, and 59.1-335.5 of the Code of Virginia; to amend the Code of Virginia by adding sections numbered 6.2-1508.1, 6.2-1523.1, 6.2-1523.2, 6.2-1523.3, 6.2-1816.1, 6.2-1817.1, 6.2-1818.1 through 6.2-1818.4, 6.2-2215.1, 6.2-2216.1 through 6.2-2216.5, and 6.2-2218.1; and to repeal § 6.2-1818 of the Code of Virginia, relating to open-end credit plans; payday lenders and short-term loans; consumer finance loans; car title lending.

[S 421]

Approved April 22, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 6.2-303, 6.2-312, 6.2-435, 6.2-1500, 6.2-1501, 6.2-1505, 6.2-1507, 6.2-1509, 6.2-1517, 6.2-1518, 6.2-1520, 6.2-1523, 6.2-1524, 6.2-1800, 6.2-1801, 6.2-1803, 6.2-1804, 6.2-1807, 6.2-1809, 6.2-1810, 6.2-1811, 6.2-1816, 6.2-1817, 6.2-1819, 6.2-1820, 6.2-1827, 6.2-1828, 6.2-2200, 6.2-2201, 6.2-2203, 6.2-2204, 6.2-2207, 6.2-2210, 6.2-2215, 6.2-2216, 6.2-2217, 6.2-2224, 6.2-2226, 59.1-200, and 59.1-335.5 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 6.2-1508.1, 6.2-1523.1, 6.2-1523.2, 6.2-1523.3, 6.2-1816.1, 6.2-1817.1, 6.2-1818.1 through 6.2-1818.4, 6.2-2215.1, 6.2-2216.1 through 6.2-2216.5, and 6.2-2218.1 as follows:

§ 6.2-303. Contracts for more than legal rate of interest.

A. Except as otherwise permitted by law, no contract shall be made for the payment of interest on a loan at a rate that exceeds 12 percent per year.

B. Laws that permit payment of interest at a rate that exceeds 12 percent per year are set out, without limitation, in:

1. Article 4 (§ 6.2-309 et seq.) of this chapter;
2. Chapter 15 (§ 6.2-1500 et seq.), relating to powers of consumer finance companies;
3. Chapter 18 (§ 6.2-1800 et seq.), relating to *payday lenders short-term loans*;
4. Chapter 22 (§ 6.2-2200 et seq.), relating to interest chargeable by motor vehicle title lenders;
5. § 36-55.31, relating to loans by the Virginia Housing Development Authority;
6. § 38.2-1806, relating to interest chargeable by insurance agents;
7. Chapter 47 (§ 38.2-4700 et seq.) of Title 38.2, relating to interest chargeable by premium finance companies;
8. § 54.1-4008, relating to interest chargeable by pawnbrokers; and
9. § 58.1-3018, relating to interest and origination fees payable under third-party tax payment agreements.

C. In the case of any loan upon which a person is not permitted to plead usury, interest and other charges may be imposed and collected as agreed by the parties.

D. Any provision of this chapter that provides that a loan or extension of credit may be enforced as agreed in the contract of indebtedness, shall not be construed to preclude the charging or collecting of other loan fees and charges permitted by law, in addition to the stated interest rate. Such other loan fees and charges need not be included in the rate of interest stated in the contract of indebtedness.

E. The provisions of subsection A shall apply to any person who seeks to evade its application by any device, subterfuge, or pretense whatsoever, including:

1. The loan, forbearance, use, or sale of (i) credit, as guarantor, surety, endorser, comaker, or otherwise; (ii) money; (iii) goods; or (iv) things in action;
2. The use of collateral or related sales or purchases of goods or services, or agreements to sell or purchase, whether real or pretended; receiving or charging compensation for goods or services, whether or not sold, delivered, or provided; and
3. The real or pretended negotiation, arrangement, or procurement of a loan through any use or activity of a third person, whether real or fictitious.

F. Any contract made in violation of this section is void and no person shall have the right to collect, receive, or retain any principal, interest, fees, or other charges in connection with the contract.

§ 6.2-312. Open-end credit plans.

A. *The provisions of this section shall apply to any person that makes, arranges, or negotiates a loan or otherwise extends credit under an open-end credit plan, whether or not the person maintains a physical presence in the Commonwealth. However, the provisions of this section shall not apply to any bank, savings institution, or credit union as such terms are defined in § 6.2-300.*

B. ~~Notwithstanding any provision of this chapter other than § 6.2-327, and except as provided in subsection C~~ ~~subsections D, E, and F, a seller or lender engaged in extending credit under an open-end credit plan may impose, on credit extended under the plan, finance charges and other charges and fees at such rates and in such amounts and manner as may be agreed upon by the creditor and the obligor, if under the plan a finance charge is imposed upon the obligor if payment in full of the unpaid balance is not received at the place designated by the creditor prior to the next billing date, which shall be at least 25 days later than the prior billing date.~~

~~B. C. Notwithstanding the provisions of § 6.2-327 and subject to the provisions of § 8.9A-204.1, any loan made under this section may be secured in whole or in part by a subordinate mortgage or deed of trust on residential real estate improved by the construction thereon of housing consisting of one- to four-family dwelling units.~~

~~C. (i) A licensee, as defined in § 6.2-1800, shall not engage D. The following persons are prohibited from engaging in the extension of credit under an open-end credit plan described in this section and, (ii) a third party shall not engage in the extension of credit under an open-end credit plan described in this section: (i) any person licensed under Chapter 18 (§ 6.2-1800 et seq.), any person affiliated through common ownership with such licensed person, and any person that is a subsidiary of such licensed person; (ii) any person licensed under Chapter 22 (§ 6.2-2200 et seq.), any person affiliated through common ownership with such licensed person, and any person that is a subsidiary of such licensed person; and (iii) any person conducting business at any office, suite, room, or place of business where a licensee conducts the business of making payday loans person described in clause (i) or (ii) is conducting business. In addition to any other remedies or penalties provided for a violation of this section, any such extension of credit made by a licensee or third party in violation of this subsection shall be unenforceable against the borrower.~~

~~D. E. No person shall make a loan or otherwise extend credit under an open-end credit plan or any other lending arrangement that is secured by a non-purchase money security interest in a motor vehicle, as such term is defined in § 6.2-2200, unless such loan or extension of credit is made in accordance with, or is exempt from, the provisions of Chapter 22 (§ 6.2-2200 et seq.).~~

~~E. If a licensee, as defined in § 6.2-1800, surrenders its license under Chapter 18 (§ 6.2-1800 et seq.) or has its license revoked, and if following such surrender or revocation of its license the former licensee engages in the extension of credit under an open-end credit plan as described in this section, then the Commission shall not issue to such former licensee, or to any affiliate of the former licensee, a license under Chapter 18 (§ 6.2-1800 et seq.) for a period of 10 years from the date such license is surrendered or revoked. As used in this subsection, "affiliate of the former licensee" means a business entity that owns or controls, is owned or controlled by, or is under common ownership or control with, the former licensee.~~

~~F. A seller or lender engaged in extending credit under an open-end credit plan to a resident of the Commonwealth or to any individual in the Commonwealth shall not charge, collect, or receive, directly or indirectly, credit insurance premiums, charges for any ancillary product sold, charges for negotiating forms of loan proceeds or refunds other than cash, charges for brokering or obtaining an extension of credit, or any fees, interest, or charges in connection with credit extended under the plan, other than (i) interest at a simple annual rate not to exceed 36 percent and (ii) a participation fee not to exceed \$50 per year. Any extension of credit made in violation of this subsection is void and no person shall have the right to collect, receive, or retain any principal, interest, fees, or other charges in connection with the extension of credit.~~

~~G. Any violation of the provisions of this section shall constitute a prohibited practice in accordance with § 59.1-200 and shall be subject to any and all of the enforcement provisions of the Virginia Consumer Protection Act (§ 59.1-196 et seq.).~~

~~H. A third party shall not engage in the extension of credit under an open-end credit plan described in this section.~~

§ 6.2-435. Law governing open-end credit contract or plan by seller or lender.

~~An open-end credit plan as defined in § 6.2-300, between a seller or lender and an obligor shall be governed solely by federal law, and by the laws of the Commonwealth, unless otherwise expressly agreed in writing by the parties.~~

§ 6.2-1500. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Access partner" means a person that, at the person's physical location in the Commonwealth, facilitates the making and servicing of a loan through provision of some or all of the services described in § 6.2-1523.1 pursuant to a contract with a licensee. The term does not include (i) a person licensed under Chapter 25.1 (§ 59.1-335.1 et seq.) of Title 59.1; (ii) a person that is ineligible for licensure under § 6.2-1502 or to which this chapter shall not apply under § 6.2-1503; (iii) a person that has had any license revoked by the Commission at any time in the previous three years; (iv) a person that has violated or participated in the violation of § 6.2-1501 in the previous five years; or (v) a person who is licensed under Chapter 18 (§ 6.2-1800 et seq.) or Chapter 22 (§ 6.2-2200 et seq.).

"Arranging or brokering" means, with respect to consumer finance loans, negotiating, placing, or finding consumer finance loans for consumers, or offering to negotiate, place, or find consumer finance loans for consumers, in return for compensation paid directly by the consumers.

"Consumer finance company" means a person engaged in the business of making loans to individuals for personal, family, household, or other nonbusiness purposes.

"License" means a single license issued under this chapter with respect to a single place of business.

"Licensee" means a consumer finance company to which one or more licenses have a license has been issued by the Commission pursuant to this chapter.

"Principal" means any person who, directly or indirectly, owns or controls (i) 10 percent or more of the outstanding stock of a stock corporation or (ii) a 10 percent or greater interest in another person.

§ 6.2-1501. Compliance with chapter; license required; attempts to evade application of chapter.

A. No person shall engage in the business of making loans to individuals for personal, family, household, or other nonbusiness purposes, and charge, contract for, or receive, directly or indirectly, on or in connection with any loan interest, charges, compensation, consideration, or expense that in the aggregate is greater than the interest permitted by § 6.2-303, whether or not the person has a location in the Commonwealth, except as provided in and authorized by this chapter, Chapter 18 (§ 6.2-1800 et seq.), or Chapter 22 (§ 6.2-2200 et seq.) and without first having obtained a license from the Commission.

B. Subject to subdivision C 3 and subsection C of § 6.2-1524, the prohibition in subsection A shall not be construed to prevent any person, other than a licensee, from:

1. Making a loan in accordance with Chapter 18 (§ 6.2-1800 et seq.) Providing the services of an access partner described in § 6.2-1523.1;

2. Making a mortgage loan pursuant to §§ 6.2-325 and 6.2-326 or §§ 6.2-327 and 6.2-328 in any principal amount; or

3. Extending credit as described in § 6.2-312 in any amount.

C. The provisions of subsection A shall apply to any person who seeks to evade its application by any device, subterfuge, or pretense whatsoever, including:

1. The loan, forbearance, use, or sale of (i) credit, as guarantor, surety, endorser, comaker, or otherwise; (ii) money; (iii) goods; or (iv) things in action;

2. The use of collateral or related sales or purchases of goods or services, or agreements to sell or purchase, whether real or pretended; receiving or charging compensation for goods or services, whether or not sold, delivered, or provided; and

3. The real or pretended negotiation, arrangement, or procurement of a loan through any use or activity of a third person, whether real or fictitious.

D. No person shall engage in the business of arranging or brokering consumer finance loans for any consumer residing in the Commonwealth, whether or not the person has an office or conducts business at a location in the Commonwealth.

E. The provisions of this section shall apply to any person, whether or not the person has an office or conducts business at a location in the Commonwealth.

F. Any loan made in violation of this section is void, and no person shall have the right to collect, receive, or retain any principal, interest, fees, or other charges in connection with the loan.

§ 6.2-1505. Application for license; application fee.

A. Application for a license to make loans under this chapter shall be in writing, under oath, and in the form prescribed by the Commission.

B. The application shall contain:

1. The name and address of the applicant;

2. If the applicant is a partnership or association, the name and address of each partner or member of the partnership or association;

3. If the applicant is a corporation or limited liability company, the name and address of each senior officer, director, member, registered agent, and principal;

4. If the applicant is a business trust, the name and address of each trustee and beneficiary;

5. The address, with street and number, if any, addresses of the locations where the business is to be conducted; and

6. Such other information as may be required by the Commission.

C. The application shall be accompanied by payment of an application fee of \$500.

§ 6.2-1507. Issuance of license.

A. The Commission shall issue and deliver to the applicant a license to make loans in accordance with the provisions of this chapter at the location in the Commonwealth specified in the application if it finds:

1. That the financial responsibility, experience, character and general fitness of the applicant and its members, senior officers, directors, and principals are such as to command the confidence of the public and to warrant belief that this business will be operated lawfully, honestly, fairly and efficiently within the purpose of this chapter;

2. That the applicant has available, for the operation of the business at the specified location, unencumbered liquid assets of at least \$50,000 if the specified location is in a locality with a population of more than 20,000, or of at least \$25,000 if the per location is not in a locality with a population of more than 20,000; and

3. That the applicant has complied with all of the prerequisites to obtaining the license prescribed by § 6.2-1505; and

4. That the applicant will not make loans in accordance with the provisions of this chapter at the same location at which the applicant, its affiliate, or its subsidiary conducts business under either Chapter 18 (§ 6.2-1800 et seq.) or Chapter 22 (§ 6.2-2200 et seq.).

If the Commission fails to make the findings required by subdivisions 1, 2, and 3, and 4, it shall deny the application for a license.

B. Notwithstanding the provisions of subsection A, if the applicant has an existing license at another location in the Commonwealth, the Commission shall issue and deliver to the applicant a license to make loans in accordance with the provisions of this chapter at the location specified in the application if it finds:

1. That the general fitness of the licensee is such as to command the confidence of the public and to warrant belief that this business will be operated lawfully, honestly, fairly and efficiently within the purpose of this chapter; and

2. That the applicant has complied with all of the prerequisites to obtaining the license prescribed by § 6.2-1505

If the Commission fails to make the findings required by subdivisions 1 and 2, it shall deny the application for a license.

C. If the Commission denies an application for a license, it shall notify the applicant of the denial. The Commission shall retain the application fee.

§ 6.2-1508.1. Additional offices; relocation of offices.

A. No licensee shall open an additional office without prior approval of the Commission. Applications for such approval shall be made in writing on a form prescribed by the Commissioner and shall be accompanied by payment of a \$150 nonrefundable application fee. The application shall be approved unless the Commission finds that the applicant does not have the required liquid assets or surety bond or has not conducted business under this chapter efficiently, fairly, in the public interest, and in accordance with the law. The application shall be deemed approved if notice to the contrary has not been sent by the Commission to the applicant within 30 days of the date the application is received by the Commission.

B. Prior approval of the Commission shall not be required in the event that a licensee needs to temporarily open an office due to a natural disaster or act of God. However, the licensee shall notify the Commission within 10 days of opening the office.

C. A licensee shall notify the Commission in writing within 10 days of relocating any approved office.

§ 6.2-1509. Contents, posting, transfer, and duration of license.

A. Each license shall contain:

1. The address at which the business is to be conducted;

2. The full name of the licensee or, if the licensee is a partnership or association, the names of the partners or members; and

3. If the licensee is a corporation, the date and place of incorporation.

B. The licensee shall keep post the license conspicuously posted prominently in its each approved place of business of the licensee. The licensee shall prominently disclose on its website the license number assigned by the Commission to the licensee.

C. The license shall not be transferable or assignable.

D. Each license shall remain in full force and effect until surrendered, revoked, or suspended as provided by this chapter or by lawful order of the Commission.

§ 6.2-1517. Place of business generally.

A. Not more than one place of business shall be maintained under the same license.

B. The Commission may issue more than one license to the same licensee upon compliance, as to each additional license, with all applicable provisions of this chapter governing issuance of a single license.

C. A licensee shall not use any name other than the legal name or fictitious name set forth on the license issued by the Commission. No licensee shall conduct the business of making loans provided for by this chapter under any other name or at within any place of business within the Commonwealth other than as is designated in the license issued by the Commission.

§ 6.2-1518. Notice of conduct of other business in same place of business; fee.

A. A licensee shall not conduct the business of making loans under this chapter within any office, suite, room, or other place of business in which any other business is solicited or engaged in, or in association or conjunction with any other business, unless the licensee has first given 30 days' written notice to the Commission. Every notice shall be accompanied by a fee of \$300.

B. Upon receipt of such notice and fee, the Commission may require the licensee to provide information relating to the other business, including how and by whom it will be conducted. The Commission shall have the authority to investigate the conduct of such other businesses in the licensee's place of business.

C. The provisions of this section shall not affect (i) any regulations adopted by the Commission prior to July 1, 2000, governing the conduct of other businesses in the place of business designated in a license or (ii) the authority of the Commission to adopt such regulations as the Commission deems necessary.

D. If the Commission finds that the other business (i) is of such a nature or is being conducted in such a manner as to conceal or facilitate a violation or evasion of the provisions of this chapter or regulations adopted pursuant to it; (ii) is contrary to the public interest; or (iii) is otherwise being conducted in an unlawful manner, the Commission may, after notice to the licensee and an opportunity for a hearing, prohibit or limit the conduct of such other business in the place of business designated in the license.

E. Any authority granted under this section shall remain in full force and effect until surrendered, or until revoked or suspended by the Commission as provided in this chapter or by lawful order of the Commission.

F. A licensee that conducts the business of making loans pursuant to this chapter solely over the Internet shall not offer, sell, or make available any other products or services to Virginia residents, except as permitted by Commission regulation or upon approval of a written application with the Commission, payment of a fee of \$300, and provision of such information as the Commission may deem pertinent.

G. This section shall not apply to any other business that is transacted solely with persons residing outside the Commonwealth.

§ 6.2-1520. Rate of interest; late charges; processing fees.

A. A licensee may ~~charge and receive interest on~~ make installment loans of:

1. ~~Not more than \$2,500, between \$300 and \$35,000, which loans shall have a term of no fewer than six months and no more than 120 months and shall be repayable in at least six substantially equal consecutive payments. A licensee may charge and collect interest on a loan made under this chapter at a single annual rate not to exceed 36 percent; and~~
2. ~~More than \$2,500, at such single annual rate as shall be stated in the loan contract.~~

~~The annual rate of interest shall be charged only upon principal balances outstanding from time to time. Interest shall not be charged on an add-on basis and shall not be compounded or paid, deducted or received in advance but shall be computed and paid only as a percentage of the unpaid principal balance. For the purpose of calculating interest under this section, a year may be any period of time consisting of 360 or 365 days. Interest shall be computed on the basis of the number of days elapsed; however, if part or all of the consideration for a loan contract is the unpaid principal balance of a prior loan, then the principal amount payable under the loan contract may include any unpaid interest on the prior loan that has accrued within 90 days before the making of the new loan contract. For the purpose of computing interest, a day may equal 1/360th or 1/365th of a year.~~

B. A licensee may ~~impose charge a late charge for failure to make timely payment fee of \$20 for any installment due on a debt, which late charge shall not exceed five percent of the amount of such installment payment or portion of a payment not received and applied within 10 days of the contractual due date. The late charge shall be specified in the loan contract between the lender and the borrower. For purposes of this section, "timely payment" means a payment made by the date fixed for payment or within a period of seven calendar days after such fixed date a late payment fee for any individual scheduled contractual payment due may be assessed only once. The late payment fee shall be specified in the contract between the lender and the borrower.~~

C. A licensee may ~~charge and receive a loan processing fee, charged on not to exceed the greater of \$50 or six percent of the principal amount of the loan, for processing the loan contract provided that the loan processing fee shall in no event exceed \$150. The loan processing fee shall be stated in the loan contract. Such~~ The loan processing fee shall not be deemed to constitute interest charged on the principal amount of the loan for purposes of determining whether the interest charged ~~on a loan of not more than \$2,500 exceeds the 36 percent annual contract interest rate limitation imposed by subdivision subsection A 1. Upon payment of the full amount of principal due plus accrued interest and any other applicable fees within the first 30 days, whether through outside funds or a refinancing under a new loan advance, the borrower shall be entitled to a full rebate of the loan processing fee less an amount not to exceed \$50 or the actual loan processing fee, whichever is less. If a loan is refinanced or renewed, a licensee may assess an additional loan processing fee on the loan no more than once during any 12-month period.~~

D. A licensee may collect from the borrower the amount of any actual fees necessary to file, record, or release its security interest with any public official or agency of a locality or the Commonwealth as may be required by law.

§ 6.2-1523. Additional charges prohibited; exceptions.

In addition to the interest, late ~~charges~~ payment fees, and loan processing fee permitted under § 6.2-1520, no further or other amount whatsoever for any examination service, brokerage, commission, fine, notarial fee, or other thing or otherwise shall be directly or indirectly charged, contracted for, collected, or received, except:

1. Insurance premiums actually paid out by the licensee to any insurance company or agent duly authorized to do business in the Commonwealth *or another state* for insurance for the protection and benefit of the borrower written in connection with any loan;

2. The actual cost of recordation fees or, on loans over \$100, the amount of the lawful premiums, no greater than such fees, actually paid for insurance against the risk of not recording any instrument securing the loan; and

3. A handling fee not to exceed ~~\$15~~ \$25 for each check returned to the licensee because the drawer had no account or insufficient funds in the payor bank.

§ 6.2-1523.1. Access partners.

A. Notwithstanding the provisions of §§ 6.2-1501 and 6.2-1518, a licensee may use the services of one or more access partners, provided that all of the following conditions are met:

1. All loans made in connection with an access partner comply with the requirements of this chapter.

2. The licensee maintains a written agreement with each access partner. The written agreement shall (i) require the access partner to comply with this section and all rules adopted under this section regarding the activities of access partners; (ii) give the Commission access to the access partner's books and records pertaining to the access partner's operations under the agreement with the licensee in accordance with § 6.2-1533 and authority to examine the access partner pursuant to § 6.2-1531; (iii) prohibit the access partner from charging or accepting any fees or compensation in connection with a loan from any person, other than what the licensee pays to the access partner under the terms of the

contract; and (iv) require the access partner to keep written records sufficient to ensure compliance with this chapter, including records of all loan disbursements and loan payments for at least three years.

3. A licensee shall conduct a due diligence review of all access partners. The due diligence shall include a review of the access partner's financial soundness and legal compliance and the criminal history of the access partner and its employees. A licensee shall be responsible for implementing and maintaining a reasonable risk-based supervision program to monitor its access partners. The licensee shall provide to the Commission any information relating to the access partners as the Commissioner prescribes. Such information shall be provided in a form and manner as prescribed by the Commissioner.

4. The services of an access partner shall be limited to (i) distributing written materials or providing written factual information about loans that has been prepared or authorized in writing by the licensee; (ii) explaining the loan application process to prospective borrowers or assisting applicants to complete a loan application according to procedures the licensee approves; (iii) processing credit applications provided by the licensee, which applications shall clearly state that the licensee is the lender and disclose the licensee's contact information and how to submit complaints to the Commission; (iv) communicating with the licensee or the applicant about the status of applications; (v) obtaining the borrower's signature on documents prepared by the licensee and delivering final documents to the borrower; (vi) disbursing loan proceeds or receiving loan payments, provided the access partner provides a plain and complete written receipt at the time each disbursement or payment is made; and (vii) operating electronic access points through which a prospective borrower may directly access the website of the licensee to apply for a loan.

5. An access partner shall not (i) provide counseling or advice to a borrower or prospective borrower with respect to any loan term; (ii) provide loan-related marketing material that has not previously been approved by the licensee; (iii) negotiate a loan term between a licensee and a prospective borrower; (iv) offer information pertaining to a single prospective borrower to more than one licensee, except that if a licensee has declined to offer a loan to a prospective borrower in writing the access partner may offer information pertaining to that borrower to another licensee with whom it has an access partner agreement; or (v) offer information pertaining to any prospective borrower to any person or entity other than a licensee operating under this chapter, subject to clause (iv).

6. A licensee shall apply any payment a borrower makes to an access partner as of the date on which the payment is received by the access partner.

7. A licensee shall not (i) hold a borrower liable for a failure or delay by an access partner in transmitting a payment to the licensee; (ii) knowingly conduct business with an access partner that has solicited or accepted fees or compensation in connection with a licensee's loan other than what is specified in the written agreement described in subdivision 2; or (iii) directly or indirectly pass on to a borrower any fee or other compensation that a licensee pays to an access partner in connection with such borrower's loan.

B. A licensee shall be responsible for any act of its access partner if such act would violate any provision of this chapter.

C. The Commission may (i) bar a licensee that violates any part of this chapter from using the services of specified access partners, or access partners generally; (ii) subject a licensee to disciplinary action for any violation of this chapter committed by a contracted access partner; or (iii) bar any person who violates the requirements of this chapter from performing services pursuant to this chapter generally or at particular locations.

D. The Commission shall have the authority to conduct investigation and examination of access partners, provided the scope of any investigation or examination shall be limited to those books, accounts, records, documents, materials, and matters reasonably necessary to determine compliance with this chapter.

E. An access partner location shall not be considered an office for purposes of § 6.2-1508.1.

F. An access partner shall not be required to be licensed under Chapter 19 (§ 6.2-1900 et seq.) to provide the services of an access partner described in subdivision A 4.

§ 6.2-1523.2. Application of chapter to Internet loans.

A. The provisions of this chapter, including specifically the licensure requirements of § 6.2-1501, shall apply to persons making loans over the Internet to Virginia residents or any individuals in Virginia, whether or not the person maintains a physical presence in the Commonwealth.

B. The Commission may, from time to time, by administrative rule or policy statement, set requirements that the Commission reasonably deems necessary to ensure compliance with this section.

§ 6.2-1523.3. Bond required.

An application for a license under this chapter shall be accompanied by a bond filed with the Commissioner with corporate surety authorized to execute such bond in the Commonwealth, in the sum of \$25,000, or such greater sum as the Commission may require, but not to exceed a total of \$500,000. The form of such bond shall be approved by the Commission. Such bond shall be continuously maintained thereafter in full force. Such bond shall be conditioned upon the applicant or licensee performing all written agreements with borrowers or prospective borrowers, correctly and accurately accounting for all funds received by it in its licensed business, and conducting its licensed business in conformity with this chapter and all applicable laws. Any person who may be damaged by noncompliance of the licensee with any condition of such bond may proceed on such bond against the principal or surety thereon, or both, to recover damages. The aggregate liability under the bond shall not exceed the penal sum of the bond.

§ 6.2-1524. Required and prohibited activities and conduct.

A. Each licensee shall maintain at all times the minimum *unencumbered liquid* assets prescribed by this chapter for each license, either (i) in liquid form available for the operation of the business at the location specified in each license or (ii) actually used, whether pledged or not, in the conduct of the business at the location specified in each license § 6.2-1507.

B. A licensee or other person subject to this chapter shall not advertise, display, distribute or broadcast, or cause or permit to be advertised, displayed, distributed or broadcast, in any manner whatsoever, any false, misleading, or deceptive statement or representation with regard to the rates, terms, or conditions for loans made under this chapter. The Commission may require that charges or rates of charge, if stated by a licensee, be stated fully and clearly in such manner as it deems necessary to prevent misunderstanding by prospective borrowers. The Commission may permit or require licensees to refer in their advertising to the fact that their business is under state supervision, subject to conditions imposed by it to prevent false, misleading, or deceptive impression as to the scope or degree of protection provided by this chapter.

C. A licensee shall not take a lien upon real estate as security for any loan made under the provisions of this chapter, except a lien arising upon rendition of a judgment. Any lien taken in violation of this subsection shall be void.

D. A licensee shall, at the time any loan is made, deliver to the borrower, or if there are two or more borrowers to one of them, a statement disclosing (i) the names and addresses of the licensee and of the principal debtor on the loan contract, and (ii) a statement in compliance with Consumer Financial Protection Bureau Regulation Z (12 C.F.R. Part 1026).

E. A licensee shall give the borrower a receipt for all cash payments. The Commission may specify the form and content of such receipts in keeping with the intent and purpose of this chapter.

F. A licensee shall permit payment to be made in advance in whole, or in part equal to one or more full installments. The licensee may apply the payment first to any amounts that are due and unpaid at the time of such payment.

G. A licensee shall, upon repayment of the loan in full, (i) mark plainly every obligation and security other than a security agreement executed by the borrower with the word "Paid" or "Canceled," (ii) mark satisfied any judgment, (iii) restore any pledge, (iv) cancel and return any note and any assignment given by the borrower to the licensee, and (v) release any security agreement or other form of security instrument that no longer secures an outstanding loan between the borrower and the licensee.

H. In the event of collection by foreclosure sale or otherwise, a licensee shall pay and return to the borrower, or to another person entitled thereto, any surplus arising after the payment of the expenses of collection, sale or foreclosure and satisfaction of the debt.

I. A licensee shall not take any confession of judgment or any power of attorney running to himself or to any third person to confess judgment or to appear for the borrower in a judicial proceeding. Any such confession of judgment or power of attorney to confess judgment shall be void.

J. A licensee shall not take any note, promise to pay, or instrument of security in which blanks are left to be filled in after execution, or that does not give the amount of the loan, a clear description of the installment payments required, and the rate of interest charged. A licensee may also include the disclosures required by Consumer Financial Protection Bureau Regulation Z (12 C.F.R. Part 1026) in the note, promise to pay, or instrument of security.

K. Every loan contract shall be in writing, be signed by the borrower, and provide for repayment of the amount loaned in substantially equal monthly installments of principal and interest, and include the following statement: "This loan is made pursuant to Chapter 15 of Title 6.2 of the Code of Virginia." Nothing contained in this chapter shall prevent (i) a loan being considered a new loan because the proceeds of the loan are used to pay an existing loan contract or (ii) a licensee from entering into a loan contract providing for an odd first payment period of up to 45 days and an odd first payment greater than other monthly payments because of such odd first payment period.

CHAPTER 18.

PAYDAY LENDERS SHORT-TERM LOANS.

§ 6.2-1800. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Affiliate" means a person related to a licensee by common ownership or control, or any employee or agent of a licensee.

"Annual percentage rate" has the same meaning as in the federal Truth in Lending Act (15 U.S.C. § 1601 et seq.) and its implementing regulations, as they may be amended from time to time. All fees and charges payable directly or indirectly by a borrower to a licensee as a condition to a loan, including interest and the monthly maintenance fees authorized under § 6.2-1817, shall be included in the computation of the annual percentage rate.

"Check" means a draft drawn on the account of an individual at a depository institution.

"Depository institution" means a bank, savings institution, or credit union.

"Interest" means all charges payable directly or indirectly by a borrower to a licensee as a condition to a loan, including fees, service charges, and renewal charges, and any ancillary product sold in connection with a loan, but does not include the monthly maintenance fees, deposit item return fees, or late charges authorized under § 6.2-1817.

"Licensee" means a person to whom a license has been issued under this chapter.

"Payday loan" means a small, short-maturity loan on the security of (i) a check, (ii) any form of assignment of an interest in the account of an individual at a depository institution, or (iii) any form of assignment of income payable to an individual, other than loans based on income tax refunds.

"Loan amount" means the principal amount of a loan, exclusive of fees or charges.

"Principal" means any person who, directly or indirectly, owns or controls (i) 10 percent or more of the outstanding stock of a stock corporation or (ii) a 10 percent or greater interest in a nonstock corporation or a limited liability company.

"Short-term loan" means a loan made pursuant to this chapter.

§ 6.2-1801. License requirement.

A. No person shall engage in the business of making payday loans to ~~any consumer residing in the Commonwealth, whether or not the person has an office or conducts business at a location in the Commonwealth, except in accordance with the provisions of this chapter~~ *individuals for personal, family, household, or other nonbusiness purposes, and charge, contract for, or receive, directly or indirectly, on or in connection with any loan interest, charges, compensation, consideration, or expense that in the aggregate is greater than the interest permitted by § 6.2-303, whether or not the person has a location in the Commonwealth, except as provided and authorized by this chapter; Chapter 15 (§ 6.2-1500 et seq.), or Chapter 22 (§ 6.2-2200 et seq.)* and without having first obtained a license under this chapter from the Commission.

B. No person shall engage in the business of arranging or brokering ~~payday~~ *short-term* loans for any consumer residing in the Commonwealth, whether or not the person has an office or conducts business at a location in the Commonwealth.

C. *The provisions of subsection A shall apply to any person who seeks to evade its application by any device, subterfuge, or pretense whatsoever, including:*

1. The loan, forbearance, use, or sale of (i) credit, as guarantor, surety, endorser, comaker, or otherwise; (ii) money; (iii) goods; or (iv) things in action;

2. The use of collateral or related sales or purchases of goods or services, or agreements to sell or purchase, whether real or pretended; receiving or charging compensation for goods or services, whether or not sold, delivered, or provided; and

3. The real or pretended negotiation, arrangement, or procurement of a loan through any use or activity of a third person, whether real or fictitious.

D. *Any loan made in violation of this section is void, and no person shall have the right to collect, receive, or retain any principal, interest, fees, or other charges in connection with the loan.*

§ 6.2-1803. Application for license; form; content; fee.

A. An application for a license under this chapter shall be made in writing, under oath and on a form provided by the Commissioner.

B. The application shall set forth:

1. The name and address of the applicant;

2. If the applicant is a firm or partnership, the name and address of each member of the firm or partnership;

3. If the applicant is a corporation or a limited liability company, the name and address of each officer, director, registered agent, and each principal;

4. The addresses of the locations of the offices to be approved; and

5. Such other information concerning the financial responsibility, background, experience and activities of the applicant and its members, officers, directors, and principals as the Commissioner may require.

C. The application shall be accompanied by payment of an application fee of \$500 *or other reasonable amount that the Commission prescribes by regulation.*

D. The application fee shall not be refundable in any event. The fee shall not be abated by surrender, suspension, or revocation of the license.

§ 6.2-1804. Bond required.

The application for a license shall be accompanied by a bond filed with the Commissioner with corporate surety authorized to execute such bond in the Commonwealth, in the sum of \$10,000 per office, *or such greater sum as the Commission may require, but not to exceed a total of \$50,000 \$500,000.* The form of such bond shall be approved by the Commission. The bond shall be continuously maintained thereafter in full force. The bond shall be conditioned upon the applicant or licensee performing all written agreements with borrowers or prospective borrowers, correctly and accurately accounting for all funds received by him in his licensed business, and conducting his licensed business in conformity with this chapter and all other applicable law. Any person who may be damaged by noncompliance of the licensee with any condition of such bond may proceed on such bond against the principal or surety thereon, or both, to recover damages. The aggregate liability under the bond shall not exceed the penal sum of the bond.

§ 6.2-1807. Licenses; places of offices; changes.

A. Each license shall:

1. State the address of each approved office at which the business is to be conducted;

2. State fully the name of the licensee; and

3. Be prominently posted in each office of the licensee.

B. No licensee shall:

1. Use any name other than the name set forth on the license issued by the Commission; or

2. Open an additional office or relocate any office without prior approval of the Commission.

C. Applications for Commission approval to open an additional office or relocate any office shall be made in writing on a form provided by the Commissioner and shall be accompanied by payment of a \$150 nonrefundable application fee *or other reasonable amount as the Commission may prescribe by regulation.* The application shall be approved unless the Commission finds that the applicant does not have the required liquid assets or has not conducted business under this chapter efficiently, fairly, in the public interest, and in accordance with law. The application shall be deemed approved if

notice to the contrary has not been mailed by the Commission to the applicant within 30 days of the date the application is received by the Commission. After approval, the applicant shall give written notice to the Commissioner within 10 days of the commencement of business at the additional office or relocated office.

D. Every licensee shall within 10 days notify the Commissioner, in writing, of the closing of any office and of the name, address, and position of each new senior officer, member, partner, or director and provide such other information with respect to any such change as the Commissioner may reasonably require.

E. Licenses shall:

1. Not be transferable or assignable, by operation of law or otherwise; and

2. Remain in force until they have been surrendered, revoked, or suspended. The surrender, revocation, or suspension of a license shall not affect any preexisting legal right or obligation of the licensee.

§ 6.2-1809. Retention of books, accounts, and records.

Every licensee shall maintain in its approved offices such books, accounts and records as the Commission may reasonably require in order to determine whether such licensee is complying with the provisions of this chapter and regulations adopted in furtherance thereof. Such books, accounts and records shall be maintained apart and separate from any other business in which the licensee is involved. Such records relating to ~~payday~~ *short-term* loans, including copies of checks given to a licensee as security for such loans, shall be retained for at least three years after final payment is made on any loan.

§ 6.2-1810. Loan database.

A. The Commission shall certify and contract with one or more third parties to develop, implement, and maintain a real-time, Internet-accessible database that contains such ~~payday~~ *short-term* loan information as the Commission may require from time to time by administrative rule or policy statement. ~~The database shall be operational by January 1, 2009.~~

B. The following provisions shall apply to the database:

1. Before making a ~~payday~~ *short-term* loan, a licensee shall query the database through a Commission-certified database provider and shall retain evidence of the query for the Commission's supervisory review. The database shall allow a licensee to make a ~~payday~~ *short-term* loan only if making the loan is permissible under the provisions of this chapter. During any period that the database is unavailable due to technical problems beyond the licensee's control, a licensee may rely on the ~~payday~~ loan applicant's written representations, rather than the database's information, to verify that making the loan applied for is permissible under the provisions of this chapter. Because a licensee may rely on the accuracy of the applicant's representations and the database's information, a licensee is not subject to any administrative penalty or civil liability if that information is later determined to be inaccurate.

2. The database provider shall maintain the database, take all actions it deems necessary to protect the confidentiality and security of the information contained in the database, be responsible for the confidentiality and security of such information, and own the information contained in the database. The Commission shall have access to and utilize the database as ~~an~~ *a supervision and enforcement* tool to ensure licensees' compliance with the provisions of this chapter.

3. Upon a licensee's query, the database shall advise the licensee whether the applicant is eligible for a new ~~payday~~ *short-term* loan and, if the applicant is ineligible, the reason for such ineligibility. If the database advises the licensee that the applicant is ineligible for a ~~payday~~ *short-term* loan, then the applicant shall direct any inquiry regarding the specific reason for such ineligibility to the database provider rather than to the licensee. The information contained in the ~~payday~~ *loan* database is confidential and exempt from the Freedom of Information Act (§ 2.2-3700 et seq.).

4. If a licensee and borrower consummate a ~~payday~~ loan, then the licensee shall pay a fee to defray the costs of submitting the database inquiry. The amount of the database inquiry fee shall be calculated in accordance with a schedule set by the Commission. The schedule shall bear a reasonable relationship to actual cost of the operation of the database. If a licensee submits a database inquiry but does not consummate a ~~payday~~ loan with the applicant, then the licensee shall not pay the database inquiry fee. Each licensee shall remit all database inquiry fees directly to the database provider on a weekly basis.

5. If a borrower enters into a ~~payday~~ *short-term* loan or pays or otherwise satisfies a ~~payday~~ *short-term* loan in full, ~~or if a borrower enters into an extended payment plan as provided in subdivision 26 of § 6.2-1816 or an extended term loan as provided in subdivision 27 of § 6.2-1816,~~ then the licensee making the loan shall report such event or other information to the database not later than the close of business on the date of such event.

§ 6.2-1811. Annual report.

A. Each licensee under this chapter shall annually, on or before March 25, file a written report with the Commissioner containing such information as the Commissioner may require concerning his business and operations during the preceding calendar year as to each approved office. Reports shall be made under oath and shall be in the form prescribed by the Commissioner.

B. *The Commissioner shall publish annually and make available to the public an analysis of the information required under this section and other information the Commissioner may choose to include. The published analysis shall include all of the following:*

1. *The total number of borrowers, loans, defaulted loans, and charged-off loans and the total dollar value of the charged-off loans;*

2. *The average loan size, average contracted annual percentage rate, average contracted loan charges, average loan charges actually paid, total contracted loan charges, and total loan charges actually paid;*

3. *The total number of deposit item return fees and the total dollar value of those charges;*
4. *The total number of licensee business locations and the average number of borrowers per location; and*
5. *A summary of pending and completed enforcement actions, which shall include lists of suspended or revoked licenses, cease and desist orders, and civil penalties pursuant to this chapter.*

§ 6.2-1816. Required and prohibited business methods.

Each licensee shall comply with the following requirements *and prohibitions*:

1. Each payday loan shall be evidenced by a written loan agreement, which shall be signed by the borrower and a person authorized by the licensee to sign such agreements and dated the same day the loan is made and disbursed. The loan agreement shall set forth, at a minimum: (i) the principal amount of the loan; (ii) the interest and any fee charged; (iii) the annual percentage rate, which shall be stated using that term, applicable to the transaction calculated in accordance with Consumer Financial Protection Bureau Regulation Z (12 C.F.R. Part 1026); (iv) evidence of receipt from the borrower of a check, dated as of the date that the loan is due, as security for the loan, stating the amount of the check; (v) an agreement by the licensee not to present the check for payment or deposit until the date the loan is due, which date shall produce a loan term of at least two times the borrower's pay cycle and after which date interest shall not accrue on the amount advanced at a greater rate than six percent per year; (vi) an agreement by the licensee that the borrower shall have the right to cancel the loan transaction at any time before the close of business on the next business day following the date of the transaction by paying to the licensee, in the form of cash or other good funds instrument, the amount advanced to the borrower; and (vii) an agreement that the borrower shall have the right to prepay the loan prior to maturity by paying the licensee the principal amount advanced and any accrued and unpaid interest, fees, and charges *A licensee shall not make a loan that does not comply with § 6.2-1816.1.*

2. The A licensee shall give a duplicate original of the loan agreement to the borrower at the time of the transaction *not charge, collect, or receive, directly or indirectly, credit insurance premiums, charges for any ancillary product sold, charges for disbursing loan proceeds or refunds including check-cashing charges and any other charges for negotiating forms of payment other than cash, charges for brokering or obtaining a loan, or any fees, interest, or charges in connection with a loan, other than fees and charges permitted by § 6.2-1817.*

3. A licensee shall not obtain any agreement from the borrower (i) giving the licensee or any third person power of attorney or authority to confess judgment for the borrower; (ii) authorizing the licensee or any third party to bring suit against the borrower in a court outside the Commonwealth; or (iii) waiving *the borrower's right to legal recourse or any other right the borrower has under this chapter any otherwise applicable provision of state or federal law.*

4. A licensee shall not ~~require or accept more than one check from a borrower as security for any loan~~ *make a loan to a person if that person is obligated upon any loan to a person licensed under Chapter 22 (§ 6.2-2200 et seq.). Prior to making a loan, a licensee shall make a reasonable attempt to verify the borrower's eligibility under this subsection that includes reviewing the files of any affiliate that is licensed under Chapter 22. Unless the Commission requires otherwise by administrative rule or policy statement, a licensee may rely on the loan applicant's written representations with respect to the applicant's obligations to lenders that are licensed under Chapter 22 (§ 6.2-2200 et seq.) but are not affiliates of the licensee, and a licensee is not subject to any administrative penalty or civil liability if such representations are later determined to be inaccurate.*

5. A licensee shall not cause any person to be obligated to the licensee in any capacity at any time in the principal amount of more than \$500 ~~\$2,500~~.

6. *Except as provided in § 6.2-1818.1, a licensee shall not (i) refinance, renew, or extend any payday short-term loan; (ii) or make a loan to a person if the loan would cause the person to have more than one payday short-term loan from any licensee outstanding at the same time; (iii) make a loan to a borrower on the same day that a borrower paid or otherwise satisfied in full a previous payday loan; (iv) make a payday loan to a person within 90 days following the date that the person has paid or otherwise satisfied in full a payday loan through an extended payment plan as provided in subdivision 26; (v) make a payday loan to a person within 45 days following the date that the person has paid or otherwise satisfied in full a fifth payday loan made within a period of 180 days as provided in subdivision 27 a; or (vi) make a payday loan to a person within the longer of (a) 90 days following the date that the person has paid or otherwise satisfied in full an extended term loan or (b) 150 days following the date that the person enters into an extended term loan, as provided in subdivision 27 b.*

7. A licensee shall not cause a borrower to be obligated upon more than one loan at any time.

8. A check accepted by a licensee as security for any loan shall be dated as ~~of the date the loan is due~~ *no earlier than the date of the first required loan payment shown in the loan agreement.*

9. Notwithstanding any provision of § 8.01-226.10 to the contrary, a licensee shall not threaten, or cause to be instigated, criminal proceedings against a borrower if a check given as security for a loan is dishonored *or for any reason related to the borrower's failure to pay any sum due under a loan agreement.* In addition to any other remedies available at law, a licensee that knowingly violates this prohibition shall pay the affected borrower a civil monetary penalty equal to three times the amount of the dishonored check.

10. A licensee shall not ~~take an~~ *(i) accept the title or registration of a vehicle, real or personal property, or any interest in any property other than a check payable to the licensee as security for a loan; (ii) create or accept any remotely created check, as defined in 12 C.F.R. § 229.2(fff), in connection with a loan; (iii) draft funds electronically from a borrower's account without express written authorization from the borrower; or (iv) fail to stop attempts to draft funds electronically*

from a borrower's account upon request from the borrower or his agent. Nothing in this section shall prohibit the conversion of a negotiable instrument into an electronic form for processing through the automated clearing house system.

11. A licensee shall not present a check, negotiable order of withdrawal, share draft, or other negotiable instrument that has been previously presented by the licensee and subsequently returned dishonored for any reason, unless the licensee obtains new written authorization from the borrower to present the previously returned item.

12. A licensee shall not attempt to draft funds electronically from a borrower's account after two consecutive attempts have failed, unless the licensee obtains new written authorization from the borrower to transfer or withdraw funds electronically from the borrower's account.

13. A licensee shall not make a loan to a borrower to enable the borrower to (i) pay for any other product or service sold at the licensee's office location or (ii) repay any amount owed to the licensee or an affiliate of the licensee in connection with another credit transaction.

14. Loan proceeds shall be disbursed in cash or by the licensee's business check. No fee shall be charged by the licensee or an affiliated check casher affiliate for cashing a loan proceeds check.

15. A check given as security for a loan shall not be negotiated to a third party.

16. Upon receipt of a check given as security for a loan, the licensee shall stamp the check with an endorsement stating: "This check is being negotiated as part of a payday short-term loan pursuant to Chapter 18 (§ 6.2-1800 et seq.) of Title 6.2 of the Code of Virginia, and any holder of this check takes it subject to all claims and defenses of the maker."

17. Before entering into a payday short-term loan, the licensee shall provide each borrower with a pamphlet, in form consistent with regulations adopted by the Commission, explaining in plain language the rights and responsibilities of the borrower and providing a toll-free number at the Commission for assistance with complaints.

18. Before disbursing funds pursuant to a payday loan, a licensee shall provide a clear and conspicuous printed notice to the borrower indicating that a payday loan is not intended to meet long-term financial needs and that the borrower should use a payday loan only to meet short-term cash needs.

19. A borrower shall be permitted to make partial payments, in increments of not less than \$5, on the loan at any time prior to maturity, without charge. The licensee shall give the borrower signed, dated receipts for each payment made, which shall state the balance due on the loan. Upon repayment of the loan in full, the licensee shall mark the original loan agreement with the word "paid" or "canceled," return it to the borrower, and retain a copy in its records.

20. Each licensee shall conspicuously post in each approved office (i) a schedule of fees and interest charges, with which shall include examples using a \$300 loan payable repaid in 14 days and 30 days three months, a \$500 loan repaid in five months, and a \$1,000 loan repaid in 10 months, and (ii) a notice containing the following statement: "If you wish to file a complaint against us, you may contact the Bureau of Financial Institutions at [insert contact information]." The Commission shall furnish licensees with the appropriate contact information.

21. Any advertising materials used to promote payday loans that includes the amount of any payment, expressed either as a percentage or dollar amount, or the amount of any finance charge, shall also include a statement of the interest, fees and charges, expressed as an annual percentage rate, payable using as an example a \$300 loan payable in 14 and 30 days.

22. In any print media advertisement, including any web page, used to promote payday loans, the disclosure statements shall be conspicuous. "Conspicuous" shall have the meaning set forth in subdivision (a)(14) of § 59.1-501.2. If a single advertisement consists of multiple pages, folds, or faces, the disclosure requirement applies only to one page, fold, or face. In a television advertisement used to promote payday loans, the visual disclosure legend shall include 20 scan lines in size. In a radio advertisement or advertisement communicated by telephone used to promote payday loans, the disclosure statement shall last at least two seconds and the statement shall be spoken so that its contents may be easily understood.

23. A licensee or affiliate shall not knowingly make a payday short-term loan to a person who is a member of the military services of the United States or the spouse or other dependent of a member of the military services of the United States. Prior to making a payday short-term loan, every licensee or affiliate shall inquire of every prospective borrower if he is a member of the military services of the United States or the spouse or other dependent of a member of the military services of the United States. The loan documents shall include verification that the borrower is not a member of the military services of the United States or the spouse or other dependent of a member of the military services of the United States.

24. In collecting or attempting to collect a payday short-term loan, a licensee shall comply with the restrictions and prohibitions applicable to debt collectors contained in the Fair Debt Collection Practices Act (15 U.S.C. § 1692 et seq.) regarding harassment or abuse, false or misleading misrepresentations, and unfair practices in collections.

25. A licensee shall not contact a borrower for any reason other than (i) for the borrower's benefit regarding upcoming payments, options for obtaining loans, payment options, payment due dates, the effect of default, or, after default, receiving payments or other actions permitted by the licensee; (ii) to advise the borrower of missed payments or dishonored checks; or (iii) to assist the transmittal of payments via a third-party mechanism.

26. A short-term loan agreement shall not be sold or otherwise assigned to any other person who is not also a licensee, and if a loan agreement or its servicing is sold or assigned to another licensee, the buyer or assignee of the loan agreement shall be subject to the same obligations under this chapter that apply to the selling or assigning licensee. If a licensee sells or assigns a short-term loan or its servicing, the licensee shall provide to the borrower written notice and the information needed to make future payments no later than 10 days before the borrower's next payment due date.

23. A licensee shall not make a loan to a borrower that includes an acceleration clause or demand feature that permits the licensee, in the event the borrower fails to meet the repayment terms for any outstanding balance, to terminate the loan in advance of the original maturity date and to demand repayment of the entire outstanding balance, unless both of the following conditions are met: (i) not earlier than 10 days after the borrower's payment was due, the licensee provides written notice to the borrower of the termination of the loan and (ii) in addition to the outstanding balance, the licensee collects only prorated interest and the fees earned up to termination of the loan. For purposes of this subdivision, the outstanding balance and prorated interest and fees shall be calculated as if the borrower had voluntarily prepaid the loan in full on the date of termination.

~~23-24.~~ A licensee may not file or initiate a legal proceeding of any kind against a borrower until 60 days after the date of default on a payday short-term loan, during which period the licensee and borrower may voluntarily enter into a repayment arrangement.

~~24.~~ A licensee shall not obtain authorization to electronically debit a borrower's deposit account in connection with any payday loan.

25. A licensee shall not recommend to a borrower that the borrower obtain a loan for a dollar amount that is higher than the borrower has requested.

26. A licensee may not engage in any unfair, misleading, deceptive, or fraudulent acts or practices in the conduct of its business.

26. A borrower may pay any outstanding payday loan from any licensee by means of an extended payment plan as follows:

a. A borrower shall not be eligible to enter into more than one extended payment plan in any 12-month period.

b. To enter into an extended payment plan with respect to a payday loan, the borrower shall agree in a written and signed document to repay the amount owed in at least four equal installments over an aggregate term of at least 60 days. Interest shall not accrue on the indebtedness during the term of the extended payment plan. The borrower may prepay an extended payment plan in full at any time without penalty. If the borrower fails to pay the amount owed under the extended payment plan when due, then the licensee may immediately accelerate the unpaid loan balance.

c. If the borrower enters into an extended payment plan, then no licensee may make a payday loan to the borrower until a waiting period of 90 days shall have elapsed from the date that the borrower pays or satisfies in full the balance of the loan under the terms of the extended payment plan.

d. At each approved office, the licensee shall post a notice in at least 24-point bold type, in a form established or approved by the Commission, informing persons that they may be eligible to enter into an extended payment plan.

e. The licensee shall provide oral notice to any borrower who is eligible to enter into an extended payment plan, at the time a payday loan is made, which notice shall inform the borrower of his ability to pay the payday loan by means of an extended payment plan. The information contained in the notice shall be in a form provided by the Bureau.

27. In addition to the other conditions set forth in this chapter, the fifth payday loan that is made to any person within a period of 180 days shall be made only in compliance with, at the option of the borrower, either of the following:

a. The fifth payday loan is made upon the same terms and conditions otherwise applicable to payday loans under the terms of this chapter, except that (i) no licensee may make a payday loan to such borrower during a period of 45 days following the date such fifth payday loan is paid or otherwise satisfied in full and (ii) the borrower may elect, at any time on or before its due date, to repay such fifth payday loan by means of an extended payment plan as provided in subdivision 26 b; or

b. The fifth payday loan is made in the form of an extended term loan. An extended term loan is a loan that complies with the terms and conditions otherwise applicable to payday loans under the terms of this chapter except that (i) the principal amount of the loan, and any interest and fees permitted by § 6.2-1817, shall be payable in four equal installments over a payment period of 60 days following the date the loan is made and (ii) no licensee may make a payday loan to such borrower during the longer of (a) 90 days following the date the extended term loan is paid or otherwise satisfied in full or (b) 150 days following the date the extended term loan is made.

§ 6.2-1816.1. Loan terms and conditions.

A licensee may engage in the business of making short-term loans, provided that each loan meets all of the following conditions:

1. The total amount of the loan does not exceed \$2,500.

2. The minimum duration of the loan is four months and the maximum duration of the loan is 24 months; however, the minimum duration of the loan may be less than four months if the total monthly payment on the loan does not exceed the greater of (i) an amount that is five percent of the borrower's verified gross monthly income or (ii) six percent of the borrower's verified net monthly income.

3. The loan is made pursuant to a written loan contract that sets forth the terms and conditions of the loan, which shall be signed by the borrower and a person authorized by the licensee to sign such agreements and dated the same day the loan is made and disbursed. A copy of the signed loan contract shall be provided to the borrower. The loan contract shall disclose in a clear and concise manner all of the following:

a. The principal amount of the loan and the total amount of fees and charges the borrower will be required to pay in connection with the loan pursuant to the loan contract;

b. The amount of each payment of principal and interest, when each payment is due, the total number of payments that the borrower will be required to make under the loan contract, and the loan's maturity date;

c. If the licensee receives a check as security for the loan, evidence of receipt from the borrower of a check, stating the amount of the check and terms upon which the check may be presented for payment;

d. A statement, printed in a minimum font size of 10 points, that informs the borrower that complaints regarding the loan or lender may be submitted to the Bureau and includes the correct telephone number, website address, and mailing address for the Bureau;

e. Any disclosures required under the federal Truth in Lending Act (15 U.S.C. § 1601 et seq.) and its implementing regulations, as they may be amended from time to time;

f. The annual percentage rate;

g. A statement, printed in a minimum font size of 10 points, as follows: "This loan is made pursuant to Chapter 18 of Title 6.2 of the Code of Virginia. You have the right to rescind or cancel this loan by returning the loan proceeds check or the originally contracted loan amount by 5 p.m. of the third business day immediately following the day you enter into this contract.";

h. A statement, printed in a minimum font size of 10 points, as follows: "Electronic payment is optional. You have the right to revoke or remove your authorization for electronic payment at any time.";

i. The borrower's mailing address.

j. Such other information relating to the loan as the Commission shall determine, by regulation, is necessary to ensure that the borrower is provided adequate notice of the relevant provisions of the loan.

4. The loan is a precomputed loan and is payable in substantially equal installments consisting of principal, fees, and interest combined. For purposes of this section, "precomputed loan" means a loan in which the debt is a sum comprising the principal amount and the amount of fees and interest computed in advance on the assumption that all scheduled payments will be made when due.

5. The loan may be rescinded or canceled on or before 5 p.m. of the third business day immediately following the day of the loan transaction upon the borrower returning the original loan proceeds check or paying to the licensee, in the form of cash or other good funds instrument, the loan proceeds.

§ 6.2-1817. Authorized fees and charges.

A. A licensee may charge, collect, and receive on each only the following fees and charges in connection with a short-term loan interest, provided such fees and charges are set forth in the written loan contract described in § 6.2-1816.1:

1. Interest at a simple annual rate not to exceed 36 percent. A licensee may also charge (i) a loan fee as provided in subsection B and (ii) a verification fee as provided in subsection C.

B. A licensee may charge and receive a loan fee in an amount not to exceed 20 percent of the amount of the loan proceeds advanced to the borrower.

C. A licensee may charge and receive a verification fee in an amount not to exceed \$5 for a loan made under this chapter. The verification fee shall be used in part to defray the costs of submitting a database inquiry as provided in subdivision B 4 of § 6.2-1810.;

2. Subject to § 6.2-1817.1, a monthly maintenance fee that does not exceed the lesser of eight percent of the originally contracted loan amount or \$25, provided the fee is not added to the loan balance on which interest is charged;

3. Any deposit item return fee incurred by the licensee, not to exceed \$25, if a borrower's check or electronic draft is returned because the account on which it was drawn was closed by the borrower or contained insufficient funds, or the borrower stopped payment of the check or electronic draft, provided that the terms and conditions upon which such fee will be charged to the borrower are set forth in the written loan contract described in § 6.2-1816.1; and

4. Damages and costs to which the licensee may become entitled to by law in connection with any civil action to collect a loan after default, except that the total amount of damages and costs shall not exceed the originally contracted loan amount.

B. A licensee may impose a late charge according to the provisions of § 6.2-400 provided, however, that the late charge shall not exceed \$20.

§ 6.2-1817.1. Inflation adjustment of maximum monthly maintenance fee.

The Commission may, from time to time, by regulation, adjust the dollar amount of \$25 specified in subsection A of § 6.2-1817 to reflect the rate of inflation from the previous date that the dollar amount was established, as measured by the Consumer Price Index or other method of measuring the rate of inflation that the Commission determines is reliable and generally accepted.

§ 6.2-1818.1. Refinancing of short-term loans.

Subject to subsection F of § 6.2-1818.2, a licensee may refinance a short-term loan, provided that the refinanced loan is also a short-term loan.

§ 6.2-1818.2. Statement of balance due; repayment and refunds.

A. The licensee shall, upon the request of the borrower or his agent, provide a statement of balance due on a short-term loan.

B. A borrower shall be permitted to make partial payments, in increments of not less than \$5, on the loan at any time prior to maturity, without charge. The licensee shall give the borrower dated receipts for each payment made, which shall state the updated balance due on the loan.

C. When providing a statement of balance due on the loan, the licensee shall state the amount required to discharge the borrower's obligation in full as of the date the notice is provided and for each of the next three business days following that

date. If the licensee cannot reasonably supply a firm statement of balance due when requested or required, the licensee may provide a good faith estimate of the balance due immediately and provide to the borrower or his agent a firm statement of balance due within two business days.

D. The licensee shall provide any statement of balance due verbally and in writing, and shall not fail to provide the information by phone upon the request of the borrower or his agent.

E. A licensee shall not fail to accept cash or other good funds instrument from the borrower, or a third party when submitted on behalf of the borrower, for repayment of a short-term loan in full or in part. Payments shall be credited by the licensee on the date received.

F. Notwithstanding any other provision of law, if a short-term loan is prepaid in full or refinanced prior to the loan's maturity date, the licensee shall refund to the borrower a prorated portion of fees and charges based on a ratio of the number of days the loan was outstanding and the number of days for which the loan was originally contracted. For purposes of this section, all charges made in connection with the loan shall be included when calculating the loan charges except for deposit item return fees and late charges authorized under § 6.2-1817.

G. If a licensee presents a check held as security for a loan, the licensee shall refund any amount received that is in excess of the payment due on the loan as of the day the licensee presents the check. For purposes of this subsection, the payment due on the loan shall be no more than the amount of unpaid payments and fees that have already come due according to the loan contract or, if applicable, the amount due according to a valid contractual acceleration clause or demand feature as described in subdivision 23 of § 6.2-1816.

H. The licensee shall provide any refund due to a borrower in the form of cash or business check as soon as reasonably possible and not later than two business days after receiving payment from the borrower.

I. Upon repayment of the loan in full, the licensee shall mark the original loan agreement with the word "paid" or "canceled," return it to the borrower, and retain a copy in its records.

§ 6.2-1818.3. Restriction on certain fees and charges.

Notwithstanding any provision of this chapter to the contrary, a licensee shall not contract for, charge, collect, or receive in connection with a short-term loan a total amount of fees and charges that exceeds either (i) 50 percent of the originally contracted loan amount, if the originally contracted loan amount was \$1,500 or less or (ii) 60 percent of the originally contracted loan amount, if the originally contracted loan amount was greater than \$1,500. For purposes of this section, all charges made in connection with the loan shall be included when calculating the total loan charges except for deposit item return fees and late charges authorized under § 6.2-1817.

§ 6.2-1818.4. Verification of borrower's income.

Before initiating a short-term loan transaction with a borrower, a licensee shall make a reasonable attempt to verify the borrower's income. At a minimum, the licensee shall obtain from the borrower one or more recent pay stubs or other written evidence of recurring income, such as a bank statement. The written evidence shall include at least one document that, when presented to the licensee, is dated not earlier than 45 days prior to the borrower's initiation of the short-term loan transaction.

§ 6.2-1819. Advertising.

A. No person licensed or required to be licensed under this chapter shall use or cause to be published any advertisement that (i) contains any false, misleading or deceptive statement or representation; or (ii) identifies the person by any name other than the name set forth on the license issued by the Commission.

B. Any advertising materials used to promote short-term loans that includes the amount of any payment, expressed either as a percentage or dollar amount, or the amount of any finance charge, shall also include a statement of the interest, fees and charges, expressed as an annual percentage rate, payable using examples of a \$300 loan repaid in three months, a \$500 loan repaid in five months, and a \$1,000 loan repaid in 10 months.

C. In any print media advertisement, including any website, used to promote short-term loans, the disclosure statements described in subsection B shall be conspicuous. "Conspicuous" shall have the meaning set forth in subdivision (a) (14) of § 59.1-501.2. If a single advertisement consists of multiple pages, folds, or faces, the disclosure requirement applies only to one page, fold, or face. In a television advertisement used to promote short-term loans, the visual disclosure legend shall include 20 scan lines in size. In a radio advertisement or advertisement communicated by telephone used to promote short-term loans, the disclosure statement shall last at least two seconds and the statement shall be spoken so that its contents may be easily understood.

§ 6.2-1820. Other business.

No licensee shall conduct the business of making payday short-term loans under this chapter at any office, suite, room, or other place of business where any other business is solicited or conducted except a registered check cashing business, a motor vehicle title loan business licensed under Chapter 22 (§ 6.2-2200 et seq.), or such other business as the Commission determines should be permitted, and subject to such conditions as the Commission deems necessary and in the public interest. No such other business shall be allowed except as permitted by Commission regulation or upon the filing of a written application with the Commission, payment of a \$300 fee or other reasonable amount that the Commission may set, and provision of such information as the Commission may deem pertinent. The Commission shall not, however, permit the sale of insurance or the enrolling of borrowers under group insurance policies. This section shall not apply to any other business that is transacted with persons residing solely outside the Commonwealth.

§ 6.2-1827. Application of chapter to Internet loans.

A. The provisions of this chapter, including specifically the licensure requirements of § 6.2-1801, shall apply to persons making ~~payday~~ *short-term* loans over the Internet to Virginia residents *or any individual in the Commonwealth*, whether or not the person making the loan maintains a physical presence in the Commonwealth.

B. *The Commission may, from time to time, by administrative rule or policy statement, set requirements that the Commission reasonably deems necessary to ensure compliance with this section.*

§ 6.2-1828. Authority of Attorney General; referral by Commission to Attorney General.

A. If the Commission determines that a person is in violation of, or has violated, any provision of this chapter, the Commission may refer the information to the Attorney General and may request that the Attorney General investigate such violations. ~~Upon~~ *With or without* such referral, the Attorney General is authorized to seek to enjoin violations of this chapter. The circuit court having jurisdiction may enjoin such violations notwithstanding the existence of an adequate remedy at law.

B. ~~Upon such referral by the Commission, the~~ *The* Attorney General may also seek, and the circuit court may order or decree, damages and such other relief allowed by law, including restitution to the extent available to borrowers under applicable law. Persons entitled to any relief as authorized by this section shall be identified by order of the court within 180 days from the date of the order permanently enjoining the unlawful act or practice.

C. In any action brought by the Attorney General by virtue of the authority granted in this provision, the Attorney General shall be entitled to seek reasonable attorney fees and costs.

D. *If the Attorney General files an action to enjoin violations of this chapter, the Attorney General shall give notice of such action to the Commission.*

§ 6.2-2200. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Affiliate" means a person related to a licensee by common ownership or control, or any employee or agent of a licensee.

"Annual percentage rate" has the same meaning as in the federal Truth in Lending Act (15 U.S.C. § 1601 et seq.) and its implementing regulations, as they may be amended from time to time. All fees and charges payable directly or indirectly by a borrower to a licensee as a condition to a loan, including interest and the monthly maintenance fees authorized under § 6.2-2216, shall be included in the computation of the annual percentage rate.

"Bond" includes any form of financial instrument that provides security equivalent to that provided by a bond, such as an irrevocable letter of credit, if its use in lieu of a bond is authorized pursuant to regulations adopted by the Commission.

"Interest" means all charges payable directly or indirectly by a borrower to a licensee as a condition to a loan, including fees, service charges, and renewal charges, and any ancillary product sold in connection with a loan, but does not include the monthly maintenance fees, deposit item return fees, late charges, or reasonable costs of repossession and sale authorized under § 6.2-2216.

"Licensee" means a person to whom a license has been issued under this chapter.

"Loan amount" means the principal amount of a loan exclusive of fees or charges.

"Motor vehicle" means an automobile, motorcycle, mobile home, truck, van, or other vehicle operated on public highways and streets.

"Motor vehicle title loan" or "title loan" means a loan secured by a non-purchase money security interest in a motor vehicle.

"Motor vehicle title loan agreement" or "loan agreement" means a written document that sets out the terms and conditions under which a licensee agrees to make a motor vehicle title loan to a borrower, and the borrower agrees to give to the licensee a security interest in a motor vehicle owned by the borrower to secure repayment of the motor vehicle title loan and performance of the other obligations under the loan agreement.

"Person" means any individual, corporation, partnership, association, cooperative, limited liability company, trust, joint venture, or other legal or commercial entity.

"Principal" means any person who, directly or indirectly, owns or controls (i) 10 percent or more of the outstanding stock of a stock corporation or (ii) a 10 percent or greater interest in any other type of entity.

§ 6.2-2201. License required.

A. Unless exempted from the provisions of this chapter pursuant to § 6.2-2202:

1. No person shall engage in the business of making motor vehicle title loans to residents of the Commonwealth or to any individuals in the Commonwealth, whether or not the person has a location in the Commonwealth, except in accordance with the provisions of this chapter and without having first obtained a license under this chapter from the Commission; ~~and~~

2. No person shall engage in the business of arranging or brokering motor vehicle title loans for residents of the Commonwealth, or any individuals in the Commonwealth, whether or not the person has a location in the Commonwealth; *and*

3. *Any loan made in violation of this section is void, and no person shall have the right to collect, receive, or retain any principal, interest, fees, or other charges in connection with the loan.*

B. *The provisions of subsection A shall apply to any person who seeks to evade its application by any device, subterfuge, or pretense whatsoever, including:*

1. *The loan, forbearance, use, or sale of (i) credit, as guarantor, surety, endorser, comaker, or otherwise; (ii) money; (iii) goods; or (iv) things in action;*

2. *The use of collateral or related sales or purchases of goods or services, or agreements to sell or purchase, whether real or pretended; receiving or charging compensation for goods or services, whether or not sold, delivered, or provided; and*
3. *The real or pretended negotiation, arrangement, or procurement of a loan through any use or activity of a third person, whether real or fictitious.*

§ 6.2-2203. Application for license; form; content; fee.

A. An application for a license under this chapter shall be made in writing, under oath, and on a form provided by the Commissioner.

B. The application shall set forth:

1. The name and address of the applicant and (i) if the applicant is a partnership, firm, or association, the name and address of each partner or member; (ii) if the applicant is a corporation or limited liability company, the name and address of each director, member, registered agent, and principal; or (iii) if the applicant is a business trust, the name and address of each trustee and beneficiary;

2. The addresses of the locations of the business to be licensed; and

3. Such other information concerning the financial responsibility, background, experience, and activities of the applicant and its members, officers, directors, and principals as the Commissioner may require.

C. The application shall be accompanied by payment of an application fee of \$500, *or other reasonable amount that the Commission may prescribe by regulation.*

D. The application fee shall not be refundable in any event. The fee shall not be abated by surrender, suspension, or revocation of the license.

§ 6.2-2204. Bond required.

The application for a license shall also be accompanied by a bond filed with the Commissioner with corporate surety authorized to execute such bond in the Commonwealth, in the sum of \$50,000 per location, *or such greater sum as the Commission may require, but* not to exceed a total of \$500,000. The form of such bond shall be approved by the Commission. Such bond shall be continuously maintained thereafter in full force. Such bond shall be conditioned upon the applicant or licensee performing all written agreements with borrowers or prospective borrowers, correctly and accurately accounting for all funds received by him in his licensed business, and conducting his licensed business in conformity with this chapter and all applicable laws. Any person who may be damaged by noncompliance of the licensee with any condition of such bond may proceed on such bond against the principal or surety thereon, or both, to recover damages. The aggregate liability under the bond shall not exceed the penal sum of the bond.

§ 6.2-2207. Licenses; places of business; changes.

A. Each license shall state the address or addresses at which the business is to be conducted and shall state fully the legal name of the licensee as well as any fictitious name by which the licensee is operating in the Commonwealth. Each license shall be posted prominently in each place of business of the licensee. Licenses shall not be transferable or assignable, by operation of law or otherwise. No licensee shall use any name in the Commonwealth other than the legal name or fictitious name set forth on the license issued by the Commission.

B. No licensee shall open an additional office or relocate any place of business without prior approval of the Commission. Applications for such approval shall be made in writing on a form provided by the Commissioner and shall be accompanied by payment of a \$150 nonrefundable application fee *or other reasonable amount that the Commission may prescribe by regulation.* The application shall be approved unless the Commission finds that the applicant does not have the required liquid assets or has not conducted business under this chapter efficiently, fairly, in the public interest, and in accordance with law. The application shall be deemed approved if notice to the contrary has not been mailed by the Commission to the applicant within 30 days of the date the application is received by the Commission. After approval, the applicant shall give written notice to the Commissioner within 10 days of the commencement of business at the additional location or relocated place of business.

C. Every licensee shall within 10 days notify the Commissioner, in writing, of the closing of any business location and of the name, address, and position of each new senior officer, member, partner, or director and provide such other information with respect to any such change as the Commissioner may reasonably require.

D. Every license shall remain in force until it has been surrendered, revoked, or suspended. The surrender, revocation, or suspension of a license shall not affect any preexisting legal right or obligation of such licensee.

§ 6.2-2210. Annual report.

A. Each licensee under this chapter shall annually, on or before March 25, file a written report with the Commissioner containing such information as the Commissioner may require concerning his business and operations during the preceding calendar year as to each licensed place of business. Reports shall be made under oath and shall be in the form prescribed by the Commissioner.

B. *The Commissioner shall publish annually and make available to the public an analysis of the information required under this section and other information the Commissioner may choose to include. The published analysis shall include all of the following:*

1. *The total number of borrowers, loans, defaulted loans, and charged-off loans and the total dollar value of the charged-off loans;*

2. *The average loan size, average contracted annual percentage rate, average contracted charges per loan, total contracted loan charges, and total loan charges actually paid;*

3. The total number of deposit item return fees and the total dollar value of those charges;
4. The total number of licensee business locations and the average number of borrowers per location;
5. The total number of title loan contracts that resulted in repossession or surrender of a vehicle, the total number of title loan contracts that resulted in a borrower redeeming a repossessed or surrendered vehicle, the total number of repossessed or surrendered vehicles that were sold, the total fair market value of repossessed or surrendered vehicles that were sold as stated in the loan contracts, the total amount of proceeds licensees received from the sale of repossessed or surrendered vehicles, the total amount of sale proceeds in excess of the redemption amount paid to borrowers as described in subsection C of § 6.2-2217, the total amount of charges licensees received from borrowers related to the repossession and sale of vehicles, and the percentage of all title loan contracts that resulted in a repossession of a vehicle; and
6. A summary of pending and completed enforcement actions, which shall include lists of suspended or revoked licenses, cease and desist orders, and civil penalties pursuant to this chapter.

§ 6.2-2215. Required and prohibited business methods.

Each licensee shall comply with the following requirements and prohibitions:

1. Each motor vehicle title loan shall be evidenced by a written motor vehicle title loan agreement. Each motor vehicle title loan agreement shall:

- a. Be signed by the borrower and by a person authorized by the licensee to sign such agreements;
- b. Be dated the day it is executed by the borrower;
- c. Set forth or contain, at a minimum: (i) the loan amount; (ii) the interest rate and any fees charged pursuant to the loan, which shall not exceed the maximum rate permitted pursuant to § 6.2-2216; (iii) the annual percentage rate, which shall be stated using that term, calculated in accordance with Consumer Financial Protection Bureau Regulation Z (12 C.F.R. Part 1026); (iv) the amounts and scheduled due dates of the monthly installment payments of principal and interest; (v) the borrower's mailing address; (vi) the make, model, year, and vehicle identification number of the motor vehicle in which a security interest is being given as security for the loan; (vii) that the borrower shall have the right to cancel the loan agreement at any time before the close of business on the next business day following the day the loan agreement is executed by returning the original loan proceeds check to or paying to the licensee, in the form of cash or other good funds instrument, the loan proceeds; (viii) the loan's maturity date, which shall not be earlier than 120 days from the date the loan agreement is executed nor later than 12 months from the date the loan agreement is executed; and (ix) such other information relating to the title loan as the Commission shall determine, by regulation, is necessary in order to ensure that the borrower is provided adequate notice of the relevant provisions of the title loan;

d. Not cause any person to be obligated to the licensee for a principal amount that exceeds 50 percent of the fair market value of the motor vehicle in which the licensee is taking an interest, which value shall be determined by reference to the loan value for the motor vehicle specified in a recognized pricing guide if the motor vehicle is included in a recognized pricing guide; and

e. Contain the following notice in at least 14-point bold type immediately above the borrower's signature:

THE INTEREST RATE ON THIS LOAN IS HIGH. YOU SHOULD CONSIDER WHETHER THERE ARE OTHER LOWER COST LOANS AVAILABLE TO YOU.

THIS IS A MOTOR VEHICLE TITLE LOAN AGREEMENT. IT ALLOWS YOU TO RECEIVE LOAN PROCEEDS TO MEET YOUR IMMEDIATE CASH NEEDS. IT IS NOT INTENDED TO MEET YOUR LONG-TERM FINANCIAL NEEDS.

WHEN USING THIS LOAN, YOU SHOULD REQUEST THE MINIMUM AMOUNT REQUIRED TO MEET YOUR IMMEDIATE NEEDS AND YOU SHOULD REPAY THE LOAN AS QUICKLY AS POSSIBLE TO REDUCE THE AMOUNT OF INTEREST YOU ARE CHARGED.

YOU SHOULD TRY TO REPAY THIS LOAN AS QUICKLY AS POSSIBLE. YOU WILL BE REQUIRED TO PAY THE PRINCIPAL AND INTEREST ON THE LOAN IN MONTHLY SUBSTANTIALLY EQUAL INSTALLMENTS. YOU SHOULD TRY TO PAY EVEN MORE TOWARDS YOUR PRINCIPAL BALANCE EACH MONTH. DOING SO WILL SAVE YOU MONEY.

YOU MAY RESCIND THIS LOAN WITHOUT COST OR FURTHER OBLIGATION IF YOU RETURN THE LOAN PROCEEDS, IN CASH OR THE ORIGINAL LOAN CHECK, PRIOR TO THE CLOSE OF BUSINESS ON THE BUSINESS DAY IMMEDIATELY FOLLOWING THE EXECUTION OF THIS AGREEMENT.

YOU ARE PLEDGING YOUR MOTOR VEHICLE AS COLLATERAL FOR THIS LOAN. IF YOU FAIL TO REPAY THE LOAN PURSUANT TO THIS AGREEMENT, WE MAY REPOSSESS YOUR MOTOR VEHICLE.

UNLESS YOU CONCEAL OR INTENTIONALLY DAMAGE THE MOTOR VEHICLE, OR OTHERWISE IMPAIR OUR SECURITY INTEREST BY PLEDGING THE MOTOR VEHICLE TO A THIRD PARTY OR PLEDGING A MOTOR VEHICLE TO US THAT IS ALREADY SUBJECT TO AN UNDISCLOSED EXISTING LIEN, YOUR LIABILITY FOR DEFAULTING UNDER THIS LOAN IS LIMITED TO THE LOSS OF THE MOTOR VEHICLE.

IF YOUR MOTOR VEHICLE IS SOLD DUE TO YOUR DEFAULT, YOU ARE ENTITLED TO ANY SURPLUS OBTAINED AT SUCH SALE BEYOND WHAT IS OWED PURSUANT TO THIS AGREEMENT ALONG WITH ANY REASONABLE COSTS OF RECOVERY AND SALE *A licensee shall not make a loan that does not comply with § 6.2-2215.1;*

2. *A licensee shall not charge, collect, or receive, directly or indirectly, credit insurance premiums, charges for any ancillary product sold, charges for disbursing loan proceeds or refunds including check-cashing charges and any other*

charges for negotiating forms of payment other than cash, charges for brokering or obtaining a loan, or any fees, interest, or charges in connection with a loan, other than fees and charges permitted by § 6.2-2216;

3. A licensee shall not make a loan to a person if that person is obligated upon any loan to a person licensed under Chapter 18 (§ 6.2-1800 et seq.). Prior to making a loan, a licensee shall make a reasonable attempt to verify the prospective borrower's eligibility under this section which shall include reviewing the files of any affiliate that is licensed under Chapter 18. Unless the Commission requires otherwise by administrative rule or policy statement, a licensee may rely on the loan applicant's written representations with respect to the applicant's obligations to lenders that are licensed under Chapter 18 but are not affiliates of the licensee and a licensee is not subject to any administrative penalty or civil liability if such representations are later determined to be inaccurate;

4. Except as provided in § 6.2-2216.2, a licensee shall not refinance, renew, or extend any title loan or make a loan to a person if the loan would cause the person to have more than one title loan from any licensee outstanding at the same time;

5. Before entering into a motor vehicle title loan, a licensee shall provide each borrower with a pamphlet, in a form consistent with regulations adopted by the Commission, explaining in plain language the rights and responsibilities of the borrower and providing a toll-free number at the Commission for assistance with complaints;

3. The borrower shall have the right to prepay the title loan prior to maturity by paying the outstanding balance at any time without penalty. A borrower shall also be permitted to make partial payments on a motor vehicle equity loan without charge at any time prior to the date such amounts would otherwise be due to the licensee. The licensee shall give the borrower signed, dated receipts for any cash payment made in person;

4. 6. A licensee shall give a duplicate original of the loan agreement to the borrower at the time it is executed not cause any person to be obligated to the licensee in any capacity at any time in the principal amount of more than \$2,500;

5. 7. A licensee shall not obtain any agreement from the borrower (i) giving the licensee or any third person power of attorney or authority to confess judgment for the borrower; (ii) authorizing the licensee or any third party to bring suit against the borrower in a court outside the Commonwealth; or (iii) waiving or modifying any the borrower's right the borrower has under this chapter or Title 8.9A; or (iv) requiring the borrower to use arbitration or other alternative dispute resolution mechanisms that do not conform to Chapter 21 (§ 8.01-577 et seq.) of Title 8.01 to legal recourse or any other right the borrower has under any otherwise applicable provision of state or federal law;

6. 8. A motor vehicle title loan agreement shall not (i) contain a provision by which a person acting on behalf of the licensee is treated as an agent of the borrower in connection with its formation or execution other than for purposes of filing or releasing a lien with the state where the motor vehicle is registered; (ii) contain an acceleration clause under which a licensee may demand immediate payment of any amount owed to it unless the borrower is in default under the terms of the loan agreement; or (iii) (ii) be sold or otherwise assigned to any other person who is not also a licensee, and if a loan agreement is sold or assigned to another licensee, the buyer or assignee of the loan agreement shall be subject to the same obligations under this chapter that apply to the selling or assigning licensee. If a motor vehicle title loan or its servicing is sold or assigned, a licensee shall provide to the borrower written notice and the information needed to make future payments no later than 10 days before the borrower's next payment due date;

7. 9. Loan proceeds shall be disbursed (i) in cash, (ii) by the licensee's business check, or (iii) by debit card provided that the borrower will not be directly charged a fee by the licensee in connection with the withdrawal of the funds. No fee shall be charged by the licensee or check casher affiliate for cashing a title loan proceeds check;

8. A licensee shall not obtain or accept from a borrower an authorization to electronically debit the borrower's deposit account;

9. 10. A licensee shall not take an (i) accept a check, real or personal property, or any interest in any real or personal property other than the title of one motor vehicle owned by the borrower as security for a title loan; (ii) create or accept any remotely created check, as defined in 12 C.F.R. § 229.2(fff), in connection with a loan; (iii) draft funds electronically from a borrower's account without express written authorization from the borrower; (iv) fail to stop attempts to draft funds electronically from a borrower's account upon request from the borrower or his agent; or (v) require or accept from a borrower a set of keys to a motor vehicle that secures a loan. Nothing in this subdivision shall prohibit the conversion of a negotiable instrument into an electronic form for processing through the automated clearing house system. For purposes of this subdivision, "motor vehicle" includes any accessories or accessions to a motor vehicle that are affixed thereto;

11. A licensee shall not attempt to draft funds electronically from a borrower's account after two consecutive attempts have failed, unless the licensee obtains new written authorization from the borrower to transfer or withdraw funds electronically from the borrower's account;

10. 12. A licensee shall not (i) make a motor vehicle title loan if, on the date the loan agreement is signed by the borrower, the motor vehicle's certificate of title evidences that the motor vehicle is security for another loan or otherwise is encumbered by a lien; (ii) make a loan to an individual who the licensee knows is a borrower under another motor vehicle title loan, whether made by the same or another licensee, or (iii) knowingly cause a borrower to be obligated upon more than one motor vehicle title loan at any time. Prior to making a motor vehicle title loan, every licensee shall inquire of every prospective borrower if the individual is obligated on a motor vehicle title loan with any licensee. Each loan agreement shall include the borrower's certification that the borrower is not obligated on another motor vehicle title loan;

11. 13. A licensee shall (i) hold the certificate of title to the motor vehicle throughout the period that the loan agreement is in effect and (ii) within seven days following the date of the motor vehicle title loan agreement, file to have its security interest in the motor vehicle added to its certificate of title by complying with the requirements of § 46.2-637, or in

the case of a motor vehicle registered in a state other than the Commonwealth by complying with that state's requirements for perfecting a security interest in a motor vehicle;

~~12.~~ 14. A licensee shall not *knowingly* make a title loan to a borrower to enable the borrower to (i) pay for any other product or service sold at the licensee's business location *or by an affiliate* or (ii) repay any amount owed to the licensee or an affiliate of the licensee in connection with another credit transaction;

13. A licensee's security interest in a motor vehicle shall be promptly released when the borrower's obligations under the loan agreement are satisfied in full. When releasing the security interest in a motor vehicle, a licensee shall (i) mark the original loan agreement with the word "paid" or "canceled," return it to the borrower, and retain a copy in its records; (ii) take any action necessary to reflect the termination of its lien on the motor vehicle's certificate of title; and (iii) return the certificate of title to the borrower;

14. 15. A licensee shall conspicuously post in each licensed location (i) a schedule of finance charges on a title loan, using as an example a \$1,000 loan that is repaid over a 12-month period and (ii) a notice containing the following statement: "Should you wish to file a complaint against us, you may contact the Bureau of Financial Institutions at [insert contact information]." The Commission shall furnish licensees with the appropriate contact information;

15. 16. A licensee or affiliate shall not knowingly make a motor vehicle title loan to a covered member of the armed forces or a dependent of such member. Prior to making a motor vehicle title loan, every licensee or affiliate shall inquire of every prospective borrower if the individual is a covered member of the armed forces or a dependent of a covered member. The prospective borrower shall affirm in writing to the licensee or affiliate if he is not a covered member of the armed forces or a dependent of a covered member. For purposes of this section, "covered member of the armed forces" means a person on active duty under a call or order that does not specify a period of 30 days or less or on active guard and reserve duty. For purposes of this section, "dependent of a covered member of the armed forces" means the member's spouse, the member's child as defined by 38 U.S.C. § 101 (4), or an individual for whom the member provided more than one-half of the individual's support for 180 days immediately preceding the date the motor vehicle title loan is sought;

16. 17. In collecting or attempting to collect a motor vehicle title loan, a licensee shall comply with the restrictions and prohibitions applicable to debt collectors contained in the Fair Debt Collection Practices Act (15 U.S.C. § 1692 et seq.) regarding harassment or abuse, false, misleading or deceptive statements or representations, and unfair practices in collections;

18. A licensee shall not contact a borrower for any reason other than (i) for the borrower's benefit regarding upcoming payments, options for obtaining loans, payment options, payment due dates, the effect of default, or, after default, receiving payments or other actions permitted by the licensee; (ii) to advise the borrower of missed payments or dishonored checks; (iii) to advise the borrower regarding a repossessed or surrendered vehicle; or (iv) to assist the transmittal of payments via a third-party mechanism;

19. A licensee shall not make a loan to a borrower that includes an acceleration clause or a demand feature that permits the licensee, in the event the borrower fails to meet the repayment terms for any outstanding balance, to terminate the loan in advance of the original maturity date and to demand repayment of the entire outstanding balance, unless both of the following conditions are met: (i) not earlier than 10 days after the borrower's payment was due, the licensee provides written notice to the borrower of the termination of the loan and (ii) in addition to the outstanding balance, the licensee collects only prorated interest and the fees earned up to the date the loan was terminated or the borrower's vehicle was repossessed or surrendered, whichever is earlier. For purposes of this subsection, the outstanding balance and prorated interest and fees shall be calculated as if the borrower had voluntarily prepaid the loan in full on the date of termination, repossession, or surrender;

20. A licensee shall not recommend to a borrower that the borrower obtain a loan for a dollar amount that is higher than the borrower has requested;

~~17.~~ 21. A licensee shall not (i) engage in any unfair, misleading, deceptive, or fraudulent acts or practices in the conduct of its business, (ii) engage in any business or activity that directly or indirectly results in an evasion of the provisions of this chapter, or (iii) (i) threaten, or cause to be instigated, criminal proceedings against a borrower arising from the borrower's failure to pay any sum due under a loan agreement;

18. A licensee shall not conduct the business of making motor vehicle title loans under this chapter at any office, suite, room, or place of business where any other business is solicited or conducted except a registered check cashing business or such other business as the Commission determines should be permitted, and subject to such conditions as the Commission deems necessary and in the public interest. No other such business shall be allowed except as permitted by Commission regulation or upon the filing of a written application with the Commission, payment of a \$300 fee, and provision of such information as the Commission may deem pertinent. The Commission shall not, however, permit the sale of insurance or the enrolling of borrowers under group insurance policies;

19. 22. A licensee shall provide a safe place for the keeping of all certificates of title while they are in its possession;

20. 23. A licensee may require a borrower to purchase or maintain property insurance upon a motor vehicle securing a title loan made pursuant to this chapter. A licensee may not require the borrower to obtain such insurance from a particular provider; and

~~21.~~ 24. If the a licensee or any person acting at its direction takes possession of a motor vehicle securing a title loan, the vehicle and any personal items in it shall be stored in a secure location.

§ 6.2-2215.1. *Loan terms and conditions.*

A licensee may engage in the business of making motor vehicle title loans provided that each loan meets all of the following conditions:

1. The total amount of the loan does not exceed \$2,500.
2. The minimum duration of the loan is six months and the maximum duration of the loan is 24 months; however, the minimum duration of the loan may be less than six months if the total monthly payment on the loan does not exceed the greater of an amount that is (i) five percent of the borrower's verified gross monthly income or (ii) six percent of the borrower's verified net monthly income.
3. The loan is made pursuant to a written loan contract that sets forth the terms and conditions of the loan, which shall be signed by the borrower and a person authorized by the licensee to sign such agreements and dated the same day the loan is made and disbursed. A copy of the signed loan contract shall be provided to the borrower. The loan contract shall disclose in a clear and concise manner all of the following:
 - a. The principal amount of the loan and the total amount of fees and charges the borrower will be required to pay in connection with the loan pursuant to the loan contract.
 - b. The amount of each payment of principal and interest, when each payment is due, the total number of payments that the borrower will be required to make under the loan contract, and the loan's maturity date.
 - c. The make, model, year, and vehicle identification number of the motor vehicle in which a security interest is being given as security for the loan, and the fair market value of the vehicle which value the licensee shall determine by reference to the value for the motor vehicle specified in a recognized pricing guide if the motor vehicle is included in a recognized pricing guide.
 - d. A statement, printed in a minimum font size of 10 points, that informs the borrower that complaints regarding the loan or lender may be submitted to the Bureau and includes the correct telephone number, website address, and mailing address for the Bureau.
 - e. Any disclosures required under the federal Truth in Lending Act (15 U.S.C. § 1601 et seq.) and its implementing regulations, as they may be amended from time to time.
 - f. The annual percentage rate.
 - g. A statement, printed in a minimum font size of 10 points, as follows: "This loan is made pursuant to Chapter 22 of Title 6.2 of the Code of Virginia. You have the right to rescind or cancel this loan by returning the loan proceeds check or the originally contracted loan amount by 5 p.m. of the third business day immediately following the day you enter into this contract."
 - h. A statement, printed in a minimum font size of 10 points, as follows: "Electronic payment is optional. You have the right to revoke or remove your authorization for electronic payment at any time."
 - i. The borrower's mailing address.
 - j. A statement, printed in at least 14-point bold type immediately above the borrower's signature, as follows:

YOU ARE PLEDGING YOUR MOTOR VEHICLE AS COLLATERAL FOR THIS LOAN. IF YOU FAIL TO REPAY THE LOAN PURSUANT TO THIS AGREEMENT, WE MAY REPOSSESS YOUR MOTOR VEHICLE.

UNLESS YOU CONCEAL OR INTENTIONALLY DAMAGE THE MOTOR VEHICLE, OR OTHERWISE IMPAIR OUR SECURITY INTEREST BY PLEDGING THE MOTOR VEHICLE TO A THIRD PARTY OR PLEDGING A MOTOR VEHICLE TO US THAT IS ALREADY SUBJECT TO AN UNDISCLOSED EXISTING LIEN, YOUR LIABILITY FOR DEFAULTING UNDER THIS LOAN IS LIMITED TO THE LOSS OF THE MOTOR VEHICLE.

IF YOUR MOTOR VEHICLE IS SOLD DUE TO YOUR DEFAULT, YOU ARE ENTITLED TO ANY SURPLUS OBTAINED AT SUCH SALE BEYOND WHAT IS OWED PURSUANT TO THIS AGREEMENT ALONG WITH ANY REASONABLE COSTS OF RECOVERY AND SALE.
 - k. Such other information relating to the loan as the Commission shall determine, by regulation, is necessary to ensure that the borrower is provided adequate notice of the relevant provisions of the loan.
4. The loan is a precomputed loan and is payable in substantially equal installments consisting of principal, fees, and interest combined. For purposes of this section, "precomputed loan" means a loan in which the debt is a sum comprising the principal amount and the amount of fees and interest computed in advance on the assumption that all scheduled payments will be made when due.
5. The loan may be rescinded or canceled on or before 5 p.m. of the third business day immediately following the day of the loan transaction upon the borrower returning the original loan proceeds check or paying to the licensee, in the form of cash or other good funds instrument, the loan proceeds.

§ 6.2-2216. Authorized fees and charges.

- A. A licensee may charge and, collect interest on a motor vehicle title loan at rates not to exceed the following:
1. Twenty-two percent per month on the portion of the principal that does not exceed \$700;
 2. Eighteen percent per month on the portion of the principal that exceeds \$700 but does not exceed \$1,400; and
 3. Fifteen percent per month on the portion of the principal that exceeds \$1,400.
- B. The annual rate of interest shall be charged only upon principal balances outstanding from time to time. Interest shall not be charged on an add-on basis and shall not be compounded or paid, deducted or received in advance. On motor vehicle title loans in excess of \$700, a licensee may accrue interest utilizing a single blended interest rate provided the maximum charge allowed pursuant to subsection A is not exceeded.

~~C.~~ and receive only the following fees and charges in connection with a motor vehicle title loan, provided such fees and charges are set forth in the written loan contract described in § 6.2-2215.1:

1. Interest at a simple annual rate not to exceed 36 percent;
2. Subject to § 6.2-2216.1, a monthly maintenance fee that does not exceed the lesser of eight percent of the originally contracted loan amount or \$15, provided the fee is not added to the loan balance on which interest is charged;
3. Any deposit item return fee incurred by the licensee, not to exceed \$25, if a borrower's check or electronic draft is returned because the account on which it was drawn was closed by the borrower or contained insufficient funds, or the borrower stopped payment of the check or electronic draft;
4. Damages and costs to which the licensee may become entitled to by law in connection with any civil action to collect a loan after default, except that the total amount of damages and costs shall not exceed the originally contracted loan amount;
5. Reasonable costs of repossession and sale of the motor vehicle in accordance with § 6.2-2217, provided that the total amount of such costs of repossession and sale that a licensee or any person working on its behalf may charge or receive from the borrower shall be limited to an amount equal to five percent of the originally contracted loan amount; and
6. A late charge in accordance with the provisions of § 6.2-400 provided that the late charge shall not exceed \$20.

B. Notwithstanding anything set forth in subsection A, other provisions of this chapter, or in a motor vehicle title loan agreement, interest shall not accrue on the principal balance of a motor vehicle title loan from and after:

1. The date that the motor vehicle securing the title loan is repossessed by or at the direction of the licensee making the loan; or
2. Sixty days after the borrower has failed to make a monthly payment on a motor vehicle title loan as required by the loan agreement unless the borrower has not surrendered the motor vehicle and the borrower is concealing the motor vehicle.

~~D.~~ In addition to the loan principal and interest permitted under subsection A, a licensee shall not directly or indirectly charge, contract for, collect, receive, recover, or require a borrower to pay any further or other fee, charge, or amount whatsoever except for (i) a licensee's actual cost of perfecting its security interest in a motor vehicle securing the borrower's obligations under a loan agreement and (ii) reasonable costs of repossession and sale of the motor vehicle in accordance with § 6.2-2217. C. A licensee shall not be entitled to collect or recover from a borrower any sum otherwise permitted pursuant to § 6.2-302, 8.01-27.2, or 8.01-382. In no event shall the borrower be liable for fees incurred in connection with the storage of a motor vehicle securing a title loan following the motor vehicle's repossession by the licensee or its agent, or the voluntary surrender of possession of the motor vehicle by the borrower to the licensee.

E. Every title loan shall be a term loan providing for repayment of the principal and interest in substantially equal monthly installments of principal and interest; however, nothing in this chapter shall prohibit a loan agreement from providing for an odd first payment period and an odd first payment greater than other monthly payments because of such odd first payment period.

F. A title loan agreement may not be extended, renewed, or refinanced.

G. A licensee may impose a late charge for failure to make timely payment of any amount due under the loan agreement provided that such late charge does not exceed the amount permitted by § 6.2-400.

H. Payments shall be credited by the licensee on the date received.

D. If any person causes a borrower to pay fees related to repossession or sale of the motor vehicle in excess of the amount allowed under subdivision A 5, or any fee to store the motor vehicle, the borrower shall be entitled to recover such amounts or fees from the licensee upon presenting a valid receipt.

§ 6.2-2216.1. Inflation adjustment of maximum monthly maintenance fee.

The Commission may, from time to time, by regulation, adjust the dollar amount of \$15 specified in subdivision A 2 of § 6.2-2216 to reflect the rate of inflation from the previous date that the dollar amount was established, as measured by the Consumer Price Index or other method of measuring the rate of inflation which the Commission determines is reliable and generally accepted.

§ 6.2-2216.2. Refinancing of motor vehicle title loan.

Subject to subsection F of § 6.2-2216.3, a licensee may refinance a title loan, provided that the refinanced loan is also a title loan.

§ 6.2-2216.3. Statement of balance due; repayment and refunds.

A. The licensee shall, upon the request of the borrower or his agent, provide a statement of balance due on a motor vehicle title loan.

B. A borrower shall be permitted to make partial payments, in increments of not less than \$5, on the loan at any time prior to maturity, without charge. The licensee shall give the borrower dated receipts for each payment made, which shall state the updated balance due on the loan.

C. When providing a statement of balance due on the loan, the licensee shall state the amount required to discharge the borrower's obligation in full as of the date the notice is provided and for each of the next three business days following that date. If the licensee cannot reasonably supply a firm statement of balance due when requested or required, the licensee may provide a good faith estimate of the balance due immediately and provide to the borrower or his agent a firm statement of balance due within two business days.

D. The licensee shall provide any statement of balance due verbally and in writing, and shall not fail to provide the information by phone upon the request of the borrower or his agent.

E. A licensee shall not fail to accept cash or other good funds instrument from the borrower, or a third party when submitted on behalf of the borrower, for repayment of a title loan in full or in part. Payments shall be credited by the licensee on the date received.

F. Notwithstanding any other provision of law, if a title loan is prepaid in full or refinanced prior to the loan's maturity date, the licensee shall refund to the borrower a prorated portion of loan charges based on a ratio of the number of days the loan was outstanding and the number of days for which the loan was originally contracted. For purposes of this section, all charges made in connection with the loan shall be included when calculating the loan charges except for deposit item return fees, late charges, and reasonable costs of repossession and sale authorized under § 6.2-2216.

G. The licensee shall provide any refund due to a borrower in the form of cash or business check as soon as reasonably possible and not later than two business days after receiving payment from the borrower.

H. Upon repayment of the loan in full, the licensee shall (i) mark the original loan agreement with the word "paid" or "canceled," return it to the borrower, and retain a copy in its records and (ii) promptly release any security interest in a motor vehicle.

I. When releasing a security interest in a motor vehicle, a licensee shall (i) take any action necessary to reflect the termination of its lien on the motor vehicle's certificate of title and (ii) promptly return the certificate of title to the borrower.

§ 6.2-2216.4. Restriction on certain fees and charges.

Notwithstanding any provision of this chapter to the contrary, a licensee shall not contract for, charge, collect, or receive in connection with a motor vehicle title loan a total amount of fees and charges that exceeds either (i) 50 percent of the originally contracted loan amount, if the originally contracted loan amount was \$1,500 or less, or (ii) 60 percent of the originally contracted loan amount, if the originally contracted loan amount was greater than \$1,500. For purposes of this section, all charges made in connection with the loan shall be included when calculating the total loan charges except for deposit item return fees, late charges, and reasonable costs of repossession and sale authorized under § 6.2-2216.

§ 6.2-2216.5. Verification of borrower's income.

Before initiating a motor vehicle title loan transaction with a borrower, a licensee shall make a reasonable attempt to verify the borrower's income. At a minimum, the licensee shall obtain from the borrower one or more recent pay stubs or other written evidence of recurring income, such as a bank statement. The written evidence shall include at least one document that, when presented to the licensee, is dated not earlier than 45 days prior to the borrower's initiation of the title loan transaction.

§ 6.2-2217. Limited recourse; repossession and sale of motor vehicle.

A. Except as otherwise provided in subsection E, a licensee taking a security interest in a motor vehicle pursuant to this chapter shall be limited, upon default by the borrower, to seeking repossession of, preparing for sale, and selling the motor vehicle in accordance with Title 8.9A. Unless (i) the licensee, at least 10 days prior to repossessing the motor vehicle securing a title loan, has sent to the borrower, by first class mail, written notice advising the borrower that his title loan is in default and stating that the motor vehicle may be repossessed unless the principal and interest owed under the loan agreement are paid and (ii) the borrower does not pay such principal and interest prior to the date the motor vehicle is repossessed by or at the direction of the licensee, then the licensee shall not collect or charge the costs of repossessing and selling the motor vehicle described in ~~clause (ii) of subsection D subdivision A 5 of § 6.2-2216.~~ A licensee shall not repossess a motor vehicle securing a title loan prior to the date specified in the notice. Except as otherwise provided in subsection E, a licensee shall not seek or obtain a personal money judgment against a borrower for any amount owed under a loan agreement or any deficiency resulting after the sale of a motor vehicle.

B. At least 15 days prior to the sale of a motor vehicle, a licensee shall (i) notify the borrower of the date and time after which the motor vehicle is subject to sale and (ii) provide the borrower with a written accounting of the *redemption amount, which shall be the sum of the principal amount due to the licensee, interest accrued through the date the licensee took possession of the motor vehicle, and any reasonable expenses incurred to date by the licensee in taking possession of, preparing for sale, and selling the motor vehicle.* At any time prior to such sale, the licensee shall permit the borrower to redeem the motor vehicle by tendering cash or other good funds instrument for the principal amount due to the licensee, interest accrued through the date the licensee took possession, and any ~~reasonable expenses incurred by the licensee in taking possession of, preparing for sale, and selling the motor vehicle~~ *allowable fees or costs of repossessing and selling the motor vehicle described in subdivision A 5 of § 6.2-2216. Borrowers shall be permitted to recover personal items from repossessed motor vehicles promptly and at no cost.*

C. Within ~~30~~ 10 days of the licensee's receipt of funds from the sale of a motor vehicle, the borrower is entitled to receive all proceeds from such sale of the motor vehicle in excess of the ~~principal amount due to the licensee, interest accrued through the date the licensee took possession, and the reasonable expenses incurred by the licensee in taking possession of, preparing for sale, and selling the motor vehicle~~ *redemption amount included in the notice described in subsection B, less any additional allowable fees or costs of repossessing and selling the motor vehicle described in subdivision A 5 of § 6.2-2216 that were not included in the redemption amount.*

D. Except in the case of fraud or a voluntary surrender of the motor vehicle, a licensee shall not take possession of a motor vehicle until such time as a borrower is in default under the loan agreement. Except as otherwise provided in this chapter, the repossession and sale of a motor vehicle shall be subject to the provisions of Title 8.9A.

E. Notwithstanding any provision to the contrary, *but subject to § 6.2-2216,* upon default by a borrower, a licensee may seek a personal money judgment against the borrower for any amounts owed under a loan agreement if the borrower impairs

the licensee's security interest by (i) intentionally damaging or destroying the motor vehicle, (ii) intentionally concealing the motor vehicle, (iii) giving the licensee a lien in a motor vehicle that is already encumbered by an undisclosed prior lien, or (iv) subsequently giving a security interest in, or selling, a motor vehicle that secures a title loan to a third party, without the licensee's written consent.

§ 6.2-2218.1. Other business.

A licensee shall not conduct the business of making motor vehicle title loans under this chapter at any office, suite, room, or place of business where any other business is solicited or conducted except a registered check cashing business, a short-term loan business licensed under Chapter 18 (§ 6.2-1800 et seq.), or such other business as the Commission determines should be permitted, and subject to such conditions as the Commission deems necessary and in the public interest. No such other business shall be allowed except as permitted by Commission regulation or upon the filing of a written application with the Commission, payment of a \$300 fee, or other reasonable amount that the Commissioner may set, and provision of such information as the Commission may deem pertinent. The Commission shall not, however, permit the sale of insurance or the enrolling of borrowers under group insurance policies. This section shall not apply to any other business that is transacted solely with persons residing outside the Commonwealth.

§ 6.2-2224. Validity of noncompliant loan agreement; private right of action.

A. If any provision of a motor vehicle title loan agreement violates a requirement of this chapter, such provision shall be unenforceable against the borrower.

B. *Any person who suffers loss by reason of a violation of any provision of this chapter may bring a civil action to enforce such provision. Any person who is successful in such action shall recover reasonable attorney fees, expert witness fees, and court costs incurred by bringing such action.*

§ 6.2-2226. Authority of Attorney General; referral by Commission to Attorney General.

A. If the Commission determines that a person is in violation of, or has violated, any provision of this chapter, the Commission may refer the information to the Attorney General and may request that the Attorney General investigate such violations. ~~In the case of~~ *With or without* such referral, the Attorney General is hereby authorized to seek to enjoin violations of this chapter. The circuit court having jurisdiction may enjoin such violations notwithstanding the existence of an adequate remedy at law.

~~B. Upon such referral of the Commission,~~ *The* Attorney General may also seek, and the circuit court may order or decree, damages and such other relief allowed by law, including restitution to the extent available to borrowers under applicable law. Persons entitled to any relief as authorized by this section shall be identified by order of the court within 180 days from the date of the order permanently enjoining the unlawful act or practice.

C. In any action brought by the Attorney General by virtue of the authority granted in this section, the Attorney General shall be entitled to seek reasonable attorney fees and costs.

§ 59.1-200. Prohibited practices.

A. The following fraudulent acts or practices committed by a supplier in connection with a consumer transaction are hereby declared unlawful:

1. Misrepresenting goods or services as those of another;
2. Misrepresenting the source, sponsorship, approval, or certification of goods or services;
3. Misrepresenting the affiliation, connection, or association of the supplier, or of the goods or services, with another;
4. Misrepresenting geographic origin in connection with goods or services;
5. Misrepresenting that goods or services have certain quantities, characteristics, ingredients, uses, or benefits;
6. Misrepresenting that goods or services are of a particular standard, quality, grade, style, or model;
7. Advertising or offering for sale goods that are used, secondhand, repossessed, defective, blemished, deteriorated, or reconditioned, or that are "seconds," irregulars, imperfects, or "not first class," without clearly and unequivocally indicating in the advertisement or offer for sale that the goods are used, secondhand, repossessed, defective, blemished, deteriorated, reconditioned, or are "seconds," irregulars, imperfects or "not first class";
8. Advertising goods or services with intent not to sell them as advertised, or with intent not to sell at the price or upon the terms advertised.

In any action brought under this subdivision, the refusal by any person, or any employee, agent, or servant thereof, to sell any goods or services advertised or offered for sale at the price or upon the terms advertised or offered, shall be prima facie evidence of a violation of this subdivision. This paragraph shall not apply when it is clearly and conspicuously stated in the advertisement or offer by which such goods or services are advertised or offered for sale, that the supplier or offeror has a limited quantity or amount of such goods or services for sale, and the supplier or offeror at the time of such advertisement or offer did in fact have or reasonably expected to have at least such quantity or amount for sale;

9. Making false or misleading statements of fact concerning the reasons for, existence of, or amounts of price reductions;

10. Misrepresenting that repairs, alterations, modifications, or services have been performed or parts installed;

11. Misrepresenting by the use of any written or documentary material that appears to be an invoice or bill for merchandise or services previously ordered;

12. Notwithstanding any other provision of law, using in any manner the words "wholesale," "wholesaler," "factory," or "manufacturer" in the supplier's name, or to describe the nature of the supplier's business, unless the supplier is actually engaged primarily in selling at wholesale or in manufacturing the goods or services advertised or offered for sale;

13. Using in any contract or lease any liquidated damage clause, penalty clause, or waiver of defense, or attempting to collect any liquidated damages or penalties under any clause, waiver, damages, or penalties that are void or unenforceable under any otherwise applicable laws of the Commonwealth, or under federal statutes or regulations;

13a. Failing to provide to a consumer, or failing to use or include in any written document or material provided to or executed by a consumer, in connection with a consumer transaction any statement, disclosure, notice, or other information however characterized when the supplier is required by 16 C.F.R. Part 433 to so provide, use, or include the statement, disclosure, notice, or other information in connection with the consumer transaction;

14. Using any other deception, fraud, false pretense, false promise, or misrepresentation in connection with a consumer transaction;

15. Violating any provision of § 3.2-6512, 3.2-6513, or 3.2-6516, relating to the sale of certain animals by pet dealers which is described in such sections, is a violation of this chapter;

16. Failing to disclose all conditions, charges, or fees relating to:

a. The return of goods for refund, exchange, or credit. Such disclosure shall be by means of a sign attached to the goods, or placed in a conspicuous public area of the premises of the supplier, so as to be readily noticeable and readable by the person obtaining the goods from the supplier. If the supplier does not permit a refund, exchange, or credit for return, he shall so state on a similar sign. The provisions of this subdivision shall not apply to any retail merchant who has a policy of providing, for a period of not less than 20 days after date of purchase, a cash refund or credit to the purchaser's credit card account for the return of defective, unused, or undamaged merchandise upon presentation of proof of purchase. In the case of merchandise paid for by check, the purchase shall be treated as a cash purchase and any refund may be delayed for a period of 10 banking days to allow for the check to clear. This subdivision does not apply to sale merchandise that is obviously distressed, out of date, post season, or otherwise reduced for clearance; nor does this subdivision apply to special order purchases where the purchaser has requested the supplier to order merchandise of a specific or unusual size, color, or brand not ordinarily carried in the store or the store's catalog; nor shall this subdivision apply in connection with a transaction for the sale or lease of motor vehicles, farm tractors, or motorcycles as defined in § 46.2-100;

b. A layaway agreement. Such disclosure shall be furnished to the consumer (i) in writing at the time of the layaway agreement, or (ii) by means of a sign placed in a conspicuous public area of the premises of the supplier, so as to be readily noticeable and readable by the consumer, or (iii) on the bill of sale. Disclosure shall include the conditions, charges, or fees in the event that a consumer breaches the agreement;

16a. Failing to provide written notice to a consumer of an existing open-end credit balance in excess of \$5 (i) on an account maintained by the supplier and (ii) resulting from such consumer's overpayment on such account. Suppliers shall give consumers written notice of such credit balances within 60 days of receiving overpayments. If the credit balance information is incorporated into statements of account furnished consumers by suppliers within such 60-day period, no separate or additional notice is required;

17. If a supplier enters into a written agreement with a consumer to resolve a dispute that arises in connection with a consumer transaction, failing to adhere to the terms and conditions of such an agreement;

18. Violating any provision of the Virginia Health Club Act, Chapter 24 (§ 59.1-294 et seq.);

19. Violating any provision of the Virginia Home Solicitation Sales Act, Chapter 2.1 (§ 59.1-21.1 et seq.);

20. Violating any provision of the Automobile Repair Facilities Act, Chapter 17.1 (§ 59.1-207.1 et seq.);

21. Violating any provision of the Virginia Lease-Purchase Agreement Act, Chapter 17.4 (§ 59.1-207.17 et seq.);

22. Violating any provision of the Prizes and Gifts Act, Chapter 31 (§ 59.1-415 et seq.);

23. Violating any provision of the Virginia Public Telephone Information Act, Chapter 32 (§ 59.1-424 et seq.);

24. Violating any provision of § 54.1-1505;

25. Violating any provision of the Motor Vehicle Manufacturers' Warranty Adjustment Act, Chapter 17.6 (§ 59.1-207.34 et seq.);

26. Violating any provision of § 3.2-5627, relating to the pricing of merchandise;

27. Violating any provision of the Pay-Per-Call Services Act, Chapter 33 (§ 59.1-429 et seq.);

28. Violating any provision of the Extended Service Contract Act, Chapter 34 (§ 59.1-435 et seq.);

29. Violating any provision of the Virginia Membership Camping Act, Chapter 25 (§ 59.1-311 et seq.);

30. Violating any provision of the Comparison Price Advertising Act, Chapter 17.7 (§ 59.1-207.40 et seq.);

31. Violating any provision of the Virginia Travel Club Act, Chapter 36 (§ 59.1-445 et seq.);

32. Violating any provision of §§ 46.2-1231 and 46.2-1233.1;

33. Violating any provision of Chapter 40 (§ 54.1-4000 et seq.) of Title 54.1;

34. Violating any provision of Chapter 10.1 (§ 58.1-1031 et seq.) of Title 58.1;

35. Using the consumer's social security number as the consumer's account number with the supplier, if the consumer has requested in writing that the supplier use an alternate number not associated with the consumer's social security number;

36. Violating any provision of Chapter 18 (§ 6.2-1800 et seq.) of Title 6.2;

37. Violating any provision of § 8.01-40.2;

38. Violating any provision of Article 7 (§ 32.1-212 et seq.) of Chapter 6 of Title 32.1;

39. Violating any provision of Chapter 34.1 (§ 59.1-441.1 et seq.);

40. Violating any provision of Chapter 20 (§ 6.2-2000 et seq.) of Title 6.2;

41. Violating any provision of the Virginia Post-Disaster Anti-Price Gouging Act, Chapter 46 (§ 59.1-525 et seq.);

42. Violating any provision of Chapter 47 (§ 59.1-530 et seq.);
 43. Violating any provision of § 59.1-443.2;
 44. Violating any provision of Chapter 48 (§ 59.1-533 et seq.);
 45. Violating any provision of Chapter 25 (§ 6.2-2500 et seq.) of Title 6.2;
 46. Violating the provisions of clause (i) of subsection B of § 54.1-1115;
 47. Violating any provision of § 18.2-239;
 48. Violating any provision of Chapter 26 (§ 59.1-336 et seq.);
 49. Selling, offering for sale, or manufacturing for sale a children's product the supplier knows or has reason to know was recalled by the U.S. Consumer Product Safety Commission. There is a rebuttable presumption that a supplier has reason to know a children's product was recalled if notice of the recall has been posted continuously at least 30 days before the sale, offer for sale, or manufacturing for sale on the website of the U.S. Consumer Product Safety Commission. This prohibition does not apply to children's products that are used, secondhand or "seconds";

50. Violating any provision of Chapter 44.1 (§ 59.1-518.1 et seq.);
 51. Violating any provision of Chapter 22 (§ 6.2-2200 et seq.) of Title 6.2;
 52. Violating any provision of § 8.2-317.1;
 53. Violating subsection A of § 9.1-149.1;
 54. Selling, offering for sale, or using in the construction, remodeling, or repair of any residential dwelling in the Commonwealth, any drywall that the supplier knows or has reason to know is defective drywall. This subdivision shall not apply to the sale or offering for sale of any building or structure in which defective drywall has been permanently installed or affixed;

55. Engaging in fraudulent or improper or dishonest conduct as defined in § 54.1-1118 while engaged in a transaction that was initiated (i) during a declared state of emergency as defined in § 44-146.16 or (ii) to repair damage resulting from the event that prompted the declaration of a state of emergency, regardless of whether the supplier is licensed as a contractor in the Commonwealth pursuant to Chapter 11 (§ 54.1-1100 et seq.) of Title 54.1;

56. Violating any provision of Chapter 33.1 (§ 59.1-434.1 et seq.);
 57. Violating any provision of § 18.2-178, 18.2-178.1, or 18.2-200.1;
 58. Violating any provision of Chapter 17.8 (§ 59.1-207.45 et seq.);
 59. Violating any provision of subsection E of § 32.1-126; ~~and~~
 60. Violating any provision of § 54.1-111 relating to the unlicensed practice of a profession licensed under Chapter 11 (§ 54.1-1100 et seq.) or Chapter 21 (§ 54.1-2100 et seq.) of Title 54.1; *and*

61. *Violating any provision of § 6.2-312.*

B. Nothing in this section shall be construed to invalidate or make unenforceable any contract or lease solely by reason of the failure of such contract or lease to comply with any other law of the Commonwealth or any federal statute or regulation, to the extent such other law, statute, or regulation provides that a violation of such law, statute, or regulation shall not invalidate or make unenforceable such contract or lease.

§ 59.1-335.5. Prohibited practices.

A credit services business, and its salespersons, agents and representatives, and independent contractors who sell or attempt to sell the services of a credit services business, shall not do any of the following:

1. Charge or receive any money or other valuable consideration prior to full and complete performance of the services that the credit services business has agreed to perform for or on behalf of the consumer, unless the consumer has agreed to pay for such services during the term of a written subscription agreement that provides for the consumer to make periodic payments during the agreement's term in consideration for the credit services business's ongoing performance of services for or on behalf of the consumer, provided that such subscription agreement may be cancelled at any time by the consumer;

2. Charge or receive any money or other valuable consideration solely for referral of the consumer to a retail seller or to any other credit grantor who will or may extend to the consumer, if the credit that is or will be extended to the consumer is upon substantially the same terms as those available to the general public;

3. Make, or counsel or advise any consumer to make, any statement that is untrue or misleading and which is known, or which by the exercise of reasonable care should be known, to be untrue or misleading, to a consumer reporting agency or to any person who has extended credit to a consumer or to whom a consumer is applying for an extension of credit, with respect to a consumer's creditworthiness, credit standing, or credit capacity; ~~or~~

4. Make or use any untrue or misleading representations in the offer or sale of the services of a credit services business or engage, directly or indirectly, in any act, practice, or course of business which operates or would operate as a fraud or deception upon any person in connection with the offer or sale of the services of a credit services business; *or*

5. *Advertise, offer, sell, provide, or perform any of the services of a credit services business in connection with an extension of credit that meets any of the following conditions:*

a. The amount of credit is less than \$5,000;

b. The repayment term is one year or less;

c. The credit is provided under an open-end credit plan; or

d. The annual percentage rate exceeds 36 percent. For purposes of this section, "annual percentage rate" has the same meaning as in the federal Truth in Lending Act (15 U.S.C. § 1601 et seq.) and its implementing regulations, as they may be amended from time to time.

2. That § 6.2-1818 of the Code of Virginia is repealed.
3. That any person not licensed under Chapter 15 (§ 6.2-1500 et seq.), Chapter 18 (§ 6.2-1800 et seq.), or Chapter 22 (§ 6.2-2200 et seq.) of Title 6.2 of the Code of Virginia who will be required to be licensed when the provisions of the first and second enactments of this act become effective shall apply for a license on or before October 1, 2020. Any license issued by the State Corporation Commission to any such person prior to January 1, 2021, shall become effective January 1, 2021.
4. That every person licensed under Chapter 15 (§ 6.2-1500 et seq.) of Title 6.2 of the Code of Virginia shall, on or before January 1, 2021, file a surety bond with the Commissioner of Financial Institutions that meets the requirements of § 6.2-1523.3 of the Code of Virginia, as created by this act.
5. That the provisions of the first and second enactments of this act shall become effective on January 1, 2021, except that the database required by § 6.2-1810 of the Code of Virginia, as amended by this act, shall be modified to accommodate the provisions of this first enactment of this act by January 1, 2022.

CHAPTER 1259

An Act to amend and reenact § 46.2-841 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 46.2-816.1, relating to bicyclists and other vulnerable road users; penalty.

[S 437]

Approved April 22, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-841 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 46.2-816.1 as follows:

§ 46.2-816.1. Careless driving and infliction of injury on vulnerable road users; penalty.

A. As used in this section, "vulnerable road user" means a pedestrian; the operator of or passenger on a bicycle, electric personal assistive mobility device, electric power-assisted bicycle, wheel chair or wheel chair conveyance, skateboard, roller skates, motorized skateboard or scooter, or animal-drawn vehicle or any attached device; or any person riding an animal.

B. It is a Class 1 misdemeanor to operate a motor vehicle in a careless or distracted manner such that the careless or distracted operation is the proximate cause of serious bodily injury as defined in § 18.2-51.4 to a vulnerable road user who is lawfully present on the highway at the time of injury.

C. A prosecution or proceeding under § 46.2-852 is a bar to a prosecution or proceeding under this section for the same act, and a prosecution or proceeding under this section is a bar to a prosecution or proceeding under § 46.2-852 for the same act.

§ 46.2-841. When overtaking vehicle may pass on right.

A. The driver of a vehicle may overtake and pass to the right of another vehicle only:

1. When the overtaken vehicle is making or about to make a left turn, and its driver has given the required signal;
2. On a highway with unobstructed pavement, not occupied by parked vehicles, of sufficient width for two or more lines of moving vehicles in each direction;
3. On a one-way street or on any one-way roadway when the roadway is free from obstructions and of sufficient width for two or more lines of moving vehicles.

B. The driver of a vehicle may overtake and pass another vehicle on the right only under conditions permitting such movement in safety. Except where driving on paved shoulders is permitted by lawfully placed signs, no such movement shall be made by driving on the shoulder of the highway or off the pavement or main traveled portion of the roadway.

C. Notwithstanding subsections A and B, nothing in this section shall permit a driver of a motor vehicle to cross a solid line designating a bicycle lane to pass or attempt to pass another vehicle, except as provided in § 46.2-920.1, 46.2-1210, or 46.2-1212.1, as directed by a law-enforcement officer, or where the roadway is otherwise impassable due to weather conditions, an accident, or an emergency situation.

CHAPTER 1260

An Act to amend and reenact §§ 18.2-308.1:4 and 18.2-308.2:1 of the Code of Virginia, relating to protective orders; possession of firearms; surrender or transfer of firearms; penalty.

[S 479]

Approved April 22, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 18.2-308.1:4 and 18.2-308.2:1 of the Code of Virginia are amended and reenacted as follows:

§ 18.2-308.1:4. Purchase or transportation of firearm by persons subject to protective orders; penalties.

A. It is unlawful for any person who is subject to (i) a protective order entered pursuant to § 16.1-253.1, 16.1-253.4, 16.1-278.2, 16.1-279.1, 19.2-152.8, 19.2-152.9, or 19.2-152.10; (ii) an order issued pursuant to subsection B of § 20-103;

(iii) an order entered pursuant to subsection D of § 18.2-60.3; (iv) a preliminary protective order entered pursuant to subsection F of § 16.1-253 where a petition alleging abuse or neglect has been filed; or (v) an order issued by a tribunal of another state, the United States or any of its territories, possessions, or commonwealths, or the District of Columbia pursuant to a statute that is substantially similar to those cited in clauses (i), (ii), (iii), or (iv) to purchase or transport any firearm while the order is in effect. Any person with a concealed handgun permit shall be prohibited from carrying any concealed firearm, and shall surrender his permit to the court entering the order, for the duration of any protective order referred to herein. A violation of this subsection is a Class 1 misdemeanor.

B. In addition to the prohibition set forth in subsection A, it is unlawful for any person who is subject to a protective order entered pursuant to § 16.1-279.1 or 19.2-152.10 or an order issued by a tribunal of another state, the United States or any of its territories, possessions, or commonwealths, or the District of Columbia pursuant to a statute that is substantially similar to § 16.1-279.1 or 19.2-152.10 to knowingly possess any firearm while the order is in effect, provided that for a period of 24 hours after being served with a protective order in accordance with subsection C of § 16.1-279.1 or subsection C of § 19.2-152.10 such person may continue to possess and, notwithstanding the provisions of subsection A, transport any firearm possessed by such person at the time of service for the purposes of *surrendering any such firearm to a law-enforcement agency in accordance with subsection C* or selling or transferring any such firearm to a dealer as defined in § 18.2-308.2:2 or to any person who is not otherwise prohibited by law from possessing such firearm in accordance with subsection C. A violation of this subsection is a Class 6 felony.

C. Upon issuance of a protective order pursuant to § 16.1-279.1 or 19.2-152.10, the court shall order the person who is subject to the protective order to (i) within 24 hours after being served with a protective order in accordance with subsection C of § 16.1-279.1 or subsection C of § 19.2-152.10 (a) *surrender any firearm possessed by such person to a designated local law-enforcement agency*, (b) *sell or transfer any firearm possessed by such person to a dealer as defined in § 18.2-308.2:2*, or (c) *sell or transfer any firearm possessed by such person to any person who is not otherwise prohibited by law from possessing such firearm* and (ii) within 48 hours after being served with a protective order in accordance with subsection C of § 16.1-279.1 or subsection C of § 19.2-152.10, *certify in writing, on a form provided by the Office of the Executive Secretary of the Supreme Court, that such person does not possess any firearms or that all firearms possessed by such person have been surrendered, sold, or transferred and file such certification with the clerk of the court that entered the protective order. The willful failure of any person to certify in writing in accordance with this section that all firearms possessed by such person have been surrendered, sold, or transferred or that such person does not possess any firearms shall constitute contempt of court.*

D. The person who is subject to a protective order pursuant to § 16.1-279.1 or 19.2-152.10 shall be provided with the address and hours of operation of a designated local law-enforcement agency and the certification forms when such person is served with a protective order in accordance with subsection C of § 16.1-279.1 or subsection C of § 19.2-152.10.

E. A law-enforcement agency that takes into custody a firearm surrendered to such agency pursuant to subsection C by a person who is subject to a protective order pursuant to § 16.1-279.1 or 19.2-152.10 shall prepare a written receipt containing the name of the person who surrendered the firearm and the manufacturer, model, and serial number of the firearm and provide a copy to such person. Any firearm surrendered to and held by a law-enforcement agency pursuant to subsection C shall be returned by such agency to the person who surrendered the firearm upon the expiration or dissolution of the protective order entered pursuant to § 16.1-279.1 or 19.2-152.10. Such agency shall return the firearm within five days of receiving a written request for the return of the firearm by the person who surrendered the firearm and a copy of the receipt provided to such person by the agency. Prior to returning the firearm to such person, the law-enforcement agency holding the firearm shall confirm that such person is no longer subject to a protective order issued pursuant to § 16.1-279.1 or 19.2-152.10 and is not otherwise prohibited by law from possessing a firearm. A firearm surrendered to a law-enforcement agency pursuant to subsection C may be disposed of in accordance with the provisions of § 15.2-1721 if (i) the person from whom the firearm was seized provides written authorization for such disposal to the agency or (ii) the firearm remains in the possession of the agency more than 120 days after such person is no longer subject to a protective order issued pursuant to § 16.1-279.1 or 19.2-152.10 and such person has not submitted a request in writing for the return of the firearm.

F. Any law-enforcement agency or law-enforcement officer that takes into custody, stores, possesses, or transports a firearm pursuant to this section shall be immune from civil or criminal liability for any damage to or deterioration, loss, or theft of such firearm.

G. The law-enforcement agencies of the counties, cities, and towns within each judicial circuit shall designate, in coordination with each other, and provide to the chief judges of all circuit and district courts within the judicial circuit, one or more local law-enforcement agencies to receive and store firearms pursuant to this section. The law-enforcement agencies shall provide the chief judges with a list that includes the addresses and hours of operation for any law-enforcement agencies so designated that such addresses and hours of operation may be provided to a person served with a protective order in accordance with subsection C of § 16.1-279.1 or subsection C of § 19.2-152.10.

§ 18.2-308.2:1. Prohibiting the selling, etc., of firearms to certain persons.

Any person who sells, barter, gives or furnishes, or has in his possession or under his control with the intent of selling, bartering, giving or furnishing, any firearm to any person he knows is prohibited from possessing or transporting a firearm pursuant to § 18.2-308.1:1, 18.2-308.1:2, or 18.2-308.1:3, subsection B of § 18.2-308.1:4, § 18.2-308.2, subsection B of § 18.2-308.2:01, or § 18.2-308.7 shall be guilty of a Class 4 felony. However, this prohibition shall not be applicable when

the person convicted of the felony, adjudicated delinquent or acquitted by reason of insanity has (i) been issued a permit pursuant to subsection C of § 18.2-308.2 or been granted relief pursuant to subsection B of § 18.2-308.1:1, or § 18.2-308.1:2 or 18.2-308.1:3; (ii) been pardoned or had his political disabilities removed in accordance with subsection B of § 18.2-308.2; or (iii) obtained a permit to ship, transport, possess or receive firearms pursuant to the laws of the United States.

2. That any petition for a protective order promulgated by the Executive Secretary of the Supreme Court of Virginia shall include a provision where the petitioner may indicate whether the petitioner knows or has reason to know that the respondent owns or otherwise possesses any firearms.

3. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 854 of the Acts of Assembly of 2019 requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

CHAPTER 1261

An Act to amend and reenact §§ 60.2-212, 60.2-229, 60.2-508, 60.2-512, 60.2-513, and 60.2-627 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 60.2-711 through 60.2-716, relating to unemployment compensation.

[S 548]

Approved April 22, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 60.2-212, 60.2-229, 60.2-508, 60.2-512, 60.2-513, and 60.2-627 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 60.2-711 through 60.2-716 as follows:

§ 60.2-212. Employment.

A. "Employment" means:

1. Any service including service in interstate commerce, performed for remuneration or under any contract of hire, written or oral, express or implied; and

2. Any service, of whatever nature, performed by an individual for any employing unit, for remuneration or under any contract of hire, written or oral, and irrespective of citizenship or residence of either,

a. Within the United States, or

b. On or in connection with an American vessel or American aircraft under a contract of service which is entered into within the United States or during the performance of which and while the individual is employed on the vessel or aircraft it touches at a port in the United States, if such individual performs such services on or in connection with such vessel or aircraft when outside the United States, provided that the operating office, from which the operations of the vessel or aircraft are ordinarily and regularly supervised, managed, directed or controlled, is within the Commonwealth.

B. Notwithstanding subdivision 2 b of subsection A of this section, "employment" means all service performed by an officer or member of the crew of an American vessel on or in connection with such vessel, if the operating office from which the operations of such vessel operating on navigable waters within, or within and without, the United States are ordinarily and regularly supervised, managed, directed and controlled is within the Commonwealth.

C. Services performed by an individual for remuneration shall be deemed to be employment subject to this title unless the Commission determines that such individual is not an employee for purposes of the Federal Insurance Contributions Act and the Federal Unemployment Tax Act, based upon an application of the ~~20 factors set forth in standard used by the Internal Revenue Service Revenue Ruling 87-41, issued pursuant to 26 C.F.R. 31.3306(i)-1 and 26 C.F.R. 31.3121(d)-1 for such determinations.~~

D. Notwithstanding the provisions of subsection C, an individual who performs services as a real estate salesperson, under direction of a real estate broker under Chapter 21 (§ 54.1-2100 et seq.) of Title 54.1, or as a real estate appraiser under Chapter 20.1 (§ 54.1-2009 et seq.) of Title 54.1 pursuant to an executed independent contractor agreement and for remuneration solely by way of commission or fee, shall not be an employee for purposes of this chapter.

§ 60.2-229. Wages.

A. "Wages" means all remuneration paid, or which should have been paid, for personal services, including commissions, bonuses, tips, back pay, dismissal pay, severance pay and any other payments made by an employer to an employee during his employment and thereafter and the cash value of all remuneration payable in any medium other than cash. Notwithstanding the other provisions of this subsection, wages paid in back pay awards shall be allocated to, and reported as being paid during, the calendar quarter or quarters in which such back pay would have been earned. Severance pay paid at the time of, or subsequent to, separation from employment shall be allocated to the last day of work unless otherwise allocated by the employer. If otherwise allocated, severance pay shall be allocated at a rate not less than the average weekly wage of such employee during the last calendar quarter, and reported as such. Severance pay shall be

deducted from any benefits payable after the Commission's receipt of notification of severance pay by the employer pursuant to § 60.2-603. The reasonable cash value of remuneration payable in any medium other than cash shall be estimated and determined in accordance with rules prescribed by the Commission.

B. The term "wages" shall not include:

1. Subsequent to December 31, 1990, for purposes of taxes only, that part of the remuneration, other than remuneration referred to in the succeeding subdivisions of this subsection, that is greater than \$8,000 and is payable during any calendar year to an individual by any employer with respect to employment in this Commonwealth or any other state. If an employer, hereinafter referred to as "successor employer," during any calendar year acquires substantially all of the property used in a trade or business of another employer, hereinafter referred to as a "predecessor," or used in a separate unit of a trade or business of a predecessor, and immediately after the acquisition employs in his trade or business an individual who immediately prior to the acquisition was employed in the trade or business of such predecessor, then, for the purpose of determining whether remuneration, other than remuneration referred to in the succeeding subdivisions of this subsection, with respect to employment equal to \$8,000 is payable by the successor to such individual during such calendar year, any remuneration, other than remuneration referred to in the succeeding subdivisions of this subsection, with respect to employment payable, or considered under this subdivision as payable, to such individual by such predecessor during such calendar year and prior to such acquisition shall be considered as payable by such successor employer;

2. The amount of any payment, including any amount paid by an employer for insurance or annuities, or into a fund, to provide for any such payment, made to, or on behalf of, an employee or any of his dependents under a plan or system established by an employer which makes provisions for (i) his employees generally, (ii) for his employees generally and their dependents, (iii) for a class or classes of his employees, or (iv) for a class or classes of his employees and their dependents, on account of:

- a. Retirement;
- b. Sickness or accident disability payments which are received under a workers' compensation law;
- c. Medical or hospitalization expenses in connection with sickness or accident disability;
- d. Death; or
- e. Unemployment benefits under any private plan financed in whole or in part by an employer;

3. The payment by an employer, without deduction from the remuneration of the employee, of the tax imposed upon an employer under § 3101 of the Federal Internal Revenue Code;

4. Any payment on account of sickness or accident disability, or medical or hospitalization expenses in connection with the sickness or accident disability, made by an employer to, or on behalf of, an employee after the expiration of six calendar months following the last calendar month in which the employee worked for such employer;

5. Remuneration paid in any medium other than cash to an employee for service not in the course of the employer's trade or business; or

6. Any payment, other than vacation or sick pay, made to an employee after the month in which he attains the age of ~~sixty-five~~ 65, if he did not work for the employer in the period for which such payment is made; or

7. *Any payment made to, or on behalf of, an employee or his beneficiary under a cafeteria plan, as defined in § 125 of the Internal Revenue Code, if such payment would not be treated as wages under the Internal Revenue Code.*

§ 60.2-508. Period of coverage generally; account required.

Any employing unit which is or becomes an employer subject to this title within any calendar year shall be subject to this title during the whole of such calendar year. *Any such employing unit shall establish an account with the Commission by the end of the calendar quarter in which it becomes subject to this title.*

§ 60.2-512. Requiring payroll and tax reports and payment of taxes.

A. The Commission is hereby expressly authorized to require the filing of payroll and tax reports, and the payment of the taxes required by § 60.2-511 in monthly, quarterly, semiannual or annual payments as shall be determined by the Commission; however, if the due date for filing of reports or payment of taxes falls on a Saturday, Sunday or legal holiday, the due date shall be extended to the next business day that is not a Saturday, Sunday or legal holiday. Beginning January 1, 2013, employers may file payroll and tax reports, and pay the taxes required by § 60.2-511, annually, in the time, form and manner prescribed by the Commission, if the employment that is the subject of the report of taxes due under this chapter consists exclusively of domestic service in a private home of the employer, as defined in §§ 31.3121 (a)(7)-1, 31.3306 (c)(2)-1, and 31.3401 (a)(3)-1 of the Employment Tax Regulations promulgated pursuant to §§ 3121, 3306, and 3401 of the Internal Revenue Code, as amended. The aggregate amount of taxes shall be fully paid to the Commission on or before January 31 of each year next succeeding the year with respect to employment during which year such taxes are imposed, or in the event the time is extended for filing the return of the taxes imposed by Title IX of the Social Security Act for the year for which such taxes are imposed, then before the expiration of such extension. Taxes due and payable in an amount less than five dollars shall be deemed to be fully paid; however, this does not relieve an employer from filing payroll and tax reports as herein required.

B. ~~Beginning January 1, 1994, through December 31, 2008, employers who report 250 or more employees in any calendar quarter shall file quarterly reports on a magnetic medium using a format prescribed by the Commission.~~ Beginning January 1, 2009, 2021, all employers who report 100 or more employees in any calendar quarter in 2009, or thereafter, shall file quarterly reports on an electronic medium using a format prescribed by the Commission. Waivers will be granted only if the Commission finds this requirement creates an unreasonable burden on the employer. All requests for waiver must be

submitted in writing. Beginning January 1, 2009, 2021, if any employer who reports 100 or more employees in any calendar quarter in 2009, or thereafter, and who has not obtained a waiver by the date the employer's quarterly report is due, fails, without good cause shown, to file electronically, the Commission shall assess upon the employer a penalty of \$75, which penalty shall be in addition to the taxes due and payable with respect to such report and to any penalty assessed under subsection B of § 60.2-513. Penalties collected pursuant to this section shall be paid into the Special Unemployment Compensation Administration Fund established pursuant to § 60.2-314.

C. Notwithstanding the provisions of subsection A, no payroll and tax reports shall be filed with respect to an employee of a state or local agency performing intelligence or counterintelligence functions, if the head of such agency has determined that filing such a report could endanger the safety of the employee or compromise an ongoing investigation or intelligence mission.

§ 60.2-513. Failure of employing unit to file reports; assessment and amount of penalty.

A. If any employing unit fails to file with the Commission any report which the Commission deems necessary for the effective administration of this title within 30 days after the Commission requires the same by written notice mailed to the last known address of such employing unit, the Commission may determine on the basis of such information as it may have whether such employing unit is an employer, unless such determination has already been made. Also, on the basis of such information, the Commission may assess the amount of tax due from such employer and shall give written notice of such determination and assessment to such employer. Such determination and assessment shall be final (i) unless such employer, within 30 days after the mailing to the employer at his last known address or other service of the notice of such determination or assessment, applies to the Commission for a review of such determination and assessment or (ii) unless the Commission, on its own motion, sets aside, reduces or increases the same.

B. If any employer had wages payable for a calendar quarter and fails, without good cause shown, to file any report as required of him under this title with respect to wages or taxes, the Commission shall assess upon the employer a penalty of \$100, which shall be in addition to the taxes due and payable with respect to such report.

C. For the purposes of this subsection, "newly covered" refers to the time at which an employer initially becomes subject to liability under the provisions of this title. A newly covered employer may shall file by the due date of the calendar quarter in which his account number is assigned by the Commission, without penalty such employer becomes subject to liability under the provisions of this title. If such employer's report is not filed by that date, and in the absence of good cause shown for the failure to so file, a \$100 penalty shall be assessed for each report. Penalties collected pursuant to this section shall be paid into the Special Unemployment Compensation Administration Fund.

§ 60.2-627. Failure to obey subpoenas; orders of court; penalty.

A. In case of contumacy by, or refusal to obey a subpoena issued to any person, any court of this Commonwealth within the jurisdiction of which the inquiry is carried on or within the jurisdiction of which such person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the Commission or its duly authorized representative, shall have jurisdiction to issue to such person an order requiring such person to appear before an appeal tribunal, a commissioner, the Commission, or its duly authorized representative, in order to produce evidence or to give testimony concerning the matter under investigation or in question. Any failure to obey such court order may be punished by the court as contempt.

B. Any person subpoenaed by the Commission who, without just cause, fails or refuses to attend and testify or to answer to any lawful inquiry or to produce books, papers, correspondence, memoranda and other records, when it is within his power to do so, shall be guilty of a Class 1 misdemeanor.

C. Each day such any violation of such court-issued subpoena, court order, or Commission-issued subpoena continues shall be deemed to be a separate offense.

§ 60.2-711. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Affected unit" means a specific plant, department, shift, or other definable unit of an employing unit that has at least two employees to which an approved short-time compensation plan applies.

"Health and retirement benefits" means employer-provided health benefits and retirement benefits under a defined benefit pension plan as defined in § 414(j) of the Internal Revenue Code or contributions under a defined contribution plan as defined in § 414(i) of the Internal Revenue Code that are incidents of employment in addition to the cash remuneration earned.

"Program" means the short-time compensation program established pursuant to this chapter.

"Short-time compensation" means the unemployment benefits payable to employees in an affected unit under an approved short-time compensation plan, as distinguished from the unemployment benefits otherwise payable under the unemployment compensation provisions of this title.

"Work sharing plan" or "plan" means a plan submitted by an employer to the Commission for approval to participate in the Program.

§ 60.2-712. Application to participate in short-time compensation program.

A. The Commission shall establish and implement a short-time compensation program by January 1, 2021. The Program shall meet the requirements of 22 U.S.C. § 3306(v) and all other applicable federal and state laws.

B. An employer that wishes to participate in the Program shall submit to the Commission a signed, written work sharing plan for approval. The Commission shall develop an application form to request approval of a plan and an approval process. The application shall include:

1. The affected unit covered by the plan, including the number of employees in the unit; the percentage of employees in the affected unit covered by the plan; identification of each individual employee in the affected unit by name, social security number, and the employer's unemployment tax account number; and any other information required by the Commission to identify plan participants.

2. A description of how employees in the affected unit will be notified of the employer's participation in the plan if such application is approved, including how the employer will notify those employees in a collective bargaining unit as well as any employees in the affected unit who are not in a collective bargaining unit. If the employer does not intend to provide advance notice to employees in the affected unit, the employer shall explain in a statement in the application why it is not feasible to provide such notice.

3. A requirement that the employer identify, in the application, the usual weekly hours of work for employees in the affected unit and the specific percentage by which their hours will be reduced during all weeks covered by the plan. The percentage of reduction for which a work sharing plan application may be approved shall be not less than 10 percent and not more than 60 percent. If the plan includes any week for which the employer regularly does not provide work, including incidences due to a holiday or other plant closing, then such week shall be identified in the application.

4. Certification by the employer that, if the employer provides health benefits and retirement benefits to any employee whose usual weekly hours of work are reduced under the Program, such benefits will continue to be provided to employees participating in the Program under the same terms and conditions as though the usual weekly hours of work of such employee had not been reduced or to the same extent as other employees not participating in the Program. For defined benefit retirement plans, the hours that are reduced under the plan shall be credited for purposes of participation, vesting, and accrual of benefits as though the usual weekly hours of work had not been reduced. The dollar amount of employer contributions to a defined contribution plan that are based on a percentage of compensation may be less due to the reduction in the employee's compensation.

5. Certification by the employer that the aggregate reduction in work hours is in lieu of layoffs, whether temporary or permanent layoffs or both. The application shall include an estimate of the number of employees who would have been laid off in the absence of the plan. The employer shall also certify that new employees will not be hired in or transferred to an affected unit for the duration of the plan.

6. Certification by the employer that participation in the plan and its implementation is consistent with the employer's obligations under applicable federal and state laws.

7. Agreement by the employer to (i) furnish reports to the Commission relating to the proper conduct of the plan; (ii) allow the Commission access to all records necessary to approve or disapprove the plan application and, after approval of a plan, monitor and evaluate the plan; and (iii) follow any other directives the Commission deems necessary to implement the plan and that are consistent with the requirements for plan applications.

8. Any other provision added to the application by the Commission that the U.S. Secretary of Labor determines to be appropriate for purposes of a work sharing plan.

§ 60.2-713. Approval and disapproval of plan.

The Commission shall approve or disapprove a work sharing plan in writing within 10 working days of its receipt and promptly communicate the decision to the employer. A decision disapproving the plan shall clearly identify the reasons for the disapproval. If a plan is disapproved, the employer may submit a different work sharing plan for approval.

§ 60.2-714. Effective date, duration, and modification of plan.

A. A work sharing plan shall be effective on the date that is mutually agreed upon by the employer and the Commission, which shall be specified in the notice of approval to the employer. The plan shall expire on the date specified in the notice of approval, which shall be either the date at the end of the twelfth full calendar month after its effective date or an earlier date mutually agreed upon by the employer and the Commission. However, if a work sharing plan is revoked by the Commission under subsection B, the plan shall terminate on the date specified in the Commission's written order of revocation. An employer may terminate a plan at any time upon written notice to the Commission. Upon receipt of such notice from the employer, the Commission shall promptly notify each member of the affected unit of the termination date. An employer may submit a new application to participate in another plan at any time after the expiration or termination date.

B. The Commission may revoke approval of a work sharing plan for good cause at any time, including upon the request of any of the affected unit's employees. The revocation order shall be in writing and shall specify the reasons for the revocation and the date the revocation is effective. The Commission may periodically review the operation of each employer's plan to assure that no good cause exists for revocation of the approval of the plan. Good cause shall include failure to comply with the assurances given in the plan, unreasonable revision of productivity standards for the affected unit, conduct or occurrences tending to defeat the intent and effective operation of the plan, and violation of any criteria on which approval of the plan was based.

C. An employer may request a modification of an approved plan by filing a written request to the Commission. The request shall identify the specific provisions proposed to be modified and provide an explanation of why the proposed modification is appropriate for the plan. The Commission shall approve or disapprove the proposed modification in writing within 10 working days and promptly communicate the decision to the employer. An employer is not required to request

approval of a plan modification from the Commission if the change is not substantial, but the employer shall report every change to the plan to the Commission promptly and in writing.

§ 60.2-715. Eligibility for short-time compensation.

A. An employee is eligible to receive short-time compensation under a work sharing plan with respect to any week only if the employee is monetarily eligible for unemployment compensation, not otherwise disqualified for unemployment compensation, and:

1. During the week, the employee is employed as a member of an affected unit under an approved work sharing plan that was approved prior to that week, and the plan is in effect with respect to the week for which short-time compensation is claimed; and

2. Notwithstanding any other provisions of this title relating to availability for work and actively seeking work, the employee is available for the employee's usual hours of work with the short-time compensation employer, which may include, for purposes of this section, participating in training, including employer-sponsored training or training funded under the federal Workforce Innovation and Opportunity Act of 2014, to enhance job skills that is approved by the Commission.

B. Notwithstanding any other provision of law, an employee covered by a work sharing plan is deemed unemployed in any week during the duration of that plan if the employee's remuneration as an employee in an affected unit is reduced based on a reduction of the employee's usual weekly hours of work under an approved work sharing plan.

C. The short-term compensation program shall not serve as a subsidy of seasonal employment during the off-season, nor as a subsidy of temporary part-time or intermittent employment.

§ 60.2-716. Benefits.

A. The short-time compensation weekly benefit amount shall be the product of the regular weekly unemployment compensation amount for a week of total unemployment multiplied by the percentage of reduction in the individual's usual weekly hours of work.

B. An individual may be eligible for short-time compensation or unemployment compensation, as appropriate, except that (i) no individual shall be eligible for combined benefits in any benefit year in an amount more than the maximum entitlement established for regular unemployment compensation and (ii) no individual shall be paid short-time compensation benefits for more than 26 weeks under a plan.

C. Provisions applicable to unemployment compensation claimants shall apply to short-time compensation claimants to the extent that they are not inconsistent with the Program's provisions. An individual who files an initial claim for short-time compensation benefits shall receive a monetary determination.

D. An employee who is not provided any work during a week by the short-time compensation employer, or any other employer, and who is otherwise eligible for unemployment compensation shall be eligible for the amount of regular unemployment compensation to which he would otherwise be eligible.

E. An employee who is not provided any work by the short-time compensation employer during a week, but who works for another employer and is otherwise eligible, may be paid unemployment compensation for that week subject to the disqualifying income and other provisions applicable to claims for regular compensation.

F. An employee who has received all of the short-time compensation or combined unemployment compensation and short-time compensation available in a benefit year shall be considered an exhaustee for purposes of extended benefits and, if otherwise eligible under those provisions, shall be eligible to receive extended benefits.

2. That the provisions of § 30-19.03:1.2 of the Code of Virginia shall not apply to this act.

3. That the provisions of this act shall expire on January 1, 2021, if the Virginia Employment Commission has not, on or before such date, received adequate funding from the U.S. Department of Labor that covers the costs of information technology upgrades, training, publicity, and marketing that are incurred by the Virginia Employment Commission in connection with establishing the short-time compensation program pursuant to the first enactment of this act.

4. That, if not sooner expired pursuant to the provisions of the third enactment of this act, this act shall expire on July 1, 2022.

CHAPTER 1262

An Act to amend and reenact §§ 9.1-102 and 9.1-203.1 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 1 of Title 65.2 a section numbered 65.2-107, relating to workers' compensation; compensability of post-traumatic stress disorder incurred by a law-enforcement officer or firefighter.

[S 561]

Approved April 22, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 9.1-102 and 9.1-203.1 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Chapter 1 of Title 65.2 a section numbered 65.2-107 as follows:

§ 9.1-102. Powers and duties of the Board and the Department.

The Department, under the direction of the Board, which shall be the policy-making body for carrying out the duties and powers hereunder, shall have the power and duty to:

1. Adopt regulations, pursuant to the Administrative Process Act (§ 2.2-4000 et seq.), for the administration of this chapter including the authority to require the submission of reports and information by law-enforcement officers within the Commonwealth. Any proposed regulations concerning the privacy, confidentiality, and security of criminal justice information shall be submitted for review and comment to any board, commission, or committee or other body which may be established by the General Assembly to regulate the privacy, confidentiality, and security of information collected and maintained by the Commonwealth or any political subdivision thereof;

2. Establish compulsory minimum training standards subsequent to employment as a law-enforcement officer in (i) permanent positions, and (ii) temporary or probationary status, and establish the time required for completion of such training;

3. Establish minimum training standards and qualifications for certification and recertification for law-enforcement officers serving as field training officers;

4. Establish compulsory minimum curriculum requirements for in-service and advanced courses and programs for schools, whether located in or outside the Commonwealth, which are operated for the specific purpose of training law-enforcement officers;

5. Establish (i) compulsory minimum training standards for law-enforcement officers who utilize radar or an electrical or microcomputer device to measure the speed of motor vehicles as provided in § 46.2-882 and establish the time required for completion of the training and (ii) compulsory minimum qualifications for certification and recertification of instructors who provide such training;

6. [Repealed];

7. Establish compulsory minimum entry-level, in-service and advanced training standards for those persons designated to provide courthouse and courtroom security pursuant to the provisions of § 53.1-120, and to establish the time required for completion of such training;

8. Establish compulsory minimum entry-level, in-service and advanced training standards for deputy sheriffs designated to serve process pursuant to the provisions of § 8.01-293, and establish the time required for the completion of such training;

9. Establish compulsory minimum entry-level, in-service, and advanced training standards, as well as the time required for completion of such training, for persons employed as deputy sheriffs and jail officers by local criminal justice agencies and correctional officers employed by the Department of Corrections under the provisions of Title 53.1;

10. Establish compulsory minimum training standards for all dispatchers employed by or in any local or state government agency, whose duties include the dispatching of law-enforcement personnel. Such training standards shall apply only to dispatchers hired on or after July 1, 1988;

11. Establish compulsory minimum training standards for all auxiliary police officers employed by or in any local or state government agency. Such training shall be graduated and based on the type of duties to be performed by the auxiliary police officers. Such training standards shall not apply to auxiliary police officers exempt pursuant to § 15.2-1731;

12. Consult and cooperate with counties, municipalities, agencies of the Commonwealth, other state and federal governmental agencies, and institutions of higher education within or outside the Commonwealth, concerning the development of police training schools and programs or courses of instruction;

13. Approve institutions, curricula and facilities, whether located in or outside the Commonwealth, for school operation for the specific purpose of training law-enforcement officers; but this shall not prevent the holding of any such school whether approved or not;

14. Establish and maintain police training programs through such agencies and institutions as the Board deems appropriate;

15. Establish compulsory minimum qualifications of certification and recertification for instructors in criminal justice training schools approved by the Department;

16. Conduct and stimulate research by public and private agencies which shall be designed to improve police administration and law enforcement;

17. Make recommendations concerning any matter within its purview pursuant to this chapter;

18. Coordinate its activities with those of any interstate system for the exchange of criminal history record information, nominate one or more of its members to serve upon the council or committee of any such system, and participate when and as deemed appropriate in any such system's activities and programs;

19. Conduct inquiries and investigations it deems appropriate to carry out its functions under this chapter and, in conducting such inquiries and investigations, may require any criminal justice agency to submit information, reports, and statistical data with respect to its policy and operation of information systems or with respect to its collection, storage, dissemination, and usage of criminal history record information and correctional status information, and such criminal justice agencies shall submit such information, reports, and data as are reasonably required;

20. Conduct audits as required by § 9.1-131;

21. Conduct a continuing study and review of questions of individual privacy and confidentiality of criminal history record information and correctional status information;

22. Advise criminal justice agencies and initiate educational programs for such agencies with respect to matters of privacy, confidentiality, and security as they pertain to criminal history record information and correctional status information;

23. Maintain a liaison with any board, commission, committee, or other body which may be established by law, executive order, or resolution to regulate the privacy and security of information collected by the Commonwealth or any political subdivision thereof;

24. Adopt regulations establishing guidelines and standards for the collection, storage, and dissemination of criminal history record information and correctional status information, and the privacy, confidentiality, and security thereof necessary to implement state and federal statutes, regulations, and court orders;

25. Operate a statewide criminal justice research center, which shall maintain an integrated criminal justice information system, produce reports, provide technical assistance to state and local criminal justice data system users, and provide analysis and interpretation of criminal justice statistical information;

26. Develop a comprehensive, statewide, long-range plan for strengthening and improving law enforcement and the administration of criminal justice throughout the Commonwealth, and periodically update that plan;

27. Cooperate with, and advise and assist, all agencies, departments, boards and institutions of the Commonwealth, and units of general local government, or combinations thereof, including planning district commissions, in planning, developing, and administering programs, projects, comprehensive plans, and other activities for improving law enforcement and the administration of criminal justice throughout the Commonwealth, including allocating and subgranting funds for these purposes;

28. Define, develop, organize, encourage, conduct, coordinate, and administer programs, projects and activities for the Commonwealth and units of general local government, or combinations thereof, in the Commonwealth, designed to strengthen and improve law enforcement and the administration of criminal justice at every level throughout the Commonwealth;

29. Review and evaluate programs, projects, and activities, and recommend, where necessary, revisions or alterations to such programs, projects, and activities for the purpose of improving law enforcement and the administration of criminal justice;

30. Coordinate the activities and projects of the state departments, agencies, and boards of the Commonwealth and of the units of general local government, or combination thereof, including planning district commissions, relating to the preparation, adoption, administration, and implementation of comprehensive plans to strengthen and improve law enforcement and the administration of criminal justice;

31. Do all things necessary on behalf of the Commonwealth and its units of general local government, to determine and secure benefits available under the Omnibus Crime Control and Safe Streets Act of 1968 (P.L. 90-351, 82 Stat. 197), as amended, and under any other federal acts and programs for strengthening and improving law enforcement, the administration of criminal justice, and delinquency prevention and control;

32. Receive, administer, and expend all funds and other assistance available to the Board and the Department for carrying out the purposes of this chapter and the Omnibus Crime Control and Safe Streets Act of 1968, as amended;

33. Apply for and accept grants from the United States government or any other source in carrying out the purposes of this chapter and accept any and all donations both real and personal, and grants of money from any governmental unit or public agency, or from any institution, person, firm or corporation, and may receive, utilize and dispose of the same. Any arrangements pursuant to this section shall be detailed in the annual report of the Board. Such report shall include the identity of the donor, the nature of the transaction, and the conditions, if any. Any moneys received pursuant to this section shall be deposited in the state treasury to the account of the Department. To these ends, the Board shall have the power to comply with conditions and execute such agreements as may be necessary;

34. Make and enter into all contracts and agreements necessary or incidental to the performance of its duties and execution of its powers under this chapter, including but not limited to, contracts with the United States, units of general local government or combinations thereof, in Virginia or other states, and with agencies and departments of the Commonwealth;

35. Adopt and administer reasonable regulations for the planning and implementation of programs and activities and for the allocation, expenditure and subgranting of funds available to the Commonwealth and to units of general local government, and for carrying out the purposes of this chapter and the powers and duties set forth herein;

36. Certify and decertify law-enforcement officers in accordance with §§ 15.2-1706 and 15.2-1707;

37. Establish training standards and publish and periodically update model policies for law-enforcement personnel in the following subjects:

a. The handling of family abuse, domestic violence, sexual assault, and stalking cases, including standards for determining the predominant physical aggressor in accordance with § 19.2-81.3. The Department shall provide technical support and assistance to law-enforcement agencies in carrying out the requirements set forth in subsection A of § 9.1-1301;

b. Communication with and facilitation of the safe return of individuals diagnosed with Alzheimer's disease;

c. Sensitivity to and awareness of cultural diversity and the potential for biased policing;

d. Protocols for local and regional sexual assault response teams;

e. Communication of death notifications;

f. The questioning of individuals suspected of driving while intoxicated concerning the physical location of such individual's last consumption of an alcoholic beverage and the communication of such information to the Virginia Alcoholic Beverage Control Authority;

g. Vehicle patrol duties that embody current best practices for pursuits and for responding to emergency calls;

h. Criminal investigations that embody current best practices for conducting photographic and live lineups;

i. Sensitivity to and awareness of human trafficking offenses and the identification of victims of human trafficking offenses for personnel involved in criminal investigations or assigned to vehicle or street patrol duties; and

j. Missing children, missing adults, and search and rescue protocol;

38. Establish compulsory training standards for basic training and the recertification of law-enforcement officers to ensure sensitivity to and awareness of cultural diversity and the potential for biased policing;

39. Review and evaluate community-policing programs in the Commonwealth, and recommend where necessary statewide operating procedures, guidelines, and standards which strengthen and improve such programs, including sensitivity to and awareness of cultural diversity and the potential for biased policing;

40. Establish a Virginia Law-Enforcement Accreditation Center. The Center may, in cooperation with Virginia law-enforcement agencies, provide technical assistance and administrative support, including staffing, for the establishment of voluntary state law-enforcement accreditation standards. The Center may provide accreditation assistance and training, resource material, and research into methods and procedures that will assist the Virginia law-enforcement community efforts to obtain Virginia accreditation status;

41. Promote community policing philosophy and practice throughout the Commonwealth by providing community policing training and technical assistance statewide to all law-enforcement agencies, community groups, public and private organizations and citizens; developing and distributing innovative policing curricula and training tools on general community policing philosophy and practice and contemporary critical issues facing Virginia communities; serving as a consultant to Virginia organizations with specific community policing needs; facilitating continued development and implementation of community policing programs statewide through discussion forums for community policing leaders, development of law-enforcement instructors; promoting a statewide community policing initiative; and serving as a statewide information source on the subject of community policing including, but not limited to periodic newsletters, a website and an accessible lending library;

42. Establish, in consultation with the Department of Education and the Virginia State Crime Commission, compulsory minimum standards for employment and job-entry and in-service training curricula and certification requirements for school security officers, including school security officers described in clause (b) of § 22.1-280.2:1, which training and certification shall be administered by the Virginia Center for School and Campus Safety (VCSCS) pursuant to § 9.1-184. Such training standards shall include, but shall not be limited to, the role and responsibility of school security officers, relevant state and federal laws, school and personal liability issues, security awareness in the school environment, mediation and conflict resolution, disaster and emergency response, and student behavioral dynamics. The Department shall establish an advisory committee consisting of local school board representatives, principals, superintendents, and school security personnel to assist in the development of the standards and certification requirements in this subdivision. The Department shall require any school security officer who carries a firearm in the performance of his duties to provide proof that he has completed a training course provided by a federal, state, or local law-enforcement agency that includes training in active shooter emergency response, emergency evacuation procedure, and threat assessment;

43. License and regulate property bail bondsmen and surety bail bondsmen in accordance with Article 11 (§ 9.1-185 et seq.);

44. License and regulate bail enforcement agents in accordance with Article 12 (§ 9.1-186 et seq.);

45. In conjunction with the Virginia State Police and the State Compensation Board, advise criminal justice agencies regarding the investigation, registration, and dissemination of information requirements as they pertain to the Sex Offender and Crimes Against Minors Registry Act (§ 9.1-900 et seq.);

46. Establish minimum standards for (i) employment, (ii) job-entry and in-service training curricula, and (iii) certification requirements for campus security officers. Such training standards shall include, but not be limited to, the role and responsibility of campus security officers, relevant state and federal laws, school and personal liability issues, security awareness in the campus environment, and disaster and emergency response. The Department shall provide technical support and assistance to campus police departments and campus security departments on the establishment and implementation of policies and procedures, including but not limited to: the management of such departments, investigatory procedures, judicial referrals, the establishment and management of databases for campus safety and security information sharing, and development of uniform record keeping for disciplinary records and statistics, such as campus crime logs, judicial referrals and Clery Act statistics. The Department shall establish an advisory committee consisting of college administrators, college police chiefs, college security department chiefs, and local law-enforcement officials to assist in the development of the standards and certification requirements and training pursuant to this subdivision;

47. Assess and report, in accordance with § 9.1-190, the crisis intervention team programs established pursuant to § 9.1-187;

48. In conjunction with the Office of the Attorney General, advise law-enforcement agencies and attorneys for the Commonwealth regarding the identification, investigation, and prosecution of human trafficking offenses using the common law and existing criminal statutes in the Code of Virginia;

49. Register tow truck drivers in accordance with § 46.2-116 and carry out the provisions of § 46.2-117;

50. Administer the activities of the Virginia Sexual and Domestic Violence Program Professional Standards Committee by providing technical assistance and administrative support, including staffing, for the Committee;

51. In accordance with § 9.1-102.1, design and approve the issuance of photo-identification cards to private security services registrants registered pursuant to Article 4 (§ 9.1-138 et seq.);

52. In consultation with the State Council of Higher Education for Virginia and the Virginia Association of Campus Law Enforcement Administrators, develop multidisciplinary curricula on trauma-informed sexual assault investigation;

53. In consultation with the Department of Behavioral Health and Developmental Services, develop a model addiction recovery program that may be administered by sheriffs, deputy sheriffs, jail officers, administrators, or superintendents in any local or regional jail. Such program shall be based on any existing addiction recovery programs that are being administered by any local or regional jails in the Commonwealth. Participation in the model addiction recovery program shall be voluntary, and such program may address aspects of the recovery process, including medical and clinical recovery, peer-to-peer support, availability of mental health resources, family dynamics, and aftercare aspects of the recovery process;

54. Establish compulsory minimum training standards for certification and recertification of law-enforcement officers serving as school resource officers. Such training shall be specific to the role and responsibility of a law-enforcement officer working with students in a school environment; ~~and~~

55. *Establish compulsory training standards for basic training of law-enforcement officers for recognizing and managing stress, self-care techniques, and resiliency; and*

56. Perform such other acts as may be necessary or convenient for the effective performance of its duties.

§ 9.1-203.1. Firefighter mental health awareness training.

A. Each fire department as defined in § 27-6.01 shall develop curricula for mental health awareness training for its personnel, which shall include training regarding the following:

1. Understanding signs and symptoms of cumulative stress, depression, anxiety, exposure to acute and chronic trauma, compulsive behaviors, and addiction;

2. Combating and overcoming stigmas;

3. Responding appropriately to aggressive behaviors such as domestic violence and harassment; ~~and~~

4. Accessing available mental health treatment and resources; *and*

5. *Managing stress, self-care techniques, and resiliency.*

B. Any fire department may develop the mental health awareness training curricula in conjunction with other fire departments or firefighter stakeholder groups or may use any training program, developed by any entity, that satisfies the criteria set forth in subsection A.

C. Firefighters who receive mental health awareness training in accordance with this section shall receive appropriate continuing education credits from the Department of Fire Programs and the Virginia Fire Services Board.

§ 65.2-107. Post-traumatic stress disorder incurred by law-enforcement officers and firefighters.

A. *As used in this section:*

"Firefighter" means any (i) salaried firefighter, including special forest wardens designated pursuant to § 10.1-1135, emergency medical services personnel, and local or state fire scene investigator and (ii) volunteer firefighter and volunteer emergency medical services personnel.

"In the line of duty" means any action that a law-enforcement officer or firefighter was obligated or authorized to perform by rule, regulation, written condition of employment service, or law.

"Law-enforcement officer" means any (i) member of the State Police Officers' Retirement System; (ii) member of a county, city, or town police department; (iii) sheriff or deputy sheriff; (iv) Department of Emergency Management hazardous materials officer; (v) city sergeant or deputy city sergeant of the City of Richmond; (vi) Virginia Marine Police officer; (vii) conservation police officer who is a full-time sworn member of the enforcement division of the Department of Game and Inland Fisheries; (viii) Capitol Police officer; (ix) special agent of the Virginia Alcoholic Beverage Control Authority appointed under the provisions of Chapter 1 (§ 4.1-100 et seq.) of Title 4.1; (x) for such period that the Metropolitan Washington Airports Authority voluntarily subjects itself to the provisions of this chapter as provided in § 65.2-305, officer of the police force established and maintained by the Metropolitan Washington Airports Authority; (xi) officer of the police force established and maintained by the Norfolk Airport Authority; (xii) sworn officer of the police force established and maintained by the Virginia Port Authority; or (xiii) campus police officer appointed under Article 3 (§ 23.1-809 et seq.) of Chapter 8 of Title 23.1 and employed by any public institution of higher education.

"Mental health professional" means a board-certified psychiatrist or a psychologist licensed pursuant to Title 54.1 who has experience diagnosing and treating post-traumatic stress disorder.

"Post-traumatic stress disorder" means a disorder that meets the diagnostic criteria for post-traumatic stress disorder as specified in the most recent edition of the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders.

"Qualifying event" means an incident or exposure occurring in the line of duty on or after July 1, 2020:

1. Resulting in serious bodily injury or death to any person or persons;

2. Involving a minor who has been injured, killed, abused, or exploited;

3. Involving an immediate threat to life of the claimant or another individual;

4. Involving mass casualties; or

5. Responding to crime scenes for investigation.

B. Post-traumatic stress disorder incurred by a law-enforcement officer or firefighter is compensable under this title if:

1. A mental health professional examines a law-enforcement officer or firefighter and diagnoses the law-enforcement officer or firefighter as suffering from post-traumatic stress disorder as a result of the individual's undergoing a qualifying event;

2. The post-traumatic stress disorder resulted from the law-enforcement officer's or firefighter's acting in the line of duty and, in the case of a firefighter, such firefighter complied with federal Occupational Safety and Health Act standards adopted pursuant to 29 C.F.R. 1910.134 and 29 C.F.R. 1910.156;

3. The law-enforcement officer's or firefighter's undergoing a qualifying event was a substantial factor in causing his post-traumatic stress disorder;

4. Such qualifying event, and not another event or source of stress, was the primary cause of the post-traumatic stress disorder; and

5. The post-traumatic stress disorder did not result from any disciplinary action, work evaluation, job transfer, layoff, demotion, promotion, termination, retirement, or similar action of the law-enforcement officer or firefighter.

Any such mental health professional shall comply with any workers' compensation guidelines for approved medical providers, including guidelines on release of past or contemporaneous medical records.

C. Notwithstanding any provision of this title, workers' compensation benefits for any law-enforcement officer or firefighter payable pursuant to this section shall (i) include any combination of medical treatment prescribed by a board-certified psychiatrist or a licensed psychologist, temporary total incapacity benefits under § 65.2-500, and temporary partial incapacity benefits under § 65.2-502 and (ii) be provided for a maximum of 52 weeks from the date of diagnosis. No medical treatment, temporary total incapacity benefits under § 65.2-500, or temporary partial incapacity benefits under § 65.2-502 shall be awarded beyond four years from the date of the qualifying event that formed the basis for the claim for benefits under this section. The weekly benefits received by a law-enforcement officer or a firefighter pursuant to § 65.2-500 or 65.2-502, when combined with other benefits, including contributory and noncontributory retirement benefits, Social Security benefits, and benefits under a long-term or short-term disability plan, but not including payments for medical care, shall not exceed the average weekly wage paid to such law-enforcement officer or firefighter.

D. No later than January 1, 2021, each employer of law-enforcement officers or firefighters shall (i) make peer support available to such law-enforcement officers and firefighters and (ii) refer a law-enforcement officer or firefighter seeking mental health care services to a mental health professional.

CHAPTER 1263

An Act to amend and reenact §§ 58.1-3818, 58.1-3819, 58.1-3823, as it is currently effective and as it may become effective, 58.1-3825.3, 58.1-3830, 58.1-3833, 58.1-3834, and 58.1-3840 of the Code of Virginia and to repeal §§ 58.1-3818.01, 58.1-3818.03, 58.1-3818.04, 58.1-3820, 58.1-3821, and 58.1-3831, relating to local taxing authority.

[S 588]

Approved April 22, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 58.1-3818, 58.1-3819, 58.1-3823, as it is currently effective and as it may become effective, 58.1-3825.3, 58.1-3830, 58.1-3833, 58.1-3834, and 58.1-3840 of the Code of Virginia are amended and reenacted as follows:

§ 58.1-3818. Admissions tax in counties.

A. Fairfax, Arlington, Dinwiddie, Prince George and Brunswick Counties are Any county, except as provided in subsection C, is hereby authorized to levy a tax on admissions charged for attendance at any event. The tax shall not exceed 10 percent of the amount of charge for admission to any such event. Notwithstanding any other provisions of law, the governing bodies of such counties shall prescribe by ordinance the terms, conditions, and amount of such tax and may classify between events conducted for charitable purposes and those events conducted for noncharitable purposes.

B. Notwithstanding the provisions of subsection A, Culpeper County and New Kent County are hereby authorized to levy a tax on admissions charged for attendance at any event as set forth in subsection A.

C. Notwithstanding the provisions of subsection A, Charlotte County, Clarke County, Madison County, Nelson County, and Sussex County are hereby authorized to levy a tax on admissions charged for attendance at any spectator event; however, a tax shall not be levied on admissions charged to participants in order to participate in any event. The tax shall not exceed 10 percent of the amount of charge for admission to any event. Notwithstanding any other provisions of law, the governing body of such county shall prescribe by ordinance the terms, conditions and amount of such tax and may classify between the events as set forth in § 58.1-3817.

D. Notwithstanding the provisions of subsections subsection A, B and C, localities may, by ordinance, elect not to levy an admissions tax on admission to an event, provided that the purpose of the event is solely to raise money for charitable purposes and that the net proceeds derived from the event will be transferred to an entity or entities that are exempt from sales and use tax pursuant to § 58.1-609.11.

C. No tax under this section shall be authorized in any county in which a state sales and use tax, in addition to the taxes authorized pursuant to §§ 58.1-603 and 58.1-604, is imposed at a rate of at least one percent, a portion of which is dedicated to the promotion of tourism.

§ 58.1-3819. Transient occupancy tax.

A. 1. Any county, by duly adopted ordinance, may levy a transient occupancy tax on hotels, motels, boarding houses, travel campgrounds, and other facilities offering guest rooms rented out for continuous occupancy for fewer than 30 consecutive days. Such tax shall be in such amount and on such terms as the governing body may, by ordinance, prescribe. Such tax shall not exceed two percent of the amount of charge for the occupancy of any room or space occupied; however, Accomack County, Albemarle County, Alleghany County, Amherst County, Augusta County, Bedford County, Bland County, Botetourt County, Brunswick County, Campbell County, Caroline County, Carroll County, Craig County, Cumberland County, Dickenson County, Dinwiddie County, Floyd County, Franklin County, Frederick County, Giles County, Gloucester County, Goochland County, Grayson County, Greene County, Greensville County, Halifax County, Highland County, Isle of Wight County, James City County, King George County, Loudoun County, Madison County, Mecklenburg County, Montgomery County, Nelson County, Northampton County, Page County, Patrick County, Powhatan County, Prince Edward County, Prince George County, Prince William County, Pulaski County, Roekbridge County, Rockingham County, Russell County, Smyth County, Spotsylvania County, Stafford County, Tazewell County, Warren County, Washington County, Wise County, Wythe County, and York County may levy a transient occupancy tax not to exceed five percent, and

2. *Unless otherwise provided in this article, any county that imposes a transient occupancy tax at a rate greater than two percent shall, by ordinance, provide that (i) any excess from a rate over two percent shall be designated and spent solely for such purpose as was authorized under this article prior to January 1, 2020, or (ii) if clause (i) is inapplicable, any excess from a rate over two percent but not exceeding five percent shall be designated and spent solely for tourism and travel, marketing of tourism or initiatives that, as determined after consultation with the local tourism industry organizations, including representatives of lodging properties located in the county, attract travelers to the locality, increase occupancy at lodging properties, and generate tourism revenues in the locality. Unless otherwise provided in this article, for any county that imposes a transient occupancy tax pursuant to this section or an additional transient occupancy tax pursuant to another provision of this article, any excess over five percent, combining the rates of all taxes imposed pursuant to this article, shall not be restricted in its use and may be spent in the same manner as general revenues. If any locality has enacted an additional transient occupancy tax pursuant to subsection C of § 58.1-3823, then the governing body of the locality shall be deemed to have complied with the requirement that it consult with local tourism industry organizations, including lodging properties. If there are no local tourism industry organizations in the locality, the governing body shall hold a public hearing prior to making any determination relating to how to attract travelers to the locality and generate tourism revenues in the locality.*

B. The tax imposed hereunder shall not apply to rooms or spaces rented and continuously occupied by the same individual or same group of individuals for 30 or more days in hotels, motels, boarding houses, travel campgrounds, and other facilities offering guest rooms. In addition, that portion of any tax imposed hereunder in excess of two percent shall not apply to travel campgrounds in Stafford County.

C. Nothing herein contained shall affect any authority heretofore granted to any county, city or town to levy such a transient occupancy tax. The county tax limitations imposed pursuant to § 58.1-3711 shall apply to any tax levied under this section, mutatis mutandis.

D. Any county, city or town that requires local hotel and motel businesses, or any class thereof, to collect, account for and remit to such locality a local tax imposed on the consumer may allow such businesses a commission for such service in the form of a deduction from the tax remitted. Such commission shall be provided for by ordinance, which shall set the rate thereof at no less than three percent and not to exceed five percent of the amount of tax due and accounted for. No commission shall be allowed if the amount due was delinquent.

E. All transient occupancy tax collections shall be deemed to be held in trust for the county, city or town imposing the tax.

§ 58.1-3823. (For contingent expiration date, see Acts 2018, c. 850) Additional transient occupancy tax for certain counties.

A. ~~In addition to such transient occupancy taxes as are authorized by §§ 58.1-3819 through 58.1-3821, Hanover County, Chesterfield County, and Henrico County may impose:~~

1. ~~An additional transient occupancy tax not to exceed four percent of the amount of the charge for the occupancy of any room or space occupied. The tax imposed hereunder shall not apply to rooms or spaces rented and continuously occupied by the same individual or same group of individuals for 30 or more days. The revenues collected from the additional tax shall be designated and spent for promoting tourism, travel or business that generates tourism or travel in the Richmond metropolitan area; and~~

2. ~~An additional transient occupancy tax not to exceed two percent of the amount of the charge for the occupancy of any room or space occupied. The tax imposed hereunder shall not apply to rooms or spaces rented and continuously occupied by the same individual or same group of individuals for 30 or more days. The revenues collected from the additional tax shall be designated and spent for expanding the Richmond Centre, a convention and exhibition facility in the City of Richmond.~~

3. An additional transient occupancy tax not to exceed one percent of the amount of the charge for the occupancy of any room or space occupied. The tax imposed hereunder shall not apply to rooms or spaces rented and continuously occupied by the same individual or group of individuals for 30 or more days. The revenues collected from the additional tax shall be designated and spent for the development and improvement of the Virginia Performing Arts Foundation's facilities in Richmond, for promoting the use of the Richmond Centre and for promoting tourism, travel or business that generates tourism and travel in the Richmond metropolitan area.

B. ~~In addition to such transient occupancy taxes as are authorized by §§ 58.1-3819 through 58.1-3821, any~~ Any county with the county manager plan of government may impose an additional transient occupancy tax not to exceed two percent of the amount of the charge for the occupancy of any room or space occupied, provided the county's governing body approves the construction of a county conference center. The tax imposed hereunder shall not apply to rooms or spaces rented and continuously occupied by the same individual or same group of individuals for 30 or more days. The revenues collected from the additional tax shall be designated and spent for the design, construction, debt payment, and operation of such conference center.

C. ~~In addition to such transient occupancy taxes as are authorized by §§ 58.1-3819 through 58.1-3821, the~~ The Counties of James City and York may impose an additional transient occupancy tax not to exceed \$2 per room per night for the occupancy of any overnight guest room. The tax imposed by this subsection shall not apply to travel campground sites or to rooms or spaces rented and continuously occupied by the same individual or same group of individuals for 30 or more days. Of the revenues generated by the tax authorized by this subsection, one-half of the revenues generated from each night of occupancy of an overnight guest room shall be deposited into the Historic Triangle Marketing Fund, created pursuant to subdivision E 1 of § 58.1-603.2, and one-half of the revenues shall be retained by the locality in which the tax is imposed.

D. ~~In addition to such transient occupancy taxes as are authorized by §§ 58.1-3819 through 58.1-3822, Bedford County~~ may impose an additional transient occupancy tax not to exceed two percent of the amount of the charge for the occupancy of any room or space occupied. The tax imposed hereunder shall not apply to rooms or spaces rented and continuously occupied by the same individual or same group of individuals for 30 or more days.

The revenues collected from the additional tax shall be designated and spent solely for tourism and travel; marketing of tourism; or initiatives that, as determined after consultation with local tourism industry organizations, including representatives of lodging properties located in the county, attract travelers to the locality, increase occupancy at lodging properties, and generate tourism revenues in the locality.

E. ~~In addition to such transient occupancy taxes as are authorized by §§ 58.1-3819 through 58.1-3822, Botetourt County~~ may impose an additional transient occupancy tax not to exceed two percent of the amount of the charge for the occupancy of any room or space occupied. The tax imposed hereunder shall not apply to rooms or spaces rented and continuously occupied by the same individual or same group of individuals for 30 or more days.

The revenue generated and collected from the two percent tax rate increase shall be designated and expended solely for advertising the Roanoke metropolitan area as an overnight tourist destination by members of the Roanoke Valley Convention and Visitors Bureau. For purposes of this subsection, "advertising the Roanoke metropolitan area as an overnight tourism destination" means advertising that is intended to attract visitors from a sufficient distance so as to require an overnight stay.

F. The county tax limitations imposed pursuant to § 58.1-3711 shall apply to any tax levied under this section, mutatis mutandis.

G. *The authority to impose a tax pursuant to this section shall be in addition to the authority provided by the provisions of § 58.1-3819.*

§ 58.1-3823. (For contingent effective date, see Acts 2018, c. 850) Additional transient occupancy tax for certain counties.

A. ~~In addition to such transient occupancy taxes as are authorized by §§ 58.1-3819 through 58.1-3821, Hanover County, Chesterfield County and Henrico County may impose:~~

1. An additional transient occupancy tax not to exceed four percent of the amount of the charge for the occupancy of any room or space occupied. The tax imposed hereunder shall not apply to rooms or spaces rented and continuously occupied by the same individual or same group of individuals for 30 or more days. The revenues collected from the additional tax shall be designated and spent for promoting tourism, travel or business that generates tourism or travel in the Richmond metropolitan area; and

2. An additional transient occupancy tax not to exceed two percent of the amount of the charge for the occupancy of any room or space occupied. The tax imposed hereunder shall not apply to rooms or spaces rented and continuously occupied by the same individual or same group of individuals for 30 or more days. The revenues collected from the additional tax shall be designated and spent for expanding the Richmond Centre, a convention and exhibition facility in the City of Richmond.

3. An additional transient occupancy tax not to exceed one percent of the amount of the charge for the occupancy of any room or space occupied. The tax imposed hereunder shall not apply to rooms or spaces rented and continuously occupied by the same individual or group of individuals for 30 or more days. The revenues collected from the additional tax shall be designated and spent for the development and improvement of the Virginia Performing Arts Foundation's facilities in Richmond, for promoting the use of the Richmond Centre and for promoting tourism, travel or business that generates tourism and travel in the Richmond metropolitan area.

B. In addition to such transient occupancy taxes as are authorized by §§ 58.1-3819 through 58.1-3821, any Any county with the county manager plan of government may impose an additional transient occupancy tax not to exceed two percent of the amount of the charge for the occupancy of any room or space occupied, provided the county's governing body approves the construction of a county conference center. The tax imposed hereunder shall not apply to rooms or spaces rented and continuously occupied by the same individual or same group of individuals for 30 or more days. The revenues collected from the additional tax shall be designated and spent for the design, construction, debt payment, and operation of such conference center.

C. 1. In addition to such transient occupancy taxes as are authorized by §§ 58.1-3819 through 58.1-3821, the The Counties of James City and York may impose an additional transient occupancy tax not to exceed \$2 per room per night for the occupancy of any overnight guest room. The revenues collected from the additional tax shall be designated and expended solely for advertising the Historic Triangle area, which includes all of the City of Williamsburg and the Counties of James City and York, as an overnight tourism destination by the members of the Williamsburg Area Destination Marketing Committee of the Greater Williamsburg Chamber and Tourism Alliance. The tax imposed by this subsection shall not apply to travel campground sites or to rooms or spaces rented and continuously occupied by the same individual or same group of individuals for 30 or more days.

2. The Williamsburg Area Destination Marketing Committee shall consist of the members as provided herein. The governing bodies of the City of Williamsburg, the County of James City, and the County of York shall each designate one of their members to serve as members of the Williamsburg Area Destination Marketing Committee. These three members of the Committee shall have two votes apiece. In no case shall a person who is a member of the Committee by virtue of the designation of a local governing body be eligible to be selected a member of the Committee pursuant to subdivision a.

a. Further, one member of the Committee shall be selected by the Board of Directors of the Williamsburg Hotel and Motel Association; one member of the Committee shall be from The Colonial Williamsburg Foundation and shall be selected by the Foundation; one member of the Committee shall be an employee of Busch Gardens Europe/Water Country USA and shall be selected by Busch Gardens Europe/Water Country USA; one member of the Committee shall be from the Jamestown-Yorktown Foundation and shall be selected by the Foundation; one member of the Committee shall be selected by the Executive Committee of the Greater Williamsburg Chamber and Tourism Alliance; and one member of the Committee shall be the President and Chief Executive Officer of the Virginia Tourism Authority who shall serve ex officio. Each of these six members of the Committee shall have one vote apiece. The President of the Greater Williamsburg Chamber and Tourism Alliance shall serve ex officio with nonvoting privileges unless chosen by the Executive Committee of the Greater Williamsburg Chamber and Tourism Alliance to serve as its voting representative. The Executive Director of the Williamsburg Hotel and Motel Association shall serve ex officio with nonvoting privileges unless chosen by the Board of Directors of the Williamsburg Hotel and Motel Association to serve as its voting representative.

In no case shall more than one person of the same local government, including the governing body of the locality, serve as a member of the Committee at the same time.

If at any time a person who has been selected to the Committee by other than a local governing body becomes or is (a) a member of the local governing body of the City of Williamsburg, the County of James City, or the County of York, or (b) an employee of one of such local governments, the person shall be ineligible to serve as a member of the Committee while a member of the local governing body or an employee of one of such local governments. In such case, the body that selected the person to serve as a member of the Commission shall promptly select another person to serve as a member of the Committee.

3. The Williamsburg Area Destination Marketing Committee shall maintain all authorities granted by this section. The Greater Williamsburg Chamber and Tourism Alliance shall serve as the fiscal agent for the Williamsburg Area Destination Marketing Committee with specific responsibilities to be defined in a contract between such two entities. The contract shall include provisions to reimburse the Greater Williamsburg Chamber and Tourism Alliance for annual audits and any other agreed-upon expenditures. The Williamsburg Area Destination Marketing Committee shall also contract with the Greater Williamsburg Chamber and Tourism Alliance to provide administrative support services as the entities shall mutually agree.

4. The provisions in subdivision 2 relating to the composition and voting powers of the Williamsburg Area Destination Marketing Committee shall be a condition of the authority to impose the tax provided herein.

For purposes of this subsection, "advertising the Historic Triangle area" as an overnight tourism destination means advertising that is intended to attract visitors from a sufficient distance so as to require an overnight stay of at least one night.

D. In addition to such transient occupancy taxes as are authorized by §§ 58.1-3819 through 58.1-3822, Bedford County may impose an additional transient occupancy tax not to exceed two percent of the amount of the charge for the occupancy of any room or space occupied. The tax imposed hereunder shall not apply to rooms or spaces rented and continuously occupied by the same individual or same group of individuals for 30 or more days.

The revenues collected from the additional tax shall be designated and spent solely for tourism and travel; marketing of tourism; or initiatives that, as determined after consultation with local tourism industry organizations, including representatives of lodging properties located in the county, attract travelers to the locality, increase occupancy at lodging properties, and generate tourism revenues in the locality.

E. In addition to such transient occupancy taxes as are authorized by §§ 58.1-3819 through 58.1-3822, Botetourt County may impose an additional transient occupancy tax not to exceed two percent of the amount of the charge for the

occupancy of any room or space occupied. The tax imposed hereunder shall not apply to rooms or spaces rented and continuously occupied by the same individual or same group of individuals for 30 or more days.

The revenue generated and collected from the two percent tax rate increase shall be designated and expended solely for advertising the Roanoke metropolitan area as an overnight tourist destination by members of the Roanoke Valley Convention and Visitors Bureau. For purposes of this subsection, "advertising the Roanoke metropolitan area as an overnight tourism destination" means advertising that is intended to attract visitors from a sufficient distance so as to require an overnight stay.

F. The county tax limitations imposed pursuant to § 58.1-3711 shall apply to any tax levied under this section, mutatis mutandis.

G. The authority to impose a tax pursuant to this section shall be in addition to the authority provided by the provisions of § 58.1-3819.

§ 58.1-3825.3. Additional transient occupancy tax in Arlington County.

In addition to ~~such~~ *the* transient occupancy taxes as are tax authorized by §§ 58.1-3819 and 58.1-3820, beginning July 1, 2018, and ending July 1, 2021, Arlington County may impose an additional transient occupancy tax not to exceed one-fourth of one percent of the amount of the charge for the occupancy of any room or space occupied. The revenues collected from the additional tax shall be designated and spent for the purpose of promoting tourism and business travel in the county.

§ 58.1-3830. Local cigarette taxes authorized; use of dual die or stamp to evidence payment.

A. ~~No provision of Chapter 10 (§ 58.1-1000 et seq.) of this title shall be construed to deprive counties, cities, and towns of the right Any county, city, or town is authorized to levy taxes upon the sale or use of cigarettes, provided such county, city or town had such power prior to January 1, 1977.~~ The governing body of any county, city, or town which *that* levies a cigarette tax and permits the use of meter impressions or stamps to evidence its payment may authorize an officer of the county, city, or town or joint enforcement authority to enter into an arrangement with the Department of Taxation under which a tobacco wholesaler who so desires may use a dual die or stamp to evidence the payment of both the county, city, or town tax, and the state tax, and the Department is hereby authorized to enter into such an arrangement. The procedure under such an arrangement shall be such as may be agreed upon by and between the authorized county, city, town or joint enforcement authority officer and the Department.

B. Any county cigarette tax imposed shall not apply within the limits of any town located in such county where such town now, or hereafter, imposes a town cigarette tax. However, if the governing body of any such town shall provide that a county cigarette tax, as well as the town cigarette tax, shall apply within the limits of such town, then such cigarette tax may be imposed by the county within such town.

C. The maximum tax rate imposed by a locality on cigarettes pursuant to the provisions of this section shall be as follows:

1. If such locality is (i) a city or town that, on January 1, 2020, had in effect a rate not exceeding two cents (\$0.02) per cigarette sold or (ii) a county, then the maximum rate shall be two cents (\$0.02) per cigarette sold.

2. If such locality is a city or town that, on January 1, 2020, had in effect a rate exceeding two cents (\$0.02) per cigarette sold, then the maximum rate shall be the rate in effect on January 1, 2020.

§ 58.1-3833. County food and beverage tax.

A. 1. Any county is hereby authorized to levy a tax on food and beverages sold, for human consumption, by a restaurant, as such term is defined in § 35.1-1, not to exceed ~~four~~ six percent of the amount charged for such food and beverages. Such tax shall not be levied on food and beverages sold through vending machines or by (i) boardinghouses that do not accommodate transients; (ii) cafeterias operated by industrial plants for employees only; (iii) restaurants to their employees as part of their compensation when no charge is made to the employee; (iv) volunteer fire departments and volunteer emergency medical services agencies; nonprofit churches or other religious bodies; or educational, charitable, fraternal, or benevolent organizations the first three times per calendar year and, beginning with the fourth time, on the first \$100,000 of gross receipts per calendar year from sales of food and beverages (excluding gross receipts from the first three times), as a fundraising activity, the gross proceeds of which are to be used by such church, religious body or organization exclusively for nonprofit educational, charitable, benevolent, or religious purposes; (v) churches that serve meals for their members as a regular part of their religious observances; (vi) public or private elementary or secondary schools or institutions of higher education to their students or employees; (vii) hospitals, medical clinics, convalescent homes, nursing homes, or other extended care facilities to patients or residents thereof; (viii) day care centers; (ix) homes for the aged, infirm, handicapped, battered women, narcotic addicts, or alcoholics; or (x) age-restricted apartment complexes or residences with restaurants, not open to the public, where meals are served and fees are charged for such food and beverages and are included in rental fees. Also, the tax shall not be levied on food and beverages: (a) when used or consumed and paid for by the Commonwealth, any political subdivision of the Commonwealth, or the United States; ~~or~~ (b) provided by a public or private nonprofit charitable organization or establishment to elderly, infirm, blind, handicapped, or needy persons in their homes, or at central locations; or (c) provided by private establishments that contract with the appropriate agency of the Commonwealth to offer food, food products, or beverages for immediate consumption at concession prices to elderly, infirm, blind, handicapped, or needy persons in their homes or at central locations.

2. Grocery stores and convenience stores selling prepared foods ready for human consumption at a delicatessen counter shall be subject to the tax, for that portion of the grocery store or convenience store selling such items.

3. This tax shall be levied only if the tax is approved in a referendum within the county which shall be held in accordance with § 24.2-684 and initiated either by a resolution of the board of supervisors or on the filing of a petition signed by a number of registered voters of the county equal in number to 10 percent of the number of voters registered in the county, as appropriate on January 1 of the year in which the petition is filed with the court of such county. However, no referendum initiated by a resolution of the board of supervisors shall be authorized in a county in the three calendar years subsequent to the electoral defeat of any referendum held pursuant to this section in such county. The clerk of the circuit court shall publish notice of the election in a newspaper of general circulation in the county once a week for three consecutive weeks prior to the election. If the voters affirm the levy of a local meals tax, the tax shall be effective in an amount and on such terms as the governing body may by ordinance prescribe. If such resolution of the board of supervisors or such petition states for what projects and/or purposes the revenues collected from the tax are to be used, then the question on the ballot for the referendum shall include language stating for what projects and/or purposes the revenues collected from the tax are to be used.

4. Any referendum held for the purpose of approving a county food and beverage tax pursuant to this section shall, in the language of the ballot question presented to voters, contain the following text in a paragraph unto itself: "If this food and beverage tax is adopted and a maximum tax rate of four percent is imposed, then the total tax imposed on all prepared food and beverage shall be ..." followed by the total, expressed as a percentage, of all existing ad valorem taxes applicable to the transaction added to the four percent county food and beverage tax to be approved by the referendum.

5. Notwithstanding any other provision of this section, if a county that has not imposed a county food and beverage tax adopts an ordinance or resolution pursuant to subdivision 1 of § 15.2-2607 providing for the payment of the principal and premium, if any, and interest on bonds issued in accordance with the Public Finance Act (§ 15.2-2600 et seq.) from revenue collected from a county food and beverage tax, then the ballot may provide, as a single question:

- a. The purpose or purposes of the bonds to be issued;
- b. The estimated maximum amount of such bonds proposed in the notice required in subsection A of § 15.2-2606;
- c. The request for approval by the voters of a county food and beverage tax authorized and levied in accordance with subdivision 3;
- d. The language required to be included in the ballot question as set forth in subdivision 4; and
- e. An explanation that the bonds shall be issued only if the county food and beverage tax is approved in the referendum.

Any referendum placed on the ballot pursuant to this subdivision 5 shall be submitted according to the procedures specified in § 24.2-684.

The term "beverage" as set forth herein shall mean alcoholic beverages as defined in § 4.1-100 and nonalcoholic beverages served as part of a meal. The tax shall be in addition to the sales tax currently imposed by the county pursuant to the authority of Chapter 6 (§ 58.1-600 et seq.). Collection of such tax shall be in a manner prescribed by the governing body.

B. Notwithstanding the provisions of subsection A, Roanoke County, Rockbridge County, Frederick County, Arlington County, and Montgomery County are hereby authorized to levy a tax on food and beverages sold for human consumption by a restaurant, as such term is defined in § 35.1-1 and as modified in subsection A and subject to the same exemptions, not to exceed four percent of the amount charged for such food and beverages, provided that the governing body of the respective county holds a public hearing before adopting a local food and beverage tax, and the governing body by unanimous vote adopts such tax by local ordinance. The tax shall be effective in an amount and on such terms as the governing body may by ordinance prescribe.

C. B. Nothing herein contained shall affect any authority heretofore granted to any county, city, or town to levy a meals tax. The county tax limitations imposed pursuant to § 58.1-3711 shall apply to any tax levied under this section, mutatis mutandis. All food and beverage tax collections and all meals tax collections shall be deemed to be held in trust for the county, city, or town imposing the applicable tax. The wrongful and fraudulent use of such collections other than remittance of the same as provided by law shall constitute embezzlement pursuant to § 18.2-111.

D. No county which has heretofore adopted an ordinance pursuant to subsection A shall be required to submit an amendment to its meals tax ordinance to the voters in a referendum.

E. C. Notwithstanding any other provision of this section, no locality shall levy any tax under this section upon (i) that portion of the amount paid by the purchaser as a discretionary gratuity in addition to the sales price; (ii) that portion of the amount paid by the purchaser as a mandatory gratuity or service charge added by the restaurant in addition to the sales price, but only to the extent that such mandatory gratuity or service charge does not exceed 20 percent of the sales price; or (iii) alcoholic beverages sold in factory sealed containers and purchased for off-premises consumption or food purchased for human consumption as "food" is defined in the Food Stamp Act of 1977, 7 U.S.C. § 2012, as amended, and federal regulations adopted pursuant to that act, except for the following items: sandwiches, salad bar items sold from a salad bar, prepackaged single-serving salads consisting primarily of an assortment of vegetables, and nonfactory sealed beverages.

§ 58.1-3834. Apportionment of food and beverage or meals tax.

In any case where a business is located partially within two or more local jurisdictions by reason of the boundary line between the local jurisdictions passing through such place of business, and one or more of the local jurisdictions imposes the food and beverage or meals tax, the tax rate shall be computed by applying the apportionment formula in § 58.1-3709 to the food and beverage or meals tax rate of each applicable local jurisdiction. Such apportioned rate shall be rounded to the nearest one-half percent; provided, the total tax rate shall not exceed the rate authorized in § 58.1-3833.

§ 58.1-3840. Certain excise taxes permitted.

A. The provisions of Chapter 6 (§ 58.1-600 et seq.) to the contrary notwithstanding, any city or town having general taxing powers established by charter pursuant to or consistent with the provisions of § 15.2-1104 *and, to the extent authorized in this chapter, any county* may impose excise taxes on cigarettes, admissions, transient room rentals, meals, and travel campgrounds. No such taxes on meals may be imposed on (i) that portion of the amount paid by the purchaser as a discretionary gratuity in addition to the sales price of the meal; (ii) that portion of the amount paid by the purchaser as a mandatory gratuity or service charge added by the restaurant in addition to the sales price of the meal, but only to the extent that such mandatory gratuity or service charge does not exceed 20 percent of the sales price; or (iii) food and beverages sold through vending machines or on any tangible personal property purchased with food coupons issued by the United States Department of Agriculture under the Food Stamp Program or drafts issued through the Virginia Special Supplemental Food Program for Women, Infants, and Children. No such taxes on meals may be imposed when sold or provided by (a) restaurants, as such term is defined in § 35.1-1, to their employees as part of their compensation when no charge is made to the employee; (b) volunteer fire departments and volunteer emergency medical services agencies; nonprofit churches or other religious bodies; or educational, charitable, fraternal, or benevolent organizations, the first three times per calendar year and, beginning with the fourth time, on the first \$100,000 of gross receipts per calendar year from sales of meals (excluding gross receipts from the first three times), as a fundraising activity, the gross proceeds of which are to be used by such church, religious body or organization exclusively for nonprofit educational, charitable, benevolent, or religious purposes; (c) churches that serve meals for their members as a regular part of their religious observances; (d) public or private elementary or secondary schools or institutions of higher education to their students or employees; (e) hospitals, medical clinics, convalescent homes, nursing homes, or other extended care facilities to patients or residents thereof; (f) day care centers; (g) homes for the aged, infirm, handicapped, battered women, narcotic addicts, or alcoholics; or (h) age-restricted apartment complexes or residences with restaurants, not open to the public, where meals are served and fees are charged for such food and beverages and are included in rental fees.

Also, the tax shall not be levied on meals: (1) when used or consumed and paid for by the Commonwealth, any political subdivision of the Commonwealth, or the United States; (2) provided by a public or private nonprofit charitable organization or establishment to elderly, infirm, blind, handicapped, or needy persons in their homes, or at central locations; or (3) provided by private establishments that contract with the appropriate agency of the Commonwealth to offer food, food products, or beverages for immediate consumption at concession prices to elderly, infirm, blind, handicapped, or needy persons in their homes or at central locations.

In addition, as set forth in § 51.5-98, no blind person operating a vending stand or other business enterprise under the jurisdiction of the Department for the Blind and Vision Impaired and located on property acquired and used by the United States for any military or naval purpose shall be required to collect and remit meals taxes.

B. Notwithstanding any other provision of this section, no city or town shall levy any tax under this section upon alcoholic beverages sold in factory sealed containers and purchased for off-premises consumption or food purchased for human consumption as "food" is defined in the Food Stamp Act of 1977, 7 U.S.C. § 2012, as amended, and federal regulations adopted pursuant to that act, except for the following items: sandwiches, salad bar items sold from a salad bar, repackaged single-serving salads consisting primarily of an assortment of vegetables, and nonfactory sealed beverages.

C. Any city or town that is authorized to levy a tax on admissions may levy the tax on admissions paid for any event held at facilities that are not owned by the city or town at a lower rate than the rate levied on admissions paid for any event held at its city- or town-owned civic centers, stadiums, and amphitheaters.

D. [Expired.]

2. That §§ 58.1-3818.01, 58.1-3818.03, and 58.1-3818.04 of the Code of Virginia are repealed; that §§ 58.1-3820 and 58.1-3821 of the Code of Virginia are repealed effective May 1, 2021; and that § 58.1-3831 of the Code of Virginia is repealed effective July 1, 2021.

3. That the provisions of this act amending §§ 58.1-3819, 58.1-3823, as it is currently effective and as it may become effective, and 58.1-3825.3 of the Code of Virginia shall become effective May 1, 2021, and that the provisions of this act amending § 58.1-3830 of the Code of Virginia shall become effective on July 1, 2021.

4. That notwithstanding the provisions of this act, no county that held a referendum pursuant to § 58.1-3833 of the Code of Virginia prior to July 1, 2020, that was defeated may impose a tax pursuant to § 58.1-3833 of the Code of Virginia until six years after the date of such referendum, unless a successful referendum was held after the defeated referendum and before July 1, 2020.

5. That the Division of Legislative Services (the Division) shall convene a work group of stakeholders to identify and make recommendations as to other amendments necessary, including repealing obsolete provisions and making technical amendments to existing provisions, to the Code of Virginia to effectuate the provisions of this act. The Division also shall identify the different legal authorities and requirements that apply to cities and counties that are not related to taxation, including those related to the provision of local services and related to sovereign immunity. The Division shall submit a summary of its recommendations and a draft of any recommended changes to the Chairmen of the House Committees on Appropriations and Finance and the Senate Committee on Finance and Appropriations no later than October 31, 2020.

6. That the Department of Taxation (the Department) shall convene a work group of stakeholders to identify and make recommendations for (i) modernizing the process for using stamps to certify that tax has been paid on

cigarettes and (ii) unifying the stamping process so that it is administered solely by the Department of Taxation. The Department shall submit a summary of its recommendations, including any proposed amendments to the Code of Virginia, to the Chairmen of the House Committees on Appropriations and Finance and the Senate Committee on Finance and Appropriations no later than October 31, 2020.

CHAPTER 1264

An Act to amend the Code of Virginia by adding a section numbered 56-594.3, relating to electric utility regulation; shared solar programs.

[S 629]

Approved April 22, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 56-594.3 as follows:

§ 56-594.3. Shared solar programs.

A. As used in this section:

"Applicable bill credit rate" means the dollar-per-kilowatt-hour rate used to calculate the subscriber's bill credit.

"Bill credit" means the monetary value of the electricity, in kilowatt-hours, generated by the shared solar facility allocated to a subscriber to offset that subscriber's electricity bill.

"Low-income customer" means any person or household whose income is no more than 80 percent of the median income of the locality in which the customer resides. The median income of the locality is determined by the U.S. Department of Housing and Urban Development.

"Low-income service organization" means a nonresidential customer of an investor-owned utility whose primary purpose is to serve low-income individuals and households.

"Low-income shared solar facility" means a shared solar facility at least 30 percent of the capacity of which is subscribed by low-income customers or low-income service organizations.

"Minimum bill" means an amount determined by the Commission under subsection D that subscribers are required to, at a minimum, pay on their utility bill each month after accounting for any bill credits.

"Phase II Utility" has the same meaning as provided in subdivision A 1 of § 56-585.1.

"Shared solar facility" means a facility that:

1. Generates electricity by means of a solar photovoltaic device with a nameplate capacity rating that does not exceed 5,000 kilowatts of alternating current;

2. Is located in the service territory of an investor-owned electric utility;

3. Is connected to the electric distribution grid serving the Commonwealth;

4. Has at least three subscribers;

5. Has at least 40 percent of its capacity subscribed by customers with subscriptions of 25 kilowatts or less; and

6. Is located on a single parcel of land.

"Shared solar program" or "program" means the program created through the adoption of rules to allow for the development of shared solar facilities.

"Subscriber" means a retail customer of a utility that (i) owns one or more subscriptions of a shared solar facility that is interconnected with the utility and (ii) receives service in the service territory of the same utility in whose service territory the shared solar facility is located.

"Subscriber organization" means any for-profit or nonprofit entity that owns or operates one or more shared solar facilities. A subscriber organization shall not be considered a utility solely as a result of its ownership or operation of a shared solar facility.

"Subscription" means a contract or other agreement between a subscriber and the owner of a shared solar facility. A subscription shall be sized such that the estimated bill credits do not exceed the subscriber's average annual bill for the customer account to which the subscription is attributed.

"Utility" means a Phase II Utility.

B. The Commission shall establish by regulation a program that affords customers of a Phase II Utility the opportunity to participate in shared solar projects. Under its shared solar program, a utility shall provide a bill credit for the proportional output of a shared solar facility attributable to that subscriber. The shared solar program shall be administered as follows:

1. The value of the bill credit for the subscriber shall be calculated by multiplying the subscriber's portion of the kilowatt-hour electricity production from the shared solar facility by the applicable bill credit rate for the subscriber. Any amount of the bill credit that exceeds the subscriber's monthly bill, minus the minimum bill, shall be carried over and applied to the next month's bill.

2. The utility shall provide bill credits to a shared solar facility's subscribers for not less than 25 years from the date the shared solar facility becomes commercially operational.

3. The subscriber organization shall, on a monthly basis, in a standardized electronic format, and pursuant to guidelines established by the Commission, provide to the utility a subscriber list indicating the kilowatt-hours of generation

attributable to each of the subscribers participating in a shared solar facility in accordance with the subscriber's portion of the output of the shared solar facility.

4. Subscriber lists may be updated monthly to reflect canceling subscribers and to add new subscribers. The utility shall apply bill credits to subscriber bills within two billing cycles following the cycle during which the energy was generated by the shared solar facility.

5. Each utility shall, on a monthly basis and in a standardized electronic format, provide to the subscriber organization a report indicating the total value of bill credits generated by the shared solar facility in the prior month, as well as the amount of the bill credit applied to each subscriber.

6. A subscriber organization may accumulate bill credits in the event that all of the electricity generated by a shared solar facility is not allocated to subscribers in a given month. On an annual basis and pursuant to guidelines established by the Commission, the subscriber organization shall furnish to the utility allocation instructions for distributing excess bill credits to subscribers.

7. All environmental attributes associated with a shared solar facility, including renewable energy certificates, shall be considered property of the subscriber organization. At the subscriber organization's discretion, such environmental attributes may be distributed to the subscribers, sold to load-serving entities with compliance obligations or other buyers, accumulated, or retired.

C. Each subscriber shall pay a minimum bill, established pursuant to subsection D, and shall receive an applicable bill credit based on the subscriber's customer class of residential, commercial, or industrial. Each class's applicable credit rate shall be calculated by the Commission annually by dividing revenues to the class by sales, measured in kilowatt-hours, to that class to yield a bill credit rate for the class (\$/kWh).

D. The Commission shall establish a minimum bill, which shall include the costs of all utility infrastructure and services used to provide electric service and administrative costs of the shared solar program. The Commission may modify the minimum bill over time. In establishing the minimum bill, the Commission shall (i) consider further costs the Commission deems relevant to ensure subscribing customers pay a fair share of the costs of providing electric services and (ii) minimize the costs shifted to customers not in a shared solar program. Low-income customers shall be exempt from the minimum bill.

E. The Commission shall approve a shared solar facility program of 150 megawatts with a minimum requirement of 30 percent low-income customers. The Commission shall approve an additional 50 megawatts of capacity upon determining that at least 45 megawatts of the aggregated shared solar capacity in the Commonwealth have been subscribed to by low-income customers. Subscriber organizations shall be allowed to demonstrate compliance with the low income requirement using either project capacity or project savings methodology. The Commission, in collaboration with the Department of Mines, Minerals and Energy, may adopt mechanisms to ensure low-income customer participation.

F. The Commission shall establish by regulation a shared solar program that complies with the provisions of subsections B, C, D, and E by January 1, 2021, and shall require each utility to file any tariffs, agreements, or forms necessary for implementation of the program within 60 days of the utility's full implementation of a new customer information platform or by July 1, 2023, whichever occurs first. Any rule or utility implementation filings approved by the Commission shall:

1. Reasonably allow for the creation of shared solar facilities;
2. Allow all customer classes to participate in the program;
3. Create a stakeholder working group including low-income community representatives and community solar providers to facilitate low-income customer and low-income service organization participation in the program;
4. Encourage public-private partnerships to further the Commonwealth's clean energy and equity goals, such as state agency and affordable housing provider participation in the program as subscribers of shared solar projects;
5. Not remove a customer from its otherwise applicable customer class in order to participate in a shared solar facility;
6. Reasonably allow for the transferability and portability of subscriptions, including allowing a subscriber to retain a subscription to a shared solar facility if the subscriber moves within the same utility's service territory;
7. Establish standards, fees, and processes for the interconnection of shared solar facilities that allow the utility to recover reasonable interconnection costs for each shared solar facility;
8. Adopt standardized consumer disclosure forms;
9. Allow the utility the opportunity to recover reasonable costs of administering the program;
10. Ensure nondiscriminatory and efficient requirements and utility procedures for interconnecting projects;
11. Address the co-location of two or more shared solar facilities on a single parcel of land and provide guidelines for determining when two or more facilities are co-located;
12. Include a program implementation schedule;
13. Prohibit credit checks as a means of establishing eligibility for residential customers to become subscribers;
14. Require net crediting functionality as part of any new customer information platform approved by the Commission. Under net crediting, the utility shall include the shared solar subscription fee on the customer's utility bill and provide the customer with a net credit equivalent to the total bill credit value for that generation period minus the shared solar subscription fee as set by the subscriber organization. The net crediting fee shall not exceed one percent of the bill credit value. Net crediting shall be optional for subscriber organizations, and any shared solar subscription fees charged via the

net crediting model shall be set to ensure that subscribers do not pay more in subscription fees than they receive in bill credits; and

15. Allow the utility to recover as the cost of purchased power pursuant to § 56-249.6 any difference between the bill credit provided to the subscriber and the cost of energy injected into the grid by the subscriber organization.

G. Within 180 days of finalization of the Commission's adoption of regulations for the shared solar program, a utility shall, provided that the utility has successfully implemented its customer information platform, begin crediting subscriber accounts of each shared solar facility interconnected in its service territory, subject to the requirements of this section and regulations adopted thereto.

CHAPTER 1265

An Act to amend and reenact §§ 24.2-304.1, 30-265, and 53.1-10 of the Code of Virginia and to amend the Code of Virginia by adding in Article 2 of Chapter 3 of Title 24.2 a section numbered 24.2-304.04, by adding in Chapter 3 of Title 24.2 an article numbered 5, consisting of a section numbered 24.2-314, and by adding a section numbered 53.1-5.2, relating to redistricting; congressional and state legislative districts; standards and criteria; population data.

[S 717]

Approved April 22, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-304.1, 30-265, and 53.1-10 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Article 2 of Chapter 3 of Title 24.2 a section numbered 24.2-304.04, by adding in Chapter 3 of Title 24.2 an article numbered 5, consisting of a section numbered 24.2-314, and by adding a section numbered 53.1-5.2 as follows:

§ 24.2-304.04. Standards and criteria for congressional and state legislative districts.

Every congressional and state legislative district shall be constituted so as to adhere to the following criteria:

1. *Districts shall be so constituted as to give, as nearly as is practicable, representation in proportion to the population of the district. A deviation of no more than five percent shall be permitted for state legislative districts.*

2. *Districts shall be drawn in accordance with the requirements of the Constitution of the United States, including the Equal Protection Clause of the Fourteenth Amendment, and the Constitution of Virginia; federal and state laws, including the federal Voting Rights Act of 1965, as amended; and relevant judicial decisions relating to racial and ethnic fairness.*

3. *No district shall be drawn that results in a denial or abridgement of the right of any citizen to vote on account of race or color or membership in a language minority group. No district shall be drawn that results in a denial or abridgement of the rights of any racial or language minority group to participate in the political process and to elect representatives of their choice. A violation of this subdivision is established if, on the basis of the totality of the circumstances, it is shown that districts were drawn in such a way that members of a racial or language minority group are dispersed into districts in which they constitute an ineffective minority of voters or are concentrated into districts where they constitute an excessive majority. The extent to which members of a racial or language minority group have been elected to office in the state or the political subdivision is one circumstance that may be considered. Nothing in this subdivision shall establish a right to have members of a racial or language minority group elected in numbers equal to their proportion in the population.*

4. *Districts shall be drawn to give racial and language minorities an equal opportunity to participate in the political process and shall not dilute or diminish their ability to elect candidates of choice either alone or in coalition with others.*

5. *Districts shall be drawn to preserve communities of interest. For purposes of this subdivision, a "community of interest" means a neighborhood or any geographically defined group of people living in an area who share similar social, cultural, and economic interests. A "community of interest" does not include a community based upon political affiliation or relationship with a political party, elected official, or candidate for office.*

6. *Districts shall be composed of contiguous territory, with no district contiguous only by connections by water running downstream or upriver, and political boundaries may be considered.*

7. *Districts shall be composed of compact territory and shall be drawn employing one or more standard numerical measures of individual and average district compactness, both statewide and district by district.*

8. *A map of districts shall not, when considered on a statewide basis, unduly favor or disfavor any political party.*

9. *The whole number of persons reported in the most recent federal decennial census by the United States Bureau of the Census shall be the basis for determining district populations, except that no person shall be deemed to have gained or lost a residence by reason of conviction and incarceration in a federal, state, or local correctional facility. Persons incarcerated in a federal, state, or local correctional facility shall be counted in the locality of their address at the time of incarceration, and the Division of Legislative Services shall adjust the census data pursuant to § 24.2-314 for this purpose.*

§ 24.2-304.1. At-large and district elections; reapportionment and redistricting of districts or wards; limits.

A. Except as otherwise specifically limited by general law or special act, the governing body of each county, city, or town may provide by ordinance for the election of its members on any of the following bases: (i) at large from the county, city, or town; (ii) from single-member or multi-member districts or wards, or any combination thereof; or (iii) from any

combination of at-large, single-member, and multi-member districts or wards. A change in the basis for electing the members of the governing body shall not constitute a change in the form of county government.

B. If the members are elected from districts or wards and other than entirely at large from the locality, the districts or wards shall be composed of contiguous and compact territory and shall be so constituted as to give, as nearly as is practicable, representation in proportion to the population of the district or ward. In 1971 and every 10 years thereafter, the governing body of each such locality shall reapportion the representation among the districts or wards, including, if the governing body deems it appropriate, increasing or diminishing the number of such districts or wards, in order to give, as nearly as is practicable, representation on the basis of population.

C. For the purposes of redistricting and reapportioning representation in ~~2001~~ 2021 and every 10 years thereafter, the governing body of a county, city, or town shall use the most recent decennial population figures for such county, city, or town from the United States Bureau of the Census, ~~which figures are identical to those from the actual enumeration conducted by the United States Bureau of the Census for the apportionment of representatives in the United States House of Representatives, except that the~~ *as adjusted by the Division of Legislative Services pursuant to § 24.2-314.* The census data for these redistricting and apportionment purposes will not include any population figure that is not allocated to specific census blocks within the Commonwealth, even though that population may have been included in the apportionment population figures of the Commonwealth for the purpose of allocating United States House of Representatives seats among the states. ~~The governing body of any county, city, or town may elect to exclude the adult inmate population of any federal, state, or regional adult correctional facility located in the locality from the population figures used for the purposes of the decennial reapportionment and redistricting. The adult inmate population so excluded shall be based on information provided by the facility as to the adult inmate population at the facility on the date of the decennial census.~~

D. Notwithstanding any other provision of general law or special act, the governing body of a county, city, or town shall not reapportion the representation in the governing body at any time other than that required following the decennial census, except as (i) provided by law upon a change in the boundaries of the county, city, or town that results in an increase or decrease in the population of the county, city, or town of more than one percent, (ii) the result of a court order, (iii) the result of a change in the form of government, or (iv) the result of an increase or decrease in the number of districts or wards other than at-large districts or wards. The foregoing provisions notwithstanding, the governing body subsequent to the decennial redistricting may adjust district or ward boundaries in order that the boundaries might coincide with state legislative or congressional district boundaries; however, no adjustment shall affect more than five percent of the population of a ward or district or 250 persons, whichever is lesser. If districts created by a reapportionment enacted subsequent to a decennial reapportionment are invalid under the provisions of this subsection, the immediately preexisting districts shall remain in force and effect until validly reapportioned in accordance with law.

Article 5.

Population Data.

§ 24.2-314. Population data; reallocation of prison populations.

A. *Persons incarcerated in federal correctional facilities and in state and local correctional facilities, as those terms are defined in § 53.1-1, shall be counted and reallocated for redistricting and reapportionment purposes in accordance with the provisions of this section and the following:*

1. *A person incarcerated in a federal, state, or local correctional facility whose address at the time of incarceration was located within the Commonwealth shall be deemed to reside at such address.*

2. *A person incarcerated in a federal, state, or local correctional facility whose address at the time of incarceration was located outside of the Commonwealth or whose address at the time of incarceration cannot be determined shall be deemed to reside at the location of the facility in which he is incarcerated.*

B. *By July 1 of any year in which the decennial census is taken, the Department of Corrections and the Board of Corrections shall provide to the Division of Legislative Services, in a format specified by the Division of Legislative Services, the following information for each person who was incarcerated in a state or local correctional facility on April 1 of that year:*

1. *A unique identifier, other than his name or offender identification number, assigned by the Department of Corrections or the Board of Corrections for this purpose;*

2. *His residential street address at the time of incarceration, or other legal residence, if known;*

3. *His race, his ethnicity as identified by him, and whether he is 18 years of age or older; and*

4. *The street address of the correctional facility in which he was incarcerated on April 1 of that year.*

C. *The Division of Legislative Services shall request each agency operating a federal correctional facility in the Commonwealth that incarcerates persons convicted of a criminal offense to provide to the Division of Legislative Services by July 1 of any year in which the decennial census is taken a record containing the information specified in subsection B for each person who was incarcerated in the facility on April 1 of that year. Any person incarcerated in a federal correctional facility for whom a record is not received by the Division of Legislative Services shall be deemed to have an address at the time of incarceration that cannot be determined.*

D. *The Division of Legislative Services shall prepare adjusted population data, including race and ethnicity data, in a manner that reflects the inclusion of incarcerated persons in the population count of the locality in which he is deemed to reside pursuant to subdivision A 1 or 2.*

This adjusted population data shall be used for purposes of redistricting and reapportionment and shall be the basis for congressional, state Senate, House of Delegates, and local government election districts. This adjusted population data shall not be used in the distribution of any federal or state aid.

E. The Division of Legislative Services shall make the adjusted population data available no later than 30 days following receipt of population data from the United States Bureau of the Census pursuant to P.L. 94-171. In making this data available, the Division of Legislative Services shall ensure no information regarding a specific incarcerated person's address at the time of incarceration is made public.

§ 30-265. Reapportionment of congressional and state legislative districts; United States Census population counts.

For the purposes of redrawing the boundaries of the congressional, state Senate, and House of Delegates districts after the United States Census for the year ~~2000~~ 2020 and every 10 years thereafter, the General Assembly shall use the population data provided by the United States Bureau of the Census ~~identical to those from the actual enumeration conducted by the Bureau for the apportionment of the Representatives of the United States House of Representatives following the United States decennial census, except that the~~ as adjusted by the Division of Legislative Services pursuant to § 24.2-314. The census data used for this apportionment purpose shall not include any population figure which is not allocated to specific census blocks within the Commonwealth, even though that population may have been included in the apportionment population figures of the Commonwealth for the purpose of allocating United States House of Representatives seats among the states.

§ 53.1-5.2. Compilation of certain data for redistricting purposes.

A. The Board shall direct the sheriffs of all local jails and the jail superintendents of all regional jails to provide to it, no later than May 1 of any year in which the decennial census is taken, information regarding each person incarcerated in a local or regional jail on April 1 of that year. Such information shall include, for each person incarcerated, (i) his residential street address at the time of incarceration, or other legal residence, if known; (ii) his race, his ethnicity as identified by him, and whether he is 18 years of age or older; and (iii) the street address of the correctional facility in which he was incarcerated on April 1 of that year. Upon receipt of such information, the Board shall assign to each person a unique identifier, other than his name or offender identification number.

B. Pursuant to § 24.2-314, the Board shall provide to the Division of Legislative Services, not later than July 1 of any year in which the decennial census is taken and in a format specified by the Division of Legislative Services, the information specified in subsection A, including the Board-assigned unique identifier.

§ 53.1-10. Powers and duties of Director.

The Director shall be the chief executive officer of the Department and shall have the following duties and powers:

1. To supervise and manage the Department and its system of state correctional facilities;
2. To implement the standards and goals of the Board as formulated for local and community correctional programs and facilities and lock-ups;
3. To employ such personnel and develop and implement such programs as may be necessary to carry out the provisions of this title, subject to Chapter 29 (§ 2.2-2900 et seq.) of Title 2.2, and within the limits of appropriations made therefor by the General Assembly;
4. To establish and maintain a general system of schools for persons committed to the institutions and community-based programs for adults as set forth in § 53.1-67.9. Such system shall include, as applicable, elementary, secondary, postsecondary, career and technical education, adult, and special education schools.
 - a. The Director shall employ a Superintendent who will oversee the operation of educational and vocational programs in all institutions and community-based programs for adults as set forth in § 53.1-67.9 operated by the Department. The Department shall be designated as a local education agency (LEA) but shall not be eligible to receive state funds appropriated for direct aid to public education.
 - b. When the Department employs a teacher licensed by the Board of Education to provide instruction in the schools of the correctional centers, the Department of Human Resource Management shall establish salary schedules for the teachers which endeavor to be competitive with those in effect for the school division in which the correctional center is located.
 - c. The Superintendent shall develop a functional literacy program for inmates testing below a selected grade level, which shall be at least at the twelfth grade level. The program shall include guidelines for implementation and test administration, participation requirements, criteria for satisfactory completion, and a strategic plan for encouraging enrollment at an institution of higher education or an accredited vocational training program or other accredited continuing education program.
 - d. For the purposes of this section, the term "functional literacy" shall mean those educational skills necessary to function independently in society, including, but not limited to, reading, writing, comprehension, and arithmetic computation.
 - e. In evaluating a prisoner's educational needs and abilities pursuant to § 53.1-32.1, the Superintendent shall create a system for identifying prisoners with learning disabilities.
5. a. To make and enter into all contracts and agreements necessary or incidental to the performance of the Department's duties and the execution of its powers under this title, including, but not limited to, contracts with the United States, other states, and agencies and governmental subdivisions of this Commonwealth, and contracts with corporations, partnerships, or individuals which include, but are not limited to, the purchase of water or wastewater

treatment services or both as necessary for the expansion or construction of correctional facilities, consistent with applicable standards and goals of the Board;

b. Notwithstanding the Director's discretion to make and enter into all contracts and agreements necessary or incidental to the performance of the Department's duties and the execution of its powers under this title, upon determining that it shall be desirable to contract with a public or private entity for the provision of community-based residential services pursuant to Chapter 5 (§ 53.1-177 et seq.), the Director shall notify the local governing body of the jurisdiction in which the facility is to be located of the proposal and of the facility's proposed location and provide notice, where requested, to the chief law-enforcement officer for such locality when an offender is placed in the facility at issue;

c. Notwithstanding the Director's discretion to make and enter into all contracts and agreements necessary or incidental to the performance of the Department's duties and the execution of its powers under this title, upon determining that it is necessary to transport Virginia prisoners through or to another state and for other states to transport their prisoners within the Commonwealth, the Director may execute reciprocal agreements with other states' corrections agencies governing such transports that shall include provisions allowing each state to retain authority over its prisoners while in the other state.

6. To accept, hold and enjoy gifts, donations and bequests on behalf of the Department from the United States government and agencies and instrumentalities thereof, and any other source, subject to the approval of the Governor. To these ends, the Director shall have the power to comply with such conditions and execute such agreements as may be necessary, convenient or desirable, consistent with applicable standards and goals of the Board;

7. To collect data pertaining to the demographic characteristics of adults, and juveniles who are adjudicated as adults, incarcerated in state correctional institutions, including, but not limited to, the race or ethnicity, age, and gender of such persons, whether they are a member of a criminal gang, and the types of and extent to which health-related problems are prevalent among such persons. Beginning July 1, 1997, such data shall be collected, tabulated quarterly, and reported by the Director to the Governor and the General Assembly at each regular session of the General Assembly thereafter. The report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports;

8. To make application to the appropriate state and federal entities so as to provide any prisoner who is committed to the custody of the state a Department of Motor Vehicles approved identification card that would expire 90 days from issuance, a copy of his birth certificate if such person was born in the Commonwealth, and a social security card from the Social Security Administration;

9. To forward to the Commonwealth's Attorneys' Services Council, updated on a monthly basis, a list of all identified criminal gang members incarcerated in state correctional institutions. The list shall contain identifying information for each criminal gang member, as well as his criminal record;

10. To give notice, to the attorney for the Commonwealth prosecuting a defendant for an offense that occurred in a state correctional facility, of that defendant's known gang membership. The notice shall contain identifying information for each criminal gang member as well as his criminal record;

11. To designate employees of the Department with internal investigations authority to have the same power as a sheriff or a law-enforcement officer in the investigation of allegations of criminal behavior affecting the operations of the Department. Such employees shall be subject to any minimum training standards established by the Department of Criminal Justice Services under § 9.1-102 for law-enforcement officers prior to exercising any law-enforcement power granted under this subdivision. Nothing in this section shall be construed to grant the Department any authority over the operation and security of local jails not specified in any other provision of law. The Department shall investigate allegations of criminal behavior in accordance with a written agreement entered into with the Department of State Police. The Department shall not investigate any action falling within the authority vested in the Office of the State Inspector General pursuant to Chapter 3.2 (§ 2.2-307 et seq.) of Title 2.2 unless specifically authorized by the Office of the State Inspector General;

12. To enforce and direct the Department to enforce regulatory policies promulgated by the Board prohibiting the possession of obscene materials, as defined in Article 5 (§ 18.2-372 et seq.) of Chapter 8 of Title 18.2, by prisoners incarcerated in state correctional facilities; ~~and~~

13. To develop and administer a survey of each correctional officer, as defined in § 53.1-1, who resigns, is terminated, or is transitioned to a position other than correctional officer for the purpose of evaluating employment conditions and factors that contribute to or impede the retention of correctional officers; *and*

14. To provide, pursuant to § 24.2-314, to the Division of Legislative Services, not later than July 1 of any year in which the decennial census is taken and in a format specified by the Division of Legislative Services, information regarding each person incarcerated in a state correctional facility on April 1 of that year. Such information shall include, for each person incarcerated, (i) a unique identifier, other than his name or offender identification number, assigned by the Director; (ii) his residential street address at the time of incarceration, or other legal residence, if known; (iii) his race, his ethnicity as identified by him, and whether he is 18 years of age or older; and (iv) the street address of the correctional facility in which he was incarcerated on April 1 of that year.

2. That, notwithstanding the deadlines set forth in §§ 24.2-314 and 53.1-5.2 of the Code of Virginia, as created by this act, and in § 53.1-10 of the Code of Virginia, as amended by this act, the Board of Corrections shall direct the sheriffs of all local jails and the jail superintendents of all regional jails to provide to it the information required pursuant to § 53.1-5.2 of the Code of Virginia, as created by this act, by August 1, 2020; the Department of Corrections and the Board of Corrections shall provide to the Division of Legislative Services the information required pursuant to

§ 24.2-314 of the Code of Virginia, as created by this act, by September 1, 2020; and the Division of Legislative Services shall require each agency operating a federal correctional facility in the Commonwealth to provide to it the information specified in § 24.2-314 of the Code of Virginia, as created by this act, by September 1, 2020.

CHAPTER 1266

An Act to amend and reenact §§ 38.2-2204, 58.1-1734, 58.1-1735, 58.1-1736, 58.1-1738, 58.1-1741, 59.1-207.29, 59.1-207.31, and 59.1-207.32 of the Code of Virginia and to amend the Code of Virginia by adding in Title 46.2 a chapter numbered 14.1, consisting of sections numbered 46.2-1408 through 46.2-1418, relating to peer-to-peer vehicle sharing platforms.

[S 735]

Approved April 22, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 38.2-2204, 58.1-1734, 58.1-1735, 58.1-1736, 58.1-1738, 58.1-1741, 59.1-207.29, 59.1-207.31, and 59.1-207.32 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Title 46.2 a chapter numbered 14.1, consisting of sections numbered 46.2-1408 through 46.2-1418, as follows:

§ 38.2-2204. Liability insurance on motor vehicles, aircraft and watercraft; standard provisions; "omnibus clause."

A. No policy or contract of bodily injury or property damage liability insurance, covering liability arising from the ownership, maintenance, or use of any motor vehicle, aircraft, or private pleasure watercraft, shall be issued or delivered in this Commonwealth to the owner of such vehicle, aircraft or watercraft, or shall be issued or delivered by any insurer licensed in this Commonwealth upon any motor vehicle, aircraft, or private pleasure watercraft that is principally garaged, docked, or used in this Commonwealth, unless the policy contains a provision insuring the named insured, and any other person using or responsible for the use of the motor vehicle, aircraft, or private pleasure watercraft with the expressed or implied consent of the named insured, against liability for death or injury sustained, or loss or damage incurred within the coverage of the policy or contract as a result of negligence in the operation or use of such vehicle, aircraft, or watercraft by the named insured or by any such person; however, nothing contained in this section shall be deemed to prohibit an insurer from limiting its liability under any one policy for bodily injury or property damage resulting from any one accident or occurrence to the liability limits for such coverage set forth in the policy for any such accident or occurrence or for any one person, regardless of the number of insureds under that policy. Provided that, when one accident or occurrence involves more than one defendant who is covered by the policy, the plaintiff may recover the per person limit of the policy against each such defendant, subject to the per accident or occurrence limit of the policy. Each such policy or contract of liability insurance, or endorsement to the policy or contract, insuring private passenger automobiles, aircraft, or private pleasure watercraft principally garaged, docked, or used in this Commonwealth, that has as the named insured an individual or husband and wife and that includes, with respect to any liability insurance provided by the policy, contract or endorsement for use of a nonowned automobile, aircraft or private pleasure watercraft, any provision requiring permission or consent of the owner of such automobile, aircraft, or private pleasure watercraft for the insurance to apply, shall be construed to include permission or consent of the custodian in the provision requiring permission or consent of the owner.

B. Notwithstanding any requirements in this section to the contrary, an insurer may exclude any person from coverage under a personal umbrella or excess policy, if the exclusion is requested in writing by the first named insured and is acknowledged in writing by the excluded driver.

C. For aircraft liability insurance, such policy or contract may contain the exclusions listed in § 38.2-2227. Notwithstanding the provisions of this section or any other provisions of law, no policy or contract shall require pilot experience greater than that prescribed by the Federal Aviation Administration, except for pilots operating air taxis, or pilots operating aircraft applying chemicals, seed, or fertilizer.

D. No policy or contract of bodily injury or property damage liability insurance relating to the ownership, maintenance, or use of a motor vehicle shall be issued or delivered in this Commonwealth to the owner of such vehicle or shall be issued or delivered by an insurer licensed in this Commonwealth upon any motor vehicle principally garaged or used in this Commonwealth without an endorsement or provision insuring the named insured, and any other person using or responsible for the use of the motor vehicle with the expressed or implied consent of the named insured, against liability for death or injury sustained, or loss or damage incurred within the coverage of the policy or contract as a result of negligence in the operation or use of the motor vehicle by the named insured or by any other such person; however, nothing contained in this section shall be deemed to prohibit an insurer from limiting its liability under any one policy for bodily injury or property damage resulting from any one accident or occurrence to the liability limits for such coverage set forth in the policy for any such accident or occurrence or for any one person regardless of the number of insureds under that policy. Provided that, when one accident or occurrence involves more than one defendant who is covered by the policy, the plaintiff may recover the per person limit of the policy against each such defendant, subject to the per accident or occurrence limit of the policy. This provision shall apply notwithstanding the failure or refusal of the named insured or such other person to cooperate with the insurer under the terms of the policy. If the failure or refusal to cooperate prejudices the insurer in the defense of an action for damages arising from the operation or use of such insured motor vehicle, then the endorsement or

provision shall be void. If an insurer has actual notice of a motion for judgment or complaint having been served on an insured, the mere failure of the insured to turn the motion or complaint over to the insurer shall not be a defense to the insurer, nor void the endorsement or provision, nor in any way relieve the insurer of its obligations to the insured, provided the insured otherwise cooperates and in no way prejudices the insurer.

Where the insurer has elected to provide a defense to its insured under such circumstances and files responsive pleadings in the name of its insured, the insured shall not be subject to sanctions for failure to comply with discovery pursuant to Part Four of the Rules of the Supreme Court of Virginia unless it can be shown that the suit papers actually reached the insured, and that the insurer has failed after exercising due diligence to locate its insured, and as long as the insurer provides such information in response to discovery as it can without the assistance of the insured.

E. Any endorsement, provision or rider attached to or included in any such policy of insurance which purports or seeks to limit or reduce the coverage afforded by the provisions required by this section shall be void, except an insurer may exclude such coverage as is afforded by this section, where such coverage would inure to the benefit of the United States Government or any agency or subdivision thereof under the provisions of the Federal Tort Claims Act, the Federal Drivers Act and Public Law 86-654 District of Columbia Employee Non-Liability Act, or to the benefit of the Commonwealth under the provisions of the Virginia Tort Claims Act (§ 8.01-195.1 et seq.) and the self-insurance plan established by the Department of General Services pursuant to § 2.2-1837 for any state employee who, in the regular course of his employment, transports patients in his own personal vehicle.

F. An insurer writing a policy of bodily injury or property damage liability motor vehicle insurance, or an endorsement to such policy, may exclude coverage under a motor vehicle policy issued to the owner of a shared vehicle for use of such vehicle on a peer-to-peer vehicle sharing platform during the vehicle sharing period for (i) liability coverage for bodily injury and property damage, (ii) uninsured and underinsured motorist coverage, (iii) medical expense and loss of income benefits coverage, and (iv) collision and other than collision physical damage coverage. Nothing in this article invalidates or limits an exclusion contained in a motor vehicle liability insurance policy, including any insurance policy in use or approved for use, that excludes coverage for motor vehicles used as a public or livery conveyance. For purposes of this subsection, "peer-to-peer vehicle sharing platform," "shared vehicle," and "vehicle sharing period" have the meanings ascribed to those terms in § 46.2-1408.

Chapter 14.1.

Peer-to-Peer Vehicle Sharing.

§ 46.2-1408. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Peer-to-peer vehicle sharing" means the authorized use of a shared vehicle by a shared vehicle driver through a peer-to-peer vehicle sharing platform.

"Peer-to-peer vehicle sharing platform" means an online-enabled application, website, or system that connects vehicle owners with drivers to enable the sharing of peer-to-peer shared vehicles for financial consideration.

"Shared vehicle" means a motor vehicle that has been made available for sharing through a peer-to-peer vehicle sharing platform. "Shared vehicle" does not include a daily rental vehicle as defined in § 58.1-1735.

"Shared vehicle driver" means an individual who has been authorized to operate a shared vehicle by the shared vehicle owner under a vehicle sharing platform agreement.

"Shared vehicle owner" means the registered owner, or a person or entity designated by the registered owner, of a vehicle made available for sharing to shared vehicle drivers through a peer-to-peer vehicle sharing platform.

"Vehicle sharing delivery period" means the period of time beginning when the agent of a peer-to-peer vehicle sharing platform takes custody of the shared vehicle and ending when the shared vehicle arrives at the location agreed upon in the governing vehicle sharing platform agreement.

"Vehicle sharing period" means the period of time that commences with the vehicle sharing delivery period or, if there is no vehicle sharing delivery period, that commences when the vehicle sharing start time occurs and ends at the vehicle sharing termination time.

"Vehicle sharing platform agreement" means the terms and conditions applicable to a shared vehicle owner and a shared vehicle driver that govern the use of a shared vehicle through a peer-to-peer vehicle sharing platform.

"Vehicle sharing start time" means the time when the shared vehicle becomes subject to the control of the shared vehicle driver at or after the sharing of a shared vehicle is scheduled to begin as documented in the records of a peer-to-peer vehicle sharing platform.

"Vehicle sharing termination time" means the earliest of the following events:

1. When the shared vehicle is delivered to the location agreed upon in the vehicle sharing platform agreement on or after the expiration of the agreed-upon period of time established for the use of a shared vehicle according to the terms of the vehicle sharing platform agreement;

2. When the shared vehicle is returned to a location as alternatively agreed upon by the shared vehicle owner and shared vehicle driver within the agreed-upon period of time as communicated through a peer-to-peer vehicle sharing platform; or

3. When the shared vehicle owner, or the shared vehicle owner's authorized designee, takes possession and control of the shared vehicle.

§ 46.2-1409. Peer-to-peer insurance coverage.

A. A peer-to-peer vehicle sharing platform shall ensure that at all times during each vehicle sharing period the shared vehicle owner and the shared vehicle driver are insured under a motor vehicle liability insurance policy that provides uninsured motorist coverage and bodily injury and property damage liability coverage and that provides primary insurance coverage in an amount not less than the applicable financial responsibility limits set forth in this title and in § 38.2-2206 and:

1. Contains written recognition that the shared vehicle insured under the policy is made available and used through a peer-to-peer vehicle sharing platform; or

2. Does not exclude use of a shared vehicle by a shared vehicle driver.

B. A peer-to-peer vehicle sharing platform shall assume primary liability, except as provided in subsection C, of a shared vehicle owner for bodily injury and property damage to third parties and uninsured motorist losses during the vehicle sharing period in an amount stated in the vehicle sharing platform agreement, which amount shall not be less than the applicable financial responsibility limits set forth in this title and in § 38.2-2206.

C. Notwithstanding the definition of vehicle sharing termination time in § 46.2-1408, the assumption of liability under subsection B does not apply to any shared vehicle owner when such shared vehicle owner:

1. Performs an act, practice, or omission that constitutes fraud or makes an intentional misrepresentation of material fact to the peer-to-peer vehicle sharing platform before the vehicle sharing period in which the loss occurred; or

2. Acts in concert with a shared vehicle driver who fails to return the shared vehicle pursuant to the terms of the vehicle sharing platform agreement.

D. The insurance described under subsection A may be satisfied by motor vehicle liability insurance maintained by:

1. A shared vehicle owner;

2. A shared vehicle driver;

3. A peer-to-peer vehicle sharing platform; or

4. Any combination of a shared vehicle owner, a shared vehicle driver, and a peer-to-peer vehicle sharing platform.

E. The peer-to-peer vehicle sharing platform shall assume primary liability for a claim when it is in whole or in part providing the insurance required pursuant to subsections A and D and:

1. A dispute exists as to who was in control of the shared vehicle at the time of the loss; and

2. The peer-to-peer vehicle sharing platform does not have available, did not retain, or fails to provide the information required by § 46.2-1413.

F. The vehicle owner's insurer shall indemnify the peer-to-peer vehicle sharing platform to the extent of its obligation under the applicable insurance policy, if it is determined that the shared vehicle's owner or his designee was in control of the shared vehicle at the time of the loss.

If any insurer providing insurance coverage under subsection D pays a claim that it was not obligated to pay, such insurer shall be entitled to indemnification from the insurer of the party that had the obligation to pay the claim.

G. If insurance maintained by a shared vehicle owner or shared vehicle driver in accordance with subsection D has lapsed, has been canceled, or does not provide the required coverage, the insurer providing the insurance maintained by a peer-to-peer vehicle sharing platform shall provide coverage pursuant to subsection A beginning with the first dollar of a claim and shall have the duty to defend such claim except under circumstances set forth in subsection C.

H. Coverage under a motor vehicle liability insurance policy maintained by the peer-to-peer vehicle sharing platform shall not be dependent on another automobile insurer's first denying a claim, nor shall another motor vehicle insurance policy be required to first deny a claim.

I. Nothing in this chapter:

1. Limits the liability of the peer-to-peer vehicle sharing platform for any act or omission of the peer-to-peer vehicle sharing platform itself that results in injury to any person as a result of the use of a shared vehicle through a peer-to-peer vehicle sharing platform; or

2. Limits the ability of the peer-to-peer vehicle sharing platform to, by contract, seek indemnification from the shared vehicle owner or the shared vehicle driver for economic loss sustained by the peer-to-peer vehicle sharing platform resulting from a breach of the terms and conditions of the vehicle sharing platform agreement.

J. A peer-to-peer vehicle sharing platform shall either provide or offer for sale to the shared vehicle owner or shared vehicle driver collision and other than collision coverage for physical loss to the shared vehicle during the vehicle sharing period. Such coverage shall be in an amount not less than the actual cash value of the shared vehicle.

K. Any insurer providing coverage under subsection D, or an individual who suffers a loss arising from the use of a shared vehicle or the attorney for such insurer or individual, or a personal representative of the estate of a decedent who died as a result of a motor vehicle accident involving a shared vehicle if not represented by counsel, and who provides the peer-to-peer vehicle sharing platform with the date, approximate time, and location of the accident and, if available, the name of the shared vehicle owner and, if available, the accident report, may request in writing from the peer-to-peer vehicle sharing platform the identity of any insurer that may have provided coverage and the limits of liability, regardless of whether the insurer contests the applicability of the policy to the claim, and whether, at the approximate time of the accident, the shared vehicle was in a vehicle sharing period. The peer-to-peer vehicle sharing platform shall respond within 30 days with the requested information if such information is in the peer-to-peer vehicle sharing platform's possession. Any further exchange of information shall be covered pursuant to § 8.01-417.

§ 46.2-1410. Exemption: vicarious liability.

A peer-to-peer vehicle sharing platform and a shared vehicle owner shall be exempt from vicarious liability under any law that imposes liability solely based on vehicle ownership for any offense that occurs during a vehicle sharing period.

§ 46.2-1411. Notification of implications of lien.

At the time when a vehicle owner registers as a shared vehicle owner on a peer-to-peer vehicle sharing platform and prior to when the shared vehicle owner makes a shared vehicle available for vehicle sharing on the peer-to-peer vehicle sharing platform, the peer-to-peer vehicle sharing platform shall notify the shared vehicle owner that, if the shared vehicle has a lien against it, the use of the shared vehicle through a peer-to-peer vehicle sharing platform, including use without physical damage coverage, may violate the terms of the contract with the lienholder.

§ 46.2-1412. Insurable interest.

A. Notwithstanding any provision of law to the contrary, a peer-to-peer vehicle sharing platform shall have an insurable interest in a shared vehicle during the vehicle sharing period.

B. A peer-to-peer vehicle sharing platform may own and maintain as the named insured one or more policies of motor vehicle liability insurance that provides coverage for:

- 1. Liabilities assumed by the peer-to-peer vehicle sharing platform under a vehicle sharing platform agreement;*
- 2. Any liability of the shared vehicle owner;*
- 3. Damage or loss to the shared vehicle; or*
- 4. Any liability of the shared vehicle driver.*

§ 46.2-1413. Recordkeeping: use of vehicle in vehicle sharing.

A peer-to-peer vehicle sharing platform shall collect and verify records pertaining to the use of a shared vehicle, including a record of the identity of the shared vehicle driver, times used, locations established pursuant to the vehicle sharing platform agreement, fees paid by the shared vehicle driver, and revenues received by the shared vehicle owner, and provide such records upon request to the shared vehicle owner, the shared vehicle owner's insurer, or the shared vehicle driver's insurer to facilitate a claim coverage investigation, settlement, negotiation, or litigation. The peer-to-peer vehicle sharing platform shall retain the records for at least five years.

§ 46.2-1414. Consumer protections; disclosures.

Each vehicle sharing platform agreement shall disclose to the shared vehicle owner and the shared vehicle driver:

1. Any right of the peer-to-peer vehicle sharing platform to seek indemnification from the shared vehicle owner or the shared vehicle driver for economic loss sustained by the peer-to-peer vehicle sharing platform resulting from a breach of terms and conditions of the vehicle sharing platform agreement;

2. That a motor vehicle liability insurance policy provided by the peer-to-peer vehicle sharing platform to the shared vehicle owner for the shared vehicle or to the shared vehicle driver does not provide a defense or indemnification for any claim asserted by the peer-to-peer vehicle sharing platform;

3. That the peer-to-peer vehicle sharing platform's insurance coverage on the shared vehicle owner and the shared vehicle driver is in effect only during each vehicle sharing period and that for any use of the shared vehicle by the shared vehicle driver after the vehicle sharing termination time, the shared vehicle driver and the shared vehicle owner may not have insurance coverage;

4. The daily rate, fees, taxes, and, if applicable, any insurance or protection package costs that are charged to the shared vehicle owner or the shared vehicle driver;

5. That the shared vehicle owner's motor vehicle liability insurance may not provide coverage for a shared vehicle;

6. An emergency telephone number to personnel capable of fielding roadside assistance and other customer service inquiries;

7. That any financial responsibility requirements imposed on the shared vehicle driver as a condition of maintaining a driver's license remain in effect during the use of a shared vehicle;

8. That the use of the shared vehicle through a peer-to-peer vehicle sharing platform without physical damage coverage may violate the terms of the contract with the lienholder; and

9. That there may not be physical damage coverage under the shared vehicle owner's policy. However, if the physical damage coverage is purchased from or provided by the peer-to-peer vehicle sharing platform, no such disclosure is required.

§ 46.2-1415. Automobile safety recalls.

A. When a vehicle owner registers as a shared vehicle owner on a peer-to-peer vehicle sharing platform and prior to when the shared vehicle owner makes a shared vehicle available for vehicle sharing on the peer-to-peer vehicle sharing platform, the peer-to-peer vehicle sharing platform shall:

1. Verify that the shared vehicle does not have any safety recalls on the vehicle for which the repairs have not been made; and

2. Notify the shared vehicle owner of the requirements under subsection B.

B. 1. If the shared vehicle owner has received an actual notice of a safety recall on the vehicle, a shared vehicle owner may not make a vehicle available as a shared vehicle on a peer-to-peer vehicle sharing platform until the safety recall repair has been made.

2. If a shared vehicle owner receives an actual notice of a safety recall on a shared vehicle while the shared vehicle is available on the peer-to-peer vehicle sharing platform, the shared vehicle owner shall remove the shared vehicle from the

peer-to-peer vehicle sharing platform as soon as practicably possible after receiving the notice of the safety recall, and such vehicle shall remain off of the peer-to-peer vehicle sharing platform until the safety recall repair has been made.

3. If a shared vehicle owner receives an actual notice of a safety recall during a vehicle sharing period, such owner shall, as soon as practicably possible after receiving the notice of the safety recall, notify the peer-to-peer vehicle sharing platform about the safety recall so that the shared vehicle owner may address the safety recall repair.

§ 46.2-1416. Operation at airports.

No peer-to-peer vehicle sharing platform or shared vehicle owner shall conduct any peer-to-peer vehicle sharing on the property of any airport, unless such operation is authorized by the airport owner or operator and is in compliance with the rules and regulations of that airport. An airport may take action against a peer-to-peer vehicle sharing platform or shared vehicle owner that violates any regulation of an airport owner or operator, including suspension or revocation of the peer-to-peer vehicle sharing platform's authority to operate.

§ 46.2-1417. Responsibility for equipment.

The peer-to-peer vehicle sharing platform shall have sole responsibility for any equipment, such as a global positioning system (GPS), that is installed or placed in or on a shared vehicle to monitor or facilitate peer-to-peer vehicle sharing and shall agree to indemnify and hold harmless the shared vehicle owner for any damage to or theft of such system or equipment during a vehicle sharing period not caused by the shared vehicle owner. The peer-to-peer vehicle sharing platform has the right to seek indemnity from the shared vehicle driver for any loss or damage to such system or equipment that occurs during the vehicle sharing period.

§ 46.2-1418. No limitation on other authority.

The requirements imposed on shared vehicle owners and peer-to-peer vehicle sharing platforms shall not limit any other state or local taxing, zoning, or other regulatory authority from applying any measure applicable to any other business on a shared vehicle owner or peer-to-peer vehicle sharing platform.

Article 9.

Virginia Motor Vehicle Rental and Peer-to-Peer Vehicle Sharing Tax.

§ 58.1-1734. Title.

This article shall be known and may be cited as the "Virginia Motor Vehicle Rental and Peer-to-Peer Vehicle Sharing Tax Act."

§ 58.1-1735. Definitions.

The definitions in § 46.2-1408 shall apply, *mutatis mutandis*, to this article.

As used in this article, unless the context requires a different meaning:

"Daily rental vehicle" means a motor vehicle, except a motoreycle or a manufactured home as defined in § 46.2-100, used for rental as defined in this section and for the transportation of persons or property, whether on its own structure or by drawing another vehicle or vehicles, except (i) a motoreycle or a manufactured home as defined in § 46.2-100 or (ii) a shared vehicle as defined in § 46.2-1408.

"Gross proceeds" means the charges made or voluntary contributions received for the rental or peer-to-peer vehicle sharing of a motor vehicle where the rental or lease, or vehicle sharing platform agreement is for a period of less than 12 months. The term "gross proceeds" shall not include:

1. Cash discounts allowed and actually taken on a rental contract;
2. Finance charges, carrying charges, service charges, or interest from credit given on a rental contract;
3. Charges for motor fuels;
4. Charges for optional accidental death insurance;
5. Taxes or fees levied or imposed pursuant to Chapter 24 (§ 58.1-2400 et seq.);
6. Any violations, citations, or fines and related penalties and fees;
7. Delivery charges, pickup charges, recovery charges, or drop charges;
8. Pass-through charges;
9. Transportation charges;
10. Third-party service charges; or
11. Refueling surcharges.

"Mobile office" means an industrialized building unit not subject to federal regulation, which may be constructed on a chassis for the purpose of towing to the point of use and designed to be used with or without a permanent foundation, for commercial use and not for residential use; or two or more such units separately towable but designed to be joined together at the point of use to form a single commercial structure, and which may be designed for removal to, and installation or erection on, other sites.

"Motor vehicle" means every vehicle, except for a mobile office as herein defined, that is self-propelled or designed for self-propulsion and every vehicle drawn by or designed to be drawn by a motor vehicle, including manufactured homes as defined in § 46.2-100 and every device in, upon, and by which any person or property is, or can be, transported or drawn upon a highway, but excepting devices moved by human or animal power, devices used exclusively upon stationary rails or tracks, and vehicles, other than manufactured homes, used in the Commonwealth but not required to be licensed by the Commonwealth.

"Rental" means the transfer of the possession or use of a motor vehicle, whether or not the motor vehicle is required to be licensed by the Commonwealth, by a person for a consideration, without the transfer of the ownership of such motor

vehicle, for a period of less than 12 months. Any fee arrangement between the holder of a permit issued by the Department of Motor Vehicles for taxicab services and the driver or drivers of such taxicabs shall not be deemed a rental under this section. Any fee arrangement between a licensed driver training school and a student in that school, whereby the student may use a vehicle owned or leased by the school to perform a road skills test administered by the Department of Motor Vehicles, shall not be deemed a rental under this section.

"Rental in the Commonwealth" means any rental where a person received delivery of a motor vehicle within the Commonwealth. The term "Commonwealth" shall include all land or interest in land within the Commonwealth owned by or conveyed to the United States of America.

"Rentor" means a person engaged in the rental of motor vehicles for consideration as defined in this section.

§ 58.1-1736. Levy.

A. There is hereby levied, in addition to all other taxes and fees of every kind now imposed by law, a tax upon the rental of a motor vehicle in Virginia, without regard to whether such vehicle is required to be licensed by the Commonwealth. However, such tax shall not be levied upon a rental to a person for re-rental as an established business or part of an established business, or incidental or germane to such business.

The amount of the tax to be collected shall be determined by the Tax Commissioner by the application of the following rates against the gross proceeds:

1. Four percent of the gross proceeds from the rental in Virginia of any motor vehicle, except those with a gross vehicle weight rating or gross combination weight rating of 26,001 pounds or more.

2. In addition to the tax levied pursuant to subdivision A 1, a tax of four percent of the gross proceeds shall be levied on the rental in Virginia of any daily rental vehicle, whether or not such vehicle is required to be licensed in the Commonwealth.

3. In addition to all other applicable taxes and fees, a fee of two percent of the gross proceeds shall be imposed on the rental in Virginia of any daily rental vehicle, whether or not such vehicle is required to be licensed in the Commonwealth. For purposes of this article, the rental fee shall be implemented, enforced, and collected in the same manner that rental taxes are implemented, enforced, and collected.

B. A motor vehicle subject to the tax imposed under subdivision A 1 of this section shall be subject to the tax under subdivision A 1 or A 2 of § 58.1-2402 when it ceases to be used for rental as an established business or part of an established business, or incidental or germane to such business.

C. Any motor vehicle, trailer, or semitrailer exempt from this tax under subdivision 1 or 2 of § 58.1-1737 shall be subject to the tax when such vehicle is no longer rented by the United States government or any governmental agency thereof, or the Commonwealth of Virginia or any political subdivision thereof, unless at such time the vehicle is sold or its ownership is otherwise transferred, in which case the tax imposed by § 58.1-2402 shall apply, subject to the exemptions provided for in § 58.1-2403.

D. There is hereby levied a tax upon peer-to-peer vehicle sharing, without regard to whether a shared vehicle is required to be licensed by the Commonwealth.

1. Beginning July 1, 2020, and ending July 1, 2021, in lieu of the tax levied under subsection A, if a shared vehicle owner registers no more than 10 different shared vehicles on any combination of peer-to-peer vehicle sharing platforms at any one time, the tax shall be imposed at a rate of six and one-half percent on the gross proceeds paid by the shared vehicle driver for the peer-to-peer vehicle sharing in the Commonwealth of any shared vehicle.

2. Beginning July 1, 2021, and thereafter, in lieu of the tax levied under subsection A, if a shared vehicle owner registers no more than 10 different shared vehicles on any combination of peer-to-peer vehicle sharing platforms at any one time, the tax shall be imposed at a rate of seven percent on the gross proceeds paid by the shared vehicle driver for the peer-to-peer vehicle sharing in the Commonwealth of any shared vehicle.

3. However, if, and for so long as, a shared vehicle owner registers more than 10 different vehicles on any combination of peer-to-peer vehicle sharing platforms at any one time, the taxes levied on the gross proceeds paid by the shared vehicle driver shall be the same taxes imposed and collected on the rental of a motor vehicle and a daily rental vehicle pursuant to subdivisions A 1, 2, and 3.

E. A peer-to-peer vehicle sharing platform shall require all shared vehicle owners to certify to the peer-to-peer vehicle sharing platform whether the shared vehicle owner or any affiliate or subsidiary has registered more than 10 different shared vehicles on any combination of platforms at any one time. A shared vehicle owner is under a continuing obligation to immediately notify all platforms upon which he has vehicles registered, if the registration of a shared vehicle on a platform by the shared vehicle owner will cause the shared vehicle owner to exceed 10 or more different shared vehicles registered on any combination of peer-to-peer vehicle sharing platforms at any one time. Such notification shall occur prior to sharing any additional shared vehicles on any platform, not including those already subject to a vehicle sharing platform agreement at the time the additional vehicle is registered with the platform by the shared vehicle owner. Failure by the shared vehicle owner to immediately notify any platform shall subject the shared vehicle owner to payment of the taxes due and applicable penalties. Any affirmation or notification by the shared vehicle owner of such certifications shall require the peer-to-peer vehicle sharing platform to collect the taxes pursuant to subsection A.

§ 58.1-1738. Administration of the tax.

A. The tax on the rental of a motor vehicle pursuant to subsection A of § 58.1-1736 shall be paid by the person renting such motor vehicle, collected by the rentor of such motor vehicle, and remitted to the Tax Commissioner on or before the

twentieth day of the month following the month in which the gross proceeds from such rental were due. All of the responsibilities imposed on dealers in Chapter 6 (§ 58.1-600 et seq.) shall apply to renters for purposes of this article, except the provision in subsection A of § 58.1-615 requiring a sales or use tax return to be filed when the dealer is not liable to remit to the Tax Commissioner any tax for the period covered by the return. The tax on rental transactions in the Commonwealth shall apply regardless of the state for which a certificate of title is required.

B. The tax on the sharing of a motor vehicle pursuant to subsection D of § 58.1-1736 shall be paid by the shared vehicle driver. The tax shall be collectible from the peer-to-peer vehicle sharing platforms that have established sufficient contact with the Commonwealth by meeting at least one requirement in each of subdivisions C 1, 2, and 3 of § 58.1-612.1, mutatis mutandis. Shared vehicle owners are not eligible to collect taxes on shared vehicle transactions where such taxes are collectible by a peer-to-peer vehicle sharing platform. The tax shall be remitted to the Tax Commissioner on or before the twentieth day of the month following the month in which the gross proceeds from such sharing were due. The tax on peer-to-peer vehicle sharing in the Commonwealth shall apply regardless of the state for which a certificate of title for a shared vehicle is required.

C. The provisions of Chapter 6 (§ 58.1-600 et seq.) shall apply to this article, mutatis mutandis, except as herein provided.

§ 58.1-1741. Disposition of revenues.

A. After the direct costs of administering this article are recovered by the Department of Taxation, the remaining revenues collected hereunder by the Tax Commissioner shall be forthwith paid into the state treasury. Except as otherwise provided in this section, these funds shall constitute special funds within the Commonwealth Transportation Fund. Any balances remaining in these funds at the end of the year shall be available for use in subsequent years for the purposes set forth in this article, and any interest income on such funds shall accrue to these funds. The revenue so derived, after refunds have been deducted, is hereby allocated for the construction, reconstruction, and maintenance of highways and the regulation of traffic thereon and for no other purpose.

B. However, (i) all funds collected from the additional tax imposed by subdivision A 2 of § 58.1-1736 on the rental of daily rental vehicles and, beginning July 1, 2020, and ending July 1, 2021, an amount equal to a two and one-half percent tax on peer-to-peer vehicle sharing pursuant to subsection D of § 58.1-1736 and, beginning July 1, 2021, and thereafter, an amount equal to a three percent tax on peer-to-peer vehicle sharing pursuant to subsection D of § 58.1-1736 shall be distributed quarterly to the county, city, or town wherein such vehicle was delivered to the rentee or the shared vehicle driver; (ii) except as provided in clause (iii), an amount equivalent to the net additional revenues from the motor vehicle rental tax generated by enactments of the 1986 Special Session of the Virginia General Assembly which amended §§ 46.2-694, 46.2-697, and by § 58.1-1735, 58.1-1736 and this section, shall be distributed to and paid into the Transportation Trust Fund established pursuant to § 33.2-1524, a special fund within the Commonwealth Transportation Fund, and are hereby appropriated to the Commonwealth Transportation Board for transportation needs; (iii) all moneys collected from the tax on the gross proceeds from the rental in Virginia of any motor vehicle pursuant to subdivision A 1 of § 58.1-1736 at the tax rate in effect on December 31, 1986, and an amount equal to a four percent tax on the gross proceeds on peer-to-peer vehicle sharing pursuant to subsection D of § 58.1-1736 shall be paid by the Tax Commissioner into the state treasury and two-thirds of which shall be paid into the Rail Enhancement Fund established by § 33.2-1601 and one-third of which shall be deposited into the Washington Metropolitan Area Transit Authority Capital Fund pursuant to § 33.2-3401; and (iv) all additional revenues resulting from the fee imposed under subdivision A 3 of § 58.1-1736 shall be used to pay the debt service on the bonds issued by the Virginia Public Building Authority for the Statewide Agencies Radio System (STARS) for the Department of State Police pursuant to the authority granted by the 2004 Session of the General Assembly.

B. C. As provided in subsection A of § 58.1-638, of the funds becoming part of the Transportation Trust Fund pursuant to subdivision A 2, an aggregate of 4.2 percent shall be set aside as the Commonwealth Port Fund; an aggregate of 2.4 percent shall be set aside as the Commonwealth Airport Fund; and an aggregate of 14.7 percent shall be set aside as the Commonwealth Mass Transit Fund.

§ 59.1-207.29. Scope.

This chapter shall apply (i) to all persons in the business of leasing rental motor vehicles from locations in the Commonwealth under an agreement which that imposes upon the lessee an obligation to pay for any damages caused to the leased vehicle and (ii) to all peer-to-peer vehicle sharing platforms in the Commonwealth facilitating peer-to-peer vehicle sharing under a vehicle sharing platform agreement that imposes upon the shared vehicle driver an obligation to pay for any damages caused to the shared vehicle. The provisions of this chapter apply solely to the collision damage waiver portion of the rental agreement or vehicle sharing platform agreement. The definitions in § 46.2-1408 apply, mutatis mutandis, to this section.

§ 59.1-207.31. Required notice.

A. The definitions in § 46.2-1408 apply, mutatis mutandis, to this section.

B. No lessor or peer-to-peer vehicle sharing platform shall sell or offer to sell to a lessee a collision damage waiver as a part of a rental agreement or vehicle sharing platform agreement unless the lessor or peer-to-peer vehicle sharing platform first provides the lessee or shared vehicle driver the following written notice:

NOTICE: THIS CONTRACT OFFERS, FOR AN ADDITIONAL CHARGE, A COLLISION DAMAGE WAIVER TO COVER YOUR RESPONSIBILITY FOR DAMAGE TO THE VEHICLE. BEFORE DECIDING WHETHER TO

PURCHASE THE COLLISION DAMAGE WAIVER, YOU MAY WISH TO DETERMINE WHETHER YOUR OWN VEHICLE INSURANCE AFFORDS YOU COVERAGE FOR DAMAGE TO THE RENTAL VEHICLE AND THE AMOUNT OF THE DEDUCTIBLE UNDER YOUR OWN INSURANCE COVERAGE. THE PURCHASE OF THIS COLLISION DAMAGE WAIVER IS NOT MANDATORY AND MAY BE WAIVED.

B. C. Such notice shall be made on the face of the rental agreement *or vehicle sharing platform agreement* either by stamp, label, or as part of the written contract, shall be set apart in boldface type and in no smaller print than ~~ten-point~~ *10-point* type, and shall include a space for the lessee *or shared vehicle driver, as defined in § 46.2-1408*, to acknowledge his receipt of the notice.

§ 59.1-207.32. Prohibited exclusion.

No collision damage waiver subject to this chapter shall contain an exclusion from the waiver for damages caused by the ordinary negligence of the lessee *or shared vehicle driver, as defined in § 46.2-1408*. Any such exclusion in violation of this section shall be void. This section shall not be deemed to prohibit an exclusion from the waiver for damages caused intentionally by the lessee *or shared vehicle driver* or as a result of his willful or wanton misconduct or gross negligence, driving while intoxicated or under the influence of any drug or alcohol, or damages caused while engaging in any speed contest.

2. That the Department of Taxation may develop guidelines to implement the provisions of this act. Such guidelines shall be exempt from the provisions of the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia).

3. That the provisions of this act amending §§ 58.1-1734, 58.1-1735, 58.1-1736, 58.1-1738, and 58.1-1741 shall become effective on October 1, 2020.

CHAPTER 1267

An Act to amend and reenact §§ 37.2-808 and 37.2-1104 of the Code of Virginia, relating to temporary detention for observation and treatment.

[S 738]

Approved April 22, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 37.2-808 and 37.2-1104 of the Code of Virginia are amended and reenacted as follows:

§ 37.2-808. Emergency custody; issuance and execution of order.

A. Any magistrate shall issue, upon the sworn petition of any responsible person, treating physician, or upon his own motion, an emergency custody order when he has probable cause to believe that any person (i) has a mental illness and that there exists a substantial likelihood that, as a result of mental illness, the person will, in the near future, (a) cause serious physical harm to himself or others as evidenced by recent behavior causing, attempting, or threatening harm and other relevant information, if any, or (b) suffer serious harm due to his lack of capacity to protect himself from harm or to provide for his basic human needs, (ii) is in need of hospitalization or treatment, and (iii) is unwilling to volunteer or incapable of volunteering for hospitalization or treatment. Any emergency custody order entered pursuant to this section shall provide for the disclosure of medical records pursuant to § 37.2-804.2. This subsection shall not preclude any other disclosures as required or permitted by law.

When considering whether there is probable cause to issue an emergency custody order, the magistrate may, in addition to the petition, consider (1) the recommendations of any treating or examining physician or psychologist licensed in Virginia, if available, (2) any past actions of the person, (3) any past mental health treatment of the person, (4) any relevant hearsay evidence, (5) any medical records available, (6) any affidavits submitted, if the witness is unavailable and it so states in the affidavit, and (7) any other information available that the magistrate considers relevant to the determination of whether probable cause exists to issue an emergency custody order.

B. Any person for whom an emergency custody order is issued shall be taken into custody and transported to a convenient location to be evaluated to determine whether the person meets the criteria for temporary detention pursuant to § 37.2-809 and to assess the need for hospitalization or treatment. The evaluation shall be made by a person designated by the community services board who is skilled in the diagnosis and treatment of mental illness and who has completed a certification program approved by the Department.

C. The magistrate issuing an emergency custody order shall specify the primary law-enforcement agency and jurisdiction to execute the emergency custody order and provide transportation. However, the magistrate shall consider any request to authorize transportation by an alternative transportation provider in accordance with this section, whenever an alternative transportation provider is identified to the magistrate, which may be a person, facility, or agency, including a family member or friend of the person who is the subject of the order, a representative of the community services board, or other transportation provider with personnel trained to provide transportation in a safe manner, upon determining, following consideration of information provided by the petitioner; the community services board or its designee; the local law-enforcement agency, if any; the person's treating physician, if any; or other persons who are available and have knowledge of the person, and, when the magistrate deems appropriate, the proposed alternative transportation provider, either in person or via two-way electronic video and audio or telephone communication system, that the proposed alternative transportation provider is available to provide transportation, willing to provide transportation, and able to

provide transportation in a safe manner. When transportation is ordered to be provided by an alternative transportation provider, the magistrate shall order the specified primary law-enforcement agency to execute the order, to take the person into custody, and to transfer custody of the person to the alternative transportation provider identified in the order. In such cases, a copy of the emergency custody order shall accompany the person being transported pursuant to this section at all times and shall be delivered by the alternative transportation provider to the community services board or its designee responsible for conducting the evaluation. The community services board or its designee conducting the evaluation shall return a copy of the emergency custody order to the court designated by the magistrate as soon as is practicable. Delivery of an order to a law-enforcement officer or alternative transportation provider and return of an order to the court may be accomplished electronically or by facsimile.

Transportation under this section shall include transportation to a medical facility as may be necessary to obtain emergency medical evaluation or treatment that shall be conducted immediately in accordance with state and federal law. Transportation under this section shall include transportation to a medical facility for a medical evaluation if a physician at the hospital in which the person subject to the emergency custody order may be detained requires a medical evaluation prior to admission.

D. In specifying the primary law-enforcement agency and jurisdiction for purposes of this section, the magistrate shall order the primary law-enforcement agency from the jurisdiction served by the community services board that designated the person to perform the evaluation required in subsection B to execute the order and, in cases in which transportation is ordered to be provided by the primary law-enforcement agency, provide transportation. If the community services board serves more than one jurisdiction, the magistrate shall designate the primary law-enforcement agency from the particular jurisdiction within the community services board's service area where the person who is the subject of the emergency custody order was taken into custody or, if the person has not yet been taken into custody, the primary law-enforcement agency from the jurisdiction where the person is presently located to execute the order and provide transportation.

E. The law-enforcement agency or alternative transportation provider providing transportation pursuant to this section may transfer custody of the person to the facility or location to which the person is transported for the evaluation required in subsection B, G, or H if the facility or location (i) is licensed to provide the level of security necessary to protect both the person and others from harm, (ii) is actually capable of providing the level of security necessary to protect the person and others from harm, and (iii) in cases in which transportation is provided by a law-enforcement agency, has entered into an agreement or memorandum of understanding with the law-enforcement agency setting forth the terms and conditions under which it will accept a transfer of custody, provided, however, that the facility or location may not require the law-enforcement agency to pay any fees or costs for the transfer of custody.

F. A law-enforcement officer may lawfully go or be sent beyond the territorial limits of the county, city, or town in which he serves to any point in the Commonwealth for the purpose of executing an emergency custody order pursuant to this section.

G. A law-enforcement officer who, based upon his observation or the reliable reports of others, has probable cause to believe that a person meets the criteria for emergency custody as stated in this section may take that person into custody and transport that person to an appropriate location to assess the need for hospitalization or treatment without prior authorization. A law-enforcement officer who takes a person into custody pursuant to this subsection or subsection H may lawfully go or be sent beyond the territorial limits of the county, city, or town in which he serves to any point in the Commonwealth for the purpose of obtaining the assessment. Such evaluation shall be conducted immediately. The period of custody shall not exceed eight hours from the time the law-enforcement officer takes the person into custody.

H. A law-enforcement officer who is transporting a person who has voluntarily consented to be transported to a facility for the purpose of assessment or evaluation and who is beyond the territorial limits of the county, city, or town in which he serves may take such person into custody and transport him to an appropriate location to assess the need for hospitalization or treatment without prior authorization when the law-enforcement officer determines (i) that the person has revoked consent to be transported to a facility for the purpose of assessment or evaluation, and (ii) based upon his observations, that probable cause exists to believe that the person meets the criteria for emergency custody as stated in this section. The period of custody shall not exceed eight hours from the time the law-enforcement officer takes the person into custody.

I. Nothing herein shall preclude a law-enforcement officer or alternative transportation provider from obtaining emergency medical treatment or further medical evaluation at any time for a person in his custody as provided in this section.

J. A representative of the primary law-enforcement agency specified to execute an emergency custody order or a representative of the law-enforcement agency employing a law-enforcement officer who takes a person into custody pursuant to subsection G or H shall notify the community services board responsible for conducting the evaluation required in subsection B, G, or H as soon as practicable after execution of the emergency custody order or after the person has been taken into custody pursuant to subsection G or H.

K. The person shall remain in custody until (i) a temporary detention order is issued *in accordance with § 37.2-809*, ~~until~~ (ii) *an order for temporary detention for observation, testing, or treatment is entered in accordance with § 37.2-1104, ending law enforcement custody*, (iii) the person is released, or ~~until~~ (iv) the emergency custody order expires. An emergency custody order shall be valid for a period not to exceed eight hours from the time of execution.

L. Nothing in this section shall preclude the issuance of an order for temporary detention for testing, observation, or treatment pursuant to § 37.2-1104 for a person who is also the subject of an emergency custody order issued pursuant to this

section. In any case in which an order for temporary detention for testing, observation, or treatment is issued for a person who is also the subject of an emergency custody order, the person may be detained by a hospital emergency room or other appropriate facility for testing, observation, and treatment for a period not to exceed 24 hours, unless extended by the court as part of an order pursuant to § 37.2-1101, in accordance with subsection A C of § 37.2-1104. Upon completion of testing, observation, or treatment pursuant to § 37.2-1104, the hospital emergency room or other appropriate facility in which the person is detained shall notify the nearest community services board, and the designee of the community services board shall, as soon as is practicable and prior to the expiration of the order for temporary detention issued pursuant to § 37.2-1104, conduct an evaluation of the person to determine if he meets the criteria for temporary detention pursuant to § 37.2-809.

M. Any person taken into emergency custody pursuant to this section shall be given a written summary of the emergency custody procedures and the statutory protections associated with those procedures.

N. If an emergency custody order is not executed within eight hours of its issuance, the order shall be void and shall be returned unexecuted to the office of the clerk of the issuing court or, if such office is not open, to any magistrate serving the jurisdiction of the issuing court.

O. In addition to the eight-hour period of emergency custody set forth in subsection G, H, or K, if the individual is detained in a state facility pursuant to subsection E of § 37.2-809, the state facility and an employee or designee of the community services board as defined in § 37.2-809 may, for an additional four hours, continue to attempt to identify an alternative facility that is able and willing to provide temporary detention and appropriate care to the individual.

P. Payments shall be made pursuant to § 37.2-804 to licensed health care providers for medical screening and assessment services provided to persons with mental illnesses while in emergency custody.

Q. No person who provides alternative transportation pursuant to this section shall be liable to the person being transported for any civil damages for ordinary negligence in acts or omissions that result from providing such alternative transportation.

§ 37.2-1104. Temporary detention in hospital for testing, observation, or treatment.

A. Upon the advice of a licensed physician who has attempted to obtain consent and upon a finding of probable cause to believe that an adult person within the court's jurisdiction is incapable of making an informed decision regarding treatment of a physical or mental condition or is incapable of communicating such a decision due to a physical or mental condition and that the medical standard of care calls for testing, observation, or treatment within the next 24 hours to prevent death or disability, or to treat an emergency medical condition that requires immediate action to avoid harm, injury, or death, ~~the~~ *As used in this section, "mental or physical condition" includes intoxication.*

~~B. The court or, if the court is unavailable, a magistrate serving the jurisdiction where the respondent is located may, with the advice of a licensed physician who has attempted to obtain informed consent of an adult person to treatment of a mental or physical condition, issue an order authorizing temporary detention of the adult person by in a hospital emergency room department or other appropriate facility and authorizing such for testing, observation, or treatment upon a finding that~~ *(i) probable cause exists to believe the person is incapable of making or communicating an informed decision regarding treatment of a physical or mental condition due to a mental or physical condition and (ii) the medical standard of care calls for observation, testing, or treatment within the next 24 hours to prevent injury, disability, death, or other harm to the person resulting from such mental or physical condition.*

~~C. The duration of temporary detention may pursuant to this section shall not be for a period exceeding exceed~~ 24 hours, unless extended by the court as part of an order authorizing treatment under § 37.2-1101. If, before completion of authorized testing, observation, or treatment, the physician determines that a person subject to an order under this subsection has become capable of making and communicating an informed decision, the physician shall rely on the person's decision on whether to consent to further testing, observation, or treatment. If, before issuance of an order under this subsection or during its period of effectiveness, the physician learns of an objection by a member of the person's immediate family to the testing, observation, or treatment, he shall so notify the court or magistrate, who shall consider the objection in determining whether to issue, modify, or terminate the order.

~~B. D.~~ A court or, if the court is unavailable, a magistrate serving the jurisdiction may issue an order authorizing temporary detention for testing, observation, or treatment for a person who is also the subject of an emergency custody order issued pursuant to § 37.2-808, if such person meets the criteria set forth in subsection A B. In any case in which an order for temporary detention for testing, observation, or treatment is issued for a person who is also the subject of an emergency custody order pursuant to § 37.2-808, the hospital emergency room or other appropriate facility in which the person is detained for testing, observation, or treatment shall notify the nearest community services board when such testing, observation, or treatment is complete, and the designee of the community services board shall, as soon as is practicable and prior to the expiration of the order for temporary detention issued pursuant to subsection A B, conduct an evaluation of the person to determine if he meets the criteria for temporary detention pursuant to § 37.2-809.

2. That the Department of Behavioral Health and Developmental Services shall convene a work group to include representatives from the Virginia College of Emergency Physicians, the Virginia Hospital and Healthcare Association, the Virginia Sheriff's Association, and the Office of the Executive Secretary of the Supreme Court of Virginia to develop standard policies and procedures regarding medical temporary detention orders. The work group shall complete its work no later than December 1, 2020.

CHAPTER 1268

An Act to amend and reenact § 24.2-307 of the Code of Virginia, relating to county and city precincts; required to be wholly contained within election districts; waiver for administration of a split precinct.

[S 740]

Approved April 22, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 24.2-307 of the Code of Virginia is amended and reenacted as follows:

§ 24.2-307. Requirements for county and city precincts.

The governing body of each county and city shall establish by ordinance as many precincts as it deems necessary. Each governing body is authorized to increase or decrease the number of precincts and alter precinct boundaries subject to the requirements of this chapter.

At the time any precinct is established, it shall have no more than 5,000 registered voters. The general registrar shall notify the governing body whenever the number of voters who voted in a precinct in an election for President of the United States exceeds 4,000. Within six months of receiving the notice, the governing body shall proceed to revise the precinct boundaries, and any newly established or redrawn precinct shall have no more than 5,000 registered voters.

At the time any precinct is established, each precinct in a county shall have no fewer than 100 registered voters and each precinct in a city shall have no fewer than 500 registered voters.

Each precinct shall be wholly contained within ~~any~~ a single congressional district, Senate district, House of Delegates district, and election district used for the election of one or more members of the governing body or school board for the county or city. *In each year ending in one, the governing body of each county and city shall establish the precinct boundaries to be consistent with any congressional district, Senate district, House of Delegates district, and local election district that was adopted by the appropriate authority by June 15 of that year. If congressional districts, Senate districts, House of Delegates districts, or local election districts have not been adopted by the appropriate authority by June 15 of a year ending in one, the governing body may use the congressional districts, Senate districts, House of Delegates districts, or local election districts as such districts existed on June 15 of that year as the basis for establishing the precinct boundaries to be used for the elections to be held in November of that year. Such governing body shall establish precinct boundaries to be consistent with any subsequent changes to the congressional districts, Senate districts, House of Delegates districts, or local election districts. If a governing body is unable to establish a precinct with the minimum number of registered voters without splitting the precinct between two or more congressional districts, Senate districts, House of Delegates districts, or local election districts, it shall apply to the State Board for a waiver to administer a split precinct. The State Board may grant the waiver or direct the governing body to establish a precinct with fewer than the minimum number of registered voters as permitted by § 24.2-309. A governing body granted a waiver to administer a split precinct or directed to establish a precinct with fewer than the minimum number of registered voters may use such a precinct for any election held that year.*

The governing body shall establish by ordinance one polling place for each precinct.

CHAPTER 1269

An Act to amend and reenact §§ 46.2-100, 46.2-904, 46.2-908.1, 46.2-908.1:1, 46.2-1015, and 46.2-2101 of the Code of Virginia, relating to electric personal delivery devices.

[S 758]

Approved April 22, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-100, 46.2-904, 46.2-908.1, 46.2-908.1:1, 46.2-1015, and 46.2-2101 of the Code of Virginia are amended and reenacted as follows:

§ 46.2-100. Definitions.

As used in this title, unless the context requires a different meaning:

"All-terrain vehicle" means a motor vehicle having three or more wheels that is powered by a motor and is manufactured for off-highway use. "All-terrain vehicle" does not include four-wheeled vehicles commonly known as "go-carts" that have low centers of gravity and are typically used in racing on relatively level surfaces, nor does the term include any riding lawn mower.

"Antique motor vehicle" means every motor vehicle, as defined in this section, which was actually manufactured or designated by the manufacturer as a model manufactured in a calendar year not less than 25 years prior to January 1 of each calendar year and is owned solely as a collector's item.

"Antique trailer" means every trailer or semitrailer, as defined in this section, that was actually manufactured or designated by the manufacturer as a model manufactured in a calendar year not less than 25 years prior to January 1 of each calendar year and is owned solely as a collector's item.

"Autocycle" means a three-wheeled motor vehicle that has a steering wheel and seating that does not require the operator to straddle or sit astride and is manufactured to comply with federal safety requirements for motorcycles. Except as otherwise provided, an autocycle shall not be deemed to be a motorcycle.

"Automobile transporter" means any tractor truck, lowboy, vehicle, or combination, including vehicles or combinations that transport motor vehicles on their power unit, designed and used exclusively for the transportation of motor vehicles or used to transport cargo or general freight on a backhaul pursuant to the provisions of 49 U.S.C. § 31111(a)(1).

"Bicycle" means a device propelled solely by human power, upon which a person may ride either on or astride a regular seat attached thereto, having two or more wheels in tandem, including children's bicycles, except a toy vehicle intended for use by young children. For purposes of Chapter 8 (§ 46.2-800 et seq.), a bicycle shall be a vehicle while operated on the highway.

"Bicycle lane" means that portion of a roadway designated by signs and/or pavement markings for the preferential use of bicycles, electric power-assisted bicycles, motorized skateboards or scooters, and mopeds.

"Business district" means the territory contiguous to a highway where 75 percent or more of the property contiguous to a highway, on either side of the highway, for a distance of 300 feet or more along the highway, is occupied by land and buildings actually in use for business purposes.

"Camping trailer" means every vehicle that has collapsible sides and contains sleeping quarters but may or may not contain bathing and cooking facilities and is designed to be drawn by a motor vehicle.

"Cancel" or "cancellation" means that the document or privilege cancelled has been annulled or terminated because of some error, defect, or ineligibility, but the cancellation is without prejudice and reapplication may be made at any time after cancellation.

"Chauffeur" means every person employed for the principal purpose of driving a motor vehicle and every person who drives a motor vehicle while in use as a public or common carrier of persons or property.

"Circular intersection" means an intersection that has an island, generally circular in design, located in the center of the intersection, where all vehicles pass to the right of the island. Circular intersections include roundabouts, rotaries, and traffic circles.

"Commission" means the State Corporation Commission.

"Commissioner" means the Commissioner of the Department of Motor Vehicles of the Commonwealth.

"Converted electric vehicle" means any motor vehicle, other than a motorcycle or autocycle, that has been modified subsequent to its manufacture to replace an internal combustion engine with an electric propulsion system. Such vehicles shall retain their original vehicle identification number, line-make, and model year. A converted electric vehicle shall not be deemed a "reconstructed vehicle" as defined in this section unless it has been materially altered from its original construction by the removal, addition, or substitution of new or used essential parts other than those required for the conversion to electric propulsion.

"Crosswalk" means that part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway; or any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

"Decal" means a device to be attached to a license plate that validates the license plate for a predetermined registration period.

"Department" means the Department of Motor Vehicles of the Commonwealth.

"Disabled parking license plate" means a license plate that displays the international symbol of access in the same size as the numbers and letters on the plate and in a color that contrasts with the background.

"Disabled veteran" means a veteran who (i) has either lost, or lost the use of, a leg, arm, or hand; (ii) is blind; or (iii) is permanently and totally disabled as certified by the U.S. Department of Veterans Affairs. A veteran shall be considered blind if he has a permanent impairment of both eyes to the following extent: central visual acuity of 20/200 or less in the better eye, with corrective lenses, or central visual acuity of more than 20/200, if there is a field defect in which the peripheral field has contracted to such an extent that the widest diameter of visual field subtends an angular distance no greater than 20 degrees in the better eye.

"Driver's license" means any license, including a commercial driver's license as defined in the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.), issued under the laws of the Commonwealth authorizing the operation of a motor vehicle.

"Electric personal assistive mobility device" means a self-balancing two-nontandem-wheeled device that is designed to transport only one person and powered by an electric propulsion system that limits the device's maximum speed to 15 miles per hour or less. For purposes of Chapter 8 (§ 46.2-800 et seq.), an electric personal assistive mobility device shall be a vehicle when operated on a highway.

"Electric personal delivery device" means an electrically powered device that (i) is operated on sidewalks, shared-use paths, and crosswalks and intended primarily to transport property; (ii) weighs less than 50 pounds, excluding cargo; (iii) has a maximum speed of 10 miles per hour; and (iv) is equipped with technology to allow for operation of the device with or without the active control or monitoring of a natural person.

"Electric personal delivery device operator" means an entity or its agent who exercises direct physical control or monitoring over the navigation system and operation of an electric personal delivery device. For the purposes of this definition, "agent" means a person not less than 16 years of age charged by an entity with the responsibility of navigating and operating an electric personal delivery device. "Electric personal delivery device operator" does not include (i) an entity or person who requests the services of an electric personal delivery device to transport property or (ii) an entity or person who only arranges for and dispatches the requested services of an electric personal delivery device.

"Electric power-assisted bicycle" means a vehicle that travels on not more than three wheels in contact with the ground and is equipped with (i) pedals that allow propulsion by human power and (ii) an electric motor with an input of no more than 1,000 watts that reduces the pedal effort required of the rider and ceases to provide assistance when the bicycle reaches a speed of no more than 20 miles per hour. For the purposes of Chapter 8 (§ 46.2-800 et seq.), an electric power-assisted bicycle shall be a vehicle when operated on a highway.

"Essential parts" means all integral parts and body parts, the removal, alteration, or substitution of which will tend to conceal the identity of a vehicle.

"Farm tractor" means every motor vehicle designed and used as a farm, agricultural, or horticultural implement for drawing plows, mowing machines, and other farm, agricultural, or horticultural machinery and implements, including self-propelled mowers designed and used for mowing lawns.

"Farm utility vehicle" means a vehicle that is powered by a motor and is designed for off-road use and is used as a farm, agricultural, or horticultural service vehicle, generally having four or more wheels, bench seating for the operator and a passenger, a steering wheel for control, and a cargo bed. "Farm utility vehicle" does not include pickup or panel trucks, golf carts, low-speed vehicles, or riding lawn mowers.

"Federal safety requirements" means applicable provisions of 49 U.S.C. § 30101 et seq. and all administrative regulations and policies adopted pursuant thereto.

"Financial responsibility" means the ability to respond in damages for liability thereafter incurred arising out of the ownership, maintenance, use, or operation of a motor vehicle, in the amounts provided for in § 46.2-472.

"Foreign market vehicle" means any motor vehicle originally manufactured outside the United States, which was not manufactured in accordance with 49 U.S.C. § 30101 et seq. and the policies and regulations adopted pursuant to that Act, and for which a Virginia title or registration is sought.

"Foreign vehicle" means every motor vehicle, trailer, or semitrailer that is brought into the Commonwealth otherwise than in the ordinary course of business by or through a manufacturer or dealer and that has not been registered in the Commonwealth.

"Golf cart" means a self-propelled vehicle that is designed to transport persons playing golf and their equipment on a golf course.

"Governing body" means the board of supervisors of a county, council of a city, or council of a town, as context may require.

"Gross weight" means the aggregate weight of a vehicle or combination of vehicles and the load thereon.

"Highway" means the entire width between the boundary lines of every way or place open to the use of the public for purposes of vehicular travel in the Commonwealth, including the streets and alleys, and, for law-enforcement purposes, (i) the entire width between the boundary lines of all private roads or private streets that have been specifically designated "highways" by an ordinance adopted by the governing body of the county, city, or town in which such private roads or streets are located and (ii) the entire width between the boundary lines of every way or place used for purposes of vehicular travel on any property owned, leased, or controlled by the United States government and located in the Commonwealth.

"Intersection" means (i) the area embraced within the prolongation or connection of the lateral curblines or, if none, then the lateral boundary lines of the roadways of two highways that join one another at, or approximately at, right angles, or the area within which vehicles traveling on different highways joining at any other angle may come in conflict; (ii) where a highway includes two roadways 30 feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection, in the event such intersecting highway also includes two roadways 30 feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection; or (iii) for purposes only of authorizing installation of traffic-control devices, every crossing of a highway or street at grade by a pedestrian crosswalk.

"Lane-use control signal" means a signal face displaying indications to permit or prohibit the use of specific lanes of a roadway or to indicate the impending prohibition of such use.

"Law-enforcement officer" means any officer authorized to direct or regulate traffic or to make arrests for violations of this title or local ordinances authorized by law. For the purposes of access to law-enforcement databases regarding motor vehicle registration and ownership only, "law-enforcement officer" also includes city and county commissioners of the revenue and treasurers, together with their duly designated deputies and employees, when such officials are actually engaged in the enforcement of §§ 46.2-752, 46.2-753, and 46.2-754 and local ordinances enacted thereunder.

"License plate" means a device containing letters, numerals, or a combination of both, attached to a motor vehicle, trailer, or semitrailer to indicate that the vehicle is properly registered with the Department.

"Light" means a device for producing illumination or the illumination produced by the device.

"Low-speed vehicle" means any four-wheeled electrically powered or gas-powered vehicle, except a motor vehicle or low-speed vehicle that is used exclusively for agricultural or horticultural purposes or a golf cart, whose maximum speed is

greater than 20 miles per hour but not greater than 25 miles per hour and is manufactured to comply with safety standards contained in Title 49 of the Code of Federal Regulations, § 571.500.

"Manufactured home" means a structure subject to federal regulation, transportable in one or more sections, which in the traveling mode is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. "Manufactured home" does not include a park model recreational vehicle, which is a vehicle that is (i) designed and marketed as temporary living quarters for recreational, camping, travel, or seasonal use; (ii) not permanently affixed to real property for use as a permanent dwelling; (iii) built on a single chassis mounted on wheels; and (iv) certified by the manufacturer as complying with the American National Standards Institute (ANSI) A119.5 Park Model Recreational Vehicle Standard.

"Military surplus motor vehicle" means a multipurpose or tactical vehicle that was manufactured by or under the direction of the United States Armed Forces for off-road use and subsequently authorized for sale to civilians. "Military surplus motor vehicle" does not include specialized mobile equipment as defined in § 46.2-700, trailers, or semitrailers.

"Moped" means every vehicle that travels on not more than three wheels in contact with the ground that (i) has a seat that is no less than 24 inches in height, measured from the middle of the seat perpendicular to the ground; (ii) has a gasoline, electric, or hybrid motor that (a) displaces 50 cubic centimeters or less or (b) has an input of 1500 watts or less; (iii) is power-driven, with or without pedals that allow propulsion by human power; and (iv) is not operated at speeds in excess of 35 miles per hour. "Moped" does not include a motorized skateboard or scooter. For purposes of this title, a moped shall be a motorcycle when operated at speeds in excess of 35 miles per hour. For purposes of Chapter 8 (§ 46.2-800 et seq.), a moped shall be a vehicle while operated on a highway.

"Motor-driven cycle" means every motorcycle that has a gasoline engine that (i) displaces less than 150 cubic centimeters; (ii) has a seat less than 24 inches in height, measured from the middle of the seat perpendicular to the ground; and (iii) has no manufacturer-issued vehicle identification number.

"Motor home" means every private motor vehicle with a normal seating capacity of not more than 10 persons, including the driver, designed primarily for use as living quarters for human beings.

"Motor vehicle" means every vehicle as defined in this section that is self-propelled or designed for self-propulsion except as otherwise provided in this title. Any structure designed, used, or maintained primarily to be loaded on or affixed to a motor vehicle to provide a mobile dwelling, sleeping place, office, or commercial space shall be considered a part of a motor vehicle. Except as otherwise provided, for the purposes of this title, any device herein defined as a bicycle, electric personal assistive mobility device, electric power-assisted bicycle, motorized skateboard or scooter, or moped, or *personal delivery device* shall be deemed not to be a motor vehicle.

"Motorcycle" means every motor vehicle designed to travel on not more than three wheels in contact with the ground and is capable of traveling at speeds in excess of 35 miles per hour. "Motorcycle" does not include any "autocycle," "electric personal assistive mobility device," "electric power-assisted bicycle," "farm tractor," "golf cart," "moped," "motorized skateboard or scooter," "utility vehicle," or "wheelchair or wheelchair conveyance" as defined in this section.

"Motorized skateboard or scooter" means every vehicle, regardless of the number of its wheels in contact with the ground, that (i) is designed to allow an operator to sit or stand, (ii) has no manufacturer-issued vehicle identification number, (iii) is powered in whole or in part by an electric motor, (iv) weighs less than 100 pounds, and (v) has a speed of no more than 20 miles per hour on a paved level surface when powered solely by the electric motor. "Motorized skateboard or scooter" includes vehicles with or without handlebars but does not include "electric personal assistive mobility devices."

"Nonresident" means every person who is not domiciled in the Commonwealth, except: (i) any foreign corporation that is authorized to do business in the Commonwealth by the State Corporation Commission shall be a resident of the Commonwealth for the purpose of this title; in the case of corporations incorporated in the Commonwealth but doing business outside the Commonwealth, only such principal place of business or branches located within the Commonwealth shall be dealt with as residents of the Commonwealth; (ii) a person who becomes engaged in a gainful occupation in the Commonwealth for a period exceeding 60 days shall be a resident for the purposes of this title except for the purposes of Chapter 3 (§ 46.2-300 et seq.); (iii) a person, other than (a) a nonresident student as defined in this section or (b) a person who is serving a full-time church service or proselytizing mission of not more than 36 months and who is not gainfully employed, who has actually resided in the Commonwealth for a period of six months, whether employed or not, or who has registered a motor vehicle, listing an address in the Commonwealth in the application for registration, shall be deemed a resident for the purposes of this title, except for the purposes of the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.).

"Nonresident student" means every nonresident person who is enrolled as a full-time student in an accredited institution of learning in the Commonwealth and who is not gainfully employed.

"Off-road motorcycle" means every motorcycle designed exclusively for off-road use by an individual rider with not more than two wheels in contact with the ground. Except as otherwise provided in this chapter, for the purposes of this chapter off-road motorcycles shall be deemed to be "motorcycles."

"Operation or use for rent or for hire, for the transportation of passengers, or as a property carrier for compensation," and "business of transporting persons or property" mean any owner or operator of any motor vehicle, trailer, or semitrailer operating over the highways in the Commonwealth who accepts or receives compensation for the service, directly or

indirectly; but these terms do not mean a "truck lessor" as defined in this section and do not include persons or businesses that receive compensation for delivering a product that they themselves sell or produce, where a separate charge is made for delivery of the product or the cost of delivery is included in the sale price of the product, but where the person or business does not derive all or a substantial portion of its income from the transportation of persons or property except as part of a sales transaction.

"Operator" or "driver" means every person who either (i) drives or is in actual physical control of a motor vehicle on a highway or (ii) is exercising control over or steering a vehicle being towed by a motor vehicle.

"Owner" means a person who holds the legal title to a vehicle; however, if a vehicle is the subject of an agreement for its conditional sale or lease with the right of purchase on performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee or if a mortgagor of a vehicle is entitled to possession, then the conditional vendee or lessee or mortgagor shall be the owner for the purpose of this title. In all such instances when the rent paid by the lessee includes charges for services of any nature or when the lease does not provide that title shall pass to the lessee on payment of the rent stipulated, the lessor shall be regarded as the owner of the vehicle, and the vehicle shall be subject to such requirements of this title as are applicable to vehicles operated for compensation. A "truck lessor" as defined in this section shall be regarded as the owner, and his vehicles shall be subject to such requirements of this title as are applicable to vehicles of private carriers.

"Passenger car" means every motor vehicle other than a motorcycle or autocycle designed and used primarily for the transportation of no more than 10 persons, including the driver.

"Payment device" means any credit card as defined in 15 U.S.C. § 1602 (k) or any "accepted card or other means of access" set forth in 15 U.S.C. § 1693a (1). For the purposes of this title, this definition shall also include a card that enables a person to pay for transactions through the use of value stored on the card itself.

"Personal delivery device" means a powered device operated primarily on sidewalks and crosswalks and intended primarily for the transport of property on public rights-of-way that does not exceed 500 pounds, excluding cargo, and is capable of navigating with or without the active control or monitoring of a natural person. Notwithstanding any other provision of law, a personal delivery device shall not be considered a motor vehicle or a vehicle.

"Personal delivery device operator" means an entity or its agent that exercises direct physical control or monitoring over the navigation system and operation of a personal delivery device. For the purposes of this definition, "agent" means a person not less than 16 years of age charged by an entity with the responsibility of navigating and operating a personal delivery device. "Personal delivery device operator" does not include (i) an entity or person who requests the services of a personal delivery device to transport property or (ii) an entity or person who only arranges for and dispatches the requested services of a personal delivery device.

"Pickup or panel truck" means (i) every motor vehicle designed for the transportation of property and having a registered gross weight of 7,500 pounds or less or (ii) every motor vehicle registered for personal use, designed to transport property on its own structure independent of any other vehicle, and having a registered gross weight in excess of 7,500 pounds but not in excess of 10,000 pounds.

"Private road or driveway" means every way in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

"Reconstructed vehicle" means every vehicle of a type required to be registered under this title materially altered from its original construction by the removal, addition, or substitution of new or used essential parts. Such vehicles, at the discretion of the Department, shall retain their original vehicle identification number, line-make, and model year. Except as otherwise provided in this title, this definition shall not include a "converted electric vehicle" as defined in this section.

"Replica vehicle" means every vehicle of a type required to be registered under this title not fully constructed by a licensed manufacturer but either constructed or assembled from components. Such components may be from a single vehicle, multiple vehicles, a kit, parts, or fabricated components. The kit may be made up of "major components" as defined in § 46.2-1600, a full body, or a full chassis, or a combination of these parts. The vehicle shall resemble a vehicle of distinctive name, line-make, model, or type as produced by a licensed manufacturer or manufacturer no longer in business and is not a reconstructed or specially constructed vehicle as herein defined.

"Residence district" means the territory contiguous to a highway, not comprising a business district, where 75 percent or more of the property abutting such highway, on either side of the highway, for a distance of 300 feet or more along the highway consists of land improved for dwelling purposes, or is occupied by dwellings, or consists of land or buildings in use for business purposes, or consists of territory zoned residential or territory in residential subdivisions created under Chapter 22 (§ 15.2-2200 et seq.) of Title 15.2.

"Revoke" or "revocation" means that the document or privilege revoked is not subject to renewal or restoration except through reapplication after the expiration of the period of revocation.

"Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the shoulder. A highway may include two or more roadways if divided by a physical barrier or barriers or an unpaved area.

"Safety zone" means the area officially set apart within a roadway for the exclusive use of pedestrians and that is protected or is so marked or indicated by plainly visible signs.

"School bus" means any motor vehicle, other than a station wagon, automobile, truck, or commercial bus, which is: (i) designed and used primarily for the transportation of pupils to and from public, private or religious schools, or used for the transportation of the mentally or physically handicapped to and from a sheltered workshop; (ii) painted yellow and bears

the words "School Bus" in black letters of a specified size on front and rear; and (iii) is equipped with warning devices prescribed in § 46.2-1090. A yellow school bus may have a white roof provided such vehicle is painted in accordance with regulations promulgated by the Department of Education.

"Semitrailer" means every vehicle of the trailer type so designed and used in conjunction with a motor vehicle that some part of its own weight and that of its own load rests on or is carried by another vehicle.

"Shared-use path" means a bikeway that is physically separated from motorized vehicular traffic by an open space or barrier and is located either within the highway right-of-way or within a separate right-of-way. Shared-use paths may also be used by pedestrians, skaters, users of wheel chairs or wheel chair conveyances, joggers, and other nonmotorized users and electric personal delivery devices.

"Shoulder" means that part of a highway between the portion regularly traveled by vehicular traffic and the lateral curbline or ditch.

"Sidewalk" means the portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for use by pedestrians.

"Snowmobile" means a self-propelled vehicle designed to travel on snow or ice, steered by skis or runners, and supported in whole or in part by one or more skis, belts, or cleats.

"Special construction and forestry equipment" means any vehicle which is designed primarily for highway construction, highway maintenance, earth moving, timber harvesting or other construction or forestry work and which is not designed for the transportation of persons or property on a public highway.

"Specially constructed vehicle" means any vehicle that was not originally constructed under a distinctive name, make, model, or type by a generally recognized manufacturer of vehicles and not a reconstructed vehicle as herein defined.

"Stinger-steered automobile or watercraft transporter" means an automobile or watercraft transporter configured as a semitrailer combination wherein the fifth wheel is located on a drop frame behind and below the rearmost axle of the power unit.

"Superintendent" means the Superintendent of the Department of State Police of the Commonwealth.

"Suspend" or "suspension" means that the document or privilege suspended has been temporarily withdrawn, but may be reinstated following the period of suspension unless it has expired prior to the end of the period of suspension.

"Tow truck" means a motor vehicle for hire (i) designed to lift, pull, or carry another vehicle by means of a hoist or other mechanical apparatus and (ii) having a manufacturer's gross vehicle weight rating of at least 10,000 pounds. "Tow truck" also includes vehicles designed with a ramp on wheels and a hydraulic lift with a capacity to haul or tow another vehicle, commonly referred to as "rollbacks." "Tow truck" does not include any "automobile or watercraft transporter," "stinger-steered automobile or watercraft transporter," or "tractor truck" as those terms are defined in this section.

"Towing and recovery operator" means a person engaged in the business of (i) removing disabled vehicles, parts of vehicles, their cargoes, and other objects to facilities for repair or safekeeping and (ii) restoring to the highway or other location where they either can be operated or removed to other locations for repair or safekeeping vehicles that have come to rest in places where they cannot be operated.

"Toy vehicle" means any motorized or propellant-driven device that has no manufacturer-issued vehicle identification number that is designed or used to carry any person or persons, on any number of wheels, bearings, glides, blades, runners, or a cushion of air. "Toy vehicle" does not include electric personal assistive mobility devices, electric power-assisted bicycles, mopeds, motorized skateboards or scooters, or motorcycles, nor does it include any nonmotorized or nonpropellant-driven devices such as bicycles, roller skates, or skateboards.

"Tractor truck" means every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the load and weight of the vehicle attached thereto.

"Traffic control device" means a sign, signal, marking, or other device used to regulate, warn, or guide traffic placed on, over, or adjacent to a street, highway, private road open to public travel, pedestrian facility, or shared-use path by authority of a public agency or official having jurisdiction, or in the case of a private road open to public travel, by authority of the private owner or private official having jurisdiction.

"Traffic infraction" means a violation of law punishable as provided in § 46.2-113, which is neither a felony nor a misdemeanor.

"Traffic lane" or "lane" means that portion of a roadway designed or designated to accommodate the forward movement of a single line of vehicles.

"Trailer" means every vehicle without motive power designed for carrying property or passengers wholly on its own structure and for being drawn by a motor vehicle, including manufactured homes.

"Truck" means every motor vehicle designed to transport property on its own structure independent of any other vehicle and having a registered gross weight in excess of 7,500 pounds. "Truck" does not include any pickup or panel truck.

"Truck lessor" means a person who holds the legal title to any motor vehicle, trailer, or semitrailer that is the subject of a bona fide written lease for a term of one year or more to another person, provided that: (i) neither the lessor nor the lessee is a common carrier by motor vehicle or restricted common carrier by motor vehicle or contract carrier by motor vehicle as defined in § 46.2-2000; (ii) the leased motor vehicle, trailer, or semitrailer is used exclusively for the transportation of property of the lessee; (iii) the lessor is not employed in any capacity by the lessee; (iv) the operator of the leased motor vehicle is a bona fide employee of the lessee and is not employed in any capacity by the lessor; and (v) a true copy of the lease, verified by affidavit of the lessor, is filed with the Commissioner.

"Utility vehicle" means a motor vehicle that is (i) designed for off-road use, (ii) powered by a motor, and (iii) used for general maintenance, security, agricultural, or horticultural purposes. "Utility vehicle" does not include riding lawn mowers.

"Vehicle" means every device in, on or by which any person or property is or may be transported or drawn on a highway, except electric personal delivery devices and devices moved by human power or used exclusively on stationary rails or tracks. For the purposes of Chapter 8 (§ 46.2-800 et seq.), bicycles, electric personal assistive mobility devices, electric power-assisted bicycles, motorized skateboards or scooters, and mopeds shall be vehicles while operated on a highway.

"Watercraft transporter" means any tractor truck, lowboy, vehicle, or combination, including vehicles or combinations that transport watercraft on their power unit, designed and used exclusively for the transportation of watercraft.

"Wheel chair or wheel chair conveyance" means a chair or seat equipped with wheels, typically used to provide mobility for persons who, by reason of physical disability, are otherwise unable to move about as pedestrians. "Wheel chair or wheel chair conveyance" includes both three-wheeled and four-wheeled devices. So long as it is operated only as provided in § 46.2-677, a self-propelled wheel chair or self-propelled wheel chair conveyance shall not be considered a motor vehicle.

§ 46.2-904. Use of roller skates and skateboards on sidewalks and shared-use paths; operation of bicycles and certain motorized and electric items and devices on sidewalks, crosswalks, and shared-use paths; local ordinances.

The governing body of any county, city, or town may by ordinance prohibit the use of roller skates, skateboards, and electric personal delivery devices, and/or the riding of bicycles, electric personal assistive mobility devices, motorized skateboards or scooters, motor-driven cycles, or electric power-assisted bicycles on designated sidewalks or crosswalks, including those of any church, school, recreational facility, or any business property open to the public where such activity is prohibited. Signs indicating such prohibition shall be posted in general areas where use of roller skates, skateboards, and electric personal delivery devices, and/or bicycle, electric personal assistive mobility devices, motorized skateboards or scooters, motor-driven cycles, or electric power-assisted bicycle riding is prohibited. ~~Unless otherwise prohibited, electric personal delivery devices may be operated on the sidewalks and shared-use paths and across the roadway on a crosswalk of any locality of the Commonwealth.~~

A person riding a bicycle, electric personal assistive mobility device, motorized skateboard or scooter, motor-driven cycle, or electric power-assisted bicycle on a sidewalk or shared-use path or across a roadway on a crosswalk shall yield the right-of-way to any pedestrian and shall give an audible signal before overtaking and passing any pedestrian. ~~An electric personal delivery device operated on a sidewalk or shared-use path or across a roadway on a crosswalk shall yield the right-of-way to any pedestrian.~~ *A personal delivery device operated on a sidewalk or shared-use path or across a roadway on a crosswalk shall yield the right-of-way to, or otherwise not unreasonably interfere with, pedestrians.*

No person shall ride a bicycle, electric personal assistive mobility device, motorized skateboard or scooter, motor-driven cycle, or electric power-assisted bicycle or operate ~~an electric~~ a personal delivery device on a sidewalk, or across a roadway on a crosswalk, where such use of bicycles, electric personal assistive mobility devices, electric personal delivery devices, motorized skateboards or scooters, motor-driven cycles, or electric power-assisted bicycles is prohibited by official traffic control devices. No person shall park a bicycle, electric power-assisted bicycle, or motorized skateboard or scooter in a manner that impedes the normal movement of pedestrian or other traffic or where such parking is prohibited by official traffic control devices.

A person riding a bicycle, electric personal assistive mobility device, motorized skateboard or scooter, motor-driven cycle, or electric power-assisted bicycle on a sidewalk or shared-use path or across a roadway on a crosswalk shall have all the rights and duties of a pedestrian under the same circumstances. ~~An electric~~ *A personal delivery device operated on a sidewalk or shared-use path or across a roadway on a crosswalk shall have all the rights and duties of a pedestrian under the same circumstances.*

Except as otherwise expressly provided, the governing body of a county, city, or town may not enact or enforce any ordinance or resolution related to (i) the design, manufacture, maintenance, licensing, registration, taxation, assessment or other charges, certification, or insurance of a personal delivery device or (ii) the types of property that may be transported by a personal delivery device.

A violation of any ordinance adopted pursuant to this section or any provision of this section shall be punishable by a civil penalty of not more than \$50.

§ 46.2-908.1. Electric personal assistive mobility devices, electrically powered toy vehicles, electric power-assisted bicycles, and motorized skateboards or scooters.

All electric personal assistive mobility devices, ~~electric personal delivery devices~~, electrically powered toy vehicles, and electric power-assisted bicycles shall be equipped with spill-proof, sealed, or gelled electrolyte batteries. No person shall at any time or at any location operate (i) an electric personal assistive mobility device or an electric power-assisted bicycle at a speed faster than 25 miles per hour; *or* (ii) a motorized skateboard or scooter at a speed faster than 20 miles per hour; *or* (iii) ~~an electric personal delivery device at a speed faster than 10 miles per hour.~~ No person shall operate a skateboard or scooter that would otherwise meet the definition of a motorized skateboard or scooter but is capable of speeds greater than 20 miles per hour at a speed greater than 20 miles per hour. No person less than 14 years old shall drive any electric personal assistive mobility device, motorized skateboard or scooter, or electric power-assisted bicycle unless under the immediate supervision of a person who is at least 18 years old.

An electric personal assistive mobility device may be operated on any highway with a maximum speed limit of 25 miles per hour or less. An electric personal assistive mobility device shall only operate on any highway authorized by this section if a sidewalk is not provided along such highway or if operation of the electric personal assistive mobility device on such sidewalk is prohibited pursuant to § 46.2-904. Nothing in this section shall prohibit the operation of an electric personal assistive mobility device, ~~electric personal delivery device~~, or motorized skateboard or scooter in the crosswalk of any highway where the use of such crosswalk is authorized for pedestrians, bicycles, or electric power-assisted bicycles.

Operation of electric personal assistive mobility devices, motorized skateboards or scooters, electrically powered toy vehicles, bicycles, and electric power-assisted bicycles is prohibited on any Interstate Highway System component except as provided by the section.

The Commonwealth Transportation Board may authorize the use of bicycles or motorized skateboards or scooters on an Interstate Highway System Component provided the operation is limited to bicycle or pedestrian facilities that are barrier separated from the roadway and automobile traffic and such component meets all applicable safety requirements established by federal and state law.

§ 46.2-908.1:1. Personal delivery devices.

A. ~~All electric~~ *A personal delivery device is authorized to operate on any sidewalk or crosswalk located in any county, city, or town in the Commonwealth. If a sidewalk or crosswalk is not accessible or available, a personal delivery device is authorized to operate on the side of any roadway in the Commonwealth, provided that the roadway has a speed limit of 25 miles per hour or less and the personal delivery device does not unreasonably interfere with motor vehicles or traffic. A locality may not prohibit the use of a personal delivery device on a roadway under its jurisdiction as set forth in this subsection, but may by ordinance adopt additional requirements designed to maintain safety for such roadway operation. The Commonwealth Transportation Board may not prohibit the use of a personal delivery device on a roadway under its jurisdiction as set forth in this subsection but may by regulation adopt additional requirements designed to maintain safety for such roadway operation.*

B. ~~A personal delivery devices device shall obey:~~

1. ~~Not block any public rights-of-way;~~

2. ~~Obey all traffic and pedestrian control devices and signs and include a plate or marker that is in a position and size to be clearly visible and identifies the name and contact information of the owner of the electric personal delivery device and a unique identifying device number.~~

B. ~~All electric personal delivery devices shall be;~~

3. ~~Operate at a speed that does not exceed 10 miles per hour on sidewalks and crosswalks;~~

4. ~~Include a unique identifying device number;~~

5. ~~Include a means of identifying the personal delivery device operator that is in a position and of such a size to be clearly visible; and~~

6. ~~Be equipped with a braking system that, when active or engaged, will enable such electric personal delivery device to come to a controlled stop.~~

C. ~~No electric~~ *Any personal delivery device shall transport transporting hazardous materials, substances, or waste as defined in § 10.1-1400. For the purposes of this subsection, hazardous materials includes ammunition shall comply with the federal Hazardous Materials Transportation Act (49 U.S.C. § 5101 et seq.) and any corresponding federal regulations. For purposes of this section, hazardous materials include ammunition.*

D. ~~No electric personal delivery device shall be operated on a public highway in the Commonwealth, except to the extent necessary to cross an intersection or crosswalk.~~

E. ~~No electric personal delivery device shall operate on a sidewalk or shared-use path or across a roadway on a crosswalk unless an electric personal delivery device operator is actively controlling or monitoring the navigation and operation of the electric personal delivery device Subject to the requirements of this section, a personal delivery device operating on a sidewalk or crosswalk shall have all the rights and responsibilities applicable to a pedestrian under the same circumstance.~~

F. ~~A personal delivery device operator shall maintain insurance that provides general liability coverage of at least \$100,000 for damages arising from the combined operations of personal delivery devices under a personal delivery device operator's control.~~

F. Any entity or person who uses ~~an electric~~ a personal delivery device to engage in criminal activity is criminally liable for such activity.

§ 46.2-1015. Lights on bicycles, electric personal assistive mobility devices, personal delivery devices, electric power-assisted bicycles, mopeds, and motorized skateboards or scooters.

A. Every bicycle, electric personal assistive mobility device, ~~electric~~ personal delivery device, electric power-assisted bicycle, moped, and motorized skateboard or scooter with handlebars when in use between sunset and sunrise shall be equipped with a headlight on the front emitting a white light visible in clear weather from a distance of at least 500 feet to the front and a red reflector visible from a distance of at least 600 feet to the rear when directly in front of lawful lower beams of headlights on a motor vehicle. Such lights and reflector shall be of types approved by the Superintendent.

In addition to the foregoing provisions of this section, a bicycle or its rider may be equipped with lights or reflectors. These lights may be steady burning or blinking.

B. Every bicycle, or its rider, shall be equipped with a taillight on the rear emitting a red light plainly visible in clear weather from a distance of at least 500 feet to the rear when in use between sunset and sunrise and operating on any highway with a speed limit of 35 mph or greater. Any such taillight shall be of a type approved by the Superintendent.

§ 46.2-2101. Exemptions from chapter.

The following are exempt from this chapter:

1. Motor vehicles owned and operated by the United States, District of Columbia, any state, municipality, or any other political subdivision of the Commonwealth.
2. Transportation of property between any point in this Commonwealth and any point outside this Commonwealth or between any points wholly within the limits of any city or town in the Commonwealth. This exemption shall not apply to the requirement to declare for-hire operation pursuant to § 46.2-2121.1 or the insurance requirement imposed on motor carriers pursuant to § 46.2-2143.1.
3. Motor vehicles controlled and operated by a bona fide cooperative association as defined in the Federal Marketing Act, approved June 15, 1929, as amended, or organized or existing under Article 2 (§ 13.1-312 et seq.) of Chapter 3 of Title 13.1, while used exclusively in the conduct of the business of such association. This exemption shall not apply to the requirement to declare for-hire operation pursuant to § 46.2-2121.1.
4. Motor vehicles while used exclusively in (i) carrying newspapers, water, livestock, poultry, poultry products, buttermilk, fresh milk and cream, meats, butter and cheese produced on a farm, fish (including shellfish), slate, horticultural or agricultural commodities (not including manufactured products thereof), and forest products, including lumber and staves (but not including manufactured products thereof), (ii) transporting farm supplies to a farm or farms, (iii) hauling for the Department of Transportation, (iv) carrying fertilizer to any warehouse or warehouses for subsequent distribution to a local area farm or farms, or (v) collecting and disposing of trash, garbage and other refuse. This exemption shall not apply to the requirement to declare for-hire operation pursuant to § 46.2-2121.1.
5. Motor vehicles used for transporting property by an air carrier or carrier affiliated with a direct air carrier whether or not such property has had or will have a prior or subsequent air movement. This exemption shall not apply to the requirement to declare for-hire operation pursuant to § 46.2-2121.1.
6. Motor carriers exclusively operating passenger cars, motorcycles, autocycles, mopeds, and vehicles with a gross vehicle weight rating of 10,000 pounds or less. This exemption shall not apply to the insurance requirements imposed on motor carriers pursuant to § 46.2-2143.1 or 46.2-2143.2.
7. ~~Electric personal~~ *Personal* delivery devices as defined in § 46.2-100.

CHAPTER 1270

An Act to amend and reenact § 58.1-3660 of the Code of Virginia and to amend the Code of Virginia by adding in Article 2 of Chapter 26 of Title 58.1 a section numbered 58.1-2636, relating to solar energy projects; revenue share assessment.

[S 762]

Approved April 22, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-3660 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Article 2 of Chapter 26 of Title 58.1 a section numbered 58.1-2636 as follows:

§ 58.1-2636. Revenue share for solar energy projects.

A. Any locality may by ordinance assess a revenue share of up to \$1,400 per megawatt, as measured in alternating current (AC) generation capacity of the nameplate capacity of the facility based on submissions by the facility owner to the interconnecting utility, on any solar photovoltaic (electric energy) project.

B. For purposes of this section, "solar photovoltaic (electric energy) project" shall not include any project that is (i) described in § 56-594, 56-594.01, or 56-594.2 or Chapters 358 and 382 of the Acts of Assembly of 2013, as amended; (ii) 20 megawatts or less, as measured in alternating current (AC) generation capacity, for which an initial interconnection request form has been filed with an electric utility or a regional transmission organization on or before December 31, 2018; or (iii) five megawatts or less.

§ 58.1-3660. Certified pollution control equipment and facilities.

A. Certified pollution control equipment and facilities, as defined herein, are hereby declared to be a separate class of property and shall constitute a classification for local taxation separate from other such classification of real or personal property and such property. Certified pollution control equipment and facilities shall be exempt from state and local taxation pursuant to Article X, Section 6 (d) of the Constitution of Virginia.

B. As used in this section:

"Certified pollution control equipment and facilities" shall mean any property, including real or personal property, equipment, facilities, or devices, used primarily for the purpose of abating or preventing pollution of the atmosphere or waters of the Commonwealth and which the state certifying authority having jurisdiction with respect to such property has certified to the Department of Taxation as having been constructed, reconstructed, erected, or acquired in conformity with the state program or requirements for abatement or control of water or atmospheric pollution or contamination. Such property shall include, but is not limited to, any equipment used to grind, chip, or mulch trees, tree stumps, underbrush, and

other vegetative cover for reuse as mulch, compost, landfill gas, synthetic or natural gas recovered from waste or other fuel, and equipment used in collecting, processing, and distributing, or generating electricity from, landfill gas or synthetic or natural gas recovered from waste, whether or not such property has been certified to the Department of Taxation by a state certifying authority. Such property shall also include solar energy equipment, facilities, or devices owned or operated by a business that collect, generate, transfer, or store thermal or electric energy whether or not such property has been certified to the Department of Taxation by a state certifying authority.

C. For solar photovoltaic (electric energy) systems, this exemption applies only to (i) projects equaling 20 megawatts or less, as measured in alternating current (AC) generation capacity, for which an initial interconnection request form has been filed with an electric utility or a regional transmission organization on or before December 31, 2018; (ii) projects equaling 20 megawatts or less, as measured in alternating current (AC) generation capacity, that serve any of the public institutions of higher education listed in § 23.1-100 or any private college as defined in § 23.1-105; (iii) 80 percent of the assessed value of projects for which an initial interconnection request form has been filed with an electric utility or a regional transmission organization (a) between January 1, 2015, and June 30, 2018, for projects greater than 20 megawatts or (b) on or after July 1, 2018, for projects greater than 20 megawatts and less than 150 megawatts, as measured in alternating current (AC) generation capacity, and that are first in service on or after January 1, 2017; (iv) projects equaling five megawatts or less, as measured in alternating current (AC) generation capacity, for which an initial interconnection request form has been filed with an electric utility or a regional transmission organization on or after January 1, 2019; and (v) 80 percent of the assessed value of all other projects equaling more than five megawatts and less than 150 megawatts, as measured in alternating current (AC) generation capacity for which an initial interconnection request form has been filed with an electric utility or a regional transmission organization on or after January 1, 2019.

The D. The exemption for solar photovoltaic (electric energy) projects greater than five megawatts, as measured in alternating current (AC) generation capacity, shall not apply to any such project unless an application has been filed with the locality for the project before July 1, 2030, regardless of whether a locality assesses a revenue share on such project pursuant to the provisions of § 58.1-2636. If a locality adopts an energy revenue share ordinance under § 58.1-2636, the exemption for solar photovoltaic (electric energy) projects greater than ~~20~~ five megawatts, as measured in alternating current (AC) generation capacity, shall not apply to projects upon which construction begins after January 1, 2024 be 100 percent of the assessed value. If a locality does not adopt an energy revenue share ordinance under § 58.1-2636, the exemption for solar photovoltaic (electric energy) projects greater than five megawatts, as measured in alternating current (AC) generation capacity, for which an initial interconnection request form has been filed with an electric utility or a regional transmission organization, shall be 80 percent of the assessed value when an application has been filed with the locality prior to July 1, 2030. For purposes of this subsection, "application has been filed with the locality" means an applicant has filed an application for a zoning confirmation from the locality for a by-right use, or an application for land use approval under the locality's zoning ordinance to include an application for a conditional use permit, special use permit, special exception, or other application as set out in the locality's zoning ordinance.

E. For pollution control equipment and facilities certified by the Virginia Department of Health, this exemption applies only to onsite sewage systems that serve 10 or more households, use nitrogen-reducing processes and technology, and are constructed, wholly or partially, with public funds. All such property as described in this definition shall not include the land on which such equipment or facilities are located.

"State certifying authority" shall mean the State Water Control Board or the Virginia Department of Health, for water pollution; the State Air Pollution Control Board, for air pollution; the Department of Mines, Minerals and Energy, for solar energy projects and for coal, oil, and gas production, including gas, natural gas, and coalbed methane gas; and the Virginia Waste Management Board, for waste disposal facilities, natural gas recovered from waste facilities, and landfill gas production facilities, and shall include any interstate agency authorized to act in place of a certifying authority of the Commonwealth.

2. That no revenue share established pursuant to this act shall retroactively apply to any solar photovoltaic (electric energy) project for which an application was filed with the locality on or before July 1, 2020, unless (i) the locality and the applicant or owner agree to revise any existing voluntary payment agreement, or enter into any new voluntary payment agreement, under which the applicant or owner agree to voluntarily waive a portion of the exemption from machinery and tools tax as provided in § 58.1-3660 of the Code of Virginia, as amended by this act, and (ii) the locality and the applicant or owner agree to substitute the amount of such voluntary payment for a similar amount of a solar energy revenue share authorized by § 58.1-2636 of the Code of Virginia, as created by this act. However, nothing in this act shall preclude an applicant or owner of a solar photovoltaic (electric energy) project previously approved by a locality from entering into a written agreement to submit such project to a local ordinance that requires a solar energy revenue share to be paid as authorized by § 58.1-2636 of the Code of Virginia, as created by this act.

CHAPTER 1271

An Act to amend and reenact §§ 2.2-4006, 32.1-3, 32.1-102.1, 32.1-102.2, 32.1-102.2:1, 32.1-102.3, 32.1-102.4, 32.1-102.6, 32.1-102.8, 32.1-102.10, 32.1-102.11, 32.1-239, and 32.1-276.5 of the Code of Virginia and to amend the

Code of Virginia by adding sections numbered 32.1-102.1:2, 32.1-102.1:3, and 32.1-102.6:1, relating to certificate of public need.

[S 764]

Approved April 22, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-4006, 32.1-3, 32.1-102.1, 32.1-102.2, 32.1-102.2:1, 32.1-102.3, 32.1-102.4, 32.1-102.6, 32.1-102.8, 32.1-102.10, 32.1-102.11, 32.1-239, and 32.1-276.5 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 32.1-102.1:2, 32.1-102.1:3, and 32.1-102.6:1 as follows:

§ 2.2-4006. Exemptions from requirements of this article.

A. The following agency actions otherwise subject to this chapter and § 2.2-4103 of the Virginia Register Act shall be exempted from the operation of this article:

1. Agency orders or regulations fixing rates or prices.
2. Regulations that establish or prescribe agency organization, internal practice or procedures, including delegations of authority.

3. Regulations that consist only of changes in style or form or corrections of technical errors. Each promulgating agency shall review all references to sections of the Code of Virginia within their regulations each time a new supplement or replacement volume to the Code of Virginia is published to ensure the accuracy of each section or section subdivision identification listed.

4. Regulations that are:

a. Necessary to conform to changes in Virginia statutory law or the appropriation act where no agency discretion is involved. However, such regulations shall be filed with the Registrar within 90 days of the law's effective date;
b. Required by order of any state or federal court of competent jurisdiction where no agency discretion is involved; or
c. Necessary to meet the requirements of federal law or regulations, provided such regulations do not differ materially from those required by federal law or regulation, and the Registrar has so determined in writing. Notice of the proposed adoption of these regulations and the Registrar's determination shall be published in the Virginia Register not less than 30 days prior to the effective date of the regulation.

5. Regulations of the Board of Agriculture and Consumer Services adopted pursuant to subsection B of § 3.2-3929 or clause (v) or (vi) of subsection C of § 3.2-3931 after having been considered at two or more Board meetings and one public hearing.

6. Regulations of (i) the regulatory boards served by the Department of Labor and Industry pursuant to Title 40.1 and the Department of Professional and Occupational Regulation or the Department of Health Professions pursuant to Title 54.1 and (ii) the Board of Accountancy that are limited to reducing fees charged to regulants and applicants.

7. The development and issuance of procedural policy relating to risk-based mine inspections by the Department of Mines, Minerals and Energy authorized pursuant to §§ 45.1-161.82 and 45.1-161.292:55.

8. General permits issued by the (a) State Air Pollution Control Board pursuant to Chapter 13 (§ 10.1-1300 et seq.) of Title 10.1 or (b) State Water Control Board pursuant to the State Water Control Law (§ 62.1-44.2 et seq.), Chapter 24 (§ 62.1-242 et seq.) of Title 62.1 and Chapter 25 (§ 62.1-254 et seq.) of Title 62.1, (c) Virginia Soil and Water Conservation Board pursuant to the Dam Safety Act (§ 10.1-604 et seq.), and (d) the development and issuance of general wetlands permits by the Marine Resources Commission pursuant to subsection B of § 28.2-1307, if the respective Board or Commission (i) provides a Notice of Intended Regulatory Action in conformance with the provisions of § 2.2-4007.01, (ii) following the passage of 30 days from the publication of the Notice of Intended Regulatory Action forms a technical advisory committee composed of relevant stakeholders, including potentially affected citizens groups, to assist in the development of the general permit, (iii) provides notice and receives oral and written comment as provided in § 2.2-4007.03, and (iv) conducts at least one public hearing on the proposed general permit.

9. The development and issuance by the Board of Education of guidelines on constitutional rights and restrictions relating to the recitation of the pledge of allegiance to the American flag in public schools pursuant to § 22.1-202.

10. Regulations of the Board of the Virginia College Savings Plan adopted pursuant to § 23.1-704.

11. Regulations of the Marine Resources Commission.

12. Regulations adopted by the Board of Housing and Community Development pursuant to (i) Statewide Fire Prevention Code (§ 27-94 et seq.), (ii) the Industrialized Building Safety Law (§ 36-70 et seq.), (iii) the Uniform Statewide Building Code (§ 36-97 et seq.), and (iv) § 36-98.3, provided the Board (a) provides a Notice of Intended Regulatory Action in conformance with the provisions of § 2.2-4007.01, (b) publishes the proposed regulation and provides an opportunity for oral and written comments as provided in § 2.2-4007.03, and (c) conducts at least one public hearing as provided in §§ 2.2-4009 and 36-100 prior to the publishing of the proposed regulations. Notwithstanding the provisions of this subdivision, any regulations promulgated by the Board shall remain subject to the provisions of § 2.2-4007.06 concerning public petitions, and §§ 2.2-4013 and 2.2-4014 concerning review by the Governor and General Assembly.

13. Amendments to regulations of the Board to schedule a substance pursuant to subsection D or E of § 54.1-3443.

14. Waste load allocations adopted, amended, or repealed by the State Water Control Board pursuant to the State Water Control Law (§ 62.1-44.2 et seq.), including but not limited to Article 4.01 (§ 62.1-44.19:4 et seq.) of the State Water Control Law, if the Board (i) provides public notice in the Virginia Register; (ii) if requested by the public during the initial

public notice 30-day comment period, forms an advisory group composed of relevant stakeholders; (iii) receives and provides summary response to written comments; and (iv) conducts at least one public meeting. Notwithstanding the provisions of this subdivision, any such waste load allocations adopted, amended, or repealed by the Board shall be subject to the provisions of §§ 2.2-4013 and 2.2-4014 concerning review by the Governor and General Assembly.

15. Regulations of the Workers' Compensation Commission adopted pursuant to § 65.2-605, including regulations that adopt, amend, adjust, or repeal Virginia fee schedules for medical services, provided the Workers' Compensation Commission (i) utilizes a regulatory advisory panel constituted as provided in subdivision F 2 of § 65.2-605 to assist in the development of such regulations and (ii) provides an opportunity for public comment on the regulations prior to adoption.

16. *Amendments to the State Health Services Plan adopted by the Board of Health following receipt of recommendations by the State Health Services Task Force pursuant to § 32.1-102.2:1 if the Board (i) provides a Notice of Intended Regulatory Action in accordance with the requirements of § 2.2-4007.01, (ii) provides notice and receives comments as provided in § 2.2-4007.03, and (iii) conducts at least one public hearing on the proposed amendments.*

B. Whenever regulations are adopted under this section, the agency shall state as part thereof that it will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision. The effective date of regulations adopted under this section shall be in accordance with the provisions of § 2.2-4015, except in the case of emergency regulations, which shall become effective as provided in subsection B of § 2.2-4012.

C. A regulation for which an exemption is claimed under this section or § 2.2-4002 or 2.2-4011 and that is placed before a board or commission for consideration shall be provided at least two days in advance of the board or commission meeting to members of the public that request a copy of that regulation. A copy of that regulation shall be made available to the public attending such meeting.

§ 32.1-3. Definitions.

As used in this title unless the context requires otherwise or it is otherwise provided:

1. "Board" or "State Board" means the State Board of Health.
2. "Commissioner" means the State Health Commissioner.
3. "Department" means the State Department of Health.
4. *"Medical care facility" means any institution, place, building, or agency, whether or not licensed or required to be licensed by the Board or the Department of Behavioral Health and Developmental Services, whether operated for profit or nonprofit, and whether privately owned or privately operated or owned or operated by a local governmental unit, (i) by or in which health services are furnished, conducted, operated, or offered for the prevention, diagnosis, or treatment of human disease, pain, injury, deformity, or physical condition, whether medical or surgical, of two or more nonrelated persons who are injured or physically sick or have mental illness, or for the care of two or more nonrelated persons requiring or receiving medical, surgical, nursing, acute, chronic, convalescent, or long-term care services, or services for individuals with disabilities, or (ii) which is the recipient of reimbursements from third-party health insurance programs or prepaid medical service plans.*

The term "medical care facility" does not include any facility of (a) the Department of Behavioral Health and Developmental Services; (b) any nonhospital substance abuse residential treatment program operated by or contracted primarily for the use of a community services board under the Department of Behavioral Health and Developmental Services' Comprehensive State Plan; (c) an intermediate care facility for individuals with intellectual disability (ICF/IID) that has no more than 12 beds and is in an area identified as in need of residential services for individuals with intellectual disability in any plan of the Department of Behavioral Health and Developmental Services; (d) a physician's office, except that portion of a physician's office described in subdivision A 6 of § 32.1-102.1:3; (e) the Wilson Workforce and Rehabilitation Center of the Department for Aging and Rehabilitative Services; (f) the Department of Corrections; or (g) the Department of Veterans Services.

"Person" means an individual, corporation, partnership, or association or any other legal entity.

§ 32.1-102.1. Definitions.

As used in this article, unless the context indicates otherwise:

"Application" means a prescribed format for the presentation of data and information deemed necessary by the Board to determine a public need for a project.

"Bad debt" means revenue amounts deemed uncollectable as determined after collection efforts based upon sound credit and collection policies.

"Certificate" means a certificate of public need for a project required by this article.

"Charity care" means health care services delivered to a patient who has a family income at or below 200 percent of the federal poverty level and for which it was determined that no payment was expected (i) at the time the service was provided because the patient met the facility's criteria for the provision of care without charge due to the patient's status as an indigent person or (ii) at some time following the time the service was provided because the patient met the facility's criteria for the provision of care without charge due to the patient's status as an indigent person. "Charity care" does not include care provided for a fee subsequently deemed uncollectable as bad debt. For a nursing home as defined in § 32.1-123, "charity care" means care at a reduced rate to indigent persons.

"Clinical health service" means a single diagnostic, therapeutic, rehabilitative, preventive or palliative procedure or a series of such procedures that may be separately identified for billing and accounting purposes.

"Health planning region" means a contiguous geographical area of the Commonwealth with a population base of at least 500,000 persons which is characterized by the availability of multiple levels of medical care services, reasonable travel time for tertiary care, and congruence with planning districts.

"Medical care facility," as used in this title, means any institution, place, building or agency, whether or not licensed or required to be licensed by the Board or the Department of Behavioral Health and Developmental Services, whether operated for profit or nonprofit and whether privately owned or privately operated or owned or operated by a local governmental unit, (i) by or in which health services are furnished, conducted, operated or offered for the prevention, diagnosis or treatment of human disease, pain, injury, deformity or physical condition, whether medical or surgical, of two or more nonrelated persons who are injured or physically sick or have mental illness, or for the care of two or more nonrelated persons requiring or receiving medical, surgical or nursing attention or services as acute, chronic, convalescent, aged, physically disabled or crippled or (ii) which is the recipient of reimbursements from third-party health insurance programs or prepaid medical service plans. For purposes of this article, only the following medical care facilities shall be subject to review:

1. General hospitals.
2. Sanitariums.
3. Nursing homes.
4. Intermediate care facilities, except those intermediate care facilities established for individuals with intellectual disability (ICF/IID) that have no more than 12 beds and are in an area identified as in need of residential services for individuals with intellectual disability in any plan of the Department of Behavioral Health and Developmental Services.
5. Extended care facilities.
6. Mental hospitals.
7. Facilities for individuals with developmental disabilities.
8. Psychiatric hospitals and intermediate care facilities established primarily for the medical, psychiatric or psychological treatment and rehabilitation of individuals with substance abuse.
9. Specialized centers or clinics or that portion of a physician's office developed for the provision of outpatient or ambulatory surgery, cardiac catheterization, computed tomographic (CT) scanning, stereotactic radiosurgery, lithotripsy, magnetic resonance imaging (MRI), magnetic source imaging (MSI), positron emission tomographic (PET) scanning, radiation therapy, stereotactic radiotherapy, proton beam therapy, nuclear medicine imaging, except for the purpose of nuclear cardiac imaging, or such other specialty services as may be designated by the Board by regulation.

10. Rehabilitation hospitals.

11. Any facility licensed as a hospital.

The term "medical care facility" does not include any facility of (i) the Department of Behavioral Health and Developmental Services; (ii) any nonhospital substance abuse residential treatment program operated by or contracted primarily for the use of a community services board under the Department of Behavioral Health and Developmental Services' Comprehensive State Plan; (iii) an intermediate care facility for individuals with intellectual disability (ICF/IID) that has no more than 12 beds and is in an area identified as in need of residential services for individuals with intellectual disability in any plan of the Department of Behavioral Health and Developmental Services; (iv) a physician's office, except that portion of a physician's office described in subdivision 9 of the definition of "medical care facility"; (v) the Wilson Workforce and Rehabilitation Center of the Department for Aging and Rehabilitative Services; (vi) the Department of Corrections; or (vii) the Department of Veterans Services. "Medical care facility" shall also not include that portion of a physician's office dedicated to providing nuclear cardiac imaging.

"Project" means:

1. Establishment of a medical care facility;
2. An increase in the total number of beds or operating rooms in an existing medical care facility;
3. Relocation of beds from one existing facility to another, provided that "project" does not include the relocation of up to 10 beds or 10 percent of the beds, whichever is less, (i) from one existing facility to another existing facility at the same site in any two-year period, or (ii) in any three-year period, from one existing nursing home facility to any other existing nursing home facility owned or controlled by the same person that is located either within the same planning district, or within another planning district out of which, during or prior to that three-year period, at least 10 times that number of beds have been authorized by statute to be relocated from one or more facilities located in that other planning district and at least half of those beds have not been replaced, provided further that, however, a hospital shall not be required to obtain a certificate for the use of 10 percent of its beds as nursing home beds as provided in § 32.1-132;
4. Introduction into an existing medical care facility of any new nursing home service, such as intermediate care facility services, extended care facility services, or skilled nursing facility services, regardless of the type of medical care facility in which those services are provided;
5. Introduction into an existing medical care facility of any new cardiac catheterization, computed tomographic (CT) scanning, stereotactic radiosurgery, lithotripsy, magnetic resonance imaging (MRI), magnetic source imaging (MSI), medical rehabilitation, neonatal special care, obstetrical, open heart surgery, positron emission tomographic (PET) scanning, psychiatric, organ or tissue transplant service, radiation therapy, stereotactic radiotherapy, proton beam therapy, nuclear medicine imaging, except for the purpose of nuclear cardiac imaging, substance abuse treatment, or such other

specialty clinical services as may be designated by the Board by regulation, which the facility has never provided or has not provided in the previous 12 months;

6. Conversion of beds in an existing medical care facility to medical rehabilitation beds or psychiatric beds;

7. The addition by an existing medical care facility of any medical equipment for the provision of cardiac catheterization, computed tomographic (CT) scanning, stereotactic radiosurgery, lithotripsy, magnetic resonance imaging (MRI), magnetic source imaging (MSI), open heart surgery, positron emission tomographic (PET) scanning, radiation therapy, stereotactic radiotherapy, proton beam therapy, or other specialized service designated by the Board by regulation. Replacement of existing equipment shall not require a certificate of public need;

8. Any capital expenditure of \$15 million or more, not defined as reviewable in subdivisions 1 through 7 of this definition, by or on behalf of a medical care facility other than a general hospital. Capital expenditures of \$5 million or more by a general hospital and capital expenditures between \$5 and \$15 million by a medical care facility other than a general hospital shall be registered with the Commissioner pursuant to regulations developed by the Board. The amounts specified in this subdivision shall be revised effective July 1, 2008, and annually thereafter to reflect inflation using appropriate measures incorporating construction costs and medical inflation. Nothing in this subdivision shall be construed to modify or eliminate the reviewability of any project described in subdivisions 1 through 7 of this definition when undertaken by or on behalf of a general hospital; or

9. Conversion in an existing medical care facility of psychiatric inpatient beds approved pursuant to a Request for Applications (RFA) to nonpsychiatric inpatient beds *any action described in subsection B of § 32.1-102.1:3.*

"Regional health planning agency" means the regional agency, including the regional health planning board, its staff and any component thereof, designated by the Virginia Health Planning Board to perform the health planning activities set forth in this chapter within a health planning region.

"State Medical Facilities Health Services Plan" means the planning document adopted by the Board of Health which shall include, but not be limited to, (i) methodologies for projecting need for *each type of medical care facility beds and services described in subsection A of § 32.1-102.1:3 and each type of project described in subsection B of § 32.1-102.1:3;* (ii) statistical information on the availability of *each type of medical care facilities and services facility described in subsection A of § 32.1-102.1:3 and each type of project described in subsection B of § 32.1-102.1:3;* and (iii) procedures, criteria, and standards for review of applications for projects for *each type of medical care facilities and services facility described in subsection A of § 32.1-102.1:3 and each type of project described in subsection B of § 32.1-102.1:3.*

§ 32.1-102.1:2. Certificate of public need required; registration of certain equipment and capital projects required.

A. No person shall undertake a project described in subsection B of § 32.1-102.1:3 or regulations of the Board at or on behalf of a medical care facility described in subsection A of § 32.1-102.1:3 without first obtaining a certificate from the Commissioner:

B. No person shall acquire any replacement medical equipment for the provision of cardiac catheterization, computed tomographic (CT) scanning, magnetic resonance imaging (MRI), open heart surgery, positron emission tomographic (PET) scanning, radiation therapy, stereotactic radiotherapy other than radiotherapy performed using a linear accelerator or other medical equipment that uses concentrated doses of high-energy X-rays to perform external beam radiation therapy, proton beam therapy, or other specialized service designated by the Board by regulation without first registering such purchase with the Commissioner and the appropriate regional health planning agency. Such registration shall be made at least 30 calendar days prior to the date on which the person will become contractually obligated to acquire such medical equipment.

C. No general hospital shall make any capital expenditure of \$5 million or more and no medical care facility other than a general hospital shall make any capital expenditure between \$5 million and the amount established by the Board as the minimum capital expenditure by a medical care facility other than a general hospital for which a certificate is required pursuant to subdivision B of § 32.1-102.1:3 without first registering such capital expenditure with the Commissioner pursuant to regulations of the Board. The amounts specified in this subsection shall be revised annually to reflect inflation using appropriate measures incorporating construction costs and medical inflation.

§ 32.1-102.1:3. Medical care facilities and projects for which a certificate is required.

A. The following medical care facilities shall be subject to the provisions of this article:

1. Any facility licensed as a hospital, as defined in § 32.1-123;
2. Any hospital licensed as a provider by the Department of Behavioral Health and Developmental Services in accordance with Article 2 (§ 37.2-403 et seq.) of Chapter 4 of Title 37.2;
3. Any facility licensed as a nursing home, as defined in § 32.1-123;
4. Any intermediate care facility established primarily for the medical, psychiatric, or psychological treatment and rehabilitation of individuals with substance abuse licensed by the Department of Behavioral Health and Developmental Services in accordance with Article 2 (§ 37.2-403 et seq.) of Chapter 4 of Title 37.2;
5. Any intermediate care facility for individuals with developmental disabilities other than an immediate care facility established for individuals with intellectual disability (ICF/IID) that has not more than 12 beds and is in an area identified as in need of residential services for individuals with intellectual disability in any plan of the Department of Behavioral Health and Developmental Services; and

6. Any specialized center or clinic or that portion of a physician's office developed for the provision of outpatient or ambulatory surgery, cardiac catheterization, computed tomographic (CT) scanning, magnetic resonance imaging (MRI),

positron emission tomographic (PET) scanning, radiation therapy, stereotactic radiotherapy other than radiotherapy performed using a linear accelerator or other medical equipment that uses concentrated doses of high-energy X-rays to perform external beam radiation therapy, or proton beam therapy.

B. The following actions undertaken by or on behalf of a medical care facility described in subsection A shall constitute a project for which a certificate of public need is required pursuant to subsection A of § 32.1-102.1:2:

1. Establishment of a medical care facility described in subsection A;
2. An increase in the total number of beds or operating rooms in an existing medical care facility described in subsection A;
3. Relocation of beds from an existing medical care facility described in subsection A to another existing medical care facility described in subsection A;
4. Addition of any new nursing home service at an existing medical care facility described in subsection A;
5. Introduction into an existing medical care facility described in subsection A of any cardiac catheterization, computed tomographic (CT) scanning, magnetic resonance imaging (MRI), medical rehabilitation, neonatal special care, open heart surgery, positron emission tomographic (PET) scanning, psychiatric, organ or tissue transplant service, radiation therapy, stereotactic radiotherapy other than radiotherapy performed using a linear accelerator or other medical equipment that uses concentrated doses of high-energy X-rays to perform external beam radiation therapy, proton beam therapy, or substance abuse treatment when such medical care facility has not provided such service in the previous 12 months;
6. Conversion of beds in an existing medical care facility described in subsection A to medical rehabilitation beds or psychiatric beds;
7. The addition by an existing medical care facility described in subsection A of any new medical equipment for the provision of cardiac catheterization, computed tomographic (CT) scanning, magnetic resonance imaging (MRI), open heart surgery, positron emission tomographic (PET) scanning, radiation therapy, stereotactic radiotherapy other than radiotherapy performed using a linear accelerator or other medical equipment that uses concentrated doses of high-energy X-rays to perform external beam radiation therapy, or proton beam therapy, other than new medical equipment for the provision of such service added to replace existing medical equipment for the provision of such service;
8. Any capital expenditure of \$15 million or more, not defined as reviewable in subdivisions 1 through 7, by or on behalf of a medical care facility described in subsection A other than a general hospital. The amounts specified in this subdivision shall be revised annually to reflect inflation using appropriate measures incorporating construction costs and medical inflation. Nothing in this subdivision shall be construed to modify or eliminate the reviewability of any project described in subdivisions 1 through 7 when undertaken by or on behalf of a general hospital; and
9. Conversion in an existing medical care facility described in subsection A of psychiatric inpatient beds approved pursuant to a Request for Applications (RFA) to nonpsychiatric inpatient beds.

C. Notwithstanding the provisions of subsection A, any nursing home affiliated with a facility that, on January 1, 1982, and thereafter; (i) is operated as a nonprofit institution, (ii) is licensed jointly by the Department as a nursing home and by the Department of Social Services as an assisted living facility, and (iii) restricts admissions such that (a) admissions to the facility are only allowed pursuant to the terms of a "life care contract" guaranteeing that the full complement of services offered by the facility is available to the resident as and when needed, (b) admissions to the assisted living facility unit of the facility are restricted to individuals defined as ambulatory by the Department of Social Services, and (c) admissions to the nursing home unit of the facility are restricted to those individuals who are residents of the assisted living facility unit of the facility shall not be subject to the requirements of this article.

D. Notwithstanding the provisions of subsection B, a certificate of public need shall not be required for the following actions undertaken by or on behalf of a medical care facility described in subsection A:

1. Relocation of up to 10 beds or 10 percent of the beds, whichever is less, (i) from one existing medical care facility described in subsection A to another existing medical care facility described in subsection A at the same site in any two-year period or (ii) in any three-year period, from one existing medical care facility described in subsection A licensed as a nursing home to any other existing medical care facility described in subsection A licensed as a nursing home that is owned or controlled by the same person and located either within the same planning district or within another planning district out of which, during or prior to that three-year period, at least 10 times that number of beds have been authorized by statute to be relocated from one or more medical care facilities described in subsection A located in that other planning district, and at least half of those beds have not been replaced; or
2. Use of up to 10 percent of beds as nursing home beds by a medical care facility described in subsection A licensed as a hospital, as provided in § 32.1-132.

E. The Department shall regularly review the types of medical care facilities subject to the provisions of this article and projects for which a certificate is required and provide to the Governor and the General Assembly, at least once every five years, a recommendation related to the continued appropriateness of requiring such types of medical care facilities to be subject to the provisions of this article and such types of projects to be subject to the requirement of a certificate. In developing such recommendations, the Department shall consider, for each type of medical care facility and project, the following criteria:

1. The current and projected future availability of the specific type of medical care facility or project;
2. The current and projected future demand for the specific type of medical care facility or project;

3. *The current and projected future rate of utilization of the specific type of medical care facility or project;*
4. *The current and projected future capacity of existing medical care facilities or projects of that specific type;*
5. *The anticipated impact of changes in population and demographics, reimbursement structures and rates, and technology on demand for and availability, utilization, and capacity of existing medical care facilities or projects of that specific type;*
6. *Existing quality, utilization, and other controls applicable to the specific type of medical care facility or project; and*
7. *Any risk to the health or well-being of the public resulting from inclusion of the specific type of medical care facility or project on such list.*

§ 32.1-102.2. Regulations.

A. The Board shall promulgate regulations that are consistent with this article and:

1. Shall establish concise procedures for the prompt review of applications for certificates consistent with the provisions of this article which may include a structured batching process which incorporates, but is not limited to, authorization for the Commissioner to request proposals for certain projects. In any structured batching process established by the Board, applications, combined or separate, for computed tomographic (CT) scanning, magnetic resonance imaging (MRI), positron emission tomographic (PET) scanning, radiation therapy, stereotactic radiotherapy, *other than radiotherapy performed using a linear accelerator or other medical equipment that uses concentrated doses of high-energy X-rays to perform external beam radiation therapy, and proton beam therapy, or nuclear imaging* shall be considered in the radiation therapy batch. A single application may be filed for a combination of (i) radiation therapy, stereotactic radiotherapy *other than radiotherapy performed using a linear accelerator or other medical equipment that uses concentrated doses of high-energy X-rays to perform external beam radiation therapy, and proton beam therapy,* and (ii) any or all of the computed tomographic (CT) scanning, magnetic resonance imaging (MRI), *and positron emission tomographic (PET) scanning, and nuclear medicine imaging;*

2. May classify projects and may eliminate one or more or all of the procedures prescribed in § 32.1-102.6 for different classifications;

3. May provide for exempting from the requirement of a certificate projects determined by the Commissioner, upon application for exemption, to be subject to the economic forces of a competitive market or to have no discernible impact on the cost or quality of health services;

4. Shall establish specific criteria for determining need in rural areas, giving due consideration to distinct and unique geographic, socioeconomic, cultural, transportation, and other barriers to access to care in such areas and providing for weighted calculations of need based on the barriers to health care access in such rural areas in lieu of the determinations of need used for the particular proposed project within the relevant health systems area as a whole;

5. May establish, on or after July 1, 1999, a schedule of fees for applications for certificates *or registration of a project* to be applied to expenses for the administration and operation of the certificate of public need program. Such fees shall not be less than \$1,000 nor exceed the lesser of one percent of the proposed expenditure for the project or \$20,000. Until such time as the Board shall establish a schedule of fees, such fees shall be one percent of the proposed expenditure for the project; however, such fees shall not be less than \$1,000 or more than \$20,000 *Certificate of Public Need Program;*

6. 5. Shall establish an expedited application and review process for any certificate for projects reviewable pursuant to subdivision B 8 of the definition of "project" in § 32.1-102.1 § 32.1-102.1:3. Regulations establishing the expedited application and review procedure shall include provisions for notice and opportunity for public comment on the application for a certificate, and criteria pursuant to which an application that would normally undergo the review process would instead undergo the full certificate of public need review process set forth in § 32.1-102.6;

7. 6. Shall establish an exemption from the requirement for a certificate, for a period of no more than 30 days, for projects involving a temporary increase in the total number of beds in an existing hospital or nursing home when the Commissioner has determined that a natural or man-made disaster has caused the evacuation of a hospital or nursing home and that a public health emergency exists due to a shortage of hospital or nursing home beds; and

8. 7. Shall require every medical care facility subject to the requirements of this article, other than a nursing home, that is not a medical care facility for which a certificate with conditions imposed pursuant to subsection F B of § 32.1-102.4 has been issued and that provides charity care, as defined in § 32.1-102.1, to annually report the amount of charity care provided.

B. The Board shall promulgate regulations providing for time limitations for schedules for completion and limitations on the exceeding of the maximum capital expenditure amount for all reviewable projects. The Commissioner shall not approve any such extension or excess unless it complies with the Board's regulations. However, the Commissioner may approve a significant change in cost for an approved project that exceeds the authorized capital expenditure by more than 20 percent, provided the applicant has demonstrated that the cost increases are reasonable and necessary under all the circumstances and do not result from any material expansion of the project as approved.

C. The Board shall also promulgate regulations authorizing the Commissioner to condition approval of a certificate on the agreement of the applicant to provide a level of charity care to indigent persons or accept patients requiring specialized care. *Such regulations shall include a methodology and formulas for uniform application of, active measuring and monitoring of compliance with, and approval of alternative plans for satisfaction of such conditions.* In addition, the Board's licensure regulations shall direct the Commissioner to condition the issuing or renewing of any license for any applicant whose certificate was approved upon such condition on whether such applicant has complied with any agreement to provide

a level of charity care to indigent persons or accept patients requiring specialized care. Except in the case of nursing homes, the value of charity care provided to individuals pursuant to this subsection shall be based on the provider reimbursement methodology utilized by the Centers for Medicare and Medicaid Services for reimbursement under Title XVIII of the Social Security Act, 42 U.S.C. § 1395 et seq.

D. The Board shall also promulgate regulations to require the registration of a project; for introduction into an existing medical care facility of any new lithotripsy, stereotactic radiosurgery, stereotactic radiotherapy performed using a linear accelerator or other medical equipment that uses concentrated doses of high-energy X-rays to perform external beam radiation therapy, obstetrical, or nuclear imaging services that the facility has never provided or has not provided in the previous 12 months; and for the addition by an existing medical care facility of any medical equipment for lithotripsy, stereotactic radiosurgery, stereotactic radiotherapy performed using a linear accelerator or other medical equipment that uses concentrated doses of high-energy X-rays to perform external beam radiation therapy, or nuclear imaging services. Replacement of existing equipment for lithotripsy, stereotactic radiosurgery, stereotactic radiotherapy other than radiotherapy performed using a linear accelerator or other medical equipment that uses concentrated doses of high-energy X-rays to perform external beam radiation therapy, or nuclear imaging services shall not require registration. Such regulations shall include provisions for (i) establishing the agreement of the applicant to provide a level of care in services or funds that matches the average percentage of indigent care provided in the appropriate health planning region and to participate in Medicaid at a reduced rate to indigents, (ii) obtaining accreditation from a nationally recognized accrediting organization approved by the Board for the purpose of quality assurance, and (iii) reporting utilization and other data required by the Board to monitor and evaluate effects on health planning and availability of health care services in the Commonwealth.

§ 32.1-102.2:1. State Medical Facilities Health Services Plan; task force Task Force.

The Board shall appoint and convene a task force of no fewer than 15 individuals to meet at least once every two years. The task force shall consist of representatives from the Department and the Division of Certificate of Public Need, representatives of regional health planning agencies, representatives of the health care provider community, representatives of the academic medical community, experts in advanced medical technology, and health insurers. The task force shall complete a review of the State Medical Facilities Plan updating or validating existing criteria in the State Medical Facilities Plan at least every four years.

A. The Board shall appoint and convene a State Health Services Plan Task Force for the purpose of advising the Board on the content of the State Health Services Plan. The Task Force shall provide recommendations related to (i) periodic revisions to the State Health Services Plan, (ii) specific objective standards of review for each type of medical care facility or project type for which a certificate of public need is required, (iii) project types that are generally noncontested and present limited health planning impacts, (iv) whether certain projects should be subject to expedited review rather than the full review process, and (v) improvements in the certificate of public need process. All such recommendations shall be developed in accordance with an analytical framework established by the Commissioner that includes a specific evaluation of whether State Health Services Plan standards are consistent with the goals of (a) meeting the health care needs of the indigent and uninsured citizens of the Commonwealth, (b) protecting the public health and safety of the citizens of the Commonwealth, (c) promoting the teaching missions of academic medical centers and private teaching hospitals, and (d) ensuring the availability of essential health care services in the Commonwealth, and are aligned with the goals and metrics of the Commonwealth's State Health Improvement Plan.

B. The Task Force shall consist of no fewer than 19 individuals appointed by the Commissioner who are broadly representative of the interests of all residents of the Commonwealth and of the various geographic regions, including two representatives of the Virginia Hospital and Healthcare Association, the Medical Society of Virginia, the Virginia Health Care Association, and physicians or administrators representing teaching hospitals affiliated with a public institution of higher education; one representative each of the Virginia Association of Health Plans, the Virginia Association of Free and Charitable Clinics, the Virginia Community Healthcare Association, LeadingAge Virginia, a company that is self-insured or full-insured for health coverage, a nonprofit organization located in the Commonwealth that engages in addressing access to health coverage for low-income individuals, and a rural locality recognized as a medically underserved area; one individual with experience in health facilities planning; and such other individuals as the Commissioner determines is appropriate.

C. The powers and duties of the Task Force shall be:

1. To develop, by November 1, 2022, recommendations for a comprehensive State Health Services Plan for adoption by the Board that includes (i) specific formulas for projecting need for medical care facilities and services subject to the requirement to obtain a certificate of public need, (ii) current statistical information on the availability of medical care facilities and services, (iii) objective criteria and standards for review of applications for projects for medical care facilities and services, and (iv) methodologies for integrating the goals and metrics of the State Health Improvement Plan established by the Commissioner into the criteria and standards for review. Criteria and standards for review included in the State Health Services Plan shall take into account current data on drive times, utilization, availability of competing services, and patient choice within and among localities included in the health planning district or region; changes and availability of new technology; and other relevant factors identified by the Task Force. The State Health Services Plan shall also include specific criteria for determining need in rural areas, giving due consideration to distinct and unique geographic, socioeconomic, cultural, transportation, and other barriers to access to care in such areas and providing for weighted

calculations of need based on the barriers to health care access in such rural areas in lieu of the determinations of need used for the particular proposed project within the relevant health planning district or region as a whole.

2. To engage the services of private consultants or request the Department to contract with any private organization for professional and technical assistance and advice or other services to assist the Task Force in carrying out its duties and functions pursuant to this section. The Task Force may also solicit the input of experts with professional competence in the subject matter of the State Health Services Plan, including (i) representatives of licensed health care providers or health care provider organizations owning or operating licensed health facilities and (ii) representatives of organizations concerned with health care consumers and the purchasers and payers of health care services; and

3. To review annually and, if necessary, develop recommendations for revisions to each section of the State Health Services Plan on a rotating schedule defined by the Task Force at least every two years following the last date of adoption by the Board.

D. The Task Force shall exercise its powers and carry out its duties to ensure:

1. The availability and accessibility of quality health services at a reasonable cost and within a reasonable geographic proximity for all people in the Commonwealth, competitive markets, and patient choice;

2. Appropriate differential consideration of the health care needs of residents in rural localities in ways that do not compromise the quality and affordability of health care services for those residents;

3. Elimination of barriers to access to care and introduction and availability of new technologies and care delivery models that result in greater integration and coordination of care, reduction in costs, and improvements in quality; and

4. Compliance with the goals of the State Health Services Plan and improvement in population health.

E. The Department shall post on its website information regarding the process by which the State Health Services Plan is created and the process by which the Department determines whether a proposed project complies with the State Health Services Plan on its website.

§ 32.1-102.3. Demonstration of public need required; criteria for determining need.

A. ~~No person shall commence any project without first obtaining a certificate issued by the Commissioner.~~ No certificate may be issued unless the Commissioner has determined that a public need for the project has been demonstrated. If it is determined that a public need exists for only a portion of a project, a certificate may be issued for that portion and any appeal may be limited to the part of the decision with which the appellant disagrees without affecting the remainder of the decision. Any decision to issue or approve the issuance of a certificate shall be consistent with the most recent applicable provisions of the State ~~Medical Facilities Health Services Plan~~; however, if the Commissioner finds, upon presentation of appropriate evidence, that the provisions of such plan are not relevant to a rural locality's needs, inaccurate, outdated, inadequate or otherwise inapplicable, the Commissioner, consistent with such finding, may issue or approve the issuance of a certificate and shall initiate procedures to make appropriate amendments to such plan. In cases in which a provision of the State ~~Medical Facilities Health Services Plan~~ has been previously set aside by the Commissioner and relevant amendments to the Plan have not yet taken effect, the Commissioner's decision shall be consistent with the applicable portions of the State ~~Medical Facilities Health Services Plan~~ that have not been set aside and the remaining considerations in subsection B.

B. In determining whether a public need for a project has been demonstrated, the Commissioner shall consider:

1. The extent to which the proposed ~~service or facility project~~ will provide or increase access to ~~needed health care~~ services for residents of the area to be served, and the effects that the proposed ~~service or facility project~~ will have on access to ~~needed health care~~ services in areas having distinct and unique geographic, socioeconomic, cultural, transportation, and other barriers to access to *health care*;

2. The extent to which the *proposed* project will meet the needs of the residents of the area to be served, as demonstrated by each of the following: (i) the level of community support for the *proposed* project demonstrated by citizens, businesses, and governmental leaders representing the area to be served; (ii) the availability of reasonable alternatives to the proposed ~~service or facility project~~ that would meet the needs of the population in a less costly, more efficient, or more effective manner; (iii) any recommendation or report of the regional health planning agency regarding an application for a certificate that is required to be submitted to the Commissioner pursuant to subsection B of § 32.1-102.6; (iv) any costs and benefits of the *proposed* project; (v) the financial accessibility of the *proposed* project to the residents of the area to be served, including indigent residents; and (vi) at the discretion of the Commissioner, any other factors as may be relevant to the determination of public need for a *proposed* project;

3. The extent to which the ~~application proposed project~~ is consistent with the State ~~Medical Facilities Health Services Plan~~;

4. The extent to which the proposed ~~service or facility project~~ fosters institutional competition that benefits the area to be served while improving access to essential health care services for all persons in the area to be served;

5. The relationship of the *proposed* project to the existing health care system of the area to be served, including the utilization and efficiency of existing services or facilities;

6. The feasibility of the *proposed* project, including the financial benefits of the *proposed* project to the applicant, the cost of construction, the availability of financial and human resources, and the cost of capital;

7. The extent to which the *proposed* project provides improvements or innovations in the financing and delivery of health *care* services, as demonstrated by: (i) the introduction of new technology that promotes quality, cost effectiveness, or both in the delivery of health care services; (ii) the potential for provision of *health care* services on an outpatient basis;

(iii) any cooperative efforts to meet regional health care needs; and (iv) at the discretion of the Commissioner, any other factors as may be appropriate; and

8. In the case of a project proposed by or affecting a teaching hospital associated with a public institution of higher education or a medical school in the area to be served, (i) the unique research, training, and clinical mission of the teaching hospital or medical school, and (ii) any contribution the teaching hospital or medical school may provide in the delivery, innovation, and improvement of health care services for citizens of the Commonwealth, including indigent or underserved populations.

§ 32.1-102.4. Conditions of certificates; monitoring; revocation of certificates; civil penalties.

A. ~~A certificate shall be issued~~ *The Commissioner may, in accordance with regulations of the Board, condition issuance of a certificate on compliance with a schedule for the completion of the proposed project and a maximum capital expenditure amount for the proposed project. The approved schedule and maximum capital expenditure for a proposed project shall be issued together with the certificate. The approved schedule may not be extended and the maximum capital expenditure may not be exceeded without the approval of the Commissioner in accordance with the regulations of the Board. The Commissioner shall not approve an extension for a schedule for completion of any project or the exceeding of the maximum capital expenditure of any project unless such extension or excess complies with the limitations provided in the regulations promulgated by the Board pursuant to § 32.1-102.2.*

The Commissioner shall monitor each project to determine its progress and compliance with the approved schedule and with the maximum capital expenditure, and may revoke the certificate for (i) lack of substantial and continuing progress toward completion of the project in accordance with the schedule or (ii) expenditures in excess of the approved maximum capital expenditure for the project.

Any person willfully violating conditions imposed pursuant to this subsection shall be subject to a civil penalty of up to \$100 per violation per day until the date of completion of the project which shall be collected by the Commissioner and paid into the Literary Fund.

For the purposes of this subsection, "completion" means conclusion of construction activities necessary for the substantial performance of the contract.

B. ~~The Commissioner shall monitor each project for which a certificate is issued to determine its progress and compliance with the schedule and with the maximum capital expenditure. The Commissioner shall also monitor all continuing care retirement communities for which a certificate is issued authorizing the establishment of a nursing home facility or an increase in the number of nursing home beds pursuant to § 32.1-102.3:2 and shall enforce compliance with the conditions for such applications which are required by § 32.1-102.3:2. Any willful violation of a provision of § 32.1-102.3:2 or conditions of a certificate of public need granted under the provisions of § 32.1-102.3:2 shall be subject to a civil penalty of up to \$100 per violation per day until the date the Commissioner determines that such facility is in compliance.~~

C. ~~A certificate may be revoked when:~~

1. ~~Substantial and continuing progress towards completion of the project in accordance with the schedule has not been made;~~

2. ~~The maximum capital expenditure amount set for the project is exceeded;~~

3. ~~The applicant has willfully or recklessly misrepresented intentions or facts in obtaining a certificate; or~~

4. ~~A continuing care retirement community applicant has failed to honor the conditions of a certificate allowing the establishment of a nursing home facility or granting an increase in the number of nursing home beds in an existing facility which was approved in accordance with the requirements of § 32.1-102.3:2.~~

D. ~~Further, the Commissioner shall not approve an extension for a schedule for completion of any project or the exceeding of the maximum capital expenditure of any project unless such extension or excess complies with the limitations provided in the regulations promulgated by the Board pursuant to § 32.1-102.2.~~

E. ~~Any person willfully violating the Board's regulations establishing limitations for schedules for completion of any project or limitations on the exceeding of the maximum capital expenditure of any project shall be subject to a civil penalty of up to \$100 per violation per day until the date of completion of the project.~~

F. ~~The Commissioner may condition~~ *shall, pursuant to the regulations of the Board, condition the approval of a certificate (i) upon the agreement of the applicant to provide care to individuals who are eligible for benefits under Title XVIII of the Social Security Act (42 U.S.C. § 1395 et seq.), Title XIX of the Social Security Act (42 U.S.C. § 1396 et seq.), and 10 U.S.C. § 1071 et seq. In addition, the Commissioner shall condition the approval of a certificate upon the agreement of the applicant to (i) provide a specified level of charity care to indigent persons or accept patients requiring specialized care or, (ii) upon the agreement of the applicant to facilitate the development and operation of primary and specialty medical care services in designated medically underserved areas of the applicant's service area, or (iii) all of the above. Except in the case of nursing homes, the value of charity care provided to individuals pursuant to this subsection shall be based on the provider reimbursement methodology utilized by the Centers for Medicare and Medicaid Services for reimbursement under Title XVIII of the Social Security Act, 42 U.S.C. § 1395 et seq.*

Every certificate holder shall develop a financial assistance policy that includes specific eligibility criteria and procedures for applying for charity care, which shall be provided to a patient at the time of admission or discharge or at the time services are provided, included with any billing statements sent to uninsured patients, posted conspicuously in public areas of the medical care facility for which the certificate was issued and posted on a website maintained by the certificate holder.

The certificate holder shall *annually* provide documentation to the Department demonstrating that the certificate holder has satisfied the conditions of the certificate, including documentation of the amount of charity care provided to patients. If the certificate holder is unable or fails to satisfy the conditions of a certificate, the Department may approve alternative methods to satisfy the conditions pursuant to a plan of compliance. ~~The plan of compliance,~~ *which* shall identify a timeframe within which the certificate holder will satisfy the conditions of the certificate, and identify how the certificate holder will satisfy the conditions of the certificate, which may include (a) making direct payments to an organization authorized under a memorandum of understanding with the Department to receive contributions satisfying conditions of a certificate, (b) making direct payments to a private nonprofit foundation that funds basic insurance coverage for indigents authorized under a memorandum of understanding with the Department to receive contributions satisfying conditions of a certificate, or (c) other documented efforts or initiatives to provide primary or specialized care to underserved populations. In cases in which the certificate holder holds more than one certificate with conditions pursuant to this subsection, and the certificate holder is unable to satisfy the conditions of one certificate, such plan of compliance may provide for satisfaction of the conditions on that certificate by providing care at a reduced rate to indigent individuals in excess of the amount required by another certificate issued to the same holder, in an amount approved by the Department provided such care is offered at the same facility. Nothing in the preceding sentence shall prohibit the satisfaction of conditions of more than one certificate among various affiliated facilities or certificates subject to a system-wide or all-inclusive charity care condition established by the Commissioner. In determining whether the certificate holder has met the conditions of the certificate pursuant to a plan of compliance, only such ~~direct payments, efforts, or initiatives made or actions~~ *undertaken* after issuance of the conditioned certificate shall be counted towards satisfaction of conditions.

Any person ~~willfully~~ refusing, failing, or neglecting to honor such agreement shall be subject to a civil penalty of up to \$100 per violation per day until the date of compliance *which shall be collected by the Commissioner and paid into the Literary Fund. For the purpose of determining the amount of a civil penalty imposed pursuant to this subsection, the date on which the person began providing services in accordance with the original certificate shall be the date from which the period of noncompliance shall be calculated.*

~~G. C.~~ The Commissioner shall (i) review every certificate of public need upon which conditions were imposed pursuant to subsection ~~F B~~ at least once every three years to determine whether such conditions continue to be appropriate or should be revised and (ii) notify each certificate holder of his conclusions regarding (a) the appropriateness of conditions imposed on the certificate and whether such conditions should be revised and (b) the process by which the certificate holder may request amendments to conditions imposed on a certificate in accordance with subsection ~~H D~~.

~~H. D.~~ Pursuant to regulations of the Board, the Commissioner may accept requests for and approve amendments to conditions of existing certificates related to the provision of care at reduced rates or to patients requiring specialized care or related to the development and operation of primary medical care services in designated medically underserved areas of the certificate holder's service area.

~~I. For the purposes of this section, "completion" means conclusion of construction activities necessary for the substantial performance of the contract.~~

~~E. In determining whether conditions imposed on a certificate of public need pursuant to subsection B are appropriate for the purposes of subsection C or should be amended in response to a request submitted pursuant to subsection D, the Commissioner shall consider any changes in the circumstances of the certificate holder resulting from changes in the financing or delivery of health care services, including changes to the Commonwealth's program of medical assistance services, and any other specific circumstances of the certificate holder.~~

§ 32.1-102.6. Administrative procedures.

~~A. To obtain a certificate for a project, the applicant shall file a completed application for a certificate with the Department and the appropriate regional health planning agency if a regional health planning agency has been designated for that region. In order to verify the date of the Department's and the appropriate regional health planning agency's receipt of the application, the applicant shall transmit the document electronically, by certified mail or a delivery service, return receipt requested, or shall deliver the document by hand, with signed receipt to be provided. Such application shall be filed in accordance with procedures established by the Department. An application submitted for review shall be considered complete when all relevant sections of the application form have responses. The applicant shall provide sufficient information to prove public need for the requested project exists without the addition of supplemental or supporting material at a later date. The Department shall ensure that only data necessary for review of an application is required to be submitted and that the application reflects statutory requirements. Nothing in this section shall prevent the Department from seeking, at its discretion, additional information from the applicant or other sources.~~

Within 10 calendar days of the date on which the document is received, the Department and the appropriate regional health planning agency, if a regional health planning agency has been designated, shall determine whether the application is complete or not and the Department shall notify the applicant, if the application is not complete, of the information needed to complete the application. If no regional health planning agency is designated for the health planning region in which the project will be located, no filing with a regional health planning agency is required and the Department shall determine if the application is complete and notify the applicant, if the application is not complete, of the information needed to complete the application.

At least 30 calendar days before any person is contractually obligated to acquire an existing medical care facility, the cost of which is \$600,000 or more, that person shall notify the Commissioner and the appropriate regional health planning

agency, if a regional health planning agency has been designated, of the intent, the services to be offered in the facility, the bed capacity in the facility and the projected impact that the cost of the acquisition will have upon the charges for services to be provided. If clinical services or beds are proposed to be added as a result of the acquisition, the Commissioner may require the proposed new owner to obtain a certificate prior to the acquisition. If no regional health planning agency is designated for the health planning region in which the acquisition will take place, no notification to a regional health planning agency shall be required.

B. For projects proposed in health planning regions with regional planning agencies, the appropriate regional health planning agency shall (i) review each completed application for a certificate within 60 calendar days of the day ~~which~~ *that* begins the appropriate batch review cycle as established by the Board by regulation pursuant to subdivision A 1 of § 32.1-102.2, such cycle not to exceed 190 days in duration; (ii) *within 10 calendar days following the start of the review cycle, solicit public comment on such application by posting notice of such application and a summary of the proposed project on a website maintained by the Department; such notice shall include information about how comments may be submitted to the regional health planning agency and the date on which the public comment period shall expire, which shall be no later than 45 calendar days following the date of the public notice; and* ~~(ii)~~ *(iii) in the case of competing applications or in response to a written request by an elected local government representative, a member of the General Assembly, the Commissioner, the applicant, or a member of the public, hold one public hearing on each application in a location in the county or city in which the project is proposed or a contiguous county or city. Prior to the any required public hearing, the regional health planning agency shall notify the local governing bodies in the planning district. At least nine days prior to the public hearing, the regional health planning agency shall cause notice of the public hearing to be published in a newspaper of general circulation in the county or city where the project is proposed to be located. The regional health planning agency shall consider the comments of the local governing bodies in the planning district and all other public comments in making its decision. Such comments shall be part of the record. In no case shall a regional health planning agency hold more than two meetings on any application, one of which shall be the public hearing required pursuant to clause (iii), if any, conducted by the board of the regional health planning agency or a subcommittee of the board. The applicant shall be given the opportunity, prior to the vote by the board of the regional health planning agency or a committee of the agency, if acting for the board, on its recommendation, to respond to any comments made about the project by the regional health planning agency staff, any information in a regional health planning agency staff report, or comments by those voting members of the regional health planning agency board; however, such opportunity shall not increase the 60-calendar-day period designated herein for the regional health planning agency's review unless the applicant or applicants request a specific extension of the regional health planning agency's review period.*

The regional health planning agency shall submit its recommendations on each application and its reasons therefor to the Department within 10 calendar days after the completion of its 60-calendar-day review or such other period in accordance with the applicant's request for extension.

If the regional health planning agency has not completed its review within the specified 60 calendar days or such other period in accordance with the applicant's request for extension and submitted its recommendations on the application and the reasons therefor within 10 calendar days after the completion of its review, the Department shall, on the eleventh calendar day after the expiration of the regional health planning agency's review period, proceed as though the regional health planning agency has recommended project approval without conditions or revision.

If no regional health planning agency has been designated for a region, the Department shall (a) *within 10 calendar days following the start of the review cycle, solicit public comment on such application by posting notice of such application and a summary of the proposed project on a website maintained by the Department; such notice shall include such information about how comments may be submitted to the Department and the date on which the public comment period shall expire, which shall be no later than 45 calendar days following the date of the public notice, and* (b) *in the case of competing applications or in response to a written request by an elected local government representative, a member of the General Assembly, the Commissioner, the applicant, or a member of the public, hold one hearing on each application in a location in the county or city in which the project is proposed or a contiguous county or city. Prior to the any required hearing, the Department shall notify the local governing bodies in the planning district in which the project is proposed. At least nine days prior to the public hearing, the Department shall cause notice of the public hearing to be published in a newspaper of general circulation in the county or city where the project is proposed to be located. The Department shall consider the comments of the local governing bodies in the planning district and all other public comments in making its decision. Such comments shall be part of the record.*

C. After commencement of any public hearing and before a decision is made there shall be no ex parte contacts concerning the subject certificate or its application between (i) any person acting on behalf of the applicant or holder of a certificate or any person opposed to the issuance or in favor of revocation of a certificate of public need and (ii) any person in the Department who has authority to make a determination respecting the issuance or revocation of a certificate of public need, unless the Department has provided advance notice to all parties referred to in clause (i) of the time and place of such proposed contact.

D. The Department shall commence the review of each completed application upon the day which begins the appropriate batch review cycle and simultaneously with the review conducted by the regional health planning agency, if a regional health planning agency has been designated.

A determination whether a public need exists for a project shall be made by the Commissioner within 190 calendar days of the day which begins the appropriate batch cycle.

The 190-calendar-day review period shall begin on the date upon which the application is determined to be complete within the batching process specified in subdivision A 1 of § 32.1-102.2.

If the application is not determined to be complete within 40 calendar days from submission, the application shall be refiled in the next batch for like projects.

The Commissioner shall make determinations in accordance with the provisions of the Administrative Process Act (§ 2.2-4000 et seq.) except for those parts of the determination process for which timelines and specifications are delineated in subsection E of this section. Further, if an informal fact-finding conference is determined to be necessary by the Department or is requested by a person seeking good cause standing, the parties to the case shall include only the applicant, any person showing good cause, any third-party payor providing health care insurance or prepaid coverage to five percent or more of the patients in the applicant's service area, and the relevant health planning agency.

E. Upon entry of each completed application or applications into the appropriate batch review cycle:

1. The Department shall establish, for every application, a date between the eightieth and ninetieth calendar days within the 190-calendar-day review period for holding an informal fact-finding conference, if such conference is necessary.

2. The Department shall review every application at or before the seventy-fifth calendar day within the 190-calendar-day review period to determine whether an informal fact-finding conference is necessary.

3. Any person seeking to be made a party to the case for good cause shall notify the Department of his request and the basis therefor on or before the eightieth calendar day following the day which begins the appropriate batch review cycle, no later than four days after the Department has completed its review and submitted its recommendation on an application and has transmitted the same to the applicants and to persons who have, prior to the issuance of the report, requested a copy in writing, shall notify the Commissioner, all applicants, and the regional health planning agency, in writing and under oath, stating the grounds for good cause and providing the factual basis therefor.

4. In any case in which an informal fact-finding conference is held, a date shall be established for the closing of the record which shall not be more than 30 calendar days after the date for holding the informal fact-finding conference.

5. In any case in which an informal fact-finding conference is not held, the record shall be closed on the earlier of (i) the date established for holding the informal fact-finding conference or (ii) the date that the Department determines an informal fact-finding conference is not necessary.

6. The provisions of subsection C of § 2.2-4021 notwithstanding, if a determination whether a public need exists for a project is not made by the Commissioner within 45 calendar days of the closing of the record, the Commissioner shall notify the applicant or applicants and any persons seeking to show good cause, in writing, that the application or the application of each shall be deemed approved 25 calendar days after expiration of such 45-calendar-day period, unless the receipt of recommendations from the person performing the hearing officer functions permits the Commissioner to issue his case decision within that 25-calendar-day period. The validity or timeliness of the aforementioned notice shall not, in any event, prevent, delay or otherwise impact the effectiveness of this section.

7. In any case when a determination whether a public need exists for a project is not made by the Commissioner within 70 calendar days after the closing of the record, the application shall be deemed to be approved and the certificate shall be granted.

8. If a determination whether a public need exists for a project is not made by the Commissioner within 45 calendar days of the closing of the record, any applicant who is competing in the relevant batch or who has filed an application in response to the relevant Request For Applications issued pursuant to § 32.1-102.3:2 may, prior to the application being deemed approved, petition for immediate injunctive relief pursuant to § 2.2-4030, naming as respondents the Commissioner and all parties to the case. During the pendency of the proceeding, no applications shall be deemed to be approved. In such a proceeding, the provisions of § 2.2-4030 shall apply.

F. Deemed approvals shall be construed as the Commissioner's case decision on the application pursuant to the Administrative Process Act (§ 2.2-4000 et seq.) and shall be subject to judicial review on appeal as the Commissioner's case decision in accordance with such act.

Any person who has sought to participate in the Department's review of such deemed-to-be-approved application as a person showing good cause who has not received a final determination from the Commissioner concerning such attempt to show good cause shall be deemed to be a person showing good cause for purposes of appeal of the deemed approval of the certificate.

In any appeal of the Commissioner's case decision granting a certificate of public need pursuant to a Request for Applications issued pursuant to § 32.1-102.3:2, the court may require the appellant to file a bond pursuant to § 8.01-676.1, in such sum as shall be fixed by the court for protection of all parties interested in the case decision, conditioned on the payment of all damages and costs incurred in consequence of such appeal.

G. For purposes of this section, "good cause" shall mean means that (i) there is significant relevant information not previously presented at and not available at the time of the public hearing, (ii) there have been significant changes in factors or circumstances relating to the application subsequent to the public hearing, or (iii) there is a substantial material mistake of fact or law in the Department staff's report on the application or in the report submitted by the health planning agency.

H. The project review procedures shall provide for separation of the project review manager functions from the hearing officer functions. No person serving in the role of project review manager shall serve as a hearing officer.

I. The applicants, and only the applicants, shall have the authority to extend any of the time periods specified in this section. If all applicants consent to extending any time period in this section, the Commissioner, with the concurrence of the applicants, shall establish a new schedule for the remaining time periods.

J. This section shall not apply to applications for certificates for projects defined in subdivision A 8 of the definition of "project" in ~~§ 32.1-102.1~~ § 32.1-102.1:3. Such projects shall be subject to an expedited application and review process developed by the Board in regulation pursuant to subdivision A 2 of § 32.1-102.2.

§ 32.1-102.6:1. Revocation of a certificate.

The Commissioner shall revoke a certificate of public need for:

1. *Failure to comply with the requirements of subsection A of § 32.1-102.4 regarding schedules for completion of a project or maximum capital expenditures for a project; or*
2. *Willfully or recklessly misrepresented intentions or facts in obtaining a certificate.*

§ 32.1-102.8. Enjoining project undertaken without certificate or registration.

On petition of the Commissioner, the Board or the Attorney General, the circuit court of the county or city where a project is under construction or is intended to be constructed, located, or undertaken shall have jurisdiction to enjoin any project ~~which~~ that is constructed, undertaken, or commenced without a certificate or registration required by this article or to enjoin the admission of patients to the project or to enjoin the provision of services through the project.

§ 32.1-102.10. Commencing project without certificate or registration grounds for refusing to issue license.

Commencing any project without a certificate or registration required by this article shall constitute grounds for refusing to issue a license for such project. Persons commencing any project without a certificate or registration as required by this article shall be subject to the penalties set forth in §§ 32.1-27 and 32.1-27.1.

§ 32.1-102.11. Application of article.

A. ~~On and after July 1, 1992, every~~ Every project of an existing or proposed medical care facility, as defined in ~~§ 32.1-102.1~~, described in subsection A of § 32.1-102.1:3 shall be subject to all provisions of this article unless, with respect to such project, the owner or operator of an existing medical care facility or the developer of a proposed medical care facility (i) has, by February 1, 1992, purchased or leased equipment subject to registration pursuant to former § 32.1-102.3:4, (ii) has, by February 1, 1992, initiated construction requiring a capital expenditure exceeding one million dollars, or (iii) has made or contracted to make or otherwise legally obligated to make, during the three years ending February 1, 1992, preliminary expenditures of \$350,000 or more for a formal plan of construction of the specific project, including expenditures for site acquisition, designs, preliminary or working drawings, construction documents, or other items essential to the construction of the specific project.

Any project exempted pursuant to subdivisions (ii) and (iii) of this subsection shall be limited to such construction, services, and equipment as specifically identified in the formal plan of construction which shall have existed and been formally committed to by February 1, 1992. Further, the equipment to be exempted pursuant to subdivisions (ii) and (iii) shall be limited to the number of units and any types of medical equipment, in the case of medical equipment intended to provide any services included in subdivision B 6 of the definition of project in ~~§ 32.1-102.1~~ § 32.1-102.1:3, as are specifically identified in such plan and, in the case of all other equipment, such equipment as is appropriate for the construction and services included in such plan.

None of the exemptions provided in this subsection shall be applicable to projects which required a certificate of public need pursuant to this article on January 1, 1992.

B. Any medical care facility or entity claiming to meet one of the conditions set forth in subsection A of this section shall file a completed application for an exemption from the provisions of this article with the Commissioner by August 1, 1992. Forms for such application shall be made available by the Commissioner no later than April 1, 1992. The Commissioner may deny an exemption if the application is not complete on August 1, 1992, and the medical care facility or entity has not filed a completed application within forty-five days after notice of deficiency in the filing of the completed application. After receiving a completed application, the Commissioner shall determine whether the project has met one of the criteria for an exemption and is, therefore, exempt or has not met any of the criteria for an exemption and is, therefore, subject to all provisions of this article and shall notify the medical care facility or entity of his determination within sixty days of the date of filing of the completed application. If it is determined that an exemption exists for only a portion of a project, the Commissioner may approve an exemption for that portion and any appeal may be limited to the part of the decision with which the appellant disagrees without affecting the remainder of the decision. The Commissioner's determination shall be made in accordance with the provisions of the Administrative Process Act (§ 2.2-4000 et seq.), except that parties to the case shall include only those parties specified in § 32.1-102.6.

C. For the purposes of this section:

"Formal plan of construction" means documentary evidence indicating that the facility, the owner or operator of the facility, or the developer of a proposed facility was formally committed to the project by February 1, 1992, and describing the specific project in sufficient detail to reasonably define and confirm the scope of the project including estimated cost, intended location, any clinical health services to be involved and any types of equipment to be purchased. Such documentary evidence shall include designs, preliminary or working drawings, construction documents or other documents which have been used to explicitly define and confirm the scope of the project for the purposes of seeking architectural or construction plans or capital to the extent that such capital was committed or agreed to be provided for such project prior to February 1, 1992.

"Initiated construction" means an owner or operator of an existing facility or the developer of a proposed facility can present evidence for a specific project that (i) a construction contract has been executed; (ii) if applicable, short-term financing has been completed; (iii) if applicable, a commitment for long-term financing has been obtained; and (iv) if the project is for construction of a new facility or expansion of an existing facility, predevelopment site work and building foundations have been completed.

"Leased" means that the owner or operator of an existing medical care facility or the developer of a proposed facility has a legally binding commitment to lease the equipment pursuant to an agreement providing for fixed, periodic payments commencing no later than June 30, 1992, including a lease-purchase agreement in which the owner or operator of the facility or developer has an option to purchase the equipment for less than fair market value upon conclusion of the lease or an installment sale agreement with fixed periodic payments commencing no later than June 30, 1992.

"Purchased" means that the equipment has been acquired by the owner or operator of an existing medical care facility or the developer of a proposed medical care facility, or the owner or operator of the facility or the developer can present evidence of a legal obligation to acquire the equipment in the form of an executed contract or appropriately signed order or requisition and payment has been made in full by June 30, 1992.

§ 32.1-239. Definitions.

As used in this article the following definitions shall apply:

"Commercial establishment" means any commercial or industrial establishment, mill, factory, plant, refinery and any other works in which any chemical substance is manufactured or used as a raw material, catalyst, final product or process solvent for such; however, this term shall not be construed in the administration of this act to include normal farming and timbering activities.

"Manufacturing" means producing, formulating, packaging or diluting any substance for commercial sale or resale.

"Person" includes, in addition to the entities enumerated in subdivision 4 of § 32.1-3, the Commonwealth and any of its political subdivisions.

"Toxic substance" means any substance, including any raw materials, intermediate products, catalysts, final products, or by-products of any manufacturing operation conducted in a commercial establishment, that has the capacity, through its physical, chemical or biological properties, to pose a substantial risk of death or impairment either immediately or over time, to the normal functions of humans, aquatic organisms, or any other animal.

§ 32.1-276.5. Providers to submit data; civil penalty.

A. Every health care provider shall submit data as required pursuant to regulations of the Board, consistent with the recommendations of the nonprofit organization in its strategic plans submitted and approved pursuant to § 32.1-276.4, and as required by this section. Such data shall include relevant data and information for any parent or subsidiary company of the health care provider that operates in the Commonwealth. Notwithstanding the provisions of Chapter 38 (§ 2.2-3800 et seq.) of Title 2.2, it shall be lawful to provide information in compliance with the provisions of this chapter.

B. In addition, health maintenance organizations shall annually submit to the Commissioner, to make available to consumers who make health benefit enrollment decisions, audited data consistent with the latest version of the Health Employer Data and Information Set (HEDIS), as required by the National Committee for Quality Assurance, or any other quality of care or performance information set as approved by the Board. The Commissioner, at his discretion, may grant a waiver of the HEDIS or other approved quality of care or performance information set upon a determination by the Commissioner that the health maintenance organization has met Board-approved exemption criteria. The Board shall promulgate regulations to implement the provisions of this section.

The Commissioner shall also negotiate and contract with a nonprofit organization authorized under § 32.1-276.4 for compiling, storing, and making available to consumers the data submitted by health maintenance organizations pursuant to this section. The nonprofit organization shall assist the Board in developing a quality of care or performance information set for such health maintenance organizations and shall, at the Commissioner's discretion, periodically review this information set for its effectiveness.

C. Every medical care facility as that term is defined in ~~§ 32.1-102.1~~ § 32.1-3 that furnishes, conducts, operates, or offers any reviewable service shall report data on utilization of such service to the Commissioner, who shall contract with the nonprofit organization authorized under this chapter to collect and disseminate such data. For purposes of this section, "reviewable service" shall mean inpatient beds, operating rooms, nursing home services, cardiac catheterization, computed tomographic (CT) scanning, stereotactic radiosurgery, lithotripsy, magnetic resonance imaging (MRI), magnetic source imaging, medical rehabilitation, neonatal special care, obstetrical services, open heart surgery, positron emission tomographic (PET) scanning, psychiatric services, organ and tissue transplant services, radiation therapy, stereotactic radiotherapy, proton beam therapy, nuclear medicine imaging except for the purpose of nuclear cardiac imaging, and substance abuse treatment.

Every medical care facility for which a certificate of public need with conditions imposed pursuant to § 32.1-102.4 is issued shall report to the Commissioner data on charity care, as that term is defined in § 32.1-102.1, provided to satisfy a condition of a certificate of public need, including (i) the total amount of such charity care the facility provided to indigent persons; (ii) the number of patients to whom such charity care was provided; (iii) the specific services delivered to patients that are reported as charity care recipients; and (iv) the portion of the total amount of such charity care provided that each service represents. The value of charity care reported shall be based on the medical care facility's submission of applicable Diagnosis Related Group codes and Current Procedural Terminology codes aligned with methodology utilized by the

Centers for Medicare and Medicaid Services for reimbursement under Title XVIII of the Social Security Act, 42 U.S.C. § 1395 et seq. Notwithstanding the foregoing, every nursing home as defined in § 32.1-123 for which a certificate of public need with conditions imposed pursuant to § 32.1-102.4 is issued shall report data on utilization and other data in accordance with regulations of the Board.

A medical care facility that fails to report data required by this subsection shall be subject to a civil penalty of up to \$100 per day per violation, which shall be collected by the Commissioner and paid into the Literary Fund.

D. Every continuing care retirement community established pursuant to Chapter 49 (§ 38.2-4900 et seq.) of Title 38.2 that includes nursing home beds shall report data on utilization of such nursing home beds to the Commissioner, who shall contract with the nonprofit organization authorized under this chapter to collect and disseminate such data.

E. Every hospital that receives a disproportionate share hospital adjustment pursuant to § 1886(d)(5)(F) of the Social Security Act shall report, in accordance with regulations of the Board consistent with recommendations of the nonprofit organization in its strategic plan submitted and provided pursuant to § 32.1-276.4, the number of inpatient days attributed to patients eligible for Medicaid but not Medicare Part A and the total amount of the disproportionate share hospital adjustment received.

F. The Board shall evaluate biennially the impact and effectiveness of such data collection.

2. That the Department of Health develop recommendations to reduce the duration of the average review cycle for applications for certificates of public need to not more than 120 days from the date of receipt of a letter of intent. In doing so, the Department shall consider changes to the current process that may result in a reduction in the duration of the review period, including elimination or revision of the review of applications for completeness, reduction of the current 70-day period for review of an application by the Department, and a requirement that a public hearing be held earlier in the process. The Department shall report its recommendations to the Governor and the General Assembly by December 1, 2020.

3. That the Secretary of Health and Human Resources implement a system by January 1, 2023, or as soon as thereafter as practicable, to ensure that data needed to evaluate whether an application for a certificate of public need is consistent with the State Health Services Plan requirements is timely and reliable, with such funds as are available.

4. That the Secretary of Health and Human Resources implement a system by January 1, 2021, or as soon thereafter as practicable, to make an inventory of capacity authorized by certificates of public need, both operational and not yet operational, available in a digital format online, with such funds as are available.

5. That the Secretary of Health and Human Resources establish, by January 1, 2021, a public education and outreach program designed to improve public awareness of the certificate of public need process and the public's role in such process, including the opportunity to provide written comments on applications and the process by which a member of the public may request a public hearing on an application.

CHAPTER 1272

An Act to amend and reenact § 53.1-165.1 of the Code of Virginia, relating to parole; exception to the limitation on the application of parole statutes.

[S 793]

Approved April 22, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 53.1-165.1 of the Code of Virginia is amended and reenacted as follows:

§ 53.1-165.1. Limitation on the application of parole statutes.

A. The provisions of this article, except §§ 53.1-160 and 53.1-160.1, shall not apply to any sentence imposed or to any prisoner incarcerated upon a conviction for a felony offense committed on or after January 1, 1995. Any person sentenced to a term of incarceration for a felony offense committed on or after January 1, 1995, shall not be eligible for parole upon that offense.

B. The provisions of this article shall apply to any person who was sentenced by a jury prior to June 9, 2000, for any felony offense committed on or after January 1, 1995, and who remained incarcerated for such offense on July 1, 2020, other than (i) a Class 1 felony or (ii) any of the following felony offenses where the victim was a minor: (a) rape in violation of § 18.2-61; (b) forcible sodomy in violation of § 18.2-67.1; (c) object sexual penetration in violation of § 18.2-67.2; (d) aggravated sexual battery in violation of § 18.2-67.3; (e) an attempt to commit a violation of clause (a), (b), (c), or (d); or (f) carnal knowledge in violation of § 18.2-63, 18.2-64.1, or 18.2-64.2.

C. The Parole Board shall establish procedures for consideration of parole of persons entitled under subsection B consistent with the provisions of § 53.1-154.

D. Any person who meets eligibility criteria for parole under subsection B and pursuant to § 53.1-151 as of July 1, 2020, shall be scheduled for a parole interview no later than July 1, 2021, allowing for extension of time for reasonable cause.

2. That an emergency exists and this act is in force from its passage.

CHAPTER 1273

An Act to amend the Code of Virginia by adding a section numbered 56-585.1:11, relating to electric utilities; development of offshore wind generation facilities.

[S 860]

Approved April 22, 2020

Be it enacted by the General Assembly of Virginia:**1. That the Code of Virginia is amended by adding a section numbered 56-585.1:11 as follows:****§ 56-585.1:11. Development of offshore wind capacity.***A. As used in this section:*

"Advanced clean energy buyer" means a commercial or industrial customer of a Phase II Utility, irrespective of generation supplier, (i) with an aggregate load over 100 megawatts; (ii) with an aggregate amount of at least 200 megawatts of solar or wind energy supply under contract with a term of 10 years or more from facilities located within the Commonwealth by January 1, 2024; and (iii) that directly procures from the utility the electric supply and environmental attributes of the offshore wind facility associated with the lesser of 50 megawatts of nameplate capacity or 15 percent of the commercial or industrial customer's annual peak demand for a contract period of 15 years.

"Aggregate load" means the combined electrical load associated with selected accounts of an advanced clean energy buyer with the same legal entity name as, or in the names of affiliated entities that control, are controlled by, or are under common control of, such legal entity or are the names of affiliated entities under a common parent.

"Control" means the legal right, directly or indirectly, to direct or cause the direction of the management, actions, or policies of an affiliated entity, whether through the ability to exercise voting power, by contract, or otherwise. "Control" does not include control of an entity through a franchise or similar contractual agreement.

"Qualifying large general service customer" means a customer of a Phase II Utility, irrespective of general supplier, (i) whose peak demand during the most recent calendar year exceeded five megawatts and (ii) that contracts with the utility to directly procure electric supply and environmental attributes associated with the offshore wind facility in amounts commensurate with the customer's electric usage for a contract period of 15 years or more.

B. In order to meet the Commonwealth's clean energy goals, prior to December 31, 2034, the construction or purchase by a public utility of one or more offshore wind generation facilities located off the Commonwealth's Atlantic shoreline or in federal waters and interconnected directly into the Commonwealth, with an aggregate capacity of up to 5,200 megawatts, is in the public interest and the Commission shall so find, provided that no customers of the utility shall be responsible for costs of any such facility in a proportion greater than the utility's share of the facility.

C. 1. Pursuant to subsection B, construction by a Phase II Utility of one or more new utility-owned and utility-operated generating facilities utilizing energy derived from offshore wind and located off the Commonwealth's Atlantic shoreline, with an aggregate rated capacity of not less than 2,500 megawatts and not more than 3,000 megawatts, along with electrical transmission or distribution facilities associated therewith for interconnection is in the public interest. In acting upon any request for cost recovery by a Phase II Utility for costs associated with such a facility, the Commission shall determine the reasonableness and prudence of any such costs, provided that such costs shall be presumed to be reasonably and prudently incurred if the Commission determines that (i) the utility has complied with the competitive solicitation and procurement requirements pursuant to subsection E; (ii) the project's projected total levelized cost of energy, including any tax credit, on a cost per megawatt hour basis, inclusive of the costs of transmission and distribution facilities associated with the facility's interconnection, does not exceed 1.4 times the comparable cost, on an unweighted average basis, of a conventional simple cycle combustion turbine generating facility as estimated by the U.S. Energy Information Administration in its Annual Energy Outlook 2019; and (iii) the utility has commenced construction of such facilities for U.S. income taxation purposes prior to January 1, 2024, or has a plan for such facility or facilities to be in service prior to January 1, 2028. The Commission shall disallow costs, or any portion thereof, only if they are otherwise unreasonably and imprudently incurred. In its review, the Commission shall give due consideration to (a) the Commonwealth's renewable portfolio standards and carbon reduction requirements, (b) the promotion of new renewable generation resources, and (c) the economic development benefits of the project for the Commonwealth, including capital investments and job creation.

2. Notwithstanding the provisions of § 56-585.1, the Commission shall not grant an enhanced rate of return to a Phase II Utility for the construction of one or more new utility-owned and utility-operated generating facilities utilizing energy derived from offshore wind and located off the Commonwealth's Atlantic shoreline pursuant to this section.

3. Any such costs proposed for recovery through a rate adjustment clause pursuant to subdivision A 6 of § 56-585.1 shall be allocated to all customers of the utility in the Commonwealth as a non-bypassable charge, regardless of the generation supplier of any such customer, other than (i) PIPP eligible utility customers, (ii) advanced clean energy buyers, and (iii) qualifying large general service customers. No electric cooperative customer of the utility shall be assigned, nor shall the utility collect from any such cooperative, any of the costs of such facilities, including electrical transmission or distribution facilities associated therewith for interconnection. The Commission may promulgate such rules, regulations, or other directives necessary to administer the eligibility for these exemptions.

4. The Commission shall permit a portion of the nameplate capacity of any such facility, in the aggregate, to be allocated to (i) advanced clean energy buyers or (ii) qualifying large general service customers, provided that no more than

10 percent of the offshore wind facility's capacity is allocated to qualifying large general service customers. A Phase II Utility shall petition the Commission for approval of a special contract with any advanced clean energy buyer, or any special rate applicable to qualifying large general service customers, pursuant to § 56-235.2, no later than 15 months prior to the projected commercial operation date of the facility, and all customer enrollments associated with such special contracts or rates shall be completed prior to commercial operation of the facility. Any such special contract or rate may include provisions for leveled rates of service over the duration of the customer's contracted agreement with the utility, and the Commission shall determine that such special contract or rate is designed to hold nonparticipating customers harmless over its term in connection with any petition for approval by the utility. The utility may petition for approval of such special contracts or rates in connection with any petition for approval of a rate adjustment clause pursuant to subdivision A 6 of § 56-585.1 to recover the costs of the facility, and the Commission shall rule upon any such petitions in its final order in such proceeding within nine months from the date of filing.

D. In constructing any such facility contemplated in subsection B, the utility shall develop and submit a plan to the Commission for review that includes the following considerations: (i) options for utilizing local workers; (ii) the economic development benefits of the project for the Commonwealth, including capital investments and job creation; (iii) consultation with the Commonwealth's Chief Workforce Development Officer, the Chief Diversity, Equity, and Inclusion Officer, and the Virginia Economic Development Partnership, on opportunities to advance the Commonwealth's workforce and economic development goals, including furtherance of apprenticeship and other workforce training programs; and (iv) giving priority to the hiring, apprenticeship, and training of veterans, as that term is defined in § 2.2-2000.1, local workers, and workers from historically economically disadvantaged communities.

E. Any project constructed or purchased pursuant to subsection B shall (i) be subject to competitive procurement or solicitation for a substantial majority of the services and equipment, exclusive of interconnection costs, associated with the facility's construction; (ii) involve at least one experienced developer; and (iii) demonstrate the economic development benefits within the Commonwealth, including capital investments and job creation. A utility may give appropriate consideration to suppliers and developers that have demonstrated successful experience in offshore wind.

F. Any project shall include an environmental and fisheries mitigation plan submitted to the Commission for the construction and operation of such offshore wind facilities, provided that such plan includes an explicit description of the best management practices the bidder will employ that considers the latest science at the time the proposal is made to mitigate adverse impacts to wildlife, natural resources, ecosystems, and traditional or existing water-dependent uses. The plan shall include a summary of pre-construction assessment activities, consistent with federal requirements, to determine the spatial and temporal presence and abundance of marine mammals, sea turtles, birds, and bats, in the offshore wind lease area.

2. That the utility constructing a facility pursuant to § 56-585.1:11 of the Code of Virginia, as created by this act, shall provide the State Corporation Commission (the Commission) with reports on the facility's construction progress, including performance to construction timeline and budget, on no less than a quarterly basis throughout the construction period. The Commission shall retain ongoing authority to review the reasonableness and prudence of any increases in the total projected cost of the facility during its construction period.

CHAPTER 1274

An Act to amend the Code of Virginia by adding in Chapter 26 of Title 2.2 an article numbered 36, consisting of sections numbered 2.2-2699.8 through 2.2-2699.12, relating to environmental justice council.

[S 883]

Approved April 22, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 26 of Title 2.2 an article numbered 36, consisting of sections numbered 2.2-2699.8 through 2.2-2699.12, as follows:

Article 36.

Virginia Council on Environmental Justice.

§ 2.2-2699.8. Definitions.

For purposes of this article, unless the context requires a different meaning:

"Council" means the Virginia Council on Environmental Justice established pursuant to this article.

"Environmental justice" means the fair treatment and meaningful involvement of all people regardless of race, color, faith, disability, national origin, or income, regarding the development, implementation, or enforcement of any environmental law, regulation, or policy.

"Fair treatment" means the equitable consideration of all people whereby no group of people bears a disproportionate share of any negative environmental consequence resulting from an industrial, governmental, or commercial operation, program, or policy.

"Meaningful involvement" means the requirements that (i) affected and vulnerable community residents have access and opportunities to participate in the full cycle of the decision-making process about a proposed activity that will affect

their environment or health and (ii) decision-makers will seek out and consider such participation, allowing the views and perspectives of community residents to shape and influence the decision.

"Resilience" means, as it pertains to climate change, the ability to anticipate, prepare for, and adapt to changing conditions and to withstand, respond to, and recover rapidly from disruptions through adaptable planning and climate solutions.

§ 2.2-2699.9. Virginia Council on Environmental Justice.

The Virginia Council on Environmental Justice is established as an advisory council, within the meaning of § 2.2-2100, in the executive branch of state government. The purpose of the Council is to advise the Governor and provide recommendations that maintain a foundation of environmental justice principles intended to protect vulnerable communities from disproportionate impacts of pollution.

§ 2.2-2699.10. Membership; terms; quorum; meetings.

A. The Council shall have a total membership of 27 members that shall consist of 21 nonlegislative citizen members and six ex officio members. Nonlegislative citizen members shall be appointed by the Governor. The Secretaries of Natural Resources, Commerce and Trade, Agriculture and Forestry, Health and Human Resources, Education, and Transportation, or their designees, including their agency representatives, shall serve ex officio with nonvoting privileges. Nonlegislative citizen members of the Council shall be residents of the Commonwealth and shall include representatives of (i) American Indian tribes, (ii) community-based organizations, (iii) the public health sector, (iv) nongovernmental organizations, (v) civil rights organizations, (vi) institutions of higher education, and (vii) communities impacted by an industrial, governmental, or commercial operation, program, or policy.

Ex officio members of the Council shall serve terms coincident with their terms of office. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. Vacancies shall be filled in the same manner as the original appointments. After the initial staggering of terms, nonlegislative citizen members shall be appointed for a term of four years.

B. The Council shall elect a chairperson and vice-chairperson annually from among the membership of the Council. A majority of the members shall constitute a quorum. The meetings of the Council shall be held at the call of the chairperson or whenever the majority of the members so request.

C. The Council shall meet quarterly and shall establish a meeting schedule on an annual basis. When possible, the location of the meetings shall rotate among different geographic regions. When possible, meetings shall be broadcast on the Internet or via teleconference. Each meeting shall include an in-person public comment component.

The Council may provide for the creation of subcommittees. Any subcommittee meetings shall be scheduled with notification to the full Council.

§ 2.2-2699.11. Compensation; expenses; staffing.

A. Members of the Council shall receive no compensation for their services but shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Funding for the costs of expenses of the members shall be provided by the Secretary of Natural Resources.

B. The Office of the Governor and the Secretary of Natural Resources shall provide staff support to the Council. All agencies of the Commonwealth shall provide assistance to the Council, upon request.

§ 2.2-2699.12. Powers and duties of the Council.

The Council shall have the following powers and duties:

1. Advise and provide recommendations to the Governor regarding the development of policies and procedures, focusing on equality and equity, to ensure that environmental justice issues are heard and addressed as the Commonwealth evolves, as impacts of climate change increase, and as new environmental justice issues emerge. The Council shall provide advice and recommendations to the Governor and his cabinet on:

a. Integrating environmental justice considerations throughout the Commonwealth's programs, regulations, policies, and procedures;

b. Strengthening partnerships on environmental justice among governmental agencies, including federal, tribal, and local governments;

c. Incorporating potential solutions to environmental justice issues related to stakeholder communication, local governments, climate change and resilience, transportation, clean energy, outdoor access, and cultural preservation;

d. Enhancing research and assessment approaches related to environmental justice and identifying potential risks or disproportionate public health impacts related to environmental pollution, particularly those that threaten or could threaten low-income and historically underserved communities;

e. Receiving comments, concerns, and recommendations from individuals throughout the Commonwealth; and

f. Recommending statutory, regulatory, or executive action, or relevant improvements or additions, for consideration to better address environmental justice issues.

2. Submit an annual report to the Governor and the General Assembly for publication as a report document as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports. The chairperson shall submit to the Governor and the General Assembly an annual executive summary of the interim activity and work of the Council no later than the first day of each regular session of the General Assembly starting in 2021. The executive summary shall be submitted as a report document as provided in the procedures of the Division of

Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

3. *Apply for, accept, and expend gifts, grants, or donations from public, quasi-public, or private sources, including any matching funds designated in an appropriation act, to enable it to better carry out its objectives.*

2. That the initial appointments of nonlegislative citizen members to the Virginia Council on Environmental Justice, as created by this act, shall be staggered as follows: 10 nonlegislative citizen members appointed by the Governor for a term of two years and 11 nonlegislative citizen members appointed by the Governor for a term of four years.

CHAPTER 1275

An Act to amend and reenact §§ 2.2-1509.2, 2.2-1514, as it is currently effective and as it may become effective, 5.1-2.2:2, 5.1-2.2:3, 5.1-2.16, 15.2-5928, 33.2-214, 33.2-214.4, 33.2-226, 33.2-232, 33.2-356, 33.2-357, 33.2-358, 33.2-365, 33.2-366, 33.2-1502, 33.2-1510, 33.2-1524, 33.2-1526 through 33.2-1528, 33.2-1529.1, 33.2-1530, 33.2-1532, 33.2-1602, 33.2-1604, 33.2-1700, 33.2-1701, 33.2-1708, 33.2-1709, 33.2-1803, 33.2-1803.1, 33.2-1803.1:1, 33.2-1803.2, 33.2-1809, 33.2-2300, 33.2-2301, 33.2-2400, 33.2-2401, 33.2-2509, 33.2-3601, 46.2-214.3, 46.2-332, 46.2-341.20:5, 46.2-341.20:6, 46.2-686, 46.2-694, as it is currently effective, 46.2-697, as it is currently effective, 46.2-752, 46.2-1158, 46.2-1158.02, 46.2-1507, 46.2-1546, 46.2-1573, 46.2-1573.11, 46.2-1573.23, 46.2-1573.36, 58.1-608.3, 58.1-638, 58.1-638.3, as it is currently effective, 58.1-802.3, 58.1-811, as it is currently effective, 58.1-815.4, 58.1-816, 58.1-816.1, 58.1-1741, 58.1-1743, 58.1-1744, 58.1-2217, 58.1-2249, 58.1-2289, 58.1-2295, as it is currently effective, 58.1-2299.20, as it is currently effective and as it may become effective, 58.1-2425, as it is currently effective and as it may become effective, 58.1-2531, 58.1-2701, as it is currently effective, and 62.1-132.1 of the Code of Virginia and § 2 of Chapter 8 of the Acts of Assembly of 1989, Special Session II, as amended by Chapter 538 of the Acts of Assembly of 1999 and Chapter 296 of the Acts of Assembly of 2013; to amend the Code of Virginia by adding in Chapter 2 of Title 33.2 an article numbered 6, consisting of sections numbered 33.2-287 through 33.2-299.8, by adding in Article 5 of Chapter 3 of Title 33.2 sections numbered 33.2-372, 33.2-373, and 33.2-374, by adding sections numbered 33.2-1524.1 and 33.2-1526.2 through 33.2-1526.7, by adding in Title 46.2 a chapter numbered 7, consisting of sections numbered 46.2-770 through 46.2-774, and by adding a section numbered 58.1-802.4; and to repeal §§ 33.2-1601, 33.2-1603, 46.2-702.1, 46.2-702.1:1, 58.1-2217.1, and 58.1-2295.1 of the Code of Virginia and the fifth enactments of Chapters 837 and 846 of the Acts of Assembly of 2019, relating to transportation.

[S 890]

Approved April 22, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-1509.2, 2.2-1514, as it is currently effective and as it may become effective, 5.1-2.2:2, 5.1-2.2:3, 5.1-2.16, 15.2-5928, 33.2-214, 33.2-214.4, 33.2-226, 33.2-232, 33.2-356, 33.2-357, 33.2-358, 33.2-365, 33.2-366, 33.2-1502, 33.2-1510, 33.2-1524, 33.2-1526 through 33.2-1528, 33.2-1529.1, 33.2-1530, 33.2-1532, 33.2-1602, 33.2-1604, 33.2-1700, 33.2-1701, 33.2-1708, 33.2-1709, 33.2-1803, 33.2-1803.1, 33.2-1803.1:1, 33.2-1803.2, 33.2-1809, 33.2-2300, 33.2-2301, 33.2-2400, 33.2-2401, 33.2-2509, 33.2-3601, 46.2-214.3, 46.2-332, 46.2-341.20:5, 46.2-341.20:6, 46.2-686, 46.2-694, as it is currently effective, 46.2-697, as it is currently effective, 46.2-752, 46.2-1158, 46.2-1158.02, 46.2-1507, 46.2-1546, 46.2-1573, 46.2-1573.11, 46.2-1573.23, 46.2-1573.36, 58.1-608.3, 58.1-638, 58.1-638.3, as it is currently effective, 58.1-802.3, 58.1-811, as it is currently effective, 58.1-815.4, 58.1-816, 58.1-816.1, 58.1-1741, 58.1-1743, 58.1-1744, 58.1-2217, 58.1-2249, 58.1-2289, 58.1-2295, as it is currently effective, 58.1-2299.20, as it is currently effective and as it may become effective, 58.1-2425, as it is currently effective and as it may become effective, 58.1-2531, 58.1-2701, as it is currently effective, and 62.1-132.1 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Chapter 2 of Title 33.2 an article numbered 6, consisting of sections numbered 33.2-287 through 33.2-299.8, by adding in Article 5 of Chapter 3 of Title 33.2 sections numbered 33.2-372, 33.2-373, and 33.2-374, by adding sections numbered 33.2-1524.1 and 33.2-1526.2 through 33.2-1526.7, by adding in Title 46.2 a chapter numbered 7, consisting of sections numbered 46.2-770 through 46.2-774, and by adding a section numbered 58.1-802.4 as follows:

§ 2.2-1509.2. Budget Bill to include amounts diverted from Commonwealth Transportation Fund.

If any money in the Highway Maintenance and Operating Fund established pursuant to § 33.2-1530 or the Commonwealth Transportation Trust Fund established pursuant to § 33.2-1524 is proposed to be used for any purpose other than administering, planning, constructing, improving, and maintaining the roads embraced in the systems of highways for the Commonwealth and its localities and/or furthering the interests of the Commonwealth in the areas of public transportation, railroads, seaports, *spaceports*, and/or airports, then the Governor, if such diversion is proposed by the Governor, shall include with any such proposal a plan for repayment of funds diverted within three years of such use in "The Budget Bill" submitted pursuant to § 2.2-1509.

If such diversion of funds from the Highway Maintenance and Operating Fund or the Commonwealth Transportation Trust Fund is proposed by the General Assembly as an amendment to the Budget Bill, such amendment shall include language setting out the plan for repayment of such funds within three years.

§ 2.2-1514. (Contingent expiration date) Commitment of general fund for nonrecurring expenditures.

A. As used in this section:

"The Budget Bill" means "The Budget Bill" submitted pursuant to § 2.2-1509, including any amendments to a general appropriation act pursuant to such section.

"Nonrecurring expenditures" means the acquisition or construction of capital outlay projects as defined in § 2.2-1518, the acquisition or construction of capital improvements, the acquisition of land, the acquisition of equipment, or other expenditures of a one-time nature as specified in the general appropriation act.

B. At the end of each fiscal year, the Comptroller shall commit within his annual report pursuant to § 2.2-813 as follows: 67 percent of the remaining amount of the general fund balance that is not otherwise restricted, committed, or assigned for other usage within the general fund shall be committed by the Comptroller for deposit into the *Commonwealth* Transportation ~~Trust~~ Fund established pursuant to § 33.2-1524 or a subfund thereof, and the remaining amount shall be committed for nonrecurring expenditures. No such commitment shall be made unless the full amounts required for other restrictions, commitments, or assignments including but not limited to (i) the Revenue Stabilization Fund deposit pursuant to § 2.2-1829, (ii) the Virginia Water Quality Improvement Fund deposit pursuant to § 10.1-2128, but excluding any deposits provided under the Virginia Natural Resources Commitment Fund established under § 10.1-2128.1, (iii) capital outlay reappropriations pursuant to the general appropriation act, (iv)(a) operating expense reappropriations pursuant to the general appropriation act, and (b) reappropriations of unexpended appropriations to certain public institutions of higher education pursuant to § 23.1-1002, (v) pro rata rebate payments to certain public institutions of higher education pursuant to § 23.1-1002, (vi) the unappropriated balance anticipated in the general appropriation act for the end of such fiscal year, (vii) interest payments on deposits of certain public institutions of higher education pursuant to § 23.1-1002, and (viii) the Revenue Reserve Fund deposit pursuant to § 2.2-1831.2 are set aside. The Comptroller shall set aside amounts required for clauses (iv)(b), (v), and (vii) beginning with the initial fiscal year as determined under § 23.1-1002 and for all fiscal years thereafter.

C. The Governor shall include in "The Budget Bill" pursuant to § 2.2-1509 recommended appropriations from the general fund or recommended amendments to general fund appropriations in the general appropriation act in effect at that time an amount for deposit into the *Commonwealth* Transportation ~~Trust~~ Fund or a subfund thereof, and an amount for nonrecurring expenditures equal to the amounts committed by the Comptroller for such purposes pursuant to the provisions of subsection B. Such deposit to the *Commonwealth* Transportation ~~Trust~~ Fund or a subfund thereof shall not preclude the appropriation of additional amounts from the general fund for transportation purposes.

§ 2.2-1514. (Contingent effective date) Commitment of general fund for nonrecurring expenditures.

A. As used in this section:

"The Budget Bill" means "The Budget Bill" submitted pursuant to § 2.2-1509, including any amendments to a general appropriation act pursuant to such section.

"Nonrecurring expenditures" means the acquisition or construction of capital outlay projects as defined in § 2.2-1518, the acquisition or construction of capital improvements, the acquisition of land, the acquisition of equipment, or other expenditures of a one-time nature as specified in the general appropriation act.

B. At the end of each fiscal year, the Comptroller shall commit within his annual report pursuant to § 2.2-813 as follows: 67 percent of the remaining amount of the general fund balance that is not otherwise restricted, committed, or assigned for other usage within the general fund shall be committed by the Comptroller for deposit into the *Commonwealth* Transportation ~~Trust~~ Fund established pursuant to § 33.2-1524 or a subfund thereof, and the remaining amount shall be committed for nonrecurring expenditures. No such commitment shall be made unless the full amounts required for other restrictions, commitments, or assignments including but not limited to (i) the Revenue Stabilization Fund deposit pursuant to § 2.2-1829, (ii) the Virginia Water Quality Improvement Fund deposit pursuant to § 10.1-2128, but excluding any deposits provided under the Virginia Natural Resources Commitment Fund established under § 10.1-2128.1, (iii) capital outlay reappropriations pursuant to the general appropriation act, (iv)(a) operating expense reappropriations pursuant to the general appropriation act, and (b) reappropriations of unexpended appropriations to certain public institutions of higher education pursuant to § 23.1-1002, (v) pro rata rebate payments to certain public institutions of higher education pursuant to § 23.1-1002, (vi) the unappropriated balance anticipated in the general appropriation act for the end of such fiscal year, (vii) interest payments on deposits of certain public institutions of higher education pursuant to § 23.1-1002, and (viii) the Revenue Reserve Fund deposit pursuant to § 2.2-1831.2 are set aside. The Comptroller shall set aside amounts required for clauses (iv) (b), (v), and (vii) beginning with the initial fiscal year as determined under § 23.1-1002 and for all fiscal years thereafter.

C. The Governor shall include in "The Budget Bill" pursuant to § 2.2-1509 recommended appropriations from the general fund or recommended amendments to general fund appropriations in the general appropriation act in effect at that time an amount for deposit into the *Commonwealth* Transportation ~~Trust~~ Fund or a subfund thereof, and an amount for nonrecurring expenditures equal to the amount committed by the Comptroller for such purpose pursuant to the provisions of subsection B. Such deposit to the *Commonwealth* Transportation ~~Trust~~ Fund or a subfund thereof shall not preclude the appropriation of additional amounts from the general fund for transportation purposes.

§ 5.1-2.2:2. Commercial air service plan.

A. The Board shall develop and review every five years a commercial air service plan for commercial air service airports within the Commonwealth. In developing and reviewing such plan, the Board shall (i) analyze trends in commercial

air service generally, (ii) analyze the current and projected future demographic and economic trends related to air travel needs in the Commonwealth, (iii) solicit input from other appropriate stakeholders, (iv) consider any other factors determined to be appropriate by the Board, and (v) establish reasonable goals for commercial air service based on clauses (i) through (iv).

B. In developing the plan pursuant to subsection A, the Board shall coordinate with each commercial air service airport.

C. Prior to the allocation of funds pursuant to ~~subdivision A 3 of § 58.1-638 § 33.2-1526.6~~, the Board shall ensure that any requested funds are not inconsistent with the Board's commercial air service plan and that no commercial service airport is penalized for not meeting goals set forth in such commercial air service plan.

§ 5.1-2.2.3. Transparency and accountability in the use of Commonwealth Aviation Fund revenues.

A. By November 1 of each year, the Board shall report to the Governor and the General Assembly on the use of Commonwealth ~~Airport~~ Aviation Fund revenues the previous fiscal year. The report shall include at a minimum the following:

1. The use of entitlement funds allocated pursuant to ~~subdivision A 3 a of § 58.1-638 B 1 of § 33.2-1526.6~~ by each air carrier airport, including the amount of funds that are unobligated;

2. The award and use of discretionary funds allocated for air carrier and reliever airports pursuant to ~~subdivision A 3 b (1) (a) of § 58.1-638 B 2 a (1) of § 33.2-1526.6~~ by every such airport;

3. The award and use of discretionary funds allocated for general aviation airports pursuant to ~~subdivision A 3 b (1) (b) of § 58.1-638 B 2 a (2) of § 33.2-1526.6~~ by every such airport; and

4. The award and use of discretionary funds allocated for all airports pursuant to ~~subdivision A 3 b (2) of § 58.1-638 B 2 b of § 33.2-1526.6~~ by every such airport.

Such report shall also include the status of ongoing projects funded in whole or in part by the Commonwealth ~~Airport~~ Aviation Fund pursuant to ~~subdivision A 3 of § 58.1-638 § 33.2-1526.6~~.

B. Each year prior to the release of entitlement funds allocated pursuant to ~~subdivision A 3 a of § 58.1-638 B 1 of § 33.2-1526.6~~, each air carrier airport shall submit a plan that outlines the planned use of such funds for the upcoming fiscal year to the Board for review and approval. The Board shall approve such plan provided that the use of funds is in accordance with Board policies. An airport may modify its plan during a fiscal year by submitting a revised plan to the Board for review.

C. The Board shall have the right to withhold entitlement funds allocated pursuant to ~~subdivision A 3 a of § 58.1-638 B 1 of § 33.2-1526.6~~ in the event that the entitlement utilization plan is not approved by the Board or the airport uses the funds in a manner that is inconsistent with the approved plan.

§ 5.1-2.16. Grants or loans of public or private funds.

The Board is authorized to accept, receive, receipt for, disburse, and expend federal and state moneys and other moneys, public or private, made available by grant or loan or both, to accomplish, in whole or in part, any of the purposes of this chapter. All federal moneys accepted under this section shall be accepted and expended by the Board upon such terms and conditions as are prescribed by the United States and as are consistent with state law, and all state moneys accepted under this section shall be accepted and expended by the Board upon such terms and conditions as are prescribed by the Commonwealth. State moneys allocated pursuant to ~~subdivision A 3 of § 58.1-638 § 33.2-1526.6~~ shall not be used for (i) operating costs unless otherwise approved by the Board or (ii) purposes related to supporting the operation of an airline, either directly or indirectly, through grants, credit enhancements, or other related means.

In considering or evaluating the application for or award of any grant of moneys under this section, the Board shall take into account the capacities of all airports within the affected geographic region.

§ 15.2-5928. Definitions.

As used in this chapter, unless the context requires a different meaning:

"City" or "City of Virginia Beach" means the City of Virginia Beach or the City of Virginia Beach Development Authority.

"Sales and use tax revenues" means tax collections under the Virginia Retail Sales and Use Tax Act (§ 58.1-600 et seq.), as limited herein, generated by transactions taking place upon the premises of a sports or entertainment project, including transactions generating revenues in connection with the development and construction of such project that would not be generated but for the existence of such project. For purposes of this chapter, "sales and use tax revenues" does not include the revenue generated by (i) the one-half percent sales and use tax increase enacted by Chapters 11, 12, and 15 of the Acts of Assembly of 1986, Special Session I, which shall be paid into the *Commonwealth Transportation Trust Fund* as defined in § 33.2-1524; (ii) the one percent of the state sales and use tax revenue distributed among the counties and cities of the Commonwealth pursuant to subsection D of § 58.1-638 on the basis of school-age population; and (iii) the additional state sales and use tax in certain counties and cities assessed pursuant to Chapter 766 of the Acts of Assembly of 2013 and any amendments thereto.

"Sports and entertainment district" means the geographic area in the City of Virginia Beach located south of 21st Street, north of Norfolk Avenue, east of Birdneck Road, and west of Atlantic Avenue.

"Sports or entertainment project" means a project including sports facilities, entertainment facilities, or both, representing at least \$100 million of investment in the sports and entertainment district of the City of Virginia Beach, including any office, restaurant, concessions, retail, residential, and lodging facilities that are owned and operated adjacent

to or in connection with such sports or entertainment project; film and sound studios and any other sports or entertainment-related infrastructure; and any other directly related properties, including onsite and offsite parking lots, garages, and other properties. "Sports or entertainment project" includes multiple facilities located on multiple properties, provided that such facilities share a nexus of ownership or management.

§ 33.2-214. Transportation; Six-Year Improvement Program.

A. The Board shall have the power and duty to monitor and, where necessary, approve actions taken by the Department of Rail and Public Transportation pursuant to Article 5 (§ 33.2-281 et seq.) in order to ensure the efficient and economical development of public transportation, the enhancement of rail transportation, and the coordination of such rail and public transportation plans with highway programs.

B. The Board shall have the power and duty to coordinate the planning for financing of transportation needs, including needs for highways, railways, seaports, airports, and public transportation and set aside funds as provided in § 33.2-1524 33.2-1524.1. To allocate funds for these needs pursuant to §§ § 33.2-358 and ~~58.1-638~~ Chapter 15 (§ 33.2-1500 et seq.), the Board shall adopt a Six-Year Improvement Program of anticipated projects and programs by July 1 of each year. This program shall be based on the most recent official *Commonwealth Transportation Trust* Fund revenue forecast and shall be consistent with a debt management policy adopted by the Board in consultation with the Debt Capacity Advisory Committee and the Department of the Treasury.

C. The Board shall have the power and duty to enter into contracts with local districts, commissions, agencies, or other entities created for transportation purposes.

D. The Board shall have the power and duty to promote increasing private investment in the Commonwealth's transportation infrastructure, including acquisition of causeways, bridges, tunnels, highways, and other transportation facilities.

E. The Board shall only include a project or program wholly or partially funded with funds from the State of Good Repair Program pursuant to § 33.2-369, the High Priority Projects Program pursuant to § 33.2-370, ~~or~~ the Highway Construction District Grant Programs pursuant to § 33.2-371, *or the Interstate Operations and Enhancement Program pursuant to § 33.2-372, or capital projects funded through the Virginia Highway Safety Improvement Program pursuant to § 33.2-373* in the Six-Year Improvement Program if the allocation of funds from those programs and other funding committed to such project or program within the six-year horizon of the Six-Year Improvement Program is sufficient to complete the project or program. The provisions of this subsection shall not apply to any project (i) the design and construction of which cannot be completed within six years, (ii) the estimated costs of which exceed \$2 billion, and (iii) that requires the Board to exercise its authority to waive the funding cap pursuant to subsection B of § 33.2-369.

F. The Board shall have the power and duty to integrate land use with transportation planning and programming, consistent with the efficient and economical use of public funds. If the Board determines that a local transportation plan described in § 15.2-2223 or any amendment as described in § 15.2-2229 or a metropolitan regional long-range transportation plan or regional Transportation Improvement Program as described in § 33.2-3201 is not consistent with the Board's Statewide Transportation Plan developed pursuant to § 33.2-353, the Six-Year Improvement Program adopted pursuant to subsection B, and the location of routes to be followed by roads comprising systems of state highways pursuant to subsection A of § 33.2-208, the Board shall notify the locality of such inconsistency and request that the applicable plan or program be amended accordingly. If, after a reasonable time, the Board determines that there is a refusal to amend the plan or program, then the Board may reallocate funds that were allocated to the nonconforming project as permitted by state or federal law. However, the Board shall not reallocate any funds allocated pursuant to § 33.2-319 or 33.2-366, based on a determination of inconsistency with the Board's Statewide Transportation Plan or the Six-Year Improvement Program nor shall the Board reallocate any funds, allocated pursuant to subsection C or D of § 33.2-358, from any projects on highways controlled by any county that has withdrawn, or elects to withdraw, from the secondary system of state highways based on a determination of inconsistency with the Board's Statewide Transportation Plan or the Six-Year Improvement Program. If a locality or metropolitan planning organization requests the termination of a project, and the Department does not agree to the termination, or if a locality or metropolitan planning organization does not advance a project to the next phase of construction when requested by the Board and the Department has expended state or federal funds, the locality or the localities within the metropolitan planning organization may be required to reimburse the Department for all funds expended on the project. If, after design approval by the Chief Engineer of the Department, a locality or metropolitan planning organization requests alterations to a project that, in the aggregate, exceeds 10 percent of the total project costs, the locality or the localities within the metropolitan planning organization may be required to reimburse the Department for the additional project costs above the original estimates for making such alterations.

§ 33.2-214.4. Statewide prioritization for the Commonwealth Mass Transit Fund.

A. 1. The Board shall develop a prioritization process for the use of funds allocated pursuant to subdivision ~~C~~ D 2 of § 33.2-1526.1. Such prioritization process shall be used for the development of the Six-Year Improvement Program adopted annually by the Board pursuant to § 33.2-214. There shall be a separate prioritization process for state of good repair projects and major expansion projects. The prioritization process shall, for state of good repair projects, be based upon transit asset management principles, including federal requirements for Transit Asset Management pursuant to 49 U.S.C. § 5326. The prioritization process shall, for major expansion projects, be based on an objective and quantifiable analysis that considers the following factors relative to the cost of a major expansion project: congestion mitigation, economic development, accessibility, safety, environmental quality, and land use.

2. The Board shall solicit input from localities, metropolitan planning organizations, transit authorities, transportation authorities, and other stakeholders in its development of the prioritization process pursuant to this subsection. Further, the Board shall explicitly consider input provided by an applicable metropolitan planning organization or the Northern Virginia Transportation Authority when developing the prioritization process set forth in subdivision 1 for a metropolitan planning area with a population of over 200,000 individuals.

B. 1. The Board shall create for the Department of Rail and Public Transportation a Transit Service Delivery Advisory Committee, consisting of two members appointed by the Virginia Transit Association, one member appointed by the Community Transportation Association of Virginia, one member appointed by the Virginia Municipal League, one member appointed by the Virginia Association of Counties, and three members appointed by the Director of the Department of Rail and Public Transportation, to advise the Department of Rail and Public Transportation in the development of the process set forth in subdivision 2. The Transit Service Delivery Advisory Committee shall elect a chairman from among its membership. The Department of Rail and Public Transportation shall provide administrative support to the Transit Service Delivery Advisory Committee. The Transit Service Delivery Advisory Committee shall meet at least annually and consult with interested stakeholders and hold at least one public hearing and report its findings to the Director of the Department of Rail and Public Transportation.

2. The Department of Rail and Public Transportation, in conjunction with the Transit Service Delivery Advisory Committee, shall develop a process for the distribution of the funds allocated pursuant to subdivision ~~C~~ D 1 of § 33.2-1526.1 and the incorporation by transit systems of the service delivery factors set forth therein into their transit development plans. Prior to the Board approving service delivery factors, the Director of the Department of Rail and Public Transportation and the Chairman of the Transit Service Delivery Advisory Committee shall brief the House Committees on Appropriations and Transportation and the Senate Committees on Finance and Transportation regarding the findings and recommendations of the Transit Service Delivery Advisory Committee and the Department of Rail and Public Transportation. Before redefining any component of the service delivery factors, the Board shall consult with the Director of the Department of Rail and Public Transportation, the Transit Service Delivery Advisory Committee, and interested stakeholders, and shall provide for a 45-day public comment period. The process required to be delivered by this subsection shall be adopted no later than July 1, 2019, and shall apply beginning with the fiscal year 2020-2025 Six-Year Improvement Program.

§ 33.2-226. Authority to lease or convey airspace.

The Commissioner of Highways may lease or sell and convey the airspace superjacent or subjacent to any highway in the Commonwealth that is within his jurisdiction and in which the Commonwealth owns fee simple title after satisfying itself that use of the airspace will not impair the full use and safety of the highway or otherwise interfere with the free flow of traffic thereon and it cannot be reasonably foreseen as needed in the future for highway and other transit uses and purposes. The Commissioner of Highways may provide in such leases and conveyances of airspace for columns of support, in fee or otherwise, ingress, egress, and utilities.

No lease or conveyance shall be entered into by the Commissioner of Highways unless the locality, by action of its governing body by majority recorded vote, approves the projected use of the airspace in question and has taken such steps as it deems proper to regulate the type and use of the improvements to be erected in such airspace by appropriate zoning or other method of land use control.

All leases and conveyances shall contain those terms deemed necessary by the Commissioner of Highways to protect the interests of the Commonwealth and the public. The Commissioner of Highways may utilize any competitive procurement process authorized by law, including (i) competitive sealed bidding, (ii) competitive negotiation, (iii) best value procurements as defined in § 2.2-4301, and (iv) public-private partnerships pursuant to the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.), as determined by the Commissioner of Highways, in his sole discretion, to be appropriate and the method most likely to achieve the identified goals of the proposed lease or sale and conveyance of airspace. The Commissioner of Highways may reject any bid or offer that he believes is not in the best interest of the Commonwealth.

Compensation paid for such leases and conveyances shall be credited to the *Priority Transportation Trust Fund* established pursuant to ~~§ 33.2-1524~~ 33.2-1527.

§ 33.2-232. Biennial reports by Commissioner of Highways and the Office of Intermodal Planning and Investment.

A. The Secretary of Transportation shall ensure that the reports required under subsections B and C are provided in writing to the Governor, the General Assembly, and the Commonwealth Transportation Board by the dates specified.

B. The Commissioner of Highways shall provide to each recipient specified in subsection A, no later than November 1 of each even-numbered year, a report, the content of which shall be specified by the Board and shall contain, at a minimum:

1. The methodology used to determine maintenance needs, including an explanation of the transparent methodology used for the allocation of funds from the Highway Maintenance and Operating Fund pursuant to subsection A of § 33.2-352;

2. The methodology approved by the Board for the allocation of funds for state of good repair purposes as defined in § 33.2-369 and, if necessary, an explanation and rationale for any waiver of the cap provided for in subsection B of § 33.2-369;

3. The expenditures from the Highway Maintenance and Operating Program for the past fiscal year by asset class or activity and by construction district as well as the planned expenditure for the current fiscal year;

4. A description of transportation systems management and operations in the Commonwealth and the operating condition of primary and secondary state highways, including location and average duration of incidents;

5. A listing of prioritized pavement and bridge needs based on the priority ranking system developed by the Board pursuant to § 33.2-369 and a description of the priority ranking system;

6. A description of actions taken to improve highway operations within the Commonwealth, including the use of funds in the Innovation and Technology Transportation Fund established pursuant to § 33.2-1531; and

7. *The use of funds in the Special Structure Fund established pursuant to § 33.2-1532;*

8. *The status of the Interstate Operations and Enhancement Program, including, at a minimum, the allocation of revenues for the program, the current and projected performance of each interstate highway corridor, and the anticipated benefits of funded strategies, capital improvements, and services by the interstate highway; and*

9. A review of the Department's collaboration with the private sector in delivering services.

C. The Office of Intermodal Planning and Investment of the Secretary of Transportation shall provide to each recipient specified in subsection A, no later than November 1 of each odd-numbered year, a report, the content of which shall be specified by the Board and shall contain, at a minimum:

1. A list of transportation projects approved or modified during the prior fiscal year, including whether each such project was evaluated pursuant to § 33.2-214.1 and the program from which each such project received funding;

2. The results of the most recent project evaluations pursuant to § 33.2-214.1, including a comparison of (i) projects selected for funding with projects not selected for funding, (ii) funding allocated by district and by mode of transportation, and (iii) the size of projects selected for funding;

3. The current performance of the Commonwealth's surface transportation system, the targets for future performance, and the progress toward such targets based on the measures developed pursuant to § 2.2-229;

4. The status of the Virginia Transportation Infrastructure Bank, including the balance in the Bank, funding commitments made over the prior fiscal year, and performance of the current loan portfolio;

5. The status of the Toll Facilities Revolving Account, including the balance in the account, project commitments from the account, repayment schedules, and the performance of the current loan portfolio; and

6. Progress made toward achieving the performance targets established by the Commonwealth Transportation Board.

D. The purpose of the reports required pursuant to this section is to ensure transparency and accountability in the use of transportation funds. Reports required by this section shall be made available to the public on the website of the Commonwealth Transportation Board.

Article 6.

Virginia Passenger Rail Authority Act.

§ 33.2-287. Definitions.

As used in this article, unless the context requires a different meaning:

"Authority" means the Virginia Passenger Rail Authority.

"Board" means the Board of Directors of the Authority.

"Bonds" means the revenue notes, bonds, certificates, and other evidences of indebtedness or obligations of the Authority.

"Cost" means, as applied to rail facilities, (i) the cost of construction; (ii) the cost of acquisition of all lands, structures, fixtures, rights-of-way, franchises, easements, and other property rights and interests; (iii) the cost of demolishing, removing, or relocating any buildings, structures, or fixtures on lands acquired, including the cost of acquiring any lands to which such buildings, structures, or fixtures may be moved or relocated; (iv) the cost of all labor, materials, machinery, and equipment; (v) financing charges and interest on all bonds prior to and during construction and for one year after completion of construction; (vi) the cost of engineering, financial, and legal services, plans, specifications, studies, surveys, estimates of cost and of revenues, and other expenses incidental to determining the feasibility of acquiring, constructing, operating, or maintaining rail facilities; (vii) administrative expenses, provisions for working capital, and reserves for interest and for extensions, enlargements, additions, and improvements; and (viii) such other expenses as may be necessary or incidental to the acquisition, construction, financing, operations, and maintenance of rail facilities. Any obligation or expense incurred by the Commonwealth or any agency thereof for studies, surveys, borings, preparation of plans, and specification or other work or materials in the acquisition or construction of rail facilities may be regarded as a part of the cost of rail facilities and may be reimbursed to the Commonwealth or any agency thereof out of the proceeds of the bonds issued for such rail facilities as herein authorized.

"Department" means the Department of Rail and Public Transportation.

"Rail facilities" means the assets consisting of the real, personal, or mixed property, or any interest in that property, whether tangible or intangible, that are determined to be necessary or convenient for the provision of passenger rail service. "Rail facilities" includes all property or interests necessary or convenient for the acquiring, providing, using, equipping, or maintaining of a rail facility or system, including right-of-way, trackwork, train controls, stations, and maintenance facilities.

"Transportation Board" means the Commonwealth Transportation Board.

§ 33.2-288. Declaration of public purpose; Virginia Passenger Rail Authority.

A. *The General Assembly finds and determines that (i) it is the policy of the Commonwealth to improve, identify, encourage, and promote new approaches to economic development throughout the Commonwealth; (ii) passenger rail*

travel and services are integral to the economic development and expansion of the Commonwealth's economy; and (iii) there exists in the Commonwealth a need to increase passenger rail capacity in the Commonwealth and improve passenger rail services.

B. In order to increase passenger rail capacity, improve passenger rail services, ameliorate current and future traffic congestion on Virginia highways, and promote the industrial and economic development of the Commonwealth, there is hereby created a body corporate and political subdivision of the Commonwealth to be known as the Virginia Passenger Rail Authority. The Authority is hereby constituted as a public instrumentality exercising public and essential governmental functions, and the exercise of powers conferred by this article shall be deemed to be the performance of an essential governmental function and matters of public necessity for which public moneys may be spent and private property acquired.

C. The purpose of the Authority shall be to promote, sustain, and expand the availability of passenger and commuter rail service in the Commonwealth and to increase ridership of such service by connecting population centers with passenger and commuter rail service and increasing availability of such service.

§ 33.2-289. Board of Directors.

A. The Authority shall be governed by the Board of Directors of the Authority consisting of 15 members as follows: (i) 12 nonlegislative citizen members, appointed by the Governor, who shall serve with voting privileges; (ii) a designee of the President and Chief Executive Officer of the National Passenger Rail Corporation, who shall serve without voting privileges; (iii) the chief executive officer of a commuter rail service jointly operated by the Northern Virginia Transportation District established pursuant to § 33.2-1904 and the Potomac and Rappahannock Transportation District established pursuant to the Transportation District Act (§ 33.2-1900 et seq.), who shall serve ex officio without voting privileges; and (iv) the Director of the Department, who shall serve ex officio and shall have voting privileges only in the event of a tie. Of the 12 nonlegislative citizen members with voting privileges:

1. Three members shall reside within the boundaries of the Northern Virginia Transportation District established pursuant to § 33.2-1904. Such members may be selected from a list recommended by the Northern Virginia Transportation Commission, after due consideration of such list by the Governor;

2. Three members shall reside within the boundaries of the Potomac-Rappahannock Transportation District established pursuant to the Transportation District Act of 1964 (§ 33.2-1900 et seq.). Such members may be selected from a list recommended by the Potomac and Rappahannock Transportation Commission, after due consideration of such list by the Governor;

3. Two members shall reside within the boundaries of the Richmond Metropolitan Transportation Authority established pursuant to Chapter 29 (§ 33.2-2900 et seq.);

4. Two members shall reside within the boundaries of the Hampton Roads Transportation Accountability Commission established pursuant to Chapter 26 (§ 33.2-2600 et seq.); and

5. Two members shall reside within the boundaries of Planning District 5, 9, 10, or 11.

B. The nonlegislative citizen members appointed by the Governor shall be subject to confirmation by the General Assembly. Vacancies shall be filled by appointment by the Governor for the unexpired term and shall be effective until 30 days after the next meeting of the ensuing General Assembly and, if confirmed, thereafter for the remainder of the term. No member shall be eligible to serve more than two consecutive four-year terms. The remainder of any term for which a member is appointed to fill a vacancy shall not constitute a term in determining that member's eligibility for reappointment. No member of a governing body of a locality shall be eligible, during the term of office for which he was elected or appointed, to serve as an appointed member of the Board. The Director shall serve terms coincident with his term of office.

C. The Director of the Department shall serve as chairman of the Board. The Board shall annually elect from among its members a vice-chairman and a secretary. The Board shall also annually elect a treasurer, who need not be a member of the Board, and may also elect other subordinate officers who need not be a member of the Board, as it deems proper. The chairman or, in his absence, the vice-chairman shall preside at all meetings of the Board. In the absence of both the chairman and vice-chairman, the Board shall appoint a chairman pro tempore, who shall preside at such meetings.

D. Seven members shall constitute a quorum for the transaction of the Authority's business, and no vacancy in the membership shall impair the right of a quorum to exercise all the rights and perform all the duties of the Authority. All actions of the Board shall require the affirmative vote of a majority of the members present and voting, except that the sale of land or issuance of bonds shall require an affirmative vote of nine members present and voting.

E. The Board shall meet at least once quarterly. The Board shall determine the times and places of its regular meetings. Special meetings of the Board shall be held when requested by three or more members of the Board. Any such request for a special meeting shall be in writing, and the request shall specify the time and place of the meeting and the matters to be considered at the meeting. A reasonable effort shall be made to provide each member with notice of any special meeting. No matter not specified in the notice shall be considered at such special meeting unless all members of the Board are present.

F. The members of the Board shall be entitled to reimbursement for their reasonable travel, meal, and lodging expenses incurred in attending the meetings of the Board or while otherwise engaged in the discharge of their duties. Such expenses shall be paid out of the treasury of the Authority upon vouchers signed by the chairman of the Board or by such other person or persons as may be designated by the Board for this purpose.

§ 33.2-290. Executive Director; agents and employees.

A. The Board shall employ an Executive Director of the Authority, who shall not be a member of the Board and who shall serve at the pleasure of the Board, to direct the day-to-day operations and activities of the Authority and carry out the powers and duties conferred upon him as may be delegated to him by the Board. The Executive Director's compensation from the Commonwealth shall be fixed by the Board in accordance with law. This compensation shall be established at a level that will enable the Authority to attract and retain a capable Executive Director.

B. The Executive Director shall employ or retain such other agents or employees subordinate to the Executive Director as may be necessary, subject to the Board's approval.

C. Employees of the Authority shall be employed on such terms and conditions as established by the Authority and shall be considered employees of the Commonwealth. Employees of the Authority shall be eligible for membership in the Virginia Retirement System or other retirement plans authorized by Article 4 (§ 51.1-125 et seq.) of Chapter 1 of Title 51.1 and participation in all health and related insurance and other benefits, including premium coverage and flexible benefits, available to state employees and provided by law. The Board shall develop and adopt personnel rules, policies, and procedures to give its employees grievance rights, ensure that employment decisions shall be based upon merit and fitness of applicants, and prohibit discrimination on the basis of race, religion, color, national origin, sex, pregnancy, childbirth or related medical conditions, age, sexual orientation, marital status, or disability. Notwithstanding any other provision of law, the Board shall develop, implement, and administer a paid leave program, which may include annual, personal, and sick leave or any combination thereof. All other leave benefits shall be administered in accordance with Chapter 11 (§ 51.1-1100 et seq.) or Chapter 11.1 (§ 51.1-1150 et seq.) of Title 51.1, except as otherwise provided in this section.

§ 33.2-291. Local authorities subordinate to Authority.

Any conflict between any authority granted to localities or other entities of the Commonwealth, other than the Transportation Board and the Department, with respect to the ownership or use of rail facilities or the provision of passenger rail service, or the exercise of that authority, and the exercise of the authority granted by the Board under this article shall be resolved in favor of the exercise of such authority by the Board. Rights-of-way transferred to the Authority from a railroad shall not be subject to the requirements of any local ordinances enacted pursuant to Chapter 22 (§ 15.2-2200 et seq.) of Title 15.2.

§ 33.2-292. Powers of the Authority.

A. The Authority, in addition to other powers enumerated in this article, is hereby granted and shall have and may exercise all powers necessary or convenient for the carrying out of its statutory purposes, including, but without limiting the generality of the foregoing, the power to:

1. Make and adopt bylaws, rules, and regulations;
2. Adopt, use, and alter at will a common seal;
3. Maintain offices;
4. Sue and be sued, implead and be impleaded, complain, and defend in all courts in its own name; however, this shall not be deemed a waiver or relinquishment of any sovereign immunity to which the Authority or its officers, directors, employees, or agents are otherwise entitled;
5. Grant others the privilege to design, build, finance, operate, and maintain rail facilities;
6. Grant others the privilege to operate concessions, leases, and franchises, including but not limited to the accommodation and comfort of persons using rail facilities and the provision of ground transportation services and parking facilities for such persons;
7. Borrow money and issue bonds to finance and refinance rail facilities pursuant to § 33.2-294; and pledge or otherwise encumber all or any of the revenues or receipts of the Authority as security for all or any of the obligations of the Authority, subject to the limitations in subsection J of § 33.2-294;
8. Fix, alter, charge, and collect fees, rates, rentals, and other charges for the use of rail facilities, the sale of products, or services rendered by the Authority at rates to be determined by it for the purpose of providing for the payment of (i) expenses of the Authority; (ii) the costs of planning, development, construction, improvement, rehabilitation, repair, furnishing, maintenance, and operation of its rail facilities and properties; (iii) the costs of accomplishing its purposes set forth in § 33.2-288; and (iv) the principal of and interest on its obligations, and the funding of reserves for such purposes, and the costs of maintaining, repairing, and operating any rail facilities and fulfilling the terms and provisions of any agreement made with the purchasers or holders of any such obligations;
9. Make and enter into all contracts and agreements necessary or incidental to the performance of its duties, the furtherance of its purposes, and the execution of its powers under this article, including agreements with any person, federal agency, other state, or political subdivision of the Commonwealth;
10. Employ, in its discretion, consultants, attorneys, architects, engineers, accountants, financial experts, investment bankers, superintendents, managers, and such other employees and agents as may be necessary and fix their compensation to be payable from funds lawfully available to the Authority;
11. Appoint advisory committees as may be necessary for the performance of its duties, the furtherance of its purposes, and the execution of its powers under this article;
12. Vacate or change location of any portion of any public highway, street, public way, public utility, sewer, pipe, main, conduit, cable, wire, tower pole, or other equipment of the Commonwealth and its political subdivisions and reconnect the same in a new location;

13. Enter upon lands, waters, and premises for surveys, soundings, borings, examinations, and other activities as may be necessary for the performance of its duties;

14. Receive and accept from any federal or private agency, foundation, corporation, association, or person grants, donations of money or real or personal property for the benefit of the Authority and receive and accept from the Commonwealth or any state, and any municipality, county, or other political subdivision thereof and from any other source, aid or contributions of either money, property, or other things of value to be held, used, and applied for the purposes for which such grants and contributions may be made, provided that any federal moneys so received and accepted shall be accepted and expended by the Authority upon such terms and conditions as are prescribed by the United States and as are consistent with the laws of the Commonwealth and any state moneys so received shall be accepted and expended by the Authority upon such terms and conditions as are prescribed by the Commonwealth;

15. Accept loans from the federal government, the state government, regional authorities, localities, and private sources, provided that any federal moneys so accepted shall be accepted and expended by the Authority upon such terms and conditions as are prescribed by the United States and as are consistent with laws of the Commonwealth and any state moneys so accepted shall be accepted and expended by the Authority upon such terms and conditions as are prescribed by the Commonwealth;

16. Lease or sell and convey the airspace superadjacent or subadjacent to any rail facility owned by the Authority;

17. Pledge or otherwise encumber all or any of the revenues or receipts of the Authority as security for all or any of the obligations of the Authority;

18. Participate in joint ventures with individuals, domestic or foreign stock and nonstock corporations, limited liability companies, partnerships, limited partnerships, associations, foundations, or other supporting organizations or other entities for providing passenger rail or related services or other activities that the Authority may undertake to the extent that such undertakings assist the Authority in carrying out the purposes and intent of this article;

19. Act as a "responsible public entity" for the purposes of the acquisition, construction, improvement, maintenance, or operation, or any combination thereof, of a "qualifying transportation facility" under the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.); and

20. Undertake all actions necessary and convenient to carry out the powers granted herein.

B. Notwithstanding the provisions of this section, the Authority shall not directly operate any passenger, commuter, or other rail service.

§ 33.2-293. Acquisition, possession, and disposition of rail facilities; eminent domain.

A. The Authority shall have the right to acquire by purchase, lease, or grant rail facilities and other lands, structures, property, both real and personal, tangible and intangible, rights, rights-of-way, franchises, easements, and other interests therein, whether located within or not within the geographic boundaries of the Commonwealth, for the construction, operation, maintenance, and use of rail facilities.

B. The Authority shall have the right to hold and dispose of rail facilities and other lands, structures, property, both real and personal, tangible and intangible, rights, rights-of-way, franchises, easements, and other interests therein in the exercise of its powers and the performance of its duties under this article, including but not limited to the sale, exchange, lease, mortgage, or pledge of such property or interest therein, provided that any such disposition that involves property or interests with a fair market value in excess of \$5 million shall require the consent of the Transportation Board.

C. The Commonwealth and any agencies or political subdivisions thereof may provide services, donate, lease, sell, convey, or otherwise transfer, with or without consideration or for minimal consideration, real or personal property and make appropriations to the Authority for the design, acquisition, construction, equipping, maintenance, and operation of rail facilities and may issue bonds in the manner provided in the Public Finance Act (§ 15.2-2600 et seq.) or in its municipal charter for the purpose of providing funds to be appropriated to the Authority; the Authority may agree to assume, or reimburse such a political subdivision for, any indebtedness incurred by such political subdivision with respect to facilities conveyed by it to the Authority.

D. The Authority is authorized to acquire by the exercise of the power of eminent domain any lands, property rights, rights-of-way, franchises, easements, and other property, including public lands, parks, playgrounds, reservations, highways, or parkways, or parts thereof or rights therein, of any person, partnership, association, railroad, public service, public utility, or other corporation, or of any municipality, county, or other political subdivision, deemed necessary for the construction or the efficient operation of rail facilities or necessary in the restoration, replacement, or relocation of public or private property damaged or destroyed whenever a reasonable price cannot be agreed upon with the governing body of such municipality, county, or other political subdivision as to such property owned by it or whenever the Authority cannot agree on the terms of purchase or settlement with the other owners because of the incapacity of such owners, because of the inability to agree on the compensation to be paid or other terms of settlement or purchase, or because such owners are nonresidents of the Commonwealth, are unknown, or are unable to convey valid title to such property. Such proceedings shall be in accordance with and subject to the provisions of any and all laws of the Commonwealth applicable to the exercise of the power of eminent domain and subject to the provisions of Chapter 2 (§ 25.1-200 et seq.) of Title 25.1. Title to any property condemned by the Authority shall immediately vest in the Authority, and the Authority shall be entitled to the immediate possession of such property upon the deposit with the clerk of the court in which such condemnation proceedings are originated of the total amount of the appraised price of the property and court costs and fees as provided by law, notwithstanding that any of the parties to such proceedings may appeal from any decision in such condemnation

proceedings. Whenever the Authority makes such deposit in connection with any condemnation proceedings, the making of such deposit shall not preclude the Authority from appealing any decision rendered in such proceedings. Upon the deposit with the clerk of the court of the appraised price, any person entitled thereto may, upon petition to the court, be paid his or their pro rata share of 100 percent of such appraised price. The acceptance of such payment shall not preclude such person from appealing any decision rendered in such proceedings. If the appraisal is greater or less than the amount finally determined by the decision in such proceedings or by an appeal, the amount of the increase or decrease shall be paid or refunded to the Authority.

E. The acquisition of any such property by condemnation or by the exercise of the power of eminent domain for the purposes provided herein shall be and is declared to be a public use of such property.

F. For purposes of this section, the terms "appraised price" and "appraisal" mean the value determined by two competent real estate appraisers appointed by the Authority for such purposes.

§ 33.2-294. Issuance of bonds.

A. The Authority may issue bonds from time to time in its discretion, for any of its purposes, including the payment of all or any part of the cost of rail facilities. Notwithstanding the foregoing, any bonds issued to pay for the initial funding of capital projects shall be limited to financing capital expenditures and projects submitted for approval by the Transportation Board as set forth in § 33.2-298.

B. The Authority may issue refunding bonds for the purpose of refunding any bonds then outstanding that shall have been issued under the provisions of this article, including the payment of any redemption premium thereon and any interest accrued or to accrue to the date fixed for redemption of such bonds. The issuance of such bonds, the maturities and other details thereof, the rights of the holders thereof, and the rights, duties, and obligations of the Authority in respect of the same shall be governed by the provisions of this article insofar as the same may be applicable.

C. The bonds of each issue shall be dated such date as may be determined by the Authority; shall bear interest at such rate or rates as shall be fixed by the Authority, or as may be determined in such manner as the Authority may provide, including the determination by agents designated by the Authority under guidelines established by the Authority; shall mature at such time or times not exceeding 40 years from their date or dates, as may be determined by the Authority; and may be made redeemable before maturity, at the option of the Authority, at such price or prices and under such terms and conditions as may be fixed by the Authority prior to the issuance of the bonds.

D. The Authority shall determine the form of the bonds and manner of execution of the bonds and shall fix the denomination or denominations of the bonds and the place or places of payment of principal and interest, which may be at any bank or trust company within or outside the Commonwealth. The bonds shall be signed by the chairman or vice-chairman of the Authority or, if so authorized by the Authority, shall bear his facsimile signature and the official seal of the Authority, or, if so authorized by the Authority, a facsimile thereof shall be impressed or imprinted thereon and attested by the secretary or any assistant secretary of the Authority, or, if so authorized by the Authority, with the facsimile signature of such secretary or assistant secretary. Any coupons attached to bonds issued by the Authority shall bear the signature of the chairman or vice-chairman of the Authority or a facsimile thereof. In case any officer whose signature or a facsimile of whose signature shall appear on any bonds or coupons shall cease to be such officer before the delivery of such bonds, such signature or facsimile shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery, and any bonds may bear the facsimile signature of, or may be signed by, such persons as at the actual time of the execution of such bonds shall be the proper officers to sign such bonds although at the date of such bonds such persons may not have been such officers.

E. The bonds may be issued in coupon or in registered form, or both, as the Authority may determine, and provision may be made for the registration of any coupon bonds as to principal alone and also as to both principal and interest, for the reconversion into coupon bonds of any bonds registered as to both principal and interest, and for the interchange of registered and coupon bonds. Bonds issued in registered form may be issued under a system of book-entry for recording the ownership and transfer of ownership of rights to receive payment of principal of, and premium on, if any, and interest on such bonds. The Authority may contract for the services of one or more banks, trust companies, financial institutions, or other entities or persons, within or outside the Commonwealth, for the authentication, registration, transfer, exchange, and payment of the bonds or may provide such services itself. The Authority may sell such bonds in such manner, either at public or private sale, and for such price as it may determine will best effect the purposes of this article.

F. The proceeds of the bonds of each issue shall be used solely for the purposes, and in furtherance of the powers, of the Authority as may be provided in the resolution authorizing the issuance of such bonds or in the trust agreement hereinafter mentioned securing the same.

G. In addition to the above powers, the Authority shall have the authority to issue interim receipts or temporary bonds as provided in § 15.2-2616 and to execute and deliver new bonds in place of bonds mutilated, lost, or destroyed as provided in § 15.2-2621.

H. All expenses incurred in carrying out the provisions of this article shall be payable solely from funds available pursuant to the provisions of this article, and no liability shall be incurred by the Authority hereunder beyond the extent to which moneys shall have been provided or received under the provisions of this article.

I. At the discretion of the Authority, any bonds issued under the provisions of this article may be secured by a trust indenture or agreement by and between the Authority and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or outside the Commonwealth. Such trust indenture or agreement or the

resolution providing for the issuance of such bonds may pledge or assign the revenues to be received and provide for the mortgage of any rail facilities or property or any part thereof. Such trust indenture or agreement or resolution providing for the issuance of such bonds may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law, including covenants providing for the repossession and sale by the Authority or any trustees under any trust indenture or agreement of any rail facilities, or part thereof, upon any default under the lease or sale of such rail facilities, setting forth the duties of the Authority in relation to the acquisition of property and the planning, development, acquisition, construction, rehabilitation, establishment, improvement, extension, enlargement, maintenance, repair, operation, and insurance of the rail facilities in connection with which such bonds shall have been authorized; the amounts of rates, rents, fees, and other charges to be charged; the collection of such rates, rents, fees, and other charges; the custody, safeguarding, and application of all moneys; and conditions or limitations with respect to the issuance of additional bonds. It is lawful for any national bank with its main office in the Commonwealth or any other state or any bank or trust company incorporated under the laws of the Commonwealth or another state that may act as depository of the proceeds of bonds or of revenues to furnish such indemnifying bonds or to pledge such securities as may be required by the Authority. Any such trust indenture or agreement or resolution may set forth the rights of action by bondholders. In addition to the foregoing, any such trust indenture or agreement or resolution may contain such other provisions as the Authority may deem reasonable and proper for the security of the bondholders, including, without limitation, provisions for the assignment to a corporate trustee or escrow agent of any rights of the Authority in any project owned by, or leases or sales of any rail facilities made by, the Authority. All expenses incurred in carrying out the provisions of such trust indenture or agreement or resolution or other agreements relating to any rail facilities, including those to which the Authority may not be a party, may be treated as a part of the cost of the operation of the rail facilities.

J. No obligation of the Authority shall be deemed to constitute a debt, or pledge of the faith and credit, of the Commonwealth or of any other political subdivision thereof but shall be payable solely from the revenues and other funds of the Authority pledged thereto, excluding revenues provided from the Commonwealth Rail Fund pursuant to § 33.2-1526.4. All such obligations shall contain on the face thereof a statement to the effect that the Commonwealth, any political subdivision thereof, and the Authority shall not be obligated to pay the same or the interest thereon except from revenues and other funds of the Authority pledged thereto, and that neither the faith and credit nor the taxing power of the Commonwealth or of any political subdivision thereof is pledged to the payment of the principal of or the interest on such obligations.

K. Any bonds or refunding bonds issued under the provisions of this article and any transfer of such bonds shall at all times be free from Commonwealth and local taxation. The interest on the bonds and any refunding bonds or bond anticipation notes shall at all times be exempt from taxation by the Commonwealth and by any political subdivision thereof.

L. Neither the directors of the Board nor any person executing the bonds shall be liable personally on the bonds by reason of the issuance thereof.

M. Any holder of bonds issued under the provisions of this article or any of the coupons appertaining thereto, and the trustee under any trust indenture or agreement or resolution, except to the extent the rights herein given may be restricted by such trust indenture or agreement or resolution authorizing the issuance of such bonds, may either at law or in equity, by suit, action, mandamus, or other proceeding, protect and enforce any and all rights under the laws of the Commonwealth or granted hereunder or under such trust indenture or agreement or resolution and may enforce and compel the performance of all duties required by this article or by such trust indenture or agreement or resolution to be performed by the Authority or by any officer thereof, including the fixing, charging, and collecting of rates, rentals, fees, and other charges.

N. Provision may be made in the proceedings authorizing refunding bonds for the purchase of the refunded bonds in the open market or pursuant to tenders made from time to time where there is available in the escrow or sinking fund for the payment of the refunded bonds a surplus in an amount to be fixed in such proceedings.

O. 1. The Authority is hereby authorized to apply for, execute, and/or endorse applications submitted by private entities or political subdivisions of the Commonwealth to obtain federal credit assistance for one or more qualifying transportation infrastructure projects or facilities to be developed pursuant to the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.). Any such application, agreement, and/or endorsement shall not financially obligate the Commonwealth or be construed to implicate the credit of the Commonwealth as security for any such federal credit assistance.

2. The Authority is hereby authorized to pursue or otherwise apply for, and execute, an agreement to obtain financing using a federal credit instrument for project financings otherwise authorized by this article or other acts of assembly.

§ 33.2-295. Deposit and investment of funds.

Bonds issued by the Authority under the provisions of this article are hereby made securities in which all public officers and public bodies of the Commonwealth and its political subdivisions, and all insurance companies, trust companies, banking associations, investment companies, executors, administrators, trustees, and other fiduciaries may properly and legally invest funds, including capital in their control or belonging to them. Such bonds are hereby made securities that may properly and legally be deposited with and received by any state or municipal officer or any agency or political subdivision of the Commonwealth for any purpose for which the deposit of bonds or obligations of the Commonwealth is now or may hereafter be authorized by law.

§ 33.2-296. Revenues of the Authority.

All moneys received by the Authority pursuant to this article including, without limitation, moneys received from the Commonwealth Rail Fund established pursuant to § 33.2-1526.4, whether as proceeds from the sale of bonds or as revenues, shall be deemed to be trust funds to be held and applied solely as provided in this article. The resolution authorizing the bonds of any issue or the trust indenture or agreement or resolution securing such bonds shall provide that any officer with whom, or any bank or trust company with which, such moneys shall be deposited shall act as a trustee of such moneys and shall hold and apply the same for the purposes hereof, subject to such regulations as this article and such trust indenture or agreement or resolution may provide.

§ 33.2-297. Moneys of Authority.

All moneys of the Authority, from whatever source derived, shall be paid to the treasurer of the Authority. Such moneys shall be deposited in the first instance by the treasurer in one or more banks or trust companies, in one or more special accounts. All banks and trust companies are authorized to give such security for such deposits, if required by the Authority. The moneys in such accounts shall be paid out on the warrant or other order of such person or persons as the Authority may authorize to execute such warrants or orders.

§ 33.2-298. Annual budget.

The Authority shall prepare and submit a detailed annual operating plan and budget to the Transportation Board by February 1 of each fiscal year. The Authority shall also prepare and submit for approval any proposed capital expenditures and projects for the following fiscal year to the Transportation Board by February 1. The Transportation Board shall have until May 30 to approve or deny any capital expenditures, and, in the event the Transportation Board has not approved or denied the Authority's proposed capital expenditures by such deadline, such expenditures shall be deemed approved. The operating plan and budget shall be in a form prescribed by the Transportation Board and shall include information on expenditures, indebtedness, and other information as prescribed by the Transportation Board.

§ 33.2-299. Recordkeeping; audits.

A. The accounts and records of the Authority showing the receipt and disbursement of funds from whatever source derived shall be in a form prescribed by governmental generally accepted accounting principles. Such accounts shall correspond as nearly as possible to the accounts and records for such matters maintained by enterprises.

B. The accounts of the Authority shall be audited annually by a certified public accounting firm selected by the Auditor of Public Accounts with the assistance of the Authority through a process of competitive negotiation. The cost of such audit and review shall be borne by the Authority.

C. The Authority shall submit an annual report to the Governor and the General Assembly on or before November 1 of each year. Such report shall contain the audited financial statements of the Authority for the fiscal year ending the preceding June 30.

D. The Board, the General Assembly, or the Governor may at any time request that the Office of the State Inspector General, created pursuant to § 2.2-308, review any area of the Authority's finances or operations.

§ 33.2-299.1. Exemption of Authority from personnel and procurement procedures.

The provisions of the Virginia Personnel Act (§ 2.2-2900 et seq.) and the Virginia Public Procurement Act (§ 2.2-4300 et seq.) shall not apply to the Authority in the exercise of any power conferred under this article. The Authority shall develop and adopt rules governing their procurement procedures. However, such rules adopted for the procurement of professional services with a cost expected to exceed \$80,000 shall be consistent with the provisions of §§ 2.2-4302.2, 2.2-4303.1 and 2.2-4303.2. The initial rules shall be adopted by the Board no later than six months after the first meeting of the Board.

§ 33.2-299.2. Police powers; Authority rules and regulations.

The Authority is empowered to adopt and enforce reasonable rules and regulations governing any and all activities using Authority property. Such rules and regulations shall have the force and effect of law after publication one time in full in a newspaper of general circulation in the county or city where the affected property is located.

§ 33.2-299.3. Governmental function; exemption from taxation.

The exercise of the powers granted by this article will be in all respects for the benefit of the people of the Commonwealth, for the increase of their commerce and prosperity, and for the improvement of their health and living conditions, and as the operation and maintenance of rail facilities by the Authority and the undertaking of activities in the furtherance of the purposes of the Authority will constitute the performance of the essential governmental functions, the Authority shall not be required to pay any taxes or assessments upon any rail facilities or any property acquired or used by the Authority under the provisions of this article or upon the income therefrom, including sales and use taxes on the tangible personal property used in the operations of the Authority. The exemption hereby granted shall not be construed to extend to persons conducting on the premises of any rail facility businesses for which local or state taxes would otherwise be required.

§ 33.2-299.4. Cooperation with federal agencies.

The Authority is empowered to cooperate with, and act as an agent for, the United States or any agency, department, corporation, or instrumentality thereof in the maintenance, development, improvement, and use of rail facilities of the Commonwealth and in any other matter within the purposes, duties, and powers of the Authority.

§ 33.2-299.5. Continuing responsibilities of the Transportation Board and the Department.

The Transportation Board and the Department shall cooperate and assist the Authority in the accomplishment of its purposes as set forth in § 33.2-288.

§ 33.2-299.6. Dissolution of Authority.

Whenever the Board determines that the purposes for which it was created have been substantially fulfilled or are impractical or impossible to accomplish and that all bonds theretofore issued and all other obligations therefore incurred by the Authority have been paid or that cash or a sufficient amount of United States government securities has been deposited for their payment, and upon the approval of the Governor and the General Assembly, the Board may adopt resolutions or ordinances declaring and finding that the Authority should be dissolved and that appropriate articles of dissolution shall be filed with the State Corporation Commission. Upon the filing of such articles of dissolution by the Authority, such dissolution shall become effective and the title to all funds and other property owned by the Authority at the time of such filing shall vest in the Department.

§ 33.2-299.7. Exclusions from the Virginia Freedom of Information Act; proprietary records and trade secrets.

A. Notwithstanding the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.), the Authority shall keep confidential trade secrets or confidential proprietary information, not publicly available, provided by a private person or entity pursuant to a promise of confidentiality where if such information were made public, the financial interest of the private person or entity could be adversely affected. In order for trade secrets or proprietary information to be excluded from the provisions of the Virginia Freedom of Information Act, the private person or entity shall (i) invoke such exclusion upon submission of the data or other materials for which protection from disclosure is sought, (ii) identify the data or other materials for which protection is sought, and (iii) state the reason why protection is necessary.

B. Notwithstanding the provisions of the Virginia Freedom of Information Act, the Authority shall keep confidential information submitted by a private person, entity, or other party in negotiations with the Authority, where if such information was made public prior to the execution of a business arrangement, the financial interests of bargaining positions of the public or private entity would be adversely affected.

§ 33.2-299.8. Liberal construction.

Neither this article nor anything herein contained is or shall be construed as a restriction or limitation upon any powers that the Authority might otherwise have under any laws of the Commonwealth, and this article is cumulative to any such powers. This article does and shall be construed to provide a complete, additional, and alternative method for the doing of things authorized thereby and shall be regarded as supplemental and additional to power conferred by other laws. However, except as otherwise explicitly provided herein, the issuance of bonds, notes, and other obligations and refunding bonds under the provisions of this article need not comply with the requirements of any other law of the Commonwealth applicable to the issuance of bonds, notes, and other obligations. No proceedings, notice, or approval shall be required for the issuance of any bonds, notes, and other obligations or any instrument as security therefor, except as is provided in this article.

§ 33.2-356. Funding for extraordinary repairs.

Notwithstanding any contrary provision of this Code, the Board has the authority to provide, from revenues available for ~~highway capital improvements under § 33.2-1526~~ construction programs pursuant to § 33.2-358, except for revenues pledged to secure any bonds issued for transportation purposes, for exceptionally heavy expenditures for repairs or replacements made necessary by highway damage resulting from extraordinary accidents, vandalism, weather conditions, or acts of God as well as to respond to federal funding initiatives that require matching funds.

§ 33.2-357. Revenue-sharing funds for systems in certain localities.

A. From revenues made available by the General Assembly and appropriated for the improvement, construction, reconstruction, or maintenance of the systems of state highways, the Board may make an equivalent matching allocation to any locality for designations by the governing body of up to \$5 million for use by the locality to improve, construct, maintain, or reconstruct the highway systems within such locality with up to \$2.5 million for use by the locality to maintain the highway systems within such locality. After adopting a resolution supporting the action, the governing body of the locality may request revenue-sharing funds to improve, construct, reconstruct, or maintain a highway system located in another locality or between two or more localities or to bring subdivision streets, used as such prior to the date specified in § 33.2-335, up to standards sufficient to qualify them for inclusion in the primary or secondary state highway system. All requests for funding shall be accompanied by a prioritized listing of specified projects.

B. In allocating funds under this section, the Board shall give priority to projects as follows: first, to projects that have previously received an allocation of funds pursuant to this section; second, to projects that (i) meet a transportation need identified in the Statewide Transportation Plan pursuant to § 33.2-353 or (ii) accelerate a project in a locality's capital plan; and third, to projects that address pavement resurfacing and bridge rehabilitation projects where the maintenance needs analysis determines that the infrastructure does not meet the Department's maintenance performance targets.

C. The Department shall contract with the locality for the implementation of the project. Such contract may cover either a single project or may provide for the locality's implementation of several projects. The locality shall undertake implementation of the particular project by obtaining the necessary permits from the Department in order to ensure that the improvement is consistent with the Department's standards for such improvements. At the request of the locality, the Department may provide the locality with engineering, right-of-way acquisition, construction, or maintenance services for a project with its own forces. The locality shall provide payment to the Department for any such services. If administered by the Department, such contract shall also require that the governing body of the locality pay to the Department within 30 days the local revenue-sharing funds upon written notice by the Department of its intent to proceed. Any project having funds allocated under this program shall be initiated in such a fashion that at least a portion of such funds have been

expended within one year of allocation. Any revenue-sharing funds for projects not initiated after two subsequent fiscal years of allocation may be reallocated at the discretion of the Board.

D. Total Commonwealth funds allocated by the Board under this section shall not exceed the greater of \$100 million or seven percent of funds available for distribution pursuant to subsection *D B* of § 33.2-358 prior to the distribution of funds pursuant to this section, whichever is greater, in each fiscal year, subject to appropriation for such purpose. For any fiscal year in which less than the full program allocation has been allocated by the Board to specific governing bodies, those localities requesting the maximum allocation under subsection A may be allowed an additional allocation at the discretion of the Board.

E. The funds allocated by the Board under this section shall be distributed and administered in accordance with the revenue-sharing program guidelines established by the Board.

§ 33.2-358. Allocation of funds to programs.

A. For the purposes of this section:

"Bridge reconstruction and rehabilitation" means reconstruction and rehabilitation of those bridges identified by the Department as being functionally obsolete or structurally deficient.

"High priority projects" means those projects of regional or statewide significance identified by the Board that reduce congestion, increase safety, create jobs, or increase economic development.

"High-tech infrastructure improvements" means those projects or programs identified by the Board that reduce congestion, improve mobility, improve safety, provide up-to-date travel data, or improve emergency response.

B. The Board shall allocate each year from all funds made available for highway purposes such amount as it deems reasonable and necessary for the maintenance of roads within the Interstate System, the primary state highway system, and the secondary state highway system and for city and town street maintenance payments made pursuant to § 33.2-319 and payments made to counties that have withdrawn or elect to withdraw from the secondary state highway system pursuant to § 33.2-366.

C. Until July 1, 2020, after funds are set aside for administrative and general expenses and pursuant to other provisions in this title that provide for the disposition of funds prior to allocation for highway purposes, and after allocation is made pursuant to subsection B, the Board shall allocate an amount determined by the Board not to exceed \$500 million in any given year as follows: (i) 25 percent to bridge reconstruction and rehabilitation; (ii) 25 percent to advancing high priority projects statewide; (iii) 25 percent to reconstructing deteriorated Interstate System, primary state highway system, and municipality maintained primary extension pavements determined to have a Combined Condition Index of less than 60; (iv) 15 percent to projects undertaken pursuant to the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.); (v) five percent to paving or improving unpaved highways carrying more than 50 vehicles per day; and (vi) five percent to the Innovation and Technology Transportation Fund established pursuant to § 33.2-1531 for high-tech infrastructure improvements, provided that at the discretion of the Board such percentages of funds may be adjusted in any given year to meet project cash flow needs or when funds cannot be expended due to legal, environmental, or other project management considerations. After such allocations are made, the Board may allocate each year up to 10 percent of the funds remaining for highway purposes for the undertaking and financing of rail projects that in the Board's determination will result in mitigation of highway congestion. After the foregoing allocations have been made, the Board shall allocate the remaining funds available for highway purposes, exclusive of federal funds for the Interstate System, pursuant to § 33.2-360 and any funds not allocated to a project in the Six-Year Improvement Program as follows:

50 percent for the high-priority projects program established pursuant to § 33.2-370 and 50 percent for the highway construction district grant programs established pursuant to § 33.2-371.

D. For funds allocated for fiscal years beginning on and after July 1, 2020, after B. After funds are set aside for administrative and general expenses and pursuant to other provisions in this title that provide for the disposition of funds prior to allocation for highway purposes *construction programs*, and after allocation is made pursuant to subsection B A, the Board shall allocate all remaining funds, including funds apportioned pursuant to 23 U.S.C. § 104, or any successor programs, as follows:

1. ~~Forty-five~~ *Thirty* percent of the remaining funds to state of good repair purposes as set forth in § 33.2-369;
2. ~~Twenty-seven and one-half~~ *Twenty* percent of the remaining funds to the high-priority projects program established pursuant to § 33.2-370; and
3. ~~Twenty-seven and one-half~~ *Twenty* percent of the remaining funds to the highway construction district grant programs established pursuant to § ~~33.2-371~~ § 33.2-371;
4. *Twenty percent of the remaining funds to the Interstate Operations and Enhancement Program established pursuant to § 33.2-372; and*
5. *Ten percent of the remaining funds to the Virginia Highway Safety Improvement Program established pursuant to § 33.2-373.*

E. The funds allocated in subsection C or D shall not include any federal funds and related state match for federal funds with restrictions regarding the construction of general capacity expansion of roadways, or federal funds not under the control of the Board. Such exclusion shall not include restrictions on the location of projects to specific road classifications. C. The funds allocated in subsection B shall not include the following funds: Congestion Mitigation Air Quality funds apportioned to the state pursuant to 23 U.S.C. § 104(b)(4), or any successor program, and any state matching funds; Surface Transportation Block Grant set-aside for Transportation Alternatives pursuant to 23 U.S.C. § 213, or any successor

program, and any state matching funds; Surface Transportation Block Grant Program funds subject to 23 U.S.C. § 133(d)(1)(A)(i), or any successor program, and any state matching funds; and funds received pursuant to federal programs established by the federal government after June 30, 2020, with specific rules that include major restrictions on the types of projects that may be funded, excluding restrictions on the location of projects with regard to highway functional or administrative classification or population, provided such funds are under the control of the Board.

F. D. In addition, the Board, from funds appropriated for such purpose in the general appropriation act, shall allocate additional funds to the Cities of Newport News, Norfolk, and Portsmouth and the County of Warren in such manner and apportion such funds among such localities as the Board may determine, unless otherwise provided in the general appropriation act. The localities shall use such funds to address highway maintenance and repair needs created by or associated with port operations in those localities.

G. E. Notwithstanding the provisions of this section, the General Assembly may, through the general appropriation act, permit the Governor to increase the amounts to be allocated to highway maintenance, highway construction, either or both.

§ 33.2-365. Allocation of proceeds of Commonwealth of Virginia Transportation Capital Projects Revenue Bonds.

The Board shall allocate, use, and distribute the proceeds of any bonds it is authorized to issue on or after July 1, 2007, pursuant to subdivision 10 of § 33.2-1701, as follows:

1. A minimum of 20 percent of the bond proceeds shall be used for transit capital as further described in subdivision A 4 e of § ~~58.1-638~~ § 33.2-1526.2.

2. A minimum of 4.3 percent of the bond proceeds shall be used for rail capital consistent with the provisions of §§ ~~33.2-1601~~ 33.2-1526.2 and 33.2-1602.

3. The remaining amount of bond proceeds shall be used for paying the costs incurred or to be incurred for construction of transportation projects with such bond proceeds used or allocated as follows: (i) first, to match federal highway funds projected to be made available and allocated to highway and public transportation capital projects to the extent determined by the Board, for purposes of allowing additional state construction funds to be allocated pursuant to § 33.2-358; (ii) second, to provide any required funding to fulfill the Commonwealth's allocation of equivalent revenue sharing matching funds pursuant to § 33.2-357 to the extent determined by the Board; and (iii) third, to pay or fund the costs of statewide or regional projects throughout the Commonwealth. Costs incurred or to be incurred for construction or funding of these transportation projects shall include environmental and engineering studies; rights-of-way acquisition; improvements to all modes of transportation; acquisition, construction, and related improvements; and any financing costs or other financing expenses relating to such bonds. Such costs may include the payment of interest on such bonds for a period during construction and not exceeding one year after completion of construction of the relevant project.

4. The total amount of bonds authorized shall be used for purposes of applying the percentages in subdivisions 1, 2, and 3.

§ 33.2-366. Funds for counties that have withdrawn or elect to withdraw from the secondary state highway system.

Pursuant to subsection ~~B A~~ of § 33.2-358, the Board shall make the following payments to counties that have withdrawn or elect to withdraw from the secondary state highway system under the provisions of § 11 of Chapter 415 of the Acts of Assembly of 1932 and that have not elected to return: to any county having withdrawn prior to June 30, 1985, and having an area greater than 100 square miles, an amount equal to \$12,529 per lane-mile for fiscal year 2014, and to any county having an area less than 100 square miles, an amount equal to \$17,218 per lane-mile for fiscal year 2014; to any county that elects to withdraw after June 30, 1985, the Board shall establish a rate per lane-mile for the first year using (i) an amount for maintenance based on maintenance standards and unit costs used by the Department to prepare its secondary state highway system maintenance budget for the year in which the county withdraws and (ii) an amount for administration equal to five percent of the maintenance figure determined in clause (i). The payment rates shall be adjusted annually by the Board in accordance with procedures established for adjusting payments to cities and towns under § 33.2-319, and lane mileage shall be adjusted annually to include (a) streets and highways accepted for maintenance in the county system by the local governing body or (b) streets and highways constructed according to standards set forth in the county subdivision ordinance or county thoroughfare plan, and being not less than the standards set by the Department. Such counties shall be eligible to receive allocations pursuant to subsection ~~C or D~~ B of § 33.2-358.

Payment of the funds shall be made in four equal sums, one in each quarter of the fiscal year.

The chief administrative officer of such counties receiving such funds shall make annual reports of expenditures to the Board, in such form as the Board shall prescribe, accounting for all expenditures, including delineation between construction and maintenance expenditures and reporting on their performance as specified in subsection B of § 33.2-352. Such reports shall be included in the scope of the annual audit of each county conducted by independent certified public accountants.

§ 33.2-372. Interstate Operations and Enhancement Program.

A. The Board shall establish the Interstate Operations and Enhancement Program (the Program) to improve the safety, reliability, and travel flow along interstate highway corridors in the Commonwealth.

B. The Board may use funds in the Program to address identified needs in the Statewide Transportation Plan pursuant to § 33.2-353 or an interstate corridor plan approved by the Board through (i) operational and transportation demand management strategies and (ii) other transportation improvements, strategies, or services.

C. The Board, with the assistance of the Office of Intermodal Planning and Investment, shall establish a process to evaluate and prioritize potential strategies and improvements, with priority given first to operational and transportation demand management strategies that improve reliability and safety of travel.

D. The Board may not use funds in the Program to supplant existing levels of support as of July 1, 2019, for existing operational and transportation demand management strategies.

E. The Board shall distribute to the Interstate 81 Corridor Improvement Fund established pursuant to 33.2-3601 an amount equal to the revenues provided to the Program multiplied by the ratio of the vehicle miles traveled on Interstate 81 by vehicles classified as Class 6 or higher by the Federal Highway Administration to the total vehicle miles traveled on all interstate highways in the Commonwealth by vehicles classified as Class 6 or higher.

F. The Board shall distribute to the Northern Virginia Transportation Authority Fund established pursuant to § 33.2-2509 an amount equal to the revenues provided to the Program multiplied by the ratio of vehicle miles traveled on interstate highways in Planning District 8 by vehicles classified as Class 6 or higher by the Federal Highway Administration to the total vehicle miles traveled on all interstate highways in the Commonwealth by vehicles classified as Class 6 or higher.

G. For any interstate highway with more than 10 percent of total vehicle miles traveled by vehicles classified as Class 6 or higher by the Federal Highway Administration, the Board shall ensure that the total long-term expenditure for each interstate highway shall be approximately equal to the proportion of the total revenue deposited in the Fund attributable to each interstate highway based on such interstate highway's proportional share of interstate vehicle miles traveled by vehicles classified as Class 6 or higher.

§ 33.2-373. Virginia Highway Safety Improvement Program.

A. The Board shall establish the Virginia Highway Safety Improvement Program (the Program) to reduce motorized and nonmotorized fatalities and severe injuries on highways in the Commonwealth, whether such highways are state or locally maintained. The Board shall use funds set aside pursuant to § 33.2-358 for the Program.

B. Beginning in fiscal year 2024, the Board shall, after program administration costs, allocate the funds in accordance with its adopted investment strategy pursuant to subsection C as follows:

1. At least 54 percent for infrastructure projects that address a hazardous road location or feature and address an identified highway safety problem;

2. At least 29 percent for strategies and activities to address behavioral causes of crashes that result in fatalities and severe injuries; and

3. The remaining amount for eligible purposes under this section pursuant to the investment strategy adopted pursuant to subsection C.

C. The Board shall adopt an investment strategy to guide the investments of the Program. The strategy shall cover a period of at least five years and seek to achieve a significant reduction in the anticipated number of fatalities and severe injuries over the covered period and shall give priority to projects, strategies, and activities based on the expected reduction in fatalities and severe injuries relative to cost, including improvements that are widely implemented based on a high-risk roadway feature that is correlated with a particular crash type, rather than crash frequency.

§ 33.2-374. Special Structure Program.

A. For purposes of this section, "special structure" means very large, indispensable, and unique bridges and tunnels identified by the Commissioner and approved by the Commonwealth Transportation Board.

B. The General Assembly declares it to be in the public interest that the maintenance, rehabilitation, and replacement of special structures in the Commonwealth occur timely as to provide and protect a safe and efficient highway system.

C. The Board shall establish a program for the maintenance, rehabilitation, and replacement of special structures in the Commonwealth. With the assistance of the Department of Transportation, the Board shall develop and maintain a plan for the maintenance, rehabilitation, and replacement of special structures in the Commonwealth. The plan shall cover at a minimum a 30-year period and shall be updated biennially no later than November 1 of each even-numbered year.

D. The Board shall use the funds allocated in §§ 33.2-1524 and 33.2-1530 to the Special Structure Fund pursuant to § 33.2-1532 for maintenance, rehabilitation, and replacement of special structures to implement the plan developed pursuant to subsection C.

§ 33.2-1502. Creation of the Virginia Transportation Infrastructure Bank.

A. There is hereby created in the state treasury a special nonreverting, revolving loan fund, known as the Virginia Transportation Infrastructure Bank, that is a subfund of the Transportation Trust Fund established pursuant to § 33.2-1524. 33.2-1524.1. The Bank shall be established on the books of the Comptroller. The Bank shall be capitalized with (i) two-thirds of all interest, dividends, and appreciation that may accrue to the Transportation Trust Fund and the Highway Maintenance and Operating Fund funds pursuant to subdivision B 3 of § 33.2-1524 and (ii) moneys appropriated by the General Assembly and credited to the Bank. Disbursements from the Bank shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Commissioner of Highways or his designee. Payments on project obligations and interest earned on the moneys in the Bank shall be credited to the Bank. Any moneys remaining in the Bank, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Bank. Notwithstanding anything to the contrary set forth in this article or in the management agreement, the Board will have the right to determine the projects for which loans or other financial assistance may be provided by the Bank. Moneys in the Bank shall be used solely for the purposes enumerated in subsection C.

B. The Board, the manager, and the Secretary of Finance are authorized to enter into a management agreement which may include provisions (i) setting forth the terms and conditions under which the manager will advise the Board on the financial propriety of providing particular loans or other financial assistance; (ii) setting forth the terms and conditions under which the substantive requirements of subsections C, D, and E and § 33.2-1505 will be applied and administered; and (iii) authorizing the manager to request the Board to disburse from the moneys in the Bank the reasonable costs and expenses the manager may incur in the management and administration of the Bank and a reasonable fee to be approved by the Board for the manager's management and administrative services.

C. 1. Moneys deposited in the Bank shall be used for the purpose of making loans and other financial assistance to finance projects.

2. Each project obligation shall be payable, in whole or in part, from reliable repayment sources pledged for such purpose.

3. The interest rate on a project obligation shall be determined by reference to the current market rates for comparable obligations, the nature of the project and the financing structure therefor, and the creditworthiness of the eligible borrower and other project sponsors.

4. The repayment schedule for each project obligation shall require (i) the amortization of principal beginning within five years following the later of substantial project completion or the date of incurrence of the project obligation and (ii) a final maturity date of not more than 35 years following substantial project completion.

D. The pledge of reliable repayment sources and other property securing any project obligation may be subordinate to the pledge securing any other senior debt obligations incurred to finance the project.

E. Notwithstanding subdivision C 4, the manager may at any time following substantial project completion defer payments on a project obligation if the project is unable to generate sufficient revenues to pay the scheduled payments.

F. No loan or other financial assistance may be provided or committed to be provided by the Bank in a manner that would cause such loan or other financial assistance to be tax-supported debt within the meaning of § 2.2-2713 or be deemed to constitute a debt of the Commonwealth or a pledge of the full faith and credit of the Commonwealth but shall be payable solely from legally available moneys held by the Bank.

G. Neither the Bank nor the manager is authorized or empowered to be or to constitute (i) a bank or trust company within the jurisdiction or under the control of the Commonwealth or an agency thereof or the Comptroller of Currency of the U.S. Treasury Department or (ii) a bank, banker, or dealer in securities within the meaning of, or subject to the provisions of, any securities, securities exchange, or securities dealers law of the United States or of the Commonwealth.

H. The Board or the manager may establish or direct the establishment of federal and state accounts or subaccounts as may be necessary to meet any applicable federal law requirements or desirable for the efficient administration of the Bank in accordance with this article.

§ 33.2-1510. Fund for access roads and bikeways to public recreational areas and historical sites; construction, maintenance, etc., of such facilities.

A. The General Assembly finds and declares that there is an increasing demand by the public for more public recreational areas throughout the Commonwealth, therefore creating a need for more access to these areas. There are also many sites of historical significance to which access is needed.

The General Assembly hereby declares it to be in the public interest that access roads and bikeways to public recreational areas and historical sites be provided by using funds obtained from motor fuel tax collections on motor fuel used for propelling boats and ships and funds contained in the highway portion of the Transportation Trust Fund.

B. (Effective until July 1, 2020) The Board shall, from funds allocated to the primary system, secondary system, or urban system, set aside the sum of \$3 million initially. This fund shall be expended by the Board for the construction, reconstruction, maintenance, or improvement of access roads and bikeways within localities. At the close of each succeeding fiscal year, the Board shall replenish this fund to the extent it deems necessary to carry out the purpose intended, provided the balance in the fund plus the replenishment does not exceed \$3 million.

B. (Effective July 1, 2020) Prior to making allocations pursuant to subsection *D B* of § 33.2-358, the Board shall set aside the sum of \$3 million initially. This fund shall be expended by the Board for the construction, reconstruction, maintenance, or improvement of access roads and bikeways within localities. At the close of each succeeding fiscal year, the Board shall replenish this fund to the extent it deems necessary to carry out the purpose intended, provided the balance in the fund plus the replenishment does not exceed \$3 million.

C. Upon the setting aside of the funds as provided in this section, the Board shall construct, reconstruct, maintain, or improve access roads and bikeways to public recreational areas and historical sites upon the following conditions:

1. When the Director of the Department of Conservation and Recreation has designated a public recreational area as such or when the Director of the Department of Historic Resources has determined a site or area to be historic and recommends to the Board that an access road or bikeway be provided or maintained to that area;

2. When the Board pursuant to the recommendation from the Director of the Department of Conservation and Recreation declares by resolution that the access road or bikeway be provided or maintained;

3. When the governing body of the locality in which the access road or bikeway is to be provided or maintained passes a resolution requesting the road; and

4. When the governing body of the locality in which the bikeway is to be provided or maintained adopts an ordinance pursuant to Article 7 (§ 15.2-2280 et seq.) of Chapter 22 of Title 15.2.

No access road or bikeway shall be constructed, reconstructed, maintained, or improved on privately owned property.

D. Any access road constructed, reconstructed, maintained, or improved pursuant to the provisions of this section shall become part of the primary state highway system, the secondary state highway system, or the road system of the locality in which it is located in the manner provided by law and shall thereafter be constructed, reconstructed, maintained, and improved as other roads or highways in such systems. Any bikeway path constructed, reconstructed, maintained, or improved pursuant to the provisions of this section that is not situated within the right-of-way limits of an access road that has become, or which is to become, part of the primary state highway system, the secondary state highway system, or the road system of the locality shall, upon completion, become part of and be regulated and maintained by the authority or agency maintaining the public recreational area or historical site. It shall be the responsibility of the authority, agency, or locality requesting that a bikeway be provided for a public recreational or historical site to provide the right-of-way needed for the construction, reconstruction, maintenance, or improvement of the bikeway if such is to be situated outside the right-of-way limits of an access road.

To maximize the impact of the Fund, not more than \$400,000 of recreational access funds may be allocated for each individual access road project to or within any public recreational area or historical site operated by a state agency and not more than \$250,000 of recreational access funds may be allocated for each individual access road project to or within a public recreational area or historical site operated by a locality or an authority with an additional \$100,000 if supplemented on a dollar-for-dollar basis by the locality or authority from other than highway sources. Not more than \$75,000 of recreational access funds may be allocated for each individual bikeway project to a public recreational area or historical site operated by a state agency and not more than \$60,000 of recreational access funds may be allocated for each individual bikeway project to a public recreational area or historical site operated by a locality or an authority with an additional \$15,000 if supplemented on a dollar-for-dollar basis by a locality or authority from other than highway sources.

The Board, with the concurrence of the Director of the Department of Conservation and Recreation, is hereby authorized to establish guidelines to carry out the provisions of this section.

§ 33.2-1524. Commonwealth Transportation Fund.

A. There is hereby created in the Department of the Treasury a special nonreverting fund to be known as the *Commonwealth Transportation Trust Fund*, ~~consisting of (the Fund)~~. *The Fund shall be established on the books of the Comptroller. Any moneys remaining in the Fund at the end of the year shall not revert to the general fund but shall remain in the Fund. The Fund shall consist of all funds appropriated to the Fund and all funds dedicated to the Fund pursuant to law, including:*

1. ~~Funds remaining for highway construction purposes among the highway systems pursuant to § 33.2-358. Revenues pursuant to §§ 58.1-2289 and 58.1-2701;~~

2. ~~The additional revenues generated by enactments of Chapters 11, 12, and 15 of the 1986 Acts of Assembly, Special Session I, and designated for this fund. Revenues pursuant to subsections A and G of § 58.1-638 and § 58.1-638.3;~~

3. Tolls and other revenues derived from the projects financed or refinanced pursuant to this title that are payable into the state treasury and tolls and other revenues derived from other transportation projects, which may include upon the request of the applicable appointed local governing body, as soon as their obligations have been satisfied, such tolls and revenue derived for transportation projects pursuant to the Chesapeake Bay Bridge and Tunnel District and Commission established in Chapter 22 (§ 33.2-2200 et seq.) and to the Richmond Metropolitan Transportation Authority established in Chapter 29 (§ 33.2-2900 et seq.), or if the appointed local governing body requests refunding or advanced refunding by the Board and such refunding or advanced refunding is approved by the General Assembly. Such funds shall be held in separate subaccounts of the *Commonwealth Transportation Trust Fund* to the extent required by law or the Board.;

4. ~~Revenues pursuant to § 58.1-2425;~~

5. ~~Revenues pursuant to subdivisions A 1 through 12 of § 46.2-694 and §§ 46.2-694.1, 46.2-697, and 46.2-697.2, except where provided elsewhere in such sections and excluding revenues deposited into a special fund for the Department of Motor Vehicles pursuant to § 46.2-686;~~

6. ~~Revenues pursuant to § 58.1-1741;~~

7. ~~Revenues pursuant to § 58.1-815.4;~~

8. ~~Revenues from § 58.1-2249;~~

9. Such other funds as may be appropriated by the General Assembly from time to time and designated for the *Commonwealth Transportation Trust Fund*.;

~~10. All interest, dividends, and appreciation that may accrue to the Transportation Trust Fund established pursuant to § 33.2-1524.1 and the Highway Maintenance and Operating Fund established pursuant to § 33.2-1530;~~

~~11. All amounts required by contract to be paid over to the Commonwealth Transportation Trust Fund.;~~

~~12. Concession payments paid to the Commonwealth by a private entity pursuant to the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.); and~~

~~13. Revenues pursuant to § 58.1-2531.~~

B. *Funds in the Fund shall be distributed as follows:*

1. *Of the funds from subdivisions A 1, 2, 4 through 8, and 13: (i) 51 percent to the Highway Maintenance and Operating Fund established pursuant to § 33.2-1530 and (ii) 49 percent to the Transportation Trust Fund established pursuant to § 33.2-1524.1;*

2. The funds from subdivisions A 3 and 12 shall be deposited into the Transportation Trust Fund established pursuant to § 33.2-1524.1;

3. Of the funds from subdivision A 10: (i) two-thirds shall be deposited in the Virginia Transportation Infrastructure Bank established pursuant to Article 1 (§ 33.2-1500 et seq.) and (ii) one-third shall be deposited into the Transportation Partnership Opportunity Fund established pursuant to § 33.2-1529.1.

C. From funds available pursuant to subsection B, (i) \$40 million annually shall be deposited into the Route 58 Corridor Development Fund pursuant to § 33.2-2300, (ii) \$40 million annually shall be deposited into the Northern Virginia Transportation District Fund pursuant to § 33.2-2400, and (iii) \$80 million annually shall be deposited into the Special Structure Fund pursuant to § 33.2-1532, though the amount deposited shall be adjusted annually based on the change in the United States Average Consumer Price Index for all items, all urban consumers (CPI-U), as published by the Bureau of Labor Statistics of the U.S. Department of Labor. Such deposits may be made in one or more installments.

§ 33.2-1524.1. Transportation Trust Fund.

There is hereby created in the Department of Treasury a special nonreverting fund to be known as the Transportation Trust Fund, consisting of funds distributed from the Commonwealth Transportation Fund pursuant to § 33.2-1524. The revenues deposited pursuant to subdivision B 1 of § 33.2-1524 shall be distributed during the year to result in the following:

1. For construction programs pursuant to § 33.2-358, 53 percent;
2. To the Commonwealth Mass Transit Fund established pursuant to § 33.2-1526, 23 percent;
3. To the Commonwealth Rail Fund established pursuant to § 33.2-1526.4, 7.5 percent;
4. To the Commonwealth Port Fund established pursuant to § 33.2-1526.5, 2.5 percent;
5. To the Commonwealth Aviation Fund established pursuant to § 33.2-1526.6, 1.5 percent;
6. To the Commonwealth Space Flight Fund established pursuant to § 33.2-1526.7, one percent;
7. To the Priority Transportation Fund established pursuant to § 33.2-1527, 10.5 percent; and
8. To a special fund within the Commonwealth Transportation Fund in the state treasury, one percent to be used to meet the necessary expenses of the Department of Motor Vehicles.

§ 33.2-1526. Commonwealth Mass Transit Fund.

Of the funds becoming part of the Transportation Trust Fund pursuant to subdivision 2 of § 33.2-1524, an aggregate of 4.2 percent shall be set aside as the Commonwealth Port Fund as established in subdivision A 2 of § 58.1-638; an aggregate of 2.4 percent shall be set aside as the Commonwealth Airport Fund as established in subdivision A 3 of § 58.1-638; and an aggregate of 14.7 percent shall be set aside as the Commonwealth Mass Transit Fund as established in subdivision A 4 of § 58.1-638. Beginning with the Commonwealth's 2012-2013 fiscal year through the Commonwealth's 2023-2024 fiscal year, each fiscal year from the funds becoming part of the Transportation Trust Fund pursuant to subdivision 2 of § 33.2-1524 the Comptroller shall transfer \$15.8 million to the Commonwealth Space Flight Fund as established in subdivision A 3a of § 58.1-638. The remaining funds deposited into or held in the Transportation Trust Fund pursuant to subdivision 2 of § 33.2-1524, together with funds deposited pursuant to subdivisions 1 and 4 of § 33.2-1524, shall be expended for capital improvements, including construction, reconstruction, maintenance, and improvements of highways according to the provisions of subsection C or D of § 33.2-358 or to secure bonds issued for such purposes, as provided by the Board and the General Assembly.

A. There is hereby created in the State Treasury a special nonreverting fund that shall be a part of the Transportation Trust Fund and shall be known as the Commonwealth Mass Transit Fund (the Fund). The Fund shall be established on the books of the Comptroller and any funds remaining in the Fund at the end of the biennium shall not revert to the general fund but shall remain in the Fund. Interest earned on such funds shall be credited to the Fund.

B. The amounts allocated to the Fund pursuant to § 33.2-1526.1 shall be used to support the operating, capital, and administrative costs of public transportation at a state share determined by the Board, and such amounts may be used to support the capital project costs of public transportation and ridesharing equipment, facilities, and associated costs at a state share determined by the Board. Capital costs may include debt service payments on local or agency transit bonds.

§ 33.2-1526.1. Use of the Commonwealth Mass Transit Fund.

A. All funds deposited pursuant to §§ 58.1-638, 58.1-638.3, 58.1-815.4, and 58.1-2289 § 33.2-1524.1 into the Commonwealth Mass Transit Fund (the Fund), established pursuant to subdivision A 4 of § 58.1-638 § 33.2-1526, shall be allocated as set forth in this section.

B. From funds available pursuant to subsection D, beginning in fiscal year 2022, up to \$50 million shall be allocated to the Washington Metropolitan Area Transit Authority as matching funds to federal and other funds provided by the Federal Transit Administration, the District of Columbia, and the State of Maryland. However, such funds shall only be provided if the District of Columbia and the State of Maryland each provide an amount equal to one-third of the funding provided by the Federal Transit Administration to the Washington Metropolitan Area Transit Authority. The funds provided by the Commonwealth shall not exceed the funds provided by the District of Columbia or the State of Maryland.

C. The Board may establish policies for the implementation of this section, including the determination of the state share of operating, capital, and administrative costs related to mass transit. For purposes of this section, capital costs may include debt service payments on local or agency transit bonds. Funds may be paid to any local governing body, transportation district commission, or public service corporation for the purposes as set forth in this section. No funds from the Fund shall be allocated without a local match from the recipient.

~~C. D.~~ Each year the Director of the Department of Rail and Public Transportation shall make recommendations to the Board for the allocation of funds from the Fund. Such recommendations, and the final allocations approved by the Board, shall adhere to the following:

1. ~~Thirty-one~~ *Twenty-seven* percent of the funds shall be allocated to support operating costs of transit providers and shall be distributed by the Board on the basis of service delivery factors, based on effectiveness and efficiency as established by the Board. Such measures and their relative weight shall be evaluated every three years and, if redefined by the Board, shall be published and made available for public comment at least one year in advance of being applied. The Washington Metropolitan Area Transit Authority (WMATA) shall not be eligible for an allocation of funds pursuant to this subdivision.

2. ~~Twelve and one-half~~ *Eighteen* percent of the funds shall be allocated for capital purposes and distributed utilizing the transit capital prioritization process established by the Board pursuant to § 33.2-214.4. The Washington Metropolitan Area Transit Authority shall not be eligible for an allocation of funds pursuant to this subdivision.

3. ~~Fifty-three and one-half~~ *Forty-six and one-half* percent of the funds shall be allocated to the Northern Virginia Transportation Commission for distribution to WMATA for capital purposes and operating assistance, as determined by the Commission.

4. *Six percent of the funds shall be allocated by the Board for the Transit Ridership Incentive Program established pursuant to § 33.2-1526.3.*

~~Three~~ 5. *Two and one-half* percent of the funds shall be allocated for special programs, including ridesharing, transportation demand management programs, experimental transit, public transportation promotion, operation studies, and technical assistance, and may be allocated to any local governing body, planning district commission, transportation district commission, or public transit corporation. Remaining funds may also be used directly by the Department of Rail and Public Transportation to (i) finance a program administered by the Department of Rail and Public Transportation designed to promote the use of public transportation and ridesharing throughout the Commonwealth or (ii) finance up to 80 percent of the cost of development and implementation of projects with a purpose of enhancing the provision and use of public transportation services.

~~D. E.~~ The Board may consider the transfer of funds from subdivisions *C D 2* and *4 5* to subdivision *C D 1* in times of statewide economic distress or statewide special need.

~~E. F.~~ The Department of Rail and Public Transportation may reserve a balance of up to five percent of the Fund revenues in order to ensure stability in providing operating and capital funding to transit entities from year to year, provided that such balance shall not exceed five percent of revenues in a given biennium.

~~F. G.~~ The Board may allocate up to 3.5 percent of the funds set aside for the Fund to support costs of project development, project administration, and project compliance incurred by the Department of Rail and Public Transportation in implementing rail, public transportation, and congestion management grants and programs.

~~G. H.~~ Funds allocated to the Northern Virginia Transportation Commission (NVTC) for WMATA pursuant to subdivision *C D 3* shall be credited to the Counties of Arlington and Fairfax and the Cities of Alexandria, Fairfax, and Falls Church. Beginning in the fiscal year when service starts on Phase II of the Silver Line, such funds shall also be credited to Loudoun County. Funds allocated pursuant to this subsection shall be credited as follows:

1. Local obligations for debt service for WMATA rail transit bonds apportioned to each locality using WMATA's capital formula shall be paid first by NVTC, which shall use 95 percent state aid for these payments.

2. The remaining funds shall be apportioned to reflect WMATA's allocation formulas by using the related WMATA-allocated subsidies and relative shares of local transit subsidies. Capital costs shall include 20 percent of annual local bus capital expenses. Local transit subsidies and local capital costs of Loudoun County shall not be included. Hold harmless protections and obligations for NVTC's jurisdictions agreed to by NVTC on November 5, 1998, shall remain in effect.

~~H. I.~~ Appropriations from the Fund are intended to provide a stable and reliable source of revenue, as defined by P.L. 96-184.

~~I. J.~~ Notwithstanding any other provision of law, funds allocated to WMATA may be disbursed by the Department of Rail and Public Transportation directly to WMATA or to any other transportation entity that has an agreement to provide funding to WMATA.

~~J. K.~~ In any year that the total Virginia operating assistance in the approved WMATA budget increases by more than *three* percent from the total operating assistance in the prior year's approved WMATA budget, the Board shall withhold an amount equal to 35 percent of the funds available under subdivision *C D 3*. The following items shall not be included in the calculation of any WMATA budget increase: (i) any service, equipment, or facility that is required by any applicable law, rule, or regulation; (ii) any capital project approved by the WMATA Board before or after the effective date of this provision; and (iii) any payments or obligations of any kind arising from or related to legal disputes or proceedings between or among WMATA and any other person or entity.

~~K. L.~~ The Board shall withhold 20 percent of the funds available pursuant to subdivision *C D 3* if (i) any alternate directors participate or take action at an official WMATA Board meeting or committee meeting as Board directors for a WMATA compact member when both directors appointed by that same WMATA compact member are present at the WMATA Board meeting or committee meeting or (ii) the WMATA Board of Directors has not adopted bylaws that would prohibit such participation by alternate directors.

§ 33.2-1526.2. Commonwealth Transit Capital Fund.

A. There is hereby created in the Department of the Treasury a special nonreverting fund known as the Commonwealth Transit Capital Fund. The Commonwealth Transit Capital Fund shall be a subaccount of the Commonwealth Mass Transit Fund.

B. The Commonwealth Transit Capital Fund subaccount shall be established on the books of the Comptroller and consist of such moneys as are appropriated to it by the General Assembly and of all donations, gifts, bequests, grants, endowments, and other moneys given, bequeathed, granted, or otherwise made available to the Commonwealth Transit Capital Fund. Any funds remaining in the Commonwealth Transit Capital Fund at the end of the biennium shall not revert to the general fund, but shall remain in the Commonwealth Transit Capital Fund. Interest earned on funds within the Commonwealth Transit Capital Fund shall remain in and be credited to the Commonwealth Transit Capital Fund.

C. Proceeds of the Commonwealth Transit Capital Fund may be paid to any political subdivision, another public entity created by an act of the General Assembly, or a private entity as defined in § 33.2-1800 and for purposes as enumerated in subdivision 7 of § 33.2-1701 or expended by the Department of Rail and Public Transportation for the purposes specified in this subsection. Revenues of the Commonwealth Transit Capital Fund shall be used to support capital expenditures involving the establishment, improvement, or expansion of public transportation services through specific projects approved by the Commonwealth Transportation Board.

D. The Commonwealth Transit Capital Fund shall not be allocated without requiring a local match from the recipient.

§ 33.2-1526.3. Transit Ridership Incentive Program.

A. The Board shall establish the Transit Ridership Incentive Program (the Program) to promote improved transit service in urbanized areas of the Commonwealth with a population in excess of 100,000 and to reduce barriers to transit use for low-income individuals.

B. The goal of the Program shall be to encourage the identification and establishment of routes of regional significance, the development and implementation of a regional subsidy allocation model, implementation of integrated fare collection, establishment of bus-only lanes on routes of regional significance, and other actions and service determined by the Board to improve transit service.

C. The Board shall establish guidelines for the implementation the Program and review such guidelines, at a minimum, every five years. The funds in the Program shall be awarded such that on a five-year rolling average, the amount of funds awarded to each urbanized area shall be equal to a ratio of the population within the Commonwealth of such urbanized area compared to the total population within the Commonwealth of all eligible urbanized areas. The Board may through an affirmative vote of a majority of the members vote to waive this requirement for a period not to exceed two years when they find there is a need that justifies such waiver.

D. Notwithstanding the provisions of this section, the Board shall use an amount not to exceed 25 percent of the funds available to support the establishment of programs to reduce the impact of fares on low-income individuals, including reduced-fare programs and elimination of fares. The restrictions in subsection A shall not apply to funds used pursuant to this subsection.

E. The Board shall report annually to the Governor and the General Assembly on the projects and services funded by the Program. The report shall, at a minimum, include an analysis of the performance of the funded projects, the performance of the identified routes of regional significance, transit ridership, efforts funded pursuant to subsection E, and any other information the Board determines to be appropriate.

§ 33.2-1526.4. Commonwealth Rail Fund.

A. The General Assembly declares it to be in the public interest that developing and continuing intercity passenger and freight rail operations and the development of rail infrastructure, rolling stock, and support facilities to support intercity passenger and freight rail service are important elements of a balanced transportation system in the Commonwealth and further declares it to be in the public interest that the retention, maintenance, improvement, and development of intercity passenger and freight rail-related infrastructure improvements and operations are essential to the Commonwealth's continued economic growth, vitality, and competitiveness in national and world markets.

B. There is hereby established in the state treasury a special nonreverting fund to be known as the Commonwealth Rail Fund (the Fund). The Fund shall be established on the books of the Comptroller and shall consist of funds dedicated pursuant to subdivision 3 of § 33.2-1524.1. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely as provided in this section.

C. The amounts dedicated to the Fund pursuant to § 33.2-1524.1 shall be deposited monthly into the Fund. Thereafter, 93 percent shall be distributed to the Virginia Passenger Rail Authority as soon as practicable for use in accordance with the provisions of Article 6 (§ 33.2-287 et seq.) of Chapter 2. The remaining seven percent shall remain in the Fund for the Department of Rail and Public Transportation for planning purposes and for grants for rail projects not administered by the Virginia Passenger Rail Authority. The Department of Rail and Public Transportation may use up to \$4 million for the purposes of the Shortline Railway Preservation and Development Fund pursuant to § 33.2-1602.

§ 33.2-1526.5. Commonwealth Port Fund.

A. There is hereby created in the Department of the Treasury a special nonreverting fund that shall be a part of the Transportation Trust Fund and shall be known as the Commonwealth Port Fund (the Fund).

B. The Fund shall be established on the books of the Comptroller and the funds remaining in such Fund at the end of a biennium shall not revert to the general fund but shall remain in the Fund. Interest earned on such funds shall remain in the

Fund and be credited to it. Funds may be paid to any authority, locality, or commission for the purposes hereinafter specified.

C. The amounts allocated pursuant to this section shall be allocated by the Board to the Board of Commissioners of the Virginia Port Authority to be used to support port capital needs and the preservation of existing capital needs of all ocean, river, or tributary ports within the Commonwealth. Expenditures for such capital needs are restricted to those capital projects specified in subsection B of § 62.1-132.1.

D. Fund revenue shall be allocated by the Board of Commissioners to the Virginia Port Authority in order to foster and stimulate the flow of maritime commerce through the ports of Virginia, including but not limited to the ports of Richmond, Hopewell, and Alexandria.

§ 33.2-1526.6. Commonwealth Aviation Fund.

A. There is hereby created in the Department of the Treasury a special nonreverting fund that shall be part of the Transportation Trust Fund and shall be known as the Commonwealth Aviation Fund (the Fund). The Fund shall be established on the books of the Comptroller and any funds remaining in the Fund at the end of a biennium shall not revert to the general fund but shall remain in the Fund. Interest earned on the funds shall be credited to the Fund. The funds shall be allocated by the Board to the Virginia Aviation Board, to be allocated by the Virginia Aviation Board to any Virginia airport that is owned by the Commonwealth, a governmental subdivision thereof, or a private entity to which the public has access for the purposes enumerated in § 5.1-2.16, or is owned or leased by the Metropolitan Washington Airports Authority (MWAA), as set forth in subsection B:

B. Any new funds in excess of \$12.1 million that are available for allocation by the Virginia Aviation Board shall be allocated as follows: 40 percent to air carrier airports as provided in subdivision 1 and 60 percent to MWAA, up to a maximum annual amount of \$2 million. Except for adjustments due to changes in enplaned passengers, no air carrier airport sponsor, excluding MWAA, shall receive less funds identified under subdivision 1 than it received in fiscal year 1994-1995.

Of the remaining amount:

1. Forty percent of the funds shall be allocated to air carrier airports that are not airports owned or leased by MWAA, based upon the percentage of enplanements for each airport to total enplanements at all air carrier airports that are not airports owned or leased by MWAA. No air carrier airport sponsor shall receive less than \$50,000 nor more than \$2 million per year from this provision.

2. Sixty percent of the funds shall be allocated as follows:

a. For the first six months of each fiscal year, the funds shall be allocated as follows:

(1) Forty percent of the funds shall be allocated by the Virginia Aviation Board for air carrier and reliever airports on a discretionary basis, except airports owned or leased by MWAA; and

(2) Twenty percent of the funds shall be allocated by the Virginia Aviation Board for general aviation airports on a discretionary basis; and

b. For the second six months of each fiscal year, all remaining funds shall be allocated by the Virginia Aviation Board for all eligible airports on a discretionary basis, except airports owned or leased by MWAA.

§ 33.2-1526.7. Commonwealth Space Flight Fund.

A. There is hereby created in the Department of the Treasury a special nonreverting fund that shall be a part of the Commonwealth Transportation Fund and shall be known as the Commonwealth Space Flight Fund (the Fund). The Fund shall be established on the books of the Comptroller and the funds remaining in such Fund at the end of a biennium shall not revert to the general fund but shall remain in the Fund. Interest earned on such funds shall remain in the Fund and be credited to it.

B. The amounts allocated to the Commonwealth Space Flight Fund pursuant to § 33.2-1524.1 shall be allocated by the Board to the Board of Directors of the Virginia Commercial Space Flight Authority to be used to support the capital needs, maintenance, and operating costs of any and all facilities owned and operated by the Virginia Commercial Space Flight Authority.

C. Commonwealth Space Flight Fund revenue shall be allocated by the Board of Directors to the Virginia Commercial Space Flight Authority in order to foster and stimulate the growth of the commercial space flight industry in Virginia.

§ 33.2-1527. Priority Transportation Fund.

A. There is hereby created in the state treasury a special nonreverting fund to be known as the Priority Transportation Fund, hereafter referred to as " (the Fund)." The Fund shall be established on the books of the Comptroller. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. All funds as may be designated in the appropriation act for deposit to the Fund shall be paid into the state treasury and credited to the Fund. Such funds shall include:

1. Beginning with the fiscal year ending June 30, 2000, and for fiscal years thereafter, all revenues that exceed the official forecast, pursuant to § 2.2-1503, for (i) the allocation to the Highway Maintenance and Operating Fund established in § 33.2-1530 as set forth in § 33.2-1524 and (ii) the allocation to highway and mass transit improvement projects as set forth in § 33.2-1526 33.2-1524.1, but not including any amounts that are allocated to the Commonwealth Port Fund and the Commonwealth Airport Aviation Fund under such section;

2. All revenues deposited into the Fund pursuant to § ~~58.1-2534~~ subdivision 7 of § 33.2-1524.1;

3. All revenues deposited into the Fund pursuant to ~~subsection E of § 58.1-2289~~ § 33.2-226; and

4. Any other such funds as may be transferred, allocated, or appropriated.

All moneys in the Fund shall first be used for debt service payments on bonds or obligations for which the Fund is expressly required for making debt service payments, to the extent needed. The Fund shall be considered a part of the Transportation Trust Fund. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purposes enumerated in subsection B. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller.

B. The Board shall use the Fund to facilitate the financing of priority transportation projects throughout the Commonwealth. The Board may use the Fund by (i) expending amounts therein on such projects directly; (ii) payment to any authority, locality, commission, or other entity for the purpose of paying the costs thereof; or (iii) using such amounts to support, secure, or leverage financing for such projects. No expenditures from or other use of amounts in the Fund shall be considered in allocating highway maintenance and construction funds under § 33.2-358 or apportioning Transportation Trust Fund funds under § 58.1-638 but shall be in addition thereto. The Board shall use the Fund to facilitate the financing of priority transportation projects as designated by the General Assembly, provided that at the discretion of the Board funds allocated to projects within a transportation district may be allocated among projects within the same transportation district as needed to meet construction cash-flow needs.

C. Notwithstanding any other provision of this section, beginning July 1, 2007, no bonds, obligations, or other evidences of debt (the bonds) that expressly require as a source for debt service payments or for the repayment of such bonds the revenues of the Fund shall be issued or entered into, unless at the time of the issuance the revenues then in the Fund or reasonably anticipated to be deposited into the Fund pursuant to the law then in effect are by themselves sufficient to make 100 percent of the contractually required debt service payments on all such bonds, including any interest related thereto and the retirement of such bonds.

§ 33.2-1528. Concession Payments Account.

A. Concession payments to the Commonwealth deposited into the Transportation Trust Fund pursuant to subdivision 7 B 2 of § 33.2-1524 from qualifying transportation facilities developed and/or operated pursuant to the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.) shall be held in a separate subaccount to be designated the Concession Payments Account, (the Account) together with all interest, dividends, and appreciation that accrue to the Account and that are not otherwise specifically directed by law or reserved by the Board for other purposes allowed by law.

B. The Board may make allocations from the Account upon such terms and subject to such conditions as the Board deems appropriate to:

1. Pay or finance all or part of the costs of programs or projects, including the costs of planning, operation, maintenance, and improvements incurred in connection with the acquisition and construction of projects, provided that allocations from the Account shall be limited to programs and projects that are reasonably related to or benefit the users of the qualifying transportation facility that was the subject of a concession pursuant to the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.). The priorities of metropolitan planning organizations, planning district commissions, local governments, and transportation corridors shall be considered by the Board in making project allocations from moneys in the Account.

2. Repay funds from the Toll Facilities Revolving Account or the Transportation Partnership Opportunity Fund.

3. Pay the Board's reasonable costs and expenses incurred in the administration and management of the Account.

C. Concession payments to the Commonwealth for a qualifying transportation facility located within the boundaries of a rapid rail project for which a federal Record of Decision has been issued shall be held in a subaccount separate from the Concession Payments Account together with all interest, dividends, and appreciation that accrue to the subaccount. The Board may make allocations from the subaccount as the Board deems appropriate to:

1. Pay or finance all or part of the costs of planning, design, land acquisition, and improvements incurred in connection with the construction of such rapid rail project consistent with the issued federal Record of Decision, as may be revised; and

2. Upon determination by the Board that sufficient funds are or will be available to meet the schedule for construction of such rapid rail project, pay or finance all or part of the costs of planning, design, land acquisition, and improvements incurred in connection with other highway and public transportation projects within the corridor of the rapid rail project or within the boundaries of the qualifying transportation facility. In the case of highway projects, the Board shall follow an approval process generally in accordance with subsection B of § 33.2-208.

D. The provisions of this section shall be liberally construed to the end that its beneficial purposes may be effectuated. Insofar as this provision is inconsistent with the provisions of any other general, special, or local law, this provision shall be controlling.

§ 33.2-1529.1. Transportation Partnership Opportunity Fund.

A. There is hereby created the Transportation Partnership Opportunity Fund (the Fund) to be used by the Governor to provide funds to address the transportation aspects of economic development opportunities. The Fund shall consist of (i) ~~one-third of all interest, dividends, and appreciation that may accrue to the Transportation Trust Fund and the Highway Maintenance and Operating Fund pursuant to subdivision B 3 of § 33.2-1524~~ and (ii) any funds appropriated to it by the general appropriation act and revenue from any other source, public or private. The Fund shall be established on the books of the Comptroller, and any funds remaining in the Fund at the end of a biennium shall not revert to the general fund but shall remain in the Fund. All interest and dividends that are earned on the Fund shall be credited to the Fund. The

Governor shall report to the Chairmen of the House Committees on Appropriations, Finance, and Transportation and the Senate Committees on Finance and Transportation as funds are awarded in accordance with this section.

B. The Fund shall be a subfund of the Transportation Trust Fund. Provisions of this title and Title 58.1 relating to the allocations or disbursements of proceeds of the Commonwealth Transportation Fund, the Transportation Trust Fund, or the Highway Maintenance and Operating Fund shall not apply to the Fund.

C. Funds shall be awarded from the Fund by the Governor as grants, revolving loans, or other financing tools and equity contributions to an agency or political subdivision of the Commonwealth. Loans shall be approved by the Governor and made in accordance with procedures established by the Board and approved by the Comptroller. Loans shall be interest-free and shall be repaid to the Fund. The Governor may establish the duration of any loan, but such term shall not exceed seven years. The Department shall be responsible for monitoring repayment of such loans and reporting the receivables to the Comptroller as required.

D. Grants or revolving loans may be used for transportation capacity development on and off site; road, rail, mass transit, or other transportation access costs beyond the funding capability of existing programs; studies of transportation projects, including environmental analysis, geotechnical assessment, survey, design and engineering, advance right-of-way acquisition, traffic analysis, toll sensitivity studies, and financial analysis; or anything else permitted by law. Funds may be used for any transportation project or any transportation facility. Any transportation infrastructure completed with moneys from the Fund shall not become private property, and the results of any studies or analysis completed as a result of a grant or loan from the Fund shall be property of the Commonwealth.

E. The Board, in consultation with the Secretary of Transportation and the Secretary of Commerce and Trade, shall develop guidelines and criteria that shall be used in awarding grants or making loans from the Fund; however, no grant shall exceed \$5 million and no loan shall exceed \$30 million. No grant or loan shall be awarded until the Governor has provided copies of the guidelines and criteria to the Chairmen of the House Committees on Appropriations, Finance, and Transportation and the Senate Committees on Finance and Transportation. The guidelines and criteria shall include provisions including the number of jobs and amounts of investment that must be committed in the event moneys are being used for an economic development project, a statement of how the studies and analysis to be completed using moneys from the Fund will advance the development of a transportation facility, a process for the application for and review of grant and loan requests, a timeframe for completion of any work, the comparative benefit resulting from the development of a transportation project, assessment of the ability of the recipient to repay any loan funds, and other criteria as necessary to support the timely development of transportation projects. The criteria shall also include incentives to encourage matching funds from any other local, federal, or private source.

F. Within 30 days of each six-month period ending June 30 and December 31, the Governor shall provide a report to the Chairmen of the House Committees on Appropriations, Finance, and Transportation and the Senate Committees on Finance and Transportation that shall include the following information: the locality in which the project is being developed, the amount of the grant or loan made or committed from the Fund and the purpose for which it will be used, the number of jobs created or projected to be created, and the amount of a company's investment in the Commonwealth if the project is part of an economic development opportunity.

G. The Governor shall provide grants and commitments from the Fund in an amount not to exceed the total value of the moneys contained in the Fund. If the Governor commits funds for years beyond the fiscal years covered under the existing appropriation act, the State Treasurer shall set aside and reserve the funds the Governor has committed, and the funds set aside and reserved shall remain in the Fund for those future fiscal years. No grant or loan shall be payable in the years beyond the existing appropriation act unless the funds are currently available in the Fund.

§ 33.2-1530. Highway Maintenance and Operating Fund.

There is hereby created in the state treasury a special nonreverting fund to be known as the Highway Maintenance and Operating Fund, referred to in this section as " (the Fund)." The Fund shall be established on the books of the Comptroller. Any moneys remaining in the Fund at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund.

The sources of funds for the Fund shall be paid into the state treasury and credited to the Fund and, in addition to all funds appropriated by the General Assembly, includes shall consist of the following:

1. Revenues generated pursuant to § 33.2-213 allocated pursuant to subdivision B 1 of § 33.2-1524;
2. Revenues generated pursuant to § 33.2-213;
3. Right-of-way use fees pursuant to § 56-484.32;
4. Civil penalties collected pursuant to § pursuant to §§ 33.2-216, 33.2-1224, 33.2-1229, 46.2-341.20:2, 46.2-1573, 46.2-1573.11, 46.2-1573.23, and 46.2-1573.36;
3. Civil penalties collected pursuant to § 33.2-1224;
4. Civil penalties collected pursuant to § 33.2-1229;
5. Permit fees as outlined in § 46.2-652.1;
6. Revenues generated pursuant to § 46.2-702.1;
7. 6. Permit fees pursuant to §§ 46.2-1128, 46.2-1140.1, 46.2-1142.1, 46.2-1143, 46.2-1148, and 46.2-1149.1;
8. 7. Applicable portions of emissions inspection fees from on-road emissions inspectors as designated in § 46.2-1182;
9. Revenues from subsection G of § 58.1-638 and § 58.1-638.3;
10. Revenues generated pursuant to subsection B of § 58.1-2249;

11. Revenues as apportioned in subsection E of § 58.1-2289;
12. Revenues as outlined in subsection A of § 58.1-2425; and
13. Taxes and fees pursuant to § 58.1-2701

8. Any other funds appropriated by the General Assembly.

In any year in which the Board determines funding in excess of the amount provided pursuant to § 33.2-1524 is necessary for the Special Structure Program pursuant to § 33.2-374, the Board shall allocate moneys from the Fund to the Special Structure Fund established pursuant to § 33.2-1532.

§ 33.2-1532. Special Structure Fund.

A. There is hereby created in the state treasury a special nonreverting fund to be known as the Special Structure Fund, referred to in this section as "the Fund." The Fund shall be established on the books of the Comptroller.

B. The amount allocated to the Fund pursuant to §§ ~~33.2-358, 33.2-369, 33.2-1524~~ and 33.2-1530 and any funds as may be appropriated by the General Assembly shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund.

C. Moneys in the Fund shall be *allocated by the Board* and used solely for the purposes of funding maintenance, rehabilitation, and replacement of ~~large and unique special~~ structures, *as defined in § 33.2-374*. ~~Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Secretary of Transportation. No later than November 30 each year, the Commissioner of Highways shall submit a report to the Governor and General Assembly on the use of moneys in the Fund.~~

§ 33.2-1602. Shortline Railway Preservation and Development Fund.

A. For the purposes of this section:

"Fund" means the Shortline Railway Preservation and Development Fund.

"Railway transportation support facilities" means facilities required for the loading, transfer, or additional track capacity to facilitate the shipment of goods by rail other than as provided for in § 33.2-1600 ~~or 33.2-1601~~.

"Shortline railway" means any Class II or Class III railroad as defined by the U.S. Surface Transportation Board.

B. The General Assembly declares it to be in the public interest that shortline railway preservation and development of railway transportation support facilities are important elements of a balanced transportation system of the Commonwealth for freight and passengers, and further declares it to be in the public interest that the retention, maintenance, and improvement of the shortline railway and development of railway transportation support facilities are essential to the Commonwealth's continued economic growth, vitality, and competitiveness in national and world markets.

C. There is hereby created in the state treasury a special nonreverting fund to be known as the Shortline Railway Preservation and Development Fund. The Fund shall be established on the books of the Comptroller and shall consist of such funds from such sources as shall be set forth in the general appropriation act and shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely as provided in this section. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Director of the Department of Rail and Public Transportation or the Director's designee.

D. To fulfill this purpose, there shall be funding set forth each year in the appropriation act and appropriated by the General Assembly in the Rail Assistance Program of the Department of Rail and Public Transportation. These funds shall be used by the Department of Rail and Public Transportation to administer a Shortline Railway Preservation and Development Program for the purposes described in subsection B. Furthermore, the Board shall include an annual allocation for such purpose in its allocation of transportation revenues.

E. The Director of the Department of Rail and Public Transportation shall administer and expend or commit, subject to the approval of the Board, the Fund for acquiring, leasing, or improving shortline railways and the development of railway transportation support facilities or assisting other appropriate entities to acquire, lease, or improve shortline railways and the development of railway transportation purposes whenever the Board has determined that such acquisition, lease, or improvement is for the common good of a region of the Commonwealth or the Commonwealth as a whole. The Director of the Department of Rail and Public Transportation may consult with other agencies or their designated representatives concerning projects to be undertaken under this section.

F. Tracks and facilities constructed, and property and equipment purchased, with funds under this section shall be the property of the Commonwealth for the useful life of the project, as determined by the Director of the Department of Rail and Public Transportation, and shall be made available for use by all common carriers using the railway system to which they connect under the trackage rights agreements between the parties. Projects undertaken pursuant to this section shall be limited to those of a region of the Commonwealth or the Commonwealth as a whole. Such projects shall include a minimum of 30 percent cash or in-kind matching contribution from a private source, which may include a railroad, a regional authority, private industry, a local government source, or a combination of such sources. No single project shall be allocated more than 50 percent of total available funds.

§ 33.2-1604. Funds for administration of Department of Rail and Public Transportation.

The Commonwealth Transportation Board may annually allocate up to 3.5 percent of the revenues available each year in the funds established pursuant to §§ ~~33.2-1601, 33.2-1526.4 and 33.2-1602, and 33.2-1603~~ and subdivision A 4 of

§ 58.1-638 to support the costs of project development, project administration, and project compliance incurred by the Department of Rail and Public Transportation in implementing rail, public transportation, and congestion management programs and grants.

§ 33.2-1700. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Board" means the Commonwealth Transportation Board, or if the Commonwealth Transportation Board is abolished, any board, commission, or officer succeeding to the principal functions thereof or upon whom the powers given by this chapter to the Board shall be given by law.

"Cost of the project," as applied to a project to be acquired by purchase or by condemnation, includes:

1. The purchase price or the amount of the award;
2. The cost of improvements, financing charges, and interest during any period of disuse before completion of improvements;

3. The cost of traffic estimates and of engineering data;

4. The cost of engineering and legal expenses;

5. The cost of plans, specifications and surveys, and estimates of cost and of revenues; and

6. Other expenses necessary or incident to determining the feasibility or practicability of the enterprises, administrative expenses, and such other expenses as may be necessary or incident to the financing authorized in this chapter and the acquisition of the project and the placing of the project in operation.

"Cost of the project," as applied to a project to be constructed, includes:

1. The cost of construction;

2. The cost of all lands, properties, rights, easements, and franchises acquired that are deemed necessary for such construction;

3. The cost of acquiring by purchase or condemnation any ferry that is deemed by the Board to be competitive with any bridge to be constructed;

4. The cost of all machinery and equipment;

5. The cost of financing charges and interest prior to construction, during construction, and for one year after completion of construction;

6. The cost of traffic estimates and of engineering data;

7. The cost of engineering and legal expenses;

8. The cost of plans, specifications and surveys, estimates of cost and of revenues; and

9. Other expenses necessary or incident to determining the feasibility or practicability of the enterprise, administrative expenses, and such other expenses as may be necessary or incident to the financing authorized in this chapter, the construction of the project, the placing of the project in operation, and the condemnation of property necessary for such construction and operation.

"Improvements" means those repairs to, replacements of, additions to, and betterments of a project acquired by purchase or by condemnation as are deemed necessary to place it in a safe and efficient condition for the use of the public, if such repairs, replacements, additions, and betterments are ordered prior to the sale of any bonds for the acquisition of such project.

"Owner" includes all individuals, incorporated companies, partnerships, societies, and associations having any title or interest in any property rights, easements, or franchises authorized to be acquired by this chapter.

"Project" means any one or more of the following:

1. The York River Bridges, extending from a point within Yorktown in York County or within York County across the York River to Gloucester Point or some point in Gloucester County.

2. The Rappahannock River Bridge, extending from Greys Point, or its vicinity, in Middlesex County, across the Rappahannock River to a point in the vicinity of White Stone, in Lancaster County, or at some other feasible point in the general vicinity of the two respective points.

3. The James River Bridge, from a point at or near Jamestown, in James City County, across the James River to a point in Surry County.

4. The James River, Chuckatuck, and Nansemond River Bridges, together with necessary connecting roads, in the Cities of Newport News and Suffolk and the County of Isle of Wight.

5. The Hampton Roads Bridge-Tunnel or Bridge and Tunnel System, extending from a point or points in the Cities of Newport News and Hampton on the northwest shore of Hampton Roads across Hampton Roads to a point or points in the City of Norfolk or Suffolk on the southeast shore of Hampton Roads.

6. Interstate 264, extending from a point in the vicinity of the intersection of Interstate 64 and U.S. Route 58 at Norfolk to some feasible point between London Bridge and U.S. Route 60.

7. The Henrico-James River Bridge, extending from a point on the eastern shore of the James River in Henrico County to a point on the western shore, between Falling Creek and Bells Road interchanges of Interstate 95; however, the project shall be deemed to include all property, rights, easements, and franchises relating to this project and deemed necessary or convenient for its operation, including its approaches.

8. The limited access highway between the Newport News/Williamsburg International Airport area and the Newport News downtown area, which generally runs parallel to tracks of the Chesapeake and Ohio Railroad.

9. Transportation improvements in the Dulles Corridor, with an eastern terminus of the East Falls Church Metrorail station at Interstate 66 and a western terminus of Virginia Route 772 in Loudoun County, including without limitation the Dulles Toll Road; the Dulles Access Road; outer roadways adjacent or parallel thereto; mass transit, including rail; bus rapid transit; and capacity-enhancing treatments such as high-occupancy vehicle lanes, high-occupancy toll lanes, interchange improvements, commuter parking lots, and other transportation management strategies.

10. Subject to the limitations and approvals of § 33.2-1712, any other highway for a primary highway transportation improvement district or transportation service district that the Board has agreed to finance under a contract with any such district or any other alternative mechanism for generation of local revenues for specific funding of a project satisfactory to the Board, the financing for which is to be secured by Transportation Trust Fund revenues under any appropriation made by the General Assembly for that purpose and payable first from revenues received under such contract or other local funding source; second, to the extent required, from funds appropriated and allocated, pursuant to the highway allocation formula as provided by law, to the highway construction district in which the project is located or to the county or counties in which the project is located; and third, to the extent required from other legally available revenues of the Transportation Trust Fund and from any other available source of funds.

11. The U.S. Route 58 Corridor Development Program projects as defined in §§ 33.2-2300 and 33.2-2301.

12. The Northern Virginia Transportation District Program as defined in §§ 33.2-2400 and 33.2-2401.

13. Any program for highways or mass transit or transportation facilities endorsed by the affected localities, which agree that certain distributions of state recordation taxes will be dedicated and used for the payment of any bonds or other obligations, including interest thereon, the proceeds of which were used to pay the cost of the program. Any such program shall be referred to as a "Transportation Improvement Program."

14. Any project designated by the General Assembly financed in whole or part through the issuance of Commonwealth of Virginia Federal Highway Reimbursement Anticipation Notes.

15. Any project authorized by the General Assembly financed in whole or in part by funds from the Priority Transportation Fund established pursuant to § 33.2-1527 or from the proceeds of bonds whose debt service is paid in whole or in part by funds from such Fund.

16. Any project identified by the Board to be financed in whole or in part through the issuance of Commonwealth of Virginia Federal Transportation Grant Anticipation Revenue Notes.

17. *The Interstate 81 Corridor Improvement Program projects as defined in §§ 33.2-3600 and 33.2-3602.*

18. *Railroad and other infrastructure improvements leading into Washington, D.C., from Virginia and new Metrorail-related improvements to, and serving, the Rosslyn Metrorail station in Arlington County.*

"Revenues" includes tolls and any other moneys received or pledged by the Board pursuant to this chapter, including legally available Transportation Trust Fund revenues and any federal highway reimbursements and any other federal highway assistance received by the Commonwealth.

"Toll project" means a project financed in whole or in part through the issuance of revenue bonds that are secured by toll revenues generated by the project.

"Undertaking" means all of the projects authorized to be acquired or constructed under this chapter.

§ 33.2-1701. General powers of Commonwealth Transportation Board.

The Board may, subject to the provisions of this chapter:

1. Acquire by purchase or by condemnation, construct, improve, operate, and maintain any one or more of the projects mentioned and included in the undertaking as defined in § 33.2-1700;

2. Issue revenue bonds of the Commonwealth to be known and designated as "Commonwealth of Virginia Toll Revenue Bonds," payable from earnings and from any other available sources of funds, to pay the cost of such projects;

3. Subject to the limitations and approvals of § 33.2-1712, issue revenue bonds of the Commonwealth to be known and designated as "Commonwealth of Virginia Transportation Contract Revenue Bonds," secured by Transportation Trust Fund revenues under a payment agreement between the Board and the Treasury Board, subject to their appropriation by the General Assembly and payable first from revenues received pursuant to contracts with a primary highway transportation improvement district or transportation service district or other local revenue sources for which specific funding of any such bonds may be authorized by law; second, to the extent required, from funds appropriated and allocated, pursuant to the highway allocation formula as provided by law, to the highway construction district in which the project to be financed is located or to the county or counties in which the project to be financed is located; and third, to the extent required, from other legally available revenues of the Transportation Trust Fund and from any other available source of funds;

4. Issue revenue bonds of the Commonwealth to be known and designated as "Commonwealth of Virginia Transportation Revenue Bonds," secured (i) by revenues received from the U.S. Route 58 Corridor Development Fund, subject to their appropriation by the General Assembly; (ii) to the extent required, from revenues legally available from the Transportation Trust Fund; and (iii) to the extent required, from any other legally available funds that have been appropriated by the General Assembly;

5. Issue revenue bonds of the Commonwealth to be known and designated as "Commonwealth of Virginia Transportation Revenue Bonds," secured, subject to their appropriation by the General Assembly, (i) first from revenues received from the Northern Virginia Transportation District Fund; (ii) to the extent required, from funds appropriated and allocated, pursuant to the highway allocation formula as provided by law, to the highway construction district in which the project to be financed is located or to the city or county in which the project to be financed is located; (iii) to the extent

required, from legally available revenues of the Transportation Trust Fund; and (iv) from such other funds that may be appropriated by the General Assembly;

6. Issue revenue bonds of the Commonwealth to be known and designated as "Commonwealth of Virginia Transportation Program Revenue Bonds," secured, subject to their appropriation by the General Assembly, (i) first from any revenues received from any Set-aside Fund established by the General Assembly pursuant to § 58.1-816.1; (ii) to the extent required, from revenues received pursuant to any contract with a locality or any alternative mechanism for generation of local revenues for specific funding of a project satisfactory to the Board; (iii) to the extent required, from funds appropriated and allocated, pursuant to the highway allocation formula as provided by law, to the highway construction district in which the project to be financed is located or to the city or county in which the project to be financed is located; (iv) to the extent required, from legally available revenues of the Transportation Trust Fund; and (v) from such other funds that may be appropriated by the General Assembly. No bonds for any project shall be issued under the authority of this subdivision unless such project is specifically included in a bill or resolution passed by the General Assembly;

7. Issue revenue bonds of the Commonwealth to be known and designated as "Commonwealth of Virginia Transportation Program Revenue Bonds," secured, subject to their appropriation by the General Assembly, (i) first from any revenues received from the Commonwealth Transit Capital Fund established by the General Assembly pursuant to subdivision A 4 e of § 58.1-638 § 33.2-1526.2; (ii) to the extent required, from legally available revenues of the Transportation Trust Fund; and (iii) from such other funds that may be appropriated by the General Assembly. No bonds for any project shall be issued under the authority of this subdivision unless such project is specifically included in a bill or resolution passed by the General Assembly;

8. Issue revenue bonds of the Commonwealth to be known and designated as "Commonwealth of Virginia Federal Highway Reimbursement Anticipation Notes," secured, subject to their appropriation by the General Assembly, (i) first from any federal highway reimbursements and any other federal highway assistance received by the Commonwealth; (ii) then, at the discretion of the Board, to the extent required, from legally available revenues of the Transportation Trust Fund; and (iii) then from such other funds, if any, that are designated by the General Assembly for such purpose;

9. Issue revenue bonds of the Commonwealth to be known and designated as "Commonwealth of Virginia Credit Assistance Revenue Bonds," secured, subject to their appropriation by the General Assembly, solely from revenues with respect to or generated by the project being financed thereby and any tolls or other revenues pledged by the Board as security therefor and in accordance with the applicable federal credit assistance authorized with respect to such project by the U.S. Department of Transportation;

10. Issue revenue bonds of the Commonwealth to be known and designated as "Commonwealth of Virginia Transportation Capital Projects Revenue Bonds," secured, subject to their appropriation by the General Assembly, (i) from the revenues deposited into the Priority Transportation Fund established pursuant to § 33.2-1527; (ii) to the extent required, from revenues legally available from the Transportation Trust Fund; and (iii) to the extent required, from any other legally available funds;

11. Issue grant anticipation notes of the Commonwealth from time to time to be known and designated as "Commonwealth of Virginia Federal Transportation Grant Anticipation Revenue Notes," secured, subject to their appropriation by the General Assembly, (i) first from the project-specific reimbursements pursuant to § 33.2-1520; (ii) then, at the discretion of the Board, to the extent required, from legally available revenues of the Transportation Trust Fund; and (iii) then from such other funds, if any, that are designated by the General Assembly for such purpose;

12. *Issue revenue bonds of the Commonwealth to be known and designated as "Commonwealth of Virginia Interstate 81 Program Revenue Bonds," secured, subject to appropriation by the General Assembly, by revenues received from the Interstate 81 Corridor Improvement Fund from deposits thereto pursuant to § 58.1-2299.20 derived from the receipt of the regional fuels tax levied pursuant to § 58.1-2295;*

13. Fix and collect tolls and other charges for the use of such projects or to refinance the cost of such projects;

14. Construct grade separations at intersections of any projects with public highways, railways, or streets and adjust the lines and grades thereof so as to accommodate the same to the design of such grade separations, the cost of such grade separations and any damage incurred in adjusting the lines and grades of such highways, railways, or streets to be ascertained and paid by the Board as a part of the cost of the project;

15. Vacate or change the location of any portion of any public highway and reconstruct the same at such new location as the Board deems most favorable for the project and of substantially the same type and in as good condition as the original highway, the cost of such reconstruction and any damage incurred in vacating or changing the location thereof to be ascertained and paid by the Board as a part of the cost of the project. Any public highway vacated or relocated by the Board shall be vacated or relocated in the manner provided by law for the vacation or relocation of public highways, and any damages awarded on account thereof may be paid by the Board as a part of the cost of the project;

16. Make reasonable regulations for the installation, construction, maintenance, repair, renewal, and relocation of pipes, mains, sewers, conduits, cables, wires, towers, poles, and other equipment and appliances, referred to in this subdivision as "public utility facilities," of the Commonwealth and of any locality, political subdivision, public utility, or public service corporation owning or operating the same in, on, along, over, or under the project. Whenever the Board determines that it is necessary that any such public utility facilities should be relocated or removed, the Commonwealth or such locality, political subdivision, public utility, or public service corporation shall relocate or remove the same in accordance with the order of the Board. The cost and expense of such relocation or removal, including the cost of installing

such public utility facilities in a new location or locations, the cost of any lands or any rights or interests in lands, and any other rights acquired to accomplish such relocation or removal, shall be ascertained by the Board.

On any toll project, the Board shall pay the cost and expense of relocation or removal as a part of the cost of the project for those public utility facilities owned or operated by the Commonwealth or such locality, political subdivision, public utility, or public service corporation. On all other projects under this chapter, the Board shall pay the cost and expense of relocation or removal as a part of the cost of the project for those public utility facilities owned or operated by the Commonwealth or such locality or political subdivision. The Commonwealth or such locality, political subdivision, public utility, or public service corporation may maintain and operate such public utility facilities with the necessary appurtenances in the new location for as long a period and upon the same terms and conditions as it had the right to maintain and operate such public utility facilities in their former location;

~~16.~~ 17. Acquire by the exercise of the power of eminent domain any lands, property, rights, rights-of-way, franchises, easements, and other property, including public lands, parks, playgrounds, reservations, highways, or parkways, or parts thereof or rights therein, of any locality or political subdivision, deemed necessary or convenient for the construction or the efficient operation of the project or necessary in the restoration, replacement, or relocation of public or private property damaged or destroyed.

The cost of such projects shall be paid solely from the proceeds of Commonwealth of Virginia Toll or Transportation Contract Revenue Bonds or a combination thereof or from such proceeds and from any grant or contribution that may be made thereto pursuant to the provisions of this chapter;

17. 18. Notwithstanding any provision of this chapter to the contrary, the Board shall be authorized to exercise the powers conferred in this chapter, in addition to its general powers to acquire rights-of-way and to construct, operate, and maintain state highways, with respect to any project that the General Assembly has authorized or may hereafter authorize to be financed in whole or in part through the issuance of bonds of the Commonwealth pursuant to the provisions of Article X, Section 9 (c) of the Constitution of Virginia; ~~and~~

~~18.~~ 19. Enter into any agreements or take such other actions as the Board determines in connection with applying for or obtaining any federal credit assistance, including without limitation loan guarantees and lines of credit, pursuant to authorization from the U.S. Department of Transportation with respect to any project included in the Commonwealth's long-range transportation plan and the approved State Transportation Improvement Program; *and*

20. *Issue revenue bonds of the Commonwealth to be known and designated as "Commonwealth of Virginia Passenger Rail Facilities Bonds," secured, subject to their appropriation by the General Assembly from net revenues resulting from tolls, rates, fees, and charges for or in connection with the use, occupancy, and services of the Transform 66 Inside the Beltway express lanes project and remaining after payment of expenses incurred in operating such project's toll facilities.*

§ 33.2-1708. Revenue bonds.

The Board may provide by resolution, at one time or from time to time, for the issuance of revenue bonds, notes, or other revenue obligations of the Commonwealth for the purpose of paying all or any part of the cost, as defined in § 33.2-1700, of any one or more projects, as defined in § 33.2-1700. The principal or purchase price of, and redemption premium, if any, and interest on such obligations shall be payable solely from the special funds herein provided for such payment. For the purposes of this section, "special funds" includes any funds established for Commonwealth of Virginia Toll Revenue Bonds, Commonwealth of Virginia Transportation Contract Revenue Bonds, Commonwealth of Virginia Transportation Revenue Bonds, *Commonwealth of Virginia Interstate 81 Program Revenue Bonds*, Commonwealth of Virginia Federal Highway Reimbursement Anticipation Notes, or Commonwealth of Virginia Federal Transportation Grant Anticipation Revenue Notes, *or Commonwealth of Virginia Passenger Rail Facilities Bonds*.

§ 33.2-1709. Credit of Commonwealth not pledged.

A. Commonwealth of Virginia Toll Revenue Bonds issued under the provisions of this chapter shall not be deemed to constitute a debt of the Commonwealth or a pledge of the full faith and credit of the Commonwealth, but such bonds shall be payable solely from the funds provided therefor from tolls and revenues pursuant to this chapter, from bond proceeds or earnings thereon, and from any other available sources of funds. All such bonds shall state on their face that the Commonwealth is not obligated to pay the same or the interest thereon except from the special fund provided therefor from tolls and revenues under this chapter, from bond proceeds or earnings thereon, and from any other available sources of funds, and that the full faith and credit of the Commonwealth are not pledged to the payment of the principal or interest of such bonds. The issuance of such revenue bonds under the provisions of this chapter shall not directly or indirectly or contingently obligate the Commonwealth to levy or to pledge any form of taxation whatever therefor or to make any appropriation for their payment, other than appropriate available funds derived as revenues from tolls and charges under this chapter or derived from bond proceeds or earnings thereon and from any other available sources of funds.

B. Commonwealth of Virginia Transportation Contract Revenue Bonds issued under the provisions of this chapter shall not be deemed to constitute a debt of the Commonwealth or a pledge of the full faith and credit of the Commonwealth, but such bonds shall be payable solely from the funds provided therefor pursuant to this chapter (i) from revenues received pursuant to contracts with a primary highway transportation district or transportation service district or any other alternative mechanism for generation of local revenues for specific funding of a project satisfactory to the Board; (ii) to the extent required, from funds appropriated and allocated, pursuant to the highway allocation formula as provided by law, to the highway construction district in which the project to be financed is located or to the county or counties in which such project is located; (iii) from bond proceeds or earnings thereon; (iv) to the extent required, from other legally available revenues of

the Transportation Trust Fund; and (v) from any other available source of funds. All such bonds shall state on their face that the Commonwealth is not obligated to pay the same or the interest thereon except from revenues in clauses (i) and (iii) and that the full faith and credit of the Commonwealth are not pledged to the payment of the principal and interest of such bonds. The issuance of such revenue bonds under the provisions of this chapter shall not directly or indirectly or contingently obligate the Commonwealth to levy or to pledge any form of taxation whatever or to make any appropriation for their payment, other than to appropriate available funds derived as revenues under this chapter from the sources set forth in clauses (i) and (iii). Nothing in this chapter shall be construed to obligate the General Assembly to make any appropriation of the funds set forth in clause (ii) or (iv) for payment of such bonds.

C. Commonwealth of Virginia Transportation Revenue Bonds issued under the provisions of this chapter shall not be deemed to constitute a debt of the Commonwealth or a pledge of the full faith and credit of the Commonwealth, but such bonds shall be payable solely from the funds provided therefor pursuant to this chapter (i) from revenues received from the U.S. Route 58 Corridor Development Fund established pursuant to § 33.2-2300, subject to their appropriation by the General Assembly; (ii) to the extent required, from revenues legally available from the Transportation Trust Fund; and (iii) to the extent required, from any other legally available funds that may be appropriated by the General Assembly.

D. Commonwealth of Virginia Transportation Revenue Bonds issued under this chapter for Category 1 projects as provided in subdivision 12 of the definition of "project" in § 33.2-1700 shall not be deemed to constitute a debt of the Commonwealth or a pledge of the full faith and credit of the Commonwealth. Such bonds shall be payable solely, subject to their appropriation by the General Assembly, (i) first from revenues received from the Northern Virginia Transportation District Fund established pursuant to § 33.2-2400; (ii) to the extent required, from funds appropriated and allocated, pursuant to the highway allocation formula as provided by law, to the highway construction district in which the project to be financed is located or to the city or county in which the project to be financed is located; (iii) to the extent required, from legally available revenues of the Transportation Trust Fund; and (iv) from such other funds that may be appropriated by the General Assembly.

E. Commonwealth of Virginia Transportation Program Revenue Bonds issued under this chapter for projects defined in subdivision 13 of the definition of "project" in § 33.2-1700 shall not be deemed to constitute a debt of the Commonwealth or a pledge of the full faith and credit of the Commonwealth. Such bonds shall be payable solely, subject to their appropriation by the General Assembly, (i) first from any revenues received from any Set-aside Fund established by the General Assembly pursuant to § 58.1-816.1; (ii) to the extent required, from revenues received pursuant to any contract with a locality or any alternative mechanism for generation of local revenues for specific funding of a project satisfactory to the Board; (iii) to the extent required, from funds appropriated and allocated, pursuant to the highway allocation formula as provided by law, to the highway construction district in which the project to be financed is located or to the city or county in which the project to be financed is located; (iv) to the extent required, from legally available revenues from the Transportation Trust Fund; and (v) from such other funds that may be appropriated by the General Assembly.

F. Commonwealth of Virginia Federal Highway Reimbursement Anticipation Notes issued under this chapter shall not be deemed to constitute a debt of the Commonwealth or a pledge of the full faith and credit of the Commonwealth, but such obligations shall be payable solely, subject to appropriation by the General Assembly, (i) first from any federal highway reimbursements and any other federal highway assistance received by the Commonwealth; (ii) then, at the discretion of the Board, to the extent required, from legally available revenues of the Transportation Trust Fund; and (iii) then, from such other funds, if any, that are designated by the General Assembly for such purpose.

G. Commonwealth of Virginia Transportation Credit Assistance Revenue Bonds issued under the provisions of this chapter shall not be deemed to constitute a debt of the Commonwealth or a pledge of the full faith and credit of the Commonwealth, but such obligations shall be payable solely, subject to appropriation by the General Assembly, from revenues with respect to or generated by the project being financed thereby and any tolls or other revenues pledged by the Board as security therefor and in accordance with the applicable federal credit assistance authorized with respect to such project by the U.S. Department of Transportation.

H. Commonwealth of Virginia Transportation Capital Projects Revenue Bonds issued under the provisions of this chapter for projects as provided in subdivision 15 of the definition of "project" in § 33.2-1700 shall not be deemed to constitute a debt of the Commonwealth or a pledge of the full faith and credit of the Commonwealth, but such bonds shall be payable solely, subject to their appropriation by the General Assembly, (i) from the revenues deposited into the Priority Transportation Fund established pursuant to § 33.2-1527; (ii) to the extent required, from revenues legally available from the Transportation Trust Fund; and (iii) to the extent required, from any other legally available funds.

I. Commonwealth of Virginia Federal Transportation Grant Anticipation Revenue Notes issued under the provisions of Article 4 (§ 33.2-1511 et seq.) of Chapter 15 and this chapter shall not be deemed to constitute a debt of the Commonwealth or a pledge of the full faith and credit of the Commonwealth, but such notes shall be payable solely, subject to their appropriation by the General Assembly, (i) first from the project-specific reimbursements pursuant to § 33.2-1520; (ii) then, at the discretion of the Board, to the extent required, from legally available revenues of the Transportation Trust Fund; and (iii) then from such other funds, if any, that are designated by the General Assembly for such purpose.

J. Commonwealth of Virginia Interstate 81 Program Revenue Bonds issued under the provisions of this chapter shall not be deemed to constitute a debt of the Commonwealth or a pledge of the full faith and credit of the Commonwealth, but such bonds shall be payable solely from the funds provided therefor pursuant to this chapter; subject to their appropriation

by the General Assembly, from revenues received from the Interstate 81 Corridor Improvement Fund from deposits thereto pursuant to § 58.1-2299.20 derived from the receipt of the regional fuels tax levied pursuant to § 58.1-2295.

K. Commonwealth of Virginia Passenger Rail Facilities Bonds issued under the provisions of this chapter shall not be deemed to constitute a debt of the Commonwealth or a pledge of the full faith and credit of the Commonwealth but such bonds shall be payable solely from the funds provided therefor from tolls, rates, fees, and charges pursuant to this chapter. All such bonds shall state on their face that the Commonwealth is not obligated to pay the same or the interest thereon except from revenues and funds provided from tolls, rates, fees, and charges pursuant to this chapter and the full faith and credit of the Commonwealth are not pledged to the payment of the principal of and interest on such bonds. The issuance of such revenue bonds under the provisions of this chapter shall not directly or indirectly or contingently obligate the Commonwealth to levy or to pledge any form of taxation whatsoever or to make any appropriation for their payment, other than to appropriate available funds from pledged revenues.

§ 33.2-1803. Approval by the responsible public entity.

A. The private entity may request approval by the responsible public entity. Any such request shall be accompanied by the following material and information unless waived by the responsible public entity in its guidelines or other instructions given, in writing, to the private entity with respect to the transportation facility or facilities that the private entity proposes to develop and/or operate as a qualifying transportation facility:

1. A topographic map (1:2,000 or other appropriate scale) indicating the location of the transportation facility or facilities;

2. A description of the transportation facility or facilities, including the conceptual design of such facility or facilities and all proposed interconnections with other transportation facilities;

3. The proposed date for development and/or operation of the transportation facility or facilities along with an estimate of the life-cycle cost of the transportation facility as proposed;

4. A statement setting forth the method by which the private entity proposes to secure any property interests required for the transportation facility or facilities;

5. Information relating to the current transportation plans, if any, of each affected locality or public entity;

6. A list of all permits and approvals required for developing and/or operating improvements to the transportation facility or facilities from local, state, or federal agencies and a projected schedule for obtaining such permits and approvals;

7. A list of public utility's, locality's, or political subdivision's facilities, if any, that will be crossed by the transportation facility or facilities and a statement of the plans of the private entity to accommodate such crossings;

8. A statement setting forth the private entity's general plans for developing and/or operating the transportation facility or facilities, including identification of any revenue, public or private, or proposed debt or equity investment or concession proposed by the private entity;

9. The names and addresses of the persons who may be contacted for further information concerning the request;

10. Information on how the private entity's proposal will address the needs identified in the appropriate state, regional, or local transportation plan by improving safety, reducing congestion, increasing capacity, enhancing economic efficiency, or any combination thereof;

11. A statement of the risks, liabilities, and responsibilities to be transferred, assigned, or assumed by the private entity for the development and/or operation of the transportation facility, including revenue risk and operations and maintenance; and

12. Such additional material and information as the responsible public entity may reasonably request pursuant to its guidelines or other written instructions.

B. The responsible public entity may request proposals from private entities for the development and/or operation of transportation facilities subject to the following:

1. For transportation facilities where the Department of Transportation, *the Virginia Passenger Rail Authority*, or the Department of Rail and Public Transportation is the responsible public entity, the Transportation Public-Private Partnership Steering Committee established pursuant to § 33.2-1803.2 has determined that moving forward with the development and/or operation of the facility pursuant to this article serves the best interest of the public.

2. A finding of public interest pursuant to § 33.2-1803.1 has been issued by the responsible public entity.

3. The responsible public entity shall not charge a fee to cover the costs of processing, reviewing, and evaluating proposals received in response to such requests.

C. The responsible public entity may grant approval of the development and/or operation of the transportation facility or facilities as a qualifying transportation facility if the responsible public entity determines that it is in the best interest of the public. The responsible public entity may determine that the development and/or operation of the transportation facility or facilities as a qualifying transportation facility serves the best interest of the public if:

1. The private entity can develop and/or operate the transportation facility or facilities with a public contribution amount that is less than the maximum public contribution determined pursuant to subsection A of § 33.2-1803.1:1 for transportation facilities where the Department of Transportation, *the Virginia Passenger Rail Authority*, or the Department of Rail and Public Transportation is the responsible public entity;

2. There is a public need for the transportation facility or facilities the private entity proposes to develop and/or operate as a qualifying transportation facility and for transportation facilities where the Department of Transportation or the

Department of Rail and Public Transportation is the responsible public entity, such facility or facilities meet a need included in the plan developed pursuant to § 33.2-353;

3. The plan for the development and/or operation of the transportation facility or facilities is anticipated to have significant benefits as determined pursuant to subdivision B 1 of § 33.2-1803.1;

4. The private entity's plans will result in the timely development and/or operation of the transportation facility or facilities or their more efficient operation; and

5. The risks, liabilities, and responsibilities transferred, assigned, or assumed by the private entity provide sufficient benefits to the public to not proceed with the development and/or operation of the transportation facility through other means of procurement available to the responsible public entity.

In evaluating any request, the responsible public entity may rely upon internal staff reports prepared by personnel familiar with the operation of similar facilities or the advice of outside advisors or consultants having relevant experience.

D. The responsible public entity shall not enter into a comprehensive agreement unless the chief executive officer of the responsible public entity certifies in writing to the Governor and the General Assembly that:

1. The finding of public interest issued pursuant to § 33.2-1803.1 is still valid;

2. The transfer, assignment, and assumption of risks, liabilities, and permitting responsibilities and the mitigation of revenue risk by the private sector have not materially changed since the finding of public interest was issued pursuant to § 33.2-1803.1; and

3. The public contribution requested by the private entity does not exceed the maximum public contribution determined pursuant to subsection A of § 33.2-1803.1:1.

Changes to the project scope that do not impact the assignment of risks or liabilities or the mitigation of revenue risk shall not be considered material changes to the finding of public interest, provided that such changes were presented in a public meeting to the Commonwealth Transportation Board, other state board, or the governing body of a locality, as appropriate.

E. The responsible public entity may charge a reasonable fee to cover the costs of processing, reviewing, and evaluating the request submitted by a private entity pursuant to subsection A, including reasonable attorney fees and fees for financial and other necessary advisors or consultants. The responsible public entity shall also develop guidelines that establish the process for the acceptance and review of a proposal from a private entity pursuant to subsections A, B, C, and D. Such guidelines shall establish a specific schedule for review of the proposal by the responsible public entity, a process for alteration of that schedule by the responsible public entity if it deems that changes are necessary because of the scope or complexity of proposals it receives, the process for receipt and review of competing proposals, and the type and amount of information that is necessary for adequate review of proposals in each stage of review. For qualifying transportation facilities that have approved or pending state and federal environmental clearances, have secured significant right-of-way, have previously allocated significant state or federal funding, or exhibit other circumstances that could reasonably reduce the amount of time to develop and/or operate the qualifying transportation facility in accordance with the purpose of this chapter, the guidelines shall provide for a prioritized documentation, review, and selection process.

F. The approval of the responsible public entity shall be subject to the private entity's entering into an interim agreement or a comprehensive agreement with the responsible public entity. For any project with an estimated construction cost of over \$50 million, the responsible public entity also shall require the private entity to pay the costs for an independent audit of any and all traffic and cost estimates associated with the private entity's proposal, as well as a review of all public costs and potential liabilities to which taxpayers could be exposed (including improvements to other transportation facilities that may be needed as a result of the proposal, failure by the private entity to reimburse the responsible public entity for services provided, and potential risk and liability in the event the private entity defaults on the comprehensive agreement or on bonds issued for the project). This independent audit shall be conducted by an independent consultant selected by the responsible public entity, and all such information from such review shall be fully disclosed.

G. In connection with its approval of the development and/or operation of the transportation facility or facilities as a qualifying transportation facility, the responsible public entity shall establish a date for the acquisition of or the beginning of construction of or improvements to the qualifying transportation facility. The responsible public entity may extend such date.

H. The responsible public entity shall take appropriate action, as more specifically set forth in its guidelines, to protect confidential and proprietary information provided by the private entity pursuant to an agreement under subdivision 11 of § 2.2-3705.6.

I. The responsible public entity may also apply for, execute, and/or endorse applications submitted by private entities to obtain federal credit assistance for qualifying projects developed and/or operated pursuant to this chapter.

§ 33.2-1803.1. Finding of public interest.

A. Prior to the meeting of the Committee pursuant to subsection C of § 33.2-1803.2, the chief executive officer of the responsible public entity shall make a finding of public interest. Such finding shall include information set forth in subsection B. For transportation facilities where the Department of Transportation, *the Virginia Passenger Rail Authority*, or the Department of Rail and Public Transportation is the responsible public entity, the Secretary of Transportation, in his role as chairman of the Board, must concur with the finding of public interest.

B. At a minimum, a finding of public interest shall contain the following information:

1. A description of the benefits expected to be realized by the responsible public entity through the development and/or operation of the transportation facility, including person throughput, congestion mitigation, safety, economic development, environmental quality, and land use.

2. An analysis of the public contribution necessary for the development and/or operation of the facility or facilities pursuant to subsection A of § 33.2-1803.1:1, including a maximum public contribution that will be allowed under the procurement.

3. A description of the benefits expected to be realized by the responsible public entity through the use of this chapter compared with the development and/or operation of the transportation facility through other options available to the responsible public entity.

4. A statement of the risks, liabilities, and responsibilities to be transferred, assigned, or assumed by the private entity, which shall include the following:

a. A discussion of whether revenue risk will be transferred to the private entity and the degree to which any such transfer may be mitigated through other provisions in the interim or comprehensive agreements;

b. A description of the risks, liabilities, and responsibilities to be retained by the responsible public entity; and

c. Other items determined appropriate by the responsible public entity in the guidelines for this chapter.

5. The determination of whether the project has a high, medium, or low level of project delivery risk and a description of how such determination was made. If the qualifying transportation facility is determined to contain high risk, a description of how the public's interest will be protected through the transfer, assignment, or assumption of risks or responsibilities by the private entity in the event that issues arise with the development and/or operation of the qualifying transportation facility.

6. If the responsible public entity proposes to enter into an interim or comprehensive agreement pursuant to subdivision 2 of § 33.2-1819, information and the rationale demonstrating that proceeding in this manner is more beneficial than proceeding pursuant to subdivision 1 of § 33.2-1819.

§ 33.2-1803.1:1. Public sector analysis and competition.

A. For any transportation facility under consideration for development and/or operation under this chapter by the Department of Transportation, *the Virginia Passenger Rail Authority*, or the Department of Rail and Public Transportation, the responsible public entity shall ensure competition throughout the procurement process by developing a public sector option based on the analysis conducted in subsection B. The public sector option shall identify a maximum public contribution.

B. The responsible public entity shall undertake, in cooperation with the Secretary of Transportation and the Secretary of Finance, a public sector analysis of the cost for the responsible entity to develop and/or operate the transportation facility or facilities being considered for development and/or operation pursuant to this chapter. At a minimum, such analysis shall contain the following information:

1. Any mitigation of risk of user-fee financing through assumptions related to competing facilities, compensation for high usage of the facility by high-occupancy vehicles, or other considerations that may mitigate the risk of user-fee financing.

2. Whether the Department of Transportation, *the Virginia Passenger Rail Authority*, or the Department of Rail and Public Transportation intends to maintain and operate the facility, or if the public sector option is based on the transfer of such responsibilities to the private sector.

3. Public contribution, if any, that would still be required to cover all costs necessary for the development and/or operation of the transportation facility in excess of financing available should the General Assembly authorize the use of debt secured by a pledge of net revenues derived from rates, fees, or other charges and the full faith and credit of the Commonwealth pursuant to Article X, Section 9 (c) of the Constitution of Virginia.

4. Funds provided to support nonuser fee generating components of the project that contribute to the benefits expected to be realized from the transportation facility pursuant to subdivision B 1 of § 33.2-1803.1.

§ 33.2-1803.2. Transportation Public-Private Partnership Steering Committee.

A. There is hereby established the Transportation Public-Private Partnership Steering Committee (the Committee) to evaluate and review financing options for the development and/or operation of transportation facility or facilities.

The Committee shall consist of the following members:

1. Two members of the Commonwealth Transportation Board;

2. The staff director of the House Committee on Appropriations, or his designee, and the staff director of the Senate Committee on Finance, or his designee;

3. A Deputy Secretary of Transportation who shall serve as the chairman;

4. The chief financial officer of either the Department of Transportation or the Department of Rail and Public Transportation, as appropriate; and

5. A nonagency public financial expert, as selected by the Secretary of Transportation.

B. Prior to the initiation of any procurement pursuant to § 33.2-1803 by the Department of Transportation, *the Virginia Passenger Rail Authority*, or the Department of Rail and Public Transportation, the Committee shall meet to review the public sector analysis and competition developed pursuant to § 33.2-1803.1:1 and concur that:

1. The assumptions regarding the project scope, benefits, and costs of the public sector option developed pursuant to § 33.2-1803.1:1 were fully and reasonably developed;

2. The assumed financing costs and valuation of both financial and construction risk mitigation included in the public sector option are financially sound and reflect the best interest of the public; and

3. The terms sheet developed for the proposed procurement contains all necessary elements.

C. After receipt of responses to the request for qualifications, but prior to the issuance of the first draft request for proposals, the Committee shall meet to determine that the development and/or operation of the transportation facility or facilities as a qualifying transportation facility serves the public interest pursuant to § 33.2-1803.1. If the Committee makes an affirmative determination, as evidenced by an affirmative vote of a majority of the members of the Committee, the Department of Transportation or the Department of Rail and Public Transportation may proceed with the procurement pursuant to § 33.2-1803.

D. Meetings of the Committee shall be open to the public, and meetings will be scheduled on an as-needed basis. However, the Committee may convene a closed session pursuant to the provisions of subdivisions A 6 and 29 of § 2.2-3711 to allow the Committee to review the public sector analysis and competition and to review proposals received pursuant to a request for qualifications.

E. The Committee shall, within 10 business days of any meeting, report on the findings of such meeting. Such report shall be made to the Chairmen of the House and Senate Committees on Transportation, the House Committee on Appropriations, and the Senate Committee on Finance.

F. Within 60 days of the execution of a comprehensive agreement pursuant to § 33.2-1803, the Department of Transportation or the Department of Rail and Public Transportation, as appropriate, shall, in closed session, brief the Committee on the details of the final bids received and the details of the evaluation of such bids.

§ 33.2-1809. Interim agreement.

A. Prior to or in connection with the negotiation of the comprehensive agreement, the responsible public entity may enter into an interim agreement with the private entity proposing the development and/or operation of the facility or facilities. Such interim agreement may (i) permit the private entity to commence activities for which it may be compensated relating to the proposed qualifying transportation facility, including project planning and development, advance right-of-way acquisition, design and engineering, environmental analysis and mitigation, survey, conducting transportation and revenue studies, and ascertaining the availability of financing for the proposed facility or facilities; (ii) establish the process and timing of the negotiation of the comprehensive agreement; and (iii) contain any other provisions related to any aspect of the development and/or operation of a qualifying transportation facility that the parties may deem appropriate.

B. Notwithstanding any provision of this chapter to the contrary, a responsible public entity may enter in to an interim agreement with multiple private entities if the responsible public entity determines in writing that it is in the public interest to do so.

C. The Department of Transportation, *the Virginia Passenger Rail Authority*, and the Department of Rail and Public Transportation shall not enter into an interim agreement for the development of a transportation facility under this chapter that either (i) establishes a process and timing of the negotiations of the comprehensive agreement or (ii) allows for competitive negotiations as set forth in § 2.2-4302.2.

§ 33.2-2300. U.S. Route 58 Corridor Development Fund.

There is hereby created in the Department of the Treasury a special nonreverting fund that shall be a part of the Transportation Trust Fund and that shall be known as the U.S. Route 58 Corridor Development Fund, referred to in this chapter as "the Fund," consisting of the first \$40 million of annual collections of ~~the state recordation taxes imposed by Chapter 8 of Title 58.1, provided, however, that this dedication shall not affect the local recordation taxes under subsection B of § 58.1-802 and § 58.1-814 from the Commonwealth Transportation Fund pursuant to § 33.2-1524.~~ The Fund shall also include such other funds as may be appropriated by the General Assembly and designated for the Fund and all interest, dividends, and appreciation that may accrue thereto. Any moneys remaining in the Fund at the end of a biennium shall not revert to the general fund, but shall remain in the Fund. Allocations from the Fund may be paid to any authority, locality, or commission for the purposes specified in § 33.2-2301.

§ 33.2-2301. U.S. Route 58 Corridor Development Program.

A. The General Assembly declares it to be in the public interest that the economic development needs and economic growth potential of south-central and Southwest Virginia be addressed by the Fund. Moneys contained in the Fund shall be used for the costs of providing an adequate, modern, safe, and efficient highway system, generally along Virginia's southern boundary (the Program), including environmental and engineering studies, rights-of-way acquisition, construction, improvements, and financing costs.

B. Allocations from the Fund shall be made annually by the Commonwealth Transportation Board for the creation and enhancement of a safe, efficient highway system connecting the communities, businesses, places of employment, and residents of the southwestern-most portion of the Commonwealth to the communities, businesses, places of employment, and residents of the southeastern-most portion of the Commonwealth, thereby enhancing the economic development potential, employment opportunities, mobility, and quality along such highway.

C. Allocations from the Fund shall not diminish or replace allocations made or planned to be made from other sources or diminish allocations to which any highway, project, facility, district, system, or locality would be entitled under other provisions of this title, but shall be supplemental to other allocations to the end that highway resource improvements in the U.S. Route 58 Corridor may be accelerated and augmented. Notwithstanding any contrary provisions of this title, allocations from the Fund may be applied to highway projects in the Interstate System, primary or secondary state highway

system, or urban highway system. Allocations under this subsection shall not be limited to projects involving only existing U.S. Route 58 but may be made to projects involving other highways, provided that the broader goal of creation of an adequate modern highway system generally along Virginia's southern boundary is served thereby.

D. The Commonwealth Transportation Board may expend such funds from all sources as may be lawfully available to initiate the Program and to support bonds and other obligations referenced in subsection F. Any moneys expended from the Transportation Trust Fund for the Program, other than moneys contained in the Fund, may be reimbursed from the Fund, to the extent permitted by Article X, Section 9 of the Constitution of Virginia.

E. The Commonwealth Transportation Board is encouraged to utilize the existing four-lane divided highways, available rights-of-way acquired for additional four-laning, bypasses, connectors, and alternate routes.

F. To the extent permitted by Article X, Section 9 of the Constitution of Virginia, moneys contained in the Fund may be used to secure payment of bonds or other obligations, and the interest thereon, issued in furtherance of the purposes of this section. In addition, the Commonwealth Transportation Board is authorized to receive, dedicate, or use legally available Transportation Trust Fund revenues and any other available sources of funds to secure the payment of bonds or other obligations, including interest thereon, in furtherance of the Program. No bond or other obligations payable from revenues of the Fund shall be issued unless specifically approved by the General Assembly. No bond or other obligations, secured in whole or in part by revenues of the Fund, shall pledge the full faith and credit of the Commonwealth.

G. Forty million dollars shall be transferred annually to the Fund with the first such transfer to be made on July 1, 1990, or as soon thereafter as reasonably practicable. Such transfer shall be made by the issuance of a treasury loan at no interest in the amount of \$40 million to the Fund to ensure that the Fund is fully funded on the first day of the fiscal year. Such treasury loan shall be repaid from the Commonwealth's portion of the state recordation tax imposed by Chapter 8 (§ 58.1-800 et seq.) of Title 58.1 designated for the Fund by § 33.2-2300 *Commonwealth Transportation Fund pursuant to subsection C of § 33.2-1524*. For each fiscal year following July 1, 1990, the Secretary of Finance is authorized to make additional treasury loans in the amount of \$40 million on July 1 of such fiscal years, and such treasury loans shall be repaid in a like manner as provided in this subsection.

§ 33.2-2400. Northern Virginia Transportation District Fund.

A. There is hereby created in the Department of the Treasury a special nonreverting fund that shall be a part of the Transportation Trust Fund and that shall be known as the Northern Virginia Transportation District Fund, referred to in this chapter as "the Fund," consisting of transfers pursuant to § 58.1-816 of annual collections of the state recordation taxes attributable to the Cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park and the Counties of Arlington, Fairfax, Loudoun, and Prince William; however, this dedication shall not affect the local recordation taxes under subsection B of § 58.1-802 and § 58.1-814 \$40 million from the *Commonwealth Transportation Fund pursuant to subsection C of § 33.2-1524*. The Fund shall also include any public rights-of-way use fees appropriated by the General Assembly; any state or local revenues, including any funds distributed pursuant to § 33.2-366, that may be deposited into the Fund pursuant to a contract between a jurisdiction participating in the Northern Virginia Transportation District Program and the Commonwealth Transportation Board; and any other funds as may be appropriated by the General Assembly and designated for the Fund and all interest, dividends, and appreciation that may accrue thereto. Any moneys remaining in the Fund at the end of a biennium shall not revert to the general fund, but shall remain in the Fund, subject to the determination by the Commonwealth Transportation Board that a Category 2, 3, or 4 project may be funded.

B. Allocations from the Fund may be paid (i) to any authority, locality, or commission for the purposes of paying the costs of the Northern Virginia Transportation District Program, which consists of the following: the Fairfax County Parkway, the Route 234 Bypass, Metrorail capital improvements attributable to Fairfax County including Metro parking expansions, Metrorail capital improvements including the Franconia-Springfield Metrorail Station and new rail car purchases, the Route 7 improvements in Loudoun County and Fairfax County, the Route 50/Courthouse Road interchange improvements in Arlington County, the Route 28/Route 625 interchange improvements in Loudoun County, Metrorail capital improvements attributable to the City of Alexandria including the King Street Metrorail Station access, Metrorail capital improvements attributable to Arlington County including Ballston Station improvements, the Route 15 safety improvements in Loudoun County, the Route 28 parallel roads in Loudoun County, the Route 28/Sterling Boulevard interchange in Loudoun County, the Route 1/Route 123 interchange improvements in Prince William County, the Lee Highway improvements in the City of Fairfax, the Route 123 improvements in Fairfax County, the Telegraph Road improvements in Fairfax County, the Route 123 Occoquan River Bridge, Gallows Road in Fairfax County, the Route 1/Route 234 interchange improvements in Prince William County, the ~~Potomac-Rappahannock~~ *Potomac and Rappahannock* Transportation Commission bus replacement program, and the Dulles Corridor Enhanced Transit program and (ii) for Category 4 projects as provided in § 2 of the act or acts authorizing the issuance of Bonds for the Northern Virginia Transportation District Program.

C. On or before July 15, 1994, \$19 million shall be transferred to the Fund. Such transfer shall be made by the issuance of a treasury loan at no interest in the amount of \$19 million in the event such an amount is not included for the Fund in the general appropriation act enacted by the 1994 Session of the General Assembly. Such treasury loan shall be repaid from the Commonwealth's portion of the state recordation tax imposed by Chapter 8 (§ 58.1-800 et seq.) of Title 58.1 designated for the Fund by this section and § 58.1-816 *Commonwealth Transportation Fund pursuant to subsection C of § 33.2-1524*.

D. Beginning in fiscal year 2019, \$20 million each year shall be transferred from the Fund to the Washington Metropolitan Area Transit Authority Capital Fund established pursuant to § 33.2-3401.

E. Beginning in fiscal year 2021, \$20 million each year shall be transferred from the Fund to the Northern Virginia Transportation Authority Fund established pursuant to § 33.2-2509.

§ 33.2-2401. Northern Virginia Transportation District Program.

A. The General Assembly declares it to be in the public interest that the economic development needs and economic growth potential of Northern Virginia be addressed by a special transportation program to provide for the costs of providing an adequate, modern, safe, and efficient transportation network in Northern Virginia that shall be known as the Northern Virginia Transportation District Program (the Program), including environmental and engineering studies, rights-of-way acquisition, construction, improvements to all modes of transportation, and financing costs. The Program consists of the projects listed in clause (i) of subsection B of § 33.2-2400.

B. Allocations to the Program from the Fund shall be made annually by the Commonwealth Transportation Board for the creation and enhancement of a safe and efficient transportation system connecting the communities, businesses, places of employment, and residences of the Commonwealth, thereby enhancing the economic development potential, employment opportunities, mobility, and quality of life in the Commonwealth.

C. Except in the event that the Fund is insufficient to pay for the costs of the Program, allocations to the Program shall not diminish or replace allocations made from other sources or diminish allocations to which any district, system, or locality would be entitled under other provisions of this title but shall be supplemental to other allocations to the end that transportation improvements in the Northern Virginia Transportation District may be accelerated and augmented. Allocations under this subsection shall be limited to projects specified in subdivision 12 of § 33.2-1700.

D. The Commonwealth Transportation Board may expend such funds from all sources as may be lawfully available to initiate the Program and to support bonds and other obligations referenced in subsection E and in subsection D of § 33.2-2400.

E. The Commonwealth Transportation Board is authorized to receive, dedicate, or use (i) first from revenues received from the Fund; (ii) to the extent required, funds available for distribution after providing for subsection B A of § 33.2-358; (iii) to the extent required, legally available revenues of the Transportation Trust Fund; and (iv) such other funds that may be appropriated by the General Assembly for the payment of bonds or other obligations, including interest thereon, issued in furtherance of the Program. No such bond or other obligations shall pledge the full faith and credit of the Commonwealth.

§ 33.2-2509. Northern Virginia Transportation Authority Fund.

There is hereby created in the state treasury a special nonreverting fund for Planning District 8 to be known as the Northern Virginia Transportation Authority Fund, referred to in this chapter as "the Fund." The Fund shall be established on the books of the Comptroller. All revenues dedicated to the Fund pursuant to §§ 33.2-2400, 58.1-638, and 58.1-802.4, any other funds that may be appropriated by the General Assembly, and any funds that may be received for the credit of the Fund from any other source shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund.

The amounts dedicated to the Fund pursuant to §§ 33.2-2400, 58.1-638, and 58.1-802.4 shall be deposited monthly by the Comptroller into the Fund and thereafter distributed to the Authority as soon as practicable for use in accordance with § 33.2-2510. If the Authority determines that such moneys distributed to it exceed the amount required to meet the current needs and demands to fund transportation projects pursuant to § 33.2-2510, the Authority may invest such excess moneys to the same extent as provided in subsection A of § 33.2-1525 for excess funds in the Transportation Trust Fund.

§ 33.2-3601. Interstate 81 Corridor Improvement Fund.

A. There is hereby created in the state treasury a special nonreverting fund to be known as the Interstate 81 Corridor Improvement Fund. The Fund shall be established on the books of the Comptroller. All revenues dedicated to the Fund pursuant to §§ 46.2-702.1:1, 58.1-2217.1, 33.2-372 and 58.1-2299.20, and 58.1-2701, any other funds that may be appropriated by the General Assembly, and any funds that may be received for credit to the Fund from any other sources shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund.

B. Moneys in the Fund shall be used only for capital, operating, and other improvement costs identified in the Plan.

C. The amounts deposited into the Fund and the distribution and expenditure of such amounts shall not be used to calculate or reduce the share of federal, state, or local revenues otherwise available to jurisdictions along the Interstate 81 corridor. Further, such revenues and moneys shall not be included in any computation of, or formula for, a locality's ability to pay for public education, upon which appropriations of state revenues to local governments for public education are determined.

§ 46.2-214.3. Discount for multiyear registration.

A. In addition to any other fee imposed and collected by the Department, the Department shall impose and collect a service charge upon each person who carries out the registration renewal of a vehicle in any of the Department's Customer Service Centers if such registration can be conducted (i) by mail or telephone or by using an electronic medium using a format prescribed by the Commissioner, or (ii) through an agent of the Department that has entered into an agreement with the Department to perform certain services as described in subsection B of § 46.2-205. The service charge shall not apply (a) if concurrently with the registration of the vehicle, the person undertakes another transaction at a Customer Service Center, which other transaction cannot be conducted through a means described in clause (i) or (ii), (b) to the registration of

any vehicle for which no registration fee is otherwise required by law, or (e) to any registration conducted by a motor vehicle dealer subject to the provisions of § 46.2-1530.2.

B. The service charge shall equal \$5 per vehicle registration renewal that is carried out in any Customer Service Center of the Department. The Department shall include information regarding such service charge in all vehicle registration renewal notices sent to vehicle owners.

C. All service charges imposed and collected by the Commissioner under this section shall be paid into the state treasury and shall be set aside as a special fund to be used to meet the expenses of the Department.

D. Pursuant to subsection C of § 46.2-646, for each motor vehicle, trailer, or semitrailer registered, the Commissioner may offer, at his discretion, a discount for multiyear registrations of such vehicles. The discount shall be equal to \$1 for each year of the multiyear registration or fraction thereof. The discount shall not be applicable to any motor vehicle, trailer, or semitrailer registered (i) under the International Registration Plan or (ii) as an uninsured motor vehicle. When this option is offered and chosen by the registrant, all annual and 12-month fees due at the time of registration shall be multiplied by the number of years or fraction thereof that the vehicle will be registered.

E. B. In addition to the discount authorized in subsection D A, for the renewal of registration of each motor vehicle, trailer, or semitrailer pursuant to § 46.2-646, the Commissioner shall offer a discount for renewal when such registration renewal is conducted using the Internet. The discount shall be equal to \$1. The discount shall not apply to any motor vehicle, trailer, or semitrailer registered (i) under the International Registration Plan or (ii) as an uninsured motor vehicle.

§ 46.2-332. Fees.

On and after January 1, 1990, the fee for each driver's license other than a commercial driver's license shall be \$2.40 per year. If the license is a commercial driver's license or seasonal restricted commercial driver's license, the fee shall be \$6 per year. Persons 21 years old or older may be issued a scenic driver's license, learner's permit, or commercial driver's license for an additional fee of \$5. For any one or more driver's license endorsements or classifications, except a motorcycle classification, there shall be an additional fee of \$1 per year; for a motorcycle classification, there shall be an additional fee of \$2 per year. For any and all driver's license classifications, there shall be an additional fee of \$1 per year. For any revalidation of a seasonal restricted commercial driver's license, the fee shall be \$5. A fee of \$10 shall be charged to extend the validity period of a driver's license pursuant to subsection B of § 46.2-221.2.

In addition to any other fee imposed and collected by the Department, the Department shall impose and collect a service charge of \$5 upon each person who carries out the renewal of a driver's license or special identification card in any of the Department's Customer Service Centers if such renewal can be conducted by mail or telephone or by using an electronic medium in a format prescribed by the Commissioner. Such service charge shall not apply if, concurrently with the renewal of the driver's license or special identification card, the person undertakes another transaction at a Customer Service Center that cannot be conducted by mail or telephone or by using an electronic medium in a format prescribed by the Commissioner. Such service charge shall be paid by the Commissioner into the state treasury and shall be set aside as a special fund to be used to meet the expenses of the Department.

A reexamination fee of \$2 shall be charged for each administration of the knowledge portion of the driver's license examination taken by an applicant who is 18 years of age or older if taken more than once within a 15-day period. The reexamination fee shall be charged each time the examination is administered until the applicant successfully completes the examination, if taken prior to the fifteenth day.

An applicant who is less than 18 years of age who does not successfully complete the knowledge portion of the driver's license examination shall not be permitted to take the knowledge portion more than once in 15 days.

A fee of \$50 shall be charged each time an applicant for a commercial driver's license fails to keep a scheduled skills test appointment, unless such applicant cancels his appointment with the assigned driver's license examiner at least 24 hours in advance of the scheduled appointment. The Commissioner may, on a case-by-case basis, waive such fee for good cause shown. All such fees shall be paid by the Commissioner into the state treasury and set aside as a special fund to be used to meet the necessary expenses incurred by the Department.

If the applicant for a driver's license is an employee of the Commonwealth, or of any county, city, or town who drives a motorcycle or a commercial motor vehicle solely in the line of his duty, he shall be exempt from the additional fee otherwise assessable for a motorcycle classification or a commercial motor vehicle endorsement. The Commissioner may prescribe the forms as may be requisite for completion by persons claiming exemption from additional fees imposed by this section.

No additional fee above \$2.40 per year shall be assessed for the driver's license or commercial driver's license required for the operation of a school bus.

Excluding the \$2 reexamination fee, \$1.50 of all fees collected for each original or renewal driver's license shall be paid into the driver education fund of the state treasury and expended as provided by law. Unexpended funds from the driver education fund shall be retained in the fund and be available for expenditure in ensuing years as provided therein.

All fees for motorcycle classifications shall be distributed as provided in § 46.2-1191.

This section shall supersede conflicting provisions of this chapter.

§ 46.2-341.20:5. Prohibition on texting and use of handheld mobile telephone; penalties.

A. No person driving a commercial motor vehicle shall text or use a handheld mobile telephone while driving such vehicle. A driver who violates this section is subject to a civil penalty not to exceed \$2,750. Civil penalties collected under this section shall be deposited into the ~~Transportation Trust~~ *Highway Maintenance and Operating* Fund established pursuant to § 33.2-1524 § 33.2-1530. Pursuant to 49 C.F.R. § 386.81, the determination of the actual civil penalties assessed

is based on consideration of information available at the time the claim is made concerning the nature and gravity of the violation and, with respect to the violator, the degree of culpability, history of prior offenses, ability to pay, effect on ability to continue to do business, and such other matters as justice and public safety may require.

B. Notwithstanding the definition of commercial motor vehicle in § 46.2-341.4, this section shall apply to any driver who drives a vehicle designed or used to transport between nine and 15 passengers, including the driver, not for direct compensation.

C. The provisions of this section shall not apply to drivers who are texting or using a handheld mobile telephone when necessary to communicate with law-enforcement officials or other emergency services.

D. The following words and phrases when used in this section only shall have the meanings respectively ascribed to them in this section except in those instances where the context clearly indicates a different meaning:

"Driving" means operating a commercial motor vehicle on a highway, including while temporarily stationary because of traffic, a traffic control device, or other momentary delays. Driving does not include operating a commercial motor vehicle when the driver has moved the vehicle to the side of or off a highway and has halted in a location where the vehicle can safely remain stationary.

"Mobile telephone" means a mobile communication device that falls under or uses any commercial mobile radio service, as defined in regulations of the Federal Communications Commission, 47 C.F.R. § 20.3. "Mobile telephone" does not include two-way or citizens band radio services.

"Texting" means manually entering alphanumeric text into, or reading text from, an electronic device. This action includes, but is not limited to, short message service, emailing, instant messaging, a command or request to access a website, pressing more than a single button to initiate or terminate a voice communication using a mobile telephone, or engaging in any other form of electronic text retrieval or entry for present or future communication. "Texting" does not include inputting, selecting, or reading information on a global positioning system or navigation system; pressing a single button to initiate or terminate a voice communication using a telephone; or using a device capable of performing multiple functions (e.g., fleet management systems, dispatching devices, smartphones, citizens band radios, music players, etc.) for a purpose that is not otherwise prohibited in this section.

"Use a handheld mobile telephone" means using at least one hand to hold a mobile telephone to conduct a voice communication; dialing or answering a mobile telephone by pressing more than a single button; or reaching for a mobile telephone in a manner that requires a driver to maneuver so that he is no longer in a seated driving position, restrained by a seat belt that is installed in accordance with 49 C.F.R. § 393.93 and adjusted in accordance with the vehicle manufacturer's instructions.

§ 46.2-341.20:6. Prohibition on requiring use of handheld mobile telephone or texting; motor carrier penalty.

No motor carrier shall allow or require its drivers to use a handheld mobile telephone or to text while driving a commercial motor vehicle. Motor carriers violating this section are subject to a civil penalty not to exceed \$11,000. Civil penalties collected under this section shall be deposited into the ~~Transportation Trust Highway Maintenance and Operating Fund~~ established pursuant to § 33.2-1524 § 33.2-1530. Pursuant to 49 C.F.R. § 386.81, the determination of the actual civil penalties assessed is based on consideration of information available at the time the claim is made concerning the nature and gravity of the violation and, with respect to the violator, the degree of culpability, history of prior offenses, ability to pay, effect on ability to continue to do business, and such other matters as justice and public safety may require. "Driving," "mobile telephone," "texting," and "use a handheld mobile telephone" have the same meanings as assigned to them in § 46.2-341.20:5.

§ 46.2-686. Portion of certain fees to be paid into special fund.

Except as provided in subdivision A 13 of ~~subsection A~~ of § 46.2-694 and § 46.2-703, an amount equal to ~~twenty~~ 19.6 percent of the fees collected, after refunds, from the registration of motor vehicles, trailers, and semitrailers pursuant to this chapter, ~~calculated at the rates in effect on December 31, 1986,~~ shall be transferred from the special fund established by the provisions of § 46.2-206 to a special fund in the state treasury to be used to meet the expenses of the Department.

§ 46.2-694. (Contingent expiration date) Fees for vehicles designed and used for transportation of passengers; weights used for computing fees; burden of proof.

A. The annual registration fees for motor vehicles, trailers, and semitrailers designed and used for the transportation of passengers on the highways in the Commonwealth are:

1. ~~Thirty-three~~ *a. Twenty-three* dollars for each private passenger car or motor home if the passenger car or motor home weighs 4,000 pounds or less, provided that it is not used for the transportation of passengers for compensation and is not kept or used for rent or for hire, or is not operated under a lease without a chauffeur; however, the fee provided under this subdivision shall apply to a private passenger car or motor home that weighs 4,000 pounds or less and is used as a TNC partner vehicle as defined in § 46.2-2000.

b. Thirty-three dollars for each motor home if the motor home weighs 4,000 pounds or less, provided that it is not used for the transportation of passengers for compensation and is not kept or used for rent or for hire, or is not operated under a lease without a chauffeur.

2. ~~Thirty-eight~~ *a. Twenty-eight* dollars for each private passenger car or motor home that weighs more than 4,000 pounds, provided that it is not used for the transportation of passengers for compensation and is not kept or used for rent or for hire, or is not operated under a lease without a chauffeur; however, the fee provided under this subdivision shall

apply to a private passenger car or motor home that weighs more than 4,000 pounds and is used as a TNC partner vehicle as defined in § 46.2-2000.

b. *Thirty-eight dollars for each motor home if the motor home weighs more than 4,000 pounds, provided that it is not used for the transportation of passengers for compensation and is not kept or used for rent or for hire, or is not operated under a lease without a chauffeur.*

3. Thirty cents per 100 pounds or major fraction thereof for a private motor vehicle other than a motorcycle with a normal seating capacity of more than 10 adults, including the driver, if the private motor vehicle is not used for the transportation of passengers for compensation and is not kept or used for rent or for hire or is not operated under a lease without a chauffeur. In no case shall the fee be less than \$23 if the vehicle weighs 4,000 pounds or less or \$28 if the vehicle weighs more than 4,000 pounds.

4. Thirty cents per 100 pounds or major fraction thereof for a school bus. In no case shall the fee be less than \$23 if the vehicle weighs 4,000 pounds or less or \$28 if the vehicle weighs more than 4,000 pounds.

5. Twenty-three dollars for each trailer or semitrailer designed for use as living quarters for human beings.

6. Thirteen dollars plus \$0.30 per 100 pounds or major fraction thereof for each motor vehicle, trailer, or semitrailer used as a common carrier of passengers, operating either intrastate or interstate. Interstate common carriers of interstate passengers may elect to be licensed and pay the fees prescribed in subdivision 7 on submission to the Commissioner of a declaration of operations and equipment as he may prescribe. An additional \$5 shall be charged if the motor vehicle weighs more than 4,000 pounds.

7. Thirteen dollars plus \$0.70 per 100 pounds or major fraction thereof for each motor vehicle, trailer, or semitrailer used as a common carrier of interstate passengers if election is made to be licensed under this subsection. An additional \$5 shall be charged if the motor vehicle weighs more than 4,000 pounds. In lieu of the foregoing fee of \$0.70 per 100 pounds, a motor carrier of passengers, operating two or more vehicles both within and outside the Commonwealth and registered for insurance purposes with the Surface Transportation Board of the U.S. Department of Transportation, Federal Highway Administration, may apply to the Commissioner for prorated registration. Upon the filing of such application, in such form as the Commissioner may prescribe, the Commissioner shall apportion the registration fees provided in this subsection so that the total registration fees to be paid for such vehicles of such carrier shall be that proportion of the total fees, if there were no apportionment, that the total number of miles traveled by such vehicles of such carrier within the Commonwealth bears to the total number of miles traveled by such vehicles within and outside the Commonwealth. Such total mileage in each instance is the estimated total mileage to be traveled by such vehicles during the license year for which such fees are paid, subject to the adjustment in accordance with an audit to be made by representatives of the Commissioner at the end of such license year, the expense of such audit to be borne by the carrier being audited. Each vehicle passing into or through Virginia shall be registered and licensed in Virginia and the annual registration fee to be paid for each such vehicle shall not be less than \$33. For the purpose of determining such apportioned registration fees, only those motor vehicles, trailers, or semitrailers operated both within and outside the Commonwealth shall be subject to inclusion in determining the apportionment provided for herein.

8. Thirteen dollars plus \$0.80 per 100 pounds or major fraction thereof for each motor vehicle, trailer or semitrailer kept or used for rent or for hire or operated under a lease without a chauffeur for the transportation of passengers. An additional fee of \$5 shall be charged if the vehicle weighs more than 4,000 pounds. This subdivision does not apply to vehicles used as common carriers or as TNC partner vehicles as defined in § 46.2-2000.

9. Twenty-three dollars for a taxicab or other vehicle which is kept for rent or hire operated with a chauffeur for the transportation of passengers, and which operates or should operate under permits issued by the Department as required by law. An additional fee of \$5 shall be charged if the vehicle weighs more than 4,000 pounds. This subdivision does not apply to vehicles used as common carriers or as TNC partner vehicles as defined in § 46.2-2000.

10. ~~Eighteen~~ *Fourteen* dollars for a motorcycle, with or without a sidecar. To this fee shall be added a surcharge of \$3 which shall be distributed as provided in § 46.2-1191.

10a. ~~Fourteen~~ *Twelve* dollars for a moped, to be paid into the state treasury and set aside as a special fund to be used to meet the expenses of the Department.

10b. ~~Eighteen~~ *Fourteen* dollars for an autocycle.

11. Twenty-three dollars for a bus used exclusively for transportation to and from church school, for the purpose of religious instruction, or church, for the purpose of divine worship. If the empty weight of the vehicle exceeds 4,000 pounds, the fee shall be \$28.

12. Thirteen dollars plus \$0.70 per 100 pounds or major fraction thereof for other passenger-carrying vehicles.

13. An additional fee of \$4.25 per year shall be charged and collected at the time of registration of each pickup or panel truck and each motor vehicle under subdivisions 1 through 12. All funds collected from \$4 of the \$4.25 fee shall be paid into the state treasury and shall be set aside as a special fund to be used only for emergency medical services purposes. The moneys in the special emergency medical services fund shall be distributed as follows:

a. Two percent shall be distributed to the State Department of Health to provide funding to the Virginia Association of Volunteer Rescue Squads to be used solely for the purpose of conducting volunteer recruitment, retention, and training activities;

b. Thirty percent shall be distributed to the State Department of Health to support (i) emergency medical services training programs (excluding advanced life support classes); (ii) advanced life support training; (iii) recruitment and

retention programs (all funds for such support shall be used to recruit and retain volunteer emergency medical services personnel only, including public awareness campaigns, technical assistance programs, and similar activities); (iv) emergency medical services system development, initiatives, and priorities based on needs identified by the State Emergency Medical Services Advisory Board; (v) local, regional, and statewide performance contracts for emergency medical services to meet the objectives stipulated in § 32.1-111.3; (vi) technology and radio communication enhancements; and (vii) improved emergency preparedness and response. Any funds set aside for distribution under this provision and remaining undistributed at the end of any fiscal year shall revert to the Rescue Squad Assistance Fund;

c. Thirty-two percent shall be distributed to the Rescue Squad Assistance Fund;

d. Ten percent shall be available to the State Department of Health's Office of Emergency Medical Services for use in emergency medical services; and

e. Twenty-six percent shall be returned by the Comptroller to the locality wherein such vehicle is registered, to provide funding for training of volunteer or salaried emergency medical services personnel of nonprofit emergency medical services agencies that hold a valid license issued by the Commissioner of Health and for the purchase of necessary equipment and supplies for use in such locality for emergency medical services provided by nonprofit emergency medical services agencies that hold a valid license issued by the Commissioner of Health.

All revenues generated by the remaining \$0.25 of the \$4.25 fee approved by the 2008 Session of the General Assembly shall be deposited into the Rescue Squad Assistance Fund and used only to pay for the costs associated with the certification and recertification training of emergency medical services personnel.

The Comptroller shall clearly designate on the warrant, check, or other means of transmitting these funds that such moneys are only to be used for purposes set forth in this subdivision. Such funds shall be in addition to any local appropriations and local governing bodies shall not use these funds to supplant local funds. Each local governing body shall report annually to the Board of Health on the use of the funds returned to it pursuant to this section. In any case in which the local governing body grants the funds to a regional emergency medical services council to be distributed to the nonprofit emergency medical services agency that holds a valid license issued by the Commissioner of Health, the local governing body shall remain responsible for the proper use of the funds. If, at the end of any fiscal year, a report on the use of the funds returned to the locality pursuant to this section for that year has not been received from a local governing body, any funds due to that local governing body for the next fiscal year shall be retained until such time as the report has been submitted to the Board.

B. All motor vehicles, trailers, and semitrailers registered as provided in subsection B of § 46.2-646 shall pay a registration fee equal to one-twelfth of all fees required by subsection A of this section or § 46.2-697 for such motor vehicle, trailer, or semitrailer, computed to the nearest cent, multiplied by the number of months in the registration period for such motor vehicles, trailers, and semitrailers.

C. The manufacturer's shipping weight or scale weight shall be used for computing all fees required by this section to be based upon the weight of the vehicle.

D. The applicant for registration bears the burden of proof that the vehicle for which registration is sought is entitled by weight, design, and use to be registered at the fee tendered by the applicant to the Commissioner or to his authorized agent.

§ 46.2-697. (Contingent expiration date) Fees for vehicles not designed or used for transportation of passengers.

A. Except as otherwise provided in this section, the fee for registration of all motor vehicles not designed and used for the transportation of passengers shall be \$23 plus an amount determined by the gross weight of the vehicle or combination of vehicles of which it is a part, when loaded to the maximum capacity for which it is registered and licensed, according to the schedule of fees set forth in this section. For each 1,000 pounds of gross weight, or major fraction thereof, for which any such vehicle is registered, there shall be paid to the Commissioner the fee indicated in the following schedule immediately opposite the weight group and under the classification established by the provisions of subsection B of § 46.2-711 into which such vehicle, or any combination of vehicles of which it is a part, falls when loaded to the maximum capacity for which it is registered and licensed. The fee for a pickup or panel truck shall be ~~\$33~~ \$23 if its gross weight is 4,000 pounds or less, and ~~\$38~~ \$28 if its gross weight is 4,001 pounds through 6,500 pounds. The fee shall be ~~\$39~~ \$32 for any motor vehicle with a gross weight of 6,501 pounds through 10,000 pounds.

Fee Per Thousand Pounds of Gross Weight

Gross Weight Groups (pounds)	Private Carriers	For Rent or For Hire Carriers
10,001 — 11,000	\$3.17	\$4.75
11,001 — 12,000	3.42	4.90
12,001 — 13,000	3.66	5.15
13,001 — 14,000	3.90	5.40
14,001 — 15,000	4.15	5.65
15,001 — 16,000	4.39	5.90
16,001 — 17,000	4.88	6.15

17,001 — 18,000	5.37	6.40
18,001 — 19,000	5.86	7.50
19,001 — 20,000	6.34	7.70
20,001 — 21,000	6.83	7.90
21,001 — 22,000	7.32	8.10
22,001 — 23,000	7.81	8.30
23,001 — 24,000	8.30	8.50
24,001 — 25,000	8.42	8.70
25,001 — 26,000	8.48	8.90
26,001 — 27,000	10.07	10.35
27,001 — 28,000	10.13	10.55
28,001 — 29,000	10.18	10.75
29,001 — 40,000	10.31	10.95
40,001 — 45,000	10.43	11.15
45,001 — 50,000	10.68	11.25
50,001 — 55,000	11.29	13.25
55,001 — 76,000	13.73	15.25
76,001 — 80,000	16.17	16.25

For all such motor vehicles exceeding a gross weight of 6,500 pounds, an additional fee of ~~five dollars~~ \$5 shall be imposed.

B. In lieu of registering any motor vehicle referred to in this section for an entire licensing year, the owner may elect to register the vehicle only for one or more quarters of a licensing year, and in such case, the fee shall be ~~twenty-five~~ 25 percent of the annual fee plus ~~five dollars~~ \$5 for each quarter that the vehicle is registered.

C. When an owner elects to register and license a motor vehicle under subsection B of ~~this section~~, the provisions of §§ 46.2-646 and 46.2-688 shall not apply.

D. Notwithstanding any other provision of law, no vehicle designed, equipped, and used to tow disabled or inoperable motor vehicles shall be required to register in accordance with any gross weight other than the gross weight of the towing vehicle itself, exclusive of any vehicle being towed.

E. All registrations and licenses issued for less than a full year shall expire on the date shown on the license and registration.

§ 46.2-752. Taxes and license fees imposed by counties, cities, and towns; limitations on amounts; disposition of revenues; requiring evidence of payment of personal property taxes and certain fines; prohibiting display of licenses after expiration; failure to display valid local license required by other localities; penalty.

A. Except as provided in § 46.2-755, counties, cities, and towns may levy and assess taxes and charge license fees on motor vehicles, trailers, and semitrailers. However, none of these taxes and license fees shall be assessed or charged by any county on vehicles owned by residents of any town located in the county when such town constitutes a separate school district if the vehicles are already subject to town license fees and taxes, nor shall a town charge a license fee to any new resident of the town, previously a resident of a county within which all or part of the town is situated, who has previously paid a license fee for the same tax year to such county. The amount of the license fee or tax imposed by any county, city, or town on any motor vehicle, trailer, or semitrailer shall not be greater than the annual or one-year fee imposed by the Commonwealth on the motor vehicle, trailer, or semitrailer *in effect on January 1, 2020*. The license fees and taxes shall be imposed in such manner, on such basis, for such periods, and subject to proration for fractional periods of years, as the proper local authorities may determine.

Owners or lessees of motor vehicles, trailers, and semitrailers who have served outside of the United States in the armed services of the United States shall have a 90-day grace period, beginning on the date they are no longer serving outside the United States, in which to comply with the requirements of this section. For purposes of this section, "the armed services of the United States" includes active duty service with the regular Armed Forces of the United States or the National Guard or other reserve component.

Local licenses may be issued free of charge for any or all of the following:

1. Vehicles powered by clean special fuels as defined in § 46.2-749.3, including dual-fuel and bi-fuel vehicles,
2. Vehicles owned by volunteer emergency medical services agencies,
3. Vehicles owned by volunteer fire departments,
4. Vehicles owned or leased by active members or active auxiliary members of volunteer emergency medical services agencies,
5. Vehicles owned or leased by active members or active auxiliary members of volunteer fire departments,

6. Vehicles owned or leased by auxiliary police officers,
7. Vehicles owned or leased by volunteer police chaplains,
8. Vehicles owned by surviving spouses of persons qualified to receive special license plates under § 46.2-739,
9. Vehicles owned or leased by auxiliary deputy sheriffs or volunteer deputy sheriffs,
10. Vehicles owned by persons qualified to receive special license plates under § 46.2-739,
11. Vehicles owned by any of the following who served at least 10 years in the locality: former members of volunteer emergency medical services agencies, former members of volunteer fire departments, former auxiliary police officers, members and former members of authorized police volunteer citizen support units, members and former members of authorized sheriff's volunteer citizen support units, former volunteer police chaplains, and former volunteer special police officers appointed under former § 15.2-1737. In the case of active members of volunteer emergency medical services agencies and active members of volunteer fire departments, applications for such licenses shall be accompanied by written evidence, in a form acceptable to the locality, of their active affiliation or membership, and no member of an emergency medical services agency or member of a volunteer fire department shall be issued more than one such license free of charge,
12. All vehicles having a situs for the imposition of licensing fees under this section in the locality,
13. Vehicles owned or leased by deputy sheriffs; however, no deputy sheriff shall be issued more than one such license free of charge,
14. Vehicles owned or leased by police officers; however, no police officer shall be issued more than one such license free of charge,
15. Vehicles owned or leased by officers of the State Police; however, no officer of the State Police shall be issued more than one such license free of charge,
16. Vehicles owned or leased by salaried firefighters; however, no salaried firefighter shall be issued more than one such license free of charge,
17. Vehicles owned or leased by salaried emergency medical services personnel; however, no salaried emergency medical services personnel shall be issued more than one such license free of charge,
18. Vehicles with a gross weight exceeding 10,000 pounds owned by museums officially designated by the Commonwealth,
19. Vehicles owned by persons, or their surviving spouses, qualified to receive special license plates under subsection A of § 46.2-743, and
20. Vehicles owned or leased by members of the Virginia Defense Force; however, no member of the Virginia Defense Force shall be issued more than one such license free of charge.

The governing body of any county, city, or town issuing licenses under this section may by ordinance provide for a 50 percent reduction in the fee charged for the issuance of any such license issued for any vehicle owned or leased by any person who is 65 years old or older. No such discount, however, shall be available for more than one vehicle owned or leased by the same person.

The governing body of any county, city, or town issuing licenses free of charge under this subsection may by ordinance provide for (i) the limitation, restriction, or denial of such free issuance to an otherwise qualified applicant, including without limitation the denial of free issuance to a taxpayer who has failed to timely pay personal property taxes due with respect to the vehicle and (ii) the grounds for such limitation, restriction, or denial.

The situs for the imposition of licensing fees under this section shall in all cases, except as hereinafter provided, be the county, city, or town in which the motor vehicle, trailer, or semitrailer is normally garaged, stored, or parked. If it cannot be determined where the personal property is normally garaged, stored, or parked, the situs shall be the domicile of its owner. In the event the owner of the motor vehicle is a full-time student attending an institution of higher education, the situs shall be the domicile of such student, provided the student has presented sufficient evidence that he has paid a personal property tax on the motor vehicle in his domicile.

B. The revenue derived from all county, city, or town taxes and license fees imposed on motor vehicles, trailers, or semitrailers shall be applied to general county, city, or town purposes.

C. A county, city, or town may require that no motor vehicle, trailer, or semitrailer shall be locally licensed until the applicant has produced satisfactory evidence that all personal property taxes on the motor vehicle, trailer, or semitrailer to be licensed have been paid and satisfactory evidence that any delinquent motor vehicle, trailer, or semitrailer personal property taxes owing have been paid which have been properly assessed or are assessable against the applicant by the county, city, or town. A county, city, or town may also provide that no motor vehicle license shall be issued unless the tangible personal property taxes properly assessed or assessable by that locality on any tangible personal property used or usable as a dwelling titled by the Department of Motor Vehicles and owned by the taxpayer have been paid. Any county and any town within any such county may by agreement require that all personal property taxes assessed by either the county or the town on any vehicle be paid before licensure of such vehicle by either the county or the town.

C1. The Counties of Dinwiddie, Lee, and Wise may, by ordinance or resolution adopted after public notice and hearing and, with the consent of the treasurer, require that no license may be issued under this section unless the applicant has produced satisfactory evidence that all fees, including delinquent fees, payable to such county or local solid waste authority, for the disposal of solid waste pursuant to the Virginia Water and Waste Authorities Act (§ 15.2-5100 et seq.), or pursuant to § 15.2-2159, have been paid in full. For purposes of this subsection, all fees, including delinquent fees, payable to a county

for waste disposal services described herein, shall be paid to the treasurer of such county; however, in Wise County, the fee shall be paid to the county or its agent.

D. The Counties of Arlington, Fairfax, Loudoun, and Prince William and towns within them and any city may require that no motor vehicle, trailer, or semitrailer shall be licensed by that jurisdiction unless all fines owed to the jurisdiction by the owner of the vehicle, trailer, or semitrailer for violation of the jurisdiction's ordinances governing parking of vehicles have been paid. The provisions of this subsection shall not apply to vehicles owned by firms or companies in the business of renting motor vehicles.

E. If in any county imposing license fees and taxes under this section, a town therein imposes like fees and taxes on vehicles of owners resident in the town, the owner of any vehicle subject to the fees or taxes shall be entitled, on the owner's displaying evidence that he has paid the fees or taxes, to receive a credit on the fees or taxes imposed by the county to the extent of the fees or taxes he has paid to the town. Nothing in this section shall deprive any town now imposing these licenses and taxes from increasing them or deprive any town not now imposing them from hereafter doing so, but subject to the limitations provided in subsection D. The governing body of any county and the governing body of any town in that county wherein each imposes the license tax herein provided may provide mutual agreements so that not more than one license plate or decal in addition to the state plate shall be required.

F. Notwithstanding the provisions of subsection E, in a consolidated county wherein a tier-city exists, the tier-city may, in accordance with the provisions of the agreement or plan of consolidation, impose license fees and taxes under this section in addition to those fees and taxes imposed by the county, provided that the combined county and tier-city rates do not exceed the maximum provided in subsection A. No credit shall be allowed on the fees or taxes imposed by the county for fees or taxes paid to the tier-city, except as may be provided by the consolidation agreement or plan. The governing body of any county and the governing body of any tier-city in such county wherein each imposes the license tax herein may provide by mutual agreement that no more than one license plate or decal in addition to the state license plate shall be required.

G. Any county, city, or town may by ordinance provide that it shall be unlawful for any owner or operator of a motor vehicle, trailer, or semitrailer (i) to fail to obtain and, if any required by such ordinance, to display the local license required by any ordinance of the county, city or town in which the vehicle is registered, or (ii) to display upon a motor vehicle, trailer, or semitrailer any such local license, required by ordinance to be displayed, after its expiration date. The ordinance may provide that a violation shall constitute a misdemeanor the penalty for which shall not exceed that of a Class 4 misdemeanor and may, in the case of a motor vehicle registered to a resident of the locality where such vehicle is registered, authorize the issuance by local law-enforcement officers of citations, summonses, parking tickets, or uniform traffic summonses for violations. Any such ordinance may also provide that a violation of the ordinance by the registered owner of the vehicle may not be discharged by payment of a fine except upon presentation of satisfactory evidence that the required license has been obtained. Nothing in this section shall be construed to require a county, city, or town to issue a decal or any other tangible evidence of a local license to be displayed on the licensed vehicle if the county's, city's, or town's ordinance does not require display of a decal or other evidence of payment. No ordinance adopted pursuant to this section shall require the display of any local license, decal, or sticker on any vehicle owned by a public service company, as defined in § 56-76, having a fleet of at least 2,500 vehicles garaged in the Commonwealth.

H. Except as provided by subsections E and F, no vehicle shall be subject to taxation under the provisions of this section in more than one jurisdiction. Furthermore, no person who has purchased a local vehicle license, decal, or sticker for a vehicle in one county, city, or town and then moves to and garages his vehicle in another county, city, or town shall be required to purchase another local license, decal, or sticker from the county, city, or town to which he has moved and wherein his vehicle is now garaged until the expiration date of the local license, decal, or sticker issued by the county, city, or town from which he moved.

I. Purchasers of new or used motor vehicles shall be allowed at least a 10-day grace period, beginning with the date of purchase, during which to pay license fees charged by local governments under authority of this section.

J. The treasurer or director of finance of any county, city, or town may enter into an agreement with the Commissioner whereby the Commissioner will refuse to issue or renew any vehicle registration of any applicant therefor who owes to such county, city, or town any local vehicle license fees or delinquent tangible personal property tax or parking citations. Before being issued any vehicle registration or renewal of such license or registration by the Commissioner, the applicant shall first satisfy all such local vehicle license fees and delinquent taxes or parking citations and present evidence satisfactory to the Commissioner that all such local vehicle license fees and delinquent taxes or parking citations have been paid in full. However, a vehicle purchased by an applicant subsequent to the onset of enforcement action under this subsection may be issued an initial registration for a period of up to 90 days to allow the applicant to satisfy all applicable requirements under this subsection, provided that a fee sufficient for the registration period, as calculated under subsection B of § 46.2-694, is paid. Such initial registration shall not be eligible for the one-month registration extension provided for in § 46.2-646.2 for this same purpose. The Commissioner shall charge a reasonable fee to cover the costs of such enforcement action, and the treasurer or director of finance may add the cost of this fee to the delinquent tax bill or the amount of the parking citation. The treasurer or director of finance of any county, city, or town seeking to collect delinquent taxes or parking citations through the withholding of registration or renewal thereof by the Commissioner as provided for in this subsection shall notify the Commissioner in the manner provided for in his agreement with the Commissioner and supply to the Commissioner information necessary to identify the debtor whose registration or renewal is to be denied. Any agreement entered into pursuant to the provisions of this subsection shall provide the debtor notice of the intent to deny renewal of

registration or issuance of registration for any currently unregistered vehicle at least 30 days prior to the expiration date of a current vehicle registration. For the purposes of this subsection, notice by first-class mail to the registrant's address as maintained in the records of the Department of Motor Vehicles shall be deemed sufficient. In the case of parking violations, the Commissioner shall only refuse to issue or renew the vehicle registration of any applicant therefor pursuant to this subsection for the vehicle that incurred the parking violations. The provisions of this subsection shall not apply to vehicles owned by firms or companies in the business of renting motor vehicles.

K. The governing bodies of any two or more counties, cities, or towns may enter into compacts for the regional enforcement of local motor vehicle license requirements. The governing body of each participating jurisdiction may by ordinance require the owner or operator of any motor vehicle, trailer, or semitrailer to display on his vehicle a valid local license issued by another county, city, or town that is a party to the regional compact, provided that the owner or operator is required by the jurisdiction of situs, as provided in § 58.1-3511, to obtain and display such license. The ordinance may also provide that no motor vehicle, trailer, or semitrailer shall be locally licensed until the applicant has produced satisfactory evidence that (i) all personal property taxes on the motor vehicle, trailer, or semitrailer to be licensed have been paid to all participating jurisdictions and (ii) any delinquent motor vehicle, trailer, or semitrailer personal property taxes that have been properly assessed or are assessable by any participating jurisdiction against the applicant have been paid. Any city and any county having the urban county executive form of government, the counties adjacent to such county and towns within them may require that no motor vehicle, trailer, or semitrailer shall be licensed by that jurisdiction or any other jurisdiction in the compact unless all fines owed to any participating jurisdiction by the owner of the vehicle for violation of any participating jurisdiction's ordinances governing parking of vehicles have been paid. The ordinance may further provide that a violation shall constitute a misdemeanor the penalty for which shall not exceed that of a Class 4 misdemeanor. Any such ordinance may also provide that a violation of the ordinance by the owner of the vehicle may not be discharged by payment of a fine and applicable court costs except upon presentation of satisfactory evidence that the required license has been obtained. The provisions of this subsection shall not apply to vehicles owned by firms or companies in the business of renting motor vehicles.

L. In addition to the taxes and license fees permitted in subsection A, counties, cities, and towns may charge a license fee of no more than \$1 per motor vehicle, trailer, and semitrailer. Except for the provisions of subsection B, such fee shall be subject to all other provisions of this section. All funds collected pursuant to this subsection shall be paid pursuant to § 51.1-1204 to the Volunteer Firefighters' and Rescue Squad Workers' Service Award Fund to the accounts of all members of the Fund who are volunteers for fire departments or emergency medical services agencies within the jurisdiction of the particular county, city, or town.

M. In any county, the county treasurer or comparable officer and the treasurer of any town located wholly or partially within such county may enter into a reciprocal agreement, with the approval of the respective local governing bodies, that provides for the town treasurer to collect license fees or taxes on any motor vehicle, trailer, or semitrailer owed to the county that are non-delinquent, delinquent, or both or for the county treasurer to collect license fees or taxes on any motor vehicle, trailer, or semitrailer owed to the town that are non-delinquent, delinquent, or both. A treasurer or comparable officer collecting any such license fee or tax pursuant to an agreement entered into under this subsection shall account for and pay over such amounts to the locality owed such license fee or tax in the same manner as provided by law. As used in this subsection, with regard to towns, "treasurer" means the town officer or employee vested with authority by the charter, statute, or governing body to collect local taxes.

N. For any summons issued for a violation of this section, the court may, in its discretion, dismiss the summons, where proof of compliance with this section is provided to the court on or before the court date.

CHAPTER 7.

HIGHWAY USE FEE AND MILEAGE-BASED USER FEE PROGRAM.

§ 46.2-770. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Alternative fuel vehicle" means a vehicle equipped to be powered by a combustible gas, liquid, or other source of energy that can be used to generate power to operate a highway vehicle and that is neither a motor fuel nor electricity used to recharge an electric motor vehicle or a hybrid electric motor vehicle.

"Electric motor vehicle" means a vehicle that uses electricity as its only source of motive power.

"Fuel-efficient vehicle" means a vehicle that has a combined fuel economy of 25 miles per gallon or greater.

§ 46.2-771. Purpose.

The purpose of this chapter is to ensure more equitable contributions to the Commonwealth Transportation Fund from alternative fuel vehicles, electric motor vehicles, and fuel-efficient vehicles using highways in the Commonwealth.

§ 46.2-772. Highway use fee.

A. Except as provided in subsection C, there is hereby imposed an annual highway use fee on any motor vehicle registered in the Commonwealth under § 46.2-694 or 46.2-697 that is an alternative fuel vehicle, an electric motor vehicle, or a fuel-efficient vehicle. The fee shall be collected by the Department at the time of vehicle registration. If the vehicle is registered for a period of other than one year as provided in § 46.2-646, the highway use fee shall be multiplied by the number of years or fraction thereof that the vehicle will be registered.

B. For an electric motor vehicle, the highway use fee shall be 85 percent of the amount of taxes paid under subsection A of § 58.1-2217 on fuel used by a vehicle with a combined fuel economy of 23.7 miles per gallon for the average

number of miles traveled by a passenger vehicle in the Commonwealth, as determined by the Commissioner. For all other fuel-efficient vehicles, the highway use fee shall be 85 percent of the difference between the tax paid under subsection A of § 58.1-2217 on the fuel used by a vehicle with a combined fuel economy of 23.7 miles per gallon for the average number of miles traveled by a passenger vehicle in the Commonwealth in a year, as determined by the Commissioner, and the tax paid under subsection A of § 58.1-2217 on the fuel used by the vehicle being registered for the average number of miles traveled by a passenger vehicle in the Commonwealth in a year, as determined by the Commissioner.

For purposes of this chapter, the Commissioner shall use combined fuel economy as determined by the manufacturer of the vehicle. If the Commissioner is unable to obtain the manufacturer's fuel economy for a vehicle, then the Commissioner shall use the final estimate of average fuel economy, as determined by the U.S. Environmental Protection Agency, of (i) all trucks having the same model year as the vehicle being registered, if the vehicle has a gross weight between 6,000 pounds and 10,000 pounds, or (ii) all cars having the same model year as the vehicle. If data is not available for the model year of the vehicle being registered, then the Commissioner shall use available data for the model year that is closest to the model year of the vehicle being registered.

The Commissioner shall update the fees calculated under this section by July 1 of each year.

C. This section shall not apply to:

1. An autocycle, moped, or motorcycle;
2. A vehicle with a gross weight over 10,000 pounds;
3. A vehicle that is owned by a governmental entity as defined in § 58.1-2201; or
4. A vehicle that is registered under the International Registration Plan.

A vehicle shall not be subject to the fee set forth in this section in any year in which such vehicle is registered to participate in the mileage-based user fee program established pursuant to § 46.2-773.

§ 46.2-773. Mileage-based user fee program.

A. There is hereby established a mileage-based user fee program. The program shall be a voluntary program that allows owners of vehicles subject to the highway use fee pursuant to § 46.2-772 to pay a mileage-based fee in lieu of the highway use fee. No owner of a motor vehicle registered in the Commonwealth shall be required to participate in the program established pursuant to this section.

B. In any year that an owner pays the fee set forth in this section, such owner shall not be subject to the fee set forth in § 46.2-772 for the same vehicle. In no case shall the fees paid pursuant to this section during a 12-month period exceed the annual highway use fee that would have otherwise been paid.

C. The fee schedule for the mileage-based user fee program shall be calculated by dividing the amount of the highway use fee as determined pursuant to subsection B of § 46.2-772 by the average number of miles traveled by a passenger vehicle in the Commonwealth to determine a fee per mile driven.

D. The Department shall establish procedures for the collection of the fees set forth in this section. Such procedures may limit the total number of participants during the first four years of the program.

§ 46.2-774. Distribution of revenues.

All revenues collected pursuant to this chapter shall be used first to pay for the direct cost of administration of this chapter by the Department, and then shall be deposited into the Commonwealth Transportation Fund established pursuant to § 33.2-1524.

§ 46.2-1158. Frequency of inspection; scope of inspection.

Motor vehicles, trailers, and semitrailers required to be inspected pursuant to the provisions of § 46.2-1157 shall be reinspected within 12 months of the month of the first inspection and at least once every 12 months thereafter.

Each inspection shall be a complete inspection. A reinspection of a rejected vehicle by the same station during the period of validity of the rejection sticker on such vehicle, however, need only include an inspection of the item or items previously found defective unless there is found an obvious defect that would warrant further rejection of the vehicle.

A rejection sticker shall be valid for 15 calendar days beyond the day of issuance, *during which time the operator of the vehicle shall not be charged for a violation of vehicle equipment requirements set forth in Article 3 (§ 46.2-1010 et seq.) through Article 9 (§ 46.2-1066 et seq.) for such vehicle.* A complete inspection shall be performed on any vehicle bearing an expired rejection sticker.

The completion of the conversion process for a converted electric vehicle shall invalidate any inspection of such vehicle conducted in accordance with this section prior to the conversion. Following the initial inspection of a converted electric vehicle, as required under § 46.2-602.3 and the provisions of this chapter, such vehicle shall be reinspected in accordance with this section.

§ 46.2-1158.02. Penalty for failure to have motor vehicle inspection.

A. Notwithstanding the penalty provisions of § 46.2-1171, a violation of § 46.2-1158 constitutes a traffic infraction. The court may, in its discretion, dismiss a summons issued under § 46.2-1158 where correction of vehicle or safety equipment defects or proof of compliance with § 46.2-1158 is provided to the court subsequent to the issuance of the summons.

B. *The operator of a motor vehicle who is cited for a violation of § 46.2-1158 shall not be cited during the same occurrence for a violation of vehicle equipment requirements set forth in Article 3 (§ 46.2-1010 et seq.) through Article 9 (§ 46.2-1066 et seq.) for such vehicle, nor shall the operator of the motor vehicle that is subject to the citation be cited for a violation of such vehicle equipment requirements for such vehicle for a period of 15 calendar days.*

§ 46.2-1507. Penalties.

Except as otherwise provided in this chapter, any person violating any of the provisions of this chapter may be assessed a civil penalty by the Board. No such civil penalty shall exceed \$1,000 for any single violation. Civil penalties collected under this chapter shall be deposited in the *Commonwealth Transportation Trust Fund* established pursuant to § 33.2-1524.

§ 46.2-1546. Registration of dealers; fees.

Every manufacturer, distributor, or dealer, before he commences to operate vehicles in his inventory for sale or resale, shall apply to the Commissioner for a dealer's certificate of vehicle registration and license plates. For the purposes of this article, a vehicle is in inventory when it is owned by or assigned to a dealer and is offered and available for sale or resale. All dealer's certificates of vehicle registration and license plates issued under this section may, at the discretion of the Commissioner, be placed in a system of staggered issue to distribute the work of issuing vehicle registration certificates and license plates as uniformly as practicable throughout the year. Dealerships which sold fewer than ~~twenty-five~~ 25 vehicles during the last ~~twelve~~ 12 months of the preceding license year shall be eligible to receive no more than two dealer's license plates; dealerships which sold at least ~~twenty-five~~ 25 but fewer than ~~fifty~~ 50 vehicles during the last ~~twelve~~ 12 months of the preceding license year shall be eligible to receive no more than four dealer's license plates. However, dealerships ~~which that~~ sold ~~fifty~~ 50 or more vehicles during their current license year may apply for additional license plates not to exceed four times the number of licensed salespersons employed by that dealership. Dealerships ~~which that~~ sold ~~fifty~~ 50 or more vehicles during the last ~~twelve~~ 12 months of the preceding license year shall be eligible to receive a number of dealer's license plates not to exceed four times the number of licensed salespersons employed by that dealership. A new applicant for a dealership shall be eligible to receive a number of dealer's license plates not to exceed four times the number of licensed salespersons employed by that dealership. For the purposes of this article, a salesperson or employee shall be considered to be employed only if he (i) works for the dealership at least ~~twenty-five~~ 25 hours each week on a regular basis and (ii) is compensated for this work. All salespersons' or employees' employment records shall be retained in accordance with the provisions of § 46.2-1529. A salesperson shall not be considered employed, within the meaning of this section, if he is an independent contractor as defined by the United States Internal Revenue Code. The fee for the issuance of dealer's license plates shall be determined by the Board, but not more than \$30 per license plate; however, the fee for the first two dealer's plates shall not be less than ~~twenty-four dollars~~ \$24 and the fee for additional dealer's license plates shall not be less than ~~ten dollars and forty cents~~ \$10.40 each. For the first two dealer's license plates issued by the Department to a dealer, ~~twenty-four dollars~~ \$24 shall be deposited into the *Commonwealth Transportation Trust Fund* established pursuant to § 33.2-1524 and the remainder shall be deposited into the Motor Vehicle Dealer Fund. For each additional dealer's license plate issued to a dealer, ~~ten dollars and forty cents~~ \$10.40 shall be deposited into the Transportation Trust Fund and the remainder shall be deposited into the Motor Vehicle Dealer Fund.

§ 46.2-1573. Hearings and other remedies; civil penalties.

A. In every case of a hearing before the Commissioner authorized under this article, the Commissioner shall give reasonable notice of each hearing to all interested parties, and the Commissioner's decision shall be binding on the parties, subject to the rights of judicial review and appeal as provided in Chapter 40 (§ 2.2-4000 et seq.) of Title 2.2. In every case of a hearing before the Commissioner authorized under this article based on a request or petition of a motor vehicle dealer, the manufacturer, factory branch, distributor, or distributor branch shall have the burden of proving by a preponderance of the evidence that the manufacturer, factory branch, distributor, or distributor branch has good cause to take the action or actions for which the dealer has filed the petition for a hearing or that such actions are reasonable if required under the relevant provision.

B. The hearing process before the Commissioner under this article shall commence within 90 days of the request for a hearing by prehearing conference between the hearing officer and the parties in person, by telephone, or by other electronic means designated by the Commissioner. The hearing officer will set the hearing on a date or dates consistent with the rights of due process of the parties. The Commissioner's decision shall be rendered within 60 days from the receipt of the hearing officer's recommendation. Hearings authorized under this article shall be presided over by a hearing officer selected from a list prepared by the Executive Secretary of the Supreme Court of Virginia within 60 days following the request for a hearing. Reasonable efforts shall be made to ensure that a hearing officer shall have at least five years of experience as a hearing officer in administrative hearings in the Commonwealth, shall have telephone and email capability, and shall be an active member of the Virginia State Bar. On request of the Commissioner, the Executive Secretary will name a hearing officer from the list, selected on a rotation system administered by the Executive Secretary. The hearing officer shall provide recommendations to the Commissioner within 90 days of the conclusion of the hearing.

C. Notwithstanding any contrary provision of this article, the Commissioner shall initiate investigations, conduct hearings, and determine the rights of parties under this article whenever he is provided information by the Motor Vehicle Dealer Board or any other person indicating a possible violation of any provision of this article. The Commissioner shall issue a response to the Motor Vehicle Dealer Board or person reporting the alleged violation and any other party to the investigation providing an explanation of action taken under this section and the reason for such action.

D. For purposes of any matter brought to the Commissioner under subdivisions 3, 4, 5, 6 and 7b of § 46.2-1569 with respect to which the Commissioner is to determine whether there is good cause for a proposed action or whether it would be unreasonable under the circumstances, the Commissioner shall consider:

1. The volume of the affected dealer's business in the relevant market area;
2. The nature and extent of the dealer's investment in its business;

3. The adequacy of the dealer's capitalization to the franchisor's standards and the adequacy of the dealer's facilities, equipment, parts, supplies, and personnel;

4. The effect of the proposed action on the community;

5. The extent and quality of the dealer's service under motor vehicle warranties;

6. The dealer's performance under the terms of its franchise;

7. Other economic and geographical factors reasonably associated with the proposed action; and

8. The recommendations, if any, from a three-member panel composed of members of the Board who are franchised dealers not of the same line-make involved in the hearing and who are appointed to the panel by the Commissioner.

E. An interested party in a hearing held pursuant to subsection A of this section shall comply with the effective date of compliance established by the Commissioner in his decision in such hearing, unless a stay or extension of such date is granted by the Commissioner or the Commissioner's decision is under judicial review and appeal as provided in subsection A of this section. If, after notice to such interested party and an opportunity to comment, the Commissioner finds an interested party has not complied with his decision by the designated date of compliance, unless a stay or extension of such date has been granted by the Commissioner or the Commissioner's decision is under judicial review and appeal, the Commissioner may assess such interested party a civil penalty not to exceed \$1,000 per day of noncompliance. Civil penalties collected under this subsection shall be deposited into the *Commonwealth Transportation Trust Fund* established pursuant to § 33.2-1524.

F. During the hearing process, parties may obtain documents and materials by discovery pursuant to Rules 4:9 and 4:9A of the Supreme Court of Virginia. The parties shall exchange reports of experts, which shall meet the standard of Rule 4:1 of the Supreme Court of Virginia, at times to be established by the hearing officer. The parties may utilize any other form of discovery provided under the Rules of Supreme Court of Virginia if allowed by the hearing officer based on good cause shown. For discovery permitted under the Rules of Supreme Court of Virginia, a party may object to the discovery sought or seek to limit the discovery sought on any grounds permitted by the Rules or applicable law.

§ 46.2-1573.11. Hearings and other remedies; civil penalties.

A. In every case of a hearing before the Commissioner authorized under this article, the Commissioner shall give reasonable notice of each hearing to all interested parties, and the Commissioner's decision shall be binding on the parties, subject to the rights of judicial review and appeal as provided in the Administrative Process Act (§ 2.2-4000 et seq.).

B. Hearings before the Commissioner under this article shall commence within 90 days of the request for a hearing, and the Commissioner's decision shall be rendered within 60 days from the receipt of the hearing officer's recommendation. Hearings authorized under this article shall be presided over by a hearing officer selected from a list prepared by the Executive Secretary of the Supreme Court. On request of the Commissioner, the Executive Secretary will name a hearing officer from the list, selected on a rotation system administered by the Executive Secretary. The hearing officer shall provide recommendations to the Commissioner within 90 days of the conclusion of the hearing.

C. Notwithstanding any contrary provision of this article, the Commissioner shall initiate investigations, conduct hearings, and determine the rights of parties under this article whenever he is provided information indicating a possible violation of any provision of this article.

D. For purposes of any matter brought to the Commissioner under subdivisions 3, 4, 5, 6, and 9 of § 46.2-1573.5 with respect to which the Commissioner is to determine whether there is good cause for a proposed action or whether it would be unreasonable under the circumstances, the Commissioner shall consider:

1. The volume of the affected dealer's business in the relevant market area;

2. The nature and extent of the dealer's investment in its business;

3. The adequacy of the dealer's service facilities, equipment, parts, supplies, and personnel;

4. The effect of the proposed action on the community;

5. The extent and quality of the dealer's service under recreational vehicle warranties;

6. The dealer's performance under the terms of its franchise; and

7. Other economic and geographical factors reasonably associated with the proposed action.

With respect to subdivision 6, any performance standard or program for measuring dealership performance that may have a material effect on a dealer, and the application of any such standard or program by a manufacturer or distributor, shall be fair, reasonable, and equitable and, if based upon a survey, shall be based upon a statistically valid sample. Upon the request of any dealer, a manufacturer or distributor shall disclose in writing to the dealer a description of how a performance standard or program is designed and all relevant information used in the application of the performance standard or program to that dealer.

E. An interested party in a hearing held pursuant to subsection A shall comply with the effective date of compliance established by the Commissioner in his decision in such hearing, unless a stay or extension of such date is granted by the Commissioner or the Commissioner's decision is under judicial review and appeal as provided in subsection A. If, after notice to such interested party and an opportunity to comment, the Commissioner finds an interested party has not complied with his decision by the designated date of compliance, unless a stay or extension of such date has been granted by the Commissioner or the Commissioner's decision is under judicial review and appeal, the Commissioner may assess such interested party a civil penalty not to exceed \$1,000 per day of noncompliance. Civil penalties collected under this subsection shall be deposited into the *Transportation Trust Highway Maintenance and Operating Fund* established pursuant to § 33.2-1524 § 33.2-1530.

§ 46.2-1573.23. Hearings and other remedies; civil penalties.

A. In every case of a hearing before the Commissioner authorized under this article, the Commissioner shall give reasonable notice of each hearing to all interested parties, and the Commissioner's decision shall be binding on the parties, subject to the rights of judicial review and appeal as provided in the Administrative Process Act (§ 2.2-4000 et seq.).

B. Hearings before the Commissioner under this article shall commence within 90 days of the request for a hearing, and the Commissioner's decision shall be rendered within 60 days from the receipt of the hearing officer's recommendation. Hearings authorized under this article shall be presided over by a hearing officer selected from a list prepared by the Executive Secretary of the Supreme Court. On request of the Commissioner, the Executive Secretary will name a hearing officer from the list, selected on a rotation system administered by the Executive Secretary. The hearing officer shall provide recommendations to the Commissioner within 90 days of the conclusion of the hearing.

C. Notwithstanding any contrary provision of this article, the Commissioner shall initiate investigations, conduct hearings, and determine the rights of parties under this article whenever he is provided information indicating a possible violation of any provision of this article.

D. For purposes of any matter brought to the Commissioner under subdivisions 3, 4, 5, 6, and 9 of § 46.2-1573.16 with respect to which the Commissioner is to determine whether there is good cause for a proposed action or whether it would be unreasonable under the circumstances, the Commissioner shall consider:

1. The volume of the affected dealer's business in the relevant market area;
2. The nature and extent of the dealer's investment in its business;
3. The adequacy of the dealer's service facilities, equipment, parts, supplies, and personnel;
4. The effect of the proposed action on the community;
5. The extent and quality of the dealer's service under trailer warranties;
6. The dealer's performance under the terms of its franchise; and
7. Other economic and geographical factors reasonably associated with the proposed action.

With respect to subdivision 6, any performance standard or program for measuring dealership performance that may have a material effect on a dealer, and the application of any such standard or program by a manufacturer or distributor, shall be fair, reasonable, and equitable and, if based upon a survey, shall be based upon a statistically valid sample. Upon the request of any dealer, a manufacturer or distributor shall disclose in writing to the dealer a description of how a performance standard or program is designed and all relevant information used in the application of the performance standard or program to that dealer.

E. An interested party in a hearing held pursuant to subsection A shall comply with the effective date of compliance established by the Commissioner in his decision in such hearing, unless a stay or extension of such date is granted by the Commissioner or the Commissioner's decision is under judicial review and appeal as provided in subsection A. If, after notice to such interested party and an opportunity to comment, the Commissioner finds an interested party has not complied with his decision by the designated date of compliance, unless a stay or extension of such date has been granted by the Commissioner or the Commissioner's decision is under judicial review and appeal, the Commissioner may assess such interested party a civil penalty not to exceed \$1,000 per day of noncompliance. Civil penalties collected under this subsection shall be deposited into the ~~Transportation Trust~~ *Highway Maintenance and Operating* Fund established pursuant to § ~~33.2-1524~~ § 33.2-1530.

§ 46.2-1573.36. Hearings and other remedies; civil penalties.

A. In every case of a hearing before the Commissioner authorized under this article, the Commissioner shall give reasonable notice of each hearing to all interested parties, and the Commissioner's decision shall be binding on the parties, subject to the rights of judicial review and appeal as provided in the Administrative Process Act (§ 2.2-4000 et seq.).

B. Hearings before the Commissioner under this article shall commence within 90 days of the request for a hearing, and the Commissioner's decision shall be rendered within 60 days from the receipt of the hearing officer's recommendation. Hearings authorized under this article shall be presided over by a hearing officer selected from a list prepared by the Executive Secretary of the Supreme Court. On request of the Commissioner, the Executive Secretary will name a hearing officer from the list, selected on a rotation system administered by the Executive Secretary. The hearing officer shall provide recommendations to the Commissioner within 90 days of the conclusion of the hearing.

C. Notwithstanding any contrary provision of this article, the Commissioner shall initiate investigations, conduct hearings, and determine the rights of parties under this article whenever he is provided information indicating a possible violation of any provision of this article.

D. For purposes of any matter brought to the Commissioner under subdivisions 3, 4, 5, 6, and 9 of § 46.2-1573.28 with respect to which the Commissioner is to determine whether there is good cause for a proposed action or whether it would be unreasonable under the circumstances, the Commissioner shall consider:

1. The volume of the affected dealer's business in the relevant market area;
2. The nature and extent of the dealer's investment in its business;
3. The adequacy of the dealer's service facilities, equipment, parts, supplies, and personnel;
4. The effect of the proposed action on the community;
5. The extent and quality of the dealer's service under motorcycle warranties;
6. The dealer's performance under the terms of its franchise; and
7. Other economic and geographical factors reasonably associated with the proposed action.

With respect to subdivision 6, any performance standard or program for measuring dealership performance that may have a material effect on a dealer, and the application of any such standard or program by a manufacturer or distributor, shall be fair, reasonable, and equitable and, if based upon a survey, shall be based upon a statistically valid sample. Upon the request of any dealer, a manufacturer or distributor shall disclose in writing to the dealer a description of how a performance standard or program is designed and all relevant information used in the application of the performance standard or program to that dealer.

E. An interested party in a hearing held pursuant to subsection A shall comply with the effective date of compliance established by the Commissioner in his decision in such hearing, unless a stay or extension of such date is granted by the Commissioner or the Commissioner's decision is under judicial review and appeal as provided in subsection A. If, after notice to such interested party and an opportunity to comment, the Commissioner finds an interested party has not complied with his decision by the designated date of compliance, unless a stay or extension of such date has been granted by the Commissioner or the Commissioner's decision is under judicial review and appeal, the Commissioner may assess such interested party a civil penalty not to exceed \$1,000 per day of noncompliance. Civil penalties collected under this subsection shall be deposited into the ~~Transportation Trust~~ *Highway Maintenance and Operating Fund* established pursuant to § 33.2-1524 § 33.2-1530.

§ 58.1-608.3. Entitlement to certain sales tax revenues.

A. As used in this section, the following words and terms have the following meanings, unless some other meaning is plainly intended:

"Bonds" means any obligations of a municipality for the payment of money.

"Cost," as applied to any public facility or to extensions or additions to any public facility, includes: (i) the purchase price of any public facility acquired by the municipality or the cost of acquiring all of the capital stock of the corporation owning the public facility and the amount to be paid to discharge any obligations in order to vest title to the public facility or any part of it in the municipality; (ii) expenses incident to determining the feasibility or practicability of the public facility; (iii) the cost of plans and specifications, surveys and estimates of costs and of revenues; (iv) the cost of all land, property, rights, easements and franchises acquired; (v) the cost of improvements, property or equipment; (vi) the cost of engineering, legal and other professional services; (vii) the cost of construction or reconstruction; (viii) the cost of all labor, materials, machinery and equipment; (ix) financing charges; (x) interest before and during construction and for up to one year after completion of construction; (xi) start-up costs and operating capital; (xii) payments by a municipality of its share of the cost of any multijurisdictional public facility; (xiii) administrative expense; (xiv) any amounts to be deposited to reserve or replacement funds; and (xv) other expenses as may be necessary or incident to the financing of the public facility. Any obligation or expense incurred by the public facility in connection with any of the foregoing items of cost may be regarded as a part of the cost.

"Municipality" means any county, city, town, authority, commission, or other public entity.

"Public facility" means (i) any auditorium, coliseum, convention center, or conference center, which is owned by a Virginia county, city, town, authority, or other public entity and where exhibits, meetings, conferences, conventions, seminars, or similar public events may be conducted; (ii) any hotel which is owned by a foundation whose sole purpose is to benefit a baccalaureate public institution of higher education in the Commonwealth and which is attached to and is an integral part of such facility, together with any lands reasonably necessary for the conduct of the operation of such events; (iii) any hotel which is attached to and is an integral part of such facility; (iv) any hotel that is adjacent to a convention center owned by a public entity and where the hotel owner enters into a public-private partnership whereby the locality contributes infrastructure, real property, or conference space; or (v) a sports complex consisting of a minor league baseball stadium and related tournament, training, and parking facilities, where a municipality owns a component of the sports complex. However, such public facility must be located in the City of Fredericksburg, City of Hampton, City of Lynchburg, City of Newport News, City of Norfolk, City of Portsmouth, City of Richmond, City of Roanoke, City of Salem, City of Staunton, City of Suffolk, City of Virginia Beach, City of Winchester, or Town of Wise. Any property, real, personal, or mixed, which is necessary or desirable in connection with any such auditorium, coliseum, convention center, sports complex, or conference center, including, without limitation, facilities for food preparation and serving, parking facilities, and office space, is encompassed within this definition. However, structures commonly referred to as "shopping centers" or "malls" shall not constitute a public facility hereunder. A public facility shall not include residential condominiums, townhomes, or other residential units. In addition, only a new public facility, or a public facility which will undergo a substantial and significant renovation or expansion, shall be eligible under subsection C. A new public facility is one whose construction began after December 31, 1991. A substantial and significant renovation entails a project whose cost is at least 50 percent of the original cost of the facility being renovated and shall have begun after December 31, 1991. A substantial and significant expansion entails an increase in floor space of at least 50 percent over that existing in the preexisting facility and shall have begun after December 31, 1991; or an increase in floor space of at least 10 percent over that existing in a public facility that qualified as such under this section and was constructed after December 31, 1991.

"Sales tax revenues" means such tax collections realized under the Virginia Retail Sales and Use Tax Act (§ 58.1-600 et seq.), as limited herein. "Sales tax revenues" does not include the revenue generated by (i) the 0.5 percent sales and use tax increase enacted by the 1986 Special Session of the General Assembly which shall be paid to the *Commonwealth Transportation Trust Fund* as defined in established pursuant to § 33.2-1524, (ii) the 1.0 percent of the state sales and use tax revenue distributed among the counties and cities of the Commonwealth pursuant to subsection D of § 58.1-638 on the

basis of school age population, or (iii) any sales and use tax revenues generated by increases or allocation changes imposed by the 2013 Session of the General Assembly.

B. Notwithstanding the definition of "public facility" in subsection A, a development project that meets the requirements for a "development of regional impact" set forth herein shall be deemed to be a public facility under the provisions of this section. The locality in which the public facility is located shall be entitled to all sales tax revenues generated by transactions taking place at such public facility solely to pay the cost of any bonds issued to pay the cost, or portion thereof, of such public facility pursuant to subsection C. For purposes of this subsection, the development of regional impact must be located in the City of Bristol.

For purposes of this subsection, a "development of regional impact" means a development project (i) towards which the locality contributes infrastructure or real property as part of a public-private partnership with the developer that is equal to at least 20 percent of the aggregate cost of development, (ii) that is reasonably expected to require a capital investment of at least \$50 million, (iii) that is reasonably expected to generate at least \$5 million annually in state sales and use tax revenue from sales within the development, (iv) that is reasonably expected to attract at least one million visitors annually, (v) that is reasonably expected to create at least 2,000 permanent jobs, (vi) that is located in a locality that had a rate of unemployment at least three percentage points higher than the statewide average in November 2011, and (vii) that is located in a locality that is adjacent to a state that has adopted a Border Region Retail Tourism Development District Act. Within 30 days from the date of notification by a locality that it intends to contribute infrastructure or real property as part of a public-private partnership with the developer of a development of regional impact, the Department of Taxation shall review the findings of the locality with respect to clauses (i) through (vi) and shall file a written report with the Chairmen of the House Committee on Finance, the House Committee on Appropriations, and the Senate Committee on Finance.

C. Any municipality which has issued bonds (i) after December 31, 1991, but before January 1, 1996, (ii) on or after January 1, 1998, but before July 1, 1999, (iii) on or after January 1, 1999, but before July 1, 2001, (iv) on or after July 1, 2000, but before July 1, 2003, (v) on or after July 1, 2001, but before July 1, 2005, (vi) on or after July 1, 2004, but before July 1, 2007, (vii) on or after July 1, 2009, but before July 1, 2012, (viii) on or after January 1, 2011, but prior to July 1, 2015, or (ix) on or after January 1, 2013, but prior to July 1, 2020, to pay the cost, or portion thereof, of any public facility shall be entitled to all sales tax revenues generated by transactions taking place in such public facility. In the case of a public facility described in clause (v) of the definition of public facility, all such sales tax revenues shall be applied solely to repayment of the bonds issued to pay the cost, or portion thereof, of the municipality-owned component of the sports complex. Such entitlement shall continue for the lifetime of such bonds, or any refinancing or refunding thereof, but in no event shall such entitlement exceed 35 years from the initial date that any bonds were issued to pay the cost, or a portion thereof, of any public facility, and all such sales tax revenues shall be applied to repayment of the bonds. The State Comptroller shall remit such sales tax revenues to the municipality on a quarterly basis, subject to such reasonable processing delays as may be required by the Department of Taxation to calculate the actual net sales tax revenues derived from the public facility. The State Comptroller shall make such remittances to eligible municipalities, as provided herein, notwithstanding any provisions to the contrary in the Virginia Retail Sales and Use Tax Act (§ 58.1-600 et seq.). No such remittances shall be made until construction is completed and, in the case of a renovation or expansion, until the governing body of the municipality has certified that the renovation or expansion is completed; however, in the case of any public facility consisting of more than one building or structure, such remittances shall be made on a quarterly basis beginning with the first quarter in which any sales tax revenue is generated by transactions taking place at any building or structure within such public facility, whether or not construction of all or any portion, phase, building, or structure of such public facility has been completed.

D. Nothing in this section shall be construed as authorizing the pledging of the faith and credit of the Commonwealth of Virginia, or any of its revenues, for the payment of any bonds. Any appropriation made pursuant to this section shall be made only from sales tax revenues derived from the public facility for which bonds may have been issued to pay the cost, in whole or in part, of such public facility.

§ 58.1-638. Disposition of state sales and use tax revenue.

A. The Comptroller shall designate a specific revenue code number for all the state sales and use tax revenue collected under the preceding sections of this chapter.

1. The sales and use tax revenue generated by the one-half percent sales and use tax increase enacted by the 1986 Special Session of the General Assembly shall be paid, in the manner hereinafter provided in this section, to the *Commonwealth Transportation Trust Fund as defined in established pursuant to § 33.2-1524. Of the funds paid to the Transportation Trust Fund, an aggregate of 4.2 percent shall be set aside as the Commonwealth Port Fund as provided in this section; an aggregate of 2.4 percent shall be set aside as the Commonwealth Airport Fund as provided in this section; and an aggregate of 14.7 percent shall be set aside as the Commonwealth Mass Transit Fund as provided in this section.* The Fund's share of such net revenue shall be computed as an estimate of the net revenue to be received into the state treasury each month, and such estimated payment shall be adjusted for the actual net revenue received in the preceding month. All payments shall be made to the Fund on the last day of each month.

2. There is hereby created in the Department of the Treasury a special nonreverting fund which shall be a part of the *Transportation Trust Fund and which shall be known as the Commonwealth Port Fund.*

a. *The Commonwealth Port Fund shall be established on the books of the Comptroller and the funds remaining in such Fund at the end of a biennium shall not revert to the general fund but shall remain in the Fund. Interest earned on such funds*

shall remain in the Fund and be credited to it. Funds may be paid to any authority, locality or commission for the purposes hereinafter specified.

b. The amounts allocated pursuant to this section shall be allocated by the Commonwealth Transportation Board to the Board of Commissioners of the Virginia Port Authority to be used to support port capital needs and the preservation of existing capital needs of all ocean, river, or tributary ports within the Commonwealth. Expenditures for such capital needs are restricted to those capital projects specified in subsection B of § 62.1-132.1.

c. Commonwealth Port Fund revenue shall be allocated by the Board of Commissioners to the Virginia Port Authority in order to foster and stimulate the flow of maritime commerce through the ports of Virginia, including but not limited to the ports of Richmond, Hopewell, and Alexandria.

3. There is hereby created in the Department of the Treasury a special nonreverting fund which shall be part of the Transportation Trust Fund and which shall be known as the Commonwealth Airport Fund. The Commonwealth Airport Fund shall be established on the books of the Comptroller and any funds remaining in such Fund at the end of a biennium shall not revert to the general fund but shall remain in the Fund. Interest earned on the funds shall be credited to the Fund. The funds so allocated shall be allocated by the Commonwealth Transportation Board to the Virginia Aviation Board. The funds shall be allocated by the Virginia Aviation Board to any Virginia airport which is owned by the Commonwealth, a governmental subdivision thereof, or a private entity to which the public has access for the purposes enumerated in § 5.1-2.16, or is owned or leased by the Metropolitan Washington Airports Authority (MWAA), as follows:

Any new funds in excess of \$12.1 million which are available for allocation by the Virginia Aviation Board from the Commonwealth Transportation Fund, shall be allocated as follows: 60 percent to MWAA, up to a maximum annual amount of \$2 million, and 40 percent to air carrier airports as provided in subdivision A 3 a. Except for adjustments due to changes in enplaned passengers, no air carrier airport sponsor, excluding MWAA, shall receive less funds identified under subdivision A 3 a than it received in fiscal year 1994-1995.

Of the remaining amount:

a. Forty percent of the funds shall be allocated to air carrier airports, except airports owned or leased by MWAA, based upon the percentage of enplanements for each airport to total enplanements at all air carrier airports, except airports owned or leased by MWAA. No air carrier airport sponsor, however, shall receive less than \$50,000 nor more than \$2 million per year from this provision.

b. Sixty percent of the funds shall be allocated as follows:

(1) For the first six months of each fiscal year, the funds shall be allocated as follows:

(a) Forty percent of the funds shall be allocated by the Aviation Board for air carrier and reliever airports on a discretionary basis, except airports owned or leased by MWAA; and

(b) Twenty percent of the funds shall be allocated by the Aviation Board for general aviation airports on a discretionary basis; and

(2) For the second six months of each fiscal year, all remaining funds shall be allocated by the Aviation Board for all eligible airports on a discretionary basis, except airports owned or leased by MWAA.

3a. There is hereby created in the Department of the Treasury a special nonreverting fund that shall be a part of the Transportation Trust Fund and that shall be known as the Commonwealth Space Flight Fund. The Commonwealth Space Flight Fund shall be established on the books of the Comptroller and the funds remaining in such Fund at the end of a biennium shall not revert to the general fund but shall remain in the Fund. Interest earned on such funds shall remain in the Fund and be credited to it.

a. The amounts allocated to the Commonwealth Space Flight Fund pursuant to § 33.2-1526 shall be allocated by the Commonwealth Transportation Board to the Board of Directors of the Virginia Commercial Space Flight Authority to be used to support the capital needs, maintenance, and operating costs of any and all facilities owned and operated by the Virginia Commercial Space Flight Authority.

b. Commonwealth Space Flight Fund revenue shall be allocated by the Board of Directors to the Virginia Commercial Space Flight Authority in order to foster and stimulate the growth of the commercial space flight industry in Virginia.

4. There is hereby created in the Department of the Treasury a special nonreverting fund which shall be a part of the Transportation Trust Fund and which shall be known as the Commonwealth Mass Transit Fund.

a. The Commonwealth Mass Transit Fund shall be established on the books of the Comptroller and any funds remaining in such Fund at the end of the biennium shall not revert to the general fund but shall remain in the Fund. Interest earned on such funds shall be credited to the Fund.

b. The amounts allocated pursuant to § 33.2-1526.1 shall be used to support the operating, capital, and administrative costs of public transportation at a state share determined by the Commonwealth Transportation Board, and these amounts may be used to support the capital project costs of public transportation and ridesharing equipment, facilities, and associated costs at a state share determined by the Commonwealth Transportation Board. Capital costs may include debt service payments on local or agency transit bonds.

c. There is hereby created in the Department of the Treasury a special nonreverting fund known as the Commonwealth Transit Capital Fund. The Commonwealth Transit Capital Fund shall be part of the Commonwealth Mass Transit Fund. The Commonwealth Transit Capital Fund subaccount shall be established on the books of the Comptroller and consist of such moneys as are appropriated to it by the General Assembly and of all donations, gifts, bequests, grants, endowments, and other moneys given, bequeathed, granted, or otherwise made available to the Commonwealth Transit Capital Fund. Any

funds remaining in the Commonwealth Transit Capital Fund at the end of the biennium shall not revert to the general fund, but shall remain in the Commonwealth Transit Capital Fund. Interest earned on funds within the Commonwealth Transit Capital Fund shall remain in and be credited to the Commonwealth Transit Capital Fund. Proceeds of the Commonwealth Transit Capital Fund may be paid to any political subdivision, another public entity created by an act of the General Assembly, or a private entity as defined in § 33.2-1800 and for purposes as enumerated in subdivision 7 of § 33.2-1701 or expended by the Department of Rail and Public Transportation for the purposes specified in this subdivision. Revenues of the Commonwealth Transit Capital Fund shall be used to support capital expenditures involving the establishment, improvement, or expansion of public transportation services through specific projects approved by the Commonwealth Transportation Board. The Commonwealth Transit Capital Fund shall not be allocated without requiring a local match from the recipient.

B. The sales and use tax revenue generated by a one percent sales and use tax shall be distributed among the counties and cities of the Commonwealth in the manner provided in subsections C and D.

C. The localities' share of the net revenue distributable under this section among the counties and cities shall be apportioned by the Comptroller and distributed among them by warrants of the Comptroller drawn on the Treasurer of Virginia as soon as practicable after the close of each month during which the net revenue was received into the state treasury. The distribution of the localities' share of such net revenue shall be computed with respect to the net revenue received into the state treasury during each month, and such distribution shall be made as soon as practicable after the close of each such month.

D. The net revenue so distributable among the counties and cities shall be apportioned and distributed upon the basis of the latest yearly estimate of the population of cities and counties ages five to 19, provided by the Weldon Cooper Center for Public Service of the University of Virginia. Such population estimate produced by the Weldon Cooper Center for Public Service of the University of Virginia shall account for persons who are domiciled in orphanages or charitable institutions or who are dependents living on any federal military or naval reservation or other federal property within the school division in which the institutions or federal military or naval reservation or other federal property is located. Such population estimate produced by the Weldon Cooper Center for Public Service of the University of Virginia shall account for members of the military services who are under 20 years of age within the school division in which the parents or guardians of such persons legally reside. Such population estimate produced by the Weldon Cooper Center for Public Service of the University of Virginia shall account for individuals receiving services in state hospitals, state training centers, or mental health facilities, persons who are confined in state or federal correctional institutions, or persons who attend the Virginia School for the Deaf and the Blind within the school division in which the parents or guardians of such persons legally reside. Such population estimate produced by the Weldon Cooper Center for Public Service of the University of Virginia shall account for persons who attend institutions of higher education within the school division in which the student's parents or guardians legally reside. To such estimate, the Department of Education shall add the population of students with disabilities, ages two through four and 20 through 21, as provided to the Department of Education by school divisions. The revenue so apportionable and distributable is hereby appropriated to the several counties and cities for maintenance, operation, capital outlays, debt and interest payments, or other expenses incurred in the operation of the public schools, which shall be considered as funds raised from local resources. In any county, however, wherein is situated any incorporated town constituting a school division, the county treasurer shall pay into the town treasury for maintenance, operation, capital outlays, debt and interest payments, or other expenses incurred in the operation of the public schools, the proper proportionate amount received by him in the ratio that the school population of such town bears to the school population of the entire county. If the school population of any city or of any town constituting a school division is increased by the annexation of territory since the last estimate of school population provided by the Weldon Cooper Center for Public Service, such increase shall, for the purposes of this section, be added to the school population of such city or town as shown by the last such estimate and a proper reduction made in the school population of the county or counties from which the annexed territory was acquired.

E. Beginning July 1, 2000, of the remaining sales and use tax revenue, the revenue generated by a two percent sales and use tax, up to an annual amount of \$13 million, collected from the sales of hunting equipment, auxiliary hunting equipment, fishing equipment, auxiliary fishing equipment, wildlife-watching equipment, and auxiliary wildlife-watching equipment in Virginia, as estimated by the most recent U.S. Department of the Interior, Fish and Wildlife Service and U.S. Department of Commerce, Bureau of the Census National Survey of Fishing, Hunting, and Wildlife-Associated Recreation, shall be paid into the Game Protection Fund established under § 29.1-101 and shall be used, in part, to defray the cost of law enforcement. Not later than 30 days after the close of each quarter, the Comptroller shall transfer to the Game Protection Fund the appropriate amount of collections to be dedicated to such Fund. At any time that the balance in the Capital Improvement Fund, established under § 29.1-101.01, is equal to or in excess of \$35 million, any portion of sales and use tax revenues that would have been transferred to the Game Protection Fund, established under § 29.1-101, in excess of the net operating expenses of the Board, after deduction of other amounts which accrue to the Board and are set aside for the Game Protection Fund, shall remain in the general fund until such time as the balance in the Capital Improvement Fund is less than \$35 million.

F. 1. Of the net revenue generated from the one-half percent increase in the rate of the state sales and use tax effective August 1, 2004, pursuant to enactments of the 2004 Special Session I of the General Assembly, the Comptroller shall transfer from the general fund of the state treasury to the Public Education Standards of Quality/Local Real Estate Property

Tax Relief Fund established under § 58.1-638.1 an amount equivalent to one-half of the net revenue generated from such one-half percent increase as provided in this subdivision. The transfers to the Public Education Standards of Quality/Local Real Estate Property Tax Relief Fund under this subdivision shall be for one-half of the net revenue generated (and collected in the succeeding month) from such one-half percent increase for the month of August 2004 and for each month thereafter.

2. Beginning July 1, 2013, of the remaining sales and use tax revenue, an amount equal to the revenue generated by a 0.125 percent sales and use tax shall be distributed to the Public Education Standards of Quality/Local Real Estate Property Tax Relief Fund established under § 58.1-638.1, and be used for the state's share of Standards of Quality basic aid payments.

3. For the purposes of the Comptroller making the required transfers under subdivision 1 and 2, the Tax Commissioner shall make a written certification to the Comptroller no later than the twenty-fifth of each month certifying the sales and use tax revenues generated in the preceding month. Within three calendar days of receiving such certification, the Comptroller shall make the required transfers to the Public Education Standards of Quality/Local Real Estate Property Tax Relief Fund.

G. (Contingent expiration date) Beginning July 1, 2013 ~~2020~~, of the remaining sales and use tax revenue, an amount equal to ~~the following percentages~~ *20 percent* of the revenue generated by a one-half percent sales and use tax, such as that paid to the *Commonwealth Transportation Trust* Fund as provided in ~~subdivision~~ *subsection A 1*, shall be paid to the ~~Highway Maintenance and Operating~~ *Commonwealth Transportation* Fund established pursuant to § ~~33.2-1530~~:

1. For fiscal year 2014, an amount equal to 10 percent;

2. For fiscal year 2015, an amount equal to 20 percent;

3. For fiscal year 2016, an amount equal to 30 percent; and

4. For fiscal year 2017 and thereafter, an amount equal to 35 percent § 33.2-1524.

The ~~Highway Maintenance and Operating~~ *Commonwealth Transportation* Fund's share of the net revenue distributable under this subsection shall be computed as an estimate of the net revenue to be received into the state treasury each month, and such estimated payment shall be adjusted for the actual net revenue received in the preceding month. All payments shall be made to the Fund on the last day of each month.

H. (Contingent expiration date) 1. The additional revenue generated by increases in the state sales and use tax from Planning District 8 pursuant to §§ 58.1-603.1, 58.1-604.01, 58.1-604.1, and 58.1-614 shall be deposited by the Comptroller in the fund established under § 33.2-2509.

2. The additional revenue generated by increases in the state sales and use tax from Planning District 23 pursuant to §§ 58.1-603.1, 58.1-604.01, 58.1-604.1, and 58.1-614 shall be deposited by the Comptroller in the fund established under § 33.2-2600.

3. The additional revenue generated by increases in the state sales and use tax in any other Planning District pursuant to §§ 58.1-603.1, 58.1-604.01, 58.1-604.1, and 58.1-614 shall be deposited into special funds that shall be established by appropriate legislation.

4. The net revenues distributable under this subsection shall be computed as an estimate of the net revenue to be received by the state treasury each month, and such estimated payment shall be adjusted for the actual net revenue received in the preceding month. All payments shall be made to the appropriate funds on the last day of each month.

I. (For contingent expiration date, see Acts 2018, c. 850) The additional revenue generated by increases in the state sales and use tax from the Historic Triangle pursuant to § 58.1-603.2 shall be deposited by the Comptroller as follows: (i) 50 percent shall be deposited into the Historic Triangle Marketing Fund established pursuant to subsection E of § 58.1-603.2; and (ii) 50 percent shall be deposited in the special fund created pursuant to subdivision D 2 of § 58.1-603.2 and distributed to the localities in which the revenues were collected. The net revenues distributable under this subsection shall be computed as an estimate of the net revenues to be received by the state treasury each month, and such estimated payment shall be adjusted for the actual net revenue received in the preceding month. All payments shall be made to the appropriate funds on the last day of each month.

J. Beginning July 1, 2020, the first \$40 million of sales and use taxes remitted by online retailers with a physical nexus established pursuant to subsection D of § 58.1-612 shall be deposited into the Major Headquarters Workforce Grant Fund established pursuant to § 59.1-284.31.

K. If errors are made in any distribution, or adjustments are otherwise necessary, the errors shall be corrected and adjustments made in the distribution for the next quarter or for subsequent quarters.

L. The term "net revenue," as used in this section, means the gross revenue received into the general fund or the *Commonwealth Transportation Trust* Fund of the state treasury under the preceding sections of this chapter, less refunds to taxpayers.

§ 58.1-638.3. (Contingent expiration date) Disposition of 0.3 percent state and local sales tax for transportation.

A. The sales and use tax revenue generated by the 0.3 percent sales and use tax increase enacted by the 2013 Session of the General Assembly shall be allocated as follows:

1. An amount equal to a 0.175 percent sales and use tax shall be deposited into the *Highway Maintenance and Operating* Fund established pursuant to § 33.2-1530;

2. An amount equal to a 0.05 percent sales and use tax shall be deposited into the *Intercity Passenger Rail Operating and Capital* Fund established under § 33.2-1603; and

3. An amount equal to a 0.075 percent sales and use tax shall be deposited into the *Commonwealth Mass Transit* Fund deposited into the *Commonwealth Transportation* Fund established pursuant to § 33.2-1524.

B. The net revenues distributable under this section shall be computed as an estimate of the net revenue to be received by the state treasury each month, and such estimated payment shall be adjusted for the actual net revenue received in the preceding month. All payments shall be made to the funds set forth in subsection A on the last day of each month.

§ 58.1-802.3. Regional transportation improvement fee.

In addition to any other tax or fee imposed under the provisions of this chapter, a fee, delineated as the "regional WMATA capital fee," is hereby imposed on each deed, instrument, or writing by which lands, tenements, or other realty located in any county or city that is a member of the Northern Virginia Transportation Authority is sold and is granted, assigned, transferred, or otherwise conveyed to or vested in the purchaser or any other person, by such purchaser's direction. The rate of the fee, when the consideration or value of the interest, whichever is greater, equals or exceeds \$100, shall be ~~\$0.15~~ \$0.10 for each \$100 or fraction thereof, exclusive of the value of any lien or encumbrance remaining thereon at the time of the sale, whether such lien is assumed or the realty is sold subject to such lien or encumbrance.

The fee imposed by this section shall be paid by the grantor, or any person who signs on behalf of the grantor, of any deed, instrument, or writing subject to the fee imposed by this section.

No such deed, instrument, or other writing shall be admitted to record unless certification of the clerk wherein first recorded has been affixed thereto that the fee imposed pursuant to this section has been paid.

Fees imposed by this section shall be collected by the clerk of the court. For fees collected in a county or city located in a transportation district established pursuant to Chapter 19 (§ 33.2-1900 et seq.) of Title 33.2 that as of January 1, 2018, meets the criteria established in § 33.2-1936 shall be transferred to the state treasury as soon as practicable and deposited into the fund established in § 33.2-3401. The fees collected in any other county or city in which the fee is imposed shall be retained by the county or city, and shall be used solely for transportation purposes.

§ 58.1-802.4. Regional congestion relief fee.

In addition to any other tax or fee imposed under the provisions of this chapter, a fee, delineated as the "regional congestion relief fee," is hereby imposed on each deed, instrument, or writing by which lands, tenements, or other realty located in any county or city in a planning district described in this section is sold and is granted, assigned, transferred, or otherwise conveyed to or vested in the purchaser or any other person, by such purchaser's direction. The fee shall be imposed in a planning district established pursuant to Chapter 42 (§ 15.2-4200 et seq.) of Title 15.2 that (i) as of January 1, 2013, has a population of two million or more, as shown by the most recent United States census, has not less than 1.7 million motor vehicles registered therein, and has a total transit ridership of not less than 50 million riders per year across all transit systems within the planning district or (ii) as shown by the most recent United States census meets the population criteria set forth in clause (i) and also meets the vehicle registration and ridership criteria set forth in clause (i). The rate of the fee, when the consideration or value of the interest, whichever is greater, equals or exceeds \$100, shall be \$0.10 for each \$100 or fraction thereof, exclusive of the value of any lien or encumbrance remaining thereon at the time of the sale, whether such lien is assumed or the realty is sold subject to such lien or encumbrance. In any case in which the fee is imposed pursuant to clause (ii) such fee shall be effective beginning on the July 1 immediately following the calendar year in which all of the criteria under such clause have been met.

The fee imposed by this section shall be paid by the grantor, or any person who signs on behalf of the grantor, of any deed, instrument, or writing subject to the fee imposed by this section; however, the grantor and grantee may arrange for the grantee to pay all or a portion of the fee.

No such deed, instrument, or other writing shall be admitted to record unless certification of the clerk wherein first recorded has been affixed thereto that the fee imposed pursuant to this section has been paid.

Fees imposed by this section shall be collected by the clerk of the court and deposited into the state treasury as soon as practicable. Such fees shall then be deposited into special funds established by law. In the case of Planning District 8, the revenue generated and collected therein shall be deposited into the fund established in § 33.2-2509. For additional planning districts that may become subject to this section, funds shall be established by appropriate legislation.

§ 58.1-811. (Contingent expiration date) Exemptions.

A. The taxes imposed by §§ 58.1-801 and 58.1-807 shall not apply to any deed conveying real estate or lease of real estate:

1. To an incorporated college or other incorporated institution of learning not conducted for profit, where such real estate is intended to be used for educational purposes and not as a source of revenue or profit;
2. To an incorporated church or religious body or to the trustee or trustees of any church or religious body, or a corporation mentioned in § 57-16.1, where such real estate is intended to be used exclusively for religious purposes, or for the residence of the minister of any such church or religious body;
3. To the United States, the Commonwealth, or to any county, city, town, district, or other political subdivision of the Commonwealth;
4. To the Virginia Division of the United Daughters of the Confederacy;
5. To any nonstock corporation organized exclusively for the purpose of owning or operating a hospital or hospitals not for pecuniary profit;
6. To a corporation upon its organization by persons in control of the corporation in a transaction which qualifies for nonrecognition of gain or loss pursuant to § 351 of the Internal Revenue Code as it exists at the time of the conveyance;

7. From a corporation to its stockholders upon complete or partial liquidation of the corporation in a transaction which qualifies for income tax treatment pursuant to § 331, 332, 333, or 337 of the Internal Revenue Code as it exists at the time of liquidation;

8. To the surviving or new corporation, partnership, limited partnership, business trust, or limited liability company upon a merger or consolidation to which two or more such entities are parties, or in a reorganization within the meaning of § 368(a)(1)(C) and (F) of the Internal Revenue Code as amended;

9. To a subsidiary corporation from its parent corporation, or from a subsidiary corporation to a parent corporation, if the transaction qualifies for nonrecognition of gain or loss under the Internal Revenue Code as amended;

10. To a partnership or limited liability company, when the grantors are entitled to receive not less than 50 percent of the profits and surplus of such partnership or limited liability company, provided that the transfer to a limited liability company is not a precursor to a transfer of control of the assets of the company to avoid recordation taxes;

11. From a partnership or limited liability company, when the grantees are entitled to receive not less than 50 percent of the profits and surplus of such partnership or limited liability company, provided that the transfer from a limited liability company is not subsequent to a transfer of control of the assets of the company to avoid recordation taxes;

12. To trustees of a revocable inter vivos trust, when the grantors in the deed and the beneficiaries of the trust are the same persons, regardless of whether other beneficiaries may also be named in the trust instrument, when no consideration has passed between the grantor and the beneficiaries;

13. When the grantor is an organization exempt from taxation under § 501(c)(3) of the Internal Revenue Code that is organized and operated primarily to acquire land and purchase materials to erect or rehabilitate low-cost homes on such land, which homes are sold at cost to persons who otherwise would be unable to afford to buy a home through conventional means;

14. When it is a deed of partition, or any combination of deeds simultaneously executed and having the effect of a deed of partition, among joint tenants, tenants in common, or coparceners; or

15. When it is a deed transferring property pursuant to a decree of divorce or of separate maintenance or pursuant to a written instrument incident to such divorce or separation.

B. The taxes imposed by §§ 58.1-803 and 58.1-804 shall not apply to any deed of trust or mortgage:

1. Given by an incorporated college or other incorporated institution of learning not conducted for profit;

2. Given by the trustee or trustees of a church or religious body or given by an incorporated church or religious body, or given by a corporation mentioned in § 57-16.1;

3. Given by any nonstock corporation organized exclusively for the purpose of owning and/or operating a hospital or hospitals not for pecuniary profit;

4. Given by any local governmental entity or political subdivision of the Commonwealth to secure a debt payable to any other local governmental entity or political subdivision;

5. Securing a loan made by an organization described in subdivision A 13;

6. Securing a loan made by a county, city, or town, or an agency of such a locality, to a borrower whose household income does not exceed 80 percent of the area median household income established by the U.S. Department of Housing and Urban Development, for the purpose of erecting or rehabilitating a home for such borrower, including the purchase of land for such home; or

7. Given by any entity organized pursuant to Chapter 9.1 (§ 56-231.15 et seq.) of Title 56.

C. The tax imposed by § 58.1-802 and the fee imposed by §§ 58.1-802.3 and 58.1-802.4 shall not apply to any:

1. Transaction described in subdivisions A 6 through 12, 14, and 15;

2. Instrument or writing given to secure a debt;

3. Deed conveying real estate from an incorporated college or other incorporated institution of learning not conducted for profit;

4. Deed conveying real estate from the United States, the Commonwealth or any county, city, town, district, or other political subdivision thereof;

5. Conveyance of real estate to the Commonwealth or any county, city, town, district, or other political subdivision thereof, if such political unit is required by law to reimburse the parties taxable pursuant to § 58.1-802 or subject to the fee under § 58.1-802.3; or

6. Deed conveying real estate from the trustee or trustees of a church or religious body or from an incorporated church or religious body, or from a corporation mentioned in § 57-16.1.

D. No recordation tax shall be required for the recordation of any deed of gift between a grantor or grantors and a grantee or grantees when no consideration has passed between the parties. Such deed shall state therein that it is a deed of gift.

E. The tax imposed by § 58.1-807 shall not apply to any lease to the United States, the Commonwealth, or any county, city, town, district, or other political subdivision of the Commonwealth.

F. The taxes and fees imposed by §§ 58.1-801, 58.1-802, 58.1-802.3, 58.1-807, 58.1-808, and 58.1-814 shall not apply to (i) any deed of gift conveying real estate or any interest therein to The Nature Conservancy or (ii) any lease of real property or any interest therein to The Nature Conservancy, where such deed of gift or lease of real estate is intended to be used exclusively for the purpose of preserving wilderness, natural, or open space areas.

G. The words "trustee" or "trustees," as used in subdivisions A 2, B 2, and C 6, include the trustees mentioned in § 57-8 and the ecclesiastical officers mentioned in § 57-16.

H. No recordation tax levied pursuant to this chapter shall be levied on the release of a contractual right, if the release is contained within a single deed that performs more than one function, and at least one of the other functions performed by the deed is subject to the recordation tax.

I. No recordation tax levied pursuant to this chapter shall be levied on a deed, lease, easement, release, or other document recorded in connection with a concession pursuant to the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.) or similar federal law.

J. No recordation tax shall be required for the recordation of any transfer on death deed or any revocation of transfer on death deed made pursuant to the Uniform Real Property Transfer on Death Act (§ 64.2-621 et seq.) when no consideration has passed between the parties.

K. No recordation tax levied pursuant to this chapter shall be required for the recordation of any deed of distribution when no consideration has passed between the parties. Such deed shall state therein on the front page that it is a deed of distribution. As used in this subsection, "deed of distribution" means a deed conveying property from an estate or trust (i) to the original beneficiaries of a trust from the trustees holding title under a deed in trust; (ii) the purpose of which is to comply with a devise or bequest in the decedent's will or to transfer title to one or more beneficiaries after the death of the settlor in accordance with a dispositive provision in the trust instrument; (iii) that carries out the exercise of a power of appointment; or (iv) is pursuant to the exercise of the power under the Uniform Trust Decanting Act (§ 64.2-779.1 et seq.).

§ 58.1-815.4. (Contingent expiration dates) Distribution of recordation tax to the Commonwealth Transportation Fund.

Of the state recordation taxes imposed pursuant to §§ 58.1-801 and 58.1-803, the revenues collected each fiscal year from \$0.03 of the total tax imposed under each section shall be deposited by the Comptroller into the Commonwealth Mass Transit Transportation Fund established pursuant to ~~subdivision A 4 of § 58.1-638~~ 33.2-1524.

§ 58.1-816. Distribution of recordation tax to cities and counties.

A. Effective October 1, 1993, ~~twenty \$20 million dollars~~ of the taxes imposed under §§ 58.1-801 through 58.1-809 which ~~that~~ are actually paid into the state treasury, shall be distributed among the counties and cities of ~~this the~~ Commonwealth, *except for counties and cities located in Planning District 8*, in the manner provided in subsection B of this section. Effective July 1, 1994, such annual distribution shall increase to ~~forty \$40 million dollars~~. *Effective July 1, 2020, such annual distribution shall be \$20 million.*

B. Subject to any ~~transfers transfer~~ required under §§ ~~33.2-2400~~ and § 58.1-816.1, the share of the state taxes distributable under this section among the counties and cities shall be apportioned and distributed quarterly to each county or city by the Comptroller by multiplying the amount to be distributed by a fraction in which the numerator is the amount of the taxes imposed under §§ 58.1-801 through 58.1-809 and actually paid into the state treasury which are attributable to deeds and other instruments recorded in the county or city and the denominator is the amount of taxes imposed under §§ 58.1-801 through 58.1-809 actually paid into the state treasury. All distributions pursuant to this section shall be made on a quarterly basis within ~~thirty~~ 30 days of the end of the quarter. Such quarterly distribution shall equal ~~ten \$10 million dollars~~. Each clerk of the court shall certify to the Comptroller, within ~~fifteen~~ 15 days after the end of the quarter, all amounts collected under §§ 58.1-801 through 58.1-809 and actually paid into the state treasury which are attributable to deeds and other instruments recorded in such county or city.

C. All moneys distributed to counties and cities pursuant to this section shall be used for (i) transportation purposes, including, without limitation, construction, administration, operation, improvement, maintenance and financing of transportation facilities, or (ii) public education.

As used in this section, the term "transportation facilities" shall include all transportation-related facilities including, but not limited to, all highway systems, public transportation or mass transit systems as defined in § 33.2-100, airports as defined in § 5.1-1, and port facilities as defined in § 62.1-140. Such term shall be liberally construed for purposes of this section.

D. If any revenues distributed to a county or city under subsection C of ~~this section~~ are applied or expended for any transportation facilities under the control and jurisdiction of any state agency, board, commission or authority, such transportation facilities shall be constructed, operated, administered, improved and maintained in accordance with laws, rules, regulations, policies and procedures governing such state agency, board, commission or authority; however, in the event these revenues, or a portion thereof, are expended for improving or constructing highways in a county which is subject to the provisions of § 33.2-338, such expenditures shall be undertaken in the manner prescribed in that statute.

E. In the case of any distribution to a county or city in which an office sharing agreement pursuant to §§ 15.2-1637 and 15.2-3822 is in effect, the Comptroller shall divide the distribution among the office sharing counties and cities. Each clerk of the court acting pursuant to an office sharing agreement shall certify to the Comptroller, within ~~fifteen~~ 15 days after the end of the quarter, all amounts collected under §§ 58.1-801 through 58.1-809 and actually paid into the state treasury which are attributable to deeds and other instruments recorded on behalf of each county and city.

§ 58.1-816.1. Transportation Improvement Program Set-aside Fund.

There is hereby created in the Department of the Treasury a special nonreverting fund which shall be a part of the Transportation Trust Fund established pursuant to ~~§ 33.2-1524~~ § 33.2-1524.1 and which shall be known as the Transportation Improvement Program Set-aside Fund ("Set-aside Fund"), consisting of transfers pursuant to § 58.1-816 of annual collections of the state recordation taxes attributable to any local jurisdiction which adopts an ordinance to dedicate and use its share of state recordation tax distributions for transportation purposes; however, this dedication shall not affect

the local recordation taxes under §§ 58.1-802 B and 58.1-814. Any local jurisdiction making such an election shall transmit a copy of its ordinance to the State Treasurer at least ninety days before transfers to the Set-aside Fund are to take effect. The State Treasurer is hereby authorized to commingle the funds of the various local jurisdictions in the Set-aside Fund, subject to the establishment of an accounting system which allows for the separate tracking of each local jurisdiction's share. The election to participate in the Set-aside Fund shall be revocable by the passage of an ordinance to that effect; however, if debt has been issued or other obligations incurred on the local jurisdiction's behalf, the election to participate shall be irrevocable so long as such bonds, or other obligations, are outstanding. A permitted revocation shall entitle the local jurisdiction to receive its remaining share, plus earnings and less the Treasurer's investment charges.

The Set-aside Fund shall also include such other funds as may be appropriated by the General Assembly from time to time and designated for the Set-aside Fund and all interest, dividends and appreciation which may accrue thereto. Any moneys remaining in the Set-aside Fund at the end of a biennium shall not revert to the general fund, but shall remain in the Set-aside Fund. Allocations from the Set-aside Fund may be paid to any authority, locality or commission for the purposes of paying the costs of any Transportation Improvement Program in which the local jurisdiction elects to participate.

§ 58.1-1741. Disposition of revenues.

A. After the direct costs of administering this article are recovered by the Department of Taxation, the remaining revenues collected hereunder by the Tax Commissioner shall be forthwith paid into the state treasury. Except as otherwise provided in this section, these funds shall constitute special funds within the Commonwealth Transportation Fund. Any balances remaining in these funds at the end of the year shall be available for use in subsequent years for the purposes set forth in this article, and any interest income on such funds shall accrue to these funds. The revenue so derived, after refunds have been deducted, is hereby allocated for the construction, reconstruction, and maintenance of highways and the regulation of traffic thereon and for no other purpose. However, (i) all funds collected from the additional tax imposed by subdivision A 2 of § 58.1-1736 on the rental of daily rental vehicles shall be distributed quarterly to the county, city, or town wherein such vehicle was delivered to the rentee; (ii) except as provided in clause (iii), an amount equivalent to the net additional revenues from the motor vehicle rental tax generated by enactments of the 1986 Special Session of the Virginia General Assembly which amended §§ 46.2-694, 46.2-697, and by §§ 58.1-1735, 58.1-1736 and this section, shall be distributed to and paid into the ~~Commonwealth Transportation Trust Fund~~ *Commonwealth Transportation Trust Fund* established pursuant to § 33.2-1524; a ~~special fund within the Commonwealth Transportation Fund~~, and are hereby appropriated to the Commonwealth Transportation Board for transportation needs; (iii) all moneys collected from the tax on the gross proceeds from the rental in Virginia of any motor vehicle pursuant to subdivision A 1 of § 58.1-1736 at the tax rate in effect on December 31, 1986, shall be paid by the Tax Commissioner into the state treasury and two-thirds of which shall be paid into the ~~Rail Enhancement Commonwealth Transportation Fund~~ *Commonwealth Transportation Fund* established by § 33.2-1604 pursuant to § 33.2-1524 and one-third of which shall be deposited into the Washington Metropolitan Area Transit Authority Capital Fund pursuant to § 33.2-3401; and (iv) all additional revenues resulting from the fee imposed under subdivision A 3 of § 58.1-1736 shall be used to pay the debt service on the bonds issued by the Virginia Public Building Authority for the Statewide Agencies Radio System (STARS) for the Department of State Police pursuant to the authority granted by the 2004 Session of the General Assembly.

B. As provided in subsection A of § 58.1-638, of the funds becoming part of the ~~Transportation Trust Fund~~ *Transportation Trust Fund* pursuant to subdivision A 2, an aggregate of 4.2 percent shall be set aside as the ~~Commonwealth Port Fund~~; an aggregate of 2.4 percent shall be set aside as the ~~Commonwealth Airport Fund~~; and an aggregate of 14.7 percent shall be set aside as the ~~Commonwealth Mass Transit Fund~~.

§ 58.1-1743. Transportation district transient occupancy tax.

In addition to all other fees and taxes imposed under law, there is hereby imposed an additional transient occupancy tax at the rate of ~~two~~ *three* percent of the amount of the charge for the occupancy of any room or space occupied in any county or city located in a transportation district established pursuant to Chapter 19 (§ 33.2-1900 et seq.) of Title 33.2 that as of January 1, 2018, meets the criteria established in § 33.2-1936.

The tax imposed under this section shall be imposed only for the occupancy of any room or space that is suitable or intended for occupancy by transients for dwelling, lodging, or sleeping purposes.

The tax imposed under this section shall be administered by the locality in which the room or space is located in the same manner as it administers the tax authorized by § 58.1-3819 or 58.1-3840, mutatis mutandis, except as herein provided. The revenue generated and collected from the tax shall be deposited by the local treasurer into the state treasury pursuant to § 2.2-806 and transferred by the Comptroller into special funds established by law. In the case of the Northern Virginia Transportation District, the revenue generated and collected therein shall be deposited into the fund established in § 33.2-3401. For additional transportation districts that may become subject to this section, funds shall be established by appropriate legislation.

§ 58.1-1744. Local transportation transient occupancy tax.

In addition to all other fees and taxes imposed under law, there is hereby imposed an additional transient occupancy tax at the rate of ~~two~~ *three* percent of the amount of the charge for the occupancy of any room or space occupied in any county or city that is (i) a member of the Northern Virginia Transportation Authority and (ii) that is not described in § 58.1-1743.

The tax imposed under this section shall be imposed only for the occupancy of any room or space that is suitable or intended for occupancy by transients for dwelling, lodging, or sleeping purposes.

The tax imposed under this section shall be administered by the locality in which the room or space is located in the same manner as it administers the tax authorized by § 58.1-3819 or 58.1-3840, mutatis mutandis, except as herein provided.

The revenue generated and collected from the tax shall be deposited by the local treasurer and ~~may be used only for public transportation purposes.~~ *Two-thirds of the revenue collected pursuant to this section may be used only for public transportation purposes and the remaining revenue may be used for any transportation purpose.*

§ 58.1-2217. Taxes levied; rate.

A. There is hereby levied a tax at the rate of seventeen and one-half cents per gallon on gasoline and gasohol. Beginning January 1, 2015, the tax rate shall be 5.1 percent of the statewide average wholesale price of a gallon of unleaded regular gasoline for the applicable base period, excluding federal and state excise taxes, as determined by the Commissioner.

In computing the average wholesale price of a gallon of gasoline, the Commissioner shall use the period from December 1 through May 31 as the base period for such determination for the immediately following period beginning July 1 and ending December 31, inclusive. The period from June 1 through November 30 shall be the next base period for the immediately following period beginning January 1 and ending June 30, inclusive. In no case shall the average wholesale price computed for purposes of this section be less than the statewide average wholesale price of a gallon of unleaded regular gasoline on February 20, 2013. *There is hereby levied an excise tax on gasoline and gasohol as follows:*

1. *On and after July 1, 2020, but before July 1, 2021, the rate shall be 21.2 cents per gallon;*
2. *On and after July 1, 2021, but before July 1, 2022, the rate shall be 26.2 cents per gallon; and*
3. *On and after July 1, 2022, the rate shall be adjusted annually based on the greater of (i) the change in the United States Average Consumer Price Index for all items, all urban consumers (CPI-U), as published by the Bureau of Labor Statistics for the U.S. Department of Labor for the previous year or (ii) zero.*

B. There is hereby levied a tax at the rate of seventeen and one-half cents per gallon on diesel fuel. Beginning January 1, 2015, the tax rate shall be six percent of the statewide average wholesale price of a gallon of diesel fuel for the applicable base period, excluding federal and state excise taxes, as determined by the Commissioner.

In computing the average wholesale price of a gallon of diesel fuel, the Commissioner shall use the period from December 1 through May 31 as the base period for such determination for the immediately following period beginning July 1 and ending December 31, inclusive. The period from June 1 through November 30 shall be the next base period for the immediately following period beginning January 1 and ending June 30, inclusive. In no case shall the average wholesale price computed for purposes of this section be less than the statewide average wholesale price of a gallon of diesel fuel on February 20, 2013. *There is hereby levied an excise tax on diesel fuel as follows:*

1. *On and after July 1, 2020, but before July 1, 2021, the rate shall be 20.2 cents per gallon;*
2. *On and after July 1, 2021, but before July 1, 2022, the rate shall be 27 cents per gallon; and*
3. *On and after July 1, 2022, the rate shall be adjusted annually based on the greater of (i) the change in the United States Average Consumer Price Index for all items, all urban consumers (CPI-U), as published by the Bureau of Labor Statistics for the U.S. Department of Labor for the previous year or (ii) zero.*

C. Blended fuel that contains gasoline shall be taxed at the rate levied on gasoline. Blended fuel that contains diesel fuel shall be taxed at the rate levied on diesel fuel.

D. There is hereby levied a tax at the rate of five cents per gallon on aviation gasoline. Any person, whether or not licensed under this chapter, who uses, acquires for use, sells or delivers for use in highway vehicles any aviation gasoline shall be liable for the tax at the rate levied on gasoline and gasohol, along with any penalties and interest that may accrue.

E. There is hereby levied a tax at the rate of five cents per gallon on aviation jet fuel purchased or acquired for use by a user of aviation fuel other than an aviation consumer. There is hereby levied a tax at the rate of five cents per gallon upon the first 100,000 gallons of aviation jet fuel, excluding bonded aviation jet fuel, purchased or acquired for use by any aviation consumer in any fiscal year. There is hereby levied a tax at the rate of one-half cent per gallon on all aviation jet fuel, excluding bonded aviation jet fuel, purchased or acquired for use by an aviation consumer in excess of 100,000 gallons in any fiscal year. Any person, whether or not licensed under this chapter, who uses, acquires for use, sells or delivers for use in highway vehicles any aviation jet fuel taxable under this chapter shall be liable for the tax imposed at the rate levied on diesel fuel, along with any penalties and interest that may accrue.

F. In accordance with § 62.1-44.34:13, a storage tank fee is imposed on each gallon of gasoline, aviation gasoline, diesel fuel (including dyed diesel fuel), blended fuel, and heating oil sold and delivered or used in the Commonwealth.

§ 58.1-2249. Tax on alternative fuel.

A. There is hereby levied a tax at the rate levied on gasoline and gasohol on liquid alternative fuel used to operate a highway vehicle by means of a vehicle supply tank that stores fuel only for the purpose of supplying fuel to operate the vehicle. There is hereby levied a tax at a rate equivalent to that levied on gasoline and gasohol on all other alternative fuel used to operate a highway vehicle. The Commissioner shall determine the equivalent rate applicable to such other alternative fuels.

B. (Contingent expiration date) In addition to any tax imposed by this article, there is hereby levied an annual license tax of \$64 per vehicle on each highway vehicle registered in Virginia that is an electric motor vehicle or an alternative fuel vehicle. However, no license tax shall be levied on any vehicle that (i) is subject to the tax on fuels levied pursuant to subsection A, (ii) is subject to the federal excise tax levied under § 4041 of the Internal Revenue Code, (iii) is a moped as defined in § 46.2-100, or (iv) is registered under the International Registration Plan. If such a highway vehicle is registered for a period other than one year as provided under § 46.2-646, the license tax shall be multiplied by the number of years or

fraction thereof that the vehicle will be registered. The revenues generated by this subsection shall be deposited in the Highway Maintenance and Operating Fund established pursuant to § 33.2-1530.

B. (Contingent effective date) In addition to any tax imposed by this article, there is hereby levied an annual license tax of \$50 per vehicle on each highway vehicle registered in Virginia that is an electric motor vehicle. If such a highway vehicle is registered for a period other than one year as provided under § 46.2-646, the license tax shall be multiplied by the number of years or fraction thereof that the vehicle will be registered.

§ 58.1-2289. Disposition of tax revenue generally.

A. Unless otherwise provided in this section, all taxes and fees, including civil penalties, collected by the Commissioner pursuant to this chapter, less a reasonable amount to be allocated for refunds, shall be promptly paid into the state treasury and shall constitute special funds within the Commonwealth Transportation Fund. Any balances remaining in these funds at the end of the year shall be available for use in subsequent years for the purposes set forth in this chapter, and any interest income on such funds shall accrue to these funds.

The Governor is hereby authorized to transfer out of such fund an amount necessary for the inspection of gasoline and motor grease measuring and distributing equipment, and for the inspection and analysis of gasoline for purity.

B. The tax collected on each gallon of aviation fuel sold and delivered or used in this Commonwealth, less refunds, shall be paid into a special fund of the state treasury. Proceeds of this special fund within the Commonwealth Transportation Fund shall be disbursed upon order of the Department of Aviation, on warrants of the Comptroller, to defray the cost of the administration of the laws of this Commonwealth relating to aviation, for the construction, maintenance and improvement of airports and landing fields to which the public now has or which it is proposed shall have access, and for the promotion of aviation in the interest of operators and the public generally.

C. One-half cent of the tax collected on each gallon of fuel on which a refund has been paid for gasoline, gasohol, diesel fuel, blended fuel, or alternative fuel, for fuel consumed in tractors and unlicensed equipment used for agricultural purposes shall be paid into a special fund of the state treasury, known as the Virginia Agricultural Foundation Fund, to be disbursed to make certain refunds and defray the costs of the research and educational phases of the agricultural program, including supplemental salary payments to certain employees at Virginia Polytechnic Institute and State University, the Department of Agriculture and Consumer Services and the Virginia Truck and Ornaments Research Station, including reasonable expenses of the Virginia Agricultural Council.

D. One and one-half cents of the tax collected on each gallon of fuel used to propel a commercial watercraft upon which a refund has been paid shall be paid to the credit of the Game Protection Fund of the state treasury to be made available to the Board of Game and Inland Fisheries until expended for the purposes provided generally in subsection C of § 29.1-701, including acquisition, construction, improvement and maintenance of public boating access areas on the public waters of this Commonwealth and for other activities and purposes of direct benefit and interest to the boating public and for no other purpose. However, one and one-half cents per gallon on fuel used by commercial fishing, oystering, clamming, and crabbing boats shall be paid to the Department of Transportation to be used for the construction, repair, improvement and maintenance of the public docks of this Commonwealth used by said commercial watercraft. Any expenditures for the acquisition, construction, improvement and maintenance of the public docks shall be made according to a plan developed by the Virginia Marine Resources Commission.

From the tax collected pursuant to the provisions of this chapter from the sales of gasoline used for the propelling of watercraft, after deduction for lawful refunds, there shall be paid into the state treasury for use by the Marine Resources Commission, the Virginia Soil and Water Conservation Board, the State Water Control Board, and the Commonwealth Transportation Board to (i) improve the public docks as specified in this section, (ii) improve commercial and sports fisheries in Virginia's tidal waters, (iii) make environmental improvements including, without limitation, fisheries management and habitat enhancement in the Chesapeake and its tributaries, and (iv) further the purposes set forth in § 33.2-1510, a sum as established by the General Assembly.

E. Of the remaining revenues deposited into the Commonwealth Transportation Fund pursuant to this chapter less refunds authorized by this chapter: (i) 80 percent shall be deposited into the Highway Maintenance and Operating Fund established pursuant to § 33.2-1530, (ii) 11.3 percent shall be deposited into the Transportation Trust Fund established pursuant to § 33.2-1524, (iii) four percent shall be deposited into the Priority Transportation Fund, (iv) 3.7 percent shall be deposited into the Commonwealth Mass Transit Fund established pursuant to subdivision A 4 of § 58.1-638, and (v) one percent shall be transferred to a special fund within the Commonwealth Transportation Fund in the state treasury, to be used to meet the necessary expenses of the Department of Motor Vehicles. *All remaining revenue shall be deposited into the Commonwealth Transportation Fund established pursuant to § 33.2-1524.*

§ 58.1-2295. (Contingent expiration date) Levy; payment of tax.

A. 1. In addition to all other taxes now imposed by law, there is hereby imposed a tax upon every distributor who engages in the business of selling fuels at wholesale to retail dealers for retail sale in any county or city that is a member of (i) any transportation district in which a rapid heavy rail commuter mass transportation system operating on an exclusive right-of-way and a bus commuter mass transportation system are owned, operated, or controlled by an agency or commission as defined in § 33.2-1901 or (ii) any transportation district that is subject to subsection C of § 33.2-1915 and that is contiguous to the Northern Virginia Transportation District.

2. In addition to all other taxes now imposed by law, there is hereby imposed a tax upon every distributor who engages in the business of selling fuels at wholesale to retail dealers for retail sale in any county or city that is located in a Planning

District established pursuant to Chapter 42 (§ 15.2-4200 et seq.) of Title 15.2 that (i) as of January 1, 2013, has a population of not less than 1.5 million but fewer than two million, as shown by the most recent United States Census, has not less than 1.2 million but fewer than 1.7 million motor vehicles registered therein, and has a total transit ridership of not less than 15 million but fewer than 50 million riders per year across all transit systems within the Planning District or (ii) as shown by the most recent United States Census meets the population criteria set forth in clause (i) and also meets the vehicle registration and ridership criteria set forth in clause (i). In any case in which the tax is imposed pursuant to clause (ii), such tax shall be effective beginning on the July 1 immediately following the calendar year in which all of the criteria have been met.

3. *In addition to all other taxes now imposed by law, there is hereby imposed a tax upon every distributor who engages in the business of selling fuels at wholesale to retail dealers for retail sale in (i) any county or city, or (ii) any city wholly embraced by a county, through which an interstate passes that (a) is more than 300 miles in length in the Commonwealth and (b) as of January 1, 2019, carried more than 40 percent of interstate vehicle miles traveled for vehicles classified as Class 6 or higher.*

4. *In addition to all other taxes now imposed by law, there is hereby imposed a tax upon every distributor who engages in the business of selling fuels at wholesale to retail dealers for retail sale in any county or city in which a tax is not otherwise imposed pursuant to this section.*

B. 1. The tax shall be imposed on each gallon of fuel, other than diesel fuel, sold by a distributor to a retail dealer for retail sale in any such county or city described in subsection A at a rate of ~~2.4 percent of the statewide average distributor price of a gallon of unleaded regular gasoline as determined by the Commissioner pursuant to subdivision C 1~~ *7.6 cents per gallon on gasoline and gasohol. Beginning July 1, 2021, the tax rate shall be adjusted annually based on the greater of (i) the change in the United States Average Consumer Price Index for all items, all urban consumers (CPI-U), as published by the Bureau of Labor Statistics for the U.S. Department of Labor for the previous year or (ii) zero.* For alternative fuels other than liquid alternative fuels, the Commissioner shall determine an equivalent tax rate based on gasoline gallon equivalency.

2. The tax shall be imposed on each gallon of diesel fuel sold by a distributor to a retail dealer for retail sale in any such county or city at a rate of ~~2.4 percent of the statewide average distributor price of a gallon of diesel fuel as determined by the Commissioner pursuant to subdivision C 2~~ *7.7 cents per gallon on diesel fuel. Beginning July 1, 2021, the tax rate shall be adjusted annually based on the greater of (i) the change in the United States Average Consumer Price Index for all items, all urban consumers (CPI-U), as published by the Bureau of Labor Statistics for the U.S. Department of Labor for the previous year or (ii) zero.*

C. 1. ~~To determine the statewide average distributor price of a gallon of unleaded regular gasoline, the Commissioner shall use the period from June 1 to November 30, inclusive, as the base period for the determination of the rate of the tax for the immediately following applied period beginning January 1 and ending June 30, inclusive. The Commissioner shall use the period from December 1 to May 31, inclusive, as the base period for the determination of the rate of the tax for the immediately following applied period beginning July 1 and ending December 31, inclusive. In no case shall the statewide average distributor price of a gallon of unleaded regular gasoline determined for the purposes of this section be less than the statewide average wholesale price of a gallon of unleaded regular gasoline on February 20, 2013, plus a distributor charge calculated by the Commissioner for that date.~~

2. ~~To determine the statewide average distributor price of a gallon of diesel fuel, the Commissioner shall use the period from June 1 to November 30, inclusive, as the base period for the determination of the rate of the tax for the immediately following applied period beginning January 1 and ending June 30, inclusive. The Commissioner shall use the period from December 1 to May 31, inclusive, as the base period for the determination of the rate of the tax for the immediately following applied period beginning July 1 and ending December 31, inclusive. In no case shall the statewide average distributor price of a gallon of diesel fuel determined for the purposes of this section be less than the statewide average wholesale price of a gallon of diesel fuel on February 20, 2013, plus a distributor charge calculated by the Commissioner for that date.~~

~~D.~~ The tax levied under this section shall be imposed at the time of sale by the distributor to the retail dealer.

~~E. D.~~ The tax imposed by this section shall be paid by the distributor, but the distributor shall separately state the amount of the tax and add such tax to the price or charge. Thereafter, such tax shall be a debt from the retail dealer to the distributor until paid and shall be recoverable at law in the same manner as other debts. No action at law or suit in equity under this chapter shall be maintained in the Commonwealth by any distributor who is not registered under § 58.1-2299.2 or is delinquent in the payment of taxes imposed under this chapter.

~~F. E.~~ Nothing in this section shall be construed to exempt the imposition and remittance of tax pursuant to this section in a sale to a retail dealer in which the distributor and the retail dealer are the same person.

§ 58.1-2299.20. (Contingent expiration dates) Disposition of tax revenues.

A. All taxes, interest, and civil penalties paid to the Commissioner pursuant to this chapter for the sale of fuels at wholesale to retail dealers for retail sale in any county or city set forth in clause (j) of subdivision A 1 of § 58.1-2295, after subtraction of the direct costs of administration by the Department, shall be deposited each month as follows:

1. One-twelfth of an amount determined by multiplying \$15 million by a fraction, the numerator of which shall be such transportation district's share of funding for the commuter rail service jointly operated by the two transportation districts and the denominator of which shall be the total funding share for such commuter rail service, shall be deposited in the Commuter Rail Operating and Capital Fund established pursuant to § 33.2-3500;

2. a. Until June 30, 2019, an amount equal to the increase in taxes, interest, and civil penalties paid to the Commissioner each month, compared with the same month for fiscal year 2018, minus any amounts deposited pursuant to subdivision 1, shall be deposited into the Washington Metropolitan Area Transit Capital Fund established pursuant to § 33.2-3401; and

b. Beginning on July 1, 2019, an amount equal to one-twelfth of the increase in taxes, interest, and civil penalties paid to the Commissioner in fiscal year 2019 compared to fiscal year 2018, minus any amounts deposited pursuant to subdivision A 1, *One-twelfth of \$22.183 million* shall be deposited in the Washington Metropolitan Area Transit Authority Capital Fund established pursuant to § 33.2-3401; and

3. All remaining funds shall be deposited in a special fund entitled the "Special Fund Account of the Transportation District of _____." The amounts deposited in the special fund shall be distributed monthly to the applicable transportation district commission of which the county or city is a member to be applied to the operating deficit, capital, and debt service of the mass transit system of such district or, in the case of a transportation district subject to the provisions of subsection C of § 33.2-1915, to be applied to and expended for any transportation purpose of such district. In the case of a jurisdiction which, after July 1, 1989, joins a transportation district which was established on or before January 1, 1986, and is also subject to subsection C of § 33.2-1915, the funds collected from that jurisdiction shall be applied to and expended for any transportation purpose of such jurisdiction.

B. All taxes, interest, and civil penalties paid to the Commissioner pursuant to this chapter for the sale of fuels at wholesale to retail dealers for retail sale in any county or city set forth in clause (ii) of subdivision A 1 of § 58.1-2295, after subtraction of the direct costs of administration by the Department, shall be deposited each month as follows:

1. One-twelfth of an amount determined by multiplying \$15 million by a fraction, the numerator of which shall be such transportation district's share of funding for the commuter rail service jointly operated by the two transportation districts and the denominator of which shall be the total funding share for such commuter rail service, shall be deposited in the Commuter Rail Operating and Capital Fund established pursuant to § 33.2-3500; and

2. All remaining funds shall be deposited in a special fund entitled the "Special Fund Account of the Transportation District of _____." The amounts deposited in the special fund shall be distributed monthly to the applicable transportation district commission of which the county or city is a member to be applied to the operating deficit, capital, and debt service of the mass transit system of such district or, in the case of a transportation district subject to the provisions of subsection C of § 33.2-1915, to be applied to and expended for any transportation purpose of such district. In the case of a jurisdiction which, after July 1, 1989, joins a transportation district that was established on or before January 1, 1986, and is also subject to subsection C of § 33.2-1915, the funds collected from that jurisdiction shall be applied to and expended for any transportation purpose of such jurisdiction.

C. All taxes, interest, and civil penalties paid to the Commissioner pursuant to this chapter for the sale of fuels at wholesale to retail dealers for retail sale in any county or city set forth in subdivision A 2 of § 58.1-2295, after subtraction of the direct costs of administration by the Department, shall be deposited into special funds established by law. In the case of Planning District 23, the revenue generated and collected therein shall be deposited into the fund established in § 33.2-2600. For additional Planning Districts that may become subject to this section, funds shall be established by appropriate legislation.

D. All taxes, interest, and civil penalties paid to the Commissioner pursuant to this chapter for the sale of fuels at wholesale to retail dealers for retail sale in any county or city set forth in ~~§ 58.1-2295-1~~ *subdivision A 3 of § 58.1-2295*, after subtraction of the direct costs of administration by the Department, shall be deposited into the Interstate 81 Corridor Improvement Fund established pursuant to Chapter 36 (§ 33.2-3600) of Title 33.2.

E. *All taxes, interest, and civil penalties paid to the Commissioner pursuant to this chapter for the sale of fuels at wholesale to retail dealers for retail sale in any county or city set forth in subdivision A 4 of § 58.1-2295, after subtraction of the direct costs of administration by the Department, shall be deposited in a special fund titled the "Special Fund Account for the Highway Construction District Grant Program" to be allocated by the Commonwealth Transportation Board as highway construction district grants pursuant to § 33.2-371 to the construction districts in which the taxes, interest, and civil penalties were generated.*

F. The direct cost of administration of this section shall be credited to the funds appropriated to the Department.

§ 58.1-2299.20. (For contingent effective date see Acts 2019, cc. 837 and 846) Disposition of tax revenues.

A. All taxes, interest, and civil penalties paid to the Commissioner pursuant to this chapter for the sale of fuels at wholesale to retail dealers for retail sale in any county or city set forth in clause (i) of subdivision A 1 of § 58.1-2295, after subtraction of the direct costs of administration by the Department, shall be deposited each month as follows:

1. One-twelfth of an amount determined by multiplying \$15 million by a fraction, the numerator of which shall be such transportation district's share of funding for the commuter rail service jointly operated by the two transportation districts and the denominator of which shall be the total funding share for such commuter rail service, shall be deposited in the Commuter Rail Operating and Capital Fund established pursuant to § 33.2-3500;

2. a. Until June 30, 2019, an amount equal to the increase in taxes, interest, and civil penalties paid to the Commissioner each month, compared with the same month for fiscal year 2018, minus any amounts deposited pursuant to subdivision 1, shall be deposited into the Washington Metropolitan Area Transit Capital Fund established pursuant to § 33.2-3401; and

b. Beginning on July 1, 2019, an amount equal to one-twelfth of the increase in taxes, interest, and civil penalties paid to the Commissioner in fiscal year 2019 compared to fiscal year 2018, minus any amounts deposited pursuant to subdivision A 1, *One-twelfth of \$22.183 million* shall be deposited in the Washington Metropolitan Area Transit Authority Capital Fund established pursuant to § 33.2-3401; and

3. All remaining funds shall be deposited in a special fund entitled the "Special Fund Account of the Transportation District of _____." The amounts deposited in the special fund shall be distributed monthly to the applicable transportation district commission of which the county or city is a member to be applied to the operating deficit, capital, and debt service of the mass transit system of such district or, in the case of a transportation district subject to the provisions of subsection C of § 33.2-1915, to be applied to and expended for any transportation purpose of such district. In the case of a jurisdiction which, after July 1, 1989, joins a transportation district which was established on or before January 1, 1986, and is also subject to subsection C of § 33.2-1915, the funds collected from that jurisdiction shall be applied to and expended for any transportation purpose of such jurisdiction.

B. All taxes, interest, and civil penalties paid to the Commissioner pursuant to this chapter for the sale of fuels at wholesale to retail dealers for retail sale in any county or city set forth in clause (ii) of subdivision A 1 of § 58.1-2295, after subtraction of the direct costs of administration by the Department, shall be deposited each month as follows:

1. One-twelfth of an amount determined by multiplying \$15 million by a fraction, the numerator of which shall be such transportation district's share of funding for the commuter rail service jointly operated by the two transportation districts and the denominator of which shall be the total funding share for such commuter rail service, shall be deposited in the Commuter Rail Operating and Capital Fund established pursuant to § 33.2-3500; and

2. All remaining funds shall be deposited in a special fund entitled the "Special Fund Account of the Transportation District of _____." The amounts deposited in the special fund shall be distributed monthly to the applicable transportation district commission of which the county or city is a member to be applied to the operating deficit, capital, and debt service of the mass transit system of such district or, in the case of a transportation district subject to the provisions of subsection C of § 33.2-1915, to be applied to and expended for any transportation purpose of such district. In the case of a jurisdiction which, after July 1, 1989, joins a transportation district that was established on or before January 1, 1986, and is also subject to subsection C of § 33.2-1915, the funds collected from that jurisdiction shall be applied to and expended for any transportation purpose of such jurisdiction.

C. All taxes, interest, and civil penalties paid to the Commissioner pursuant to this chapter for the sale of fuels at wholesale to retail dealers for retail sale in any county or city set forth in subdivision A 2 of § 58.1-2295, after subtraction of the direct costs of administration by the Department, shall be deposited into special funds established by law. In the case of Planning District 23, the revenue generated and collected therein shall be deposited into the fund established in § 33.2-2600. For additional Planning Districts that may become subject to this section, funds shall be established by appropriate legislation.

D. All taxes, interest, and civil penalties paid to the Commissioner pursuant to this chapter for the sale of fuels at wholesale to retail dealers for retail sale in any county or city set forth in subdivision A 4 of § 58.1-2295, after subtraction of the direct costs of administration by the Department, shall be deposited in a special fund titled the "Special Fund Account for the Highway Construction District Grant Program" to be allocated by the Commonwealth Transportation Board as highway construction district grants pursuant to § 33.2-371 to the construction districts in which the taxes, interest, and civil penalties were generated.

E. The direct cost of administration of this section shall be credited to the funds appropriated to the Department.

§ 58.1-2425. (Contingent expiration date) Disposition of revenues.

A. (For contingent expiration date, see Acts 2019, c. 52, cl. 2) Funds collected hereunder by the Commissioner shall be forthwith paid into the state treasury. Except as otherwise provided in this section, these funds shall constitute special funds within the Commonwealth Transportation Fund. Any balances remaining in these funds at the end of the year shall be available for use in subsequent years for the purposes set forth in this chapter, and any interest income on such funds shall accrue to these funds. The revenue so derived, after refunds have been deducted, is hereby allocated for the construction, reconstruction and maintenance of highways and the regulation of traffic thereon and for no other purpose. However, (i) all funds collected pursuant to the provisions of this chapter from manufactured homes, as defined in § 46.2-100, shall be distributed to the city, town, or county wherein such manufactured home is to be situated as a dwelling; (ii) effective January 1, 1987, an amount equivalent to the net additional revenues from the sales and use tax on motor vehicles generated by enactments of the 1986 Special Session of the Virginia General Assembly which amended §§ 46.2-694, 46.2-697, 58.1-2401, 58.1-2402, and this section shall be distributed to and paid into the Transportation Trust Fund established pursuant to § 33.2-1524, a special fund within the Commonwealth Transportation Fund, and are hereby appropriated to the Commonwealth Transportation Board for transportation needs; (iii) the net additional revenues generated by increases in the rates of taxes under subdivisions A 1 and A 2 of § 58.1-2402 and generated by the increase in the minimum tax under subdivision A 3 of § 58.1-2402 pursuant to enactments of a Session of the General Assembly held in 2013 shall be deposited by the Comptroller into the Highway Maintenance and Operating Fund established pursuant to § 33.2-1530; and (iv) all funds collected pursuant to the provisions of this chapter from all-terrain vehicles, mopeds, and off-road motorcycles, as those terms are defined in § 46.2-100, shall be distributed as follows: (a) an amount equal to a one percent tax shall be distributed in the same manner as the one percent local sales tax pursuant to § 58.1-605, except that this amount collected on sales by anyone other than a Virginia dealer or on sales outside of Virginia shall be distributed to the county or

city in which the vehicle is used or stored for use; (b) an amount equal to a 4.3 percent tax shall be distributed in the same manner as the state sales and use tax pursuant to §§ 58.1-638 and 58.1-638.3, except that this amount collected on sales by anyone other than a Virginia dealer or on sales outside of Virginia shall be distributed to the county or city in which the vehicle is used or stored for use; (c) if the all-terrain vehicle, moped, or off-road motorcycle was purchased from a Virginia dealer in a county or city in a planning district described in § 58.1-603.1, an amount equal to a 0.7 percent tax shall be distributed pursuant to § 58.1-603.1; (d) if the all-terrain vehicle, moped, or off-road motorcycle was purchased from anyone other than a Virginia dealer or outside of Virginia and then used or stored for use in a county or city in a planning district described in § 58.1-603.1, an amount equal to a 0.7 percent tax shall be distributed to the county or city in which the vehicle is used or stored for use; and (e) an amount equal to a one percent tax shall be distributed in a manner consistent with the provisions of subsection I of § 58.1-638 for each all-terrain vehicle, moped, and off-road motorcycle subject to the additional tax within the Historic Triangle under subdivision A 1 of § 58.1-2402; and (iii) *all remaining funds, after the collection costs of the Department of Motor Vehicles, from the sales and use tax on motor vehicles shall be distributed to and paid into the Commonwealth Transportation Fund pursuant to § 33.2-1524.*

A. (For contingent effective date, see Acts 2019, c. 52, cl. 2) Funds collected hereunder by the Commissioner shall be forthwith paid into the state treasury. Except as otherwise provided in this section, these funds shall constitute special funds within the Commonwealth Transportation Fund. Any balances remaining in these funds at the end of the year shall be available for use in subsequent years for the purposes set forth in this chapter, and any interest income on such funds shall accrue to these funds. The revenue so derived, after refunds have been deducted, is hereby allocated for the construction, reconstruction and maintenance of highways and the regulation of traffic thereon and for no other purpose. However, (i) all funds collected pursuant to the provisions of this chapter from manufactured homes, as defined in § 46.2-100, shall be distributed to the city, town, or county wherein such manufactured home is to be situated as a dwelling; (ii) *effective January 1, 1987, an amount equivalent to the net additional revenues from the sales and use tax on motor vehicles generated by enactments of the 1986 Special Session of the Virginia General Assembly which amended §§ 46.2-694, 46.2-697, 58.1-2401, 58.1-2402, and this section shall be distributed to and paid into the Transportation Trust Fund established pursuant to § 33.2-1524, a special fund within the Commonwealth Transportation Fund, and are hereby appropriated to the Commonwealth Transportation Board for transportation needs;* (iii) *the net additional revenues generated by increases in the rates of taxes under subdivisions A 1 and A 2 of § 58.1-2402 and generated by the increase in the minimum tax under subdivision A 3 of § 58.1-2402 pursuant to enactments of a Session of the General Assembly held in 2013 shall be deposited by the Comptroller into the Highway Maintenance and Operating Fund established pursuant to § 33.2-1530;* and (iv) all funds collected pursuant to the provisions of this chapter from all-terrain vehicles, mopeds, and off-road motorcycles, as those terms are defined in § 46.2-100, shall be distributed as follows: (a) an amount equal to a one percent tax shall be distributed in the same manner as the one percent local sales tax pursuant to § 58.1-605, except that this amount collected on sales by anyone other than a Virginia dealer or on sales outside of Virginia shall be distributed to the county or city in which the vehicle is used or stored for use; (b) an amount equal to a 4.3 percent tax shall be distributed in the same manner as the state sales and use tax pursuant to §§ 58.1-638 and 58.1-638.3, except that this amount collected on sales by anyone other than a Virginia dealer or on sales outside of Virginia shall be distributed to the county or city in which the vehicle is used or stored for use; (c) if the all-terrain vehicle, moped, or off-road motorcycle was purchased from a Virginia dealer in a county or city in a planning district described in § 58.1-603.1, an amount equal to a 0.7 percent tax shall be distributed pursuant to § 58.1-603.1; and (d) if the all-terrain vehicle, moped, or off-road motorcycle was purchased from anyone other than a Virginia dealer or outside of Virginia and then used or stored for use in a county or city in a planning district described in § 58.1-603.1, an amount equal to a 0.7 percent tax shall be distributed to the county or city in which the vehicle is used or stored for use; and (iii) *all remaining funds, after the collection costs of the Department of Motor Vehicles, from the sales and use tax on motor vehicles shall be distributed to and paid into the Commonwealth Transportation Fund pursuant to § 33.2-1524.*

B. As provided in subsection A of § 58.1-638, of the funds becoming part of the Transportation Trust Fund pursuant to clause (ii) of subsection A, an aggregate of 4.2 percent shall be set aside as the Commonwealth Port Fund; an aggregate of 2.4 percent shall be set aside as the Commonwealth Airport Fund; and an aggregate of 14.5 percent in fiscal year 1998-1999 and 14.7 percent in fiscal year 1999-2000 and thereafter shall be set aside as the Commonwealth Mass Transit Fund.

§ 58.1-2425. (Contingent effective date) Disposition of revenues.

A. (For contingent expiration date, see Acts 2019, c. 52, cl. 2) Funds collected hereunder by the Commissioner shall be forthwith paid into the state treasury. Except as otherwise provided in this section, these funds shall constitute special funds within the Commonwealth Transportation Fund. Any balances remaining in these funds at the end of the year shall be available for use in subsequent years for the purposes set forth in this chapter, and any interest income on such funds shall accrue to these funds. The revenue so derived, after refunds have been deducted, is hereby allocated for the construction, reconstruction and maintenance of highways and the regulation of traffic thereon and for no other purpose. However, (i) all funds collected pursuant to the provisions of this chapter from manufactured homes, as defined in § 46.2-100, shall be distributed to the city, town, or county wherein such manufactured home is to be situated as a dwelling; (ii) *effective January 1, 1987, an amount equivalent to the net additional revenues from the sales and use tax on motor vehicles generated by enactments of the 1986 Special Session of the Virginia General Assembly which amended §§ 46.2-694, 46.2-697, 58.1-2401, 58.1-2402 and this section shall be distributed to and paid into the Transportation Trust Fund established pursuant to § 33.2-1524, a special fund within the Commonwealth Transportation Fund, and are hereby appropriated to the*

Commonwealth Transportation Board for transportation needs; and (iii) all funds collected pursuant to the provisions of this chapter from all-terrain vehicles, mopeds, and off-road motorcycles, as those terms are defined in § 46.2-100, shall be distributed as follows: (a) an amount equal to a one percent tax shall be distributed in the same manner as the one percent local sales tax pursuant to § 58.1-605, except that this amount collected on sales by anyone other than a Virginia dealer or on sales outside of Virginia shall be distributed to the county or city in which the vehicle is used or stored for use; (b) an amount equal to a four percent tax shall be distributed in the same manner as the state sales and use tax pursuant to § 58.1-638, except that this amount collected on sales by anyone other than a Virginia dealer or on sales outside of Virginia shall be distributed to the county or city in which the vehicle is used or stored for use; and (c) an amount equal to a one percent tax shall be distributed in a manner consistent with the provisions of subsection I of § 58.1-638 for each all-terrain vehicle, moped, and off-road motorcycle subject to the additional tax within the Historic Triangle under subdivision A 1 of § 58.1-2402; and (iii) all remaining funds, after the collection costs of the Department of Motor Vehicles, from the sales and use tax on motor vehicles shall be distributed to and paid into the Commonwealth Transportation Fund established pursuant to § 33.2-1524.

A. (For contingent effective date, see Acts 2019, c. 52, cl. 2) Funds collected hereunder by the Commissioner shall be forthwith paid into the state treasury. Except as otherwise provided in this section, these funds shall constitute special funds within the Commonwealth Transportation Fund. Any balances remaining in these funds at the end of the year shall be available for use in subsequent years for the purposes set forth in this chapter, and any interest income on such funds shall accrue to these funds. The revenue so derived, after refunds have been deducted, is hereby allocated for the construction, reconstruction and maintenance of highways and the regulation of traffic thereon and for no other purpose. However, (i) all funds collected pursuant to the provisions of this chapter from manufactured homes, as defined in § 46.2-100, shall be distributed to the city, town, or county wherein such manufactured home is to be situated as a dwelling; (ii) effective January 1, 1987, an amount equivalent to the net additional revenues from the sales and use tax on motor vehicles generated by enactments of the 1986 Special Session of the Virginia General Assembly which amended §§ 46.2-694, 46.2-697, 58.1-2401, 58.1-2402 and this section shall be distributed to and paid into the Transportation Trust Fund established pursuant to § 33.2-1524, a special fund within the Commonwealth Transportation Fund, and are hereby appropriated to the Commonwealth Transportation Board for transportation needs; and (iii) all funds collected pursuant to the provisions of this chapter from all-terrain vehicles, mopeds, and off-road motorcycles, as those terms are defined in § 46.2-100, shall be distributed as follows: (a) an amount equal to a one percent tax shall be distributed in the same manner as the one percent local sales tax pursuant to § 58.1-605, except that this amount collected on sales by anyone other than a Virginia dealer or on sales outside of Virginia shall be distributed to the county or city in which the vehicle is used or stored for use and (b) an amount equal to a four percent tax shall be distributed in the same manner as the state sales and use tax pursuant to § 58.1-638, except that this amount collected on sales by anyone other than a Virginia dealer or on sales outside of Virginia shall be distributed to the county or city in which the vehicle is used or stored for use; and (iii) all remaining funds, after the collection costs of the Department of Motor Vehicles, from the sales and use tax on motor vehicles shall be distributed to and paid into the Commonwealth Transportation Fund established pursuant to § 33.2-1524.

B. As provided in subsection A of § 58.1-638, of the funds becoming part of the Transportation Trust Fund pursuant to clause (ii) of subsection A of this section, an aggregate of 4.2 percent shall be set aside as the Commonwealth Port Fund; an aggregate of 2.4 percent shall be set aside as the Commonwealth Airport Fund; and an aggregate of 14.5 percent in fiscal year 1998-1999 and 14.7 percent in fiscal year 1999-2000 and thereafter shall be set aside as the Commonwealth Mass Transit Fund.

§ 58.1-2531. Distribution of certain revenue.

A. Beginning with the Commonwealth's fiscal year beginning on July 1, 2008 and for each fiscal year thereafter, an amount equal to one-third of all revenues collected by the Department in the most recently ended fiscal year from the tax imposed under this chapter, less one-third of the total amount of such tax refunded in the most recently ended fiscal year, shall be deposited by the Comptroller to the ~~Priority~~ Commonwealth Transportation Fund established under § 33.2-1527 ~~33.2-1524~~.

B. For purposes of the Comptroller's deposits under this section, the Tax Commissioner shall, no later than July 15 of each year, provide a written certification to the Comptroller that reports the amount to be deposited pursuant to subsection A. After the required amount has been deposited as provided in subsection A, all remaining revenues from the tax imposed under this chapter shall be deposited into the general fund of the state treasury. The Comptroller shall make all deposits under this section as soon as practicable.

§ 58.1-2701. (Contingent expiration date) Amount of tax.

A. Except as provided in subsection C, every motor carrier shall pay a road tax per gallon equivalent to the cents per gallon credit for diesel fuel as determined under subsection A of § 58.1-2706 for the relevant period plus an additional amount per gallon, as determined by subsection B, calculated on the amount of motor fuel, diesel fuel or liquefied gases (which would not exist as liquids at a temperature of 60 degrees Fahrenheit and a pressure of 14.7 pounds per square inch absolute), used in its operations within the Commonwealth.

The tax imposed by this chapter shall be in addition to all other taxes of whatever character imposed on a motor carrier by any other provision of law.

B. The additional amount per gallon shall be determined by the Commissioner annually, effective July 1 of each year. On July 1, 2019, the additional amount per gallon shall be calculated by multiplying the average fuel economy by \$0.01125.

On July 1, 2020, and each July 1 thereafter, the additional amount per gallon shall be calculated by multiplying the average fuel economy by \$0.0225. The additional amount per gallon shall be rounded to the nearest one-tenth of a cent. For purposes of this subsection, "average fuel economy" shall be calculated by dividing the total taxable miles driven in the Commonwealth by the total taxable gallons of fuel consumed in the Commonwealth, as reported in IFTA returns in the preceding taxable year.

C. In lieu of the tax imposed in subsection A, motor carriers registering qualified highway vehicles that are not registered under the International Registration Plan shall pay a fee of \$150 per year for each qualified highway vehicle regardless of whether such vehicle will be included on the motor carrier's IFTA return. For the period of July 1, 2019, through June 30, 2020, the fee shall be adjusted based on the percent change in the road tax imposed pursuant to subsection A from June 30, 2019, to July 1, 2019. The Commissioner shall adjust the fee annually on July 1 of every year thereafter based on the percentage change in the road tax imposed pursuant to subsection A for the previous fiscal year as compared to the current fiscal year. The fee is due and payable when the vehicle registration fees are paid pursuant to the provisions of Article 7 (§ 46.2-685 et seq.) of Chapter 6 of Title 46.2.

If a vehicle becomes a qualified highway vehicle before the end of its registration period, the fee due at the time the vehicle becomes a qualified highway vehicle shall be prorated monthly to the registration expiration month. Fees paid under this subsection shall not be refunded unless a full refund of the registration fee paid is authorized by law.

D. 1. Except as provided in subdivision 2, all *All* taxes and fees paid under the provisions of this chapter shall be credited to the Highway Maintenance and Operating Fund established pursuant to § 33.2-1530, a special fund within deposited into the Commonwealth Transportation Fund established pursuant to § 33.2-1524.

2. The net additional revenues generated by this section pursuant to enactments of the 2019 Session of the General Assembly shall be deposited as follows: (i) an amount equal to such net revenues multiplied by a ratio of the vehicle miles traveled on Interstate 81 by vehicles classified as Class 6 or higher by the Federal Highway Administration to the total vehicle miles traveled on all interstate highways in the Commonwealth by vehicles classified as Class 6 or higher by the Federal Highway Administration into the Interstate 81 Corridor Improvement Fund established pursuant to § 33.2-3601; (ii) an amount equal to such net revenues multiplied by a ratio of the vehicle miles traveled on the portion of interstate highways located within the boundaries of Planning District 8 by vehicles classified as Class 6 or higher by the Federal Highway Administration to total vehicle miles traveled on all interstate highways in the Commonwealth by vehicles classified as Class 6 or higher by the Federal Highway Administration into the Northern Virginia Transportation Authority Fund established pursuant to § 33.2-2509; and (iii) all remaining net revenues to the Commonwealth Transportation Board for use for operational improvements and other enhancements to improve the safety and reliability of, and travel flow along, interstate highway corridors in the Commonwealth. The Board shall ensure that for any interstate highway with more than 10 percent of total interstate truck vehicle miles traveled that the total long-term expenditure for each such interstate highway is approximately equal to the proportional revenue subject to clause (iii) that is attributable to such interstate highway. For purposes of this subdivision, "net additional revenues" means the additional revenues generated by this section pursuant to enactments of the 2019 Session of the General Assembly, minus any refunds or remittances required to be paid.

§ 62.1-132.1. General powers.

A. Except as provided in subsection B, the Authority is vested with the powers of a body corporate, including, without limitation, to:

1. Sue and be sued;
2. Make contracts;
3. Adopt and use a common seal, and alter such seal at its pleasure;

4. Procure insurance, participate in insurance plans, and provide self-insurance. The purchase of insurance, participation in an insurance plan, or the creation of a self-insurance plan by the Authority shall not be deemed a waiver or relinquishment of any sovereign immunity to which the Authority or its officers, directors, employees, or agents are otherwise entitled;

5. Develop policies and procedures generally applicable to the procurement of goods, services and construction based on competitive principles; and

6. Exercise all the powers that are conferred upon industrial development authorities created pursuant to Chapter 49 (§ 15.2-4900 et seq.) of Title 15.2, except that the power to effect a change in ownership or operation of the Port of Virginia shall be subject to the provisions of § 62.1-132.19.

B. Expenditures by the Authority for capital projects are restricted to projects located on real property that is owned, leased, or operated by the Virginia Port Authority, except those expenditures (i) as provided in § 62.1-132.13 or 62.1-132.14, (ii) on grants to local government for financial assistance for port facilities as approved by the Board in policies posted on the Authority's website, or (iii) to provide support for the types of projects eligible for funding under subsection A of § 33.2-1509, subsection A of § 33.2-1600, or subsection A of § 33.2-1601 § 33.2-1526.4.

2. That the General Assembly finds that the completion of Corridor Q of the Appalachian Development Highway System is required to provide an adequate, modern, safe, and efficient highway that will further the economic development needs and economic growth potential of south-central and southwest Virginia.

3. That § 2 of the first enactment of Chapter 8 of the Acts of Assembly of 1989, Special Session II, as amended by Chapter 538 of the Acts of Assembly of 1999 and Chapter 296 of the Acts of Assembly of 2013, is amended and reenacted as follows:

§ 2. The Commonwealth Transportation Board is hereby authorized, by and with the consent of the Governor, to issue, pursuant to the provisions of §§ ~~33.1-267 through 33.1-295~~ *the Transportation Development and Revenue Bond Act* (§ 33.2-1700 *et seq.* of the Code of Virginia), at one time or from time to time, bonds of the Commonwealth to be designated "Commonwealth of Virginia Transportation Revenue Bonds, Series", in an aggregate principal amount not exceeding \$1,300,000,000, to finance the cost of the project plus an amount for the issuance costs, reserve funds, and other financing expenses. However, the additional amount of bonds that may be issued solely because of the amendments to this section by the 2013 Session of the General Assembly may be issued only if the debt service of such bonds can be met solely with the revenues provided to the Route 58 Corridor Development Fund pursuant to the provisions of § 58.1-815 of the Code of Virginia. The proceeds of such bonds shall be used exclusively for the purpose of providing funds, with any other available funds, for paying all costs incurred or to be incurred for the construction of an adequate, modern, safe, and efficient highway system, generally along Virginia's southern boundary and which comprises the U.S. Route 58 Corridor Development Program as established in § ~~33.1-221.1:2~~ *33.2-2301 of the Code of Virginia*, consisting of the environmental and engineering studies, rights-of-way acquisition, construction and related improvements (the Project).

Of the \$104.3 million increase in bond issuance authorized by the 1999 Session of the General Assembly, \$82 million shall be issued for portions of the Project as follows:

Portion of the Project	Bond amount
Ben Hur to Pennington Gap in Lee County	\$9,800,000
Pennington Gap to Dryden in Lee County	\$35,600,000
Anticipated shortfall on the Danville Bypass, Clarksville Bypass, Stuart Bypass, and completion of a gap west of Jonesville in Lee County	\$35,100,000
Taylor's Valley in Washington County	\$1,500,000
Total	\$82,000,000

The remaining balance of the bond issuance in the amount of \$22.3 million, together with any bond issuance not necessary to complete the above projects, shall be issued for right-of-way acquisition from the Town of Stuart, in Patrick County along the Route 58 corridor to its intersection with Interstate 77 in Carroll County.

Beginning July 1, 2013, completion of the following portions of the Project shall have priority over any other portions of the Project:

Crooked Oak Section
 ROW Acquisition
 Utility Relocation
 Permitting and Mitigation
 Design
 Construction and Inspection
 Vesta Section
 ROW Acquisition
 Utility Relocation
 Permitting and Mitigation
 Design
 Construction and Inspection
 Lover's Leap Section
 ROW Acquisition
 Utility Relocation
 Permitting and Mitigation
 Design
 Construction and Inspection
Final Section of Corridor Q - Route 121/460 Poplar Creek, Phase B
 ROW Acquisition
 Utility Relocation
 Permitting and Mitigation
 Design
 Construction and Inspection

Of the foregoing four sections of the Project, construction of the Lover's Leap Section shall have priority over construction of the other three sections. However, construction of these other three sections may proceed simultaneously with the construction of the Lover's Leap Section if such simultaneous construction does not delay construction of the Lover's Leap Section.

Such revenue bonds shall be issued by the Commonwealth Transportation Board and sold through the Treasury Board, which is hereby designated the sales and paying agent of the Commonwealth Transportation Board with respect to such bonds. The Treasury Board's duties shall include the approval of the terms and structure of the bonds.

4. That §§ 33.2-1601, 33.2-1603, 46.2-702.1, 46.2-702.1:1, 58.1-2217.1, and 58.1-2295.1 of the Code of Virginia are repealed.
5. That the fifth enactments of Chapters 837 and 846 of the Acts of Assembly of 2019 are repealed.
6. That the provisions of § 46.2-773 of the Code of Virginia, as created by this act, shall become effective on July 1, 2022.
7. That the Commissioner of the Department of Motor Vehicles (the Commissioner) shall convene a working group to assist the Department of Motor Vehicles in the development of the mileage-based user fee program authorized pursuant to § 46.2-773 of the Code of Virginia, as created by this act. In developing recommendations, the working group shall consider (i) the protection of all personally identifiable information that may be divulged in the reporting of highway usage; (ii) methods to record and report highway usage; (iii) the administration of the program, including the collection of fees for highway usage; and (iv) other issues identified by the Commissioner. The Commissioner shall issue an interim report no later than July 1, 2021, and a final report no later than December 15, 2021, on the findings of the working group. The Commissioner shall issue guidelines for the program no later than May 15, 2022. Such guidelines shall not be subject to the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia).
8. That the prioritization process established pursuant to subsection C of § 33.2-372 of the Code of Virginia, as created by this act, shall not apply to projects and strategies included or identified in the Interstate 81 Corridor Improvement Plan adopted by the Commonwealth Transportation Board on December 5, 2018.
9. That the initial terms for members of the Board of the Virginia Passenger Rail Authority shall be staggered as follows: (i) of the members appointed pursuant to subdivision A 1 of § 33.2-289 of the Code of Virginia, as created by this act, one shall be for a term of two years, one shall be for a term of three years, and one shall be for a term of four years; (ii) of the members appointed pursuant to subdivision A 2 of § 33.2-289, one shall be for a term of one year, one shall be for a term of two years, and one shall be for a term of four years; (iii) of the members appointed pursuant to subdivision A 3 of § 33.2-289, one shall be for a term of one year, and one shall be for a term of three years; (iv) of the members appointed pursuant to subdivision A 4 of § 33.2-289, one shall be for a term of two years and one shall be for a term of four years; and (v) of the members appointed pursuant to subdivision A 5 of § 33.2-289, one shall be for a term of one year and one shall be for a term of three years.
10. That the provisions of this act generating additional state revenue for transportation shall expire on December 31 of any year in which the General Assembly appropriates or transfers any of such additional revenues for any non-transportation-related purposes.
11. That notwithstanding the provisions of this act, the Commonwealth Transportation Board (i) shall take actions deemed necessary in fiscal years 2021, 2022 and 2023 to ensure appropriate coverage ratios for any outstanding debt backed by the Transportation Trust Fund and (ii) shall ensure funds for modal programs and the highway maintenance and operating fund are at least equal to the amounts provided for the six-year financial plan for the Commonwealth Transportation Fund as in effect on January 1, 2020.
12. That the General Assembly has determined that the development, expansion, and continuation of commuter and intercity passenger rail service and the development of rail infrastructure, rolling stock, and support facilities to support commuter and intercity passenger rail service are important elements of a balanced transportation system in the Commonwealth and are essential to the Commonwealth's continued economic growth, vitality, and competitiveness in national and world markets; and that, in pursuit of the development, expansion, and continuation of commuter and intercity passenger rail service, the Commonwealth is pursuing various rail and other infrastructure improvements leading into Washington, D.C., from Virginia, including a new bridge structure that crosses the Potomac River between Arlington County and the District of Columbia in the vicinity of the 14th Street Bridge complex and the Metro Fenwick Bridge and which may include, in addition to the river crossing, reasonably related new track approaches to the new bridge, as well as property acquisition and upgrades to the existing tracks on the Virginia and the Washington, D.C., sides of the new bridge; and that new Metrorail related improvements to, and serving, the Rosslyn Metrorail station in Arlington County that would facilitate the movement of passengers and relieve train congestion on the Blue, Orange, and Silver Metrorail lines, and which may include a new platform and station, pedestrian connections to the existing Rosslyn Metrorail station, and a future new extension of Metrorail under the Potomac River (the Rail Improvements); and that the Commonwealth, through either or both of the Virginia Department of Rail and Public Transportation and the Virginia Passenger Rail Authority or such other Commonwealth agency or political subdivision as the General Assembly may authorize, will own the network of Rail Improvements and the various rail facilities, structures, and equipment constructed or acquired in connection therewith (the Rail Network) and may partner with one or more passenger or commuter rail service providers, including but not limited to Amtrak and the owners and operators of Virginia Rail Express, to deliver enhanced and reliable passenger rail service throughout the Rail Network; and that the Commonwealth, through the Virginia Department of Transportation, owns and operates the tolled express lanes comprising part of the Transform 66 Inside the Beltway express lanes project (the Inside the Beltway Express Lanes) and the revenues therefrom are intended to be applied to pay for transportation and other infrastructure improvements in and around the I-66 corridor; and that the General Assembly desires to authorize the incurrence of obligations secured, in part, by a pledge of certain net toll revenues from the Inside the Beltway Express Lanes collected by the Commonwealth and

appropriated by the General Assembly, to finance the costs of (i) acquiring, constructing, renovating, expanding, enlarging, improving, installing, and equipping the Rail Improvements and the Rail Network; (ii) acquiring any lands, structures, fixtures, rights-of-way, franchises, easements, and other property rights and interests related to the Rail Improvements; and (iii) demolishing, removing, or relocating any buildings, structures, or fixtures on lands acquired for the Rail Improvements.

13. That notwithstanding the provisions of § 33.2-1524 of the Code of Virginia, as amended by this act, the Special Structure Fund established pursuant to § 33.2-1532 of the Code of Virginia shall receive \$10 million in Fiscal Year 2021 and \$30 million in Fiscal Year 2022.

14. § 1. Commonwealth of Virginia Passenger Rail Facilities Bond Act of 2020.

This act shall be known and may be cited as the "Commonwealth of Virginia Passenger Rail Facilities Bond Act of 2020" (the Act).

§ 2. Authorization of bonds and bond anticipation notes.

The Commonwealth Transportation Board (the Transportation Board) is hereby authorized, by and with the consent of the Governor, to sell and issue, pursuant to Article X, Section 9 (d) of the Constitution of Virginia, at one time or from time to time, bonds of the Commonwealth, to be designated "Commonwealth of Virginia Passenger Rail Facilities Bonds, Series" in an aggregate principal amount not exceeding \$1 billion, plus amounts needed to fund issuance costs, reserve funds, capitalized interest, and other financing expenses. The Transportation Board is further hereby authorized, by and with the consent of the Governor, to borrow money in anticipation of the issuance of bonds by the issuance of bond anticipation notes (BANs), including BANs issued as commercial paper. The proceeds of such bonds and BANs, excluding amounts needed to fund issuance costs, reserve funds, capitalized interest, and other financing expenses, shall be used exclusively for the purpose of providing funds, together with any other available funds made available by the Transportation Board, the Virginia Department of Rail and Public Transportation, and the Virginia Passenger Rail Authority, to pay all or a portion of the costs of (i) acquiring, constructing, renovating, expanding, enlarging, improving, installing, and equipping the Rail Improvements, as defined in the twelfth enactment of this act, and the various rail facilities, structures, and equipment constructed or acquired in connection therewith; (ii) acquiring any lands, structures, fixtures, rights-of-way, franchises, easements, and other property rights and interests related to the Rail Improvements; and (iii) demolishing, removing, or relocating any buildings, structures, or fixtures on lands acquired for the Rail Improvements (any of which may be referred to as an "authorized capital project").

§ 3. Deposit and application of proceeds.

The proceeds, including any premium, of bonds and BANs (except the proceeds of (i) bonds the issuance of which has been anticipated by BANs, (ii) refunding bonds, and (iii) refunding BANs), shall be deposited in a special capital outlay fund in the state treasury or may be placed with a trustee, and, together with the investment income thereon, shall be disbursed for paying all or any part of the costs of an authorized capital project, including financing costs. The proceeds of (a) bonds the issuance of which has been anticipated by BANs, (b) refunding bonds, and (c) refunding BANs shall be used to pay such BANs, refunded bonds, and refunded BANs.

§ 4. Details, sale of bonds and BANs.

The terms and structure of each issue of bonds and BANs shall be determined by the Transportation Board, subject to approval of the Treasury Board if required by the provisions of § 2.2-2416 of the Code of Virginia. The bonds and BANs shall be dated, and may be made redeemable before their maturity or maturities at such price or prices or within such price parameters, all as may be determined by the Transportation Board. Bonds and BANs shall be in such form, shall bear interest at such rate or rates, either at fixed rates or at rates established by formula or other method, and may contain such other provisions, including senior and subordinate lien priorities on the pledged toll revenues as provided in § 7, with respect to such bonds and BANs, all as determined by the Transportation Board. The principal of and premium, if any, and the interest on bonds and BANs shall be payable in lawful money of the United States of America. Bonds and BANs may be certificated or uncertificated as determined by the Transportation Board. The Transportation Board may contract for services of such registrars, transfer agents, or other authenticating agents as it deems appropriate to maintain a record of the persons entitled to the bonds and BANs. Bonds and BANs issued in certificated form may be issued under a system of book entry for recording the ownership and transfer of ownership of rights to receive payments on the bonds and BANs. The Treasury Board shall fix the authorized denomination or denominations of the bonds and the place or places of payment of certificated bonds and BANs, which may be at the Office of the State Treasurer or at any bank or trust company within or without the Commonwealth. Bonds shall mature at such time or times not exceeding 39 years from their date or dates, and BANs shall mature at such time or times not exceeding five years from their date or dates.

The Transportation Board may sell bonds and BANs at one time or from time to time, at public or private sale, by competitive bidding, negotiated sale, or private placement with private lenders or governmental lenders, and for such price or prices, all as it may determine to be in the best interest of the Commonwealth.

§ 5. Execution of bonds and BANs.

The bonds and BANs shall be signed on behalf of the Transportation Board by the chairman or vice-chairman of the Transportation Board, or shall bear the facsimile signature of such officer, and shall bear the official seal of the Transportation Board, which shall be attested by the manual or facsimile signature of the secretary or assistant secretary of the Transportation Board. In the event that the bonds or BANs shall bear the facsimile signature of the chairman or vice-chairman of the Transportation Board, such bonds or BANs shall be signed by such administrative assistant as the

chairman of the Transportation Board shall determine or by any registrar or paying agent that may be designated by the Transportation Board. If any officer whose signature or facsimile signature appears on any bonds or BANs ceases to be such officer before delivery, such signature or facsimile signature shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until such delivery.

§ 6. Sources for payment of expenses.

All expenses incurred under this act or in connection with the issuance of bonds or BANs shall be paid from the proceeds of bonds or BANs or from other available funds as the Transportation Board shall determine.

§ 7. Revenues.

The Transportation Board is hereby authorized (i) to fix, revise, charge, and collect tolls, rates, fees, and charges for or in connection with the use, occupancy, and services of the Inside the Beltway Express Lanes, as defined in the twelfth enactment of this act, in amounts sufficient to provide for the operating costs of the Inside the Beltway Express Lanes tolling facilities and to provide for the payment of the principal of and the premium, if any, and interest on the bonds and BANs and the debt service and sinking funds and reserves established as provided below and (ii) to pledge to the payment of the bonds or any portion thereof or BANs issued to finance or refinance the Rail Improvements the net revenues resulting from such tolls, rates, fees, and charges and remaining after payment of expenses incurred in operating the Inside the Beltway Express Lanes tolling facilities (the Toll Revenues). The Transportation Board is further authorized to create debt service and sinking funds for the payments of the principal of and premium, if any, and interest on the bonds and BANs and other reserves required by any of the purchasers.

§ 8. Investments and contracts.

A. Pending the application of the proceeds of the bonds or BANs (including refunding bonds and BANs) to the purpose for which they have been authorized and the application of funds set aside for the purpose to the payment of bonds or BANs, they may be invested by the State Treasurer or by a trustee in securities that are legal investments under the laws of the Commonwealth for public funds and sinking funds, as the case may be. Whenever the State Treasurer or trustee receives interest from the investment of the proceeds of bonds or any BANs, such interest shall become a part of the principal of the bonds and any BANs and shall be used in the same manner as required for principal of the bonds or BANs.

B. The Commonwealth may enter into any contract or other arrangement that is determined to be necessary or appropriate to place the obligation or investment of the Commonwealth, as represented by bonds, BANs, or investments, in whole or in part, on the interest rate, cash flow, or other basis desired by the Commonwealth. Such contract or other arrangement may include, without limitation, contracts commonly known as interest rate swap agreements and futures or contracts providing for payments based on levels of, or changes in, interest rates. These contracts or arrangements may be entered into by the Commonwealth in connection with, incidental to, entering into, or maintaining, any (i) agreement that secures bonds or BANs or (ii) investment, or contract providing for investment, otherwise authorized by law. These contracts and arrangements may contain such payment, security, default, remedy, and other terms and conditions as determined by the Commonwealth, after giving due consideration to the creditworthiness of the counterparty or other obligated party, including any rating by any nationally recognized rating agency, and any other criteria as may be appropriate. The determinations referred to in this subsection may be made by the Treasury Board or any public funds manager with professional investment capabilities duly authorized by the Treasury Board to make such determinations.

C. Any money set aside and pledged to secure payments of bonds, BANs, or any of the contracts entered into pursuant to this section may be invested in accordance with subsection A and may be pledged to and used to service any of the contracts or other arrangements entered into pursuant to subsection B.

§ 9. Security for bonds and BANs.

Subject to appropriation by the General Assembly of such amounts, the Toll Revenues are hereby irrevocably pledged for the payment of the principal of and premium, if any, and interest on bonds and BANs issued under this act. The proceeds of (i) bonds the issuance of which has been anticipated by BANs, (ii) refunding bonds, and (iii) refunding BANs are hereby irrevocably pledged for the payment of principal of and premium, if any, and interest on the BANs or bonds to be paid or redeemed thereby. Nothing in this act or the bonds or BANs shall be deemed to create or constitute a pledge of the faith and credit of the Commonwealth or any political subdivision thereof.

§ 10. Exemption of interest from tax.

The bonds and BANs issued under the provisions of this act, their transfer and the income therefrom, including any profit made on the sale thereof, shall at all times be free and exempt from taxation by the Commonwealth and by any county, city, or town, or other political subdivision thereof. The Transportation Board is authorized to take or refrain from taking any and all actions and to covenant to such effect, and to require the Transportation Board, the Virginia Department of Rail and Public Transportation, and the Virginia Passenger Rail Authority to do and to covenant likewise, to the extent that, in the judgment of the Transportation Board, it is appropriate in order that interest on the bonds and BANs may be exempt from federal income tax. Alternatively, interest on bonds and BANs may be made subject to inclusion in gross income of the holders thereof for federal income tax purposes.

§ 11. Refunding bonds and BANs.

The Transportation Board is authorized, by and with the consent of the Governor, to sell and issue, at one time or from time to time, refunding bonds and BANs of the Commonwealth and to refund any or all of the bonds and BANs, respectively, issued under this act. Refunding bonds and BANs may be issued in a principal amount up to the amount necessary to pay at maturity or redeem the bonds and BANs to be refunded and pay all issuance costs and other financing expenses of the

refunding. Such refunding bonds and BANs may be issued whether or not the obligations to be refunded are then subject to redemption.

§ 12. *Defeasance.*

Any bond or BAN for which cash or direct obligations of the United States of America shall have been set aside in escrow with the State Treasurer or a bank or trust company, within or without the Commonwealth, shall be deemed no longer outstanding under the applicable authorizing instrument, this act, and Article X, Section 9 (d) of the Constitution of Virginia.

§ 13. *Legal investments.*

All obligations issued under the provisions of this act are hereby made securities in which all public officers and bodies of the Commonwealth and political subdivisions thereof, insurance companies and associations, savings banks and savings institutions, including savings and loan associations, trust companies, beneficial and benevolent associations, administrators, guardians, executors, trustees, and other fiduciaries in the Commonwealth may properly and legally invest funds under their control.

§ 14. *Severability.*

The provisions of this act or the application thereof to any person or circumstances that are held invalid shall not affect the validity of other provisions or applications of this act which can be given effect without the invalid provisions or applications.

§ 15. *Appropriation.*

The proceeds of the bonds are hereby appropriated for disbursement from the state treasury pursuant to Article X, Section 7 of the Constitution of Virginia and § 2.2-1819 of the Code of Virginia. The general conditions and general provisions of the general appropriation act enacted pursuant to Chapter 15 (§ 2.2-1500 et seq.) of Title 2.2 of the Code of Virginia, as such general appropriation act may be amended from time to time, and all of the terms and conditions contained therein shall apply to the authorized capital project described in this act.

15. § 1. Commonwealth Transportation Interstate 81 Corridor Bond Act of 2020.

This act shall be known and may be cited as the "Commonwealth Transportation Interstate 81 Corridor Bond Act of 2020."

§ 2. *Definitions.*

"Act" means the Commonwealth Transportation Interstate 81 Corridor Bond Act of 2020.

"Board" means the Commonwealth Transportation Board established pursuant to Article 1 (§ 33.2-200 et seq.) of Chapter 2 of Title 33.2 of the Code of Virginia.

"Bond" means a bond, a note, a credit facility, an anticipatory borrowing, and any other evidence of indebtedness issued pursuant to the provisions of the Act. A bond may contain any designation appropriate to the debt instrument.

"Bond Act" means Chapter 17 (§ 33.2-1700 et seq.) of Title 33.2 of the Code of Virginia and any amendments thereto.

"Fund" means the same as such term is defined in § 33.2-3600 of the Code of Virginia.

"Plan" means the same as such term is defined in § 33.2-3600 of the Code of Virginia.

"Program" means the same as such term is defined in § 33.2-3600 of the Code of Virginia.

§ 3. *Authorization of bonds and bond anticipation notes.*

The Board is hereby authorized, by and with the consent of the Governor, to issue, pursuant to the provisions of the Bond Act, revenue obligations of the Commonwealth, to be designated "Commonwealth of Virginia Interstate 81 Corridor Program Revenue Bonds, Series". The Board may issue bonds in one or multiple issues, provided that the aggregate principal amount does not exceed \$1 billion after all costs. Such amount shall include amounts needed to fund issuance costs, reserve funds, capitalized interest, and other financing expenses, but shall exclude any refunding bonds. Such aggregate principal amount shall not include the principal amount of any bonds issued to refund prior obligations issued under this Act and shall not include any pre-project completion interest that may be converted to principal in connection with any federal program borrowing undertaken pursuant to subsection D of § 6.

§ 4. The Board shall use the proceeds of any bonds, including any premium received on the sale thereof, for the exclusive purpose of paying costs incurred or to be incurred in relation to the Plan and the Program. Such costs may include payment of bond interest during and after the construction of transportation improvements, as determined by the Board. Such costs may include expenditures for:

1. Environmental and engineering studies;
2. Acquisition of rights of way;
3. Improvements to any existing mode of transportation;
4. Acquisition of real and personal property;
5. Construction of new modes of transportation and improvements thereto;
6. Contributions to reserve funds;
7. Any financing expenses; and
8. Any purpose the Board deems necessary to implementing the Plan and the Program.

§ 5. The Board shall make proceeds of the bonds available to pay costs for the purposes identified in § 4, or to refund previously issued bonds providing funds to pay for the purposes identified in § 4. The Board may make payments to any authority, commission, locality, or other entity of the Commonwealth for purposes of paying such entity's costs related to transportation projects. The Board shall use bond proceeds together with any federal, local, or private funds that may be

made available for similar purposes. The Board may use proceeds from the bonds, together with any investment earnings from such bonds, to secure the payment of principal or the purchase price and redemption premium, if any, and interest on the bonds.

§ 6. A. The Board shall determine the terms and structure of each issue of bonds, provided that its determination shall be subject to approval by the Treasury Board in accordance with § 2.2-2416 of the Code of Virginia and any amendments thereto. The bonds of each issue shall:

1. Be dated;
2. Be issued in a principal amount subject to the limitations identified in § 3;
3. Bear interest at rate or rates, which may be fixed, adjustable, variable, or a combination thereof and which may be determined according to a formula or other method;
4. Mature at a time or times not exceeding 39 years from the date of issue, except as provided in subsection D; and
5. If directed by the Board, be issued under a system of book entry for recording the ownership and transfer of ownership of rights to receive payments of principal or purchase price and redemption premium, if any, and interest on such bonds.

B. The Board may determine that bonds be made subject to purchase or redemption before their maturity or maturities, at such price or prices and under such terms and conditions it deems appropriate. The Board shall:

1. Determine the form of the bonds;
2. Determine whether the bonds are certificated or uncertificated;
3. Fix the authorized denomination of the bonds, provided that interest on the bonds shall be made payable in lawful money of the United States; and
4. Fix the place or places of payment of the bonds' principal, purchase price, redemption premium, if any, and interest, provided that such place may be the office of the State Treasurer or any bank or trust company in the United States.

C. All bonds issued under the Act shall have, as between successive holders, all the qualities and incidents of negotiable instruments under the Commonwealth's negotiable instruments laws.

D. Notwithstanding the maturity limitation prescribed in subdivision A 4, if the Board enters into an agreement with the authorization of the U.S. Department of Transportation pursuant to the provisions of subdivision 18 of § 33.2-1701 of the Code of Virginia, any loan, credit facility, or other borrowing that occurs under such agreement, including any advancement under a line of credit or lending program with an individualized prepayment schedule, shall not exceed 39 years from the first scheduled payment of principal. The first scheduled payment of principal shall be not more than five years from the initial advancement of funds under such loan, credit facility, line of credit, or other borrowing.

E. The Board may sell bonds from time to time at public or private sale for such price or prices as it determines to be in the best interest of the Commonwealth. The Board may sell bonds by competitive bidding, negotiated sale, or private placement with private lenders or governmental agencies.

§ 7. A. Any bonds issued pursuant to this act shall (i) be signed on behalf of the Board by the chairman or vice-chairman of the Board or shall bear the facsimile signature of such officer and (ii) bear the official seal of the Board, which shall be attested to by the manual or facsimile signature of the secretary or assistant secretary of the Board. If a bond bears a facsimile signature pursuant to clause (i), the bonds shall be signed by a designee of the Board, who may be an administrative assistant, a registrar, or a paying agent. If an officer whose signature or facsimile signature ceases to be an officer before the delivery of a bond that he signed, his signature or facsimile signature shall be valid and sufficient for all purposes as if he had remained an officer until delivery of such bonds.

B. If a loan, line of credit, or other borrowing is not evidenced by a bond, any agreements and instruments as may be necessary to provide evidence of such loan, line of credit, or other borrowing shall be signed on behalf of the Board by the chairman or vice-chairman of the Board. Such agreements and instruments may bear the official seal of the Board. Such agreements and instruments shall be signed by the secretary or assistant secretary of the Board.

§ 8. All expenses incurred under this Act or in connection with any bond issuance shall be paid from the proceeds of such bonds or from any available funds in the Fund.

§ 9. A. The proceeds of the bonds and of any anticipation notes authorized pursuant to the Act shall be placed by the State Treasurer in a special fund in the State Treasury or placed with a trustee in accordance with the provisions of § 33.2-1716 of the Code of Virginia and any amendments thereto. Such proceeds shall be disbursed only for the purpose for which such bonds and anticipation notes were issued. Proceeds derived from the sale of bonds authorized by this Act shall first be used to pay anticipation notes, if any were issued in anticipation of the sale of such bonds and renewals of such bonds.

B. Subsection A shall not apply to the proceeds of bonds when the issuance of such bonds has been anticipated by anticipation notes.

C. In accordance with subsection C of § 33.2-3601 of the Code of Virginia, proceeds of bonds and the distribution and expenditure of such proceeds shall not reduce the share of federal, state, or local revenues otherwise available to jurisdictions along the Interstate 81 corridor. Such revenues shall not affect the calculation of a locality's ability to pay for public education for purposes of determining appropriations of state revenues to localities for public education.

§ 10. The Board may receive any other funds that may be made available to pay costs of projects related to the Plan and the Program and, subject to appropriation by the General Assembly, may make available such funds for the payment of the principal, purchase price, and redemption premium, if any, and interest on bonds authorized under this Act. The Board is authorized to enter into agreements with any department or agency of the Commonwealth or any other party to allow for such funds, and any other funds, to be paid into the state treasury, or to a trustee in accordance with the provisions of

§ 33.2-1716 of the Code of Virginia and any amendments thereto, to pay a part of the costs of such projects, to pay any costs of issuance, to fund any part of any reserve fund, or to pay the principal or purchase price of, and redemption premium, if any, and interest on the bonds.

§ 11. In connection with the issuance or planned issuance of any bonds, the Board shall establish a fund either in the state treasury with the cooperation of the State Treasurer, or with a trustee in accordance with the provisions of § 33.2-1716 of the Code of Virginia and any amendments thereto. Such fund shall secure and be used for the payments of the bonds to the credit of which there shall be deposited such amounts, subject to appropriation by the General Assembly, necessary to pay principal, purchase price of, redemption premium if any, and interest on the bonds, as and when such costs become due and payable. Such costs shall be paid from the revenues deposited into the Interstate 81 Corridor Improvement Fund pursuant to § 58.1-2299.20 of the Code of Virginia derived from the receipt of regional fuels tax levied pursuant to § 58.1-2295 of the Code of Virginia.

§ 12. In connection with the issuance or planned issuance of any bonds, the Board may pay any necessary and appropriate support costs, including debt service or deposits to reserve funds, from revenues deposited to the Interstate 81 Corridor Improvement Fund pursuant to § 58.1-2299.20 of the Code of Virginia derived from the receipt of regional fuels tax levied pursuant to § 58.1-2295 of the Code of Virginia.

§ 13. The State Treasurer shall invest bond proceeds and moneys in any reserve funds and sinking funds related to bonds in accordance with the provisions of Chapter 18 (§ 2.2-1800 et seq.) of Title 2.2 of the Code of Virginia and any applicable law governing management of funds by a trustee pursuant to § 33.2-1716 of the Code of Virginia, and any amendments thereto.

§ 14. No tax or fee shall be imposed by the Commonwealth, a locality, or any other entity of the Commonwealth on the interest income and profit made on the sale of obligations issued under the provisions of the Act.

§ 15. Any obligation issued under this Act shall be considered a security in which any person and entity identified in § 33.2-1713 of the Code of Virginia may properly and legally invest funds.

§ 16. If any provision of this Act conflicts with a provision of the Bond Act, the provision of this Act shall control.

§ 17. This Act, being necessary for the welfare of the Commonwealth and its inhabitants, shall be liberally construed to effect the purpose of this Act.

§ 18. That should any portion of this Act be held unconstitutional by a court of competent jurisdiction, the remaining portions of this Act shall remain in effect.

16. That the provisions of this act amending §§ 58.1-802.3, 58.1-1743, and 58.1-1744 of the Code of Virginia shall become effective on May 1, 2021.

17. That notwithstanding the provisions of § 58.1-802.4 of the Code of Virginia, as created by this act, to the contrary, for the period of July 1, 2020, through April 30, 2021, the rate of the regional congestion relief fee, when the consideration or value of interest, whichever is greater, equals or exceeds \$100, shall be \$0.05 per \$100 or fraction thereof, exclusive of the value of any lien or encumbrance remaining thereon at the time of sale, whether such lien is assumed or the realty is sold subject to such lien or encumbrance.

18. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 854 of the Acts of Assembly of 2019 requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation is \$0 for periods of commitment to the custody of the Department of Juvenile Justice.

CHAPTER 1276

An Act to amend and reenact §§ 40.1-55, 40.1-57.2, and 40.1-57.3 of the Code of Virginia, relating to employees of local governments; collective bargaining.

[S 939]

Approved April 22, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 40.1-55, 40.1-57.2, and 40.1-57.3 of the Code of Virginia are amended and reenacted as follows:

§ 40.1-55. Employee striking terminates, and becomes temporarily ineligible for, public employment.

A. Any employee of the Commonwealth, or of any county, city, town or other political subdivision thereof, or of any agency of any one of them, who, in concert with two or more other such employees, for the purpose of obstructing, impeding or suspending any activity or operation of his employing agency or any other governmental agency, strikes or willfully refuses to perform the duties of his employment shall, by such action, be deemed to have terminated his employment and shall thereafter be ineligible for employment in any position or capacity during the next ~~twelve~~ 12 months by the Commonwealth, or any county, city, town or other political subdivision of the Commonwealth, or by any department or agency of any of them.

B. The provisions of subsection A shall apply to any employee of any county, city, or town or local school board without regard to any local ordinance or resolution adopted pursuant to § 40.1-57.2 by such county, city, or town or school board that authorizes its employees to engage in collective bargaining.

§ 40.1-57.2. Collective bargaining.

A. No state, county, ~~municipal~~ city, town, or like governmental officer, agent, or governing body is vested with or possesses any authority to recognize any labor union or other employee association as a bargaining agent of any public officers or employees, or to collectively bargain or enter into any collective bargaining contract with any such union or association or its agents with respect to any matter relating to them or their employment or service unless, in the case of a county, city, or town, such authority is provided for or permitted by a local ordinance or by a resolution. Any such ordinance or resolution shall provide for procedures for the certification and decertification of exclusive bargaining representatives, including reasonable public notice and opportunity for labor organizations to intervene in the process for designating an exclusive representative of a bargaining unit. As used in this section, "county, city, or town" includes any local school board, and "public officers or employees" includes employees of a local school board.

B. No ordinance or resolution adopted pursuant to subsection A shall include provisions that restrict the governing body's authority to establish the budget or appropriate funds.

C. For any governing body of a county, city, or town that has not adopted an ordinance or resolution providing for collective bargaining, such governing body shall, within 120 days of receiving certification from a majority of public employees in a unit considered by such employees to be appropriate for the purposes of collective bargaining, take a vote to adopt or not adopt an ordinance or resolution to provide for collective bargaining by such public employees and any other public employees deemed appropriate by the governing body. Nothing in this subsection shall require any governing body to adopt an ordinance or resolution authorizing collective bargaining.

D. Notwithstanding the provisions of subsection A regarding a local ordinance or resolution granting or permitting collective bargaining, no officer elected pursuant to Article VII, Section 4 of the Constitution of Virginia or any employee of such officer is vested with or possesses any authority to recognize any labor union or other employee association as a bargaining agent of any public officers or employees, or to collectively bargain or enter into any collective bargaining contract with any such union or association or its agents, with respect to any matter relating to them or their employment or service.

§ 40.1-57.3. Certain activities permitted.

Nothing in this article shall be construed to prevent employees of the Commonwealth, of its political subdivisions, or of any governmental agency of any of them from forming associations for the purpose of promoting their interests before the employing agency and, if they are employees of a county, city, or town or local school board that has, by a local ordinance or resolution as provided in § 40.1-57.2, authorized its employees to engage in collective bargaining, from doing so as provided in such ordinance or resolution.

2. That the provisions of this act shall become effective on May 1, 2021.

CHAPTER 1277

An Act to amend and reenact § 18.2-325 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 2.2-115.1 and 18.2-334.5, relating to illegal gambling; skill games; exception; COVID-19 Relief Fund created.

[S 971]

Approved April 22, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-325 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding sections numbered 2.2-115.1 and 18.2-334.5 as follows:

§ 2.2-115.1. COVID-19 Relief Fund.

There is hereby created in the state treasury a special nonreverting fund to be known as the COVID-19 Relief Fund, referred to in this section as "the Fund." The Fund shall be established on the books of the Comptroller. All funds appropriated to the Fund and any gifts, donations, grants, bequests, and other funds received on its behalf shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used by the Governor solely for the purposes of responding to the Commonwealth's needs related to the Coronavirus Disease of 2019 (COVID-19) pandemic. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Governor or his designee.

§ 18.2-325. Definitions.

1. "Illegal gambling" means the making, placing, or receipt of any bet or wager in the Commonwealth of money or other consideration or thing of value, made in exchange for a chance to win a prize, stake, or other consideration or thing of value, dependent upon the result of any game, contest, or any other event the outcome of which is uncertain or a matter of chance, whether such game, contest, or event occurs or is to occur inside or outside the limits of the Commonwealth.

For the purposes of this subdivision and notwithstanding any provision in this section to the contrary, the making, placing, or receipt of any bet or wager of money or other consideration or thing of value shall include the purchase of a product, Internet access, or other thing made in exchange for a chance to win a prize, stake, or other consideration or thing of value by means of the operation of a gambling device as described in subdivision 3 b, regardless of whether the chance to win such prize, stake, or other consideration or thing of value may be offered in the absence of a purchase.

"Illegal gambling" also means the playing or offering for play of any skill game.

2. "Interstate gambling" means the conduct of an enterprise for profit which engages in the purchase or sale within the Commonwealth of any interest in a lottery of another state or country whether or not such interest is an actual lottery ticket, receipt, contingent promise to pay, order to purchase, or other record of such interest.

3. "Gambling device" includes:

a. Any device, machine, paraphernalia, equipment, or other thing, including books, records and other papers, which are actually used in an illegal gambling operation or activity; ~~and~~

b. Any machine, apparatus, implement, instrument, contrivance, board or other thing, or electronic or video versions thereof, including but not limited to those dependent upon the insertion of a coin or other object for their operation, which operates, either completely automatically or with the aid of some physical act by the player or operator, in such a manner that, depending upon elements of chance, it may eject something of value or determine the prize or other thing of value to which the player is entitled; provided, however, that the return to the user of nothing more than additional chances or the right to use such machine is not deemed something of value within the meaning of this subsection; and provided further, that machines that only sell, or entitle the user to, items of merchandise of equivalent value that may differ from each other in composition, size, shape or color, shall not be deemed gambling devices within the meaning of this subsection; *and*

c. *Skill games.*

Such devices are no less gambling devices if they indicate beforehand the definite result of one or more operations but not all the operations. Nor are they any less a gambling device because, apart from their use or adaptability as such, they may also sell or deliver something of value on a basis other than chance.

4. "Operator" includes any person, firm or association of persons, who conducts, finances, manages, supervises, directs or owns all or part of an illegal gambling enterprise, activity or operation.

5. *"Skill" means the knowledge, dexterity, or any other ability or expertise of a natural person.*

6. *"Skill game" means an electronic, computerized, or mechanical contrivance, terminal, machine, or other device that requires the insertion of a coin, currency, ticket, token, or similar object to operate, activate, or play a game, the outcome of which is determined by any element of skill of the player and that may deliver or entitle the person playing or operating the device to receive cash; cash equivalents, gift cards, vouchers, billets, tickets, tokens, or electronic credits to be exchanged for cash; merchandise; or anything of value whether the payoff is made automatically from the device or manually.*

§ 18.2-334.5. Exemptions to article; certain skill games offered at family entertainment centers.

A. *As used in this section:*

"Coin-operated amusement games" means games that do not deliver or entitle the person playing or operating the game to receive cash; cash equivalents, gift cards, vouchers, billets, tickets, tokens, or electronic credits to be exchanged for cash; or merchandise or anything of value.

"Family entertainment center" means an establishment that (i) is located in a building that is owned, leased, or occupied by the establishment for the primary purpose of providing amusement and entertainment to the public; (ii) offers coin-operated amusement games and skill games pursuant to the exemption created by this section; and (iii) markets its business to families with children.

B. Notwithstanding the provisions of § 18.2-325, a person operating a family entertainment center may make skill games available for play if the prize won or distributed to a player is a noncash, merchandise prize or a voucher, billet, ticket, token, or electronic credit redeemable only for a noncash, merchandise prize (i) the value of which does not exceed the cost of playing the skill game or the total aggregate cost of playing multiple skill games; (ii) that is not and does not include an alcoholic beverage; (iii) that is not eligible for repurchase; and (iv) that is not exchangeable for cash, cash equivalents, or anything of value whatsoever.

2. That until July 1, 2021, distributors shall remit a monthly tax to the Department of Taxation (the Department) of \$1,200 for each skill game that such distributor provided for play in Virginia during the previous month. The Department shall allocate (i) two percent of the tax revenue collected pursuant to the second enactment of this act to the Problem Gambling Treatment and Support Fund, created pursuant to legislation enacted during the 2020 Regular Session of the General Assembly; (ii) two percent of the tax revenue collected pursuant to the second enactment of this act to the Virginia Alcohol Beverage Control Authority (the Authority) for the purposes of implementing the second, third, fourth, fifth, sixth, and seventh enactments of this act; (iii) 12 percent of the tax revenue collected pursuant to the second enactment of this act to the localities in which the skill games are located; and (iv) 84 percent of the tax revenue collected pursuant to the second enactment of this act to the COVID-19 Relief Fund established pursuant to § 2.2-115.1 of the Code of Virginia, as created by this act. Allocation of funds by the Department pursuant to the second enactment of this act shall occur no later than 60 days after such funds are collected. For purposes of the second, third, fourth, fifth, and sixth enactments of this act, "distributor" means any person that (i) manufactures and sells skill games, including software and hardware, and distributes such devices to an ABC retail licensee or a truck stop or (ii) purchases or leases skill games from a manufacturer and provides such

devices to an ABC retail licensee or a truck stop, and who otherwise maintains such games and is otherwise responsible for on-site data collection and accounting. For purposes of the second, third, fourth, fifth, and sixth enactments of this act, "ABC retail licensee" means a person licensed by the Authority pursuant to Title 4.1 of the Code of Virginia. For purposes of the second, third, fourth, fifth, and sixth enactments of this act, "truck stop" means an establishment (i) that is equipped with diesel islands used for fueling commercial motor vehicles; (ii) has sold, on average, at least 50,000 gallons of diesel or biodiesel fuel each month for the previous 12 months, or is projected to sell an average of at least 50,000 gallons of diesel or biodiesel fuel each month for the next 12 months; (iii) has parking spaces dedicated to commercial motor vehicles; (iv) has a convenience store; and (v) is situated on not less than three acres of land that the establishment owns or leases.

3. That, beginning July 1, 2020, and each month following until July 1, 2021, distributors shall provide a report to the Virginia Alcoholic Beverage Control Authority (the Authority), in such form as required by the Authority, detailing (i) the total number of skill games provided for play in Virginia by the distributor, (ii) the address of each location where skill games are provided for play in Virginia by the distributor, (iii) the total number of skill games provided for play by the distributor at each respective location, (iv) the total amount wagered during the previous month on each skill game provided for play in Virginia by the distributor at each respective location where the skill game was provided, and (v) the total amount of prizes or winnings awarded during the previous month on each skill game provided for play in Virginia by the distributor at each respective location where the skill game was provided. The Authority shall aggregate information collected pursuant to this enactment and report it to the Governor, the Chairman of the Senate Committee on Finance and Appropriations, and the Chairmen of the House Committees on Appropriations and Finance on a monthly basis.

4. That the total number of machines provided for play in Virginia by a distributor shall not exceed the total number of machines reported by that distributor to the Virginia Alcoholic Beverage Control Authority on July 1, 2020, pursuant to the third enactment of this act.

5. That only those skill games that were provided by a distributor and available for play in ABC retail licensees and truck stops on June 30, 2020, may continue to operate on or after July 1, 2020.

6. That any distributor found by the Virginia Alcoholic Beverage Control Authority (the Authority) to be in violation of the second, third, fourth, or fifth enactments of this act shall be subject to a civil penalty of not less than \$25,000 and not more than \$50,000 per incident. Civil penalties collected pursuant to the sixth enactment of this act shall be paid to the Authority and remitted by the Authority to the COVID-19 Relief Fund established pursuant to § 2.2-115.1 of the Code of Virginia, as created by this act.

7. That, notwithstanding the provisions of § 58.1-3 of the Code of Virginia, the Department of Taxation shall be permitted to disclose information to the Virginia Alcoholic Beverage Control Authority regarding the tax remitted by any distributor pursuant to the second enactment of this act.

8. That the second, third, fourth, fifth, sixth, and seventh enactments of this act shall expire on July 1, 2021.

9. That the provisions of the first enactment of this act amending the Code of Virginia by adding a section numbered 2.2-115.1 shall become effective on July 1, 2020, and that the remaining provisions of the first enactment of this act shall become effective on July 1, 2021.

CHAPTER 1278

An Act to amend and reenact §§ 54.1-3408.3 and 54.1-3442.5 through 54.1-3442.8 of the Code of Virginia, relating to pharmaceutical processors; cannabis dispensing facilities.

[S 976]

Approved April 22, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-3408.3 and 54.1-3442.5 through 54.1-3442.8 of the Code of Virginia are amended and reenacted as follows:

§ 54.1-3408.3. Certification for use of cannabis oil for treatment.

A. As used in this section:

"Cannabidiol oil" means any formulation of processed Cannabis plant extract that contains at least 15 percent cannabidiol but no more than five percent tetrahydrocannabinol, or a dilution of the resin of the Cannabis plant that contains at least five milligrams of cannabidiol per dose but not more than five percent tetrahydrocannabinol. "Cannabidiol oil" does not include industrial hemp, as defined in § 3.2-4112, that is grown, dealt, or processed in compliance with state or federal law. "Cannabis oil" means any formulation of processed Cannabis plant extract or a dilution of the resin of the Cannabis plant that contains at least five milligrams of cannabidiol (CBD) or tetrahydrocannabinolic acid (THC-A) and no more than 10 milligrams of tetrahydrocannabinol per dose. "Cannabis oil" does not include industrial hemp, as defined in § 3.2-4112, that is grown, dealt, or processed in compliance with state or federal law.

"Practitioner" means a practitioner of medicine or osteopathy licensed by the Board of Medicine, a physician assistant licensed by the Board of Medicine, or a nurse practitioner jointly licensed by the Board of Medicine and the Board of Nursing.

"Registered agent" means an individual designated by a patient who has been issued a written certification, or, if such patient is a minor or an incapacitated adult as defined in § 18.2-369, designated by such patient's parent or legal guardian, and registered with the Board pursuant to subsection G.

"THC-A oil" means any formulation of processed Cannabis plant extract that contains at least 15 percent tetrahydrocannabinol acid but not more than five percent tetrahydrocannabinol, or a dilution of the resin of the Cannabis plant that contains at least five milligrams of tetrahydrocannabinol acid per dose but not more than five percent tetrahydrocannabinol.

B. A practitioner in the course of his professional practice may issue a written certification for the use of ~~cannabidiol oil~~ or THC-A cannabis oil for treatment or to alleviate the symptoms of any diagnosed condition or disease determined by the practitioner to benefit from such use. *The practitioner shall use his professional judgement to determine the manner and frequency of patient care and evaluation and may employ the use of telemedicine consistent with federal requirements for the prescribing of Schedule II through V controlled substances.*

C. The written certification shall be on a form provided by the Office of the Executive Secretary of the Supreme Court developed in consultation with the Board of Medicine. Such written certification shall contain the name, address, and telephone number of the practitioner, the name and address of the patient issued the written certification, the date on which the written certification was made, and the signature of the practitioner. Such written certification issued pursuant to subsection B shall expire no later than one year after its issuance unless the practitioner provides in such written certification an earlier expiration.

D. No practitioner shall be prosecuted under § 18.2-248 or 18.2-248.1 for dispensing or distributing ~~cannabidiol oil~~ or THC-A cannabis oil for the treatment or to alleviate the symptoms of a patient's diagnosed condition or disease pursuant to a written certification issued pursuant to subsection B. Nothing in this section shall preclude the Board of Medicine from sanctioning a practitioner for failing to properly evaluate or treat a patient's medical condition or otherwise violating the applicable standard of care for evaluating or treating medical conditions.

E. A practitioner who issues a written certification to a patient pursuant to this section shall register with the Board. The Board shall, in consultation with the Board of Medicine, set a limit on the number of patients to whom a practitioner may issue a written certification.

F. A patient who has been issued a written certification shall register with the Board or, if such patient is a minor or an incapacitated adult as defined in § 18.2-369, a patient's parent or legal guardian shall register and shall register such patient with the Board.

G. A patient, or, if such patient is a minor or an incapacitated adult as defined in § 18.2-369, such patient's parent or legal guardian, may designate an individual to act as his registered agent for the purposes of receiving ~~cannabidiol oil~~ or THC-A cannabis oil pursuant to a valid written certification. Such designated individual shall register with the Board. The Board may set a limit on the number patients for whom any individual is authorized to act as a registered agent.

H. The Board shall promulgate regulations to implement the registration process. Such regulations shall include (i) a mechanism for sufficiently identifying the practitioner issuing the written certification, the patient being treated by the practitioner, his registered agent, and, if such patient is a minor or an incapacitated adult as defined in § 18.2-369, the patient's parent or legal guardian; (ii) a process for ensuring that any changes in the information are reported in an appropriate timeframe; and (iii) a prohibition for the patient to be issued a written certification by more than one practitioner during any given time period.

I. Information obtained under the registration process shall be confidential and shall not be subject to the disclosure provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.). However, reasonable access to registry information shall be provided to (i) the Chairmen of the House and Senate Committees ~~Committee~~ for Courts of Justice and the Senate Committee on the Judiciary, (ii) state and federal agencies or local law enforcement for the purpose of investigating or prosecuting a specific individual for a specific violation of law, (iii) licensed ~~physicians practitioners~~ or pharmacists for the purpose of providing patient care and drug therapy management and monitoring of drugs obtained by a registered patient, (iv) a pharmaceutical processor or cannabis dispensing facility involved in the treatment of a registered patient, or (v) a registered patient, his registered agent, or, if such patient is a minor or an incapacitated adult as defined in § 18.2-369, the patient's parent or legal guardian, but only with respect to information related to such registered patient.

§ 54.1-3442.5. Definitions.

As used in this article:

"~~Cannabidiol oil~~" "Cannabis oil" has the same meaning as specified in § 54.1-3408.3.

"Cannabis dispensing facility" means a facility that (i) has obtained a permit from the Board pursuant to § 54.1-3442.6; (ii) is owned, at least in part, by a pharmaceutical processor; and (iii) dispenses cannabis oil produced by a pharmaceutical processor to a registered patient, his registered agent, or, if such patient is a minor or an incapacitated adult as defined in § 18.2-369, such patient's parent or legal guardian.

"Pharmaceutical processor" means a facility that (i) has obtained a permit from the Board pursuant to § 54.1-3408.3 and (ii) cultivates Cannabis plants intended only for the production of ~~cannabidiol oil~~ or THC-A cannabis oil, produces ~~cannabidiol oil~~ or THC-A cannabis oil, and dispenses ~~cannabidiol oil~~ or THC-A cannabis oil to a registered patient, his registered agent, or, if such patient is a minor or an incapacitated adult as defined in § 18.2-369, such patient's parent or legal guardian.

"Practitioner" has the same meaning as specified in § 54.1-3408.3.

"Registered agent" has the same meaning as specified in § 54.1-3408.3.

"THC-A oil" has the same meaning as specified in § 54.1-3408.3.

§ 54.1-3442.6. Permit to operate pharmaceutical processor or cannabis dispensing facility.

A. No person shall operate a pharmaceutical processor or a cannabis dispensing facility without first obtaining a permit from the Board. The application for such permit shall be made on a form provided by the Board and signed by a pharmacist who will be in full and actual charge of the pharmaceutical processor or cannabis dispensing facility. The Board shall establish an application fee and other general requirements for such application.

B. Each permit shall expire annually on a date determined by the Board in regulation. The number of permits that the Board may issue or renew in any year is limited to one pharmaceutical processor and up to five cannabis dispensing facilities for each health service area established by the Board of Health. Permits shall be displayed in a conspicuous place on the premises of the pharmaceutical processor and cannabis dispensing facility.

C. The Board shall adopt regulations establishing health, safety, and security requirements for pharmaceutical processors and cannabis dispensing facilities. Such regulations shall include requirements for (i) physical standards; (ii) location restrictions; (iii) security systems and controls; (iv) minimum equipment and resources; (v) recordkeeping; (vi) labeling and packaging; (vii) quarterly inspections; (viii) processes for safely and securely cultivating Cannabis plants intended for producing cannabidiol oil and THC-A oil, producing cannabidiol oil and THC-A oil, and dispensing and delivering in person cannabidiol oil and THC-A cannabis oil to a registered patient, his registered agent, or, if such patient is a minor or an incapacitated adult as defined in § 18.2-369, such patient's parent or legal guardian; (ix) a maximum number of marijuana plants a pharmaceutical processor may possess at any one time; (x) the secure disposal of plant remains; (xi) a process for registering a cannabidiol oil and THC-A oil product; (xii) dosage limitations, which shall provide that each dispensed dose of cannabidiol oil or THC-A cannabis oil not exceed 10 milligrams of tetrahydrocannabinol; and (xiii) (x) a process for the wholesale distribution of and the transfer of cannabidiol oil and THC-A cannabis oil products between pharmaceutical processors and between a pharmaceutical processor and a cannabis dispensing facility; (xi) an allowance for the sale of devices for administration of dispensed products; and (xii) an allowance for the use and distribution of inert product samples containing no cannabinoids for patient demonstration exclusively at the pharmaceutical processor or cannabis dispensing facility, and not for further distribution or sale, without the need for a written certification. The Board shall also adopt regulations for pharmaceutical processors that include requirements for (a) processes for safely and securely cultivating Cannabis plants intended for producing cannabis oil; (b) a maximum number of marijuana plants a pharmaceutical processor may possess at any one time; (c) the secure disposal of plant remains; and (d) a process for registering cannabis oil products.

D. The Board shall require that after processing and before dispensing cannabis oil, a pharmaceutical processor shall make a sample available from each homogenized batch of product for testing by an independent laboratory located in Virginia meeting Board requirements. A valid sample size for testing shall be determined by each laboratory and may vary due to sample matrix, analytical method, and laboratory-specific procedures. A minimum sample size of 0.5 percent of individual units for dispensing or distribution from each homogenized batch is required to achieve a representative sample for analysis.

E. A laboratory testing samples for a pharmaceutical processor shall obtain a controlled substances registration certificate pursuant to § 54.1-3423 and shall comply with quality standards established by the Board in regulation.

D. F. Every pharmaceutical processor or cannabis dispensing facility shall be under the personal supervision of a licensed pharmacist on the premises of the pharmaceutical processor or cannabis dispensing facility. A pharmacist in charge of a pharmaceutical processor may authorize certain employee access to secured areas designated for cultivation and other areas approved by the Board. No pharmacist shall be required to be on the premises during such authorized access. The pharmacist-in-charge shall ensure security measures are adequate to protect the cannabis from diversion at all times.

E. G. The Board shall require an applicant for a pharmaceutical processor and cannabis dispensing facility permit to submit to fingerprinting and provide personal descriptive information to be forwarded along with his fingerprints through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining criminal history record information regarding the applicant. The cost of fingerprinting and the criminal history record search shall be paid by the applicant. The Central Criminal Records Exchange shall forward the results of the criminal history background check to the Board or its designee, which shall be a governmental entity.

F. H. In addition to other employees authorized by the Board, a pharmaceutical processor may employ individuals who may have less than two years of experience (i) to perform cultivation-related duties under the supervision of an individual who has received a degree in horticulture or a certification recognized by the Board or who has at least two years of experience cultivating plants and (ii) to perform extraction-related duties under the supervision of an individual who has a degree in chemistry or pharmacology or at least two years of experience extracting chemicals from plants.

I. A pharmaceutical processor to whom a permit has been issued by the Board may establish up to five cannabis dispensing facilities for the dispensing of cannabis oil that has been cultivated and produced on the premises of a pharmaceutical processor permitted by the Board. Each cannabis dispensing facility shall be located within the same health service area as the pharmaceutical processor.

G. J. No person who has been convicted of (i) a felony under the laws of the Commonwealth or another jurisdiction or (ii) within the last five years, any offense in violation of Article 1 (§ 18.2-247 et seq.) or Article 1.1 (§ 18.2-265.1 et seq.) of

Chapter 7 of Title 18.2 or a substantially similar offense under the laws of another jurisdiction shall be employed by or act as an agent of a pharmaceutical processor *or cannabis dispensing facility*.

H. K. Every pharmaceutical processor *and cannabis dispensing facility* shall adopt policies for pre-employment drug screening and regular, ongoing, random drug screening of employees.

L. *A pharmacist at the pharmaceutical processor and the cannabis dispensing facility shall determine the number of pharmacy interns, pharmacy technicians and pharmacy technician trainees who can be safely and competently supervised at one time; however, no pharmacist shall supervise more than six persons performing the duties of a pharmacy technician at one time.*

M. *Any person who proposes to use an automated process or procedure during the production of cannabis oil that is not otherwise authorized in law or regulation or at a time when a pharmacist will not be on-site may apply to the Board for approval to use such process or procedure pursuant to subsections B through E of § 54.1-3307.2.*

§ 54.1-3442.7. Dispensing cannabis oil; report.

A. A pharmaceutical processor *or cannabis dispensing facility* shall dispense or deliver ~~cannabidiol oil or THC-A~~ cannabis oil only in person to (i) a patient who is a Virginia resident *or temporarily resides in Virginia as made evident to the Board*, has been issued a valid written certification, and is registered with the Board pursuant to § 54.1-3408.3, (ii) such patient's registered agent, or (iii) if such patient is a minor or an incapacitated adult as defined in § 18.2-369, such patient's parent or legal guardian who is a Virginia resident *or temporarily resides in Virginia as made evident to the Board* and is registered with the Board pursuant to § 54.1-3408.3. Prior to the initial dispensing of each written certification, the pharmacist or pharmacy technician at the location of the pharmaceutical processor *or cannabis dispensing facility* shall make and maintain for two years a paper or electronic copy of the written certification that provides an exact image of the document that is clearly legible; shall view a current photo identification of the patient, registered agent, parent, or legal guardian; and shall verify current board registration of the practitioner and the corresponding patient, registered agent, parent, or legal guardian. Prior to any subsequent dispensing of each written certification, the pharmacist, pharmacy technician, or delivery agent shall view the current written certification; a current photo identification of the patient, registered agent, parent, or legal guardian; and the current board registration issued to the patient, registered agent, parent, or legal guardian. No pharmaceutical processor *or cannabis dispensing facility* shall dispense more than a 90-day supply for any patient during any 90-day period. The Board shall establish in regulation an amount of ~~cannabidiol oil or THC-A~~ cannabis oil that constitutes a 90-day supply to treat or alleviate the symptoms of a patient's diagnosed condition or disease.

B. A pharmaceutical processor *or cannabis dispensing facility* shall dispense only ~~cannabidiol oil and THC-A~~ cannabis oil that has been cultivated and produced on the premises of a pharmaceutical processor permitted by the Board. A pharmaceutical processor may begin cultivation upon being issued a permit by the Board.

C. The Board shall report annually by December 1 to the Chairmen of the House ~~and Senate Committees~~ *Committee* for Courts of Justice *and the Senate Committee on the Judiciary* on the operation of pharmaceutical processors *and cannabis dispensing facilities* issued a permit by the Board, including the number of practitioners, patients, registered agents, and parents or legal guardians of patients who have registered with the Board and the number of written certifications issued pursuant to § 54.1-3408.3.

D. The concentration of tetrahydrocannabinol in any ~~THC-A~~ cannabis oil on site may be up to 10 percent greater than or less than the level of tetrahydrocannabinol measured for labeling. A pharmaceutical processor *and cannabis dispensing facility* shall ensure that such concentration in any ~~THC-A~~ *onsite cannabis oil on site* is within such range ~~and~~. *A pharmaceutical processor producing cannabis oil shall establish a stability testing schedule of THC-A cannabis oil.*

§ 54.1-3442.8. Criminal liability; exceptions.

In any prosecution of an agent or employee of a pharmaceutical processor *or cannabis dispensing facility* under § 18.2-248, 18.2-248.1, 18.2-250, or 18.2-250.1 for possession or manufacture of marijuana or for possession, manufacture, or distribution of ~~cannabidiol oil or THC-A~~ cannabis oil, it shall be an affirmative defense that such agent or employee (i) possessed or manufactured such marijuana for the purposes of producing ~~cannabidiol oil or THC-A~~ cannabis oil in accordance with the provisions of this article and Board regulations or (ii) possessed, manufactured, or distributed such ~~cannabidiol oil or THC-A~~ cannabis oil in accordance with the provisions of this article and Board regulations. If such agent or employee files a copy of the permit issued to the pharmaceutical processor *or cannabis dispensing facility* pursuant to § 54.1-3442.6 with the court at least 10 days prior to trial and causes a copy of such permit to be delivered to the attorney for the Commonwealth, such permit shall be prima facie evidence that (a) such marijuana was possessed or manufactured for the purposes of producing ~~cannabidiol oil or THC-A~~ cannabis oil in accordance with the provisions of this article and Board regulations or (b) such ~~cannabidiol oil or THC-A~~ cannabis oil was possessed, manufactured, or distributed in accordance with the provisions of this article and Board regulations.

2. That the Board of Pharmacy shall promulgate regulations to implement the provisions of this act to be effective within 280 days of its enactment.

CHAPTER 1279

An Act to amend the Code of Virginia by adding a section numbered 56-585.1:11, relating to electric utilities; development of offshore wind generation facilities.

[S 998]

Approved April 22, 2020

Be it enacted by the General Assembly of Virginia:**1. That the Code of Virginia is amended by adding a section numbered 56-585.1:11 as follows:****§ 56-585.1:11. Development of offshore wind capacity.***A. As used in this section:*

"Advanced clean energy buyer" means a commercial or industrial customer of a Phase II Utility, irrespective of generation supplier, (i) with an aggregate load over 100 megawatts; (ii) with an aggregate amount of at least 200 megawatts of solar or wind energy supply under contract with a term of 10 years or more from facilities located within the Commonwealth by January 1, 2024; and (iii) that directly procures from the utility the electric supply and environmental attributes of the offshore wind facility associated with the lesser of 50 megawatts of nameplate capacity or 15 percent of the commercial or industrial customer's annual peak demand for a contract period of 15 years.

"Aggregate load" means the combined electrical load associated with selected accounts of an advanced clean energy buyer with the same legal entity name as, or in the names of affiliated entities that control, are controlled by, or are under common control of, such legal entity or are the names of affiliated entities under a common parent.

"Control" means the legal right, directly or indirectly, to direct or cause the direction of the management, actions, or policies of an affiliated entity, whether through the ability to exercise voting power, by contract, or otherwise. "Control" does not include control of an entity through a franchise or similar contractual agreement.

"Qualifying large general service customer" means a customer of a Phase II Utility, irrespective of general supplier, (i) whose peak demand during the most recent calendar year exceeded five megawatts and (ii) that contracts with the utility to directly procure electric supply and environmental attributes associated with the offshore wind facility in amounts commensurate with the customer's electric usage for a contract period of 15 years or more.

B. In order to meet the Commonwealth's clean energy goals, prior to December 31, 2034, the construction or purchase by a public utility of one or more offshore wind generation facilities located off the Commonwealth's Atlantic shoreline or in federal waters and interconnected directly into the Commonwealth, with an aggregate capacity of up to 5,200 megawatts, is in the public interest and the Commission shall so find, provided that no customers of the utility shall be responsible for costs of any such facility in a proportion greater than the utility's share of the facility.

C. 1. Pursuant to subsection B, construction by a Phase II Utility of one or more new utility-owned and utility-operated generating facilities utilizing energy derived from offshore wind and located off the Commonwealth's Atlantic shoreline, with an aggregate rated capacity of not less than 2,500 megawatts and not more than 3,000 megawatts, along with electrical transmission or distribution facilities associated therewith for interconnection is in the public interest. In acting upon any request for cost recovery by a Phase II Utility for costs associated with such a facility, the Commission shall determine the reasonableness and prudence of any such costs, provided that such costs shall be presumed to be reasonably and prudently incurred if the Commission determines that (i) the utility has complied with the competitive solicitation and procurement requirements pursuant to subsection E; (ii) the project's projected total levelized cost of energy, including any tax credit, on a cost per megawatt hour basis, inclusive of the costs of transmission and distribution facilities associated with the facility's interconnection, does not exceed 1.4 times the comparable cost, on an unweighted average basis, of a conventional simple cycle combustion turbine generating facility as estimated by the U.S. Energy Information Administration in its Annual Energy Outlook 2019; and (iii) the utility has commenced construction of such facilities for U.S. income taxation purposes prior to January 1, 2024, or has a plan for such facility or facilities to be in service prior to January 1, 2028. The Commission shall disallow costs, or any portion thereof, only if they are otherwise unreasonably and imprudently incurred. In its review, the Commission shall give due consideration to (a) the Commonwealth's renewable portfolio standards and carbon reduction requirements, (b) the promotion of new renewable generation resources, and (c) the economic development benefits of the project for the Commonwealth, including capital investments and job creation.

2. Notwithstanding the provisions of § 56-585.1, the Commission shall not grant an enhanced rate of return to a Phase II Utility for the construction of one or more new utility-owned and utility-operated generating facilities utilizing energy derived from offshore wind and located off the Commonwealth's Atlantic shoreline pursuant to this section.

3. Any such costs proposed for recovery through a rate adjustment clause pursuant to subdivision A 6 of § 56-585.1 shall be allocated to all customers of the utility in the Commonwealth as a non-bypassable charge, regardless of the generation supplier of any such customer; other than (i) PIPP eligible utility customers, (ii) advanced clean energy buyers, and (iii) qualifying large general service customers. No electric cooperative customer of the utility shall be assigned, nor shall the utility collect from any such cooperative, any of the costs of such facilities, including electrical transmission or distribution facilities associated therewith for interconnection. The Commission may promulgate such rules, regulations, or other directives necessary to administer the eligibility for these exemptions.

4. The Commission shall permit a portion of the nameplate capacity of any such facility, in the aggregate, to be allocated to (i) advanced clean energy buyers or (ii) qualifying large general service customers, provided that no more than

10 percent of the offshore wind facility's capacity is allocated to qualifying large general service customers. A Phase II Utility shall petition the Commission for approval of a special contract with any advanced clean energy buyer, or any special rate applicable to qualifying large general service customers, pursuant to § 56-235.2, no later than 15 months prior to the projected commercial operation date of the facility, and all customer enrollments associated with such special contracts or rates shall be completed prior to commercial operation of the facility. Any such special contract or rate may include provisions for leveled rates of service over the duration of the customer's contracted agreement with the utility, and the Commission shall determine that such special contract or rate is designed to hold nonparticipating customers harmless over its term in connection with any petition for approval by the utility. The utility may petition for approval of such special contracts or rates in connection with any petition for approval of a rate adjustment clause pursuant to subdivision A 6 of § 56-585.1 to recover the costs of the facility, and the Commission shall rule upon any such petitions in its final order in such proceeding within nine months from the date of filing.

D. In constructing any such facility contemplated in subsection B, the utility shall develop and submit a plan to the Commission for review that includes the following considerations: (i) options for utilizing local workers; (ii) the economic development benefits of the project for the Commonwealth, including capital investments and job creation; (iii) consultation with the Commonwealth's Chief Workforce Development Officer, the Chief Diversity, Equity, and Inclusion Officer, and the Virginia Economic Development Partnership, on opportunities to advance the Commonwealth's workforce and economic development goals, including furtherance of apprenticeship and other workforce training programs; and (iv) giving priority to the hiring, apprenticeship, and training of veterans, as that term is defined in § 2.2-2000.1, local workers, and workers from historically economically disadvantaged communities.

E. Any project constructed or purchased pursuant to subsection B shall (i) be subject to competitive procurement or solicitation for a substantial majority of the services and equipment, exclusive of interconnection costs, associated with the facility's construction; (ii) involve at least one experienced developer; and (iii) demonstrate the economic development benefits within the Commonwealth, including capital investments and job creation. A utility may give appropriate consideration to suppliers and developers that have demonstrated successful experience in offshore wind.

F. Any project shall include an environmental and fisheries mitigation plan submitted to the Commission for the construction and operation of such offshore wind facilities, provided that such plan includes an explicit description of the best management practices the bidder will employ that considers the latest science at the time the proposal is made to mitigate adverse impacts to wildlife, natural resources, ecosystems, and traditional or existing water-dependent uses. The plan shall include a summary of pre-construction assessment activities, consistent with federal requirements, to determine the spatial and temporal presence and abundance of marine mammals, sea turtles, birds, and bats, in the offshore wind lease area.

2. That the utility constructing a facility pursuant to § 56-585.1:11 of the Code of Virginia, as created by this act, shall provide the State Corporation Commission (the Commission) with reports on the facility's construction progress, including performance to construction timeline and budget, on no less than a quarterly basis throughout the construction period. The Commission shall retain ongoing authority to review the reasonableness and prudence of any increases in the total projected cost of the facility during its construction period.

CHAPTER 1280

An Act to amend and reenact §§ 10.1-603.24 and 10.1-603.25 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 13 of Title 10.1 an article numbered 4, consisting of sections numbered 10.1-1329, 10.1-1330, and 10.1-1331, relating to Clean Energy and Community Flood Preparedness Act; fund.

[S 1027]

Approved April 22, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 10.1-603.24 and 10.1-603.25 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Chapter 13 of Title 10.1 an article numbered 4, consisting of sections numbered 10.1-1329, 10.1-1330, and 10.1-1331, as follows:

Article 1.3.

Virginia Shoreline Resiliency Community Flood Preparedness Fund.

§ 10.1-603.24. Definitions.

As used in this article, unless the context requires a different meaning:

"Authority" means the Virginia Resources Authority.

"Cost," as applied to any project financed under the provisions of this article, means the total of all costs incurred by the local government as reasonable and necessary for carrying out all works and undertakings necessary or incident to the accomplishment of any project.

"Department" means the Virginia Department of ~~Emergency Management~~ Conservation and Recreation.

"Flood prevention or protection" means the construction of hazard mitigation projects, acquisition of land, or implementation of land use controls that reduce or mitigate damage from coastal or riverine flooding.

"Flood prevention or protection study" means the conduct of a hydraulic or hydrologic study of a flood plain with historic and predicted floods, the assessment of flood risk, and the development of strategies to prevent or mitigate damage from coastal or riverine flooding.

"Fund" means the Virginia ~~Shoreline Resiliency~~ Community Flood Preparedness Fund created pursuant to § 10.1-603.25.

"Local government" means any county, city, town, municipal corporation, authority, district, commission, or political subdivision created by the General Assembly or pursuant to the Constitution of Virginia or laws of the Commonwealth.

"Low-income geographic area" means any locality, or community within a locality, that has a median household income that is not greater than 80 percent of the local median household income, or any area in the Commonwealth designated as a qualified opportunity zone by the U.S. Secretary of the Treasury via his delegation of authority to the Internal Revenue Service.

"Nature-based solution" means an approach that reduces the impacts of flood and storm events through the use of environmental processes and natural systems. A nature-based solution may provide additional benefits beyond flood control, including recreational opportunities and improved water quality.

§ 10.1-603.25. Virginia Community Flood Preparedness Fund; loan and grant program.

~~There shall be set apart a permanent and perpetual fund, to be known as the A. The Virginia Shoreline Resiliency Fund, consisting of such is hereby continued as a permanent and perpetual fund to be known as the Virginia Community Flood Preparedness Fund. All sums that are designated for deposit in the Fund from revenue generated by the sale of emissions allowances pursuant to subdivision C 1 of § 10.1-1330, all sums that may be appropriated to the Fund by the General Assembly, all receipts by the Fund from the repayment of loans made by it to local governments, all income from the investment of moneys held in the Fund, and any other sums designated for deposit to the Fund from any source, public or private, including any federal grants and awards or other forms of assistance received by the Commonwealth that are eligible for deposit in the Fund under federal law, shall be designated for deposit to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including any appropriated funds and all principal, interest accrued, and payments, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. All loans and grants provided under this article shall be deemed to promote the public purposes of enhancing flood prevention or protection and coastal resilience. The Fund shall be administered by the Department as prescribed in this article. The Department shall establish guidelines regarding the distribution of loans from the Fund and prioritization of such loans.~~

B. Moneys in the Fund shall be used solely for the purposes of enhancing flood prevention or protection and coastal resilience as required by this article. The Authority shall manage the Fund and shall establish interest rates and repayment terms of such loans as provided in this article in accordance with a memorandum of agreement with the Department. The Authority may disburse from the Fund its reasonable costs and expenses incurred in the management of the Fund. The Department shall direct distribution of loans and grants from the Fund in accordance with the provisions of subsection D.

C. The Authority is authorized at any time and from time to time to pledge, assign, or transfer from the Fund or any bank or trust company designated by the Authority any or all of the assets of the Fund to be held in trust as security for the payment of principal of, premium, if any, and interest on any and all bonds, as defined in § 62.1-199, issued to finance any flood prevention or protection project undertaken pursuant to the provisions of this article. In addition, the Authority is authorized at any time and from time to time to sell upon such terms and conditions as the Authority deems appropriate any loan or interest thereon made pursuant to this article. The net proceeds of the sale remaining after payment of costs and expenses shall be designated for deposit to, and become part of, the Fund.

D. The Fund shall be administered by the Department as prescribed in this article. The Department, in consultation with the Secretary of Natural Resources and the Special Assistant to the Governor for Coastal Adaptation and Protection, shall establish guidelines regarding the distribution and prioritization of loans and grants, including loans and grants that support flood prevention or protection studies of statewide or regional significance.

E. Localities shall use moneys from the Fund primarily for the purpose of ~~creating a low-interest loan program to help residents and businesses implementing flood prevention and protection projects and studies in areas~~ that are subject to recurrent flooding as confirmed by a locality-certified floodplain manager. Moneys in the Fund may be used to mitigate future flood damage and to assist inland and coastal communities across the Commonwealth that are subject to recurrent or repetitive flooding. No less than 25 percent of the moneys disbursed from the Fund each year shall be used for projects in low-income geographic areas. Priority shall be given to projects that implement community-scale hazard mitigation activities that use nature-based solutions to reduce flood risk.

F. Any locality is authorized to secure a loan made ~~through such a low-interest loan program~~ pursuant to this section by placing a lien up to the value of the loan against any property that benefits from the loan. Such a lien shall be subordinate to each prior lien on such property, except prior liens for which the prior lienholder executes a written subordination agreement, in a form and substance acceptable to the prior lienholder in its sole and exclusive discretion, that is recorded in the land records where the property is located.

G. Any locality using moneys in the Fund to provide a loan for a project in a low-income geographic area is authorized to forgive the principal of such loan. If a locality forgives the principal of any such loan, any obligation of the locality to repay that principal to the Commonwealth shall not be forgiven and such obligation shall remain in full force and effect.

The total amount of loans forgiven by all localities in a fiscal year shall not exceed 30 percent of the amount appropriated in such fiscal year to the Fund by the General Assembly.

Article 4.

Clean Energy and Community Flood Preparedness Act.

§ 10.1-1329. Definitions.

As used in this article, unless the context requires a different meaning:

"Allowance" means an authorization to emit a fixed amount of carbon dioxide.

"Allowance auction" means an auction in which the Department or its agent offers allowances for sale.

"DHCD" means the Department of Housing and Community Development.

"DMME" means the Department of Mines, Minerals and Energy.

"Energy efficiency program" has the same meaning as provided in § 56-576.

"Fund" means the Virginia Community Flood Preparedness Fund created pursuant to § 10.1-603.25.

"Housing development" means the same as that term is defined in § 36-141.

"Regional Greenhouse Gas Initiative" or "RGGI" means the program to implement the memorandum of understanding between signatory states dated December 20, 2005, and as may be amended, and the corresponding model rule that established a regional carbon dioxide electric power sector cap and trade program.

"Secretary" means the Secretary of Natural Resources.

§ 10.1-1330. Clean Energy and Community Flood Preparedness.

A. The provisions of this article shall be incorporated by the Department, without further action by the Board, into the final regulation adopted by the Board on April 19, 2019, and published in the Virginia Register on May 27, 2019. Such incorporation by the Department shall be exempt from the provisions of the Virginia Administrative Process Act (§ 2.2-4000 et seq.).

B. The Director is hereby authorized to establish, implement, and manage an auction program to sell allowances into a market-based trading program consistent with the RGGI program and this article. The Director shall seek to sell 100 percent of all allowances issued each year through the allowance auction, unless the Department finds that doing so will have a negative impact on the value of allowances and result in a net loss of consumer benefit or is otherwise inconsistent with the RGGI program.

C. To the extent permitted by Article X, Section 7 of the Constitution of Virginia, the state treasury shall (i) hold the proceeds recovered from the allowance auction in an interest-bearing account with all interest directed to the account to carry out the purposes of this article and (ii) use the proceeds without further appropriation for the following purposes:

1. Forty-five percent of the revenue shall be credited to the account established pursuant to the Fund for the purpose of assisting localities and their residents affected by recurrent flooding, sea level rise, and flooding from severe weather events.

2. Fifty percent of the revenue shall be credited to an account administered by DHCD to support low-income energy efficiency programs, including programs for eligible housing developments. DHCD shall review and approve funding proposals for such energy efficiency programs, and DMME shall provide technical assistance upon request. Any sums remaining within the account administered by DHCD, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in such account to support low-income energy efficiency programs.

3. Three percent of the revenue shall be used to (i) cover reasonable administrative expenses of the Department in the administration of the revenue allocation, carbon dioxide emissions cap and trade program, and auction and (ii) carry out statewide climate change planning and mitigation activities.

4. Two percent of the revenue shall be used by DHCD, in partnership with DMME, to administer and implement low-income energy efficiency programs pursuant to subdivision 2.

D. The Department, the Department of Conservation and Recreation, DHCD, and DMME shall prepare a joint annual written report describing the Commonwealth's participation in RGGI, the annual reduction in greenhouse gas emissions, the revenues collected and deposited in the interest-bearing account maintained by the Department pursuant to this article, and a description of each way in which money was expended during the fiscal year. The report shall be submitted to the Governor and General Assembly by January 1, 2022, and annually thereafter.

§ 10.1-1331. Energy conversion or energy tolling agreements.

If the Governor seeks to include the Commonwealth as a full participant in RGGI or another carbon trading program with an open auction of allowances, or if the Department implements the final carbon trading regulation as approved by the Board on April 19, 2019, (the Final Regulation) in order to establish a carbon dioxide cap and trade program that limits and reduces the total carbon dioxide emissions released by certain electric generation facilities and that complies with the RGGI model rule, then (i) the definition of the term "life-of-the-unit contractual arrangement" under the Final Regulation shall include any energy conversion or energy tolling agreement that has a primary term of 20 years or more and pursuant to which the purchaser is required to deliver fuel to the CO₂ budget source or CO₂ budget unit and is entitled to receive all of the nameplate capacity and associated energy generated by such source or unit for the entire contractual period and (ii) any purchaser under an energy conversion or energy tolling agreement shall be responsible for acquiring any CO₂ allowances required under the Final Regulation in relation to a CO₂ budget source or CO₂ budget unit that is subject to such agreement.

2. That the costs of allowances purchased through a market-based trading program consistent with the provisions of Article 4 (§ 10.1-1329 et seq.) of Chapter 13 of Title 10.1 of the Code of Virginia as added by this act are deemed to

constitute environmental compliance project costs that may be recovered by a Phase I Utility or Phase II Utility, as defined in subdivision A 1 of § 56-585.1 of the Code of Virginia, pursuant to subdivision A 5 e of § 56-585.1 of the Code of Virginia.

3. That any moneys in the Virginia Shoreline Resiliency Fund as created by Chapter 762 of the Acts of Assembly of 2016 shall remain in the Virginia Community Flood Preparedness Fund pursuant to § 10.1-603.25 of the Code of Virginia, as amended and reenacted by this act.

CHAPTER 1281

An Act to amend and reenact §§ 33.2-2605, 58.1-811, as it is currently effective, 58.1-816, and 58.1-1743 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 33.2-2600.1 and 58.1-802.4, relating to transit funding in the Hampton Roads region.

[S 1038]

Approved April 22, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 33.2-2605, 58.1-811, as it is currently effective, 58.1-816, and 58.1-1743 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 33.2-2600.1 and 58.1-802.4 as follows:

§ 33.2-2600.1. Hampton Roads Regional Transit Program and Fund.

A. The General Assembly declares it to be in the public interest that developing and continuing operations of reliable regional public transportation is important for a balanced and effective multimodal transportation system in the Hampton Roads region and is essential to the region's economic growth, vitality, and competitiveness. The General Assembly further declares that a special transportation program, to be known as the Hampton Roads Regional Transit Program (the Program), should provide for the costs of developing, maintaining, and improving a core regional network of transit routes and related infrastructure, rolling stock, and support facilities that have the greatest positive impacts on economic development potential, employment opportunities, mobility, environmental sustainability, and quality of life. The goal of the Program is to provide a modern, safe, and efficient core network of transit services across the Hampton Roads region. The Program shall be incorporated into strategic plans developed pursuant to § 33.2-286 and adopted by the governing board of each transit entity and shall form the basis for the regional transit planning process coordinated by the federally designated Metropolitan Planning Organization.

B. There is hereby created in the state treasury a special nonreverting fund for Planning District 23 to be known as the Hampton Roads Regional Transit Fund, referred to in this chapter as "the Regional Transit Fund." The Regional Transit Fund shall be established on the books of the Comptroller. All revenues dedicated to the Regional Transit Fund pursuant to §§ 58.1-802.4, 58.1-816, and 58.1-1743 shall be paid into the state treasury and credited to the Regional Transit Fund. Interest earned on moneys in the Regional Transit Fund shall remain in the Regional Transit Fund and be credited to it. Any moneys remaining in the Regional Transit Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Regional Transit Fund.

C. The Regional Transit Fund shall be managed by the Commission, and disbursements from the Regional Transit Fund shall be approved by the Commission consistent with the regional transit planning process developed pursuant to subsection D of § 33.2-286. The moneys deposited in the Regional Transit Fund shall be used solely for (i) the development, maintenance, improvement, and operation of a core and connected regional network of transit routes and related infrastructure, rolling stock, and support facilities, to include the operation of a regional system of interjurisdictional, high-frequency bus service, in a transportation district in Hampton Roads created pursuant to § 33.2-1903 as included in the strategic plans and regional transit planning process developed pursuant to § 33.2-286 and (ii) administrative and operating expenses of the Commission as specified in subsection B of § 33.2-2605. In the allocation of funds, priority shall be given, when possible, to investments in the most sustainable and cost-effective operations, rolling stock, and facilities to reduce or eliminate reliance upon diesel fuels. Funds from the Regional Transit Fund shall not be used to support the expansion of light rail beyond the boundaries of a locality where light rail is operated on January 1, 2020. The amounts dedicated to the Regional Transit Fund shall be deposited monthly by the Comptroller into the Regional Transit Fund and thereafter distributed to the Commission as soon as practicable for use in accordance with this chapter. If the Commission determines that such moneys distributed to it exceed the amount required to meet the current needs and demands to fund transit projects pursuant to this chapter, the Commission may invest such excess moneys to the same extent and in the same manner as provided in subsection A of § 33.2-1525 for excess funds in the Transportation Trust Fund.

D. The amounts deposited into the Regional Transit Fund and the distribution and expenditure of such amounts shall not (i) be used to calculate or reduce the share of federal, state, or local revenues otherwise available to participating localities; (ii) allow a local government that is a member of the transportation district to reduce its local funding for public transportation purposes to an amount less than what was appropriated on July 1, 2019, for such purposes; or (iii) diminish or supplant allocations and appropriations from other sources or diminish allocations to which a transportation district, transit system, or locality would be entitled under any other provisions of law but shall supplement such funds to accelerate and augment transportation improvements in the Hampton Roads region. Further, such revenues and moneys shall not be

included in any computation of, or formula for, a locality's ability to pay for public education, upon which appropriations of state revenues to local governments for public education are determined. Any amounts paid from the Regional Transit Fund shall be considered local funds when used to make a required match for state or federal transportation grant funds.

§ 33.2-2605. Annual budget and allocation of expenses.

A. The Commission shall adopt an annual budget and develop a funding plan and shall provide for such adoption in its bylaws. The funding plan shall provide for the expenditure of funds over a four- to six-year period and shall align with the Statewide Transportation Plan established pursuant to § 33.2-353 as much as possible. The Commission shall solicit public comment on its budget and funding plan by posting a summary of such budget and funding plan on its website and holding a public hearing. Such public hearing shall be advertised on the Commission's website and in a newspaper of general circulation in Planning District 23.

B. The administrative and operating expenses of the Commission shall be provided in an annual budget adopted by the Commission ~~and to~~. To the extent that funds for such expenses are not provided from other sources, *the expenses* shall be paid from the Fund and the Regional Transit Fund on an approximately pro rata basis of the programs supported by the Fund and the Regional Transit Fund. Such budget shall be limited solely to the administrative and operating expenses of the Commission and shall not include any funds for construction or acquisition of transportation facilities or the performance of any transportation service.

C. Members may be reimbursed for all reasonable and necessary expenses provided in §§ 2.2-2813 and 2.2-2825, if approved by the Commission. Funding for the costs of compensation and expenses of the members shall be provided by the Commission.

§ 58.1-802.4. Regional transportation improvement fee.

In addition to any other tax or fee imposed under the provisions of this chapter, a fee, delineated as the "regional transportation improvement fee," is hereby imposed on each deed, instrument, or writing by which lands, tenements, or other realty located in a county or city located in a transportation district in Hampton Roads created pursuant to § 33.2-1903 is sold and is granted, assigned, transferred, or otherwise conveyed to or vested in the purchaser or any other person, by such purchaser's direction. The rate of the fee, when the consideration or value of the interest, whichever is greater, equals or exceeds \$100, shall be \$0.06 for each \$100 or fraction thereof, exclusive of the value of any lien or encumbrance remaining thereon at the time of the sale, whether such lien is assumed or the realty is sold subject to such lien or encumbrance.

The fee imposed by this section shall be paid by the grantor, or any person who signs on behalf of the grantor, of any deed, instrument, or writing subject to the fee imposed by this section; however, the grantor and grantee may arrange for the grantee to pay all or a portion of the fee.

No such deed, instrument, or other writing shall be admitted to record unless certification of the clerk wherein first recorded has been affixed thereto that the fee imposed pursuant to this section has been paid.

Fees imposed by this section shall be collected by the clerk of the court and deposited into the state treasury as soon as practicable. Such fees shall then be deposited into the Regional Transit Fund established in § 33.2-2600.1.

§ 58.1-811. (Contingent expiration date) Exemptions.

A. The taxes imposed by §§ 58.1-801 and 58.1-807 shall not apply to any deed conveying real estate or lease of real estate:

1. To an incorporated college or other incorporated institution of learning not conducted for profit, where such real estate is intended to be used for educational purposes and not as a source of revenue or profit;

2. To an incorporated church or religious body or to the trustee or trustees of any church or religious body, or a corporation mentioned in § 57-16.1, where such real estate is intended to be used exclusively for religious purposes, or for the residence of the minister of any such church or religious body;

3. To the United States, the Commonwealth, or to any county, city, town, district, or other political subdivision of the Commonwealth;

4. To the Virginia Division of the United Daughters of the Confederacy;

5. To any nonstock corporation organized exclusively for the purpose of owning or operating a hospital or hospitals not for pecuniary profit;

6. To a corporation upon its organization by persons in control of the corporation in a transaction which qualifies for nonrecognition of gain or loss pursuant to § 351 of the Internal Revenue Code as it exists at the time of the conveyance;

7. From a corporation to its stockholders upon complete or partial liquidation of the corporation in a transaction which qualifies for income tax treatment pursuant to § 331, 332, 333, or 337 of the Internal Revenue Code as it exists at the time of liquidation;

8. To the surviving or new corporation, partnership, limited partnership, business trust, or limited liability company upon a merger or consolidation to which two or more such entities are parties, or in a reorganization within the meaning of § 368(a)(1)(C) and (F) of the Internal Revenue Code as amended;

9. To a subsidiary corporation from its parent corporation, or from a subsidiary corporation to a parent corporation, if the transaction qualifies for nonrecognition of gain or loss under the Internal Revenue Code as amended;

10. To a partnership or limited liability company, when the grantors are entitled to receive not less than 50 percent of the profits and surplus of such partnership or limited liability company, provided that the transfer to a limited liability company is not a precursor to a transfer of control of the assets of the company to avoid recordation taxes;

11. From a partnership or limited liability company, when the grantees are entitled to receive not less than 50 percent of the profits and surplus of such partnership or limited liability company, provided that the transfer from a limited liability company is not subsequent to a transfer of control of the assets of the company to avoid recordation taxes;

12. To trustees of a revocable inter vivos trust, when the grantors in the deed and the beneficiaries of the trust are the same persons, regardless of whether other beneficiaries may also be named in the trust instrument, when no consideration has passed between the grantor and the beneficiaries;

13. When the grantor is an organization exempt from taxation under § 501(c)(3) of the Internal Revenue Code that is organized and operated primarily to acquire land and purchase materials to erect or rehabilitate low-cost homes on such land, which homes are sold at cost to persons who otherwise would be unable to afford to buy a home through conventional means;

14. When it is a deed of partition, or any combination of deeds simultaneously executed and having the effect of a deed of partition, among joint tenants, tenants in common, or coparceners; or

15. When it is a deed transferring property pursuant to a decree of divorce or of separate maintenance or pursuant to a written instrument incident to such divorce or separation.

B. The taxes imposed by §§ 58.1-803 and 58.1-804 shall not apply to any deed of trust or mortgage:

1. Given by an incorporated college or other incorporated institution of learning not conducted for profit;

2. Given by the trustee or trustees of a church or religious body or given by an incorporated church or religious body, or given by a corporation mentioned in § 57-16.1;

3. Given by any nonstock corporation organized exclusively for the purpose of owning and/or operating a hospital or hospitals not for pecuniary profit;

4. Given by any local governmental entity or political subdivision of the Commonwealth to secure a debt payable to any other local governmental entity or political subdivision;

5. Securing a loan made by an organization described in subdivision A 13;

6. Securing a loan made by a county, city, or town, or an agency of such a locality, to a borrower whose household income does not exceed 80 percent of the area median household income established by the U.S. Department of Housing and Urban Development, for the purpose of erecting or rehabilitating a home for such borrower, including the purchase of land for such home; or

7. Given by any entity organized pursuant to Chapter 9.1 (§ 56-231.15 et seq.) of Title 56.

C. The tax imposed by § 58.1-802 and the fee imposed by §§ 58.1-802.3 and 58.1-802.4 shall not apply to any:

1. Transaction described in subdivisions A 6 through 12, 14, and 15;

2. Instrument or writing given to secure a debt;

3. Deed conveying real estate from an incorporated college or other incorporated institution of learning not conducted for profit;

4. Deed conveying real estate from the United States, the Commonwealth or any county, city, town, district, or other political subdivision thereof;

5. Conveyance of real estate to the Commonwealth or any county, city, town, district, or other political subdivision thereof, if such political unit is required by law to reimburse the parties taxable pursuant to § 58.1-802 or subject to the fee under § 58.1-802.3 or 58.1-802.4; or

6. Deed conveying real estate from the trustee or trustees of a church or religious body or from an incorporated church or religious body, or from a corporation mentioned in § 57-16.1.

D. No recordation tax shall be required for the recordation of any deed of gift between a grantor or grantors and a grantee or grantees when no consideration has passed between the parties. Such deed shall state therein that it is a deed of gift.

E. The tax imposed by § 58.1-807 shall not apply to any lease to the United States, the Commonwealth, or any county, city, town, district, or other political subdivision of the Commonwealth.

F. The taxes and fees imposed by §§ 58.1-801, 58.1-802, 58.1-802.3, 58.1-802.4, 58.1-807, 58.1-808, and 58.1-814 shall not apply to (i) any deed of gift conveying real estate or any interest therein to The Nature Conservancy or (ii) any lease of real property or any interest therein to The Nature Conservancy, where such deed of gift or lease of real estate is intended to be used exclusively for the purpose of preserving wilderness, natural, or open space areas.

G. The words "trustee" or "trustees," as used in subdivisions A 2, B 2, and C 6, include the trustees mentioned in § 57-8 and the ecclesiastical officers mentioned in § 57-16.

H. No recordation tax levied pursuant to this chapter shall be levied on the release of a contractual right, if the release is contained within a single deed that performs more than one function, and at least one of the other functions performed by the deed is subject to the recordation tax.

I. No recordation tax levied pursuant to this chapter shall be levied on a deed, lease, easement, release, or other document recorded in connection with a concession pursuant to the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.) or similar federal law.

J. No recordation tax shall be required for the recordation of any transfer on death deed or any revocation of transfer on death deed made pursuant to the Uniform Real Property Transfer on Death Act (§ 64.2-621 et seq.) when no consideration has passed between the parties.

K. No recordation tax levied pursuant to this chapter shall be required for the recordation of any deed of distribution when no consideration has passed between the parties. Such deed shall state therein on the front page that it is a deed of distribution. As used in this subsection, "deed of distribution" means a deed conveying property from an estate or trust (i) to

the original beneficiaries of a trust from the trustees holding title under a deed in trust; (ii) the purpose of which is to comply with a devise or bequest in the decedent's will or to transfer title to one or more beneficiaries after the death of the settlor in accordance with a dispositive provision in the trust instrument; (iii) that carries out the exercise of a power of appointment; or (iv) is pursuant to the exercise of the power under the Uniform Trust Decanting Act (§ 64.2-779.1 et seq.).

§ 58.1-816. Distribution of recordation tax to cities and counties.

A. Effective October 1, 1993, twenty million dollars of the taxes imposed under §§ 58.1-801 through 58.1-809 which are actually paid into the state treasury, shall be distributed among the counties and cities of this Commonwealth in the manner provided in subsection B of this section. Effective July 1, 1994, such annual distribution shall increase to forty million dollars.

B. Subject to any transfers required under §§ 33.2-2400 and 58.1-816.1, ~~the share of the~~ (i) \$20 million of the state taxes distributable under this section ~~among the counties and cities shall be deposited annually into the fund established pursuant to § 33.2-2600.1, and (ii) the remaining amount of state taxes distributable under this section shall be apportioned and distributed quarterly to each county or city, except for those counties or cities located in a transportation district in Hampton Roads created pursuant to § 33.2-1903, by the Comptroller by multiplying the amount to be distributed by a fraction in which the numerator is the amount of the taxes imposed under §§ 58.1-801 through 58.1-809 and actually paid into the state treasury which are attributable to deeds and other instruments recorded in the county or city and the denominator is the amount of taxes imposed under §§ 58.1-801 through 58.1-809 actually paid into the state treasury. All distributions pursuant to ~~this section clause (ii)~~ shall be made on a quarterly basis within ~~thirty~~ 30 days of the end of the quarter. Such quarterly distribution shall equal ~~ten million dollars one quarter of the annual distribution amount set forth in subsection A available after the distribution required by clause (i).~~ Each clerk of the court shall certify to the Comptroller, within ~~fifteen~~ 15 days after the end of the quarter, all amounts collected under §§ 58.1-801 through 58.1-809 and actually paid into the state treasury which are attributable to deeds and other instruments recorded in such county or city.~~

C. ~~All moneys distributed pursuant to clause (i) of subsection B shall be used in accordance with § 33.2- 2600.1. All moneys distributed to counties and cities pursuant to ~~this section clause (ii) of subsection B shall be used for (i) transportation purposes, including, without limitation, construction, administration, operation, improvement, maintenance, and financing of transportation facilities, or (ii) public education.~~~~

As used in this section, the term "transportation facilities" shall include all transportation-related facilities, including, but not limited to, all highway systems, public transportation or mass transit systems as defined in § 33.2-100, airports as defined in § 5.1-1, and port facilities as defined in § 62.1-140. Such term shall be liberally construed for purposes of this section.

D. If any revenues distributed to a county or city under ~~subsection C of this section clause (ii) of subsection B~~ are applied or expended for any transportation facilities under the control and jurisdiction of any state agency, board, commission, or authority, such transportation facilities shall be constructed, operated, administered, improved, and maintained in accordance with laws, rules, regulations, policies, and procedures governing such state agency, board, commission, or authority; however, in the event ~~that~~ these revenues, or a portion thereof, are expended for improving or constructing highways in a county ~~which that~~ is subject to the provisions of § 33.2-338, such expenditures shall be undertaken in the manner prescribed in that statute.

E. In the case of any distribution to a county or city in which an office sharing agreement pursuant to §§ 15.2-1637 and 15.2-3822 is in effect, the Comptroller shall divide the distribution among the office sharing counties and cities. Each clerk of the court acting pursuant to an office sharing agreement shall certify to the Comptroller, within ~~fifteen~~ 15 days after the end of the quarter, all amounts collected under §§ 58.1-801 through 58.1-809 and actually paid into the state treasury which are attributable to deeds and other instruments recorded on behalf of each county and city.

§ 58.1-1743. Transportation district transient occupancy tax.

A. In addition to all other fees and taxes imposed under law, there is hereby imposed an additional transient occupancy tax at the rate of two percent of the amount of the charge for the occupancy of any room or space occupied in any county or city located in a transportation district established pursuant to Chapter 19 (§ 33.2-1900 et seq.) of Title 33.2 that as of January 1, 2018, meets the criteria established in § 33.2-1936.

B. *In addition to all other fees and taxes imposed under law, there is hereby imposed an additional transient occupancy tax at the rate of one percent of the amount of the charge for the occupancy of any room or space occupied in any county or city located in a transportation district in Hampton Roads created pursuant to § 33.2-1903.*

C. The tax imposed under this section shall be imposed only for the occupancy of any room or space that is suitable or intended for occupancy by transients for dwelling, lodging, or sleeping purposes.

D. The tax imposed under this section shall be administered by the locality in which the room or space is located in the same manner as it administers the tax authorized by § 58.1-3819 or 58.1-3840, mutatis mutandis, except as herein provided. The revenue generated and collected from the tax shall be deposited by the local treasurer into the state treasury pursuant to § 2.2-806 and transferred by the Comptroller into special funds established by law. In the case of the Northern Virginia Transportation District, the revenue generated and collected therein shall be deposited into the fund established in § 33.2-3401. *In the case of a transportation district in Hampton Roads created pursuant to § 33.2-1903, the revenue generated and collected therein shall be deposited into the fund established in § 33.2-2600.1.* For additional transportation districts that may become subject to this section, funds shall be established by appropriate legislation.

2. That the provisions of this act that generate additional revenues through state taxes or fees for transportation in a transportation district in Hampton Roads created pursuant to § 33.2-1903 of the Code of Virginia shall expire on December 31 of any year in which the General Assembly appropriates any of such additional revenues for any non-transportation-related purpose or transfers any of such additional revenues that are to be deposited into the Hampton Roads Regional Transit Fund, as created by this act, or any subfund thereof, pursuant to general law for a non-transportation-related purpose. In the event a local government of any county or city wherein the additional taxes or fees are levied appropriates or allocates any such additional revenues to a non-transportation purpose, such locality shall not be the direct beneficiary of any of the revenues generated by the taxes or fees in the year immediately succeeding the year in which the revenues were appropriated or allocated to a non-transportation purpose.

3. That the Hampton Roads Transportation Planning Organization shall establish a regional transit advisory panel composed of representatives of major business and industry groups, employers, shopping destinations, institutions of higher education, military installations, hospitals and health care centers, public transit entities, and any other groups identified as necessary to provide ongoing advice to the regional planning process required pursuant to § 33.2-286 of the Code of Virginia on the long-term vision for a multimodal regional public transit network in Hampton Roads.

4. That the provisions of § 33.2-2604 of the Code of Virginia shall not apply to decisions of the Hampton Roads Transportation Accountability Commission (the Commission) regarding the disbursement of funds pursuant to § 33.2-2600.1 of the Code of Virginia, as created by this act. The disbursement of funds pursuant to § 33.2-2600.1 of the Code of Virginia, as created by this act, shall require the affirmative vote of two-thirds of the members of the Commission subject to the taxes imposed pursuant to § 58.1-802.4 of the Code of Virginia, as created by this act, and § 58.1-1743 of the Code of Virginia, as amended by this act, and the Commission shall not establish provisions that require the affirmative vote of any members of the Commission not subject to such taxes for the disbursement of funds pursuant to § 33.2-2600.1 of the Code of Virginia, as created by this act.

5. That the provisions of this act amending § 58.1-1743 of the Code of Virginia shall become effective on May 1, 2021.

CHAPTER 1282

An Act to amend and reenact § 19.2-327.1 of the Code of Virginia, relating to post-conviction testing of DNA.

[S 1071]

Approved April 22, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-327.1 of the Code of Virginia is amended and reenacted as follows:

§ 19.2-327.1. Motion by a convicted felon or person adjudicated delinquent for scientific analysis of newly discovered or previously untested scientific evidence; procedure.

A. Notwithstanding any other provision of law or rule of court, any person convicted of a felony or any person who was adjudicated delinquent by a circuit court of an offense that would be a felony if committed by an adult may, by motion to the circuit court that entered the original conviction or the adjudication of delinquency, apply for a new scientific investigation of any human biological evidence related to the case that resulted in the felony conviction or adjudication of delinquency if: (i) the evidence was not known or available at the time the conviction or adjudication of delinquency became final in the circuit court or the evidence was not previously subjected to testing because the testing procedure was not available at the Department of Forensic Science at the time the conviction or adjudication of delinquency became final in the circuit court; (ii) the evidence is subject to a chain of custody sufficient to establish that the evidence has not been altered, tampered with, or substituted in any way; (iii) the testing is materially relevant, noncumulative, and necessary and may prove the actual innocence of the convicted person or the person adjudicated delinquent; (iv) the testing requested involves a scientific method employed by the Department of Forensic Science generally accepted within the relevant scientific community; and (v) the person convicted or adjudicated delinquent has not unreasonably delayed the filing of the petition after the evidence or the test for the evidence became available at the Department of Forensic Science.

B. The petitioner shall assert categorically and with specificity, under oath, the facts to support the items enumerated in subsection A and (i) the crime for which the person was convicted or adjudicated delinquent, (ii) the reason or reasons the evidence was not known or tested by the time the conviction or adjudication of delinquency became final in the circuit court, and (iii) the reason or reasons that the newly discovered or untested evidence may prove the actual innocence of the person convicted or adjudicated delinquent. Such motion shall contain all relevant allegations and facts that are known to the petitioner at the time of filing and shall enumerate and include all previous records, applications, petitions, and appeals and their dispositions.

C. The petitioner shall serve a copy of such motion upon the attorney for the Commonwealth. The Commonwealth shall file its response to the motion within 30 days of the receipt of service. The court shall, no sooner than 30 and no later than 90 days after such motion is filed, hear the motion. Motions made by a petitioner under a sentence of death shall be given priority on the docket.

D. The court shall, after a hearing on the motion, set forth its findings specifically as to each of the items enumerated in subsections A and B and either (i) dismiss the motion for failure to comply with the requirements of this section or (ii) dismiss the motion for failure to state a claim upon which relief can be granted or (iii) order that the testing be done by the Department of Forensic Science based on a finding of clear and convincing evidence that the requirements of subsection A have been met.

E. The court shall order the tests to be performed by:

1. A laboratory mutually selected by the Commonwealth and the applicant; or
2. A laboratory selected by the court that ordered the testing if the Commonwealth and the applicant are unable to agree on a laboratory.

If the testing is conducted by the Department of Forensic Science and, the court shall prescribe in its order, pursuant to standards and guidelines established by the Department, the method of custody, transfer, and return of evidence submitted for scientific investigation sufficient to insure and protect the Commonwealth's interest in the integrity of the evidence. The results of any such testing shall be furnished simultaneously to the court, the petitioner and his attorney of record and the attorney for the Commonwealth. The Department of Forensic Science shall give testing priority to cases in which a sentence of death has been imposed. The results of any tests performed and any hearings held pursuant to this section shall become a part of the record.

If the testing is not conducted by the Department of Forensic Science, it shall be conducted by a laboratory that is accredited by an accrediting body that requires conformance to forensic-specific requirements and that is a signatory to the International Laboratory Accreditation Cooperation (ILAC) Mutual Recognition Arrangement with a scope of accreditation that covers the testing being performed and follows the appropriate Quality Assurance Standards issued by the Federal Bureau of Investigation.

F. Nothing in this section shall constitute grounds to delay setting an execution date pursuant to § 53.1-232.1 or to grant a stay of execution that has been set pursuant to clause (iii) or (iv) of § 53.1-232.1.

G. An action under this section or the performance of any attorney representing the petitioner under this section shall not form the basis for relief in any habeas corpus proceeding or any other appeal. Nothing in this section shall create any cause of action for damages against the Commonwealth or any of its political subdivisions or any officers, employees or agents of the Commonwealth or its political subdivisions.

H. In any petition filed pursuant to this chapter, the petitioner is entitled to representation by counsel subject to the provisions of Article 3 (§ 19.2-157 et seq.) of Chapter 10.

CHAPTER 1283

REENROLLED

An Act to amend and reenact Chapter 854 of the 2019 Acts of Assembly, which appropriated the public revenues and provided a portion of such revenues for the two years ending, respectively, on the thirtieth day of June, 2019, and the thirtieth day of June, 2020; and a BILL to amend and reenact § 58.1-638 of the Code of Virginia and to repeal the fifth enactment of Chapter 17 and the fifth enactment of Chapter 18 of the Acts of Assembly of 2019.

[H 29]

Approved April 24, 2020

Be it enacted by the General Assembly of Virginia:

1. That Items 4, 6, 40, 41, 42, 58, 81, 83, 103, 105, 123, 126, 129, 134, 135, 136, 195, 227, 234, 242, 259, 265, 266, 279, 281, 282, 297, 302, 303, 305, 307, 309, 310, 311, 312, 316, 317, 321, 325, 328, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 352, 355, 358, 363, 370, 371, 372, 373, 377, 385, 390, 391, 439, 448, 449, 450, 451, 452, 453, 454, 455, 474, 475, 481, 482, 488, § 2-0, C-6.20, C-19, C-22.50, C-46, C-47, C-48, C-48.10, C-50, C-53, § 3-1.01, C 3-2.03, § 3-4.01, § 3-5.03, § 3-5.09, § 3-5.14, § 3-5.21, § 4-0.01, § 4-1.05, § 4-2.01, § 4-2.02, § 4-3.02, § 4-5.03, § 4-5.04, § 4-5.10, § 4-6.01, § 4-8.01, and § 4-14.00 of Chapter 854 of the 2019 Acts of Assembly, be hereby amended and reenacted and that the cited chapter be further amended by adding Items 476.10, C-13.05, C-33.10, and § 3-5.23, and that the cited chapter be further amended by striking therefrom § 4-5.11.

2. §1. The following are hereby appropriated, for the current biennium, as set forth in succeeding parts, sections and items, for the purposes stated and for the years indicated:

A. The balances of appropriations made by previous acts of the General Assembly which are recorded as unexpended, as of the close of business on the last day of the previous biennium, on the final records of the State Comptroller; and

B. The public taxes and arrears of taxes, as well as moneys derived from all other sources, which shall come into the state treasury prior to the close of business on the last day of the current biennium. The term "moneys" means nontax revenues of all kinds, including but not limited to fees, licenses, services and contract charges, gifts, grants, and donations, and projected revenues derived from proposed legislation contingent upon General Assembly passage.

§ 2. Such balances, public taxes, arrears of taxes, and monies derived from all other sources as are not segregated by law to other funds, which funds are defined by the State Comptroller, pursuant to § 2.2-803, Code of Virginia, shall establish and constitute the general fund of the state treasury.

§ 3. The appropriations made in this act from the general fund are based upon the following:

	First Year	Second Year	Total
Unreserved Balance, June 30, 2018	\$1,229,941,000	\$0	\$1,229,941,000
		<i>\$1,930,619,607</i>	<i>\$3,160,560,607</i>
Additions to Balance	(\$723,275,506)	-\$336,198,952	(\$387,076,554)
		<i>(\$1,362,416,187)</i>	<i>(\$2,085,691,693)</i>
Official Revenue Estimates	\$20,528,667,750	-\$21,556,728,000	\$42,085,395,750
		<i>\$21,972,000,000</i>	<i>\$42,500,667,750</i>
Transfer	\$639,095,037	-\$635,773,381	\$1,274,868,418
		<i>\$701,725,756</i>	<i>\$1,340,820,793</i>
Total General Fund Resources Available for Appropriation	\$21,674,428,281	-\$22,528,700,333	\$44,203,128,614
		<i>\$23,241,929,176</i>	<i>\$44,916,357,457</i>

The appropriations made in this act from nongeneral fund revenues are based upon the following:

	First Year	Second Year	Total
Balance, June 30, 2018	\$6,342,196,144	\$0	\$6,342,196,144
Official Revenue Estimates	\$31,403,525,053	\$35,070,229,412	\$66,473,754,465
		<i>\$36,178,116,162</i>	<i>\$67,581,641,215</i>
Lottery Proceeds Fund	\$632,398,647	\$628,830,501	\$1,261,229,148

		<i>\$613,449,864</i>	<i>\$1,245,848,511</i>
Internal Service Fund	\$2,099,646,770	\$2,071,214,416	\$4,170,861,186
		<i>\$2,070,676,464</i>	<i>\$4,170,323,234</i>
Bond Proceeds	\$1,112,897,936	\$1,243,269,436	\$2,356,167,372
		<i>\$1,319,737,172</i>	<i>\$2,432,635,108</i>
Total Nongeneral Fund Revenues Available for			
Appropriation	\$41,590,664,550	\$39,013,543,765	\$80,604,208,315
		<i>\$40,181,979,662</i>	<i>\$81,772,644,212</i>
TOTAL PROJECTED REVENUES	\$63,265,092,831	\$61,542,244,098	\$124,807,336,929
		<i>\$63,423,908,838</i>	<i>\$126,689,001,669</i>

§ 4. Nongeneral fund revenues which are not otherwise segregated pursuant to this act shall be segregated in accordance with the acts respectively establishing them.

§ 5. The sums herein appropriated are appropriated from the fund sources designated in the respective items of this act.

§ 6. When used in this act the term:

A. "Current biennium" means the period from the first day of July two thousand eighteen, through the thirtieth day of June two thousand twenty, inclusive.

B. "Previous biennium" means the period from the first day of July two thousand sixteen, through the thirtieth day of June two thousand eighteen, inclusive.

C. "Next biennium" means the period from the first day of July two thousand twenty, through the thirtieth day of June two thousand twenty-two, inclusive.

D. "State agency" means a court, department, institution, office, board, council or other unit of state government located in the legislative, judicial, or executive departments or group of independent agencies, or central appropriations, as shown in this act, and which is designated in this act by title and a three-digit agency code.

E. "Nonstate agency" means an organization or entity as defined in § 2.2-1505 C, Code of Virginia.

F. "Authority" sets forth the general enabling statute, either state or federal, for the operation of the program for which appropriations are shown.

G. "Discretionary" means there is no continuing statutory authority which infers or requires state funding for programs for which the appropriations are shown.

H. "Appropriation" shall include both the funds authorized for expenditure and the corresponding level of full-time equivalent employment.

I. "Sum sufficient" identifies an appropriation for which the Governor is authorized to exceed the amount shown in the Appropriation Act if required to carry out the purpose for which the appropriation is made.

J. "Item Details" indicates that, except as provided in § 6 H above, the numbers shown under the columns labeled Item Details are for information reference only.

K. Unless otherwise defined, terms used in this act dealing with budgeting, planning and related management actions are defined in the instructions for preparation of the Executive Budget.

§ 7. The total appropriations from all sources in this act have been allocated as follows:

	BIENNIUM 2018-20		
	General Fund	Nongeneral Fund	Total
OPERATING EXPENSES	\$44,190,797,183	\$76,379,925,389	\$120,570,722,572
	<i>\$43,726,249,075</i>	<i>\$77,087,693,008</i>	<i>\$120,813,942,083</i>
LEGISLATIVE DEPARTMENT	\$195,122,878	\$7,878,620	\$203,001,498
	<i>\$195,757,878</i>	<i>\$8,092,048</i>	<i>\$203,849,926</i>
JUDICIAL DEPARTMENT	\$1,002,962,598	\$67,346,128	\$1,070,308,726
	<i>\$1,007,462,598</i>		<i>\$1,074,808,726</i>

EXECUTIVE DEPARTMENT	\$42,992,244,014	\$74,322,965,586	\$117,315,209,600
	\$42,522,560,906	\$75,029,470,777	\$117,552,031,683
INDEPENDENT AGENCIES	\$467,693	\$1,981,735,055	\$1,982,202,748
		\$1,982,784,055	\$1,983,251,748
STATE GRANTS TO NONSTATE AGENCIES	\$0	\$0	\$0
CAPITAL OUTLAY EXPENSES	\$4,704,000	\$2,798,237,302	\$2,802,941,302
	\$4,824,000	\$2,878,705,038	\$2,883,529,038
TOTAL	\$44,195,501,183	\$79,178,162,691	\$123,373,663,874
	\$43,731,073,075	\$79,966,398,046	\$123,697,471,121

§ 8. This chapter shall be known and may be cited as the "2020 Amendments to the 2019 Appropriation Act."

ITEM 1.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020

PART 1: OPERATING EXPENSES

LEGISLATIVE DEPARTMENT

- 1. Not set out.
- 2. Not set out.
- 3. Not set out.

§ 1-1. DIVISION OF CAPITOL POLICE (961)

4.	Administrative and Support Services (39900).....			\$10,831,214	\$10,580,214 \$11,215,214
	Security Services (39923).....	\$10,831,214	\$10,580,214 \$11,215,214		
	Fund Sources: General.....	\$10,831,214	\$10,580,214 \$11,215,214		

Authority: Title 30, Chapter 3.1, Code of Virginia.

A. Out of this appropriation shall be paid the annual salary of the Chief, Division of Capitol Police, \$120,000 from July 1, 2018 to June 30, 2019 and \$120,000 from July 1, 2019 to June 30, 2020.

	Total for Division of Capitol Police.....			\$10,831,214	\$10,580,214 \$11,215,214
	General Fund Positions.....	108.00	109.00		
	Position Level.....	108.00	109.00		
	Fund Sources: General.....	\$10,831,214	\$10,580,214 \$11,215,214		

- 5. Not set out.

§ 1-2. DIVISION OF LEGISLATIVE SERVICES (107)

6.	Legislative Research and Analysis (78400).....			\$7,147,757	\$6,884,115 \$7,097,543
	Bill Drafting and Preparation (78401).....	\$7,147,757	\$6,884,115 \$7,097,543		
	Fund Sources: General.....	\$6,864,081	\$6,864,081		
	Special.....	\$283,676	\$20,034 \$233,462		

Authority: Title 30, Chapter 2.2, Code of Virginia.

A. Out of this appropriation shall be paid the annual salary of the Director, Division of Legislative Services, \$157,374 from July 1, 2018 to June 24, 2019 and \$157,374 from June 25, 2019, to June 30, 2020.

B. Notwithstanding the salary set out in paragraph A. of this item, the Committee on Joint Rules may establish a salary range for the Director, Division of Legislative Services.

C. The Division of Legislative Services shall continue to provide administrative support to include payroll processing, accounting, and travel expense processing at no charge to the Chesapeake Bay Commission, the Joint Commission on Health Care, the Virginia Commission on Youth, and the Virginia State Crime Commission.

D. Out of this appropriation, \$250,000 the first year from the general fund is provided to

ITEM 6.	Item Details(\$)		Appropriations(\$)																					
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020																				
<p>support the work of the Senate Joint Resolution 47 (2014) Joint Subcommittee to Study Mental Health Services in the Commonwealth in the 21st Century. The funding may be used to contract for expertise and assistance in its work to evaluate the community-based system of service delivery or other related topics as required by the work of the Joint Subcommittee. Any contractor hired shall evaluate the current system along with alternative delivery systems to provide the necessary information and assistance to the subcommittee in determining the most appropriate delivery system, or modifications to the current delivery system, that ensures access, quality, consistency, and accountability. Any remaining balance at year-end shall be carried forward to the subsequent fiscal year.</p> <p>E. Included in this item is \$263,642 in the first year <i>and</i> \$213,428 in the second year from dedicated special revenue to implement the recommendations of the Chesapeake Bay Restoration Fund Advisory Committee.</p> <p>F. Out of the amounts re-appropriated to the Division of Legislative Services from prior year unexpended balances, an amount estimated at \$250,000 shall be available to cover expenses incurred for legislative redistricting, which is required after the 2020 Census.</p>																								
Total for Division of Legislative Services.....			\$7,147,757	\$6,884,115 \$7,097,543																				
<table border="0" style="width: 100%;"> <tr> <td style="width: 50%;">General Fund Positions.....</td> <td style="width: 15%;">56.00</td> <td style="width: 15%;">56.00</td> <td colspan="2"></td> </tr> <tr> <td>Position Level.....</td> <td>56.00</td> <td>56.00</td> <td colspan="2"></td> </tr> <tr> <td>Fund Sources: General.....</td> <td>\$6,864,081</td> <td>\$6,864,081</td> <td colspan="2"></td> </tr> <tr> <td style="padding-left: 20px;">Special.....</td> <td>\$283,676</td> <td>\$20,034 \$233,462</td> <td colspan="2"></td> </tr> </table>					General Fund Positions.....	56.00	56.00			Position Level.....	56.00	56.00			Fund Sources: General.....	\$6,864,081	\$6,864,081			Special.....	\$283,676	\$20,034 \$233,462		
General Fund Positions.....	56.00	56.00																						
Position Level.....	56.00	56.00																						
Fund Sources: General.....	\$6,864,081	\$6,864,081																						
Special.....	\$283,676	\$20,034 \$233,462																						
7.	Not set out.																							
8.	Not set out.																							
9.	Not set out.																							
10.	Not set out.																							
11.	Not set out.																							
12.	Not set out.																							
13.	Not set out.																							
14.	Not set out.																							
15.	Not set out.																							
16.	Not set out.																							
17.	Not set out.																							
18.	Not set out.																							
19.	Not set out.																							
20.	Not set out.																							
21.	Not set out.																							
22.	Not set out.																							

ITEM 23.		Item Details(\$)		Appropriations(\$)	
		First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
23.	Not set out.				
24.	Not set out.				
25.	Not set out.				
26.	Not set out.				
26.10	Not set out.				
	Grand Total for Division of Legislative Services.....			\$9,048,480	\$8,784,838 \$8,998,266
	General Fund Positions.....	67.50	67.50		
	Position Level.....	67.50	67.50		
	Fund Sources: General.....	\$8,740,709	\$8,740,709		
	Special.....	\$307,771	\$44,129 \$257,557		
27.	Not set out.				
28.	Not set out.				
29.	Not set out.				
30.	Not set out.				
31.	Not set out.				
32.	Not set out.				
33.	Not set out.				
34.	Not set out.				
	TOTAL FOR LEGISLATIVE DEPARTMENT.....			\$101,685,070	\$101,316,428 \$102,164,856
	General Fund Positions.....	597.50	600.50		
	Nongeneral Fund Positions.....	32.50	32.50		
	Position Level.....	630.00	633.00		
	Fund Sources: General.....	\$97,738,939	\$97,383,939 \$98,018,939		
	Special.....	\$3,689,533	\$3,675,891 \$3,889,319		
	Trust and Agency.....	\$118,945	\$118,945		
	Federal Trust.....	\$137,653	\$137,653		

ITEM 35.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020

JUDICIAL DEPARTMENT

§ 1-3. SUPREME COURT (111)

- 35. Not set out.
- 36. Not set out.
- 37. Not set out.
- 38. Not set out.
- 39. Not set out.

Circuit Courts (113)

40.	Pre-Trial, Trial, and Appellate Processes (32100)....		\$113,976,455	\$117,024,675
	Trial Processes (32103).....	\$49,546,226	\$52,434,446	
	Other Court Costs And Allowances (Criminal Fund) (32104).....	\$64,430,229	\$64,590,229	
	Fund Sources: General.....	\$113,971,455	\$117,019,675	
	Special.....	\$5,000	\$5,000	

Authority: Article VI, Section 1, Constitution of Virginia; Title 17.1, Chapter 5; § 19.2-163, Code of Virginia.

A. Out of the amounts in this Item for Trial Processes shall be paid:

1. The annual salaries of Circuit Court judges, each at \$171,120 from July 1, 2018 to June 9, 2019, \$174,542 from June 10, 2019 to June 30, 2020. Such salaries shall represent the total compensation from all sources for Circuit Court judges.
2. Expenses necessarily incurred for the position of judge of the Circuit Court, including clerk hire not exceeding \$1,500 a year for each judge.
3. The state's share of expenses incident to the prosecution of a petition for a writ of habeas corpus by an indigent petitioner, including payment of counsel fees as fixed by the Court; the expenses shall be paid upon receipt of an appropriate order from a Circuit Court.
4. A circuit court judge shall only be reimbursed for mileage for commuting if the judge has to travel to a courthouse in a county or city other than the one in which the judge resides and the distance between the judge's residence and the courthouse is greater than 25 miles.

B. The Chief Circuit Court Judge shall restrict the appointment of special justices to conduct involuntary mental commitment hearings to those unusual instances when no General District Court or Juvenile and Domestic Relations District Court Judge can be made available or when the volume of the hearings would require more than eight hours a week.

C. There is hereby reappropriated the unexpended balance remaining at the close of business on June 30, 2018, in the appropriation made in Item 42, Chapter 836, Acts of Assembly of 2017, in the item detail Other Court Costs and Allowances (Criminal Fund) and the balance remaining in this item detail on June 30, 2019.

D. The appropriation in this Item for Other Court Costs and Allowances (Criminal Fund) shall be used to implement the provisions of § 8.01-384.1:1, Code of Virginia.

E.1. General fund appropriations for Other Court Costs and Allowances (Criminal Fund)

ITEM 40.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
	total \$ 124,909,073 the first year and \$ 124,909,073 \$129,409,073 the second year in this Item and Items 35, 39, 41, 42 and 43.			
	<p>2. The Chief Justice of the Supreme Court of Virginia shall determine how the amounts appropriated to Other Courts Costs and Allowances (Criminal Fund) will be allocated, consistent with statutory provisions in the Code of Virginia. Funds within these appropriations are to be used to fund fully the statutory caps on compensation applicable to attorneys appointed by the court to defend criminal charges. Should this appropriation not be sufficient to fund fully all of the statutory caps on compensation as established by § 19.2-163, Code of Virginia, that this appropriation shall be applied first to fully fund the statutory caps for the most serious noncapital felonies and then, should funds still remain in this appropriation, to the other statutory caps, in declining order of the severity of the charges to which each cap is applicable.</p>			
	<p>3. Out of the amount appropriated from the general fund for Other Court Costs and Allowances (Criminal Fund) in this Item, there shall be transferred an amount not to exceed \$880,000 the first year and not to exceed \$880,000 the second year to the Criminal Injuries Compensation Fund, administered by the Virginia Workers' Compensation Commission, for the administration of the physical evidence recovery kit (PERK) program.</p>			
	<p>4. Notwithstanding the provisions of § 19.2-163, Code of Virginia, the amount of compensation allowed to counsel appointed by the court to defend a felony charge that may be punishable by death shall be calculated on an hourly basis at a rate set by the Supreme Court of Virginia.</p>			
	<p>F.1. For any hearing conducted pursuant to § 19.2-306, Code of Virginia, the circuit court shall have presented to it a sentencing revocation report prepared on a form designated by the Virginia Criminal Sentencing Commission indicating the condition or conditions of the suspended sentence, good behavior, or probation supervision that the defendant has allegedly violated.</p>			
	<p>2. For any hearing conducted pursuant to § 19.2-306 in which the defendant is cited for violation of a condition or conditions other than a new criminal offense conviction, the court shall also have presented to it the applicable probation violation guideline worksheets established pursuant to Chapter 1042 of the Acts of Assembly 2003. The court shall review and consider the suitability of the discretionary probation violation guidelines. Before imposing sentence, the court shall state for the record that such review and consideration have been accomplished and shall make the completed worksheets a part of the record of the case and open for inspection. In hearings in which the court imposes a sentence that is either greater or less than that indicated by the discretionary probation violation guidelines, the court shall file with the record of the case a written explanation of such departure.</p>			
	<p>3. Following any hearing conducted pursuant to § 19.2-306 and the entry of a final order, the clerk of the circuit court in which the hearing was held shall cause a copy of such order or orders, the original sentencing revocation report, any applicable probation violation guideline worksheets prepared in the case, and a copy of any departure explanation prepared pursuant to subsection F.2., to be forwarded to the Virginia Criminal Sentencing Commission within 30 days.</p>			
	<p>4. The failure to follow any or all of the provisions specified in F.1. through F.3 or the failure to follow any or all of these provisions in the prescribed manner shall not be reviewable on appeal or the basis of any other post-hearing relief.</p>			
	<p>G. Mandated changes or improvements to court facilities pursuant to § 15.2-1643, Code of Virginia, or otherwise, including any new construction, shall be delayed at the request of the local governing body in which the court is located until June 30, 2020. The provisions of this item shall not apply to facilities that were subject to litigation on or before November 30, 2008.</p>			
	<p>H. In order to reduce expenditures through the Criminal Fund for court-appointed counsel, effective July 1, 2014, compensation paid to attorneys appointed pursuant to Virginia Code § 53.1-40 shall be limited to \$55 per hour, with a maximum per diem compensation of \$200, plus reasonable expenses, to be paid from the Criminal Fund.</p>			
	<p>I.1. Notwithstanding the provisions of § 19.2-155, Code of Virginia, in cases where an</p>			

ITEM 40.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
<p>Attorney for the Commonwealth must recuse himself from a case or a special prosecutor must be appointed, the circuit court judge must appoint an Attorney for the Commonwealth or an Assistant Attorney for the Commonwealth from another jurisdiction. If the circuit court judge determines that the appointment of such Attorney for the Commonwealth or such Assistant Attorney for the Commonwealth is not appropriate or that such an attorney or assistant is unavailable then the judge must request approval from the Executive Secretary of the Supreme Court for an exception to this requirement.</p> <p>2. The Executive Secretary of the Supreme Court shall include in the annual report required in paragraph A. of Item 38 information on the number of exceptions granted related to special prosecutors and the related expenditures.</p> <p>J. Notwithstanding any other provisions of Chapter 23 of Title 8.1 of the Code of Virginia, a reasonable fee not to exceed \$150 may be charged by Commissioners of Accounts for any foreclosures on a timeshare estate to reimburse them for the reasonable costs associated therewith.</p> <p>K. Sufficient funding is provided in the second year appropriation for this item to fill all circuit court judgeships authorized pursuant to § 17.1-507, Code of Virginia, as of July 1, 2019.</p>				
Total for Circuit Courts.....			\$113,976,455	\$117,024,675
General Fund Positions.....	165.00	165.00		
Position Level.....	165.00	165.00		
Fund Sources: General.....	\$113,971,455	\$117,019,675		
Special.....	\$5,000	\$5,000		

General District Courts (114)

41.	Pre-Trial, Trial, and Appellate Processes (32100)....			\$117,958,469	\$120,337,475 \$122,587,475
	Trial Processes (32103).....	\$96,960,139	\$99,339,145		
	Other Court Costs And Allowances (Criminal Fund) (32104).....	\$15,069,165	\$15,069,165 \$17,319,165		
	Involuntary Mental Commitments (32105).....	\$5,929,165	\$5,929,165		
	Fund Sources: General.....	\$117,958,469	\$120,337,475 \$122,587,475		

Authority: Article VI, Section 8, Constitution of Virginia; §§ 16.1-69.1 through 16.1-137, 19.2-163 and 37.2-809 et seq., Code of Virginia.

A. Out of the amounts in this Item for Trial Processes shall be paid:

1. The annual salaries of all General District Court judges, \$154,017 from July 1, 2018 to June 9, 2019, \$ 157,097 from June 10, 2019 to June 30, 2020. Such salary shall be 90 percent of the annual salary fixed by law for judges of the Circuit Courts and shall represent the total compensation for General District Court Judges and incorporate all supplements formerly paid by the various localities.

2. The salaries of substitute judges and court personnel.

B. There is hereby reappropriated the unexpended balances remaining at the close of business on June 30, 2018, in the appropriation made in Item 43, Chapter 836, Acts of Assembly of 2017 in the item details Other Court Costs and Allowances (Criminal Fund) and Involuntary Mental Commitments and the balances remaining in these item details on June 30, 2019.

C. Any balance, or portion thereof, in the item detail Involuntary Mental Commitments, may be transferred between Items 41, 42, 43, and 300, as needed, to cover any deficits incurred for Involuntary Mental Commitments by the Supreme Court or the Department of Medical Assistance Services.

ITEM 41.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
D. The appropriation in this Item for Other Court Costs and Allowances (Criminal Fund) shall be used to implement the provisions of § 8.01-384.1:1, Code of Virginia.				
E. Out of the amount appropriated from the general fund for Other Court Costs and Allowances (Criminal Fund) in this Item, there shall be transferred an amount not to exceed \$40,000 the first year and not to exceed \$40,000 the second year to the Criminal Injuries Compensation Fund, administered by the Virginia Workers' Compensation Commission, for the administration of the physical evidence recovery kit (PERK) program.				
F. A district court judge shall only be reimbursed for mileage for commuting if the judge has to travel to a courthouse in a county or city other than the one in which the judge resides and the distance between the judge's residence and the courthouse is greater than 25 miles.				
G. Upon the retirement or separation from employment of any chief general district court clerks from the 7th judicial district or the 13th judicial district, any vacant chief clerk positions in excess of one chief clerk for each general district court shall be reallocated by the Committee on District Courts to district courts with the highest documented unmet staffing requirements.				
H. Sufficient funding is provided in the second year appropriation for this item to fill all general district court judgeships authorized pursuant to § 16.1-69.6:1, Code of Virginia, as of July 1, 2019.				
Total for General District Courts.....			\$117,958,469	\$120,337,475 <i>\$122,587,475</i>
General Fund Positions.....	1,056.10	1,056.10		
Position Level.....	1,056.10	1,056.10		
Fund Sources: General.....	\$117,958,469	\$120,337,475 <i>\$122,587,475</i>		

Juvenile and Domestic Relations District Courts (115)

42. Pre-Trial, Trial, and Appellate Processes (32100).....			\$98,711,729	\$102,676,739 <i>\$104,926,739</i>
Trial Processes (32103).....	\$66,639,631	\$70,604,641		
Other Court Costs And Allowances (Criminal Fund) (32104).....	\$31,807,351	\$31,807,351 <i>\$34,057,351</i>		
Involuntary Mental Commitments (32105).....	\$264,747	\$264,747		
Fund Sources: General.....	\$98,711,729	\$102,676,739 <i>\$104,926,739</i>		

Authority: Article VI, Section 8, Constitution of Virginia; §§ 16.1-69.1 through 16.1-69.58, 16.1-226 through 16.1-334, 19.2-163 and 37.2-809 through 37.2-813., Code of Virginia.

A. Out of the amounts in this Item for Trial Processes shall be paid:

1. The annual salaries of all full-time Juvenile and Domestic Relations District Court Judges, \$154,017 from July 1, 2018 to June 9, 2019, \$ 157,097 from June 10, 2019 to June 30, 2020. Such salary shall be 90 percent of the annual salary fixed by law for judges of the Circuit Courts and shall represent the total compensation for Juvenile and Domestic Relations District Court Judges.

2. The salaries of substitute judges and court personnel.

B. There is hereby reappropriated the unexpended balances remaining at the close of business on June 30, 2018, in the appropriation made in Item 44, Chapter 836, Acts of Assembly of 2017, in the Item details Other Court Costs and Allowances (Criminal Fund) and Involuntary Mental Commitments and the balances remaining in these item details on June 30, 2019.

C. Any balance, or portion thereof, in the Item detail Involuntary Mental Commitments, may be transferred between Items 41, 42, 43, and 300, as needed, to cover any deficits incurred for Involuntary Mental Commitments by the Supreme Court or the Department of Medical Assistance Services.

ITEM 42.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
D. The appropriation in this Item for Other Court Costs and Allowances (Criminal Fund) shall be used to implement the provisions of § 8.01-384.1:1, Code of Virginia.				
E. Out of the amount appropriated from the general fund for Other Court Costs and Allowances (Criminal Fund) in this Item, there shall be transferred an amount not to exceed \$870,000 the first year and not to exceed \$870,000 the second year to the Criminal Injuries Compensation Fund, administered by the Virginia Workers' Compensation Commission for the administration of the physical evidence recovery kit (PERK) program.				
F. Sufficient funding is provided in the second year appropriation for this item to fill all juvenile and domestic relations court judgeships authorized pursuant to § 16.1-69.6:1, Code of Virginia, as of July 1, 2019.				
Total for Juvenile and Domestic Relations District Courts.....			\$98,711,729	\$102,676,739 <i>\$104,926,739</i>
	General Fund Positions.....	617.10	617.10	
	Position Level.....	617.10	617.10	
	Fund Sources: General.....	\$98,711,729	<i>\$102,676,739</i> \$104,926,739	
43.	Not set out.			
44.	Not set out.			
Grand Total for Supreme Court.....			\$447,109,202	\$456,789,726 <i>\$461,289,726</i>
	General Fund Positions.....	2,708.71	2,708.71	
	Nongeneral Fund Positions.....	8.00	8.00	
	Position Level.....	2,716.71	2,716.71	
	Fund Sources: General.....	\$437,825,226	\$447,505,750 \$452,005,750	
	Special.....	\$308,655	\$308,655	
	Dedicated Special Revenue.....	\$7,675,321	\$7,675,321	
	Federal Trust.....	\$1,300,000	\$1,300,000	
45.	Not set out.			
46.	Not set out.			
47.	Not set out.			
48.	Not set out.			
49.	Not set out.			
50.	Not set out.			
TOTAL FOR JUDICIAL DEPARTMENT.....			\$529,358,799	\$540,949,927 <i>\$545,449,927</i>
	General Fund Positions.....	3,267.71	3,287.71	
	Nongeneral Fund Positions.....	106.00	106.00	
	Position Level.....	3,373.71	3,393.71	
	Fund Sources: General.....	\$495,685,735	\$507,276,863 \$511,776,863	
	Special.....	\$9,457,292	\$9,457,292	
	Dedicated Special Revenue.....	\$22,915,772	\$22,915,772	

ITEM 50.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
Federal Trust.....	\$1,300,000	\$1,300,000		

ITEM 51.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020

EXECUTIVE DEPARTMENT

EXECUTIVE OFFICES

- 51. Not set out.
- 52. Not set out.
- 53. Not set out.
- 54. Not set out.
- 55. Not set out.

§ 1-4. ATTORNEY GENERAL AND DEPARTMENT OF LAW (141)

56.	Not set out.			
57.	Not set out.			
58.	Regulation of Business Practices (55200).....		\$3,486,677	\$3,486,677 \$3,736,677
	Regulatory and Consumer Advocacy (55201).....	\$3,486,677	\$3,486,677 \$3,736,677	
	Fund Sources: General.....	\$2,067,020	\$2,067,020	
	Special.....	\$1,419,657	\$1,419,657 \$1,669,657	

Authority: Title 2.2, Chapter 5, Code of Virginia.

Included in this Item is \$750,000 the first year and ~~\$750,000~~ \$1,000,000 the second year from special funds for the Regulatory, Consumer Advocacy, Litigation, and Enforcement Revolving Trust Fund as established in Item 48 of Chapter 966 of the Acts of Assembly 1994 and amended herein. The Department of Law is authorized to deposit to the fund any fees, civil penalties, costs, recoveries, or other moneys which from time to time may become available as a result of regulatory and consumer advocacy litigation, litigation in which the Office of the Attorney General participates, or civil enforcement efforts including, but not limited to, those brought pursuant to Article 1 (§ 3.2-4200 et seq.) and Article 3 (§ 3.2-4204 et seq.) of Chapter 42 of Title 3.2 of the Code of Virginia. The Department of Law is also authorized to deposit to the fund any attorneys' fees which from time to time may be obtained. Any deposit to, and interest earnings on, the fund shall be retained in the fund, provided, however, that any amounts contained in the fund that exceed \$750,000 on the final day of the fiscal year ending June 30, 2019 and \$1,250,000 on the final day of the fiscal year ending June 30, 2020 shall be deposited to the credit of the general fund. In addition to the uses of the fund permitted by Item 48 of Chapter 966 of the Acts of Assembly of 1994, the fund may be used to pay costs associated with enforcement efforts pursuant to Article 1 (§ 3.2-4200 et seq.) and Article 3 (§ 3.2-4204 et seq.) of Chapter 42 of Title 3.2 of the Code of Virginia, costs associated with litigation initiated by the Office of the Attorney General, and costs associated with civil commitment procedures pursuant to Chapter 9 of Title 37.2 of the Code of Virginia.

59.	Not set out.			
60.	Not set out.			
	Total for Attorney General and Department of Law		\$53,648,013	\$52,854,456 \$53,104,456
	General Fund Positions.....	236.75	236.75	
	Nongeneral Fund Positions.....	203.25	203.25	

ITEM 60.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
Position Level.....	440.00	440.00		
Fund Sources: General.....	\$24,121,382	\$24,121,382		
Special.....	\$16,802,756	\$16,802,756 \$17,052,756		
Federal Trust.....	\$12,723,875	\$11,930,318		
61. Not set out.				
Grand Total for Attorney General and Department of Law.....			\$56,403,460	\$55,609,903 \$55,859,903
General Fund Positions.....	236.75	236.75		
Nongeneral Fund Positions.....	230.25	230.25		
Position Level.....	467.00	467.00		
Fund Sources: General.....	\$24,121,382	\$24,121,382		
Special.....	\$19,558,203	\$19,558,203 \$19,808,203		
Federal Trust.....	\$12,723,875	\$11,930,318		
62. Not set out.				
63. Not set out.				
64. Not set out.				
TOTAL FOR EXECUTIVE OFFICES.....			\$71,694,622	\$70,901,065 \$71,151,065
General Fund Positions.....	324.42	324.42		
Nongeneral Fund Positions.....	247.58	247.58		
Position Level.....	572.00	572.00		
Fund Sources: General.....	\$36,949,238	\$36,949,238		
Special.....	\$19,840,593	\$19,840,593 \$20,090,593		
Commonwealth Transportation.....	\$2,087,938	\$2,087,938		
Dedicated Special Revenue.....	\$92,978	\$92,978		
Federal Trust.....	\$12,723,875	\$11,930,318		

ITEM 65.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020

OFFICE OF ADMINISTRATION

- 65. Not set out.
- 66. Not set out.
- 67. Not set out.
- 68. Not set out.
- 69. Not set out.
- 70. Not set out.
- 71. Not set out.
- 72. Not set out.
- 73. Not set out.
- 74. Not set out.
- 75. Not set out.
- 76. Not set out.
- 77. Not set out.
- 78. Not set out.
- 79. Not set out.
- 80. Not set out.

§ 1-5. DEPARTMENT OF HUMAN RESOURCE MANAGEMENT (129)

81.	Personnel Management Services (70400).....			\$103,100,826	\$108,364,532
	Agency Human Resource Services (70401).....	\$1,452,709	\$1,677,709		\$108,076,580
			\$1,927,709		
	Human Resource Service Center (70402).....	\$1,362,447	\$1,286,809		
	Health Benefits Services (70406).....	\$6,859,837	\$6,868,079		
	Personnel Development Services (70409).....	\$678,686	\$678,686		
	Personnel Management Information System (70410).....	\$1,827,972	\$1,861,248		
			\$1,323,296		
	Equal Employment and Dispute Resolution Services (70413).....	\$1,822,940	\$1,895,766		
	State Employee Program Services (70417).....	\$2,139,084	\$2,139,084		
	State Employee Workers' Compensation Services (70418).....	\$86,414,323	\$91,414,323		
	Administrative and Support Services (70419).....	\$542,828	\$542,828		
	Fund Sources: General.....	\$5,207,112	\$5,429,300		
			\$5,679,300		
	Special.....	\$1,272,515	\$1,272,515		
	Enterprise.....	\$2,519,448	\$2,519,448		

ITEM 81.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
Internal Service.....	\$7,338,929	\$7,372,205 \$6,834,253		
Trust and Agency.....	\$86,762,822	\$91,771,064		

Authority: Title 2.2, Chapters 12 and 28, 29, 30, and 32, Code of Virginia.

A. The Department of Human Resource Management shall report any proposed changes in premiums, benefits, carriers, or provider networks to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees at least sixty days prior to implementation.

B.1. The Department of Human Resource Management shall operate a human resource service center to support the human resource needs of those agencies identified by the Secretary of Administration in consultation with the Department of Planning and Budget. The agencies identified shall cooperate with the Department of Human Resource Management by transferring such records and functions as may be required.

2. Out of this appropriation, \$622,898 the first year and \$622,898 the second year from the general fund shall be used to support the human resource service center.

3. Nothing in this paragraph shall prohibit additional agencies from using the services of the center; however, these additional agencies' use of the human resource service center shall be subject to approval by the affected cabinet secretary and the Secretary of Administration.

4. a. Agencies that are partially or fully funded with nongeneral funds that receive approval by the affected cabinet secretary and the Secretary of Administration to join the human resource service center, on or after July 1, 2014, shall pay the Department of Human Resource Management the costs to support the human resource service center. The agency's share of the costs to support the human resource service center shall be based on the agency's applicable nongeneral fund expenditures as set out in § 4-5.03 of this act.

b. The rates required to recover the costs of the human resource service center shall be provided by the Department of Human Resource Management to the Department of Planning and Budget by September 1 each year for review and approval of the subsequent fiscal year's rate in accordance with § 4-5.03 of this act.

c. The rates for the human resource service center shall be \$625.00 per full-time equivalent and \$225.00 per wage employee the first year and \$900.00 per full-time equivalent and \$325.00 per wage employee the second year.

C. The institutions of higher education shall be exempt from the centralized advertising requirements identified in Executive Order 73 (01).

D.1. To ensure fair and equitable performance reviews, the Department of Human Resource Management, within available resources, is directed to provide performance management training to agencies and institutions of higher education with classified employees.

2. Agency heads in the Executive Department are directed to require appropriate performance management training for all agency supervisors and managers.

E. The Department of Human Resource Management shall take into account the claims experience of each agency and institution when setting premiums for the workers' compensation program.

F.1. The Department of Human Resource Management shall report to the Governor and Chairmen of the House Appropriations and Senate Finance Committees by October 30 of each year, on its recommended workers' compensation premiums for state agencies for the following biennium. This report shall also include the basis for the department's recommendations; the status and recommendations of the loss control program authorized in paragraph F. 2; the number and amount of workers' compensation settlements concluded in the previous fiscal year, inclusive of those authorized in paragraph F. 3.a; and the impact of those settlements on the workers' compensation program's reserves.

2. Beginning July 1, 2015, the Department of Human Resource Management shall conduct an annual review of each state agency's loss control history, to include the severity of workers' compensation claims, experience modification factor, and frequency normalized by payroll.

ITEM 81.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2019	FY2020	FY2019	FY2020

Based on the annual review, state agencies deemed by the Department of Human Resource Management as having higher than normal loss history shall be required to participate in a loss control program. All executive, judicial, legislative, and independent agencies required to participate in the loss control program shall fully cooperate with the Department of Human Resource Management's review.

3. a. A working capital advance of up to \$20,000,000 shall be provided to the Department of Human Resource Management to identify and potentially settle certain workers' compensation claims open for more than one year but less than 10 years. The Department of Human Resource Management shall pay back the working capital advance from annual premiums over a seven-year period.

b. The Secretary of Finance and Secretary of Administration shall approve the drawdowns from this working capital advance prior to the expenditure of funds. The State Comptroller shall notify the Governor and the Chairmen of the House Appropriations and Senate Finance Committees of any approved drawdowns.

G. The Department of Human Resource Management shall report to the Governor and Chairmen of the House Appropriations and Senate Finance Committees, by October 15 of each year, on the renewal cost of the state employee health insurance program premiums that will go into effect on July 1 of the following year. This report shall include the impact of the renewal cost on employee and employer premiums and a valuation of liabilities as required by Other Post Employment Benefits reporting standards.

H. Out of this appropriation, \$606,439 the first year and \$606,439 the second year from the general fund is provided for the time, attendance and leave system.

I. The Department of Human Resource Management shall develop and distribute instructions and guidelines to all executive department agencies for the provision of an annual statement of total compensation for each classified employee. The statement should account for the full cost to the Commonwealth and the employee of cash compensation as well as Social Security, Medicare, retirement, deferred compensation, health insurance, life insurance, and any other benefits. The Director, Department of Human Resource Management, shall ensure that all executive department agencies provide this notice to each employee. The Department of Accounts and the Virginia Retirement System shall provide assistance upon request. Further, the Director of the Department of Human Resource Management shall provide instructions and guidelines for the development notices of total compensation to all independent, legislative, and judicial agencies, and institutions of higher education for preparation of annual statements to their employees.

J. 1. The appropriation for the Personnel Management Information System (PMIS) is a sum sufficient and amounts shown are estimates from an internal service fund which shall be paid solely from revenues derived from charges to participating agencies, identified by the Department of Human Resource Management and approved by the Department of Planning and Budget, to support the operation of PMIS and its subsystems authorized in this Item.

2.a. The rate for agencies to support PMIS and its subsystems, operated and maintained by the Department of Human Resource Management, shall be \$16.20 per position the first year and no more than ~~\$17.03~~ \$10.82 per position the second year. The rate is based upon the higher of the agency's maximum employment level as of July 1, 2017, and filled wage positions as of June 30, 2017, or the total number of filled classified and wage positions as of June 30, 2017.

b. The rates authorized to support the operation of PMIS and its subsystems shall be provided by the Department of Human Resource Management and approved by the Department of Planning and Budget by September 1 each year for review and approval of the subsequent fiscal year's rate in accordance with § 4-5.03 of this act.

3. The State Comptroller shall recover the cost of services provided for the administration of the internal service fund through interagency transactions as determined by the State Comptroller.

K. Out of the amounts appropriated for this Item to support the Commission on Employee

ITEM 81.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
<p>Retirement Security and Pension Reform, the Department of Human Resource Management is authorized to spend an amount estimated at \$75,000 each year on the development and maintenance of an employee exit survey and an amount estimated at \$20,000 per year to subscribe to Occupationally Based Data Services focused on total compensation and evaluation of peer employers.</p>				
<p>L. The Department of Human Resource Management shall work with the Virginia Information Technologies Agency to develop a pilot program, beginning in July of 2019, utilizing a currently available electronic platform, to track and evaluate the productivity contract staff when teleworking or working in an office that is not part of the agency for which they work or for which they have a contract. The Departments shall identify specific executive branch agencies which have a significant number of such contractors and work with these agencies to develop the pilot project. The Departments shall report to the Chairmen of the House Appropriations and Senate Finance Committees on the results of the pilot program by November 15, 2020.</p>				
<p>M.1. The Department of Human Resource Management shall convene a workgroup to develop a methodology that can be used to determine (i) the amount of funding that should be appropriated for state employee salary increases each year and (ii) how to distribute that funding to address state agencies' most significant workforce challenges.</p>				
<p>2. The methodology should be data-driven and include (i) recruitment and retention trends for each job role in the state workforce, (ii) how salaries and total compensation for each job role compare to similar jobs at other employers, (iii) the extent to which recruitment and retention challenges can be addressed by salary increases, and (iv) the impact of recruitment and retention challenges in each job role on state agency operations.</p>				
<p>3. In developing the methodology, the workgroup shall incorporate data from the Personnel Management Information System, the Department of Human Resource Management's employee exit survey, and data from Occupationally Based Data Services.</p>				
<p>4. The workgroup shall include representatives from the Department of Human Resource Management, the Department of Planning and Budget, House Appropriations Committee staff, Senate Finance Committee staff, and human resources staff from multiple state agencies.</p>				
<p>5. The methodology developed by the workgroup shall be used to develop the biennial report required by House Bill 2055 of the 2019 General Assembly Session. Notwithstanding the provisions of House Bill 2055, the first biennial report using this methodology shall be due by December 1, 2019.</p>				
<p>N. The Department of Human Resource Management shall work with the Department of Veterans Services to identify and promote policies to support the hiring and continued employment of disabled veterans in the state workforce. The Departments shall submit any recommendations for state workforce policy changes to the Chairmen of the House Appropriations and Senate Finance Committees by November 15, 2019.</p>				
<p>Total for Department of Human Resource Management.....</p>			<p>\$103,100,826</p>	<p>\$108,364,532 \$108,076,580</p>
<p>General Fund Positions.....</p>			<p>49.96</p>	<p>49.96</p>
<p>Nongeneral Fund Positions.....</p>			<p>66.04</p>	<p>66.04</p>
<p>Position Level.....</p>			<p>116.00</p>	<p>116.00</p>
<p>Fund Sources: General.....</p>			<p>\$5,207,112</p>	<p>\$5,429,300 \$5,679,300</p>
<p> Special.....</p>			<p>\$1,272,515</p>	<p>\$1,272,515</p>
<p> Enterprise.....</p>			<p>\$2,519,448</p>	<p>\$2,519,448</p>
<p> Internal Service.....</p>			<p>\$7,338,929</p>	<p>\$7,372,205 \$6,834,253</p>
<p> Trust and Agency.....</p>			<p>\$86,762,822</p>	<p>\$91,771,064</p>
82.	<p>Not set out.</p>			

ITEM 82.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
Grand Total for Department of Human Resource Management.....			\$2,188,546,893	\$2,218,810,599 \$2,218,522,647
General Fund Positions.....	49.96	49.96		
Nongeneral Fund Positions.....	66.04	66.04		
Position Level.....	116.00	116.00		
Fund Sources: General.....	\$5,207,112	\$5,429,300 \$5,679,300		
Special.....	\$1,272,515	\$1,272,515		
Enterprise.....	\$536,569,692	\$536,569,692		
Internal Service.....	\$1,526,534,752	\$1,551,568,028 \$1,551,030,076		
Trust and Agency.....	\$118,962,822	\$123,971,064		

§ 1-6. DEPARTMENT OF ELECTIONS (132)

83. Electoral Services (72300).....			\$12,116,786	\$16,114,173 \$26,142,576
Electoral Administration, Uniformity, Legality, and Quality Assurance Services (72302).....	\$1,285,140	\$2,098,443 \$1,951,135		
Statewide Voter Registration System and Associated Information Technology Services (72304).....	\$8,872,492	\$12,169,925 \$22,345,636		
Campaign Finance Disclosure Administration Services (72309).....	\$181,282	\$181,282		
Voter Services and Communications (72311).....	\$703,944	\$483,944		
Administrative Services (72312).....	\$1,073,928	\$1,180,579		
Fund Sources: General.....	\$12,064,536	\$13,061,923 \$12,914,615		
Special.....	\$52,250	\$52,250		
Trust and Agency.....	\$0	\$3,000,000 \$13,175,711		

Authority: Title 24.2, Chapter 1, Code of Virginia.

A. It is the intention of the General Assembly that all local precincts, other than central absentee precincts established under § 24.2-712, Code of Virginia, will use electronic pollbooks for elections held beginning in November, 2010.

B. Any locality using paper pollbooks for elections held beginning in November, 2010, shall be responsible for entering voting credit as provided in § 24.2-668. Additionally, any locality using paper pollbooks for elections held after November, 2010 may be required to reimburse the Department of Elections for state costs associated with providing paper pollbooks.

C. Municipalities will pay all expenses associated with May elections after June 30, 2009, including those costs incurred by the Department of Elections.

D. The State Board of Elections shall by regulation provide for an administrative fee up to \$25 for each non-electronic report filed with the State Board under § 24.2-947.5. The regulation shall provide for waiver of the fee based upon indigence.

E. All unpaid charges and civil penalties assessed under Title 24.2 shall be subject to interest, the administrative collection fee and late penalties authorized in the Virginia Debt Collection Act, Chapter 48 of Title 2.2, § 2.2-4800 et seq.

F. Out of this appropriation, \$212,687 the first year and \$212,687 the second year from the general fund is provided for voter outreach and education required to inform voters about the photo identification requirements pursuant to Chapter 725 of the Acts of Assembly of 2013. It is the intent of the General Assembly that registration cards containing the voter's photograph and signature be provided free to any eligible voter upon request to the general

ITEM 83.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
registrar.				
G. Out of this appropriation, \$212,423 the first year and \$212,423 the second year from the general fund is provided for conducting list maintenance mailings as required by the National Voter Registration Act.				
H. No funds available within this appropriation shall be expended to substantially rebuild the Virginia Election & Registration Information System (VERIS) until such time as the Department of Elections, in consultation with the Virginia Information Technologies Agency (VITA); has (i) solicited feedback from the GR/EB Duties Workgroup; (ii) developed a product requirements document; and (iii) developed a draft request for proposals document for a potential replacement to the VERIS system. The Department shall submit a report to the Chairmen of the House Appropriations and Senate Finance Committees by December 1, 2019; including the completed product requirements document and draft request for proposals document; as well as an assessment by the Department regarding the options of replacing or rebuilding the VERIS system; including the use of third-party vendors.				
I. The Department of Elections, in collaboration with the Compensation Board, shall conduct a comparison of General Registrars' salaries, in relation to other local constitutional officers' salaries, between the years 1981 and 2018. Additionally, the Department shall prepare an analysis detailing the duties and job responsibilities for general registrars. The Department shall submit this information to the Chairmen of the Senate Finance and House Appropriations Committees by September 1, 2019.				
J. Out of this appropriation, \$147,308 the second year from the general fund is provided to fund expenses incurred by the Department associated with the 2020 presidential primary.				
K. It is the intent of the General Assembly that the Department of Elections release a Request for Information in fiscal year 2020 related to the replacement of the Virginia Election and Registration Information System (VERIS). The Department shall provide an update to the Chairs of the House Appropriations Committee and the Senate Finance and Appropriations Committee on the options and potential costs for replacing VERIS on or before October 1, 2020.				
L.1. It is the intent of the General Assembly that federal awards from the Help America Vote Act of 2002 (HAVA) under P.L. 116-93 be used to replace the Virginia Election and Registration Information System (VERIS) by July 1, 2022. Out of the amounts included in this item, \$10,175,711 in the second year from nongeneral fund HAVA grants is provided to the Department of Elections.				
2. The State Comptroller shall not release the nongeneral funds appropriated in this paragraph until the Department of Elections has submitted a plan outlining the use of funds to the Elections Assistance Commission (EAC), on or before May 1, 2020. The Department shall also submit this plan to the Director of the Department of Planning and Budget, and the Chairs of the House Appropriations Committee and the Senate Finance and Appropriations Committee on or before May 1, 2020.				
3. The Department of Elections, may consider utilizing HAVA funding to assist localities in complying with election security standards established by Chapter 426 of the Acts of Assembly of 2019, if the cost estimates from the Request for Information (RFI) for the replacement of the Virginia Election Registration Information System (VERIS) are less than the total amounts appropriated in this item.				
84. Not set out.				
Total for Department of Elections.....			\$18,074,622	\$22,072,009 \$32,100,412
General Fund Positions.....	43.00	49.00		
Position Level.....	43.00	49.00		
Fund Sources: General.....	\$18,022,372	\$19,019,759 \$18,872,451		

ITEM 84.		Item Details(\$)		Appropriations(\$)	
		First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
	Special.....	\$52,250	\$52,250		
	Trust and Agency.....	\$0	\$3,000,000		
			\$13,175,711		
84.10	Not set out.				
84.20	Not set out.				
84.30	Not set out.				
84.40	Not set out.				
84.50	Not set out.				
84.60	Not set out.				
84.70	Not set out.				
	TOTAL FOR OFFICE OF ADMINISTRATION....			\$3,571,663,488	\$3,553,556,906
					\$3,563,297,357
	General Fund Positions.....	368.46	377.46		
	Nongeneral Fund Positions.....	731.54	737.94		
	Position Level.....	1,100.00	1,115.40		
	Fund Sources: General.....	\$736,141,756	\$739,964,258		
			\$740,066,950		
	Special.....	\$20,756,576	\$20,487,686		
	Enterprise.....	\$572,469,717	\$573,355,332		
	Internal Service.....	\$2,072,535,537	\$2,043,345,975		
			\$2,042,808,023		
	Trust and Agency.....	\$126,963,534	\$134,971,776		
			\$145,147,487		
	Dedicated Special Revenue.....	\$35,346,638	\$34,236,501		
	Federal Trust.....	\$7,449,730	\$7,195,378		

ITEM 85.		Item Details(\$)		Appropriations(\$)	
		First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
OFFICE OF AGRICULTURE AND FORESTRY					
85.	Not set out.				
86.	Not set out.				
87.	Not set out.				
88.	Not set out.				
89.	Not set out.				
90.	Not set out.				
91.	Not set out.				
92.	Not set out.				
93.	Not set out.				
94.	Not set out.				
95.	Not set out.				
96.	Not set out.				
97.	Not set out.				
98.	Not set out.				
99.	Not set out.				
100.	Not set out.				
101.	Not set out.				
	TOTAL FOR OFFICE OF AGRICULTURE AND FORESTRY			\$111,373,547	\$111,502,547
	General Fund Positions.....	498.59	498.59		
	Nongeneral Fund Positions.....	337.41	337.41		
	Position Level.....	836.00	836.00		
	Fund Sources: General.....	\$56,854,686	\$56,968,686		
	Special.....	\$19,959,447	\$19,959,447		
	Trust and Agency.....	\$7,170,138	\$7,170,138		
	Dedicated Special Revenue.....	\$10,810,980	\$10,810,980		
	Federal Trust.....	\$16,578,296	\$16,593,296		

ITEM 102.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020

OFFICE OF COMMERCE AND TRADE

§ 1-7. SECRETARY OF COMMERCE AND TRADE (192)

102. Not set out.

Economic Development Incentive Payments (312)

103.	Economic Development Services (53400).....			\$47,964,808	\$93,823,498
	Financial Assistance for Economic Development (53410).....	\$47,964,808	\$93,823,498		\$94,823,498
	Fund Sources: General.....	\$41,684,808	\$87,912,498		
	Special.....	\$6,130,000	\$5,761,000		
	Dedicated Special Revenue.....	\$150,000	\$150,000		
					\$1,150,000

Authority: Discretionary Inclusion.

A.1. Out of the appropriation for this Item, \$19,750,000 the first year and \$19,750,000 the second year from the general fund shall be deposited to the Commonwealth's Development Opportunity Fund, as established in § 2.2-115, Code of Virginia. Such funds shall be used at the discretion of the Governor, subject to prior consultation with the Chairmen of the House Appropriations and Senate Finance Committees, to attract economic development prospects to locate or expand in Virginia. If the Governor, pursuant to the provisions of § 2.2-115, E.1., Code of Virginia, determines that a project is of regional or statewide interest and elects to waive the requirement for a local matching contribution, such action shall be included in the report on expenditures from the Commonwealth's Development Opportunity Fund required by § 2.2-115, F., Code of Virginia. Such report shall include an explanation on the jobs anticipated to be created, the capital investment made for the project, and why the waiver was provided.

2. The Governor may allocate these funds as grants or loans to political subdivisions. Loans shall be approved by the Governor and made in accordance with procedures established by the Virginia Economic Development Partnership and approved by the State Comptroller. Loans shall be interest-free unless otherwise determined by the Governor and shall be repaid to the general fund of the state treasury. The Governor may establish the interest rate to be charged, otherwise, any interest charged shall be at market rates as determined by the State Treasurer and shall be indicative of the duration of the loan. The Virginia Economic Development Partnership shall be responsible for monitoring repayment of such loans and reporting the receivables to the State Comptroller as required.

3. Funds may be used for public and private utility extension or capacity development on and off site; road, rail, or other transportation access costs beyond the funding capability of existing programs; site acquisition; grading, drainage, paving, and other activity required to prepare a site for construction; construction or build-out of publicly-owned buildings; grants or loans to an industrial development authority, housing and redevelopment authority, or other political subdivision pursuant to their duties or powers; training; or anything else permitted by law.

4. Consideration should be given to economic development projects that 1) are in areas of high unemployment; 2) link commercial development along existing transportation/transit corridors within regions; and 3) are located near existing public infrastructure.

5. It is the intent of the General Assembly that the Virginia Economic Development Partnership shall work with localities awarded grants from the Commonwealth's Development Opportunity Fund to recover such moneys when the economic development projects fail to meet minimal agreed-upon capital investment and job creation targets. All such recoveries shall be deposited and credited to the Commonwealth's Development

ITEM 103.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
Opportunity Fund.				
6. Up to \$5,000,000 of previously awarded funds and funds repaid by political subdivisions or business beneficiaries and deposited to the Commonwealth's Development Opportunity Fund may be used to assist Prince George County with site improvements related to the location of a major aerospace engine manufacturer to the Commonwealth.				
7. Up to \$2,675,000 of previously awarded funds and funds repaid by political subdivisions or business beneficiaries and deposited to the Commonwealth's Development Opportunity Fund may be reallocated to the Virginia Jobs Investment Program Fund and made available for eligible businesses under the Virginia Jobs Investment Program subject to the conditions set forth in § 2.2-2240.3, Code of Virginia.				
B.1. Out of the appropriation for this Item, \$4,609,210 the first year and \$5,236,900 the second year from the general fund shall be deposited to the Investment Performance Grant subfund of the Virginia Investment Partnership Grant Fund to be used to pay investment performance grants in accordance with § 2.2-5101, Code of Virginia.				
2. Consideration should be given to economic development projects that 1) are in areas of high unemployment; 2) link commercial development along existing transportation/transit corridors within regions; and 3) are located near existing public infrastructure.				
D. Out of the appropriation for this Item, \$3,000,000 the first year and \$3,000,000 the second year from the general fund and an amount estimated at \$150,000 the first year and \$150,000 the second year from nongeneral funds shall be deposited to the Governor's Motion Picture Opportunity Fund, as established in § 2.2-2320, Code of Virginia. These nongeneral fund revenues shall be deposited to the fund from revenues generated by the digital media fee established pursuant to § 58.1-1731, et seq., Code of Virginia. Such funds shall be used at the discretion of the Governor to attract film industry production activity to the Commonwealth.				
E. Out of the appropriation for this Item, \$5,500,000 the first year and \$5,500,000 the second year from the Aerospace Manufacturing Performance Grant Fund and \$630,000 the first year and \$261,000 the second year from the Aerospace Manufacturer Workforce Training Grant Fund is hereby appropriated. These funds shall be used for grants in accordance with §§ 59.1-284.20 and 59.1-284.22, Code of Virginia. The Director, Department of Planning and Budget shall transfer these funds to the impacted state agencies upon request to the Director, Department of Planning and Budget by the respective state agency.				
F.1. Out of the appropriation for this Item, \$4,400,000 the first year and \$3,000,000 the second year from the general fund shall be deposited to the Virginia Economic Development Incentive Grant subfund of the Virginia Investment Partnership Grant Fund, <i>and \$1,000,000 the second year from the Virginia Economic Development Incentive Grant Fund is hereby appropriated. The appropriation is to be used to pay investment performance grants in accordance with § 2.2-5102.1, Code of Virginia.</i>				
2. Consideration should be given to economic development projects that 1) are in areas of high unemployment; 2) link commercial development along existing transportation/transit corridors within regions; and 3) are located near existing public infrastructure.				
3. Notwithstanding § 2.2-5102.1.E. or any other provision of law, and subject to appropriation by the General Assembly, up to \$8,000,000 in economic development incentive grants is authorized for eligible projects to be awarded on or after July 1, 2017, but before June 30, 2019. Any eligible project awarded such grants shall be subject to the conditions set forth in § 2.2-5102.1. Any additional grant awards not authorized by this act, including any awards after June 30, 2019, shall require separate legislation.				
G.1. Out of the appropriation for this Item, \$3,750,000 the first year and \$3,750,000 the second year from the general fund shall be provided for the Virginia Biosciences Health Research Corporation (VBHRC), a non-stock corporation research consortium initially comprised of the University of Virginia, Virginia Commonwealth University, Virginia Polytechnic Institute and State University, George Mason University and the Eastern Virginia Medical School. The consortium will contract with private entities, foundations and other governmental sources to capture and perform research in the biosciences, as well as promote the development of bioscience infrastructure tools which can be used to facilitate additional research activities. The Director, Department of Planning and Budget, is authorized to provide				

ITEM 103.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2019	FY2020	FY2019	FY2020

these funds to the non-stock corporation research consortium referenced in this paragraph upon request filed with the Director, Department of Planning and Budget by VBHRC.

2. Of the amounts provided in G.1. for the research consortium, up to \$3,750,000 the first year and \$3,750,000 the second year may be used to develop or maintain investments in research infrastructure tools to facilitate bioscience research.

3. The remaining funding shall be used to capture and perform research in the biosciences and must be matched at least dollar-for-dollar by funding provided by such private entities, foundations and other governmental sources. No research will be funded by the consortium unless at least two of the participating institutions, including the five founding institutions and any other institutions choosing to join, are actively and significantly involved in collaborating on the research. No research will be funded by the consortium unless the research topic has been vetted by a scientific advisory board and holds potential for high impact near-term success in generating other sponsored research, creating spin-off companies or otherwise creating new jobs. The consortium will set guidelines to disburse research funds based on advisory board findings. The consortium will have near-term sustainability as a goal, along with corporate-sponsored research gains, new Virginia company start-ups, and job creation milestones.

4. Other publicly-supported institutions of higher education in the Commonwealth may choose to join the consortium as participating institutions. Participation in the consortium by the five founding institutions and by other participating institutions choosing to join will require a cash contribution from each institution in each year of participation of at least \$50,000.

5. Of these funds, up to \$500,000 the first year and \$500,000 the second year may be used to pay the administrative, promotional and legal costs of establishing and administering the consortium, including the creation of intellectual property protocols, and the publication of research results.

6. The Virginia Economic Development Partnership, in consultation with the publicly-supported institutions of higher education in the Commonwealth participating in the consortium, shall provide to the Governor, and the Chairmen of the Senate Finance and House Appropriations committees, by November 1 of each year a written report summarizing the activities of the consortium, including, but not limited to, a summary of how any funds disbursed to the consortium during the previous fiscal year were spent, and the consortium's progress during the fiscal year in expanding upon existing research opportunities and stimulating new research opportunities in the Commonwealth.

7. The accounts and records of the consortium shall be made available for review and audit by the Auditor of Public Accounts upon request.

8. Up to \$2,500,000 of the funds managed by the Commonwealth Health Research Board (CHRB), created pursuant to § 32.1-162.23, Code of Virginia, shall be directed toward collaborative research projects, approved by the boards of the VBHRC and CHRB, to support Virginia's core bioscience strengths, improve human health, and demonstrate commercial viability and a high likelihood of creating new companies and jobs in Virginia.

H. Out of the appropriation for this Item, \$5,669,833 the first year and \$2,669,833 the second year from the general fund shall be available for eligible businesses under the Virginia Jobs Investment Program. Pursuant to § 2.2-1611, Code of Virginia, the appropriation provided for the Virginia Jobs Investment Program for eligible businesses shall be deposited to the Virginia Jobs Investment Program Fund.

I. Out of the appropriation for this Item, \$500,000 the first year and \$500,000 the second year from the general fund may be provided to the Virginia Economic Development Partnership to facilitate additional domestic and international marketing and trade missions approved by the Governor. The Director, Department of Planning and Budget, is authorized to provide these funds to the Virginia Economic Development Partnership upon written approval of the Governor.

J. Out of the amounts in this item, \$50,000,000 the second year from the general fund shall be deposited to the Semiconductor Manufacturing Grant Fund for the award of grants

ITEM 103.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
to a qualified semiconductor manufacturing company in a qualified locality in accordance with legislation enacted by the 2019 General Assembly and subject to performance metrics agreed to in a memorandum of understanding with the Commonwealth.				
Total for Economic Development Incentive Payments.....			\$47,964,808	\$93,823,498 <i>\$94,823,498</i>
Fund Sources: General.....	\$41,684,808	\$87,912,498		
Special.....	\$6,130,000	\$5,761,000		
Dedicated Special Revenue.....	\$150,000	\$150,000 <i>\$1,150,000</i>		
Grand Total for Secretary of Commerce and Trade....			\$48,900,993	\$94,899,683 <i>\$95,899,683</i>
General Fund Positions.....	9.00	9.00		
Position Level.....	9.00	9.00		
Fund Sources: General.....	\$42,620,993	\$88,988,683		
Special.....	\$6,130,000	\$5,761,000		
Dedicated Special Revenue.....	\$150,000	\$150,000 <i>\$1,150,000</i>		

104. Not set out.

§ 1-8. DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (165)

105. Housing Assistance Services (45800).....			\$71,902,939	\$69,673,655 <i>\$76,673,655</i>
Housing Assistance (45801).....	\$40,321,044	\$36,321,044 <i>\$43,321,044</i>		
Homeless Assistance (45804).....	\$13,037,143	\$13,141,193		
Financial Assistance for Housing Services (45805)....	\$18,544,752	\$20,211,418		
Fund Sources: General.....	\$24,880,355	\$22,651,071 <i>\$29,651,071</i>		
Special.....	\$344,537	\$344,537		
Dedicated Special Revenue.....	\$100,000	\$100,000		
Federal Trust.....	\$46,578,047	\$46,578,047		

Authority: Title 36, Chapters 8, 9, and 11; and Title 58.1, Chapter 3, Articles 4 and 13, Code of Virginia.

A. Out of the amounts in this Item, \$3,482,705 from the general fund, \$100,000 from dedicated special revenue, and \$3,427,000 from federal trust funds the first year and \$3,482,705 from the general fund, \$100,000 from dedicated special revenue, and \$3,427,000 from federal trust funds the second year shall be provided to support services for persons at risk of or experiencing homelessness and housing for populations with special needs, and \$4,050,000 the first year and \$4,050,000 the second year from the general fund shall be provided for homeless prevention. Of the general fund amount provided, the department is authorized to use up to two percent in each year for program administration. The amounts allocated for services for persons at risk of or experiencing homelessness shall be matched through local or private sources. Any balances for the purposes specified in this paragraph which are unexpended on June 30, 2019, and June 30, 2020, shall not revert to the general fund but shall be carried forward and reappropriated.

B. The department shall report to the Chairmen of the Senate Finance, the House Appropriations Committees, and the Director, Department of Planning and Budget, by November 4 of each year on the state's homeless programs, including, but not limited to, the number of (i) emergency shelter beds, (ii) transitional housing units, (iii) single room occupancy dwellings, (iv) homeless intervention programs, (v) homeless prevention programs, and (vi) the number of homeless individuals supported by the permanent housing state funding on a locality and statewide basis and the accomplishments achieved by the additional state funding provided to the program in the first year. The report shall also include

ITEM 105.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2019	FY2020	FY2019	FY2020

the number of Virginians served by these programs, the costs of the programs, and the financial and in-kind support provided by localities and nonprofit groups in these programs. In preparing the report, the department shall consult with localities and community-based groups.

C. Out of the amounts in this Item, \$1,100,000 the first year and \$1,100,000 the second year from the general fund shall be provided for rapid re-housing efforts. In keeping with the specific goals of the Balance of State Continuum of Care, \$200,000 of this amount in each year shall be focused on ensuring that no veteran is homeless or in a shelter for more than 30 days. These funds shall be used to supplement other state and federal programs, shall be directed to areas throughout the state where federal funds are not available, and shall be used to serve those veterans ineligible for federal benefits.

D. The department shall continue to collaborate with the Department of Veteran Services to ensure coordinated efforts towards reducing homelessness among veterans.

E.1. Out of the amounts in this Item, \$11,000,000 the first year and ~~\$7,000,000~~ \$14,000,000 the second year from the general fund shall be deposited to the Virginia Housing Trust Fund, established pursuant to § 36-142 et seq., Code of Virginia. Notwithstanding § 36-142, Code of Virginia, when awarding grants through eligible organizations for targeted efforts to reduce homelessness, priority consideration shall be given to efforts to reduce the number of homeless youth and families.

2. As part of the plan required by § 36-142 E., Code of Virginia, the department shall also report on the impact of the loans and grants awarded through the fund, including but not limited to: (i) the number of affordable rental housing units repaired or newly constructed, (ii) the number of individuals receiving down payments and/or closing assistance, and (iii) the progress and accomplishments in reducing homelessness achieved by the additional support provided through the fund.

F. Out of the amounts in this Item, \$15,800,000 the first year and \$15,800,000 the second year from federal trust funds shall be provided to support Virginia affordable housing programs and the Indoor Plumbing Program.

G. Out of the amounts in this Item, \$50,000 the first year and \$50,000 the second year from the general fund and one position shall be provided to support the administrative costs associated with administering the tax credits authorized pursuant to § 58.1-435, Code of Virginia.

H. The department shall develop and implement strategies, that may include potential Medicaid financing, for housing individuals with serious mental illness. The department shall include other agencies in the development of such strategies including the Virginia Housing Development Authority, Department of Behavioral Health and Developmental Services, Department of Aging and Rehabilitative Services, Department of Medical Assistance Services, and Department of Social Services. The department shall also include stakeholders whose constituents have an interest in expanding supportive housing for people with serious mental illness, including the National Alliance on Mental Illness Virginia, the Virginia Housing Alliance and the Virginia Sheriff's Association. An annual report on such strategies and the progress on implementation shall be provided to the Chairmen of the House Appropriations and Senate Finance Committees by the first day of each General Assembly Regular Session.

I. The Department of Housing and Community Development shall work with the Virginia Housing Commission to identify the impact of legislation that passed the 2019 session of the General Assembly that is designed to mitigate eviction rates and recommend if any further action is necessary to complement these efforts. The Department shall consider current federal, state and local resources, including but not limited to the following: (a) current counseling and social services provided by state agencies and authorities; (b) the potential needs of the cities of Richmond, Newport News, Hampton, Norfolk, and Chesapeake, as well as eviction prevention and diversion programs established in the cities of Arlington and Richmond; (c) data collected pursuant to Senate Bill 1450; and, (d) eviction prevention and diversion programs in other states. The Department shall analyze and recommend how to better coordinate current public and private resources and programs to reduce eviction rates in Virginia, as well as how current prevention efforts

ITEM 105.		Item Details(\$)		Appropriations(\$)	
		First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
	can coordinate with existing and newly created eviction diversion laws and programs.				
106.	Not set out.				
107.	Not set out.				
108.	Not set out.				
109.	Not set out.				
110.	Not set out.				
	Total for Department of Housing and Community Development.....			\$161,990,156	\$182,110,872 \$189,110,872
	General Fund Positions.....	60.25	61.25 63.25		
	Nongeneral Fund Positions.....	51.75	51.75		
	Position Level.....	112.00	113.00 115.00		
	Fund Sources: General.....	\$88,905,720	\$109,026,436 \$116,026,436		
	Special.....	\$3,144,570	\$3,144,570		
	Trust and Agency.....	\$150,000	\$150,000		
	Dedicated Special Revenue.....	\$400,000	\$400,000		
	Federal Trust.....	\$69,389,866	\$69,389,866		
111.	Not set out.				
112.	Not set out.				
113.	Not set out.				
114.	Not set out.				
115.	Not set out.				
116.	Not set out.				
117.	Not set out.				
118.	Not set out.				
119.	Not set out.				
120.	Not set out.				
121.	Not set out.				
122.	Not set out.				
§ 1-9. VIRGINIA EMPLOYMENT COMMISSION (182)					
123.	Workforce Systems Services (47000).....			\$557,581,011	\$552,381,011
	Job Placement Services (47001).....	\$31,658,869	\$31,658,869		
	Unemployment Insurance Services (47002).....	\$525,045,012	\$519,845,012		
	Workforce Development Services (47003).....	\$877,130	\$877,130		

ITEM 123.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2019	FY2020	FY2019	FY2020
Fund Sources: Special.....	\$6,018,987	\$6,018,987		
Trust and Agency.....	\$551,562,024	\$546,362,024		

Authority: Title 60.2, Chapters 1 through 6, Code of Virginia.

A. Revenues deposited into the Special Unemployment Compensation Administration Fund shall be used for the purposes set out in the following order of priority: 1) to make payment of any interest owed on loans from the U.S. Treasury for payment of unemployment compensation benefits; 2) to support essential services of the Commission, particularly in the event of reductions in federal funding; 3) to finance the cost of capital projects; and 4) to fund the discretionary fund established in § 60.2-315, Code of Virginia. Funding may be transferred from the capital budget to the operating budget consistent with this language.

B.1. Reed Act funds distributed by the Employment Security Financing Act of 1954 with respect to the federal fiscal years 1956, 1957, and 1958 and credited to the agency from the proceeds related to the sale of agency property with federal equity are hereby appropriated (up to \$600,000) to maintain service levels in the agency's local offices.

2. Reed Act funds distributed by the Balanced Budget Act of 1997 and credited to the unemployment trust fund with respect to federal fiscal years 2000, 2001, and 2002, under § 1103 of the Social Security Act (42 U.S.C.), as amended, shall be used only for the administration of the unemployment compensation program, under the direction of the Virginia Employment Commission, and shall not be subject to the requirements of § 60.2-305, Code of Virginia. Reed Act funds from the Balanced Budget Act are hereby appropriated (up to \$2.2 million, not to exceed the balance of said Reed Act funds) to pay for upgrading the information technology systems at the Virginia Employment Commission.

C. There is hereby appropriated out of the funds made available to this state under § 1103 of the Social Security Act (42 U.S.C.) as amended, the balance of the \$51,067,866 of Reed Act funds, if any, provided in Item 120 E. of Chapter 847, 2007 Acts of Assembly, for upgrading obsolete information technology systems, to include staff costs. This appropriation is subject to the provisions of § 60.2-305, Code of Virginia. Savings as a result of the new systems shall be retained by the commission.

D. Notwithstanding any other provision of law, all fees incurred by the Virginia Employment Commission with respect to the collection of debts authorized to be collected under § 2.2-4806 of the Code of Virginia, using the Treasury Offset Program of the United States, shall become part of the debt owed the Commission and may be recovered accordingly.

E. Workforce development programs shall give priority to assisting Medicaid enrollees who are required to participate in the Training, Education, Employment and Opportunity Program to the extent allowed by federal law.

F. The Governor shall have the authority to alter the administration of the provisions of The Virginia Unemployment Compensation Act, Title 60.2 of the Code of Virginia, to meet the exigencies of a health emergency crisis.

124. Not set out.

125. Not set out.

Total for Virginia Employment Commission.....			\$560,608,306	\$555,408,306
Nongeneral Fund Positions.....	865.00	865.00		
Position Level.....	865.00	865.00		
Fund Sources: Special.....	\$6,547,987	\$6,547,987		
Trust and Agency.....	\$554,060,319	\$548,860,319		

ITEM 126.		Item Details(\$)		Appropriations(\$)	
		First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
126.	Tourist Promotion (53600).....			\$21,035,424	\$21,235,424 \$21,335,424
	Tourist Promotion Services (53607).....	\$21,035,424	\$21,235,424 \$21,335,424		
	Fund Sources: General.....	\$21,035,424	\$21,235,424 \$21,335,424		

Authority: Title 2.2, Chapter 22, Article 8, Code of Virginia.

A.1. The Department of Transportation shall pay to the Virginia Tourism Authority \$1,200,000 each year for continued operation of the Welcome Centers. The Department of Transportation shall fund maintenance at each facility based on the agreed-upon service levels contained in the Memorandum of Agreement between the Virginia Tourism Authority and the Department of Transportation. Included in the amounts in this paragraph is \$100,000 each year for maintenance of the Danville Welcome Center.

2. To the extent necessary to fund the operations of the Welcome Centers, the Virginia Tourism Authority is authorized to collect fees paid by businesses for display space at the Welcome Centers.

B. Upon authorization of the Governor, the Virginia Tourism Authority may transfer funds appropriated to it by this act to a nonstock corporation.

C. Prior to July 1 of each fiscal year, the Virginia Tourism Authority shall provide to the Chairmen of the House Appropriations and Senate Finance Committees and the Director, Department of Planning and Budget a report of its operating plan. Prior to September 1 of each fiscal year, the authority shall provide to the Chairmen of the House Appropriations and Senate Finance Committees and the Director, Department of Planning and Budget a detailed expenditure report and a listing of the salaries and bonuses for all authority employees for the prior fiscal year. All three reports shall be prepared in the formats as previously approved by the Department of Planning and Budget.

D. The State Comptroller shall disburse the first and second year appropriations in twelve equal monthly installments. The Director, Department of Planning and Budget may authorize an increase in disbursements for any month, not to exceed the total appropriation for the fiscal year, if such an advance is necessary to meet payment obligations.

E.1. Out of the amounts in this Item, \$2,475,000 the first year and \$2,875,000 the second year from the general fund is provided for grants to regional and local tourism authorities and other tourism entities to support their efforts. From the grants provided from the amounts included in this paragraph, priority consideration shall be given to funding for the Daniel Boone Visitor Center, as well as \$100,000 the first year and \$200,000 the second year to the Coalfield Regional Tourism Authority, and \$50,000 the first year and \$50,000 the second year for events sponsored by Special Olympics Virginia, \$550,000 the first year and \$850,000 the second year to the Southwest Virginia Regional Recreation Authority for the Spearhead Trails initiative, and \$125,000 the first year and \$125,000 the second year to the City of Virginia Beach for a regional tourism entity.

2. Out of the amounts in this paragraph provided for the Southwest Virginia Regional Recreation Authority, up to \$25,000 the second year from the general fund, shall be provided to establish a peer-support program for Virginia veterans in partnership with the Spearhead Trails initiative. The Virginia Department of Behavioral Health and Developmental Services and the Virginia Department of Veterans Services shall provide assistance in establishing such program upon the request of the board of the Southwest Regional Recreation Authority.

F. The Virginia Tourism Authority shall place a high priority on marketing rural areas of the state.

G. Out of the amounts in this Item, \$3,100,000 in the first year and \$3,100,000 in the second year from the general fund is provided to supplement appropriations to promote Virginia's tourism industries through an enhanced advertising campaign. Of these amounts, at least \$1,000,000 the first year and \$1,000,000 the second year shall be used to support a cooperative advertising program to partner with private sector tourism businesses and regional tourism entities to advertise Virginia as a tourism destination. The state dollars shall be used

ITEM 126.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
to incentivize private and regional tourism marketing funds on a \$1.00 for \$1.00 basis whereby the Virginia Tourism Corporation shall enter into agreements to undertake joint advertising purchases to promote Virginia and specific facilities with private sector and regional partners.				
H. Out of the amounts in this Item, \$330,012 the first year and \$330,012 the second year from the general fund is provided to promote and advertise tourism in Virginia. These amounts include \$130,012 in the first year and \$130,012 in the second year for "See Virginia First," a partnership operated by the Virginia Association of Broadcasters to advertise Virginia Tourism, provided the Association contributes a total of at least \$390,036 in television and radio advertising value to promote tourism in Virginia in the first year and \$390,036 in the second year. Also included in these amounts is \$100,000 the first year and \$100,000 the second year to promote Virginia Parks, and \$100,000 the first year and \$100,000 the second year to promote Virginia's wineries.				
I. Out of the amounts in this Item, \$497,544 the first year and \$497,544 the second year from the general fund is provided to purchase media in the Washington, D.C., Virginia, and Baltimore, Maryland markets through the "See Virginia First," a partnership operated by the Virginia Association of Broadcasters, in association with its affiliates in other states in the region, provided that the Association can obtain contributions of at least \$1,492,632 the first year and \$1,492,632 the second year in television, radio and station-related internet advertising value to promote tourism in Virginia.				
J. Out of the amounts in this Item, \$400,000 the first year and \$450,000 the second year from the general fund is provided as an incentive to establish nonstop air service between Indira Gandhi International Airport and Washington Dulles International Airport in accordance with a signed agreement entered into with the Virginia Tourism Corporation. Such agreement shall include provisions requiring a minimum of three nonstop round-trip flights per week, a load factor, and that the incentive payments be repaid or reduced proportionately if such conditions are not met.				
K. Out of the amounts in this Item, \$150,000 the first year and \$150,000 the second year from the general fund is provided to support a tourism development initiative in the County of Henrico.				
L. Out of the amounts in this item, \$250,000 the first year from the general fund is provided as the state's contribution towards infrastructure costs in order to host the FEI Nation's Cup of Eventing at Great Meadow, The Plains.				
M. Out of the amounts in this item, \$25,000 the first year and \$25,000 the second year from the general fund is provided to support the Carver Price Legacy Museum.				
N. With such funds as are available, the Virginia Tourism Authority shall collaborate with "Opening Doors for Virginians with Disabilities" to maintain and update the Opening Doors for Virginians with Disabilities travel guide and establish a more user-friendly link to this information on the Virginia Tourism Corporation website home page.				
<i>O. Out of the amounts in this item, \$100,000 the second year from the general fund is provided to the City of Portsmouth to support a marketing and promotional awareness campaign for the 40th anniversary of the Children's Museum of Virginia.</i>				
			\$21,035,424	\$21,235,424 \$21,335,424
	Fund Sources: General.....	\$21,035,424	\$21,235,424 \$21,335,424	
126.10	Not set out.			
	TOTAL FOR OFFICE OF COMMERCE AND TRADE.....		\$931,595,985	\$996,220,261 \$1,004,320,261
	General Fund Positions.....	370.34	371.34 373.34	
	Nongeneral Fund Positions.....	1,307.66	1,307.66	

ITEM 126.10.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
Position Level.....	1,678.00	1,679.00 1,681.00		
Fund Sources: General.....	\$231,498,812	\$302,298,973 \$309,398,973		
Special.....	\$27,524,327	\$26,920,327		
Commonwealth Transportation.....	\$1,592,572	\$1,592,572		
Trust and Agency.....	\$554,835,319	\$549,635,319		
Dedicated Special Revenue.....	\$25,848,945	\$25,477,060 \$26,477,060		
Federal Trust.....	\$90,296,010	\$90,296,010		

ITEM 127.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2019	FY2020	FY2019	FY2020

OFFICE OF EDUCATION

127. Not set out.

§ 1-11. DEPARTMENT OF EDUCATION, CENTRAL OFFICE OPERATIONS (201)

128. Not set out.

129.	Special Education and Student Services (18200).....			\$16,492,613	\$16,985,368
	Special Education Instructional Services (18201).....	\$9,907,986	\$9,907,986		
	Special Education Administration and Assistance Services (18202).....	\$1,043,459	\$1,043,459		
	Special Education Compliance and Monitoring Services (18203).....	\$3,058,297	\$3,551,052		
	Student Assistance and Guidance Services (18204).	\$2,482,871	\$2,482,871		
	Fund Sources: General.....	\$1,903,579	\$2,396,334		
	Special.....	\$120,000	\$120,000		
	Federal Trust.....	\$14,469,034	\$14,469,034		

Authority: Special Education Instructional Services: §§ 22.1-213 through 22.1-221, 22.1-253.13:1 through 22.1-253.13:8, 22.1-319 through 22.1-332, Code of Virginia; P.L. 108-446, Federal Code.

Special Education Administration and Assistance Services: §§ 22.1-253.13:1 through 22.1-253.13:8, Code of Virginia; P.L. 108-446, Federal Code.

Special Education Compliance and Monitoring Services: §§ 22.1-213 through 22.1-221, 22.1-253.13:1 through 22.1-253.13:8, 22.1-319 through 22.1-332, Code of Virginia; P.L. 108-446, Federal Code.

Student Assistance and Guidance Services: Title 22.1, Chapters 1, 13, 14, 16; §§ 22.1-16.2, 22.1-17.1, 22.1-17.2, 22.1-199.4, 22.1-206, 22.1-207.1, 22.1-208.01, 22.1-209.2, Code of Virginia; P.L. 107-110 and P.L. 108-446, Federal Code.

A. The Department of Education, in collaboration with the Office of Children's Services, shall provide training to local staff serving on Family Assessment and Planning Teams and Community Policy and Management Teams. Training shall include, but need not be limited to, the federal and state requirements pertaining to the provision of the special education services funded under § 2.2-5211, Code of Virginia. The training shall also include written guidance concerning which services remain the financial responsibility of the local school divisions. In addition, the Department of Education shall provide ongoing local oversight of its federal and state requirements related to the provision of services funded under § 2.2-5211, Code of Virginia.

B. The Board of Education shall consider the caseload standards for speech-language pathologists as part of its review of the Standards of Quality, pursuant to § 22.1-18.01, Code of Virginia.

C. The Board of Education shall consider the inclusion of instructional positions needed for blind and visually impaired students enrolled in public schools and shall consider developing a caseload requirement for these instructional positions as part of its review of the Standards of Quality, pursuant to § 22.1-18.01, Code of Virginia.

D. Out of this appropriation, \$447,416 the first year and \$447,416 the second year from the general fund is provided to the Department of Education to provide training, technical assistance, and on-site coaching to public school teachers and administrators on implementation of a positive behavioral interventions and supports program with the goal of improving school climate and reducing disruptive behavior in the classroom. Such training and other assistance may be provided as part of the Department's ongoing efforts to assist schools with implementation of a tiered system of supports that addresses both academic and behavioral needs.

ITEM 129.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
E.	Out of this appropriation, \$290,000 the first year and \$290,000 the second year from the general fund and \$290,000 the first year and \$290,000 the second year from federal funds shall be used for Multisensory Structured Literacy teacher training.			
F.	Out of this appropriation, \$492,755 the second year from the general fund is provided to support statewide training and assistance for local school divisions to implement the Board of Education's Regulations Governing the Use of Seclusion and Restraint in Public Elementary and Secondary Schools in Virginia. <i>Any state funds provided to local school divisions in fiscal year 2020 to implement the Board of Education's Regulations Governing the Use of Seclusion and Restraint in Public Elementary and Secondary Schools in Virginia that are unexpended as of June 30, 2020, shall be carried on the books of the locality to be appropriated to the school division the following year to be used for the same purpose.</i>			
G.1.	The Department of Education shall serve as the lead agency to collect and report data that succinctly measures the progress and outcomes of students that are placed in private provider settings by such student's public school of residence in Virginia or have been placed in a private provider facility by other legal means for which the Commonwealth is responsible for providing education. In keeping with the November 1, 2018, Private Day Special Education Outcomes report's findings and recommendations, the data shall include at least student attendance rates, graduation rates, individual student progress improvement rates relative to student individual education plans, standardized test scores, return to public school setting percentages, suspension and expulsion rates, transition to enrolling in post-secondary education percentages, and parental and student perspectives.			
2.	The Department of Education, in collaboration with the Office of Children's Services, shall establish an implementation advisory group to assist in refining the outcome measures contained in paragraph G.1 of this item and the collection of any additional information that is beneficial in determining and measuring outcomes of such students in private day school settings that ensure a consistent set of comparable and compatible data relative to such data of students enrolled in the public schools in Virginia and who have an individualized education plan. The advisory workgroup shall include a representative number of various stakeholders that includes, but is not limited to, private day schools, local school divisions, associations that represent private providers, and others as necessary. The advisory group shall assist in the development of data collection protocols, requirements, and outcome reporting mechanisms. The relevant data shall be provided to the department annually by each private provider that receives state funding for the purpose of providing services as prescribed in such student's individualized education plan.			
3.	The department shall begin collecting outcome data for private day special education schools in the 2019-2020 school year, if possible, but no later than the 2020-2021 school year. If warranted, other state agencies shall provide appropriate support to facilitate the collection of such data. All public school divisions that have students enrolled in such a private provider facility shall include in their contract for services with the private provider a requirement for the department to receive the data necessary to satisfy the data collections and subsequent reporting requirements. The department shall report annually on the outcome data for students enrolled in special education private day schools to Chairmen of the House Appropriations, House Education, Senate Finance, and Senate Education and Health Committees by the first day of the regular General Assembly Session.			
4.	The Department of Education shall enter into a data sharing Memorandum of Understanding with the Office of Children's Services to allow linkage of specific student data to specific private day schools.			
5.	The Department of Education and the Office of Children's Services shall have authority to implement these changes effective July 1, 2019, and prior to the completion of any regulatory process undertaken in order to effect such changes.			
130.	Not set out.			
131.	Not set out.			
132.	Not set out.			

ITEM 133.		Item Details(\$)		Appropriations(\$)	
		First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
133.	Not set out.				
134.	Administrative and Support Services (19900).....			\$20,519,856	\$21,098,429
	General Management and Direction (19901).....	\$3,951,175	\$3,951,175		
	Information Technology Services (19902).....	\$10,128,307	\$10,393,773		
	Accounting and Budgeting Services (19903).....	\$4,337,930	\$4,622,037		
	Policy, Planning, and Evaluation Services (19929)..	\$2,102,444	\$2,131,444		
	Fund Sources: General.....	\$17,294,254	\$17,872,827		
	Special.....	\$2,349,281	\$2,349,281		
	Federal Trust.....	\$876,321	\$876,321		

Authority: Article VIII, Sections 2, 4, 5, 6, 8, Constitution of Virginia; Title 2.2, Chapters 10, 12, 29, 30, 31, and 32; Title 22.1, 22.1-8 through 20, 22.1-21 through 24; Title 51.1, Chapters 4, 5, 6.1, and 11; Title 60.2, Chapters 60.2-100, 60.2-106; Title 65.2, Chapters 1, 6, and 9, Code of Virginia; P.L. 108-446, P.L. 107-110, Federal Code.

A. Out of this appropriation, \$9,000 the first year and \$9,000 the second year from the general fund is designated to support annual membership dues to the Southern Regional Education Board. In addition, \$5,000 the first year and \$5,000 the second year from the general fund is designated to pay registration and travel expenses of citizens appointed as Virginia commissioners for the Southern Regional Education Board.

B. Out of this appropriation \$70,000 the first year and \$79,000 the second year from the general fund is provided for the fees and travel expenses associated with the Interstate Compact on Educational Opportunity for Military Children, established pursuant to Chapter 187, of the 2009 Acts of Assembly.

C. The Department of Education is authorized to collect proceeds from the sale of educational resources it has developed, such as technology applications, on-line course content, assessments, and other educational content, to out-of-state individuals or entities and to in-state, for-profit entities. The Department of Education is further authorized to deposit such proceeds in a non-reverting special fund account established in its financial records for this purpose. Net proceeds from such sales shall be expended by the Department of Education to further develop existing educational resources or to create new educational resources for the benefit of the commonwealth's public schools and which may also be sold under the provisions of this paragraph. The Secretary of Administration shall authorize any licensing agreements executed by the Department of Education pursuant to this paragraph.

D. Out of this appropriation, \$34,625 the first year and \$34,625 the second year from the general fund shall be used to provide performance evaluation training to teachers, principals, division superintendents, and other affected school division personnel in support of the transition from continuing employment contracts to annual employment contracts for teachers and principals.

E. Included in this appropriation is \$624,713 the first year and \$624,713 the second year from the general fund to cover ongoing operational and maintenance costs of the Performance Budgeting System and the Cardinal System charged to Direct Aid for Public Education.

F. Out of this appropriation, \$100,000 the first year and \$100,000 the second year from the general fund is provided for the Board of Education, in consultation with the Standards of Learning Innovation Committee, to continue redesigning the School Performance Report Card so that it is more effective in communicating to parents and the public regarding information about the status and achievements of the schools and school divisions.

G. Out of this appropriation, \$500,000 the first year and \$500,000 the second year is provided from the general fund for the Department of Education to develop a growth scale for the existing Standards of Learning mathematics and reading assessments. This growth scale should facilitate data-driven school improvement efforts and support the state's accountability and accreditation systems.

H. Out of the amounts in this item, the Department of Education shall develop and administer biennially to individuals holding a license from the Department in each public

ITEM 134.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
<p>elementary and secondary school in the Commonwealth a voluntary and anonymous school personnel survey to evaluate school-level teaching conditions and the impact such conditions have on teacher retention and student achievement. Such survey may include questions regarding school leadership, teacher leadership, teacher autonomy, demands on teachers' time, student conduct management, professional development, instructional practices and support, new teacher support, community engagement and support, and facilities and other resources. The Superintendent of Public Instruction shall report the results of any school personnel survey to the Chairmen of the House Committees on Appropriations and Education and to the Senate Committees on Finance and Education and Health annually before the first day of each General Assembly Regular Session. The appropriation in this item meets the requirements of the second enactment of Senate Bill 456, of the 2018 General Assembly Regular Session.</p>				

I. Out of this appropriation, \$20,000 the second year from the general fund is provided to the Department of Education to work with a partner organization to conduct a brief questionnaire survey to approximately 500 high school students and then produce a number of cross-tabulated results of any key findings.

J. Notwithstanding the provisions set forth in this Act or in § 22.1, Code of Virginia, the Superintendent of Public Instruction may grant temporary flexibility or issue waivers of certain deadlines and requirements that cannot be met due to the state of emergency or school closures resulting from Novel Coronavirus (COVID-19). Such flexibility or waivers may include, but are not limited to, accreditation, testing and assessments, graduation, licensure, including temporary licensure, school calendars, and program applications and reports due to the Department of Education or Board of Education. Such authority only applies to deadlines and requirements for fiscal year 2020 (school year 2019-2020) or fiscal year 2021 (school year 2020-2021). Prior to granting any flexibility or waivers pursuant to this language, the Superintendent of Public Instruction must report to the Secretary of Education and substantiate how the state of emergency or school closures resulting from COVID-19 impacted each deadline or requirement, the proposed alternative, and the affected fiscal and school years. Subsequently, information about waivers or flexibility extended shall be reported to the Board of Education and made available on the agency website.

Total for Department of Education, Central Office Operations.....			\$108,665,168	\$121,138,531
General Fund Positions.....	144.00	149.00		
Nongeneral Fund Positions.....	185.50	185.50		
Position Level.....	329.50	334.50		
Fund Sources: General.....	\$61,947,187	\$64,519,602		
Special.....	\$5,159,353	\$5,159,353		
Commonwealth Transportation.....	\$270,419	\$270,419		
Trust and Agency.....	\$679,563	\$679,563		
Federal Trust.....	\$40,608,646	\$50,509,594		

Direct Aid to Public Education (197)

135. Financial Assistance for Educational, Cultural, Community, and Artistic Affairs (14300).....			\$32,171,945	\$33,324,222 \$35,165,708
Financial Assistance for Supplemental Education (14304).....	\$32,171,945	\$33,324,222 \$35,165,708		
Fund Sources: General.....	\$32,171,945	\$33,324,222 \$35,165,708		

Authority: Discretionary Inclusion.

Appropriation Detail of Educational, Cultural, Community, and Artistic Affairs (14300)

Supplemental Education Assistance Programs (14304)	FY 2019	FY 2020
Academies of Hampton	\$0	\$500,763

ITEM 135.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
Achievable Dream	\$500,000			\$500,000
<i>American Civil War Museum</i>		\$0		\$1,000,000
<i>Black History Museum and Cultural Center of Virginia</i>		\$0		\$1,200,000
Career and Technical Education Regional Centers	\$660,000			\$660,000
Career and Technical Education - Emil and Grace Shihaden Innovation Center	\$250,000			\$250,000
Career and Technical Education Resource Center	\$298,021			\$298,021
Career Council at Northern Neck Career & Technical Center	\$60,300			\$60,300
Charter School Supplement	\$100,000			\$100,000
College Partnership Laboratory School	\$50,000			\$50,000
Communities in Schools (CIS)	\$1,244,400			\$1,244,400
Computer Science Teacher Training	\$550,000			\$550,000
Great Aspirations Scholarship Program (GRASP)	\$400,000			\$500,000
High School Program Innovation	\$500,000			\$500,000
Jobs for Virginia Graduates (JVG)	\$573,776			\$573,776
National Board Certification Program	\$5,250,000			\$5,393,514 \$5,035,000
Newport News Aviation Academy - STEM Program	\$100,000			\$100,000
Petersburg Executive Leadership Recruitment Incentives	\$350,000			\$350,000
Positive Behavioral Interventions & Support (PBIS)	\$1,598,000			\$1,598,000
Praxis and Virginia Communication and Literacy Assessment Assistance for Provisionally Licensed Minority Teachers	\$50,000			\$50,000
Project Discovery	\$962,500			\$962,500
Robots for Autism Pilot Program	\$0			\$200,000
Small School Division Assistance	\$145,896			\$145,896
Southside Virginia Regional Technology Consortium	\$108,905			\$108,905
Southwest Virginia Public Education Consortium	\$124,011			\$124,011
STEM Program / Research Study (VA Air & Space Center)	\$681,975			\$681,975
STEM Competition Team Grants	\$200,000			\$200,000
Targeted Extended/Enriched School Year and Year-round School Grants	\$7,763,312			\$7,763,312
Targeted Joint Consolidation School Division Incentive	\$0			\$400,000
Teach for America	\$500,000			\$500,000
Teacher Improvement Funding Initiative	\$15,000			\$15,000
Teacher Recruitment & Retention Grant Programs	\$2,123,000			\$2,181,000
Teacher Residency Program	\$2,000,000			\$1,750,000
Van Gogh Outreach Program	\$71,849			\$71,849
Virginia Early Childhood Foundation (VECF)	\$2,750,000			\$2,750,000
Virginia Reading Corps	\$600,000			\$600,000

ITEM 135.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
Virginia Student Training and Refurbishment (VA STAR) Program		\$300,000		\$300,000
Vision Screening Grants		\$391,000		\$391,000
Vocational Lab Pilot		\$175,000		\$175,000
Wolf Trap Model STEM Program		\$725,000		\$725,000
Total		\$32,171,945		\$33,324,222 \$35,165,708

A. Out of this appropriation, the Department of Education shall provide \$573,776 the first year and \$573,776 the second year from the general fund for the Jobs for Virginia Graduates initiative.

B. Out of this appropriation, the Department of Education shall provide \$124,011 the first year and \$124,011 the second year from the general fund for the Southwest Virginia Public Education Consortium at the University of Virginia's College at Wise. An additional \$71,849 the first year and \$71,849 the second year from the general fund is provided to the Consortium to continue the Van Gogh Outreach program with Lee and Wise County Public Schools and expand the program to the twelve school divisions in Southwest Virginia.

C. This appropriation includes \$108,905 the first year and \$108,905 the second year from the general fund for the Southside Virginia Regional Technology Consortium to expand the research and development phase of a technology linkage.

D. An additional state payment of \$145,896 the first year and \$145,896 the second year from the general fund is provided as a Small School Division Assistance grant for the City of Norton. To receive these funds, the local school board shall certify to the Superintendent of Public Instruction that its division has entered into one or more educational, administrative or support service cost-sharing arrangements with another local school division.

E. Out of this appropriation, \$298,021 the first year and \$298,021 the second year from the general fund shall be allocated for the Career and Technical Education Resource Center to provide vocational curriculum and resource instructional materials free of charge to all school divisions.

F. It is the intent of the General Assembly that the Department of Education provide bonuses from state funds to classroom teachers in Virginia's public schools who hold certification from the National Board of Professional Teaching Standards. Such bonuses shall be \$5,000 the first year of the certificate and \$2,500 annually thereafter for the life of the certificate. This appropriation includes an amount estimated at \$5,250,000 the first year and ~~\$5,393,514~~ \$5,035,000 the second year from the general fund for the purpose of paying these bonuses. By October 15 of each year, school divisions shall notify the Department of Education of the number of classroom teachers under contract for that school year that hold such certification.

G. This appropriation includes \$2,123,000 the first year and \$2,181,000 the second year from the general fund for grants, scholarships, and incentive payments to attract, recruit, and retain high-quality teachers and fill critical teacher shortage disciplines in Virginia's public schools.

1. Out of this appropriation, \$708,000 the first year and \$708,000 the second year from the general fund is provided for teaching scholarship loans. These scholarships shall be for undergraduate students in college with a cumulative grade point average of at least 2.7, who are nominated by their college, and who meet the criteria and qualifications, pursuant to § 22.1-290.01, Code of Virginia, except as provided herein. Awards shall be made to students who are enrolled full-time or part-time in approved undergraduate or graduate teacher education programs for the top five critical teacher shortage disciplines, however minority students may be enrolled in any content area for teacher preparation. Scholarship recipients may fulfill the teaching obligation by accepting a teaching position, and teaching for at least two years in a school division where 50 percent or more of the students are eligible for free and reduced price lunch. Scholarship recipients who only complete one year of the teaching obligation shall be forgiven for one-half of the scholarship loan amount. Scholarship amounts are based on up to \$10,000 per year for full-time students, and shall be prorated for part-time students based on the number of credit hours. The Department of Education shall report annually on the critical shortage teaching areas in Virginia.

ITEM 135.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
a. The Department of Education shall make payments on behalf of the scholarship recipients directly to the Virginia institution of higher education where the scholarship recipient is enrolled full-time or part-time in an approved undergraduate or graduate teacher education program.				
b. The Department of Education is authorized to recover total funds awarded as scholarships, or the appropriate portion thereof, in the event that scholarship recipients fail to honor the stipulated teaching obligation.				
c. Within the fiscal year, any funds not awarded from this program may be applied toward the other teacher preparation, recruitment, and retention programs under paragraph G.				
2. Out of this appropriation, \$1,000,000 the first year and \$808,000 the second year from the general fund is provided to attract, recruit, and retain high-quality diverse individuals to teach science, technology, engineering, or mathematics (STEM) subjects in Virginia's middle and high schools experiencing difficulty in recruiting qualified teachers. A teacher employed full-time in a Virginia school division who has been issued a five-year Virginia teaching license with an endorsement in Middle Education 6-8: Mathematic, Mathematics-Algebra-I, mathematics, Middle Education 6-8: Science, Biology, Chemistry, Earth and Space Science, physics, or technology education and assigned to a teaching position in a corresponding STEM subject area in a hard-to-staff school is eligible to receive a \$5,000 incentive award after the completion of the first, second, and third year of teaching at a hard-to-staff school with a satisfactory performance evaluation and a signed contract in the same school division for the following school year. The maximum incentive award for each eligible teacher is \$15,000. Eligibility for access to these incentives shall be determined through an application process whereby school divisions shall apply to the Department of Education. Priority for distribution of these incentives shall be to school divisions experiencing the most acute difficulties in recruiting qualified teachers, as determined using Department of Education criteria. School divisions that have been approved shall advertise the incentive for eligible vacancies and award such funds in accordance with this paragraph. For the purpose of the award of the additional \$1,000 to individuals who received funds under this program prior to July 1, 2018, the criteria provided in Chapter 836 of the 2017 Acts of Assembly shall continue to apply. Within the fiscal year, any funds not awarded from this program may be applied toward the other teacher preparation, recruitment, and retention programs under paragraph G.				
3. Out of this appropriation, \$415,000 the first year and \$415,000 the second year from the general fund is provided to help school divisions recruit and retain qualified middle-school mathematics teachers. Within the fiscal year, any funds not awarded from this program may be applied toward the other teacher preparation, recruitment, and retention programs under paragraph G.				
4. Out of this appropriation, \$250,000 the second year from the general fund is provided for tuition scholarships to be specifically allocated solely for licensed public high school teachers pursuing additional credentialing requirements necessary to be considered faculty who are qualified to teach dual enrollment courses in high schools in their local school division. The Department of Education shall make payments on behalf of the scholarship recipients directly to the Virginia institution of higher education where the scholarship recipient is enrolled full-time or part-time in an approved undergraduate or graduate teacher education program applicable to dual enrollment course curriculum available for public high school students. The lifetime maximum dual enrollment tuition scholarship award for each approved eligible teacher is \$7,500. Eligibility for access to these dual enrollment tuition scholarship awards shall be determined through an application process whereby school divisions shall apply to the Department of Education. In the application process, the applying school division shall include: i) an explanation of why such dual enrollment tuition scholarship is warranted, ii) the dual enrollment course or courses that shall be offered by the scholarship recipient's high school and taught by the recipient upon the recipient's successful completion of required coursework for appropriate credentialing to teach such dual enrollment courses, and iii) the projected student enrollment in the recipient taught public high school dual enrollment courses. The Department of Education shall compile and report the application information for each applying school division, and shall also report the number of recipients and amount of tuition awarded to each school division, the institution of higher education receiving tuition, the credentialing area				

ITEM 135.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
	pursued by recipients, and dual enrollment courses offered after the recipient's successful completion of the pursued credentialing. The Department shall submit the report by June 30, 2020, and annually thereafter, to the House Committees on Education and Appropriations and the Senate Committees on Finance and Education and Health.			
	H. Out of this appropriation, \$400,000 the first year and \$500,000 the second year from the general fund shall be distributed to the Great Aspirations Scholarship Program (GRASP) to provide students and families in need access to financial aid, scholarships, and counseling to maximize educational opportunities for students.			
	I.1. Out of this appropriation, the Department of Education shall provide \$1,244,400 the first year and \$1,244,400 the second year from the general fund to Communities in Schools. These funds will be used to continue existing Communities in Schools programming in Petersburg and Richmond City, expand programming to all Petersburg schools, and expand the Pathways to Parents as Partners program to two additional Richmond City elementary schools. Further, Communities in Schools is directed to assist the Community School organization with the developing opportunities to establish a Community School program in interested school divisions.			
	2. The Department of Education, in consultation with Communities In Schools of Virginia and other relevant stakeholders, shall develop, distribute to each local school division, and report to the Governor and General Assembly, no later than November 1, 2019, guidance on best practices for local school divisions to transition existing schools to community schools. Such guidance shall include best practices for removing nonacademic barriers to learning as a means to enhance student academic success in public elementary and secondary schools throughout the Commonwealth.			
	J. This appropriation includes \$100,000 the first year and \$100,000 the second year from the general fund for the Superintendent of Public Education to award supplemental grants to charter schools.			
	K. Out of this appropriation, the Department of Education shall provide \$962,500 the first year and \$962,500 the second year from the general fund for Project Discovery. These funds are towards the cost of the program in Abingdon, Accomack/Northampton, Alexandria, Amherst, Appomattox, Arlington, Bedford, Bland, Campbell, Charlottesville, Cumberland, Danville/Pittsylvania, Fairfax, Franklin/Patrick, Fredericksburg/Spotsylvania, Goochland/Powhatan, Lynchburg, Newport News, Norfolk, Richmond City, Roanoke City, Smyth, Surry/Sussex, Tazewell, Williamsburg/James City, and Wythe and the salary of a fiscal officer for Project Discovery. The Department of Education shall administer the Project Discovery funding distributions to each community action agency. Distributions to each community action agency shall be based on performance measures established by the Board of Directors of Project Discovery. The contract with Project Discovery should specify the allocations to each local program and require the submission of a financial and budget report and program evaluation performance measures.			
	2. Each participating community action agency shall submit annual performance metrics for services provided through the Project Discovery program that provide measurable evaluations and outcomes of participating students. Such performance metrics shall include evidenced-based data that effectively measure academic improvement outcomes. In addition, the performance metrics shall also include evidenced-based data to evaluate the specific effectiveness of the program for participating students on a longitudinal basis. Further, the performance metrics shall include the coordination and collaboration efforts the program staff regularly have with the school-based personnel, such as teachers and guidance counselors, that support and maximize opportunities of participating students to successfully graduate from high school and then to enroll and graduate from an institution of higher learning. Project Discovery shall submit a comprehensive and cumulative program performance metrics evaluation to the Department of Education and the Chairmen of the House Appropriations and Senate Finance Committees no later than October 1, 2016.			
	L. Out of this appropriation, the Department of Education shall provide \$300,000 the first year and \$300,000 the second year from the general fund for the Virginia Student Training and Refurbishment Program.			
	M. Out of this appropriation, \$1,598,000 the first year and \$1,598,000 the second year from			

ITEM 135.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2019	FY2020	FY2019	FY2020

the general fund is provided to expand the number of schools implementing a system of positive behavioral interventions and supports with the goal of improving school climate and reducing disruptive behavior in the classroom. Such a system may be implemented as part of a tiered system of supports that utilizes evidence-based, system-wide practices to provide a response to academic and behavioral needs. Any school division which desires to apply for this competitive grant must submit a proposal to the Department of Education by June 1 preceding the school-year in which the program is to be implemented. The proposal must define student outcome objectives including, but not limited to, reductions in disciplinary referrals and out-of-school suspension rates. In making the competitive grant awards, the Department of Education shall give priority to school divisions proposing to serve schools identified by the Department as having high suspension rates. No funds awarded to a school division under this grant may be used to supplant funding for schools already implementing the program.

N. Targeted Extended/Enriched School Year and Year-round School Grants Payments

1. Out of this appropriation, \$7,150,000 the first year and \$7,150,000 the second year from the general fund is provided for a targeted extended/enriched school year or year-round school incentive in order to improve student achievement. Annual start-up grants of up to \$300,000 per school may be awarded for a period of up to two years after the initial implementation year. The per school amount may be up to \$400,000 in the case of schools that have an Accredited with Conditions status and are rated at Level Three in two or more Academic Achievement for All Students school quality indicators, or schools that had an Accredited with Conditions status and were rated at Level Three in two or more Academic Achievement for All Students school quality indicators when the initial application was made. Schools that qualified for the per school grant up to \$400,000 under the previous Standards of Accreditation Denied Accreditation status remain eligible for funding for the initial three year period; after that period, such schools are subject to eligibility under the current Standards of Accreditation . After the third consecutive year of successful participation, an eligible school's grant amount shall be based on a shared split of the grant between the state and participating school division's local composite index. Such continuing schools shall remain eligible to receive a grant based on the 2012 JLARC Review of Year Round Schools' researched base findings.

2. Except for school divisions with schools that are in an Accredited with Conditions status and are rated at Level Three in two or more Academic Achievement for All Students school quality indicators or in a Denied Accreditation status, any other school division applying for such a grant shall be required to provide a twenty percent local match to the grant amount received from either an extended/enriched school year or year-round school start-up or planning grant.

3. In the case of any school division with schools that are in an Accredited with Conditions status and are rated at Level Three in two or more Academic Achievement for All Students school quality indicators or in a Denied Accreditation status that apply for funds, the school division shall also consult with the Superintendent of Public Instruction or designee on all recommendations regarding instructional programs or instructional personnel prior to submission to the local board for approval.

4. Out of this appropriation, \$613,312 the first year and \$613,312 the second year from the general fund is provided for planning grants of no more than \$50,000 each for local school divisions pursuing the creation of new extended/enriched school year or year-round school programs for divisions or individual schools in support of the findings from the 2012 JLARC Review of Year Round Schools. School divisions must submit applications to the Department of Education by August 1 of each year. Priority shall be given to schools based on need, relative to the state accreditation ratings or similar federal designations. Applications shall include evidence of commitment to pursue implementation in the upcoming school year. If balances exist, existing extended school year programs may be eligible to apply for remaining funds.

5. A school division that has been awarded an extended/enriched school year or year-round school start-up grant or planning grant for the development of an extended/enriched school year or year-round school program may spend the awarded grant over two consecutive fiscal years.

ITEM 135.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
6. a) Any such school division receiving funding from a Targeted Extended/Enriched School Year and Year-round School grant shall provide an annual progress report to the Department of Education that evaluates end of year success of the extended/enriched school year or year-round school model implemented as compared to the prior school year performance as measured by an appropriate evaluation matrix no later than September 1 each year.				
b) The Department of Education shall develop such evaluation matrix that would be appropriate for a comprehensive evaluation for such models implemented. Further, the Department of Education is directed to submit the annual progress reports from the participating school divisions and an executive summary of the program's overall status and levels of measured success to the Chairmen of House Appropriations and Senate Finance Committees no later than November 1 each year.				
7. Any funds remaining in this paragraph following grant awards may be disbursed by the Department of Education as grants to school divisions to support innovative approaches to instructional delivery or school governance models.				
O. Out of this appropriation, \$500,000 the first year and \$500,000 the second year from the general fund is provided through grants or contracts for the cost of fees and financial incentives associated with hiring teachers in challenged schools. These funds may be used for grants or contracts awarded and expenses associated with supporting the Teach for America program. School divisions or their partners may apply for those funds through applications submitted to the Department of Education. Applications must be submitted to the Department of Education by September 1 each year. Within the fiscal year, any unobligated balance may be used for the Teacher Residency program.				
P. Out of this appropriation, \$725,000 the first year and \$725,000 the second year from the general fund is provided for the Accomack, Albemarle, Arlington, Chesterfield, Fairfax, Henrico, Loudoun, Norfolk, Petersburg, Richmond City, Suffolk, and Wythe Public Schools to support expansion of a STEM model program for kindergarten and preschool students. Each developed model will focus on enhancing children's learning experiences through the arts.				
Q. Out of this appropriation, \$500,000 the first year and \$500,000 the second year from the general fund is provided for the Achievable Dream partnership with Newport News School Division.				
R. Out of this appropriation, \$2,000,000 the first year and \$1,750,000 the second year from the general fund is provided for grants for teacher residency partnerships between university teacher preparation programs and the Petersburg, Norfolk, and Richmond City school divisions and any other university teacher preparation programs and hard-to-staff school divisions to help improve new teacher training and retention for hard-to-staff schools. The grants will support a site-specific residency model program for preparation, planning, development and implementation, including possible stipends in the program to attract qualified candidates and mentors. Applications must be submitted to the Department of Education by August 1 each year.				
Partner school divisions shall provide at least one-third of the cost of each program and shall provide data requested by the university partner in order to evaluate program effectiveness by the mutually agreed upon timelines. Each university partner shall report annually, no later than June 30, to the Department of Education on available outcome measures, including student performance indicators, as well as additional data needs requested by the Department of Education. The Department of Education shall provide, directly to the university partners, relevant longitudinal data that may be shared. The Department of Education shall consolidate all submissions from the participating university partners and school divisions and submit such consolidated annual report to the Chairmen of the House Appropriations and Senate Finance Committees no later than November 1 each year.				
S. Out of this appropriation, \$60,300 the first year and \$60,300 the second year from the general fund is provided to the Northern Neck Regional Technical Center to expand the workforce readiness education and industry based skills and certification development efforts supporting that region in the state. These funds support the Center's programs that serve high school students from the surrounding counties of Essex, Lancaster, Northumberland, Rappahannock, Westmoreland and Colonial Beach.				

ITEM 135.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
<p>T. Out of this appropriation, \$2,750,000 the first year and \$2,750,000 the second year from the general fund is provided to the Virginia Early Childhood Foundation.</p> <p>1. Of this amount, \$250,000 the first year and \$250,000 the second year is provided for general operations of the Foundation's grant program to strengthen the capacity of local communities to promote school readiness for young children through innovative regional partnerships.</p> <p>2. Of this amount, \$1,000,000 the first year and \$1,000,000 the second year is provided to operate a scholarship program to increase the skills of Virginia's early education workforce.</p> <p>3. Of this amount, \$1,500,000 the first year and \$1,500,000 the second year is provided to pilot an initiative to promote public-private delivery of pre-kindergarten services to high-risk children and communities. In determining these grant awards, the Virginia Early Childhood Foundation shall offer an award to a private-provider that has submitted application applicable to a partnership with Richmond City for a mixed delivery pre-kindergarten program, provided that the application is of high quality and is competitive with other submitted applications received for such an award.</p> <p>4. Notwithstanding any provisions of § 22.1-199.6 or § 22.1-299, and in order to achieve the priorities of the Joint Subcommittee on Virginia Preschool Initiative for exploring the feasibility of and barriers to mixed delivery preschool systems in Virginia, recipients of a Mixed-Delivery Preschool grant shall be provided maximum flexibility within their respective pilot initiative in order to fully implement the associated goals and objectives of the pilot. Recipients of a Mixed-Delivery Preschool grant and divisions participating in such grant pilot activities shall be exempted from all regulatory and statutory provisions related to teacher licensure requirements and qualifications when paid by public funds within the confines of the Mixed-Delivery Preschool pilot initiative.</p> <p>In the case of new pilot grants awarded beginning in the second year, in addition to the provisions of § 22.1-199.6 E., grants shall be awarded to recipients that offer high quality preschool experience to participating enrolled at-risk four-year-old children.</p> <p>U. This appropriation includes \$500,000 the first year and \$500,000 the second year from the general fund to support ten competitive grants, not to exceed \$50,000 each, for planning the implementation of systemic High School Program Innovation by either individual school divisions or consortia of school divisions or implementing a plan for High School Program Innovation previously approved by the Department of Education. The local applicant(s) selected to conduct this systemic approach to high school reform, in consultation with the Department of Education, will develop and plan or implement innovative approaches to engage and to motivate students through personalized learning and instruction leading to demonstrated mastery of content, as well as skills development of career readiness. Essential elements of high school innovation include: (1) student centered learning, with progress based on student demonstrated proficiency; (2) 'real-world' connections that promote alignment with community work-force needs and emphasize transition to college and/or career; and (3) varying models for educator supports and staffing. Individual school divisions or consortia will be invited to apply on a competitive basis by submitting a grant application that includes descriptions of key elements of innovations, a detailed budget, expectations for outcomes and student achievement benefits, evaluation methods, and plans for sustainability. The Department of Education will make the final determination of which individual school divisions or consortia of divisions will receive the year-long planning grant for High School Innovation or a grant to implement a High School Program Innovation plan previously approved by the Department of Education. Any school division or consortium of divisions which desires to apply for this competitive grant must submit a proposal to the Department of Education by June 1 preceding the school year in which the planning or implementation for systemic high school innovation is to take place.</p> <p>V. Out of this appropriation, \$100,000 the first year and \$100,000 the second year from the general fund is provided to support the Newport News Aviation Academy's four-year high school STEM program, which focuses on piloting, aircraft maintenance, engineering, computers, and electronics.</p>				

ITEM 135.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
W. Out of this appropriation, \$15,000 the first year and \$15,000 the second year is provided for grants to school divisions of up to \$5,000 each to explore alternative teacher compensation approaches that move away from tenure-based step increases toward compensation systems based on teacher performance and student progress. Priority will be given to school divisions that have not previously explored alternative compensation approaches and have schools not achieving full accreditation, or that have high numbers of at-risk students needing qualified teachers in hard-to-staff subjects.				
X. Out of this appropriation, \$200,000 the first year and \$200,000 the second year from the general fund is provided for STEM Competition Team Grants. Notwithstanding § 22.1-362, Code of Virginia, Paragraph B, grants may not exceed \$5,000 each.				
Y. Out of this appropriation, \$681,975 the first year and \$681,975 the second year from the general fund is provided to support a multi-platform STEM education engagement program and research study, via the Virginia Air & Space Center.				
Z. Out of this appropriation, \$350,000 the first year and \$350,000 the second year from the general fund is provided for executive leadership incentives in the Petersburg City Public Schools to strengthen the impact of division and school level executive leadership on student achievement in the school division. Such incentives may include, but not be limited to, supplements to locally funded salaries, deferred salary compensation, bonuses, housing and commuting supplements, and professional development supplements. The Department of Education shall provide such executive management incentive payments directly to the Petersburg City Public Schools accounts pursuant to a Memorandum of Understanding entered into between the Board of Education and the Petersburg City School Board. Such Agreement shall be approved by both parties by July 1, 2016, shall cover no less than both years of the biennium, and may be amended with the consent of both parties. Such Agreement shall include operational and student achievement metrics and include provisions for the achievement of such metrics as a condition of payment of the incentive funds by the Department of Education. The Department of Education shall provide updates on implementation of the Agreement to the Chairmen of the Senate Finance and House Appropriations Committees.				
AA. Out of this amount, \$600,000 the first year and \$600,000 the second year from the general fund shall be reserved for school divisions to partner with the Virginia Reading Corps program. The implementation partner shall determine and select partner school divisions. The Virginia Reading Corps shall report annually to the school divisions and Department of Education on the outcomes of this program.				
BB. Out of this appropriation, \$50,000 the first year and \$50,000 the second year from the general fund is provided for Chesterfield County Public Schools to partner and plan with Virginia State University for the continued development of a College Partnership Laboratory School in support of Etrick Elementary School.				
CC. Out of this appropriation, \$175,000 the first year and \$175,000 the second year from the general fund is provided to establish a Career and Technical Education Vocational Laboratory pilot that will be located within the Virginia Aviation Academy located in the Newport News school division. This vocational-based lab will be developed and focused on advanced, augmented and virtual reality related education.				
DD. Out of this appropriation, \$50,000 the first year and \$50,000 the second year from the general fund is provided for praxis assistance and Virginia Communication and Literacy Assessment assistance for provisionally licensed minority teachers seeking full licensure in Virginia. Grants of up to \$10,000 shall be awarded to school divisions, teacher preparation programs, or nonprofit organizations in all regions of the state to subsidize test fees and the cost of tutoring for provisionally licensed minority teachers seeking full licensure in Virginia.				
EE. Out of this appropriation, \$391,000 the first year and \$391,000 the second year from the general fund is provided to school divisions to pay for a portion of the vision screening of students in kindergarten, grade two or three and grades seven and ten, pursuant to Chapter 312, 2017 Session Acts of Assembly. Eligible school divisions may receive the state's share of \$7.00 for each student reported in average daily membership and enrolled in kindergarten, grades three, seven and ten and who has received such vision screening test. The Department of Education shall administrator and distribute reimbursements to school divisions and the				

ITEM 135.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
<p>funding shall be prorated if needed, such that the appropriation is not exceeded. Prioritization shall be given the schools that would most benefit from state assistance in order to provide such vision screening service to students that are eligible for free lunch.</p>				
<p>FF. Out of this appropriation, \$660,000 the first year and \$660,000 the second year from the general fund is provided for annual grants of \$60,000 to each of the nine regional career and technical centers, Winchester Public Schools' Innovation Center and Norfolk Public Schools' Norfolk Technical Center, to expand workforce readiness education and industry based skills.</p>				
<p>GG. Out of this appropriation, \$250,000 the first year and \$250,000 the second year from the general fund is provided to Winchester Public Schools to match private support provided for the renovation of the Emil and Grace Shihadeh Innovation Center.</p>				
<p>HH. Out of this appropriation, \$200,000 the second year from the general fund is provided to encourage the use of robots to aid in the education of students on the autism spectrum. Any school division that desires to apply for this competitive grant must submit a proposal to the Department of Education outlining the intended use of funds and a projected number of students who will be served. The Department of Education shall establish criteria by which to award these funds to school divisions. Local school divisions may use the funds to purchase robotic devices with proven effectiveness for aiding in the academic and social-emotional learning of students on the autism spectrum.</p>				
<p>II. In the case of and in recognition of the current deliberations and on-going joint efforts of the Alleghany County School Board, Alleghany County Board of Supervisors, Covington City School Board and the Covington City Council toward investigating and determining benefits of operating a joint school division, that each respective entity has approved two members to serve on the established Committee to facilitate such activities. Out of this appropriation, \$400,000 the second year from the general fund is included in this item's appropriation and is provided to Alleghany County Public School Division for the express purpose of using such funds as incentive funding to support costs incurred by such joint efforts of Alleghany County School Board, Alleghany County Board of Supervisors, Covington City School Board and the City of Covington City Council toward investigating and determining benefits of operating a joint school division. In the event that such Committee does not come up with a plan for Alleghany County Public Schools and Covington City Schools, the remainder of the incentive money will be allocated and used to support Alleghany County and Covington City public school divisions' jointly operated career and technical center, Jackson River Technical Center.</p>				
<p>JJ. Out of this appropriation, \$500,763 the second year from the general fund is provided to Hampton City school division for its Academies of Hampton which focuses on preparing students to be career ready or better equipped to enter into post-secondary education.</p>				
<p>KK. 1. Out of this appropriation, \$550,000 the first year and \$550,000 the second year from the general fund is provided to CodeVA for the development, marketing, and implementation of high-quality and effective computer science training and professional development activities for public school teachers throughout the Commonwealth for the purpose of improving the computer science literacy of all public school students in the Commonwealth using the Computer Science Standards of Learning For Virginia Public Schools, which were reviewed and endorsed by the Virginia Board of Education in November 2017. The provided funds may be utilized for planning, preparing and materials needed for teacher training sessions provided during the biennium.</p>				
<p>2. CodeVA shall report, no later than October 1, each year to the Chairmen of the House Education and Senate Education & Health Committees, Secretary of Education and the Superintendent of Public Instruction on its activities in the previous year to support computer science teacher training and curriculum development, including on collaboration with other stakeholders to avoid duplication of efforts.</p>				
<p>LL. <i>Out of this appropriation, \$1,000,000 the second year from the general fund is provided to the American Civil War Museum to support the advancement of experiential learning opportunities for K-12 students. These funds are intended to support high-quality, off-site learning experiences for students to engage in educational content,</i></p>				

ITEM 135.

	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020

aligned to Virginia's Standards of Learning, related to the history of the American Civil War.

MM. Out of this appropriation, \$1,200,000 the second year from the general fund is provided to the Black History Museum and Cultural Center of Virginia to support the advancement of experiential learning opportunities for K-12 students. These funds are intended to support high-quality, off-site learning experiences and traveling exhibitions for students to engage in educational content, aligned to Virginia's Standards of Learning, related to African American History.

136.	State Education Assistance Programs (17800).....		\$6,973,289,154	\$7,251,757,923 \$7,274,474,887
	Standards of Quality for Public Education (SOQ) (17801).....	\$6,152,892,137	\$6,196,871,983 \$6,229,954,926	
	Financial Incentive Programs for Public Education (17802).....	\$129,662,004	\$367,471,676 \$372,789,157	
	Financial Assistance for Categorical Programs (17803).....	\$58,336,366	\$58,583,763 \$58,280,940	
	Distribution of Lottery Funds (17805).....	\$632,398,647	\$628,830,501 \$613,449,864	
	Fund Sources: General.....	\$6,226,545,937	\$6,483,582,852 \$6,521,680,453	
	Special.....	\$895,000	\$895,000	
	Commonwealth Transportation.....	\$2,100,000	\$2,100,000	
	Trust and Agency.....	\$743,748,217	\$765,180,071 \$749,799,434	

Authority: Standards of Quality for Public Education (SOQ) (17801): Article VIII, Section 2, Constitution of Virginia; Chapter 667, Acts of Assembly, 1980; §§ 22.1-176 through 22.1-198, 22.1-199.1, 22.1-199.2, 22.1-213 through 22.1-221, 22.1-227 through 22.1-237, 22.1-253.13:1 through 22.1-253.13:8, 22.1-254.01, Code of Virginia; Title 51.1, Chapters 1, 5, 6.2, 7, and 14, Code of Virginia; P.L. 91-230, as amended; P.L. 93-380, as amended; P.L. 94-142, as amended; P.L. 98-524, as amended, Federal Code.

Financial Incentive Programs for Public Education (17802): §§ 22.1-24, 22.1-289.1 through 22.1-318, Code of Virginia; P.L. 79-396, as amended; P.L. 89-10, as amended; P.L. 89-642, as amended; P.L. 108-265, as amended; Title II P.L. 99-159, as amended, Federal Code.

Financial Assistance for Categorical Programs (17803): Discretionary Inclusion; Treaty of 1677 between Virginia and the Indians; §§ 22.1-3.4, 22.1-108, 22.1-199 through 22.1-212.2:2, 22.1-213 through 22.1-221, 22.1-223 through 22.1-237, 22.1-254, Code of Virginia; P.L. 89-10, as amended; P.L. 91-230, as amended; P.L. 93-380, as amended; P.L. 94-142, as amended; P.L. 94-588; P.L. 95-561, as amended; P.L. 98-211, as amended; P.L. 98-524, as amended; P.L. 99-570; P.L. 100-297, as amended; P.L. 102-73, as amended; P.L. 105-220, as amended, Federal Code.

Distribution of Lottery Funds (17805): §§ 58.1-4022 and 58.1-4022.1, Code of Virginia

Appropriation Detail of Education Assistance Programs (17800)

Standards of Quality (17801)	FY 2019	FY 2020
Basic Aid	\$3,320,204,988	\$3,295,069,550 \$3,294,521,798
Sales Tax	\$1,421,600,000	\$1,486,302,403 \$1,514,900,000
Textbooks	\$70,008,927	\$70,023,715 \$70,297,768
Vocational Education	\$58,212,575	\$57,930,204 \$58,140,646
Gifted Education	\$35,280,085	\$35,314,827

ITEM 136.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
				\$35,448,902
Special Education	\$395,781,461		\$396,092,863	\$397,401,799
Prevention, Intervention, and Remediation	\$112,645,717		\$112,320,130	\$112,916,008
English as a Second Language	\$59,957,366		\$62,519,408	\$65,356,159
VRS Retirement (includes RHCC)	\$441,069,956		\$442,260,022	\$443,927,229
Social Security	\$199,902,693		\$200,465,243	\$201,220,925
Group Life	\$13,570,212		\$13,596,751	\$13,647,928
Remedial Summer School	\$24,658,157		\$24,976,867	\$22,175,764
Total	\$6,152,892,137		\$6,196,871,983	\$6,229,954,926
Incentive Programs (17802)				
Compensation Supplement	\$0		\$201,975,291	\$200,676,881
Governor's Schools	\$17,572,420		\$18,560,517	\$18,482,116
At-Risk Add-On (split funded)	\$10,468,261		\$34,468,409	\$52,248,780
Clinical Faculty	\$318,750		\$318,750	
Career Switcher Mentoring Grants	\$279,983		\$279,983	
Special Education - Endorsement Program	\$437,186		\$437,186	
Special Education – Vocational Education	\$200,089		\$200,089	
Virginia Workplace Readiness Skills Assessment	\$308,655		\$308,655	
Math/Reading Instructional Specialists Initiative	\$1,834,538		\$1,834,538	
Early Reading Specialists Initiative	\$1,476,790		\$1,476,790	
Breakfast After the Bell Incentive	\$1,074,000		\$1,074,000	
Special Education - Regional Tuition	\$89,503,626		\$100,397,909	\$92,993,005
Small School Division Enrollment Loss	\$6,112,706			\$0
Virginia Preschool Initiative - Develop Assessment Plan	\$75,000			\$0
Virginia Preschool Initiative Plus	\$0		\$6,139,559	\$2,458,384
Total	\$129,662,004		\$367,471,676	\$372,789,157
Categorical Programs (17803)				
Adult Education	\$1,051,800		\$1,051,800	
Adult Literacy	\$2,480,000		\$2,480,000	
Virtual Virginia	\$5,025,808		\$5,175,808	
American Indian Treaty Commitment	\$37,219		\$38,954	
School Lunch Program	\$5,801,932		\$5,801,932	
Special Education - Homebound	\$4,844,198		\$4,867,702	

ITEM 136.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
				\$4,888,196
Special Education - Jails	\$3,507,385		\$3,507,385	\$3,380,544
Special Education - State Operated Programs	\$35,588,024		\$35,660,182	\$35,463,706
Total	\$58,336,366		\$58,583,763	\$58,280,940
Lottery Funded Programs (17805)				
At-Risk Add-On (split funded)	\$100,114,539		\$86,482,069	\$69,406,736
Foster Care	\$9,615,192		\$10,387,961	\$10,152,360
Virginia Preschool Initiative - Per Pupil Amount	\$70,049,572		\$72,351,058	\$73,290,301
Virginia Preschool Initiative - Provisional Teacher Licensure	\$304,088			\$306,100
Early Reading Intervention	\$23,578,891		\$23,571,284	\$27,670,562
Mentor Teacher	\$1,000,000			\$1,000,000
K-3 Primary Class Size Reduction	\$125,175,585		\$128,005,970	\$125,226,194
School Breakfast Program	\$6,287,789		\$7,439,888	\$6,519,175
SOL Algebra Readiness	\$13,099,389		\$13,061,697	\$13,633,162
Supplemental Lottery Per Pupil Allocation	\$253,190,472		\$255,531,948	\$255,533,690
Regional Alternative Education	\$8,767,652		\$9,434,794	\$9,403,886
Individualized Student Alternative Education Program (ISAEF)	\$2,247,581			\$2,247,581
Career and Technical Education – Categorical	\$12,400,829			\$12,400,829
Project Graduation	\$1,387,240			\$1,387,240
Race to GED (NCLB/EFAL)	\$2,410,988			\$2,410,988
Path to Industry Certification (NCLB/EFAL)	\$1,831,464			\$1,831,464
Supplemental Basic Aid	\$937,376		\$979,630	\$1,029,596
Total	\$632,398,647		\$628,830,501	\$613,449,864
Technology – VPSA	\$57,017,700			\$58,612,800
Security Equipment - VPSA	\$6,000,000			\$56,264,400
				\$12,000,000

Payments out of the above amounts shall be subject to the following conditions:

A. Definitions

1. "March 31 Average Daily Membership," or "March 31 ADM" - The responsible school division's average daily membership for grades K-12 including (1) handicapped students ages 5-21 and (2) students for whom English is a second language who entered school for the first time after reaching their twelfth birthday, and who have not reached twenty-two years of age on or before August 1 of the school year, for the first seven (7) months (or equivalent period)

ITEM 136.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2019	FY2020	FY2019	FY2020

of the school year through March 31 in which state funds are distributed from this appropriation. Preschool and postgraduate students shall not be included in March 31 ADM.

a. School divisions shall take a count of September 30 fall membership and report this information to the Department of Education no later than October 15 of each year.

b. Except as otherwise provided herein, by statute, or by precedent, all appropriations to the Department of Education shall be calculated using March 31 ADM unadjusted for half-day kindergarten programs, estimated at 1,245,570.50 the first year and ~~1,248,165.55~~ 1,251,668.01 the second year. March 31 ADM for half-day kindergarten shall be adjusted at 85 percent.

c. Students who are either (i) enrolled in a nonpublic school or (ii) receiving home instruction pursuant to § 22.1-254.1 and who are enrolled in a public school on less than a full-time basis in any mathematics, science, English, history, social science, vocational education, health education or physical education, fine arts or foreign language course, or receiving special education services required by a student's individualized education plan, shall be counted in the funded fall membership and March 31 ADM of the responsible school division. Each course shall be counted as 0.25, up to a cap of 0.5 of a student.

d. Students enrolled in an Individualized Student Alternative Education Program (ISAEP) pursuant to § 22.1-254 E shall be counted in the March 31 Average Daily Membership of the responsible school division. School divisions shall report these students separately in their March 31 reports of Average Daily Membership.

2. "Standards of Quality" - Operations standards for grades kindergarten through 12 as prescribed by the Board of Education subject to revision by the General Assembly.

3.a. "Basic Operation Cost" - The cost per pupil, including provision for the number of instructional personnel required by the Standards of Quality for each school division with a minimum ratio of 51 professional personnel for each 1,000 pupils or proportionate number thereof, in March 31 ADM for the same fiscal year for which the costs are computed, and including provision for driver, gifted, occupational-vocational, and special education, library materials and other teaching materials, teacher sick leave, general administration, division superintendents' salaries, free textbooks (including those for free and reduced price lunch pupils), school nurses, operation and maintenance of school plant, transportation of pupils, instructional television, professional and staff improvement, remedial work, fixed charges and other costs in programs not funded by other state and/or federal aid.

b. The state and local shares of funding resulting from the support cost calculation for school nurses shall be specifically identified as such and reported to school divisions annually. School divisions may spend these funds for licensed school nurse positions employed by the school division or for licensed nurses contracted by the local school division to provide school health services.

4.a. "Composite Index of Local Ability-to-Pay" - An index figure computed for each locality. The composite index is the sum of 2/3 of the index of wealth per pupil in unadjusted March 31 ADM reported for the first seven (7) months of the 2015-2016 school year and 1/3 of the index of wealth per capita (population estimates for 2015 as determined by the Weldon Cooper Center for Public Service of the University of Virginia) multiplied by the local nominal share of the costs of the Standards of Quality of 0.45 in each year. The indices of wealth are determined by combining the following constituent index elements with the indicated weighting: (1) true values of real estate and public service corporations as reported by the State Department of Taxation for the calendar year 2015 - 50 percent; (2) adjusted gross income for the calendar year 2015 as reported by the State Department of Taxation - 40 percent; (3) the sales for the calendar year 2015 which are subject to the state general sales and use tax, as reported by the State Department of Taxation - 10 percent. Each constituent index element for a locality is its sum per March 31 ADM, or per capita, expressed as a percentage of the state average per March 31 ADM, or per capita, for the same element. A locality whose composite index exceeds 0.8000 shall be considered as having an index of 0.8000 for purposes of distributing all payments based on the composite index of local ability-to-pay. Each constituent index element for a

ITEM 136.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
locality used to determine the composite index of local ability-to-pay for the current biennium shall be the latest available data for the specified official base year provided to the Department of Education by the responsible source agencies no later than November 15, 2017.				
b. For any locality whose total calendar year 2015 Virginia Adjusted Gross Income is comprised of at least 3 percent or more by nonresidents of Virginia, such nonresident income shall be excluded in computing the composite index of ability-to-pay. The Department of Education shall compute the composite index for such localities by using adjusted gross income data which exclude nonresident income, but shall not adjust the composite index of any other localities. The Department of Taxation shall furnish to the Department of Education such data as are necessary to implement this provision.				
c.1) Notwithstanding the funding provisions in § 22.1-25 D, Code of Virginia, additional state funding for future consolidations shall be as set forth in future Appropriation Acts.				
2) In the case of the consolidation of Clifton Forge and Alleghany County school divisions, the fifteen year period for the application of a new composite index shall apply beginning with the fiscal year that starts on July 1, 2004. The composite index established by the Board of Education shall equal the lowest composite index that was in effect prior to July 1, 2004, of any individual localities involved in such consolidation, and this index shall remain in effect for a period of fifteen years, unless a lower composite index is calculated for the combined division through the process for computing an index as set forth above.				
3) If the composite index of a consolidated school division is reduced during the course of the fifteen year period to a level that would entitle the school division to a lower interest rate for a Literary Fund loan than it received when the loan was originally released, the Board of Education shall reduce the interest rate of such loan for the remainder of the period of the loan. Such reduction shall be based on the interest rate that would apply at the time of such adjustment. This rate shall remain in effect for the duration of the loan and shall apply only to those years remaining to be paid.				
4) In the case of the consolidation of Bedford County and Bedford City school divisions, the fifteen year period for the application of a new composite shall apply beginning with the fiscal year that starts on July 1, 2013. The composite index established by the Board of Education shall equal the lowest composite index that was in effect prior to July 1, 2013, of any individual localities involved in such consolidation, and this index shall remain in effect for a period of fifteen years, unless a lower composite index is calculated for the combined division through the process for computing an index as set forth above.				
d. When it is determined that a substantial error exists in a constituent index element, the Department of Education will make adjustments in funding for the current school year only in the division where the error occurred. The composite index of any other locality shall not be changed as a result of the adjustment. No adjustment during the biennium will be made as a result of updating of data used in a constituent index element.				
e. In the event that any school division consolidates two or more small schools, the division shall continue to receive Standards of Quality funding and provide for the required local expenditure for a period of five years as if the schools had not been consolidated. Small schools are defined as any elementary, middle, or high school with enrollment below 200, 300 and 400 students, respectively.				
5. "Required Local Expenditure for the Standards of Quality" - The locality's share based on the composite index of local ability-to-pay of the cost required by all the Standards of Quality minus its estimated revenues from the state sales and use tax dedicated to public education and those sales tax revenues transferred to the general fund from the Public Education Standards of Quality/Local Real Estate Property Tax Relief Fund and appropriated in this Item, both of which are returned on the basis of the latest yearly estimate of school age population provided by the Weldon Cooper Center for Public Service, as specified in this Item, collected by the Department of Education and distributed to school divisions in the fiscal year in which the school year begins.				
6. "Required Local Match" - The locality's required share of program cost based on the composite index of local ability-to-pay for all Lottery and Incentive programs, where				

ITEM 136.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2019	FY2020	FY2019	FY2020

required, in which the school division has elected to participate in a fiscal year.

7. "Planning District Eight" - The nine localities which comprise Planning District Eight are Arlington County, Fairfax County, Loudoun County, Prince William County, Alexandria City, Fairfax City, Falls Church City, Manassas City, and Manassas Park City.

8. "State Share of the Standards of Quality" - The state share of the Standards of Quality (SOQ) shall be equal to the total funded SOQ cost for a school division less the school division's estimated revenues from the state sales and use tax dedicated to public education based on the latest yearly estimate of school age population provided by the Weldon Cooper Center for Public Service, adjusted for the state's share of the composite index of local ability to pay.

9. Entitlements under this Item that use school-level or division-level Free Lunch eligibility percentages to determine the entitlement amounts are based on the most recent data available as of the biennial rebenchmarking calculations made for the current biennium. For schools that participate in the Community Eligibility Provision program, such entitlements are based on the most recent Free Lunch eligibility data available prior to that school's enrollment in the Community Eligibility Provision program.

10. In the event that the general fund appropriations in this Item are not sufficient to meet the entitlements payable to school divisions pursuant to the provisions of this Item, the Department of Education is authorized to transfer any available general fund funds between these Items to address such insufficiencies. If the total general fund appropriations after such transfers remain insufficient to meet the entitlements of any program funded with general fund dollars, the Department of Education is authorized to prorate such shortfall proportionately across all of the school divisions participating in any program where such shortfall occurred. In addition, the Department of Education is authorized each year to temporarily suspend textbook payments made to school divisions from Lottery funds to ensure that any shortfall in Lottery revenue can be accounted for in the remaining textbook payments to be made for the year.

11. The Department of Education is directed to apply a cap on inflation rates in the same manner prescribed in § 51.1-166.B, Code of Virginia, when updating funding to school divisions during the biennial rebenchmarking process.

12. Notwithstanding any other provision in statute or in this Item, the Department of Education is directed to combine the end-of-year Average Daily Membership (ADM) for those school divisions who have partnered together as a fiscal agent division and a contractual division for the purposes of calculating prevailing costs included in the Standards of Quality (SOQ).

13. Notwithstanding any other provision in statute or in this Item, the Department of Education is directed to include zeroes in the linear weighted average calculation of support non-personal costs for the purpose of calculating prevailing costs included in the Standards of Quality (SOQ).

14. Notwithstanding any other provision in statute or in this Item, the Department of Education is directed to eliminate the corresponding and appropriate object code(s) related to reported travel expenditures included the linear weighted average non-personal cost calculations for the purpose of calculating prevailing costs included in the Standards of Quality (SOQ).

15. Notwithstanding any other provision in statute or in this Item, the Department of Education is directed to eliminate the corresponding and appropriate object code(s) related to reported leases and rental and facility expenditures included the linear weighted average non-personal cost calculations for the purpose of calculating prevailing costs included in the Standards of Quality (SOQ).

16. Notwithstanding any other provision in statute or in this Item, the Department of Education is directed to fund transportation costs using a 15 year replacement schedule, which is the national standard guideline, for school bus replacement schedule for the purpose of calculating funded transportation costs included in the Standards of Quality (SOQ).

ITEM 136.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2019	FY2020	FY2019	FY2020

17. To provide temporary flexibility, notwithstanding any other provision in statute or in this Item, school divisions may elect to increase the teacher to pupil staffing ratios in kindergarten through grade 7 and English classes for grades 6 through twelve by one additional student; the teacher to pupil staffing ratio requirements for Elementary Resource teachers, Prevention, Intervention and Remediation, English as a Second Language, Gifted and Talented, Career and Technical funded programs (other than on Career and Technical courses where school divisions will have to maintain a maximum class size based on federal Occupational Safety & Health Administration safety requirements) are waived; and the instructional and support technology positions, librarians and guidance counselors staffing ratios for new hires are waived.

18. To provide additional flexibility, notwithstanding the provisions of § 22.1-79.1, Code of Virginia, any school division that was granted a waiver regarding the opening date of the school year for the 2011-2012 school year under the good cause requirements shall continue to be granted a waiver for the 2018-2019 school year and the 2019-2020 school year.

B. General Conditions

1. The Standards of Quality cost in this Item related to fringe benefits shall be limited for instructional staff members to the employer's cost for a number not exceeding the number of instructional positions required by the Standards of Quality for each school division and for their salaries at the statewide prevailing salary levels as printed below.

Instructional Position	First Year Salary	Second Year Salary
Elementary Teachers	\$48,298	\$48,298
Elementary Assistant Principals	\$68,545	\$68,545
Elementary Principals	\$85,115	\$85,115
Secondary Teachers	\$51,167	\$51,167
Secondary Assistant Principals	\$74,535	\$74,535
Secondary Principals	\$93,695	\$93,695
Instructional Aides	\$17,738	\$17,738

a.1) Payment by the state to a local school division shall be based on the state share of fringe benefit costs of 55 percent of the employer's cost distributed on the basis of the composite index.

2) A locality whose composite index exceeds 0.8000 shall be considered as having an index of 0.8000 for purposes of distributing fringe benefit funds under this provision.

3) The state payment to each school division for retirement, social security, and group life insurance costs for non-instructional personnel is included in and distributed through Basic Aid.

b. Payments to school divisions from this Item shall be calculated using March 31 Average Daily Membership adjusted for half-day kindergarten programs.

c. Payments for health insurance fringe benefits are included in and distributed through Basic Aid.

2. Each locality shall offer a school program for all its eligible pupils which is acceptable to the Department of Education as conforming to the Standards of Quality program requirements.

3. In the event the statewide number of pupils in March 31 ADM results in a state share of cost exceeding the general fund appropriation in this Item, the locality's state share of Basic Aid shall be reduced proportionately so that this general fund appropriation will not be exceeded. In addition, the required local share of Basic Aid shall also be reduced proportionately to the reduction in the state's share.

4. The Department of Education shall make equitable adjustments in the computation of indices of wealth and in other state-funded accounts for localities affected by annexation, unless a court of competent jurisdiction makes such adjustments. However, only the indices of wealth and other state-funded accounts of localities party to the annexation will be adjusted.

ITEM 136.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2019	FY2020	FY2019	FY2020

5. In the event that the actual revenues from the state sales and use tax dedicated to public education and those sales tax revenues transferred to the general fund from the Public Education Standards of Quality/Local Real Estate Property Tax Relief Fund and appropriated in this Item (both of which are returned on the basis of the latest yearly estimate of school age population provided by the Weldon Cooper Center for Public Service) for sales in the fiscal year in which the school year begins are different from the number estimated as the basis for this appropriation, the estimated state sales and use tax revenues shall not be adjusted.

6. This appropriation shall be apportioned to the public schools with guidelines established by the Department of Education consistent with legislative intent as expressed in this act.

7.a. Appropriations of state funds in this Item include the number of positions required by the Standards of Quality. This Item includes a minimum of 51 professional instructional positions and aide positions (C 5); Education of the Gifted, 1.0 professional instructional position (C 6); Occupational-Vocational Education Payments and Special Education Payments; a minimum of 6.0 professional instructional positions and aide positions (C 7 and C 8) for each 1,000 pupils in March 31 ADM each year in support of the current Standards of Quality. Funding in support of one hour of additional instruction per day based on the percent of students eligible for the federal free lunch program with a pupil-teacher ratio range of 18:1 to 10:1, depending upon a school division's combined failure rate on the English and Math Standards of Learning, is included in Remedial Education Payments (C 9).

b. No actions provided in this section signify any intent of the General Assembly to mandate an increase in the number of instructional personnel per 1,000 students above the numbers explicitly stated in the preceding paragraph.

c. Appropriations in this Item include programs supported in part by transfers to the general fund from the Public Education Standards of Quality/Local Real Estate Property Tax Relief Fund pursuant to Part 3 of this Act. These transfers combined together with other appropriations from the general fund in this Item funds the state's share of the following revisions to the Standards of Quality pursuant to Chapters 939 & 955 of the Acts of Assembly of 2004: five elementary resource teachers per 1,000 students; one support technology position per 1,000 students; one instructional technology position per 1,000 students; and a full daily planning period for teachers at the middle and high school levels in order to relieve the financial pressure these education programs place on local real estate taxes.

d. To provide flexibility, school divisions may use the state and local funds for instructional technology resource teachers required by the Standards of Quality to employ a data coordinator position, an instructional technology resource teacher position, or a data coordinator/instructional resource teacher blended position. The data coordinator position is intended to serve as a resource to principals and classroom teachers in the area of data analysis and interpretation for instructional and school improvement purposes, as well as for overall data management and administration of state assessments. School divisions using these SOQ funds in this manner shall only employ instructional personnel licensed by the Board of Education.

e. To provide flexibility in the provision of reading intervention services, school divisions may use the state Early Reading Intervention initiative funding provided from the Lottery Proceeds Fund and the required local matching funds to employ reading specialists to provide the required reading intervention services. School divisions using the Early Reading Intervention Initiative funds in this manner shall only employ instructional personnel licensed by the Board of Education.

f. To provide flexibility in the provision of mathematics intervention services, school divisions may use the state Standards of Learning Algebra Readiness initiative funding provided from the Lottery Proceeds Fund and the required local matching funds to employ mathematics teacher specialists to provide the required mathematics intervention services. School divisions using the Standards of Learning Algebra Readiness initiative funding in this manner shall only employ instructional personnel licensed by the Board of Education.

g. Notwithstanding the provisions of subsection H of § 22.1-253.13:2 of the Code of

ITEM 136.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
<p>Virginia, as amended by the 2019 Session of the General Assembly, to the contrary, each school board shall employ the following full-time equivalent school counselor positions for any school that reports fall membership, according to the type of school and student enrollment: effective with the 2019-2020 school year, in elementary schools, one hour per day per 91 students, one full-time at 455 students, one hour per day additional time per 91 students or major fraction thereof; school counselors in middle schools, one period per 74 students, one full-time at 370 students, one additional period per 74 students or major fraction thereof; school counselors in high schools, one period per 65 students, one full-time at 325 students, one additional period per 65 students or major fraction thereof.</p> <p>8.a.1) Pursuant to § 22.1-97, Code of Virginia, the Department of Education is required to make calculations at the start of the school year to ensure that school divisions have appropriated adequate funds to support their estimated required local expenditure for the corresponding state fiscal year. In an effort to reduce the administrative burden on school divisions resulting from state data collections, such as the one needed to make the aforementioned calculations, the requirements of § 22.1-97, Code of Virginia, pertaining to the adequacy of estimated required local expenditures, shall be satisfied by signed certification by each division superintendent at the beginning of each school year that sufficient local funds have been budgeted to meet all state required local effort and required local match amounts. This provision shall only apply to calculations required of the Department of Education related to estimated required local expenditures and shall not pertain to the calculations associated with actual required local expenditures after the close of the school year.</p> <p>2) The Department of Education shall also make calculations after the close of the school year to verify that the required local effort level, based on actual March 31 Average Daily Membership, was met. Pursuant to § 22.1-97, Code of Virginia, the Department of Education shall report annually, no later than the first day of the General Assembly session, to the House Committees on Education and Appropriations and the Senate Committees on Finance and Education and Health, the results of such calculations made after the close of the school year and the degree to which each school division has met, failed to meet, or surpassed its required local expenditure. The Department of Education shall specify the calculations to determine if a school division has expended its required local expenditure for the Standards of Quality. This calculation may include but is not limited to the following calculations:</p> <p>b. The total expenditures for operation, defined as total expenditures less all capital outlays, expenditures for debt service, facilities, non-regular day school programs (such as adult education, preschool, and non-local education programs), and any transfers to regional programs will be calculated.</p> <p>c. The following state funds will be deducted from the amount calculated in paragraph a. above: revenues from the state sales and use tax (returned on the basis of the latest yearly estimate of school age population provided by the Weldon Cooper Center for Public Service, as specified in this Item) for sales in the fiscal year in which the school year begins; total receipts from state funds (except state funds for non-regular day school programs and state funds used for capital or debt service purposes); and the state share of any balances carried forward from the previous fiscal year. Any qualifying state funds that remain unspent at the end of the fiscal year will be added to the amount calculated in paragraph a. above.</p> <p>d. Federal funds, and any federal funds carried forward from the previous fiscal year, will also be deducted from the amount calculated in paragraph a. above. Any federal funds that remain unspent at the end of the fiscal year and any capital expenditures paid from federal funds will be added to the amount calculated in paragraph a. above.</p> <p>e. Tuition receipts, receipts from payments from other cities or counties, and fund transfers will also be deducted from the amount calculated in paragraph a, then</p> <p>f. The final amount calculated as described above must be equal to or greater than the required local expenditure defined in paragraph A. 5.</p> <p>g. The Department of Education shall collect the data necessary to perform the calculations of required local expenditure as required by this section.</p> <p>h. A locality whose expenditure in fact exceeds the required amount from local funds may not</p>				

ITEM 136.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2019	FY2020	FY2019	FY2020

reduce its expenditures unless it first complies with all of the Standards of Quality.

9.a. Any required local matching funds which a locality, as of the end of a school year, has not expended, pursuant to this Item, for the Standards of Quality shall be paid by the locality into the general fund of the state treasury. Such payments shall be made not later than the end of the school year following that in which the under expenditure occurs.

b. Whenever the Department of Education has recovered funds as defined in the preceding paragraph a., the Secretary of Education is authorized to repay to the locality affected by that action, seventy-five percent (75%) of those funds upon his determination that:

- 1) The local school board agrees to include the funds in its June 30 ending balance for the year following that in which the under expenditure occurs;
- 2) The local governing body agrees to reappropriate the funds as a supplemental appropriation to the approved budget for the second year following that in which the under expenditure occurs, in an appropriate category as requested by the local school board, for the direct benefit of the students;
- 3) The local school board agrees to expend these funds, over and above the funds required to meet the required local expenditure for the second year following that in which the under expenditure occurs, for a special project, the details of which must be furnished to the Department of Education for review and approval;
- 4) The local school board agrees to submit quarterly reports to the Department of Education on the use of funds provided through this project award; and
- 5) The local governing body and the local school board agree that the project award will be cancelled and the funds withdrawn if the above conditions have not been met as of June 30 of the second year following that in which the under expenditure occurs.

c. There is hereby appropriated, for the purposes of the foregoing repayment, a sum sufficient, not to exceed 75 percent of the funds deposited in the general fund pursuant to the preceding paragraph a.

d. *Notwithstanding the provisions set forth in this Act or in § 22.1-97, Code of Virginia, required local effort obligations are waived for fiscal year 2020.*

10. The Department of Education shall specify the manner for collecting the required information and the method for determining if a school division has expended the local funds required to support the actual local match based on all Lottery and Incentive programs in which the school division has elected to participate. Unless specifically stated otherwise in this Item, school divisions electing to participate in any Lottery or Incentive program that requires a local funding match in order to receive state funding, shall certify to the Department of Education its intent to participate in each program by July 1 each fiscal year in a manner prescribed by the Department of Education. As part of this certification process, each division superintendent must also certify that adequate local funds have been appropriated, above the required local effort for the Standards of Quality, to support the projected required local match based on the Lottery and Incentive programs in which the school division has elected to participate. State funding for such program(s) shall not be made until such time that the school division can certify that sufficient local funding has been appropriated to meet required local match. The Department of Education shall make calculations after the close of the fiscal year to verify that the required local match was met based on the state funds that were received.

11.a. Any sum of local matching funds for Lottery and Incentive program which a locality has not expended as of the end of a fiscal year in support of the required local match pursuant to this Item shall be paid by the locality into the general fund of the state treasury unless the carryover of those unspent funds is specifically permitted by other provisions of this act. Such payments shall be made no later than the end of the school year following that in which the under expenditure occurred.

b. *Notwithstanding the provisions set forth in this Act or in § 22.1-97, Code of Virginia, required local match obligations are waived for fiscal year 2020.*

ITEM 136.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
12. The Superintendent of Public Instruction shall provide a report annually, no later than the first day of the General Assembly session, on the status of teacher salaries, by local school division, to the Governor and the Chairmen of the Senate Finance and House Appropriations Committees. In addition to information on average salaries by school division and statewide comparisons with other states, the report shall also include information on starting salaries by school division and average teacher salaries by school.				
13. All state and local matching funds required by the programs in this Item shall be appropriated to the budget of the local school board.				
14. By November 15 of each year, the Department of Planning and Budget, in cooperation with the Department of Education, shall prepare and submit a preliminary forecast of Standards of Quality expenditures, based upon the most current data available, to the Chairmen of the House Appropriations and Senate Finance Committees. In odd-numbered years, the forecast for the current and subsequent two fiscal years shall be provided. In even-numbered years, the forecast for the current and subsequent fiscal year shall be provided. The forecast shall detail the projected March 31 Average Daily Membership and the resulting impact on the education budget.				
15. School divisions may choose to use state payments provided for Standards of Quality Prevention, Intervention, and Remediation in both years as a block grant for remediation purposes, without restrictions or reporting requirements, other than reporting necessary as a basis for determining funding for the program.				
16. Except as otherwise provided in this act, the Superintendent of Public Instruction shall provide guidelines for the distribution and expenditure of general fund appropriations and such additional federal, private and other funds as may be made available to aid in the establishment and maintenance of the public schools.				
17. At the Department of Education's option, fees for audio-visual services may be deducted from state Basic Aid payments for individual local school divisions.				
18. For distributions not otherwise specified, the Department of Education, at its option, may use prior year data to calculate actual disbursements to individual localities.				
19. Payments for accounts related to the Standards of Quality made to localities for public education from the general fund, as provided herein, shall be payable in twenty-four semi-monthly installments at the middle and end of each month.				
20. Notwithstanding § 58.1-638 D., Code of Virginia, and other language in this Item, the Department of Education shall, for purposes of calculating the state and local shares of the Standards of Quality, apportion state sales and use tax dedicated to public education and those sales tax revenues transferred to the general fund from the Public Education Standards of Quality/ Local Real Estate Property Tax Relief Fund in the first year based on the July 1, 2016, estimate of school age population provided by the Weldon Cooper Center for Public Service and, in the second year, based on the July 1, 2017, estimate of school age population provided by the Weldon Cooper Center for Public Service.				
Notwithstanding § 58.1-638 D., Code of Virginia, and other language in this Item, the State Comptroller shall distribute the state sales and use tax revenues dedicated to public education and those sales tax revenues transferred to the general fund from the Public Education Standards of Quality/ Local Real Estate Property Tax Relief Fund in the first year based on the July 1, 2016, estimate of school age population provided by the Weldon Cooper Center for Public Service and, in the second year, based on the July 1, 2017, estimate of school age population provided by the Weldon Cooper Center for Public Service.				
21. The school divisions within the Tobacco Region, as defined by the Tobacco Indemnification and Community Revitalization Commission, shall jointly explore ways to maximize their collective expenditure reimbursement totals for all eligible E-Rate funding.				
22. This Item includes appropriations totaling an estimated \$632,398,647 the first year and \$628,830,501 \$613,449,864 the second year from the revenues deposited to the Lottery Proceeds Fund. These amounts are appropriated for distribution to counties, cities, and towns to support public education programs pursuant to Article X, Section 7-A Constitution of Virginia. Any county, city, or town which accepts a distribution from this fund shall provide				

ITEM 136.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2019	FY2020	FY2019	FY2020

its portion of the cost of maintaining an educational program meeting the Standards of Quality pursuant to Section 2 of Article VIII of the Constitution without the use of distributions from the fund.

23. For reporting purposes, the Department of Education shall include Lottery Proceeds Funds as state funds.

24.a. Any locality that has met its required local effort for the Standards of Quality accounts for FY 2019 and that has met its required local match for incentive or Lottery-funded programs in which the locality elected to participate in FY 2019 may carry over into FY 2020 any remaining state Direct Aid to Public Education fund balances available to help minimize any FY 2020 revenue adjustments that may occur in state funding to that locality. Localities electing to carry forward such unspent state funds must appropriate the funds to the school division for expenditure in FY 2020.

b. Any locality that has met its required local effort for the Standards of Quality accounts for FY 2020 and that has met its required local match for incentive or Lottery-funded programs in which the locality elected to participate in FY 2020 may carry over into FY 2021 any remaining state Direct Aid to Public Education fund balances available to help minimize any FY 2021 revenue adjustments that may occur in state funding to that locality. Localities electing to carry forward such unspent state funds must appropriate the funds to the school division for expenditure in FY 2021.

25. Localities are encouraged to allow school boards to carry over any unspent local allocations into the next fiscal year. Localities are also encouraged to provide increased flexibility to school boards by appropriating state and local funds for public education in a lump sum.

26. The Department of Education shall include in the annual School Performance Report Card for school divisions the percentage of each division's annual operating budget allocated to instructional costs. For this report, the Department of Education shall establish a methodology for allocating each school division's expenditures to instructional and non-instructional costs in a manner that is consistent with the funding of the Standards of Quality as approved by the General Assembly.

27. It is the intent of the General Assembly that all school divisions annually provide their employees, upon request, with a user-friendly statement of total compensation, including contract duration if less than 12 months.

28. The Department of Education, in collaboration with the Virginia Community College System, will ensure that the same policies regarding the cost for dual enrollment courses held at a community college, are consistently applied to public school students and home-schooled students alike. These policies will clearly address the school division contributions and any student charges for dual enrollment courses, and will ensure that public school students and home-school students are treated in the same manner.

C. Apportionment

1. Subject to the conditions stated in this paragraph and in paragraph B of this Item, each locality shall receive sums as listed above within this program for the basic operation cost and payments in addition to that cost. The apportionment herein directed shall be inclusive of, and without further payment by reason of, state funds for library and other teaching materials.

2. School Employee Retirement Contributions

a. This Item provides funds to each local school board for the state share of the employer's retirement cost incurred by it, on behalf of instructional personnel, for subsequent transfer to the retirement allowance account as provided by Title 51.1, Chapter 1, Code of Virginia.

b. Notwithstanding § 51.1-1401, Code of Virginia, the Commonwealth shall provide payments for only the state share of the Standards of Quality fringe benefit cost of the retiree health care credit. This Item includes payments in both years based on the state share of fringe benefit costs of 55 percent of the employer's cost on funded Standards of

ITEM 136.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
Quality instructional positions, distributed based on the composite index of the local ability-to-pay.				
3. School Employee Social Security Contributions				
a. This Item provides funds to each local school board for the state share of the employer's Social Security cost incurred by it, on behalf of the instructional personnel for subsequent transfer to the Contribution Fund pursuant to Title 51.1, Chapter 7, Code of Virginia.				
b. Appropriations for contributions in paragraphs 2 and 3 above include payments from funds derived from the principal of the Literary Fund in accordance with Article VIII, Section 8, of the Constitution of Virginia. The amounts set aside from the Literary Fund for these purposes shall not exceed \$111,349,570 the first year and \$136,349,570 the second year.				
4. School Employee Insurance Contributions				
This Item provides funds to each local school board for the state share of the employer's Group Life Insurance cost incurred by it on behalf of instructional personnel who participate in group insurance under the provisions of Title 51.1, Chapter 5, Code of Virginia.				
5. Basic Aid Payments				
a.1) A state share of the Basic Operation Cost, which cost per pupil in March 31 ADM is established individually for each local school division based on the number of instructional personnel required by the Standards of Quality and the statewide prevailing salary levels (adjusted in Planning District Eight for the cost of competing) as well as recognized support costs calculated on a prevailing basis for an estimated March 31 ADM.				
2) This appropriation includes funding to recognize the common labor market in the Washington-Baltimore-Northern Virginia, DC-MD-VA-WV Combined Statistical Area. Standards of Quality salary payments for instructional and support positions in school divisions of the localities set out below have been adjusted for the equivalent portion of the Cost of Competing Adjustment (COCA) rates that are paid to local school divisions in Planning District Eight. For the counties of Stafford, Fauquier, Spotsylvania, Clarke, Warren, Frederick, and Culpeper and the Cities of Fredericksburg and Winchester, the SOQ payments for instructional and support positions have been increased by 25 percent each year of the COCA rates paid to school divisions in Planning District Eight.				
The support COCA rate is 10.6 percent.				
b. The state share for a locality shall be equal to the Basic Operation Cost for that locality less the locality's estimated revenues from the state sales and use tax (returned on the basis of the latest yearly estimate of school age population provided by the Weldon Cooper Center for Public Service, as specified in this Item), in the fiscal year in which the school year begins and less the required local expenditure.				
c. For the purpose of this paragraph, the Department of Taxation's fiscal year sales and use tax estimates are as cited in this Item.				
d. 1) In accordance with the provisions of § 37.2-713, Code of Virginia, the Department of Education shall deduct the locality's share for the education of handicapped pupils residing in institutions within the Department of Behavioral Health and Developmental Services from the locality's Basic Aid payments.				
2) The amounts deducted from Basic Aid for the education of intellectually disabled persons shall be transferred to the Department of Behavioral Health and Developmental Services in support of the cost of educating such persons; the amount deducted from Basic Aid for the education of emotionally disturbed persons shall be used to cover extraordinary expenses incurred in the education of such persons. The Department of Education shall establish guidelines to implement these provisions and shall provide for the periodic transfer of sums due from each local school division to the Department of Behavioral Health and Developmental Services and for Special Education categorical payments. The amount of the actual transfers will be based on data accumulated during the prior school year.				
e. 1) The apportionment to localities of all driver education revenues received during the school year shall be made as an undesignated component of the state share of Basic Aid in				

ITEM 136.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2019	FY2020	FY2019	FY2020

accordance with the provisions of this Item. Only school divisions complying with the standardized program established by the Board of Education shall be entitled to participate in the distribution of state funds appropriated for driver education. The Department of Education will deduct a designated amount per pupil from a school division's Basic Aid payment when the school division is not in compliance with § 22.1-205 C, Code of Virginia. Such amount will be computed by dividing the current appropriation for the Driver Education Fund by actual March 31 ADM.

2) Local school boards may charge a per pupil fee for behind-the-wheel driver education provided, however, that the fee charged plus the per pupil basic aid reimbursement for driver education shall not exceed the actual average per pupil cost. Such fees shall not be cause for a pro rata reduction in Basic Aid payments to school divisions.

f. Textbooks

1) The appropriation in this Item includes \$70,008,927 the first year and ~~\$70,023,715~~ \$70,297,768 the second year from the general fund as the state's share of the cost of textbooks based on a per pupil amount of \$100.69 the first year and \$100.69 the second year. A school division shall appropriate these funds for textbooks or any other public education instructional expenditure by the school division. The state's distributions for textbooks shall be based on adjusted March 31 ADM. These funds shall be matched by the local government, based on the composite index of local ability-to-pay.

2) School divisions shall provide free textbooks to all students.

3) School divisions may use a portion of this funding to purchase Standards of Learning instructional materials. School divisions may also use these funds to purchase electronic textbooks or other electronic media resources integral to the curriculum and classroom instruction and the technical equipment required to read and access the electronic textbooks and electronic curriculum materials.

4) Any funds provided to school divisions for textbook costs that are unexpended as of June 30, 2019, or June 30, 2020, shall be carried on the books of the locality to be appropriated to the school division the following year to be used for same purpose. School divisions are permitted to carry forward any remaining balance of textbook funds until the funds are expensed for a qualifying purpose.

g. The one-cent state sales and use tax earmarked for education and the sales tax revenues transferred to the general fund from the Public Education Standards of Quality/Local Real Estate Property Tax Relief Fund and appropriated in this Item which are distributed to localities on the basis of the latest yearly estimate of school age population provided by the Weldon Cooper Center for Public Service as specified in this Item shall be reflected in each locality's annual budget for educational purposes as a separate revenue source for the current fiscal year.

h. The appropriation for the Standards of Quality for Public Education (SOQ) includes amounts estimated at \$389,900,000 the first year and ~~\$409,300,000~~ \$421,600,000 the second year from the amounts transferred to the general fund from the Public Education Standards of Quality/Local Real Estate Property Tax Relief Fund pursuant to Part 3 of this act which are derived from the 0.375 cent increase in the state sales and use tax levied pursuant to § 58.1-638, Code of Virginia. These additional funds are provided to local school divisions and local governments in order to relieve the financial pressure education programs place on local real estate taxes.

i. From the total amounts in paragraph h. above, an amount estimated at \$259,900,000 the first year and ~~\$272,900,000~~ \$281,100,000 the second year (approximately 1/4 cent of sales and use tax) is appropriated to support a portion of the cost of the state's share of the following revisions to the Standards of Quality pursuant to Chapters 939 & 955 of the Acts of Assembly of 2004: five elementary resource teachers per 1,000 students; one support and one instructional technology position per 1,000 students; a full daily planning period for teachers at the middle and high school levels in order to relieve the pressure on local real estate taxes and shall be taken into account by the governing body of the county, city, or town in setting real estate tax rates.

j. From the total amounts in paragraph h. above, an amount estimated at \$130,000,000 the

ITEM 136.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
	first year and \$136,400,000	\$140,500,000		the second year (approximately 1/8 cent of sales and use tax) is appropriated in this Item to distribute the remainder of the revenues collected and deposited into the Public Education Standards of Quality/Local Real Estate Property Tax Relief Fund on the basis of the latest yearly estimate of school age population provided by the Weldon Cooper Center for Public Service as specified in this Item.
	k. For the purposes of funding certain support positions in Basic Aid, a funding ratio methodology is used based upon the prevailing ratio of actual support positions, consistent with those recognized for SOQ funding, to actual instructional positions, consistent with those recognized for SOQ funding, as established in Chapter 781, 2009 Acts of Assembly. For the purposes of making the required spending adjustments, the appropriation and distribution of Basic Aid shall reflect this methodology. Local school divisions shall have the discretion as to where the adjustment may be made, consistent with the Standards of Quality funded in this Act.			
	6. Education of the Gifted Payments			
	a. An additional payment shall be disbursed by the Department of Education to local school divisions to support the state share of one full-time equivalent instructional position per 1,000 students in adjusted March 31 ADM.			
	b. Local school divisions are required to spend, as part of the required local expenditure for the Standards of Quality the established per pupil cost for gifted education (state and local share) on approved programs for the gifted.			
	7. Occupational-Vocational Education Payments			
	a. An additional payment shall be disbursed by the Department of Education to the local school divisions to support the state share of the number of Vocational Education instructors required by the Standards of Quality. These funds shall be disbursed on the same basis as the payment is calculated.			
	b. An amount estimated at \$120,281,318 the first year and \$120,355,978 the second year from the general fund included in Basic Aid Payments relates to vocational education programs in support of the Standards of Quality.			
	8. Special Education Payments			
	a. An additional payment shall be disbursed by the Department of Education to the local school divisions to support the state share of the number of Special Education instructors required by the Standards of Quality. These funds shall be disbursed on the same basis as the payment is calculated.			
	b. Out of the amounts for special education payments, general fund support is provided to fund the caseload standards for speech pathologists at 68 students for each year of the biennium.			
	9. Remedial Education Payments			
	a. An additional payment estimated at \$112,645,717 the first year and \$112,320,130 \$112,916,008 the second year from the general fund shall be disbursed by the Department of Education to support the Board of Education's Standards of Quality Prevention, Intervention, and Remediation program adopted in June 2003.			
	b. The payment shall be calculated based on one hour of additional instruction per day for identified students, using the three year average percent of students eligible for the federal Free Lunch program as a proxy for students needing such services. Fall membership shall be multiplied by the three year average division-level Free Lunch eligibility percentage to determine the estimated number of students eligible for services. Pupil-teacher ratios shall be applied to the estimated number of eligible students to determine the number of instructional positions needed for each school division. The pupil-teacher ratio applied for each school division shall range from 10:1 for those divisions with the most severe combined three year average failure rates for English and math Standards of Learning test scores to 18:1 for those divisions with the lowest combined three year average failure rates for English and math Standards of Learning test scores.			

ITEM 136.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
<p>c. Funding shall be matched by the local government based on the composite index of local ability-to-pay.</p>				
<p>d. To provide flexibility in the instruction of English Language Learners who have limited English proficiency and who are at risk of not meeting state accountability standards, school divisions may use state and local funds from the SOQ Prevention, Intervention, and Remediation account to employ additional English Language Learner teachers to provide instruction to identified limited English proficiency students. Using these funds in this manner is intended to supplement the instructional services provided through the SOQ staffing standard of 17 instructional positions per 1,000 limited English proficiency students. School divisions using the SOQ Prevention, Intervention, and Remediation funds in this manner shall only employ instructional personnel licensed by the Board of Education.</p>				
<p>e. An additional state payment estimated at \$10,468,261 the first year and \$34,468,409 \$52,248,780 the second year from the general fund and \$100,114,539 the first year and \$86,482,069 \$69,406,736 the second year from the Lottery Proceeds Fund shall be disbursed based on the estimated number of federal Free Lunch participants, in support of programs for students who are educationally at risk. The additional payment shall be based on the state share of:</p>				
<p>1) A minimum 1.0 percent Add-On, as a percent of the per pupil basic aid cost, for each child who qualifies for the federal Free Lunch Program; and</p>				
<p>2) An addition to the Add-On, based on the concentration of children qualifying for the federal Free Lunch Program. Based on its percentage of Free Lunch participants, each school division will receive a total between 1.0 and 14.5 percent in the first year and between 1.0 and 16.0 percent in the second year in additional basic aid per Free Lunch participant. These funds shall be matched by the local government, based on the composite index of local ability-to-pay.</p>				
<p>3a) Local school divisions are required to spend the established At-Risk Add-On payment (state and local share) on approved programs for students who are educationally at risk.</p>				
<p>b) To receive these funds, each school division shall certify to the Department of Education that the state and local share of the At-Risk Add-On payment will be used to support approved programs for students who are educationally at risk. These programs may include: teacher recruitment programs and incentives, Dropout Prevention, community and school-based truancy officer programs, Advancement Via Individual Determination (AVID), Project Discovery, Reading Recovery, programs for students who speak English as a Second Language, hiring additional school guidance counselors, testing coordinators, and licensed behavior analysts, or programs related to increasing the success of disadvantaged students in completing a high school degree and providing opportunities to encourage further education and training. Further, each school division shall report each year by August 1 to the Department the individual uses of these funds. The Department shall compile the responses and provide them to the Chairmen of House Appropriations and Senate Finance Committees no later than the first day of each Regular General Assembly Session.</p>				
<p>4) If the Board of Education has required a local school board to submit a corrective action plan pursuant to § 22.1-253.13:3, Code of Virginia, either for the school division pursuant to a division level review, or for any schools within its division that have been designated as not meeting the standards as approved by the Board of Education, the Superintendent of Public Instruction shall determine and report to the Board of Education whether each such local school board has met its obligation to develop and submit such corrective action plan(s) and is making adequate and timely progress in implementing the plan(s). Additionally, if an academic or other review process undertaken pursuant to § 22.1-253.13:3, Code of Virginia, has identified actions for a local school board to implement, the Superintendent of Public Instruction shall determine and report to the Board of Education whether the local school board has implemented required actions. If the Superintendent certifies that a local school board has failed or refused to meet any of those obligations as referenced in a memorandum of understanding between the local school board and the Board of Education, the Board of Education shall withhold payment of some or all At-Risk Add-On funds otherwise allocated to the affected division pursuant</p>				

ITEM 136.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
to this allocation for the pending fiscal year. In determining the amount of At-Risk Add-On funds to be withheld, the Board of Education shall take into consideration the extent to which such funds have already been expended or contractually obligated. The local school board shall be given an opportunity to correct its failure and, if successful in a timely manner, may have some or all of its At-Risk Add-On funds restored at the Board of Education's discretion.				
f. Regional Alternative Education Programs				
1) An additional state payment of \$8,767,652 the first year and \$9,434,794 \$9,403,886 the second year from the Lottery Proceeds Fund shall be disbursed for Regional Alternative Education programs. Such programs shall be for the purpose of educating certain expelled students and, as appropriate, students who have received suspensions from public schools and students returned to the community from the Department of Juvenile Justice.				
2) Each regional program shall have a small student/staff ratio. Such staff shall include, but not be limited to education, mental health, health, and law enforcement professionals, who will collaborate to provide for the academic, psychological, and social needs of the students. Each program shall be designed to ensure that students make the transition back into the "mainstream" within their local school division.				
3) a) Regional alternative education programs are funded through this Item based on the state's share of the incremental per pupil cost for providing such programs. This incremental per pupil payment shall be adjusted for the composite index of local ability-to-pay of the school division that counts such students attending such program in its March 31 Average Daily Membership. It is the intent of the General Assembly that this incremental per pupil amount be in addition to the basic aid per pupil funding provided to the affected school division for such students. Therefore, local school divisions are encouraged to provide the appropriate portion of the basic aid per pupil funding to the regional programs for students attending these programs, adjusted for costs incurred by the school division for transportation, administration, and any portion of the school day or school year that the student does not attend such program.				
b) In the event a school division does not use all of the student slots it is allocated under this program, the unused slots may be reallocated or transferred to another school division.				
1. A school division must request from the Department of Education the availability and possible use of any unused student slots. If any unused slots are available and if the requesting school division chooses to utilize any of the unused slots, the requesting school division shall only receive the state's share of tuition for the unused slot that was allocated in this Item for the originally designated school division.				
2. However, no requesting school division shall receive more tuition funding from the state for any requested unused slot than what would have been the calculated amount for the requesting school division had the unused slot been allocated to the requesting school division in the original budget. Furthermore, the requesting school division shall pay for any remaining tuition payment necessary for using a previously unused slot.				
3. The Department of Education shall provide assistance for the state share of the incremental cost of Regional Alternative Education program operations based on the composite index of local ability-to-pay.				
4) Out of this appropriation, \$673,213 \$671,339 the second year from the Lottery Proceeds Fund is provided for a compensation supplement payment equal to 3.0 percent of base pay on July 1, 2019, and for a compensation supplement payment of up to 2.0 percent of base pay on September 1, 2019, for Regional Alternative Education Program instructional and support positions, as referenced in paragraph C. 39. of this Item.				
g. Remedial Summer School				
1) This appropriation includes \$24,658,157 the first year and \$24,976,867 \$22,175,764 the second year from the general fund for the state's share of Remedial Summer School Programs. These funds are available to school divisions for the operation of programs designed to remediate students who are required to attend such programs during a summer school session or during an intersession in the case of year-round schools. These funds may be used in conjunction with other sources of state funding for remediation or intervention. School				

ITEM 136.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2019	FY2020	FY2019	FY2020

divisions shall have maximum flexibility with respect to the use of these funds and the types of remediation programs offered; however, in exercising this flexibility, students attending these programs shall not be charged tuition and no high school credit may be awarded to students who participate in this program.

2) For school divisions charging students tuition for summer high school credit courses, consideration shall be given to students from households with extenuating financial circumstances who are repeating a class in order to graduate.

3) From the amounts provided for Remedial Summer School, there is hereby appropriated \$550,000 the first year and \$550,000 the second year from the general fund to support pilot public-private partnerships between local school divisions and the Greater Richmond and Central Virginia affiliates of the Virginia Alliance of YMCAs to expand student participation opportunities in existing summer Power Scholars Academies in such partnered school divisions. The Virginia Alliance of YMCAs shall prepare and submit an evaluation report for such pilot partnerships between the school divisions and the Greater Richmond and Central Virginia YMCA affiliates to the Chairmen of House Appropriations and Senate Finance Committees no later than October 31, 2018.

10. K-3 Primary Class Size Reduction Payments

a. An additional payment estimated at \$125,175,585 the first year and ~~\$128,005,970~~ \$125,226,194 the second year from the Lottery Proceeds Fund shall be disbursed by the Department of Education as an incentive for reducing class sizes in the primary grades.

b. The Department of Education shall calculate the payment based on the incremental cost of providing the lower class sizes based on the lower of the division average per pupil cost of all divisions or the actual division per pupil cost.

c. Localities are required to provide a match for these funds based on the composite index of local ability-to-pay.

d. By October 15 of each year school divisions must provide data to the Department of Education that each participating school has a September 30 pupil/teacher ratio in grades K through 3 that meet the following criteria:

Qualifying School Percentage of Students Approved	Grades K-3	Maximum Individual
Eligible for Free Lunch, Three-Year Average	School Ratio	K-3 Class Size
30% but less than 45%	19 to 1	24
45% but less than 55%	18 to 1	23
55% but less than 65%	17 to 1	22
65% but less than 70%	16 to 1	21
70% but less than 75%	15 to 1	20
75% or more	14 to 1	19

e. School divisions may elect to have eligible schools participate at a higher ratio, or only in a portion of grades kindergarten through three, with a commensurate reduction of state and required local funds, if local conditions do not permit participation at the established ratio and/or maximum individual class size. In the event that a school division requires additional actions to ensure participation at the established ratio and/or maximum individual class size, such actions must be completed by December 1 of the impacted school year. Special education teachers and instructional aides shall not be counted towards meeting these required pupil/teacher ratios in grades kindergarten through three.

f. The Superintendent of Public Instruction may grant waivers to school divisions for the class size requirement in eligible schools that have only one class in an affected grade level in the school.

11. Literary Fund Subsidy Program Payments

a. The Department of Education and the Virginia Public School Authority (VPSA) shall

ITEM 136.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
<p>provide a program of funding for school construction and renovation through the Literary Fund and through VPSA bond sales. The program shall be used to provide funds, through Literary Fund loans and subsidies, and through VPSA bond sales, to fund a portion of the projects on the First or Second Literary Fund Waiting List, or other critical projects which may receive priority placement on the First or Second Literary Fund Waiting List by the Department of Education. Interest rate subsidies will provide school divisions with the present value difference in debt service between a Literary Fund loan and a borrowing through the VPSA. To qualify for an interest rate subsidy, the school division's project must be eligible for a Literary Fund loan and shall be subject to the same restrictions. The VPSA shall work with the Department of Education in selecting those projects to be funded through the interest rate subsidy/bond financing program, so as to ensure the maximum leverage of Literary Fund moneys and a minimum impact on the VPSA Bond Pool.</p> <p>b. The Virginia Public School Authority shall provide an interest rate subsidy program in fiscal year 2020 for projects that are on the Board of Education's First Priority Waiting List, and which shall only use the subsidy funding and associated VPSA borrowing as original financing for the project and not to refinance any prior debt on the project. Projects on the Literary Fund Second Priority Waiting List may participate in the Interest Rate Subsidy Program if unused subsidy appropriation remains once the participation of projects on the First Priority Waiting List is confirmed and subject to the same restrictions. However, the total cost of the subsidy program shall not exceed \$5.0 million in the second year including the subsidy payments and related issuance costs based on the parameters in Senate Bill 1093, as passed during 2019 Session. In addition, \$30.0 million in Literary Fund revenues shall be used to provide school construction loans for projects that are on the Board of Education's First Priority Waiting List.</p> <p>c. The Department of Education may offer Literary Fund loans from the uncommitted balances of the Literary Fund after meeting the obligations of the interest rate subsidy sales and the amounts set aside from the Literary Fund for Debt Service Payments for Education Technology and Security Equipment in this Item.</p> <p>d. 1) In the event that on any scheduled payment date of bonds of the Virginia Public School Authority (VPSA) authorized under the provisions of a bond resolution adopted subsequent to June 30, 1997, issued subsequent to June 30, 1997, and not benefiting from the provisions of either § 22.1-168 (iii), (iv), and (v), Code of Virginia, or § 22.1-168.1, Code of Virginia, the sum of (i) the payments on general obligation school bonds of cities, counties, and towns (localities) paid to the VPSA and (ii) the proceeds derived from the application of the provisions of § 15.2-2659, Code of Virginia, to such bonds of localities, is less than the debt service due on such bonds of the VPSA on such date, there is hereby appropriated to the VPSA, first, from available moneys of the Literary Fund and, second, from the general fund a sum equal to such deficiency.</p> <p>2) The Commonwealth shall be subrogated to the VPSA to the extent of any such appropriation paid to the VPSA and shall be entitled to enforce the VPSA's remedies with respect to the defaulting locality and to full recovery of the amount of such deficiency, together with interest at the rate of the defaulting locality's bonds.</p> <p>e. The chairman of the Board of Commissioners of the VPSA shall, on or before November 1 of each year, make and deliver to the Governor and the Secretary of Finance a certificate setting forth his estimate of total debt service during each fiscal year of the biennium on bonds of the VPSA issued and projected to be issued during such biennium pursuant to the bond resolution referred to in paragraph a above. The Governor's budget submission each year shall include provisions for the payment of debt service pursuant to paragraph 1) above.</p>				
12. Educational Technology Payments				
a. Any unobligated amounts transferred to the educational technology fund shall be disbursed on a pro rata basis to localities. The additional funds shall be used for technology needs identified in the division's technology plan approved by the Department of Education.				
b. The Department of Education shall authorize estimated amounts as indicated in Table 1 from the Literary Fund to provide debt service payments for the education technology grant program conducted through the Virginia Public School Authority in the referenced years.				

ITEM 136.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
Table 1				
	Grant Year	FY 2019		FY 2020
	2014	\$13,240,500		
	2015	\$13,808,750	\$13,807,500	
	2016	\$13,758,000	\$13,753,750	
	2017	\$13,953,750	\$13,949,750	
	2018	\$12,474,388	\$12,471,250	
	2019		\$12,434,267	
			\$11,975,475	

c. It is the intent of the General Assembly to authorize sufficient Literary Fund revenues to pay debt service on the Virginia Public School Authority bonds or notes authorized for education technology grant programs. In developing the proposed 2020-2022, 2022-2024, and 2024-2026 biennial budgets for public education, the Department of Education shall include a recommendation to the Governor to authorize sufficient Literary Fund revenues to make debt service payments for these programs in fiscal years 2021, 2022, 2023, 2024, 2025, and 2026.

d. 1) An education technology grant program shall be conducted through the Virginia Public School Authority, through the issuance of equipment notes in an amount estimated at \$57,017,700 in fiscal year 2019 and ~~\$58,612,800~~ \$56,264,400 in fiscal year 2020. Proceeds of the notes will be used to establish a computer-based instructional and testing system for the Standards of Learning (SOL) and to develop the capability for high speed Internet connectivity at high schools followed by middle schools followed by elementary schools. School divisions shall use these funds first to develop and maintain the capability to support the administration of online SOL testing for all students with the exception of students with a documented need for a paper SOL test.

2) Grant funds from the issuance of \$57,017,700 in fiscal year 2019 and ~~\$58,612,800~~ \$56,264,400 in fiscal year 2020 in equipment notes are based on a grant of \$26,000 per school and \$50,000 per school division. For purposes of this grant program, eligible schools shall include schools that are subject to state accreditation and reporting membership in grades K through 12 as of September 30, 2018, for the fiscal year 2019 issuance, and September 30, 2019, for the fiscal year 2020 issuance, as well as regional vocational centers, special education centers, alternative education centers, regular school year Governor's Schools, CodeRVA Regional High School, and the School for the Deaf and the Blind. Schools that serve only pre-kindergarten students shall not be eligible for this grant.

3. a.) Supplemental grants shall be allocated to eligible divisions to support schools that are not fully accredited in accordance with this paragraph. Schools that include a ninth grade that administer SOL tests in Spring 2018 and that are not fully accredited for the second consecutive year, based on school accreditation ratings in effect for fiscal year 2018 and fiscal year 2019 will qualify to participate in the Virginia e-Learning Backpack Initiative in fiscal year 2019 and receive: (1) a supplemental grant of \$400 per student reported in ninth grade fall membership in a qualifying school for the purchase of a laptop or tablet for that student and (2) a supplemental grant of \$2,400 per qualifying school to purchase two content creation packages for teachers. Schools eligible to receive this supplemental grant in fiscal year 2019 shall continue to receive the grant for the number of subsequent years equaling the number of grades 9 through 12 in the qualifying school up to a maximum of four years. Schools that administer SOL tests in Spring 2019 and that are not fully accredited for the second consecutive year based on school accreditation ratings in effect for fiscal year 2019 and fiscal year 2020 will qualify to participate in the initiative in fiscal year 2020. Schools eligible for the supplemental grants in previous fiscal years shall continue to be eligible for the remaining years of their grant award. Schools eligible to receive this supplemental grant in fiscal year 2020 shall continue to receive the grant for the number of subsequent years equaling the number of grades 9 through 12 in the qualifying school up to a maximum of four years. Grants awarded to qualifying schools that do not have grades 10, 11, or 12 may transition with the students to the primary receiving school for all years subsequent to grade 9. Schools are eligible to receive these grants for a period of up to four years beginning in fiscal year 2014 and shall

ITEM 136.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
	not be eligible to receive a separate award in the future once the original award period has concluded. Schools that are fully accredited or that are new schools with conditional accreditation in their first year shall not be eligible to receive this supplemental grant.			
	b.) Supplemental grants allocated to school divisions for participation in the Virginia e-Learning Backpack Initiative prior to fiscal year 2017 shall be used in eligible schools for (1) the purchase of a laptop or tablet for a student reported in ninth grade fall membership, and (2) the purchase of two content creation packages for teachers per grant. The amounts for such grants shall remain unchanged.			
	4) Required local match:			
	a) Localities are required to provide a match for these funds equal to 20 percent of the grant amount, including the supplemental grants provided pursuant to paragraph g. 5). At least 25 percent of the local match, including the match for supplemental grants, shall be used for teacher training in the use of instructional technology, with the remainder spent on other required uses. The Superintendent of Public Instruction is authorized to reduce the required local match for school divisions with a composite index of local ability-to-pay below 0.2000. The Virginia School for the Deaf and the Blind is exempt from the match requirement.			
	b) School divisions that administer 100 percent of SOL tests online in all elementary, middle, and high schools may use up to 75 percent of their required local match to purchase targeted technology-based interventions. Such interventions may include the necessary technology and software to support online learning, technology-based content systems, content management systems, technology equipment systems, information and data management systems, and other appropriate technologies that support the individual needs of learners. School divisions that receive supplemental grants pursuant to paragraph g.5) above shall use the funds in qualifying schools to purchase laptops and tablets for ninth grade students reported in fall membership and content creation packages for teachers.			
	5) The goal of the education technology grant program is to improve the instructional, remedial, and testing capabilities of the Standards of Learning for local school divisions and to increase the number of schools achieving full accreditation.			
	6) Funds shall be used in the following manner:			
	a) Each division shall use funds to reach a goal, in each high school, of: (1) a 5-to-1 student to computer ratio; (2) an Internet-ready local area network (LAN) capability; and (3) high speed access to the Internet. School connectivity (computers, LANs and network access) shall include sufficient download/upload capability to ensure that each student will have adequate access to Internet-based instructional, remedial and assessment programs.			
	b) When each high school in a division meets the goals established in paragraph a) above, the remaining funds shall be used to develop similar capability in first the middle schools and then the elementary schools.			
	c) For purposes of establishing or enhancing a computer-based instructional program supporting the Standards of Learning pursuant to paragraph g. 1) above, these grant funds may be used to purchase handheld multifunctional computing devices that support a broad range of applications and that are controlled by operating systems providing full multimedia support and mobile Internet connectivity. School divisions that elect to use these grant funds to purchase such qualifying handheld devices must continue to meet the on-line testing requirements stated in paragraph g. 1) above.			
	d) School divisions shall be eligible to receive supplemental grants pursuant to paragraph g.5) above. These supplemental grants shall be used in qualifying schools for the purchase of laptops and tablets for ninth grade students reported in fall membership and content creation packages for teachers. Participating school divisions will be required to select a core set of electronic textbooks, applications and online services for productivity, learning management, collaboration, practice, and assessment to be included on all devices. In addition, participating school divisions will assume recurring costs for electronic textbook purchases and maintenance.			
	e) Pursuant to § 15.2-1302, Code of Virginia, and in the event that two or more school divisions became one school division, whether by consolidation of only the school divisions			

ITEM 136.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2019	FY2020	FY2019	FY2020

or by consolidation of the local governments, such resulting division shall be provided funding through this program on the basis of having the same number of school divisions as existed prior to September 30, 2000.

7) Local school divisions shall maximize the use of available federal funds, including E-Rate Funds, and to the extent possible, use such funds to supplement the program and meet the goals of this program.

e. The Department of Education shall maintain criteria to determine if high schools, middle schools, or elementary schools have the capacity to meet the goals of this initiative. The Department of Education shall be responsible for the project management of this program.

f. 1) In the event that, on any scheduled payment date of bonds or notes of the Virginia Public School Authority (VPSA) issued for the purpose described in § 22.1-166.2, Code of Virginia, and not benefiting from the provisions of either § 22.1-168 (iii), (iv) and (v), Code of Virginia, or § 22.1-168.1, Code of Virginia, the available moneys in the Literary Fund are less than the amounts authorized for debt service due on such bonds or notes of the VPSA on such date, there is hereby appropriated to the VPSA from the general fund a sum equal to such deficiency.

2) The Chairman of the Board of Commissioners of the VPSA shall, on or before November 1 of each year, make and deliver to the Governor and the Secretary of Finance a certificate setting forth his estimate of total debt service during each fiscal year of the biennium on bonds and notes of the VPSA issued and projected to be issued during such biennium pursuant to the resolution referred to in paragraph 1) above. The Governor's budget submission each year shall include provisions for the payment of debt service pursuant to paragraph 1) above.

g. Unobligated proceeds of the notes, including investment income derived from the proceeds of the notes may be used to pay interest on, or to decrease principal of the notes or to fund a portion of such other educational technology grants as authorized by the General Assembly.

h. 1) For the purposes of § 56-232, Code of Virginia, "Contracts of Telephone Companies with State Government" and for the purposes of § 56-234 "Contracts for Service Rendered by a Telephone Company for the State Government" shall be deemed to include communications lines into public schools which are used for educational technology. The rate structure for such lines shall be negotiated by the Superintendent of Public Instruction and the Chief Information Officer of the Virginia Information Technologies Agency. Further, the Superintendent and Director are authorized to encourage the development of "by-pass" infrastructure in localities where it fails to obtain competitive prices or prices consistent with the best rates obtained in other parts of the state.

2) The State Corporation Commission, in its consideration of the discount for services provided to elementary schools, secondary schools, and libraries and the universal service funding mechanisms as provided under § 254 of the Telecommunications Act of 1996, is hereby encouraged to make the discounts for intrastate services provided to elementary schools, secondary schools, and libraries for educational purposes as large as is prudently possible and to fund such discounts through the universal fund as provided in § 254 of the Telecommunications Act of 1996. The commission shall proceed as expeditiously as possible in implementing these discounts and the funding mechanism for intrastate services, consistent with the rules of the Federal Communications Commission aimed at the preservation and advancement of universal service.

13. Security Equipment Payments

1) A security equipment grant program shall be conducted through the Virginia Public School Authority, through the issuance of equipment notes in an amount estimated at up to \$6,000,000 in fiscal year 2019 and \$12,000,000 in fiscal year 2020 in conjunction with the Virginia Public School Authority technology notes program authorized in C.12. of this Item. Proceeds of the notes will be used to help offset the related costs associated with the purchase of appropriate security equipment that will improve and help ensure the safety of students attending public schools in Virginia.

ITEM 136.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2019	FY2020	FY2019	FY2020

2) The Department of Education shall authorize estimated amounts as indicated in Table 1 from the Literary Fund to provide debt service payments for the security equipment grant programs conducted through the Virginia Public School Authority in the referenced years.

Table 1

Grant Year	FY 2019	FY 2020
2014	\$1,239,000	
2015	\$1,245,750	\$1,244,250
2016	\$1,233,000	\$1,234,750
2017	\$1,246,250	\$1,250,000
2018	\$1,273,531	\$1,270,750
2019		\$1,310,127 \$1,260,301

3) It is the intent of the General Assembly to authorize sufficient Literary Fund revenues to pay debt service on the Virginia Public School Authority bonds or notes authorized for this program. In developing the proposed 2020-2022, 2022-2024, and 2024-2026 biennial budgets for public education, the Department of Education shall include a recommendation to the Governor to authorize sufficient Literary Fund revenues to make debt service payments for these programs in fiscal years 2021, 2022, 2023, 2024, 2025, and 2026.

4) In the event that, on any scheduled payment date of bonds or notes of the Virginia Public School Authority issued for the purpose described in § 22.1-166.2, Code of Virginia, and not benefiting from the provisions of either § 22.1-168 (iii), (iv) and (v), Code of Virginia, or § 22.1-168.1, Code of Virginia, the available moneys in the Literary Fund are less than the amounts authorized for debt service due on such bonds or notes on such date, there is hereby appropriated to the Virginia Public School Authority from the general fund a sum equal to such deficiency.

5) The Chairman of the Board of Commissioners of the Virginia Public School Authority shall, on or before November 1 of each year, deliver to the Governor and the Secretary of Finance a certificate setting forth his estimate of total debt service during each fiscal year of the biennium on bonds and notes issued and projected to be issued during such biennium. The Governor's budget submission each year shall include provisions for the payment of debt service pursuant to paragraph 1) above.

6) Grant award funds from the issuance of up to \$6,000,000 in fiscal year 2019 and \$12,000,000 in fiscal year 2020 in equipment notes shall be distributed to eligible school divisions. The grant awards will be based on a competitive grant basis of up to \$250,000 per school division. School divisions will be permitted to apply annually for grant funding. For purposes of this program, eligible schools shall include schools that are subject to state accreditation and reporting membership in grades K through 12 as of September 30, 2018, for the fiscal year 2019 issuance, and September 30, 2019, for the fiscal year 2020 issuance, as well as regional vocational centers, special education centers, alternative education centers, regular school year Governor's Schools, and the Virginia School for the Deaf and the Blind.

7) School divisions would submit their application to Department of Education by August 1 of each year based on the criteria developed by the Department of Education in collaboration with the Department of Criminal Justice Services who will provide requested technical support. Furthermore, the Department of Education will have the authority to make such grant awards to such school divisions.

8) It is also the intent of the General Assembly that, beginning with fiscal year 2020, the total amount of the grant awards shall not exceed \$60,000,000 over any ongoing revolving five year period.

9) Required local match:

a) Localities are required to provide a match for these funds equal to 25 percent of the grant amount. The Superintendent of Public Instruction is authorized to reduce the required local match for school divisions with a composite index of local ability-to-pay below 0.2000. The Virginia School for the Deaf and the Blind is exempt from the match requirement.

ITEM 136.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2019	FY2020	FY2019	FY2020

b) Pursuant to § 15.2-1302, Code of Virginia, and in the event that two or more school divisions became one school division, whether by consolidation of only the school divisions or by consolidation of the local governments, such resulting division shall be provided funding through this program on the basis of having the same number of school divisions as existed prior to September 30, 2000.

c) Local school divisions shall maximize the use of available federal funds, including E-Rate Funds, and to the extent possible, use such funds to supplement the program and meet the goals of this program.

14. Virginia Preschool Initiative Payments

a.1) It is the intent of the General Assembly that a payment estimated at \$70,049,572 the first year and ~~\$72,351,058~~ \$73,290,301 the second year from the Lottery Proceeds Fund shall be disbursed by the Department of Education to schools and community-based organizations to provide quality preschool programs for at-risk four-year-olds who are residents of Virginia and unserved by Head Start program funding and for at-risk five-year-olds who are not eligible to attend kindergarten. In no event shall distributions from the Lottery Proceeds Fund be made directly to community-based or private providers.

2) These state funds and required local matching funds shall be used to provide programs for at-risk four-year-old children, which include quality preschool education, health services, social services, parental involvement and transportation. It shall be the policy of the Commonwealth that state funds and required local matching funds for the Virginia Preschool Initiative not be used for capital outlay. Programs must provide full-day or half-day and, at least, school-year services.

3) The Department of Education shall establish academic standards that are in accordance with appropriate preparation for students to be ready to successfully enter kindergarten. These standards shall be established in such a manner as to be measurable for student achievement and success. Students shall be required to be evaluated in the fall and in the spring by each participating school division and the school divisions must certify that the Virginia Preschool Initiative program follows the established standards in order to receive the funding for quality preschool education and criteria for the service components. Such standards shall align with the Virginia Standards of Learning for Kindergarten.

4) a) Grants shall be distributed based on an allocation formula providing the state share of a \$6,326 grant for 100 percent of the unserved at-risk four-year-olds in each locality for a full-day program. The number of unserved at-risk four-year-olds in each locality shall be based on the projected number of kindergarten students, updated once each biennium for the Governor's introduced biennial budget. Half-day programs shall operate for a minimum of three hours of classroom instructional time per day, excluding breaks for lunch, and grants to half-day programs shall be funded based on the state share of \$3,163 per unserved at-risk four-year-old in each locality. Full-day programs shall operate for a minimum of five and one-half instructional hours, excluding breaks for meals. Virginia Preschool Initiative programs may include unstructured recreational time that is intended to develop teamwork, social skills, and overall physical fitness in any calculation of total instructional time, provided that such unstructured recreational time does not exceed 15 percent of total instructional time or teaching hours. No additional state funding is provided for programs operating greater than three hours per day but less than five and one-half hours per day. In determining the state and local shares of funding, the composite index of local ability-to-pay is capped at 0.5000.

b) For new programs in the first year of implementation only, programs operating less than a full school year shall receive state funds on a fractional basis determined by the pro-rata portion of a school year program provided. In determining the prorated state funds to be received, a school year shall be 180 days or 990 teaching hours.

b.1) Any locality which desires to participate in this grant program must submit a proposal through its chief administrator (county administrator or city manager) by May 15 of each year. The chief administrator, in conjunction with the school superintendent, shall identify a lead agency for this program within the locality. The lead agency shall be responsible for developing a local plan for the delivery of quality preschool services to at-risk children which demonstrates the coordination of resources and the combination of funding streams

ITEM 136.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
	in an effort to serve the greatest number of at-risk four-year-old children.			
	2) The proposal must demonstrate coordination with all parties necessary for the successful delivery of comprehensive services, including the schools, child care providers, local social services agency, Head Start, local health department, and other groups identified by the lead agency.			
	3) A local match, based on the composite index of local ability-to-pay, shall be required. For purposes of meeting the local match, localities may use local expenditures for existing qualifying programs, however, at least seventy-five percent of the local match will be cash and no more than twenty-five percent will be in-kind. In-kind contributions are defined as cash outlays that are made by the locality that benefit the program but are not directly charged to the program. The value of fixed assets cannot be considered as an in-kind contribution. Philanthropic or other private funds may be contributed to the locality to be appropriated in their local budget and then utilized as local match. Localities shall also continue to pursue and coordinate other funding sources, including child care subsidies. Funds received through this program must be used to supplement, not supplant, any funds currently provided for programs within the locality. However, in the event a locality is unable to continue the previous level of support to programs for at-risk four-year-olds from Title I of the federal Elementary and Secondary Education Act (ESEA), the state and local funds provided in this grants program may be used to continue services to these Title I students. Such inability may occur due to adjustments to the allocation formula in the reauthorization of ESEA as the Every Student Succeeds Act of 2015, or due to a percentage reduction in a locality's Title I allocation in a particular year. Any locality so affected shall provide written evidence to the Superintendent of Public Instruction and request his approval to continue the services to Title I students.			
	c. Local plans must provide clear methods of service coordination for the purpose of reducing the per child cost for the service, increasing the number of at-risk children served and/or extending services for the entire year. Examples of these include:			
	1) "Wraparound Services" -- methods for combining funds such as child care subsidy dollars administered by local social service agencies with dollars for quality preschool education programs.			
	2) "Wrap-out Services" - methods for using grant funds to purchase quality preschool services to at-risk four-year-old children through an existing child care setting by purchasing comprehensive services within a setting which currently provides quality preschool education.			
	3) "Expansion of Service" - methods for using grant funds to purchase slots within existing programs, such as Head Start, which provide comprehensive services to at-risk four-year-old children.			
	d.1) Local plans must indicate the number of at-risk four-year-old children to be served, and the eligibility criteria for participation in this program shall be consistent with the economic and educational risk factors stated in the 2015-2016 programs guidelines that are specific to: (i) family income at or below 200 percent of federal poverty guidelines, (ii) homelessness, (iii) student's parents or guardians are school dropouts, or (iv) family income is above 200 percent but at or below 350 percent of federal poverty guidelines in the case of students with special needs or disabilities. Up to 15 percent of a division's slots may be filled based on locally established eligibility criteria so as to meet the unique needs of at-risk children in the community.			
	2) The Department of Education is directed to compile from each school division the aggregated information as to the number of enrolled students whose families are (i) at or below 130 percent of poverty, (ii) above 130 percent but at or below 200 percent of poverty, (iii) above 200 percent but at or below 350 percent of poverty, and (iv) above 350 percent of poverty. The Department shall report this information annually, after the application and fall participation reports are submitted to the Department from the school divisions, to the Chairmen of House Appropriations and Senate Finance Committees. In addition, the Department will post and maintain the summary information by division on the Department's website in keeping with current student privacy policies.			
	e.1) The Department of Education shall provide technical assistance for the administration of this grant program to provide assistance to localities in developing a comprehensive,			

ITEM 136.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2019	FY2020	FY2019	FY2020

coordinated, quality preschool program for serving at-risk four-year-old children.

2) The Department shall provide interested localities with information on models for service delivery, methods of coordinating funding streams, such as funds to match federal IV-A child care dollars, to maximize funding without supplanting existing sources of funding for the provision of services to at-risk four-year-old children. A priority for technical assistance in the design of programs shall be given to localities where the majority of the at-risk four-year-old population is currently unserved.

f. The Department of Education shall include in the program's application package specific information regarding the potential availability of funding for supplemental grants that may be used for one-time expenses, other than capital, related to start-up or expansion of programs, with priority given to proposals for expanding the use of partnerships with either nonprofit or for-profit providers. Furthermore, the Department is mandated to communicate to all eligible school divisions the remaining available balances in the program's adopted budget, after the fall participation reports have been submitted and finalized for such grants.

g. Beginning in school year 2019-2020, one-time waiting list slots may, subject to available funds, be provided to school divisions that have utilized 100 percent of their calculated slots in the previous school year and had a waiting list for unserved eligible children as certified by such school divisions on the Virginia Preschool Initiative Fall Verification Report submitted to the Department of Education in the previous school year. Further, eligible school divisions that may request and receive a one-time allocation of such slots in the subsequent school year, shall offer such slots to at-risk four-year old children that (i) family income at or below 200 percent of federal poverty guidelines, (ii) family income is above 200 percent but at or below 350 percent of federal poverty guidelines in the case of students with special needs or disabilities, (iii) homelessness, or (iv) student's parents or guardians are school dropouts. The amount of funding available to provide any waiting list slots to eligible school divisions shall be determined by the previous fiscal year year-end balance of the allocations in paragraph C. 14. a. 1) of this item. Further, the Department of Education shall ensure that supplemental grants for one-time expenses, other than capital, related to start-up or expansion of Virginia Preschool Initiative program in paragraph C. 14. f. of this item, are awarded and allocated first from any available balances in the program's adopted budget, after the fall participation reports have been submitted and finalized before any remaining balances are considered for waiting list slots. Any such remaining balances not awarded and allocated in the current fiscal year for start-up or expansion grants shall be carried forward to the next fiscal year to support waiting list slots. Available funding shall be provided only to eligible school divisions that report using 100 percent of the upcoming school year slot allocation in the May 15 grant proposal and report using 100 percent of the school year slot allocation on the Virginia Preschool Initiative Fall Verification Report submitted to the Department of Education for the school year that waiting list slots are provided. If a school division's Virginia Preschool Initiative Fall Verification Report submitted to the Department of Education does not certify that 100 percent of the school year calculated slot allocation is used, then the Department of Education shall withdraw enough of the granted waiting list slots and associated funding provided such that the net difference between the withdrawn waiting list slots make up the percentage deficient from the school year calculated slot allocation not used. The Department of Education shall submit a comprehensive report, detailing, but not limited to, the number of calculated slots and funding allocated to each school division, the number of calculated slots filled by each school division, supplemental grants requested and awarded by each school division, the number of waiting list slots requested by each school division, the number of waiting list slots offered to each school division, the number of waiting list slots filled by each school division and the funding allocated for the filled waiting list slots by each school division, to the Chairmen of House Appropriations and Senate Finance Committees no later than December 31, 2019, and annually thereafter.

h. Out of the appropriation in this Item, \$304,088 the first year and \$306,100 the second year from the ~~general fund~~ Lottery Proceeds Fund is allocated for the Department of Education to provide grants of no more than \$30,000 each for local school divisions that have applied for such funds for the sole purpose of providing financial incentives to provisionally licensed teachers teaching students enrolled in the Virginia Preschool

ITEM 136.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2019	FY2020	FY2019	FY2020

Initiative and who are actively engaged in coursework and professional development, toward achieving the required degree and license that satisfy the licensure requirements reflected in § 22.1-299, Code of Virginia. School divisions must submit applications to the Department of Education by December 1 of each year. Priority for awarding grants shall be given to hard-to-staff schools and schools with the highest number of provisionally licensed teachers teaching students enrolled in the Virginia Preschool Initiative. The Department of Education shall develop the application process to be provided to school divisions that have provisionally licensed teachers employed and are teaching students enrolled in the Virginia Preschool Initiative. Any funds not awarded from this grant program in fiscal year 2019 may be awarded for supplemental grants for one-time expenses, other than capital, related to start-up or expansion of Virginia Preschool Initiative programs in paragraph C.14.f. of this Item. Any such remaining balances not awarded and allocated in fiscal year 2019 for start-up or expansion grants shall be carried forward to fiscal year 2020 to support waiting list slots.

j. Out of the appropriation in this Item, \$75,000 the first year from the general fund is provided such that, beginning July 1, 2018, the Department of Education shall develop a plan to ensure that high quality instruction is provided in the Virginia Preschool Initiative program's individual preschool classrooms. The plan shall detail how the Department will (i) monitor and assess the quality of teacher-child interactions within each preschool classroom at least once every two years, (ii) ensure the use of evidence-based curricula is implemented in each preschool classroom and take necessary corrective action if evidence-based curriculum is not used or effective by the following school year, and, (iii) facilitate and provide individualized professional development for Virginia Preschool Initiative classroom teachers to ensure the necessary teaching skills are aligned for the pedagogy of high quality preschool classroom experiences and (iv) provide informative and complete information about how Virginia Preschool Initiative funding, from all sources, supports quality preschool experiences for children enrolled in the local public school divisions in Virginia. The plan shall also include details on the number of staff, tasks and duties, and possible funding needed to carry out these responsibilities. The Department shall submit its complete detailed plan to the Chairmen of House Appropriations and Senate Finance Committees by November 1, 2018.

15. Early Reading Intervention Payments

a. An additional payment of \$23,578,891 the first year and ~~\$23,571,284~~ \$27,670,562 the second year from the Lottery Proceeds Fund shall be disbursed by the Department of Education to local school divisions for the purposes of providing early reading intervention services to students in grades kindergarten through 3 who demonstrate deficiencies based on their individual performance on diagnostic tests which have been approved by the Department of Education. The Department of Education shall review the tests of any local school board which requests authority to use a test other than the state-provided test to ensure that such local test uses criteria for the early diagnosis of reading deficiencies which are similar to those criteria used in the state-provided test. The Department of Education shall make the state-provided diagnostic test used in this program available to local school divisions. School divisions shall report the results of the diagnostic tests to the Department of Education on an annual basis at a time to be determined by the Superintendent of Public Instruction.

b. These payments shall be based on the state's share of the cost of providing two and one-half hours of additional instruction each week for an estimated number of students in each school division at a student to teacher ratio of five to one. The estimated number of students in each school division in each year shall be determined by multiplying the projected number of students reported in each school division's fall membership in grades kindergarten, 1, 2, and 3 by the percent of students who are determined to need services based on diagnostic tests administered in the previous year in that school division and adjusted in the following manner:

	Year 1	Year 2
Kindergarten	100%	100%
Grade 1	100%	100%
Grade 2	100%	100%
Grade 3	100%	100%

c. These payments are available to any school division that certifies to the Department of

ITEM 136.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2019	FY2020	FY2019	FY2020

Education that an intervention program will be offered to such students and that each student who receives an intervention will be assessed again at the end of that school year. At the beginning of the school year, local school divisions shall partner with the parents of those third grade students in the division who demonstrate reading deficiencies, discussing with them a developed plan for remediation and retesting. Such intervention programs, at the discretion of the local school division, may include, but not be limited to, the use of: special reading teachers; trained aides; full-time early literacy tutors; volunteer tutors under the supervision of a certified teacher; computer-based reading tutorial programs; aides to instruct in-class groups while the teacher provides direct instruction to the students who need extra assistance; or extended instructional time in the school day or year for these students. Localities receiving these payments are required to match these funds based on the composite index of local ability-to-pay.

d. In the event that a school division does not use the diagnostic test provided by the Department of Education in the year that serves as the basis for updating the funding formula for this program but has used it in past years, the Department of Education shall use the most recent data available for the division for the state-provided diagnostic test.

e. The results of all reading diagnostic tests and reading remediation shall be discussed with the student and the student's parent prior to the student being promoted to grade four.

f. Funds appropriated for Standards of Quality Prevention, Intervention, and Remediation, Remedial Summer School, or At-Risk Add-On may also be used to meet the requirements of this program.

16. Standards of Learning Algebra Readiness Payments

a. An additional payment of \$13,099,389 the first year and ~~\$13,061,697~~ \$13,633,162 the second year from the Lottery Proceeds Fund shall be disbursed by the Department of Education to local school divisions for the purposes of providing math intervention services to students in grades 6, 7, 8 and 9 who are at-risk of failing the Algebra I end-of-course test, as demonstrated by their individual performance on diagnostic tests which have been approved by the Department of Education. These amounts reflect \$200,000 the first year and \$200,000 the second year apportioned to each school division to account for the cost of the diagnostic test. The Department of Education shall review the tests to ensure that such local test uses state-provided criteria for diagnosis of math deficiencies which are similar to those criteria used in the state-provided test. The Department of Education shall make the state-provided diagnostic test used in this program available to local school divisions. School divisions shall report the results of the diagnostic tests to the Department of Education on an annual basis at a time to be determined by the Superintendent of Public Instruction.

b. These payments shall be based on the state's share of the cost of providing two and one-half hours of additional instruction each week for an estimated number of students in each school division at a student to teacher ratio of ten to one. The estimate number of students in each school division shall be determined by multiplying the projected number of students reported in each school division's fall membership by the percent of students that qualify for the federal Free Lunch Program.

c. These payments are available to any school division that certifies to the Department of Education that an intervention program will be offered to such students and that each student who receives an intervention will be assessed again at the end of that school year. Localities receiving these payments are required to match these funds based on the composite index of local ability-to-pay.

17. School Construction Grants Program Escrow

Notwithstanding the requirements of § 22.1-175.5, Code of Virginia, school divisions are permitted to withdraw funds from local escrow accounts established pursuant to § 22.1-175.5 to pay for recurring operational expenses incurred by the school division. Localities are not required to provide a local match of the withdrawn funds.

18. English as a Second Language Payments

A payment of \$59,957,366 the first year and ~~\$62,519,408~~ \$65,356,159 the second year

ITEM 136.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
<p>from the general fund shall be disbursed by the Department of Education to local school divisions to support the state share of 17 professional instructional positions per 1,000 students for whom English is a second language. Local school divisions shall provide a local match based on the composite index of local ability-to-pay.</p>				
<p>19. Special Education Instruction Payments</p>				
<p>a. The Department of Education shall establish rates for all elements of Special Education Instruction Payments.</p>				
<p>b. Out of the appropriations in this Item, the Department of Education shall make available, subject to implementation by the Superintendent of Public Instruction, an amount estimated at \$89,503,626 the first year and \$100,397,909 \$92,993,005 the second year from the general fund for the purpose of the state's share of the tuition rates for approved public Special Education Regional Tuition school programs. Notwithstanding any contrary provision of law, the state's share of the tuition rates shall be based on the composite index of local ability-to-pay.</p>				
<p>c. Out of the amounts for Financial Assistance for Categorical Programs, \$35,588,024 the first year and \$35,660,182 \$35,463,706 the second year from the general fund is appropriated to permit the Department of Education to enter into agreements with selected local school boards for the provision of educational services to children residing in certain hospitals, clinics, and detention homes by employees of the local school boards. The portion of these funds provided for educational services to children residing in local or regional detention homes shall only be determined on the basis of children detained in such facilities through a court order issued by a court of the Commonwealth. The selection and employment of instructional and administrative personnel under such agreements will be the responsibility of the local school board in accordance with procedures as prescribed by the local school board. State payments for the first year to the local school boards operating these programs will be based on certified expenditures from the fourth quarter of FY 2018 and the first three quarters of FY 2019. State payments for the second year to the local school boards operating these programs will be based on certified expenditures from the fourth quarter of FY 2019 and the first three quarters of FY 2020.</p>				
<p>20. Vocational Education Instruction Payments</p>				
<p>a. It is the intention of the General Assembly that the Department of Education explore initiatives that will encourage greater cooperation between jurisdictions and the Virginia Community College System in meeting the needs of public school systems.</p>				
<p>b. This appropriation includes \$1,800,000 the first year and \$1,800,000 the second year from the Lottery Proceeds Fund for secondary vocational-technical equipment. A base allocation of \$2,000 each year shall be available for all divisions, with the remainder of the funding distributed on the basis of student enrollment in secondary vocational-technical courses. State funds received for secondary vocational-technical equipment must be used to supplement, not supplant, any funds currently provided for secondary vocational-technical equipment within the locality. Local school divisions are not required to provide a local match in order to receive these state funds.</p>				
<p>c.1) This appropriation includes an additional \$2,000,000 the first year and \$2,000,000 the second year from the Lottery Proceeds Fund to update vocational-technical equipment to industry standards providing students with classroom experience that translates to the workforce.</p>				
<p>2) Of this amount, \$1,400,000 the first year and \$1,400,000 the second year is provided for vocational-technical equipment in high-demand, high-skill, and fast-growth industry sectors as identified by the Virginia Board of Workforce Development and based on data from the Bureau of Labor Statistics and the Virginia Employment Commission.</p>				
<p>3) Of this amount, \$600,000 the first year and \$600,000 the second year will be awarded based on competitive innovative program grants for high-demand and fast-growth industry sectors with priority given to state-identified challenged schools, the Governor's Science Technology, Engineering, and Mathematics (STEM) academies, and the Governor's Health Science Academies.</p>				

ITEM 136.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
<p>d. This appropriation includes \$500,000 the first year and \$500,000 the second year from the Lottery Proceeds Fund to support credentialing testing materials for students and professional development for instructors in science, technology, engineering, and mathematics-health sciences (STEM-H) career and technical education programs.</p>				
<p>21. Adult Education Payments</p> <p>State funds shall be used to reimburse general adult education programs on a fixed cost per pupil or cost per class basis. No state funds shall be used to support vocational noncredit courses.</p>				
<p>22. General Education Payments</p> <p>a. This appropriation includes \$2,410,988 the first year and \$2,410,988 the second year from the Lottery Proceeds Fund to support Race to GED. Out of this appropriation, \$465,375 the first year and \$465,375 the second year shall be used for PluggedIn VA.</p> <p>b. This appropriation includes \$1,387,240 the first year and \$1,387,240 the second year from the Lottery Proceeds Fund to support Project Graduation and any associated administrative and contractual service expenditures related to this initiative.</p>				
<p>23. Virtual Virginia Payments</p> <p>a. From appropriations in this Item, the Department of Education shall provide assistance for the Virtual Virginia program.</p> <p>b. This appropriation includes \$498,000 the first year and \$498,000 the second year from the general fund to support the Virtual Virginia full-time program for 200 students in grades nine through 12.</p> <p>c. This appropriation includes \$330,000 the first year and \$330,000 the second year from the general fund to support the virtual mathematics outreach program.</p> <p>d. The local share of costs associated with the operation of the Virtual Virginia program shall be computed using the composite index of local ability-to-pay.</p> <p>e. The Department of Education shall develop a plan to establish a per-student, per-course fee schedule for local school divisions to participate in Virtual Virginia (VVA) coursework for elementary, middle, and high school students. Such fee schedule plan shall provide (i) an allotment of slots, determined by the Department, per course to a school division free of charge, and (ii) for any slots a school division wishes to use beyond the free slots, a per-course, per-student fee that may include discounts for school divisions based upon the composite index of local ability to pay. The department shall also include in its plan the current student participation enrollment by grade level in each VVA course, the number of students enrolled in VVA courses that a fee of any kind is charged and how such fee is currently paid for in each participating school division. The department shall submit its Virtual Virginia Plan to the Chairmen of House Appropriations and Senate Finance Committee upon completion of developing such plan.</p>				
<p>24. Individual Student Alternative Education Program (ISAEP) Payments</p> <p>Out of this appropriation, \$2,247,581 the first year and \$2,247,581 in the second year from the Lottery Proceeds Fund shall be provided for the secondary schools' Individual Student Alternative Education Program (ISAEP), pursuant to Chapter 488 and Chapter 552 of the 1999 Session of the General Assembly.</p>				
<p>25. Foster Children Education Payments</p> <p>a. An additional state payment is provided from the Lottery Proceeds Fund for the prior year's local operations costs, as determined by the Department of Education, for each pupil of school age as defined in § 22.1-1, Code of Virginia, not a resident of the school division providing his education (a) who has been placed in foster care or other custodial care within the geographical boundaries of such school division by a Virginia agency, whether state or local, which is authorized under the laws of this Commonwealth to place children; (b) who has been placed in an orphanage or children's home which exercises legal guardianship rights; or (c) who is a resident of Virginia and has been placed, not solely for</p>				

ITEM 136.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
school purposes, in a child-caring institution or group home.				
b. This appropriation provides \$9,615,192 the first year and \$10,387,961 <i>\$10,152,360</i> the second year from the Lottery Proceeds Fund to support children attending public school who have been placed in foster care or other such custodial care across jurisdictional lines, as provided by subsections A and B of § 22.1-101.1, Code of Virginia. To the extent these funds are not adequate to cover the full costs specified therein, the Department is authorized to expend unobligated balances in this Item for this support.				
26. Sales Tax Payments				
a. This is a sum-sufficient appropriation for distribution to counties, cities and towns a portion of net revenue from the state sales and use tax, in support of the Standards of Quality (Title 22.1, Chapter 13.2, Code of Virginia) (See the Attorney General's opinion of August 3, 1982).				
b. Certification of payments and distribution of this appropriation shall be made by the State Comptroller.				
c. The distribution of state sales tax funds shall be made in equal bimonthly payments at the middle and end of each month.				
d. Included in this appropriation are the accelerated sales tax revenues attributable to §58.1-638 B., D., and F.1., Code of Virginia, and collected pursuant to §3-5.06 of this act.				
27. Adult Literacy Payments				
a. Appropriations in this Item include \$125,000 the first year and \$125,000 the second year from the general fund for the ongoing literacy programs conducted by Mountain Empire Community College.				
b. Out of this appropriation, the Department of Education shall provide \$100,000 the first year and \$100,000 the second year from the general fund for the Virginia Literacy Foundation grants to support programs for adult literacy including those delivered by community-based organizations and school divisions providing services for adults with 0-9th grade reading skills.				
28. Governor's School Payments				
a. Out of the amounts for Governor's School Payments, the Department of Education shall provide assistance for the state share of the incremental cost of regular school year Governor's Schools based on each participating locality's composite index of local ability-to-pay. Participating school divisions must certify that no tuition is assessed to students for participation in this program.				
b.1) Out of the amounts for Governor's School Payments, the Department of Education shall provide assistance for the state share of the incremental cost of summer residential Governor's Schools and Foreign Language Academies to be based on the greater of the state's share of the composite index of local ability-to-pay or 50 percent. Participating school divisions must certify that no tuition is assessed to students for participation in this program if they are enrolled in a public school.				
2) Out of the amounts for Governor's School Payments, \$41,000 the first year and \$41,000 the second year is provided to support the Hanover Regional Summer Governor's School for Career and Technical Advancement, which was established pursuant to Chapter 425, 2014 Acts of Assembly, and Chapter 665, 2015 Acts of Assembly.				
c. For the Summer Governor's Schools and Foreign Language Academies programs, the Superintendent of Public Instruction is authorized to adjust the tuition rates, types of programs offered, length of programs, and the number of students enrolled in order to maintain costs within the available state and local funds for these programs.				
d. It shall be the policy of the Commonwealth that state general fund appropriations not be used for capital outlay, structural improvements, renovations, or fixed equipment costs associated with initiation of existing or proposed Governor's schools. State general fund appropriations may be used for the purchase of instructional equipment for such schools, subject to certification by the Superintendent of Public Instruction that at least an equal				

ITEM 136.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2019	FY2020	FY2019	FY2020

amount of funds has been committed by participating school divisions to such purchases.

e. The Board of Education shall not take any action that would increase the state's share of costs associated with the Governor's Schools as set forth in this Item. This provision shall not prohibit the Department of Education from submitting requests for the increased costs of existing programs resulting from updates to student enrollment for school divisions currently participating in existing programs or for school divisions that begin participation in existing programs.

f.1) Regular school year Governor's Schools are funded through this Item based on the state's share of the incremental per pupil cost for providing such programs for each student attending a Governor's School up to a cap of 1,800 students per Governor's School in the first year and a cap of 1,800 students per Governor's School in the second year. This incremental per pupil payment shall be adjusted for the composite index of the school division that counts such students attending an academic year Governor's School in their March 31 Average Daily Membership. It is the intent of the General Assembly that this incremental per pupil amount be in addition to the basic aid per pupil funding provided to the affected school division for such students. Therefore, local school divisions are encouraged to provide the appropriate portion of the basic aid per pupil funding to the Governor's Schools for students attending these programs, adjusted for costs incurred by the school division for transportation, administration, and any portion of the day that the student does not attend a Governor's School.

2) Students attending a revolving Academic Year Governor's School program for only one semester shall be counted as 0.50 of a full-time equivalent student and will be funded for only fifty percent of the full-year funded per pupil amount. Funding for students attending a revolving Academic Year program will be adjusted based upon actual September 30th and January 30th enrollment each fiscal year. For purposes of this Item, revolving programs shall mean Academic Year Governor's School programs that admit students on a semester basis.

3) Students attending a continuous, non-revolving Academic Year Governor's School program shall be counted as a full-time equivalent student and will be funded for the full-year funded per pupil amount. Funding for students attending a continuous, non-revolving Academic Year Governor's School program will be adjusted based upon actual September 30th student enrollment each fiscal year. For purposes of this Item, continuous, non-revolving programs shall mean Academic Year Governor's School programs that only admit students at the beginning of the school year. Fairfax County Public Schools shall not reduce local per pupil funding for the Thomas Jefferson Governor's School below the amounts appropriated for the 2003-2004 school year.

g. All regional Governor's Schools are encouraged to provide full-day grades 9 through 12 programs.

h. Out of the appropriation included in paragraph C. 39. of this Item, ~~\$866,870~~ \$857,382 the second year from the general fund is provided in the Academic Year Governor's School funding allocation to increase the per pupil amount the second year as an add-on for a compensation supplement payment equal to 3.0 percent of base pay on July 1, 2019, and for a compensation supplement payment of up to 2.0 percent of base pay on September 1, 2019, for Academic Year Governor's School instructional and support positions.

29. School Nutrition Payments

It is provided that, subject to implementation by the Superintendent of Public Instruction, no disbursement shall be made out of the appropriation for school nutrition to any locality in which the schools permit the sale of competitive foods in food service facilities or areas during the time of service of food funded pursuant to this Item.

30. School Breakfast Payments

a. Out of this appropriation, \$6,287,789 the first year and ~~\$7,439,888~~ \$6,519,175 the second year from the Lottery Proceeds Fund is included to continue a state funded incentive program to maximize federal school nutrition revenues and increase student participation in the school breakfast program. These funds are available to any school

ITEM 136.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
<p>division as a reimbursement for breakfast meals served that are in excess of the baseline established by the Department of Education. The per meal reimbursement shall be \$0.22; however, the department is authorized, but not required to reduce this amount proportionately in the event that the actual number of meals to be reimbursed exceeds the number on which this appropriation is based so that this appropriation is not exceeded.</p> <p>b. In order to receive these funds, school divisions must certify that these funds will be used to supplement existing funds provided by the local governing body and that local funds derived from sources that are not generated by the school nutrition programs have not been reduced or eliminated. The funds shall be used to improve student participation in the school breakfast program. These efforts may include, but are not limited to, reducing the per meal price paid by students, reducing competitive food sales in order to improve the quality of nutritional offerings in schools, increasing access to the school breakfast program, or providing programs to increase parent and student knowledge of good nutritional practices. In no event shall these funds be used to reduce local tax revenues below the level appropriated to school nutrition programs in the prior year. Further, these funds must be provided to the school nutrition programs and may not be used for any other school purpose.</p> <p>c.1) Out of this appropriation, \$1,074,000 the first year and \$1,074,000 the second year from the general fund is provided to fund an After-the-Bell Model breakfast program available on a voluntary basis to elementary, middle, and high schools where student eligibility for free or reduced lunch exceeds 45.0 percent for the participating eligible school, and to provide additional reimbursement for eligible meals served in the current traditional school breakfast program at all grade levels in any participating school. The Department of Education is directed to ensure that only eligible schools receive reimbursement funding for participating in the After-the-Bell school breakfast model. The schools participating in the program shall evaluate the educational impact of the models implemented that provide school breakfasts to students after the first bell of the school day, based on the guidelines developed by the Department of Education and submit the required report to the Department of Education no later than August 31, 2019 for the 2018-2019 school year and no later than August 31, 2020 for the 2019-2020 school year.</p> <p>2) The Department of Education shall communicate, through Superintendent's Memo, to school divisions the types of breakfast serving models and the criteria that will meet the requirements for this State reimbursement, which may include, but are not limited to, breakfast in the classroom, grab and go breakfast, or a breakfast after first period. School divisions may determine the breakfast serving model that best applies to its students, so long as it occurs after the instructional day has begun. For the 2018-2019 and 2019-2020 school years, the Department of Education shall monthly transfer to each school division a reimbursement rate of \$0.05 per breakfast meal that meets either of the established criteria in elementary schools and a reimbursement rate of \$0.10 per breakfast meal that meets either of the established criteria in middle or high schools.</p> <p>3) No later than July 1, 2018 for the 2018-2019 school year and no later than July 1, 2019 for the 2019-2020 school year, the Department of Education shall provide for a breakfast program application process for school divisions with eligible schools, including guidelines regarding specified required data to be compiled from the prior school year or years and for the upcoming school year program. The number of approved applications shall be based on the estimated number of sites that can be accommodated within the approved funding level. The Department of Education shall set criteria for establishing priority should the number of applications from eligible schools exceed the approved funding level. The reporting requirements must include: chronic absenteeism rates, student attendance and tardy arrivals, office discipline referrals, student achievement measures, teachers' and administrators' responses to the impact of the program on student hunger, student attentiveness, and overall classroom learning environment before and after implementation, and the financial impact on the division's school food program. Funded schools that do not provide data by August 31 are subject to exclusion from funding in the following year. The Department of Education shall collect and compile the results of the breakfast program and shall submit the report to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees no later than November 1 following each school year.</p> <p>31. Clinical Faculty and Mentor Teacher Program Payments</p> <p>This appropriation includes \$1,000,000 the first year and \$1,000,000 the second year from the</p>				

ITEM 136.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2019	FY2020	FY2019	FY2020

Lottery Proceeds Fund to be paid to local school divisions for statewide Mentor Teacher Programs to assist pre-service teachers and beginning teachers to make a successful transition into full-time teaching. This appropriation also includes \$318,750 the first year and \$318,750 the second year from the general fund for Clinical Faculty programs to assist pre-service teachers and beginning teachers to make a successful transition into full-time teaching. Such programs shall include elements which are consistent with the following:

- a. An application process for localities and school/higher education partnerships that wish to participate in the programs;
- b. For Clinical Faculty programs only, provisions for a local funding or institutional commitment of 50 percent, to match state grants of 50 percent;
- c. Program plans which include a description of the criteria for selection of clinical faculty and mentor teachers, training, support, and compensation for clinical faculty and mentor teachers, collaboration between the school division and institutions of higher education, the clinical faculty and mentor teacher assignment process, and a process for evaluation of the programs;
- d. The Department of Education shall allow flexibility to local school divisions and higher education institutions regarding compensation for clinical faculty and mentor teachers consistent with these elements of the programs; and
- e. It is the intent of the General Assembly that no preference between pre-service or beginning teacher programs be construed by the language in this Item. School divisions operating beginning teacher mentor programs shall receive equal consideration for funding.

32. Career Switcher/Alternative Licensure Payments

Appropriations in this Item include \$279,983 the first year and \$279,983 the second year from the general fund to provide grants to school divisions that employ mentor teachers for new teachers entering the profession through the alternative route to licensure as prescribed by the Board of Education.

33. Virginia Workplace Readiness Skills Assessment

Appropriations in this Item include \$308,655 the first year and \$308,655 the second year from the general fund to provide support grants to school divisions for standard diploma graduates. To provide flexibility, school divisions may use the state grants for the actual assessment or for other industry certification preparation and testing.

34. Early Reading Specialists Initiative

- a. An additional payment of \$1,476,790 the first year and \$1,476,790 the second year from the general fund shall be disbursed by the Department of Education to qualifying local school divisions for the purpose of providing a reading specialist for schools with a third grade that rank lowest statewide on the reading Standards of Learning (SOL) assessments.
- b. These payments shall be based on the state's share of the cost of providing one reading specialist per qualifying school.
- c. These payments are available to any school division with a qualifying school that (1) certifies to the Department of Education that the division has hired a reading specialist to provide direct services to children reading below grade level in the school to improve reading achievement and (2) applies and receives a waiver for up to two years from the Board of Education for the administration of third grade SOL assessments in science or history and social science or both for the purpose of creating additional instructional time for reading specialists to work with students reading below grade level to improve reading achievement.
- d. These payments also are available to any school division with a qualifying school that certifies to the Department of Education that the division is supporting tuition for collegiate programs and instruction for currently employed instructional school personnel to earn the credentials necessary to meet licensure requirements to be endorsed as a

ITEM 136.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020

reading specialist.

e. School divisions receiving these payments are required to match these funds based on the composite index of local ability-to-pay.

f. Within the fiscal year, any funds not awarded from this program may be awarded to eligible schools under the Math/Reading Instructional Specialist Initiative.

35. Math/Reading Instructional Specialist Initiative

a. Included in this appropriation is \$1,834,538 the first year and \$1,834,538 the second year from the general fund in additional payments for reading or math instructional specialists at underperforming schools. From this amount, the state share of one reading or math specialist shall be provided to local school divisions with schools which rank lowest statewide on the Spring Standards of Learning (SOL) math or reading assessment. Funding for one math or reading specialist during the 2018-2020 biennium shall be based on the results of the Spring 2017 SOL assessments. Such schools shall be eligible to receive the state share of funding for both years of the biennium. If, following certification from a school division that it will not participate in the program, the Department is authorized to identify additional eligible schools based upon the list of schools that rank lowest on the Spring SOL math or reading assessment.

b. These payments are available to any school division with a qualifying school that certifies to the Department of Education that the division has (1) hired a math or reading instructional specialist, or (2) is supporting tuition for collegiate programs and instruction for currently employed instructional school personnel to earn the credentials necessary to meet licensure requirements to be endorsed as a math specialist or a reading specialist. Localities receiving these payments are required to match these funds based on the composite index of local ability-to-pay.

c. The Department of Education is authorized to utilize available funding appropriated to the Early Reading Specialist Initiative contained in this Item to pay for instructional specialists at additional eligible schools, or to support tuition for collegiate programs and instruction for currently employed instructional school personnel at additional eligible schools to earn the credentials necessary to meet licensure requirements to be endorsed as an instructional specialist.

d. Within the fiscal year, any funds not awarded from this program may be awarded to eligible schools under the Early Reading Specialists Initiative.

36. Broadband Connectivity Capabilities

By November 1 each year, school divisions shall report to the Department of Education the status of broadband connectivity capability of schools in the division on a form to be provided by the Department. Such report shall include school-level information on the method of Internet service delivery, the level of bandwidth capacity and the degree such capacity is sufficient for delivery of school-wide digital resources and instruction, degree of internet connectivity via Wi-Fi, cost information related to Internet connectivity, data security, and such other pertinent information as determined by the Department of Education. The Department shall provide a summary of the division responses in a report to be made available on its agency Web site.

37. Supplemental Lottery Per Pupil Allocation Payments

a. Out of this appropriation, an amount estimated at \$253,190,472 the first year and ~~\$255,531,948~~ \$255,533,690 the second year from the Lottery Proceeds Fund shall be disbursed by the Department of Education to local school divisions to support the state share of an estimated \$364.15 per pupil the first year and ~~\$367.44~~ \$366.01 per pupil the second year in adjusted March 31 average daily membership. These per pupil amounts are subject to change for the purpose of payment to school divisions based on the actual March 31 ADM collected each year. No locality shall be required to maintain a per pupil expenditure each year from local funds which is greater than the per pupil amount expended by the locality for such purposes in the year upon which the 2016-18 biennial Standards of Quality expenditure data were based. *In the second year, the Department of Education is authorized to temporarily suspend Supplemental Lottery Per Pupil Allocation payments made to school divisions from Lottery funds to ensure that any shortfall in Lottery revenue can be accounted*

ITEM 136.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2019	FY2020	FY2019	FY2020

for in the remaining Supplemental Lottery Per Pupil Allocation payments to be made for the year.

b. Of the amounts listed above, school divisions are permitted to spend such funds on both recurring and nonrecurring expenses in a manner that best supports the needs of the schools divisions. No local match is required.

c. Any lottery funds provided to school divisions from this item that are unexpended as of June 30, 2019, and June 30, 2020, shall be carried on the books of the locality to be appropriated to the school division in the following year.

38. Special Education Endorsement Program

a. Notwithstanding § 22.1-290.02, Code of Virginia, out of this appropriation, \$437,186 the first year and \$437,186 the second year from the general fund is provided for traineeships and program operation grants that shall be awarded to public Virginia institutions of higher education to prepare persons who are employed in the public schools of Virginia, state operated programs, or regional special education centers as special educators with a provisional license and enrolled either part-time or full-time in programs for the education of children with disabilities. Applicants shall be graduates of a regionally accredited college or university.

b. The award of such grants shall be made by the Department of Education, and the number of awards during any one year shall depend upon the amounts appropriated by the General Assembly for this purpose. The amount awarded for each traineeship shall be \$600 for a minimum of three semester hours of course work in areas required for the special education endorsement to be taken by the applicant during a single semester or summer session. Only one traineeship shall be awarded to a single applicant in a single semester or summer session.

39. Compensation Supplement

a.1) Out of this appropriation, ~~\$130,305,448~~ \$130,856,474 the second year from the general fund and ~~\$432,516~~ \$431,314 the second year from the Lottery Proceeds Fund is provided for the state share of a payment equivalent to a 3.0 percent salary incentive increase, effective July 1, 2019, for funded SOQ instructional and support positions. Funded SOQ instructional positions shall include the teacher, guidance counselor, librarian, instructional aide, principal, and assistant principal positions funded through the SOQ staffing standards for each school division in the biennium. This amount includes ~~\$556,869~~ \$550,799 the second year from the general fund referenced in paragraph C. 28. h. for the Academic Year Governor's Schools for a 3.0 percent salary incentive increase, effective July 1, 2019, for instructional and support positions, and this amount includes ~~\$432,516~~ \$431,314 the second year from the Lottery Proceeds Fund referenced in paragraph C. 9. f. 4) for Regional Alternative Education Programs for a 3.0 percent salary incentive increase, effective July 1, 2019, for instructional and support positions.

2) It is the intent that the instructional and support position salaries be increased in school divisions throughout the state by at least an average of 3.0 percent during the 2018-2020 biennium. Sufficient funds are appropriated in this act to finance, on a statewide basis, the state share of a 3.0 percent salary increase for funded SOQ instructional and support positions, effective July 1, 2019, to school divisions which certify to the Department of Education, by June 1, 2019, that salary increases of a minimum average of 3.0 percent have been or will have been provided during the 2018-2020 biennium, either in the first year or in the second year or through a combination of the two years, to instructional and support personnel.

b.1) In addition to the compensation provisions in paragraphs C. 39. a.1) and 2), the appropriation in this item includes ~~\$72,536,713~~ \$70,677,789 the second year from the general fund and ~~\$240,697~~ \$240,025 the second year from the Lottery Proceeds Fund for the state share of a payment equivalent to a separate 2.0 percent salary incentive increase, effective September 1, 2019, for funded SOQ instructional and support positions. Funded SOQ instructional positions shall include the teacher, guidance counselor, librarian, instructional aide, principal, and assistant principal positions funded through the SOQ staffing standards for each school division in the biennium. This amount includes

ITEM 136.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
	\$310,001	\$306,583		
<p>the second year from the general fund referenced in paragraph C. 28. h. for the Academic Year Governor's Schools for a separate 2.0 percent salary incentive increase, effective September 1, 2019, for instructional and support positions, and this amount includes the \$240,697 \$240,025 second year from the Lottery Proceeds Fund referenced in paragraph C. 9. f. 4) for Regional Alternative Education Programs for a separate 2.0 percent salary incentive increase, effective September 1, 2019, for instructional and support positions.</p> <p>2) It is the intent that the instructional and support position salaries be increased in school divisions throughout the state by at least an average of 2.0 percent during the second year, on or before September 1, 2019. Sufficient funds are appropriated in this act to finance, on a statewide basis, the state share of a 2.0 percent salary increase for funded SOQ instructional and support positions, effective September 1, 2019, to school divisions which certify to the Department of Education, by June 1, 2019, that separate salary increases of a minimum average of 2.0 percent will have been provided in the second year to instructional and support personnel on or before September 1, 2019. For any school division that meets the qualifications for the 3.0 percent Compensation Supplement pursuant to paragraph C.39.a.1) and 2), the separate 2.0 percent salary increase required in the second year by September 1, 2019, must be in addition to the salary increases that made them eligible for the 3.0 percent Compensation Supplement effective July 1, 2019.</p> <p>3) In order to be eligible to receive the state's share of up to a separate 2.0 percent salary increase in the second year, school divisions must provide up to a 2.0 percent salary increase in the second year effective by September 1, 2019, to instructional and support personnel. School divisions that provide a salary increase in the second year by September 1, 2019, that is less than 2.0 percent shall have the state share of the 2.0 percent Compensation Supplement payment reduced to the same percentage of the actual local salary increase provided. Any salary increase provided by a school division in the first year that was in excess of 3.0 percent prescribed in paragraphs C. 39. a.1) and 2), shall not count toward or be applied toward the local requirements for any portion of the separate 2.0 percent salary increase provided for in the second year. For any school division that is not able to provide a 3.0 percent salary increase over the biennium, such school division would be eligible to receive the state share of funding for up to a 2.0 percent salary increase in the second year for local salary increases provided in the second year by September 1, 2019.</p> <p>c. In the second year, school divisions are eligible to receive the state's share of funding for up to a total of 5.0 percent salary increase for SOQ-funded instructional and support positions. First, school divisions are eligible to receive the state's share of funding for a 3.0 percent Compensation Supplement, effective July 1, 2019, to school divisions which certify to the Department of Education, by June 1, 2019, that salary increases of a minimum average of 3.0 percent have been or will have been provided during the 2018-2020 biennium, either in the first year or in the second year or through a combination of the two years, to instructional and support personnel. Second, school divisions are eligible to receive the state's share of funding for up to a separate 2.0 percent Compensation Supplement, effective September 1, 2019, to school divisions which certify to the Department of Education, by June 1, 2019, that salary increases of up to 2.0 percent will be provided in the second year by September 1, 2019, to instructional and support personnel. The 2.0 percent Compensation Supplement may be in addition to or in lieu of the 3.0 percent Compensation Supplement.</p> <p>d. This funding is not intended as a mandate to increase salaries.</p> <p>40. Small School Division Enrollment Loss Payments</p> <p>Out of this appropriation, \$6,112,706 the first year from the general fund is allocated to eligible school divisions that have realized and reported to the Department of Education a total of a five percent or more decline in average daily membership from March 31, 2013, to March 31, 2018, with a minimum dollar amount for such eligible school divisions of \$75,000. Such eligible school divisions shall receive an apportioned allocation as specified below:</p>				
DIVISION NAME				FY 2019
ALLEGHANY				\$277,068
AMHERST				\$159,179
BATH				\$75,000
BEDFORD				\$343,221

ITEM 136.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
BLAND				\$93,254
BOTETOURT				\$147,129
BRUNSWICK				\$155,111
BUCHANAN				\$209,987
CARROLL				\$288,674
CHARLES CITY				\$75,000
CHARLOTTE				\$91,755
CLARKE				\$75,000
CRAIG				\$75,000
CUMBERLAND				\$75,000
DICKENSON				\$157,259
DINWIDDIE				\$119,359
ESSEX				\$80,965
GRAYSON				\$142,166
GREENSVILLE				\$86,726
HALIFAX				\$299,314
KING & QUEEN				\$75,000
LANCASTER				\$75,000
MADISON				\$75,000
MATHEWS				\$75,000
MECKLENBURG				\$183,246
NELSON				\$75,000
NORTHUMBERLAND				\$75,000
NOTTOWAY				\$114,243
PRINCE EDWARD				\$98,625
PULASKI				\$168,097
RAPPAHANNOCK				\$75,000
RUSSELL				\$256,057
SCOTT				\$136,340
SMYTH				\$241,110
SURRY				\$75,000
SUSSEX				\$75,000
TAZEWELL				\$342,700
WYTHE				\$108,477
BUENA VISTA				\$75,000
DANVILLE				\$260,493
MARTINSVILLE				\$131,417
NORTON				\$75,000
PETERSBURG				\$145,734
FRANKLIN CITY				\$75,000
TOTAL				\$6,112,706

41. Virginia Preschool Initiative Plus

Out of this appropriation, ~~\$6,139,559~~ \$2,458,384 the second year from the general fund is provided to sustain approximately 1,530 student slots of high quality preschool for at risk four year olds within the 13 divisions that participate in the federally-funded Preschool Development Grant program known as Virginia Preschool Initiative Plus. These school divisions shall be responsible for ensuring that all such slots meet expectations set forth in the Department of Education's November 2018 Plan to Ensure High-Quality Instruction in All Virginia Preschool Initiative Classrooms, submitted to the General Assembly pursuant to paragraph C.14.j. of this Item. In fiscal year 2020, a local match based on a local composite index match of 0.4000, or a local match based on the division's actual composite index of local ability-to-pay if that is lower than 0.4000, is required. Beginning

ITEM 136.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
in fiscal year 2021, a local match based on a local composite index match of 0.5000, or a local match based on the division's actual composite index of local ability-to-pay if that is lower than 0.5000, is required.				
137.	Not set out.			
	Total for Direct Aid to Public Education.....		\$8,071,986,332	\$8,351,607,378 \$8,376,165,828
	Fund Sources: General.....	\$6,258,717,882	\$6,516,907,074 \$6,556,846,161	
	Special.....	\$895,000	\$895,000	
	Commonwealth Transportation.....	\$2,100,000	\$2,100,000	
	Trust and Agency.....	\$743,748,217	\$765,180,071 \$749,799,434	
	Federal Trust.....	\$1,066,525,233	\$1,066,525,233	
	Grand Total for Department of Education, Central Office Operations.....		\$8,180,651,500	\$8,472,745,909 \$8,497,304,359
	General Fund Positions.....	144.00	149.00	
	Nongeneral Fund Positions.....	185.50	185.50	
	Position Level.....	329.50	334.50	
	Fund Sources: General.....	\$6,320,665,069	\$6,581,426,676 \$6,621,365,763	
	Special.....	\$6,054,353	\$6,054,353	
	Commonwealth Transportation.....	\$2,370,419	\$2,370,419	
	Trust and Agency.....	\$744,427,780	\$765,859,634 \$750,478,997	
	Federal Trust.....	\$1,107,133,879	\$1,117,034,827	
138.	Not set out.			
139.	Not set out.			
140.	Not set out.			
141.	Not set out.			
142.	Not set out.			
143.	Not set out.			
144.	Not set out.			
145.	Not set out.			
146.	Not set out.			
147.	Not set out.			
148.	Not set out.			
149.	Not set out.			
150.	Not set out.			
151.	Not set out.			

ITEM 152.		Item Details(\$)		Appropriations(\$)	
		First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
152.	Not set out.				
153.	Not set out.				
154.	Not set out.				
155.	Not set out.				
156.	Not set out.				
157.	Not set out.				
158.	Not set out.				
159.	Not set out.				
160.	Not set out.				
161.	Not set out.				
162.	Not set out.				
163.	Not set out.				
164.	Not set out.				
165.	Not set out.				
166.	Not set out.				
167.	Not set out.				
168.	Not set out.				
169.	Not set out.				
170.	Not set out.				
171.	Not set out.				
172.	Not set out.				
173.	Not set out.				
174.	Not set out.				
175.	Not set out.				
176.	Not set out.				
177.	Not set out.				
178.	Not set out.				
179.	Not set out.				

ITEM 180.		Item Details(\$)		Appropriations(\$)	
		First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
180.	Not set out.				
181.	Not set out.				
182.	Not set out.				
183.	Not set out.				
184.	Not set out.				
184.10	Not set out.				
185.	Not set out.				
186.	Not set out.				
187.	Not set out.				
188.	Not set out.				
189.	Not set out.				
190.	Not set out.				
191.	Not set out.				
192.	Not set out.				

§ 1-12. UNIVERSITY OF VIRGINIA (207)

193.	Not set out.				
194.	Not set out.				
195.	Financial Assistance For Educational and General Services (11000).....			\$537,856,736	\$537,356,736 \$577,028,122
	Sponsored Programs (11004).....	\$537,856,736	\$537,356,736 \$577,028,122		
	Fund Sources: General.....	\$10,469,379	\$9,969,379		
	Higher Education Operating.....	\$504,577,357	\$504,577,357 \$544,248,743		
	Debt Service.....	\$22,810,000	\$22,810,000		

Authority: Title 23.1, Chapter22, Code of Virginia.

A. Out of this appropriation, \$1,744,245 the first year and \$1,744,245 the second year from the general fund and \$14,350,000 the first year and \$14,350,000 the second year from nongeneral funds are designated to build research capacity in the areas of bioengineering and biosciences.

B. Out of this appropriation, \$4,162,634 the first year and \$4,162,634 the second year from the general fund is designated for the support of cancer research.

C. Out of this appropriation, \$3,612,500 the first year and \$3,112,500 the second year from the general fund is designated for support of the Focused Ultrasound Center to support core programs and research activities.

D. Out of this appropriation, \$950,000 the first year and \$950,000 the second year from the

ITEM 195.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
general fund is designated to support the creation of the UVA Economic Development Accelerator.				
E. The Higher Education Operating fund source listed in this Item is considered to be a sum sufficient appropriation, which is an estimate of funding required by the university to cover sponsored program operations.				
196.	Not set out.			
	Total for University of Virginia.....		\$1,634,907,864	\$1,637,828,557 \$1,677,499,943
	General Fund Positions.....	1,084.63	1,084.63	
	Nongeneral Fund Positions.....	5,951.17	5,951.17	
	Position Level.....	7,035.80	7,035.80	
	Fund Sources: General.....	\$150,498,551	\$153,419,244	
	Higher Education Operating.....	\$1,436,861,313	\$1,436,861,313 \$1,476,532,699	
	Debt Service.....	\$47,548,000	\$47,548,000	
197.	Not set out.			
198.	Not set out.			
199.	Not set out.			
200.	Not set out.			
201.	Not set out.			
202.	Not set out.			
203.	Not set out.			
	Grand Total for University of Virginia.....		\$3,556,225,826	\$3,676,029,490 \$3,715,700,876
	General Fund Positions.....	1,249.89	1,256.09	
	Nongeneral Fund Positions.....	13,281.83	13,600.63	
	Position Level.....	14,531.72	14,856.72	
	Fund Sources: General.....	\$169,833,620	\$176,941,809	
	Higher Education Operating.....	\$3,318,207,741	\$3,430,903,216 \$3,470,574,602	
	Debt Service.....	\$68,184,465	\$68,184,465	
204.	Not set out.			
205.	Not set out.			
206.	Not set out.			
207.	Not set out.			
208.	Not set out.			
209.	Not set out.			
210.	Not set out.			

ITEM 211.		Item Details(\$)		Appropriations(\$)	
		First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
211.	Not set out.				
212.	Not set out.				
213.	Not set out.				
214.	Not set out.				
215.	Not set out.				
216.	Not set out.				
217.	Not set out.				
218.	Not set out.				
219.	Not set out.				
220.	Not set out.				
221.	Not set out.				
222.	Not set out.				
223.	Not set out.				
224.	Not set out.				
225.	Not set out.				
226.	Not set out.				

§ 1-13. VIRGINIA STATE UNIVERSITY (212)

227.	Educational and General Programs (10000).....			\$72,863,678	\$73,902,030
	Higher Education Instruction (100101).....	\$40,138,349	\$41,376,809		
	Higher Education Research (100102).....	\$2,118,047	\$2,118,047		
	Higher Education Public Services (100103).....	\$120,448	\$120,448		
	Higher Education Academic (100104).....	\$5,752,949	\$5,752,949		
	Higher Education Student Services (100105).....	\$4,387,836	\$4,387,836		
	Higher Education Institutional Support (100106).....	\$13,166,931	\$12,891,823		
	Operation and Maintenance Of Plant (100107).....	\$7,179,118	\$7,254,118		
	Fund Sources: General.....	\$36,206,980	\$37,020,868		
	Higher Education Operating.....	\$36,656,698	\$36,881,162		

Authority: Title 23.1, Chapter 27, Code of Virginia.

A. This Item includes general and nongeneral fund appropriations to support institutional initiatives that help meet statewide goals described in the Restructured Higher Education Financial and Administrative Operations Act of 2005 (Chapters 933 and 945, 2005 Acts of Assembly).

B.1. Out of this appropriation, \$3,790,639 the first year and \$3,790,639 the second year from the general fund is designated for continued enhancement of the existing Bachelor of Science academic programs in Computer Science, Manufacturing Engineering, Computer Engineering, Mass Communications and Criminal Justice, and the doctoral program in Education.

ITEM 227.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
2. Out of this appropriation, \$37,500 the first year and \$37,500 the second year from the general fund is provided to serve in lieu of endowment income for the Eminent Scholars Program.				
3. Any unexpended balances in paragraphs B.1. and B.2. in this Item at the close of business on June 30, 2018 and June 30, 2019, shall not revert to the surplus of the general fund but shall be carried forward on the books of the State Comptroller and reappropriated in the succeeding year.				
C. This appropriation includes \$200,000 the first year and \$200,000 the second year from the general fund to increase the number of faculty with terminal degrees to at least 85 percent of the total teaching faculty.				
D. Out of this appropriation, Virginia State University is authorized to use up to \$600,000 the first year and \$600,000 the second year from the general fund to address extremely critical deferred maintenance deficiencies in its facilities, including residence halls and dining facilities.				
E. As Virginia's public colleges and universities approach full funding of the base adequacy guidelines and as the General Assembly strives to fully fund the general fund share of the base adequacy guidelines, these funds are provided with the intent that, in exercising their authority to set tuition and fees, the Board of Visitors shall take into consideration the impact of escalating college costs for Virginia students and families. In accordance with the cost-sharing goals set forth in § 4-2.01 b. of this act, the Board of Visitors is encouraged to limit increases on tuition and mandatory educational and general fees for in-state, undergraduate students to the extent possible.				
F. Out of this appropriation, \$1,300,000 the first year and \$1,300,000 the second year from the general fund is designated to support the Manufacturing Engineering and Logistics Technology program.				
G. Out of this appropriation, \$104,792 the first year and \$104,022 the second year from the general fund is designated for debt service costs under the Master Equipment Lease Program (MELP) for upgrades to the university's police radio system. In addition to these amounts, \$154,451 the first year from the general fund is designated to support training and software costs.				
H. Out of this appropriation, \$324,140 the first year and \$321,757 the second year from the general fund is designated to support debt service costs under the Master Equipment Lease Program (MELP) to improve the university's information technology network. In addition to these amounts, \$412,923 the first year and \$295,419 the second year from the general fund is designated to support training and software costs.				
I. 1. Out of this appropriation, \$480,710 the second year from the general fund is designated to address increased degree production in Data Science and Technology, Science and Engineering, Healthcare, and Education.				
2. Degree production shall be measured for Bachelors, Masters, Doctorates and First Professional awards as follows:				
a. Data Science and Technology awards shall be based on completion data contained in the State Council of Higher Education for Virginia, C-16 completion report;				
b. Science and Engineering awards shall be based on completion data contained in the State Council of Higher Education for Virginia (SCHEV), C-1 A1 completion report for the following programs Biological and Biomedical Science (26), Engineering (14) less those already counted in paragraph 2 a., Engineering Technologies (15), and Physical Sciences (42);				
c. Healthcare awards shall be based on completion data contained in the SCHEV C-1 A1 completion report for the Health Professions and Related Programs (51); and				
d. Education awards shall be based on completion data contained in the SCHEV C-1 A1 completion report for the Education Programs (13).				
3. Virginia State University is expected to increase:				

ITEM 227.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
a. Data Science and Technology awards by 5 in the second year.				
b. Science and Engineering awards by 5 in the second year.				
c. Education awards by 5 in the second year.				
d. The 2016-17 year will serve as the base year for these purposes.				
4. SCHEV shall report on the progress toward these goals to the Chairman of the House Appropriations and Senate Finance Committees report on the progress toward these goals annually beginning August 2020.				
I. Out of this appropriation, an amount estimated at \$299,286 from the general fund and \$224,464 from nongeneral funds in the second year are designated for the educational telecommunications project to provide graduate engineering education. For supplemental budget requests, the participating institutions and centers jointly shall submit a report in support of such requests to the State Council of Higher Education for Virginia for review and recommendation to the Governor and General Assembly.				
<i>J. Of the \$234,000 appropriated for agriculture education positions, the university has the ability as of January 1, 2020 to utilize some of the funding for developing key aspects of the agriculture education program.</i>				
228. Not set out.				
229. Not set out.				
230. Not set out.				
Total for Virginia State University.....			\$166,282,300	\$168,052,214
General Fund Positions.....	323.47	329.47		
Nongeneral Fund Positions.....	486.89	489.89		
Position Level.....	810.36	819.36		
Fund Sources: General.....	\$44,982,297	\$46,527,747		
Higher Education Operating.....	\$110,967,458	\$111,191,922		
Debt Service.....	\$10,332,545	\$10,332,545		
231. Not set out.				
Grand Total for Virginia State University.....			\$178,513,956	\$180,283,870
General Fund Positions.....	355.22	361.22		
Nongeneral Fund Positions.....	553.89	556.89		
Position Level.....	909.11	918.11		
Fund Sources: General.....	\$50,572,637	\$52,118,087		
Higher Education Operating.....	\$117,608,774	\$117,833,238		
Debt Service.....	\$10,332,545	\$10,332,545		
232. Not set out.				
233. Not set out.				
§ 1-14. JAMESTOWN-YORKTOWN FOUNDATION (425)				
234. Museum and Cultural Services (14500).....			\$18,918,251	\$18,959,884
Collections Management and Curatorial Services (14501).....	\$684,141	\$684,141		
Education and Extension Services (14503).....	\$7,858,030	\$7,375,205		
Operational and Support Services (14507).....	\$10,376,080	\$10,900,538		

ITEM 234.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
Fund Sources: General.....	\$10,305,275	\$10,346,908		
Special.....	\$8,612,976	\$8,612,976		
Authority: Title 23.1, Chapter 32, Article 4, Code of Virginia.				
A. Out of the amounts for Operational and Support Services, the Director is authorized to expend from special funds amounts not to exceed \$3,500 the first year and \$3,500 the second year for entertainment expenses commonly borne by businesses. Such expenses shall be recorded separately by the agency.				
B. With the prior written approval of the Director, Department of Planning and Budget, nongeneral fund revenues which are unexpended by the end of the fiscal year may be paid to the Jamestown-Yorktown Foundation, Inc. for the specific purposes determined by the Board of Trustees in support of Foundation programs.				
C. It is the intent of the General Assembly that the Jamestown-Yorktown Foundation be authorized to fill all positions authorized in this act and all part-time (wage) positions funded in this act, notwithstanding § 4-7.01 of this act.				
D. Out of the appropriation for this Item, \$54,777 the first year and \$54,777 the second year from the general fund is included for the purchase of museum electronic security equipment through the state's master equipment lease program.				
<i>E. Out of this appropriation, \$50,000 the second year from the general fund is provided to complete the three-part statue installation at the Williamsburg James City County Courthouse that was begun in 2008, with Native American leader Chief Powhatan, Captain Gosnold in 2016, and the final statue will commemorate Africans brought to the colony; and \$25,000 the second year from the general fund is provided to the African American Cultural Center of Virginia Beach for the Hampton Roads African American Evolution Performance Series.</i>				
			\$18,918,251	\$18,959,884
Total for Jamestown-Yorktown Foundation.....				
General Fund Positions.....	108.00	111.00		
Nongeneral Fund Positions.....	63.00	63.00		
Position Level.....	171.00	174.00		
Fund Sources: General.....	\$10,305,275	\$10,346,908		
Special.....	\$8,612,976	\$8,612,976		
235. Not set out.				
			\$25,419,668	\$25,461,301
Grand Total for Jamestown-Yorktown Foundation..				
General Fund Positions.....	117.00	120.00		
Nongeneral Fund Positions.....	63.00	63.00		
Position Level.....	180.00	183.00		
Fund Sources: General.....	\$16,806,692	\$16,848,325		
Special.....	\$8,612,976	\$8,612,976		
236. Not set out.				
237. Not set out.				
238. Not set out.				
239. Not set out.				
240. Not set out.				

ITEM 241.		Item Details(\$)		Appropriations(\$)	
		First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
241.	Not set out.				
242.	Museum and Cultural Services (14500).....			\$639,358	\$639,358 \$657,358
	Operational and Support Services (14507).....	\$639,358	\$639,358 \$657,358		
	Fund Sources: General.....	\$551,901	\$551,901 \$569,901		
	Federal Trust.....	\$87,457	\$87,457		
	Authority: Title 2.2, Chapter 25, Article 4, Code of Virginia.				
	Total for Virginia Commission for the Arts.....			\$4,520,270	\$4,645,270 \$4,663,270
	General Fund Positions.....	5.00	5.00		
	Position Level.....	5.00	5.00		
	Fund Sources: General.....	\$3,712,138	\$3,837,138 \$3,855,138		
	Federal Trust.....	\$808,132	\$808,132		
243.	Not set out.				
244.	Not set out.				
245.	Not set out.				
246.	Not set out.				
247.	Not set out.				
248.	Not set out.				
249.	Not set out.				
250.	Not set out.				
251.	Not set out.				
252.	Not set out.				
253.	Not set out.				
253.50	Not set out.				
254.	Not set out.				
	TOTAL FOR OFFICE OF EDUCATION.....			\$19,694,441,528	\$20,311,401,671 \$20,375,649,507
	General Fund Positions.....	18,611.91	18,689.43		
	Nongeneral Fund Positions.....	41,434.61	41,932.54		
	Position Level.....	60,046.52	60,621.97		
	Fund Sources: General.....	\$8,429,422,630	\$8,855,436,148 \$8,895,393,235		
	Special.....	\$47,520,936	\$47,627,394		
	Higher Education Operating.....	\$8,980,315,840	\$9,139,823,205 \$9,179,494,591		
	Commonwealth Transportation.....	\$2,370,419	\$2,370,419		

ITEM 254.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
Enterprise.....	\$7,479,910	\$7,479,910		
Trust and Agency.....	\$744,617,780	\$766,049,634 \$750,668,997		
Debt Service.....	\$344,923,009	\$344,923,009		
Dedicated Special Revenue.....	\$17,927,512	\$17,927,512		
Federal Trust.....	\$1,119,863,492	\$1,129,764,440		

ITEM 255.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020

OFFICE OF FINANCE

255. Not set out.

§ 1-16. DEPARTMENT OF ACCOUNTS (151)

256. Not set out.

257. Not set out.

258. Not set out.

259. Information Systems Management and Direction (71100).....			\$24,428,730	\$25,105,962
Financial Oversight for Performance Budgeting System (71107).....	\$2,660,587	\$2,684,775		
Financial Oversight for Cardinal System (71108).....	\$21,768,143	\$22,421,187		
Fund Sources: Internal Service.....	\$24,428,730	\$25,105,962		

Authority: Title 2.2 Chapter 8, Code of Virginia

A. The appropriation for Financial Oversight for Performance Budgeting System and Financial Oversight for Cardinal System is sum sufficient and amounts shown are estimates from internal service funds for the Commonwealth's enterprise applications which shall be paid solely from revenues derived from charges for services. All users of the Commonwealth's enterprise applications shall be assessed a surcharge based on licenses, transactions, or other meaningful methodology as determined by the Secretary of Finance and the owner of the enterprise application, which shall be deposited in the fund. Additionally, the State Comptroller shall recover the cost of services provided for the administration of the fund through interagency transactions as determined by the State Comptroller.

1. Out of this appropriation, the Performance Budgeting System is appropriated \$2,660,587 the first year and \$2,684,775 the second year from internal service fund revenues.

2. Out of this appropriation, the Cardinal Financial System is appropriated \$21,768,143 the first year and \$22,421,187 the second year from internal service fund revenues.

4. The State Comptroller shall submit revised projections of revenues and expenditures for the internal service funds for the Commonwealth's enterprise applications and estimates of any anticipated changes to fee schedules in accordance with § 4-5.03 of this act.

5. In the event that expenses of the enterprise applications become due before costs have been fully recovered in the department's internal service fund, a treasury loan shall be provided to the department to finance these costs. This treasury loan shall be repaid from the proceeds collected in the funds.

B.1.a. The Department of Accounts, in coordination with the Department of Human Resource Management shall replace the Commonwealth Integrated Payroll/Personnel System (CIPPS) and the Personnel Management Information System and the Benefits Eligibility System (PMIS & BES) with an integrated Human Capital Management (HCM) system. In order to maximize the efficiencies and benefits of the current Commonwealth Enterprise Resource Planning system, Cardinal, along with establishing a single source of personnel and payroll information and to achieve greater security of sensitive personally identifiable information, such system shall be based on the HCM modules within the Cardinal Enterprise Resource Planning application currently serving as the Commonwealth's financial system.

b. A working capital advance of up to ~~\$82,400,000~~ \$131,820,000 shall be provided to the Department of Accounts to pay the ~~initial~~ costs of replacing CIPPS and PMIS & BES. ~~Initial costs~~ This may include any costs necessary for the planning, development, configuration, and roll-out of the new HCM application. ~~Initial~~ These costs do not include costs necessary to ensure agencies are prepared for the implementation of the new application and the

ITEM 259.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
decommissioning of CIPPS and PMIS & BES such as interfaces from agency based systems. The State Comptroller shall provide the Governor and the Chairmen of the House Appropriations and Senate Finance Committees with the total projected project implementation cost by September 1, 2019.				
c. The Department of Accounts and the Department of Human Resource Management shall recommend to the Governor a permanent system of governance over the new HCM application, which shall designate specifically which agencies have the responsibility for authority and control of the data in the new HCM application as well as responsibility for systems support and maintenance.				
2. The Secretary of Finance and Secretary of Administration shall approve the drawdowns from this working capital advance prior to the expenditure of funds. The State Comptroller shall notify the Governor and the Chairmen of the House Appropriations and Senate Finance Committees of any approved drawdowns.				
3. Repayment of the working capital advance and ongoing systems operation, maintenance and support costs for the statewide Human Capital Management system shall be funded through an internal service fund for the enterprise application pursuant to paragraph A. of this Item.				
260.	Not set out.			
261.	Not set out.			
262.	Not set out.			
263.	Not set out.			
			\$41,597,149	\$42,354,357
	Total for Department of Accounts.....			
	General Fund Positions.....	115.00	115.00	
	Nongeneral Fund Positions.....	54.00	54.00	
	Position Level.....	169.00	169.00	
	Fund Sources: General.....	\$13,493,096	\$13,493,096	
	Special.....	\$992,820	\$992,820	
	Internal Service.....	\$27,111,233	\$27,868,441	

Department of Accounts Transfer Payments (162)

264.	Not set out.			
265.	Revenue Stabilization Fund (73500).....		\$0	\$360,458,731 \$262,941,731
	Payments to the Revenue Stabilization Fund (73501).....	\$0	\$360,458,731 \$262,941,731	
	Fund Sources: General.....	\$0	\$360,458,731 \$262,941,731	

Authority: Title 2.2, Chapter 18, Article 4, Code of Virginia.

A. On or before November 1 of each year, the Auditor of Public Accounts shall report to the General Assembly the certified tax revenues collected in the most recently ended fiscal year. The auditor shall, at the same time, provide his report on the 15 percent limitation and the amount that could be paid into the fund in order to satisfy the mandatory deposit requirement of Article X, Section 8 of the Constitution of Virginia as well as the additional deposit requirement of § 2.2-1829, Code of Virginia.

B. Out of this appropriation, \$262,941,731 the second year from the general fund attributable to actual tax collections for fiscal year 2018 shall be paid by the State Comptroller on or before June 30, 2020, into the Revenue Stabilization Fund pursuant to §

ITEM 265.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
<p>2.2-1829, Code of Virginia. This amount is based on the certification of the Auditor of Public Accounts of actual tax revenues for fiscal year 2018. This appropriation meets the mandatory deposit requirement of Article X, Section 8 of the Constitution of Virginia.</p> <p>C: Out of this appropriation, \$97,517,000 the second year from the general fund shall be paid by the State Comptroller on or before June 30, 2020; into the Revenue Stabilization Fund pursuant to § 2.2-1829, Code of Virginia. This amount represents an estimate of the required deposit to the Revenue Stabilization Fund attributable to tax collections for fiscal year 2020, which the Auditor of Public Accounts shall determine for the year ending June 30, 2020.</p>				
266.	Revenue Cash Reserve (23700).....		\$342,727,895	\$222,783,000 \$0
	Appropriated Revenue Reserve (23701).....	\$342,727,895		\$222,783,000 \$0
	Fund Sources: General.....	\$342,727,895		\$222,783,000 \$0
<p>Authority: Title 2.2, Chapter 18, Article 4.1, Code of Virginia.</p> <p>A. Notwithstanding any contrary provision of law, there is hereby appropriated in this item \$342,727,895 from the general fund the first year and \$222,783,000 from the general fund the second year to the Revenue Reserve established pursuant to § 2.2-1831.2, Code of Virginia; to mitigate any potential revenue or transfer shortfalls that may arise during the biennium.</p> <p>2: The Department of Taxation shall certify the revenues generated pursuant to subdivision B.5. of § 58.1-301, Code of Virginia. An amount equal to any revenues in excess of those included in this act and appropriated in this item; estimated at \$107,500,000; shall be deposited into the Revenue Reserve Fund and; notwithstanding the provisions of § 2.2-1831.4, Code of Virginia; if appropriated; may be used to effectuate future tax reform options for the citizens of the Commonwealth in accordance with the fifth enactment of Chapters 17 and 18; 2019 Session of the General Assembly. Nothing in this item shall be construed to require the appropriation of such funds prior to the use of other funds in the Revenue Reserve Fund pursuant to § 2.2-1831.4, Code of Virginia."</p> <p>B.1. Notwithstanding any contrary provision of law, the Governor shall appropriate to the Revenue Reserve any sums that are committed by the Comptroller for that purpose on his June 30, 2018 balance sheet and that are reported by the Governor to the General Assembly as part of the preliminary annual balance sheet and that are reported by the Governor to the General Assembly as part of the preliminary annual report.</p> <p>2. Any calculation made pursuant to the provisions of § 2.2-1831.2, Code of Virginia, by the Auditor of Public Accounts based on general fund resources collected in fiscal year 2019 shall be committed for deposit into the Fund established pursuant to § 2.2-1831.2, Code of Virginia, in fiscal year 2021.</p> <p>C. Any amounts appropriated in this item that are unexpended on June 30, 2019, or June 30, 2020, shall be reappropriated in the next fiscal year to this reserve to be used for the same purposes identified in this item.</p>				
267.	Not set out.			
268.	Not set out.			
269.	Not set out.			
270.	Not set out.			
	Total for Department of Accounts Transfer Payments		\$1,899,553,820	\$2,168,098,691 \$1,847,798,691
	Nongeneral Fund Positions.....	1.00	1.00	
	Position Level.....	1.00	1.00	

ITEM 270.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2019	FY2020	FY2019	FY2020
Fund Sources: General.....	\$1,341,622,895	\$1,582,136,731 \$1,261,836,731		
Trust and Agency.....	\$79,381,054	\$79,381,054		
Dedicated Special Revenue.....	\$478,549,871	\$506,580,906		
Grand Total for Department of Accounts.....			\$1,941,150,969	\$2,210,453,048 \$1,890,153,048
General Fund Positions.....	115.00	115.00		
Nongeneral Fund Positions.....	55.00	55.00		
Position Level.....	170.00	170.00		
Fund Sources: General.....	\$1,355,115,991	\$1,595,629,827 \$1,275,329,827		
Special.....	\$992,820	\$992,820		
Internal Service.....	\$27,111,233	\$27,868,441		
Trust and Agency.....	\$79,381,054	\$79,381,054		
Dedicated Special Revenue.....	\$478,549,871	\$506,580,906		
271.	Not set out.			
272.	Not set out.			
273.	Not set out.			
274.	Not set out.			
275.	Not set out.			
276.	Not set out.			
277.	Not set out.			
278.	Not set out.			

§ 1-17. TREASURY BOARD (155)

279.	Bond and Loan Retirement and Redemption (74300).....			\$782,931,935	\$824,795,771 \$811,851,461
	Debt Service Payments on General Obligation Bonds (74301).....	\$67,029,003	\$64,791,313 \$61,518,389		
	Capital Lease Payments (74302).....	\$5,490,800	\$5,497,550		
	Debt Service Payments on Public Building Authority Bonds (74303).....	\$262,613,033	\$280,424,780 \$277,050,650		
	Debt Service Payments on College Building Authority Bonds (74304).....	\$447,799,099	\$474,082,128 \$467,784,872		
	Fund Sources: General.....	\$735,190,499	\$776,432,307 \$764,913,338		
	Higher Education Operating.....	\$30,011,174	\$31,526,576		
	Dedicated Special Revenue.....	\$645,000	\$645,000		
	Federal Trust.....	\$17,085,262	\$16,191,888 \$14,766,547		

Authority: Title 2.2, Chapter 18, Code of Virginia; Article X, Section 9, Constitution of Virginia.

A. The Director, Department of Planning and Budget is authorized to transfer appropriations between Items in the Treasury Board to address legislation affecting the

ITEM 279.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2019	FY2020	FY2019	FY2020

Treasury Board passed by the General Assembly.

B.1. Out of the amounts for Debt Service Payments on General Obligation Bonds, the following amounts are hereby appropriated from the general fund for debt service on general obligation bonds issued pursuant to Article X, Section 9 (b), of the Constitution of Virginia:

Series	FY 2019		FY 2020	
	General Fund	Federal Funds	General Fund	Federal Funds
2009A	\$4,063,500	\$0	\$0	\$0
2009B	\$3,128,651	\$411,196	\$3,074,467 \$0	\$379,328 \$0
2009D Refunding	\$23,824,751	\$0	\$22,811,750 \$0	\$0
2012 Refunding	\$4,322,450	\$0	\$4,229,200	\$0
2013 Refunding	\$15,388,750	\$0	\$14,977,250	\$0
2015B Refunding	\$13,977,350	\$0	\$13,549,350	\$0
2016B Refunding	\$1,821,450	\$0	\$5,681,450	\$0
2019B Refunding			\$21,453,981	\$0
2019C Refunding			\$1,547,158	\$0
Projected debt service & expenses	\$90,905	\$0	\$88,518 \$80,000	\$0
Total Service Area	\$66,617,807	\$411,196	\$64,411,985 \$61,518,389	\$379,328 \$0

2. Out of the amounts for Debt Service Payments on General Obligation Bonds, sums needed to fund issuance costs and other expenses are hereby appropriated.

C. Out of the amounts for Capital Lease Payments, the following amounts are hereby appropriated for capital lease payments:

	FY 2019	FY 2020
Norfolk RHA (VCCS-TCC), Series 1995	\$738,300	\$739,800
Virginia Biotech Research Park, 2009	\$4,752,500	\$4,757,750
Total Capital Lease Payments	\$5,490,800	\$5,497,550

D.1. Out of the amounts for Debt Service Payments on Virginia Public Building Authority Bonds shall be paid to the Virginia Public Building Authority the following amounts for use by the authority for its various bond issues:

Series	FY 2019		FY 2020	
	General Fund	Nongeneral Fund	General Fund	Nongeneral Fund
2005D	\$2,000,000	\$0	\$2,000,000	\$0
2008B	\$7,119,950	\$0	\$0	\$0
2009A	\$4,683,024	\$0	\$4,682,412	\$0
2009B	\$10,204,500	\$0	\$10,203,875	\$0
2009B STARS	\$6,584,000	\$0	\$6,585,625	\$0
2009C	\$1,089,190	\$0	\$1,087,554	\$0
2009D	\$6,248,100	\$0	\$6,241,975	\$0
2010A	\$21,877,801	\$4,026,508	\$21,861,364	\$3,799,581 \$3,799,580
2010B	\$30,091,167	\$3,401,511	\$30,320,659	\$3,310,439 \$3,310,440
2011A STARS	\$631,000	\$0	\$628,875	\$0
2011A	\$12,909,500	\$0	\$12,908,625	\$0
2011B	\$1,298,749	\$0	\$1,299,224	\$0
2012A Refunding	\$6,559,225	\$0	\$6,556,225	\$0

ITEM 279.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
2013A	\$8,823,275	\$0	\$8,821,650	\$0
2013B	\$3,478,000	\$0	\$17,247,000	\$0
2014A	\$8,482,025	\$645,000	\$8,479,775	\$645,000
2014B	\$2,012,760	\$0	\$2,011,353	\$0
2014C Refunding	\$39,593,775	\$0	\$25,880,150	\$0
2015A	\$17,344,496	\$0	\$17,339,996 \$17,339,995	\$0
2015B Refunding	\$14,845,275	\$0	\$16,603,650	\$0
2016A	\$14,385,550	\$0	\$14,385,300	\$0
2016B Refunding	\$8,773,400	\$0	\$8,773,400	\$0
2016C	\$11,659,375	\$0	\$11,657,250	\$0
2016D	\$906,902	\$0	\$903,732	\$0
2017A	\$6,722,850	\$0	\$6,722,850	\$0
2018A	\$5,097,794	\$0	\$11,745,719	\$0
2018B	\$475,366	\$0	\$1,233,790	\$0
2019A			\$6,801,005	\$0
2019B			\$5,174,279	\$0
2019C			\$532,845	\$0
Projected debt service and expenses	\$642,965	\$0	\$16,487,732 \$605,474	\$0
Total Service Area	\$254,540,014	\$8,073,019	\$272,669,760 \$269,295,630	\$7,755,020

2.a. Funding is included in this Item for the Commonwealth's reimbursement of a portion of the approved capital costs as determined by the Board of Corrections and other interest costs as provided in §§ 53.1-80 through 53.1-82.2 of the Code of Virginia, for the following:

Project	Commonwealth Share of Approved Capital Costs
Prince William – Manassas Regional Jail	\$21,032,421
Henry County Jail	\$18,759,878
Chesapeake City Jail	\$6,860,886
Piedmont Regional Jail	\$2,139,464
Rockbridge Regional Jail	\$103,693
Prince William - Manassas Adult Detention Center	\$49,643
Northwestern Regional Jail Authority	\$1,198,915
Southside Regional Jail Authority	\$138,465
Total Approved Capital Costs	\$50,283,365

b. The Commonwealth's share of the total construction cost of the projects listed in the table in paragraph D.2.a. shall not exceed the amount listed for each project. Reimbursement of the Commonwealth's portion of the construction costs of these projects shall be subject to the approval of the Department of Corrections of the final expenditures.

c. This paragraph shall constitute the authority for the Virginia Public Building Authority to issue bonds for the foregoing projects pursuant to § 2.2-2261 of the Code of Virginia.

E.1. Out of the amounts for Debt Service Payments on Virginia College Building Authority Bonds shall be paid to the Virginia College Building Authority the following amounts for use by the Authority for payments on obligations issued for financing authorized projects under the 21st Century College Program:

Series	FY 2019	FY 2020
2008A	\$4,966,500	\$0

ITEM 279.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
2009A&B	\$14,459,700			\$0
2009E Refunding	\$26,975,050			\$26,976,000
2009F	\$37,693,761			\$37,353,111 \$30,276,058
2010B	\$27,673,519			\$27,471,289
2011 A	\$10,727,000			\$10,727,750
2012A	\$16,248,450			\$16,247,950
2012B	\$21,481,850			\$21,478,850
2013 A	\$16,815,919			\$15,872,969 \$16,818,419
2014A	\$16,972,150			\$16,974,150
2014B	\$1,328,400			\$1,387,150
2015A	\$16,398,550			\$25,175,700
2015B Refunding	\$7,285,433			\$12,255,054
2015C	\$1,479,354			\$1,484,260
2015D	\$22,496,035			\$13,711,535
2016A	\$19,476,600			\$19,469,100
2016B Refunding	\$1,972,000			\$1,972,000
2016C	\$4,428,839			\$4,433,139
2017B	\$21,184,500			\$19,851,250
2017C	\$31,464,500			\$31,466,500
2017D	\$11,318,714			\$11,316,514
2017E	\$31,960,000			\$41,448,500
2019A				\$31,123,368
2019B				\$843,190
2019C				\$6,347,165
Projected 21st Century debt service & expenses	\$717,501			\$38,328,915 \$592,477
Subtotal 21st Century	\$365,524,325			\$395,401,686 \$389,847,369

2. Out of the amounts for Debt Service Payments on Virginia College Building Authority Bonds shall be paid to the Virginia College Building Authority the following amounts for the payment of debt service on authorized bond issues to finance equipment:

Series	FY 2019	FY 2020
2011A	\$8,536,500	\$0
2012A	\$8,363,250	\$0
2013A	\$9,451,750	\$9,448,500
2014A	\$9,660,250	\$9,658,000
2015A	\$10,483,250	\$10,482,000
2016A	\$11,065,500	\$11,067,000
2017A	\$11,849,000	\$11,853,750
2018	\$12,865,274	\$12,864,500
2019A		\$12,563,753
Projected debt service & expenses	\$0	\$13,306,692 \$0
Subtotal Equipment	\$82,274,774	\$78,680,442 \$77,937,503
Total Service Area	\$447,799,099	\$474,082,128 \$467,784,872

3. Beginning with the FY 2008 allocation of the higher education equipment trust fund, the Treasury Board shall amortize equipment purchases at seven years, which is consistent with the useful life of the equipment.

ITEM 279.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2019	FY2020	FY2019	FY2020

4. Out of the amounts for Debt Service Payments on Virginia College Building Authority Bonds, the following nongeneral fund amounts from a capital fee charged to out-of-state students at institutions of higher education shall be paid to the Virginia College Building Authority in each year for debt service on bonds issued under the 21st Century Program:

Institution	FY 2019	FY 2020
George Mason University	\$2,644,092	\$2,804,490
Old Dominion University	\$1,047,123	\$1,108,899
University of Virginia	\$4,721,706	\$5,006,754
Virginia Polytechnic Institute and State University	\$4,867,731	\$5,192,295
Virginia Commonwealth University	\$2,224,530	\$2,359,266
College of William and Mary	\$1,549,053	\$1,639,845
Christopher Newport University	\$122,562	\$131,508
University of Virginia's College at Wise	\$45,540	\$48,330
James Madison University	\$2,675,079	\$2,843,787
Norfolk State University	\$402,831	\$420,789
Longwood University	\$97,911	\$106,149
University of Mary Washington	\$222,750	\$234,834
Radford University	\$281,556	\$300,486
Virginia Military Institute	\$377,190	\$400,470
Virginia State University	\$739,233	\$773,577
Richard Bland College	\$9,900	\$10,830
Virginia Community College System	\$3,139,785	\$3,301,665
TOTAL	\$25,168,572	\$26,683,974

5. Out of the amounts for Debt Service Payments of College Building Authority Bonds, the following is the estimated general and nongeneral fund breakdown of each institution's share of the debt service on the Virginia College Building Authority bond issues to finance equipment. The nongeneral fund amounts shall be paid to the Virginia College Building Authority in each year for debt service on bonds issued under the equipment program:

Institution	FY 2019		FY 2020	
	General Fund	Nongeneral Fund	General Fund	Nongeneral Fund
College of William & Mary	\$2,726,776	\$259,307	\$2,542,753	\$259,307
University of Virginia	\$14,768,704	\$1,088,024	\$14,069,323 \$13,619,323	\$1,088,024
Virginia Polytechnic Institute and State University	\$14,850,856	\$992,321	\$14,157,712 \$14,282,712	\$992,321
Virginia Military Institute	\$844,441	\$88,844	\$766,641	\$88,844
Virginia State University	\$1,304,801	\$108,886	\$1,186,954	\$108,886
Norfolk State University	\$1,155,483	\$108,554	\$1,050,111	\$108,554
Longwood University	\$728,290	\$54,746	\$663,015	\$54,746
University of Mary Washington	\$760,811	\$97,063	\$872,100	\$97,063
James Madison University	\$2,178,176	\$254,504	\$1,975,385	\$254,504
Radford University	\$1,535,517	\$135,235	\$1,213,438	\$135,235
Old Dominion	\$5,250,439	\$374,473	\$4,670,293	\$374,473

ITEM 279.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
University			\$4,800,749	
Virginia Commonwealth University	\$9,627,321	\$401,647	\$9,153,973	\$401,647
University			\$8,903,973	
Richard Bland College	\$166,653	\$2,027	\$152,592	\$2,027
Christopher Newport University	\$776,754	\$17,899	\$710,511	\$17,899
University of Virginia's College at Wise	\$244,285	\$19,750	\$222,275	\$19,750
George Mason University	\$4,474,164	\$205,665	\$4,516,681 \$4,771,644	\$205,665
Virginia Community College System	\$14,722,898	\$633,657	\$14,614,134 \$14,060,730	\$633,657
Virginia Institute of Marine Science	\$568,209	\$0	\$520,534	\$0
Roanoke Higher Education Authority	\$81,758	\$0	\$74,943	\$0
Southwest Virginia Higher Education Center	\$84,378	\$0	\$77,344	\$0
Institute for Advanced Learning and Research	\$288,907	\$0	\$264,704	\$0
Southern Virginia Higher Education Center	\$86,674	\$0	\$92,482	\$0
New College Institute	\$50,542	\$0	\$33,246 \$33,296	\$0
Eastern Virginia Medical School	\$155,335	\$0	\$236,697	\$0
TOTAL	\$77,432,173	\$4,842,602	\$73,837,840 \$73,094,905	\$4,842,602

F. Pursuant to various Payment Agreements between the Treasury Board and the Commonwealth Transportation Board, funds required to pay the debt service due on Commonwealth Transportation Board bonds shall be paid to the Trustee for the bondholders by the Treasury Board after transfer of these funds to the Treasury Board from the Commonwealth Transportation Board pursuant to Item 457, paragraph E of this act and §§ 33.2-2300, 33.2-2400, and 58.1-816.1, Code of Virginia.

G. Under the authority of this act, an agency may transfer funds to the Treasury Board for use as lease, rental, or debt service payments to be used for any type of financing where the proceeds are used to acquire equipment and to finance associated costs, including but not limited to issuance and other financing costs. In the event such transfers occur, the transfers shall be deemed an appropriation to the Treasury Board for the purpose of making the lease, rental, or debt service payments described herein.

H. Notwithstanding the provisions of 2.2-11.56, Code of Virginia, if tax-exempt bonds were used by the Commonwealth or its authorities, boards, or institutions to finance the acquisition, construction, improvement or equipping of real property, proceeds from the subsequent sale or disposition of such property and any improvements may first be applied toward remediation options available under federal law in order to maintain the tax-exempt status of such bonds.

280.	Not set out.			
	Total for Treasury Board.....		\$782,931,935	\$824,795,771 \$811,851,461
	Fund Sources: General.....	\$735,190,499	\$776,432,307 \$764,913,338	
	Higher Education Operating.....	\$30,011,174	\$31,526,576	
	Dedicated Special Revenue.....	\$645,000	\$645,000	

ITEM 280.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
Federal Trust.....	\$17,085,262	\$16,191,888 <i>\$14,766,547</i>		
TOTAL FOR OFFICE OF FINANCE.....			\$2,896,859,677	\$3,205,595,239 <i>\$2,872,350,929</i>
General Fund Positions.....	1,111.20	1,114.20		
Nongeneral Fund Positions.....	205.80	205.80		
Position Level.....	1,317.00	1,320.00		
Fund Sources: General.....	\$2,212,319,093	\$2,491,683,380 <i>\$2,159,864,411</i>		
Special.....	\$13,074,635	\$13,034,585		
Higher Education Operating.....	\$30,011,174	\$31,526,576		
Commonwealth Transportation.....	\$185,187	\$185,187		
Internal Service.....	\$27,111,233	\$27,868,441		
Trust and Agency.....	\$116,468,716	\$116,472,035		
Dedicated Special Revenue.....	\$480,604,377	\$508,633,147		
Federal Trust.....	\$17,085,262	\$16,191,888 <i>\$14,766,547</i>		

ITEM 281.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020

OFFICE OF HEALTH AND HUMAN RESOURCES

§ 1-18. SECRETARY OF HEALTH AND HUMAN RESOURCES (188)

281.	Administrative and Support Services (79900).....			\$830,743	\$830,743
	General Management and Direction (79901).....	\$830,743	\$830,743		
	Fund Sources: General.....	\$830,743	\$830,743		

Authority: Title 2.2, Chapter 2; Article 6, and § 2.2-200, Code of Virginia.

A.1. The Secretary of Health and Human Resources, in collaboration with the Office of the Attorney General and the Secretary of Public Safety and Homeland Security, shall present a six-year forecast of the adult offender population presently incarcerated in the Department of Corrections and approaching release who meet the criteria set forth in Chapter 863 and Chapter 914 of the 2006 Acts of Assembly, and who may be eligible for evaluation as sexually violent predators (SVPs) for each fiscal year within the six-year forecasting period. As part of the forecast, the secretary shall report on: (i) the number of Commitment Review Committee (CRC) evaluations to be completed; (ii) the number of eligible inmates recommended by the CRC for civil commitment, conditional release, and full release; (iii) the number of civilly committed residents of the Virginia Center for Behavioral Rehabilitation who are eligible for annual review; and (iv) the number of individuals civilly committed to the Virginia Center for Behavioral Rehabilitation and granted conditional release from civil commitment in a state SVP facility. The secretary shall complete a summary report of current SVP cases and a forecast of SVP eligibility, civil commitments, and SVP conditional releases, including projected bed space requirements, to the Governor and Senate Finance and House Appropriations Committees by November 15 of each year.

2. As part of the forecast process, the Department of Corrections shall administer a STATIC-99 screening to all potential Sexually Violent Predators eligible for civil commitment pursuant to § 37.2-900 et seq., Code of Virginia, within six months of admission to the Department of Corrections. The results of such screenings shall be provided to the commissioner of the Department of Behavioral Health and Developmental Services (DBHDS) on a monthly basis and used for the SVP population forecast process.

3. The Office of the Attorney General shall also provide to the commissioner of DBHDS, on a monthly basis, the status of all SVP cases pending before their office for purposes of forecasting the SVP population.

B. The Secretary of Health and Human Resources shall create a trauma-informed care workgroup to develop a shared vision and definition of trauma-informed care for agencies within the Health and Human Resources Secretariat. The workgroup shall include representatives from the Departments of Social Services, Behavioral Health and Developmental Services, Medical Assistance Services, and Health, as well as stakeholders, researchers, community organizations and representatives from impacted communities. The workgroup shall also (i) examine Virginia's applicable child and family-serving programs and data; (ii) develop strategies to build a trauma-informed system of care for children, using best practices for families who are impacted by the human service delivery system; (iii) identify indicators to measure progress in developing such a system of care; (iv) identify needed professional development/training in trauma-informed practices for all child-serving professionals and (v) identify data sharing issues that need to be addressed to facilitate such a system. In addition, the workgroup shall explore opportunities to expand trauma-informed care throughout the Commonwealth. The Secretary of Health and Human Resources shall report on the workgroup's activities to the Chairmen of the House Appropriations and Senate Finance Committees and the Virginia Commission on Youth by December 15 of each year.

C.1. The Secretary of Health and Human Resources, in collaboration with the Secretary of Administration and the Secretary of Public Safety and Homeland Security, shall convene an interagency workgroup to oversee the development of a statewide integrated electronic health record (EHR) system. The workgroup shall include the Department of Behavioral Health and Developmental Services (DBHDS), the Virginia Department of Health, the Department of Corrections, the Department of Planning and Budget, staff of the House Appropriations and Senate Finance Committees, and other agencies as deemed appropriate by the respective

ITEM 281.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2019	FY2020	FY2019	FY2020

Secretaries. The purpose of the workgroup shall be to evaluate common business requirements for electronic health records to ensure consistency and interoperability with other partner state and local agencies and public and private health care entities to the extent allowed by federal and state law and regulations. The goal of the workgroup is to develop an integrated EHR which may be shared as appropriate with other partner state and local agencies and public and private health care entities. The workgroup shall evaluate the DBHDS statement of work developed for its EHR system and the DBHDS platform for potential adaption and/or use by state agencies in order to develop an integrated statewide EHR.

2. The workgroup may consider and evaluate other EHR systems that may be more appropriate to meet specific agency needs and evaluate the cost-effectiveness of pursuing a separate EHR system as compared to a statewide integrated EHR. However, the workgroup shall ensure that standards are developed to ensure that EHRs can be shared as appropriate with public and private partner agencies and health care entities.

3. The workgroup shall also develop an implementation timeline, cost estimates, and assess other issues that may need to be addressed in order to implement an integrated statewide EHR system. The timeline and cost estimates shall be used by the respective agencies to coordinate implementation. The workgroup shall report on its activities and any recommendations to the Joint Subcommittee on Health and Human Resources Oversight by October 15, 2018.

4. The workgroup shall produce a robust analysis of the costs and benefits of using the platform provided through Contract Number VA-121107-SMU managed by the Virginia Information Technologies Agency on behalf of the Commonwealth of Virginia in developing and implementing electronic health records for use by the Virginia Department of Health. The analysis shall consider the need for a separate domain from any other procured through the Contract. The workgroup shall report on the findings of the analysis and any recommendations to the Joint Subcommittee on Health and Human Resources Oversight by November 1, 2019.

D. The Secretary of Health and Human Resources shall convene a work group to examine recent trends in the individual insurance market and state options for stabilizing that market. The examination shall include, but not be limited to, a review of association and catastrophic health plans as well as innovative solutions that reduce individual insurance premiums and out-of-pocket costs while preserving access to comprehensive health insurance. The examination shall also consider the resources necessary to fund any proposed options. The work group shall include the Commissioner of Insurance or his designee, the Virginia Association of Health Plans, chambers of commerce, and other relevant stakeholders at the discretion of the Secretary. The Secretary shall report his findings and recommendations to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees by November 1, 2018.

E.1. The Secretary of Health and Human Resources is authorized to develop and apply for a state innovation waiver under Section 1332 of the federal Patient Protection and Affordable Care Act (42 U.S.C. 18052) to implement innovative solutions to help stabilize the individual insurance market by reducing individual insurance premiums and out-of-pocket costs while preserving access to health insurance. Such solutions may include the implementation of a state reinsurance program or high risk pool, or market stabilization program payments, among others.

2. The State Corporation Commission Bureau of Insurance shall provide technical assistance to the Secretary of Health and Human Resources as requested.

3. The Secretary shall report on the waiver plan to the House and Senate Committees on Labor and Commerce and the House Appropriations and Senate Finance Committees prior to the submission of the waiver application. Such report shall include an analysis of the costs and assumptions used to implement the waiver and any mechanism proposed to fund the non-federal share of costs. Implementation of the waiver shall be subject to appropriation of the non-federal share of costs by the General Assembly and approval by the United States Secretary of Health and Human Services.

F. The Secretary of Health and Human Resources, in collaboration with the Secretary of

ITEM 281.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
<p>Administration, Secretary of Finance, and State Corporation Commission (SCC), shall convene a workgroup to evaluate options to prohibit the practice of balance billing by out-of-network health care providers for emergency services rendered, and to establish equitable and fair reimbursement for these health care providers. The workgroup shall include: 1) staff from the House Appropriations and Senate Finance Committees and representatives from such state agencies as the Commission and Secretaries deem appropriate, and 2) relevant stakeholders, including but not limited to, the Medical Society of Virginia, Virginia College of Emergency Physicians, Virginia Hospital and Healthcare Association, Virginia Association of Health Plans, Virginia Poverty Law Center, and National Patient Advocate Foundation. The workgroup shall include in its report the fiscal impact of each option considered and the impact on provider networks. The workgroup also shall include in its report recommendations for future legislation for consideration by the General Assembly. The SCC shall provide analytical and actuarial services pursuant to the workgroup's analysis and development of a proposal, as needed. The workgroup shall protect any proprietary and confidential data of any health plan, healthcare provider, or third party administrator in its final report. The workgroup shall report its recommendations to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees by November 15, 2019.</p>				
Total for Secretary of Health and Human Resources...			\$830,743	\$830,743
General Fund Positions.....		5.00	5.00	
Position Level.....		5.00	5.00	
Fund Sources: General.....		\$830,743	\$830,743	

Children's Services Act (200)

282.	Protective Services (45300).....			\$343,351,604	\$353,282,080 \$359,931,382
	Financial Assistance for Child and Youth Services (45303).....	\$343,351,604	\$353,282,080 \$359,931,382		
	Fund Sources: General.....	\$290,743,858	\$300,674,334 \$307,323,636		
	Federal Trust.....	\$52,607,746	\$52,607,746		

Authority: Title 2.2, Chapter 52, Code of Virginia.

A. The Department of Education shall serve as fiscal agent to administer funds cited in paragraphs B and C.

B.1.a. Out of this appropriation, \$238,581,993 the first year and ~~\$252,856,145~~\$242,612,469 the second year from the general fund and \$51,607,746 the first year and \$51,607,746 the second year from nongeneral funds shall be used for the state pool of funds pursuant to § 2.2-5211, Code of Virginia. This appropriation shall consist of a Medicaid pool allocation, and a non-Medicaid pool allocation.

b. The Medicaid state pool allocation shall consist of \$28,526,197 the first year and \$28,526,197 the second year from the general fund and \$43,187,748 the first year and \$43,187,748 the second year from nongeneral funds. The Office of Children's Services will transfer these funds to the Department of Medical Assistance Services as they are needed to pay Medicaid provider claims.

c. The non-Medicaid state pool allocation shall consist of \$209,805,796 the first year and \$214,086,272 the second year from the general fund and \$8,419,998 the first year and \$8,419,998 the second year from nongeneral funds. The nongeneral funds shall be transferred from the Department of Social Services.

d. The Office of Children's Services, with the concurrence of the Department of Planning and Budget, shall have the authority to transfer the general fund allocation between the Medicaid and non-Medicaid state pools in the event that a shortage should exist in either of the funding pools.

e. The Office of Children's Services, per the policy of the State Executive Council, shall deny state pool funding to any locality not in compliance with federal and state requirements

ITEM 282.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
<p>pertaining to the provision of special education and foster care services funded in accordance with § 2.2-5211, Code of Virginia.</p>				
<p>2.a. Out of this appropriation, \$49,766,865 the first year and \$55,666,865\$62,256,176 the second year from the general fund and \$1,000,000 the first year and \$1,000,000 the second year from nongeneral funds shall be set aside to pay for the state share of supplemental requests from localities that have exceeded their state allocation for mandated services. The nongeneral funds shall be transferred from the Department of Social Services.</p>				
<p>b. In each year, the director of the Office of Children's Services may approve and obligate supplemental funding requests in excess of the amount in 2a above, for mandated pool fund expenditures up to 10 percent of the total general fund appropriation authority in B1a in this Item.</p>				
<p>c. The State Executive Council shall maintain local government performance measures to include, but not be limited to, use of federal funds for state and local support of the Children's Services Act.</p>				
<p>d. Pursuant to § 2.2-5200, Code of Virginia, Community Policy and Management Teams shall seek to ensure that services and funding are consistent with the Commonwealth's policies of preserving families and providing appropriate services in the least restrictive environment, while protecting the welfare of children and maintaining the safety of the public. Each locality shall submit to the Office of Children's Services information on utilization of residential facilities for treatment of children and length of stay in such facilities. By December 15 of each year, the Office of Children's Services shall report to the Governor and Chairmen of the House Appropriations and Senate Finance Committees on utilization rates and average lengths of stays statewide and for each locality.</p>				
<p>3. Each locality receiving funds for activities under the Children's Services Act (CSA) shall have a utilization management process, including a uniform assessment, approved by the State Executive Council, covering all CSA services. Utilizing a secure electronic site, each locality shall also provide information as required by the Office of Children's Services to include, but not be limited to case specific information, expenditures, number of youth served in specific CSA activities, length of stay for residents in core licensed residential facilities, and proportion of youth placed in treatment settings suggested by the uniform assessment instrument. The State Executive Council, utilizing this information, shall track and report on child specific outcomes for youth whose services are funded under the Children's Services Act. Only non-identifying demographic, service, cost and outcome information shall be released publicly. Localities requesting funding from the set aside in paragraph 2.a. and 2.b. must demonstrate compliance with all CSA provisions to receive pool funding.</p>				
<p>4. The Secretary of Health and Human Resources, in consultation with the Secretary of Education and the Secretary of Public Safety and Homeland Security, shall direct the actions for the Departments of Social Services, Education, and Juvenile Justice, Medical Assistance Services, Health, and Behavioral Health and Developmental Services, to implement, as part of ongoing information systems development and refinement, changes necessary for state and local agencies to fulfill CSA reporting needs.</p>				
<p>5. The State Executive Council shall provide localities with technical assistance on ways to control costs and on opportunities for alternative funding sources beyond funds available through the state pool.</p>				
<p>6. Out of this appropriation, \$50,000 the first year and \$50,000 the second year from the general fund is provided for a combination of regional and statewide meetings for technical assistance to local community policy and management teams, family assessment and planning teams, and local fiscal agents. Training shall include, but not be limited to, cost containment measures, building community-based services, including creation of partnerships with private providers and non-profit groups, utilization management, use of alternate revenue sources, and administrative and fiscal issues. A state-supported institution of higher education, in cooperation with the Virginia Association of Counties, the Virginia Municipal League, and the State Executive Council, may assist in the provisions of this paragraph. A training plan shall be presented to and approved by the</p>				

ITEM 282.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
<p>State Executive Council before the beginning of each fiscal year. A training calendar and timely notice of programs shall be provided to Community Policy and Management Teams and family assessment and planning team members statewide as well as to local fiscal agents and chief administrative officers of cities and counties. A report on all regional and statewide training sessions conducted during the fiscal year, including (i) a description of each program and trainers, (ii) the dates of the training and the number of attendees for each program, (iii) a summary of evaluations of these programs by attendees, and (iv) the funds expended, shall be made to the Chairmen of the House Appropriations and Senate Finance Committees and to the members of the State Executive Council by December 1 of each year. Any funds unexpended for this purpose in the first year shall be reappropriated for the same use in the second year.</p>				
<p>7. Out of this appropriation, \$70,000 the first year and \$70,000 the second year from the general fund is provided for the Office of Children's Services to contract for the support of uniform CSA reporting requirements.</p>				
<p>8. The State Executive Council shall require a uniform assessment instrument.</p>				
<p>9. The Office of Children's Services, in conjunction with the Department of Social Services, shall determine a mechanism for reporting Temporary Assistance for Needy Families Maintenance of Effort eligible costs incurred by the Commonwealth and local governments for the Children's Services Act.</p>				
<p>10. For purposes of defining cases involving only the payment of foster care maintenance, pursuant to § 2.2-5209, Code of Virginia, the definition of foster care maintenance used by the Virginia Department of Social Services for federal Title IV-E shall be used.</p>				
<p>C. The funding formula to carry out the provisions of the Children's Services Act is as follows:</p>				
<p>1. Allocations. The allocations for the Medicaid and non-Medicaid pools shall be the amounts specified in paragraphs B.1.b. and B.1.c. in this Item. These funds shall be distributed to each locality in each year of the biennium based on the greater of that locality's percentage of actual 1997 Children's Services Act pool fund program expenditures to total 1997 pool fund program expenditures or the latest available three-year average of actual pool fund program expenditures as reported to the state fiscal agent.</p>				
<p>2. Local Match. All localities are required to appropriate a local match for the base year funding consisting of the actual aggregate local match rate based on actual total 1997 program expenditures for the Children's Services Act. This local match rate shall also apply to all reimbursements from the state pool of funds in this Item and carryforward expenditures submitted prior to September 30 each year for the preceding fiscal year, including administrative reimbursements under paragraph C.4. in this Item.</p>				
<p>3.a. Notwithstanding the provisions of C.2. of this Item, beginning July 1, 2008, the local match rate for community based services for each locality shall be reduced by 50 percent.</p>				
<p>b. Localities shall review their caseloads for those individuals who can be served appropriately by community-based services and transition those cases to the community for services. Beginning July 1, 2009, the local match rate for non-Medicaid residential services for each locality shall be 25 percent above the fiscal year 2007 base. Beginning July 1, 2011, the local match rate for Medicaid residential services for each locality shall be 25 percent above the fiscal year 2007 base.</p>				
<p>c. By December 1 of each year, The State Executive Council (SEC) shall provide an update to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees on the outcomes of this initiative.</p>				
<p>d. At the direction of the State Executive Council, local Community Policy and Management Teams (CPMTs) and Community Services Boards (CSBs) shall work collaboratively in their service areas to develop a local plan for intensive care coordination (ICC) services that best meets the needs of the children and families. If there is more than one CPMT in the CSB's service area, the CPMTs and the CSB may work together as a region to develop a plan for ICC services. Local CPMTs and CSBs shall also work together to determine the most appropriate and cost-effective provider of ICC services for children in their community who</p>				

ITEM 282.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2019	FY2020	FY2019	FY2020

are placed in, or at-risk of being placed in, residential care through the Children's Services Act, in accordance with guidelines developed by the State Executive Council. The State Executive Council and Office of Children's Services shall establish guidelines for reasonable rates for ICC services and provide training and technical assistance to CPMTs and fiscal agents regarding these services.

e. The local match rate for all non-Medicaid services provided in the public schools after June 30, 2011 shall equal the fiscal year 2007 base.

4. Local Administrative Costs. Out of this appropriation, an amount equal to two percent of the fiscal year 1997 pool fund allocations, not to exceed \$2,060,000 the first year and \$2,060,000 the second year from the general fund, shall be allocated among all localities for administrative costs. Every locality shall be required to appropriate a local match based on the local match contribution in paragraph C.2. of this Item. Inclusive of the state allocation and local matching funds, every locality shall receive the larger of \$12,500 or an amount equal to two percent of the total pool allocation. Localities are encouraged to use administrative funding to hire a full-time or part-time local coordinator for the Children's Services Act program. Localities may pool this administrative funding to hire regional coordinators.

5. Definition. For purposes of the funding formula in the Children's Services Act, "locality" means city or county.

D. Community Policy and Management Teams shall use Medicaid-funded services whenever they are available for the appropriate treatment of children and youth receiving services under the Children's Services Act. Effective July 1, 2009, pool funds shall not be spent for any service that can be funded through Medicaid for Medicaid-eligible children and youth except when Medicaid-funded services are unavailable or inappropriate for meeting the needs of a child.

E. Pursuant to subdivision 3 of § 2.2-5206, Code of Virginia, Community Policy and Management Teams shall enter into agreements with the parents or legal guardians of children receiving services under the Children's Services Act. The Office of Children's Services shall be a party to any such agreement. If the parent or legal guardian fails or refuses to pay the agreed upon sum on a timely basis and a collection action cannot be referred to the Division of Child Support Enforcement of the Department of Social Services, upon the request of the community policy management team, the Office of Children's Services shall make a claim against the parent or legal guardian for such payment through the Department of Law's Division of Debt Collection in the Office of the Attorney General.

F. The Office of Children's Services, in cooperation with the Department of Medical Assistance Services, shall provide technical assistance and training to assist residential and treatment foster care providers who provide Medicaid-reimbursable services through the Children's Services Act to become Medicaid-certified providers.

G. The Office of Children's Services shall work with the State Executive Council and the Department of Medical Assistance Services to assist Community Policy and Management Teams in appropriately accessing a full array of Medicaid-funded services for Medicaid-eligible children and youth through the Children's Services Act, thereby increasing Medicaid reimbursement for treatment services and decreasing the number of denials for Medicaid services related to medical necessity and utilization review activities.

H. Pursuant to subdivision 21 of § 2.2-2648, Code of Virginia, no later than December 20 in the odd-numbered years, the State Executive Council shall biennially publish and disseminate to members of the General Assembly and Community Policy and Management Teams a progress report on services for children, youth, and families and a plan for such services for the succeeding biennium.

I. Out of this appropriation, \$275,000 the first year and \$275,000 the second year from the general fund shall be used to purchase and maintain an information system to provide quality and timely child demographic, service, expenditure, and outcome data.

J. The State Executive Council shall work with the Department of Education to ensure that funding in this Item is sufficient to pay for the educational services of students that have

ITEM 282.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
	<p>been placed in or admitted to state or privately operated psychiatric or residential treatment facilities to meet the educational needs of the students as prescribed in the student's Individual Educational Plan (IEP).</p>			
	<p>K.1. The Office of Children's Services (OCS) shall report on funding for therapeutic foster care services including but not limited to the number of children served annually, average cost of care, type of service provided, length of stay, referral source, and ultimate disposition. In addition, the OCS shall provide guidance and training to assist localities in negotiating contracts with therapeutic foster care providers.</p>			
	<p>2. The Office of Children's Services shall report on funding for special education day treatment and residential services, including but not limited to the number of children served annually, average cost of care, type of service provided, length of stay, referral source, and ultimate disposition.</p>			
	<p>3. The Office of Children's Services shall report by December 1 of each year the information included in this paragraph to the Chairmen of the House Appropriations and Senate Finance Committees.</p>			
	<p>L. Out of this appropriation, the Director, Office of Children's Services, shall allocate \$2,200,000 the first year and \$2,200,000 the second year from the general fund to localities for wrap-around services for students with disabilities as defined in the Children's Services Act policy manual.</p>			
	<p>M. Out of this appropriation, up to \$250,000 the first year from the general fund shall be made available for the Office of Children's Services to contract for a study on the current rates paid by localities to special education private day programs licensed by the Virginia Department of Education. The study shall include an examination of the adequacy of the current rates for private educational services for children placed outside of public school settings, and include recommendations for implementing a rate-setting structure for educational services reimbursed through the Children's Services Act. The study shall consider the impact on local school districts, local governments, and public and private educational services providers. The Office of Children's Services shall provide an interim report on the study's findings to the Governor and the Chairmen of the Senate Finance and House Appropriations Committees by December 1, 2018, and a final report, including recommendations, by October 1, 2019. The final report shall include a list of all special education private day programs that did not participate in or respond to the provider survey the contractor used to collect information to assist in conducting the rate study.</p>			
	<p>N. Notwithstanding any other provision of law, the rates paid by localities to providers of private day special education services under the Children's Services Act shall not increase more than two percent above the rates paid in the prior fiscal year. This provision shall take effect July 1, 2019, such that the rates paid in fiscal year 2020 shall not increase more than two percent over the rates paid in fiscal year 2019. All localities shall submit their contracted rates for private day education services to the Office of Children's Services by August 1 of each year.</p>			
	<p>O. The Office of Children's Services shall coordinate with the Department of Education to facilitate a workgroup to include private providers, including the Virginia Association of Independent Specialized Education Facilities, the Virginia Council for Private Education, the Virginia Association of Independent Schools, the Virginia Coalition of Private Provider Associations, and the Virginia Association of Community Services Boards, local school divisions, stakeholder groups, and parent representatives to identify and define outcome measures to assess students' progress in private day placements that may include assessment scores, attendance, graduation rates, transition statistics, and return to the students' home schools. The agencies shall ensure that the number of members from each group (i.e. representatives of private providers, parents, local governments, and other stakeholders are each considered their own group) are proportionally represented on the workgroup. The Office of Children's Services and Department of Education shall report recommendations to the Chairmen of the House Education and Appropriations Committees and the Senate Education and Health and Finance Committees by November 1, 2018.</p>			
283.	Not set out.			

ITEM 283.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
Total for Children's Services Act.....			\$345,284,662	\$355,227,870 \$361,877,172
General Fund Positions.....	14.00	14.00		
Position Level.....	14.00	14.00		
Fund Sources: General.....	\$292,676,916	\$302,620,124 \$309,269,426		
Federal Trust.....	\$52,607,746	\$52,607,746		
Grand Total for Secretary of Health and Human Resources.....			\$346,115,405	\$356,058,613 \$362,707,915
General Fund Positions.....	19.00	19.00		
Position Level.....	19.00	19.00		
Fund Sources: General.....	\$293,507,659	\$303,450,867 \$310,100,169		
Federal Trust.....	\$52,607,746	\$52,607,746		

284. Not set out.

§ 1-19. DEPARTMENT OF HEALTH (601)

285. Not set out.

286. Not set out.

287. Not set out.

288. Not set out.

289. Not set out.

290. Not set out.

291. Not set out.

292. Not set out.

293. Not set out.

294. Not set out.

295. Not set out.

296. Not set out.

297. Administrative and Support Services (49900).....			\$24,292,399	\$24,428,665 \$22,602,964
General Management and Direction (49901).....	\$9,322,919	\$11,722,919 \$9,947,218		
Information Technology Services (49902).....	\$8,140,609	\$5,790,609 \$5,740,609		
Accounting and Budgeting Services (49903).....	\$3,267,953	\$3,267,953		
Human Resources Services (49914).....	\$2,113,124	\$2,113,124		
Procurement and Distribution Services (49918).....	\$1,447,794	\$1,534,060		
Fund Sources: General.....	\$15,623,199	\$15,759,465 \$13,933,764		
Special.....	\$3,973,821	\$3,973,821		

ITEM 297.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
Federal Trust.....	\$4,695,379	\$4,695,379		

Authority: §§ 3.2-5206 through 3.2-5216, 32.1-11.3 through 32.1-23, 35.1-1 through 35.1-7, and 35.1-9 through 35.1-28, Code of Virginia.

A. The State Comptroller is hereby authorized to provide a line of credit of up to \$200,000 to the Department of Health to cover the actual costs of expanding the availability of vital records through the Department of Motor Vehicles, to be repaid from administrative processing fees provided under Code of Virginia, § 32.1-273 until such time as the line of credit is repaid.

B. Out of this appropriation, \$150,000 the first year and \$150,000 the second year from the general fund shall be provided for agency costs related to onboarding to ConnectVirginia, transition costs to convert the agency's node on ConnectVirginia to the state agency node, and provide support to other state agencies in their onboarding efforts.

C. The Virginia Department of Health is authorized to develop a plan to allocate a reduction of \$150,000 the first year and \$150,000 the second year from the general fund across programs within the department to reflect administrative savings. The Department of Planning and Budget is authorized to make the necessary budget execution adjustments to transfer the funds between programs to implement the plan.

D.1. Out of this appropriation, \$370,000 from the general fund and \$3,330,000 from nongeneral funds is provided for the Virginia Department of Health to implement the requirements of House Bill 2209 and Senate Bill 1561 (2017 Session). The department shall contract or amend an existing contract with a non-profit entity as necessary in order to do so. The department shall require its contractor to establish a separate and distinct Emergency Department Care Coordination Advisory Council (ED Council) to whom responsibility for implementing this program shall be delegated under the department's supervision. The contractor may utilize an existing governance, legal and trust framework in order to fulfill the requirements of House Bill 2209 and Senate Bill 1561 and to expedite the implementation of the program.

2. The ED Council, under the department's governance and direction shall: (i) specify the necessary functionalities to meet the needs of all key stakeholders; (ii) develop and oversee a competitive selection process for a vendor or vendors that will provide a single, statewide technology solution to fulfill the required functionalities and advance the goals of the initiative; and (iii) select and oversee the implementation of successful information technologies, with implementation no later than June 30, 2018. The ED Council shall include three representatives from the Commonwealth appointed by the Secretary, including the department, the Department of Medical Assistance Services, and the Department of Health Professions; three representatives from hospitals and health systems, nominated by the Virginia Hospital and Healthcare Association; three health plan representatives, nominated by the Virginia Association of Health Plans; and six physician representatives, nominated by the Medical Society of Virginia with representation from the Virginia College of Emergency Physicians, the Virginia Academy of Family Physicians and the Virginia Chapter, American Academy of Pediatrics.

3. The department shall coordinate with the Department of Medical Assistance Services to seek federal Health Information Technology for Economic and Clinical Health (HITECH) Act matching funds. The department shall coordinate with the Department of Medical Assistance Services to seek any additional eligible federal matching funds supporting provider electronic health record implementation and integration in order to implement the program. The department may use up to \$100,000 for administrative costs.

4. The implementation of this initiative is contingent upon the receipt of federal HITECH Act funds, and neither the department nor its contractor shall be obligated to implement the program without HITECH Act matching funds. The appropriation in this paragraph is contingent upon the receipt of federal HITECH Act funds.

5. Effective July 1, 2017 or upon program implementation, all hospitals operating emergency departments in the Commonwealth and all Medicaid Managed Care contracted health plans shall participate in the program. Effective June 30, 2018, all hospital operating emergency departments in the Commonwealth, all Medicaid Managed Care contracted health plans, the

ITEM 297.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
<p>State Employee Health Plan, all Medicare plans operating in the Commonwealth, and all commercial plans operating in the Commonwealth, excluding ERISA plans, shall participate in the program. The department, in coordination with the Department of Medical Assistance Services, shall determine the amount of federal funds available to support program operations in the second year. Accordingly, the department, in coordination with the Department of Medical Assistance Services and the ED Council, shall recommend, by December 15, 2017, a funding structure for program operations in fiscal year 2019 that apportions program costs across the Commonwealth, participating hospitals, and participating health plans.</p>				
<p>6. The department, in coordination with the ED Council, shall report annually beginning November 1, 2017 to the Secretary of Health and Human Resources and the Chairmen of the House Appropriations and the Senate Finance Committees on progress, including, but not limited to: (i) the participation rate of hospitals and health systems, physicians and subscribing health plans; (ii) strategies for sustaining the program and methods to continue to improve care coordination; and (iii) the impact on health care utilization and quality goals such as reducing the frequency of visits by high-volume Emergency Department utilizers and avoiding duplication of prescriptions, imaging, testing or other health care services.</p>				
<p>E. The Virginia Department of Health shall assess the feasibility of developing a home visiting Pay for Success pilot program. The department shall develop a workgroup comprised of Virginia home visiting organizations and early childhood education organizations in examining this issue. The department shall determine if the recent provisions of the federal Bipartisan Budget Act of 2018 allow for the department to access federal funding to develop a pilot Pay for Success program for home visiting. The department shall report on the feasibility analysis, the availability of federal funding and the steps necessary to proceed with a pilot program, if feasible, to the Chairmen of the House Appropriations and Senate Finance Committees by December 1, 2018.</p>				
<p>F. The Virginia Department of Health shall modify the Emergency Room Care Coordination Program to track individuals who present in the emergency room under an Emergency Custody Order (ECO). The program shall identify the legal disposition of individuals being evaluated for psychiatric hospitalization as Temporary Detention Order at the hospital; Temporary Detention Order at another Hospital; Voluntary Admission at the Hospital; or Voluntary Admission at Other Hospital; or released to the community. The department shall report the data monthly on its website by hospital and provide an annual report to the General Assembly for each fiscal year, no later than September 1, after the the end of the fiscal year.</p>				
<p>G. <i>Out of the amounts in this Item, the department shall use \$1,775,701 from indirect cost recoveries the second year to supplant general fund amounts for General Management and Direction.</i></p>				
Total for Department of Health.....			\$730,311,560	\$731,945,928 \$730,120,227
General Fund Positions.....		1,503.00	1,504.50	
Nongeneral Fund Positions.....		2,196.00	2,198.00	
Position Level.....		3,699.00	3,702.50	
Fund Sources: General.....		\$182,107,747	\$182,537,044 \$180,711,343	
Special.....		\$156,740,424	\$157,767,760	
Dedicated Special Revenue.....		\$112,231,055	\$112,231,055	
Federal Trust.....		\$279,232,334	\$279,410,069	
298.	Not set out.			
299.	Not set out.			

ITEM 300.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
300.	Not set out.			
301.	Not set out.			
302.	Children's Health Insurance Program Delivery (44600).....		\$213,752,531	\$221,851,578 \$228,649,287
	Reimbursements for Medical Services Provided Under the Family Access to Medical Insurance Security Plan (44602).....		\$213,752,531	\$221,851,578 \$228,649,287
	Fund Sources: General.....		\$11,212,749	\$31,182,684 \$33,417,135
	Dedicated Special Revenue.....		\$14,065,627	\$14,065,627
	Federal Trust.....		\$188,474,155	\$176,603,267 \$181,166,525
<p>Authority: Title 32.1, Chapter 13, Code of Virginia; Title XXI, Social Security Act, Federal Code.</p> <p>A. Pursuant to Chapter 679, Acts of Assembly of 1997, the State Corporation Commission shall annually, on or before June 30, 1998, and each year thereafter, calculate the premium differential between: (i) 0.75 percent of the direct gross subscriber fee income derived from eligible contracts and (ii) the amount of license tax revenue generated pursuant to subdivision A 4 of § 58.1-2501 for the immediately preceding taxable year and notify the Comptroller of the Commonwealth to transfer such amounts to the Family Access to Medical Insurance Security Plan Trust Fund as established on the books of the State Comptroller.</p> <p>B. As a condition of this appropriation, revenues from the Family Access to Medical Insurance Security Plan Trust Fund, shall be used to match federal funds for the Children's Health Insurance Program.</p> <p>C. Every eligible applicant for health insurance as provided for in Title 32.1, Chapter 13, Code of Virginia, shall be enrolled and served in the program.</p> <p>D. To the extent that appropriations in this Item are insufficient, the Department of Planning and Budget shall transfer general fund appropriation, as needed, from Medicaid Program Services (45600) and Medical Assistance Services for Low Income Children (46600), if available, into this Item to be used as state match for federal Title XXI funds.</p> <p>E. The Department of Medical Assistance Services shall make the monthly capitation payment to managed care organizations for the member months of each month in the first week of the subsequent month.</p> <p>F. If any part, section, subsection, paragraph, clause, or phrase of this Item or the application thereof is declared by the United States Department of Health and Human Services or the Centers for Medicare and Medicaid Services to be in conflict with a federal law or regulation, such decisions shall not affect the validity of the remaining portions of this Item, which shall remain in force as if this Item had passed without the conflicting part, section, subsection, paragraph, clause, or phrase. Further, if the United States Department of Health and Human Services or the Centers for Medicare and Medicaid Services determines that the process for accomplishing the intent of a part, section, subsection, paragraph, clause, or phrase of this Item is out of compliance or in conflict with federal law and regulation and recommends another method of accomplishing the same intent, the Director, Department of Medical Assistance Services, after consultation with the Attorney General, is authorized to pursue the alternative method.</p>				
303.	Medicaid Program Services (45600).....		\$11,840,531,648	\$14,915,068,263 \$14,336,281,580
	Reimbursements to State-Owned Mental Health and Intellectual Disabilities Facilities (45607).....		\$123,671,762	\$81,678,750
	Reimbursements for Behavioral Health Services (45608).....		\$186,076,126	\$43,601,628 \$48,432,736

ITEM 303.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
Reimbursements for Medical Services (45609).....	\$8,994,264,674	\$9,664,682,683 \$9,348,288,006		
Reimbursements for Long-Term Care Services (45610).....	\$1,442,690,738	\$1,497,658,506 \$1,466,893,570		
Payments for Healthcare Coverage for Low-Income Uninsured Adults (45611).....	\$1,093,828,348	\$3,627,446,696 \$3,390,988,518		
Fund Sources: General.....	\$4,875,329,958	\$4,988,700,277 \$4,727,005,638		
Dedicated Special Revenue.....	\$675,249,477	\$1,062,068,926 \$1,114,008,760		
Federal Trust.....	\$6,289,952,213	\$8,864,299,060 \$8,495,267,182		

Authority: Title 32.1, Chapters 9 and 10, Code of Virginia; P.L. 89-97, as amended, Title XIX, Social Security Act, Federal Code.

A.1. Out of this appropriation, \$61,835,881 the first year and \$40,839,375 the second year from the general fund and \$61,835,881 the first year and \$40,839,375 the second year from the federal trust fund is provided for reimbursement to the institutions within the Department of Behavioral Health and Developmental Services.

2. Out of this appropriation, \$18,969,647 the first year from the general fund is provided to cover any federal deferrals associated with payments made to Piedmont and Catawba hospitals. The Department of Planning and Budget shall unallot these funds and shall not allot the funds until the Department of Medical Assistance Services (DMAS) provides documentation of a federal deferral. The Department of Planning and Budget shall be authorized to transfer any unspent portion of this amount, along with first year appropriation in service area 45607 of this Item, to agency 793 (Mental Health Treatment Centers) should DMAS cease Medicaid payments to either Piedmont or Catawba hospitals.

B.1. Included in this appropriation is \$44,675,958 the first year and ~~\$9,017,369~~ \$9,219,839 the second year from the general fund and \$63,864,717 the first year and ~~\$28,206,128~~ \$28,408,598 the second year from nongeneral funds to reimburse the Virginia Commonwealth University Health System for indigent health care costs as reported by the hospital and adjusted by the department for indigent care savings related to Medicaid expansion. This funding is composed of disproportionate share hospital (DSH) payments, indirect medical education (IME) payments, and any Medicaid profits realized by the Health System. Payments made from the federal DSH fund shall be made in accordance with 42 USC 1396r-4.

2. Included in this appropriation is \$26,274,229 the first year and ~~\$3,054,908~~ \$17,873,547 the second year from the general fund and \$40,989,007 the first year and ~~\$17,769,686~~ \$32,588,325 the second year from nongeneral funds to reimburse the University of Virginia Health System for indigent health care costs as reported by the hospital and adjusted by the department for indigent care savings related to Medicaid expansion. This funding is comprised of disproportionate share hospital (DSH) payments, indirect medical education (IME) payments, and any Medicaid profits realized by the Health System. Payments made from the federal DSH fund shall be made in accordance with 42 USC 1396r-4.

3. The general fund amounts for the state teaching hospitals have been reduced to mirror the general fund impact of reduced and no inflation for inpatient services in prior years. It also includes reductions associated with prior year indigent care reductions. However, the nongeneral funds are appropriated. In order to receive the nongeneral funds in excess of the amount of the general fund appropriated, the health systems shall certify the public expenditures.

4. The Department of Medical Assistance Service shall have the authority to increase Medicaid payments for Type One hospitals and physicians consistent with the appropriations to compensate for limits on disproportionate share hospital (DSH) payments to Type One hospitals that the department would otherwise make. In particular,

ITEM 303.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
<p>the department shall have the authority to amend the State Plan for Medical Assistance to increase physician supplemental payments for physician practice plans affiliated with Type One hospitals up to the average commercial rate as demonstrated by University of Virginia Health System and Virginia Commonwealth University Health System, to change reimbursement for Graduate Medical Education to cover costs for Type One hospitals, to case mix adjust the formula for indirect medical education reimbursement for HMO discharges for Type One hospitals and to increase the adjustment factor for Type One hospitals to 1.0. The department shall have the authority to implement these changes prior to completion of any regulatory process undertaken in order to effect such change.</p> <p>C.1. The estimated revenue for the Virginia Health Care Fund is \$410,279,068 the first year and \$364,019,578 \$408,419,831 the second year, to be used pursuant to the uses stated in § 32.1-367, Code of Virginia.</p> <p>2. Notwithstanding § 32.1-366, Code of Virginia, the State Comptroller shall deposit 41.5 percent of the Commonwealth's allocation of the Master Settlement Agreement with tobacco product manufacturers, as defined in § 3.2-3100, Code of Virginia, to the Virginia Health Care Fund.</p> <p>3. Notwithstanding any other provision of law, the State Comptroller shall deposit 50 percent of the Commonwealth's allocation of the Strategic Contribution Fund payment pursuant to the Master Settlement Agreement with tobacco product manufacturers into the Virginia Health Care Fund.</p> <p>4. Notwithstanding any other provision of law, revenues deposited to the Virginia Health Care Fund shall only be used as the state share of Medicaid unless specifically authorized by this Act.</p> <p>D. If any part, section, subsection, paragraph, clause, or phrase of this Item or the application thereof is declared by the United States Department of Health and Human Services or the Centers for Medicare and Medicaid Services to be in conflict with a federal law or regulation, such decisions shall not affect the validity of the remaining portions of this Item, which shall remain in force as if this Item had passed without the conflicting part, section, subsection, paragraph, clause, or phrase. Further, if the United States Department of Health and Human Services or the Centers for Medicare and Medicaid Services determines that the process for accomplishing the intent of a part, section, subsection, paragraph, clause, or phrase of this Item is out of compliance or in conflict with federal law and regulation and recommends another method of accomplishing the same intent, the Director, Department of Medical Assistance Services, after consultation with the Attorney General, is authorized to pursue the alternative method.</p> <p>E. At least 30 days prior to the submission of any state plan or waiver amendment to the Centers for Medicare and Medicaid Services (CMS) or change in the contracts with managed care organizations that may impact the capitation rates, the Department of Medical Assistance Services (DMAS) shall provide written notification to the Director, Department of Planning and Budget as to the purpose of such change. This notice shall also assess whether the amendment will require any future state regulatory action or expenditure beyond that which is appropriated in this Act. If the Department of Planning and Budget, after review of the proposed change, determines that it may likely result in a material fiscal impact on the general fund, for which no legislative appropriation has been provided, then the Department of Medical Assistance Services shall delay the proposed change until the General Assembly authorizes such action.</p> <p>F.1. The Director, Department of Medical Assistance Services shall seek the necessary waivers from the United States Department of Health and Human Services to authorize the Commonwealth to cover health care services and delivery systems, as may be permitted by Title XIX of the Social Security Act, which may provide less expensive alternatives to the State Plan for Medical Assistance.</p> <p>2. At least 30 days prior to the submission of an application for any new waiver of Title XIX or Title XXI of the Social Security Act, the Department of Medical Assistance Services shall notify the Chairmen of the House Appropriations and Senate Finance Committees of such pending application and provide information on the purpose and justification for the waiver along with any fiscal impact. If the department receives an official letter from either Chairmen</p>				

ITEM 303.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2019	FY2020	FY2019	FY2020

raising an objection about the waiver during the 30-day period, the department shall not submit the waiver application and shall request authority for such waiver as part of the normal legislative or budgetary process. If the department receives no objection, then the application may be submitted. Any waiver specifically authorized elsewhere in this item is not subject to this provision. Waiver renewals are not subject to the provisions of this paragraph.

3. The director shall promulgate such regulations as may be necessary to implement those programs which may be permitted by Titles XIX and XXI of the Social Security Act, in conformance with all requirements of the Administrative Process Act.

G. To the extent that appropriations in this Item are insufficient, the Department of Planning and Budget shall transfer general fund appropriation, as needed, from Children's Health Insurance Program Delivery (44600) and Medical Assistance Services for Low Income Children (46600), if available, into this Item to be used as state match for federal Title XIX funds.

H. It is the intent of the General Assembly that the medically needy income limits for the Medicaid program are adjusted annually to account for changes in the Consumer Price Index.

- I.1.a. As of July 1, 2017, the Community Living (CL) waiver authorizes 11,302 slots.
- b. As of July 1, 2017, the Family and Individuals Support (FIS) waiver authorizes 1,762 slots.
- c. As of July 1, 2017, the Building Independence (BI) waiver authorizes 360 slots.

2. Notwithstanding Chapters 228 and 303 of the 2009 Virginia Acts of Assembly and §32.1-323.2 of the Code of Virginia, the Department of Medical Assistance Services shall not add any slots to the Intellectual Disabilities Medicaid Waiver or the Individual and Family Developmental Disabilities and Support Medicaid Waiver other than those slots authorized specifically to support the Money Follows the Person Demonstration, individuals who are exiting state institutions, any slots authorized under Chapters 724 and 729 of the 2011 Virginia Acts of Assembly or §37.2-319, Code of Virginia, or authorized elsewhere in this Act.

3. Upon approval by the Centers for Medicare and Medicaid Services of the application for renewal of the CL, FIS and BI waivers, expeditious implementation of any revisions shall be deemed an emergency situation pursuant to § 2.2-4002 of the Administrative Process Act. Therefore, to meet this emergency situation, the Department of Medical Assistance Services shall promulgate emergency regulations to implement the provisions of this Act.

4.a. The Department of Medical Assistance Services (DMAS) shall amend the CL waiver to add 189 new slots effective July 1, 2018 and an additional 195 slots effective July 1, 2019. An amount estimated at \$8,156,426 the first year and \$16,537,788 the second year from the general fund and \$8,156,426 the first year and \$16,537,788 the second year from nongeneral funds is provided to cover the anticipated costs of the new slots. These estimated amounts assumes that 60 of the additional slots in each year may be filled with individuals transitioning from facility care. DMAS shall seek federal approval for necessary changes to the CL waiver to add the additional slots.

b. The Department of Medical Assistance Services (DMAS) shall amend the FIS waiver to add 414 new slots effective July 1, 2018 and an additional 481 slots effective July 1, 2019. An amount estimated at \$6,347,617 the first year and \$13,720,427 the second year from the general fund and \$6,347,617 the first year and \$13,720,427 the second year from nongeneral funds is provided to cover the anticipated costs of the new slots. DMAS shall seek federal approval for necessary changes to the FIS waiver to add the additional slots.

c. The Department of Medical Assistance Services (DMAS) shall amend the BI waiver to add 40 new slots effective July 1, 2019. An amount estimated at \$257,680 the second year from the general fund and \$257,680 the second year from nongeneral funds is provided to cover the anticipated costs of the new slots. DMAS shall seek federal approval for necessary changes to the BI waiver to add the additional slots.

ITEM 303.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
d. In addition to the new slots added in 4.a. and b., the Department of Medical Assistance Services (DMAS) shall amend the CL waiver to add 25 new slots effective July 1, 2018 and an additional 25 slots effective July 1, 2019. These slots shall be held as reserve capacity by the Department of Behavioral Health and Disability <i>Developmental</i> Services (DBHDS) to address emergency situations. An amount estimated at \$937,237 the first year and \$1,874,475 the second year from the general fund and \$937,237 the first year and \$1,874,475 the second year from nongeneral funds is provided to cover the anticipated costs of the emergency slots. DMAS shall seek federal approval for necessary changes to the CL waiver to add the additional slots. Beginning July 1, 2018, DBHDS shall provide a quarterly report on the use of the emergency slot provided in this paragraph.				
e. In addition to the new slots added in 4.b., the Department of Medical Assistance Services shall amend the FIS waiver to add 326 new slots effective July 1, 2019 to address the Priority One waiting list. An amount estimated at \$5,000,000 from the general fund and \$5,000,000 from nongeneral funds the second year is provided to cover the anticipated costs of the additional slots.				
f. The Department of Medical Assistance Services, in collaboration with the Department of Behavioral Health and Disability Services, shall separately track all costs, placements and services associated with the additional slots added in paragraphs I.4.a., I.4.b., and I.4.c. of this Item. By October 1 of each year, the department shall report this data to the Chairmen of the House Appropriations and Senate Finance Committees and the Director, Department of Planning and Budget.				
J. The Department of Medical Assistance Services and the Virginia Department of Health shall work with representatives of the dental community: to expand the availability and delivery of dental services to pediatric Medicaid recipients; to streamline the administrative processes; and to remove impediments to the efficient delivery of dental services and reimbursement thereof. The Department of Medical Assistance Services shall report its efforts to expand dental services to the Chairmen of the House Appropriations and Senate Finance Committees and the Director, Department of Planning and Budget by December 15 each year.				
K. The Department of Medical Assistance Services shall not require dentists who agree to participate in the delivery of Medicaid pediatric dental care services, or services provided to enrollees in the Family Access to Medical Insurance Security (FAMIS) Plan or any variation of FAMIS, to also deliver services to subscribers enrolled in commercial plans of the managed care vendor, unless the dentist is a willing participant in the commercial managed care plan.				
L. The Department of Medical Assistance Services shall implement continued enhancements to the drug utilization review (DUR) program. The department shall continue the Pharmacy Liaison Committee and the DUR Board. The department shall continue to work with the Pharmacy Liaison Committee, meeting at least semi-annually, to implement initiatives for the promotion of cost-effective services delivery as may be appropriate. The department shall solicit input from the Pharmacy Liaison Committee regarding pharmacy provisions in the development and enforcement of all managed care contracts. The department shall report on the Pharmacy Liaison Committee's and the DUR Board's activities to the Board of Medical Assistance Services and to the Chairmen of the House Appropriations and Senate Finance Committees and the Department of Planning and Budget no later than December 15 each year of the biennium.				
M.1. The Department of Medical Assistance Services shall have the authority to seek federal approval of changes to its Medallion 4.0 waiver.				
2. In order to conform the state regulations to the federally approved changes and to implement the provisions of this Act, the department shall promulgate emergency regulations to become effective within 280 days or less from the enactment of this Act.				
N.1. The Department of Medical Assistance Services shall develop and pursue cost saving strategies internally and with the cooperation of the Department of Social Services, Virginia Department of Health, Office of the Attorney General, Children's Services Act program, Department of Education, Department of Juvenile Justice, Department of Behavioral Health and Developmental Services, Department for Aging and Rehabilitative Services, Department of the Treasury, University of Virginia Health System, Virginia Commonwealth University				

ITEM 303.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2019	FY2020	FY2019	FY2020

Health System Authority, Department of Corrections, federally qualified health centers, local health departments, local school divisions, community service boards, local hospitals, and local governments, that focus on optimizing Medicaid claims and cost recoveries. Any revenues generated through these activities shall be transferred to the Virginia Health Care Fund to be used for the purposes specified in this Item.

2. The Department of Medical Assistance Services shall retain the savings necessary to reimburse a vendor for its efforts to implement paragraph. N.1. of this Item. However, prior to reimbursement, the department shall identify for the Secretary of Health and Human Resources each of the vendor's revenue maximization efforts and the manner in which each vendor would be reimbursed. No reimbursement shall be made to the vendor without the prior approval of the above plan by the Secretary.

O. The Department of Medical Assistance Services shall have the authority to pay contingency fee contractors, engaged in cost recovery activities, from the recoveries that are generated by those activities. All recoveries from these contractors shall be deposited to a special fund. After payment of the contingency fee any prior year recoveries shall be transferred to the Virginia Health Care Fund. The Director, Department of Medical Assistance Services, shall report to the Chairmen of the House Appropriations and Senate Finance Committees the increase in recoveries associated with this program as well as the areas of audit targeted by contractors by November 1 each year.

P. The Department of Medical Assistance Services in cooperation with the State Executive Council, shall provide semi-annual training to local Children's Services Act teams on the procedures for use of Medicaid for residential treatment and treatment foster care services, including, but not limited to, procedures for determining eligibility, billing, reimbursement, and related reporting requirements. The department shall include in this training information on the proper utilization of inpatient and outpatient mental health services as covered by the Medicaid State Plan.

Q.1. Notwithstanding § 32.1-331.12 et seq., Code of Virginia, the Department of Medical Assistance Services, in consultation with the Department of Behavioral Health and Developmental Services, shall amend the State Plan for Medical Assistance Services to modify the delivery system of pharmaceutical products to include a Preferred Drug List. In developing the modifications, the department shall consider input from physicians, pharmacists, pharmaceutical manufacturers, patient advocates, and others, as appropriate.

2.a. The department shall utilize a Pharmacy and Therapeutics Committee to assist in the development and ongoing administration of the Preferred Drug List program. The Pharmacy and Therapeutics Committee shall be composed of 8 to 12 members, including the Commissioner, Department of Behavioral Health and Developmental Services, or his designee. Other members shall be selected or approved by the department. The membership shall include a ratio of physicians to pharmacists of 2:1 and the department shall ensure that at least one-half of the physicians and pharmacists are either direct providers or are employed with organizations that serve recipients for all segments of the Medicaid population. Physicians on the committee shall be licensed in Virginia, one of whom shall be a psychiatrist, and one of whom specializes in care for the aging. Pharmacists on the committee shall be licensed in Virginia, one of whom shall have clinical expertise in mental health drugs, and one of whom has clinical expertise in community-based mental health treatment. The Pharmacy and Therapeutics Committee shall recommend to the department (i) which therapeutic classes of drugs should be subject to the Preferred Drug List program and prior authorization requirements; (ii) specific drugs within each therapeutic class to be included on the preferred drug list; (iii) appropriate exclusions for medications, including atypical anti-psychotics, used for the treatment of serious mental illnesses such as bi-polar disorders, schizophrenia, and depression; (iv) appropriate exclusions for medications used for the treatment of brain disorders, cancer and HIV-related conditions; (v) appropriate exclusions for therapeutic classes in which there is only one drug in the therapeutic class or there is very low utilization, or for which it is not cost-effective to include in the Preferred Drug List program; and (vi) appropriate grandfather clauses when prior authorization would interfere with established complex drug regimens that have proven to be clinically effective. In developing and maintaining the preferred drug list, the cost effectiveness of any given drug shall be considered only after it is determined to be safe and clinically

ITEM 303.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
effective.				
b. The Pharmacy and Therapeutics Committee shall schedule meetings at least semi-annually and may meet at other times at the discretion of the chairperson and members. At the meetings, the Pharmacy and Therapeutics committee shall review any drug in a class subject to the Preferred Drug List that is newly approved by the Federal Food and Drug Administration, provided there is at least thirty (30) days notice of such approval prior to the date of the quarterly meeting.				
3. The department shall establish a process for acting on the recommendations made by the Pharmacy and Therapeutics Committee, including documentation of any decisions which deviate from the recommendations of the committee.				
4. The Preferred Drug List program shall include provisions for (i) the dispensing of a 72-hour emergency supply of the prescribed drug when requested by a physician and a dispensing fee to be paid to the pharmacy for such supply; (ii) prior authorization decisions to be made within 24 hours and timely notification of the recipient and/or the prescribing physician of any delays or negative decisions; (iii) an expedited review process of denials by the department; and (iv) consumer and provider education, training and information regarding the Preferred Drug List prior to implementation, and ongoing communications to include computer access to information and multilingual material.				
5. The Preferred Drug List program shall generate savings as determined by the department that are net of any administrative expenses to implement and administer the program.				
6. Notwithstanding § 32.1-331.12 et seq., Code of Virginia, to implement these changes, the Department of Medical Assistance Services shall promulgate emergency regulations to become effective within 280 days or less from the enactment of this Act. With respect to such state plan amendments and regulations, the provisions of § 32.1-331.12 et seq., Code of Virginia, shall not apply. In addition, the department shall work with the Department of Behavioral Health and Development Services to consider utilizing a Preferred Drug List program for its non-Medicaid clients.				
7. The Department of Medical Assistance Services shall (i) continually review utilization of behavioral health medications under the State Medicaid Program for Medicaid recipients; and (ii) ensure appropriate use of these medications according to federal Food and Drug Administration (FDA) approved indications and dosage levels. The department may also require retrospective clinical justification according to FDA approved indications and dosage levels for the use of multiple behavioral health drugs for a Medicaid patient. For individuals 18 years of age and younger who are prescribed three or more behavioral health drugs, the department may implement clinical edits that target inefficient, ineffective, or potentially harmful prescribing patterns in accordance with FDA-approved indications and dosage levels.				
8. The Department of Medical Assistance Services shall ensure that in the process of developing the Preferred Drug List, the Pharmacy and Therapeutics Committee considers the value of including those prescription medications which improve drug regimen compliance, reduce medication errors, or decrease medication abuse through the use of medication delivery systems that include, but are not limited to, transdermal and injectable delivery systems.				
R.1. The Department of Medical Assistance Services may amend the State Plan for Medical Assistance Services to modify the delivery system of pharmaceutical products to include a specialty drug program. In developing the modifications, the department shall consider input from physicians, pharmacists, pharmaceutical manufacturers, patient advocates, the Pharmacy Liaison Committee, and others as appropriate.				
2. In developing the specialty drug program to implement appropriate care management and control drug expenditures, the department shall contract with a vendor who will develop a methodology for the reimbursement and utilization through appropriate case management of specialty drugs and distribute the list of specialty drug rates, authorized drugs and utilization guidelines to medical and pharmacy providers in a timely manner prior to the implementation of the specialty drug program and publish the same on the department's website.				
3. In the event that the Department of Medical Assistance Services contracts with a vendor, the department shall establish the fee paid to any such contractor based on the reasonable cost				

ITEM 303.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2019	FY2020	FY2019	FY2020

of services provided. The department may not offer or pay directly or indirectly any material inducement, bonus, or other financial incentive to a program contractor based on the denial or administrative delay of medically appropriate prescription drug therapy, or on the decreased use of a particular drug or class of drugs, or a reduction in the proportion of beneficiaries who receive prescription drug therapy under the Medicaid program. Bonuses cannot be based on the percentage of cost savings generated under the benefit management of services.

4. The department shall: (i) review, update and publish the list of authorized specialty drugs, utilization guidelines, and rates at least quarterly; (ii) implement and maintain a procedure to revise the list or modify specialty drug program utilization guidelines and rates, consistent with changes in the marketplace; and (iii) provide an administrative appeals procedure to allow dispensing or prescribing provider to contest the listed specialty drugs and rates.

5. The department shall have authority to enact emergency regulations under § 2.2-4011 of the Administrative Process Act to effect these provisions.

S.1. The Department of Medical Assistance Services shall reimburse school divisions who sign an agreement to provide administrative support to the Medicaid program and who provide documentation of administrative expenses related to the Medicaid program 50 percent of the Federal Financial Participation by the department.

2. The Department of Medical Assistance Services shall retain five percent of the Federal Financial Participation for reimbursement to school divisions for medical and transportation services.

T. In the event that the Department of Medical Assistance Services decides to contract for pharmaceutical benefit management services to administer, develop, manage, or implement Medicaid pharmacy benefits, the department shall establish the fee paid to any such contractor based on the reasonable cost of services provided. The department may not offer or pay directly or indirectly any material inducement, bonus, or other financial incentive to a program contractor based on the denial or administrative delay of medically appropriate prescription drug therapy, or on the decreased use of a particular drug or class of drugs, or a reduction in the proportion of beneficiaries who receive prescription drug therapy under the Medicaid program. Bonuses cannot be based on the percentage of cost savings generated under the benefit management of services.

U. The Department of Medical Assistance Services, in cooperation with the Department of Social Services' Division of Child Support Enforcement (DSCE), shall identify and report third party coverage where a medical support order has required a custodial or noncustodial parent to enroll a child in a health insurance plan. The Department of Medical Assistance Services shall also report to the DCSE third party information that has been identified through their third party identification processes for children handled by DCSE.

V.1. Notwithstanding the provisions of § 32.1-325.1:1, Code of Virginia, upon identifying that an overpayment for medical assistance services has been made to a provider, the Director, Department of Medical Assistance Services shall notify the provider of the amount of the overpayment. Such notification of overpayment shall be issued within the earlier of (i) four years after payment of the claim or other payment request, or (ii) four years after filing by the provider of the complete cost report as defined in the Department of Medical Assistance Services' regulations, or (iii) 15 months after filing by the provider of the final complete cost report as defined in the Department of Medical Assistance Services' regulations subsequent to sale of the facility or termination of the provider.

2. Notwithstanding the provisions of § 32.1-325.1, Code of Virginia, the director shall issue an informal fact-finding conference decision concerning provider reimbursement in accordance with the State Plan for Medical Assistance, the provisions of § 2.2-4019, Code of Virginia, and applicable federal law. The informal fact-finding conference decision shall be issued within 180 days of the receipt of the appeal request, except as provided herein. If the agency does not render an informal fact-finding conference decision within 180 days of the receipt of the appeal request or, in the case of a joint agreement to stay the appeal decision as detailed below, within the time remaining after the stay expires and the

ITEM 303.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
<p>appeal timeframes resume, the decision is deemed to be in favor of the provider. An appeal of the director's informal fact-finding conference decision concerning provider reimbursement shall be heard in accordance with § 2.2-4020 of the Administrative Process Act (§ 2.2-4020 et seq.) and the State Plan for Medical Assistance provided for in § 32.1-325, Code of Virginia. The Department of Medical Assistance Services and the provider may jointly agree to stay the deadline for the informal appeal decision or for the formal appeal recommended decision of the Hearing Officer for a period of up to sixty (60) days to facilitate settlement discussions. If the parties reach a resolution as reflected by a written settlement agreement within the sixty-day period, then the stay shall be extended for such additional time as may be necessary for review and approval of the settlement agreement in accordance § 2.2-514 of the Code of Virginia. Once a final agency case decision has been made, the director shall undertake full recovery of such overpayment whether or not the provider disputes, in whole or in part, the informal fact-finding conference decision or the final agency case decision. Interest charges on the unpaid balance of any overpayment shall accrue pursuant to § 32.1-313, Code of Virginia, from the date the Director's agency case decision becomes final.</p> <p>W. Any hospital that was designated a Medicare-dependent small rural hospital, as defined in 42 U.S.C. §1395ww (d) (5) (G) (iv) prior to October 1, 2004, shall be designated a rural hospital pursuant to 42 U.S.C. §1395ww (d) (8) (ii) (II) on or after September 30, 2004.</p> <p>X.1. The Department of Medical Assistance Services shall make programmatic changes in the provision of Intensive In-Home services and Community Mental Health services in order to ensure appropriate utilization and cost efficiency. The department shall consider all available options including, but not limited to, prior authorization, utilization review and provider qualifications. The Department of Medical Assistance Services shall promulgate regulations to implement these changes within 280 days or less from the enactment date of this Act.</p> <p>2. The Department of Medical Assistance Services shall have the authority to implement prior authorization and utilization review for community-based mental health services for children and adults. The department shall have the authority to promulgate emergency regulations to implement this amendment within 280 days or less from the enactment of this Act.</p> <p>Y. The Department of Medical Assistance Services shall delay the last quarterly payment of certain quarterly amounts paid to hospitals, from the end of each state fiscal year to the first quarter of the following year. Quarterly payments that shall be delayed from each June to each July shall be Disproportionate Share Hospital payments, Indirect Medical Education payments, and Direct Medical Education payments. The department shall have the authority to implement this reimbursement change effective upon passage of this Act, and prior to the completion of any regulatory process undertaken in order to effect such change.</p> <p>Z. The Department of Medical Assistance Services shall make the monthly capitation payment to managed care organizations for the member months of each month in the first week of the subsequent month. The department shall have the authority to implement this reimbursement schedule change effective upon passage of this Act, and prior to the completion of any regulatory process undertaken in order to effect such change.</p> <p>AA. In every June the remittance that would normally be paid to providers on the last remittance date of the state fiscal year shall be delayed one week longer than is normally the practice. This change shall apply to the remittances of Medicaid and FAMIS providers. This change does not apply to providers who are paid a per-month capitation payment. The department shall have the authority to implement this reimbursement change effective upon passage of this Act, and prior to the completion of any regulatory process undertaken in order to effect such change.</p> <p>BB. The Department of Medical Assistance Services shall impose an assessment equal to 6.0 percent of revenue on all ICF-ID providers. The department shall determine procedures for collecting the assessment, including penalties for non-compliance. The department shall have the authority to adjust interim rates to cover new Medicaid costs as a result of this assessment.</p> <p>CC. The Department of Medical Assistance Services shall not adjust rates or the rate ceiling of residential psychiatric facilities for inflation.</p> <p>DD. The Department of Medical Assistance Services shall work with the Department of Behavioral Health and Developmental Services in consultation with the Virginia Association</p>				

ITEM 303.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2019	FY2020	FY2019	FY2020

of Community Services Boards, the Virginia Network of Private Providers, the Virginia Coalition of Private Provider Associations, and the Association of Community Based Providers, to establish rates for the Intensive In-Home Service based on quality indicators and standards, such as the use of evidence-based practices.

EE. The Department of Medical Assistance Services shall seek federal authority through the necessary waiver(s) and/or State Plan authorization under Titles XIX and XXI of the Social Security Act to expand principles of care coordination to all geographic areas, populations, and services under programs administered by the department. The expansion of care coordination shall be based on the principles of shared financial risk such as shared savings, performance benchmarks or risk and improving the value of care delivered by measuring outcomes, enhancing quality, and monitoring expenditures. The department shall engage stakeholders, including beneficiaries, advocates, providers, and health plans, during the development and implementation of the care coordination projects. Implementation shall include specific requirements for data collection to ensure the ability to monitor utilization, quality of care, outcomes, costs, and cost savings. The department shall report by November 1 of each year to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees detailing implementation progress including, but not limited to, the number of individuals enrolled in care coordination, the geographic areas, populations and services affected and cost savings achieved. Unless otherwise delineated, the department shall have authority to implement necessary changes upon federal approval and prior to the completion of any regulatory process undertaken in order to effect such change. The intent of this Item may be achieved through several steps, including, but not limited to, the following:

a. In fulfillment of this Item, the department and the Department of Behavioral Health and Developmental Services, in collaboration with the Community Services Boards and in consultation with appropriate stakeholders, shall develop a blueprint for the development and implementation of a care coordination model for individuals in need of behavioral health services not currently provided through a managed care organization. The overall goal of the project is to improve the value of behavioral health services purchased by the Commonwealth of Virginia without compromising access to behavioral health services for vulnerable populations. Targeted case management services will continue to be the responsibility of the Community Services Boards. The blueprint shall: (i) describe the steps for development and implementation of the program model(s) including funding, populations served, services provided, timeframe for program implementation, and education of clients and providers; (ii) set the criteria for medical necessity for community mental health rehabilitation services; and (iii) include the following principles:

1. Improves value so that there is better access to care while improving equity.
2. Engages consumers as informed and responsible partners from enrollment to care delivery.
3. Provides consumer protections with respect to choice of providers and plans of care.
4. Improves satisfaction among providers and provides technical assistance and incentives for quality improvement.
5. Improves satisfaction among consumers by including consumer representatives on provider panels for the development of policy and planning decisions.
6. Improves quality, individual safety, health outcomes, and efficiency.
7. Develops direct linkages between medical and behavioral services in order to make it easier for consumers to obtain timely access to care and services, which could include up to full integration.
8. Builds upon current best practices in the delivery of behavioral health services.
9. Accounts for local circumstances and reflects familiarity with the community where services are provided.
10. Develops service capacity and a payment system that reduces the need for involuntary commitments and prevents default (or diversion) to state hospitals.

ITEM 303.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
11. Reduces and improves the interface of vulnerable populations with local law enforcement, courts, jails, and detention centers.				
12. Supports the responsibilities defined in the Code of Virginia relating to Community Services Boards and Behavioral Health Authorities.				
13. Promotes availability of access to vital supports such as housing and supported employment.				
14. Achieves cost savings through decreasing avoidable episodes of care and hospitalizations, strengthening the discharge planning process, improving adherence to medication regimens, and utilizing community alternatives to hospitalizations and institutionalization.				
15. Simplifies the administration of acute psychiatric, community mental health rehabilitation, and medical health services for the coordinating entity, providers, and consumers.				
16. Requires standardized data collection, outcome measures, customer satisfaction surveys, and reports to track costs, utilization of services, and outcomes. Performance data should be explicit, benchmarked, standardized, publicly available, and validated.				
17. Provides actionable data and feedback to providers.				
18. In accordance with federal and state regulations, includes provisions for effective and timely grievances and appeals for consumers.				
b. The department may seek the necessary waiver(s) and/or State Plan authorization under Titles XIX and XXI of the Social Security Act to develop and implement a care coordination model, that is consistent with the principles in Paragraph a, for individuals in need of behavioral health services to be effective July 1, 2019. This model may be applied to individuals on a mandatory basis. The department shall have authority to promulgate emergency regulations to implement this amendment within 280 days or less from the enactment date of this Act.				
FF. The Department of Medical Assistance Services shall make programmatic changes in the provision of Residential Treatment Facility (Level C) and Levels A and B residential services (group homes) for children with serious emotional disturbances in order ensure appropriate utilization and cost efficiency. The department shall consider all available options including, but not limited to, prior authorization, utilization review and provider qualifications. The department shall have authority to promulgate regulations to implement these changes within 280 days or less from the enactment date of this Act.				
GG. The Department of Medical Assistance Services, in consultation with the appropriate stakeholders, shall seek federal authority to implement a pricing methodology to modify or replace the current pricing methodology for pharmaceutical products as defined in 13 VAC 30- 80-40, including the dispensing fee, with an alternative methodology that is budget neutral or that creates a cost savings. The department shall have the authority to promulgate emergency regulations to implement this amendment within 280 days or less from the enactment of this Act. The department shall have the authority to implement these changes prior to completion of any regulatory process undertaken in order to effect such change.				
HH. The Department of Medical Assistance Services (DMAS) shall have the authority to amend the State Plan for Medical Assistance to enroll and reimburse freestanding birthing centers accredited by the Commission for the Accreditation of Birthing Centers. Reimbursement shall be based on the Enhanced Ambulatory Patient Group methodology applied in a manner similar to the reimbursement methodology for ambulatory surgery centers. The department shall have authority to implement necessary changes upon federal approval and prior to the completion of any regulatory process undertaken in order to effect such change.				
II. The department may seek federal authority through amendments to the State Plans under Title XIX and XXI of the Social Security Act, and appropriate waivers to such, to develop and implement programmatic and system changes that allow expedited enrollment of Medicaid eligible recipients into Medicaid managed care, most importantly for pregnant women. The department shall have the authority to promulgate emergency regulations to				

ITEM 303.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2019	FY2020	FY2019	FY2020

implement this amendment within 280 days or less from the enactment date of this Act.

JJ.1. The Department of Medical Assistance Services, related to appeals administered by and for the department, shall have authority to amend regulations to:

i. Utilize the method of transmittal of documentation to include email, fax, courier, and electronic transmission.

ii. Clarify that the day of delivery ends at normal business hours of 5:00 pm.

iii. Eliminate an automatic dismissal against DMAS for alleged deficiencies in the case summary that do not relate to DMAS's obligation to substantively address all issues specified in the provider's written notice of informal appeal. A process shall be added, by which the provider shall file with the informal appeals agent within 12 calendar days of the provider's receipt of the DMAS case summary, a written notice that specifies any such alleged deficiencies that the provider knows or reasonably should know exist. DMAS shall have 12 calendar days after receipt of the provider's timely written notification to address or cure any of said alleged deficiencies. The current requirement that the case summary address each adjustment, patient, service date, or other disputed matter identified in the provider's written notice of informal appeal in the detail set forth in the current regulation shall remain in force and effect, and failure to file a written case summary with the Appeals Division in the detail specified within 30 days of the filing of the provider's written notice of informal appeal shall result in dismissal in favor of the provider on those issues not addressed by DMAS.

iv. Clarify that appeals remanded to the informal appeal level via Final Agency Decision or court order shall reset the timetable under DMAS' appeals regulations to start running from the date of the remand.

v. Clarify the department's authority to administratively dismiss untimely filed appeal requests.

vi. Clarify the time requirement for commencement of the formal administrative hearing.

vii. Clarify that settlement proposals may be tendered during the appeal process and that approval is subject to the requirements of § 2.2-514 of the Code of Virginia. The amended regulations shall develop a framework for the submission of the settlement proposal and state that the Department of Medical Assistance Services and the provider may jointly agree to stay the deadline for the informal appeal decision or for the formal appeal recommended decision of the Hearing Officer for a period of up to sixty (60) days to facilitate settlement discussions. If the parties reach a resolution as reflected by a written settlement agreement within the sixty-day period, then the stay shall be extended for such additional time as may be necessary for review and approval of the settlement agreement in accordance with law.

2. The Department of Medical Assistance Services shall have authority to promulgate regulations to implement these changes within 280 days or less from the enactment date of this Act.

KK. It is the intent of the General Assembly that the implementation and administration of the care coordination contract for behavioral health services be conducted in a manner that insures system integrity and engages private providers in the independent assessment process. In addition, it is the intent that in the provision of services that ethical and professional conflicts are avoided and that sound clinical decisions are made in the best interests of the individuals receiving behavioral health services. As part of this process, the department shall monitor the performance of the contract to ensure that these principles are met and that stakeholders are involved in the assessment, approval, provision, and use of behavioral health services provided as a result of this contract.

LL. The Department of Medical Assistance Services shall amend the State Plan for Medical Assistance to allow for delivery of notices of program reimbursement or other items referred to in the regulations related to provider appeals by electronic means consistent with the Uniform Electronic Transactions Act. The department shall implement this change effective July 1, 2013, and prior to completion of any regulatory process undertaken in order to effect such changes.

ITEM 303.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
MM.1. The department shall amend the State Plan for Medical Assistance to reimburse the price-based operating rate rather than the transition operating rate to any nursing facility whose licensed bed capacity decreased by at least 30 beds after 2011 and whose occupancy increased from less than 70 percent in 2011 to more than 80 percent in 2013. The department shall have the authority to implement this reimbursement change effective July 1, 2015, and prior to completion of any regulatory process in order to effect such change.				
2. Effective July 1, 2017, the department shall amend the State Plan for Medical Assistance to increase the direct and indirect operating rates under the nursing facility price based reimbursement methodology by 15 percent for nursing facilities where at least 80 percent of the resident population have one or more of the following diagnoses: quadriplegia, traumatic brain injury, multiple sclerosis, paraplegia, or cerebral palsy. In addition, a qualifying facility must have at least 90 percent Medicaid utilization and a case mix index of 1.15 or higher in fiscal year 2014. The department shall have the authority to implement this reimbursement methodology change for rates on or after July 1, 2017, and prior to completion of any regulatory process in order to effect such change.				
3. Effective July 1, 2017 through June 30, 2020, the Department of Medical Assistance Services shall amend the State Plan for Medical Assistance to pay nursing facilities located in the former Danville Metropolitan Statistical Area (MSA) the operating rates calculated for the Other MSA peer group. For purposes of calculating rates under the rebasing effective July 1, 2017, the department shall use the peer groups based on the existing regulations. For future rebasings, the department shall permanently move these facilities to the Other MSA peer group. The department shall have the authority to implement this reimbursement change effective July 1, 2017 and prior to completion of any regulatory process undertaken in order to effect such change.				
NN. The Department of Medical Assistance Services shall amend its State Plan under Title XIX of the Social Security Act to implement reasonable restrictions on the amount of incurred dental expenses allowed as a deduction from income for nursing facility residents. Such limitations shall include: (i) that routine exams and x-rays, and dental cleaning shall be limited to twice yearly; (ii) full mouth x-rays shall be limited to once every three years; and (iii) deductions for extractions and fillings shall be permitted only if medically necessary as determined by the department.				
OO. Notwithstanding §32.1-325, et seq. and §32.1-351, et seq. of the Code of Virginia, and effective upon the availability of subsidized private health insurance offered through a Health Benefits Exchange in Virginia as articulated through the federal Patient Protection and Affordable Care Act (PPACA), the Department of Medical Assistance Services shall eliminate, to the extent not prohibited under federal law, Medicaid Plan First and FAMIS Moms program offerings to populations eligible for and enrolled in said subsidized coverage in order to remove disincentives for subsidized private healthcare coverage through publicly-offered alternatives. To ensure, to the extent feasible, a smooth transition from public coverage, DMAS shall endeavor to phase out such coverage for existing enrollees once subsidized private insurance is available through a Health Benefits Exchange in Virginia. The department shall implement any necessary changes upon federal approval and prior to the completion of any regulatory process undertaken in order to effect such change.				
PP. The Department of Medical Assistance Services shall have authority to amend the State Plans for Medical Assistance under Titles XIX and XXI of the Social Security Act, and any waivers thereof, to implement requirements of the federal Patient Protection and Affordable Care Act (PPACA) as it pertains to implementation of Medicaid and CHIP eligibility determination and case management standards and practices, including the Modified Adjusted Gross Income (MAGI) methodology. The department shall have authority to implement such standards and practices upon federal approval and prior to the completion of any regulatory process undertaken in order to effect such change.				
QQ. Effective July 1, 2013, the Department of Medical Assistance Services shall establish a Medicaid Physician and Managed Care Liaison Committee including, but not limited to, representatives from the following organizations: the Virginia Academy of Family Physicians; the American Academy of Pediatricians – Virginia Chapter; the Virginia College of Emergency Physicians; the American College of Obstetrics and Gynecology – Virginia Section; Virginia Chapter, American College of Radiology; the Psychiatric Society of				

ITEM 303.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2019	FY2020	FY2019	FY2020

Virginia; the Virginia Medical Group Management Association; and the Medical Society of Virginia. The committee shall also include representatives from each of the department's contracted managed care organizations and a representative from the Virginia Association of Health Plans. The committee will work with the department to investigate the implementation of quality, cost-effective health care initiatives, to identify means to increase provider participation in the Medicaid program, to remove administrative obstacles to quality, cost-effective patient care, and to address other matters as raised by the department or members of the committee. The Committee shall establish an Emergency Department Care Coordination work group comprised of representatives from the Committee, including the Virginia College of Emergency Physicians, the Medical Society of Virginia, the Virginia Hospital and Healthcare Association, the Virginia Academy of Family Physicians and the Virginia Association of Health Plans to review the following issues: (i) how to improve coordination of care across provider types of Medicaid "super utilizers"; (ii) the impact of primary care provider incentive funding on improved interoperability between hospital and provider systems; and (iii) methods for formalizing a statewide emergency department collaboration to improve care and treatment of Medicaid recipients and increase cost efficiency in the Medicaid program, including recognized best practices for emergency departments. The committee shall meet semi-annually, or more frequently if requested by the department or members of the committee. The department, in cooperation with the committee, shall report on the committee's activities annually to the Board of Medical Assistance Services and to the Chairmen of the House Appropriations and Senate Finance Committees and the Department of Planning and Budget no later than October 1 each year.

RR. The Department of Medical Assistance Services shall realign the billable activities paid for individual supported employment provided under the Medicaid home- and community-based waivers to be consistent with job development and job placement services provided through employment services organizations that are reimbursed by the Department for Aging and Rehabilitative Services. The department shall have the authority to implement this reimbursement change effective July 1, 2013, and prior to the completion of any regulatory process undertaken in order to effect such change.

SS.1. The Department of Medical Assistance Services shall seek federal authority through any necessary waiver(s) and/or State Plan authorization under Titles XIX and XXI of the Social Security Act to implement a comprehensive value-driven, market-based reform of the Virginia Medicaid/FAMIS programs.

2. The department is authorized to contract with qualified health plans to offer recipients a Medicaid benefit package adhering to these principles. Any coordination of non-traditional behavioral health services covered under contract with qualified health plans or through other means shall adhere to the principles outlined in paragraph EE.a. This reformed service delivery model shall be mandatory, to the extent allowed under the relevant authority granted by the federal government and shall, at a minimum, include (i) limited high-performing provider networks and medical/health homes; (ii) financial incentives for high quality outcomes and alternative payment methods; (iii) improvements to encounter data submission, reporting, and oversight; (iv) standardization of administrative and other processes for providers; and (v) support of the health information exchange.

3. The Department of Medical Assistance Services shall seek reforms to include all remaining Medicaid populations and services, including long-term care and home- and community-based waiver services into cost-effective, managed and coordinated delivery systems. The department shall begin designing the process and obtaining federal authority to transition all remaining Medicaid beneficiaries into a coordinated delivery system. DMAS shall promulgate regulations to implement these provisions to be effective within 280 days of its enactment. The department may implement any changes necessary to implement these provisions prior to the promulgation of regulations undertaken in order to effect such changes.

4.a. Notwithstanding § 30-347, Code of Virginia, or any other provision of law, no later than 45 days upon the passage of House Bill 5001, the Department of Medical Assistance Services shall have the authority to (1) amend the State Plan for Medical Assistance under Title XIX of the Social Security Act, and any waivers thereof, to implement coverage for

ITEM 303.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2019	FY2020	FY2019	FY2020
<p>newly eligible individuals pursuant to 42 U.S.C. § 1396d(y)(1)[2010] of the Patient Protection and Affordable Care Act and (2) begin the process of implementing a § 1115 demonstration project to transform the Medicaid program for newly eligible individuals pursuant to the provisions of 4.a.(1) and eligible individuals enrolled in the existing Medicaid program. No later than 150 days from the passage of House Bill 5001, DMAS shall submit the § 1115 demonstration waiver application to CMS for approval. If the State Plan amendments are affirmatively approved by CMS prior to the submission of the waiver, Medicaid coverage for newly eligible individuals may be implemented. If the State Plan amendment becomes effective without affirmative action by CMS, coverage may begin upon submission of the completed § 1115 demonstration waiver application, per CMS notification, but no later than January 1, 2019. If the demonstration waiver cannot be completed by 150 days, despite a good faith effort to complete the application, the department may request an extension from the Chairmen of the House Appropriations and Senate Finance Committees. The department shall provide updates on the progress of the State Plan amendments and demonstration waiver applications to the Chairmen of the House Appropriations and Senate Finance Committees, or their designees, upon request, and provide for participation in discussions with CMS staff. The department shall respond to all requests for information from CMS on the State Plan amendments and demonstration waiver applications in a timely manner.</p>				
<p>b. At least 10 days prior to the submission of the application for the waiver of Title XIX of the Social Security Act, the department shall notify the Chairmen of the House Appropriations and Senate Finance Committees of such pending application and provide a copy of the application. If the department receives an official letter from either Chairman raising an objection about the waiver during the 10-day period, the department shall make all reasonable attempts to address the objection and modify the waiver(s). If the department receives no objection, then the application may be submitted. Any waiver specifically authorized elsewhere in this item is not subject to this provision. Waiver renewals are not subject to the provisions of this paragraph.</p>				
<p>c. The Department of Medical Assistance Services shall include provisions to make referrals to job training, education and job placement assistance for all unemployed, able-bodied adult enrollees as allowed under current federal law or regulations through the State Plan amendments, contracts, or other policy changes. DMAS shall also include provisions to foster personal responsibility and prepare newly eligible enrollees for participation in commercial health insurance plans to include use of private health plans, premium support for employer-sponsored insurance, health and wellness accounts, appropriate utilization of hospital emergency room services, healthy behavior incentives, and enhanced fraud prevention efforts, among others through the State Plan amendments, contracts, or other policy changes.</p>				
<p>d. The demonstration project shall be designed to empower individuals to improve their health and well-being and gain employer sponsored coverage or other commercial health insurance coverage, while simultaneously ensuring the program's long-term fiscal sustainability. The demonstration project shall include the following elements in the design:</p>				
<p>(i) two pathways for eligible individuals with incomes between 100 percent and 138 percent of the federal poverty level, including income disregards, to obtain health care coverage: enrollment in an existing Medicaid managed care plan, or premium assistance for the purchase of employer-sponsored health insurance coverage if cost effective. The plans will provide a comprehensive benefit package consistent with private market plans, compliant with all mandated essential health benefits, and inclusive of current Medicaid covered mental health and addiction recovery and treatment services. The demonstration shall include (1) the development of a health and wellness account for eligible individuals, comprised of participant contributions and state funds to be used to fund the health insurance premiums and to ensure funds are available for the enrollee to cover out-of-pocket expenses for the deductible, with the ability to roll over the funds from the account into succeeding years if not fully used. The monthly premium amount for the enrollee shall be set on a sliding scale based on monthly income, not to exceed two percent of monthly income, nor be less than \$1 per month; (2) provisions for demonstration coverage to begin on the first day of the month following receipt of the premium payment or enrollment due to treatment of an acute illness; (3) provisions for institution of a grace period for premium payment, followed by a waiting period before re-enrollment if the premium is not paid by the participant or if the participant does not maintain continuous coverage; and (4) provisions to recover premium payments owed to the Commonwealth through debt set-off collections;</p>				

ITEM 303.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2019	FY2020	FY2019	FY2020

(ii) provisions to enroll newly eligible individuals with incomes between 0 and 100 percent of the federal poverty level, including income disregards, in existing Medicaid managed care plans with existing Medicaid benefits or in employer-sponsored health insurance plans, if cost effective. Such newly eligible enrollees shall be subject to existing Medicaid cost sharing provisions;

(iii) cost-sharing for eligible enrollees with incomes between 100 percent and 138 percent of the federal poverty level, including income disregards, designed to promote healthy behaviors such as the avoidance of tobacco use, and to encourage personal responsibility and accountability related to the utilization of health care services such as the appropriate use of emergency room services. However, such individuals who also meet the exemptions listed in (iv) shall not be subject to premium and copayment requirements more stringent than existing Medicaid law or regulations. Enrollees who comply with provisions of the demonstration program, including healthy behavior provisions, may receive a decrease in their monthly premiums and copayments, not to exceed 50 percent.

(iv) the establishment of the Training, Education, Employment and Opportunity Program (TEEOP) for every able-bodied, working-age adult enrolled in the Medicaid program to enable enrollees to increase their health and well-being through community engagement leading to self-sufficiency. The TEEOP program shall not apply to: (1) children under the age of 18 or individuals under the age of 19 who are participating in secondary education; (2) individuals age 65 years and older; (3) individuals who qualify for medical assistance services due to blindness or disability, including individuals who receive services pursuant to a § 1915 waiver; (4) individuals residing in institutions; (5) individuals determined to be medically frail; (6) individuals diagnosed with serious mental illness; (7) pregnant and postpartum women; (8) former foster children under the age of 26; (9) individuals who are the primary caregiver for a dependent, including a dependent child or adult dependent with a disability; and (10) individuals who already meet the work requirements of the TANF or SNAP programs. The TEEOP shall comply with guidance from CMS regarding such programs and may include other exemptions that may be necessary to achieve the TEEOP's goals of community engagement and improved health outcomes that are approved by CMS.

The TEEOP shall include provisions for gradually escalating participation in training, education, employment and community engagement opportunities through the program as follows:

- a. beginning three months after enrollment, at least 20 hours per month;
- b. beginning six months after enrollment, at least 40 hours per month;
- c. beginning nine months after enrollment, at least 60 hours per month; and
- d. beginning 12 months after enrollment, at least 80 hours per month;

The TEEOP shall also include provisions for satisfaction of the requirement for participation in training, education, employment and community engagement opportunities through participation in job skills training; job search activities in conformity with Virginia Employment and Commission guidelines; education related to employment; general education, including participation in a program of preparation for the General Education Development (GED) certification examination or community college courses leading to industry certifications or a STEM-H related degree or credential; vocational education and training; subsidized or unsubsidized employment; community work experience programs, community service or public service, excluding political activities, that can reasonably improve work readiness; or caregiving services for a non-dependent relative or other person with a chronic, disabling health condition. The department may waive the requirement for participation in employment in areas of the Commonwealth with unemployment rates equal to or greater than 150 percent of the statewide average; however, requirements related to training, education and other community engagement opportunities shall not be waived in any area of the Commonwealth.

The TEEOP shall work with Virginia Workforce Centers or One-Stops to provide services to Medicaid enrollees. Such services shall include career services for program enrollees,

ITEM 303.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
	services to link enrollees with industry certification and credentialing programs, including the New Economy Workforce Credential Grant Program, and individualized case management services.			
	The TEEOP shall, to the extent allowed under federal law, utilize federal and state funding available through the Centers for Medicare and Medicaid Services, Temporary Assistance for Needy Families program, the Supplemental Nutrition Assistance Program, the Workforce Innovation and Opportunity Act, and other state and federal workforce development programs to support program enrollees.			
	Unless exempt, enrollees shall be ineligible to receive Medicaid benefits if, during any three months of the 12-month period beginning on the first day of enrollment, they fail to meet the TEEOP requirements and they will not be permitted to re-enroll until the end of such 12-month period, unless the failure to comply or report compliance was the result of a catastrophic event or circumstances beyond the beneficiary's control. However, enrollees shall be eligible to re-enroll in the program within such 12-month period upon demonstration of compliance with the TEEOP requirements.			
	(v) monitoring and oversight of the use of health care services to ensure appropriate utilization;			
	(vi) The Department of Medical Assistance Services shall develop a supportive employment and housing benefit targeted to high risk Medicaid beneficiaries with mental illness, substance use disorder, or other complex, chronic conditions who need intensive, ongoing support to obtain and maintain employment and stable housing.			
	e. The State Plan amendment and the demonstration waiver program shall include (i) systems for determining eligibility for participation in the program, (ii) provisions for disenrollment if federal funding is reduced or terminated, and (iii) provisions for monitoring, evaluating, and assessing the effectiveness of the waiver program in improving the health and wellness of program participants and furthering the objectives of the Medicaid program.			
	f. The department shall have the authority to promulgate emergency regulations to implement these changes within 280 days or less from the enactment date of House Bill 5001. The department shall have the authority to implement these changes prior to the completion of any regulatory process undertake in order to effect such changes.			
	5. In the event that the increased federal medical assistance percentages for newly eligible individuals included in 42 U.S.C. § 1396d(y)(1)[2010] of the PPACA are modified through federal law or regulation from the methodology in effect on January 1, 2014, resulting in a reduction in federal medical assistance as determined by the department in consultation with the Department of Planning and Budget, the Department of Medical Assistance Services shall disenroll and eliminate coverage for individuals who obtained coverage through 42 U.S.C. § 1396d(y)(1) [2010] of the PPACA. The disenrollment process shall include written notification to affected Medicaid beneficiaries, Medicaid managed care plans, and other providers that coverage will cease as soon as allowable under federal law following the date the department is notified of a reduction in Federal Medical Assistance Percentage.			
	TT. Effective July 1, 2014, the Department of Medical Assistance Services shall replace the AP-DRG grouper with the APR-DRG grouper for hospital inpatient reimbursement. The department shall develop budget neutral case rates and Virginia-specific weights for the APR-DRG grouper based on the FY 2011 base year. The department shall phase in the APR-DRG weights by blending in 50 percent of the full APR-DRG weights with 50 percent of FY 2014 AP-DRG weights in the first year and 75 percent of the full APR-DRG weights with 25 percent of the FY 2014 AP-DRG weights in the second year for each APR-DRG group and severity. FY 2014 AP-DRG weights shall be calculated as a weighted average FY 2014 AP-DRG weight for all claims in the base year that group to each APR-DRG group and severity. Full APR-DRG weights shall be used in the third year and succeeding years for each APR-DRG group and severity. The department shall have the authority to implement these reimbursement changes effective July 1, 2014, and prior to completion of any regulatory process in order to effect such changes.			
	UU.1. Effective July 1, 2014, the Department of Medical Assistance Services shall replace the current Disproportionate Share Hospital (DSH) methodology with the following			

ITEM 303.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2019	FY2020	FY2019	FY2020

methodology:

a) DSH eligible hospitals must have a total Medicaid Inpatient Utilization Rate equal to 14 percent or higher in the base year using Medicaid days eligible for Medicare DSH or a Low Income Utilization Rate in excess of 25 percent and meet other federal requirements. Eligibility for out of state cost reporting hospitals shall be based on total Medicaid utilization or on total Medicaid NICU utilization equal to 14 percent or higher.

b) Each hospital's DSH payment shall be equal to the DSH per diem multiplied by each hospital's eligible DSH days in a base year. Days reported in provider fiscal years in state FY 2011 will be the base year for FY 2015 prospective DSH payments. DSH will be recalculated annually with an updated base year. DSH payments are subject to applicable federal limits.

c) Eligible DSH days are the sum of all Medicaid inpatient acute, psychiatric and rehabilitation days above 14 percent for each DSH hospital subject to special rules for out of state cost reporting hospitals. Eligible DSH days for out of state cost reporting hospitals shall be the higher of the number of eligible days based on the calculation in the first sentence times Virginia Medicaid utilization (Virginia Medicaid days as a percent of total Medicaid days) or the Medicaid NICU days above 14 percent times Virginia NICU Medicaid utilization (Virginia NICU Medicaid days as a percent of total NICU Medicaid days). Eligible DSH days for out of state cost reporting hospitals who qualify for DSH but who have less than 12 percent Virginia Medicaid utilization shall be 50 percent of the days that would have otherwise been eligible DSH days.

d) Additional eligible DSH days are days that exceed 28 percent Medicaid utilization for Virginia Type Two hospitals (excluding Children's Hospital of the Kings Daughters).

e) The DSH per diem shall be calculated in the following manner:

a. The DSH per diem for Type Two hospitals is calculated by dividing the total Type Two DSH allocation by the sum of eligible DSH days for all Type Two DSH hospitals. For purposes of DSH, Type Two hospitals do not include Children's Hospital of the Kings Daughters (CHKD) or any hospital whose reimbursement exceeds its federal uncompensated care cost limit. The Type Two Hospital DSH allocation shall equal the amount of DSH paid to Type Two hospitals in state FY 2014 increased annually by the percent change in the federal allotment, including any reductions as a result of the Affordable Care Act, adjusted for the state fiscal year.

b. The DSH per diem for State Inpatient Psychiatric Hospitals is calculated by dividing the total State Inpatient Psychiatric Hospital DSH allocation by the sum of eligible DSH days. The State Inpatient Psychiatric Hospital DSH allocation shall equal the amount of DSH paid in state FY 2013 increased annually by the percent change in the federal allotment, including any reductions as a result of the Affordable Care Act, adjusted for the state fiscal year.

c. The DSH per diem for CHKD shall be three times the DSH per diem for Type Two hospitals.

d. The DSH per diem for Type One hospitals shall be 17 times the DSH per diem for Type Two hospitals.

2. Each year, the department shall determine how much Type Two DSH has been reduced as a result of the Affordable Care Act and adjust the percent of cost reimbursed for outpatient hospital reimbursement.

3. The department shall convene the Hospital Payment Policy Advisory Council at least once a year to consider additional changes to the DSH methodology.

4. The department shall have the authority to implement these reimbursement changes effective July 1, 2014, and prior to completion of any regulatory process in order to effect such changes.

VV. The Department of Medical Assistance Services shall have authority to amend the State Plans for Medical Assistance under Titles XIX and XXI of the Social Security Act,

ITEM 303.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
and any waivers thereof, to implement requirements of the federal Patient Protection and Affordable Care Act (PPACA), P.L. 111-148, as it pertains to implementation of Medicaid and CHIP eligibility determination and case management standards and practices, including the Modified Adjusted Gross Income (MAGI) methodology and, notwithstanding the requirements of Code of Virginia §2.2-4000, et seq., the process for administrative appeals of MAGI-related eligibility determinations. The department shall have authority to implement such standards and practices upon federal approval and prior to the completion of any regulatory process undertaken in order to effect such changes.				
WW.1. Notwithstanding § 32.1-330 of the Code of Virginia, the Department of Medical Assistance Services shall improve the preadmission screening process for individuals who will be eligible for long-term care services, as defined in the state plan for medical assistance. The community-based screening team shall consist of a licensed health care professional and a social worker who are employees or contractors of the Department of Health or the local department of social services, or other assessors contracted by the department. The department shall not contract with any entity for whom there exists a conflict of interest. For community-based screening for children, the screening shall be performed by an individual or entity with whom the department has entered into a contract for the performance of such screenings.				
2. The department shall track and monitor all requests for screenings and report on those screenings that have not been completed within 30 days of an individual's request for screening. The screening teams and contracted entities shall use the reimbursement and tracking mechanisms established by the department.				
3. The Department of Medical Assistance Services shall promulgate regulations to implement these provisions to be effective within 280 days of its enactment. The department may implement any changes necessary to implement these provisions prior to the promulgation of regulations undertaken in order to effect such changes.				
XX.1.a. There is hereby appropriated sum-sufficient nongeneral funds for the Department of Medical Assistance Services (DMAS) to pay the state share of supplemental payments for qualifying private hospital partners of Type One hospitals (consisting of state-owned teaching hospitals) as provided in the State Plan for Medical Assistance Services. Qualifying private hospitals shall consist of any hospital currently enrolled as a Virginia Medicaid provider and owned or operated by a private entity in which a Type One hospital has a non-majority interest. The supplemental payments shall be based upon the reimbursement methodology established for such payments in Attachments 4.19-A and 4.19-B of the State Plan for Medical Assistance Services. DMAS shall enter into a transfer agreement with any Type One hospital whose private hospital partner qualifies for such supplemental payments, under which the Type One hospital shall provide the state share in order to match federal Medicaid funds for the supplemental payments to the private hospital partner. The department shall have the authority to implement these reimbursement changes consistent with the effective date in the State Plan amendment approved by the Centers for Medicare and Medicaid Services (CMS) and prior to completion of any regulatory process in order to effect such changes.				
b. The department shall adjust capitation payments to Medicaid managed care organizations for the purpose of securing access to Medicaid hospital services for the qualifying private hospital partners of Type One hospitals (consisting of state-owned teaching hospitals). The department shall revise its contracts with managed care organizations to incorporate these supplemental capitation payments and provider payment requirements. DMAS shall enter into a transfer agreement with any Type One hospital whose private hospital partner qualifies for such supplemental payments, under which the Type One hospital shall provide the state share in order to match federal Medicaid funds for the supplemental payments to the private hospital partner. The department shall have the authority to implement these reimbursement changes consistent with the effective date approved by the Centers for Medicare and Medicaid Services (CMS). No payment shall be made without approval from CMS.				
2.a. The Department of Medical Assistance Services shall promulgate regulations to make supplemental payments to Medicaid physician providers with a medical school located in Eastern Virginia that is a political subdivision of the Commonwealth. The amount of the supplemental payment shall be based on the difference between the average commercial rate approved by CMS and the payments otherwise made to physicians. The department shall have				

ITEM 303.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2019	FY2020	FY2019	FY2020

the authority to implement these reimbursement changes consistent with the effective date in the State Plan amendment approved by CMS and prior to completion of any regulatory process in order to effect such changes.

b. The department shall increase payments to Medicaid managed care organizations for the purpose of securing access to Medicaid physician services in Eastern Virginia, through higher rates to physicians affiliated with a medical school located in Eastern Virginia that is a political subdivision of the Commonwealth subject to applicable limits. The department shall revise its contracts with managed care organizations to incorporate these supplemental capitation payments, and provider payment requirements, subject to approval by CMS. No payment shall be made without approval from CMS.

c. Funding for the state share for these Medicaid payments is authorized in Item 244.

3.a. The Department of Medical Assistance Services (DMAS) shall have the authority to amend the State Plan for Medical Assistance Services (State Plan) to implement a supplemental Medicaid payment for local government-owned nursing homes. The total supplemental Medicaid payment for local government-owned nursing homes shall be based on the difference between the Upper Payment Limit of 42 CFR §447.272 as approved by CMS and all other Medicaid payments subject to such limit made to such nursing homes. There is hereby appropriated sum-sufficient funds for DMAS to pay the state share of the supplemental Medicaid payment hereunder. However, DMAS shall not submit such State Plan amendment to CMS until it has entered into an intergovernmental agreement with eligible local government-owned nursing homes or the local government itself which requires them to transfer funds to DMAS for use as the state share for the supplemental Medicaid payment each nursing home is entitled to and to represent that each has the authority to transfer funds to DMAS and that the funds used will comply with federal law for use as the state share for the supplemental Medicaid payment. If a local government-owned nursing home or the local government itself is unable to comply with the intergovernmental agreement, DMAS shall have the authority to modify the State Plan. The department shall have the authority to implement the reimbursement change consistent with the effective date in the State Plan amendment approved by CMS and prior to the completion of any regulatory process undertaken in order to effect such change.

b. If by June 30, 2017, the Department of Medical Assistance Services has not secured approval from the Centers for Medicare and Medicaid Services to use a minimum fee schedule pursuant to 42 C.F.R. § 438.6(c)(1)(iii) for local government-owned nursing homes participating in Commonwealth Coordinated Care Plus (CCC Plus) at the same level as and in lieu of the supplemental Medicaid payments authorized in Section XX.3.a., then DMAS shall: (i) exclude Medicaid recipients who elect to receive nursing home services in local government-owned nursing homes from CCC Plus; (ii) pay for such excluded recipient's nursing home services on a fee-for-service basis, including the related supplemental Medicaid payments as authorized herein; and (iii) prohibit CCC Plus contracted health plans from in any way limiting Medicaid recipients from electing to receive nursing home services from local government-owned nursing homes. The department may include in CCC Plus Medicaid recipients who elect to receive nursing home services in local government-owned nursing homes in the future when it has secured federal CMS approval to use a minimum fee schedule as described above.

4. The Department of Medical Assistance Services shall have the authority to amend the State Plan for Medical Assistance Services to implement a supplemental payment for clinic services furnished by the Virginia Department of Health (VDH) effective July 1, 2015. The total supplemental Medicaid payment shall be based on the Upper Payment Limit approved by the Centers for Medicare and Medicaid Services and all other Medicaid payments. VDH may transfer general fund to the department from funds already appropriated to VDH to cover the non-federal share of the Medicaid payments. The department shall have the authority to implement the reimbursement change effective July 1, 2015, and prior to the completion of any regulatory process undertaken in order to effect such changes.

5. The Department of Medical Assistance Services shall amend the State Plan for Medical Assistance to increase the supplemental physician payments for physicians employed at a freestanding children's hospital serving children in Planning District 8 with more than 50 percent Medicaid inpatient utilization in fiscal year 2014 to the maximum allowed by the

ITEM 303.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
	Centers for Medicare and Medicaid Services within the limit of the appropriation provided for this purpose. The total supplemental Medicaid payment shall be based on the Upper Payment Limit approved by the Centers for Medicare and Medicaid Services and all other Virginia Medicaid fee-for-service payments. The department shall have the authority to implement these reimbursement changes effective July 1, 2016, and prior to the completion of any regulatory process undertaken in order to effect such change.			
	6.a. The Department of Medical Assistance Services shall promulgate regulations to make supplemental Medicaid payments to the primary teaching hospitals affiliated with a Liaison Committee on Medical Education (LCME) accredited medical school located in Planning District 23 that is a political subdivision of the Commonwealth and an LCME accredited medical school located in Planning District 5 that has a partnership with a public university. The amount of the supplemental payment shall be based on the reimbursement methodology established for such payments in Attachments 4.19-A and 4.19-B of the State Plan for Medical Assistance and/or the department's contracts with managed care organizations. The department shall have the authority to implement these reimbursement changes consistent with the effective date in the State Plan amendment or the managed care contracts approved by the Centers for Medicare and Medicaid Services (CMS) and prior to completion of any regulatory process in order to effect such changes. No payment shall be made without approval from CMS.			
	b. Funding for the state share for these Medicaid payments is authorized in Item 244 and Item 4-5.03.			
	c. Payments authorized in this subsection shall sunset after the effective date of a statewide supplemental payment for private acute care hospitals authorized in Item 3-5.16. For purposes of the upper payment limit, the department shall prorate the upper payment limit if the sunset date is mid-fiscal year. The department shall have the authority to implement this change prior to the completion of any regulatory process undertaken in order to effect such change.			
	7. The department shall amend the State plan for Medical Assistance to implement a supplemental inpatient and outpatient payment for Chesapeake Regional Hospital based on the difference between reimbursement with rates using an adjustment factor of 100% minus current authorized reimbursement subject to the inpatient and outpatient Upper Payment Limits for non-state government owned hospitals. The department shall include in its contracts with managed care organizations a minimum fee schedule for Chesapeake Regional Hospital consistent with rates using an adjustment factor of 100%. The department shall adjust capitation payments to Medicaid managed care organizations to fund this minimum fee schedule. Both the contract changes and capitation rate adjustments shall be compliant with 42 C.F.R. 438.6(c)(1)(iii) and subject to CMS approval. Prior to submitting the State Plan Amendment or making the managed care contract changes, Chesapeake Regional Hospital shall enter into an agreement with the department to transfer the non-federal share for these payments. The department shall have the authority to implement these reimbursement changes consistent with the effective date(s) approved by the Centers for Medicare and Medicaid (CMS). No payments shall be made without CMS approval.			
	8.a. There is hereby appropriated sum-sufficient nongeneral funds for the department to pay the state share of supplemental payments for nursing homes owned by Type One hospitals (consisting of state-owned teaching hospitals) as provided in the State Plan for Medical Assistance Services. The total supplemental payment shall be based on the difference between the Upper Payment Limit of 42 CFR § 447.272 as approved by CMS and all other Medicaid payments subject to such limit made to such nursing homes. DMAS shall enter into a transfer agreement with any Type One hospital whose nursing home qualifies for such supplemental payments, under which the Type One hospital shall provide the state share in order to match federal Medicaid funds for the supplemental payments. The department shall have the authority to implement these reimbursement changes consistent with the effective date in the State Plan amendment approved by CMS and prior to completion of any regulatory process in order to effect such changes.			
	b. The department shall adjust capitation payments to Medicaid managed care organizations to fund a minimum fee schedule compliant with requirements in 42 C.F.R. § 438.6(c)(1)(iii) at a level consistent with the State Plan amendment authorized above for nursing homes owned by Type One hospitals. The department shall revise its contracts with managed care organizations to incorporate these supplemental capitation payments and provider payment			

ITEM 303.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2019	FY2020	FY2019	FY2020

requirements. DMAS shall enter into a transfer agreement with any Type One hospitals whose nursing home qualifies for such supplemental payments, under which the Type One hospital shall provide the state share in order to match federal Medicaid funds for the supplemental payments. The department shall have the authority to implement these reimbursement changes consistent with the effective date approved by CMS. No payment shall be made without approval from CMS.

YY. The Department of Medical Assistance Services shall amend the State Plan for Medical Assistance to provide coverage for cessation services for tobacco users, including pharmacology, group and individual counseling, and other treatment services including the most current version of or an official update to the Clinical Health Guideline "Treating Tobacco Use and Dependence" published by the Public Health Service of the U.S. Department of Health and Human Services. These services shall be subject to copayment requirements. The department shall have authority to implement this reimbursement change effective July 1, 2014 and prior to the completion of any regulatory process undertaken in order to effect such changes.

ZZ. The Department of Medical Assistance Services shall have the authority to implement Section 1902(a)(10)(A)(i)(IX) of the federal Social Security Act to provide Medicaid benefits up until the age of 26 to individuals who are or were in foster care at least until the age of 18 in any state.

AAA.1.a The Department of Medical Assistance Services shall amend the Medicaid demonstration project (Project Number 11-W-00297/3) to modify eligibility provided through the project to individuals with serious mental illness to be effective July 1, 2015. Income eligibility shall be modified to limit services to seriously mentally ill adults with effective household incomes up to 60 percent of the federal poverty level (FPL). All individuals enrolled in this Medicaid demonstration project with incomes between 61% and 100% of the Federal Poverty Level as of May 15, 2015 who continue to meet other program eligibility rules, shall maintain enrollment in the demonstration until their next eligibility renewal period or July 1, 2016, whichever comes first. Benefits shall include the following services: (i) primary care office visits including diagnostic and treatment services performed in the physician's office, (ii) outpatient specialty care, consultation, and treatment, (iii) outpatient hospital including observation and ambulatory diagnostic procedures, (iv) outpatient laboratory, (v) outpatient pharmacy, (vi) outpatient telemedicine, (vii) medical equipment and supplies for diabetic treatment, (viii) outpatient psychiatric treatment, (ix) mental health case management, (x) psychosocial rehabilitation assessment and psychosocial rehabilitation services, (xi) mental health crisis intervention, (xii) mental health crisis stabilization, (xiii) therapeutic or diagnostic injection, (xiv) behavioral telemedicine, (xv) outpatient substance abuse treatment services, and (xvi) intensive outpatient substance abuse treatment services. Care coordination, Recovery Navigation (peer supports), crisis line and prior authorization for services shall be provided through the agency's Behavioral Health Services Administrator.

b. The Department of Medical Assistance Services shall amend the Medicaid demonstration project described in paragraph AAA.1.a. to increase the income eligibility for adults with serious mental illness from 60 to 80 percent of the federal poverty level effective July 1, 2016 and from 80 to 100 percent of the federal poverty level effective October 1, 2017. Effective October 1, 2017, the department shall amend the Medicaid demonstration project to include the provision of addiction recovery and treatment services, including partial day hospitalization and residential treatment services. The department shall have authority to implement necessary changes upon federal approval and prior to the completion of any regulatory process undertaken in order to effect such changes.

c. The Department of Medical Assistance Services, in cooperation with the Department of Social Services and the League of Social Service Executives, shall provide information and conduct outreach activities with the Department of Corrections and local and regional jails to increase access to the Medicaid demonstration waiver for individuals with serious mental illness who are preparing to be released from custody, or are under the supervision of state or local community corrections programs.

d. The Department of Medical Assistance Services, in cooperation with the Department of Social Services and the League of Social Service Executives, shall provide information

ITEM 303.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
<p>and conduct outreach activities with the Department of Corrections and local and regional jails to increase access to the Medicaid demonstration waiver for individuals with serious mental illness who are preparing to be released from custody, or are under the supervision of state or local community corrections programs.</p>				
<p>2. The Department of Medical Assistance Services is authorized to amend the State Plan under Title XIX of the Social Security Act to add coverage for comprehensive dental services to pregnant women receiving services under the Medicaid program to include: (i) diagnostic, (ii) preventive, (iii) restorative, (iv) endodontics, (v) periodontics, (vi) prosthodontics both removable and fixed, (vii) oral surgery, and (viii) adjunctive general services.</p>				
<p>3. The Department of Medical Assistance Services is authorized to amend the FAMIS MOMS and FAMIS Select demonstration waiver (No. 21-W-00058/3) for FAMIS MOMS enrollees to add coverage for dental services to align with pregnant women's coverage under Medicaid.</p>				
<p>4. The Department of Medical Assistance Services is authorized to amend the State Plan under Title XXI of the Social Security Act to plan to allow enrollment for dependent children of state employees who are otherwise eligible for coverage.</p>				
<p>5. The department shall have authority to implement necessary changes upon federal approval and prior to the completion of any regulatory process undertaken in order to effect such changes.</p>				
<p>BBB. The Department of Medical Assistance Services shall amend the State Plan for Medical Assistance Services to eliminate the requirement for pending, reviewing and reducing fees for emergency room claims for 99283 codes. The department shall have the authority to implement this reimbursement change effective July 1, 2015, and prior to the completion of any regulatory process undertaken in order to effect such change.</p>				
<p>CCC. The Department of Medical Assistance Services shall amend the State Plan for Medical Assistance to increase the supplemental physician payments for practice plans affiliated with a freestanding children's hospital with more than 50 percent Medicaid inpatient utilization in fiscal year 2009 to the maximum allowed by the Centers for Medicare and Medicaid Services. The department shall have the authority to implement these reimbursement changes effective July 1, 2015, and prior to completion of any regulatory process undertaken in order to effect such change.</p>				
<p>DDD. The Department of Medical Assistance Services (DMAS) shall amend its July 1, 2016, managed care contracts in order to conform to the requirement pursuant to House Bill 1942 / Senate Bill 1262, passed during the 2015 Regular Session, for prior authorization of drug benefits.</p>				
<p>EEE.1. Out of this appropriation, \$1,400,000 the first year and \$2,350,000 the second year from the general fund and \$1,400,000 the first year and \$2,250,000 the second year from nongeneral funds shall be used for supplemental payments to fund the second and third years of graduate medical education for 15 funded slots for residents who began their residencies in July 2017, the first and second years of graduate medical education of 13 funded slots for residents beginning their residencies in July 2018, the first year of graduate medical education of 20 funded slots for residencies in July 2019, and two one year post graduate fellowships in July 2019.</p>				
<p>2. The supplemental payment for each qualifying residency slot shall be \$100,000 annually minus any Medicare residency payment for which the sponsoring institution is eligible. For any residency program at a facility whose Medicaid payments are capped by the Centers for Medicare and Medicaid Services, the supplemental payments for each qualifying residency slot shall be \$50,000 from the general fund annually minus any Medicare residency payments for which the residency program is eligible. Supplemental payments shall be made for up to four years for each qualifying resident. Payments shall be made quarterly following the same schedule used for other medical education payments.</p>				
<p>3. The Department of Medical Assistance Services shall submit a State Plan amendment based on the authorization in EEE.1. of this item to make supplemental payments for graduate medical education residency slots. The supplemental payments are subject to federal Centers for Medicare and Medicaid Services approval. The department shall have the authority to promulgate emergency regulations to implement this amendment within 280 days or less from</p>				

ITEM 303.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2019	FY2020	FY2019	FY2020

the enactment of this Act.

4.a. Effective July 1, 2017, the department shall make supplemental payments to the following sponsoring institutions for the specified number of primary care residencies: Sentara Norfolk General (2 residencies), Carilion Medical Center (6 residencies), Centra Lynchburg General Hospital (1 residency), Riverside Regional Medical Center (2 residencies), Bon Secours St. Francis Medical Center (2 residencies). The department shall make supplemental payments to Carilion Medical Center for 2 psychiatry residencies.

b. Effective July 1, 2018, the department shall make supplemental payments to the following sponsoring institutions for the specified number of primary care residencies: Sentara Norfolk General (1 residency), Maryview Hospital (1 residency) and Carilion Medical Center (6 residencies). The department shall make supplemental payments to Carilion Medical Center for 2 psychiatric residencies and to Sentara Norfolk General for 1 OB/GYN residency and 2 psychiatric residencies.

c. Effective July 1, 2019, the department shall make supplemental payments to the following sponsoring institutions for the specified number of primary care residencies: Sentara Norfolk General (1 residency), Maryview Hospital (1 residency), Carilion Medical Center (6 residencies), Centra Health (2 residencies), and Riverside Regional Medical Center (2 residencies). The department shall make supplemental payments to Inova Fairfax Hospital for 1 General Surgery residency and to Carilion Medical Center for 2 psychiatric residencies. The department shall make supplemental payments to Sentara Norfolk General for 2 psychiatric residencies, 1 OB/GYN residency, and 2 urology residencies. The department shall make supplemental payments to the University of Virginia Health System for a one year fellowship in Addiction Medicine and to the Virginia Commonwealth University Health System for a one year fellowship in Addiction Medicine.

5. Preference shall be given for residency slots located in underserved areas. Applications for slots that involve multiple medical care providers collaborating in training residents and that involve providing residents the opportunity to train in underserved areas are encouraged. A majority of the new residency slots funded each year shall be for primary care. The department shall adopt criteria for primary care, high need specialties and underserved areas as developed by the Virginia Health Workforce Development Authority. Beginning July 1, 2018, the department shall also review and consider applications from non-hospital sponsoring institutions, such as Federally Qualified Health Centers (FQHCs).

6. If the number of qualifying residency slots exceeds the available number of supplemental payments, the Virginia Health Workforce Development Authority shall determine which new residency slots to fund based on priorities developed by the authority.

7. The sponsoring institution will be eligible for the supplemental payments as long as it maintains the number of residency slots in total and by category as a result of the increase. The sponsoring institutions must certify by June 1 each year that they continue to meet the criteria for the supplemental payments and report any changes during the year to the number of residents.

8. The department shall require all sponsoring institutions receiving Medicaid medical education funding to report annually by September 15 on the number of residents in total and by specialty/subspecialty. Medical education funding includes payments for graduate medical education (GME) and indirect medical education (IME).

9. The Virginia Health Workforce Authority shall study options to help institutions in underserved and rural areas acquire and maintain specialists and instructors vital to maximize the quality of residency programs and report to the Chairmen of the House Appropriations and Senate Finance Committees by November 1, 2018.

FFF.1. The Department of Medical Assistance Services, in consultation with the appropriate stakeholders, shall amend the state plan for medical assistance and/or seek federal authority through an 1115 demonstration waiver, as soon as feasible, to provide

ITEM 303.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
coverage of inpatient detoxification, inpatient substance abuse treatment, residential detoxification, residential substance abuse treatment, and peer support services to Medicaid individuals in the Fee-for-Service and Managed Care Delivery Systems.				
2. The Department of Medical Assistance Services shall have the authority to make programmatic changes in the provision of all Substance Abuse Treatment Outpatient, Community Based and Residential Treatment services (group homes and facilities) for individuals with substance abuse disorders in order to ensure parity between the substance abuse treatment services and the medical and mental health services covered by the department and to ensure comprehensive treatment planning and care coordination for individuals receiving behavioral health and substance use disorder services. The department shall ensure appropriate utilization and cost efficiency, and adjust reimbursement rates within the limits of the funding appropriated for this purpose based on current industry standards. The department shall consider all available options including, but not limited to, service definitions, prior authorization, utilization review, provider qualifications, and reimbursement rates for the following Medicaid services: substance abuse day treatment for pregnant women, substance abuse residential treatment for pregnant women, substance abuse case management, opioid treatment, substance abuse day treatment, and substance abuse intensive outpatient. Any amendments to the State Plan or waivers initiated under the provisions of this paragraph shall not exceed funding appropriated in this Act for this purpose. The department shall have the authority to promulgate regulations to implement these changes within 280 days or less from the enactment date of this Act.				
3. The Department of Medical Assistance Services shall amend the State Plan for Medical Assistance and any waivers thereof to include peer support services to children and adults with mental health conditions and/or substance use disorders. The department shall work with its contractors, the Department of Behavioral Health and Developmental Services, and appropriate stakeholders to develop service definitions, utilization review criteria and provider qualifications. Any amendments to the State Plan or waivers initiated under the provisions of this paragraph shall not exceed funding appropriated in this Act for this purpose. The department shall have the authority to promulgate regulations to implement these changes within 280 days or less from the enactment date of this Act.				
4. The Department of Medical Assistance Services shall, prior to the submission of any state plan amendment or waivers to implement paragraphs FFF.1., FFF.2., and FFF.3., submit a plan detailing the changes in provider rates, new services added, other programmatic changes, and a certification of budget neutrality to the Director, Department of Planning and Budget and the Chairmen of the House Appropriation and Senate Finance Committees.				
GGG. The Department of Medical Assistances shall amend the State Plan for Medical Assistance to convert the specialized care rates to a prospective rate consistent with the existing cost-based methodology by adding inflation to the per diem costs subject to existing ceilings for direct, indirect and ancillary costs from the most recent settled cost report prior to the state fiscal year for which the rates are being established. The same inflation adjustment shall apply to plant costs for specialized care facilities that do not have prospective capital rates that are based on fair rental value. The department shall use the state fiscal year rate methodology recently adopted for regular nursing facilities. Partial year inflation shall be applied to per diem costs if the provider fiscal year end is different than the state fiscal year. Ceilings shall also be maintained by state fiscal year. The department shall have the authority to implement these changes effective July 1, 2016, and prior to completion of any regulatory process to effect such changes.				
HHH. The Department of Medical Assistance Services (DMAS), in consultation with the appropriate stakeholders, shall seek federal authority via a state plan amendment to cover low-dose computed tomography (LDCT) lung cancer screenings for high-risk adults. The department shall promulgate emergency regulations to implement this amendment within 280 days or less from the enactment of this Act.				
III. The Department of Medical Assistance Services shall not expend any appropriation for an approved Delivery System Reform Incentive Program (DSRIP) §1115 waiver unless the General Assembly appropriates the funding. The department shall notify the Chairmen of the House Appropriations and Senate Finance Committees within 15 days of any final negotiated waiver agreement with the Centers for Medicare and Medicaid Services.				

ITEM 303.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2019	FY2020	FY2019	FY2020

JJJ. Effective July 1, 2017, the Department of Medical Assistance Services shall amend the managed care regulations to specify that all contracts with health plans in a Medicaid managed care delivery model, including long-term services and supports, require reimbursement to nursing facility and specialized care services at no less than the Medicaid established per diem rate for Medicaid covered days, using the department's methodologies, unless the managed care organization and the nursing facility or specialized care services provider mutually agree to an alternative payment. The department shall have authority to implement this provision prior to the completion of any regulatory process in order to effect such change.

KKK.1. The Department of Medical Assistance Services shall monitor the capacity available under the Upper Payment Limit (UPL) for all hospital supplemental payments and adjust payments accordingly when the UPL cap is reached. The department shall make an adjustment to stay under the UPL cap by reducing or eliminating as necessary supplemental payments to hospitals based on when the first supplemental payments were actually made so that the newest supplemental payments to hospitals would be impacted first and so on.

2. The Department of Medical Assistance Services shall have the authority to implement reimbursement changes deemed necessary to meet the requirements of this paragraph prior to the completion of any regulatory process in order to effect such changes.

LLL.1By October 1, 2019, the Department of Medical Assistance Services shall require consumer-directed aides providing personal care, respite care and companion services in the Medicaid Commonwealth Coordinated Care (CCC) Plus Waiver and Developmental Disability waiver programs and the Early and Periodic Screening Diagnosis and Treatment (EPSDT) program to utilize an Electronic Visit Verification (EVV) system. The department is authorized to contract with a vendor to provide access to an EVV system for use by consumer-directed aides.

2. For personal care, respite care and companion services agencies, the department shall work with the appropriate stakeholders to develop standards for electronic visit verification systems and certification requirements to ensure EVV systems used by such agencies meet all federal requirements and are capable of providing the necessary data the department may require.

3. Nothing stated above shall apply to respite services provided by a DBHDS licensed provider in a DBHDS licensed program site such as a group home, sponsored residential home, supervised living, supported living or similar facility/location licensed to provide respite, as allowed by the Centers for Medicare and Medicaid.

4. The department shall ensure that implementation of electronic visit verification complies with all requirements of the federal Centers of Medicare and Medicaid Services. The department shall have authority to implement these provisions prior to the completion of any regulatory process in order to effect such changes.

MMM.1. Effective July 1, 2017, the Department of Medical Assistance Services shall amend the State Plan for Medical Assistance to increase the formula for indirect medical education (IME) for freestanding children's hospitals with greater than 50 percent Medicaid utilization in 2009 as a substitute for DSH payments. The formula for these hospitals for indirect medical education for inpatient hospital services provided to Medicaid patients but reimbursed by capitated managed care providers shall be identical to the formula for Type One hospitals. The IME payments shall continue to be limited such that total payments to freestanding children's hospitals with greater than 50 percent Medicaid utilization do not exceed the federal uncompensated care cost limit to which disproportionate share hospital payments are subject,excluding third party reimbursement for Medicaid eligible patients. The department shall have the authority to implement these changes effective July 1, 2017, and prior to completion of any regulatory action to effect such changes.

2. *The Department of Medical Assistance Services (DMAS) shall have the authority to create additional hospital supplemental payments for freestanding children's hospitals with greater than 50 percent Medicaid utilization in 2009 to replace payments that have been reduced due to the federal regulation on the definition of uncompensated care costs*

ITEM 303.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
<p><i>effective June 2, 2017. These new payments shall equal what would have been paid to the freestanding children's hospitals under the current disproportionate share hospital (DSH) formula without regard to the uncompensated care cost limit. These additional hospital supplemental payments shall take precedence over supplemental payments for private acute care hospitals. If the federal regulation is voided, DMAS shall continue DSH payments to the impacted hospitals and adjust the additional hospital supplemental payments authorized in this paragraph accordingly. The department shall have the authority to implement these changes prior to completion of any regulatory process undertaken in order to effectuate such change.</i></p>				
<p>NNN. Effective July 1, 2019, the Department of Medical Assistance Services shall increase the rates for agency and consumer directed personal care, respite and companion services in the home and community based services waivers and Early Periodic Screening, and Diagnosis and Treatment (EPSDT) program by two percent. The department shall have the authority to implement these changes prior to completion of any regulatory process undertaken in order to effect such change.</p>				
<p>OOO. The Department of Planning and Budget, in cooperation with the Department of Medical Assistance Services, the Department of Social Services and other agencies as necessary, shall transfer appropriations across items, service areas and agencies within the budget to properly account for the costs and savings of the implementation of Medicaid coverage of newly eligible individuals pursuant to the Patient Protection and Affordable Care Act, including the Training, Education, Employment and Opportunity Program (TEEOP), consistent with the intent of the General Assembly.</p>				
<p>PPP. For the period beginning September 1, 2016 until 180 days after publication and distribution of the Developmental Disabilities Waivers provider manual by the Department of Medical Assistance Services (DMAS), retraction of payment from Developmental Disabilities Waivers providers following an audit by DMAS or one of its contractors is only permitted when the audit points identified are supported by the Code of Virginia, regulations, DMAS general providers manuals, or DMAS Medicaid Memos in effect during the date of services being audited.</p>				
<p>QQQ. The Department of Medical Assistance Services shall review of the rates paid to residential psychiatric treatment facilities and determine if those rates are appropriate for those facilities. The department shall require residential psychiatric treatment facilities to submit cost reports to be used to conduct its review. The department shall report its findings to the Chairmen of the House Appropriations and Senate Finance Committees by October 1, 2019.</p>				
<p>RRR. The Department of Medical Assistance Services shall submit a report annually on all supplemental payments made to hospitals through the Medicaid program. This report shall include information for each hospital and by type of supplemental payment (Disproportionate Share Hospital, Graduate Medical Education, Indirect Medical Education, Upper Payment Limit program, and others). The report shall include total Medicaid payments from all sources and calculate the percent of overall payments that are supplemental payments. Furthermore, it shall include a description of each type of supplemental payment and the methodology used to calculate the payments. Each report shall reflect the data for the prior three fiscal years and shall be submitted to the Chairmen of the House Appropriations and Senate Finance Committees by September 1 each year.</p>				
<p>SSS. Effective July 1, 2018, the Department of Medical Assistance Services shall amend the State Plan for Medical Assistance to make the following changes. The department shall: (i) eliminate eligibility for Disproportionate Share Hospital (DSH) payments for Children's National Medical Center (CNMC); (ii) increase the annual indirect medical education (IME) payments for CNMC by the amount of DSH the hospital was eligible for in fiscal year 2018; and (iii) reduce the Type 2 DSH allocation by this same amount. The department shall have the authority to implement these changes effective July 1, 2018, and prior to completion of any regulatory action to effect such change.</p>				
<p>TTT.1. The Department of Medical Assistance Services shall work with stakeholders to review and adjust medical necessity criteria for Medicaid-funded nursing services including private duty nursing, skilled nursing, and home health. The department shall adjust the medical necessity criteria to reflect advances in medical treatment, new technologies, and use</p>				

ITEM 303.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2019	FY2020	FY2019	FY2020

of integrated care models including behavioral supports. The department shall have the authority to amend the necessary waiver(s) and the State Plan under Titles XIX and XXI of the Social Security Act to include changes to services covered, provider qualifications, medical necessity criteria, and rates and rate methodologies for private duty nursing. The adjustments to these services shall meet the needs of members and maintain budget neutrality by not requiring any additional expenditure of general fund beyond the current projected appropriation for such nursing services.

2. The department shall have authority to implement these changes to be effective July 1, 2019. The department shall also have authority to promulgate any emergency regulations required to implement these necessary changes within 280 days or less from the enactment dated of this act. The department shall submit a report and estimates of any projected cost savings to the Chairmen of the House Appropriations and Senate Finance Committees 30 days prior to implementation of such changes.

3. The department shall work with stakeholders to review changes to services covered, provider qualifications, rates and rate methodologies for private duty nursing services, and make recommendations to the Chairmen of the House Appropriations and Senate Finance Committees by December 15, 2018.

UUU. Effective July 1, 2018, the Department of Medical Assistance Services shall explore private sector technology based platforms and service delivery options to allow qualified, licensed providers to deliver the Consumer-Directed Agency with Choice model in the Commonwealth of Virginia. The department shall work with stakeholders to examine this model of care and assess the changes that would be required including the services covered, provider qualifications, medical necessity criteria, reimbursement methodologies and rates to implement the model. The department shall submit a report on its findings to the Chairmen of the House Appropriations and Senate Finance Committees by December 1, 2018.

VVV. Effective July 1, 2019, the department shall amend the State Plan for Medical Assistance to clarify payment rules for new nursing homes or renovations that qualify for mid-year rate adjustments, to include the following:

1. For any facility whose Fair Rental Value report has less than 12 months of experience, the department shall develop an occupancy schedule that represents average statewide occupancy by month of operation for use in calculating the per diem rate in lieu of a minimum occupancy requirement or actual occupancy.
2. Any new beds or renovations placed in service between the reporting year and the rate year shall be treated as a mid-year rate adjustment. No new rate will be made after April 30. Rate updates that fall between May 1 and June 30 shall be effective July 1 of the same year.
3. The department shall annualize real estate taxes, property taxes and property insurance costs that do not represent a full year's cost.
4. Costs shall be based on currently available documentation at the time but are subject to audit. The department may use any reasonable method to estimate costs for which there is inadequate documentation. Any adjustments based on subsequent documentation or audit for a current rate year shall be applied beginning with the next rate year.
5. The department shall have 15 days from the date of the provider's submission to determine if the filing is complete for purposes of setting a rate for a new or renovated facility. The facility shall have 15 days from the date the filing is deemed incomplete to submit the required information. The deadline for setting the rate shall be extended for 30 days after the filing is deemed complete.
6. Providers may propose a phased renovation subject to approval by the department. The phased renovation may include reductions to available beds. Any modifications to the proposed renovation are also subject to approval by the department.
7. The department shall have the authority to implement these reimbursement changes effective July 1, 2019 and prior to the completion of any regulatory process undertaken in order to effect such change.

ITEM 303.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
<p>WWW. The Department of Medical Assistance Services shall amend the State Plan for Medical Assistance and any relevant waivers thereof to modify reimbursement for Hospice services provided to patients residing in facilities to include at least 100 percent of the relevant Medicaid facility rate for that individual, a component commonly referred to as "room and board." To the extent allowed under federal law and regulation, the Department shall further amend the State plan and/or relevant waivers thereof to pay this "room and board" rate in effect with no discount applied to the facility directly, thus eliminating the Hospice from its role in passing-through this facility payment to the facility. To the extent federal approval of this direct payment component is dependent on whether it is in the State Plan or in relevant waivers, the Department shall implement the direct payment where federal approval is achieved. The department shall have authority to implement these changes effective July 1, 2019 and prior to the completion of any regulatory process undertaken in order to effect such change.</p>				
<p>XXX. Effective July 1, 2019, the Department of Medical Assistance Services shall increase the telehealth originating site facility fee to 100 percent of the Medicare rate and shall reflect changes annually based on any changes in the Medicare rate. The department shall exempt Federally Qualified Health Centers and Rural Health Centers from this reimbursement change. The department shall have the authority to implement these changes prior to completion of any regulatory process undertaken in order to effect such change.</p>				
<p>YYY.1. The Department of Medical Assistance Services shall work with the Department of Behavioral Health and Developmental Services and stakeholders to develop the continuum of evidence-based, trauma-informed, and cost-effective mental health services recommended by the University of Colorado Farley Center for Health Policy that will result in the best outcomes for Medicaid and FAMIS members. This continuum shall include community mental health rehabilitation services (including early intervention services) and integrated behavioral health in primary care and school settings.</p>				
<p>2. The department shall develop the necessary waiver(s) and the State Plan amendments under Titles XIX and XXI of the Social Security Act to fulfill this item, including but not limited to, changes to the medical necessity criteria, services covered, provider qualifications, and reimbursement methodologies and rates for Community Mental Health and Rehabilitation Services. The department shall work with its contractors, the Department of Behavioral Health and Developmental Services, and appropriate stakeholders to develop service definitions, utilization review criteria, provider qualifications, and rates and reimbursement methodologies. The department shall also work with its actuary to model the fiscal impact of the proposed continuum.</p>				
<p>3. Prior to the submission of any state plan amendment or waivers to implement these changes, the Department of Medical Assistance Services and Department of Behavioral Health and Developmental Services shall submit a plan detailing the changes in provider rates, new services added and any other programmatic or cost changes to the Chairmen of the House Appropriations and Senate Finance Committees. The departments shall submit this report no later than December 1, 2019.</p>				
<p>4. Upon approval of the 2020 General Assembly and the federal Centers for Medicare and Medicaid Services, the department shall have authority to implement these changes.</p>				
<p>ZZZ. The Department of Medical Assistance Services shall amend the State Plan for Medical Assistance to increase reimbursement for Critical Access Hospitals by using an adjustment factor or percent of cost reimbursement of 100% for inpatient operating and capital rates and outpatient rates effective July 1, 2019. The department shall have the authority to implement these changes effective July 1, 2019 and prior to completion of any regulatory action to effect such change.</p>				
<p>AAAA. The Department of Medical Assistance Services shall pursue any and all alternatives and cost based reimbursement models to allow a private hospital in rural Southwest Virginia that has closed in the last five years to recoup capital startup costs and minimize operating losses for the next five years, including but not limited to optimizing federal matching dollars in accordance with federal law.</p>				
<p>BBBB. The Department of Medical Assistance Services and the Department of Behavioral Health and Developmental Services shall recognize the Certified Employment Support</p>				

ITEM 303.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
<p>Professional (CESP) and Association of Community Rehabilitation Educators (ACRE) certifications in lieu of competency requirements for supported employment staff in the Medicaid Community Living, Family and Individual Support and Building Independence Waiver programs and shall allow providers that are Department for the Aging and Rehabilitative Services vendors that hold a national three-year accreditation from the Commission on Accreditation of Rehabilitation Facilities (CARF) to be deemed qualified to meet employment staff competency requirements, provided the provider submits the results from their CARF surveys including recommendations received to the Department of Behavioral Health and Developmental Services so that the agency can verify that there are no recommendations for the standards that address staff competency.</p> <p>CCCC. Effective July 1, 2019, the Department of Medical Assistance Services shall amend the State Plan for Medical Assistance to increase the practitioner rates for primary care services by five percent and rates for Emergency Department services by one percent to reflect the equivalent of 70 percent of the 2018 Medicare rates. The department shall ensure through its contracts with managed care organizations that the rate increase is reflected in their rates to providers. The department shall have the authority to implement these reimbursement changes prior to the completion of the regulatory process.</p> <p>DDDD. Effective July 1, 2019, the Department of Medical Assistance Services shall amend the State Plan for Medical Assistance to create a separate service category for psychiatric services and to increase practitioner rates for psychiatric services by 21 percent to reflect the equivalent of 100 percent of the 2018 Medicare rates. All practitioners who bill these services shall receive new rates. The department shall have the authority to implement these reimbursement changes prior to the completion of the regulatory process.</p> <p>EEEE. The Department of Medical Assistance Services shall develop a methodology for Disproportionate Share Hospital (DSH) payments that recognizes and creates incentives for private hospitals in providing medical services for individuals subject to temporary detention orders (TDOs). The methodology shall factor in utilization related to TDOs in the DSH methodology. The department shall have the authority to modify the State Plan for Medical Assistance and to implement the changes in the DSH methodology effective January 1, 2019 and prior to the completion of the regulatory process. The department shall report on the details of the methodology, and the potential impact on allocations to hospitals, to the Chairmen of the House Appropriations and Senate Finance Committees by December 1, 2019.</p> <p>FFFF. Notwithstanding any other provision of law, any unexpended general fund appropriation remaining in this item on the last day of each fiscal year shall revert to the general fund and shall not be reappropriated in the following fiscal year.</p> <p>GGGG. The Department of Medical Assistance Services shall amend its contracts with managed care organizations to require written notification and training to agency-directed personal care providers at least 60 days prior to the implementation of all changes to Quality Management Review and prior authorization policies and processes consistent with state and federal regulations.</p> <p><i>HHHH. Effective with the Governor's Declaration of a State of Emergency due to COVID-19, the Department of Medical Assistance Services (DMAS) shall increase nursing home and specialized care per diem rates by \$20 per day per patient. Such adjustment shall be made through existing managed care capitation rates as a mandated specified rate increase from March 12, 2020 through June 30, 2020. The department shall have the authority to file all necessary regulatory authorities without delay, make any necessary contract changes, and implement these reimbursement changes without regard to existing regulations. The specified nursing facility rate increase in this paragraph applies across fee-for-service and Medicaid managed care.</i></p>				
304.	Not set out.			
305.	Medical Assistance Services for Low Income Children (46600).....		\$187,688,174	\$204,876,631 \$199,730,527

ITEM 305.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
Reimbursements for Medical Services Provided to Low-Income Children (46601).....	\$187,688,174	\$204,876,631 \$199,730,527		
Fund Sources: General.....	\$21,802,581	\$40,866,198 \$39,882,173		
Federal Trust.....	\$165,885,593	\$164,010,433 \$159,848,354		

Authority: Title 32.1, Chapters 9, 10 and 13, Code of Virginia; P.L. 89-97, as amended, Titles XIX and XXI, Social Security Act, Federal Code.

To the extent that appropriations in this Item are insufficient, the Department of Planning and Budget shall transfer general fund appropriation, as needed, from Children's Health Insurance Program Delivery (44600) and Medicaid Program Services (45600), if available, into this Item to be used as state match for federal Title XXI funds.

306. Not set out.

307. Administrative and Support Services (49900).....			\$276,209,635	\$288,267,024
General Management and Direction (49901).....	\$265,655,182	\$277,712,571		
Administrative Support for the Family Access to Medical Insurance Security Plan (49932).....	\$10,554,453	\$10,554,453		
Fund Sources: General.....	\$63,468,138	\$66,081,185		
Special.....	\$2,305,332	\$2,334,320		
Dedicated Special Revenue.....	\$11,620,070	\$18,553,043		
Federal Trust.....	\$198,816,095	\$201,298,476		

Authority: Title 32.1, Chapters 9 and 10, Code of Virginia; P.L. 89-97, as amended, Titles XIX and XXI, Social Security Act, Federal Code.

A.1. By November 1 of each year, the Department of Planning and Budget, in cooperation with the Department of Medical Assistance Services, shall prepare and submit a forecast of Medicaid expenditures, upon which the Governor's budget recommendations will be based, for the current and subsequent two years to the Chairmen of the House Appropriations and Senate Finance Committees. In addition to the expenditure forecast, the Department of Medical Assistance Services shall provide a breakout that shows forecasted expenditures by caseload/utilization, inflation, and policy changes. An enrollment forecast for the same forecast period shall also be submitted with the expenditure forecast.

2. The forecast shall be based upon current state and federal laws and regulations. The forecast shall only include expenditures for medical services in Program 45600 and shall exclude administrative expenditures. Rebasings and inflation estimates that are required by existing law or regulation for any Medicaid provider shall be included in the forecast. The forecast shall also include an estimate of projected increases or decreases in managed care costs, including estimates regarding changes in managed care rates for the three-year period. In preparing for each year's forecast of the managed care portions of the budget, the department shall submit to its actuarial contractor a letter, with a copy sent to the Department of Planning and Budget and the Chairmen of the House Appropriations and Senate Finance Committees. This letter shall document the department's request for a point estimate of the rate of increase in rates, based on application of actuarial principals and methodologies and information available at the time of the forecast, that the contractor estimates will occur in the years being forecast, and shall specify the population groupings for which estimates are requested. The department shall request that the contractor reply in writing with a copy to all parties copied on the department's letter.

3. The Department of Planning and Budget and the Department of Medical Assistance Services shall convene a meeting on or before October 15 of each year with the appropriate staff from the House Appropriations and Senate Finance Committees to review current trends and the assumptions used in the Medicaid forecast prior to its finalization. The departments shall provide at this meeting a complete list of all policy and manual adjustments along with the estimated amounts of each adjustment by fiscal year that will be included in the Medicaid forecast due November 1.

ITEM 307.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
<p>B.1. The Department of Medical Assistance Services (DMAS) shall submit monthly expenditure reports of the Medicaid program by service that shall compare expenditures to the official Medicaid forecast, adjusted to reflect budget actions from each General Assembly Session. The monthly report shall be submitted to the Department of Planning and Budget and the Chairmen of the House Appropriations and Senate Finance Committees within 20 days after the end of each month. DMAS shall convene a meeting each quarter with the Secretary of Finance, Secretary of Health and Human Resources, or their designees, and appropriate staff from the Department of Planning and Budget, House Appropriations and Senate Finance Committees, and Joint Legislative Audit and Review Commission to explain any material differences in expenditures compared to the official Medicaid forecast, adjusted to reflect budget actions from each General Assembly Session. If necessary, the department shall provide options to bring expenditures in line with available resources. At each quarterly meeting, the department shall provide an update on any changes to the managed care programs, or contracts with managed care organizations, that includes detailed information and analysis on any such changes that may have an impact on the capitation rates or overall fiscal impact of the programs, including changes that may result in savings. Specifically, the department shall report on the Discrete Incentive Transition Program with information regarding the number of individuals that transition from nursing facilities, payments to managed care organizations, and outcomes and quality data for the individual plan members that transition into the community. In addition, the department shall report on utilization and other trends in the managed care programs.</p>				
<p>2. The Department of Medical Assistance Services shall submit a quarterly report summarizing managed care encounter data by service category in a format similar to the report in paragraph B.1. This quarterly report shall be submitted to the Department of Planning and Budget and the Chairmen of the House Appropriations and Senate Finance Committees no later than 30 days after the end of each quarter.</p>				
<p>3. The Department of Medical Assistance Services shall track expenditures for the prior fiscal year that ended on June 30, that includes the expenditures associated with changes in services and eligibility made in the Medicaid and FAMIS programs adopted by the General Assembly in the past session(s). Expenditures related to changes in services and eligibility adopted in a General Assembly Session shall be included in the report for five fiscal years beginning from the first year the policy impacted expenditures in the Medicaid and FAMIS programs. The department shall report the expenditures of each funding change separately and show the impact by fiscal year. The report shall be submitted to the Department of Planning and Budget and the Chairmen of the House Appropriations and Senate Finance Committees by October 1 of each year.</p>				
<p>C.1. It is the intent of the General Assembly that the Department of Medical Assistance Services provide more data regarding Medicaid and other programs operated by the department on their public website. The department shall create a central website that consolidates data and statistical information to make the information more readily available to the general public. At a minimum the information included on such website shall include monthly enrollment data, expenditures by service, and other relevant data.</p>				
<p>2. No later than June 30, 2018, the department shall make Medicaid and other agency data stored in the agency's data warehouse available through the department's website that includes, at a minimum, interactive tools for the user to select, display, manipulate and export requested data.</p>				
<p>D. The Department of Medical Assistance Services shall notify the Director, Department of Planning and Budget, and the Chairmen of the House Appropriations and Senate Finance Committees at least 30 days prior to any change in capitated rates for managed care companies. The notification shall include the amount of the rate increase or decrease, and the projected impact on the state budget.</p>				
<p>E.1. Effective January 1, 2018, the Department of Medical Assistance Services shall include in all its contracts with managed care organizations (MCOs) the following:</p>				
<p>a. A provision requiring the MCOs to return one-half of the underwriting gain in excess of three percent of Medicaid premium income up to 10 percent. The MCOs shall return 100 percent of the underwriting gain above 10 percent.</p>				

ITEM 307.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
b.	A requirement for detailed financial and utilization reporting. The reported data shall include: (i) income statements that show expenses by service category; (ii) balance sheets; (iii) information about related-party transactions; and (iv) information on service utilization metrics.			
c.	Upon the inclusion of behavioral health care in managed care, behavioral health-specific metrics to identify undesirable trends in service utilization.			
d.	Upon the inclusion of behavioral health care in managed care, a report on their policies and processes for identifying behavioral health providers who provide inappropriate services and the number of such providers that are disenrolled.			
2.	For rate periods effective January 1, 2018 and thereafter, the Department of Medical Assistance Services shall direct its actuary as part of the rate setting process to:			
a.	Identify potential inefficiencies in the Medallion program and adjust capitation rates for expected efficiencies. The department is authorized to phase-in this adjustment over time based on the portion of identified inefficiencies that MCOs can reasonably reduce each year.			
b.	Monitor medical spending for related-party arrangements and adjust historical medical spending when deemed necessary to ensure that capitation rates do not cover excessively high spending as compared to benchmarks. Related-party arrangements shall mean those in which there is common ownership or control between the entities, and shall not include Medicaid payments otherwise authorized in this item.			
c.	Adjust capitation rates in the Medallion program to account for a portion of expected savings from required initiatives.			
d.	Allow negative historical trends in medical spending to be carried forward when setting capitation rates.			
e.	Annually rebase administrative expenses per member per month for projected enrollment changes.			
f.	Annually incorporate findings on unallowable administrative expenses from audits of MCOs into its calculations of underwriting gain and administrative loss ratios for the purposes of ongoing financial monitoring, including enforcement of the underwriting gain cap.			
g.	Adjust calculations of underwriting gain and medical loss ratio by classifying as profit medical spending that is excessively high due to related-party arrangements.			
3.	The Department of Medical Assistance Services shall report to the General Assembly on spending and utilization trends within Medicaid managed care, with detailed population and service information and include an analysis and report on the underlying reasons for these trends, the agency's and MCOs' initiatives to address undesirable trends, and the impact of those initiatives. The report shall be submitted each year by September 1.			
4.	The Department of Medical Assistance Services shall develop a proposal for cost sharing requirements based on family income for individuals eligible for long-term services and supports through the optional 300 percent of Supplemental Security Income eligibility category and submit the proposal to the Centers for Medicare and Medicaid Services to determine if such a proposal is feasible. No cost sharing requirements shall be implemented unless approved by the General Assembly.			
F.	The Department of Medical Assistance Services, to the extent permissible under federal law, shall enter into an agreement with the Department of Behavioral Health and Developmental Services to share Medicaid claims and expenditure data on all Medicaid-reimbursed mental health, intellectual disability and substance abuse services, and any new or expanded mental health, intellectual disability retardation and substance abuse services that are covered by the State Plan for Medical Assistance. The information shall be used to increase the effective and efficient delivery of publicly funded mental health, intellectual disability and substance abuse services.			
G.	The Department of Medical Assistance Services, in collaboration with the Department of Behavioral Health and Developmental Services, shall convene a stakeholder workgroup, to			

ITEM 307.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2019	FY2020	FY2019	FY2020

meet at least once annually, with representatives of the Virginia Association of Community Services Boards, the Virginia Network of Private Providers, the Virginia Association of Centers for Independent Living, Virginia Association of Community Rehabilitation Programs (VaACCSES), the disAbility Law Center of Virginia, the ARC of Virginia, and other stakeholders including representative family members, as deemed appropriate by the Department of Medical Assistance Services. The workgroup shall: (i) review data from the previous year on the distribution of the SIS levels and tiers by region and by waiver; (ii) review the process, information considered, scoring, and calculations used to assign individuals to their levels and reimbursement tiers; (iii) review the communication which informs individuals, families, providers, case managers and other appropriate parties about the SIS tool, the administration, and the opportunities for review to ensure transparency; and (iv) review other information as deemed necessary by the workgroup. The department shall report on the results and recommendations of the workgroup to the General Assembly by October 1 of each year.

H.1. The Department of Medical Assistance Services (DMAS) shall take actions to improve the reliability of Medicaid eligibility screenings for long-term services and supports, including: (i) validation of the children's criteria used with the Uniform Assessment Instrument to determine eligibility for Medicaid long-term services and supports, and (ii) design and implementation of an inter-rater reliability test for the pre-admission screening process.

2. The department shall work with relevant stakeholders to (i) assess whether hospital screening teams are making appropriate recommendations regarding placement in institutional care or home and community-based care; (ii) determine whether hospitals should have a role in the screening process; and (iii) determine what steps must be taken to ensure the Uniform Assessment Instrument is implemented consistently and does not lead to unnecessary institutional placements.

3. The department shall report to the General Assembly by December 1 on steps taken to address the risks associated with hospital screenings, including any statutory or regulatory changes needed to improve such screenings.

I. The Department of Medical Assistance Services (DMAS) shall collect and provide to the Office of Children's Services (OCS) all information and data necessary to ensure the continued collection of local matching dollars associated with payments for Medicaid eligible services provided to children through the Children's Services Act as required in Item 282, C.2. of this Act. This information and data shall be collected by DMAS and provided to OCS on a monthly basis.

J. The Departments of Medical Assistance Services (DMAS) and Social Services (DSS) shall collaborate with the League of Social Services Executives, and other stakeholders to analyze and report data that demonstrates the accuracy, efficiency, compliance, quality of customer service, and timeliness of determining eligibility for the Medicaid, CHIP and Governor's Access Program (GAP) programs. Based on this collaboration, the departments shall develop meaningful performance metrics on data in agency systems that shall be used to monitor eligibility trends, address potential compliance problem areas and implement best practices. DMAS shall maintain on its website a public dashboard on eligibility performance that includes performance metrics developed through collaborative efforts as well as the performance of local departments of social services and any centralized eligibility-processing unit. Effective August 1, 2018 this dashboard shall be updated for the previous quarter and 30 days following the end of each quarter thereafter.

K. In addition to any regional offices that may be located across the Commonwealth, any statewide, centralized call center facility that operates in conjunction with a brokerage transportation program for persons enrolled in Medicaid or the Family Access to Medical Insurance Security plan shall be located in Norton, Virginia.

L. The Department of Medical Assistance Services shall, to the extent possible, require web-based electronic submission of provider enrollment applications, revalidations and other related documents necessary for participation in the fee-for-service program under the State Plans for Title XIX and XXI of the Social Security Act.

M. The Department of Medical Assistance Services, in collaboration with the Department

ITEM 307.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
	<p>of Social Services, shall require Medicaid eligibility workers to search for unreported assets at the time of initial eligibility determination and renewal, using all currently available sources of electronic data, including local real estate property databases and the Department of Motor Vehicles for all Medicaid applicants and recipients whose assets are subject to an asset limit under Medicaid eligibility requirements.</p>			
	<p>N.1. The Department of Medical Assistance Services shall require eligibility workers to verify income, using currently available Virginia Employment Commission data, for applicants and recipients who report no earned or unearned income. The Department shall, at the earliest date feasible but no later than October 1, 2017, require all Medicaid eligibility workers to apply the same protocols when verifying income for all applicants and recipients, including those who report no earned or unearned income.</p>			
	<p>2. The Department shall amend the Virginia Medicaid application, upon approval of the federal Centers for Medicare and Medicaid, to require a Medicaid applicant to opt out if such applicant does not want to grant permission to the state to use his federal tax returns for the purposes of renewing eligibility. The Department shall implement the necessary regulatory changes and other necessary measures to be consistent with federal approval of any appropriate state plan changes, and prior to the completion of any regulatory process undertaken in order to effect such change.</p>			
	<p>O.1. The Department of Medical Assistance Services shall report on the operations and costs of the Medicaid call center (also known as the Cover Virginia Call Center). This report shall include number of calls received on a monthly basis, the purpose of the call, the number of applications for Medicaid submitted through the call center, and the costs of the contract. The department shall submit the report by August 15 of each year to the Director, Department of Planning and Budget and the Chairmen of the House Appropriations and Senate Finance Committees.</p>			
	<p>2. Out of this appropriation, \$3,283,004 the first year and \$3,283,004 the second year from the general fund and \$9,839,000 the first year and \$9,839,000 the second year from nongeneral funds is provided for the enhanced operation of the Cover Virginia Call Center as a centralized eligibility processing unit (CPU) that shall be limited to processing Medicaid applications received from the Federally Facilitated Marketplace, telephonic applications through the call center, or electronically submitted Medicaid-only applications. The department shall report the number of applications processed on a monthly basis and payments made to the contractor to the Director, Department of Planning and Budget and the Chairman of the House Appropriations and Senate Finance Committees. The report shall be submitted no later than 30 days after the end of each quarter of the fiscal year.</p>			
	<p>3. The Secretary of Health and Human Resources shall convene an interagency workgroup of the Department of Medical Assistance Services (DMAS), the Department of Social Services (DSS), and the Department of Planning and Budget (DPB) and representatives of the Virginia League of Social Services Executives to assess the programmatic, operational and fiscal impact of consolidating the Cover Virginia call center with the call center operated by DSS to determine if more efficient and cost effective services can be achieved, prior to the procurement of the Cover Virginia call center contract. The workgroup shall develop an implementation plan and funding adjustments, that may be needed, to implement a consolidated call center. The Secretary shall report on the results of the assessment and any recommendations to the Chairmen of the House Appropriations and Senate Finance Committee by September 1, 2019.</p>			
	<p>P.1. Out of this appropriation, \$5,835,000 the first year and \$5,835,000 the second year from the general fund and \$52,515,000 the first year and \$52,515,000 the second year from nongeneral funds shall be provided to replace the Medicaid Management Information System.</p>			
	<p>2. Within 30 days of awarding a contract or contracts related to the replacement project, the Department of Medical Assistance Services shall provide the Chairmen of the House Appropriations and Senate Finance Committees, and the Director, Department of Planning and Budget, with a copy of the contract including costs.</p>			
	<p>3. Beginning July 1, 2016, the Department of Medical Assistance Services shall provide annual progress reports that must include a current project summary, implementation status, accounting of project expenditures and future milestones. All reports shall be submitted to the</p>			

ITEM 307.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2019	FY2020	FY2019	FY2020

Chairmen of House Appropriations and Senate Finance Committees, and Director, Department of Planning and Budget.

Q.1. Out of this appropriation, \$1,675,000 the first year and \$1,675,000 the second year from special funds is appropriated to the Department of Medical Assistance Services (DMAS) for the disbursement of civil money penalties (CMP) levied against and collected from Medicaid nursing facilities for violations of rules identified during survey and certification as required by federal law and regulation. Based on the nature and seriousness of the deficiency, the Agency or the Centers for Medicare and Medicaid Services may impose a civil money penalty, consistent with the severity of the violations, for the number of days a facility is not in substantial compliance with the facility's Medicaid participation agreement. Civil money penalties collected by the Commonwealth must be applied to the protection of the health or property of residents of nursing facilities found to be deficient. Penalties collected are to be used for (1) the payment of costs incurred by the Commonwealth for relocating residents to other facilities; (2) payment of costs incurred by the Commonwealth related to operation of the facility pending correction of the deficiency or closure of the facility; and (3) reimbursement of residents for personal funds or property lost at a facility as a result of actions by the facility or individuals used by the facility to provide services to residents. These funds are to be administered in accordance with the revised federal regulations and law, 42 CFR 488.400 and the Social Security Act § 1919(h), for Enforcement of Compliance for Long-Term Care Facilities with Deficiencies. Any special fund revenue received for this purpose, but unexpended at the end of the fiscal year, shall remain in the fund for use in accordance with this provision.

2. Of the amounts appropriated in Q.1. of this Item, up to \$175,000 the first year and \$175,000 the second year from special funds may be used for the costs associated with administering CMP funds.

3. Of the amounts appropriated in Q.1. of this Item, up to \$1,000,000 the first year and \$1,000,000 the second year from the special funds may be used for special projects that benefit residents and improve the quality of nursing Facilities.

4. By October 1 of each year, the department shall provide an annual report of the previous fiscal year that includes the amount of revenue collected and spending activities to the Chairmen of the House Appropriations and Senate Finance Committees and the Director, Department of Planning and Budget.

5. No spending or activity authorized under the provisions of paragraph Q. of this Item shall necessitate general fund spending or require future obligations to the Commonwealth.

6. The department shall maintain CMP special fund balance of at least \$1.0 million to address emergency situations in Virginia's nursing facilities.

R. Out of this appropriation, \$100,000 the first year and \$100,000 the second year from the general fund shall be provided to contract with the Virginia Center for Health Innovation for research, development and tracking of innovative approaches to healthcare delivery.

S.1. Out of this appropriation, \$40,332 the first year and \$69,320 the second year from special funds and \$295,764 the first year and \$266,776 the second year from federal funds shall be used to contract with Vision to Learn, a non-profit organization, to provide vision exams and corrective lenses and frames, if necessary, to school age children enrolled in Title I schools where at least 51 percent of the student body qualifies for free or reduced lunch. Vision to Learn will provide services through a mobile eye clinic, and must have a formalized agreement with targeted schools being serviced. The Department of Medical Assistance Services (DMAS) shall reimburse Vision to Learn for services provided to children that do not have another source of payment. The department shall reimburse for services rendered at the standard fee-for-service reimbursement rates.

2. Federal trust funds for these services will be accessed through the Children's Health Insurance Program (CHIP) Health Services Initiative allowed by Section 2015(a)(1)(D)(ii) of the Social Security Act and 42 CFR 457.10. The department is

ITEM 307.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020

authorized to match federal trust funds with local public and private contributions for the purpose of reimbursing Vision to Learn for eye exams and corrective lenses and frames, if necessary, to school age children.

3. The funding of these services is contingent on continued federal funding for the Children's Health Insurance Program (CHIP), and is further limited by the availability of CHIP administrative funds. This language should not be construed as authorizing a new Medicaid or CHIP benefit, or as creating a new entitlement.

T. The Director, the Department of Medical Assistance Services, shall include language in all managed care contracts, for all department programming, requiring the plan sponsor to report quarterly to the department for all pharmacy claims; the amount paid to the pharmacy provider per claim, including but not limited to cost of drug reimbursement; dispensing fees; copayments; and the amount charged to the plan sponsor for each claim by its pharmacy benefit manager. In the event there is a difference between these amounts, the plan sponsor shall report an itemization of all administrative fees, rebates, or processing charges associated with the claim. All data and information provided by the plan sponsor shall be kept secure; and notwithstanding any other provision of law, the department shall maintain the confidentiality of the proprietary information and not share or disclose the proprietary information contained in the report or data collected with persons outside the department. Only those department employees involved in collecting, securing and analyzing the data for the purpose of preparing the report shall have access to the proprietary data. The department shall annually provide a report using aggregated data only to the Chairmen of the House Appropriations and Senate Finance Committees on the implementation of this initiative and its impact on program expenditures by October 1 of each year. Nothing in the report shall contain confidential or proprietary information.

U. The Department of Medical Assistance Services shall, prior to the end of each fiscal quarter, determine and properly reflect in the accounting system whether pharmacy rebates received in the quarter are related to fee-for-service or managed care expenditures and whether or not the rebates are prior year recoveries or expenditure refunds for the current year. All pharmacy rebates for the quarter determined to be prior year revenue shall be deposited to the Virginia Health Care Fund before the end of the fiscal quarter. The department shall create and use a separate revenue source code to account for pharmacy rebates in the Virginia Health Care Fund.

V.1. Effective with the development of the 2020-2022 biennium, it is the intent of the General Assembly that there is hereby established an annual Medicaid state spending target for each fiscal year. The Joint Subcommittee for Health and Human Resources Oversight shall establish the annual target by September 15 of each year for the following two fiscal years. The target shall take into account the following: a 10-year rolling average of Medicaid expenditures by eligibility category and utilization of services, a 20-year rolling average of general fund revenue growth, and for policy decisions adopted by General Assembly during the previous Session which impact Medicaid spending.

2. In the event of an economic recession, the Joint Subcommittee may take into consideration enrollment and spending trends experienced during previous recessions in establishing the targets.

3. It is the intent of the General Assembly that the Governor abide by the spending target for Medicaid state spending, as established by the Joint Subcommittee, in developing the introduced budget each year and shall notify the Chairmen of the House Appropriations and Senate Finance Committees in the event the target cannot be met, along with the reason it cannot be met.

W. Out of this appropriation, \$225,000 the first year from the general fund and \$225,000 the first year from federal funds shall be used to hire an expert contractor or contractors to review the Department of Medical Assistance Services' (DMAS) federal expenditure and budget reporting as well as aid the department with improvements to cost allocation plans and federal advanced planning documents. On or before October 1, 2020, DMAS shall provide a report that details all areas examined, findings and improvements to Director, Department of Planning and Budget and the Chairmen of the House Appropriations and Senate Finance Committees.

ITEM 307.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
<p>X. The Department of Medical Assistance Services, in collaboration with the Department of Social Services, may consider and review proofs of concept from vendors for a pilot program to improve screening services for income and assets as part of the Medicaid eligibility determination process for both initial applications and renewals. Any such pilot program may include innovative methods to increase automation of various financial accounts to improve the verification process for eligibility. The pilot may also include methods to monitor compliance with the provisions of the Training, Education, Employment, and Opportunity Program pursuant to a § 1115 Demonstration Waiver. Any proofs of concept submitted by a vendor shall include cost estimates of such a pilot program. If the Department of Medical Assistance Services determines that a proof of concept by a vendor may significantly improve the eligibility determination process, the department shall notify the Chairmen of the House Appropriations and Senate Finance Committees with details and cost estimates of a potential pilot program.</p>				
<p>Y. The Director, Department of Planning and Budget, shall unallot \$4,611,953 from the general fund in this Item and revert the appropriation to the general fund, on or before June 30, 2019, which reflects carryforward balances from fiscal year 2018.</p>				
<p>Z. The Department of Medical Assistance Services, in collaboration with the Department of Social Services, shall provide data by the first day of each month, to each managed care organization, that includes the renewal dates for each member enrolled in their plan that will occur in the next 60 days. The department shall work with the managed care organizations to develop processes to reduce the number of renewals lapsing each year for Medicaid and Family Access to Insurance Security (FAMIS) enrollees.</p>				
<p>AA. The Department of Medical Assistance Services shall report a detailed accounting, annually, of the agency's organization and operations. This report shall include an organizational chart that shows all full- and part-time positions (by job title) employed by the agency as well as the current management structure and unit responsibilities. The report shall also provide a summary of organization changes implemented over the previous year. The report shall be made available on the department's website by August 15 of each year.</p>				
<p>BB. The Department of Medical Assistance Services shall, within 15 days of receiving a deferral of federal grant funds, or release of a deferral, or a disallowance letter, notify the Director, Department of Planning and Budget, and the Chairmen of the House Appropriations and Senate Finance Committees of such deferral action or disallowance. The notice shall include the amount of the deferral or disallowance and a detailed explanation of the federal rationale for the action. Any federal documentation received by the department shall be attached to the notification.</p>				
<p>CC. The Department of Medical Assistance Services shall report on the use of emergency rooms for dental issues by Medicaid covered individuals. The report shall include: (i) data on the number of Medicaid-covered individuals that utilize emergency rooms primarily for dental issues; (ii) a summary of the types of dental issues being addressed and the treatments provided; (iii) data on the frequency of individuals returning to emergency rooms that may be related to the same dental issues; and (iv) options to consider to improve awareness and access to available dental care through free clinics and other community providers to resolve dental issues. The report shall be submitted to the Chairmen of the House Appropriations and Senate Finance Committees by November 1, 2019.</p>				
<p>DD. Out of this appropriation, \$87,500 from the general fund and \$262,500 from nongeneral funds the second year, shall be provided for support of the All Payer Claims Database operated by Virginia Health Information. This appropriation is contingent on federal approval of an Operational Advanced Planning Document.</p>				
<p>EE.1. The Department of Medical Assistance Services shall cause its contracted actuary, not later than October 1, 2019, to evaluate and determine the most cost-effective pharmacy benefit delivery model, taking into account cost savings and other considerations such as clinical benefits, for all programs managed or directed by the department. In determining cost savings for each model considered, the actuary shall consider factors including rebates captured by the Commonwealth, decreased capitation rates, drug ingredient costs, generic drug dispensing, dispensing fees, drug utilization, and a single drug formulary</p>				

ITEM 307.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020

(including the existing Common Core Formulary). The department shall report its findings to the Chairmen of the House Appropriations and Senate Finance Committees by December 1, 2019.

2. Upon approval of the 2020 General Assembly, the department may permit Medicaid managed care organizations (MCOs) under the Commonwealth's Children's Health Insurance Programs, Medallion 4.0, the Commonwealth Coordinated Care Plus or any other program managed or directed by the department, to develop and implement the most cost-effective pharmacy benefit delivery model including medication therapy management programs and medication reconciliation programs, for Medicaid recipients effective as of July 1, 2020. However, payments for prescribed drugs and dispensing fees shall be aligned to the model that provides the most beneficial financial solution to the Commonwealth. Upon approval of the 2020 General Assembly the department is authorized to contract with a pharmacy benefit manager, provided that the contract requires transparency in dispensing fees paid, cost control and containment measures, rebates collected and paid, fees and other charges for its administration of the pharmacy benefit.

3. The department is authorized to contract with a Virginia university for administration of a common formulary across its programs for pharmacy benefits upon approval of the 2020 General Assembly.

FF. The Director, Department of Planning and Budget, shall unallot \$3,013,376 from the general fund in this Item and revert the appropriation to the general fund, on or before June 30, 2020, which reflects carryforward balances from fiscal year 2019.

GG. Notwithstanding any other provision of law, the Department of Medical Assistance Services (DMAS) shall have temporary authority to seek any necessary emergency changes to the State Plan for Medical Assistance Services and related waivers to address the COVID-19 pandemic. In addition, DMAS is authorized to make changes to managed care organization (MCO) contracts consistent with the activities implemented under the provisions of this paragraph. Further, the 30-day notification requirement pursuant to paragraph E. of Item 303 is temporarily waived. Prior to the implementation of any change authorized under the provisions of this paragraph, DMAS must receive written approval of such change from the Governor. Within 15 days of implementing changes to medical assistance programs or MCO contracts in response to COVID-19, DMAS shall send a list of such actions to the Director, Department of Planning and Budget and the Chairs of the House Appropriations and Senate Finance and Appropriations Committees. The provisions of this paragraph, as well as all actions implemented under its authority, shall be in accordance with the Governor's Declaration of a State of Emergency due to COVID-19 and be in effect for the period specified therein. Moreover, the provisions of this paragraph and all actions implemented under its authority shall expire with the Governor's emergency declaration.

HH. Notwithstanding any other provision of law, the Department of Medical Assistance Services (DMAS) shall have the authority to adjust the date of any agency payments should doing so allow the agency to maximize federal reimbursement. This language shall only apply to the extent that any impacted payments or reimbursements are allowable and appropriate under state and federal rules.

II. Within 10 days of the enactment of this Act, the Department of Medical Assistance Services (DMAS) shall generate an estimate of the annual impact of enhanced federal Medical Assistance Percentages (FMAP), associated with federal H.R. 6021, the Families First Coronavirus Response Act (FFCRA), on all medical assistance programs as appropriated in this Act. The agency shall report these estimates by fiscal year, fiscal quarter, service area and fund detail, to the Department of Planning and Budget (DPB) and the Chairs of the House Appropriations and Senate Finance and Appropriation Committees within the required timeframe. DPB is authorized to unallot an amount of state funds equal to the general fund savings identified in the DMAS report.

Total for Department of Medical Assistance Services.			\$12,602,316,686	\$15,705,558,966
				\$15,128,423,888
General Fund Positions.....	257.52	259.52		
Nongeneral Fund Positions.....	273.48	275.48		
Position Level.....	531.00	535.00		

ITEM 307.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2019	FY2020	FY2019	FY2020
Fund Sources: General.....	\$5,008,158,914	\$5,159,981,592		
		\$4,899,537,379		
Special.....	\$2,305,332	\$2,334,320		
Dedicated Special Revenue.....	\$701,952,445	\$1,097,071,653		
		\$1,149,011,487		
Federal Trust.....	\$6,889,899,995	\$9,446,171,401		
		\$9,077,540,702		

§ 1-21. DEPARTMENT OF BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES (720)

308. Not set out.

309. A. It is the intent of the General Assembly that the Department of Behavioral Health and Developmental Services proceed in transforming its system of care into a model that embodies best practices and state-of-the art services. The consumer-driven system of services and supports shall promote self-determination, empowerment, recovery, resilience, health, and the highest possible level of consumer participation in all aspects of community life. The transformed system shall include investments in a suitable array and adequate quantity of community-based services, with an emphasis on consumer choice and the appropriate use of facility resources. State facilities shall be redesigned to ensure high quality care, efficient operation, and capacity necessary for persons most in need of such care. Amounts authorized herein, and in related legislation, shall be used to support the transformation of the system of care and to promote the provision of behavioral health and developmental services in the most efficient and appropriate setting. The Department of Behavioral Health and Developmental Services may consider the use of public-private partnerships to deliver behavioral health and intellectual disability services as part of the comprehensive behavioral health and intellectual disability system of care, in facilities that are being planned for renovation or replacement. These partnerships may include contracts with private entities for facility operations, unless the Department of Behavioral Health and Developmental Services can demonstrate that continued state operation of the facility is at least as cost effective and provides at least an equivalent or higher level quality care than operation by a private entity.

B. Notwithstanding any law to the contrary, on July 1, of each year, excluding July 1, 2019, the State Comptroller shall transfer to the general fund any special revenue fund balance accumulated by the Department of Behavioral Health and Developmental Services in excess of \$25,000,000. *Any special revenue fund allotted for the implementation of electronic health records shall not be counted in the balance.*

C.1. Notwithstanding §4-5.10, §4-5.09 of this Act and paragraph C. of § 2.2-1156, Code of Virginia, the Department of Behavioral Health and Developmental Services is hereby authorized to deposit the entire proceeds of the sales of surplus land at state-owned behavioral health and intellectual disability facilities into a revolving trust fund. The trust fund may initially be used for expenses associated with restructuring such facilities. Remaining proceeds after such expenses shall be dedicated to continuing services for current patients as facility services are restructured. Thereafter, the fund will be used to enhance services to individuals with mental illness, intellectual disability and substance abuse problems.

2. Expenditures from the Behavioral Health and Developmental Services Trust Fund shall be subject to appropriation through an appropriations bill passed by the General Assembly.

3. Any remaining balances in the Behavioral Health and Developmental Services Trust Fund shall be carried forward to the subsequent fiscal year.

D. Any funds appropriated in this Act for the purpose of complying with the settlement agreement with the United States Department of Justice pursuant to civil action no: 3:12cv059-JAG that remain unspent at the end of the fiscal year may be carried forward into the subsequent fiscal year in order to continue implementation of the agreement's requirements.

ITEM 310.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
310. Administrative and Support Services (49900).....			\$97,756,222	\$97,715,780 \$114,261,995
General Management and Direction (49901).....	\$20,525,179	\$20,599,429 \$22,692,473		
Information Technology Services (49902).....	\$33,621,717	\$33,621,717 \$48,074,888		
Architectural and Engineering Services (49904).....	\$2,935,876	\$2,685,876		
Collection and Locator Services (49905).....	\$3,079,686	\$3,079,686		
Human Resources Services (49914).....	\$548,566	\$548,566		
Planning and Evaluation Services (49916).....	\$3,626	\$3,626		
Program Development and Coordination (49933).....	\$37,041,572	\$37,176,880		
Fund Sources: General.....	\$53,429,075	\$54,594,797 \$56,687,841		
Special.....	\$15,568,328	\$15,318,328 \$29,771,499		
Dedicated Special Revenue.....	\$1,200,000	\$0		
Federal Trust.....	\$27,558,819	\$27,802,655		

Authority: Title 16.1, Article 18, and Title 37.2, Chapters 2, 3, 4, 5, 6 and 7, and Title 2.2, Chapters 26 and 53 Code of Virginia; P.L. 102-119, Federal Code.

A. The Commissioner, Department of Behavioral Health and Developmental Services shall, at the beginning of each fiscal year, establish the current capacity for each facility within the system. When a facility becomes full, the commissioner or his designee shall give notice of the fact to all sheriffs.

B. The Commissioner, Department of Behavioral Health and Developmental Services shall work in conjunction with community services boards to develop and implement a graduated plan for the discharge of eligible facility clients to the greatest extent possible, utilizing savings generated from statewide gains in system efficiencies.

C. Notwithstanding § 4-5.09 of this act and paragraph C of § 2.2-1156, Code of Virginia, the Department of Behavioral Health and Developmental Services is hereby authorized to deposit the entire proceeds of the sales of surplus land at state-owned behavioral health and intellectual disability facilities into a revolving trust fund. The trust fund may initially be used for expenses associated with restructuring such facilities. Remaining proceeds after such expenses shall be dedicated to continuing services for current patients as facility services are restructured.

D. The Department of Behavioral Health and Developmental Services shall identify and create opportunities for public-private partnerships and develop the incentives necessary to establish and maintain an adequate supply of acute-care psychiatric beds for children and adolescents.

E. The Department of Behavioral Health and Developmental Services, in cooperation with the Department of Juvenile Justice, where appropriate, shall identify and create opportunities for public-private partnerships and develop the incentives necessary to establish and maintain an adequate supply of residential beds for the treatment of juveniles with behavioral health treatment needs, including those who are mentally retarded, aggressive, or sex offenders, and those juveniles who need short-term crisis stabilization but not psychiatric hospitalization.

F. Out of this appropriation, \$656,538 the first year and \$730,788 the second year from the general fund shall be provided for placement and restoration services for juveniles found to be incompetent to stand trial pursuant to Title 16.1, Chapter 11, Article 18, Code of Virginia.

G. Out of this appropriation, \$50,000 the first year and \$50,000 the second year from the general fund shall be used to pay for legal and medical examinations needed for individuals living in the community and in need of guardianship services.

H. Out of this appropriation, \$2,751,776 the first year and \$2,938,500 the second year from the general fund shall be provided for services for the civil commitment of sexually violent predators including the following: (i) clinical evaluations and court testimony for sexually violent predators who are being considered for release from state correctional facilities and who will be referred to the Clinical Review Committee for psycho-sexual evaluations prior to

ITEM 310.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
<p>the state seeking civil commitment, (ii) conditional release services, including treatment, and (iii) costs associated with contracting with a Global Positioning System service to closely monitor the movements of individuals who are civilly committed to the sexually violent predator program but conditionally released.</p>				
<p>I. Out of this appropriation, \$146,871 the first year and \$146,871 the second year from the general fund shall be used to operate a real-time reporting system for public and private acute psychiatric beds in the Commonwealth.</p>				
<p>J. The Department of Behavioral Health and Developmental Services shall submit a report to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees no later than December 1 of each year for the preceding fiscal year that provides information on the operation of Virginia's publicly-funded behavioral health and developmental services system. The report shall include a brief narrative and data on the numbers of individuals receiving state facility services or CSB services, including purchased inpatient psychiatric services, the types and amounts of services received by these individuals, and CSB and state facility service capacities, staffing, revenues, and expenditures. The annual report also shall describe major new initiatives implemented during the past year and shall provide information on the accomplishment of systemic outcome and performance measures during the year.</p>				
<p>K. Out of this appropriation, \$500,000 the first year and \$500,000 the second year from the general fund shall be used for a comprehensive statewide suicide prevention program. The Commissioner of the Department of Behavioral Health and Developmental Services (DBHDS), in collaboration with the Departments of Health, Education, Veterans Services, Aging and Rehabilitative Services, and other partners shall develop and implement a statewide program of public education, evidence-based training, health and behavioral health provider capacity-building, and related suicide prevention activity.</p>				
<p>L.1. Beginning October 1, 2013, the Commissioner of the Department of Behavioral Health and Developmental Services shall provide quarterly reports to the House Appropriations and Senate Finance Committees on progress in implementing the plan to close state training centers and transition residents to the community. The reports shall provide the following information on each state training center: (i) the number of authorized representatives who have made decisions regarding the long-term type of placement for the resident they represent and the type of placement they have chosen; (ii) the number of authorized representatives who have not yet made such decisions; (iii) barriers to discharge; (iv) the general fund and nongeneral fund cost of the services provided to individuals transitioning from training centers; and (v) the use of increased Medicaid reimbursement for congregate residential services to meet exceptional needs of individuals transitioning from state training centers.</p>				
<p>2. At least six months prior to the closure of a state intellectual disabilities training center, the Commissioner of Behavioral Health and Developmental Services shall complete a comprehensive survey of each individual residing in the facility slated for closure to determine the services and supports the individual will need to receive appropriate care in the community. The survey shall also determine the adequacy of the community to provide care and treatment for the individual, including but not limited to, the appropriateness of current provider rates, adequacy of waiver services, and availability of housing. The Commissioner shall report quarterly findings to the Governor and Chairmen of the House Appropriations and Senate Finance Committees.</p>				
<p>3. The department shall convene quarterly meetings with authorized representatives, families, and service providers in Health Planning Regions I, II, III and IV to provide a mechanism to (i) promote routine collaboration between families and authorized representatives, the department, community services boards, and private providers; (ii) ensure the successful transition of training center residents to the community; and (iii) gather input on Medicaid waiver redesign to better serve individuals with intellectual and developmental disability.</p>				
<p>4. In the event that provider capacity cannot meet the needs of individuals transitioning from training centers to the community, the department shall work with community services boards and private providers to explore the feasibility of developing (i) a limited number of small community group homes or intermediate care facilities to meet the needs</p>				

ITEM 310.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
of residents transitioning to the community, and/or (ii) a regional support center to provide specialty services to individuals with intellectual and developmental disabilities whose medical, dental, rehabilitative or other special needs cannot be met by community providers. The Commissioner shall report on these efforts to the House Appropriations and Senate Finance Committees as part of the quarterly report, pursuant to paragraph L.1.				
M.1. A joint subcommittee of the House Appropriations and Senate Finance Committees, in collaboration with the Secretary of Health and Human Resources and the Department of Behavioral Health and Developmental Services, shall continue to monitor and review the closure plans for the three remaining training centers scheduled to close by 2020. As part of this review process the joint subcommittee may evaluate options for those individuals in training centers with the most intensive medical and behavioral needs to determine the appropriate types of facility or residential settings necessary to ensure the care and safety of those residents is appropriately factored into the overall plan to transition to a more community-based system. In addition, the joint subcommittee may review the plans for the redesign of the Intellectual Disability, Developmental Disability and Day Support Waivers.				
2. To assist the joint subcommittee, the Department of Behavioral Health and Developmental Services shall provide a quarterly accounting of the costs to operate and maintain each of the existing training centers at a level of detail as determined by the joint subcommittee. The quarterly reports for the first, second and third quarter shall be due to the joint subcommittee 20 days after the close of the quarter. The fourth quarter report shall be due on August 15 of each year.				
3. The Department of Behavioral Health and Developmental Services shall provide an update to the Special Joint Subcommittee to Consult on the Plan to Close State Training Centers no later than June 30, 2019, regarding any Public-Private Partnerships for CVTC that may allow continued operation in some form, whether such proposal has been officially proposed or not. The Commissioner of the Department of Behavioral Health and Developmental Services shall provide all information and analysis related to any proposals received under the Public-Private Education Facilities and Infrastructure Act to the Joint Subcommittee.				
4. The Department of Behavioral Health and Developmental Services shall provide a report to the Joint Subcommittee regarding all remaining residents at Central Virginia Training Center by April 30, 2019. The report shall provide data that provides details on the needs of those individuals that remain and what services they would need in the community. The department shall also provide data regarding the number of behavioral specialists in the Commonwealth available to meet the needs of individuals with developmental disabilities in Virginia's waiver program and an update on the overall crisis system for children and adults with developmental disabilities, including data regarding the need for these services, current services available, and outcomes for those using the current system.				
N. The Department of Behavioral Health and Developmental Services in collaboration with the Department of Medical Assistance Services shall provide a detailed report for each fiscal year on the budget, expenditures, and number of recipients for each specific intellectual disability (ID) and developmental disability (DD) service provided through the Medicaid program or other programs in the Department of Behavioral Health and Developmental Services. This report shall also include the overall budget and expenditures for the ID, DD and Day Support waivers separately. The Department of Medical Assistance Services shall provide the necessary information to the Department of Behavioral Health and Developmental Services 90 days after the end of each fiscal year. This information shall be published on the Department of Behavioral Health and Developmental Services' website within 120 days after the end of each fiscal year.				
O. Effective July 1, 2015, the Department of Behavioral Health and Developmental Services shall not charge any fee to Community Services Boards or private providers for use of the knowledge center, an on-line training system.				
P. Out of this appropriation, \$600,000 the first year and \$600,000 the second year from the general fund shall be used to provide mental health first aid training and certification to recognize and respond to mental or emotional distress. Funding shall be used to cover the cost of personnel dedicated to this activity, training, manuals, and certification for all those receiving the training.				

ITEM 310.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
Q.	Out of this appropriation, \$752,170 the second year from the general fund is provided to establish community support teams responsible for the development and oversight of a continuum of integrated community settings for individuals leaving state hospitals.			
R.	The Department of Behavioral Health and Developmental Services and the Department of Medical Assistance Services shall recognize Certified Employment Support Professional (CESP) and Association of Community Rehabilitation Educators (ACRE) certifications in lieu of competency requirements for supported employment staff in the developmental disability Medicaid waiver programs to allow providers that are Department of Aging and Rehabilitative Services (DARS) vendors that hold a national three-year accreditation from the National Council on Accreditation of Rehabilitation Facilities (CARF) to be deemed qualified to meet employment competency requirements.			
S.	Out of this appropriation, \$250,000 the first year from special funds is designated to conduct the next phase of Environmental Site Assessment (ESA) at the Central Virginia Training Center to assess the presence of contaminants in the soil and ground water from the high and medium priority findings presented in the Site Specific Environmental Conditions Assessment that was performed by EEE Consulting, Inc, in July 2017. The Department of Behavioral Health and Developmental Services shall be responsible for conducting and reporting results of the assessment by December 1, 2018, to the Governor and General Assembly. The department may request assistance from the Department of General Services in procuring the services for this assessment.			
T.	The Department of Behavioral Health and Developmental Services is authorized to receive unsolicited proposals and to solicit proposals under the Public-Private Education Facilities and Infrastructure Act (PPEA), Chapter 22.1 of Title 56, Code of Virginia, as amended, to partner with private not-for-profit entities described under Section 501(c)(3) of the federal Internal Revenue Code to provide the necessary level of care for residents at the Central Virginia Training Center, which could include either intermediate care or a nursing facility level of care. The department shall provide to proposers such relevant information, including financial information, capital assets of the training center, operational details, information regarding current medical and long-term care needs of training center residents, in accordance with federal law, and other information as may be reasonably requested, in order to assist proposers in developing and submitting a proposal. Proposals may include managing or leasing state property, including some or all of the buildings at the training center and may also include other facility options offsite from the training center. Review and approval, if any, of proposals shall follow the requirements of Chapter 22.1 of Title 56, Code of Virginia, and shall include information provided by the Department of Treasury as to state funding of the training center and the financial consequences related to such funding of entering into a comprehensive agreement under the PPEA. If a proposal is recommended for approval, after review and consideration by the Secretary of Health and Human Resources, the Department Behavioral Health and Developmental Services shall notify the Chairmen of the House Appropriations and Senate Finance Committees at least thirty days prior to the award of same and execution of any related comprehensive agreement with details regarding the recommended proposal, and any operational, financial and legal impacts associated with it, including general fund effects.			
U.1.	The Department of General Services (DGS), with the cooperation of the Department of Behavioral Health and Developmental Services (DBHDS), shall work with James City County to identify the amount of acreage needed on the Eastern State Hospital site to be purchased or leased at fair market value by James City County for the co-location of a new facility for Old Town Medical Center and Colonial Behavior Health and the the development of a community project that serves as a residence for 25 families impacted by a member with serious mental illness by Hope Family Village Corporation.			
2.	As part of this process, DGS will work with James City County to update the James City County comprehensive plan to assist with a master development plan, including the subject acres, of the entire site to maximize the economic development opportunities, expedite the rezoning process and the receipt of funds for DBHDS Mental Health Trust fund from the sale(s) of surplus property.			
V.	The Department of Behavioral Health and Developmental Services for each fiscal year shall report the number of waiver slots, by waiver, that becomes available for reallocation			

ITEM 310.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
<p>during the year. In addition, the department shall report on the allocation of emergency waiver slots and reserve slots, which shall include how many slots were allocated in the year and for which waiver. The information on reserve slots shall indicate for which waiver the reserve slot was used and the waiver from which the individual moved that was granted the slot. Furthermore, the report shall show the allocations by each Community Services Board from new waiver slots, emergency slots and reserve slots for the year. The department shall submit this report for the prior fiscal year, ending June 30, by September 1 of each year.</p>				
<p>W. The Department of Behavioral Health and Developmental Services in conjunction with the Department of the Treasury shall report on the outstanding bonds related to the future closure of the Southwest Virginia Training Center and the Central Virginia Training Center. The report shall indicate the anticipated outstanding bond balance for the date of the planned facility closure based on facility funding as of the date of the report and the anticipated outstanding balance each year thereafter until such time as all bonds would be repaid on those facilities. The department shall submit the report to the Chairmen of the House Appropriations and Senate Finance Committees by September 1, 2018.</p>				
<p>X.1. Out of this appropriation, \$75,000 the second year from the general fund is provided for compensation to individuals who were involuntarily sterilized pursuant to the Virginia Eugenical Sterilization Act and who were living as of February 1, 2015. Any funds that are appropriated but remain unspent at the end of the fiscal year shall be carried forward into the subsequent fiscal year in order to provide compensation to individuals who qualify for compensation.</p>				
<p>2. A claim may be submitted on behalf of an individual by a person lawfully authorized to act on the individual's behalf. A claim may be submitted by the estate of or personal representative of an individual who died on or after February 1, 2015.</p>				
<p>3. Reimbursement shall be contingent on the individual or their representative providing appropriate documentation and information to certify the claim under guidelines established by the department.</p>				
<p>4. Reimbursement per verified claim shall be \$25,000 and shall be contingent on funding being available, with disbursements being prioritized based on the date at which sufficient documentation is provided.</p>				
<p>5. Should the funding provided in the paragraph be exhausted prior to the end of the fiscal year, the department may use available special fund revenue balances to provide compensation. The department shall report to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees on a quarterly basis on the number of additional individuals who have applied.</p>				
<p>Y.1. The Department of Behavioral Health and Developmental Services, in consultation with the Department of Medical Assistance Services, shall, on a monthly basis, monitor the fiscal impact of Medicaid expansion on community services boards. The Department of Behavioral Health and Developmental Services shall require community services boards to submit monthly expenditure reports documenting additional federal revenues received as a result of Medicaid expansion on a timely basis. In the event that the reduction in general fund appropriation allocated to a community services board in this Act in anticipation of additional revenues from Medicaid expansion exceeds, by more than ten percent, the total additional revenue collections as of May 15, 2019, the Commissioner, Department of Behavioral Health and Developmental Services, may allocate up to \$7,000,000 from available special fund revenue balances to address shortfalls, on a pro rata basis, if necessary.</p>				
<p>2. Prior to the distribution of any special revenue fund balances for this purpose, the Department shall notify the Secretary of Finance and the Chairmen of the House Appropriations and Senate Finance Committees.</p>				
<p>3. The Department of Behavioral Health and Developmental Services, in consultation with the Department of Medical Assistance Services, shall submit a letter to the Secretary of Health and Human Resources and the Chairmen of the House Appropriations and Senate Finance Committees by May 15, 2019, and each fiscal quarter thereafter, that reports on: (i) the state general fund reductions taken by each Community Services Board (CSB) or Behavioral Health Authority (BHA) in fiscal year 2019 in anticipation of projected savings from the</p>				

ITEM 310.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2019	FY2020	FY2019	FY2020
<p>expansion of Medicaid eligibility to existing CSB clients who were previously uninsured; (ii) the actual Medicaid-generated reimbursements realized by each CSB/BHA in fiscal year 2019 as a result of the expansion of Medicaid eligibility to existing CSB clients who were previously uninsured; (iii) the state general fund reductions to be taken by each CSB/BHA in fiscal year 2020 in anticipation of projected savings from the expansion of Medicaid eligibility; and (iv) the amount of Medicaid reimbursements that each CSB/BHA would have to achieve in order to meet the anticipated general fund savings/budget reductions in fiscal year 2020, as well as any actions the Department proposes to take to address any shortfalls and to ensure continuity in the provision of services. The Department of Medical Assistance Services shall require the managed care organizations to report encounter data impacting Community Services Boards on a monthly basis, with the data submitted no later than 20 days after the end of each month in order to determine the revenue impact to fulfill the intent of this paragraph.</p>				
<p>Z. Upon approval by the 2020 General Assembly, the Department of Behavioral Health and Developmental Services shall have the authority to promulgate regulations to: (i) ensure that licensing regulations support high quality community-based mental health services and align with changes being made to the Medicaid behavioral health regulations that support evidence-based, trauma-informed, prevention-focused and cost-effective services for individuals served across the lifespan; and (ii) incorporate the American Society of Addiction Medicine Levels of Care Criteria or an equivalent set of criteria into substance use licensing regulations to ensure the provision of outcome-oriented and strengths-based care in the treatment of addiction.</p>				
<p>AA. The Department of Behavioral Health and Development Services and the Department of Medical Assistance Services shall not implement the proposed individualized supports budget process for the Medicaid Community Living, Family and Individual Support and Building Independence Waiver programs without the explicit authorization of the General Assembly through legislation or authorizing budget language.</p>				
<p>BB. The Department of Behavioral Health and Developmental Services shall report on the allocation and funding for Programs of Assertive Community Treatment (PACT) in the Commonwealth. The report shall include information on the cost of each team, the cost per individual served and the cost effectiveness of each PACT in diverting individuals from state and local hospitalization and stabilizing individuals in the community. The department shall provide the report to the Chairmen of the House Appropriations and Senate Finance Committees by November 1, 2019.</p>				
<p>CC.1. The Department of Behavioral Health and Developmental Services shall establish a workgroup, which shall include the Virginia Hospital and Healthcare Association, other state agencies, and other stakeholders as deemed necessary by the department, to examine the impact of Temporary Detention Order admissions on the state behavioral health hospitals. The workgroup shall develop options to relieve the census pressure on state behavioral health hospitals, which shall include options for diverting more admissions to private hospitals and other opportunities to increase community services that may reduce the number of Temporary Detention Orders. The workgroup shall develop an action plan, that includes actions that can be implemented immediately and other actions that may require action by the 2020 General Assembly. The action plan shall take into account the need to take short-term actions to relieve the census pressure on state behavioral health hospitals in order to develop a plan for the right sizing of the state behavioral health hospital system. The department shall report its findings to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees by October 15, 2019.</p>				
<p>2. In conjunction with the workgroup in paragraph CC.1., the Department of Behavioral Health and Developmental Services shall develop a conceptual plan to "right size" the state behavioral health hospital system, including future capacity and distribution of capacity, that aligns with the action plan that is recommended by the workgroup. The department shall submit the plan to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees by November 1, 2019.</p>				
<p>3. As part of the plan in paragraph CC.2., the Department of Behavioral Health and Developmental Services shall include a proposal for construction of a new Central State Hospital. The plan shall establish the scope of the new hospital within a "right sized"</p>				

ITEM 310.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2019	FY2020	FY2019	FY2020

system and the appropriate timeline to coincide with efforts to relieve census pressures on the state mental health hospital system.

DD. The Department of Behavioral Health and Developmental Services shall work with the Fairfax-Falls Church Community Services Board, and the provider, to ensure that future openings for the Miller House in Falls Church allow residents of Falls Church, that have been allocated a developmental disability waiver slot, be given first choice in the Miller House, if the group home is appropriate to meet their needs. In addition, the department shall work with the Community Services Board and the City of Falls Church to explore options for establishing a special allocation within the Community Services Board allocation of waiver slots for Falls Church residents who are on the Priority One waiting list and could live in the Miller House when future openings occur in the group home.

4. Also as part of the plan in paragraph CC.2., DBHDS, in consultation with the Department of General Services, shall address the feasibility of relocating forensic beds to state-owned property other than the current Central State Hospital location authorized in C-48.10. The analysis shall at a minimum address the issue of cost and timeline for construction.

EE. The Department of Behavioral Health and Developmental Services shall lease 25 acres of land at Eastern State Hospital to Hope Family Village Corporation for one dollar for the development of a village of residence and common areas to create a culture of self-care and neighborly support for families and their loved ones impacted by serious mental illness. The department shall work with the Hope Family Village Corporation to identify a 25 acre plot of land that is suitable for the project.

FF. The Department of Behavioral Health and Developmental Services shall report a detailed accounting, annually, of the agency's organization and operations. This report shall include an organizational chart that shows all full- and part-time positions (by job title) employed by the agency as well as the current management structure and unit responsibilities. The report shall also provide a summary of organization changes implemented over the previous year. The report shall be made available on the department's website by August 15, of each year.

GG. The Department of Behavioral Health and Developmental Services shall facilitate a mental health coordination workgroup in the Northern Virginia region so that public and private providers of services and advocates for such services may collectively determine how to develop the most effective and most comprehensive services for persons who need such services. This mental health coordination workgroup shall seek agreement on how the services provided can best promote mental health, help people receive services needed when they are needed, provide intensive treatment when needed, ensure that crisis care is provided, provide care management in ways that help maintain mental health, and provide the supportive services necessary for individuals with mental health needs to live fully within the community. Participants in the workgroup shall include but not be limited to community services boards, state facilities and programs, private hospitals, partial hospitalization and crisis stabilization programs, residential treatment facilities, private community providers, criminal justice personnel, consumers and advocates for consumers, and others. The department shall facilitate the initiation of the workgroup and once it is fully operational shall allow it to operate independently, however the department may continue to participate in the workgroup to provide assistance as needed. The department shall report on the composition, participation and any actions of the workgroup to the Chairmen of the House Appropriations and Senate Finance Committees by November 30, 2019.

HH. The Department of Behavioral Health and Developmental Services shall develop and implement a plan to manage the census at Catawba Hospital and to reduce the number of staffed beds to 110 by no later than June 30, 2021. As part of the plan the department shall consider all opportunities to maximize the use of funding provided for the purpose of reducing the census across the state mental health hospitals. The department shall submit its plan to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees by June 30, 2020.

II. Notwithstanding the provisions of Acts of Assembly Chapter 610 of the 2019 Session or any other provision of law, the Department of General Services is hereby authorized to sell, pursuant to § 2.2-1156, certain real property in Carroll County outside the town of Hillsville on which the former Southwestern Virginia Training Center was situated, subject to the following conditions: (1) the sale price shall be, at a minimum, an amount sufficient to fully

ITEM 310.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
<i>cover any debt or other financial obligations currently on the property; (2) the purchaser shall be responsible for all transactional expenses associated with the transfer of the property; and (3) the sale shall be made to a health care company that agrees to use the property for the provision of health care services for a minimum of five years established through a deed restriction.</i>				
311.	Central Office Managed Community and Individual Health Services (44400).....		\$12,960,077	\$19,030,992
	Individual and Developmental Disability Services (44401).....	\$4,810,077		\$5,800,992
	Mental Health Services (44402).....	\$8,150,000		\$11,630,000
	Substance Abuse Services (44403).....	\$0		\$1,600,000
	Fund Sources: General.....	\$12,960,077		\$19,030,992

Authority: Title 16.1, Article 18, and Title 37.2, Chapters 2, 3, 4, 5, 6 and 7, and Title 2.2, Chapters 26 and 53 Code of Virginia; P.L. 102-119, Federal Code.

A. Out of this appropriation, \$3,900,000 the first year and \$5,200,000 the second year from the general fund shall be used for Developmental Disability Health Support Networks in regions served, or previously served, by Southside Virginia Training Center, Central Virginia Training Center, Northern Virginia Training Center, and Southwestern Virginia Training Center.

B. Out of this appropriation, \$565,000 the first year and \$565,000 the second year from the general fund shall be used to provide community-based services to individuals transitioning from state training centers to community settings who are not eligible for Medicaid.

C. Out of this appropriation, \$2,900,000 the first year and \$2,900,000 the second year from the general fund shall be used to address census issues at state facilities by providing community-based services for those individuals determined clinically ready for discharge or for the diversion of admissions to state facilities by purchasing acute inpatient or community-based psychiatric services at private facilities.

D. Out of this appropriation, \$1,750,000 the first year and \$1,750,000 the second year from the general fund is provided for the development or acquisition of clinically appropriate housing options to provide comprehensive community-based care for individuals in state hospitals who have complex and resource-intensive needs who have been clinically determined able to move from a hospital to a more integrated setting. In addition, \$250,000 the second year from the general fund is provided for a community support team to assist housing providers in addressing the complex needs of residents who have been discharged from state facilities or individuals who are at risk of institutionalization.

E. Out of this appropriation, \$2,500,000 the first year and \$4,500,000 the second year from the general fund shall be provided to the Department of Behavioral Health and Developmental Services to provide alternative transportation for adults and children under a temporary detention order. The department shall structure the contract to phase in the program over a three-year period such that in year three the contract will result in the provision of services statewide. The department shall report on the disbursement of the funds to the Governor and Chairmen of the House Appropriations and Senate Finance Committees no later than November 1, 2018. Annually, thereafter on October 1, the department shall report to the Governor and Chairmen of the House Appropriations and Senate Finance Committees on the effectiveness and outcomes of the program funding.

F. Out of this appropriation, \$1,230,000 the second year from the general fund shall be provided to the Department of Behavioral Health and Developmental Services to contract with the Virginia Mental Health Access Program to develop integrated mental health services for children.

G. Out of this appropriation, \$1,600,000 the second year from the general fund shall be used to purchase and distribute additional REVIVE! kits and associated doses of naloxone used to treat emergency cases of opioid overdose or suspected opioid overdose.

ITEM 311.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
<p><i>H. Upon passage of this Act, the Department of Behavioral Health and Developmental Services shall establish a workgroup, including stakeholders as deemed necessary by the Department, to examine and identify possible alternative treatment services and sites for minors that otherwise would be placed at the Commonwealth Center for Children and Adolescents (CCCA). The work group shall also examine underlying systemic issues that are contributing to the increase in admissions and projected admissions at CCCA and identify potential strategies and recommendations for reducing admissions to CCCA. The membership of the work group shall include representatives from the Department of Medical Assistance Services, the Department of Juvenile Justice, the Office of Children's Services, the Virginia Association of Community Services Boards, the Virginia Hospital and Healthcare Association, VOICES, the Virginia Coalition of Private Provider Associations, the Virginia Network of Private Providers, and other relevant stakeholders. The work group will submit its findings to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees by June 15, 2020.</i></p>				
Total for Department of Behavioral Health and Developmental Services.....			\$114,797,435	\$121,800,944 \$138,347,159
General Fund Positions.....	399.75	423.50 451.50		
Nongeneral Fund Positions.....	31.25	31.25		
Position Level.....	431.00	454.75 482.75		
Fund Sources: General.....	\$70,014,613	\$78,224,286 \$80,317,330		
Special.....	\$15,664,192	\$15,414,192 \$29,867,363		
Dedicated Special Revenue.....	\$1,200,000	\$0		
Federal Trust.....	\$27,918,630	\$28,162,466		
Grants to Localities (790)				
312. Financial Assistance for Health Services (44500).....			\$465,217,537	\$504,170,491 \$505,418,309
Community Substance Abuse Services (44501).....	\$116,094,031	\$121,844,031		
Community Mental Health Services (44506).....	\$267,125,162	\$287,571,247		
Community Developmental Disability Services (44507).....	\$81,998,344	\$94,755,213 \$96,003,031		
Fund Sources: General.....	\$371,417,537	\$411,670,491 \$412,918,309		
Dedicated Special Revenue.....	\$3,800,000	\$2,500,000		
Federal Trust.....	\$90,000,000	\$90,000,000		
<p>Authority: Title 37.2, Chapters 5 and 6; Title 2.2, Chapter 53, Code of Virginia.</p> <p>A. It is the intent of the General Assembly that community mental health, intellectual disability and substance abuse services are to be improved throughout the state. Funds provided in this Item shall not be used to supplant the funding effort provided by localities for services existing as of June 30, 1996.</p> <p>B. Further, it is the intent of the General Assembly that funds appropriated for this Item may be used by Community Services Boards to purchase, develop, lease, or otherwise obtain, in accordance with §§ 37.2-504 and 37.2-605, Code of Virginia, real property necessary to the provision of residential services funded by this Item.</p> <p>C. Out of the appropriation for this Item, funds are provided to Community Services Boards in an amount sufficient to reimburse the Virginia Housing Development Authority for principal and interest payments on residential projects for the mentally disabled financed by the Housing Authority.</p> <p>D. The Department of Behavioral Health and Developmental Services shall make payments to</p>				

ITEM 312.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
<p>the Community Services Boards from this Item in twenty-four equal semimonthly installments, except for necessary budget revisions or the operational phase-in of new programs.</p>				
<p>E. Failure of a board to participate in Medicaid covered services and to meet all requirements for provider participation shall result in the termination of a like amount of state grant support.</p>				
<p>F. Community Services Boards may establish a line of credit loan for up to three months' operating expenses to assure adequate cash flow.</p>				
<p>G. Out of this appropriation \$190,000 the first year and \$190,000 the second year from the general fund shall be provided to Virginia Commonwealth University for the continued operation and expansion of the Virginia Autism Resource Center.</p>				
<p>H.1. Out of this appropriation, \$18,587,143 the first year and \$19,761,265\$21,009,083 the second year from the general fund shall be provided for Virginia's Part C Early Intervention System for infants and toddlers with disabilities.</p>				
<p>2. By November 15 of each year, the department shall report to the Chairmen of the House Appropriations and Senate Finance Committees on the (a) total revenues used to support Part C services, (b) total expenses for all Part C services, (c) total number of infants, toddlers and families served using all Part C revenues, and (d) services provided to those infants, toddlers, and families.</p>				
<p>I. Out of this appropriation \$6,148,128 the first year and \$6,148,128 the second year from the general fund shall be provided for mental health services for children and adolescents with serious emotional disturbances and related disorders, with priority placed on those children who, absent services, are at-risk for custody relinquishment, as determined by the Family and Assessment Planning Team of the locality. The Department of Behavioral Health and Developmental Services shall provide these funds to Community Services Boards through the annual Performance Contract. These funds shall be used exclusively for children and adolescents, not mandated for services under the Comprehensive Services Act for At-Risk Youth, who are identified and assessed through the Family and Assessment Planning Teams and approved by the Community Policy and Management Teams of the localities. The department shall provide these funds to the Community Services Boards based on an individualized plan of care methodology.</p>				
<p>J. The Commissioner, Department of Behavioral Health and Developmental Services shall allocate \$1,000,000 the first year and \$1,000,000 the second year from the federal Community Mental Health Services Block Grant for two specialized geriatric mental health services programs. One program shall be located in Health Planning Region II and one shall be located in Health Planning Region V. The programs shall serve elderly populations with mental illness who are transitioning from state mental health geriatric units to the community or who are at risk of admission to state mental health geriatric units. The commissioner is authorized to reduce the allocation in each year in an amount proportionate to any reduction in the federal Community Mental Health Services Block Grant funds awarded to the Commonwealth.</p>				
<p>K. The Commissioner, Department of Behavioral Health and Developmental Services shall allocate \$750,000 the first year and \$750,000 the second year from the federal Community Mental Health Services Block Grant for consumer-directed programs offering specialized mental health services that promote wellness, recovery and improved self-management. The commissioner is authorized to reduce the allocation in each year in an amount proportionate to any reduction in the federal Community Mental Health Services Block Grant funds awarded to the Commonwealth.</p>				
<p>L. Out of this appropriation, \$2,197,050 the first year and \$2,197,050 the second year from the general fund shall be used for jail diversion and reentry services. Funds shall be distributed to community-based contractors based on need and community preparedness as determined by the commissioner.</p>				
<p>M. Out of this appropriation, \$2,400,000 the first year and \$2,400,000 the second year from the general fund shall be used for treatment and support services for substance use disorders, including individuals with acquired brain injury and co-occurring substance use</p>				

ITEM 312.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2019	FY2020	FY2019	FY2020
	disorders. Funded services shall focus on recovery models and the use of best practices.			
	N. Out of this appropriation, \$2,780,645 the first year and \$2,780,645 the second year from the general fund shall be used to provide outpatient clinician services to children with mental health needs. Each Community Services Board shall receive funding as determined by the commissioner to increase the availability of specialized mental health services for children. The department shall require that each Community Services Board receiving these funds agree to cooperate with Court Service Units in their catchment areas to provide services to mandated and nonmandated children, in their communities, who have been brought before Juvenile and Domestic Relations Courts and for whom treatment services are needed to reduce the risk these children pose to themselves and their communities or who have been referred for services through family assessment and planning teams through the Comprehensive Services Act for At-Risk Youth and Families.			
	O. Out of this appropriation, \$17,701,997 the first year and \$17,701,997 the second year from the general fund shall be used to provide emergency services, crisis stabilization services, case management, and inpatient and outpatient mental health services for individuals who are in need of emergency mental health services or who meet the criteria for mental health treatment set forth pursuant to §§ 19.2-169.6, 19.2-176, 19.2-177.1, 37.2-808, 37.2-809, 37.2-813, 37.2-815, 37.2-816, 37.2-817 and 53.1-40.2 of the Code of Virginia. Funding provided in this item also shall be used to offset the fiscal impact of (i) establishing and providing mandatory outpatient treatment, pursuant to House Bill 499 and Senate Bill 246, 2008 Session of General Assembly; and (ii) attendance at involuntary commitment hearings by community services board staff who have completed the prescreening report, pursuant to §§ 19.2-169.6, 19.2-176, 19.2-177.1, 37.2-808, 37.2-809, 37.2-813, 37.2-815, 37.2-816, 37.2-817 and 53.1-40.2 of the Code of Virginia.			
	P. Out of this appropriation, \$10,056,250 the first year and \$10,475,000 the second year from the general fund shall be used to provide community crisis intervention services in each region for individuals with intellectual or developmental disabilities and co-occurring mental health or behavioral disorders.			
	Q. Out of this appropriation, \$1,900,000 the first year and \$1,900,000 the second year from the general fund shall be used to expand community-based services in Health Planning Region V. These funds shall be used for services intended to delay or deter placement, or provide discharge assistance for patients in a state mental health facility.			
	R. Out of this appropriation, \$2,000,000 the first year and \$2,000,000 the second year from the general fund shall be used to expand crisis stabilization and related services statewide intended to delay or deter placement in a state mental health facility.			
	S. Out of this appropriation, \$8,400,000 the first year and \$8,400,000 the second year from the general fund shall be used to provide child psychiatry and children's crisis response services for children with mental health and behavioral disorders. These funds, divided among the health planning regions based on the current availability of the services, shall be used to hire or contract with child psychiatrists who can provide direct clinical services, including crisis response services, as well as training and consultation with other children's health care providers in the health planning region such as general practitioners, pediatricians, nurse practitioners, and community service boards staff, to increase their expertise in the prevention, diagnosis, and treatment of children with mental health disorders. Funds may also be used to create new or enhance existing community-based crisis response services in a health planning region, including mobile crisis teams and crisis stabilization services, with the goal of diverting children from inpatient psychiatric hospitalization to less restrictive services in or near their communities. The Department of Behavioral Health and Developmental Services shall report annually on the use and impact of this funding to the Chairmen of the House Appropriations and Senate Finance Committees by October 1.			
	T.1. Out of this appropriation, \$10,500,000 the first year and \$10,500,000 the second year from the general fund shall be used for up to 32 drop-off centers to provide an alternative to incarceration for people with serious mental illness and individuals with acquired brain injury and co-occurring serious mental health illness. Priority for new funding shall be given to programs that have implemented Crisis Intervention Teams pursuant to § 9.1-102 and § 9.1-187 et seq. of the Code of Virginia and have undergone planning to implement drop-off centers.			

ITEM 312.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
2.				
<p>Out of this appropriation, \$900,000 the first year and \$1,800,000 the second year from the general fund is provided for grants to establish Crisis Intervention assessment centers in six unserved rural communities.</p>				
3.				
<p>Out of this appropriation, \$657,648 the first year and \$657,648 the second year from the general fund is provided for grants to establish CIT training programs in six rural communities.</p>				
U.				
<p>Out of this appropriation, \$2,375,000 the first year and \$2,750,000 the second year from the general fund shall be used to develop and implement crisis services for children with intellectual or developmental disabilities.</p>				
V.				
<p>Out of this appropriation, \$29,758,441 the first year and \$37,298,441 the second year from the general fund shall be used to provide community-based services or acute inpatient services in a private facility to individuals residing in state hospitals who have been determined clinically ready for discharge, and for continued services for those individuals currently being served under a discharge assistance plan. Of this appropriation, \$1,305,000 the first year and \$1,305,000 the second year shall be allocated for individuals currently or previously residing at Western State Hospital.</p>				
W.				
<p>Out of this appropriation, \$620,000 the first year and \$620,000 the second year from the general fund shall be used to expand access to telepsychiatry and telemedicine services.</p>				
X.				
<p>Out of this appropriation, \$4,000,000 the first year and \$4,000,000 the second year from the general fund shall be used to increase availability of community-based mental health outpatient services for youth and young adults.</p>				
Y.				
<p>Out of this appropriation, \$500,000 the first year and \$500,000 the second year from the general fund shall be used to increase mental health inpatient treatment purchased in community hospitals. Priority shall be given to regions that exhaust available resources before the end of the year in order to ensure treatment is provided in the community and do not result in more restrictive placements.</p>				
Z.				
<p>Out of this appropriation, \$10,496,105 the first year and \$17,083,710 the second year from the general fund is provided for programs for permanent or transitional housing for individuals with serious mental illness. Of this amount, \$8,970,500 the first year and \$8,970,500 the second year shall be used for permanent supportive housing to support rental subsidies and services to be administered by community services boards or private entities to provide stable, supportive housing for persons with serious mental illness. Remaining amounts may be used to expand permanent supportive housing programs or to provide transitional housing supports for individuals with serious mental illness being discharged from state facilities into the community. The Department of Behavioral Health and Developmental Services shall report on the number of individuals who are discharged from state behavioral health hospitals who receive supportive housing services, the number of individuals who are on the hospitals' extraordinary barrier list who could receive supportive housing services, and the number of individuals in the community who receive supportive housing services and whether they are at risk of institutionalization. In addition, the department shall report on the average length of stay in permanent supportive housing for individuals receiving such services and report how the funding is reinvested when individuals discontinue receiving such services. The report shall be provided to the Chairmen of the House Appropriations and Senate Finance Committee by November 30, 2019.</p>				
AA.				
<p>Out of this appropriation, \$400,000 the first year and \$400,000 the second year is provided for rental subsidies and associated costs for individuals served through the Rental Choice VA program.</p>				
BB.				
<p>Out of this appropriation, \$5,308,836 the first year and \$7,897,833 the second year from the general fund shall be used for a program of rental subsidies for individuals with intellectual and developmental disabilities.</p>				
CC.				
<p>Out of this appropriation, \$3,800,000 the first year from the Behavioral Health and Developmental Services Trust Fund is provided for the development of provider capacity</p>				

ITEM 312.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
OO. Out of this appropriation, \$1,100,000 the first year and \$1,100,000 the second year from the general fund is provided to establish the Appalachian Telemental Health Initiative, a telemental health pilot program. Any funds that remain unspent at the end of each fiscal year shall be carried forward to the subsequent fiscal year.				
PP. Out of this appropriation, \$200,000 the first year and \$200,000 the second year from the general fund shall be provided to the Department of Behavioral Health and Developmental Services to contract with Best Buddies Virginia to expand inclusion services for people with intellectual and developmental disabilities to the Richmond and Virginia Beach areas of the state.				
QQ. Out of this appropriation, \$7,800,000 the second year from the general fund is provided for crisis services at Community Services Boards and Behavioral Health Authorities pursuant to the System Transformation, Excellence and Performance in Virginia (STEP-VA) process and Chapters 607 and 683, 2017 Acts of Assembly.				
RR. Out of this appropriation, \$200,000 the second year from the general fund is provided to the Fairfax-Falls Church Community Services Board to fully fund its Program of Assertive Community Treatment (PACT) Team.				
SS. Out of this appropriation, \$750,000 the second year from the Behavioral Health and Developmental Services Trust Fund shall be expended for one-time expenditures for developmental disability services across the Commonwealth. Priority shall be given to projects that serve critical service gaps for individuals with developmental disability in the Northern Virginia region (Region 2) who have been discharged from state training centers or who are at risk of institutional placement. The department shall collaborate with Community Services Boards and private providers, to determine the best use of such funds to address critical needs on a one-time basis, for individuals with developmental disabilities. The department shall report on the allocation of these funds to the Chairmen of the House Appropriations and Senate Finance Committees by no later than September 15, 2019.				
Total for Grants to Localities.....			\$465,217,537	\$504,170,491 \$505,418,309
Fund Sources: General.....			\$371,417,537	\$411,670,491 <i>\$412,918,309</i>
Dedicated Special Revenue.....			\$3,800,000	\$2,500,000
Federal Trust.....			\$90,000,000	\$90,000,000

Mental Health Treatment Centers (792)

313.	Not set out.			
314.	Not set out.			
315.	Not set out.			
316.	State Health Services (43000).....		\$244,851,323	\$259,088,038 <i>\$256,198,777</i>
	Geriatric Care Services (43006).....	\$49,604,517	\$49,604,517	
	Inpatient Medical Services (43007).....	\$18,252,833	\$18,252,833	
	State Mental Health Facility Services (43014).....	\$176,993,973	\$191,230,688 <i>\$188,341,427</i>	
	Fund Sources: General.....	\$192,455,049	\$233,372,078 <i>\$230,482,817</i>	
	Special.....	\$52,396,274	\$25,715,960	

Authority: Title 37.2, Chapters 1 through 11, Code of Virginia.

A. Out of this appropriation, \$700,000 the first year and \$700,000 the second year from the general fund shall be used to continue operating up to 13 beds at Northern Virginia Mental Health Institute (NVMHI) that had been scheduled for closure in fiscal year 2013.

ITEM 316.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
The Commissioner of the Department of Behavioral Health and Developmental Services shall ensure continued operation of at least 123 beds.				
B. The Department of Behavioral Health and Developmental Services shall report by November 1 of each year to the Secretary of Finance and the Chairmen of the House Appropriations and Senate Finance Committees on the number of individuals served through discharge assistance plans and the types of services provided.				
C. Out of this appropriation, \$850,000 the second year from the general fund shall be used to provide transition services in alternate settings for children and adolescents who can be diverted or discharged from state facilities.				
317.	Facility Administrative and Support Services (49800).....		\$104,915,227	\$106,915,227
	General Management and Direction (49801).....	\$46,795,316		\$48,795,316
	Information Technology Services (49802).....	\$6,242,139		\$6,242,139
	Food and Dietary Services (49807).....	\$13,827,750		\$13,827,750
	Housekeeping Services (49808).....	\$8,365,167		\$8,365,167
	Linen and Laundry Services (49809).....	\$1,657,504		\$1,657,504
	Physical Plant Services (49815).....	\$21,136,325		\$21,136,325
	Power Plant Operation (49817).....	\$4,181,654		\$4,181,654
	Training and Education Services (49825).....	\$2,709,372		\$2,709,372
	Fund Sources: General.....	\$90,086,146		\$92,086,146
	Special.....	\$14,765,581		\$14,765,581
	Federal Trust.....	\$63,500		\$63,500
Authority: § 37.2-304, Code of Virginia.				
A. Out of this appropriation, \$759,000 the first year and \$759,000 the second year from the general fund shall be used to ensure proper billing and maximum reimbursement for prescription drugs purchased by mental health treatment centers through the Medicare Part D drug program.				
B. Notwithstanding § 37.2-319 of the Code of Virginia, the Commissioner shall prepare a plan to address the capital and programmatic needs of other state mental health facilities and state mental retardation training centers when considering expenditures from the trust fund. No less than 30 days prior to the expenditure of funds, the Commissioner shall present an expenditure plan to the Chairmen of the Senate Finance and House Appropriations Committees for their review and consideration.				
318.	Not set out.			
	Total for Mental Health Treatment Centers.....		\$390,122,553	\$406,359,268 \$403,470,007
	General Fund Positions.....	3,848.00		4,203.00
	Nongeneral Fund Positions.....	602.00		613.00
	Position Level.....	4,450.00		4,816.00
	Fund Sources: General.....	\$309,879,823		\$352,796,852 \$349,907,591
	Special.....	\$80,042,730		\$53,362,416
	Federal Trust.....	\$200,000		\$200,000
Intellectual Disabilities Training Centers (793)				
319.	Not set out.			
320.	Not set out.			
321.	State Health Services (43000).....		\$69,918,683	\$69,918,683 \$65,418,683
	Inpatient Medical Services (43007).....	\$32,095,261		\$32,095,261

ITEM 321.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
State Intellectual Disabilities Training Center Services (43010).....	\$37,823,422	\$37,823,422 \$33,323,422		
Fund Sources: General.....	\$15,066,431	\$15,066,431 \$10,566,431		
Special.....	\$54,852,252	\$54,852,252		

Authority: Title 37.2, Chapters 1 through 11, Code of Virginia.

The Commissioner of Behavioral Health and Developmental Services shall comply with all relevant state and federal laws and Supreme Court decisions that govern the discharge of residents from state intellectual disability training centers and the granting of intellectual disability waiver slots.

322. Not set out.

323. Not set out.

Total for Intellectual Disabilities Training Centers..			\$139,946,912	\$136,904,289 \$132,404,289
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General Fund Positions.....	1,092.00	1,092.00		
Nongeneral Fund Positions.....	665.00	665.00		
Position Level.....	1,757.00	1,757.00		
Fund Sources: General.....	\$31,636,176	\$28,593,553 \$24,093,553		
Special.....	\$108,110,736	\$108,110,736		
Federal Trust.....	\$200,000	\$200,000		

Virginia Center for Behavioral Rehabilitation (794)

324. Not set out.

325. Secure Confinement (35700).....			\$12,098,368	\$18,159,479 \$13,159,479
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Forensic and Behavioral Rehabilitation Security (35707).....	\$12,098,368	\$18,159,479 \$13,159,479		
Fund Sources: General.....	\$12,098,368	\$18,159,479 \$13,159,479		

Authority: Title 37.2, Chapter 9, Code of Virginia.

326. Not set out.

327. Not set out.

328. Facility Administrative and Support Services (49800).....			\$14,245,696	\$15,945,696 \$14,445,696
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General Management and Direction (49801).....	\$2,164,423	\$3,864,423 \$2,364,423		
Information Technology Services (49802).....	\$28,765	\$28,765		
Food and Dietary Services (49807).....	\$3,079,145	\$3,079,145		
Housekeeping Services (49808).....	\$428,210	\$428,210		
Physical Plant Services (49815).....	\$8,446,716	\$8,446,716		
Training and Education Services (49825).....	\$98,437	\$98,437		
Fund Sources: General.....	\$14,245,696	\$15,945,696 \$14,445,696		

Authority: Title 37.2, Chapters 1 through 11, Code of Virginia.

ITEM 328.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
<p>A. In the event that services are not available in Virginia to address the specific needs of an individual committed for treatment at the VCBR or conditionally released, or additional capacity cannot be met at the VCBR, the Commissioner is authorized to seek such services from another state.</p>				
<p>B. Out of the amounts appropriated in this Item and Item 325, \$7,761,111 the second year from the general fund is provided for the staffing, equipment, and other costs of operating 72 new beds at the expanded VCBR beginning in August, 2019:</p>				
<p>C. Out of this appropriation, \$540,000 the first year and \$540,000 the second year from the general fund is provided for the treatment costs of residents diagnosed with hepatitis. The facility shall make efforts to use certified federal 340B providers for the dispensing of any associated pharmaceuticals.</p>				
<p>D. Within 15 days of any appropriation transfer to the Virginia Center for Behavioral Rehabilitation from any other sub-agency within the Department of Behavioral Health and Developmental Services, the Department of Planning and Budget shall notify the Chairmen of the House Appropriations and Senate Finance Committees. The notice shall include the amount, fund source and reason for the transfer with an explanation of why the funding being transferred has no impact on the sub-agency from which it is transferred.</p>				
Total for Virginia Center for Behavioral Rehabilitation.....			\$40,338,435	\$48,194,740 \$41,694,740
General Fund Positions.....	631.50	778.50 659.50		
Position Level.....	631.50	778.50 659.50		
Fund Sources: General.....	\$40,338,435	\$48,194,740 \$41,694,740		
Grand Total for Department of Behavioral Health and Developmental Services.....			\$1,150,422,872	\$1,217,429,732 \$1,221,334,504
General Fund Positions.....	5,971.25	6,497.00 6,406.00		
Nongeneral Fund Positions.....	1,298.25	1,309.25		
Position Level.....	7,269.50	7,806.25 7,715.25		
Fund Sources: General.....	\$823,286,584	\$919,479,922 \$908,931,523		
Special.....	\$203,817,658	\$176,887,344 \$191,340,515		
Dedicated Special Revenue.....	\$5,000,000	\$2,500,000		
Federal Trust.....	\$118,318,630	\$118,562,466		
329.	Not set out.			
330.	Not set out.			
331.	Not set out.			
332.	Not set out.			
333.	Not set out.			
334.	Not set out.			
335.	Not set out.			
336.	Not set out.			

ITEM 336.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020

337. Not set out.

338. Not set out.

§ 1-22. DEPARTMENT OF SOCIAL SERVICES (765)

339.	Program Management Services (45100).....			\$42,408,598	\$44,554,972
	Training and Assistance to Local Staff (45101).....	\$4,986,679	\$4,986,679		\$43,845,249
	Central Administration and Quality Assurance for Benefit Programs (45102).....	\$12,541,044	\$12,541,044 \$12,457,475		
	Central Administration and Quality Assurance for Family Services (45103).....	\$8,491,978	\$9,436,422 \$10,492,054		
	Central Administration and Quality Assurance for Community Programs (45105).....	\$9,992,656	\$11,194,586 \$10,112,800		
	Central Administration and Quality Assurance for Child Care Activities (45107).....	\$6,396,241	\$6,396,241 \$5,796,241		
	Fund Sources: General.....	\$16,701,948	\$18,078,365 \$17,670,988		
	Special.....	\$100,000	\$100,000		
	Federal Trust.....	\$25,606,650	\$26,376,607 \$26,074,261		

Authority: Title 2.2, Chapter 54; Title 63.2, Chapters 2 and 21, Code of Virginia; Title VI, Subtitle B, P.L. 97-35, as amended; P.L. 103-252, as amended; P.L. 104-193, as amended, Federal Code.

A. The Department of Social Services, in collaboration with the Office of Children's Services, shall provide training to local staff serving on Family Assessment and Planning Teams and Community Policy and Management Teams. Training shall include, but need not be limited to, the federal and state requirements pertaining to the provision of the foster care services funded under § 2.2-5211, Code of Virginia. The training shall also include written guidance concerning which services remain the financial responsibility of the local departments of social services. Training shall be provided on a regional basis at least once per year. Written guidance shall be updated and provided to local Office of Children's Services teams whenever there is a change in allowable expenses under federal or state guidelines. In addition, the Department of Social Services shall provide ongoing local oversight of its federal and state requirements related to the provision of services funded under § 2.2-5211, Code of Virginia.

B.1. By November 1 of each year, the Department of Planning and Budget, in cooperation with the Department of Social Services, shall prepare and submit a forecast of expenditures for cash assistance provided through the Temporary Assistance for Needy Families (TANF) program, mandatory child day care services under TANF, foster care maintenance and adoption subsidy payments, upon which the Governor's budget recommendations will be based, for the current and subsequent two years to the Chairmen of the House Appropriations and Senate Finance Committees.

2. The forecast of expenditures shall detail the incremental general fund and federal fund adjustments required by the forecast each year in the biennial budget. The Department of Planning and Budget shall convene a meeting on or before October 15 of each year with the appropriate staff from the Department of Social Services, and the House Appropriations and Senate Finance Committees to review current trends and assumptions used in the forecasts prior to their finalization.

C. The Department of Social Services shall provide administrative support and technical assistance to the Family and Children's Trust Fund (FACT) Board of Trustees established in Sections 63.2-2100 through 63.2-2103, Code of Virginia.

ITEM 339.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020

D. Out of this appropriation, \$1,829,111 the first year and \$1,829,111 the second year from the general fund and \$1,829,111 the first year and \$1,829,111 the second year from nongeneral funds shall be provided to fund the Supplemental Nutrition Assistance Program (SNAP) Electronic Benefit Transfer (EBT) contract cost.

E.1. Out of this appropriation, ten positions and the associated funding shall be dedicated to providing on-going financial oversight of foster care services. Each of the ten positions, with two working out of each regional office, shall assess and review all foster care spending to ensure that state and federal standards are met. None of these positions shall be used for quality, information technology, or clerical functions.

2. By September 1 of each year, the department shall report to the Governor, the Chairmen of the House Appropriations and Senate Finance Committees, and the Director, Department of Planning and Budget regarding the foster care program's statewide spending, error rates and compliance with state and federal reviews.

F. Out of this appropriation, \$187,549 the second year from the Temporary Assistance for Needy Families block grant shall be provided to manage the two-year summer feeding pilot program, beginning June 2020 and ending August 2022.

340.	Financial Assistance for Self-Sufficiency Programs and Services (45200).....			\$267,327,852	\$280,389,941 \$338,076,970
	Temporary Assistance for Needy Families (TANF) Cash Assistance (45201).....	\$65,706,200	\$66,744,124 \$62,984,242		
	Temporary Assistance for Needy Families (TANF) Employment Services (45212).....	\$21,657,833	\$21,657,833		
	Supplemental Nutrition Assistance Program Employment and Training (SNAPET) Services (45213).....	\$4,562,444	\$1,017,741		
	Temporary Assistance for Needy Families (TANF) Child Care Subsidies (45214).....	\$57,807,905	\$58,676,773 \$55,651,909		
	At-Risk Child Care Subsidies (45215).....	\$110,235,948	\$124,635,948 \$192,635,948		
	Unemployed Parents Cash Assistance (45216).....	\$7,357,522	\$7,657,522 \$4,129,297		
	Fund Sources: General.....	\$81,518,741	\$81,818,741 \$78,290,516		
	Federal Trust.....	\$185,809,111	\$198,571,200 \$259,786,454		

Authority: Title 2.2, Chapter 54; Title 63.2, Chapters 1 through 7, Code of Virginia; Title VI, Subtitle B, P.L. 97-35, as amended; P.L. 103-252, as amended; P.L. 104-193, as amended, Federal Code.

~~105,902,723~~A. It is hereby acknowledged that as of June 30, 2017 there existed with the federal government an unexpended balance of \$123,754,882 in federal Temporary Assistance for Needy Families (TANF) block grant funds which are available to the Commonwealth of Virginia to reimburse expenditures incurred in accordance with the adopted State Plan for the TANF program. Based on projected spending levels and appropriations in this act, the Commonwealth's accumulated balance for authorized federal TANF block grant funds is estimated at \$136,288,696 on June 30, 2018; \$124,901,366 on June 30, 2019; and ~~\$105,902,723~~ \$132,893,708 on June 30, 2020.

B. No less than 30 days prior to submitting any amendment to the federal government related to the State Plan for the Temporary Assistance for Needy Families program, the Commissioner of the Department of Social Services shall provide the Chairmen of the House Appropriations and Senate Finance Committees as well as the Director, Department of Planning and Budget written documentation detailing the proposed policy changes. This documentation shall include an estimate of the fiscal impact of the proposed changes and information summarizing public comment that was received on the proposed changes.

ITEM 340.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
<p>C. Notwithstanding any other provision of state law, the Department of Social Services shall maintain a separate state program, as that term is defined by federal regulations governing the Temporary Assistance for Needy Families (TANF) program, 45 C.F.R. § 260.30, for the purpose of providing welfare cash assistance payments to able-bodied two-parent families. The separate state program shall be funded by state funds and operated outside of the TANF program. Able-bodied two-parent families shall not be eligible for TANF cash assistance as defined at 45 C.F.R. § 260.31 (a)(1), but shall receive benefits under the separate state program provided for in this paragraph. Although various conditions and eligibility requirements may be different under the separate state program, the basic benefit payment for which two-parent families are eligible under the separate state program shall not be less than what they would have received under TANF. The Department of Social Services shall establish regulations to govern this separate state program.</p>				
<p>D. As a condition of this appropriation, the Department of Social Services shall disregard the value of one motor vehicle per assistance unit in determining eligibility for cash assistance in the Temporary Assistance for Needy Families (TANF) program and in the separate state program for able-bodied two-parent families.</p>				
<p>E. The Department of Social Services, in collaboration with local departments of social services, shall maintain minimum performance standards for all local departments of social services participating in the Virginia Initiative for Employment, Not Welfare (VIEW) program. The department shall allocate VIEW funds to local departments of social services based on these performance standards and VIEW caseloads. The allocation formula shall be developed and revised in cooperation with the local social services departments and the Department of Planning and Budget.</p>				
<p>F. A participant whose Temporary Assistance for Needy Families (TANF) financial assistance is terminated due to the receipt of 24 months of assistance as specified in § 63.2-612, Code of Virginia, or due to the closure of the TANF case prior to the completion of 24 months of TANF assistance, excluding cases closed with a sanction for noncompliance with the Virginia Initiative for Employment Not Welfare program, shall be eligible to receive employment and training assistance for up to 12 months after termination, if needed, in addition to other transitional services provided pursuant to § 63.2-611, Code of Virginia.</p>				
<p>G. The Department of Social Services, in conjunction with the Department of Correctional Education, shall identify and apply for federal, private and faith-based grants for pre-release parenting programs for non-custodial incarcerated parent offenders committed to the Department of Corrections, including but not limited to the following grant programs: Promoting Responsible Fatherhood and Healthy Marriages, State Child Access and Visitation Block Grant, Serious and Violent Offender Reentry Initiative Collaboration, Special Improvement Projects, § 1115 Social Security Demonstration Grants, and any new grant programs authorized under the federal Temporary Assistance for Needy Families (TANF) block grant program.</p>				
<p>H.1. Out of this appropriation, \$10,703,748 the first year and \$10,703,748 the second year from nongeneral funds is included for Head Start wraparound child care services.</p>				
<p>2. Included in this Item is funding to carry out the former responsibilities of the Virginia Council on Child Day Care and Early Childhood Programs. Nongeneral fund appropriations allocated for uses associated with the Head Start program shall not be transferred for any other use until eligible Head Start families have been fully served. Any remaining funds may be used to provide services to enrolled low-income families in accordance with federal and state requirements. Families, who are working or in education and training programs, with income at or below the poverty level, whose children are enrolled in Head Start wraparound programs paid for with the federal block grant funding in this Item shall not be required to pay fees for these wraparound services.</p>				
<p>I. Out of this appropriation, \$2,647,305 the first year and \$2,647,305 the second year from the general fund and \$72,503,762 the first year and \$72,503,762 the second year from federal funds shall be provided to support state child care programs which will be administered on a sliding scale basis to income eligible families. The sliding fee scale and eligibility criteria are to be set according to the rules and regulations of the State Board of</p>				

ITEM 340.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
<p>Social Services, except that the income eligibility thresholds for child care assistance shall account for variations in the local cost of living index by metropolitan statistical areas. The Department of Social Services shall make the necessary amendments to the Child Care and Development Funds Plan to accomplish this intent. Funds shall be targeted to families who are most in need of assistance with child care costs. Localities may exceed the standards established by the state by supplementing state funds with local funds.</p>				
<p>J. Out of this appropriation, \$600,000 the first year and \$600,000 the second year from nongeneral funds shall be used to provide scholarships to students in early childhood education and related majors who plan to work in the field, or already are working in the field, whether in public schools, child care or other early childhood programs, and who enroll in a state community college or a state supported senior institution of higher education.</p>				
<p>K. Out of this appropriation, \$505,000 the first year and \$505,000 the second year from nongeneral funds shall be used to provide training of individuals in the field of early childhood education.</p>				
<p>L. Out of this appropriation, \$300,000 the first year and \$300,000 the second year from nongeneral funds shall be used to provide child care assistance for children in homeless and domestic violence shelters.</p>				
<p>M. Out of this appropriation, the Department of Social Services shall use \$4,800,000 the first year and \$4,800,000 the second year from the federal Temporary Assistance to Needy Families (TANF) block grant to provide to each TANF recipient with two or more children in the assistance unit a monthly TANF supplement equal to the amount the Division of Child Support Enforcement collects up to \$200, less the \$100 disregard passed through to such recipient. The TANF child support supplement shall be paid within two months following collection of the child support payment or payments used to determine the amount of such supplement. For purposes of determining eligibility for medical assistance services, the TANF supplement described in this paragraph shall be disregarded. In the event there are sufficient federal TANF funds to provide all other assistance required by the TANF State Plan, the Commissioner may use unobligated federal TANF block grant funds in excess of this appropriation to provide the TANF supplement described in this paragraph.</p>				
<p>N. The Board of Social Services shall combine Groups I and II for the purposes of Temporary Assistance to Needy Families cash benefits and use the Group II rates for the new group.</p>				
<p>O. The Department of Social Services, in cooperation with the University of Virginia's Center for Advanced Study of Teaching and Learning, shall (i) develop a list of research-based, age-appropriate curricula to be available as a resource for child care providers participating in the child care subsidy program, and (ii) develop, publish and maintain a list of professional development courses and providers to be available as resources for child care professionals participating in the child care subsidy program.</p>				
<p>P. The Department of Social Services shall submit a plan on the intended allocation and spending of additional federal Child Care and Development Fund monies to improve access to and quality of child day care in Virginia that are received pursuant to the Consolidated Appropriations Act of 2018, PL 115-141. The plan shall be submitted to the Chairmen of the House Appropriations and Senate Finance Committees by September 1, 2018.</p>				
<p>Q.1. Out of this appropriation \$925,000 the first year and \$325,000 the second year from the federal Child Care and Development Fund (CCDF) shall be provided to implement a pilot program in cooperation with the University of Virginia Center for Advanced Study of Teaching and Learning (UVA CASTL) to improve early childhood classrooms in faith-based and private child day care centers. The pilot program shall implement UVA CASTL developed curricula, professional development and coaching modules to improve Kindergarten readiness in these centers.</p>				
<p>2. Out of the amounts provided in O.1., \$525,000 the first year shall be used to implement the pilot program in 50 early childhood classrooms in faith-based and private child day care centers and \$400,000 the first year from the federal CCDF shall be provided to develop a version of the Virginia Kindergarten Readiness Program for the pilot program to use in assessing four-year-olds in these early childhood classrooms.</p>				
<p>3. Out of the amounts provided in O.1., \$325,000 the second year shall be used to implement</p>				

ITEM 340.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020

an evaluation of the pilot program.

R. The Department of Social Services shall increase the Temporary Assistance for Needy Families (TANF) cash benefits by five percent effective July 1, 2019.

S. The Commissioner, Department of Social Services, shall develop a comprehensive plan for the Temporary Assistance to Needy Families (TANF) block grant and make recommendations to ensure the block grant is being used in the most effective manner to best support low-income families in achieving self-sufficiency. The Commissioner shall: (i) review and evaluate the current uses of TANF block grant funds; (ii) assess the effectiveness of current TANF benefits in assisting families; (iii) evaluate the effectiveness of the discretionary uses of TANF in meeting the four goals of the TANF program and whether such uses have outcome measures; and (iv) provide estimates for the costs of any recommendations in the plan. The Commissioner shall consult with stakeholders in developing the plan, and shall submit the plan to the Joint Subcommittee for Health and Human Resources Oversight by October 1, 2019.

T. Out of this appropriation, \$2,532,800 the second year from the Temporary Assistance for Needy Families block grant shall be provided for a two-year summer feeding program pilot. This pilot shall provide fifty dollars for each of the months of June, July, and August on a qualifying child's family electronic benefits transaction (EBT) card. The funding shall be used to purchase meals for qualifying low-income children in areas that are currently unserved by but summer feeding programs. The pilot shall end on August 31, 2022. The department shall report on annual program performance and shall include monthly expenditures, number of children served, and localities in which children were served. This report shall be provided to the Governor, Director of the Department of Planning and Budget, and the Chairmen of the House Appropriations and Senate Finance committees by November 1 of each year.

U. Out of this appropriation, \$66,000,000 from the federal Child Care Development Block Grant (CCDBG) funding provided by the federal Coronavirus Aid, Relief, and Economic Security (CARES) Act in the second year shall be used to provide COVID-19 incentive grants to child care providers, emergency child care, elimination of co-pays for subsidy program participants, and the extension of absence days to temporarily closed centers. This appropriation is in response to the COVID-19 pandemic.

V. Out of this appropriation, \$2,000,000 from the Child Care Development Fund (CCDF) balances in the second year shall be provided to fund full-day authorization for child care for school age children and sibling enrollment for families already approved for care. This appropriation is in response to the COVID-19 pandemic.

341. Financial Assistance for Local Social Services Staff (46000).....			\$479,100,482	\$488,984,442
				\$497,124,841
Local Staff and Operations (46010).....	\$479,100,482	\$488,984,442		
		\$497,124,841		
Fund Sources: General.....	\$124,596,629	\$125,400,386		
Dedicated Special Revenue.....	\$6,508,986	\$8,659,655		
Federal Trust.....	\$347,994,867	\$354,924,401		
		\$363,064,800		

Authority: Title 63.2, Chapters 1 through 7 and 9 through 16, Code of Virginia; P.L. 104-193, Titles IV A, XIX, and XXI, Social Security Act, Federal Code, as amended.

A. The amounts in this Item shall be expended under regulations of the Board of Social Services to reimburse county and city welfare/social services boards pursuant to § 63.2-401, Code of Virginia, and subject to the same percentage limitations for other administrative services performed by county and city public welfare/social services boards and superintendents of public welfare/social services pursuant to other provisions of the Code of Virginia, as amended.

B. Pursuant to the provisions of §§ 63.2-403, 63.2-406, 63.2-407, 63.2-408, and 63.2-615 Code of Virginia, all moneys deducted from funds otherwise payable out of the state

ITEM 341.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
<p>treasury to the counties and cities pursuant to the provisions of § 63.2-408, Code of Virginia, shall be credited to the applicable general fund account.</p> <p>C. Included in this appropriation are funds to reimburse local social service agencies for eligibility workers who interview applicants to determine qualification for public assistance benefits which include but are not limited to: Temporary Assistance for Needy Families (TANF); Supplemental Nutrition Assistance Program (SNAP); and Medicaid.</p> <p>D. Included in this appropriation are funds to reimburse local social service agencies for social workers who deliver program services which include but are not limited to: child and adult protective services complaint investigations; foster care and adoption services; and adult services.</p> <p>E. Out of the federal fund appropriation for local social services staff, amounts estimated at \$72,000,000 the first year and \$72,000,000 the second year shall be set aside for allowable local costs which exceed available general fund reimbursement and amounts estimated at \$22,000,000 the first year and \$22,000,000 the second year shall be set aside to reimburse local governments for allowable costs incurred in administering public assistance programs.</p> <p>F. Out of this appropriation, \$562,260 the first year and \$562,260 the second year from the general fund and \$540,211 the first year and \$540,211 the second year from nongeneral funds is provided to cover the cost of the health insurance credit for retired local social services employees.</p> <p>G. The Department of Social Services shall work with local departments of social services on a pilot project in the western region of the state to evaluate the available data collected by local departments on facilitated care arrangements. The department shall, based on the findings from the pilot project, determine the most appropriate mechanism for collecting and reporting such data on a statewide basis.</p> <p>H.1. Out of this appropriation, \$4,527,969 the first year and \$4,527,969 the second year from the general fund shall be available for the reinvestment of adoption general fund savings as authorized in Title IV, parts B and E of the federal Social Security Act (P.L. 110-351).</p> <p>2. Of the amount in paragraph H.1. above, \$1,333,031 the first year and \$1,333,031 the second year from the general fund shall be used to provide Child Protective Services (CPS) assessments and investigations in response to all reports of children born exposed to controlled substances regardless of whether the substance had been prescribed to the mother when she has sought or gained substance abuse counseling or treatment.</p>				
342.	Child Support Enforcement Services (46300).....		\$775,255,087	\$774,455,087 \$768,829,314
	Support Enforcement and Collection Services (46301).....	\$110,348,778	\$109,548,778 \$103,923,005	
	Public Assistance Child Support Payments (46302)....	\$11,000,000	\$11,000,000	
	Non-Public Assistance Child Support Payments (46303).....	\$653,906,309	\$653,906,309	
	Fund Sources: General.....	\$17,157,242	\$16,882,124 \$15,444,157	
	Special.....	\$691,388,199	\$691,663,317	
	Federal Trust.....	\$66,709,646	\$65,909,646 \$61,721,840	

Authority: Title 20, Chapters 2 through 3.1 and 4.1 through 9; Title 63.2, Chapter 19, Code of Virginia; P.L. 104-193, as amended; P.L. 105-200, P.L. 106-113, Federal Code.

A. Any net revenue from child support enforcement collections, after all disbursements are made in accordance with state and federal statutes and regulations, and after the state's share of the cost of administering the program is paid, shall be estimated and deposited into the general fund by June 30 of the fiscal year in which it is collected. Any additional moneys determined to be available upon final determination of a fiscal year's costs of administering the program shall be deposited to the general fund by September 1 of the subsequent fiscal year in which it is collected.

ITEM 342.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2019	FY2020	FY2019	FY2020

B. In determining eligibility and amounts for cash assistance, pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, the department shall continue to disregard up to \$100 per month in child support payments and return to recipients of cash assistance up to \$100 per month in child support payments collected on their behalf.

C. The state share of amounts disbursed to recipients of cash assistance pursuant to paragraph B of this Item shall be considered part of the Commonwealth's required Maintenance of Effort spending for the federal Temporary Assistance for Needy Families program established by the Social Security Act.

D. The department shall expand collections of child support payments through contracts with private vendors. However, the Department of Social Services and the Office of the Attorney General shall not contract with any private collection agency, private attorney, or other private entity for any child support enforcement activity until the State Board of Social Services has made a written determination that the activity shall be performed under a proposed contract at a lower cost than if performed by employees of the Commonwealth.

E. The Division of Child Support Enforcement, in cooperation with the Department of Medical Assistance Services, shall identify cases for which there is a medical support order requiring a noncustodial parent to contribute to the medical cost of caring for a child who is enrolled in the Medicaid or Family Access to Medical Insurance Security (FAMIS) Programs. Once identified, the division shall work with the Department of Medical Assistance Services to take appropriate enforcement actions to obtain medical support or repayments for the Medicaid program.

343.	Adult Programs and Services (46800).....			\$39,661,169	\$40,660,209
	Auxiliary Grants for the Aged, Blind, and Disabled (46801).....	\$20,998,969	\$21,998,009		
	Adult In-Home and Supportive Services (46802).....	\$6,822,995	\$6,822,995		
	Domestic Violence Prevention and Support Activities (46803).....	\$11,839,205	\$11,839,205		
	Fund Sources: General.....	\$22,456,141	\$23,455,181		
	Federal Trust.....	\$17,205,028	\$17,205,028		

Authority: Title 63.2, Chapters 1, 16 and 22, Code of Virginia; Title XVI, federal Social Security Act, as amended.

A.1.a. Effective January 1, 2019, the Department of Social Services, in collaboration with the Department for Aging and Rehabilitative Services, is authorized to base approved licensed assisted living facility rates for individual facilities on an occupancy rate of 85 percent of licensed capacity, not to exceed a maximum rate of \$1,292 per month, which rate is also applied to approved adult foster care homes, unless modified as indicated below. The department may add a 15 percent differential to the maximum amount for licensed assisted living facilities and adult foster care homes in Planning District Eight.

b. Effective July 1, 2019, the Department of Social Services, in collaboration with the Department for Aging and Rehabilitative Services, is authorized to base approved licensed assisted living facility rates for individual facilities on an occupancy rate of 85 percent of licensed capacity, not to exceed a maximum rate of \$1,317 per month, which rate is also applied to approved adult foster care homes, unless modified as indicated below. The department may add a 15 percent differential to the maximum amount for licensed assisted living facilities and adult foster care homes in Planning District Eight.

c. *Effective January 1, 2020, the Department of Social Services, in collaboration with the Department for Aging and Rehabilitative Services, is authorized to base approved licensed assisted living facility rates for individual facilities on an occupancy rate of 85 percent of licensed capacity, not to exceed a maximum rate of \$1,329 per month, which rate is also applied to approved adult foster care homes, unless modified as indicated below. The department may add a 15 percent differential to the maximum amount for licensed assisted living facilities and adult foster care homes in Planning District Eight.*

2. Effective January 1, 2013, the monthly personal care allowance for auxiliary grant

ITEM 343.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
<p>recipients who reside in licensed assisted living facilities and approved adult foster care homes shall be \$82 per month, unless modified as indicated below.</p> <p>3. The Department of Social Services, in collaboration with the Department for Aging and Rehabilitative Services, is authorized to increase the assisted living facility and adult foster care home rates and/or the personal care allowance cited above on January 1 of each year in which the federal government increases Supplemental Security Income or Social Security rates or at any other time that the department determines that an increase is necessary to ensure that the Commonwealth continues to meet federal requirements for continuing eligibility for federal financial participation in the Medicaid program. Any such increase is subject to the prior concurrence of the Department of Planning and Budget. Within thirty days after its effective date, the Department of Social Services shall report any such increase to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees with an explanation of the reasons for the increase.</p> <p>4. The Department of Social Services, in collaboration with the Department for Aging and Rehabilitative Services and the Department of Behavioral Health and Developmental Services, shall report annually by August 15, the number of individuals receiving an Auxiliary Grant supportive housing slot that were discharged from a state behavioral health hospital in the prior 12 months. The report shall be submitted to the Chairmen of the House Appropriations and Senate Finance Committees.</p> <p>B. Out of this appropriation, \$4,185,189 the first year and \$4,185,189 in the second year from the federal Social Services Block Grant shall be allocated to provide adult companion services for low-income elderly and disabled adults.</p> <p>C. The toll-free telephone hotline operated by the Department of Social Services to receive child abuse and neglect complaints shall also be publicized and used by the department to receive complaints of adult abuse and neglect.</p> <p>D. Out of this appropriation, \$248,750 the first year and \$248,750 the second year from the general fund and \$1,346,792 the first year and \$1,346,792 the second year from federal Temporary Assistance for Needy Families (TANF) funds shall be provided as a grant to local domestic violence programs for purchase of crisis and core services for victims of domestic violence, including 24-hour hotlines, emergency shelter, emergency transportation, and other crisis services as a first priority.</p> <p>E. Out of this appropriation, \$75,000 the first year and \$75,000 the second year from the general fund and \$400,000 the first year and \$400,000 the second year from nongeneral funds shall be provided for the purchase of services for victims of domestic violence as stated in § 63.2-1615, Code of Virginia, in accordance with regulations promulgated by the Board of Social Services.</p> <p>F. Out of this appropriation \$1,100,000 the first year and \$1,100,000 the second year from the general fund and \$2,500,000 the first year and \$2,500,000 the second year from federal Temporary Assistance to Needy Families (TANF) funds shall be provided as a grant to local domestic violence programs for services.</p> <p>G. The Director, Department of Planning and Budget, shall, on or before June 30, 2019, unallot \$2,000,000 from the general fund in this item, which reflects unused balances in the auxiliary grants program.</p>				
344.	Child Welfare Services (46900).....		\$234,910,203	\$238,176,201 \$243,026,935
	Foster Care Payments (46901).....	\$62,854,331	\$63,509,506 \$59,749,196	
	Supplemental Child Welfare Activities (46902).....	\$36,763,186	\$38,723,749	
	Adoption Subsidy Payments (46903).....	\$135,292,686	\$135,942,946 \$144,553,990	
	Fund Sources: General.....	\$118,060,119	\$119,412,176 \$120,134,515	
	Special.....	\$1,425,030	\$2,434,593	
	Dedicated Special Revenue.....	\$585,265	\$585,265	

ITEM 344.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2019	FY2020	FY2019	FY2020
Federal Trust.....	\$114,839,789	\$115,744,167 \$119,872,562		

Authority: Title 63.2, Chapters 1, 2, 4 and 8 through 15, Code of Virginia; P.L. 100-294, P.L. 101-126, P.L. 101-226, P.L. 105-89, P.L. 110-351, P.L. 111-320, as amended, Federal Code.

A. Expenditures meeting the criteria of Title IV-E of the Social Security Act shall be fully reimbursed except that expenditures otherwise subject to a standard local matching share under applicable state policy, including local staffing, shall continue to require local match. The commissioner shall ensure that local social service boards obtain reimbursement for all children eligible for Title IV-E coverage.

B. The commissioner, in cooperation with the Department of Planning and Budget, shall establish a reasonable, automatic adjustment for inflation each year to be applied to the room and board maximum rates paid to foster parents. However, this provision shall apply only in fiscal years following a fiscal year in which salary increases are provided for state employees.

C. Out of this appropriation, \$500,000 the first year and \$500,000 the second year from the general fund shall be provided for the purchase of services for victims child abuse and neglect prevention activities as stated in § 63.2-1502, Code of Virginia, in accordance with regulations promulgated by the Board of Social Services.

D. Out of this appropriation, \$180,200 the first year and \$180,200 the second year from the general fund and \$99,800 the first year and \$99,800 the second year from nongeneral funds shall be provided to continue respite care for foster parents.

E. Notwithstanding the provisions of §§ 63.2-1300 through 63.2-1303, Code of Virginia, adoption assistance subsidies and supportive services shall not be available for children adopted through parental placements, except parental placements where the legal guardian is a child placing agency at the time of the adoption. This restriction does not apply to existing adoption assistance agreements.

F.1. Out of this appropriation, \$1,500,000 the first year and \$1,500,000 the second year from the general fund shall be provided to implement pilot programs that increase the number of foster care children adopted.

2. Beginning July 1, 2017, the department shall provide an annual report, not later than 45 days after the end of the state fiscal year, on the use and effectiveness of this funding including, but not limited to, the additional number of special needs children adopted from foster care as a result of this effort and the types of ongoing supportive services provided, to the Governor, Chairmen of House Appropriations and Senate Finance Committees, and the Director, Department of Planning and Budget.

G. Out of this appropriation, \$18,293,004 the first year and ~~\$17,625,719~~ \$14,864,476 the second year from the general fund and \$7,000,000 the first year and \$7,000,000 the second year from nongeneral funds shall be provided for special needs adoptions.

H. Out of this appropriation \$54,830,250 the first year and ~~\$54,830,250~~ \$61,019,627 the second year from the general fund and \$54,830,250 the first year and ~~\$54,830,250~~ \$61,019,627 the second year from nongeneral funds shall be provided for Title IV-E adoption subsidies.

I. The Commissioner, Department of Social Services, shall ensure that local departments that provide independent living services to persons between 18 and 21 years of age make certain information about and counseling regarding the availability of independent living services is provided to any person who chooses to leave foster care or who chooses to terminate independent living services before his twenty-first birthday. Information shall include the option for restoration of independent living services following termination of independent living services, and the processes whereby independent living services may be restored should he choose to seek restoration of such services in accordance with § 63.2-905.1 of the Code of Virginia.

J.1. Notwithstanding the provisions of § 63.2-1302, Code of Virginia, the Department of

ITEM 344.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
<p>Social Services shall negotiate all adoption assistance agreements with both existing and prospective adoptive parents on behalf of local departments of social services. This provision shall not alter the legal responsibilities of the local departments of social services set out in Chapter 13 of Title 63.2, Code of Virginia, nor alter the rights of the adoptive parents to appeal.</p>				
<p>2. Out of this appropriation, \$342,414 the first year and \$342,414 the second year from the general fund and \$215,900 the first year and \$215,900 the second year from nongeneral funds shall be provided for five positions to execute these negotiations.</p>				
<p>K.1. The Department of Social Services shall partner with Patrick Henry Family Services to implement a pilot program in the area encompassing Planning District 11 (Amherst, Appomattox, Bedford, Campbell Counties and the City of Lynchburg) for the temporary placements of children for children and families in crisis.</p>				
<p>The pilot program will allow a parent or legal custodian of a minor, with the assistance of Patrick Henry Family Services, to delegate to another person by a properly executed power of attorney any powers regarding care, custody, or property of the minor for a temporary placement for a period that is not greater than 90 days. The program will allow for an option of a one-time 90 day extension.</p>				
<p>2. The department shall ensure that this pilot program meets the following specific programmatic and safety requirements outlined in 22 VAC 40-131 and 22 VAC 40-191:</p>				
<p>(i) The pilot program organization shall meet the background check requirements described in 22 VAC 40-191.</p>				
<p>(ii) The pilot program organization shall develop and implement written policies and procedures for governing active and closed cases, admissions, monitoring the administration of medications, prohibiting corporal punishment, ensuring that children are not subjected to abuse or neglect, investigating allegations of misconduct toward children, implementing the child's back-up emergency care plan, assigning designated casework staff, management of all records, discharge policies, and the use of seclusion and restraint (22 VAC 40-131-90).</p>				
<p>(iii) The pilot program organization shall provide pre-service and ongoing training for temporary placement providers and staff (22 VAC 40-131-210 and 22 VAC 40-131-150).</p>				
<p>3. The Department of Social Services shall evaluate the pilot program and determine if this model of prevention is effective. A report of the evaluation findings and recommendations shall be submitted to the Governor, the Chairmen of the House Appropriations and Senate Finance Committees, and the Commission on Youth by December 1, 2017.</p>				
<p>L.1. Out of this appropriation, \$2,925,954 the first year and \$2,925,954 the second year from the general fund and \$2,886,611 the first year and \$2,886,611 the second year from nongeneral funds shall be available for the expansion of foster care and adoption assistance as authorized in the federal Foster Connections to Success and Increasing Adoptions Act of 2008 (P.L. 110-351; P.L. 11-148).</p>				
<p>2. In order to implement the Fostering Futures program, the Department of Social Services shall set out the requirements for program participation in accordance with 42 U.S.C. 675 (8) (B) (iv) and shall provide the format of an agreement to be signed by the local department of social services and the youth. The definition of a child for the purpose of the Fostering Futures program shall be any natural person who has reached the age of 18 years but has not reached the age of 21. The Department of Social Services shall develop guidance setting out the requirements for local implementation including a requirement for six-month reviews of each case and reasons for termination of participation by a youth. The guidance shall also include a definition of a supervised independent living arrangement which does not include group homes or residential facilities. Implementation of this program includes the extension of adoption assistance to age 21 for youth who were adopted at age 16 or older and who meet the program participation requirements set out in guidance by the Department of Social Services.</p>				
<p>3. The Department of Social Services shall issue guidance for the program's eligibility requirements and shall be available, on a voluntary basis, to an individual upon reaching the age of 18 who:</p>				

ITEM 344.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2019	FY2020	FY2019	FY2020

(i) was in the custody of a local department of social services either:

(a) prior to reaching 18 years of age, remained in foster care upon turning 18 years of age; or

(b) immediately prior to commitment to the Department of Juvenile Justice and is transitioning from such commitment to self-sufficiency.

(ii) and who is:

(a) completing secondary education or an equivalent credential; or

(b) enrolled in an institution that provides post-secondary or vocational education; or

(c) employed for at least 80 hours per month; or

(d) participating in a program or activity designed to promote employment or remove barriers to employment; or

(e) incapable of doing any of the activities described in subdivisions (a) through (d) due to a medical condition, which incapability is supported by regularly updated information in the program participant's case plan.

4. Implementation of extended foster care services shall be available for those eligible youth reaching age 18 on or after July 1, 2016.

M.1. Out of this appropriation, \$7,517,668 the first year and \$7,517,668 the second year from the general fund and \$2,500,000 the first year and \$2,500,000 the second year from nongeneral funds shall be available for the reinvestment of adoption general fund savings as authorized in title IV, parts B and E of the federal Social Security Act (P.L. 110-351).

2. Of the amounts in paragraph M.1. above, \$3,078,595 the first year and \$3,078,595 the second year from the general fund shall be used to develop a case management module for a comprehensive child welfare information system (CCWIS). In the development of the CCWIS, the department shall not create any future obligation that will require the appropriation of general fund in excess of that provided in this Act. Should additional appropriation, in excess of the amounts identified in this paragraph, be needed to complete development of this or any other module for the CCWIS, the department shall notify the Chairmen of the House Appropriations and Senate Finance Committees, and Director, Department of Planning and Budget.

3. Beginning September 1, 2018, the department shall also provide semi-annual progress reports that includes current project summary, implementation status, accounting of project expenditures and future milestones. All reports shall be submitted to the Chairmen of the House Appropriations and Senate Finance Committees, and Director, Department of Planning and Budget.

N. Out of this appropriation, \$1,009,563 the second year from nongeneral funds shall be used to fund ten positions that support the child protective services hotline.

O. Out of this appropriation, \$50,000 the second year from the general fund and \$50,000 the second year from nongeneral funds shall be used to fund one position that supports Virginia Fosters.

P. Out of this appropriation, \$851,000 the second year from the general fund is provided for training, consultation and technical support, and licensing costs associated with establishing evidence-based programming as identified in the federal Family First Prevention Services Act (FFPSA) Evidence-Based Programs Clearinghouse.

Q. The Department of Social Services shall immediately review all cases of children in congregate care without a clinical need to be there and assist local departments in finding appropriate family-based settings. The department shall certify completion of the reviews by June 30, 2020, and by letter notify the General Assembly as such.

R. Within 10 days of the enactment of this Act, the Department of Social Services (DSS) shall generate an estimate of the annual impact of enhanced federal Medical Assistance

ITEM 344.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
<p><i>Percentages (FMAP), associated with federal H.R. 6021, the Families First Coronavirus Response Act (FFCRA), on all Title IV-E foster care and adoptions programs as appropriated in this Act. The agency shall report these estimates by fiscal year, fiscal quarter, service area and fund detail, to the Department of Planning and Budget (DPB) and the Chairs of the House Appropriations and Senate Finance and Appropriations Committees within the required timeframe. DPB is authorized to unallot an amount of state funds equal to the general fund savings identified in the DSS report.</i></p>				
345.	Financial Assistance for Supplemental Assistance Services (49100).....		\$78,757,450	\$78,757,450 \$83,257,450
	General Relief (49101).....	\$500,000	\$500,000	
	Resettlement Assistance (49102).....	\$9,022,000	\$9,022,000	
	Emergency and Energy Assistance (49103).....	\$69,235,450	\$69,235,450 \$73,735,450	
	Fund Sources: General.....	\$500,000	\$500,000	
	Federal Trust.....	\$78,257,450	\$78,257,450 \$82,757,450	
<p>Authority: Title 2.2, Chapter 54; Title 63.2, Code of Virginia; Title VI, Subtitle B, P.L. 97-35, as amended; P.L. 104-193, as amended, Federal Code.</p>				
346.	Financial Assistance to Community Human Services Organizations (49200).....		\$48,700,789	\$53,657,967
	Community Action Agencies (49201).....	\$18,638,048	\$19,763,048	
	Volunteer Services (49202).....	\$3,866,340	\$3,866,340	
	Other Payments to Human Services Organizations (49203).....	\$26,196,401	\$30,028,579	
	Fund Sources: General.....	\$674,500	\$674,500	
	Federal Trust.....	\$48,026,289	\$52,983,467	
<p>Authority: Title 2.2, Chapter 54; Title 63.2, Code of Virginia; Title VI, Subtitle B, P.L. 97-35, as amended; P.L. 103-252, as amended; P.L. 104-193, as amended, Federal Code.</p>				
<p>A.1. All increased state or federal funds distributed to Community Action Agencies shall be distributed as follows: The funds shall be distributed to all local Community Action Agencies according to the Department of Social Services funding formula (75 percent based on low-income population, 20 percent based on number of jurisdictions served, and five percent based on square mileage served), adjusted to ensure that no agency receives less than 1.5 percent of any increase.</p>				
<p>2. Out of this appropriation, \$185,725 the first year and \$185,725 the second year from the Temporary Assistance for Needy Families (TANF) block grant shall be provided to contract with the Virginia Community Action Partnership to provide outreach, education and tax preparation services via the Virginia Earned Income Tax Coalition and other community non-profit organizations to citizens who may be eligible for the federal Earned Income Tax Credit. The contract shall require the Virginia Community Action Partnership to report on its efforts to expand the number of Virginians who are able to claim the federal EITC, including the number of individuals identified who could benefit from the credit, the number of individuals counseled on the availability of federal EITC, and the number of individuals assisted with tax preparation to claim the federal EITC. The annual report from the Virginia Community Action Partnership shall also detail actual expenditures for the program including the sub-contractors that were utilized. This report shall be provided to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees by December 1 each year.</p>				
<p>3. Out of this appropriation, \$6,250,000 the first year and \$6,250,000 the second year from the Temporary Assistance for Needy Families (TANF) block grant shall be provided to contract with local Community Action Agencies to provide an array of services designed to meet the needs of low-income individuals and families, including the elderly and migrant workers. Services may include, but are not limited to, child care, community and economic development, education, employment, health and nutrition, housing, and transportation.</p>				
<p>4. Out of this appropriation, \$1,125,000 the second year from the Temporary Assistance to</p>				

ITEM 346.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
<p>Needy Families (TANF) block grant shall be provided for competitive grants to Community Action Agencies for a Two-Generation/Whole Family Pilot Project and for evaluation of the pilot project. Applicants selected for the pilot project shall provide a match of no less than 20 percent of the grant, including in-kind services. The Department of Social Services shall report to the General Assembly annually on the progress of the pilot project and shall complete a final report on the project no later than six years after the commencement of the project.</p>				
<p>B. The department shall continue to fund from this Item all organizations recognized by the Commonwealth as community action agencies as defined in §2.2-5400 et seq.</p>				
<p>C. Out of this appropriation, \$9,035,501 the first year and \$9,035,501\$8,617,679 the second year from the Temporary Assistance for Needy Families (TANF) block grant shall be provided to contract with programs that follow the evidence-based Healthy Families America home visiting model that promotes positive parenting, improves child health and development, and reduces child abuse and neglect. The Department of Social Services shall use a portion of the funds from this item to contract with the statewide office of Prevent Child Abuse Virginia for providing the coordination, technical support, quality assurance, training and evaluation of the Virginia Healthy Families programs.</p>				
<p>E. Out of this appropriation, \$100,000 the first year and \$100,000 the second year from nongeneral funds shall be provided for the Child Abuse Prevention Play (the play) administered by Virginia Repertory Theatre. The contract shall include production and live performances of the play that teach child safety awareness to prevent child abuse.</p>				
<p>F. Out of this appropriation, \$70,000 the first year and \$70,000 the second year from the general fund shall be provided to contract with the Virginia Alzheimer's Association Chapters to provide dementia-specific training to long-term care workers in licensed nursing facilities, assisted living facilities and adult day care centers who deal with Alzheimer's disease and related disorders.</p>				
<p>G. Out of this appropriation, \$500,000 the first year and \$1,000,000 the second year from the Temporary Assistance for Needy Families (TANF) block grant shall be provided to contract with Northern Virginia Family Services (NVFS) to provide supportive services that address the basic needs of families in crisis, including the provision of food, financial assistance to prevent homelessness, access to health services, and adult workforce development programs. The contract shall require NVFS to provide an intake process that identifies the needs and appropriate services for those in crisis. Outcomes will be measured utilizing surveys provided to those who receive services and NVFS will report quarterly on survey results.</p>				
<p>H. Out of this appropriation, \$405,500 the first year and \$405,500 the second year from the general fund and \$1,136,500 the first year and \$1,136,500 the second year from the Temporary Assistance for Needy Families (TANF) block grant shall be provided to contract with child advocacy centers (CAC) to provide a comprehensive, multidisciplinary team response to allegations of child abuse in a dedicated, child-friendly setting. The contracts shall require CACs to provide forensic interviews, victim support and advocacy services, medical evaluations, and mental health services to victims of child abuse and neglect with the expected outcome of reducing child abuse and neglect. The department shall allocate four percent to Children's Advocacy Centers of Virginia (CACVA), the recognized chapter of the National Children's Alliance for Virginia's Child Advocacy Centers, for the purpose of assisting and supporting the development, continuation, and sustainability of community-coordinated, child-focused services delivered by children's advocacy centers (CACs). Of the remaining 96 percent, (i) 65 percent shall be distributed to a baseline allocation determined by the accreditation status of the CAC: (a) developing and associate centers 100 percent of base; (b) accredited centers 150 percent of base; and (c) accredited centers with satellite facilities 175 percent of base; and (ii) 35 percent shall be allocated according to established criteria to include: (a) 25 percent determined by the rate of child abuse per 1,000; (b) 25 percent determined by child population; and (c) 50 percent determined by the number of counties and independent cities serviced.</p>				
<p>I.1. Out of this appropriation, \$1,250,000 the first year and \$1,250,000 the second year from the Temporary Assistance for Needy Families (TANF) block grant shall be provided to contract with the Virginia Early Childhood Foundation (VECF) to support the health</p>				

ITEM 346.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
	and school readiness of Virginia's young children prior to school entry. These funds shall be matched with local public and private resources with a goal of leveraging a dollar for each state dollar provided.			
	2. Of the amounts in paragraph I.1. above, \$1,250,000 the first year and \$1,250,000 the second year from the Temporary Assistance for Needy Families (TANF) block grant shall be used to provide information and assistance to parents and families and to facilitate partnerships with both public and private providers of early childhood services. VECF will track and report statewide and local progress on a biennial basis. The Foundation shall account for the expenditure of these funds by providing the Governor, Secretary of Health and Human Resources, and the Chairmen of the House Appropriations and Senate Finance Committees with a certified audit and full report on Foundation initiatives and results not later than October 1 of each year for the preceding fiscal year ending June 30.			
	3. On or before October 1 of each year, the foundation shall submit to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees a report on the actual amount, by fiscal year, of private and local government funds received by the foundation.			
	J. Out of this appropriation \$1,000,000 the first year and \$1,500,000 the second year from the Temporary Assistance to Needy Families (TANF) block grant shall be provided to the Virginia Alliance of Boys and Girls Clubs to expand community-based prevention and mentoring programs.			
	K.1. Out of this appropriation, \$7,500,000 the first year and \$7,500,000 the second year from the Temporary Assistance to Needy Families (TANF) block grant the shall be provided for competitive grants for community employment and training programs designed to move low-income individuals out of poverty through programs designed to assist TANF recipients in obtaining and retaining competitive employment with the prospect of a career path and wage growth and other supportive services designed to break the cycle of poverty and permanently move individuals out of poverty. Of this amount, \$2.0 million shall be provided for competitive grants provided through Employment Services Organizations (ESOs).			
	2.a. Out of this appropriation, \$3,000,000 the first year and \$3,000,000 the second year from the Temporary Assistance to Needy Families (TANF) block grant the shall be provided for a second round of grants for community employment and training programs designed to move low-income individuals out of poverty by obtaining and retaining competitive employment with the prospect of a career path and wage growth. The local match requirement shall be reduced to 10 percent, including in-kind services, for grant recipients located in Virginia counties or cities with high fiscal stress as defined by the Commission on Local Government fiscal stress index.			
	b. Out of the amounts in 2.a., at least \$300,000 each year from the TANF block grant shall be provided through a contract with the City of Richmond, Office of Community Wealth for services provided through the Center for Workforce Innovation.			
	3. The Department of Social Services shall award grants to qualifying programs through a memorandum of understanding which articulates performance measures and outcomes including the number of individuals participating in services, number of individuals hired into employment, the number of unique employers hiring individuals through organizational programs and activities, the average starting wage of individuals hired, reductions in the rate of poverty, as well as process measures such as how the program targets improvement in poverty over a 3-5 year period and fits in with long term community goals for reducing poverty. Grants shall require local matching funds of at least a 25 percent, including in-kind services.			
	4. Community employment and training programs and ESOs shall report on annual program performance and outcome measures contained in the memorandum of understanding with the Department of Social Services. The department shall report on the implementation of the programs and any performance and outcome data collected through the memorandum of understanding by June 1 of each year.			
	L. Out of this appropriation, \$100,000 the first year and \$100,000 the second year from the general fund shall be provided to contract with Youth for Tomorrow (YFT) to provide comprehensive residential, education and counseling services to at-risk youth of the			

ITEM 346.	Item Details(\$)		Appropriations(\$)		
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020	
<p>Commonwealth of Virginia who have been sexually exploited, including victims of sex trafficking. The contract shall require YFT to provide individual assessments/individual service planning; individual and group counseling; room and board; coordination of medical and mental health services and referrals; independent living services for youth transitioning out of foster care; active supervision; education; and family reunification services. Youth for Tomorrow shall submit monthly progress reports on activities conducted and progress achieved on outputs, outcomes and other functions/activities during the reporting period. On October 1 of each year, YFT shall provide an annual report to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees that details program services, outputs and outcomes.</p>					
<p>M. Out of this appropriation, \$75,000 each year from the federal Temporary Assistance to Needy Families block grant shall be provided to contract with Visions of Truth Community Development Corporation in Portsmouth, Virginia. The funding will support the Students Taking Responsibility in Valuing Education (STRIVE) suspension/dropout prevention program.</p>					
<p>N. Out of this appropriation, \$250,000 the first year and \$600,000 the second year from the the federal Temporary Assistance to Needy Families block grant shall be provided to contract with Early Impact Virginia to continue its work in support of Virginia's voluntary home visiting programs. These funds may be used to hire three full-time staff, including a director and an evaluator, and to continue Early Impact Virginia's training partnerships. Early Impact Virginia shall have the authority and responsibility to determine, systematically track, and report annually on the key activities and outcomes of Virginia's home visiting programs; conduct systematic and statewide needs assessments for Virginia's home visiting programs at least once every three years; and to support continuous quality improvement, training, and coordination across Virginia's home visiting programs on an ongoing basis. Early Impact Virginia shall report on its findings to the Chairmen of the House Appropriations and Senate Finance Committees by July 1, 2019 and annually thereafter.</p>					
<p>O. Out of this appropriation, \$500,000 the first year and \$500,000 the second year from the Temporary Assistance to Needy Families (TANF) block grant shall be provided to contract with the Laurel Center in Winchester to provide program services to survivors of domestic abuse and sexual violence in Winchester, Frederick County, Clarke County, and Warren County at the Center's residential facility for survivors.</p>					
<p>P. Out of this appropriation, \$50,000 the first year and \$50,000 the second year from the general fund shall be provided for the Department of Social Services to contract with Adoption Share, Inc. for the purpose of a pilot program to operate the Family-Match application, which is an online matching tool for state case workers to use in matching foster care children with the best families.</p>					
<p>Q. Out of this appropriation, \$200,000 the first year and \$100,000 the second year from the Temporary Assistance to Needy Families (TANF) block grant shall be provided to FACETS to provide homeless assistance services in Northern Virginia.</p>					
<p>R. Out of this appropriation, \$3,000,000 the second year from the TANF block grant shall be provided for one-time funding to contract with the Virginia Federation of Food Banks to provide child nutrition programs.</p>					
347.	Regulation of Public Facilities and Services (56100).....			\$28,719,903	\$28,819,686
	Regulation of Adult and Child Welfare Facilities (56101).....	\$25,783,256	\$25,883,039		
	Background Investigation Services (56106).....	\$2,936,647	\$2,936,647		
	Fund Sources: General.....	\$3,880,473	\$3,880,473		
	Special.....	\$3,038,114	\$3,038,114		
	Federal Trust.....	\$21,801,316	\$21,901,099		

Authority: Title 63.2, Chapters 17 and 18, Code of Virginia.

A. The state nongeneral fund amounts collected and paid into the state treasury pursuant to the provisions of § 63.2-1700, Code of Virginia, shall be used for the development and

ITEM 347.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
	delivery of training for operators and staff of assisted living facilities, adult day care centers, and child welfare agencies.			
	B. As a condition of this appropriation, the Department of Social Services shall (i) promptly fill all position vacancies that occur in licensing offices so that positions shall not remain vacant for longer than 120 days and (ii) hire sufficient child care licensing specialists to ensure that all child care facilities receive, at a minimum, the two visits per year mandated by § 63.2-1706, Code of Virginia, and that facilities with compliance problems receive additional inspection visits as necessary to ensure compliance with state laws and regulations.			
	C. As a condition of this appropriation, the Department of Social Services shall utilize a risk assessment instrument for child and adult care enforcement. This instrument shall include criteria for determining when the following sanctions may be used: (i) the imposition of intermediate sanctions, (ii) the denial of licensure renewal or revocation of license of a licensed facility, (iii) injunctive relief against a child care provider, and (iv) additional inspections and intensive oversight of a facility by the Department of Social Services.			
	D. Out of this appropriation, the Department of Social Services shall implement training for new assisted living facility owners and managers to focus on health and safety issues, and resident rights as they pertain to adult care residences.			
	E. Out of this appropriation, \$8,853,833 and 59 positions the first year and \$8,853,833 and 59 positions second year from the federal Child Care and Development Fund (CCDF) shall be provided to address the workload associated with licensing, inspecting and monitoring family day homes, pursuant to § 63.2-1704, Code of Virginia. On July 1, 2018, the Director of the Department of Planning and Budget shall unallot \$6,853,833 of this appropriation. At such time as the department demonstrates a sufficient increase in family day home licensure, inspection and monitoring activity to necessitate additional staff, the Director of the Department of Planning and Budget may allot additional resources. The Department of Social Services shall provide an annual report, not later than October 1 of each year for the preceding state fiscal year ending June 30, on the implementation of this initiative to the Governor, the Chairmen of the House Appropriations and Senate Finance Committees, and the Director, Department of Planning and Budget.			
	F. The Department of Social Services shall work with localities that currently inspect child day care centers and family day homes to minimize duplication and overlap of inspections pursuant to § 63.2-1701.1, Code of Virginia.			
	G. No child day center, family day home, or family day system licensed in accordance with Chapter 17, Title 63.2; child day center exempt from licensure pursuant to § 63.2-1716; registered family day home; family day home approved by a family day system; or any child day center or family day home that enters into a contract with the Department of Social Services or a local department of social services to provide child care services funded by the Child Care and Development Block Grant shall employ; continue to employ; or permit to serve as a volunteer who will be alone with, in control of, or supervising children any person who has an offense as defined in § 63.2-1719. All employees and volunteers shall undergo the following background check by July 1, 2017 and every 5 years thereafter, as required by the federal Child Care and Development Block Grant Act of 2014 (CCDBG).			
	<i>H. 1. A child day program that operates for children of essential personnel, who are in need of child care as a result of the COVID-19 pandemic, shall be exempt from licensure. Programs operating under this emergency licensing exemption must file an exemption with the Department and abide by the requirements set forth in §63.2-1715(C) and (D). The Commissioner shall have the authority to inspect these programs only upon receipt of a complaint, except as otherwise provided by law.</i>			
	<i>2. An instructional program operating under §63.2-1715 (A) solely for children of essential personnel must file with the Commissioner a statement indicating the intent to operate the program and identifying that the program will operate solely for the children of essential personnel. All emergency child care programs shall follow Centers for Disease Control and Prevention and Virginia Department of Health guidance on safety measures to prevent the spread of COVID-19.</i>			
	<i>I. When a child day program operates in response to the COVID-19 pandemic, a background</i>			

ITEM 347.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
<p><i>check for an individual associated with a child day program operating solely for children of essential personnel shall not be required for any individual who has completed a background check under the provisions of §63.2-1720.1 or §63.2-1721.1 within the previous two years and who continues to be eligible. The Department shall establish a process regarding background check portability, and child day program providers seeking portability must follow this process.</i></p> <p><i>J. During the state of emergency pursuant to the Governor and State Health Commissioner's Order of Public Health Emergency One, as amended, any public or accredited private school may operate emergency child care for preschool or school aged children of essential personnel during a declared state or local emergency due to COVID-19. Such programs shall be exempt from licensure (§63.2-1715) and shall be subject to safety and supervisory standards, including background checks, established by the local school division or accredited private school offering the program. All emergency child care programs shall follow Centers for Disease Control and Prevention and Virginia Department of Health guidance on safety measures to prevent the spread of COVID-19.</i></p>				
348.	Administrative and Support Services (49900).....		\$113,072,876	\$115,794,025 \$122,317,070
	General Management and Direction (49901).....	\$4,515,894	\$3,529,872 \$5,022,773	
	Information Technology Services (49902).....	\$84,987,828	\$88,694,999 \$91,337,685	
	Accounting and Budgeting Services (49903).....	\$9,732,964	\$9,732,964	
	Human Resources Services (49914).....	\$5,318,017	\$5,318,017 \$5,491,067	
	Planning and Evaluation Services (49916).....	\$2,972,427	\$2,972,427 \$3,969,605	
	Procurement and Distribution Services (49918).....	\$3,104,631	\$3,104,631 \$3,775,563	
	Public Information Services (49919).....	\$2,211,522	\$2,211,522 \$2,611,522	
	Financial and Operational Audits (49929).....	\$229,593	\$229,593 \$375,891	
	Fund Sources: General.....	\$43,881,794	\$43,881,794 \$45,727,138	
	Special.....	\$175,000	\$175,000	
	Dedicated Special Revenue.....	\$1,265,778	\$1,050,000	
	Federal Trust.....	\$67,750,304	\$70,687,231 \$75,364,932	

Authority: Title 63.2, Chapter 1; § 2.2-4000 et seq., Code of Virginia; P.L. 98-502, P.L. 104-156, P.L. 104-193, P.L. 104-327, P.L. 105-33, as amended, P.L. 105-89, Federal Code; Titles IV-A, IV-B, IV-D, IV-E, XIX, XX, XXI of the federal Social Security Act, as amended.

A. The Department of Social Services shall require localities to report all expenditures on designated social services, regardless of reimbursement from state and federal sources. The Department of Social Services is authorized to include eligible costs in its claim for Temporary Assistance for Needy Families Maintenance of Effort requirements.

B. It is the intent of the General Assembly that the Commissioner, Department of Social Services shall work with localities that seek to voluntarily merge and consolidate their respective local departments of social services. No funds appropriated under this act shall be used to require a locality to merge or consolidate local departments of social services.

C.1. Out of this appropriation, \$473,844 the first year and \$473,844 the second year from the general fund and \$781,791 the first year and \$781,791 the second year from nongeneral funds shall be provided to support the statewide 2-1-1 Information and Referral System which provides resource and referral information on many of the specialized health and human resource services available in the Commonwealth, including child day care availability and providers in localities throughout the state, and publish consumer-oriented materials for those interested in learning the location of child day care providers.

ITEM 348.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
2. The Department of Social Services shall request that all state and local child-serving agencies within the Commonwealth be included in the Virginia Statewide Information and Referral System as well as any agency or entity that receives state general fund dollars and provides services to families and youth. The Secretary of Health and Human Resources, the Secretary of Education and Workforce, and the Secretary of Public Safety and Homeland Security shall assist in this effort by requesting all affected agencies within their secretariats to submit information to the statewide Information and Referral System and ensure that such information is accurate and updated annually. Agencies shall also notify the Virginia Information and Referral System of any changes in services that may occur throughout the year.				
3. The Department of Social Services shall communicate with child-serving agencies within the Commonwealth about the availability of the statewide Information and Referral System. This information shall also be communicated via the Department of Social Services' broadcast system on their agency-wide Intranet so that all local and regional offices can be better informed about the Statewide Information and Referral System. Information on the Statewide Information and Referral System shall also be included within the department's electronic mailings to all local and regional offices at least biannually.				
D.1. Within 30 days of awarding or amending any contract related to the Virginia Case Management System (VaCMS), the Department of Social Services (DSS) shall provide the Chairmen of the House Appropriations and Senate Finance Committees, and Director, Department of Planning and Budget with a copy of the contract, including any fiscal implications.				
2. Prior to the award of any contract that will potentially obligate the Commonwealth to future unappropriated spending, the department shall receive prior written concurrence from Director, Department of Planning and Budget. Any approved increases in funding requests shall be reported by DSS to the Chairmen of House Appropriations and Senate Finance Committees within 30 days.				
E.1. The Department of Social Services shall provide to the Chairmen of the House Appropriations and Senate Finance Committees a report on the implementation of the Asset Verification Service that is part of the Eligibility Modernization Project on or before September 1, 2016. It is the intent of the General Assembly to encourage financial institutions with branches in Virginia to work collaboratively with the department and its vendor in order to maximize participation in the Asset Verification Service program.				
2. The Department shall also develop a plan and submit it to the Chairmen of the House Appropriations and Senate Finance Committees to incorporate searchable national real estate records as part of the Asset Verification Service program as soon as the data are available.				
<i>F. Notwithstanding any other provision of law, the Department of Social Services (DSS) shall have temporary authority to make any changes to relevant State Plans, request waivers from applicable federal agencies, change eligibility criteria for benefits and services, and payment levels for applicable programs in response to the COVID-19 pandemic and new authorities and funding made available by the federal government to effect those policies necessary to ensure that benefits are available to eligible populations in response to COVID-19. Prior to the implementation of any change, DSS must receive written approval from the Governor. Within 15 days of implementing changes in response to COVID-19, DSS shall send a list of such actions to the Director, Department of Planning and Budget and the Chairs of the House Appropriations and Senate Finance and Appropriations Committees. The provisions of this paragraph, as well as any actions implemented under its authority, shall be in accordance with the Governor's emergency declaration for COVID-19 and be in effect for the period specified therein.</i>				
349. Not set out.				
350. Not set out.				
Total for Department of Social Services.....			\$2,107,914,409	\$2,144,249,980 \$2,219,615,691

ITEM 350.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
General Fund Positions.....	624.00	638.00		
Nongeneral Fund Positions.....	1,198.50	1,213.50		
Position Level.....	1,822.50	1,851.50		
Fund Sources: General.....	\$429,427,587	\$433,983,740 \$431,177,854		
Special.....	\$696,126,343	\$697,411,024		
Dedicated Special Revenue.....	\$8,360,029	\$10,294,920		
Federal Trust.....	\$974,000,450	\$1,002,560,296 \$1,080,731,893		

§ 1-23. VIRGINIA BOARD FOR PEOPLE WITH DISABILITIES (606)

351.	Not set out.			
352.	Financial Assistance for Individual and Family Services (49000).....		\$401,475	\$401,475 \$896,475
	Financial Assistance to Localities for Individual and Family Services (49001).....	\$401,475		\$401,475 \$896,475
	Fund Sources: Federal Trust.....	\$401,475		\$401,475 \$896,475
	Authority: Title 51.5, Chapter 7, Code of Virginia.			
	Total for Virginia Board for People with Disabilities.....		\$1,973,892	\$1,980,327 \$2,475,327
	General Fund Positions.....	0.60		1.60
	Nongeneral Fund Positions.....	8.40		8.40
	Position Level.....	9.00		10.00
	Fund Sources: General.....	\$248,542		\$254,977
	Federal Trust.....	\$1,725,350		\$1,725,350 \$2,220,350

§ 1-24. DEPARTMENT FOR THE BLIND AND VISION IMPAIRED (702)

353.	Not set out.			
354.	Not set out.			
355.	Rehabilitation Assistance Services (45400).....		\$13,397,938	\$14,082,547 \$14,105,656
	Low Vision Services (45401).....	\$441,285		\$441,285 \$464,394
	Vocational Rehabilitation Services (45404).....	\$8,339,166		\$8,339,166
	Community Based Independent Living Services (45407).....	\$4,095,980		\$4,490,589
	Vending Stands, Cafeterias, and Snack Bars (45410).....	\$521,507		\$811,507
	Fund Sources: General.....	\$1,981,012		\$2,375,621
	Special.....	\$504,731		\$794,731
	Trust and Agency.....	\$150,000		\$150,000 \$173,109
	Federal Trust.....	\$10,762,195		\$10,762,195

Authority: § 51.5-1 and Title 51.5, Chapter 1, Code of Virginia; P.L. 93-516 and P.L. 93-112, Federal Code.

A. It is the intent of the General Assembly that visually handicapped persons who have

ITEM 355.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
<p>completed vocational training as food service managers through programs operated by the Department be considered for food service management position openings within the Commonwealth as they arise.</p> <p>B. 1.The annual federal vocational rehabilitation grant award that will be received by the Department for the Blind and Vision Impaired (DBVI) is estimated at \$11,442,719 for federal fiscal year 2018; \$11,442,719 for federal fiscal year 2019; and \$11,442,719 for federal fiscal year 2020. In addition to the base annual award amount, DBVI may request up to \$1,500,000 of additional federal reallotment dollars in each of these years. Assuming these amounts, the annual 21.3 percent state matching requirement would equate to \$3,632,832 for federal fiscal year 2018; \$3,632,832 for federal fiscal year 2019; and \$3,632,832 for federal fiscal year 2020.</p> <p>2. Based on the projection of federal award funding in paragraph A.2., DBVI shall not request federal vocational rehabilitation grant dollars in excess of \$12,942,719 for federal fiscal year 2018; \$12,942,719 for federal fiscal year 2019; and \$12,942,719 for federal fiscal year 2020, without prior written concurrence from the Director, Department of Planning and Budget. Any approved increases in grant award requests shall be reported by DARS to the Chairmen of the House Appropriations and Senate Finance Committees within 30 days.</p>				
356.	Not set out.			
357.	Not set out.			
358.	Administrative and Support Services (49900).....		\$3,074,912	\$3,474,912 \$3,904,912
	General Management and Direction (49901).....	\$2,277,309		\$2,677,309 \$2,846,477
	Physical Plant Services (49915).....	\$797,603		\$797,603 \$1,058,435
	Fund Sources: General.....	\$762,724		\$762,724
	Special.....	\$749,678		\$749,678 \$1,169,678
	Enterprise.....	\$1,100,000		\$1,500,000
	Trust and Agency.....	\$40,000		\$40,000 \$50,000
	Federal Trust.....	\$422,510		\$422,510
<p>Authority: Title 63.2, Chapter 4, Code of Virginia; P.L. 89-313, P.L. 93-112, and P.L. 97-35, Federal Code.</p> <p>Up to \$1,244,790 the first year and up to \$1,244,790 the second year is available for the Department for the Blind and Vision Impaired (DBVI) to contract with the Department for Aging and Rehabilitative Services (DARS) for the provision of shared administrative services. The scope of the services and specific costs shall be outlined in a memorandum of understanding (MOU) between DBVI and DARS subject to the approval of the respective agency heads. Any revision to the MOU shall be reported by DARS to the Director, Department of Planning and Budget within 30 days.</p>				
Total for Department for the Blind and Vision Impaired.....			\$72,367,576	\$73,052,185 \$73,505,294
	General Fund Positions.....	62.60		62.60
	Nongeneral Fund Positions.....	92.40		92.40
	Position Level.....	155.00		155.00
	Fund Sources: General.....	\$6,138,137		\$6,532,746
	Special.....	\$1,254,409		\$1,544,409 \$1,964,409
	Enterprise.....	\$51,868,817		\$51,868,817
	Trust and Agency.....	\$245,000		\$245,000 \$278,109
	Federal Trust.....	\$12,861,213		\$12,861,213

ITEM 359.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
359.	Not set out.			
360.	Not set out.			
Grand Total for Department for the Blind and Vision Impaired.....			\$75,378,140	\$76,112,749 <i>\$76,565,858</i>
General Fund Positions.....	62.60	62.60		
Nongeneral Fund Positions.....	118.40	118.40		
Position Level.....	181.00	181.00		
Fund Sources: General.....	\$6,480,081	\$6,874,690		
Special.....	\$1,298,409	\$1,588,409 <i>\$2,008,409</i>		
Enterprise.....	\$51,868,817	\$51,918,817		
Trust and Agency.....	\$265,000	\$265,000 <i>\$298,109</i>		
Federal Trust.....	\$15,465,833	\$15,465,833		
TOTAL FOR OFFICE OF HEALTH AND HUMAN RESOURCES.....			\$17,314,135,280	\$20,529,702,088 <i>\$20,037,609,203</i>
General Fund Positions.....	8,586.90	9,132.15 <i>9,041.15</i>		
Nongeneral Fund Positions.....	6,417.12	6,447.12		
Position Level.....	15,004.02	15,579.27 <i>15,488.27</i>		
Fund Sources: General.....	\$6,810,384,164	\$7,073,904,882 <i>\$6,804,929,985</i>		
Special.....	\$1,096,719,321	\$1,070,839,039 <i>\$1,085,712,210</i>		
Enterprise.....	\$51,868,817	\$51,918,817		
Trust and Agency.....	\$1,390,987	\$1,390,987 <i>\$1,424,096</i>		
Dedicated Special Revenue.....	\$861,325,686	\$1,256,555,500 <i>\$1,308,495,334</i>		
Federal Trust.....	\$8,492,446,305	\$11,075,092,863 <i>\$10,785,128,761</i>		

ITEM 361.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020

OFFICE OF NATURAL RESOURCES

361. Not set out.

§ 1-25. DEPARTMENT OF CONSERVATION AND RECREATION (199)

362. Not set out.

363. Leisure and Recreation Services (50400).....			\$58,395,919	\$62,268,291 \$62,418,291
Preservation of Open Space Lands (50401).....	\$6,723,417	\$11,044,317		
Design and Construction of Outdoor Recreational Facilities (50403).....	\$886,797	\$886,797 \$1,036,797		
State Park Management and Operations (50404).....	\$46,305,543	\$45,919,515		
Natural Outdoor Recreational and Open Space Resource Research, Planning, and Technical Assistance (50406).....	\$4,480,162	\$4,417,662		
Fund Sources: General.....	\$24,379,426	\$28,366,542 \$28,516,542		
Special.....	\$26,444,308	\$26,834,895		
Dedicated Special Revenue.....	\$2,322,455	\$1,817,124		
Federal Trust.....	\$5,249,730	\$5,249,730		

Authority: Title 10.1, Chapters 1, 2, 3, 4, 4.1, and 17; Title 18.2, Chapters 1 and 5; Title 19.2, Chapters 1, 5, and 7, Code of Virginia.

.1. Included in the amounts for Preservation of Open Space Lands is \$4,500,000 the second year from the general fund to be deposited into the Virginia Land Conservation Fund, § 10.1-1020, Code of Virginia. No less than 50 percent of the appropriations remaining after the transfer to the Virginia Outdoors Foundation's Open-Space Lands Preservation Trust fund has been satisfied are to be used for grants for fee simple acquisitions with public access or acquisitions of easements with public access. This appropriation shall be deemed sufficient to meet the provisions of § 2.2-1509.4, Code of Virginia.

2. Included in the amounts for Preservation of Open Space Lands is \$1,500,000 the first year and \$1,500,000 the second year from nongeneral funds to be deposited into the Virginia Land Conservation Fund to be distributed by the Virginia Land Conservation Foundation pursuant to the provisions of § 58.1-513, Code of Virginia.

B. Included in the amounts for Preservation of Open-Space Lands is \$1,752,750 the first year and \$1,752,750 the second year from the general fund for the operating expenses of the Virginia Outdoors Foundation (Title 10.1, Chapter 18, Code of Virginia). Pursuant to § 58.1-817, the \$1 recordation fee shall be imposed on each instrument or document recorded in the proper book for filing of land records in those jurisdictions in which open-space easements are held by the Virginia Outdoors Foundation.

C.1. Out of the amounts appropriated for Natural Outdoor Recreational and Open Space Resource Research, Planning, and Technical Assistance, up to \$275,000 the first year and \$275,000 the second year from the general fund shall be paid for the operation and maintenance of Breaks Interstate Park. In addition to these amounts provided for operations and maintenance, an additional \$112,500 the first year from the general fund is appropriated to undertake emergency repairs at the Breaks Interstate Park dam.

2. The Breaks Interstate Park Commission shall submit an annual audit of a fiscal and compliance nature of its accounts and transactions to the Auditor of Public Accounts, the Director, Department of Conservation and Recreation, and the Director, Department of Planning and Budget.

3. The Breaks Interstate Park Commission shall, following the modernization of the Breaks Interstate Park electrical system, enter into negotiations to transfer control of the electrical system serving the park to a local regional electric utility.

ITEM 363.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2019	FY2020	FY2019	FY2020

D. Notwithstanding the provisions of § 10.1-202, Code of Virginia, amounts deposited to the State Park Conservation Resources Fund may be used for a program of in-state travel advertising. Such travel advertising shall feature Virginia State Parks and the localities or regions in which the parks are located. To the extent possible the department shall enter into cooperative advertising agreements with the Virginia Tourism Authority and local entities to maximize the effectiveness of expenditures for advertising. The department is further authorized to enter into a cooperative advertising agreement with the Virginia Association of Broadcasters.

E. Upon completion of the construction of the Daniel Boone Wilderness Trail Interpretative Center, the Division of State Parks may accept transfer of the facility, 153 acres of land, and \$450,000 for maintenance of the completed facility for operation as a satellite facility to Natural Tunnel State Park. It is the intent of the General Assembly that at such time as the facility, property, and cash are transferred to the Division of State Parks that positions and ongoing funding for the operation of the satellite facility shall be provided.

F. The department is hereby authorized to enter into an agreement with the non-profit organization that currently owns Natural Bridge to open and operate the facility as a Virginia State Park.

G.1. Notwithstanding any other provision of the Code of Virginia, as a condition of the expenditure of all amounts included in this Item, the department shall not initiate or accept by gift, transfer or purchase with nongeneral funds any new lands for use as a State Park or Natural Area Preserve without a specific appropriation for such purpose by the General Assembly. However, the department is authorized to acquire land as expressly set out in Items C-27 and C-27.10 of this act, as well as in-holdings or lands contiguous to an existing State Park or Natural Area Preserve as expressly set out in Items C-25 and C-26 of this act and as provided for in Section 4-2.01 a.1. of this act provided further that acquisitions authorized in Items C-25 and C-26 will not cause the department to incur additional operating expenses. It is not the intent of these provisions to prohibit any acquisitions resulting from mitigation settlements or to prohibit any additional operating expenses resulting from such acquisitions.

2. The Board of Conservation and Recreation is directed to develop a prioritization process and report which evaluates the relative priority of improvements for all properties that have not yet been fully developed as State Parks or Natural Area Preserves to ensure that the development of land-banked properties and properties not fully developed State Parks is undertaken with consideration of: i.) priority on development in areas with limited access to state and regional outdoor recreation facilities; ii.) the relative operational costs and staffing needs for any new areas compared to operating and staffing needs at existing state parks and natural areas; iii.) focus on in-holdings and parcels contiguous to existing state parks and natural area preserves; and iv.) any other such criteria as may deemed appropriate. The Board shall complete its evaluation and submit its prioritized listing to the Chairmen of the House Appropriations and Senate Finance Committees no later than November 1, 2018.

H. Included in the amounts for State Park Management and Operations is \$965,310 the first year and \$590,944 the second year and six positions from the general fund for the initial start-up and ongoing operational costs for Phase I of Widewater State Park in Stafford County. It is the intent of the General Assembly that, as soon as practicable upon completion of Phase 1A, that the Department shall provide public access and proceed to regular revenue generating operations at the Park.

I. Included in the amount for this item is \$167,548 and one position the first year and \$198,752 and two positions the second year from the general fund to support the limited operation of Seven Bends State Park.

J. Included in the amounts for this item is \$50,000 from the general fund in the first year *and ~~\$50,000~~ \$100,000 from the general fund the second year* for the Department of Conservation and Recreation to develop a plan to expand bike facilities at First Landing State Park. *Funding from this Item in the second year shall be used by the Department of Conservation and Recreation to contract with the City of Virginia Beach to support the*

ITEM 363.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
<i>development of appropriate ADA-compliant bike facilities that are located outside of the protected natural areas of First Landing State Park.</i>				
K. Included in the amount for this item is \$50,000 the second year from the general fund for the Mendota Trail Project for the engineering and construction of a prototype for a covered container bridge.				
L. Included in the amounts for this item is \$350,000 the first year and \$70,000 the second year from the nongeneral fund amounts appropriated in Item 453 A. for recreational access which shall be used to fabricate and install Supplemental Guide Signs for Virginia State Parks.				
<i>M. Included in the amount for this item \$100,000 the second year from the general fund is provided as a one-time payment to the City of Richmond to increase accessibility of public parks and connectivity of the ADA-accessible elements in the James River Park System.</i>				
364.	Not set out.			
	Total for Department of Conservation and Recreation.....		\$134,555,600	\$189,858,606 \$190,008,606
	General Fund Positions.....	416.50	420.50	
	Nongeneral Fund Positions.....	42.50	44.50	
	Position Level.....	459.00	465.00	
	Fund Sources: General.....	\$79,394,004	\$134,811,754 \$134,961,754	
	Special.....	\$27,655,169	\$28,045,756	
	Dedicated Special Revenue.....	\$14,573,657	\$14,068,326	
	Federal Trust.....	\$12,932,770	\$12,932,770	
365.	Not set out.			
366.	Not set out.			
367.	Not set out.			
368.	Not set out.			
369.	Not set out.			

§ 1-26. DEPARTMENT OF GAME AND INLAND FISHERIES (403)

370.	Wildlife and Freshwater Fisheries Management (51100).....			\$46,374,951	\$47,304,951 \$46,791,503
	Wildlife Information and Education (51102).....	\$4,015,764	\$4,015,764 \$4,620,278		
	Enforcement of Recreational Hunting and Fishing Laws and Regulations (51103).....	\$15,322,891	\$15,322,891 \$16,464,226		
	Wildlife Management and Habitat Improvement (51106).....	\$27,036,296	\$27,966,296 \$25,706,999		
	Fund Sources: Dedicated Special Revenue.....	\$34,202,269	\$35,132,269 \$33,668,821		
	Federal Trust.....	\$12,172,682	\$12,172,682 \$13,122,682		

Authority: Title 29.1, Chapters 1 through 6, Code of Virginia.

Out of the amounts appropriated for this Item, \$20,000 the first year and \$20,000 the second year from nongeneral funds is provided for the Smith Mountain Lake Water Quality

ITEM 370.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
	Monitoring Program.			
371.	Boating Safety and Regulation (62500).....		\$7,587,279	\$7,587,279 \$6,358,019
	Boat Registration and Titling (62501).....	\$2,844,547		\$2,844,547 \$1,876,017
	Boating Safety Information and Education (62502).	\$362,359		\$362,359 \$685,908
	Enforcement of Boating Safety Laws and Regulations (62503).....	\$4,380,373		\$4,380,373 \$3,796,094
	Fund Sources: Dedicated Special Revenue.....	\$6,143,234		\$6,143,234 \$4,688,974
	Federal Trust.....	\$1,444,045		\$1,444,045 \$1,669,045
	Authority: Title 29.1, Chapters 7 and 8, Code of Virginia.			
372.	Administrative and Support Services (59900).....		\$9,869,535	\$9,869,535 \$11,612,243
	General Management and Direction (59901).....	\$8,093,933		\$8,093,933 \$7,253,679
	Information Technology Services (59902).....	\$1,775,602		\$1,775,602 \$4,358,564
	Fund Sources: Dedicated Special Revenue.....	\$9,648,686		\$9,648,686 \$11,191,394
	Federal Trust.....	\$220,849		\$220,849 \$420,849

Authority: Title 29.1, Chapter 1, Code of Virginia.

A. The department shall recover the cost of reproduction, plus a reasonable fee per record, from persons or organizations requesting copies of computerized lists of licenses issued by the department.

B. The department shall not further consolidate its regional offices, field offices, or close any of these offices in presently-served localities or enter into any lease for any new regional office without notification of the Chairman of the House Committee on Agriculture, Chesapeake, and Natural Resources and the Chairman of the Senate Committee on Agriculture, Conservation, and Natural Resources. The department shall not undertake any future reorganization of any division, reporting structures, regional or field offices, or any function it may perform without notifying the Chairmen of the House Committee on Agriculture, Chesapeake, and Natural Resources, the House Committee on Appropriations, the Senate Committee on Agriculture, Conservation, and Natural Resources, and the Senate Committee on Finance.

C. Funds previously appropriated to the Lake Anna Advisory Committee for hydrilla control and removal may be used at the discretion of the Lake Anna Advisory Committee upon issues related to maintaining the health, safety, and welfare of Lake Anna.

D.1. Subject to review and approval by the Secretary of Natural Resources, the Director of the Department of Game and Inland Fisheries may issue to the Department of Transportation an interim permit to relocate the nest and eggs of any state listed threatened bird species from critical areas of the Hampton Roads Bridge Tunnel Expansion Project's South Island associated with the ingress and egress to the island; the delivery, assembly, and immediate operations of the tunnel boring machine; or other project critical locations as mutually agreed to by the Commissioner of Highways and the Director, which, if not relocated, would effectively require all substantial construction activities to cease.

2. Prior to the issuance of an interim permit as described in section 1, (i) the Director must determine that the Department of Transportation and its design-build contractor have taken all reasonable steps to prevent birds from nesting on the South Island, in accordance with the Colonial Nesting Bird Management Plan dated March 27, 2020, (ii) the Commissioner of Highways must determine that substantial construction activities will

ITEM 372.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
<p><i>have to cease if the nest and eggs are not relocated, and (iii) the Director shall require as a condition of the interim permit that the nest and any eggs will be relocated under the supervision of the Department of Game and Inland Fisheries to a location acceptable to the Director that is as close as possible to the original nesting location while allowing construction activities to continue.</i></p> <p><i>3. Within 30 days of the adoption by the Board of Game and Inland Fisheries of any regulation governing the take of migratory birds or threatened and endangered species, the Department of Transportation shall apply for a permit covering such take for the Hampton Roads Bridge-Tunnel expansion project.</i></p> <p><i>4. Any agency that exercises the authority granted in paragraph D.1, or that issues any permit that has an adverse impact on fish and wildlife or their habitat, may require compensatory mitigation for such adverse impact as a condition of issuing the permit.</i></p> <p><i>a. For the purposes of this section, "compensatory mitigation" means addressing the direct and indirect adverse impacts to fish and wildlife and their habitats that may be caused by a construction project by avoiding and minimizing impacts to the extent practicable and then compensating for the remaining impacts.</i></p> <p><i>b. Proposed compensatory mitigation agreements between an agency and a permittee shall be subject to the approval of the Secretary of Natural Resources, and may include environmental restoration projects, purchase of mitigation bank credits, or in-lieu payments to existing state funds related to conservation of fish and wildlife and their habitat.</i></p>				
373.	<p>A. Pursuant to §§ 29.1-101, 58.1-638, and 58.1-1410, Code of Virginia, deposits to the Game Protection Fund include an estimated \$15,500,000 the first year and \$15,500,000 the second year from revenue originating from the general fund.</p> <p>B. Pursuant to § 29.1-101.01, Code of Virginia, the Department of Planning and Budget shall transfer such funds as designated by the Board of Game and Inland Fisheries from the Game Protection Fund (§ 29.1-101) to the Capital Improvement Fund (§ 29.1-101.01) up to an amount equal to 50 percent or less of the revenue deposited to the Game Protection Fund by § 3-1.01, subparagraph M, of this act.</p> <p>C. Out of the amounts transferred pursuant to § 3-1.01, subparagraph K, of this act, \$881,753 the first year and \$881,753 the second year from the Game Protection Fund shall be used for the enforcement of boating laws, boating safety education, and for improving boating access.</p>			
	<p>Total for Department of Game and Inland Fisheries....</p> <p>Nongeneral Fund Positions..... 496.00 496.00</p> <p>Position Level..... 496.00 496.00</p> <p>Fund Sources: Dedicated Special Revenue..... \$49,994,189 \$50,924,189 \$49,549,189</p> <p>Federal Trust..... \$13,837,576 \$13,837,576 \$15,212,576</p>		\$63,831,765	\$64,761,765
374.	Not set out.			
375.	Not set out.			

§ 1-27. MARINE RESOURCES COMMISSION (402)

376.	Not set out.			
377.	<p>Coastal Lands Surveying and Mapping (51000).....</p> <p>Coastal Lands and Bottomlands Management (51001)..... \$2,262,431 \$2,090,431 \$2,179,494</p> <p>Marine Resources Surveying and Mapping (51002).... \$667,389 667,389</p>		\$2,929,820	\$2,757,820 \$2,846,883

ITEM 377.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
Fund Sources: General.....	\$1,858,641	\$1,686,641 \$1,775,704		
Dedicated Special Revenue.....	\$889,179	\$889,179		
Federal Trust.....	\$182,000	\$182,000		
Authority: Title 28.2, Chapters 12, 13, 14, 15 and 16; Title 62.1, Chapters 16 and 19, Code of Virginia.				
A. Out of this appropriation, \$245,687 the first year and \$233,637 \$322,700 the second year from the general fund is designated for Virginia's share of an Army Corps of Engineers project to construct a seawall to preserve the harbor on Tangier Island.				
B. Out of this appropriation, \$160,000 the first year from the general fund is designated for completion of the public boat ramp project RF16-11/RF16-11a1, including all necessary and reasonable improvements as may be required for public access.				
378.	Not set out.			
379.	Not set out.			
			\$26,776,948	\$27,904,948 \$27,994,011
General Fund Positions.....	135.50	135.50		
Nongeneral Fund Positions.....	28.00	28.00		
Position Level.....	163.50	163.50		
Fund Sources: General.....	\$14,237,535	\$15,365,535 \$15,454,598		
Special.....	\$7,324,652	\$7,324,652		
Commonwealth Transportation.....	\$313,768	\$313,768		
Dedicated Special Revenue.....	\$1,470,193	\$1,470,193		
Federal Trust.....	\$3,430,800	\$3,430,800		
380.	Not set out.			
			\$437,740,909	\$475,564,731 \$475,803,794
TOTAL FOR OFFICE OF NATURAL RESOURCES.....				
General Fund Positions.....	1,030.50	1,039.50		
Nongeneral Fund Positions.....	1,159.50	1,161.50		
Position Level.....	2,190.00	2,201.00		
Fund Sources: General.....	\$162,357,711	\$199,426,277 \$199,665,340		
Special.....	\$45,500,430	\$45,841,017		
Commonwealth Transportation.....	\$429,410	\$429,410		
Enterprise.....	\$13,037,574	\$13,037,574		
Trust and Agency.....	\$37,858,398	\$37,858,398		
Dedicated Special Revenue.....	\$95,357,806	\$95,782,475 \$94,407,475		
Federal Trust.....	\$83,199,580	\$83,189,580 \$84,564,580		

ITEM 381.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020

OFFICE OF PUBLIC SAFETY AND HOMELAND SECURITY

- 381. Not set out.
- 382. Not set out.
- 383. Not set out.

§ 1-28. VIRGINIA ALCOHOLIC BEVERAGE CONTROL AUTHORITY (999)

384.	Not set out.			
385.	Alcoholic Beverage Merchandising (80100).....		\$716,914,931	\$756,574,679 \$769,162,865
	Administrative Services (80101).....	\$69,111,416		\$69,149,514 \$81,737,700
	Alcoholic Beverage Control Retail Store Operations (80102).....	\$110,444,533		\$115,252,665
	Alcoholic Beverage Purchasing, Warehousing and Distribution (80103).....	\$537,358,982		\$572,172,500
	Fund Sources: Enterprise.....	\$716,914,931		\$756,574,679 \$769,162,865

Authority: § 4.1-100 through § 4.1-133, Code of Virginia.

A. The Secretary of Finance shall chair an advisory committee to review the progress of the Alcoholic Beverage Control Authority in planning, financing, procuring, and implementing the information technology systems necessary to sustain the department's business enterprise. Members of this committee shall include the Secretary of Public Safety and Homeland Security; the Director, Department of Planning and Budget; the Director, Department of Accounts; the Chief Information Officer of the Commonwealth; the Auditor of Public Accounts; and the Staff Directors of the House Appropriations and Senate Finance Committees and/or their designees.

B. Funds appropriated for services related to state lottery operations shall be used solely for lottery ticket purchases and prize payouts.

C. The Alcoholic Beverage Control Board shall open additional stores in locations deemed to have the greatest potential for total increased sales in order to maximize profitability.

D. Notwithstanding § 4.1-120, Code of Virginia, the Alcoholic Beverage Control Board may open certain government stores, as determined by the Board, for the sale of alcoholic beverages on New Year's Day and on Sundays after 10:00 a.m.

E. Consistent with the provisions of Chapters 730 and 38, 2015 Acts of Assembly, members of the Board shall receive annually such salary, compensation, and reimbursement of expenses for the performance of their official duties as set forth in the general appropriation act for members of the House of Delegates when the General Assembly is not in session, except that the chairmen of the Board shall receive annually such salary, compensation, and reimbursement of expenses for the performance of his official duties as set forth in the general appropriation act for a member of the Senate of Virginia when the General Assembly is not in session.

Total for Virginia Alcoholic Beverage Control Authority.....			\$737,002,906	\$776,662,654 \$789,250,840
Nongeneral Fund Positions.....	1,320.00	1,364.00		
Position Level.....	1,320.00	1,364.00		
Fund Sources: Enterprise.....	\$736,302,906	\$775,962,654 \$788,550,840		
Federal Trust.....	\$700,000	\$700,000		

ITEM 385.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020

§ 1-29. DEPARTMENT OF CORRECTIONS (799)

386.	Not set out.				
387.	Not set out.				
387.10	Not set out.				
388.	Not set out.				
389.	Not set out.				
390.	Operation of Secure Correctional Facilities (39800).....			\$1,014,511,459	\$1,013,081,717 \$1,025,661,673
	Supervision and Management of Inmates (39802)...	\$499,024,754	\$504,244,019 \$505,238,350		
	Rehabilitation and Treatment Services - Prisons (39803).....	\$44,026,754	\$44,172,440		
	Prison Management (39805).....	\$73,063,102	\$73,063,102		
	Food Services - Prisons (39807).....	\$43,926,300	\$43,926,300		
	Medical and Clinical Services - Prisons (39810).....	\$221,312,692	\$214,517,999 \$226,103,624		
	Agribusiness (39811).....	\$10,481,833	\$10,481,833		
	Correctional Enterprises (39812).....	\$50,303,706	\$50,303,706		
	Physical Plant Services - Prisons (39815).....	\$72,372,318	\$72,372,318		
	Fund Sources: General.....	\$956,711,582	\$958,940,834 \$971,520,790		
	Special.....	\$53,219,843	\$53,219,843		
	Dedicated Special Revenue.....	\$3,658,994	\$0		
	Federal Trust.....	\$921,040	\$921,040		

Authority: §§ 53.1-1, 53.1-5, 53.1-8, and 53.1-10, Code of Virginia.

A. Included in this appropriation is \$1,195,000 in the first year and \$1,195,000 the second year from nongeneral funds for the purposes listed below. The source of the funds is commissions generated by prison commissary operations:

1. \$170,000 the first year and \$170,000 the second year for Assisting Families of Inmates, Inc., to provide transportation for family members to visit offenders in prison and other ancillary services to family members;
2. \$950,000 the first year and \$950,000 the second year for distribution to organizations that work to enhance faith-based services to inmates; and
3. \$75,000 the first year and \$75,000 the second year for the "FETCH" program.

B.1. The Department of Corrections is authorized to contract with other governmental entities to house male and female prisoners from those jurisdictions in facilities operated by the department.

2. The State Comptroller shall continue to maintain the Contract Prisoners Special Revenue Fund on the books of the Commonwealth to reflect the activities of contracts between the Commonwealth of Virginia and other governmental entities for the housing of prisoners in facilities operated by the Virginia Department of Corrections.

3. The Department of Corrections shall determine whether it may be possible to contract to house additional federal inmates or inmates from other states in space available within state correctional facilities. The department may, subject to the approval of the Governor, enter into such contracts, to the extent that sufficient bedspace may become available in state facilities for this purpose.

ITEM 390.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
C. The Department of Corrections may enter into agreements with local and regional jails to house state-responsible offenders in such facilities and to effect transfers of convicted state felons between and among such jails. Such agreements shall be governed by the provisions of Item 67 of this act.				
D. To the extent that the Department of Corrections privatizes food services, the department shall also seek to maximize agribusiness operations.				
E. Notwithstanding the provisions of § 53.1-45, Code of Virginia, the Department of Corrections is authorized to sell on the open market and through the Virginia Farmers' Market Network any dairy, animal, or farm products of which the Commonwealth imports more than it exports.				
F. It is the intention of the General Assembly that § 53.1-47, the Code of Virginia, concerning articles and services produced or manufactured by persons confined in state correctional facilities, shall be construed such that the term "manufactured" articles shall include "remanufactured" articles.				
G. Out of this appropriation, \$921,040 the first year and \$921,040 the second year from nongeneral funds is included for inmate medical costs. The sources of the nongeneral funds are an award from the State Criminal Alien Assistance Program, administered by the U.S. Department of Justice.				
H.1. The Department of Corrections, in coordination with the Virginia Supreme Court, shall continue to operate a behavioral correction program. Offenders eligible for such a program shall be those offenders: (i) who have never been convicted of a violent felony as defined in § 17.1-805 of the Code of Virginia and who have never been convicted of a felony violation of §§ 18.2-248 and 18.2-248.1 of the Code of Virginia; (ii) for whom the sentencing guidelines developed by the Virginia Criminal Sentencing Commission would recommend a sentence of four years or more in facilities operated by the Department of Corrections; and (iii) whom the court determines require treatment for drug or alcohol substance abuse. For any such offender, the court may impose the appropriate sentence with the stipulation that the Department of Corrections place the offender in an intensive therapeutic community-style substance abuse treatment program as soon as possible after receiving the offender. Upon certification by the Department of Corrections that the offender has successfully completed such a program of a duration of 24 months or longer, the court may suspend the remainder of the sentence imposed by the court and order the offender released to supervised probation for a period specified by the court.				
2. If an offender assigned to the program voluntarily withdraws from the program, is removed from the program by the Department of Corrections for intractable behavior, fails to participate in program activities, or fails to comply with the terms and conditions of the program, the Department of Corrections shall notify the court, outlining specific reasons for the removal and shall reassign the defendant to another incarceration assignment as appropriate. Under such terms, the offender shall serve out the balance of the sentence imposed by the court, as provided by law.				
3. The Department of Corrections shall collect the data and develop the framework and processes that will enable it to conduct an in-depth evaluation of the program three years after it has been in operation. The department shall submit a report periodically on the program to the Chief Justice as he may require and shall submit a report on the implementation of the program and its usage to the Secretary of Public Safety and Homeland Security and the Chairmen of the House Appropriations and Senate Finance Committees by June 30 of each year.				
I. Included in the appropriation for this Item is \$250,000 the first year and \$250,000 the second year from nongeneral funds for a culinary arts program in which inmates are trained to operate food service activities serving agency staff and the general public. The source of the funds shall be revenues generated by the program. Any revenues so generated by the program shall not be subject to § 4-2.02 of this act and shall be used by the agency for the costs of operating the program. The State Comptroller shall continue to maintain the Inmate Culinary Arts Training Program Fund on the books of the Commonwealth to reflect the revenue and expenditures of this program.				

ITEM 390.	Item Details(\$)		Appropriations(\$)		
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020	
<p>J. The Department of Corrections shall continue to coordinate with the Department of Medical Assistance Services and the Department of Social Services to enroll eligible inmates in Medicaid. To the extent possible, the Department of Corrections shall work to identify potentially eligible inmates on a proactive basis, prior to the time inpatient hospitalization occurs. Procedures shall also include provisions for medical providers to bill the Department of Medical Assistance Services, rather than the Department of Corrections, for eligible inmate inpatient medical expenses. Due to the multiple payor sources associated with inpatient and outpatient health care services, the Department of Corrections and the Department of Medical Assistance Services shall consult with the applicable provider community to ensure that administrative burdens are minimized and payment for health care services is rendered in a prompt manner.</p>					
<p>K. Federal funds received by the Department of Corrections from the federal Residential Substance Abuse Treatment Program shall be exempt from payment of statewide and agency indirect cost recoveries into the general fund.</p>					
<p>L. Included in the appropriation for this item is funding for the first year and the second year from the general fund for six medical contract monitors. The persons filling these positions shall have the responsibility of closely monitoring the adequacy and quality of inmate medical services in those correctional facilities for which the department has contracted with a private vendor to provide inmate medical services.</p>					
<p>M. The Department of Corrections shall continue to operate a separate program for inmates under 18 years old who have been tried and convicted as adults and committed to the Department of Corrections. This separation of these offenders from the general prison population is required by the requirements of the federal Prison Rape Elimination Act.</p>					
<p>N. Included in the appropriation for this item is \$3,525,783 in the second year from the general fund for the Department of Corrections to use for initiatives to improve recruitment and retention of correctional personnel. Of this amount, \$1,051,567 is provided for targeted salary actions for correctional officers at Augusta Correctional Center.</p>					
<p>O. In the introduced budget for the biennium beginning on July 1, 2020, the Department of Planning and Budget shall create a new program within the Department of Corrections for the appropriations related to inmate healthcare. Appropriation under the service area for "Medical and Clinical Services - Prisons (39810)," shall be transferred to the new Item created pursuant to this paragraph. The program shall allocate the funding into appropriate service areas to identify: healthcare contracts; offsite care; medical transportation; medications; and other appropriate allocations.</p>					
<p>P. Included within the appropriation for this item is \$70,000 the second year from the general fund for the Sex Offender Residential Treatment Program.</p>					
<p>Q. The Department of Corrections and the VCU Health System and UVA Health System shall collaborate on a plan to ensure that inmates with long-term or high-cost prescription drug needs receive treatment from a federal 340-B covered entity. The Department shall begin development of the plan as soon as is practicable and report to the House Appropriations and Senate Finance Committees by January 1, 2020.</p>					
<p>R. The Department of Corrections shall convene a workgroup to develop a plan for a pilot partnership for a university health system to provide comprehensive health care for the inmates in at least one state correctional facility. The workgroup shall be co-chaired by the director of the Department of Corrections, the chief executive officer of the VCU Health System, and the executive vice president for health affairs at the University of Virginia. The workgroup shall jointly submit an interim update to the House Appropriations and Senate Finance Committees no later than November 1, 2019; and jointly submit a final plan for the pilot partnership no later than January 1, 2020. The plan shall include (i) the facility or facilities included in the pilot, (ii) staffing needs for providing health care services, (iii) the amount and structure of payment to the university, and (iv) how the effectiveness of the pilot project will be evaluated.</p>					
391.	Administrative and Support Services (39900).....			\$104,025,032	\$110,564,916
	General Management and Direction (39901).....	\$17,005,366	\$17,005,366		

ITEM 391.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
Information Technology Services (39902).....	\$37,096,261	\$43,336,178		
Accounting and Budgeting Services (39903).....	\$5,098,156	\$5,098,156		
Architectural and Engineering Services (39904).....	\$6,482,895	\$6,782,862		
Jail Regulation, Inspections, and Investigations (39905).....	\$465,274	\$465,274		
Human Resources Services (39914).....	\$5,944,758	\$5,944,758		
Planning and Evaluation Services (39916).....	\$799,987	\$799,987		
Procurement and Distribution Services (39918).....	\$13,120,696	\$13,120,696		
Training Academy (39929).....	\$7,910,592	\$7,910,592		
Offender Classification and Time Computation Services (39930).....	\$10,101,047	\$10,101,047		
Fund Sources: General.....	\$98,884,006	\$102,676,179		
Special.....	\$4,987,220	\$7,734,931		
Dedicated Special Revenue.....	\$153,806	\$153,806		

Authority: §§ 53.1-1 and 53.1-10, Code of Virginia.

A.1. Any plan to modernize and integrate the automated systems of the Department of Corrections shall be based on developing the integrated system in phases, or modules. Furthermore, any such integrated system shall be designed to provide the department the data needed to evaluate its programs, including that data needed to measure recidivism.

2. The appropriation in this Item includes \$2,868,500 the first year and \$2,135,500 the second year from the Contract Prisoners Special Revenue Fund to defray a portion of the costs of maintaining and enhancing the offender management system, including the development of an electronic health records system. In addition to any general fund appropriations, the Department of Corrections may, subject to the authorization of the Director, Department of Planning and Budget, utilize additional revenue deposited in the Contract Prisoners Special Revenue Fund to support the development of the offender management system.

B. Included in this appropriation is \$550,000 the first year and \$550,000 the second year from nongeneral funds to be used for installation and operating expenses of the telemedicine program operated by the Department of Corrections. The source of the funds is revenue from inmate fees collected for medical services.

C. Included in this appropriation is \$1,100,000 the first year and \$1,100,000 the second year from nongeneral funds to be used by the Department of Corrections for the operations of its Corrections Construction Unit. The State Comptroller shall continue the Corrections Construction Unit Special Operating Fund on the Commonwealth Accounting and Reporting System to reflect the activities of contracts between the Corrections Construction Unit and (i) institutions within the Department of Corrections for work not related to a capital project and (ii) agencies without the Department of Corrections for work performed for those agencies.

D. Notwithstanding the provisions of § 53.1-20 A. and B., Code of Virginia, the Director, Department of Corrections, shall receive offenders into the state correctional system from local and regional jails at such time as he determines that sufficient, secure and appropriate housing is available, placing a priority on receiving inmates diagnosed and being treated for HIV, mental illnesses requiring medication, or Hepatitis C. The director shall maximize, consistent with inmate and staff safety, the use of bed space in the state correctional system. The director shall report monthly to the Secretary of Public Safety and Homeland Security and the Department of Planning and Budget on the number of inmates housed in the state correctional system, the number of inmate beds available, and the number of offenders housed in local and regional jails that meet the criteria set out in § 53.1-20 A. and B.

E. Notwithstanding any requirement to the contrary, any building, fixture, or structure to be placed, erected or constructed on, or removed or demolished from the property of the Commonwealth of Virginia under the control of the Department of Corrections shall not be subject to review and approval by the Art and Architectural Review Board as contemplated by § 2.2-2402, Code of Virginia. However, if the Department of Corrections seeks to construct a facility that is not a secure correctional facility or a structure located on the property of a secure correctional facility, then the Department of Corrections shall submit that structure to the Art and Architectural Review Board for review and approval by that board. Such other structures could include probation and parole district offices or regional offices.

ITEM 391.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2019	FY2020	FY2019	FY2020

F. The Commonwealth of Virginia shall convey 45 acres (more or less) of property, being a portion of Culpeper County Tax Map No. 75, parcel 32, lying in the Cedar Mountain Magisterial District of Culpeper County, Virginia, in consideration of the County's construction of water capacity and service line(s) adequate to serve the needs of the Department of Corrections' Coffeewood Facility and the Department of Juvenile Justice's Culpeper Juvenile Correctional Facility (hereinafter "the facilities"). The cost of the water improvements necessary to serve the facilities, including an eight-inch water service line, and including engineering and land/easement acquisition costs, shall be paid by the Commonwealth, less and except (i) the value of the property for the jail conveyed by the Commonwealth to the County (\$150,382, based on valuation by the Culpeper County Assessor), and (ii) the cost of increasing the size of the water service line from eight inches to twelve inches, in order to accommodate planned county needs.

G. Notwithstanding the provisions of § 58.1-3403, Code of Virginia, the Department of Corrections shall be exempt from the payment of service charges levied in lieu of taxes by any county, city, or town.

H. The Department of Corrections shall serve as the Federal Bonding Coordinator and shall work with the Virginia Community College System and its workforce development programs and services to provide fidelity bonds to those offenders released from jails or state correctional centers who are required to provide fidelity bonds as a condition of employment. The department is authorized to use funds from the Contract Prisoners Special Revenue Fund to pay the costs of this activity.

I. In the event the Department of Corrections closes a correctional facility for which it has entered into an agreement with any locality to pay a proportionate share of the debt service for the establishment of utilities to serve the facility, the department shall continue to pay its agreed upon share of the debt service, subject to the schedule previously agreed upon.

J. Included in the appropriation for this Item is \$1,000,000 the first year and \$1,000,000 the second year from the general fund for the costs of security technology and hardware for the inmate telephone system.

K. From the appropriation in this Item, \$500,000 the first year and \$500,000 the second year from the general fund shall be used to present seminars on overcoming obstacles to re-entry and to promote family integration in the correctional centers designated for intensive re-entry programs. The department shall submit a report by October 15 of each year to the chairmen of the House Appropriations and Senate Finance Committees, the Secretary of Public Safety and Homeland Security, and the Department of Planning and Budget on the use of this funding.

L. Included in the appropriation for this Item is \$50,000 the first year from the general fund for the estimated net increase in the operating cost of adult correctional facilities resulting from the enactment of sentencing legislation as listed below. This amount shall be paid into the Corrections Special Reserve Fund, established pursuant to § 30-19.1:4, Code of Virginia.

1. Chapter 549 -- \$50,000.

M. Included in the appropriation for this Item is \$175,000 in the first year and \$200,000 in the second year from the general fund and two positions to assist the Board of Corrections in carrying out its duties under the authority of § 53.1-69.1, Code of Virginia, to review deaths of inmates in local correctional facilities.

N.1. Consistent with the provisions of Chapter 198 of the 2017 Session of the General Assembly, the Director, Department of Corrections, shall implement the recommendations relating to the Department of Corrections made by the Department of Medical Assistance Services in its November 30, 2017 report on streamlining the Medicaid application and enrollment process for incarcerated individuals.

2. For the purpose of implementing these recommendations, included in the appropriation for this item are \$71,503 the first year and \$37,400 the second year from the general fund, and \$420,993 the first year and \$112,200 the second year from nongeneral funds and two positions.

ITEM 391.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
<p>O. The Department of Corrections shall evaluate potential options to reduce the number of state-responsible inmates with serious mental illness who serve the entirety of their state-responsible sentences in, and are released directly from, local and regional jails. In its evaluation, and using the definition of serious mental illness in accordance with the American Correctional Association, the Department shall give consideration to (i) the number of state-responsible inmates identified by jail staff with serious mental illness held in regional jails, the jails in which they are held, their diagnostic category as delineated in the DSM-V, the length of their state-responsible sentence and the type of their offense, and whether they were assigned to a DBHDS facility from the jail for evaluation; (ii) which among these offenders should be prioritized for transfer to a state correctional facility; (iii) the current inmate population with serious mental illness held in state correctional facilities, their diagnosis and the acuity of their symptoms, and the length of their sentence and the type of their offenses; (iv) the facilities and services currently provided for the treatment of inmates with serious mental illness held in state correctional facilities; and, (v) what additional capital and operating resources would be needed by the Department to facilitate a reduction in the number of state-responsible inmates with serious mental illness serving the entirety of their sentence in local and regional jails. The Department shall provide the results of its evaluation to the Chairmen of the House Appropriations and Senate Finance Committees no later than October 15, 2018.</p>				
<p>P. The Department of Corrections shall assess its long-term facility needs with respect to providing appropriate levels of medical and mental health care to its offender population. At a minimum, the assessment shall include (i) a summary of the Department's existing clinical, geriatric, assisted living, and mental health capacity, and an assessment of the sufficiency of this existing capacity to meet the current and future needs of the Department's offender population; (ii) a prioritized list of capital projects which may be needed to address the Department's current or future needs for capacity in relation to (i) which shall include a discussion of the methodology used by the Department to prioritize projects and the estimated cost of each project; and, (iii) a short-term plan to house offenders in a manner which reduces the risks related to transmittable diseases. The Department shall provide the results of its assessment to the Director, Department of Planning and Budget, and the Chairmen of the House Appropriations and Senate Finance Committees no later than October 1, 2018.</p>				
<p>Q. By September 1 of each year, the Department of Corrections shall remit data to the Director of the Department of Planning and Budget and the Chairmen of the House Appropriations and Senate Finance Committees regarding medical treatment provided to offenders at each facility. The data shall include, as a proportion of average daily population at each facility, the levels of inmates who received care, including: the specific proportions of inmates from each facility who were treated as inpatients, the specific proportion of inmates from each facility who were treated as outpatients, data on prescription drug administration, and the proportion of inmates from each facility who received other discrete services. When negotiating contracts with healthcare vendors, the Department of Corrections shall include the reporting of data required under this paragraph as a requirement within the contract.</p>				
<p>R. Included in the appropriation for this Item is \$349,967 the second year from the general fund for the estimated net increase in the operating cost of adult correctional facilities resulting from the enactment of sentencing legislation passed by the 2019 Session of the General Assembly as listed below. This amount shall be paid into the Corrections Special Reserve Fund, established pursuant to § 30-19.1:4, Code of Virginia.</p>				
<p>1. House Bill 1874/Senate Bill 1604 -- \$50,000</p>				
<p>2. House Bill 1911 -- \$50,000</p>				
<p>3. House Bill 1941 -- \$50,000</p>				
<p>4. House Bill 2528 -- \$149,967</p>				
<p>5. House Bill 2586 -- \$50,000.</p>				
<p>S. The Department of Corrections is authorized to purchase from the Town of Craigsville approximately 122 acres, more or less, located adjacent to the Augusta Correctional Center. In consideration for this acreage, the Department will provide wastewater treatment services to the Town at no cost for a period adequate to equal the value of the property conveyed. The</p>				

ITEM 391.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020

value of the property shall be established by averaging the value of one appraisal provided by the Department of Corrections and one by the Town of Craigsville.

T. The Director, Department of Corrections, consistent with the December 4, 2018 recommendations of the Joint Subcommittee on Mental Health Services in the 21st Century, shall develop policies to improve the exchange of offender medical information, including electronic exchange of information for telemedicine, telepsychiatry, and electronic medical chart access by health care providers. The Director shall provide a report detailing its policies and implementation plan to the Joint Subcommittee no later than October 1, 2019.

U. The Commonwealth of Virginia shall convey 65 acres of property consisting of Clarke County Tax Map No. 27, new parcel A, situated in the Greenway Magisterial District of Clarke County, Virginia, to the Virginia Port Authority (VPA), on behalf of the Virginia Inland Port (VIP). The VPA, on behalf of the VIP, shall collaborate with representatives of Clarke County to promote the use of the land for economic development purposes. The VIP shall enter into a memorandum-of-understanding with Clarke County on the development and execution of mutually advantageous economic development proposals.

V.1. Notwithstanding any other provision of law, upon the declaration by the Governor of a state of emergency pursuant to § 44-146.17 of the Code of Virginia in response to a communicable disease of public health threat as defined in § 44-146.16 of the Code of Virginia, the Director shall, during the duration of the declared emergency, have the authority to (i) discharge from incarceration or (ii) place into a lower level of supervision, including probation supervision, home electronic incarceration, or other forms of community corrections, any prisoner committed to the Department who has less than one year of his sentence remaining to be served prior to his scheduled release if the Director determines that (a) any such discharge or placement during the declared emergency will assist in maintaining the health, safety, and welfare of any prisoner discharged or placed or the prisoners remaining in state correctional facilities and (b) any such discharge or placement is compatible with the interests of society and public safety.

2. The provisions of this section shall not apply to a prisoner convicted of a Class 1 felony or a sexually violent offense as defined in § 37.2-900 of the Code of Virginia.

3. The Director shall develop procedures for implementing the provisions of this section which shall include provisions addressing reentry planning in accordance with § 53.1-32.2 of the Code of Virginia. To the extent practicable, the Director shall comply with all provisions of the Virginia Code relating to providing notice of a prisoner's discharge; however, any failure to comply with such notice provisions shall not affect the Director's authority to discharge a prisoner pursuant to this section.

4. The provisions of this section shall expire on July 1, 2021.

Total for Department of Corrections.....			\$1,269,716,607	\$1,276,972,490
				\$1,289,552,446
General Fund Positions.....	12,269.00	12,308.00		
Nongeneral Fund Positions.....	233.50	233.50		
Position Level.....	12,502.50	12,541.50		
Fund Sources: General.....	\$1,202,416,730	\$1,210,583,896		
		\$1,223,163,852		
Special.....	\$59,192,063	\$61,939,774		
Dedicated Special Revenue.....	\$6,276,496	\$2,617,502		
Federal Trust.....	\$1,831,318	\$1,831,318		

392. Not set out.

393. Not set out.

394. Not set out.

395. Not set out.

ITEM 396.		Item Details(\$)		Appropriations(\$)	
		First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
396.	Not set out.				
397.	Not set out.				
398.	Not set out.				
399.	Not set out.				
400.	Not set out.				
401.	Not set out.				
402.	Not set out.				
403.	Not set out.				
404.	Not set out.				
405.	Not set out.				
406.	Not set out.				
407.	Not set out.				
408.	Not set out.				
409.	Not set out.				
410.	Not set out.				
411.	Not set out.				
412.	Not set out.				
413.	Not set out.				
414.	Not set out.				
415.	Not set out.				
416.	Not set out.				
417.	Not set out.				
418.	Not set out.				
419.	Not set out.				
420.	Not set out.				
421.	Not set out.				
422.	Not set out.				
423.	Not set out.				

ITEM 423.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
TOTAL FOR OFFICE OF PUBLIC SAFETY AND HOMELAND SECURITY			\$3,148,507,864	\$3,213,984,519 \$3,239,152,661
General Fund Positions.....	17,574.32	17,638.32		
Nongeneral Fund Positions.....	2,509.18	2,562.18		
Position Level.....	20,083.50	20,200.50		
Fund Sources: General.....	\$2,022,308,156	\$2,049,150,389 \$2,061,730,345		
Special.....	\$155,424,111	\$158,150,072		
Commonwealth Transportation.....	\$10,296,096	\$10,296,096		
Enterprise.....	\$736,302,906	\$775,962,654 \$788,550,840		
Trust and Agency.....	\$4,818,130	\$4,818,130		
Dedicated Special Revenue.....	\$36,472,895	\$32,813,901		
Federal Trust.....	\$182,885,570	\$182,793,277		

ITEM 424.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
OFFICE OF TECHNOLOGY				
424.	Omitted.			
425.	Omitted.			
426.	Omitted.			
427.	Omitted.			
428.	Omitted.			
429.	Omitted.			
430.	Omitted.			
431.	Omitted.			
432.	Omitted.			
TOTAL FOR OFFICE OF TECHNOLOGY.....			\$0	\$0

ITEM 433.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020

OFFICE OF TRANSPORTATION

- 433. Not set out.
- 434. Not set out.
- 435. Not set out.
- 436. Not set out.
- 437. Not set out.
- 438. Not set out.

§ 1-30. DEPARTMENT OF MOTOR VEHICLES (154)

439.	Ground Transportation Regulation (60100).....			\$214,215,235	\$211,832,588
	Customer Service Centers Operations (60101).....	\$148,942,473	\$153,389,781		
	Ground Transportation Regulation and Enforcement (60103).....	\$44,194,258	\$44,327,968		
	Motor Carrier Regulation Services (60105).....	\$21,078,504	\$14,114,839		
	Fund Sources: Commonwealth Transportation.....	\$206,768,635	\$204,385,988		
	Trust and Agency.....	\$5,446,600	\$5,446,600		
	Federal Trust.....	\$2,000,000	\$2,000,000		

Authority: Title 46.2, Chapters 1, 2, 3, 6, 8, 10, 12, 15, 16, and 17; §§ 18.2-266 through 18.2-272; Title 58.1, Chapters 21 and 24, Code of Virginia. Title 33, Chapter 4, United States Code.

A. The Commissioner, Department of Motor Vehicles, is authorized to establish, where feasible and cost efficient, contracts with private/public partnerships with commercial operations, to provide for simplification and streamlining of service to citizens through electronic means. Provided, however, that such commercial operations shall not be entitled to compensation as established under § 46.2-205, Code of Virginia, but rather at rates limited to those established by the commissioner.

B. The Department of Motor Vehicles shall work to increase the use of alternative service delivery methods, which may include offering discounts on certain transactions conducted online, as determined by the department. As part of its effort to shift customers to internet usage where applicable, the department shall not charge its customers for the use of credit cards for internet or other types of transactions; however, this restriction shall not apply with respect to any credit or debit card transactions the department conducts on behalf of another agency, provided (i) the other agency is authorized to charge customers for the use of credit or debit cards and (ii) the merchant's fees and other transaction costs imposed by the card issuer are charged to the department.

C. In order to provide citizens of the Commonwealth greater access to the Department of Motor Vehicles, the agency is authorized to enter into an agreement with any local constitutional officer or combination of officers to act as a license agent for the department, with the consent of the chief administrative officer of the constitutional officer's county or city, and to negotiate a separate compensation schedule for such office other than the schedule set out in § 46.2-205, Code of Virginia. Notwithstanding any other provision of law, any compensation due to a constitutional officer serving as a license agent shall be remitted by the department to the officer's county or city on a monthly basis, and not less than 80 percent of the sums so remitted shall be appropriated by such county or city to the office of the constitutional officer to compensate such officer for the additional work involved with processing transactions for the department. Funds appropriated to the constitutional office for such work shall not be used to supplant existing local funding for such office, nor to reduce the local share of the Compensation Board-approved budget for such office below the level established pursuant to general

ITEM 439.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
law.				
D. The base compensation for DMV Select Agents shall be set at 4.5 percent of gross collections for the first \$500,000 and 5.0 percent of all gross collections in excess of \$500,000 made by the entity during each fiscal year on such state taxes and fees in place as a matter of law. The commissioner shall supply the agents with all necessary agency forms to provide services to the public, and shall cause to be paid all freight and postage, but shall not be responsible for any extra clerk hire or other business-related expenses or business equipment expenses occasioned by their duties.				
E. Out of the amounts identified in this Item, an amount estimated at \$350,801 the first year and \$350,801 the second year from the Commonwealth Transportation Fund shall be paid to the Washington Metropolitan Area Transit Commission.				
F.1. Notwithstanding any other provision of law, the department shall assess a minimum fee of \$15 for all titles. The revenue generated from this fee shall be set aside to meet the expenses of the department.				
2. Notwithstanding any other provision of law, the department shall assess a \$10 late fee on all registration renewal transactions that occur after the expiration date. The late fee shall not apply to those exceptions granted under § 46.2-221.4, Code of Virginia. In assessing the late renewal fee the department shall provide a ten day grace period for transactions conducted by mail to allow for administrative processing. This grace period shall not apply to registration renewals for vehicles registered under the International Registration Plan. The revenue generated from this fee shall be set aside to meet the expenses of the department.				
3. Notwithstanding any other provision of law, the department shall establish a \$20 minimum fee for original driver's licenses and replacements. The revenue generated from this fee shall be set aside to meet the expenses of the department.				
G. The Department of Motor Vehicles is hereby granted approval to renew or extend existing capital leases due to expire during the current biennium for existing customer service centers.				
H. The Department of Motor Vehicles is hereby appropriated revenues from the additional sales tax on fuel in certain transportation districts to recover the direct cost of administration incurred by the department in implementing and collecting this tax as provided by § 58.1-2295, Code of Virginia.				
I. The Commissioner of the Department of Motor Vehicles, in consultation with the Commissioner of Highways, shall take such steps as may be necessary to expand access to the E-ZPass program through its customer service channels using such locations and methods as are practicable.				
J. The Department of Motor Vehicles is hereby granted approval to distribute the transactional charges of the Cardinal accounting system to state agencies, when the transactions involve funds passed through the department to the benefiting agency. This paragraph shall not pertain to Direct Aid to Public Education.				
K. The Department of Motor Vehicles is hereby granted approval to distribute a portion of its indirect cost allocation charge to another state agency when the charge is related to revenue collected and transferred by the department to the state agency. Such transfers shall be based on the agency's proportionate share of the department's total transactions in the immediately preceding fiscal year. The Department shall annually submit to the Department of Planning and Budget a summary of the transfer amounts and the transaction volumes used to allocate the internal cost amounts.				
L. Notwithstanding § 46.2-688, Code of Virginia, the Department of Motor Vehicles shall not be required to refund a proration of the total cost of a motor vehicle registration when less than six months remain in the registration period. Any resulting savings shall be retained and used to meet the expenses of the Department.				
M. Notwithstanding § 46.2-342, Code of Virginia, the Department of Motor Vehicles shall not be required to include organ donation brochures with every driver's license renewal notice or application mailed to licensed drivers.				

ITEM 439.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
<p>N. The Commissioner shall only refuse to issue or renew any vehicle registration pursuant to subsection L of § 46.2-819.3:1 of an operator or owner of a vehicle who has no prior resolution, whether that resolution is by settlement or conviction, for offenses under § 46.2-819.3:1 if, in addition to the conditions set forth in subsection L of § 46.2-819.3:1 for such refusal, the toll operator has offered the individual a settlement of no more than \$2,200.</p> <p>O.1. Pursuant to § 3-2.03 of this act, a line of credit up to \$10,500,000 is provided to the Department of Motor Vehicles as a temporary cash flow advance. The Department shall transfer such related funds to its special fund. Funds received from the line of credit shall be used to support operational costs related to the implementation and issuance of REAL ID compliant credentials. The Department is authorized to impose a \$10 surcharge on all first issuances of REAL ID compliant credentials that are acceptable for federal purposes. The surcharge shall be used to reimburse the line of credit. The request for the line of credit shall be prepared in the formats as approved by the Secretary of Finance and Secretary of Transportation.</p> <p>2. At least 10 days prior to any draw downs from this line of credit, the Secretaries of Finance and Transportation shall report to the Chairmen of the House Appropriations and Senate Finance Committees the following: (i) the amount of any proposed draw down, (ii) the incremental and cumulative costs associated with system modifications and equipment, (iii) the incremental and cumulative number of full-time equivalent positions and part-time positions filled to support the implementation of the federal REAL ID Act, and (iv) the intended usage of any new draw downs. Subsequent to October 1, 2018, the department shall report on a quarterly basis to the Chairmen of the House Appropriations and Senate Finance Committees on the number of REAL ID compliant credentials that have been issued and any changes in average wait times at DMV offices that have resulted from the increased workload. The first report shall be submitted by January 1, 2019 for the period October 1, 2018 through December 31, 2018, and additional reports shall be submitted every three months thereafter.</p> <p>P. The Commissioner of the Department of Motor Vehicles, in consultation with applicable stakeholder groups, shall report on the feasibility and advisability of outsourcing driver license road tests for adults. Such report shall be submitted to the Chairmen of the House and Senate Transportation Committees no later than November 15, 2018.</p>				
440.	Not set out.			
441.	Not set out.			
	Total for Department of Motor Vehicles.....		\$296,111,488	\$293,572,006
	Nongeneral Fund Positions.....	2,080.00	2,080.00	2,180.00
	Position Level.....	2,080.00	2,080.00	2,180.00
	Fund Sources: Commonwealth Transportation.....	\$284,695,564	\$282,156,082	
	Trust and Agency.....	\$5,446,600	\$5,446,600	
	Federal Trust.....	\$5,969,324	\$5,969,324	
442.	Not set out.			
443.	Not set out.			
	Grand Total for Department of Motor Vehicles.....		\$479,758,017	\$479,418,535
	Nongeneral Fund Positions.....	2,080.00	2,080.00	2,180.00
	Position Level.....	2,080.00	2,080.00	2,180.00
	Fund Sources: Commonwealth Transportation.....	\$285,087,064	\$282,547,582	

ITEM 443.		Item Details(\$)		Appropriations(\$)	
		First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
	Trust and Agency.....	\$10,946,600	\$10,946,600		
	Dedicated Special Revenue.....	\$151,500,000	\$153,700,000		
	Federal Trust.....	\$32,224,353	\$32,224,353		
444.	Not set out.				
445.	Not set out.				
446.	Not set out.				
447.	Not set out.				

§ 1-31. DEPARTMENT OF TRANSPORTATION (501)

448.	Environmental Monitoring and Evaluation (51400).....			\$24,211,863	\$20,494,379 \$23,494,379
	Environmental Monitoring and Compliance for Highway Projects (51408).....	\$6,722,931	\$6,876,404		
	Environmental Monitoring Program Management and Direction (51409).....	\$3,293,882	\$3,356,739		
	Municipal Separate Storm Sewer System (MS4) Compliance Activities (51410).....	\$14,195,050	\$10,261,236 \$13,261,236		
	Fund Sources: Commonwealth Transportation.....	\$24,211,863	\$20,494,379 \$23,494,379		
449.	Ground Transportation Planning and Research (60200).....			\$75,153,449	\$76,658,340 \$77,685,632
	Ground Transportation System Planning (60201).....	\$61,573,678	\$62,853,660 \$63,887,284		
	Ground Transportation System Research (60202).....	\$9,500,838	\$9,606,334		
	Ground Transportation Program Management and Direction (60204).....	\$4,078,933	\$4,198,346 \$4,192,014		
	Fund Sources: Commonwealth Transportation.....	\$75,153,449	\$76,658,340 \$77,685,632		

Authority: Title 33.2, Code of Virginia.

A. Included in the amount for ground transportation system planning and research is no less than \$6,500,000 the first year and no less than \$6,500,000 the second year from the highway share of the Transportation Trust Fund for the planning and evaluation of options to address transportation needs.

B. In addition, the Commonwealth Transportation Board may approve the expenditures of up to \$500,000 the first year and \$500,000 the second year from the highway share of the Transportation Trust Fund for the completion of advance activities, prior to the initiation of an individual project's design along existing highway corridors, to determine short-term and long-term improvements to the corridor. Such activities shall consider safety, access management, alternative modes, operations, and infrastructure improvements. Such funds shall be used for, but are not limited to, the completion of activities prior to the initiation of an individual project's design or to benefit identification of needs throughout the state or the prioritization of those needs. For federally eligible activities, the activity or item shall be included in the Commonwealth Transportation Board's annual update of the Six-Year Improvement program so that (i) appropriate federal funds may be allocated and reimbursed for the activities and (ii) all requirements of the federal Statewide Transportation Improvement Program can be achieved.

C. Notwithstanding the provisions of Chapter 729 and Chapter 733 of the 2012 Acts of Assembly, the Commonwealth Transportation Board shall not reallocate any funds from projects on roadways controlled by any county that has withdrawn or elects to withdraw from

ITEM 449.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
the secondary system of state highways, nor from any roadway controlled by a city or town as part of the state's urban roadway system, based on a determination of nonconformity with the Commonwealth Transportation Board's Statewide Transportation Plan or the Six-Year Improvement Program. In jurisdictions that maintain roadways within their boundaries, the provisions of § 33.2-214, Code of Virginia, shall apply only to highways controlled by the Department of Transportation.				
D. The prioritization process developed under § 33.2-214.1, Code of Virginia, shall not apply to use of funds provided in this Item from the federal apportionments in the State Planning and Research Program.				
450.	Highway Construction Programs (60300).....		\$2,907,209,244	\$2,447,228,540 \$3,206,571,260
	Highway Construction Program Management (60315).....	\$42,834,638	\$42,367,081 \$43,617,081	
	State of Good Repair Program (60320).....	\$85,614,863	\$43,176,315	
	High Priority Projects Program (60321).....	\$144,334,403	\$113,834,068 \$147,164,284	
	Construction District Grant Programs (60322).....	\$156,831,439	\$109,161,887 \$142,492,103	
	Specialized State and Federal Programs (60323).....	\$1,985,035,681	\$1,608,632,265 \$2,300,064,553	
	Legacy Construction Formula Programs (60324).....	\$492,558,220	\$530,056,924	
	Fund Sources: Commonwealth Transportation.....	\$2,687,816,000	\$2,110,013,955 \$2,861,856,675	
	Trust and Agency.....	\$219,393,244	\$337,214,585 \$344,714,585	

Authority: Title 33.2, Chapter 3; Code of Virginia; Chapters 8, 9, and 12, Acts of Assembly of 1989, Special Session II.

A. From the appropriation for specialized state and federal programs funds shall be distributed as follows:

1. \$108,071,298 the first year and \$119,318,608 the second year in federal state and matching funds shall be allocated for regional Surface Transportation Block Grant Funds and distributed to applicable metropolitan planning organizations pursuant to 23 USC 133;
2. \$53,122,502 the first year and \$53,122,502 the second year in federal and state matching funds shall be allocated for the Highway Safety Improvement Program pursuant to 23 USC 148;
3. \$78,058,001 the first year and \$81,142,944 the second year in federal and state matching funds shall be allocated for the Congestion Mitigation Air Quality program pursuant to 23 USC 149;
4. \$100,000,000 the first year and \$100,000,000 the second year shall be allocated for the Revenue Sharing Program pursuant to § 33.2-357, Code of Virginia;
5. \$20,265,939 the first year and \$20,087,475 the second year in federal funds shall be allocated for the Surface Transportation Block Grant Program Set-Aside to 23 USC 133(h).
6. \$424,441,132 the first year and \$265,367,043 the second year in appropriation represents the estimated project participation costs from localities and regional entities.
7. \$150,908,817 the second year in this appropriation represents the bond proceeds to be used for the Route 58 Corridor Development Program.
8. \$2,736,051 the first year and \$4,183,261 the second year in state funds shall be allocated to the Virginia Transportation Infrastructure Bank pursuant to § 33.2-1500 et seq, Code of Virginia.
9. \$1,368,025 the first year and \$2,091,630 the second year in state funds shall be

ITEM 450.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2019	FY2020	FY2019	FY2020

allocated to the Transportation Partnership Opportunity Fund pursuant to § 33.2-1529.1, Code of Virginia.

B. Notwithstanding § 33.2-358, Code of Virginia, the proceeds from the lease or sale of surplus and residue property purchased under this program in excess of related costs shall be applied to the State of Good Repair Program pursuant to § 33.2-369, Code of Virginia. Proceeds must be used on Federal Title 23 eligible projects.

C. The Director of the Department of Planning and Budget is authorized to increase the appropriation as needed to utilize amounts available from prior year balances in the dedicated funds and adjust items to the most recent Commonwealth Transportation Board budget.

D. Funds appropriated for legacy formula construction programs shall be used for the purposes enumerated in subsection C of § 33.2-358, Code of Virginia, or as previously appropriated.

E. Included in the amounts for specialized state and federal programs is the reappropriation of \$145,700,000 the first year and \$135,100,000 the second year from bond proceeds or dedicated special revenues for anticipated expenditure of amounts collected in prior years. The amounts will be provided from balances in the Capital Projects Revenue Bond Fund, Federal Transportation Grant Anticipation Revenue Bond Fund, Northern Virginia Transportation District Fund, State Route 28 Highway Improvement District Fund, U.S. Route 58 Corridor Development Fund and the Priority Transportation Fund. These amounts were originally appropriated when received or forecasted and are not related to FY 2017 and FY 2018 estimated revenues.

F. The Director of the Department of Planning and Budget is authorized to increase the appropriation as needed to utilize amounts available from prior year balances in the Concession Payments Account to support project activities.

H. The Commonwealth Transportation Board shall, no later than December 1, 2018, review and report to the Chairmen of the House and Senate Committees on Transportation, the Joint Transportation Accountability Commission, the House Committee on Appropriations and the Senate Committees on Finance, on the overall condition and funding needs of large and unique bridge and tunnel structures in the Commonwealth. As part of the review, the Board shall make recommendations addressing funding of such projects within the State of Good Repair program. In developing these recommendations the Board shall assess the impact of establishing a set aside from the State of Good Repair funding pot, limited use of the provisions of § 33.2-369 B., Code of Virginia, which allows for the waiving of district minimum caps in a single year, or such other options as they might identify.

451. Highway System Maintenance and Operations (60400).....			\$1,978,877,656	\$1,992,859,424 \$2,097,571,677
Interstate Maintenance (60401).....	\$439,078,579	\$442,264,643 \$517,030,047		
Primary Maintenance (60402).....	\$591,903,773	\$595,965,645 \$675,195,555		
Secondary Maintenance (60403).....	\$604,321,956	\$608,513,522 \$623,054,003		
Transportation Operations Services (60404).....	\$266,309,352	\$268,459,641 \$221,566,905		
Highway Maintenance Operations, Program Management and Direction (60405).....	\$77,263,996	\$77,655,973 \$60,725,167		
Fund Sources: Commonwealth Transportation.....	\$1,978,877,656	\$1,992,859,424 \$2,097,571,677		

A. The department is authorized to enter into agreements with state and local law enforcement officials to facilitate the enforcement of high occupancy vehicle (HOV) restrictions throughout the Commonwealth and metropolitan planning regions.

B. Should federal law be changed to permit privatization of rest area operations, the department is hereby authorized to accept or solicit proposals for their development and/or operation.

ITEM 451.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
<p>C. The Director, Department of Planning and Budget, is authorized to increase the appropriation in this Item as needed to utilize amounts available from prior year balances in the dedicated funds.</p> <p>D. The Commissioner's annual report pursuant to § 33.2-232, Code of Virginia, shall include an assessment of whether the department has met its secondary road pavement targets, by district and on a statewide basis.</p> <p>E. Out of the amounts provided in this Item, the department shall increase the share of funding dedicated to the Safety Service Patrol Services by \$5,000,000 from nongeneral fund revenues in the second year to expand services across the Commonwealth's Interstate System, with priority given to the Interstate 81 Corridor.</p>				
452.	Commonwealth Toll Facilities (60600).....		\$80,876,667	\$91,272,130 \$85,455,257
	Toll Facility Debt Service (60602).....	\$3,194,200	\$3,190,600	
	Toll Facility Maintenance And Operation (60603)...	\$41,532,467	\$51,631,530 \$45,814,657	
	Toll Facilities Revolving Fund (60604).....	\$36,150,000	\$36,450,000	
	Fund Sources: Commonwealth Transportation.....	\$74,876,667	\$85,272,131 \$78,646,437	
	Trust and Agency.....	\$6,000,000	\$5,999,999 \$6,808,820	
<p>Authority: §§ 33.2-1524 and 33.2-1700 through 33.2-1729, Code of Virginia.</p> <p>A. Included in this Item are funds for the installation and implementation of a statewide Electronic Toll Customer Service/Violation Enforcement System.</p> <p>B. It is the intent of the General Assembly that the toll revenues, and any bond proceeds or concession payments backed by such toll revenues, derived from the express lanes on Interstate 64 between the interchange of Interstate 64 with Interstate 664 and the interchange of Interstate 64 with Interstate 564 be used to reduce the necessary contribution from the Hampton Roads Transportation Accountability Commission established pursuant Chapter 26 of Title 33.2, Code of Virginia, for a project to expand the capacity of Interstate 64 between the interchange of Interstate 64 with Interstate 664 and the interchange of Interstate 64 with Interstate 564.</p>				
453.	Financial Assistance to Localities for Ground Transportation (60700).....		\$1,079,779,699	\$1,074,659,612 \$1,095,669,240
	Financial Assistance for City Road Maintenance (60701).....	\$386,532,142	\$385,407,026 \$387,661,833	
	Financial Assistance for County Road Maintenance (60702).....	\$69,295,633	\$69,468,919 \$69,360,034	
	Financial Assistance for Planning, Access Roads, and Special Projects (60704).....	\$15,551,924	\$15,383,667 \$15,747,373	
	Distribution of Northern Virginia Transportation Authority Fund Revenues (60706).....	\$280,400,000	\$272,600,000 \$283,400,000	
	Distribution of Hampton Roads Transportation Fund Revenues (60707).....	\$191,100,000	\$194,000,000 \$201,700,000	
	Distribution of Washington Metropolitan Area Transit Authority Capital Fund Revenues (60708)...	\$127,400,000	\$128,200,000	
	Distribution of Certain Taxes to Certain Localities in Planning District 8 (60709).....	\$9,500,000	\$9,600,000	
	Fund Sources: Commonwealth Transportation.....	\$471,379,699	\$470,259,612 \$472,769,240	
	Dedicated Special Revenue.....	\$608,400,000	\$604,400,000 \$622,900,000	

ITEM 453.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020

Authority: Title 33.2, Chapter 1, Code of Virginia.

A. Out of the amounts for Financial Assistance for Planning, Access Road, and Special Projects, \$7,000,000 the first year and \$7,000,000 the second year from the Commonwealth Transportation Fund shall be allocated for purposes set forth in §§ 33.2-1509, 33.2-1600, and 33.2-1510, Code of Virginia. Of this amount, the allocation for Recreational Access Roads shall be \$1,500,000 the first year and \$1,500,000 the second year. It is the intent of the General Assembly that up to \$250,000 of the funds allocated by the Commonwealth Transportation Board for Recreational Access Roads in this Item shall be prioritized for handicapped accessibility improvements at Virginia State Parks, including improvements to handicapped access points and parking facility enhancements as may be requested by the Department of Conservation and Recreation.

B. Distribution of Northern Virginia Transportation Authority Fund Revenues represents direct payments, of the revenue collected and deposited into the Fund, to the Northern Virginia Transportation Authority for uses contained in Chapter 766, 2013 Acts of Assembly. Notwithstanding any other provision of law, moneys deposited into the Hampton Roads Transportation Fund shall be transferred to the Hampton Roads Transportation Accountability Commission for use in accordance with § 33.2-2611, Code of Virginia.

C. The prioritization process developed under § 33.2-214.1, Code of Virginia, shall not apply to use of funds provided in this Item from federal apportionments in the Metropolitan Planning Program.

D. Notwithstanding the provisions of § 4-3.02 of this act, the Secretary of Finance may provide the Department of Transportation interest-free treasury loans in an amount not to exceed \$1,700,000 per year which may be extended for a period longer than twelve months. The loan amounts would be provided to the City of Portsmouth to offset losses in personal property tax collections generated by the City due to the transfer of personal property from the Virginia International Gateway to the Commonwealth. The specific terms and structure of any loan shall be approved by the Secretary of Finance, after consultation with the Chairmen of the House Appropriations and Senate Finance Committees, or their designees. A treasury loan for this purpose shall be considered as bridge financing until the planned expansion of the Virginia International Gateway Facility commences and additional equipment is purchased which will generate personal property taxes that the City of Portsmouth shall use to repay the loan. To the extent the loan is not repaid as required by the specific terms of the loan, the Department of Transportation is directed to withhold the payment amount due from funds provided to the City of Portsmouth pursuant to § 33.2-319, Code of Virginia, to repay the loan.

E. Distribution of Washington Metropolitan Area Transit Authority Capital Fund Revenues represents direct payments, of the revenue collected and deposited into the Fund, to the Washington Metropolitan Area Transit Authority for uses pursuant to Chapter 34 of Title 33.2, Code of Virginia.

F. Consistent with § 33.2-366, Code of Virginia, the Commonwealth Transportation Board, when establishing annual rates of payments to Counties that have elected to withdraw from the secondary highway system, shall adjust such rate annually with i) procedures established for adjusting payments to cities, and ii) lane mileage adjustments. It is the express intent of the General Assembly, that under no circumstance shall the addition of lane miles to one jurisdiction result in the direct or indirect reduction in the calculation of payment to any other jurisdiction receiving payment from funds appropriated for Financial Assistance for County Road Maintenance (60702).

454.	Non-Toll Supported Transportation Debt Service (61200).....			\$369,469,786	\$384,933,110 \$381,401,095
	Highway Transportation Improvement District Debt Service (61201).....	\$8,639,519	\$8,639,519		
	Designated Highway Corridor Debt Service (61202)..	\$55,935,686	\$64,321,062 \$56,821,062		
	Commonwealth Transportation Capital Projects Bond Act Debt Service (61204).....	\$187,706,263	\$188,168,113 \$192,136,098		

ITEM 454.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
Federal Transportation Grant Anticipation Revenue Notes Debt Service (61205).....	\$117,188,318	\$123,804,416		
Fund Sources: General.....	\$40,000,000	\$40,000,000		
Commonwealth Transportation.....	\$117,188,318	\$123,804,416		
Trust and Agency.....	\$204,649,770	\$213,496,996		
		\$209,964,981		
Federal Trust.....	\$7,631,698	\$7,631,698		

Authority: Titles 15.2, 33.2, and 58.1 of the Code of Virginia; Chapters 827 and 914, Acts of Assembly of 1990; Chapters 233 and 662, Acts of Assembly of 1994; Chapter 8, as amended by Chapter 538, Acts of Assembly of 1999; Chapters 1019 and 1044, Acts of Assembly of 2000; Chapter 799, Acts of Assembly of 2002; Chapter 896, Acts of Assembly of 2007; and Chapters 830 and 868, Acts of Assembly of 2011

A.1. The amount shown for Highway Transportation Improvement District Construction shall be derived from payments made to the Transportation Trust Fund pursuant to the Contract between the State Route 28 Highway Transportation Improvement District and the Commonwealth Transportation Board dated September 1, 1988 as amended by the Amended and Restated District Contract by and among the Commonwealth Transportation Board, the Fairfax County Economic Development Authority and the State Route 28 Highway Transportation Improvement District Commission (the "District Commission") dated August 30, 2002, and May 1, 2012 (the "District Contract").

2. There is hereby appropriated for payment immediately upon receipt to a third party approved by the Commonwealth Transportation Board, or a bond trustee selected by such third party, a sum sufficient equal to the special tax revenues collected by the Counties of Fairfax and Loudoun within the State Route 28 Highway Transportation Improvement District and paid to the Commonwealth Transportation Board by or on behalf of the District Commission (the "contract payments") pursuant to § 15.2-4600 et seq., Code of Virginia, and the District Contract between the Commonwealth Transportation Board and the District Commission.

3. The contract payments may be supplemented from the Construction District Grant Program pursuant to § 33.2-371 allocated to the highway construction district in which the project financed is located, or any other lawfully available revenues of the Transportation Trust Fund, as may be necessary to meet debt service obligations. The payment of debt service shall be for the bonds (the Series 2012 Bonds) issued under the "Commonwealth of Virginia Transportation Contract Revenue Bond Act of 1988" (Chapters 653 and 676, Acts of Assembly of 1988 as amended by Chapters 827 and 914 of the Acts of Assembly of 1990). Funds required to pay the total debt service on the Series 2012 Bonds shall be made available in the amounts indicated in paragraph E of this Item.

B.1. Out of the amounts for Designated Highway Corridor Construction, \$40,000,000 the first year and \$40,000,000 the second year from the general fund shall be paid to the U.S. Route 58 Corridor Development Fund, hereinafter referred to as the "Fund", established pursuant to § 33.2-2300, Code of Virginia. This payment shall be in lieu of the deposit of state recordation taxes to the Fund, as specified in the cited Code section. Said recordation taxes which would otherwise be deposited to the Fund shall be retained by the general fund. Additional appropriations required for the U.S. Route 58 Corridor Development Fund, an amount estimated at \$9,000,000 the first year and \$20,000,000 the second year shall be transferred from the highway share of the Transportation Trust Fund.

2. Pursuant to the "U.S. Route 58 Commonwealth of Virginia Transportation Revenue Bond Act of 1989" (as amended by Chapter 538 of the 1999 Acts of Assembly and Chapter 296 of the 2013 Acts of Assembly), the amounts shown in paragraph E of this Item shall be available from the Fund for debt service for the bonds previously issued and additional bonds issued pursuant to said act.

C.1. The Commonwealth Transportation Board shall maintain the Northern Virginia Transportation District Fund, hereinafter referred to as the "Fund." Pursuant to § 33.2-2400, Code of Virginia, and for so long as the Fund is required to support the issuance of bonds, the Fund shall include at least the following elements:

- a. Amounts transferred from Item 264 of this act to this Item.

ITEM 454.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
<p>b. Any public right-of-way use fees allocated by the Department of Transportation pursuant to § 56-468.1 of the Code of Virginia and attributable to the counties of Fairfax, Loudoun, and Prince William, the amounts estimated at \$5,315,304 the first year and \$5,315,304 the second year.</p>				
<p>c. Any amounts which may be deposited into the Fund pursuant to a contract between the Commonwealth Transportation Board and a jurisdiction or jurisdictions participating in the Northern Virginia Transportation District Program, the amounts estimated to be \$816,000 the first year and \$816,000 the second year.</p>				
<p>2. The Fund shall support the issuance of bonds at a total authorized level of \$500,200,000 for the purposes provided in the “Northern Virginia Transportation District, Commonwealth of Virginia Revenue Bond Act of 1993,” Chapter 391, Acts of Assembly of 1993 as amended by Chapters 470 and 597 of the Acts of Assembly of 1994, Chapters 740 and 761 of the Acts of Assembly of 1998, Chapter 538 of the 1999 Acts of Assembly, Chapter 799 of the 2002 Acts of Assembly, and Chapter 621 of the 2005 Acts of Assembly.</p>				
<p>3. Pursuant to the Northern Virginia Transportation District, Commonwealth of Virginia Revenue Bond Act of 1993, Chapter 391, Acts of Assembly of 1993, and as amended by Chapters 470 and 597 of the Acts of Assembly of 1994, Chapters 740 and 761 of the Acts of Assembly of 1998, Chapter 538 of the 1999 Acts of Assembly, Chapter 799 of the 2002 Acts of Assembly, and Chapter 621 of the 2005 Acts of Assembly, amounts shown in paragraph E of this Item shall be available from the Fund for debt service for the bonds previously issued and additional bonds issued pursuant to said act.</p>				
<p>4. Should the actual distribution of recordation taxes to the localities set forth in § 33.2-2400, Code of Virginia, exceed the amount required for debt service on the bonds issued pursuant to the above act, such excess amount shall be transferred to the Northern Virginia Transportation District Fund in furtherance of the program described in § 33.2-2401, Code of Virginia.</p>				
<p>5. Should the actual distribution of recordation taxes to said localities be less than the amount required to pay debt service on the bonds, the Commonwealth Transportation Board is authorized to meet such deficiency, to the extent required, from funds identified in Enactment No. 1, Section 11, of Chapter 391, Acts of Assembly of 1993.</p>				
<p>D.1. The Commonwealth Transportation Board shall maintain the City of Chesapeake account of the Set-aside Fund, pursuant to § 58.1-816.1, Code of Virginia, which shall include funds transferred from Item 264 of this act to this Item, and an amount estimated at \$1,000,000 the first year and \$1,000,000 the second year received from the City of Chesapeake pursuant to a contract or other alternative mechanism for the purpose provided in the “Oak Grove Connector, City of Chesapeake Commonwealth of Virginia Transportation Program Revenue Bond Act of 1994,” Chapters 233 and 662, Acts of Assembly of 1994 (hereafter referred to as the “Oak Grove Connector Act”).</p>				
<p>2. The amounts shown in paragraph E of this Item shall be available from the City of Chesapeake account of the Set-aside Fund for debt service for the bonds issued pursuant to the Oak Grove Connector Act.</p>				
<p>3. Should the actual distribution of recordation taxes and such local revenues from the City of Chesapeake as may be received pursuant to a contract or other alternative mechanism to the City of Chesapeake account of the Set-aside Fund be less than the amount required to pay debt service on the bonds, the Commonwealth Transportation Board is authorized to meet such deficiency, pursuant to Enactment No. 1, Section 11 of the Oak Grove Connector Act.</p>				
<p>E. Pursuant to various Payment Agreements between the Treasury Board and the Commonwealth Transportation Board, funds required to pay the debt service due on the following Commonwealth Transportation Board bonds shall be transferred to the Treasury Board as follows:</p>				
		FY 2019		FY 2020
	Transportation Contract Revenue Refund Bonds, Series 2012 (Refunding Route 28)	\$8,639,519		\$8,639,519

ITEM 454.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
Transportation Revenue Bonds: U.S. Route 58 Corridor Development Program:				
Series 2014B (Refunding)	\$24,142,000		\$24,139,500	
Series 2016C (Refunding)	\$2,592,750		\$2,592,750	
Series 2017C (Refunding)	\$14,290,500			
Northern Virginia Transportation District Program:				
Series 2009A-2	\$5,378,653		\$5,336,803	
Series 2012A (Refunding)	\$9,790,538		\$2,559,038	
Series 2014A (Refunding)	\$9,640,250		\$9,645,000	
Series 2016B (Refunding)	\$2,358,750		\$463,500	
Series 2017B (Refunding)	\$4,408,000		\$4,368,000	
Transportation Program Revenue Bonds:				
Series 2016A (Oak Grove Connector, City of Chesapeake)	\$1,992,750		\$1,990,750	
Capital Projects Revenue Bonds:				
Series 2010 A-2	\$35,882,155		\$35,660,925	
Series 2011	\$21,097,750		\$21,096,500	
Series 2012	\$29,163,800		\$29,161,550	
Series 2014	\$18,226,700		\$18,224,700	
Series 2016	\$16,797,000		\$16,799,250	
Series 2017	\$16,524,688		\$16,525,938	
Series 2017A	\$30,408,400		\$30,408,400	
Series 2018	\$9,201,301		\$9,197,600	

F. Out of the amounts provided for in this Item, an estimated \$115,469,133 the first year and \$123,804,416 the second year from federal reimbursements shall be provided for debt service payments on the Federal Transportation Grant Anticipation Revenue Notes.

G. Out of the amounts provided for this Item, an estimated \$177,301,793 the first year and \$188,168,113 the second year from the Priority Transportation Fund shall be provided for debt service payments on the Commonwealth Transportation Capital Projects Revenue Bonds. Any additional amounts needed to offset the debt service payment requirements attributable to the issuance of the Capital Projects Revenue Bonds shall be provided from the Transportation Trust Fund.

H. The Commonwealth Transportation Board is hereby authorized, by and with the consent of the Governor, to issue, pursuant to the applicable provisions of the Transportation Development and Revenue Bond Act (§ 33.2-1700 et seq., Code of Virginia) as amended from time to time, revenue obligations of the Commonwealth to be designated "Commonwealth of Virginia Transportation Capital Projects Revenue Bonds, Series XXXX" at one or more times in an aggregate principal amount not to exceed \$180,000,000, after all costs. The net proceeds of the bonds shall be used exclusively for the purpose of providing funds for paying the costs incurred or to be incurred for construction or funding of transportation projects set forth in Item 449.10 of Chapter 847 of the Acts of Assembly of 2007, including but not limited to environmental and engineering studies; rights-of-way acquisition; improvements to all modes of

ITEM 454.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
transportation; acquisition, construction and related improvements; and any financing costs and other financing expenses. Such costs may include the payment of interest on the bonds for a period during construction and not exceeding one year after completion of construction of the projects. Notwithstanding the provisions of Item 449.10 of Chapter 847 of the acts of Assembly 2007, any remaining funding may be used for the purposes set forth in subsection G of Item 453 of Chapter 665, 2015 Acts of Assembly.				
455.	Administrative and Support Services (69900).....		\$279,817,017	\$294,076,199 \$297,615,020
	General Management and Direction (69901).....	\$147,188,104		
	Information Technology Services (69902).....	\$96,813,415		
	Facilities and Grounds Management Services (69915).....	\$17,169,363		
	Employee Training and Development (69924).....	\$18,646,135		
	Fund Sources: Commonwealth Transportation.....	\$279,817,017		

Authority: Title 33.2, Code of Virginia.

A. Notwithstanding any other provision of law, the highway share of the Transportation Trust Fund shall be used for highway maintenance and operation purposes prior to its availability for new development, acquisition, and construction.

B. Administrative and Support Services shall include funding for management, direction, and administration to support the department's activities that cannot be directly attributable to individual programs and/or projects.

C. Out of the amounts for General Management and Direction, allocations shall be provided to the Commonwealth Transportation Board to support its operations, the payment of financial advisory and legal services, and the management of the Transportation Trust Fund.

D. Notwithstanding any other provision of law, the department may assess and collect the costs of providing services to other entities, public and private. The department shall take all actions necessary to ensure that all such costs are reasonable and appropriate, recovered, and understood as a condition to providing such service.

E. Each year, as part of the six-year financial planning process, the commissioner shall implement a long-term business strategy that considers appropriate staffing levels for the department. In addition, the commissioner shall identify services, programs, or projects that will be evaluated for devolution or outsourcing in the upcoming year. In undertaking such evaluations, the commissioner is authorized to use the appropriate resources, both public and private, to competitively procure those identified services, programs, or projects and shall identify total costs for such activities.

F. Notwithstanding § 4-2.03 of this act, the Virginia Department of Transportation shall be exempt from recovering statewide and agency indirect costs from the Federal Highway Administration until an indirect cost plan can be evaluated and developed by the agency and approved by the Federal Highway Administration.

G. The Director, Department of Planning and Budget, is authorized to adjust appropriations and allotments for the Virginia Department of Transportation to reflect changes in the official revenue estimates for commonwealth transportation funds.

H. Out of the amounts for General Management and Direction, allocations shall be provided to support the capital lease agreement with Fairfax County for the Northern Virginia District building. An amount estimated at \$7,800,000 the first year and \$7,800,000 the second year from Commonwealth Transportation Funds shall be provided.

I. Notwithstanding any other provisions of law, the Commonwealth Transportation Commissioner may enter into a contract with homeowner associations for grounds-keeping, mowing, and litter removal services.

ITEM 455.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
<p>J. Notwithstanding the provisions § 2.2-2402 of the Code of Virginia, no construction, erection, repair, upgrade, removal or demolition of any building, fixture or structure located or to be located on property of the Commonwealth of Virginia under the control of the Virginia Department of Transportation (VDOT) and within the secured area of a residency, area headquarters or district complex shall be subject to review or approval by the Art and Architectural Review Board as contemplated by that section. However, for changes to any building or fixture located on property owned or controlled by VDOT that has been designated or is under consideration for designation as a historic property, then VDOT shall submit such changes to the Art and Architectural Review Board for review and approval by the Board.</p>				
<p>K. The Virginia Department of Transportation is authorized to convey a 25-foot wide strip of land containing approximately 0.1923 acre located along the southeastern boundary of its original Callaway Area Headquarters parcel, Tax Map Parcel #0580004200, to Earl E. Bowman, Jr. and Elizabeth H. Bowman, husband and wife, in return for the termination of an existing easement in favor of the Bowmans across certain property of the Commonwealth, as shown in those certain deeds and plats recorded at Deed Book 1114, Page 1622 and Deed Book 1114, Page 1630 in the Clerk's Office of the Circuit Court of Franklin County, Virginia, and the conveyance from the Bowmans of a parcel of land containing approximately 0.3582 acres located adjacent to and northwest of VDOT's original parcel, all as shown on a plat to be agreed to between the Parties. The appraised value of the land to be acquired by VDOT shall be equal to or greater than the value of the land to be transferred from VDOT. The exact property to be conveyed as consideration for this transaction is subject to change or adjustment provided that all parties agree, the requirements for value and form are met, and the appropriate approvals are obtained. The conveyances shall be made with the recommendation of the Department of General Services, the approval of the Governor and shall be in a form approved by the Attorney General. The appropriate officials of the Commonwealth are hereby authorized to prepare, execute, and deliver such deed and other documents as may be necessary to accomplish the conveyance.</p>				
<p>L. 1. At such time as the Virginia Department of Transportation (VDOT) determines that the VDOT Residency office, on five acres, at 626 Waddell Street, in the City of Lexington is no longer required for VDOT's purposes, it shall offer to transfer the property to the City of Lexington prior to offering the property for transfer or sale to any other public or private agency or entity or individual, on such terms and conditions as provided below.</p>				
<p>2. The Virginia Department of Transportation and the City of Lexington shall each obtain a separate appraisal of the property, each performed by an appraiser licensed by the Commonwealth of Virginia as Certified General Real Property Appraisers, who must meet the competency provisions of the Uniform Standards of Professional Appraisal Practice.</p>				
<p>3. VDOT shall offer the property to the City of Lexington at a value which shall be determined by averaging the values from the two appraisals obtained in L.2. above. Any other conditions of the transfer shall be based on usual and customary terms for such intergovernmental transfers.</p>				
<p>4. If the Virginia Department of Transportation and the City of Lexington cannot agree on the terms of the transfer of the property, VDOT may transfer or sell the property to any other public or private agency or entity or individual on such terms as it determines are in the best interest of the Virginia Department of Transportation, however it will present those terms to the City of Lexington for its consideration prior to finalizing any transfer or sale to any other party.</p>				
456.	Not set out.			
	Total for Department of Transportation.....		\$6,795,395,381	\$6,382,181,734 \$7,265,463,560
	Nongeneral Fund Positions.....	7,735.00	7,735.00	
	Position Level.....	7,735.00	7,735.00	
	Fund Sources: General.....	\$40,000,000	\$40,000,000	

ITEM 456.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
Commonwealth Transportation.....	\$5,709,320,669	\$5,173,438,456 \$6,033,443,476		
Trust and Agency.....	\$430,043,014	\$556,711,580 \$561,488,386		
Dedicated Special Revenue.....	\$608,400,000	\$604,400,000 \$622,900,000		
Federal Trust.....	\$7,631,698	\$7,631,698		
457. Not set out.				
458. Not set out.				
459. Not set out.				
460. Not set out.				
461. Not set out.				
462. Not set out.				
TOTAL FOR OFFICE OF TRANSPORTATION.....			\$8,139,527,863	\$7,730,887,266 \$8,614,169,092
Nongeneral Fund Positions.....	10,180.00	10,183.00 10,283.00		
Position Level.....	10,180.00	10,183.00 10,283.00		
Fund Sources: General.....	\$41,030,246	\$41,030,246		
Special.....	\$174,788,630	\$179,641,216		
Commonwealth Transportation.....	\$6,679,463,322	\$6,141,101,573 \$7,001,106,593		
Trust and Agency.....	\$440,989,614	\$567,658,180 \$572,434,986		
Dedicated Special Revenue.....	\$759,900,000	\$758,100,000 \$776,600,000		
Federal Trust.....	\$43,356,051	\$43,356,051		

ITEM 463.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
OFFICE OF VETERANS AND DEFENSE AFFAIRS				
463.	Not set out.			
464.	Not set out.			
465.	Not set out.			
466.	Not set out.			
467.	Not set out.			
468.	Not set out.			
469.	Not set out.			
470.	Not set out.			
TOTAL FOR OFFICE OF VETERANS AND DEFENSE AFFAIRS.....			\$87,838,961	\$103,970,772
General Fund Positions.....	216.00	238.00		
Nongeneral Fund Positions.....	627.00	867.00		
Position Level.....	843.00	1,105.00		
Fund Sources: General.....	\$22,247,486	\$23,082,190		
Special.....	\$34,312,776	\$46,309,402		
Trust and Agency.....	\$0	\$2,500,000		
Dedicated Special Revenue.....	\$1,593,000	\$1,593,000		
Federal Trust.....	\$29,685,699	\$30,486,180		

ITEM 471.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020

CENTRAL APPROPRIATIONS

§ 1-32. CENTRAL APPROPRIATIONS (995)

471.	Not set out.				
472.	Not set out.				
473.	Not set out.				
474.	Compensation and Benefit Adjustments (75700).....			\$44,908,273	\$187,164,033
	Adjustments to Employee Compensation (75701).....	\$14,134,815	\$202,847,512		
	Adjustments to Employee Benefits (75702).....	\$30,773,458	(\$15,683,479)		
	Fund Sources: General.....	\$44,908,273	\$187,164,033		

Authority: Discretionary Inclusion.

A. Transfers to or from this Item may be made to decrease or supplement general fund appropriations to state agencies for:

1. Adjustments to base rates of pay;
2. Adjustments to rates of pay for budgeted overtime of salaried employees;
3. Salary changes for positions with salaries listed elsewhere in this act;
4. Salary changes for locally elected constitutional officers and their employees;
5. Employer costs of employee benefit programs when required by salary-based pay adjustments;
6. Salary changes for local employees supported by the Commonwealth, other than those funded through appropriations to the Department of Education; and
7. Adjustments to the cost of employee benefits to include but not be limited to health insurance premiums and retirement and related contribution rates.

B. Transfers from this Item may be made when appropriations to the state agencies concerned are insufficient for the purposes stated in paragraph A of this Item, as determined by the Department of Planning and Budget, and subject to guidelines prescribed by the department. Further, the Department of Planning and Budget may transfer appropriations within this Item from the second year of the biennium to the first year, when necessary to accomplish the purposes stated in paragraph A of this Item.

C. Except as provided for elsewhere in this Item, agencies supported in whole or in part by nongeneral fund sources, shall pay the proportionate share of changes in salaries and benefits as required by this Item, subject to the rules and regulations prescribed by the appointing or governing authority of such agencies. Nongeneral fund revenues and balances required for this purpose are hereby appropriated.

D. Any supplemental salary payment to a state employee or class of state employees by a local governing body shall be governed by a written agreement between the agency head of the employee or class of employees receiving the supplement and the chief executive officer of the local governing body. Such agreement shall also be reviewed and approved by the Director of the State Department of Human Resource Management. At a minimum, the agreement shall specify the percent of state salary or fixed amount of the supplement, the resultant total salary of the employee or class of employees, the frequency and method of payment to the agency of the supplement, and whether or not such supplement shall be included in the employee's state benefit calculations. A copy of the agreement shall be made available annually to all employees receiving the supplement. The receipt of a local salary supplement shall not subject employees to any personnel or payroll rules and practices other than those promulgated by the State Department of Human Resource Management.

ITEM 474.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2019	FY2020	FY2019	FY2020

E. The Governor is hereby authorized to transfer funds from agency appropriations to the accounts of participating state employees in such amounts as may be necessary to match the contributions of the qualified participating employees, consistent with the requirements of the Code of Virginia governing the deferred compensation cash match program. Such transfers shall be made consistent with the following:

1. The maximum cash match provided to eligible employees shall not be less than \$20.00 per pay period, or \$40.00 per month, in each year of the biennium. The Governor may direct the agencies of the Commonwealth to utilize funds contained within their existing appropriations to meet these requirements.
2. The Governor may direct agencies supported in whole or in part with nongeneral funds to utilize existing agency appropriations to meet these requirements. Such nongeneral revenues and balances are hereby appropriated for this purpose, subject to the provisions of § 4-2.01 b of this act. The use of such nongeneral funds shall be consistent with any existing conditions and restrictions otherwise placed upon such nongeneral funds.
3. The procurement of services related to the implementation of this program shall be governed by standards set forth in § 51.1-124.30 C, Code of Virginia, and shall not be subject to the provisions of Chapter 7 (§ 11-35 et seq.), Title 11, Code of Virginia.

F. The Secretary of Administration, in conjunction with the Secretary of Finance, may establish a program that allows for the sharing of cost savings from improved productivity, efficiency, and performance with agencies and employees. Such gain sharing programs require a management philosophy of open communication encouraging employee participation; a system which seeks, evaluates and implements employee input on increasing productivity; and a formula for measuring productivity gains and sharing these gains between employees and the agency. The Department of Human Resource Management, in conjunction with the Department of Planning and Budget, shall develop specific gain sharing program guidelines for use by agencies. The Department of Human Resource Management shall provide to the Governor, the Chairmen of the House Appropriations and Senate Finance Committees an annual report no later than October 1 of each year detailing identified savings and their usage.

G.1. Out of the appropriation for this Item, amounts estimated at \$33,650,659 the first year and \$33,272,027 the second year from the general fund shall be transferred to state agencies and institutions of higher education to support the general fund portion of costs associated with changes in the employer's share of premiums paid for the Commonwealth's health benefit plans.

2. Notwithstanding any contrary provision of law, the health benefit plans for state employees resulting from the additional funding in this Item shall allow for a portion of employee medical premiums to be charged to employees.
3. The Department of Human Resource Management shall explore options within the health insurance plan for state employees to promote value-based health choices aimed at creating greater employee satisfaction with lower overall health care costs. It is the General Assembly's intent that any savings associated with this employee health care initiative be retained and used towards funding state employee salary or fringe benefit cost increases.
4. Notwithstanding any other provision of law, it shall be the sole responsibility and authority of the Department of Human Resource Management to establish and enforce employer contribution rates for any health insurance plan established pursuant to §2.2-2818, Code of Virginia.
5. The Department of Human Resource Management is prohibited from establishing a retail maintenance network for maintenance drugs that includes penalties for non-use of the retail maintenance network.
6. The Department of Human Resource Management shall not increase the annual out-of-pocket maximum included in the plans above the limits in effect for the plan year which began on July 1, 2014.
7. The Department of Human Resource Management shall include language in all

ITEM 474.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020

contracts, signed on or after July 1, 2018, with third party administrators of the state employee health plan requiring the third party administrators to: 1) maintain policies and procedures for transparency in their pharmacy benefit administration programs; 2) transparently provide information to state employees through an explanation of benefits regarding the cost of drug reimbursement; dispensing fees; copayments; coinsurance; the amount paid to the dispensing pharmacy for the claim; the amount charged to the third party administrator for the claim by the third party administrator's pharmacy benefit manager; and the amount charged by the third party administrator to the Commonwealth; and 3) provide a report to the Department of Human Resource Management of the aggregate difference in amounts between reimbursements made to pharmacies for claims covered by the state employee insurance plan, the amount charged to the third party administrator for the claim by the third party administrator's pharmacy benefit manager, and the amount charged by the third party administrator to the Commonwealth as well as an explanation for any difference. The department shall report to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees on its implementation of this item by October 1, 2018.

8. Notwithstanding the provisions of § 38.2-3418.17 and any other provision of law, effective October 1, 2018, the Department of Human Resource Management shall provide coverage under the state employee health insurance program for the treatment of autism spectrum disorder through the age of eighteen.

9. In addition to the amounts cited in paragraph G.1 of this item, \$992,222 the first year from the general fund shall be provided for the Department of Human Resource Management for the repayment of costs incurred pursuant to the proposal to establish an optional statewide local employee health insurance program.

H.1. Contribution rates paid to the Virginia Retirement System for the retirement benefits of public school teachers, state employees, state police officers, state judges, and state law enforcement officers eligible for the Virginia Law Officers Retirement System shall be based on a valuation of retirement assets and liabilities that are consistent with the provisions of Chapters 701 and 823, Acts of Assembly of 2012.

2. Retirement contribution rates, excluding the five percent employee portion, shall be as set out below and include both the regular contribution rate and for the public school teacher plan the rate calculated by the Virginia Retirement System actuary for the 10-year payback of the retirement contribution payments deferred for the 2010-12 biennium:

	FY 2019	FY 2020
Public school teachers	15.68%	15.68%
State employees	13.52%	13.52%
State Police Officers' Retirement System	24.88%	24.88%
Virginia Law Officers' Retirement System	21.61%	21.61%
Judicial Retirement System	34.39%	34.39%

3. Payments of all required contributions and insurance premiums to the Virginia Retirement System and its third-party administrators, as applicable, shall be made no later than the tenth day following the close of each month of the fiscal year.

4. The Director of Department of Planning and Budget shall withhold and transfer to this Item, amounts estimated at \$6,539,646 the first year and \$6,823,946 the second year, from the general fund appropriations of state agencies and institutions of higher education, representing the net savings resulting from the changes in employer contributions for state employee retirement as provided for in this paragraph.

5. The funding necessary to support the cost of reimbursements to Constitutional Officers for retirement contributions are appropriated elsewhere in this act under the Compensation Board.

6. The funding necessary to support the cost of the employer retirement contribution rate for public school teachers is appropriated elsewhere in this act under Direct Aid to Public Education.

I.1. Except as authorized in Paragraph I.2. of this Item, rates paid to the Virginia Retirement System on behalf of employees of participating (i) counties, (ii) cities, (iii) towns, (iv) local

ITEM 474.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
<p>public school divisions (only to the extent that the employer contribution rate is not otherwise specified in this act), and (v) other political subdivisions shall be based on the employer contribution rates certified by the Virginia Retirement System Board of Trustees pursuant to § 51.1-145(I), Code of Virginia.</p> <p>2. Rates paid to the VRS on behalf of employees of participating (i) counties, (ii) cities, (iii) towns, (iv) local public school divisions (only to the extent that the employer contribution rate is not otherwise specified in this act), and (v) other political subdivisions shall be based on the employer contribution rates certified by the Virginia Retirement System Board of Trustees pursuant to § 51.1-145(I), Code of Virginia, unless the participating employer notifies VRS that it has opted to base the employer contribution rate on the higher of: a) the contribution rate in effect for FY 2012, or b) seventy percent of the results of the June 30, 2011 actuarial valuation of assets and liabilities as approved by the Virginia Retirement System Board of Trustees for the 2012-14 biennium, eighty percent of the results of the June 30, 2013 actuarial valuation of assets and liabilities as approved by the Virginia Retirement System Board of Trustees for the 2014-16 biennium, ninety percent of the results of the June 30, 2015 actuarial valuation of assets and liabilities as approved by the Virginia Retirement System Board of Trustees for the 2016-18 biennium, and one-hundred percent of the results of the June 30, 2017 actuarial valuation of assets and liabilities as approved by the Virginia Retirement System Board of Trustees for the 2018-20 biennium.</p> <p>3. Every participating employer that opts not to use the employer contribution rates certified by the Virginia Retirement System Board of Trustees pursuant to § 51.1-145(I), Code of Virginia, must certify to the board of the Virginia Retirement System by resolution adopted by its local governing body that it: has reviewed and understands the information provided by the Virginia Retirement System outlining the potential future fiscal implications of electing or not electing to utilize the employer contribution rates certified by the Virginia Retirement System Board of Trustees, as provided for in paragraph I.1.</p> <p>4. Local public school divisions must receive the concurrence of the local governing body if electing to pay the alternate contribution rate set out in paragraph I.2. Such concurrence must be documented by a resolution of the governing body.</p> <p>5. The board of the Virginia Retirement System shall provide all employers participating in the Virginia Retirement System with a summary of the implications inherent in the use of the employer contribution rates certified by the Virginia Retirement System (VRS) Board of Trustees set out in paragraph I.1, and the alternate employer contribution rates set out in paragraph I.2.</p> <p>J. The Virginia Retirement System Board of Trustees shall account for the employer retirement contribution payments for the public school teacher plan deferred for the 2010-2012 biennium based on limiting employer retirement contributions to the Virginia Retirement System to the actuarial normal cost. In setting the employer retirement contribution rates for the public school teacher plan for subsequent biennia, the board shall calculate a separate, supplemental employer contribution rate that will amortize such deferred payments over a period of ten years using the board's assumed long-term rate of return. The Governor shall include funds to support payment of the approved state portion of such board-approved, supplemental employer contribution rates for the public school teacher plan in the budget submitted to the General Assembly.</p> <p>K.1. Contribution rates paid to the Virginia Retirement System for other employee benefits to include the public employee group life insurance program, the Virginia Sickness and Disability Program, the state employee retiree health insurance credit, and the public school teacher retiree health insurance credit, shall be based on a valuation of assets and liabilities that assume an investment return of seven percent and an amortization period of 30 years.</p> <p>2. Contribution rates paid on behalf of public employees for other programs administered by the Virginia Retirement System shall be:</p>				
	FY 2019		FY 2020	
State employee retiree health insurance	1.17%		1.17%	

ITEM 474.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
credit				
Public school teacher retiree health insurance credit	1.20%		1.20%	
State employee group life insurance program	1.31%		1.31%	
Employer share of the public school teacher group life insurance program	0.52%		0.52%	
Virginia Sickness and Disability Program	0.62%		0.62%	

3. Funding for the Virginia Sickness and Disability Program is calculated on a rate of 0.53 percent of total payroll.

4. The Director of Department of Planning and Budget shall withhold and transfer to this Item amounts estimated at \$676,148 the first year and \$705,521 the second year, from the general fund appropriations of state agencies and institutions of higher education, representing the net savings resulting from changes in employer contributions for state employee benefits as provided for in this paragraph.

5. The funding necessary to support the cost of reimbursements to Constitutional Officers for public employee group life insurance contributions is appropriated elsewhere in this act under the Compensation Board.

6. The funding necessary to support the cost of the employer public school teacher group life insurance and retiree health insurance credit rates is appropriated elsewhere in this act under Direct Aid to Public Education.

L.1. The retiree health insurance credit contribution rates for the following groups of state supported local public employees shall be: 0.38 percent for constitutional officers and employees of constitutional officers 0.43 percent for employees of local social services boards, and 0.39 percent for General Registrars and employees of General Registrars.

2. Out of the general fund appropriation for this Item is included \$317,863 the first year and \$317,863 the second year to support the general fund portion of the net costs resulting from changes in the retiree health insurance credit contribution rates for state supported local public employees through the Compensation Board, the Department of Social Services, and the Department of Elections pursuant to § 51.1-1403, Code of Virginia.

M.1. Notwithstanding the provisions of § 2.2-3205(A), Code of Virginia, the terminating agency shall not be required to pay the Virginia Retirement System the costs of enhanced retirement benefits provided for in § 2.2-3204(A), Code of Virginia for employees who are involuntarily separated from employment with the Commonwealth if the Director of the Department of Planning and Budget certifies that such action results from 1. budget reductions enacted in the Appropriation Act, 2. budget reductions executed in response to the withholding of appropriations by the Governor pursuant to §4-1.02 of the Act, 3. reorganization or reform actions taken by state agencies to increase efficiency of operations or improve service delivery provided such actions have been previously approved by the Governor, or 4. downsizing actions taken by state agencies as the result of the loss of federal or other grants, private donations, or other nongeneral fund revenue, and if the Director of the Department of Human Resource Management certifies that the action comports with personnel policy. Under these conditions, the entire cost of such benefits for involuntarily separated employees shall be factored into the employer contribution rates paid to the Virginia Retirement System.

2. Notwithstanding the provisions of § 2.2-3205(A), Code of Virginia, the terminating agency shall not be required to pay the Virginia Retirement System the costs of enhanced retirement benefits provided for in § 2.2-3204(A), Code of Virginia, for employees who are involuntarily separated from employment with the Commonwealth if the Speaker of the House of Delegates and the Chairman of the Senate Committee on Rules have certified on or after July 1, 2016, that such action results from 1. budget reductions enacted in the Appropriation Act pertaining to the Legislative Department; 2. reorganization or reform actions taken by agencies in the legislative branch of state government to increase efficiency of operations or improve service delivery provided such actions have been approved by the Speaker of the House of Delegates

ITEM 474.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2019	FY2020	FY2019	FY2020

and the Chairman of the Senate Committee on Rules; or 3. downsizing actions taken by agencies in the legislative branch of state government as the result of the loss of federal or other grants, private donations, or other nongeneral fund revenue and if the applicable agency certifies that the actions comport with the provisions of and related policies associated with the Workforce Transition Act. Under these conditions, the entire cost of such benefits for involuntarily separated employees shall be factored into the employer contribution rates paid to the Virginia Retirement System.

N. The purpose of this paragraph is to provide a transitional severance benefit, under the conditions specified, to eligible city, county, school division or other political subdivision employees who are involuntarily separated from employment with their employer.

1.a. "Involuntary separation" includes, but is not limited to, terminations and layoffs from employment with the employer, or being placed on leave without pay-layoff or equivalent status, due to budget reductions, employer reorganizations, workforce downsizings, or other causes not related to the job performance or misconduct of the employee, but shall not include voluntary resignations. As used in this paragraph, a "terminated employee" shall mean an employee who is involuntarily separated from employment with his employer.

b. The governing authority of a city, county, school division or other political subdivision electing to cover its employees under the provisions of this paragraph shall adopt a resolution, as prescribed by the Board of Trustees of the Virginia Retirement System, to that effect. An election by a school division shall be evidenced by a resolution approved by the Board of such school division and its local governing authority.

2.a. Any (i) "eligible employee" as defined in § 51.1-132, (ii) "teacher" as defined in § 51.1-124.3, and (iii) any "local officer" as defined in § 51.1.124.3 except for the treasurer, commissioner of the revenue, attorney for the Commonwealth, clerk of a circuit court, or sheriff of any county or city, and (a) for whom reemployment with his employer is not possible because there is no available position for which the employee is qualified or the position offered to the employee requires relocation or a reduction in salary and (b) whose involuntary separation was due to causes other than job performance or misconduct, shall be eligible, under the conditions specified, for the transitional severance benefit conferred by this paragraph. The date of involuntary separation shall mean the date an employee was terminated from employment or placed on leave without pay-layoff or equivalent status.

b. Eligibility shall commence on the date of involuntary separation.

3.a. On his date of involuntary separation, an eligible employee with (i) two years' service or less to the employer shall be entitled to receive a transitional severance benefit equivalent to four weeks of salary; (ii) three years through and including nine years of consecutive service to the employer shall be entitled to receive a transitional severance benefit equivalent to four weeks of salary plus one additional week of salary for every year of service over two years; (iii) ten years through and including fourteen years of consecutive service to the employer shall be entitled to receive a transitional severance benefit equivalent to twelve weeks of salary plus two additional weeks of salary for every year of service over nine years; or (iv) fifteen years or more of consecutive service to the employer shall be entitled to receive a transitional severance benefit equivalent to two weeks of salary for every year of service, not to exceed thirty-six weeks of salary.

b. Transitional severance benefits shall be computed by the terminating employer's payroll department. Partial years of service shall be rounded up to the next highest year of service.

c. Transitional severance benefits shall be paid by the employer in the same manner as normal salary. In accordance with § 60.2-229, transitional severance benefits shall be allocated to the date of involuntary separation. The right of any employee who receives a transitional severance benefit to also receive unemployment compensation pursuant to § 60.2-100 et seq. shall not be denied, abridged, or modified in any way due to receipt of the transitional severance benefit; however, any employee who is entitled to unemployment compensation shall have his transitional severance benefit reduced by the amount of such unemployment compensation. Any offset to a terminated employee's transitional severance benefit due to reductions for unemployment compensation shall be paid in one lump sum at the time the last transitional severance benefit payment is made.

ITEM 474.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
d.	For twelve months after the employee's date of involuntary separation, the employee shall continue to be covered under the (i) health insurance plan administered by the employer for its employees, if he participated in such plan prior to his date of involuntary separation, and (ii) group life insurance plan administered by the Virginia Retirement System pursuant to Chapter 5 (§ 51.1-500 et seq.) of Title 51.1, or such other group life insurance plan as may be administered by the employer. During such twelve months, the terminating employer shall continue to pay its share of the terminated employee's premiums. Upon expiration of such twelve month period, the terminated employee shall be eligible to purchase continuing health insurance coverage under COBRA.			
e.	Transitional severance benefit payments shall cease if a terminated employee is reemployed or hired in an individual capacity as an independent contractor or consultant by the employer during the time he is receiving such payments.			
f.	All transitional severance benefits payable pursuant to this section shall be subject to applicable federal laws and regulations.			
4.a.	In lieu of the transitional severance benefit provided in subparagraph 3 of this paragraph, any otherwise eligible employee who, on the date of involuntary separation, is also (i) a vested member of a defined benefit plan within the Virginia Retirement System, including the hybrid retirement program described in § 51.1-169, and including a member eligible for the benefits described in subsection B of § 51.1-138, and (ii) at least fifty years of age, may elect to have the employer purchase on his behalf years to be credited to either his age or creditable service or a combination of age and creditable service, except that any years of credit purchased on behalf of a member of the Virginia Retirement System, including a member eligible for the benefits described in subsection B of § 51.1-138, who is eligible for unreduced retirement shall be added to his creditable service and not his age. The cost of each year of age or creditable service purchased by the employer shall be equal to fifteen percent of the employee's present annual compensation. The number of years of age or creditable service to be purchased by the employer shall be equal to the quotient obtained by dividing (i) the cash value of the benefits to which the employee would be entitled under subparagraphs 3.a. and 3.d. of this paragraph by (ii) the cost of each year of age or creditable service. Partial years shall be rounded up to the next highest year. Deferred retirement under the provisions of subsection C of §§ 51.1-153 and disability retirement under the provisions of § 51.1-156 et seq., shall not be available under this paragraph.			
b.	In lieu of the (i) transitional severance benefit provided in subparagraph 3 of this paragraph and (ii) the retirement program provided in this subsection, any employee who is otherwise eligible may take immediate retirement pursuant to §§ 51.1-155.1 or 51.1-155.2.			
c.	The retirement allowance for any employee electing to retire under this paragraph who, by adding years to his age, is between ages fifty-five and sixty-five, shall be reduced on the actuarial basis provided in subdivision A. 2. of § 51.1-155.			
d.	The retirement program provided in this subparagraph shall be otherwise governed by policies and procedures developed by the Virginia Retirement System.			
e.	Costs associated with the provisions of this subparagraph shall be factored into the employer contribution rates paid to the Virginia Retirement System.			
f.	Notwithstanding the foregoing, the provisions of this paragraph N shall apply to an otherwise eligible employee who is a person who becomes a member on or after July 1, 2010, a person who does not have 60 months of creditable service as of January 1, 2013, or a person who is enrolled in the hybrid retirement program described in § 51.1-169, mutatis mutandis.			
O.1. a.	In order to address the potential for stranded liability in the Virginia Retirement System, notwithstanding any other contrary provisions of the Appropriation Act or of § 51.1-145, institutions of higher education that have established their own optional retirement plan under § 51.1-126(B) shall pay, effective July 1, 2019, contributions to the employer's retirement allowance account in an amount equal to that portion of the state employer contribution rate designated to pay down the total unfunded accrued liability, for any positions existing as of December 31, 2011 that are subsequently converted from non-Optional Retirement Plan for Higher Education (ORPHE) eligible positions to ORPHE-eligible positions on or after January 1, 2012 and that are filled by an employee who elects to			

ITEM 474.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
<p>participate in the ORPHE. In meeting this obligation, each institution shall provide to the Virginia Retirement System by April 1 of each year a list of all positions converted from non-ORPHE eligible positions to ORPHE-eligible positions since January 1, 2012, and whether current employees in such positions have elected ORPHE participation.</p>				
<p>b. Such contributions shall not be required for any new position established by the institution after January 1, 2012, that may be eligible for participation in the Optional Retirement Plan for Higher Education.</p>				
<p>2. Furthermore, the Department of Accounts, the Virginia Retirement System, and the universities of higher education shall work to develop a methodology to identify and report separately personnel services expenditures for university personnel in positions that use to be classified positions but have been transitioned to university staff positions.</p>				
<p>3. The Virginia Retirement System and the universities of higher education shall submit a report to the Chairmen of the House Appropriations and Senate Finance Committees by November 15, 2018 on the approximate unfunded liability that maybe attributable to these positions and the level of additional contributions the system will realize from the surcharge.</p>				
<p>P. 1. Notwithstanding the provisions of § 17.1-327, Code of Virginia, any justice, judge, member of the State Corporation Commission, or member of the Virginia Workers' Compensation Commission who is retired under the Judicial Retirement System and who is temporarily recalled to service shall be reimbursed for actual expenses incurred during such service and shall be paid a per diem of \$250 for each day the person actually sits, exclusive of travel time.</p>				
<p>2. Out of the general fund appropriation for this Item, \$500,000 in the first year and \$500,000 in the second year is provided to support the costs resulting from the changes in the per diem amounts provided for in paragraph P.1. The Director, Department of Planning and Budget, shall disburse funding from this Item to all affected judicial and independent agencies upon request.</p>				
<p>Q. The Director, Department of Planning and Budget, shall transfer from this Item, general fund amounts estimated at \$1,206,557 the first year and \$1,267,368 the second year to state agencies and institutions of higher education to support the general fund portion of costs of Line of Duty Act premiums based on the latest enrollment update from the Virginia Retirement System.</p>				
<p>R. The Director, Department of Planning and Budget, shall transfer from this Item, general fund amounts estimated at \$1,821,951 the first year and \$2,291,203 the second year to state agencies and institutions of higher education to support the general fund portion of costs of workers' compensation premiums provided by the Department of Human Resource Management.</p>				
<p>S.1. The Governor is hereby authorized to allocate a sum of up to \$13,634,815 the first year and \$202,207,901 the second year from this appropriation to the extent necessary to offset any downward revisions of the general fund revenue estimate prepared for fiscal years 2019 and 2020 after the enactment by the General Assembly of the 2018 Special Session I Appropriation Act. If the forecast of general fund revenues for fiscal years 2019 and 2020 developed as the basis for the 2019 budget bill is no less than the revenues assumed in the 2018 Appropriation Act then such appropriation shall be used only for employee compensation purposes as stated in paragraphs T., U., V., W., X., Y., Z., and AA. below.</p>				
<p>2. Furthermore, \$203,515,374 the second year from the general fund allocated to support the state share of a five percent salary adjustment for SOQ funded positions authorized in Item 136 of this act shall be unallotted if the provisions of paragraph S.1. are not met and the actions authorized in paragraphs T., U., V., W., X., Y., Z., and AA. of this item are not effectuated.</p>				
<p>3. Appropriation amounts stated in paragraphs T., U., V., W., X., Y., Z., and AA. below reflect the estimated general fund share of costs for such employee compensation actions. Transfers from this Item shall be made based on the general fund share of the actual costs to implement the actions authorized in paragraphs T., U., V., W., X., Y., Z., and AA., as</p>				

ITEM 474.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
	determined by the Director, Department of Planning and Budget. However, the total value of such transfers shall not exceed the amounts designated for these purposes in paragraph S.1. above.			
	T.1. The base salary of the following employees shall be increased by 2.75 percent on June 10, 2019:			
	a. Full-time and other classified employees of the Executive Department subject to the Virginia Personnel Act;			
	b. Full-time employees of the Executive Department not subject to the Virginia Personnel Act, except officials elected by popular vote; except for faculty at institutions of higher education whose base salary shall be increased three percent.			
	c. Any official whose salary is listed in § 4-6.01 of this act, subject to the ranges specified in the agency head salary levels in § 4-6.01 c;			
	d. Full-time staff of the Governor's Office, the Lieutenant Governor's Office, the Attorney General's Office, Cabinet Secretaries' Offices, including the Deputy Secretaries, the Virginia Liaison Office, and the Secretary of the Commonwealth's Office;			
	e. Heads of agencies in the Legislative Department;			
	f. Full-time employees in the Legislative Department, other than officials elected by popular vote;			
	g. Legislative Assistants as provided for in Item 1 of this act;			
	h. Judges and Justices in the Judicial Department;			
	i. Heads of agencies in the Judicial Department;			
	j. Full-time employees in the Judicial Department;			
	k. Commissioners of the State Corporation Commission and the Virginia Workers' Compensation Commission, the Chief Executive Officer of the Virginia College Savings Plan, the Executive Director of the Virginia Lottery, and the Director of the Virginia Retirement System; and			
	l. Full-time employees of the State Corporation Commission, the Virginia College Savings Plan, the Virginia Lottery, Virginia Workers' Compensation Commission, and the Virginia Retirement System.			
	2.a. Employees in the Executive Department subject to the Virginia Personnel Act shall receive the salary increases authorized in this paragraph only if they attained at least a rating of "Contributor" on their latest performance evaluation.			
	b. Salary increases authorized in this paragraph for employees in the Judicial and Legislative Departments, employees of Independent agencies, and employees of the Executive Department not subject to the Virginia Personnel Act shall be consistent with the provisions of this paragraph, as determined by the appointing or governing authority. The appointing or governing authority shall certify to the Department of Human Resource Management that employees receiving the awards are performing at levels at least comparable to the eligible employees as set out in subparagraph 2.a. of this paragraph.			
	3. The Department of Human Resource Management shall increase the minimum and maximum salary for each band within the Commonwealth's Classified Compensation Plan by five percent on June 10, 2019. No salary increase shall be granted to any employee as a result of this action. The department shall develop policies and procedures to be used in instances when employees fall below the entry level for a job classification due to poor performance. Movement through the revised pay band shall be based on employee performance.			
	4. Out of the amounts for Supplements to Employee Compensation is included \$96,976,795 the second year from the general fund to support the general fund portion of costs associated with the salary increase provided in this paragraph.			

ITEM 474.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
5. The following agency heads, at their discretion, may utilize agency funds or the funds provided pursuant to this paragraph to implement the provisions of new or existing performance-based pay plans:				
a. The heads of agencies in the Legislative and Judicial Departments;				
b. The Commissioners of the State Corporation Commission and the Virginia Workers' Compensation Commission;				
c. The Attorney General;				
d. The Director of the Virginia Retirement System;				
e. The Executive Director of the Virginia Lottery;				
f. The Director of the University of Virginia Medical Center;				
g. The Chief Executive Officer of the Virginia College Savings Plan;				
h. The Executive Director of the Virginia Port Authority; and				
i. The Chief Executive Officer of the Virginia Alcoholic Beverage Control Authority.				
6. The base rates of pay, and related employee benefits, for wage employees may be increased up to 2.75 percent no earlier than June 10, 2019. The cost of such increases for wage employees shall be borne by existing funds appropriated to each agency.				
U.1. The appropriations in this item include funds to increase the base salary of the following employees by three percent on July 1, 2019, provided that the governing authority of such employees use such funds to support salary increases for the following listed employees:				
a. Locally-elected constitutional officers;				
b. General Registrars and members of local electoral boards;				
c. Full-time employees of locally-elected constitutional officers and,				
d. Full-time employees of Community Services Boards, Centers for Independent Living, secure detention centers supported by Juvenile Block Grants, juvenile delinquency prevention and local court service units, local social services boards, local pretrial services act and comprehensive community corrections act employees, and local health departments where a memorandum of understanding exists with the Virginia Department of Health.				
2. Out of the appropriation for Supplements to Employee Compensation is included \$26,830,344 the second year from the general fund to support the costs associated with the salary increase provided in subparagraph U.1.				
3. In addition to any other salary increase provided in this paragraph, \$139,611 from the general fund in the second year is included to provide general registrars an additional three percent salary increase, effective July 1, 2019				
V.1. In addition to the salary increase authorized in paragraph T. of this item, the appropriation for this item includes \$42,834,355 from the general fund the second year to provide an additional 2.25 percent merit based salary adjustment for state employees with three or more years of continuous state service listed in paragraph T. of this item, except for faculty at institutions of higher education, appointed officials and employees designated as university staff at institutions of higher education, and judges and justices in the Judicial Department, and Officials whose salary is listed in § 4-6.01 of this act, effective June 10, 2019. Agency directors shall have the authority to provide individual employees a merit increase in excess of 2.25 percent provided the total cost of all merit increases for each agency does not exceed the 2.25 percent average.				
2. The following agency heads, at their discretion, may utilize agency funds or the funds provided pursuant to this paragraph to implement the provisions of new or existing performance-based pay plans:				

ITEM 474.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
a. The heads of agencies in the Legislative and Judicial Departments;				
b. The Commissioners of the State Corporation Commission and the Virginia Workers' Compensation Commission;				
c. The Attorney General;				
d. The Director of the Virginia Retirement System;				
e. The Executive Director of the Virginia Lottery;				
f. The Director of the University of Virginia Medical Center;				
g. The Chief Executive Officer of the Virginia College Savings Plan;				
h. The Executive Director of the Virginia Port Authority; and				
i. The Chief Executive Officer of the Virginia Alcoholic Beverage Control Authority.				
<i>3. The Governor may utilize existing funds within agencies to provide an additional 2.25 percent merit based salary adjustment for agency heads, cabinet members, or other officials listed in subparagraphs b. and c.6. of § 4-6.01 with three or more years of continuous state service.</i>				
<i>4. The State Council of Higher Education for Virginia may utilize existing funds to provide an additional 2.25 percent merit-based salary adjustment for its agency heard.</i>				
W. The appropriations in this item includes \$6,670,930 the first year and \$17,949,110 the second year from the general fund to support the cost of a \$2,016 salary increase for Correctional Officers and Correctional Officer Seniors within the Department of Corrections effective January 10, 2019.				
X. The appropriations in this item includes \$391,791 the first year and \$958,044 the second year from the general fund to support the cost of a \$1,846 salary increase for Correctional Officers and Correctional Officer Seniors within the Department of Juvenile Justice effective January 10, 2019.				
Y. Included in this appropriation is \$145,997 the first year and \$350,394 the second year from the general fund to support the cost of the following salary adjustment for all members of the Virginia Marine Police effective January 10, 2019:				
1.) The starting salary for officers of the Virginia Marine Police shall be set at \$41,814.				
2.) Consistent with current practice, officers of the Virginia Marine police shall receive a five percent salary adjustment after completing one year of service resulting in a salary of \$43,905.				
3.) The salary for all current members of the Virginia Marine Police with more than one year of service shall be the greater of \$43,905 or their current salary adjusted for a 6.5 percent increase.				
Z. The appropriations in this item includes \$5,083,333 the first year and \$12,200,000 the second year from the general fund to support the cost of increasing the salaries for direct service associates, licensed practical nurses, and registered nurses employed in facilities of the Department of Behavioral Health & Developmental Services to within three percent of the market median effective January 10, 2019.				
AA. The appropriations in this item includes \$1,342,764 the first year and \$4,108,859 the second year from the general fund to support the cost of increasing the entry level pay for sworn deputy sheriffs in sheriffs' offices by \$871 effective February 1, 2019.				
BB. Out of the amounts included in this Item, an amount estimated at \$808,692 the second year from the general fund shall be transferred to the University of Virginia to cover the state share of the increases in employer premiums for state employees participating in the university's health care plan.				

ITEM 474.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
CC. The Director of the Department of Planning and Budget shall withhold from general fund appropriations of state agencies and institutions of higher education, and transfer to this item, the amount of \$46,111,165 the second year representing the savings that will be realized from providing a premium holiday for members in the state employee health benefits program, including retirees and COBRA beneficiaries included in the state employee funding pool, for the two pay periods in October 2019.				
475.	Payments for Special or Unanticipated Expenditures (75800).....		\$35,637,316	\$58,063,713 \$79,195,673
	Miscellaneous Contingency Reserve Account (75801).....	\$1,300,000		\$1,300,000 \$16,300,000
	Economic Development Assistance (75804).....	\$0		\$1,350,000
	Undistributed Support for Designated State Agency Activities (75806).....	\$34,337,316		\$55,413,713 \$61,545,673
	Fund Sources: General.....	\$35,637,316		\$58,063,713 \$79,195,673

Authority: Discretionary Inclusion.

A. The Governor is hereby authorized to allocate sums from this appropriation, in addition to an amount not to exceed \$5,000,000 from the unappropriated balance derived by subtracting the general fund appropriations from the projected general fund revenues in this act, to provide for supplemental funds pursuant to paragraph D hereof. Transfers from this Item shall be made only when (1) sufficient funds are not available within the agency's appropriation and (2) additional funds must be provided prior to the end of the next General Assembly Session.

B.1. The Governor is authorized to allocate from the unappropriated general fund balance in this act such amounts as are necessary to provide for unbudgeted cost increases to state agencies incurred as a result of actions to enhance homeland security, combat terrorism, and to provide for costs associated with the payment of a salary supplement for state classified employees ordered to active duty as part of a reserve component of the Armed Forces of the United States or the Virginia National Guard. Any salary supplement provided to state classified employees ordered to active duty, shall apply only to employees who would otherwise earn less in salary and other cash allowances while on active duty as compared to their base salary as a state classified employee. Guidelines for such payments shall be developed by the Department of Human Resource Management in conjunction with the Departments of Accounts and Planning and Budget.

2. The Governor shall submit a report within thirty days to the Chairmen of House Appropriations and Senate Finance Committees which itemizes any disbursements made from this Item for such costs.

3. The governing authority of the agencies listed in this subparagraph may, at its discretion and from existing appropriations, provide such payments to their employees ordered to active duty as part of a reserve component of the Armed Forces of the United States or the Virginia National Guard, as are necessary to provide comparable pay supplements to its employees.

- a. Agencies in the Legislative and Judicial Departments;
- b. The State Corporation Commission, the Virginia Workers' Compensation Commission, the Virginia Retirement System, the Virginia Lottery, and the Virginia College Savings Plan;
- c. The Office of the Attorney General and the Department of Law; and
- d. State-supported institutions of higher education.

C. The Governor is authorized to expend from the unappropriated general fund balance in this act such amounts as are necessary, up to \$1,500,000, to provide for indemnity payments to growers, producers, and owners for losses sustained as a result of an

ITEM 475.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
<p>infectious disease outbreak or natural disaster in livestock and poultry populations in the Commonwealth. These indemnity payments will compensate growers, producers, and owners for a portion of the difference between the appraised value of each animal destroyed or slaughtered or animal product destroyed in order to control or eradicate an animal disease outbreak and the total of any salvage value plus any compensation paid by the federal government.</p>				
<p>D. Out of the appropriation for this item is included \$1,000,000 the first year and \$1,000,000 the second year from the general fund to be used by the Governor as he may determine to be needed for the following purposes:</p>				
<p>1. To address the six conditions listed in § 4-1.03 c 5 of this act.</p>				
<p>2. To provide for unbudgeted and unavoidable increases in costs to state agencies for essential commodities, services, and training which cannot be absorbed within agency appropriations including unbudgeted benefits associated with Workforce Transition Act requirements.</p>				
<p>3. To secure federal funds in the event that additional matching funds are needed for Virginia to participate in the federal Superfund program.</p>				
<p>4. To provide a payment of up to \$100,000 to the Military Order of the Purple Heart, for the continued operation of the National Purple Heart Hall of Honor, provided that at least half of other states have made similar grants.</p>				
<p>5. In addition, if the amounts appropriated in this Item are insufficient to meet the unanticipated events enumerated, the Governor may utilize up to \$1,000,000 the first year and \$1,000,000 the second year from the general fund amounts appropriated for the Commonwealth's Opportunity Fund for the unanticipated purposes set forth in paragraph D.1. through paragraph D.5. of this Item.</p>				
<p>6. In addition, to provide for payment of monetary rewards to persons who have disclosed information of wrongdoing or abuse under the Fraud and Abuse Whistle Blower Protection Act.</p>				
<p>7. The Department of Planning and Budget shall submit a quarterly report of any disbursements made from, commitments made against, and requests made for such sums authorized for allocation pursuant to this paragraph to the Chairmen of the House Appropriations and Senate Finance Committees. This report shall identify each of the conditions specified in this paragraph for which the transfer is made.</p>				
<p>E.1. Included in this appropriation is \$300,000 the first year and \$300,000 the second year from the general fund to pay for private legal services and the general fund share of unbudgeted costs for enforcement of the 1998 Tobacco Master Settlement Agreement. Transfers for private legal services shall be made by the Director, Department of Planning and Budget upon prior written authorization of the Governor or the Attorney General, pursuant to § 2.2-510, Code of Virginia or Item 56, Paragraph D of this act. Transfers for enforcement of the Master Settlement Agreement shall be made by the Director, Department of Planning and Budget at the request of the Attorney General, pursuant to Item 56, Paragraph B of this act.</p>				
<p>2. <i>The Governor may authorize additional amounts appropriated to this item for the reimbursement of legal costs and settlements.</i></p>				
<p>F. Notwithstanding the provisions of § 58.1-608.3B.(v), Code of Virginia, any municipality which has issued bonds on or after July 1, 2001, but before July 1, 2006, to pay the cost, or portion thereof, of any public facility pursuant to § 58.1-608.3, Code of Virginia, shall be entitled to all sales tax revenues generated by transactions taking place in such public facility.</p>				
<p>G. The Director, Department of Planning and Budget, shall transfer from this Item, general fund amounts estimated at \$31,341,768 the first year and \$47,497,476 the second year to state agencies and institutions of higher education to support the general fund portion of costs resulting from the estimated usage of technology services provided by the Virginia Information Technologies Agency.</p>				
<p>H.1. Out of this appropriation, \$790,791 the first year from the general fund shall be provided to the City of Richmond for expenses incurred for the development of the Slavery and</p>				

ITEM 475.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2019	FY2020	FY2019	FY2020

Freedom Heritage Site in Richmond, including Lumpkin's Pavilion and Slave Trail improvements. Any unexpended general fund balances as of June 30, 2019, that were appropriated for the purpose of supporting the City of Richmond in the development of the Slavery and Freedom Heritage Site in Richmond shall not revert to the general fund, but shall instead be reappropriated for its original purpose. Out of this appropriation and all amounts previously appropriated for this purpose, a cumulative total of up to \$1,000,000 shall be used for improvements to the Slave Trail, and up to \$1,000,000 for costs associated with Lumpkin's Pavilion. It is the intent of the General Assembly to fully meet its commitment to the project as reimbursement requests are made and funding to meet such requests shall be included by the Governor in any budget submission made pursuant to the provisions of §§ 2.2-1508 and 2.2-1509, Code of Virginia.

2. Prior to the receipt of state funds for the purpose set out in paragraph H.1., the Richmond City Council shall pass a resolution outlining its approval of and financial commitment to the proposed project and local matching funds in an amount totaling at least \$5,000,000 which shall be appropriated by the City of Richmond for the project prior to receipt of any state funds. Release of state funding for Lumpkin's Pavilion shall also require evidence that the City of Richmond has raised at least fifty percent of the remaining funding required for that portion of the project from private or other sources.

3. At such time that the City of Richmond has completed construction of the respective improvements, the City of Richmond shall be eligible for reimbursement from the Commonwealth of an amount not to exceed \$9,000,000, or up to twenty five percent of the total costs of each project.

4. State funding appropriated in paragraph H.1. and future appropriations considered in paragraph H.3., shall be allocated only as follows: no more than \$5,000,000 shall be allocated for the planning, design, and construction of the Pavilion at Lumpkin's Jail, no more than \$1,000,000 shall be allocated for improvements to the Richmond Slave Trail, and no more than \$5,000,000 shall be allocated for the planning, design and construction of a slavery museum.

5. The City of Richmond shall provide documentation to the Department of General Services on the progress of this project and actual expenditures incurred for it in a form acceptable to the Secretaries of Finance and Administration.

6. In addition to the matching requirements set out in paragraph H.2., the City of Richmond shall provide and dedicate appropriate contiguous real estate prior to the receipt of any state funding for the purposes outlined in paragraph H.1 above.

7. The Department of General Services shall act as the fiscal agent for these funds. The director shall oversee the expenditure of state appropriations to ensure that payments to the City of Richmond are made consistent with the purposes set out in paragraphs H.1. and H.4. The Director, Department of Planning and Budget, is authorized to transfer these funds to the Department of General Services to implement this appropriation.

8. This appropriation shall be exempt from the disbursement procedures specified in § 4-5.05 of the act.

I.1. The Director, Department of Planning and Budget, is authorized to transfer any remaining balances originally appropriated in Item 476 I., Chapter 836, 2017 Virginia Acts of Assembly, the first year, to the Department of State Police for unanticipated costs associated with mitigating security threats, information technology (IT) security gaps, and the data stored on IT systems used by the Department. The costs eligible for reimbursement shall be for information technology and telecommunications goods and services that have been procured in accordance with the regulations, policies, procedures, standards, and guidelines of the Virginia Information Technologies Agency.

2.a. Notwithstanding the provisions of § 2.2-2011, Code of Virginia, the Department of State Police is authorized to procure, develop, operate, and manage the cyber security and management tools required to protect the information technology used by the Department that is defined as out-of-scope from the Virginia Information Technologies Agency pursuant to the Memorandum of Understanding (MOU) between the two agencies dated August 30, 2013. The Department of State Police shall be solely responsible for securing

ITEM 475.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2019	FY2020	FY2019	FY2020
	all aspects of information technology defined as out-of-scope in the current MOU.			
	b. Costs expended by the Department of State Police for cyber security and management tools shall be reimbursed by the Director, Department of Planning and Budget from unexpended funds provided in paragraph I.1. of this Item, after such expenses have been approved by the Chief Information Officer and determined to be in compliance with the regulations, policies, procedures, standards, and guidelines of the Virginia Information Technologies Agency.			
	3.a. The Superintendent of State Police shall develop and report to the Chairmen of the House Committee on Appropriations and Senate Committee on Finance a detailed transition plan addressing the steps required for the Department of State Police to assume responsibility for the development, operation, and management of all of its information technology infrastructure and services. The Department of State Police is authorized to procure consulting services to assist in the development of the detailed transition plan. The Virginia Information Technologies Agency shall assist in the development and drafting of the detailed transition plan.			
	b. The report shall, at a minimum, include a detailed transition plan that: (i) identifies and evaluates anticipated transition timelines, tasks, activities, and responsible parties; (ii) identifies any one-time and ongoing costs of transitioning responsibility for information technology services from the Virginia Information Technologies Agency to the Department of State Police, including the estimated costs to obtain existing information technology assets or transition services from Northrop Grumman; (iii) identifies the ongoing costs of staffing, services, and contracts related to enterprise security and management tools, legacy system replacements or upgrades, construction or lease of facilities including data centers, labor costs and workload analyses, and training costs; (iv) identifies any other such factors deemed necessary for discussion as identified by the Superintendent of State Police or Chief Information Officer of the Commonwealth; (v) identifies necessary changes required to transition and modernize current statutes related to basic State Police communication systems consistent with the Criminal Justice Information Services Security Policy Version 5.5, or its successor; and (vi) provides a jointly developed and agreed upon MOU between the Department of State Police and the Virginia Information Technologies Agency that certifies the information.			
	c. Costs expended by the Department of State Police for the development of the detailed transition plan shall be reimbursed by the Director, Department of Planning and Budget from unexpended funds provided in paragraph I.1 of this item, after such expenses have been approved by the Chief Information Officer and determined to be in compliance with the regulations, policies, procedures, standards, and guidelines of the Virginia Information Technologies Agency.			
	d. The report and accompanying Memorandum shall be provided to the Chairmen of the House Committee on Appropriations and Senate Committee on Finance as required by Item 476 I., Chapter 836, 2017 Virginia Acts of Assembly. The Chief Information Officer of the Commonwealth shall review the report and provide an analysis of the detailed transition plan no later than 30 days after submission of the report to the Chairmen of the House Committee on Appropriations and Senate Committee on Finance.			
	4. Any remaining balances as originally appropriated in Item 476 I.5., Chapter 836, 2017 Virginia Acts of Assembly, from the general fund are authorized to be transferred to reimburse the Department of State Police for costs associated with mitigating information technology security threats and gaps required to protect and manage out-of-scope information technology that is not addressed in paragraph 3.b. All such costs shall be eligible for reimbursement if they have been procured in accordance with the regulations, policies, procedures, standards, and guidelines of the Virginia Information Technologies Agency. The Director, Department of Planning and Budget is authorized to release this funding following certification by the Chief Information Officer that these costs address cyber security threats and gaps, including upgrades to legacy applications to remediate audit findings by the Auditor of Public Accounts or Commonwealth Security and Risk Management.			
	J. The Director, Department of Planning and Budget, shall withhold and transfer to this Item, an amount estimated at \$365,568 the first year and shall transfer from this Item an amount estimated at \$19,782 the second year from the general fund for the general fund share of rental costs for space maintained and operated by the Department of General Services.			

ITEM 475.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2019	FY2020	FY2019	FY2020

K. Out of this appropriation, \$203,893 the first year and \$203,893 the second year from the general fund shall be provided to state agencies to support the costs of information technology security audits and information security officer services. With such funding, agencies are encouraged to work with the Virginia Information Technologies Agency's information technology shared security center created pursuant to Item 84.70 of this act.

L. The Director, Department of Planning and Budget, shall transfer from this Item, general fund amounts estimated at \$1,043,931 the first year and \$3,208,467 the second year to state agencies and institutions of higher education to support the general fund portion of costs resulting from changes in agency charges for the Cardinal Financial System operated by the Department of Accounts.

M. The Director, Department of Planning and Budget, shall transfer from this Item, general fund amounts estimated at \$237,053 the first year and \$247,487 the second year to state agencies and institutions of higher education to support the general fund portion of costs resulting from changes in agency charges for the Performance Budgeting system.

O. The Director, Department of Planning and Budget, shall withhold and transfer to this Item, ~~an~~ amounts estimated at \$25,552 the first year and ~~shall transfer from this Item an amount estimated at \$21,608~~ \$325,333 the second year from the general fund ~~to from~~ executive branch agencies to support the costs of the Personnel Management Information System.

P. Out of the appropriation for this Item is included \$1,111,000 the first year and \$1,215,000 the second year from the general fund for a joint internship and management training program to assist in improving leadership, management, and succession planning capabilities of all branches of state government. The Secretary of Finance shall contract with Virginia Tech for the continuation of the program. The program shall collaborate with Virginia public colleges and universities on an internship, management training and succession planning program by which students in their final year of undergraduate school work, or those attending graduate programs may be considered for opportunities for state employment on a temporary basis, whereby they may earn academic credit for hours worked while participating in the program. Any balances remaining from the appropriation identified in this paragraph shall not revert to the general fund at the end of the fiscal year, but shall be brought forward and made available to support the Virginia Management Fellows program in the subsequent fiscal year.

Q. 1. The Virginia Information Technologies Agency shall study and submit its recommendations for the development, ongoing support, and system of governance for a personnel information system to replace the current version of the Personnel Management Information System (PMIS) to the Governor no later than September 1, 2018. The Department of Human Resource Management, Department of Accounts, and any other agency designated by the Virginia Information Technologies Agency, shall provide all required information necessary for the Virginia Information Technologies Agency to develop the required recommendations.

2. Notwithstanding § 2.2-1201, Code of Virginia, the Governor shall select a state agency to develop and maintain a personnel information system to replace the current version of PMIS. In determining which agency shall develop and maintain the new personnel information system, consideration shall be given to maximizing the efficiencies of enterprise systems and the benefits of establishing a single source of personnel information to achieve greater security of sensitive personally identifiable information. Further, the Governor shall establish a permanent system of governance over the new personnel information system which shall designate specifically which agencies have responsibility for authority and control of the data in the new personnel information system as well as responsibility for systems support and maintenance.

3. A working capital advance is authorized in Item 259 for the Department of Accounts to support the initial costs of replacing the current version of PMIS. Initial costs include any costs necessary for the planning, development, and configuration of the new personnel information system. Initial costs do not include statewide roll-out costs necessary to ensure agencies are prepared for the implementation of the new payroll system and the decommissioning of PMIS such as applications configuration, agency training, change

ITEM 475.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020

management costs, or costs incurred by line agencies to develop required interfaces from agency based systems.

R. Out of this appropriation, \$1,350,000 the second year from the general fund is provided to support the advancement of computer science education and implementation of the Commonwealth's new computer science standards across the public education continuum. These funds are intended to provide high quality professional development to current and future teachers; create, curate, and disseminate high quality computer science curriculum, instructional resources, and assessments; support summer and after-school computer science related programming for students; and facilitate meaningful career exposure and work-based learning opportunities in computer science fields for high school students. Funds shall be disbursed through a competitive grant process and shall prioritize at-risk students and schools. In consultation with the Secretary of Finance and the Secretary of Commerce and Trade, the Secretary of Education shall develop a process to award these funds in accordance with the provisions of this language, with the Governor providing final approval for distribution of the funds.

S.1. The Director, Department of Corrections, shall procure and implement an electronic health records system for use in the Department's secure correctional facilities using the platform provided through Contract Number VA-121107-SMU managed by the Virginia Information Technologies Agency on behalf of the Commonwealth of Virginia. The system shall be established on a domain separate from any other procured through the Contract.

~~2. Included in the amounts provided for this item is \$3,000,000 the second year from the general fund for a contingency fund should the costs of complying with Paragraph S-1 of this item exceed the amounts provided for such purpose in Item 391. The Director, Department of Planning and Budget, is authorized to transfer appropriation from this contingency fund to the Department of Corrections; after verification of the total costs of an electronic health records system which justifies the need for additional funding from this item."~~

2. The Director, Department of Planning and Budget shall transfer \$3,000,000 from the general fund out of this appropriation to Program 39900 in the Department of Corrections for the procurement of electronic health records by June 30, 2020. Any unexpended balance in this appropriation in the Department of Corrections as of June 30, 2020 shall be reappropriated for this purpose in the next fiscal year.

T. Out of this appropriation, \$5,898,901 the second year from the general fund is provided to cover the costs associated with the 2020 presidential primary. Out of this amount, up to \$5,751,593 may be used by the Department of Elections to reimburse localities for their presidential primary expenditures and up to \$147,308 may be used to cover costs incurred directly by the Department of Elections.

U. Out of this appropriation is included \$650,000 the second year from the general fund for a procurement disparity study in state government. The Department of Planning and Budget is authorized to transfer amounts from the appropriation in this item to applicable state agencies as required to execute the purposes of this paragraph.

V. On or before June 30, 2020, the Committee on Joint Rules shall authorize a reversion to the general fund of \$1,500,000 in unexpended year end balances from the Joint Legislative Audit and Review Commission.

W. On or before June 30, 2020, the Committee on Joint Rules shall authorize a reversion to the general fund of \$2,828,901, representing savings generated by legislative agencies in the second year. The total savings amount includes estimated savings within the following legislative agencies:

Legislative Agency	Estimated Savings
Division of Legislative Services (107)	\$823,390
Joint Commission on Technology and Science (847)	\$116,050
State Water Commission (971)	\$15,255
Virginia Coal and Energy Commission (118)	\$43,232
Commission on Unemployment Compensation (860)	\$27,454
Small Business Commission (862)	\$22,894

ITEM 475.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
<i>Commission on Electric Utility Regulation (863)</i>				\$14,084
<i>Joint Commission on Administrative Rules (865)</i>				\$25,136
<i>Virginia Conflicts of Interest and Ethics Advisory Council (876)</i>				\$188,175
<i>Joint Commission on Transportation Accountability (875)</i>				\$53,233
<i>World War I and World War II Commemoration Commission (872)</i>				\$1,500,000

X. On or before June 30, 2020, the Director, Department of Planning and Budget, shall revert to the general fund the amounts provided in Item 374, Paragraph M of Chapter 854, 2019 Acts of Assembly.

475.10 Not set out.

475.20 Not set out.

476. Not set out.

476.10	<i>Disaster Planning and Operations (72200).....</i>			\$0	\$50,000,000
	<i>Pandemic Response (72211).....</i>	\$0	\$50,000,000		
	<i>Fund Sources: General.....</i>	\$0	\$50,000,000		

A.1. The Governor is hereby authorized to appropriate sums to state agencies, institutions of higher education, and other permissible entities the federal funding provided pursuant to the Coronavirus Preparedness and Response Supplemental Appropriations Act (P.L. 116-123), the Families First Coronavirus Response Act (P.L. 116-127), the Coronavirus Aid, Relief, and Economic Security (CARES) Act (P.L. 116- 136), and any other federal funding provided through subsequent legislation approved by Congress with regard to the Coronavirus public health emergency. For the purposes of this item, such federal funding shall be referred collectively to as "federal relief funds". All such federal relief funds shall be subject to applicable federal rules and regulations governing these funds. Amounts so allocated are hereby appropriated subject to the provisions and conditions contained in this item.

2. Records Management and Reporting

a. Agencies receiving federal relief funds shall comply with the financial or other data reporting requirements set forth by the State Comptroller or the Director of the Department of Planning and Budget and shall compile and maintain all records necessary to fulfill such reporting requirements and to meet any subsequent audit of the expenditure of such federal funds.

b. Agencies receiving federal relief funds shall comply with all federal reporting requirements for the receipt of any funds and shall compile and maintain all records necessary to fulfill such reporting requirements and to meet any subsequent audit of the expenditure of such federal funds.

c. Agencies receiving federal relief funds shall comply with any requirements established to ensure the transparency of the use or expenditure of such federal funds.

3. The Governor or his designee shall submit a quarterly report to the Chairs of House Appropriations and Senate Finance and Appropriations Committees that itemizes any appropriation action of federal relief funds.

4. It is the intent of the General Assembly that the Commonwealth maximize the use of the federal relief funds. The Governor shall take all reasonable actions necessary to apply for federal relief funds. The Governor shall further ensure that funds are appropriated, distributed, and utilized in a manner that is consistent with the provisions of state and federal law.

B. The Governor is authorized to appropriate, within this item or any other item of this Act, any revenues deposited to the COVID-19 Relief Fund created pursuant to House Bill

ITEM 476.10.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
<p><i>881 and Senate Bill 971 of the 2020 Session of the General Assembly. Such appropriations shall be used for the purposes of responding to the impacts of the COVID-19 pandemic which shall include, but not be limited to, i) relief to small businesses, ii) assistance for housing and homelessness, iii) assistance for long term care facilities, and iv) any other purpose designated by the Governor to address the impact of the COVID-19 pandemic. The Governor is authorized to transfer such appropriations and associated revenues to agencies designated to carry out the services required to address the COVID-19 pandemic. The Governor or his designee shall report the use of the COVID-19 Relief Fund to the Chairs of House Appropriations and Senate Finance and Appropriations Committees on a quarterly basis.</i></p> <p><i>C. Out of the appropriation in this Item, \$50,000,000 the second year from the general fund is provided i) for the state match component of COVID-19 related federal grants, or ii) to address the six conditions listed in § 4-1.03 c 5 of this act as they relate to responding to the COVID-19 pandemic. The Governor is authorized to allocate amounts to applicable state agencies to maximize the use of federal relief funds that require a state match. The Governor or his designee shall report the distribution of any of this appropriation to the Chairs of House Appropriations and Senate Finance and Appropriations Committees on a quarterly basis.</i></p> <p><i>D. Any reports required by paragraphs A, B, or C above may be submitted electronically. Further, the reporting requirement shall be considered to have been met if the required information is posted on a public website.</i></p> <p><i>E. Any unexpended balance remaining in this Item on June 30, 2020, shall be carried forward on the books of the Comptroller and shall be available for expenditure in the next biennium.</i></p>				
Total for Central Appropriations.....			\$210,630,327	\$395,912,484 \$467,044,444
Fund Sources: General.....	\$87,776,606	\$273,058,763 \$344,190,723		
Higher Education Operating.....	\$3,525,816	\$3,525,816		
Trust and Agency.....	\$119,327,905	\$119,327,905		
TOTAL FOR CENTRAL APPROPRIATIONS.....			\$210,630,327	\$395,912,484 \$467,044,444
Fund Sources: General.....	\$87,776,606	\$273,058,763 \$344,190,723		
Higher Education Operating.....	\$3,525,816	\$3,525,816		
Trust and Agency.....	\$119,327,905	\$119,327,905		
TOTAL FOR EXECUTIVE DEPARTMENT.....			\$56,616,010,051	\$60,699,199,549 \$60,936,021,632
General Fund Positions.....	48,692.64	49,423.41 49,334.41		
Nongeneral Fund Positions.....	65,157.40	65,989.73 66,089.73		
Position Level.....	113,850.04	115,413.14 115,424.14		
Fund Sources: General.....	\$20,849,290,584	\$22,142,953,430 \$21,673,270,322		
Special.....	\$1,655,421,782	\$1,648,650,778 \$1,663,773,949		
Higher Education Operating.....	\$9,013,852,830	\$9,174,875,597 \$9,214,546,983		
Commonwealth Transportation.....	\$6,696,424,944	\$6,158,063,195 \$7,018,068,215		
Enterprise.....	\$1,381,158,924	\$1,421,754,287 \$1,434,342,473		
Internal Service.....	\$2,099,646,770	\$2,071,214,416 \$2,070,676,464		
Trust and Agency.....	\$2,154,440,521	\$2,307,852,502 \$2,307,457,491		
Debt Service.....	\$344,923,009	\$344,923,009		

ITEM 476.10.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
Dedicated Special Revenue.....	\$2,325,280,817	\$2,742,023,054 \$2,812,087,888		
Federal Trust.....	\$10,095,569,870	\$12,686,889,281 \$12,396,874,838		

ITEM 477.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020

INDEPENDENT AGENCIES

§ 1-33. STATE CORPORATION COMMISSION (171)

477.	Not set out.				
478.	Not set out.				
479.	Not set out.				
480.	Not set out.				
481.	Plan Management (40800).....			\$101,278	\$101,278 \$451,278
	Federal Health Benefit Exchange Plan Management (40801).....	\$101,278	\$101,278		
	State Health Benefit Exchange Plan Management (40802).....	\$0	\$350,000		
	Fund Sources: General.....	\$101,278	\$101,278		
	Special.....	\$0	\$350,000		

Authority: §§ 38.2-316.1 and 38.2-326, Code of Virginia; § 42.18041 c, United States Code.

A. There is hereby appropriated to the State Corporation Commission \$101,278 the first year and \$101,278 the second year from the general fund to pay for the plan management functions authorized in Chapter 670 of the Acts of Assembly of 2013.

B.1. The State Corporation Commission may use a portion of any unused funds appropriated for plan management functions in the second year to fund the initial start-up costs of the State Health Benefit Exchange.

2. Notwithstanding the provisions of § 4-3.02 of this act, the Secretary of Finance may authorize either a working capital advance or an interest-free treasury loan in an amount not to exceed \$40,000,000 for the State Corporation Commission to fund start-up costs and other costs associated with the implementation of a State Health Benefit Exchange. The Secretary of Finance may extend the repayment plan for any such working capital advance or interest-free treasury loan for a period longer than twelve months.

3. The State Corporation Commission may use a portion of the user fees collected from health insurance carriers participating in the State Health Benefit Exchange to repay the working capital advance or interest-free treasury loan authorized in B.2.

	Total for State Corporation Commission.....			\$107,420,395	\$109,731,228 \$110,081,228
	Nongeneral Fund Positions.....	675.00	676.00		
	Position Level.....	675.00	676.00		
	Fund Sources: General.....	\$101,278	\$101,278		
	Special.....	\$98,103,676	\$100,341,498 \$100,691,498		
	Trust and Agency.....	\$5,856,941	\$5,856,941		
	Dedicated Special Revenue.....	\$1,308,500	\$1,381,511		
	Federal Trust.....	\$2,050,000	\$2,050,000		

§ 1-34. VIRGINIA LOTTERY (172)

482.	State Lottery Operations (81100).....			\$112,279,472	\$102,661,539
	Regulation and Law Enforcement (81105).....	\$3,135,511	\$3,264,712		
	Gaming Operations (81106).....	\$96,817,454	\$86,880,145		
	Administrative Services (81107).....	\$12,326,507	\$12,516,682		

ITEM 482.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
Fund Sources: Enterprise.....	\$112,279,472	\$102,661,539		
Authority: Title 58.1, Chapter 40, Code of Virginia.				
A. Out of the amounts for Virginia Lottery Operations shall be paid:				
1. Reimbursement for compensation and reasonable expenses of the members of the Virginia Lottery Board in the performance of their duties, as provided in § 2.2-2813, Code of Virginia.				
2. The total costs for the operation and administration of the state lottery, pursuant to § 58.1-4022, Code of Virginia.				
3. The costs of informing the public of the purposes of the Lottery Proceeds Fund, established pursuant to Article X, Section 7-A, Constitution of Virginia.				
<i>B.1. The Lottery is authorized to use its line of credit to start the Request for Proposal process and other relevant activities related to iLottery, Sports Betting, and/or Casino Gaming prior to the end of the current biennium.</i>				
<i>2. The Lottery Board, as the regulator and oversight entity for Casino Gaming in the Commonwealth, shall develop guidelines to review preferred casino operator submissions by eligible host cities.</i>				
483.	Not set out.			
	Total for Virginia Lottery.....		\$462,279,472	\$452,661,539
	Nongeneral Fund Positions.....	308.00	308.00	
	Position Level.....	308.00	308.00	
	Fund Sources: Enterprise.....	\$462,279,472	\$452,661,539	
484.	Not set out.			
485.	Not set out.			

§ 1-35. VIRGINIA RETIREMENT SYSTEM (158)

486.	Not set out.			
487.	Not set out.			
488.	Administrative and Support Services (79900).....		\$43,274,684	\$38,928,014 \$39,627,014
	General Management and Direction (79901).....	\$21,964,712	\$16,406,220 \$17,105,220	
	Information Technology Services (79902).....	\$21,309,972	\$22,521,794	
	Fund Sources: Trust and Agency.....	\$43,274,684	\$38,928,014 \$39,627,014	

Authority: Title 51.1, Chapters 1, 2, 2.1, and 3, Code of Virginia.

A. Out of the amounts appropriated to this Item, the director is authorized to expend an amount not to exceed \$25,000 the first year and \$25,000 the second year for expenses commonly borne by business enterprises. Such expenses shall be recorded separately by the agency.

B. Out of the amounts appropriated to this item, an amount not to exceed \$300,000 the first year and \$300,000 the second year is designated to provide retirement-related services in support of the Commission on Employee Retirement Security and Pension Reform created pursuant to the passage of Chapter 683, 2016 Acts of Assembly.

ITEM 489.		Item Details(\$)		Appropriations(\$)	
		First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
489.	Not set out.				
	Total for Virginia Retirement System.....			\$95,843,664	\$94,022,369 \$94,721,369
	Nongeneral Fund Positions.....	364.00	368.00		
	Position Level.....	364.00	368.00		
	Fund Sources: General.....	\$185,137	\$80,000		
	Trust and Agency.....	\$95,658,527	\$93,942,369 \$94,641,369		
490.	Not set out.				
491.	Not set out.				
	TOTAL FOR INDEPENDENT AGENCIES.....			\$995,147,806	\$987,054,942 \$988,103,942
	Nongeneral Fund Positions.....	1,759.00	1,764.00		
	Position Level.....	1,759.00	1,764.00		
	Fund Sources: General.....	\$286,415	\$181,278		
	Special.....	\$98,103,676	\$100,341,498 \$100,691,498		
	Enterprise.....	\$742,796,509	\$732,782,468		
	Trust and Agency.....	\$101,515,468	\$99,799,310 \$100,498,310		
	Dedicated Special Revenue.....	\$48,895,738	\$49,888,388		
	Federal Trust.....	\$3,550,000	\$4,062,000		

ITEM 492.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
STATE GRANTS TO NONSTATE ENTITIES				
492.	Not set out.			
TOTAL FOR STATE GRANTS TO NONSTATE ENTITIES.....			\$0	\$0
TOTAL FOR PART 1: OPERATING EXPENSES.			\$58,242,201,726	\$62,328,520,846 \$62,571,740,357
General Fund Positions.....	52,557.85	53,311.62 53,222.62		
Nongeneral Fund Positions.....	67,054.90	67,892.23 67,992.23		
Position Level.....	119,612.75	121,203.85 121,214.85		
Fund Sources: General.....	\$21,443,001,673	\$22,747,795,510 \$22,283,247,402		
Special.....	\$1,766,672,283	\$1,762,125,459 \$1,777,812,058		
Higher Education Operating.....	\$9,013,852,830	\$9,174,875,597 \$9,214,546,983		
Commonwealth Transportation.....	\$6,696,424,944	\$6,158,063,195 \$7,018,068,215		
Enterprise.....	\$2,123,955,433	\$2,154,536,755 \$2,167,124,941		
Internal Service.....	\$2,099,646,770	\$2,071,214,416 \$2,070,676,464		
Trust and Agency.....	\$2,256,074,934	\$2,407,770,757 \$2,408,074,746		
Debt Service.....	\$344,923,009	\$344,923,009		
Dedicated Special Revenue.....	\$2,397,092,327	\$2,814,827,214 \$2,884,892,048		
Federal Trust.....	\$10,100,557,523	\$12,692,388,934 \$12,402,374,491		

Item Details(\$)		Appropriations(\$)	
First Year	Second Year	First Year	Second Year
FY2019	FY2020	FY2019	FY2020

PART 2: CAPITAL PROJECT EXPENSES

§ 2-0. GENERAL CONDITIONS

A.1. The General Assembly hereby authorizes the capital projects listed in this act. The amounts hereinafter set forth are appropriated to the state agencies named for the indicated capital projects. Amounts so appropriated and amounts reappropriated pursuant to paragraph G of this section shall be available for expenditure during the current biennium, subject to the conditions controlling the expenditures of capital project funds as provided by law. Reappropriated amounts, unless otherwise stated, are limited to the unexpended appropriation balances at the close of the previous biennium, as shown by the records of the Department of Accounts.

2. The Director, Department of Planning and Budget, may transfer appropriations listed in Part 2 of this act from the second year to the first year in accordance with § 4-1.03 a 5 of this act.

B. The five-digit number following the title of a project is the code identification number assigned for the life of the project.

C. Except as herein otherwise expressly provided, appropriations or reappropriations for structures may be used for the purchase of equipment to be used in the structures for which the funds are provided, subject to guidelines prescribed by the Governor.

D. Notwithstanding any other provisions of law, appropriations for capital projects shall be subject to the following:

1. Appropriations or reappropriations of funds made pursuant to this act for planning of capital projects shall not constitute implied approval of construction funds in a future biennium. Funds, other than the reappropriations referred to above, for the preparation of capital project proposals must come from the affected agency's existing resources.

2. No capital project for which appropriations for planning are contained in this act, nor any project for which appropriations for planning have been previously approved, shall be considered for construction funds until preliminary plans and cost estimates are reviewed by the Department of General Services. The purpose of this review is to avoid unnecessary expenditures for each project, in the interest of assuring the overall cost of the project is reasonable in relation to the purpose intended, regardless of discrete design choices.

E.1. Expenditures from Items in this act identified as "Maintenance Reserve" are to be made only for the maintenance of property, plant, and equipment as defined in § 4-4.01c of this act to the extent that funds included in the appropriation to the agency for this purpose in Part 1 of this act are insufficient.

2. Agencies and institutions of higher education can expend up to \$2,000,000 for a single repair or project, and up to \$4,000,000 for a roof replacement project, through the maintenance reserve appropriation. Such expenditures shall be subject to rules and regulations prescribed by the Governor. To the extent an agency or institution of higher education has identified a potential project that exceeds this threshold, the Director, Department of Planning and Budget, can provide exemptions to the threshold as long as the project still meets the definition of a maintenance reserve project as defined by the Department of Planning and Budget.

3. Only facilities supported wholly or in part by the general fund shall utilize general fund maintenance reserve appropriations. Facilities supported entirely by nongeneral funds shall accomplish maintenance through the use of nongeneral funds.

F. Conditions Applicable to Bond Projects

1. The capital projects listed in §§ 2-5231 and 2-5332 for the indicated agencies and institutions of higher education are hereby authorized and sums from the sources and in the amount indicated are hereby appropriated and reappropriated. The issuance of bonds in a principal amount plus amounts needed to fund issuance costs, reserve funds, and other financing expenses, including capitalized interest for any project listed in §§ 2-5231 and 2-5332 is hereby authorized.

2. The issuance of bonds for any project listed in § 2-5231 is to be separately authorized pursuant to Article X, Section 9 (c), Constitution of Virginia.

3. The issuance of bonds for any project listed in §§ 2-5231 or 2-5332 shall be authorized pursuant to § 23.1-1106, Code of Virginia.

4. In the event that the cost of any capital project listed in §§ 2-5231 and 2-5332 shall exceed the amount appropriated therefore, the Director, Department of Planning and Budget, is hereby authorized, upon request of the affected institution, to approve an increase in appropriation authority of not more than ten percent of the amount designated in §§ 2-5231 and 2-5332 for such project, from any available nongeneral fund revenues, provided that such increase shall not constitute an increase in debt issuance authorization for such capital project. Furthermore, the Director, Department of Planning and Budget, is hereby authorized to approve the expenditure of all interest earnings derived from the investment of bond proceeds in addition to the amount designated in §§ 2-5231 and 2-5332 for such capital project.

Item Details(\$)		Appropriations(\$)	
First Year	Second Year	First Year	Second Year
FY2019	FY2020	FY2019	FY2020

5. The interest on bonds to be issued for these projects may be subject to inclusion in gross income for federal income tax purposes.

6. Inclusion of a project in this act does not imply a commitment of state funds for temporary construction financing. In the absence of such commitment, the institution may be responsible for securing short-term financing and covering the costs from other sources of funds.

7. In the event that the Treasury Board determines not to finance all or any portion of any project listed in § 2-5231 of this act with the issuance of bonds pursuant to Article X, Section 9 (c), Constitution of Virginia, and notwithstanding any provision of law to the contrary, this act shall constitute the approval of the General Assembly to finance all or such portion of such project under the authorization of § 2-5332 of this act.

8. The General Assembly further declares and directs that, notwithstanding any other provision of law to the contrary, 50 percent of the proceeds from the sale of surplus real property pursuant to § 2.2-1147 et seq., Code of Virginia, which pertain to the general fund, and which were under the control of an institution of higher education prior to the sale, shall be deposited in a special fund set up on the books of the State Comptroller, which shall be known as the Higher Education Capital Projects Fund. Such sums shall be held in reserve, and may be used, upon appropriation, to pay debt service on bonds for the 21st Century College Program as authorized in Item C-7.10 of Chapter 924 of the Acts of Assembly of 1997.

G. Upon certification by the Director, Department of Planning and Budget, there is hereby reappropriated the appropriations unexpended at the close of the previous biennium for all authorized capital projects which meet any of the following conditions:

1. Construction is in progress.
2. Equipment purchases have been authorized by the Governor but not received.
3. Plans and specifications have been authorized by the Governor but not completed.
4. Obligations were outstanding at the end of the previous biennium.

H. Alternative Financing

1. Any agency or institution of the Commonwealth that would construct, purchase, lease, or exchange a capital asset by means of an alternative financing mechanism, such as the Public Private Education Infrastructure Act, or similar statutory authority, shall provide a report to the Governor and the Chairmen of the Senate Finance and House Appropriations Committees no less than 30 days prior to entering into such alternative financing agreement. This report shall provide:

- a. a description of the purpose to be achieved by the proposal;
- b. a description of the financing options available, including the alternative financing, which will delineate the revenue streams or client populations pledged or encumbered by the alternative financing;
- c. an analysis of the alternatives clearly setting out the advantages and disadvantages of each for the Commonwealth;
- d. an analysis of the alternatives clearly setting out the advantages and disadvantages of each for the clients of the agency or institution; and
- e. a recommendation and planned course of action based on this analysis.

I. Conditions Applicable to Alternative Financing

The following authorizations to construct, purchase, lease or exchange a capital asset by means of an alternative financing mechanism, such as the Public Private Education Infrastructure Act, or similar statutory authority, are continued until revoked:

1. James Madison University

a. Subject to the provisions of this act, the General Assembly authorizes James Madison University, with the approval of the Governor, to explore and evaluate an alternative financing scenario to provide additional parking, student housing, and/or operational related facilities. The project shall be consistent with the guidelines of the Department of General Services and comply with Treasury Board Guidelines issued pursuant to § 23.1-1106 C.1.d, Code of Virginia.

b. The General Assembly authorizes James Madison University to enter into a written agreement with a public or private entity to design, construct, and finance a facility or facilities to provide additional parking, student housing, and/or operational related facilities. The facility or facilities may be located on property owned by the Commonwealth. All project proposals and approvals shall be in accordance with the guidelines cited in paragraph 1 of this item. James Madison University is also authorized to enter into a written agreement with the public or private entity to lease all or a portion of the facilities.

Item Details(\$)		Appropriations(\$)	
First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020

c. The General Assembly further authorizes James Madison University to enter into a written agreement with the public or private entity for the support of such parking, student housing, and/or operational related facilities by including the facilities in the University's facility inventory and managing their operation and maintenance; by assigning parking authorizations, students, and/or operations to the facility or facilities in preference to other University facilities; by restricting construction of competing projects; and by otherwise supporting the facilities consistent with law, provided that the University shall not be required to take any action that would constitute a breach of the University's obligations under any documents or other instruments constituting or securing bonds or other indebtedness of the University or the Commonwealth of Virginia.

d. James Madison University is further authorized to convey fee simple title in and to one or more parcels of land to James Madison University Foundation (JMUF), which will develop and use the land for the purpose of developing and establishing residential housing for students and/or faculty and staff, office, retail, athletics, dining, student services, and other auxiliary activities and commercial land use in accordance with the University's Master Plan.

2. Longwood University

a. Subject to the provisions of this act, the General Assembly authorizes Longwood University to enter into a written agreement or agreements with the Longwood University Real Estate Foundation (LUREF) for the development, design, construction and financing of student housing projects, a convocation center, parking, and operational and recreational facilities through alternative financing agreements including public-private partnerships. The facility or facilities may be located on property owned by the Commonwealth.

b. Longwood is further authorized to enter into a written agreement with the LUREF for the support of such student housing, convocation center, parking, and operational and recreational facilities by including the facilities in the University's facility inventory and managing their operation and maintenance; by assigning parking authorizations, students and/or operations to the facility or facilities in preference to other University facilities; by restricting construction of competing projects; and by otherwise supporting the facilities consistent with law, provided that the University shall not be required to take any action that would constitute a breach of the University's obligations under any documents or other instruments constituting or securing bonds or other indebtedness of the University or the Commonwealth of Virginia.

c. The General Assembly further authorizes Longwood University to enter into a written agreement with a public or private entity to plan, design, develop, construct, finance, manage and operate a facility or facilities to provide additional student housing and/or operational-related facilities. Longwood University is also authorized to enter into a written agreement with the public or private entity to lease all or a portion of the facilities. The State Treasurer is authorized to make Treasury loans to provide interim financing for planning, construction and other costs of any of the projects. Revenue bonds issued by or for the benefit of LUREF will provide construction and/or permanent financing.

d. Longwood University is further authorized to convey fee simple title in and to one or more parcels of land to LUREF, which will develop and use the land for the purpose of developing and establishing residential housing for students and/or faculty and staff, office, retail, athletics, dining, student services, and other auxiliary activities and commercial land use in accordance with the University's Master Plan.

3. Christopher Newport University

a. Subject to the provisions of this act, the General Assembly authorizes Christopher Newport University to enter into, continue, extend or amend written agreements with the Christopher Newport University Educational Foundation (CNUEF) or the Christopher Newport University Real Estate Foundation (CNUREF) in connection with the refinancing of certain housing and office space projects.

b. Christopher Newport University is further authorized to enter into, continue, extend or amend written agreements with CNUEF or CNUREF to support such facilities including agreements to (i) lease all or a portion of such facilities from CNUEF or CNUREF, (ii) include such facilities in the University's building inventory, (iii) manage the operation and maintenance of the facilities, including collection of any rental fees from University students in connection with the use of such facilities, and (iv) otherwise support the activities at such facilities consistent with law, provided that the University shall not be required to take any action that would constitute a breach of the University's obligation under any documents or instruments constituting or securing bonds or other indebtedness of the University or the Commonwealth of Virginia.

4. Radford University

a. Subject to the provisions of this act, the General Assembly authorizes Radford University, with the approval of the Governor, to explore and evaluate an alternative financing scenario to provide additional parking, student housing, and/or operational related facilities. The project shall be consistent with the guidelines of the Department of General Services and comply with Treasury Board Guidelines issued pursuant to § 23.1-1106 C.1.d, Code of Virginia.

b. The General Assembly authorizes Radford University to enter into a written agreement with a public or private entity to design, construct, and finance a facility or facilities to provide additional parking, student housing, and/or operational related facilities. The facility or facilities may be located on property owned by the Commonwealth. All project proposals and approvals shall be in

Item Details(\$)		Appropriations(\$)	
First Year	Second Year	First Year	Second Year
FY2019	FY2020	FY2019	FY2020

accordance with the guidelines cited in paragraph 1 of this item. Radford University is also authorized to enter into a written agreement with the public or private entity to lease all or a portion of the facilities.

c. The General Assembly further authorizes Radford University to enter into a written agreement with the public or private entity for the support of such parking, student housing, and/or operational related facilities by including the facilities in the University's facility inventory and managing their operation and maintenance; by assigning parking authorizations, students, and/or operations to the facility or facilities in preference to other University facilities; by restricting construction of competing projects; and by otherwise supporting the facilities consistent with law, provided that the University shall not be required to take any action that would constitute a breach of the University's obligations under any documents or other instruments constituting or securing bonds or other indebtedness of the University or the Commonwealth of Virginia.

5. University of Mary Washington

a. Subject to the provisions of this act, the General Assembly authorizes the University of Mary Washington to enter into a written agreement or agreements with the University of Mary Washington Foundation (UMWF) to support student housing projects and/or operational-related or other facilities through alternative financing agreements including public-private partnerships and leasehold financing arrangements.

b. The University of Mary Washington is further authorized to enter into written agreements with UMWF to support such student housing facilities; the support may include agreements to (i) include the student housing facilities in the University's students housing inventory; (ii) manage the operation and maintenance of the facilities, including collection of rental fees as if those students occupied University-owned housing; (iii) assign students to the facilities in preference to other University-owned facilities; (iv) seek to obtain police power over the student housing as provided by law; and (v) otherwise support the students housing facilities consistent with law, provided that the University's obligation under any documents or other instruments constituting or securing bonds or other indebtedness of the University or the Commonwealth of Virginia.

c. The General Assembly further authorizes the University of Mary Washington to enter into a written agreement with a public or private entity to design, construct, and finance a facility or facilities to provide additional student housing and/or operational-related facilities. The facility or facilities may or may not be located on property owned by the Commonwealth. The University of Mary Washington is also authorized to enter into a written agreement with the public or private entity to lease all or a portion of the facilities. The State Treasurer is authorized to make Treasury loans to provide interim financing for planning, construction and other costs of any of the projects. Revenue bonds issued by or for UMWF will provide construction and/or permanent financing.

d. The University of Mary Washington is further authorized to convey fee simple title in and to one or more parcels of land to the University of Mary Washington Foundation (UMWF) which will develop and use the land for the purpose of developing and establishing residential housing for students, faculty, or staff, recreational, athletic, and/or operational related facilities including office, retail and commercial, student services, or other auxiliary activities.

6. Norfolk State University

a. Subject to the provisions of this act, the General Assembly authorizes Norfolk State University to enter into a written agreement or agreements with a Foundation of the University for the development of one or more student housing projects on or adjacent to campus, subject to the conditions outlined in the Public-Private Education Facilities Infrastructure Act of 2002.

b. Norfolk State University is further authorized to enter into written agreements with a Foundation of the University to support such student housing facilities; the support may include agreements to (i) include the student housing facilities in the University's student housing inventory; (ii) manage the operation and maintenance of the facilities, including collection of rental fees as if those students occupied University-owned housing; (iii) assign students to the facilities in preference to other University-owned facilities; (iv) restrict construction of competing student housing projects; (v) seek to obtain police power over the student housing as provided by law; and (vi) otherwise support the student housing facilities consistent with law, provided that the University shall not be required to take any action that would constitute a breach of the University's obligations under any documents or other instruments constituting or securing bonds or other indebtedness of the University or the Commonwealth of Virginia.

7. Northern Virginia Community College - Alexandria Campus

The General Assembly authorizes Northern Virginia Community College, Alexandria Campus to enter into a written agreement either with its affiliated foundation or a private contractor to construct a facility to provide on-campus housing on College land to be leased to said foundation or private contractor for such purposes. Northern Virginia Community College, Alexandria Campus, is also authorized to enter into a written agreement with said foundation or private contractor for the support of such student housing facilities and management of the operation and maintenance of the same.

8. Virginia State University

a. Subject to the provisions of this act, the General Assembly authorizes Virginia State University (University) to enter into a written agreement or agreements with the Virginia State University Foundation (VSUF), Virginia State University Real Estate Foundation

Item Details(\$)		Appropriations(\$)	
First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020

(VSUREF), and other entities owned or controlled by the university for the development, design, construction, financing, and management of a mixed-use economic development corridor comprising student housing, parking, and dining facilities through alternative financing agreements including public-private partnerships. The facility or facilities may be located on property owned by the Commonwealth.

b. Virginia State University is further authorized to enter into a written agreement with the VSUREF, VSUF, and other entities owned or controlled by the university for the support of such a mixed-use economic development corridor comprising student housing, parking, and dining facilities by including these projects in the university's facility inventory and managing their operation and maintenance; by assigning parking authorizations, students and/or operations to the facility or facilities in preference to other university facilities; by restricting construction of competing projects; and by otherwise supporting the facilities consistent with law, provided that the university shall not be required to take any action that would constitute a breach of the university's obligations under any documents or other instruments constituting or securing bonds or other indebtedness of the university or the Commonwealth of Virginia.

9. College of William and Mary

a. Subject to the provisions of this act, the General Assembly authorizes the College of William and Mary, with the approval of the Governor, to explore and evaluate alternative financing scenarios to provide additional parking, student or faculty/staff housing, recreational, athletic and/or operational related facilities. The project shall be consistent with the guidelines of the Department of General Services and comply with Treasury Board guidelines issued pursuant to § 23.1-1106 C.1. (d), Code of Virginia.

b. The General Assembly authorizes the College of William and Mary to enter into written agreements with public or private entities to design, construct, and finance a facility or facilities to provide additional parking, student or faculty/staff housing, recreational, athletic, and/or operational related facilities. The facility or facilities may be on property owned by the Commonwealth. All project proposals and approvals shall be in accordance with the guidelines cited in paragraph 1 of this item. The College of William and Mary is also authorized to enter into a written agreement with the public or private entity to lease all or a portion of the facility.

c. The General Assembly further authorizes the College of William and Mary to enter into written agreements with the public or private entities for the support and operation of such parking, student or faculty/staff housing, recreational, athletic, and /or operational related facilities by including the facilities in the College's facility inventory and managing their operation and maintenance including the assignment of parking authorizations, students, faculty or staff, and operations to the facility in preference to other university facilities, limiting construction of competing projects, and by otherwise supporting the facilities consistent with law, provided that the College shall not be required to take any action that would constitute a breach of the University's obligations under any documents or other instruments constituting or securing bonds or other indebtedness of the College or the Commonwealth of Virginia.

d. The College of William and Mary is further authorized to convey fee simple title in and to one or more parcels of land to the William and Mary Real Estate Foundation (WMREF) which will develop and use the land for the purpose of developing and establishing residential housing for students, faculty, or staff, recreational, athletic, and/or operational related facilities including office, retail and commercial, student services, or other auxiliary activities.

10. The following individuals, and members of their immediate family, may not engage in an alternative financing arrangement with any agency or institution of the Commonwealth, where the potential for financial gain, or other factors may cause a conflict of interest:

a. A member of the agency or institution's governing body;

b. Any elected or appointed official of the Commonwealth or its agencies and institutions who has, or reasonably can be assumed to have, a direct influence on the approval of the alternative financing arrangement; or

c. Any elected or appointed official of a participating political subdivision, or authority who has, or reasonably can be assumed to have, a direct influence on the approval of the alternative financing arrangement.

J. Appropriations contained in this act for capital project planning shall be used as specified for each capital project and construction funding for the project shall be considered by the General Assembly after determining that (1) project cost is reasonable; (2) the project remains a highly-ranked capital priority for the Commonwealth; and (3) the project is fully justified from a space and programmatic perspective.

K. Any capital project that has received a supplemental appropriation due to cost overruns must be completed within the revised budget provided. If a project requires an additional supplement, the Governor should also consider reduction in project scope or cancelling the project before requesting additional appropriations. Agencies and institutions with nongeneral funds may bear the costs of additional overruns from nongeneral funds.

L. The Governor shall consider the project life cycle cost that provides the best long-term benefit to the Commonwealth when conducting capital project reviews, design and construction decisions, and project scope changes.

M. No structure, improvement or renovation shall occur on the state property located at the Carillon in Byrd Park in the City of Richmond without the approval of the General Assembly.

N. All agencies of the Commonwealth and institutions of higher education shall provide information and/or use systems and processes

Item Details(\$)		Appropriations(\$)	
First Year	Second Year	First Year	Second Year
FY2019	FY2020	FY2019	FY2020

in the method and format as directed by the Director, Department of General Services, on behalf of the Six-Year Capital Outlay Plan Advisory Committee, to provide necessary information for state-wide reporting. This requirement shall apply to all projects, including those funded from general and nongeneral fund sources.

O. The Department of General Services, with the cooperation and support of the Workers' Compensation Commission, is hereby directed to manage acquisition or, construction, or leasing under a capital lease of a new headquarters facility for the commission out of such funds appropriated for such purposes by Item C-38.10, Chapter 1, 2014 Special Session I. Upon completion of the new facility, the department shall transfer the existing headquarters facility located at 1000 DMV Drive in Richmond, Virginia to the Science Museum of Virginia.

P. The Director, Department of Planning and Budget, in consultation with the Six-Year Capital Outlay Plan Advisory Committee, is authorized to transfer bond appropriations and bond proceeds between and among the capital pool projects listed in the table below, in order to address any shortfall in appropriation in one or more of such projects:

Pool Project No.	Pool Project Title	Authorization
17775	Public Education Institutions Capital Account	Enactment Clause 2, § 4, Chapter 1, 2008 Special Session I Acts of Assembly
17776	State Agency Capital Account	Enactment Clause 2, § 2, Chapter 1, 2008 Special Session I Acts of Assembly
17861	Supplements for Previously Authorized Higher Education Capital Projects	Item C-85, Chapter 874, 2010 Acts of Assembly; amended by Item C-85, Chapter 890, 2011 Acts of Assembly
17862	Energy Conservation	Item C-86, Chapter 890, 2011 Acts of Assembly
17967	Capital Outlay Project Pool	Item C-38.10, Chapter 3, 2012 Special Session I Acts of Assembly; amended by: Item C-38.10, Chapter 806, 2013 Acts of Assembly; by Item C-38.10, Chapter 1, 2014 Special Session I Acts of Assembly; Item C-43, Chapter 2, 2014 Special Session I Acts of Assembly; Item C-43, Chapter 665, 2015 Acts of Assembly; and Item 48.10, Chapter 836, 2017 Acts of Assembly; <i>and Item C-44.10, Chapter 854, 2019 Acts of Assembly.</i>
18049	Comprehensive Capital Outlay Program	Item C-39.40, Chapter 806, 2013 Acts of Assembly; amended by: Item C-39.40, Chapter 1, 2014 Special Session I Acts of Assembly; Item C-46.10, Chapter 2, 2014 Special Session I Acts of Assembly, Item 46.10, Chapter 665, 2015 Acts of Assembly, and Item C-46, Chapter 2, 2018 Acts of Assembly, Special Session I.
18196	Capital Outlay Renovation Pool	Item C-46.15, Chapter 665, 2015 Acts of Assembly; <i>amended by: Item C-46.10, Chapter 854, 2019 Acts of Assembly.</i>
18300	2016 VPBA Capital Construction Pool	§ 1, Chapters 759 and 769, 2016 Acts of Assembly; amended by: Item C-47, Chapter 2, 2018 Acts of Assembly, Special Session I.
18301	2016 VCBA Capital Construction Pool	§ 2, Chapters 759 and 769, 2016 Acts of Assembly; amended by: Item C-48, Chapter 2, 2018 Acts of Assembly, Special Session I.
18371	2018 Capital Construction Pool	Item C-45, Chapter 2, 2018 Acts of Assembly, Special Session I; <i>amended by: Item C-45, Chapter 854, 2019 Acts of Assembly.</i>
18382	<i>Supplemental funding: Capitol Complex Infrastructure and Security</i>	<i>Item C-51.50, Chapter 2, 2018 Acts of Assembly, Special Session I; amended by:</i>

		Item Details(\$)		Appropriations(\$)	
		First Year	Second Year	First Year	Second Year
		FY2019	FY2020	FY2019	FY2020
					<i>Item C-51.50, Chapter 854, 2019 Acts of Assembly.</i>
18408	2019 Capital Construction Pool				<i>Item C-48.10, Chapter 854, 2019 Acts of Assembly.</i>

EXECUTIVE DEPARTMENT

OFFICE OF ADMINISTRATION

§ 2-1. DEPARTMENT OF GENERAL SERVICES (194)

C-1.	Not set out.				
C-1.10	Not set out.				
C-2.	Omitted.				
	Total for Department of General Services.....			\$15,600,000	\$0
	Fund Sources: Bond Proceeds.....	\$15,600,000	\$0		
	TOTAL FOR OFFICE OF ADMINISTRATION.....			\$15,600,000	\$0
	Fund Sources: Bond Proceeds.....	\$15,600,000	\$0		

OFFICE OF AGRICULTURE AND FORESTRY

C-2.10	Not set out.				
	TOTAL FOR OFFICE OF AGRICULTURE AND FORESTRY.....			\$0	\$4,270,000
	Fund Sources: Special.....	\$0	\$4,270,000		

OFFICE OF EDUCATION

- C-3. Not set out.
- C-3.10 Not set out.
- C-4. Not set out.
- C-5. Not set out.

§ 2-2. GEORGE MASON UNIVERSITY (247)

C-6.	Not set out.				
C-6.10	Not set out.				
C-6.20	<i>New Construction: School of Conflict Analysis Facilities (18497).....</i>			<i>\$0</i>	<i>\$8,000,000</i>
	<i>Fund Sources: Higher Education Operating.....</i>	<i>\$0</i>	<i>\$4,000,000</i>		
	<i>Bond Proceeds.....</i>	<i>\$0</i>	<i>\$4,000,000</i>		

A. The Virginia College Building Authority, pursuant to § 23.1-1200 et seq. of the Code of Virginia, is authorized to issue bonds in a principal amount not to exceed \$4,000,000 plus amounts needed to fund issuance costs, reserve funds, original issue discount, interest prior to

ITEM C-6.20.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
<i>and during the acquisition or construction and for one year after completion thereof, and other financing expenses, to finance the capital costs of the project for which the appropriation in this item is provided.</i>				
<i>B. Debt service on bonds issued under the authorization in this Item shall be provided from appropriations to the Treasury Board.</i>				
Total for George Mason University.....			\$5,381,000	\$7,500,000 \$15,500,000
Fund Sources: Higher Education Operating.....	\$0	\$7,500,000 \$11,500,000		
Bond Proceeds.....	\$5,381,000	\$0 \$4,000,000		

§ 2-3. JAMES MADISON UNIVERSITY (216)

C-7.	Not set out.			
C-8.	Omitted.			
C-8.10	Not set out.			
Total for James Madison University.....			\$3,000,000	\$310,000
Fund Sources: Higher Education Operating.....	\$3,000,000	\$310,000		
C-8.50	Not set out.			
C-8.60	Not set out.			
C-9.	Not set out.			
C-10.	Not set out.			
C-10.10	Not set out.			
C-10.20	Not set out.			
C-11.	Not set out.			
C-11.10	Not set out.			
C-11.20	Not set out.			
C-11.50	Not set out.			
C-11.60	Not set out.			
C-12.	Not set out.			

§ 2-4. UNIVERSITY OF VIRGINIA (207)

C-13.	Not set out.			
C-13.05	<i>Improvements: Alderman Library Renewal (18331).....</i>		\$0	\$13,695,000
Fund Sources: Bond Proceeds.....	\$0	\$13,695,000		

ITEM C-13.05.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
Total for University of Virginia.....			\$31,441,000	\$10,200,000 \$23,895,000
Fund Sources: Bond Proceeds.....	\$31,441,000	\$10,200,000 \$23,895,000		
C-13.10 Not set out.				
C-13.20 Not set out.				
C-14. Not set out.				
C-15. Not set out.				
C-16. Not set out.				
C-16.10 Not set out.				
C-16.20 Not set out.				
C-16.30 Not set out.				

§ 2-5. VIRGINIA POLYTECHNIC INSTITUTE AND STATE UNIVERSITY (208)

C-17. Not set out.				
C-18. Improvements: Improve Student Wellness Facilities (18357).....			\$63,000,000	\$0 \$9,500,000
Fund Sources: Higher Education Operating.....	\$13,310,000	\$0		
Bond Proceeds.....	\$49,690,000	\$0 \$9,500,000		
C-19. Not set out.				
C-20. Not set out.				
C-20.10 Not set out.				
C-20.20 Not set out.				
Total for Virginia Polytechnic Institute and State University.....			\$113,066,000	\$354,000,000 \$363,500,000
Fund Sources: Higher Education Operating.....	\$27,177,000	\$117,000,000		
Bond Proceeds.....	\$85,889,000	\$237,000,000 \$246,500,000		
C-21. Not set out.				
C-21.10 Not set out.				
C-21.50 Not set out.				
C-21.75 Not set out.				
C-22. Not set out.				
C-22.10 Not set out.				

ITEM C-22.10.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
§ 2-6. ROANOKE HIGHER EDUCATION AUTHORITY (935)				
C-22.50	Create Oliver Hill Courtyard (18411).....		\$328,000	\$0 \$120,000
	Fund Sources: General.....	\$328,000		\$0 \$120,000
	Total for Roanoke Higher Education Authority.....		\$328,000	\$0 \$120,000
	Fund Sources: General.....	\$328,000		\$0 \$120,000
	TOTAL FOR OFFICE OF EDUCATION.....		\$288,251,000	\$407,016,000 \$438,331,000
	Fund Sources: General.....	\$703,000		\$2,326,000 \$2,446,000
	Special.....	\$629,000		\$0
	Higher Education Operating.....	\$50,925,000		\$136,873,000 \$140,873,000
	Dedicated Special Revenue.....	\$0		\$9,000,000
	Bond Proceeds.....	\$235,994,000		\$258,817,000 \$286,012,000

OFFICE OF HEALTH AND HUMAN RESOURCES

C-23.	Not set out.			
	TOTAL FOR OFFICE OF HEALTH AND HUMAN RESOURCES.....		\$9,400,000	\$0
	Fund Sources: Bond Proceeds.....	\$9,400,000		\$0

OFFICE OF NATURAL RESOURCES

§ 2-7. DEPARTMENT OF CONSERVATION AND RECREATION (199)

C-24.	Omitted.			
C-25.	Not set out.			
C-26.	Not set out.			
C-27.	Not set out.			
C-27.10	Not set out.			
C-27.20	Not set out.			
	Total for Department of Conservation and Recreation.....		\$7,628,766	\$8,538,164
	Fund Sources: General.....	\$120,000		\$0
	Special.....	\$1,957,335		\$3,238,500
	Dedicated Special Revenue.....	\$4,051,431		\$600,000
	Federal Trust.....	\$1,500,000		\$4,699,664
C-28.	Not set out.			
C-29.	Not set out.			

ITEM C-30.		Item Details(\$)		Appropriations(\$)	
		First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
C-30.	Not set out.				
C-31.	Not set out.				
C-32.	Not set out.				
TOTAL FOR OFFICE OF NATURAL RESOURCES.....					
				\$17,028,766	\$18,938,164
Fund Sources: General.....		\$120,000	\$0		
Special.....		\$1,957,335	\$3,238,500		
Dedicated Special Revenue.....		\$6,951,431	\$3,750,000		
Federal Trust.....		\$8,000,000	\$11,949,664		

OFFICE OF PUBLIC SAFETY AND HOMELAND SECURITY

C-32.50 Omitted.

§ 2-8. DEPARTMENT OF MILITARY AFFAIRS (123)

C-33.	Not set out.				
C-33.10	<i>Acquisition: Acquire Land for Readiness Centers (18309).....</i>			\$0	\$3,250,000
<i>Fund Sources: Bond Proceeds.....</i>		\$0	\$3,250,000		
Total for Department of Military Affairs.....				\$3,000,000	\$12,000,000
					\$15,250,000
Fund Sources: Federal Trust.....		\$0	\$9,000,000		
Bond Proceeds.....		\$3,000,000	\$3,000,000 \$6,250,000		

C-34. Not set out.

C-34.10 Not set out.

C-34.20 Not set out.

C-34.30 Not set out.

TOTAL FOR OFFICE OF PUBLIC SAFETY AND HOMELAND SECURITY.....				\$3,725,000	\$57,844,000
					\$61,094,000
Fund Sources: General.....		\$725,000	\$0		
Federal Trust.....		\$0	\$9,000,000		
Bond Proceeds.....		\$3,000,000	\$48,844,000 \$52,094,000		

OFFICE OF TRANSPORTATION

C-34.50 Not set out.

C-35. Not set out.

C-36. Not set out.

C-37. Not set out.

ITEM C-38.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
C-38. Not set out.				
C-39. Not set out.				
C-40. Not set out.				
C-40.10 Not set out.				
TOTAL FOR OFFICE OF TRANSPORTATION...			\$416,010,000	\$90,250,000
Fund Sources: Special.....	\$63,000,000	\$57,250,000		
Commonwealth Transportation.....	\$3,010,000	\$33,000,000		
Bond Proceeds.....	\$350,000,000	\$0		

OFFICE OF VETERANS AND DEFENSE AFFAIRS

C-41. Not set out.				
TOTAL FOR OFFICE OF VETERANS AND DEFENSE AFFAIRS.....			\$4,500,000	\$0
Fund Sources: Federal Trust.....	\$4,500,000	\$0		

CENTRAL APPROPRIATIONS

§ 2-9. CENTRAL CAPITAL OUTLAY (949)

C-42. Not set out.				
C-43. Not set out.				
C-43.50 Planning: Replace Central State Hospital (18391)...			\$3,000,000	\$0
Fund Sources: Special.....	\$3,000,000	\$0		
<p>A. The Department of Behavioral Health and Developmental Services (DBHDS) and the Department of General Services (DGS) shall develop and deliver a plan to provide capital project options for a new Central State Hospital.</p> <p>B. The Department of General Services (DGS) shall analyze and include phasing options in the DBHDS plan as part of the detailed planning process.</p> <p>C. Project budgeting estimates pursuant to this item shall be delivered to the Governor, Chairmen of the House Appropriations and Senate Finance Committees, and the Six-Year Capital Outlay Plan Advisory Committee (§ 2.2-1516) by December 1, 2018.</p> <p>D. DBHDS shall be reimbursed for all nongeneral funds used when the project is funded to move into the construction phase.</p>				
C-44. Omitted.				
C-44.10 Not set out.				
C-44.20 Omitted.				
C-45. Not set out.				
C-46. Comprehensive Capital Outlay Program (18049)....			\$21,066,000	\$0
Fund Sources: Bond Proceeds.....	\$21,066,000	\$0		

A. In addition to the amounts previously authorized in Item C-39.40, Chapter 806, 2013

ITEM C-46.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020

Acts of Assembly and in Item C-48.50, Chapter 836, 2017 Acts of Assembly, the Virginia College Building Authority, pursuant to § 23.1-1200 et seq., Code of Virginia, is authorized to issue bonds in a principal amount not to exceed \$21,066,000, plus amounts needed to fund issuance costs, reserve funds, original issue discount, interest prior to and during the acquisition or construction and for one year after completion thereof, and other financing expenses, to finance the capital costs of the project described in paragraph C. of this Item.

B. Debt service on the bonds issued under the authorization in this Item shall be provided from appropriations to the Treasury Board.

C. Included in the appropriation for this Item is \$21,066,000 in bond proceeds the first year to supplement the funding for the following project previously authorized in Item C-39.40, Chapter 806, 2013 Acts of Assembly:

247-George Mason University Construct Life Sciences Building, Prince William (18000)

D. The title of this project is hereby changed to "Construct *Life Sciences and Engineering Building/Renovate Bull Run Hall* ~~HB Addition~~, Prince William (18000)".

C-46.10 Not set out.

C-47.	2016 VPBA Capital Construction Pool (18300).....		\$13,500,000	\$0
	Fund Sources: Bond Proceeds.....	\$13,500,000	\$0	\$12,000,000
			\$12,000,000	

A. In addition to the amounts previously authorized in Enactment 1, § 1 A. of Chapters 759 and 769, 2016 Acts of Assembly, the Virginia Public Building Authority, pursuant to § 2.2-2260 et seq., Code of Virginia, is authorized to issue bonds in a principal amount not to exceed ~~\$13,500,000~~ \$25,500,000, plus amounts needed to fund issuance costs, reserve funds, original issue discount, interest prior to and during the acquisition or construction and for one year after completion thereof, and other financing expenses, to finance the costs of the project described in paragraph C. of this Item.

B. Debt service on bonds issued under the authorization in this Item shall be provided from appropriations to the Treasury Board.

C. Included in the appropriation for this Item is \$7,500,000 in bond proceeds the first year for the following project:

199-Department of Conservation Renovate Various Cabins (18265)

D. The title and scope of the capital project for the Department of Forensic Science, titled, "Expand Central Forensic Laboratory and Office of the Chief Medical Examiner Facility," authorized in Enactment 1, § 1 A. of Chapters 759 and 769 of the 2016 Acts of Assembly, is hereby changed to "Expand and Renovate Current or Construct New Central Forensic Laboratory and Office of the Chief Medical Examiner at its current site or another site that is determined by the Department to be more cost effective and operationally efficient."

E. The project previously authorized in Enactment 9 of Chapters 759 and 769, 2016 Acts of Assembly, Renovate the Post Library as a Visitor Center for Fort Monroe, is hereby included in the amounts authorized in Item C-43, D 1 of Chapter 665 of the Acts of Assembly of 2015.

F. 1. The title and scope of the capital project for the Department of Juvenile Justice (DJJ), titled, "Construct New Juvenile Correctional Center, Chesapeake," authorized in Enactment 1, § 1 A. of Chapters 759 and 769 of the 2016 Acts of Assembly, is hereby changed to "Construct New Juvenile Correctional Center; ~~Isle of Wight~~".

2. a. The Department of General Services (DGS), with the cooperation of the Department of Juvenile Justice (DJJ), ~~shall construct the New Juvenile Correctional Center, Isle of Wight project authorized in F.1. The project is authorized as a 60 bed facility. DJJ will provide DGS facility program information and assistance as requested. DJJ is authorized to proceed with the design and construction of this juvenile correctional center to the extent feasible, on state-owned property and with no more than 60 beds, that is cost effective to develop, and best~~

ITEM C-47.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
<p><i>suited to achieve DJJ's operational needs.</i></p> <p>b. The capital project for the Department of Juvenile Justice, titled, "Renovate or Construct Juvenile Correctional Center, authorized in Enactment 4, § 1 A. of Chapters 759 and 769 of the 2016 Acts of Assembly is hereby rescinded.</p> <p>c. The provisions of Enactment 4, § 1 B. of Chapters 759 and 769 of the 2016 Acts of Assembly are hereby rescinded.</p> <p>3.a. DGS shall determine options for a second DJJ Juvenile Correctional Center to be located in Central Virginia. However, the property located in Central Virginia consisting of approximately 427.97 acres along Old Bon Air Road and Rockaway Road in the Midlothian Magisterial District of Chesterfield County, Virginia, having a street address of 1900 Chatsworth Avenue, Bon Air, Virginia, and further designated as Chesterfield County Tax Parcel No. 752713101100000, shall be excluded from any option or consideration as a Central Virginia DJJ Juvenile Correctional Center location. DGS shall report location options for a Central Virginia DJJ Juvenile Correctional Center to the Chairmen of the House Appropriations, Senate Finance Committees and the Governor by October 31, 2018.</p> <p>b. DGS, working with Chesterfield County, Virginia, shall determine a fair market value and the highest and best use of the DJJ site identified in 3.a of this section and report its preliminary findings to the Chairmen of House Appropriations, Senate Finance Committees, and the Governor by December 1, 2018.</p> <p>c. In addition, the Department of General Services shall determine the highest and best use for the property located at 3500 Beaumont Road in Powhatan County. In determining such use DGS shall (i) estimate revenues and costs from any sale or development of the entire property or any portion thereof, and (ii) the viability of various options for potential use of the property by the Department of Corrections (DOC), Department of Conservation and Recreation (DCR), and/or DJJ, DOC, DCR, and DJJ will provide DGS information and assistance, if requested. DGS shall provide the results of its study to the Chairmen of the House Appropriations, Senate Finance Committees, and Governor by October 31, 2018.</p> <p>d. All costs incurred by DGS to perform the requirements in item F., and all subsections under F., shall be funded by the capital project authorized in F.1.</p> <p>e. Should the property identified in 3a. be sold by the Commonwealth, any proceeds received from a sale shall be used to offset the capital costs of a DJJ Central Virginia Juvenile Correctional Center location.</p> <p>G. The amounts provided by this item and Enactment 1, § 1 A. of Chapters 759 and 769 of the 2016 Acts of Assembly include funding for the development of Clinch River State Park by the Department of Conservation and Recreation.</p> <p>H. The <i>title and scope</i> of the project, "Renovate Roanoke Readiness Center," for the Department of Military Affairs, authorized for detailed planning in Enactment 4, § 1 of Chapters 759 and 769, 2016 Acts of Assembly is <i>hereby changed to "Construct Roanoke Readiness Center and Combined Support Maintenance Shop". The scope of this project is hereby expanded to include all planned phases of the overall project: (1) renovation of four existing buildings, demolition, and (2) construction of certain buildings, to include a new readiness center addition; and (3) construction of a combined support maintenance shop; as set out in the capital budget project request submitted by the Department of Military Affairs for the 2018-2020 budget.</i></p> <p>I. <i>The Director, Department of Planning and Budget, may transfer any unutilized appropriation and bond authorization from the the project "Replace Western State Hospital" for the Department of Behavioral Health and Developmental Services, authorized in Enactment 2, § 1 A. of Chapter 1, 2008 Acts of Assembly, Special Session I, to the project "Expand Western State Hospital," authorized in Enactment 1, § 1 A. of Chapters 759 and 769 of the 2016 Acts of Assembly.</i></p>				
C-48.	2016 VCBA Capital Construction Pool (18301).....		\$43,883,000	\$0 \$34,022,736

ITEM C-48.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
Fund Sources: Bond Proceeds.....	\$43,883,000	\$0		\$34,022,736

A. In addition to the amount previously authorized in Enactment Clause 1, § 2 of Chapters 759 and 769, 2016 Acts of Assembly, the Virginia College Building Authority, pursuant to § 23.1-1200 et seq. of the Code of Virginia, is authorized to issue bonds in a principal amount not to exceed ~~\$43,883,000~~; \$77,905,736 plus amounts needed to fund issuance costs, reserve funds, original issue discount, interest prior to and during the acquisition or construction and for one year after completion thereof, and other financing expenses, to finance the capital costs of projects authorized in Enactment Clause 1, § 2 of Chapters 759 and 769, 2016 Acts of Assembly.

B. Debt service on the bonds issued under the authorization of this Item shall be provided from appropriations to the Treasury Board.

C. There is hereby appropriated ~~\$43,883,000~~ \$77,905,736 in bond proceeds for the projects authorized in Enactment Clause 1, § 2 of Chapters 759 and 769, 2016 Acts of Assembly. Of this amount, \$883,000 is allocated for the following project authorized in that section:

948-Southwest Virginia Higher Education Center Construct Service Corridor, Storage Area;
Replace Generator (18126)

D. 1. The title and scope of the project previously authorized in Enactment 1, §2 of Chapters 759 and 769, 2016 Acts of Assembly, as "Construct Service Corridor, Storage Area, Replace Generator" are hereby changed to "Construct Building Expansion and Replace Generator" in order to provide an expanded scope, including additional space that may be used as office or storage space, with total square footage of approximately 6,400 square feet.

2. The scope of the project previously authorized in Enactment 1, §2 of Chapters 759 and 769, 2016 Acts of Assembly, as "Christopher Newport University, Construct and Renovate Fine Arts and Rehearsal Space reflects 105,040 gross square feet to include 88,060 gross square feet of new construction and 16,980 gross square feet of renovation. Of the amount provided in Paragraph C. of this Item, \$4 million is allocated to this project to cover current scope and cost.

3. The title and scope of the project previously authorized in Enactment 1, §2 of Chapters 759 and 769, 2016 Acts of Assembly, as "Virginia Institute of Marine Science, Replace Mechanical Systems and Repair Building Envelope of Chesapeake Bay Hall" are hereby changed to "Virginia Institute of Marine Science, Construct New Research Facility" in order to replace the existing Chesapeake Hall, for which a renovation is no longer a viable alternative, with a comparable sized new facility. Additional funding for this revised scope and cost is contained in Paragraph C. of this item.

E. Virginia Commonwealth University is authorized to utilize nongeneral funds, to be reimbursed should construction funding be approved, to develop Detailed Plans for the STEM Building which consists of the STEM Class Laboratory Building, authorized in Chapter 759 and 769 (2016), and the Humanities and Sciences Phase II, Admin and Classroom Building, as a single facility. The proposed buildings will be located adjacent to each other on the site of the existing Franklin Street Gymnasium.

F. The title of the project, "Renovate Diggs/Moore/Harrison Complex, Hampton, Thomas Nelson," for the Virginia Community College System, authorized for detailed planning in Enactment 4, § 1 of Chapters 759 and 769, 2016 Acts of Assembly. is changed to "Replace Diggs/Moore/Harrison Complex, Hampton, Thomas Nelson.

G. The scope of the project previously authorized in Enactment 1, §2 of Chapters 759 and 769, 2016 Acts of Assembly, as "Virginia Community College System, Construct Academic Building, Fauquier Campus, Lord Fairfax" is hereby changed to include chemistry and biology laboratory space, a nursing skills laboratory space, nursing and operating room simulation laboratory space, and cadaver laboratory space. Additional funding for this revised scope is included in paragraph C. of this Item.

H. Out of the amounts included in paragraph C. of this Item, a supplement of \$16,660,000 is provided to cover unanticipated costs associated with the The College of William and Mary project "Construct Fine and Performing Arts Facility, Phases I & II", authorized in

ITEM C-48.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020

Enactment 1, §2 of Chapters 759 and 769, 2016 Acts of Assembly.

I. Out of the amounts included in paragraph C. of this Item, a supplement of \$6,197,736 is provided to cover unanticipated costs associated with the University of Mary Washington project "Renovate Seacobeck Hall", authorized in Enactment 1, §2 of Chapters 759 and 769, 2016 Acts of Assembly.

C-48.10	New Construction: 2019 Capital Construction Pool (18408).....			\$0	\$753,562,000
	Fund Sources: General.....	\$0	\$830,000		
	Special.....	\$0	\$10,516,000		
	Higher Education Operating.....	\$0	\$20,000,000		
	Bond Proceeds.....	\$0	\$722,216,000		

A. 1. The capital projects in paragraph C of this Item are hereby authorized and may be financed in whole or in part through bonds of the Virginia College Building Authority pursuant to § 23.1-1200 et seq., Code of Virginia, or the Virginia Public Building Authority pursuant to § 2.2-2263 et seq., Code of Virginia. Bonds of the Virginia College Building Authority issued to finance these projects may be sold and issued under the 21st Century College Program at the same time with other obligations of the Authority as separate issues or as a combined issue. The aggregate principal amounts shall not exceed \$722,216,000 plus amounts needed to fund issuance costs, reserve funds, original issue discount, interest prior to and during the acquisition or construction and for one year after completion thereof, and other financing expenses, in accordance with § 2.2-2263, Code of Virginia.

2. From the list of projects included in paragraph C of this Item, the Director, Department of Planning and Budget, shall provide to the Chairmen of the Virginia College Building Authority and the Virginia Public Building Authority the specific projects, as well as the amounts for these projects, to be financed by each authority within the dollar limit established by this authorization.

3. Debt service on the projects contained in this Item shall be provided from appropriations to the Treasury Board.

4. The appropriations for the capital projects in this Item are subject to the conditions in § 2.0 F. of this act.

B. In addition to the appropriation and bond authorization authorized by this Item, the Director, Department of Planning and Budget, shall transfer unutilized Virginia College Building Authority (VCBA) and Virginia Public Building Authority (VPBA) bond authorization and appropriation from the projects listed below, in the amounts shown, to this project for funding the projects listed in paragraph C:

Agency No.	Project No.	Issuing Authority	Initial Authorization	Amount
207	17476	VCBA	Chapter 1, Enactment 2, Section 3, 2008 Acts of Assembly, Special Session I	\$4,080,667
215	17670	VCBA	Chapter 1, Enactment 2, Section 3, 2008 Acts of Assembly, Special Session I	\$1,374,605
247	16607	VCBA	Item C-85.10, Chapter 874, 2010 Acts of Assembly	\$1,120,047
260	16836	VCBA	Item C-182.10, Chapter 781, 2009 Acts of Assembly	\$111,398
260	17379	VCBA	Item C-326.30, Chapter 847, 2008 Acts of Assembly	\$401,727

ITEM C-48.10.	Item Details(\$)				Appropriations(\$)	
	First Year	Second Year	First Year	Second Year	First Year	Second Year
	FY2019	FY2020	FY2019	FY2020	FY2019	FY2020
912	18319	VPBA	Item C-43.50, Chapter 836, 2017 Acts of Assembly			\$10,000,000

C. There is hereby appropriated \$677,216,000 the second year from bond proceeds of the Virginia College Building Authority or the Virginia Public Building Authority, \$830,000 from the general fund and \$30,516,000 from nongeneral funds to provide funds for the construction and other capital costs of the following projects:

Agency Code	Agency Title	Project Title
194	Department of General Services	Renovate Parking Deck, Main Street Centre
194	Department of General Services	Improve Capitol Campus Utilities
194	Department of General Services	Acquisition of the VEC Building
194	Department of General Services	Replace Central State Hospital
199	Department of Conservation and Recreation	Construct Cabins, Breaks Interstate Park
207	University of Virginia	Alderman Library Renewal
211	Virginia Military Institute	Construct Corps Physical Training Facility Phase 3 (Aquatic Center)
212	Virginia State University	Demolish / Replace Daniel Gym and Demolish Harris Hall, Phase I
214	Longwood University	Replace Major HVAC System Components
216	James Madison University	Renovate Jackson Hall
221	Old Dominion University	Address Maintenance Needs in Kaufman Hall and Mills Godwin Building
236	Virginia Commonwealth University	Construct STEM Teaching Laboratory Building
238	Virginia Museum of Fine Arts	Replace Life and Safety Systems
238	Virginia Museum of Fine Arts	Repair the Museum Building Envelope
241	Richard Bland College	Acquire and Install New Generator at the Library
247	George Mason University	Improve IT Network Infrastructure
268	Virginia Institute of Marine Science	Replace Oyster Hatchery
417	Gunston Hall	Upgrade Fire Suppression System and Improve Security
720	Department of Behavioral Health and Developmental Services	Renovate Eastern State Hospital Kitchen
777	Department of Juvenile Justice	Repair Life Safety Systems and Upgrade Electrical Systems, Bon Air
799	Department of Corrections	Replace Appalachian and Wise Wastewater Treatment Plants
799	Department of Corrections	Construct James River Wastewater Pump Station

D. 1. From the proceeds of bonds authorized to be issued by the Virginia Public Building Authority in paragraph A of this Item, there is hereby appropriated a ~~one-time and final~~ payment of \$25,000,000 in the second year for the Combined Sewer Overflow Matching Fund, established pursuant to § 62.1-242.12, Code of Virginia and administered by the Department of Environmental Quality. These bond proceeds shall be used by the Virginia Resources Authority and the State Water Control Board to make a grant to the City of Alexandria to pay a portion of the capital costs of its combined sewer overflow control project. Disbursements from these proceeds shall be authorized by the State Water Control Board, under the authority of the Department of Environmental Quality, and administered by the Virginia Resources Authority through the Combined Sewer Overflow Matching Fund.

2. This appropriation is subject to the conditions of § 2.0 F of this act.

ITEM C-48.10.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2019	FY2020	FY2019	FY2020

3. Except as provided in paragraph D.2 of this Item, the provisions of §§ 2.0 and 4-4.01 of this act and the provisions of § 2.2-1132, Code of Virginia, shall not apply to the project supported in this Item.

E. Funding for the Department of General Services' project to Improve Capitol Campus utilities shall not be released until the department and the City of Richmond have signed an agreement allowing the state to work on any needed improvements to the utilities running through Capitol Square, including a methodology in the agreement that provides for the state's utility bills to be adjusted to offset the state's expenditures for any improvements to the water lines.

F. Out of the amounts provided in this Item, \$10,000,000 the second year from bond proceeds is designated for lab renovations and enhancements and / or research equipment related to higher education research for the Hampton Roads Biomedical Research Consortium created in Item 475.10.

G. Stormwater Local Assistance Fund. From the appropriation and bond authorization provided in this Item, up to \$10,000,000 of the bond proceeds shall be provided to the Department of Environmental Quality for the Stormwater Local Assistance Fund, established in accordance with the provisions of Item 368 of this act. In accordance with the purpose of the Fund set out in Item 368, the bond proceeds shall be used to provide grants solely for capital projects meeting all pre-requirements for implementation, including but not limited to: i) new stormwater best management practices; ii) stormwater best management practice retrofits; iii) stream restoration; iv) low impact development projects; v) buffer restoration; vi) pond retrofits; and vii) wetlands restoration. Such grants shall be in accordance with eligibility determinations made by the State Water Control Board under the authority of the Department of Environmental Quality.

H. Out of the amounts provided in Paragraph C of this item, the Department of General Services is authorized funding for the defeasance of the federal equity in the the Virginia Employment Commission site located at 703 E. Main Street, Richmond, Virginia, to enable transfer of title to that site to the Commonwealth of Virginia, Department of General Services to be included in the Department of General Services statewide building management program.

I. 1. Funding provided in paragraph C of this Item for the Department of General Services' project to Replace Central State Hospital is to replace the Department of Behavioral Health and Developmental Services' Central State Hospital at its current location in Petersburg, Virginia. Funding is included to complete the design, construction, and provision of furniture, fixtures, and equipment for a facility that includes 111 maximum security beds, 141 civil beds, and the associated program and support facilities identified in the Central State Hospital pre-planning study delivered to the General Assembly in December 2018 pursuant to Item C-43.50 of this act.

2. The Department of Behavioral Health and Developmental Services may consider potential future phasing options for the new Central State Hospital beyond the scope authorized in subparagraph I.1 of this Item for the Central State Hospital replacement in its plan that is proposed pursuant to Item 310 CC. of this act.

C-49. Not set out.

C-49.10 Not set out.

C-49.20 Not set out.

C-50. A. The Virginia Public Building Authority, pursuant to § 2.2-2260 et seq. of the Code of Virginia, is authorized to issue bonds in a principal amount not to exceed ~~\$91,681,000~~ \$94,931,000 plus amounts needed to fund issuance costs, reserve funds, original issue discount, interest prior to and during the acquisition or construction and for one year after completion thereof, and other financing expenses, to finance the capital costs of the projects described in paragraph C. of this Item.

ITEM C-50.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2019	FY2020	FY2019	FY2020

B. Debt service on bonds issued under the authorization in this Item shall be provided from appropriations to the Treasury Board.

C. The appropriations for the following authorized projects are contained in the appropriation Items listed:

Agency Name/Project Title	Project Code	Item	VPBA Bonds
Department of Military Affairs (123)			
Improve Readiness Centers	18369	C-33	\$6,000,000
<i>Acquire Land for Readiness Centers</i>	<i>18309</i>	<i>C-33.10</i>	<i>\$3,250,000</i>
Department of State Police			
Upgrade Statewide Radio System (STARS) Network	18414	C-34.10	\$40,000,000
Refresh Commonwealth Link to Interoperable Communications (COMLINC) System	18415	C-34.20	\$5,844,000
Department of General Services (194)			
Monroe Building Critical Systems Replacements	18368	C-1	\$13,600,000
Security Improvements for North Drive	18420	C-1.10	\$2,000,000
Capitol Complex Infrastructure and Security	18081	C-51.50	\$11,820,000
Virginia School for the Deaf and the Blind (218)			
Make System Infrastructure Repairs and Improvements	18370	C-3	\$2,000,000
Expand Emergency Generator System	18417	C-3.10	\$1,017,000
Department of Behavioral Health and Developmental Services (720)			
Address Patient and Staff Safety Issues at State Facilities	18365	C-23	\$9,400,000
Total VPBA Bonds			\$91,681,000
			\$94,931,000

C-51. Not set out.

C-51.50 Not set out.

Total for Central Capital Outlay.....		\$501,903,936		\$966,954,436
				\$1,012,977,172

Fund Sources: General.....	\$0	\$830,000	
Special.....	\$3,000,000	\$10,516,000	
Higher Education Operating.....	\$0	\$20,000,000	
Bond Proceeds.....	\$498,903,936	\$935,608,436	\$981,631,172

C-52. Not set out.

ITEM C-52.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
C-53.	<p>1. This Item authorizes the capital projects listed below to be financed pursuant to Article X, Section 9(d), Constitution of Virginia.</p> <p>2. The appropriations for said capital projects are contained in the appropriation Items listed below and are subject to the conditions in § 2-0 F of this act.</p> <p>3. The total amount listed in this Item includes \$224,694,000 \$247,889,000 in bond proceeds.</p>			
	Agency Name/ Project Title	Item #	Project Code	Section 9(d) Bonds
	College of William and Mary (204)			
	Construct the Sadler Center West Addition	C-4	18360	\$37,742,000
	University of Virginia (208 207)			
	Renovate Gilmer Hall and Chemistry Building	C-13	18082	\$31,441,000
	<i>Renew Alderman Library</i>	C-13.05	18331	\$13,695,000
	Virginia Polytechnic Institute and State University (208)			
	Renovate O'Shaughnessy Hall	C-17	18356	\$12,634,000
	<i>Improve Student Wellness Center</i>	C-18	18357	\$59,190,000
	Construct VT Carilion Research Institute Biosciences Addition	C-19	18269	\$17,765,000
	Renovate Dietrick Hall, First Floor and Plaza	C-20	18358	\$5,800,000
	Virginia Military Institute (211)			
	Turman House Renovations	C-14	18361	\$2,500,000
	Expand / Improve Clarkson- McKenna Press Box	C-16.20	18388	\$1,500,000
	University of Mary Washington (215)			
	Renovate Residence Halls-- Phase II	C-12	18362	\$24,500,000
	Old Dominion University (221)			
	Construct Student Health and Wellness Addition	C-11.20	18407	\$9,200,000
	Virginia Commonwealth University (236)			
	Construct School of Engineering Research Expansion	C-13.20	18243	\$6,541,000
	George Mason University (247)			
	Construct Utilities Distribution Infrastructure	C-6	18208	\$5,381,000
	Central Capital Outlay (949)			
	Parking Deck Repairs--Higher	C-49.20	18422	\$20,000,000

ITEM C-53.	Item Details(\$)		Appropriations(\$)	
	First Year FY2019	Second Year FY2020	First Year FY2019	Second Year FY2020
Ed Institutions				
Total for Nongeneral Fund			\$224,694,000	
Obligation Bonds 9(d)			\$247,889,000	
Total for 9(D) Revenue Bonds.....			\$0	\$0
TOTAL FOR CENTRAL APPROPRIATIONS.....			\$501,903,936	\$966,954,436 <i>\$1,012,977,172</i>
Fund Sources: General.....	\$0	\$830,000		
Special.....	\$3,000,000	\$10,516,000		
Higher Education Operating.....	\$0	\$20,000,000		
Bond Proceeds.....	\$498,903,936	\$935,608,436 <i>\$981,631,172</i>		
TOTAL FOR EXECUTIVE DEPARTMENT.....			\$1,256,418,702	\$1,545,272,600 <i>\$1,625,860,336</i>
Fund Sources: General.....	\$1,548,000	\$3,156,000 <i>\$3,276,000</i>		
Special.....	\$68,586,335	\$75,274,500		
Higher Education Operating.....	\$50,925,000	\$156,873,000 <i>\$160,873,000</i>		
Commonwealth Transportation.....	\$3,010,000	\$33,000,000		
Dedicated Special Revenue.....	\$6,951,431	\$12,750,000		
Federal Trust.....	\$12,500,000	\$20,949,664		
Bond Proceeds.....	\$1,112,897,936	\$1,243,269,436 <i>\$1,319,737,172</i>		
INDEPENDENT AGENCIES				
C-54. Not set out.				
TOTAL FOR INDEPENDENT AGENCIES.....			\$1,250,000	\$0
Fund Sources: Special.....	\$1,212,780	\$0		
Dedicated Special Revenue.....	\$37,220	\$0		
TOTAL FOR PART 2: CAPITAL PROJECT EXPENSES.....			\$1,257,668,702	\$1,545,272,600 <i>\$1,625,860,336</i>
Fund Sources: General.....	\$1,548,000	\$3,156,000 <i>\$3,276,000</i>		
Special.....	\$69,799,115	\$75,274,500		
Higher Education Operating.....	\$50,925,000	\$156,873,000 <i>\$160,873,000</i>		
Commonwealth Transportation.....	\$3,010,000	\$33,000,000		
Dedicated Special Revenue.....	\$6,988,651	\$12,750,000		
Federal Trust.....	\$12,500,000	\$20,949,664		
Bond Proceeds.....	\$1,112,897,936	\$1,243,269,436 <i>\$1,319,737,172</i>		

PART 3: MISCELLANEOUS
§ 3-1.00 TRANSFERS

§ 3-1.01 INTERFUND TRANSFERS

A.1. In order to reimburse the general fund of the state treasury for expenses herein authorized to be paid therefrom on account of the activities listed below, the State Comptroller shall transfer the sums stated below to the general fund from the nongeneral funds specified, except as noted, on January 1 of each year of the current biennium. Transfers from the Alcoholic Beverage Control Enterprise Fund to the general fund shall be made four times a year, and such transfers shall be made within fifty (50) days of the close of the quarter. The payment for the fourth quarter of each fiscal year shall be made in the month of June.

	FY 2019	FY 2020
1. Alcoholic Beverage Control Enterprise Fund (§ 4.1-116, Code of Virginia)		
a) For expenses incurred for care, treatment, study and rehabilitation of alcoholics by the Department of Behavioral Health and Developmental Services and other state agencies (from Alcoholic Beverage Control gross profits)	\$65,375,769	\$65,375,769
b) For expenses incurred for care, treatment, study and rehabilitation of alcoholics by the Department of Behavioral Health and Developmental Services and other state agencies (from gross wine liter tax collections as specified in § 4.1-234, Code of Virginia)	\$9,141,363	\$9,141,363
2. Forest Products Tax Fund (§ 58.1-1609, Code of Virginia)	\$23,613	\$23,613
For collection by Department of Taxation		
3. Peanut Fund (§3.2-1906, Code of Virginia)	\$2,419	\$2,419
4. For collection by Department of Taxation		
a) Aircraft Sales & Use Tax (§ 58.1-1509, Code of Virginia)	\$39,169	\$39,169
b) Soft Drink Excise Tax	\$1,596	\$1,596
c) Virginia Litter Tax	\$9,472	\$9,472
5. Proceeds of the Tax on Motor Vehicle Fuels		
For inspection of gasoline, diesel fuel and motor oils	\$97,586	\$97,586
6. Virginia Retirement System (Trust and Agency)		
For postage by the Department of the Treasury	\$34,500	\$34,500
7. Alcoholic Beverage Control Authority (Enterprise)		
For services by the:		
a) Auditor of Public Accounts	\$75,521	\$75,521
b) Department of Accounts	\$64,607	\$64,607
c) Department of the Treasury	\$47,628	\$47,628

8. Commission on the Virginia Alcohol Safety Action Program (Special)

For expenses incurred for care, treatment, study and rehabilitation of alcoholics by the Department of Behavioral Health and Developmental Services and other state agencies \$325,000 \$0
\$400,000

TOTAL

\$75,238,243 **\$74,913,243**
\$75,313,243

2.a. Transfers of net profits from the Alcoholic Beverage Control Enterprise Fund to the general fund shall be made four times a year, and such transfers shall be made within fifty (50) days of the close of each quarter. The transfer of fourth quarter profits shall be estimated and made in the month of June. In the event actual net profits are less than the estimate transferred in June, the difference shall be deducted from the net profits of the next quarter and the resulting sum transferred to the general fund. Distributions to localities shall be made within fifty (50) days of the close of each quarter. Net profits are estimated at \$115,600,000 the first year and ~~\$120,128,892~~ \$124,800,000 the second year.

b. Notwithstanding the provisions of § 4.1-116 B, Code of Virginia, the Alcoholic Beverage Control Authority shall properly record the depreciation of all depreciable assets, including approved projects, property, plant and equipment. The State Comptroller shall be notified of the amount of depreciation costs recorded by the Alcoholic Beverage Control Authority. However, such depreciation costs shall not be the basis for reducing the quarterly transfers needed to meet the estimated profits contained in this act.

B.1. If any transfer to the general fund required by any subsections of §§ 3-1.01 through 3-6.02 is subsequently determined to be in violation of any federal statute or regulation, or Virginia constitutional requirement, the State Comptroller is hereby directed to reverse such transfer and to return such funds to the affected nongeneral fund account.

2. There is hereby appropriated from the applicable funds such amounts as are required to be refunded to the federal government for mutually agreeable resolution of internal service fund over-recoveries as identified by the U. S. Department of Health and Human Services' review of the annual Statewide Indirect Cost Allocation Plans.

C. In order to fund such projects for improvement of the Chesapeake Bay and its tributaries as provided in § 58.1-2289 D, Code of Virginia, there is hereby transferred to the general fund of the state treasury the amounts listed below. From these amounts \$2,583,531 the first year and \$2,583,531 the second year shall be deposited to the Virginia Water Quality Improvement Fund pursuant to § 10.1-2128.1, Code of Virginia, and designated for deposit to the reserve fund, for ongoing improvements of the Chesapeake Bay and its tributaries. The Department of Motor Vehicles shall be responsible for effecting the provisions of this paragraph. The amounts listed below shall be transferred on June 30 of each fiscal year.

154	Department of Motor Vehicles	\$10,000,000	\$10,000,000
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D. The provisions of Chapter 6 of Title 58.1, Code of Virginia notwithstanding, the State Comptroller shall transfer to the general fund from the special fund titled "Collections of Local Sales Taxes" a proportionate share of the costs attributable to increased local sales and use tax compliance efforts, the Property Tax Unit, and State Land Evaluation Advisory Committee (SLEAC) services by the Department of Taxation estimated at \$6,208,652 the first year and ~~\$6,208,652~~ \$6,202,002 the second year.

E. The State Comptroller shall transfer to the general fund from the Transportation Trust Fund a proportionate share of the costs attributable to increased sales and use tax compliance efforts and revenue forecasting for the Transportation Trust Fund by the Department of Taxation estimated at \$3,010,852 the first year and ~~\$3,010,852~~ \$2,993,308 the second year.

F.1. On or before June 30 of each year, the State Comptroller shall transfer \$12,965,823 the first year and \$12,965,823 the second year to the general fund the following amounts from the agencies and fund sources listed below, for expenses incurred by central service agencies:

Agency Name	Fund Group	FY 2019	FY 2020
Administration of Health Insurance (149)	0500	\$558,986	\$558,986
Department of Agriculture & Consumer Services (301)	0200	\$1,847	\$1,847
Department of Forestry (411)	0200	\$48,576	\$48,576

Department of Forestry (411)	0900	\$297	\$297
Board of Accountancy (226)	0900	\$11,302	\$11,302
Department of Housing and Community Develop. (165)	0900	\$306	\$306
Department of Labor and Industry (181)	0200	\$7,404	\$7,404
Department of Professional & Occupational Regulations (222)	0200	\$8,513	\$8,513
Southwest Virginia Higher Ed. Center (948)	0200	\$9,535	\$9,535
Virginia Museum of Fine Arts (238)	0200	\$24,516	\$24,516
Virginia Museum of Fine Arts (238)	0500	\$19,470	\$19,470
Department for the Deaf and Hard-Of-Hearing (751)	0200	\$13,975	\$13,975
Department of Behavioral Health and Developmental Services (720)	0200	\$99,048	\$99,048
Department of Health (601)	0900	\$152,263	\$152,263
Department for Aging and Rehabilitative Services (262)	0200	\$85,374	\$85,374
Virginia for Health Youth Foundation (852)	0900	\$23,052	\$23,052
State Corporation Commission (171)	0900	\$10,928	\$10,928
Virginia College Savings Plan (174)	0500	\$380,986	\$380,986
Board of Bar Examiners (233)	0200	\$5,155	\$5,155
Supreme Court (111)	0900	\$343,043	\$343,043
Virginia State Bar (117)	0900	\$56,836	\$56,836
Department of Conservation and Recreation (199)	0200	\$206,500	\$206,500

Department of Conservation and Recreation (199)	0900	\$47,612	\$47,612
Department of Game and Inland Fisheries (403)	0900	\$315,439	\$315,439
Department of Historic Resources (423)	0900	\$144	\$144
Marine Resources Commission (402)	0200	\$26,282	\$26,282
Marine Resources Commission (402)	0900	\$8,205	\$8,205
Virginia Museum of Natural History (942)	0200	\$4,460	\$4,460
Alcoholic Beverage Control Authority (999)	0500	\$169	\$169
Department of Criminal Justice Services (140)	0200	\$72,779	\$72,779
Department of Criminal Justice Services (140)	0900	\$64,195	\$64,195
Department of Fire Programs (960)	0200	\$124,615	\$124,615
Department of State Police (156)	0200	\$84,399	\$84,399
Department of Military Affairs (123)	0900	\$13,123	\$13,123
Division of Community Corrections (767)	0900	\$12,874	\$12,874
Innovation & Entrepreneurship Investment Authority (934)	0900	\$15,383	\$15,383
Department of Aviation (841)	0400	\$94,028	\$94,028
Department of Motor Vehicles (154)	0400	\$3,728,268	\$3,728,268
Department of Rail & Public Transportation (505)	0400	\$680,556	\$680,556
Department of Transportation (501)	0400	\$5,338,860	\$5,338,860
Motor Vehicle Dealer Board (506)	0200	\$15,065	\$15,065
Virginia Port Authority (407)	0200	\$170,539	\$170,539
Virginia Port Authority	0400	\$80,916	\$80,916

(407)

\$12,965,823

\$12,965,823

2. Following the transfers authorized in paragraph F.1. of this section in the second year, the State Comptroller shall transfer \$2,787,795 back to the Department of Motor Vehicles to replace the anticipated loss of driving privilege reinstatement fee revenue.

G.1. The State Comptroller shall transfer to the Lottery Proceeds Fund established pursuant to § 58.1-4022.1, Code of Virginia, an amount estimated at \$632,398,647 the first year and ~~\$628,830,501~~\$613,449,864 the second year, from the Virginia Lottery Fund. The transfer each year shall be made in two parts: (1) on or before January 1 of each year, the State Comptroller shall transfer the balance of the Virginia Lottery Fund for the first five months of the fiscal year and (2) thereafter, the transfer will be made on a monthly basis, or until the amount estimated at \$632,398,647 the first year and ~~\$628,830,501~~\$613,449,864 the second year has been transferred to the Lottery Proceeds Fund. Prior to June 20 of each year, the Virginia Lottery Executive Director shall estimate the amount of profits in the Virginia Lottery Fund for the month of June and shall notify the State Comptroller so that the estimated profits can be transferred to the Lottery Proceeds Fund prior to June 22.

2. No later than 10 days after receipt of the annual audit report required by § 58.1-4022.1, Code of Virginia, the State Comptroller shall transfer to the Lottery Proceeds Fund the remaining audited balances of the Virginia Lottery Fund for the prior fiscal year. If such annual audit discloses that the actual revenue is less than the estimate on which the June transfer was based, the State Comptroller shall adjust the next monthly transfer from the Virginia Lottery Fund to account for the difference between the actual revenue and the estimate transferred to the Lottery Proceeds Fund. The State Comptroller shall take all actions necessary to effect the transfers required by this paragraph, notwithstanding the provisions of § 58.1-4022, Code of Virginia. In preparing the Comprehensive Annual Financial Report, the State Comptroller shall report the Lottery Proceeds Fund as specified in § 58.1-4022.1, Code of Virginia.

H.1. The State Treasurer is authorized to charge up to 20 basis points for each nongeneral fund account which he manages and which receives investment income. The assessed fees, which are estimated to generate \$3,000,000 the first year and \$3,000,000 the second year, will be based on a sliding fee structure as determined by the State Treasurer. The amounts shall be paid into the general fund of the state treasury.

2.a. The State Treasurer is authorized to charge institutions of higher education participating in the pooled bond program of the Virginia College Building Authority an administrative fee of up to 10 basis points of the amount financed for each project in addition to a share of direct costs of issuance as determined by the State Treasurer. Such amounts collected from the public institutions of higher education, which are estimated to generate \$100,000 the first year and \$100,000 the second year, shall be paid into the general fund of the state treasury.

3. The State Treasurer is authorized to charge agencies, institutions and all other entities that utilize alternative financing structures and require Treasury Board approval, including capital lease arrangements, up to 10 basis points of the amount financed in addition to a share of direct costs of issuance as determined by the State Treasurer. Such amounts collected shall be paid into the general fund of the state treasury.

4. The State Treasurer is authorized to charge projects financed under Article X, Section 9(c) of the Constitution of Virginia, an administrative fee of up to 10 basis points of the amount financed for each project in addition to a share of direct costs of issuance as determined by the State Treasurer. Such amounts collected are estimated to generate \$50,000 the first year and \$50,000 the second year, and shall be paid into the general fund of the state treasury.

I. The State Comptroller shall transfer to the general fund of the state treasury 50 percent of the annual reimbursement received from the Manville Property Damage Settlement Trust for the cost of asbestos abatement at state-owned facilities. The balance of the reimbursement shall be transferred to the state agencies that incurred the expense of the asbestos abatement.

J. The State Comptroller shall transfer to the general fund from the Revenue Stabilization Fund in the state treasury any amounts in excess of the limitation specified in § 2.2-1829, Code of Virginia.

K.1. Not later than 30 days after the close of each quarter during the biennium, the State Comptroller shall transfer, notwithstanding the allotment specified in § 58.1-1410, Code of Virginia, funds collected pursuant to § 58.1-1402, Code of Virginia, from the general fund to the Game Protection Fund. This transfer shall not exceed \$4,500,000 the first year and \$4,500,000 the second year.

2. Notwithstanding the provisions of subparagraph K.1. above, the Governor may, at his discretion, direct the State Comptroller to transfer to the Game Protection Fund, any funds collected pursuant to § 58.1-1402, Code of Virginia, that are in excess of the official revenue forecast for such collections.

L.1. On or before June 30 each year, the State Comptroller shall transfer from the general fund to the Family Access to Medical Insurance Security Plan Trust Fund the amount required by § 32.1-352, Code of Virginia. This transfer shall not exceed \$14,065,627 the first year and \$14,065,627 the second year. The State Comptroller shall transfer 90 percent of the yearly

estimated amounts to the Trust Fund on July 15 of each year.

2. Notwithstanding any other provision of law, interest earnings shall not be allocated to the Family Access to Medical Insurance Security Plan Trust Fund (agency code 602, fund detail 0903) in either the first year or the second year of the biennium.

M. Not later than thirty days after the close of each quarter during the biennium, the State Comptroller shall transfer to the Game Protection Fund the general fund revenues collected pursuant to § 58.1-638 E, Code of Virginia. Notwithstanding § 58.1-638 E, this transfer shall not exceed \$11,000,000 the first year and \$11,000,000 the second year. Notwithstanding § 58.1-638 E, on or before June 30 of the first year and June 30 of the second year, the State Comptroller shall transfer to the Virginia Port Authority \$1,350,000 of the general fund revenues collected pursuant to § 58.1-638 E, Code of Virginia, to enhance and improve recreation opportunities for boaters, including but not limited to land acquisition, capital projects, maintenance, and facilities for boating access to the waters of the Commonwealth pursuant to the provisions of Senate Bill 693, 2018 Session of the General Assembly.

N.1. On or before June 30 each year, the State Comptroller shall transfer from the Tobacco Indemnification and Community Revitalization Fund to the general fund an amount estimated at \$244,268 the first year and \$244,268 the second year. This amount represents the Tobacco Indemnification and Community Revitalization Commission's 50 percent proportional share of the Office of the Attorney General's expenses related to the enforcement of the 1998 Tobacco Master Settlement Agreement and § 3.2-4201, Code of Virginia.

2. On or before June 30 each year, the State Comptroller shall transfer from the Tobacco Settlement Fund to the general fund an amount estimated at \$48,854 the first year and \$48,854 the second year. This amount represents the Tobacco Settlement Foundation's ten percent proportional share of the Office of the Attorney General's expenses related to the enforcement of the 1998 Tobacco Master Settlement Agreement and § 3.2-4201, Code of Virginia.

O. On or before June 30 each year, the State Comptroller shall transfer to the general fund \$3,000,000 the first year and ~~\$3,000,000~~ \$2,400,000 the second year from the Court Debt Collection Program Fund at the Department of Taxation.

P. On or before June 30 each year, the State Comptroller shall transfer to the general fund \$7,400,000 the first year and \$7,400,000 the second year from the Department of Motor Vehicles' Uninsured Motorists Fund. These amounts shall be from the share that would otherwise have been transferred to the State Corporation Commission.

Q. On or before June 30 each year, the State Comptroller shall transfer an amount estimated at \$5,000,000 the first year and an amount estimated at \$5,000,000 the second year to the general fund from the Intensified Drug Enforcement Jurisdictions Fund at the Department of Criminal Justice Services.

R. On or before June 30 each year, the State Comptroller shall transfer to the general fund \$3,364,585 the first year and \$3,864,585 the second year from operating efficiencies to be implemented by the Alcoholic Beverage Control Authority.

S.1. The State Comptroller shall transfer quarterly, one-half of the revenue received pursuant to § 18.2-270.01, of the Code of Virginia, and consistent with the provisions of § 3-6.03 of this act, to the general fund in an amount not to exceed \$8,055,000 the first year; ~~and \$1,859,900 the second year~~ from the Trauma Center Fund contained in the Department of Health's Financial Assistance for Non Profit Emergency Medical Services Organizations and Localities (40203).

2. *On or before June 30 in the second year, the State Comptroller shall transfer \$5,000,000 from the general fund to the Trauma Center Fund contained in the Department of Health's Financial Assistance for Non Profit Emergency Medical Services Organizations and Localities (40203).*

T. On or before June 30 each year, the State Comptroller shall transfer \$600,000 the first year and \$466,600 the second year to the general fund from the Land Preservation Fund (Fund 0216) at the Department of Taxation.

U. Unless prohibited by federal law or regulation or by the Constitution of Virginia and notwithstanding any contrary provision of state law, on June 30 of each fiscal year, the State Comptroller shall transfer to the general fund of the state treasury the cash balance from any nongeneral fund account that has a cash balance of less than \$100. This provision shall not apply to institutions of higher education, bond proceeds, or trust accounts. The State Comptroller shall consult with the Director of the Department of Planning and Budget in implementing this provision and, for just cause, shall have discretion to exclude certain balances from this transfer or to restore certain balances that have been transferred.

V.1. The Brunswick Correctional Center operated by the Department of Corrections shall be sold. The Commonwealth may enter into negotiations with (1) the Virginia Tobacco Indemnification and Community Revitalization Commission, (2) regional local governments, and (3) regional industrial development authorities for the purchase of this property as an economic development site.

2. Notwithstanding the provisions of § 2.2-1156, Code of Virginia or any other provisions of law, the proceeds of the sale of the Brunswick Correctional Center shall be paid into the general fund.

W. On a monthly basis, in the month subsequent to collection, the State Comptroller shall transfer all amounts collected for the fund created pursuant to § 17.1-275.12 of the Code of Virginia, to Items 344, 395, and 420 of this act, for the purposes enumerated in Section 17.1-275.12.

X. On or before June 30 each year, the State Comptroller shall transfer \$10,518,587 the first year and \$10,518,587 the second year to the general fund from the \$2.00 increase in the annual vehicle registration fee from the special emergency medical services fund contained in the Department of Health's Emergency Medical Services Program (40200).

Y. The provisions of Chapter 6.2, Title 58.1, Code of Virginia, notwithstanding, on or before June 30 each year the State Comptroller shall transfer to the general fund from the proceeds of the Virginia Communications Sales and Use Tax (fund 0926), the Department of Taxation's indirect costs of administering this tax estimated at \$106,451 the first year and \$106,451 the second year.

Z. Any amount designated by the State Comptroller from the June 30, 2018, or June 30, 2019, general fund balance for transportation pursuant to § 2.2-1514B., Code of Virginia, is hereby appropriated.

AA. The Department of General Services, with the cooperation and support of the Department of Behavioral Health and Developmental Services, is authorized to sell to Virginia Electric and Power Company, a Virginia corporation d/b/a Dominion Virginia Power, for such consideration as the Governor may approve, a parcel of land containing approximately 15 acres along the northern property line of Southside Virginia Training Center. After deduction of the expenses incurred by the Department of General Services in the sale of the property, the proceeds of the sale shall be deposited to the Behavioral Health and Developmental Services Trust Fund established pursuant to § 37.2-318, Code of Virginia. Any conveyance shall be approved by the Governor or his designee in the manner set forth in § 2.2-1150, Code of Virginia.

BB. On or before June 30, of each fiscal year, the State Comptroller shall transfer to the State Health Insurance Fund (Fund 06200) the balance from the Administration of Health Benefits Services Fund (Fund 06220) at the Department of Human Resource Management.

CC. The Department of General Services is authorized to dispose of the following property currently owned by the Department of Corrections in the manner it deems to be in the best interests of the Commonwealth: Pulaski Correctional Center and White Post Detention and Diversion Center. Such disposal may include sale or transfer to other agencies or to local government entities. Notwithstanding the provisions of § 2.2-1156, Code of Virginia, the proceeds from the sale of all or any part of the properties shall be deposited into the general fund no later than June 30, 2018 .

DD. The State Comptroller shall deposit an additional \$300,000 to the general fund on or before June 30, 2019, and an additional \$800,000 to the general fund on or before June 30, 2020, from the fees generated by the Firearms Transaction and Concealed Weapons Permit Programs at the Department of State Police.

EE.1. On or before June 30 each year, the State Comptroller shall transfer \$4,414,446 the first year and \$273,627 the second year to the general fund from agency nongeneral funds, as detailed below, to fund a portion of the nongeneral share of costs for the expedited repayment of deferred contributions to the Virginia Retirement System authorized in Chapter 732, 2016 Acts of Assembly.

Agency Name	Fund Detail	FY 2019	FY 2020
Supreme Court (111)	02800	\$13,506	
Virginia State Bar (117)	09117	\$132,793	
Department of Emergency Management (127)	02870	\$17,828	
Department of Motor Vehicles (154)	04540	\$417,507	
Department of Motor Vehicles (154)	04100	\$31,425	
Wilson Workforce and Rehabilitation Center (203)	02203	\$92,218	\$92,217
Board of Bar Examiners (233)	02233	\$11,896	
Department for Aging and Rehabilitative Services (262)	02262	\$4,665	\$4,667
Department for Aging	02800	\$53,670	\$53,670

and Rehabilitative
Services (262)

Department of Environmental Quality (440)	02149	\$63
Department of Environmental Quality (440)	02440	\$420
Department of Environmental Quality (440)	02450	\$309
Department of Environmental Quality (440)	02800	\$6,575
Department of Environmental Quality (440)	05100	\$5048
Department of Environmental Quality (440)	09024	\$1,622
Department of Environmental Quality (440)	09042	\$5
Department of Environmental Quality (440)	09060	\$34
Department of Environmental Quality (440)	09070	\$47
Department of Environmental Quality (440)	09080	\$873
Department of Environmental Quality (440)	09110	\$1,682
Department of Environmental Quality (440)	09190	\$914
Department of Environmental Quality (440)	09143	\$2,891
Department of Environmental Quality (440)	09250	\$10
Department of Environmental Quality (440)	09640	\$454
Department of Health (601)	02000	\$163,259
Department of Health (601)	02030	\$3,873
Department of Health (601)	02063	\$7,577
Department of Health (601)	02110	\$17,839
Department of Health (601)	02130	\$100,099

Department of Health (601)	02150	\$3,927	
Department of Health (601)	02260	\$2,400	
Department of Health (601)	02480	\$112,729	
Department of Health (601)	02800	\$1,707,240	
Department of Health (601)	09013	\$51,751	
Department of Health (601)	09100	\$3,927	
Department of Health (601)	09312	\$23,326	
Department for the Blind and Vision Impaired (702)	05910	\$32,019	\$32,019
Department of Social Services (765)	02022	\$39,869	\$39,870
Department of Social Services (765)	02043	\$39,869	\$39,870
Department of Juvenile Justice (777)	02777	\$9,389	
Department of Corrections (799)	02711	\$147,786	
Department of Corrections (799)	02320	\$23,995	
Department of Corrections (799)	09530	\$68,864	
Virginia Foundation for Healthy Youth (852)	09430	\$11,313	\$11,314
Commonwealth's Attorneys' Services Council (957)	02957	\$561	
Department of Fire Programs (960)	02180	\$44,614	
Alcoholic Beverage Control Authority (999)	05001	\$1,001,765	
		\$4,414,446	\$273,627

2. Out of the amounts listed above, the Comptroller shall transfer into the Federal Repayment Reserve Fund an amount estimated to be sufficient to pay the federal government in anticipation of a federal repayment resulting from transfers from internal service funds identified in this list. The State Comptroller shall notify the Director, Department of Planning and Budget of the final federal repayment transfer amount prior to making the transfer into the Federal Repayment Reserve Fund.

FF. On or before June 30, of each fiscal year, the State Comptroller shall transfer to the Health Insurance Fund - Local (Fund 05200) at the Administration of Health Insurance the balance from the Administration of Local Benefits Services Fund (Fund 05220) at the Department of Human Resource Management.

GG. On or before June 30, of each fiscal year, the State Comptroller shall transfer to the Line of Duty Death and Health Benefits Trust Fund (Fund 07420) at the Administration of Health Insurance the balance from the Administration of Health Benefits Payment - LODA Fund (Fund 07422) at the Department of Human Resource Management.

HH. On or before June 30, of each fiscal year, the State Comptroller shall transfer \$154,743 from Special Funds of the Department of Behavioral Health and Developmental Services (720) to Special Funds at the Office of the State Inspector General (147).

II. The Department of General Services, with the cooperation and support of the Department of Agriculture and Consumer Services, is authorized to sell, for such consideration and the Governor may approve, a portion of the Eastern Shore Farmers Market, including the Market Office Building at 18491 Garey Road and the Produce Warehouse at 18513 Garey Road, Melfa, Virginia 23410. Notwithstanding the provisions of § 2.2-1156, Code of Virginia, the proceeds from the sale shall first be applied toward remediation options under federal tax law of any outstanding tax-exempt bonds on the property. After deduction of the expenses incurred by the Department of Agriculture and Consumer Services, any proceeds that remain shall be deposited to the general fund no later than June 30, 2020. Any conveyance shall be approved by the Governor in a manner set forth in §2.2-1150, Code of Virginia.

JJ. On or before June 30 of each fiscal year, the State Comptroller shall transfer to the general fund the portion of the ~~balance~~ *balances* of the Disaster Recovery Fund (Fund 02460) and *Covid-19 Addtl State Funding (Fund 02019)* at the Virginia Department of Emergency Management that was received as a federal cost recovery. The amounts transferred represent repayment of the sum sufficient fund originally appropriated for federally-declared emergencies. The Department of Emergency Management shall report to the State Comptroller the amount of the balance to be transferred by June 1 of each year.

KK. Notwithstanding the provisions of subsection A of § 58.1-662, Code of Virginia, and in addition to clause (i) and (ii) of that subsection, monies in the Communications Sales and Use Tax Trust Fund shall not be allocated to the Commonwealth's counties, cities, and towns until after an amount equal to \$2,000,000 the first year is allocated to the general fund. The State Comptroller shall deposit to the general fund \$2,000,000 on or before June 30, 2019 and an additional \$2,000,000 on or before June 30, 2020 from the revenues received from the Communications Sales and Use Tax.

LL. As required by §4-1.05 b of Chapter 2, 2018 Special Session I, \$168,434 in various inactive nongeneral fund accounts were reverted by the State Comptroller to the general fund in the first year *and \$38,816 in the second year.*

MM. The transfer of excess amounts in the Regulatory, Consumer Advocacy, Litigation, and Enforcement Revolving Trust Fund to the general fund pursuant to Item 58 of this act is estimated at \$14,000,000 the first year and ~~\$500,000~~ *\$5,902,740* the second year.

NN. Notwithstanding any other provision of law, on or before June 30, of the second year, the State Comptroller shall transfer all remaining balances, estimated at \$23,000,000, to the general fund from the Taxpayer Relief Fund established pursuant to Enactment 5 of Chapter 17 and 18, 2019 Acts of Assembly.

OO. On or before June 30, 2020, the State Comptroller shall transfer to the general fund an amount estimated at \$12,706,315 from Special Fund balances of the Virginia Growth and Opportunity Fund.

§ 3-1.02 INTERAGENCY TRANSFERS

The Virginia Department of Transportation shall transfer, from motor fuel tax revenues, \$388,254 the first year and \$388,254 the second year to the Department of General Services for motor fuels testing.

§ 3-1.03 SHORT-TERM ADVANCE TO THE GENERAL FUND FROM NONGENERAL FUNDS

A. To meet the occasional short-term cash needs of the general fund during the course of the year when cumulative year-to-date disbursements exceed temporarily cumulative year-to-date revenue collections, the State Comptroller is authorized to draw cash temporarily from nongeneral fund cash balances deemed to be available, although special dedicated funds related to commodity boards are exempt from this provision. Such cash drawdowns shall be limited to the amounts immediately required by the general fund to meet disbursements made in pursuance of an authorized appropriation. However, the amount of the cash drawdown from any particular nongeneral fund shall be limited to the excess of the cash balance of such fund over the amount otherwise necessary to meet the short-term disbursement requirements of that nongeneral fund. The State Comptroller will ensure that those funds will be replenished in the normal course of business.

B. In the event that nongeneral funds are not sufficient to compensate for the operating cash needs of the general fund, the State Treasurer is authorized to borrow, temporarily, required funds from cash balances within the Transportation Trust Fund, where such trust fund balances, based upon assessments provided by the Commonwealth Transportation Commissioner, are not otherwise needed to meet the short-term disbursement needs of the Transportation Trust Fund, including any debt service and debt coverage needs, over the life of the borrowing. In addition, the State Treasurer shall ensure that such borrowings are consistent with the terms and conditions of all bond documents, if any, that are relevant to the Transportation Trust Fund.

C. The Secretary of Finance, the State Treasurer and the Commonwealth Transportation Commissioner shall jointly agree on the amounts of such interfund borrowings. Such borrowed amounts shall be repaid to the Transportation Trust Fund at the earliest practical time when they are no longer needed to meet short-term cash needs of the general fund, provided, however, that such borrowed amounts shall be repaid within the biennium in which they are borrowed. Interest shall accrue daily at the rate per annum equal to the then current one-year United States Treasury Obligation Note rate.

D. Any temporary loan shall be evidenced by a loan certificate duly executed by the State Treasurer and the Commonwealth Transportation Commissioner specifying the maturity date of such loan and the annual rate of interest. Prepayment of temporary

loans shall be without penalty and with interest calculated to such prepayment date. The State Treasurer is authorized to make, at least monthly, interest payments to the Transportation Trust Fund.

§ 3-2.00 WORKING CAPITAL FUNDS AND LINES OF CREDIT

§ 3-2.01 ADVANCES TO WORKING CAPITAL FUNDS

- A. The State Comptroller shall make available to the Virginia Racing Commission, on July 1 of each year, the amount of \$125,000 from the general fund as a temporary cash flow advance, to be repaid by December 30 of each year.
- B. The State Comptroller shall provide a Working Capital Advance for up to \$11,553,000 to the Department of Veterans Services, on July 1 of the second year, to operate the Puller and Jones & Cabacoy Veterans Care Centers, to be repaid from revenue generated by the facilities.

§ 3-2.02 CHARGES AGAINST WORKING CAPITAL FUNDS

The State Comptroller may periodically charge the appropriation of any state agency for the expenses incurred for services received from any program financed and accounted for by working capital funds. Such charge may be made upon receipt of such documentation as in the opinion of the State Comptroller provides satisfactory evidence of a claim, charge or demand against the appropriations made to any agency. The amounts so charged shall be recorded to the credit of the appropriate working capital fund accounts. In the event any portion of the charge so made shall be disputed, the amount in dispute may be restored to the agency appropriation by direction of the Governor.

§ 3-2.03 LINES OF CREDIT

a. The State Comptroller shall provide lines of credit to the following agencies, not to exceed the amounts shown:

Administration of Health Insurance, Health Benefits Services	\$75,000,000
Administration of Health Insurance, Line of Duty Act	\$10,000,000
Department of Accounts, for the Payroll Service Bureau	\$400,000
Department of Accounts, Transfer Payments	\$5,250,000
Alcoholic Beverage Control Authority	\$60,000,000
Department of Corrections, for Virginia Correctional Enterprises	\$1,000,000
Department of Corrections, for Educational Grant Processing	300,000
Department of Emergency Management	\$150,000
Department of Environmental Quality	\$5,000,000
Department of Human Resource Management, for the Workers' Compensation Self Insurance Trust Fund	\$10,000,000
Department of Behavioral Health and Developmental Services	\$30,000,000
Department of Medical Assistance Services, for the Virginia Health Care Fund	\$12,000,000
Department of Motor Vehicles	\$5,000,000
Department of the Treasury, for the Unclaimed Property Trust Fund	\$5,000,000
Department of the Treasury, for the State Insurance Reserve Trust Fund	\$25,000,000
Virginia Lottery	\$40,000,000 \$56,000,000
Virginia Information Technologies Agency	\$165,000,000
Virginia Tobacco Settlement Foundation	\$3,000,000
Department of Historic Resources	\$600,000
Department of Fire Programs	\$30,000,000
Compensation Board	\$8,000,000
Department of Conservation and Recreation	\$4,000,000
Department of Military Affairs, for State Active Duty	\$5,000,000
Department of Military Affairs, for Federal Cooperative Agreements	\$21,000,000
Innovation and Entrepreneurship Authority	\$2,500,000
Department of Motor Vehicles	\$10,500,000

Virginia Parole Board

\$50,000

b. The State Comptroller shall execute an agreement with each agency documenting the procedures for the line of credit, including, but not limited to, applicable interest and the method for the drawdown of funds. The provisions of § 4-3.02 b of this act shall not apply to these lines of credit.

c. The State Comptroller, in conjunction with the Departments of General Services and Planning and Budget, shall establish guidelines for agencies and institutions to utilize a line of credit to support fixed and one-time costs associated with implementation of office space consolidation, relocation and/or office space co-location strategies, where such line of credit shall be repaid by the agency or institution based on the cost savings and efficiencies realized by the agency or institution resulting from the consolidation and/or relocation. In such cases the terms of office space consolidation or co-location strategies shall be approved by the Secretary of Administration, in consultation with the Secretary of Finance, as demonstrating cost benefit to the Commonwealth. In no case shall the advances to an agency or institution exceed \$1,000,000 nor the repayment begin more than one year following the implementation or extend beyond a repayment period of seven years.

d. The State Comptroller is hereby authorized to provide lines of credit of up to \$2,500,000 to the Department of Motor Vehicles and up to \$2,500,000 to the Department of State Police to be repaid from revenues provided under the federal government's establishment of Uniform Carrier Registration.

e. The Virginia Lottery is hereby authorized to use its line of credit to meet cash flow needs for operations at any time during the year and to provide cash to the Virginia Lottery Fund to meet the required transfer of estimated lottery profits to the Lottery Proceeds Fund in the month of June, as specified in provisions of § 3-1.01G. of this act. The Virginia Lottery shall repay the line of credit as actual cash flows become available. The Secretary of Finance is authorized to increase the line of credit to the Virginia Lottery if necessary to meet operating needs.

f. The State Comptroller is hereby authorized to provide a line of credit of up to \$5,000,000 to the Department of Military Affairs to cover the actual costs of responding to State Active Duty. The line of credit will be repaid as the Department of Military Affairs is reimbursed from federal or other funds, other than Department of Military Affairs funds.

g. The Innovation and Entrepreneurship Investment Authority is hereby authorized to use its line of credit to meet cash flow needs at any time during the year in support of operational costs in anticipation of reimbursement of said expenditures from signed contracts and grant awards. The Innovation and Entrepreneurship Investment Authority shall repay the line of credit by June 30 of each fiscal year.

h. The Department of Human Resource Management shall repay the local health insurance option program's initial start-up costs, funded through the line of credit authorized in Chapter 836, 2017 Acts of Assembly, in fiscal years 2017 and 2018, over a period not to exceed ten years from the health insurance premiums paid by the local health insurance option program's participants.

§ 3-3.00 GENERAL FUND DEPOSITS

§ 3-3.01 PAYMENT BY THE STATE TREASURER

The state Treasurer shall transfer an amount estimated at \$50,000 on or before June 30, 2019 and an amount estimated at \$50,000 on or before June 30, 2020, to the general fund from excess 9(c) sinking fund balances.

§ 3-4.00 AUXILIARY ENTERPRISES AND SPONSORED PROGRAMS IN INSTITUTIONS OF HIGHER EDUCATION

§ 3-4.01 AUXILIARY ENTERPRISE INVESTMENT YIELDS

A. 1. The educational and general programs in institutions of higher education shall recover the full indirect cost of auxiliary enterprise programs as certified by institutions of higher education to the Comptroller subject to annual audit by the Auditor of Public accounts. The State Comptroller shall credit those institutions meeting this requirement with the interest earned by the investment of the funds of their auxiliary enterprise programs.

2. *The University of Virginia's College at Wise is authorized to suspend the transfer of the recovery of the full indirect cost of auxiliary enterprise programs to the educational and general program for the 2020-2022 biennium.*

3. *Institutions of higher education shall have the authority to reduce the recovery of the full indirect cost of auxiliary enterprise programs to the educational and general program for the 2019-2020 fiscal year as a result of the significant financial impact on auxiliary enterprise programs caused by the COVID-19 pandemic.*

B. No interest shall be credited for that portion of the fund's cash balance that represents any outstanding loans due from the State Treasurer. The provisions of this section shall not apply to the capital projects authorized under Items C-36.21 and C-36.40 of Chapter 924, 1997 Acts of Assembly.

§ 3-5.00 ADJUSTMENTS AND MODIFICATIONS TO TAX COLLECTIONS

§ 3-5.01 RETALIATORY COSTS TO OTHER STATES TAX CREDIT

Notwithstanding any other provision of law, the amount deposited to the Priority Transportation Trust Fund pursuant to § 58.1-2531 shall not be reduced by more than \$266,667 by any refund of the Tax Credit for Retaliatory Costs to Other States available under § 58.1-2510.

§3-5.02 PAYMENT OF AUTO RENTAL TAX TO THE GENERAL FUND

Notwithstanding the provisions of § 58.1-1741, Code of Virginia, or any other provision of law, all revenues resulting from the fee imposed under subdivision A3 of § 58.1-1736, Code of Virginia, shall be deposited into the general fund after the direct costs of administering the fee are recovered by the Department of Taxation.

§ 3-5.03 IMPLEMENTATION OF CHAPTER 3, ACTS OF ASSEMBLY OF 2004, SPECIAL SESSION I

Revenues deposited into the Public Education Standards of Quality/Local Real Estate Property Tax Relief Fund established under § 58.1-638.1 of the Code of Virginia pursuant to enactments of the 2004 Special Session of the General Assembly shall be transferred to the general fund and used to meet the Commonwealth's responsibilities for the Standards of Quality prescribed pursuant to Article VIII, Section 2, of the Constitution of Virginia. The Comptroller shall take all actions necessary to effect such transfers monthly, no later than 10 days following the deposit to the Fund. The amounts transferred shall be distributed to localities as specified in Direct Aid to Public Education's (197), State Education Assistance Programs (17800) of this Act. The estimated amount of such transfers are \$389,900,000 the first year and ~~\$409,300,000~~ \$421,600,000 the second year.

§ 3-5.04 RETAIL SALES & USE TAX EXEMPTION FOR INTERNET SERVICE PROVIDERS

Notwithstanding any other provision of law, for purchases made on or after July 1, 2006, any exemption from the retail sales and use tax applicable to production, distribution, and other equipment used to provide Internet-access services by providers of Internet service, as defined in § 58.1-602, Code of Virginia, shall occur as a refund request to the Tax Commissioner. The Tax Commissioner shall develop procedures for such refunds.

§ 3-5.05 DISPOSITION OF EXCESS FEES COLLECTED BY CLERKS OF THE CIRCUIT COURTS

Notwithstanding §§ 15.2-540, 15.2-639, 15.2-848, 17.1-285, and any other provision of law general or special, effective July 1, 2009, the Commonwealth shall be entitled to two-thirds of the excess fees collected by the clerks of the circuit courts as required to be reported under § 17.1-283.

§ 3-5.06 ACCELERATED SALES TAX

A. Notwithstanding any other provision of law, in addition to the amounts required under the provisions of §§58.1-615 and 58.1-616, any dealer as defined by §58.1-612 or direct payment permit holder pursuant to §58.1-624 with taxable sales and purchases of \$1,000,000 or greater for the 12-month period beginning July 1, and ending June 30 of the immediately preceding calendar year, shall be required to make a payment equal to 90 percent of the sales and use tax liability for the previous June. Such tax payments shall be made on or before the 30th day of June, if payments are made by electronic fund transfer, as defined in § 58.1-202.1. If payment is made by other than electronic funds transfer, such payment shall be made on or before the 25th day of June. Every dealer or direct payment holder shall be entitled to a credit for the payment under this section on the return for June of the current year due July 20.

B. The Tax Commissioner may develop guidelines implementing the provisions of this section. Such guidelines shall be exempt from the provisions of the Administrative Process Act (§ 2.2-4000 et seq.).

C. For purposes of this section, taxable sales or purchases shall be computed without regard to the number of certificates of registration held by the dealer. The provisions of this section shall not apply to persons who are required to file only a Form ST-7, Consumer's Use Tax Return.

D. In lieu of the penalties provided in § 58.1-635, except with respect to fraudulent returns, failure to make a timely payment or full payment of the sales and use tax liability as provided in subsection A shall subject the dealer or direct payment permit holder to a penalty of six percent of the amount of tax underpayment that should have been properly paid to the Tax Commissioner. Interest shall accrue as provided in § 58.1-15. The payment required by this section shall become delinquent on the first day following the due date set forth in this section if not paid.

E. Payments made pursuant to this section shall be made in accordance with procedures established by the Tax Commissioner and shall be considered general fund revenue, except with respect to those revenues required to be distributed under the provisions of §§ 58.1-605, 58.1-606, 58.1-638(A), 58.1-638(G)-(H), 58.1-638.2, and 58.1-638.3 of the Code of Virginia.

F. That the State Comptroller shall make no distribution of the taxes collected pursuant to this section in accordance with §§ 58.1-605, 58.1-606, 58.1-638, 58.1-638.1, 58.1-638.2 and 58.1-638.3 of the Code of Virginia until the Tax Commissioner makes a written certification to the Comptroller certifying the sales and use tax revenues generated pursuant to this section. The Tax Commissioner shall certify the sales and use tax revenues generated as soon as practicable after the sales and use tax

revenues have been paid into the state treasury in any month for the preceding month.

G.1. Beginning with the tax payment that would be remitted on or before June 25, 2019, if the payment is made by other than electronic fund transfers, and by June 30, 2019, if payments are made by electronic fund transfer, the provisions of § 3-5.08 of Chapter 874, 2010 Acts of Assembly, shall apply only to those dealers or permit holders with taxable sales and purchases of \$4,000,000 or greater for the 12-month period beginning July 1 and ending June 30 of the immediately preceding calendar year.

2. Beginning with the tax payment that would be remitted on or before June 25, 2020, if the payment is made by other than electronic fund transfers, and by June 30, 2020, if payments are made by electronic fund transfer, the provisions of § 3-5.08 of Chapter 874, 2010 Acts of Assembly, shall apply only to those dealers or permit holders with taxable sales and purchases of \$10,000,000 or greater for the 12-month period beginning July 1 and ending June 30 of the immediately preceding calendar year.

§ 3-5.07 DISCOUNTS AND ALLOWANCES

A. Notwithstanding any other provision of law, effective beginning with the return for June 2010, due July 2010, the compensation allowed under § 58.1-622, Code of Virginia, shall be suspended for any dealer required to remit the tax levied under §§ 58.1-603 and 58.1-604, Code of Virginia, by electronic funds transfer pursuant to § 58.1-202.1, Code of Virginia, and the compensation available to all other dealers shall be limited to the following percentages of the first three percent of the tax levied under §§ 58.1-603 and 58.1-604, Code of Virginia:

Monthly Taxable Sales	Percentage
\$0 to \$62,500	1.6%
\$62,501 to \$208,000	1.2%
\$208,001 and above	0.8%

B. Notwithstanding any other provision of law, effective beginning with the return for June 2010, due July 2010, the compensation available under §§ 58.1-642, 58.1-656, 58.1-1021.03, and 58.1-1730, Code of Virginia, shall be suspended.

C. Beginning with the return for June 2011, due July 2011, the compensation under § 58.1-1021.03 shall be reinstated.

§ 3-5.08 SALES TAX COMMITMENT TO HIGHWAY MAINTENANCE AND OPERATING FUND

The sales and use tax revenue for distribution to the Highway Maintenance and Operating Fund shall be consistent with Chapter 766, 2013 Acts of Assembly.

§ 3-5.09 INTANGIBLE HOLDING COMPANY ADDBACK

Notwithstanding the provisions of § 58.1-402(B)(8), Code of Virginia, for taxable years beginning on and after January 1, 2004:

(i) The exception in § 58.1-402(B)(8)(a)(1) for income that is subject to a tax based on or measured by net income or capital imposed by Virginia, another state, or a foreign government shall be limited *to* and apply only to the portion of such income received by the related member *that owns the intangible property*, which portion is attributed to a state or foreign government in which ~~the~~ *such* related member has sufficient nexus to be *itself* subject to such taxes; and

(ii) The exception in § 58.1-402(B)(8)(a)(2) for a related member deriving at least one-third of its gross revenues from licensing to unrelated parties shall be limited and apply ~~only~~ *to* the portion of such income *received by the related member that owns the intangible property* and derived from licensing agreements for which the rates and terms are comparable to the rates and terms of agreements that ~~the~~ *such* related member has ~~actually~~ *actually* entered into with unrelated entities.

§ 3-5.10 REGIONAL FUELS TAX

Funds collected pursuant to § 58.1-2291 et seq., Code of Virginia, from the additional sales tax on fuel in certain transportation districts under § 58.1-2291 et seq., Code of Virginia, shall be returned to the respective commissions in amounts equivalent to the shares collected in the respective member jurisdictions. However, no funds shall be collected pursuant to § 58.1-2291 et seq., Code of Virginia, from levying the additional sales tax on aviation fuel as that term is defined in § 58.1-2201, Code of Virginia.

§ 3-5.11 DEDUCTION FOR ABLE ACT CONTRIBUTIONS

A. Effective for taxable years beginning on or after January 1, 2016, an individual shall be allowed a deduction from Virginia adjusted gross income as defined in § 58.1-321, Code of Virginia, for the amount contributed during the taxable year to an ABLE savings trust account entered into with the Virginia College Savings Plan pursuant to Chapter 7 (§ 23.1-700 et seq.) of Title 23.1, Code of Virginia. The amount deducted on any individual income tax return in any taxable year shall be limited to \$2,000 per ABLE savings trust account. No deduction shall be allowed pursuant to this section if such contributions are deducted on the contributor's federal income tax return. If the contribution to an ABLE savings trust account exceeds \$2,000 the remainder may be carried forward and subtracted in future taxable years until the ABLE savings trust contribution has been fully deducted; however, in no event shall the amount deducted in any taxable year exceed \$2,000 per ABLE savings trust account.

B. Notwithstanding the statute of limitations on assessments contained in § 58.1-312, Code of Virginia, any deduction taken hereunder shall be subject to recapture in the taxable year or years in which distributions or refunds are made for any reason other than (i) to pay qualified disability expenses, as defined in § 529A of the Internal Revenue Code; or (ii) the beneficiary's death.

C. A contributor to an ABLE savings trust account who has attained age 70 shall not be subject to the limitation that the amount of the deduction not exceed \$2,000 per ABLE savings trust account in any taxable year. Such taxpayer shall be allowed a deduction for the full amount contributed to an ABLE savings trust account, less any amounts previously deducted.

D. The Tax Commissioner shall develop guidelines implementing the provisions of this section, including but not limited to the computation, carryover, and recapture of the deduction provided under this section. Such guidelines shall be exempt from the provisions of the Administrative Process Act (§ 2.2-4000 et seq., Code of Virginia).

§ 3-5.12 RETAIL SALES AND USE TAX EXEMPTION FOR RESEARCH FOR FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTERS

A. Notwithstanding any other provision of law or regulation, and beginning July 1, 2016 and ending June 30, 2018, the retail sales and use tax exemption provided for in subdivision 5 of § 58.1-609.3 of the Code of Virginia, applicable to tangible personal property purchased or leased for use or consumption directly and exclusively in basic research or research and development in the experimental or laboratory sense, shall apply to such property used in a federally funded research and development center, regardless of whether such property is used by the purchaser, lessee, or another person or entity.

B. Notwithstanding any other provision of law, beginning July 1, 2018, tangible personal property purchased by a federally funded research and development center sponsored by the U.S. Department of Energy shall be exempt from the retail sales and use tax.

C. Nothing in this section shall be construed to relieve any federally funded research and development center of any liability for retail sales and use tax due for the purchase of tangible personal property pursuant to the law in effect at the time of the purchase.

§ 3-5.13 ADMISSIONS TAX

Notwithstanding the provisions of § 58.1-3818.02, Code of Virginia, or any other provision of law, subject to the execution of a memorandum of understanding between an entertainment venue and the County of Stafford, Stafford County is authorized to impose a tax on admissions to an entertainment venue located in the county that (i) is licensed to do business in the county for the first time on or after July 1, 2015, and (ii) requires at last 75 acres of land for its operations, and (iii) such land is purchased or leased by the entertainment venue owner on or after June 1, 2015. The tax shall not exceed 10 percent of the amount of charge for admission to any such venue. The provisions of this section shall expire on July 1, 2019 if no entertainment venue exists in Stafford County upon which the tax authorized is imposed.

§ 3-5.14 SUNSET DATES FOR INCOME TAX CREDITS AND SALES AND USE TAX EXEMPTIONS

A. Notwithstanding any other provision of law the General Assembly shall not advance the sunset date on any existing sales tax exemption or tax credit beyond June 30, ~~2022~~ 2025. ~~Any new sales tax exemption or tax credit enacted by the General Assembly prior to the 2021 regular legislative session shall have a sunset date not later than June 30, 2022~~ Any new sales tax exemption or tax credit enacted by the General Assembly after the 2019 regular legislative session, but prior to the 2024 regular legislative session, shall have a sunset date of not later than June 30, 2025. However, this requirement shall not apply to tax exemptions administered by the Department of Taxation under § 58.1-609.11, relating to exemptions for nonprofit entities nor shall it apply to exemptions or tax credits with sunset dates after June 30, 2022, enacted or advanced during the 2016 Session of the General Assembly.

B. By November 1, 2020, the Department of Taxation shall report to every member of the General Assembly and to the Joint Subcommittee to Evaluate Tax Preferences, on the revenue impact of every sales tax exemption and tax credit scheduled to expire on or before June 30, ~~2022~~ 2025. The report shall include the prior fiscal year's state and local sales tax impact of each expiring sales tax exemption, and the prior fiscal year's general fund revenue impact of each expiring tax credit. The tax credit revenue impact analysis shall be inclusive of credits claimed against any tax imposed under Title 58.1 of the Code of Virginia.

C. The Department shall provide an updated revenue impact report no later than November 1, 2025, and every five years thereafter, for sales tax exemptions and tax credits set to expire within two years following the date of the report. Such reports shall be distributed to every member of the General Assembly and to the Joint Subcommittee to Evaluate Tax Preferences.

§ 3-5.15 PROVIDER COVERAGE ASSESSMENT

A. The Department of Medical Assistance Services (DMAS) is authorized to levy an assessment upon private acute care hospitals operating in Virginia in accordance with this Item. Private acute care hospitals operating in Virginia shall pay a coverage assessment beginning on or after October 1, 2018. For the purposes of this coverage assessment, the definition of private acute care hospitals shall exclude public hospitals, freestanding psychiatric and rehabilitation hospitals, children's

hospitals, long stay hospitals, long-term acute care hospitals and critical access hospitals.

B.1. The coverage assessment shall be used only to cover the non-federal share of the "full cost of expanded Medicaid coverage" for newly eligible individuals pursuant to 42 U.S.C. § 1396d(y)(1)[2010] of the Patient Protection and Affordable Care Act, including the administrative costs of collecting the coverage assessment and implementing and operating the coverage for newly eligible adults which includes the costs of administering the provisions of the Section 1115 waiver.

2.a. The "full cost of expanded Medicaid coverage" shall include: 1) any and all Medicaid expenditures related to individuals eligible for Medicaid pursuant to 42 U.S.C. § 1396d(y)(1)[2010] of the Patient Protection and Affordable Care Act, including any federal actions or repayments; and, 2) all administrative costs associated with providing coverage, which includes the costs of administering the provisions of the Section 1115 waiver, and collecting the coverage assessment.

b. The "full cost of expanded Medicaid coverage" shall be updated: 1) on November 1 of each year based on the official Medicaid forecast and latest administrative cost estimates developed by DMAS; 2) no more than 30 days after the enactment of this Act to reflect policy changes adopted by the latest session of the General Assembly; and 3) on March 1 of any year in which DMAS estimates that the most recent non-federal share of the "full cost of expanded Medicaid coverage" times 1.08 will be insufficient to pay all expenses in 2.a. for that year.

c. This Act estimates the non-federal share of the cost of Medicaid expansion to be \$86,103,345 the first year and \$293,192,716 the second year. However, these amounts shall not be construed as a limitation on collections or override the provisions of this item that allow for periodic updates of the full cost of coverage.

C. 1. The Department of Medical Assistance Services (DMAS) shall calculate each hospital's "coverage assessment amount" by multiplying the "coverage assessment percentage" times "net patient service revenue" as defined below.

2. The "coverage assessment percentage" shall be calculated as (i) 1.08 times the non-federal share of the "full cost of expanded Medicaid coverage" divided by (ii) the total "net patient service revenue" for hospitals subject to the assessment.

3. Each hospital's "net patient service revenue" equals the amount reported in the most recent Virginia Health Information (VHI) "Hospital Detail Report." In FY 2019, net patient service revenue shall be prorated by the portion of the year subject to the tax. Hospitals shall certify that the net patient service revenue is hospital revenue and this amount shall be the assessment basis for the following fiscal year.

D.1. DMAS shall, at a minimum, update the "coverage assessment amount" to be effective on January 1, of each year. DMAS is further authorized to update the "coverage assessment amount" on a quarterly basis to ensure amounts are sufficient to cover the full cost of expanded Medicaid coverage based on the latest estimate. Hospitals shall be given no less than 30 days' notice prior to a change in its coverage assessment amount and be provided with associated calculations. Prior to any change to the coverage assessment amount, DMAS shall perform and incorporate a reconciliation of the Health Care Coverage Assessment Fund. Any estimated excess or shortfall of revenue since the previous reconciliation shall be deducted from or added to the "full cost of expanded Medicaid coverage" for the updated coverage assessment amount.

2. DMAS shall be responsible for collecting the coverage assessment amount. Hospitals subject to the coverage assessment shall make quarterly payments due no later than July 1, October 1, January 1 and April 1 of each state fiscal year. In FY 2019, quarterly amounts for the remainder of the state fiscal year shall equal one-third of the coverage assessment. In the first year, the first coverage assessment payment shall be due on or after October 1, 2018.

3. Hospitals that fail to make the coverage assessment payments within 30 days of the due date shall incur a five percent penalty that shall be deposited in the Virginia Health Care Fund. Any unpaid coverage assessment or penalty will be considered a debt to the Commonwealth and DMAS is authorized to recover it as such.

E. DMAS shall submit a report due September 1 of each year to the Director, Department of Planning and Budget and Chairmen of the House Appropriations and Senate Finance Committees, and the Virginia Hospital and Healthcare Association. The report shall include, for the most recently completed fiscal year, the revenue collected from the coverage assessment, expenditures for purposes authorized by this Item, and the year-end coverage assessment balance in the Health Care Coverage Assessment Fund. The report shall also include a complete and itemized listing of all administrative costs included in the coverage assessment.

F. All revenue from the coverage assessment excluding penalties, shall be deposited into the Health Care Coverage Assessment Fund. Proceeds from the coverage assessment, excluding penalties, shall not be used for any other purpose than to cover the non-federal share of the full cost of expanded Medicaid coverage.

G. Any provision of this Item is contingent upon approval by the Centers for Medicare and Medicaid Services if necessary.

H. The Hospital Payment Policy Advisory Council shall meet to consider the implementation and provisions of the Provider Coverage and Payment Rate Assessments in order to consider and make recommendations to ensure the collection and use of such funds are appropriate and consistent with the intent of the General Assembly. Specifically, the Council shall consider the level of detail and format necessary to develop the report pursuant to paragraph E. The Council shall recommend a format and associated level of detail, to be included in the report to the Joint Subcommittee for Health and Human Resources Oversight. The Joint

Subcommittee shall approve the final format and associated level of detail of the report to be submitted by the Department of Medical Assistance Services.

§ 3-5.16 PROVIDER PAYMENT RATE ASSESSMENT

A. The Department of Medical Assistance Services (DMAS) is hereby authorized to levy a payment rate assessment upon private acute care hospitals operating in Virginia in accordance with this item. Private acute care hospitals operating in Virginia shall pay a payment rate assessment beginning on or after October 1, 2018 when all necessary state plan amendments are approved by the Centers for Medicare and Medicaid Services (CMS). For purposes of this assessment, the definition of private acute care hospitals shall exclude public hospitals, freestanding psychiatric and rehabilitation hospitals, children's hospitals, long stay hospitals, long-term acute care hospitals and critical access hospitals.

B. Proceeds from the payment rate assessment shall be used to i) fund an increase in inpatient and outpatient payment rates paid to private acute care hospitals operating in Virginia up to the "upper payment limit gap" and ii) fill the "managed care organization hospital payment gap" for care provided to recipients of medical assistance services. Payments made under the provisions of this item shall be referred to as "private acute care hospital enhanced payments".

C.1. The Department of Medical Assistance Services (DMAS) shall calculate each hospital's "payment rate assessment amount" by multiplying the "payment rate assessment percentage" times "net patient service revenue" as defined below.

2. The "payment rate assessment percentage" for hospitals shall be calculated as (i) 1.08 times the non-federal share of funding the "private acute care hospitals enhanced payments" divided by (ii) the total "net patient service revenue" for hospital subject to the assessment.

3. Each hospital's "net patient service revenue" equals the amount reported in the most recent Virginia Health Information (VHI) "Hospital Detail Report." In FY 2019, net patient service revenue shall be prorated by the portion of the year subject to the tax. Hospitals shall certify that the net patient service revenue is hospital revenue and this amount shall be the assessment basis for the following fiscal year.

D. DMAS is authorized to update the payment rate assessment amount on a quarterly basis to ensure amounts are sufficient to cover the full cost of the private acute care hospital enhanced payments based on the latest estimate. Hospitals shall be given no less than 30 days prior notice of the new assessment amount and be provided with calculations. Prior to any change to the payment rate assessment amount, DMAS shall perform and incorporate a reconciliation of the Health Care Provider Payment Rate Assessment Fund. Any estimated excess or shortfall of revenue since the previous reconciliation shall be deducted from or added to the calculation of the private acute care hospital enhanced payments.

E.1. The "upper payment limit" means the limit on payment for inpatient services for recipients of medical assistance established in accordance with 42 C.F.R. § 447.272 and outpatient services for recipients of medical assistance pursuant to 42 C.F.R. § 447.321 for private hospitals. DMAS shall complete a calculation of the "upper payment limit" for each state fiscal year with a detailed analysis of how it was determined. The "upper payment limit payment gap" means the difference between the amount of the private hospital upper payment limit and the amount otherwise paid pursuant to the state plan for inpatient and outpatient services. The "managed care organization hospital payment gap" means the difference between the amount included in the capitation rates for inpatient and outpatient services based on historical paid claims and the amount that would be included when the projected hospital services furnished by private acute care hospitals operating in Virginia are priced according to the existing State Plan methodology but using 100% for the adjustment factors (including the capital reimbursement percentage) and full inflation subject to CMS approval under 42 C.F.R. section 438.6(c). As part of the development of the managed care capitation rates, the DMAS shall calculate a "Medicaid managed care organization (MCO) supplemental hospital capitation payment adjustment". This is a distinct additional amount shall be added to Medicaid MCO capitation rates to fund supplemental payments under this section to private acute care hospitals operating in Virginia for services to Medicaid recipients.

2. DMAS shall contractually direct Medicaid MCOs to disburse supplemental hospital capitation payment funds consistent with this section and 42 C.F.R. § 438.6(c), to ensure that all such funds are disbursed to private acute care hospitals operating in Virginia. In addition, DMAS shall contractually prohibit MCOs from making reductions to or supplanting hospital payments otherwise paid by MCOs.

3. DMAS shall make available quarterly a report of the additional capitation payments that are made to each MCO pursuant to this item. Further, DMAS shall consider recommendations of the Medicaid Hospital Payment Policy and Advisory Council in designing and implementing the specific elements of the payment rate assessment and private acute care hospital supplemental payment program authorized by this item.

F.1. DMAS shall be responsible for collecting the payment rate assessment amount. Hospitals subject to the payment rate assessment shall make quarterly payments due no later than July 1, October 1, January 1 and April 1 of each state fiscal year. In FY 2019, the first payment rate assessment payment shall be due on or after October 1, 2018.

2. Hospitals that fail to make the payment rate assessment payments within 30 days of the due date shall incur a five percent

penalty that shall be deposited in the Virginia Health Care Fund. Any unpaid payment assessment or penalty will be considered a debt to the Commonwealth and DMAS is authorized to recover it as such.

G. DMAS shall submit a report due September 1 of each year to the Director, Department of Planning and Budget and Chairmen of the House Appropriations and Senate Finance Committees. The report shall include, for the most recently completed fiscal year, the revenue collected from the payment rate assessment, expenditures for purposes authorized by this item, and the year-end assessment balance in the Health Care Provider Payment Rate Assessment Fund.

H. All revenue from the payment rate assessment shall be deposited into the Health Care Provider Payment Rate Assessment Fund, a special non-reverting fund in the state treasury. Proceeds from the payment rate assessment, excluding penalties, shall not be used for any other purpose than to fund (i) an increase in inpatient and outpatient payment rates paid to private acute care hospitals operating in Virginia up to the private hospital "upper payment limit" and "managed care organization hospital payment gap" for care provided to recipients of medical assistance services, and (ii) the administrative costs of collecting the assessment and of implementing and operating the associated payment rate actions.

J. Any provision of this Section is contingent upon approval by the Centers for Medicare and Medicaid Services if necessary.

§ 3-5.17 TOBACCO TAX STUDY

The Joint Subcommittee to Evaluate Tax Preferences is hereby directed to continue studying options for the modernization of § 58.1-1001(A), Code of Virginia, to reflect advances in science and technology in the area of tobacco harm reduction, and the role innovative non-combustible tobacco products can play in reducing harm, including products that produce vapor or aerosol from heating tobacco or liquid nicotine. In addition, the Joint Subcommittee shall study possible reforms to the taxation of tobacco products that will provide fairness and equity for all local governments and also ensure stable tax revenues for the Commonwealth. The Joint Subcommittee shall complete its study and submit a final report with recommended reforms to the Finance Committees of the Virginia Senate and Virginia House of Delegates by November 1, 2019. All agencies of the Commonwealth shall provide assistance for this study, upon request.

§3-5.18 HISTORIC PRESERVATION TAX CREDIT

Notwithstanding § 58.1-339.2 or any other provision of law, effective for taxable years beginning on and after January 1, 2017, the amount of the Historic Rehabilitation Tax Credit that may be claimed by each taxpayer, including amounts carried over from prior taxable years, shall not exceed \$5 million for any taxable year.

§ 3-5.19 LAND PRESERVATION TAX CREDIT CLAIMED

Notwithstanding § 58.1-512 or any other provision of law, effective for the taxable year beginning on and after January 1, 2017, but before January 1, 2020, the amount of the Land Preservation Tax Credit that may be claimed by each taxpayer, including amounts carried over from prior taxable years, shall not exceed \$20,000

§ 3-5.20. Omitted.

§ 3-5.21 TAXPAYER RELIEF FUND

A. Notwithstanding any other provision of law, the Comptroller shall transfer any revenues generated by the individual reform provisions contained in Subtitle A of Title I and §§ 13611 - 13613 of the federal Tax Cuts and Jobs Act, P.L. 115-97 (2017), from the collection of taxes during Fiscal Years 2019 through 2025, estimated to be approximately \$450 million annually, beyond those revenues reasonably expected to be collected due to general economic growth and absent the federal policy changes, less the estimated reduction in revenues needed to implement the tax policy changes set forth in the first enactment of Chapters 17 and 18, 2019 Acts of Assembly for the relevant fiscal year, to the Taxpayer Relief Fund established pursuant to the fifth enactment of that Act. The Governor, in consultation with the State Comptroller and the Tax Commissioner, shall certify to the General Assembly on or before September 1 each year the estimated amount to be transferred to the Fund pursuant to this act.

B. For purposes of determining the amounts required to be deposited to the Revenue Stabilization Fund pursuant to Article X, Section 8, Constitution of Virginia, the certified amounts for fiscal year 2019 shall not include any amounts transferred from the general fund to the Taxpayer Relief Fund that will be used to provide refunds pursuant to the fourth enactment of Chapters 17 and 18, 2019 Acts of Assembly.

C. For the purposes of determining the amounts required to be deposited to the Revenue Reserve Fund pursuant to § 2.2-1831.3, Code of Virginia, and the amounts required to be deposited to the Water Quality Improvement Fund pursuant to § 10.1-2128, Code of Virginia, general fund revenue collections shall not include any amounts transferred to the Taxpayer Relief Fund established pursuant to the fifth enactment of Chapters 17 and 18, 2019 Acts of Assembly.

§ 3-5.22 NEIGHBORHOOD ASSISTANCE ACT TAX CREDIT

Notwithstanding any other provision of law or regulation, in order to be eligible to receive an allocation of credits pursuant to § 58.1-

439.20:1, Code of Virginia, at least 50 percent of the persons served by the neighborhood organization, either directly by the neighborhood organization or through the provision of revenues to other organizations or groups serving such persons, shall be low-income persons or eligible students with disabilities and at least 50 percent of the neighborhood organization's revenues shall be used to provide services to low-income persons or to eligible students with disabilities, either directly by the neighborhood organization or through the provision of revenues to other organizations or groups providing such services. A tax credit shall be issued by the Superintendent of Public Instruction or the Commissioner of Social Services to an individual only upon receipt of a certification made by a neighborhood organization to whom tax credits were allocated for an approved program pursuant to § 58.1-439.20, § 58.1-439.20:1 or this language.

§ 3-5.23 CORONAVIRUS DISEASE 2019 ADMINISTRATIVE TAX RELIEF

A. Any income tax payments originally due during the period from April 1, 2020 to June 1, 2020 may be submitted to the Department of Taxation without the accrual of interest as would otherwise be required for late payments pursuant to Chapter 3 of Title 58.1, provided that full payment is made on or before June 1, 2020. For purposes of this section, "income tax payment" means any payment required to be made with a return filed pursuant to §§ 58.1-341, 58.1-381, and 58.1-441; any payment required to be made with respect to an election to file an extension of time within which to file such a return; any payment of estimated tax required pursuant to Article 19 and Article 20 of Chapter 3 of Title 58.1; and any payment of consumer use tax made with a return filed pursuant to § 58.1-341.

B. The Department shall waive interest as otherwise required for late payments pursuant to Chapter 6 of Title 58.1 on any sales tax payment originally due March 20, 2020 for which a waiver of penalty was granted by the Department of Taxation, provided that such payment is submitted to the Department of Taxation on or before April 20, 2020.

§ 3-6.00 ADJUSTMENTS AND MODIFICATIONS TO FEES

§ 3-6.01 RECORDATION TAX FEE

There is hereby assessed a twenty dollar fee on (i) every deed for which the state recordation tax is collected pursuant to §§ 58.1-801 A and 58.1-803, Code of Virginia; and (ii) every certificate of satisfaction admitted under § 55-66.6, Code of Virginia. The revenue generated from fifty percent of such fee shall be deposited to the general fund. The revenue generated from the other fifty percent of such fee shall be deposited to the Virginia Natural Resources Commitment Fund, a subfund of the Virginia Water Quality Improvement Fund, as established in § 10.1-2128.1, Code of Virginia. The funds deposited to this subfund shall be disbursed for the agricultural best management practices cost share program, pursuant to § 10.1-2128.1, Code of Virginia.

§ 3-6.02 ANNUAL VEHICLE REGISTRATION FEE (\$4.25 FOR LIFE)

Notwithstanding § 46.2-694 paragraph 13 of the Code of Virginia, the additional fee that shall be charged and collected at the time of registration of each pickup or panel truck and each motor vehicle shall be \$6.25.

§ 3-6.03 DRIVERS LICENSE REINSTATEMENT FEE

Notwithstanding § 46.2-411 of the Code of Virginia, the drivers license reinstatement fee payable to the Trauma Center Fund shall be \$100 the first year and \$0 the second year. In the second year, notwithstanding the provisions of § 46.2-395 of the Code of Virginia, no court shall suspend any person's privilege to drive a motor vehicle solely for failure to pay any fines, court costs, forfeitures, restitution, or penalties assessed against such person. The Commissioner of the Department of Motor Vehicles shall reinstate a person's privilege to drive a motor vehicle that was suspended prior to July 1, 2019, solely pursuant to § 46.2-395 of the Code of Virginia and shall waive all fees relating to reinstating such person's driving privileges. Nothing herein shall require the Commissioner to reinstate a person's driving privileges if such privileges have been otherwise lawfully suspended or revoked or if such person is otherwise ineligible for a driver's license.

§ 3-6.04 ASSESSMENT OF ELECTRONIC SUMMONS FEE BY LOCALITIES

Nothing in § 17.1-279.1 of the Code of Virginia shall be construed to authorize any county, city, or town to assess the sum set forth therein upon any summons issued by a law-enforcement agency of the Commonwealth.

PART 4: GENERAL PROVISIONS
§ 4-0.00 OPERATING POLICIES

§ 4-0.01 OPERATING POLICIES

a. Each appropriating act of the General Assembly shall be subject to the following provisions and conditions, unless specifically exempt elsewhere in this act.

b. All appropriations contained in this act, or in any other appropriating act of the General Assembly, are declared to be maximum appropriations and conditional on receipt of revenue.

c. The Governor, as chief budget officer of the state, shall ensure that the provisions and conditions as set forth in this section are strictly observed.

d. Public higher education institutions are not subject to the provisions of § 2.2-4800, Code of Virginia, or the provisions of the Department of Accounts' Commonwealth Accounting Policies and Procedures manual (CAPP) topic 20505 with regard to students who are veterans of the United States armed services and National Guard and are in receipt of federal educational benefits under the G.I. Bill. Public higher education shall establish internal procedures for the continued enrollment of such students to include resolution of outstanding accounts receivable.

e. The provisions of the Virginia Public Procurement Act (§ 2.2-4300 et seq. of the Code of Virginia) shall not apply to grants made in support of the 2019 Commemoration to non-profit entities organized under § 501 (c)(3) of the Internal Revenue Code.

f. 1. The State Council of Higher Education for Virginia shall establish a policy for granting undergraduate course credit to entering freshman students who have taken one or more Advanced Placement, Cambridge Advanced (A/AS), College-Level Examination Program (CLEP), or International Baccalaureate examinations by August 1, 2017. The policy shall:

a) Outline the conditions necessary for each public institution of higher education to grant course credit, including the minimum required scores on such examinations;

b) Identify the course credit or other academic requirements of each public institution of higher education that the student satisfies by achieving the minimum required scores on such examinations; and

c) Ensure, to the extent possible, that the grant of course credit is consistent across each public institution of higher education and each such examination.

2. The Council and each public institution of higher education shall make the policy available to the public on its website.

g. Notwithstanding any other provision of law, any public body, including any state, local, regional, or regulatory body, or a governing board as defined in § 54.1-2345 of the Code of Virginia may meet by electronic communication means without a quorum of the public body or any member of the governing board physically assembled at one location when the Governor has declared a state of emergency in accordance with § 44-146.17, provided that (i) the nature of the declared emergency makes it impracticable or unsafe for the public body or governing board to assemble in a single location; (ii) the purpose of meeting is to discuss or transact the business statutorily required or necessary to continue operations of the public body or common interest community association as defined in § 54.1-2345 of the Code of Virginia and the discharge of its lawful purposes, duties, and responsibilities; (iii) a public body shall make available a recording or transcript of the meeting on its website in accordance with the timeframes established in §§ 2.2-3707 and 2.2-3707.1 of the Code of Virginia; and (iv) the governing board shall distribute minutes of a meeting held pursuant to this subdivision to common interest community association members by the same method used to provide notice of the meeting.

A public body or governing board convening a meeting in accordance with this subdivision shall:

1. Give notice to the public or common interest community association members using the best available method given the nature of the emergency, which notice shall be given contemporaneously with the notice provided to members of the public body or governing board conducting the meeting;

2. Make arrangements for public access or common interest community association members access to such meeting through electronic means including, to the extent practicable, videoconferencing technology. If the means of communication allows, provide the public or common interest community association members with an opportunity to comment; and

3. Public bodies must otherwise comply with the provisions of § 2.2-3708.2 of the Code of Virginia.

The nature of the emergency, the fact that the meeting was held by electronic communication means, and the type of electronic communication means by which the meeting was held shall be stated in the minutes of the public body or governing board.

§ 4-1.00 APPROPRIATIONS**§ 4-1.01 PREREQUISITES FOR PAYMENT**

- a. The State Comptroller shall not pay any money out of the state treasury except pursuant to appropriations in this act or in any other act of the General Assembly making an appropriation during the current biennium.
- b. Moneys shall be spent solely for the purposes for which they were appropriated by the General Assembly, except as specifically provided otherwise by § 4-1.03 Appropriation Transfers, § 4-4.01 Capital Projects, or § 4-5.01 a. Settlement of Claims with Individuals. Should the Governor find that moneys are not being spent in accordance with provisions of the act appropriating them, he shall restrain the State Comptroller from making further disbursements, in whole or in part, from said appropriations. Further, should the Auditor of Public Accounts determine that a state or other agency is not spending moneys in accordance with provisions of the act appropriating them, he shall so advise the Governor or other governing authority, the State Comptroller, the Chairman of the Joint Legislative Audit and Review Commission, and Chairmen of the Senate Finance and House Appropriations Committees.
- c. Exclusive of revenues paid into the general fund of the state treasury, all revenues earned or collected by an agency, and contained in an appropriation item to the agency shall be expended first during the fiscal year, prior to the expenditure of any general fund appropriation within that appropriation item, unless prohibited by statute or by the terms and conditions of any gift, grant or donation.

§ 4-1.02 WITHHOLDING OF SPENDING AUTHORITY

- a. For purposes of this subsection, withholding of spending authority is defined as any action pursuant to a budget reduction plan approved by the Governor to address a declared shortfall in budgeted revenue that impedes or limits the ability to spend appropriated moneys, regardless of the mechanism used to effect such withholding.
 - b.1. Changed Expenditure Factors: The Governor is authorized to reduce spending authority, by withholding allotments of appropriations, when expenditure factors, such as enrollments or population in institutions, are smaller than the estimates upon which the appropriation was based. Moneys generated from the withholding action shall not be reallocated for any other purpose, provided the withholding of allotments of appropriations under this provision shall not occur until at least 15 days after the Governor has transmitted a statement of changed factors and intent to withhold moneys to the Chairmen of the House Appropriations and Senate Finance Committees.
2. Moneys shall not be withheld on the basis of reorganization plans or program evaluations until such plans or evaluations have been specifically presented in writing to the General Assembly at its next regularly scheduled session.
- c. Increased Nongeneral Fund Revenue:
 1. General fund appropriations to any state agency for operating expenses are supplemental to nongeneral fund revenues collected by the agency. To the extent that nongeneral fund revenues collected in a fiscal year exceed the estimate on which the operating budget was based, the Governor is authorized to withhold general fund spending authority, by withholding allotments of appropriations, in an equivalent amount. However, this limitation shall not apply to (a) restricted excess tuition and fees for educational and general programs in the institutions of higher education, as defined in § 4-2.01 c of this act; (b) appropriations to institutions of higher education designated for fellowships, scholarships and loans; (c) gifts or grants which are made to any state agency for the direct costs of a stipulated project; (d) appropriations to institutions for the mentally ill or intellectually disabled payable from the Behavioral Health and Developmental Services Revenue Fund; and (e) general fund appropriations for highway construction and mass transit. Moneys unallotted under this provision shall not be reallocated for any other purpose.
 2. To the degree that new or additional grant funds become available to supplement general fund appropriations for a program, following enactment of an appropriation act, the Governor is authorized to withhold general fund spending authority, by withholding allotments of appropriations, in an amount equivalent to that provided from grant funds, unless such action is prohibited by the original provider of the grant funds. The withholding action shall not include general fund appropriations, which are required to match grant funds. Moneys unallotted under this provision shall not be reallocated for any other purpose.
- d. Reduced General Fund Resources:
 1. The term "general fund resources" as applied in this subsection includes revenues collected and paid into the general fund of the state treasury during the current biennium, transfers to the general fund of the state treasury during the current biennium, and all unexpended balances brought forward from the previous biennium.
 2. In the event that general fund resources are estimated by the Governor to be insufficient to pay in full all general fund appropriations authorized by the General Assembly, the Governor shall, subject to the qualifications herein contained, withhold general fund spending authority, by withholding allotments of appropriations, to prevent any expenditure in excess of the estimated general fund resources available.

3. In making this determination, the Governor shall take into account actual general fund revenue collections for the current fiscal year and the results of a formal written re-estimate of general fund revenues for the current and next biennium, prepared within the previous 90 days, in accordance with the process specified in § 2.2-1503, Code of Virginia. Said re-estimate of general fund revenues shall be communicated to the Chairmen of the Senate Finance, House Appropriations and House Finance Committees, prior to taking action to reduce general fund allotments of appropriations on account of reduced resources.

4.a) In addition to monthly reports on the status of revenue collections relative to the current fiscal year's estimate, the Governor shall provide a written quarterly assessment of the current economic outlook for the remainder of the fiscal year to the Chairmen of the House Appropriations, House Finance, and Senate Finance Committees.

b) Within five business days after the preliminary close of the state accounts at the end of the fiscal year, the State Comptroller shall provide the Governor with the actual total of (1) individual income taxes, (2) corporate income taxes, and (3) sales taxes for the just-completed fiscal year, with a comparison of such actual totals with the total of such taxes in the official budget estimate for that fiscal year. If that comparison indicates that the total of (1) individual income taxes, (2) corporate income taxes, and (3) sales taxes, as shown on the preliminary close, was one percent or more below the amount of such taxes in the official budget estimate for the just-completed fiscal year, the Governor shall prepare a written re-estimate of general fund revenues for the current biennium and the next biennium in accordance with § 2.2-1503, Code of Virginia, to be reported to the Chairmen of the Senate Finance, House Finance and House Appropriations Committees, not later than September 1 following the close of the fiscal year.

5.a) The Governor shall take no action to withhold allotments until a written plan detailing specific reduction actions approved by the Governor, identified by program and appropriation item, has been presented to the Chairmen of the House Appropriations and Senate Finance Committees. Subsequent modifications to the approved reduction plan also must be submitted to the Chairmen of the House Appropriations and Senate Finance Committees, prior to withholding allotments of appropriations.

b) In addition to the budget reduction plan approved by the Governor, all budget reduction proposals submitted by state agencies to the Governor or the Governor's staff, including but not limited to the Department of Planning and Budget, the Governor's Cabinet secretaries, or the Chief of Staff, whether submitted electronically or otherwise, shall be made available via electronic means to the Chairmen of the House Appropriations and Senate Finance Committees concurrently with that budget reduction plan.

6. In effecting the reduction of expenditures, the Governor shall not withhold allotments of appropriations for:

a) More than 15 percent cumulatively of the annual general fund appropriation contained in this act for operating expenses of any one state or nonstate agency or institution designated in this act by title, and the exact amount withheld, by state or nonstate agency or institution, shall be reported within five calendar days to the Chairmen of the Senate Finance and House Appropriations Committees. State agencies providing funds directly to grantees named in this act shall not apportion a larger cut to the grantee than the proportional cut apportioned to the agency. Without regard to § 4-5.05 b.4. of this act, the remaining appropriation to the grantee which is not subject to the cut, equal to at least 85 percent of the annual appropriation, shall be made by July 31, or in two equal installments, one payable by July 31 and the other payable by December 31, if the remaining appropriation is less than or equal to \$500,000, except in cases where the normal conditions of the grant dictate a different payment schedule.

b) The payment of principal and interest on the bonded debt or other bonded obligations of the Commonwealth, its agencies and its authorities, or for payment of a legally authorized deficit.

c) The payments for care of graves of Confederate and historical African American dead.

d) The employer contributions, and employer-paid member contributions, to the Social Security System, Virginia Retirement System, Judicial Retirement System, State Police Officers Retirement System, Virginia Law Officers Retirement System, Optional Retirement Plan for College and University Faculty, Optional Retirement Plan for Political Appointees, Optional Retirement Plan for Superintendents, the Volunteer Service Award Program, the Virginia Retirement System's group life insurance, sickness and disability, and retiree health care credit programs for state employees, state-supported local employees and teachers. If the Virginia Retirement System Board of Trustees approves a contribution rate for a fiscal year that is lower than the rate on which the appropriation was based, or if the United States government approves a Social Security rate that is lower than that in effect for the current budget, the Governor may withhold excess contributions. However, employer and employee paid rates or contributions for health insurance and matching deferred compensation for state employees, state-supported local employees and teachers may not be increased or decreased beyond the amounts approved by the General Assembly. Payments for the employee benefit programs listed in this paragraph may not be delayed beyond the customary billing cycles that have been established by law or policy by the governing board.

e) The payments in fulfillment of any contract awarded for the design, construction and furnishing of any state building.

f) The salary of any state officer for whom the Constitution of Virginia prohibits a change in salary.

g) The salary of any officer or employee in the Executive Department by more than two percent (irrespective of the fund source for payment of salaries and wages); however, the percentage of reduction shall be uniformly applied to all employees within the Executive Department.

h) The appropriation supported by the State Bar Fund, as authorized by § 54.1-3913, Code of Virginia, unless the supporting

revenues for such appropriation are estimated to be insufficient to pay the appropriation.

7. The Governor is authorized to withhold specific allotments of appropriations by a uniform percentage, a graduated reduction or on an individual basis, or apply a combination of these actions, in effecting the authorized reduction of expenditures, up to the maximum of 15 percent, as prescribed in subdivision 6a of this subsection.

8. Each nongeneral fund appropriation shall be payable in full only to the extent the nongeneral fund revenues from which the appropriation is payable are estimated to be sufficient. The Governor is authorized to reduce allotments of nongeneral fund appropriations by the amount necessary to ensure that expenditures do not exceed the supporting revenues for such appropriations; however, the Governor shall take no action to reduce allotments of appropriations for major nongeneral fund sources on account of reduced revenues until such time as a formal written re-estimate of revenues for the current and next biennium, prepared in accordance with the process specified in § 2.2-1503, Code of Virginia, has been reported to the Chairmen of the Senate Finance, House Finance, and House Appropriations Committees. For purposes of this subsection, major nongeneral fund sources are defined as Highway Maintenance and Operating Fund and Transportation Trust Fund.

9. Notwithstanding any contrary provisions of law, the Governor is authorized to transfer to the general fund on June 30 of each year of the biennium, or within 20 days from that date, any available unexpended balances in other funds in the state treasury, subject to the following:

a) The Governor shall declare in writing to the Chairmen of the Senate Finance and House Appropriations Committees that a fiscal emergency exists which warrants the transfer of nongeneral funds to the general fund and reports the exact amount of such transfer within five calendar days of the transfer;

b) No such transfer may be made from retirement or other trust accounts, the State Bar Fund as authorized by § 54.1-3913, Code of Virginia, debt service funds, or federal funds; and

c) The Governor shall include for informative purposes, in the first biennial budget he submits subsequent to the transfer, the amount transferred from each account or fund and recommendations for restoring such amounts.

10. The Director, Department of Planning and Budget, shall make available via electronic means a report of spending authority withheld under the provisions of this subsection to the Chairmen of the Senate Finance and House Appropriations Committees within five calendar days of the action to withhold. Said report shall include the amount withheld by agency and appropriation item.

11. If action to withhold allotments of appropriation under this provision is inadequate to eliminate the imbalance between projected general fund resources and appropriations, the Speaker of the House of Delegates and the President pro tempore of the Senate shall be advised in writing by the Governor, so that they may consider requesting a special session of the General Assembly.

§ 4-1.03 APPROPRIATION TRANSFERS

GENERAL

a. During any fiscal year, the Director, Department of Planning and Budget, may transfer appropriation authority from one state or other agency to another, to effect the following:

1) distribution of amounts budgeted in the central appropriation to agencies, or withdrawal of budgeted amounts from agencies in accordance with specific language in the central appropriation establishing reversion clearing accounts;

2) distribution of pass-through grants or other funds held by an agency as fiscal agent;

3) correction of errors within this act, where such errors have been identified in writing by the Chairmen of the House Appropriations and Senate Finance Committees;

4) proper accounting between fund sources 0100 and 0300 in higher education institutions;

5) transfers specifically authorized elsewhere in this act or as specified in the Code of Virginia;

6) to supplement capital projects in order to realize efficiencies or provide for cost overruns unrelated to changes in size or scope; or

7) to administer a program for another agency or to effect budgeted program purposes approved by the General Assembly, pursuant to a signed agreement between the respective agencies.

b. During any fiscal year, the Director, Department of Planning and Budget, may transfer appropriation authority within an agency to effect proper accounting between fund sources and to effect program purposes approved by the General Assembly, unless specifically provided otherwise in this act or as specified in the Code of Virginia. However, appropriation authority for local aid programs and aid to individuals, with the exception of student financial aid, shall not be transferred elsewhere without

advance notice to the Chairmen of the House Appropriations and Senate Finance Committees. Further, any transfers between capital projects shall be made only to realize efficiencies or provide for cost overruns unrelated to changes in size or scope.

c.1. In addition to authority granted elsewhere in this act, the Director, Department of Planning and Budget, may transfer operating appropriations authority among sub-agencies within the Judicial System, the Department of Corrections, and the Department of Behavioral Health and Developmental Services to effect changes in operating expense requirements which may occur during the biennium.

2. The Director, Department of Planning and Budget, may transfer appropriations from the Department of Behavioral Health and Developmental Services to the Department of Medical Assistance Services, consisting of the general fund amounts required to match federal funds for reimbursement of services provided by its institutions and Community Services Boards.

3. The Director, Department of Planning and Budget, may transfer appropriations from the Office of Comprehensive Services to the Department of Medical Assistance Services, consisting of the general fund amounts required to match federal funds for reimbursement of services provided to eligible children.

4. The Director, Department of Planning and Budget, may transfer an appropriation or portion thereof within a state or other agency, or from one such agency to another, to support changes in agency organization, program or responsibility enacted by the General Assembly to be effective during the current biennium.

5. The Director, Department of Planning and Budget, may transfer appropriations from the second year to the first year, with said transfer to be reported in writing to the Chairmen of the Senate Finance and House Appropriations Committees within five calendar days of the transfer, when the expenditure of such funds is required to:

a) address a threat to life, safety, health or property, or

b) provide for unbudgeted cost increases for statutorily required services or federally mandated services, in order to continue those services at the present level, or

c) provide for payment of overtime salaries and wages, when the obligations for payment of such overtime were incurred during a situation deemed threatening to life, safety, health, or property, or

d) provide for payments to the beneficiaries of certain public safety officers killed in the line of duty, as authorized in Title 2.2, Chapter 4, Code of Virginia and for payments to the beneficiaries of certain members of the National Guard and United States military reserves killed in action in any armed conflict on or after October 7, 2001, as authorized in § 44-93.1 B., Code of Virginia, or

e) continue a program at the present level of service or at an increased level of service when required to address unanticipated increases in workload such as enrollment, caseload or like factors, or unanticipated costs, or

f) to address unanticipated business or industrial development opportunities which will benefit the state's economy, provided that any such appropriations be used in a manner consistent with the purposes of the program as originally appropriated.

6. An appropriation transfer shall not occur except through properly executed appropriation transfer documents designed specifically for that purpose, and all transactions effecting appropriation transfers shall be entered in the state's computerized budgeting and accounting systems.

7. The Director, Department of Planning and Budget, may transfer from any other agency, appropriations to supplement any project of the Virginia Public Building Authority authorized by the General Assembly and approved by the Governor. Such capital project shall be transferred to the state agency designated as the managing agency for the Virginia Public Building Authority.

8. In the event of the transition of a city to town status pursuant to the provisions of Chapter 41 of Title 15.2 of the Code of Virginia (§ 15.2-4100 et seq.) or the consolidation of a city and a county into a single city pursuant to the provisions of Chapter 35 of Title 15.2, Code of Virginia (§ 15.2-3500 et seq.) subsequent to July 1, 1999, the provisions of § 15.2-1302 shall govern distributions from state agencies to the county in which the town is situated or to the consolidated city, and the Director, Department of Planning and Budget, is authorized to transfer appropriations or portions thereof within a state agency, or from one such agency to another, if necessary to fulfill the requirements of § 15.2-1302.

§ 4-1.04 APPROPRIATION INCREASES

a. UNAPPROPRIATED NONGENERAL FUNDS:

1. Sale of Surplus Materials:

The Director, Department of Planning and Budget, is hereby authorized to increase the appropriations to any state agency by the amount of credit resulting from the sale of surplus materials under the provisions of § 2.2-1125, Code of Virginia.

2. Insurance Recovery:

The Director, Department of Planning and Budget, shall increase the appropriation authority for any state agency by the amount of the proceeds of an insurance policy or from the State Insurance Reserve Trust Fund, for expenditures as far as may be necessary, to pay for the repair or replacement of lost, damaged or destroyed property, plant or equipment.

3. Gifts, Grants and Other Nongeneral Funds:

a) Subject to § 4-1.02 c, Increased Nongeneral Fund Revenue, and the conditions stated in this section, the Director, Department of Planning and Budget, is hereby authorized to increase the appropriations to any state agency by the amount of the proceeds of donations, gifts, grants or other nongeneral funds paid into the state treasury in excess of such appropriations during a fiscal year. Such appropriations shall be increased only when the expenditure of moneys is authorized elsewhere in this act or is required to:

- 1) address a threat to life, safety, health or property or
- 2) provide for unbudgeted increases in costs for services required by statute or services mandated by the federal government, in order to continue those services at the present level or implement compensation adjustments approved by the General Assembly, or
- 3) provide for payment of overtime salaries and wages, when the obligations for payment of such overtime were incurred during a situation deemed threatening to life, safety, health, or property, or
- 4) continue a program at the present level of service or at an increased level of service when required to address unanticipated increases in noncredit instruction at institutions of higher education or business and industrial development opportunities which will benefit the state's economy, or
- 5) participate in a federal or sponsored program provided that the provisions of § 4-5.03 shall also apply to increases in appropriations for additional gifts, grants, and other nongeneral fund revenue which require a general fund match as a condition of their acceptance; or
- 6) realize cost savings in excess of the additional funds provided, or
- 7) permit a state agency or institution to use a donation, gift or grant for the purpose intended by the donor, or
- 8) provide for cost overruns on capital projects and for capital projects authorized under § 4-4.01 m of this act, or
- 9) address caseload or workload changes in programs approved by the General Assembly.

b) The above conditions shall not apply to donations and gifts to the endowment funds of institutions of higher education.

c) Each state agency and institution shall ensure that its budget estimates include a reasonable estimate of receipts from donations, gifts or other nongeneral fund revenue. The Department of Planning and Budget shall review such estimates and verify their accuracy, as part of the budget planning and review process.

d) No obligation or expenditure shall be made from such funds until a revised operating budget request is approved by the Director, Department of Planning and Budget. Expenditures from any gift, grant or donation shall be in accordance with the purpose for which it was made; however, expenditures for property, plant or equipment, irrespective of fund source, are subject to the provisions of §§ 4-2.03 Indirect Costs, 4-4.01 Capital Projects General, and 4-5.03 b Services and Clients-New Services, of this act.

e) Nothing in this section shall exempt agencies from complying with § 4-2.01 a Solicitation and Acceptance of Donations, Gifts, Grants, and Contracts of this act.

4. Any nongeneral fund cash balance recorded on the books of the Department of Accounts as unexpended on the last day of the fiscal year may be appropriated for use in the succeeding fiscal year with the prior written approval of the Director, Department of Planning and Budget, unless the General Assembly shall have specifically provided otherwise. Revenues deposited to the Virginia Health Care Fund shall be used only as the state share of Medicaid, unless the General Assembly specifically authorizes an alternate use. With regard to the appropriation of other nongeneral fund cash balances, the Director shall make a listing of such transactions available to the public via electronic means no less than ten business days following the approval of the appropriation of any such balance.

5. Reporting:

The Director, Department of Planning and Budget, shall make available via electronic means a report on increases in unappropriated nongeneral funds in accordance with § 4-8.00, Reporting Requirements, or as modified by specific provisions in this subsection.

b. AGRIBUSINESS EQUIPMENT FOR THE DEPARTMENT OF CORRECTIONS

The Director of the Department of Planning and Budget may increase the Department of Corrections appropriation for the purchase of agribusiness equipment or the repair or construction of agribusiness facilities by an amount equal to fifty percent of any annual amounts in excess of fiscal year 1992 deposits to the general fund from agribusiness operations. It is the intent of the General Assembly that appropriation increases for the purposes specified shall not be used to reduce the general fund appropriations for the Department of Corrections.

§ 4-1.05 REVERSION OF APPROPRIATIONS AND REAPPROPRIATIONS

a. GENERAL FUND OPERATING EXPENSE:

1.a) General fund appropriations which remain unexpended on (i) the last day of the previous biennium or (ii) the last day of the first year of the current biennium, shall be reappropriated and allotted for expenditure where required by the Code of Virginia, where necessary for the payment of preexisting obligations for the purchase of goods or services, or where desirable, in the determination of the Governor, to address any of the six conditions listed in § 4-1.03 c.5 of this act or to provide financial incentives to reduce spending to effect current or future cost savings. With the exception of the unexpended general fund appropriations of agencies in the Legislative Department, the Judicial Department, the Independent Agencies, or institutions of higher education, all other such unexpended general fund appropriations unexpended on the last day of the previous biennium or the last day of the first year of the current biennium shall revert to the general fund.

b) General fund appropriations for agencies in the Legislative Department, the Judicial Department, and the Independent Agencies shall be reappropriated, except as may be specifically provided otherwise by the General Assembly. General fund appropriations shall also be reappropriated for institutions of higher education, subject to § 23.1-1002, Code of Virginia.

c) To improve the stability in institutional planning and predictability for students and families to prepare for the cost of higher education, public higher education institutions are encouraged to employ the financial management strategy of establishing an institutional reserve fund supported by any unexpended education and general appropriations of the institution at the end of the fiscal year. The establishment of such a fund is designed to foster more long-term planning, promote efficient resource utilization and reduce the need for substantial year-to-year increases in tuition, thereby increasing affordability for Virginians. Independent of the provisions of § 23.1-1001, institutions are authorized to carry over education and general unexpended balances to establish and maintain a reserve fund in an amount not to exceed ~~three~~ six percent of their general fund appropriation for educational and general programs in the most recently-completed fiscal year. Any use of the reserve fund shall be approved by the Board of Visitors of the affected institution, and the institution shall immediately report the details of the approved plan for use of the reserve fund to the Governor, the Secretary of Education, the Secretary of Finance and the Chairmen of the House Appropriations and Senate Finance Committees. Any reserve fund shall be subject to the provisions of § 23.1-1303.B.11.

2. a. The Governor shall report within five calendar days after completing the reappropriation process to the Chairmen of the Senate Finance and House Appropriations Committees on the reappropriated amounts for each state agency in the Executive Department. He shall provide a preliminary report of reappropriation actions on or before November 1 and a final report on or before December 20 to the Chairmen of the House Appropriations and Senate Finance Committees.

b. The Director, Department of Planning and Budget, may transfer reappropriated amounts within an agency to cover nonrecurring costs.

3. Pursuant to subsection E of § 2.2-1125, Code of Virginia, the determination of compliance by an agency or institution with management standards prescribed by the Governor shall be made by the Secretary of Finance and the Secretary having jurisdiction over the agency or institution, acting jointly.

4. The general fund resources available for appropriation in the first enactment of this act include the reversion of certain unexpended balances in operating appropriations as of June 30 of the prior fiscal year, which were otherwise required to be reappropriated by language in the Appropriation Act.

5. Upon request, the Director, Department of Planning and Budget, shall provide a report to the Chairmen of the House Appropriations and Senate Finance Committees showing the amount reverted for each agency and the total amount of such reversions.

b. NONGENERAL FUND OPERATING EXPENSE:

Based on analysis by the State Comptroller, when any nongeneral fund has had no increases or decreases in fund balances for a period of 24 months, the State Comptroller shall promptly transfer and pay the balance into the fund balance of the general fund. If it is subsequently determined that an appropriate need warrants repayment of all or a portion of the amount transferred, the Director, Department of Planning and Budget shall include repayment in the next budget bill submitted to the General Assembly. This provision does not apply to funds held in trust by the Commonwealth.

c. CAPITAL PROJECTS:

1. Upon certification by the Director, Department of Planning and Budget, the State Comptroller is hereby authorized to revert to the fund balance of the general fund any portion of the unexpended general fund cash balance and corresponding appropriation or

reappropriation for a capital project when the Director determines that such portion is not needed for completion of the project. The State Comptroller may similarly return to the appropriate fund source any part of the unexpended nongeneral fund cash balance and reduce any appropriation or reappropriation which the Director determines is not needed to complete the project.

2. The unexpended general fund cash balance and corresponding appropriation or reappropriation for capital projects shall revert to and become part of the fund balance of the general fund during the current biennium as of the date the Director, Department of Planning and Budget, certifies to the State Comptroller that the project has been completed in accordance with the intent of the appropriation or reappropriation and there are no known unpaid obligations related to the project. The State Comptroller shall return the unexpended nongeneral fund cash balance, if there be any, for such completed project to the source from which said nongeneral funds were obtained. Likewise, he shall revert an equivalent portion of the appropriation or reappropriation of said nongeneral funds.

3. The Director, Department of Planning and Budget, may direct the restoration of any portion of the reverted amount if he shall subsequently verify an unpaid obligation or requirement for completion of the project. In the case of a capital project for which an unexpended cash balance was returned and appropriation or reappropriation was reverted in the prior biennium, he may likewise restore any portion of such amount under the same conditions.

§ 4-1.06 LIMITED ADJUSTMENTS OF APPROPRIATIONS

a. LIMITED CONTINUATION OF APPROPRIATIONS.

Notwithstanding any contrary provision of law, any unexpended balances on the books of the State Comptroller as of the last day of the previous biennium shall be continued in force for such period, not exceeding 10 days from such date, as may be necessary in order to permit payment of any claims, demands or liabilities incurred prior to such date and unpaid at the close of business on such date, and shown by audit in the Department of Accounts to be a just and legal charge, for values received as of the last day of the previous biennium, against such unexpended balances.

b. LIMITATIONS ON CASH DISBURSEMENTS.

Notwithstanding any contrary provision of law, the State Comptroller may begin preparing the accounts of the Commonwealth for each subsequent fiscal year on or about 10 days before the start of such fiscal year. The books will be open only to enter budgetary transactions and transactions that will not require the receipt or disbursement of funds until after June 30. Should an emergency arise, or in years in which July 1 falls on a weekend requiring the processing of transactions on or before June 30, the State Comptroller may, with notification to the Auditor of Public Accounts, authorize the disbursement of funds drawn against appropriations of the subsequent fiscal year, not to exceed the sum of three million dollars (\$3,000,000) from the general fund. This provision does not apply to debt service payments on bonds of the Commonwealth which shall be made in accordance with bond documents, trust indentures, and/or escrow agreements.

§ 4-1.07 ALLOTMENTS

Except when otherwise directed by the Governor within the limits prescribed in §§ 4-1.02 Withholding of Spending Authority, 4-1.03 Appropriation Transfers, and 4-1.04 Appropriation Increases of this act, the Director, Department of Planning and Budget, shall prepare and act upon the allotment of appropriations required by this act, and by § 2.2-1819, Code of Virginia, and the authorizations for rates of pay required by this act. Such allotments and authorizations shall have the same effect as if the personal signature of the Governor were subscribed thereto. This section shall not be construed to prohibit an appeal by the head of any state agency to the Governor for reconsideration of any action taken by the Director, Department of Planning and Budget, under this section.

§ 4-2.00 REVENUES

§ 4-2.01 NONGENERAL FUND REVENUES

a. SOLICITATION AND ACCEPTANCE OF DONATIONS, GIFTS, GRANTS, AND CONTRACTS:

1. *a)* No state agency shall solicit or accept any donation, gift, grant, or contract without the written approval of the Governor except under written guidelines issued by the Governor which provide for the solicitation and acceptance of nongeneral funds, except that donations or gifts to the Virginia War Memorial Foundation that are small in size and number and valued at less than \$5,000, such as library items or small display items, may be approved by the Executive Director of the Virginia War Memorial in consultation with the Secretary of Veterans Affairs and Homeland Security. All other gifts and donations to the Virginia War Memorial Foundation must receive written approval from the Secretary of Veterans Affairs and Homeland Security.

b) *The limits on solicitation and acceptance of donations, gifts, grants, and contracts stated in paragraph 1.a) above shall not apply to donations, gifts, grants, and contracts associated with support and/or response to the needs and impacts of the COVID-19 pandemic provided that acceptance of such does not create any ongoing commitments against general or nongeneral fund resources of the Commonwealth.*

2. The Governor may issue policies in writing for procedures which allow state agencies to solicit and accept nonmonetary donations, gifts, grants, or contracts except that donations, gifts and grants of real property shall be subject to § 4-4.00 of this act and § 2.2-1149, Code of Virginia. This provision shall apply to donations, gifts and grants of real property to endowment funds of institutions of higher education, when such endowment funds are held by the institution in its own name and not by a separately incorporated foundation or corporation.

3. The preceding subdivisions shall not apply to property and equipment acquired and used by a state agency or institution through a lease purchase agreement and subsequently donated to the state agency or institution during or at the expiration of the lease purchase agreement, provided that the lessor is the Virginia College Building Authority.

4. The use of endowment funds for property, plant or equipment for state-owned facilities is subject to §§ 4-2.03 Indirect Costs, 4-4.01 Capital Projects-General and 4-5.03 Services and Clients of this act.

b. HIGHER EDUCATION TUITION AND FEES

1. Except as provided in Chapters 933 and 943 of the 2006 Acts of Assembly, Chapters 594 and 616 of the 2008 Acts of Assembly, and Chapters 675 and 685 of the 2009 Acts of Assembly, all nongeneral fund collections by public institutions of higher education, including collections from the sale of dairy and farm products, shall be deposited in the state treasury in accordance with § 2.2-1802, Code of Virginia, and expended by the institutions of higher education in accordance with the appropriations and provisions of this act, provided, however, that this requirement shall not apply to private gifts, endowment funds, or income derived from endowments and gifts.

2. a) The Boards of Visitors or other governing bodies of institutions of higher education may set tuition and fee charges at levels they deem to be appropriate for all resident student groups based on, but not limited to, competitive market rates, provided that the total revenue generated by the collection of tuition and fees from all students is within the nongeneral fund appropriation for educational and general programs provided in this act.

b) The Boards of Visitors or other governing bodies of institutions of higher education may set tuition and fee charges at levels they deem to be appropriate for all nonresident student groups based on, but not limited to, competitive market rates, provided that: i) the tuition and mandatory educational and general fee rates for nonresident undergraduate and graduate students cover at least 100 percent of the average cost of their education, as calculated through base adequacy guidelines adopted, and periodically amended, by the Joint Subcommittee Studying Higher Education Funding Policies, and ii) the total revenue generated by the collection of tuition and fees from all students is within the nongeneral fund appropriation for educational and general programs provided in this act.

c) For institutions charging nonresident students less than 100 percent of the cost of education, the State Council of Higher Education for Virginia may authorize a phased approach to meeting this requirement, when in its judgment, it would result in annual tuition and fee increases for nonresident students that would discourage their enrollment.

d) The Boards of Visitors or other governing bodies of institutions of higher education shall not increase the current proportion of nonresident undergraduate students if the institution's nonresident undergraduate enrollment exceeds 25 percent. Norfolk State University, Virginia Military Institute, Virginia State University, and two-year public institutions are exempt from this restriction.

3. a) In setting the nongeneral fund appropriation for educational and general programs at the institutions of higher education, the General Assembly shall take into consideration the appropriate student share of costs associated with providing full funding of the base adequacy guidelines referenced in subparagraph 2. b), raising average salaries for teaching and research faculty to the 60th percentile of peer institutions, and other priorities set forth in this act.

b) In determining the appropriate state share of educational costs for resident students, the General Assembly shall seek to cover at least 67 percent of educational costs associated with providing full funding of the base adequacy guidelines referenced in subparagraph 2. b), raising average salaries for teaching and research faculty to the 60th percentile of peer institutions, and other priorities set forth in this act.

4. a) Each institution and the State Council of Higher Education for Virginia shall monitor tuition, fees, and other charges, as well as the mix of resident and nonresident students, to ensure that the primary mission of providing educational opportunities to citizens of Virginia is served, while recognizing the material contributions provided by the presence of nonresident students. The State Council of Higher Education for Virginia shall also develop and enforce uniform guidelines for reporting student enrollments and the domiciliary status of students.

b) The State Council of Higher Education for Virginia shall report to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees no later than August 1 of each year the annual change in total charges for tuition and all required fees approved and allotted by the Board of Visitors. As it deems appropriate, the State Council of Higher Education for Virginia shall provide comparative national, peer, and market data with respect to charges assessed students for tuition and required fees at institutions outside of the Commonwealth.

c) Institutions of higher education are hereby authorized to make the technology service fee authorized in Chapter 1042, 2003 Acts of Assembly, part of ongoing tuition revenue. Such revenues shall continue to be used to supplement technology resources at the institutions of higher education.

d) Except as provided in Chapters 933 and 943 of the 2006 Acts of Assembly, Chapters 594 and 616 of the 2008 Acts of Assembly, and Chapters 675 and 685 of the 2009 Acts of Assembly, each institution shall work with the State Council of Higher Education for Virginia and the Virginia College Savings Plan to determine appropriate tuition and fee estimates for tuition savings plans.

5. It is the intent of the General Assembly that each institution's combined general and nongeneral fund appropriation within its educational and general program closely approximate the anticipated annual budget each fiscal year.

6. Nonresident graduate students employed by an institution as teaching assistants, research assistants, or graduate assistants and paid at an annual contract rate of \$4,000 or more may be considered resident students for the purposes of charging tuition and fees.

7. The fund source "Higher Education Operating" within educational and general programs for institutions of higher education includes tuition and fee revenues from nonresident students to pay their proportionate share of the amortized cost of the construction of buildings approved by the Commonwealth of Virginia Educational Institutions Bond Act of 1992 and the Commonwealth of Virginia Educational Facilities Bond Act of 2002.

8. a) 1) Except as provided in Chapters 933 and 943 of the 2006 Acts of Assembly, Chapters 594 and 616 of the 2008 Acts of Assembly, and Chapters 675 and 685 of the 2009 Acts of Assembly, mandatory fees for purposes other than educational and general programs shall not be increased for Virginia undergraduates beyond three percent annually, excluding requirements for wage, salary, and fringe benefit increases, authorized by the General Assembly. Fee increases required to carry out actions that respond to mandates of federal agencies are also exempt from this provision, provided that a report on the purposes of the amount of the fee increase is submitted to the Chairmen of the House Appropriations and Senate Finance Committees by the institution of higher education at least 30 days prior to the effective date of the fee increase.

2) The University of Mary Washington is hereby authorized to undertake a review of its tuition and fee structure for the purpose of more closely aligning auxiliary fees, including room, board, and the comprehensive fee, with auxiliary expenditure budgets. Adjustments to mandatory fees in auxiliary programs may exceed three percent subject to annual approval by the University's Board of Visitors to the extent required to effect budgetary alignment of revenues and expenditures. This exemption will be limited to the period beginning in fiscal year 2019-20 and extending through the end of fiscal year 2023-24.

b) This restriction shall not apply in the following instances: fee increases directly related to capital projects authorized by the General Assembly; fee increases to support student health services; and other fee increases specifically authorized by the General Assembly.

c) Due to the small mandatory non-educational and general program fees currently assessed students in the Virginia Community College System, increases in any one year of no more than \$15 shall be allowed on a cost-justified case-by-case basis, subject to approval by the State Board for Community Colleges.

9. Any institution of higher education granting new tuition waivers to resident or nonresident students not authorized by the Code of Virginia must absorb the cost of any discretionary waivers.

10. Tuition and fee revenues from nonresident students taking courses through Virginia institutions from the Southern Regional Education Board's Southern Regional Electronic Campus must exceed all direct and indirect costs of providing instruction to those students. Tuition and fee rates to meet this requirement shall be established by the Board of Visitors of the institution.

c. HIGHER EDUCATION PLANNED EXCESS REVENUES:

An institution of higher education, except for those public institutions governed by Chapters 933 and 943 of the 2006 Acts of Assembly, Chapters 594 and 616 of the 2008 Acts of Assembly, and Chapters 675 and 685 of the 2009 Acts of Assembly, may generate and retain tuition and fee revenues in excess of those provided in § 4-2.01 b Higher Education Tuition and Fees, subject to the following:

1. Such revenues are identified by language in the appropriations in this act to any such institution.

2. The use of such moneys is fully documented by the institution to the Governor prior to each fiscal year and prior to allotment.

3. The moneys are supplemental to, and not a part of, ongoing expenditure levels for educational and general programs used as the basis for funding in subsequent biennia.

4. The receipt and expenditure of these moneys shall be recorded as restricted funds on the books of the Department of Accounts and shall not revert to the surplus of the general fund at the end of the biennium.

5. Tuition and fee revenues generated by the institution other than as provided herein shall be subject to the provisions of § 4-1.04 a.3 Gifts, Grants, and Other Nongeneral Funds of this act.

§ 4-2.02 GENERAL FUND REVENUE

a. STATE AGENCY PAYMENTS INTO GENERAL FUND:

1. Except as provided in § 4-2.02 a.2., all moneys, fees, taxes, charges and revenues received at any time by the following agencies from the sources indicated shall be paid immediately into the general fund of the state treasury:

a) Marine Resources Commission, from all sources, except:

1) Revenues payable to the Public Oyster Rocks Replenishment Fund established by § 28.2-542, Code of Virginia.

2) Revenue payable to the Virginia Marine Products Fund established by § 3.2-2705, Code of Virginia.

3) Revenue payable to the Virginia Saltwater Recreational Fishing Development Fund established by § 28.2-302.3, Code of Virginia.

4) Revenue payable to the Marine Fishing Improvement Fund established by § 28.2-208, Code of Virginia.

5) Revenue payable to the Marine Habitat and Waterways Improvement Fund established by § 28.2-1206, Code of Virginia.

b1) Department of Labor and Industry, or any other agency, for the administration of the state labor and employment laws under Title 40.1, Code of Virginia.

2) Department of Labor and Industry, from boiler and pressure vessel inspection certificate fees, pursuant to § 40.1-51.15, Code of Virginia.

c) All state institutions for the mentally ill or intellectually disabled, from fees or per diem paid employees for the performance of services for which such payment is made, except for a fee or per diem allowed by statute to a superintendent or staff member of any such institution when summoned as a witness in any court.

d) Secretary of the Commonwealth, from all sources.

e) The Departments of Corrections and Juvenile Justice, as required by law, including revenues from sales of dairy and other farm products.

f) Auditor of Public Accounts, from charges for audits or examinations when the law requires that such costs be borne by the county, city, town, regional government or political subdivision of such governments audited or examined.

g) Department of Education, from repayment of student scholarships and loans, except for the cost of such collections.

h) Department of the Treasury, from the following source:

Fees collected for handling cash and securities deposited with the State Treasurer pursuant to § 46.2-454, Code of Virginia.

i) Attorney General, from recoveries of attorneys' fees and costs of litigation.

j) Department of Social Services, from net revenues received from child support collections after all disbursements are made in accordance with state and federal statutes and regulations, and the state's share of the cost of administering the programs is paid.

k) Department of General Services, from net revenues received from refunds of overpayments of utilities charges in prior fiscal years, after deduction of the cost of collection and any refunds due to the federal government.

l) Without regard to paragraph e) above, the following revenues shall be excluded from the requirement for deposit to the general fund and shall be deposited as follows: (1) payments to Virginia Correctional Enterprises shall be deposited into the Virginia Correctional Enterprises Fund; (2) payments to the Departments of Corrections and Juvenile Justice for work performed by inmates, work release prisoners, probationers or wards, which are intended to cover the expenses of these inmates, work release prisoners, probationers, or wards, shall be retained by the respective agencies for their use; and (3) payments to the Departments of Corrections and Juvenile Justice for work performed by inmates in educational programs shall be retained by the agency to increase vocational training activities and to purchase work tools and work clothes for inmates, upon release.

m) the Department of State Police, from the fees generated by the Firearms Transaction Program Fund, the Concealed Weapons Program, and the Conservator of the Peace Program pursuant to §§ 18.2-308, 18.2-308.2:2 and 19.2-13, Code of Virginia

2. The provisions of § 4-2.02 a.1. State Agency Payments into General Fund shall not apply to proceeds from the sale of surplus materials pursuant to § 2.2-1125, Code of Virginia. However, the State Comptroller is authorized to transfer to the general fund of the state treasury, out of the credits under § 4-1.04 a.1 Unappropriated Nongeneral Funds – Sale of Surplus Materials of this act, sums derived from the sale of materials originally purchased with general fund appropriations. The State Comptroller may authorize similar transfers of the proceeds from the sale of property not subject to § 2.2-1124, Code of Virginia, if said property was originally acquired with general fund appropriations, unless the General Assembly provides otherwise.

n) Without regard to § 4-2.02 a.1 above, payments to the Treasurer of Virginia assessed to insurance companies for the safekeeping and handling of securities or surety bonds deposited as insurance collateral shall be deposited into the Insurance Collateral Assessment Fund to defray such safekeeping and handling expenses.

b. DEFINITION OF GENERAL FUND REVENUE FOR PERSONAL PROPERTY RELIEF ACT

Notwithstanding any contrary provision of law, for purposes of subsection C of § 58.1-3524 and subsection B of § 58.1-3536, Code of Virginia, the term general fund revenues, excluding transfers, is defined as (i) all state taxes, including penalties and interest, required and/or authorized to be collected and paid into the general fund of the state treasury pursuant to Title 58.1, Code of Virginia; (ii) permits, fees, licenses, fines, forfeitures, charges for services, and revenue from the use of money and property required and/or authorized to be paid into the general fund of the treasury; and (iii) amounts required to be deposited to the general fund of the state treasury pursuant to § 4-2.02 a.1., of this act. However, in no case shall (i) lump-sum payments, (ii) one-time payments not generated from the normal operation of state government, or (iii) proceeds from the sale of state property or assets be included in the general fund revenue calculations for purposes of subsection C of § 58.1-3524 and subsection B of § 58.1-3536, Code of Virginia.

c. DATE OF RECEIPT OF REVENUES:

All June general fund collections received under Subtitle I of Title 58.1, Code of Virginia, bearing a postmark date or electronic transactions with a settlement or notification date on or before the first business day in July, when June 30 falls on a Saturday or Sunday, shall be considered as June revenue and recorded under guidelines established annually by the Department of Accounts.

d. RECOVERIES BY THE OFFICE OF THE ATTORNEY GENERAL

1. As a condition of the appropriation for Item 59 of this Act, there is hereby created the Disbursement Review Committee (the "Committee"), the members of which are the Attorney General, who shall serve as chairman; two members of the House of Delegates appointed by the Speaker of the House; two members of the Senate appointed by the Chairman of the Senate Committee on Rules; and two members appointed by the Governor.

2. Whenever forfeitures are available for distribution by the Attorney General through programs overseen by either the U.S. Department of Justice Asset Forfeiture Program or the U.S. Treasury Executive Office for Asset Forfeiture, by virtue of the Attorney General's participation on behalf of the Commonwealth or on behalf of an agency of the Commonwealth, the Attorney General shall seek input from the Committee, to the extent permissible under applicable federal law and guidelines, for the preparation of a proposed Distribution Plan (the "Plan") regarding the distribution and use of money or property, or both. If a federal entity must approve the Plan for such distribution or use, or both, and does not approve the Plan submitted by the Attorney General, the Plan may be revised if deemed appropriate and resubmitted to the federal entity for approval following notification of the Committee. If the federal entity approves the original Plan or a revised Plan, the Attorney General shall inform the Committee, and ensure that such money or property, or both, is distributed or used, or both, in a manner that is consistent with the Plan approved by the federal entity. The distribution of any money or property, or both, shall be done in a manner as prescribed by the State Comptroller and consistent with any federal authorization in order to ensure proper accounting on the books of the Commonwealth.

e. REVENUES GENERATED FROM CLIMATE CHANGE COMPACTS

Any revenues generated through participation in any regional climate change compact, including but not limited to the Regional Greenhouse Gas Initiative and the Transportation Climate Initiative, shall be deposited in the general fund and shall not be transferred to any other entity as a condition of such compact nor shall such funds be expended for any projects or programs without the express approval of the General Assembly as evidenced by an appropriation of such funds in a general Appropriation Act with the exception of expenditures required pursuant to any contracts signed prior to the passage of this act by the General Assembly.

§ 4-2.03 INDIRECT COSTS

a. INDIRECT COST RECOVERIES FROM GRANTS AND CONTRACTS:

Each state agency, including institutions of higher education, which accepts a grant or contract shall recover full statewide and agency indirect costs unless prohibited by the grantor agency or exempted by provisions of this act.

b. AGENCIES OTHER THAN INSTITUTIONS OF HIGHER EDUCATION:

The following conditions shall apply to indirect cost recoveries received by all agencies other than institutions of higher education:

1. The Governor shall include in the recommended nongeneral fund appropriation for each agency in this act the amount which the agency includes in its revenue estimate as an indirect cost recovery. The recommended nongeneral fund appropriations shall reflect the indirect costs in the program incurring the costs.

2. If actual agency indirect cost recoveries exceed the nongeneral fund amount appropriated in this act, the Director, Department of Planning and Budget, is authorized to increase the nongeneral fund appropriation to the agency by the amount of such excess indirect cost recovery. Such increase shall be made in the program incurring the costs.

3. Statewide indirect cost recoveries shall be paid into the general fund of the state treasury, unless the agency is specifically exempted from this requirement by language in this act. Any statewide indirect cost recoveries received by the agency in excess of the exempted sum shall be deposited to the general fund of the state treasury.

c. INSTITUTIONS OF HIGHER EDUCATION:

The following conditions shall apply to indirect cost recoveries received by institutions of higher education:

1. Seventy percent shall be retained by the institution as an appropriation of moneys for the conduct and enhancement of research and research-related requirements. Such moneys may be used for payment of principal of and interest on bonds issued by or for the institution pursuant to § 23.1-1106, Code of Virginia, for any appropriate purpose of the institution, including, but not limited to, the conduct and enhancement of research and research-related requirements.

2. Thirty percent of the indirect cost recoveries for the level of sponsored programs authorized in the appropriations in Part 1 of Chapter 1042 of the Acts of Assembly of 2003, shall be included in the educational and general revenues of the institution to meet administrative costs.

3. Institutions of higher education may retain 100 percent of the indirect cost recoveries related to research grant and contract levels in excess of the levels authorized in Chapter 1042 of the Acts of Assembly of 2003. This provision is included as an additional incentive for increasing externally funded research activities.

d. REPORTS

The Director, Department of Planning and Budget, shall make available via electronic means a report to the Chairmen of the Senate Finance and House Appropriations Committees and the public no later than September 1 of each year on the indirect cost recovery moneys administratively appropriated.

e. REGULATIONS:

The State Comptroller is hereby authorized to issue regulations to carry out the provisions of this subsection, including the establishment of criteria to certify that an agency is in compliance with the provisions of this subsection.

§ 4-3.00 DEFICIT AUTHORIZATION AND TREASURY LOANS

§ 4-3.01 DEFICITS

a. GENERAL:

1. Except as provided in this section no state agency shall incur a deficit. No state agency receiving general fund appropriations under the provisions of this act shall obligate or expend moneys in excess of its general fund appropriations, nor shall it obligate or expend moneys in excess of nongeneral fund revenues that are collected and appropriated.

2. The Governor is authorized to approve deficit funding for a state agency under the following conditions:

a) an unanticipated federal or judicial mandate has been imposed,

b) insufficient moneys are available in the first year of the biennium for start-up of General Assembly-approved action, or

c) delay pending action by the General Assembly at its next legislative session will result in the curtailment of services required by statute or those required by federal mandate or will produce a threat to life, safety, health or property.

d) Such approval by the Governor shall be in writing under the conditions described in § 4-3.02 a Authorized Deficit Loans of this act and shall be promptly communicated to the Chairmen of the House Appropriations and Senate Finance Committees within five calendar days of deficit approval.

3. Deficits shall not be authorized for capital projects.

4. The Department of Transportation may obligate funds in excess of the current biennium appropriation for projects of a capital nature not covered by § 4-4.00 Capital Projects, of this act provided such projects a) are delineated in the Virginia Transportation Six-Year Improvement Program, as approved by the Commonwealth Transportation Board; and b) have sufficient cash allocated to each such project to cover projected costs in each year of the Program; and provided that c) sufficient revenues are projected to meet all cash obligations for such projects as well as all other commitments and appropriations approved by the General Assembly in the biennial budget.

b. **UNAUTHORIZED DEFICITS:** If any agency contravenes any of the prohibitions stated above, thereby incurring an unauthorized deficit, the Governor is hereby directed to withhold approval of such excess obligation or expenditure. Further, there shall be no reimbursement of said excess, nor shall there be any liability or obligation upon the state to make any appropriation hereafter to meet such unauthorized deficit. Further, those members of the governing board of any such agency who shall have voted therefor, or its head if there be no governing board, making any such excess obligation or expenditure shall be personally liable for the full amount of such unauthorized deficit and, at the discretion of the Governor, shall be deemed guilty of neglect of official duty and be subject to removal therefor. Further, the State Comptroller is hereby directed to make public any such unauthorized deficit, and the Director, Department of Planning and Budget, is hereby directed to set out such unauthorized deficits in the next biennium budget. In addition, the Governor is directed to bring this provision of this act to the attention of the members of the governing board of each state agency, or its head if there be no governing board, within two weeks of the date that this act becomes effective. The governing board or the agency head shall execute and return to the Governor a signed acknowledgment of such notification.

c. **TOTAL AUTHORIZED DEFICITS:** The amount which the Governor may authorize, under the provisions of this section during the current biennium, to be expended from loans repayable out of the general fund of the state treasury, for all state agencies, or other agencies combined, in excess of general fund appropriations for the current biennium, shall not exceed one and one-half percent (1 1/2%) of the revenues collected and paid into the general fund of the state treasury as defined in § 4-2.02 b. of this act during the last year of the previous biennium and the first year of the current biennium.

d. The Governor shall report any such authorized and unauthorized deficits to the Chairmen of the House Appropriations and Senate Finance Committees within five calendar days of deficit approval. By August 15 of each year, the Governor shall provide a comprehensive report to the Chairmen of the House Appropriations and Senate Finance Committees detailing all such deficits.

§ 4-3.02 TREASURY LOANS

a. **AUTHORIZED DEFICIT LOANS:** A state agency requesting authorization for deficit spending shall prepare a plan for the Governor's review and approval, specifying appropriate financial, administrative and management actions necessary to eliminate the deficit and to prevent future deficits. If the Governor approves the plan and authorizes a state agency to incur a deficit under the provisions of this section, the amount authorized shall be obtained by the agency by borrowing the authorized amount on such terms and from such sources as may be approved by the Governor. At the close of business on the last day of the current biennium, any unexpended balance of such loan shall be applied toward repayment of the loan, unless such action is contrary to the conditions of the loan approval. The Director, Department of Planning and Budget, shall set forth in the next biennial budget all such loans which require an appropriation for repayment. A copy of the approved plan to eliminate the deficit shall be transmitted to the Chairmen of the House Appropriations and the Senate Finance Committees within five calendar days of approval.

b. **ANTICIPATION LOANS:** Authorization for anticipation loans are limited to the provisions below.

1.a) When the payment of authorized obligations for operating expenses is required prior to the collection of nongeneral fund revenues, any state agency may borrow from the state treasury the required sums with the prior written approval of the Secretary of Finance or his designee as to the amount, terms and sources of such funds; such loans shall not exceed the amount of the anticipated collections of such revenues and shall be repaid only from such revenues when collected. *In addition, institutions of higher education may request a treasury loan because of cash flow challenges resulting from the loss of auxiliary revenues due to the closure of auxiliary operations tied to the COVID-19 emergency. The Secretary of Finance shall develop any needed guidelines in evaluating requests received from the institutions of higher education.*

b) When the payment of authorized obligations for capital expenses is required prior to the collection of nongeneral fund revenues or proceeds from authorized debt, any state agency or body corporate and politic, constituting a public corporation and government instrumentality, may borrow from the state treasury the required sums with the prior written approval of the Secretary of Finance or his designee as to the amount, terms and sources of such funds; such loans in anticipation of bond proceeds shall not exceed the amount of the anticipated proceeds from debt authorized by the General Assembly and shall be repaid only from such proceeds when collected.

2. Anticipation loans for operating expenses shall be in amounts not greater than the sum identified by the agency as the minimum amount required to meet the projected expenditures. The term of any anticipation loans granted for operating expenses shall not exceed twelve months.

3. Before an anticipation loan for a capital project is authorized, the agency shall develop a plan for financing such capital project; approval of the State Treasurer shall be obtained for all plans to incur authorized debt.

4. Anticipation loans for capital projects shall be in amounts not greater than the sum identified by the agency as required to meet the projected expenditures for the project within the current biennium.

5. To ensure that such loans are repaid as soon as practical and economical, the Department of Planning and Budget shall monitor the construction and expenditure schedules of all approved capital projects that will be paid for with proceeds from

authorized debt and have anticipation loans.

6. Unless otherwise prohibited by federal or state law, the State Treasurer shall charge current market interest rates on anticipation loans made for operating purposes and capital projects subject to the following:

a) Anticipation loans for capital projects for which debt service will be paid with general fund appropriations shall be exempt from interest payments on borrowed balances.

b) Interest payments on anticipation loans for nongeneral fund capital projects or nongeneral fund operating expenses shall be made from appropriated nongeneral fund revenues. Such interest shall not be paid with the funds from the anticipation loan or from the proceeds of authorized debt without the approval of the State Treasurer.

c) REPORTING: All outstanding loans shall be reported by the Governor to the Chairmen of the House Appropriations and Senate Finance Committees by August 15 of each year. The report shall include a status of the repayment schedule for each loan.

c. ANTICIPATION LOANS FOR PROJECTS NOT INCLUDED IN THIS ACT OR FOR PROJECTS AUTHORIZED UNDER § 4-4.01M: Authorization for anticipation loans for projects not included in this act or for projects authorized under § 4-4.01 m are limited to the provisions below:

1. Such loans are limited to those projects that shall be repaid from revenues derived from nongeneral fund sources.

2.a) When the payment of authorized obligations for operating expenses is required prior to the collection of nongeneral fund revenues, any state agency may borrow from the state treasury the required sum with the prior written approval of the Secretary of Finance or his designee as to the amount, terms, and sources of such funds. Such loans shall not exceed the amount of the anticipated collections of such nongeneral fund revenues and shall be repaid only from such nongeneral fund revenues when collected.

b) When the payment of obligations for capital expenses for projects authorized under § 4-4.01 m is required prior to the collection of nongeneral fund revenues, any state agency or body corporate and politic, constituting a public corporation and government instrumentality, may borrow from the state treasury the required sums with the prior written approval of the Secretary of Finance or his designee as to the amount, terms and sources of such funds. Such loans shall be repaid only from nongeneral fund revenues associated with the project.

3. Anticipation loans for operating expenses shall be in amounts not greater than the sum identified by the agency as the minimum amount required to meet projected expenditures. The term of any anticipation loans granted for operating expenses shall not exceed 12 months.

4. Before an anticipation loan is provided for a capital project authorized under § 4-4.01 m, the agency shall develop a plan for repayment of such loan and approval of the Director of the Department of Planning and Budget shall be obtained for all such plans and reported to the Chairman of the House Appropriations and Senate Finance Committees.

5. Anticipation loans for capital projects authorized under § 4-4.01 m shall be in amounts not greater than the sum identified by the agency as required to meet the projected expenditures for the project within the current biennium. Such loans shall be repaid only from nongeneral fund revenues associated with the project.

6. The State Treasurer shall charge current market interest rates on anticipation loans made for capital projects authorized under § 4-4.01 m. Interest payments on anticipation loans for nongeneral fund capital projects authorized under § 4-4.01 m shall be made from appropriated nongeneral fund revenues. Such interest shall not be paid with the funds from the anticipation loan without the approval of the Director of the Department of Planning and Budget.

a) REPORTING: All outstanding loans shall be reported by the Governor to the Chairmen of the House Appropriations and Senate Finance Committees by August 15 of each year. The report shall include a status of the repayment schedule for each loan.

§ 4-3.03 CAPITAL LEASES

a. GENERAL:

1. As part of their capital budget submission, all agencies and institutions of the Commonwealth proposing building projects that may qualify as capital lease agreements, as defined in Generally Accepted Accounting Principles (GAAP), and that may be supported in whole, or in part, from appropriations provided for in this act, shall submit copies of such proposals to the Directors of the Departments of Planning and Budget and General Services, the State Comptroller, and the State Treasurer. The Secretary of Finance may promulgate guidelines for the review and approval of such requests.

2. The proposals shall be submitted in such form as the Secretary of Finance may prescribe. The Comptroller and the Director, Department of General Services shall be responsible for evaluating the proposals to determine if they qualify as capital lease agreements. The State Treasurer shall be responsible for incorporating existing and authorized capital lease agreements in the annual Debt Capacity Advisory Committee reports.

b. APPROVAL OF FINANCINGS:

1. For any project which qualifies as a capital lease, as defined in the preceding subdivisions a 1 and 2, and which is financed through the issuance of securities, the Treasury Board shall approve the terms and structure of such financing pursuant to § 2.2-2416, Code of Virginia.

2. For any project for which costs will exceed \$5,000,000 and which is financed through a capital lease transaction, the Treasury Board shall approve the financing terms and structure of such capital lease in addition to such other reviews and approvals as may be required by law. Prior to consideration by the Treasury Board, the Departments of Accounts, General Services, and Planning and Budget shall notify the Treasury Board upon their approval of any transaction which qualifies as a capital lease under the terms of this section. The State Treasurer shall notify the Chairmen of the House Appropriations and Senate Finance Committees of the action of the Treasury Board as it regards this subdivision within five calendar days of its action.

c. REPORTS: Not later than December 20 of each year, the Secretary of Finance and the Secretary of Administration shall jointly be responsible for providing the Chairmen of the House Appropriations and Senate Finance Committees with recommendations involving proposed capital lease agreements.

d. This section shall not apply to capital leases that are funded entirely with nongeneral fund revenues and are entered into by public institutions of higher education governed by Chapters 933 and 943 of the 2006 Acts of Assembly. Furthermore, the Department of General Services is authorized to enter into capital leases for executive branch agencies provided that the resulting capital lease is funded entirely with nongeneral funds, is approved based on the requirements of § 4-3.03 b.1 and 2 above, and would not be considered tax supported debt of the Commonwealth.

§ 4-4.00 CAPITAL PROJECTS

§ 4-4.01 GENERAL

a. Definition:

1. Unless defined otherwise, when used in this section, "capital project" or "project" means acquisition of property and new construction and improvements related to state-owned property, plant or equipment (including plans therefor), as the terms "acquisition", "new construction", and "improvements" are defined in the instructions for the preparation of the Executive Budget. "Capital project" or "project" shall also mean any improvements to property leased for use by a state agency, and not owned by the state, when such improvements are financed by public funds, except as hereinafter provided in subdivisions 3 and 4 of this subsection.

2. The provisions of this section are applicable equally to acquisition of property and plant by purchase, gift, or any other means, including the acquisition of property through a lease/purchase contract, regardless of the method of financing or the source of funds. Acquisition of property by lease shall be subject to § 4-3.03 of this act.

3. The provisions of this section shall not apply to property or equipment acquired by lease or improvements to leased property and equipment when the improvements are provided by the lessor pursuant to the terms of the lease and upon expiration of the lease remain the property of the lessor.

4. The provisions of this section shall not apply to property leased by state agencies for the purposes described in §§ 2.2-1151 C and 33.2-1010, Code of Virginia.

b. Notwithstanding any other provisions of law, requests for appropriations for capital projects shall be subject to the following:

1. The agency shall submit a capital project proposal for all requested capital projects. Such proposals shall be submitted to the Director, Department of Planning and Budget, for review and approval in accordance with guidelines prescribed by the director. Projects shall be developed to meet agency functional and space requirements within a cost range comparable to similar public and private sector projects.

2. Except for institutions of higher education governed by Chapters 933 and 943 of the 2006 Acts of Assembly, Chapters 594 and 616 of the 2008 Acts of Assembly and Chapters 675 and 685 of the 2009 Acts of Assembly, financings for capital projects shall comply, where applicable, with the Treasury Board Guidelines issued pursuant to § 2.2-2416, Code of Virginia, and any subsequent amendments thereto.

3. As part of any request for appropriations for an armory, the Department of Military Affairs shall obtain a written commitment from the host locality to share in the operating expense of the armory.

c. Each agency head shall provide annually to the Director, Department of Planning and Budget, a report on the use of the maintenance reserve appropriation of the agency in Part 2 of this act. In the use of its maintenance reserve appropriation, an agency shall give first priority to the repair or replacement of roof on buildings under control of the agency. The agency head shall certify in the agency's annual maintenance reserve report that to the best of his or her knowledge, all necessary roof repairs have been accomplished or are in the process of being accomplished. Such roof repairs and replacements shall be in accord with the technical requirements of the Commonwealth's Construction and Professional Services Manual.

d. The Department of Planning and Budget shall review its approach to capital outlay planning and budgeting from time to time and make available via electronic means a report of any proposed change to the Chairmen of the House Appropriations and Senate Finance Committees and the public prior to its implementation. Such report shall include an analysis of the impact of the suggested change on affected agencies and institutions.

e. Nothing in §§ 2-0 and 4-4.00 of this act shall be deemed to override the provisions of §§ 2.2-1132 and 62.1-132.6, Code of Virginia, amended by Chapter 488, 1997 Acts of Assembly, relating to Virginia Port Authority capital projects and procurement activities.

f. Legislative Approval: It is the intent of the General Assembly that, with the exceptions noted in this paragraph and paragraph m, all capital projects to be undertaken by agencies of the Commonwealth, including institutions of higher education, shall be pursuant to approvals by the General Assembly as provided in the Six-Year Capital Outlay Plan established pursuant to § 2.2-1515, et seq., Code of Virginia. Otherwise, the consideration of capital projects shall be limited to:

1. Supplementing projects which have been bid and determined to have insufficient funding to be placed under contract, and
2. Projects declared by the Governor or the General Assembly to be of an emergency nature, which may avoid an increase in cost or otherwise result in a measurable benefit to the state, and/or which are required for the continued use of existing facilities.
3. This paragraph does not prohibit the initiation of projects authorized by § 4-4.01 m hereof, or projects included under the central appropriations for capital project expenses in this act.

g. Preliminary Requirements: In regard to each capital project for which appropriation or reappropriation is made pursuant to this act, or which is hereafter considered by the Governor for inclusion in the Executive Budget, or which is offered as a gift or is considered for purchase, the Governor is hereby required: (1) to determine the urgency of its need, as compared with the need for other capital projects as herein authorized, or hereafter considered; (2) to determine whether the proposed plans and specifications for each capital project are suitable and adequate, and whether they involve expenditures which are excessive for the purposes intended; (3) to determine whether labor, materials, and other requirements, if any, needed for the acquisition or construction of such project can and will be obtained at reasonable cost; and (4) to determine whether or not the project conforms to a site or master plan approved by the agency head or board of visitors of an institution of higher education for a program approved by the General Assembly.

h. Initiation Generally:

1. No architectural or engineering planning for, or construction of, or purchase of any capital project shall be commenced or revised without the prior written approval of the Governor or his designee.
2. The requirements of § 10.1-1190, Code of Virginia, shall be met prior to the release of funds for a major state project, provided, however, that the Governor or his designee is authorized to release from any appropriation for a major state project made pursuant to this act such sum or sums as may be necessary to pay for the preparation of the environmental impact report required by § 10.1-1188, Code of Virginia.
3. The Governor, at his discretion, or his designee may release from any capital project appropriation or reappropriation made pursuant to this act such sum (or sums) as may be necessary to pay for the preparation of plans and specifications by architects and engineers, provided that the estimated cost of the construction covered by such drawings and specifications does not exceed the appropriation therefor; provided, further, however, that the architectural and engineering fees paid on completion of the preliminary design for any such project may be based on such estimated costs as may be approved by the Governor in writing, where it is shown to the satisfaction of the Governor that higher costs of labor or material, or both, or other unforeseen conditions, have made the appropriation inadequate for the completion of the project for which the appropriation was made, and where in the judgment of the Governor such changed conditions justify the payment of architectural or engineering fees based on costs exceeding the appropriation.
4. Architectural or engineering contracts shall not be awarded in perpetuity for capital projects at any state institution, agency or activity.

i. Capital Projects Financed with Bonds: Capital projects proposed to be financed with (i) 9 (c) general obligation bonds or (ii) 9(d) obligations where debt service is expected to be paid from project revenues or revenues of the agency or institution, shall be reviewed as follows:

1. By August 15 of each year, requests for inclusion in the Executive Budget of capital projects to be financed with 9(c) general obligation bonds shall be submitted to the State Treasurer for evaluation of financial feasibility. Submission shall be in accordance with the instructions prescribed by the State Treasurer. The State Treasurer shall distribute copies of financial feasibility studies to the Director, Department of Planning and Budget, the Secretary for the submitting agency or institution, the Chairmen of the House Appropriations and Senate Finance Committees, and the Director, State Council of Higher Education for Virginia, if the project is requested by an institution of higher education.

2. By August 15 of each year, institutions shall also prepare and submit copies of financial feasibility studies to the State Council of Higher Education for Virginia for 9(d) obligations where debt service is expected to be paid from project revenues or revenues of the institution. The State Council of Higher Education for Virginia shall identify the impact of all projects requested by the institutions of higher education, and as described in § 4-4.01 j.1. of this act, on the current and projected cost to students in institutions of higher education and the impact of the project on the institution's need for student financial assistance. The State Council of Higher Education for Virginia shall report such information to the Secretary of Finance and the Chairmen of the House Appropriations and Senate Finance Committees no later than October 1 of each year.

3. Prior to the issuance of debt for 9(c) general obligation projects, when more than one year has elapsed since the review of financial feasibility specified in § 4-4.01 j 1 above, an updated feasibility study shall be prepared by the agency and reviewed by the State Treasurer prior to requesting the Governor's Opinion of Financial Feasibility required under Article X, Section 9 (c), of the Constitution of Virginia.

j. Transfers to supplement capital projects from nongeneral funds may be made under the conditions set forth in §§ 4-1.03 a, 4-1.04 a.3, and 4-4.01 m of this act.

k.1. Change in Size and Scope: Unless otherwise provided by law, the scope, which is the function or intended use, of any capital project may not be substantively changed, nor its size increased or decreased by more than five percent in size beyond the plans and justification which were the basis for the appropriation or reappropriation in this act or for the Governor's authorization pursuant to § 4-4.01 m of this act. However, this prohibition is not applicable to changes in size and scope required because of circumstances determined by the Governor to be an emergency, or requirements imposed by the federal government when such capital project is for armories or other defense-related installations and is funded in whole or in part by federal funds. Furthermore, this prohibition shall not apply to minor increases, beyond five percent, in square footage determined by the Director, Department of General Services, to be reasonable and appropriate based on a written justification submitted by the agency stating the reason for the increase, with the provision that such increase will not increase the cost of the project beyond the amount appropriated; nor to decreases in size beyond five percent to offset unbudgeted costs when such costs are determined by the Director, Department of Planning and Budget, to be reasonable based on a written justification submitted by the agency specifying the amount and nature of the unbudgeted costs and the types of actions that will be taken to decrease the size of the project. The written justification shall also include a certification, signed by the agency head, that the resulting project will be consistent with the original programmatic intent of the appropriations.

2. If space planning, energy conservation, and environmental standards guides for any type of construction have been approved by the Governor or the General Assembly, the Governor shall require capital projects to conform to such planning guides.

l. Projects Not Included In This Act:

1. Authorization by Governor:

a) The Governor may authorize initiation of, planning for, construction of or acquisition of a nongeneral fund capital project not specifically included in this act or provided for a program approved by the General Assembly through appropriations, under one or more of the following conditions:

1) The project is required to meet an emergency situation.

2) The project is to be operated as an auxiliary enterprise or sponsored program in an institution of higher education and will be fully funded by revenues of auxiliary enterprises or sponsored programs.

3) The project is to be operated as an educational and general program in an institution of higher education and will be fully funded by nongeneral fund revenues of educational and general programs or from private gifts and indirect cost recoveries.

4) The project consists of plant or property which has become available or has been received as a gift.

5) The project has been recommended for funding by the Tobacco Indemnification and Community Revitalization Commission or the Virginia Tobacco Settlement Foundation.

b) The foregoing conditions are subject to the following criteria:

1) Funds are available within the appropriations made by this act (including those subject to §§ 4-1.03 a, 4-1.04 a.3, and 4-2.03) without adverse effect on other projects or programs, or from unappropriated nongeneral fund revenues or balances.

2) In the Governor's opinion such action may avoid an increase in cost or otherwise result in a measurable benefit to the state.

3) The authorization includes a detailed description of the project, the project need, the total project cost, the estimated operating costs, and the fund sources for the project and its operating costs.

4) The Chairmen of the House Appropriations and Senate Finance Committees shall be notified by the Governor prior to the authorization of any capital project under the provisions of this subsection.

5) Permanent funding for any project initiated under this section shall only be from nongeneral fund sources.

2. Authorization by Director, Department of Planning and Budget:

a) The Director, Department of Planning and Budget, may authorize initiation of a capital project not included in this act, if the General Assembly has enacted legislation to fund the project from bonds of the Virginia Public Building Authority, Virginia College Building Authority, or from reserves created by refunding of bonds issued by those Authorities.

3. Delegated authorization by Boards of Visitors, Public Institutions of Higher Education:

a) In accordance with § 4-5.06 of this act, the board of visitors of any public institution of higher education that: i) has met the eligibility criteria set forth in Chapters 933 and 945 of the 2005 Acts of Assembly for additional operational and administrative autonomy, including having entered into a memorandum of understanding with the Secretary of Administration for delegated authority of nongeneral fund capital outlay projects, and ii) has received a sum sufficient nongeneral fund appropriation for emergency projects as set out in Part 2: Capital Project Expenses of this act, may authorize the initiation of any capital project that is not specifically set forth in this act provided that the project meets at least one of the conditions and criteria identified in § 4-4.01 m 1 of this act.

b) At least 30 days prior to the initiation of a project under this provision, the board of visitors must notify the Governor and Chairmen of the House Appropriations and Senate Finance Committees and must provide a life-cycle budget analysis of the project. Such analysis shall be in a form to be prescribed by the Auditor of Public Accounts.

c) The Commonwealth of Virginia shall have no general fund obligation for the construction, operation, insurance, routine maintenance, or long-term maintenance of any project authorized by the board of visitors of a public institution of higher education in accordance with this provision.

m. Acquisition, maintenance, and operation of buildings and nonbuilding facilities in colleges and universities shall be subject to the following policies:

1. The anticipated program use of the building or nonbuilding facility should determine the funding source for expenditures for acquisition, construction, maintenance, operation, and repairs.

2. Expenditures for land acquisition, site preparation beyond five feet from a building, and the construction of additional outdoor lighting, sidewalks, outdoor athletic and recreational facilities, and parking lots in the Virginia Community College System shall be made only from appropriated federal funds, Trust and Agency funds, including local government allocations or appropriations, or the proceeds of indebtedness authorized by the General Assembly.

3. The general policy of the Commonwealth shall be that parking services are to be operated as an auxiliary enterprise by all colleges and universities. Institutions should develop sufficient reserves for ongoing maintenance and replacement of parking facilities.

4. Except as provided in paragraph 2 above, expenditures for maintenance, replacement, and repair of outdoor lighting, sidewalks, and other infrastructure facilities may be made from any appropriated funds.

5. Expenditures for operations, maintenance, and repair of athletic, recreational, and public service facilities, both indoor and outdoor, should be from nongeneral funds. However, this condition shall not apply to any indoor recreational facility existing on a community college campus as of July 1, 1988.

6.a.1. At institutions of higher education that have met the eligibility criteria for additional operational and administrative authority as set forth in Chapters 933 and 945 of the 2005 Acts of Assembly or Chapters 824 and 829 of the 2008 Acts of Assembly, any repair, renovation, or new construction project costing up to \$3,000,000 shall be exempt from the capital outlay review and approval process. For purposes of this paragraph, projects shall not include any subset of a series of projects, which in combination would exceed the \$3,000,000 maximum.

2. All state agencies and institutions of higher education shall be exempt from the capital review and approval process for repair, renovation, or new construction projects costing up to \$3,000,000.

b. Blanket authorizations funded entirely by nongeneral funds may be used for 1) renovation and infrastructure projects costing up to \$3,000,000 and 2) the planning of nongeneral fund new construction and renovation projects through bidding, with bid award made after receipt of a construction authorization. The Director, Department of Planning and Budget, may provide exemptions to the threshold.

7. It is the policy of the Commonwealth that the institutions of higher education shall treat the maintenance of their facilities as a priority for the allocation of resources. No appropriations shall be transferred from the "Operation and Maintenance of Plant" subprogram except for closely and definitely related purposes, as approved by the Director, Department of Planning and Budget, or his designee. A report providing the rationale for each approved transfer shall be made to the Chairmen of the House Appropriations and Senate Finance Committees.

n. Legislative Intent and Reporting: Appropriations for capital projects shall be deemed to have been made for purposes which

require their expenditure, or being placed under contract for expenditure, during the current biennium. Agencies to which such appropriations are made in this act or any other act are required to report progress as specified by the Governor. If, in the opinion of the Governor, these reports do not indicate satisfactory progress, he is authorized to take such actions as in his judgment may be necessary to meet legislative intent as herein defined. Reporting on the progress of capital projects shall be in accordance with § 4-8.00, Reporting Requirements.

o. No expenditure from a general fund appropriation in this act shall be made to expand or enhance a capital outlay project beyond that anticipated when the project was initially approved by the General Assembly except to comply with requirements imposed by the federal government when such capital project is for armories or other defense-related installations and is funded in whole or in part by federal funds. General fund appropriations in excess of those necessary to complete the project shall not be reallocated to expand or enhance the project, or be reallocated to a different project. The prohibitions in this subsection shall not apply to transfers from projects for which reappropriations have been authorized.

p. Local or private funds to be used for the acquisition, construction or improvement of capital projects for state agency use as owner or lessee shall be deposited into the state treasury for appropriation prior to their expenditure for such projects.

q. State-owned Registered Historic Landmarks: To guarantee that the historical and/or architectural integrity of any state-owned properties listed on the Virginia Landmarks Register and the knowledge to be gained from archaeological sites will not be adversely affected because of inappropriate changes, the heads of those agencies in charge of such properties are directed to submit all plans for significant alterations, remodeling, redecoration, restoration or repairs that may basically alter the appearance of the structure, landscaping, or demolition to the Department of Historic Resources. Such plans shall be reviewed within thirty days and the comments of that department shall be submitted to the Governor through the Department of General Services for use in making a final determination.

r.1. The Governor may authorize the conveyance of any interest in property or improvements thereon held by the Commonwealth to the educational or real estate foundation of any institution of higher education where he finds that such property was acquired with local or private funds or by gift or grant to or for the use of the institution, and not with funds appropriated to the institution by the General Assembly. Any approved conveyance shall be exempt from § 2.2-1156, Code of Virginia, and any other statute concerning conveyance, transfer or sale of state property. If the foundation conveys any interest in the property or any improvements thereon, such conveyance shall likewise be exempt from compliance with any statute concerning disposition of state property. Any income or proceeds from the conveyance of any interest in the property shall be deemed to be local or private funds and may be used by the foundation for any foundation purpose.

2. This section shall not apply to public institutions of higher education governed by Chapters 933 and 943 of the 2006 Acts of Assembly, Chapters 594 and 616 of the 2008 Acts of Assembly, Chapters 824 and 829 of the 2008 Acts of Assembly, and Chapters 675 and 685 of the 2009 Acts of Assembly.

s.1. Facility Lease Agreements Involving Institutions of Higher Education: In the case of any lease agreement involving state-owned property controlled by an institution of higher education, where the lease has been entered into consistent with the provisions of § 2.2-1155, Code of Virginia, the Governor may amend, adjust or waive any project review and reporting procedures of Executive agencies as may reasonably be required to promote the property improvement goals for which the lease agreement was developed.

2. This section shall not apply to public institutions of higher education governed by Chapters 933 and 943 of the 2006 Acts of Assembly, Chapters 594 and 616 of the 2008 Acts of Assembly, Chapters 824 and 829 of the 2008 Acts of Assembly, and Chapters 675 and 685 of the 2009 Acts of Assembly.

t. Energy-efficiency Projects: Improvements to state-owned properties for the purpose of energy-efficiency shall be treated as follows:

1. Such improvements shall be considered an operating expense, provided that:

a) the scope of the project meets or exceeds the applicable energy-efficiency standards set forth in the American Society of Heating, Refrigerating, and Air Conditioning Engineers (ASHRAE), the Illuminating Engineering Society (IES) standard 90.1-1989 and is limited to measures listed in guidelines issued by the Department of General Services;

b) the project is financed consistent with the provisions of § 2.2-2417, Code of Virginia, which requires Treasury Board approval and is executed through a nonprofessional services contract with a vendor approved by the Department of General Services;

c) the scope of work has been reviewed and recommended by the Department of Mines, Minerals and Energy;

d) the total cost does not exceed \$3,000,000; and

e) if the total cost exceeds \$3,000,000, but does not exceed \$7,000,000, the energy savings from the project offset the total cost of the project, including debt service and interest payments.

2. If (a) the total cost of the improvement exceeds \$7,000,000 or (b) the total cost exceeds \$3,000,000, but does not exceed \$7,000,000, and the energy savings from the project do not fully offset the total cost of the project, including debt services and interest payments, the improvement shall be considered a capital expense regardless of the type of improvement and the following conditions must be met:

- a) the scope of the project meets or exceeds the applicable energy-efficiency standards set forth in the American Society of Heating, Refrigerating, and Air Conditioning Engineers (ASHRAE), the Illuminating Engineering Society (IES) standard 90.1-1989 and is limited to measures listed in guidelines issued by the Department of General Services;
- b) the project is financed consistent with the provisions of § 2.2-2417, Code of Virginia, which requires Treasury Board approval and is executed through a nonprofessional services contract with a vendor approved by the Department of General Services;
- c) the scope of work has been reviewed and recommended by the Department of Mines, Minerals and Energy;
- d) the project has been reviewed by the Department of Planning and Budget; and
- e) the project has been approved by the Governor.

3. If the total project exceeds \$250,000, the agency director will submit written notification to the Director, Department of Planning and Budget, verifying that the project meets all of the conditions in subparagraph 1 above.

The provisions of §§ 2.0 and 4-4.01 of this act and the provisions of § 2.2-1132, Code of Virginia, shall not apply to energy conservation projects that qualify as capital expenses.

4. As used in this paragraph, "improvement" does not include (a) constructing, enlarging, altering, repairing or demolishing a building or structure, (b) changing the use of a building either within the same use group or to a different use group when the new use requires greater degrees of structural strength, fire protection, exit facilities or sanitary provisions, or (c) removing or disturbing any asbestos-containing materials during demolition, alteration, renovation of or additions to building or structures. If the projected scope of an energy-efficiency project includes any of these elements, it shall be subject to the capital outlay process as set out in this section.

5. The Director, Department of Planning and Budget, shall notify the Chairmen of the House Appropriations and Senate Finance Committees upon the initiation of any energy-efficiency projects under the provisions of this paragraph.

u. No expenditures shall be authorized for the purchase of fee simple title to any real property to be used for a correctional facility or for the actual construction of a correctional facility provided for in this act, or by reference hereto, that involves acquisition or new construction of youth or adult correctional facilities on real property which was not owned by the Commonwealth on January 1, 1995, until the governing body of the county, city or town wherein the project is to be located has adopted a resolution supporting the location of such project within the boundaries of the affected jurisdiction. The foregoing does not prohibit expenditures for site studies, real estate options, correctional facility design and related expenditures.

v. Except for institutions of higher education governed by Chapters 933 and 943 of the 2006 Acts of Assembly, Chapters 594 and 616 of the 2008 Acts of Assembly, and Chapters 675 and 685 of the 2009 Acts of Assembly, any alternative financing agreement entered into between a state agency or institution of higher education and a private entity or affiliated foundation must be reviewed and approved by the Treasury Board.

w. Prior to requesting authorization for new dormitory capital projects, institutions of higher education shall conduct a cost study to determine whether an alternative financing arrangement or public-private transaction would provide a more effective option for the construction of the proposed facility. This study shall be submitted to the Department of Planning and Budget as part of the budget development process and shall be evaluated by the Governor prior to submitting his proposed budget.

x. Construction or improvement projects of the Department of Military Affairs are not exempt from the capital outlay review process when the state procurement process is utilized, except for those projects with both an estimated cost of \$3,000,000 or less and are 100 percent federally reimbursed. The Department of Military Affairs shall submit by July 30 of each year to the Department of Planning and Budget a list of such projects that were funded pursuant to this exemption in the previous fiscal year and any projects that would be eligible for such funding in future fiscal years.

§ 4-4.02 PLANNING AND BUDGETING

a. It shall be the intent of the General Assembly to make biennial appropriations for a capital improvements program sufficient to address the program needs of the Commonwealth. The capital improvements program shall include maintenance and deferred maintenance of the Commonwealth's existing facilities, and of the facility requirements necessary to deliver the programs of state agencies and institutions.

b. In effecting these policies, the Governor shall establish a capital budget plan to address the renewal and replacement of the Commonwealth's physical plant, using such guidelines as recommended by industry or government to maintain the Commonwealth's investment in its property and plant.

§ 4-5.00 SPECIAL CONDITIONS AND RESTRICTIONS ON EXPENDITURES**§ 4-5.01 TRANSACTIONS WITH INDIVIDUALS**

a. **SETTLEMENT OF CLAIMS:** Whenever a dispute, claim or controversy involving the interest of the Commonwealth is settled pursuant to § 2.2-514, Code of Virginia, payment may be made out of any appropriations, designated by the Governor, to the state agency(ies) which is (are) party to the settlement.

b. **STUDENT FINANCIAL ASSISTANCE FOR HIGHER EDUCATION:**

1. **General:**

a) The appropriations made in this act to state institutions of higher education within the Items for student financial assistance may be expended for any one, all, or any combination of the following purposes: grants to undergraduate students enrolled at least one-half time in a degree, certificate, industry-based certification and related programs that do not qualify for other sources of student financial assistance or diploma program; grants to full-time graduate students; graduate assistantships: grants to students enrolled full-time in a dual or concurrent undergraduate and graduate program. The institutions may also use these appropriations for the purpose of supporting work study programs. The institution is required to transfer to educational and general appropriations all funds used for work study or to pay graduate assistantships. Institutions may also contribute to federal or private student grant aid programs requiring matching funds by the institution, except for programs requiring work. The State Council of Higher Education for Virginia shall annually review each institution's plan for the expenditures of its general fund appropriation for undergraduate student financial assistance prior to the start of the fall term to determine program compliance. The institution's plan shall include the institution's assumptions and calculations for determining the cost of attendance, student financial need, and student remaining need as well as an award schedule or description of how funds are awarded. For the purposes of the proposed plan, each community college shall be considered independently. No limitations shall be placed on the awarding of nongeneral fund appropriations made in this act to state institutions of higher education within the Items for student financial assistance other than those found previously in this paragraph and as follows: (i) funds derived from in-state student tuition will not subsidize out-of-state students, (ii) students receiving these funds must be making satisfactory academic progress, (iii) awards made to students should be based primarily on financial need, and (iv) institutions should make larger grant and scholarship awards to students taking the number of credit hours necessary to complete a degree in a timely manner.

b) All awards made to undergraduate students from such Items shall be for Virginia students only and such awards shall offset all, or portions of, the costs of tuition and required fees, and, in the case of students qualifying under subdivision b 2 c)1) hereof, the cost of books. All undergraduate financial aid award amounts funded by this appropriation shall be proportionate to the remaining need of individual students, with students with higher levels of remaining need receiving grants before other students. No criteria other than the need of the student shall be used to determine the award amount. Because of the low cost of attendance and recognizing that federal grants provide a much higher portion of cost than at other institutions, a modified approach and minimum award amount for the neediest VGAP student should be implemented for community college and Richard Bland College students based on remaining need and the combination of federal and grant state aid. Student financial need shall be determined by a need-analysis system approved by the Council.

c)1) All need-based awards made to graduate students shall be determined by the use of a need-analysis system approved by the Council.

2) As part of the six-year financial plans required in the provisions of Chapters 933 and 945 of the 2005 Acts of Assembly, each institution of higher education shall report the extent to which tuition and fee revenues are used to support graduate student aid and graduate compensation and how the use of these funds impacts planned increases in student tuition and fees.

d) A student who receives a grant under such Items and who, during a semester, withdraws from the institution which made the award must surrender the unearned portion. The institution shall calculate the unearned portion of the award based on the percentage used for federal Return to Title IV program purposes.

e) An award made under such Items to assist a student in attending an institution's summer session shall be prorated according to the size of comparable awards made in that institution's regular session.

f) The provisions of this act under the heading "Student Financial Assistance for Higher Education" shall not apply to (1) the soil scientist scholarships authorized under § 23.1-615, Code of Virginia and (2) need-based financial aid programs for industry-based certification and related programs that do not qualify for other sources of student financial assistance, which will be subject to guidelines developed by the State Council of Higher Education for Virginia.

g) Unless noted elsewhere in this act, general fund awards shall be named "Commonwealth" grants.

h) Unless otherwise provided by statute, undergraduate awards shall not be made to students seeking a second or additional baccalaureate degree until the financial aid needs of first-degree seeking students are fully met.

2. **Grants To Undergraduate Students:**

a) Each institution which makes undergraduate grants paid from its appropriation for student financial assistance shall expend such sums as approved for that purpose by the Council.

b) A student receiving an award must be duly admitted and enrolled in a degree, certificate or diploma program at the institution making the award, and shall be making satisfactory academic progress as defined by the institution for the purposes of eligibility under Title IV of the federal Higher Education Act, as amended.

c)1) It is the intent of the General Assembly that students eligible under the Virginia Guaranteed Assistance Program (VGAP) authorized in Title 23.1, Chapter 4.4:2, Code of Virginia, shall receive grants before all other students at the same institution with equivalent remaining need from the appropriations for undergraduate student financial assistance found in Part 1 of this act (service area 1081000 - Scholarships). In each instance, VGAP eligible students shall receive awards greater than other students with equivalent remaining need.

2) The amount of each VGAP grant shall vary according to each student's remaining need and the total of tuition, all required fees and the cost of books at the institution the student will attend upon acceptance for admission. The actual amount of the VGAP award will be determined by the proportionate award schedule adopted by each institution; however, those students with the greatest financial need shall be guaranteed an award at least equal to tuition.

3) It is the intent of the General Assembly that the Virginia Guaranteed Assistance Program serve as an incentive to financially needy students now attending elementary and secondary school in Virginia to raise their expectations and their academic performance and to consider higher education an achievable objective in their futures.

4) Students may not receive a VGAP and a Commonwealth grant in the same semester.

3. Grants To Graduate Students:

a) An individual award may be based on financial need but may, in addition to or instead of, be based on other criteria determined by the institution making the award. The amount of an award shall be determined by the institution making the award; however, the Council shall annually be notified as to the maximum size of a graduate award that is paid from funds in the appropriation.

b) A student receiving a graduate award paid from the appropriation must be duly admitted into a graduate degree program at the institution making the award.

c) Not more than 50 percent of the funds designated by an institution as graduate grants from the appropriation, and approved as such by the Council, shall be awarded to persons not eligible to be classified as Virginia domiciliary resident students except in cases where the persons meet the criteria outlined in § 4-2.01b.6.

4. Matching Funds: Any institution of higher education may, with the approval of the Council, use funds from its appropriation for fellowships and scholarships to provide the institutional contribution to any student financial aid program established by the federal government or private sources which requires the matching of the contribution by institutional funds, except for programs requiring work.

5. Discontinued Loan Program:

a) If any federal student loan program for which the institutional contribution was appropriated by the General Assembly is discontinued, the institutional share of the discontinued loan program shall be repaid to the fund from which the institutional share was derived unless other arrangements for the use of the funds are recommended by the Council and approved by the Department of Planning and Budget. Should the institution be permitted to retain the federal contributions to the program, the funds shall be used according to arrangements authorized by the Council and approved by the Department of Planning and Budget.

b)1) An institution of higher education may discontinue its student loan fund established pursuant to Title 23.1, Chapter 4.01, Code of Virginia. The full amount of cash in such discontinued loan fund shall be paid into the state treasury into a nonrevertible nongeneral fund account. Prior to such payment, the State Comptroller shall verify its accuracy, including the fact that the cash held by the institution in the loan fund will be fully depleted by such payment. The loan fund shall not be reestablished thereafter for that institution.

2) The cash so paid into the state treasury shall be used only for grants to undergraduate and graduate students in the Higher Education Student Financial Assistance program according to arrangements authorized by the Council and approved by the Department of Planning and Budget.

3) Payments on principal and interest of any promissory notes held by the discontinued loan fund shall continue to be received by the institution, which shall deposit such payments in the state treasury to the nonrevertible nongeneral fund account specified in subdivision (1) preceding, to be used for grants as specified in subdivision (2) preceding.

6. Reporting: The Council shall collect student-specific information for undergraduate students as is necessary for the operation of the Student Financial Assistance Program. The Council shall maintain regulations governing the operation of the Student Financial Assistance Program based on the provisions outlined in this section, the Code of Virginia, and State Council policy.

C. PAYMENTS TO CITIZEN MEMBERS OF NONLEGISLATIVE BODIES:

Notwithstanding any other provision of law, executive branch agencies shall not pay compensation to citizen members of boards, commissions, authorities, councils, or other bodies from any fund for the performance of such members' duties in the work of the board, commission, authority, council, or other body.

d. VIRGINIA BIRTH-RELATED NEUROLOGICAL INJURY COMPENSATION PROGRAM

1. Notwithstanding any other provision of law, the Virginia Birth-Related Neurological Injury Compensation Program is authorized to require each admitted claimant's parent or legal guardian to purchase private health insurance (the "primary payer") to provide coverage for the actual medically necessary and reasonable expenses as described in Virginia Code § 38.2-5009(A)(1) that were, or are, incurred as a result of the admitted claimant's birth-related neurological injury and for the admitted claimant's benefit. Provided, however, that the Program shall reimburse, upon receipt of proof of payment, solely the portion of the premiums that is attributable to the admitted claimant's post-admission coverage from the effective date of this provision forward and paid for by the admitted claimant's parent or legal guardian.

2. The State Corporation Commission shall develop a report containing options and recommendations for improving the actuarial soundness of financing for the Virginia Birth-Related Neurological Injury Compensation Program. The report shall be presented to the Governor and Chairmen of the House Appropriations and Senate Finance Committees no later than November 1, 2017.

§ 4-5.02 THIRD PARTY TRANSACTIONS

a. EMPLOYMENT OF ATTORNEYS:

1.a) All attorneys authorized by this act to be employed by any state agency and all attorneys compensated out of any moneys appropriated in this session of the General Assembly shall be appointed by the Attorney General and be in all respects subject to the provisions of Title 2.2, Chapter 5, Code of Virginia, to the extent not to conflict with Title 12.1, Chapter 4, Code of Virginia; provided, however, that if the Governor certifies the need for independent legal counsel for any Executive Department agency, such agency shall be free to act independently of the Office of the Attorney General in regard to selection, and provided, further, that compensation of such independent legal counsel shall be paid from the moneys appropriated to such Executive Department agency or from the moneys appropriated to the Office of the Attorney General.

b) For purposes of this act, "attorney" shall be defined as an employee or contractor who represents an agency before a court, board or agency of the Commonwealth of Virginia or political subdivision thereof. This term shall not include members of the bar employed by an agency who perform in a capacity that does not require a license to practice law, including but not limited to, instructing, managing, supervising or performing normal or customary duties of that agency.

2. This section does not apply to attorneys employed by state agencies in the Legislative Department, Judicial Department or Independent Agencies.

3. Reporting on employment of attorneys shall be in accordance with § 4-8.00, Reporting Requirements.

4. Notwithstanding § 2.2-510.1 of the Code of Virginia and any other conflicting provision of law, the Virginia Retirement System may enter into agreements to seek i) recovery of investment losses in foreign jurisdictions, and ii) legal advice related to its investments. Any such agreements shall be reported to the Office of the Attorney General as soon as practicable.

b. STUDIES AND CONSULTATIVE SERVICES REQUIRED BY GENERAL ASSEMBLY: No expenditure for payments on third party nongovernmental contracts for studies or consultative services shall be made out of any appropriation to the General Assembly or to any study group created by the General Assembly, nor shall any such expenditure for third party nongovernmental contracts be made by any Executive Department agency in response to a legislative request for a study, without the prior approval of two of the following persons: the Chairman of the House Appropriations Committee; the Chairman of the Senate Finance Committee; the Speaker of the House of Delegates; the President pro tempore of the Senate. All such expenditures shall be made only in accordance with the terms of a written contract approved as to form by the Attorney General.

c. USE OF CONSULTING SERVICES: All state agencies and institutions of higher education shall make a determination of "return on investment" as part of the criteria for awarding contracts for consulting services.

d. DEBT COLLECTION SERVICES:

1. Notwithstanding any provision of the Code of Virginia or this act to the contrary, the Virginia Commonwealth University Health System Authority shall have the option to participate in the Office of the Attorney General's debt collection process. Should the Authority choose not to participate, the Authority shall have the authority to collect its accounts receivable by engaging private collection agents and attorneys to pursue collection actions, and to independently compromise, settle, and discharge accounts receivable claims.

2. Notwithstanding any provision of the Code of Virginia or this act to the contrary, the University of Virginia Medical Center shall have the authority to collect its accounts receivable by engaging private collection agents and attorneys to pursue collection actions, and to independently compromise, settle, and discharge accounts receivable claims, provided that the University of Virginia demonstrates to the Secretary of Finance that debt collection by an agent other than the Office of the Attorney General is anticipated to be more cost effective. Nothing in this paragraph is intended to limit the ability of the University of Virginia Medical Center from voluntarily contracting with the Office of the Attorney General's Division of Debt Collection in cases where the Center would benefit from the expertise of legal counsel and collection services offered by the Office of the Attorney General.

3. Notwithstanding any provision of the Code of Virginia or this act to the contrary, the Department of Taxation shall be exempt from participating in the debt collection process of the Office of the Attorney General.

§ 4-5.03 SERVICES AND CLIENTS

a. CHANGED COST FACTORS:

1. *a)* No state agency, or its governing body, shall alter factors (e.g., qualification level for receipt of payment or service) which may increase the number of eligible recipients for its authorized services or payments, or alter factors which may increase the unit cost of benefit payments within its authorized services, unless the General Assembly has made an appropriation for the cost of such change.

b) *The limits on altering or changing cost factors stated in paragraph 1.a) above shall not apply to changes associated with implementing and/or altering services in response to COVID-19 when funding is provided from a nongeneral fund source dedicated to addressing the impact of COVID-19 or from any source when specifically approved by the Governor in response to the COVID-19 pandemic.*

2. Notwithstanding any other provision of law, the Department of Planning and Budget, with assistance from agencies that operate internal service funds as requested, shall establish policies and procedures for annually reviewing and approving internal service fund overhead surcharge rates and working capital reserves.

3. By September 1 each year, state agencies that operate an internal service fund, pursuant to §§ 2.2-803, 2.2-1101, and 2.2-2013, Code of Virginia, that have an impact on agency expenditures, shall submit a report to the Department of Planning and Budget and the Joint Legislative Audit and Review Commission to include all information as required by the Department of Planning and Budget to conduct a thorough review of overhead surcharge rates, revenues, expenditures, full-time positions, and working capital reserves for each internal service fund. The report shall include any proposed modifications in rates to be charged by internal service funds for review and approval by the Department of Planning and Budget. In its review, the Department of Planning and Budget shall determine whether the requested rate modifications are consistent with budget assumptions. The format by which agencies submit the operating plan for each internal service fund shall be determined by the Department of Planning and Budget with assistance from agencies that operate internal service funds as requested.

4. State agencies that operate internal service funds may not change a billable overhead surcharge rate to another state agency unless the resulting change is provided in the final General Assembly enacted budget.

5. State agencies that operate more than one internal service fund shall comply with the review and approval requirements detailed in this Item for each internal service fund.

6. As determined by the Director, Department of Planning and Budget, state agencies that operate select programs where an agency provides a service to and bills other agencies shall be subject to the annual review of the agency's internal service funds consistent with the provisions of this Item, unless such payment for services is pursuant to a memorandum of understanding authorized by § 4-1.03 a. 7 of this act.

7. The Governor is authorized to change internal service fund overhead surcharge rates, including the creation of new rates, beyond the rates enacted in the budget in the event of an emergency or to implement actions approved by the General Assembly, upon prior notice to the Chairmen of the House Appropriations and Senate Finance Committees. Such prior notice shall be no less than five days prior to enactment of a revised or new rate and shall include the basis of the rate change and the impact on state agencies.

8. Notwithstanding any other provision of law, the Commonwealth's statewide electronic procurement system and program known as eVA shall have all rates and working capital reserves reviewed and approved by the Department of Planning and Budget consistent with the provisions of this Item.

9. State agencies that are partially or fully funded with nongeneral funds and are billed for services provided by another state agency shall pay the nongeneral fund cost for the service from the agency's applicable nongeneral fund revenue source consistent with an appropriation proration of such expenses.

b. NEW SERVICES:

1. *a)* No state agency shall begin any new service that will call for future additional property, plant or equipment or that will require an increase in subsequent general or nongeneral fund operating expenses without first obtaining the authorization of the General Assembly.

b) The limits on establishing new services stated in paragraph 1.a) above shall not apply to new services established to respond to COVID-19 when funding is provided from a nongeneral fund source dedicated to addressing the impact of COVID-19 or from any source when specifically approved by the Governor in response to the COVID-19 pandemic.

2. Pursuant to the policies and procedures of the State Council of Higher Education regarding approval of academic programs and the concomitant enrollment, no state institution of higher education shall operate any academic program with funds in this act unless approved by the Council and included in the Executive Budget, or approved by the General Assembly. The Council may grant exemptions to this policy in exceptional circumstances.

3. a) The General Assembly is supportive of the increasing commitment by both Virginia Tech and the Carilion Clinic to the success of the programs at the Virginia Tech/Carilion School of Medicine and the Virginia Tech/Carilion Research Institute, and encourages these two institutions to pursue further developments in their partnership. Therefore, notwithstanding § 4-5.03 c. of the Appropriation Act, if through the efforts of these institutions to further strengthen the partnership, Virginia Tech acquires the Virginia Tech Carilion School of Medicine during the current biennium, the General Assembly approves the creation and establishment of the Virginia Tech/Carilion School of Medicine within the institution notwithstanding § 23.1-203 Code of Virginia. No additional funds are required to implement establishment of the Virginia Tech/Carilion School of Medicine within the institution.

b) Virginia Tech Carilion School of Medicine is hereby authorized to transfer funds to the Department of Medical Assistance Services to fully fund the state share for Medicaid supplemental payments to the teaching hospital affiliated with the Virginia Tech Carilion School of Medicine. These Medicaid supplemental fee-for-service and/or capitation payments to managed care organizations are for the purpose of securing access to Medicaid hospital services in Western Virginia. The funds to be transferred must comply with 42 CFR 433.51.

4. Reporting on all new services shall be in accordance with § 4-8.00, Reporting Requirements.

c. OFF-CAMPUS SITES OF INSTITUTIONS OF HIGHER EDUCATION:

No moneys appropriated by this act shall be used for off-campus sites unless as provided for in this section.

1. A public college or university seeking to create, establish, or operate an off-campus instructional site, funded directly or indirectly from the general fund or with revenue from tuition and mandatory educational and general fees generated from credit course offerings, shall first refer the matter to the State Council of Higher Education for Virginia for its consideration and approval. The State Council of Higher Education for Virginia may provide institutions with conditional approval to operate the site for up to one year, after which time the college or university must receive approval from the Governor and General Assembly, through legislation or appropriation, to continue operating the site.

2. For the colleges of the Virginia Community College System, the State Board for Community Colleges shall be responsible for approving off-campus locations. Sites governed by this requirement are those at any locations not contiguous to the main campus of the institution, including locations outside Virginia.

3. a) The provisions herein shall not apply to credit offerings on the site of a public or private entity if the offerings are supported entirely with private, local, or federal funds or revenue from tuition and mandatory educational and general fees generated entirely by course offerings at the site.

b) Offerings at previously approved off-campus locations shall also not be subject to these provisions.

c) Further, the provisions herein do not govern the establishment and operations of campus sites with a primary function of carrying out grant and contract research where direct and indirect costs from such research are covered through external funding sources. Such locations may offer limited graduate education as appropriate to support the research mission of the site.

d) Nothing herein shall prohibit an institution from offering non-credit continuing education programs at sites away from the main campus of a college or university.

4. The State Council of Higher Education shall establish guidelines to implement this provision.

d. PERFORMANCE MEASUREMENT

1. In accordance with § 2.2-1501, Code of Virginia, the Department of Planning and Budget shall develop a programmatic budget and accounting structure for all new programs and activities to ensure that it provides the appropriate financial and performance measures to determine if programs achieve desired results and outcomes. The Department of Accounts shall provide assistance as requested by the Department of Planning and Budget. The Department of Planning and Budget shall provide this information each year when the Governor submits the budget in accordance with § 2.2-1509, Code of Virginia, to the Chairmen of the House Appropriations, House Finance, and Senate Finance Committees.

2.a) Within thirty days of the enactment of this act, the Director, Department of Planning and Budget, shall make available via electronic means to the Chairmen of the House Appropriations and Senate Finance Committees and the public a list of the new

initiatives for which appropriations are provided in this act.

b) Not later than ninety days after the end of the first year of the biennium, the Director, Department of Planning and Budget, shall make available via electronic means a report on the performance of each new initiative contained in the list, to be submitted to the Chairmen of the House Appropriations and Senate Finance Committees and the public. The report shall compare the actual results, including expenditures, of the initiative with the anticipated results and the appropriation for the initiative. This information shall be used to determine whether the initiative should be extended beyond the beginning period. In the preparation of this report, all state agencies shall provide assistance as requested by the Department of Planning and Budget.

§ 4-5.04 GOODS AND SERVICES

a. STUDENT ATTENDANCE AT INSTITUTIONS OF HIGHER EDUCATION:

1. Public Information Encouraged: Each public institution of higher education is expected and encouraged to provide prospective students with accurate and objective information about its programs and services. The institution may use public funds under the control of the institution's Board of Visitors for the development, preparation and dissemination of factual information about the following subjects: academic programs; special programs for minorities; dates, times and procedures for registration; dates and times of course offerings; admission requirements; financial aid; tuition and fee schedules; and other information normally distributed through the college catalog. This information may be presented in any and all media, such as newspapers, magazines, television or radio where the information may be in the form of news, public service announcements or advertisements. Other forms of acceptable presentation would include brochures, pamphlets, posters, notices, bulletins, official catalogs, flyers available at public places and formal or informal meetings with prospective students.

2. Excessive Promotion Prohibited: Each public institution of higher education is prohibited from using public funds under the control of the institution's Board of Visitors for the development, preparation, dissemination or presentation of any material intended or designed to induce students to attend by exaggerating or extolling the institution's virtues, faculty, students, facilities or programs through the use of hyperbole. Artwork and photographs which exaggerate or extol rather than supplement or complement permissible information are prohibited. Mass mailings are generally prohibited; however, either mass mailings or newspaper inserts, but not both, may be used if other methods of distributing permissible information are not economically feasible in the institution's local service area.

3. Remedial Education: Senior institutions of higher education shall make arrangements with community colleges for the remediation of students accepted for admission by the senior institutions.

4. Compliance: The president or chancellor of each institution of higher education is responsible for the institution's compliance with this subsection.

b. INFORMATION TECHNOLOGY FACILITIES AND SERVICES:

1.a) The Virginia Information Technologies Agency shall procure information technology and telecommunications goods and services of every description for its own benefit or on behalf of other state agencies and institutions, or authorize other state agencies or institutions to undertake such procurements on their own.

b) Except for research projects, research initiatives, or instructional programs at public institutions of higher education, or any non-major information technology project request from the Virginia Community College System, Longwood University, or from an institution of higher education which is a member of the Virginia Association of State Colleges and University Purchasing Professionals (VASCUPP) as of July 1, 2003, or any procurement of information technology and telecommunications goods and services by public institutions of higher education governed by some combination of Chapters 933 and 945 of the 2005 Acts of Assembly, Chapters 933 and 943 of the 2006 Acts of Assembly, Chapters 594 and 616 of the 2008 Acts of Assembly, Chapters 824 and 829 of the 2008 Acts of Assembly, and Chapters 675 and 685 of the 2009 Acts of Assembly, requests for authorization from state agencies and institutions to procure information technology and telecommunications goods and services on their own behalf shall be made in writing to the Chief Information Officer or his designee. Members of VASCUPP as of July 1, 2003, are hereby recognized as: The College of William and Mary, George Mason University, James Madison University, Old Dominion University, Radford University, Virginia Commonwealth University, Virginia Military Institute, Virginia Polytechnic Institute and State University, and the University of Virginia.

c) The Chief Information Officer or his designee may grant the authorization upon a written determination that the request conforms to the statewide information technology plan and the individual information technology plan of the requesting agency or institution.

d) Any procurement authorized by the Chief Information Officer or his designee for information technology and telecommunications goods and services, including geographic information systems, shall be issued by the requesting state agency or institution in accordance with the regulations, policies, procedures, standards, and guidelines of the Virginia Information Technologies Agency.

e) Nothing in this subsection shall prevent public institutions of higher education or the Virginia Community College System from using the services of Network Virginia.

f) To ensure that the Commonwealth's research universities maintain a competitive position with access to the national optical

research network infrastructure including the National LambdaRail and Internet2, the Network Virginia Contract Administrator is hereby authorized to renegotiate the term of the existing contracts. Additionally, the contract administrator is authorized to competitively negotiate additional agreements in accordance with the Code of Virginia and all applicable regulations, as required, to establish and maintain research network infrastructure.

2. If the billing rates and associated systems for computer, telecommunications and systems development services to state agencies are altered, the Director, Department of Planning and Budget, may transfer appropriations from the general fund between programs affected. These transfers are limited to actions needed to adjust for overfunding or underfunding the program appropriations affected by the altered billing systems.

3. The provisions of this subsection shall not in any way affect the duties and responsibilities of the State Comptroller under the provisions of § 2.2-803, Code of Virginia.

4. It is the intent of the General Assembly that information technology (IT) systems, products, data, and service costs, including geographic information systems (GIS), be contained through the shared use of existing or planned equipment, data, or services which may be available or soon made available for use by state agencies, institutions, authorities, and other public bodies. State agencies, institutions, and authorities shall cooperate with the Virginia Information Technologies Agency in identifying the development and operational requirements for proposed IT and GIS systems, products, data, and services, including the proposed use, functionality, capacity and the total cost of acquisition, operation and maintenance.

5. This section shall not apply to public institutions of higher education governed by some combination of Chapters 933 and 945 of the 2005 Acts of Assembly, Chapters 933 and 943 of the 2006 Acts of Assembly or Chapters 594 and 616 of the 2008 Acts of Assembly, Chapters 824 and 829 of the 2008 Acts of Assembly and Chapters 675 and 685 of the 2009 Acts of Assembly, or to the Virginia Alcoholic Beverage Control Authority.

6. Notwithstanding any other provision of law, state agencies that do not receive computer services from the Virginia Information Technologies Agency may develop their own policies and procedures governing the sale of surplus computers and laptops to their employees or officials. Any proceeds from the sale of surplus computers or laptops shall be deposited into the appropriate fund or funds used to purchase the equipment.

c. MOTOR VEHICLES AND AIRCRAFT:

1. No motor vehicles shall be purchased or leased with public funds by the state or any officer or employee on behalf of the state without the prior written approval of the Director, Department of General Services.

2. The institutions of higher education and the Alcoholic Beverage Control Authority shall be exempt from this provision but shall be required to report their entire inventory of purchased and leased vehicles including the cost of such to the Director of the Department of General Services by June 30 of each year. The Director of the Department of General Services shall compare the cost of vehicles acquired by institutions of higher education and the Authority to like vehicles under the state contract. If the comparison demonstrates for a given institution or the Authority that the cost to the Commonwealth is greater for like vehicles than would be the case based on a contract of statewide applicability, the Governor or his designee may suspend the exemption granted to the institution or the Authority pursuant to this subparagraph c.

3. The Director, Department of General Services, is hereby authorized to transfer surplus motor vehicles among the state agencies, and determine the value of such surplus equipment for the purpose of maintaining the financial accounts of the state agencies affected by such transfers.

d. MOTION PICTURE, TELEVISION AND RADIO SERVICES PRODUCTION: Except for public institutions of higher education governed by Chapters 933 and 943 of the 2006 Acts of Assembly, no state Executive Department agency or the Virginia Lottery Department shall expend any public funds for the production of motion picture films or of programs for television transmission, or for the operation of television or radio transmission facilities, without the prior written approval of the Governor or as otherwise provided in this act, except for educational television programs produced for elementary-secondary education by authority of the Virginia Information Technologies Agency. The Joint Subcommittee on Rules is authorized to provide the approval of such expenditures for legislative agencies. For judicial agencies and independent agencies, other than the Virginia Lottery Department, prior approval action rests with the supervisory bodies of these entities. With respect to television programs which are so approved and other programs which are otherwise authorized or are not produced for television transmission, state agencies may enter into contracts without competitive sealed bidding, or competitive negotiation, for program production and transmission services which are performed by public telecommunications entities, as defined in § 2.2-2006, Code of Virginia.

e. TRAVEL: Reimbursement for the cost of travel on official business of the state government is authorized to be paid pursuant to law and regulations issued by the State Comptroller to implement such law. Notwithstanding any contrary provisions of law:

1. For the use of personal automobiles in the discharge of official duties outside the continental limits of the United States, the State Comptroller may authorize an allowance not exceeding the actual cost of operation of such automobiles;

2. The first 15,000 miles of use during each fiscal year of personal automobiles in the discharge of official duties within the

continental limits of the United States shall be reimbursed at an amount equal to the most recent business standard mileage rate as established by the Internal Revenue Service for employees or self-employed individuals to use in computing their income tax deductible costs for operating passenger vehicles owned or leased by them for business purposes, or in the instance of a state employee, at the lesser of (a) the IRS rate or (b) the lowest combined capital and operational trip pool rate charged by the Department of General Services, Office of Fleet Management Services (OFMS), posted on the OFMS website at time of travel, for the use of a compact state-owned vehicle. If the head of the state agency concerned certifies that a state-owned vehicle was not available, or if, according to regulations issued by the State Comptroller, the use of a personal automobile in lieu of a state-owned automobile is considered to be an advantage to the state, the reimbursement shall be at the rate of the IRS rate. For such use in excess of 15,000 miles in each fiscal year, the reimbursement shall be at a rate of 13.0 cents per mile, unless a state-owned vehicle is not available; then the rate shall be the IRS rate;

3. The State Comptroller may authorize exemptions to restrictions upon use of common carrier accommodations;

4. The State Comptroller may authorize reimbursement by per diem in lieu of actual costs of meals and any other expense category deemed necessary for the efficient and effective operation of state government;

5. State employees traveling on official business of state government shall be reimbursed for their travel costs using the same bank account authorized by the employee in which their net pay is direct deposited; and

6. This section shall not apply to members and employees of public school boards.

f. **SMALL PURCHASE CHARGE CARD, ELECTRONIC DATA INTERCHANGE, DIRECT DEPOSIT, AND PAYLINE OPT OUT:** The State Comptroller is hereby authorized to charge state agencies a fee of \$5 per check or earnings notice when, in his judgment, agencies have failed to comply with the Commonwealth's electronic commerce initiatives to reduce unnecessary administrative costs for the printing and mailing of state checks and earning notices. The fee shall be collected by the Department of Accounts through accounting entries.

g. **PURCHASES OF APPLIANCES AND EQUIPMENT:** State agencies and institutions shall purchase Energy Star rated appliances and equipment in all cases where such appliances and equipment are available.

h. **ELECTRONIC PAYMENTS:** Any recipient of payments from the State Treasury who receives six or more payments per year issued by the State Treasurer shall receive such payments electronically. The State Treasurer shall decide the appropriate method of electronic payment and, through his warrant issuance authority, the State Comptroller shall enforce the provisions of this section. The State Comptroller is authorized to grant administrative relief to this requirement when circumstances justify non-electronic payment.

i. **LOCAL AND NON-STATE SAVINGS AND EFFICIENCIES:** It is the intent of the General Assembly that State agencies shall encourage and assist local governments, school divisions, and other non-state governmental entities in their efforts to achieve cost savings and efficiencies in the provision of mandated functions and services including but not limited to finance, procurement, social services programs, and facilities management.

j. **TELECOMMUNICATION SERVICES AND DEVICES:**

1. The Chief Information Officer and the State Comptroller shall develop statewide requirements for the use of cellular telephones and other telecommunication devices by in-scope Executive Department agencies, addressing the assignment, evaluation of need, safeguarding, monitoring, and usage of these telecommunication devices. The requirements shall include an acceptable use agreement template clearly defining an employee's responsibility when they receive and use a telecommunication device. Statewide requirements shall require some form of identification on a device in case it is lost or stolen and procedures to wipe the device clean of all sensitive information when it is no longer in use.

2. In-scope Executive Department agencies providing employees with telecommunication devices shall develop agency-specific policies, incorporating the guidance provided in § 4-5.04 k. 1. of this act and shall maintain a cost justification for the assignment or a public health, welfare and safety need.

3. The Chief Information Officer shall determine the optimal number of telecommunication vendors and plans necessary to meet the needs of in-scope Executive Department agency personnel. The Chief Information Officer shall regularly procure these services and provide statewide contracts for use by all such agencies. These contracts shall require the vendors to provide detailed usage information in a useable electronic format to enable the in-scope agencies to properly monitor usage to make informed purchasing decisions and minimize costs.

4. The Chief Information Officer shall examine the feasibility of providing tools for in-scope Executive Department agencies to analyze usage and cost data to assist in determining the most cost effective plan combinations for the entity as a whole and individual users.

k. **ALTERNATIVE PROCUREMENT:** If any payment is declared unconstitutional for any reason or if the Attorney General finds in a formal, written, legal opinion that a payment is unconstitutional, in circumstances where a good or service can constitutionally be the subject of a purchase, the administering agency of such payment is authorized to use the affected appropriation to procure, by

means of the Commonwealth's Procurement Act, goods and services, which are similar to those sought by such payment in order to accomplish the original legislative intent.

l. MEDICAL SERVICES: No expenditures from general or nongeneral fund sources may be made out of any appropriation by the General Assembly for providing abortion services, except otherwise as required by federal law *or state statute*.

~~m. BODY-WORN CAMERAS: No expenditures from general or nongeneral fund sources may be made by any state agency or authority for the purchase or implementation of body-worn cameras or body-worn camera systems:~~

§ 4-5.05 NONSTATE AGENCIES, INTERSTATE COMPACTS AND ORGANIZATIONAL MEMBERSHIPS

a. The accounts of any agency, however titled, which receives funds from this or any other appropriating act, and is not owned or controlled by the Commonwealth of Virginia, shall be subject to audit or shall present an audit acceptable to the Auditor of Public Accounts when so directed by the Governor or the Joint Legislative Audit and Review Commission.

b.1. For purposes of this subsection, the definition of "nonstate agency" is that contained in § 2.2-1505, Code of Virginia.

2. Allotment of appropriations to nonstate agencies shall be subject to the following criteria:

a) Such agency is located in and operates in Virginia.

b) The agency must be open to the public or otherwise engaged in activity of public interest, with expenditures having actually been incurred for its operation.

3. No allotment of appropriations shall be made to a nonstate agency until such agency has certified to the Secretary of Finance that cash or in-kind contributions are on hand and available to match equally all or any part of an appropriation which may be provided by the General Assembly, unless the organization is specifically exempted from this requirement by language in this act. Such matching funds shall not have been previously used to meet the match requirement in any prior appropriation act.

4. Operating appropriations for nonstate agencies equal to or in excess of \$150,000 shall be disbursed to nonstate agencies in twelve or fewer equal monthly installments depending on when the first payment is made within the fiscal year. Operating appropriations for nonstate agencies of less than \$150,000 shall be disbursed in one payment once the nonstate agency has successfully met applicable match and application requirements.

5. The provisions of § 2.2-4343 A 14, Code of Virginia shall apply to any expenditure of state appropriations by a nonstate agency.

c.1. Each interstate compact commission and each organization in which the Commonwealth of Virginia or a state agency thereof holds membership, and the dues for which are provided in this act or any other appropriating act, shall submit its biennial budget request to the state agency under which such commission or organization is listed in this act. The state agency shall include the request of such commission or organization within its own request, but identified separately. Requests by the commission or organization for disbursements from appropriations shall be submitted to the designated state agency.

2. Each state agency shall submit by November 1 each year, a report to the Director, Department of Planning and Budget, listing the name and purpose for organizational memberships held by that agency with annual dues of \$5,000 or more. The institutions of higher education shall be exempt from this reporting requirement.

§ 4-5.06 DELEGATION OF AUTHORITY

a. The designation in this act of an officer or agency head to perform a specified duty shall not be deemed to supersede the authority of the Governor to delegate powers under the provisions of § 2.2-104, Code of Virginia.

b. The nongeneral fund capital outlay decentralization programs initiated pursuant to § 4-5.08b of Chapter 912, 1996 Acts of Assembly as continued in subsequent appropriation acts are hereby made permanent. Decentralization programs for which institutions have executed memoranda of understanding with the Secretary of Administration pursuant to the provisions of § 4-5.08b of Chapter 912, 1996 Acts of Assembly shall no longer be considered pilot projects, and shall remain in effect until revoked.

c. Institutions wishing to participate in a nongeneral fund capital outlay decentralization program for the first time shall submit a letter of interest to the appropriate Cabinet Secretary. Within 90 calendar days of the receipt of the institution's request to participate, the responsible Cabinet Secretary shall determine whether the institution meets the eligibility criteria and, if appropriate, establish a decentralization program at the institution. The Cabinet Secretary shall report to the Governor and Chairmen of the Senate Finance and House Appropriations Committees by December 1 of each year all institutions that have applied for inclusion in a decentralization program and whether the institutions have been granted authority to participate in the decentralization program.

d. The provisions identified in § 4-5.08 f and § 4-5.08 h of Chapter 1042 of the Acts of Assembly of 2003 pertaining to pilot programs for selected capital outlay projects and memoranda of understanding in institutions of higher education are hereby

continued. Notwithstanding these provisions, those projects shall be insured through the state's risk management liability program.

e. If during an independent audit conducted by the Auditor of Public Accounts, the audit discloses that an institution is not performing within the terms of the memoranda of understanding or their addenda, the Auditor shall report this information to the Governor, the responsible Cabinet Secretary, and the Chairmen of the Senate Finance and House Appropriations Committees.

f. Institutions that have executed memoranda of understanding with the Secretary of Administration for nongeneral fund capital outlay decentralization programs are hereby granted a waiver from the provisions of § 2.2-4301, Competitive Negotiation, subdivision 3a, Code of Virginia, regarding the not to exceed amount of \$100,000 for a single project, the not to exceed sum of \$500,000 for all projects performed, and the option to renew for two additional one-year terms.

g. Notwithstanding any contrary provision of law or this act, delegations of authority in this act to the Governor shall apply only to agencies and personnel within the Executive Department, unless specifically stated otherwise.

h. This section shall not apply to public institutions of higher education governed by Chapters 933 and 943 of the 2006 Acts of Assembly.

§ 4-5.07 LEASE, LICENSE OR USE AGREEMENTS

a. Agencies shall not acquire or occupy real property through lease, license or use agreement until the agency certifies to the Director, Department of General Services, that (i) funds are available within the agency's appropriations made by this act for the cost of the lease, license or use agreement and (ii) except for good cause as determined by the Department of General Services, the volume of such space conforms with the space planning procedures for leased facilities developed by the Department of General Services and approved by the Governor. The Department of General Services shall acquire and hold such space for use by state departments, agencies and institutions within the Executive Branch and may utilize brokerage services, portfolio management strategies, strategic planning, transaction management, project and construction management, and lease administration strategies consistent with industry best practices as adopted by the Department from time to time. These provisions may be waived in writing by the Director, Department of General Services. However, these provisions shall not apply to institutions of higher education that have met the conditions prescribed in subsection B of § 23.1-1006, Code of Virginia.

b. Agencies acquiring personal property in accordance with § 2.2-2417, Code of Virginia, shall certify to the State Treasurer that funds are available within the agency's appropriations made by this act for the cost of the lease.

§ 4-5.08 SEMICONDUCTOR MANUFACTURING PERFORMANCE GRANT PROGRAMS

a. The Comptroller shall not draw any warrants to issue checks for semiconductor manufacturing performance grant programs, pursuant to Title 59.1, Chapter 22.3, Code of Virginia, without a specific legislative appropriation. The appropriation shall be in accordance with the terms and conditions set forth in a memorandum of understanding between a qualified manufacturer and the Commonwealth. These terms and conditions shall supplement the provisions of the Semiconductor Manufacturing Performance Grant Program, the Semiconductor Memory or Logic Wafer Manufacturing Performance Grant Program, and the Semiconductor Memory or Logic Wafer Manufacturing Performance Grant Program II, as applicable, and shall include but not be limited to the numbers and types of semiconductor wafers that are produced; the level of investment directly related to the building and equipment for manufacturing of wafers or activities ancillary to or supportive of such manufacturer within the eligible locality; and the direct employment related to these programs. To that end, the Secretary of Commerce and Trade shall certify in writing to the Governor and to the Chairmen of the House Appropriations and Senate Finance Committees the extent to which a qualified manufacturer met the terms and conditions. The appropriation shall be made in full or in proportion to a qualified manufacturer's fulfillment of the memorandum of understanding.

b. The Governor shall consult with the House Appropriations and Senate Finance Committees before amending any existing memorandum of understanding. These Committees shall have the opportunity to review any changes prior to their execution by the Commonwealth.

§ 4-5.09 DISPOSITION OF SURPLUS REAL PROPERTY

a. Notwithstanding the provisions of § 2.2-1156, Code of Virginia, the departments, divisions, institutions, or agencies of the Commonwealth, or the Governor, shall sell or lease surplus real property only under the following circumstances:

1. Any emergency declared in accordance with §§ 44-146.18:2 or § 44-146.28, Code of Virginia, or

2. Not less than thirty days after the Governor notifies, in writing, the Chairmen of the House Appropriations and Senate Finance Committees regarding the planned conveyance, including a statement of the proceeds to be derived from such conveyance and the individual or entity taking title to such property.

3. Surplus property valued at less than \$5,000,000 that is possessed and controlled by a public institution of higher education, pursuant to §§ 2.2-1149 and 2.2-1153, Code of Virginia.

b. In any circumstance provided for in subsection a of this section, the cognizant board or governing body of the agency or

institution holding title or otherwise controlling the state-owned property shall approve, in writing, the proposed conveyance of the property.

c. In accordance with § 15.2-2005, Code of Virginia, the consent of the General Assembly is herein provided for the road known as Standpipe Road, that was relocated and established on a portion of the Virginia Department of Transportation's Culpeper District Office property, identified as Tax Map No. 50-28, to improve the operational efficiency of the local road network in the Town of Culpeper. Further, the Virginia Department of Transportation is hereby authorized to convey to the Town of Culpeper, upon such terms and conditions as the Department deems proper and for such considerations the Department may determine, the property on which "Standpipe Road (Relocated)(Variable Width R/W)" on the plat entitled "plat Showing Property and Various Easements for Standpipe Road Relocated, Tax Map 50-28, Town of Culpeper, Culpeper County, Virginia" prepared by ATCS P.L.C and sealed March 14, 2012, together with easements to the Town of Culpeper for electric utility, slopes and drainage as shown on said plat. The conveyance shall be made with the approval of the Governor and in a form approved by the Attorney General. The appropriate officials of the Commonwealth are hereby authorized to prepare, execute, and deliver such deed and other documents as may be necessary to accomplish the conveyance.

d. Notwithstanding the provisions of § 2.2-1156, Code of Virginia, if tax-exempt bonds were issued by the Commonwealth or its related authorities, boards or institutions to finance the acquisition, construction, improvement or equipping of real property, proceeds from the sale or disposition of such property and any improvements may first be applied toward remediation options available under federal law to maintain the tax-exempt status of such bonds.

§ 4-5.10 SURPLUS PROPERTY TRANSFERS FOR ECONOMIC DEVELOPMENT

a. The Commonwealth shall receive the fair market value of surplus state property which is designated by the Governor for economic development purposes, and for any properties owned by an Industrial Development Authority in any county where the Commonwealth has a continuing interest based on the deferred portion of the purchase price, which shall be assessed by more than one independent appraiser certified as a Licensed General Appraiser. Such property shall not be disposed of for less than its fair market value as determined by the assessments.

b. Recognizing the commercial, business and industrial development potential of certain lands declared surplus, and for any properties owned by an Industrial Development Authority in any county where the Commonwealth has a continuing interest based on the deferred portion of the purchase price, the Governor shall be authorized to utilize funds available in the Governor's discretion, to meet the requirements of the preceding subsection a. Sale proceeds, together with the money from the Commonwealth's Development Opportunity Fund, shall be deposited as provided in § 2.2-1156 D, Code of Virginia.

c. Within thirty days of closing on the sale of surplus property designated for economic development, the Governor or his designee shall report to the Chairmen of the Senate Finance and House Appropriations Committees. The report shall include information on the number of acres sold, sales price, amount of proceeds deposited to the general fund and Conservation Resources Fund, and the fair market value of the sold property.

d. Except for subaqueous lands that have been filled prior to January 1, 2006, the Governor shall not sell or convey those subaqueous lands identified by metes and bounds in Chapter 884 of the Acts of the Assembly of 2006.

e. Prior to July 1, 2019; and notwithstanding any provision of law to the contrary; the Commonwealth of Virginia shall begin the process to convey; as is and pursuant to § 2.2-1150; approximately 150 acres of land located within County of York, Virginia; known as Tax Parcel 12-00-00-003 (the Property) to the Eastern Virginia Regional Industrial Facility Authority (hereinafter referred to Authority) for an amount not to exceed \$1,000,000. Location of the 150 acres within the Property shall be agreed to between the Commonwealth of Virginia and the Authority prior to execution of the property transfer; the Commonwealth of Virginia shall provide to the Authority copies of the two most recent state appraisals for the 150 acres parcel agreed to by the parties; and in no case shall the transaction price exceed the average of the two most recent state appraisals. The Authority shall reimburse the Commonwealth of Virginia; at property closing; for the appraisals and other Commonwealth of Virginia costs to prepare and execute the conveyance documents. The conveyance of the Property should occur no later than December 31, 2019.

1: The Authority is authorized to convey the property rights of the 150 acres; conveyed by the Commonwealth in paragraph e.; to the operator of a 20 megawatt solar facility for the amount the Authority acquired the property and any closing costs associated with its acquisition from the Commonwealth of Virginia.

2: Any remaining Property as agreed to by the Commonwealth of Virginia and the Authority shall be made available for purchase by the Authority for an amount not to exceed \$350,000; and the Commonwealth is authorized to sell such property to the Authority pursuant to § 2.2-1150 : A deed restriction in the Commonwealth of Virginia and Authority property sale described in this section; e.2; shall limit the sale of such property by the Authority to unmanned systems companies or companies related to the unmanned system industries locating to the Hampton Roads Unmanned Systems Park for amounts as determined by the Authority. The Authority shall reimburse the Commonwealth of Virginia; at property closing; for any appraisals and other Commonwealth of Virginia costs to prepare and execute the conveyance documents related to this transaction.

f. Notwithstanding any provision of law to the contrary, the Commonwealth of Virginia shall begin the process to convey, as is and pursuant to § 2.2-1150, approximately 432 acres of land located within the County of York, Virginia, known as Tax Parcel 12-00-00-003 (the Property) to the Eastern Virginia Regional Industrial Facility Authority, or any of its members, subsidiaries or affiliates (hereinafter referred to Authority) for an amount not to exceed \$1,350,000. The Commonwealth of Virginia shall provide to the Authority copies of the two most recent state appraisals for 150-200 acres for the parcel, and in no case shall the transaction price per acre exceed the average of the two most recent state appraisals. The Authority shall reimburse the Commonwealth of Virginia, at property closing, for the appraisals and other Commonwealth of Virginia costs to prepare and execute the conveyance documents. The conveyance of the Property should occur no later than December 31, 2020, but may occur earlier if requested by the Authority. The Authority and its designees shall have the right to enter the Property and to perform due diligence and design studies and activities prior to the conveyance, provided the Authority reasonably cooperates with the Commonwealth of Virginia and adheres to such reasonable requirements as determined by the Commonwealth of Virginia. The Authority shall have the right to file applications and related documents seeking land, zoning and use entitlements, and the Commonwealth is authorized to execute such documents as may be required for such purposes, but without incurring obligations on the Commonwealth by such execution.

1. The Authority is authorized to convey the property rights for up to 150 acres of the Property conveyed by the Commonwealth in paragraph f., to one or more operators of one or more utility scale solar facilities, or to lease the property rights to such an operator or operators, for an amount as agreed by the Authority and such operator(s).

2. Any remaining Property above that described in paragraph 1, at the site shall be subject to a deed restriction created in the Commonwealth of Virginia and Authority property sale described herein to restrict the use of such property by the Authority to any non-residential use, as determined by the Authority.

§ 4-5.11 LIMITATIONS ON USE OF STATE FUNDING

Notwithstanding any other provision of the Code of Virginia, no expenditures from the general, special, or other nongeneral fund sources from any appropriation by the General Assembly shall be used to support membership or participation in the Regional Greenhouse Gas Initiative (RGGI) until such time as the General Assembly has approved such membership as evidenced by language authorizing such action in the Appropriation Act, with the exception of any expenditures required pursuant to any contract signed prior to the passage of this act by the General Assembly; nor shall any RGGI auction proceeds be used to supplement any appropriation in this act without express General Assembly approval.

§ 4-5.12 SEAT OF GOVERNMENT TRAFFIC AND PEDESTRIAN SAFETY

In order to implement and maintain traffic and pedestrian operational safety and security enhancements and secure the seat of government, the Commonwealth Transportation Board shall, not later than January 1, 2020, add to the state primary highway system, pursuant to § 33.2-314, Code of Virginia, those portions of the rights-of-way located in the City of Richmond identified as Bank Street from 9th Street to 14th Street, 10th Street from Main Street to Bank Street, 12th Street from Main Street to Bank Street, and Governor Street from Main Street to Bank Street and, pursuant to the responsibilities of the Department of General Services (DGS) (§ 2.2-1129) and the Division of Capitol Police (DCP) (§ 30-34.2:1), DGS and DCP shall control those rights-of-way and pedestrian and vehicular traffic thereon. The rights-of-way so transferred shall be in addition to the 50 miles per year authorized to be transferred under § 33.2-314(A).

§ 4-6.00 POSITIONS AND EMPLOYMENT

§ 4-6.01 EMPLOYEE COMPENSATION

a. The compensation of all kinds and from all sources of each appointee of the Governor and of each officer and employee in the Executive Department who enters the service of the Commonwealth or who is promoted to a vacant position shall be fixed at such rate as shall be approved by the Governor in writing or as is in accordance with rules and regulations established by the Governor. No increase shall be made in such compensation except with the Governor's written approval first obtained or in accordance with the rules and regulations established by the Governor. In all cases where any appointee, officer or employee is employed or promoted to fill a vacancy in a position for which a salary is specified by this act, the Governor may fix the salary of such officer or employee at a lower rate or amount within the respective level than is specified. In those instances where a position is created by an act of the General Assembly but not specified by this act, the Governor may fix the salary of such position in accordance with the provisions of this subsection.

b. Annual salaries of persons appointed to positions by the General Assembly, pursuant to the provisions of §§ 2.2-200 and 2.2-400, Code of Virginia, shall be paid in the amounts shown. However, if an incumbent is reappointed, his or her salary may be as high as his or her prior salary.

	July 1, 2018 to June 24, 2019	June 25, 2019 to November 24, 2019	November 25, 2019 to June 30, 2020
Chief of Staff	\$175,000	\$179,813	\$179,813

Secretary of Administration	\$172,000	\$176,730	\$176,730
Secretary of Agriculture and Forestry	\$172,000	\$176,730	\$176,730
Secretary of Commerce and Trade	\$172,000	\$176,730	\$176,730
Secretary of the Commonwealth	\$172,000	\$176,730	\$176,730
Secretary of Education	\$172,000	\$176,730	\$176,730
Secretary of Finance	\$175,980	\$180,819	\$180,819
Secretary of Health and Human Resources	\$172,000	\$176,730	\$176,730
Secretary of Natural Resources	\$172,000	\$176,730	\$176,730
Secretary of Public Safety and Homeland Security	\$173,903	\$178,685	\$178,685
Secretary of Transportation	\$172,000	\$176,730	\$176,730
Secretary of Veterans and Defense Affairs	\$172,000	\$176,730	\$176,730

c.1.a) Annual salaries of persons appointed to positions listed in subdivision c 6 hereof shall be paid in the amounts shown for the current biennium, unless changed in accordance with conditions stated in subdivisions c 2 through c 5 hereof.

b) The starting salary of a new appointee shall not exceed the midpoint of the range, except where the midpoint salary is less than a ten percent increase from an appointee's preappointment compensation. In such cases, an appointee's starting salary may be set at a rate which is ten percent higher than the preappointment compensation, provided that the maximum of the range is not exceeded. However, in instances where an appointee's preappointment compensation exceeded the maximum of the respective salary range, then the salary for that appointee may be set at the maximum salary for the respective salary range except if the new hire was employed in a state classified position, then the Governor may exceed the maximum salary for the position and set the salary for the employee at a salary level not to exceed the employee's salary at their prior state position.

c) Nothing in subdivision c 1 shall be interpreted to supersede the provisions of § 4-6.01 e, f, g, h, i, j, k, l, and m of this act.

d) For new appointees to positions listed in § 4-6.01c.6., the Governor is authorized to provide for fringe benefits in addition to those otherwise provided by law, including post retirement health care and other non-salaried benefits provided to similar positions in the public sector.

2.a)1) The Governor may increase or decrease the annual salary for incumbents of positions listed in subdivision c 6 below at a rate of up to 10 percent in any single fiscal year between the minimum and the maximum of the respective salary range in accordance with an assessment of performance and service to the Commonwealth.

2) The governing boards of the independent agencies may increase or decrease the annual salary for incumbents of positions listed in subdivision c.7. below at a rate of up to 10 percent in any fiscal year between the minimum and maximum of the respective salary range, in accordance with an assessment of performance and service to the Commonwealth.

b)1) The appointing or governing authority may grant performance bonuses of 0-5 percent for positions whose salaries are listed in §§ 1-1 through 1-9, and 4-6.01 b, c, and d of this act, based on an annual assessment of performance, in accordance with policies and procedures established by such appointing or governing authority. Such performance bonuses shall be over and above the salaries listed in this act, and shall not become part of the base rate of pay.

2) The appointing or governing authority shall report performance bonuses which are granted to executive branch employees to the Department of Human Resource Management for retention in its records.

3. From the effective date of the Executive Pay Plan set forth in Chapter 601, Acts of Assembly of 1981, all incumbents holding positions listed in this § 4-6.01 shall be eligible for all fringe benefits provided to full-time classified state employees and, notwithstanding any provision to the contrary, the annual salary paid pursuant to this § 4-6.01 shall be included as

creditable compensation for the calculation of such benefits.

4. Notwithstanding § 4-6.01.c.2.b)1) of this Act, the Board of Commissioners of the Virginia Port Authority may supplement the salary of its Executive Director, with the prior approval of the Governor. The Board should be guided by criteria which provide a reasonable limit on the total additional income of the Executive Director. The criteria should include, without limitation, a consideration of the salaries paid to similar officials at comparable ports of other states. The Board shall report approved supplements to the Department of Human Resource Management for retention in its records.

5.a. With the written approval of the Governor, the Board of Trustees of the Virginia Museum of Fine Arts, the Science Museum of Virginia, the Virginia Museum of Natural History, Gunston Hall, and the Library Board may supplement the salary of the Director of each museum, and the Librarian of Virginia from nonstate funds. In approving a supplement, the Governor should be guided by criteria which provide a reasonable limit on the total additional income and the criteria should include, without limitation, a consideration of the salaries paid to similar officials at comparable museums and libraries of other states. The respective Boards shall report approved supplements to the Department of Human Resource Management for retention in its records.

b) The Board of Trustees of the Jamestown-Yorktown Foundation may supplement, using nonstate funds, the salary of the Executive Director of the Foundation. In approving the supplement the Board should be guided by criteria which provides a reasonable limit on the total additional income and the criteria should include, without limitation, a consideration of the salaries paid to similar officials at comparable Foundations in other states. The Board shall report approved supplements to the Department of Human Resource Management for retention in its records.

6.a) The following salaries shall be paid for the current biennium in the amounts shown, however, all salary changes shall be subject to subdivisions c 2 through c 5 above.

	July 1, 2018 to June 24, 2019	June 25, 2019 to November 24, 2019	November 25, 2019 to June 30, 2020
Level I Range	\$164,651 - \$235,000	\$169,179- \$241,463	\$169,179 - \$241,463
Midpoint	\$198,825	\$205,321	\$205,321
Chief Information Officer, Virginia Information Technologies Agency	\$189,263	\$194,468	\$194,468
Commissioner, Department of Motor Vehicles	\$164,970	\$169,507	\$169,507
Commissioner, Department of Social Services	\$209,000	\$214,748	\$214,748
Commissioner, Department of Behavioral Health and Developmental Services	\$212,661	\$218,509	\$218,509
Commonwealth Transportation Commissioner	\$212,661	\$218,509	\$218,509
Director, Department of Corrections	\$184,051	\$189,112	\$189,112
Director, Department of Environmental Quality	\$190,188	\$195,418	\$195,418
Director, Department of Medical Assistance Services	\$199,548	\$205,036	\$205,036
Director, Department of Planning and Budget	\$172,699	\$177,448	\$177,448
State Health Commissioner	\$225,000	\$231,188	\$231,188

State Tax Commissioner	\$164,651	\$169,179	\$169,179
Superintendent of Public Instruction	\$235,000	\$241,463	\$241,463
Superintendent of State Police	\$184,705	\$189,784	\$189,784
	July 1, 2018 to June 24, 2019	June 25, 2019 to November 24, 2019	November 25, 2019 to June 30, 2020
Level II Range	\$114,330 - \$180,000	\$117,474 - \$184,950	\$117,474 - \$184,950
Midpoint	\$147,150	\$151,212	\$151,212
Commissioner, Department for Aging and Rehabilitative Services	\$155,895	\$160,182	\$160,182
Commissioner, Department of Agriculture and Consumer Services	\$165,000	\$169,538	\$169,538
Commissioner, Department of Veterans Services	\$147,084	\$151,129	\$151,129
Commissioner, Virginia Employment Commission	\$161,679	\$166,125	\$166,125
Executive Director, Department of Game and Inland Fisheries	\$144,414	\$148,385	\$148,385
Commissioner, Marine Resources Commission	\$142,000	\$145,905	\$145,905
Director, Department of Forensic Science	\$167,566	\$172,174	\$172,174
Director, Department of General Services	\$167,214	\$171,812	\$171,812
Director, Department of Human Resource Management	\$158,738	\$163,103	\$163,103
Director, Department of Juvenile Justice	\$126,860	\$130,349	\$130,349
Director, Department of Mines, Minerals and Energy	\$146,775	\$150,811	\$150,811
Director, Department of Rail and Public Transportation	\$152,337	\$156,526	\$156,526
Director, Department of Small Business and Supplier Diversity	\$139,466	\$143,301	\$143,301
Executive Director, Motor	\$114,330	\$117,474	\$117,474

Vehicle Dealer Board			
Executive Director, Virginia Port Authority	\$141,301	\$145,187	\$145,187
State Comptroller	\$172,567	\$177,313	\$177,313
State Treasurer	\$172,430	\$177,172	\$177,172
Executive Director, Board of Accountancy	\$145,000	\$148,988	\$148,988
Chief Executive Officer, Virginia Alcoholic Beverage Control Authority	\$180,000	\$184,950	\$184,950
	July 1, 2018	June 25, 2019	November 25, 2019
	to	to	to
	June 24, 2019	November 24, 2019	June 30, 2020
Level III Range	\$110,980 - \$153,585	\$114,032 - \$157,809	\$114,032 - \$157,809
Midpoint	\$132,282	\$135,920	\$135,920
Adjutant General	\$139,614	\$143,453	\$143,453
Chairman, Virginia Parole Board	\$131,310	\$134,921	\$134,921
Vice Chairman, Virginia Parole Board	\$118,145	\$121,394	\$121,394
Member, Virginia Parole Board	\$115,829	\$119,014	\$119,014
Commissioner, Department of Labor and Industry	\$139,647	\$143,487	\$143,487
Coordinator, Department of Emergency Management	\$148,860	\$152,954	\$152,954
Director, Department of Aviation	\$150,000	\$154,125	\$154,125
Director, Department of Conservation and Recreation	\$151,577	\$155,745	\$155,745
Director, Department of Criminal Justice Services	\$125,021	\$128,459	\$128,459
Director, Department of Health Professions	\$135,160	\$138,877	\$138,877
Director, Department of Historic Resources	\$110,980	\$114,032	\$114,032
Director, Department of Housing and Community Development	\$137,296	\$141,072	\$141,072
Director, Department of Professional and Occupational	\$151,759	\$155,932	\$155,932

Regulation			
Director, The Science Museum of Virginia	\$138,798	\$142,615	\$142,615
Director, Virginia Museum of Fine Arts	\$144,315	\$148,284	\$148,284
Director, Virginia Museum of Natural History	\$118,480	\$121,738	\$121,738
Executive Director, Jamestown-Yorktown Foundation	\$140,888	\$144,762	\$144,762
Executive Secretary, Virginia Racing Commission	\$113,300	\$116,416	\$116,416
Librarian of Virginia	\$153,585	\$157,809	\$157,809
State Forester, Department of Forestry	\$144,983	\$148,970	\$148,970
	July 1, 2018 to June 24, 2019	June 25, 2019 to November 24, 2019	November 25, 2019 to June 30, 2020
Level IV Range	\$90,537 - \$118,393	\$93,027 - \$121,649	\$93,027 - \$121,649
Midpoint	\$104,465	\$107,338	\$107,338
Administrator, Commonwealth's Attorneys' Services Council	\$107,761	\$110,724	\$110,724
Commissioner, Virginia Department for the Blind and Vision Impaired	\$118,393	\$121,649	\$121,649
Executive Director, Frontier Culture Museum of Virginia	\$105,000	\$107,888	\$107,888
Commissioner, Department of Elections	\$111,000	\$114,053	\$114,053
Executive Director, Virginia-Israel Advisory Board	\$98,000	\$100,695	\$100,695
Director, Gunston Hall	\$90,537	\$93,027	\$93,027
	July 1, 2018 to June 24, 2019	June 25, 2019 to November 24, 2019	November 25, 2019 to June 30, 2020
Level V Range	\$23,515 - \$98,577	\$24,162 - \$101,288	\$24,162 - \$101,288
Midpoint	\$61,046	\$62,725	\$62,725
Director, Virginia Department for the Deaf and Hard-of-	\$98,577	\$101,288	\$101,288

Hearing

Executive Director, Department of Fire Programs	\$98,577	\$101,288	\$101,288
Executive Director, Virginia Commission for the Arts	\$98,577	\$101,288	\$101,288
Chairman, Compensation Board	\$23,515	\$24,162	\$24,162

7. Annual salaries of the directors of the independent agencies, as listed in this subdivision, shall be paid in the amounts shown. All salary changes shall be subject to subdivisions c 1, c 2, and c 3 above.

	July 1, 2018 to June 24, 2019	June 25, 2019 to November 24, 2019	November 25, 2019 to June 30, 2020
Independent Range	\$171,954 - \$185,871	\$176,683 - \$190,982	\$176,683 - \$190,982
Midpoint	\$178,913	\$183,832	\$183,832
Executive Director, Virginia Lottery	\$171,954	\$176,683	\$176,683
Director, Virginia Retirement System	\$185,871	\$190,982	\$190,982
Chief Executive Officer, Virginia College Savings Plan	\$183,362	\$188,404	\$188,404

8. Notwithstanding any provision of this Act, the Board of Trustees of the Virginia Retirement System may supplement the salary of its Director. The Board should be guided by criteria, which provide a reasonable limit on the total additional income of the Director. The criteria should include, without limitation, a consideration of the salaries paid to similar officials in comparable public pension plans. The Board shall report such criteria and potential supplement level to the Chairmen of the Senate Finance and House Appropriations Committees at least 60 days prior to the effectuation of the compensation action. The Board shall report approved supplements to the Department of Human Resource Management for retention in its records.

9. Notwithstanding any provision of this Act, the Board of the Virginia College Savings Plan may supplement the compensation of its Chief Executive Officer. The Board should be guided by criteria which provide a reasonable limit on the total additional income of the Chief Executive Officer. The criteria should include, without limitation, a consideration of compensation paid to similar officials in comparable qualified tuition programs, independent public agencies or other entities with similar responsibilities and size. The Board shall report such criteria and potential supplement level to the Chairmen of the Senate Finance and House Appropriations Committees at least 60 days prior to the effectuation of the compensation action. The Board shall report approved supplements to the Department of Human Resource Management for retention in its records.

d.1. Annual salaries of the presidents of the senior institutions of higher education, the President of Richard Bland College, the Chancellor of the University of Virginia's College at Wise, the Superintendent of the Virginia Military Institute, the Director of the State Council of Higher Education, the Director of the Southern Virginia Higher Education Center, the Director of the Southwest Virginia Higher Education Center and the Chancellor of Community Colleges, as listed in this paragraph, shall be paid in the amounts shown. The annual salaries of the presidents of the community colleges shall be fixed by the State Board for Community Colleges within a salary structure submitted to the Governor prior to June 1 each year for approval.

2.a) The board of visitors of each institution of higher education or the boards of directors for Southern Virginia Higher Education Center, Southwest Virginia Higher Education Center, and the New College Institute may annually supplement the salary of a president or director from private gifts, endowment funds, foundation funds, or income from endowments and gifts. Supplements paid from other than the cited sources prior to June 30, 1997, may continue to be paid. In approving a supplement, the board of visitors or board of directors should be guided by criteria which provide a reasonable limit on the total additional income of a president or director. The criteria should include a consideration of additional income from outside sources including, but not being limited to, service on boards of directors or other such services. The board of visitors or board of directors shall report approved supplements to the Department of Human Resource Management for retention in its records.

b) The State Board for Community Colleges may annually supplement the salary of the Chancellor from any available appropriations of the Virginia Community College System. In approving a supplement, the State Board for Community Colleges should be guided by criteria which provide a reasonable limit on the total additional income of the Chancellor. The criteria should include consideration of additional income from outside sources including, but not being limited to, service on boards of directors or other such services. The Board shall report approved supplements to the Department of Human Resource Management for retention in its records.

c) Norfolk State University is authorized to supplement the salary of its president from educational and general funds up to \$17,000.

d) Should a vacancy occur for the Director of the State Council of Higher Education on or after the date of enactment of this act, the salary for the new director shall be established by the State Council of Higher Education based on the salary range for Level I agency heads. Furthermore, the state council may provide a bonus of up to five percent of the annual salary for the new director.

	July 1, 2018 to June 24, 2019	June 25, 2019 to November 24, 2019	November 25, 2019 to June 30, 2020
NEW COLLEGE INSTITUTE			
Executive Director, New College Institute	\$126,844	\$130,332	\$130,332 \$148,332
STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA			
Director, State Council of Higher Education for Virginia	\$199,479	\$204,965	\$204,965
SOUTHERN VIRGINIA HIGHER EDUCATION CENTER			
Director, Southern Virginia Higher Education Center	\$134,273	\$137,966	\$137,966
SOUTHWEST VIRGINIA HIGHER EDUCATION CENTER			
Director, Southwest Virginia Higher Education Center	\$133,900	\$137,582	\$137,582
VIRGINIA COMMUNITY COLLEGE SYSTEM			
Chancellor of Community Colleges	\$180,976	\$185,953	\$185,953
SENIOR COLLEGE PRESIDENTS' SALARIES			
Chancellor, University of Virginia's College at Wise	\$127,218	\$130,716	\$130,716
President, Christopher Newport University	\$142,606	\$146,528	\$146,528
President, The College of William and Mary in Virginia	\$163,602	\$168,101	\$168,101
President, George Mason University	\$157,384	\$161,712	\$161,712
President, James Madison	\$168,654	\$173,292	\$173,292

University

President, Longwood University	\$153,858	\$158,089	\$158,089
President, Norfolk State University	\$166,920	\$171,510	\$171,510
President, Old Dominion University	\$173,732	\$178,510	\$178,510
President, Radford University	\$162,579	\$167,050	\$167,050
President, Richard Bland College	\$138,453	\$142,260	\$142,260
President, University of Mary Washington	\$151,404	\$155,568	\$155,568
President, University of Virginia	\$187,500	\$192,656	\$192,656
President, Virginia Commonwealth University	\$181,395	\$186,383	\$186,383
President, Virginia Polytechnic Institute and State University	\$198,266	\$203,718	\$203,718
President, Virginia State University	\$149,496	\$153,607	\$153,607
Superintendent, Virginia Military Institute	\$154,785	\$159,042	\$159,042

e. 1. Salaries for newly employed or promoted employees shall be established consistent with the compensation and classification plans established by the Governor.

2. The State Comptroller is hereby authorized to require payment of wages or salaries to state employees by direct deposit or by credit to a prepaid debit card or card account from which the employee is able to withdraw or transfer funds.

f. The provisions of this section, requiring prior written approval of the Governor relative to compensation, shall apply also to any system of incentive award payments which may be adopted and implemented by the Governor. The cost of implementing any such system shall be paid from any funds appropriated to the affected agencies.

g. No lump sum appropriation for personal service shall be regarded as advisory or suggestive of individual salary rates or of salary schedules to be fixed under law by the Governor payable from the lump sum appropriation.

h. Subject to approval by the Governor of a plan for a statewide employee meritorious service awards program, as provided for in § 2.2-1201, Code of Virginia, the costs for such awards shall be paid from any operating funds appropriated to the affected agencies.

i. The General Assembly hereby affirms and ratifies the Governor's existing authority and the established practice of this body to provide for pay differentials or to supplement base rates of pay for employees in specific job classifications in particular geographic and/or functional areas where, in the Governor's discretion, they are needed for the purpose of maintaining salaries which enable the Commonwealth to maintain a competitive position in the relevant labor market.

j.1. If at any time the Administrator of the Commonwealth's Attorneys' Services Council serves on the faculty of a state-supported institution of higher education, the faculty appointment must be approved by the Council. Such institution shall pay one-half of the salary listed in § 4-6.01 c 6 of this act. Further, such institution may provide compensation in addition to that listed in § 4-6.01 c 6; provided, however, that such additional compensation must be approved by the Council.

2. If the Administrator ceases to be a member of the faculty of a state-supported institution of higher education, the total salary listed in § 4-6.01 c 6 shall be paid from the Council's appropriation.

k.1.a. Except as otherwise provided for in this subdivision, any increases in the salary band assignment of any job role contained in the compensation and classification plans approved by the Governor shall be effective beginning with the first pay period, defined as the pay period from June 25 through July 9, of the fiscal year if: (1) the agency certifies to the Secretary of Finance that funds are

available within the agency's appropriation to cover the cost of the increase for the remainder of the current biennium and presents a plan for covering the costs next biennium and the Secretary concurs, or (2) such funds are appropriated by the General Assembly. If at any time the Secretary of Administration shall certify that such change in the salary band assignment for a job role is of an emergency nature and the Secretary of Finance shall certify that funds are available to cover the cost of the increase for the remainder of the biennium within the agency's appropriation, such change in compensation may be effective on a date agreed upon by these two Secretaries. The Secretary of Administration shall provide a monthly report of all such emergency changes in accordance with § 4-8.00, Reporting Requirements.

b. Notwithstanding any other provision of law, state employees will be paid on the first workday of July for the work period June 10 to June 24 in any calendar year in which July 1 falls on a weekend.

2. Salary adjustments for any employee through a promotion, role change, exceptional recruitment and retention incentive options, or in-range adjustment shall occur only if: a) the agency has sufficient funds within its appropriation to cover the cost of the salary adjustment for the remainder of the current biennium or b) such funds are appropriated by the General Assembly.

3. No changes in salary band assignments affecting classified employees of more than one agency shall become effective unless the Secretary of Finance certifies that sufficient funds are available to provide such increase or plan to all affected employees supported from the general fund.

1. Full-time employees of the Commonwealth, including faculty members of state institutions of higher education, who are appointed to a state-level board, council, commission or similar collegial body shall not receive any such compensation for their services as members or chairmen except for reimbursement of reasonable and necessary expenses. The foregoing provision shall likewise apply to the Compensation Board, pursuant to § 15.2-1636.5, Code of Virginia.

m.1. Notwithstanding any other provision of law, the board of visitors or other governing body of any public institution of higher education is authorized to establish age and service eligibility criteria for faculty participating in voluntary early retirement incentive plans for their respective institutions pursuant to § 23.1-1302 B and the cash payment offered under such compensation plans pursuant to § 23.1-1302 D, Code of Virginia. Notwithstanding the limitations in § 23.1-1302 D, the total cost in any fiscal year for any such compensation plan, shall be set forth by the governing body in the compensation plan for approval by the Governor and review for legal sufficiency by the Office of the Attorney General.

2. Notwithstanding any other provision of law, employees holding full-time, academic-year classified positions at public institutions of higher education shall be considered "state employees" as defined in § 51.1-124.3, Code of Virginia, and shall be considered for medical/hospitalization, retirement service credit, and other benefits on the same basis as those individuals appointed to full-time, 12-month classified positions.

n. Notwithstanding the Department of Human Resource Management Policies and Procedures, payment to employees with five or more years of continuous service who either terminate or retire from service shall be paid in one sum for twenty-five percent of their sick leave balance, provided, however, that the total amount paid for sick leave shall not exceed \$5,000 and the remaining seventy-five percent of their sick leave shall lapse. This provision shall not apply to employees who are covered by the Virginia Sickness and Disability Program as defined in § 51.1-1100, Code of Virginia. Such employees shall not be paid for their sick leave balances. However, they will be paid, if eligible as described above, for any disability leave credits they have at separation or retirement or may convert disability credits to service credit under the Virginia Retirement System pursuant to § 51.1-1103 (F), Code of Virginia.

o. It is the intent of the General Assembly that calculation of the faculty salary benchmark goal for the Virginia Community College System shall be done in a manner consistent with that used for four-year institutions, taking into consideration the number of faculty at each of the community colleges. In addition, calculation of the salary target shall reflect an eight percent salary differential in a manner consistent with other public four-year institutions and for faculty at Northern Virginia Community College.

p. Any public institution of higher education that has met the eligibility criteria set out in Chapters 933 and 945 of the 2005 Acts of Assembly may supplement annual salaries for classified employees from private gifts, endowment funds, or income from endowments and gifts, subject to policies approved by the board of visitors. The Commonwealth shall have no general fund obligations for the continuation of such salary supplements.

q. The Governor, or any other appropriate Board or Public Body, is authorized to adjust the salaries of employees specified in this item, and other items in the Act, to reflect the compensation adjustments authorized in this Act.

r. Any public institution of higher education shall not provide general fund monies above \$100,000 for any individual athletic coaching salaries after July 1, 2013. Athletic coaching salaries with general fund monies above this amount shall be phased-down over a five-year period at 20 percent per year until reaching the cap of \$100,000.

§ 4-6.02 EMPLOYEE TRAINING AND STUDY

Subject to uniform rules and regulations established by the Governor, the head of any state agency may authorize, from any funds appropriated to such department, institution or other agency in this act or subsequently made available for the purpose,

compensation or expenses or both compensation and expenses for employees pursuing approved training courses or academic studies for the purpose of becoming better equipped for their employment in the state service. The rules and regulations shall include reasonable provision for the return of any employee receiving such benefits for a reasonable period of duty, or for reimbursement to the state for expenditures incurred on behalf of the employee should he not return to state service.

§ 4-6.03 EMPLOYEE BENEFITS

a. Any medical/hospitalization benefit program provided for state employees shall include the following provision: any state employee, as defined in § 2.2-2818, Code of Virginia, shall have the option to accept or reject coverage.

b. Except as provided for sworn personnel of the Department of State Police, no payment of, or reimbursement for, the employer paid contribution to the State Police Officers' Retirement System, or any system offering like benefits, shall be made by the Compensation Board of the Commonwealth at a rate greater than the employer rate established for the general classified workforce of the Commonwealth covered under the Virginia Retirement System. Any cost for benefits exceeding such general rate shall be borne by the employee or, in the case of a political subdivision, by the employer.

c. Each agency may, within the funds appropriated by this act, implement a transit and ridesharing incentive program for its employees. With such programs, agencies may reimburse employees for all or a portion of the costs incurred from using public transit, car pools, or van pools. The Secretary of Transportation shall develop guidelines for the implementation of such programs and any agency program must be developed in accordance with such guidelines. The guidelines shall be in accordance with the federal National Energy Policy Act of 1992 (P.L. 102-486), and no program shall provide an incentive that exceeds the actual costs incurred by the employee.

d. Any hospital that serves as the primary medical facility for state employees may be allowed to participate in the State Employee Health Insurance Program pursuant to § 2.2-2818, Code of Virginia, provided that (1) such hospital is not a participating provider in the network, contracted by the Department of Human Resource Management, that serves state employees and (2) such hospital enters into a written agreement with the Department of Human Resource Management as to the rates of reimbursement. The department shall accept the lowest rates offered by the hospital from among the rates charged by the hospital to (1) its largest purchaser of care, (2) any state or federal public program, or (3) any special rate developed by the hospital for the state employee health benefits program which is lower than either of the rates above. If the department and the hospital cannot come to an agreement, the department shall reimburse the hospital at the rates contained in its final offer to the hospital until the dispute is resolved. Any dispute shall be resolved through arbitration or through the procedures established by the Administrative Process Act, as the hospital may decide, without impairment of any residual right to judicial review.

e. Any classified employee of the Commonwealth and any person similarly employed in the legislative, judicial and independent agencies who (i) is compensated on a salaried basis and (ii) works at least twenty hours per week shall be considered a full-time employee for the purposes of participation in the Virginia Retirement System's group life insurance and retirement programs. Any part-time magistrate hired prior to July 1, 1999, shall have the option of participating in the programs under this provision.

f.1. Any member of the Virginia Retirement System who is retired under the provisions of § 51.1-155.1, Code of Virginia who: 1) returns to work in a position that is covered by the provisions of § 51.1-155.1, Code of Virginia after a break of not less than four years, 2) receives no other compensation for service to a public employer than that provided for the position covered by § 51.1-155.1, Code of Virginia during such period of reemployment, 3) retires within one year of commencing such period of reemployment, and 4) retires directly from service at the end of such period of reemployment may either:

a) Revert to the previous retirement benefit received under the provisions of § 51.1-155.1, Code of Virginia, including any annual cost of living adjustments granted thereon. This benefit may be adjusted upward to reflect the effect of such additional months of service and compensation received during the period of reemployment, or

b) Retire under the provisions of Title 51.1 in effect at the termination of his or her period of reemployment, including any purchase of service that may be eligible for purchase under the provisions of § 51.1-142.2, Code of Virginia.

2. The Virginia Retirement System shall establish procedures for verification by the employer of eligibility for the benefits provided for in this paragraph.

g. Notwithstanding any other provision of law, no agency head compensated by funds appropriated in this act may be a member of the Virginia Law Officers' Retirement System created under Title 51.1, Chapter 2.1, Code of Virginia. The provisions of this paragraph are effective on July 1, 2002, and shall not apply to the Chief of the Capitol Police.

h. Full-time employees appointed by the Governor who, except for meeting the minimum service requirements, would be eligible for the provisions of § 51.1-155.1, Code of Virginia, may, upon termination of service, use any severance allowance payment to purchase service to meet, but not exceed, the minimum service requirements of § 51.1-155.1, Code of Virginia. Such service purchase shall be at the rate of 15 percent of the employee's final creditable compensation or average final compensation, whichever is greater, and shall be completed within 90 days of separation of service.

i. When calculating the retirement benefits payable under the Virginia Retirement System (VRS), the State Police Officers' Retirement System (SPORS), the Virginia Law-enforcement Officers' Retirement System (VaLORS), or the Judicial Retirement

System (JRS) to any employee of the Commonwealth or its political subdivisions who is called to active duty with the armed forces of the United States, including the United States Coast Guard, the Virginia Retirement System shall:

1) utilize the pre-deployment salary, or the actual salary paid by the Commonwealth or the political subdivision, whichever is higher, when calculating average compensation, and

2) include those months after September 1, 2001 during which the employee was serving on active duty with the armed forces of the United States in the calculation of creditable service.

j. The provisions in § 51.1-144, Code of Virginia, that require a member to contribute five percent of his creditable compensation for each pay period for which he receives compensation on a salary reduction basis, shall not apply to any (i) "state employee," as defined in § 51.1-124.3, Code of Virginia, who is an elected official, or (ii) member of the Judicial Retirement System under Chapter 3 of Title 51.1 (§ 51.1-300 et seq.), who is not a "person who becomes a member on or after July 1, 2010," as defined in § 51.1-124.3, Code of Virginia.

k. Notwithstanding the provisions of subsection G of § 51.1-156, any employee of a school division who completed a period of 24 months of leave of absence without pay during October 2013 and who had previously submitted an application for disability retirement to VRS in 2011 may submit an application for disability retirement under the provisions of § 51.1-156. Such application shall be received by the Virginia Retirement System no later than October 1, 2014. This provision shall not be construed to grant relief in any case for which a court of competent jurisdiction has already rendered a decision, as contemplated by Article II, Section 14 of the Constitution of Virginia.

§ 4-6.04 CHARGES

a. **FOOD SERVICES:** Except as exempted by the prior written approval of the Director, Department of Human Resource Management, and the provisions of § 2.2-3605, Code of Virginia, state employees shall be charged for meals served in state facilities. Charges for meals will be determined by the agency. Such charges shall be not less than the value of raw food and the cost of direct labor and utilities incidental to preparation and service. Each agency shall maintain records as to the calculation of meal charges and revenues collected. Except where appropriations for operation of the food service are from nongeneral funds, all revenues received from such charges shall be paid directly and promptly into the general fund. The provisions of this paragraph shall not apply to on-duty employees assigned to correctional facilities operated by the Departments of Corrections and Juvenile Justice.

b. **HOUSING SERVICES:**

1. Each agency will collect a fee from state employees who occupy state-owned or leased housing, subject to guidelines provided by the Director, Department of General Services. Each agency head is responsible for establishing a fee for state-owned or leased housing and for documenting in writing why the rate established was selected. In exceptional circumstances, which shall be documented as being in the best interest of the Commonwealth by the agency requesting an exception, the Director, Department of General Services may waive the requirement for collection of fees.

2. All revenues received from housing fees shall be promptly deposited in the state treasury. For housing for which operating expenses or rent are financed by general fund appropriations, such revenues shall be deposited to the credit of the general fund. For housing for which operating expenses or rent are financed by nongeneral fund appropriations, such revenues shall be deposited to the credit of the nongeneral fund. Agencies which provide housing for which operating expenses or rent are financed from both general fund and nongeneral fund appropriations shall allocate such revenues, when deposited in the state treasury, to the appropriate fund sources in the same proportion as the appropriations. However, without exception, any portion of a housing fee attributable to depreciation for housing which was constructed with general fund appropriations shall be paid into the general fund.

c. **PARKING SERVICES:**

1. **State-owned parking facilities**

Agencies with parking space for employees in state-owned facilities shall, when required by the Director, Department of General Services, charge employees for such space on a basis approved by the Governor. All revenues received from such charges shall be paid directly and promptly into a special fund in the state treasury to be used, as determined by the Governor, for payment of costs for the provision of vehicle parking spaces. Interest shall be added to the fund as earned. -

2. **Leased parking facilities in metropolitan Richmond area**

Agencies occupying private sector leased or rental space in the metropolitan Richmond area, not including institutions of higher education, shall be required to charge a fee to employees for vehicle parking spaces that are assigned to them or are otherwise available either incidental to the lease or rental agreement or pursuant to a separate lease agreement for private parking space. In such cases, the individual employee parking fee shall not be less than that paid by employees parking in Department of General Services parking facilities at the Seat of Government. The Director, Department of General Services may amend or waive the fee requirement for good cause. Revenues derived from employees paying for parking spaces in leased facilities will

be retained by the leasing agency to be used to offset the cost of the lease to which it pertains. Any lease for private parking space must be approved by the Director, Department of General Services.

3. The assignment of Lot P1A of the Department of General Services, Capitol Area Site Plan, to include parking spaces 1 through 37, but excluding spaces 34 and 36, which shall be reserved for the Department of General Services, and the surrounding surfaces around those spaces shall be under the control of the Committee on Joint Rules and administered by the Clerk of the House and the Clerk of the Senate. Any employee permanently assigned to any of these spaces shall be subject to the provisions of paragraph 1 of this item.

4. The assignment of 300 parking spaces in the Department of General Services parking facility to be built at the corner of 9th and Broad Streets in the City of Richmond, shall be under the control of the Committee on Joint Rules and administered by the Clerk of the House and the Clerk of the Senate. Such parking spaces shall be subject to the provisions of paragraph 1 of this item.

§ 4-6.05 SELECTION OF APPLICANTS FOR CLASSIFIED POSITIONS

It is the responsibility of state agency heads to ensure that all provisions outlined in Title 2.2, Chapter 29, Code of Virginia (the Virginia Personnel Act), and executive orders that govern the practice of selecting applicants for classified positions are strictly observed. The Governor's Secretaries shall ensure this provision is faithfully enforced.

§ 4-6.06 POSITIONS GOVERNED BY CHAPTERS 933 AND 943 OF THE 2006 ACTS OF ASSEMBLY

Except as provided in subsection A of § 23.1-1020 of the Code of Virginia, § 4-6.00 shall not apply to public institutions of higher education governed by Chapters 933 and 943 of the 2006 Acts of Assembly, Chapters 594 and 616 of the 2008 Acts of Assembly and Chapters 675 and 685 of the 2009 Acts of Assembly, with regard to their participating covered employees, as that term is defined in those two chapters, except to the extent a specific appropriation or language in this act addresses such an employee.

§ 4-7.00 STATEWIDE PLANS

§ 4-7.01 MANPOWER CONTROL PROGRAM

a.1. The term Position Level is defined as the number of full-time equivalent (FTE) salaried employees assigned to an agency in this act. Except as provided in § 4-7.01 b, the Position Level number stipulated in an agency's appropriation is the upper limit for agency employment which cannot be exceeded during the fiscal year without approval from the Director, Department of Planning and Budget for Executive Department agencies, approval from the Joint Committee on Rules for Legislative Department agencies or approval from the appropriate governing authority for the independent agencies.

2. Any approval granted under this subsection shall be reported in writing to the Chairmen of the House Appropriations Committee and the Senate Finance Committee, the Governor and the Directors of the Department of Planning and Budget and Department of Human Resource Management within ten days of such approval. Approvals for executive department agencies shall be based on threats to life, safety, health, or property, or compliance with judicial orders or federal mandates, to support federal grants or private donations, to administer a program for another agency or to address an immediate increase in workload or responsibility or when to delay approval of increased positions would result in a curtailment of services prior to the next legislative session. Any such position level increases pursuant to this provision may not be approved for more than one year.

b. The Position Levels stipulated for the individual agencies within the Department of Behavioral Health and Developmental Services and the Department of Corrections are for reference only and are subject to changes by the applicable Department, provided that such changes do not result in exceeding the Position Level for that department.

c.1. The Governor shall implement such policies and procedures as are necessary to ensure that the number of employees in the Executive Department, excluding institutions of higher education and the State Council of Higher Education, may be further restricted to the number required for efficient operation of those programs approved by the General Assembly. Such policies and procedures shall include periodic review and analysis of the staffing requirements of all Executive Department agencies by the Department of Planning and Budget with the object of eliminating through attrition positions not necessary for the efficient operation of programs.

2. The institutions of higher education and the State Council of Higher Education are hereby authorized to fill all positions authorized in this act. This provision shall be waived only upon the Governor's official declaration that a fiscal emergency exists requiring a change in the official estimate of general fund revenues available for appropriation.

d.1. Position Levels are for reference only and are not binding on agencies in the legislative department, independent agencies, the Executive Offices other than the offices of the Governor's Secretaries, and the judicial department.

2. Positions assigned to programs supported by internal service funds are for reference only and may fluctuate depending upon workload and funding availability.

3. Positions assigned to sponsored programs, auxiliary enterprises, continuing education, and teaching hospitals in the institutions of higher education are for reference only and may fluctuate depending upon workload and funding availability. Positions assigned to

Item Detail 43012, State Health Services Technical Support and Administration, at Virginia Commonwealth University are for reference only and may fluctuate depending upon workload and funding availability.

4. Positions assigned to educational and general programs in the institutions of higher education are for reference only and may fluctuate depending upon workload and funding availability. However, total general fund positions filled by an institution of higher education may not exceed 105 percent of the general fund positions appropriated without prior approval from the Director, Department of Planning and Budget.

5. Positions assigned to Item Details 47001, Job Placement Services; 47002, Unemployment Insurance Services; 47003, Workforce Development Services; and 53402, Economic Information Services, at the Virginia Employment Commission are for reference only and may fluctuate depending upon workload and funding availability. Unless otherwise required by the funding source, after enactment of this act, any new positions hired using this provision shall not be subject to transitional severance benefit provisions of the Workforce Transition Act of 1995, Title 2.2, Chapter 32, Code of Virginia.

e. Prior to implementing any Executive Department hiring freeze, the Governor shall consider the needs of the Commonwealth in regards to the safe and efficient operation of state facilities and performance of essential services to include the exemption of certain positions assigned to agencies and institutions that provide services pertaining to public safety and public health from such hiring freezes.

f.1. Full-time, part-time, wage or contractual state employees assigned to the Governor's Cabinet Secretaries from agencies and institutions under their control for the purpose of carrying out temporary assignments or projects may not be so assigned for a period exceeding 180 days in any calendar year. The permanent transfer of positions from an agency or institution to the Offices of the Secretaries, or the temporary assignment of agency or institutional employees to the Offices of the Secretaries for periods exceeding 180 days in any calendar year regardless of the separate or discrete nature of the projects, is prohibited without the prior approval of the General Assembly.

2. Not more than three positions in total, as described in subsection 1 hereof, may be assigned at any time to the Office of any Cabinet Secretary, unless specifically approved in writing by the Governor. The Governor shall notify the Chairmen of the House Appropriations and Senate Finance Committees in the case of any such approvals.

g. All state employees, including those in the legislative, judicial, and executive branches and the independent agencies of the Commonwealth, who are not eligible for benefits under a health care plan established and administered by the Department of Human Resource Management (DHRM) pursuant to Va. Code § 2.2-2818, or by an agency administering its own health care plan, may not work more than 29 hours per week on average over a twelve month period. Adjunct faculty at institutions of higher education may not work more than 29 hours per week on average over a twelve month period, including classroom or other instructional time plus additional hours determined by the institution as necessary to perform the adjunct faculty's duties. DHRM shall provide relevant program requirements to agencies and employees, including, but not limited to, information on wage, variable and seasonal employees. All state agencies/employers in all branches of government shall provide information requested by DHRM concerning hours worked by employees as needed to comply with the Affordable Care Act (the "Act") and this provision. State agencies/employers are accountable for compliance with this provision, and are responsible for any costs associated with maintaining compliance with it and for any costs or penalties associated with any violations of the Act or regulations thereunder and any such costs shall be borne by the agency from existing appropriations. The provisions of this paragraph shall not apply to employees of state teaching hospitals that have their own health insurance plan; however, the state teaching hospitals are accountable for compliance with, and are responsible for any costs associated with maintaining compliance with the Act and for any costs or penalties associated with any violations of the Act or regulations thereunder and any such costs shall be borne by the agency from existing appropriations. Subject to approval of the Governor, DHRM shall modify this provision consistent with any updates or changes to federal law and regulations.

§ 4-8.00 REPORTING REQUIREMENTS

§ 4-8.01 GOVERNOR

a. General:

1. The Governor shall submit the information specified in this section to the Chairmen of the House Appropriations and Senate Finance Committees on a monthly basis, or at such intervals as may be directed by said Chairmen, or as specified elsewhere in this act. The information on agency operating plans and expenditures as well as agency budget requests shall be submitted in such form, and by such method, including electronically, as may be mutually agreed upon. Such information shall be preserved for public inspection in the Department of Planning and Budget.

2. The Governor shall make available annually to the Chairmen of the Senate Finance, House Finance, and House Appropriations Committees a report concerning the receipt of any nongeneral funds above the amount(s) specifically appropriated, their sources, and the amounts for each agency affected.

3. a) It is the intent of the General Assembly that reporting requirements affecting state institutions of higher education be reduced or consolidated where appropriate. State institutions of higher education, working with the Secretary of Education and

Workforce, Secretary of Finance, and the Director, Department of Planning and Budget, shall continue to identify specific reporting requirements that the Governor may consider suspending.

b) Reporting generally should be limited to instances where (1) there is a compelling state interest for state agencies to collect, use, and maintain the information collected; (2) substantial risk to the public welfare or safety would result from failing to collect the information; or (3) the information collected is central to an essential state process mandated by the Code of Virginia.

c) Upon the effective date of this act, and until its expiration date, the following reporting requirements are hereby suspended or modified as specified below:

Agency	Report Title of Descriptor	Authority	Action
Department of Accounts	Intercollegiate Athletics Receipts & Disbursements	Code of Virginia § 23.1-102.	Suspend reporting.
Department of Accounts	Prompt Pay Summary Report	Agency Directive	Change reporting from monthly to quarterly.
Department of General Services	Usage of State-Assigned and State-Owned Vehicles Report	Agency Directive -- Executive Order 89 (2005)	Suspend reporting.
Department of General Services	Gas Report/Repair Charge	Agency Directive--Executive Order 89 (2005)	Suspend reporting.
Department of Human Resource Management	Report of Personnel Development Service	Agency Directive	Suspend reporting.
Department of Human Resource Management	Human Capital Report (Full-Time, Part-Time, Temporary, Contractual employees funded by the Commonwealth)	Code of Virginia § 2.2-1201. A. 14.	Change reporting from annually to monthly.
Department of Human Resource Management State Employee Workers' Compensation Program	Work-related injuries and illnesses report -- goals, strategies, and results	Agency Directive -- Executive Order 94 (2005)	Suspend reporting.
Governor's Office	Small, Women-and Minority-owned Businesses (SWaM)	Executive Directive	Change reporting from weekly to monthly.
Secretary of Commerce and Trade	Recruitment of National and Regional Conferences Report	Agency Directive -- Executive Order 14 (2006)	Suspend reporting.

d) The Department of Planning and Budget (DPB) and the State Council of Higher Education for Virginia (SCHEV) shall work jointly to attempt to consolidate various reporting requirements pertaining to the estimates and projections of nongeneral fund revenues in institutions of higher education. The purpose of this effort shall be aimed at developing a common form for use in collecting nongeneral fund data for DPB's six-year nongeneral fund revenue estimate submission and SCHEV's annual survey of nongeneral fund revenue from institutions of higher education.

4. a) *Notwithstanding any other provision of law or of any provision of this Act, the Governor may delay or defer the submission of any report or study that is required by the Code of Virginia or by this Act of a state entity, including agencies, boards, commissions, and authorities, and that is due prior to June 30, 2020, if in the opinion of the Governor, meeting the reporting deadline is either not possible or is impractical due to impacts of the COVID-19 pandemic on the reporting entity. Reporting entities seeking approval of the Governor to grant such a delay must submit a written request to the Governor no less than 30 days prior to the reporting deadline. Upon receiving approval from the Governor, the reporting entity shall provide the parties designated to receive the report with notice of an approved delay. This notice shall be in lieu of the required report until such time as the required report is submitted. Any report receiving approval for delayed submission shall be submitted as soon as the reporting entity can resume normal business operations and can complete the work necessary to compile the report; however, no report shall be submitted later than 12 months from the original reporting requirement.*

b) *The Governor may establish guidelines for the submission and approval process described in paragraph a) above.*

b. Operating Appropriations Reports:

1. Status of Adjustments to Appropriations. Such information must include increases and decreases of appropriations or allotments, transfers and additional revenues. A report of appropriation transfers from one agency to another made pursuant to § 4-1.03 of this act shall be made available via electronic means to the Chairmen of the House Appropriations and Senate Finance Committees, and the public by the tenth day of the month following that in which such transfer occurs, unless otherwise specified in § 4-1.03.

2. Status of each sum sufficient appropriation. The information must include the amount of expenditures for the period just completed and the revised estimates of expenditures for the remaining period of the current biennium, as well as an explanation of differences between the amount of the actual appropriation and actual and/or projected appropriations for each year of the current biennium.

3. Status of Economic Contingency Appropriation. The information must include actions taken related to the appropriation for economic contingency.

4. Status of Withholding Appropriations. The information must include amounts withheld and the agencies affected.

5. Status of reductions occurring in general and nongeneral fund revenues in relation to appropriations.

6. Status of approvals of deficits.

c. Employment Reports:

1. Status of changes in positions and employment of state agencies affected. The information must include the number of positions and the agencies affected.

2. Status of the employment by the Attorney General of special counsel in certain highway proceedings brought pursuant to Chapter 10 of Title 33.2, Code of Virginia, on behalf of the Commissioner of Highways, as authorized by § 2.2-510, Code of Virginia. This report shall include fees for special counsel for the respective county or city for which the expenditure is made and shall be submitted within 60 days of the close of the fiscal year (see § 4-5.02 a.3).

3. Changes in the level of compensation authorized pursuant to § 4-6.01 k, Employee Compensation. Such report shall include a list of the positions changed, the number of employees affected, the source and amount of funds, and the nature of the emergency.

4. Pursuant to requirements of § 2.2-203.1, Code of Virginia, the Secretary of Administration, in cooperation with the Secretary of Technology, shall provide a report describing the Commonwealth's telecommuting policies, which state agencies and localities have adopted telecommuting policies, the number of state employees who telecommute, the frequency with which state employees telecommute by locality, and the efficacy of telecommuting policies in accomplishing the provision of state services and completing state functions. This report shall be provided to the Chairmen of the House Committee on Appropriations, the House Committee on Science and Technology, the Senate Committee on Finance, and the Senate Committee on General Laws and Technology each year by October 1.

d. Capital Appropriations Reports:

1. Status of progress of capital projects on an annual basis (see § 4-4.01 o).

2. Notice of all capital projects authorized under § 4-4.01 m (see § 4-4.01 m. 1. b) 4)).

e. Utilization of State Owned and Leased Real Property:

1. By November 15 of each year, the Department of General Services (DGS) shall consolidate the reporting requirements of § 2.2-1131.1 and § 2.2-1153 of the Code of Virginia into a single report eliminating the individual reports required by § 2.2-1131.1 and § 2.2-1153 of the Code of Virginia. This report shall be submitted to the Governor and the General Assembly and include (i) information on the implementation and effectiveness of the program established pursuant to subsection A of § 2.2-1131.1, (ii) a listing of real property leases that are in effect for the current year, the agency executing the lease, the amount of space leased, the population of each leased facility, and the annual cost of the lease; and, (iii) a report on DGS's findings and recommendations under the provisions of § 2.2-1153, and recommendations for any actions that may be required by the Governor and the General Assembly to identify and dispose of property not being efficiently and effectively utilized.

2. By October 1 of each year, each agency that controls leased property, where such leased property is not under the DGS lease administration program, shall provide a report on each leased facility or portion thereof to DGS in a manner and form prescribed by DGS. Specific data included in the report shall identify at a minimum, the number of square feet occupied, the number of employees and contractors working in the leased space, if applicable, and the cost of the lease.

f. Services Reports:

Status of any exemptions by the State Council of Higher Education to policy which prohibits use of funds in this act for the operation of any academic program by any state institution of higher education, unless approved by the Council and included in

the Governor's recommended budget, or approved by the General Assembly (see § 4-5.05 b 2).

g. Standard State Agency Abbreviations:

The Department of Planning and Budget shall be responsible for maintaining a list of standard abbreviations of the names of state agencies. The Department shall make a listing of agency standard abbreviations available via electronic means on a continuous basis to the Chairmen of the House Appropriations and Senate Finance Committees, the State Comptroller, the Director, Department of Human Resource Management and the Chief Information Officer, Virginia Information Technologies Agency, and the public.

h. Educational and General Program Nongeneral Fund Administrative Appropriations Approved by the Department of Planning and Budget:

The Secretary of Finance and Secretary of Education, in collaboration with the Director, Department of Planning and Budget, shall report in December and June of each year to the Chairmen of the House Appropriations and Senate Finance Committees on adjustments made to higher education operating funds in the Educational and General Programs (10000) items for each public college and university contained in this budget. The report shall include actual or projected adjustments which increase nongeneral funds or actual or projected adjustments that transfer nongeneral funds to other items within the institution. The report shall provide the justification for the increase or transfer and the relative impact on student groups.

§ 4-8.02 STATE AGENCIES

a. As received, all state agencies shall forward copies of each federal audit performed on agency or institution programs or activities to the Auditor of Public Accounts and to the State Comptroller. Upon request, all state agencies shall provide copies of all internal audit reports and access to all working papers prepared by such auditors to the Auditor of Public Accounts and to the State Comptroller.

b. Annually: Within five calendar days after state agencies submit their budget requests, amendment briefs, or requests for amendments to the Department of Planning and Budget, the Director, Department of Planning and Budget shall submit, electronically if available, copies to the Chairmen of the Senate Finance and House Appropriations Committees.

c. By September 1 of each year, state agencies receiving any asset as the result of a law-enforcement seizure and subsequent forfeiture by either a state or federal court, shall submit a report identifying all such assets received during the prior fiscal year and their estimated net worth, to the Chairmen of the House Appropriations and Senate Finance Committees.

d. Any state agency that is required to return federal grant funding as a result of not fulfilling the specifications of a grant, shall, as soon as practicable but no later than November 1st, report to the Chairmen of the Senate Finance and House Appropriations Committees of such forfeiting of federal grant funding.

§ 4-8.03 LOCAL GOVERNMENTS

a.1. The Auditor of Public Accounts shall establish a workgroup to develop criteria for a preliminary determination that a local government may be in fiscal distress. Such criteria shall be based upon information regularly collected by the Commonwealth or otherwise regularly made public by the local government. This information includes expenditure reports submitted to the Auditor, budget information posted on local government websites, and reports prepared by the Commission on Local Government on revenue fiscal stress. Information provided by the Virginia Retirement System, the Virginia Resources Authority, the Virginia Public Building Authority, and other state and regional authorities concerning late or missed debt service payments shall be shared with the Auditor. Fiscal distress as used in this context shall mean a situation whereby the provision and sustainability of public services is threatened by various administrative and financial shortcomings including but not limited to cash flow issues; inability to pay expenses; revenue shortfalls; deficit spending; structurally imbalanced budgets; billing and revenue collection inadequacies and discrepancies; debt overload; failure to meet obligations to authorities, school divisions, or political subdivisions of the Commonwealth; and/or lack of trained and qualified staff to process administrative and financial transactions. Fiscal distress may be caused by factors internal to the unit of government or external to the unit of government and in various degrees such conditions may or may not be controllable by management, or the local governing body, or its constitutional officers.

2. Based upon the criteria established by the workgroup and using information identified above, the Auditor of Public Accounts shall establish a prioritized early warning system. Under the prioritized early warning system, the Auditor of Public Accounts shall establish a regular process whereby it reviews data on at least an annual basis to make a preliminary determination that a local government is in fiscal distress.

3. For local governments where the Auditor of Public Accounts has made a preliminary determination of fiscal distress based upon the early warning system criteria, the Auditor of Public Accounts shall notify the local governing body of its preliminary determination that it may meet the criteria for fiscal distress. Based upon the request of the local governing body or chief executive officer, the Auditor of Public Accounts may conduct a review and request documents and data from the local government. Such review shall consider factors including, but not limited to, budget processes, debt, borrowing, expenses and payables, revenues and receivables, and other areas including staffing, and the identification of external variables contributing to a locality's financial position, and if so, the scope of the issues involved. Any local governing body that receives requests for information from the Auditor of Public Accounts pursuant to such preliminary determination based on the above described threshold levels shall

acknowledge receipt of such a request and shall ensure that a response is provided within the time frames specified by the Auditor of Public Accounts. After such review, if the Auditor of Public Accounts is of the opinion that state assistance, oversight, or targeted intervention is needed, either to further assess, help stabilize, or remediate the situation, the Auditor shall notify the Governor and the Chairmen of the House Appropriations and Senate Finance Committees, and the governing body of the local government in writing outlining specific issues or actions that need to be addressed by state intervention.

4. The notification issued by the Auditor of Public Accounts pursuant to paragraph 3 above shall satisfy the notification requirement necessary to effectuate the provisions of this act in paragraph b.3 below.

b.1. The Director of the Department of Planning and Budget shall identify any amounts remaining unexpended from general fund appropriations in this Act as of June 30 of each year, which constitute state aid to local governments. The Director shall provide a listing of such amounts designated by item number and by program on or before August 15 of each year, to the Governor and the Chairmen of the House Appropriations Committee and the Senate Finance Committee.

2. From such unexpended balances identified by the Director of the Department of Planning and Budget, the Governor may reappropriate up to \$750,000 from amounts which would otherwise revert to the balance of the general fund and transfer such amounts as necessary to establish a component of fund balance which may be used for the purpose of providing technical assistance and intervention actions for local governments deemed to be fiscally distressed and in need of intervention to address such distress. Any such reappropriation approved by the Governor, shall be separately identified in the commitments specified on the balance sheet and financial statements of the State Comptroller for the close of each fiscal year, to the extent that such reserve is not used or added to by future appropriation actions.

3. Prior to any expenditure of the reappropriated reserve, the Governor and the Chairmen of the House Appropriations Committee and the Senate Finance Committee must receive a notification from the Auditor of Public Accounts that a specific locality is in need of intervention because of a worsening financial situation. The Auditor of Public Accounts may issue such a notification upon receipt of audited financial statement or other information that indicates the existence of fiscal distress. But, no such notification shall be made until appropriate follow up and correspondence ascertains that, in the opinion of the Auditor of Public Accounts, such fiscal distress indeed exists. Such notification may also be issued by the Auditor of Public Accounts if written concerns raised about fiscal distress are not adequately addressed by the locality in question.

4. Once the Governor has received a notification from the Auditor of Public Accounts indicating fiscal distress in a specific local government, the Governor shall consult with the Chairmen of the House Appropriations Committee and the Senate Finance Committee about a plan for state intervention prior to any expenditure of funds from the cash reserve. Any plan approved by the Governor for intervention should, at a minimum, specify the purpose of such intervention, the estimated duration of the intervention, and the anticipated resources (dollars and personnel) directed toward such effort. The staffing necessary to carry out the intervention plan may be assembled from either public agencies or private entities or both and, notwithstanding any other provisions of law, the Governor may use an expedited method of procurement to secure such staffing when, in his judgment, the need for intervention is of an emergency nature such that action must be taken in a timely manner to avoid or address unacceptable financial risks to the Commonwealth.

5. The governing body and the elected constitutional officers of a locality subject to an intervention plan approved by the Governor shall assist all state appointed staff conducting the intervention regardless of whether such staff are from public agencies or private entities. Intervention staff shall provide periodic reports in writing to the Governor and the Chairmen of the House Appropriations Committee and the Senate Finance Committee outlining the scope of issues discovered and any recommendations made to remediate such issues, and the progress that is made on such recommendations or other remediation efforts. These periodic reports shall specifically address the degree of cooperation the intervention team is receiving from locally elected officials, including constitutional officers, city, county, or town managers and other local personnel in regards to their intervention work.

6. The Department of General Services is hereby encouraged to develop a master contract of qualified private sector turnaround specialists with expertise in local government intervention that the Governor can use to procure intervention services in an expeditious manner when he determines that state intervention is warranted in situations of local fiscal distress.

§ 4-9.00 HIGHER EDUCATION RESTRUCTURING

§ 4-9.01 ASSESSMENT OF INSTITUTIONAL PERFORMANCE

Consistent with § 23.1-206, Code of Virginia, the following education-related and financial and administrative management measures shall be the basis on which the State Council of Higher Education shall annually assess and certify institutional performance. Such certification shall be completed and forwarded in writing to the Governor and the General Assembly no later than October 1 of each even-numbered year. Institutional performance on measures set forth in paragraph D of this section shall be evaluated year-to-date by the Secretaries of Finance, Administration, and Technology as appropriate, and communicated to the State Council of Higher Education before October 1 of each even-numbered year. Financial benefits provided to each institution in accordance with § 23.1-1002 will be evaluated in light of that institution's performance.

In general, institutions are expected to achieve all performance measures in order to be certified by SCHEV, but it is

understood that there can be circumstances beyond an institution's control that may prevent achieving one or more performance measures. The Council shall consider, in consultation with each institution, such factors in its review: (1) institutions meeting all performance measures will be certified by the Council and recommended to receive the financial benefits, (2) institutions that do not meet all performance measures will be evaluated by the Council and the Council may take one or more of the following actions: (a) request the institution provide a remediation plan and recommend that the Governor withhold release of financial benefits until Council review of the remediation plan or (b) recommend that the Governor withhold all or part of financial benefits.

Further, the State Council shall have broad authority to certify institutions as having met the standards on education-related measures. The State Council shall likewise have the authority to exempt institutions from certification on education-related measures that the State Council deems unrelated to an institution's mission or unnecessary given the institution's level of performance.

The State Council may develop, adopt, and publish standards for granting exemptions and ongoing modifications to the certification process.

a. BIENNIAL ASSESSMENTS

1. Institution meets at least 95 percent of its State Council-approved biennial projections for in-state undergraduate headcount enrollment.
2. Institution meets at least 95 percent of its State Council-approved biennial projections for the number of in-state associate and bachelor degree awards.
3. Institution meets at least 95 percent of its State Council-approved biennial projections for the number of in-state STEM-H (Science, Technology, Engineering, Mathematics, and Health professions) associate and bachelor degree awards.
4. Institution meets at least 95 percent of its State Council-approved biennial projections for the number of in-state, upper level - sophomore level for two-year institutions and junior and senior level for four-year institutions - program-placed, full-time equivalent students.
5. Maintain or increase the number of in-state associate and bachelor degrees awarded to students from under-represented populations.
6. Maintain or increase the number of in-state two-year transfers to four-year institutions.

b. Elementary and Secondary Education

1. The Virginia Department of Education shall share data on teachers, including identifying information, with the State Council of Higher Education for Virginia in order to evaluate the efficacy of approved programs of teacher education, the production and retention of teachers, and the exiting of teachers from the teaching profession.
2. a) The Virginia Department of Education and the State Council of Higher Education for Virginia shall share personally identifiable information from education records in order to evaluate and study student preparation for and enrollment and performance at state institutions of higher education in order to improve educational policy and instruction in the Commonwealth. However, such study shall be conducted in such a manner as to not permit the personal identification of students by persons other than representatives of the Department of Education or the State Council for Higher Education for Virginia, and such shared information shall be destroyed when no longer needed for purposes of the study.
b) Notwithstanding § 2.2-3800 of the Code of Virginia, the Virginia Department of Education, State Council of Higher Education for Virginia, Virginia Community College System, and the Virginia Employment Commission may collect, use, share, and maintain de-identified student data to improve student and program performance including those for career readiness.
3. Institutions of higher education shall disclose information from a pupil's scholastic record to the Superintendent of Public Instruction or his designee for the purpose of studying student preparation as it relates to the content and rigor of the Standards of Learning. Furthermore, the superintendent of each school division shall disclose information from a pupil's scholastic record to the Superintendent of Public Instruction or his designee for the same purpose. All information provided to the Superintendent or his designee for this purpose shall be used solely for the purpose of evaluating the Standards of Learning and shall not be redisclosed, except as provided under federal law. All information shall be destroyed when no longer needed for the purposes of studying the content and rigor of the Standards of Learning.

c. SIX-YEAR PLAN

Institution prepares six-year financial plan consistent with § 23.1-907.

d. FINANCIAL AND ADMINISTRATIVE STANDARDS

The financial and administrative standards apply to all institutions except those governed under Chapters 933 and 943 of the 2006 Acts of Assembly, Chapters 594 and 616 of the 2008 Acts of Assembly, and Chapters 675 and 685 of the 2009 Acts of Assembly.

1. As specified in § 2.2-5004, Code of Virginia, institution takes all appropriate actions to meet the following financial and administrative standards:

- a) An unqualified opinion from the Auditor of Public Accounts upon the audit of the public institution's financial statements;
- b) No significant audit deficiencies attested to by the Auditor of Public Accounts;
- c) Substantial compliance with all financial reporting standards approved by the State Comptroller;
- d) Substantial attainment of accounts receivable standards approved by the State Comptroller, including but not limited to, any standards for outstanding receivables and bad debts; and
- e) Substantial attainment of accounts payable standards approved by the State Comptroller including, but not limited to, any standards for accounts payable past due.

2. Institution complies with a debt management policy approved by its governing board that defines the maximum percent of institutional resources that can be used to pay debt service in a fiscal year, and the maximum amount of debt that can be prudently issued within a specified period.

3. The institution will achieve the classified staff turnover rate goal established by the institution; however, a variance of 15 percent from the established goal will be acceptable.

4. The institution will substantially comply with its annual approved Small, Women and Minority (SWAM) plan as submitted to the Department of Small Business and Supplier Diversity; however, a variance of 15 percent from its SWAM purchase goal, as stated in the plan, will be acceptable.

The institution will make no less than 75 percent of dollar purchases through the Commonwealth's enterprise-wide internet procurement system (eVA) from vendor locations registered in eVA.

5. The institution will complete capital projects (with an individual cost of over \$1,000,000) within the budget originally approved by the institution's governing board for projects initiated under delegated authority, or the budget set out in the Appropriation Act or other Acts of Assembly. If the institution exceeds the budget for any such project, the Secretaries of Administration and Finance shall review the circumstances causing the cost overrun and the manner in which the institution responded and determine whether the institution shall be considered in compliance with the measure despite the cost overrun.

6. The institution will complete major information technology projects (with an individual cost of over \$1,000,000) within the budgets and schedules originally approved by the institution's governing board. If the institution exceeds the budget and/or time schedule for any such project, the Secretary of Administration shall review the circumstances causing the cost overrun and/or delay and the manner in which the institution responded and determine whether the institution appropriately adhered to Project Management Institute's best management practices and, therefore, shall be considered in compliance with the measure despite the cost overrun and/or delay.

e. FINANCIAL AND ADMINISTRATIVE STANDARDS

The financial and administrative standards apply to institutions governed under Chapters 933 and 943 of the 2006 Acts of Assembly, Chapters 594 and 616 of the 2008 Acts of Assembly, and Chapters 675 and 685 of the 2009 Acts of Assembly. They shall be measured by the administrative standards outlined in the Management Agreements and § 4-9.02.d.4. of this act. However, the Governor may supplement or replace those administrative performance measures with the administrative performance measures listed in this paragraph. Effective July 1, 2009, the following administrative and financial measures shall be used for the assessment of institutional performance for institutions governed under Chapters 933 and 943 of the 2006 Acts of Assembly and those governed under Chapters 594 and 616 of the 2008 Acts of Assembly, and Chapters 675 and 685 of the 2009 Acts of Assembly.

1. Financial

- a) An unqualified opinion from the Auditor of Public Accounts upon the audit of the public institution's financial statements;
- b) No significant audit deficiencies attested to by the Auditor of Public Accounts;
- c) Substantial compliance with all financial reporting standards approved by the State Comptroller;
- d) Substantial attainment of accounts receivable standards approved by the State Comptroller, including but not limited to, any standards for outstanding receivables and bad debts; and
- e) Substantial attainment of accounts payable standards approved by the State Comptroller including, but not limited to, any standards for accounts payable past due.

2. Debt Management

- a) The institution shall maintain a bond rating of AA- or better;
- b) The institution achieves a three-year average rate of return at least equal to the imoney.net money market index fund; and
- c) The institution maintains a debt burden ratio equal to or less than the level approved by the Board of Visitors in its debt management policy.

3. Human Resources

- a) The institution's voluntary turnover rate for classified plus university/college employees will meet the voluntary turnover rate for state classified employees within a variance of 15 percent; and
- b) The institution achieves a rate of internal progression within a range of 40 to 60 percent of the total salaried staff hires for the fiscal year.

4. Procurement

- a) The institution will substantially comply with its annual approved Small, Women and Minority (SWAM) procurement plan as submitted to the Department of Small Business and Supplier Diversity; however, a variance of 15 percent from its SWAM purchase goal, as stated in the plan, will be acceptable; and
- b) The institution will make no less than 80 percent of purchase transactions through the Commonwealth's enterprise-wide internet procurement system (eVA) with no less than 75 percent of dollars to vendor locations in eVA.

5. Capital Outlay

- a) The institution will complete capital projects (with an individual cost of over \$1,000,000) within the budget originally approved by the institution's governing board at the preliminary design state for projects initiated under delegated authority, or the budget set out in the Appropriation Act or other Acts of Assembly which provides construction funding for the project at the preliminary design state. If the institution exceeds the budget for any such project, the Secretaries of Administration and Finance shall review the circumstances causing the cost overrun and the manner in which the institution responded and determine whether the institution shall be considered in compliance with the measure despite the cost overrun;
- b) The institution shall complete capital projects with the dollar amount of owner requested change orders not more than 2 percent of the guaranteed maximum price (GMP) or construction price; and
- c) The institution shall pay competitive rates for leased office space – the average cost per square foot for office space leased by the institution is within 5 percent of the average commercial business district lease rate for similar quality space within reasonable proximity to the institution's campus.

6. Information Technology

- a) The institution will complete major information technology projects (with an individual cost of over \$1,000,000) on time and on budget against their managed project baseline. If the institution exceeds the budget and/or time schedule for any such project, the Secretary of Technology shall review the circumstances causing the cost overrun and/or delay and the manner in which the institution responded and determine whether the institution appropriately adhered to Project Management Institute's best management practices and, therefore, shall be considered in compliance with the measure despite the cost overrun and/or delay; and
- b) The institution will maintain compliance with institutional security standards as evaluated in internal and external audits. The institution will have no significant audit deficiencies unresolved beyond one year.

f. REPORTING

The Director, Department of Planning and Budget, with cooperation from the Comptroller and institutions of higher education governed under Management Agreements, shall develop uniform reporting requirements and formats for revenue and expenditure data.

g. EXEMPTION

The requirements of this section shall not be in effect if they conflict with § 23.1-206.D. of Chapters 828 and 869 of the Acts of Assembly of 2011.

§ 4-9.02 LEVEL II AUTHORITY

- a. Notwithstanding the provisions of § 5 of Chapter 824 and 829 of the 2008 Acts of Assembly, institutions of higher education that have met the eligibility criteria for additional operational and administrative authority set forth in Chapters 824 and 829 of the 2008 Acts of Assembly shall be allowed to enter into separate negotiations for additional operational authority for a third and separate functional area listed in Chapter 824 and 829 of the 2008 Acts of Assembly, provided they have:

1. successfully completed at least three years of effectiveness and efficiencies operating under such additional authority granted by an original memorandum of understanding;
2. successfully renewed an additional memoranda of understanding for a five year term for each of the original two areas.

The institutions shall meet all criteria and follow policies for negotiating and establishing a memorandum of understanding with the Commonwealth of Virginia as provided in § 2.0 (Information Technology), § 3.0 (Procurement), and § 4.0 (Capital Outlay) of Chapter 824 and 829 of the 2008 Acts of Assembly.

b. As part of the memorandum of understanding, each institution shall be required to adopt at least one new education-related measure for the new area of operational authority. Each education-related measure and its respective target shall be developed in consultation with the Secretary of Finance, Secretary of Education, the appropriate Cabinet Secretary, and the State Council of Higher Education for Virginia. Each education-related measure and its respective target must be approved by the State Council of Higher Education for Virginia.

c. 1. As part of a five-year pilot program, George Mason University and James Madison University are authorized, for a period of five years, to exercise additional financial and administrative authority as set out in each of the three functional areas of information technology, procurement and capital projects as set forth and subject to all the conditions in §§ 2.0, 3.0 and 4.0 of the second enactment of Chapter 824 and 829 of the Acts of Assembly of 2008 except that (i) any effective dates contained in Chapter 824 and 829 of the Acts of Assembly of 2008 are superseded by the provisions of this item, and (ii) the institution is not required to have a signed memorandum of understanding with the Secretary of Administration regarding participation in the nongeneral fund decentralization program as provided in subsection C of § 2.2-1132 in order to be eligible for the additional capital project authority.

2. In addition, each institution shall exercise additional financial and administrative authority over financial operations as follows:

a). **BOARD OF VISITORS ACCOUNTABILITY AND DELEGATION OF AUTHORITY.**

The Board of Visitors of the University shall at all times be fully and ultimately accountable for the proper fulfillment of the duties and responsibilities set forth in, and for the appropriate implementation of, this Policy. Consistent with this full and ultimate accountability, however, the Board may, pursuant to its legally permissible procedures, specifically delegate either herein or by separate Board resolution the duties and responsibilities set forth in this Policy to a person or persons within the University, who, while continuing to be fully accountable for such duties and responsibilities, may further delegate the implementation of those duties and responsibilities pursuant to the University's usual delegation policies and procedures.

b) **FINANCIAL MANAGEMENT AND REPORTING SYSTEM.**

The President, acting through the Executive Vice President, Chief Operating Officer, or Chief Financial Officer, shall continue to be authorized by the Board to maintain existing and implement new policies governing the management of University financial resources. These policies shall continue to (i) ensure compliance with Generally Accepted Accounting Principles, (ii) ensure consistency with the current accounting principles employed by the Commonwealth, including the use of fund accounting principles, with regard to the establishment of the underlying accounting records of the University and the allocation and utilization of resources within the accounting system, including the relevant guidance provided by the State Council of Higher Education for Virginia chart of accounts with regard to the allocation and proper use of funds from specific types of fund sources, (iii) provide adequate risk management and internal controls to protect and safeguard all financial resources, including moneys transferred to the University pursuant to a general fund appropriation, and ensure compliance with the requirements of the Appropriation Act.

The financial management system shall continue to include a financial reporting system to satisfy both the requirements for inclusion into the Commonwealth's Comprehensive Annual Financial Report, as specified in the related State Comptroller's Directives, and the University's separately audited financial statements. To ensure observance of limitations and restrictions placed on the use of the resources available to the University, the accounting and bookkeeping system of the University shall continue to be maintained in accordance with the principles prescribed for governmental organizations by the Governmental Accounting Standards Board.

In addition, the financial management system shall continue to provide financial reporting for the President, acting through the Executive Vice President, Chief Operating Officer, or Chief Financial Officer, and the Board of Visitors to enable them to provide adequate oversight of the financial operations of the University.

c) **FINANCIAL MANAGEMENT POLICIES.**

The President, acting through the Executive Vice President, Chief Operating Officer, or Chief Financial Officer, shall create and implement any and all financial management policies necessary to establish a financial management system with adequate risk management and internal control processes and procedures for the effective protection and management of all University financial resources. Such policies will not address the underlying accounting principles and policies employed by the Commonwealth and the University, but rather will focus on the internal operations of the University's financial management.

These policies shall include, but need not be limited to, the development of a tailored set of finance and accounting practices that seek to support the University's specific business and administrative operating environment in order to improve the efficiency and effectiveness of its business and administrative functions. In general, the system of independent financial management policies shall be guided by the general principles contained in the Commonwealth's Accounting Policies and Procedures such as establishing strong risk management and internal accounting controls to ensure University financial resources are properly safeguarded and that appropriate stewardship of public funds is obtained through management's oversight of the effective and efficient use of such funds in the performance of University programs.

The University shall continue to follow the Commonwealth's accounting policies until such time as specific alternate policies can be developed, approved and implemented. Such alternate policies shall include applicable accountability measures and shall be submitted to the State Comptroller for review and comment before they are implemented by the University.

d) FINANCIAL RESOURCE RETENTION AND MANAGEMENT.

The Board of Visitors shall retain the authority to establish tuition, fee, room, board, and other charges, with appropriate commitment provided to need-based grant aid for middle- and lower-income undergraduate Virginians. Except as provided otherwise in the Appropriation Act, it is the intent of the Commonwealth and the University that the University shall be exempt from the revenue restrictions in the general provisions of the Appropriation Act related to non-general funds. In addition, unless prohibited by the Appropriation Act, it is the intent of the Commonwealth and the University that the University shall be entitled to retain non-general fund savings generated from changes in Commonwealth rates and charges, including but not limited to health, life, and disability insurance rates, retirement contribution rates, telecommunications charges, and utility rates, rather than reverting such savings back to the Commonwealth. This financial resource policy assists the University by providing the framework for retaining and managing non-general funds, for the receipt of general funds, and for the use and stewardship of all these funds.

The President, acting through the Executive Vice President, Chief Operating Officer, or Chief Financial Officer, shall continue to provide oversight of the University's cash management system which is the framework for the retention of non-general funds. The Internal Audit Department of the University shall periodically audit the University's cash management system in accordance with appropriate risk assessment models and make reports to the Audit and Compliance Committee of the Board of Visitors. Additional oversight shall continue to be provided through the annual audit and assessment of internal controls performed by the Auditor of Public Accounts. For the receipt of general and non-general funds, the University shall conform to the Security for Public Deposits Act, Chapter 44 (§ 2.2-4400 et seq.) of Title 2.2 of the Code of Virginia as it currently exists and from time to time may be amended.

e) ACCOUNTS RECEIVABLE MANAGEMENT AND COLLECTION.

The President, through the Executive Vice President, Chief Operating Officer, or Chief Financial Officer, shall continue to be authorized to create and implement any and all Accounts Receivable Management and Collection policies as part of a system for the management of University financial resources. The policies shall be guided by the requirements of the Virginia Debt Collection Act, Chapter 48 (§ 2.2-4800 et seq.) of the Code of Virginia, such that the University shall take all appropriate and cost effective actions to aggressively collect accounts receivable in a timely manner.

These shall include, but not be limited to, establishing the criteria for granting credit to University customers; establishing the nature and timing of collection procedures within the above general principles; and the independent authority to select and contract with collection agencies and, after consultation with the Office of the Attorney General, private attorneys as needed to perform any and all collection activities for all University accounts receivable such as reporting delinquent accounts to credit bureaus, obtaining judgments, garnishments, and liens against such debtors, and other actions. In accordance with sound collection activities, the University shall continue to utilize the Commonwealth's Debt Set-Off Collection Programs, shall develop procedures acceptable to the Tax Commissioner and the State Comptroller to implement such Programs, and shall provide a quarterly summary report of receivables to the Department of Accounts in accordance with the reporting procedures established pursuant to the Virginia Debt Collection Act.

f) DISBURSEMENT MANAGEMENT.

The President, acting through the Executive Vice President, Chief Operating Officer, or Chief Financial Officer, shall continue to be authorized to create and implement any and all disbursement policies as part of a system for the management of University financial resources. The disbursement management policies shall continue to define the appropriate and reasonable uses of all funds, from whatever source derived, in the execution of the University's operations. These policies also shall continue to address the timing of appropriate and reasonable disbursements consistent with the Prompt Payment Act, and the appropriateness of certain goods or services relative to the University's mission, including travel-related disbursements. Further, the University's disbursement policy shall continue to provide for the mechanisms by which payments are made including the use of charge cards, warrants, and electronic payments.

These disbursement policies shall authorize the President, acting through the Executive Vice President, Chief Operating Officer, or Chief Financial Officer, to independently select, engage, and contract for such consultants, accountants, and financial experts, and other such providers of expert advice and consultation, and, after consultation with the Office of the Attorney General, private attorneys, as may be necessary or desirable in his or her discretion. The policies also shall continue to include the ability to locally manage and administer the Commonwealth's credit card and cost recovery programs related to disbursements, subject to any

restrictions contained in the Commonwealth's contracts governing those programs, provided that the University shall submit the credit card and cost recovery aspects of its financial and operations policies to the State Comptroller for review and comment prior to implementing those aspects of those policies. The disbursement policies shall ensure that adequate risk management and internal control procedures shall be maintained over previously decentralized processes for public records, payroll, and non-payroll disbursements. The University shall continue to provide summary quarterly prompt payment reports to the Department of Accounts in accordance with the reporting procedures established pursuant to the Prompt Payment Act.

The University's disbursement policies shall be guided by the principles of the Commonwealth's policies as included in the Commonwealth's Accounting Policy and Procedures Manual. The University shall continue to follow the Commonwealth's disbursement policies until such time as specific alternative policies can be developed, approved and implemented. Such alternate policies shall be submitted to the State Comptroller for review and comment prior to their implementation by the University.

3. The Auditor of Public Accounts or his legally authorized representatives shall audit annually the accounts of each institution and shall distribute copies of each annual audit to the Governor and to the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance. Pursuant to § 30-133, the Auditor of Public Accounts and his legally authorized representatives shall examine annually the accounts and books of each such institution, but the institution shall not be deemed to be a state or governmental agency, advisory agency, public body, or agency or instrumentality for purposes of Chapter 14 (§ 30-130 et seq.) of Title 30 except for those provisions in such chapter that relate to requirements for financial recordkeeping and bookkeeping. Each such institution shall be subject to periodic external review by the Joint Legislative and Audit Review Commission and such other reviews and audits as shall be required by law.

d. Subject to review of its Shared Services Center by the Department of General Services, and approval to proceed with decentralized procurement of authority by the Department of General Services, the Virginia Community College System (VCCS) is authorized, for a period of five years, to exercise additional financial and administrative authority as set out in each of the three functional areas of information technology, procurement and capital projects as set forth and subject to all the conditions in §§ 2.0, 3.0 and 4.0 of the second enactment of Chapter 824 and 829 of the Acts of Assembly of 2008 except that (i) any effective dates contained in Chapter 824 and 829 of the Acts of Assembly of 2008 are superseded by the provisions of this item. The State Board for Community Colleges may request any subsequent delegation of procurement authority after consultation with and positive recommendation by the Department of General Services.

e. Notwithstanding the small purchase thresholds set forth in the Rules Governing Procurement for institutions of higher education that have operational authority in the area of procurement, the small purchases thresholds shall be the same thresholds set forth in the Virginia Public Procurement Act (§ 2.2-4300 et seq). Where small purchase thresholds in the Rules Governing Procurement for such institutions exceed those in 2.2-4300 et seq, the Rules Governing Procurement shall be the authorized procurement threshold.

§ 4-9.03 LEVEL III AUTHORITY

a. The Management Agreements negotiated by the institutions contained in Chapters 675 and 685 of the 2009 Acts of Assembly shall continue in effect unless the Governor, the General Assembly, or the institutions determine that the Management Agreements need to be renegotiated or revised.

b. Pursuant to § 23.1-1005, Code of Virginia, the Governor recommends approval for James Madison University to operate as a Level III institution under the management agreement as approved by its board of visitors on November 9, 2018.

c. Notwithstanding the small purchase thresholds set forth in the Rules Governing Procurement the small purchases thresholds for Level III institutions shall be the small purchase thresholds set forth in the Virginia Public Procurement Act (§ 2.2-4300 et seq). Where small purchase thresholds under Rules Governing Procurement for Level III institutions exceed those in 2.2-4300 et seq, the Rules Governing Procurement shall be the authorized procurement threshold.

§ 4-9.04 IMPLEMENT JLARC RECOMMENDATIONS

a. The Boards of Visitors at each Virginia public four-year higher education institution, to the extent practicable, shall:

1. require their institutions to clearly list the amount of the athletic fee on their website's tuition and fees information page. The page should include a link to the State Council of Higher Education for Virginia's tuition and fee information. The boards should consider requiring institutions to list the major components of all mandatory fees, including the portion attributable to athletics, on a separate page attached to student invoices;

2. assess the feasibility and impact of raising additional revenue through campus recreation and fitness enterprises to reduce reliance on mandatory student fees. The assessments should address the feasibility and impact of raising additional revenue through charging for specialized programs and services, expanding membership, and/or charging all users of recreation facilities;

3. direct staff to perform a comprehensive review of the institution's organizational structure, including an analysis of spans of control and a review of staff activities and workload, and identify opportunities to streamline the organizational structure.

Boards should further direct staff to implement the recommendations of the review to streamline their organizational structures where possible;

4. require periodic reports on average and median spans of control and the number of supervisors with six or fewer direct reports;
 5. direct staff to revise human resource policies to eliminate unnecessary supervisory positions by developing standards that establish and promote broader spans of control. The new policies and standards should (i) set an overall target span of control for the institution, (ii) set a minimum number of direct reports per supervisor, with guidelines for exceptions, (iii) define the circumstances that necessitate the use of a supervisory position, (iv) prohibit the establishment of supervisory positions for the purpose of recruiting or retaining employees, and (v) establish a periodic review of departments where spans of control are unusually narrow; and,
 6. direct institution staff to set and enforce policies to maximize standardization of purchases of commonly procured goods, including use of institution-wide contracts;
 7. consider directing institution staff to provide an annual report on all institutional purchases, including small purchases, that are exceptions to the institutional policies for standardizing purchases;
 8. participate in national faculty teaching load assessments by discipline and faculty type.
- b. The State Council on Higher Education for Virginia, to the extent practicable, shall:
1. convene a working group of institution financial officers, with input from the Department of Accounts, the Department of Planning and Budget, and the Auditor of Public Accounts, to create a standard way of calculating and publishing mandatory non-E&G fees, including for intercollegiate athletics;
 2. update the state's Chart of Accounts for higher education in order to improve comparability and transparency of mandatory non-E&G fees, with input from the Department of Accounts, the Department of Planning and Budget, the Auditor of Public Accounts, and institutional staff. This process should be coordinated with the standardization of tuition and fee reporting;
 3. convene a working group of institutional staff to develop instructional and research space guidelines that adequately measure current use of space and plans for future use of space at Virginia's public higher education institutions;
 4. coordinate a committee of institutional representatives, such as the previously authorized Learning Technology Advisory Committee. In addition to the objectives set out in the Appropriation Act for the Learning Technology Advisory Committee, the committee should identify instructional technology initiatives and best practices for directly or indirectly lowering institutions' instructional expenditures per student while maintaining or enhancing student learning;
 5. include factors such as discipline, faculty rank, cost of living, and regional comparisons in developing faculty salary goals;
 6. identify instructional technology best practices that directly or indirectly lower student cost while maintaining or enhancing learning.
- c. Notwithstanding the provisions of § 23.1-1304, the State Council of Higher Education for Virginia shall annually train boards of visitors members on the types of information members should request from institutions to inform decision making, such as performance measures, benchmarking data, the impact of financial decisions on student costs, and past and projected cost trends. Boards of Visitors members serving on finance and facilities subcommittees should, at a minimum, participate in the training within their first year of membership on the subcommittee. SCHEV should obtain assistance in developing or delivering the training from relevant agencies such as the Department of General Services and past or present finance officers at Virginia's public four-year institutions, as appropriate.
- d. The Department of Planning and Budget shall revise the formula used to make allocation recommendations for the state's maintenance reserve funding to account for higher maintenance needs resulting from poor facility condition, aging of facilities, and differences in facility use. Beginning with fiscal year 2016, the Department of Planning and Budget shall submit these recommendations to the Governor and General Assembly no later than November 1 of each year.
- e. The Six-Year Capital Outlay Plan Advisory Committee, the Department of Planning and Budget, and others as appropriate shall use the results of the prioritization process established by the State Council of Higher Education for Virginia in determining which capital projects should receive funding.
- f. Beginning with fiscal year 2016, the Auditor of Public Accounts shall include in its audit plan for each public institution of higher education a review of progress in implementing the JLARC recommendations contained in paragraph § 4-9.04 a.

§ 4-11.00 STATEMENT OF FINANCIAL CONDITION

Each agency head handling any state funds shall, at least once each year, upon request of the Auditor of Public Accounts, make a detailed statement, under oath, of the financial condition of his office as of the date of such call, to the Auditor of Public Accounts, and upon such forms as shall be prescribed by the Auditor of Public Accounts.

§ 4-12.00 SEVERABILITY

If any part, section, subsection, paragraph, sentence, clause, phrase, or item of this act or the application thereof to any person or circumstance is for any reason declared unconstitutional, such decisions shall not affect the validity of the remaining portions of this act which shall remain in force as if such act had been passed with the unconstitutional part, section, subsection, paragraph, sentence, clause, phrase, item or such application thereof eliminated; and the General Assembly hereby declares that it would have passed this act if such unconstitutional part, section, subsection, paragraph, sentence, clause, phrase, or item had not been included herein, or if such application had not been made.

§ 4-13.00 CONFLICT WITH OTHER LAWS

Notwithstanding any other provision of law, and until June 30, 2020, the provisions of this act shall prevail over any conflicting provision of any other law, without regard to whether such other law is enacted before or after this act; however, a conflicting provision of another law enacted after this act shall prevail over a conflicting provision of this act if the General Assembly has clearly evidenced its intent that the conflicting provision of such other law shall prevail, which intent shall be evident only if such other law (i) identifies the specific provision(s) of this act over which the conflicting provision of such other law is intended to prevail and (ii) specifically states that the terms of this section are not applicable with respect to the conflict between the provision(s) of this act and the provision of such other law.

§ 4-14.00 EFFECTIVE DATE

This act is effective on its passage as provided in § 1-214, Code of Virginia.

ADDITIONAL ENACTMENTS**3. That §§ 33.2-1904, 33.2-1907 and 33.2-2502 of the Code of Virginia are amended and reenacted as follows:****§ 33.2-1904. Northern Virginia Transportation District and Commission.**

A. There is hereby created the Northern Virginia Transportation District (the District), comprising the Counties of Arlington, Fairfax, and Loudoun; the Cities of Alexandria, Falls Church, and Fairfax; and such other county or city contiguous to the District that agrees to join the District.

B. There is hereby established the Northern Virginia Transportation Commission (the Commission) as a transportation commission pursuant to this chapter. The Commission shall consist of five nonlegislative citizen members from Fairfax County, three nonlegislative citizen members from Arlington County, two nonlegislative citizen members from Loudoun County, two nonlegislative citizen members from the City of Alexandria, one nonlegislative member from the City of Falls Church, one nonlegislative citizen member from the City of Fairfax, and the Chairman of the Commonwealth Transportation Board or his designee to serve ex officio with voting privileges. If a county or city contiguous to the District agrees to join the District, such locality shall appoint one nonlegislative citizen member to the Commission. Members from the counties and cities shall be appointed from their respective governing bodies. The Commission shall also include four members appointed by the Speaker of the House of Delegates who may be members of the House of Delegates and two members of the Senate appointed by the Senate Committee on Rules. All legislative members shall serve terms coincident with their terms of office. Members may be reappointed for successive terms. All members shall be citizens of the Commonwealth. Except for the Chairman of the Commonwealth Transportation Board or his designee, all members of the Commission shall be residents of the localities composing the District. Vacancies occurring other than by expiration of a term shall be filled for the unexpired term. Vacancies shall be filled in the same manner as the original appointments.

§ 33.2-1907. Members of Transportation Commissions.

A. Any transportation district commission created pursuant to this chapter shall consist of the number of members the component governments shall agree upon, or as may otherwise be provided by law. The governing body of each participating county and city shall appoint from among its members the number of commissioners to which the county or city is entitled; however, for those commissions with powers as set forth in subsection A of § 33.2-1915, the governing body of each participating county or city is not limited to appointing commissioners from among its members. In addition, the governing body may appoint, from its number or otherwise, designated alternate members for those appointed to the commission who shall be able to exercise all of the powers and duties of a commission member when the regular member is absent from commission meetings. Each such appointee shall serve at the pleasure of the appointing body; however, no appointee to a commission with powers as set forth in subsection B of § 33.2-1915 may continue to serve when he is no longer a member of the appointing body. Each governing body shall inform the commission of its appointments to and removals from the commission by delivering to the commission a certified copy of the resolution making the appointment or causing the removal.

The Chairman of the Commonwealth Transportation Board, or his designee, shall be a member of each commission, ex officio with voting privileges. The Chairman of the Commonwealth Transportation Board may appoint an alternate member who may exercise all the powers and duties of the Chairman of the Commonwealth Transportation Board when neither the Chairman of the Commonwealth Transportation Board nor his designee is present at a commission meeting.

The Potomac and Rappahannock Transportation Commission shall also include two members who reside within the boundaries of the transportation district appointed by the Speaker of the House who may be members of the House of Delegates and one member of the Senate appointed by the Senate Committee on Rules. Each legislative member shall be from a legislative district located wholly or in part within the boundaries of the transportation district and shall serve a term coincident with his term of office. The members of the General Assembly shall be eligible for reappointment for successive terms. Vacancies occurring other than by expiration of a term shall be filled for the unexpired term. Vacancies shall be filled in the same manner as the original appointments.

The Transportation District Commission of Hampton Roads shall consist of one nonlegislative citizen member appointed by the Governor from each county and city embraced by the transportation district. However, for the gubernatorial appointments that will become effective July 1, 2016, three of the appointments shall be for initial terms of two years and three appointments shall be for terms of four years. Thereafter, all gubernatorial appointments shall be for terms of four years so as to stagger the terms of the gubernatorial appointees. The governing body of each such county or city may appoint either a member of its governing body or its county or city manager to serve as an ex officio member with voting privileges. Every such ex officio member shall be allowed to attend all meetings of the commission that other members may be required to attend. Vacancies shall be filled in the same manner as the original appointments.

B. The Secretary or his designee and any appointed member of the Northern Virginia Transportation Commission are authorized to serve as members of the board of directors of the Washington Metropolitan Area Transit Authority (§ 33.2-3100 et seq.) and while so serving the provisions of § 2.2-2800 shall not apply to such member. In appointing Virginia members of the board of directors of the Washington Metropolitan Area Transit Authority (WMATA), the Northern Virginia Transportation Commission shall include the Secretary or his designee as a principal member on the board of directors of WMATA. Any designee serving as the principal member must reside in a locality served by WMATA.

In selecting from its membership those members to serve on the board of directors of WMATA, the Northern Virginia Transportation Commission shall comply with the following requirements:

1. A board member shall not have been an employee of WMATA within one year of appointment to serve on the board of directors.
2. A board member shall have (i) experience in at least one of the fields of transit planning, transportation planning, or land use planning; transit or transportation management or other public sector management; engineering; finance; public safety; homeland security; human resources; or the law or (ii) knowledge of the region's transportation issues derived from working on regional transportation issue resolution.
3. A board member shall be a regular patron of the services provided by WMATA.
4. Board members shall serve a term of four years with a maximum of two consecutive terms. A board member's term or terms must coincide with his term on the body that appointed him to the Northern Virginia Transportation Commission. Any vacancy created if a board member cannot fulfill his term because his term on the appointing body has ended shall be filled for the unexpired term in the same manner as the member being replaced was appointed within 60 days of the vacancy. The initial appointments to a four-year term will be as follows: the Secretary, or his designee, for a term of four years; the second principal member for a term of three years; one alternate for a term of two years; and the remaining alternate for a term of one year. Thereafter, board members shall be appointed for terms of four years. Service on the WMATA board of directors prior to July 1, 2012, shall not be considered in determining length of service. Any person appointed to an initial one-year or two-year term, or appointed to an unexpired term in which two years or less is remaining, shall be eligible to serve two consecutive four-year terms after serving the initial or unexpired term.
5. Members may be removed from the board of directors of WMATA if they attend fewer than three-fourths of the meetings in a calendar year; if they are conflicted due to employment at WMATA; or if they are found to be in violation of the State and Local Government Conflict of Interests Act (§ 2.2-3100 et seq.). If a board member is removed during a term, the vacancy shall be filled pursuant to the provisions of subdivision 4.
6. Each member of the Northern Virginia Transportation Commission appointed to the board of directors of WMATA shall file semiannual reports with the Secretary's office beginning July 1, 2012. The reports shall include (i) the dates of attendance at WMATA board meetings, (ii) any reasons for not attending a specific meeting, and (iii) dates and attendance at other WMATA-related public events.
7. Each nonelected member of the Northern Virginia Transportation Commission appointed to the board of directors of WMATA shall be eligible to receive reasonable and necessary expenses and compensation pursuant to §§ 2.2-2813 and 2.2-2825 from the Northern Virginia Transportation Commission for attending meetings and for the performance of his official duties as a board member on that day.

Any entity that provides compensation to a WMATA board member for his service on the WMATA board shall be required to submit on July 1 of each year to the Secretary the amount of that compensation. Such letter will remain on file with the Secretary's office and be available for public review.

C. When the Northern Virginia Transportation Commission and the Potomac and Rappahannock Transportation Commission enter into an agreement to operate a commuter railway, the agreement governing the creation of the railway shall provide that the Chairman of

the Commonwealth Transportation Board or his designee shall have one vote on the oversight board for the railway. For each year in which the state contribution to the railway is greater than or equal to the highest contribution from an individual locality, the total annual subsidy as provided by the member localities used to determine vote weights shall be recalculated to include the Commonwealth contributing an amount equal to the highest contributing locality. The vote weights shall be recalculated to provide the Chairman of the Commonwealth Transportation Board or his designee the same weight as the highest contributing locality. The revised vote weights shall be used in determining the passage of motions before the oversight board.

§ 33.2-2502. Composition of Authority; membership; terms.

The Authority shall consist of 17 members as follows:

1. The chief elected officer of the governing body of each county and city embraced by the Authority or, in the discretion of the chief elected officer, his designee, who shall be a current elected officer of such governing body;
2. Two members who reside in different counties or cities embraced by the Authority, appointed by the Speaker of the House who may be from the membership of the House Committee on Appropriations, the House Committee on Finance, or the House Committee on Transportation;
3. One member of the Senate who resides in a county or city embraced by the Authority, appointed by the Senate Committee on Rules and, to the extent practicable, from the membership of the Senate Committee on Finance and the Senate Committee on Transportation;
4. Two nonlegislative citizen members who reside in different counties or cities embraced by the Authority, appointed by the Governor. One such gubernatorial appointment shall be a member of the Commonwealth Transportation Board and one shall be a person who has significant experience in transportation planning, finance, engineering, construction, or management; and
5. The following three persons who shall serve as nonvoting ex officio members of the Authority: the Director of the Department of Rail and Public Transportation, or his designee; the Commissioner of Highways, or his designee; and the chief elected officer of one town in a county embraced by the Authority to be chosen by the Authority.

All members of the Authority shall serve terms coincident with their terms of office, except that the gubernatorial appointee who is not a member of the Board shall serve for a term of four years. A vacancy occurring other than by expiration of a term shall be filled for the unexpired term. Vacancies shall be filled in the same manner as the original appointments. The Authority shall appoint a chairman and vice-chairman from among its members.

4. That the Code of Virginia is amended by adding in Article 1 of Chapter 10 of Title 32.1 sections numbered 32.1-332.01, and 32.1-332.02 as follows:

§ 32.1-331.01. Health Care Coverage Assessment Fund.

A. As used in this section:

"Covered hospital" means any in-state private acute care hospital other than a hospital classified as a public hospital, freestanding psychiatric and rehabilitation hospital, children's hospital, long stay hospital, long-term care hospital, or critical access hospital.

"Newly eligible adult" means an individual described in 42 U.S.C. § 1396a(a)(10)(A)(i)(VIII).

"State Plan" means the state plan for medical assistance under Title XIX (§ 42 U.S.C. § 1396 et seq.) of the Social Security Act.

B. There is hereby created in the state treasury a special nonreverting fund to be known as the Health Care Coverage Assessment Fund, referred to in this section as "the Fund." The Fund shall be established on the books of the Comptroller. All revenues collected or received as a result of imposition of a health care coverage assessment on covered hospitals and any other such moneys, public or private, received for the administration of the health care coverage assessment shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys deposited to the Fund shall be used solely for the nonfederal share of the cost of medical assistance for newly eligible adults, the administrative costs of collecting the assessment and implementing and operating the coverage for newly eligible adults. Such moneys shall be appropriated as provided in the general appropriation act. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Director of the Department of Medical Assistance Services.

§ 32.1-331.02. Health Care Provider Payment Rate Assessment Fund.

A. As used in this section:

"Covered hospital" means any in-state private acute care hospital other than a hospital classified as a public hospital, freestanding psychiatric and rehabilitation hospital, children's hospital, long stay hospital, long-term care hospital, or critical access hospital.

"Managed care organization hospital payment gap" means the difference between the amount included in rates for inpatient and outpatient services provided by covered hospitals, based on historical paid claims, and the amount that would be included when hospital services are priced according to the existing State Plan methodology but using 100 percent of the adjustment factors, including the capital reimbursement percentage, and full inflation subject to approval by the Centers for Medicare and Medicaid Services pursuant to 42 C.F.R. § 438.6(c).

"State Plan" means the state plan for medical assistance under Title XIX (§ 42 U.S.C. § 1396 et seq.) of the Social Security Act.

"Upper payment limit" means the amount equal to the maximum amount of payment for inpatient services for recipients of medical assistance services established in accordance with 42 C.F.R. § 447.272 and outpatient services for recipients of medical assistance services pursuant to 42 CFR § 447.321.

B. There is hereby created in the state treasury a special nonreverting fund to be known as the Health Care Payment Rate Assessment Fund, referred to in this section as "the Fund." The Fund shall be established on the books of the Comptroller. All revenues collected or received as a result of imposition of a health care payment rate assessment on covered hospitals and any other such moneys, public or private, received for the administration of the health care payment assessment shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys deposited to the Fund shall be used solely for the nonfederal share of the cost of payment rate actions associated with the payment rate assessment as provided in the general appropriation act and the administrative costs of collecting the assessment and of implementing and operating the associated payment rate actions. Such moneys shall be appropriated as provided in the general appropriation act. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Director of the Department of Medical Assistance Services.

5. Effective July 1, 2018, the authority and responsibilities of the Secretary of Technology included in the Code of Virginia shall be executed by the Secretary of Administration and the Secretary of Commerce and Trade pursuant to Item 65 and Item 102 of this act. Any authority or responsibilities of the Secretary of Technology not referenced in Item 65 and Item 102 of this act shall be executed by either the Secretary of Administration or the Secretary of Commerce and Trade as determined by the Governor.

6. That § 58.1-638 of the Code of Virginia is amended and reenacted as follows:

58.1-638. Disposition of state sales and use tax revenue.

A. The Comptroller shall designate a specific revenue code number for all the state sales and use tax revenue collected under the preceding sections of this chapter.

1. The sales and use tax revenue generated by the one-half percent sales and use tax increase enacted by the 1986 Special Session of the General Assembly shall be paid, in the manner hereinafter provided in this section, to the Transportation Trust Fund as defined in § 33.2-1524. Of the funds paid to the Transportation Trust Fund, an aggregate of 4.2 percent shall be set aside as the Commonwealth Port Fund as provided in this section; an aggregate of 2.4 percent shall be set aside as the Commonwealth Airport Fund as provided in this section; and an aggregate of 14.7 percent shall be set aside as the Commonwealth Mass Transit Fund as provided in this section. The Fund's share of such net revenue shall be computed as an estimate of the net revenue to be received into the state treasury each month, and such estimated payment shall be adjusted for the actual net revenue received in the preceding month. All payments shall be made to the Fund on the last day of each month.

2. There is hereby created in the Department of the Treasury a special nonreverting fund which shall be a part of the Transportation Trust Fund and which shall be known as the Commonwealth Port Fund.

a. The Commonwealth Port Fund shall be established on the books of the Comptroller and the funds remaining in such Fund at the end of a biennium shall not revert to the general fund but shall remain in the Fund. Interest earned on such funds shall remain in the Fund and be credited to it. Funds may be paid to any authority, locality or commission for the purposes hereinafter specified.

b. The amounts allocated pursuant to this section shall be allocated by the Commonwealth Transportation Board to the Board of Commissioners of the Virginia Port Authority to be used to support port capital needs and the preservation of existing capital needs of all ocean, river, or tributary ports within the Commonwealth. Expenditures for such capital needs are restricted to those capital projects specified in subsection B of § 62.1-132.1.

c. Commonwealth Port Fund revenue shall be allocated by the Board of Commissioners to the Virginia Port Authority in order to foster and stimulate the flow of maritime commerce through the ports of Virginia, including but not limited to the ports of Richmond, Hopewell, and Alexandria.

3. There is hereby created in the Department of the Treasury a special nonreverting fund which shall be part of the Transportation Trust Fund and which shall be known as the Commonwealth Airport Fund. The Commonwealth Airport Fund shall be established on the books of the Comptroller and any funds remaining in such Fund at the end of a biennium shall not revert to the general fund but shall remain in the Fund. Interest earned on the funds shall be credited to the Fund. The funds so allocated shall be allocated by the Commonwealth Transportation Board to the Virginia Aviation Board. The funds shall be allocated by the Virginia Aviation Board to

any Virginia airport which is owned by the Commonwealth, a governmental subdivision thereof, or a private entity to which the public has access for the purposes enumerated in § 5.1-2.16, or is owned or leased by the Metropolitan Washington Airports Authority (MWAA), as follows:

Any new funds in excess of \$12.1 million which are available for allocation by the Virginia Aviation Board from the Commonwealth Transportation Fund, shall be allocated as follows: 60 percent to MWAA, up to a maximum annual amount of \$2 million, and 40 percent to air carrier airports as provided in subdivision A 3 a. Except for adjustments due to changes in enplaned passengers, no air carrier airport sponsor, excluding MWAA, shall receive less funds identified under subdivision A 3 a than it received in fiscal year 1994-1995.

Of the remaining amount:

a. Forty percent of the funds shall be allocated to air carrier airports, except airports owned or leased by MWAA, based upon the percentage of enplanements for each airport to total enplanements at all air carrier airports, except airports owned or leased by MWAA. No air carrier airport sponsor, however, shall receive less than \$50,000 nor more than \$2 million per year from this provision.

b. Sixty percent of the funds shall be allocated as follows:

(1) For the first six months of each fiscal year, the funds shall be allocated as follows:

(a) Forty percent of the funds shall be allocated by the Aviation Board for air carrier and reliever airports on a discretionary basis, except airports owned or leased by MWAA; and

(b) Twenty percent of the funds shall be allocated by the Aviation Board for general aviation airports on a discretionary basis; and

(2) For the second six months of each fiscal year, all remaining funds shall be allocated by the Aviation Board for all eligible airports on a discretionary basis, except airports owned or leased by MWAA.

3a. There is hereby created in the Department of the Treasury a special nonreverting fund that shall be a part of the Transportation Trust Fund and that shall be known as the Commonwealth Space Flight Fund. The Commonwealth Space Flight Fund shall be established on the books of the Comptroller and the funds remaining in such Fund at the end of a biennium shall not revert to the general fund but shall remain in the Fund. Interest earned on such funds shall remain in the Fund and be credited to it.

a. The amounts allocated to the Commonwealth Space Flight Fund pursuant to § 33.2-1526 shall be allocated by the Commonwealth Transportation Board to the Board of Directors of the Virginia Commercial Space Flight Authority to be used to support the capital needs, maintenance, and operating costs of any and all facilities owned and operated by the Virginia Commercial Space Flight Authority.

b. Commonwealth Space Flight Fund revenue shall be allocated by the Board of Directors to the Virginia Commercial Space Flight Authority in order to foster and stimulate the growth of the commercial space flight industry in Virginia.

4. There is hereby created in the Department of the Treasury a special nonreverting fund which shall be a part of the Transportation Trust Fund and which shall be known as the Commonwealth Mass Transit Fund.

a. The Commonwealth Mass Transit Fund shall be established on the books of the Comptroller and any funds remaining in such Fund at the end of the biennium shall not revert to the general fund but shall remain in the Fund. Interest earned on such funds shall be credited to the Fund.

b. The amounts allocated pursuant to § 33.2-1526.1 shall be used to support the operating, capital, and administrative costs of public transportation at a state share determined by the Commonwealth Transportation Board, and these amounts may be used to support the capital project costs of public transportation and ridesharing equipment, facilities, and associated costs at a state share determined by the Commonwealth Transportation Board. Capital costs may include debt service payments on local or agency transit bonds.

c. There is hereby created in the Department of the Treasury a special nonreverting fund known as the Commonwealth Transit Capital Fund. The Commonwealth Transit Capital Fund shall be part of the Commonwealth Mass Transit Fund. The Commonwealth Transit Capital Fund subaccount shall be established on the books of the Comptroller and consist of such moneys as are appropriated to it by the General Assembly and of all donations, gifts, bequests, grants, endowments, and other moneys given, bequeathed, granted, or otherwise made available to the Commonwealth Transit Capital Fund. Any funds remaining in the Commonwealth Transit Capital Fund at the end of the biennium shall not revert to the general fund, but shall remain in the Commonwealth Transit Capital Fund. Interest earned on funds within the Commonwealth Transit Capital Fund shall remain in and be credited to the Commonwealth Transit Capital Fund. Proceeds of the Commonwealth Transit Capital Fund may be paid to any political subdivision, another public entity created by an act of the General Assembly, or a private entity as defined in § 33.2-1800 and for purposes as enumerated in subdivision 7 of § 33.2-1701 or expended by the Department of Rail and Public Transportation for the purposes specified in this subdivision. Revenues of the Commonwealth Transit Capital Fund shall be used to support capital expenditures involving the establishment, improvement, or expansion of public transportation services through

specific projects approved by the Commonwealth Transportation Board. The Commonwealth Transit Capital Fund shall not be allocated without requiring a local match from the recipient.

B. The sales and use tax revenue generated by a one percent sales and use tax shall be distributed among the counties and cities of the Commonwealth in the manner provided in subsections C and D.

C. The localities' share of the net revenue distributable under this section among the counties and cities shall be apportioned by the Comptroller and distributed among them by warrants of the Comptroller drawn on the Treasurer of Virginia as soon as practicable after the close of each month during which the net revenue was received into the state treasury. The distribution of the localities' share of such net revenue shall be computed with respect to the net revenue received into the state treasury during each month, and such distribution shall be made as soon as practicable after the close of each such month.

D. The net revenue so distributable among the counties and cities shall be apportioned and distributed upon the basis of the latest yearly estimate of the population of cities and counties ages five to 19, provided by the Weldon Cooper Center for Public Service of the University of Virginia. Such population estimate produced by the Weldon Cooper Center for Public Service of the University of Virginia shall account for persons who are domiciled in orphanages or charitable institutions or who are dependents living on any federal military or naval reservation or other federal property within the school division in which the institutions or federal military or naval reservation or other federal property is located. Such population estimate produced by the Weldon Cooper Center for Public Service of the University of Virginia shall account for members of the military services who are under 20 years of age within the school division in which the parents or guardians of such persons legally reside. Such population estimate produced by the Weldon Cooper Center for Public Service of the University of Virginia shall account for individuals receiving services in state hospitals, state training centers, or mental health facilities, persons who are confined in state or federal correctional institutions, or persons who attend the Virginia School for the Deaf and the Blind within the school division in which the parents or guardians of such persons legally reside. Such population estimate produced by the Weldon Cooper Center for Public Service of the University of Virginia shall account for persons who attend institutions of higher education within the school division in which the student's parents or guardians legally reside. To such estimate, the Department of Education shall add the population of students with disabilities, ages two through four and 20 through 21, as provided to the Department of Education by school divisions. The revenue so apportionable and distributable is hereby appropriated to the several counties and cities for maintenance, operation, capital outlays, debt and interest payments, or other expenses incurred in the operation of the public schools, which shall be considered as funds raised from local resources. In any county, however, wherein is situated any incorporated town constituting a school division, the county treasurer shall pay into the town treasury for maintenance, operation, capital outlays, debt and interest payments, or other expenses incurred in the operation of the public schools, the proper proportionate amount received by him in the ratio that the school population of such town bears to the school population of the entire county. If the school population of any city or of any town constituting a school division is increased by the annexation of territory since the last estimate of school population provided by the Weldon Cooper Center for Public Service, such increase shall, for the purposes of this section, be added to the school population of such city or town as shown by the last such estimate and a proper reduction made in the school population of the county or counties from which the annexed territory was acquired.

E. Beginning July 1, 2000, of the remaining sales and use tax revenue, the revenue generated by a two percent sales and use tax, up to an annual amount of \$13 million, collected from the sales of hunting equipment, auxiliary hunting equipment, fishing equipment, auxiliary fishing equipment, wildlife-watching equipment, and auxiliary wildlife-watching equipment in Virginia, as estimated by the most recent U.S. Department of the Interior, Fish and Wildlife Service and U.S. Department of Commerce, Bureau of the Census National Survey of Fishing, Hunting, and Wildlife-Associated Recreation, shall be paid into the Game Protection Fund established under § 29.1-101 and shall be used, in part, to defray the cost of law enforcement. Not later than 30 days after the close of each quarter, the Comptroller shall transfer to the Game Protection Fund the appropriate amount of collections to be dedicated to such Fund. At any time that the balance in the Capital Improvement Fund, established under § 29.1-101.01, is equal to or in excess of \$35 million, any portion of sales and use tax revenues that would have been transferred to the Game Protection Fund, established under § 29.1-101, in excess of the net operating expenses of the Board, after deduction of other amounts which accrue to the Board and are set aside for the Game Protection Fund, shall remain in the general fund until such time as the balance in the Capital Improvement Fund is less than \$35 million.

F. 1. Of the net revenue generated from the one-half percent increase in the rate of the state sales and use tax effective August 1, 2004, pursuant to enactments of the 2004 Special Session I of the General Assembly, the Comptroller shall transfer from the general fund of the state treasury to the Public Education Standards of Quality/Local Real Estate Property Tax Relief Fund established under § 58.1-638.1 an amount equivalent to one-half of the net revenue generated from such one-half percent increase as provided in this subdivision. The transfers to the Public Education Standards of Quality/Local Real Estate Property Tax Relief Fund under this subdivision shall be for one-half of the net revenue generated (and collected in the succeeding month) from such one-half percent increase for the month of August 2004 and for each month thereafter.

2. Beginning July 1, 2013, of the remaining sales and use tax revenue, an amount equal to the revenue generated by a 0.125 percent sales and use tax shall be distributed to the Public Education Standards of Quality/Local Real Estate Property Tax Relief Fund established under § 58.1-638.1, and be used for the state's share of Standards of Quality basic aid payments.

3. For the purposes of the Comptroller making the required transfers under subdivision 1 and 2, the Tax Commissioner shall make a written certification to the Comptroller no later than the twenty-fifth of each month certifying the sales and use tax revenues generated in the preceding month. Within three calendar days of receiving such certification, the Comptroller shall make the required transfers to

the Public Education Standards of Quality/Local Real Estate Property Tax Relief Fund.

G. (Contingent expiration date — see note) Beginning July 1, 2013, of the remaining sales and use tax revenue, an amount equal to the following percentages of the revenue generated by a one-half percent sales and use tax, such as that paid to the Transportation Trust Fund as provided in subdivision A 1, shall be paid to the Highway Maintenance and Operating Fund established pursuant to § 33.2-1530:

1. For fiscal year 2014, an amount equal to 10 percent;
2. For fiscal year 2015, an amount equal to 20 percent;
3. For fiscal year 2016, an amount equal to 30 percent; and
4. For fiscal year 2017 and thereafter, an amount equal to 35 percent.

The Highway Maintenance and Operating Fund's share of the net revenue distributable under this subsection shall be computed as an estimate of the net revenue to be received into the state treasury each month, and such estimated payment shall be adjusted for the actual net revenue received in the preceding month. All payments shall be made to the Fund on the last day of each month.

H. (Contingent expiration date — see note) 1. The additional revenue generated by increases in the state sales and use tax from Planning District 8 pursuant to §§ 58.1-603.1, 58.1-604.01, 58.1-604.1, and 58.1-614 shall be deposited by the Comptroller in the fund established under § 33.2-2509.

2. The additional revenue generated by increases in the state sales and use tax from Planning District 23 pursuant to §§ 58.1-603.1, 58.1-604.01, 58.1-604.1, and 58.1-614 shall be deposited by the Comptroller in the fund established under § 33.2-2600.

3. The additional revenue generated by increases in the state sales and use tax in any other Planning District pursuant to §§ 58.1-603.1, 58.1-604.01, 58.1-604.1, and 58.1-614 shall be deposited into special funds that shall be established by appropriate legislation.

4. The net revenues distributable under this subsection shall be computed as an estimate of the net revenue to be received by the state treasury each month, and such estimated payment shall be adjusted for the actual net revenue received in the preceding month. All payments shall be made to the appropriate funds on the last day of each month.

I. (For contingent expiration date, see Acts 2018, c. 850) The additional revenue generated by increases in the state sales and use tax from the Historic Triangle pursuant to § 58.1-603.2 shall be deposited by the Comptroller as follows: (i) 50 percent shall be deposited into the Historic Triangle Marketing Fund established pursuant to subsection E of § 58.1-603.2; and (ii) 50 percent shall be deposited in the special fund created pursuant to subdivision D 2 of § 58.1-603.2 and distributed to the localities in which the revenues were collected. The net revenues distributable under this subsection shall be computed as an estimate of the net revenues to be received by the state treasury each month, and such estimated payment shall be adjusted for the actual net revenue received in the preceding month. All payments shall be made to the appropriate funds on the last day of each month.

~~J. Beginning July 1, 2020, the first \$40 million of sales and use taxes remitted by online retailers with a physical nexus established pursuant to subsection D of § 58.1-612 shall be deposited into the Major Headquarters Workforce Grant Fund established pursuant to § 59.1-284.31.~~

~~K. J. If errors are made in any distribution, or adjustments are otherwise necessary, the errors shall be corrected and adjustments made in the distribution for the next quarter or for subsequent quarters.~~

~~L. K. The term "net revenue," as used in this section, means the gross revenue received into the general fund or the Transportation Trust Fund of the state treasury under the preceding sections of this chapter, less refunds to taxpayers."~~

7. That §§ 58.1-601 and 58.1-602, as they are currently effective, 58.1-604, as it is currently effective and as it may become effective, 58.1-605, as it is currently effective, 58.1-612, 58.1-615, as it is currently effective, 58.1-625, as it is currently effective and as it shall become effective, and 58.1-635, as it is currently effective, of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 58.1-612.1 as follows:

§ 58.1-601. (Contingent expiration date) Administration of chapter.

A. The Tax Commissioner shall administer and enforce the assessment and collection of the taxes and penalties imposed by this chapter, including the collection of state and local sales and use taxes from remote sellers.

B. In administering the collection of state and local sales and use taxes from remote sellers, the Tax Commissioner shall:

1. Provide adequate information to remote sellers to enable them to identify state and local sales and use tax rates and exemptions;
2. Provide adequate information to software providers to enable them to make software and services available to remote sellers;
3. Ensure that if the Department requires a periodic audit the remote seller may complete a single audit that covers the state and

local sales and use taxes in all localities; and

4. Require no more than one sales and use tax return per month be filed with the Department by any remote seller or any software provider on behalf of such remote seller.

C. For purposes of evaluating the fiscal, economic and policy impact of sales and use tax exemptions, the Tax Commissioner may require from any person information relating to the evaluation of exempt purchases or sales, information relating to the qualification for exempt purchases, and information relating to direct or indirect government financial assistance that the person receives. Such information shall be filed on forms prescribed by the Tax Commissioner.

§ 58.1-602. (Contingent expiration date) Definitions.

As used in this chapter, unless the context clearly shows otherwise:

"Advertising" means the planning, creating, or placing of advertising in newspapers, magazines, billboards, broadcasting and other media, including, without limitation, the providing of concept, writing, graphic design, mechanical art, photography and production supervision. Any person providing advertising as defined in this section shall be deemed to be the user or consumer of all tangible personal property purchased for use in such advertising.

"Amplification, transmission and distribution equipment" means, but is not limited to, production, distribution, and other equipment used to provide Internet-access services, such as computer and communications equipment and software used for storing, processing and retrieving end-user subscribers' requests.

"Business" includes any activity engaged in by any person, or caused to be engaged in by him, with the object of gain, benefit or advantage, either directly or indirectly.

"Cost price" means the actual cost of an item or article of tangible personal property computed in the same manner as the sales price as defined in this section without any deductions therefrom on account of the cost of materials used, labor, or service costs, transportation charges, or any expenses whatsoever.

"Custom program" means a computer program that is specifically designed and developed only for one customer. The combining of two or more prewritten programs does not constitute a custom computer program. A prewritten program that is modified to any degree remains a prewritten program and does not become custom.

"Distribution" means the transfer or delivery of tangible personal property for use, consumption, or storage by the distributee, and the use, consumption, or storage of tangible personal property by a person that has processed, manufactured, refined, or converted such property, but does not include the transfer or delivery of tangible personal property for resale or any use, consumption, or storage otherwise exempt under this chapter.

"Gross proceeds" means the charges made or voluntary contributions received for the lease or rental of tangible personal property or for furnishing services, computed with the same deductions, where applicable, as for sales price as defined in this section over the term of the lease, rental, service, or use, but not less frequently than monthly. "Gross proceeds" does not include finance charges, carrying charges, service charges, or interest from credit extended on the lease or rental of tangible personal property under conditional lease or rental contracts or other conditional contracts providing for the deferred payments of the lease or rental price.

"Gross sales" means the sum total of all retail sales of tangible personal property or services as defined in this chapter, without any deduction, except as provided in this chapter. "Gross sales" does not include the federal retailers' excise tax or the federal diesel fuel excise tax imposed in § 4091 of the Internal Revenue Code if the excise tax is billed to the purchaser separately from the selling price of the article, or the Virginia retail sales or use tax, or any sales or use tax imposed by any county or city under § 58.1-605 or 58.1-606.

"Import" and "imported" are words applicable to tangible personal property imported into the Commonwealth from other states as well as from foreign countries, and "export" and "exported" are words applicable to tangible personal property exported from the Commonwealth to other states as well as to foreign countries.

"In this Commonwealth" or "in the Commonwealth" means within the limits of the Commonwealth of Virginia and includes all territory within these limits owned by or ceded to the United States of America.

"Integrated process," when used in relation to semiconductor manufacturing, means a process that begins with the research or development of semiconductor products, equipment, or processes, includes the handling and storage of raw materials at a plant site, and continues to the point that the product is packaged for final sale and either shipped or conveyed to a warehouse. Without limiting the foregoing, any semiconductor equipment, fuel, power, energy, supplies, or other tangible personal property shall be deemed used as part of the integrated process if its use contributes, before, during, or after production, to higher product quality, production yields, or process efficiencies. Except as otherwise provided by law, "integrated process" *does* not mean general maintenance or administration.

"Internet" means collectively, the myriad of computer and telecommunications facilities, which comprise the interconnected worldwide network of computer networks.

"Internet service" means a service that enables users to access proprietary and other content, information electronic mail, and the

Internet as part of a package of services sold to end-user subscribers.

"Lease or rental" means the leasing or renting of tangible personal property and the possession or use thereof by the lessee or renter for a consideration, without transfer of the title to such property.

"Manufacturing, processing, refining, or conversion" includes the production line of the plant starting with the handling and storage of raw materials at the plant site and continuing through the last step of production where the product is finished or completed for sale and conveyed to a warehouse at the production site, and also includes equipment and supplies used for production line testing and quality control. "Manufacturing" also includes the necessary ancillary activities of newspaper and magazine printing when such activities are performed by the publisher of any newspaper or magazine for sale daily or regularly at average intervals not exceeding three months.

The determination of whether any manufacturing, mining, processing, refining or conversion activity is industrial in nature shall be made without regard to plant size, existence or size of finished product inventory, degree of mechanization, amount of capital investment, number of employees or other factors relating principally to the size of the business. Further, "industrial in nature" includes, but is not limited to, those businesses classified in codes 10 through 14 and 20 through 39 published in the Standard Industrial Classification Manual for 1972 and any supplements issued thereafter.

"Modular building" means, but is not limited to, single and multifamily houses, apartment units, commercial buildings, and permanent additions thereof, comprised of one or more sections that are intended to become real property, primarily constructed at a location other than the permanent site, built to comply with the Virginia Industrialized Building Safety Law (§ 36-70 et seq.) as regulated by the Virginia Department of Housing and Community Development, and shipped with most permanent components in place to the site of final assembly. For purposes of this chapter, "modular building" does not include a mobile office as defined in § 58.1-2401 or any manufactured building subject to and certified under the provisions of the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. § 5401 et seq.).

"Modular building manufacturer" means a person that owns or operates a manufacturing facility and is engaged in the fabrication, construction and assembling of building supplies and materials into modular buildings, as defined in this section, at a location other than at the site where the modular building will be assembled on the permanent foundation and may or may not be engaged in the process of affixing the modules to the foundation at the permanent site.

"Modular building retailer" means any person that purchases or acquires a modular building from a modular building manufacturer, or from another person, for subsequent sale to a customer residing within or outside of the Commonwealth, with or without installation of the modular building to the foundation at the permanent site.

"Motor vehicle" means a "motor vehicle" as defined in § 58.1-2401, taxable under the provisions of the Virginia Motor Vehicles Sales and Use Tax Act (§ 58.1-2400 et seq.) and upon the sale of which all applicable motor vehicle sales and use taxes have been paid.

"Occasional sale" means a sale of tangible personal property not held or used by a seller in the course of an activity for which ~~he~~ *it* is required to hold a certificate of registration, including the sale or exchange of all or substantially all the assets of any business and the reorganization or liquidation of any business, provided that such sale or exchange is not one of a series of sales and exchanges sufficient in number, scope and character to constitute an activity requiring the holding of a certificate of registration.

"Open video system" means an open video system authorized pursuant to 47 U.S.C. § 573 and, for purposes of this chapter only, also includes Internet service regardless of whether the provider of such service is also a telephone common carrier.

"Person" includes any individual, firm, copartnership, cooperative, nonprofit membership corporation, joint venture, association, corporation, estate, trust, business trust, trustee in bankruptcy, receiver, auctioneer, syndicate, assignee, club, society, or other group or combination acting as a unit, body politic or political subdivision, whether public or private, or quasi-public, and the plural of "person" means the same as the singular.

"Prewritten program" means a computer program that is prepared, held or existing for general or repeated sale or lease, including a computer program developed for in-house use and subsequently sold or leased to unrelated third parties.

"Railroad rolling stock" means locomotives, of whatever motive power, autocars, railroad cars of every kind and description, and all other equipment determined by the Tax Commissioner to constitute railroad rolling stock.

"Remote seller" means any dealer deemed to have sufficient activity within the Commonwealth to require registration under § 58.1-613 under the criteria specified in subdivision C 10 or 11 of § 58.1-612 or any software provider acting on behalf of such dealer.

"Retail sale" or a "sale at retail" means a sale to any person for any purpose other than for resale in the form of tangible personal property or services taxable under this chapter, and shall include any such transaction as the Tax Commissioner upon investigation finds to be in lieu of a sale. All sales for resale must be made in strict compliance with regulations applicable to this chapter. Any dealer making a sale for resale which is not in strict compliance with such regulations shall be personally liable for payment of the tax.

The terms "retail sale" and a "sale at retail" specifically include the following: (i) the sale or charges for any room or rooms, lodgings, or accommodations furnished to transients for less than 90 continuous days by any hotel, motel, inn, tourist camp, tourist cabin, camping grounds, club, or any other place in which rooms, lodging, space, or accommodations are regularly furnished to transients for a consideration; (ii) sales of tangible personal property to persons for resale when because of the operation of the business, or its very nature, or the lack of a place of business in which to display a certificate of registration, or the lack of a place of business in which to keep records, or the lack of adequate records, or because such persons are minors or transients, or because such persons are engaged in essentially service businesses, or for any other reason there is likelihood that the Commonwealth will lose tax funds due to the difficulty of policing such business operations; (iii) the separately stated charge made for automotive refinish repair materials that are permanently applied to or affixed to a motor vehicle during its repair; and (iv) the separately stated charge for equipment available for lease or purchase by a provider of satellite television programming to the customer of such programming. Equipment sold to a provider of satellite television programming for subsequent lease or purchase by the customer of such programming shall be deemed a sale for resale. The Tax Commissioner is authorized to promulgate regulations requiring vendors of or sellers to such persons to collect the tax imposed by this chapter on the cost price of such tangible personal property to such persons and may refuse to issue certificates of registration to such persons. The terms "retail sale" and a "sale at retail" also specifically include the separately stated charge made for supplies used during automotive repairs whether or not there is transfer of title or possession of the supplies and whether or not the supplies are attached to the automobile. The purchase of such supplies by an automotive repairer for sale to the customer of such repair services shall be deemed a sale for resale.

The term "transient" does not include a purchaser of camping memberships, time-shares, condominiums, or other similar contracts or interests that permit the use of, or constitute an interest in, real estate, however created or sold and whether registered with the Commonwealth or not. Further, a purchaser of a right or license which entitles the purchaser to use the amenities and facilities of a specific real estate project on an ongoing basis throughout its term shall not be deemed a transient, provided, however, that the term or time period involved is for seven years or more.

The terms "retail sale" and "sale at retail" do not include a transfer of title to tangible personal property after its use as tools, tooling, machinery or equipment, including dies, molds, and patterns, if (i) at the time of purchase, the purchaser is obligated, under the terms of a written contract, to make the transfer and (ii) the transfer is made for the same or a greater consideration to the person for whom the purchaser manufactures goods.

"Retailer" means every person engaged in the business of making sales at retail, or for distribution, use, consumption, or storage to be used or consumed in the Commonwealth.

"Sale" means any transfer of title or possession, or both, exchange, barter, lease or rental, conditional or otherwise, in any manner or by any means whatsoever, of tangible personal property and any rendition of a taxable service for a consideration, and includes the fabrication of tangible personal property for consumers who furnish, either directly or indirectly, the materials used in fabrication, and the furnishing, preparing, or serving for a consideration of any tangible personal property consumed on the premises of the person furnishing, preparing, or serving such tangible personal property. A transaction whereby the possession of property is transferred but the seller retains title as security for the payment of the price shall be deemed a sale.

"Sales price" means the total amount for which tangible personal property or services are sold, including any services that are a part of the sale, valued in money, whether paid in money or otherwise, and includes any amount for which credit is given to the purchaser, consumer, or lessee by the dealer, without any deduction therefrom on account of the cost of the property sold, the cost of materials used, labor or service costs, losses or any other expenses whatsoever. "Sales price" does not include (i) any cash discount allowed and taken; (ii) finance charges, carrying charges, service charges or interest from credit extended on sales of tangible personal property under conditional sale contracts or other conditional contracts providing for deferred payments of the purchase price; (iii) separately stated local property taxes collected; (iv) that portion of the amount paid by the purchaser as a discretionary gratuity added to the price of a meal; or (v) that portion of the amount paid by the purchaser as a mandatory gratuity or service charge added by a restaurant to the price of a meal, but only to the extent that such mandatory gratuity or service charge does not exceed 20 percent of the price of the meal. Where used articles are taken in trade, or in a series of trades as a credit or part payment on the sale of new or used articles, the tax levied by this chapter shall be paid on the net difference between the sales price of the new or used articles and the credit for the used articles.

"Semiconductor cleanrooms" means the integrated systems, fixtures, piping, partitions, flooring, lighting, equipment, and all other property used to reduce contamination or to control airflow, temperature, humidity, vibration, or other environmental conditions required for the integrated process of semiconductor manufacturing.

"Semiconductor equipment" means (i) machinery or tools or repair parts or replacements thereof; (ii) the related accessories, components, pedestals, bases, or foundations used in connection with the operation of the equipment, without regard to the proximity to the equipment, the method of attachment, or whether the equipment or accessories are affixed to the realty; (iii) semiconductor wafers and other property or supplies used to install, test, calibrate or recalibrate, characterize, condition, measure, or maintain the equipment and settings thereof; and (iv) equipment and supplies used for quality control testing of product, materials, equipment, or processes; or the measurement of equipment performance or production parameters regardless of where or when the quality control, testing, or measuring activity takes place, how the activity affects the operation of equipment, or whether the equipment and supplies come into contact with the product.

"Storage" means any keeping or retention of tangible personal property for use, consumption or distribution in the Commonwealth, or for any purpose other than sale at retail in the regular course of business.

"Tangible personal property" means personal property that may be seen, weighed, measured, felt, or touched, or is in any other manner perceptible to the senses. "Tangible personal property" does not include stocks, bonds, notes, insurance or other obligations or securities. "Tangible personal property" includes (i) telephone calling cards upon their initial sale, which shall be exempt from all other state and local utility taxes, and (ii) manufactured signs.

"Use" means the exercise of any right or power over tangible personal property incident to the ownership thereof, except that it does not include the sale at retail of that property in the regular course of business. "Use" does not include the exercise of any right or power, including use, distribution, or storage, over any tangible personal property sold to a nonresident donor for delivery outside of the Commonwealth to a nonresident recipient pursuant to an order placed by the donor from outside the Commonwealth via mail or telephone. "Use" does not include any sale determined to be a gift transaction, subject to tax under § 58.1-604.6.

"Use tax" refers to the tax imposed upon the use, consumption, distribution, and storage as defined in this section.

"Used directly," when used in relation to manufacturing, processing, refining, or conversion, refers to those activities that are an integral part of the production of a product, including all steps of an integrated manufacturing or mining process, but not including ancillary activities such as general maintenance or administration. When used in relation to mining, "used directly" refers to the activities specified in this definition and, in addition, any reclamation activity of the land previously mined by the mining company required by state or federal law.

"Video programmer" means a person that provides video programming to end-user subscribers.

"Video programming" means video and/or information programming provided by or generally considered comparable to programming provided by a cable operator, including, but not limited to, Internet service.

§ 58.1-604. (Contingent expiration date) Imposition of use tax.

There is hereby levied and imposed, in addition to all other taxes and fees now imposed by law, a tax upon the use or consumption of tangible personal property in this Commonwealth, or the storage of such property outside the Commonwealth for use or consumption in this Commonwealth, in the amount of 4.3 percent:

1. Of the cost price of each item or article of tangible personal property used or consumed in this Commonwealth. Tangible personal property that has been acquired for use outside this Commonwealth and subsequently becomes subject to the tax imposed hereunder shall be taxed on the basis of its cost price if such property is brought within this Commonwealth for use within six months of its acquisition; but if so brought within this Commonwealth six months or more after its acquisition, such property shall be taxed on the basis of the current market value (but not in excess of its cost price) of such property at the time of its first use within this Commonwealth. Such tax shall be based on such proportion of the cost price or current market value as the duration of time of use within this Commonwealth bears to the total useful life of such property (but it shall be presumed in all cases that such property will remain within this Commonwealth for the remainder of its useful life unless convincing evidence is provided to the contrary).
2. Of the cost price of each item or article of tangible personal property stored outside this Commonwealth for use or consumption in this Commonwealth.
3. A transaction taxed under § 58.1-603 shall not also be taxed under this section, nor shall the same transaction be taxed more than once under either section.
4. The use tax shall not apply with respect to the use of any article of tangible personal property brought into this Commonwealth by a nonresident individual, visiting in Virginia, for his personal use, while within this Commonwealth.

§ 58.1-604. (Contingent effective date) Imposition of use tax.

There is hereby levied and imposed, in addition to all other taxes and fees now imposed by law, a tax upon the use or consumption of tangible personal property in this Commonwealth, or the storage of such property outside the Commonwealth for use or consumption in this Commonwealth, in the amount of three and one-half percent through midnight on July 31, 2004, and four percent beginning on and after August 1, 2004:

1. Of the cost price of each item or article of tangible personal property used or consumed in this Commonwealth. Tangible personal property which has been acquired for use outside this Commonwealth and subsequently becomes subject to the tax imposed hereunder shall be taxed on the basis of its cost price if such property is brought within this Commonwealth for use within six months of its acquisition; but if so brought within this Commonwealth six months or more after its acquisition, such property shall be taxed on the basis of the current market value (but not in excess of its cost price) of such property at the time of its first use within this Commonwealth. Such tax shall be based on such proportion of the cost price or current market value as the duration of time of use within this Commonwealth bears to the total useful life of such property (but it shall be presumed in all cases that such property will remain within this Commonwealth for the remainder of its useful life unless convincing evidence is

provided to the contrary).

2. Of the cost price of each item or article of tangible personal property stored outside this Commonwealth for use or consumption in this Commonwealth.

3. A transaction taxed under § 58.1-603 shall not also be taxed under this section, nor shall the same transaction be taxed more than once under either section.

4. The use tax shall not apply with respect to the use of any article of tangible personal property brought into this Commonwealth by a nonresident individual, visiting in Virginia, for his personal use, while within this Commonwealth.

§ 58.1-605. (Contingent expiration date) To what extent and under what conditions cities and counties may levy local sales taxes; collection thereof by Commonwealth and return of revenue to each city or county entitled thereto.

A. No county, city or town shall impose any local general sales or use tax or any local general retail sales or use tax except as authorized by this section.

B. The council of any city and the governing body of any county may levy a general retail sales tax at the rate of one percent to provide revenue for the general fund of such city or county. Such tax shall be added to the rate of the state sales tax imposed by §§ 58.1-603 and 58.1-604 and shall be subject to all the provisions of this chapter and the rules and regulations published with respect thereto. No discount under § 58.1-622 shall be allowed on a local sales tax.

C. 1. The council of any city and the governing body of any county desiring to impose a local sales tax under this section may do so by the adoption of an ordinance stating its purpose and referring to this section, and providing that such ordinance shall be effective on the first day of a month at least 60 days after its adoption. A certified copy of such ordinance shall be forwarded to the Tax Commissioner so that it will be received within five days after its adoption.

2. Prior to any change in the rate of any local sales and use tax, the Tax Commissioner shall provide remote sellers with at least 30 days' notice. Any change in the rate of any local sales and use tax shall only become effective on the first day of a calendar quarter. Failure to provide notice pursuant to this section shall require the Commonwealth and the locality to apply the preceding effective rate until 30 days after notification is provided.

D. Any local sales tax levied under this section shall be administered and collected by the Tax Commissioner in the same manner and subject to the same penalties as provided for the state sales tax.

E. All local sales tax moneys collected by the Tax Commissioner under this section shall be paid into the state treasury to the credit of a special fund which is hereby created on the Comptroller's books under the name "Collections of Local Sales Taxes." Such local sales tax moneys shall be credited to the account of each particular city or county levying a local sales tax under this section. The basis of such credit shall be the city or county in which the sales were made as shown by the records of the Department and certified by it monthly to the Comptroller, namely, the city or county of location of each place of business of every dealer paying the tax to the Commonwealth without regard to the city or county of possible use by the purchasers. If a dealer has any place of business located in more than one political subdivision by reason of the boundary line or lines passing through such place of business, the amount of sales tax paid by such a dealer with respect to such place of business shall be treated for the purposes of this section as follows: one-half shall be assignable to each political subdivision where two are involved, one-third where three are involved, and one-fourth where four are involved.

F. As soon as practicable after the local sales tax moneys have been paid into the state treasury in any month for the preceding month, the Comptroller shall draw his warrant on the Treasurer of Virginia in the proper amount in favor of each city or county entitled to the monthly return of its local sales tax moneys, and such payments shall be charged to the account of each such city or county under the special fund created by this section. If errors are made in any such payment, or adjustments are otherwise necessary, whether attributable to refunds to taxpayers, or to some other fact, the errors shall be corrected and adjustments made in the payments for the next two months as follows: one-half of the total adjustment shall be included in the payments for the next two months. In addition, the payment shall include a refund of amounts erroneously not paid to the city or county and not previously refunded during the three years preceding the discovery of the error. A correction and adjustment in payments described in this subsection due to the misallocation of funds by the dealer shall be made within three years of the date of the payment error.

G. Such payments to counties are subject to the qualification that in any county wherein is situated any incorporated town constituting a special school district and operated as a separate school district under a town school board of three members appointed by the town council, the county treasurer shall pay into the town treasury for general governmental purposes the proper proportionate amount received by him in the ratio that the school age population of such town bears to the school age population of the entire county. If the school age population of any town constituting a separate school district is increased by the annexation of territory since the last estimate of school age population provided by the Weldon Cooper Center for Public Service, such increase shall, for the purposes of this section, be added to the school age population of such town as shown by the last such estimate and a proper reduction made in the school age population of the county or counties from which the annexed territory was acquired.

H. One-half of such payments to counties are subject to the further qualification, other than as set out in subsection G, that in any county wherein is situated any incorporated town not constituting a separate special school district which has complied with its charter

provisions providing for the election of its council and mayor for a period of at least four years immediately prior to the adoption of the sales tax ordinance, the county treasurer shall pay into the town treasury of each such town for general governmental purposes the proper proportionate amount received by him in the ratio that the school age population of each such town bears to the school age population of the entire county, based on the latest estimate provided by the Weldon Cooper Center for Public Service. The preceding requirement pertaining to the time interval between compliance with election provisions and adoption of the sales tax ordinance shall not apply to a tier-city. If the school age population of any such town not constituting a separate special school district is increased by the annexation of territory or otherwise since the last estimate of school age population provided by the Weldon Cooper Center for Public Service, such increase shall, for the purposes of this section, be added to the school age population of such town as shown by the last such estimate and a proper reduction made in the school age population of the county or counties from which the annexed territory was acquired.

I. Notwithstanding the provisions of subsection H, the board of supervisors of a county may, in its discretion, appropriate funds to any incorporated town not constituting a separate school district within such county which has not complied with the provisions of its charter relating to the elections of its council and mayor, an amount not to exceed the amount it would have received from the tax imposed by this chapter if such election had been held.

J. It is further provided that if any incorporated town which would otherwise be eligible to receive funds from the county treasurer under subsection G or H of this section be located in a county which does not levy a general retail sales tax under the provisions of this law, such town may levy a general retail sales tax at the rate of one percent to provide revenue for the general fund of the town, subject to all the provisions of this section generally applicable to cities and counties. Any tax levied under the authority of this subsection shall in no case continue to be levied on or after the effective date of a county ordinance imposing a general retail sales tax in the county within which such town is located.

§ 58.1-612. Tax collectible from dealers; "dealer" defined; jurisdiction.

A. The tax levied by §§ 58.1-603 and 58.1-604 shall be collectible from all persons that are dealers, as defined in this section, and that have sufficient contact with the Commonwealth to qualify under (i) subsections B and C or (ii) subsections B and D.

B. As used in this chapter, "dealer" includes every person that:

1. Manufactures or produces tangible personal property for sale at retail, for use, consumption, or distribution, or for storage to be used or consumed in this Commonwealth;
2. Imports or causes to be imported into this Commonwealth tangible personal property from any state or foreign country, for sale at retail, for use, consumption, or distribution, or for storage to be used or consumed in this Commonwealth;
3. Sells at retail, or that offers for sale at retail, or that has in its possession for sale at retail, or for use, consumption, or distribution, or for storage to be used or consumed in this Commonwealth, tangible personal property;
4. Has sold at retail, used, consumed, distributed, or stored for use or consumption in this Commonwealth, tangible personal property and that cannot prove that the tax levied by this chapter has been paid on the sale at retail, the use, consumption, distribution, or storage of such tangible personal property;
5. Leases or rents tangible personal property for a consideration, permitting the use or possession of such property without transferring title thereto;
6. Is the lessee or rentee of tangible personal property and that pays to the owner of such property a consideration for the use or possession of such property without acquiring title thereto;
7. As a representative, agent, or solicitor, of an out-of-state principal, solicits, receives and accepts orders from persons in this Commonwealth for future delivery and whose principal refuses to register as a dealer under § 58.1-613; or
8. Becomes liable to and owes this Commonwealth any amount of tax imposed by this chapter, whether it holds, or is required to hold, a certificate of registration under § 58.1-613.

C. A dealer shall be deemed to have sufficient activity within the Commonwealth to require registration under § 58.1-613 if it:

1. Maintains or has within this Commonwealth, directly or through an agent or subsidiary, an office, warehouse, or place of business of any nature;
2. Solicits business in this Commonwealth by employees, independent contractors, agents or other representatives;
3. Advertises in newspapers or other periodicals printed and published within this Commonwealth, on billboards or posters located in this Commonwealth, or through materials distributed in this Commonwealth by means other than the United States mail;
4. Makes regular deliveries of tangible personal property within this Commonwealth by means other than common carrier. A person shall be deemed to be making regular deliveries hereunder if vehicles other than those operated by a common carrier enter this Commonwealth more than 12 times during a calendar year to deliver goods sold by him;

5. Solicits business in this Commonwealth on a continuous, regular, seasonal, or systematic basis by means of advertising that is broadcast or relayed from a transmitter within this Commonwealth or distributed from a location within this Commonwealth;

6. Solicits business in this Commonwealth by mail, if the solicitations are continuous, regular, seasonal, or systematic and if the dealer benefits from any banking, financing, debt collection, or marketing activities occurring in this Commonwealth or benefits from the location in this Commonwealth of authorized installation, servicing, or repair facilities;

7. Is owned or controlled by the same interests which own or control a business located within this Commonwealth;

8. Has a franchisee or licensee operating under the same trade name in this Commonwealth if the franchisee or licensee is required to obtain a certificate of registration under § 58.1-613;

9. Owns tangible personal property that is for sale located in this Commonwealth, or that is rented or leased to a consumer in this Commonwealth, or offers tangible personal property, on approval, to consumers in this Commonwealth;

10. Receives more than \$100,000 in gross revenue, or other minimum amount as may be required by federal law, from retail sales in the Commonwealth in the previous or current calendar year, provided that in determining the amount of a dealer's gross revenues, the sales made by all commonly controlled persons as defined in subsection D shall be aggregated; or

11. Engages in 200 or more separate retail sales transactions, or other minimum amount as may be required by federal law, in the Commonwealth in the previous or current calendar year, provided that in determining the total number of a dealer's retail sales transactions, the sales made by all commonly controlled persons as defined in subsection D shall be aggregated.

D. A dealer is presumed to have sufficient activity within the Commonwealth to require registration under § 58.1-613 (unless the presumption is rebutted as provided herein) if any commonly controlled person maintains a distribution center, warehouse, fulfillment center, office, or similar location within the Commonwealth that facilitates the delivery of tangible personal property sold by the dealer to its customers. The presumption in this subsection may be rebutted by demonstrating that the activities conducted by the commonly controlled person in the Commonwealth are not significantly associated with the dealer's ability to establish or maintain a market in the Commonwealth for the dealer's sales. For purposes of this subsection, a "commonly controlled person" means any person that is a member of the same "controlled group of corporations," as defined in § 1563(a) of the Internal Revenue Code of 1954, as amended or renumbered, as the dealer or any other entity that, notwithstanding its form of organization, bears the same ownership relationship to the dealer as a corporation that is a member of the same "controlled group of corporations," as defined in § 1563(a) of the Internal Revenue Code of 1954, as amended or renumbered.

E. Notwithstanding any other provision of this section, the following shall not be considered to determine whether a person that has contracted with a commercial printer for printing in the Commonwealth is a "dealer" and whether such person has sufficient contact with the Commonwealth to be required to register under § 58.1-613:

1. The ownership or leasing by that person of tangible or intangible property located at the Virginia premises of the commercial printer which is used solely in connection with the printing contract with the person;

2. The sale by that person of property of any kind printed at and shipped or distributed from the Virginia premises of the commercial printer;

3. Activities in connection with the printing contract with the person performed by or on behalf of that person at the Virginia premises of the commercial printer; and

4. Activities in connection with the printing contract with the person performed by the commercial printer within Virginia for or on behalf of that person.

F. In addition to the jurisdictional standards contained in subsections C and D, nothing contained in this chapter other than in subsection E shall limit any authority that this Commonwealth may enjoy under the provisions of federal law or an opinion of the United States Supreme Court to require the collection of sales and use taxes by any dealer that regularly or systematically solicits sales within this Commonwealth. Furthermore, nothing contained in subsection C shall require any broadcaster, printer, outdoor advertising firm, advertising distributor, or publisher which broadcasts, publishes, or displays or distributes paid commercial advertising in this Commonwealth which is intended to be disseminated primarily to consumers located in this Commonwealth to report or impose any liability to pay any tax imposed under this chapter solely because such broadcaster, printer, outdoor advertising firm, advertising distributor, or publisher accepted such advertising contracts from out-of-state advertisers or sellers.

§ 58.1-612.1. Tax collectible from marketplace facilitators; "marketplace facilitator" defined.

A. As used in this chapter:

"Marketplace facilitator" means a person that contracts with a marketplace seller to facilitate, for consideration and regardless of whether such consideration is deducted as fees from transactions, the sale of such marketplace seller's products through a physical or electronic marketplace operated by such person. "Marketplace facilitator" does not include a payment processor business appointed by a merchant to handle payment transactions from various channels, such as credit cards and debit cards, and whose sole activity with

respect to marketplace sales is to handle transactions between two parties. "Marketplace facilitator" does not include a platform or forum that exclusively provides internet advertising services, including any advertisements that may list products for sale, so long as such platform or forum does not also engage directly or indirectly through one or more commonly controlled persons, as defined in subsection D of § 58.1-612, in the activities described in subsection C.

"Marketplace seller" means a person that is not a commonly controlled person, as defined in subsection D of § 58.1-612, to a marketplace facilitator and that makes sales through any physical or electronic marketplace operated by such marketplace facilitator, even if such seller would not have been required to collect and remit sales and use tax had the sale not been made through such marketplace.

B. The tax levied under this chapter shall be collectible from all persons that are marketplace facilitators that have sufficient contact with Virginia to require registration under subsection C.

C. A marketplace facilitator shall be deemed to have sufficient activity within the Commonwealth to require registration under § 58.1-613 if it meets at least one requirement in each of subdivisions 1, 2, and 3:

1. It engages, either directly or indirectly, through a commonly controlled person as defined in subsection D of § 58.1-612 in any of the following activities:

- a. Transmitting or communicating an offer or acceptance between a purchaser and a marketplace seller;
- b. Owning or operating the infrastructure, whether electronic or physical, or technology that brings purchasers and marketplace sellers together; or
- c. Providing a virtual currency that purchasers are allowed or required to use to purchase products from the marketplace seller;

2. It engages in any of the following activities with respect to a marketplace seller's products:

- a. Payment processing;
- b. Fulfillment or storage;
- c. Listing products for sale;
- d. Setting prices;
- e. Branding sales as those of the marketplace facilitator; or
- f. Providing customer service or accepting or assisting with returns or exchanges; and

3. It establishes economic nexus through either of the following activities:

- a. Facilitating sales in Virginia that, in the aggregate, generate more than \$100,000 in gross revenue, or other minimum amount as may be required by federal law, for such marketplace facilitator. A marketplace facilitator may exceed this threshold based on sales for either the previous or current calendar year. In determining the amount of a marketplace facilitator's gross revenues, the sales made by all commonly controlled persons, as defined in subsection D of § 58.1-612, shall be aggregated; or
- b. Facilitating 200 or more separate retail sale transactions, or other minimum amount as may be required by federal law, in the Commonwealth in the previous or current calendar year. In determining the total number of retail sales transactions attributable to a marketplace facilitator, the sales made by all commonly controlled persons, as defined in subsection D of § 58.1-612, shall be aggregated.

D. 1. A marketplace facilitator shall be considered a dealer for purposes of this chapter and shall collect the tax imposed by this chapter on all transactions that it facilitates through its marketplace.

2. No marketplace seller shall collect sales and use tax on a transaction made through a marketplace facilitator's marketplace.

3. Notwithstanding the provisions of subdivisions 1 and 2, the Department shall allow for a waiver from the requirements of subdivisions 1 and 2 if a marketplace facilitator demonstrates, to the satisfaction of the Commissioner, that either (i) all of its marketplace sellers already are registered dealers under § 58.1-613 or (ii) the marketplace seller has sufficient nexus to require registration under § 58.1-613 and that collection of the tax by the marketplace facilitator for such marketplace seller would create an undue burden or hardship for either party. If such waiver is granted, the tax levied under this chapter shall be collectible from the marketplace seller. The Department shall develop guidelines that establish (a) the criteria for obtaining a waiver pursuant to this section, (b) the process and procedure for a marketplace facilitator to apply for a waiver, and (c) the process for providing notice to an affected marketplace facilitator and marketplace seller of a waiver obtained pursuant to this subdivision.

E. A marketplace facilitator shall be relieved from liability, including penalties and interest, for the incorrect collection or remittance of sales and use tax on transactions it facilitates or for which it is the seller if the error is due to reasonable reliance on (i) an invalid exemption certificate provided by the marketplace seller or the purchaser; (ii) incorrect or insufficient information

provided by the Commonwealth; or (iii) incorrect or insufficient information provided by the marketplace seller or purchaser regarding the tax classification or proper sourcing of an item or transaction, provided that the marketplace facilitator can demonstrate it made a reasonable effort to obtain accurate information from the marketplace seller or purchaser. The relief from liability afforded to the marketplace facilitator pursuant to this subsection shall not exceed the total amount of tax due from the marketplace facilitator on the incorrect transaction independent of any penalties or interest that would have otherwise applied. Any deficiency resulting from incorrect information provided by the marketplace seller or as the result of an audit shall be the liability of the marketplace seller.

F. A marketplace facilitator is the sole entity subject to audit by the Department for sales and use tax collection for all transactions facilitated by the marketplace facilitator unless (i) the marketplace facilitator can demonstrate that its failure to collect the proper tax was due to incorrect information provided by the marketplace seller or (ii) the marketplace seller is subject to a waiver granted pursuant to subdivision D 3.

G. If a marketplace facilitator lacks physical presence in the Commonwealth and has both facilitated and made direct sales into the Commonwealth, both types of sales shall be considered in determining whether it has established economic nexus.

H. When a marketplace seller that is not otherwise required to register for the collection of the tax under any of the provisions contained in subdivisions C 1 through 9 of § 58.1-612 makes both direct sales and sales on a marketplace facilitator's marketplace, only the marketplace seller's direct sales shall be considered in determining whether the marketplace seller is required to register for the collection of the tax under subdivision C 10 or 11 of § 58.1-612.

I. No class action shall be brought against a marketplace facilitator in any court of the Commonwealth on behalf of customers arising from or in any way related to an overpayment of sales and use tax collected on sales facilitated by the marketplace facilitator, regardless of whether such claim is characterized as a tax refund claim. Nothing in this subsection shall affect a customer's right to seek a refund on an individual basis.

§ 58.1-615. (Contingent expiration date) Returns by dealers.

A. Every dealer required to collect or pay the sales or use tax shall, on or before the twentieth day of the month following the month in which the tax shall become effective, transmit to the Tax Commissioner a return showing the gross sales, gross proceeds, or cost price, as the case may be, arising from all transactions taxable under this chapter during the preceding calendar month, and thereafter a like return shall be prepared and transmitted to the Tax Commissioner by every dealer on or before the twentieth day of each month, for the preceding calendar month. In the case of dealers regularly keeping books and accounts on the basis of an annual period which varies 52 to 53 weeks, the Tax Commissioner may make rules and regulations for reporting consistent with such accounting period.

Notwithstanding any other provision of this chapter, a dealer may be required by the Tax Commissioner to file sales or use tax returns on an accounting period less frequent than monthly when, in the opinion of the Tax Commissioner, the administration of the taxes imposed by this chapter would be enhanced. If a dealer is required to file other than monthly, each such return shall be due on or before the twentieth day of the month following the close of the period. Each such return shall contain all information required for monthly returns.

A sales or use tax return shall be filed by each registered dealer even though the dealer is not liable to remit to the Tax Commissioner any tax for the period covered by the return.

The Tax Commissioner shall not require that more than one sales and use tax return per month be filed with the Department by any remote seller or any software provider on behalf of such remote seller.

B. [Expired.]

C. Any return required to be filed with the Tax Commissioner under this section shall be deemed to have been filed with the Tax Commissioner on the date that such return is delivered by the dealer to the commissioner of the revenue or the treasurer for the locality in which the dealer is located and receipt is acknowledged by the commissioner of the revenue or treasurer. The commissioner of the revenue or the treasurer shall stamp such date on the return, and shall mail the return to the Tax Commissioner no later than the following business day. The commissioner of the revenue or the treasurer may collect from the dealer the cost of postage for such mailing.

D. Every dealer that elects to file a consolidated sales tax return for any taxable period and that is required to remit payment by electronic funds transfer pursuant to subsection B of § 58.1-202.1 beginning on and after July 1, 2010, shall file its monthly return using an electronic medium prescribed by the Tax Commissioner. A waiver of this requirement may be granted if the Tax Commissioner determines that it creates an unreasonable burden on the dealer.

§ 58.1-625. (Effective until July 1, 2022) Collection of tax.

A. The tax levied by this chapter shall be paid by the dealer, but the dealer shall separately state the amount of the tax and add such tax to the sales price or charge. Thereafter, such tax shall be a debt from the purchaser, consumer, or lessee to the dealer until paid and shall be recoverable at law in the same manner as other debts. No action at law or suit in equity under this chapter may be maintained in this Commonwealth by any dealer that is not registered under § 58.1-613 or is delinquent in the payment of the taxes imposed under this chapter.

B. Notwithstanding any exemption from taxes which any dealer now or hereafter may enjoy under the Constitution or laws of this or any other state, or of the United States, such dealer shall collect such tax from the purchaser, consumer, or lessee and shall pay the same over to the Tax Commissioner as herein provided.

C. Any dealer collecting the sales or use tax on transactions exempt or not taxable under this chapter shall transmit to the Tax Commissioner such erroneously or illegally collected tax unless or until it can affirmatively show that the tax has since been refunded to the purchaser or credited to its account.

D. 1. Any dealer that neglects, fails, or refuses to collect such tax upon every taxable sale, distribution, lease, or storage of tangible personal property made by it, its agents, or employees shall be liable for and pay the tax itself, and such dealer shall not thereafter be entitled to sue for or recover in this Commonwealth any part of the purchase price or rental from the purchaser until such tax is paid. Moreover, any dealer that neglects, fails, or refuses to pay or collect the tax herein provided, either by itself or through its agents or employees, is guilty of a Class 1 misdemeanor.

2. Notwithstanding subdivision 1, any remote seller or marketplace facilitator that has collected an incorrect amount of sales and use tax shall be relieved from liability for such amount, including any penalty or interest, if the error is a result of the remote seller's or marketplace facilitator's reasonable reliance on information provided by the Commonwealth.

E. All sums collected by a dealer as required by this chapter shall be deemed to be held in trust for the Commonwealth.

F. Notwithstanding the foregoing provisions of this section, any dealer is authorized during the period of time set forth in §§ 58.1-611.2 and 58.1-611.3 or subdivision 18 of § 58.1-609.1 not to collect the tax levied by this chapter or levied under the authority granted in §§ 58.1-605 and 58.1-606 from the purchaser, and to absorb such tax itself. A dealer electing to absorb such taxes shall be liable for payment of such taxes to the Tax Commissioner in the same manner as it is for tax collected from a purchaser pursuant to this section.

§58.1-625. (Effective July 1, 2022) Collection of tax.

A. The tax levied by this chapter shall be paid by the dealer, but the dealer shall separately state the amount of the tax and add such tax to the sales price or charge. Thereafter, such tax shall be a debt from the purchaser, consumer, or lessee to the dealer until paid and shall be recoverable at law in the same manner as other debts. No action at law or suit in equity under this chapter may be maintained in this Commonwealth by any dealer that is not registered under § 58.1-613 or is delinquent in the payment of the taxes imposed under this chapter.

B. Notwithstanding any exemption from taxes which any dealer now or hereafter may enjoy under the Constitution or laws of this or any other state, or of the United States, such dealer shall collect such tax from the purchaser, consumer, or lessee and shall pay the same over to the Tax Commissioner as herein provided.

C. Any dealer collecting the sales or use tax on transactions exempt or not taxable under this chapter shall transmit to the Tax Commissioner such erroneously or illegally collected tax unless or until it can affirmatively show that the tax has since been refunded to the purchaser or credited to its account.

D. 1. Any dealer that neglects, fails, or refuses to collect such tax upon every taxable sale, distribution, lease, or storage of tangible personal property made by it, its agents, or employees shall be liable for and pay the tax itself, and such dealer shall not thereafter be entitled to sue for or recover in this Commonwealth any part of the purchase price or rental from the purchaser until such tax is paid. Moreover, any dealer that neglects, fails, or refuses to pay or collect the tax herein provided, either by itself or through its agents or employees, is guilty of a Class 1 misdemeanor.

2. Notwithstanding subdivision 1, any remote seller or marketplace facilitator that has collected an incorrect amount of sales and use tax shall be relieved from liability for such amount, including any penalty or interest, if the error is a result of the remote seller's or marketplace facilitator's reasonable reliance on information provided by the Commonwealth.

E. All sums collected by a dealer as required by this chapter shall be deemed to be held in trust for the Commonwealth.

F. Notwithstanding the foregoing provisions of this section, any dealer is authorized during the period of time set forth in § 58.1-611.2 not to collect the tax levied by this chapter or levied under the authority granted in §§ 58.1-605 and 58.1-606 from the purchaser, and to absorb such tax itself. A dealer electing to absorb such taxes shall be liable for payment of such taxes to the Tax Commissioner in the same manner as it is for tax collected from a purchaser pursuant to this section.

§ 58.1-635. (Contingent expiration date) Failure to file return; fraudulent return; civil penalties.

A. When any dealer fails to make any return and pay the full amount of the tax required by this chapter, there shall be imposed, in addition to other penalties provided herein, a specific penalty to be added to the tax in the amount of six percent if the failure is for not more than one month, with an additional six percent for each additional month, or fraction thereof, during which the failure continues, not to exceed 30 percent in the aggregate. In no case, however, shall the penalty be less than \$10 and such minimum penalty shall apply whether or not any tax is due for the period for which such return was required. If such failure is due to providential or other good cause shown to the satisfaction of the Tax Commissioner, such return with or without remittance may

be accepted exclusive of penalties. In the case of a false or fraudulent return where willful intent exists to defraud the Commonwealth of any tax due under this chapter, or in the case of a willful failure to file a return with the intent to defraud the Commonwealth of any such tax, a specific penalty of 50 percent of the amount of the proper tax shall be assessed. All penalties and interest imposed by this chapter shall be payable by the dealer and collectible by the Tax Commissioner in the same manner as if they were a part of the tax imposed.

B. It shall be prima facie evidence of intent to defraud the Commonwealth of any tax due under this chapter when any dealer reports its gross sales, gross proceeds or cost price, as the case may be, at 50 percent or less of the actual amount.

C. Interest at a rate determined in accordance with § 58.1-15, shall accrue on the tax until the same is paid, or until an assessment is made, pursuant to § 58.1-15, after which interest shall accrue as provided therein.

D. Notwithstanding any other provision of this section, any remote seller or marketplace facilitator that has collected an incorrect amount of sales and use tax shall be relieved from liability for such amount, including any penalty or interest, if the error is a result of the remote seller's or marketplace facilitator's reasonable reliance on information provided by the Commonwealth.

8. That the provisions of Chapter 766 of the Acts of Assembly of 2013 amending §§ 58.1-601, 58.1-602, 58.1-605, 58.1-606, 58.1-612, 58.1-615, and 58.1-635, as they may become effective, of the Code of Virginia are repealed.

9. That the fourth enactment of Chapter 766 of the Acts of Assembly of 2013 is amended and reenacted as follows:

4. That Article 22 (§§ 58.1-540 through 58.1-549) of Chapter 3 of Title 58.1 of the Code of Virginia, § 58.1-2289, as it may become effective, 58.1-2290, and 58.1-2701, as it may become effective, of the Code of Virginia and the second enactment of Chapter 822 of the Acts of Assembly of 2009, as amended by Chapter 535 of the Acts of Assembly of 2012, are repealed.

10. That the seventh and fifteenth enactments of Chapter 766 of the Acts of Assembly of 2013 and the twelfth enactment of Chapter 684 of the Acts of Assembly of 2015, as amended by Chapters 854 and 856 of the Acts of Assembly of 2018, are repealed.

11. That nothing in this act shall be construed to appropriate or transfer any transportation revenues for nontransportation purposes pursuant to the twenty-second enactment of Chapter 896 of the Acts of Assembly of 2007 or the fourteenth enactment of Chapter 766 of the Acts of Assembly of 2013.

12. That the provisions of this act requiring remote sales and use tax collection by remote sellers and marketplace facilitators shall not apply to any retail sales transactions occurring before July 1, 2019; however, transactions occurring before July 1, 2019, may be included in the calculation of gross revenue or retail transactions pursuant to the provisions of subdivisions C 10 and 11 of § 58.1-612 of the Code of Virginia, as amended by this act. Notwithstanding the sixth enactment clause of House Bill 1722, 2019 Acts of Assembly, and the sixth enactment clause of Senate Bill 1083, 2019 Acts of Assembly, the Department of Taxation is not permitted to temporarily suspend or delay the collection or reporting requirements, or both, of a marketplace facilitator.

13. That the Department of Taxation shall develop guidelines implementing the provisions of the seventh and twelfth enactment clauses of this act, including guidelines implementing the provisions of subsection D of § 58.1-612.1 of the Code of Virginia, as created by this act, creating a waiver. Such guidelines shall be exempt from the provisions of the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia).

14. That should any portion of this act be held unconstitutional by a court of competent jurisdiction, the remaining portions of this act shall remain in effect.

15. That the provisions of the seventh enactment of this Act shall apply beginning July 1, 2019.

16. That § 58.1-638.2 of the Code of Virginia is repealed.

17. That the fifth enactment of Chapter 17 of the Acts of Assembly of 2019 and the fifth enactment of Chapter 18 of the Acts of Assembly of 2019, are repealed.

18. a. In anticipation of the collection of taxes and revenues of the Commonwealth, for fiscal year 2020, the Treasury Board is hereby authorized, by and with the consent of the Governor, to sell and issue, pursuant to Article X, Section 9 (a)(2) of the Constitution of Virginia, as the case may be, at one time or from time to time, tax and revenue anticipation notes ("9(a)(2) Notes") of the Commonwealth, including 9(a)(2) Notes issued as commercial paper. The proceeds of such 9(a)(2) Notes, excluding amounts needed to fund issuance costs, reserve funds, and other financing expenses, shall be used exclusively for the purpose of providing funds, together with any other available funds, to help manage the cash flow impact of actual or potential reductions of tax and other revenues or increases in expenses related to or resulting from the COVID-19 pandemic, and including the payment of operating expenses incurred or to be incurred in anticipation of the collection of taxes and revenues by the Commonwealth.

b. In addition, in anticipation of the collection of taxes and revenues of the Commonwealth, and its counties, cities and towns, for fiscal year 2020, the Treasury Board is hereby authorized, by and with the consent of the Governor, to sell and issue, pursuant to

Article X, Section 9 (d) of the Constitution of Virginia, as the case may be, at one time or from time to time, tax and revenue anticipation notes of the Commonwealth ("9(d) Notes" and together with the 9(a)(2) Notes authorized in the foregoing paragraph, "Notes"), including 9(d) Notes issued as commercial paper. The proceeds of such 9(d) Notes, excluding amounts needed to fund issuance costs, reserve funds, and other financing expenses, shall be used exclusively for the purpose of providing funds, together with any other available funds, to help manage the cash flow impact of actual or potential reductions of tax and other revenues or increases in expenses related to or resulting from the COVID-19 pandemic, and including the payment of operating expenses incurred or to be incurred in anticipation of the collection of taxes and revenues by the Commonwealth and its counties, cities and towns, and to purchase or acquire similar notes issued by, or otherwise to assist, cities, counties and towns of the Commonwealth for such purpose. The Governor is authorized to select the counties, cities and towns to participate in the undertakings authorized hereunder and direct the distribution of 9(d) Note proceeds to the particular counties, cities and town, and shall, after consultation with all interested parties, develop a guidance document governing eligibility and priority criteria.

c. The Treasury Board is authorized to issue Notes hereunder in an aggregate principal amount not exceeding \$500,000,000 for the benefit of the Commonwealth and in an aggregate principal amount not exceeding \$250,000,000 for the benefit of counties, cities and towns, plus in either case amounts needed to fund issuance costs, reserve funds, capitalized interest, and other financing expenses.

d. 9(a)(2) Notes shall mature at such time or times within twelve months from their date or dates, and 9(d) Notes shall mature at such time or times not exceeding two years from their date or dates.

e. The full faith and credit of the Commonwealth shall be pledged to any 9(a)(2) Notes issued under the provisions of this Item. 9(d) Notes issued under the provisions of this item shall not be deemed to constitute a debt of the Commonwealth of Virginia or a pledge of the full faith and credit of the Commonwealth, but such obligations shall be payable solely, subject to appropriation by the General Assembly, from amounts appropriated from time to time by the General Assembly and from amounts paid by counties, cities and towns that issue bonds, notes or obligations with respect to this Item. There is hereby appropriated a sum sufficient to the Treasury Board for the purpose of paying the debt service on the Notes.

f. The Virginia Resources Authority is authorized to purchase and acquire through proceeds of 9(d) Notes bonds, notes or obligations of counties, cities and towns of the Commonwealth issued for the purposes authorized hereunder and establish the interest rates and repayment terms of such bonds, notes or obligations in accordance with a memorandum of agreement with the Treasury Board and the Authority shall recover its reasonable costs and expenses for doing so from the proceeds of such Notes and for its role in the administration and management of such proceeds.

g. Each county, city, and town is hereby authorized to issue bonds, notes or obligations for the purposes set forth in paragraph (b) above. The authority of any county, city, and town to contract and to issue bonds, notes or obligations pursuant to such authorization is in addition to any existing authority to contract and issue bonds, notes or obligations, anything in the laws of the Commonwealth, including any local charter, to the contrary notwithstanding. The provisions of Virginia Code § 15.2-2659 and § 62.1-216.1 shall apply, mutatis mutandis, with respect to any bond, note or obligation issued by a county, city or town hereunder.

h. The proceeds, including any premium, of the Notes shall be deposited in a special account in the state treasury and, together with the investment income thereon, shall be disbursed by the State Treasurer from time to time for paying all or any part of the expenses or undertakings as set forth in paragraphs (a) and (b) above. The Notes shall be dated and may be made redeemable before their maturity or maturities at such price or prices or within such price parameters, all as may be determined by the Treasury Board, by and with the consent of the Governor, and shall be in such form, shall bear interest at such rate or rates, either at fixed rates or at rates established by formula or other method, and may contain such other provisions, all as determined by the Treasury Board or, when authorized by the Treasury Board, the State Treasurer. The principal of and premium, if any, and the interest on Notes shall be payable in lawful money of the United States of America. Notes may be certificated or uncertificated as determined by the Treasury Board. The Treasury Board may contract for services of such registrars, transfer agents, or other authenticating agents as it deems appropriate to maintain a record of the persons entitled to the Notes. Notes issued in certificated form may be issued under a system of book entry for recording the ownership and transfer of ownership of rights to receive payments on the Notes. The Treasury Board shall fix the authorized denomination or denominations of the Notes and the place or places of payment of certificated Notes, which may be at the Office of the State Treasurer or at any bank or trust company within or without the Commonwealth. The Treasury Board may sell Notes in such manner, by competitive bidding, negotiated sale, or private placement with private lenders or governmental agencies, and for such price or within such price parameters as it may determine, by and with the consent of the Governor, to be in the best interest of the Commonwealth. In the discretion of the Treasury Board, Notes may be issued at one time or from time to time. Certificated Notes shall be signed on behalf of the Commonwealth by the Governor and by the State Treasurer, or shall bear their facsimile signatures, and shall bear the lesser seal of the Commonwealth or a facsimile thereof. If the Notes bear the facsimile signature of the State Treasurer, they shall be signed by such administrative assistant as the State Treasurer shall determine or by such registrar or paying agent as may be designated to sign them by the Treasury Board. If any officer whose signature or facsimile signature appears on any Notes ceases to be such officer before delivery, such signature or facsimile signature shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until such delivery, and any Note may bear the facsimile signature of, or may be signed by, such persons as at the actual time

of execution are the proper officers to sign such Note, although at the date of such Note, such persons may not have been such officers.

i. The Treasury Board is authorized to create debt service and sinking funds for the payments of the principal of, premium, if any, and interest on the Notes and other funds or reserves desirable or required by any purchaser. Pending the application of the proceeds of the Notes to the purpose for which they have been authorized and the application of funds set aside for the purpose to the payment of Notes, they may be invested by the State Treasurer in securities that are legal investments under the laws of the Commonwealth for public funds and sinking funds, as the case may be. Whenever the State Treasurer receives interest from the investment of the proceeds of Notes, such interest shall become a part of the principal of the Notes and shall be used in the same manner as required for principal of the Notes.

17: 19. That the provisions of the first, second, **and** fifth, *and eighteenth* enactments of this act shall expire at midnight on June 30, 2020. The provisions of the third, fourth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, **and** sixteenth, *and seventeenth* enactments shall have no expiration date.

INDEX

	Page
PART 1: OPERATING EXPENSES.....	3160
PART 2: CAPITAL PROJECT EXPENSES.....	3404
PART 3: MISCELLANEOUS.....	3425
PART 4: GENERAL PROVISIONS.....	3444

Index, PART 1: OPERATING EXPENSES

Agency Name	Agency Code	Page
Accounts Transfer Payments, Department of (DOATP)	(162)	3251
Accounts, Department of (DOA)	(151)	3250
Alcoholic Beverage Control, Department of (ABC)	(999)	3354
Attorney General and Department of Law (OAG)	(141)	3169
Behavioral Health and Developmental Services, Department of (DBHDS)	(720)	3309
Blind and Vision Impaired, Department for the (DBVI)	(702)	3345
Central Appropriations (CA)	(995)	3380
Children's Services Act (CSA)	(200)	3262
Circuit Courts (CCV)	(113)	3163
Conservation and Recreation, Department of (DCR)	(199)	3348
Corrections, Department of (DOC)	(799)	3355
Direct Aid to Public Education (DOE/ DAPE)	(197)	3192
Division of Capitol Police (DCP)	(961)	3160
Division of Legislative Services (DLS)	(107)	3160
Economic Development Incentive Payments (EDIP)	(312)	3179
Education, Central Office Operations, Department of (DOE/ COO)	(201)	3189
Elections, Department of (ELECT)	(132)	3175
Game and Inland Fisheries, Department of (DGIF)	(403)	3350
General District Courts (GDC)	(114)	3165
Grants to Localities (DBDHS/GL)	(790)	3318
Health, Department of (VDH)	(601)	3267
Housing and Community Development, Department of (DHCD)	(165)	3182
Human Resource Management, Department of (DHRM)	(129)	3171
Intellectual Disabilities Training Centers (IDTC)	(793)	3324
Jamestown-Yorktown Foundation (JYF)	(425)	3246
Juvenile and Domestic Relations District Courts (JDRC)	(115)	3166
Marine Resources Commission (MRC)	(402)	3352
Medical Assistance Services, Department of (DMAS)	(602)	3269
Mental Health Treatment Centers (MHTC)	(792)	3323
Motor Vehicles, Department of (DMV)	(154)	3365
Secretary of Commerce and Trade (SCT)	(192)	3179
Secretary of Health and Human Resources (SHHR)	(188)	3260

Social Services, Department of (DSS).....	(765).....	3327
State Corporation Commission (SCC).....	(171).....	3400
Supreme Court (SUPCT).....	(111).....	3163
Transportation, Department of (VDOT).....	(501).....	3368
Treasury Board (TB).....	(155).....	3253
University of Virginia (UVA/AD).....	(207).....	3242
Virginia Board for People with Disabilities (VBPD).....	(606).....	3345
Virginia Center for Behavioral Rehabilitation (VCBR).....	(794).....	3325
Virginia Commission for the Arts (VCA).....	(148).....	3247
Virginia Employment Commission (VEC).....	(182).....	3184
Virginia Lottery (VAL).....	(172).....	3400
Virginia Retirement System (VRS).....	(158).....	3401
Virginia State University (VSU).....	(212).....	3244
Virginia Tourism Authority (VTA).....	(320).....	3185

Index, PART 2: CAPITAL PROJECT EXPENSES

Agency Name	Agency Code	Page
9(D) Revenue Bonds (RBND).....	(951).....	3422
Central Capital Outlay (CCO).....	(949).....	3415
Conservation and Recreation, Department of (DCR).....	(199).....	3413
General Services, Department of (DGS).....	(194).....	3410
George Mason University (GMU).....	(247).....	3410
James Madison University (JMU).....	(216).....	3411
Military Affairs, Department of (DMA).....	(123).....	3414
Roanoke Higher Education Authority (RHEA).....	(935).....	3413
University of Virginia (UVA/AD).....	(207).....	3411
Virginia Polytechnic Institute and State University (VPISU/ID).....	(208).....	3412

Index, PART 3: MISCELLANEOUS

	Page
Accelerated Sales Tax.....	3437
Adjustments and Modifications to Fees.....	3443
Adjustments and Modifications to Tax Collections.....	3436
Admissions Tax.....	3439
Advances to Working Capital Funds.....	3435
Annual Vehicle Registration Fee (\$4.25 for Life).....	3443
Assessment of Electronic Summons Fee by Localities.....	3443
Auxiliary Enterprise Investment Yields.....	3436
Auxiliary Enterprises and Sponsored Programs in Institutions of Higher Education.....	3436

Charges Against Working Capital Funds.....	3435
Coronavirus Disease 2019 Administrative Tax Relief.....	3443
Deduction for Able Act Contributions.....	3438
Discounts and Allowances.....	3438
Disposition of Excess Fees Collected by Clerks of the Circuit Courts.....	3437
Drivers License Reinstatement Fee.....	3443
General Fund Deposits.....	3436
Historic Preservation Tax Credit.....	3442
Implementation of Chapter 3, Acts of Assembly of 2004, Special Session I.....	3437
Intangible Holding Company Addback.....	3438
Interagency Transfers.....	3434
Interfund Transfers.....	3425
Land Preservation Tax Credit Claimed.....	3442
Lines of Credit.....	3435
Neighborhood Assistance Act Tax Credit.....	3442
Payment by the State Treasurer.....	3436
Payment of Auto Rental Tax to the General Fund.....	3437
Provider Coverage Assessment.....	3439
Provider Payment Rate Assessment.....	3441
Recordation Tax Fee.....	3443
Regional Fuels Tax.....	3438
Retail Sales & Use Tax Exemption for Internet Service Providers.....	3437
Retail Sales and Use Tax Exemption for Research for Federally Funded Research and Development Centers.....	3439
Retaliatory Costs to other States Tax Credit.....	3436
Sales Tax Commitment to Highway Maintenance and Operating Fund.....	3438
Short-term Advance to the General Fund from Nongeneral Funds.....	3434
Sunset Dates for Income Tax Credits and Sales and Use Tax Exemptions.....	3439
Taxpayer Relief Fund.....	3442
Tobacco Tax Study.....	3442
Transfers.....	3425
Working Capital Funds and Lines of Credit.....	3435

Index, PART 4: GENERAL PROVISIONS

	Page
Allotments.....	3451
Appropriation Increases.....	3448
Appropriation Transfers.....	3447
Appropriations.....	3444
Assessment of Institutional Performance.....	3493
Capital Leases.....	3458
Capital Projects.....	3459
Charges.....	3487

Conflict with other Laws.....3501

Deficit Authorization and Treasury Loans.....3456

Deficits.....3456

Delegation of Authority.....3473

Disposition of Surplus Real Property.....3474

Effective Date.....3501

Employee Benefits.....3486

Employee Compensation.....3476

Employee Training and Study.....3485

General.....3459

General Fund Revenue.....3453

Goods and Services.....3470

Governor.....3489

Higher Education Restructuring.....3493

Implement JLARC Recommendations.....3499

Indirect Costs.....3455

Lease, License or Use Agreements.....3474

Level II Authority.....3496

Level III Authority.....3499

Limitations on Use of State Funding.....3476

Limited Adjustments of Appropriations.....3451

Local Governments.....3492

Manpower Control Program.....3488

Nongeneral Fund Revenues.....3451

Nonstate Agencies, Interstate Compacts and Organizational Memberships.....3473

Operating Policies.....3444

Operating Policies.....3444

Planning and Budgeting.....3464

Positions and Employment.....3476

Positions Governed by Chapters 933 and 943 of the 2006 Acts of Assembly.....3488

Prerequisites for Payment.....3445

Reporting Requirements.....3489

Revenues.....3451

Reversion of Appropriations and Reappropriations.....3450

Selection of Applicants for Classified Positions.....3488

Semiconductor Manufacturing Performance Grant Programs.....3474

Services and Clients.....3468

Severability.....3500

Special Conditions and Restrictions on Expenditures.....3464

State Agencies.....3492

Statement of Financial Condition.....3500

Statewide Plans.....3488

Surplus Property Transfers for Economic Development.....3475

Third Party Transactions.....3467

Transactions with Individuals.....3465

Treasury Loans.....	3457
Withholding of Spending Authority.....	3445

Index, CODE OF VIRGINIA SECTION REFERENCES

Title 1 GENERAL PROVISIONS

Section	Page
§ 1-214.....	3501

Title 2.2 ADMINISTRATION OF GOVERNMENT

Section	Page
§ 2.2-104.....	3473
§ 2.2-115.....	3179
§ 2.2-200.....	3260,3476
§ 2.2-203.1.....	3491
§ 2.2-400.....	3476
§ 2.2-510.....	3392,3491
§ 2.2-510.1.....	3467
§ 2.2-514.....	3277,3281,3465
§ 2.2-803.....	1,3468,3471
§ 2.2-1101.....	3468
§ 2.2-1124.....	3454
§ 2.2-1125.....	3448,3450,3454
§ 2.2-1129.....	3476
§ 2.2-1131.1.....	3491
§ 2.2-1132.....	3421,3460,3464,3497
§ 2.2-1147.....	248
§ 2.2-1149.....	3451,3474
§ 2.2-1150.....	3431,3475
§ 2.2-1151.....	3459
§ 2.2-1153.....	3474,3491
§ 2.2-1155.....	3463
§ 2.2-1156.....	3309,3310,3316,3430,3431,3434,3463,3474,3475
§ 2.2-1201.....	3395,3484,3490
§ 2.2-1501.....	3469
§ 2.2-1503.....	3445,3446,3447
§ 2.2-1505.....	1,3473
§ 2.2-1508.....	3392
§ 2.2-1509.....	3392,3469
§ 2.2-1509.4.....	3348
§ 2.2-1514.....	3431
§ 2.2-1515.....	3460
§ 2.2-1516.....	3415
§ 2.2-1611.....	3181
§ 2.2-1802.....	3452
§ 2.2-1819.....	3451
§ 2.2-1829.....	3251,3429
§ 2.2-1831.2.....	3252
§ 2.2-1831.3.....	3442
§ 2.2-2006.....	3471
§ 2.2-2011.....	3393
§ 2.2-2013.....	3468
§ 2.2-2240.3.....	3180
§ 2.2-2260.....	3416,3421
§ 2.2-2261.....	3255
§ 2.2-2263.....	3419
§ 2.2-2320.....	3180
§ 2.2-2402.....	3358,3376
§ 2.2-2416.....	3459
§ 2.2-2417.....	3463,3464,3474
§ 2.2-2648.....	3265
§ 2.2-2800.....	3502
§ 2.2-2813.....	3401,3502
§ 2.2-2818.....	3381,3486,3489
§ 2.2-2825.....	3502
§ 2.2-3100.....	3502
§ 2.2-3204.....	3384
§ 2.2-3205.....	3384
§ 2.2-3605.....	3487
§ 2.2-3707.....	3444
§ 2.2-3707.1.....	3444
§ 2.2-3708.2.....	3444

§ 2.2-3800.....	3494
§ 2.2-4000.....	3343,3437,3439,3518
§ 2.2-4002.....	3273
§ 2.2-4011.....	3277
§ 2.2-4019.....	3277
§ 2.2-4020.....	3277
§ 2.2-4300.....	3444,3499
§ 2.2-4301.....	3474
§ 2.2-4343.....	3473
§ 2.2-4400.....	3498
§ 2.2-4800.....	3175,3444,3498
§ 2.2-4806.....	3185
§ 2.2-5004.....	3494
§ 2.2-5101.....	3180
§ 2.2-5102.1.....	3180
§ 2.2-5200.....	3263
§ 2.2-5206.....	3265
§ 2.2-5209.....	3264
§ 2.2-5211.....	3189,3262,3327

Title 3.2 AGRICULTURE, ANIMAL CARE, AND FOOD

Section	Page
§ 3.2-2705.....	3454
§ 3.2-3100.....	3272
§ 3.2-4200.....	3169
§ 3.2-4201.....	3430
§ 3.2-4204.....	3169
§ 3.2-5206.....	3268
§ 3.2-5216.....	3268

Title 4.1 ALCOHOLIC BEVERAGE CONTROL ACT

Section	Page
§ 4.1-100.....	3354
§ 4.1-116.....	3425,3426
§ 4.1-120.....	3354
§ 4.1-133.....	3354
§ 4.1-234.....	3425

Title 5.1 AVIATION

Section	Page
§ 5.1-2.16.....	3504

Title 8.01 CIVIL REMEDIES AND PROCEDURE

Section	Page
§ 8.01-384.1:1.....	3163,3165,3167

Title 9.1 COMMONWEALTH PUBLIC SAFETY

Section	Page
§ 9.1-102.....	3320
§ 9.1-187.....	3320

Title 10.1 CONSERVATION

Section	Page
§ 10.1-202.....	3349
§ 10.1-1020.....	3348
§ 10.1-1188.....	3460
§ 10.1-1190.....	3460
§ 10.1-2128.....	3442
§ 10.1-2128.1.....	3426,3443

Title 11 CONTRACTS

Section	Page
§ 11-35.....	3381

Title 15.2 COUNTIES, CITIES AND TOWNS

Section	Page
§ 15.2-540.....	3437
§ 15.2-639.....	3437

§ 15.2-848.....	3437
§ 15.2-1302.....	3222,3225,3448
§ 15.2-1636.5.....	3485
§ 15.2-1643.....	3164
§ 15.2-2005.....	3475
§ 15.2-2659.....	3220,3519
§ 15.2-3500.....	3448
§ 15.2-4100.....	3448
§ 15.2-4600.....	3373

Title 16.1 COURTS NOT OF RECORD

Section	Page
§ 16.1-69.1.....	3165,3166
§ 16.1-69.58.....	3166
§ 16.1-69.6:1.....	3166,3167
§ 16.1-137.....	3165
§ 16.1-226.....	3166
§ 16.1-334.....	3166

Title 17.1 COURTS OF RECORD

Section	Page
§ 17.1-275.12.....	3430
§ 17.1-283.....	3437
§ 17.1-285.....	3437
§ 17.1-327.....	3387
§ 17.1-507.....	3165
§ 17.1-805.....	3356

Title 18.2 CRIMES AND OFFENSES GENERALLY

Section	Page
§ 18.2-248.....	3356
§ 18.2-248.1.....	3356
§ 18.2-266.....	3365
§ 18.2-270.01.....	3430
§ 18.2-272.....	3365
§ 18.2-308.....	3454
§ 18.2-308.2:2.....	3454

Title 19.2 CRIMINAL PROCEDURE

Section	Page
§ 19.2-13.....	3454
§ 19.2-155.....	3164
§ 19.2-163.....	3163,3164,3165,3166
§ 19.2-169.6.....	3320
§ 19.2-176.....	3320
§ 19.2-177.1.....	3320
§ 19.2-306.....	3164

Title 22.1 EDUCATION

Section	Page
§ 22.1-1.....	3231
§ 22.1-3.4.....	3202
§ 22.1-8.....	3191
§ 22.1-16.2.....	3189
§ 22.1-17.1.....	3189
§ 22.1-17.2.....	3189
§ 22.1-18.01.....	3189
§ 22.1-21.....	3191
§ 22.1-24.....	3202
§ 22.1-25.....	3206
§ 22.1-79.1.....	3208
§ 22.1-97.....	3210,3211
§ 22.1-101.1.....	3232
§ 22.1-108.....	3202
§ 22.1-166.2.....	3223,3224
§ 22.1-168.....	3220,3223,3224
§ 22.1-168.1.....	3220,3223,3224
§ 22.1-175.5.....	3229
§ 22.1-176.....	3202
§ 22.1-198.....	3202
§ 22.1-199.....	3202

§ 22.1-199.1.....	3202
§ 22.1-199.2.....	3202
§ 22.1-199.4.....	3189
§ 22.1-199.6.....	3199
§ 22.1-205.....	3214
§ 22.1-206.....	3189
§ 22.1-207.1.....	3189
§ 22.1-208.01.....	3189
§ 22.1-209.2.....	3189
§ 22.1-212.2:2.....	3202
§ 22.1-213.....	3189,3202
§ 22.1-221.....	3189,3202
§ 22.1-223.....	3202
§ 22.1-227.....	3202
§ 22.1-237.....	3202
§ 22.1-253.13:1.....	3189,3202
§ 22.1-253.13:2.....	3209
§ 22.1-253.13:3.....	3217
§ 22.1-253.13:8.....	3189,3202
§ 22.1-254.....	3202,3205
§ 22.1-254.01.....	3202
§ 22.1-254.1.....	3205
§ 22.1-289.1.....	3202
§ 22.1-290.01.....	3194
§ 22.1-290.02.....	3237
§ 22.1-299.....	3199,3227
§ 22.1-318.....	3202
§ 22.1-319.....	3189
§ 22.1-332.....	3189
§ 22.1-362.....	3200

Title 23.1 INSTITUTIONS OF HIGHER EDUCATION; OTHER EDUCATIONAL AND CULTURAL INSTITUTIONS

Section	Page
§ 23.1-102.....	3490
§ 23.1-203.....	3469
§ 23.1-206.....	3493,3496
§ 23.1-615.....	3465
§ 23.1-700.....	3438
§ 23.1-907.....	3494
§ 23.1-1001.....	3450
§ 23.1-1002.....	3450,3493
§ 23.1-1005.....	3499
§ 23.1-1006.....	3474
§ 23.1-1020.....	3488
§ 23.1-1106.....	248,3456
§ 23.1-1200.....	3415,3418,3419
§ 23.1-1302.....	3485
§ 23.1-1303.....	3450
§ 23.1-1304.....	3500

Title 24.2 ELECTIONS

Section	Page
§ 24.2-668.....	3175
§ 24.2-712.....	3175
§ 24.2-947.5.....	3175

Title 28.2 FISHERIES AND HABITAT OF THE TIDAL WATERS

Section	Page
§ 28.2-208.....	3454
§ 28.2-302.3.....	3454
§ 28.2-542.....	3454
§ 28.2-1206.....	3454

Title 29.1 GAME, INLAND FISHERIES AND BOATING

Section	Page
§ 29.1-101.....	3352,3506
§ 29.1-101.01.....	3352,3506

Title 30 GENERAL ASSEMBLY

Section	Page
---------	------

§ 30-19.1:4.....	3359,3360
§ 30-34.2:1.....	3476
§ 30-130.....	3499
§ 30-133.....	3499
§ 30-347.....	3283

Title 32.1 HEALTH

Section	Page
§ 32.1-11.3.....	3268
§ 32.1-23.....	3268
§ 32.1-162.23.....	3181
§ 32.1-273.....	3268
§ 32.1-313.....	3277
§ 32.1-323.2.....	3273
§ 32.1-325.....	3277
§ 32.1-325.1.....	3277
§ 32.1-325.1:1.....	3277
§ 32.1-330.....	3288
§ 32.1-331.01.....	3503
§ 32.1-331.02.....	3503
§ 32.1-331.12.....	3275,3276
§ 32.1-332.02.....	3503
§ 32.1-351.....	3282
§ 32.1-352.....	3429
§ 32.1-366.....	3272
§ 32.1-367.....	3272

Title 33.2 HIGHWAYS AND OTHER SURFACE TRANSPORTATION SYSTEMS

Section	Page
§ 33.2-214.....	3368
§ 33.2-214.1.....	3369,3372
§ 33.2-232.....	3371
§ 33.2-314.....	3476
§ 33.2-319.....	3372
§ 33.2-357.....	3369
§ 33.2-358.....	3370
§ 33.2-366.....	3372
§ 33.2-369.....	3370
§ 33.2-371.....	3373
§ 33.2-1010.....	3459
§ 33.2-1500.....	3369
§ 33.2-1509.....	3372
§ 33.2-1510.....	3372
§ 33.2-1524.....	3371,3504
§ 33.2-1526.....	3505
§ 33.2-1526.1.....	3505
§ 33.2-1529.1.....	3369
§ 33.2-1530.....	3507
§ 33.2-1600.....	3372
§ 33.2-1700.....	3371,3375
§ 33.2-1701.....	3505
§ 33.2-1729.....	3371
§ 33.2-1800.....	3505
§ 33.2-1904.....	3501
§ 33.2-1907.....	3501
§ 33.2-1915.....	3501
§ 33.2-2300.....	3258,3373
§ 33.2-2400.....	3258,3373,3374
§ 33.2-2401.....	3374
§ 33.2-2502.....	3501,3503
§ 33.2-2509.....	3507
§ 33.2-2600.....	3507
§ 33.2-2611.....	3372
§ 33.2-3100.....	3502

Title 35.1 HOTELS, RESTAURANTS, SUMMER CAMPS, AND CAMPGROUNDS

Section	Page
§ 35.1-1.....	3268
§ 35.1-7.....	3268

§ 35.1-9.....	3268
§ 35.1-28.....	3268

Title 36 HOUSING

Section	Page
§ 36-70.....	3509
§ 36-142.....	3183

Title 37.2 BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES

Section	Page
§ 37.2-304.....	3324
§ 37.2-318.....	3431
§ 37.2-319.....	3324
§ 37.2-504.....	3318
§ 37.2-605.....	3318
§ 37.2-713.....	3214
§ 37.2-808.....	3320
§ 37.2-809.....	3165,3166,3320
§ 37.2-813.....	3166,3320
§ 37.2-815.....	3320
§ 37.2-816.....	3320
§ 37.2-817.....	3320
§ 37.2-900.....	3260,3361

Title 38.2 INSURANCE

Section	Page
§ 38.2-316.1.....	3400
§ 38.2-326.....	3400
§ 38.2-3418.17.....	3382

Title 40.1 LABOR AND EMPLOYMENT

Section	Page
§ 40.1-51.15.....	3454

Title 44 MILITARY AND EMERGENCY LAWS

Section	Page
§ 44-93.1.....	3448
§ 44-146.16.....	3361
§ 44-146.17.....	3361,3444
§ 44-146.18:2.....	3474
§ 44-146.28.....	3474

Title 46.2 MOTOR VEHICLES

Section	Page
§ 46.2-205.....	3365
§ 46.2-221.4.....	3366
§ 46.2-342.....	3366
§ 46.2-395.....	3443
§ 46.2-411.....	3443
§ 46.2-454.....	3454
§ 46.2-688.....	3366
§ 46.2-694.....	3443
§ 46.2-819.3:1.....	3366

Title 51.1 PENSIONS, BENEFITS, AND RETIREMENT

Section	Page
§ 51.1-124.3.....	3385,3485,3487
§ 51.1-124.30.....	3381
§ 51.1-126.....	3386
§ 51.1-132.....	3385
§ 51.1-138.....	3386
§ 51.1-142.2.....	3486
§ 51.1-144.....	3487
§ 51.1-145.....	3382,3383,3386
§ 51.1-153.....	3386
§ 51.1-155.....	3386
§ 51.1-155.1.....	3386,3486
§ 51.1-156.....	3386,3487
§ 51.1-166.....	3207
§ 51.1-169.....	3386
§ 51.1-300.....	3487

§ 51.1-500.....	3385
§ 51.1-1100.....	3485
§ 51.1-1103.....	3485
§ 51.1-1401.....	3213
§ 51.1-1403.....	3384

Title 51.5 PERSONS WITH DISABILITIES

Section	Page
§ 51.5-1.....	3345

Title 53.1 PRISONS AND OTHER METHODS OF CORRECTION

Section	Page
§ 53.1-1.....	3355,3358
§ 53.1-5.....	3355
§ 53.1-8.....	3355
§ 53.1-10.....	3355,3358
§ 53.1-20.....	3358
§ 53.1-32.2.....	3361
§ 53.1-40.....	3164
§ 53.1-40.2.....	3320
§ 53.1-45.....	3356
§ 53.1-47.....	3356
§ 53.1-69.1.....	3359
§ 53.1-80.....	3255
§ 53.1-82.2.....	3255

Title 54.1 PROFESSIONS AND OCCUPATIONS

Section	Page
§ 54.1-2345.....	3444
§ 54.1-3913.....	3446,3447

Title 55 PROPERTY AND CONVEYANCES

Section	Page
§ 55-66.6.....	3443

Title 56 PUBLIC SERVICE COMPANIES

Section	Page
§ 56-232.....	3223
§ 56-234.....	3223
§ 56-468.1.....	3374

Title 58.1 TAXATION

Section	Page
§ 58.1-15.....	3437,3518
§ 58.1-202.1.....	3437,3438,3516
§ 58.1-312.....	3438
§ 58.1-321.....	3438
§ 58.1-339.2.....	3442
§ 58.1-341.....	3443
§ 58.1-381.....	3443
§ 58.1-402.....	3438
§ 58.1-435.....	3183
§ 58.1-439.20.....	3442
§ 58.1-439.20:1.....	3442
§ 58.1-441.....	3443
§ 58.1-512.....	3442
§ 58.1-513.....	3348
§ 58.1-540.....	3518
§ 58.1-549.....	3518
§ 58.1-601.....	3507,3518
§ 58.1-602.....	3437,3507,3508,3518
§ 58.1-603.....	3438,3511,3512,3513
§ 58.1-603.1.....	3507
§ 58.1-603.2.....	3507
§ 58.1-604.....	3438,3507,3511,3512,3513
§ 58.1-604.01.....	3507
§ 58.1-604.1.....	3507
§ 58.1-604.6.....	3511
§ 58.1-605.....	3437,3507,3508,3512,3517,3518
§ 58.1-606.....	3437,3517,3518
§ 58.1-608.3.....	3392

§ 58.1-609.1.....	3517
§ 58.1-609.11.....	3439
§ 58.1-609.3.....	3439
§ 58.1-611.2.....	3517
§ 58.1-611.3.....	3517
§ 58.1-612.....	3507,3509,3513,3514,3515,3516,3518
§ 58.1-612.1.....	3514,3518
§ 58.1-613.....	3509,3513,3514,3515,3516,3517
§ 58.1-614.....	3507
§ 58.1-615.....	3437,3507,3516,3518
§ 58.1-616.....	3437
§ 58.1-622.....	3438,3512
§ 58.1-624.....	3437
§ 58.1-625.....	3507,3516
§ 58.1-635.....	3437,3507,3517,3518
§ 58.1-638.....	1,3212,3215,3232,3352,3430,3437,3504
§ 58.1-638.1.....	3437,3506
§ 58.1-638.2.....	3437,3518
§ 58.1-638.3.....	3437
§ 58.1-642.....	3438
§ 58.1-656.....	3438
§ 58.1-662.....	3434
§ 58.1-801.....	3443
§ 58.1-803.....	3443
§ 58.1-816.1.....	3258,3374
§ 58.1-817.....	3348
§ 58.1-1021.03.....	3438
§ 58.1-1402.....	3429
§ 58.1-1410.....	3352,3429
§ 58.1-1509.....	3425
§ 58.1-1609.....	3425
§ 58.1-1730.....	3438
§ 58.1-1731.....	3180
§ 58.1-1736.....	3437
§ 58.1-1741.....	3437
§ 58.1-2201.....	3438
§ 58.1-2289.....	3426,3518
§ 58.1-2290.....	3518
§ 58.1-2291.....	3438
§ 58.1-2295.....	3366
§ 58.1-2400.....	3509
§ 58.1-2401.....	3509
§ 58.1-2501.....	3270
§ 58.1-2510.....	3437
§ 58.1-2531.....	3437
§ 58.1-2701.....	3518
§ 58.1-3403.....	3359
§ 58.1-3524.....	3455
§ 58.1-3536.....	3455
§ 58.1-3818.02.....	3439
§ 58.1-4022.....	3202,3401,3429
§ 58.1-4022.1.....	3202,3429

Title 59.1 TRADE AND COMMERCE

Section	Page
§ 59.1-284.20.....	3180
§ 59.1-284.22.....	3180

Title 60.2 UNEMPLOYMENT COMPENSATION

Section	Page
§ 60.2-100.....	3385
§ 60.2-106.....	3191
§ 60.2-229.....	3385
§ 60.2-305.....	3185
§ 60.2-315.....	3185

Title 62.1 WATERS OF THE STATE, PORTS AND HARBORS

Section	Page
§ 62.1-132.1.....	3504
§ 62.1-132.6.....	3460
§ 62.1-216.1.....	3519

§ 62.1-242.12.....3420

Title 63.2 WELFARE (SOCIAL SERVICES)

Section	Page
§ 63.2-401.....	3331
§ 63.2-403.....	3331
§ 63.2-406.....	3331
§ 63.2-407.....	3331
§ 63.2-408.....	3331
§ 63.2-611.....	3329
§ 63.2-612.....	3329
§ 63.2-615.....	3331
§ 63.2-905.1.....	3335
§ 63.2-1300.....	3335
§ 63.2-1302.....	3335
§ 63.2-1303.....	3335
§ 63.2-1502.....	3335
§ 63.2-1615.....	3334
§ 63.2-1700.....	3341
§ 63.2-1701.1.....	3342
§ 63.2-1704.....	3342
§ 63.2-1706.....	3342
§ 63.2-1716.....	3342
§ 63.2-1719.....	3342
§ 63.2-2103.....	3327

CHAPTER 1284

An Act to amend and reenact § 3.2-6500 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 3.2-5901.1 and 3.2-6501.1, relating to keeping of dogs, cats, and rabbits; State Animal Welfare Inspector; regulations.

[S 891]

Approved May 21, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 3.2-6500 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding sections numbered 3.2-5901.1 and 3.2-6501.1 as follows:

§ 3.2-5901.1. State Animal Welfare Inspector.

The Commissioner shall employ and direct at least two licensed veterinary technicians, each of whom shall be known as the State Animal Welfare Inspector (the Inspector) and shall have the duty to carry out the tasks assigned to him pursuant to Chapter 65 (§ 3.2-6500 et seq.). The Inspector shall have the power to carry out the laws of the Commonwealth and the regulations of the Board and the Commissioner.

§ 3.2-6500. Definitions.

As used in this chapter unless the context requires a different meaning:

"Abandon" means to desert, forsake, or absolutely give up an animal without having secured another owner or custodian for the animal or by failing to provide the elements of basic care as set forth in § 3.2-6503 for a period of four consecutive days.

"Adequate care" or "care" means the responsible practice of good animal husbandry, handling, production, management, confinement, feeding, watering, protection, shelter, transportation, treatment, and, when necessary, euthanasia, appropriate for the age, species, condition, size and type of the animal and the provision of veterinary care when needed to prevent suffering or impairment of health.

"Adequate exercise" or "exercise" means the opportunity for the animal to move sufficiently to maintain normal muscle tone and mass for the age, species, size, and condition of the animal.

"Adequate feed" means access to and the provision of food that is of sufficient quantity and nutritive value to maintain each animal in good health; is accessible to each animal; is prepared so as to permit ease of consumption for the age, species, condition, size and type of each animal; is provided in a clean and sanitary manner; is placed so as to minimize contamination by excrement and pests; and is provided at suitable intervals for the species, age, and condition of the animal, but at least once daily, except as prescribed by a veterinarian or as dictated by naturally occurring states of hibernation or fasting normal for the species.

"Adequate shelter" means provision of and access to shelter that is suitable for the species, age, condition, size, and type of each animal; provides adequate space for each animal; is safe and protects each animal from injury, rain, sleet, snow, hail, direct sunlight, the adverse effects of heat or cold, physical suffering, and impairment of health; is properly lighted; is properly cleaned; enables each animal to be clean and dry, except when detrimental to the species; during hot weather, is properly shaded and does not readily conduct heat; during cold weather, has a windbreak at its entrance and provides a quantity of bedding material consisting of straw, cedar shavings, or the equivalent that is sufficient to protect the animal from cold and promote the retention of body heat; and, for dogs and cats, provides a solid surface, resting platform, pad, floormat, or similar device that is large enough for the animal to lie on in a normal manner and can be maintained in a sanitary manner. Under this chapter, shelters whose wire, grid, or slat floors (i) permit the animals' feet to pass through the openings, (ii) sag under the animals' weight, or (iii) otherwise do not protect the animals' feet or toes from injury are not adequate shelter.

"Adequate space" means sufficient space to allow each animal to (i) easily stand, sit, lie, turn about, and make all other normal body movements in a comfortable, normal position for the animal and (ii) interact safely with other animals in the enclosure. When an animal is tethered, "adequate space" means that the tether to which the animal is attached permits the above actions and is appropriate to the age and size of the animal; is attached to the animal by a properly applied collar, halter, or harness that is configured so as to protect the animal from injury and prevent the animal or tether from becoming entangled with other objects or animals, or from extending over an object or edge that could result in the strangulation or injury of the animal; is at least ten feet in length or three times the length of the animal, as measured from the tip of its nose to the base of its tail, whichever is greater, except when the animal is being walked on a leash or is attached by a tether to a lead line; does not, by its material, size, or weight or any other characteristic, cause injury or pain to the animal; does not weigh more than one-tenth of the animal's body weight; and does not have weights or other heavy objects attached to it. The walking of an animal on a leash by its owner shall not constitute the tethering of the animal for the purpose of this definition. When freedom of movement would endanger the animal, temporarily and appropriately restricting movement of the animal according to professionally accepted standards for the species is considered provision of adequate space. The provisions of this definition that relate to tethering shall not apply to agricultural animals.

"Adequate water" means provision of and access to clean, fresh, potable water of a drinkable temperature that is provided in a suitable manner, in sufficient volume, and at suitable intervals appropriate for the weather and temperature, to maintain normal hydration for the age, species, condition, size and type of each animal, except as prescribed by a

veterinarian or as dictated by naturally occurring states of hibernation or fasting normal for the species; and is provided in clean, durable receptacles that are accessible to each animal and are placed so as to minimize contamination of the water by excrement and pests or an alternative source of hydration consistent with generally accepted husbandry practices.

"Adoption" means the transfer of ownership of a dog or a cat, or any other companion animal, from a releasing agency to an individual.

"Agricultural animals" means all livestock and poultry.

"Ambient temperature" means the temperature surrounding the animal.

"Animal" means any nonhuman vertebrate species except fish. For the purposes of § 3.2-6522, animal means any species susceptible to rabies. For the purposes of § 3.2-6570, animal means any nonhuman vertebrate species including fish except those fish captured and killed or disposed of in a reasonable and customary manner.

"Animal control officer" means a person appointed as an animal control officer or deputy animal control officer as provided in § 3.2-6555.

"Boarding establishment" means a place or establishment other than a public or private animal shelter where companion animals not owned by the proprietor are sheltered, fed, and watered in exchange for a fee. "Boarding establishment" shall not include any private residential dwelling that shelters, feeds, and waters fewer than five companion animals not owned by the proprietor.

"Collar" means a well-fitted device, appropriate to the age and size of the animal, attached to the animal's neck in such a way as to prevent trauma or injury to the animal.

"Commercial dog breeder" means any person who, during any 12-month period, maintains 30 or more adult female dogs for the primary purpose of the sale of their offspring ~~as companion animals~~, *provided that a person who breeds an animal regulated under federal law as a research animal shall not be deemed to be a commercial dog breeder.*

"Companion animal" means any domestic or feral dog, domestic or feral cat, nonhuman primate, guinea pig, hamster, rabbit not raised for human food or fiber, exotic or native animal, reptile, exotic or native bird, or any feral animal or any animal under the care, custody, or ownership of a person or any animal that is bought, sold, traded, or bartered by any person. ~~Agricultural animals~~ *No agricultural animal, game species, or any animals animal regulated under federal law as a research animal shall not be considered a companion animal for the purposes of this chapter.*

"Consumer" means any natural person purchasing an animal from a dealer or pet shop or hiring the services of a boarding establishment. The term "consumer" shall not include a business or corporation engaged in sales or services.

"Dealer" means any person who in the regular course of business for compensation or profit buys, sells, transfers, exchanges, or barter companion animals. The following shall not be considered dealers: (i) any person who transports companion animals in the regular course of business as a common carrier or (ii) any person whose primary purpose is to find permanent adoptive homes for companion animals.

"Direct and immediate threat" means any clear and imminent danger to an animal's health, safety or life.

"Dump" means to knowingly desert, forsake, or absolutely give up without having secured another owner or custodian any dog, cat, or other companion animal in any public place including the right-of-way of any public highway, road or street or on the property of another.

"Emergency veterinary treatment" means veterinary treatment to stabilize a life-threatening condition, alleviate suffering, prevent further disease transmission, or prevent further disease progression.

"Enclosure" means a structure used to house or restrict animals from running at large.

"Euthanasia" means the humane destruction of an animal accomplished by a method that involves instantaneous unconsciousness and immediate death or by a method that involves anesthesia, produced by an agent that causes painless loss of consciousness, and death during such loss of consciousness.

"Exhibitor" means any person who has animals for or on public display, excluding an exhibitor licensed by the U.S. Department of Agriculture.

"Facility" means a building or portion thereof as designated by the State Veterinarian, other than a private residential dwelling and its surrounding grounds, that is used to contain a primary enclosure or enclosures in which animals are housed or kept.

"Farming activity" means, consistent with standard animal husbandry practices, the raising, management, and use of agricultural animals to provide food, fiber, or transportation and the breeding, exhibition, lawful recreational use, marketing, transportation, and slaughter of agricultural animals pursuant to such purposes.

"Foster care provider" means a person who provides care or rehabilitation for companion animals through an affiliation with a public or private animal shelter, home-based rescue, releasing agency, or other animal welfare organization.

"Foster home" means a private residential dwelling and its surrounding grounds, or any facility other than a public or private animal shelter, at which site through an affiliation with a public or private animal shelter, home-based rescue, releasing agency, or other animal welfare organization care or rehabilitation is provided for companion animals.

"Groomer" means any person who, for a fee, cleans, trims, brushes, makes neat, manicures, or treats for external parasites any animal.

"Home-based rescue" means an animal welfare organization that takes custody of companion animals for the purpose of facilitating adoption and houses such companion animals in a foster home or a system of foster homes.

"Humane" means any action taken in consideration of and with the intent to provide for the animal's health and well-being.

"Humane investigator" means a person who has been appointed by a circuit court as a humane investigator as provided in § 3.2-6558.

"Humane society" means any incorporated, nonprofit organization that is organized for the purposes of preventing cruelty to animals and promoting humane care and treatment or adoptions of animals.

"Incorporated" means organized and maintained as a legal entity in the Commonwealth.

"Inspector" means a State Animal Welfare Inspector employed pursuant to § 3.2-5901.1 or his representative.

"Kennel" means any establishment in which five or more canines, felines, or hybrids of either are kept for the purpose of breeding, hunting, training, renting, buying, boarding, selling, or showing.

"Law-enforcement officer" means any person who is a full-time or part-time employee of a police department or sheriff's office that is part of or administered by the Commonwealth or any political subdivision thereof and who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth. Part-time employees are compensated officers who are not full-time employees as defined by the employing police department or sheriff's office.

"Livestock" includes all domestic or domesticated: bovine animals; equine animals; ovine animals; porcine animals; cervidae animals; capradae animals; animals of the genus Lama or Vicugna; ratites; fish or shellfish in aquaculture facilities, as defined in § 3.2-2600; enclosed domesticated rabbits or hares raised for human food or fiber; or any other individual animal specifically raised for food or fiber, except companion animals.

"New owner" means an individual who is legally competent to enter into a binding agreement pursuant to subdivision B 2 of § 3.2-6574, and who adopts or receives a dog or cat from a releasing agency.

"Ordinance" means any law, rule, regulation, or ordinance adopted by the governing body of any locality.

"Other officer" includes all other persons employed or elected by the people of Virginia, or by any locality, whose duty it is to preserve the peace, to make arrests, or to enforce the law.

"Owner" means any person who: (i) has a right of property in an animal; (ii) keeps or harbors an animal; (iii) has an animal in his care; or (iv) acts as a custodian of an animal.

"Pet shop" means a retail establishment where companion animals are bought, sold, exchanged, or offered for sale or exchange to the general public.

"Poultry" includes all domestic fowl and game birds raised in captivity.

"Primary enclosure" means any structure used to immediately restrict an animal or animals to a limited amount of space, such as a room, pen, cage, compartment, or hutch. For tethered animals, the term includes the shelter and the area within reach of the tether.

"Private animal shelter" means a facility operated for the purpose of finding permanent adoptive homes for animals that is used to house or contain animals and that is owned or operated by an incorporated, nonprofit, and nongovernmental entity, including a humane society, animal welfare organization, society for the prevention of cruelty to animals, or any other similar organization.

"Properly cleaned" means that carcasses, debris, food waste, and excrement are removed from the primary enclosure with sufficient frequency to minimize the animals' contact with the above-mentioned contaminants; the primary enclosure is sanitized with sufficient frequency to minimize odors and the hazards of disease; and the primary enclosure is cleaned so as to prevent the animals confined therein from being directly or indirectly sprayed with the stream of water, or directly or indirectly exposed to hazardous chemicals or disinfectants.

"Properly lighted" when referring to a facility means sufficient illumination to permit routine inspections, maintenance, cleaning, and housekeeping of the facility, and observation of the animals; to provide regular diurnal lighting cycles of either natural or artificial light, uniformly diffused throughout the facility; and to promote the well-being of the animals.

"Properly lighted" when referring to a private residential dwelling and its surrounding grounds means sufficient illumination to permit routine maintenance and cleaning thereof, and observation of the companion animals; and to provide regular diurnal lighting cycles of either natural or artificial light to promote the well-being of the animals.

"Public animal shelter" means a facility operated by the Commonwealth, or any locality, for the purpose of impounding or sheltering seized, stray, homeless, abandoned, unwanted, or surrendered animals or a facility operated for the same purpose under a contract with any locality.

"Releasing agency" means (i) a public animal shelter or (ii) a private animal shelter, humane society, animal welfare organization, society for the prevention of cruelty to animals, or other similar entity or home-based rescue that releases companion animals for adoption.

"Research facility" means any place, laboratory, or institution licensed by the U.S. Department of Agriculture at which scientific tests, experiments, or investigations involving the use of living animals are carried out, conducted, or attempted.

"Sanitize" means to make physically clean and to remove and destroy, to a practical minimum, agents injurious to health.

"Sore" means, when referring to an equine, that an irritating or blistering agent has been applied, internally or externally, by a person to any limb or foot of an equine; any burn, cut, or laceration that has been inflicted by a person to any limb or foot of an equine; any tack, nail, screw, or chemical agent that has been injected by a person into or used by a person on any limb or foot of an equine; any other substance or device that has been used by a person on any limb or foot of an equine; or a person has engaged in a practice involving an equine, and as a result of such application, infliction, injection, use, or practice, such equine suffers, or can reasonably be expected to suffer, physical pain or distress, inflammation, or lameness when walking, trotting, or otherwise moving, except that such term does not include such an application,

infliction, injection, use, or practice in connection with the therapeutic treatment of an equine by or under the supervision of a licensed veterinarian. Notwithstanding anything contained herein to the contrary, nothing shall preclude the shoeing, use of pads, and use of action devices as permitted by 9 C.F.R. Part 11.2.

"Sterilize" or "sterilization" means a surgical or chemical procedure performed by a licensed veterinarian that renders a dog or cat permanently incapable of reproducing.

"Treasurer" includes the treasurer and his assistants of each county or city or other officer designated by law to collect taxes in such county or city.

"Treatment" or "adequate treatment" means the responsible handling or transportation of animals in the person's ownership, custody or charge, appropriate for the age, species, condition, size and type of the animal.

"Veterinary treatment" means treatment by or on the order of a duly licensed veterinarian.

"Weaned" means that an animal is capable of and physiologically accustomed to ingestion of solid food or food customary for the adult of the species and has ingested such food, without nursing, for a period of at least five days.

§ 3.2-6501.1. Regulations for the keeping of certain animals.

A. The Board shall, by July 1, 2022, and pursuant to the provisions of the Administrative Process Act (§ 2.2-4000 et seq.), adopt comprehensive regulations governing the keeping of dogs and cats by any pet shop. Such regulations shall not apply to agricultural animals.

B. The regulations adopted pursuant to subsection A shall require every regulated person or facility to register annually with the Department and shall prohibit operation without such registration. The fee for such annual registration shall be \$250 for any private, for-profit entity required to register. Such regulations shall provide that a pet shop shall not sell a dog or cat to any research facility.

C. The regulations adopted pursuant to subsection A shall establish standards consistent with the provisions of this chapter for the keeping of animals, including (i) standards of adequate care, exercise, feed, shelter, space, treatment, and water and (ii) standards of proper cleaning and lighting. Where necessary, the Board shall adopt specific regulations that apply only to a particular category of currently unregulated entity; however, the standards established for any two similar categories of regulated entity shall not differ significantly.

D. The Board shall issue guidance setting out the compliance requirements for each regulatory standard adopted pursuant to this section, providing information on what an entity in each category is expected to do to comply with a given regulatory standard.

E. Regulations adopted pursuant to this section shall require a State Animal Welfare Inspector employed pursuant to § 3.2-5901.1 to annually conduct at least one unannounced drop-in inspection of each pet shop.

F. Regulations adopted pursuant to this section shall establish remedies for each finding in a given inspection. Such remedies may include the cancellation of the registration granted pursuant to subsection B; the institution of a conditional probationary period, during which the regulated facility shall be allowed to continue to operate; the renewal of such registration for a limited period; or other actions.

G. Nothing in this section or in any regulation adopted pursuant to this section shall be interpreted to limit the authority of any entity to punish or prosecute a person for a violation of any law or regulation or to prevent any person from alerting an animal control officer or law-enforcement officer regarding the condition or treatment of any animal.

CHAPTER 1285

An Act to amend and reenact §§ 15.2-1627, 16.1-228, 16.1-260, 16.1-273, 18.2-247, 18.2-248.1, 18.2-250.1, 18.2-251, 18.2-251.02, 18.2-252, 18.2-254, 19.2-392.2, 54.1-3401, as it is currently effective and as it shall become effective, and 54.1-3446 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 19.2-389.3, relating to possession and consumption of marijuana; penalty.

[H 972]

Approved May 21, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 15.2-1627, 16.1-228, 16.1-260, 16.1-273, 18.2-247, 18.2-248.1, 18.2-250.1, 18.2-251, 18.2-251.02, 18.2-252, 18.2-254, 19.2-392.2, 54.1-3401, as it is currently effective and as it shall become effective, and 54.1-3446 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 19.2-389.3 as follows:

§ 15.2-1627. Duties of attorneys for the Commonwealth and their assistants.

A. No attorney for the Commonwealth, or assistant attorney for the Commonwealth, shall be required to carry out any duties as a part of his office in civil matters of advising the governing body and all boards, departments, agencies, officials and employees of his county or city; of drafting or preparing county or city ordinances; of defending or bringing actions in which the county or city, or any of its boards, departments or agencies, or officials and employees thereof, shall be a party; or in any other manner of advising or representing the county or city, its boards, departments, agencies, officials and employees, except in matters involving the enforcement of the criminal law within the county or city.

B. The attorney for the Commonwealth and assistant attorney for the Commonwealth shall be a part of the department of law enforcement of the county or city in which he is elected or appointed, and shall have the duties and powers imposed

upon him by general law, including the duty of prosecuting all warrants, indictments or informations charging a felony, and he may in his discretion, prosecute Class 1, 2 and 3 misdemeanors, or any other violation, the conviction of which carries a penalty of confinement in jail, or a fine of \$500 or more, or both such confinement and fine. He shall enforce all forfeitures, and carry out all duties imposed upon him by § 2.2-3126. He may enforce the provisions of § 18.2-250.1, 18.2-268.3, 29.1-738.2, or 46.2-341.26:3.

§ 16.1-228. Definitions.

When used in this chapter, unless the context otherwise requires:

"Abused or neglected child" means any child:

1. Whose parents or other person responsible for his care creates or inflicts, threatens to create or inflict, or allows to be created or inflicted upon such child a physical or mental injury by other than accidental means, or creates a substantial risk of death, disfigurement or impairment of bodily or mental functions, including, but not limited to, a child who is with his parent or other person responsible for his care either (i) during the manufacture or attempted manufacture of a Schedule I or II controlled substance, or (ii) during the unlawful sale of such substance by that child's parents or other person responsible for his care, where such manufacture, or attempted manufacture or unlawful sale would constitute a felony violation of § 18.2-248;

2. Whose parents or other person responsible for his care neglects or refuses to provide care necessary for his health; however, no child who in good faith is under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination shall for that reason alone be considered to be an abused or neglected child;

3. Whose parents or other person responsible for his care abandons such child;

4. Whose parents or other person responsible for his care commits or allows to be committed any sexual act upon a child in violation of the law;

5. Who is without parental care or guardianship caused by the unreasonable absence or the mental or physical incapacity of the child's parent, guardian, legal custodian, or other person standing in loco parentis;

6. Whose parents or other person responsible for his care creates a substantial risk of physical or mental injury by knowingly leaving the child alone in the same dwelling, including an apartment as defined in § 55.1-2000, with a person to whom the child is not related by blood or marriage and who the parent or other person responsible for his care knows has been convicted of an offense against a minor for which registration is required as a violent sexual offender pursuant to § 9.1-902; or

7. Who has been identified as a victim of sex trafficking or severe forms of trafficking as defined in the Trafficking Victims Protection Act of 2000, 22 U.S.C § 7102 et seq., and in the Justice for Victims of Trafficking Act of 2015, 42 U.S.C. § 5101 et seq.

If a civil proceeding under this chapter is based solely on the parent having left the child at a hospital or emergency medical services agency, it shall be an affirmative defense that such parent safely delivered the child to a hospital that provides 24-hour emergency services or to an attended emergency medical services agency that employs emergency medical services personnel, within 14 days of the child's birth. For purposes of terminating parental rights pursuant to § 16.1-283 and placement for adoption, the court may find such a child is a neglected child upon the ground of abandonment.

"Adoptive home" means the place of residence of any natural person in which a child resides as a member of the household and in which he has been placed for the purposes of adoption or in which he has been legally adopted by another member of the household.

"Adult" means a person 18 years of age or older.

"Ancillary crime" or "ancillary charge" means any delinquent act committed by a juvenile as a part of the same act or transaction as, or which constitutes a part of a common scheme or plan with, a delinquent act ~~which~~ that would be a felony if committed by an adult.

"Boot camp" means a ~~short term~~ short-term secure or nonsecure juvenile residential facility with highly structured components including, but not limited to, military style drill and ceremony, physical labor, education and rigid discipline, and no less than six months of intensive aftercare.

"Child," "juvenile," or "minor" means a person ~~less~~ younger than 18 years of age.

"Child in need of services" means (i) a child whose behavior, conduct or condition presents or results in a serious threat to the well-being and physical safety of the child or (ii) a child under the age of 14 whose behavior, conduct or condition presents or results in a serious threat to the well-being and physical safety of another person; however, no child who in good faith is under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination shall for that reason alone be considered to be a child in need of services, nor shall any child who habitually remains away from or habitually deserts or abandons his family as a result of what the court or the local child protective services unit determines to be incidents of physical, emotional or sexual abuse in the home be considered a child in need of services for that reason alone.

However, to find that a child falls within these provisions, (i) the conduct complained of must present a clear and substantial danger to the child's life or health or to the life or health of another person, (ii) the child or his family is in need of treatment, rehabilitation or services not presently being received, and (iii) the intervention of the court is essential to provide the treatment, rehabilitation or services needed by the child or his family.

"Child in need of supervision" means:

1. A child who, while subject to compulsory school attendance, is habitually and without justification absent from school, and (i) the child has been offered an adequate opportunity to receive the benefit of any and all educational services and programs that are required to be provided by law and which meet the child's particular educational needs, (ii) the school system from which the child is absent or other appropriate agency has made a reasonable effort to effect the child's regular attendance without success, and (iii) the school system has provided documentation that it has complied with the provisions of § 22.1-258; or

2. A child who, without reasonable cause and without the consent of his parent, lawful custodian or placement authority, remains away from or deserts or abandons his family or lawful custodian on more than one occasion or escapes or remains away without proper authority from a residential care facility in which he has been placed by the court, and (i) such conduct presents a clear and substantial danger to the child's life or health, (ii) the child or his family is in need of treatment, rehabilitation or services not presently being received, and (iii) the intervention of the court is essential to provide the treatment, rehabilitation or services needed by the child or his family.

"Child welfare agency" means a child-placing agency, child-caring institution or independent foster home as defined in § 63.2-100.

"The court" or the "juvenile court" or the "juvenile and domestic relations court" means the juvenile and domestic relations district court of each county or city.

"Delinquent act" means (i) an act designated a crime under the law of the Commonwealth, or an ordinance of any city, county, town, or service district, or under federal law, (ii) a violation of § 18.2-308.7, or (iii) a violation of a court order as provided for in § 16.1-292, but ~~shall~~ *does* not include an act other than a violation of § 18.2-308.7, which is otherwise lawful, but is designated a crime only if committed by a child. For purposes of §§ 16.1-241 and 16.1-278.9, ~~the term shall include~~ *"delinquent act" includes* a refusal to take a breath test in violation of § 18.2-268.2 or a similar ordinance of any county, city, or town. *For purposes of §§ 16.1-241, 16.1-273, 16.1-278.8, 16.1-278.8:01, and 16.1-278.9, "delinquent act" includes a violation of § 18.2-250.1.*

"Delinquent child" means a child who has committed a delinquent act or an adult who has committed a delinquent act prior to his 18th birthday, except where the jurisdiction of the juvenile court has been terminated under the provisions of § 16.1-269.6.

"Department" means the Department of Juvenile Justice and "Director" means the administrative head in charge thereof or such of his assistants and subordinates as are designated by him to discharge the duties imposed upon him under this law.

"Family abuse" means any act involving violence, force, or threat that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury and that is committed by a person against such person's family or household member. Such act includes, but is not limited to, any forceful detention, stalking, criminal sexual assault in violation of Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2, or any criminal offense that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury.

"Family or household member" means (i) the person's spouse, whether or not he or she resides in the same home with the person, (ii) the person's former spouse, whether or not he or she resides in the same home with the person, (iii) the person's parents, stepparents, children, stepchildren, brothers, sisters, half-brothers, half-sisters, grandparents and grandchildren, regardless of whether such persons reside in the same home with the person, (iv) the person's mother-in-law, father-in-law, sons-in-law, daughters-in-law, brothers-in-law and sisters-in-law who reside in the same home with the person, (v) any individual who has a child in common with the person, whether or not the person and that individual have been married or have resided together at any time, or (vi) any individual who cohabits or who, within the previous 12 months, cohabited with the person, and any children of either of them then residing in the same home with the person.

"Fictive kin" means persons who are not related to a child by blood or adoption but have an established relationship with the child or his family.

"Foster care services" means the provision of a full range of casework, treatment and community services for a planned period of time to a child who is abused or neglected as defined in § 63.2-100 or in need of services as defined in this section and his family when the child (i) has been identified as needing services to prevent or eliminate the need for foster care placement, (ii) has been placed through an agreement between the local board of social services or a public agency designated by the community policy and management team and the parents or guardians where legal custody remains with the parents or guardians, (iii) has been committed or entrusted to a local board of social services or child welfare agency, or (iv) has been placed under the supervisory responsibility of the local board pursuant to § 16.1-293.

"Independent living arrangement" means placement of (i) a child at least 16 years of age who is in the custody of a local board or licensed child-placing agency by the local board or licensed child-placing agency or (ii) a child at least 16 years of age or a person between the ages of 18 and 21 who was committed to the Department of Juvenile Justice immediately prior to placement by the Department of Juvenile Justice, in a living arrangement in which such child or person does not have daily substitute parental supervision.

"Independent living services" means services and activities provided to a child in foster care 14 years of age or older and who has been committed or entrusted to a local board of social services, child welfare agency, or private child-placing agency. "Independent living services" may also mean services and activities provided to a person who (i) was in foster care on his 18th birthday and has not yet reached the age of 21 years; (ii) is between the ages of 18 and 21 and who, immediately

prior to his commitment to the Department of Juvenile Justice, was in the custody of a local board of social services; or (iii) is a child at least 16 years of age or a person between the ages of 18 and 21 who was committed to the Department of Juvenile Justice immediately prior to placement in an independent living arrangement. ~~Such services shall include "Independent living services" includes~~ counseling, education, housing, employment, and money management skills development and access to essential documents and other appropriate services to help children or persons prepare for self-sufficiency.

"Intake officer" means a juvenile probation officer appointed as such pursuant to the authority of this chapter.

"Jail" or "other facility designed for the detention of adults" means a local or regional correctional facility as defined in § 53.1-1, except those facilities utilized on a temporary basis as a court holding cell for a child incident to a court hearing or as a temporary lock-up room or ward incident to the transfer of a child to a juvenile facility.

"The judge" means the judge or the substitute judge of the juvenile and domestic relations district court of each county or city.

"This law" or "the law" means the Juvenile and Domestic Relations District Court Law embraced in this chapter.

"Legal custody" means (i) a legal status created by court order which vests in a custodian the right to have physical custody of the child, to determine and redetermine where and with whom he shall live, the right and duty to protect, train and discipline him and to provide him with food, shelter, education and ordinary medical care, all subject to any residual parental rights and responsibilities or (ii) the legal status created by court order of joint custody as defined in § 20-107.2.

"Permanent foster care placement" means the place of residence in which a child resides and in which he has been placed pursuant to the provisions of §§ 63.2-900 and 63.2-908 with the expectation and agreement between the placing agency and the place of permanent foster care that the child shall remain in the placement until he reaches the age of majority unless modified by court order or unless removed pursuant to § 16.1-251 or 63.2-1517. A permanent foster care placement may be a place of residence of any natural person or persons deemed appropriate to meet a child's needs on a long-term basis.

"Qualified individual" means a trained professional or licensed clinician who is not an employee of the local board of social services or licensed child-placing agency that placed the child in a qualified residential treatment program and is not affiliated with any placement setting in which children are placed by such local board of social services or licensed child-placing agency.

"Qualified residential treatment program" means a program that (i) provides 24-hour residential placement services for children in foster care; (ii) has adopted a trauma-informed treatment model that meets the clinical and other needs of children with serious emotional or behavioral disorders, including any clinical or other needs identified through assessments conducted pursuant to clause (viii) of this definition; (iii) employs registered or licensed nursing and other clinical staff who provide care, on site and within the scope of their practice, and are available 24 hours a day, 7 days a week; (iv) conducts outreach with the child's family members, including efforts to maintain connections between the child and his siblings and other family; documents and maintains records of such outreach efforts; and maintains contact information for any known biological family and fictive kin of the child; (v) whenever appropriate and in the best interest of the child, facilitates participation by family members in the child's treatment program before and after discharge and documents the manner in which such participation is facilitated; (vi) provides discharge planning and family-based aftercare support for at least six months after discharge; (vii) is licensed in accordance with 42 U.S.C. § 671(a)(10) and accredited by an organization approved by the federal Secretary of Health and Human Services; and (viii) requires that any child placed in the program receive an assessment within 30 days of such placement by a qualified individual that (a) assesses the strengths and needs of the child using an age-appropriate, evidence-based, validated, and functional assessment tool approved by the Commissioner of Social Services; (b) identifies whether the needs of the child can be met through placement with a family member or in a foster home or, if not, in a placement setting authorized by 42 U.S.C. § 672(k)(2), including a qualified residential treatment program, that would provide the most effective and appropriate level of care for the child in the least restrictive environment and be consistent with the short-term and long-term goals established for the child in his foster care or permanency plan; (c) establishes a list of short-term and long-term mental and behavioral health goals for the child; and (d) is documented in a written report to be filed with the court prior to any hearing on the child's placement pursuant to § 16.1-281, 16.1-282, 16.1-282.1, or 16.1-282.2.

"Residual parental rights and responsibilities" means all rights and responsibilities remaining with the parent after the transfer of legal custody or guardianship of the person, including but not limited to the right of visitation, consent to adoption, the right to determine religious affiliation and the responsibility for support.

"Secure facility" or "detention home" means a local, regional or state public or private locked residential facility that has construction fixtures designed to prevent escape and to restrict the movement and activities of children held in lawful custody.

"Shelter care" means the temporary care of children in physically unrestricting facilities.

"State Board" means the State Board of Juvenile Justice.

"Status offender" means a child who commits an act prohibited by law which would not be criminal if committed by an adult.

"Status offense" means an act prohibited by law which would not be an offense if committed by an adult.

"Violent juvenile felony" means any of the delinquent acts enumerated in subsection B or C of § 16.1-269.1 when committed by a juvenile 14 years of age or older.

§ 16.1-260. Intake; petition; investigation.

A. All matters alleged to be within the jurisdiction of the court shall be commenced by the filing of a petition, except as provided in subsection H and in § 16.1-259. The form and content of the petition shall be as provided in § 16.1-262. No individual shall be required to obtain support services from the Department of Social Services prior to filing a petition seeking support for a child. Complaints, requests, and the processing of petitions to initiate a case shall be the responsibility of the intake officer. However, (i) the attorney for the Commonwealth of the city or county may file a petition on his own motion with the clerk; (ii) designated nonattorney employees of the Department of Social Services may complete, sign, and file petitions and motions relating to the establishment, modification, or enforcement of support on forms approved by the Supreme Court of Virginia with the clerk; (iii) designated nonattorney employees of a local department of social services may complete, sign, and file with the clerk, on forms approved by the Supreme Court of Virginia, petitions for foster care review, petitions for permanency planning hearings, petitions to establish paternity, motions to establish or modify support, motions to amend or review an order, and motions for a rule to show cause; and (iv) any attorney may file petitions on behalf of his client with the clerk except petitions alleging that the subject of the petition is a child alleged to be in need of services, in need of supervision, or delinquent. Complaints alleging abuse or neglect of a child shall be referred initially to the local department of social services in accordance with the provisions of Chapter 15 (§ 63.2-1500 et seq.) of Title 63.2. Motions and other subsequent pleadings in a case shall be filed directly with the clerk. The intake officer or clerk with whom the petition or motion is filed shall inquire whether the petitioner is receiving child support services or public assistance. No individual who is receiving support services or public assistance shall be denied the right to file a petition or motion to establish, modify, or enforce an order for support of a child. If the petitioner is seeking or receiving child support services or public assistance, the clerk, upon issuance of process, shall forward a copy of the petition or motion, together with notice of the court date, to the Division of Child Support Enforcement.

B. The appearance of a child before an intake officer may be by (i) personal appearance before the intake officer or (ii) use of two-way electronic video and audio communication. If two-way electronic video and audio communication is used, an intake officer may exercise all powers conferred by law. All communications and proceedings shall be conducted in the same manner as if the appearance were in person, and any documents filed may be transmitted by facsimile process. The facsimile may be served or executed by the officer or person to whom sent, and returned in the same manner, and with the same force, effect, authority, and liability as an original document. All signatures thereon shall be treated as original signatures. Any two-way electronic video and audio communication system used for an appearance shall meet the standards as set forth in subsection B of § 19.2-3.1.

When the court service unit of any court receives a complaint alleging facts which may be sufficient to invoke the jurisdiction of the court pursuant to § 16.1-241, the unit, through an intake officer, may proceed informally to make such adjustment as is practicable without the filing of a petition or may authorize a petition to be filed by any complainant having sufficient knowledge of the matter to establish probable cause for the issuance of the petition.

An intake officer may proceed informally on a complaint alleging a child is in need of services, in need of supervision, or delinquent only if the juvenile (~~+~~) (a) is not alleged to have committed a violent juvenile felony or (~~+~~) (b) has not previously been proceeded against informally or adjudicated delinquent for an offense that would be a felony if committed by an adult. A petition alleging that a juvenile committed a violent juvenile felony shall be filed with the court. A petition alleging that a juvenile is delinquent for an offense that would be a felony if committed by an adult shall be filed with the court if the juvenile had previously been proceeded against informally by intake or had been adjudicated delinquent for an offense that would be a felony if committed by an adult.

If a juvenile is alleged to be a truant pursuant to a complaint filed in accordance with § 22.1-258 and the attendance officer has provided documentation to the intake officer that the relevant school division has complied with the provisions of § 22.1-258, then the intake officer shall file a petition with the court. The intake officer may defer filing the complaint for 90 days and proceed informally by developing a truancy plan, provided that (~~+~~) (1) the juvenile has not previously been proceeded against informally or adjudicated in need of supervision on more than two occasions for failure to comply with compulsory school attendance as provided in § 22.1-254 and (~~+~~) (2) the immediately previous informal action or adjudication occurred at least three calendar years prior to the current complaint. The juvenile and his parent or parents, guardian, or other person standing in loco parentis must agree, in writing, for the development of a truancy plan. The truancy plan may include requirements that the juvenile and his parent or parents, guardian, or other person standing in loco parentis participate in such programs, cooperate in such treatment, or be subject to such conditions and limitations as necessary to ensure the juvenile's compliance with compulsory school attendance as provided in § 22.1-254. The intake officer may refer the juvenile to the appropriate public agency for the purpose of developing a truancy plan using an interagency interdisciplinary team approach. The team may include qualified personnel who are reasonably available from the appropriate department of social services, community services board, local school division, court service unit, and other appropriate and available public and private agencies and may be the family assessment and planning team established pursuant to § 2.2-5207. If at the end of the 90-day period the juvenile has not successfully completed the truancy plan or the truancy program, then the intake officer shall file the petition.

Whenever informal action is taken as provided in this subsection on a complaint alleging that a child is in need of services, in need of supervision, or delinquent, the intake officer shall (~~+~~) (A) develop a plan for the juvenile, which may include restitution and the performance of community service, based upon community resources and the circumstances which resulted in the complaint, (~~+~~) (B) create an official record of the action taken by the intake officer and file such record

in the juvenile's case file, and ~~(3)~~ (C) advise the juvenile and the juvenile's parent, guardian, or other person standing in loco parentis and the complainant that any subsequent complaint alleging that the child is in need of supervision or delinquent based upon facts which may be sufficient to invoke the jurisdiction of the court pursuant to § 16.1-241 will result in the filing of a petition with the court.

C. The intake officer shall accept and file a petition in which it is alleged that (i) the custody, visitation, or support of a child is the subject of controversy or requires determination, (ii) a person has deserted, abandoned, or failed to provide support for any person in violation of law, (iii) a child or such child's parent, guardian, legal custodian, or other person standing in loco parentis is entitled to treatment, rehabilitation, or other services which are required by law, (iv) family abuse has occurred and a protective order is being sought pursuant to § 16.1-253.1, 16.1-253.4, or 16.1-279.1, or (v) an act of violence, force, or threat has occurred, a protective order is being sought pursuant to § 19.2-152.8, 19.2-152.9, or 19.2-152.10, and either the alleged victim or the respondent is a juvenile. If any such complainant does not file a petition, the intake officer may file it. In cases in which a child is alleged to be abused, neglected, in need of services, in need of supervision, or delinquent, if the intake officer believes that probable cause does not exist, or that the authorization of a petition will not be in the best interest of the family or juvenile or that the matter may be effectively dealt with by some agency other than the court, he may refuse to authorize the filing of a petition. The intake officer shall provide to a person seeking a protective order pursuant to § 16.1-253.1, 16.1-253.4, or 16.1-279.1 a written explanation of the conditions, procedures and time limits applicable to the issuance of protective orders pursuant to § 16.1-253.1, 16.1-253.4, or 16.1-279.1. If the person is seeking a protective order pursuant to § 19.2-152.8, 19.2-152.9, or 19.2-152.10, the intake officer shall provide a written explanation of the conditions, procedures, and time limits applicable to the issuance of protective orders pursuant to § 19.2-152.8, 19.2-152.9, or 19.2-152.10.

D. Prior to the filing of any petition alleging that a child is in need of supervision, the matter shall be reviewed by an intake officer who shall determine whether the petitioner and the child alleged to be in need of supervision have utilized or attempted to utilize treatment and services available in the community and have exhausted all appropriate nonjudicial remedies which are available to them. When the intake officer determines that the parties have not attempted to utilize available treatment or services or have not exhausted all appropriate nonjudicial remedies which are available, he shall refer the petitioner and the child alleged to be in need of supervision to the appropriate agency, treatment facility, or individual to receive treatment or services, and a petition shall not be filed. Only after the intake officer determines that the parties have made a reasonable effort to utilize available community treatment or services may he permit the petition to be filed.

E. If the intake officer refuses to authorize a petition relating to an offense that if committed by an adult would be punishable as a Class 1 misdemeanor or as a felony, the complainant shall be notified in writing at that time of the complainant's right to apply to a magistrate for a warrant. If a magistrate determines that probable cause exists, he shall issue a warrant returnable to the juvenile and domestic relations district court. The warrant shall be delivered forthwith to the juvenile court, and the intake officer shall accept and file a petition founded upon the warrant. If the court is closed and the magistrate finds that the criteria for detention or shelter care set forth in § 16.1-248.1 have been satisfied, the juvenile may be detained pursuant to the warrant issued in accordance with this subsection. If the intake officer refuses to authorize a petition relating to a child in need of services or in need of supervision, a status offense, or a misdemeanor other than Class 1, his decision is final.

Upon delivery to the juvenile court of a warrant issued pursuant to subdivision 2 of § 16.1-256, the intake officer shall accept and file a petition founded upon the warrant.

F. The intake officer shall notify the attorney for the Commonwealth of the filing of any petition which alleges facts of an offense which would be a felony if committed by an adult.

G. Notwithstanding the provisions of Article 12 (§ 16.1-299 et seq.), the intake officer shall file a report with the division superintendent of the school division in which any student who is the subject of a petition alleging that such student who is a juvenile has committed an act, wherever committed, which would be a crime if committed by an adult, or that such student who is an adult has committed a crime and is alleged to be within the jurisdiction of the court. The report shall notify the division superintendent of the filing of the petition and the nature of the offense, if the violation involves:

1. A firearm offense pursuant to Article 4 (§ 18.2-279 et seq.), 5 (§ 18.2-288 et seq.), 6 (§ 18.2-299 et seq.), 6.1 (§ 18.2-307.1 et seq.), or 7 (§ 18.2-308.1 et seq.) of Chapter 7 of Title 18.2;
2. Homicide, pursuant to Article 1 (§ 18.2-30 et seq.) of Chapter 4 of Title 18.2;
3. Felonious assault and bodily wounding, pursuant to Article 4 (§ 18.2-51 et seq.) of Chapter 4 of Title 18.2;
4. Criminal sexual assault, pursuant to Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2;
5. Manufacture, sale, gift, distribution or possession of Schedule I or II controlled substances, pursuant to Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2;
6. Manufacture, sale or distribution of marijuana pursuant to Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2;
7. Arson and related crimes, pursuant to Article 1 (§ 18.2-77 et seq.) of Chapter 5 of Title 18.2;
8. Burglary and related offenses, pursuant to §§ 18.2-89 through 18.2-93;
9. Robbery pursuant to § 18.2-58;
10. Prohibited criminal street gang activity pursuant to § 18.2-46.2;
11. Recruitment of other juveniles for a criminal street gang activity pursuant to § 18.2-46.3;
12. An act of violence by a mob pursuant to § 18.2-42.1;
13. Abduction of any person pursuant to § 18.2-47 or 18.2-48; or

14. A threat pursuant to § 18.2-60.

The failure to provide information regarding the school in which the student who is the subject of the petition may be enrolled shall not be grounds for refusing to file a petition.

The information provided to a division superintendent pursuant to this section may be disclosed only as provided in § 16.1-305.2.

H. The filing of a petition shall not be necessary:

1. In the case of violations of the traffic laws, including offenses involving bicycles, hitchhiking and other pedestrian offenses, game and fish laws, or a violation of the ordinance of any city regulating surfing or any ordinance establishing curfew violations, animal control violations, or littering violations. In such cases the court may proceed on a summons issued by the officer investigating the violation in the same manner as provided by law for adults. Additionally, an officer investigating a motor vehicle accident may, at the scene of the accident or at any other location where a juvenile who is involved in such an accident may be located, proceed on a summons in lieu of filing a petition.

2. In the case of seeking consent to apply for the issuance of a work permit pursuant to subsection H of § 16.1-241.

3. In the case of a misdemeanor violation of ~~§ 18.2-250.1~~, 18.2-266, 18.2-266.1, or 29.1-738, or the commission of any other alcohol-related offense, *or a violation of § 18.2-250.1*, provided *that* the juvenile is released to the custody of a parent or legal guardian pending the initial court date. The officer releasing a juvenile to the custody of a parent or legal guardian shall issue a summons to the juvenile and shall also issue a summons requiring the parent or legal guardian to appear before the court with the juvenile. Disposition of the charge shall be in the manner provided in § 16.1-278.8, 16.1-278.8:01, or 16.1-278.9. If the juvenile so charged with a violation of § 18.2-51.4, 18.2-266, 18.2-266.1, 18.2-272, or 29.1-738 refuses to provide a sample of blood or breath or samples of both blood and breath for chemical analysis pursuant to §§ 18.2-268.1 through 18.2-268.12 or 29.1-738.2, the provisions of these sections shall be followed except that the magistrate shall authorize execution of the warrant as a summons. The summons shall be served on a parent or legal guardian and the juvenile, and a copy of the summons shall be forwarded to the court in which the violation is to be tried. When a violation of § 18.2-250.1 is charged by summons, the juvenile shall be entitled to have the charge referred to intake for consideration of informal proceedings pursuant to subsection B, provided *that* such right is exercised by written notification to the clerk not later than 10 days prior to trial. At the time such summons alleging a violation of § 18.2-250.1 is served, the officer shall also serve upon the juvenile written notice of the right to have the charge referred to intake on a form approved by the Supreme Court and make return of such service to the court. If the officer fails to make such service or return, the court shall dismiss the summons without prejudice.

4. In the case of offenses which, if committed by an adult, would be punishable as a Class 3 or Class 4 misdemeanor. In such cases the court may direct that an intake officer proceed as provided in § 16.1-237 on a summons issued by the officer investigating the violation in the same manner as provided by law for adults provided that notice of the summons to appear is mailed by the investigating officer within five days of the issuance of the summons to a parent or legal guardian of the juvenile.

I. Failure to comply with the procedures set forth in this section shall not divest the juvenile court of the jurisdiction granted it in § 16.1-241.

§ 16.1-273. Court may require investigation of social history and preparation of victim impact statement.

A. When a juvenile and domestic relations district court or circuit court has adjudicated any case involving a child subject to the jurisdiction of the court hereunder, except for a traffic violation, a violation of the game and fish law, or a violation of any city ordinance regulating surfing or establishing curfew violations, the court before final disposition thereof may require an investigation, which (i) shall include a drug screening and (ii) may, and for the purposes of subdivision A 14 or A 17 of § 16.1-278.8 shall, include a social history of the physical, mental, and social conditions, including an assessment of any affiliation with a criminal street gang as defined in § 18.2-46.1, and personality of the child and the facts and circumstances surrounding the violation of law. However, in the case of a juvenile adjudicated delinquent on the basis of an act committed on or after January 1, 2000, which would be (a) a felony if committed by an adult, ~~or~~ (b) a violation under Article 1 (§ 18.2-247 et seq.) or Article 1.1 (§ 18.2-265.1 et seq.) of Chapter 7 of Title 18.2 and such offense would be punishable as a Class 1 or Class 2 misdemeanor if committed by an adult, *or* (c) a violation of § 18.2-250.1, the court shall order the juvenile to undergo a drug screening. If the drug screening indicates that the juvenile has a substance abuse or dependence problem, an assessment shall be completed by a certified substance abuse counselor as defined in § 54.1-3500 employed by the Department of Juvenile Justice or by a locally operated court services unit or by an individual employed by or currently under contract to such agencies and who is specifically trained to conduct such assessments under the supervision of such counselor.

B. The court also shall, on motion of the attorney for the Commonwealth with the consent of the victim, or may in its discretion, require the preparation of a victim impact statement in accordance with the provisions of § 19.2-299.1 if the court determines that the victim may have suffered significant physical, psychological, or economic injury as a result of the violation of law.

§ 18.2-247. Use of terms "controlled substances," "marijuana," "Schedules I, II, III, IV, V and VI," "imitation controlled substance" and "counterfeit controlled substance" in Title 18.2.

A. Wherever the terms "controlled substances" and "Schedules I, II, III, IV, V and VI" are used in Title 18.2, such terms refer to those terms as they are used or defined in the Drug Control Act (§ 54.1-3400 et seq.).

B. The term "imitation controlled substance" when used in this article means (i) a counterfeit controlled substance or (ii) a pill, capsule, tablet, or substance in any form whatsoever which is not a controlled substance subject to abuse, and:

1. Which by overall dosage unit appearance, including color, shape, size, marking and packaging or by representations made, would cause the likelihood that such a pill, capsule, tablet, or substance in any other form whatsoever will be mistaken for a controlled substance unless such substance was introduced into commerce prior to the initial introduction into commerce of the controlled substance which it is alleged to imitate; or

2. Which by express or implied representations purports to act like a controlled substance as a stimulant or depressant of the central nervous system and which is not commonly used or recognized for use in that particular formulation for any purpose other than for such stimulant or depressant effect, unless marketed, promoted, or sold as permitted by the ~~United States~~ U.S. Food and Drug Administration.

C. In determining whether a pill, capsule, tablet, or substance in any other form whatsoever, is an "imitation controlled substance," there shall be considered, in addition to all other relevant factors, comparisons with accepted methods of marketing for legitimate nonprescription drugs for medicinal purposes rather than for drug abuse or any similar nonmedicinal use, including consideration of the packaging of the drug and its appearance in overall finished dosage form, promotional materials or representations, oral or written, concerning the drug, and the methods of distribution of the drug and where and how it is sold to the public.

D. The term "marijuana" when used in this article means any part of a plant of the genus *Cannabis*, whether growing or not, its seeds or resin; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, ~~or its resin, or any extract containing one or more cannabinoids.~~ Marijuana ~~shall does~~ not include ~~any only extract containing one or more cannabinoids unless such extract contains less than 12 percent of tetrahydrocannabinol by weight, or the mature stalks of such plant, fiber produced from such stalk, oil or cake made from the seed of such plant, unless such stalks, fiber, oil or cake is combined with other parts of plants of the genus Cannabis.~~ Marijuana ~~shall does~~ not include (i) industrial hemp, as defined in § 3.2-4112, that is possessed by a person registered pursuant to subsection A of § 3.2-4115 or his agent or (ii) a hemp product, as defined in § 3.2-4112, containing a tetrahydrocannabinol concentration of no greater than 0.3 percent that is derived from industrial hemp, as defined in § 3.2-4112, that is grown, dealt, or processed in compliance with state or federal law.

E. The term "counterfeit controlled substance" means a controlled substance that, without authorization, bears, is packaged in a container or wrapper that bears, or is otherwise labeled to bear, the trademark, trade name, or other identifying mark, imprint or device or any likeness thereof, of a drug manufacturer, processor, packer, or distributor other than the manufacturer, processor, packer, or distributor who did in fact so manufacture, process, pack or distribute such drug.

§ 18.2-248.1. Penalties for sale, gift, distribution or possession with intent to sell, give or distribute marijuana.

Except as authorized in the Drug Control Act, ~~Chapter 34 of Title 54.1 (§ 54.1-3400 et seq.),~~ it ~~shall be~~ is unlawful for any person to sell, give, distribute or possess with intent to sell, give, or distribute marijuana.

(a) Any person who violates this section with respect to:

(1) Not more than ~~one-half~~ one ounce of marijuana is guilty of a Class 1 misdemeanor;

(2) More than ~~one-half~~ one ounce but not more than five pounds of marijuana is guilty of a Class 5 felony;

(3) More than five pounds of marijuana is guilty of a felony punishable by imprisonment of not less than five nor more than 30 years.

There shall be a rebuttable presumption that a person who possesses no more than one ounce of marijuana possesses it for personal use.

If such person proves that he gave, distributed, or possessed with intent to give or distribute marijuana only as an accommodation to another individual and not with intent to profit thereby from any consideration received or expected nor to induce the recipient or intended recipient of the marijuana to use or become addicted to or dependent upon such marijuana, he ~~shall be~~ is guilty of a Class 1 misdemeanor.

(b) Any person who gives, distributes, or possesses marijuana as an accommodation and not with intent to profit thereby, to an inmate of a state or local correctional facility, as defined in § 53.1-1, or in the custody of an employee thereof ~~shall be~~ is guilty of a Class 4 felony.

(c) Any person who manufactures marijuana, or possesses marijuana with the intent to manufacture such substance, not for his own use is guilty of a felony punishable by imprisonment of not less than five nor more than 30 years and a fine not to exceed \$10,000.

(d) When a person is convicted of a third or subsequent felony offense under this section and it is alleged in the warrant, indictment or information that he has been before convicted of two or more felony offenses under this section or of substantially similar offenses in any other jurisdiction which offenses would be felonies if committed in the Commonwealth, and such prior convictions occurred before the date of the offense alleged in the warrant, indictment, or information, he shall be sentenced to imprisonment for life or for any period not less than five years, five years of which shall be a mandatory minimum term of imprisonment to be served consecutively with any other sentence and he shall be fined not more than \$500,000.

§ 18.2-250.1. Possession of marijuana unlawful.

A. It is unlawful for any person knowingly or intentionally to possess marijuana unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his professional

practice, or except as otherwise authorized by the Drug Control Act (§ 54.1-3400 et seq.). *The attorney for the Commonwealth or the county, city, or town attorney may prosecute such a case.*

Upon the prosecution of a person for violation of this section, ownership or occupancy of the premises or vehicle upon or in which marijuana was found shall not create a presumption that such person either knowingly or intentionally possessed such marijuana.

Any person who violates this section is ~~guilty of a misdemeanor and shall be confined in jail not more than 30 days and fined not subject to a civil penalty of no more than \$500; either or both; any person, upon a second or subsequent conviction of a violation of this section, is guilty of a Class 4 misdemeanor~~ \$25. A violation of this section is a civil offense. Any civil penalties collected pursuant to this section shall be deposited into the Drug Offender Assessment and Treatment Fund established pursuant to § 18.2-251.02.

B. Any violation of this section shall be charged by summons. A summons for a violation of this section may be executed by a law-enforcement officer when such violation is observed by such officer. The summons used by a law-enforcement officer pursuant to this section shall be in form the same as the uniform summons for motor vehicle law violations as prescribed pursuant to § 46.2-388. No court costs shall be assessed for violations of this section. A person's criminal history record information as defined in § 9.1-101 shall not include records of any charges or judgments for a violation of this section, and records of such charges or judgments shall not be reported to the Central Criminal Records Exchange. However, if a violation of this section occurs while an individual is operating a commercial motor vehicle as defined in § 46.2-341.4, such violation shall be reported to the Department of Motor Vehicles and shall be included on such individual's driving record.

C. The procedure for appeal and trial of any violation of this section shall be the same as provided by law for misdemeanors; if requested by either party on appeal to the circuit court, trial by jury shall be as provided in Article 4 (§ 19.2-260 et seq.) of Chapter 15 of Title 19.2, and the Commonwealth shall be required to prove its case beyond a reasonable doubt.

D. The provisions of this section shall not apply to members of state, federal, county, city, or town law-enforcement agencies, jail officers, or correctional officers, as defined in § 53.1-1, certified as handlers of dogs trained in the detection of controlled substances when possession of marijuana is necessary for the performance of their duties.

~~E.~~ E. In any prosecution under this section involving marijuana in the form of cannabidiol oil or THC-A oil as those terms are defined in § 54.1-3408.3, it shall be an affirmative defense that the individual possessed such oil pursuant to a valid written certification issued by a practitioner in the course of his professional practice pursuant to § 54.1-3408.3 for treatment or to alleviate the symptoms of (i) the individual's diagnosed condition or disease, (ii) if such individual is the parent or legal guardian of a minor or of an incapacitated adult as defined in § 18.2-369, such minor's or incapacitated adult's diagnosed condition or disease, or (iii) if such individual has been designated as a registered agent pursuant to § 54.1-3408.3, the diagnosed condition or disease of his principal or, if the principal is the parent or legal guardian of a minor or of an incapacitated adult as defined in § 18.2-369, such minor's or incapacitated adult's diagnosed condition or disease. If the individual files the valid written certification with the court at least 10 days prior to trial and causes a copy of such written certification to be delivered to the attorney for the Commonwealth, such written certification shall be prima facie evidence that such oil was possessed pursuant to a valid written certification.

§ 18.2-251. Persons charged with first offense may be placed on probation; conditions; substance abuse screening, assessment treatment and education programs or services; drug tests; costs and fees; violations; discharge.

Whenever any person who has not previously been convicted of any *criminal* offense under this article or under any statute of the United States or of any state relating to narcotic drugs, marijuana, or stimulant, depressant, or hallucinogenic drugs, or has not previously had a proceeding against him for violation of such an offense dismissed as provided in this section, or pleads guilty to or enters a plea of not guilty to possession of a controlled substance under § 18.2-250 ~~or to possession of marijuana under § 18.2-250.1~~, the court, upon such plea if the facts found by the court would justify a finding of guilt, without entering a judgment of guilt and with the consent of the accused, may defer further proceedings and place him on probation upon terms and conditions. If the court defers further proceedings, at that time the court shall determine whether the clerk of court has been provided with the fingerprint identification information or fingerprints of the person, taken by a law-enforcement officer pursuant to § 19.2-390, and, if not, shall order that the fingerprints and photograph of the person be taken by a law-enforcement officer.

As a term or condition, the court shall require the accused to undergo a substance abuse assessment pursuant to § 18.2-251.01 or 19.2-299.2, as appropriate, and enter treatment and/or education program or services, if available, such as, in the opinion of the court, may be best suited to the needs of the accused based upon consideration of the substance abuse assessment. The program or services may be located in the judicial district in which the charge is brought or in any other judicial district as the court may provide. The services shall be provided by (i) a program licensed by the Department of Behavioral Health and Developmental Services, by a similar program which is made available through the Department of Corrections, (ii) a local community-based probation services agency established pursuant to § 9.1-174, or (iii) an ASAP program certified by the Commission on VASAP.

The court shall require the person entering such program under the provisions of this section to pay all or part of the costs of the program, including the costs of the screening, assessment, testing, and treatment, based upon the accused's ability to pay unless the person is determined by the court to be indigent.

As a condition of probation, the court shall require the accused (a) to successfully complete treatment or education program or services, (b) to remain drug and alcohol free during the period of probation and submit to such tests during that period as may be necessary and appropriate to determine if the accused is drug and alcohol free, (c) to make reasonable efforts to secure and maintain employment, and (d) to comply with a plan of at least 100 hours of community service for a felony and up to 24 hours of community service for a misdemeanor. ~~In addition to any community service required by the court pursuant to clause (d), if the court does not suspend or revoke the accused's license as a term or condition of probation for a violation of § 18.2-250.1, the court shall require the accused to comply with a plan of 50 hours of community service.~~ Such testing shall be conducted by personnel of the supervising probation agency or personnel of any program or agency approved by the supervising probation agency.

Upon violation of a term or condition, the court may enter an adjudication of guilt and proceed as otherwise provided. Upon fulfillment of the terms and conditions, and upon determining that the clerk of court has been provided with the fingerprint identification information or fingerprints of such person, the court shall discharge the person and dismiss the proceedings against him. Discharge and dismissal under this section shall be without adjudication of guilt and is a conviction only for the purposes of applying this section in subsequent proceedings.

Notwithstanding any other provision of this section, whenever a court places an individual on probation upon terms and conditions pursuant to this section, such action shall be treated as a conviction for purposes of §§ 18.2-259.1, 22.1-315, and 46.2-390.1, and the driver's license forfeiture provisions of those sections shall be imposed. ~~However, if the court places an individual on probation upon terms and conditions for a violation of § 18.2-250.1, such action shall not be treated as a conviction for purposes of § 18.2-259.1 or 46.2-390.1, provided that a court (1) may suspend or revoke an individual's driver's license as a term or condition of probation and (2) shall suspend or revoke an individual's driver's license as a term or condition of probation for a period of six months if the violation of § 18.2-250.1 was committed while such person was in operation of a motor vehicle.~~ The provisions of this paragraph shall not be applicable to any offense for which a juvenile has had his license suspended or denied pursuant to § 16.1-278.9 for the same offense.

§ 18.2-251.02. Drug Offender Assessment and Treatment Fund.

There is hereby established in the state treasury the Drug Offender Assessment and Treatment Fund, which shall consist of moneys received from (i) fees imposed on certain drug offense convictions pursuant to § 16.1-69.48:3 and subdivisions A 10 and A 11 of § 17.1-275 and ~~§ 16.1-69.48:3~~ (ii) *civil penalties imposed for violations of § 18.2-250.1*. All interest derived from the deposit and investment of moneys in the Fund shall be credited to the Fund. Any moneys not appropriated by the General Assembly shall remain in the Drug Offender Assessment and Treatment Fund and shall not be transferred or revert to the general fund at the end of any fiscal year. All moneys in the Fund shall be subject to annual appropriation by the General Assembly to the Department of Corrections, the Department of Juvenile Justice, and the Commission on VASAP to implement and operate the offender substance abuse screening and assessment program; the Department of Criminal Justice Services for the support of community-based probation and local pretrial services agencies; and the Office of the Executive Secretary of the Supreme Court of Virginia for the support of drug treatment court programs.

§ 18.2-252. Suspended sentence conditioned upon substance abuse screening, assessment, testing, and treatment or education.

The trial judge or court trying the case of any person found guilty of ~~violating a criminal violation of~~ any law concerning the use, in any manner, of drugs, controlled substances, narcotics, marijuana, noxious chemical substances and like substances; shall condition any suspended sentence by first requiring such person to agree to undergo a substance abuse screening pursuant to § 18.2-251.01 and to submit to such periodic substance abuse testing, to include alcohol testing, as may be directed by the court. Such testing shall be conducted by the supervising probation agency or by personnel of any program or agency approved by the supervising probation agency. The cost of such testing ordered by the court shall be paid by the Commonwealth and taxed as a part of the costs of such ~~criminal~~ proceedings. The judge or court shall order the person, as a condition of any suspended sentence, to undergo such treatment or education for substance abuse, if available, as the judge or court deems appropriate based upon consideration of the substance abuse assessment. The treatment or education shall be provided by a program or agency licensed by the Department of Behavioral Health and Developmental Services, by a similar program or services available through the Department of Corrections if the court imposes a sentence of one year or more or, if the court imposes a sentence of 12 months or less, by a similar program or services available through a local or regional jail, a local community-based probation services agency established pursuant to § 9.1-174, or an ASAP program certified by the Commission on VASAP.

§ 18.2-254. Commitment of convicted person for treatment for substance abuse.

A. Whenever any person who has not previously been convicted of any *criminal* offense under this article or under any statute of the United States or of any state relating to narcotic drugs, marijuana, stimulant, depressant, or hallucinogenic drugs or has not previously had a proceeding against him for violation of such an offense dismissed as provided in § 18.2-251 is found guilty of violating any law concerning the use, in any manner, of drugs, controlled substances, narcotics, marijuana, noxious chemical substances, and like substances, the judge or court shall require such person to undergo a substance abuse screening pursuant to § 18.2-251.01 and to submit to such periodic substance abuse testing, to include alcohol testing, as may be directed by the court. The cost of such testing ordered by the court shall be paid by the Commonwealth and taxed as a part of the costs of the criminal proceedings. The judge or court shall also order the person to undergo such treatment or education for substance abuse, if available, as the judge or court deems appropriate based upon

consideration of the substance abuse assessment. The treatment or education shall be provided by a program or agency licensed by the Department of Behavioral Health and Developmental Services or by a similar program or services available through the Department of Corrections if the court imposes a sentence of one year or more or, if the court imposes a sentence of 12 months or less, by a similar program or services available through a local or regional jail, a local community-based probation services agency established pursuant to § 9.1-174, or an ASAP program certified by the Commission on VASAP.

B. The court trying the case of any person alleged to have committed any *criminal* offense designated by this article or by the Drug Control Act (§ 54.1-3400 et seq.) or in any other criminal case in which the commission of the offense was motivated by or closely related to the use of drugs and determined by the court, pursuant to a substance abuse screening and assessment, to be in need of treatment for the use of drugs may commit, based upon a consideration of the substance abuse assessment, such person, upon his conviction, to any facility for the treatment of persons with substance abuse, licensed by the Department of Behavioral Health and Developmental Services, if space is available in such facility, for a period of time not in excess of the maximum term of imprisonment specified as the penalty for conviction of such offense or, if sentence was determined by a jury, not in excess of the term of imprisonment as set by such jury. Confinement under such commitment shall be, in all regards, treated as confinement in a penal institution and the person so committed may be convicted of escape if he leaves the place of commitment without authority. A charge of escape may be prosecuted in either the jurisdiction where the treatment facility is located or the jurisdiction where the person was sentenced to commitment. The court may revoke such commitment at any time and transfer the person to an appropriate state or local correctional facility. Upon presentation of a certified statement from the director of the treatment facility to the effect that the confined person has successfully responded to treatment, the court may release such confined person prior to the termination of the period of time for which such person was confined and may suspend the remainder of the term upon such conditions as the court may prescribe.

C. The court trying a case in which commission of the *criminal* offense was related to the defendant's habitual abuse of alcohol and in which the court determines, pursuant to a substance abuse screening and assessment, that such defendant is in need of treatment, may commit, based upon a consideration of the substance abuse assessment, such person, upon his conviction, to any facility for the treatment of persons with substance abuse licensed by the Department of Behavioral Health and Developmental Services, if space is available in such facility, for a period of time not in excess of the maximum term of imprisonment specified as the penalty for conviction. Confinement under such commitment shall be, in all regards, treated as confinement in a penal institution and the person so committed may be convicted of escape if he leaves the place of commitment without authority. The court may revoke such commitment at any time and transfer the person to an appropriate state or local correctional facility. Upon presentation of a certified statement from the director of the treatment facility to the effect that the confined person has successfully responded to treatment, the court may release such confined person prior to the termination of the period of time for which such person was confined and may suspend the remainder of the term upon such conditions as the court may prescribe.

§ 19.2-389.3. Marijuana possession; limits on dissemination of criminal history record information; prohibited practices by employers, educational institutions, and state and local governments; penalty.

A. *Records relating to the arrest, criminal charge, or conviction of a person for a violation of § 18.2-250.1, including any violation charged under § 18.2-250.1 that was deferred and dismissed pursuant to § 18.2-251, maintained in the Central Criminal Records Exchange shall not be open for public inspection or otherwise disclosed, provided that such records may be disseminated (i) to make the determination as provided in § 18.2-308.2:2 of eligibility to possess or purchase a firearm; (ii) to aid in the preparation of a pretrial investigation report prepared by a local pretrial services agency established pursuant to Article 5 (§ 19.2-152.2 et seq.) of Chapter 9, a pre-sentence or post-sentence investigation report pursuant to § 19.2-264.5 or 19.2-299 or in the preparation of the discretionary sentencing guidelines worksheets pursuant to subsection C of § 19.2-298.01; (iii) to aid local community-based probation services agencies established pursuant to the Comprehensive Community Corrections Act for Local-Responsible Offenders (§ 9.1-173 et seq.) with investigating or serving adult local-responsible offenders and all court service units serving juvenile delinquent offenders; (iv) for fingerprint comparison utilizing the fingerprints maintained in the Automated Fingerprint Information System computer; (v) to attorneys for the Commonwealth to secure information incidental to sentencing and to attorneys for the Commonwealth and probation officers to prepare the discretionary sentencing guidelines worksheets pursuant to subsection C of § 19.2-298.01; (vi) to any full-time or part-time employee of the State Police, a police department, or sheriff's office that is a part of or administered by the Commonwealth or any political subdivision thereof, and who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic, or highway laws of the Commonwealth, for purposes of the administration of criminal justice as defined in § 9.1-101; (vii) to the Virginia Criminal Sentencing Commission for research purposes; (viii) to any full-time or part-time employee of the State Police or a police department or sheriff's office that is a part of or administered by the Commonwealth or any political subdivision thereof for the purpose of screening any person for full-time or part-time employment with the State Police or a police department or sheriff's office that is a part of or administered by the Commonwealth or any political subdivision thereof; (ix) to the State Health Commissioner or his designee for the purpose of screening any person who applies to be a volunteer with or an employee of an emergency medical services agency as provided in § 32.1-111.5; (x) to any full-time or part-time employee of the Department of Forensic Science for the purpose of screening any person for full-time or part-time employment with the Department of Forensic Science; (xi) to the chief law-enforcement officer of a locality, or his designee who shall be an*

individual employed as a public safety official of the locality, that has adopted an ordinance in accordance with §§ 15.2-1503.1 and 19.2-389 for the purpose of screening any person who applies to be a volunteer with or an employee of an emergency medical services agency as provided in § 32.1-111.5; and (xii) to any full-time or part-time employee of the Department of Motor Vehicles, any employer as defined in § 46.2-341.4, or any medical examiner as defined in 49 C.F.R. § 390.5 for the purpose of complying with the regulations of the Federal Motor Carrier Safety Administration.

B. An employer or educational institution shall not, in any application, interview, or otherwise, require an applicant for employment or admission to disclose information concerning any arrest, criminal charge, or conviction against him when the record relating to such arrest, criminal charge, or conviction is not open for public inspection pursuant to subsection A. An applicant need not, in answer to any question concerning any arrest, criminal charge, or conviction, include a reference to or information concerning any arrest, criminal charge, or conviction when the record relating to such arrest, criminal charge, or conviction is not open for public inspection pursuant to subsection A.

C. Agencies, officials, and employees of the state and local governments shall not, in any application, interview, or otherwise, require an applicant for a license, permit, registration, or governmental service to disclose information concerning any arrest, criminal charge, or conviction against him when the record relating to such arrest, criminal charge, or conviction is not open for public inspection pursuant to subsection A. An applicant need not, in answer to any question concerning any arrest, criminal charge, or conviction, include a reference to or information concerning any arrest, criminal charge, or conviction when the record relating to such arrest, criminal charge, or conviction is not open for public inspection pursuant to subsection A. Such an application may not be denied solely because of the applicant's refusal to disclose information concerning any such arrest, criminal charge, or conviction.

D. A person who willfully violates subsection B or C is guilty of a Class 1 misdemeanor for each violation.

§ 19.2-392.2. Expungement of police and court records.

A. If a person is charged with the commission of a crime, a civil offense, or any offense defined in Title 18.2, and

1. Is acquitted, or

2. A nolle prosequi is taken or the charge is otherwise dismissed, including dismissal by accord and satisfaction pursuant to § 19.2-151, he may file a petition setting forth the relevant facts and requesting expungement of the police records and the court records relating to the charge.

B. If any person whose name or other identification has been used without his consent or authorization by another person who has been charged or arrested using such name or identification, he may file a petition with the court disposing of the charge for relief pursuant to this section. Such person shall not be required to pay any fees for the filing of a petition under this subsection. A petition filed under this subsection shall include one complete set of the petitioner's fingerprints obtained from a law-enforcement agency.

C. The petition with a copy of the warrant, *summons*, or indictment if reasonably available shall be filed in the circuit court of the county or city in which the case was disposed of by acquittal or being otherwise dismissed and shall contain, except where not reasonably available, the date of arrest and the name of the arresting agency. Where this information is not reasonably available, the petition shall state the reason for such unavailability. The petition shall further state the specific criminal charge or civil offense to be expunged, the date of final disposition of the charge as set forth in the petition, the petitioner's date of birth, and the full name used by the petitioner at the time of arrest.

D. A copy of the petition shall be served on the attorney for the Commonwealth of the city or county in which the petition is filed. The attorney for the Commonwealth may file an objection or answer to the petition or may give written notice to the court that he does not object to the petition within 21 days after it is served on him.

E. The petitioner shall obtain from a law-enforcement agency one complete set of the petitioner's fingerprints and shall provide that agency with a copy of the petition for expungement. The law-enforcement agency shall submit the set of fingerprints to the Central Criminal Records Exchange (CCRE) with a copy of the petition for expungement attached. The CCRE shall forward under seal to the court a copy of the petitioner's criminal history, a copy of the source documents that resulted in the CCRE entry that the petitioner wishes to expunge, *if applicable*, and the set of fingerprints. Upon completion of the hearing, the court shall return the fingerprint card to the petitioner. If no hearing was conducted, upon the entry of an order of expungement or an order denying the petition for expungement, the court shall cause the fingerprint card to be destroyed unless, within 30 days of the date of the entry of the order, the petitioner requests the return of the fingerprint card in person from the clerk of the court or provides the clerk of the court a self-addressed, stamped envelope for the return of the fingerprint card.

F. After receiving the criminal history record information from the CCRE, the court shall conduct a hearing on the petition. If the court finds that the continued existence and possible dissemination of information relating to the arrest of the petitioner causes or may cause circumstances which constitute a manifest injustice to the petitioner, it shall enter an order requiring the expungement of the police and court records, including electronic records, relating to the charge. Otherwise, it shall deny the petition. However, if the petitioner has no prior criminal record and the arrest was for a misdemeanor violation or the charge was for a civil offense, the petitioner shall be entitled, in the absence of good cause shown to the contrary by the Commonwealth, to expungement of the police and court records relating to the charge, and the court shall enter an order of expungement. If the attorney for the Commonwealth of the county or city in which the petition is filed (i) gives written notice to the court pursuant to subsection D that he does not object to the petition and (ii) when the charge to be expunged is a felony, stipulates in such written notice that the continued existence and possible dissemination of

information relating to the arrest of the petitioner causes or may cause circumstances which constitute a manifest injustice to the petitioner, the court may enter an order of expungement without conducting a hearing.

G. The Commonwealth shall be made party defendant to the proceeding. Any party aggrieved by the decision of the court may appeal, as provided by law in civil cases.

H. Notwithstanding any other provision of this section, when the charge is dismissed because the court finds that the person arrested or charged is not the person named in the summons, warrant, indictment or presentment, the court dismissing the charge shall, upon motion of the person improperly arrested or charged, enter an order requiring expungement of the police and court records relating to the charge. Such order shall contain a statement that the dismissal and expungement are ordered pursuant to this subsection and shall be accompanied by the complete set of the petitioner's fingerprints filed with his petition. Upon the entry of such order, it shall be treated as provided in subsection K.

I. Notwithstanding any other provision of this section, upon receiving a copy pursuant to § 2.2-402 of an absolute pardon for the commission of a crime that a person did not commit, the court shall enter an order requiring expungement of the police and court records relating to the charge and conviction. Such order shall contain a statement that the expungement is ordered pursuant to this subsection. Upon the entry of such order, it shall be treated as provided in subsection K.

J. Upon receiving a copy of a writ vacating a conviction pursuant to § 19.2-327.5 or 19.2-327.13, the court shall enter an order requiring expungement of the police and court records relating to the charge and conviction. Such order shall contain a statement that the expungement is ordered pursuant to this subsection. Upon the entry of the order, it shall be treated as provided in subsection K.

K. Upon the entry of an order of expungement, the clerk of the court shall cause a copy of such order to be forwarded to the Department of State Police, which shall, pursuant to rules and regulations adopted pursuant to § 9.1-134, direct the manner by which the appropriate expungement or removal of such records shall be effected.

L. Costs shall be as provided by § 17.1-275, but shall not be recoverable against the Commonwealth. If the court enters an order of expungement, the clerk of the court shall refund to the petitioner such costs paid by the petitioner.

M. Any order entered where (i) the court or parties failed to strictly comply with the procedures set forth in this section or (ii) the court enters an order of expungement contrary to law, shall be voidable upon motion and notice made within three years of the entry of such order.

§ 54.1-3401. (Effective until July 1, 2020) Definitions.

As used in this chapter, unless the context requires a different meaning:

"Administer" means the direct application of a controlled substance, whether by injection, inhalation, ingestion, or any other means, to the body of a patient or research subject by (i) a practitioner or by his authorized agent and under his direction or (ii) the patient or research subject at the direction and in the presence of the practitioner.

"Advertisement" means all representations disseminated in any manner or by any means, other than by labeling, for the purpose of inducing, or which are likely to induce, directly or indirectly, the purchase of drugs or devices.

"Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, or dispenser. It does not include a common or contract carrier, public warehouseman, or employee of the carrier or warehouseman.

"Anabolic steroid" means any drug or hormonal substance, chemically and pharmacologically related to testosterone, other than estrogens, progestins, corticosteroids, and dehydroepiandrosterone.

"Animal" means any nonhuman animate being endowed with the power of voluntary action.

"Automated drug dispensing system" means a mechanical or electronic system that performs operations or activities, other than compounding or administration, relating to pharmacy services, including the storage, dispensing, or distribution of drugs and the collection, control, and maintenance of all transaction information, to provide security and accountability for such drugs.

"Biological product" means a virus, therapeutic serum, toxin, antitoxin, vaccine, blood, blood component or derivative, allergenic product, protein other than a chemically synthesized polypeptide, or analogous product, or arsphenamine or any derivative of arsphenamine or any other trivalent organic arsenic compound, applicable to the prevention, treatment, or cure of a disease or condition of human beings.

"Biosimilar" means a biological product that is highly similar to a specific reference biological product, notwithstanding minor differences in clinically inactive compounds, such that there are no clinically meaningful differences between the reference biological product and the biological product that has been licensed as a biosimilar pursuant to 42 U.S.C. § 262(k) in terms of safety, purity, and potency of the product.

"Board" means the Board of Pharmacy.

"Bulk drug substance" means any substance that is represented for use, and that, when used in the compounding, manufacturing, processing, or packaging of a drug, becomes an active ingredient or a finished dosage form of the drug; however, "bulk drug substance" shall not include intermediates that are used in the synthesis of such substances.

"Change of ownership" of an existing entity permitted, registered, or licensed by the Board means (i) the sale or transfer of all or substantially all of the assets of the entity or of any corporation that owns or controls the entity; (ii) the creation of a partnership by a sole proprietor, the dissolution of a partnership, or change in partnership composition; (iii) the acquisition or disposal of 50 percent or more of the outstanding shares of voting stock of a corporation owning the entity or of the parent corporation of a wholly owned subsidiary owning the entity, except that this shall not apply to any corporation the voting stock of which is actively traded on any securities exchange or in any over-the-counter market; (iv) the merger of

a corporation owning the entity or of the parent corporation of a wholly-owned subsidiary owning the entity with another business or corporation; or (v) the expiration or forfeiture of a corporation's charter.

"Co-licensed partner" means a person who, with at least one other person, has the right to engage in the manufacturing or marketing of a prescription drug, consistent with state and federal law.

"Compounding" means the combining of two or more ingredients to fabricate such ingredients into a single preparation and includes the mixing, assembling, packaging, or labeling of a drug or device (i) by a pharmacist, or within a permitted pharmacy, pursuant to a valid prescription issued for a medicinal or therapeutic purpose in the context of a bona fide practitioner-patient-pharmacist relationship, or in expectation of receiving a valid prescription based on observed historical patterns of prescribing and dispensing; (ii) by a practitioner of medicine, osteopathy, podiatry, dentistry, or veterinary medicine as an incident to his administering or dispensing, if authorized to dispense, a controlled substance in the course of his professional practice; or (iii) for the purpose of, or as incident to, research, teaching, or chemical analysis and not for sale or for dispensing. The mixing, diluting, or reconstituting of a manufacturer's product drugs for the purpose of administration to a patient, when performed by a practitioner of medicine or osteopathy licensed under Chapter 29 (§ 54.1-2900 et seq.), a person supervised by such practitioner pursuant to subdivision A 6 or 19 of § 54.1-2901, or a person supervised by such practitioner or a licensed nurse practitioner or physician assistant pursuant to subdivision A 4 of § 54.1-2901 shall not be considered compounding.

"Controlled substance" means a drug, substance, or immediate precursor in Schedules I through VI of this chapter. The term shall not include distilled spirits, wine, malt beverages, or tobacco as those terms are defined or used in Title 3.2 or Title 4.1. The term "controlled substance" includes a controlled substance analog that has been placed into Schedule I or II by the Board pursuant to the regulatory authority in subsection D of § 54.1-3443.

"Controlled substance analog" means a substance the chemical structure of which is substantially similar to the chemical structure of a controlled substance in Schedule I or II and either (i) which has a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance in Schedule I or II or (ii) with respect to a particular person, which such person represents or intends to have a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance in Schedule I or II. "Controlled substance analog" does not include (a) any substance for which there is an approved new drug application as defined under § 505 of the federal Food, Drug, and Cosmetic Act (21 U.S.C. § 355) or that is generally recognized as safe and effective pursuant to §§ 501, 502, and 503 of the federal Food, Drug, and Cosmetic Act (21 U.S.C. §§ 351, 352, and 353) and 21 C.F.R. Part 330; (b) with respect to a particular person, any substance for which an exemption is in effect for investigational use for that person under § 505 of the federal Food, Drug, and Cosmetic Act to the extent that the conduct with respect to that substance is pursuant to such exemption; or (c) any substance to the extent not intended for human consumption before such an exemption takes effect with respect to that substance.

"DEA" means the Drug Enforcement Administration, U.S. Department of Justice, or its successor agency.

"Deliver" or "delivery" means the actual, constructive, or attempted transfer of any item regulated by this chapter, whether or not there exists an agency relationship, including delivery of a Schedule VI prescription device to an ultimate user or consumer on behalf of a medical equipment supplier by a manufacturer, nonresident manufacturer, wholesale distributor, nonresident wholesale distributor, warehouse, nonresident warehouse, third-party logistics provider, or nonresident third-party logistics provider at the direction of a medical equipment supplier in accordance with § 54.1-3415.1.

"Device" means instruments, apparatus, and contrivances, including their components, parts, and accessories, intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or animals or to affect the structure or any function of the body of man or animals.

"Dialysis care technician" or "dialysis patient care technician" means an individual who is certified by an organization approved by the Board of Health Professions pursuant to Chapter 27.01 (§ 54.1-2729.1 et seq.) and who, under the supervision of a licensed physician, nurse practitioner, physician assistant, or a registered nurse, assists in the care of patients undergoing renal dialysis treatments in a Medicare-certified renal dialysis facility.

"Dialysis solution" means either the commercially available, unopened, sterile solutions whose purpose is to be instilled into the peritoneal cavity during the medical procedure known as peritoneal dialysis, or commercially available solutions whose purpose is to be used in the performance of hemodialysis not to include any solutions administered to the patient intravenously.

"Dispense" means to deliver a drug to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, including the prescribing and administering, packaging, labeling, or compounding necessary to prepare the substance for that delivery. However, dispensing shall not include the transportation of drugs mixed, diluted, or reconstituted in accordance with this chapter to other sites operated by such practitioner or that practitioner's medical practice for the purpose of administration of such drugs to patients of the practitioner or that practitioner's medical practice at such other sites. For practitioners of medicine or osteopathy, "dispense" shall only include the provision of drugs by a practitioner to patients to take with them away from the practitioner's place of practice.

"Dispenser" means a practitioner who dispenses.

"Distribute" means to deliver other than by administering or dispensing a controlled substance.

"Distributor" means a person who distributes.

"Drug" means (i) articles or substances recognized in the official United States Pharmacopoeia National Formulary or official Homeopathic Pharmacopoeia of the United States, or any supplement to any of them; (ii) articles or substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or animals; (iii) articles or substances, other than food, intended to affect the structure or any function of the body of man or animals; (iv) articles or substances intended for use as a component of any article specified in clause (i), (ii), or (iii); or (v) a biological product. "Drug" does not include devices or their components, parts, or accessories.

"Drug product" means a specific drug in dosage form from a known source of manufacture, whether by brand or therapeutically equivalent drug product name.

"Electronic transmission prescription" means any prescription, other than an oral or written prescription or a prescription transmitted by facsimile machine, that is electronically transmitted directly to a pharmacy without interception or intervention from a third party from a practitioner authorized to prescribe or from one pharmacy to another pharmacy.

"Facsimile (FAX) prescription" means a written prescription or order that is transmitted by an electronic device over telephone lines that sends the exact image to the receiving pharmacy in hard copy form.

"FDA" means the U.S. Food and Drug Administration.

~~"Hashish oil" means any oily extract containing one or more cannabinoids, but shall not include any such extract with a tetrahydrocannabinol content of less than 12 percent by weight.~~

"Immediate precursor" means a substance which the Board of Pharmacy has found to be and by regulation designates as being the principal compound commonly used or produced primarily for use, and which is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance, the control of which is necessary to prevent, curtail, or limit manufacture.

"Interchangeable" means a biosimilar that meets safety standards for determining interchangeability pursuant to 42 U.S.C. § 262(k)(4).

"Label" means a display of written, printed, or graphic matter upon the immediate container of any article. A requirement made by or under authority of this chapter that any word, statement, or other information appear on the label shall not be considered to be complied with unless such word, statement, or other information also appears on the outside container or wrapper, if any, of the retail package of such article or is easily legible through the outside container or wrapper.

"Labeling" means all labels and other written, printed, or graphic matter on an article or any of its containers or wrappers, or accompanying such article.

"Manufacture" means the production, preparation, propagation, conversion, or processing of any item regulated by this chapter, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container. This term does not include compounding.

"Manufacturer" means every person who manufactures, a manufacturer's co-licensed partner, or a repackager.

"Marijuana" means any part of a plant of the genus *Cannabis* whether growing or not, its seeds, ~~or its resin, or any extract containing one or more cannabinoids~~; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, or its resin. Marijuana ~~shall does not include any oily extract containing one or more cannabinoids unless such extract contains less than 12 percent of tetrahydrocannabinol by weight, nor shall marijuana include~~ the mature stalks of such plant, fiber produced from such stalk, or oil or cake made from the seeds of such plant, unless such stalks, fiber, oil, or cake is combined with other parts of plants of the genus *Cannabis*. Marijuana ~~shall does not include~~ (i) industrial hemp, as defined in § 3.2-4112, that is possessed by a person registered pursuant to subsection A of § 3.2-4115 or his agent, or (ii) a hemp product, as defined in § 3.2-4112, containing a tetrahydrocannabinol concentration of no greater than 0.3 percent that is derived from industrial hemp, as defined in § 3.2-4112, that is grown, dealt, or processed in compliance with state or federal law.

"Medical equipment supplier" means any person, as defined in § 1-230, engaged in the delivery to the ultimate consumer, pursuant to the lawful order of a practitioner, of hypodermic syringes and needles, medicinal oxygen, Schedule VI controlled devices, those Schedule VI controlled substances with no medicinal properties that are used for the operation and cleaning of medical equipment, solutions for peritoneal dialysis, and sterile water or saline for irrigation.

"Narcotic drug" means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis: (i) opium, opiates, and any salt, compound, derivative, or preparation of opium or opiates; (ii) any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in clause (i), but not including the isoquinoline alkaloids of opium; (iii) opium poppy and poppy straw; (iv) coca leaves and any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extraction of coca leaves which do not contain cocaine or ecgonine.

"New drug" means (i) any drug, except a new animal drug or an animal feed bearing or containing a new animal drug, the composition of which is such that such drug is not generally recognized, among experts qualified by scientific training and experience to evaluate the safety and effectiveness of drugs, as safe and effective for use under the conditions prescribed, recommended, or suggested in the labeling, except that such a drug not so recognized shall not be deemed to be a "new drug" if at any time prior to the enactment of this chapter it was subject to the Food and Drugs Act of June 30, 1906, as amended, and if at such time its labeling contained the same representations concerning the conditions of its use, or

(ii) any drug, except a new animal drug or an animal feed bearing or containing a new animal drug, the composition of which is such that such drug, as a result of investigations to determine its safety and effectiveness for use under such conditions, has become so recognized, but which has not, otherwise than in such investigations, been used to a material extent or for a material time under such conditions.

"Nuclear medicine technologist" means an individual who holds a current certification with the American Registry of Radiological Technologists or the Nuclear Medicine Technology Certification Board.

"Official compendium" means the official United States Pharmacopoeia National Formulary, official Homeopathic Pharmacopoeia of the United States, or any supplement to any of them.

"Official written order" means an order written on a form provided for that purpose by the U.S. Drug Enforcement Administration, under any laws of the United States making provision therefor, if such order forms are authorized and required by federal law, and if no such order form is provided then on an official form provided for that purpose by the Board of Pharmacy.

"Opiate" means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having such addiction-forming or addiction-sustaining liability. It does not include, unless specifically designated as controlled under Article 4 (§ 54.1-3437 et seq.), the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). It does include its racemic and levorotatory forms.

"Opium poppy" means the plant of the species *Papaver somniferum* L., except the seeds thereof.

"Original package" means the unbroken container or wrapping in which any drug or medicine is enclosed together with label and labeling, put up by or for the manufacturer, wholesaler, or distributor for use in the delivery or display of such article.

"Outsourcing facility" means a facility that is engaged in the compounding of sterile drugs and is currently registered as an outsourcing facility with the U.S. Secretary of Health and Human Services and that complies with all applicable requirements of federal and state law, including the Federal Food, Drug, and Cosmetic Act.

"Person" means both the plural and singular, as the case demands, and includes an individual, partnership, corporation, association, governmental agency, trust, or other institution or entity.

"Pharmacist-in-charge" means the person who, being licensed as a pharmacist, signs the application for a pharmacy permit and assumes full legal responsibility for the operation of the relevant pharmacy in a manner complying with the laws and regulations for the practice of pharmacy and the sale and dispensing of controlled substances; the "pharmacist-in-charge" shall personally supervise the pharmacy and the pharmacy's personnel as required by § 54.1-3432.

"Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

"Practitioner" means a physician, dentist, licensed nurse practitioner pursuant to § 54.1-2957.01, licensed physician assistant pursuant to § 54.1-2952.1, pharmacist pursuant to § 54.1-3300, TPA-certified optometrist pursuant to Article 5 (§ 54.1-3222 et seq.) of Chapter 32, veterinarian, scientific investigator, or other person licensed, registered, or otherwise permitted to distribute, dispense, prescribe and administer, or conduct research with respect to a controlled substance in the course of professional practice or research in the Commonwealth.

"Prescriber" means a practitioner who is authorized pursuant to §§ 54.1-3303 and 54.1-3408 to issue a prescription.

"Prescription" means an order for drugs or medical supplies, written or signed or transmitted by word of mouth, telephone, telegraph, or other means of communication to a pharmacist by a duly licensed physician, dentist, veterinarian, or other practitioner authorized by law to prescribe and administer such drugs or medical supplies.

"Prescription drug" means any drug required by federal law or regulation to be dispensed only pursuant to a prescription, including finished dosage forms and active ingredients subject to § 503(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. § 353(b)).

"Production" or "produce" includes the manufacture, planting, cultivation, growing, or harvesting of a controlled substance or marijuana.

"Proprietary medicine" means a completely compounded nonprescription drug in its unbroken, original package which does not contain any controlled substance or marijuana as defined in this chapter and is not in itself poisonous, and which is sold, offered, promoted, or advertised directly to the general public by or under the authority of the manufacturer or primary distributor, under a trademark, trade name, or other trade symbol privately owned, and the labeling of which conforms to the requirements of this chapter and applicable federal law. However, this definition shall not include a drug that is only advertised or promoted professionally to licensed practitioners, a narcotic or drug containing a narcotic, a drug that may be dispensed only upon prescription or the label of which bears substantially the statement "Warning — may be habit-forming," or a drug intended for injection.

"Radiopharmaceutical" means any drug that exhibits spontaneous disintegration of unstable nuclei with the emission of nuclear particles or photons and includes any non-radioactive reagent kit or radionuclide generator that is intended to be used in the preparation of any such substance, but does not include drugs such as carbon-containing compounds or potassium-containing salts that include trace quantities of naturally occurring radionuclides. The term also includes any biological product that is labeled with a radionuclide or intended solely to be labeled with a radionuclide.

"Reference biological product" means the single biological product licensed pursuant to 42 U.S.C. § 262(a) against which a biological product is evaluated in an application submitted to the U.S. Food and Drug Administration for licensure of biological products as biosimilar or interchangeable pursuant to 42 U.S.C. § 262(k).

"Sale" includes barter, exchange, or gift, or offer therefor, and each such transaction made by any person, whether as an individual, proprietor, agent, servant, or employee.

"Therapeutically equivalent drug products" means drug products that contain the same active ingredients and are identical in strength or concentration, dosage form, and route of administration and that are classified as being therapeutically equivalent by the U.S. Food and Drug Administration pursuant to the definition of "therapeutically equivalent drug products" set forth in the most recent edition of the Approved Drug Products with Therapeutic Equivalence Evaluations, otherwise known as the "Orange Book."

"Third-party logistics provider" means a person that provides or coordinates warehousing of or other logistics services for a drug or device in interstate commerce on behalf of a manufacturer, wholesale distributor, or dispenser of the drug or device but does not take ownership of the product or have responsibility for directing the sale or disposition of the product.

"USP-NF" means the current edition of the United States Pharmacopeia-National Formulary.

"Warehouser" means any person, other than a wholesale distributor, manufacturer, or third-party logistics provider, engaged in the business of (i) selling or otherwise distributing prescription drugs or devices to any person who is not the ultimate user or consumer and (ii) delivering Schedule VI prescription devices to the ultimate user or consumer pursuant to § 54.1-3415.1. No person shall be subject to any state or local tax by reason of this definition.

"Wholesale distribution" means (i) distribution of prescription drugs to persons other than consumers or patients and (ii) delivery of Schedule VI prescription devices to the ultimate user or consumer pursuant to § 54.1-3415.1, subject to the exemptions set forth in the federal Drug Supply Chain Security Act.

"Wholesale distributor" means any person other than a manufacturer, a manufacturer's co-licensed partner, a third-party logistics provider, or a repackager that engages in wholesale distribution.

The words "drugs" and "devices" as used in Chapter 33 (§ 54.1-3300 et seq.) and in this chapter shall not include surgical or dental instruments, physical therapy equipment, X-ray apparatus, or glasses or lenses for the eyes.

The terms "pharmacist," "pharmacy," and "practice of pharmacy" as used in this chapter shall be defined as provided in Chapter 33 (§ 54.1-3300 et seq.) unless the context requires a different meaning.

§ 54.1-3401. (Effective July 1, 2020) Definitions.

As used in this chapter, unless the context requires a different meaning:

"Administer" means the direct application of a controlled substance, whether by injection, inhalation, ingestion, or any other means, to the body of a patient or research subject by (i) a practitioner or by his authorized agent and under his direction or (ii) the patient or research subject at the direction and in the presence of the practitioner.

"Advertisement" means all representations disseminated in any manner or by any means, other than by labeling, for the purpose of inducing, or which are likely to induce, directly or indirectly, the purchase of drugs or devices.

"Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, or dispenser. It does not include a common or contract carrier, public warehouseman, or employee of the carrier or warehouseman.

"Anabolic steroid" means any drug or hormonal substance, chemically and pharmacologically related to testosterone, other than estrogens, progestins, corticosteroids, and dehydroepiandrosterone.

"Animal" means any nonhuman animate being endowed with the power of voluntary action.

"Automated drug dispensing system" means a mechanical or electronic system that performs operations or activities, other than compounding or administration, relating to pharmacy services, including the storage, dispensing, or distribution of drugs and the collection, control, and maintenance of all transaction information, to provide security and accountability for such drugs.

"Biological product" means a virus, therapeutic serum, toxin, antitoxin, vaccine, blood, blood component or derivative, allergenic product, protein other than a chemically synthesized polypeptide, or analogous product, or arsphenamine or any derivative of arsphenamine or any other trivalent organic arsenic compound, applicable to the prevention, treatment, or cure of a disease or condition of human beings.

"Biosimilar" means a biological product that is highly similar to a specific reference biological product, notwithstanding minor differences in clinically inactive compounds, such that there are no clinically meaningful differences between the reference biological product and the biological product that has been licensed as a biosimilar pursuant to 42 U.S.C. § 262(k) in terms of safety, purity, and potency of the product.

"Board" means the Board of Pharmacy.

"Bulk drug substance" means any substance that is represented for use, and that, when used in the compounding, manufacturing, processing, or packaging of a drug, becomes an active ingredient or a finished dosage form of the drug; however, "bulk drug substance" shall not include intermediates that are used in the synthesis of such substances.

"Change of ownership" of an existing entity permitted, registered, or licensed by the Board means (i) the sale or transfer of all or substantially all of the assets of the entity or of any corporation that owns or controls the entity; (ii) the creation of a partnership by a sole proprietor, the dissolution of a partnership, or change in partnership composition; (iii) the acquisition or disposal of 50 percent or more of the outstanding shares of voting stock of a corporation owning the entity or of the parent corporation of a wholly owned subsidiary owning the entity, except that this shall not apply to any corporation the voting stock of which is actively traded on any securities exchange or in any over-the-counter market; (iv) the merger of a corporation owning the entity or of the parent corporation of a wholly-owned subsidiary owning the entity with another business or corporation; or (v) the expiration or forfeiture of a corporation's charter.

"Co-licensed partner" means a person who, with at least one other person, has the right to engage in the manufacturing or marketing of a prescription drug, consistent with state and federal law.

"Compounding" means the combining of two or more ingredients to fabricate such ingredients into a single preparation and includes the mixing, assembling, packaging, or labeling of a drug or device (i) by a pharmacist, or within a permitted pharmacy, pursuant to a valid prescription issued for a medicinal or therapeutic purpose in the context of a bona fide practitioner-patient-pharmacist relationship, or in expectation of receiving a valid prescription based on observed historical patterns of prescribing and dispensing; (ii) by a practitioner of medicine, osteopathy, podiatry, dentistry, or veterinary medicine as an incident to his administering or dispensing, if authorized to dispense, a controlled substance in the course of his professional practice; or (iii) for the purpose of, or as incident to, research, teaching, or chemical analysis and not for sale or for dispensing. The mixing, diluting, or reconstituting of a manufacturer's product drugs for the purpose of administration to a patient, when performed by a practitioner of medicine or osteopathy licensed under Chapter 29 (§ 54.1-2900 et seq.), a person supervised by such practitioner pursuant to subdivision A 6 or 19 of § 54.1-2901, or a person supervised by such practitioner or a licensed nurse practitioner or physician assistant pursuant to subdivision A 4 of § 54.1-2901 shall not be considered compounding.

"Controlled substance" means a drug, substance, or immediate precursor in Schedules I through VI of this chapter. The term shall not include distilled spirits, wine, malt beverages, or tobacco as those terms are defined or used in Title 3.2 or Title 4.1. The term "controlled substance" includes a controlled substance analog that has been placed into Schedule I or II by the Board pursuant to the regulatory authority in subsection D of § 54.1-3443.

"Controlled substance analog" means a substance the chemical structure of which is substantially similar to the chemical structure of a controlled substance in Schedule I or II and either (i) which has a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance in Schedule I or II or (ii) with respect to a particular person, which such person represents or intends to have a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance in Schedule I or II. "Controlled substance analog" does not include (a) any substance for which there is an approved new drug application as defined under § 505 of the federal Food, Drug, and Cosmetic Act (21 U.S.C. § 355) or that is generally recognized as safe and effective pursuant to §§ 501, 502, and 503 of the federal Food, Drug, and Cosmetic Act (21 U.S.C. §§ 351, 352, and 353) and 21 C.F.R. Part 330; (b) with respect to a particular person, any substance for which an exemption is in effect for investigational use for that person under § 505 of the federal Food, Drug, and Cosmetic Act to the extent that the conduct with respect to that substance is pursuant to such exemption; or (c) any substance to the extent not intended for human consumption before such an exemption takes effect with respect to that substance.

"DEA" means the Drug Enforcement Administration, U.S. Department of Justice, or its successor agency.

"Deliver" or "delivery" means the actual, constructive, or attempted transfer of any item regulated by this chapter, whether or not there exists an agency relationship, including delivery of a Schedule VI prescription device to an ultimate user or consumer on behalf of a medical equipment supplier by a manufacturer, nonresident manufacturer, wholesale distributor, nonresident wholesale distributor, warehouse, nonresident warehouse, third-party logistics provider, or nonresident third-party logistics provider at the direction of a medical equipment supplier in accordance with § 54.1-3415.1.

"Device" means instruments, apparatus, and contrivances, including their components, parts, and accessories, intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or animals or to affect the structure or any function of the body of man or animals.

"Dialysis care technician" or "dialysis patient care technician" means an individual who is certified by an organization approved by the Board of Health Professions pursuant to Chapter 27.01 (§ 54.1-2729.1 et seq.) and who, under the supervision of a licensed physician, nurse practitioner, physician assistant, or a registered nurse, assists in the care of patients undergoing renal dialysis treatments in a Medicare-certified renal dialysis facility.

"Dialysis solution" means either the commercially available, unopened, sterile solutions whose purpose is to be instilled into the peritoneal cavity during the medical procedure known as peritoneal dialysis, or commercially available solutions whose purpose is to be used in the performance of hemodialysis not to include any solutions administered to the patient intravenously.

"Dispense" means to deliver a drug to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, including the prescribing and administering, packaging, labeling, or compounding necessary to prepare the substance for that delivery. However, dispensing shall not include the transportation of drugs mixed, diluted, or reconstituted in accordance with this chapter to other sites operated by such practitioner or that practitioner's medical practice for the purpose of administration of such drugs to patients of the practitioner or that practitioner's medical practice at such other sites. For practitioners of medicine or osteopathy, "dispense" shall only include the provision of drugs by a practitioner to patients to take with them away from the practitioner's place of practice.

"Dispenser" means a practitioner who dispenses.

"Distribute" means to deliver other than by administering or dispensing a controlled substance.

"Distributor" means a person who distributes.

"Drug" means (i) articles or substances recognized in the official United States Pharmacopoeia National Formulary or official Homeopathic Pharmacopoeia of the United States, or any supplement to any of them; (ii) articles or substances

intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or animals; (iii) articles or substances, other than food, intended to affect the structure or any function of the body of man or animals; (iv) articles or substances intended for use as a component of any article specified in clause (i), (ii), or (iii); or (v) a biological product. "Drug" does not include devices or their components, parts, or accessories.

"Drug product" means a specific drug in dosage form from a known source of manufacture, whether by brand or therapeutically equivalent drug product name.

"Electronic prescription" means a written prescription that is generated on an electronic application and is transmitted to a pharmacy as an electronic data file; Schedule II through V prescriptions shall be transmitted in accordance with 21 C.F.R. Part 1300.

"Facsimile (FAX) prescription" means a written prescription or order that is transmitted by an electronic device over telephone lines that sends the exact image to the receiving pharmacy in hard copy form.

"FDA" means the U.S. Food and Drug Administration.

~~"Hashish oil" means any oily extract containing one or more cannabinoids, but shall not include any such extract with a tetrahydrocannabinol content of less than 12 percent by weight.~~

"Immediate precursor" means a substance which the Board of Pharmacy has found to be and by regulation designates as being the principal compound commonly used or produced primarily for use, and which is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance, the control of which is necessary to prevent, curtail, or limit manufacture.

"Interchangeable" means a biosimilar that meets safety standards for determining interchangeability pursuant to 42 U.S.C. § 262(k)(4).

"Label" means a display of written, printed, or graphic matter upon the immediate container of any article. A requirement made by or under authority of this chapter that any word, statement, or other information appear on the label shall not be considered to be complied with unless such word, statement, or other information also appears on the outside container or wrapper, if any, of the retail package of such article or is easily legible through the outside container or wrapper.

"Labeling" means all labels and other written, printed, or graphic matter on an article or any of its containers or wrappers, or accompanying such article.

"Manufacture" means the production, preparation, propagation, conversion, or processing of any item regulated by this chapter, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container. This term does not include compounding.

"Manufacturer" means every person who manufactures, a manufacturer's co-licensed partner, or a repackager.

"Marijuana" means any part of a plant of the genus *Cannabis* whether growing or not, its seeds, or its resin; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, ~~or its resin, or any extract containing one or more cannabinoids.~~ Marijuana ~~shall does not include any oily extract containing one or more cannabinoids unless such extract contains less than 12 percent of tetrahydrocannabinol by weight, nor shall marijuana include~~ the mature stalks of such plant, fiber produced from such stalk, or oil or cake made from the seeds of such plant, unless such stalks, fiber, oil, or cake is combined with other parts of plants of the genus *Cannabis*. Marijuana ~~shall does not include~~ (i) industrial hemp, as defined in § 3.2-4112, that is possessed by a person registered pursuant to subsection A of § 3.2-4115 or his agent, or (ii) a hemp product, as defined in § 3.2-4112, containing a tetrahydrocannabinol concentration of no greater than 0.3 percent that is derived from industrial hemp, as defined in § 3.2-4112, that is grown, dealt, or processed in compliance with state or federal law.

"Medical equipment supplier" means any person, as defined in § 1-230, engaged in the delivery to the ultimate consumer, pursuant to the lawful order of a practitioner, of hypodermic syringes and needles, medicinal oxygen, Schedule VI controlled devices, those Schedule VI controlled substances with no medicinal properties that are used for the operation and cleaning of medical equipment, solutions for peritoneal dialysis, and sterile water or saline for irrigation.

"Narcotic drug" means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis: (i) opium, opiates, and any salt, compound, derivative, or preparation of opium or opiates; (ii) any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in clause (i), but not including the isoquinoline alkaloids of opium; (iii) opium poppy and poppy straw; (iv) coca leaves and any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extraction of coca leaves which do not contain cocaine or ecgonine.

"New drug" means (i) any drug, except a new animal drug or an animal feed bearing or containing a new animal drug, the composition of which is such that such drug is not generally recognized, among experts qualified by scientific training and experience to evaluate the safety and effectiveness of drugs, as safe and effective for use under the conditions prescribed, recommended, or suggested in the labeling, except that such a drug not so recognized shall not be deemed to be a "new drug" if at any time prior to the enactment of this chapter it was subject to the Food and Drugs Act of June 30, 1906, as amended, and if at such time its labeling contained the same representations concerning the conditions of its use, or (ii) any drug, except a new animal drug or an animal feed bearing or containing a new animal drug, the composition of which is such that such drug, as a result of investigations to determine its safety and effectiveness for use under such

conditions, has become so recognized, but which has not, otherwise than in such investigations, been used to a material extent or for a material time under such conditions.

"Nuclear medicine technologist" means an individual who holds a current certification with the American Registry of Radiological Technologists or the Nuclear Medicine Technology Certification Board.

"Official compendium" means the official United States Pharmacopoeia National Formulary, official Homeopathic Pharmacopoeia of the United States, or any supplement to any of them.

"Official written order" means an order written on a form provided for that purpose by the U.S. Drug Enforcement Administration, under any laws of the United States making provision therefor, if such order forms are authorized and required by federal law, and if no such order form is provided then on an official form provided for that purpose by the Board of Pharmacy.

"Opiate" means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having such addiction-forming or addiction-sustaining liability. It does not include, unless specifically designated as controlled under Article 4 (§ 54.1-3437 et seq.), the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). It does include its racemic and levorotatory forms.

"Opium poppy" means the plant of the species *Papaver somniferum* L., except the seeds thereof.

"Original package" means the unbroken container or wrapping in which any drug or medicine is enclosed together with label and labeling, put up by or for the manufacturer, wholesaler, or distributor for use in the delivery or display of such article.

"Outsourcing facility" means a facility that is engaged in the compounding of sterile drugs and is currently registered as an outsourcing facility with the U.S. Secretary of Health and Human Services and that complies with all applicable requirements of federal and state law, including the Federal Food, Drug, and Cosmetic Act.

"Person" means both the plural and singular, as the case demands, and includes an individual, partnership, corporation, association, governmental agency, trust, or other institution or entity.

"Pharmacist-in-charge" means the person who, being licensed as a pharmacist, signs the application for a pharmacy permit and assumes full legal responsibility for the operation of the relevant pharmacy in a manner complying with the laws and regulations for the practice of pharmacy and the sale and dispensing of controlled substances; the "pharmacist-in-charge" shall personally supervise the pharmacy and the pharmacy's personnel as required by § 54.1-3432.

"Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

"Practitioner" means a physician, dentist, licensed nurse practitioner pursuant to § 54.1-2957.01, licensed physician assistant pursuant to § 54.1-2952.1, pharmacist pursuant to § 54.1-3300, TPA-certified optometrist pursuant to Article 5 (§ 54.1-3222 et seq.) of Chapter 32, veterinarian, scientific investigator, or other person licensed, registered, or otherwise permitted to distribute, dispense, prescribe and administer, or conduct research with respect to a controlled substance in the course of professional practice or research in the Commonwealth.

"Prescriber" means a practitioner who is authorized pursuant to §§ 54.1-3303 and 54.1-3408 to issue a prescription.

"Prescription" means an order for drugs or medical supplies, written or signed or transmitted by word of mouth, telephone, telegraph, or other means of communication to a pharmacist by a duly licensed physician, dentist, veterinarian, or other practitioner authorized by law to prescribe and administer such drugs or medical supplies.

"Prescription drug" means any drug required by federal law or regulation to be dispensed only pursuant to a prescription, including finished dosage forms and active ingredients subject to § 503(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. § 353(b)).

"Production" or "produce" includes the manufacture, planting, cultivation, growing, or harvesting of a controlled substance or marijuana.

"Proprietary medicine" means a completely compounded nonprescription drug in its unbroken, original package which does not contain any controlled substance or marijuana as defined in this chapter and is not in itself poisonous, and which is sold, offered, promoted, or advertised directly to the general public by or under the authority of the manufacturer or primary distributor, under a trademark, trade name, or other trade symbol privately owned, and the labeling of which conforms to the requirements of this chapter and applicable federal law. However, this definition shall not include a drug that is only advertised or promoted professionally to licensed practitioners, a narcotic or drug containing a narcotic, a drug that may be dispensed only upon prescription or the label of which bears substantially the statement "Warning — may be habit-forming," or a drug intended for injection.

"Radiopharmaceutical" means any drug that exhibits spontaneous disintegration of unstable nuclei with the emission of nuclear particles or photons and includes any non-radioactive reagent kit or radionuclide generator that is intended to be used in the preparation of any such substance, but does not include drugs such as carbon-containing compounds or potassium-containing salts that include trace quantities of naturally occurring radionuclides. The term also includes any biological product that is labeled with a radionuclide or intended solely to be labeled with a radionuclide.

"Reference biological product" means the single biological product licensed pursuant to 42 U.S.C. § 262(a) against which a biological product is evaluated in an application submitted to the U.S. Food and Drug Administration for licensure of biological products as biosimilar or interchangeable pursuant to 42 U.S.C. § 262(k).

"Sale" includes barter, exchange, or gift, or offer therefor, and each such transaction made by any person, whether as an individual, proprietor, agent, servant, or employee.

"Therapeutically equivalent drug products" means drug products that contain the same active ingredients and are identical in strength or concentration, dosage form, and route of administration and that are classified as being therapeutically equivalent by the U.S. Food and Drug Administration pursuant to the definition of "therapeutically equivalent drug products" set forth in the most recent edition of the Approved Drug Products with Therapeutic Equivalence Evaluations, otherwise known as the "Orange Book."

"Third-party logistics provider" means a person that provides or coordinates warehousing of or other logistics services for a drug or device in interstate commerce on behalf of a manufacturer, wholesale distributor, or dispenser of the drug or device but does not take ownership of the product or have responsibility for directing the sale or disposition of the product.

"USP-NF" means the current edition of the United States Pharmacopeia-National Formulary.

"Warehouser" means any person, other than a wholesale distributor, manufacturer, or third-party logistics provider, engaged in the business of (i) selling or otherwise distributing prescription drugs or devices to any person who is not the ultimate user or consumer and (ii) delivering Schedule VI prescription devices to the ultimate user or consumer pursuant to § 54.1-3415.1. No person shall be subject to any state or local tax by reason of this definition.

"Wholesale distribution" means (i) distribution of prescription drugs to persons other than consumers or patients and (ii) delivery of Schedule VI prescription devices to the ultimate user or consumer pursuant to § 54.1-3415.1, subject to the exemptions set forth in the federal Drug Supply Chain Security Act.

"Wholesale distributor" means any person other than a manufacturer, a manufacturer's co-licensed partner, a third-party logistics provider, or a repackager that engages in wholesale distribution.

The words "drugs" and "devices" as used in Chapter 33 (§ 54.1-3300 et seq.) and in this chapter shall not include surgical or dental instruments, physical therapy equipment, X-ray apparatus, or glasses or lenses for the eyes.

The terms "pharmacist," "pharmacy," and "practice of pharmacy" as used in this chapter shall be defined as provided in Chapter 33 (§ 54.1-3300 et seq.) unless the context requires a different meaning.

§ 54.1-3446. Schedule I.

The controlled substances listed in this section are included in Schedule I:

1. Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, unless specifically excepted, whenever the existence of these isomers, esters, ethers and salts is possible within the specific chemical designation:

1-(2-phenylethyl)-4-phenyl-4-acetyloxypiperidine (other name: PEPAP);

1-methyl-4-phenyl-4-propionoxypiperidine (other name: MPPP);

2-methoxy-N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-acetamide (other name: Methoxyacetyl fentanyl);

3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methyl-benzamide (other name: U-47700);

3,4-dichloro-N-[[1-(dimethylamino)cyclohexyl]methyl]benzamide (other name: AH-7921);

Acetyl fentanyl (other name: desmethyl fentanyl);

Acetylmethadol;

Allylprodine;

Alphacetylmethadol (except levo-alpha-acetylmethadol, also known as levo-alpha-acetylmethadol, levomethadyl acetate, or LAAM);

Alphameprodine;

Alphamethadol;

Benzethidine;

Betacetylmethadol;

Betameprodine;

Betamethadol;

Betaprodine;

Clonitazene;

Dextromoramide;

Diampromide;

Diethylthiambutene;

Difenoxin;

Dimenoxadol;

Dimepheptanol;

Dimethylthiambutene;

Dioxaphetylbutyrate;

Dipipanone;

Ethylmethylthiambutene;

Etonitazene;

Etoxadine;

Furethidine;

Hydroxypethidine;

Ketobemidone;

Levomoramide;

Levophenacymorphan;
 Morpheridine;
 MT-45 (1-cyclohexyl-4-(1,2-diphenylethyl)piperazine);
 N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopropanecarboxamide (other name: Cyclopropyl fentanyl);
 N-(1-phenethylpiperidin-4-yl)-N-phenyltetrahydrofuran-2-carboxamide (other name: Tetrahydrofuranyl fentanyl);
 N-[1-[1-methyl-2-(2-thienyl)ethyl]-4-piperidyl]-N-phenylpropanamide (other name: alpha-methylthiofentanyl);
 N-[1-(1-methyl-2-phenylethyl)-4-piperidyl]-N-phenylacetamide (other name: acetyl-alpha-methylfentanyl);
 N-{1-[2-hydroxy-2-(2-thienyl)ethyl]-4-piperidinyl}-N-phenylpropanamide (other name: beta-hydroxythiofentanyl);
 N-[1-(2-hydroxy-2-phenyl)ethyl-4-piperidyl]-N-phenylpropanamide (other name: beta-hydroxyfentanyl);
 N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl]propionanilide (other names:
 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine, alpha-methylfentanyl);
 N-(2-fluorophenyl)-N-[1-(2-phenylethyl)-4-piperidinyl]-propanamide (other names: 2-fluorofentanyl,
 ortho-fluorofentanyl);
 N-(3-fluorophenyl)-N-[1-(2-phenylethyl)-4-piperidinyl]-propanamide (other name: 3-fluorofentanyl);
 N-[3-methyl-1-(2-hydroxy-2-phenylethyl)-4-piperidyl]-N-phenylpropanamide (other name:
 beta-hydroxy-3-methylfentanyl);
 N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide (other name: 3-methylfentanyl);
 N-[3-methyl-1-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide (other name: 3-methylthiofentanyl);
 N-(4-fluorophenyl)-2-methyl-N-[1-(2-phenylethyl)-4-piperidinyl]-propanamide (other name: para-fluoroisobutyryl
 fentanyl);
 N-(4-fluorophenyl)-N-[1-(2-phenylethyl)-4-piperidinyl]-butanamide (other name: para-fluorobutyrylfentanyl);
 N-(4-fluorophenyl)-N-1-(2-phenylethyl)-4-piperidinyl]-propanamide (other name: para-fluorofentanyl);
 Noracymethadol;
 Norlevorphanol;
 Normethadone;
 Norpipanone;
 N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-2-furancarboxamide (other name: Furanyl fentanyl);
 N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-2-propenamide (other name: Acryl fentanyl);
 N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-butanamide (other name: butyryl fentanyl);
 N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-pentanamide (other name: Pentanoyl fentanyl);
 N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide (other name: thiofentanyl);
 Phenadoxone;
 Phenampromide;
 Phenomorphan;
 Phenoperidine;
 Piritramide;
 Proheptazine;
 Properidine;
 Propiram;
 Racemoramide;
 Tilidine;
 Trimeperidine;
 N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-1,3-benzodioxole-5-carboxamide (other name: Benzodioxole
 fentanyl);
 3,4-dichloro-N-[2-(diethylamino)cyclohexyl]-N-methylbenzamide (other name: U-49900);
 2-(2,4-dichlorophenyl)-N-[2-(dimethylamino)cyclohexyl]-N-methylacetamide (other name: U-48800);
 2-(3,4-dichlorophenyl)-N-[2-(dimethylamino)cyclohexyl]-N-methylacetamide (other name: U-51754);
 N-(2-fluorophenyl)-2-methoxy-N-[1-(2-phenylethyl)-4-piperidinyl]-acetamide (other name: Ocfentamil);
 N-(4-methoxyphenyl)-N-[1-(2-phenylethyl)-4-piperidinyl]-butanamide (other name: 4-methoxybutyrylfentanyl);
 N-phenyl-2-methyl-N-[1-(2-phenylethyl)-4-piperidinyl]-propanamide (other name: Isobutyryl fentanyl);
 N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-cyclopentanecarboxamide (other name: Cyclopentyl fentanyl);
 N-phenyl-N-(1-methyl-4-piperidinyl)-propanamide (other name: N-methyl norfentanyl);
 N-[2-(dimethylamino)cyclohexyl]-N-methyl-1,3-benzodioxole-5-carboxamide (other names: 3,4-methylenedioxy
 U-47700 or 3,4-MDO-U-47700);
 N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-2-butenamide (other name: Crotonyl fentanyl);
 N-phenyl-N-[4-phenyl-1-(2-phenylethyl)-4-piperidinyl]-propanamide (other name: 4-phenylfentanyl).
 2. Any of the following opium derivatives, their salts, isomers and salts of isomers, unless specifically excepted,
 whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation:
 Acetorphine;
 Acetyldihydrocodeine;
 Benzylmorphine;

Codeine methylbromide;
 Codeine-N-Oxide;
 Cyprenorphine;
 Desomorphine;
 Dihydromorphine;
 Drotebanol;
 Etorphine;
 Heroin;
 Hydromorphanol;
 Methyldesorphine;
 Methyldihydromorphine;
 Morphine methylbromide;
 Morphine methylsulfonate;
 Morphine-N-Oxide;
 Myrophine;
 Nicocodeine;
 Nicomorphine;
 Normorphine;
 Pholcodine;
 Thebacon.

3. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation, which contains any quantity of the following hallucinogenic substances, or which contains any of its salts, isomers, and salts of isomers, whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation (for purposes of this subdivision only, the term "isomer" includes the optical, position, and geometric isomers):

Alpha-ethyltryptamine (some trade or other names: Monase; a-ethyl-1H-indole-3-ethanamine; 3-2-aminobutyl] indole; a-ET; AET);

4-Bromo-2,5-dimethoxyphenethylamine (some trade or other names:

2-4-bromo-2,5-dimethoxyphenyl]-1-aminoethane; alpha-desmethyl DOB; 2C-B; Nexus);

3,4-methylenedioxy amphetamine;

5-methoxy-3,4-methylenedioxy amphetamine;

3,4,5-trimethoxy amphetamine;

Alpha-methyltryptamine (other name: AMT);

Bufotenine;

Diethyltryptamine;

Dimethyltryptamine;

4-methyl-2,5-dimethoxyamphetamine;

2,5-dimethoxy-4-ethylamphetamine (DOET);

4-fluoro-N-ethylamphetamine;

2,5-dimethoxy-4-(n)-propylthiophenethylamine (other name: 2C-T-7);

Ibogaine;

5-methoxy-N,N-diisopropyltryptamine (other name: 5-MeO-DIPT);

Lysergic acid diethylamide;

Mescaline;

Parahexyl (some trade or other names: 3-Hexyl-1-hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-dibenz o [b,d] pyran; Synhexyl);

Peyote;

N-ethyl-3-piperidyl benzilate;

N-methyl-3-piperidyl benzilate;

Psilocybin;

Psilocyn;

Salvinorin A;

Tetrahydrocannabinols, except as present in (i) industrial hemp, as defined in § 3.2-4112, that is possessed by a person registered pursuant to subsection A of § 3.2-4115 or his agent; (ii) a hemp product, as defined in § 3.2-4112, containing a tetrahydrocannabinol concentration of no greater than 0.3 percent that is derived from industrial hemp, as defined in § 3.2-4112, that is grown, dealt, or processed in compliance with state or federal law; (iii) marijuana; or (iv) dronabinol in sesame oil and encapsulated in a soft gelatin capsule in a drug product approved by the U.S. Food and Drug Administration;

~~Hashish oil (some trade or other names: hash oil; liquid marijuana; liquid hashish);~~

2,5-dimethoxyamphetamine (some trade or other names: 2,5-dimethoxy-a-methylphenethylamine; 2,5-DMA);

3,4-methylenedioxymethamphetamine (MDMA), its optical, positional and geometric isomers, salts and salts of isomers;

3,4-methylenedioxy-N-ethylamphetamine (also known as N-ethyl-alpha-methyl-3,4 (methylenedioxy)phenethylamine, N-ethyl MDA, MDE, MDEA);
 N-hydroxy-3,4-methylenedioxyamphetamine (some other names: N-hydroxy-alpha-methyl-3,4(methylenedioxy)phenethylamine, and N-hydroxy MDA);
 4-bromo-2,5-dimethoxyamphetamine (some trade or other names: 4-bromo-2,5-dimethoxy-a-methylphenethylamine; 4-bromo-2,5-DMA);
 4-methoxyamphetamine (some trade or other names: 4-methoxy-a-methylphenethylamine; paramethoxyamphetamine; PMA);
 Ethylamine analog of phencyclidine (some other names: N-ethyl-1-phenylcyclohexylamine, (1-phenylcyclohexyl) ethylamine, N-(1-phenylcyclohexyl) ethylamine, cyclohexamine, PCE);
 Pyrrolidine analog of phencyclidine (some other names: 1-(1-phenylcyclohexyl) -pyrrolidine, PCPy, PHP);
 Thiophene analog of phencyclidine (some other names: 1-[1-(2-thienyl) -cyclohexyl]-piperidine, 2-thienyl analog of phencyclidine, TPCP, TCP);
 1-1-(2-thienyl)cyclohexyl]pyrrolidine (other name: TCPy);
 3,4-methylenedioxypropylvalerone (other name: MDPV);
 4-methylmethcathinone (other names: mephedrone, 4-MMC);
 3,4-methylenedioxypropylmethcathinone (other name: methylone);
 Naphthylpyrovalerone (other name: naphyrone);
 4-fluoromethcathinone (other name: flephedrone, 4-FMC);
 4-methoxymethcathinone (other names: methedrone; bk-PMMA);
 Ethcathinone (other name: N-ethylcathinone);
 3,4-methylenedioxyethcathinone (other name: ethylone);
 Beta-keto-N-methyl-3,4-benzodioxolylbutanamine (other name: butylone);
 N,N-dimethylcathinone (other name: metamfepramone);
 Alpha-pyrrolidinopropiophenone (other name: alpha-PPP);
 4-methoxy-alpha-pyrrolidinopropiophenone (other name: MOPPP);
 3,4-methylenedioxy-alpha-pyrrolidinopropiophenone (other name: MDPPP);
 Alpha-pyrrolidinovalerophenone (other name: alpha-PVP);
 6,7-dihydro-5H-indeno-(5,6-d)-1,3-dioxol-6-amine (other name: MDAI);
 3-fluoromethcathinone (other name: 3-FMC);
 4-Ethyl-2,5-dimethoxyphenethylamine (other name: 2C-E);
 4-Iodo-2,5-dimethoxyphenethylamine (other name: 2C-I);
 4-Methylethcathinone (other name: 4-MEC);
 4-Ethylmethcathinone (other name: 4-EMC);
 N,N-diallyl-5-methoxytryptamine (other name: 5-MeO-DALT);
 Beta-keto-methylbenzodioxolylpentanamine (other name: Pentylone, bk-MBDP);
 Alpha-methylamino-butyrophenone (other name: Buphedrone);
 Alpha-methylamino-valerophenone (other name: Pentadrone);
 3,4-Dimethylmethcathinone (other name: 3,4-DMMC);
 4-methyl-alpha-pyrrolidinopropiophenone (other name: MPPP);
 4-Iodo-2,5-dimethoxy-N-[(2-methoxyphenyl)methyl]-benzeneethanamine (other names: 25-I, 25I-NBOMe, 2C-I-NBOMe);
 Methoxetamine (other names: MXE, 3-MeO-2-Oxo-PCE);
 4-Fluoromethamphetamine (other name: 4-FMA);
 4-Fluoroamphetamine (other name: 4-FA);
 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (other name: 2C-D);
 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (other name: 2C-C);
 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (other name: 2C-T-2);
 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (other name: 2C-T-4);
 2-(2,5-Dimethoxyphenyl)ethanamine (other name: 2C-H);
 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (other name: 2C-N);
 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (other name: 2C-P);
 (2-aminopropyl)benzofuran (other name: APB);
 (2-aminopropyl)-2,3-dihydrobenzofuran (other name: APDB);
 4-chloro-2,5-dimethoxy-N-[(2-methoxyphenyl)methyl]-benzeneethanamine (other names: 2C-C-NBOMe, 25C-NBOMe, 25C);
 4-bromo-2,5-dimethoxy-N-[(2-methoxyphenyl)methyl]-benzeneethanamine (other names: 2C-B-NBOMe, 25B-NBOMe, 25B);
 Acetoxymethyltryptamine (other names: AcO-Psilocin, AcO-DMT, Psilacetin);
 Benocyclidine (other names: BCP, BTCP);
 Alpha-pyrrolidinobutyrophenone (other name: alpha-PBP);

3,4-methylenedioxy-N,N-dimethylcathinone (other names: Dimethylone, bk-MDDMA);
 4-bromomethcathinone (other name: 4-BMC);
 4-chloromethcathinone (other name: 4-CMC);
 4-Iodo-2,5-dimethoxy-N-[(2-hydroxyphenyl)methyl]-benzeneethanamine (other name: 25I-NBOH);
 Alpha-Pyrrolidinohexiophenone (other name: alpha-PHP);
 Alpha-Pyrrolidinoheptiophenone (other name: PV8);
 5-methoxy-N,N-methylisopropyltryptamine (other name: 5-MeO-MIPT);
 Beta-keto-N,N-dimethylbenzodioxolylbutanamine (other names: Dibutylone, bk-DMBDB);
 Beta-keto-4-bromo-2,5-dimethoxyphenethylamine (other name: bk-2C-B);
 1-(1,3-benzodioxol-5-yl)-2-(ethylamino)-1-pentanone (other name: N-ethylpentylone);
 1-[1-(3-methoxyphenyl)cyclohexyl]piperidine (other name: 3-methoxy PCP);
 1-[1-(4-methoxyphenyl)cyclohexyl]piperidine (other name: 4-methoxy PCP);
 4-Chloroethcathinone (other name: 4-CEC);
 3-Methoxy-2-(methylamino)-1-(4-methylphenyl)-1-propanone (other name: Mexedrone);
 1-propionyl lysergic acid diethylamide (other name: 1P-LSD);
 (2-Methylaminopropyl)benzofuran (other name: MAPB);
 1-(1,3-benzodioxol-5-yl)-2-(dimethylamino)-1-pentanone (other names: N,N-Dimethylpentylone, Dipentylone);
 1-(4-methoxyphenyl)-2-(pyrrolidin-1-yl)octan-1-one (other name: 4-methoxy-PV9);
 3,4-tetramethylene-alpha-pyrrolidinovalerophenone (other name: TH-PVP);
 4-allyloxy-3,5-dimethoxyphenethylamine (other name: Allylescaline);
 4-Bromo-2,5-dimethoxy-N-[(2-hydroxyphenyl)methyl]-benzeneethanamine (other name: 25B-NBOH);
 4-chloro-alpha-methylamino-valerophenone (other name: 4-chloropentedrone);
 4-chloro-alpha-Pyrrolidinovalerophenone (other name: 4-chloro-alpha-PVP);
 4-fluoro-alpha-Pyrrolidinoheptiophenone (other name: 4-fluoro-PV8);
 4-hydroxy-N,N-diisopropyltryptamine (other name: 4-OH-DIPT);
 4-methyl-alpha-ethylaminopentiophenone;
 4-methyl-alpha-Pyrrolidinohexiophenone (other name: MPHP);
 5-methoxy-N,N-dimethyltryptamine (other name: 5-MeO-DMT);
 5-methoxy-N-ethyl-N-isopropyltryptamine (other name: 5-MeO-EIPT);
 6-ethyl-6-nor-lysergic acid diethylamide (other name: ETH-LAD);
 6-allyl-6-nor-lysergic acid diethylamide (other name: AL-LAD);
 (N-methyl aminopropyl)-2,3-dihydrobenzofuran (other name: MAPDB);
 2-(methylamino)-2-phenyl-cyclohexanone (other name: Deschloroketamine);
 2-(ethylamino)-2-phenyl-cyclohexanone (other name: deschloro-N-ethyl-ketamine);
 2-methyl-1-(4-(methylthio)phenyl)-2-morpholinopropiophenone (other name: MMMP);
 Alpha-ethylaminohexanophenone (other name: N-ethylhexedrone);
 N-ethyl-1-(3-methoxyphenyl)cyclohexylamine (other name: 3-methoxy-PCE);
 4-fluoro-alpha-pyrrolidinohexiophenone (other name: 4-fluoro-alpha-PHP);
 N-ethyl-1,2-diphenylethylamine (other name: Ephedine);
 2,5-dimethoxy-4-chloroamphetamine (other name: DOC);
 3,4-methylenedioxy-N-tert-butylcathinone.

4. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers and salts of isomers whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:

Clonazolam;

Etizolam;

Flualprazolam;

Flubromazepam;

Flubromazolam;

Gamma hydroxybutyric acid (some other names include GHB; gamma hydroxybutyrate; 4-hydroxybutyrate; 4-hydroxybutanoic acid; sodium oxybate; sodium oxybutyrate);

Mecloqualone;

Methaqualone.

5. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers and salts of isomers:

2-(3-fluorophenyl)-3-methylmorpholine (other name: 3-fluorophenmetrazine);

Aminorex (some trade or other names; aminoxaphen; 2-amino-5-phenyl-2-oxazoline);

4,5-dihydro-5-phenyl-2-oxazolamine);

Cathinone (some trade or other names: 2-amino-1-phenyl-1-propanone, alpha-aminopropiophenone, 2-aminopropiophenone, norephedrone), and any plant material from which Cathinone may be derived;

Cis-4-methylaminorex (other name: cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine);

Ethylamphetamine;

Ethyl phenyl(piperidin-2-yl)acetate (other name: Ethylphenidate);

Fenethylamine;

Methcathinone (some other names: 2-(methylamino)-propiofenone; alpha-(methylamino)-propiofenone; 2-(methylamino)-1-phenylpropan-1-one; alpha-N-methylaminopropiofenone; monomethylpropion; ephedrone; N-methylcathinone; methylcathinone; AL-464; AL-422; AL-463 and UR 1432);

N-Benzylpiperazine (some other names: BZP, 1-benzylpiperazine);

N,N-dimethylamphetamine (other names: N, N-alpha-trimethyl-benzeneethanamine, N, N-alpha-trimethylphenethylamine);

Methyl 2-(4-fluorophenyl)-2-(2-piperidinyl)acetate (other name: 4-fluoromethylphenidate);

Isopropyl-2-phenyl-2-(2-piperidinyl)acetate (other name: Isopropylphenidate).

6. Any substance that contains one or more cannabimimetic agents or that contains their salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation, and any preparation, mixture, or substance containing, or mixed or infused with, any detectable amount of one or more cannabimimetic agents.

a. "Cannabimimetic agents" includes any substance that is within any of the following structural classes:

2-(3-hydroxycyclohexyl)phenol with substitution at the 5-position of the phenolic ring by alkyl or alkenyl, whether or not substituted on the cyclohexyl ring to any extent;

3-(1-naphthoyl)indole or 1H-indol-3-yl-(1-naphthyl)methane with substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent, whether or not substituted on the naphthoyl or naphthyl ring to any extent;

3-(1-naphthoyl)pyrrole with substitution at the nitrogen atom of the pyrrole ring, whether or not further substituted in the pyrrole ring to any extent, whether or not substituted on the naphthoyl ring to any extent;

1-(1-naphthylmethyl)indene with substitution of the 3-position of the indene ring, whether or not further substituted in the indene ring to any extent, whether or not substituted on the naphthyl ring to any extent;

3-phenylacetylindole or 3-benzoylindole with substitution at the nitrogen atom of the indole ring, whether or not further substituted in the indole ring to any extent, whether or not substituted on the phenyl ring to any extent;

3-cyclopropylindole with substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent, whether or not substituted on the cyclopropyl ring to any extent;

3-adamantoylindole with substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent, whether or not substituted on the adamantyl ring to any extent;

N-(adamantyl)-indole-3-carboxamide with substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent, whether or not substituted on the adamantyl ring to any extent; and

N-(adamantyl)-indazole-3-carboxamide with substitution at a nitrogen atom of the indazole ring, whether or not further substituted on the indazole ring to any extent, whether or not substituted on the adamantyl ring to any extent.

b. The term "cannabimimetic agents" includes:

5-(1,1-Dimethylheptyl)-2-[3-hydroxycyclohexyl]-phenol (other name: CP 47,497);

5-(1,1-Dimethylhexyl)-2-[3-hydroxycyclohexyl]-phenol (other name: CP 47,497 C6 homolog);

5-(1,1-Dimethyloctyl)-2-[3-hydroxycyclohexyl]-phenol (other name: CP 47,497 C8 homolog);

5-(1,1-Dimethylnonyl)-2-[3-hydroxycyclohexyl]-phenol (other name: CP 47,497 C9 homolog);

1-pentyl-3-(1-naphthoyl)indole (other names: JWH-018, AM-678);

1-butyl-3-(1-naphthoyl)indole (other name: JWH-073);

1-pentyl-3-(2-methoxyphenylacetyl)indole (other name: JWH-250);

1-hexyl-3-(naphthalen-1-oyl)indole (other name: JWH-019);

1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole (other name: JWH-200);

(6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-ter ahydrobenzo[c]chromen-1-ol (other name: HU-210);

1-pentyl-3-(4-methoxy-1-naphthoyl)indole (other name: JWH-081);

1-pentyl-3-(4-methyl-1-naphthoyl)indole (other name: JWH-122);

1-pentyl-3-(2-chlorophenylacetyl)indole (other name: JWH-203);

1-pentyl-3-(4-ethyl-1-naphthoyl)indole (other name: JWH-210);

1-pentyl-3-(4-chloro-1-naphthoyl)indole (other name: JWH-398);

1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole (other name: AM-694);

1-((N-methylpiperidin-2-yl)methyl)-3-(1-naphthoyl)indole (other name: AM-1220);

1-(5-fluoropentyl)-3-(1-naphthoyl)indole (other name: AM-2201);

1-[(N-methylpiperidin-2-yl)methyl]-3-(2-iodobenzoyl)indole (other name: AM-2233);

Pravadoline (4-methoxyphenyl)-[2-methyl-1-(2-(4-morpholinyl)ethyl)indol-3-yl]methanone (other name: WIN 48,098);

1-pentyl-3-(4-methoxybenzoyl)indole (other names: RCS-4, SR-19);
 1-(2-cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole (other names: RCS-8, SR-18);
 1-pentyl-3-(2,2,3,3-tetramethylcyclopropylmethanone)indole (other name: UR-144);
 1-(5-fluoropentyl)-3-(2,2,3,3-tetramethylcyclopropylmethanone)indole (other names: XLR-11, 5-fluoro-UR-144);
 N-adamantyl-1-fluoropentylindole-3-carboxamide (other name: STS-135);
 N-adamantyl-1-pentylindazole-3-carboxamide (other names: AKB48, APINACA);
 1-pentyl-3-(1-adamantoyl)indole (other name: AB-001);
 (8-quinoliny)(1-pentylindol-3-yl)carboxylate (other name: PB-22);
 (8-quinoliny)(1-(5-fluoropentyl)indol-3-yl)carboxylate (other name: 5-fluoro-PB-22);
 (8-quinoliny)(1-cyclohexylmethyl-indol-3-yl)carboxylate (other name: BB-22);
 N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-pentylindazole-3-carboxamide (other name: AB-PINACA);
 N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)indazole-3-carboxamide (other name: AB-FUBINACA);
 1-(5-fluoropentyl)-3-(1-naphthoyl)indazole (other name: THJ-2201);
 N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentylindazole-3-carboxamide (other name: ADB-PINACA);
 N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)indazole-3-carboxamide (other name:
 AB-CHMINACA);
 N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)indazole-3-carboxamide (other name:
 5-fluoro-AB-PINACA);
 N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)indazole-3-carboxamide (other names:
 ADB-CHMINACA, MAB-CHMINACA);
 Methyl-2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3-methylbutanoate (other name: 5-fluoro-AMB);
 1-naphthalenyl 1-(5-fluoropentyl)-1H-indole-3-carboxylate (other name: NM-2201);
 1-(4-fluorobenzyl)-3-(2,2,3,3-tetramethylcyclopropylmethanone)indole (other name: FUB-144);
 1-(5-fluoropentyl)-3-(4-methyl-1-naphthoyl)indole (other name MAM-2201);
 N-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-1-[(4-fluorophenyl)methyl]-1H-indazole-3-carboxamide (other name:
 ADB-FUBINACA);
 Methyl 2-[1-[(4-fluorophenyl)methyl]-1H-indazole-3-carboxamido]-3,3-dimethylbutanoate (other name:
 MDMB-FUBINACA);
 Methyl 2-[1-(5-fluoropentyl)-1H-indazole-3-carboxamido]-3,3-dimethylbutanoate (other names: 5-fluoro-ADB,
 5-Fluoro-MDMB-PINACA);
 Methyl 2-({1-[(4-fluorophenyl)methyl]-1H-indazole-3-carbonyl}amino)-3-methylbutanoate (other names:
 AMB-FUBINACA, FUB-AMB);
 N-(adamantan-1-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide (other name: FUB-AKB48);
 N-(adamantan-1-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide (other name: 5F-AKB48);
 N-(adamantany)-1-(5-chloropentyl) indazole-3-carboxamide (other name: 5-chloro-AKB48);
 Naphthalen-1-yl 1-pentyl-1H-indazole-3-carboxylate (other name: SDB-005);
 N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)indole-3-carboxamide (other name: AB-CHMICA);
 1-pentyl-N-(phenylmethyl)-1H-indole-3-carboxamide (other name: SDB-006);
 Quinolin-8-yl 1-(4-fluorobenzyl)-1H-indole-3-carboxylate (other name: FUB-PB-22);
 Methyl N-[1-(cyclohexylmethyl)-1H-indole-3-carbonyl]valinate (other name: MMB-CHMICA);
 N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)indazole-3-carboxamide (other name:
 5-fluoro-ADB-PINACA);
 1-(4-cyanobutyl)-N-(1-methyl-1-phenylethyl)-1H-indazole-3-carboxamide (other name: 4-cyano
 CUMYL-BUTINACA).

2. That the Secretaries of Agriculture and Forestry, Finance, Health and Human Resources, and Public Safety and Homeland Security shall convene a work group to study the impact on the Commonwealth of legalizing the sale and personal use of marijuana. The work group shall consult with the Attorney General of Virginia, the Commissioner of the Department of Taxation, the Commissioner of the Department of Motor Vehicles, the Commissioner of the Virginia Department of Agriculture and Consumer Services, the Executive Director of the Board of Pharmacy, the Director for the Center for Urban and Regional Analysis at the Virginia Commonwealth University L. Douglas Wilder School of Government and Public Affairs, the Virginia State Crime Commission, the Virginia Association of Commonwealth's Attorneys, the Executive Director of Virginia NORML, a representative of the Virginia Alcoholic Beverage Control Authority, a representative of a current manufacturer of medical cannabis in Virginia, a medical professional, a member of a historically disadvantaged community, a representative of a substance abuse organization, and a representative of a community services board. In conducting its study, the work group shall review the legal and regulatory frameworks that have been established in states that have legalized the sale and personal use of marijuana and shall examine the feasibility of legalizing the sale and personal use of marijuana, the potential revenue impact of legalization on the Commonwealth, the legal and regulatory framework necessary to successfully implement legalization in the Commonwealth, and the health effects of marijuana use. The work group shall complete its work and report its recommendations to the General Assembly and the Governor by November 30, 2020.

CHAPTER 1286

An Act to amend and reenact §§ 15.2-1627, 16.1-228, 16.1-260, 16.1-273, 18.2-247, 18.2-248.1, 18.2-250.1, 18.2-251, 18.2-251.02, 18.2-252, 18.2-254, 19.2-392.2, 54.1-3401, as it is currently effective and as it shall become effective, and 54.1-3446 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 19.2-389.3, relating to possession and consumption of marijuana; penalty.

[S 2]

Approved May 21, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 15.2-1627, 16.1-228, 16.1-260, 16.1-273, 18.2-247, 18.2-248.1, 18.2-250.1, 18.2-251, 18.2-251.02, 18.2-252, 18.2-254, 19.2-392.2, 54.1-3401, as it is currently effective and as it shall become effective, and 54.1-3446 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 19.2-389.3 as follows:

§ 15.2-1627. Duties of attorneys for the Commonwealth and their assistants.

A. No attorney for the Commonwealth, or assistant attorney for the Commonwealth, shall be required to carry out any duties as a part of his office in civil matters of advising the governing body and all boards, departments, agencies, officials and employees of his county or city; of drafting or preparing county or city ordinances; of defending or bringing actions in which the county or city, or any of its boards, departments or agencies, or officials and employees thereof, shall be a party; or in any other manner of advising or representing the county or city, its boards, departments, agencies, officials and employees, except in matters involving the enforcement of the criminal law within the county or city.

B. The attorney for the Commonwealth and assistant attorney for the Commonwealth shall be a part of the department of law enforcement of the county or city in which he is elected or appointed, and shall have the duties and powers imposed upon him by general law, including the duty of prosecuting all warrants, indictments or informations charging a felony, and he may in his discretion, prosecute Class 1, 2 and 3 misdemeanors, or any other violation, the conviction of which carries a penalty of confinement in jail, or a fine of \$500 or more, or both such confinement and fine. He shall enforce all forfeitures, and carry out all duties imposed upon him by § 2.2-3126. He may enforce the provisions of § 18.2-250.1, 18.2-268.3, 29.1-738.2, or 46.2-341.26:3.

§ 16.1-228. Definitions.

When used in this chapter, unless the context otherwise requires:

"Abused or neglected child" means any child:

1. Whose parents or other person responsible for his care creates or inflicts, threatens to create or inflict, or allows to be created or inflicted upon such child a physical or mental injury by other than accidental means, or creates a substantial risk of death, disfigurement or impairment of bodily or mental functions, including, but not limited to, a child who is with his parent or other person responsible for his care either (i) during the manufacture or attempted manufacture of a Schedule I or II controlled substance, or (ii) during the unlawful sale of such substance by that child's parents or other person responsible for his care, where such manufacture, or attempted manufacture or unlawful sale would constitute a felony violation of § 18.2-248;

2. Whose parents or other person responsible for his care neglects or refuses to provide care necessary for his health; however, no child who in good faith is under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination shall for that reason alone be considered to be an abused or neglected child;

3. Whose parents or other person responsible for his care abandons such child;

4. Whose parents or other person responsible for his care commits or allows to be committed any sexual act upon a child in violation of the law;

5. Who is without parental care or guardianship caused by the unreasonable absence or the mental or physical incapacity of the child's parent, guardian, legal custodian, or other person standing in loco parentis;

6. Whose parents or other person responsible for his care creates a substantial risk of physical or mental injury by knowingly leaving the child alone in the same dwelling, including an apartment as defined in § 55.1-2000, with a person to whom the child is not related by blood or marriage and who the parent or other person responsible for his care knows has been convicted of an offense against a minor for which registration is required as a violent sexual offender pursuant to § 9.1-902; or

7. Who has been identified as a victim of sex trafficking or severe forms of trafficking as defined in the Trafficking Victims Protection Act of 2000, 22 U.S.C § 7102 et seq., and in the Justice for Victims of Trafficking Act of 2015, 42 U.S.C. § 5101 et seq.

If a civil proceeding under this chapter is based solely on the parent having left the child at a hospital or emergency medical services agency, it shall be an affirmative defense that such parent safely delivered the child to a hospital that provides 24-hour emergency services or to an attended emergency medical services agency that employs emergency medical services personnel, within 14 days of the child's birth. For purposes of terminating parental rights pursuant to § 16.1-283 and placement for adoption, the court may find such a child is a neglected child upon the ground of abandonment.

"Adoptive home" means the place of residence of any natural person in which a child resides as a member of the household and in which he has been placed for the purposes of adoption or in which he has been legally adopted by another member of the household.

"Adult" means a person 18 years of age or older.

"Ancillary crime" or "ancillary charge" means any delinquent act committed by a juvenile as a part of the same act or transaction as, or which constitutes a part of a common scheme or plan with, a delinquent act ~~which~~ that would be a felony if committed by an adult.

"Boot camp" means a ~~short term~~ short-term secure or nonsecure juvenile residential facility with highly structured components including, but not limited to, military style drill and ceremony, physical labor, education and rigid discipline, and no less than six months of intensive aftercare.

"Child," "juvenile," or "minor" means a person ~~less~~ younger than 18 years of age.

"Child in need of services" means (i) a child whose behavior, conduct or condition presents or results in a serious threat to the well-being and physical safety of the child or (ii) a child under the age of 14 whose behavior, conduct or condition presents or results in a serious threat to the well-being and physical safety of another person; however, no child who in good faith is under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination shall for that reason alone be considered to be a child in need of services, nor shall any child who habitually remains away from or habitually deserts or abandons his family as a result of what the court or the local child protective services unit determines to be incidents of physical, emotional or sexual abuse in the home be considered a child in need of services for that reason alone.

However, to find that a child falls within these provisions, (i) the conduct complained of must present a clear and substantial danger to the child's life or health or to the life or health of another person, (ii) the child or his family is in need of treatment, rehabilitation or services not presently being received, and (iii) the intervention of the court is essential to provide the treatment, rehabilitation or services needed by the child or his family.

"Child in need of supervision" means:

1. A child who, while subject to compulsory school attendance, is habitually and without justification absent from school, and (i) the child has been offered an adequate opportunity to receive the benefit of any and all educational services and programs that are required to be provided by law and which meet the child's particular educational needs, (ii) the school system from which the child is absent or other appropriate agency has made a reasonable effort to effect the child's regular attendance without success, and (iii) the school system has provided documentation that it has complied with the provisions of § 22.1-258; or

2. A child who, without reasonable cause and without the consent of his parent, lawful custodian or placement authority, remains away from or deserts or abandons his family or lawful custodian on more than one occasion or escapes or remains away without proper authority from a residential care facility in which he has been placed by the court, and (i) such conduct presents a clear and substantial danger to the child's life or health, (ii) the child or his family is in need of treatment, rehabilitation or services not presently being received, and (iii) the intervention of the court is essential to provide the treatment, rehabilitation or services needed by the child or his family.

"Child welfare agency" means a child-placing agency, child-caring institution or independent foster home as defined in § 63.2-100.

"The court" or the "juvenile court" or the "juvenile and domestic relations court" means the juvenile and domestic relations district court of each county or city.

"Delinquent act" means (i) an act designated a crime under the law of the Commonwealth, or an ordinance of any city, county, town, or service district, or under federal law, (ii) a violation of § 18.2-308.7, or (iii) a violation of a court order as provided for in § 16.1-292, but ~~shall~~ does not include an act other than a violation of § 18.2-308.7, which is otherwise lawful, but is designated a crime only if committed by a child. For purposes of §§ 16.1-241 and 16.1-278.9, ~~the term shall include~~ "delinquent act" includes a refusal to take a breath test in violation of § 18.2-268.2 or a similar ordinance of any county, city, or town. For purposes of §§ 16.1-241, 16.1-273, 16.1-278.8, 16.1-278.8:01, and 16.1-278.9, "delinquent act" includes a violation of § 18.2-250.1.

"Delinquent child" means a child who has committed a delinquent act or an adult who has committed a delinquent act prior to his 18th birthday, except where the jurisdiction of the juvenile court has been terminated under the provisions of § 16.1-269.6.

"Department" means the Department of Juvenile Justice and "Director" means the administrative head in charge thereof or such of his assistants and subordinates as are designated by him to discharge the duties imposed upon him under this law.

"Family abuse" means any act involving violence, force, or threat that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury and that is committed by a person against such person's family or household member. Such act includes, but is not limited to, any forceful detention, stalking, criminal sexual assault in violation of Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2, or any criminal offense that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury.

"Family or household member" means (i) the person's spouse, whether or not he or she resides in the same home with the person, (ii) the person's former spouse, whether or not he or she resides in the same home with the person, (iii) the person's parents, stepparents, children, stepchildren, brothers, sisters, half-brothers, half-sisters, grandparents and

grandchildren, regardless of whether such persons reside in the same home with the person, (iv) the person's mother-in-law, father-in-law, sons-in-law, daughters-in-law, brothers-in-law and sisters-in-law who reside in the same home with the person, (v) any individual who has a child in common with the person, whether or not the person and that individual have been married or have resided together at any time, or (vi) any individual who cohabits or who, within the previous 12 months, cohabited with the person, and any children of either of them then residing in the same home with the person.

"Fictive kin" means persons who are not related to a child by blood or adoption but have an established relationship with the child or his family.

"Foster care services" means the provision of a full range of casework, treatment and community services for a planned period of time to a child who is abused or neglected as defined in § 63.2-100 or in need of services as defined in this section and his family when the child (i) has been identified as needing services to prevent or eliminate the need for foster care placement, (ii) has been placed through an agreement between the local board of social services or a public agency designated by the community policy and management team and the parents or guardians where legal custody remains with the parents or guardians, (iii) has been committed or entrusted to a local board of social services or child welfare agency, or (iv) has been placed under the supervisory responsibility of the local board pursuant to § 16.1-293.

"Independent living arrangement" means placement of (i) a child at least 16 years of age who is in the custody of a local board or licensed child-placing agency by the local board or licensed child-placing agency or (ii) a child at least 16 years of age or a person between the ages of 18 and 21 who was committed to the Department of Juvenile Justice immediately prior to placement by the Department of Juvenile Justice, in a living arrangement in which such child or person does not have daily substitute parental supervision.

"Independent living services" means services and activities provided to a child in foster care 14 years of age or older and who has been committed or entrusted to a local board of social services, child welfare agency, or private child-placing agency. "Independent living services" may also mean services and activities provided to a person who (i) was in foster care on his 18th birthday and has not yet reached the age of 21 years; (ii) is between the ages of 18 and 21 and who, immediately prior to his commitment to the Department of Juvenile Justice, was in the custody of a local board of social services; or (iii) is a child at least 16 years of age or a person between the ages of 18 and 21 who was committed to the Department of Juvenile Justice immediately prior to placement in an independent living arrangement. ~~Such services shall include~~ "Independent living services" includes counseling, education, housing, employment, and money management skills development and access to essential documents and other appropriate services to help children or persons prepare for self-sufficiency.

"Intake officer" means a juvenile probation officer appointed as such pursuant to the authority of this chapter.

"Jail" or "other facility designed for the detention of adults" means a local or regional correctional facility as defined in § 53.1-1, except those facilities utilized on a temporary basis as a court holding cell for a child incident to a court hearing or as a temporary lock-up room or ward incident to the transfer of a child to a juvenile facility.

"The judge" means the judge or the substitute judge of the juvenile and domestic relations district court of each county or city.

"This law" or "the law" means the Juvenile and Domestic Relations District Court Law embraced in this chapter.

"Legal custody" means (i) a legal status created by court order which vests in a custodian the right to have physical custody of the child, to determine and redetermine where and with whom he shall live, the right and duty to protect, train and discipline him and to provide him with food, shelter, education and ordinary medical care, all subject to any residual parental rights and responsibilities or (ii) the legal status created by court order of joint custody as defined in § 20-107.2.

"Permanent foster care placement" means the place of residence in which a child resides and in which he has been placed pursuant to the provisions of §§ 63.2-900 and 63.2-908 with the expectation and agreement between the placing agency and the place of permanent foster care that the child shall remain in the placement until he reaches the age of majority unless modified by court order or unless removed pursuant to § 16.1-251 or 63.2-1517. A permanent foster care placement may be a place of residence of any natural person or persons deemed appropriate to meet a child's needs on a long-term basis.

"Qualified individual" means a trained professional or licensed clinician who is not an employee of the local board of social services or licensed child-placing agency that placed the child in a qualified residential treatment program and is not affiliated with any placement setting in which children are placed by such local board of social services or licensed child-placing agency.

"Qualified residential treatment program" means a program that (i) provides 24-hour residential placement services for children in foster care; (ii) has adopted a trauma-informed treatment model that meets the clinical and other needs of children with serious emotional or behavioral disorders, including any clinical or other needs identified through assessments conducted pursuant to clause (viii) of this definition; (iii) employs registered or licensed nursing and other clinical staff who provide care, on site and within the scope of their practice, and are available 24 hours a day, 7 days a week; (iv) conducts outreach with the child's family members, including efforts to maintain connections between the child and his siblings and other family; documents and maintains records of such outreach efforts; and maintains contact information for any known biological family and fictive kin of the child; (v) whenever appropriate and in the best interest of the child, facilitates participation by family members in the child's treatment program before and after discharge and documents the manner in which such participation is facilitated; (vi) provides discharge planning and family-based aftercare support for at least six months after discharge; (vii) is licensed in accordance with 42 U.S.C. § 671(a)(10) and accredited by an organization

approved by the federal Secretary of Health and Human Services; and (viii) requires that any child placed in the program receive an assessment within 30 days of such placement by a qualified individual that (a) assesses the strengths and needs of the child using an age-appropriate, evidence-based, validated, and functional assessment tool approved by the Commissioner of Social Services; (b) identifies whether the needs of the child can be met through placement with a family member or in a foster home or, if not, in a placement setting authorized by 42 U.S.C. § 672(k)(2), including a qualified residential treatment program, that would provide the most effective and appropriate level of care for the child in the least restrictive environment and be consistent with the short-term and long-term goals established for the child in his foster care or permanency plan; (c) establishes a list of short-term and long-term mental and behavioral health goals for the child; and (d) is documented in a written report to be filed with the court prior to any hearing on the child's placement pursuant to § 16.1-281, 16.1-282, 16.1-282.1, or 16.1-282.2.

"Residual parental rights and responsibilities" means all rights and responsibilities remaining with the parent after the transfer of legal custody or guardianship of the person, including but not limited to the right of visitation, consent to adoption, the right to determine religious affiliation and the responsibility for support.

"Secure facility" or "detention home" means a local, regional or state public or private locked residential facility that has construction fixtures designed to prevent escape and to restrict the movement and activities of children held in lawful custody.

"Shelter care" means the temporary care of children in physically unrestricting facilities.

"State Board" means the State Board of Juvenile Justice.

"Status offender" means a child who commits an act prohibited by law which would not be criminal if committed by an adult.

"Status offense" means an act prohibited by law which would not be an offense if committed by an adult.

"Violent juvenile felony" means any of the delinquent acts enumerated in subsection B or C of § 16.1-269.1 when committed by a juvenile 14 years of age or older.

§ 16.1-260. Intake; petition; investigation.

A. All matters alleged to be within the jurisdiction of the court shall be commenced by the filing of a petition, except as provided in subsection H and in § 16.1-259. The form and content of the petition shall be as provided in § 16.1-262. No individual shall be required to obtain support services from the Department of Social Services prior to filing a petition seeking support for a child. Complaints, requests, and the processing of petitions to initiate a case shall be the responsibility of the intake officer. However, (i) the attorney for the Commonwealth of the city or county may file a petition on his own motion with the clerk; (ii) designated nonattorney employees of the Department of Social Services may complete, sign, and file petitions and motions relating to the establishment, modification, or enforcement of support on forms approved by the Supreme Court of Virginia with the clerk; (iii) designated nonattorney employees of a local department of social services may complete, sign, and file with the clerk, on forms approved by the Supreme Court of Virginia, petitions for foster care review, petitions for permanency planning hearings, petitions to establish paternity, motions to establish or modify support, motions to amend or review an order, and motions for a rule to show cause; and (iv) any attorney may file petitions on behalf of his client with the clerk except petitions alleging that the subject of the petition is a child alleged to be in need of services, in need of supervision, or delinquent. Complaints alleging abuse or neglect of a child shall be referred initially to the local department of social services in accordance with the provisions of Chapter 15 (§ 63.2-1500 et seq.) of Title 63.2. Motions and other subsequent pleadings in a case shall be filed directly with the clerk. The intake officer or clerk with whom the petition or motion is filed shall inquire whether the petitioner is receiving child support services or public assistance. No individual who is receiving support services or public assistance shall be denied the right to file a petition or motion to establish, modify, or enforce an order for support of a child. If the petitioner is seeking or receiving child support services or public assistance, the clerk, upon issuance of process, shall forward a copy of the petition or motion, together with notice of the court date, to the Division of Child Support Enforcement.

B. The appearance of a child before an intake officer may be by (i) personal appearance before the intake officer or (ii) use of two-way electronic video and audio communication. If two-way electronic video and audio communication is used, an intake officer may exercise all powers conferred by law. All communications and proceedings shall be conducted in the same manner as if the appearance were in person, and any documents filed may be transmitted by facsimile process. The facsimile may be served or executed by the officer or person to whom sent, and returned in the same manner, and with the same force, effect, authority, and liability as an original document. All signatures thereon shall be treated as original signatures. Any two-way electronic video and audio communication system used for an appearance shall meet the standards as set forth in subsection B of § 19.2-3.1.

When the court service unit of any court receives a complaint alleging facts which may be sufficient to invoke the jurisdiction of the court pursuant to § 16.1-241, the unit, through an intake officer, may proceed informally to make such adjustment as is practicable without the filing of a petition or may authorize a petition to be filed by any complainant having sufficient knowledge of the matter to establish probable cause for the issuance of the petition.

An intake officer may proceed informally on a complaint alleging a child is in need of services, in need of supervision, or delinquent only if the juvenile ~~(i)~~ (a) is not alleged to have committed a violent juvenile felony or ~~(ii)~~ (b) has not previously been proceeded against informally or adjudicated delinquent for an offense that would be a felony if committed by an adult. A petition alleging that a juvenile committed a violent juvenile felony shall be filed with the court. A petition alleging that a juvenile is delinquent for an offense that would be a felony if committed by an adult shall be filed with the

court if the juvenile had previously been proceeded against informally by intake or had been adjudicated delinquent for an offense that would be a felony if committed by an adult.

If a juvenile is alleged to be a truant pursuant to a complaint filed in accordance with § 22.1-258 and the attendance officer has provided documentation to the intake officer that the relevant school division has complied with the provisions of § 22.1-258, then the intake officer shall file a petition with the court. The intake officer may defer filing the complaint for 90 days and proceed informally by developing a truancy plan, provided that ~~(a)~~ (1) the juvenile has not previously been proceeded against informally or adjudicated in need of supervision on more than two occasions for failure to comply with compulsory school attendance as provided in § 22.1-254 and ~~(b)~~ (2) the immediately previous informal action or adjudication occurred at least three calendar years prior to the current complaint. The juvenile and his parent or parents, guardian, or other person standing in loco parentis must agree, in writing, for the development of a truancy plan. The truancy plan may include requirements that the juvenile and his parent or parents, guardian, or other person standing in loco parentis participate in such programs, cooperate in such treatment, or be subject to such conditions and limitations as necessary to ensure the juvenile's compliance with compulsory school attendance as provided in § 22.1-254. The intake officer may refer the juvenile to the appropriate public agency for the purpose of developing a truancy plan using an interagency interdisciplinary team approach. The team may include qualified personnel who are reasonably available from the appropriate department of social services, community services board, local school division, court service unit, and other appropriate and available public and private agencies and may be the family assessment and planning team established pursuant to § 2.2-5207. If at the end of the 90-day period the juvenile has not successfully completed the truancy plan or the truancy program, then the intake officer shall file the petition.

Whenever informal action is taken as provided in this subsection on a complaint alleging that a child is in need of services, in need of supervision, or delinquent, the intake officer shall ~~(A)~~ (A) develop a plan for the juvenile, which may include restitution and the performance of community service, based upon community resources and the circumstances which resulted in the complaint, ~~(B)~~ (B) create an official record of the action taken by the intake officer and file such record in the juvenile's case file, and ~~(C)~~ (C) advise the juvenile and the juvenile's parent, guardian, or other person standing in loco parentis and the complainant that any subsequent complaint alleging that the child is in need of supervision or delinquent based upon facts which may be sufficient to invoke the jurisdiction of the court pursuant to § 16.1-241 will result in the filing of a petition with the court.

C. The intake officer shall accept and file a petition in which it is alleged that (i) the custody, visitation, or support of a child is the subject of controversy or requires determination, (ii) a person has deserted, abandoned, or failed to provide support for any person in violation of law, (iii) a child or such child's parent, guardian, legal custodian, or other person standing in loco parentis is entitled to treatment, rehabilitation, or other services which are required by law, (iv) family abuse has occurred and a protective order is being sought pursuant to § 16.1-253.1, 16.1-253.4, or 16.1-279.1, or (v) an act of violence, force, or threat has occurred, a protective order is being sought pursuant to § 19.2-152.8, 19.2-152.9, or 19.2-152.10, and either the alleged victim or the respondent is a juvenile. If any such complainant does not file a petition, the intake officer may file it. In cases in which a child is alleged to be abused, neglected, in need of services, in need of supervision, or delinquent, if the intake officer believes that probable cause does not exist, or that the authorization of a petition will not be in the best interest of the family or juvenile or that the matter may be effectively dealt with by some agency other than the court, he may refuse to authorize the filing of a petition. The intake officer shall provide to a person seeking a protective order pursuant to § 16.1-253.1, 16.1-253.4, or 16.1-279.1 a written explanation of the conditions, procedures and time limits applicable to the issuance of protective orders pursuant to § 16.1-253.1, 16.1-253.4, or 16.1-279.1. If the person is seeking a protective order pursuant to § 19.2-152.8, 19.2-152.9, or 19.2-152.10, the intake officer shall provide a written explanation of the conditions, procedures, and time limits applicable to the issuance of protective orders pursuant to § 19.2-152.8, 19.2-152.9, or 19.2-152.10.

D. Prior to the filing of any petition alleging that a child is in need of supervision, the matter shall be reviewed by an intake officer who shall determine whether the petitioner and the child alleged to be in need of supervision have utilized or attempted to utilize treatment and services available in the community and have exhausted all appropriate nonjudicial remedies which are available to them. When the intake officer determines that the parties have not attempted to utilize available treatment or services or have not exhausted all appropriate nonjudicial remedies which are available, he shall refer the petitioner and the child alleged to be in need of supervision to the appropriate agency, treatment facility, or individual to receive treatment or services, and a petition shall not be filed. Only after the intake officer determines that the parties have made a reasonable effort to utilize available community treatment or services may he permit the petition to be filed.

E. If the intake officer refuses to authorize a petition relating to an offense that if committed by an adult would be punishable as a Class 1 misdemeanor or as a felony, the complainant shall be notified in writing at that time of the complainant's right to apply to a magistrate for a warrant. If a magistrate determines that probable cause exists, he shall issue a warrant returnable to the juvenile and domestic relations district court. The warrant shall be delivered forthwith to the juvenile court, and the intake officer shall accept and file a petition founded upon the warrant. If the court is closed and the magistrate finds that the criteria for detention or shelter care set forth in § 16.1-248.1 have been satisfied, the juvenile may be detained pursuant to the warrant issued in accordance with this subsection. If the intake officer refuses to authorize a petition relating to a child in need of services or in need of supervision, a status offense, or a misdemeanor other than Class 1, his decision is final.

Upon delivery to the juvenile court of a warrant issued pursuant to subdivision 2 of § 16.1-256, the intake officer shall accept and file a petition founded upon the warrant.

F. The intake officer shall notify the attorney for the Commonwealth of the filing of any petition which alleges facts of an offense which would be a felony if committed by an adult.

G. Notwithstanding the provisions of Article 12 (§ 16.1-299 et seq.), the intake officer shall file a report with the division superintendent of the school division in which any student who is the subject of a petition alleging that such student who is a juvenile has committed an act, wherever committed, which would be a crime if committed by an adult, or that such student who is an adult has committed a crime and is alleged to be within the jurisdiction of the court. The report shall notify the division superintendent of the filing of the petition and the nature of the offense, if the violation involves:

1. A firearm offense pursuant to Article 4 (§ 18.2-279 et seq.), 5 (§ 18.2-288 et seq.), 6 (§ 18.2-299 et seq.), 6.1 (§ 18.2-307.1 et seq.), or 7 (§ 18.2-308.1 et seq.) of Chapter 7 of Title 18.2;
2. Homicide, pursuant to Article 1 (§ 18.2-30 et seq.) of Chapter 4 of Title 18.2;
3. Felonious assault and bodily wounding, pursuant to Article 4 (§ 18.2-51 et seq.) of Chapter 4 of Title 18.2;
4. Criminal sexual assault, pursuant to Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2;
5. Manufacture, sale, gift, distribution or possession of Schedule I or II controlled substances, pursuant to Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2;
6. Manufacture, sale or distribution of marijuana pursuant to Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2;
7. Arson and related crimes, pursuant to Article 1 (§ 18.2-77 et seq.) of Chapter 5 of Title 18.2;
8. Burglary and related offenses, pursuant to §§ 18.2-89 through 18.2-93;
9. Robbery pursuant to § 18.2-58;
10. Prohibited criminal street gang activity pursuant to § 18.2-46.2;
11. Recruitment of other juveniles for a criminal street gang activity pursuant to § 18.2-46.3;
12. An act of violence by a mob pursuant to § 18.2-42.1;
13. Abduction of any person pursuant to § 18.2-47 or 18.2-48; or
14. A threat pursuant to § 18.2-60.

The failure to provide information regarding the school in which the student who is the subject of the petition may be enrolled shall not be grounds for refusing to file a petition.

The information provided to a division superintendent pursuant to this section may be disclosed only as provided in § 16.1-305.2.

H. The filing of a petition shall not be necessary:

1. In the case of violations of the traffic laws, including offenses involving bicycles, hitchhiking and other pedestrian offenses, game and fish laws, or a violation of the ordinance of any city regulating surfing or any ordinance establishing curfew violations, animal control violations, or littering violations. In such cases the court may proceed on a summons issued by the officer investigating the violation in the same manner as provided by law for adults. Additionally, an officer investigating a motor vehicle accident may, at the scene of the accident or at any other location where a juvenile who is involved in such an accident may be located, proceed on a summons in lieu of filing a petition.

2. In the case of seeking consent to apply for the issuance of a work permit pursuant to subsection H of § 16.1-241.

3. In the case of a misdemeanor violation of ~~§ 18.2-250.1~~, 18.2-266, 18.2-266.1, or 29.1-738, or the commission of any other alcohol-related offense, *or a violation of § 18.2-250.1*, provided *that* the juvenile is released to the custody of a parent or legal guardian pending the initial court date. The officer releasing a juvenile to the custody of a parent or legal guardian shall issue a summons to the juvenile and shall also issue a summons requiring the parent or legal guardian to appear before the court with the juvenile. Disposition of the charge shall be in the manner provided in § 16.1-278.8, 16.1-278.8:01, or 16.1-278.9. If the juvenile so charged with a violation of § 18.2-51.4, 18.2-266, 18.2-266.1, 18.2-272, or 29.1-738 refuses to provide a sample of blood or breath or samples of both blood and breath for chemical analysis pursuant to §§ 18.2-268.1 through 18.2-268.12 or 29.1-738.2, the provisions of these sections shall be followed except that the magistrate shall authorize execution of the warrant as a summons. The summons shall be served on a parent or legal guardian and the juvenile, and a copy of the summons shall be forwarded to the court in which the violation is to be tried. When a violation of § 18.2-250.1 is charged by summons, the juvenile shall be entitled to have the charge referred to intake for consideration of informal proceedings pursuant to subsection B, provided *that* such right is exercised by written notification to the clerk not later than 10 days prior to trial. At the time such summons alleging a violation of § 18.2-250.1 is served, the officer shall also serve upon the juvenile written notice of the right to have the charge referred to intake on a form approved by the Supreme Court and make return of such service to the court. If the officer fails to make such service or return, the court shall dismiss the summons without prejudice.

4. In the case of offenses which, if committed by an adult, would be punishable as a Class 3 or Class 4 misdemeanor. In such cases the court may direct that an intake officer proceed as provided in § 16.1-237 on a summons issued by the officer investigating the violation in the same manner as provided by law for adults provided that notice of the summons to appear is mailed by the investigating officer within five days of the issuance of the summons to a parent or legal guardian of the juvenile.

I. Failure to comply with the procedures set forth in this section shall not divest the juvenile court of the jurisdiction granted it in § 16.1-241.

§ 16.1-273. Court may require investigation of social history and preparation of victim impact statement.

A. When a juvenile and domestic relations district court or circuit court has adjudicated any case involving a child subject to the jurisdiction of the court hereunder, except for a traffic violation, a violation of the game and fish law, or a violation of any city ordinance regulating surfing or establishing curfew violations, the court before final disposition thereof may require an investigation, which (i) shall include a drug screening and (ii) may, and for the purposes of subdivision A 14 or ~~A~~ 17 of § 16.1-278.8 shall, include a social history of the physical, mental, and social conditions, including an assessment of any affiliation with a criminal street gang as defined in § 18.2-46.1, and personality of the child and the facts and circumstances surrounding the violation of law. However, in the case of a juvenile adjudicated delinquent on the basis of an act committed on or after January 1, 2000, which would be (a) a felony if committed by an adult, ~~or~~ (b) a violation under Article 1 (§ 18.2-247 et seq.) or Article 1.1 (§ 18.2-265.1 et seq.) of Chapter 7 of Title 18.2 and such offense would be punishable as a Class 1 or Class 2 misdemeanor if committed by an adult, *or* (c) a violation of § 18.2-250.1, the court shall order the juvenile to undergo a drug screening. If the drug screening indicates that the juvenile has a substance abuse or dependence problem, an assessment shall be completed by a certified substance abuse counselor as defined in § 54.1-3500 employed by the Department of Juvenile Justice or by a locally operated court services unit or by an individual employed by or currently under contract to such agencies and who is specifically trained to conduct such assessments under the supervision of such counselor.

B. The court also shall, on motion of the attorney for the Commonwealth with the consent of the victim, or may in its discretion, require the preparation of a victim impact statement in accordance with the provisions of § 19.2-299.1 if the court determines that the victim may have suffered significant physical, psychological, or economic injury as a result of the violation of law.

§ 18.2-247. Use of terms "controlled substances," "marijuana," "Schedules I, II, III, IV, V and VI," "imitation controlled substance" and "counterfeit controlled substance" in Title 18.2.

A. Wherever the terms "controlled substances" and "Schedules I, II, III, IV, V and VI" are used in Title 18.2, such terms refer to those terms as they are used or defined in the Drug Control Act (§ 54.1-3400 et seq.).

B. The term "imitation controlled substance" when used in this article means (i) a counterfeit controlled substance or (ii) a pill, capsule, tablet, or substance in any form whatsoever which is not a controlled substance subject to abuse, and:

1. Which by overall dosage unit appearance, including color, shape, size, marking and packaging or by representations made, would cause the likelihood that such a pill, capsule, tablet, or substance in any other form whatsoever will be mistaken for a controlled substance unless such substance was introduced into commerce prior to the initial introduction into commerce of the controlled substance which it is alleged to imitate; or

2. Which by express or implied representations purports to act like a controlled substance as a stimulant or depressant of the central nervous system and which is not commonly used or recognized for use in that particular formulation for any purpose other than for such stimulant or depressant effect, unless marketed, promoted, or sold as permitted by the ~~United States~~ U.S. Food and Drug Administration.

C. In determining whether a pill, capsule, tablet, or substance in any other form whatsoever, is an "imitation controlled substance," there shall be considered, in addition to all other relevant factors, comparisons with accepted methods of marketing for legitimate nonprescription drugs for medicinal purposes rather than for drug abuse or any similar nonmedicinal use, including consideration of the packaging of the drug and its appearance in overall finished dosage form, promotional materials or representations, oral or written, concerning the drug, and the methods of distribution of the drug and where and how it is sold to the public.

D. The term "marijuana" when used in this article means any part of a plant of the genus *Cannabis*, whether growing or not, its seeds or resin; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, ~~or~~ its resin, *or any extract containing one or more cannabinoids*. Marijuana ~~shall does~~ not include ~~any only extract containing one or more cannabinoids unless such extract contains less than 12 percent of tetrahydrocannabinol by weight,~~ or the mature stalks of such plant, fiber produced from such stalk, oil or cake made from the seed of such plant, unless such stalks, fiber, oil or cake is combined with other parts of plants of the genus *Cannabis*. Marijuana ~~shall does~~ not include (i) industrial hemp, as defined in § 3.2-4112, that is possessed by a person registered pursuant to subsection A of § 3.2-4115 or his agent or (ii) a hemp product, as defined in § 3.2-4112, containing a tetrahydrocannabinol concentration of no greater than 0.3 percent that is derived from industrial hemp, as defined in § 3.2-4112, that is grown, dealt, or processed in compliance with state or federal law.

E. The term "counterfeit controlled substance" means a controlled substance that, without authorization, bears, is packaged in a container or wrapper that bears, or is otherwise labeled to bear, the trademark, trade name, or other identifying mark, imprint or device or any likeness thereof, of a drug manufacturer, processor, packer, or distributor other than the manufacturer, processor, packer, or distributor who did in fact so manufacture, process, pack or distribute such drug.

§ 18.2-248.1. Penalties for sale, gift, distribution or possession with intent to sell, give or distribute marijuana.

Except as authorized in the Drug Control Act, ~~Chapter 34 of Title 54.1~~ (§ 54.1-3400 et seq.), it ~~shall be~~ is unlawful for any person to sell, give, distribute or possess with intent to sell, give, or distribute marijuana.

(a) Any person who violates this section with respect to:

(1) Not more than ~~one-half~~ one ounce of marijuana is guilty of a Class 1 misdemeanor;

(2) More than ~~one-half~~ one ounce but not more than five pounds of marijuana is guilty of a Class 5 felony;

(3) More than five pounds of marijuana is guilty of a felony punishable by imprisonment of not less than five nor more than 30 years.

There shall be a rebuttable presumption that a person who possesses no more than one ounce of marijuana possesses it for personal use.

If such person proves that he gave, distributed, or possessed with intent to give or distribute marijuana only as an accommodation to another individual and not with intent to profit thereby from any consideration received or expected nor to induce the recipient or intended recipient of the marijuana to use or become addicted to or dependent upon such marijuana, he ~~shall be~~ *is* guilty of a Class 1 misdemeanor.

(b) Any person who gives, distributes, or possesses marijuana as an accommodation and not with intent to profit thereby, to an inmate of a state or local correctional facility, as defined in § 53.1-1, or in the custody of an employee thereof ~~shall be~~ *is* guilty of a Class 4 felony.

(c) Any person who manufactures marijuana, or possesses marijuana with the intent to manufacture such substance, not for his own use is guilty of a felony punishable by imprisonment of not less than five nor more than 30 years and a fine not to exceed \$10,000.

(d) When a person is convicted of a third or subsequent felony offense under this section and it is alleged in the warrant, indictment or information that he has been before convicted of two or more felony offenses under this section or of substantially similar offenses in any other jurisdiction which offenses would be felonies if committed in the Commonwealth, and such prior convictions occurred before the date of the offense alleged in the warrant, indictment, or information, he shall be sentenced to imprisonment for life or for any period not less than five years, five years of which shall be a mandatory minimum term of imprisonment to be served consecutively with any other sentence and he shall be fined not more than \$500,000.

§ 18.2-250.1. Possession of marijuana unlawful.

A. It is unlawful for any person knowingly or intentionally to possess marijuana unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his professional practice, or except as otherwise authorized by the Drug Control Act (§ 54.1-3400 et seq.). *The attorney for the Commonwealth or the county, city, or town attorney may prosecute such a case.*

Upon the prosecution of a person for violation of this section, ownership or occupancy of the premises or vehicle upon or in which marijuana was found shall not create a presumption that such person either knowingly or intentionally possessed such marijuana.

Any person who violates this section is ~~guilty of a misdemeanor and shall be confined in jail not more than 30 days and fined not subject to a civil penalty of no more than \$500, either or both; any person, upon a second or subsequent conviction of a violation of this section, is guilty of a Class 1 misdemeanor~~ \$25. A violation of this section is a civil offense. Any civil penalties collected pursuant to this section shall be deposited into the Drug Offender Assessment and Treatment Fund established pursuant to § 18.2-251.02.

B. Any violation of this section shall be charged by summons. A summons for a violation of this section may be executed by a law-enforcement officer when such violation is observed by such officer. The summons used by a law-enforcement officer pursuant to this section shall be in form the same as the uniform summons for motor vehicle law violations as prescribed pursuant to § 46.2-388. No court costs shall be assessed for violations of this section. A person's criminal history record information as defined in § 9.1-101 shall not include records of any charges or judgments for a violation of this section, and records of such charges or judgments shall not be reported to the Central Criminal Records Exchange. However, if a violation of this section occurs while an individual is operating a commercial motor vehicle as defined in § 46.2-341.4, such violation shall be reported to the Department of Motor Vehicles and shall be included on such individual's driving record.

C. The procedure for appeal and trial of any violation of this section shall be the same as provided by law for misdemeanors; if requested by either party on appeal to the circuit court, trial by jury shall be as provided in Article 4 (§ 19.2-260 et seq.) of Chapter 15 of Title 19.2, and the Commonwealth shall be required to prove its case beyond a reasonable doubt.

D. The provisions of this section shall not apply to members of state, federal, county, city, or town law-enforcement agencies, jail officers, or correctional officers, as defined in § 53.1-1, certified as handlers of dogs trained in the detection of controlled substances when possession of marijuana is necessary for the performance of their duties.

~~E.~~ E. In any prosecution under this section involving marijuana in the form of cannabidiol oil or THC-A oil as those terms are defined in § 54.1-3408.3, it shall be an affirmative defense that the individual possessed such oil pursuant to a valid written certification issued by a practitioner in the course of his professional practice pursuant to § 54.1-3408.3 for treatment or to alleviate the symptoms of (i) the individual's diagnosed condition or disease, (ii) if such individual is the parent or legal guardian of a minor or of an incapacitated adult as defined in § 18.2-369, such minor's or incapacitated adult's diagnosed condition or disease, or (iii) if such individual has been designated as a registered agent pursuant to § 54.1-3408.3, the diagnosed condition or disease of his principal or, if the principal is the parent or legal guardian of a minor or of an incapacitated adult as defined in § 18.2-369, such minor's or incapacitated adult's diagnosed condition or disease. If the individual files the valid written certification with the court at least 10 days prior to trial and causes a copy of such written certification to be delivered to the attorney for the Commonwealth, such written certification shall be prima facie evidence that such oil was possessed pursuant to a valid written certification.

§ 18.2-251. Persons charged with first offense may be placed on probation; conditions; substance abuse screening, assessment treatment and education programs or services; drug tests; costs and fees; violations; discharge.

Whenever any person who has not previously been convicted of any *criminal* offense under this article or under any statute of the United States or of any state relating to narcotic drugs, marijuana, or stimulant, depressant, or hallucinogenic drugs, or has not previously had a proceeding against him for violation of such an offense dismissed as provided in this section, *or* pleads guilty to or enters a plea of not guilty to possession of a controlled substance under § 18.2-250 ~~or to possession of marijuana under § 18.2-250.1~~, the court, upon such plea if the facts found by the court would justify a finding of guilt, without entering a judgment of guilt and with the consent of the accused, may defer further proceedings and place him on probation upon terms and conditions. If the court defers further proceedings, at that time the court shall determine whether the clerk of court has been provided with the fingerprint identification information or fingerprints of the person, taken by a law-enforcement officer pursuant to § 19.2-390, and, if not, shall order that the fingerprints and photograph of the person be taken by a law-enforcement officer.

As a term or condition, the court shall require the accused to undergo a substance abuse assessment pursuant to § 18.2-251.01 or 19.2-299.2, as appropriate, and enter treatment and/or education program or services, if available, such as, in the opinion of the court, may be best suited to the needs of the accused based upon consideration of the substance abuse assessment. The program or services may be located in the judicial district in which the charge is brought or in any other judicial district as the court may provide. The services shall be provided by (i) a program licensed by the Department of Behavioral Health and Developmental Services, by a similar program which is made available through the Department of Corrections, (ii) a local community-based probation services agency established pursuant to § 9.1-174, or (iii) an ASAP program certified by the Commission on VASAP.

The court shall require the person entering such program under the provisions of this section to pay all or part of the costs of the program, including the costs of the screening, assessment, testing, and treatment, based upon the accused's ability to pay unless the person is determined by the court to be indigent.

As a condition of probation, the court shall require the accused (a) to successfully complete treatment or education program or services, (b) to remain drug and alcohol free during the period of probation and submit to such tests during that period as may be necessary and appropriate to determine if the accused is drug and alcohol free, (c) to make reasonable efforts to secure and maintain employment, and (d) to comply with a plan of at least 100 hours of community service for a felony and up to 24 hours of community service for a misdemeanor. ~~In addition to any community service required by the court pursuant to clause (d), if the court does not suspend or revoke the accused's license as a term or condition of probation for a violation of § 18.2-250.1, the court shall require the accused to comply with a plan of 50 hours of community service.~~ Such testing shall be conducted by personnel of the supervising probation agency or personnel of any program or agency approved by the supervising probation agency.

Upon violation of a term or condition, the court may enter an adjudication of guilt and proceed as otherwise provided. Upon fulfillment of the terms and conditions, and upon determining that the clerk of court has been provided with the fingerprint identification information or fingerprints of such person, the court shall discharge the person and dismiss the proceedings against him. Discharge and dismissal under this section shall be without adjudication of guilt and is a conviction only for the purposes of applying this section in subsequent proceedings.

Notwithstanding any other provision of this section, whenever a court places an individual on probation upon terms and conditions pursuant to this section, such action shall be treated as a conviction for purposes of §§ 18.2-259.1, 22.1-315, and 46.2-390.1, and the driver's license forfeiture provisions of those sections shall be imposed. ~~However, if the court places an individual on probation upon terms and conditions for a violation of § 18.2-250.1, such action shall not be treated as a conviction for purposes of § 18.2-259.1 or 46.2-390.1, provided that a court (1) may suspend or revoke an individual's driver's license as a term or condition of probation and (2) shall suspend or revoke an individual's driver's license as a term or condition of probation for a period of six months if the violation of § 18.2-250.1 was committed while such person was in operation of a motor vehicle.~~ The provisions of this paragraph shall not be applicable to any offense for which a juvenile has had his license suspended or denied pursuant to § 16.1-278.9 for the same offense.

§ 18.2-251.02. Drug Offender Assessment and Treatment Fund.

There is hereby established in the state treasury the Drug Offender Assessment and Treatment Fund, which shall consist of moneys received from (i) fees imposed on certain drug offense convictions pursuant to § 16.1-69.48:3 and subdivisions A 10 and A 11 of § 17.1-275 and ~~§ 16.1-69.48:3~~ (ii) *civil penalties imposed for violations of § 18.2-250.1*. All interest derived from the deposit and investment of moneys in the Fund shall be credited to the Fund. Any moneys not appropriated by the General Assembly shall remain in the Drug Offender Assessment and Treatment Fund and shall not be transferred or revert to the general fund at the end of any fiscal year. All moneys in the Fund shall be subject to annual appropriation by the General Assembly to the Department of Corrections, the Department of Juvenile Justice, and the Commission on VASAP to implement and operate the offender substance abuse screening and assessment program; the Department of Criminal Justice Services for the support of community-based probation and local pretrial services agencies; and the Office of the Executive Secretary of the Supreme Court of Virginia for the support of drug treatment court programs.

§ 18.2-252. Suspended sentence conditioned upon substance abuse screening, assessment, testing, and treatment or education.

The trial judge or court trying the case of any person found guilty of ~~violating a criminal violation of~~ any law concerning the use, in any manner, of drugs, controlled substances, narcotics, marijuana, noxious chemical substances and like substances, shall condition any suspended sentence by first requiring such person to agree to undergo a substance abuse screening pursuant to § 18.2-251.01 and to submit to such periodic substance abuse testing, to include alcohol testing, as may be directed by the court. Such testing shall be conducted by the supervising probation agency or by personnel of any program or agency approved by the supervising probation agency. The cost of such testing ordered by the court shall be paid by the Commonwealth and taxed as a part of the costs of such ~~criminal~~ proceedings. The judge or court shall order the person, as a condition of any suspended sentence, to undergo such treatment or education for substance abuse, if available, as the judge or court deems appropriate based upon consideration of the substance abuse assessment. The treatment or education shall be provided by a program or agency licensed by the Department of Behavioral Health and Developmental Services, by a similar program or services available through the Department of Corrections if the court imposes a sentence of one year or more or, if the court imposes a sentence of 12 months or less, by a similar program or services available through a local or regional jail, a local community-based probation services agency established pursuant to § 9.1-174, or an ASAP program certified by the Commission on VASAP.

§ 18.2-254. Commitment of convicted person for treatment for substance abuse.

A. Whenever any person who has not previously been convicted of any *criminal* offense under this article or under any statute of the United States or of any state relating to narcotic drugs, marijuana, stimulant, depressant, or hallucinogenic drugs or has not previously had a proceeding against him for violation of such an offense dismissed as provided in § 18.2-251 is found guilty of violating any law concerning the use, in any manner, of drugs, controlled substances, narcotics, marijuana, noxious chemical substances, and like substances, the judge or court shall require such person to undergo a substance abuse screening pursuant to § 18.2-251.01 and to submit to such periodic substance abuse testing, to include alcohol testing, as may be directed by the court. The cost of such testing ordered by the court shall be paid by the Commonwealth and taxed as a part of the costs of the criminal proceedings. The judge or court shall also order the person to undergo such treatment or education for substance abuse, if available, as the judge or court deems appropriate based upon consideration of the substance abuse assessment. The treatment or education shall be provided by a program or agency licensed by the Department of Behavioral Health and Developmental Services or by a similar program or services available through the Department of Corrections if the court imposes a sentence of one year or more or, if the court imposes a sentence of 12 months or less, by a similar program or services available through a local or regional jail, a local community-based probation services agency established pursuant to § 9.1-174, or an ASAP program certified by the Commission on VASAP.

B. The court trying the case of any person alleged to have committed any *criminal* offense designated by this article or by the Drug Control Act (§ 54.1-3400 et seq.) or in any other criminal case in which the commission of the offense was motivated by or closely related to the use of drugs and determined by the court, pursuant to a substance abuse screening and assessment, to be in need of treatment for the use of drugs may commit, based upon a consideration of the substance abuse assessment, such person, upon his conviction, to any facility for the treatment of persons with substance abuse, licensed by the Department of Behavioral Health and Developmental Services, if space is available in such facility, for a period of time not in excess of the maximum term of imprisonment specified as the penalty for conviction of such offense or, if sentence was determined by a jury, not in excess of the term of imprisonment as set by such jury. Confinement under such commitment shall be, in all regards, treated as confinement in a penal institution and the person so committed may be convicted of escape if he leaves the place of commitment without authority. A charge of escape may be prosecuted in either the jurisdiction where the treatment facility is located or the jurisdiction where the person was sentenced to commitment. The court may revoke such commitment at any time and transfer the person to an appropriate state or local correctional facility. Upon presentation of a certified statement from the director of the treatment facility to the effect that the confined person has successfully responded to treatment, the court may release such confined person prior to the termination of the period of time for which such person was confined and may suspend the remainder of the term upon such conditions as the court may prescribe.

C. The court trying a case in which commission of the *criminal* offense was related to the defendant's habitual abuse of alcohol and in which the court determines, pursuant to a substance abuse screening and assessment, that such defendant is in need of treatment, may commit, based upon a consideration of the substance abuse assessment, such person, upon his conviction, to any facility for the treatment of persons with substance abuse licensed by the Department of Behavioral Health and Developmental Services, if space is available in such facility, for a period of time not in excess of the maximum term of imprisonment specified as the penalty for conviction. Confinement under such commitment shall be, in all regards, treated as confinement in a penal institution and the person so committed may be convicted of escape if he leaves the place of commitment without authority. The court may revoke such commitment at any time and transfer the person to an appropriate state or local correctional facility. Upon presentation of a certified statement from the director of the treatment facility to the effect that the confined person has successfully responded to treatment, the court may release such confined person prior to the termination of the period of time for which such person was confined and may suspend the remainder of the term upon such conditions as the court may prescribe.

§ 19.2-389.3. Marijuana possession; limits on dissemination of criminal history record information; prohibited practices by employers, educational institutions, and state and local governments; penalty.

A. Records relating to the arrest, criminal charge, or conviction of a person for a violation of § 18.2-250.1, including any violation charged under § 18.2-250.1 that was deferred and dismissed pursuant to § 18.2-251, maintained in the Central Criminal Records Exchange shall not be open for public inspection or otherwise disclosed, provided that such records may be disseminated (i) to make the determination as provided in § 18.2-308.2:2 of eligibility to possess or purchase a firearm; (ii) to aid in the preparation of a pretrial investigation report prepared by a local pretrial services agency established pursuant to Article 5 (§ 19.2-152.2 et seq.) of Chapter 9, a pre-sentence or post-sentence investigation report pursuant to § 19.2-264.5 or 19.2-299 or in the preparation of the discretionary sentencing guidelines worksheets pursuant to subsection C of § 19.2-298.01; (iii) to aid local community-based probation services agencies established pursuant to the Comprehensive Community Corrections Act for Local-Responsible Offenders (§ 9.1-173 et seq.) with investigating or serving adult local-responsible offenders and all court service units serving juvenile delinquent offenders; (iv) for fingerprint comparison utilizing the fingerprints maintained in the Automated Fingerprint Information System computer; (v) to attorneys for the Commonwealth to secure information incidental to sentencing and to attorneys for the Commonwealth and probation officers to prepare the discretionary sentencing guidelines worksheets pursuant to subsection C of § 19.2-298.01; (vi) to any full-time or part-time employee of the State Police, a police department, or sheriff's office that is a part of or administered by the Commonwealth or any political subdivision thereof, and who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic, or highway laws of the Commonwealth, for purposes of the administration of criminal justice as defined in § 9.1-101; (vii) to the Virginia Criminal Sentencing Commission for research purposes; (viii) to any full-time or part-time employee of the State Police or a police department or sheriff's office that is a part of or administered by the Commonwealth or any political subdivision thereof for the purpose of screening any person for full-time or part-time employment with the State Police or a police department or sheriff's office that is a part of or administered by the Commonwealth or any political subdivision thereof; (ix) to the State Health Commissioner or his designee for the purpose of screening any person who applies to be a volunteer with or an employee of an emergency medical services agency as provided in § 32.1-111.5; (x) to any full-time or part-time employee of the Department of Forensic Science for the purpose of screening any person for full-time or part-time employment with the Department of Forensic Science; (xi) to the chief law-enforcement officer of a locality, or his designee who shall be an individual employed as a public safety official of the locality, that has adopted an ordinance in accordance with §§ 15.2-1503.1 and 19.2-389 for the purpose of screening any person who applies to be a volunteer with or an employee of an emergency medical services agency as provided in § 32.1-111.5; and (xii) to any full-time or part-time employee of the Department of Motor Vehicles, any employer as defined in § 46.2-341.4, or any medical examiner as defined in 49 C.F.R. § 390.5 for the purpose of complying with the regulations of the Federal Motor Carrier Safety Administration.

B. An employer or educational institution shall not, in any application, interview, or otherwise, require an applicant for employment or admission to disclose information concerning any arrest, criminal charge, or conviction against him when the record relating to such arrest, criminal charge, or conviction is not open for public inspection pursuant to subsection A. An applicant need not, in answer to any question concerning any arrest, criminal charge, or conviction, include a reference to or information concerning any arrest, criminal charge, or conviction when the record relating to such arrest, criminal charge, or conviction is not open for public inspection pursuant to subsection A.

C. Agencies, officials, and employees of the state and local governments shall not, in any application, interview, or otherwise, require an applicant for a license, permit, registration, or governmental service to disclose information concerning any arrest, criminal charge, or conviction against him when the record relating to such arrest, criminal charge, or conviction is not open for public inspection pursuant to subsection A. An applicant need not, in answer to any question concerning any arrest, criminal charge, or conviction, include a reference to or information concerning any arrest, criminal charge, or conviction when the record relating to such arrest, criminal charge, or conviction is not open for public inspection pursuant to subsection A. Such an application may not be denied solely because of the applicant's refusal to disclose information concerning any such arrest, criminal charge, or conviction.

D. A person who willfully violates subsection B or C is guilty of a Class 1 misdemeanor for each violation.

§ 19.2-392.2. Expungement of police and court records.

A. If a person is charged with the commission of a crime, a civil offense, or any offense defined in Title 18.2, and

1. Is acquitted, or

2. A nolle prosequi is taken or the charge is otherwise dismissed, including dismissal by accord and satisfaction pursuant to § 19.2-151, he may file a petition setting forth the relevant facts and requesting expungement of the police records and the court records relating to the charge.

B. If any person whose name or other identification has been used without his consent or authorization by another person who has been charged or arrested using such name or identification, he may file a petition with the court disposing of the charge for relief pursuant to this section. Such person shall not be required to pay any fees for the filing of a petition under this subsection. A petition filed under this subsection shall include one complete set of the petitioner's fingerprints obtained from a law-enforcement agency.

C. The petition with a copy of the warrant, summons, or indictment if reasonably available shall be filed in the circuit court of the county or city in which the case was disposed of by acquittal or being otherwise dismissed and shall contain, except where not reasonably available, the date of arrest and the name of the arresting agency. Where this information is not reasonably available, the petition shall state the reason for such unavailability. The petition shall further state the specific

criminal charge *or civil offense* to be expunged, the date of final disposition of the charge as set forth in the petition, the petitioner's date of birth, and the full name used by the petitioner at the time of arrest.

D. A copy of the petition shall be served on the attorney for the Commonwealth of the city or county in which the petition is filed. The attorney for the Commonwealth may file an objection or answer to the petition or may give written notice to the court that he does not object to the petition within 21 days after it is served on him.

E. The petitioner shall obtain from a law-enforcement agency one complete set of the petitioner's fingerprints and shall provide that agency with a copy of the petition for expungement. The law-enforcement agency shall submit the set of fingerprints to the Central Criminal Records Exchange (CCRE) with a copy of the petition for expungement attached. The CCRE shall forward under seal to the court a copy of the petitioner's criminal history, a copy of the source documents that resulted in the CCRE entry that the petitioner wishes to expunge, *if applicable*, and the set of fingerprints. Upon completion of the hearing, the court shall return the fingerprint card to the petitioner. If no hearing was conducted, upon the entry of an order of expungement or an order denying the petition for expungement, the court shall cause the fingerprint card to be destroyed unless, within 30 days of the date of the entry of the order, the petitioner requests the return of the fingerprint card in person from the clerk of the court or provides the clerk of the court a self-addressed, stamped envelope for the return of the fingerprint card.

F. After receiving the criminal history record information from the CCRE, the court shall conduct a hearing on the petition. If the court finds that the continued existence and possible dissemination of information relating to the arrest of the petitioner causes or may cause circumstances which constitute a manifest injustice to the petitioner, it shall enter an order requiring the expungement of the police and court records, including electronic records, relating to the charge. Otherwise, it shall deny the petition. However, if the petitioner has no prior criminal record and the arrest was for a misdemeanor violation *or the charge was for a civil offense*, the petitioner shall be entitled, in the absence of good cause shown to the contrary by the Commonwealth, to expungement of the police and court records relating to the charge, and the court shall enter an order of expungement. If the attorney for the Commonwealth of the county or city in which the petition is filed (i) gives written notice to the court pursuant to subsection D that he does not object to the petition and (ii) when the charge to be expunged is a felony, stipulates in such written notice that the continued existence and possible dissemination of information relating to the arrest of the petitioner causes or may cause circumstances which constitute a manifest injustice to the petitioner, the court may enter an order of expungement without conducting a hearing.

G. The Commonwealth shall be made party defendant to the proceeding. Any party aggrieved by the decision of the court may appeal, as provided by law in civil cases.

H. Notwithstanding any other provision of this section, when the charge is dismissed because the court finds that the person arrested or charged is not the person named in the summons, warrant, indictment or presentment, the court dismissing the charge shall, upon motion of the person improperly arrested or charged, enter an order requiring expungement of the police and court records relating to the charge. Such order shall contain a statement that the dismissal and expungement are ordered pursuant to this subsection and shall be accompanied by the complete set of the petitioner's fingerprints filed with his petition. Upon the entry of such order, it shall be treated as provided in subsection K.

I. Notwithstanding any other provision of this section, upon receiving a copy pursuant to § 2.2-402 of an absolute pardon for the commission of a crime that a person did not commit, the court shall enter an order requiring expungement of the police and court records relating to the charge and conviction. Such order shall contain a statement that the expungement is ordered pursuant to this subsection. Upon the entry of such order, it shall be treated as provided in subsection K.

J. Upon receiving a copy of a writ vacating a conviction pursuant to § 19.2-327.5 or 19.2-327.13, the court shall enter an order requiring expungement of the police and court records relating to the charge and conviction. Such order shall contain a statement that the expungement is ordered pursuant to this subsection. Upon the entry of the order, it shall be treated as provided in subsection K.

K. Upon the entry of an order of expungement, the clerk of the court shall cause a copy of such order to be forwarded to the Department of State Police, which shall, pursuant to rules and regulations adopted pursuant to § 9.1-134, direct the manner by which the appropriate expungement or removal of such records shall be effected.

L. Costs shall be as provided by § 17.1-275, but shall not be recoverable against the Commonwealth. If the court enters an order of expungement, the clerk of the court shall refund to the petitioner such costs paid by the petitioner.

M. Any order entered where (i) the court or parties failed to strictly comply with the procedures set forth in this section or (ii) the court enters an order of expungement contrary to law, shall be voidable upon motion and notice made within three years of the entry of such order.

§ 54.1-3401. (Effective until July 1, 2020) Definitions.

As used in this chapter, unless the context requires a different meaning:

"Administer" means the direct application of a controlled substance, whether by injection, inhalation, ingestion, or any other means, to the body of a patient or research subject by (i) a practitioner or by his authorized agent and under his direction or (ii) the patient or research subject at the direction and in the presence of the practitioner.

"Advertisement" means all representations disseminated in any manner or by any means, other than by labeling, for the purpose of inducing, or which are likely to induce, directly or indirectly, the purchase of drugs or devices.

"Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, or dispenser. It does not include a common or contract carrier, public warehouseman, or employee of the carrier or warehouseman.

"Anabolic steroid" means any drug or hormonal substance, chemically and pharmacologically related to testosterone, other than estrogens, progestins, corticosteroids, and dehydroepiandrosterone.

"Animal" means any nonhuman animate being endowed with the power of voluntary action.

"Automated drug dispensing system" means a mechanical or electronic system that performs operations or activities, other than compounding or administration, relating to pharmacy services, including the storage, dispensing, or distribution of drugs and the collection, control, and maintenance of all transaction information, to provide security and accountability for such drugs.

"Biological product" means a virus, therapeutic serum, toxin, antitoxin, vaccine, blood, blood component or derivative, allergenic product, protein other than a chemically synthesized polypeptide, or analogous product, or arsphenamine or any derivative of arsphenamine or any other trivalent organic arsenic compound, applicable to the prevention, treatment, or cure of a disease or condition of human beings.

"Biosimilar" means a biological product that is highly similar to a specific reference biological product, notwithstanding minor differences in clinically inactive compounds, such that there are no clinically meaningful differences between the reference biological product and the biological product that has been licensed as a biosimilar pursuant to 42 U.S.C. § 262(k) in terms of safety, purity, and potency of the product.

"Board" means the Board of Pharmacy.

"Bulk drug substance" means any substance that is represented for use, and that, when used in the compounding, manufacturing, processing, or packaging of a drug, becomes an active ingredient or a finished dosage form of the drug; however, "bulk drug substance" shall not include intermediates that are used in the synthesis of such substances.

"Change of ownership" of an existing entity permitted, registered, or licensed by the Board means (i) the sale or transfer of all or substantially all of the assets of the entity or of any corporation that owns or controls the entity; (ii) the creation of a partnership by a sole proprietor, the dissolution of a partnership, or change in partnership composition; (iii) the acquisition or disposal of 50 percent or more of the outstanding shares of voting stock of a corporation owning the entity or of the parent corporation of a wholly owned subsidiary owning the entity, except that this shall not apply to any corporation the voting stock of which is actively traded on any securities exchange or in any over-the-counter market; (iv) the merger of a corporation owning the entity or of the parent corporation of a wholly-owned subsidiary owning the entity with another business or corporation; or (v) the expiration or forfeiture of a corporation's charter.

"Co-licensed partner" means a person who, with at least one other person, has the right to engage in the manufacturing or marketing of a prescription drug, consistent with state and federal law.

"Compounding" means the combining of two or more ingredients to fabricate such ingredients into a single preparation and includes the mixing, assembling, packaging, or labeling of a drug or device (i) by a pharmacist, or within a permitted pharmacy, pursuant to a valid prescription issued for a medicinal or therapeutic purpose in the context of a bona fide practitioner-patient-pharmacist relationship, or in expectation of receiving a valid prescription based on observed historical patterns of prescribing and dispensing; (ii) by a practitioner of medicine, osteopathy, podiatry, dentistry, or veterinary medicine as an incident to his administering or dispensing, if authorized to dispense, a controlled substance in the course of his professional practice; or (iii) for the purpose of, or as incident to, research, teaching, or chemical analysis and not for sale or for dispensing. The mixing, diluting, or reconstituting of a manufacturer's product drugs for the purpose of administration to a patient, when performed by a practitioner of medicine or osteopathy licensed under Chapter 29 (§ 54.1-2900 et seq.), a person supervised by such practitioner pursuant to subdivision A 6 or 19 of § 54.1-2901, or a person supervised by such practitioner or a licensed nurse practitioner or physician assistant pursuant to subdivision A 4 of § 54.1-2901 shall not be considered compounding.

"Controlled substance" means a drug, substance, or immediate precursor in Schedules I through VI of this chapter. The term shall not include distilled spirits, wine, malt beverages, or tobacco as those terms are defined or used in Title 3.2 or Title 4.1. The term "controlled substance" includes a controlled substance analog that has been placed into Schedule I or II by the Board pursuant to the regulatory authority in subsection D of § 54.1-3443.

"Controlled substance analog" means a substance the chemical structure of which is substantially similar to the chemical structure of a controlled substance in Schedule I or II and either (i) which has a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance in Schedule I or II or (ii) with respect to a particular person, which such person represents or intends to have a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance in Schedule I or II. "Controlled substance analog" does not include (a) any substance for which there is an approved new drug application as defined under § 505 of the federal Food, Drug, and Cosmetic Act (21 U.S.C. § 355) or that is generally recognized as safe and effective pursuant to §§ 501, 502, and 503 of the federal Food, Drug, and Cosmetic Act (21 U.S.C. §§ 351, 352, and 353) and 21 C.F.R. Part 330; (b) with respect to a particular person, any substance for which an exemption is in effect for investigational use for that person under § 505 of the federal Food, Drug, and Cosmetic Act to the extent that the conduct with respect to that substance is pursuant to such exemption; or (c) any substance to the extent not intended for human consumption before such an exemption takes effect with respect to that substance.

"DEA" means the Drug Enforcement Administration, U.S. Department of Justice, or its successor agency.

"Deliver" or "delivery" means the actual, constructive, or attempted transfer of any item regulated by this chapter, whether or not there exists an agency relationship, including delivery of a Schedule VI prescription device to an ultimate user or consumer on behalf of a medical equipment supplier by a manufacturer, nonresident manufacturer, wholesale distributor, nonresident wholesale distributor, warehouse, nonresident warehouse, third-party logistics provider, or nonresident third-party logistics provider at the direction of a medical equipment supplier in accordance with § 54.1-3415.1.

"Device" means instruments, apparatus, and contrivances, including their components, parts, and accessories, intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or animals or to affect the structure or any function of the body of man or animals.

"Dialysis care technician" or "dialysis patient care technician" means an individual who is certified by an organization approved by the Board of Health Professions pursuant to Chapter 27.01 (§ 54.1-2729.1 et seq.) and who, under the supervision of a licensed physician, nurse practitioner, physician assistant, or a registered nurse, assists in the care of patients undergoing renal dialysis treatments in a Medicare-certified renal dialysis facility.

"Dialysis solution" means either the commercially available, unopened, sterile solutions whose purpose is to be instilled into the peritoneal cavity during the medical procedure known as peritoneal dialysis, or commercially available solutions whose purpose is to be used in the performance of hemodialysis not to include any solutions administered to the patient intravenously.

"Dispense" means to deliver a drug to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, including the prescribing and administering, packaging, labeling, or compounding necessary to prepare the substance for that delivery. However, dispensing shall not include the transportation of drugs mixed, diluted, or reconstituted in accordance with this chapter to other sites operated by such practitioner or that practitioner's medical practice for the purpose of administration of such drugs to patients of the practitioner or that practitioner's medical practice at such other sites. For practitioners of medicine or osteopathy, "dispense" shall only include the provision of drugs by a practitioner to patients to take with them away from the practitioner's place of practice.

"Dispenser" means a practitioner who dispenses.

"Distribute" means to deliver other than by administering or dispensing a controlled substance.

"Distributor" means a person who distributes.

"Drug" means (i) articles or substances recognized in the official United States Pharmacopoeia National Formulary or official Homeopathic Pharmacopoeia of the United States, or any supplement to any of them; (ii) articles or substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or animals; (iii) articles or substances, other than food, intended to affect the structure or any function of the body of man or animals; (iv) articles or substances intended for use as a component of any article specified in clause (i), (ii), or (iii); or (v) a biological product. "Drug" does not include devices or their components, parts, or accessories.

"Drug product" means a specific drug in dosage form from a known source of manufacture, whether by brand or therapeutically equivalent drug product name.

"Electronic transmission prescription" means any prescription, other than an oral or written prescription or a prescription transmitted by facsimile machine, that is electronically transmitted directly to a pharmacy without interception or intervention from a third party from a practitioner authorized to prescribe or from one pharmacy to another pharmacy.

"Facsimile (FAX) prescription" means a written prescription or order that is transmitted by an electronic device over telephone lines that sends the exact image to the receiving pharmacy in hard copy form.

"FDA" means the U.S. Food and Drug Administration.

~~"Hashish oil" means any oily extract containing one or more cannabinoids, but shall not include any such extract with a tetrahydrocannabinol content of less than 12 percent by weight.~~

"Immediate precursor" means a substance which the Board of Pharmacy has found to be and by regulation designates as being the principal compound commonly used or produced primarily for use, and which is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance, the control of which is necessary to prevent, curtail, or limit manufacture.

"Interchangeable" means a biosimilar that meets safety standards for determining interchangeability pursuant to 42 U.S.C. § 262(k)(4).

"Label" means a display of written, printed, or graphic matter upon the immediate container of any article. A requirement made by or under authority of this chapter that any word, statement, or other information appear on the label shall not be considered to be complied with unless such word, statement, or other information also appears on the outside container or wrapper, if any, of the retail package of such article or is easily legible through the outside container or wrapper.

"Labeling" means all labels and other written, printed, or graphic matter on an article or any of its containers or wrappers, or accompanying such article.

"Manufacture" means the production, preparation, propagation, conversion, or processing of any item regulated by this chapter, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container. This term does not include compounding.

"Manufacturer" means every person who manufactures, a manufacturer's co-licensed partner, or a repackager.

"Marijuana" means any part of a plant of the genus *Cannabis* whether growing or not, its seeds, or its resin, or any extract containing one or more cannabinoids; and every compound, manufacture, salt, derivative, mixture, or preparation of

such plant, its seeds, or its resin. Marijuana ~~shall does~~ not include ~~any oily extract containing one or more cannabinoids unless such extract contains less than 12 percent of tetrahydrocannabinol by weight, nor shall marijuana include~~ the mature stalks of such plant, fiber produced from such stalk, or oil or cake made from the seeds of such plant, unless such stalks, fiber, oil, or cake is combined with other parts of plants of the genus *Cannabis*. Marijuana ~~shall does~~ not include (i) industrial hemp, as defined in § 3.2-4112, that is possessed by a person registered pursuant to subsection A of § 3.2-4115 or his agent, or (ii) a hemp product, as defined in § 3.2-4112, containing a tetrahydrocannabinol concentration of no greater than 0.3 percent that is derived from industrial hemp, as defined in § 3.2-4112, that is grown, dealt, or processed in compliance with state or federal law.

"Medical equipment supplier" means any person, as defined in § 1-230, engaged in the delivery to the ultimate consumer, pursuant to the lawful order of a practitioner, of hypodermic syringes and needles, medicinal oxygen, Schedule VI controlled devices, those Schedule VI controlled substances with no medicinal properties that are used for the operation and cleaning of medical equipment, solutions for peritoneal dialysis, and sterile water or saline for irrigation.

"Narcotic drug" means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis: (i) opium, opiates, and any salt, compound, derivative, or preparation of opium or opiates; (ii) any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in clause (i), but not including the isoquinoline alkaloids of opium; (iii) opium poppy and poppy straw; (iv) coca leaves and any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extraction of coca leaves which do not contain cocaine or ecgonine.

"New drug" means (i) any drug, except a new animal drug or an animal feed bearing or containing a new animal drug, the composition of which is such that such drug is not generally recognized, among experts qualified by scientific training and experience to evaluate the safety and effectiveness of drugs, as safe and effective for use under the conditions prescribed, recommended, or suggested in the labeling, except that such a drug not so recognized shall not be deemed to be a "new drug" if at any time prior to the enactment of this chapter it was subject to the Food and Drugs Act of June 30, 1906, as amended, and if at such time its labeling contained the same representations concerning the conditions of its use, or (ii) any drug, except a new animal drug or an animal feed bearing or containing a new animal drug, the composition of which is such that such drug, as a result of investigations to determine its safety and effectiveness for use under such conditions, has become so recognized, but which has not, otherwise than in such investigations, been used to a material extent or for a material time under such conditions.

"Nuclear medicine technologist" means an individual who holds a current certification with the American Registry of Radiological Technologists or the Nuclear Medicine Technology Certification Board.

"Official compendium" means the official United States Pharmacopoeia National Formulary, official Homeopathic Pharmacopoeia of the United States, or any supplement to any of them.

"Official written order" means an order written on a form provided for that purpose by the U.S. Drug Enforcement Administration, under any laws of the United States making provision therefor, if such order forms are authorized and required by federal law, and if no such order form is provided then on an official form provided for that purpose by the Board of Pharmacy.

"Opiate" means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having such addiction-forming or addiction-sustaining liability. It does not include, unless specifically designated as controlled under Article 4 (§ 54.1-3437 et seq.), the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). It does include its racemic and levorotatory forms.

"Opium poppy" means the plant of the species *Papaver somniferum* L., except the seeds thereof.

"Original package" means the unbroken container or wrapping in which any drug or medicine is enclosed together with label and labeling, put up by or for the manufacturer, wholesaler, or distributor for use in the delivery or display of such article.

"Outsourcing facility" means a facility that is engaged in the compounding of sterile drugs and is currently registered as an outsourcing facility with the U.S. Secretary of Health and Human Services and that complies with all applicable requirements of federal and state law, including the Federal Food, Drug, and Cosmetic Act.

"Person" means both the plural and singular, as the case demands, and includes an individual, partnership, corporation, association, governmental agency, trust, or other institution or entity.

"Pharmacist-in-charge" means the person who, being licensed as a pharmacist, signs the application for a pharmacy permit and assumes full legal responsibility for the operation of the relevant pharmacy in a manner complying with the laws and regulations for the practice of pharmacy and the sale and dispensing of controlled substances; the "pharmacist-in-charge" shall personally supervise the pharmacy and the pharmacy's personnel as required by § 54.1-3432.

"Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

"Practitioner" means a physician, dentist, licensed nurse practitioner pursuant to § 54.1-2957.01, licensed physician assistant pursuant to § 54.1-2952.1, pharmacist pursuant to § 54.1-3300, TPA-certified optometrist pursuant to Article 5 (§ 54.1-3222 et seq.) of Chapter 32, veterinarian, scientific investigator, or other person licensed, registered, or otherwise permitted to distribute, dispense, prescribe and administer, or conduct research with respect to a controlled substance in the course of professional practice or research in the Commonwealth.

"Prescriber" means a practitioner who is authorized pursuant to §§ 54.1-3303 and 54.1-3408 to issue a prescription.

"Prescription" means an order for drugs or medical supplies, written or signed or transmitted by word of mouth, telephone, telegraph, or other means of communication to a pharmacist by a duly licensed physician, dentist, veterinarian, or other practitioner authorized by law to prescribe and administer such drugs or medical supplies.

"Prescription drug" means any drug required by federal law or regulation to be dispensed only pursuant to a prescription, including finished dosage forms and active ingredients subject to § 503(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. § 353(b)).

"Production" or "produce" includes the manufacture, planting, cultivation, growing, or harvesting of a controlled substance or marijuana.

"Proprietary medicine" means a completely compounded nonprescription drug in its unbroken, original package which does not contain any controlled substance or marijuana as defined in this chapter and is not in itself poisonous, and which is sold, offered, promoted, or advertised directly to the general public by or under the authority of the manufacturer or primary distributor, under a trademark, trade name, or other trade symbol privately owned, and the labeling of which conforms to the requirements of this chapter and applicable federal law. However, this definition shall not include a drug that is only advertised or promoted professionally to licensed practitioners, a narcotic or drug containing a narcotic, a drug that may be dispensed only upon prescription or the label of which bears substantially the statement "Warning — may be habit-forming," or a drug intended for injection.

"Radiopharmaceutical" means any drug that exhibits spontaneous disintegration of unstable nuclei with the emission of nuclear particles or photons and includes any non-radioactive reagent kit or radionuclide generator that is intended to be used in the preparation of any such substance, but does not include drugs such as carbon-containing compounds or potassium-containing salts that include trace quantities of naturally occurring radionuclides. The term also includes any biological product that is labeled with a radionuclide or intended solely to be labeled with a radionuclide.

"Reference biological product" means the single biological product licensed pursuant to 42 U.S.C. § 262(a) against which a biological product is evaluated in an application submitted to the U.S. Food and Drug Administration for licensure of biological products as biosimilar or interchangeable pursuant to 42 U.S.C. § 262(k).

"Sale" includes barter, exchange, or gift, or offer therefor, and each such transaction made by any person, whether as an individual, proprietor, agent, servant, or employee.

"Therapeutically equivalent drug products" means drug products that contain the same active ingredients and are identical in strength or concentration, dosage form, and route of administration and that are classified as being therapeutically equivalent by the U.S. Food and Drug Administration pursuant to the definition of "therapeutically equivalent drug products" set forth in the most recent edition of the Approved Drug Products with Therapeutic Equivalence Evaluations, otherwise known as the "Orange Book."

"Third-party logistics provider" means a person that provides or coordinates warehousing of or other logistics services for a drug or device in interstate commerce on behalf of a manufacturer, wholesale distributor, or dispenser of the drug or device but does not take ownership of the product or have responsibility for directing the sale or disposition of the product.

"USP-NF" means the current edition of the United States Pharmacopeia-National Formulary.

"Warehouser" means any person, other than a wholesale distributor, manufacturer, or third-party logistics provider, engaged in the business of (i) selling or otherwise distributing prescription drugs or devices to any person who is not the ultimate user or consumer and (ii) delivering Schedule VI prescription devices to the ultimate user or consumer pursuant to § 54.1-3415.1. No person shall be subject to any state or local tax by reason of this definition.

"Wholesale distribution" means (i) distribution of prescription drugs to persons other than consumers or patients and (ii) delivery of Schedule VI prescription devices to the ultimate user or consumer pursuant to § 54.1-3415.1, subject to the exemptions set forth in the federal Drug Supply Chain Security Act.

"Wholesale distributor" means any person other than a manufacturer, a manufacturer's co-licensed partner, a third-party logistics provider, or a repackager that engages in wholesale distribution.

The words "drugs" and "devices" as used in Chapter 33 (§ 54.1-3300 et seq.) and in this chapter shall not include surgical or dental instruments, physical therapy equipment, X-ray apparatus, or glasses or lenses for the eyes.

The terms "pharmacist," "pharmacy," and "practice of pharmacy" as used in this chapter shall be defined as provided in Chapter 33 (§ 54.1-3300 et seq.) unless the context requires a different meaning.

§ 54.1-3401. (Effective July 1, 2020) Definitions.

As used in this chapter, unless the context requires a different meaning:

"Administer" means the direct application of a controlled substance, whether by injection, inhalation, ingestion, or any other means, to the body of a patient or research subject by (i) a practitioner or by his authorized agent and under his direction or (ii) the patient or research subject at the direction and in the presence of the practitioner.

"Advertisement" means all representations disseminated in any manner or by any means, other than by labeling, for the purpose of inducing, or which are likely to induce, directly or indirectly, the purchase of drugs or devices.

"Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, or dispenser. It does not include a common or contract carrier, public warehouseman, or employee of the carrier or warehouseman.

"Anabolic steroid" means any drug or hormonal substance, chemically and pharmacologically related to testosterone, other than estrogens, progestins, corticosteroids, and dehydroepiandrosterone.

"Animal" means any nonhuman animate being endowed with the power of voluntary action.

"Automated drug dispensing system" means a mechanical or electronic system that performs operations or activities, other than compounding or administration, relating to pharmacy services, including the storage, dispensing, or distribution of drugs and the collection, control, and maintenance of all transaction information, to provide security and accountability for such drugs.

"Biological product" means a virus, therapeutic serum, toxin, antitoxin, vaccine, blood, blood component or derivative, allergenic product, protein other than a chemically synthesized polypeptide, or analogous product, or arsphenamine or any derivative of arsphenamine or any other trivalent organic arsenic compound, applicable to the prevention, treatment, or cure of a disease or condition of human beings.

"Biosimilar" means a biological product that is highly similar to a specific reference biological product, notwithstanding minor differences in clinically inactive compounds, such that there are no clinically meaningful differences between the reference biological product and the biological product that has been licensed as a biosimilar pursuant to 42 U.S.C. § 262(k) in terms of safety, purity, and potency of the product.

"Board" means the Board of Pharmacy.

"Bulk drug substance" means any substance that is represented for use, and that, when used in the compounding, manufacturing, processing, or packaging of a drug, becomes an active ingredient or a finished dosage form of the drug; however, "bulk drug substance" shall not include intermediates that are used in the synthesis of such substances.

"Change of ownership" of an existing entity permitted, registered, or licensed by the Board means (i) the sale or transfer of all or substantially all of the assets of the entity or of any corporation that owns or controls the entity; (ii) the creation of a partnership by a sole proprietor, the dissolution of a partnership, or change in partnership composition; (iii) the acquisition or disposal of 50 percent or more of the outstanding shares of voting stock of a corporation owning the entity or of the parent corporation of a wholly owned subsidiary owning the entity, except that this shall not apply to any corporation the voting stock of which is actively traded on any securities exchange or in any over-the-counter market; (iv) the merger of a corporation owning the entity or of the parent corporation of a wholly-owned subsidiary owning the entity with another business or corporation; or (v) the expiration or forfeiture of a corporation's charter.

"Co-licensed partner" means a person who, with at least one other person, has the right to engage in the manufacturing or marketing of a prescription drug, consistent with state and federal law.

"Compounding" means the combining of two or more ingredients to fabricate such ingredients into a single preparation and includes the mixing, assembling, packaging, or labeling of a drug or device (i) by a pharmacist, or within a permitted pharmacy, pursuant to a valid prescription issued for a medicinal or therapeutic purpose in the context of a bona fide practitioner-patient-pharmacist relationship, or in expectation of receiving a valid prescription based on observed historical patterns of prescribing and dispensing; (ii) by a practitioner of medicine, osteopathy, podiatry, dentistry, or veterinary medicine as an incident to his administering or dispensing, if authorized to dispense, a controlled substance in the course of his professional practice; or (iii) for the purpose of, or as incident to, research, teaching, or chemical analysis and not for sale or for dispensing. The mixing, diluting, or reconstituting of a manufacturer's product drugs for the purpose of administration to a patient, when performed by a practitioner of medicine or osteopathy licensed under Chapter 29 (§ 54.1-2900 et seq.), a person supervised by such practitioner pursuant to subdivision A 6 or 19 of § 54.1-2901, or a person supervised by such practitioner or a licensed nurse practitioner or physician assistant pursuant to subdivision A 4 of § 54.1-2901 shall not be considered compounding.

"Controlled substance" means a drug, substance, or immediate precursor in Schedules I through VI of this chapter. The term shall not include distilled spirits, wine, malt beverages, or tobacco as those terms are defined or used in Title 3.2 or Title 4.1. The term "controlled substance" includes a controlled substance analog that has been placed into Schedule I or II by the Board pursuant to the regulatory authority in subsection D of § 54.1-3443.

"Controlled substance analog" means a substance the chemical structure of which is substantially similar to the chemical structure of a controlled substance in Schedule I or II and either (i) which has a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance in Schedule I or II or (ii) with respect to a particular person, which such person represents or intends to have a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance in Schedule I or II. "Controlled substance analog" does not include (a) any substance for which there is an approved new drug application as defined under § 505 of the federal Food, Drug, and Cosmetic Act (21 U.S.C. § 355) or that is generally recognized as safe and effective pursuant to §§ 501, 502, and 503 of the federal Food, Drug, and Cosmetic Act (21 U.S.C. §§ 351, 352, and 353) and 21 C.F.R. Part 330; (b) with respect to a particular person, any substance for which an exemption is in effect for investigational use for that person under § 505 of the federal Food, Drug, and Cosmetic Act to the extent that the conduct with respect to that substance is pursuant to such exemption; or (c) any substance to the extent not intended for human consumption before such an exemption takes effect with respect to that substance.

"DEA" means the Drug Enforcement Administration, U.S. Department of Justice, or its successor agency.

"Deliver" or "delivery" means the actual, constructive, or attempted transfer of any item regulated by this chapter, whether or not there exists an agency relationship, including delivery of a Schedule VI prescription device to an ultimate user or consumer on behalf of a medical equipment supplier by a manufacturer, nonresident manufacturer, wholesale

distributor, nonresident wholesale distributor, warehouse, nonresident warehouse, third-party logistics provider, or nonresident third-party logistics provider at the direction of a medical equipment supplier in accordance with § 54.1-3415.1.

"Device" means instruments, apparatus, and contrivances, including their components, parts, and accessories, intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or animals or to affect the structure or any function of the body of man or animals.

"Dialysis care technician" or "dialysis patient care technician" means an individual who is certified by an organization approved by the Board of Health Professions pursuant to Chapter 27.01 (§ 54.1-2729.1 et seq.) and who, under the supervision of a licensed physician, nurse practitioner, physician assistant, or a registered nurse, assists in the care of patients undergoing renal dialysis treatments in a Medicare-certified renal dialysis facility.

"Dialysis solution" means either the commercially available, unopened, sterile solutions whose purpose is to be instilled into the peritoneal cavity during the medical procedure known as peritoneal dialysis, or commercially available solutions whose purpose is to be used in the performance of hemodialysis not to include any solutions administered to the patient intravenously.

"Dispense" means to deliver a drug to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, including the prescribing and administering, packaging, labeling, or compounding necessary to prepare the substance for that delivery. However, dispensing shall not include the transportation of drugs mixed, diluted, or reconstituted in accordance with this chapter to other sites operated by such practitioner or that practitioner's medical practice for the purpose of administration of such drugs to patients of the practitioner or that practitioner's medical practice at such other sites. For practitioners of medicine or osteopathy, "dispense" shall only include the provision of drugs by a practitioner to patients to take with them away from the practitioner's place of practice.

"Dispenser" means a practitioner who dispenses.

"Distribute" means to deliver other than by administering or dispensing a controlled substance.

"Distributor" means a person who distributes.

"Drug" means (i) articles or substances recognized in the official United States Pharmacopoeia National Formulary or official Homeopathic Pharmacopoeia of the United States, or any supplement to any of them; (ii) articles or substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or animals; (iii) articles or substances, other than food, intended to affect the structure or any function of the body of man or animals; (iv) articles or substances intended for use as a component of any article specified in clause (i), (ii), or (iii); or (v) a biological product. "Drug" does not include devices or their components, parts, or accessories.

"Drug product" means a specific drug in dosage form from a known source of manufacture, whether by brand or therapeutically equivalent drug product name.

"Electronic prescription" means a written prescription that is generated on an electronic application and is transmitted to a pharmacy as an electronic data file; Schedule II through V prescriptions shall be transmitted in accordance with 21 C.F.R. Part 1300.

"Facsimile (FAX) prescription" means a written prescription or order that is transmitted by an electronic device over telephone lines that sends the exact image to the receiving pharmacy in hard copy form.

"FDA" means the U.S. Food and Drug Administration.

~~"Hashish oil" means any oily extract containing one or more cannabinoids, but shall not include any such extract with a tetrahydrocannabinol content of less than 12 percent by weight.~~

"Immediate precursor" means a substance which the Board of Pharmacy has found to be and by regulation designates as being the principal compound commonly used or produced primarily for use, and which is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance, the control of which is necessary to prevent, curtail, or limit manufacture.

"Interchangeable" means a biosimilar that meets safety standards for determining interchangeability pursuant to 42 U.S.C. § 262(k)(4).

"Label" means a display of written, printed, or graphic matter upon the immediate container of any article. A requirement made by or under authority of this chapter that any word, statement, or other information appear on the label shall not be considered to be complied with unless such word, statement, or other information also appears on the outside container or wrapper, if any, of the retail package of such article or is easily legible through the outside container or wrapper.

"Labeling" means all labels and other written, printed, or graphic matter on an article or any of its containers or wrappers, or accompanying such article.

"Manufacture" means the production, preparation, propagation, conversion, or processing of any item regulated by this chapter, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container. This term does not include compounding.

"Manufacturer" means every person who manufactures, a manufacturer's co-licensed partner, or a repackager.

~~"Marijuana" means any part of a plant of the genus Cannabis whether growing or not, its seeds, or its resin; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, or its resin, or any extract containing one or more cannabinoids. Marijuana shall does not include any oily extract containing one or more cannabinoids unless such extract contains less than 12 percent of tetrahydrocannabinol by weight, nor shall marijuana include the mature stalks of such plant, fiber produced from such stalk, or oil or cake made from the seeds of such plant,~~

unless such stalks, fiber, oil, or cake is combined with other parts of plants of the genus *Cannabis*. Marijuana ~~shall~~ *does* not include (i) industrial hemp, as defined in § 3.2-4112, that is possessed by a person registered pursuant to subsection A of § 3.2-4115 or his agent, or (ii) a hemp product, as defined in § 3.2-4112, containing a tetrahydrocannabinol concentration of no greater than 0.3 percent that is derived from industrial hemp, as defined in § 3.2-4112, that is grown, dealt, or processed in compliance with state or federal law.

"Medical equipment supplier" means any person, as defined in § 1-230, engaged in the delivery to the ultimate consumer, pursuant to the lawful order of a practitioner, of hypodermic syringes and needles, medicinal oxygen, Schedule VI controlled devices, those Schedule VI controlled substances with no medicinal properties that are used for the operation and cleaning of medical equipment, solutions for peritoneal dialysis, and sterile water or saline for irrigation.

"Narcotic drug" means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis: (i) opium, opiates, and any salt, compound, derivative, or preparation of opium or opiates; (ii) any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in clause (i), but not including the isoquinoline alkaloids of opium; (iii) opium poppy and poppy straw; (iv) coca leaves and any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extraction of coca leaves which do not contain cocaine or ecgonine.

"New drug" means (i) any drug, except a new animal drug or an animal feed bearing or containing a new animal drug, the composition of which is such that such drug is not generally recognized, among experts qualified by scientific training and experience to evaluate the safety and effectiveness of drugs, as safe and effective for use under the conditions prescribed, recommended, or suggested in the labeling, except that such a drug not so recognized shall not be deemed to be a "new drug" if at any time prior to the enactment of this chapter it was subject to the Food and Drugs Act of June 30, 1906, as amended, and if at such time its labeling contained the same representations concerning the conditions of its use, or (ii) any drug, except a new animal drug or an animal feed bearing or containing a new animal drug, the composition of which is such that such drug, as a result of investigations to determine its safety and effectiveness for use under such conditions, has become so recognized, but which has not, otherwise than in such investigations, been used to a material extent or for a material time under such conditions.

"Nuclear medicine technologist" means an individual who holds a current certification with the American Registry of Radiological Technologists or the Nuclear Medicine Technology Certification Board.

"Official compendium" means the official United States Pharmacopoeia National Formulary, official Homeopathic Pharmacopoeia of the United States, or any supplement to any of them.

"Official written order" means an order written on a form provided for that purpose by the U.S. Drug Enforcement Administration, under any laws of the United States making provision therefor, if such order forms are authorized and required by federal law, and if no such order form is provided then on an official form provided for that purpose by the Board of Pharmacy.

"Opiate" means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having such addiction-forming or addiction-sustaining liability. It does not include, unless specifically designated as controlled under Article 4 (§ 54.1-3437 et seq.), the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). It does include its racemic and levorotatory forms.

"Opium poppy" means the plant of the species *Papaver somniferum* L., except the seeds thereof.

"Original package" means the unbroken container or wrapping in which any drug or medicine is enclosed together with label and labeling, put up by or for the manufacturer, wholesaler, or distributor for use in the delivery or display of such article.

"Outsourcing facility" means a facility that is engaged in the compounding of sterile drugs and is currently registered as an outsourcing facility with the U.S. Secretary of Health and Human Services and that complies with all applicable requirements of federal and state law, including the Federal Food, Drug, and Cosmetic Act.

"Person" means both the plural and singular, as the case demands, and includes an individual, partnership, corporation, association, governmental agency, trust, or other institution or entity.

"Pharmacist-in-charge" means the person who, being licensed as a pharmacist, signs the application for a pharmacy permit and assumes full legal responsibility for the operation of the relevant pharmacy in a manner complying with the laws and regulations for the practice of pharmacy and the sale and dispensing of controlled substances; the "pharmacist-in-charge" shall personally supervise the pharmacy and the pharmacy's personnel as required by § 54.1-3432.

"Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

"Practitioner" means a physician, dentist, licensed nurse practitioner pursuant to § 54.1-2957.01, licensed physician assistant pursuant to § 54.1-2952.1, pharmacist pursuant to § 54.1-3300, TPA-certified optometrist pursuant to Article 5 (§ 54.1-3222 et seq.) of Chapter 32, veterinarian, scientific investigator, or other person licensed, registered, or otherwise permitted to distribute, dispense, prescribe and administer, or conduct research with respect to a controlled substance in the course of professional practice or research in the Commonwealth.

"Prescriber" means a practitioner who is authorized pursuant to §§ 54.1-3303 and 54.1-3408 to issue a prescription.

"Prescription" means an order for drugs or medical supplies, written or signed or transmitted by word of mouth, telephone, telegraph, or other means of communication to a pharmacist by a duly licensed physician, dentist, veterinarian, or other practitioner authorized by law to prescribe and administer such drugs or medical supplies.

"Prescription drug" means any drug required by federal law or regulation to be dispensed only pursuant to a prescription, including finished dosage forms and active ingredients subject to § 503(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. § 353(b)).

"Production" or "produce" includes the manufacture, planting, cultivation, growing, or harvesting of a controlled substance or marijuana.

"Proprietary medicine" means a completely compounded nonprescription drug in its unbroken, original package which does not contain any controlled substance or marijuana as defined in this chapter and is not in itself poisonous, and which is sold, offered, promoted, or advertised directly to the general public by or under the authority of the manufacturer or primary distributor, under a trademark, trade name, or other trade symbol privately owned, and the labeling of which conforms to the requirements of this chapter and applicable federal law. However, this definition shall not include a drug that is only advertised or promoted professionally to licensed practitioners, a narcotic or drug containing a narcotic, a drug that may be dispensed only upon prescription or the label of which bears substantially the statement "Warning — may be habit-forming," or a drug intended for injection.

"Radiopharmaceutical" means any drug that exhibits spontaneous disintegration of unstable nuclei with the emission of nuclear particles or photons and includes any non-radioactive reagent kit or radionuclide generator that is intended to be used in the preparation of any such substance, but does not include drugs such as carbon-containing compounds or potassium-containing salts that include trace quantities of naturally occurring radionuclides. The term also includes any biological product that is labeled with a radionuclide or intended solely to be labeled with a radionuclide.

"Reference biological product" means the single biological product licensed pursuant to 42 U.S.C. § 262(a) against which a biological product is evaluated in an application submitted to the U.S. Food and Drug Administration for licensure of biological products as biosimilar or interchangeable pursuant to 42 U.S.C. § 262(k).

"Sale" includes barter, exchange, or gift, or offer therefor, and each such transaction made by any person, whether as an individual, proprietor, agent, servant, or employee.

"Therapeutically equivalent drug products" means drug products that contain the same active ingredients and are identical in strength or concentration, dosage form, and route of administration and that are classified as being therapeutically equivalent by the U.S. Food and Drug Administration pursuant to the definition of "therapeutically equivalent drug products" set forth in the most recent edition of the Approved Drug Products with Therapeutic Equivalence Evaluations, otherwise known as the "Orange Book."

"Third-party logistics provider" means a person that provides or coordinates warehousing of or other logistics services for a drug or device in interstate commerce on behalf of a manufacturer, wholesale distributor, or dispenser of the drug or device but does not take ownership of the product or have responsibility for directing the sale or disposition of the product.

"USP-NF" means the current edition of the United States Pharmacopeia-National Formulary.

"Warehouser" means any person, other than a wholesale distributor, manufacturer, or third-party logistics provider, engaged in the business of (i) selling or otherwise distributing prescription drugs or devices to any person who is not the ultimate user or consumer and (ii) delivering Schedule VI prescription devices to the ultimate user or consumer pursuant to § 54.1-3415.1. No person shall be subject to any state or local tax by reason of this definition.

"Wholesale distribution" means (i) distribution of prescription drugs to persons other than consumers or patients and (ii) delivery of Schedule VI prescription devices to the ultimate user or consumer pursuant to § 54.1-3415.1, subject to the exemptions set forth in the federal Drug Supply Chain Security Act.

"Wholesale distributor" means any person other than a manufacturer, a manufacturer's co-licensed partner, a third-party logistics provider, or a repackager that engages in wholesale distribution.

The words "drugs" and "devices" as used in Chapter 33 (§ 54.1-3300 et seq.) and in this chapter shall not include surgical or dental instruments, physical therapy equipment, X-ray apparatus, or glasses or lenses for the eyes.

The terms "pharmacist," "pharmacy," and "practice of pharmacy" as used in this chapter shall be defined as provided in Chapter 33 (§ 54.1-3300 et seq.) unless the context requires a different meaning.

§ 54.1-3446. Schedule I.

The controlled substances listed in this section are included in Schedule I:

1. Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, unless specifically excepted, whenever the existence of these isomers, esters, ethers and salts is possible within the specific chemical designation:

1-(2-phenylethyl)-4-phenyl-4-acetyloxypiperidine (other name: PEPAP);

1-methyl-4-phenyl-4-propionoxypiperidine (other name: MPPP);

2-methoxy-N-phenyl-N-[1-(2-phenylethyl)-4-piperidiny]-acetamide (other name: Methoxyacetyl fentanyl);

3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methyl-benzamide (other name: U-47700);

3,4-dichloro-N-[[1-(dimethylamino)cyclohexyl]methyl]benzamide (other name: AH-7921);

Acetyl fentanyl (other name: desmethyl fentanyl);

Acetylmethadol;

Allylprodine;

Alphacetylmethadol (except levo-alphacetylmethadol, also known as levo-alpha-acetylmethadol, levomethadyl acetate, or LAAM);
 Alphameprodine;
 Alphamethadol;
 Benzethidine;
 Betacetylmethadol;
 Betameprodine;
 Betamethadol;
 Betaprodine;
 Clonitazene;
 Dextromoramide;
 Diampromide;
 Diethylthiambutene;
 Difenoxin;
 Dimenoxadol;
 Dimepheptanol;
 Dimethylthiambutene;
 Dioxaphetylbutyrate;
 Dipipanone;
 Ethylmethylthiambutene;
 Etonitazene;
 Etoxidine;
 Furethidine;
 Hydroxypethidine;
 Ketobemidone;
 Levomoramide;
 Levophenacymorphan;
 Morpheridine;
 MT-45 (1-cyclohexyl-4-(1,2-diphenylethyl)piperazine);
 N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopropanecarboxamide (other name: Cyclopropyl fentanyl);
 N-(1-phenethylpiperidin-4-yl)-N-phenyltetrahydrofuran-2-carboxamide (other name: Tetrahydrofuran fentanyl);
 N-[1-(1-methyl-2-(2-thienyl)ethyl)-4-piperidyl]-N-phenylpropanamide (other name: alpha-methylthiofentanyl);
 N-[1-(1-methyl-2-phenylethyl)-4-piperidyl]-N-phenylacetamide (other name: acetyl-alpha-methylfentanyl);
 N-{1-[2-hydroxy-2-(2-thienyl)ethyl]-4-piperidinyl}-N-phenylpropanamide (other name: beta-hydroxythiofentanyl);
 N-[1-(2-hydroxy-2-phenyl)ethyl-4-piperidyl]-N-phenylpropanamide (other name: beta-hydroxyfentanyl);
 N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl]propionanilide (other names:
 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine, alpha-methylfentanyl);
 N-(2-fluorophenyl)-N-[1-(2-phenylethyl)-4-piperidinyl]-propanamide (other names: 2-fluorofentanyl,
 ortho-fluorofentanyl);
 N-(3-fluorophenyl)-N-[1-(2-phenylethyl)-4-piperidinyl]-propanamide (other name: 3-fluorofentanyl);
 N-[3-methyl-1-(2-hydroxy-2-phenylethyl)-4-piperidyl]-N-phenylpropanamide (other name:
 beta-hydroxy-3-methylfentanyl);
 N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide (other name: 3-methylfentanyl);
 N-[3-methyl-1-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide (other name: 3-methylthiofentanyl);
 N-(4-fluorophenyl)-2-methyl-N-[1-(2-phenylethyl)-4-piperidinyl]-propanamide (other name: para-fluoroisobutyryl
 fentanyl);
 N-(4-fluorophenyl)-N-[1-(2-phenylethyl)-4-piperidinyl]-butanamide (other name: para-fluorobutyrylfentanyl);
 N-(4-fluorophenyl)-N-1-(2-phenylethyl)-4-piperidinyl]-propanamide (other name: para-fluorofentanyl);
 Noracymethadol;
 Norlevorphanol;
 Normethadone;
 Norpipanone;
 N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-2-furancarboxamide (other name: Furanyl fentanyl);
 N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-2-propenamide (other name: Acryl fentanyl);
 N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-butanamide (other name: butyryl fentanyl);
 N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-pentanamide (other name: Pentanoyl fentanyl);
 N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide (other name: thiofentanyl);
 Phenadoxone;
 Phenampromide;
 Phenomorphan;
 Phenoperidine;

Piritramide;
 Proheptazine;
 Properidine;
 Propiram;
 Racemoramide;
 Tilidine;
 Trimeperidine;
 N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-1,3-benzodioxole-5-carboxamide (other name: Benzodioxole fentanyl);
 3,4-dichloro-N-[2-(diethylamino)cyclohexyl]-N-methylbenzamide (other name: U-49900);
 2-(2,4-dichlorophenyl)-N-[2-(dimethylamino)cyclohexyl]-N-methylacetamide (other name: U-48800);
 2-(3,4-dichlorophenyl)-N-[2-(dimethylamino)cyclohexyl]-N-methylacetamide (other name: U-51754);
 N-(2-fluorophenyl)-2-methoxy-N-[1-(2-phenylethyl)-4-piperidinyl]-acetamide (other name: Ocfentanyl);
 N-(4-methoxyphenyl)-N-[1-(2-phenylethyl)-4-piperidinyl]-butanamide (other name: 4-methoxybutyrylfentanyl);
 N-phenyl-2-methyl-N-[1-(2-phenylethyl)-4-piperidinyl]-propanamide (other name: Isobutyryl fentanyl);
 N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-cyclopentanecarboxamide (other name: Cyclopentyl fentanyl);
 N-phenyl-N-(1-methyl-4-piperidinyl)-propanamide (other name: N-methyl norfentanyl);
 N-[2-(dimethylamino)cyclohexyl]-N-methyl-1,3-benzodioxole-5-carboxamide (other names: 3,4-methylenedioxy U-47700 or 3,4-MDO-U-47700);
 N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-2-butanamide (other name: Crotonyl fentanyl);
 N-phenyl-N-[4-phenyl-1-(2-phenylethyl)-4-piperidinyl]-propanamide (other name: 4-phenylfentanyl).

2. Any of the following opium derivatives, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation:

Acetorphine;
 Acetyldihydrocodeine;
 Benzylmorphine;
 Codeine methylbromide;
 Codeine-N-Oxide;
 Cyprenorphine;
 Desomorphine;
 Dihydromorphine;
 Drotebanol;
 Etorphine;
 Heroin;
 Hydromorphenol;
 Methyl-desomorphine;
 Methyl-dihydromorphine;
 Morphine methylbromide;
 Morphine methylsulfonate;
 Morphine-N-Oxide;
 Myrophine;
 Nicocodeine;
 Nicomorphine;
 Normorphine;
 Pholcodine;
 Thebacon.

3. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation, which contains any quantity of the following hallucinogenic substances, or which contains any of its salts, isomers, and salts of isomers, whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation (for purposes of this subdivision only, the term "isomer" includes the optical, position, and geometric isomers):

Alpha-ethyltryptamine (some trade or other names: Monase; a-ethyl-1H-indole-3-ethanamine; 3-2-aminobutyl] indole; a-ET; AET);

4-Bromo-2,5-dimethoxyphenethylamine (some trade or other names: 2-4-bromo-2,5-dimethoxyphenyl]-1-aminoethane; alpha-desmethyl DOB; 2C-B; Nexus);

3,4-methylenedioxy amphetamine;
 5-methoxy-3,4-methylenedioxy amphetamine;
 3,4,5-trimethoxy amphetamine;
 Alpha-methyltryptamine (other name: AMT);
 Bufotenine;
 Diethyltryptamine;
 Dimethyltryptamine;

4-methyl-2,5-dimethoxyamphetamine;
 2,5-dimethoxy-4-ethylamphetamine (DOET);
 4-fluoro-N-ethylamphetamine;
 2,5-dimethoxy-4-(n)-propylthiophenethylamine (other name: 2C-T-7);
 Ibogaine;
 5-methoxy-N,N-diisopropyltryptamine (other name: 5-MeO-DIPT);
 Lysergic acid diethylamide;
 Mescaline;
 Parahexyl (some trade or other names: 3-Hexyl-1-hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-dibenz o [b,d]

pyran; Synhexyl);

Peyote;
 N-ethyl-3-piperidyl benzilate;
 N-methyl-3-piperidyl benzilate;
 Psilocybin;
 Psilocyn;
 Salvinorin A;

Tetrahydrocannabinols, except as present in (i) industrial hemp, as defined in § 3.2-4112, that is possessed by a person registered pursuant to subsection A of § 3.2-4115 or his agent; (ii) a hemp product, as defined in § 3.2-4112, containing a tetrahydrocannabinol concentration of no greater than 0.3 percent that is derived from industrial hemp, as defined in § 3.2-4112, that is grown, dealt, or processed in compliance with state or federal law; (iii) marijuana; or (iv) dronabinol in sesame oil and encapsulated in a soft gelatin capsule in a drug product approved by the U.S. Food and Drug Administration;

~~Hashish oil (some trade or other names: hash oil; liquid marijuana; liquid hashish);~~

2,5-dimethoxyamphetamine (some trade or other names: 2,5-dimethoxy-a-methylphenethylamine; 2,5-DMA);

3,4-methylenedioxy-methamphetamine (MDMA), its optical, positional and geometric isomers, salts and salts of isomers;

3,4-methylenedioxy-N-ethylamphetamine (also known as N-ethyl-alpha-methyl-3,4 (methylenedioxy)phenethylamine, N-ethyl MDA, MDE, MDEA);

N-hydroxy-3,4-methylenedioxyamphetamine (some other names:

N-hydroxy-alpha-methyl-3,4(methylenedioxy)phenethylamine, and N-hydroxy MDA);

4-bromo-2,5-dimethoxyamphetamine (some trade or other names: 4-bromo-2,5-dimethoxy-a-methylphenethylamine; 4-bromo-2,5-DMA);

4-methoxyamphetamine (some trade or other names: 4-methoxy-a-methylphenethylamine; paramethoxyamphetamine; PMA);

Ethylamine analog of phencyclidine (some other names: N-ethyl-1-phenylcyclohexylamine, (1-phenylcyclohexyl) ethylamine, N-(1-phenylcyclohexyl) ethylamine, cyclohexamine, PCE);

Pyrrolidine analog of phencyclidine (some other names: 1-(1-phenylcyclohexyl) -pyrrolidine, PCPy, PHP);

Thiophene analog of phencyclidine (some other names: 1-[1-(2-thienyl) -cyclohexyl]-piperidine, 2-thienyl analog of phencyclidine, TPCP, TCP);

1-1-(2-thienyl)cyclohexyl]pyrrolidine (other name: TCPy);

3,4-methylenedioxypropylvalerone (other name: MDPV);

4-methylmethcathinone (other names: mephedrone, 4-MMC);

3,4-methylenedioxy-methcathinone (other name: methylone);

Naphthylpyrovalerone (other name: naphyrone);

4-fluoromethcathinone (other name: flephedrone, 4-FMC);

4-methoxymethcathinone (other names: methedrone; bk-PMMA);

Ethcathinone (other name: N-ethylcathinone);

3,4-methylenedioxyethcathinone (other name: ethylone);

Beta-keto-N-methyl-3,4-benzodioxolylbutanamine (other name: butylone);

N,N-dimethylcathinone (other name: metamfetramone);

Alpha-pyrrolidinopropiophenone (other name: alpha-PPP);

4-methoxy-alpha-pyrrolidinopropiophenone (other name: MOPPP);

3,4-methylenedioxy-alpha-pyrrolidinopropiophenone (other name: MDPPP);

Alpha-pyrrolidinovalerophenone (other name: alpha-PVP);

6,7-dihydro-5H-indeno-(5,6-d)-1,3-dioxol-6-amine (other name: MDAI);

3-fluoromethcathinone (other name: 3-FMC);

4-Ethyl-2,5-dimethoxyphenethylamine (other name: 2C-E);

4-Iodo-2,5-dimethoxyphenethylamine (other name: 2C-I);

4-Methylethcathinone (other name: 4-MEC);

4-Ethylmethcathinone (other name: 4-EMC);

N,N-diallyl-5-methoxytryptamine (other name: 5-MeO-DALT);

Beta-keto-methylbenzodioxolylpentanamine (other name: Pentylone, bk-MBDP);

Alpha-methylamino-butyrophenone (other name: Buphedrone);
 Alpha-methylamino-valerophenone (other name: Pentedrone);
 3,4-Dimethylmethcathinone (other name: 3,4-DMMC);
 4-methyl-alpha-pyrrolidinopropiophenone (other name: MPPP);
 4-Iodo-2,5-dimethoxy-N-[(2-methoxyphenyl)methyl]-benzeneethanamine (other names: 25-I, 25I-NBOMe, 2C-I-NBOMe);
 Methoxetamine (other names: MXE, 3-MeO-2-Oxo-PCE);
 4-Fluoromethamphetamine (other name: 4-FMA);
 4-Fluoroamphetamine (other name: 4-FA);
 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (other name: 2C-D);
 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (other name: 2C-C);
 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (other name: 2C-T-2);
 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (other name: 2C-T-4);
 2-(2,5-Dimethoxyphenyl)ethanamine (other name: 2C-H);
 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (other name: 2C-N);
 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (other name: 2C-P);
 (2-aminopropyl)benzofuran (other name: APB);
 (2-aminopropyl)-2,3-dihydrobenzofuran (other name: APDB);
 4-chloro-2,5-dimethoxy-N-[(2-methoxyphenyl)methyl]-benzeneethanamine (other names: 2C-C-NBOMe, 25C-NBOMe, 25C);
 4-bromo-2,5-dimethoxy-N-[(2-methoxyphenyl)methyl]-benzeneethanamine (other names: 2C-B-NBOMe, 25B-NBOMe, 25B);
 Acetoxymethyltryptamine (other names: AcO-Psilocin, AcO-DMT, Psilacetin);
 Benocyclidine (other names: BCP, BTCP);
 Alpha-pyrrolidinobutiophenone (other name: alpha-PBP);
 3,4-methylenedioxy-N,N-dimethylcathinone (other names: Dimethylone, bk-MDDMA);
 4-bromomethcathinone (other name: 4-BMC);
 4-chloromethcathinone (other name: 4-CMC);
 4-Iodo-2,5-dimethoxy-N-[(2-hydroxyphenyl)methyl]-benzeneethanamine (other name: 25I-NBOH);
 Alpha-Pyrrolidinohexiophenone (other name: alpha-PHP);
 Alpha-Pyrrolidinoheptiophenone (other name: PV8);
 5-methoxy-N,N-methylisopropyltryptamine (other name: 5-MeO-MIPT);
 Beta-keto-N,N-dimethylbenzodioxolylbutanamine (other names: Dibutylone, bk-DMBDB);
 Beta-keto-4-bromo-2,5-dimethoxyphenethylamine (other name: bk-2C-B);
 1-(1,3-benzodioxol-5-yl)-2-(ethylamino)-1-pentanone (other name: N-ethylpentylone);
 1-[1-(3-methoxyphenyl)cyclohexyl]piperidine (other name: 3-methoxy PCP);
 1-[1-(4-methoxyphenyl)cyclohexyl]piperidine (other name: 4-methoxy PCP);
 4-Chloroethcathinone (other name: 4-CEC);
 3-Methoxy-2-(methylamino)-1-(4-methylphenyl)-1-propanone (other name: Mexedrone);
 1-propionyl lysergic acid diethylamide (other name: 1P-LSD);
 (2-Methylaminopropyl)benzofuran (other name: MAPB);
 1-(1,3-benzodioxol-5-yl)-2-(dimethylamino)-1-pentanone (other names: N,N-Dimethylpentylone, Dipentylone);
 1-(4-methoxyphenyl)-2-(pyrrolidin-1-yl)octan-1-one (other name: 4-methoxy-PV9);
 3,4-tetramethylene-alpha-pyrrolidinovalerophenone (other name: TH-PVP);
 4-allyloxy-3,5-dimethoxyphenethylamine (other name: Allylescaline);
 4-Bromo-2,5-dimethoxy-N-[(2-hydroxyphenyl)methyl]-benzeneethanamine (other name: 25B-NBOH);
 4-chloro-alpha-methylamino-valerophenone (other name: 4-chloropentedrone);
 4-chloro-alpha-Pyrrolidinovalerophenone (other name: 4-chloro-alpha-PVP);
 4-fluoro-alpha-Pyrrolidinoheptiophenone (other name: 4-fluoro-PV8);
 4-hydroxy-N,N-diisopropyltryptamine (other name: 4-OH-DIPT);
 4-methyl-alpha-ethylaminopentiophenone;
 4-methyl-alpha-Pyrrolidinohexiophenone (other name: MPHP);
 5-methoxy-N,N-dimethyltryptamine (other name: 5-MeO-DMT);
 5-methoxy-N-ethyl-N-isopropyltryptamine (other name: 5-MeO-EIPT);
 6-ethyl-6-nor-lysergic acid diethylamide (other name: ETH-LAD);
 6-allyl-6-nor-lysergic acid diethylamide (other name: AL-LAD);
 (N-methyl aminopropyl)-2,3-dihydrobenzofuran (other name: MAPDB);
 2-(methylamino)-2-phenyl-cyclohexanone (other name: Deschloroketamine);
 2-(ethylamino)-2-phenyl-cyclohexanone (other name: deschloro-N-ethyl-ketamine);
 2-methyl-1-(4-(methylthio)phenyl)-2-morpholinopropiophenone (other name: MMMP);
 Alpha-ethylaminohexanophenone (other name: N-ethylhexedrone);

N-ethyl-1-(3-methoxyphenyl)cyclohexylamine (other name: 3-methoxy-PCE);

4-fluoro-alpha-pyrrolidinohexiophenone (other name: 4-fluoro-alpha-PHP);

N-ethyl-1,2-diphenylethylamine (other name: Ephedrine);

2,5-dimethoxy-4-chloroamphetamine (other name: DOC);

3,4-methylenedioxy-N-tert-butylcathinone.

4. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers and salts of isomers whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:

Clonazepam;

Etizolam;

Flualprazolam;

Flubromazepam;

Flubromazolam;

Gamma hydroxybutyric acid (some other names include GHB; gamma hydroxybutyrate; 4-hydroxybutyrate; 4-hydroxybutanoic acid; sodium oxybate; sodium oxybutyrate);

Mecloqualone;

Methaqualone.

5. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers and salts of isomers:

2-(3-fluorophenyl)-3-methylmorpholine (other name: 3-fluorophenmetrazine);

Aminorex (some trade or other names; aminoxaphen; 2-amino-5-phenyl-2-oxazoline;

4,5-dihydro-5-phenyl-2-oxazolamine);

Cathinone (some trade or other names: 2-amino-1-phenyl-1-propanone, alpha-aminopropiophenone, 2-aminopropiophenone, norephedrine), and any plant material from which Cathinone may be derived;

Cis-4-methylaminorex (other name: cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine);

Ethylamphetamine;

Ethyl phenyl(piperidin-2-yl)acetate (other name: Ethylphenidate);

Fenethylamine;

Methcathinone (some other names: 2-(methylamino)-propiophenone; alpha-(methylamino)-propiophenone; 2-(methylamino)-1-phenylpropan-1-one; alpha-N-methylaminopropiophenone; monomethylpropion; ephedrone; N-methylcathinone; methylcathinone; AL-464; AL-422; AL-463 and UR 1432);

N-Benzylpiperazine (some other names: BZP, 1-benzylpiperazine);

N,N-dimethylamphetamine (other names: N, N-alpha-trimethyl-benzeneethanamine, N, N-alpha-trimethylphenethylamine);

Methyl 2-(4-fluorophenyl)-2-(2-piperidinyl)acetate (other name: 4-fluoromethylphenidate);

Isopropyl-2-phenyl-2-(2-piperidinyl)acetate (other name: Isopropylphenidate).

6. Any substance that contains one or more cannabimimetic agents or that contains their salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation, and any preparation, mixture, or substance containing, or mixed or infused with, any detectable amount of one or more cannabimimetic agents.

a. "Cannabimimetic agents" includes any substance that is within any of the following structural classes:

2-(3-hydroxycyclohexyl)phenol with substitution at the 5-position of the phenolic ring by alkyl or alkenyl, whether or not substituted on the cyclohexyl ring to any extent;

3-(1-naphthoyl)indole or 1H-indol-3-yl-(1-naphthyl)methane with substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent, whether or not substituted on the naphthoyl or naphthyl ring to any extent;

3-(1-naphthoyl)pyrrole with substitution at the nitrogen atom of the pyrrole ring, whether or not further substituted in the pyrrole ring to any extent, whether or not substituted on the naphthoyl ring to any extent;

1-(1-naphthylmethyl)indene with substitution of the 3-position of the indene ring, whether or not further substituted in the indene ring to any extent, whether or not substituted on the naphthyl ring to any extent;

3-phenylacetylindole or 3-benzoylindole with substitution at the nitrogen atom of the indole ring, whether or not further substituted in the indole ring to any extent, whether or not substituted on the phenyl ring to any extent;

3-cyclopropylindole with substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent, whether or not substituted on the cyclopropyl ring to any extent;

3-adamantoylindole with substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent, whether or not substituted on the adamantyl ring to any extent;

N-(adamantyl)-indole-3-carboxamide with substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent, whether or not substituted on the adamantyl ring to any extent; and

N-(adamantyl)-indazole-3-carboxamide with substitution at a nitrogen atom of the indazole ring, whether or not further substituted on the indazole ring to any extent, whether or not substituted on the adamantyl ring to any extent.

b. The term "cannabimimetic agents" includes:

- 5-(1,1-Dimethylheptyl)-2-[3-hydroxycyclohexyl]-phenol (other name: CP 47,497);
- 5-(1,1-Dimethylhexyl)-2-[3-hydroxycyclohexyl]-phenol (other name: CP 47,497 C6 homolog);
- 5-(1,1-Dimethyloctyl)-2-[3-hydroxycyclohexyl]-phenol (other name: CP 47,497 C8 homolog);
- 5-(1,1-Dimethylnonyl)-2-[3-hydroxycyclohexyl]-phenol (other name: CP 47,497 C9 homolog);
- 1-pentyl-3-(1-naphthoyl)indole (other names: JWH-018, AM-678);
- 1-butyl-3-(1-naphthoyl)indole (other name: JWH-073);
- 1-pentyl-3-(2-methoxyphenylacetyl)indole (other name: JWH-250);
- 1-hexyl-3-(naphthalen-1-oyl)indole (other name: JWH-019);
- 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole (other name: JWH-200);
- (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-ter ahydrobenzo[c]chromen-1-ol (other name: HU-210);
- 1-pentyl-3-(4-methoxy-1-naphthoyl)indole (other name: JWH-081);
- 1-pentyl-3-(4-methyl-1-naphthoyl)indole (other name: JWH-122);
- 1-pentyl-3-(2-chlorophenylacetyl)indole (other name: JWH-203);
- 1-pentyl-3-(4-ethyl-1-naphthoyl)indole (other name: JWH-210);
- 1-pentyl-3-(4-chloro-1-naphthoyl)indole (other name: JWH-398);
- 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole (other name: AM-694);
- 1-(N-methylpiperidin-2-yl)methyl-3-(1-naphthoyl)indole (other name: AM-1220);
- 1-(5-fluoropentyl)-3-(1-naphthoyl)indole (other name: AM-2201);
- 1-[(N-methylpiperidin-2-yl)methyl]-3-(2-iodobenzoyl)indole (other name: AM-2233);
- Pravadoline (4-methoxyphenyl)-[2-methyl-1-(2-(4-morpholinyl)ethyl)indol-3-yl]methanone (other name: WIN 48,098);
- 1-pentyl-3-(4-methoxybenzoyl)indole (other names: RCS-4, SR-19);
- 1-(2-cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole (other names: RCS-8, SR-18);
- 1-pentyl-3-(2,2,3,3-tetramethylcyclopropylmethanone)indole (other name: UR-144);
- 1-(5-fluoropentyl)-3-(2,2,3,3-tetramethylcyclopropylmethanone)indole (other names: XLR-11, 5-fluoro-UR-144);
- N-adamantyl-1-fluoropentylindole-3-carboxamide (other name: STS-135);
- N-adamantyl-1-pentylindazole-3-carboxamide (other names: AKB48, APINACA);
- 1-pentyl-3-(1-adamantoyl)indole (other name: AB-001);
- (8-quinoliny)(1-pentylindol-3-yl)carboxylate (other name: PB-22);
- (8-quinoliny)(1-(5-fluoropentyl)indol-3-yl)carboxylate (other name: 5-fluoro-PB-22);
- (8-quinoliny)(1-cyclohexylmethyl-indol-3-yl)carboxylate (other name: BB-22);
- N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-pentylindazole-3-carboxamide (other name: AB-PINACA);
- N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)indazole-3-carboxamide (other name: AB-FUBINACA);
- 1-(5-fluoropentyl)-3-(1-naphthoyl)indazole (other name: THJ-2201);
- N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentylindazole-3-carboxamide (other name: ADB-PINACA);
- N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)indazole-3-carboxamide (other name: AB-CHMINACA);
- N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)indazole-3-carboxamide (other name: 5-fluoro-AB-PINACA);
- N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)indazole-3-carboxamide (other names: ADB-CHMINACA, MAB-CHMINACA);
- Methyl-2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3-methylbutanoate (other name: 5-fluoro-AMB);
- 1-naphthalenyl 1-(5-fluoropentyl)-1H-indole-3-carboxylate (other name: NM-2201);
- 1-(4-fluorobenzyl)-3-(2,2,3,3-tetramethylcyclopropylmethanone)indole (other name: FUB-144);
- 1-(5-fluoropentyl)-3-(4-methyl-1-naphthoyl)indole (other name MAM-2201);
- N-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-1-[(4-fluorophenyl)methyl]-1H-indazole-3-carboxamide (other name: ADB-FUBINACA);
- Methyl 2-[1-[(4-fluorophenyl)methyl]-1H-indazole-3-carboxamido]-3,3-dimethylbutanoate (other name: MDMB-FUBINACA);
- Methyl 2-[1-(5-fluoropentyl)-1H-indazole-3-carboxamido]-3,3-dimethylbutanoate (other names: 5-fluoro-ADB, 5-Fluoro-MDMB-PINACA);
- Methyl 2-({1-[(4-fluorophenyl)methyl]-1H-indazole-3-carbonyl} amino)-3-methylbutanoate (other names: AMB-FUBINACA, FUB-AMB);
- N-(adamantan-1-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide (other name: FUB-AKB48);
- N-(adamantan-1-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide (other name: 5F-AKB48);
- N-(adamantanyl)-1-(5-chloropentyl) indazole-3-carboxamide (other name: 5-chloro-AKB48);
- Naphthalen-1-yl 1-pentyl-1H-indazole-3-carboxylate (other name: SDB-005);

N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)indole-3-carboxamide (other name: AB-CHMICA);
 1-pentyl-N-(phenylmethyl)-1H-indole-3-carboxamide (other name: SDB-006);
 Quinolin-8-yl 1-(4-fluorobenzyl)-1H-indole-3-carboxylate (other name: FUB-PB-22);
 Methyl N-[1-(cyclohexylmethyl)-1H-indole-3-carbonyl]valinate (other name: MMB-CHMICA);
 N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)indazole-3-carboxamide (other name: 5-fluoro-ADB-PINACA);
 1-(4-cyanobutyl)-N-(1-methyl-1-phenylethyl)-1H-indazole-3-carboxamide (other name: 4-cyano CUMYL-BUTINACA).

2. That the Secretaries of Agriculture and Forestry, Finance, Health and Human Resources, and Public Safety and Homeland Security shall convene a work group to study the impact on the Commonwealth of legalizing the sale and personal use of marijuana. The work group shall consult with the Attorney General of Virginia, the Commissioner of the Department of Taxation, the Commissioner of the Department of Motor Vehicles, the Commissioner of the Virginia Department of Agriculture and Consumer Services, the Executive Director of the Board of Pharmacy, the Director for the Center for Urban and Regional Analysis at the Virginia Commonwealth University L. Douglas Wilder School of Government and Public Affairs, the Virginia State Crime Commission, the Virginia Association of Commonwealth's Attorneys, the Executive Director of Virginia NORML, a representative of the Virginia Alcoholic Beverage Control Authority, a representative of a current manufacturer of medical cannabis in Virginia, a medical professional, a member of a historically disadvantaged community, a representative of a substance abuse organization, and a representative of a community services board. In conducting its study, the work group shall review the legal and regulatory frameworks that have been established in states that have legalized the sale and personal use of marijuana and shall examine the feasibility of legalizing the sale and personal use of marijuana, the potential revenue impact of legalization on the Commonwealth, the legal and regulatory framework necessary to successfully implement legalization in the Commonwealth, and the health effects of marijuana use. The work group shall complete its work and report its recommendations to the General Assembly and the Governor by November 30, 2020.

CHAPTER 1287

An Act to amend and reenact § 53.1-69.1 of the Code of Virginia, relating to review of death of inmates in local correctional facilities; report.

[S 215]

Approved May 21, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 53.1-69.1 of the Code of Virginia is amended and reenacted as follows:

§ 53.1-69.1. Review of death of inmates in local correctional facilities.

A. The Board shall have the power to review the death of any inmate who was incarcerated in a local correctional facility at the time of his death in order to determine (i) the circumstances surrounding the inmate's death, including identifying any act or omission by the facility or any employee or agent thereof that may have directly or indirectly contributed to the inmate's death, and (ii) whether the facility was in compliance with the regulations promulgated by the Board.

B. Any review conducted pursuant to this section shall be conducted in accordance with the policies and procedures for such review developed and implemented by the Board in accordance with subdivision 5 of § 53.1-5. In conducting a review pursuant to this section, the Board may exercise its power under § 53.1-6 to hold and conduct hearings, issue subpoenas, and administer oaths and take testimony thereunder. If the Board determines that it cannot adequately conduct any particular review pursuant to this section because of the conduct by the Board of another ongoing review, the Board may request that the Department assist in the conduct of such review. Department staff conducting a review pursuant to this section shall be considered agents of the Board.

C. If the Board determines during the conduct of any review pursuant to this section that it is necessary to review the operation of an entity other than the local correctional facility in order to complete the review, the Board shall request that the Office of the State Inspector General review the operation of such entity if such entity falls within the authority vested in the Office of the State Inspector General pursuant to Chapter 3.2 (§ 2.2-307 et seq.) of Title 2.2. Nothing in this section shall limit the authority of the Office of the State Inspector General to exercise any of the powers and duties set forth in Chapter 3.2 (§ 2.2-307 et seq.) of Title 2.2.

D. Upon completion of any review conducted pursuant to this section, the Board shall prepare a detailed report of the findings of any review, which shall be submitted to the Governor, the Speaker of the House of Delegates, and the President pro tempore of the Senate. Such report may contain recommendations for changes to the minimum standards for the construction, equipment, administration, and operation of local correctional facilities in order to prevent problems, abuses, and deficiencies in and improve the effectiveness of such facilities. In addition, the Board may issue any order authorized under § 53.1-69 to correct any failure by the facility to comply with the Board's regulations. Except as otherwise required by law, the Board shall maintain the confidentiality of any confidential records or information obtained from a facility during the course of a review in accordance with state and federal law.

E. The Board shall publish an annual report summarizing the reviews conducted by the Board within that year. Such report shall include any trends or similarities among the deaths of inmates in local correctional facilities and present recommendations on policy changes to reduce the number of deaths in local correctional facilities. The Board shall publish such report on its website and submit the report to the Governor, the Chairmen of the Senate Committee on Rehabilitation and Social Services and the House Committee on Public Safety, the Chair of the House Committee for Courts of Justice, the Speaker of the House of Delegates, and the President pro tempore of the Senate.

CHAPTER 1288

An Act to amend and reenact §§ 38.2-4214 and 38.2-4319 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 34 of Title 38.2 an article numbered 9, consisting of sections numbered 38.2-3465 through 38.2-3470, relating to licensure of pharmacy benefits managers.

[S 251]

Approved May 21, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 38.2-4214 and 38.2-4319 of the Code of Virginia are amended and reenacted and the Code of Virginia is amended by adding in Chapter 34 of Title 38.2 an article numbered 9, consisting of sections numbered 38.2-3465 through 38.2-3470, as follows:

Article 9.

Pharmacy Benefits Managers.

§ 38.2-3465. Definitions.

A. As used in this article, unless the context requires a different meaning:

"Carrier" has the same meaning ascribed thereto in subsection A of § 38.2-3407.15. However, "carrier" does not include a nonprofit health maintenance organization that operates as a group model whose internal pharmacy operation exclusively serves the members or patients of the nonprofit health maintenance organization.

"Claim" means a request from a pharmacy or pharmacist to be reimbursed for the cost of administering, filling, or refilling a prescription for a drug or for providing a medical supply or device.

"Claims processing services" means the administrative services performed in connection with the processing and adjudicating of claims relating to pharmacist services that include (i) receiving payments for pharmacist services, (ii) making payments to pharmacists or pharmacies for pharmacist services, or (iii) both receiving and making payments.

"Covered individual" means an individual receiving prescription medication coverage or reimbursement provided by a pharmacy benefits manager or a carrier under a health benefit plan.

"Health benefit plan" has the same meaning ascribed thereto in § 38.2-3438.

"Mail order pharmacy" means a pharmacy whose primary business is to receive prescriptions by mail or through electronic submissions and to dispense medication to covered individuals through the use of the United States mail or other common or contract carrier services and that provides any consultation with covered individuals electronically rather than face-to-face.

"Pharmacy benefits management" means the administration or management of prescription drug benefits provided by a carrier for the benefit of covered individuals. "Pharmacy benefits management" does not include any service provided by a nonprofit health maintenance organization that operates as a group model provided that the service is furnished through the internal pharmacy operation exclusively serves the members or patients of the nonprofit health maintenance organization.

"Pharmacy benefits manager" or "PBM" means an entity that performs pharmacy benefits management. "Pharmacy benefits manager" includes an entity acting for a PBM in a contractual relationship in the performance of pharmacy benefits management for a carrier, nonprofit hospital, or third-party payor under a health program administered by the Commonwealth.

"Pharmacy benefits manager affiliate" means a business, pharmacy, or pharmacist that directly or indirectly, through one or more intermediaries, owns or controls, is owned or controlled by, or is under common ownership interest or control with a pharmacy benefits manager.

"Rebate" means a discount or other price concession, including without limitation incentives, disbursements, and reasonable estimates of a volume-based discount, or a payment that is (i) based on utilization of a prescription drug and (ii) paid by a manufacturer or third party, directly or indirectly, to a pharmacy benefits manager, pharmacy services administrative organization, or pharmacy after a claim has been processed and paid at a pharmacy.

"Retail community pharmacy" means a pharmacy that is open to the public, serves walk-in customers, and makes available face-to-face consultations between licensed pharmacists and persons to whom medications are dispensed.

"Spread pricing" means the model of prescription drug pricing in which the pharmacy benefits manager charges a health benefit plan a contracted price for prescription drugs, and the contracted price for the prescription drugs differs from the amount the pharmacy benefits manager directly or indirectly pays the pharmacist or pharmacy for pharmacist services.

§ 38.2-3466. License required to provide pharmacy benefits management services; requirements for a license, renewal, and revocation or suspension.

A. Unless otherwise covered by a license as a carrier, no person shall provide pharmacy benefits management services or otherwise act as a pharmacy benefits manager in the Commonwealth without first obtaining a license in a manner and in a form prescribed by the Commission.

B. Each applicant for a license as a pharmacy benefits manager shall make application to the Commission, in the form and containing the information listed in subsection C and any other information the Commission prescribes. The Commission may require any documents reasonably necessary to verify the information contained in an application. Each applicant shall, at the time of applying for a license, pay a nonrefundable application processing fee in an amount and in a manner prescribed by the Commission. The fee shall be collected by the Commission and paid directly into the state treasury and credited to the "Bureau of Insurance Special Fund - State Corporation Commission" for the maintenance of the Bureau of Insurance as provided in subsection B of § 38.2-400.

C. An applicant for a license as a pharmacy benefits manager shall provide the Commission the following information:

1. The name, address, and telephone contact number of the pharmacy benefits manager;
2. The name and address of each person with management or control over the pharmacy benefits manager;
3. The name and address of each person with a beneficial ownership interest in the pharmacy benefits manager; and
4. If the pharmacy benefits manager registrant (i) is a partnership or other unincorporated association, a limited liability company, or a corporation and (ii) has five or more partners, members, or stockholders, the registrant shall specify its legal structure and the total number of its partners, members, or stockholders who, directly or indirectly, own, control, hold with the power to vote, or hold proxies representing 10 percent or more of the voting securities of any other person.

D. An applicant shall provide the Commissioner with a signed statement indicating that, to the best of its knowledge, no officer with management or control of the pharmacy benefits manager has been convicted of a felony or has violated any of the requirements of state law applicable to pharmacy benefits managers, or, if the applicant cannot provide such a statement, a signed statement describing the relevant conviction or violation.

E. Except where prohibited by state or federal law, by submitting an application for a license, the applicant shall be deemed to have appointed the clerk of the Commission as the agent for service of process on the applicant in any action or proceeding arising in the Commonwealth out of or in connection with the exercise of the license. Such appointment of the clerk of the Commission as agent for service of process shall be irrevocable during the period within which a cause of action against the applicant may arise out of transactions with respect to subjects of pharmacy benefits management in the Commonwealth. Service of process on the clerk of the Commission shall conform to the provisions of Chapter 8 (§ 38.2-800 et seq.).

F. Each applicant that has complied with the provisions of this article and Commission regulations is entitled to and shall receive a license in the form the Commission prescribes.

G. Each pharmacy benefits manager shall renew its license annually and shall, at the time of renewal, pay a renewal fee in an amount and in a manner prescribed by the Commission. The fee shall be collected by the Commission and paid directly into the state treasury and credited to the "Bureau of Insurance Special Fund - State Corporation Commission" for the maintenance of the Bureau of Insurance as provided in subsection B of § 38.2-400.

H. The Commission may refuse to issue or renew a license or may revoke or suspend a license if it finds that the applicant or license holder has not complied with the provisions of this article or Commission regulations.

§ 38.2-3467. Prohibited conduct by carriers and pharmacy benefits managers.

A. No carrier on its own or through its contracted pharmacy benefits manager or representative of a pharmacy benefits manager shall:

1. Cause or knowingly permit the use of any advertisement, promotion, solicitation, representation, proposal, or offer that is untrue;
2. Charge a pharmacist or pharmacy a fee related to the adjudication of a claim other than a reasonable fee for an initial claim submission;
3. Reimburse a pharmacy or pharmacist an amount less than the amount that the pharmacy benefits manager reimburses a pharmacy benefits manager affiliate for providing the same pharmacist services, calculated on a per-unit basis using the same generic product identifier or generic code number and reflecting all drug manufacturer's rebates, direct and indirect administrative fees, and costs and any remuneration; or
4. Penalize or retaliate against a pharmacist or pharmacy for exercising rights provided pursuant to the provisions of this article.

B. No carrier, on its own or through its contracted pharmacy benefits manager or representative of a pharmacy benefits manager, shall restrict participation of a pharmacy in a pharmacy network for provider accreditation standards or certification requirements if a pharmacist meets such accreditation standards or certification standards.

C. No carrier, on its own or through its contracted pharmacy benefits manager or representative of a pharmacy benefits manager, shall include any mail order pharmacy or pharmacy benefits manager affiliate in calculating or determining network adequacy under any law or contract in the Commonwealth.

D. No carrier, on its own or through its contracted pharmacy benefits manager or representative of a pharmacy benefits manager, shall conduct spread pricing in the Commonwealth.

E. Each carrier on its own or through its contracted pharmacy benefits manager or representative of a pharmacy benefits manager shall comply with the provisions of this section in addition to complying with the provisions of § 38.2-3407.15:1.

§ 38.2-3468. Examination of books and records; reports; access to records.

A. Each carrier, on its own or through its contract for pharmacy benefits, shall ensure that the Commissioner may examine or audit the books and records of a pharmacy benefits manager providing claims processing services or other prescription drug or device services for a carrier that are relevant to determining if the pharmacy benefits manager is in compliance with this article. The carrier shall be responsible for the charges incurred in the examination, including the expenses of the Commissioner or his designee and the expenses and compensation of his examiners and assistants.

B. Any carrier, on its own or through its contract for pharmacy benefits, shall report to the Commissioner on a quarterly basis for each health benefit plan the following information:

1. The aggregate amount of rebates received by the pharmacy benefits manager;
2. The aggregate amount of rebates distributed to the appropriate health benefit plan;
3. The aggregate amount of rebates passed on to the enrollees of each health benefit plan at the point of sale that reduced the enrollees' applicable deductible, copayment, coinsurance, or other cost-sharing amount;
4. Upon the request of the Commission, the individual and aggregate amount paid by the health benefit plan to the pharmacy benefits manager for services itemized by pharmacy, by product, and by goods and services; and
5. Upon the request of the Commission, the individual and aggregate amount a pharmacy benefits manager paid for services itemized by pharmacy, by product, and by goods and services.

C. All working papers, documents, reports, and copies thereof, produced by, obtained by or disclosed to the Commission or any other person in the course of an examination made under this article and any analysis of such information or documents shall be given confidential treatment, are not subject to subpoena, and may not be made public by the Commission or any other person. Access may also be granted to (i) a regulatory official of any state or country; (ii) the National Association of Insurance Commissioners (NAIC), its affiliate, or its subsidiary; or (iii) a law-enforcement authority of any state or country, provided that those officials are required under their law to maintain its confidentiality. Any such disclosure by the Commission shall not constitute a waiver of confidentiality of such papers, documents, reports or copies thereof. Any parties receiving such papers must agree in writing prior to receiving the information to provide to it the same confidential treatment as required by this section.

§ 38.2-3469. Enforcement; regulations.

A. The Commission shall enforce this article.

B. Pursuant to the authority granted by § 38.2-223, the Commission may promulgate such rules and regulations as it may deem necessary to implement this article.

§ 38.2-3470. Scope of article.

This article shall not apply with respect to claims under (i) an employee welfare benefit plan as defined in section 3 (1) of the Employee Retirement Income Security Act of 1974, 29 U.S.C. § 1002(1), that is self-insured or self-funded; (ii) coverages issued pursuant to Title XIX of the Social Security Act, 42 U.S.C. § 1396 et seq. (Medicaid); or (iii) prescription drug coverages issued pursuant to Part D of Title XVIII of the Social Security Act, 42 U.S.C. § 1395 et seq. (Medicare Part D).

§ 38.2-4214. Application of certain provisions of law.

No provision of this title except this chapter and, insofar as they are not inconsistent with this chapter, §§ 38.2-200, 38.2-203, 38.2-209 through 38.2-213, 38.2-218 through 38.2-225, 38.2-230, 38.2-232, 38.2-305, 38.2-316, 38.2-316.1, 38.2-322, 38.2-325, 38.2-326, 38.2-400, 38.2-402 through 38.2-413, 38.2-500 through 38.2-515, 38.2-600 through 38.2-620, 38.2-700 through 38.2-705, 38.2-900 through 38.2-904, 38.2-1017, 38.2-1018, 38.2-1038, 38.2-1040 through 38.2-1044, Articles 1 (§ 38.2-1300 et seq.) and 2 (§ 38.2-1306.2 et seq.) of Chapter 13, §§ 38.2-1312, 38.2-1314, 38.2-1315.1, 38.2-1317 through 38.2-1328, 38.2-1334, 38.2-1340, 38.2-1400 through 38.2-1442, 38.2-1446, 38.2-1447, 38.2-1800 through 38.2-1836, 38.2-3400, 38.2-3401, 38.2-3404, 38.2-3405, 38.2-3405.1, 38.2-3406.1, 38.2-3406.2, 38.2-3407.1 through 38.2-3407.6:1, 38.2-3407.9 through 38.2-3407.20, 38.2-3409, 38.2-3411 through 38.2-3419.1, 38.2-3430.1 through 38.2-3454, ~~Article~~ Articles 8 (§ 38.2-3461 et seq.) and 9 (§ 38.2-3465 et seq.) of Chapter 34, §§ 38.2-3501, and 38.2-3502, subdivision 13 of § 38.2-3503, subdivision 8 of § 38.2-3504, §§ 38.2-3514.1, 38.2-3514.2, §§ 38.2-3516 through 38.2-3520 as they apply to Medicare supplement policies, §§ 38.2-3522.1 through 38.2-3523.4, 38.2-3525, 38.2-3540.1, 38.2-3541 through 38.2-3542, 38.2-3543.2, Article 5 (§ 38.2-3551 et seq.) of Chapter 35, Chapter 35.1 (§ 38.2-3556 et seq.), §§ 38.2-3600 through 38.2-3607, Chapter 52 (§ 38.2-5200 et seq.), Chapter 55 (§ 38.2-5500 et seq.), and Chapter 58 (§ 38.2-5800 et seq.) of this title shall apply to the operation of a plan.

§ 38.2-4319. Statutory construction and relationship to other laws.

A. No provisions of this title except this chapter and, insofar as they are not inconsistent with this chapter, §§ 38.2-100, 38.2-136, 38.2-200, 38.2-203, 38.2-209 through 38.2-213, 38.2-216, 38.2-218 through 38.2-225, 38.2-229, 38.2-232, 38.2-305, 38.2-316, 38.2-316.1, 38.2-322, 38.2-325, 38.2-326, 38.2-400, 38.2-402 through 38.2-413, 38.2-500 through 38.2-515, 38.2-600 through 38.2-620, Chapter 9 (§ 38.2-900 et seq.), §§ 38.2-1016.1 through 38.2-1023, 38.2-1057, 38.2-1306.1, Article 2 (§ 38.2-1306.2 et seq.), § 38.2-1315.1, Articles 3.1 (§ 38.2-1316.1 et seq.), 4 (§ 38.2-1317 et seq.), 5 (§ 38.2-1322 et seq.), 5.1 (§ 38.2-1334.3 et seq.), and 5.2 (§ 38.2-1334.11 et seq.) of Chapter 13, Articles 1 (§ 38.2-1400 et seq.), 2 (§ 38.2-1412 et seq.), and 4 (§ 38.2-1446 et seq.) of Chapter 14, Chapter 15 (§ 38.2-1500 et seq.), Chapter 17 (§ 38.2-1700 et seq.), §§ 38.2-1800 through 38.2-1836, 38.2-3401, 38.2-3405, 38.2-3405.1, 38.2-3406.1, 38.2-3407.2 through 38.2-3407.6:1, 38.2-3407.9 through 38.2-3407.20, 38.2-3411, 38.2-3411.2, 38.2-3411.3, 38.2-3411.4, 38.2-3412.1, 38.2-3414.1, 38.2-3418.1 through 38.2-3418.17, 38.2-3419.1, 38.2-3430.1 through 38.2-3454, ~~Article~~ Articles 8

(§ 38.2-3461 et seq.) and 9 (§ 38.2-3465 et seq.) of Chapter 34, § 38.2-3500, subdivision 13 of § 38.2-3503, subdivision 8 of § 38.2-3504, §§ 38.2-3514.1, 38.2-3514.2, 38.2-3522.1 through 38.2-3523.4, 38.2-3525, 38.2-3540.1, 38.2-3540.2, 38.2-3541.2, 38.2-3542, 38.2-3543.2, Article 5 (§ 38.2-3551 et seq.) of Chapter 35, Chapter 35.1 (§ 38.2-3556 et seq.), Chapter 52 (§ 38.2-5200 et seq.), Chapter 55 (§ 38.2-5500 et seq.), and Chapter 58 (§ 38.2-5800 et seq.) shall be applicable to any health maintenance organization granted a license under this chapter. This chapter shall not apply to an insurer or health services plan licensed and regulated in conformance with the insurance laws or Chapter 42 (§ 38.2-4200 et seq.) except with respect to the activities of its health maintenance organization.

B. For plans administered by the Department of Medical Assistance Services that provide benefits pursuant to Title XIX or Title XXI of the Social Security Act, as amended, no provisions of this title except this chapter and, insofar as they are not inconsistent with this chapter, §§ 38.2-100, 38.2-136, 38.2-200, 38.2-203, 38.2-209 through 38.2-213, 38.2-216, 38.2-218 through 38.2-225, 38.2-229, 38.2-232, 38.2-322, 38.2-325, 38.2-400, 38.2-402 through 38.2-413, 38.2-500 through 38.2-515, 38.2-600 through 38.2-620, Chapter 9 (§ 38.2-900 et seq.), §§ 38.2-1016.1 through 38.2-1023, 38.2-1057, 38.2-1306.1, Article 2 (§ 38.2-1306.2 et seq.), § 38.2-1315.1, Articles 3.1 (§ 38.2-1316.1 et seq.), 4 (§ 38.2-1317 et seq.), 5 (§ 38.2-1322 et seq.), 5.1 (§ 38.2-1334.3 et seq.), and 5.2 (§ 38.2-1334.11 et seq.) of Chapter 13, Articles 1 (§ 38.2-1400 et seq.), 2 (§ 38.2-1412 et seq.), and 4 (§ 38.2-1446 et seq.) of Chapter 14, §§ 38.2-3401, 38.2-3405, 38.2-3407.2 through 38.2-3407.5, 38.2-3407.6, 38.2-3407.6:1, 38.2-3407.9, 38.2-3407.9:01, and 38.2-3407.9:02, subdivisions F 1, F 2, and F 3 of § 38.2-3407.10, §§ 38.2-3407.11, 38.2-3407.11:3, 38.2-3407.13, 38.2-3407.13:1, 38.2-3407.14, 38.2-3411.2, 38.2-3418.1, 38.2-3418.2, 38.2-3419.1, 38.2-3430.1 through 38.2-3437, 38.2-3500, subdivision 13 of § 38.2-3503, subdivision 8 of § 38.2-3504, §§ 38.2-3514.1, 38.2-3514.2, 38.2-3522.1 through 38.2-3523.4, 38.2-3525, 38.2-3540.1, 38.2-3540.2, 38.2-3541.2, 38.2-3542, 38.2-3543.2, Chapter 52 (§ 38.2-5200 et seq.), Chapter 55 (§ 38.2-5500 et seq.), and Chapter 58 (§ 38.2-5800 et seq.) shall be applicable to any health maintenance organization granted a license under this chapter. This chapter shall not apply to an insurer or health services plan licensed and regulated in conformance with the insurance laws or Chapter 42 (§ 38.2-4200 et seq.) except with respect to the activities of its health maintenance organization.

C. Solicitation of enrollees by a licensed health maintenance organization or by its representatives shall not be construed to violate any provisions of law relating to solicitation or advertising by health professionals.

D. A licensed health maintenance organization shall not be deemed to be engaged in the unlawful practice of medicine. All health care providers associated with a health maintenance organization shall be subject to all provisions of law.

E. Notwithstanding the definition of an eligible employee as set forth in § 38.2-3431, a health maintenance organization providing health care plans pursuant to § 38.2-3431 shall not be required to offer coverage to or accept applications from an employee who does not reside within the health maintenance organization's service area.

F. For purposes of applying this section, "insurer" when used in a section cited in subsections A and B shall be construed to mean and include "health maintenance organizations" unless the section cited clearly applies to health maintenance organizations without such construction.

2. That the provisions of the first enactment of this act shall become effective on October 1, 2020, except that the provisions of the first enactment that apply to contracts between a carrier and a pharmacy benefits manager shall apply to all such contracts delivered, renewed, reissued, or extended on or after October 1, 2020, and to all such contracts to which a term is changed on or after such date.

3. That the State Corporation Commission shall establish a procedure, to be in effect by August 1, 2020, for any pharmacy benefits manager to apply for licensure, prior to October 1, 2020, for a license to be issued on or after October 1, 2020, pursuant to § 38.2-3466 of the Code of Virginia, as created by the first enactment of this act.

2020 RECONVENED SESSION

CHAPTER 1289

REENROLLED

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

[H 30]

Approved May 21, 2020

Be it enacted by the General Assembly of Virginia:

1. §1. The following are hereby appropriated, for the current biennium, as set forth in succeeding parts, sections and items, for the purposes stated and for the years indicated:

A. The balances of appropriations made by previous acts of the General Assembly which are recorded as unexpended, as of the close of business on the last day of the previous biennium, on the final records of the State Comptroller; and

B. The public taxes and arrears of taxes, as well as moneys derived from all other sources, which shall come into the state treasury prior to the close of business on the last day of the current biennium. The term "moneys" means nontax revenues of all kinds, including but not limited to fees, licenses, services and contract charges, gifts, grants, and donations, and projected revenues derived from proposed legislation contingent upon General Assembly passage.

§ 2. Such balances, public taxes, arrears of taxes, and monies derived from all other sources as are not segregated by law to other funds, which funds are defined by the State Comptroller, pursuant to § 2.2-803, Code of Virginia, shall establish and constitute the general fund of the state treasury.

§ 3. The appropriations made in this act from the general fund are based upon the following:

	First Year	Second Year	Total
Unreserved Beginning Balance	\$1,185,284,382	\$0	\$1,185,284,382
Additions to Balance	\$120,137,243	(\$500,000)	\$119,637,243
Official Revenue Estimates	\$22,687,832,509	\$23,538,284,514	\$46,226,117,023
Transfer	\$655,758,189	\$666,158,189	\$1,321,916,378
Total General Fund Resources Available for			
Appropriation	\$24,649,012,323	\$24,203,942,703	\$48,852,955,026

The appropriations made in this act from nongeneral fund revenues are based upon the following:

	First Year	Second Year	Total
Balance, June 30, 2020	\$7,596,232,598	\$0	\$7,596,232,598
Official Revenue Estimates	\$38,801,241,971	\$39,604,200,895	\$78,405,442,866
Lottery Proceeds Fund	\$657,959,397	\$666,104,670	\$1,324,064,067
Internal Service Fund	\$2,115,253,639	\$2,231,861,108	\$4,347,114,747
Bond Proceeds	\$2,478,004,162	\$195,123,500	\$2,673,127,662
Total Nongeneral Fund Revenues Available for			
Appropriation	\$51,648,691,767	\$42,697,290,173	\$94,345,981,940
TOTAL PROJECTED REVENUES	\$76,297,704,090	\$66,901,232,876	\$143,198,936,966

§ 4. Nongeneral fund revenues which are not otherwise segregated pursuant to this act shall be segregated in accordance with the acts respectively establishing them.

§ 5. The sums herein appropriated are appropriated from the fund sources designated in the respective items of this act.

§ 6. When used in this act the term:

- A. "Current biennium" means the period from the first day of July two thousand twenty, through the thirtieth day of June two thousand twenty-two, inclusive.
- B. "Previous biennium" means the period from the first day of July two thousand eighteen, through the thirtieth day of June two thousand twenty, inclusive.
- C. "Next biennium" means the period from the first day of July two thousand twenty-two, through the thirtieth day of June two thousand twenty-four, inclusive.
- D. "State agency" means a court, department, institution, office, board, council or other unit of state government located in the legislative, judicial, or executive departments or group of independent agencies, or central appropriations, as shown in this act, and which is designated in this act by title and a three-digit agency code.
- E. "Nonstate agency" means an organization or entity as defined in § 2.2-1505 C, Code of Virginia.
- F. "Authority" sets forth the general enabling statute, either state or federal, for the operation of the program for which appropriations are shown.
- G. "Discretionary" means there is no continuing statutory authority which infers or requires state funding for programs for which the appropriations are shown.
- H. "Appropriation" shall include both the funds authorized for expenditure and the corresponding level of full-time equivalent employment.
- I. "Sum sufficient" identifies an appropriation for which the Governor is authorized to exceed the amount shown in the Appropriation Act if required to carry out the purpose for which the appropriation is made.
- J. "Item Details" indicates that, except as provided in § 6 H above, the numbers shown under the columns labeled Item Details are for information reference only.
- K. Unless otherwise defined, terms used in this act dealing with budgeting, planning and related management actions are defined in the instructions for preparation of the Executive Budget.

§ 7. The total appropriations from all sources in this act have been allocated as follows:

	BIENNIUM 2020-22		
	General Fund	Nongeneral Fund	Total
OPERATING EXPENSES	\$48,210,719,520	\$87,561,122,474	\$135,771,841,994
LEGISLATIVE			
DEPARTMENT	\$212,883,582	\$8,050,998	\$220,934,580
JUDICIAL DEPARTMENT	\$1,068,689,563	\$70,735,744	\$1,139,425,307
EXECUTIVE DEPARTMENT	\$46,915,591,881	\$85,426,164,830	\$132,341,756,711
INDEPENDENT AGENCIES	\$13,554,494	\$2,056,170,902	\$2,069,725,396
STATE GRANTS TO			
NONSTATE AGENCIES	\$0	\$0	\$0
CAPITAL OUTLAY			
EXPENSES	\$20,956,290	\$3,279,347,625	\$3,300,303,915
TOTAL	\$48,231,675,810	\$90,840,470,099	\$139,072,145,909

§ 8. This chapter shall be known and may be cited as the "2020 Appropriation Act."

ITEM 1.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022

PART 1: OPERATING EXPENSES

LEGISLATIVE DEPARTMENT

§ 1-1. GENERAL ASSEMBLY OF VIRGINIA (101)

1.	Enactment of Laws (78200) a sum sufficient, estimated at.....			\$54,927,913	\$54,908,073
	Legislative Sessions (78204).....	\$54,927,913	\$54,908,073		
	Fund Sources: General.....	\$54,927,913	\$54,908,073		

Authority: Article IV, Constitution of Virginia.

A. Out of this appropriation, the House of Delegates is funded \$33,609,914 the first year and \$33,595,755 the second year from the general fund. The Senate is funded \$21,317,999 the first year and \$21,312,318 the second year from the general fund.

B. Out of this appropriation shall be paid:

1. The salaries of the Speaker of the House of Delegates and other members, and personnel employed by each House; the mileage of members, officers and employees, including salaries and mileage of members of legislative committees sitting during recess; public printing and related expenses required by or for the General Assembly; and the incidental expenses of the General Assembly (§§ 30-19.11 through 30-19.20, inclusive, and § 30-19.4, Code of Virginia). The salary of the Speaker of the House of Delegates shall be \$36,321 per year. The salaries of other members of the House of Delegates shall be \$17,640 per year. The salaries of the members of the Senate shall be \$18,000 per year.

2. Expenses of the Speaker of the House of Delegates not otherwise reimbursed, \$16,200 each year, to be paid in equal monthly installments during the year.

3. In accordance with § 30-19.4, Code of Virginia, and subject to all other conditions of that section except as otherwise provided in the following paragraphs:

a. \$106,845 per calendar year for the compensation of one or more secretaries of the Speaker of the House of Delegates. Salary increases shall be governed by the provisions of Item 477 of this act.

b. \$291,517 per calendar year for the compensation of one or more legislative assistants of the Speaker of the House of Delegates. Salary increases shall be governed by the provisions of Item 477 of this act.

c. \$202,781 per calendar year for the compensation of one or more secretaries or legislative assistants for the Senate majority and minority leadership, as determined by the Majority Leader in consultation with the Chairman of the Senate Committee on Rules. Salary increases shall be governed by the provisions of Item 477 of this act.

d.1. \$44,125 per calendar year for the compensation of legislative assistants for each member of the House of Delegates and \$49,641 for the compensation of legislative assistants for each member of the Senate. Salary increases granted shall be governed by the provisions of Item 477 of this act.

2. In addition, \$16,547 per calendar year for each member of the House of Delegates and \$11,031 per calendar year for each member of the Senate to provide compensation for additional legislative assistant support costs incurred during the legislative session and in the operation of legislative offices within members' districts. Salary increases granted shall be governed by the provisions of Item 477 of this act.

e. The per diem for each legislative assistant of each member of the General Assembly, including the Speaker of the House of Delegates. Such per diem shall equal the amount authorized per session day for General Assembly members in paragraph B.5, if such

ITEM 1.

Item Details(\$)	
First Year	Second Year
FY2021	FY2022

Appropriations(\$)	
First Year	Second Year
FY2021	FY2022

legislative assistant maintains a temporary residence during the legislative session or an extension thereof and if the establishment of such temporary residence results from the person's employment by the member. The per diem for a legislative assistant who is domiciled in the City of Richmond or whose domicile is within twenty miles of the Capitol shall equal thirty-five percent of the amount paid to a legislative assistant who maintains a temporary residence during such session. For purposes of this paragraph, (i) a session day shall include such days as shall be established by the Rules Committee of each respective House and (ii) a temporary residence is defined as a residence certified by the member served by the legislative assistant as occupied only by reason of employment during the legislative session or extension thereof. Notwithstanding the provisions of (i) of the preceding sentence, if the House from which the legislative assistant is paid is in adjournment during a regular or special session, he must show to the satisfaction of the Clerk that he worked each day during such adjournment for which such per diem is claimed.

f. A mileage allowance as provided in § 2.2-2823 A, Code of Virginia, and as certified by the member. Such mileage allowance shall be paid to a legislative assistant for one round trip between the City of Richmond and such person's home each week during the legislative session or an extension thereof when such person is maintaining a temporary residence.

g. Per diem and mileage shall be paid only to a person who is paid compensation pursuant to § 30-19.4, Code of Virginia.

h. Not more than one person shall be paid per diem or mileage during a single weekly pay period for serving a member as legislative assistant during a legislative session or extension thereof.

i. No person, by virtue of concurrently serving more than one member, shall be paid mileage or per diem in excess of the daily rates specified in this Item.

j. \$70,578 per calendar year additional allowance for secretaries or legislative assistants to the Majority and Minority Leaders of the House of Delegates and the Senate and for secretaries or legislative assistants to the President Pro Tempore of the Senate , and to the Chairmen of the House Appropriations and Senate Finance Committees. Salary increases shall be governed by the provisions of Item 474 of this act.

4.a All compensation and reimbursement of expenses to members of the General Assembly and non-General Assembly members for attending a meeting described in paragraphs B.4.c., B.4.d., B.5., and B.6. shall be paid solely as provided pursuant to this item.

b. The provisions of paragraphs B.4.c. and B.4.d. of this item shall not apply during any regular session of the General Assembly or extension thereof, or during any special session of the General Assembly; provided, however, that the provisions of such paragraphs shall apply during any recess of the same.

c. Notwithstanding any other provision of law, each General Assembly member shall receive compensation for each day, or portion thereof, of attendance at an official meeting of any joint subcommittee, board, commission, authority, council, compact, or other body that has been created or established by the General Assembly or by resolution of a house of the General Assembly, provided that the member has been appointed to, or designated an official member of, such joint subcommittee, board, commission, authority, council, compact, or other body pursuant to an act of the General Assembly or a resolution of a house of the General Assembly that provides for the appointment or designation.

Notwithstanding any other provision of law, each General Assembly member shall also receive compensation for each day, or portion thereof, of attendance at an official meeting of (i) any standing committee or subcommittee thereof of the House of Delegates to which the member has been appointed, (ii) any standing committee or subcommittee thereof or Committee on Rules of the Senate to which the member has been appointed, or (iii) the Joint Rules Committee of the General Assembly. Any official meeting of a subcommittee of any of the committees described in clauses (i), (ii), or (iii) shall also be an official meeting for which the member shall receive compensation.

ITEM 1.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<p>Notwithstanding any other provision of law, any General Assembly member whose attendance, in the written opinion of the chairman of (a) any joint subcommittee, board, commission, authority, council, or other body that has been created or established in the legislative branch of state government by the General Assembly or by resolution of a house of the General Assembly; (b) any such standing committee of the House of Delegates or of the Senate; (c) the Committee on Rules of the Senate; or (d) the Joint Rules Committee of the General Assembly, is required at an official meeting of the body shall also receive compensation for each day, or portion thereof, of attendance at such official meeting.</p> <p>Any General Assembly member receiving compensation pursuant to this paragraph for attending an official meeting shall be reimbursed for his or her reasonable and necessary expenses incurred in attending such meeting. Notwithstanding any other provision of law, the reimbursement shall be provided by the respective body holding the meeting or by the entity that supports the work of the body.</p> <p>d. Compensation to General Assembly members for attendance at any official meeting described under B.4.c. of this item may be at a rate equal to \$300 for each day, or portion thereof, of attendance. If the member attends two or more official meetings during the same day, and at least one of which occurs in the morning and one of which occurs in the afternoon, then the member shall be compensated at a rate of \$400 for the entire day, otherwise compensation is capped at the \$300 per day. The payment of such compensation shall be subject to the restrictions and limitations set forth in subsections B., C., and G. of § 30-19.12, Code of Virginia. Notwithstanding any other provision of law, compensation to General Assembly members for attendance at such official meetings shall be paid by the offices of the Clerk of the House of Delegates or Clerk of the Senate, as applicable. The body holding the meeting shall as soon as practicable report the member's attendance at any official meeting of such body to the Clerk of the House of Delegates or the Clerk of the Senate, as applicable, in order to facilitate payment of the compensation. Such body shall report the member's attendance in such manner as prescribed by the respective Clerk.</p> <p>5. Notwithstanding any other provision of law, whenever any General Assembly member is required to travel for official attendance as a representative of the General Assembly at any meeting, conference, seminar, workshop, or conclave, which is not conducted by the Commonwealth of Virginia or any of its agencies or instrumentalities, such member shall be entitled to (i) compensation in an amount not to exceed the per day rate set forth in paragraph B.4.d., and (ii) reimbursement for reasonable and necessary expenses incurred. Such compensation and reimbursement for expenses shall be set by the Speaker of the House of Delegates for members of the House of Delegates and by the Senate Committee on Rules for members of the Senate.</p> <p>6. The provisions of this paragraph shall apply only to non-General Assembly members (hereinafter, "citizen members") of any (i) board, commission, authority, council, or other body created or established in the legislative branch of state government by the General Assembly or by resolution of a house of the General Assembly, or (ii) joint legislative committee or subcommittee.</p> <p>Notwithstanding any other provision of law, any citizen member of any body described in this paragraph who is appointed at the state level, or designated an official member of such body, pursuant to an act of the General Assembly or a resolution of a house of the General Assembly that provides for the appointment or designation, shall receive compensation solely for each day, or portion thereof, of attendance at an official meeting of the same. In no event shall any citizen member be paid compensation for attending a meeting of an advisory committee or other advisory body. Subject to any contrary law that provides for a higher amount of compensation to be paid, compensation shall be paid at the rate of \$50 for each day, or portion thereof, of attendance at an official meeting.</p> <p>Such citizen members shall also be reimbursed for reasonable and necessary expenses incurred in attending (i) an official meeting of any body described in this paragraph, or (ii) a meeting of an advisory committee or advisory body of any body described in this paragraph.</p> <p>Compensation and reimbursement of expenses to such citizen members shall be paid by the body holding the meeting (or for meetings of advisory committees or advisory bodies, the body on whose behalf the meeting is being held) or by the entity that supports the work of the body.</p>				

ITEM 1.

Item Details(\$)	
First Year	Second Year
FY2021	FY2022

Appropriations(\$)	
First Year	Second Year
FY2021	FY2022

A citizen member, however, who is a full-time employee of the Commonwealth or any of its local political subdivisions, including any full-time faculty member of a public institution of higher education, shall not be entitled to compensation under this paragraph and shall be limited to reimbursement for his reasonable and necessary expenses incurred, which shall be reimbursed by his employer. If such full-time employee who is a citizen member is required by his employer to take annual, family and personal, or other paid leave or unpaid leave to attend an official meeting under this paragraph, then such person shall be reimbursed for his reasonable and necessary expenses incurred by the body holding the meeting, or for meetings of advisory committees or advisory bodies, the body on whose behalf the meeting is being held, or by the entity that supports the work of the body. For the purposes of this paragraph, reasonable and necessary expenses shall exclude the reimbursement for leave taken by a citizen member who is a full-time employee of the Commonwealth.

A citizen member who is also currently a treasurer, sheriff, clerk of court, commissioner of the revenue, or attorney for the Commonwealth by reason of election of the qualified county or city voters shall not be entitled to compensation under this paragraph and shall be limited to reimbursement for his reasonable and necessary expenses incurred, which shall be reimbursed within the budget already established by the Compensation Board and in the same manner as other reasonable and necessary expenses of his office are reimbursed. Full-time employees of one of the foregoing constitutional offices shall also not be entitled to compensation under this paragraph and shall be limited to reimbursement for their reasonable and necessary expenses incurred, which shall be reimbursed within the budget already established by the Compensation Board and in the same manner as other reasonable and necessary expenses of the constitutional office are reimbursed.

7. Pursuant to § 30-19.13, Code of Virginia, allowances for expenses of members of the General Assembly during any regular session of the General Assembly or extension thereof or during any special session of the General Assembly shall be paid in an amount not to exceed the maximum daily amount permitted by the Internal Revenue Service under rates established by the U.S. General Services Administration.

8. Allowance for office expenses and supplies of members of the General Assembly, in the amount of \$1,250 for each month of each calendar year. An additional \$500 for each month of each calendar year shall be paid to the Majority and Minority Leaders of the House of Delegates and the Senate and to the President Pro Tempore of the Senate, the Chairman or Chairs of the Senate Finance Committee, and the Chairman of the House Appropriations Committee.

C. One legislative assistant of a member of the General Assembly regularly employed on a twelve (12) consecutive month salary basis receiving 60 percent or more of the salary allotted pursuant to paragraph B.3.d.1, may, for the purposes of §§ 51.1-124.3 and 51.1-152, Code of Virginia, be deemed a "state employee" and as such will be eligible for participation in the Virginia Retirement System, the group life insurance plan, the VRS short and long term disability plans, and the state health insurance plan. Upon approval by the Joint Rules Committee, legislative assistants shall be eligible to participate in the short and long-term disability plans sponsored by the Virginia Retirement System pursuant to Chapter 11 of Title 51.1, Code of Virginia. Such legislative assistants shall not receive sick leave and family and personal leave benefits under this plan. Short-term disability benefits shall be payable from the Legislative Reversion Clearing Account.

D. Out of this appropriation the Clerk of the House of Delegates shall pay the routine maintenance and operating expenses of the General Assembly Building as apportioned to the Senate, House of Delegates, Division of Legislative Services, Joint Legislative Audit and Review Commission, or other legislative agencies. The funds appropriated to each agency in the Legislative Department for routine maintenance and operating expenses during the current biennium shall be transferred to the account established for this purpose.

E. An amount of up to \$10,000 per year shall be transferred from Item 34 of this act, to reflect equivalent compensation allowances for the Lieutenant Governor as were authorized by the 1994 General Assembly. The Lieutenant Governor shall report such

ITEM 1.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
	increases to the Speaker of the House and the Chairman of the House Appropriations Committee and the Chairman of the Senate Finance Committee.			
	<p>F.1. The Chairmen of the House Appropriations and Senate Finance Committees shall each appoint four members from their respective committees to a joint subcommittee to review public higher education funding policies and to make recommendations to their respective committees. The objective of the review is to develop policies and formulas to provide the public institutions of higher education with an equitable funding methodology that: (a) recognizes differences in institutional mission; (b) provides incentives for achievement and productivity; (c) recognizes enrollment growth; and (d) establishes funding objectives in areas such as faculty salaries, financial aid, and the appropriate share of educational and general costs that should be borne by resident students. In addition, the review shall include the development of comparable cost data concerning the delivery of higher education through an analysis of the relationship of each public institution to its national peers. The public institutions of higher education and the staff of the State Council of Higher Education for Virginia are directed to provide technical assistance, as required, to the joint subcommittee.</p>			
	<p>2. The Joint Subcommittee on Higher Education Funding Policies shall conduct an assessment of the adequacy of the current educational and general funding levels for Virginia's public institutions of higher education. The assessment shall be used to develop guidelines against which to measure funding requests for higher education. The assessment shall include, but not be limited to, the following components:</p>			
	<p>a) Updated student-to-faculty ratios based on current practice or industry norms.</p>			
	<p>b) Consideration of support staff needs and the changing requirements of support staff due to technology and privatization of services previously performed by the institutions.</p>			
	<p>c) Costs of instruction, such as equipment, utilities, facilities maintenance, and other nonpersonal services expenses.</p>			
	<p>d) Recognition of the individual mission of the institution, student characteristics, location, or other factors that may influence the costs of instruction.</p>			
	<p>e) Benchmarking of the funding guidelines against a group of peer institutions, or other appropriate comparator group, to assess the validity of the guidelines.</p>			
	<p>f) Means by which measures of institutional performance can be assessed and incorporated into funding and policy guidelines for higher education.</p>			
	<p>3. The Joint Subcommittee on Higher Education Funding Policies shall develop a more precise methodology for determining funding needs at Virginia's public institutions of higher education related to enrollment growth. The methodology should take into consideration that support staff and operations may need to be expanded when enrollment growth reaches certain levels.</p>			
	<p>4. The Joint Subcommittee may seek support from the staff of the Senate Finance and House Appropriations Committees, the public institutions of higher education, or other higher education or state agency representatives, as requested by the Joint Subcommittee. At its discretion, the Joint Subcommittee may contract for consulting services.</p>			
	<p>5. The Joint Subcommittee is hereby continued to provide direction and oversight of higher education funding policies. The Joint Subcommittee shall review and articulate policies and funding methodologies on: (a) the appropriate share of educational and general costs that should be borne by students; (b) student financial aid; (c) undergraduate medical education funding; (d) the mix of full-time and part-time faculty; (e) the mix of in-state and out-of-state students as it relates to tuition policy; and (f) the viability of statewide articulation agreements between four-year and two-year public institutions.</p>			
	<p>6. a. It is the objective of the General Assembly that funding for Virginia's public colleges and universities shall be based primarily on the funding guidelines outlined in the November, 2001 report of the Joint Subcommittee on Higher Education Funding Policies.</p>			
	<p>b. Based on the findings and recommendations of its November, 2001 report, the Joint Subcommittee shall coordinate with the State Council of Higher Education, the Secretary of</p>			

ITEM 1.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Education, and the Department of Planning and Budget in incorporating the higher education funding guidelines into the development of budget recommendations.				
c. As part of its responsibilities to ensure the fair and equitable distribution and use of public funds among the public institutions of higher education, the State Council of Higher Education shall incorporate the funding guidelines established by the Joint Subcommittee into its budget recommendations to the Governor and the General Assembly.				
G. The Chairmen of the Senate Finance and House Appropriations Committees shall each appoint four members from their respective committees to a joint subcommittee to review compensation of state agency heads and cabinet secretaries. The Department of Human Resource Management, the Virginia Retirement System and all other agencies and institutions of the Commonwealth are directed to provide technical assistance, as required, to the joint subcommittee.				
H. 1. The Chairmen of the House Appropriations and Senate Finance Committees shall each appoint up to five members from their respective committees to a joint subcommittee to provide on-going direction and oversight of Standards of Quality funding cost policies and to make recommendations to their respective committees.				
2. The Joint Subcommittee on Elementary and Secondary Education Funding shall: a) study the Commonwealth's use of the prevailing salary and cost approaches to funding the Standards of Quality, as compared with alternative approaches, such as a fixed point in time salary base that is increased annually by some minimum percentage or funding the national average teacher salary; and b) review the "federal revenue deduct" methodology, including the current use of a cap on the deduction; and c) review the methodology for establishing a consistent funding cap process for all state funded instructional and certain support positions.				
3. The school divisions, the staff of the Virginia Department of Education, and staff of the Joint Legislative Audit and Review Commission, are directed to provide technical assistance, as required, to the joint subcommittee.				
I. The Speaker of the House shall establish the salary for the Clerk of the House of Delegates.				
J. The Senate Committee on Rules shall establish the salary for the Clerk of the Senate.				
K. Notwithstanding the salaries set out in Items 2, 4, 5, and 6, the Committee on Joint Rules may establish salary ranges for such agency heads consistent with the provisions and salary ranges included in § 4-6.01 of this act.				
L. Included within this appropriation is \$15,400 each year from the general fund for expenses related to the Joint Subcommittee on Tax Preferences, pursuant to House Bill 777 of the 2012 Session. This includes \$6,622 each year to be allocated by the Clerk of the Senate and \$8,778 each year to be allocated by the Clerk of the House of Delegates.				
M. Included in the appropriations for this item is \$25,000 the first year and \$25,000 the second year from the general fund for the operations of the Virginia Indian Commemorative Commission and the development of a monument commemorating the life, achievements, and legacy of Native Americans in the Commonwealth.				
N.1. The Special Joint Subcommittee to Consult on the Plan to Close State Training Centers shall continue to conduct a review of the assumptions behind the cost and cost savings of implementing the U.S. Department of Justice (DOJ) settlement agreement including but not limited to a review of the cost of providing care in the state intellectual disability (ID) training centers and in the community and an explanation of the difference in costs.				
2. The Joint Subcommittee to Consult on the Plan to Close State Training Centers, in collaboration with the Department of Behavioral Health and Developmental Services, shall develop and evaluate a plan for consideration of operating a smaller state training center to serve those individuals for which care in a training center is appropriate. The Joint Subcommittee shall evaluate and determine the operating costs, capital costs, and				

ITEM 1.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
	consider all other relevant factors in developing the plan for consideration.			
	<p>O. The Joint Commission on Transportation Accountability shall regularly review, and provide oversight of the usage of funding generated pursuant to the provisions of House Bill 2313, 2013 Session of the General Assembly. To this end, by November 15 the Secretary of Transportation, the Northern Virginia Transportation Authority and the Hampton Roads Transportation Accountability Commission shall each prepare a report on the uses of the Intercity Passenger Rail Operating and Capital Funds, the Northern Virginia Transportation Authority Fund, and the Hampton Roads Transportation Fund, respectively, each year to be presented to the Joint Commission on Transportation Accountability.</p>			
	<p>P.1. There is hereby created in the legislative branch the Virginia World War I and World War II Commemoration Commission. The Commission shall plan, develop, and carry out programs and activities appropriate to commemorate the 100th anniversary of World War I and the 75th anniversary of World War II.</p>			
	<p>2. The Commission shall have a total membership of ten members consisting of six legislative members, two nonlegislative citizen members, and two ex officio members. Members shall be appointed as follows: four members of the House of Delegates to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; two members of the Senate of Virginia to be appointed by the Senate Committee on Rules, one nonlegislative citizen member who shall be a World War II historian, to be appointed by the Speaker of the House of Delegates; one nonlegislative citizen member who shall be a World War II veteran or a family member of a World War II veteran, to be appointed by the Senate Committee on Rules; and two ex-officio members, to include the Commissioner of the Virginia Department of Veterans Services or his designee and the Executive Director of the Virginia War Memorial. The nonlegislative and ex-officio members shall be non-voting members. The nonlegislative citizen members shall be citizens of the Commonwealth, unless otherwise approved in writing by the chairman of the committee and the respective Clerk, and shall only be reimbursed for travel originating and ending within the Commonwealth of Virginia for the purpose of attending meetings. The voting members of the Commission shall elect a Chairman and Vice-Chairman from among its membership, who shall be members of the Virginia General Assembly.</p>			
	<p>3. Legislative members of the Commission and Advisory Council shall receive such compensation as provided in § 30-19.12, Code of Virginia, and nonlegislative citizen members of the Commission shall receive such compensation for the performance of their duties as provided in § 2.2-2813. All members shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Compensation to members of the General Assembly for attendance at official meetings of the Commission shall be paid by the offices of the Clerk of the House of Delegates or Clerk of the Senate, as applicable. All other compensation and expenses shall be paid from existing appropriations to the Commission.</p>			
	<p>4. There is hereby created in the state treasury a special nonreverting fund to be known as the Virginia World War I and World War II Commemoration Commission Fund, hereafter referred to as the "Fund." The Fund shall be established on the books of the Comptroller and shall consist of gifts, grants, donations, bequests, or other funds from any source as may be received by the Commission for its work. Moneys shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purpose of enabling the Commission to perform its duties. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request of the chairman of the Commission.</p>			
	<p>5. The Virginia Department of Veterans Services and the Virginia War Memorial shall provide technical assistance to the Commission. The Division of Legislative Services shall act as the fiscal agent for the Commission. Administrative staff support shall be provided by the Office of the Clerk of the House of Delegates. Legal, research, policy analysis, and other services as requested by the Commission shall be provided by the Division of Legislative Services, and by other state agencies and institutions as may be requested by the Commission. The Director of the Division of Legislative Services is authorized to fund the operations of the</p>			

ITEM 1.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022

Virginia World War I and World War II Commemoration Commission from the appropriations to the Division and to provide full reimbursement to the Division from the unexpended balances of such Commission, once allotted.

6. The Commission may appoint and establish an Advisory Council composed of nonlegislative citizens at large and public officials who have knowledge of World War I and World War II and their respective anniversary commemorations, to serve in a consultative capacity to assist the Commission in its work. Nonlegislative citizen members of the Advisory Council shall serve without compensation but may be reimbursed for travel expenses to attend a meeting of the Advisory Council within the Commonwealth of Virginia. The Advisory Council shall have a Chairman and Vice-Chairman, one of whom shall be a member of the House of Delegates, to be appointed by the Speaker of the House of Delegates, and one of whom shall be a member of the Senate, to be appointed by the Senate Committee on Rules.

Q.1. The Chairs of the House Appropriations and Senate Finance and Appropriations Committees shall each appoint up to five members from their respective committees to a Joint Subcommittee for Early Childhood Care and Education to provide ongoing oversight of the implementation of Virginia's unified public-private system for early childhood care and education. The members of the Joint Subcommittee shall elect a chairman and vice chairman annually.

2. The goals and objectives of the Joint Subcommittee shall be to (i) review the cost-effectiveness of federal and state funding used to improve Virginia's early childhood care and education system, (ii) ensure that the transition of child care regulation from the Board of Social Services to the Board of Education occurs seamlessly without impacting health and safety oversight functions, (iii) ensure that the transition of functions from the Department of Social Services to the Department of Education occurs seamlessly without the interruption of the provision of state services or undue impact on the operation of either agency, (iv) review the implementation of the Board of Education's Quality Rating Implementation System, (v) review workforce needs for Virginia's early childhood education system, (vi) further facilitate partnerships between school divisions and private providers for the Virginia Preschool Initiative, (vii) consider recommendations and options included in the 2017 JLARC report on Improving Virginia's Early Childhood Development Programs, and (viii) consider funding methodology changes to transition the Virginia Preschool Initiative funding model to maximize the number of children served, while recognizing prevailing costs.

3. The staff of the Elementary and Secondary Education subcommittees for the House Appropriations and Senate Finance and Appropriations Committees and the Department of Education will help with facilitating the scope of work to be completed by the Joint Subcommittee. The Virginia Early Childhood Foundation will provide support and resources to the members and staff of the Joint Subcommittee. Other stakeholders, such as those from the Virginia Department of Social Services, the Virginia Community College System, local school divisions, private and faith-based child day-care providers, accredited organizations, education associations and businesses may provide additional information if requested. A report of any findings and recommendations shall be submitted to the Chairs of House Appropriations and Senate Finance and Appropriations Committees.

R. 1.a. The Chairmen of the House Appropriations and Senate Finance Committees shall each appoint four members from their respective committees to a Joint Subcommittee on the Future Competitiveness of Virginia Higher Education to (a) review ways to maintain and improve the quality of higher education, while providing for broad access and affordability; (b) examine the impact of financial, demographic, and competitive changes on the sustainability of individual institutions and the system as a whole; (c) identify best practices to make the system more efficient, including shared services, institutional flexibility, and easily accessible academic pathways; (d) evaluate the use of distance education and online instruction across the Commonwealth and appropriate business models for such programs; (e) review current need-based financial aid programs and alternative models to best provide for student affordability and completion; (f) review the recommendations of the Joint Legislative Audit and Review Commission on the study of the cost efficiency of higher education institutions and make recommendations to their respective committees on the implementation of those recommendations; (g) study the

ITEM 1.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
effectiveness and value of transfer students; (h) evaluate the effectiveness of dual enrollment in reducing the cost of higher education; and (i) study the effectiveness of preparing teachers to enter the K-12 system.				
b. The Subcommittee will also conduct a focused review of access, affordability, quality, and autonomy issues related to Virginia's public higher education system. As part of that review the Subcommittee will explore ways to (a) improve the quality of higher education; (b) review the autonomy and flexibility granted to Virginia's public higher education institutions, including the history of restructuring and the expansion of autonomy; (c) examine access and affordability in higher education, including the cost of education and need-based financial aid programs; (d) review the impact of financial, demographic, and competitive changes on the sustainability of Virginia's public higher education system; and (e) identify any practices that would result in more efficient outcomes regarding cost and completion, including dual enrollment and online programs.				
2. As the Joint Subcommittee conducts its analysis, it shall consider the mission, vision, goals and strategies outlined in the statewide strategic plan for higher education developed and approved by the State Council of Higher Education for Virginia, and endorsed by the General Assembly in House Joint Resolution 555 of the 2015 Session of the General Assembly.				
3. As part of its deliberations, the Joint Subcommittee shall review alternative tuition and fee structures and programs that could result in lower costs to in-state undergraduate students.				
4. The Joint Subcommittee may seek support and technical assistance from the staff of the House Appropriations and Senate Finance Committees, the public institutions of higher education, the staff of the Joint Legislative Audit and Review Commission, and the staff of the State Council of Higher Education for Virginia. Other state agency or higher education representatives shall provide support upon request. At its discretion, the Joint Subcommittee may contract for consulting services.				
5. The members of the Joint Subcommittee shall provide a final report to their respective committees at the conclusion of the review.				
S. The Joint Subcommittee to Evaluate Tax Preferences established pursuant to Chapter 777, 2012 Session of the General Assembly, is hereby directed, as part of its work to undertake a review of the Neighborhood Assistance Act tax credit program and to report to the General Assembly on any proposed changes to the program structure, eligibility requirements, distribution of funding or overall funding amounts made available for the credit.				
T.1. The Chairmen of the House Appropriations and Senate Finance Committees shall each appoint five members from their respective committees to a Joint Subcommittee for Health and Human Resources Oversight to respond to federal health care changes, provide ongoing oversight of the Medicaid and children's health insurance programs and oversight of Health and Human Resources agencies. The members of the Joint Subcommittee shall elect a chairman and vice chairman annually.				
2.a. The Joint Subcommittee shall monitor, evaluate and respond to federal legislation that repeals, amends or replaces the Affordable Care Act (ACA), Medicaid (Title XIX of the Social Security Act), the Children's Health Insurance Program (Title XXI of the Social Security Act) or any proposals to block grant or change the method by which these programs are funded. The joint subcommittee shall recommend actions to be taken by the General Assembly to address the impact of any such federal legislation that would affect the state budget and health care coverage now available to Virginians. Furthermore, the subcommittee shall evaluate federal changes for opportunities to improve Virginia's Medicaid and other health insurance programs.				
b. The Joint Subcommittee shall establish a workgroup to monitor the implementation of Medicaid coverage of newly eligible individuals pursuant to the Patient Protection and Affordable Care Act to ensure (i) the efficient and cost effective use of resources; (ii) innovative and cost effective approaches to Medicaid eligibility screening and renewals, provider accountability, administrative operations, and fraud prevention; and (iii) progress in implementing the Training, Education, Employment and Opportunity Program (TEEOP); (iv) uniform and effective screening for Medicaid eligibility in local and regional jails; and (v) use of private vendors to facilitate successful implementation when cost effective. In addition, the				

ITEM 1.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022

workgroup shall examine the role of the current Certificate of Need program, including a review of past and current studies of the program, in ensuring access to care.

3. The Joint Subcommittee shall provide ongoing oversight of initiatives and operations of the Health and Human Resources agencies. The joint subcommittee shall examine progress made in implementing changes to: (i) Medicaid managed care programs, including managed long-term supports and services (the Commonwealth Coordinated Care Plus program) and changes to the Medallion program; (ii) Medicaid waiver programs including the Medicaid waivers serving individuals with developmental disabilities; (iii) the Medicaid Enterprise System; (iv) improve eligibility, enrollment and renewal processes in the Medicaid and CHIP programs; (v) the organizational structure and realignment of staff and resources of the Department of Medical Assistance Services resulting from the change from a fee-for-service to a managed care delivery system; (vi) improve the cost effective delivery of services through the Comprehensive Services Act; and (vii) initiatives and programmatic changes across the Health and Human Resources agencies to ensure efficient and effective use of resources across the Secretariat, including an assessment of the costs and benefits of transferring the Office for Aging Services of the Division for Community Living in the Department for Aging and Rehabilitative Services to the Department of Social Services or establishing it as a stand-alone agency.

4. The Joint Subcommittee may seek support and technical assistance from staff of the House Appropriations and Senate Finance Committees, the staff of the Joint Legislative Audit and Review Commission, and the staff of the Department of Medical Assistance Services. Other state agency staff shall provide support upon request.

5. The staff of the House Appropriations and Senate Finance Committees shall help facilitate the scope of work to be completed by the Joint Subcommittee for Health and Human Resources Oversight.

U.1. The Co-Chairs of the Senate Finance Committee shall appoint five members from their Committee and the Chairman of the House Appropriations Committee shall appoint four members from his Committee and two members of the House Finance Committee to a Joint Subcommittee on Local Government Fiscal Stress. The Joint Subcommittee shall elect a chairman and vice-chairman from among its membership.

2. The goals and objectives of the Joint Subcommittee will be to review (i) savings opportunities from increased regional cooperation and consolidation of services, including by jointly operating or merging small school divisions; (ii) local responsibilities for service delivery of state-mandated or high priority programs, (iii) causes of fiscal stress among local governments, (iv) potential financial incentives and other governmental reforms to encourage increased regional cooperation; and (v) the different taxing authorities of cities and counties.

3. Administrative staff support shall be provided by the Office of the Clerks of the House and Senate. The Joint Subcommittee may seek support and technical assistance from the staff of the Division of Legislative Services, House Appropriations and Senate Finance Committees, and the Commission on Local Government. All agencies of the Commonwealth shall provide assistance to the Joint Subcommittee for this study, upon request.

4. No recommendation of the Joint Subcommittee shall be adopted if a majority votes against the recommendation. The Joint Subcommittee shall submit to the Division of Legislative Automated Systems an executive summary of its findings and recommendations no later than the first day of the next Regular Session of the General Assembly for each year.

V. Notwithstanding any other provision of law, the Senate Joint Resolution 47 (2014 Session) Joint Subcommittee Studying Mental Health Services in the Commonwealth in the 21st Century shall continue its work.

W. Pursuant to projects authorized and funded in paragraph E.1 of Item C-39.40 of Chapter 1 of the Acts of Assembly of 2014, operations of the Virginia General Assembly will temporarily move to and operate from the Pocahontas Building bounded by the following streets: 9th Street to the west, 10th Street to the east, Bank Street to the north,

ITEM 1.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<p>and Main Street to the south in the City of Richmond. Space occupied temporarily by the General Assembly shall be under the control of the Legislative Support Commission (§ 30-34.1). Funding for routine maintenance and operations of the temporary space is included in Item 1 of this act.</p> <p>X. Any nonlegislative citizen member appointed by either the Speaker of the House, the Senate Committee on Rules or the Joint Rules Committee to any Authority, Board, Commission, Committee, or other deliberative body in the Commonwealth shall serve at the pleasure of such appointing authority. Any such member may be relieved of his appointment at any time, with or without cause.</p> <p>Y. Included within this appropriation is \$19,840 the first year from the general fund for a joint committee established to study staffing levels, employment conditions, and compensation at the Virginia Department of Corrections pursuant to House Joint Resolution 29 of the 2020 Session of the General Assembly.</p>				
Total for General Assembly of Virginia.....			\$54,927,913	\$54,908,073
General Fund Positions.....		224.00	224.00	
Position Level.....		224.00	224.00	
Fund Sources: General.....		\$54,927,913	\$54,908,073	

§ 1-2. AUDITOR OF PUBLIC ACCOUNTS (133)

2.	Legislative Evaluation and Review (78300).....			\$14,927,713	\$14,927,713
	Financial and Compliance Audits (78301).....	\$14,927,713	\$14,927,713		
	Fund Sources: General.....	\$13,076,429	\$13,076,429		
	Special.....	\$1,851,284	\$1,851,284		

Authority: Article IV, Section 18, Constitution of Virginia; Title 30, Chapter 14, Code of Virginia.

A. Out of this appropriation shall be paid the annual salary of the Auditor of Public Accounts, \$193,535 from July 1, 2020 to June 24, 2021 and \$193,535 from June 25, 2021 to June 30, 2022.

B. On or before November 1 of each year, the Auditor of Public Accounts shall report to the General Assembly the certified tax revenues collected in the most recently ended fiscal year pursuant to § 2.2-1829, Code of Virginia. The Auditor shall, at the same time, provide his report on (i) the 15 percent limitation and the amount that could be paid into the Revenue Stabilization Fund and (ii) any amounts necessary for deposit into the Fund in order to satisfy the mandatory deposit requirement of Article X, Section 8 of the Constitution of Virginia as well as the additional deposit requirement of § 2.2-1829, Code of Virginia.

C. The specifications of the Auditor of Public Accounts for the independent certified public accountants auditing localities shall include requirements for any money received by the sheriff. These requirements shall include that the independent certified public accountant must submit a letter to the Auditor of Public Accounts annually providing assurance as to whether the sheriff has maintained a proper system of internal controls and records in accordance with the Code of Virginia. This letter shall be submitted along with the locality's audit report.

D.1. Each locality establishing a utility or enacting a system of service charges to support a local stormwater management program pursuant to § 15.2-2114, Code of Virginia, shall provide to the Auditor of Public Accounts by October 1 of each year, in a format specified by the Auditor, a report as to each program funded by these fees and the expected nutrient and sediment reductions for each of these programs. For any specific stormwater outfall generating more than \$200,000 in annual fees, such report shall include identification of specific actions to remediate nutrient and sediment reduction from the specific outfall.

2. The Auditor of Public Accounts shall include in the Specifications for Audits of Counties, Cities, and Towns regulations for all local governments establishing a utility or enacting a system of service charges to support a local stormwater management program pursuant to § 15.2-2114, Code of Virginia, a requirement to ensure that each impacted local government is

ITEM 2.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<p>in compliance with the provisions of § 15.2-2114 A., Code of Virginia. Any such adjustment to the Specifications for Audits of Counties, Cities, and Towns regulations shall be exempt from the Administrative Process Act and shall be required for all audits completed after July 1, 2014.</p> <p>E. The Auditor of Public Accounts' Specifications for Audits of Counties, Cities, and Towns and the Specifications for Audits of Authorities, Boards, and Commissions, for the independent certified public accountants auditing localities and local government entities, shall include requirements related to the communication of other internal control deficiencies or financial matters, commonly referred to as a management letter. These requirements shall include that any such communication issued by the independent certified public accountants related to other internal control deficiencies or other financial matters that merit the attention of management and the governing body must be made in the form of official, written communication.</p> <p>F. Out of the amounts appropriated in this item, \$325,000 the first year and \$325,000 the second year from the general fund shall be available to implement compensation adjustments to address recruitment and retention. Implementation of the salary adjustments is contingent on the approval of a compensation plan by the Committee on Joint Rules</p>				
Total for Auditor of Public Accounts.....			\$14,927,713	\$14,927,713
General Fund Positions.....	120.00	120.00		
Nongeneral Fund Positions.....	16.00	16.00		
Position Level.....	136.00	136.00		
Fund Sources: General.....	\$13,076,429	\$13,076,429		
Special.....	\$1,851,284	\$1,851,284		

§ 1-3. COMMISSION ON THE VIRGINIA ALCOHOL SAFETY ACTION PROGRAM (413)

3.	Ground Transportation System Safety Services (60500).....			\$1,581,154	\$1,581,154
	Ground Transportation Safety Promotion (60503)...	\$1,581,154	\$1,581,154		
	Fund Sources: Special.....	\$1,581,154	\$1,581,154		

Authority: §§ 18.2-271.1 and 18.2-271.2, Code of Virginia.

A. Out of this appropriation shall be paid the annual salary of the Executive Director, \$127,534 from July 1, 2020 to June 24, 2021 and \$127,534 from June 25, 2021 to June 30, 2022.

B. Notwithstanding the salaries listed in paragraph A. of this item, the Commission on the Virginia Alcohol Safety Action Program may establish a salary range for the Executive Director of the program.

	Total for Commission on the Virginia Alcohol Safety Action Program.....			\$1,581,154	\$1,581,154
	Nongeneral Fund Positions.....	11.50	11.50		
	Position Level.....	11.50	11.50		
	Fund Sources: Special.....	\$1,581,154	\$1,581,154		

§ 1-4. DIVISION OF CAPITOL POLICE (961)

4.	Administrative and Support Services (39900).....			\$12,559,655	\$13,270,924
	Security Services (39923).....	\$12,559,655	\$13,270,924		
	Fund Sources: General.....	\$12,559,655	\$13,270,924		

Authority: Title 30, Chapter 3.1, Code of Virginia.

A. Out of this appropriation shall be paid the annual salary of the Chief, Division of

ITEM 4.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Capitol Police, \$163,800 from July 1, 2020 to June 30, 2021 and \$163,800 from July 1, 2021 to June 30, 2022.				
B. Out of the amounts included in this item, \$693,000 the first year and \$635,000 the second year from the general fund is provided to support implementation of the increased security measures enacted during the 2020 General Assembly session at the Capitol and Pocahontas Buildings. Out of this appropriation, \$58,000 in the first year shall be used to replace outdated equipment in the Capitol and Pocahontas Buildings.				
C. Out of the amounts provided in this item, \$654,138 the first year and \$682,157 the second year from the general fund is provided to support rent plan increases in the Washington Building, Old City Hall, and new K-9 Facility.				
D. Out of the amounts provided in this item, \$248,500 the first year from the general fund is provided to the Division of Capitol Police for financial management activities. Out of the amounts provided in this item, \$989,750 the second year from the general fund is provided to the Division of Capitol Police for financial management, operations of a new Communications Center, and the purchase of fitness equipment for Old City Hall.				
Total for Division of Capitol Police.....			\$12,559,655	\$13,270,924
General Fund Positions.....			111.00	121.00
Position Level.....			111.00	121.00
Fund Sources: General.....			\$12,559,655	\$13,270,924

§ 1-5. DIVISION OF LEGISLATIVE AUTOMATED SYSTEMS (109)

5.	Information Technology Development and Operations (82000).....			\$7,131,967	\$5,916,457
	Computer Operations Services (82001).....	\$7,131,967	\$5,916,457		
	Fund Sources: General.....	\$6,844,298	\$5,628,788		
	Special.....	\$287,669	\$287,669		

Authority: Title 30, Chapter 3.2, Code of Virginia.

A. Out of this appropriation shall be paid the annual salary of the Director, Division of Legislative Automated Systems, \$173,040 from July 1, 2020 to June 24, 2021 and \$173,040 from June 25, 2021 to June 30, 2022.

B. Included in this appropriation is funding sufficient for the ongoing replacement of a legacy legislative bill tracking system. The expenditure of these funds is contingent on the Director of the Division of Legislative Automated Systems developing a detailed implementation plan and submitting the plan to the Committee on Joint Rules for its approval. Any procurement of a replacement legislative bill tracking system shall be exempt from the provisions of the Virginia Public Procurement Act (§ 2.2-4300 et. seq.) of the Code of Virginia and the contract review provisions of § 2.2-2012. The plan may propose to procure a replacement legislative bill tracking system using (i) a request for information or a request for proposal, singly or jointly or in any combination thereof, (ii) such other industry recognized procurement method for procuring a management information system, or (iii) such other procurement method that comports with the best interests of the Commonwealth in the determination of the Director.

C. Out of the amounts included in this item, \$516,650 the first year and \$201,140 the second year from the general fund is provided to complete the replacement of a legacy legislative bill tracking system.

D. Out of the amounts included in this item, \$950,000 the first year and \$50,000 the second year from the general fund is provided for software, security, and infrastructure upgrades for the Division of Legislative Automated Systems.

Total for Division of Legislative Automated Systems.			\$7,131,967	\$5,916,457
General Fund Positions.....			19.00	19.00
Position Level.....			19.00	19.00

ITEM 5.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Fund Sources: General.....	\$6,844,298	\$5,628,788		
Special.....	\$287,669	\$287,669		

§ 1-6. DIVISION OF LEGISLATIVE SERVICES (107)

6.	Legislative Research and Analysis (78400).....			\$7,191,641	\$7,941,641
	Bill Drafting and Preparation (78401).....	\$7,191,641	\$7,941,641		
	Fund Sources: General.....	\$7,171,608	\$7,921,608		
	Special.....	\$20,033	\$20,033		

Authority: Title 30, Chapter 2.2, Code of Virginia.

A. Out of this appropriation shall be paid the annual salary of the Director, Division of Legislative Services, \$157,374 from July 1, 2020 to June 24, 2021 and \$157,374 from June 25, 2021, to June 30, 2022.

B. Notwithstanding the salary set out in paragraph A. of this item, the Committee on Joint Rules may establish a salary range for the Director, Division of Legislative Services.

C. The Division of Legislative Services shall continue to provide administrative support to include payroll processing, accounting, and travel expense processing at no charge to the Chesapeake Bay Commission, the Joint Commission on Health Care, the Virginia Commission on Youth, and the Virginia State Crime Commission.

D. Out of this appropriation, \$250,000 the first year from the general fund is provided to support the work of the Senate Joint Resolution 47 (2014) Joint Subcommittee to Study Mental Health Services in the Commonwealth in the 21st Century. The funding may be used to contract for expertise and assistance in its work to evaluate the community-based system of service delivery or other related topics as required by the work of the Joint Subcommittee. Any contractor hired shall evaluate the current system along with alternative delivery systems to provide the necessary information and assistance to the subcommittee in determining the most appropriate delivery system, or modifications to the current delivery system, that ensures access, quality, consistency, and accountability. Any remaining balance at year-end shall be carried forward to the subsequent fiscal year.

E. Out of this appropriation, \$15,000 each year from the general fund is provided to support costs of the Commission on Civics Education.

Total for Division of Legislative Services.....			\$7,191,641	\$7,941,641
General Fund Positions.....	61.00	61.00		
Position Level.....	61.00	61.00		
Fund Sources: General.....	\$7,171,608	\$7,921,608		
Special.....	\$20,033	\$20,033		

Capitol Square Preservation Council (820)

7.	Architectural and Antiquity Research Planning and Coordination (74800).....			\$217,162	\$217,162
	Architectural Research (74801).....	\$217,162	\$217,162		
	Fund Sources: General.....	\$217,162	\$217,162		

Authority: Title 30, Chapter 28, Code of Virginia.

A. Any net proceeds from the public sale or auction of the surplus property from the General Assembly Building replacement project, less actual direct costs incurred by the Clerk of the House of Delegates, the Clerk of the Senate, and the Department of General Services, shall be deposited into a special non-reverting fund created on the books of the State Comptroller. The Capitol Square Preservation Council shall transfer these funds to the Virginia Capitol Preservation Foundation after entering into an agreement to use such funds to support the restoration and ongoing preservation of Virginia's Capitol and Capitol

ITEM 7.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Square.				
B. Out of the amounts in this Item, \$50,000 from the general fund the first year shall be available for development of interpretive signs regarding the history of Massive Resistance to incorporate these signs beside the statue of Harry F. Byrd Sr.				
C. Out of the amounts in this Item, \$6,000 from the general fund the first year shall be available for the placement of identifying plaques for the figures in the Women's Monument.				
Total for Capitol Square Preservation Council.....			\$217,162	\$217,162
General Fund Positions.....		2.00	2.00	
Position Level.....		2.00	2.00	
Fund Sources: General.....		\$217,162	\$217,162	
Virginia Disability Commission (837)				
8.	Social Services Research, Planning, and Coordination (45000).....		\$25,802	\$25,802
	Social Services Coordination (45001).....		\$25,802	\$25,802
	Fund Sources: General.....		\$25,802	\$25,802
Authority: Title 30, Chapter 35, Code of Virginia.				
Total for Virginia Disability Commission.....			\$25,802	\$25,802
Fund Sources: General.....		\$25,802	\$25,802	
Dr. Martin Luther King, Jr. Memorial Commission (845)				
9.	Human Relations Management (14600).....		\$50,643	\$50,643
	Human Relations Management (14601).....		\$50,643	\$50,643
	Fund Sources: General.....		\$50,643	\$50,643
Authority: Title 30, Chapter 27, Code of Virginia.				
Total for Dr. Martin Luther King, Jr. Memorial Commission.....			\$50,643	\$50,643
Fund Sources: General.....		\$50,643	\$50,643	
Joint Commission on Technology and Science (847)				
10.	Technology Research, Planning, and Coordination (53700).....		\$352,514	\$227,514
	Technology Research (53701).....		\$352,514	\$227,514
	Fund Sources: General.....		\$352,514	\$227,514
Authority: Title 30, Chapter 11, Code of Virginia.				
Total for Joint Commission on Technology and Science.....			\$352,514	\$227,514
General Fund Positions.....		2.00	2.00	
Position Level.....		2.00	2.00	
Fund Sources: General.....		\$352,514	\$227,514	
Commissioners for the Promotion of Uniformity of Legislation in the United States (145)				
11.	Governmental Affairs Services (70100).....		\$87,566	\$87,566
	Interstate Affairs (70103).....		\$87,566	\$87,566
	Fund Sources: General.....		\$87,566	\$87,566

ITEM 11.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Authority: Title 30, Chapter 29, Code of Virginia.				
Commissioners shall receive no compensation for their services from the funds appropriated in this item, but their necessary travel and hotel expenses shall be reimbursed, subject to the approval of the Joint Rules Committee or to the joint approval of the Speaker of the House of Delegates and the Chairman of the Senate Committee on Rules.				
Total for Commissioners for the Promotion of Uniformity of Legislation in the United States.....			\$87,566	\$87,566
Fund Sources: General.....		\$87,566	\$87,566	
State Water Commission (971)				
12.	Environmental Policy and Program Development (51600).....		\$10,308	\$10,308
	Environmental Policy and Program Development (51601).....	\$10,308	\$10,308	
	Fund Sources: General.....	\$10,308	\$10,308	
Authority: Title 30, Chapter 24, Code of Virginia.				
Total for State Water Commission.....			\$10,308	\$10,308
Fund Sources: General.....		\$10,308	\$10,308	
Virginia Coal and Energy Commission (118)				
13.	Resource Management Research, Planning, and Coordination (50700).....		\$21,630	\$21,630
	Energy Conservation Advisory Services (50703)....	\$21,630	\$21,630	
	Fund Sources: General.....	\$21,630	\$21,630	
Authority: Title 30, Chapter 25, Code of Virginia.				
Total for Virginia Coal and Energy Commission.....			\$21,630	\$21,630
Fund Sources: General.....		\$21,630	\$21,630	
Virginia Code Commission (108)				
14.	Enactment of Laws (78200).....		\$93,643	\$93,643
	Code Modernization (78201).....	\$93,643	\$93,643	
	Fund Sources: General.....	\$69,557	\$69,557	
	Special.....	\$24,086	\$24,086	
Authority: Title 30, Chapter 15, Code of Virginia.				
The Code Commission shall not authorize, or undertake, a re-numbering or re-codification of the Code of Virginia, 1950 as amended unless there is a specific appropriation included in a general Appropriation Act addressing the fiscal impact of such an action. The Commission is authorized to develop a proposal, for review by the Committee on Joint Rules, to re-number the Code of Virginia, including the proposed re-numbering structure and a detailed estimate of any potential fiscal impact on state agencies from the restructuring.				
Total for Virginia Code Commission.....			\$93,643	\$93,643
Fund Sources: General.....		\$69,557	\$69,557	
	Special.....	\$24,086	\$24,086	

Virginia Freedom of Information Advisory Council (834)

ITEM 14.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
15.	Governmental Affairs Services (70100).....			\$216,456	\$216,456
	Public Information Services (70109).....	\$216,456	\$216,456		
	Fund Sources: General.....	\$216,456	\$216,456		
	Authority: Title 30, Chapter 21, Code of Virginia.				
	Total for Virginia Freedom of Information Advisory Council.....			\$216,456	\$216,456
	General Fund Positions.....	1.50	1.50		
	Position Level.....	1.50	1.50		
	Fund Sources: General.....	\$216,456	\$216,456		
	Virginia Housing Commission (840)				
16.	Housing Assistance Services (45800).....			\$21,152	\$21,152
	Housing Research and Planning (45803).....	\$21,152	\$21,152		
	Fund Sources: General.....	\$21,152	\$21,152		
	Authority: § 30-257, Code of Virginia.				
	Total for Virginia Housing Commission.....			\$21,152	\$21,152
	Fund Sources: General.....	\$21,152	\$21,152		
	Brown v. Board of Education Scholarship Committee (858)				
17.	Human Relations Management (14600).....			\$25,363	\$25,363
	Human Relations Management (14601).....	\$25,363	\$25,363		
	Fund Sources: General.....	\$25,363	\$25,363		
	Authority: Title 30, Chapter 34.1, Code of Virginia.				
	Pursuant to § 30-231.5, Code of Virginia, there is provided \$25,000 each year from the general fund to support the operations of the Brown v. Board of Education Scholarship Awards Committee. This operational support shall be used to provide for the expenses incurred by the members of the committee and may be used for such other services as deemed necessary to accomplish the purposes for which it was created.				
	Total for Brown v. Board of Education Scholarship Committee.....			\$25,363	\$25,363
	Fund Sources: General.....	\$25,363	\$25,363		
	Commission on Unemployment Compensation (860)				
18.	Consumer Affairs Services (55000).....			\$6,052	\$6,052
	Consumer Assistance (55002).....	\$6,052	\$6,052		
	Fund Sources: General.....	\$6,052	\$6,052		
	Authority: Title 30, Chapter 33, Code of Virginia.				
	Total for Commission on Unemployment Compensation.....			\$6,052	\$6,052
	Fund Sources: General.....	\$6,052	\$6,052		
	Small Business Commission (862)				
19.	Economic Development Services (53400).....			\$15,191	\$15,191
	Economic Development Research, Planning, and Coordination (53401).....	\$15,191	\$15,191		

ITEM 19.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
	Fund Sources: General.....	\$15,191	\$15,191		
	Authority: Title 30, Chapter 22, Code of Virginia.				
	Total for Small Business Commission.....			\$15,191	\$15,191
	Fund Sources: General.....	\$15,191	\$15,191		
Commission on Electric Utility Regulation (863)					
20.	Resource Management Research, Planning, and Coordination (50700).....			\$10,013	\$10,013
	Resource Management Policy and Program Development (50701).....	\$10,013	\$10,013		
	Fund Sources: General.....	\$10,013	\$10,013		
	Authority: Title 30, Chapter 31, Code of Virginia.				
	Total for Commission on Electric Utility Regulation.....			\$10,013	\$10,013
	Fund Sources: General.....	\$10,013	\$10,013		
Manufacturing Development Commission (864)					
21.	Economic Development Services (53400).....			\$12,039	\$12,039
	Economic Development Research, Planning, and Coordination (53401).....	\$12,039	\$12,039		
	Fund Sources: General.....	\$12,039	\$12,039		
	Authority: Title 30, Chapter 41, Code of Virginia.				
	Total for Manufacturing Development Commission.....			\$12,039	\$12,039
	Fund Sources: General.....	\$12,039	\$12,039		
Joint Commission on Administrative Rules (865)					
22.	Governmental Affairs Services (70100).....			\$10,090	\$10,090
	Intragovernmental Services (70104).....	\$10,090	\$10,090		
	Fund Sources: General.....	\$10,090	\$10,090		
	Authority: Title 30, Chapter 8.1, Code of Virginia.				
	Total for Joint Commission on Administrative Rules.....			\$10,090	\$10,090
	Fund Sources: General.....	\$10,090	\$10,090		
Autism Advisory Council (871)					
23.	Health Research, Planning, and Coordination (40600).....			\$6,350	\$6,350
	Health Policy Research (40606).....	\$6,350	\$6,350		
	Fund Sources: General.....	\$6,350	\$6,350		
	Authority: Title 30, Chapter 50, Code of Virginia.				
	Total for Autism Advisory Council.....			\$6,350	\$6,350
	Fund Sources: General.....	\$6,350	\$6,350		

Virginia Conflict of Interest and Ethics Advisory Council (876)

ITEM 23.		Item Details(\$)		Appropriations(\$)		
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022	
24.	Personnel Management Services (70400).....			\$614,724	\$614,724	
	Personnel Management Services (70400).....	\$598,922	\$598,922			
	Agency Human Resource Services (70401).....	\$15,802	\$15,802			
	Fund Sources: General.....	\$614,724	\$614,724			
	Authority: Chapters 792 and 804 of the 2014 Acts of Assembly.					
	Out of the the amounts appropriated to the Council, an amount estimated at \$195,000 each year is from lobbyist registration fees pursuant to § 2.2-424, Code of Virginia.					
	Total for Virginia Conflict of Interest and Ethics Advisory Council.....			\$614,724	\$614,724	
	General Fund Positions.....	5.00	5.00			
	Position Level.....	5.00	5.00			
	Fund Sources: General.....	\$614,724	\$614,724			
	Joint Commission on Transportation Accountability (875)					
25.	Ground Transportation Planning and Research (60200).....			\$28,267	\$28,267	
	Fund Sources: General.....	\$28,267	\$28,267			
	Total for Joint Commission on Transportation Accountability.....			\$28,267	\$28,267	
	Fund Sources: General.....	\$28,267	\$28,267			
	Virginia-Israel Advisory Board (330)					
27.	Economic Development Services (53400).....			\$219,002	\$219,002	
	Economic Development Research, Planning, and Coordination (53401).....	\$215,184	\$215,184			
	Economic Development Services (53412).....	\$3,818	\$3,818			
	Fund Sources: General.....	\$219,002	\$219,002			
	Total for Virginia-Israel Advisory Board.....			\$219,002	\$219,002	
	General Fund Positions.....	1.00	1.00			
	Position Level.....	1.00	1.00			
	Fund Sources: General.....	\$219,002	\$219,002			
	Commission to Evaluate Opportunity For Minority Business Expansion (878)					
27.10	Economic Development Services (53400).....			\$20,000	\$20,000	
	Economic Development Research, Planning, and Coordination (53401).....	\$20,000	\$20,000			
	Fund Sources: General.....	\$20,000	\$20,000			

Authority: Discretionary Inclusion

A. The Virginia Minority Business Commission (the Commission) shall promote the growth and competitiveness of Virginia minority-owned businesses.

B.1. The Commission shall consist of 13 members that include seven legislative members and six nonlegislative citizen members. Members shall be appointed as follows: four members of the House of Delegates to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; three members of the Senate to be appointed by the Senate Committee on Rules; three nonlegislative citizen members with expertise in entrepreneurship, economics, and business to be appointed by the Speaker of the House of Delegates; and three

ITEM 27.10.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022

nonlegislative citizen members with expertise in entrepreneurship, economics, and business to be appointed by the Senate Committee on Rules. Nonlegislative citizen members of the Commission shall be citizens of the Commonwealth of Virginia. Unless otherwise approved in writing by the chairman of the Commission and the respective Clerk, nonlegislative citizen members shall only be reimbursed for travel originating and ending within the Commonwealth of Virginia for the purpose of attending meetings.

2. Legislative members and ex officio members of the Commission shall serve terms coincident with their terms of office. Nonlegislative citizen members shall be appointed for a term of two years. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. Legislative members and nonlegislative citizen members may be reappointed. However, no nonlegislative citizen member shall serve more than four consecutive two-year terms. The remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in determining the member's eligibility for reappointment. Vacancies shall be filled in the same manner as the original appointments. The Commission shall elect a chairman and vice-chairman from among its membership, who shall be members of the General Assembly.

3. Legislative members of the Commission shall receive such compensation as provided in § 30-19.12, and nonlegislative citizen members shall receive such compensation for the performance of their duties as provided in § 2.2-2813. All members shall be reimbursed for reasonable and necessary expenses incurred in the performance of their duties as provided in § 2.2-2813 and § 2.2-2825. Compensation to members of the General Assembly for attendance at official meetings of the Commission shall be paid by the offices of the Clerk of the House of Delegates or Clerk of the Senate, as applicable. All other compensation and expenses shall be paid from existing appropriations to the Commission.

C. The Commission shall: (i) Evaluate the impact of existing statutes and proposed legislation on minority businesses; (ii) Assess the Commonwealth's minority business assistance programs and examine ways to enhance their effectiveness; (iii) Provide minority business owners and advocates with a forum to address their concerns; (iv) Develop strategies and recommendations to promote the growth and competitiveness of Virginia minority-owned businesses; and, (v) Collaborate with the Department of Small Business and Supplier Diversity and other appropriate entities to facilitate the Commission's work and mission.

D. The chairman shall submit to the General Assembly and the Governor an annual executive summary of the interim activity and work of the Commission no later than November 1st of each year. The executive summary shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

Total for Commission to Evaluate Opportunity For Minority Business Expansion.....			\$20,000	\$20,000
Fund Sources: General.....	\$20,000	\$20,000		

Commission on the May 31, 2019 Virginia Beach Mass Shooting (879)

27.20	Research, Planning and Coordination (78800).....		\$38,504	\$38,504
	Policy Research and Planning (78801).....	\$38,504	\$38,504	
	Fund Sources: General.....	\$38,504	\$38,504	

Authority: Discretionary Inclusion

A. The Commission to Investigate the May 31, 2019, Virginia Beach Mass Shooting is established as an independent commission. The purpose of the Commission is to conduct an independent, thorough, objective incident review of the May 31, 2019, tragedy and make recommendations regarding improvements that can be made in the Commonwealth's laws, policies, procedures, systems, and institutions, as well as those of other governmental agencies and private providers.

B.1. The Commission shall consist of 21 members appointed as follows: five

ITEM 27.20.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<p>nonlegislative citizen members to be appointed by the Speaker of the House of Delegates; five nonlegislative citizen members to be appointed by the Senate Committee on Rules; and 10 nonlegislative citizen members to be appointed by the Governor. The Superintendent of State Police shall serve ex officio as a nonvoting member of the Commission. Each nonlegislative citizen member of the Commission shall have significant experience as either a (i) law-enforcement officer, (ii) jurist, (iii) local government administrator, (iv) qualified, licensed forensic psychologist, (v) first responder, (vi) security expert, or (vii) IT specialist, and no nonlegislative citizen member of the Commission shall be currently serving in an elected capacity. The Governor shall appoint at least one person from each of the occupations and professions described in clauses (i) through (vii). Every effort shall be made to ensure that appointees do not have a conflict of interest yet can provide the best insight into their specialization. The Commission shall elect a chairman and vice-chairman from among its membership.</p> <p>2. Unless otherwise approved in writing by the chairman of the Commission, Commission members shall only be reimbursed for travel originating and ending within the Commonwealth for the purpose of attending meetings.</p> <p>C.1. The Commission shall: (i) investigate the underlying motive for the May 31, 2019, Virginia Beach mass shooting; (ii) investigate the gunman's personal background and entire prior employment history with the City of Virginia Beach and his interactions with coworkers and supervisors, including but not limited to formal documentation and informal incidents; (iii) determine how the gunman was able to carry out his actions; (iv) identify any obstacles confronted by first responders; (v) identify and examine the security procedures and protocols in place immediately prior to the mass shooting; (vi) examine the post-shooting communications between law enforcement and the families of the victims; (vii) assess such other matters as it deems necessary to gain a comprehensive understanding of the tragic events of May 31, 2019, and (viii) develop recommendations regarding improvements that can be made in the Commonwealth's laws, policies, procedures, systems, and institutions, as well as those of other government agencies and private providers, to minimize the risk of a tragedy of this nature from ever occurring again in the Commonwealth.</p> <p>2. To the extent required by law, the Commission shall (i) protect the confidentiality of any individual's or family member's personal or health information and (ii) make public or publish information and findings only in summary or aggregate form without identifying personal or health information related to any individual or family member unless authorization is obtained from an individual or family member that specifically permits the Commission to disclose that person's personal or health information; and (iii) ensure that its investigation does not impede any investigation into the matter being conducted by law enforcement.</p> <p>D. The Office of the State Inspector General shall provide staff support to the Commission. All agencies of the Commonwealth shall provide assistance to the Office of the State Inspector General upon request. Upon the request of the Chairman, the Director of the Department of Planning and Budget may authorize a transfer of this appropriation to the Office of the State Inspector General to support the work of the Commission.</p> <p>E. Beginning in 2021, the Chairman shall submit to the General Assembly and the Governor an annual executive summary of the interim activity and work of the Commission no later than November 1 of each year. The executive summary shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.</p>				
Total for Commission on the May 31, 2019 Virginia Beach Mass Shooting.....			\$38,504	\$38,504
Fund Sources: General.....		\$38,504	\$38,504	
Commission on School Construction and Modernization (881)				
27.30	Research, Planning and Coordination (78800).....		\$34,340	\$34,340
	Policy Research and Planning (78801).....	\$34,340	\$34,340	
	Fund Sources: General.....	\$34,340	\$34,340	
Authority: Title 30, Chapter 60, Code of Virginia.				

ITEM 27.30.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
	Total for Commission on School Construction and Modernization.....			\$34,340	\$34,340
	Fund Sources: General.....	\$34,340	\$34,340		
Commission to Study Slavery and Subsequent De Jure and De Facto Racial and Economic Discrimination Against African Americans (880)					
27.40	Research, Planning and Coordination (78800).....			\$141,521	\$94,164
	Policy Research and Planning (78801).....	\$141,521	\$94,164		
	Fund Sources: General.....	\$141,521	\$94,164		
	Authority: Title 2.2, Chapter 25, Article 11, Code of Virginia.				
	Total for Commission to Study Slavery and Subsequent De Jure and De Facto Racial and Economic Discrimination Against African Americans.....			\$141,521	\$94,164
	Fund Sources: General.....	\$141,521	\$94,164		
	Grand Total for Division of Legislative Services.....			\$9,469,973	\$10,047,616
	General Fund Positions.....	72.50	72.50		
	Position Level.....	72.50	72.50		
	Fund Sources: General.....	\$9,425,854	\$10,003,497		
	Special.....	\$44,119	\$44,119		

§ 1-7. CHESAPEAKE BAY COMMISSION (842)

28.	Resource Management Research, Planning, and Coordination (50700).....			\$337,309	\$337,309
	Resource Management Policy and Program Development (50701).....	\$337,309	\$337,309		
	Fund Sources: General.....	\$337,309	\$337,309		
	Authority: Title 30, Chapter 36, Code of Virginia.				
	Total for Chesapeake Bay Commission.....			\$337,309	\$337,309
	General Fund Positions.....	1.00	1.00		
	Position Level.....	1.00	1.00		
	Fund Sources: General.....	\$337,309	\$337,309		

§ 1-8. JOINT COMMISSION ON HEALTH CARE (844)

29.	Health Research, Planning, and Coordination (40600).....			\$795,343	\$795,343
	Health Policy Research (40606).....	\$795,343	\$795,343		
	Fund Sources: General.....	\$795,343	\$795,343		
	Authority: Title 30, Chapter 18, Code of Virginia.				

A. The Joint Commission on Health Care shall examine and identify strategies to ensure that the public is made fully aware of the risks and concerns related to the use of psychiatric medications that have dramatically increased over the last 25 years. The Commission shall identify methods: (i) to raise awareness of risks related to the mental and physical health side effects of Attention Deficit Hyperactivity Disorder (ADHD) medication use and risks from potential drug addiction from ADHD medication use; (ii) to compile and track statistics regarding the number of children in Virginia schools who are diagnosed with ADHD or other categories such as "specific learning disabilities, other health impairment, multiple disorder, and emotional disturbances" in the most effective

ITEM 29.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<p>means possible; (iii) used by other states and countries to limit antipsychotic use and the best methods for developing similar systems in the Commonwealth, including approaches and interventions which focus on treatment, recovery, and legal penalties; and (iv) to identify the incidence and prevalence of prescribing anti-psychotics for off-label use by general physicians and psychiatrists for treatment of ADHD for which there is no FDA indication. The Joint Commission on Health Care shall complete its analysis according to the workload priorities set for Commission staff and report findings to the Chairmen of the House Appropriations and Senate Finance Committees.</p> <p>B. The Joint Commission on Health Care shall study options for increasing the use of telemental health services in the Commonwealth. The Joint Commission on Health Care shall specifically study the issues and recommendations related to telemental health services set forth in the report of the Service System Structure and Financing Work Group of the Joint Subcommittee Studying Mental Health Services in the Commonwealth in the 21st Century. All agencies of the Commonwealth shall provide assistance to the Joint Commission on Health Care for this study, upon request. The Joint Commission on Health Care shall submit an interim report to the Joint Subcommittee Studying Mental Health Services in the Commonwealth in the 21st Century.</p>				
Total for Joint Commission on Health Care.....			\$795,343	\$795,343
General Fund Positions.....			6.00	6.00
Position Level.....			6.00	6.00
Fund Sources: General.....			\$795,343	\$795,343
§ 1-9. VIRGINIA COMMISSION ON YOUTH (839)				
30.	Social Services Research, Planning, and Coordination (45000).....		\$369,344	\$369,344
	Social Services Research and Planning (45003).....		\$369,344	\$369,344
	Fund Sources: General.....		\$369,344	\$369,344
Authority: Title 30, Chapter 20, Code of Virginia.				
Total for Virginia Commission on Youth.....			\$369,344	\$369,344
General Fund Positions.....			3.00	3.00
Position Level.....			3.00	3.00
Fund Sources: General.....			\$369,344	\$369,344
§ 1-10. VIRGINIA STATE CRIME COMMISSION (142)				
31.	Criminal Justice Research, Planning and Coordination (30500).....		\$1,341,968	\$1,341,968
	Criminal Justice Research (30503).....		\$1,341,968	\$1,341,968
	Fund Sources: General.....		\$1,204,374	\$1,204,374
	Federal Trust.....		\$137,594	\$137,594
Authority: Title 30, Chapter 16, Code of Virginia.				
Total for Virginia State Crime Commission.....			\$1,341,968	\$1,341,968
General Fund Positions.....			9.00	9.00
Nongeneral Fund Positions.....			4.00	4.00
Position Level.....			13.00	13.00
Fund Sources: General.....			\$1,204,374	\$1,204,374
Federal Trust.....			\$137,594	\$137,594
§ 1-11. JOINT LEGISLATIVE AUDIT AND REVIEW COMMISSION (110)				
32.	Legislative Evaluation and Review (78300).....		\$5,701,520	\$5,701,520

ITEM 32.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Performance Audits and Evaluation (78303).....	\$5,701,520	\$5,701,520		
Fund Sources: General.....	\$5,577,841	\$5,577,841		
Trust and Agency.....	\$123,679	\$123,679		

Authority: Title 30, Chapters 7 and 8, Code of Virginia.

A. Out of this appropriation shall be paid the annual salary of the Director, Joint Legislative Audit and Review Commission (JLARC), \$169,525 from July 1, 2020, to June 24, 2021, and \$169,525 from June 25, 2021, to June 30, 2022.

B. JLARC, upon request of the Department of Planning and Budget and approval of the Chairman, shall review and provide comments to the department on its use of performance measures in the state budget process. JLARC staff shall review the methodology and proposed uses of such performance measures and provide periodic status reports to the Commission.

C. Expenses associated with the oversight responsibility of the Virginia Retirement System by JLARC and the House Appropriations and Senate Finance Committees shall be reimbursed by the Virginia Retirement System upon documentation by the Director, JLARC of the expenses incurred.

D. Out of this appropriation, funds are provided to continue the technical support staff of JLARC, in order to assist with legislative fiscal impact analysis when an impact statement is referred from the Chairman of a standing committee of the House or Senate, and to conduct oversight of the expenditure forecasting process. Pursuant to existing statutory authority, all agencies of the Commonwealth shall provide access to information necessary to accomplish these duties.

E.1. The General Assembly hereby designates the Joint Legislative Audit and Review Commission (JLARC) to review and evaluate the Virginia Information Technologies Agency (VITA) on a continuing basis and to make such special studies and reports as may be requested by the General Assembly, the House Appropriations Committee, or the Senate Finance Committee.

2. The areas of review and evaluation to be conducted by the Commission shall include, but are not limited to, the following: (i) VITA's infrastructure outsourcing contracts and any amendments thereto; (ii) adequacy of VITA's planning and oversight responsibilities, including VITA's oversight of information technology projects and the security of governmental information; (iii) cost-effectiveness and adequacy of VITA's procurement services and its oversight of the procurement activities of State agencies.

3. For the purpose of carrying out its duties and notwithstanding any contrary provision of law, JLARC shall have the legal authority to access the information, records, facilities, and employees of VITA.

4. Records provided to VITA by a private entity pertaining to VITA's comprehensive infrastructure agreement or any successor contract, or any contractual amendments thereto for the operation of the Commonwealth's information technology infrastructure shall be exempt from the Virginia Freedom of Information Act (§ 2.2-3700 et seq.), to the extent that such records contain (i) trade secrets of the private entity as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.) or (ii) financial records of the private entity, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise. In order for the records specified in clauses (i) and (ii) to be excluded from the Virginia Freedom of Information Act, the private entity shall make a written request to VITA:

- a. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;
- b. Identifying with specificity the data or other materials for which protection is sought; and
- c. Stating the reasons why protection is necessary.

VITA shall determine whether the requested exclusion from disclosure is necessary to

ITEM 32.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
protect the trade secrets or financial records of the private entity. VITA shall make a written determination of the nature and scope of the protection to be afforded by it under this subdivision. Once a written determination is made by VITA, the records afforded protection under this subdivision shall continue to be protected from disclosure when in the possession of VITA or JLARC.				
Except as specifically provided in this item, nothing in this item shall be construed to authorize the withholding of (a) procurement records as required by § 56-575.17; (b) information concerning the terms and conditions of any interim or comprehensive agreement, service contract, lease, partnership, or any agreement of any kind entered into by VITA and the private entity; (c) information concerning the terms and conditions of any financing arrangement that involves the use of any public funds; or (d) information concerning the performance of the private entity under the comprehensive infrastructure agreement, or any successor contract, or any contractual amendments thereto for the operation of the Commonwealth's information technology infrastructure.				
5. The Chairman of JLARC may appoint a permanent subcommittee to provide guidance and direction for VITA review and evaluation activities, subject to the full Commission's supervision and such guidelines as the Commission itself may provide.				
6. All agencies of the Commonwealth shall cooperate as requested by JLARC in the performance of its duties under this authority.				
F.1. The General Assembly hereby designates the Joint Legislative Audit and Review Commission (JLARC) to conduct, on a continuing basis, a review and evaluation of economic development initiatives and policies and to make such special studies and reports as may be requested by the General Assembly, the House Appropriations Committee, or the Senate Finance Committee.				
2. The areas of review and evaluation to be conducted by the Commission shall include, but are not limited to, the following: (i) spending on and performance of individual economic development incentives, including grants, tax preferences, and other assistance; (ii) economic benefits to Virginia of total spending on economic development initiatives at least biennially; (iii) effectiveness, value to taxpayers, and economic benefits to Virginia of individual economic development initiatives on a cycle approved by the Commission; and (iv) design, oversight, and accountability of economic development entities, initiatives, and policies as needed.				
3. For the purpose of carrying out its duties under this authority and notwithstanding any contrary provision of law, JLARC shall have the legal authority to access the facilities, employees, information, and records, including confidential information, and the public and executive session meetings and records of the board of VEDP, involved in economic development initiatives and policies for the purpose of carrying out such duties in accordance with the established standards, processes, and practices exercised by JLARC pursuant to its statutory authority. Access shall include the right to attend such meetings for the purpose of carrying out such duties. Any non-disclosure agreement that VEDP enters into on or after July 1, 2016, for the provision of confidential and proprietary information to VEDP by a third party shall require that JLARC also be allowed access to such information for the purposes of carrying out its duties.				
4. Notwithstanding the provisions of subsection A or B of § 58.1-3 or any other provision of law, unless prohibited by federal law, an agreement with a federal entity, or a court decree, the Tax Commissioner is authorized to provide to JLARC such tax information as may be necessary to conduct oversight of economic development initiatives and policies.				
5. The following records shall be excluded from the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.), and shall not be disclosed by JLARC:				
(a) records provided by a public body as defined in § 2.2-3701, Code of Virginia, to JLARC in connection with its oversight of economic development initiatives and policies, where the records would not be subject to disclosure by the public body providing the records. The public body providing the records to JLARC shall identify the specific portion of the records to be protected and the applicable provision of the Freedom of Information Act or other provision of law that excludes the record or portions thereof from mandatory disclosure.				

ITEM 32.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<p>(b) confidential proprietary records provided by private entities pursuant to a promise of confidentiality from JLARC, used by JLARC in connection with its oversight of economic development initiatives and policies where, if such records are made public, the financial interest of the private entity would be adversely affected.</p>				
<p>6. By August 15 of each year, the Secretary of Commerce and Trade shall provide to JLARC all information collected pursuant to § 2.2-206.2, Code of Virginia, in a format and manner specified by JLARC to ensure that the final report to be submitted by the Secretary fulfills the intent of the General Assembly and provides the data and evaluation in a meaningful manner for decision-makers.</p>				
<p>7. JLARC shall assist the agencies submitting information to the Secretary of Commerce and Trade pursuant to the provisions of § 2.2-206.2, Code of Virginia, to ensure that the agencies work together to effectively develop standard definitions and measures for the data required to be reported and facilitate the development of appropriate unique project identifiers to be used by the impacted agencies.</p>				
<p>8. The Chairman of JLARC may appoint a permanent subcommittee to provide guidance and direction for ongoing review and evaluation activities, subject to the full Commission's supervision and such guidelines as the Commission itself may provide.</p>				
<p>9. JLARC may employ on a consulting basis such professional or technical experts as may be reasonably necessary for the Commission to fulfill its responsibilities under this authority.</p>				
<p>10. All agencies of the Commonwealth shall cooperate as requested by JLARC in the performance of its duties under this authority.</p>				
<p>G. Notwithstanding the salaries listed in paragraph A. of this item, the Joint Legislative Audit and Review Commission (JLARC) may establish a salary range for the Director of JLARC.</p>				
<p>H.1. The General Assembly hereby designates the Joint Legislative Audit and Review Commission (JLARC) to review and evaluate the agencies and programs under the Secretary of Health and Human Resources (HHR) on a continuing basis.</p>				
<p>2. Review and evaluation work shall be directed by JLARC in consultation with the Joint Committee for Health and Human Resources Oversight.</p>				
<p>3. Review and evaluation shall include, but not be limited to (i) studies of agencies or programs; (ii) targeted analysis of spending trends and other issues warranting examination; and (iii) assessment of the soundness and accuracy of population and spending forecasts, including the process, assumptions, methodology, and results.</p>				
<p>4. For the purpose of carrying out its duties and notwithstanding any contrary provision of law, JLARC shall have the legal authority to access the information, records, facilities, and employees of all agencies within the HHR secretariat.</p>				
<p>5. The following records shall be excluded from the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.), and shall not be disclosed by JLARC:</p>				
<p>(a) records provided by a public body as defined in § 2.2-3701, Code of Virginia, to JLARC in connection with its evaluation of agencies and programs within the HHR secretariat, where the records would not be subject to disclosure by the public body providing the records. The public body providing the records to JLARC shall identify the specific portion of the records to be protected and the applicable provision of the Freedom of Information Act or other provision of law that excludes the record or portions thereof from mandatory disclosure.</p>				
<p>(b) confidential proprietary records provided by private entities pursuant to a promise of confidentiality from JLARC, used by JLARC in connection with its evaluation of agencies and programs within the HHR secretariat where, if such records are made public, the financial interest of the private entity would be adversely affected.</p>				
<p>6. The Chairman of JLARC may appoint a permanent subcommittee to provide guidance and direction for ongoing review and evaluation of agencies and programs within the</p>				

ITEM 32.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<p>HHR secretariat, subject to the full Commission's supervision and such guidelines as the Commission itself may provide.</p> <p>7. JLARC may employ on a consulting basis such professional or technical experts as may be reasonably necessary for the Commission to fulfill its responsibilities under this authority.</p> <p>8. All agencies of the Commonwealth shall cooperate as requested by JLARC in the performance of its duties under this authority.</p> <p>I.1. The General Assembly hereby designates the Joint Legislative Audit and Review Commission (JLARC) to review and evaluate the Commonwealth's enterprise resource planning and related financial, payroll, personnel management and benefit eligibility systems (Cardinal) on a continuing basis and to provide such special studies and reports as may be requested by the General Assembly, the House Appropriations Committee, or the Senate Finance Committee.</p> <p>2. The areas of review and evaluation to be conducted by the Commission shall include, but are not limited to, the following: (i) procurement for the planning, development, implementation, operation, and maintenance of Cardinal and any subsequent contracts and amendments thereto; (ii) the development, implementation, performance, and costs of Cardinal; (iii) the long-term viability of the technologies utilized in Cardinal; (iv) the adequacy of the system of governance for Cardinal, including the responsibility for, and control of specific data in Cardinal, the responsibility for systems support and maintenance, and the appropriate role of the Virginia Information Technologies Agency; and (v) the security of governmental and personally identifiable information contained in Cardinal.</p> <p>3. For the purpose of carrying out its duties and notwithstanding any contrary provision of law, JLARC shall have the legal authority to access the information, records, facilities, and employees of all state agencies and institutions.</p> <p>4. The following records shall be excluded from the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.), and shall not be disclosed by JLARC:</p> <p>(a) records provided by a public body as defined in § 2.2-3701, Code of Virginia, to JLARC in connection with its evaluation of Cardinal, where the records would not be subject to disclosure by the public body providing the records. The public body providing the records to JLARC shall identify the specific portion of the records to be protected and the applicable provision of the Freedom of Information Act or other provision of law that excludes the record or portions thereof from mandatory disclosure.</p> <p>(b) confidential proprietary records provided by private entities pursuant to a promise of confidentiality from JLARC, used by JLARC in connection with its evaluation of Cardinal where, if such records are made public, the financial interest of the private entity would be adversely affected.</p> <p>5. The Chairman of JLARC may appoint a permanent subcommittee to provide guidance and direction for Cardinal review and evaluation activities, subject to the full Commission's supervision and such guidelines as the Commission itself may provide.</p> <p>6. JLARC may employ on a consulting basis such professional or technical experts as may be reasonably necessary for the Commission to fulfill its responsibilities under this authority.</p> <p>7. All agencies and institutions of the Commonwealth shall cooperate as requested by JLARC in the performance of its duties under this authority.</p> <p>J. The Joint Legislative Audit and Review Commission staff shall have access to all information and operations of the Board of Corrections and to observe closed or executive sessions of the Board of Corrections and any of its committees. This authority shall not be limited by §2.2-3712 or any other provision of law.</p>				
Total for Joint Legislative Audit and Review Commission.....			\$5,701,520	\$5,701,520
General Fund Positions.....	42.00	42.00		
Nongeneral Fund Positions.....	1.00	1.00		
Position Level.....	43.00	43.00		

ITEM 32.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Fund Sources: General.....	\$5,577,841	\$5,577,841		
Trust and Agency.....	\$123,679	\$123,679		

§ 1-12. VIRGINIA COMMISSION ON INTERGOVERNMENTAL COOPERATION (105)

33.	Governmental Affairs Services (70100).....			\$780,935	\$780,935
	Interstate Affairs (70103).....	\$780,935	\$780,935		
	Fund Sources: General.....	\$780,935	\$780,935		

Authority: Title 30, Chapter 19, Code of Virginia.

Out of this appropriation may be paid from the general fund the annual assessments:

1. To the National Conference of State Legislatures;
2. To the Council of State Governments;
3. To the Southern Regional Education Board; and
4. To the Education Commission of the States.

Total for Virginia Commission on Intergovernmental Cooperation.....			\$780,935	\$780,935
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Fund Sources: General.....	\$780,935	\$780,935		
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§ 1-13. LEGISLATIVE DEPARTMENT REVERSION CLEARING ACCOUNT (102)

34.	Across the Board Reductions (71400).....			(\$194,600)	(\$194,600)
	Across the Board Reduction (71401).....	(\$194,600)	(\$194,600)		
	Fund Sources: General.....	(\$194,600)	(\$194,600)		

Authority: Discretionary Inclusion.

35.	Enactment of Laws (78200).....			\$710,315	\$710,315
	Undesignated Support for Enactment of Laws Services (78205).....	\$710,315	\$710,315		
	Fund Sources: General.....	\$710,315	\$710,315		

Authority: Discretionary Inclusion.

A. Transfers out of this appropriation may be made to fund unanticipated costs in the budgets of legislative agencies or other such costs approved by the Joint Rules Committee.

B. Included within this appropriation is \$200,000 the first year and \$200,000 the second year from the general fund and one position for the operation of the Capitol Guides program. The allocation of these funds shall be subject to the approval of the Committee on Joint Rules. The Capitol Guides program shall be jointly administered by the Clerk of the House of Delegates and the Clerk of the Senate.

C. Included within this appropriation is \$250,000 the first year and \$250,000 the second year from the general fund to support the development of the Women's Monument on Capitol Square.

D. Included within this appropriation is \$395,000 the first year and \$100,000 the second year from the general fund to provide funds, to be matched at a rate of fifty percent by the Virginia Historical Society, that support efforts to commemorate the 100th anniversary of the women's right to vote.

Total for Legislative Department Reversion Clearing Account.....			\$515,715	\$515,715
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General Fund Positions.....	1.00	1.00		
Position Level.....	1.00	1.00		

ITEM 35.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Fund Sources: General.....	\$515,715	\$515,715		
TOTAL FOR LEGISLATIVE DEPARTMENT.....			\$110,440,509	\$110,494,071
General Fund Positions.....	608.50	618.50		
Nongeneral Fund Positions.....	32.50	32.50		
Position Level.....	641.00	651.00		
Fund Sources: General.....	\$106,415,010	\$106,468,572		
Special.....	\$3,764,226	\$3,764,226		
Trust and Agency.....	\$123,679	\$123,679		
Federal Trust.....	\$137,594	\$137,594		

ITEM 36.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022

JUDICIAL DEPARTMENT

§ 1-14. SUPREME COURT (111)

36.	Pre-Trial, Trial, and Appellate Processes (32100)....			\$14,367,332	\$14,367,332
	Appellate Review (32101).....	\$9,181,432	\$9,181,432		
	Other Court Costs And Allowances (Criminal Fund) (32104).....	\$5,185,900	\$5,185,900		
	Fund Sources: General.....	\$14,188,052	\$14,188,052		
	Special.....	\$179,280	\$179,280		

Authority: Article VI, Sections 1 through 6, Constitution of Virginia; Title 17.1, Chapter 3 and § 19.2-163, Code of Virginia.

A. Out of the amounts for Appellate Review shall be paid:

1. The annual salary of the Chief Justice, \$201,921 from July 1, 2020 to June 9, 2021, \$201,921 from June 10, 2021 to June 30, 2022.
2. The annual salaries of the six (6) Associate Justices, each \$189,396 from July 1, 2020 to June 9, 2021, \$189,396 from June 10, 2021 to June 30, 2022.
3. To each justice, \$13,500 the first year and \$13,500 the second year, for expenses not otherwise reimbursed, said expenses to be paid out of the current appropriation to the Court.

B. There is hereby reappropriated the unexpended balance remaining at the close of business on June 30, 2020, in the appropriation made in Item 35, Chapter 854, Acts of Assembly of 2019, in the item detail Other Court Costs and Allowances (Criminal Fund) and the balance remaining in this item detail on June 30, 2021.

C.1. Out of the amounts appropriated in this Item, \$5,175,000 the first year and \$5,175,000 the second year from the general fund is included for increased reimbursements for court-appointed counsel pursuant to § 19.2-163, Code of Virginia.

2. The Director, Department of Planning and Budget, shall upon the request of the Executive Secretary of the Supreme Court of Virginia, transfer from the second year amount identified in Paragraph C.1. of this item to the first year an amount equal to the estimated shortfall for criminal fund waivers in the first year. Any such request shall be submitted by the Executive Secretary no later than May 1st of any fiscal year. Any amounts transferred shall be communicated to the Chairmen of the House Appropriations and Senate Finance Committees no later than 30 days following any such transfer.

D. The Executive Secretary of the Supreme Court of Virginia shall encourage training of Juvenile and Domestic Relations District Court judges regarding the options available for court-ordered services for families in truancy cases prior to the initiation of other remedies.

37.	Law Library Services (32300).....			\$1,076,534	\$1,076,534
	Law Library Services (32301).....	\$1,076,534	\$1,076,534		
	Fund Sources: General.....	\$1,076,534	\$1,076,534		

Authority: §§ 42.1-60 through 42.1-64, Code of Virginia.

38.	Adjudication Training, Education, and Standards (32600).....			\$899,140	\$899,140
	Judicial Training (32603).....	\$899,140	\$899,140		
	Fund Sources: General.....	\$899,140	\$899,140		

Authority: Title 16.1, Chapter 9; Title 17.1, Chapter 7; §§ 2.2-4025, 19.2-38.1 and 19.2-43, Code of Virginia.

ITEM 39.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
39.			\$35,512,025	\$35,171,369
	Administrative and Support Services (39900).....			
	General Management and Direction (39901).....	\$35,512,025	\$35,171,369	
	Fund Sources: General.....	\$25,239,057	\$24,898,401	
	Special.....	\$124,375	\$124,375	
	Dedicated Special Revenue.....	\$8,833,848	\$8,833,848	
	Federal Trust.....	\$1,314,745	\$1,314,745	

Authority: §§ 16.1-69.30, 16.1-69.33, 17.1-314 through 17.1-320 and 17.1-502, Code of Virginia.

A. The Executive Secretary of the Supreme Court shall submit an annual fiscal year summary, on or before September 1 of each year, to the Chairmen of the House Appropriations and Senate Finance Committees and to the Director, Department of Planning and Budget, which will report the number of individuals for whom legal or medical services were provided and the nature and cost of such services as are authorized for payment from the criminal fund or the involuntary mental commitment fund.

B. Notwithstanding the provisions of § 19.2-326, Code of Virginia, the amount of attorney's fees allowed counsel for indigent defendants in appeals to the Supreme Court shall be in the discretion of the Supreme Court.

C. The Chief Justice is authorized to reallocate legal support staff between the Supreme Court and the Court of Appeals of Virginia, in order to meet changing workload demands.

D. Prior to January 1 of each year, the Judicial Council and the Committee on District Courts are requested to submit a fiscal impact assessment of their recommendations for the creation of any new judgeships, including the cost of judicial retirement, to the Chairmen of the House and Senate Committees on Courts of Justice, and the House Appropriations and Senate Finance Committees.

E. Included in this Item is \$3,750,000 the first year and \$3,750,000 the second year from the general fund, which may support computer system improvements for the several circuit and district courts. The Executive Secretary of the Supreme Court shall submit an annual report to the Director, Department of Planning and Budget on or before September 1 of each year outlining the improvement projects undertaken and the project status of each project. Each project in the report should include the life to date cost of the project, the amount spent on the project in the most recently completed fiscal year, the year the project began, the estimated cost to complete the remainder of the project and an estimated project completion date.

F. Given the continued concern about providing adequate compensation levels for court-appointed attorneys providing criminal indigent defense in the Commonwealth, the Executive Secretary of the Supreme Court, in conjunction with the Governor, Attorney General, Indigent Defense Commission, representatives of the Indigent Defense Stakeholders Group and Chairmen of the House and Senate Courts of Justice Committees, shall continue to study and evaluate all available options to enhance Virginia's Indigent Defense System.

G. In addition to any filing fee or other fee permitted by law, an electronic access fee may be charged for each case filed electronically pursuant to Rule 1:17 of the Rules of the Supreme Court of Virginia. The amount of this fee shall be set by the Supreme Court of Virginia. Moneys collected pursuant to this fee shall be deposited into the State Treasury to the credit of the Courts Technology Fund established pursuant to § 17.1-132, to be used to support the costs of statewide electronic filing systems.

H. 1. No state funds used to support the operation of drug court programs shall be provided to programs that serve first-time substance abuse offenders only or do not include probation violators. This restriction shall not apply to juvenile drug court programs.

2. Notwithstanding the provisions of subsection O. of § 18.2-254.1, Code of Virginia, any locality is authorized to establish a drug treatment court supported by existing state resources and by federal or local resources that may be available. This authorization is subject to the requirements and conditions regarding the establishment and operation of a local drug treatment court advisory committee as provided by § 18.2-254.1 and the requirements and conditions established by the state Drug Treatment Court Advisory Committee. Any drug court treatment program established after July 1, 2012, shall limit participation in the program

ITEM 39.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<p>to offenders who have been determined, through the use of a nationally recognized, validated assessment tool, to be addicted to or dependent on drugs. However, no such drug court treatment program shall limit its participation to first-time substance abuse offenders only; nor shall it exclude probation violators from participation.</p>				
<p>3. The evaluation of drug treatment court programs required by § 18.2-254.1 shall include the collection of data needed for outcome measures, including recidivism. Drug treatment court programs shall provide to the Office of the Executive Secretary of the Supreme Court the information needed to conduct such an evaluation.</p>				
<p>4. Included within this appropriation is \$960,000 the first year and \$960,000 the second year from the general fund for drug courts in jurisdictions with high drug caseloads, to be allocated by the State Drug Treatment Court Advisory Committee to existing drug courts which have been approved by the Supreme Court of Virginia but have not previously received state funding.</p>				
<p>I. Notwithstanding the provisions of § 16.1-69.48, Code of Virginia, the Executive Secretary of the Supreme Court shall ensure the deposit of all Commonwealth collections directly into the State Treasury for Item 42 General District Courts, Item 43 Juvenile and Domestic Relations District Courts, Item 44 Combined District Courts, and Item 45 Magistrate System.</p>				
<p>J. Included in this appropriation, \$240,000 the first year and \$240,000 the second year from the general fund is provided to implement the Judicial Performance Evaluation Program established by § 17.1-100 of the Code of Virginia.</p>				
<p>K. Working in collaboration with the Chief Justice and Associate Justices of the Supreme Court of Virginia and the Chief Judge and Associate Judges of the Court of Appeals of Virginia, the Executive Secretary of the Supreme Court, in consultation with the Director of the Department of General Services, is directed to develop a comprehensive plan that meets the future space needs of both courts around Capitol Square, which is acceptable to the Chief Justice of the Supreme Court of Virginia and the Chief Judge of the Court of Appeals of Virginia.</p>				
<p>L. Included in this appropriation, \$175,321 the first year and \$175,321 the second year from nongeneral funds and two positions to support drug treatment court evaluation and monitoring. The source of funds is the Drug Offender Assessment Fund.</p>				
<p>M. Included in the amounts appropriated for this item are \$400,000 the first year and \$400,000 the second year from the general fund to be allocated by the State Drug Treatment Court Advisory Committee for the establishment of drug courts in jurisdictions with high drug-related caseloads, or to increase funding provided to existing drug court programs experiencing high caseload growth.</p>				
<p>N. Included in this appropriation is \$500,000 the first year and \$500,000 the second year from the general fund to support the creation and expansion of mental health court dockets in jurisdictions with high caseloads, to be allocated by the Virginia Supreme Court.</p>				
<p>O.1. There is hereby created in the state treasury a special nonreverting fund to be known as the Attorney Wellness Fund, hereinafter referred to as the Fund. The Fund shall be established on the books of the Comptroller. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of the fiscal year shall not revert to the general fund, but shall remain in the Fund. Except for transfers pursuant to this Item, there shall be no transfers out of the Fund, including transfers to the general fund.</p>				
<p>2. Notwithstanding the provisions of § 54.1-3912, Code of Virginia, in addition to any other fee permitted by law, the Supreme Court of Virginia may adopt rules assessing members of the Virginia State Bar an annual fee of up to \$30 to be deposited in the State Bar Fund and transferred to the Attorney Wellness Fund.</p>				
<p>3. Moneys in the Fund shall be allocated at the direction of the Supreme Court of Virginia solely for the purposes of wellness initiatives for attorneys, judges, and law students, to prevent substance abuse and behavioral health disorders. The revenue raised in support of the Fund shall not be used to supplant current funding to the judicial branch. Expenditures</p>				

ITEM 39.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request of the Executive Secretary of the Supreme Court of Virginia.				
Total for Supreme Court.....			\$51,855,031	\$51,514,375
General Fund Positions.....	159.63	159.63		
Nongeneral Fund Positions.....	8.00	8.00		
Position Level.....	167.63	167.63		
Fund Sources: General.....	\$41,402,783	\$41,062,127		
Special.....	\$303,655	\$303,655		
Dedicated Special Revenue.....	\$8,833,848	\$8,833,848		
Federal Trust.....	\$1,314,745	\$1,314,745		

Court of Appeals of Virginia (125)

40.	Pre-Trial, Trial, and Appellate Processes (32100).....			\$9,948,128	\$9,948,128
	Appellate Review (32101).....	\$9,943,128	\$9,943,128		
	Other Court Costs And Allowances (Criminal Fund) (32104).....	\$5,000	\$5,000		
	Fund Sources: General.....	\$9,948,128	\$9,948,128		

Authority: Title 17.1, Chapter 4 and § 19.2-163, Code of Virginia.

A. Out of the amounts in this Item for Appellate Review shall be paid:

1. 1. The annual salary of the Chief Judge, \$183,008 from July 1, 2020 to June 9, 2021, \$183,008 from June 10, 2021 to June 30, 2022.

2. The annual salaries of the ten (10) judges, each at \$179,926 from July 1, 2020 to June 9, 2021, \$ 179,926 from June 10, 2021 to June 30, 2022.

3. Salaries of the judges are to be 95 percent of the salaries of justices of the Supreme Court except for the Chief Judge, who shall receive an additional \$3,000 annually.

4. To each judge, \$6,500 the first year and \$6,500 the second year, for expenses not otherwise reimbursed, said expenses to be paid out of the current appropriation to the Court.

B. There is hereby reappropriated the unexpended balance remaining at the close of business on June 30, 2020, in the appropriation made in Item 39, Chapter 854, Acts of Assembly of 2019, in the item detail Other Court Costs and Allowances (Criminal Fund) and the balance remaining in this item detail on June 30, 2021.

C. The amount of attorney's fees allowed counsel to indigent defendants in appeals to the Court of Appeals shall be in the discretion of the court.

Total for Court of Appeals of Virginia.....			\$9,948,128	\$9,948,128
General Fund Positions.....	69.13	69.13		
Position Level.....	69.13	69.13		
Fund Sources: General.....	\$9,948,128	\$9,948,128		

Circuit Courts (113)

41.	Pre-Trial, Trial, and Appellate Processes (32100).....			\$114,248,355	\$113,834,853
	Trial Processes (32103).....	\$54,071,629	\$54,071,629		
	Other Court Costs And Allowances (Criminal Fund) (32104).....	\$60,176,726	\$59,763,224		
	Fund Sources: General.....	\$114,248,355	\$113,834,853		

Authority: Article VI, Section 1, Constitution of Virginia; Title 17.1, Chapter 5; § 19.2-163, Code of Virginia.

ITEM 41.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
A. Out of the amounts in this Item for Trial Processes shall be paid:				
1. The annual salaries of Circuit Court judges, each at \$175,826 from July 1, 2020 to June 9, 2021, \$175,826 from June 10, 2021 to June 30, 2022. Such salaries shall represent the total compensation from all sources for Circuit Court judges.				
2. Expenses necessarily incurred for the position of judge of the Circuit Court, including clerk hire not exceeding \$1,500 a year for each judge.				
3. The state's share of expenses incident to the prosecution of a petition for a writ of habeas corpus by an indigent petitioner, including payment of counsel fees as fixed by the Court; the expenses shall be paid upon receipt of an appropriate order from a Circuit Court.				
4. A circuit court judge shall only be reimbursed for mileage for commuting if the judge has to travel to a courthouse in a county or city other than the one in which the judge resides and the distance between the judge's residence and the courthouse is greater than 25 miles.				
B. The Chief Circuit Court Judge shall restrict the appointment of special justices to conduct involuntary mental commitment hearings to those unusual instances when no General District Court or Juvenile and Domestic Relations District Court Judge can be made available or when the volume of the hearings would require more than eight hours a week.				
C. There is hereby reappropriated the unexpended balance remaining at the close of business on June 30, 2020, in the appropriation made in Item 40, Chapter 854, Acts of Assembly of 2019, in the item detail Other Court Costs and Allowances (Criminal Fund) and the balance remaining in this item detail on June 30, 2021.				
D. The appropriation in this Item for Other Court Costs and Allowances (Criminal Fund) shall be used to implement the provisions of § 8.01-384.1:1, Code of Virginia.				
E.1. General fund appropriations for Other Court Costs and Allowances (Criminal Fund) total \$128,840,989 the first year and \$127,467,905 the second year in this Item and Items 36, 40, 42, 43 and 44.				
2. The Chief Justice of the Supreme Court of Virginia shall determine how the amounts appropriated to Other Courts Costs and Allowances (Criminal Fund) will be allocated, consistent with statutory provisions in the Code of Virginia. Funds within these appropriations are to be used to fund fully the statutory caps on compensation applicable to attorneys appointed by the court to defend criminal charges. Should this appropriation not be sufficient to fund fully all of the statutory caps on compensation as established by § 19.2-163, Code of Virginia, that this appropriation shall be applied first to fully fund the statutory caps for the most serious noncapital felonies and then, should funds still remain in this appropriation, to the other statutory caps, in declining order of the severity of the charges to which each cap is applicable.				
3. Notwithstanding the provisions of § 19.2-163, Code of Virginia, the amount of compensation allowed to counsel appointed by the court to defend a felony charge that may be punishable by death shall be calculated on an hourly basis at a rate set by the Supreme Court of Virginia.				
F.1. For any hearing conducted pursuant to § 19.2-306, Code of Virginia, the circuit court shall have presented to it a sentencing revocation report prepared on a form designated by the Virginia Criminal Sentencing Commission indicating the condition or conditions of the suspended sentence, good behavior, or probation supervision that the defendant has allegedly violated.				
2. For any hearing conducted pursuant to § 19.2-306 in which the defendant is cited for violation of a condition or conditions other than a new criminal offense conviction, the court shall also have presented to it the applicable probation violation guideline worksheets established pursuant to Chapter 1042 of the Acts of Assembly 2003. The court shall review and consider the suitability of the discretionary probation violation guidelines. Before imposing sentence, the court shall state for the record that such review				

ITEM 41.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<p>and consideration have been accomplished and shall make the completed worksheets a part of the record of the case and open for inspection. In hearings in which the court imposes a sentence that is either greater or less than that indicated by the discretionary probation violation guidelines, the court shall file with the record of the case a written explanation of such departure.</p> <p>3. Following any hearing conducted pursuant to § 19.2-306 and the entry of a final order, the clerk of the circuit court in which the hearing was held shall cause a copy of such order or orders, the original sentencing revocation report, any applicable probation violation guideline worksheets prepared in the case, and a copy of any departure explanation prepared pursuant to subsection F.2., to be forwarded to the Virginia Criminal Sentencing Commission within 30 days.</p> <p>4. The failure to follow any or all of the provisions specified in F.1. through F.3 or the failure to follow any or all of these provisions in the prescribed manner shall not be reviewable on appeal or the basis of any other post-hearing relief.</p> <p>G. Mandated changes or improvements to court facilities pursuant to § 15.2-1643, Code of Virginia, or otherwise, including any new construction, shall be delayed at the request of the local governing body in which the court is located until June 30, 2022. The provisions of this item shall not apply to facilities that were subject to litigation on or before November 30, 2008.</p> <p>H. In order to reduce expenditures through the Criminal Fund for court-appointed counsel, compensation paid to attorneys appointed pursuant to Virginia Code § 53.1-40 shall be limited to \$55 per hour, with a maximum per diem compensation of \$200, except in cases where the appointed attorney is appointed to represent indigent prisoners at more than one state prison, and in such cases their billing shall be capped monthly at \$6,000, plus reasonable expenses, to be paid from the Criminal Fund.</p> <p>I.1. Notwithstanding the provisions of § 19.2-155, Code of Virginia, in cases where an Attorney for the Commonwealth must recuse himself from a case or a special prosecutor must be appointed, the circuit court judge must appoint an Attorney for the Commonwealth or an Assistant Attorney for the Commonwealth from another jurisdiction. If the circuit court judge determines that the appointment of such Attorney for the Commonwealth or such Assistant Attorney for the Commonwealth is not appropriate or that such an attorney or assistant is unavailable then the judge must request approval from the Executive Secretary of the Supreme Court for an exception to this requirement.</p> <p>2. The Executive Secretary of the Supreme Court shall include in the annual report required in paragraph A. of Item 39 information on the number of exceptions granted related to special prosecutors and the related expenditures.</p> <p>J. Notwithstanding any other provisions of Chapter 23 of Title 8.1 of the Code of Virginia, a reasonable fee not to exceed \$150 may be charged by Commissioners of Accounts for any foreclosures on a timeshare estate to reimburse them for the reasonable costs associated therewith.</p>				
Total for Circuit Courts.....			\$114,248,355	\$113,834,853
General Fund Positions.....			165.00	165.00
Position Level.....			165.00	165.00
Fund Sources: General.....			\$114,248,355	\$113,834,853
General District Courts (114)				
42.	Pre-Trial, Trial, and Appellate Processes (32100).....		\$129,538,848	\$130,943,333
	Trial Processes (32103).....	\$104,727,552	\$106,591,572	
	Other Court Costs And Allowances (Criminal Fund) (32104).....	\$18,882,131	\$18,422,596	
	Involuntary Mental Commitments (32105).....	\$5,929,165	\$5,929,165	
	Fund Sources: General.....	\$129,538,848	\$130,943,333	

ITEM 42.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022

Authority: Article VI, Section 8, Constitution of Virginia; §§ 16.1-69.1 through 16.1-137, 19.2-163 and 37.2-809 et seq., Code of Virginia.

A. Out of the amounts in this Item for Trial Processes shall be paid:

1. The annual salaries of all General District Court judges, \$158,252 from July 1, 2020 to June 9, 2021, \$ 158,252 from June 10, 2021 to June 30, 2022. Such salary shall be 90 percent of the annual salary fixed by law for judges of the Circuit Courts and shall represent the total compensation for General District Court Judges and incorporate all supplements formerly paid by the various localities.

2. The salaries of substitute judges and court personnel.

B. There is hereby reappropriated the unexpended balances remaining at the close of business on June 30, 2020, in the appropriation made in Item 41, Chapter 854, Acts of Assembly of 2019 in the item details Other Court Costs and Allowances (Criminal Fund) and Involuntary Mental Commitments and the balances remaining in these item details on June 30, 2021.

C. Any balance, or portion thereof, in the item detail Involuntary Mental Commitments, may be transferred between Items 42, 43, 44, and 310, as needed, to cover any deficits incurred for Involuntary Mental Commitments by the Supreme Court or the Department of Medical Assistance Services.

D. The appropriation in this Item for Other Court Costs and Allowances (Criminal Fund) shall be used to implement the provisions of § 8.01-384.1:1, Code of Virginia.

E. A district court judge shall only be reimbursed for mileage for commuting if the judge has to travel to a courthouse in a county or city other than the one in which the judge resides and the distance between the judge's residence and the courthouse is greater than 25 miles.

F. Upon the retirement or separation from employment of any chief general district court clerks from the 7th judicial district or the 13th judicial district, any vacant chief clerk positions in excess of one chief clerk for each general district court shall be reallocated by the Committee on District Courts to district courts with the highest documented unmet staffing requirements.

G. Included in the appropriation for this item is \$5,732,280 the first year and \$7,596,300 the second year from the general fund for the Office of the Executive Secretary of the Supreme Court to use, at its discretion, for additional general district court clerk positions, salary increases for general district court clerks, or a combination thereof.

42.10 Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted.

	FY 2021	FY 2022
Fund additional district court clerk positions	\$5,732,280	\$7,596,300
Fund additional judgeship for 19th Judicial District	\$323,437	\$323,437
Agency Total	\$6,055,717	\$7,919,737

ITEM 42.10.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Total for General District Courts.....			\$129,538,848	\$130,943,333
General Fund Positions.....	1,146.10	1,176.10		
Position Level.....	1,146.10	1,176.10		
Fund Sources: General.....	\$129,538,848	\$130,943,333		

Juvenile and Domestic Relations District Courts (115)

43.	Pre-Trial, Trial, and Appellate Processes (32100).....			\$107,875,063	\$107,675,016
	Trial Processes (32103).....	\$71,056,587	\$71,056,587		
	Other Court Costs And Allowances (Criminal Fund) (32104).....	\$36,553,729	\$36,353,682		
	Involuntary Mental Commitments (32105).....	\$264,747	\$264,747		
	Fund Sources: General.....	\$107,875,063	\$107,675,016		

Authority: Article VI, Section 8, Constitution of Virginia; §§ 16.1-69.1 through 16.1-69.58, 16.1-226 through 16.1-334, 19.2-163 and 37.2-809 through 37.2-813., Code of Virginia.

A. Out of the amounts in this Item for Trial Processes shall be paid:

1. The annual salaries of all full-time Juvenile and Domestic Relations District Court Judges, \$158,252 from July 1, 2020 to June 9, 2021, \$ 158,252 from June 10, 2021 to June 30, 2022. Such salary shall be 90 percent of the annual salary fixed by law for judges of the Circuit Courts and shall represent the total compensation for Juvenile and Domestic Relations District Court Judges.

2. The salaries of substitute judges and court personnel.

B. There is hereby reappropriated the unexpended balances remaining at the close of business on June 30, 2020, in the appropriation made in Item 42, Chapter 854, Acts of Assembly of 2019, in the Item details Other Court Costs and Allowances (Criminal Fund) and Involuntary Mental Commitments and the balances remaining in these item details on June 30, 2021.

C. Any balance, or portion thereof, in the Item detail Involuntary Mental Commitments, may be transferred between Items 42, 43, 44, and 310, as needed, to cover any deficits incurred for Involuntary Mental Commitments by the Supreme Court or the Department of Medical Assistance Services.

D. The appropriation in this Item for Other Court Costs and Allowances (Criminal Fund) shall be used to implement the provisions of § 8.01-384.1:1, Code of Virginia.

E. Out of the amounts appropriated in this Item, \$310,300 the first year and \$310,300 the second year from the general fund is included to cover the cost of fee changes to mediators appointed in any custody and support or visitation cases.

F. Notwithstanding the provisions of § 20-124.4, Code of Virginia, the fee paid to mediators shall be \$120 per appointment mediated. For such purpose, \$303,000 the first year and \$303,000 the second year from the general fund is included in the appropriation for this item.

Total for Juvenile and Domestic Relations District Courts.....			\$107,875,063	\$107,675,016
General Fund Positions.....	617.10	617.10		
Position Level.....	617.10	617.10		
Fund Sources: General.....	\$107,875,063	\$107,675,016		

Combined District Courts (116)

44.	Pre-Trial, Trial, and Appellate Processes (32100).....			\$24,133,853	\$24,133,853
	Trial Processes (32103).....	\$14,847,290	\$14,847,290		
	Other Court Costs And Allowances (Criminal Fund) (32104).....	\$7,737,503	\$7,737,503		
	Involuntary Mental Commitments (32105).....	\$1,549,060	\$1,549,060		

ITEM 44.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Fund Sources: General.....	\$24,133,853	\$24,133,853		
Authority: Article VI, Section 8, Constitution of Virginia, §§ 16.1-69.1 through 16.1-137, 16.1-226 through 16.1-334, 19.2-163, and 37.2-809 through 37.2-813, Code of Virginia.				
A. Out of the amounts in this Item for Trial Processes shall be paid the salaries of substitute judges and court personnel.				
B. There is hereby reappropriated the unexpended balances remaining at the close of business on June 30, 2020, in the appropriation made in Item 43, Chapter 854, Acts of Assembly of 2019, in the item details Other Court Costs and Allowances (Criminal Fund) and Involuntary Mental Commitments and the balances remaining in these item details on June 30, 2021.				
C. Any balance, or portion thereof, in the Item detail Involuntary Mental Commitments, may be transferred between Items 42, 43, 44, and 310, as needed, to cover any deficits incurred for Involuntary Mental Commitments by the Supreme Court or the Department of Medical Assistance Services.				
D. The appropriation in this Item for Other Court Costs and Allowances shall be used to implement the provisions of § 8.01-384.1:1, Code of Virginia.				
Total for Combined District Courts.....			\$24,133,853	\$24,133,853
General Fund Positions.....	204.55	204.55		
Position Level.....	204.55	204.55		
Fund Sources: General.....	\$24,133,853	\$24,133,853		
Magistrate System (103)				
45. Pre-Trial, Trial, and Appellate Processes (32100)....			\$35,364,272	\$35,364,272
Pre-Trial Assistance (32102).....	\$35,364,272	\$35,364,272		
Fund Sources: General.....	\$35,364,272	\$35,364,272		
Authority: Article VI, Section 8, Constitution of Virginia; Title 19.2, Chapter 3, Code of Virginia.				
Total for Magistrate System.....			\$35,364,272	\$35,364,272
General Fund Positions.....	446.20	446.20		
Position Level.....	446.20	446.20		
Fund Sources: General.....	\$35,364,272	\$35,364,272		
Grand Total for Supreme Court.....			\$472,963,550	\$473,413,830
General Fund Positions.....	2,807.71	2,837.71		
Nongeneral Fund Positions.....	8.00	8.00		
Position Level.....	2,815.71	2,845.71		
Fund Sources: General.....	\$462,511,302	\$462,961,582		
Special.....	\$303,655	\$303,655		
Dedicated Special Revenue.....	\$8,833,848	\$8,833,848		
Federal Trust.....	\$1,314,745	\$1,314,745		

§ 1-15. BOARD OF BAR EXAMINERS (233)

46. Regulation of Professions and Occupations (56000).....			\$1,762,384	\$1,762,384
Lawyer Regulation (56019).....	\$1,762,384	\$1,762,384		
Fund Sources: Special.....	\$1,762,384	\$1,762,384		

Authority: Title 54.1, Chapter 39, Articles 3 and 4 and § 54.1-3934, Code of Virginia.

ITEM 46.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<p>The State Comptroller shall continue the Board of Bar Examiners Fund on the Cardinal system. Revenues collected from fees paid by applicants for admission to the bar shall be deposited into the Board of Bar Examiners Fund. The source of nongeneral funds included in this item is the Board of Bar Examiners Fund. Interest generated by the fund shall be retained by the fund.</p>				
	Total for Board of Bar Examiners.....		\$1,762,384	\$1,762,384
	Nongeneral Fund Positions.....	9.00		9.00
	Position Level.....	9.00		9.00
	Fund Sources: Special.....	\$1,762,384		\$1,762,384
§ 1-16. JUDICIAL INQUIRY AND REVIEW COMMISSION (112)				
47.	Adjudication Training, Education, and Standards (32600).....		\$678,657	\$678,657
	Judicial Standards (32602).....	\$678,657		\$678,657
	Fund Sources: General.....	\$678,657		\$678,657
<p>Authority: Article VI, Section 10, Constitution of Virginia; Title 17.1, Chapter 9, Code of Virginia.</p>				
	Total for Judicial Inquiry and Review Commission....		\$678,657	\$678,657
	General Fund Positions.....	3.00		3.00
	Position Level.....	3.00		3.00
	Fund Sources: General.....	\$678,657		\$678,657
§ 1-17. INDIGENT DEFENSE COMMISSION (848)				
48.	Legal Defense (32700).....		\$61,249,487	\$63,148,850
	Criminal Indigent Defense Services (32701).....	\$53,908,026		\$55,807,389
	Capital Indigent Defense Services (32702).....	\$3,928,516		\$3,928,516
	Legal Defense Regulatory Services (32703).....	\$221,798		\$221,798
	Administrative Services (32722).....	\$3,191,147		\$3,191,147
	Fund Sources: General.....	\$61,237,507		\$63,136,870
	Special.....	\$11,980		\$11,980
<p>Authority: §§ 19.2-163.01 through 19.2-163.8, Code of Virginia</p> <p>A. Pursuant to § 19.2-163.01, Code of Virginia, the Executive Director of the Indigent Defense Commission shall serve at the pleasure of the commission.</p> <p>B. Out of the amounts in this Item, \$200,000 the first year and \$200,000 the second year from the general fund is provided to support two positions to enforce and monitor compliance with the new Standards of Practice for court-appointed counsel.</p> <p>C. Out of the amounts in this Item, \$185,092 the first year and \$185,092 the second year from the general fund is included for the financing costs of purchasing computers through the state's master equipment lease purchase program.</p> <p>D. Out of the amounts in this item, \$3,798,726 the first year and \$5,698,089 the second year from the general fund is provided to hire additional public defender positions to address increased workloads and reduce turnover in offices across the Commonwealth. The Commission may direct a portion of the funding for salary adjustments, including increasing starting salaries for attorneys and adjusting salaries for current staff to address turnover rates within the offices.</p>				
48.10	Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other			

ITEM 48.10.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<p>relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted.</p>				
		FY 2021		FY 2022
Provide funding for additional public defenders		\$3,798,726		\$5,698,089
Agency Total		\$3,798,726		\$5,698,089
Total for Indigent Defense Commission.....			\$61,249,487	\$63,148,850
General Fund Positions.....	660.00	660.00		
Position Level.....	660.00	660.00		
Fund Sources: General.....	\$61,237,507	\$63,136,870		
Special.....	\$11,980	\$11,980		

§ 1-18. VIRGINIA CRIMINAL SENTENCING COMMISSION (160)

49.	Adjudicatory Research, Planning, and Coordination (32400).....			\$1,240,651	\$1,240,651
	Adjudicatory Research And Planning (32403).....	\$1,240,651	\$1,240,651		
	Fund Sources: General.....	\$1,170,582	\$1,170,582		
	Special.....	\$70,069	\$70,069		

Authority: Title 17.1, Chapter 8, Code of Virginia

A. For any fiscal impact statement prepared by the Virginia Criminal Sentencing Commission pursuant to § 30-19.1:4, Code of Virginia, for which the commission does not have sufficient information to project the impact, the commission shall assign a minimum fiscal impact of \$50,000 to the bill and this amount shall be printed on the face of each such bill, but shall not be codified. The provisions of § 30-19.1:4, paragraph H. shall be applicable to any such bill.

B. The clerk of each circuit court shall provide the Virginia Criminal Sentencing Commission case data in an electronic format from its own case management system or the statewide Circuit Case Management System. If the statewide Circuit Case Management System is used by the clerk, when requested by the Commission, the Executive Secretary of the Supreme Court shall provide for the transfer of such data to the Commission. The Commission may use the data for research, evaluation, or statistical purposes only and shall ensure the confidentiality and security of the data. The Commission shall only publish statistical reports and analyses based on this data as needed for its annual reports or for other reports as required by the General Assembly. The Commission shall not publish personal or case identifying information, including names, social security numbers and dates of birth, that may be included in the data from a case management system. Upon transfer to the Virginia Criminal Sentencing Commission, such data shall not be subject to the Virginia Freedom of Information Act. Except for the publishing of personal or case identifying information, including names, social security numbers and dates of birth, the restrictions in this section shall not prohibit the Commission from sharing aggregate data when requested by a member of the General Assembly, the Office of the Attorney General, the Office of the Governor, or a member of the Governor's Cabinet.

Total for Virginia Criminal Sentencing Commission.....			\$1,240,651	\$1,240,651
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ITEM 49.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
General Fund Positions.....	10.00	10.00		
Position Level.....	10.00	10.00		
Fund Sources: General.....	\$1,170,582	\$1,170,582		
Special.....	\$70,069	\$70,069		

§ 1-19. VIRGINIA STATE BAR (117)

50.	Legal Defense (32700).....			\$14,921,912	\$14,921,912
	Criminal Indigent Defense Services (32701).....	\$352,500	\$352,500		
	Indigent Defense, Civil (32704).....	\$14,569,412	\$14,569,412		
	Fund Sources: General.....	\$7,571,912	\$7,571,912		
	Special.....	\$7,350,000	\$7,350,000		

Authority: § 17.1-278, Code of Virginia.

A. The Virginia State Bar and the Legal Services Corporation of Virginia shall not use funds provided for in this act, and those available from financial institutions pursuant to § 54.1-3916, Code of Virginia, to file lawsuits on behalf of aliens present in the United States in violation of law.

B.1. The amounts for Indigent Defense, Civil, include up to \$75,000 the first year and up to \$75,000 the second year from the general fund for the Community Tax Law Project, to provide indigent defense services in matters related to taxation disputes, and educational services involving the rights and responsibilities of taxpayers.

2. The amounts for Indigent Defense, Civil, include up to \$7,125,000 the first year and up to \$7,125,000 the second year from the general fund to provide grants for high quality civil legal assistance to low income Virginians and to promote equal access to justice.

3. The amounts for Indigent Defense, Criminal, include up to \$352,500 the first year and up to \$352,500 the second year from the general fund to provide grants to the Virginia Capital Representation Resource Center for representation to people sentenced to death in Virginia and to promote equal access to justice.

C. The Virginia State Bar and the Legal Services Corporation of Virginia shall annually, on or about January 1, provide a report to the Chairmen of the House Appropriations and Senate Finance Committees, and the Director, Department of Planning and Budget regarding the status of legal services assistance programs in the Commonwealth. The report shall include, but not be limited to, efforts to maintain and improve the accuracy of caseload data, case opening and case closure information, and program activity levels as it relates to clients.

51.	Regulation of Professions and Occupations (56000)...			\$15,721,191	\$15,721,191
	Lawyer Regulation (56019).....	\$15,721,191	\$15,721,191		
	Fund Sources: Dedicated Special Revenue.....	\$15,721,191	\$15,721,191		

Authority: Title 54.1, Chapter 39, Article 2 and §§ 54.1-3935 through 54.1-3938, Code of Virginia.

A. It is the intention of the General Assembly that the Virginia State Bar strictly direct its activities toward the purposes of regulating the legal profession and improving the quality of legal services available to the people of the Commonwealth, and that, insofar as reasonably possible, the Virginia State Bar shall refrain from commercial or other undertakings not necessarily or reasonably related to the above stated purposes.

B. Out of the amounts appropriated for this Item, \$1,000,000 the first year and \$1,000,000 the second year from revenues generated from the assessment of annual fees by the Supreme Court of Virginia upon members of the Virginia State Bar, pursuant to Chapter 847, 2007 Acts of Assembly, is provided for transfer to the Clients' Protection Fund of the Virginia State Bar.

C. The Virginia State Bar shall review its member fee structure and make changes necessary to ensure fees are set at amounts needed only to cover costs and to provide for an appropriate

ITEM 51.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022

balance.

51.10 Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted.

	FY 2021	FY 2022		
Additional funding to hire additional housing attorneys to combat Virginia's housing crisis	\$1,500,000			\$1,500,000
Agency Total	\$1,500,000			\$1,500,000
Total for Virginia State Bar.....			\$30,643,103	\$30,643,103
Nongeneral Fund Positions.....	178.00	89.00		
Position Level.....	178.00	89.00		
Fund Sources: General.....	\$7,571,912	\$7,571,912		
Special.....	\$7,350,000	\$7,350,000		
Dedicated Special Revenue.....	\$15,721,191	\$15,721,191		
TOTAL FOR JUDICIAL DEPARTMENT.....			\$568,537,832	\$570,887,475
General Fund Positions.....	3,480.71	3,510.71		
Nongeneral Fund Positions.....	195.00	106.00		
Position Level.....	3,675.71	3,616.71		
Fund Sources: General.....	\$533,169,960	\$535,519,603		
Special.....	\$9,498,088	\$9,498,088		
Dedicated Special Revenue.....	\$24,555,039	\$24,555,039		
Federal Trust.....	\$1,314,745	\$1,314,745		

ITEM 52.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022

EXECUTIVE DEPARTMENT

EXECUTIVE OFFICES

§ 1-20. OFFICE OF THE GOVERNOR (121)

52.	Administrative and Support Services (79900).....			\$6,508,769	\$6,572,269
	General Management and Direction (79901).....	\$6,508,769	\$6,572,269		
	Fund Sources: General.....	\$6,508,122	\$6,571,622		
	Federal Trust.....	\$647	\$647		

Authority: Article V, Constitution of Virginia; Title 2.2, Chapter 1, Code of Virginia.

A. This appropriation includes \$175,000 the first year and \$175,000 the second year from the general fund to pay the salary of the Governor.

B. Out of the amounts for General Management and Direction, \$75,000 each year is included for the Governor's discretionary expenses.

C. This item includes \$599,192 the first year and \$599,192 the second year to fund the Office of the Chief Diversity Officer.

D. This item includes \$599,192 the first year and \$599,192 the second year to fund the Office of the Chief Workforce Advisor.

E. Out of the appropriation for this item \$103,800 from the general fund is provided each year for the Governor's Fellows program. Any balances remaining from the appropriation identified in this paragraph shall be brought forward and made available to support the Governor's Fellows in the subsequent fiscal year. The Department of Planning and Budget is authorized to transfer amounts from the appropriation in this paragraph to applicable state agencies as required to execute the purposes of this paragraph.

F. This item includes \$416,000 the first year and \$479,500 the second year from the general fund and four and a half positions to establish the Office of the Children's Ombudsman in the Executive Branch.

53.	Historic and Commemorative Attraction Management (50200).....			\$801,225	\$801,225
	Executive Mansion Operations (50207).....	\$801,225	\$801,225		
	Fund Sources: General.....	\$801,225	\$801,225		

Authority: Title 2.2, Chapter 1, Code of Virginia.

54.	Governmental Affairs Services (70100).....			\$539,415	\$539,415
	Intergovernmental Relations (70101).....	\$539,415	\$539,415		
	Fund Sources: General.....	\$375,148	\$375,148		
	Commonwealth Transportation.....	\$164,267	\$164,267		

Authority: Title 2.2, Chapter 3, Code of Virginia.

55.	Disaster Planning and Operations (72200).....			a sum sufficient	
	Disaster Operations (72202).....	a sum sufficient			
	Disaster Assistance (72203).....	a sum sufficient			

Authority: Title 44, Chapter 3.2, Code of Virginia.

A.1. The amount for Disaster Assistance is from all funds of the state treasury, not constitutionally restricted, and is to be effective only in the event of a declared state of emergency or authorization by the Governor of the sum sufficient, pursuant to § 44-146.28, Code of Virginia. Any appropriation authorized by this Item shall be transferred to state agencies for payment of eligible costs according to written directions of the Governor or by such other person or persons as may be designated by him for this purpose.

ITEM 55.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
2. Any amount authorized for expenditure pursuant to § 44-146.28, Code of Virginia, shall be paid to eligible jurisdictions in accordance with guidelines and procedures established by the Department of Emergency Management, pursuant to § 44-146.28, Code of Virginia.				
3. The amount calculated for disaster assistance for any event provided under this authority shall be made in consultation with the Secretary of Finance, and, as deemed appropriate by the Secretary, the Department of Planning and Budget.				
B. In the event of a Presidentially declared disaster, the state and local share of any federal assistance, hazard mitigation, or flood control programs in which the state participates will be determined in accordance with the procedures in the "Commonwealth of Virginia Emergency Operations Plan, Basic Plan," promulgated by the Department of Emergency Management. The state share of any such program shall be no less than 10 percent.				
Total for Office of the Governor.....			\$7,849,409	\$7,912,909
General Fund Positions.....			50.17	50.17
Nongeneral Fund Positions.....			1.33	1.33
Position Level.....			51.50	51.50
Fund Sources: General.....			\$7,684,495	\$7,747,995
Commonwealth Transportation.....			\$164,267	\$164,267
Federal Trust.....			\$647	\$647

§ 1-21. LIEUTENANT GOVERNOR (119)

56.	Administrative and Support Services (79900).....			\$389,229	\$389,229
	General Management and Direction (79901).....	\$389,229	\$389,229		
	Fund Sources: General.....	\$389,229	\$389,229		
Authority: Article V, Sections 13, 14, and 16, Constitution of Virginia; and Title 24.2, Chapter 2, Article 3, Code of Virginia.					
Out of this appropriation shall be paid:					
1. The salary of the Lieutenant Governor, \$36,321 the first year and \$36,321 the second year;					
2. Expenses of the Lieutenant Governor during sessions of the General Assembly on the same basis as for the members of the General Assembly;					
3. Salaries and benefits for compensation of up to three staff positions in the Office of the Lieutenant Governor.					
Total for Lieutenant Governor.....				\$389,229	\$389,229
General Fund Positions.....				4.00	4.00
Position Level.....				4.00	4.00
Fund Sources: General.....				\$389,229	\$389,229

§ 1-22. ATTORNEY GENERAL AND DEPARTMENT OF LAW (141)

57.	Legal Advice (32000).....			\$37,064,003	\$37,064,003
	State Agency/Local Legal Assistance and Advice (32002).....	\$37,064,003	\$37,064,003		
	Fund Sources: General.....	\$23,169,033	\$23,169,033		
	Special.....	\$12,644,138	\$12,644,138		
	Federal Trust.....	\$1,250,832	\$1,250,832		

Authority: Title 2.2 Chapter 5, Code of Virginia.

A. Out of this appropriation shall be paid:

ITEM 57.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1. The salary of the Attorney General, \$150,000 the first year and \$150,000 the second year.				
2. Expenses of the Attorney General not otherwise reimbursed, \$9,000 each year in equal monthly installments.				
3. Salary expenses necessary to provide legal services pursuant to Title 2.2, Chapter 5, Code of Virginia.				
B. Out of this appropriation, \$738,536 the first year and \$738,536 the second year from the general fund is designated for efforts to enforce the 1998 Tobacco Master Settlement Agreement and Article 1 (§ 3.2-4200, et seq.), Chapter 42, Title 3.2, Code of Virginia. The Department of Law shall be responsible for enforcement of Article 1 (§ 3.2-4200, et seq.), Chapter 42, Title 3.2, Code of Virginia and the 1998 Tobacco Master Settlement Agreement. The general fund shall be reimbursed on a proportional basis from the Tobacco Indemnification and Community Revitalization Fund and the Virginia Tobacco Settlement Fund for costs associated with the enforcement of the 1998 Tobacco Master Settlement Agreement pursuant to transfers directed by Item 479 and § 3-1.01, Paragraph N of this act.				
C. Upon notification by the Attorney General, agencies that administer programs which are funded wholly or partially from nongeneral fund appropriations shall transfer to the Department of Law the necessary funds to cover the costs of legal services that are related to such nongeneral funds. The Attorney General, in consultation with the respective agency heads, shall determine the amounts for transfer. It is the intent of the General Assembly that legal services provided by the Office of the Attorney General for general fund-supported programs shall be provided out of this appropriation.				
D. At the request of the Attorney General, the Director, Department of Planning and Budget, shall provide an amount not to exceed \$100,000 per year from the Miscellaneous Contingency Reserve Account to pay the compensation, fees, and expenses of (i) counsel appointed by the Office of the Attorney General in actions brought pursuant to § 15.2-1643, Code of Virginia, to cause court facilities to be made secure, or put in good repair, or rendered otherwise safe, and (ii) counsel representing court personnel, including clerks, judges, and Justices in actions arising out of their official duties.				
E.1. Pursuant to Chapter 577 of the Acts of Assembly of 2008, the Office of the Attorney General shall provide legal service in civil matters and consultation and legal advice in suits and other legal actions to soil and water conservation district directors and districts upon the request of those district directors or districts at no charge, inclusive of all fees, expenses, or other costs associated with litigation, excluding the payment of damages.				
2. If the Office of the Attorney General is unable to provide legal services to the soil and water conservation districts, and as a result the districts incur costs from retaining other counsel, then the Director of the Department of Planning and Budget shall transfer general fund appropriations from the Office of the Attorney General to the Department of Conservation and Recreation in an amount equal to the cost incurred by the soil and water conservation districts to be used to reimburse the districts for costs incurred.				
F. The Attorney General shall prepare and submit a report to the Chairmen of the House Appropriations and Senate Finance Committees by November 1 of each year detailing expenditures in the prior fiscal year for special outside counsel by any executive branch agencies. The report shall include the reasoning why outside counsel is necessary, the hourly rate charged by outside counsel, total expenditures, and funding source.				
G. Except as otherwise specifically provided by law, all legal services of the Office of the Attorney General shall be performed exclusively by (i) an employee of the Office, (ii) an employee of another Virginia governmental entity as may be provided by law, (iii) an employee of a federal governmental entity pursuant to an agreement between the Office of the Attorney General and such federal governmental entity, or (iv) law students or recent law school graduates sponsored by a separate institution with a stipend. Except as otherwise specifically provided under this act, the sole source of compensation paid to employees of the Office of the Attorney General for performing legal services on behalf of the Commonwealth shall be from the appropriations provided under this act. In any case in which the Office of the Attorney General is authorized under law to contract with, hire, or engage a person other than a person described in clauses (i), (ii), (iii), or (iv) to perform legal services on behalf of the				

ITEM 57.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<p>Commonwealth, the sole consideration for such legal services shall be a monetary amount bargained for in an arm's length transaction with such person and the Office of the Attorney General or another Virginia governmental entity, stating under what authority that office enters the contract. Only persons described in clauses (i), (ii), (iii), or (iv) shall perform legal services on premises leased by the Office of the Attorney General. Nothing in this paragraph shall prohibit the Office of the Attorney General from entering into a settlement agreement with a defendant arising from a case litigated or prosecuted by a federal governmental entity, local governmental entity, or an Attorney General's Office in another state or United States territory. Nothing in this paragraph shall prohibit the Office of the Attorney General from employing and providing office space to an unpaid intern assisting in performing legal services, provided that such intern does not possess a current license to practice law in the Commonwealth, any other state, or any United States territory.</p>				
58.	Medicaid Program Services (45600).....		\$14,413,873	\$14,413,873
	Medicaid Fraud Investigation and Prosecution (45614).....	\$14,413,873	\$14,413,873	
	Fund Sources: Special.....	\$3,810,836	\$3,810,836	
	Federal Trust.....	\$10,603,037	\$10,603,037	
	Authority: Title 32.1, Chapter 9, Code of Virginia.			
59.	Regulation of Business Practices (55200).....		\$4,275,325	\$4,275,325
	Regulatory and Consumer Advocacy (55201).....	\$4,275,325	\$4,275,325	
	Fund Sources: General.....	\$2,225,711	\$2,225,711	
	Special.....	\$2,049,614	\$2,049,614	
	Authority: Title 2.2, Chapter 5, Code of Virginia.			
<p>Included in this Item is \$1,250,000 the first year and \$1,250,000 the second year from special funds for the Regulatory, Consumer Advocacy, Litigation, and Enforcement Revolving Trust Fund as established in Item 48 of Chapter 966 of the Acts of Assembly 1994 and amended herein. The Department of Law is authorized to deposit to the fund any fees, civil penalties, costs, recoveries, or other moneys which from time to time may become available as a result of regulatory and consumer advocacy litigation, litigation in which the Office of the Attorney General participates, or civil enforcement efforts including, but not limited to, those brought pursuant to Article 1 (§ 3.2-4200 et seq.) and Article 3 (§ 3.2-4204 et seq.) of Chapter 42 of Title 3.2 of the Code of Virginia. The Department of Law is also authorized to deposit to the fund any attorneys' fees which from time to time may be obtained. Any deposit to, and interest earnings on, the fund shall be retained in the fund, provided, however, that any amounts contained in the fund that exceed \$1,250,000 on the final day of the fiscal year shall be deposited to the credit of the general fund. In addition to the uses of the fund permitted by Item 48 of Chapter 966 of the Acts of Assembly of 1994, the fund may be used to pay costs associated with enforcement efforts pursuant to Article 1 (§ 3.2-4200 et seq.) and Article 3 (§ 3.2-4204 et seq.) of Chapter 42 of Title 3.2 of the Code of Virginia, costs associated with litigation initiated by the Office of the Attorney General, and costs associated with civil commitment procedures pursuant to Chapter 9 of Title 37.2 of the Code of Virginia.</p>				
60.	Any judgment rendered pursuant to the Virginia Tort Claims Act shall be paid out of the state treasury under the direction of the Attorney General. Claims against agencies funded solely from the general fund shall be paid from the general fund. Claims against agencies funded by both general and nongeneral funds shall be paid from a combination of funds based upon the appropriations from such funds.			
61.	Personnel Management Services (70400).....		\$929,917	\$929,917
	Compliance and Enforcement (70414).....	\$929,917	\$929,917	
	Fund Sources: General.....	\$853,468	\$853,468	
	Federal Trust.....	\$76,449	\$76,449	
	Authority: Title 2.2, Chapter 26, Article 12, and Chapter 39; Title 15.2, Chapter 16, §			

ITEM 61.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
15.2-1604, Code of Virginia.				
Total for Attorney General and Department of Law....			\$56,683,118	\$56,683,118
General Fund Positions.....	242.75	242.75		
Nongeneral Fund Positions.....	203.25	203.25		
Position Level.....	446.00	446.00		
Fund Sources: General.....	\$26,248,212	\$26,248,212		
Special.....	\$18,504,588	\$18,504,588		
Federal Trust.....	\$11,930,318	\$11,930,318		

Division of Debt Collection (143)

62.	Collection Services (74000).....			\$3,354,446	\$3,354,446
	State Collection Services (74001).....	\$3,135,630	\$3,135,630		
	State Fraud Recovery Services (74002).....	\$218,816	\$218,816		
	Fund Sources: Special.....	\$3,354,446	\$3,354,446		

Authority: Title 2.2, Chapter 5 and Title 8.01, Chapter 3, Code of Virginia.

A. 1. The Division of Debt Collection shall provide legal services and advice related to the collection of funds owed the Commonwealth, including the recovery of certain funds pursuant to the Virginia Fraud Against Taxpayers Act (FATA) (§ 8.01-216.1 et seq.) by the Commonwealth as defined by 8.01-216.2. All agencies and institutions shall follow the procedures for collection of funds owed the Commonwealth as specified in §§ 2.2-518 and 2.2-4800 et seq. of the Code of Virginia, and all agencies, institutions, and political subdivisions shall follow the procedures for recovery of funds as specified in §§ 2.2-518 and 8.01-216.1 et seq. of the Code of Virginia, except as provided otherwise therein or in this act.

2. The provisions of this section shall not apply to any investigations, litigation, or recoveries related to matters handled under the authority granted to the Medicaid Fraud Control Unit within the Department of Law pursuant to the provisions of 42 C.F.R. § 1007 et seq. All matters pertaining to the recovery of such Medicaid funds, including damages, fines, and penalties received pursuant to FATA, are specifically excluded from the provisions of this section.

B.1. The Division of Debt Collection is entitled to retain as fees up to 30 percent of any revenues generated by its collection services pursuant to paragraph A. to pay operating costs supported by the appropriation in this item.

2. Upon closing its books at the end of the fiscal year, after the execution of all transfers to state agencies having claims collected by the Division of Debt Collection, the Division may retain up to a \$400,000 balance in its operating accounts. Any amounts contained in the operating accounts that exceed \$400,000 on the final day of the fiscal year shall be deposited to the credit of the general fund no later than September 1 of the succeeding fiscal year.

3. The Division of Debt Collection is entitled to retain as special revenue up to 30 percent of any funds recovered on behalf of the Commonwealth as well as any separate attorney's fees awarded to the Commonwealth pursuant to FATA for its fraud recovery services pursuant to paragraph A., to pay operating costs supported by the appropriation in this item.

4. There shall be created on the books of the Comptroller a special, nonreverting, revolving fund to be known as the Fraud Recovery Fund (FATA Fund). The Division is authorized to deposit to the FATA Fund any revenue, fees, civil penalties, costs, recoveries, or other moneys which from time to time may become available as a result of its fraud recovery services. The Division is also authorized to deposit to the FATA Fund any attorneys' fees which from time to time may be awarded to the Commonwealth. Any deposit to, and interest earnings on, the FATA Fund shall be retained in the FATA Fund. The Division shall retain 30% of any funds recovered as well as any separate attorney's fees awarded to the Commonwealth pursuant to FATA, and shall transfer the remaining funds to the appropriate state agencies and political subdivisions on a periodic basis or such other period of time approved by the Division.

ITEM 62.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
5. The Director, Department of Planning and Budget, may grant an exception to the provisions in paragraph B.2. if the Division of Debt Collection can show just cause.				
C. The Division of Debt Collection may contract with private collection agents for the collection of debts amounting to less than \$15,000.				
Total for Division of Debt Collection.....			\$3,354,446	\$3,354,446
Nongeneral Fund Positions.....	27.00	27.00		
Position Level.....	27.00	27.00		
Fund Sources: Special.....	\$3,354,446	\$3,354,446		
Grand Total for Attorney General and Department of Law.....			\$60,037,564	\$60,037,564
General Fund Positions.....	242.75	242.75		
Nongeneral Fund Positions.....	230.25	230.25		
Position Level.....	473.00	473.00		
Fund Sources: General.....	\$26,248,212	\$26,248,212		
Special.....	\$21,859,034	\$21,859,034		
Federal Trust.....	\$11,930,318	\$11,930,318		

§ 1-23. SECRETARY OF THE COMMONWEALTH (166)

63.	Central Records Retention Services (73800).....			\$2,732,355	\$2,732,355
	Appointments (73801).....	\$1,920,871	\$1,920,871		
	Authentications (73802).....	\$72,879	\$72,879		
	Judicial Support Services (73803).....	\$566,470	\$566,470		
	Lobbyist and Organization Registrations (73804)....	\$14,993	\$14,993		
	Notaries Commissioning (73805).....	\$157,142	\$157,142		
	Fund Sources: General.....	\$2,614,018	\$2,614,018		
	Dedicated Special Revenue.....	\$118,337	\$118,337		
	Authority: §§ 2.2-400 through 2.2-435, 2.2-3106, Code of Virginia.				
	A. The fee charged by the Secretary of the Commonwealth under the provisions of § 2.2-409, Code of Virginia, for a Service of Process shall be \$28.00.				
	B. Included in the general fund appropriation for this item is \$18,470 each year for costs related to the Virginia Indian Advisory Board, pursuant to the provisions of House Bill 814 of the 2016 General Assembly.				
	Total for Secretary of the Commonwealth.....			\$2,732,355	\$2,732,355
	General Fund Positions.....	19.00	19.00		
	Position Level.....	19.00	19.00		
	Fund Sources: General.....	\$2,614,018	\$2,614,018		
	Dedicated Special Revenue.....	\$118,337	\$118,337		

§ 1-24. OFFICE OF THE STATE INSPECTOR GENERAL (147)

64.	Inspection, Monitoring, and Auditing Services (78700).....			\$7,144,376	\$7,144,376
	Inspection and Compliance of Program Operations (78701).....	\$7,144,376	\$7,144,376		
	Fund Sources: General.....	\$4,778,140	\$4,778,140		
	Special.....	\$282,390	\$282,390		
	Commonwealth Transportation.....	\$2,083,846	\$2,083,846		
	Authority: Title 2.2, Chapter 3.2, Code of Virginia.				

ITEM 64.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<p>A. Out of this appropriation shall be paid the annual salary of the State Inspector General \$161,759 from July 1, 2020 to June 30, 2021 and \$161,759 from July 1, 2021 to June 30, 2022.</p> <p>B. The Office of the State Inspector General shall be responsible for investigating the management and operations of state agencies and nonstate agencies to determine whether acts of fraud, waste, abuse, or corruption have been committed or are being committed by state officers or employees or any officers or employees of a nonstate agency, including any allegations of criminal acts affecting the operations of state agencies or nonstate agencies. However, no investigation of an elected official of the Commonwealth to determine whether a criminal violation has occurred, is occurring, or is about to occur under the provisions of § 52-8.1 shall be initiated, undertaken, or continued except upon the request of the Governor, the Attorney General, or a grand jury.</p> <p>C. The Office of the State Inspector General shall be responsible for coordinating and recommending standards for those internal audit programs in existence as of July 1, 2012, and developing and maintaining other internal audit programs in state agencies and nonstate agencies as needed in order to ensure that the Commonwealth's assets are subject to appropriate internal management controls. The State Inspector General shall assess the condition of the accounting, financial, and administrative controls of state agencies and nonstate agencies.</p> <p>D. The Office of the State Inspector General shall be responsible for providing timely notification to the appropriate attorney for the Commonwealth and law-enforcement agencies whenever the State Inspector General has reasonable grounds to believe there has been a violation of state criminal law.</p> <p>E. The Office of the State Inspector General shall be responsible for assisting citizens in understanding their rights and the processes available to them to express concerns regarding the activities of a state agency or nonstate agency or any officer or employee of the foregoing;</p> <p>F.1. The Office of the State Inspector General shall be responsible for development, coordination and management of a program to train internal auditors. The Office of the State Inspector General shall assist internal auditors of state agencies and institutions in receiving continued professional education as required by professional standards. The Office of the State Inspector General shall coordinate its efforts with state institutions of higher education and offer training programs to the internal auditors as well as coordinate any special training programs for the internal auditors.</p> <p>2. To fund the direct costs of hiring training instructors, the Office of the State Inspector General is authorized to collect fees from training participants to provide training events for internal auditors. A nongeneral fund appropriation of \$125,000 the first year and \$125,000 the second year is provided for use by the Office of the State Inspector General to facilitate the collection of payments from training participants for this purpose.</p>				
			\$7,144,376	\$7,144,376
	Total for Office of the State Inspector General.....			
	General Fund Positions.....	24.00		24.00
	Nongeneral Fund Positions.....	16.00		16.00
	Position Level.....	40.00		40.00
	Fund Sources: General.....	\$4,778,140		\$4,778,140
	Special.....	\$282,390		\$282,390
	Commonwealth Transportation.....	\$2,083,846		\$2,083,846
§ 1-25. INTERSTATE ORGANIZATION CONTRIBUTIONS (921)				
65.	Governmental Affairs Services (70100).....		\$190,949	\$190,949
	Interstate Affairs (70103).....	\$190,949		\$190,949
	Fund Sources: General.....	\$190,949		\$190,949
Authority: Discretionary Inclusion.				

Out of the amounts for Interstate Affairs funding is provided for the following organizational

ITEM 65.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
memberships:				
1. National Association of State Budget Officers				
2. National Governors' Association				
3. Federal Funds Information for States				
Total for Interstate Organization Contributions.....			\$190,949	\$190,949
Fund Sources: General.....	\$190,949	\$190,949		
TOTAL FOR EXECUTIVE OFFICES.....			\$78,343,882	\$78,407,382
General Fund Positions.....	339.92	339.92		
Nongeneral Fund Positions.....	247.58	247.58		
Position Level.....	587.50	587.50		
Fund Sources: General.....	\$41,905,043	\$41,968,543		
Special.....	\$22,141,424	\$22,141,424		
Commonwealth Transportation.....	\$2,248,113	\$2,248,113		
Dedicated Special Revenue.....	\$118,337	\$118,337		
Federal Trust.....	\$11,930,965	\$11,930,965		

ITEM 66.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022

OFFICE OF ADMINISTRATION

§ 1-26. SECRETARY OF ADMINISTRATION (180)

66.	Administrative and Support Services (79900).....			\$1,753,686	\$1,753,686
	General Management and Direction (79901).....	\$919,341	\$919,341		
	Accounting and Budgeting Services (79903).....	\$834,345	\$834,345		
	Fund Sources: General.....	\$1,753,686	\$1,753,686		

Authority: Title 2.2, Chapter 2, Code of Virginia.

Notwithstanding any contrary provision of law, the authority and responsibilities of the Secretary of Technology referenced in § 2.2-203.1, § 2.2-213.3, § 2.2-222.3, § 2.2-436, § 2.2-437, § 2.2-1617, § 2.2-2005, § 2.2-2006, § 2.2-2007, § 2.2-2220, § 2.2-2699.5, § 2.2-2699.7, § 2.2-2817.1, § 2.2-2822, § 2.2-3503, § 2.2-3504, § 2.2-3803, § 30-279, § 59.1-497, and § 59.1-550, Code of Virginia, shall be executed by the Secretary of Administration. Notwithstanding any contrary provision of law, the authority and responsibilities of the Secretary of Technology referenced in § 2.2-225, Code of Virginia, shall be divided between the Secretary of Administration and the Secretary of Commerce and Trade as determined by the Governor.

67.	Central Support Services for Business Solutions (82400).....			\$2,602,000	\$2,260,000
	Information Technology Services for Data Exchange Programs (82401).....	\$2,602,000	\$2,260,000		
	Fund Sources: Internal Service.....	\$2,602,000	\$2,260,000		

Authority: § 2.2-203.2:4, Code of Virginia

Pursuant to § 2.2-2020, Code of Virginia, the funds appropriated to this Item shall be used to support a data sharing and analytics program for the purposes of developing a database to identify data elements and document user access patterns. The database will also support the creation of an enterprise data dictionary and a cloud-based data catalog platform. Agencies, as defined in § 2.2-3801, Code of Virginia, shall cooperate with the Secretary of Administration to further develop the data sharing and analytics program.

	Total for Secretary of Administration.....			\$4,355,686	\$4,013,686
	General Fund Positions.....	13.00	13.00		
	Nongeneral Fund Positions.....	0.00	2.00		
	Position Level.....	13.00	15.00		
	Fund Sources: General.....	\$1,753,686	\$1,753,686		
	Internal Service.....	\$2,602,000	\$2,260,000		

§ 1-27. COMPENSATION BOARD (157)

68.	Financial Assistance for Sheriffs' Offices and Regional Jails (30700).....			\$498,093,191	\$500,723,539
	Financial Assistance for Regional Jail Operations (30710).....	\$162,990,071	\$163,292,147		
	Financial Assistance for Local Law Enforcement (30712).....	\$100,329,833	\$100,329,833		
	Financial Assistance for Local Court Services (30713).....	\$59,446,848	\$59,446,848		
	Financial Assistance to Sheriffs (30716).....	\$14,084,402	\$14,218,085		
	Financial Assistance for Local Jail Operations (30718).....	\$161,242,037	\$163,436,626		
	Fund Sources: General.....	\$490,090,533	\$492,720,881		
	Dedicated Special Revenue.....	\$8,002,658	\$8,002,658		

ITEM 68.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022

Authority: Title 15.2, Chapter 16, Articles 3 and 6.1; and §§ 53.1-83.1 and 53.1-85, Code of Virginia.

A.1. The annual salaries of the sheriffs of the counties and cities of the Commonwealth shall be as hereinafter prescribed, according to the population of the city or county served and whether the sheriff is charged with civil processing and courtroom security responsibilities only, or the added responsibilities of law enforcement or operation of a jail, or both. Execution of arrest warrants shall not, in and of itself, constitute law enforcement responsibilities for the purpose of determining the salary for which a sheriff is eligible.

2. Whenever a sheriff is such for a county and city together, or for two or more cities, the aggregate population of such political subdivisions shall be the population for the purpose of arriving at the salary of such sheriff under the provisions of this item and such sheriff shall receive as additional compensation the sum of one thousand dollars.

	July 1, 2020 to June 30, 2021	July 1, 2021 to November 30, 2021	December 1, 2021 to June 30, 2022
Law Enforcement and Jail Responsibility			
Less than 10,000	\$71,522	\$71,522	\$71,522
10,000 to 19,999	\$82,207	\$82,207	\$82,207
20,000 to 39,999	\$90,339	\$90,339	\$90,339
40,000 to 69,999	\$98,195	\$98,195	\$98,195
70,000 to 99,999	\$109,105	\$109,105	\$109,105
100,000 to 174,999	\$121,230	\$121,230	\$121,230
175,000 to 249,999	\$127,609	\$127,609	\$127,609
250,000 and above	\$141,787	\$141,787	\$141,787
Law Enforcement or Jail			
Less than 10,000	\$70,089	\$70,089	\$70,089
10,000 to 19,999	\$80,564	\$80,564	\$80,564
20,000 to 39,999	\$88,531	\$88,531	\$88,531
40,000 to 69,999	\$96,231	\$96,231	\$96,231
70,000 to 99,999	\$106,923	\$106,923	\$106,923
100,000 to 174,999	\$115,34	\$118,803	\$118,803
175,000 to 249,999	\$125,057	\$125,057	\$125,057
250,000 and above	\$139,661	\$139,661	\$139,661
No Law Enforcement or Jail Responsibility			
Less than 10,000	\$65,858	\$65,858	\$65,858
10,000 to 19,999	\$73,175	\$73,175	\$73,175
20,000 to 39,999	\$81,304	\$81,304	\$81,304
40,000 to 69,999	\$90,339	\$90,339	\$90,339
70,000 to 99,999	\$100,378	\$100,378	\$100,378
100,000 to 174,999	\$111,529	\$111,529	\$111,529
175,000 to 249,999	\$117,397	\$117,397	\$117,397
250,000 and above	\$131,862	\$131,862	\$131,862

B. Out of the amounts provided for in this Item, no expenditures shall be made to provide security devices such as magnetometers in standard use in major metropolitan airports. Personnel expenditures for operation of such equipment incidental to the duties of

ITEM 68.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
	courtroom and courthouse security deputies may be authorized, provided that no additional expenditures for personnel shall be approved for the principal purpose of operating these devices.			
	C. Notwithstanding the provisions of § 53.1-120, or any other section of the Code of Virginia, unless a judge provides the sheriff with a written order stating that a substantial security risk exists in a particular case, no courtroom security deputies may be ordered for civil cases, not more than one deputy may be ordered for criminal cases in a district court, and not more than two deputies may be ordered for criminal cases in a circuit court. In complying with such orders for additional security, the sheriff may consider other deputies present in the courtroom as part of his security force.			
	D. Should the scheduled opening date of any facility be delayed for which funds are available in this Item, the Director, Department of Planning and Budget, may allot such funds as the Compensation Board may request to allow the employment of staff for training purposes not more than 45 days prior to the rescheduled opening date for the facility.			
	E. Consistent with the provisions of paragraph B of Item 75, the board shall allocate the additional jail deputies provided in this appropriation using a ratio of one jail deputy for every 3.0 beds of operational capacity. Operational capacity shall be determined by the Department of Corrections. No additional deputy sheriffs shall be provided from this appropriation to a local jail in which the present staffing exceeds this ratio unless the jail is overcrowded. Overcrowding for these purposes shall be defined as when the average annual daily population exceeds the operational capacity. In those jails experiencing overcrowding, the board may allocate one additional jail deputy for every five average annual daily prisoners above operational capacity. Should overcrowding be reduced or eliminated in any jail, the Compensation Board shall reallocate positions previously assigned due to overcrowding to other jails in the Commonwealth that are experiencing overcrowding.			
	F. Two-thirds of the salaries set by the Compensation Board of medical, treatment, and inmate classification positions approved by the Compensation Board for local correctional facilities shall be paid out of this appropriation.			
	G.1. Subject to appropriations by the General Assembly for this purpose, the Compensation Board shall provide for a master deputy pay grade to those sheriffs' offices which had certified, on or before January 1, 1997, having a career development plan for deputy sheriffs that meet the minimum criteria set forth by the Compensation Board for such plans. The Compensation Board shall allow for additional grade 9 positions, at a level not to exceed one grade 9 master deputy per every five Compensation Board grade 7 and 8 deputy positions in each sheriff's office.			
	2. Each sheriff who desires to participate in the Master Deputy Program who had not certified a career development plan on or before January 1, 1997, may elect to participate by certifying to the Compensation Board that the career development plan in effect in his office meets the minimum criteria for such plans as set by the Compensation Board. Such election shall be made by July 1 for an effective date of participation the following July 1.			
	3. Subject to appropriations by the General Assembly for this purpose, funding shall be provided by the Compensation Board for participation in the Master Deputy Program to sheriffs' offices electing participation after January 1, 1997, according to the date of receipt by the Compensation Board of the election by the sheriff.			
	H. The Compensation Board shall estimate biannually the number of additional law enforcement deputies which will be needed in accordance with § 15.2-1609.1, Code of Virginia. Such estimate of the number of positions and related costs shall be included in the board's biennial budget request submission to the Governor and General Assembly. The allocation of such positions, established by the Governor and General Assembly in Item 75 of this act, shall be determined by the Compensation Board on an annual basis. The annual allocation of these positions to local sheriffs' offices shall be based upon the most recent final population estimate for the locality that is available to the Compensation Board at the time when the agency's annual budget request is completed. The source of such population estimates shall be the Weldon Cooper Center for Public Service of the University of Virginia or the United States Bureau of the Census. For the first year of the biennium, the Compensation Board shall allocate positions based upon the most recent provisional			

ITEM 68.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022

population estimates available at the time the agency's annual budget is completed.

I. Any amount in the program Financial Assistance for Sheriffs' Offices and Regional Jails may be transferred between Items 68 and 69, as needed, to cover any deficits incurred in the programs Financial Assistance for Confinement of Inmates in Local and Regional Facilities, and Financial Assistance for Sheriffs' Offices and Regional Jails.

J.1. Subject to appropriations by the General Assembly for this purpose, the Compensation Board shall provide for a Sheriffs' Career Development Program.

2. Following receipt of a sheriff's certification that the minimum requirements of the Sheriffs' Career Development Program have been met, and provided that such certification is submitted by sheriffs as part of their annual budget request to the Compensation Board on or before February 1 of each year, the Compensation Board shall increase the annual salary shown in paragraph A of this Item by the percentage shown herein for a twelve-month period effective the following July 1.

a. 9.3 percent increase for all sheriffs who certify their compliance with the established minimum criteria for the Sheriffs' Career Development Program where such criteria includes that a sheriff has achieved certification in a program agreed upon by the Compensation Board and the Virginia Sheriffs' Institute by Virginia Commonwealth University , or, where such criteria include that a sheriff's office seeking accreditation has been assessed and will be considered for accreditation by the accrediting body no later than March 1, and have achieved accreditation by March 1 from the Virginia Law Enforcement Professional Standards Commission, or the Commission on Accreditation of Law Enforcement agencies, or the American Correctional Association.

3. Other constitutional officers' associations may request the General Assembly to include certification in a program agreed upon by the Compensation Board and the officers' associations by the Weldon Cooper Center for Public Service to the requirements for participation in their respective career development programs.

K. Notwithstanding the provisions of Article 7, Chapter 15, Title 56, Code of Virginia, \$8,000,000 the first year and \$8,000,000 the second year from the Wireless E-911 Fund is included in this appropriation for local law enforcement dispatchers to offset dispatch center operations and related costs.

L. Notwithstanding the provisions of §§ 53.1-131 through 53.1 -131.3, Code of Virginia, local and regional jails may charge inmates participating in inmate work programs a reasonable daily amount, not to exceed the actual daily cost, to operate the program.

M.1. Included in this appropriation is \$1,856,649 the first year and \$1,856,649 the second year from the general fund for the Compensation Board to contract for services to be provided by the Virginia Center for Policing Innovation to implement and maintain the interface between all local and regional jails in the Commonwealth and the Statewide Automated Victim Information and Notification (SAVIN) system, to provide for SAVIN program coordination, and to maintain the interface between SAVIN and the Virginia Sex Offender Registry and provide for automated protective order notifications. All law enforcement agencies receiving general funds pursuant to this item shall provide the data requirements necessary to participate in the SAVIN system.

2. The data collected for purposes of the Statewide Automated Victim Information and Notification (SAVIN) system may be used to support additional public safety systems authorized by statute or the Appropriation Act. In support of these systems, the data may be used to determine or supplement risk factors, provide notifications, or data-driven information. The Commonwealth of Virginia's Chief Data Officer and the Compensation Board shall be permitted access to, and extraction of, such raw state data provided for these purposes, under terms agreed to by both the vendor collecting data under contract with the Virginia Center for Policing Innovation and the Commonwealth of Virginia's Chief Data Officer. No raw data shall be transferred beyond the SAVIN system except that which is shared with the Commonwealth of Virginia's Chief Data Officer in such mutually agreed upon manner.

N. Included in this appropriation is \$2,419,030 the first year and \$2,478,556 the second year from the general fund to support staffing costs associated with the expansion project

ITEM 68.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
at Prince William/Manassas Regional Jail.				
O. Included in this appropriation is \$2,194,589 in the second year from the general fund to support staffing costs associated with the Henry County jail replacement project.				
69.	Financial Assistance for Confinement of Inmates in Local and Regional Facilities (35600).....		\$59,182,111	\$59,199,386
	Financial Assistance for Local Jail Per Diem (35601)	\$27,867,884		
	Financial Assistance for Regional Jail Per Diem (35604).....	\$31,314,227		
	Fund Sources: General.....	\$59,182,111		\$59,199,386

Authority: §§ 53.1-83.1, 53.1-84 and 53.1-85, Code of Virginia.

A. In the event the appropriation in this Item proves to be insufficient to fund all of its provisions, any amount remaining as of June 1, 2021, and June 1, 2022, may be reallocated among localities on a pro rata basis according to such deficiency.

B. For the purposes of this Item, the following definitions shall be applicable:

1. Effective sentence--a convicted offender's sentence as rendered by the court less any portion of the sentence suspended by the court.
2. Local responsible inmate--(a) any person arrested on a state warrant and incarcerated in a local correctional facility, as defined by § 53.1-1, Code of Virginia, prior to trial; (b) any person convicted of a misdemeanor offense and sentenced to a term in a local correctional facility; or (c) any person convicted of a felony offense and given an effective sentence of (i) twelve months or less or (ii) less than one year.
3. State responsible inmate--any person convicted of one or more felony offenses and (a) the sum of consecutive effective sentences for felonies, committed on or after January 1, 1995, is (i) more than 12 months or (ii) one year or more, or (b) the sum of consecutive effective sentences for felonies, committed before January 1, 1995, is more than two years.

C. The individual or entity responsible for operating any facility which receives funds from this Item may, if requested by the Department of Corrections, enter into an agreement with the department to accept the transfer of convicted felons, from other local facilities or from facilities operated by the Department of Corrections. In entering into any such agreements, or in effecting the transfer of offenders, the Department of Corrections shall consider the security requirements of transferred offenders and the capability of the local facility to maintain such offenders. For purposes of calculating the amount due each locality, all funds earned by the locality as a result of an agreement with the Department of Corrections shall be included as receipts from these appropriations.

D. Out of this appropriation, an amount not to exceed \$377,010 the first year and \$377,010 the second year from the general fund, is designated to be held in reserve for unbudgeted medical expenses incurred by local correctional facilities in the care of state responsible felons.

E. The following amounts shall be paid out of this appropriation to compensate localities for the cost of maintaining prisoners in local correctional facilities, as defined by § 53.1-1, Code of Virginia, or if the prisoner is not housed in a local correctional facility, in an alternative to incarceration program operated by, or under the authority of, the sheriff or jail board:

1. For local responsible inmates--\$4 per inmate day, or, if the inmate is housed and maintained in a jail farm not under the control of the sheriff, the rate shall be \$18 per inmate day.
2. For state responsible inmates--\$12 per inmate day.

F. For the payment specified in paragraph E 1 of this Item for prisoners in alternative punishment or alternative to incarceration programs:

1. Such payment is intended to be made for prisoners that would otherwise be housed in a

ITEM 69.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022

local correctional facility. It is not intended for prisoners that would otherwise be sentenced to community service or placed on probation.

2. No such payment shall be made unless the program has been approved by the Department of Corrections or the Department of Criminal Justice Services. Alternative punishment or alternative to incarceration programs, however, may include supervised work experience, treatment, and electronic monitoring programs.

G.1. Except as provided for in paragraph G 2, and notwithstanding any other provisions of this Item, the Compensation Board shall provide payment to any locality with an average daily jail population of under ten in FY 1995 an inmate per diem rate of \$18 per day for local responsible inmates and \$12 per day for state responsible inmates held in these jails in lieu of personal service costs for corrections' officers.

2. Any locality covered by the provisions of this paragraph shall be exempt from the provisions thereof provided that the locally elected sheriff, with the assistance of the Compensation Board, enters into good faith negotiations to house his prisoners in an existing local or regional jail. In establishing the per diem rate and capital contribution, if any, to be charged to such locality by a local or regional jail, the Compensation Board and the local sheriff or regional jail authority shall consider the operating support and capital contribution made by the Commonwealth, as required by §§ 15.2-1613, 15.2-1615.1, 53.1-80, and 53.1-81, Code of Virginia. The Compensation Board shall report periodically to the Chairmen of the House Appropriations and Senate Finance Committees on the progress of these negotiations and may withhold the exemption granted by this paragraph if, in the board's opinion, the local sheriff fails to negotiate in good faith.

H.1. The Compensation Board shall recover the state-funded costs associated with housing federal inmates, District of Columbia inmates or contract inmates from other states. The Compensation Board shall determine, by individual jail, the amount to be recovered by the Commonwealth by multiplying the jail's current inmate days for this population by the proportion of the jail's per inmate day salary funds provided by the Commonwealth, as identified in the most recent Jail Cost Report prepared by the Compensation Board. Beginning July 1, 2009, the Compensation Board shall determine, by individual jail, the amount to be recovered by the Commonwealth by multiplying the jail's current inmate days for this population by the proportion of the jail's per inmate day operating costs provided by the Commonwealth, excluding payments otherwise provided for in this Item, as identified in the most recent Jail Cost Report prepared by the Compensation Board. If a jail is not included in the most recent Jail Cost Report, the Compensation Board shall use the statewide average of per inmate day salary funds provided by the Commonwealth.

2. The Compensation Board shall deduct the amount to be recovered by the Commonwealth from the facility's next quarterly per diem payment for state-responsible and local-responsible inmates. Should the next quarterly per diem payment owed the locality not be sufficient against which to net the total quarterly recovery amount, the locality shall remit the remaining amount not recovered to the Compensation Board.

3. Any local or regional jail which receives funding from the Compensation Board shall give priority to the housing of local-responsible, state-responsible, and state contract inmates, in that order, as provided in paragraph H 1.

4. The Compensation Board shall not provide any inmate per diem payments to any local or regional jail which holds federal inmates in excess of the number of beds contracted for with the Department of Corrections, unless the Director, Department of Corrections, certifies to the Chairman of the Compensation Board that a) such contract beds are not required; b) the facility has operational capacity built under contract with the federal government; c) the facility has received a grant from the federal government for a portion of the capital costs; or d) the facility has applied to the Department of Corrections for participation in the contract bed program with a sufficient number of beds to meet the Department of Corrections' need or ability to fund contract beds at that facility in any given fiscal year.

5. The Compensation Board shall apply the cost recovery methodology set out in paragraph H 1 of this Item to any jail which holds inmates from another state on a contractual basis. However, recovery in such circumstances shall not be made for inmates

ITEM 69.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
held pending extradition to other states or pending transfer to the Virginia Department of Corrections.				
6. The provisions of this paragraph shall not apply to any local or regional jail where the cumulative federal share of capital costs exceeds the Commonwealth's cumulative capital contribution.				
7. For a local or regional jail which operates bed space specifically built utilizing federal capital or grant funds for the housing of federal inmates and for which Compensation Board funding has never been authorized for staff for such bed space, the Compensation Board shall allow an exemption from the recovery provided in paragraph H.1. for a defined number of federal prisoners upon certification by the sheriff or superintendent that the federal government has paid for the construction of bed space in the facility or provided a grant for a portion of the capital cost. Such certification shall include specific funding amounts paid by the federal government, localities, and/or regional jail authorities, and the Commonwealth for the construction of bed space specifically built for the housing of federal inmates and for the construction of the jail facility in its entirety. The defined number of federal prisoners to be exempted from the recovery provided in paragraph H.1. shall be based upon the proportion of funding paid by the federal government and localities and/or regional jail authorities for the construction of bed space to house federal prisoners to the total funding paid by all sources, including the Commonwealth, for all construction costs for the jail facility in its entirety.				
8. Beginning March 1, 2013, federal inmates placed in the custody of a regional jail pursuant to a work release program operated by the federal Bureau of Prisons shall be exempt from the recovery of costs associated with housing federal inmates pursuant to paragraph H.1. of this item if such federal inmates have been assigned by the federal Bureau of Prisons to a home electronic monitoring program in place for such inmates by agreement with the jail on or before January 1, 2012 and are not housed in the jail facility. However, no such exemption shall apply to any federal inmate while they are housed in the regional jail facility.				
I. Any amounts in the program Financial Assistance for Confinement of Inmates in Local and Regional Facilities, may be transferred between Items 68 and 69, as needed, to cover any deficits incurred in the programs Financial Assistance for Sheriffs' Offices and Regional Jails and Financial Assistance for Confinement of Inmates in Local and Regional Facilities.				
J.1. The Compensation Board shall provide an annual report on the number and diagnoses of inmates with mental illnesses in local and regional jails, the treatment services provided, and expenditures on jail mental health programs. The report shall be prepared in cooperation with the Virginia Sheriffs Association, the Virginia Association of Regional Jails, the Virginia Association of Community Services Boards, and the Department of Behavioral Health and Developmental Services, and shall be coordinated with the data submissions required for the annual jail cost report. Copies of this report shall be provided by November 1 of each year to the Governor, Director, Department of Planning and Budget, and the Chairmen of the Senate Finance and House Appropriations Committees.				
2. Whenever a person is admitted to a local or regional correctional facility, the staff of the facility shall screen such person for mental illness using a scientifically validated instrument. The Commissioner of Behavioral Health and Developmental Services shall designate the instrument to be used for the screenings and such instrument shall be capable of being administered by an employee of the local or regional correctional facility, other than a health care provider, provided that such employee is trained in the administration of such instrument.				
K. Out of the amounts appropriated in this item, \$198,664 the first year and \$215,939 the second year from the general fund is provided for the purpose of reimbursing the County of Nottoway for the expense of confining residents of the Virginia Center for Behavioral Rehabilitation arrested for new offenses and held in Piedmont Regional Jail at the expense of the County. Reimbursements by the Board are to be made quarterly, and shall be equal to demonstrated costs incurred by the County of Nottoway for confinement of these individuals, and shall not exceed the amounts provided in this paragraph for each fiscal year. Demonstrated costs may include expenses incurred in the last month of the prior fiscal year if not previously reimbursed. The County of Nottoway, the Virginia Center for Behavioral Rehabilitation, and Piedmont Regional Jail shall upon request provide the Compensation Board any information and assistance it determines is necessary to calculate amounts to be reimbursed to the County of Nottoway.				

ITEM 69.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
70.	Financial Assistance for Local Finance Directors (71700).....			\$5,798,424	\$5,798,424
	Financial Assistance to Local Finance Directors (71701).....	\$703,671	\$703,671		
	Financial Assistance for Operations of Local Finance Directors (71702).....	\$5,094,753	\$5,094,753		
	Fund Sources: General.....	\$5,798,424	\$5,798,424		

Authority: Title 15.2, Chapter 16, Articles 2 and 6.1, Code of Virginia.

A.1. The annual salaries of elected or appointed officers who hold the combined office of city treasurer and commissioner of the revenue, or elected or appointed officers who hold the combined office of county treasurer and commissioner of the revenue subject to the provisions of § 15.2-1636.17, Code of Virginia, shall be as hereinafter prescribed, based on the services provided, except as otherwise provided in § 15.2-1636.12, Code of Virginia.

	July 1, 2020 to June 30, 2021	July 1, 2021 to November 30, 2021	December 1, 2021 to June 30, 2022
Less than 10,000	\$64,399	\$64,399	\$64,399
10,000-19,999	\$71,557	\$71,557	\$71,557
20,000-39,999	\$79,509	\$79,509	\$79,509
40,000-69,999	\$88,340	\$88,340	\$88,340
70,000-99,999	\$98,157	\$98,157	\$98,157
100,000-174,999	\$109,059	\$109,059	\$109,059
175,000 to 249,999	\$114,803	\$114,803	\$114,803
250,000 and above	\$130,459	\$130,459	\$130,459

2. Whenever any officer whether elected or appointed, who holds that combined office of city treasurer and commissioner of the revenue, is such for two or more cities or for a county and city together, the aggregate population of such political subdivisions shall be the population for the purpose of arriving at the salary of such officer under the provisions of this Item.

B.1. Subject to appropriations by the General Assembly for this purpose, the Treasurers' Career Development Program shall be made available by the Compensation Board to appointed officers who hold the combined office of city or county treasurer and commissioner of the revenue subject to the provisions of § 15.2-1636.17, Code of Virginia.

2. The Compensation Board may increase the annual salary in paragraph A 1 of this Item following receipt of the appointed officer's certification that the minimum requirements of the Treasurers' Career Development Program have been met, provided that such certifications are submitted by appointed officers as part of their annual budget request to the Compensation Board on February 1 of each year.

71.	Financial Assistance for Local Commissioners of the Revenue (77100).....			\$20,269,606	\$20,356,019
	Financial Assistance to Local Commissioners of the Revenue for Tax Value Certification (77101).....	\$10,774,765	\$10,774,765		
	Financial Assistance for Operations of Local Commissioners of the Revenue (77102).....	\$9,045,032	\$9,131,445		
	Financial Assistance for State Tax Services by Commissioners of the Revenue (77103).....	\$449,809	\$449,809		
	Fund Sources: General.....	\$20,269,606	\$20,356,019		

Authority: Title 15.2, Chapter 16, Articles 2 and 6.1, Code of Virginia.

A. The annual salaries of county or city commissioners of the revenue shall be as

ITEM 71.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
hereinafter prescribed, except as otherwise provided in § 15.2-1636.12, Code of Virginia.				
	July 1, 2020 to June 30, 2021	July 1, 2021 to November 30, 2021	December 1, 2021 to June 30, 2022	
Less than 10,000	\$64,399	\$64,399	\$64,399	
10,000-19,999	\$71,557	\$71,557	\$71,557	
20,000-39,999	\$79,509	\$79,509	\$79,509	
40,000-69,999	\$88,340	\$88,340	\$88,340	
70,000-99,999	\$98,157	\$98,157	\$98,157	
100,000-174,999	\$109,059	\$109,059	\$109,059	
175,000 to 249,999	\$114,803	\$114,803	\$114,803	
250,000 and above	\$130,459	\$130,459	\$130,459	

B. 1. Subject to appropriations by the General Assembly for this purpose, the Compensation Board shall provide for a Commissioners of the Revenue Career Development Program.

2. Following receipt of the commissioner's certification that the minimum requirements of the Commissioners of the Revenue Career Development Program have been met, and provided that such certification is submitted by commissioners of the revenue as part of their annual budget request to the Compensation Board on or before February 1 of each year, the Compensation Board may increase the annual salary in paragraph A of this item by 9.3 percent following receipt of the commissioner's certification that the minimum requirements of the Commissioners' Career Development Program have been met, provided that such certifications are submitted by commissioners as part of their annual budget request to the Compensation Board on February 1 of each year.

C.1. Subject to appropriations by the General Assembly for this purpose, the Compensation Board shall provide for a Deputy Commissioners Career Development Program.

2. For each deputy commissioner selected by the commissioner of the revenue for participation in the Deputy Commissioners Career Development Program, the Compensation Board shall increase the annual salary established for that position by 9.3 percent, following receipt of the commissioner of the revenue's certification that the minimum requirements of the Deputy Commissioners Career Development Program have been met, and provided that such certification is submitted by the commissioner of the revenue as part of the annual budget request to the Compensation Board on or before February 1st of each year for an effective date of salary increase of the following July 1.

72.	Financial Assistance for Attorneys for the Commonwealth (77200).....			\$79,221,735	\$79,304,674
	Financial Assistance to Attorneys for the Commonwealth (77201).....	\$17,151,315	\$17,151,315		
	Financial Assistance for Operations of Local Attorneys for the Commonwealth (77202).....	\$62,070,420	\$62,153,359		
	Fund Sources: General.....	\$78,621,535	\$78,704,474		
	Dedicated Special Revenue.....	\$600,200	\$600,200		

Authority: Title 15.2, Chapter 16, Articles 4 and 6.1, Code of Virginia.

A.1. The annual salaries of attorneys for the Commonwealth shall be as hereinafter prescribed according to the population of the city or county served except as otherwise provided in § 15.2-1636.12, Code of Virginia.

	July 1, 2020 to June 30, 2021	July 1, 2021 to November 30, 2021	December 1, 2021 to June 30, 2022
Less than 10,000	\$57,070	\$57,070	\$57,070
10,000-19,999	\$63,420	\$63,420	\$63,420

ITEM 72.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022
20,000-34,999	\$69,760	\$69,760		\$69,760
35,000-44,999	\$125,563	\$125,563		\$125,563
45,000-99,999	\$139,512	\$139,512		\$139,512
100,000-249,999	\$144,745	\$144,745		\$144,745
250,000 and above	\$149,980	\$149,980		\$149,980

2. The attorneys for the Commonwealth and their successors who serve on a full-time basis pursuant to §§ 15.2-1627.1, 15.2-1628, 15.2-1629, 15.2-1630 or § 15.2-1631, Code of Virginia, shall receive salaries as if they served localities with populations between 35,000 and 44,999.

3. Whenever an attorney for the Commonwealth is such for a county and city together, or for two or more cities, the aggregate population of such political subdivisions shall be the population for the purpose of arriving at the salary of such attorney for the Commonwealth under the provisions of this paragraph and such attorney for the Commonwealth shall receive as additional compensation the sum of one thousand dollars.

B. No expenditure shall be made out of this Item for the employment of investigators, clerk-investigators or other investigative personnel in the office of an attorney for the Commonwealth.

C. Consistent with the provisions of § 19.2-349, Code of Virginia, attorneys for the Commonwealth may, in addition to the options otherwise provided by law, employ individuals to assist in collection of outstanding fines, costs, forfeitures, penalties, and restitution. Notwithstanding any other provision of law, beginning on the date upon which the order or judgment is entered, the costs associated with employing such individuals may be paid from the proceeds of the amounts collected provided that the cost is apportioned on a pro rata basis according to the amount collected which is due the state and that which is due the locality. The attorneys for the Commonwealth shall account for the amounts collected and apportion costs associated with the collections consistent with procedures issued by the Auditor of Public Accounts.

D. The provisions of this act notwithstanding, no Commonwealth's attorney, public defender or employee of a public defender, shall be paid or receive reimbursement for the state portion of a salary in excess of the salary paid to judges of the circuit court. Nothing in this paragraph shall be construed to limit the ability of localities to supplement the salaries of locally elected constitutional officers or their employees.

E. The Statewide Juvenile Justice project positions, as established under the provisions of Item 74 E, of Chapter 912, 1996 Acts of Assembly, and Chapter 924, 1997 Acts of Assembly, are continued under the provisions of this act. The Commonwealth's attorneys receiving such positions shall annually certify to the Compensation Board that the positions are used primarily, if not exclusively, for the prosecution of delinquency and domestic relations felony cases, as defined by Chapters 912 and 924. In the event the positions are not primarily or exclusively used for the prosecution of delinquency and domestic relations felony cases, the Compensation Board shall reallocate such positions by using the allocation provisions as provided for the board in Item 74 E of Chapters 912 and 924.

F. The Compensation Board shall monitor the Department of Taxation program regarding the collection of unpaid fines and court costs by private debt collection firms contracted by Commonwealth's attorneys and shall include, in its annual report to the General Assembly on the collection of court-ordered fines and fees for clerks of the courts and Commonwealth's attorneys, the amount of unpaid fines and costs collected by this program.

G. Out of this appropriation, \$389,165 the first year and \$389,165 the second year from the general fund is designated for the Compensation Board to fund five additional positions in Commonwealth's attorney's offices that shall be dedicated to prosecuting gang-related criminal activities. The board shall ensure that these positions work across jurisdictional lines, serving the Northern Virginia area (counties of Fairfax, Loudoun, Prince William, and Arlington and the cities of Falls Church, Alexandria, Manassas, Manassas Park and Fairfax).

ITEM 72.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
H.	<p>In accordance with the provisions of § 19.2-349, Code of Virginia, attorneys for the Commonwealth may employ individuals, or contract with private attorneys, private collection agencies, or other state or local agencies, to assist in collection of delinquent fines, costs, forfeitures, penalties, and restitution. If the attorney for the Commonwealth employs individuals, the costs associated with employing such individuals may be paid from the proceeds of the amounts collected provided that the cost is apportioned on a pro rata basis according to the amount collected which is due the state and that which is due the locality. If the attorney for the Commonwealth does not undertake collection, the attorney for the Commonwealth shall, as soon as practicable, take steps to ensure that any agreement or contract with an individual, attorney or agency complies with the terms of the current Master Guidelines Governing Collection of Unpaid Delinquent Court-Ordered Fines and Costs Pursuant to Virginia Code § 19.2-349 promulgated by the Office of the Attorney General, the Executive Secretary of the Supreme Court, the Department of Taxation, and the Compensation Board ("the Master Guidelines"). Notwithstanding any other provision of law, the delinquent amounts owed shall be increased by seventeen (17) percent to help offset the costs associated with employing such individuals or contracting with such agencies or individuals. If such increase would exceed the contracted collection agent's fee, then the delinquent amount owed shall be increased by the percentage or amount of the collection agent's fee. Effective July 1, 2015, as provided in § 19.2-349, Code of Virginia, treasurers not being compensated on a contingency basis as of January 1, 2015 shall be prohibited from being compensated on a contingency basis but shall instead be compensated for administrative costs pursuant to § 58.1-3958, Code of Virginia. Treasurers currently collecting a contingency fee shall be eligible to contract on a contingency fee basis. Effective July 1, 2015, any treasurer collecting a contingency fee shall retain only the expenses of collection, and the excess collection shall be divided between the state and the locality in the same manner as if the collection had been done by the attorney for the Commonwealth. The attorneys for the Commonwealth shall account for the amounts collected and the fees and costs associated with the collections consistent with procedures issued by the Auditor of Public Accounts.</p>			
I.	<p>Notwithstanding the provisions of Article 7, Chapter 4, Title 38, Code of Virginia, beginning July 1, 2018, \$600,000 each year from the Insurance Fraud Fund is included in this appropriation to fund multi-jurisdictional Assistant Commonwealth's Attorney positions that shall be dedicated to prosecuting insurance fraud and related criminal activities. The Department of State Police shall identify those jurisdictions most affected by insurance fraud based upon data provided by the Virginia State Police Insurance Fraud Program. The Virginia State Police Insurance Fraud Program shall ensure that these positions work across jurisdictional lines, serving jurisdictions identified as most in need of these resources as supported by data. These funds shall remain unallocated until the Compensation Board and Virginia State Police notify the Director of the Department of Planning and Budget of the joint agreements reached with the Commonwealth's Attorneys of the jurisdictions receiving the additional Assistant Commonwealth's Attorney positions and the jurisdictions to be served by these positions. The Commonwealth's Attorneys receiving such positions shall annually certify to the Compensation Board that these positions are used primarily, if not exclusively, for the prosecution of insurance fraud and related criminal activities.</p>			
J.	<p>The appropriations in this item includes \$1,350,989 the first year and \$1,433,928 the second year from the general fund to fund approximately twenty-five percent of the unfunded positions needed based on the fiscal year 2020 staffing standards calculation.</p>			
K.	<p>Any locality in the Commonwealth that employs the use of body worn cameras for its law enforcement officers shall be required to establish and fund one full-time equivalent entry-level Assistant Commonwealth's Attorney, at a salary no less than that established by the Compensation Board for an entry-level Commonwealth's Attorney, at a rate of one Assistant Commonwealth's Attorney for up to 75 body worn cameras employed for use by local law enforcement officers, and one Assistant Commonwealth's Attorney for every 75 body worn cameras employed for use by local law enforcement officers, thereafter. However, with the consent of the Commonwealth's Attorney, a locality may provide their Commonwealth's Attorney's office with additional funding, using a different formula than stated above, as needed to accommodate the additional workload resulting from the requirement to review, redact and present footage from body worn cameras. If, as of July 1, 2019, a locality is providing additional funding to the Commonwealth's Attorney's office specifically to address</p>			

ITEM 72.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
	the staffing and workload impact of the implementation of body worn cameras on that office, that additional funding shall be credited to the formula used in that locality. Any agreed upon funding formula between the impacted Commonwealth's Attorney and the locality employing body worn cameras shall be filed with the Compensation Board by July 1, 2019 and shall remain in effect unless modified by the agreement of both parties until June 30th of the following year. The term "locality" means every county or independent city with an Attorney for the Commonwealth. The term "employed for use" includes all body worn cameras maintained by the law enforcement agency or agencies of that locality, regardless of any temporary inoperability.			
73.	Financial Assistance for Circuit Court Clerks (77300).....		\$59,086,979	\$59,285,062
	Financial Assistance to Circuit Court Clerks (77301).....	\$14,619,426		
	Financial Assistance for Operations for Circuit Court Clerks (77302).....	\$27,757,545		
	Financial Assistance for Circuit Court Clerks' Land Records (77303).....	\$16,710,008		
	Fund Sources: General.....	\$51,083,609		
	Trust and Agency.....	\$8,003,370		

Authority: Title 15.2, Chapter 16, Article 6.1; §§ 51.1-706 and 51.1-137, Title 17.1, Chapter 2, Article 7, Code of Virginia.

A.1. The annual salaries of clerks of circuit courts shall be as hereinafter prescribed.

	July 1, 2020 to June 30, 2021	July 1, 2021 to November 30, 2021	December 1, 2021 to June 30, 2022
Less than 10,000	\$80,910	\$80,910	\$80,910
10,000 to 19,999	\$99,699	\$99,699	\$99,699
20,000-39,999	\$114,150	\$114,150	\$114,150
40,000-69,999	\$119,928	\$119,928	\$119,928
70,000-99,999	\$130,039	\$130,039	\$130,039
100,000-174,999	\$141,600	\$141,600	\$141,600
175,000-249,999	\$145,994	\$145,994	\$145,994
250,000 and above	\$150,273	\$150,273	\$150,273

2. Whenever a clerk of a circuit court is such for a county and a city, for two or more counties, or for two or more cities, the aggregate population of such political subdivisions shall be the population for the purpose of arriving at the salary of the circuit court clerk under the provisions of this Item.

3. Except as provided in Item 75 A 2, the annual salary herein prescribed shall be full compensation for services performed by the office of the circuit court clerk as prescribed by general law, and for the additional services of acting as general receiver of the court pursuant to § 8.01-582, Code of Virginia, indexing and filing land use application fees pursuant to § 58.1-3234, Code of Virginia, and all other services provided from, or utilizing the facilities of, the office of the circuit court clerk. Pursuant to § 8.01-589, Code of Virginia, the court shall provide reasonable compensation to the office of the clerk of the circuit court for acting as general receiver of the court. Out of the compensation so allowed, the clerk shall pay his bond or bonds. The remainder of the compensation so allowed shall be fee and commission income to the office of the circuit court clerk.

4. In any county or city operating under provisions of law which authorizes the governing body to fix the compensation of the clerk on a salary basis, such clerk shall receive such salary as shall be allowed by the governing body. Such salary shall not be fixed at an amount less than the amount that would be allowed the clerk under paragraphs A 1 through A 3 of this Item.

ITEM 73.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
5. All clerks shall deposit all clerks' fees and state revenue with the State Treasurer in a manner consistent with § 2.2-806, Code of Virginia, unless otherwise provided by the Compensation Board as set forth in § 17.1-284, Code of Virginia or otherwise provided by law.				
B. The reports filed by each circuit court clerk pursuant to § 17.1-283, Code of Virginia, for each calendar year shall include all income derived from the performance of any office, function or duty described or authorized by the Code of Virginia whether directly or indirectly related to the office of circuit court clerk, including, by way of description and not limitation, services performed as a commissioner of accounts, receiver, or licensed agent, but excluding private services performed on a personal basis which are completely unrelated to the office. The Compensation Board may suspend the allowance for office expenses for any clerk who fails to file such reports within the time prescribed by law, or when the board determines that such report does not comply with the provisions of this paragraph.				
C. Each clerk of the circuit court shall submit to the Compensation Board a copy of the report required pursuant to § 19.2-349, Code of Virginia, at the same time that it is submitted to the Commonwealth's attorney.				
D. Included within this appropriation are Trust and Agency funds necessary to support one position to assist circuit court clerks in implementing the recommendations of the Land Records Management Task Force Report dated January 1, 1998.				
E. Notwithstanding the provisions of § 17.1-279 E, Code of Virginia, the Compensation Board may allocate to the clerk of any circuit court funds for the acquisition of equipment and software for a pilot project for the automated application for, and issuance of, marriage licenses by such court. Any such funds allocated shall be deemed to have been expended pursuant to clause (iii) of § 17.1-279 E for the purposes of the limitation on allocations set forth in that subsection.				
F.1. Notwithstanding the provisions of § 17.1-279, Code of Virginia, the Compensation Board may allocate up to \$978,426 the first year and \$978,426 the second year of Technology Trust Fund moneys for operating expenses in the clerks' offices.				
2. Notwithstanding the provisions of § 17.1-279, Code of Virginia, the Compensation Board when distributing funds to the Circuit Court Clerk's Offices from the Technology Trust Fund shall ensure that each office has at least \$1,000 per year for technology related expenditures.				
G. Notwithstanding § 17.1-287, Code of Virginia, any elected official funded through this Item may elect to relinquish any portion of his state funded salary established in paragraph A 1 of this Item. In any office where the official elects this option, the Compensation Board shall ensure the amount relinquished is used to fund salaries of other office staff.				
H.1. For audits of clerks of the circuit court completed after July 1, 2004, the Auditor of Public Accounts shall report any internal control matter that could be reasonably expected to lead to the loss of revenues or assets, or otherwise compromise fiscal accountability. The Auditor of Public Accounts will also report on compliance with appropriate law and other financial matters of the clerks' office.				
2. For internal control matters that could be reasonably expected to lead to the loss of revenues or assets, or otherwise compromise fiscal accountability, the clerk shall provide the Auditor of Public Accounts a written corrective action plan to any such audit findings within 10 business days of the audit exit conference, which will state what actions the clerk will take to remediate the finding. The clerk's response may also address the other matters in the report. During the next audit, the Auditor of Public Accounts shall determine and report if the clerk has corrected the finding related to internal control matters that could be reasonably expected to lead to the loss of revenues or assets, or otherwise compromise fiscal accountability.				
3. Notwithstanding the provisions of Item 477, the Compensation Board shall not provide any salary increase to any circuit court clerk identified by the Auditor of Public Accounts who has not taken corrective action for the matters reported above.				
I.1. Subject to appropriation by the General Assembly for this purpose, the Compensation Board may implement a Circuit Court Clerks' Career Development Program.				

ITEM 73.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022

2. Following receipt of a clerk's certification that the minimum requirements of the Clerks' Career Development Program have been met, and provided that such certification is submitted by Clerks as part of their annual budget request to the Compensation Board by February 1 of each year, the Compensation Board shall increase the annual salary shown in Paragraph A.1. of this item by 9.3 percent with the salary increase becoming effective on the following July 1 for a 12-month period.

J.1. Subject to appropriation by the General Assembly for this purpose, the Compensation Board may implement a Deputy Clerks of Circuit Courts' Career Development Program.

2. For each deputy clerk selected by the clerk for participation in the Deputy Clerks' Career Development Program, the Compensation Board shall increase the annual salary established for that position by 9.3 percent following receipt of the clerk's certification that the minimum requirements of the Deputy Clerks' Career Development Program have been met and provided that such certification is submitted by clerks as part of their annual budget request to the Compensation Board by February 1 of each year.

K. Upon request of the attorney for the Commonwealth, the clerk of the circuit court shall contemporaneously provide the attorney for the Commonwealth copies of all documents provided to the Virginia Criminal Sentencing Commission pursuant to § 19.2-298.01 E, Code of Virginia.

L. The Compensation Board may obligate Trust and Agency funds in excess of the current biennium appropriation for the automation efforts of the clerks' offices from the Technology Trust Fund provided that sufficient cash is available to cover projected costs in each year and that sufficient revenues are projected to meet all cash obligations for new obligations as well as all other commitments and appropriations approved by the General Assembly in the biennial budget.

M. Offices of the Clerks of the Circuit Court, jails, adult detention centers, and the Department of Corrections are further authorized to enter into agreements to electronically transmit and process criminal court orders to assure timely and accurate recordation and processing of such records.

N.. Included in the appropriation for this item is \$75,000 the first year and \$75,000 the second year from the general fund for the Williamsburg and James City County Circuit Court Clerk's office to conduct a pilot program to provide an online listing of foreclosures; continued courthouse posting of foreclosures; and to provide notice of foreclosures in the local newspaper for a limited period of time.

74.	Financial Assistance for Local Treasurers (77400)..			\$18,934,947	\$19,755,973
	Financial Assistance to Local Treasurers (77401)....	\$10,621,638	\$10,621,638		
	Financial Assistance for Operations of Local Treasurers (77402).....	\$7,979,040	\$8,800,066		
	Financial Assistance for State Tax Services by Local Treasurers (77403).....	\$334,269	\$334,269		
	Fund Sources: General.....	\$18,934,947	\$19,755,973		

Authority: Title 15.2, Chapter 16, Articles 2 and 6.1, Code of Virginia.

A.1. The annual salaries of treasurers, elected or appointed officers who hold the combined office of city treasurer and commissioner of the revenue, or elected or appointed officers who hold the combined office of county treasurer and commissioner of the revenue subject to the provisions of § 15.2-1636.17, Code of Virginia, shall be as hereinafter prescribed, based on the services provided, except as otherwise provided in § 15.2-1636.12, Code of Virginia.

	July 1, 2020 to June 30, 2021	July 1, 2021 to November 30, 2021	December 1, 2021 to June 30, 2022
Less than 10,000	\$64,399	\$64,399	\$64,399
10,000 to 19,999	\$71,557	\$71,557	\$71,557

ITEM 74.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
20,000-39,999	\$79,509	\$79,509	\$79,509	\$79,509
40,000-69,999	\$88,340	\$88,340	\$88,340	\$88,340
70,000-99,999	\$98,157	\$98,157	\$98,157	\$98,157
100,000-174,999	\$109,059	\$109,059	\$109,059	\$109,059
175,000-249,999	\$114,803	\$114,803	\$114,803	\$114,803
250,000 and above	\$130,459	\$130,459	\$130,459	\$130,459

2. Provided, however, that in cities having a treasurer who neither collects nor disburses local taxes or revenue or who distributes local revenues but does not collect the same, such salaries shall be seventy-five percent of the salary prescribed above for the population range in which the city falls except that in no case shall any such treasurer, or any officer whether elected or appointed, who holds that combined office of city treasurer and commissioner of the revenue, receive an increase in salary less than the annual percentage increase provided from state funds to any other treasurer, within the same population range, who was at the maximum prescribed salary in effect for the fiscal year 1980.

3. Whenever a treasurer is such for two or more cities or for a county and city together, the aggregate population of such political subdivisions shall be the population for the purpose of arriving at the salary of such treasurer under the provisions of this Item.

B.1. Subject to appropriations by the General Assembly for this purpose, the Treasurers' Career Development Program shall be made available by the Compensation Board to appointed officers who hold the combined office of city or county treasurer and commissioner of the revenue subject to the provisions of § 15.2-1636.17, Code of Virginia.

2. The Compensation Board may increase the annual salary in paragraph A 1 of this Item by 9.3 percent following receipt of the treasurer's certification that the minimum requirements of the Treasurers' Career Development Program have been met, provided that such certifications are submitted by treasurers as part of their annual budget request to the Compensation Board on February 1 of each year.

C.1. Subject to appropriations by the General Assembly for this purpose, the Compensation Board shall provide for a Deputy Treasurers' Career Development Program.

2. For each deputy treasurer selected by the treasurer for participation in the Deputy Treasurers' Career Development Program, the Compensation Board shall increase the annual salary established for that position by 9.3 percent following receipt of the treasurer's certification that the minimum requirements of the Deputy Treasurers' Career Development Program have been met, and provided that such certification is submitted by the treasurer as part of the annual budget request to the Compensation Board on or before February 1 of each year for an effective date of salary increase of the following July 1st.

75.	Administrative and Support Services (79900).....			\$4,677,220	\$4,677,220
	General Management and Direction (79901).....	\$3,671,951	\$3,671,951		
	Information Technology Services (79902).....	\$970,119	\$970,119		
	Training Services (79925).....	\$35,150	\$35,150		
	Fund Sources: General.....	\$4,677,220	\$4,677,220		

Authority: Title 2.2-1839; Title 15.2, Chapter 16, Articles 2, 3, 4 and 6.1; Title 17.1, Chapter 2, Article 7, Code of Virginia.

A.1. In determining the salary of any officer specified in Items 68, 70, 71, 72, 73, and 74 of this act, the Compensation Board shall use the greater of the most recent actual United States census count or the most recent provisional population estimate from the United States Bureau of the Census or the Weldon Cooper Center for Public Service of the University of Virginia available when fixing the officer's annual budget and shall adjust such population estimate, where applicable, for any annexation or consolidation order by a court when such order becomes effective. There shall be no reduction in salary by reason of a decline in population during the terms in which the incumbent remains in office.

2. In determining the salary of any officer specified in Items 68, 70, 71, 72, 73, and 74 of this act, nothing herein contained shall prevent the governing body of any county or city from

ITEM 75.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022

supplementing the salary of such officer in such county or city for the provisions of Chapter 822, 2012 Acts of Assembly or for additional services not required by general law; provided, however, that any such supplemental salary shall be paid wholly by such county or city.

3. Any officer whose salary is specified in Items 68, 70, 71, 72, 73, and 74 of this act shall provide reasonable access to his work place, files, records, and computer network as may be requested by his duly elected successor after the successor has been certified.

B.1. Notwithstanding any other provision of law, the Compensation Board shall authorize and fund permanent positions for the locally elected constitutional officers, subject to appropriation by the General Assembly, including the principal officer, at the following levels:

	FY 2021	FY 2022
Sheriffs	11,425	11,520
Partially Funded: Jail Medical, Treatment, and Classification and Records Positions	796	808
Commissioners of the Revenue	851	851
Treasurers	861	861
Directors of Finance	383	383
Commonwealth's Attorneys	1,332	1,332
Clerks of the Circuit Court	1,158	1,158
TOTAL	16,806	16,913

2. The Compensation Board is authorized to provide funding for 597 temporary positions the first year and 597 temporary positions the second year.

3. The board is authorized to adjust the expenses and other allowances for such officers to maintain approved permanent and temporary manpower levels.

4. Paragraphs B 1 and B 2 of this Item shall not apply to the clerks of the circuit courts and their employees specified in § 17.1-288, Code of Virginia, or those under contract pursuant to § 17.1-290, Code of Virginia.

C.1. Reimbursement by the Compensation Board for the use of vehicles purchased or leased with public funds used in the discharge of official duties shall be at a rate equal to that approved by the Joint Legislative Audit and Review Commission for Central Garage Car Pool services. No vehicle purchased or leased with public funds on or after July 1, 2002, shall display lettering on the exterior of the vehicle that includes the name of the incumbent sheriff.

2. Reimbursement by the Compensation Board for the use of personal vehicles in the discharge of official duties shall be at a rate equal to that established in § 4-5.04 e 2. of this act. All such requests for reimbursement shall be accompanied by a certification that a publicly owned or leased vehicle was unavailable for use.

D. The Compensation Board is directed to examine the current level of crowding of inmates in local jails among the several localities and to reallocate or reduce temporary positions among local jails as may be required, consistent with the provisions of this act.

E. Any new positions established in Item 75 of this act shall be allocated by the Compensation Board upon request of the constitutional officers in accordance with staffing standards and ranking methodologies approved by the Compensation Board to fulfill the requirements of any court order occurring from proceedings under § 15.2-1636.8, Code of Virginia, in accordance with the provisions of Item 68 of this act.

F. Any funds appropriated in this act for performance pay increases for designated deputies or employees of constitutional officers shall be allocated by the Compensation Board upon certification of the constitutional officer that the performance pay plan for that office meets the minimum standards for such plans as set by the Compensation Board. Nothing herein, and nothing in any performance pay plan set by the Compensation Board

ITEM 75.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
	<p>or adopted by a constitutional officer, shall change the status of employees or deputies of constitutional officers from employees at will or create a property or contractual right to employment. Such deputies and employees shall continue to be employees at will who serve at the pleasure of the constitutional officers.</p>			
	<p>G. The Compensation Board shall apply the current fiscal stress factor, as determined by the Commission on Local Government, to any general fund amounts approved by the board for the purchase, lease or lease purchase of equipment for constitutional officers. In the case of equipment requests from regional jail superintendents and regional special prosecutors, the highest stress factor of a member jurisdiction will be used.</p>			
	<p>H. The Compensation Board shall not approve or commit additional funds for the operational cost, including salaries, for any local or regional jail construction, renovation, or expansion project which was not approved for reimbursement by the State Board of Corrections prior to January 1, 1996, unless: (1) the Secretary of Public Safety and Homeland Security certifies that such additional funding results in an actual cost savings to the Commonwealth or (2) an exception has been granted as provided for in Item 398 of this act.</p>			
	<p>I. Subject to appropriations by the General Assembly for this purpose, the Compensation Board may provide funding for executive management, lawful employment practices, and jail management training for constitutional officers, their employees, and regional jail superintendents.</p>			
	<p>J. Any local or regional jail that receives funding from the Compensation Board shall report inmate populations to the Compensation Board, through the local inmate data system, no less frequently than weekly. Each local or regional jail that receives funding from the Compensation Board shall use the Virginia Crime Codes (VCC) in identifying and describing offenses for persons arrested and/or detained in local and regional jails in Virginia.</p>			
	<p>K.1. The Compensation Board shall provide the Chairmen of the Senate Finance and House Appropriations Committees and the Secretaries of Finance and Administration with an annual report, on December 1 of each year, of jail revenues and expenditures for all local and regional jails and jail farms which receive funds from the Compensation Board. Information provided to the Compensation Board is to include an audited statement of revenues and expenses for inmate canteen accounts, telephone commission funds, inmate medical co-payment funds, any other fees collected from inmates and investment/interest monies for inclusion in the report.</p>			
	<p>2. Local and regional jails and jail farms and local governments receiving funds from the Compensation Board shall, as a condition of receiving such funds, provide such information as may be required by the Compensation Board, necessary to prepare the annual jail cost report.</p>			
	<p>3. If any sheriff, superintendent, county administrator, or city manager fails to send such information within five working days after the information should be forwarded, the Chairman of the Compensation Board shall notify the sheriff, superintendent, county administrator or city manager of such failure. If the information is not provided within ten working days from that date, then the chairman shall cause the information to be prepared from the books of the city, county, or regional jail and shall certify the cost thereof to the State Comptroller. The State Comptroller shall issue his warrant on the state treasury for that amount, deducting the same from any funds that may be due the sheriff or regional jail from the Commonwealth.</p>			
	<p>L. In the event of the transition of a city to town status pursuant to the provisions of Chapter 41 (§ 15.2-4100 et seq.) of Title 15.2, Code of Virginia, or the consolidation of a city and a county into a single city pursuant to the provisions of Chapter 35 (§ 15.2-3500 et seq.) of Title 15.2, Code of Virginia, subsequent to July 1, 1999, the Compensation Board shall provide funding from Items 68, 71, 72, 73, and 74 of this act, consistent with the requirements of § 15.2-1302, Code of Virginia. Notwithstanding the provisions of paragraph E of this Item, any positions in the constitutional offices of the former city or former county which are available for reallocation as a result of the transition or consolidation shall be first reallocated in accordance with Compensation Board staffing standards to the constitutional officers in the county in which the town is situated or to the consolidated city, without regard to the Compensation Board's priority of need ranking for reallocated positions. The salary and fringe</p>			

ITEM 75.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022

benefit costs for these positions shall be deducted from any amounts due the county or to the consolidated city, as provided in § 15.2-1302, Code of Virginia.

M. Notwithstanding any other provisions of § 15.2-1605, Code of Virginia, the Compensation Board shall provide no reimbursement for accumulated vacation time for employees of Constitutional Officers.

N. The Compensation Board is hereby authorized to deduct, from reimbursements made each year to localities out of the amounts in Items 68, 70, 71, 72, 73, and 74 of this act, an amount equal to 100 percent of each locality's share of the insurance premium paid by the Compensation Board on behalf of the constitutional officers, directors of finance, and regional jails. From sheriffs and regional jails, the Compensation Board shall deduct an additional \$80,000 each year for the costs of conducting training on managing risk in the operation of local and regional jails.

O. Effective July 1, 2007, the Compensation Board is authorized to withhold reimbursements due the locality for sheriff and jail expenses upon notification from the Superintendent of State Police that there is reason to believe that crime data reported by a locality to the Department of State Police in accordance with § 52-28, Code of Virginia, is missing, incomplete or incorrect. Upon subsequent notification by the Superintendent that the data is accurate, the Compensation Board shall make reimbursement of withheld funding due the locality when such corrections are made within the same fiscal year that funds have been withheld.

P. Notwithstanding the provisions of § 51.1-1403 A, Code of Virginia, the Compensation Board is hereby authorized to deduct, from reimbursements made each year to localities out of the amounts in Items 68, 70, 71, 72, 73, and 74 of this act, an amount equal to each locality's retiree health premium paid by the Compensation Board on behalf of the constitutional offices, directors of finance, and regional jails.

Q.1. Compensation Board payments of, or reimbursements for, the employer paid contribution to the Virginia Retirement System, or any system offering like benefits, shall not exceed the Commonwealth's proportionate share of the following, whichever is less: (a) the actual retirement rate for the local constitutional officer's office or regional correctional facility as set by the Board of the Virginia Retirement System or (b) the employer rate established for the general classified workforce of the Commonwealth covered under and payable to the Virginia Retirement System.

2. The rate specified in paragraph Q.1. shall exclude the cost of any early retirement program implemented by the Commonwealth.

3. Any employer paid contribution costs for rates exceeding those specified in paragraph Q.1. shall be borne by the employer.

4. The benefits rate reimbursed by the Compensation Board to localities and regional jails shall not exceed the rate identified for fiscal year 2011 in Chapter 890, Item 469, paragraph I.1.

R. Localities shall not utilize Compensation Board funding to supplant local funds provided for the salaries of constitutional officers and their employees under the provisions of Chapter 822, 2012 Acts of Assembly, who were affected members in service on June 30, 2012.

S. Effective July 1, 2016, the Compensation Board is authorized to withhold reimbursements due to the locality for sheriff's law enforcement expenses if the sheriff fails to certify to the Board that the sheriff's office is compliant with the sex offender registration requirements of § 9.1-903, Code of Virginia. Upon subsequent certification by the sheriff that the sheriff's office is compliant with the sex offender registration requirements of § 9.1-903, Code of Virginia, the Compensation Board shall make reimbursement of withheld funding due to the locality when such subsequent certification is made within the same fiscal year that funds have been withheld.

T.1. Consistent with the provisions of Chapter 198 of the 2017 Session of the General Assembly, the Executive Secretary of the State Compensation Board shall implement the recommendations relating to the State Compensation Board made by the Department of

ITEM 75.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022

Medical Assistance Services in its November 30, 2017 report on streamlining the Medicaid application and enrollment process for incarcerated individuals.

U. The Compensation Board shall perform a review of the career development programs within the constitutional offices regarding the demographic composition of the employees in the programs and make recommendations as needed to ensure equity and fairness within the programs. The Compensation Board shall provide a report to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees by November 1, 2020.

75.10 Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted.

	FY 2021	FY 2022		
Establish a minimum of three staff in each Circuit Court Clerk's office	\$358,578	\$391,176		
Fund 25 percent of the staffing need in Sheriffs' offices	\$979,399	\$1,113,082		
Fund 25 percent of the staffing need in the Commonwealth's Attorneys offices	\$1,350,989	\$1,433,928		
Fund position to address agency information technology needs	\$119,775	\$119,775		
Provide salary adjustment for Commissioners of Revenue	\$950,656	\$1,037,069		
Provide salary adjustment for Treasurers' offices	\$821,028	\$1,642,054		
Provide technology funding to Circuit Court Clerks' offices	\$1,000,000	\$1,000,000		
Additional funding for Statewide Automated Victim Network System (SAVIN)	\$600,000	\$600,000		
Adjust salary for circuit court clerks	\$1,820,339	\$1,985,824		
Adjust entry-level salary increases for regional jail officers	\$2,668,059	\$2,910,609		
Adjust salary of constitutional office staff based on increases in locality population	\$260,230	\$260,230		
Agency Total	\$10,929,053	\$12,493,747		
Total for Compensation Board.....			\$745,264,213	\$749,100,297
General Fund Positions.....	20.00	20.00		
Nongeneral Fund Positions.....	1.00	1.00		
Position Level.....	21.00	21.00		
Fund Sources: General.....	\$728,657,985	\$732,494,069		
Trust and Agency.....	\$8,003,370	\$8,003,370		
Dedicated Special Revenue.....	\$8,602,858	\$8,602,858		

ITEM 75.10.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
76.	Laboratory Services (72600).....			\$43,993,781	\$43,628,632
	Statewide Laboratory Services (72604).....	\$27,168,531	\$27,040,962		
	Newborn Screening Laboratory Services (72607)....	\$14,138,978	\$13,901,398		
	Laboratory Accreditation Services (72608).....	\$507,734	\$507,734		
	Drinking Water Testing Services (72609).....	\$2,178,538	\$2,178,538		
	Fund Sources: General.....	\$15,919,544	\$15,791,975		
	Special.....	\$20,000	\$20,000		
	Enterprise.....	\$16,414,389	\$16,176,809		
	Internal Service.....	\$4,345,016	\$4,345,016		
	Federal Trust.....	\$7,294,832	\$7,294,832		

Authority: Title 2.2, Chapter 11, Article 2, Code of Virginia.

A. The provisions of § 2.2-1104, Code of Virginia, notwithstanding, the Division of Consolidated Laboratory Services shall ensure that no individual is denied the benefits of laboratory tests mandated by the Department of Health for reason of inability to pay for such services.

B. Out of this appropriation, \$4,345,016 the first year and \$4,345,016 the second year for Statewide Laboratory Services is sum sufficient and these amounts are estimates from an internal service fund which shall be paid from revenues derived from charges collected from state agencies and institutions of higher education for laboratory testing services. The internal service fund shall also consist of revenues transferred from the Department of Transportation for motor fuel testing as stated in § 3-1.02 of this act.

C.1. The provisions of § 2.2-1104 B, Code of Virginia, notwithstanding, the Division of Consolidated Laboratory Services may charge a fee for the limited and specific purpose of analyses of water samples where (i) testing is required by Department of Health regulations as mandated by the federal Safe Drinking Water Act, (ii) funding to support such testing is not otherwise provided for in this act, and (iii) fees shall not be increased unless a plan is first approved by the Governor.

2. The Division of Consolidated Laboratory Services may charge a fee to recover its costs to certify laboratories under the requirements of §§ 2.2-1104 A. 4 and 2.2-1105, Code of Virginia, where certification of these laboratories is required by the Department of Health regulations mandated by the federal Safe Drinking Water Act, Chapter 13 (§ 10.1-1300 et seq.) of Title 10.1, the Virginia Waste Management Act (§ 10.1-1400 et seq.), or the State Water Control Law (§ 62.1-44.2 et seq.), Code of Virginia.

3.a. Any regulations or guidelines necessary to implement or change the amount of the fees charged for testing of water samples or certification of laboratories may be adopted without complying with the Administrative Process Act (§2.2-4000 et seq.) provided that input is solicited from the public. Such input requires only that notice and an opportunity to submit written comments be given.

b. Notwithstanding any other provision of law, changes to fees charged for testing of water samples or certification of laboratories shall be subject to the provisions of § 4-5.03 of this act, effective July 1, 2016.

c. Fees charged for testing of water samples or certification of laboratories shall not exceed the cost of providing such services.

D. Out of this appropriation, \$410,861 the first year and \$410,861 the second year from the general fund shall be used for the third and fourth year of payments to finance the replacement of instrumentation used for drinking water testing that is at least ten years old utilizing the state's Master Equipment Leasing Program in addition to annual service maintenance agreements for such instrumentation.

77.	Real Estate Services (72700).....			\$72,138,370	\$73,494,163
	Statewide Leasing and Disposal Services (72705)....	\$72,138,370	\$73,494,163		
	Fund Sources: Internal Service.....	\$72,138,370	\$73,494,163		

ITEM 77.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022

Authority: Title 2.2, Chapter 11, Article 4, § 2.2-1156, Code of Virginia.

A. Out of this appropriation, \$72,138,370 the first year and \$73,494,163 the second year for Statewide Leasing and Disposal Services is sum sufficient and amounts shown are estimates from an internal service fund which shall be paid from revenues from rent payments or fees to be paid by state agencies and institutions for their occupancy of facilities and management of real property transactions, including, but not necessarily limited to, leases of non-state owned office space throughout the Commonwealth for use by such agencies and institutions. Also included are funds to pay costs associated with the disposal of state-owned real property and interests therein. In implementing the program, the Department of General Services may utilize brokerage services, portfolio management strategies, personnel policies, and compensation practices generally consistent with prevailing industry best practices.

B.1. The costs paid for each sale of state-owned property shall be returned to the fund upon sale of the property in an amount calculated at 115 percent of such costs.

2. The rate charged for administration of single-agency leases shall be three percent of lease costs and the rate for administration of master leases shall be four percent of lease costs. Fees approved in accordance with § 4-5.03 of this act may also be charged for one-time transactions.

C. The Department of General Services shall issue guidelines to ensure that site selection for new state facilities is accomplished in a way that is consistent with the Principles of Sustainable Community Investment identified in Executive Order 69 (2008) and Executive Order 82 (2009).

D. The Department of General Services shall honor all existing leases and contracts and manage the property located at the Center for Innovative Technology Complex at 2214 Rock Hill Road, Herndon, Virginia, as part of its real estate services operation. However, the Department of General Services shall allow the Innovation and Entrepreneurship Investment Authority to continue to manage and maintain the facility unless otherwise directed by the Governor.

E. To affect implementation of Chapter 678, 2019 Acts of Assembly, the correct Tax Map Parcel is 211-130-1.

78.	Procurement Services (73000).....			\$66,006,041	\$65,570,830
	Statewide Procurement Services (73002).....	\$31,387,816	\$30,416,782		
	Surplus Property Programs (73007).....	\$2,020,823	\$2,020,823		
	Statewide Cooperative Procurement and Distribution Services (73008).....	\$32,597,402	\$33,133,225		
	Fund Sources: General.....	\$2,012,725	\$2,012,725		
	Special.....	\$3,632,726	\$3,632,726		
	Enterprise.....	\$25,742,365	\$24,771,331		
	Internal Service.....	\$34,618,225	\$35,154,048		

Authority: Title 2.2, Chapter 11, Articles 3 and 6, Code of Virginia.

A. 1. Out of this appropriation, \$597,437 the first year and \$597,437 the second year for federal surplus property is sum sufficient and amounts shown are estimates from an internal service fund which shall be paid from revenues derived from charges for services.

2. Out of this appropriation, \$1,423,386 the first year and \$1,423,386 the second year for state surplus property is sum sufficient and amounts shown are estimates from an internal service fund which shall be paid from revenues derived from charges for services.

B. Out of this appropriation, \$32,597,402 the first year and \$33,133,225 the second year for Statewide Cooperative Procurement and Distribution Services is sum sufficient and amounts shown are estimates from an internal service fund which shall be paid from revenues derived from charges for services.

C. The Commonwealth's statewide electronic procurement system and program known as eVA will be financed by fees assessed to state agencies and institutions of higher education and vendors.

ITEM 78.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022

D. The Department of General Services shall allow nonprofit food banks operating in Virginia and granted tax-exempt status under § 501(c)(3) of the Internal Revenue Code to purchase directly from the Virginia Distribution Center.

E.1. The Department of General Services, for goods and services requirements identified by the Virginia Department of Social Services and the Virginia Department of Emergency Management, is directed to develop and maintain a list of emergency contracts for use by state agencies responsible for emergency response and recovery, and to establish contracts for resources, goods and services, as identified by the Virginia Department of Social Services and the Virginia Department of Emergency Management in the event of state shelter activation during a declaration of state emergency.

2. Following completion or revision by the Department of Social Services of documentation, pursuant to Item 358, paragraph B, regarding the specifications of goods and services required in the event of shelter activation, the department shall take necessary steps, in compliance with the Virginia Public Procurement Act, to timely negotiate, execute, or amend contracts sufficient to support the goods and services needs identified by the Department of Social Services and the Virginia Department of Emergency Management.

3. By November 1, 2020, the department in consultation with relevant state agencies, shall submit a report identifying options for warehousing supplies needed to support state shelters to include associated storage and supply management resource costs to store and maintain needed supplies. The department shall report its findings to the Chairmen of the House Appropriations and Senate Finance Committees, the Secretary of Administration, the Secretary of Health and Human Resources, the Secretary of Education, and the Secretary of Public Safety and Homeland Security, and the Secretary of Finance.

79.	Physical Plant Management Services (74100).....			\$56,751,163	\$57,668,843
	Parking Facilities Management (74105).....	\$5,468,350	\$5,468,350		
	Statewide Building Management (74106).....	\$45,215,900	\$46,389,195		
	Statewide Engineering and Architectural Services (74107).....	\$5,484,480	\$5,228,865		
	Seat of Government Mail Services (74108).....	\$582,433	\$582,433		
	Fund Sources: General.....	\$1,666,623	\$1,316,623		
	Special.....	\$5,468,350	\$5,468,350		
	Internal Service.....	\$49,616,190	\$50,883,870		

Authority: Title 2.2, Chapter 11, Articles 4, 6, and 8; § 58.1-3403, Code of Virginia.

A.1. Out of this appropriation, \$44,645,792 the first year and \$45,819,087 the second year for Statewide Building Management represent a sum sufficient internal service fund which shall be paid from revenues from rental charges assessed to occupants of seat of government buildings controlled, maintained, and operated by the Department of General Services and fees paid for other building maintenance and operation services provided through service agreements and special work orders. The internal service fund shall support the facilities at the seat of government and maintenance and operation of such other state-owned facilities as the Governor or department may direct, as otherwise provided by law.

2. The rent rate for occupants of office space in seat of government facilities operated and maintained by the Department of General Services, excluding the building occupants that currently have maintenance service agreements with the department, shall be \$17.51 per square foot the first year and \$18.24 the second year.

3. On or before September 1 of each year, the Department of General Services shall report to the Chairmen of the House Appropriations and Senate Finance Committees, the Secretary of Administration, and the Department of Planning and Budget regarding the operations and maintenance costs of all buildings controlled, maintained, and operated by the Department of General Services. The report shall include, but not be limited to, the cost and fund source associated with the following: utilities, maintenance and repairs, security, custodial services, groundskeeping, direct administration and other overhead, and

ITEM 79.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022

any other operations or maintenance costs for the most recently concluded fiscal year. The amount of unleased space in each building shall also be reported.

4. Further, out of the estimated cost for Statewide Building Management, amounts estimated at \$2,424,879 the first year and \$2,424,879 the second year shall be paid for Payment in Lieu of Taxes. In addition to the amounts for Statewide Building Management, the following sums, estimated at the amounts shown for this purpose, are included in the appropriations for the agencies identified:

	FY 2021	FY 2022
Alcoholic Beverage Control Authority	\$79,698	\$79,698
Department of Motor Vehicles	\$196,017	\$196,017
Department of State Police	\$639	\$639
Department of Transportation	\$186,030	\$186,030
Department for the Blind and Vision Impaired	\$4,630	\$4,630
Science Museum of Virginia	\$17,904	\$17,904
Virginia Employment Commission	\$57,662	\$57,662
Virginia Museum of Fine Arts	\$158,513	\$158,513
Virginia Retirement System	\$42,920	\$42,920
Veterans Services	\$135,180	\$135,180
Workers' Compensation Commission	\$64,116	\$64,116
TOTAL	\$943,309	\$943,309

B.1. Out of this appropriation, \$4,970,398 the first year and \$5,064,783 the second year for Statewide Engineering and Architectural Services provided by the Division of Engineering and Buildings represent a sum sufficient internal service fund which shall be paid from revenues from fees paid by state agencies and institutions of higher education for the review of architectural, mechanical, and life safety plans of capital outlay projects.

2. In administering this internal service fund, the Division of Engineering and Buildings (DEB) shall provide capital project cost review services to state agencies and institutions of higher education and produce capital project cost analysis work products for the Department of Planning and Budget. DEB shall collect fees, consistent with those fees authorized above in paragraph B.1, from state agencies and institutions of higher education for completed capital project cost review services or work products.

3. The hourly rate for engineering and architectural services shall be \$150.00 the first year and \$154.00 the second year, excluding contracted services and other special rates as authorized pursuant to § 4-5.03 of this act.

4. Out of the amounts appropriated in this Item, \$164,082 the first year and \$164,082 the second year from the general fund is provided for the Division of Engineering and Buildings to support the Commonwealth's capital budget and capital pool process for which fees authorized in this paragraph cannot otherwise be assessed.

C. Interest on the employee vehicle parking fund authorized by § 4-6.04 c of this act shall be added to the fund as earned.

D. The Department of General Services shall, in conjunction with affected agencies, develop, implement, and administer a consolidated mail function to process inbound and outbound mail for agencies located in the Richmond metropolitan area. The consolidated mail function shall include the establishment of a centralized mail receiving and outbound processing location or locations, and the enhancement of mail security capabilities within these location(s).

E. All new and renovated state-owned facilities, if the renovations are in excess of 50 percent of the structure's assessed value, that are over 5,000 gross square feet shall be designed and constructed consistent with energy performance standards at least as stringent as the U.S. Green Building Council's LEED rating system or the Green Globes rating system.

F. Effective July 1, 2009, the total service charge for the property known as the General

ITEM 79.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022

Assembly Building and the State Capitol Building shall not exceed \$70,000 per fiscal year.

G. The Director of the Department of General Services shall work with the Commissioner of the Department of Transportation and other agencies to maximize the use of light-emitting diodes (LEDs) instead of traditional incandescent light bulbs when any state agency installs new outdoor lighting fixtures or replaces nonfunctioning light bulbs on existing outdoor lighting fixtures as long as the LEDs lights are determined to be cost effective.

H. Out of this appropriation, \$350,000 the first year from the general fund is designated for the Department of General Services (DGS), with the cooperation of the Department of Behavioral Health and Developmental Services (DBHDS), to review the DBHDS capital outlay, maintenance reserve, maintenance and operations and real estate activities across the DBHDS agency. DGS shall develop system-wide recommendations that are cost effective and promote operational efficiency. DGS shall report its findings and recommendations to the Governor and Chairs of the House Appropriations and Senate Finance and Appropriations Committees no later than October 1, 2021.

80.	Printing and Reproduction (82100).....		\$161,823		\$161,823
	Statewide Graphic Design Services (82101).....	\$161,823	\$161,823		
	Fund Sources: Internal Service.....	\$161,823	\$161,823		

Authority: Title 2.2, Chapter 11, Articles 3 and 6, Code of Virginia.

1. The appropriation for Statewide Graphic Design Services is sum sufficient and amounts shown are estimates from an internal service fund which shall be paid from revenues derived from charges for services.

2. The hourly rate charged for graphic design services shall be \$85.00 the first year and \$85.00 the second year. The amount charged for contracted services shall be 115 percent of the actual cost of such contracted services.

81.	Transportation Pool Services (82300).....		\$20,207,673		\$20,207,673
	Statewide Vehicle Management Services (82302)....	\$20,207,673	\$20,207,673		
	Fund Sources: Internal Service.....	\$20,207,673	\$20,207,673		

Authority: Title 2.2, Chapter 11, Article 7; § 2.2-120, Code of Virginia.

A. The appropriation for Statewide Vehicle Management Services is sum sufficient and amounts shown are estimates from an internal service fund which shall be paid from revenues derived from charges to agencies for fleet management services.

B. Charges for central fleet vehicles leased by state agencies and institutions shall be the vehicle purchase cost and interest charges amortized over a period of 84 months or less, in addition to a standard monthly operating charge of \$120.00 the first year and \$120.00 the second year per vehicle for the cost of maintenance and support.

C. In addition to providing services to state agencies and institutions, fleet management services may also be provided to local public bodies on a fee for service basis in accordance with established Department of General Services Fleet Management policies and procedures.

D. The Department of General Services shall manage the Commonwealth's consolidation of bulk and commercial fuel contracts awarded in response to Chapter 879, Acts of Assembly of 2008, Item 1-83 C. The intent of this consolidation is to leverage the Commonwealth's state and local public entities, gasoline and diesel fuel purchase volume to achieve the most favored pricing from private sector fuel providers, and reduce procurement administration workload from state agencies, institutions, local government entities, and other authorized users of awarded contracts that would have otherwise procured and contracted separately for these commodities.

E. The Commonwealth of Virginia, Department of General Services may enter into a comprehensive agreement, or multiple comprehensive agreements, pursuant to the Public-

ITEM 81.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<p>Private Education Facilities and Infrastructure Act – 2002 (§ 56-575.1 et seq.), to achieve the purposes of § 2.2-1176 (B) and result in the replacement of state-owned or operated vehicles with vehicles that operate on alternative fuels. Any agreement entered into must be cost neutral or result in a reduction in the Commonwealth's combined vehicle acquisition and operational costs, and result in lower environmental emissions. The agreements shall not be subject to the requirements found in Title 30, Chapter 42, Code of Virginia (§ 30-278 et. seq.). The Director, Department of General Services, in consultation with the Governor's Senior Advisor on Energy and the Secretary of Finance, shall determine whether the agreement is cost neutral or results in cost savings to the Commonwealth.</p> <p>F. The comprehensive agreement referenced in paragraph E. above, may allow for the Department of General Services (DGS) to establish alternative fuels (natural gas, propane, electric) fueling sites at its office of fleet management facility in Richmond, Virginia. Such sites may be open to the general public for the purchase of alternative fuels when such fuels are not available on the retail market within 10 miles of the DGS fleet management facility. Rates for fuel purchased by the general public will be established by the private vendor operating the fueling site. In emergency situations or fuel shortages, the Commonwealth retains the ability to restrict access to such sites as necessary.</p>				
82.	Administrative and Support Services (79900).....		\$5,703,640	\$5,603,640
	General Management and Direction (79901).....	\$3,114,954		\$3,014,954
	Information Technology Services (79902).....	\$2,588,686		\$2,588,686
	Fund Sources: General.....	\$5,703,640		\$5,603,640

Authority: Title 2.2, Chapter 11 and Chapter 24, Article 1, Code of Virginia.

Out of the amounts provided in this item, \$100,000 the first year from the general fund is provided to support the completion of an assessment of state structures vulnerable to man-made or natural emergencies.

82.10 Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted.

	FY 2021	FY 2022
DGS review of DBHDS capital outlay operations	\$350,000	\$0
Agency Total	\$350,000	\$0
Total for Department of General Services.....		\$264,962,491
General Fund Positions.....	248.50	248.50
Nongeneral Fund Positions.....	435.50	435.50
Position Level.....	684.00	684.00
Fund Sources: General.....	\$25,302,532	\$24,724,963
Special.....	\$9,121,076	\$9,121,076
Enterprise.....	\$42,156,754	\$40,948,140
Internal Service.....	\$181,087,297	\$184,246,593
Federal Trust.....	\$7,294,832	\$7,294,832

ITEM 82.10.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022

§ 1-29. DEPARTMENT OF HUMAN RESOURCE MANAGEMENT (129)

83.	Personnel Management Services (70400).....			\$108,932,147	\$108,413,840
	Agency Human Resource Services (70401).....	\$2,365,564	\$2,065,564		
	Human Resource Service Center (70402).....	\$1,176,473	\$1,114,273		
	Equal Employment Services (70403).....	\$725,773	\$725,773		
	Health Benefits Services (70406).....	\$7,096,747	\$7,096,747		
	Personnel Development Services (70409).....	\$406,738	\$382,338		
	Personnel Management Information System (70410).....	\$1,395,087	\$1,263,380		
	Employee Dispute Resolution Services (70416).....	\$1,182,370	\$1,182,370		
	State Employee Program Services (70417).....	\$1,905,191	\$1,905,191		
	State Employee Workers' Compensation Services (70418).....	\$91,463,439	\$91,463,439		
	Administrative and Support Services (70419).....	\$1,214,765	\$1,214,765		
	Fund Sources: General.....	\$5,590,750	\$5,266,350		
	Special.....	\$1,805,051	\$1,742,851		
	Enterprise.....	\$2,596,995	\$2,596,995		
	Internal Service.....	\$7,104,757	\$6,973,050		
	Trust and Agency.....	\$91,834,594	\$91,834,594		

Authority: Title 2.2, Chapters 12 and 28, 29, 30, and 32, Code of Virginia.

A. The Department of Human Resource Management shall report any proposed changes in premiums, benefits, carriers, or provider networks to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees at least sixty days prior to implementation.

B.1. The Department of Human Resource Management shall operate a human resource service center to support the human resource needs of those agencies identified by the Secretary of Administration in consultation with the Department of Planning and Budget. The agencies identified shall cooperate with the Department of Human Resource Management by transferring such records and functions as may be required.

2. Nothing in this paragraph shall prohibit additional agencies from using the services of the center; however, these additional agencies' use of the human resource service center shall be subject to approval by the affected cabinet secretary and the Secretary of Administration.

3. The cost of the human resource center's services shall be recovered and paid solely from revenues derived from charges for services. The rates required to recover the costs of the human resource service center shall be provided by the Department of Human Resource Management to the Department of Planning and Budget by September 1 each year for review and approval of the subsequent fiscal year's rate in accordance with § 4-5.03 of this act.

4. The rates for the human resource service center shall be \$1,306.00 per full-time equivalent and \$483.00 per wage employee the first year and \$1,237.00 per full-time equivalent and \$458.00 per wage employee the second year.

C. The institutions of higher education shall be exempt from the centralized advertising requirements identified in Executive Order 73 (01).

D.1. To ensure fair and equitable performance reviews, the Department of Human Resource Management, within available resources, is directed to provide performance management training to agencies and institutions of higher education with classified employees.

2. Agency heads in the Executive Department are directed to require appropriate performance management training for all agency supervisors and managers.

E. The Department of Human Resource Management shall take into account the claims experience of each agency and institution when setting premiums for the workers'

ITEM 83.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
compensation program.				
<p>F.1. The Department of Human Resource Management shall report to the Governor and Chairmen of the House Appropriations and Senate Finance Committees by October 30 of each year, on its recommended workers' compensation premiums for state agencies for the following biennium. This report shall also include the basis for the department's recommendations; the status and recommendations of the loss control program authorized in paragraph F. 2; the number and amount of workers' compensation settlements concluded in the previous fiscal year, inclusive of those authorized in paragraph F. 3.a; and the impact of those settlements on the workers' compensation program's reserves.</p>				
<p>2. Beginning July 1, 2015, the Department of Human Resource Management shall conduct an annual review of each state agency's loss control history, to include the severity of workers' compensation claims, experience modification factor, and frequency normalized by payroll. Based on the annual review, state agencies deemed by the Department of Human Resource Management as having higher than normal loss history shall be required to participate in a loss control program. All executive, judicial, legislative, and independent agencies required to participate in the loss control program shall fully cooperate with the Department of Human Resource Management's review.</p>				
<p>3.a. A working capital advance of up to \$20,000,000 shall be provided to the Department of Human Resource Management to identify and potentially settle certain workers' compensation claims open for more than one year but less than 10 years. The Department of Human Resource Management shall pay back the working capital advance from annual premiums over a seven-year period.</p>				
<p>b. The Secretary of Finance and Secretary of Administration shall approve the drawdowns from this working capital advance prior to the expenditure of funds. The State Comptroller shall notify the Governor and the Chairmen of the House Appropriations and Senate Finance Committees of any approved drawdowns.</p>				
<p>G. The Department of Human Resource Management shall report to the Governor and Chairmen of the House Appropriations and Senate Finance Committees, by October 15 of each year, on the renewal cost of the state employee health insurance program premiums that will go into effect on July 1 of the following year. This report shall include the impact of the renewal cost on employee and employer premiums and a valuation of liabilities as required by Other Post Employment Benefits reporting standards.</p>				
<p>H. Out of this appropriation, \$606,439 the first year and \$606,439 the second year from the general fund is provided for the time, attendance and leave system.</p>				
<p>I. The Department of Human Resource Management shall develop and distribute instructions and guidelines to all executive department agencies for the provision of an annual statement of total compensation for each classified employee. The statement should account for the full cost to the Commonwealth and the employee of cash compensation as well as Social Security, Medicare, retirement, deferred compensation, health insurance, life insurance, and any other benefits. The Director, Department of Human Resource Management, shall ensure that all executive department agencies provide this notice to each employee. The Department of Accounts and the Virginia Retirement System shall provide assistance upon request. Further, the Director of the Department of Human Resource Management shall provide instructions and guidelines for the development notices of total compensation to all independent, legislative, and judicial agencies, and institutions of higher education for preparation of annual statements to their employees.</p>				
<p>J. 1. The appropriation for the Personnel Management Information System (PMIS) is a sum sufficient and amounts shown are estimates from an internal service fund which shall be paid solely from revenues derived from charges to participating agencies, identified by the Department of Human Resource Management and approved by the Department of Planning and Budget, to support the operation of PMIS and its subsystems authorized in this Item.</p>				
<p>2.a. The rate for agencies to support PMIS and its subsystems, operated and maintained by the Department of Human Resource Management, shall be \$10.91 per position the first year and no more than \$10.66 per position the second year. The rate is based upon the higher of the agency's maximum employment level as of July 1, 2019, and filled wage positions as of June</p>				

ITEM 83.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022

30, 2019, or the total number of filled classified and wage positions as of June 30, 2019.

b. The rates authorized to support the operation of PMIS and its subsystems shall be provided by the Department of Human Resource Management and approved by the Department of Planning and Budget by September 1 each year for review and approval of the subsequent fiscal year's rate in accordance with § 4-5.03 of this act.

3. The State Comptroller shall recover the cost of services provided for the administration of the internal service fund through interagency transactions as determined by the State Comptroller.

K. The Department of Human Resource Management shall work with the Virginia Information Technologies Agency to develop a pilot program, beginning in July of 2019, utilizing a currently available electronic platform, to track and evaluate the productivity contract staff when teleworking or working in an office that is not part of the agency for which they work or for which they have a contract. The Departments shall identify specific executive branch agencies which have a significant number of such contractors and work with these agencies to develop the pilot project. The Departments shall report to the Chairmen of the House Appropriations and Senate Finance Committees on the results of the pilot program by November 15, 2020.

L. Out of the amounts appropriated for this item, \$24,400 from the general fund the first year is provided for the development of a diversity and cultural competency training module, which is to be administered to all state employees employed on or after January 1, 2021.

Total for Department of Human Resource Management.....			\$108,932,147	\$108,413,840
General Fund Positions.....	43.90	43.90		
Nongeneral Fund Positions.....	71.10	71.10		
Position Level.....	115.00	115.00		
Fund Sources: General.....	\$5,590,750	\$5,266,350		
Special.....	\$1,805,051	\$1,742,851		
Enterprise.....	\$2,596,995	\$2,596,995		
Internal Service.....	\$7,104,757	\$6,973,050		
Trust and Agency.....	\$91,834,594	\$91,834,594		

Administration of Health Insurance (149)

84.	Personnel Management Services (70400).....			\$2,197,071,067	\$2,301,071,067
	Health Benefits Services (70406).....	\$1,574,195,823	\$1,678,195,823		
	Local Health Benefit Services (70407).....	\$587,455,244	\$587,455,244		
	Health Insurance Benefit Payment Under the Line of Duty Act (70408).....	\$35,420,000	\$35,420,000		
	Fund Sources: Enterprise.....	\$587,455,244	\$587,455,244		
	Internal Service.....	\$1,574,195,823	\$1,678,195,823		
	Trust and Agency.....	\$35,420,000	\$35,420,000		

Authority: § 2.2-2818, § 2.2-1204, and Title 9.1, Chapter 4, Code of Virginia.

A. The appropriation for Health Benefits Services is sum sufficient and amounts shown are estimates from an internal service fund which shall be paid from revenues paid by state agencies to the Department of Human Resource Management.

B. The amounts for Local Health Benefits Services include estimated revenues received from localities for the local choice health benefits program.

C.1. In the event that the total of all eligible claims exceeds the balance in the state employee medical reimbursement account, there is hereby appropriated a sum sufficient from the general fund of the state treasury to enable the payment of such eligible claims.

2. The term "employee medical reimbursement account" means the account administered

ITEM 84.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<p>by the Department of Human Resource Management pursuant to § 125 of the Internal Revenue Code in connection with the health insurance program for state employees (§ 2.2-2818, Code of Virginia).</p> <p>D. Any balances remaining in the reserved component of the Employee Health Insurance Fund shall be considered part of the overall Health Insurance Fund. It is the intent of the General Assembly that future premiums for the state employee health insurance program shall be set in a manner so that the balance in the Health Insurance Fund will be sufficient to meet the estimated Incurred But Not Paid liability for the Fund and maintain a contingency reserve at a level recommended by the Department of Human Resource Management for a self-insured plan subject to the approval of the General Assembly.</p> <p>E. The Department of Human Resource Management shall implement a Medication Therapy Management pilot program for state employees with certain disease states including Type II diabetes. The department shall continue to consult with all provider stakeholders in order to establish program parameters.</p> <p>F. Concurrent with the date the Governor introduces the budget bill, the Directors of the Departments of Planning and Budget and Human Resource Management shall provide to the Chairmen of the House Appropriations and Senate Finance Committees a report detailing the assumptions included in the Governor's introduced budget for the state employee health insurance plan. The report shall include the proposed premium schedule that would be effective for the upcoming fiscal year and any proposed changes to the benefit structure.</p> <p>G. Of money appropriated for the state employee health insurance fund, \$650,000 the first year and \$650,000 the second year shall be held separate and apart from the fund to pay for any required fees due to the Patient-Centered Outcomes Research Institute.</p> <p>H. In addition to such other payments as may be available, the full cost of group health insurance, net of any deductions and credits, for the surviving spouses and dependents of certain public safety officers killed in the line of duty and for certain public safety officers disabled in the line of duty, and the spouses and dependents of such disabled officers, are payable from this Item pursuant to Title 9.1, Chapter 4, Code of Virginia, effective July 1, 2017.</p>				
Total for Administration of Health Insurance.....			\$2,197,071,067	\$2,301,071,067
Fund Sources: Enterprise.....		\$587,455,244	\$587,455,244	
Internal Service.....		\$1,574,195,823	\$1,678,195,823	
Trust and Agency.....		\$35,420,000	\$35,420,000	
Virginia Management Fellows Program Administration (164)				
85.	Administrative and Support Services (79900).....		\$1,479,339	\$1,479,339
	General Management and Direction (79901).....	\$1,479,339	\$1,479,339	
	Fund Sources: General.....	\$1,479,339	\$1,479,339	
<p>Authority: Discretionary Inclusion</p> <p>A. Out of the appropriation for this Item is included \$1,479,339 the first year and \$1,479,339 the second year from the general fund for a joint internship and management training program to assist in improving leadership, management, and succession planning capabilities of all branches of state government. The Department of Human Resource Management shall contract with a Virginia public university for the continuation of the program. Any balances remaining from the appropriation identified in this paragraph shall not revert to the general fund at the end of the fiscal year, but shall be brought forward and made available to support the Virginia Management Fellows program in the subsequent fiscal year.</p> <p>B. The Department of Planning and Budget is authorized to transfer amounts from the appropriation in this item to applicable state agencies as required to execute the purposes of this item.</p>				
Total for Virginia Management Fellows Program Administration.....			\$1,479,339	\$1,479,339

ITEM 85.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
General Fund Positions.....	1.00	1.00		
Position Level.....	1.00	1.00		
Fund Sources: General.....	\$1,479,339	\$1,479,339		
Grand Total for Department of Human Resource Management.....			\$2,307,482,553	\$2,410,964,246
General Fund Positions.....	44.90	44.90		
Nongeneral Fund Positions.....	71.10	71.10		
Position Level.....	116.00	116.00		
Fund Sources: General.....	\$7,070,089	\$6,745,689		
Special.....	\$1,805,051	\$1,742,851		
Enterprise.....	\$590,052,239	\$590,052,239		
Internal Service.....	\$1,581,300,580	\$1,685,168,873		
Trust and Agency.....	\$127,254,594	\$127,254,594		

§ 1-30. DEPARTMENT OF ELECTIONS (132)

86.	Electoral Services (72300).....			\$18,858,038	\$16,823,166
	Electoral Administration, Uniformity, Legality, and Quality Assurance Services (72302).....	\$1,621,062	\$1,621,062		
	Statewide Voter Registration System and Associated Information Technology Services (72304).....	\$13,422,132	\$11,386,990		
	Campaign Finance Disclosure Administration Services (72309).....	\$178,568	\$178,568		
	Voter Services and Communications (72311).....	\$1,060,726	\$1,060,726		
	Administrative Services (72312).....	\$2,575,550	\$2,575,820		
	Fund Sources: General.....	\$15,805,788	\$13,770,916		
	Special.....	\$52,250	\$52,250		
	Trust and Agency.....	\$3,000,000	\$3,000,000		

Authority: Title 24.2, Chapter 1, Code of Virginia.

A. It is the intention of the General Assembly that all local precincts, other than central absentee precincts established under § 24.2-712, Code of Virginia, will use electronic pollbooks for elections held beginning in November, 2010.

B. Any locality using paper pollbooks for elections held beginning in November, 2010, shall be responsible for entering voting credit as provided in § 24.2-668. Additionally, any locality using paper pollbooks for elections held after November, 2010 may be required to reimburse the Department of Elections for state costs associated with providing paper pollbooks.

C. Municipalities will pay all expenses associated with May elections after June 30, 2009, including those costs incurred by the Department of Elections.

D. The State Board of Elections shall by regulation provide for an administrative fee up to \$25 for each non-electronic report filed with the State Board under § 24.2-947.5. The regulation shall provide for waiver of the fee based upon indigence.

E. All unpaid charges and civil penalties assessed under Title 24.2 shall be subject to interest, the administrative collection fee and late penalties authorized in the Virginia Debt Collection Act, Chapter 48 of Title 2.2, § 2.2-4800 et seq.

F. Out of this appropriation, \$212,687 the first year and \$212,687 the second year from the general fund is provided for voter outreach and education required to inform voters about the photo identification requirements pursuant to Chapter 725 of the Acts of Assembly of 2013. It is the intent of the General Assembly that registration cards containing the voter's photograph and signature be provided free to any eligible voter upon request to the general registrar.

ITEM 86.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<p>G. Out of this appropriation, \$212,423 the first year and \$212,423 the second year from the general fund is provided for conducting list maintenance mailings as required by the National Voter Registration Act.</p> <p>H. Out of this appropriation, \$6,800 each year from the general fund is provided to increase the membership of the State Board of Elections from three members to five members, consistent with the provisions of § 24.2-102, Code of Virginia.</p> <p>I. It is the intent of the General Assembly that federal awards from the Help America Vote Act of 2002 (HAVA) under P.L. 116-93 be used to replace the Virginia Election and Registration Information System (VERIS) by July 1, 2022. Out of the amounts included in this item, \$2,035,142 the first year from the general fund shall serve as the state's required match to receive the federal HAVA award.</p> <p>J. Out of the amounts included in this item, \$96,644 the first year and \$96,644 the second year from the general fund and one position shall support a permanent, full-time director of operations position subject to the Virginia Personnel Act (§ 2.2-2900 et seq.) within the Department.</p>				
87.	Financial Assistance for Electoral Services (78000)....		\$8,809,953	\$8,809,953
	Financial Assistance for General Registrar Compensation (78001).....	\$7,637,437		\$7,637,437
	Financial Assistance for Local Electoral Board Compensation and Expenses (78002).....	\$1,172,516		\$1,172,516
	Fund Sources: General.....	\$8,809,953		\$8,809,953

Authority: Title 24.2, Chapter 1, Code of Virginia.

A.1.a. In determining the salary for each general registrar, the Department of Elections shall use the most recent provisional population estimate from the Weldon Cooper Center for Public Service of the University of Virginia. The Department of Elections shall adjust such population estimate, where applicable, for any annexation or consolidation order by a court when such order becomes effective. There shall be no reduction in salary by reason of a decline in population during the terms in which the incumbent general registrar remains in office.

b. The annual salaries of general registrars, in accordance with the provisions of § 24.2-111, Code of Virginia, shall be as hereinafter prescribed.

Population	July 1, 2020	July 1, 2021
	to June 30, 2021	to June 30, 2022
0-25,000	\$49,256	\$49,256
25,001-50,000	\$54,123	\$54,123
50,001-100,000	\$59,317	\$59,317
100,001-150,000	\$66,290	\$66,290
150,001-200,000	\$72,600	\$72,600
200,001 and above	\$95,957	\$95,957

c. Any locality required to supplement the salary of a general registrar on June 30, 1981, shall continue that supplement at the identical annual amount as paid in FY 1982. This supplement shall continue as long as the incumbent general registrar on July 1, 1982, continues in office. Further, any locality may supplement the annual salary of the general registrar. There shall be no reimbursement out of the state treasury for such supplements.

2. General registrars in the Counties of Arlington, Fairfax, Loudoun, and Prince William and the Cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park shall receive a cost of competition supplement equal to 15 percent of the salaries authorized in paragraph A.1.a. The cost of this supplement shall be paid out of the general fund of the state treasury.

B.1.a. The Department of Elections shall set the annual compensation for secretaries and members of local electoral boards on July 1 of each year. In determining such compensation,

ITEM 87.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022

the Department of Elections shall use the most recent provisional population estimate from the Weldon Cooper Center for Public Service of the University of Virginia.

b. The annual compensation of the secretary of each local electoral board shall be as hereinafter prescribed.

Population Size of Locality	July 1, 2020	July 1, 2021
	to June 30, 2021	to June 30, 2022
0-10,000	\$2,215	\$2,215
10,001-25,000	\$3,319	\$3,319
25,001-50,000	\$4,425	\$4,425
50,001-100,000	\$5,531	\$5,531
100,001-150,000	\$6,635	\$6,635
150,001-200,000	\$7,760	\$7,760
200,001-350,000	\$8,856	\$8,856
Above 350,000	\$9,957	\$9,957

c. The annual compensation of other members of local electoral boards shall be fixed at one-half the annual compensation provided to the secretary of the board.

d. The governing body of any county or city may pay to a full-time secretary of an electoral board such supplemental compensation as it deems appropriate. There shall be no reimbursement out of the state treasury for such supplements.

2. Nothing herein contained shall prevent the governing body of any county or city from paying the secretary of its electoral board such additional allowance for expenses as it deems appropriate but there shall be no reimbursement out of the state treasury for such expenses.

3. Notwithstanding § 24.2-108, Code of Virginia, counties and cities shall not be reimbursed for mileage paid to members of electoral boards.

87.10 Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted.

	FY 2021	FY 2022
Increase funding for the salaries of state-supported local employees	\$2,534,575	\$2,534,575
Agency Total	\$2,534,575	\$2,534,575
Total for Department of Elections.....		\$27,667,991
General Fund Positions.....	57.00	57.00
Position Level.....	57.00	57.00
Fund Sources: General.....	\$24,615,741	\$22,580,869
Special.....	\$52,250	\$52,250

ITEM 87.10.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Trust and Agency.....	\$3,000,000	\$3,000,000		

§ 1-31. VIRGINIA INFORMATION TECHNOLOGIES AGENCY (136)

88.	Omitted.			
89.	Omitted.			
90.	Information Technology Development and Operations (82000).....		\$272,755,360	\$270,172,570
	Network Services -- Data, Voice, and Video (82003).	\$105,785,317		\$105,179,381
	Data Center Services (82005).....	\$60,975,720		\$59,286,028
	Desktop and End User Services (82006).....	\$70,630,246		\$70,274,907
	Multisourcing Service Integrator (MSI) Oversight Services (82009).....	\$29,100,688		\$29,156,790
	Computer Operations Security Services (82010).....	\$6,263,389		\$6,275,464
	Fund Sources: Internal Service.....	\$272,755,360		\$270,172,570

Authority: Title 2.2, Chapter 20.1, Code of Virginia.

A. Out of this appropriation, \$272,755,360 the first year and \$270,172,570 the second year for Information Technology Development and Operations is sum sufficient and amounts shown are estimates from an internal service fund which shall be paid solely from revenues derived from charges for services.

B. Political subdivisions and local school divisions are hereby authorized to purchase information technology goods and services of every description from the Virginia Information Technologies Agency and its vendors, provided that such purchases are not prohibited by the terms and conditions of the contracts for such goods and services.

C. 1. The Secretary of Finance and Secretary of Administration shall approve the draw downs from the agency's line of credit authorized in § 3-2.03 of this act prior to the expenditure of funds for costs associated with replacing or implementing information technology services currently provided by the multi-supplier vendor model.

2. The Director, Department of Planning and Budget, is authorized to administratively adjust the appropriation in this item and Item 92 of this act for approved transition costs associated with replacing or implementing information technology services currently provided by the multi-supplier vendor model.

D. The Chief Information Officer of the Commonwealth shall report to the Governor and Chairmen of the House Appropriations and Senate Finance Committees on progress toward transitioning to new information technology services that will replace the information technology services previously provided by Northrop Grumman. Such a report shall be made at least quarterly, in a format mutually agreeable to them, and shall (i) assess the Virginia Information Technologies Agency's organization and in-scope information technology and telecommunications costs, and (ii) identify options available to the Commonwealth at the expiry of the current agreements including any anticipated steps required to plan for their expiration.

E. 1. The Virginia Information Technologies Agency shall, in consultation with state agencies, report quarterly to the Secretary of Administration and the Secretary of Finance with a detailed transition plan for this migration out of the Commonwealth Enterprise Solutions Center (CESC). This plan will, at a minimum, identify the migration-readiness status of all such applications, data, and systems, propose detailed transition timelines, and identify ongoing and one-time costs for the migration.

2. For purposes of facilitating and expediting the migration of all Commonwealth applications, data, and systems currently physically located or hosted in CESC to a data center physically located in Virginia by June 30, 2022, The Virginia Information Technologies Agency shall procure a statewide contract on behalf of executive branch agencies to provide migration-readiness modifications where such modifications are deemed necessary by the Chief Information Officer of the Commonwealth.

ITEM 90.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022

3. The Virginia Information Technologies Agency is hereby authorized to fund approved migration expenses on behalf of agencies from its line of credit authorized in § 3-2.03 of this act. All proposed draws from the Virginia Information Technologies Agency's line of credit recommended by the Chief Information Officer of the Commonwealth for required migration expenses shall be approved by the Secretary of Finance and the Secretary of Administration prior to any expenditure of funds.

4. It is the responsibility of each approved agency to repay its specific costs incurred on the Virginia Information Technologies Agency's line of credit. Upon approval of expenditures to be paid from the line of credit draw request, the Secretary of Administration and the Secretary of Finance shall specify the repayment period.

5. Notwithstanding the provisions of § 4-3.02 of this act, the Secretary of Finance may provide agencies whose applications or systems are funded in whole or in part by nongeneral funds interest-free treasury loans to fund expenses associated with the migration of agency applications, data, and systems out of CESC where such modifications are deemed necessary by the Chief Information Officer of the Commonwealth. Such treasury loans shall only be for the nongeneral fund component of the migration costs. The repayment plan for such loans may be extended for a period longer than twelve months by the Secretary of Finance.

F. The Virginia Information Technologies Agency shall continue to identify the charge-back structure to allocate costs based on agencies' consumption of data storage. The funds from this charge-back structure shall be used to support the Chief Data Officer's efforts to create a Commonwealth data inventory, and enterprise data dictionary and catalog.

91.	Central Support Services for Business Solutions (82400).....			\$6,865,060	\$6,865,060
	Information Technology Services for Data Exchange Programs (82401).....	\$6,632,234	\$6,632,234		
	Information Technology Services for Productivity Improvements (82402).....	\$232,826	\$232,826		
	Fund Sources: Internal Service.....	\$6,865,060	\$6,865,060		

Authority: Title 2.2, Chapter 20.1, Code of Virginia.

A. The appropriation for Central Support Services for Business Solutions is sum sufficient and amounts shown are estimates from an internal service fund which shall be paid solely from revenues derived from charges for services. Included in these amounts are the projected first and second year costs for workplace productivity and collaboration solutions. These solutions are offered as optional services to executive branch agencies and other customers.

B. Included in the amounts provided in paragraph A. of this item is \$75,000 the first year and \$75,000 the second year shall be used to implement a training curriculum for state employees on best practices for cyber security.

92.	Administrative and Support Services (89900).....			\$43,465,830	\$46,918,343
	General Management and Direction (89901).....	\$23,768,220	\$24,715,943		
	Accounting and Budgeting Services (89903).....	\$6,533,117	\$9,678,117		
	Human Resources Services (89914).....	\$917,784	\$917,784		
	Planning and Evaluation Services (89916).....	\$3,610,587	\$3,120,377		
	Procurement and Contracting Services (89918).....	\$5,282,342	\$5,282,342		
	Web Development and Support Services (89940)....	\$3,353,780	\$3,203,780		
	Fund Sources: Special.....	\$10,132,640	\$10,132,640		
	Internal Service.....	\$33,333,190	\$36,785,703		

Authority: Title 2.2, Chapter 20.1, Code of Virginia.

A.1. Out of this appropriation, \$33,333,190 the first year and \$36,785,703 the second year for Administrative and Support Services is sum sufficient and amounts shown are estimates from an internal service fund which shall be paid solely from charges to other

ITEM 92.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022

programs within this agency.

2. In accordance with § 2.2-2013 D, Code of Virginia, the surcharge rate used to fund expenses for operations and staff of services administered by the Virginia Information Technologies Agency shall be no more than 12.90 percent the first year and 14.65 percent the second year.

3. Included in the amounts for Administrative and Support Services are funds from the Acquisition Services Special Fund which is paid solely from receipts from vendor information technology contracts. These funds will be used to finance procurement and contracting activities and costs unallowable for federal fund reimbursement.

B. The provisions of Title 2.2, Chapter 20.1 of the Code of Virginia shall not apply to the Virginia Port Authority.

C. The requirement that the Department of Behavioral Health and Developmental Services purchase information technology equipment or services from the Virginia Information Technologies Agency according to the provisions of Chapters 981 and 1021 of the Acts of Assembly of 2003 shall not adversely impact the provision of services to mentally disabled clients.

D. The Chief Information Officer and the Secretary of Administration shall provide the Governor and the Chairmen of the House Appropriations and Senate Finance Committees with a report detailing any amendments or modifications to the information technology infrastructure services contracts. The report shall include statements describing the fiscal impact of such amendments or modifications and shall be submitted within 30 days following the signing of any amended agreement.

E.1. Notwithstanding the provisions of §§ 2.2-1509, 2.2-2007 and 2.2-2017, Code of Virginia, the scope of formal reporting on major information technology projects in the Recommended Technology Investment Projects (RTIP) report is reduced. The efforts involved in researching, analyzing, reviewing, and preparing the report will be streamlined and project ranking will be discontinued. Project analysis will be targeted as determined by the Chief Information Officer (CIO) and the Secretary of Administration. Information on major information technology investments will continue to be provided General Assembly members and staff. Specifically, the following tasks will not be required, though the task may be performed in a more streamlined fashion: (i) The annual report to the Governor, the Secretary, and the Joint Commission on Technology and Science; (ii) The annual report from the CIO for submission to the Secretary, the Information Technology Advisory Council, and the Joint Commission on Technology and Science on a prioritized list of Recommended Technology Investment Projects (RTIP Report); (iii) The development by the CIO and regular update of a methodology for prioritizing projects based upon the allocation of points to defined criteria and the inclusion of this information in the RTIP Report; (iv) The indication by the CIO of the number of points and how they were awarded for each project recommended for funding in the RTIP Report; (v) The reporting, for each project listed in the RTIP, of all projected costs of ongoing operations and maintenance activities of the project for the next three biennia following project implementation, a justification and description for each project baseline change, and whether the project fails to incorporate existing standards for the maintenance, exchange, and security of data; and (vii) The reporting of trends in current projected information technology spending by state agencies and secretariats, including spending on projects, operations and maintenance, and payments to Virginia Information Technologies Agency.

2. Notwithstanding any other provision of law and effective July 1, 2015, the Virginia Information Technologies Agency (VITA) shall maintain and update quarterly a list of major information technology projects that are active or are expected to become active in the next fiscal year and have been approved and recommended for funding by the Secretary of Administration. Such list shall serve as the official repository for all ongoing information technology projects in the Commonwealth and shall include all information required by § 2.2-1509.3 (B)(1)-(8), Code of Virginia. VITA shall make such list publically available on its website, updated on a quarterly basis, and shall submit electronically such quarterly update to the Chairmen of the House Appropriations and Senate Finance Committees and the Director, Department of Planning and Budget, in a format mutually agreeable to them. To ensure such list can be maintained and updated quarterly, state agencies with major information

ITEM 92.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
	technology projects that are active or are expected to become active in the next fiscal year shall provide in a timely manner all data and other information requested by VITA.			
93.	Information Technology Security Oversight (82900).....		\$9,099,513	\$8,419,513
	\$5,912,326	\$5,232,326		
	Technology Security Oversight Services (82901).....			
	\$2,608,669	\$2,608,669		
	Information Technology Security Service Center (82902).....			
	\$578,518	\$578,518		
	Cloud Based Services Oversight (82903).....			
	\$282,252	\$282,252		
	Fund Sources: General.....			
	\$295,414	\$295,414		
	Special.....			
	\$8,521,847	\$7,841,847		
	Internal Service.....			

Authority: Title 2.2, Chapter 20.1, Code of Virginia.

A. Out of this appropriation, \$5,715,131 the first year and \$5,035,131 the second year for Technology Security Oversight Services is sum sufficient and amounts shown are estimates from an internal service fund which shall be paid solely from charges to other programs within this agency.

B.1. The Virginia Information Technologies Agency shall operate an information technology security service center to support the information technology security needs of agencies electing to participate in the information technology security service center. Support for participating agencies shall include, but not be limited to, vulnerability scans, information technology security audits, and Information Security Officer services. Participating agencies shall cooperate with the Virginia Information Technologies Agency by transferring such records and functions as may be required.

2.a. The Virginia Information Technologies Agency shall perform vulnerability scans of all public-facing websites and systems operated by state agencies. All state agencies which operate such websites and systems shall cooperate with the Virginia Information Technologies Agency in order to complete the vulnerability scans. However, the State Corporation Commission shall not be required to disable, in full or in part, any software system, process, or other tool utilized to protect such public-facing websites and systems.

b. Out of this appropriation, \$282,252 the first year and \$282,252 the second year from the general fund shall be used to support vulnerability scanning of public-facing websites and systems of the Commonwealth.

3. Agencies electing to participate in the information technology security service center shall enter into a memorandum of understanding with the Virginia Information Technologies Agency. Such memorandums shall outline the services to be provided by the Virginia Information Technologies Agency and the costs to provide those services. If a participating agency elects to not renew its memorandum of understanding, the agency shall notify the Virginia Information Technologies Agency twelve months prior to the scheduled renewal date of its intent to become a non-participating agency.

4. Non-participating agencies shall be required by July 1 each year to notify the Chief Information Officer of the Commonwealth that the agency has met the requirements of the Commonwealth's information security standards. If the agency has not met the requirements of the Commonwealth's information security standards, the agency shall report to the Chief Information Officer of the Commonwealth the steps and procedures the agency is implementing in order to satisfy the requirements.

5. Out of this appropriation, \$2,326,417 the first year and \$2,326,417 the second year for Information Technology Security Service Center is sum sufficient and amounts shown are estimates from an internal service fund which shall be paid solely from internal service fund revenues.

6. Notwithstanding any other provision of state law, and to the extent and in the manner permitted by federal law, the Virginia Information Technologies Agency shall have the legal authority to access, use, and view data and other records transferred to or in the custody of the information technology security service center pursuant to this item. The services of the center are intended to enhance data security, and no state law or regulation

ITEM 93.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<p>imposing data security or dissemination restrictions on particular records shall prevent or burden the custodian agency's authority under this item to transfer such records to the center for the purpose of receiving the center's services. All such transfers and any access, use, or viewing of data by center personnel in support of the center's provision of such services to the transferring agency shall be deemed necessary to assist in valid administrative needs of the transferring agency's program that received, used, or created the records transferred, and personnel of the center shall, to the extent necessary, be deemed agents of the transferring agency's administrative unit that is responsible for the program. Without limiting the foregoing, no transfer of records under this item shall trigger any requirement for notice or consent under the Government Data Collection and Dissemination Practices Act (GDCDPA) (§ 2.2-3800 et. Seq.) or other law or regulation of the Commonwealth. The transferring agency shall continue to be deemed the custodian of any record transferred to the center for purposes of the GDCDPA, the Freedom Of Information Act, and other laws or regulations of the Commonwealth pertaining to agencies that administer the transferred records and associated programs. Custody of such records for security purposes shall not make the Virginia Information Technologies Agency a custodian of such records. Any memorandum of understanding under authority of this item shall specify the records to be transferred, security requirements, and permitted use of data provided. VITA and any contractor it uses in the provision of the center's services shall hold such data in confidence and implement and maintain all information security safeguards defined in the memorandum of understanding or required by federal or state laws, regulations, or policies for the protection of sensitive data.</p> <p>7. The rates required to recover the costs of the information technology security service center shall be provided by the Virginia Information Technologies Agency to the Department of Planning and Budget by September 1 each year for review and approval of the subsequent fiscal year's rate.</p> <p>C.1. Out of this appropriation, \$480,299 the first year and \$480,299 the second year for Cloud Based Services Oversight is sum sufficient and amounts shown are estimates from an internal service fund which shall be paid solely from internal service fund revenues for a program to support the use of cloud service providers by state agencies served by the Virginia Information Technologies Agency.</p> <p>2. As part of the program, the Virginia Information Technologies Agency shall develop policies, standards, and procedures for the use of cloud services providers by state agencies served by the Virginia Information Technologies Agency. These policies, standards, and procedures shall address the security and privacy of Commonwealth and citizen data; ensure compliance with federal and state laws and regulations; and provide for ongoing oversight and management of cloud services to verify performance through service level agreements or other means. VITA shall also establish a statewide contract of approved vendors authorized to offer cloud based services to state agencies.</p> <p>3. Requests to use cloud providers shall be submitted by participating agencies to the Virginia Information Technologies Agency, which shall review such requests in accordance with the Commonwealth's policies, standards, and procedures. For approved requests, and consistent with Chapter 20.1 of Title 2.2, the Virginia Information Technologies Agency will procure cloud services on behalf of other agencies or may, upon request, authorize other state agencies to undertake such procurements on their own. The Virginia Information Technologies Agency shall also administer and oversee all contracts for cloud services used by agencies participating in the cloud services center, including verification of security and performance.</p> <p>4. The Virginia Information Technologies Agency shall work with state agencies to assess opportunities for additional use of cloud services, including infrastructure, platform, and software as a service. This assessment shall include a review of options for use of service brokers and integrators, and options for providing storage and server services through cloud or on-premises means.</p> <p>5. The rates required to recover the costs associated with providing oversight and management of cloud based services shall be included in the submission required by § 4-5.03 of this act.</p>				
Total for Virginia Information Technologies Agency.			\$332,185,763	\$332,375,486
General Fund Positions.....	2.00	2.00		

ITEM 93.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Nongeneral Fund Positions.....	237.40	237.40		
Position Level.....	239.40	239.40		
Fund Sources: General.....	\$282,252	\$282,252		
Special.....	\$10,428,054	\$10,428,054		
Internal Service.....	\$321,475,457	\$321,665,180		
TOTAL FOR OFFICE OF ADMINISTRATION....			\$3,681,918,697	\$3,788,422,438
General Fund Positions.....	385.40	385.40		
Nongeneral Fund Positions.....	745.00	747.00		
Position Level.....	1,130.40	1,132.40		
Fund Sources: General.....	\$787,682,285	\$788,581,528		
Special.....	\$21,406,431	\$21,344,231		
Enterprise.....	\$632,208,993	\$631,000,379		
Internal Service.....	\$2,086,465,334	\$2,193,340,646		
Trust and Agency.....	\$138,257,964	\$138,257,964		
Dedicated Special Revenue.....	\$8,602,858	\$8,602,858		
Federal Trust.....	\$7,294,832	\$7,294,832		

ITEM 94.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
OFFICE OF AGRICULTURE AND FORESTRY				
§ 1-32. SECRETARY OF AGRICULTURE AND FORESTRY (193)				
94.	Administrative and Support Services (79900).....		\$518,381	\$518,381
	General Management and Direction (79901).....	\$518,381	\$518,381	
	Fund Sources: General.....	\$518,381	\$518,381	
	Authority: Title 2.2, Chapter 2, Article 2.1; § 2.2-203.3, Code of Virginia.			
	Total for Secretary of Agriculture and Forestry.....		\$518,381	\$518,381
	General Fund Positions.....	3.00	3.00	
	Position Level.....	3.00	3.00	
	Fund Sources: General.....	\$518,381	\$518,381	
§ 1-33. DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES (301)				
95.	Nutritional Services (45700).....		\$5,042,932	\$5,042,932
	Distribution of USDA Donated Food (45708).....	\$5,042,932	\$5,042,932	
	Fund Sources: General.....	\$317,478	\$317,478	
	Federal Trust.....	\$4,725,454	\$4,725,454	
	Authority: Title 3.2, Chapters 1 and 47, Code of Virginia.			
96.	Animal and Poultry Disease Control (53100).....		\$8,255,501	\$8,255,501
	Animal Disease Prevention and Control (53101).....	\$3,300,545	\$3,300,545	
	Diagnostic Services (53102).....	\$4,640,702	\$4,640,702	
	Animal Welfare (53104).....	\$314,254	\$314,254	
	Fund Sources: General.....	\$5,437,637	\$5,437,637	
	Special.....	\$1,736,246	\$1,736,246	
	Federal Trust.....	\$1,081,618	\$1,081,618	
	Authority: Title 3.2, Chapters 60 and 65, Code of Virginia.			
	Out of the amounts in this Item, \$150,000 the first year and \$150,000 the second year from the general fund is included for the purchase of laboratory equipment through the Commonwealth's Master Equipment Leasing Program.			
97.	Agricultural Industry Marketing, Development, Promotion, and Improvement (53200).....		\$23,870,243	\$22,661,906
	Grading and Certification of Virginia Products (53201).....	\$7,667,186	\$7,667,186	
	Milk Marketing Regulation (53204).....	\$867,098	\$867,098	
	Marketing Research (53205).....	\$301,714	\$301,714	
	Market Virginia Agricultural and Forestry Products Nationally and Internationally (53206).....	\$4,920,038	\$4,961,701	
	Agricultural Commodity Boards (53208).....	\$7,716,368	\$7,716,368	
	Agribusiness Development Services and Farmland Preservation (53209).....	\$2,397,839	\$1,147,839	
	Fund Sources: General.....	\$10,322,168	\$9,113,831	
	Special.....	\$158,125	\$158,125	
	Trust and Agency.....	\$7,120,404	\$7,120,404	
	Dedicated Special Revenue.....	\$5,548,648	\$5,548,648	
	Federal Trust.....	\$720,898	\$720,898	
	Authority: Title 3.2, Chapters 1, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 26, 27, 30, 32, 34, 35; Title 28.2, Chapter 2; and Title 61.1, Chapter 4, Code of Virginia.			

ITEM 97.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
A. Agricultural Commodity Boards shall be paid from the special fund taxes levied in the following estimated amounts:				
1. To the Tobacco Board, \$143,000 the first year and \$143,000 the second year.				
2. To the Corn Board, \$390,000 the first year and \$390,000 the second year.				
3. To the Egg Board, \$210,000 the first year and \$210,000 the second year.				
4. To the Soybean Board, \$1,164,000 the first year and \$1,164,000 the second year.				
5. To the Peanut Board, \$320,000 the first year and \$320,000 the second year.				
6. To the Cattle Industry Board, \$800,000 the first year and \$800,000 the second year.				
7. To the Virginia Small Grains Board, \$400,000 the first year and \$400,000 the second year.				
8. To the Virginia Horse Industry Board, \$320,000 the first year and \$320,000 the second year.				
9. To the Virginia Sheep Industry Board, \$35,000 the first year and \$35,000 the second year.				
10. To the Virginia Potato Board, \$25,000 the first year and \$25,000 the second year.				
11. To the Virginia Cotton Board, \$180,000 the first year and \$180,000 the second year.				
12. To the State Apple Board, \$150,000 the first year and \$150,000 the second year.				
B. Each commodity board is authorized to expend funds in accordance with its authority as stated in the Code of Virginia. Such expenditures will be limited to available revenue levels.				
C. Each commodity board specified in this Item shall provide an annual notification to its excise tax paying producers which summarizes the purpose of the board and the excise tax, current tax rate, amount of excise taxes collected in the previous tax year, the previous fiscal year expenditures and the board's past year activities. The manner of notification shall be determined by each board.				
D. Out of the amounts in this Item shall be paid from certain special fund license taxes, license fees, and permit fees levied or imposed under Title 28.2, Chapters 2, 3, 4, 5, 6 and 7, Code of Virginia, to the Virginia Marine Products Board, \$402,543 and two positions the first year and \$402,543 and two positions the second year.				
E. Out of the amounts in this Item, \$2,782,245 the first year and \$2,782,245 the second year from the general fund shall be deposited to the Virginia Wine Promotion Fund as established in § 3.2-3005, Code of Virginia.				
F. Out of the amounts in this Item, \$250,000 the first year and \$250,000 the second year from the general fund shall be deposited to the Virginia Farmland Preservation Fund established in § 3.2-201, Code of Virginia. This appropriation shall be deemed sufficient to meet the provisions of § 2.2-1509.4, Code of Virginia.				
G. Out of the amounts in this Item, the Commissioner is authorized to expend from the general fund amounts not to exceed \$25,000 the first year and \$25,000 the second year for entertainment expenses commonly borne by businesses. Further, such expenses shall be recorded separately by the agency.				
H. Out of the amounts in this Item, the Commissioner is authorized to expend \$1,120,226 the first year and \$1,120,226 the second year from the general fund for the promotion of Virginia's agricultural products overseas. Such efforts shall be conducted in concert with the international offices opened by the Virginia Economic Development Partnership.				
I. Out of the amounts in this Item, \$25,000 the first year and \$25,000 the second year from the general fund shall be provided to support 4-H and Future Farmers of America youth participation educational costs at the State Fair of Virginia. These funds shall not be used				

ITEM 97.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
for administrative costs by the State Fair.				
J. Out of the amounts in this item, \$250,000 the first year from the general fund shall be provided in support of critical infrastructure upgrades at the Holiday Lake 4-H Center.				
K. Out of the amounts in this item, \$1,125,000 the first year and \$125,000 the second year from the general fund is provided for the Department to operate the Virginia Food Access Investment Program consistent with the provisions of House Bill 1509 and Senate Bill 1073 of the 2020 Session of the General Assembly.				
98.	Economic Development Services (53400).....		\$1,233,692	\$1,233,692
	Financial Assistance for Economic Development (53410).....	\$1,233,692	\$1,233,692	
	Fund Sources: General.....	\$1,233,692	\$1,233,692	
Authority: Title 3.2, Chapter 3.1, Code of Virginia.				
A. Out of the amounts in this Item, \$1,000,000 the first year and \$1,000,000 the second year from the general fund shall be deposited to the Governor's Agriculture and Forestry Industries Development Fund for the payment of grants or loans in accordance § 3.2-303 et seq., Code of Virginia. Notwithstanding any other provision of law, at the discretion of the Governor, the cap on the amount of funding that may be awarded to an individual project as provided in § 3.2-305, Code of Virginia, may be waived for qualifying projects of regional or statewide interest.				
B. Out of the amounts in this Item, \$233,692 the first year and \$233,692 the second year may be used by the department to pay administrative costs.				
99.	Plant Pest and Disease Control (53500).....		\$5,048,711	\$4,485,211
	Plant Pest and Disease Prevention and Control Services (53504).....	\$5,048,711	\$4,485,211	
	Fund Sources: General.....	\$3,003,692	\$2,440,192	
	Special.....	\$631,895	\$631,895	
	Federal Trust.....	\$1,413,124	\$1,413,124	
Authority: Title 3.2, Chapters 7, 8, 9, 10, 28, 38, 41.1 and 44; Title 15.2, Chapter 18, Code of Virginia.				
A. The Commissioner may enter into agreements with local and state agencies, or other persons, for the control of black vultures, coyotes, and other wildlife that pose danger to agricultural animals. The Commissioner shall enter into an agreement with the federal government to establish and maintain the Virginia Cooperative Wildlife Damage Management Program.				
B. Out of the amounts in this Item, \$125,000 the first year and \$125,000 the second year from the general fund shall be deposited to the Beehive Grant Fund established pursuant to § 3.2-4415, Code of Virginia. Notwithstanding the provisions of § 3.2-4416, Code of Virginia, the department shall not accept applications for grants from the Beehive Grant Program if funds are not appropriated for such purposes nor shall the department be required to continue to accept applications for the program if funds appropriated have been fully allocated to grantees for a given fiscal year.				
C. Notwithstanding the provisions of §§ 3.2-4114.2 and 3.2-4115, Code of Virginia, the Commissioner shall charge an annual nonrefundable fee of \$150 on each application for registration, or renewal of registration, as an industrial hemp grower, an annual nonrefundable fee of \$200 on each application for registration as an industrial hemp processor, and an annual nonrefundable fee of \$250 for registration as an industrial hemp dealer pursuant to Chapter 41 of Title 3.2, Code of Virginia.				
D. The Commissioner of Agriculture and Consumer Services shall, pursuant to 7 U.S.C. 5940, administer an agricultural pilot program to study the growth, cultivation, and marketing of industrial hemp via the Commissioner's administration of the provisions of the Industrial Hemp Law (Va. Code § 3.2-4112 et seq.). The Commissioner's research shall include an analysis of information collected during the administration of the Industrial Hemp Law. The				

ITEM 99.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<p>Commissioner shall (i) conclude such agricultural pilot program on the date that is one year after the date on which the U.S. Secretary of Agriculture establishes a plan under section 297C of the Agricultural Marketing Act of 1946 or on the effective date of the repeal of 7 U.S.C. 5940, whichever is later, and (ii) submit a report on such research to the Governor and General Assembly by December 1, 2020.</p>				
100.	Agriculture and Food Homeland Security (54100)...		\$279,875	\$279,875
	Agricultural and Food Emergencies Prevention and Response (54101).....		\$279,875	\$279,875
	Fund Sources: General.....		\$276,554	\$276,554
	Special.....		\$3,321	\$3,321
<p>Authority: Title 3.2, Chapters 7, 51, 59, 60, and 65, Code of Virginia.</p>				
101.	Consumer Affairs Services (55000).....		\$1,779,181	\$1,779,181
	Consumer Affairs - Regulation and Consumer Education (55001).....		\$1,779,181	\$1,779,181
	Fund Sources: General.....		\$33,726	\$33,726
	Special.....		\$1,745,455	\$1,745,455
<p>Authority: Title 3.2, Chapter 1; Title 57, Chapter 5; Title 59.1, Chapters 24, 25, 33.1, 34, 34.1 and 36, Code of Virginia.</p>				
102.	Regulation of Business Practices (55200).....		\$3,517,648	\$3,517,648
	Regulation of Grain Commodity Sales (55207).....		\$110,149	\$110,149
	Regulation of Weights and Measures and Motor Fuels (55212).....		\$3,407,499	\$3,407,499
	Fund Sources: General.....		\$3,307,999	\$3,307,999
	Special.....		\$209,649	\$209,649
<p>Authority: Title 3.2, Chapters 43, 47, 55.1, 56, 57, and 58; and Title 59.1, Chapter 12, Code of Virginia.</p>				
<p>In lieu of periodic inspections by the Commissioner, Department of Agriculture and Consumer Services, any person whose weights and measures devices, as defined in § 3.2-5600, et seq., Code of Virginia, which are used for a commercial purpose may select to provide for the inspection and testing of all such weights and measures to determine the accuracy and correct operation of the equipment or device. The owner shall have all such weights and measures devices tested at least annually by a service agency that is registered pursuant to § 3.2-5703, Code of Virginia. Weights and measures that have been rejected by a service agency shall not be used again commercially until they have been officially reexamined by the rejecting authority or an inspector employed by the Commissioner, and found to be in compliance with Title 3.2, Chapter 56, Code of Virginia. The owner of such weights and measures devices, or third-party agencies on behalf of the owner, shall report to the Commissioner on an annual basis in a manner prescribed by the Commissioner the results of all testing, including (i) the number of inspections completed, (ii) the number of failures in the weights and measures equipment or devices, and (iii) the actions taken to correct any inaccuracies in the equipment or devices.</p>				
103.	Food Safety and Security (55400).....		\$11,303,322	\$11,292,822
	Regulation of Food Establishments and Processors (55401).....		\$5,617,917	\$5,607,417
	Regulation of Meat Products (55402).....		\$4,374,217	\$4,374,217
	Regulation of Milk and Dairy Industry (55403).....		\$1,311,188	\$1,311,188
	Fund Sources: General.....		\$6,276,723	\$6,266,223
	Special.....		\$659,537	\$659,537
	Federal Trust.....		\$4,367,062	\$4,367,062
<p>Authority: Title 3.2, Chapters 51, 51.1, 52, 53, 54, 55, and 60, Code of Virginia.</p>				
<p>A. Each establishment under the authority of the Regulation of Meat Products that is requesting overtime or holiday inspection shall pay that part of the actual cost of the</p>				

ITEM 103.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
inspection services.				
<p>B. The Commissioner, Department of Agriculture and Consumer Services, is authorized to collect an annual inspection fee, not to exceed \$40, from all establishments that are subject to inspection pursuant to Title 3.2, Chapter 51, Code of Virginia. However, any such establishment that is subject to any permit fee, application fee, inspection fee, risk assessment fee, or similar fee imposed by any locality shall be subject to this annual inspection fee only to the extent that the annual inspection fee and the locally-imposed fee, when combined, do not exceed \$40. This fee structure shall be subject to the approval of the Secretary of Agriculture and Forestry. Any food bank, second harvest certified food bank, food bank member charity, or other food related activity which is exempt from taxation under 26 U.S.C. § 501 (c) (3), which maintains a food handling or storage facility, or any food-related program operated by any Community Services Board, as defined in Title 37.2, Chapter 5, Code of Virginia, shall be exempt from this inspection fee. Also, a producer of fruits and herbs that are dried, without the addition of any other ingredients, and sold only at a local farmers' market shall be exempt from the fee.</p>				
104.	Regulation of Products (55700).....		\$6,382,714	\$6,327,714
	Pesticide Regulation and Applicator Certification (55704).....	\$3,873,884		\$3,873,884
	Regulation of Feed, Seed, and Fertilizer Products (55706).....	\$2,508,830		\$2,453,830
	Fund Sources: General.....	\$871,121		\$816,121
	Dedicated Special Revenue.....	\$4,810,820		\$4,810,820
	Federal Trust.....	\$700,773		\$700,773
	<p>Authority: Title 3.2, Chapters 1, 36, 37, 39, 40, 43, 47, 48, and 49; Title 18.2, Chapter 6; and Title 59.1, Chapter 12, Code of Virginia.</p> <p>The Office of Pesticide Services shall publish a report on the activities, educational programs, research, and grants administered through the Pesticide Control Act Fund to the Board of Agriculture and Consumer Services by October 15 of each year.</p>			
105.	Regulation of Charitable Gaming Organizations (55900).....		\$1,687,925	\$1,687,925
	Charitable Gaming Regulation and Enforcement (55907).....	\$1,687,925		\$1,687,925
	Fund Sources: General.....	\$1,583,066		\$1,583,066
	Dedicated Special Revenue.....	\$104,859		\$104,859
	<p>Authority: Title 2.2, Chapter 24; Title 18.2, Chapter 8; and Title 59.1, Chapter 51, Code of Virginia.</p> <p>A. Notwithstanding § 18.2-340.31, Code of Virginia, any and all fees paid by any organization conducting charitable gaming under a permit issued by the department, including audit and administrative fees and permit fees, shall be deposited to the general fund.</p> <p>B. The department shall deposit into the Investigation Fund any assets it receives as a result of a law enforcement seizure and subsequent forfeiture by either a state or federal court. The fund shall be used to defray the expenses of investigation and enforcement actions and to purchase equipment for enforcement purposes.</p> <p>C. Included in these amounts is \$100,000 the first year and \$100,000 the second year in nongeneral funds from annual registration fees paid by operators of fantasy contests to support both direct and indirect expenses of the department in the regulation of fantasy contests in Virginia.</p>			
106.	Administrative and Support Services (59900).....		\$12,218,057	\$12,071,166
	General Management and Direction (59901).....	\$12,218,057		\$12,071,166
	Fund Sources: General.....	\$9,715,028		\$9,568,137
	Special.....	\$2,203,385		\$2,203,385
	Trust and Agency.....	\$167,990		\$167,990

ITEM 106.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022
Federal Trust.....	\$131,654	\$131,654		

Authority: Title 3.2, Chapters 1, 4, 5, 6 and 29; Title 10.1, Chapter 5, Code of Virginia.

106.10 Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted.

	FY 2021	FY 2022		
Enhance economic growth and food safety in the Commonwealth	\$267,201		\$256,701	
Fulfill Virginia's phase III watershed implementation plan	\$240,021		\$185,021	
Holiday Lake 4-H Center Improvements Project	\$250,000		\$0	
Agency Total	\$757,222		\$441,722	
Total for Department of Agriculture and Consumer Services.....			\$80,619,801	\$78,635,573
General Fund Positions.....	344.00	344.00		
Nongeneral Fund Positions.....	214.00	214.00		
Position Level.....	558.00	558.00		
Fund Sources: General.....	\$42,378,884	\$40,394,656		
Special.....	\$7,347,613	\$7,347,613		
Trust and Agency.....	\$7,288,394	\$7,288,394		
Dedicated Special Revenue.....	\$10,464,327	\$10,464,327		
Federal Trust.....	\$13,140,583	\$13,140,583		

§ 1-34. DEPARTMENT OF FORESTRY (411)

107.	Forest Management (50100).....			\$36,508,061	\$36,831,653
	Reforestation Incentives to Private Forest Land Owners (50102).....	\$3,977,197	\$4,384,039		
	Forest Conservation, Wildfire & Watershed Services (50103).....	\$26,886,048	\$26,802,798		
	Tree Restoration and Improvement, Nurseries & State-Owned Forest Lands (50104).....	\$4,744,816	\$4,744,816		
	Financial Assistance for Forest Land Management (50105).....	\$900,000	\$900,000		
	Fund Sources: General.....	\$21,094,319	\$21,417,911		
	Special.....	\$10,927,516	\$10,927,516		
	Trust and Agency.....	\$106,538	\$106,538		
	Dedicated Special Revenue.....	\$89,535	\$89,535		
	Federal Trust.....	\$4,290,153	\$4,290,153		

Authority: Title 10.1, Chapter 11, and Title 58.1, Chapter 32, Article 4, Code of Virginia.

A. The State Forester is hereby authorized to utilize any unobligated balances in the fire suppression fund authorized by § 10.1-1124, Code of Virginia, for the purpose of

ITEM 107.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
acquiring replacement equipment for forestry management and protection operations.				
B. In the event that budgeted amounts for forest fire suppression are insufficient to meet forest fire suppression demands, such amounts as may be necessary for this purpose may be transferred from Item 479 of this act to the Department of Forestry, with the approval of the Director, Department of Planning and Budget.				
C. The department shall provide technical assistance and project supervision in the aerial spraying of herbicides on timberland on landowner property. In addition to recovering the direct cost associated with the spraying contract, the department may charge an administrative fee for this service.				
D. The Department of Forestry, in cooperation with the Department of Corrections, shall increase the use of inmate labor for routine and special work projects in state forests.				
E. The appropriation in Reforestation Incentives to Private Forest Land Owners includes \$1,945,239 the first year and \$1,945,239 the second year from the general fund for the Reforestation of Timberlands Program. This appropriation shall be deemed sufficient to meet the provisions of Titles 10.1 and 58.1, Code of Virginia.				
F. Out of this appropriation, \$2,126,126 the first year and \$2,126,126 the second year from the general fund is included for the purchase of forest fire protection equipment through the state's master equipment lease purchase program.				
G. The department is authorized to enter into agreements with private entities for the active operational life of the tower located at 900 Natural Resources Drive in Albemarle County, Virginia. Notwithstanding any other provision of law, any revenues received from such agreements shall be retained by the department and used for forest land management.				
H.1. The State Comptroller shall continue the Virginia State Forest Mitigation and Acquisition Fund and the Long Term Mitigation Fund as established in Item 102, Chapter 806, 2013 Acts of Assembly. All moneys in these funds shall be used as provided for in this Item and in Item 102, Chapter 806, 2013 Acts of Assembly, and Item 98, Chapter 665, 2015 Acts of Assembly.				
2.a. With the exception of the amounts prescribed in paragraph H.2.b. of this item, the Virginia State Forest Mitigation and Acquisition Fund shall be used solely for forest land or conservation easement acquisition.				
b. The Long Term Mitigation Fund shall be used solely for long term management of the Cumberland State Forest Stream Buffer Preservation Stewardship Plan.				
3. For any such future mitigation projects, no state forest land shall be used to provide compensatory mitigation for wetland or stream impacts of any public or private project until such time as due consideration has been given to the availability of mitigation credits available from private sources. State forest land means all sites, roadways, game food patches, ponds, lakes, streams, rivers, beaches, and lakes to which the Department of Forestry holds title for use, development, and administration.				
I. The department is authorized to sell properties and timber located at the following: 16520 Five Forks Road, Amelia, Virginia, 23002; 26401 Blue Star Highway, Emporia, Virginia, 23847; 11260 Jessie Dupont Memorial Highway, Kilmarnock, Virginia, 22482; 152 Maury River Road, Lexington, Virginia, 24450; and 2080 Sowers Road NE, Floyd, Virginia, 24091. Notwithstanding any other provision of law, the net proceeds of these transactions shall be deposited into the general fund.				
J. Out of this appropriation, \$100,000 the first year and \$100,000 the second year from the general fund is provided for the Virginia Natural Resources Leadership Institute.				
K. Out of this appropriation, \$200,000 the first year and \$200,000 the second year from the general fund is provided to increase bandwidth capacity at the agency's offices in Abingdon, Appomattox-Buckingham State Forest, New Kent, Salem, and Tappahannock.				
L. Out of the amounts in this item, \$154,000 the first year and \$521,842 the second year from the general fund is provided for a Hardwood Forest Habitat initiative. Not later than October 15, 2021, the State Forester shall provide to the Chairs of the House Appropriations and				

ITEM 107.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022
Senate Finance and Appropriations Committee a report on the proposed landowner incentive program for hardwood forest management identifying (i) potential hardwood forest operators eligible for participation in the program; (ii) effective hardwood forest management practices and potential landowner incentives; (iii) the amount of revenue collected annually from existing hardwood forest operations subject to the Forest Product Tax pursuant to Chapter 16 of Title 58; and (iv) the estimated annual costs and long term benefits of the Hardwood Forest Habitat program.				

107.10 Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted.

	FY 2021		FY 2022
Establish apprenticeship program	\$51,888		\$51,888
Establish hardwood forest habitat program	\$154,000		\$521,842
Fulfill Virginia's phase III watershed implementation plan	\$433,016		\$433,016
Plan for replacement of the agency's mission critical business system	\$44,250		\$0
Agency Total	\$683,154		\$1,006,746
Total for Department of Forestry.....			\$36,508,061 \$36,831,653
General Fund Positions.....	165.59	165.59	
Nongeneral Fund Positions.....	113.41	113.41	
Position Level.....	279.00	279.00	
Fund Sources: General.....	\$21,094,319	\$21,417,911	
Special.....	\$10,927,516	\$10,927,516	
Trust and Agency.....	\$106,538	\$106,538	
Dedicated Special Revenue.....	\$89,535	\$89,535	
Federal Trust.....	\$4,290,153	\$4,290,153	

§ 1-35. AGRICULTURAL COUNCIL (307)

108.	Agricultural and Seafood Product Promotion and Development Services (53000).....			\$490,675	\$490,675
	Grants for Agriculture, Research, Education and Services (53001).....	\$490,675	\$490,675		
	Fund Sources: Dedicated Special Revenue.....	\$490,675	\$490,675		
	Authority: Title 3.2, Chapter 29, Code of Virginia.				
	Total for Agricultural Council.....			\$490,675	\$490,675
	Fund Sources: Dedicated Special Revenue.....	\$490,675	\$490,675		

§ 1-36. VIRGINIA RACING COMMISSION (405)

109.	Economic Development Services (53400).....			\$1,500,000	\$1,500,000
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ITEM 109.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Financial Assistance to the Horse Breeding Industry (53411).....	\$1,500,000	\$1,500,000		
Fund Sources: Special.....	\$1,500,000	\$1,500,000		
Authority: Title 59.1, Chapter 29, Code of Virginia.				
110. Regulation of Horse Racing and Pari-Mutuel Betting (55800).....			\$1,708,655	\$1,708,655
License and Regulate Horse Racing and Pari-mutuel Wagering (55801).....	\$1,708,655	\$1,708,655		
Fund Sources: Special.....	\$1,708,655	\$1,708,655		
Authority: Title 59.1, Chapter 29, Code of Virginia.				

A. Out of this appropriation, the members of the Virginia Racing Commission shall receive compensation and reimbursement for their reasonable expenses in the performance of their duties, as provided in § 2.2-2104, Code of Virginia.

B. Notwithstanding the provisions of § 59.1-392, Code of Virginia, up to \$255,000 the first year and \$255,000 the second year shall be transferred to Virginia Polytechnic Institute and State University to support the Virginia-Maryland Regional College of Veterinary Medicine.

C. Any revenues received during the biennium and which are due to the commission pursuant to § 59.1-364 et seq., Code of Virginia, shall be used first to fund the operating expenses of the commission as appropriated in this item. Any change in operating expenses as herein appropriated requires the approval of the Department of Planning and Budget. A year-end fund balance of \$500,000 shall be maintained for payment of authorized commission obligations for operating expenses as appropriated under the provisions of this act and amounts payable to specific entities pursuant to § 59.1-392 and appropriated in paragraphs B and D of this item prior to the reversion of nongeneral fund balances. Any fund balances in this item at the end of fiscal years 2021 and 2022 in excess of \$500,000 shall revert to the general fund.

D. Out of these amounts, the obligations set out in § 59.1-392 D. 5., D.6., G.5., G.6., K.3., K.4., K.5., N.3., N.4., and N.5., Code of Virginia, shall be fully funded.

E. In the event revenues exceed the appropriated amounts in this item, the Virginia Racing Commission is authorized to seek an administrative appropriation, up to \$700,000, from the Director, Department of Planning and Budget, to develop programs or award grants for the promotion and marketing, sustenance and growth of the Virginia horse industry, including horse breeding.

F.1. The Virginia Racing Commission shall report monthly to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees on the gross gaming revenues generated from traditional horse racing wagering and from historical horse racing (HHR) wagering from any significant infrastructure limited licensee facility and each satellite facility licensee authorized for operation in the Commonwealth. This monthly reporting shall include the actual dollar amount of the (i) total prize payout; (ii) total contributions to purses for thoroughbred and harness racing; (iii) amount of state and local taxes collected and remitted by jurisdiction; (iv) amount retained by the Virginia Racing Commission; and (v) amount retained by any licensee or operator.

2. Included within the monthly report required in F.1., from the amounts included in clause (v) of F.1., the Commission shall specifically identify the actual dollar amounts allocated pursuant to a Revenue Sharing Agreement dated April 13, 2018, or any amendments thereto, or for an Amended Memorandum of Understanding dated December 4, 2017, or any amendments thereto, for (i) contributions to the Virginia Equine Alliance and other parties collectively referred to in the Revenue Sharing Agreement as the Horsemen; (ii) all HHR gross commission; (iii) any amounts or rebates from Advanced Deposit Wagering to service providers; (iv) deposits to the Virginia Breeders Fund; (v) deposits to the Virginia-Certified Residency Program; and (vi) any allocation of funds for problem gaming.

3. In addition to the reporting requirements in F.1. and F.2., the Commission shall report quarterly to the Chairs of the House Appropriations and Senate Finance and Appropriations

ITEM 110.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<p>Committees on the actual number of days of live racing conducted across the Commonwealth for the preceding quarter, including all reporting requirements identified in F.1 and F.2 resulting from each day of live racing pursuant to 11 VAC 10-47-190.</p>				
<p>4. Not later than November 1, 2020 the Virginia Racing Commission shall investigate and report on the total amount of money allocated annually from the provisions of F.1. and F.2. to the Virginia Equine Alliance for supporting development of the equine industry in Virginia and any funding that directly or indirectly supports the operations of the Virginia Horse Center or the Virginia Horse Center Foundation. As part of this report, the Commission shall, in cooperation with the Department of Agriculture and Consumer Services, make a recommendation as to the benefits of involvement of the Commonwealth in the whole or partial operation or management of the Virginia Horse Center Foundation, including the addition of state-appointed members to the Board of Directors of the Foundation. The Commission may take any steps necessary to accomplish the investigation, including negotiations with the Board of Directors, but shall not expend state funds for the purchase, transfer, or lease of real property unless specifically appropriated for that purpose or approved by the General Assembly.</p>				
<p>5. For any local referendum passed pursuant to § 59.1-391 after July 1, 2020, the Virginia Racing Commission shall not authorize any additional satellite facilities as defined in § 59.1-365 of the Code of Virginia, or additional simulcast wagering terminals pursuant to 11 VAC 10-47-180, during a period of two years after the effective date of this act.</p>				
Total for Virginia Racing Commission.....			\$3,208,655	\$3,208,655
Nongeneral Fund Positions.....	10.00	10.00		
Position Level.....	10.00	10.00		
Fund Sources: Special.....	\$3,208,655	\$3,208,655		
TOTAL FOR OFFICE OF AGRICULTURE AND FORESTRY.....			\$121,345,573	\$119,684,937
General Fund Positions.....	512.59	512.59		
Nongeneral Fund Positions.....	337.41	337.41		
Position Level.....	850.00	850.00		
Fund Sources: General.....	\$63,991,584	\$62,330,948		
Special.....	\$21,483,784	\$21,483,784		
Trust and Agency.....	\$7,394,932	\$7,394,932		
Dedicated Special Revenue.....	\$11,044,537	\$11,044,537		
Federal Trust.....	\$17,430,736	\$17,430,736		

ITEM 111.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022

OFFICE OF COMMERCE AND TRADE

§ 1-37. SECRETARY OF COMMERCE AND TRADE (192)

111.	Administrative and Support Services (79900).....			\$1,110,829	\$1,110,829
	General Management and Direction (79901).....	\$1,110,829	\$1,110,829		
	Fund Sources: General.....	\$1,110,829	\$1,110,829		

Authority: Title 2.2, Chapter 2, Article 3; § 2.2-201, Code of Virginia.

A. It is the intent of the General Assembly that state programs providing financial, technical, or training assistance to local governments for economic development projects or directly to businesses seeking to relocate or expand operations in Virginia should not be used to help a company relocate or expand its operations in one or more Virginia communities when the same company is simultaneously closing facilities in other Virginia communities. It is the responsibility of the Secretary of Commerce and Trade to enforce this policy and to inform the Chairmen of the Senate Finance and House Appropriations Committees in writing of the justification to override this policy for any exception.

B. The Secretary shall develop and implement, as a component of the comprehensive economic development policy requirements as established in § 2.2-205, Code of Virginia, a strategic workforce development plan for the Commonwealth.

C. Notwithstanding any contrary provision of law, the authority and responsibilities of the Secretary of Technology referenced in § 2.2-205, § 2.2-2221, § 2.2-2221.1, § 2.2-2233.1, § 2.2-2240.1, § 2.2-2485, § 2.2-2698, § 2.2-2699.1, § 2.2-2738, § 15.2-2425, § 23.1-2911.1, § 23.1-3102, § 23.1-3132, § 58.1-322.02, and § 58.1-402, Code of Virginia, shall be executed by the Secretary of Commerce and Trade. Notwithstanding any contrary provision of law, the authority and responsibilities of the Secretary of Technology referenced in § 2.2-225, Code of Virginia, shall be divided between the Secretary of Administration and the Secretary of Commerce and Trade as determined by the Governor.

D.1. The Chief Workforce Development Advisor and Secretary of Commerce and Trade are hereby directed to study the development, implementation and costs of a statewide paid family and medical leave program for all employers including the Commonwealth of Virginia. In conducting this study, the designated executive branch officials shall: (i) research other states that have fully implemented paid family and medical leave; (ii) quantify economic impact on businesses and workers if a paid family and medical leave was implemented; (iii) develop an operating plan which includes designated agency or entity, staffing needs, technology requirements, implementation timeline and business practices; (iv) identify resources needed to implement a statewide program; and (v) research start up loans for paid leave programs in other states and loan payback. Such study shall be reported to the Governor and the Chairs of the House Appropriations and Senate Finance and Appropriations Committees on or before September 30, 2020.

2. In completing the study required in paragraph D.1. of this item, the Chief Workforce Development Advisor and Secretary of Commerce and Trade shall convene a workgroup of industry stakeholders. Such stakeholders may include, but not be limited to, representatives from small business owners, chambers of commerce, the insurance industry, labor, and health care.

	Total for Secretary of Commerce and Trade.....			\$1,110,829	\$1,110,829
	General Fund Positions.....	9.00	9.00		
	Position Level.....	9.00	9.00		
	Fund Sources: General.....	\$1,110,829	\$1,110,829		

Economic Development Incentive Payments (312)

112.	Economic Development Services (53400).....			\$77,898,533	\$55,528,283
	Financial Assistance for Economic Development (53410).....	\$77,898,533	\$55,528,283		

ITEM 112.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022
Fund Sources: General.....	\$77,118,533	\$55,117,283		
Special.....	\$630,000	\$261,000		
Dedicated Special Revenue.....	\$150,000	\$150,000		

Authority: Discretionary Inclusion.

A.1. Out of the appropriation for this Item, \$19,750,000 the first year and \$19,750,000 the second year from the general fund shall be deposited to the Commonwealth's Development Opportunity Fund, as established in § 2.2-115, Code of Virginia. Such funds shall be used at the discretion of the Governor, subject to prior consultation with the Chairmen of the House Appropriations and Senate Finance Committees, to attract economic development prospects to locate or expand in Virginia. If the Governor, pursuant to the provisions of § 2.2-115, E.1., Code of Virginia, determines that a project is of regional or statewide interest and elects to waive the requirement for a local matching contribution, such action shall be included in the report on expenditures from the Commonwealth's Development Opportunity Fund required by § 2.2-115, F., Code of Virginia. Such report shall include an explanation on the jobs anticipated to be created, the capital investment made for the project, and why the waiver was provided.

2. The Governor may allocate these funds as grants or loans to political subdivisions. Loans shall be approved by the Governor and made in accordance with procedures established by the Virginia Economic Development Partnership and approved by the State Comptroller. Loans shall be interest-free unless otherwise determined by the Governor and shall be repaid to the general fund of the state treasury. The Governor may establish the interest rate to be charged, otherwise, any interest charged shall be at market rates as determined by the State Treasurer and shall be indicative of the duration of the loan. The Virginia Economic Development Partnership shall be responsible for monitoring repayment of such loans and reporting the receivables to the State Comptroller as required.

3. Funds may be used for public and private utility extension or capacity development on and off site; road, rail, or other transportation access costs beyond the funding capability of existing programs; site acquisition; grading, drainage, paving, and other activity required to prepare a site for construction; construction or build-out of publicly-owned buildings; grants or loans to an industrial development authority, housing and redevelopment authority, or other political subdivision pursuant to their duties or powers; training; or anything else permitted by law.

4. Consideration should be given to economic development projects that 1) are in areas of high unemployment; 2) link commercial development along existing transportation/transit corridors within regions; and 3) are located near existing public infrastructure.

5. It is the intent of the General Assembly that the Virginia Economic Development Partnership shall work with localities awarded grants from the Commonwealth's Development Opportunity Fund to recover such moneys when the economic development projects fail to meet minimal agreed-upon capital investment and job creation targets. All such recoveries shall be deposited and credited to the Commonwealth's Development Opportunity Fund.

6. Up to \$5,000,000 of previously awarded funds and funds repaid by political subdivisions or business beneficiaries and deposited to the Commonwealth's Development Opportunity Fund may be used to assist Prince George County with site improvements related to the location of a major aerospace engine manufacturer to the Commonwealth.

B.1. Out of the appropriation for this Item, \$5,223,700 the first year and \$4,978,700 the second year from the general fund shall be deposited to the Investment Performance Grant subfund of the Virginia Investment Partnership Grant Fund to be used to pay investment performance grants in accordance with § 2.2-5101, Code of Virginia.

2. Consideration should be given to economic development projects that 1) are in areas of high unemployment; 2) link commercial development along existing transportation/transit corridors within regions; and 3) are located near existing public infrastructure.

C. Out of the appropriation for this Item, \$4,000,000 the first year and \$4,000,000 the

ITEM 112.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
	<p>second year from the general fund and an amount estimated at \$150,000 the first year and \$150,000 the second year from nongeneral funds shall be deposited to the Governor's Motion Picture Opportunity Fund, as established in § 2.2-2320, Code of Virginia. These nongeneral fund revenues shall be deposited to the fund from revenues generated by the digital media fee established pursuant to § 58.1-1731, et seq., Code of Virginia. Such funds shall be used at the discretion of the Governor to attract film industry production activity to the Commonwealth.</p>			
	<p>D. Out of the appropriation for this Item, \$3,000,000 the first year and \$3,000,000 the second year from the general fund shall be deposited to the Aerospace Manufacturing Performance Grant Fund, and \$630,000 the first year and \$261,000 the second year from the Aerospace Manufacturer Workforce Training Grant Fund is hereby appropriated. These funds shall be used for grants in accordance with §§ 59.1-284.20 and 59.1-284.22, Code of Virginia.</p>			
	<p>E.1. Out of the appropriation for this Item, \$1,000,000 the first year and \$1,000,000 the second year from the general fund shall be deposited to the Virginia Economic Development Incentive Grant subfund of the Virginia Investment Partnership Grant Fund to be used to pay investment performance grants in accordance with § 2.2-5102.1, Code of Virginia.</p>			
	<p>2. Consideration should be given to economic development projects that 1) are in areas of high unemployment; 2) link commercial development along existing transportation/transit corridors within regions; and 3) are located near existing public infrastructure.</p>			
	<p>3. Notwithstanding § 2.2-5102.1.E. or any other provision of law, and subject to appropriation by the General Assembly, up to \$8,000,000 in economic development incentive grants is authorized for eligible projects to be awarded on or after July 1, 2017, but before June 30, 2019. Any eligible project awarded such grants shall be subject to the conditions set forth in § 2.2-5102.1. Any additional grant awards not authorized by this act, including any awards after June 30, 2019, shall require separate legislation.</p>			
	<p>F. Out of the appropriation for this Item, \$4,669,833 the first year and \$4,669,833 the second year from the general fund shall be available for eligible businesses under the Virginia Jobs Investment Program. Pursuant to § 2.2-1611, Code of Virginia, the appropriation provided for the Virginia Jobs Investment Program for eligible businesses shall be deposited to the Virginia Jobs Investment Program Fund.</p>			
	<p>G. Out of the appropriation for this Item, \$500,000 the first year and \$500,000 the second year from the general fund may be provided to the Virginia Economic Development Partnership to facilitate additional domestic and international marketing and trade missions approved by the Governor. The Director, Department of Planning and Budget, is authorized to provide these funds to the Virginia Economic Development Partnership upon written approval of the Governor.</p>			
	<p>H. Out of the appropriation for this Item, \$20,000,000 the first year from the general fund shall be deposited to the Semiconductor Manufacturing Grant Fund for the award of grants to a qualified semiconductor manufacturing company in a qualified locality in accordance with § 59.1-284.32, Code of Virginia, and subject to performance metrics agreed to in a memorandum of understanding with the Commonwealth.</p>			
	<p>I. Out of the appropriation in this Item, \$8,000,000 the first year and \$8,000,000 second year from the general fund shall be deposited to the Advanced Shipbuilding Production Facility Grant Fund for grants to be paid in accordance with § 59.1-284.29, Code of Virginia.</p>			
	<p>J. Out of the appropriation in this Item, \$5,310,000 the first year and \$2,900,000 the second year from the general fund shall be deposited to the Special Workforce Grant Fund for grants to be paid in accordance with § 59.1-284.30, Code of Virginia.</p>			
	<p>K. Out of the appropriation in this Item, \$2,000,000 the first year and \$2,000,000 the second year from the general fund shall be deposited to a special, nonreverting fund for the award of grants to a qualified truck manufacturing company in a qualified locality in accordance with legislation to be considered by the 2020 General Assembly and subject to performance metrics agreed to in a memorandum of understanding with the Commonwealth.</p>			
	<p>L. 1. Out of the appropriation in this Item, \$3,230,000 the first year and \$2,993,750 the second year from the general fund shall be deposited to a special, nonreverting fund for the award of grants in accordance with legislation to be considered by the 2020 General Assembly.</p>			

ITEM 112.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022

2. Of the amounts deposited to the fund, \$2,500,000 the first year and \$2,500,000 the second year may be awarded as grants to a qualified pharmaceutical company in a qualified locality pursuant to the legislation and subject to performance metrics agreed to in a memorandum of understanding with the Commonwealth.

3. Of the amounts deposited to the fund, \$730,000 the first year and \$493,750 the second year may be awarded as grants to a comprehensive community college and a baccalaureate public institution of higher education in or near the eligible county pursuant to the legislation.

M. Out of the appropriation in this Item, \$500,000 the second year from the general fund shall be deposited to a special, nonreverting fund for the award of grants to a qualified advanced production company in a qualified locality in accordance with legislation to be considered by the 2020 General Assembly and subject to performance metrics agreed to in a memorandum of understanding with the Commonwealth.

N.1. Out of the amounts in this item, \$425,000 the first year and \$825,000 the second year from the general fund shall be deposited to the Governor's New Airline Service Incentive Fund to assist in the provision of marketing, advertising, or promotional activities by airlines in connection with the launch of new air passenger service at Virginia airports, and to incentivize airlines that have committed to commencing new air passenger service in Virginia, pursuant to the provisions of § 2.2-2320.1, Code of Virginia.

2. Notwithstanding the provisions of § 2.2-2320.1, Code of Virginia, 25 percent of the annual appropriation to the Governor's New Airline Service Incentive Fund shall be set aside for projects in Virginia commercial airports with less than 400,000 enplanements per calendar year for the purposes of economic development in these areas. Enplanement data shall come from the Federal Aviation Administration.

112.10 Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted.

	FY 2021	FY 2022		
Provide additional funding for the Governor's Motion Picture Opportunity Fund	\$1,000,000		\$1,000,000	
Support the Virginia Jobs Investment Program	\$2,000,000		\$2,000,000	
Agency Total	\$3,000,000		\$3,000,000	
Total for Economic Development Incentive Payments.....			\$77,898,533	\$55,528,283
Fund Sources: General.....	\$77,118,533	\$55,117,283		
Special.....	\$630,000	\$261,000		
Dedicated Special Revenue.....	\$150,000	\$150,000		
Grand Total for Secretary of Commerce and Trade.			\$79,009,362	\$56,639,112
General Fund Positions.....	9.00	9.00		
Position Level.....	9.00	9.00		

ITEM 112.10.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Fund Sources: General.....	\$78,229,362	\$56,228,112		
Special.....	\$630,000	\$261,000		
Dedicated Special Revenue.....	\$150,000	\$150,000		

§ 1-38. DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (165)

113.	Housing Assistance Services (45800).....			\$130,060,089	\$126,060,089
	Housing Assistance (45801).....	\$61,370,766	\$59,370,766		
	Homeless Assistance (45804).....	\$16,477,905	\$16,477,905		
	Financial Assistance for Housing Services (45805)....	\$52,211,418	\$50,211,418		
	Fund Sources: General.....	\$50,975,897	\$48,975,897		
	Special.....	\$349,976	\$349,976		
	Dedicated Special Revenue.....	\$100,000	\$100,000		
	Federal Trust.....	\$78,634,216	\$76,634,216		

Authority: Title 36, Chapters 8, 9, and 11; and Title 58.1, Chapter 3, Articles 4 and 13, Code of Virginia.

A. Out of the amounts in this Item, \$3,482,705 from the general fund, \$100,000 from dedicated special revenue, and \$3,427,000 from federal trust funds the first year and \$3,482,705 from the general fund, \$100,000 from dedicated special revenue, and \$3,427,000 from federal trust funds the second year shall be provided to support services for persons at risk of or experiencing homelessness and housing for populations with special needs, and \$4,050,000 the first year and \$4,050,000 the second year from the general fund shall be provided for homeless prevention. Of the general fund amount provided, the department is authorized to use up to two percent in each year for program administration. The amounts allocated for services for persons at risk of or experiencing homelessness may be matched through local or private sources. Any balances for the purposes specified in this paragraph which are unexpended on June 30, 2021, and June 30, 2022, shall not revert to the general fund but shall be carried forward and reappropriated.

B. The department shall report to the Chairmen of the Senate Finance, the House Appropriations Committees, and the Director, Department of Planning and Budget, by November 4 of each year on the state's homeless programs, including, but not limited to, the number of (i) emergency shelter beds, (ii) transitional housing units, (iii) single room occupancy dwellings, (iv) homeless intervention programs, (v) homeless prevention programs, and (vi) the number of homeless individuals supported by the permanent housing state funding on a locality and statewide basis and the accomplishments achieved by the additional state funding provided to the program in the first year. The report shall also include the number of Virginians served by these programs, the costs of the programs, and the financial and in-kind support provided by localities and nonprofit groups in these programs. In preparing the report, the department shall consult with localities and community-based groups.

C. Out of the amounts in this Item, \$1,100,000 the first year and \$1,100,000 the second year from the general fund shall be provided for rapid re-housing efforts. In keeping with the specific goals of the Balance of State Continuum of Care, \$200,000 of this amount in each year shall be focused on ensuring that no veteran is homeless or in a shelter for more than 30 days. These funds shall be used to supplement other state and federal programs, shall be directed to areas throughout the state where federal funds are not available, and shall be used to serve those veterans ineligible for federal benefits.

D. The department shall continue to collaborate with the Department of Veteran Services to ensure coordinated efforts towards reducing homelessness among veterans.

E.1. Out of the amounts in this Item, \$30,000,000 the first year and \$30,000,000 the second year from the general fund shall be deposited to the Virginia Housing Trust Fund, established pursuant to § 36-142 et seq., Code of Virginia. Notwithstanding § 36-142, Code of Virginia, when awarding grants through eligible organizations for targeted efforts to reduce homelessness, priority consideration shall be given to efforts to reduce the number of homeless youth and families and to expand permanent supportive housing. Notwithstanding § 36-142, Code of Virginia, the department may use funds appropriated in paragraph E. of this

ITEM 113.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Item to address housing issues resulting from the COVID-19 pandemic.				
2. As part of the plan required by § 36-142 E., Code of Virginia, the department shall also report on the impact of the loans and grants awarded through the fund, including but not limited to: (i) the number of affordable rental housing units repaired or newly constructed, (ii) the number of individuals receiving down payments and/or closing assistance, (iii) the progress and accomplishments in reducing homelessness achieved by the additional support provided through the fund, and (iv) the progress in expanding permanent supportive housing options.				
F. Out of the amounts in this Item, \$15,800,000 the first year and \$15,800,000 the second year from federal trust funds shall be provided to support Virginia affordable housing programs and the Indoor Plumbing Program.				
G. Out of the amounts in this Item, \$50,000 the first year and \$50,000 the second year from the general fund and one position shall be provided to support the administrative costs associated with administering the tax credits authorized pursuant to § 58.1-435, Code of Virginia.				
H. The department shall develop and implement strategies, that may include potential Medicaid financing, for housing individuals with serious mental illness. The department shall include other agencies in the development of such strategies including the Virginia Housing Development Authority, Department of Behavioral Health and Developmental Services, Department of Aging and Rehabilitative Services, Department of Medical Assistance Services, and Department of Social Services. The department shall also include stakeholders whose constituents have an interest in expanding supportive housing for people with serious mental illness, including the National Alliance on Mental Illness Virginia, the Virginia Housing Alliance and the Virginia Sheriff's Association. An annual report on such strategies and the progress on implementation shall be provided to the Chairmen of the House Appropriations and Senate Finance Committees by the first day of each General Assembly Regular Session.				
I. The Department of Housing and Community Development shall work with the Virginia Housing Commission to identify the impact of legislation that passed the 2019 session of the General Assembly that is designed to mitigate eviction rates and recommend if any further action is necessary to complement these efforts. The Department shall consider current federal, state and local resources, including but not limited to the following: (a) current counseling and social services provided by state agencies and authorities; (b) the potential needs of the cities of Richmond, Newport News, Hampton, Norfolk, and Chesapeake, as well as eviction prevention and diversion programs established in the cities of Arlington and Richmond; (c) data collected pursuant to Chapter 356, 2019 Acts of Assembly; and, (d) eviction prevention and diversion programs in other states. The Department shall analyze and recommend how to better coordinate current public and private resources and programs to reduce eviction rates in Virginia, as well as how current prevention efforts can coordinate with existing and newly created eviction diversion laws and programs.				
J.1. Out of the amounts appropriated in this item, \$3,300,000 the first year and \$3,300,000 the second year from the general fund shall be used to establish a competitive Eviction Prevention and Diversion Pilot Program that will support local or regional eviction prevention and diversion programs that utilize a systems approach with linkages to local departments of social services and legal aid resources. This program shall prioritize grant applications that provide a local match at an amount deemed appropriate by the Department.				
2. The resources provided in J.1. may be used to facilitate the development of a statement of tenant rights and responsibilities and implement the provisions of § 36-139 and § 55.1-1204, Code of Virginia.				
K. Out of the amounts in this item, \$2,000,000 the first year from the general fund is provided to establish an affordable housing pilot program in the City of Falls Church, for the purpose of providing grants or loans for the development or preservation of affordable housing units for individuals and families meeting income requirements. The department, with the cooperation of the Virginia Housing Development Authority, shall develop				

ITEM 113.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
	guidelines and procedures for administering the pilot program.			
114.	Community Development Services (53300).....		\$115,532,362	\$111,082,362
	Community Development and Revitalization (53301)			
	\$58,017,794	\$58,017,794		
	Financial Assistance for Regional Cooperation (53303).....			
	\$39,338,251	\$34,888,251		
	Financial Assistance for Community Development (53305).....			
	\$18,176,317	\$18,176,317		
	Fund Sources: General.....			
	\$86,061,590	\$81,611,590		
	Special.....			
	\$5,221,893	\$5,221,893		
	Trust and Agency.....			
	\$150,000	\$150,000		
	Federal Trust.....			
	\$24,098,879	\$24,098,879		

Authority: Title 15.2, Chapter 13, Article 3 and Chapter 42; Title 36, Chapters 8, 10 and 11; and Title 59.1, Chapter 22, Code of Virginia.

A. Out of the amounts in this Item, \$351,930 the first year and \$351,930 the second year from the general fund is provided for annual membership dues to the Appalachian Regional Commission. These dues are payable from the amounts for Financial Assistance for Regional Cooperation.

B. The department and local program administrators shall make every reasonable effort to provide participants basic financial counseling to enhance their ability to benefit from the Indoor Plumbing Program and to foster their movement to economic self-sufficiency.

C. Out of the amounts in this Item shall be paid from the general fund in four equal quarterly installments each year:

1. To the Lenowisco Planning District Commission, \$89,971 the first year and \$89,971 the second year, which includes \$38,610 the first year and \$38,610 the second year for responsibilities originally undertaken and continued pursuant to § 15.2-4207, Code of Virginia, and the Virginia Coalfield Economic Development Authority.

2. To the Cumberland Plateau Planning District Commission, \$89,971 the first year and \$89,971 the second year, which includes \$42,390 the first year and \$42,390 the second year for responsibilities originally undertaken and continued pursuant to § 15.2-4207, Code of Virginia, and the Virginia Coalfield Economic Development Authority.

3. To the Mount Rogers Planning District Commission, \$89,971 the first year and \$89,971 the second year.

4. To the New River Valley Planning District Commission, \$89,971 the first year and \$89,971 the second year.

5. To the Roanoke Valley-Alleghany Regional Commission, \$89,971 the first year and \$89,971 the second year.

6. To the Central Shenandoah Planning District Commission, \$89,971 the first year and \$89,971 the second year.

7. To the Northern Shenandoah Valley Regional Commission, \$89,971 the first year and \$89,971 the second year.

8. To the Northern Virginia Regional Commission, \$165,943 the first year and \$165,943 the second year.

9. To the Rappahannock-Rapidan Regional Commission, \$89,971 the first year and \$89,971 the second year.

10. To the Thomas Jefferson Planning District Commission, \$89,971 the first year and \$89,971 the second year.

11. To the Region 2000 Local Government Council, \$89,971 the first year and \$89,971 the second year.

ITEM 114.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
12. To the West Piedmont Planning District Commission, \$89,971 the first year and \$89,971 the second year.				
13. To the Southside Planning District Commission, \$89,971 the first year and \$89,971 the second year.				
14. To the Commonwealth Regional Council, \$89,971 the first year and \$89,971 the second year.				
15. To the Richmond Regional Planning District Commission, \$127,957 the first year and \$127,957 the second year.				
16. To the George Washington Regional Commission, \$89,971 the first year and \$89,971 the second year.				
17. To the Northern Neck Planning District Commission, \$89,971 the first year and \$89,971 the second year.				
18. To the Middle Peninsula Planning District Commission, \$89,971 the first year and \$89,971 the second year.				
19. To the Crater Planning District Commission, \$89,971 the first year and \$89,971 the second year.				
20. To the Accomack-Northampton Planning District Commission, \$89,971 the first year and \$89,971 the second year.				
21. To the Hampton Roads Planning District Commission \$165,943 the first year, and \$165,943 the second year.				
D. Out of the amounts in this Item, \$1,568,442 the first year and \$1,568,442 the second year from the general fund shall be provided for the Southeast Rural Community Assistance Project (formerly known as the Virginia Water Project) operating costs and water and wastewater grants. The department shall disburse the total payment each year in twelve equal monthly installments.				
E. The department shall leverage any appropriation provided for the capital costs for safe drinking water and wastewater treatment in the Lenowisco, Cumberland Plateau, or Mount Rogers planning districts with other state moneys, federal grants or loans, local contributions, and private or nonprofit resources.				
F.1. Out of the amounts in this Item, \$95,000 the first year and \$95,000 the second year from the general fund shall be provided for the Center for Rural Virginia. The department shall report periodically to the Chairmen of the Senate Finance and House Appropriations Committees on the status, needs and accomplishments of the center.				
2. As part of its mission, the Center for Rural Virginia shall monitor the implementation of the budget initiatives approved by the 2005 Session of the General Assembly for rural Virginia and shall report periodically to the Chairmen of the Senate Finance and House Appropriations Committees on the effectiveness of these various programs in addressing rural economic development problems.				
G. Out of the amounts in this Item, \$171,250 the first year and \$171,250 the second year from the general fund shall be provided to support The Crooked Road: Virginia's Heritage Music Trail.				
H. Out of the amounts in this Item, \$3,000,000 the first year and \$3,000,000 the second year from the general fund shall be deposited to the Virginia Removal or Rehabilitation of Derelict Structures Fund to support industrial site revitalization. Out of the amounts in this paragraph, \$1,000,000 each year from the general fund is designated for removing, renovating or modernizing port-related buildings and facilities in the cities of Portsmouth, Norfolk, Newport News, Richmond or Front Royal.				
I. Out of the amounts in this Item, \$500,000 the first year and \$500,000 the second year from the general fund shall be provided for the Virginia Main Street Program. This amount shall be in addition to other appropriations for this activity.				

ITEM 114.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<p>J. Of the general fund amounts provided for the Virginia Main Street Program, the Indoor Plumbing Rehabilitation Program, and the water and wastewater planning and construction projects in Southwest Virginia, the department is authorized to use up to two percent of the appropriation in each year for program administration.</p>				
<p>K.1. Out of the amounts in this Item, \$875,000 the first year and \$875,000 the second year from the general fund shall be provided for the Southwest Virginia Cultural Heritage Foundation.</p>				
<p>2. The foundation shall report by September 1 of each year to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees on the expenditures of the foundation and its ongoing efforts to generate revenues sufficient to sustain operations.</p>				
<p>L.1. Out of the amounts in this Item, \$34,725,000 the first year and \$34,725,000 the second year from the general fund is provided for the Virginia Telecommunication Initiative. The funds shall be used for providing financial assistance to supplement construction costs by private sector broadband service providers to extend service to areas that presently are unserved by any broadband provider. Any balances for the purposes specified in this paragraph which are unexpended on June 30, 2021, and June 30, 2022, shall not revert to the general fund but shall be carried forward and reappropriated.</p>				
<p>2. The department shall develop appropriate criteria and guidelines for the use of the funding provided to the Virginia Telecommunication Initiative. Such criteria and guidelines shall: (i) facilitate the extension of broadband networks by the private sector and shall focus on unserved areas; (ii) attempt to identify the most cost-effective solutions, given the proposed technology and speed that is desired; (iii) give consideration to proposals that are public-private partnerships in which the private sector will own and operate the completed project; (iv) consider the number of locations where the applicant states that service will be made available, in addition to whether customers take the service in both evaluating applications and in establishing completion and accountability requirements; and, (v) require investment from the private sector partner in the project prior to making any award from the fund at an appropriate level determined by the Department. The department shall encourage additional assistance from the local governments in areas designated to receive funds to lower the overall cost and further assist in the timely completion of construction, including assistance with permits, rights of way, easement and other issues that may hinder or delay timely construction and increase the cost.</p>				
<p>3. The department shall post electronic copies of all submitted applications to the department's website after the deadline for application submissions has passed but before project approval, and shall establish a process for providers to challenge applications where providers assert the proposed area is served by another broadband provider.</p>				
<p>4. The department shall consult with the Broadband Advisory Council to designate the unserved areas to receive funds. The department shall report annually to the Governor's Broadband Advisory Council on the progress by the private sector on the designated projects.</p>				
<p>M. Out of the amounts in this item, \$1,158,647 the first year and \$1,158,647 the second year from the general fund is provided for administrative support for the the Virginia Telecommunications Initiative.</p>				
<p>N.1. Out of the amounts in this Item, \$34,450,000 the first year and \$30,000,000 the second year from the general fund shall be deposited to the Virginia Growth and Opportunity Fund to encourage regional cooperation among business, education, and government on strategic economic and workforce development efforts in accordance with § 2.2-2487, Code of Virginia.</p>				
<p>2. Of the amounts provided in this paragraph, the appropriation shall be distributed as follows: (i) \$2,250,000 the first year and \$2,250,000 the second year from the general fund shall be allocated to qualifying regions to support organizational and capacity building activities, which, notwithstanding § 2.2-2489, Code of Virginia, may not require matching funds if a waiver is granted by the Virginia Growth and Opportunity Board to a qualifying region upon request; (ii) \$16,900,000 the first year and \$16,900,000 the second year from the general fund shall be allocated to qualifying regions based on each region's share of the state population; and (iii) \$15,300,000 the first year and \$10,850,000 the second year from the general fund</p>				

ITEM 114.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022

shall be awarded to regional councils on a competitive basis.

3. The Virginia Growth and Opportunity Board may allocate monies among the distributions outlined in paragraph N.2. of this item to meet demonstrated demand for funds. However, only those regional councils whose allocation is less than \$1,000,000 in a fiscal year based the region's share of state population shall be eligible to receive an additional allocation, and the amount shall be limited such that the total allocation does not exceed \$1,000,000 in a fiscal year.

4. The Chairman of the Virginia Growth and Opportunity Board shall convene a broadband telecommunications advisory workgroup in cooperation with the Secretary of Commerce and Trade and the Commonwealth Chief Broadband Advisor, including representatives of the Department of Housing and Community Development, the Center for Innovative Technology, Virginia Economic Development Partnership, Mid-Atlantic Broadband Communities Corporation, staff from the House Appropriations Committee and Senate Finance Committee, and representatives from the broadband telecommunications industry, to develop a framework for policies related to broadband telecommunications across the Commonwealth of Virginia. The framework shall be used to provide guidance on statewide policies for commercial and economic planning and project development, including regional solutions, to improve access to and utilization of broadband to support economic development goals, including those developed by qualifying regions and those areas of the Commonwealth recognized as having high unemployment. Such framework shall include, but not be limited to, the following principles: (i) potential broadband telecommunications development and deployment solutions must be technology-neutral in order to leverage all available or emerging technologies to identify the most cost-effective plan; (ii) solutions that utilize speeds greater than the minimum technology standards as prescribed by the Virginia Telecommunications Initiative for unserved areas; (iii) maximize opportunities for private sector driven models related to construction, operations, and maintenance and open access to private-sector Internet Service Providers where public ownership of infrastructure may be proposed; (iv) facilitate broadband development and deployment-friendly polices at the regional and local level to expedite implementation of plans and projects, as well as mitigate costs, and (v) opportunities to leverage new and existing broadband infrastructure, including transoceanic and transcontinental backbone lines, to encourage new private sector job creation and investment in the Commonwealth.

5. The Virginia Growth and Opportunity Board may approve grants for assessments of commercial economic development demand and current access, and to advance the planning and engineering of broadband infrastructure that are aligned with the framework recommended by the working group, and shall give priority consideration for broadband technology development and deployment to facilitate the connectivity or upgrade of services to current and proposed business-ready sites in areas of high unemployment in qualifying regions.

6. The department shall report one month after the close of each calendar quarter to the Governor and the Chairs of the House Appropriations and Senate Finance and Appropriations Committees on grant awards and expenditures from the Virginia Growth and Opportunity Fund. The report shall include, but not be limited to, total appropriations made or transferred to the fund, total grants awarded, total expenditures from the fund, cash balances, and balances available for future commitments. The report shall further summarize such amounts by the allocations provided in paragraph N.2. of this item, including amounts allocated to support organizational and capacity building activities, amounts allocated to regional councils based on each region's share of the state population, and amounts to be awarded on a competitive basis.

115.	Economic Development Services (53400).....			\$15,039,114	\$15,039,114
	Financial Assistance for Economic Development (53410).....	\$15,039,114	\$15,039,114		
	Fund Sources: General.....	\$15,039,114	\$15,039,114		

Authority: Title 59.1, Chapters 22 and 49, Code of Virginia.

ITEM 115.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<p>Out of the amounts in this Item, \$14,750,000 the first year and \$14,750,000 the second year from the general fund shall be provided to carry out the provisions of §§ 59.1-547 and 59.1-548, Code of Virginia, related to the Enterprise Zone Grant Act. Notwithstanding the provisions of §§ 59.1-547 and 59.1-548, Code of Virginia, the department is authorized to prorate, with no payment of the unpaid portion of the grant necessary in the next fiscal year, the amount of awards each business receives to match the appropriation for this Item. Should actual grants awarded in each fiscal year be less than the amounts provided in this Item, the excess shall not revert to the general fund but shall be deposited to the Virginia Removal or Rehabilitation of Derelict Structures Fund for revitalization purposes. Consistent with the provisions of § 59.1-548, Code of Virginia, beginning on January 1, 2019, the installation of solar panels shall be considered eligible investments for the purposes of the real property improvement grants, provided that such solar installation investment is in an amount of at least \$50,000 and the grant shall be calculated at a rate of 20 percent of the amount of qualified real property investments in excess of \$450,000 in the case of the construction of a new building or facility. Grants shall be calculated at a rate of 20 percent of the amount of qualified real property investment in excess of \$50,000 in the case of the rehabilitation or expansion of an existing building or facility. In the case where a grant is awarded based solely on a solar investment, the grant shall be calculated at a rate of 20 percent of the amount of total qualified real property investments made in solar installation. For such properties eligible for real property improvement grants made solely on the basis of solar installation investments of at least \$50,000 but not more than \$100,000, awards shall not exceed \$1,000,000 in aggregate in any fiscal year.</p>				
116.	Regulation of Structure Safety (56200).....		\$2,981,943	\$2,981,943
	State Building Code Administration (56202).....	\$2,981,943	\$2,981,943	
	Fund Sources: General.....	\$517,160	\$517,160	
	Special.....	\$2,164,783	\$2,164,783	
	Dedicated Special Revenue.....	\$300,000	\$300,000	
	<p>Authority: Title 15.2, Chapter 9; Title 27, Chapters 1, 6, and 9; Title 36, Chapters 4, 4.1, 4.2, 6, and 8; Title 58.1, Chapter 36, Article 5; and Title 63.2, Chapter 17, Code of Virginia.</p> <p>A. The Department of Housing and Community Development shall establish a workgroup to study the ideal Automated External Defibrillator (AED) density in commercial and residential buildings. The Department shall report its findings to the Chairs of the House Appropriations Committee and the Senate Finance and Appropriations Committee on or before November 1, 2021.</p>			
117.	Governmental Affairs Services (70100).....		\$364,081	\$364,081
	Intergovernmental Relations (70101).....	\$364,081	\$364,081	
	Fund Sources: General.....	\$364,081	\$364,081	
	<p>Authority: Title 15.2, Subtitle III, Code of Virginia.</p>			
118.	Administrative and Support Services (59900).....		\$3,560,233	\$3,560,233
	General Management and Direction (59901).....	\$3,560,233	\$3,560,233	
	Fund Sources: General.....	\$3,029,036	\$3,029,036	
	Special.....	\$531,197	\$531,197	
	<p>Authority: Title 36, Chapter 8, Code of Virginia.</p>			
118.10	<p>Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the</p>			

ITEM 118.10.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted.				
		FY 2021		FY 2022
Increase funding for Enterprise Zone Grants		\$250,000		\$250,000
Affordable Housing Pilot Program		\$2,000,000		\$0
Increase support for Planning District Commissions		\$294,000		\$294,000
Establish an Eviction Prevention and Diversion Pilot Program		\$3,300,000		\$3,300,000
Increase funding for the Southeast Rural Community Assistance Project		\$600,000		\$600,000
Increase funding for the Virginia Housing Trust Fund		\$23,000,000		\$23,000,000
Increase support for the Virginia Telecommunication Initiative (VATI) for broadband deployment		\$16,000,000		\$16,000,000
Industrial Revitalization Fund		\$500,000		\$500,000
Agency Total		\$45,944,000		\$43,944,000

Total for Department of Housing and Community Development..... **\$267,537,822** **\$259,087,822**

General Fund Positions.....	73.25	73.25
Nongeneral Fund Positions.....	60.75	60.75
Position Level.....	134.00	134.00
Fund Sources: General.....	\$155,986,878	\$149,536,878
Special.....	\$8,267,849	\$8,267,849
Trust and Agency.....	\$150,000	\$150,000
Dedicated Special Revenue.....	\$400,000	\$400,000
Federal Trust.....	\$102,733,095	\$100,733,095

§ 1-39. DEPARTMENT OF LABOR AND INDUSTRY (181)

119.	Economic Development Services (53400).....		\$2,542,650	\$2,542,650
	Apprenticeship Program (53409).....	\$2,542,650	\$2,542,650	
	Fund Sources: General.....	\$1,985,712	\$1,985,712	
	Federal Trust.....	\$556,938	\$556,938	

Authority: Title 40.1, Chapter 6, Code of Virginia.

120.	Regulation of Business Practices (55200).....		\$1,773,255	\$2,520,193
	Labor Law Services (55206).....	\$1,773,255	\$2,520,193	
	Fund Sources: General.....	\$1,773,255	\$2,520,193	

Authority: Title 40.1, Chapters 1, 3, 4, and 5, Code of Virginia.

A. Out of the amounts in this item, \$596,794 the first year and \$1,343,732 the second year from the general fund is provided to support additional positions within the Labor and Employment Law Division, including one attorney, one supervisor, one administrative staff, and ten investigators.

B.1. The Department shall report to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees, and the Director, Department of Planning and Budget, by November 1 of each year on the state's minimum wage program, including, but not limited to, the number of (i) customer contacts concerning minimum wage, (ii) minimum wage claims processed, (iii) cases with wages collected, (iv) cases with claims

ITEM 120.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
	ruled invalid, (v) cases with final orders issued, and (vi) cases cleared within 90 days.			
	<p>2. The Department shall report to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees, and the Director, Department of Planning and Budget, by November 1 of each year on the state's earned paid sick leave program, including, but not limited to, the number of (i) customer contacts concerning earned paid sick leave, (ii) sick leave claims processed, (iii) cases with earned paid sick leave claims resolved, whether for accrual of time, use of time, notice and posting, or retaliation (iv) claims not substantiated, (v) cases taken to court, and (vi) cases cleared within 90 days, not to include cases adjudicated in court.</p> <p>3. The Department shall report to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees, and the Director, Department of Planning and Budget, by November 1 of each year on the state's anti-discrimination in payment of wage program, including, but not limited to, the number of (i) customer contacts concerning discrimination involving payment of wage complaints or proceedings, (ii) payment of wage discrimination complaints processed, (iii) meritorious complaints with payment of wage discrimination resolved with either reinstatement or recovery of lost wages, (iv) non meritorious complaints, i.e. cases with no adverse action or no protected activity, and (v) cases taken to court.</p> <p>4. The Department shall report to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees, and the Director, Department of Planning and Budget, by November 1 of each year on the state's anti-discrimination in worker misclassification program, including, but not limited to, the number of (i) customer contacts concerning discrimination involving worker misclassification, (ii) discrimination in worker misclassification claims processed, (iii) meritorious complaints with worker misclassification wage discrimination resolved with either reinstatement and/or recovery of lost wages, (iv) non meritorious complaints, i.e. cases with no adverse action or no protected activity, and (v) cases taken to court.</p> <p>5. The Department shall report to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees, and the Director, Department of Planning and Budget, by November 1 of each year on the state's prevailing wage rate program, including, but not limited to, the number of (i) contacts from state agencies to determine the proper prevailing wage, (ii) prevailing wage determinations for the involved planning district calculated using Davis-Bacon rates for the cities and counties within the planning district, and (iii) contractor provided scale of pay and fringe benefits certified and received.</p>			
121.	Regulation of Individual Safety (55500).....		\$12,294,906	\$12,294,906
	Virginia Occupational Safety and Health Services (55501).....	\$12,294,906	\$12,294,906	
	Fund Sources: General.....	\$5,851,958	\$5,851,958	
	Special.....	\$885,449	\$885,449	
	Federal Trust.....	\$5,557,499	\$5,557,499	
	Authority: Title 40.1, Chapters 1, 3, 3.2, and 3.3; Title 54.1, Chapter 5; Title 59.1, Chapter 30, Code of Virginia.			
	A. Notwithstanding § 40.1-49.4 D., Code of Virginia, and § 4-2.02 of this act, the Department of Labor and Industry may retain up to \$481,350 in civil penalties assessed pursuant to § 40.1-49.4, Code of Virginia, as the required federal grant match for voluntary protection and voluntary compliance programs.			
	B. Of the amounts provided in this item, \$650,000 the first year and \$650,000 the second year from the general fund is provided to support three positions in the Virginia Occupational Safety and Health Voluntary Protection Program and three positions in the Office of Consultation Services.			
122.	Regulation of Structure Safety (56200).....		\$583,694	\$583,694
	Boiler and Pressure Vessel Safety Services (56201)....	\$583,694	\$583,694	
	Fund Sources: General.....	\$583,694	\$583,694	
	Authority: Title 40.1, Chapter 3.1, Code of Virginia.			

ITEM 123.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
123.	Administrative and Support Services (59900).....			\$3,883,545	\$3,883,545
	General Management and Direction (59901).....	\$3,883,545	\$3,883,545		
	Fund Sources: General.....	\$2,794,712	\$2,794,712		
	Special.....	\$1,088,833	\$1,088,833		
	Authority: Title 40.1, Chapters 1, 3, 3.1, 3.2, 3.3, 4, 5, and 6; Title 54.1, Chapter 5; Title 59.1, Chapter 30, Code of Virginia.				

123.10 Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted.

	FY 2021	FY 2022
Provide funding to support compliance positions in the Virginia Occupational Safety and Health program	\$1,483,850	\$1,483,850
Agency Total	\$1,483,850	\$1,483,850
Total for Department of Labor and Industry.....		\$21,078,050 \$21,824,988
General Fund Positions.....	134.55	134.55
Nongeneral Fund Positions.....	73.45	73.45
Position Level.....	208.00	208.00
Fund Sources: General.....	\$12,989,331	\$13,736,269
Special.....	\$1,974,282	\$1,974,282
Federal Trust.....	\$6,114,437	\$6,114,437

§ 1-40. DEPARTMENT OF MINES, MINERALS AND ENERGY (409)

124.	Minerals Management (50600).....			\$30,517,723	\$30,517,723
	Geologic and Mineral Resource Investigations, Mapping, and Utilization (50601).....	\$1,145,327	\$1,145,327		
	Mineral Mining Environmental Protection, Worker Safety and Land Reclamation (50602).....	\$3,117,329	\$3,117,329		
	Gas and Oil Environmental Protection, Worker Safety and Land Reclamation (50603).....	\$1,681,917	\$1,681,917		
	Coal Environmental Protection and Land Reclamation (50604).....	\$18,908,887	\$18,908,887		
	Coal Worker Safety (50605).....	\$5,664,263	\$5,664,263		
	Fund Sources: General.....	\$10,475,224	\$10,475,224		
	Special.....	\$6,106,078	\$6,106,078		
	Trust and Agency.....	\$525,000	\$525,000		
	Dedicated Special Revenue.....	\$173,000	\$173,000		
	Federal Trust.....	\$13,238,421	\$13,238,421		

Authority: Title 45.1, Code of Virginia.

A. Out of this appropriation, \$31,224 the first year and \$31,224 the second year from special funds shall be provided for annual membership dues to the Interstate Mining Compact Commission.

ITEM 124.	Item Details(\$)		Appropriations(\$)		
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022	
<p>B. Out of this appropriation shall be provided reimbursement for expenses associated with administrative and judicial review when so ordered by a court of competent jurisdiction.</p> <p>C. Out of this appropriation, \$6,119 the first year and \$6,119 the second year from the general fund shall be provided for annual membership dues to the Interstate Oil and Gas Compact Commission.</p> <p>D. The application fee for a coal mine license or a renewal or transfer of a license pursuant to § 45.1-161.58, Code of Virginia, shall be in the amount of \$350.</p> <p>E. The application fee for a mineral mine license or a renewal or transfer of a license pursuant to § 45.1-161.292:31, Code of Virginia, shall be in the amount of \$400, except applications submitted electronically, which shall be accompanied by a fee of \$330. However, the fee for any person engaged in mining sand or gravel on an area of five acres or less shall be required to pay a fee of \$100, except applications submitted electronically, which shall be accompanied by a fee of \$80.</p> <p>F. The application fee for a new oil or gas well permit pursuant to § 45.1-361.29, Code of Virginia, shall be in the amount of \$600 and the application fee for permit modifications shall be \$300.</p>					
125.	Resource Management Research, Planning, and Coordination (50700).....			\$3,689,051	\$3,689,051
	Energy Conservation and Alternative Energy Supply Programs (50705).....	\$3,689,051	\$3,689,051		
	Fund Sources: General.....	\$1,541,505	\$1,541,505		
	Special.....	\$103,871	\$103,871		
	Federal Trust.....	\$2,043,675	\$2,043,675		
<p>Authority: Title 45.1, Chapter 26, Code of Virginia.</p> <p>A. Out of this appropriation, \$38,362 the first year and \$38,362 the second year from the general fund shall be provided for dues and expenses for the Southern States Energy Board.</p> <p>B. To defray the costs of implementing the Virginia Energy Management Program, the Department of Mines, Minerals and Energy is authorized to have included in state fuel oil, natural gas, electricity, and similar energy contracts a provision for suppliers to collect from using agencies and remit to the department an administrative surcharge. The surcharge shall reflect the department's actual costs to administer the program. Additionally, the department is authorized, consistent with federal funding rules, to distribute energy-related federal funds as grants or as loans to other state or nonstate agencies for use in financing energy-related projects, and to recover from the recipient an administrative service charge to recover the department's costs of administering such grant or loan programs.</p> <p>C. Out of this appropriation, \$137,000 the first year and \$137,000 the second year from the general fund is provided to support one position within the Division of Energy to assist localities with siting, procurement, land use concerns, and other solar energy-related issues.</p> <p>D. Out of this appropriation, \$387,500 the first year and \$387,500 the second year from the general fund is provided to establish the Office of Offshore Wind to coordinate state agency activities to develop and execute strategies that reduce barriers for deployment of offshore wind and attract offshore wind supply chain businesses for Virginia's benefit, promote Virginia's infrastructure and workforce development assets, work with public and private sector partners to make Virginia a regional hub for offshore wind, and to provide staff support for the Virginia Offshore Wind Development Authority.</p>					
126.	Administrative and Support Services (59900).....			\$4,779,342	\$4,779,342
	General Management and Direction (59901).....	\$4,779,342	\$4,779,342		
	Fund Sources: General.....	\$2,408,094	\$2,408,094		
	Special.....	\$1,454,965	\$1,454,965		
	Dedicated Special Revenue.....	\$916,283	\$916,283		
<p>Authority: Title 45.1, Chapter 14.1, Code of Virginia.</p>					

ITEM 126.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022

126.10 Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted.

	FY 2021	FY 2022
Establish office of offshore wind	\$387,500	\$387,500
Agency Total	\$387,500	\$387,500
Total for Department of Mines, Minerals and Energy.....		\$38,986,116
General Fund Positions.....	162.43	162.43
Nongeneral Fund Positions.....	74.57	74.57
Position Level.....	237.00	237.00
Fund Sources: General.....	\$14,424,823	\$14,424,823
Special.....	\$7,664,914	\$7,664,914
Trust and Agency.....	\$525,000	\$525,000
Dedicated Special Revenue.....	\$1,089,283	\$1,089,283
Federal Trust.....	\$15,282,096	\$15,282,096

§ 1-41. DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION (222)

127. Regulation of Professions and Occupations (56000).....		\$25,028,025	\$25,026,017
Licensure, Certification, and Registration of Professions and Occupations (56046).....	\$7,894,327	\$7,892,319	
Enforcement of Licensing, Regulating and Certifying Professions and Occupations (56047).....	\$8,220,393	\$8,220,393	
Administrative Services (56048).....	\$8,913,305	\$8,913,305	
Fund Sources: Special.....	\$1,328,410	\$1,328,410	
Dedicated Special Revenue.....	\$23,364,615	\$23,362,607	
Federal Trust.....	\$335,000	\$335,000	

Authority: Title 54.1, Chapters 1, 2, 3, 4, 5, 6, 7, 8.1, 9, 11, 15, 18, 20.1, 20.2, 21, 22, 22.1, 23, 23.1, 23.2, 23.3, and 23.4; Title 55, Chapters 4.1, 4.2, 19, 21, 24, 26, 27, 28, and 29; and Title 36, Chapter 5.1, Code of Virginia.

A. Costs for professional and occupational regulation may be met by fees paid by the respective professions and occupations.

B. Any fund balances currently held in the Dedicated Special Revenue Fund (0900), the Common Interest Community Management Information Fund (0259) and the Special Revenue Fund (0200) shall be held in reserve and may not be disbursed by the Department of Professional and Occupational Regulation, but shall be applied to offset the anticipated, future costs of restructuring its organization, including additional staffing needs and the replacement or upgrade of the Department's information technology systems requirements that may be implemented pursuant to recommendations identified in assessments required in Item 119, paragraphs B. and C., Chapter 854, 2019 Acts of Assembly. Such reserve funds shall be disbursed only to cover expenses of the Department or its regulatory boards as provided in § 54.1-308.

ITEM 127.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<p>C. The Department is authorized to provide electronic credentials to persons regulated by the Department or its regulatory boards. An "electronic credential" means an electronic method by which a person may display or transmit to another person information that verifies information about a person such as their certification, licensure, registration, or permit. Any statutory or regulatory requirement to display, post, or produce a credential issued by a Department regulatory board or the Department may be satisfied by the proffer of an electronic credential. The Department may use a third-party electronic credential system that is not maintained by the agency. Such electronic credential system shall include a verification system that is operated by the agency or its agent on its behalf for the purpose of verifying the authenticity and validity of electronic credentials issued by the Department. No funds are appropriated for this purpose.</p>				
Total for Department of Professional and Occupational Regulation.....			\$25,028,025	\$25,026,017
Nongeneral Fund Positions.....			204.00	204.00
Position Level.....			204.00	204.00
Fund Sources: Special.....			\$1,328,410	\$1,328,410
Dedicated Special Revenue.....			\$23,364,615	\$23,362,607
Federal Trust.....			\$335,000	\$335,000

§ 1-42. DEPARTMENT OF SMALL BUSINESS AND SUPPLIER DIVERSITY (350)

128.	Economic Development Services (53400).....			\$7,401,214	\$7,771,779
	Minority Business Enterprise Certification (53414)....	\$1,918,318	\$1,918,318		
	Business Information Services (53418).....	\$1,847,190	\$2,217,755		
	Administrative Services (53422).....	\$1,394,137	\$1,394,137		
	Financial Services for Economic Development (53423).....	\$2,241,569	\$2,241,569		
	Fund Sources: General.....	\$4,758,407	\$5,128,972		
	Special.....	\$837,232	\$837,232		
	Commonwealth Transportation.....	\$1,640,575	\$1,640,575		
	Trust and Agency.....	\$100,000	\$100,000		
	Dedicated Special Revenue.....	\$65,000	\$65,000		

Authority: Title 2.2, Chapters 16.1 and 22, Code of Virginia.

A. The Department of Small Business and Supplier Diversity, in conjunction with the Department of General Services, the Virginia Employment Commission, and the Virginia Department of Transportation, is authorized to conduct analyses of the availability of minority business enterprises in Virginia and the utilization of such businesses by the Commonwealth of Virginia, localities, or private industry in the acquisition of goods and services. The department also is authorized to receive and accept from the United States government, or any agency thereof, and from any other source, private or public, any and all gifts, grants, allotments, bequests or devises of any nature that would assist the department in conducting such analyses or otherwise strengthen its services to minority business enterprises. The Director, Department of Planning and Budget, is authorized to establish a nongeneral fund appropriation for the purposes of expending revenues that may be received for this effort.

B. By April 1 of each year, the department shall report to the Governor and the Secretary of Commerce and Trade the expenditures of the Small Business Jobs Grant Fund and anticipated needs for small business development in order to monitor the effective use of these funds.

C. Out of the amounts in this Item, \$819,753 the first year and \$819,753 the second year from the general fund shall be deposited to the Small Business Investment Grant Fund pursuant to § 2.2-1616, Code of Virginia. The department shall aggressively market the program and shall report to the Governor and the Secretary of Commerce and Trade on the status of the program by November 1 of each year.

D. Out of the amounts in this Item, \$500,000 the first year and \$500,000 the second year from the general fund shall be provided to support the Business One-Stop Program.

ITEM 128.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022
E.1. Out of the amounts in this Item, \$170,591 from the general fund and \$1,002,232 from nongeneral funds the first year and \$170,591 from the general fund and \$1,002,232 from nongeneral funds the second year shall be provided for the Virginia Small Business Financing Authority. The general fund amount shall be used to support operating expenses of the authority.				
2. To meet changing financing needs of small businesses, the Executive Director, Virginia Small Business Financing Authority, with the approval of the Director, Department of Small Business and Supplier Diversity, may transfer moneys between funds managed by the authority. These include the Virginia Small Business Growth Fund (§ 2.2-2310, Code of Virginia); the Virginia Export Fund (§ 2.2-2309, Code of Virginia); and the Insurance or Guarantee Fund (§ 2.2-2290, Code of Virginia). The Executive Director, Virginia Small Business Financing Authority, shall report, by fund, the transfers made by January 1 of each year to the Chairmen of the Senate Finance and House Appropriations Committees.				
3. The Virginia Small Business Financing Authority is authorized to insure additional loans for eligible small businesses, pursuant to § 2.2-2290, Code of Virginia, up to an aggregate amount not to exceed four times the principal amount in the Insurance or Guarantee Fund, or up to an aggregate amount of \$15,000,000. In the event that the authority is called upon to pay on guaranties of loans of more than 10 percent of the aggregate amount of all outstanding insured loans, the authority shall not insure any further loans and shall immediately notify the Governor and the Chairmen of the House Appropriations and Senate Finance Committees. Pursuant to § 4-1.03 of this act, the Director, Department of Planning and Budget, is authorized to transfer a sum sufficient to the Insurance or Guarantee Fund in the event the amount in the fund falls below the amount needed to honor any guarantee.				
4. For the I-95 HOV/HOT Lanes project as evidenced by the Comprehensive Agreement approved pursuant to the Public-Private Transportation Act of 1995, the maximum fee and/or premium charged by the Virginia Small Business Financing Authority pursuant to §§ 2.2-2285 and 2.2-2291, Code of Virginia, for acting as the conduit issuer for any bond financing is not to exceed \$25,000 per annum.				
F. The Department of Small Business and Supplier Diversity shall include employment services organizations within the development and operation of any state procurement program or program goal and targets for small, women-owned, and minority-owned businesses consistent with requirements in the Code of Virginia requiring the Department to certify employment service organizations.				
G. Notwithstanding any other provision of law, any business certified on or after July 1, 2017, by the Virginia Department of Small Business and Supplier Diversity as a small, women-owned, or minority-owned business, shall be certified for a period of five years unless (i) the certification is revoked before the end of the five-year period, (ii) the business ceases operation, or (iii) the business no longer qualifies as a small, women- or minority-owned business.				
H. Beginning with the calendar quarter ending September 30, 2018, the Director of the Department of Small Business and Supplier Diversity shall report to the Secretary of Commerce and Trade and the Chairmen of the House Appropriations and Senate Finance Committees on the agency's efforts to maximize job creation and retention among the Commonwealth's small businesses. The report shall include, at a minimum, measures of (i) the effectiveness of programs administered by the Small Business Financing Authority in assisting borrowers to create jobs and enable increased capital investment; (ii) the efficiency and effectiveness of Small, Women-owned, and Minority-owned Business and Disadvantaged Business Enterprise programs; (iii) the success of the agency's outreach and technical assistance activities; and, (iv) the number of businesses certified, and the average number of business days to process a certification application each month. The report shall be in a format prescribed by the Secretary, but shall include specific data breakouts for rural areas and service disabled veteran businesses currently certified in the SWaM certification, and shall be due within thirty days of the close of each calendar quarter.				
128.10 Notwithstanding the provisions set forth in this Act, the amounts listed below associated				

ITEM 128.10.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted.				
		FY 2021		FY 2022
Provide funding to establish a statewide strategic sourcing unit		\$370,565		\$741,130
Agency Total		\$370,565		\$741,130
Total for Department of Small Business and Supplier Diversity.....			\$7,401,214	\$7,771,779
General Fund Positions.....	33.00	33.00		
Nongeneral Fund Positions.....	24.00	24.00		
Position Level.....	57.00	57.00		
Fund Sources: General.....	\$4,758,407	\$5,128,972		
Special.....	\$837,232	\$837,232		
Commonwealth Transportation.....	\$1,640,575	\$1,640,575		
Trust and Agency.....	\$100,000	\$100,000		
Dedicated Special Revenue.....	\$65,000	\$65,000		

§ 1-43. FORT MONROE AUTHORITY (360)

129.	Economic Development Services (53400).....			\$6,174,674	\$6,174,674
	Administrative Services (53422).....	\$6,174,674	\$6,174,674		
	Fund Sources: General.....	\$6,174,674	\$6,174,674		

Authority: Title 2.2, Chapter 22, Code of Virginia.

A.1. Out of the amounts in this Item, \$6,174,674 the first year and \$6,174,674 the second year from the general fund shall be provided for the Commonwealth's share of the estimated operating expenses of the Fort Monroe Authority (FMA). This appropriation represents the Commonwealth's share of the FMA's estimated operating expenses. These expenses may not be reimbursed by the federal government and shall be reduced by any federal funding the authority may receive for expenditures funded through the Commonwealth's contribution that ultimately qualify for federal reimbursement. Any such reimbursements shall be repaid to the general fund. The State Comptroller shall disburse the first and second year appropriations in twelve equal monthly installments.

2. All moneys of the FMA, from whatever source derived, shall be paid to the treasurer of the FMA. The Auditor of Public Accounts or his legally authorized representatives shall annually examine the accounts of the books of the FMA.

3. Employees of the FMA shall be eligible for membership in the Virginia Retirement System and participation in all of the health and related insurance and other benefits, including premium conversion and flexible benefits, available to state employees as provided by law.

4. Pursuant to § 2.2-2338, Code of Virginia, the Board of Trustees of the FMA shall be deemed a state public body and may meet by electronic communication means in accordance with the requirements set forth in § 2.2-3708, Code of Virginia. Electronic communication shall mean the same as that term is defined in § 2.2-3701, Code of Virginia.

5. Notwithstanding any other provision of law or agreement, the amount paid from all sources

ITEM 129.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<p>of funds by the FMA to the City of Hampton pursuant to § 2.2-2342, Code of Virginia, shall not exceed \$983,960 in FY 2021 and \$983,960 in FY 2022. Beginning July 1, 2016, the FMA shall not pay any such amount to the City of Hampton until the City has recorded among the land records in the Office of the Circuit Court Clerk of the City of Hampton an instrument removing any liens or claims of liens on the real property of the Commonwealth at Fort Monroe. Such instrument shall state that the City acknowledges that in the event of conflict between any fees in lieu of taxes provided for under § 2.2-2342 of the Code of Virginia and the Appropriations Act, the Appropriations Act shall prevail. Such instrument shall further state that the FMA has paid all amounts set by the Appropriations Act for fiscal year 2014, fiscal year 2015 and fiscal year 2016 and that the City does not assert nor will it assert in the future any liens of any kind on the real property of the Commonwealth at Fort Monroe. Such instrument shall be in a form acceptable to, and have the written approval of the Attorney General of the Commonwealth in advance of recordation.</p>				
Total for Fort Monroe Authority.....			\$6,174,674	\$6,174,674
Fund Sources: General.....		\$6,174,674	\$6,174,674	

§ 1-44. VIRGINIA ECONOMIC DEVELOPMENT PARTNERSHIP (310)

130.	Economic Development Services (53400).....		\$47,302,309	\$39,481,922
	Economic Development Services (53412).....	\$47,302,309	\$39,481,922	
	Fund Sources: General.....	\$47,302,309	\$39,481,922	

Authority: Title 2.2, Chapter 22, Article 4 and Chapter 51; and § 15.2-941, Code of Virginia.

A. Upon authorization of the Governor, the Virginia Economic Development Partnership may transfer funds appropriated to it by this act to a nonstock corporation.

B. Prior to July 1 of each fiscal year, the Virginia Economic Development Partnership shall provide to the Chairmen of the House Appropriations and Senate Finance Committees and the Director, Department of Planning and Budget a report of its operational plan. Prior to November 1 of each fiscal year, the Partnership shall provide to the Chairmen of the House Appropriations and Senate Finance Committees and the Director, Department of Planning and Budget a detailed expenditure report and a listing of the salaries and bonuses for all partnership employees for the prior fiscal year. All three reports shall be prepared in the formats as previously approved by the Department of Planning and Budget.

C. In developing the criteria for any pay for performance plan, the board shall include, but not be limited to, these variables: 1) the number of economic development prospects committed to move to or expand operations in Virginia; 2) dollar investment made in Virginia for land acquisition, construction, buildings, and equipment; 3) number of full-time jobs directly related to an economic development project; and 4) location of the project. To that end, the pay for performance plan shall be weighted to recognize and reward employees who successfully recruit new economic development prospects or cause existing prospects to expand operations in localities with fiscal stress greater than the statewide average. Fiscal Stress shall be based on the Index published by the Commission on Local Government. If a prospect is physically located in more than one contiguous locality, the highest Fiscal Stress Index of the participating localities will be used.

D. The State Comptroller shall disburse the first and second year appropriations in twelve equal monthly installments. The Director, Department of Planning and Budget may authorize an increase in disbursements for any month, not to exceed the total appropriation for the fiscal year, if such an advance is necessary to meet payment obligations.

E. The Virginia Economic Development Partnership shall provide administrative and support services for the Virginia Tourism Authority as prescribed in the Memorandum of Agreement until July 1, 2022, or until the authority is able to provide such services.

F. The Virginia Economic Development Partnership shall report one month after the close of each quarter to the Chairmen of the Senate Finance and House Appropriations

ITEM 130.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Committees on the Commonwealth's Development Opportunity Fund. The report shall include, but not be limited to, total appropriations made or transferred to the fund, total grants awarded, cash balances, and balances available for future commitments.				
G. Prior to purchasing airline and hotel accommodations related to overseas trade shows, the Virginia Economic Development Partnership shall provide an itemized list of projected costs for review by the Secretary of Commerce and Trade.				
H.1. Out of the amounts in this Item, \$2,250,000 in the first year and \$2,250,000 in the second year from the general fund shall be deposited in the Virginia Brownfields Restoration and Economic Redevelopment Assistance Fund established pursuant to § 10.1-1237, Code of Virginia.				
2. Guidelines developed by the Virginia Economic Development Partnership, in consultation with the Department of Environmental Quality, governing the use of the Fund shall provide for grants of up to \$500,000 for site remediation and include a requirement that sites with potential for redevelopment and economic benefits to the surrounding community be prioritized for consideration of such grants.				
I. Any requests for administrative or staff support for the Committee on Business Development and Marketing or the Committee on International Trade established to advise the Virginia Economic Development Partnership shall be directed to, and are subject to the approval of, the Chairman or the Chief Executive Officer of the Virginia Economic Development Partnership.				
J. Out of the amounts in this item, \$5,020,387 the first year and \$9,700,000 the second year from the general fund is provided to support the development of a workforce program to provide training and recruitment services to select companies locating or expanding in the Commonwealth.				
K. Out of the amounts in this item, \$13,062,500 the first year and \$562,500 the second year from the general fund is provided to characterize, inventory, and develop economic sites in the Commonwealth.				

130.10 Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted.

	FY 2021	FY 2022
Expand the Virginia Business Ready Sites Program	\$12,500,000	\$0
Expand the Custom Workforce Incentive Program	\$0	\$4,679,613
Agency Total	\$12,500,000	\$4,679,613
Total for Virginia Economic Development Partnership.....		\$47,302,309
Fund Sources: General.....	\$47,302,309	\$39,481,922

§ 1-45. VIRGINIA EMPLOYMENT COMMISSION (182)

131.	Workforce Systems Services (47000).....	\$555,338,468	\$552,133,812
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ITEM 131.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022
Job Placement Services (47001).....	\$31,718,264	\$31,718,264		
Unemployment Insurance Services (47002).....	\$522,735,822	\$519,531,166		
Workforce Development Services (47003).....	\$884,382	\$884,382		
Fund Sources: Special.....	\$8,931,271	\$8,931,271		
Trust and Agency.....	\$546,407,197	\$543,202,541		

Authority: Title 60.2, Chapters 1 through 6, Code of Virginia.

A. Revenues deposited into the Special Unemployment Compensation Administration Fund shall be used for the purposes set out in the following order of priority: 1) to make payment of any interest owed on loans from the U.S. Treasury for payment of unemployment compensation benefits; 2) to support essential services of the Commission, particularly in the event of reductions in federal funding; 3) to finance the cost of capital projects; and 4) to fund the discretionary fund established in § 60.2-315, Code of Virginia. Funding may be transferred from the capital budget to the operating budget consistent with this language.

B.1. Reed Act funds distributed by the Employment Security Financing Act of 1954 with respect to the federal fiscal years 1956, 1957, and 1958 and credited to the agency from the proceeds related to the sale of agency property with federal equity are hereby appropriated (up to \$600,000) to maintain service levels in the agency's local offices.

2. Reed Act funds distributed by the Balanced Budget Act of 1997 and credited to the unemployment trust fund with respect to federal fiscal years 2000, 2001, and 2002, under § 1103 of the Social Security Act (42 U.S.C.), as amended, shall be used only for the administration of the unemployment compensation program, under the direction of the Virginia Employment Commission, and shall not be subject to the requirements of § 60.2-305, Code of Virginia. Reed Act funds from the Balanced Budget Act are hereby appropriated (up to \$2.2 million, not to exceed the balance of said Reed Act funds) to pay for upgrading the information technology systems at the Virginia Employment Commission.

C. There is hereby appropriated out of the funds made available to this state under § 1103 of the Social Security Act (42 U.S.C.) as amended, the balance of the \$51,067,866 of Reed Act funds, if any, provided in Item 120 E. of Chapter 847, 2007 Acts of Assembly, for upgrading obsolete information technology systems, to include staff costs. This appropriation is subject to the provisions of § 60.2-305, Code of Virginia. Savings as a result of the new systems shall be retained by the commission.

D. Notwithstanding any other provision of law, all fees incurred by the Virginia Employment Commission with respect to the collection of debts authorized to be collected under § 2.2-4806 of the Code of Virginia, using the Treasury Offset Program of the United States, shall become part of the debt owed the Commission and may be recovered accordingly.

E. Workforce development programs shall give priority to assisting Medicaid enrollees who are required to participate in the Training, Education, Employment and Opportunity Program to the extent allowed by federal law.

F. The Governor shall have the authority to alter the administration of the provisions of the Virginia Unemployment Compensation Act, Title 60.2 of the Code of Virginia, to meet the exigencies of a health emergency crisis.

132.	Economic Development Services (53400).....			\$3,091,588	\$3,091,588
	Economic Information Services (53402).....	\$3,091,588	\$3,091,588		
	Fund Sources: Special.....	\$540,060	\$540,060		
	Trust and Agency.....	\$2,551,528	\$2,551,528		

Authority: Title 60.2, Chapters 1 through 6, Code of Virginia.

133. For payment to the Secretary of the Treasury of the United States to the credit of the federal unemployment trust fund established by the Social Security Act, to be held for the state upon the terms and conditions provided in the said Social Security Act, there is

ITEM 133.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
hereby appropriated the amount remaining in the clearing account of the Unemployment Compensation Fund created by § 60.2-301, Code of Virginia, after deducting the refunds payable therefrom pursuant to § 60.2-301, Code of Virginia, a sum sufficient.				
Total for Virginia Employment Commission.....			\$558,430,056	\$555,225,400
Nongeneral Fund Positions.....	865.00	865.00		
Position Level.....	865.00	865.00		
Fund Sources: Special.....	\$9,471,331	\$9,471,331		
Trust and Agency.....	\$548,958,725	\$545,754,069		

§ 1-46. VIRGINIA TOURISM AUTHORITY (320)

134.	Tourist Promotion (53600).....		\$21,143,272	\$21,093,272
	Tourist Promotion Services (53607).....	\$21,143,272	\$21,093,272	
	Fund Sources: General.....	\$21,143,272	\$21,093,272	

Authority: Title 2.2, Chapter 22, Article 8, Code of Virginia.

A.1. The Department of Transportation shall pay to the Virginia Tourism Authority \$1,400,000 the first year and \$1,325,000 the second year for continued operation of the Welcome Centers, of which \$200,000 the first year and \$125,000 the second year is for maintenance of the Danville Welcome Center. The Department of Transportation shall fund maintenance at each state Welcome Center based on the agreed-upon service levels contained in the Memorandum of Agreement between the Virginia Tourism Authority and the Department of Transportation.

2. To the extent necessary to fund the operations of the Welcome Centers, the Virginia Tourism Authority is authorized to collect fees paid by businesses for display space at the Welcome Centers.

B. Upon authorization of the Governor, the Virginia Tourism Authority may transfer funds appropriated to it by this act to a nonstock corporation.

C. Prior to July 1 of each fiscal year, the Virginia Tourism Authority shall provide to the Chairmen of the House Appropriations and Senate Finance Committees and the Director, Department of Planning and Budget a report of its operating plan. Prior to September 1 of each fiscal year, the authority shall provide to the Chairmen of the House Appropriations and Senate Finance Committees and the Director, Department of Planning and Budget a detailed expenditure report and a listing of the salaries and bonuses for all authority employees for the prior fiscal year. All three reports shall be prepared in the formats as previously approved by the Department of Planning and Budget.

D. The State Comptroller shall disburse the first and second year appropriations in twelve equal monthly installments. The Director, Department of Planning and Budget may authorize an increase in disbursements for any month, not to exceed the total appropriation for the fiscal year, if such an advance is necessary to meet payment obligations.

E.1. Out of the amounts in this Item, \$2,850,000 the first year and \$2,850,000 the second year from the general fund is provided for grants to regional and local tourism authorities and other tourism entities to support their efforts. From the grants provided from the amounts included in this paragraph, priority consideration shall be given to funding for the Daniel Boone Visitor Center, as well as \$300,000 the first year and \$300,000 the second year to the Coalfield Regional Tourism Authority, and \$50,000 the first year and \$50,000 the second year for events sponsored by Special Olympics Virginia, and \$850,000 the first year and \$850,000 the second year to the Southwest Virginia Regional Recreation Authority for the Spearhead Trails initiative, and \$50,000 the first year to the City of Bristol for the Birthplace of Country Music.

2. Out of the amounts in this paragraph provided for the Southwest Virginia Regional Recreation Authority, up to \$25,000 the first year and up to \$25,000 the second year from the general fund, shall be provided to establish a peer-support program for Virginia veterans in partnership with the Spearhead Trails initiative. The Virginia Department of Behavioral Health and Developmental Services and the Virginia Department of Veterans Services shall

ITEM 134.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022

provide assistance in establishing such program upon the request of the board of the Southwest Regional Recreation Authority.

F. The Virginia Tourism Authority shall place a high priority on marketing rural areas of the state.

G. Out of the amounts in this Item, \$3,100,000 in the first year and \$3,100,000 in the second year from the general fund is provided to supplement appropriations to promote Virginia's tourism industries through an enhanced advertising campaign. Of these amounts, at least \$1,000,000 the first year and \$1,000,000 the second year shall be used to support a cooperative advertising program to partner with private sector tourism businesses and regional tourism entities to advertise Virginia as a tourism destination. The state dollars shall be used to incentivize private and regional tourism marketing funds on a \$1.00 for \$1.00 basis whereby the Virginia Tourism Corporation shall enter into agreements to undertake joint advertising purchases to promote Virginia and specific facilities with private sector and regional partners.

H. Out of the amounts in this Item, \$330,012 the first year and \$330,012 the second year from the general fund is provided to promote and advertise tourism in Virginia. These amounts include \$130,012 in the first year and \$130,012 in the second year for "See Virginia First," a partnership operated by the Virginia Association of Broadcasters to advertise Virginia Tourism, provided the Association contributes a total of at least \$390,036 in television and radio advertising value to promote tourism in Virginia in the first year and \$390,036 in the second year. Also included in these amounts is \$100,000 the first year and \$100,000 the second year to promote Virginia Parks, and \$100,000 the first year and \$100,000 the second year to promote Virginia's wineries.

I. Out of the amounts in this Item, \$497,544 the first year and \$497,544 the second year from the general fund is provided to purchase media in the Washington, D.C., Virginia, and Baltimore, Maryland markets through the "See Virginia First," a partnership operated by the Virginia Association of Broadcasters, in association with its affiliates in other states in the region, provided that the Association can obtain contributions of at least \$1,492,632 the first year and \$1,492,632 the second year in television, radio and station-related internet advertising value to promote tourism in Virginia.

J. Out of the amounts in this Item, \$150,000 the first year and \$150,000 the second year from the general fund is provided to support a tourism development initiative in the County of Henrico.

K. Out of the amounts in this item, \$25,000 the first year and \$25,000 the second year from the general fund is provided to support the Carver Price Legacy Museum.

L. With such funds as are available, the Virginia Tourism Authority shall collaborate with "Opening Doors for Virginians with Disabilities" to maintain and update the Opening Doors for Virginians with Disabilities travel guide and establish a more user-friendly link to this information on the Virginia Tourism Corporation website home page.

134.10 Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted.

	FY 2021	FY 2022
Increase funding for the Virginia	\$100,000	\$100,000

ITEM 134.10.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Coalfield Regional Tourism Authority				
Provide funding for Birthplace of Country Music expansion		\$50,000		\$0
Agency Total		\$150,000		\$100,000
Total for Virginia Tourism Authority.....			\$21,143,272	\$21,093,272
Fund Sources: General.....	\$21,143,272	\$21,093,272		

§ 1-47. VIRGINIA INNOVATION PARTNERSHIP AUTHORITY (309)

135.	Economic Development Services (53400).....			\$25,700,000	\$39,700,000
	Economic Development Services (53412).....	\$25,700,000	\$39,700,000		
	Fund Sources: General.....	\$25,700,000	\$39,700,000		

Authority: Discretionary Inclusion.

A. The appropriation in this item shall be used for the purpose of and in accordance with the terms and conditions specified in legislation to be considered by the 2020 General Assembly to establish the Virginia Innovation Partnership Authority to serve as a consolidated entity for innovation and new technology-based economic development in the Commonwealth. When viewed holistically, the activities, programs, and centers of excellence of the Virginia Innovation Partnership Authority within this item shall focus on outcomes of job creation, new company formation, investment in applied research projects, and capital investment in Virginia companies.

B. The Virginia Innovation Partnership Authority (VIPA) is hereby authorized to transfer funds in this appropriation to an established managing non-profit to expend said funds for realizing the statutory purposes of the Authority, by contracting with governmental and private entities, notwithstanding the provisions of § 4-1.05 b of this act.

C. This appropriation shall be disbursed in twelve equal monthly disbursements each fiscal year. The Director, Department of Planning and Budget, may authorize an increase in disbursements for any month not to exceed the total appropriation for the fiscal year if such an advance is necessary to meet payment obligations.

D.1. No later than June 15 of each year, the Authority shall provide to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees, the Secretary of Commerce and Trade, and the Director, Department of Planning and Budget, a report of its operating plan for each year of the biennium. No later than September 30 of each year, the Authority shall submit to the same entities a detailed expenditure report for the concluded fiscal year. Both reports shall be prepared in the formats as approved by the Director, Department of Planning and Budget, and include, but not be limited, to the following:

- a. All planned and actual revenue and expenditures along with funding sources, including state, federal, and other revenue sources of both the Authority and the managing non-profit entity;
- b. By activity or program, total grants made and investments awarded for each grant and investment program;
- c. By activity or program, recoveries of previous grants or investments and sales of equity positions;
- d. Cash balances by funding source, and a report, by program, of available, committed and projected expenditures of all cash balance; and,
- e. Private investment activity related to the fund of funds established in P. of this item.

2. The President of the managing non-profit entity shall report quarterly to the entity's board of directors, and the Chairs of the House Appropriations and Senate Finance and Appropriations Committees, the Secretary of Commerce and Trade, and the Director, Department of Planning and Budget, in a format approved by the Board the following:

ITEM 135.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
a.	The quarterly financial performance, determined by comparing the budgeted and actual revenues and expenditures to planned revenues and expenditures for the fiscal year;			
b.	All investments and grants executed compared to projected investment closings, return on prior investments and grants, including all gains and losses; and			
c.	The financial and programmatic performance of all operating entities owned by the managing non-profit entity.			
d.	The timeline and associated activities for the transition into the new Authority including the appointment of a new board, the development of a new brand and name, the creation of guidelines and policies for funds and divisions managed directly by VIPA, the disbursement of funds contained in this item, and other such organizational change management strategies as deemed appropriate by the Chairs of the House Appropriations Committee and Senate Finance and Appropriations Committee.			
E.1.	By November 1 of each year, the President of the Authority shall report to the Governor and the Chairs of the House Committee on Appropriations and the Senate Committee on Finance and Appropriations, the Secretary of Commerce and Trade, and to the Director, Department of Planning and Budget, on key programs and funds managed directly by VIPA. The report shall summarize performance on the outcomes of public and private research investment in applied research projects, capital investment in Virginia companies, job creation, and new company formation.			
2.	To the extent possible, the annual performance report shall contain information on the metrics outlined below.			
a.	For activities associated with the Growth Accelerator Program (GAP): (i) the number of companies receiving investments from the fund, (ii) the state investment and amount of privately leveraged investments per company, (iii) the estimated number of jobs created, (iv) the estimated tax revenue generated, (v) the number of companies who have received investments from the GAP fund still operating in Virginia, (vi) return on investment, to include the value of proceeds from the sale of equity in companies that received support from the program and economic benefits to the Commonwealth, (vii) the number of state investments that failed and the state investment associated with failed investments, (viii) the number of new companies created or expanded and the number of patents filed, and (ix) the geographic distribution of investments.			
b.	For activities associated with the Regional Innovation Fund: (i) the type and number of capacity building projects, (ii) the total state investment per project, (iii) the anticipated results of the investment, (iv) number of jobs created, (v) number of businesses founded, (vi) additional sources of investment in the projects receiving support from the fund, and (vii) the geographic distribution of the investments.			
c.	For activities associated with the Commonwealth Commercialization Fund: (i) the number of research grants awarded by domain area, (ii) the state investment per research project, (iii) the number of eminent researchers attracted and retained, (iv) additional research dollars leveraged as a result of the state investment, (v) number of new products completed/released to production, (vi) start-ups created from the research investment, (vii) new licenses granted to companies within Virginia, (viii) new licenses granted to companies outside Virginia, and (ix) the geographic distribution of the investments.			
3.	Such report shall include the prior fiscal year outcomes as well as the outcomes of each program managed directly by VIPA since inception. In addition, the report shall also include program changes anticipated in the subsequent fiscal year.			
F.1.	Out of the appropriation in this item, \$3,100,000 the first year and \$3,100,000 the second year from the general fund shall be allocated to the Division of Investment to support the Commonwealth Growth Accelerator Program fund and other indirect investment mechanisms to foster the development of Virginia-based technology companies.			
2.	Funds returned, including proceeds received due to the sale of a company that previously received a GAP investment, shall remain in the program and be used to make future early stage financing investments consistent with the goals of the program. The			

ITEM 135.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<p>managing non-profit may recover the direct costs incurred associated with securing the return of such funds from the moneys returned.</p>				
<p>G. A total of \$2,000,000 the first year and \$2,000,000 the second year from the general fund shall be allocated to the Entrepreneurial Ecosystems Division and Regional Innovation Fund to support and promote technology-based entrepreneurial activities in the Commonwealth as specified in § 2.2-2357, Code of Virginia. Out of these amounts, \$1,000,000 the first year and \$1,000,000 the second year shall be used to co-fund entrepreneurial ecosystem projects identified by the Virginia Initiative for Growth and Opportunity in Each Region (GO Virginia) Board.</p>				
<p>H. A total of \$5,000,000 the second year from the general fund shall be allocated to the Commonwealth Commercialization Fund to foster innovative and collaborative research, development, and commercialization efforts in the Commonwealth in projects and programs with a high potential for economic development and job creation as specified in § 2.2-2359, Code of Virginia.</p>				
<p>I. A total of \$1,000,000 the first year and \$1,000,000 the second year from the general fund shall be allocated to the Technology Industry Development Services to support strategic initiatives to advance the Authority's public purpose. These initiatives may include: (i) seeking, or supporting others in seeking, federal grants, contracts, or other funding sources; (ii) assuming responsibility for strategic initiatives and partnerships with federal and local governments; (iii) taking a lead role in defining, promoting, and implementing policies that advance innovation and entrepreneurial activity; and (iv) contracting with federal and private entities to further innovation, commercialization, and entrepreneurship in the Commonwealth.</p>				
<p>J. Out of the appropriation in this item, \$1,000,000 the first year and \$1,000,000 the second year from the general fund shall be made available for the Virginia Center for Unmanned Systems. The Center shall serve as a catalyst for growth of unmanned and autonomous systems vehicles and technologies in Virginia. The Center will establish collaboration between businesses, investors, universities, entrepreneurs and government organizations to increase the Commonwealth's position as a leader of the Autonomous Systems community.</p>				
<p>K.1. Out of the appropriation in this item, \$3,750,000 the first year and \$3,750,000 the second year from the general fund shall be provided for the Virginia Biosciences Health Research Corporation (VBHRC), a non-stock corporation research consortium initially comprised of the University of Virginia, Virginia Commonwealth University, Virginia Polytechnic Institute and State University, George Mason University and the Eastern Virginia Medical School. The consortium will contract with private entities, foundations and other governmental sources to capture and perform research in the biosciences, as well as promote the development of bioscience infrastructure tools which can be used to facilitate additional research activities. The Department of Planning and Budget is authorized to provide these funds to the non-stock corporation research consortium referenced in this paragraph upon request filed with the Department of Planning and Budget by VBHRC.</p>				
<p>2. Of the amounts provided in K.1. for the research consortium, up to \$3,750,000 the first year and \$3,750,000 the second year may be used to develop or maintain investments in research infrastructure tools to facilitate bioscience research.</p>				
<p>3. The remaining funding shall be used to capture and perform research in the biosciences and must be matched at least dollar-for-dollar by funding provided by such private entities, foundations and other governmental sources. No research will be funded by the consortium unless at least two of the participating institutions, including the five founding institutions and any other institutions choosing to join, are actively and significantly involved in collaborating on the research. No research will be funded by the consortium unless the research topic has been vetted by a scientific advisory board and holds potential for high impact near-term success in generating other sponsored research, creating spin-off companies or otherwise creating new jobs. The consortium will set guidelines to disburse research funds based on advisory board findings. The consortium will have near-term sustainability as a goal, along with corporate-sponsored research gains, new Virginia company start-ups, and job creation milestones.</p>				
<p>4. Other publicly-supported institutions of higher education in the Commonwealth may choose to join the consortium as participating institutions. Participation in the consortium by</p>				

ITEM 135.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<p>the five founding institutions and by other participating institutions choosing to join will require a cash contribution from each institution in each year of participation of at least \$50,000.</p>				
<p>5. Of these funds, up to \$500,000 the first year and \$500,000 the second year may be used to pay the administrative, promotional and legal costs of establishing and administering the consortium, including the creation of intellectual property protocols, and the publication of research results.</p>				
<p>6. VHBRC, in consultation with the publicly-supported institutions of higher education in the Commonwealth participating in the consortium, shall provide to the Secretary of Commerce and Trade, the Chairs of the House Appropriations and Senate Finance and Appropriations Committees, the Director of the Department of Planning and Budget, and VIPA by October 1 of each year a written report summarizing the activities of the consortium, including, but not limited to, a summary of how any funds disbursed to the consortium during the previous fiscal year were spent, and the consortium's progress during the fiscal year in expanding upon existing research opportunities and stimulating new research opportunities in the Commonwealth.</p>				
<p>7. The accounts and records of the consortium shall be made available for review and audit by the Auditor of Public Accounts upon request.</p>				
<p>8. Up to \$2,500,000 of the funds managed by the Commonwealth Health Research Board (CHRB), created pursuant to § 32.1-162.23, Code of Virginia, shall be directed toward collaborative research projects, approved by the boards of the VBHRC and CHRB, to support Virginia's core bioscience strengths, improve human health, and demonstrate commercial viability and a high likelihood of creating new companies and jobs in Virginia.</p>				
<p>L.1. Out of the appropriation in this item, \$1,925,000 the first year and \$925,000 the second year from the general fund shall be made available to the Commonwealth Center for Advanced Manufacturing (CCAM) for rent, operating support, and maintenance. These funds shall not revert back to the general fund at the end of the fiscal year.</p>				
<p>2. Out of the appropriation in this item, VIPA shall provide \$1,100,000 the first year and \$1,100,000 the second year from the general fund to CCAM for the purpose of providing private sector incentive grants to industry members of the CCAM as follows: (i) incentive grants for new industry members with no prior membership at CCAM; (ii) incentive grants to small manufacturing members who locate their primary job center in the Commonwealth, as determined by VEDP, in order to mitigate inaugural, industry membership costs associated with joining CCAM; (iii) grants dedicated to CCAM industry members to be used exclusively for research project costs and require a minimum one-to-one match in funds to conduct additional directed research at the CCAM facility after their base amount of directed research is programmed; and (iv) grants dedicated to matching funds for the purpose of attracting federal funds for research projects related to the COVID-19 pandemic to be conducted at the CCAM facility on a one to one basis.</p>				
<p>3. Out of the appropriation in this item, VIPA shall provide \$600,000 the first year and \$600,000 the second year from the general fund to CCAM for university research grants requiring a minimum one-to-one match in funds that bring in external research funds from federal or private organizations for research to be conducted at the CCAM facility. All project approvals are contingent upon each university partner entering into a memorandum of understanding (MOU) with CCAM that includes specific details about the university's anticipated commitment of financial and human resources, as well as programming and academic credentialing plans, to the CCAM facility.</p>				
<p>4. No grant funds shall be disbursed until the conditions of paragraph L.2 of this Item have been met and approval from VIPA has been granted.</p>				
<p>5. CCAM shall submit a report on October 1 of each year to the Secretary of Finance, Chairs of the House Appropriations and Senate Finance and Appropriations Committees, and VIPA containing a status update of all new incentive programs, including but not limited to the following: (i) MOUs it has entered into with each university partner; (ii) funds disbursed to both university and private sector partners of CCAM, as well as any</p>				

ITEM 135.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
	<p>other recipients; (iii) any other agreements CCAM has entered into with representatives of the public and private sectors that may impact current and future incentive fund disbursements; and (iv) any additional information requested by the Secretary of Finance, or the Chairs of the House Appropriations and Senate Finance and Appropriations Committees.</p>			
	<p>M.1. Out of the appropriation in this item, \$5,000,000 the first year and \$10,000,000 the second year from the general fund is provided to scale the Commonwealth Cyber Initiative (CCI) and provide resources for faculty recruiting at both the Hub, Virginia Polytechnic Institute and State University, and Node sites. The Hub and certified Node sites will have the ability to seek matching funds for faculty recruitment and support for renovations and equipment. Certified institutions shall submit their funding request application to VIPA for review and evaluation from an investment from the Commonwealth Commercialization Fund. After completing its review, VIPA shall approve or deny the request for an allocation of funds. The amounts provided in this paragraph are non-reverting and shall constitute the base budget for subsequent fiscal years.</p>			
	<p>2. Out of the appropriation in this item, \$2,500,000 the first year and \$7,500,000 the second year from the general fund is provided for the leasing of space and establishment of the Hub by the anchoring institution and for the establishment of research faculty, entrepreneurship programs, student internships and educational programming, and operations of the Hub. The amounts provided in this paragraph are non-reverting and shall constitute the base budget for subsequent fiscal years.</p>			
	<p>3. CCI shall submit a report by October 1st of each year to the the Secretary of Commerce and Trade, the Chairs of the House Appropriations and Senate Finance and Appropriations Committees, the Director of the Department of Planning and Budget, and VIPA detailing the use and leverage of the investment in this item in strengthening the state's cyber economy. The state report shall contain information on: (i) external research grants attracted to support the work of CCI, (ii) research grants awarded from the funds contained in this item, (iii) research faculty recruited, (iv) results of entrepreneurship and workforce programming, (v) collaborative partnerships and projects, (vi) correlated economic outcomes (jobs and new business formation), and (vii) the geographic distribution of awards from the funding contained in this item.</p>			
	<p>N.1. Out of this appropriation, \$350,000 the first year and \$350,000 the second year from the general fund is designated for the Commonwealth Center for Advanced Logistics (CCALS) to provide seed money for collaborative public sector projects with partners, such as the Port of Virginia, Department of Corrections, and the Virginia Department of Transportation.</p>			
	<p>2. CCALS shall submit a report by October 1st of each year to the Secretary of Commerce and Trade, the Chairs of the House Appropriations and Senate Finance and Appropriations Committees, the Director of the Department of Planning and Budget, and VIPA to include (i) all planned and actual revenue and expenditures along with funding sources, including state, federal, and other revenue sources for CCALS, (ii) the research activities of CCALS, and (iii) relevant economic outcomes as a result of the CCALS' work in each fiscal year.</p>			
	<p>O. Out of this appropriation, \$125,000 the first year and \$125,000 the second year is designated for the Virginia Academy of Engineering, Science and Medicine to provide technical assistance to VIPA.</p>			
	<p>P.1. Out of the amounts transferred to the Authority as a result of actions pursuant to Item 126.10, paragraph S.5 of the Chapter 854, 2019 Acts of Assembly, \$10,000,000 the first year shall be allocated to the Commonwealth Commercialization Fund to foster innovative and collaborative research, development, and commercialization efforts in the Commonwealth in projects and programs with a high potential for economic development and job creation as specified in § 2.2-2359, Code of Virginia.</p>			
	<p>2. Out of the amounts transferred to the Authority as a result of actions pursuant to Item 126.10, paragraph S.5 of the Chapter 854, 2019 Acts of Assembly, \$5,000,000 the first year shall be allocated to scale the Commonwealth Cyber Initiative (CCI) for activities at the Hub, Virginia Polytechnic Institute and State University, and Node sites and \$5,000,000 the first year shall be allocated for the leasing of space and establishment of the Hub by the anchoring institution.</p>			

ITEM 135.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
3. Excluding the amounts in paragraph P.1. and P.2. of this item, any additional funds transferred to the Authority as a result of actions pursuant to Item 126.10, paragraph S.5 of the Chapter 854, 2019 Acts of Assembly may be used: (1) to enable the establishment of a fund of funds that will permit the Commonwealth to invest in one or more syndicated private investment funds; (2) to enhance direct investment programs by placing additional investments in partnership with Virginia accelerators and university technology commercialization programs; and (3) to enable the establishment of a sustainable program to enhance discovery of, and early investment in, technologies aligned with the Virginia Innovation Index. Decisions to invest in private funds shall be subject to approval by the Board of Directors. Investments in such funds shall be monitored by the Board of Directors.				
Total for Virginia Innovation Partnership Authority.....			\$25,700,000	\$39,700,000
Fund Sources: General.....	\$25,700,000	\$39,700,000		
TOTAL FOR OFFICE OF COMMERCE AND TRADE.....			\$1,097,790,900	\$1,071,011,102
General Fund Positions.....	412.23	412.23		
Nongeneral Fund Positions.....	1,301.77	1,301.77		
Position Level.....	1,714.00	1,714.00		
Fund Sources: General.....	\$366,709,056	\$345,504,922		
Special.....	\$30,174,018	\$29,805,018		
Commonwealth Transportation.....	\$1,640,575	\$1,640,575		
Trust and Agency.....	\$549,733,725	\$546,529,069		
Dedicated Special Revenue.....	\$25,068,898	\$25,066,890		
Federal Trust.....	\$124,464,628	\$122,464,628		

ITEM 136.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022

OFFICE OF EDUCATION

§ 1-48. SECRETARY OF EDUCATION (185)

136.	Administrative and Support Services (79900).....			\$725,468	\$725,468
	General Management and Direction (79901).....	\$725,468	\$725,468		
	Fund Sources: General.....	\$725,468	\$725,468		

Authority: Title 2.2, Chapter 2, § 2.2-208 Code of Virginia.

A. The Secretary of Education is hereby authorized to make allocations of the portion of the tax-exempt private activity bond limitation amount to be allocated annually to the Commonwealth of Virginia pursuant to the Economic Growth and Tax Relief Reconciliation Act of 2001 (PL 107-16)(Section 142(k)(5) of the Internal Revenue Code of 1986, as amended) for the development of education facilities using public-private partnerships, and to provide for carryovers of any unused limitation amount. In making such allocations, the Secretary is directed to give priority to public-private partnership proposals that will serve as demonstration projects concerning the leveraging of private sector contributions and resources, the achievement of economies or efficiencies associated with private sector innovation, and other benefits that are or may be derived from public-private partnerships in contrast to more traditional approaches to public school construction and renovation. The Secretary is directed to report annually not later than August 31 to the Chairmen of the Senate Finance and House Appropriations Committees regarding any guidelines implemented and any allocations made pursuant to this paragraph.

B. For the funds identified for reallocation in each of the higher education institutions' educational and general programs, each respective institution shall report the amounts and the specific purposes for which they were used in its six-year academic plans finalized in the fall of 2020 and the fall of 2021.

Total for Secretary of Education.....				\$725,468	\$725,468
General Fund Positions.....	5.00	5.00			
Position Level.....	5.00	5.00			
Fund Sources: General.....	\$725,468	\$725,468			

§ 1-49. DEPARTMENT OF EDUCATION, CENTRAL OFFICE OPERATIONS (201)

137.	Instructional Services (18100).....			\$32,785,396	\$210,401,623
	Public Education Instructional Services (18101).....	\$13,211,912	\$13,211,912		
	Program Administration and Assistance for Instructional Services (18102).....	\$17,985,714	\$195,601,941		
	Adult Education and Literacy (18104).....	\$1,587,770	\$1,587,770		
	Fund Sources: General.....	\$11,081,240	\$10,681,240		
	Special.....	\$300,000	\$300,000		
	Commonwealth Transportation.....	\$279,612	\$279,612		
	Trust and Agency.....	\$5,000	\$5,000		
	Federal Trust.....	\$21,119,544	\$199,135,771		

Authority: Public Education Instructional Services: Title 22.1, Chapter 13, Code of Virginia; P.L. 107-110, P.L. 105-332, P.L.108-447, P.L. 102-305, Federal Code.

Program Administration and Assistance for Instructional Services: Title 22.1, Chapter 13, Code of Virginia; P.L. 107-110, P.L. 105-332, P.L. 108-447, P.L. 102-305, Federal Code.

Compliance and Monitoring of Instructional Services: Title 22.1, Chapter 13, Code of Virginia; P.L. 107-110, P.L. 105-332, P.L. 108-447, Federal Code.

Adult Education and Literacy: §§ 2.2-2472, 22.1-223-226, 22.1-253.13:1, 22.1-254.2, Code of Virginia; P.L. 105-220, Federal Code.

ITEM 137.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
A. The Superintendent of Public Instruction is encouraged to implement school/community team training.				
B. The Superintendent of Public Instruction shall provide direction and technical assistance to local school divisions in the revision of their Vocational Education curriculum and instructional practices.				
C. The Superintendent of Public Instruction, in cooperation with the Commissioner of Social Services, shall encourage local departments of social services and local school divisions to work together to develop cooperative arrangements for the use of school resources, especially computer labs, for the purpose of training Temporary Assistance for Needy Families (TANF) recipients for the workforce.				
D. Notwithstanding § 4-1.04 a 3 of this act, the Superintendent of Public Instruction may apply for grant funding to be used by local school divisions consistent with the provisions of Chapter 447, 1999 Acts of Assembly. The nongeneral fund appropriation for this agency shall be adjusted by the amount of the proceeds of any such grant awards.				
E. 1. Out of the appropriations in this item, \$1,300,000 the first year and \$1,300,000 the second year from the general fund is provided to support students and teachers pursuing information technology industry certifications. The funding shall be used to provide outreach, training, instructional resources, industry recognized certification opportunities for teachers and students enrolled in Virginia public high schools and regional career and technical education programs, and information technology curriculum resources for use by students' parents.				
2. The funds provided in this initiative shall be used to support the following priority objectives: a) increase the percentage of students enrolled in career and technical education courses who receive instruction in information technology leading to an increased number of students achieving industry recognized certifications in information technology; b) increase the number of high schools and regional career and technical education programs that receive the training and technical support to be ready to implement information technology curricula leading to increased statewide implementation and use; c) increase the number of teachers teaching targeted career and technical education courses and other high school teachers who receive training in information technology and in industry recognized certifications leading to an increased number of teachers achieving industry recognized certifications in information technology; and, d) support implementation of information technology curricula in school divisions in Southside and Southwest Virginia so that implementation in those regions is at least comparable to implementation in other regions of Virginia.				
F. Out of the appropriation in this Item, \$413,000 the first year and \$413,000 the second year from the general fund is provided for the Department of Education to continue a professional development program intended to increase the capacity of principals as school leaders in under-performing schools.				
G. Out of the appropriation in this Item, \$366,000 the first year and \$366,000 the second year from the general fund is provided to the Department of Education to assist local school divisions, as needed, to establish criteria for the professional development of teachers and principals on the subject of issues related to high-needs students.				
H. a. Out of this appropriation, \$1,350,000 the first year and \$1,350,000 the second year from the general fund is provided through the Department of Education to the University of Virginia to continue statewide implementation of the Virginia Kindergarten Readiness Program conducted in the fall, and to develop and implement a post-assessment upon the conclusion of the kindergarten year.				
b. The Department of Education shall coordinate with the University of Virginia's Center for Advanced Study of Teaching and Learning to ensure that all school divisions shall be required to have their kindergarten students assessed annually during the school year using the multi-dimensional kindergarten readiness assessment model. All school divisions shall be required to have their kindergarten students assessed with such model.				
c. Further, out of this appropriation, \$100,000 the first year and \$100,000 the second year from the general fund shall be allocated to University of Virginia's Center for Advanced				

ITEM 137.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Study of Teaching and Learning to provide training to school divisions annually on how to effectively use Virginia Kindergarten Readiness Program data to improve instructional practices and student learning. Such teacher focused professional development and training shall be prioritized for the school divisions that would most benefit from state assistance in order to provide more time for classroom instruction and student learning.				
d. The Department and the University of Virginia's Center for Advanced Study of Teaching and Learning shall use the results of the multi-dimensional Virginia Kindergarten Readiness Program assessments to determine how well the Virginia Preschool Initiative promotes readiness in all key developmental domains assessed. The Department shall submit such findings using data from the prior year's fall assessment to the Chairmen of House Appropriations and Senate Finance Committees no later than October 1 each year.				
I. Out of this appropriation, \$1,000,000 the first year and \$1,000,000 the second year from the general fund is provided through the Department of Education to the University of Virginia's Center for Advanced Study of Teaching and Learning to ensure that all Virginia Preschool Initiative classroom programs and public school-based preschool teachers receive appropriate individualized professional development training from professional development specialists to support quality teacher-child interactions and effective research-based curriculum implementation. Funding and professional development assistance shall be prioritized for teachers with Classroom Assessment Scoring System (CLASS) observation scores that did not meet the statewide minimum acceptable threshold standard established by the University of Virginia's Center for Advanced Study of Teaching and Learning and the Department of Education. The University of Virginia's Center for Advanced Study of Teaching and Learning, assisted on an as needed basis, by the Department of Education, Virginia Early Childhood Foundation, and Elevate Early Education to hire and train specialists to provide such individualized professional development. The University of Virginia's Center for Advanced Study of Teaching and Learning and the Training and Technical Assistance Centers funded by the Individuals with Disabilities Act (IDEA) through the Department of Education shall coordinate to ensure alignment of professional development and supports for teachers of children with special needs.				
J. Out of this appropriation, \$700,000 the first year and \$700,000 the second year from the general fund is provided through the Department of Education to the University of Virginia to ensure that all Virginia Preschool Initiative and public school-based preschool classroom programs have the quality of their teacher-child interactions assessed through a rigorous and research-based classroom observational instrument at least once every two years using the CLASS observational instrument for such assessment. The University of Virginia, with input from the Department of Education and the use of its detailed plan for such assessments, has established a statewide minimum acceptable threshold for the quality of teacher-child interactions for Virginia Preschool Initiative classroom programs, and classrooms that are assessed below the threshold receive additional technical assistance from the Department of Education and the University of Virginia. The threshold shall be reviewed and re-affirmed no later than the beginning of the 2021-2022 school year. The University of Virginia's Center for Advanced Study of Teaching and Learning shall submit a progress report on such classroom observations to the Chairmen of House Appropriations and Senate Finance Committees no later than June 30 each year.				
K. The Superintendent of Public Instruction shall convene a work group to develop and establish a plan to transfer the Child Care Development Fund grant from the Virginia Department of Social Services to the Virginia Department of Education no later than July 1, 2021. The work group shall include representatives of (i) the Secretariats of Education and Health and Human Resources; (ii) relevant state agencies, including the Department of Planning and Budget, the Office of the Attorney General, the Department of Education, and the Department of Social Services; (iii) relevant regulatory boards, including the Board of Education; and (iv) the House Committee on Appropriations and the Senate Committee on Finance and Appropriations. The goal of this transfer is to house responsibility of child care and education programs under one agency. The plan shall be submitted to the Governor and the Chairs of the House Appropriations and Senate Finance and Appropriations Committees no later than August 15, 2020. Such plan shall confirm the funding amounts and positions that need to be transferred between the impacted agencies, and shall identify any savings or additional costs associated with the transfer of these programs. The review shall also assess any potential administrative impacts on the Department of Social Services and the				

ITEM 137.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022

Department of Education.

L. Out of this appropriation, \$3,055,524 the second year from nongeneral funds shall be transferred to the Department of Social Services to address costs associated with administration of the Child Care and Development Fund.

M. The Department of Education, in collaboration with the Department of Social Services, shall prepare an annual Child Care and Development Fund (CCDF) report that reflects all CCDF expenditures from the previous fiscal year, current grant balances, as well as all anticipated spending for the current and two subsequent fiscal years. Identified spending should, at a minimum, be broken down by subsidies (mandated and discretionary), administrative costs, and quality efforts. In addition, this plan should report, by locality, the number of subsidies (mandated and discretionary) provided, number of providers receiving CCDF dollars, the overall number of child care providers, and the waitlist for services. This information should be provided the previous fiscal year, current fiscal year, and two subsequent fiscal years. The plan shall also include an appendix with the most recently completed CCDF annual report as required by the federal Office of Child Care. The department shall submit the report by October 1 of each year to the Governor and the Chairs of the House Appropriations and Senate Finance and Appropriations Committees. In addition, the department shall post this report on its website along with any reports from previous fiscal years.

N. The University of Virginia shall provide financial information for the last five fiscal years related to the Phonological Awareness Literacy Screening (PALS) program to the Department of Education. Such information shall include revenues and expenditures by category, and shall differentiate revenues and expenditures related to the PALS program for the benefit of (i) Virginia public school students and (ii) all other students. The Department shall submit such information to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees no later than December 1, 2020.

138.	Special Education and Student Services (18200).....			\$17,362,182	\$17,352,182
	Special Education Instructional Services (18201).....	\$10,194,690	\$10,194,690		
	Special Education Administration and Assistance Services (18202).....	\$1,046,351	\$1,046,351		
	Special Education Compliance and Monitoring Services (18203).....	\$3,616,701	\$3,616,701		
	Student Assistance and Guidance Services (18204).	\$2,504,440	\$2,494,440		
	Fund Sources: General.....	\$2,439,977	\$2,429,977		
	Special.....	\$120,000	\$120,000		
	Federal Trust.....	\$14,802,205	\$14,802,205		

Authority: Special Education Instructional Services: §§ 22.1-213 through 22.1-221, 22.1-253.13:1 through 22.1-253.13:8, 22.1-319 through 22.1-332, Code of Virginia; P.L. 108-446, Federal Code.

Special Education Administration and Assistance Services: §§ 22.1-253.13:1 through 22.1-253.13:8, Code of Virginia; P.L. 108-446, Federal Code.

Special Education Compliance and Monitoring Services: §§ 22.1-213 through 22.1-221, 22.1-253.13:1 through 22.1-253.13:8, 22.1-319 through 22.1-332, Code of Virginia; P.L. 108-446, Federal Code.

Student Assistance and Guidance Services: Title 22.1, Chapters 1, 13, 14, 16; §§ 22.1-16.2, 22.1-17.1, 22.1-17.2, 22.1-199.4, 22.1-206, 22.1-207.1, 22.1-208.01, 22.1-209.2, Code of Virginia; P.L. 107-110 and P.L. 108-446, Federal Code.

A. The Department of Education, in collaboration with the Office of Children's Services, shall provide training to local staff serving on Family Assessment and Planning Teams and Community Policy and Management Teams. Training shall include, but need not be limited to, the federal and state requirements pertaining to the provision of the special education services funded under § 2.2-5211, Code of Virginia. The training shall also include written guidance concerning which services remain the financial responsibility of the local school divisions. In addition, the Department of Education shall provide ongoing

ITEM 138.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
local oversight of its federal and state requirements related to the provision of services funded under § 2.2-5211, Code of Virginia.				
B. The Board of Education shall consider the caseload standards for speech-language pathologists as part of its review of the Standards of Quality, pursuant to § 22.1-18.01, Code of Virginia.				
C. The Board of Education shall consider the inclusion of instructional positions needed for blind and visually impaired students enrolled in public schools and shall consider developing a caseload requirement for these instructional positions as part of its review of the Standards of Quality, pursuant to § 22.1-18.01, Code of Virginia.				
D. Out of this appropriation, \$447,416 the first year and \$447,416 the second year from the general fund is provided to the Department of Education to provide training, technical assistance, and on-site coaching to public school teachers and administrators on implementation of a positive behavioral interventions and supports program with the goal of improving school climate and reducing disruptive behavior in the classroom. Such training and other assistance may be provided as part of the Department's ongoing efforts to assist schools with implementation of a tiered system of supports that addresses both academic and behavioral needs.				
E. Out of this appropriation, \$290,000 the first year and \$290,000 the second year from the general fund and \$290,000 the first year and \$290,000 the second year from federal funds shall be used for Multisensory Structured Literacy teacher training.				
F. Out of this appropriation, \$492,755 the first year and \$492,755 the second year from the general fund is provided to support statewide training and assistance for local school divisions to implement the Board of Education's Regulations Governing the Use of Seclusion and Restraint in Public Elementary and Secondary Schools in Virginia.				
G.1. The Department of Education shall serve as the lead agency to collect and report data that succinctly measures the progress and outcomes of students that are placed in private provider settings by such student's public school of residence in Virginia or have been placed in a private provider facility by other legal means for which the Commonwealth is responsible for providing education. In keeping with the November 1, 2018, Private Day Special Education Outcomes report's findings and recommendations, the data shall include at least student attendance rates, graduation rates, individual student progress improvement rates relative to student individual education plans, standardized test scores, return to public school setting percentages, suspension and expulsion rates, transition to enrolling in post-secondary education percentages, and parental and student perspectives.				
2. The Department of Education, in collaboration with the Office of Children's Services, shall establish an implementation advisory group to assist in refining the outcome measures contained in paragraph G.1 of this item and the collection of any additional information that is beneficial in determining and measuring outcomes of such students in private day school settings that ensure a consistent set of comparable and compatible data relative to such data of students enrolled in the public schools in Virginia and who have an individualized education plan. The advisory workgroup shall include a representative number of various stakeholders that includes, but is not limited to, private day schools, local school divisions, associations that represent private providers, and others as necessary. The advisory group shall assist in the development of data collection protocols, requirements, and outcome reporting mechanisms. The relevant data shall be provided to the department annually by each private provider that receives state funding for the purpose of providing services as prescribed in such student's individualized education plan.				
3. The department shall begin collecting outcome data for private day special education schools no later than the 2020-2021 school year. If warranted, other state agencies shall provide appropriate support to facilitate the collection of such data. All public school divisions that have students enrolled in such a private provider facility shall include in their contract for services with the private provider a requirement for the department to receive the data necessary to satisfy the data collections and subsequent reporting requirements. The department shall report annually on the outcome data for students enrolled in special education private day schools to Chairmen of the House Appropriations, House Education, Senate Finance, and Senate Education and Health Committees by the first day of the regular				

ITEM 138.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
General Assembly Session.				
4. The Department of Education shall enter into a data sharing Memorandum of Understanding with the Office of Children's Services to allow linkage of specific student data to specific private day schools.				
5. The Department of Education and the Office of Children's Services shall have authority to implement these changes prior to the completion of any regulatory process undertaken in order to effect such changes.				
139.	Pupil Assessment Services (18400).....		\$39,750,487	\$39,750,487
	Test Development and Administration (18401).....	\$39,750,487	\$39,750,487	
	Fund Sources: General.....	\$28,673,646	\$28,673,646	
	Special.....	\$281,595	\$281,595	
	Federal Trust.....	\$10,795,246	\$10,795,246	
Authority: § 22.1-253.13:3, sections C and E, Code of Virginia; P.L. 107-110, Federal Code.				
A. Out of this appropriation, \$25,380,678 the first year and \$25,380,678 the second year from the general fund is provided to support the costs of contracts for test development, administration, scoring, and reporting as well as other program-related costs of the Standards of Learning testing program.				
B. Out of this appropriation, \$1,551,416 the first year and \$1,551,416 the second year from the general fund is provided for continued computer adaptive test transition and revision.				
C. Notwithstanding any contrary provisions of law, the Department of Education shall not be required to administer the Stanford 9 norm-referenced test.				
D.1. Out of this appropriation, \$300,000 the first year and \$300,000 the second year from the general fund is provided for assessment related materials for a verified credit in high school history and social science. In establishing graduation requirements, the State Board of Education shall require students to earn one verified credit in history and social science. Such verified credit shall be earned by (i) the successful completion of a state-developed end-of-course Standards of Learning assessment; (ii) achievement of a passing score on a Board-approved standardized test administered on a statewide, multistate, or international basis that measures content that incorporates or exceeds the Standards of Learning content in the course for which the verified credit is given; (iii) achievement of criteria for the receipt of a locally awarded verified credit from the local school board in accordance with criteria established in Board guidelines when the student has not passed a corresponding Standards of Learning assessment; or (iv) successful completion of assessments that include state-developed performance tasks scored locally in accordance with Board guidelines using state-developed rubrics.				
2. The Department of Education shall report on the progress of implementing option (iv), including examples of tasks and scoring rubrics; agency support to school divisions for implementation; and information about divisions planning or interested in offering the option to students. Such progress report shall be submitted to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees by November 1, 2020.				
3. The Department of Education shall report on the progress of implementing option (iv), including the number of divisions offering the option; the number of students earning a verified credit with such option; and the number of students attempting but not successfully earning a verified credit with such option. Such progress report shall be submitted to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees by November 1, 2021.				
140.	School and Division Assistance (18500).....		\$7,007,518	\$7,007,518
	School Improvement (18501).....	\$1,982,646	\$1,982,646	
	School Nutrition (18502).....	\$4,567,439	\$4,567,439	
	Pupil Transportation (18503).....	\$457,433	\$457,433	

ITEM 140.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Fund Sources: General.....	\$2,559,719	\$2,559,719		
Special.....	\$31,010	\$31,010		
Federal Trust.....	\$4,416,789	\$4,416,789		
<p>Authority: School Improvement: § 22.1-253.13:1 et seq., Code of Virginia; P. L. 107-110, Federal Code.</p> <p>School Nutrition: §§ 22.1-24, 22.1-89.1, and 22.1-207.3, Code of Virginia; P.L. 79-396, P.L. 89-642, P.L. 95-627, as amended, P.L. 108-265, Federal Code.</p> <p>Pupil Transportation: Title 22.1, Chapter 12, and Title 46.2, Code of Virginia; P. L. 103-272 and P.L. 109-20, Federal Code.</p> <p>A. This appropriation includes \$1,100,183 the first year and \$1,100,183 the second year from the general fund for contractual services related to assisting schools that do not meet the Standards of Accreditation as prescribed by the Board of Education.</p> <p>B. Notwithstanding the provisions of § 2.2-1502.1, Code of Virginia, the Board of Education, in cooperation with the Department of Planning and Budget, is authorized to invite a school division to participate in the school efficiency review program described in § 2.2-1502.1, Code of Virginia, as a component of a division level academic review pursuant to § 22.1-253.13:3, Code of Virginia.</p>				
141. Technology Assistance Services (18600).....			\$7,832,258	\$14,963,258
Instructional Technology (18601).....	\$637,928	\$637,928		
Distance Learning and Electronic Classroom (18602)	\$7,194,330	\$14,325,330		
Fund Sources: General.....	\$6,997,304	\$14,128,304		
Special.....	\$105,000	\$105,000		
Trust and Agency.....	\$674,678	\$674,678		
Federal Trust.....	\$55,276	\$55,276		
<p>Authority: Instructional Technology: §§ 22.1-20.1, 22.1-70.2, 22.1-199.1, 22.1-253.13:1 through 22.1-253.13:8, Code of Virginia; P.L. 107-110, Federal Code.</p> <p>Distance Learning and Electronic Classroom: § 22.1-212.2, Code of Virginia.</p> <p>A. This appropriation includes \$1,000,000 the first year and \$1,000,000 the second year from the general fund for statewide digital content development, online learning, and related support services, as prescribed through contract with the Department of Education. All digital content produced and delivery of online learning shall meet criteria established by the Department of Education, meet or exceed applicable Standards of Learning, and be correlated to such state standards.</p> <p>B. In developing the deliverables for each contract, the Department of Education shall consult with division superintendents or their designated representatives to assess school divisions' needs for digital content, online learning, teacher training, and support services that advance technology integration into the K-12 classroom, as well as for additional educational resources that may be made available to school divisions throughout the Commonwealth.</p> <p>C. Virtual Virginia Payments</p> <ol style="list-style-type: none"> 1. From appropriations in this Item, the Department of Education shall provide assistance for the Virtual Virginia program. 2. This appropriation includes \$498,000 the first year and \$498,000 the second year from the general fund to support the Virtual Virginia full-time program for 200 students in grades nine through 12. 3. This appropriation includes \$330,000 the first year and \$330,000 the second year from the general fund to support the virtual mathematics outreach program. 4. The local share of costs associated with the operation of the Virtual Virginia program shall be computed using the composite index of local ability-to-pay. 				

ITEM 141.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<p>5. The Department of Education shall develop a plan to establish a per-student, per-course fee schedule for local school divisions to participate in Virtual Virginia (VVA) coursework for elementary, middle, and high school students. Such fee schedule plan shall provide (i) an allotment of slots, determined by the Department, per course to a school division free of charge, and (ii) for any slots a school division wishes to use beyond the free slots, a per-course, per-student fee that may include discounts for school divisions based upon the composite index of local ability to pay. The department shall also include in its plan the current student participation enrollment by grade level in each VVA course, the number of students enrolled in VVA courses that a fee of any kind is charged and how such fee is currently paid for in each participating school division. The department shall submit its Virtual Virginia Plan to the Chairmen of House Appropriations and Senate Finance Committee upon completion of developing such plan.</p> <p>D. Virginia Learner Equitable Access Platform (VA LEAP)</p> <p>1. Out of this appropriation, \$7,131,000 the second year from the general fund is provided for the implementation of the VA LEAP statewide learning management system.</p> <p>2. The Superintendent of Public Instruction shall convene a workgroup to develop a plan for the implementation of VA LEAP, including representatives of the Department of Education, school divisions with and without existing learning management systems, learning management system providers, eMediaVA, Virtual Virginia, and other appropriate stakeholders. The plan shall (i) address the integration of existing school division learning management systems into a statewide system, (ii) address the integration of VA LEAP with existing state investments, including eMediaVA, Virtual Virginia and #GoOpenVA, (iii) consider integrating these systems into a single sign-on system, (iv) include a cost-benefit analysis of various approaches to implementing a statewide learning management system, and (v) provide an update on the estimated costs to implement a learning management system based on anticipated local school division participation and technical requirements. Such plan shall be submitted to the Governor and the Chairs of the House Appropriations Committee and the Senate Finance and Appropriations Committee no later than December 1, 2020.</p>				
142.	Teacher Licensure and Education (56600).....		\$3,055,444	\$2,775,944
	Teacher Licensure and Certification (56601).....	\$2,680,944		
	Teacher Education and Assistance (56602).....	\$374,500		
	Fund Sources: General.....	\$1,002,247		
	Special.....	\$2,053,197		
	<p>Authority: Teacher Licensure and Certification: §§ 22.1-16, 22.1-298.1, 22.1-299, 22.1-299.2, 22.1-302, 22.1-303, 22.1-305.2, 22.1-316 to 22.1-318, Code of Virginia; P.L. 107-110, Federal Code.</p> <p>Teacher Education and Assistance: §§ 22.1-290; 22.1-290.01; 22.1-290.1, 22.1-298, 22.1-305.2, 22.1-305.1, Code of Virginia; P. L. 108-446 and P. L. 107-110, Federal Code.</p> <p>A. Proceeds from the fee schedule for the issuance of teaching certificates shall be utilized to defray all, or any part of, the expenses incurred by the Department of Education in issuing or accounting for teaching certificates. The fee schedule shall take into account the actual costs of issuing certificates. Any portion of the general fund appropriation for this Item may be supplemented by such fees.</p> <p>B. The Board of Education is authorized to approve changes in the licensure fee amounts charged to school personnel pursuant to 8VAC20-22-40 A.2.</p> <p>C. In furtherance of the General Assembly's interest in understanding trends in Virginia's teaching work force, teacher turnover rates, and the market for teachers, as evidenced by such metrics as the number of applicants per position, the Department shall develop and provide a model exit questionnaire that Virginia school divisions may administer to their exiting teachers.</p> <p>D. Out of this appropriation, \$93,084 the first year and \$93,084 the second year from the general fund is provided to support local school division access to the National Association of State Directors of Teacher Education and Certification (NASDTEC) Clearinghouse to</p>			

ITEM 142.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022

research educator misconduct.

E. Out of this appropriation, \$348,500 the first year and \$169,000 the second year from the general fund is provided to automate the teacher licensure application and intake process.

F. Out of this appropriation, \$100,000 the first year from the general fund is provided for the Department of Education to study the teacher licensure process and any required assessments in the licensure process for any inherent biases that may prevent minority teacher candidates from entering the profession, pursuant to Senate Joint Resolution 15.

143.	Administrative and Support Services (19900).....			\$23,874,703	\$22,074,703
	General Management and Direction (19901).....	\$5,362,774	\$5,362,774		
	Information Technology Services (19902).....	\$12,292,460	\$10,892,460		
	Accounting and Budgeting Services (19903).....	\$4,004,438	\$3,604,438		
	Policy, Planning, and Evaluation Services (19929).....	\$2,215,031	\$2,215,031		
	Fund Sources: General.....	\$21,496,248	\$19,696,248		
	Special.....	\$2,378,455	\$2,378,455		

Authority: Article VIII, Sections 2, 4, 5, 6, 8, Constitution of Virginia; Title 2.2, Chapters 10, 12, 29, 30, 31, and 32; Title 22.1, 22.1-8 through 20, 22.1-21 through 24; Title 51.1, Chapters 4, 5, 6.1, and 11; Title 60.2, Chapters 60.2-100, 60.2-106; Title 65.2, Chapters 1, 6, and 9, Code of Virginia; P.L. 108-446, P.L. 107-110, Federal Code.

A. Out of this appropriation, \$9,000 the first year and \$9,000 the second year from the general fund is designated to support annual membership dues to the Southern Regional Education Board. In addition, \$5,000 the first year and \$5,000 the second year from the general fund is designated to pay registration and travel expenses of citizens appointed as Virginia commissioners for the Southern Regional Education Board.

B. Out of this appropriation \$79,000 the first year and \$79,000 the second year from the general fund is provided for the fees and travel expenses associated with the Interstate Compact on Educational Opportunity for Military Children, established pursuant to Chapter 187, of the 2009 Acts of Assembly.

C. The Department of Education is authorized to collect proceeds from the sale of educational resources it has developed, such as technology applications, on-line course content, assessments, and other educational content, to out-of-state individuals or entities and to in-state, for-profit entities. The Department of Education is further authorized to deposit such proceeds in a non-reverting special fund account established in its financial records for this purpose. Net proceeds from such sales shall be expended by the Department of Education to further develop existing educational resources or to create new educational resources for the benefit of the commonwealth's public schools and which may also be sold under the provisions of this paragraph. The Secretary of Administration shall authorize any licensing agreements executed by the Department of Education pursuant to this paragraph.

D. Out of this appropriation, \$34,625 the first year and \$34,625 the second year from the general fund shall be used to provide performance evaluation training to teachers, principals, division superintendents, and other affected school division personnel in support of the transition from continuing employment contracts to annual employment contracts for teachers and principals.

E. Out of this appropriation, \$100,000 the first year and \$100,000 the second year from the general fund is provided for the Board of Education, in consultation with the Standards of Learning Innovation Committee, to continue redesigning the School Performance Report Card so that it is more effective in communicating to parents and the public regarding information about the status and achievements of the schools and school divisions.

F. Out of this appropriation, \$300,000 the first year and \$300,000 the second year is provided from the general fund for the Department of Education to develop a growth scale for the existing Standards of Learning mathematics and reading assessments. This growth scale should facilitate data-driven school improvement efforts and support the state's accountability and accreditation systems.

G. Out of the amounts in this item, the Department of Education shall develop and administer

ITEM 143.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022

biennially to individuals holding a license from the Department in each public elementary and secondary school in the Commonwealth a voluntary and anonymous school personnel survey to evaluate school-level teaching conditions and the impact such conditions have on teacher retention and student achievement. Such survey may include questions regarding school leadership, teacher leadership, teacher autonomy, demands on teachers' time, student conduct management, professional development, instructional practices and support, new teacher support, community engagement and support, and facilities and other resources. The Superintendent of Public Instruction shall report the results of any school personnel survey to the Chairmen of the House Committees on Appropriations and Education and to the Senate Committees on Finance and Education and Health annually before the first day of each General Assembly Regular Session.

H. The Department of Education shall develop and administer a one-time collection of data from school divisions to determine the prevailing practice of planning time for elementary school teachers. The Department shall compile and report the information to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees no later than the beginning of the 2021 General Assembly session.

I. Notwithstanding the provisions set forth in this Act or in § 22.1, Code of Virginia, the Superintendent of Public Instruction may grant temporary flexibility or issue waivers of certain deadlines and requirements that cannot be met due to the state of emergency or school closures resulting from Novel Coronavirus (COVID-19). Such flexibility or waivers may include, but are not limited to, accreditation, testing and assessments, graduation, licensure, including temporary licensure, school calendars, and program applications and reports due to the Department of Education or Board of Education. Such authority only applies to deadlines and requirements for fiscal year 2020 (school year 2019-2020) or fiscal year 2021 (school year 2020-2021). Prior to granting any flexibility or waivers pursuant to this language, the Superintendent of Public Instruction must report to the Secretary of Education and substantiate how the state of emergency or school closures resulting from COVID-19 impacted each deadline or requirement, the proposed alternative, and the affected fiscal and school years. Subsequently, information about waivers or flexibility extended shall be reported to the Board of Education and made available on the agency website.

143.10 Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted.

	FY 2021	FY 2022
Address increased workload in the Office of Teacher Education and Licensure	\$136,514	\$136,514
Develop the Virginia Learner Equitable Access Platform (VA LEAP)	\$0	\$7,131,000
Increase support for Virginia Preschool Initiative class observations and professional development	\$650,000	\$650,000
Support annual Education Equity Summer Institute	\$135,000	\$135,000
Agency Total	\$921,514	\$8,052,514

ITEM 143.10.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Total for Department of Education, Central Office Operations.....			\$131,667,988	\$314,325,715
General Fund Positions.....	151.00	153.50		
Nongeneral Fund Positions.....	185.50	335.50		
Position Level.....	336.50	489.00		
Fund Sources: General.....	\$74,250,381	\$78,891,881		
Special.....	\$5,269,257	\$5,269,257		
Commonwealth Transportation.....	\$279,612	\$279,612		
Trust and Agency.....	\$679,678	\$679,678		
Federal Trust.....	\$51,189,060	\$229,205,287		

Direct Aid to Public Education (197)

144.	Financial Assistance for Educational, Cultural, Community, and Artistic Affairs (14300).....			\$45,771,554	\$44,194,141
	Financial Assistance for Supplemental Education (14304).....	\$45,771,554	\$44,194,141		
	Fund Sources: General.....	\$45,771,554	\$44,194,141		

Authority: Discretionary Inclusion.

Appropriation Detail of Educational, Cultural, Community, and Artistic Affairs (14300)

Supplemental Education Assistance Programs (14304)	FY 2021	FY 2022
Achievable Dream	\$500,000	\$500,000
Active Learning Grants	\$250,000	\$0
American Civil War Museum	\$1,000,000	\$0
Black History Museum and Cultural Center of Virginia	\$1,300,000	\$0
Blue Ridge PBS	\$500,000	\$500,000
Bonder and Amanda Johnson Community Development Corporation	\$100,000	\$0
Brooks Crossing Innovation and Opportunity Center	\$250,000	\$250,000
Career and Technical Education Regional Centers	\$660,000	\$660,000
Career and Technical Education Resource Center	\$298,021	\$298,021
Career Council at Northern Neck Career & Technical Center	\$60,300	\$60,300
Chesterfield Recovery High School	\$250,000	\$250,000
College Partnership Laboratory School	\$50,000	\$50,000
Communities in Schools (CIS)	\$2,004,400	\$2,004,400
Computer Science Teacher Training	\$550,000	\$550,000
Early Childhood Educator Incentive	\$3,000,000	\$5,000,000
Emil and Grace Shihadeh Innovation Center	\$250,000	\$0
Great Aspirations Scholarship Program (GRASP)	\$500,000	\$500,000
Jobs for Virginia Graduates (JVG)	\$2,243,776	\$2,243,776
Literacy Lab - VPI Minority Educator Fellowship	\$300,000	\$0
National Board Certification Program	\$5,021,609	\$5,009,196
Newport News Aviation Academy - STEM Program	\$100,000	\$0

ITEM 144.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Newport News - Soundscapes	\$90,000			\$0
Petersburg Executive Leadership Recruitment Incentives	\$350,000			\$350,000
Positive Behavioral Interventions & Support (PBIS)	\$1,598,000			\$1,598,000
Power Scholars Academy - YMCA BELL	\$1,000,000			\$1,000,000
Praxis and Virginia Communication and Literacy Assessment Assistance for Provisionally Licensed Minority Teachers	\$50,000			\$50,000
Project Discovery	\$962,500			\$962,500
School Program Innovation	\$500,000			\$500,000
Small School Division Assistance	\$145,896			\$145,896
Southside Virginia Regional Technology Consortium	\$108,905			\$108,905
Southwest Virginia Public Education Consortium	\$124,011			\$124,011
STEM Program / Research Study (VA Air & Space Center)	\$681,975			\$681,975
STEM Competition Team Grants	\$200,000			\$200,000
Targeted Extended/Enriched School Year and Year-round School Grants	\$7,763,312			\$7,763,312
Teach for America	\$500,000			\$500,000
Teacher Improvement Funding Initiative	\$15,000			\$15,000
Teacher Recruitment & Retention Grant Programs	\$2,181,000			\$2,181,000
Teacher Residency Program	\$1,750,000			\$1,750,000
Van Gogh Outreach Program	\$71,849			\$71,849
Virginia Early Childhood Foundation (VECF)	\$6,250,000			\$6,250,000
Virginia Reading Corps	\$600,000			\$600,000
Virginia Student Training and Refurbishment (VA STAR) Program	\$300,000			\$300,000
Vision Screening Grants	\$391,000			\$391,000
Vocational Lab Pilot	\$175,000			\$0
Western Virginia Public Education Consortium	\$50,000			\$50,000
Wolf Trap Model STEM Program	\$725,000			\$725,000
Total	\$45,771,554			\$44,194,141

A. Out of this appropriation, the Department of Education shall provide \$2,243,776 the first year and \$2,243,776 the second year from the general fund for the Jobs for Virginia Graduates initiative.

B. Out of this appropriation, the Department of Education shall provide \$124,011 the first year and \$124,011 the second year from the general fund for the Southwest Virginia Public Education Consortium at the University of Virginia's College at Wise. An additional \$71,849 the first year and \$71,849 the second year from the general fund is provided to the Consortium to continue the Van Gogh Outreach program with Lee and Wise County Public Schools and expand the program to the twelve school divisions in Southwest Virginia.

C. This appropriation includes \$108,905 the first year and \$108,905 the second year from the general fund for the Southside Virginia Regional Technology Consortium to expand the research and development phase of a technology linkage.

ITEM 144.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
D. An additional state payment of \$145,896 the first year and \$145,896 the second year from the general fund is provided as a Small School Division Assistance grant for the City of Norton. To receive these funds, the local school board shall certify to the Superintendent of Public Instruction that its division has entered into one or more educational, administrative or support service cost-sharing arrangements with another local school division.				
E. Out of this appropriation, \$298,021 the first year and \$298,021 the second year from the general fund shall be allocated for the Career and Technical Education Resource Center to provide vocational curriculum and resource instructional materials free of charge to all school divisions.				
F. It is the intent of the General Assembly that the Department of Education provide bonuses from state funds to classroom teachers in Virginia's public schools who hold certification from the National Board of Professional Teaching Standards. Such bonuses shall be \$5,000 the first year of the certificate and \$2,500 annually thereafter for the life of the certificate. This appropriation includes an amount estimated at \$5,021,609 the first year and \$5,009,196 the second year from the general fund for the purpose of paying these bonuses. By October 15 of each year, school divisions shall notify the Department of Education of the number of classroom teachers under contract for that school year that hold such certification.				
G. This appropriation includes \$2,181,000 the first year and \$2,181,000 the second year from the general fund for grants, scholarships, and incentive payments to attract, recruit, and retain high-quality teachers and fill critical teacher shortage disciplines in Virginia's public schools.				
1. Out of this appropriation, \$708,000 the first year and \$708,000 the second year from the general fund is provided for teaching scholarship loans. These scholarships shall be for undergraduate students in college with a cumulative grade point average of at least 2.7 on a 4.0 scale or its equivalent, who are nominated by their Virginia regionally accredited college or university, and who meet the criteria and qualifications, pursuant to § 22.1-290.01, Code of Virginia, except as provided herein. Awards shall be made to students who are enrolled full-time or part-time in approved undergraduate or graduate teacher education programs for the top ten critical teacher shortage disciplines, however minority students may be enrolled in any content area for teacher preparation. Upon program completion, scholarship recipients may fulfill the scholarship loan obligation by teaching in the public schools of the Commonwealth in the first full academic year after becoming eligible for a renewable teaching license in the appropriate endorsement area and teaching for at least two years in a school division (i) in one of the critical teacher shortage disciplines as established by the Board of Education; or (ii) in a Virginia public school with 50 percent or more of the students eligible for free or reduced price lunch; or (iii) in a school division designated critical shortage subject area, as defined in the Board of Education's Regulations Governing the Determination of Critical Teacher Shortage Areas. Scholarship recipients who only complete one year of the teaching obligation shall be forgiven for one-half of the scholarship loan amount. Scholarship amounts are based on up to \$10,000 per year for full-time students, and shall be prorated for part-time students based on the number of credit hours. The Department of Education shall report annually on the critical shortage teaching areas in Virginia.				
a. The Department of Education shall make payments on behalf of the scholarship recipients directly to the Virginia institution of higher education where the scholarship recipient is enrolled full-time or part-time in an approved undergraduate or graduate teacher education program.				
b. The Department of Education is authorized to recover total funds awarded as scholarships, or the appropriate portion thereof, in the event that scholarship recipients fail to honor the stipulated teaching obligation.				
c. Within the fiscal year, any funds not awarded from this program may be applied toward the other teacher preparation, recruitment, and retention programs under paragraph G.				
2. Out of this appropriation, \$808,000 the first year and \$808,000 the second year from the general fund is provided to attract, recruit, and retain high-quality diverse individuals to teach science, technology, engineering, or mathematics (STEM) subjects in Virginia's middle and high schools experiencing difficulty in recruiting qualified teachers. Eligible teachers must (i) be employed full-time in a Virginia school division or school with more than 40 percent of the students eligible for free or reduced price lunch; (ii) be entering their first, second, or third				

ITEM 144.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022

year of teaching experience; and (iii) hold a five- or ten-year valid Virginia teaching license with an endorsement in Middle Education 6-8: Mathematics, Mathematics-Algebra-I, Mathematics, Middle Education 6-8: Science, Biology, Chemistry, Earth and Space Science, Physics, Engineering, or Technology Education and be assigned to a teaching position in a corresponding STEM subject area. Selected eligible teachers will receive a \$5,000 incentive award after the completion of each year of full-time teaching experience, up to three consecutive years under the grant, in an eligible school division or school with a satisfactory performance evaluation and a written commitment to return in the same school division for the following school year. The maximum incentive award for each eligible teacher is \$15,000. Eligibility for these incentives shall be determined through an application process whereby school divisions shall apply to the Department of Education. Priority for distribution of these incentives shall be to school divisions experiencing the most acute difficulties in recruiting qualified teachers, as determined using Department of Education criteria. For the purpose of the award of the additional \$1,000 to individuals who received funds under this program prior to July 1, 2018, the criteria provided in Chapter 1, 2018 Acts of Assembly, Special Session I, shall continue to apply through fiscal year 2021. For individuals who received funds under this program prior to July 1, 2020, the criteria provided in Chapter 854, 2019 Acts of Assembly, shall continue to apply. Within the fiscal year, any funds not awarded from this program may be applied toward the other teacher preparation, recruitment, and retention programs under paragraph G.

3. Out of this appropriation, \$415,000 the first year and \$415,000 the second year from the general fund is provided to help school divisions recruit and retain qualified middle-school mathematics teachers. Within the fiscal year, any funds not awarded from this program may be applied toward the other teacher preparation, recruitment, and retention programs under paragraph G.

4. Out of this appropriation, \$250,000 the first year and \$250,000 the second year from the general fund is provided for tuition scholarships to be specifically allocated solely for licensed public high school teachers pursuing additional credentialing requirements necessary to be considered faculty who are qualified to teach dual enrollment courses in high schools in their local school division. The Department of Education shall make payments on behalf of the scholarship recipients directly to the Virginia institution of higher education where the scholarship recipient is enrolled full-time or part-time in an approved undergraduate or graduate teacher education program applicable to dual enrollment course curriculum available for public high school students. The lifetime maximum dual enrollment tuition scholarship award for each approved eligible teacher is \$7,500. Eligibility for access to these dual enrollment tuition scholarship awards shall be determined through an application process whereby school divisions shall apply to the Department of Education. In the application process, the applying school division shall include: i) an explanation of why such dual enrollment tuition scholarship is warranted, ii) the dual enrollment course or courses that shall be offered by the scholarship recipient's high school and taught by the recipient upon the recipient's successful completion of required coursework for appropriate credentialing to teach such dual enrollment courses, and iii) the projected student enrollment in the recipient taught public high school dual enrollment courses. The Department of Education shall compile and report the application information for each applying school division, and shall also report the number of recipients and amount of tuition awarded to each school division, the institution of higher education receiving tuition, the credentialing area pursued by recipients, and dual enrollment courses offered after the recipient's successful completion of the pursued credentialing. The Department shall submit the report by June 30, 2020, and annually thereafter, to the House Committees on Education and Appropriations and the Senate Committees on Finance and Education and Health.

H. Out of this appropriation, \$500,000 the first year and \$500,000 the second year from the general fund shall be distributed to the Great Aspirations Scholarship Program (GRASP) to provide students and families in need access to financial aid, scholarships, and counseling to maximize educational opportunities for students.

I. Out of this appropriation, the Department of Education shall provide \$2,004,400 the first year and \$2,004,400 the second year from the general fund to Communities in Schools. These funds shall be used to strengthen and sustain existing programming in Hampton

ITEM 144.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
	Roads, Northern Virginia, Petersburg, Richmond City, and Southwest Virginia and to expand programming to new schools. Further, Communities in Schools is directed to assist the Community School organization with developing opportunities to establish a Community School program in interested school divisions.			
	<p>J. Out of this appropriation, the Department of Education shall provide \$962,500 the first year and \$962,500 the second year from the general fund for Project Discovery. These funds are towards the cost of the program in Abingdon, Accomack/Northampton, Alexandria, Amherst, Appomattox, Arlington, Bedford, Bland, Campbell, Charlottesville, Cumberland, Danville/Pittsylvania, Fairfax, Franklin/Patrick, Fredericksburg/Spotsylvania, Goochland/Powhatan, Lynchburg, Newport News, Norfolk, Richmond City, Roanoke City, Smyth, Surry/Sussex, Tazewell, Williamsburg/James City, and Wythe and the salary of a fiscal officer for Project Discovery. The Department of Education shall administer the Project Discovery funding distributions to each community action agency. Distributions to each community action agency shall be based on performance measures established by the Board of Directors of Project Discovery. The contract with Project Discovery should specify the allocations to each local program and require the submission of a financial and budget report and program evaluation performance measures.</p> <p>2. Each participating community action agency shall submit annual performance metrics for services provided through the Project Discovery program that provide measurable evaluations and outcomes of participating students. Such performance metrics shall include evidenced-based data that effectively measure academic improvement outcomes. In addition, the performance metrics shall also include evidenced-based data to evaluate the specific effectiveness of the program for participating students on a longitudinal basis. Further, the performance metrics shall include the coordination and collaboration efforts the program staff regularly have with the school-based personnel, such as teachers and guidance counselors, that support and maximize opportunities of participating students to successfully graduate from high school and then to enroll and graduate from an institution of higher learning. Project Discovery shall submit a comprehensive and cumulative program performance metrics evaluation to the Department of Education no later than October 1 each year.</p> <p>K. Out of this appropriation, the Department of Education shall provide \$300,000 the first year and \$300,000 the second year from the general fund for the Virginia Student Training and Refurbishment Program.</p> <p>L. Out of this appropriation, \$1,598,000 the first year and \$1,598,000 the second year from the general fund is provided to expand the number of schools implementing a system of positive behavioral interventions and supports with the goal of improving school climate and reducing disruptive behavior in the classroom. Such a system may be implemented as part of a tiered system of supports that utilizes evidence-based, system-wide practices to provide a response to academic and behavioral needs. Any school division which desires to apply for this competitive grant must submit a proposal to the Department of Education by June 1 preceding the school-year in which the program is to be implemented. The proposal must define student outcome objectives including, but not limited to, reductions in disciplinary referrals and out-of-school suspension rates. In making the competitive grant awards, the Department of Education shall give priority to school divisions proposing to serve schools identified by the Department as having high suspension rates. No funds awarded to a school division under this grant may be used to supplant funding for schools already implementing the program.</p> <p>M. Targeted Extended/Enriched School Year and Year-round School Grants Payments</p> <p>1. Out of this appropriation, \$7,150,000 the first year and \$7,150,000 the second year from the general fund is provided for a targeted extended/enriched school year or year-round school incentive in order to improve student achievement. Annual start-up grants of up to \$300,000 per school may be awarded for a period of up to two years after the initial implementation year. The per school amount may be up to \$400,000 in the case of schools that have an Accredited with Conditions status and are rated at Level Three in two or more Academic Achievement for All Students school quality indicators, or schools that had an Accredited with Conditions status and were rated at Level Three in two or more Academic Achievement for All Students school quality indicators when the initial application was made. Schools that qualified for the per school grant up to \$400,000 under the previous Standards of Accreditation Denied Accreditation status remain eligible for funding for the initial three year</p>			

ITEM 144.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022

period; after that period, such schools are subject to eligibility under the current Standards of Accreditation. After the third consecutive year of successful participation, an eligible school's grant amount shall be based on a shared split of the grant between the state and participating school division's local composite index. Such continuing schools shall remain eligible to receive a grant based on the 2012 JLARC Review of Year Round Schools' researched base findings.

2. Except for school divisions with schools that are in an Accredited with Conditions status and are rated at Level Three in two or more Academic Achievement for All Students school quality indicators or in a Denied Accreditation status, any other school division applying for such a grant shall be required to provide a twenty percent local match to the grant amount received from either an extended/enriched school year or year-round school start-up or planning grant.

3. In the case of any school division with schools that are in an Accredited with Conditions status and are rated at Level Three in two or more Academic Achievement for All Students school quality indicators or in a Denied Accreditation status that apply for funds, the school division shall also consult with the Superintendent of Public Instruction or designee on all recommendations regarding instructional programs or instructional personnel prior to submission to the local board for approval.

4. Out of this appropriation, \$613,312 the first year and \$613,312 the second year from the general fund is provided for planning grants of no more than \$50,000 each for local school divisions pursuing the creation of new extended/enriched school year or year-round school programs for divisions or individual schools in support of the findings from the 2012 JLARC Review of Year Round Schools. School divisions must submit applications to the Department of Education by August 1 of each year. Priority shall be given to schools based on need, relative to the state accreditation ratings or similar federal designations. Applications shall include evidence of commitment to pursue implementation in the upcoming school year. If balances exist, existing extended school year programs may be eligible to apply for remaining funds.

5. A school division that has been awarded an extended/enriched school year or year-round school start-up grant or planning grant for the development of an extended/enriched school year or year-round school program may spend the awarded grant over two consecutive fiscal years.

6. a) Any such school division receiving funding from a Targeted Extended/Enriched School Year and Year-round School grant shall provide an annual progress report to the Department of Education that evaluates end of year success of the extended/enriched school year or year-round school model implemented as compared to the prior school year performance as measured by an appropriate evaluation matrix no later than September 1 each year.

b) The Department of Education shall develop such evaluation matrix that would be appropriate for a comprehensive evaluation for such models implemented. Further, the Department of Education is directed to submit the annual progress reports from the participating school divisions and an executive summary of the program's overall status and levels of measured success to the Chairmen of House Appropriations and Senate Finance Committees no later than November 1 each year.

7. Any funds remaining in this paragraph following grant awards may be disbursed by the Department of Education as grants to school divisions to support innovative approaches to instructional delivery or school governance models.

N. Out of this appropriation, \$500,000 the first year and \$500,000 the second year from the general fund is provided through grants or contracts for the cost of fees and financial incentives associated with hiring teachers in challenged schools. These funds may be used for grants or contracts awarded and expenses associated with supporting the Teach for America program. School divisions or their partners may apply for those funds through applications submitted to the Department of Education. Applications must be submitted to the Department of Education by September 1 each year. Within the fiscal year, any unobligated balance may be used for the Teacher Residency program.

ITEM 144.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
O. Out of this appropriation, \$725,000 the first year and \$725,000 the second year from the general fund is provided for the Accomack, Albemarle, Arlington, Chesterfield, Fairfax, Henrico, Loudoun, Norfolk, Petersburg, Richmond, Suffolk, and Wythe Public Schools to continue or initiate STEM and early literacy model programs for preschool, kindergarten, and first grade students. The model will also support growth in the 5C skills identified in the Profile of a Virginia Graduate. Within this appropriation, funds may support further expansion in rural divisions from Regions 3, 6, or 8, based on need. Each developed model will focus on enhancing children's learning experiences through the arts.				
P. Out of this appropriation, \$500,000 the first year and \$500,000 the second year from the general fund is provided for the Achievable Dream partnership with Newport News School Division.				
Q. Out of this appropriation, \$1,750,000 the first year and \$1,750,000 the second year from the general fund is provided for grants for teacher residency partnerships between university teacher preparation programs and the Petersburg, Norfolk, and Richmond City school divisions and any other university teacher preparation programs and hard-to-staff school divisions to help improve new teacher training and retention for hard-to-staff schools. The grants will support a site-specific residency model program for preparation, planning, development and implementation, including possible stipends in the program to attract qualified candidates and mentors. Applications must be submitted to the Department of Education by August 1 each year.				
Partner school divisions shall provide at least one-third of the cost of each program and shall provide data requested by the university partner in order to evaluate program effectiveness by the mutually agreed upon timelines. Each university partner shall report annually, no later than June 30, to the Department of Education on available outcome measures, including student performance indicators, as well as additional data needs requested by the Department of Education. The Department of Education shall provide, directly to the university partners, relevant longitudinal data that may be shared. The Department of Education shall consolidate all submissions from the participating university partners and school divisions and submit such consolidated annual report to the Chairmen of the House Appropriations and Senate Finance Committees no later than November 1 each year.				
R. Out of this appropriation, \$60,300 the first year and \$60,300 the second year from the general fund is provided to the Northern Neck Regional Technical Center to expand the workforce readiness education and industry based skills and certification development efforts supporting that region in the state. These funds support the Center's programs that serve high school students from the surrounding counties of Essex, Lancaster, Northumberland, Rappahannock, Westmoreland and Colonial Beach.				
S. Out of this appropriation, \$6,250,000 the first year and \$6,250,000 the second year from the general fund is provided to the Virginia Early Childhood Foundation.				
1. Of this amount, \$250,000 the first year and \$250,000 the second year is provided for general operations of the Foundation's grant program to strengthen the capacity of local communities to promote school readiness for young children through innovative regional partnerships.				
2. Of this amount, \$1,000,000 the first year and \$1,000,000 the second year is provided to operate a scholarship program to increase the skills of Virginia's early education workforce.				
3. Of this amount, \$5,000,000 the first year and \$5,000,000 the second year from the general fund is provided for a pilot initiative to support public-private delivery of pre-kindergarten services for at least 500 at-risk three- and four-year-old children each year. Programs must provide full-day or half-day and, at least, school-year services.				
a) The Department of Education shall establish academic standards that are in accordance with appropriate preparation for students to be ready to successfully enter kindergarten. These standards shall be established in such a manner as to be measurable for student achievement and success. Students shall be required to be evaluated in the fall and in the spring by each participating provider and grantees must certify that the Virginia Preschool Initiative standards are followed in order to receive the funding for quality preschool education and criteria for the service components. Such standards shall align with the Virginia Standards of				

ITEM 144.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Learning for Kindergarten.				
b) The Department of Education shall require and ensure that all participating classrooms have the quality of their teacher-child interactions assessed through a rigorous and research-based observation instrument at least once every two years.				
c) Any locality that desires to participate in this grant program must submit a proposal each year to the Virginia Early Childhood Foundation. For the first year, the application must be submitted by August 15. For subsequent years, the application must be submitted by May 15 to align with the Virginia Preschool Initiative timeline. Each application shall identify a lead agency for this program within the locality. The lead agency shall be responsible for developing a local plan for the delivery of quality preschool services to at-risk three- and four-year-old children in private settings that demonstrates the coordination of resources and the combination of funding streams in an effort to serve the greatest number of at-risk children.				
d) The proposal must demonstrate: (i) coordination with all parties necessary for the successful delivery of comprehensive services, including schools, child care providers, local social services agencies, Head Start, local health departments, and other groups identified by the lead agency, (ii) a plan for supporting inclusive practices for children with identified special needs, and (iii) a plan to transition the pilot into a sustainable program that is supported with a similar level of state support as Virginia Preschool Initiative slots.				
e) Local plans must indicate the number of at-risk three- and four-year-old children to be served, and the eligibility criteria for participation in this program shall be consistent with the economic and educational risk factors stated in the current program guidelines that are specific to: (i) family income at or below 200 percent of federal poverty guidelines, (ii) homelessness, (iii) student's parents or guardians are school dropouts, or (iv) family income is above 200 percent but at or below 350 percent of federal poverty guidelines in the case of students with special needs or disabilities. Up to 15 percent of slots may be filled based on locally established eligibility criteria so as to meet the unique needs of at-risk children in the community.				
f) Notwithstanding any provisions of § 22.1-299, Code of Virginia, and in order to achieve the priorities of the Joint Subcommittee on Early Childhood Care and Education for exploring the feasibility of and barriers to mixed delivery preschool systems in Virginia, recipients of a Mixed-Delivery Preschool grant shall be provided maximum flexibility within their respective pilot initiative in order to fully implement the associated goals and objectives of the pilot. Recipients of a Mixed-Delivery Preschool grant and divisions participating in such grant pilot activities shall be exempted from all regulatory and statutory provisions related to teacher licensure requirements and qualifications when paid by public funds within the confines of the Mixed-Delivery Preschool pilot initiative.				
g) Children served by the pilots shall be assigned student identification numbers as provided in § 22.1-287.03 B of the Code of Virginia to evaluate pilot program outcomes and to permit comparison with Virginia Preschool Initiative outcomes.				
h) Pilot providers shall provide information to the Department of Education as necessary to fulfill the reporting requirement established.				
T. This appropriation includes \$500,000 the first year and \$500,000 the second year from the general fund to support ten competitive grants, not to exceed \$50,000 each, for planning the implementation of systemic Elementary, Middle, and/or High School Program Innovation by either individual school divisions or consortia of school divisions or implementing a plan for public pre-kindergarten through Grade 12 School Program Innovation previously approved by the Department of Education. The local applicant(s) selected to conduct this systemic approach to school reform, in consultation with the Department of Education, will develop and plan or implement innovative approaches to engage and to motivate students through personalized learning and instruction leading to demonstrated mastery of content, as well as skills development of career readiness. Essential elements of school innovation include: (1) student centered learning, with progress based on student demonstrated proficiency; (2) 'real-world' connections that promote alignment with community work-force needs and emphasize transition to college				

ITEM 144.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022

and/or career; and (3) varying models for educator supports and staffing. Individual school divisions or consortia will be invited to apply on a competitive basis by submitting a grant application that includes descriptions of key elements of innovations, a detailed budget, expectations for outcomes and student achievement benefits, evaluation methods, and plans for sustainability. The Department of Education will make the final determination of which individual school divisions or consortia of divisions will receive the year-long planning grant for public pre-kindergarten through Grade 12 School Innovation or a grant to implement an Elementary, Middle, and/or High School Program Innovation plan previously approved by the Department of Education. Any school division or consortium of divisions which desires to apply for this competitive grant must submit a proposal to the Department of Education by June 1 preceding the school year in which the planning or implementation for systemic school innovation is to take place.

U. Out of this appropriation, \$100,000 the first year from the general fund is provided to support the Newport News Aviation Academy's four-year high school STEM program, which focuses on piloting, aircraft maintenance, engineering, computers, and electronics.

V. Out of this appropriation, \$15,000 the first year and \$15,000 the second year is provided for grants to school divisions of up to \$5,000 each to explore alternative teacher compensation approaches that move away from tenure-based step increases toward compensation systems based on teacher performance and student progress. Priority will be given to school divisions that have not previously explored alternative compensation approaches and have schools not achieving full accreditation, or that have high numbers of at-risk students needing qualified teachers in hard-to-staff subjects.

W. Out of this appropriation, \$200,000 the first year and \$200,000 the second year from the general fund is provided for STEM Competition Team Grants. Notwithstanding § 22.1-362, Code of Virginia, Paragraph B, grants may not exceed \$5,000 each.

X. Out of this appropriation, \$681,975 the first year and \$681,975 the second year from the general fund is provided to support a multi-platform STEM education engagement program and research study, via the Virginia Air & Space Center.

Y. Out of this appropriation, \$350,000 the first year and \$350,000 the second year from the general fund is provided for executive leadership incentives in the Petersburg City Public Schools to strengthen the impact of division and school level executive leadership on student achievement in the school division. Such incentives may include, but not be limited to, supplements to locally funded salaries, deferred salary compensation, bonuses, housing and commuting supplements, and professional development supplements. The Department of Education shall provide such executive management incentive payments directly to the Petersburg City Public Schools accounts pursuant to a Memorandum of Understanding entered into between the Board of Education and the Petersburg City School Board, which shall cover no less than both years of the biennium and may be amended with the consent of both parties. Such Agreement shall include operational and student achievement metrics and include provisions for the achievement of such metrics as a condition of payment of the incentive funds by the Department of Education. The Department of Education shall provide updates on the Agreement to the Chairmen of the Senate Finance and House Appropriations Committees.

Z. Out of this amount, \$600,000 the first year and \$600,000 the second year from the general fund shall be reserved for school divisions to partner with the Virginia Reading Corps program. The implementation partner shall determine and select partner school divisions. The Virginia Reading Corps shall report annually to the school divisions and Department of Education on the outcomes of this program.

AA. Out of this appropriation, \$50,000 the first year and \$50,000 the second year from the general fund is provided for Chesterfield County Public Schools to partner and plan with Virginia State University for the continued development of a College Partnership Laboratory School in support of Ettrick Elementary School.

BB. Out of this appropriation, \$175,000 the first year from the general fund is provided to establish a Career and Technical Education Vocational Laboratory pilot that will be located within the Virginia Aviation Academy located in the Newport News school division. This vocational-based lab will be developed and focused on advanced, augmented and virtual

ITEM 144.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022

reality related education.

CC. Out of this appropriation, \$50,000 the first year and \$50,000 the second year from the general fund is provided for praxis assistance and Virginia Communication and Literacy Assessment assistance for provisionally licensed minority teachers seeking full licensure in Virginia. Grants of up to \$10,000 shall be awarded to school divisions, teacher preparation programs, or nonprofit organizations in all regions of the state to subsidize test fees and the cost of tutoring for provisionally licensed minority teachers seeking full licensure in Virginia.

DD. Out of this appropriation, \$391,000 the first year and \$391,000 the second year from the general fund is provided to school divisions to pay for a portion of the vision screening of students in kindergarten, grade two or three and grades seven and ten, pursuant to Chapter 312, 2017 Session Acts of Assembly. Eligible school divisions may receive the state's share of \$7.00 for each student reported in average daily membership and enrolled in kindergarten, grades three, seven and ten and who has received such vision screening test. The Department of Education shall administrator and distribute reimbursements to school divisions and the funding shall be prorated if needed, such that the appropriation is not exceeded. Prioritization shall be given the schools that would most benefit from state assistance in order to provide such vision screening service to students that are eligible for free lunch.

EE. Out of this appropriation, \$660,000 the first year and \$660,000 the second year from the general fund is provided for annual grants of \$60,000 to each of the nine regional career and technical centers, Winchester Public Schools' Innovation Center and Norfolk Public Schools' Norfolk Technical Center, to expand workforce readiness education and industry based skills.

FF. 1. Out of this appropriation, \$550,000 the first year and \$550,000 the second year from the general fund is provided to CodeVA for the development, marketing, and implementation of high-quality and effective computer science training and professional development activities for public school teachers throughout the Commonwealth for the purpose of improving the computer science literacy of all public school students in the Commonwealth using the Computer Science Standards of Learning For Virginia Public Schools, which were reviewed and endorsed by the Virginia Board of Education in November 2017. The provided funds may be utilized for planning, preparing and materials needed for teacher training sessions provided during the biennium.

2. CodeVA shall report, no later than October 1, each year to the Chairmen of the House Education and Senate Education & Health Committees, Secretary of Education and the Superintendent of Public Instruction on its activities in the previous year to support computer science teacher training and curriculum development, including on collaboration with other stakeholders to avoid duplication of efforts.

GG. Out of this appropriation, \$1,000,000 the first year from the general fund is provided to the American Civil War Museum to support the advancement of experiential learning opportunities for K-12 students. These funds are intended to support high-quality, off-site learning experiences for students to engage in educational content, aligned to Virginia's Standards of Learning, related to the history of the American Civil War.

HH. Out of this appropriation, \$1,300,000 the first year from the general fund is provided to the Black History Museum and Cultural Center of Virginia to support the advancement of experiential learning opportunities for K-12 students. These funds are intended to support high-quality, off-site learning experiences and traveling exhibitions for students to engage in educational content, aligned to Virginia's Standards of Learning, related to African American History.

II. Out of this appropriation, \$50,000 the first year and \$50,000 the second year from the general fund is provided to the Western Virginia Public Education Consortium. Funds shall be used to support the consortium's annual job fair and professional development conferences for teachers and administrators from the consortium's 23 member local school divisions.

JJ. To strengthen quality and reduce turnover in hard-to-serve preschool classrooms,

ITEM 144.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
	<p>\$3,000,000 the first year and \$5,000,000 the second year from the general fund shall be used to supplement the Early Childhood Educator Incentive created through the Preschool Development Grant Birth to Five. The Virginia Department of Education shall set the specific guidelines for the program and funds.</p>			
	<p>KK. Out of this appropriation, \$250,000 the first year from the general fund shall be provided for grants to school divisions to encourage active learning for students in pre-kindergarten through the second grade. School divisions seeking to apply for this grant shall submit a proposal to the Department of Education outlining the intended use of funds and a projected number of students to be served. The Department shall establish criteria for awarding these funds. The funds may be used to purchase a platform featuring on-demand adventures that transform math and English Standards of Learning content into movement-rich activities. The Department of Education shall summarize the grants awarded, identifying the recipient school divisions, intended use of funds, and number of students served. Such summary shall be submitted to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees by December 1, 2020.</p>			
	<p>LL. Out of this appropriation, \$500,000 each year from the general fund is provided to Blue Ridge PBS for educational outreach programming.</p>			
	<p>MM. Out of this appropriation, \$100,000 the first year from the general fund is provided for the Bonder and Amanda Johnson Community Development Corporation for programming and outreach efforts.</p>			
	<p>NN. Out of this appropriation, \$250,000 the first year and \$250,000 the second year from the general fund is provided for the Brooks Crossing Innovation and Opportunity Center in Newport News to purchase industry-related equipment, training simulators and software to support career training, wealth building, and individual casework.</p>			
	<p>OO. Out of this appropriation, \$250,000 the first year and \$250,000 the second year from the general fund is provided to the Chesterfield County School Board to assist with establishing a recovery high school as a year-round high school with enrollment open to any high school student residing in Superintendent's Region 1 who is in the early stages of recovery from substance use disorder or dependency. Students in the high school will be provided academic, emotional, and social support needed to progress toward earning a high school diploma and reintegrating into a traditional high school setting. The Chesterfield County School Board shall submit a report regarding the planning, implementation, and outcomes of the recovery high school to the Chairs of the House Appropriations and Senate Finance and Appropriations Committee by December 1 each year.</p>			
	<p>PP. Out of this appropriation, \$250,000 the first year from the general fund is provided to Winchester Public Schools for one-time support for furniture and equipment for the renovated Emil and Grace Shihadeh Innovation Center.</p>			
	<p>QQ. Out of this appropriation, \$300,000 the first year from the general fund is provided for a fellowship program administered by the Literacy Lab to place recent high-school graduates of a minority background new to the field of education in VPI or Head Start classrooms of participating local school divisions or community-based early childhood centers to provide evidence based literacy support to at-risk pre-kindergarten students. Such a program must provide training, coaching, and professional development to the fellowship participants, place fellowship participants for at least 800 paid hours within a pre-kindergarten classroom during a school year, work to diversify the educator pipeline, and assist fellowship participants in understanding the teacher education and licensure process in Virginia. Literacy Lab shall partner with school divisions or community-based early childhood centers in Richmond and Portsmouth. Literacy Lab shall report by August 1, 2021 to the Chairs of the House Education and Senate Education and Health Committees, Secretary of Education, and the Superintendent of Public Instruction on its activities to provide training, coaching, and professional development to the fellowship participants, including collaboration with school division partners and community-based early childhood centers, and provide metrics on the success of participants entering the educator pipeline either through employment or a teacher preparation program.</p>			
	<p>RR. Out of this appropriation, \$90,000 the first year from the general fund is provided to Newport News Public Schools for the Soundscapes social intervention programs.</p>			

ITEM 144.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
SS. Out of this appropriation, \$1,000,000 the first year and \$1,000,000 the second year from the general fund is provided to support pilot-public partnerships between local school divisions and the Greater Richmond and Central Virginia affiliates of the Virginia Alliance of YMCAs to expand student participation opportunities in existing summer Power Scholars Academies in such partnered school divisions.				
145.	State Education Assistance Programs (17800).....		\$7,827,549,539	\$8,016,751,006
	Standards of Quality for Public Education (SOQ) (17801).....		\$6,715,643,181	\$6,760,121,905
	Financial Incentive Programs for Public Education (17802).....		\$399,412,674	\$534,660,025
	Financial Assistance for Categorical Programs (17803).....		\$54,534,287	\$55,864,406
	Distribution of Lottery Funds (17805).....		\$657,959,397	\$666,104,670
	Fund Sources: General.....		\$7,004,595,142	\$7,265,281,336
	Special.....		\$895,000	\$895,000
	Commonwealth Transportation.....		\$2,100,000	\$1,470,000
	Trust and Agency.....		\$819,959,397	\$749,104,670

Authority: Standards of Quality for Public Education (SOQ) (17801): Article VIII, Section 2, Constitution of Virginia; Chapter 667, Acts of Assembly, 1980; §§ 22.1-176 through 22.1-198, 22.1-199.1, 22.1-199.2, 22.1-213 through 22.1-221, 22.1-227 through 22.1-237, 22.1-253.13:1 through 22.1-253.13:8, 22.1-254.01, Code of Virginia; Title 51.1, Chapters 1, 5, 6.2, 7, and 14, Code of Virginia; P.L. 91-230, as amended; P.L. 93-380, as amended; P.L. 94-142, as amended; P.L. 98-524, as amended, Federal Code.

Financial Incentive Programs for Public Education (17802): §§ 22.1-24, 22.1-289.1 through 22.1-318, Code of Virginia; P.L. 79-396, as amended; P.L. 89-10, as amended; P.L. 89-642, as amended; P.L. 108-265, as amended; Title II P.L. 99-159, as amended, Federal Code.

Financial Assistance for Categorical Programs (17803): Discretionary Inclusion; Treaty of 1677 between Virginia and the Indians; §§ 22.1-3.4, 22.1-108, 22.1-199 through 22.1-212.2:2, 22.1-213 through 22.1-221, 22.1-223 through 22.1-237, 22.1-254, Code of Virginia; P.L. 89-10, as amended; P.L. 91-230, as amended; P.L. 93-380, as amended; P.L. 94-142, as amended; P.L. 94-588; P.L. 95-561, as amended; P.L. 98-211, as amended; P.L. 98-524, as amended; P.L. 99-570; P.L. 100-297, as amended; P.L. 102-73, as amended; P.L. 105-220, as amended, Federal Code.

Distribution of Lottery Funds (17805): §§ 58.1-4022 and 58.1-4022.1, Code of Virginia

Appropriation Detail of Education Assistance Programs (17800)

Standards of Quality (17801)	FY 2021	FY 2022
Basic Aid	\$3,609,565,746	\$3,612,499,672
Sales Tax	\$1,541,700,000	\$1,566,200,000
Textbooks	\$75,370,476	\$75,647,111
Vocational Education	\$62,115,030	\$62,037,147
Gifted Education	\$37,649,935	\$37,796,975
Special Education	\$432,323,121	\$433,527,914
Prevention, Intervention, and Remediation	\$121,073,126	\$121,259,822
English as a Second Language	\$82,232,407	\$95,145,149
VRS Retirement (includes RHCC)	\$500,930,006	\$502,639,077
Social Security	\$214,915,707	\$215,609,194
Group Life	\$15,142,348	\$15,174,856
Remedial Summer School	\$22,625,279	\$22,584,988
Total	\$6,715,643,181	\$6,760,121,905

ITEM 145.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Incentive Programs (17802)				
Compensation Supplement	\$94,322,745		\$191,668,158	
Governor's Schools	\$19,504,533		\$20,130,033	
At-Risk Add-On (split funded)	\$149,902,435		\$173,236,717	
Clinical Faculty	\$318,750		\$318,750	
Career Switcher Mentoring Grants	\$279,983		\$279,983	
Special Education - Endorsement Program	\$437,186		\$437,186	
Special Education – Vocational Education	\$200,089		\$200,089	
Virginia Workplace Readiness Skills Assessment	\$308,655		\$308,655	
Math/Reading Instructional Specialists Initiative	\$1,834,538		\$1,834,538	
Early Reading Specialists Initiative	\$1,476,790		\$1,476,790	
Breakfast After the Bell Incentive	\$1,074,000		\$1,074,000	
School Meals Expansion	\$5,300,000		\$5,300,000	
Virginia Preschool Initiative - Per Pupil Amount	\$97,139,047		\$107,086,043	
Early Childhood Expansion	\$22,691,530		\$26,344,868	
Virginia Preschool Initiative - Provisional Teacher Licensure	\$306,100		\$306,100	
No Loss Funding	\$1,776,174		\$1,973,585	
Enrollment Loss	\$2,540,119		\$2,102,530	
Alleghany County - Covington City School Division Consolidation Incentive	\$0		\$582,000	
Total	\$399,412,674		\$534,660,025	
Categorical Programs (17803)				
Adult Education	\$1,051,800		\$1,051,800	
Adult Literacy	\$2,480,000		\$2,480,000	
American Indian Treaty Commitment	\$39,795		\$42,938	
School Lunch Program	\$5,801,932		\$5,801,932	
Special Education - Homebound	\$4,934,272		\$4,983,617	
Special Education - Jails	\$3,635,221		\$3,957,457	
Special Education - State Operated Programs	\$36,591,267		\$37,546,662	
Total	\$54,534,287		\$55,864,406	
Lottery Funded Programs (17805)				
At-Risk Add-On (split funded)	\$58,195,186		\$60,940,599	
Foster Care	\$10,667,347		\$11,528,816	
Special Education - Regional Tuition	\$101,152,929		\$101,152,929	
Early Reading Intervention	\$28,874,557		\$28,952,264	
Mentor Teacher	\$1,000,000		\$1,000,000	
K-3 Primary Class Size Reduction	\$141,698,697		\$141,828,973	
School Breakfast Program	\$7,238,768		\$7,920,136	
SOL Algebra Readiness	\$15,194,903		\$15,239,492	
Infrastructure and Operations Per Pupil Funds	\$262,983,700		\$266,241,801	
Regional Alternative Education	\$9,526,559		\$9,834,814	
Individualized Student Alternative Education Program (ISAEP)	\$2,247,581		\$2,247,581	

ITEM 145.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Career and Technical Education – Categorical	\$12,400,829		\$12,400,829	
Project Graduation	\$1,387,240		\$1,387,240	
Race to GED (NCLB/EFAL)	\$2,410,988		\$2,410,988	
Path to Industry Certification (NCLB/EFAL)	\$1,831,464		\$1,831,464	
Supplemental Basic Aid	\$1,148,649		\$1,186,744	
Total	\$657,959,397		\$666,104,670	
Technology – VPSA	\$57,533,200		\$57,832,400	
Security Equipment - VPSA	\$12,000,000		\$12,000,000	

Payments out of the above amounts shall be subject to the following conditions:

A. Definitions

1. "March 31 Average Daily Membership," or "March 31 ADM" - The responsible school division's average daily membership for grades K-12 including (1) handicapped students ages 5-21 and (2) students for whom English is a second language who entered school for the first time after reaching their twelfth birthday, and who have not reached twenty-two years of age on or before August 1 of the school year, for the first seven (7) months (or equivalent period) of the school year through March 31 in which state funds are distributed from this appropriation. Preschool and postgraduate students shall not be included in March 31 ADM.

a. School divisions shall take a count of September 30 fall membership and report this information to the Department of Education no later than October 15 of each year.

b. Except as otherwise provided herein, by statute, or by precedent, all appropriations to the Department of Education shall be calculated using March 31 ADM unadjusted for half-day kindergarten programs, estimated at 1,257,188.55 the first year and 1,262,626.85 the second year. March 31 ADM for half-day kindergarten shall be adjusted at 85 percent.

c. Students who are either (i) enrolled in a nonpublic school or (ii) receiving home instruction pursuant to § 22.1-254.1 and who are enrolled in a public school on less than a full-time basis in any mathematics, science, English, history, social science, vocational education, health education or physical education, fine arts or foreign language course, or receiving special education services required by a student's individualized education plan, shall be counted in the funded fall membership and March 31 ADM of the responsible school division. Each course shall be counted as 0.25, up to a cap of 0.5 of a student.

d. Students enrolled in an Individualized Student Alternative Education Program (ISAEP) pursuant to § 22.1-254 E shall be counted in the March 31 Average Daily Membership of the responsible school division. School divisions shall report these students separately in their March 31 reports of Average Daily Membership.

2. "Standards of Quality" - Operations standards for grades kindergarten through 12 as prescribed by the Board of Education subject to revision by the General Assembly.

3.a. "Basic Operation Cost" - The cost per pupil, including provision for the number of instructional personnel required by the Standards of Quality for each school division with a minimum ratio of 51 professional personnel for each 1,000 pupils or proportionate number thereof, in March 31 ADM for the same fiscal year for which the costs are computed, and including provision for driver, gifted, occupational-vocational, and special education, library materials and other teaching materials, teacher sick leave, general administration, division superintendents' salaries, free textbooks (including those for free and reduced price lunch pupils), school nurses, operation and maintenance of school plant, transportation of pupils, instructional television, professional and staff improvement, remedial work, fixed charges and other costs in programs not funded by other state and/or federal aid.

b. The state and local shares of funding resulting from the support cost calculation for

ITEM 145.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<p>school nurses shall be specifically identified as such and reported to school divisions annually. School divisions may spend these funds for licensed school nurse positions employed by the school division or for licensed nurses contracted by the local school division to provide school health services.</p>				
<p>4.a. "Composite Index of Local Ability-to-Pay" - An index figure computed for each locality. The composite index is the sum of 2/3 of the index of wealth per pupil in unadjusted March 31 ADM reported for the first seven (7) months of the 2017-2018 school year and 1/3 of the index of wealth per capita (population estimates for 2017 as determined by the Weldon Cooper Center for Public Service of the University of Virginia) multiplied by the local nominal share of the costs of the Standards of Quality of 0.45 in each year. The indices of wealth are determined by combining the following constituent index elements with the indicated weighting: (1) true values of real estate and public service corporations as reported by the State Department of Taxation for the calendar year 2017 - 50 percent; (2) adjusted gross income for the calendar year 2017 as reported by the State Department of Taxation - 40 percent; (3) the sales for the calendar year 2017 which are subject to the state general sales and use tax, as reported by the State Department of Taxation - 10 percent. Each constituent index element for a locality is its sum per March 31 ADM, or per capita, expressed as a percentage of the state average per March 31 ADM, or per capita, for the same element. A locality whose composite index exceeds 0.8000 shall be considered as having an index of 0.8000 for purposes of distributing all payments based on the composite index of local ability-to-pay. Each constituent index element for a locality used to determine the composite index of local ability-to-pay for the current biennium shall be the latest available data for the specified official base year provided to the Department of Education by the responsible source agencies no later than November 15, 2019.</p>				
<p>b. For any locality whose total calendar year 2017 Virginia Adjusted Gross Income is comprised of at least 3 percent or more by nonresidents of Virginia, such nonresident income shall be excluded in computing the composite index of ability-to-pay. The Department of Education shall compute the composite index for such localities by using adjusted gross income data which exclude nonresident income, but shall not adjust the composite index of any other localities. The Department of Taxation shall furnish to the Department of Education such data as are necessary to implement this provision.</p>				
<p>c.1) Notwithstanding the funding provisions in § 22.1-25 D, Code of Virginia, additional state funding for future consolidations shall be as set forth in future Appropriation Acts.</p>				
<p>2) In the case of the consolidation of Bedford County and Bedford City school divisions, the fifteen year period for the application of a new composite shall apply beginning with the fiscal year that starts on July 1, 2013. The composite index established by the Board of Education shall equal the lowest composite index that was in effect prior to July 1, 2013, of any individual localities involved in such consolidation, and this index shall remain in effect for a period of fifteen years, unless a lower composite index is calculated for the combined division through the process for computing an index as set forth above.</p>				
<p>3) If the composite index of a consolidated school division is reduced during the course of the fifteen year period to a level that would entitle the school division to a lower interest rate for a Literary Fund loan than it received when the loan was originally released, the Board of Education shall reduce the interest rate of such loan for the remainder of the period of the loan. Such reduction shall be based on the interest rate that would apply at the time of such adjustment. This rate shall remain in effect for the duration of the loan and shall apply only to those years remaining to be paid.</p>				
<p>d.1) When it is determined that a substantial error exists in a constituent index element, the Department of Education will make adjustments in funding for the current school year only in the division where the error occurred. The composite index of any other locality shall not be changed as a result of the adjustment. No adjustment during the biennium will be made as a result of updating of data used in a constituent index element.</p>				
<p>2.) A payment estimated at \$197,155 the first year and \$198,755 the second year from the general fund shall be disbursed to Montgomery County school division for a substantial error in the composite index of the locality for the 2020-2022 biennium. The composite index of any other locality shall not be changed as a result of the adjustment for Montgomery County.</p>				

ITEM 145.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<p>e. In the event that any school division consolidates two or more small schools, the division shall continue to receive Standards of Quality funding and provide for the required local expenditure for a period of five years as if the schools had not been consolidated. Small schools are defined as any elementary, middle, or high school with enrollment below 200, 300 and 400 students, respectively.</p>				
<p>5. "Required Local Expenditure for the Standards of Quality" - The locality's share based on the composite index of local ability-to-pay of the cost required by all the Standards of Quality minus its estimated revenues from the state sales and use tax dedicated to public education and those sales tax revenues transferred to the general fund from the Public Education Standards of Quality/Local Real Estate Property Tax Relief Fund and appropriated in this Item, both of which are returned on the basis of the latest yearly estimate of school age population provided by the Weldon Cooper Center for Public Service, as specified in this Item, collected by the Department of Education and distributed to school divisions in the fiscal year in which the school year begins.</p>				
<p>6. "Required Local Match" - The locality's required share of program cost based on the composite index of local ability-to-pay for all Lottery and Incentive programs, where required, in which the school division has elected to participate in a fiscal year.</p>				
<p>7. "Planning District Eight" - The nine localities which comprise Planning District Eight are Arlington County, Fairfax County, Loudoun County, Prince William County, Alexandria City, Fairfax City, Falls Church City, Manassas City, and Manassas Park City.</p>				
<p>8. "State Share of the Standards of Quality" - The state share of the Standards of Quality (SOQ) shall be equal to the total funded SOQ cost for a school division less the school division's estimated revenues from the state sales and use tax dedicated to public education based on the latest yearly estimate of school age population provided by the Weldon Cooper Center for Public Service, adjusted for the state's share of the composite index of local ability to pay.</p>				
<p>9. Entitlements under this Item that use school-level or division-level Free Lunch eligibility percentages to determine the entitlement amounts are based on the most recent data available as of the biennial rebenchmarking calculations made for the current biennium. For schools that participate in the Community Eligibility Provision program, such entitlements are based on the most recent Free Lunch eligibility data available prior to that school's enrollment in the Community Eligibility Provision program.</p>				
<p>10. In the event that the general fund appropriations in this Item are not sufficient to meet the entitlements payable to school divisions pursuant to the provisions of this Item, the Department of Education is authorized to transfer any available general fund funds between these Items to address such insufficiencies. If the total general fund appropriations after such transfers remain insufficient to meet the entitlements of any program funded with general fund dollars, the Department of Education is authorized to prorate such shortfall proportionately across all of the school divisions participating in any program where such shortfall occurred.</p>				
<p>11. The Department of Education is directed to apply a cap on inflation rates in the same manner prescribed in § 51.1-166.B, Code of Virginia, when updating funding to school divisions during the biennial rebenchmarking process.</p>				
<p>12. Notwithstanding any other provision in statute or in this Item, the Department of Education is directed to combine the end-of-year Average Daily Membership (ADM) for those school divisions who have partnered together as a fiscal agent division and a contractual division for the purposes of calculating prevailing costs included in the Standards of Quality (SOQ).</p>				
<p>13. Notwithstanding any other provision in statute or in this Item, the Department of Education is directed to include zeroes in the linear weighted average calculation of support non-personal costs for the purpose of calculating prevailing costs included in the Standards of Quality (SOQ).</p>				
<p>14. Notwithstanding any other provision in statute or in this Item, the Department of Education is directed to eliminate the corresponding and appropriate object code(s) related to reported travel expenditures included the linear weighted average non-personal cost</p>				

ITEM 145.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022

calculations for the purpose of calculating prevailing costs included in the Standards of Quality (SOQ).

15. Notwithstanding any other provision in statute or in this Item, the Department of Education is directed to eliminate the corresponding and appropriate object code(s) related to reported leases and rental and facility expenditures included the linear weighted average non-personal cost calculations for the purpose of calculating prevailing costs included in the Standards of Quality (SOQ).

16. Notwithstanding any other provision in statute or in this Item, the Department of Education is directed to fund transportation costs using a 15 year replacement schedule, which is the national standard guideline, for school bus replacement schedule for the purpose of calculating funded transportation costs included in the Standards of Quality (SOQ).

17. To provide additional flexibility, notwithstanding the provisions of § 22.1-79.1, Code of Virginia, any school division that was granted a waiver regarding the opening date of the school year for the 2011-2012 school year under the good cause requirements shall continue to be granted a waiver for the 2020-2021 school year and the 2021-2022 school year.

18. In the first year, to provide temporary flexibility, notwithstanding any other provision in statute or in this item, school divisions may elect to increase the teacher to pupil staffing ratios in kindergarten through grade 7 and English classes for grades 6 through 12 by one additional student; the teacher to pupil staffing ratio requirements for Elementary Resource teachers, Prevention, Intervention and Remediation, Gifted and Talented, Career and Technical funded programs (other than on Career and Technical courses where school divisions will have to maintain a maximum class size based on federal Occupational Safety & Health Administration safety requirements) are waived; and the instructional and support technology positions, and librarian staffing ratios for new hires are waived.

In the first year, school divisions shall report to the Board of Education the number and type of positions that were not filled in the previous school year and during the current school year through these flexibility provisions. The Board of Education shall include a compilation of such responses in its report on the conditions and needs of public education in the Commonwealth, that is required to be submitted to the Governor and General Assembly no later than December 1, as referenced in §§ 22.1-18 and 22.1-253.13:8 of the Code of Virginia.

B. General Conditions

1. The Standards of Quality cost in this Item related to fringe benefits shall be limited for instructional staff members to the employer's cost for a number not exceeding the number of instructional positions required by the Standards of Quality for each school division and for their salaries at the statewide prevailing salary levels as printed below.

Instructional Position	First Year Salary	Second Year Salary
Elementary Teachers	\$51,371	\$51,371
Elementary Assistant Principals	\$71,532	\$71,532
Elementary Principals	\$89,378	\$89,378
Secondary Teachers	\$53,777	\$53,777
Secondary Assistant Principals	\$77,181	\$77,181
Secondary Principals	\$99,215	\$99,215
Instructional Aides	\$18,995	\$18,995

a.1) Payment by the state to a local school division shall be based on the state share of fringe benefit costs of 55 percent of the employer's cost distributed on the basis of the composite index.

2) A locality whose composite index exceeds 0.8000 shall be considered as having an index of 0.8000 for purposes of distributing fringe benefit funds under this provision.

3) The state payment to each school division for retirement, social security, and group life insurance costs for non-instructional personnel is included in and distributed through Basic Aid.

ITEM 145.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
b. Payments to school divisions from this Item shall be calculated using March 31 Average Daily Membership adjusted for half-day kindergarten programs.				
c. Payments for health insurance fringe benefits are included in and distributed through Basic Aid.				
2. Each locality shall offer a school program for all its eligible pupils which is acceptable to the Department of Education as conforming to the Standards of Quality program requirements.				
3. In the event the statewide number of pupils in March 31 ADM results in a state share of cost exceeding the general fund appropriation in this Item, the locality's state share of Basic Aid shall be reduced proportionately so that this general fund appropriation will not be exceeded. In addition, the required local share of Basic Aid shall also be reduced proportionately to the reduction in the state's share.				
4. The Department of Education shall make equitable adjustments in the computation of indices of wealth and in other state-funded accounts for localities affected by annexation, unless a court of competent jurisdiction makes such adjustments. However, only the indices of wealth and other state-funded accounts of localities party to the annexation will be adjusted.				
5. In the event that the actual revenues from the state sales and use tax dedicated to public education and those sales tax revenues transferred to the general fund from the Public Education Standards of Quality/Local Real Estate Property Tax Relief Fund and appropriated in this Item (both of which are returned on the basis of the latest yearly estimate of school age population provided by the Weldon Cooper Center for Public Service) for sales in the fiscal year in which the school year begins are different from the number estimated as the basis for this appropriation, the estimated state sales and use tax revenues shall not be adjusted.				
6. This appropriation shall be apportioned to the public schools with guidelines established by the Department of Education consistent with legislative intent as expressed in this act.				
7.a. Appropriations of state funds in this Item include the number of positions required by the Standards of Quality. This Item includes a minimum of 51 professional instructional positions and aide positions (C 5); Education of the Gifted, 1.0 professional instructional position (C 6); Occupational-Vocational Education Payments and Special Education Payments; a minimum of 6.0 professional instructional positions and aide positions (C 7 and C 8) for each 1,000 pupils in March 31 ADM each year in support of the current Standards of Quality. Funding in support of one hour of additional instruction per day based on the percent of students eligible for the federal free lunch program with a pupil-teacher ratio range of 18:1 to 10:1, depending upon a school division's combined failure rate on the English and Math Standards of Learning, is included in Remedial Education Payments (C 9).				
b. No actions provided in this section signify any intent of the General Assembly to mandate an increase in the number of instructional personnel per 1,000 students above the numbers explicitly stated in the preceding paragraph.				
c. Appropriations in this Item include programs supported in part by transfers to the general fund from the Public Education Standards of Quality/Local Real Estate Property Tax Relief Fund pursuant to Part 3 of this Act. These transfers combined together with other appropriations from the general fund in this Item funds the state's share of the following revisions to the Standards of Quality pursuant to Chapters 939 & 955 of the Acts of Assembly of 2004: five elementary resource teachers per 1,000 students; one support technology position per 1,000 students; one instructional technology position per 1,000 students; and a full daily planning period for teachers at the middle and high school levels in order to relieve the financial pressure these education programs place on local real estate taxes.				
d. To provide flexibility, school divisions may use the state and local funds for instructional technology resource teachers required by the Standards of Quality to employ a data coordinator position, an instructional technology resource teacher position, or a data coordinator/instructional resource teacher blended position. The data coordinator position				

ITEM 145.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
	<p>is intended to serve as a resource to principals and classroom teachers in the area of data analysis and interpretation for instructional and school improvement purposes, as well as for overall data management and administration of state assessments. School divisions using these SOQ funds in this manner shall only employ instructional personnel licensed by the Board of Education.</p>			
	<p>e. To provide flexibility in the provision of reading intervention services, school divisions may use the state Early Reading Intervention initiative funding provided from the Lottery Proceeds Fund and the required local matching funds to employ reading specialists to provide the required reading intervention services. School divisions using the Early Reading Intervention Initiative funds in this manner shall only employ instructional personnel licensed by the Board of Education.</p>			
	<p>f. To provide flexibility in the provision of mathematics intervention services, school divisions may use the state Standards of Learning Algebra Readiness initiative funding provided from the Lottery Proceeds Fund and the required local matching funds to employ mathematics teacher specialists to provide the required mathematics intervention services. School divisions using the Standards of Learning Algebra Readiness initiative funding in this manner shall only employ instructional personnel licensed by the Board of Education.</p>			
	<p>g. Notwithstanding the provisions of subsection H of § 22.1-253.13:2, Code of Virginia, each school board shall employ the following full-time equivalent school counselor positions for any school that reports fall membership, according to the type of school and student enrollment: in elementary schools, one hour per day per 91 students, one full-time at 455 students, one hour per day additional time per 91 students or major fraction thereof; in middle schools, one period per 74 students, one full-time at 370 students, one additional period per 74 students or major fraction thereof; in high schools, one period per 65 students, one full-time at 325 students, one additional period per 65 students or major fraction thereof.</p>			
	<p>8.a.1) Pursuant to § 22.1-97, Code of Virginia, the Department of Education is required to make calculations at the start of the school year to ensure that school divisions have appropriated adequate funds to support their estimated required local expenditure for the corresponding state fiscal year. In an effort to reduce the administrative burden on school divisions resulting from state data collections, such as the one needed to make the aforementioned calculations, the requirements of § 22.1-97, Code of Virginia, pertaining to the adequacy of estimated required local expenditures, shall be satisfied by signed certification by each division superintendent at the beginning of each school year that sufficient local funds have been budgeted to meet all state required local effort and required local match amounts. This provision shall only apply to calculations required of the Department of Education related to estimated required local expenditures and shall not pertain to the calculations associated with actual required local expenditures after the close of the school year.</p>			
	<p>2) The Department of Education shall also make calculations after the close of the school year to verify that the required local effort level, based on actual March 31 Average Daily Membership, was met. Pursuant to § 22.1-97, Code of Virginia, the Department of Education shall report annually, no later than the first day of the General Assembly session, to the House Committees on Education and Appropriations and the Senate Committees on Finance and Education and Health, the results of such calculations made after the close of the school year and the degree to which each school division has met, failed to meet, or surpassed its required local expenditure. The Department of Education shall specify the calculations to determine if a school division has expended its required local expenditure for the Standards of Quality. This calculation may include but is not limited to the following calculations:</p>			
	<p>b. The total expenditures for operation, defined as total expenditures less all capital outlays, expenditures for debt service, facilities, non-regular day school programs (such as adult education, preschool, and non-local education programs), and any transfers to regional programs will be calculated.</p>			
	<p>c. The following state funds will be deducted from the amount calculated in paragraph a. above: revenues from the state sales and use tax (returned on the basis of the latest yearly estimate of school age population provided by the Weldon Cooper Center for Public Service, as specified in this Item) for sales in the fiscal year in which the school year begins; total receipts from state funds (except state funds for non-regular day school programs and state</p>			

ITEM 145.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022

funds used for capital or debt service purposes); and the state share of any balances carried forward from the previous fiscal year. Any qualifying state funds that remain unspent at the end of the fiscal year will be added to the amount calculated in paragraph a. above.

d. Federal funds, and any federal funds carried forward from the previous fiscal year, will also be deducted from the amount calculated in paragraph a. above. Any federal funds that remain unspent at the end of the fiscal year and any capital expenditures paid from federal funds will be added to the amount calculated in paragraph a. above.

e. Tuition receipts, receipts from payments from other cities or counties, and fund transfers will also be deducted from the amount calculated in paragraph a, then

f. The final amount calculated as described above must be equal to or greater than the required local expenditure defined in paragraph A. 5.

g. The Department of Education shall collect the data necessary to perform the calculations of required local expenditure as required by this section.

h. A locality whose expenditure in fact exceeds the required amount from local funds may not reduce its expenditures unless it first complies with all of the Standards of Quality.

9.a. Any required local matching funds which a locality, as of the end of a school year, has not expended, pursuant to this Item, for the Standards of Quality shall be paid by the locality into the general fund of the state treasury. Such payments shall be made not later than the end of the school year following that in which the under expenditure occurs.

b. Whenever the Department of Education has recovered funds as defined in the preceding paragraph a., the Secretary of Education is authorized to repay to the locality affected by that action, seventy-five percent (75%) of those funds upon his determination that:

- 1) The local school board agrees to include the funds in its June 30 ending balance for the year following that in which the under expenditure occurs;
- 2) The local governing body agrees to reappropriate the funds as a supplemental appropriation to the approved budget for the second year following that in which the under expenditure occurs, in an appropriate category as requested by the local school board, for the direct benefit of the students;
- 3) The local school board agrees to expend these funds, over and above the funds required to meet the required local expenditure for the second year following that in which the under expenditure occurs, for a special project, the details of which must be furnished to the Department of Education for review and approval;
- 4) The local school board agrees to submit quarterly reports to the Department of Education on the use of funds provided through this project award; and
- 5) The local governing body and the local school board agree that the project award will be cancelled and the funds withdrawn if the above conditions have not been met as of June 30 of the second year following that in which the under expenditure occurs.

c. There is hereby appropriated, for the purposes of the foregoing repayment, a sum sufficient, not to exceed 75 percent of the funds deposited in the general fund pursuant to the preceding paragraph a.

10. The Department of Education shall specify the manner for collecting the required information and the method for determining if a school division has expended the local funds required to support the actual local match based on all Lottery and Incentive programs in which the school division has elected to participate. Unless specifically stated otherwise in this Item, school divisions electing to participate in any Lottery or Incentive program that requires a local funding match in order to receive state funding, shall certify to the Department of Education its intent to participate in each program by July 1 each fiscal year in a manner prescribed by the Department of Education. As part of this certification process, each division superintendent must also certify that adequate local funds have been appropriated, above the required local effort for the Standards of Quality, to support the projected required local match based on the Lottery and Incentive programs in which the school division has elected to participate. State funding for such program(s)

ITEM 145.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
	shall not be made until such time that the school division can certify that sufficient local funding has been appropriated to meet required local match. The Department of Education shall make calculations after the close of the fiscal year to verify that the required local match was met based on the state funds that were received.			
	11. Any sum of local matching funds for Lottery and Incentive program which a locality has not expended as of the end of a fiscal year in support of the required local match pursuant to this Item shall be paid by the locality into the general fund of the state treasury unless the carryover of those unspent funds is specifically permitted by other provisions of this act. Such payments shall be made no later than the end of the school year following that in which the under expenditure occurred.			
	12. The Superintendent of Public Instruction shall provide a report annually, no later than the first day of the General Assembly session, on the status of teacher salaries, by local school division, to the Governor and the Chairmen of the Senate Finance and House Appropriations Committees. In addition to information on average salaries by school division and statewide comparisons with other states, the report shall also include information on starting salaries by school division and average teacher salaries by school.			
	13. All state and local matching funds required by the programs in this Item shall be appropriated to the budget of the local school board.			
	14. By November 15 of each year, the Department of Planning and Budget, in cooperation with the Department of Education, shall prepare and submit a preliminary forecast of Standards of Quality expenditures, based upon the most current data available, to the Chairmen of the House Appropriations and Senate Finance Committees. In odd-numbered years, the forecast for the current and subsequent two fiscal years shall be provided. In even-numbered years, the forecast for the current and subsequent fiscal year shall be provided. The forecast shall detail the projected March 31 Average Daily Membership and the resulting impact on the education budget.			
	15. School divisions may choose to use state payments provided for Standards of Quality Prevention, Intervention, and Remediation in both years as a block grant for remediation purposes, without restrictions or reporting requirements, other than reporting necessary as a basis for determining funding for the program.			
	16. Except as otherwise provided in this act, the Superintendent of Public Instruction shall provide guidelines for the distribution and expenditure of general fund appropriations and such additional federal, private and other funds as may be made available to aid in the establishment and maintenance of the public schools.			
	17. At the Department of Education's option, fees for audio-visual services may be deducted from state Basic Aid payments for individual local school divisions.			
	18. For distributions not otherwise specified, the Department of Education, at its option, may use prior year data to calculate actual disbursements to individual localities.			
	19. Payments for accounts related to the Standards of Quality made to localities for public education from the general fund, as provided herein, shall be payable in twenty-four semi-monthly installments at the middle and end of each month.			
	20. Notwithstanding § 58.1-638 D., Code of Virginia, and other language in this Item, the Department of Education shall, for purposes of calculating the state and local shares of the Standards of Quality, apportion state sales and use tax dedicated to public education and those sales tax revenues transferred to the general fund from the Public Education Standards of Quality/ Local Real Estate Property Tax Relief Fund in the first year based on the July 1, 2018, estimate of school age population provided by the Weldon Cooper Center for Public Service and, in the second year, based on the July 1, 2019, estimate of school age population provided by the Weldon Cooper Center for Public Service.			
	Notwithstanding § 58.1-638 D., Code of Virginia, and other language in this Item, the State Comptroller shall distribute the state sales and use tax revenues dedicated to public education and those sales tax revenues transferred to the general fund from the Public Education Standards of Quality/ Local Real Estate Property Tax Relief Fund in the first year based on the July 1, 2018, estimate of school age population provided by the Weldon Cooper Center for			

ITEM 145.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Public Service and, in the second year, based on the July 1, 2019, estimate of school age population provided by the Weldon Cooper Center for Public Service.				
21. The school divisions within the Tobacco Region, as defined by the Tobacco Indemnification and Community Revitalization Commission, shall jointly explore ways to maximize their collective expenditure reimbursement totals for all eligible E-Rate funding.				
22. This Item includes appropriations totaling an estimated \$657,959,397 the first year and \$666,104,670 the second year from the revenues deposited to the Lottery Proceeds Fund. These amounts are appropriated for distribution to counties, cities, and towns to support public education programs pursuant to Article X, Section 7-A Constitution of Virginia. Any county, city, or town which accepts a distribution from this fund shall provide its portion of the cost of maintaining an educational program meeting the Standards of Quality pursuant to Section 2 of Article VIII of the Constitution without the use of distributions from the fund.				
23. For reporting purposes, the Department of Education shall include Lottery Proceeds Funds as state funds.				
24.a. Any locality that has met its required local effort for the Standards of Quality accounts for FY 2021 and that has met its required local match for incentive or Lottery-funded programs in which the locality elected to participate in FY 2021 may carry over into FY 2022 any remaining state Direct Aid to Public Education fund balances available to help minimize any FY 2022 revenue adjustments that may occur in state funding to that locality. Localities electing to carry forward such unspent state funds must appropriate the funds to the school division for expenditure in FY 2022.				
b. Any locality that has met its required local effort for the Standards of Quality accounts for FY 2022 and that has met its required local match for incentive or Lottery-funded programs in which the locality elected to participate in FY 2022 may carry over into FY 2023 any remaining state Direct Aid to Public Education fund balances available to help minimize any FY 2023 revenue adjustments that may occur in state funding to that locality. Localities electing to carry forward such unspent state funds must appropriate the funds to the school division for expenditure in FY 2023.				
25. Localities are encouraged to allow school boards to carry over any unspent local allocations into the next fiscal year. Localities are also encouraged to provide increased flexibility to school boards by appropriating state and local funds for public education in a lump sum.				
26. The Department of Education shall include in the annual School Performance Report Card for school divisions the percentage of each division's annual operating budget allocated to instructional costs. For this report, the Department of Education shall establish a methodology for allocating each school division's expenditures to instructional and non-instructional costs in a manner that is consistent with the funding of the Standards of Quality as approved by the General Assembly.				
27. It is the intent of the General Assembly that all school divisions annually provide their employees, upon request, with a user-friendly statement of total compensation, including contract duration if less than 12 months.				
28. The Department of Education, in collaboration with the Virginia Community College System, will ensure that the same policies regarding the cost for dual enrollment courses held at a community college, are consistently applied to public school students and home-schooled students alike. These policies will clearly address the school division contributions and any student charges for dual enrollment courses, and will ensure that public school students and home-school students are treated in the same manner.				
29. Each school division shall report each year to the Department of Education the individual uses for the prior year of the following funds prescribed by this item: (i) Prevention, Intervention, and Remediation, (ii) At-Risk Add-On, and (iii) Early Reading Intervention. The Department shall prescribe the format and timeline required for the reporting of such information, which shall include, permitted categories of spending, personnel, both state and local contributions, and to the extent possible, the individual schools which these funds were expended. The Department shall compile and submit this				

ITEM 145.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
information to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees no later than the first day of the General Assembly session.				
C. Apportionment				
1. Subject to the conditions stated in this paragraph and in paragraph B of this Item, each locality shall receive sums as listed above within this program for the basic operation cost and payments in addition to that cost. The apportionment herein directed shall be inclusive of, and without further payment by reason of, state funds for library and other teaching materials.				
2. School Employee Retirement Contributions				
a. This Item provides funds to each local school board for the state share of the employer's retirement cost incurred by it, on behalf of instructional and support personnel, for subsequent transfer to the retirement allowance account as provided by Title 51.1, Chapter 1, Code of Virginia.				
b. Notwithstanding § 51.1-1401, Code of Virginia, the Commonwealth shall provide payments for only the state share of the Standards of Quality fringe benefit cost of the retiree health care credit. This Item includes payments in both years based on the state share of fringe benefit costs of 55 percent of the employer's cost on funded Standards of Quality instructional and support positions, distributed based on the composite index of the local ability-to-pay.				
3. School Employee Social Security Contributions				
a. This Item provides funds to each local school board for the state share of the employer's Social Security cost incurred by it, on behalf of the instructional personnel for subsequent transfer to the Contribution Fund pursuant to Title 51.1, Chapter 7, Code of Virginia.				
b. Appropriations for contributions in paragraphs 2 and 3 above include payments from funds derived from the principal of the Literary Fund in accordance with Article VIII, Section 8, of the Constitution of Virginia. The amounts set aside from the Literary Fund for these purposes shall not exceed \$162,000,000 the first year and \$83,000,000 the second year.				
4. School Employee Insurance Contributions				
This Item provides funds to each local school board for the state share of the employer's Group Life Insurance cost incurred by it on behalf of instructional personnel who participate in group insurance under the provisions of Title 51.1, Chapter 5, Code of Virginia.				
5. Basic Aid Payments				
a.1) A state share of the Basic Operation Cost, which cost per pupil in March 31 ADM is established individually for each local school division based on the number of instructional personnel required by the Standards of Quality and the statewide prevailing salary levels (adjusted in Planning District Eight for the cost of competing) as well as recognized support costs calculated on a prevailing basis for an estimated March 31 ADM.				
2) This appropriation includes funding to recognize the common labor market in the Washington-Baltimore-Northern Virginia, DC-MD-VA-WV Combined Statistical Area. Standards of Quality salary payments for instructional and support positions in school divisions of the localities set out below have been adjusted for the equivalent portion of the Cost of Competing Adjustment (COCA) rates that are paid to local school divisions in Planning District Eight. For the counties of Stafford, Fauquier, Spotsylvania, Clarke, Warren, Frederick, and Culpeper and the Cities of Fredericksburg and Winchester, the SOQ payments for instructional and support positions have been increased by 25 percent each year of the COCA rates paid to school divisions in Planning District Eight.				
The support COCA rate is 16.0 percent.				
b. The state share for a locality shall be equal to the Basic Operation Cost for that locality less the locality's estimated revenues from the state sales and use tax (returned on the basis of the latest yearly estimate of school age population provided by the Weldon Cooper Center for Public Service, as specified in this Item), in the fiscal year in which the school year begins and less the required local expenditure.				

ITEM 145.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<p>c. For the purpose of this paragraph, the Department of Taxation's fiscal year sales and use tax estimates are as cited in this Item.</p>				
<p>d. 1) In accordance with the provisions of § 37.2-713, Code of Virginia, the Department of Education shall deduct the locality's share for the education of handicapped pupils residing in institutions within the Department of Behavioral Health and Developmental Services from the locality's Basic Aid payments.</p> <p>2) The amounts deducted from Basic Aid for the education of intellectually disabled persons shall be transferred to the Department of Behavioral Health and Developmental Services in support of the cost of educating such persons; the amount deducted from Basic Aid for the education of emotionally disturbed persons shall be used to cover extraordinary expenses incurred in the education of such persons. The Department of Education shall establish guidelines to implement these provisions and shall provide for the periodic transfer of sums due from each local school division to the Department of Behavioral Health and Developmental Services and for Special Education categorical payments. The amount of the actual transfers will be based on data accumulated during the prior school year.</p> <p>e. 1) The apportionment to localities of all driver education revenues received during the school year shall be made as an undesignated component of the state share of Basic Aid in accordance with the provisions of this Item. Only school divisions complying with the standardized program established by the Board of Education shall be entitled to participate in the distribution of state funds appropriated for driver education. The Department of Education will deduct a designated amount per pupil from a school division's Basic Aid payment when the school division is not in compliance with § 22.1-205 C, Code of Virginia. Such amount will be computed by dividing the current appropriation for the Driver Education Fund by actual March 31 ADM.</p> <p>2) Local school boards may charge a per pupil fee for behind-the-wheel driver education provided, however, that the fee charged plus the per pupil basic aid reimbursement for driver education shall not exceed the actual average per pupil cost. Such fees shall not be cause for a pro rata reduction in Basic Aid payments to school divisions.</p> <p>f. Textbooks</p> <p>1) The appropriation in this Item includes \$75,370,476 the first year and \$75,647,111 the second year from the general fund as the state's share of the cost of textbooks based on a per pupil amount of \$107.47 the first year and \$107.47 the second year. A school division shall appropriate these funds for textbooks or any other public education instructional expenditure by the school division. The state's distributions for textbooks shall be based on adjusted March 31 ADM. These funds shall be matched by the local government, based on the composite index of local ability-to-pay.</p> <p>2) School divisions shall provide free textbooks to all students.</p> <p>3) School divisions may use a portion of this funding to purchase Standards of Learning instructional materials. School divisions may also use these funds to purchase electronic textbooks or other electronic media resources integral to the curriculum and classroom instruction and the technical equipment required to read and access the electronic textbooks and electronic curriculum materials.</p> <p>4) Any funds provided to school divisions for textbook costs that are unexpended as of June 30, 2021, or June 30, 2022, shall be carried on the books of the locality to be appropriated to the school division the following year to be used for same purpose. School divisions are permitted to carry forward any remaining balance of textbook funds until the funds are expensed for a qualifying purpose.</p> <p>g. The one-cent state sales and use tax earmarked for education and the sales tax revenues transferred to the general fund from the Public Education Standards of Quality/Local Real Estate Property Tax Relief Fund and appropriated in this Item which are distributed to localities on the basis of the latest yearly estimate of school age population provided by the Weldon Cooper Center for Public Service as specified in this Item shall be reflected in each locality's annual budget for educational purposes as a separate revenue source for the current fiscal year.</p>				

ITEM 145.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
h.	The appropriation for the Standards of Quality for Public Education (SOQ) includes amounts estimated at \$426,900,000 the first year and \$433,700,000 the second year from the amounts transferred to the general fund from the Public Education Standards of Quality/Local Real Estate Property Tax Relief Fund pursuant to Part 3 of this act which are derived from the 0.375 cent increase in the state sales and use tax levied pursuant to § 58.1-638, Code of Virginia. These additional funds are provided to local school divisions and local governments in order to relieve the financial pressure education programs place on local real estate taxes.			
i.	From the total amounts in paragraph h. above, an amount estimated at \$284,600,000 the first year and \$289,200,000 the second year (approximately 1/4 cent of sales and use tax) is appropriated to support a portion of the cost of the state's share of the following revisions to the Standards of Quality pursuant to Chapters 939 & 955 of the Acts of Assembly of 2004: five elementary resource teachers per 1,000 students; one support and one instructional technology position per 1,000 students; a full daily planning period for teachers at the middle and high school levels in order to relieve the pressure on local real estate taxes and shall be taken into account by the governing body of the county, city, or town in setting real estate tax rates.			
j.	From the total amounts in paragraph h. above, an amount estimated at \$142,300,000 the first year and \$144,600,000 the second year (approximately 1/8 cent of sales and use tax) is appropriated in this Item to distribute the remainder of the revenues collected and deposited into the Public Education Standards of Quality/Local Real Estate Property Tax Relief Fund on the basis of the latest yearly estimate of school age population provided by the Weldon Cooper Center for Public Service as specified in this Item.			
k.	For the purposes of funding certain support positions in Basic Aid, a funding ratio methodology is used based upon the prevailing ratio of actual support positions, consistent with those recognized for SOQ funding, to actual instructional positions, consistent with those recognized for SOQ funding, as established in Chapter 781, 2009 Acts of Assembly. For the purposes of making the required spending adjustments, the appropriation and distribution of Basic Aid shall reflect this methodology. Local school divisions shall have the discretion as to where the adjustment may be made, consistent with the Standards of Quality funded in this Act.			
6.	Education of the Gifted Payments			
a.	An additional payment shall be disbursed by the Department of Education to local school divisions to support the state share of one full-time equivalent instructional position per 1,000 students in adjusted March 31 ADM.			
b.	Local school divisions are required to spend, as part of the required local expenditure for the Standards of Quality the established per pupil cost for gifted education (state and local share) on approved programs for the gifted.			
7.	Occupational-Vocational Education Payments			
a.	An additional payment shall be disbursed by the Department of Education to the local school divisions to support the state share of the number of Vocational Education instructors required by the Standards of Quality. These funds shall be disbursed on the same basis as the payment is calculated.			
b.	An amount estimated at \$129,097,464 the first year and \$129,160,173 the second year from the general fund included in Basic Aid Payments relates to vocational education programs in support of the Standards of Quality.			
8.	Special Education Payments			
a.	An additional payment shall be disbursed by the Department of Education to the local school divisions to support the state share of the number of Special Education instructors required by the Standards of Quality. These funds shall be disbursed on the same basis as the payment is calculated.			
b.	Out of the amounts for special education payments, general fund support is provided to fund the caseload standards for speech pathologists at 68 students for each year of the			

ITEM 145.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
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9. Remedial Education Payments				
a. An additional payment estimated at \$121,073,126 the first year and \$121,259,822 the second year from the general fund shall be disbursed by the Department of Education to support the Board of Education's Standards of Quality Prevention, Intervention, and Remediation program adopted in June 2003.				
b. The payment shall be calculated based on one hour of additional instruction per day for identified students, using the three year average percent of students eligible for the federal Free Lunch program as a proxy for students needing such services. Fall membership shall be multiplied by the three year average division-level Free Lunch eligibility percentage to determine the estimated number of students eligible for services. Pupil-teacher ratios shall be applied to the estimated number of eligible students to determine the number of instructional positions needed for each school division. The pupil-teacher ratio applied for each school division shall range from 10:1 for those divisions with the most severe combined three year average failure rates for English and math Standards of Learning test scores to 18:1 for those divisions with the lowest combined three year average failure rates for English and math Standards of Learning test scores.				
c. Funding shall be matched by the local government based on the composite index of local ability-to-pay.				
d. To provide flexibility in the instruction of English Language Learners who have limited English proficiency and who are at risk of not meeting state accountability standards, school divisions may use state and local funds from the SOQ Prevention, Intervention, and Remediation account to employ additional English Language Learner teachers to provide instruction to identified limited English proficiency students. Using these funds in this manner is intended to supplement the instructional services provided through the staffing standard of 20 instructional positions per 1,000 limited English proficiency students. School divisions using the SOQ Prevention, Intervention, and Remediation funds in this manner shall only employ instructional personnel licensed by the Board of Education.				
e. An additional state payment estimated at \$149,902,435 the first year and \$173,236,717 the second year from the general fund and \$58,195,186 the first year and \$60,940,599 the second year from the Lottery Proceeds Fund shall be disbursed based on the estimated number of federal Free Lunch participants, in support of programs for students who are educationally at risk. The additional payment shall be based on the state share of:				
1) A minimum 1.0 percent Add-On, as a percent of the per pupil basic aid cost, for each child who qualifies for the federal Free Lunch Program; and				
2) An addition to the Add-On, based on the concentration of children qualifying for the federal Free Lunch Program. Based on its percentage of Free Lunch participants, each school division will receive a total between 1.0 and 23.0 percent in the first year and between 1.0 and 26.0 percent in the second year in additional basic aid per Free Lunch participant. These funds shall be matched by the local government, based on the composite index of local ability-to-pay.				
3a) Local school divisions are required to spend the established At-Risk Add-On payment (state and local share) on approved programs for students who are educationally at risk.				
b) To receive these funds, each school division shall certify to the Department of Education that the state and local share of the At-Risk Add-On payment will be used to support approved programs for students who are educationally at risk. These programs may include: teacher recruitment programs and incentives, Dropout Prevention, community and school-based truancy officer programs, Advancement Via Individual Determination (AVID), Project Discovery, Reading Recovery, programs for students who speak English as a Second Language, hiring additional school guidance counselors, testing coordinators, and licensed behavior analysts, or programs related to increasing the success of disadvantaged students in completing a high school degree and providing opportunities to encourage further education and training. Further, in the first year only each school division shall report by August 1 to the Department the individual uses of these funds. The Department shall compile the responses and provide them to the Chairmen of House				

ITEM 145.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022

Appropriations and Senate Finance Committees no later than the first day of each Regular General Assembly Session.

4) If the Board of Education has required a local school board to submit a corrective action plan pursuant to § 22.1-253.13:3, Code of Virginia, either for the school division pursuant to a division level review, or for any schools within its division that have been designated as not meeting the standards as approved by the Board of Education, the Superintendent of Public Instruction shall determine and report to the Board of Education whether each such local school board has met its obligation to develop and submit such corrective action plan(s) and is making adequate and timely progress in implementing the plan(s). Additionally, if an academic or other review process undertaken pursuant to § 22.1-253.13:3, Code of Virginia, has identified actions for a local school board to implement, the Superintendent of Public Instruction shall determine and report to the Board of Education whether the local school board has implemented required actions. If the Superintendent certifies that a local school board has failed or refused to meet any of those obligations as referenced in a memorandum of understanding between the local school board and the Board of Education, the Board of Education shall withhold payment of some or all At-Risk Add-On funds otherwise allocated to the affected division pursuant to this allocation for the pending fiscal year. In determining the amount of At-Risk Add-On funds to be withheld, the Board of Education shall take into consideration the extent to which such funds have already been expended or contractually obligated. The local school board shall be given an opportunity to correct its failure and, if successful in a timely manner, may have some or all of its At-Risk Add-On funds restored at the Board of Education's discretion.

f. Regional Alternative Education Programs

1) An additional state payment of \$9,526,559 the first year and \$9,834,814 the second year from the Lottery Proceeds Fund shall be disbursed for Regional Alternative Education programs. Such programs shall be for the purpose of educating certain expelled students and, as appropriate, students who have received suspensions from public schools and students returned to the community from the Department of Juvenile Justice.

2) Each regional program shall have a small student/staff ratio. Such staff shall include, but not be limited to education, mental health, health, and law enforcement professionals, who will collaborate to provide for the academic, psychological, and social needs of the students. Each program shall be designed to ensure that students make the transition back into the "mainstream" within their local school division.

3) a) Regional alternative education programs are funded through this Item based on the state's share of the incremental per pupil cost for providing such programs. This incremental per pupil payment shall be adjusted for the composite index of local ability-to-pay of the school division that counts such students attending such program in its March 31 Average Daily Membership. It is the intent of the General Assembly that this incremental per pupil amount be in addition to the basic aid per pupil funding provided to the affected school division for such students. Therefore, local school divisions are encouraged to provide the appropriate portion of the basic aid per pupil funding to the regional programs for students attending these programs, adjusted for costs incurred by the school division for transportation, administration, and any portion of the school day or school year that the student does not attend such program.

b) In the event a school division does not use all of the student slots it is allocated under this program, the unused slots may be reallocated or transferred to another school division.

1. A school division must request from the Department of Education the availability and possible use of any unused student slots. If any unused slots are available and if the requesting school division chooses to utilize any of the unused slots, the requesting school division shall only receive the state's share of tuition for the unused slot that was allocated in this Item for the originally designated school division.

2. However, no requesting school division shall receive more tuition funding from the state for any requested unused slot than what would have been the calculated amount for the requesting school division had the unused slot been allocated to the requesting school division in the original budget. Furthermore, the requesting school division shall pay for any remaining tuition payment necessary for using a previously unused slot.

ITEM 145.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022

3. The Department of Education shall provide assistance for the state share of the incremental cost of Regional Alternative Education program operations based on the composite index of local ability-to-pay.

4) Out of the appropriation included in paragraph C.38. of this item, \$304,117 the first year and \$612,979 the second year from the Lottery Proceeds Fund are provided for a compensation supplement payment equal to 2.0 percent of base pay on July 1, 2020, and for a compensation supplement payment equal to 2.0 percent of base pay on July 1, 2021, for Regional Alternative Education Program instructional and support positions, as referenced in paragraph C. 38. of this item.

5) The Department of Education shall develop a plan to determine and biennially rebenchmark the allocation of existing regional alternative education program slots to participating school divisions. In developing a plan, the Department shall (i) identify a mechanism to calculate slot distribution based on the number of students in a participating division requiring regional alternative education, (ii) identify needs to implement such a plan, including reporting from local school divisions, (iii) identify any legislative and Appropriation Act amendments necessary for implementation, and (iv) plan for the full implementation to rebenchmark the slot allocation of regional alternative education programs. The Department shall report the recommendation to the Secretary of Education, and the Chairs of the House Appropriations and Senate Finance and Appropriations Committees by August 1, 2021.

g. Remedial Summer School

1) This appropriation includes \$22,625,279 the first year and \$22,584,988 the second year from the general fund for the state's share of Remedial Summer School Programs. These funds are available to school divisions for the operation of programs designed to remediate students who are required to attend such programs during a summer school session or during an intersession in the case of year-round schools. These funds may be used in conjunction with other sources of state funding for remediation or intervention. School divisions shall have maximum flexibility with respect to the use of these funds and the types of remediation programs offered; however, in exercising this flexibility, students attending these programs shall not be charged tuition and no high school credit may be awarded to students who participate in this program.

2) For school divisions charging students tuition for summer high school credit courses, consideration shall be given to students from households with extenuating financial circumstances who are repeating a class in order to graduate.

10. K-3 Primary Class Size Reduction Payments

a. An additional payment estimated at \$141,698,697 the first year and \$141,828,973 the second year from the Lottery Proceeds Fund shall be disbursed by the Department of Education as an incentive for reducing class sizes in the primary grades.

b. The Department of Education shall calculate the payment based on the incremental cost of providing the lower class sizes based on the lower of the division average per pupil cost of all divisions or the actual division per pupil cost.

c. Localities are required to provide a match for these funds based on the composite index of local ability-to-pay.

d. By October 15 of each year school divisions must provide data to the Department of Education that each participating school has a September 30 pupil/teacher ratio in grades K through 3 that meet the following criteria:

Qualifying School Percentage of Students Approved	Grades K-3	Maximum Individual
Eligible for Free Lunch, Three-Year Average	School Ratio	K-3 Class Size
30% but less than 45%	19 to 1	24
45% but less than 55%	18 to 1	23
55% but less than 65%	17 to 1	22

ITEM 145.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
65% but less than 70%	16 to 1		21	
70% but less than 75%	15 to 1		20	
75% or more	14 to 1		19	

e. School divisions may elect to have eligible schools participate at a higher ratio, or only in a portion of grades kindergarten through three, with a commensurate reduction of state and required local funds, if local conditions do not permit participation at the established ratio and/or maximum individual class size. In the event that a school division requires additional actions to ensure participation at the established ratio and/or maximum individual class size, such actions must be completed by December 1 of the impacted school year. Special education teachers and instructional aides shall not be counted towards meeting these required pupil/teacher ratios in grades kindergarten through three.

f. The Superintendent of Public Instruction may grant waivers to school divisions for the class size requirement in eligible schools that have only one class in an affected grade level in the school.

11. Literary Fund Subsidy Program Payments

a. The Department of Education and the Virginia Public School Authority (VPSA) shall provide a program of funding for school construction and renovation through the Literary Fund and through VPSA bond sales. The program shall be used to provide funds, through Literary Fund loans and subsidies, and through VPSA bond sales, to fund a portion of the projects on the First or Second Literary Fund Waiting List, or other critical projects which may receive priority placement on the First or Second Literary Fund Waiting List by the Department of Education. Interest rate subsidies will provide school divisions with the present value difference in debt service between a Literary Fund loan and a borrowing through the VPSA. To qualify for an interest rate subsidy, the school division's project must be eligible for a Literary Fund loan and shall be subject to the same restrictions. The VPSA shall work with the Department of Education in selecting those projects to be funded through the interest rate subsidy/bond financing program, so as to ensure the maximum leverage of Literary Fund moneys and a minimum impact on the VPSA Bond Pool.

b. The Department of Education may offer Literary Fund loans from the uncommitted balances of the Literary Fund after meeting the obligations of the interest rate subsidy sales and the amounts set aside from the Literary Fund for Debt Service Payments for Education Technology and Security Equipment in this Item.

c. 1) In the event that on any scheduled payment date of bonds of the Virginia Public School Authority (VPSA) authorized under the provisions of a bond resolution adopted subsequent to June 30, 1997, issued subsequent to June 30, 1997, and not benefiting from the provisions of either § 22.1-168 (iii), (iv), and (v), Code of Virginia, or § 22.1-168.1, Code of Virginia, the sum of (i) the payments on general obligation school bonds of cities, counties, and towns (localities) paid to the VPSA and (ii) the proceeds derived from the application of the provisions of § 15.2-2659, Code of Virginia, to such bonds of localities, is less than the debt service due on such bonds of the VPSA on such date, there is hereby appropriated to the VPSA, first, from available moneys of the Literary Fund and, second, from the general fund a sum equal to such deficiency.

2) The Commonwealth shall be subrogated to the VPSA to the extent of any such appropriation paid to the VPSA and shall be entitled to enforce the VPSA's remedies with respect to the defaulting locality and to full recovery of the amount of such deficiency, together with interest at the rate of the defaulting locality's bonds.

d. The chairman of the Board of Commissioners of the VPSA shall, on or before November 1 of each year, make and deliver to the Governor and the Secretary of Finance a certificate setting forth his estimate of total debt service during each fiscal year of the biennium on bonds of the VPSA issued and projected to be issued during such biennium pursuant to the bond resolution referred to in paragraph a above. The Governor's budget submission each year shall include provisions for the payment of debt service pursuant to paragraph 1) above.

12. Educational Technology Payments

a. Any unobligated amounts transferred to the educational technology fund shall be disbursed

ITEM 145.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022

on a pro rata basis to localities. The additional funds shall be used for technology needs identified in the division's technology plan approved by the Department of Education.

b. The Department of Education shall authorize estimated amounts as indicated in Table 1 from the Literary Fund to provide debt service payments for the education technology grant program conducted through the Virginia Public School Authority in the referenced years.

Table 1

Grant Year	FY 2021	FY 2022
2016	\$13,755,000	
2017	\$13,952,250	\$13,954,500
2018	\$12,473,250	\$12,469,500
2019	\$11,978,250	\$11,975,500
2020	\$12,291,266	\$12,291,266
2021		\$12,568,314

c. It is the intent of the General Assembly to authorize sufficient Literary Fund revenues to pay debt service on the Virginia Public School Authority bonds or notes authorized for education technology grant programs. In developing the proposed 2022-2024, 2024-2026, and 2026-2028 biennial budgets for public education, the Department of Education shall include a recommendation to the Governor to authorize sufficient Literary Fund revenues to make debt service payments for these programs in fiscal years 2023, 2024, 2025, 2026, and 2027.

d. 1) An education technology grant program shall be conducted through the Virginia Public School Authority, through the issuance of equipment notes in an amount estimated at \$57,533,200 in fiscal year 2021 and \$57,832,400 in fiscal year 2022. Proceeds of the notes will be used to establish a computer-based instructional and testing system for the Standards of Learning (SOL) and to develop the capability for high speed Internet connectivity at high schools followed by middle schools followed by elementary schools. School divisions shall use these funds first to develop and maintain the capability to support the administration of online SOL testing for all students with the exception of students with a documented need for a paper SOL test.

2) Grant funds from the issuance of \$57,533,200 in fiscal year 2021 and \$57,832,400 in fiscal year 2022 in equipment notes are based on a grant of \$26,000 per school and \$50,000 per school division. For purposes of this grant program, eligible schools shall include schools that are subject to state accreditation and reporting membership in grades K through 12 as of September 30, 2020, for the fiscal year 2021 issuance, and September 30, 2021, for the fiscal year 2022 issuance, as well as regional vocational centers, special education centers, alternative education centers, regular school year Governor's Schools, CodeRVA Regional High School, and the School for the Deaf and the Blind. Schools that serve only pre-kindergarten students shall not be eligible for this grant.

3. a.) Supplemental grants shall be allocated to eligible divisions to support schools that are not fully accredited in accordance with this paragraph. Schools that include a ninth grade that administer SOL tests in Spring 2020 and that are not fully accredited for the second consecutive year, based on school accreditation ratings in effect for fiscal year 2020 and fiscal year 2021 will qualify to participate in the Virginia e-Learning Backpack Initiative in fiscal year 2021 and receive: (1) a supplemental grant of \$400 per student reported in ninth grade fall membership in a qualifying school for the purchase of a laptop or tablet for that student and (2) a supplemental grant of \$2,400 per qualifying school to purchase two content creation packages for teachers. Schools eligible to receive this supplemental grant in fiscal year 2021 shall continue to receive the grant for the number of subsequent years equaling the number of grades 9 through 12 in the qualifying school up to a maximum of four years. Schools that administer SOL tests in Spring 2021 and that are not fully accredited for the second consecutive year based on school accreditation ratings in effect for fiscal year 2021 and fiscal year 2022 will qualify to participate in the initiative in fiscal year 2022. Schools eligible for the supplemental grants in previous fiscal years shall continue to be eligible for the remaining years of their grant award.

ITEM 145.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<p>Schools eligible to receive this supplemental grant in fiscal year 2022 shall continue to receive the grant for the number of subsequent years equaling the number of grades 9 through 12 in the qualifying school up to a maximum of four years. Grants awarded to qualifying schools that do not have grades 10, 11, or 12 may transition with the students to the primary receiving school for all years subsequent to grade 9. Schools are eligible to receive these grants for a period of up to four years beginning in fiscal year 2014 and shall not be eligible to receive a separate award in the future once the original award period has concluded. Schools that are fully accredited or that are new schools with conditional accreditation in their first year shall not be eligible to receive this supplemental grant.</p>				
<p>b.) Supplemental grants allocated to school divisions for participation in the Virginia e-Learning Backpack Initiative prior to fiscal year 2017 shall be used in eligible schools for (1) the purchase of a laptop or tablet for a student reported in ninth grade fall membership, and (2) the purchase of two content creation packages for teachers per grant. The amounts for such grants shall remain unchanged.</p>				
<p>4) Required local match:</p>				
<p>a) Localities are required to provide a match for these funds equal to 20 percent of the grant amount, including the supplemental grants provided pursuant to paragraph g. 5). At least 25 percent of the local match, including the match for supplemental grants, shall be used for teacher training in the use of instructional technology, with the remainder spent on other required uses. The Superintendent of Public Instruction is authorized to reduce the required local match for school divisions with a composite index of local ability-to-pay below 0.2000. The Virginia School for the Deaf and the Blind is exempt from the match requirement.</p>				
<p>b) School divisions that administer 100 percent of SOL tests online in all elementary, middle, and high schools may use up to 75 percent of their required local match to purchase targeted technology-based interventions. Such interventions may include the necessary technology and software to support online learning, technology-based content systems, content management systems, technology equipment systems, information and data management systems, and other appropriate technologies that support the individual needs of learners. School divisions that receive supplemental grants pursuant to paragraph g.5) above shall use the funds in qualifying schools to purchase laptops and tablets for ninth grade students reported in fall membership and content creation packages for teachers.</p>				
<p>5) The goal of the education technology grant program is to improve the instructional, remedial, and testing capabilities of the Standards of Learning for local school divisions and to increase the number of schools achieving full accreditation.</p>				
<p>6) Funds shall be used in the following manner:</p>				
<p>a) Each division shall use funds to reach a goal, in each high school, of: (1) a 5-to-1 student to computer ratio; (2) an Internet-ready local area network (LAN) capability; and (3) high speed access to the Internet. School connectivity (computers, LANs and network access) shall include sufficient download/upload capability to ensure that each student will have adequate access to Internet-based instructional, remedial and assessment programs.</p>				
<p>b) When each high school in a division meets the goals established in paragraph a) above, the remaining funds shall be used to develop similar capability in first the middle schools and then the elementary schools.</p>				
<p>c) For purposes of establishing or enhancing a computer-based instructional program supporting the Standards of Learning pursuant to paragraph g. 1) above, these grant funds may be used to purchase handheld multifunctional computing devices that support a broad range of applications and that are controlled by operating systems providing full multimedia support and mobile Internet connectivity. School divisions that elect to use these grant funds to purchase such qualifying handheld devices must continue to meet the on-line testing requirements stated in paragraph g. 1) above.</p>				
<p>d) School divisions shall be eligible to receive supplemental grants pursuant to paragraph g.5) above. These supplemental grants shall be used in qualifying schools for the purchase of laptops and tablets for ninth grade students reported in fall membership and content creation packages for teachers. Participating school divisions will be required to select a core set of electronic textbooks, applications and online services for productivity, learning management,</p>				

ITEM 145.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022

collaboration, practice, and assessment to be included on all devices. In addition, participating school divisions will assume recurring costs for electronic textbook purchases and maintenance.

e) Pursuant to § 15.2-1302, Code of Virginia, and in the event that two or more school divisions became one school division, whether by consolidation of only the school divisions or by consolidation of the local governments, such resulting division shall be provided funding through this program on the basis of having the same number of school divisions as existed prior to September 30, 2000.

7) Local school divisions shall maximize the use of available federal funds, including E-Rate Funds, and to the extent possible, use such funds to supplement the program and meet the goals of this program.

e. The Department of Education shall maintain criteria to determine if high schools, middle schools, or elementary schools have the capacity to meet the goals of this initiative. The Department of Education shall be responsible for the project management of this program.

f. 1) In the event that, on any scheduled payment date of bonds or notes of the Virginia Public School Authority (VPSA) issued for the purpose described in § 22.1-166.2, Code of Virginia, and not benefiting from the provisions of either § 22.1-168 (iii), (iv) and (v), Code of Virginia, or § 22.1-168.1, Code of Virginia, the available moneys in the Literary Fund are less than the amounts authorized for debt service due on such bonds or notes of the VPSA on such date, there is hereby appropriated to the VPSA from the general fund a sum equal to such deficiency.

2) The Chairman of the Board of Commissioners of the VPSA shall, on or before November 1 of each year, make and deliver to the Governor and the Secretary of Finance a certificate setting forth his estimate of total debt service during each fiscal year of the biennium on bonds and notes of the VPSA issued and projected to be issued during such biennium pursuant to the resolution referred to in paragraph 1) above. The Governor's budget submission each year shall include provisions for the payment of debt service pursuant to paragraph 1) above.

g. Unobligated proceeds of the notes, including investment income derived from the proceeds of the notes may be used to pay interest on, or to decrease principal of the notes or to fund a portion of such other educational technology grants as authorized by the General Assembly.

h. 1) For the purposes of § 56-232, Code of Virginia, "Contracts of Telephone Companies with State Government" and for the purposes of § 56-234 "Contracts for Service Rendered by a Telephone Company for the State Government" shall be deemed to include communications lines into public schools which are used for educational technology. The rate structure for such lines shall be negotiated by the Superintendent of Public Instruction and the Chief Information Officer of the Virginia Information Technologies Agency. Further, the Superintendent and Director are authorized to encourage the development of "by-pass" infrastructure in localities where it fails to obtain competitive prices or prices consistent with the best rates obtained in other parts of the state.

2) The State Corporation Commission, in its consideration of the discount for services provided to elementary schools, secondary schools, and libraries and the universal service funding mechanisms as provided under § 254 of the Telecommunications Act of 1996, is hereby encouraged to make the discounts for intrastate services provided to elementary schools, secondary schools, and libraries for educational purposes as large as is prudently possible and to fund such discounts through the universal fund as provided in § 254 of the Telecommunications Act of 1996. The commission shall proceed as expeditiously as possible in implementing these discounts and the funding mechanism for intrastate services, consistent with the rules of the Federal Communications Commission aimed at the preservation and advancement of universal service.

13. Security Equipment Payments

1) A security equipment grant program shall be conducted through the Virginia Public School Authority, through the issuance of equipment notes in an amount estimated at up to

ITEM 145.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022

\$12,000,000 in fiscal year 2021 and \$12,000,000 in fiscal year 2022 in conjunction with the Virginia Public School Authority technology notes program authorized in C.12. of this Item. Proceeds of the notes will be used to help offset the related costs associated with the purchase of appropriate security equipment that will improve and help ensure the safety of students attending public schools in Virginia.

2) The Department of Education shall authorize estimated amounts as indicated in Table 1 from the Literary Fund to provide debt service payments for the security equipment grant programs conducted through the Virginia Public School Authority in the referenced years.

Table 1

Grant Year	FY 2021	FY 2022
2016	\$1,233,750	
2017	\$1,246,000	\$1,249,500
2018	\$1,273,500	\$1,273,500
2019	\$1,258,500	\$1,261,750
2020	\$2,620,255	\$2,620,255
2021		\$2,620,255

3) It is the intent of the General Assembly to authorize sufficient Literary Fund revenues to pay debt service on the Virginia Public School Authority bonds or notes authorized for this program. In developing the proposed 2022-2024, 2024-2026, and 2026-2028 biennial budgets for public education, the Department of Education shall include a recommendation to the Governor to authorize sufficient Literary Fund revenues to make debt service payments for these programs in fiscal years 2023, 2024, 2025, 2026, and 2027.

4) In the event that, on any scheduled payment date of bonds or notes of the Virginia Public School Authority issued for the purpose described in § 22.1-166.2, Code of Virginia, and not benefiting from the provisions of either § 22.1-168 (iii), (iv) and (v), Code of Virginia, or § 22.1-168.1, Code of Virginia, the available moneys in the Literary Fund are less than the amounts authorized for debt service due on such bonds or notes on such date, there is hereby appropriated to the Virginia Public School Authority from the general fund a sum equal to such deficiency.

5) The Chairman of the Board of Commissioners of the Virginia Public School Authority shall, on or before November 1 of each year, deliver to the Governor and the Secretary of Finance a certificate setting forth his estimate of total debt service during each fiscal year of the biennium on bonds and notes issued and projected to be issued during such biennium. The Governor's budget submission each year shall include provisions for the payment of debt service pursuant to paragraph 1) above.

6) Grant award funds from the issuance of up to \$12,000,000 in fiscal year 2021 and \$12,000,000 in fiscal year 2022 in equipment notes shall be distributed to eligible school divisions. The grant awards will be based on a competitive grant basis of up to \$250,000 per school division. School divisions will be permitted to apply annually for grant funding. For purposes of this program, eligible schools shall include schools that are subject to state accreditation and reporting membership in grades K through 12 as of September 30, 2020, for the fiscal year 2021 issuance, and September 30, 2021, for the fiscal year 2022 issuance, as well as regional vocational centers, special education centers, alternative education centers, regular school year Governor's Schools, and the Virginia School for the Deaf and the Blind.

7) School divisions would submit their application to Department of Education by August 1 of each year based on the criteria developed by the Department of Education in collaboration with the Department of Criminal Justice Services who will provide requested technical support. Furthermore, the Department of Education will have the authority to make such grant awards to such school divisions.

8) It is also the intent of the General Assembly that, beginning with fiscal year 2020, the total amount of the grant awards shall not exceed \$60,000,000 over any ongoing revolving five year period.

9) Required local match:

ITEM 145.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022

a) Localities are required to provide a match for these funds equal to 25 percent of the grant amount. The Superintendent of Public Instruction is authorized to reduce the required local match for school divisions with a composite index of local ability-to-pay below 0.2000. The Virginia School for the Deaf and the Blind is exempt from the match requirement.

b) Pursuant to § 15.2-1302, Code of Virginia, and in the event that two or more school divisions became one school division, whether by consolidation of only the school divisions or by consolidation of the local governments, such resulting division shall be provided funding through this program on the basis of having the same number of school divisions as existed prior to September 30, 2000.

c) Local school divisions shall maximize the use of available federal funds, including E-Rate Funds, and to the extent possible, use such funds to supplement the program and meet the goals of this program.

14. Virginia Preschool Initiative Payments

a.1) It is the intent of the General Assembly that a payment estimated at \$97,139,047 the first year and \$107,086,043 the second year from the general fund shall be disbursed by the Department of Education to schools and community-based organizations to provide quality preschool programs for at-risk four-year-olds who are residents of Virginia and unserved by Head Start program funding and for at-risk five-year-olds who are not eligible to attend kindergarten.

2) These state funds and required local matching funds shall be used to provide programs for at-risk four-year-old children, which include quality preschool education, health services, social services, parental involvement and transportation. It shall be the policy of the Commonwealth that state funds and required local matching funds for the Virginia Preschool Initiative not be used for capital outlay, not be used to supplant any Head Start federal funds provided for local early education programs, and not be used until the local Head Start grantee certifies that all local Head Start slots are filled. Programs must provide full-day or half-day and, at least, school-year services.

3) The Department of Education shall establish academic standards that are in accordance with appropriate preparation for students to be ready to successfully enter kindergarten. These standards shall be established in such a manner as to be measurable for student achievement and success. Students shall be required to be evaluated in the fall and in the spring by each participating school division and the school divisions must certify that the Virginia Preschool Initiative program follows the established standards in order to receive the funding for quality preschool education and criteria for the service components. Such standards shall align with the Virginia Standards of Learning for Kindergarten.

4) a) Grants shall be distributed based on an allocation formula providing the state share of a \$6,959 per pupil grant in the first year and a \$7,655 per pupil grant in the second year for 100 percent of the unserved at-risk four-year-olds in each locality for a full-day program. The number of unserved at-risk four-year-olds in each locality shall be based on the projected number of kindergarten students, updated once each biennium for the Governor's introduced biennial budget. Grants to half-day programs shall be funded based on the state share of \$3,480 in the first year and \$3,828 in the second year per unserved at-risk four-year-old in each locality.

b) Out of this appropriation, \$2,837,266 the first year and \$6,117,049 the second year from the general fund is provided to serve at-risk three-year-olds who are residents of Virginia and unserved by Head Start funding on a pilot basis using criteria as determined by the Department of Education. Localities may apply to participate in the pilot by May 15 each year and shall be selected on a competitive basis. Pilot providers shall be required to: (i) demonstrate broad stakeholder support, (ii) track outcomes for participating children, (iii) demonstrate how they will maximize federal and state funds to preserve existing birth to five slots, including certifying that all local Head Start slots are filled, (iv) support inclusive practices of children with identified special needs, and (v) collaborate among the school division, local department of social services, programs accepting child care subsidy payments, and providers for Head Start, private child care, and early childhood special education and early intervention programs. In addition, localities shall

ITEM 145.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022

be selected using other criteria that include prioritizing: (i) communities with limited child care options; (ii) programs serving children in private, mixed-delivery settings; or (iii) communities that demonstrate full support of public and private providers. Grants shall be distributed based on an allocation formula providing the state share of a \$6,959 per pupil grant in the first year, and a \$7,655 per pupil grant in the second year. Grants to half-day programs shall be funded based on the state share of \$3,480 in the first year, and \$3,828 in the second year.

c) Full-day programs shall operate for a minimum of five and one-half instructional hours, excluding breaks for meals, and half-day programs shall operate for a minimum of three hours of classroom instructional time per day, excluding breaks for lunch. Virginia Preschool Initiative programs may include unstructured recreational time that is intended to develop teamwork, social skills, and overall physical fitness in any calculation of total instructional time, provided that such unstructured recreational time does not exceed 15 percent of total instructional time or teaching hours. No additional state funding is provided for programs operating greater than three hours per day but less than five and one-half hours per day. In determining the state and local shares of funding, the composite index of local ability-to-pay is capped at 0.5000.

d) For new programs in the first year of implementation only, programs operating less than a full school year shall receive state funds on a fractional basis determined by the pro-rata portion of a school year program provided. In determining the prorated state funds to be received, a school year shall be 180 days or 990 teaching hours.

b.1) Any locality that desires to participate in this grant program must submit a proposal through its chief administrator (county administrator or city manager) by May 15 of each year. The chief administrator, in conjunction with the school superintendent, shall identify a lead agency for this program within the locality. The lead agency shall be responsible for developing a local plan for the delivery of quality preschool services to at-risk children, which demonstrates the coordination of resources and the combination of funding streams in an effort to serve the greatest number of at-risk four-year-old children. Starting in fiscal year 2021, localities may apply for additional funds to serve at-risk three-year-old children on a pilot basis.

2) The proposal must demonstrate coordination with all parties necessary for the successful delivery of comprehensive services, including the schools, child care providers, local social services agency, Head Start, local health department, and other groups identified by the lead agency. The proposal must identify which entities were consulted and how the locality will ensure that federal funds are preserved and maximized including demonstrating compliance with Title I of the federal Elementary and Secondary Education Act to ensure that a Local Educational Agency receiving Title I funding coordinates with Head Start programs and other early learning programs receiving federal funds by developing Memorandums of Understanding with such agencies to coordinate services. The proposal must also demonstrate a plan for supporting inclusive practices for children with identified special needs.

3) A local match, based on the composite index of local ability-to-pay, shall be required. For purposes of meeting the local match, localities may use local expenditures for existing qualifying programs, however, at least fifty percent of the local match will be cash and no more than fifty percent will be in-kind. In-kind contributions are defined as cash outlays that are made by the locality that benefit the program but are not directly charged to the program. The value of fixed assets cannot be considered as an in-kind contribution. Philanthropic or other private funds may be contributed to the locality to be appropriated in their local budget and then utilized as local match. Localities shall also continue to pursue and coordinate other funding sources, including child care subsidies. Funds received through this program must be used to supplement, not supplant, any funds currently provided for programs within the locality. However, in the event a locality is unable to continue the previous level of support to programs for at-risk four-year-olds from Title I of the federal Elementary and Secondary Education Act (ESEA), the state and local funds provided in this grants program may be used to continue services to these Title I students. Such inability may occur due to adjustments to the allocation formula in the reauthorization of ESEA as the Every Student Succeeds Act of 2015, or due to a percentage reduction in a locality's Title I allocation in a particular year. Any locality so affected shall provide written evidence to the Superintendent of Public Instruction

ITEM 145.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022

and request his approval to continue the services to Title I students.

c. Local plans must provide clear methods of service coordination for the purpose of reducing the per child cost for the service, increasing the number of at-risk children served and/or extending services for the entire year. Examples of these include:

- 1) "Wraparound Services" -- methods for combining funds such as child care subsidy dollars administered by local social service agencies with dollars for quality preschool education programs.
- 2) "Wrap-out Services" - methods for using grant funds to purchase quality preschool services to at-risk four-year-old children through an existing child care setting by purchasing comprehensive services within a setting which currently provides quality preschool education.
- 3) "Expansion of Service" - methods for using grant funds to purchase slots within existing programs, such as Head Start, which provides comprehensive services to at-risk three- and four-year-old children.

d. Local plans must indicate the number of at-risk four-year-old children to be served, and the eligibility criteria for participation in this program shall be consistent with the economic and educational risk factors stated in the 2015-2016 programs guidelines that are specific to: (i) family income at or below 200 percent of federal poverty guidelines, (ii) homelessness, (iii) student's parents or guardians are school dropouts, or (iv) family income is above 200 percent but at or below 350 percent of federal poverty guidelines in the case of students with special needs or disabilities. Up to 15 percent of a division's slots may be filled based on locally established eligibility criteria so as to meet the unique needs of at-risk children in the community. If applicable, local plans must also indicate the number of at-risk three-year-old children to be served using the same eligibility criteria listed above. Localities that can demonstrate that more than 15 percent of slots are needed to meet the needs of at-risk children in their community may apply for a waiver from the Superintendent of Public Instruction to use a larger percentage of their slots. Localities must demonstrate that increasing eligibility will enable the maximization of federal funds and will not have a negative impact on access for other individuals currently being served.

e.1) The Department of Education shall provide technical assistance for the administration of this grant program to provide assistance to localities in developing a comprehensive, coordinated, quality preschool program that prepares all participants for kindergarten.

2) The Department shall provide interested localities with information on models for service delivery, methods of coordinating funding streams, such as funds to match federal IV-A child care dollars, to maximize funding without supplanting existing sources of funding for the provision of services to at-risk three- and four-year-old children. A priority for technical assistance in the design of programs shall be given to localities where the majority of the at-risk three- and four-year-old population is currently unserved.

f. The Department of Education shall include in the program's application package specific information regarding the potential availability of funding for supplemental grants that may be used for one-time expenses, other than capital, related to start-up or expansion of programs, with priority given to proposals for expanding the use of partnerships with either nonprofit or for-profit providers. Furthermore, the Department is mandated to communicate to all eligible school divisions the remaining available balances in the program's adopted budget, after the fall participation reports have been submitted and finalized for such grants.

g. Out of this appropriation, \$3,982,079 the first year and \$3,285,258 the second year from the general fund is provided to support Virginia Preschool Initiative slots to serve children on wait lists. In each year, unused grants distributed as provided in paragraph C.14.a.4. of this Item shall be redistributed based on guidelines established by the Department of Education subject to the appropriation available for this purpose. Such guidelines shall provide the criteria used to redistribute grants and provide for the notification of grants redistribution to programs no later than July 1 of each year. The Department shall conduct this process annually, and the redistribution shall not affect the allocation formula for the subsequent year.

ITEM 145.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
h.1) Out of this appropriation, \$5,020,000 the first year and \$5,005,000 the second year from the general fund is provided to support an add-on grant per child for approximately 2,000 children to incentivize mixed-delivery of services through private providers. These add-on grants are intended to provide funds to minimize the difference between the amount of the per-pupil grant allocation and the per-pupil cost to serve a child in a community-based or private provider setting. Recipients of the add-on grants will be encouraged to support classrooms that support inclusive practices of children with special needs. Localities shall indicate in their plans submitted pursuant to C.14.b.1 of this Item how many of their Virginia Preschool Initiative slots will be provided in community-based or private provider settings to receive the add-on grant.				
2) The amount of these add-on grants shall vary by region in fiscal year 2021 and provide a grant of: (i) \$3,500 per child for divisions in Planning District 8, (ii) \$2,500 per child for divisions in Planning District 15, Planning District 23, and for the counties of Stafford, Fauquier, Spotsylvania, Clarke, Warren, Frederick, and Culpeper and the Cities of Fredericksburg and Winchester, and (iii) \$1,500 per child in any other division.				
3) The Department of Education shall develop a plan to determine the magnitude of the gap between regional prevailing child care market rates and the Virginia Preschool Initiative per pupil amount. The Department shall establish a schedule designating the amount of the add-on grants for each school division for fiscal year 2022. The amount of the add-on grant plus the Virginia Preschool Initiative per pupil amount shall not exceed prevailing child care market rates in a particular region. The Department shall report on the established schedule to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees by December 1, 2020.				
i. The Department of Education shall develop a plan to determine, recognize, and biennially rebenchmark the per-student funding amount of the Virginia Preschool Initiative, similar to the current formula supporting public K-12 education in Virginia. In developing such plan, the Department shall (i) identify needs to implement such plan, including reporting from local school divisions, (ii) include relevant stakeholders, including school division finance staff and local Virginia Preschool Initiative administrators, (iii) identify any legislative or Appropriation Act amendments necessary for implementation, and (iv) plan for full implementation to benchmark the per-student funding amount of the Virginia Preschool Initiative.				
j. Out of this appropriation, \$6,419,996 the first year and \$7,062,088 the second year from the general fund is provided to support increased Virginia Preschool Initiative teacher to student ratios and class sizes, as follows:				
1) Any classroom that exceeds benchmarks set by the Board of Education shall be staffed as follows: (i) one teacher shall be provided for any class of ten students or less; (ii) if the enrollment in any class exceeds ten students but does not exceed 20, a full-time teacher's aide shall be assigned to the class; and (iii) the maximum class size shall be 20 students.				
2) All other classrooms shall be staffed as follows: (i) one teacher shall be employed for any class of nine students or less; (ii) if the enrollment in any class exceeds nine students but does not exceed 18, a full-time teacher's aide shall be assigned to the class; and (iii) the maximum class size shall be 18 students.				
k. Out of this appropriation, \$306,100 the first year and \$306,100 the second year from the general fund is allocated for the Department of Education to provide grants of no more than \$30,000 each for local school divisions that have applied for such funds for the sole purpose of providing financial incentives to provisionally licensed teachers teaching students enrolled in the Virginia Preschool Initiative and who are actively engaged in coursework and professional development, toward achieving the required degree and license that satisfy the licensure requirements reflected in § 22.1-299, Code of Virginia. School divisions must submit applications to the Department of Education by December 1 of each year. Priority for awarding grants shall be given to hard-to-staff schools and schools with the highest number of provisionally licensed teachers teaching students enrolled in the Virginia Preschool Initiative. The Department of Education shall develop the application process to be provided to school divisions that have provisionally licensed teachers employed and are teaching students enrolled in the Virginia Preschool Initiative.				

ITEM 145.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022
1. 1.) The Department of Education shall collect information from local programs and from pilot providers participating in the Virginia Early Childhood Foundation's pilot Mixed-Delivery Preschool Initiative established in Item 144 as needed to compile a comprehensive report on the usage of state funds detailing, but not limited to the number of calculated slots and funding allocated to each local program or pilot provider, and the number of such slots that have been filled.				
2.) Such comprehensive report shall be aggregated in a manner to identify: (i) funding and the number of slots used to serve a student in a public school and non-public school setting, (ii) the number of three-year olds served, (iii) waitlist slots requested, offered, and provided, (iv) the number of students served whose families are at or below 130 percent poverty, above 130 percent but at or below 200 percent of poverty, above 200 percent but at or below 350 percent of poverty, and above 350 percent of poverty.				
3.) Such comprehensive report shall include details regarding any supplemental grants awarded pursuant to paragraph f.				
4.) The Department shall submit such comprehensive report to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees no later than December 31 each year.				
5.) The Department shall develop a plan for comprehensive public reporting on early childhood expenditures, outcomes, and program quality to replace this reporting requirement. Such plan shall consider the components included in this reporting requirement, and include all publicly-funded providers as defined in House Bill 1012 and Senate Bill 578. The plan shall identify any fiscal, legislative, or regulatory barriers to implementing such public reporting, and shall consider integration with the Department's School Quality Profiles. Such plan shall be submitted to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees by December 1, 2020.				
m. Out of this appropriation, \$2,042,044 the first year and \$2,246,277 the second year from the general fund is provided to support approximately an additional 609 Virginia Preschool Initiative slots that were previously filled under the Virginia Preschool Initiative Plus (VPI Plus). These slots are intended to hold harmless eight school divisions that participated in VPI Plus during the 2019-2020 school year, by allocating the same number of slots to those eight school divisions.				
n. Out of this appropriation, \$4,432,189 the first year and \$4,875,473 the second year from the general fund is provided as flexible funding available to supplement any of the other initiatives provided in section C.14 of this item.				
15. Early Reading Intervention Payments				
a. An additional payment of \$28,874,557 the first year and \$28,952,264 the second year from the Lottery Proceeds Fund shall be disbursed by the Department of Education to local school divisions for the purposes of providing early reading intervention services to students in grades kindergarten through 3 who demonstrate deficiencies based on their individual performance on diagnostic tests which have been approved by the Department of Education. The Department of Education shall review the tests of any local school board which requests authority to use a test other than the state-provided test to ensure that such local test uses criteria for the early diagnosis of reading deficiencies which are similar to those criteria used in the state-provided test. The Department of Education shall make the state-provided diagnostic test used in this program available to local school divisions. School divisions shall report the results of the diagnostic tests to the Department of Education on an annual basis at a time to be determined by the Superintendent of Public Instruction.				
b. These payments shall be based on the state's share of the cost of providing two and one-half hours of additional instruction each week for an estimated number of students in each school division at a student to teacher ratio of five to one. The estimated number of students in each school division in each year shall be determined by multiplying the projected number of students reported in each school division's fall membership in grades kindergarten, 1, 2, and 3 by the percent of students who are determined to need services based on diagnostic tests administered in the previous year in that school division and				

ITEM 145.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022
adjusted in the following manner:				
	Year 1		Year 2	
Kindergarten	100%		100%	
Grade 1	100%		100%	
Grade 2	100%		100%	
Grade 3	100%		100%	

c. These payments are available to any school division that certifies to the Department of Education that an intervention program will be offered to such students and that each student who receives an intervention will be assessed again at the end of that school year. At the beginning of the school year, local school divisions shall partner with the parents of those third grade students in the division who demonstrate reading deficiencies, discussing with them a developed plan for remediation and retesting. Such intervention programs, at the discretion of the local school division, may include, but not be limited to, the use of: special reading teachers; trained aides; full-time early literacy tutors; volunteer tutors under the supervision of a certified teacher; computer-based reading tutorial programs; aides to instruct in-class groups while the teacher provides direct instruction to the students who need extra assistance; or extended instructional time in the school day or year for these students. Localities receiving these payments are required to match these funds based on the composite index of local ability-to-pay.

d. In the event that a school division does not use the diagnostic test provided by the Department of Education in the year that serves as the basis for updating the funding formula for this program but has used it in past years, the Department of Education shall use the most recent data available for the division for the state-provided diagnostic test.

e. The results of all reading diagnostic tests and reading remediation shall be discussed with the student and the student's parent prior to the student being promoted to grade four.

f. Funds appropriated for Standards of Quality Prevention, Intervention, and Remediation, Remedial Summer School, or At-Risk Add-On may also be used to meet the requirements of this program.

16. Standards of Learning Algebra Readiness Payments

a. An additional payment of \$15,194,903 the first year and \$15,239,492 the second year from the Lottery Proceeds Fund shall be disbursed by the Department of Education to local school divisions for the purposes of providing math intervention services to students in grades 6, 7, 8 and 9 who are at-risk of failing the Algebra I end-of-course test, as demonstrated by their individual performance on diagnostic tests which have been approved by the Department of Education. These amounts reflect \$200,000 the first year and \$200,000 the second year apportioned to each school division to account for the cost of the diagnostic test. The Department of Education shall review the tests to ensure that such local test uses state-provided criteria for diagnosis of math deficiencies which are similar to those criteria used in the state-provided test. The Department of Education shall make the state-provided diagnostic test used in this program available to local school divisions. School divisions shall report the results of the diagnostic tests to the Department of Education on an annual basis at a time to be determined by the Superintendent of Public Instruction.

b. These payments shall be based on the state's share of the cost of providing two and one-half hours of additional instruction each week for an estimated number of students in each school division at a student to teacher ratio of ten to one. The estimate number of students in each school division shall be determined by multiplying the projected number of students reported in each school division's fall membership by the percent of students that qualify for the federal Free Lunch Program.

c. These payments are available to any school division that certifies to the Department of Education that an intervention program will be offered to such students and that each student who receives an intervention will be assessed again at the end of that school year. Localities receiving these payments are required to match these funds based on the composite index of local ability-to-pay.

17. School Construction Grants Program Escrow

ITEM 145.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022

Notwithstanding the requirements of § 22.1-175.5, Code of Virginia, school divisions are permitted to withdraw funds from local escrow accounts established pursuant to § 22.1-175.5 to pay for recurring operational expenses incurred by the school division. Localities are not required to provide a local match of the withdrawn funds.

18. English as a Second Language Payments

A payment of \$82,232,407 the first year and \$95,145,149 the second year from the general fund shall be disbursed by the Department of Education to local school divisions to support the state share of 20 professional instructional positions per 1,000 students for whom English is a second language. Local school divisions shall provide a local match based on the composite index of local ability-to-pay.

19. Special Education Instruction Payments

a. The Department of Education shall establish rates for all elements of Special Education Instruction Payments.

b. Out of the appropriations in this Item, the Department of Education shall make available, subject to implementation by the Superintendent of Public Instruction, an amount estimated at \$101,152,929 the first year and \$101,152,929 the second year from the Lottery Proceeds Fund for the purpose of the state's share of the tuition rates for approved public Special Education Regional Tuition school programs. Notwithstanding any contrary provision of law, the state's share of the tuition rates shall be based on the composite index of local ability-to-pay.

c. Out of the amounts for Financial Assistance for Categorical Programs, \$36,591,267 the first year and \$37,546,662 the second year from the general fund is appropriated to permit the Department of Education to enter into agreements with selected local school boards for the provision of educational services to children residing in certain hospitals, clinics, and detention homes by employees of the local school boards. The portion of these funds provided for educational services to children residing in local or regional detention homes shall only be determined on the basis of children detained in such facilities through a court order issued by a court of the Commonwealth. The selection and employment of instructional and administrative personnel under such agreements will be the responsibility of the local school board in accordance with procedures as prescribed by the local school board. State payments for the first year to the local school boards operating these programs will be based on certified expenditures from the fourth quarter of FY 2020 and the first three quarters of FY 2021. State payments for the second year to the local school boards operating these programs will be based on certified expenditures from the fourth quarter of FY 2021 and the first three quarters of FY 2022.

20. Vocational Education Instruction Payments

a. It is the intention of the General Assembly that the Department of Education explore initiatives that will encourage greater cooperation between jurisdictions and the Virginia Community College System in meeting the needs of public school systems.

b. This appropriation includes \$1,800,000 the first year and \$1,800,000 the second year from the Lottery Proceeds Fund for secondary vocational-technical equipment. A base allocation of \$2,000 each year shall be available for all divisions, with the remainder of the funding distributed on the basis of student enrollment in secondary vocational-technical courses. State funds received for secondary vocational-technical equipment must be used to supplement, not supplant, any funds currently provided for secondary vocational-technical equipment within the locality. Local school divisions are not required to provide a local match in order to receive these state funds.

c.1) This appropriation includes an additional \$2,000,000 the first year and \$2,000,000 the second year from the Lottery Proceeds Fund to update vocational-technical equipment to industry standards providing students with classroom experience that translates to the workforce.

2) Of this amount, \$1,400,000 the first year and \$1,400,000 the second year is provided for vocational-technical equipment in high-demand, high-skill, and fast-growth industry

ITEM 145.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
	sectors as identified by the Virginia Board of Workforce Development and based on data from the Bureau of Labor Statistics and the Virginia Employment Commission.			
	3) Of this amount, \$600,000 the first year and \$600,000 the second year will be awarded based on competitive innovative program grants for high-demand and fast-growth industry sectors with priority given to state-identified challenged schools, the Governor's Science Technology, Engineering, and Mathematics (STEM) academies, and the Governor's Health Science Academies.			
	d. This appropriation includes \$500,000 the first year and \$500,000 the second year from the Lottery Proceeds Fund to support credentialing testing materials for students and professional development for instructors in science, technology, engineering, and mathematics-health sciences (STEM-H) career and technical education programs.			
	21. Adult Education Payments			
	State funds shall be used to reimburse general adult education programs on a fixed cost per pupil or cost per class basis. No state funds shall be used to support vocational noncredit courses.			
	22. General Education Payments			
	a. This appropriation includes \$2,410,988 the first year and \$2,410,988 the second year from the Lottery Proceeds Fund to support Race to GED. Out of this appropriation, \$465,375 the first year and \$465,375 the second year shall be used for PluggedIn VA.			
	b. This appropriation includes \$1,387,240 the first year and \$1,387,240 the second year from the Lottery Proceeds Fund to support Project Graduation and any associated administrative and contractual service expenditures related to this initiative.			
	23. Individual Student Alternative Education Program (ISAEP) Payments			
	Out of this appropriation, \$2,247,581 the first year and \$2,247,581 in the second year from the Lottery Proceeds Fund shall be provided for the secondary schools' Individual Student Alternative Education Program (ISAEP), pursuant to Chapter 488 and Chapter 552 of the 1999 Session of the General Assembly.			
	24. Foster Children Education Payments			
	a. An additional state payment is provided from the Lottery Proceeds Fund for the prior year's local operations costs, as determined by the Department of Education, for each pupil of school age as defined in § 22.1-1, Code of Virginia, not a resident of the school division providing his education (a) who has been placed in foster care or other custodial care within the geographical boundaries of such school division by a Virginia agency, whether state or local, which is authorized under the laws of this Commonwealth to place children; (b) who has been placed in an orphanage or children's home which exercises legal guardianship rights; or (c) who is a resident of Virginia and has been placed, not solely for school purposes, in a child-caring institution or group home.			
	b. This appropriation provides \$10,667,347 the first year and \$11,528,816 the second year from the Lottery Proceeds Fund to support children attending public school who have been placed in foster care or other such custodial care across jurisdictional lines, as provided by subsections A and B of § 22.1-101.1, Code of Virginia. To the extent these funds are not adequate to cover the full costs specified therein, the Department is authorized to expend unobligated balances in this Item for this support.			
	25. Sales Tax Payments			
	a. This is a sum-sufficient appropriation for distribution to counties, cities and towns a portion of net revenue from the state sales and use tax, in support of the Standards of Quality (Title 22.1, Chapter 13.2, Code of Virginia) (See the Attorney General's opinion of August 3, 1982).			
	b. Certification of payments and distribution of this appropriation shall be made by the State Comptroller.			
	c. The distribution of state sales tax funds shall be made in equal bimonthly payments at the			

ITEM 145.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
middle and end of each month.				
d. Included in this appropriation are the accelerated sales tax revenues attributable to §58.1-638 B., D., and F.1., Code of Virginia, and collected pursuant to §3-5.06 of this act.				
26. Adult Literacy Payments				
a. Appropriations in this Item include \$125,000 the first year and \$125,000 the second year from the general fund for the ongoing literacy programs conducted by Mountain Empire Community College.				
b. Out of this appropriation, the Department of Education shall provide \$100,000 the first year and \$100,000 the second year from the general fund for the Virginia Literacy Foundation grants to support programs for adult literacy including those delivered by community-based organizations and school divisions providing services for adults with 0-9th grade reading skills.				
27. Governor's School Payments				
a. Out of the amounts for Governor's School Payments, the Department of Education shall provide assistance for the state share of the incremental cost of regular school year Governor's Schools based on each participating locality's composite index of local ability-to-pay. Participating school divisions must certify that no tuition is assessed to students for participation in this program.				
b.1) Out of the amounts for Governor's School Payments, the Department of Education shall provide assistance for the state share of the incremental cost of summer residential Governor's Schools and Foreign Language Academies to be based on the greater of the state's share of the composite index of local ability-to-pay or 50 percent. Participating school divisions must certify that no tuition is assessed to students for participation in this program if they are enrolled in a public school.				
2) Out of the amounts for Governor's School Payments, \$41,000 the first year and \$41,000 the second year is provided to support the Hanover Regional Summer Governor's School for Career and Technical Advancement, which was established pursuant to Chapter 425, 2014 Acts of Assembly, and Chapter 665, 2015 Acts of Assembly.				
c. For the Summer Governor's Schools and Foreign Language Academies programs, the Superintendent of Public Instruction is authorized to adjust the tuition rates, types of programs offered, length of programs, and the number of students enrolled in order to maintain costs within the available state and local funds for these programs.				
d. It shall be the policy of the Commonwealth that state general fund appropriations not be used for capital outlay, structural improvements, renovations, or fixed equipment costs associated with initiation of existing or proposed Governor's schools. State general fund appropriations may be used for the purchase of instructional equipment for such schools, subject to certification by the Superintendent of Public Instruction that at least an equal amount of funds has been committed by participating school divisions to such purchases.				
e. The Board of Education shall not take any action that would increase the state's share of costs associated with the Governor's Schools as set forth in this Item. This provision shall not prohibit the Department of Education from submitting requests for the increased costs of existing programs resulting from updates to student enrollment for school divisions currently participating in existing programs or for school divisions that begin participation in existing programs.				
f.1) Regular school year Governor's Schools are funded through this Item based on the state's share of the incremental per pupil cost for providing such programs for each student attending a Governor's School up to a cap of 1,800 students per Governor's School in the first year and a cap of 1,800 students per Governor's School in the second year. This incremental per pupil payment shall be adjusted for the composite index of the school division that counts such students attending an academic year Governor's School in their March 31 Average Daily Membership. It is the intent of the General Assembly that this incremental per pupil amount be in addition to the basic aid per pupil funding provided to the affected school division for such students. Therefore, local school divisions are				

ITEM 145.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022

encouraged to provide the appropriate portion of the basic aid per pupil funding to the Governor's Schools for students attending these programs, adjusted for costs incurred by the school division for transportation, administration, and any portion of the day that the student does not attend a Governor's School.

2) Students attending a revolving Academic Year Governor's School program for only one semester shall be counted as 0.50 of a full-time equivalent student and will be funded for only fifty percent of the full-year funded per pupil amount. Funding for students attending a revolving Academic Year program will be adjusted based upon actual September 30th and January 30th enrollment each fiscal year. For purposes of this Item, revolving programs shall mean Academic Year Governor's School programs that admit students on a semester basis.

3) Students attending a continuous, non-revolving Academic Year Governor's School program shall be counted as a full-time equivalent student and will be funded for the full-year funded per pupil amount. Funding for students attending a continuous, non-revolving Academic Year Governor's School program will be adjusted based upon actual September 30th student enrollment each fiscal year. For purposes of this Item, continuous, non-revolving programs shall mean Academic Year Governor's School programs that only admit students at the beginning of the school year. Fairfax County Public Schools shall not reduce local per pupil funding for the Thomas Jefferson Governor's School below the amounts appropriated for the 2003-2004 school year.

g. All regional Governor's Schools are encouraged to provide full-day grades 9 through 12 programs.

h. Out of the appropriation included in paragraph C. 38. of this item, \$408,502 the first year and \$834,740 the second year from the general fund is provided in the Academic Year Governor's School funding allocation to increase the per pupil amount the second year as an add-on for a compensation supplement payment equal to 2.0 percent of base pay on July 1, 2020, and for a compensation supplement payment equal to 2.0 percent of base pay on July 1, 2021, for Academic Year Governor's School instructional and support positions.

i. Each Academic Year Governor's School shall set diversity goals for its student body and faculty, and develop a plan to meet said goals in collaboration with community partners at public meetings. Each school shall submit a report to the Governor by October 1 of each year on its goals and status of implementing its plan. The report shall include, but not be limited to the following: utilization of universal screenings in feeder divisions; admission processes in place or under consideration that promote access for historically underserved students; and outreach and communication efforts deployed to recruit historically underserved students. The report shall include the racial/ethnic make-up and socioeconomic diversity of its students, faculty, and applicants.

28. School Nutrition Payments

It is provided that, subject to implementation by the Superintendent of Public Instruction, no disbursement shall be made out of the appropriation for school nutrition to any locality in which the schools permit the sale of competitive foods in food service facilities or areas during the time of service of food funded pursuant to this Item.

29. School Breakfast Payments

a. Out of this appropriation, \$7,238,768 the first year and \$7,920,136 the second year from the Lottery Proceeds Fund is included to continue a state funded incentive program to maximize federal school nutrition revenues and increase student participation in the school breakfast program. These funds are available to any school division as a reimbursement for breakfast meals served that are in excess of the baseline established by the Department of Education. The per meal reimbursement shall be \$0.22; however, the department is authorized, but not required to reduce this amount proportionately in the event that the actual number of meals to be reimbursed exceeds the number on which this appropriation is based so that this appropriation is not exceeded.

b. In order to receive these funds, school divisions must certify that these funds will be used to supplement existing funds provided by the local governing body and that local funds derived from sources that are not generated by the school nutrition programs have not been reduced or eliminated. The funds shall be used to improve student participation in the school breakfast

ITEM 145.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022

program. These efforts may include, but are not limited to, reducing the per meal price paid by students, reducing competitive food sales in order to improve the quality of nutritional offerings in schools, increasing access to the school breakfast program, or providing programs to increase parent and student knowledge of good nutritional practices. In no event shall these funds be used to reduce local tax revenues below the level appropriated to school nutrition programs in the prior year. Further, these funds must be provided to the school nutrition programs and may not be used for any other school purpose.

c.1) Out of this appropriation, \$1,074,000 the first year and \$1,074,000 the second year from the general fund is provided to fund an After-the-Bell Model breakfast program available on a voluntary basis to elementary, middle, and high schools where student eligibility for free or reduced lunch exceeds 45.0 percent for the participating eligible school, and to provide additional reimbursement for eligible meals served in the current traditional school breakfast program at all grade levels in any participating school. The Department of Education is directed to ensure that only eligible schools receive reimbursement funding for participating in the After-the-Bell school breakfast model. The schools participating in the program shall evaluate the educational impact of the models implemented that provide school breakfasts to students after the first bell of the school day, based on the guidelines developed by the Department of Education and submit the required report to the Department of Education no later than August 31 each year.

2) The Department of Education shall communicate, through Superintendent's Memo, to school divisions the types of breakfast serving models and the criteria that will meet the requirements for this State reimbursement, which may include, but are not limited to, breakfast in the classroom, grab and go breakfast, or a breakfast after first period. School divisions may determine the breakfast serving model that best applies to its students, so long as it occurs after the instructional day has begun. The Department of Education shall monthly transfer to each school division a reimbursement rate of \$0.05 per breakfast meal that meets either of the established criteria in elementary schools and a reimbursement rate of \$0.10 per breakfast meal that meets either of the established criteria in middle or high schools.

3) No later than July 1 each year, the Department of Education shall provide for a breakfast program application process for school divisions with eligible schools, including guidelines regarding specified required data to be compiled from the prior school year or years and for the upcoming school year program. The number of approved applications shall be based on the estimated number of sites that can be accommodated within the approved funding level. The Department of Education shall set criteria for establishing priority should the number of applications from eligible schools exceed the approved funding level. The reporting requirements must include: chronic absenteeism rates, student attendance and tardy arrivals, office discipline referrals, student achievement measures, teachers' and administrators' responses to the impact of the program on student hunger, student attentiveness, and overall classroom learning environment before and after implementation, and the financial impact on the division's school food program. Funded schools that do not provide data by August 31 are subject to exclusion from funding in the following year. The Department of Education shall collect and compile the results of the breakfast program and shall submit the report to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees no later than November 1 following each school year.

30. Clinical Faculty and Mentor Teacher Program Payments

This appropriation includes \$1,000,000 the first year and \$1,000,000 the second year from the Lottery Proceeds Fund to be paid to local school divisions for statewide Mentor Teacher Programs to assist pre-service teachers and beginning teachers to make a successful transition into full-time teaching. This appropriation also includes \$318,750 the first year and \$318,750 the second year from the general fund for Clinical Faculty programs to assist pre-service teachers and beginning teachers to make a successful transition into full-time teaching. Such programs shall include elements which are consistent with the following:

- a. An application process for localities and school/higher education partnerships that wish to participate in the programs;

ITEM 145.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
b. For Clinical Faculty programs only, provisions for a local funding or institutional commitment of 50 percent, to match state grants of 50 percent;				
c. Program plans which include a description of the criteria for selection of clinical faculty and mentor teachers, training, support, and compensation for clinical faculty and mentor teachers, collaboration between the school division and institutions of higher education, the clinical faculty and mentor teacher assignment process, and a process for evaluation of the programs;				
d. The Department of Education shall allow flexibility to local school divisions and higher education institutions regarding compensation for clinical faculty and mentor teachers consistent with these elements of the programs; and				
e. It is the intent of the General Assembly that no preference between pre-service or beginning teacher programs be construed by the language in this Item. School divisions operating beginning teacher mentor programs shall receive equal consideration for funding.				
31. Career Switcher/Alternative Licensure Payments				
Appropriations in this Item include \$279,983 the first year and \$279,983 the second year from the general fund to provide grants to school divisions that employ mentor teachers for new teachers entering the profession through the alternative route to licensure as prescribed by the Board of Education.				
32. Virginia Workplace Readiness Skills Assessment				
Appropriations in this Item include \$308,655 the first year and \$308,655 the second year from the general fund to provide support grants to school divisions for standard diploma graduates. To provide flexibility, school divisions may use the state grants for the actual assessment or for other industry certification preparation and testing.				
33. Early Reading Specialists Initiative				
a. An additional payment of \$1,476,790 the first year and \$1,476,790 the second year from the general fund shall be disbursed by the Department of Education to qualifying local school divisions for the purpose of providing a reading specialist for schools with a third grade that rank lowest statewide on the reading Standards of Learning (SOL) assessments. Funding for a reading specialist during the 2020-2022 biennium shall be based on the results of the Spring 2019 reading SOL assessments. Such schools shall be eligible to receive the state share of funding for both years of the biennium. Following certification from a school division that it will not participate in the program, the Department is authorized to identify additional eligible schools based upon the list of schools that rank lowest on the Spring 2019 SOL reading assessment.				
b. These payments shall be based on the state's share of the cost of providing one reading specialist per qualifying school.				
c. These payments are available to any school division with a qualifying school that (1) certifies to the Department of Education that the division has hired a reading specialist to provide direct services to children reading below grade level in the school to improve reading achievement and (2) applies and receives a waiver for up to two years from the Board of Education for the administration of third grade SOL assessments in science or history and social science or both for the purpose of creating additional instructional time for reading specialists to work with students reading below grade level to improve reading achievement.				
d. These payments also are available to any school division with a qualifying school that certifies to the Department of Education that the division is supporting tuition for collegiate programs and instruction for currently employed instructional school personnel to earn the credentials necessary to meet licensure requirements to be endorsed as a reading specialist.				
e. School divisions receiving these payments are required to match these funds based on the composite index of local ability-to-pay.				
f. Within the fiscal year, any funds not awarded from this program may be awarded to eligible schools under the Math/Reading Instructional Specialist Initiative.				

ITEM 145.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022

34. Math/Reading Instructional Specialist Initiative

a. Included in this appropriation is \$1,834,538 the first year and \$1,834,538 the second year from the general fund in additional payments for reading or math instructional specialists at underperforming schools. From this amount, the state share of one reading or math specialist shall be provided to local school divisions with schools which rank lowest statewide on the Spring Standards of Learning (SOL) math or reading assessment. Funding for one math or reading specialist during the 2020-2022 biennium shall be based on the results of the Spring 2019 SOL assessments. Such schools shall be eligible to receive the state share of funding for both years of the biennium. If, following certification from a school division that it will not participate in the program, the Department is authorized to identify additional eligible schools based upon the list of schools that rank lowest on the Spring 2019 SOL math or reading assessment.

b. These payments are available to any school division with a qualifying school that certifies to the Department of Education that the division has (1) hired a math or reading instructional specialist, or (2) is supporting tuition for collegiate programs and instruction for currently employed instructional school personnel to earn the credentials necessary to meet licensure requirements to be endorsed as a math specialist or a reading specialist. Localities receiving these payments are required to match these funds based on the composite index of local ability-to-pay.

c. The Department of Education is authorized to utilize available funding appropriated to the Early Reading Specialist Initiative contained in this Item to pay for instructional specialists at additional eligible schools, or to support tuition for collegiate programs and instruction for currently employed instructional school personnel at additional eligible schools to earn the credentials necessary to meet licensure requirements to be endorsed as an instructional specialist.

d. Within the fiscal year, any funds not awarded from this program may be awarded to eligible schools under the Early Reading Specialists Initiative.

35. Broadband Connectivity Capabilities

By November 1 each year, school divisions shall report to the Department of Education the status of broadband connectivity capability of schools in the division on a form to be provided by the Department. Such report shall include school-level information on the method of Internet service delivery, the level of bandwidth capacity and the degree such capacity is sufficient for delivery of school-wide digital resources and instruction, degree of internet connectivity via Wi-Fi, cost information related to Internet connectivity, data security, and such other pertinent information as determined by the Department of Education. The Department shall provide a summary of the division responses in a report to be made available on its agency Web site.

36. Infrastructure and Operations Per Pupil Funds

a. Out of this appropriation, an amount estimated at \$262,983,700 the first year and \$266,241,801 the second year from the Lottery Proceeds Fund shall be disbursed by the Department of Education to local school divisions to support the state share of an estimated \$375.27 per pupil the first year and \$378.52 per pupil the second year in adjusted March 31 average daily membership. These per pupil amounts are subject to change for the purpose of payment to school divisions based on the actual March 31 ADM collected each year. Beginning in the second year, these funds shall be matched by the local government, based on the composite index of local ability-to-pay. Further, in order to receive this funding, the locality in which the school division is located shall appropriate these funds solely for educational purposes and shall not use such funds to reduce total local operating expenditures for public education below the amount expended by the locality for such purposes in the year upon which the 2018-20 biennial Standards of Quality expenditure data were based; provided however that no locality shall be required to maintain a per-pupil expenditure which is greater than the per pupil amount expended by the locality for such purposes in the year upon which the 2018-20 biennial Standards of Quality expenditure data were based. The Department of Education is authorized each year to temporarily suspend Infrastructure and Operations Per Pupil Allocation payments made to school divisions from Lottery funds to ensure that any shortfall in Lottery revenue

ITEM 145.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022

can be accounted for in the remaining Infrastructure and Operations Per Pupil Allocation payments to be made for the year.

b. From the amounts listed above, funds are provided to ensure that small school divisions receive an Infrastructure and Operations payment of at least \$200,000 each year. Beginning in the second year, divisions receiving additional funds for a payment of at least \$200,000 shall only be required to provide the local match on the per pupil amount distributed in paragraph C.36.a.

c. Of the amounts listed above, no more than 70 percent the first year and no more than 60 percent the second year shall be used for recurring costs and at least 30 percent the first year and at least 40 percent the second year shall be spent on nonrecurring expenditures by the relevant school divisions. Nonrecurring costs shall include school construction, additions, infrastructure, site acquisition, renovations, school buses, technology, and other expenditures related to modernizing classroom equipment, and debt service payments on school projects completed during the last 10 years.

d. Any lottery funds provided to school divisions from this item that are unexpended as of June 30, 2021, and June 30, 2022, shall be carried on the books of the locality to be appropriated to the school division in the following year.

37. Special Education Endorsement Program

a. Notwithstanding § 22.1-290.02, Code of Virginia, out of this appropriation, \$437,186 the first year and \$437,186 the second year from the general fund is provided for traineeships and program operation grants that shall be awarded to public Virginia institutions of higher education to prepare persons who are employed in the public schools of Virginia, state operated programs, or regional special education centers as special educators with a provisional license and enrolled either part-time or full-time in programs for the education of children with disabilities. Applicants shall be graduates of a regionally accredited college or university.

b. The award of such grants shall be made by the Department of Education, and the number of awards during any one year shall depend upon the amounts appropriated by the General Assembly for this purpose. The amount awarded for each traineeship shall be \$600 for a minimum of three semester hours of course work in areas required for the special education endorsement to be taken by the applicant during a single semester or summer session. Only one traineeship shall be awarded to a single applicant in a single semester or summer session.

38. Compensation Supplement

a.1) Out of this appropriation, \$94,731,247 the first year from the general fund and \$304,117 the first year from the Lottery Proceeds Fund are provided and \$192,502,898 the second year from the general fund and \$612,979 the second year from the Lottery Proceeds Fund is provided for the state share of a payment of the following salary increases for funded SOQ instructional and support positions. Funded SOQ instructional positions shall include the teacher, school counselor, librarian, instructional aide, principal, and assistant principal positions funded through the SOQ staffing standards for each school division in the biennium. This amount includes \$408,502 the first year and \$834,740 the second year from the general fund referenced in paragraph C. 27. h. for the Academic Year Governor's Schools for the state share of a payment of the following salary increases for instructional and support positions, and this amount includes \$304,117 the first year and \$612,979 the second year from the Lottery Proceeds Fund referenced in paragraph C. 9. f. 4) for Regional Alternative Education Programs for the state share of a payment of the following salary increases for instructional and support positions.

2) For the first year, the state share of a payment equivalent to a 2.0 percent salary increase effective July 1, 2020, for SOQ instructional and support positions.

It is the intent that the instructional and support position salaries are increased in school divisions throughout the state by at least an average of 2.0 percent during the first year. Sufficient funds are appropriated in this act to finance, on a statewide basis, the state share of a 2.0 percent salary increase the first year for funded SOQ instructional and support positions, effective July 1, 2020, to school divisions that certify to the Department of Education that salary increases of a minimum average of 2.0 percent have been or will have been provided

ITEM 145.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022

during the the first year to instructional and support personnel, excluding any increases referenced in paragraph 3. The state funds for which the division is eligible to receive shall be matched by the local government, based on the composite index of local ability-to-pay, which shall be calculated using an effective date of July 1, 2020, as the basis for the local match requirement for both funded SOQ instructional and support positions.

3) For the second year, the state share of a payment equivalent to a 2.0 percent salary increase effective July 1, 2021, for SOQ instructional and support positions.

It is the intent that the instructional and support position salaries are increased in school divisions throughout the state by at least an average of 2.0 percent during the second year. Sufficient funds are appropriated in this act to finance, on a statewide basis, the state share of a 2.0 percent salary increase the second year for funded SOQ instructional and support positions, effective July 1, 2021, to school divisions that certify to the Department of Education that salary increases of a minimum average of 2.0 percent have been or will have been provided during the 2020-2022 biennium, either in the first year or in the second year or through a combination of the two years, to instructional and support personnel, excluding any increases referenced in paragraph 2. The state funds for which the division is eligible to receive shall be matched by the local government, based on the composite index of local ability-to-pay, which shall be calculated using an effective date of July 1, 2021, as the basis for the local match requirement for both funded SOQ instructional and support positions

b. This funding is not intended as a mandate to increase salaries.

39. School Meals Expansion

Out of this appropriation, \$5,300,000 the first year and \$5,300,000 the second year from the general fund is provided for local school divisions to reduce or eliminate the cost of school breakfast and school lunch for students who are eligible for reduced price meals under the federal National School Lunch Program and School Breakfast Program. The Department of Education is authorized to reduce this amount proportionately so as not to exceed this appropriation.

40. No Loss Funding

Out of this appropriation, \$1,776,174 the first year and \$1,973,585 the second year from the general fund is provided to ensure that no school division loses state funding in fiscal year 2021 or fiscal year 2022 as compared to that school division's fiscal year 2020 state distribution.

41. Enrollment Loss

Out of this appropriation, \$2,540,119 the first year and \$2,102,530 the second year from the general fund is provided for enrollment loss payments to school divisions with a September 30 fall membership count of 10,000 or less that has decreased by more than two percent from the previous September 30 fall membership count. Such payment shall be calculated based on the state share per pupil of Basic Aid for each locality, for a percentage of the enrollment loss (as determined below) between the September 30 fall membership count and the subsequent September 30 fall membership count.

Local Composite Index	Percentage
0.0000-0.1999	85%
0.2000-0.3499	70%
0.3500-0.4999	45%
0.5000 or more	30%

42. Alleghany County - Covington City School Division Consolidation Incentive

Out of this appropriation, \$582,000 the second year from the general fund is provided as an incentive for the consolidation of the Alleghany County and Covington City school divisions. Such funds shall only be disbursed upon (i) the Board of Supervisors of Alleghany County and the Covington City Council adopting resolutions in support of the consolidation and (ii) the Board of Education's approval of such consolidation pursuant to

ITEM 145.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
§ 22.1-25 of the Code of Virginia. This incentive payment shall be made following the execution of such consolidation, and such payments shall be provided for no more than five fiscal years, beginning in fiscal year 2022.				
146.	Federal Education Assistance Programs (17900).....		\$1,066,525,233	\$1,066,525,233
	Federal Assistance to Local Education Programs (17901).....	\$1,066,525,233	\$1,066,525,233	
	Fund Sources: Federal Trust.....	\$1,066,525,233	\$1,066,525,233	

Authority: PL 107-110, PL 108-446, PL 105-332, PL 105-220, PL 105-220, Federal Code.

a. The appropriation to support payments to school divisions from federal program grant funds is contained in this Item. Such federal program grant funds are based on the latest estimates available to the Department of Education and are provided here for informational purposes and are subject to change within each state fiscal year by the awarding federal agency. The Department of Education is directed to update the estimated federal program grant fund amounts contained in the table in this item on a periodic basis throughout the biennium.

b. The Department of Education will encourage localities to apply for Medicaid reimbursements for eligible special education expenditures which will help to increase available state and local funding for other educational activities and expenditures.

c. It is the intent of the General Assembly that in any fiscal year when revenues received or budgeted by the Commonwealth, applicable to any public education program, which were derived from a federally funded grant or program and subsequently realize a decrease in such funding levels, that the Commonwealth will not supplant any of the decreased federal funding received or budgeted with any general fund revenues from the Commonwealth.

Item Details of Federal Education Assistance Program Awards (17900)	FY 2021	FY 2022
School Nutrition - Breakfast, Lunch, Special Milk	\$369,078,569	\$369,078,569
School Nutrition - Summer Food Service Program and After School At-risk Program	\$14,250,000	\$14,250,000
Fresh Fruit and Vegetables	\$4,714,061	\$4,714,061
Child Nutrition Programs Team Nutrition	\$498,010	\$498,010
Special Education - Program Improvement	\$1,524,000	\$1,524,000
Special Education - IDEA - Part B Section 611	\$291,082,767	\$291,082,767
Special Education - IDEA - Part B Section 619 - Preschool	\$8,863,495	\$8,863,495
Migration Education - Basic Grant	\$945,262	\$945,262
Migrant Education - Consortium Incentive Grants	\$133,333	\$133,333
Title I - Neglected & Delinquent Children	\$1,263,459	\$1,263,459
Title I Part A - Improving Basic Programs	\$254,532,699	\$254,532,699
Title II Part A - Improving Teacher Quality	\$36,500,579	\$36,500,579
Title III Part A - Language Acquisition State Grant	\$12,743,264	\$12,743,264
Title IV Part A - Student Support and Academic Enrichment Grant	\$6,969,326	\$6,969,326
Title IV Part B - 21st Century Community Learning Centers	\$20,507,430	\$20,507,430
Title VI - Rural and Low-Income Schools Adult Literacy	\$2,242,591	\$2,242,591
	\$12,880,748	\$12,880,748

ITEM 146.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Vocational Education - Basic Grant	\$24,254,182		\$24,254,182	
School Climate Transformation	\$707,941		\$707,941	
Education for Homeless Children and Youth	\$1,309,517		\$1,309,517	
Empowering Educators through a Systems Approach	\$1,524,000		\$1,524,000	
Total	\$1,066,525,233		\$1,066,525,233	

146.10 Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted.

	FY 2021	FY 2022
Alleghany-Covington consolidation	\$0	\$582,000
Support the Western Virginia Public Education Consortium	\$50,000	\$50,000
Maximize pre-kindergarten access for at-risk three- and four-year-old children	\$35,027,435	\$48,436,297
Recruit and retain early childhood educators	\$3,000,000	\$5,000,000
Support African American history education	\$1,300,000	\$0
Support history education through the American Civil War Museum	\$1,000,000	\$0
Provide no loss funding to localities	\$1,776,174	\$1,973,585
Expand access to school meals	\$5,300,000	\$5,300,000
Increase salaries for funded Standards of Quality instructional and support positions	\$94,731,247	\$192,502,898
Increase support for at-risk students	\$26,164,313	\$35,173,962
Increase support for Communities in Schools	\$760,000	\$760,000
Increase support for Jobs for Virginia Graduates	\$1,670,000	\$1,670,000
Enrollment loss	\$2,540,119	\$2,102,530
Chesterfield Recovery High School	\$250,000	\$250,000
YMCA Power Scholars Academies	\$450,000	\$450,000
Brooks Crossing Innovation and Opportunity Center	\$250,000	\$250,000
Emil and Grace Shihadeh Innovation Center	\$250,000	\$0
Literacy Lab - VPI Minority Educator Fellowship	\$300,000	\$0
Soundscapes - Newport News	\$90,000	\$0
Cost of Competing Adjustment	\$9,555,229	\$9,968,849
Active Learning grants	\$250,000	\$0

ITEM 146.10.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Blue Ridge PBS	\$500,000			\$500,000
Bonder and Amanda Johnson Community Development Corporation	\$100,000			\$0
Agency Total	\$185,314,517			\$304,970,121
Total for Direct Aid to Public Education.....			\$8,939,846,326	\$9,127,470,380
Fund Sources: General.....	\$7,050,366,696	\$7,309,475,477		
Special.....	\$895,000	\$895,000		
Commonwealth Transportation.....	\$2,100,000	\$1,470,000		
Trust and Agency.....	\$819,959,397	\$749,104,670		
Federal Trust.....	\$1,066,525,233	\$1,066,525,233		
Grand Total for Department of Education, Central Office Operations.....			\$9,071,514,314	\$9,441,796,095
General Fund Positions.....	151.00	153.50		
Nongeneral Fund Positions.....	185.50	335.50		
Position Level.....	336.50	489.00		
Fund Sources: General.....	\$7,124,617,077	\$7,388,367,358		
Special.....	\$6,164,257	\$6,164,257		
Commonwealth Transportation.....	\$2,379,612	\$1,749,612		
Trust and Agency.....	\$820,639,075	\$749,784,348		
Federal Trust.....	\$1,117,714,293	\$1,295,730,520		
§ 1-50. VIRGINIA SCHOOL FOR THE DEAF AND THE BLIND (218)				
147. Instruction (19700).....			\$5,689,278	\$5,689,278
Classroom Instruction (19701).....	\$5,489,018	\$5,489,018		
Occupational-Vocational Instruction (19703).....	\$158,065	\$158,065		
Outreach and Community Assistance (19710).....	\$42,195	\$42,195		
Fund Sources: General.....	\$4,746,372	\$4,746,372		
Special.....	\$135,239	\$135,239		
Federal Trust.....	\$807,667	\$807,667		
Authority: §§ 22.1-346 through 22.1-349, Code of Virginia.				
148. Residential Support (19800).....			\$5,092,349	\$5,092,349
Food and Dietary Services (19801).....	\$449,885	\$449,885		
Medical and Clinical Services (19802).....	\$403,650	\$403,650		
Physical Plant Services (19803).....	\$2,100,276	\$2,100,276		
Residential Services (19804).....	\$1,784,204	\$1,784,204		
Transportation Services (19805).....	\$354,334	\$354,334		
Fund Sources: General.....	\$4,949,636	\$4,949,636		
Special.....	\$104,220	\$104,220		
Federal Trust.....	\$38,493	\$38,493		
Authority: Title 22.1, Chapter 19, Code of Virginia.				
149. Administrative and Support Services (19900).....			\$1,942,608	\$1,942,608
General Management and Direction (19901).....	\$1,942,608	\$1,942,608		
Fund Sources: General.....	\$1,706,940	\$1,706,940		
Special.....	\$182,198	\$182,198		
Federal Trust.....	\$53,470	\$53,470		
Authority: Title 22.1, Chapter 19, Code of Virginia.				

Notwithstanding any other provision of law, the Virginia School for the Deaf and Blind is authorized to retain the income generated by the rental of facilities on the Staunton campus to outside entities.

ITEM 149.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022
Total for Virginia School for the Deaf and the Blind.....			\$12,724,235	\$12,724,235
General Fund Positions.....	185.50	185.50		
Position Level.....	185.50	185.50		
Fund Sources: General.....	\$11,402,948	\$11,402,948		
Special.....	\$421,657	\$421,657		
Federal Trust.....	\$899,630	\$899,630		

§ 1-51. STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA (245)

150.	Higher Education Student Financial Assistance (10800).....			\$97,643,934	\$101,443,934
	Scholarships (10810).....	\$97,453,934	\$101,253,934		
	Regional Financial Assistance for Education (10813).....	\$190,000	\$190,000		
	Fund Sources: General.....	\$97,383,934	\$101,183,934		
	Special.....	\$10,000	\$10,000		
	Dedicated Special Revenue.....	\$250,000	\$250,000		

Authority: Title 23.1, Chapter 6, Code of Virginia, Regional Grants and Contracts: Discretionary Inclusion; Undergraduate and Graduate Assistance: Discretionary Inclusion

A. Those private institutions which participate in the programs provided by the appropriations in this Item shall, upon request by the State Council of Higher Education, submit financial and other information which the Council deems appropriate.

B. Out of the amounts for Scholarships the following sums shall be made available for:

1. Tuition Assistance Grant Program, \$75,198,303 the first year and \$78,998,303 the second year from the general fund is designated for full-time undergraduate and graduate students.

2. a. Virginia Space Grant Consortium Scholarships, \$795,000 the first year and \$795,000 the second year from the general fund.

b. Out of the amounts included in this item, \$100,000 the first year and \$100,000 the second year from the general fund shall be provided to the Virginia Space Grant Consortium (VSGC) to provide scholarships for select high school students to participate in immersive ground and flight training through the solo experience as a step in addressing the critical pilot shortage. The VSGC shall work with Averett University and Liberty University to provide two sessions of its New Horizons solo academy giving 30 high school students the opportunity to accomplish their first solo flight.

c. Out of the amounts included in this item, \$220,375 the first year and \$220,375 the second year from the general fund shall be provided to the Virginia Space Grant Consortium to provide scholarships for high school students to participate in the Virginia Earth System Science Scholars program.

3. Out of this appropriation, \$20,000 the first year and \$20,000 the second year from the general fund is designated to provide grants of up to \$5,000 per year for Virginia students who attend schools and colleges of optometry. Each student receiving a grant shall agree to set up practice in the Commonwealth for a period of not less than two years upon completion of instruction.

4. No amount, or part of an amount, listed for any program specified under paragraph B shall be expended for any other program in this appropriation.

C. Tuition Assistance Grant Program

1. Payments to students out of this appropriation shall not exceed \$3,750 the first year and \$4,000 the second year for qualified undergraduate students and \$2,200 the first year and \$2,200 the second year for qualified graduate and medical students attending not-for-

ITEM 150.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
profit, independent institutions in accordance with § 23.1-628 through § 23.1-635, Code of Virginia. However, for those undergraduate students pursuing a career in teaching, payments shall be increased by an additional \$500 in their senior year.				
2. The private institutions which participate in this program shall, during the spring semester previous to the commencement of a new academic year or as soon as a student is admitted for that year, whichever is later, notify their enrolled and newly admitted Virginia students about the availability of tuition assistance awards under the program. The information provided to students and their parents must include information about the eligibility requirements, the application procedures, and the fact that the amount of the award is an estimate and is not guaranteed. The number of students applying for participation and the funds appropriated for the program determine the amount of the award. Conditions for reduction of award amount and award eligibility are described in this Item and in the regulations issued by the State Council of Higher Education. The institutions shall certify to the council that such notification has been completed and shall indicate the method by which it was carried out.				
3. Institutions participating in this program must submit annually to the council copies of audited financial statements.				
4. To be eligible for a fall or full-year award out of this appropriation, a student's application must have been received by a participating independent college or by the State Council of Higher Education by July 31. Returning students who received the award in the previous year will be prioritized with the July 31 award. Applications for a fall or full-year award received after July 31 but no later than September 14 will be held for consideration if funds are available after July 31 and returning student awards have been made. Applications for spring semester only awards must be received by December 1 and will be considered only if funds remain available.				
5. No limitations shall be placed on the award of Tuition Assistance Grants other than those set forth herein or in the Code of Virginia.				
6. All eligible institutions not previously approved by the State Council of Higher Education to participate in the Tuition Assistance Grant Program shall have received accreditation by a nationally recognized regional accrediting agency, prior to participation in the program or by the Commission on Osteopathic College Accreditation of the American Osteopathic Association in the case of freestanding institutions of higher education that offer the Doctor of Osteopathic Medicine as the sole degree program.				
7. Payments to undergraduate students shall be greater than payments to graduate and medical students and shall be based on a differential established by the State Council of Higher Education for Virginia.				
8. No awards shall be provided to graduate students except in health-related professional programs to include allied health, nursing, pharmacy, medicine, and osteopathic medicine.				
9. Notwithstanding any other provisions of law, Eastern Virginia Medical School is not eligible to participate in the Tuition Assistance Grant Program.				
10. Any general fund appropriation in the Tuition Assistance Grant Program which is unexpended at the close of business June 30 of any fiscal year shall be reappropriated for use in the program in the following year.				
11. Beginning with the fall of 2020, new incoming students enrolled exclusively in an online education or distance learning program are not eligible to receive awards from the Tuition Assistance Grant Program. However, existing students enrolled exclusively in online education or distance learning programs as of the 2019-20 academic year shall remain eligible to receive awards of up to the 2019-2020 award amounts for as long as the student maintains enrollment in each successive fiscal year, unless granted an exception for cause by SCHEV, until current degree completion or current degree program eligibility limits have otherwise expired, whichever comes first. This requirement shall not be applicable to otherwise place-based students required by the institution to receive distance learning instruction due to on-going COVID-19-related concerns. Council shall develop appropriate guidance for implementation of this requirement, including definitions and administrative procedures.				
D.1. Regional Grants and Contracts: Out of this appropriation, \$170,000 the first year and				

ITEM 150.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
	<p>\$170,000 the second year from the general fund is designated to support Virginia's participation in the Southern Regional Education Board initiative to increase the number of minority doctoral graduates.</p>			
	<p>2. The amounts listed in paragraph D.1. shall be expended in accordance with the agreements between the Commonwealth of Virginia and the Southern Regional Education Board.</p>			
	<p>E.1. Out of this appropriation, \$2,730,000 the first year and \$2,730,000 the second year from the general fund is designated to support the Virginia Military Survivors and Dependents program, § 23.1-608, Code of Virginia, to provide up to a \$2,200 annual stipend to offset the costs of room, board, books and supplies for qualified survivors and dependents of military service members.</p>			
	<p>2. The amount of the stipend is an estimate depending on the number of students eligible under § 23.1-608, Code of Virginia. Changes that increase or decrease the grant amount shall be determined by the State Council of Higher Education for Virginia.</p>			
	<p>3. The Director, State Council of Higher Education for Virginia, shall allocate these funds to public institutions of higher education on behalf of students qualifying under this provision.</p>			
	<p>4. Each institution of higher education shall report the number of recipients for this program to the State Council of Higher Education for Virginia by April 1 of each year. The State Council of Higher Education for Virginia shall report this information to the Chairmen of the House Appropriations and Senate Finance Committees by May 15 of each year.</p>			
	<p>5. The Department of Veterans Services shall consult with the State Council of Higher Education for Virginia prior to the dissemination of any information related to the financial benefits provided under this program.</p>			
	<p>F.1. Out of the appropriation for this Item, \$3,885,256 the first year and \$3,885,256 the second year from the general fund is designated to support the Two-Year College Transfer Grant Program.</p>			
	<p>2. The State Council of Higher Education for Virginia shall disburse these funds for full-time students consistent with § 23.1-623 through § 23.1-627, Code of Virginia. Beginning with students who are entering a senior institution as a two-year transfer student for the first time in the fall 2013 academic year, and who otherwise meet the eligibility criteria of § 23.1-624, Code of Virginia, the maximum EFC is raised to \$12,000.</p>			
	<p>3. The actual amount of the award depends on the number of students eligible under § 23.1-623 through § 23.1-627, Code of Virginia. Changes that decrease the grant amount shall be determined by the State Council of Higher Education for Virginia.</p>			
	<p>4. Out of this appropriation, up to \$600,000 the first year and \$600,000 the second year from the general fund is designated to support students eligible for the first time under § 23.1-623 through § 23.1-627, Code of Virginia. The State Council of Higher Education for Virginia shall transfer these funds to Norfolk State University, Old Dominion University, Radford University, University of Virginia's College at Wise, Virginia Commonwealth University and Virginia State University so that each institution can provide for grants of \$1,000 from these funds for these students.</p>			
	<p>a. Each institution shall award grants from these funds for one year and students shall not receive subsequent awards until they have satisfied the requirements to move to the next class level. Each recipient may receive a maximum of one year of support per class level for a maximum total of two years of support.</p>			
	<p>b. Any balances remaining from the appropriation identified in paragraph F.4. shall not revert to the general fund at the end of the fiscal year, but shall be brought forward and made available to the State Council of Higher Education for Virginia to support the purposes specified in paragraphs F.1. and F.4. in the subsequent fiscal year.</p>			
	<p>c. It is anticipated that the institutions shift by a total of 600 the number of students each</p>			

ITEM 150.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022

enrolls from first time freshman to transfers eligible under § 23.1-623 through § 23.1-627, Code of Virginia. Institutional goals under this fund are estimated as follows:

Institution	Transfer Target
Norfolk State University	80
Old Dominion University	140
Radford University	140
University of Virginia's College at Wise	20
Virginia Commonwealth University	140
Virginia State University	80

d. The State Council of Higher Education for Virginia may allocate these funds among the institutions in Paragraph F.4.c. as necessary to meet the actual number of transfers each institution generates for students eligible for the first time under § 23.1-623 through § 23.1-627, Code of Virginia. Each institution shall report its progress toward the targets in Paragraph F.4.c. to the Chairmen of the House Appropriations and Senate Finance Committees by May 1 each year.

e. The report shall include a detailed accounting of the use of the funds provided and a plan for achieving the goals identified in this item.

G. 1. Out of this appropriation, \$13,500,000 the first year and \$13,500,000 the second year from the general fund is designated for the New Economy Workforce Credential Grant Program.

2. The State Council of Higher Education for Virginia shall develop guidelines for the program, collect data, evaluate and approve grant funds for allocation to eligible institutions.

3. Local community colleges shall not start new workforce programs that would duplicate existing high school and adult Career and Technical Education (CTE) programs for high-demand occupations in order to receive funding under this Grant.

4. No more than 25 percent of Grant funds may be used in one occupational field.

H. Out of this appropriation, \$500,000 the first year and \$500,000 the second year from the general fund is designated for the Cybersecurity Public Service Grant Program (the Program) as a public-private initiative for the purpose of attracting to and retaining in qualified employment talented recent graduates and veterans to meet qualified employers' growing demand for cybersecurity professionals. The Program shall provide renewable grants of up to \$20,000 of matching state and employer funds on a competitive basis to an individual who (i) either (a) graduated within the past year from a Virginia public institution of higher education or regionally accredited Virginia private institution of higher education with an undergraduate or graduate degree in computer science or another academic program recognized by the Council to prepare an individual for a career in cybersecurity and who resides in the Commonwealth or (b) has served on active duty in the Armed Forces of the United States, was discharged or released within the past year from such service under conditions other than dishonorable, gained experience or received training in computer science during such service, and resides in the Commonwealth and (ii) accepts an offer of employment in a computer science position with any federal, state, or local government organization, including any federal or state military or defense organization, that is located in the Commonwealth or any private organization that contractually provides cybersecurity services for any such federal, state, or local organization and that is located in the Commonwealth. The State Council of Higher Education for Virginia shall administer and award grants pursuant to the Program and shall adopt regulations relating to recent graduate and veteran eligibility and academic or job qualifications, the application process, and identification and prioritization of qualified employers and qualified employment and may adopt such other regulations for the administration of the Program as it deems necessary. Recipients of the former Cybersecurity Public Service Scholarship may fulfill that program's employment commitment utilizing the employer description contained herein at the rate of one year of service for each year of award received.

I. 1. Out of this appropriation, \$365,000 each year from the general fund is designated for the Grow Your Own Teacher pilot program to provide grants to low-income high school

ITEM 150.	Item Details(\$)		Appropriations(\$)		
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022	
<p>graduates who attended an institution of higher education in the Commonwealth and subsequently teach in high-need public schools in the school divisions in which they graduated from high school.</p> <p>2. The Virginia Department of Education (VDOE) shall establish a process by which local school boards may apply for grants from the Grow Your Own Teacher Pilot Program to provide a grant of \$7,500 per academic year for up to four years for individuals who (i) graduated from a public high school in the local school division; (ii) were eligible for free lunch during the individual's attendance at a public high school in the local school division; and (iii) teach, within one year of graduating from an institution of higher education in the Commonwealth for a period of at least four years, at a public school at which at least 50 percent of students qualify for free lunch in the school division in which such individual graduated from high school. In developing such process, the department will ensure that at least one school division within each of the eight superintendent regions, applying for such grants, be awarded prior to awarding grants to multiple school divisions within a single superintendent region. Each superintendent region shall be permitted to apply for up to four tuition grant awards. VDOE is authorized to offer and award any remaining unallotted awards to other applying school divisions within a superintendent region.</p> <p>3. In the event that any nominee fails or refuses to comply with the teaching commitment under paragraph I.2. no grant shall be disbursed to the nominee.</p>					
151.	Financial Assistance For Educational and General Services (1100).....			\$75,000	\$75,000
	Outstanding Faculty Recognition (11009).....	\$75,000	\$75,000		
	Fund Sources: Special.....	\$75,000	\$75,000		

Authority: Outstanding Faculty Recognition Program: Discretionary Inclusion.

Outstanding Faculty Recognition Program

1. The State Council of Higher Education for Virginia shall annually provide a grant to faculty members selected to be honored under this program from such private funds as may be designated for this purpose.
2. The faculty members shall be selected from public and private institutions of higher education in Virginia, but recipients of Outstanding Faculty Recognition Awards shall not be eligible for the awards in subsequent years.

152.	Higher Education Academic, Fiscal, and Facility Planning and Coordination (11100).....			\$19,585,818	\$20,535,818
	Higher Education Coordination and Review (11104).....	\$7,896,303	\$8,846,303		
	Regulation of Private and Out-of-State Institutions (11105).....	\$1,294,253	\$1,294,253		
	Institutional Program Support (11107).....	\$10,395,262	\$10,395,262		
	Fund Sources: General.....	\$18,141,565	\$19,091,565		
	Special.....	\$1,254,253	\$1,254,253		
	Trust and Agency.....	\$190,000	\$190,000		

Authority: § 23.1-200, § 23.1-203, § 23.1-1107, § 23.1-629, § 23.1-903.4.

- A. 1. It is the intent of the General Assembly to provide general fund support to contract at a level equivalent to the Tuition Assistance Grant undergraduate award with Mary Baldwin University for Virginia women resident students to participate in the Virginia Women's Institute for Leadership at Mary Baldwin University.
2. The amounts included in this Item are \$307,899 the first year and \$307,899 the second year from the general fund for the programmatic administration of this program.
3. General fund appropriations provided under this contract include financial incentive for the participating students at Mary Baldwin University in the Virginia Women's Institute for Leadership Program. Students receiving this financial incentive will not be eligible for

ITEM 152.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Tuition Assistance Grants.				
<p>4. By September 1 of each year, Mary Baldwin University shall report to the Chairmen of the House Appropriations and Senate Finance Committees, the Director, State Council of Higher Education for Virginia, and the Director, Department of Planning and Budget, on the number of students participating in the Virginia Women's Leadership Program, the number of in-state and out-of-state students receiving awards, the amount of the awards, the number of students graduating, and the number of students receiving commissions in the military.</p>				
<p>B. In discharging the responsibilities specified in § 23.1-219, Code of Virginia, the State Council of Higher Education for Virginia shall provide exemptions to individual proprietorships, associations, co-partnerships or corporations which are now or in the future will be using the words "college" or "university" in their training programs solely for their employees or customers, which do not offer degree-granting programs, and whose name includes the word "college" or "university" in a context from which it clearly appears that such entity is not an educational institution.</p>				
<p>C. Out of the appropriation for Higher Education Coordination and Review, \$9,562,363 the first year and \$9,562,363 the second year from the general fund is provided for continuation of the Virtual Library of Virginia. Funding for the Virtual Library of Virginia is provided for the benefit of students and faculty at the Commonwealth's public institutions of higher education and participating nonprofit, independent private colleges and universities. Out of this amount, \$436,946 the first year and \$436,946 the second year is earmarked to allow the participation of nonprofit, independent private colleges and universities.</p>				
<p>D. Out of this appropriation, \$950,366 and ten positions the first year and \$950,366 and ten positions the second year from nongeneral funds is provided to support higher education coordination and review services, including expenses incurred in the regulation and oversight of the private and out-of-state postsecondary institutions and proprietary schools operating in Virginia. These funds will be generated through fee schedules developed pursuant to § 23.1-224, Code of Virginia. Out of this amount, \$190,000 the first year and \$190,000 the second year from nongeneral funds is designated to administration of the Student Tuition Guarantee Fund.</p>				
<p>E. The State Council of Higher Education for Virginia, in consultation with the House Appropriations Committee, the Senate Finance Committee, the Department of General Services, and the Department of Planning and Budget, shall develop a six-year capital outlay plan for higher education institutions including affiliated entities. As a part of this plan SCHEV shall consider (i) current funding mechanisms for capital projects and improvements at the Commonwealth's institutions of higher education, including general obligation bonds and other viable funding methods; (ii) mechanisms to assist private institutions of higher education in the Commonwealth with their capital needs.</p>				
<p>F. The Executive Director, State Council of Higher Education for Virginia, may appoint an advisory committee to assist the council with technology-enriched learning initiatives. The advisory committee may assist the council in (i) developing innovative, cost-effective, technology-enriched teaching and learning initiatives, including distance and distributed learning initiatives; (ii) improving cooperation among and between the public and private institutions of higher education in the Commonwealth; (iii) improving efficiency and expand the availability of technology-enriched courses; and (iv) facilitating the sharing of research and experience to improve student learning.</p>				
<p>G. The State Council of Higher Education for Virginia shall include Eastern Virginia Medical School in any calculations used to determine the funding requirements for state medical schools.</p>				
<p>H. In addition to the reviews conducted under § 23.1-206 and § 23.1-306, Code of Virginia, the State Council of Higher Education shall evaluate the progress of individual initiatives funded in this act as part of the incentive funding provided to colleges and universities with regard to improvements in retention, graduation, degree production and other criteria the Council deems appropriate.</p>				
<p>I. Out of this appropriation, \$330,687 the first year and \$330,687 the second year from the general fund is designated to support research and analysis and the administration of a multi-</p>				

ITEM 152.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
agency longitudinal data system to improve consumer information and policy recommendations.				
<p>J. Out of this appropriation, \$225,000 the first year and \$225,000 the second year from the general fund is designated to establish and maintain a fund for excellence and innovation. The fund is designed to stimulate collaboration among public school divisions, community colleges and universities to create and expand affordable student pathways and to pursue shared services and other efficiency initiatives at colleges and universities that lead to measurable cost reductions. Grants will be awarded on a competitive basis, with eligibility criteria determined by the State Council of Higher Education for Virginia.</p>				
<p>K. Out of this appropriation, \$224,000 and one position the first year and \$174,000 and one position the second year from the general fund is designated for the establishment of a student loan ombudsman to provide timely assistance to student borrowers of any student education loan in the Commonwealth. The ombudsman will also be responsible for establishing and maintaining an online student loan borrower education course, which would cover key loan terms, documentation requirements, monthly payment obligations, income-based repayment options, loan forgiveness, and disclosure requirements.</p>				
<p>L. 1. Out of this appropriation, \$1,000,000 the first year and \$2,000,000 the second year from the general fund is designated for the Innovative Internship Fund and Program, § 23.1-903.4, Code of Virginia. The funding is designed to expand paid or credit-bearing student internship and other work-based learning opportunities in collaboration with Virginia employers. The Program comprises institutional grants and a statewide initiative to facilitate the readiness of students, employers, and institutions of higher education to participate in internship and other work-based learning opportunities.</p>				
<p>2. In administering the statewide initiative, the Council shall (i) engage stakeholders from business and industry, secondary and higher education, economic development, and state agencies and entities that are successfully engaging employers or successfully operating internship programs; (ii) explore strategies in Virginia and elsewhere on successful institutional, regional, statewide or sector-based internship programs; (iii) gather data on current institutional internship practices, scale, and outcomes; (iv) develop internship readiness educational resources, delivery methods, certification procedures, and outreach and awareness activities for employer partners, students, and institutional career development personnel; (v) pursue shared services or other efficiency initiatives, including technological solutions; and (vi) create a process to track key measures of performance.</p>				
<p>3. The Council shall establish eligibility criteria, including requirements for matching funds, for institutional grants. Such grants shall be used to accomplish one or more of the following goals: (i) support state or regional workforce needs; (ii) support initiatives to attract and retain talent in the Commonwealth; (iii) support research and research commercialization in sectors and clusters targeted for development; (iv) support regional economic growth and diversification plans; (v) enhance the job readiness of students; (vi) enhance higher education affordability and timely completion for Virginia students; or (vii) further the objectives of increasing the tech talent pipeline.</p>				
<p>M. In addition to the exceptions pursuant to § 2.2-3815, the provisions of the section shall not be construed to prevent the release of a social security number to the U.S. Census, U.S. Education Department, or other agency of the federal government, by the State Council of Higher Education for the purposes of data-matching to improve knowledge of the outcomes of education programs of the Commonwealth, including, but not limited, to earnings and education-related debt.</p>				
<p>N. The State Council of Higher Education for Virginia shall collect annual dues on behalf of Virginia Sea Grant to support its operational costs. The Council shall make payments out of nongeneral funds in this appropriation to Virginia Sea Grant, and shall enter into a memorandum of understanding with Virginia Sea Grant to define fiscal responsibilities and establish reimbursement rates and processes for the delivery of services.</p>				
<p>O 1. The State Council of Higher Education for Virginia, in consultation with staff from the House Appropriations and Senate Finance and Appropriations Committee, Department of Planning and Budget, Secretary of Finance and Secretary of Education, as well as representatives of public higher education institutions, shall review financial aid awarding</p>				

ITEM 152.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022
practices and tuition discounting strategies.				
<p>2. The Council shall review current state financial aid awarding policies and make recommendations to: (1) appropriately prioritize and address affordability for low- and middle-income students; (2) increase program efficiency and effectiveness in meeting state goals that align with The Virginia Plan; and (3) simplify communication and improve student understanding of eligibility criteria. The review shall also: (1) assess financial aid by income level and the utilization and reporting of tuition revenue used for financial aid and unfunded scholarships; and (2) consider the pros and cons of authorizing remittance of tuition and fees for merit scholarships for students of high academic achievement.</p>				
<p>3. By November 1, 2020, the Council shall submit a report and any related recommendations to the Governor and the Chairs of the House Appropriations and Senate Finance and Appropriations Committees.</p>				
<p>P. 1. The State Council of Higher Education for Virginia shall develop a plan for implementing a statewide survey on institutional expenditures by program and academic discipline at Virginia's public institutions to determine the effectiveness of spending related to the attainment of state and institutional goals and inform strategic decision-making.</p>				
<p>2. The Council may review existing reporting capacities and other state examples of cost analysis by program and academic discipline in higher education to: (1) determine the Council's current capacity to conduct the survey; (2) determine any additional staff and financial support necessary for conducting such a survey; (3) determine the potential for long-range cost containments; and (4) detail a plan for survey implementation.</p>				
<p>3. By November 1, 2020, the Council shall submit a report and any related recommendations to the Governor and the Chairs of the House Appropriations and Senate Finance and Appropriations Committees.</p>				
<p>Q. Out of this appropriation, \$250,000 the first year and \$250,000 the second year from the general fund is designated for the Guidance to Postsecondary Success program. The program coordinates statewide efforts to increase college access and student success.</p>				
<p>R. 1. Out of this appropriation, \$150,000 the first year and \$150,000 the second year from the general fund is designated to support related costs of undertaking a review of higher education costs, funding needs, appropriations and efficiencies.</p>				
<p>2. The State Council of Higher Education, in consultation with representatives from House Appropriations Committee, Senate Finance and Appropriations Committee, Department of Planning and Budget, Secretary of Finance, and Secretary of Education, as well as representatives of public higher education institutions, shall review methodologies to determine higher education costs, funding needs, and appropriations in Virginia. The review shall identify and recommend: (1) methods to determine appropriate costs; (2) measures of efficiency and effectiveness; (3) provisions for any new reporting requirements; (4) strategies to allocate limited public resources based on outcomes that align with state needs related to affordability, access, completion, and workforce alignment, including with regard to nonresident pricing; (5) the impact of funding on underrepresented student populations, and (6) a timeline for implementation.</p>				
<p>3. The review shall build on existing efforts including the assessment of base adequacy, recommendations provided through the Strategic Finance Plan, and peer institution comparisons to determine if existing funding models should be updated or replaced. It shall also build on promising practices and include input from Virginia's institutions, policy makers, and other education experts.</p>				
<p>4. The Council shall present a proposed workplan to the Joint Subcommittee on the Future Competitiveness of Higher Education in Virginia by August 15, 2020. The Council shall submit a preliminary report and any related recommendations to the Governor and the Chairmen of the House Appropriations and Senate Finance and Appropriations Committees by December 1, 2020 with a final report by July 1, 2021.</p>				
<p>S. The State Council of Higher Education for Virginia, in fulfilling the requirements under § 23.1-1304 Code of Virginia, may use online training modules that expand training beyond the</p>				

ITEM 152.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
	initial orientation for Boards of Visitor members.				
153.	Higher Education Federal Programs Coordination (11200).....			\$2,440,426	\$2,440,426
	Higher Education Federal Programs Coordination (11201).....	\$2,440,426	\$2,440,426		
	Fund Sources: Federal Trust.....	\$2,440,426	\$2,440,426		
	Authority: Title 23.1, Chapter 2, Code of Virginia.				
	Out of this appropriation, \$2,440,426 the first year and \$2,440,426 the second year from nongeneral funds is designated for grants to improve teacher quality (No Child Left Behind Act grant).				
154.	Financial Assistance for Public Education (Categorical) (17100).....			\$3,000,000	\$3,000,000
	Early Awareness and Readiness Programs (17117).	\$3,000,000	\$3,000,000		
	Fund Sources: Federal Trust.....	\$3,000,000	\$3,000,000		
	Authority: Discretionary Inclusion.				
	Out of this appropriation, \$3,000,000 the first year and \$3,000,000 the second year from nongeneral funds is designated for the Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR-UP) grant.				
155.	Technology Assistance Services (18600).....			\$100,000	\$100,000
	Distance Learning and Electronic Classroom (18602).....	\$100,000	\$100,000		
	Fund Sources: Special.....	\$100,000	\$100,000		
	Authority: Code of Virginia, § 23.1-211				
	Out of this appropriation, \$100,000 the first year and \$100,000 the second year from nongeneral funds is designated to cover the costs of coordination and administration of the Virginia State Authorization Reciprocity Agreement (SARA) program as administered by the Southern Regional Education Board (SREB) and the National Council on State Authorization Reciprocity Agreements (NC-SARA).				
155.10	Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted.				
			FY 2021		FY 2022
	Provide funding for cost study		\$150,000		\$150,000
	Provide funding for Title IX training		\$100,000		\$100,000
	Provide funding for Grow Your Own Teacher program		\$125,000		\$125,000
	Provide funding for Guidance to Postsecondary Success		\$250,000		\$250,000
	Increase funding for Virginia Tuition Assistance Grant Program (TAG)		\$4,100,000		\$7,900,000

ITEM 155.10.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Increase funding for Virginia Military Survivors & Dependent Education Program	\$750,000			\$750,000
Increase appropriation for internship program	\$300,000			\$1,300,000
Add funding for VIVA	\$400,000			\$400,000
Provide funding for the Virginia Earth System Scholars program	\$220,375			\$220,375
Agency Total	\$6,395,375			\$11,195,375
Total for State Council of Higher Education for Virginia.....			\$122,845,178	\$127,595,178
General Fund Positions.....	46.00	46.00		
Nongeneral Fund Positions.....	17.00	17.00		
Position Level.....	63.00	63.00		
Fund Sources: General.....	\$115,525,499	\$120,275,499		
Special.....	\$1,439,253	\$1,439,253		
Trust and Agency.....	\$190,000	\$190,000		
Dedicated Special Revenue.....	\$250,000	\$250,000		
Federal Trust.....	\$5,440,426	\$5,440,426		

§ 1-52. CHRISTOPHER NEWPORT UNIVERSITY (242)

156.	Educational and General Programs (10000).....			\$81,019,468	\$81,019,468
	Higher Education Instruction (100101).....	\$40,209,587	\$40,209,587		
	Higher Education Research (100102).....	\$1,961,180	\$1,961,180		
	Higher Education Academic (100104).....	\$10,893,008	\$10,893,008		
	Higher Education Student Services (100105).....	\$6,761,024	\$6,761,024		
	Higher Education Institutional Support (100106).....	\$9,237,660	\$9,237,660		
	Operation and Maintenance Of Plant (100107).....	\$11,957,009	\$11,957,009		
	Fund Sources: General.....	\$33,248,951	\$33,248,951		
	Higher Education Operating.....	\$47,770,517	\$47,770,517		

Authority: Title 23.1, Chapter 14, Code of Virginia.

A. This Item includes general and nongeneral fund appropriations to support institutional initiatives that help meet statewide goals described in the Restructured Higher Education Financial and Administrative Operations Act of 2005 (Chapters 933 and 945, 2005 Acts of Assembly).

B. As Virginia's public colleges and universities approach full funding of the base adequacy guidelines and as the General Assembly strives to fully fund the general fund share of the base adequacy guidelines, these funds are provided with the intent that, in exercising their authority to set tuition and fees, the Board of Visitors shall take into consideration the impact of escalating college costs for Virginia students and families. In accordance with the cost-sharing goals set forth in § 4-2.01 b. of this act, the Board of Visitors is encouraged to limit increases on tuition and mandatory educational and general fees for in-state, undergraduate students to the extent possible.

C. 1. Out of this appropriation, \$667,670 the first year and \$667,670 the second year from the general fund is designated to address increased degree production in Data Science and Technology, Science and Engineering, Healthcare, and Education.

2. Degree production shall be measured for Bachelors, Masters, Doctorates and First Professional awards as follows:

a. Data Science and Technology awards shall be based on completion data contained in the State Council of Higher Education for Virginia, C-16 completion report;

b. Science and Engineering awards shall be based on completion data contained in the State

ITEM 156.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<p>Council of Higher Education for Virginia (SCHEV), C-1 A1 completion report for the following programs Biological and Biomedical Science (26), Engineering (14) less those already counted in paragraph 2 a., Engineering Technologies (15), and Physical Science (42);</p> <p>c. Healthcare awards shall be based on completion data contained in the SCHEV C-1 A1 completion report for the Health Professions and Related Programs (51); and</p> <p>d. Education awards shall be based on completion data contained in the SCHEV C-1 A1 completion report for the Education Programs (13).</p> <p>3. Christopher Newport University is expected to maintain increases in:</p> <p>a. Data Science and Technology awards of 5 annually over the base year.</p> <p>b. Science and Engineering awards of 15 annually over the base year.</p> <p>c. The 2016-17 year will serve as the base year for these purposes.</p> <p>4. SCHEV shall report on the progress toward these goals to the Chairmen of the House Appropriations and Senate Finance Committees annually beginning August 2020.</p>				
157.	Higher Education Student Financial Assistance (10800).....		\$10,141,930	\$10,141,930
	Scholarships (10810).....	\$10,126,767		\$10,126,767
	Fellowships (10820).....	\$15,163		\$15,163
	Fund Sources: General.....	\$6,211,930		\$6,211,930
	Higher Education Operating.....	\$3,930,000		\$3,930,000
<p>Authority: Title 23.1, Chapter 14, Code of Virginia.</p> <p>Up to 15 percent of the funding in this item may be used to support Virginia Guaranteed Assistance Program eligible students for (1) priority funding who are enrolled in Data Science and Technology, Science and Engineering, Healthcare and Education programs and (2) as a grant for students in innovative internship programs provided that the institutions has at least one private sector partner and the grant is matched equally by the partner with non-state funding and / or the institution from private funds.</p>				
158.	Financial Assistance For Educational and General Services (11000).....		\$1,498,882	\$1,498,882
	Sponsored Programs (11004).....	\$1,498,882		\$1,498,882
	Fund Sources: Higher Education Operating.....	\$1,498,882		\$1,498,882
<p>Authority: Title 23.1, Chapter 14, Code of Virginia.</p> <p>The Higher Education Operating fund source listed in this Item is considered to be a sum sufficient appropriation, which is an estimate of funding required by the university to cover sponsored program operations.</p>				
159.	Higher Education Auxiliary Enterprises (80900) a sum sufficient, estimated at.....		\$81,302,437	\$81,302,437
	Food Services (80910).....	\$17,924,629		\$17,924,629
	Bookstores And Other Stores (80920).....	\$709,300		\$709,300
	Residential Services (80930).....	\$30,619,629		\$30,619,629
	Parking And Transportation Systems And Services (80940).....	\$1,808,076		\$1,808,076
	Student Unions And Recreational Facilities (80970).....	\$5,901,288		\$5,901,288
	Recreational And Intramural Programs (80980).....	\$167,142		\$167,142
	Other Enterprise Functions (80990).....	\$14,174,444		\$14,174,444
	Intercollegiate Athletics (80995).....	\$9,997,929		\$9,997,929
	Fund Sources: Higher Education Operating.....	\$61,598,568		\$61,598,568
	Debt Service.....	\$19,703,869		\$19,703,869

ITEM 159.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022

Authority: Title 23.1, Chapter 14, Code of Virginia.

159.10 Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted.

	FY 2021		FY 2022
Increase undergraduate student financial assistance	\$249,600		\$249,600
Agency Total	\$249,600		\$249,600
Total for Christopher Newport University.....		\$173,962,717	\$173,962,717
General Fund Positions.....	341.56	341.56	
Nongeneral Fund Positions.....	596.18	596.18	
Position Level.....	937.74	937.74	
Fund Sources: General.....	\$39,460,881	\$39,460,881	
Higher Education Operating.....	\$114,797,967	\$114,797,967	
Debt Service.....	\$19,703,869	\$19,703,869	

§ 1-53. THE COLLEGE OF WILLIAM AND MARY IN VIRGINIA (204)

160. Educational and General Programs (10000).....		\$227,490,351	\$227,490,351
Higher Education Instruction (100101).....	\$125,621,500	\$125,621,500	
Higher Education Research (100102).....	\$1,391,200	\$1,391,200	
Higher Education Public Services (100103).....	\$21,500	\$21,500	
Higher Education Academic (100104).....	\$32,582,800	\$32,582,800	
Higher Education Student Services (100105).....	\$9,721,000	\$9,721,000	
Higher Education Institutional Support (100106).....	\$28,191,900	\$28,191,900	
Operation and Maintenance Of Plant (100107).....	\$29,960,451	\$29,960,451	
Fund Sources: General.....	\$49,738,886	\$49,738,886	
Higher Education Operating.....	\$168,089,414	\$168,089,414	
Debt Service.....	\$9,662,051	\$9,662,051	

Authority: Title 23.1, Chapter 28, Code of Virginia.

A. This Item includes general and nongeneral fund appropriations to support institutional initiatives that help meet statewide goals described in the Restructured Higher Education Financial and Administrative Operations Act of 2005 (Chapters 933 and 945, 2005 Acts of Assembly).

B. As Virginia's public colleges and universities approach full funding of the base adequacy guidelines and as the General Assembly strives to fully fund the general fund share of the base adequacy guidelines, these funds are provided with the intent that, in exercising their authority to set tuition and fees, the Board of Visitors shall take into consideration the impact of escalating college costs for Virginia students and families. In accordance with the cost-sharing goals set forth in § 4-2.01 b. of this act, the Board of Visitors is encouraged to limit increases on tuition and mandatory educational and general fees for in-state, undergraduate students to the extent possible.

ITEM 160.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
C.	Out of this appropriation, \$245,000 the first year and \$245,000 the second year from the general fund is designated to support the Lewis B. Puller Jr. Veterans Benefits Clinic.			
D.	Out of this appropriation, \$287,850 and two positions the first year and \$287,850 and two positions the second year from the general fund is designated to develop a specialization in military and veterans counseling within the existing clinical mental health counseling degree program and a post-graduate certificate in veterans counseling.			
E.	The College of William and Mary may extend the authority granted to it under the Restructured Higher Education Financial and Administrative Operations Act (Title 23.1, Chapter 10, Code of Virginia) to Richard Bland College in a manner that is consistent with the Management Agreement By and Between the Commonwealth of Virginia and the College of William and Mary in Virginia, executed November 15, 2005 and subsequently amended to the provisions of the memorandum of understanding related to financial operations and other related administrative areas as executed by the presidents of both institutions on November 15, 2017 and as may subsequently be amended.			
F.	The appropriation for the fund source Higher Education Operating in this Item shall be considered a sum sufficient appropriation, which is an estimate of the amount of revenues to be collected for the educational and general program under the terms of the management agreement between the College of William and Mary and the Commonwealth, as set forth in Chapters 933 and 943 of the 2006 Acts of Assembly.			
G. 1.	Out of this appropriation, \$1,221,670 the first year and \$1,221,670 the second year from the general fund is designated to address increased degree production in Data Science and Technology, Science and Engineering, Healthcare, and Education.			
2.	Degree production shall be measured for Bachelors, Masters, Doctorates and First Professional awards as follows:			
a.	Data Science and Technology awards shall be based on completion data contained in the State Council of Higher Education for Virginia, C-16 completion report;			
b.	Science and Engineering awards shall be based on completion data contained in the State Council of Higher Education for Virginia (SCHEV), C-1 A1 completion report for the following programs Biological and Biomedical Science (26), Engineering (14) less those already counted in paragraph 2 a., Engineering Technologies (15), and Physical Sciences (42);			
c.	Healthcare awards shall be based on completion data contained in the SCHEV C-1 A1 completion report for the Health Professions and Related Programs (51); and			
d.	Education awards shall be based on completion data contained in the SCHEV C-1 A1 completion report for the Education Programs (13).			
3.	The College of William and Mary is expected to maintain increases in:			
a.	Data Science and Technology awards of 20 annually over the base year.			
b.	Science and Engineering awards of 15 annually over the base year.			
c.	Education awards of 5 annually over the base year.			
d.	The 2016-17 year will serve as the base year for these purposes.			
4.	SCHEV shall report on the progress toward these goals to the Chairmen of the House Appropriations and Senate Finance Committees annually beginning August 2020.			
H.	Out of this appropriation, \$250,000 and two positions the first year and \$250,000 and two positions the second year from the general fund is designated for the development of the Public Policy's Whole of Government program. This program will provide a hybrid Master of Public Policy degree that will allow the first year to be completed online.			
I.	The 4-VA, a public-private partnership among George Mason University, James Madison University, the University of Virginia, Virginia Tech, Old Dominion University, Virginia Military Institute, Virginia Commonwealth University, the College of William			

ITEM 160.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<p>and Mary, and CISCO Systems, Inc., utilizes emerging technologies to promote collaboration and resource sharing to increase access, reduce time to graduation and reduce unit cost while maintaining and enhancing quality. Instructional talent across the eight institutions is leveraged in the delivery of programs in foreign languages, science, technology, engineering and mathematics. The 4-VA Management Board can expand this partnership to additional institutions as appropriate to meet the goals of the 4-VA initiative. It is expected that funding will be pooled by the management board as required to support continuing efforts of the 4-VA priorities and projects.</p>				
161.	Higher Education Student Financial Assistance (10800).....		\$49,304,176	\$49,344,076
	Scholarships (10810).....	\$35,214,477		\$35,214,477
	Fellowships (10820).....	\$14,089,699		\$14,129,599
	Fund Sources: General.....	\$5,062,676		\$5,102,576
	Higher Education Operating.....	\$44,241,500		\$44,241,500
<p>Authority: Title 23.1, Chapter 28, Code of Virginia.</p> <p>A. Higher education operating funds appropriated in this program may be allocated for need-based aid to Virginia undergraduate students to enhance the quality and diversity of the student body.</p> <p>B. The appropriation for the fund source Higher Education Operating in this Item shall be considered sum sufficient appropriation, which is an estimate of the revenue collected to meet student financial aid needs, under the terms of the management agreement between the university and the Commonwealth as set forth in Chapters 933 and 943 of the 2006 Acts of Assembly.</p> <p>C. Up to 15 percent of the funding in this item may be used to support Virginia Guaranteed Assistance Program eligible students for (1) priority funding who are enrolled in Data Science and Technology, Science and Engineering, Healthcare and Education programs and (2) as a grant for students in innovative internship programs provided that the institutions has at least one private sector partner and the grant is matched equally by the partner with non-state funding and / or the institution from private funds.</p>				
162.	Financial Assistance For Educational and General Services (11000).....		\$32,524,929	\$32,524,929
	Sponsored Programs (11004).....	\$32,524,929		\$32,524,929
	Fund Sources: General.....	\$75,000		\$75,000
	Higher Education Operating.....	\$32,264,735		\$32,264,735
	Debt Service.....	\$185,194		\$185,194
<p>Authority: Title 23.1, Chapter 28, Code of Virginia.</p> <p>A. Out of this appropriation, \$75,000 the first year and \$75,000 the second year from the general fund and \$400,000 the first year and \$400,000 the second year from nongeneral funds are designated to build research capacity in biomedical research and biomaterials engineering.</p> <p>B. The Higher Education Operating fund source listed in this Item is considered to be a sum sufficient appropriation, which is an estimate of funding required by the university to cover sponsored program operations.</p>				
163.	Higher Education Auxiliary Enterprises (80900) a sum sufficient, estimated at.....		\$89,321,641	\$89,321,641
	Food Services (80910).....	\$16,436,830		\$16,436,830
	Bookstores And Other Stores (80920).....	\$3,875,918		\$3,875,918
	Residential Services (80930).....	\$30,311,011		\$30,311,011
	Parking And Transportation Systems And Services (80940).....	\$2,366,059		\$2,366,059
	Telecommunications Systems And Services (80950)..	\$4,661,486		\$4,661,486
	Student Health Services (80960).....	\$5,575,127		\$5,575,127
	Student Unions And Recreational Facilities (80970)...	\$9,482,054		\$9,482,054
	Recreational And Intramural Programs (80980).....	\$1,148,078		\$1,148,078

ITEM 163.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022
Other Enterprise Functions (80990).....	\$6,723,167	\$6,723,167		
Intercollegiate Athletics (80995).....	\$8,741,911	\$8,741,911		
Fund Sources: Higher Education Operating.....	\$68,020,592	\$68,020,592		
Debt Service.....	\$21,301,049	\$21,301,049		

Authority: Title 23.1, Chapter 28, Code of Virginia.

163.10 Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted.

	FY 2021	FY 2022
CWM - Graduate Aid (Research)	\$79,400	\$119,300
Increase undergraduate student financial assistance	\$133,000	\$133,000
Agency Total	\$212,400	\$252,300
Total for The College of William and Mary in Virginia.....		
		\$398,641,097
General Fund Positions.....	552.16	552.16
Nongeneral Fund Positions.....	882.96	882.96
Position Level.....	1,435.12	1,435.12
Fund Sources: General.....	\$54,876,562	\$54,916,462
Higher Education Operating.....	\$312,616,241	\$312,616,241
Debt Service.....	\$31,148,294	\$31,148,294

Richard Bland College (241)

164.	Educational and General Programs (10000).....		\$15,086,047	\$15,086,047
	Higher Education Instruction (100101).....	\$6,784,153	\$6,784,153	
	Higher Education Public Services (100103).....	\$4,500	\$4,500	
	Higher Education Academic (100104).....	\$991,193	\$991,193	
	Higher Education Student Services (100105).....	\$1,080,192	\$1,080,192	
	Higher Education Institutional Support (100106).....	\$4,423,956	\$4,423,956	
	Operation and Maintenance Of Plant (100107).....	\$1,802,053	\$1,802,053	
	Fund Sources: General.....	\$9,202,914	\$9,202,914	
	Higher Education Operating.....	\$5,883,133	\$5,883,133	

Authority: Title 23.1, Chapter 28, Code of Virginia.

A. This Item includes general and nongeneral fund appropriations to support institutional initiatives that help meet statewide goals described in the Restructured Higher Education Financial and Administrative Operations Act of 2005 (Chapters 933 and 945, 2005 Acts of Assembly).

B. As Virginia's public colleges and universities approach full funding of the base adequacy guidelines and as the General Assembly strives to fully fund the general fund share of the base adequacy guidelines, these funds are provided with the intent that, in exercising their authority to set tuition and fees, the Board of Visitors shall take into

ITEM 164.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<p>consideration the impact of escalating college costs for Virginia students and families. In accordance with the cost-sharing goals set forth in § 4-2.01 b. of this act, the Board of Visitors is encouraged to limit increases on tuition and mandatory educational and general fees for in-state, undergraduate students to the extent possible.</p> <p>C. In order to advance the goals outlined in TJ21 and collaboration and innovation in higher education, Richard Bland College may develop and deliver new, collaborative educational pathways and innovative educational models, including distance learning, technology-based instruction, prior learning assessments, experiential learning, stackable credentials, and competency-based programs that lead to STEM-H and other high-demand credentials and careers, with such funds as are appropriated or made available for this purpose. Richard Bland College shall strengthen educational pathways for traditional and nontraditional students, including veterans and military personnel, through the continued establishment and strengthening of cross-institutional and cross-sector partnerships including the use of innovative educational approaches in order to promote entry into high-demand fields and industries critical to the economic development of Virginia. Richard Bland College may:</p> <ol style="list-style-type: none"> 1. Broker agreements between and among educational, industry, and non-profit partners and establish collaborative, innovative partnership agreements with school districts, public and private colleges and universities, economic development agencies, employers, philanthropic organizations, veterans organizations, public agencies and other partners as necessary to strengthen and streamline educational pathways from high school, to work-based learning, to baccalaureate and advanced degrees that prepare individuals, including nontraditional students and veterans, for entry into STEM-H and other high-demand careers in the Commonwealth; 2. Serve as a clearing house of educational pathway and career pathway information and as a resource and referral agency for traditional and non-traditional students, including veterans; 3. Serve as an educational innovation resource center, referral agency and hub for collaboration, innovation, and information sharing among educational and industry partners to facilitate the vetting, piloting, and effective implementation of innovative, evidence-based educational resources, including open educational resources and self-paced, competency-based tools designed to maximize limited resources, improve educational outcomes, or accelerate time to credential completion; 4. Pilot and implement innovative educational approaches and technologies, and promote the development, delivery, and ongoing assessment of innovative, cost-effective degree programs and stackable credentials, including industry-recognized, competency-based credentials that are aligned with and responsive to the educational and workforce development needs of traditional and non-traditional students, including veterans and military personnel, and advance the economic development needs of employers and industries statewide; 5. Identify and implement new strategies to support economic and community development in Virginia and to expand opportunities for traditional and non-traditional students, including veterans, to prepare for high-demand fields. 6. Identify opportunities for resource sharing and new operational efficiencies in the delivery of postsecondary education and pursue additional funding by federal, state, corporate, and private philanthropic sources to support collaborative, innovative approaches to education that improve educational access and outcomes, strengthen the alignment between postsecondary education and high-demand career pathways in Virginia, and support improved educational attainment, economic opportunity, and economic development for Virginians. 7. Richard Bland College may explore shared services and other options for increased collaboration with the College of William and Mary. <p>D. Out of this appropriation, \$1,437,750 and 13 positions each year from the general fund is designated to address the staffing recommendations of the Auditor of Public Accounts related to financial management, information technology, human resources, financial aid, and operations.</p>				
165.	Higher Education Student Financial Assistance (10800).....		\$1,520,580	\$1,520,480
	Scholarships (10810).....	\$1,520,580	\$1,520,480	

ITEM 165.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Fund Sources: General.....	\$1,460,580	\$1,460,480		
Higher Education Operating.....	\$60,000	\$60,000		
Authority: Title 23.1, Chapter 28, Code of Virginia.				
Up to 15 percent of the funding in this item may be used to support Virginia Guaranteed Assistance Program eligible students for (1) priority funding who are enrolled in Data Science and Technology, Science and Engineering, Healthcare and Education programs and (2) as a grant for students in innovative internship programs provided that the institutions has at least one private sector partner and the grant is matched equally by the partner with non-state funding and / or the institution from private funds.				
166.	Financial Assistance For Educational and General Services (11000)			
	a sum sufficient, estimated at.....		\$15,000	\$15,000
	Sponsored Programs (11004).....	\$15,000	\$15,000	
	Fund Sources: Higher Education Operating.....	\$15,000	\$15,000	
Authority: Title 23.1, Chapter 28, Code of Virginia.				
167.	Higher Education Auxiliary Enterprises (80900)			
	a sum sufficient, estimated at.....		\$4,741,277	\$4,741,277
	Food Services (80910).....	\$640,627	\$640,627	
	Bookstores And Other Stores (80920).....	\$200,000	\$200,000	
	Residential Services (80930).....	\$2,384,338	\$2,384,338	
	Parking And Transportation Systems And Services (80940).....	\$248,000	\$248,000	
	Recreational And Intramural Programs (80980).....	\$29,000	\$29,000	
	Other Enterprise Functions (80990).....	\$882,500	\$882,500	
	Intercollegiate Athletics (80995).....	\$356,812	\$356,812	
	Fund Sources: Higher Education Operating.....	\$4,741,277	\$4,741,277	
Authority: Title 23.1, Chapter 28, Code of Virginia.				
167.10	Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted.			
		FY 2021		FY 2022
	Increase undergraduate student financial assistance	\$154,400		\$154,300
	RBC - Compliance, Accreditation and Student Success	\$708,000		\$708,000
	Agency Total	\$862,400		\$862,300
	Total for Richard Bland College.....		\$21,362,904	\$21,362,804
	General Fund Positions.....	78.43	78.43	
	Nongeneral Fund Positions.....	41.41	41.41	
	Position Level.....	119.84	119.84	

ITEM 167.10.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Fund Sources: General.....	\$10,663,494	\$10,663,394		
Higher Education Operating.....	\$10,699,410	\$10,699,410		
Virginia Institute of Marine Science (268)				
168. Educational and General Programs (10000).....			\$27,300,448	\$27,300,448
Higher Education Instruction (100101).....	\$1,133,039	\$1,133,039		
Higher Education Research (100102).....	\$12,031,625	\$12,031,625		
Higher Education Academic (100104).....	\$5,943,970	\$5,943,970		
Higher Education Institutional Support (100106).....	\$3,159,830	\$3,159,830		
Operation and Maintenance Of Plant (100107).....	\$5,031,984	\$5,031,984		
Fund Sources: General.....	\$25,312,763	\$25,312,763		
Higher Education Operating.....	\$1,987,685	\$1,987,685		

Authority: Title 23.1, Chapter 28, and Title 28.2, Chapter 11, Code of Virginia.

A. This Item includes general and nongeneral fund appropriations to support institutional initiatives that help meet statewide goals described in the Restructured Higher Education Financial and Administrative Operations Act of 2005 (Chapters 933 and 945, 2005 Acts of Assembly).

B. If sufficient appropriations are not made available by the Commonwealth, it shall not be necessary for the Virginia Institute of Marine Science to reallocate funds from existing research projects to provide the funding for research mandated in the Code of Virginia or in the Appropriation Act.

C. Out of this appropriation, \$212,772 and four positions the first year and \$212,772 and four positions the second year from the general fund is designated to support an Aquaculture Genetics and Breeding Technology Center at the Virginia Institute of Marine Science. The center shall coordinate its efforts with the repletion program of the Virginia Marine Resources Commission.

D. It is the intent of the General Assembly that the development of a disease resistant native oyster remains a high priority for oyster-related research activities at the Virginia Institute of Marine Science.

E. Out of this appropriation, \$68,391 the first year and \$68,391 the second year from the general fund is provided for the continuation of the Clean Marina Program. This additional funding will allow the Virginia Institute of Marine Science to provide education, outreach, and technical assistance to the Commonwealth's marinas in an effort to improve water quality.

F. Out of this appropriation, \$289,096 the first year and \$289,096 the second year from the general fund is designated for the monitoring of the Chesapeake Bay's blue crab population. This additional support will permit the Virginia Institute of Marine Science to generate the data necessary to develop fishery management plans, determine in-danger habitats, and project the annual blue crab catch.

G. Notwithstanding Chapter 719, 1999 Acts of Assembly, out of this appropriation, \$159,579 the first year and \$159,579 the second year from the general fund shall be provided to the Virginia Institute of Marine Science to support the Fishery Resource Grant Fund and Program. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the State Comptroller upon written request of the President of the College of William and Mary.

H. Out of this appropriation, \$432,894 and 3.15 positions the first year and \$432,894 and 3.15 positions the second year from the general fund is designated to support research on sea level rise and state-of-the-art storm surge modeling, as well as for subcontracting with the College of William and Mary's Virginia Coastal Policy Center (CWMVCPC) to conduct policy and legal analyses of stakeholder-driven adaptation responses to sea level rise, in support of the Commonwealth Center for Recurrent Flooding Resiliency. The center, a collaborative partnership involving the Virginia Institute of Marine Science, Old Dominion University, and the CWMVCPC, shall work with municipalities both along coastal Virginia and throughout the Commonwealth to develop useful resilience strategies.

ITEM 168.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<p>I. Out of this appropriation, \$125,000 the first year and \$125,000 the second year from the general fund is designated for the establishment of a marine conservation fellowship program in partnership with Virginia-based marine science education programs and conservation museums.</p>				
<p>J. Out of this appropriation, \$14,783 the first year and \$14,783 the second year from the general fund is designated for debt service costs for the third and fourth year payments of a five-year lease under the Master Equipment Leasing Program (MELP) for upgrades to the campus information technology infrastructure. In addition to these amounts, \$188,086 and one position the first year and \$188,086 and one position the second year from the general fund is designated for supporting a network engineer, maintenance contracts, and staff training.</p>				
<p>K. Out of this appropriation, \$84,678 the first year and \$84,585 the second year from the general fund is designated for debt service costs for the second and third year payments of a five-year lease under the Master Equipment Leasing Program (MELP) for the equipment associated with the modeling and assessment technologies used to monitor the water quality of the Chesapeake Bay and its tributaries. In addition to this amount, \$406,075 and 2.70 positions the first year and \$406,075 and 2.70 positions the second year from the general fund is designated for a postdoctoral researcher and two research technicians, research-related supplies and materials, and ongoing service center costs.</p>				
<p>L. Out of this appropriation, \$403,000 the first year and \$403,000 the second year from the general fund is designated for evaluating the ecological health of the Elizabeth River, monitoring the performance of past restoration projects, and providing scientific guidance on development of new restoration projects. Every third year a State of the Elizabeth River Scorecard report on pollution levels in the Elizabeth River shall be produced. The scorecard shall include, at a minimum, an assessment of fish health data including cancer levels, tributyltin levels, and benthic index of biotic integrity, in correlation with water and sediment contaminant analyses from the Elizabeth River.</p>				
<p>M. The appropriation for the fund source Higher Education Operating in this Item shall be considered a sum sufficient appropriation, which is an estimate of the amount of revenues to be collected for the educational and general program under the terms of the management agreement between the College of William and Mary and the Commonwealth, as set forth in Chapters 933 and 943 of the 2006 Acts of Assembly.</p>				
<p>N. Out of this appropriation, \$386,668 and 2.75 positions the first year and \$386,668 and 2.75 positions the second year from the general fund is provided for an annual survey of submerged bay grasses and the development of best management practices for oyster aquaculture that supports co-existence with bay grasses. The survey is also intended to assist in evaluating attainment of water quality standards, permitting efforts of other state agencies, and evaluating progress towards meeting the Chesapeake Bay Program goals.</p>				
<p>O. Out of this appropriation, \$300,000 the first year and \$300,000 the second year from the general fund is provided to support the development of a wave, hydrodynamic, and sediment transport model for the region around Chincoteague Inlet; including Assateague Inlet, Wallops Island, and Chincoteague Island, that can be used to inform erosion control and stabilization management decisions on the islands.</p>				
169.	Higher Education Student Financial Assistance (10800).....		\$374,402	\$401,002
	Fellowships (10820).....	\$374,402	\$401,002	
	Fund Sources: General.....	\$374,402	\$401,002	
	Authority: Title 23.1, Chapter 28, Code of Virginia.			
170.	Financial Assistance For Educational and General Services (11000).....		\$24,469,673	\$24,469,673
	Eminent Scholars (11001).....	\$75,000	\$75,000	
	Sponsored Programs (11004).....	\$24,394,673	\$24,394,673	
	Fund Sources: Higher Education Operating.....	\$24,469,673	\$24,469,673	

ITEM 170.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Authority: Title 23.1, Chapter 28 and Title 28.2, Chapter 11, Code of Virginia.				
A. Out of the amounts for sponsored programs, \$50,000 the first year and \$50,000 the second year from nongeneral funds shall be paid from the Marine Fishing Improvement Fund to support the Mariculture and Marine Product Advisory Program.				
B. The Higher Education Operating fund source listed in this Item is considered to be a sum sufficient appropriation, which is an estimate of funding required by the institute to cover sponsored program operations.				

170.10 Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted.

	FY 2021	FY 2022		
Fund saltwater fisheries survey	\$250,000			\$250,000
VIMS - Manage Aquatic Diseases	\$225,000			\$225,000
VIMS - Graduate Aid (Research)	\$53,400			\$80,000
Agency Total	\$528,400			\$555,000
Total for Virginia Institute of Marine Science.....			\$52,144,523	\$52,171,123
General Fund Positions.....	298.82	298.82		
Nongeneral Fund Positions.....	96.60	96.60		
Position Level.....	395.42	395.42		
Fund Sources: General.....	\$25,687,165	\$25,713,765		
Higher Education Operating.....	\$26,457,358	\$26,457,358		
Grand Total for The College of William and Mary in Virginia.....			\$472,148,524	\$472,214,924
General Fund Positions.....	929.41	929.41		
Nongeneral Fund Positions.....	1,020.97	1,020.97		
Position Level.....	1,950.38	1,950.38		
Fund Sources: General.....	\$91,227,221	\$91,293,621		
Higher Education Operating.....	\$349,773,009	\$349,773,009		
Debt Service.....	\$31,148,294	\$31,148,294		

§ 1-54. GEORGE MASON UNIVERSITY (247)

171.	Educational and General Programs (10000).....			\$631,184,609	\$635,184,609
	Higher Education Instruction (100101).....	\$386,203,962	\$388,651,444		
	Higher Education Research (100102).....	\$10,433,820	\$10,499,938		
	Higher Education Public Services (100103).....	\$2,611,552	\$2,628,102		
	Higher Education Academic (100104).....	\$79,862,178	\$80,368,292		
	Higher Education Student Services (100105).....	\$27,231,818	\$27,404,392		
	Higher Education Institutional Support (100106).....	\$67,147,611	\$67,573,147		
	Operation and Maintenance Of Plant (100107).....	\$57,693,668	\$58,059,294		
	Fund Sources: General.....	\$166,315,949	\$168,315,949		
	Higher Education Operating.....	\$464,868,660	\$466,868,660		

ITEM 171.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022

Authority: Title 23.1, Chapter 15, Code of Virginia.

A. This Item includes general and nongeneral fund appropriations to support institutional initiatives that help meet statewide goals as described in the Restructured Higher Education Financial and Administrative Operations Act of 2005 (Chapters 933 and 945, 2005 Acts of Assembly).

B. Out of this appropriation, an amount estimated at \$289,614 the first year and \$289,614 the second year from the general fund and \$124,120 the first year and \$124,120 the second year from nongeneral funds are designated for the educational telecommunications project to provide graduate engineering education. For supplemental budget requests, the participating institutions and centers jointly shall submit a report in support of such requests to the State Council of Higher Education for Virginia for review and recommendation to the Governor and General Assembly.

C. Out of this appropriation, \$459,125 the first year and \$459,125 the second year from the general fund is designated for the Institute for Conflict Analysis.

D. As Virginia's public colleges and universities approach full funding of the base adequacy guidelines and as the General Assembly strives to fully fund the general fund share of the base adequacy guidelines, these funds are provided with the intent that, in exercising their authority to set tuition and fees, the Board of Visitors shall take into consideration the impact of escalating college costs for Virginia students and families. In accordance with the cost-sharing goals set forth in § 4-2.01 b. of this act, the Board of Visitors is encouraged to limit increases on tuition and mandatory educational and general fees for in-state, undergraduate students to the extent possible.

E. Out of this appropriation, \$50,000 the first year and \$50,000 the second year from the general fund is designated to support the Potomac Bay Science Center.

F. Out of this appropriation, \$400,000 the first year and \$400,000 the second year from the general fund is designated to develop a pathway program to attract and train veterans for cyber security careers.

G. The 4-VA, a public-private partnership among George Mason University, James Madison University, the University of Virginia, Virginia Tech, Old Dominion University, Virginia Military Institute, Virginia Commonwealth University, the College of William and Mary, and CISCO Systems, Inc., utilizes emerging technologies to promote collaboration and resource sharing to increase access, reduce time to graduation and reduce unit cost while maintaining and enhancing quality. Instructional talent across the eight institutions is leveraged in the delivery of programs in foreign languages, science, technology, engineering and mathematics. The 4-VA Management Board can expand this partnership to additional institutions as appropriate to meet the goals of the 4-VA initiative. It is expected that funding will be pooled by the management board as required to support continuing efforts of the 4-VA priorities and projects.

H. 1. Out of this appropriation, \$4,685,320 the first year and \$4,685,320 the second year from the general fund is designated to address increased degree production in Data Science and Technology, Science and Engineering, Healthcare, and Education.

2. Degree production shall be measured for Bachelors, Masters, Doctorates and First Professional awards as follows:

a. Data Science and Technology awards shall be based on completion data contained in the State Council of Higher Education for Virginia, C-16 completion report;

b. Science and Engineering awards shall be based on completion data contained in the State Council of Higher Education for Virginia (SCHEV), C-1 A1 completion report for the following programs Biological and Biomedical Science (26), Engineering (14) less those already counted in paragraph 2 a., Engineering Technologies (15), and Physical Sciences (42);

c. Healthcare awards shall be based on completion data contained in the SCHEV C-1 A1 completion report for the Health Professions and Related Programs (51); and

ITEM 171.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<p>d. Education awards shall be based on completion data contained in the SCHEV C-1 A1 completion report for the Education Programs (13).</p> <p>3. George Mason University is expected to maintain increases in:</p> <p>a. Data Science and Technology awards of 50 annually over the base year.</p> <p>b. Science and Engineering awards of 35 annually over the base year.</p> <p>c. Healthcare awards of 35 annually over the base year.</p> <p>d. Education awards of 40 annually over the base year.</p> <p>e. The 2016-17 year will serve as the base year for these purposes.</p> <p>4. SCHEV shall report on the progress toward these goals to the Chairmen of the House Appropriations and Senate Finance Committees annually beginning August 2020.</p> <p>I. Out of this appropriation \$50,000 the first year and \$50,000 the second year from the general fund is designated for campus lighting, generators and other infrastructure at the School of Conflict Resolution at the Point of View facility.</p> <p>J. The Board of Visitors of George Mason University may participate in a joint venture or innovation agreement with an individual, corporation, governmental body or agency, partnership, association, or other entity to develop and deliver new, collaborative distance learning and technology-based instruction programs for traditional and non-traditional students, including veterans and military personnel. The Board may create or operate such entity accordingly. In the course of any venture or agreement, the Board may authorize a pilot and implementation of distance learning and technology-based instruction programs that are aligned with and responsive to the educational and workforce needs of traditional and non-traditional students. If the Board determines it is necessary to the development and delivery of distance learning and technology-based instruction programs, the Board may create or assist in the creation of; own in whole or in part or otherwise control; participate in or with any entities, public or private; and purchase, receive, subscribe for, own, use, employ, sell, pledge or otherwise acquire or dispose of (i) shares or obligations of, or interests in, any entity organized for any purpose within or outside the Commonwealth and (ii) obligations of any person or corporation. Prior to the execution of any joint venture or innovation agreement, George Mason University shall formally seek and receive approval from the State Council of Higher Education for Virginia and report on whether there will be any impact on current or future operations of the Online Virginia Network Authority.</p>				
172.	Higher Education Student Financial Assistance (10800).....		\$51,894,994	\$51,921,494
	Scholarships (10810).....	\$46,101,728		\$46,101,628
	Fellowships (10820).....	\$5,793,266		\$5,819,866
	Fund Sources: General.....	\$37,798,994		\$37,825,494
	Higher Education Operating.....	\$14,096,000		\$14,096,000
<p>Authority: Title 23.1, Chapter 15, Code of Virginia.</p> <p>A. Notwithstanding the provisions of § 4-5.01.5.b) of this Act, George Mason University is hereby authorized to transfer the balance of its discontinued student loan funds to an endowment fund established by the University to be used for undergraduate and graduate students in the Higher Education Student Financial Assistance Program.</p> <p>B. Up to 15 percent of the funding in this item may be used to support Virginia Guaranteed Assistance Program eligible students for (1) priority funding who are enrolled in Data Science and Technology, Science and Engineering, Healthcare and Education programs and (2) as a grant for students in innovative internship programs provided that the institutions has at least one private sector partner and the grant is matched equally by the partner with non-state funding and / or the institution from private funds.</p>				
173.	Financial Assistance For Educational and General Services (11000).....		\$281,275,000	\$281,275,000
	Eminent Scholars (11001).....	\$1,000,000		\$1,000,000

ITEM 173.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Sponsored Programs (11004).....	\$280,275,000	\$280,275,000		
Fund Sources: General.....	\$2,106,250	\$2,106,250		
Higher Education Operating.....	\$279,168,750	\$279,168,750		

Authority: Title 23.1, Chapter 15, Code of Virginia.

A. 1. Out of this appropriation, \$956,250 the first year and \$956,250 the second year from the general fund and \$5,850,000 the first year and \$5,850,000 the second year from nongeneral funds are designated to build research capacity in biomedical research and biomaterials engineering.

2. Out of this appropriation, \$750,000 the first year and \$750,000 the second year from the general fund is designated for applied research in simulation modeling and gaming.

B. Out of this appropriation, \$125,000 the first year and \$125,000 the second year from the general fund is designated for Lyme Disease research and medical test development.

C. The Higher Education Operating fund source listed in this Item is considered to be a sum sufficient appropriation, which is an estimate of funding required by the university to cover sponsored program operations.

D. Out of this appropriation, \$275,000 the first year and \$275,000 the second year from the general fund is designated for George Mason University, in collaboration with Eastern Virginia Medical School, Old Dominion University, the University of Virginia, Virginia Commonwealth University, Virginia Tech-Carilion, INOVA, and Sentara Health System, to create the Virginia Commonwealth Clinical Research Network to serve as a network of institutions to conduct significant clinical trials in areas that include oncology, mental health and substance abuse. The Virginia Commonwealth Clinical Research Network would facilitate identifying and recruiting patients and expand access for researchers to a clinical base thereby creating greater opportunities for grant funding and the development commercialization of breakthrough products and services.

174.	Higher Education Auxiliary Enterprises (80900) a sum sufficient, estimated at.....			\$241,847,817	\$241,847,817
	Food Services (80910).....	\$37,525,061	\$37,525,061		
	Bookstores And Other Stores (80920).....	\$2,007,709	\$2,007,709		
	Residential Services (80930).....	\$40,978,104	\$40,978,104		
	Parking And Transportation Systems And Services (80940).....	\$15,487,834	\$15,487,834		
	Telecommunications Systems And Services (80950).....	\$562,121	\$562,121		
	Student Health Services (80960).....	\$5,502,720	\$5,502,720		
	Student Unions And Recreational Facilities (80970).....	\$11,382,463	\$11,382,463		
	Recreational And Intramural Programs (80980).....	\$18,667,176	\$18,667,176		
	Other Enterprise Functions (80990).....	\$84,912,834	\$84,912,834		
	Intercollegiate Athletics (80995).....	\$24,821,795	\$24,821,795		
	Fund Sources: Higher Education Operating.....	\$187,705,617	\$187,705,617		
	Debt Service.....	\$54,142,200	\$54,142,200		

Authority: Title 23.1, Chapter 15, Code of Virginia.

174.10 Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue

ITEM 174.10.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted.				
		FY 2021		FY 2022
Increase undergraduate student financial assistance		\$6,945,000		\$6,944,900
Provide funding to support graduate financial aid		\$53,400		\$80,000
Provide additional funding to support enrollment growth		\$10,000,000		\$12,000,000
Agency Total		\$16,998,400		\$19,024,900
Total for George Mason University.....			\$1,206,202,420	\$1,210,228,920
General Fund Positions.....	1,082.14	1,082.14		
Nongeneral Fund Positions.....	4,185.49	4,185.49		
Position Level.....	5,267.63	5,267.63		
Fund Sources: General.....	\$206,221,193	\$208,247,693		
Higher Education Operating.....	\$945,839,027	\$947,839,027		
Debt Service.....	\$54,142,200	\$54,142,200		

§ 1-55. JAMES MADISON UNIVERSITY (216)

175.	Educational and General Programs (10000).....			\$343,368,529	\$343,368,529
	Higher Education Instruction (100101).....	\$181,217,171	\$181,217,171		
	Higher Education Research (100102).....	\$929,467	\$929,467		
	Higher Education Public Services (100103).....	\$1,602,857	\$1,602,857		
	Higher Education Academic (100104).....	\$48,200,000	\$48,200,000		
	Higher Education Student Services (100105).....	\$22,992,122	\$22,992,122		
	Higher Education Institutional Support (100106).....	\$48,199,040	\$48,199,040		
	Operation and Maintenance Of Plant (100107).....	\$40,227,872	\$40,227,872		
	Fund Sources: General.....	\$96,710,352	\$96,710,352		
	Higher Education Operating.....	\$244,707,524	\$244,707,524		
	Debt Service.....	\$1,950,653	\$1,950,653		

Authority: Title 23.1, Chapter 16, Code of Virginia.

A. This Item includes general and nongeneral fund appropriations to support institutional initiatives that help meet statewide goals described in the Restructured Higher Education Financial and Administrative Operations Act of 2005 (Chapters 933 and 945, 2005 Acts of Assembly).

B. As Virginia's public colleges and universities approach full funding of the base adequacy guidelines and as the General Assembly strives to fully fund the general fund share of the base adequacy guidelines, these funds are provided with the intent that, in exercising their authority to set tuition and fees, the Board of Visitors shall take into consideration the impact of escalating college costs for Virginia students and families. In accordance with the cost-sharing goals set forth in § 4-2.01 b. of this act, the Board of Visitors is encouraged to limit increases on tuition and mandatory educational and general fees for in-state, undergraduate students to the extent possible.

C. The 4-VA, a public-private partnership among George Mason University, James Madison University, the University of Virginia, Virginia Tech, Old Dominion University, Virginia Military Institute, Virginia Commonwealth University, the College of William and Mary, and CISCO Systems, Inc., utilizes emerging technologies to promote collaboration and resource sharing to increase access, reduce time to graduation and reduce unit cost while maintaining and enhancing quality. Instructional talent across the eight institutions is leveraged in the delivery of programs in foreign languages, science, technology, engineering and mathematics. The 4-VA Management Board can expand this partnership to additional institutions as

ITEM 175.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022

appropriate to meet the goals of the 4-VA initiative. It is expected that funding will be pooled by the management board as required to support continuing efforts of the 4-VA priorities and projects.

D. 1. Out of this appropriation, \$2,445,920 the first year and \$2,445,920 the second year from the general fund is designated to address increased degree production in Data Science and Technology, Science and Engineering, Healthcare, and Education.

2. Degree production shall be measured for Bachelors, Masters, Doctorates and First Professional awards as follows:

a. Data Science and Technology awards shall be based on completion data contained in the State Council of Higher Education for Virginia, C-16 completion report;

b. Science and Engineering awards shall be based on completion data contained in the State Council of Higher Education for Virginia (SCHEV), C-1 A1 completion report for the following programs Biological and Biomedical Science (26), Engineering (14) less those already counted in paragraph 2 a., Engineering Technologies (15), and Physical Sciences (42);

c. Healthcare awards shall be based on completion data contained in the SCHEV C-1 A1 completion report for the Health Professions and Related Programs (51); and

d. Education awards shall be based on completion data contained in the SCHEV C-1 A1 completion report for the Education Programs (13).

3. James Madison University is expected to maintain increases in:

a. Data Science and Technology awards of 10 annually over the base year.

b. Science and Engineering awards of 15 annually over the base year.

c. Healthcare awards of 45 annually over the base year.

d. Education awards of 15 annually over the base year.

e. The 2016-17 year will serve as the base year for these purposes.

4. SCHEV shall report on the progress toward these goals to the Chairmen of the House Appropriations and Senate Finance Committees annually beginning August 2020.

E. The appropriation for the fund source Higher Education Operating in this Item shall be considered a sum sufficient appropriation, which is an estimate of the amount of revenues to be collected for the educational and general program under the terms of the management agreement between James Madison University and the Commonwealth, as set forth in Chapters 124 and 125 of the 2019 Acts of Assembly.

176.	Higher Education Student Financial Assistance (10800).....			\$21,618,426	\$21,618,426
	Scholarships (10810).....	\$20,702,455	\$20,702,455		
	Fellowships (10820).....	\$915,971	\$915,971		
	Fund Sources: General.....	\$12,725,146	\$12,725,146		
	Higher Education Operating.....	\$8,893,280	\$8,893,280		

Authority: Title 23.1, Chapter 16, Code of Virginia.

A. Up to 15 percent of the funding in this item may be used to support Virginia Guaranteed Assistance Program eligible students for (1) priority funding who are enrolled in Data Science and Technology, Science and Engineering, Healthcare and Education programs and (2) as a grant for students in innovative internship programs provided that the institutions has at least one private sector partner and the grant is matched equally by the partner with non-state funding and / or the institution from private funds.

B. The appropriation for the fund source Higher Education Operating in this Item shall be considered sum sufficient appropriation, which is an estimate of the revenue collected to meet student financial aid needs, under the terms of the management agreement between

ITEM 176.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
James Madison University and the Commonwealth as set forth in Chapters 124 and 125 of the 2019 Acts of Assembly.				
177.	Financial Assistance For Educational and General Services (11000) a sum sufficient, estimated at.....		\$42,700,000	\$42,700,000
	Eminent Scholars (11001).....	\$232,547	\$232,547	
	Sponsored Programs (11004).....	\$42,467,453	\$42,467,453	
	Fund Sources: Higher Education Operating.....	\$42,700,000	\$42,700,000	
Authority: Title 23.1, Chapter 16, Code of Virginia.				
178.	Higher Education Auxiliary Enterprises (80900) a sum sufficient, estimated at.....		\$244,527,990	\$244,527,990
	Food Services (80910).....	\$79,756,129	\$79,756,129	
	Bookstores And Other Stores (80920).....	\$1,671,000	\$1,671,000	
	Residential Services (80930).....	\$40,608,562	\$40,608,562	
	Parking And Transportation Systems And Services (80940).....	\$8,299,037	\$8,299,037	
	Telecommunications Systems And Services (80950)..	\$1,653,061	\$1,653,061	
	Student Health Services (80960).....	\$7,311,895	\$7,311,895	
	Student Unions And Recreational Facilities (80970)...	\$8,350,305	\$8,350,305	
	Recreational And Intramural Programs (80980).....	\$14,665,647	\$14,665,647	
	Other Enterprise Functions (80990).....	\$22,731,460	\$22,731,460	
	Intercollegiate Athletics (80995).....	\$59,480,894	\$59,480,894	
	Fund Sources: Higher Education Operating.....	\$202,228,750	\$202,228,750	
	Debt Service.....	\$42,299,240	\$42,299,240	
Authority: Title 23.1, Chapter 16, Code of Virginia.				
178.10	Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted.			
		FY 2021		FY 2022
	Increase undergraduate student financial assistance	\$1,279,400		\$1,279,400
	Agency Total	\$1,279,400		\$1,279,400
	Total for James Madison University.....		\$652,214,945	\$652,214,945
	General Fund Positions.....	1,278.00	1,278.00	
	Nongeneral Fund Positions.....	2,631.52	2,631.52	
	Position Level.....	3,909.52	3,909.52	
	Fund Sources: General.....	\$109,435,498	\$109,435,498	
	Higher Education Operating.....	\$498,529,554	\$498,529,554	
	Debt Service.....	\$44,249,893	\$44,249,893	

ITEM 179.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
179.	Educational and General Programs (10000).....			\$74,507,670	\$74,507,670
	Higher Education Instruction (100101).....	\$37,433,763	\$37,433,763		
	Higher Education Public Services (100103).....	\$617,652	\$617,652		
	Higher Education Academic (100104).....	\$7,396,182	\$7,396,182		
	Higher Education Student Services (100105).....	\$4,874,063	\$4,874,063		
	Higher Education Institutional Support (100106)....	\$14,584,160	\$14,584,160		
	Operation and Maintenance Of Plant (100107).....	\$9,601,850	\$9,601,850		
	Fund Sources: General.....	\$31,636,303	\$31,636,303		
	Higher Education Operating.....	\$42,871,367	\$42,871,367		
	Authority: Title 23.1, Chapter 17, Code of Virginia.				
	A. This Item includes general and nongeneral fund appropriations to support institutional initiatives that help meet statewide goals described in the Restructured Higher Education Financial and Administrative Operations Act of 2005 (Chapters 933 and 945, 2005 Acts of Assembly).				
	B. As Virginia's public colleges and universities approach full funding of the base adequacy guidelines and as the General Assembly strives to fully fund the general fund share of the base adequacy guidelines, these funds are provided with the intent that, in exercising their authority to set tuition and fees, the Board of Visitors shall take into consideration the impact of escalating college costs for Virginia students and families. In accordance with the cost-sharing goals set forth in § 4-2.01 b. of this Act, the Board of Visitors is encouraged to limit increases on tuition and mandatory educational and general fees for in-state, undergraduate students to the extent possible.				
	C. 1. Out of this appropriation, \$547,000 the first year and \$547,000 the second year from the general fund is designated to address increased degree production in Data Science and Technology, Science and Engineering, Healthcare, and Education.				
	2. Degree production shall be measured for Bachelors, Masters, Doctorates and First Professional awards as follows:				
	a. Data Science and Technology awards shall be based on completion data contained in the State Council of Higher Education for Virginia, C-16 completion report;				
	b. Science and Engineering awards shall be based on completion data contained in the State Council of Higher Education for Virginia (SCHEV), C-1 A1 completion report for the following programs Biological and Biomedical Science (26), Engineering (14) less those already counted in paragraph 2 a., Engineering Technologies (15), and Physical Sciences (42);				
	c. Healthcare awards shall be based on completion data contained in the SCHEV C-1 A1 completion report for the Health Professions and Related Programs (51); and				
	d. Education awards shall be based on completion data contained in the SCHEV C-1 A1 completion report for the Education Programs (13).				
	3. Longwood University is expected to maintain increases in:				
	a. Science and Engineering awards of 5 annually over the base year.				
	b. Healthcare awards of 5 annually over the base year.				
	c. Education awards of 5 annually over the base year.				
	d. The 2016-17 year will serve as the base year for these purposes.				
	4. SCHEV shall report on the progress toward these goals to the Chairman of the House Appropriations and Senate Finance Committees annually beginning August 2020.				
180.	Higher Education Student Financial Assistance (10800).....			\$9,572,818	\$9,572,818
	Scholarships (10810).....	\$9,552,154	\$9,552,154		
	Fellowships (10820).....	\$20,664	\$20,664		

ITEM 180.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Fund Sources: General.....	\$6,577,179	\$6,577,179		
Higher Education Operating.....	\$2,995,639	\$2,995,639		
Authority: Title 23.1, Chapter 17, Code of Virginia.				
Up to 15 percent of the funding in this item may be used to support Virginia Guaranteed Assistance Program eligible students for (1) priority funding who are enrolled in Data Science and Technology, Science and Engineering, Healthcare and Education programs and (2) as a grant for students in innovative internship programs provided that the institutions has at least one private sector partner and the grant is matched equally by the partner with non-state funding and / or the institution from private funds.				
181.	Financial Assistance For Educational and General Services (11000) a sum sufficient, estimated at.....		\$3,178,393	\$3,178,393
	Sponsored Programs (11004).....	\$3,178,393	\$3,178,393	
	Fund Sources: Higher Education Operating.....	\$3,178,393	\$3,178,393	
Authority: Title 23.1, Chapter 17, Code of Virginia.				
182.	Higher Education Auxiliary Enterprises (80900) a sum sufficient, estimated at.....		\$64,882,672	\$64,882,672
	Food Services (80910).....	\$8,139,258	\$8,139,258	
	Bookstores And Other Stores (80920).....	\$273,195	\$273,195	
	Residential Services (80930).....	\$22,354,254	\$22,354,254	
	Parking And Transportation Systems And Services (80940).....	\$989,591	\$989,591	
	Telecommunications Systems And Services (80950)..	\$951,620	\$951,620	
	Student Health Services (80960).....	\$974,226	\$974,226	
	Student Unions And Recreational Facilities (80970)...	\$3,179,541	\$3,179,541	
	Recreational And Intramural Programs (80980).....	\$2,172,334	\$2,172,334	
	Other Enterprise Functions (80990).....	\$16,807,306	\$16,807,306	
	Intercollegiate Athletics (80995).....	\$9,041,347	\$9,041,347	
	Fund Sources: Higher Education Operating.....	\$57,295,361	\$57,295,361	
	Debt Service.....	\$7,587,311	\$7,587,311	
Authority: Title 23.1, Chapter 17, Code of Virginia.				
182.10	Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted.			
		FY 2021		FY 2022
	Increase undergraduate student financial assistance	\$787,400		\$787,400
	Develop a 2 2 degree pathway in Early Childhood Education	\$137,410		\$137,410
	Agency Total	\$924,810		\$924,810
	Total for Longwood University.....		\$152,141,553	\$152,141,553

ITEM 182.10.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022
General Fund Positions.....	288.89	288.89		
Nongeneral Fund Positions.....	471.67	471.67		
Position Level.....	760.56	760.56		
Fund Sources: General.....	\$38,213,482	\$38,213,482		
Higher Education Operating.....	\$106,340,760	\$106,340,760		
Debt Service.....	\$7,587,311	\$7,587,311		

§ 1-57. NORFOLK STATE UNIVERSITY (213)

183.	Educational and General Programs (10000).....			\$96,293,110	\$95,793,110
	Higher Education Instruction (100101).....	\$43,640,574	\$43,640,574		
	Higher Education Research (100102).....	\$199,975	\$199,975		
	Higher Education Public Services (100103).....	\$1,326,879	\$1,326,879		
	Higher Education Academic (100104).....	\$13,876,226	\$13,376,226		
	Higher Education Student Services (100105).....	\$5,687,658	\$5,687,658		
	Higher Education Institutional Support (100106).....	\$18,431,948	\$18,431,948		
	Operation and Maintenance Of Plant (100107).....	\$13,129,850	\$13,129,850		
	Fund Sources: General.....	\$54,420,122	\$53,920,122		
	Higher Education Operating.....	\$41,872,988	\$41,872,988		

Authority: Title 23.1, Chapter 19, Code of Virginia.

A. This Item includes general and nongeneral fund appropriations to support institutional initiatives that help meet statewide goals described in the Restructured Higher Education Financial and Administrative Operations Act of 2005 (Chapters 933 and 945, 2005 Acts of Assembly).

B.1. Out of this appropriation, \$5,350,128 the first year and \$5,350,128 the second year from the general fund is designated for the recently initiated Bachelor of Science academic programs in Electronics Engineering and Optical Engineering and Master of Science academic programs in Electronics Engineering, Optical Engineering, Computer Science, and Criminal Justice.

2. Out of the amounts for programs listed in paragraph B.1. above, shall be provided \$273,486 the first year and \$273,486 the second year from the general fund for lease payments through the Master Equipment Leasing Program for educational and general equipment.

3. Out of the amounts for Educational and General Programs, \$37,500 the first year and \$37,500 the second year from the general fund is provided to serve in lieu of endowment income from the Eminent Scholars Program.

C.1. Out of the amounts for Educational and General Programs, a maximum of \$70,000 the first year and \$70,000 the second year from the general fund is designated for the Dozoretz National Institute for Minorities in Applied Sciences.

2. Any unexpended balances in paragraphs B.1., B.2., B.3., and C.1. in this Item at the close of business on June 30, 2020 and June 30, 2021 shall not revert to the surplus of the general fund, but shall be carried forward on the books of the State Comptroller and reappropriated in the succeeding year. Norfolk State University may expend any prior year end balances to support its educational and general activities or its auxiliary enterprise activities.

D. As Virginia's public colleges and universities approach full funding of the base adequacy guidelines and as the General Assembly strives to fully fund the general fund share of the base adequacy guidelines, these funds are provided with the intent that, in exercising their authority to set tuition and fees, the Board of Visitors shall take into consideration the impact of escalating college costs for Virginia students and families. In accordance with the cost-sharing goals set forth in § 4-2.01 b. of this act, the Board of Visitors is encouraged to limit increases on tuition and mandatory educational and general fees for in-state, undergraduate students to the extent possible.

ITEM 183.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<p>E. Out of this appropriation, \$220,000 the first year and \$220,000 the second year from the general fund is designated to increase retention and graduation of juniors and seniors in good academic standing and who have additional demonstrated need.</p> <p>F. 1. Out of this appropriation, \$826,570 the first year and \$826,570 the second year from the general fund is designated to address increased degree production in Data Science and Technology, Science and Engineering, Healthcare, and Education.</p> <p>2. Degree production shall be measured for Bachelors, Masters, Doctorates and First Professional awards as follows:</p> <p>a. Data Science and Technology awards shall be based on completion data contained in the State Council of Higher Education for Virginia, C-16 completion report;</p> <p>b. Science and Engineering awards shall be based on completion data contained in the State Council of Higher Education for Virginia (SCHEV), C-1 A1 completion report for the following programs Biological and Biomedical Science (26), Engineering (14) less those already counted in paragraph 2 a., Engineering Technologies (15), and Physical Sciences (42);</p> <p>c. Healthcare awards shall be based on completion data contained in the SCHEV C-1 A1 completion report for the Health Professions and Related Programs (51); and</p> <p>d. Education awards shall be based on completion data contained in the SCHEV C-1 A1 completion report for the Education Programs (13).</p> <p>3. Norfolk State University is expected to maintain increases in:</p> <p>a. Data Science and Technology awards of 5 annually over the base year.</p> <p>b. Science and Engineering awards of 5 annually over the base year.</p> <p>c. Healthcare awards of 5 annually over the base year.</p> <p>d. Education awards of 5 annually over the base year.</p> <p>e. The 2016-17 year will serve as the base year for these purposes.</p> <p>4. SCHEV shall report on the progress toward these goals to the Chairmen of the House Appropriations and Senate Finance Committees annually beginning August 2020.</p> <p>G. Out of this appropriation, \$548,000 each year from the general fund is designated for the Center for African American Policy to provide non-partisan research on public policy issues affecting African Americans and other people of color.</p>				
184.	Higher Education Student Financial Assistance (10800).....		\$23,279,906	\$24,693,081
	Scholarships (10810).....	\$23,101,354		\$24,514,529
	Fellowships (10820).....	\$178,552		\$178,552
	Fund Sources: General.....	\$18,147,039		\$19,560,214
	Higher Education Operating.....	\$5,132,867		\$5,132,867
<p>Authority: Title 23.1, Chapter 19, Code of Virginia.</p> <p>A. Up to 15 percent of the funding in this item may be used to support Virginia Guaranteed Assistance Program eligible students for (1) priority funding who are enrolled in Data Science and Technology, Science and Engineering, Healthcare and Education programs and (2) as a grant for students in innovative internship programs provided that the institutions has at least one private sector partner and the grant is matched equally by the partner with non-state funding and / or the institution from private funds.</p> <p>B. 1. Out of this appropriation up to \$3,459,590 the first year and \$4,872,765 from the general fund is provided for an affordability pilot program to offer financial assistance to Virginia students who are Pell grant eligible, meet university admissions requirements, and live within a 25 mile radius of the university. The program is designed to address regional needs relating to access and completion. Funds shall be used to provide last dollar or reduced tuition and fees to students for up to 150 percent of required credits to complete a certificate or degree.</p>				

ITEM 184.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<p>Priority shall be placed on students from Norfolk, Portsmouth, and Newport News and remaining funds may be used for room and board if available. It is the intention that the program may ramp up to 300 students total at any one time by fiscal year 2024. In the first and second year, in the event that financial aid remains available after recruiting new students for fall semester, the remaining financial aid may be used to fund current students who meet the criteria and/or for eligible new students that enroll in the spring semester.</p> <p>2. As part of the six-year plan process, the university shall submit an annual report of the program that includes number of students served, average financial need of students, total expenditures, average award per student, retention and completion rates, other student outcomes as defined by the university, and planned outcomes for the upcoming year.</p> <p>3. The University shall submit a detailed budget and implementation plan, including how the institution will disseminate information about the program to area students, the projected size of each cohort, and how the institution will monitor and report on the success of the program. After approval of the plan by the Governor and the Chairs of House Appropriations and Senate Finance and Appropriations, this funding may be released.</p>				
185.	Financial Assistance For Educational and General Services (11000)			
	a sum sufficient, estimated at.....		\$20,231,943	\$20,231,943
	Sponsored Programs (11004).....	\$20,231,943	\$20,231,943	
	Fund Sources: Higher Education Operating.....	\$20,231,943	\$20,231,943	
	Authority: Title 23.1, Chapter 19, Code of Virginia.			
186.	Higher Education Auxiliary Enterprises (80900)			
	a sum sufficient, estimated at.....		\$41,965,589	\$41,965,589
	Food Services (80910).....	\$1,368,865	\$1,368,865	
	Bookstores And Other Stores (80920).....	\$393,740	\$393,740	
	Residential Services (80930).....	\$14,529,508	\$14,529,508	
	Parking And Transportation Systems And Services (80940).....	\$458,180	\$458,180	
	Student Health Services (80960).....	\$1,000,000	\$1,000,000	
	Student Unions And Recreational Facilities (80970).....	\$9,570,213	\$9,570,213	
	Other Enterprise Functions (80990).....	\$7,477,215	\$7,477,215	
	Intercollegiate Athletics (80995).....	\$7,167,868	\$7,167,868	
	Fund Sources: Higher Education Operating.....	\$38,171,807	\$38,171,807	
	Debt Service.....	\$3,793,782	\$3,793,782	
	Authority: Title 23.1, Chapter 19, Code of Virginia.			
186.10	<p>Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted.</p>			
		FY 2021		FY 2022
	NSU - Center for African American Policy	\$250,000		\$250,000

ITEM 186.10.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Support First-Day Success program		\$75,000		\$75,000
Launch Virginia College Affordability Network initiative		\$3,459,590		\$4,872,765
Increase undergraduate student financial assistance		\$1,632,200		\$1,632,200
Increase storage and expand information technology services		\$3,000,000		\$2,500,000
Implement UTeach program		\$250,000		\$250,000
Implement academic advising model		\$300,000		\$300,000
Ensure continuation of Spartan Pathways		\$150,000		\$150,000
Agency Total		\$9,116,790		\$10,029,965
Total for Norfolk State University.....			\$181,770,548	\$182,683,723
General Fund Positions.....	517.15	517.15		
Nongeneral Fund Positions.....	689.97	689.97		
Position Level.....	1,207.12	1,207.12		
Fund Sources: General.....	\$72,567,161	\$73,480,336		
Higher Education Operating.....	\$105,409,605	\$105,409,605		
Debt Service.....	\$3,793,782	\$3,793,782		

§ 1-58. OLD DOMINION UNIVERSITY (221)

187.	Educational and General Programs (10000).....			\$324,951,395	\$326,951,395
	Higher Education Instruction (100101).....	\$189,232,003	\$191,232,003		
	Higher Education Research (100102).....	\$6,104,825	\$6,104,825		
	Higher Education Public Services (100103).....	\$307,123	\$307,123		
	Higher Education Academic (100104).....	\$52,968,617	\$52,968,617		
	Higher Education Student Services (100105).....	\$18,966,446	\$18,966,446		
	Higher Education Institutional Support (100106).....	\$30,353,936	\$30,353,936		
	Operation and Maintenance Of Plant (100107).....	\$27,018,445	\$27,018,445		
	Fund Sources: General.....	\$143,948,380	\$145,948,380		
	Higher Education Operating.....	\$181,003,015	\$181,003,015		

Authority: Title 23.1, Chapter 20, Code of Virginia.

A.1. This Item includes general and nongeneral fund appropriations to support institutional initiatives that help meet statewide goals described in the Restructured Higher Education Financial and Administrative Operations Act of 2005 (Chapters 933 and 945, 2005 Acts of Assembly).

2. Out of this appropriation, the university may allocate funds to expand enrollment capacity through expansion of distance learning, TELETECHNET and summer school.

B. Out of this appropriation, \$431,013 the first year and \$431,013 the second year from the general fund and \$198,244 the first year and \$198,244 the second year from nongeneral funds are designated for the educational telecommunications project to provide graduate engineering education. For supplemental budget requests, the participating institutions and centers jointly shall submit a report in support of such requests to the State Council of Higher Education for Virginia for review and recommendation to the Governor and General Assembly.

C. Notwithstanding § 1-610, Code of Virginia, Old Dominion University is hereby designated as the administrative agency for the Virginia Coordinate System.

D. Notwithstanding § 23.1-506, Code of Virginia, the governing board of Old Dominion University may charge reduced tuition to any person enrolled in one of Old Dominion University's TELETECHNET sites or higher education centers who lives within a 50-mile radius of the site/center, is domiciled in, and is entitled to in-state tuition charges in the institutions of higher learning in any state, or the District of Columbia, which is contiguous to

ITEM 187.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022

Virginia and which has similar reciprocal provisions for persons domiciled in Virginia.

E. As Virginia's public colleges and universities approach full funding of the base adequacy guidelines and as the General Assembly strives to fully fund the general fund share of the base adequacy guidelines, these funds are provided with the intent that, in exercising their authority to set tuition and fees, the Board of Visitors shall take into consideration the impact of escalating college costs for Virginia students and families. In accordance with the cost-sharing goals set forth in § 4-2.01 b. of this act, the Board of Visitors is encouraged to limit increases on tuition and mandatory educational and general fees for in-state, undergraduate students to the extent possible.

F. Out of this appropriation, \$320,000 the first year and \$320,000 the second year from the general fund is designated to provide opportunity for 80 students per year to be engaged in STEM education using aerospace, high tech science, technology and engineering in partnership with NASA Wallops Flight Facility. Old Dominion University will collaborate with the Virginia Space Grant Consortium and STEM educators to identify the students who will participate in the program each year. The designated funding in this paragraph will not be considered as a resource for purposes of funding guidelines.

G. Out of this appropriation, \$409,200 and four positions the first year and \$409,200 and four positions the second year from the general fund is designated to support modeling of socioeconomic impacts of recurrent flooding in support of the Commonwealth Center for Recurrent Flooding Resiliency. The center, a collaborative partnership involving Old Dominion University, the Virginia Institute of Marine Science, and the College of William and Mary's Virginia Coastal Policy Center, shall work with municipalities both along coastal Virginia and throughout the Commonwealth to develop useful resilience strategies.

H. The 4-VA, a public-private partnership among George Mason University, James Madison University, the University of Virginia, Virginia Tech, Old Dominion University, Virginia Military Institute, Virginia Commonwealth University, the College of William and Mary, and CISCO Systems, Inc., utilizes emerging technologies to promote collaboration and resource sharing to increase access, reduce time to graduation and reduce unit cost while maintaining and enhancing quality. Instructional talent across the eight institutions is leveraged in the delivery of programs in foreign languages, science, technology, engineering and mathematics. The 4-VA Management Board can expand this partnership to additional institutions as appropriate to meet the goals of the 4-VA initiative. It is expected that funding will be pooled by the management board as required to support continuing efforts of the 4-VA priorities and projects.

I. 1. Out of this appropriation, \$3,611,790 the first year and \$3,611,790 the second year from the general fund is designated to address increased degree production in Data Science and Technology, Science and Engineering, Healthcare, and Education.

2. Degree production shall be measured for Bachelors, Masters, Doctorates and First Professional awards as follows:

a. Data Science and Technology awards shall be based on completion data contained in the State Council of Higher Education for Virginia, C-16 completion report;

b. Science and Engineering awards shall be based on completion data contained in the State Council of Higher Education for Virginia (SCHEV), C-1 A1 completion report for the following programs Biological and Biomedical Science (26), Engineering (14) less those already counted in paragraph 2 a., Engineering Technologies (15), and Physical Sciences (42);

c. Healthcare awards shall be based on completion data contained in the SCHEV C-1 A1 completion report for the Health Professions and Related Programs (51); and

d. Education awards shall be based on completion data contained in the SCHEV C-1 A1 completion report for the Education Programs (13).

3. Old Dominion University is expected to maintain increases in:

a. Data Science and Technology awards of 15 annually over the base year.

ITEM 187.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<p>b. Science and Engineering awards of 40 annually over the base year.</p> <p>c. Healthcare awards of 40 annually over the base year.</p> <p>d. Education awards of 30 annually over the base year.</p> <p>e. The 2016-17 year will serve as the base year for these purposes.</p> <p>4. SCHEV shall report on the progress toward these goals to the Chairmen of the House Appropriations and Senate Finance Committees annually beginning August 2020.</p> <p>J. Out of this appropriation, \$25,000 the first year and \$25,000 the second year from the general fund is designated for the Marine Rescue Program, a collaborative program between Old Dominion University and the Virginia Aquarium and Marine Science Foundation to support rescue efforts for stranded and sick marine animals throughout the entire Virginia coastline region of the Chesapeake Bay.</p>				
188.	Higher Education Student Financial Assistance (10800).....		\$39,850,407	\$39,933,207
	Scholarships (10810).....	\$36,973,912	\$36,973,912	
	Fellowships (10820).....	\$2,876,495	\$2,959,295	
	Fund Sources: General.....	\$31,522,889	\$31,605,689	
	Higher Education Operating.....	\$8,327,518	\$8,327,518	
<p>Authority: Title 23.1, Chapter 20, Code of Virginia.</p> <p>Up to 15 percent of the funding in this item may be used to support Virginia Guaranteed Assistance Program eligible students for (1) priority funding who are enrolled in Data Science and Technology, Science and Engineering, Healthcare and Education programs and (2) as a grant for students in innovative internship programs provided that the institutions has at least one private sector partner and the grant is matched equally by the partner with non-state funding and / or the institution from private funds.</p>				
189.	Financial Assistance For Educational and General Services (11000).....		\$18,223,980	\$18,223,980
	Eminent Scholars (11001).....	\$421,387	\$421,387	
	Sponsored Programs (11004).....	\$17,802,593	\$17,802,593	
	Fund Sources: General.....	\$4,803,965	\$4,803,965	
	Higher Education Operating.....	\$13,420,015	\$13,420,015	
<p>Authority: Title 23.1, Chapter 20, Code of Virginia.</p> <p>A.1. Out of this appropriation, \$2,099,838 and 14 positions the first year and \$2,099,838 and 14 positions the second year from the general fund and \$4,500,000 the first year and \$4,500,000 the second year from nongeneral funds are designated to build research capacity in modeling and simulation, which shall include efforts to improve traffic management through modeling.</p> <p>2. Out of this appropriation, \$250,000 the first year and \$250,000 the second year from the general fund is designated to support science, technology, engineering and mathematics (STEM), and health-related programs. Old Dominion University shall use these funds to promote the use of modeling and simulation in the medical industry.</p> <p>B. Out of this appropriation, \$1,500,000 the first year and \$1,500,000 the second year from the general fund is designated to expand research efforts at the Center for Bioelectrics, which uses electrical stimuli in the biomedical area to eliminate cancer cells and tumors without damaging healthy surrounding tissue, accelerate wound healing, and efficiently deliver DNA vaccines. Non-biomedical areas of research include reducing pollutants in exhaust and establishing effective ground penetrating radar.</p> <p>C. The Higher Education Operating fund source listed in this Item is considered to be a sum sufficient appropriation, which is an estimate of funding required by the university to cover sponsored program operations.</p>				

ITEM 189.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
D. Out of this appropriation, \$370,000 the first year and \$370,000 the second year from the general fund is designated to the Virginia SmallSat Data Consortium, to support development of the Virginia Institute for Spaceflight and Autonomy.				
E. Out of this appropriation, \$250,000 the first year and \$250,000 the second year from the general fund is designated to support a minority fellowship program partnership between Old Dominion University and the Virginia Symphony Orchestra. Participating fellows shall be minority string musicians enrolled as graduate certificate students at Old Dominion University.				
190.	Higher Education Auxiliary Enterprises (80900) a sum sufficient, estimated at.....		\$120,682,026	\$120,682,026
	Food Services (80910).....	\$5,260,460	\$5,260,460	
	Bookstores And Other Stores (80920).....	\$655,764	\$655,764	
	Residential Services (80930).....	\$38,399,263	\$38,399,263	
	Parking And Transportation Systems And Services (80940).....	\$6,539,784	\$6,539,784	
	Telecommunications Systems And Services (80950).....	\$906,134	\$906,134	
	Student Health Services (80960).....	\$3,575,660	\$3,575,660	
	Student Unions And Recreational Facilities (80970).....	\$8,197,679	\$8,197,679	
	Recreational And Intramural Programs (80980).....	\$4,215,657	\$4,215,657	
	Other Enterprise Functions (80990).....	\$18,763,357	\$18,763,357	
	Intercollegiate Athletics (80995).....	\$34,168,268	\$34,168,268	
	Fund Sources: Higher Education Operating.....	\$94,206,664	\$94,206,664	
	Debt Service.....	\$26,475,362	\$26,475,362	

Authority: Title 23.1, Chapter 20, Code of Virginia.

Old Dominion University is authorized to establish a self-supporting "instructional enterprise" fund to account for the revenues and expenditures of TELETECHNET classes offered at locations outside the Commonwealth of Virginia. Consistent with the self-supporting concept of an "enterprise fund," student tuition and fee revenues for TELETECHNET students at locations outside Virginia shall exceed all direct and indirect costs of providing instruction to those students. Tuition and fee rates to meet this requirement shall be established by the University's Board of Visitors. Revenue and expenditures of the fund shall be accounted for in such a manner as to be auditable by the State Council of Higher Education for Virginia. Revenues in excess of expenditures shall be retained in the fund to support the entire TELETECHNET program. Full-time equivalent students generated through these programs shall be accounted for separately. Additionally, revenues which remain unexpended on the last day of the previous biennium and the last day of the first year of the current biennium shall be reappropriated and allotted for expenditure in the respective succeeding fiscal year.

190.10 Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted.

	FY 2021	FY 2022
Provide funding to support graduate financial aid	\$165,800	\$248,600

ITEM 190.10.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Support Virginia Symphony Orchestra minority fellowships		\$250,000		\$250,000
Provide additional funding to support enrollment growth		\$10,000,000		\$12,000,000
Increase undergraduate student financial assistance		\$5,337,000		\$5,337,000
Agency Total		\$15,752,800		\$17,835,600
Total for Old Dominion University.....			\$503,707,808	\$505,790,608
General Fund Positions.....	1,084.51	1,084.51		
Nongeneral Fund Positions.....	1,525.98	1,525.98		
Position Level.....	2,610.49	2,610.49		
Fund Sources: General.....	\$180,275,234	\$182,358,034		
Higher Education Operating.....	\$296,957,212	\$296,957,212		
Debt Service.....	\$26,475,362	\$26,475,362		

§ 1-59. RADFORD UNIVERSITY (217)

191.	Educational and General Programs (10000).....			\$135,081,721	\$135,081,721
	Higher Education Instruction (100101).....	\$83,717,430	\$83,717,430		
	Higher Education Public Services (100103).....	\$616,976	\$616,976		
	Higher Education Academic (100104).....	\$11,867,177	\$11,867,177		
	Higher Education Student Services (100105).....	\$6,300,716	\$6,300,716		
	Higher Education Institutional Support (100106).....	\$21,373,055	\$21,373,055		
	Operation and Maintenance Of Plant (100107).....	\$11,206,367	\$11,206,367		
	Fund Sources: General.....	\$56,715,984	\$56,715,984		
	Higher Education Operating.....	\$78,365,737	\$78,365,737		

Authority: Title 23.1, Chapter 21, Code of Virginia.

A. This Item includes general and nongeneral fund appropriations to support institutional initiatives that help meet statewide goals described in the Restructured Higher Education Financial and Administrative Operations Act of 2005 (Chapters 933 and 945, 2005 Acts of Assembly).

B. As Virginia's public colleges and universities approach full funding of the base adequacy guidelines and as the General Assembly strives to fully fund the general fund share of the base adequacy guidelines, these funds are provided with the intent that, in exercising their authority to set tuition and fees, the Board of Visitors shall take into consideration the impact of escalating college costs for Virginia students and families. In accordance with the cost-sharing goals set forth in § 4-2.01 b. of this act, the Board of Visitors is encouraged to limit increases on tuition and mandatory educational and general fees for in-state, undergraduate students to the extent possible.

C. 1. Out of this appropriation, \$1,028,460 the first year and \$1,028,460 the second year from the general fund is designated to address increased degree production in Data Science and Technology, Science and Engineering, Healthcare, and Education.

2. Degree production shall be measured for Bachelors, Masters, Doctorates and First Professional awards as follows:

a. Data Science and Technology awards shall be based on completion data contained in the State Council of Higher Education for Virginia, C-16 completion report;

b. Science and Engineering awards shall be based on completion data contained in the State Council of Higher Education for Virginia (SCHEV), C-1 A1 completion report for the following programs Biological and Biomedical Science (26), Engineering (14) less those already counted in paragraph 2 a., Engineering Technologies (15), and Physical Sciences (42);

c. Healthcare awards shall be based on completion data contained in the SCHEV C-1 A1

ITEM 191.	Item Details(\$)		Appropriations(\$)		
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022	
<p>completion report for the Health Professions and Related Programs (51); and</p> <p>d. Education awards shall be based on completion data contained in the SCHEV C-1 A1 completion report for the Education Programs (13).</p> <p>3. Radford University is expected to maintain increases in:</p> <p>a. Data Science and Technology awards of 5 annually over the base year.</p> <p>b. Science and Engineering awards of 5 annually over the base year.</p> <p>c. Healthcare awards of 10 annually over the base year.</p> <p>d. Education awards of 10 annually over the base year.</p> <p>e. The 2016-17 year will serve as the base year for these purposes.</p> <p>4. SCHEV shall report on the progress toward these goals to the Chairmen of the House Appropriations and Senate Finance Committees annually beginning August 2020.</p> <p>5. Out the amounts designated for degree production \$300,000 the first year and \$300,000 the second year is designated to support a flat-fee degree pilot initiative for education programs. Radford University shall offer alternative tuition or fee structures, including discounted tuition, flat tuition rates, discounted student fees, or student fee and student services flexibility, to any first-time, incoming freshman undergraduate student who (i) has established domicile, as that term is defined in § 23.1-500 et seq., in the Commonwealth and (ii) enrolls full time with the intent to earn a degree in a program that leads to employment as a teacher in the region. Such an alternative tuition or fee structure may be renewed each year if the recipient maintains continuous full-time enrollment. If a recipient fails to maintain continuous full-time enrollment, subsequently enrolls in a noneligible degree program, or fails to complete the eligible degree program within four years, the institution shall convert the financial benefit received by the student to a financial obligation payable by the student to the institution on terms established by the institution.</p>					
192.	Higher Education Student Financial Assistance (10800).....			\$16,080,073	\$16,080,073
	Scholarships (10810).....	\$15,161,326	\$15,161,326		
	Fellowships (10820).....	\$918,747	\$918,747		
	Fund Sources: General.....	\$14,172,602	\$14,172,602		
	Higher Education Operating.....	\$1,907,471	\$1,907,471		
<p>Authority: Title 23.1, Chapter 21, Code of Virginia.</p> <p>Up to 15 percent of the funding in this item may be used to support Virginia Guaranteed Assistance Program eligible students for (1) priority funding who are enrolled in Data Science and Technology, Science and Engineering, Healthcare and Education programs and (2) as a grant for students in innovative internship programs provided that the institutions has at least one private sector partner and the grant is matched equally by the partner with non-state funding and / or the institution from private funds.</p>					
193.	Financial Assistance For Educational and General Services (11000)				
	a sum sufficient, estimated at.....			\$9,010,037	\$9,010,037
	Eminent Scholars (11001).....	\$48,397	\$48,397		
	Sponsored Programs (11004).....	\$8,961,640	\$8,961,640		
	Fund Sources: Higher Education Operating.....	\$9,010,037	\$9,010,037		
<p>Authority: Title 23.1, Chapter 21, Code of Virginia.</p>					
194.	Administrative and Support Services (19900).....			\$24,341,670	\$26,341,670
	Operation of Higher Education Centers (19931).....	\$24,341,670	\$26,341,670		
	Fund Sources: General.....	\$3,707,422	\$5,707,422		
	Higher Education Operating.....	\$20,634,248	\$20,634,248		

ITEM 194.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Authority: Title 23.1, Chapter 23, Code of Virginia				
The appropriation listed in this Item is designated to support Radford University Carilion.				
195.	Higher Education Auxiliary Enterprises (80900) a sum sufficient, estimated at.....		\$68,977,308	\$68,977,308
	Food Services (80910).....	\$19,251,178	\$19,251,178	
	Bookstores And Other Stores (80920).....	\$605,227	\$605,227	
	Residential Services (80930).....	\$16,275,025	\$16,275,025	
	Parking And Transportation Systems And Services (80940).....	\$1,657,550	\$1,657,550	
	Telecommunications Systems And Services (80950)..	\$659,898	\$659,898	
	Student Health Services (80960).....	\$3,242,356	\$3,242,356	
	Student Unions And Recreational Facilities (80970)..	\$6,101,566	\$6,101,566	
	Recreational And Intramural Programs (80980).....	\$1,659,883	\$1,659,883	
	Other Enterprise Functions (80990).....	\$5,324,675	\$5,324,675	
	Intercollegiate Athletics (80995).....	\$14,199,950	\$14,199,950	
	Fund Sources: Higher Education Operating.....	\$64,777,308	\$64,777,308	
	Debt Service.....	\$4,200,000	\$4,200,000	

Authority: Title 23.1, Chapter 21, Code of Virginia.

195.10 Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted.

	FY 2021	FY 2022
Increase undergraduate student financial assistance	\$2,538,400	\$2,538,400
Provide funding to reduce tuition at Carilion Campus in Roanoke	\$2,000,000	\$4,000,000
Agency Total	\$4,538,400	\$6,538,400
Total for Radford University.....		\$253,490,809
General Fund Positions.....	631.39	631.39
Nongeneral Fund Positions.....	964.69	964.69
Position Level.....	1,596.08	1,596.08
Fund Sources: General.....	\$74,596,008	\$76,596,008
Higher Education Operating.....	\$174,694,801	\$174,694,801
Debt Service.....	\$4,200,000	\$4,200,000

§ 1-60. UNIVERSITY OF MARY WASHINGTON (215)

196.	Educational and General Programs (10000).....		\$80,984,150	\$81,165,650
	Higher Education Instruction (100101).....	\$42,303,389	\$42,484,889	
	Higher Education Research (100102).....	\$421,671	\$421,671	
	Higher Education Public Services (100103).....	\$487,364	\$487,364	
	Higher Education Academic (100104).....	\$10,134,529	\$10,134,529	

ITEM 196.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Higher Education Student Services (100105).....	\$9,020,583	\$9,020,583		
Higher Education Institutional Support (100106).....	\$11,346,754	\$11,346,754		
Operation and Maintenance Of Plant (100107).....	\$7,269,860	\$7,269,860		
Fund Sources: General.....	\$30,175,852	\$30,357,352		
Higher Education Operating.....	\$50,808,298	\$50,808,298		

Authority: Title 23.1, Chapter 18, Code of Virginia.

A. This Item includes general and nongeneral fund appropriations to support institutional initiatives that help meet statewide goals described in the Restructured Higher Education Financial and Administrative Operations Act of 2005 (Chapters 933 and 945, 2005 Acts of Assembly).

B. Out of this appropriation an amount estimated at \$80,483 the first year and \$80,483 the second year from the general fund and \$36,130 the first year and \$36,130 the second year nongeneral funds are designated for the educational telecommunications project to provide graduate engineering education. The participating institutions and centers shall jointly submit an annual report and operating plan to the State Council of Higher Education for Virginia in support of these funded activities.

C. As Virginia's public colleges and universities approach full funding of the base adequacy guidelines and as the General Assembly strives to fully fund the general fund share of the base adequacy guidelines, these funds are provided with the intent that, in exercising their authority to set tuition and fees, the Board of Visitors shall take into consideration the impact of escalating college costs for Virginia students and families. In accordance with the cost-sharing goals set forth in § 4-2.01 b. of this act, the Board of Visitors is encouraged to limit increases on tuition and mandatory educational and general fees for in-state, undergraduate students to the extent possible.

D. Notwithstanding any other provision of law, the University of Mary Washington may enter into an agreement with the Fredericksburg Regional Alliance, a nonprofit organization dedicated to cooperative economic development efforts in the Fredericksburg region, for the purpose of expanding regional efforts in the field of economic development and research.

E. 1. Out of this appropriation, \$338,550 the first year and \$338,550 the second year from the general fund is designated to address increased degree production in Data Science and Technology, Science and Engineering, Healthcare, and Education.

2. Degree production shall be measured for Bachelors, Masters, Doctorates and First Professional awards as follows:

a. Data Science and Technology awards shall be based on completion data contained in the State Council of Higher Education for Virginia, C-16 completion report;

b. Science and Engineering awards shall be based on completion data contained in the State Council of Higher Education for Virginia (SCHEV), C-1 A1 completion report for the following programs Biological and Biomedical Science (26), Engineering (14) less those already counted in paragraph 2 a., Engineering Technologies (15), and Physical Sciences (42);

c. Healthcare awards shall be based on completion data contained in the SCHEV C-1 A1 completion report for the Health Professions and Related Programs (51); and

d. Education awards shall be based on completion data contained in the SCHEV C-1 A1 completion report for the Education Programs (13).

3. University of Mary Washington is expected to maintain increases in:

a. Science and Engineering awards of 5 annually over the base year.

b. Education awards of 5 annually over the base year.

c. The 2016-17 year will serve as the base year for these purposes.

ITEM 196.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<p>4. SCHEV shall report on the progress toward these goals to the Chairmen of the House Appropriations and Senate Finance Committees annually beginning August 2020.</p> <p>F. Out of this appropriation, \$386,500 the first year and \$568,000 the second year from the general fund is designated to support an educational partnership between regional K-12, community college, University of Mary Washington and industry to develop a curriculum that accelerates time to degree, lowers cost, eliminates the skills gap and reduces reliance on student debt in the areas of Education, Healthcare and Cybersecurity.</p>				
197.	Higher Education Student Financial Assistance (10800).....		\$13,851,662	\$14,351,562
	Scholarships (10810).....	\$13,830,529	\$14,330,429	
	Fellowships (10820).....	\$21,133	\$21,133	
	Fund Sources: General.....	\$4,151,662	\$4,151,562	
	Higher Education Operating.....	\$9,700,000	\$10,200,000	
<p>Authority: Title 23.1, Chapter 18, Code of Virginia.</p> <p>Up to 15 percent of the funding in this item may be used to support Virginia Guaranteed Assistance Program eligible students for (1) priority funding who are enrolled in Data Science and Technology, Science and Engineering, Healthcare and Education programs and (2) as a grant for students in innovative internship programs provided that the institutions has at least one private sector partner and the grant is matched equally by the partner with non-state funding and / or the institution from private funds.</p>				
198.	Financial Assistance For Educational and General Services (11000) a sum sufficient, estimated at.....		\$809,533	\$809,533
	Eminent Scholars (11001).....	\$57,396	\$57,396	
	Sponsored Programs (11004).....	\$752,137	\$752,137	
	Fund Sources: Higher Education Operating.....	\$809,533	\$809,533	
<p>Authority: Title 23.1, Chapter 18, Code of Virginia.</p>				
199.	Museum and Cultural Services (14500).....		\$799,139	\$799,139
	Collections Management and Curatorial Services (14501).....	\$799,139	\$799,139	
	Fund Sources: General.....	\$481,118	\$481,118	
	Special.....	\$318,021	\$318,021	
<p>Authority: Title 23.1, Chapter 18 and Chapter 51, Acts of Assembly of 1960; § 23.1-1310, Code of Virginia.</p> <p>The amounts provided in this appropriation are designated for the support of Belmont, the estate and memorial gallery of American artist Gari Melchers.</p>				
200.	Administrative and Support Services (19900).....		\$1,700,000	\$1,700,000
	Operation of Higher Education Centers (19931).....	\$1,700,000	\$1,700,000	
	Fund Sources: General.....	\$1,250,000	\$1,250,000	
	Special.....	\$450,000	\$450,000	
<p>Authority: Title 23.1, Chapter 18, Code of Virginia.</p>				
201.	Historic and Commemorative Attraction Management (50200).....		\$327,897	\$327,897
	Historic and Commemorative Attraction Management (50200).....	\$53,950	\$53,950	
	Historic Landmarks and Facilities Management (50203).....	\$273,947	\$273,947	
	Fund Sources: General.....	\$273,947	\$273,947	
	Special.....	\$53,950	\$53,950	

ITEM 201.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022

Authority: Title 2.2, Chapter 2, § 2.2-208 Code of Virginia.

The amounts provided in this appropriation are designated for the support of the James Monroe Museum and Memorial Library.

202.	Higher Education Auxiliary Enterprises (80900) a sum sufficient, estimated at.....			\$45,976,228	\$45,976,228
	Food Services (80910).....	\$9,250,229	\$9,250,229		
	Residential Services (80930).....	\$13,921,169	\$13,921,169		
	Parking And Transportation Systems And Services (80940).....	\$692,417	\$692,417		
	Telecommunications Systems And Services (80950).....	\$2,832,104	\$2,832,104		
	Student Health Services (80960).....	\$592,823	\$592,823		
	Student Unions And Recreational Facilities (80970).....	\$5,391,937	\$5,391,937		
	Recreational And Intramural Programs (80980).....	\$1,040,941	\$1,040,941		
	Other Enterprise Functions (80990).....	\$9,600,754	\$9,600,754		
	Intercollegiate Athletics (80995).....	\$2,653,854	\$2,653,854		
	Fund Sources: Higher Education Operating.....	\$40,537,600	\$40,537,600		
	Debt Service.....	\$5,438,628	\$5,438,628		

Authority: Title 23.1, Chapter 18, Code of Virginia.

202.10 Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted.

	FY 2021	FY 2022		FY 2021	FY 2022
Fredericksburg Pipeline Initiative	\$386,500	\$568,000			
Increase undergraduate student financial assistance	\$470,400	\$470,300			
Agency Total	\$856,900	\$1,038,300			
Total for University of Mary Washington.....			\$144,448,609	\$145,130,009	
General Fund Positions.....	228.66	228.66			
Nongeneral Fund Positions.....	465.00	465.00			
Position Level.....	693.66	693.66			
Fund Sources: General.....	\$36,332,579	\$36,513,979			
Special.....	\$821,971	\$821,971			
Higher Education Operating.....	\$101,855,431	\$102,355,431			
Debt Service.....	\$5,438,628	\$5,438,628			

§ 1-61. UNIVERSITY OF VIRGINIA (207)

203.	Educational and General Programs (10000).....			\$766,707,739	\$766,707,739
	Higher Education Instruction (100101).....	\$396,979,594	\$396,979,594		
	Higher Education Research (100102).....	\$29,967,019	\$29,967,019		
	Higher Education Public Services (100103).....	\$11,817,444	\$11,817,444		

ITEM 203.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022
Higher Education Academic (100104).....	\$126,405,223	\$126,405,223		
Higher Education Student Services (100105).....	\$38,059,981	\$38,059,981		
Higher Education Institutional Support (100106).....	\$50,201,939	\$50,201,939		
Operation and Maintenance Of Plant (100107).....	\$113,276,539	\$113,276,539		
Fund Sources: General.....	\$142,881,817	\$142,881,817		
Higher Education Operating.....	\$620,945,922	\$620,945,922		
Debt Service.....	\$2,880,000	\$2,880,000		

Authority: Title 23.1, Chapter 22, Code of Virginia.

A. This Item includes general and nongeneral fund appropriations to support institutional initiatives that help meet statewide goals described in the Restructured Higher Education Financial and Administrative Operations Act of 2005 (Chapters 933 and 945, 2005 Acts of Assembly).

B.1. This appropriation includes an amount not to exceed \$1,393,959 the first year and \$1,393,959 the second year from the general fund for the operation of the Family Practice Residency Program and Family Practice medical student programs. This appropriation for Family Practice programs, whether ultimately implemented by contract, agreement or other means, is considered to be a grant.

2. The university shall report by July 1 annually to the Department of Planning and Budget an operating plan for the Family Practice Residency Program.

3. The University of Virginia, in cooperation with the Virginia Commonwealth University Health System Authority, shall establish elective Family Practice Medicine experiences in Southwest Virginia for both students and residents.

4. In the event the Governor imposes across-the-board general fund reductions, pursuant to his executive authority in § 4-1.02 of this act, the general fund appropriation for the Family Practice programs shall be exempt from any reductions, provided the general fund appropriation for the family practice program is excluded from the total general fund appropriation for the University of Virginia for purposes of determining the university's portion of the statewide general fund reduction requirement.

C. 1. Out of this appropriation, \$2,276,467 the first year and \$2,276,467 the second year from the general fund and \$1,714,900 the first year and \$1,714,900 the second year from nongeneral funds is designated for the Virginia Foundation for Humanities and Public Policy.

2. Out of the total funding in paragraph C.1., \$250,000 and two positions the first year and \$250,000 and two positions the second year from the general fund and \$714,900 and four positions the first year and \$714,900 and four positions the second year from nongeneral funds is provided to support Discovery Virginia, an online archive to preserve elements of Virginia history, culture, and heritage, and make the materials accessible to the public.

3. Out of the total funding in paragraph C.1., \$500,000 and 2.00 positions the first year and \$500,000 and 2.00 positions the second year from the general fund and \$1,000,000 and 4.15 positions the first year and \$1,000,000 and 4.15 positions the second year from nongeneral funds is provided to create curriculum materials for K-12 schools, establish a network of Humanities Ambassadors in public schools and libraries across the state, and support classroom visits by Foundation program staff to support student use of the Foundation for the Humanities resources.

4. Pursuant to House Joint Resolution 762, 1999 Session of the General Assembly, funds in this Item begin to address the objective of appropriating one dollar per capita for the support of the Foundation.

D. Out of this appropriation, an amount estimated at \$501,230 the first year and \$501,230 the second year from the general fund and at least \$468,850 the first year and at least \$468,850 the second year from nongeneral funds are designated for the educational telecommunications project to provide graduate engineering education. For supplemental budget requests, the participating institutions and centers jointly shall submit a report in support of such requests to the State Council of Higher Education for Virginia for review and recommendation to the Governor and General Assembly.

ITEM 203.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022
E.	Out of this appropriation, \$183,306 the first year and \$183,306 the second year from the general fund, and at least \$283,500 the first year and at least \$283,500 the second year from nongeneral funds are designated for the independent Virginia Institute of Government at the University of Virginia Center for Public Service.			
F.	Out of this appropriation, at least \$148,577 the first year and \$148,577 the second year from the general fund is designated for support of diabetes education and public service at the Virginia Center for Diabetes Professional Education at the University of Virginia.			
G.	Out of this appropriation \$304,927 the first year and \$304,927 the second year from the general fund and \$53,189 the first year and \$53,189 the second year from nongeneral funds are designated for support of the State Arboretum at Blandy Farm.			
H.	As Virginia's public colleges and universities approach full funding of the base adequacy guidelines and as the General Assembly strives to fully fund the general fund share of the base adequacy guidelines, these funds are provided with the intent that, in exercising their authority to set tuition and fees, the Board of Visitors shall take into consideration the impact of escalating college costs for Virginia students and families. In accordance with the cost-sharing goals set forth in § 4-2.01 b. of this act, the Board of Visitors is encouraged to limit increases on tuition and mandatory educational and general fees for in-state, undergraduate students to the extent possible.			
I.	The 4-VA, a public-private partnership among George Mason University, James Madison University, the University of Virginia, Virginia Tech, Old Dominion University, Virginia Military Institute, Virginia Commonwealth University, the College of William and Mary, and CISCO Systems, Inc., utilizes emerging technologies to promote collaboration and resource sharing to increase access, reduce time to graduation and reduce unit cost while maintaining and enhancing quality. Instructional talent across the eight institutions is leveraged in the delivery of programs in foreign languages, science, technology, engineering and mathematics. The 4-VA Management Board can expand this partnership to additional institutions as appropriate to meet the goals of the 4-VA initiative. It is expected that funding will be pooled by the management board as required to support continuing efforts of the 4-VA priorities and projects.			
J.	Out of this appropriation, \$190,000 the first year and \$190,000 the second year from the general fund is designated for a pilot program to expand health care services to rural and medically underserved areas through the use of nurse practitioners and telemedicine.			
K.	Out of this appropriation, \$175,000 the first year and \$175,000 the second year is designated to support the efforts of the Weldon Cooper Center to produce population estimates at least every other year in between census years.			
L.	The appropriation for the fund source Higher Education Operating in this Item shall be considered a sum sufficient appropriation, which is an estimate of the amount of revenues to be collected for the educational and general program under the terms of the management agreement between the University of Virginia and the Commonwealth, as set forth in Chapters 933 and 943, of the 2006 Acts of Assembly.			
M. 1.	Out of this appropriation, \$2,661,340 the first year and \$2,661,340 the second year from the general fund is designated to address increased degree production in Data Science and Technology, Science and Engineering, Healthcare, and Education.			
2.	Degree production shall be measured for Bachelors, Masters, Doctorates and First Professional awards as follows:			
a.	Data Science and Technology awards shall be based on completion data contained in the State Council of Higher Education for Virginia, C-16 completion report;			
b.	Science and Engineering awards shall be based on completion data contained in the State Council of Higher Education for Virginia (SCHEV), C-1 A1 completion report for the following programs Biological and Biomedical Science (26), Engineering (14) less those already counted in paragraph 2 a., Engineering Technologies (15), and Physical Sciences (42);			

ITEM 203.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
c. Healthcare awards shall be based on completion data contained in the SCHEV C-1 A1 completion report for the Health Professions and Related Programs (51); and				
d. Education awards shall be based on completion data contained in the SCHEV C-1 A1 completion report for the Education Programs (13).				
3. The University of Virginia is expected to maintain increases in:				
a. Data Science and Technology awards of 20 annually over the base year.				
b. Science and Engineering awards of 30 annually over the base year.				
c. Healthcare awards of 20 annually over the base year.				
d. Education awards of 10 annually over the base year.				
e. The 2016-17 year will serve as the base year for these purposes.				
4. SCHEV shall report on the progress toward these goals to the Chairmen of the House Appropriations and Senate Finance Committees annually beginning August 2020.				

204.	Higher Education Student Financial Assistance (10800).....			\$166,645,252	\$166,756,552
	Scholarships (10810).....	\$76,300,533	\$76,300,433		
	Fellowships (10820).....	\$90,344,719	\$90,456,119		
	Fund Sources: General.....	\$12,926,964	\$13,038,264		
	Higher Education Operating.....	\$153,718,288	\$153,718,288		

Authority: Title 23.1, Chapter 22, Code of Virginia.

A. Out of this appropriation, \$250,000 the first year and \$250,000 the second year from the general fund, shall be provided to support public-private sector partnerships in order to maximize the number of newly licensed nurses and increase the supply of nursing faculty.

B. The appropriation for the fund source Higher Education Operating in this Item shall be considered a sum sufficient appropriation, which is an estimate of the revenue collected to meet student financial aid needs, under the terms of the management agreement between the university and the Commonwealth as set forth in Chapters 933 and 943 of the 2006 Acts of Assembly.

C. Up to 15 percent of the funding in this item may be used to support Virginia Guaranteed Assistance Program eligible students for (1) priority funding who are enrolled in Data Science and Technology, Science and Engineering, Healthcare and Education programs and (2) as a grant for students in innovative internship programs provided that the institutions has at least one private sector partner and the grant is matched equally by the partner with non-state funding and / or the institution from private funds.

205.	Financial Assistance For Educational and General Services (11000).....			\$577,028,122	\$577,028,122
	Sponsored Programs (11004).....	\$577,028,122	\$577,028,122		
	Fund Sources: General.....	\$9,969,379	\$9,969,379		
	Higher Education Operating.....	\$544,248,743	\$544,248,743		
	Debt Service.....	\$22,810,000	\$22,810,000		

Authority: Title 23.1, Chapter22, Code of Virginia.

A. Out of this appropriation, \$1,744,245 the first year and \$1,744,245 the second year from the general fund and \$14,350,000 the first year and \$14,350,000 the second year from nongeneral funds are designated to build research capacity in the areas of bioengineering and biosciences.

B. Out of this appropriation, \$4,162,634 the first year and \$4,162,634 the second year from the general fund is designated for the support of cancer research.

C. Out of this appropriation, \$3,112,500 the first year and \$3,112,500 the second year from

ITEM 205.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022

the general fund is designated for support of the Focused Ultrasound Center to support core programs and research activities. The funding provided in this paragraph supports the activities and research at the University of Virginia as designated by the Focused Ultrasound Foundation.

D. Out of this appropriation, \$950,000 the first year and \$950,000 the second year from the general fund is designated to support the creation of the UVA Economic Development Accelerator.

E. The Higher Education Operating fund source listed in this Item is considered to be a sum sufficient appropriation, which is an estimate of funding required by the university to cover sponsored program operations.

206.	Higher Education Auxiliary Enterprises (80900) a sum sufficient, estimated at.....			\$222,775,089	\$222,775,089
	Food Services (80910).....	\$5,370,300	\$5,370,300		
	Residential Services (80930).....	\$45,728,208	\$45,728,208		
	Parking And Transportation Systems And Services (80940).....	\$12,559,388	\$12,559,388		
	Telecommunications Systems And Services (80950).....	\$15,564,808	\$15,564,808		
	Student Health Services (80960).....	\$9,988,673	\$9,988,673		
	Student Unions And Recreational Facilities (80970).....	\$7,764,975	\$7,764,975		
	Recreational And Intramural Programs (80980).....	\$9,719,717	\$9,719,717		
	Other Enterprise Functions (80990).....	\$61,430,758	\$61,430,758		
	Intercollegiate Athletics (80995).....	\$54,648,262	\$54,648,262		
	Fund Sources: Higher Education Operating.....	\$200,917,089	\$200,917,089		
	Debt Service.....	\$21,858,000	\$21,858,000		

Authority: Title 23.1, Chapter 22, Code of Virginia.

206.10 Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted.

	FY 2021	FY 2022		
Provide funding to support graduate financial aid	\$222,800	\$334,200		
Fund Virginia Humanities Curriculum and Humanities Ambassadors	\$500,000	\$500,000		
Increase undergraduate student financial assistance	\$320,400	\$320,300		
Agency Total	\$1,043,200	\$1,154,500		
Total for University of Virginia.....			\$1,733,156,202	\$1,733,267,502
General Fund Positions.....	1,088.78	1,088.78		
Nongeneral Fund Positions.....	5,955.32	5,955.32		
Position Level.....	7,044.10	7,044.10		
Fund Sources: General.....	\$165,778,160	\$165,889,460		

ITEM 206.10.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022
Higher Education Operating.....	\$1,519,830,042	\$1,519,830,042		
Debt Service.....	\$47,548,000	\$47,548,000		

University of Virginia Medical Center (209)

207.	State Health Services (43000).....			\$2,121,343,665	\$2,252,140,011
	Inpatient Medical Services (43007).....	\$848,383,762	\$895,320,108		
	Outpatient Medical Services (43011).....	\$527,024,843	\$582,884,843		
	Administrative Services (43018).....	\$745,935,060	\$773,935,060		
	Fund Sources: Higher Education Operating.....	\$2,103,697,200	\$2,234,493,546		
	Debt Service.....	\$17,646,465	\$17,646,465		

Authority: §§ 23.1, Chapter 22, Article 3 , Code of Virginia and Chapter 38, Acts of Assembly of 1978.

A. The appropriation to the University of Virginia Medical Center provides for the care, treatment, health related services and education activities associated with Virginia patients, including indigent and medically indigent patients. Inasmuch as the University of Virginia Medical Center is a state teaching hospital, this appropriation is to be used to jointly support the education of health students through patient care provided by this appropriation.

B. By July 1 of each year, the Director, Department of Medical Assistance Services shall approve a common criteria and methodology for determining free care attributable to the appropriations in this Item. The Medical Center will report to the Department of Medical Assistance Services expenditures for indigent, medically indigent, and other patients. The Auditor of Public Accounts and the State Comptroller shall monitor the implementation of these procedures. The Medical Center shall report by October 31 annually to the Department of Medical Assistance Services, the Comptroller and the Auditor of Public Accounts on expenditures related to this Item. Reporting shall be by means of the indigent care cost report and shall follow criteria approved by the Director, Department of Medical Assistance Services.

C. Funding for Family Practice is included in the University of Virginia's Educational and General appropriation. Support for other residencies is included in the hospital appropriation.

D. It is the intent of the General Assembly that the University of Virginia Medical Center – Hospital maintain its efforts to staff residencies and fellow positions to produce sufficient generalist physicians in medically underserved regions of the state.

E. The Higher Education Operating fund source listed in this Item is considered to be a sum sufficient appropriation, which is an estimate of funding required by the university to cover medical center operations.

F. Notwithstanding anything contrary to law, the University of Virginia has authority to determine compensation paid to Medical Center employees in accordance with policies established by the Board of Visitors.

G. In order to provide the state share for Medicaid supplemental payments to Medicaid provider private hospitals in which the University of Virginia Medical Center has a non-majority interest, the University of Virginia shall transfer to the Department of Medical Assistance Services public funds that comply with 42 C.F.R. § 433.51.

208. The June 30, 2020 and June 30, 2021 unexpended balances to the University of Virginia Medical Center are hereby reappropriated; their use is subject to approval of allotments by the Department of Planning and Budget.

209. A full accrual system of accounting shall be effected by the institution, subject to the authority of the State Comptroller, as stated in § 2.2-803, Code of Virginia, with the provision that appropriations for operating expenses may not be used for capital projects.

Total for University of Virginia Medical Center.....			\$2,121,343,665	\$2,252,140,011
Nongeneral Fund Positions.....	7,679.22	7,794.22		

ITEM 209.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022
Position Level.....	7,679.22	7,794.22		
Fund Sources: Higher Education Operating.....	\$2,103,697,200	\$2,234,493,546		
Debt Service.....	\$17,646,465	\$17,646,465		

University of Virginia's College at Wise (246)

210.	Educational and General Programs (10000).....			\$30,619,387	\$30,619,387
	Higher Education Instruction (100101).....	\$12,113,082	\$12,113,082		
	Higher Education Public Services (100103).....	\$559,455	\$559,455		
	Higher Education Academic (100104).....	\$4,886,573	\$4,886,573		
	Higher Education Student Services (100105).....	\$2,546,774	\$2,546,774		
	Higher Education Institutional Support (100106)....	\$5,636,979	\$5,636,979		
	Operation and Maintenance Of Plant (100107).....	\$4,876,524	\$4,876,524		
	Fund Sources: General.....	\$18,887,822	\$18,887,822		
	Higher Education Operating.....	\$11,731,565	\$11,731,565		

Authority: Title 23.1, Chapter 22, Article 2, Code of Virginia.

A. This Item includes general and nongeneral fund appropriations to support institutional initiatives that help meet statewide goals described in the Restructured Higher Education Financial and Administrative Operations Act of 2005 (Chapters 933 and 945, 2005 Acts of Assembly).

B. The software engineering curriculum being established to insure success of recent economic development projects in Southwest Virginia, shall be considered on its merits by the State Council of Higher Education for Virginia and shall not be dependent on funding by the Commonwealth.

C. As Virginia's public colleges and universities approach full funding of the base adequacy guidelines and as the General Assembly strives to fully fund the general fund share of the base adequacy guidelines, these funds are provided with the intent that, in exercising their authority to set tuition and fees, the Board of Visitors shall take into consideration the impact of escalating college costs for Virginia students and families. In accordance with the cost-sharing goals set forth in § 4-2.01 b. of this act, the Board of Visitors is encouraged to limit increases on tuition and mandatory educational and general fees for in-state, undergraduate students to the extent possible.

D. Out of this appropriation, \$233,358 the first year and \$233,358 the second year from the general fund and \$138,577 the first year and \$138,577 the second year from nongeneral funds are designated to facilitate the technical training programs for the Northrop Grumman state backup data center.

E. Out of this appropriation, \$715,580 the first year and \$715,580 the second year from the general fund is designated to support debt service costs for the third and fourth year payments of a five-year lease under the Master Equipment Lease Program (MELP) to upgrade the university's information technology network and security systems. In addition to these amounts, \$116,489 the first year and \$116,489 the second year from the general fund is designated to support training and software costs.

F. The appropriation for the fund source Higher Education Operating in this Item shall be considered a sum sufficient appropriation, which is an estimate of the amount of revenues to be collected for the educational and general program under the terms of the management agreement between the University of Virginia and the Commonwealth, as set forth in Chapters 933 and 943, of the 2006 Acts of Assembly.

211.	Higher Education Student Financial Assistance (10800).....			\$3,657,135	\$3,657,035
	Scholarships (10810).....	\$3,657,135	\$3,657,035		
	Fund Sources: General.....	\$3,607,135	\$3,607,035		
	Higher Education Operating.....	\$50,000	\$50,000		

Authority: Title 23.1. Chapter 22, Article 2, Code of Virginia.

ITEM 211.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Up to 15 percent of the funding in this item may be used to support Virginia Guaranteed Assistance Program eligible students for (1) priority funding who are enrolled in Data Science and Technology, Science and Engineering, Healthcare and Education programs and (2) as a grant for students in innovative internship programs provided that the institutions has at least one private sector partner and the grant is matched equally by the partner with non-state funding and / or the institution from private funds.				
212.	Financial Assistance For Educational and General Services (11000) a sum sufficient, estimated at.....		\$3,986,572	\$3,890,188
	Sponsored Programs (11004).....	\$3,986,572	\$3,890,188	
	Fund Sources: Higher Education Operating.....	\$3,986,572	\$3,890,188	
Authority: Title 23.1 Chapter 22, Article 2, Code of Virginia.				
213.	Higher Education Auxiliary Enterprises (80900) a sum sufficient, estimated at.....		\$12,368,379	\$12,368,379
	Food Services (80910).....	\$294,528	\$294,528	
	Bookstores And Other Stores (80920).....	\$268,500	\$268,500	
	Residential Services (80930).....	\$4,802,199	\$4,802,199	
	Parking And Transportation Systems And Services (80940).....	\$154,349	\$154,349	
	Student Health Services (80960).....	\$211,363	\$211,363	
	Student Unions And Recreational Facilities (80970)...	\$1,304,000	\$1,304,000	
	Recreational And Intramural Programs (80980).....	\$123,400	\$123,400	
	Other Enterprise Functions (80990).....	\$2,054,235	\$2,054,235	
	Intercollegiate Athletics (80995).....	\$3,155,805	\$3,155,805	
	Fund Sources: Higher Education Operating.....	\$9,378,379	\$9,378,379	
	Debt Service.....	\$2,990,000	\$2,990,000	
Authority: Title 23.1, Chapter 22, Article 2, Code of Virginia.				
213.10	Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted.			
		FY 2021		FY 2022
	Increase undergraduate student financial assistance	\$402,800		\$402,700
	Agency Total	\$402,800		\$402,700
	Total for University of Virginia's College at Wise.....		\$50,631,473	\$50,534,989
	General Fund Positions.....	171.46	171.46	
	Nongeneral Fund Positions.....	202.24	202.24	
	Position Level.....	373.70	373.70	
	Fund Sources: General.....	\$22,494,957	\$22,494,857	
	Higher Education Operating.....	\$25,146,516	\$25,050,132	
	Debt Service.....	\$2,990,000	\$2,990,000	

ITEM 213.10.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022
Grand Total for University of Virginia.....			\$3,905,131,340	\$4,035,942,502
General Fund Positions.....	1,260.24	1,260.24		
Nongeneral Fund Positions.....	13,836.78	13,951.78		
Position Level.....	15,097.02	15,212.02		
Fund Sources: General.....	\$188,273,117	\$188,384,317		
Higher Education Operating.....	\$3,648,673,758	\$3,779,373,720		
Debt Service.....	\$68,184,465	\$68,184,465		

§ 1-62. VIRGINIA COMMONWEALTH UNIVERSITY (236)

214.	Educational and General Programs (10000).....			\$662,382,918	\$662,382,918
	Higher Education Instruction (100101).....	\$401,841,363	\$401,841,363		
	Higher Education Research (100102).....	\$14,553,827	\$14,553,827		
	Higher Education Public Services (100103).....	\$8,890,462	\$8,890,462		
	Higher Education Academic (100104).....	\$100,127,994	\$100,127,994		
	Higher Education Student Services (100105).....	\$26,559,040	\$26,559,040		
	Higher Education Institutional Support (100106)....	\$55,267,268	\$55,267,268		
	Operation and Maintenance Of Plant (100107).....	\$55,142,964	\$55,142,964		
	Fund Sources: General.....	\$198,253,042	\$198,253,042		
	Higher Education Operating.....	\$464,129,876	\$464,129,876		

Authority: Title 23.1, Chapter 23, Code of Virginia.

A. This Item includes general and nongeneral fund appropriations to support institutional initiatives that help meet statewide goals described in the Restructured Higher Education Financial and Administrative Operations Act of 2005 (Chapters 933 and 945, 2005 Acts of Assembly).

B.1. Out of this appropriation, \$4,336,607 the first year and \$4,336,607 the second year from the general fund is provided for the operation of the Family Practice Residency Program and Family Practice medical student programs. This appropriation for Family Practice programs, whether ultimately implemented by contract, agreement or other means, is considered to be a grant.

2. The university shall report by July 1 annually to the Department of Planning and Budget an operating plan for the Family Practice Residency Program.

3. The university, in cooperation with the University of Virginia, shall establish elective Family Practice Medicine experiences in Southwest Virginia for both students and residents.

4. In the event the Governor imposes across-the-board general fund reductions, pursuant to his executive authority in § 4-1.02 of this act, the general fund appropriation for the Family Practice programs shall be exempt from any reductions, provided the general fund appropriation for the family practice program is excluded from the total general fund appropriation for Virginia Commonwealth University for purposes of determining the University's portion of the statewide general fund reduction requirement.

C. Out of this appropriation, an amount estimated at \$332,140 the first year and \$332,140 the second year from the general fund and \$168,533 the first year and \$168,533 the second year from nongeneral funds are designated for the educational telecommunications project to provide graduate engineering education. For supplemental budget requests, the participating institutions and centers jointly shall submit a report in support of such requests to the State Council of Higher Education for Virginia for review and recommendation to the Governor and General Assembly.

D.1. Out of this appropriation, not less than \$486,685 the first year and not less than \$486,685 the second year from the general fund is designated for the Virginia Center on Aging. This includes \$319,750 the first year and \$319,750 the second year for the Alzheimer's and Related Diseases Research Award Fund.

ITEM 214.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
2. Out of this appropriation, \$253,244 the first year and \$253,244 the second year from the general fund and \$356,250 the first year and \$356,250 the second year from nongeneral funds are designated for the operation of the Virginia Geriatric Education Center and the Geriatric Academic Career Awards Program, both to be administered by the Virginia Center on Aging.				
E. All costs for maintenance and operation of the physical plant of the School of Engineering, Phase I and future renovations, repairs, and improvements as they become necessary shall be financed from nongeneral funds.				
F. Out of this appropriation, \$300,000 the first year and \$300,000 the second year from the general fund is designated for support of the Council on Economic Education.				
G. Out of this appropriation, \$492,753 the first year and \$492,753 the second year from the general fund is designated for support of the Education Policy Institute.				
H.1. Notwithstanding any other provisions of law, Virginia Commonwealth University is authorized to remit tuition and fees for merit scholarships for students of high academic achievement subject to the following limitations and restrictions:				
2. The number of such scholarships annually awarded to undergraduate Virginia students shall not exceed 20 percent of the fall headcount enrollment of Virginia students in undergraduate studies in the institution from the preceding academic year. The total value of such merit scholarships annually awarded shall not exceed in any year the amount arrived at by multiplying the applicable figure for undergraduate tuition and required fees by 20 percent of the headcount enrollment of Virginia students in undergraduate studies in the institution for the fall semester from the preceding academic year.				
3. The number of such scholarships annually awarded to undergraduate non-Virginia students shall not exceed 20 percent of the fall headcount enrollment of non-Virginia students in undergraduate studies in the institution from the preceding academic year. The total value of such merit scholarships annually awarded shall not exceed in any year the amount arrived at by multiplying the applicable figure for undergraduate tuition and required fees by 20 percent of the fall headcount enrollment of non-Virginia students in undergraduate studies in the institution during the preceding academic year.				
4. A scholarship awarded under this program shall entitle the holder to receive an annual remission of an amount not to exceed the cost of tuition and required fees to be paid by the student.				
I. Out of this appropriation, \$252,595 the first year and \$252,595 the second year from the general fund is provided for the Medical College of Virginia Palliative Care Partnership.				
J. As Virginia's public colleges and universities approach full funding of the base adequacy guidelines and as the General Assembly strives to fully fund the general fund share of the base adequacy guidelines, these funds are provided with the intent that, in exercising their authority to set tuition and fees, the Board of Visitors shall take into consideration the impact of escalating college costs for Virginia students and families. In accordance with the cost-sharing goals set forth in § 4-2.01 b. of this act, the Board of Visitors is encouraged to limit increases on tuition and mandatory educational and general fees for in-state, undergraduate students to the extent possible.				
K. Out of this appropriation, \$500,000 the first year and \$500,000 the second year from the general fund is designated for the Virginia Commonwealth University School of Pharmacy to support the Center for Compounding Practice and Research. The allocation will serve to support any costs associated with creating the Center including facility-related expenses as well as the purchase of the compounding equipment necessary for this state of the art teaching and research facility and will be leveraged as a matching gift with private funds. The Center will train Pharm.D. students to meet technical compounding demands, provide continuing education to registered pharmacists and conduct ongoing research on compounded medications.				
L. Out of this appropriation, \$255,000 the first year and \$255,000 the second year from the general fund is designated to support a substance abuse fellowship program and a sickle cell opioid management program at the Virginia Commonwealth University School of Medicine.				

ITEM 214.	Item Details(\$)		Appropriations(\$)		
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022	
<p>M. Out of this appropriation, \$125,000 the first year and \$125,000 the second year from the general fund is designated to support a partnership between Virginia Commonwealth University and the Virginia Repertory Theatre at the historic November Theatre (formally known as the Empire Theatre).</p> <p>N. The appropriation for the fund source Higher Education Operating in this Item shall be considered a sum sufficient appropriation, which is an estimate of the amount of revenues to be collected for the educational and general program under the terms of the management agreement between Virginia Commonwealth University and the Commonwealth, as set forth in Chapters 594 and 616, of the 2008 Acts of Assembly.</p> <p>O. 1. Out of this appropriation, \$4,273,380 the first year and \$4,273,380 the second year from the general fund is designated to address increased degree production in Data Science and Technology, Science and Engineering, Healthcare, and Education.</p> <p>2. Degree production shall be measured for Bachelors, Masters, Doctorates and First Professional awards as follows:</p> <p>a. Data Science and Technology awards shall be based on completion data contained in the State Council of Higher Education for Virginia, C-16 completion report;</p> <p>b. Science and Engineering awards shall be based on completion data contained in the State Council of Higher Education for Virginia (SCHEV), C-1 A1 completion report for the following programs Biological and Biomedical Science (26), Engineering (14) less those already counted in paragraph 2 a., Engineering Technologies (15), and Physical Sciences (42);</p> <p>c. Healthcare awards shall be based on completion data contained in the SCHEV C-1 A1 completion report for the Health Professions and Related Programs (51); and</p> <p>d. Education awards shall be based on completion data contained in the SCHEV C-1 A1 completion report for the Education Programs (13).</p> <p>3. Virginia Commonwealth University is expected to maintain increases in:</p> <p>a. Data Science and Technology awards of 20 annually over the base year.</p> <p>b. Science and Engineering awards of 30 annually over the base year.</p> <p>c. Healthcare awards of 40 annually over the base year.</p> <p>d. Education awards of 20 annually over the base year.</p> <p>e. The 2016-17 year will serve as the base year for these purposes.</p> <p>4. SCHEV shall report on the progress toward these goals to the Chairmen of the House Appropriations and Senate Finance Committees annually beginning August 2020.</p> <p>P. The 4-VA, a public-private partnership among George Mason University, James Madison University, the University of Virginia, Virginia Tech, Old Dominion University, Virginia Military Institute, Virginia Commonwealth University, the College of William and Mary, and CISCO Systems, Inc., utilizes emerging technologies to promote collaboration and resource sharing to increase access, reduce time to graduation and reduce unit cost while maintaining and enhancing quality. Instructional talent across the eight institutions is leveraged in the delivery of programs in foreign languages, science, technology, engineering and mathematics. The 4-VA Management Board can expand this partnership to additional institutions as appropriate to meet the goals of the 4-VA initiative. It is expected that funding will be pooled by the management board as required to support continuing efforts of the 4-VA priorities and projects.</p>					
215.	Higher Education Student Financial Assistance (10800).....			\$70,623,275	\$70,693,575
	Scholarships (10810).....	\$67,057,891	\$67,057,891		
	Fellowships (10820).....	\$3,565,384	\$3,635,684		
	Fund Sources: General.....	\$39,974,686	\$40,044,986		

ITEM 215.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
	Higher Education Operating.....	\$30,648,589	\$30,648,589	
Authority: Title 23.1, Chapter 23, Code of Virginia.				
A. The appropriation for the fund source Higher Education Operating in this Item shall be considered a sum sufficient appropriation, which is an estimate of the revenue collected to meet student financial aid needs, under the terms of the management agreement between the university and the Commonwealth as set forth in Chapters 933 and 943 of the 2006 Acts of Assembly.				
B. Up to 15 percent of the funding in this item may be used to support Virginia Guaranteed Assistance Program eligible students for (1) priority funding who are enrolled in Data Science and Technology, Science and Engineering, Healthcare and Education programs and (2) as a grant for students in innovative internship programs provided that the institutions has at least one private sector partner and the grant is matched equally by the partner with non-state funding and / or the institution from private funds.				
216.	Financial Assistance For Educational and General Services (11000).....			\$334,199,678
	Eminent Scholars (11001).....	\$3,063,732	\$3,063,732	
	Sponsored Programs (11004).....	\$331,135,946	\$326,135,946	
	Fund Sources: General.....	\$21,512,500	\$16,512,500	
	Higher Education Operating.....	\$292,580,898	\$292,580,898	
	Debt Service.....	\$20,106,280	\$20,106,280	
Authority: Title 23.1, Chapter 23, Code of Virginia.				
A. Out of this appropriation, \$1,162,500 the first year and \$1,162,500 the second year from the general fund and \$6,600,000 the first year and \$6,600,000 the second year from nongeneral funds are designated to build research capacity in the areas of biomedical engineering and regenerative medicine.				
B. Out of this appropriation, \$20,000,000 the first year and \$15,000,000 the second year from the general fund is designated for the support of cancer research.				
C. Out of this appropriation, \$350,000 the first year and \$350,000 the second year from the general fund is designated to support the Parkinson's and Movement Disorders Center.				
D. The Higher Education Operating fund source listed in this Item is considered to be a sum sufficient appropriation, which is an estimate of funding required by the university to cover sponsored program operations.				
217.	State Health Services (43000).....			\$27,652,534
	State Health Services Technical Support And Administration (43012).....	\$27,652,534	\$27,652,534	
	Fund Sources: Higher Education Operating.....	\$27,652,534	\$27,652,534	
Authority: Discretionary Inclusion.				
This appropriation includes funding to support 238 instructional and administrative faculty positions and for administrative and classified positions which provide services, through internal service agreements, to the Virginia Commonwealth University Health System Authority.				
218.	Higher Education Auxiliary Enterprises (80900) a sum sufficient, estimated at.....			\$175,517,017
	Food Services (80910).....	\$15,997,248	\$15,997,248	
	Bookstores And Other Stores (80920).....	\$5,338,412	\$5,338,412	
	Residential Services (80930).....	\$31,548,153	\$31,548,153	
	Parking And Transportation Systems And Services (80940).....	\$24,456,370	\$24,456,370	
	Telecommunications Systems And Services (80950)..	\$5,676,016	\$5,676,016	
	Student Health Services (80960).....	\$5,943,633	\$5,943,633	
	Student Unions And Recreational Facilities (80970)...	\$14,560,559	\$14,560,559	

ITEM 218.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Recreational And Intramural Programs (80980).....	\$11,859,159	\$11,859,159		
Other Enterprise Functions (80990).....	\$42,073,280	\$42,073,280		
Intercollegiate Athletics (80995).....	\$18,064,187	\$18,064,187		
Fund Sources: Higher Education Operating.....	\$141,649,137	\$141,649,137		
Debt Service.....	\$33,867,880	\$33,867,880		
Authority: Title 23.1, Chapter 23, Code of Virginia.				
219. Administrative and Support Services (19900).....			\$45,058,639	\$45,058,639
Operation of Higher Education Centers (19931).....	\$45,058,639	\$45,058,639		
Fund Sources: Higher Education Operating.....	\$45,058,639	\$45,058,639		
Authority: Title 23.1, Chapter 23, Code of Virginia.				
A.1. Out of this appropriation, \$45,058,639 the first year and \$45,058,639 the second year from nongeneral funds is designated to support the university's branch campus in Qatar.				
2. Notwithstanding § 2.2-1802 of the Code of Virginia, Virginia Commonwealth University is authorized to maintain a local bank account in Qatar and non-U.S. countries to facilitate business operations the VCU Qatar Campus. These accounts are exempt from the Securities for Public Deposits Act, Title 2.2, Chapter 44 of the Code of Virginia.				
3. Procurements and expenditures from the local bank account(s) are not subject to the Virginia Public Procurement Act and the Commonwealth Accounting Policies and Procedures (CAPP) Manual. Virginia Commonwealth University will institute procurement policies based on competitive procurement principles, except as otherwise stated within these policies. Expenditures from the local bank account will be recorded in the Commonwealth Accounting and Reporting System by Agency Transaction Vouchers, as appropriated herewith with revenue recognized as equal to the expenditures.				
4. Notwithstanding § 2.2-1149 of the Code of Virginia, Virginia Commonwealth University is authorized to approve operating, income and capital leases in Qatar under policies and procedures developed by the University.				
5. Virginia Commonwealth University is authorized to establish and hire staff (non-faculty) positions in Qatar under policies and procedures developed by the University. These employees, who are employed solely to support the Qatar Campus are not considered employees of the Commonwealth of Virginia and are not subject to the Virginia Personnel Act. Employees hired as University and Academic Professionals are considered employees of the Commonwealth of Virginia and are subject to the university's policies, Management Agreement, and applicable law.				
6. The Board of Visitors of Virginia Commonwealth University is authorized to establish policies for the Qatar Campus.				
219.10	Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted.			
		FY 2021		FY 2022
	Provide additional funding to support the Center on Aging	\$100,000		\$100,000

ITEM 219.10.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Provide graduate financial aid		\$140,400		\$210,700
Provide additional funding to support the Education Policy Institute		\$300,000		\$300,000
Provide additional funding to support Massey Cancer Center		\$7,500,000		\$2,500,000
Increase undergraduate student financial assistance		\$4,638,400		\$4,638,400
Provide funding to support the Wilder School of Government		\$250,000		\$250,000
Agency Total		\$12,928,800		\$7,999,100
Total for Virginia Commonwealth University.....			\$1,315,434,061	\$1,310,504,361
General Fund Positions.....	1,507.80	1,507.80		
Nongeneral Fund Positions.....	3,792.29	3,792.29		
Position Level.....	5,300.09	5,300.09		
Fund Sources: General.....	\$259,740,228	\$254,810,528		
Higher Education Operating.....	\$1,001,719,673	\$1,001,719,673		
Debt Service.....	\$53,974,160	\$53,974,160		

§ 1-63. VIRGINIA COMMUNITY COLLEGE SYSTEM (260)

220.	Educational and General Programs (10000).....			\$940,135,189	\$939,220,366
	Higher Education Instruction (100101).....	\$416,559,330	\$415,644,507		
	Higher Education Public Services (100103).....	\$4,606,631	\$4,606,631		
	Higher Education Academic (100104).....	\$96,422,712	\$96,422,712		
	Higher Education Student Services (100105).....	\$98,251,949	\$98,251,949		
	Higher Education Institutional Support (100106).....	\$226,038,151	\$226,038,151		
	Operation and Maintenance Of Plant (100107).....	\$98,256,416	\$98,256,416		
	Fund Sources: General.....	\$418,578,929	\$417,314,106		
	Higher Education Operating.....	\$521,556,260	\$521,906,260		

Authority: Title 23.1, Chapter 29, Code of Virginia.

A. This Item includes general and nongeneral fund appropriations to support institutional initiatives that help meet statewide goals described in the Restructured Higher Education Financial and Administrative Operations Act of 2005 (Chapters 933 and 945, 2005 Acts of Assembly).

B. It is the objective of the Commonwealth that a standard of 70 percent full-time faculty be established for the Virginia Community College System. Consistent with higher education funding guidelines, it is expected that the Virginia Community College System will utilize the funds provided for base operating support to achieve this objective. In addition, the first priority for new funding provided to the community college system shall be for operating support at individual community colleges. Thirty days prior to the beginning of each fiscal year, the Virginia Community College System shall report to the Chairmen of the House Appropriations and Senate Finance Committees on the allocation of all new general funds and nongeneral funds in this item and any cost recovery plans between the individual community colleges and the system office.

C. It is the intent of the General Assembly that funds available to the Virginia Community College System be reallocated to accommodate changes in enrollment and other cost factors at each of the community colleges.

D. Tuition and fee revenues from out-of-state students taking distance education courses through the Virginia Community College System must exceed all direct and indirect costs of providing instruction to those students. Tuition and fee rates to meet this requirement shall be established by the State Board for Community Colleges.

E. Out of this appropriation, amounts for the following special programs are designated: at J. Sargeant Reynolds Community College, the Program for the Deaf, \$64,547 and four positions

ITEM 220.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022

the first year and \$64,547 and four positions the second year from the general fund and the Program for the Intellectually Disabled, \$91,004 and four positions the first year and \$91,004 and four positions the second year from the general fund; and, at New River Community College, the Program for the Deaf, \$78,328 and four positions the first year and \$78,328 and four positions the second year from the general fund, and the Program for the Intellectually Disabled, \$69,682 and 4.5 positions the first year and \$69,682 and 4.5 positions the second year from the general fund; and, at Danville Community College, the Program for the Deaf, \$26,001 and one position the first year and \$26,001 and one position the second year from the general fund.

F. Out of this appropriation, \$39,001 the first year and \$39,001 the second year from the general fund is designated to support the Southwest Virginia Telecommunications Network.

G. Out of this appropriation, \$261,370 and four positions the first year and \$261,370 and four positions the second year from the general fund is provided to support Virginia Western Community College's participation in the Roanoke Higher Education Center and the Botetourt County Education and Training Center at Greenfield.

H. Out of this appropriation, \$130,005 the first year and \$130,005 the second year from the general fund is designated to support the Southwestern Virginia Advanced Manufacturing Technology Center at Wytheville Community College.

I.1. Out of this appropriation, \$345,000 the first year and \$345,000 the second year from the general fund is provided for the annual lease or rental costs of space in the Botetourt County Education and Training Center at Greenfield.

2. The general fund amounts provided for in this paragraph for workforce training, retraining, programming, and community education facilities at the Botetourt County Education and Training Center shall be matched by local or private sources in a ratio of two-thirds state funds to at least one-third local or private funds, as approved by the State Board for Community Colleges.

J. As Virginia's public colleges and universities approach full funding of the base adequacy guidelines and as the General Assembly strives to fully fund the general fund share of the base adequacy guidelines, these funds are provided with the intent that, in exercising their authority to set tuition and fees, the Board of Visitors shall take into consideration the impact of escalating college costs for Virginia students and families. In accordance with the cost-sharing goals set forth in § 4-2.01 b. of this act, the Board of Visitors is encouraged to limit increases on tuition and mandatory educational and general fees for in-state, undergraduate students to the extent possible.

K. Out of this appropriation, \$191,884 the first year and \$191,884 the second year from the general fund shall be provided to Northern Virginia Community College to support public-private sector partnerships in order to maximize the number of newly licensed nurses and increase the supply of nursing faculty.

L. Out of this appropriation, \$489,000 the first year and \$489,000 the second year from the general fund is designated for Northern Virginia Community College to implement the SySTEMic Solutions initiative which will enable expansion of dual enrollment courses with a STEM focus in all Northern Virginia school districts; opportunities to earn industry-aligned certifications; professional development opportunities for STEM teachers; part-time employment and internship opportunities for students in STEM programs; hands-on SOL-based science lessons at the elementary level with industry input and support; and collaborative robotics programs between the community college and K-12 schools. It is expected that an equal amount of private funds will be generated as a match for the state support.

M. Out of this appropriation, \$19,560 the first year and \$19,560 the second year from the general fund shall be provided to Southside Virginia Community College. Out of this amount, \$7,824 each year from the general fund shall be provided to the Estes Community Center in Chase City, \$7,824 each year from the general fund shall be provided to the Lake Country Advanced Knowledge Center in South Hill, and \$3,912 the first year and \$3,912 the second year from the general fund shall be provided to the Clarksville

ITEM 220.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Enrichment Complex.				
N. Out of this appropriation, \$115,130 the first year and \$115,130 the second year from the general fund is provided for the Mecklenburg County Job Retraining Center.				
O. Out of this appropriation, \$255,000 the first year and \$255,000 the second year from the general fund and \$163,000 the first year and \$163,000 the second year from nongeneral funds is designated for the operation of the Amherst Center of Central Virginia Community College. Central Virginia Community College shall report annually to the Chairmen of the House Appropriations and Senate Finance Committees on the number of students enrolled, the programs provided with number of students served and the number of degrees and certificates awarded by program.				
P. Out of this appropriation, \$200,000 the first year and \$200,000 the second year from the general fund is designated for Lord Fairfax Community College. Of this amount \$100,000 the first year and \$100,000 the second year is designated to expand the career and technical education programs at the Middletown Campus and \$100,000 the first year and \$100,000 the second year is designated for workforce training programs at the Fauquier Campus. The programs will be designed in collaboration with regional employers and high schools.				
Q. Out of this appropriation, \$1,100,000 and seven positions the first year and \$1,100,000 and seven positions the second year from the general fund is designated for veterans resource centers at Northern Virginia Community College, Tidewater Community College, Thomas Nelson Community College, Germanna Community College, J. Sargeant Reynolds Community College, John Tyler Community College, and Virginia Western Community College.				
R. Out of this appropriation, \$250,000 and nine positions the first year and \$250,000 and nine positions the second year from the general fund is designated to support the Rural Horseshoe Initiative.				
S. Out of this appropriation, \$480,000 and two positions the first year and \$480,000 and two positions the second year from the general fund are designated for the Virginia Community College System, in partnership with the State Council of Higher Education for Virginia, to develop and maintain a mandated online repository for all transfer agreements, course equivalency tools, Passport Credit Program Guidelines and other informational resources related to transferring from a public two-year institution to a public four-year institution. The repository shall also include a Dual Enrollment Guide, Exam Equivalency Guide, Degree Searcher, and other transfer tools and components that support student transfer.				
T. Out of this appropriation, \$386,748 each year from the general fund is provided for a Small Business Assistance and Youth Entrepreneurship Pilot Program, a collaboration between the Virginia Community College System, Portsmouth Public Schools' Minority and Women Business Enterprise Advisory Committee, Historically Black Colleges and Universities, and the Faith Based Community to provide essential tools in economic development to start, sustain and grow a business.				
U. Out of this appropriation, \$1,000,000 the first year from the general fund is designated for Lord Fairfax Community College, in partnership with Shenandoah University, for services related to a Hub for Innovation, Virtual Reality and Entrepreneurship (HIVE) to serve as a technology hub, business accelerator, and magnet location for tech business.				
V. The Virginia Community College System is requested to work together with the City of Norfolk, Norfolk Public Schools, and other private or nonprofit entities for development of a plan for a possible Advanced Regional Technology and Workforce Academy in the City of Norfolk. The Academy will provide adult and youth workforce and educational services by Tidewater Community College in collaboration with Norfolk Public Schools and other local school divisions. The Virginia Community College System shall submit a proposed governance structure for the Academy and other proposed components of the plan to the Secretary of Education, the Secretary of Finance, and Chief Workforce Development Advisor for consideration.				
W. The Central Virginia Community College, with guidance provided by the Virginia Community College System, shall develop a plan to explore a Bedford County campus if land were to be donated for that purpose. The plan would include details related to any public-				

ITEM 220.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022

private partnerships that could be created for this purpose and estimates of future operational costs for the campus. The plan shall be submitted to the Chairs of the House Appropriations Committee and Senate Finance and Appropriations Committee by December 1, 2020.

X. Out of this appropriation, \$385,177 the second year from the general fund is designated for costs of two associate degree programs in Physical Therapy Assistant and Surgical Technology that have transferred to Virginia Western Community College as a result of the merger of Radford University and the Jefferson College of Health Sciences authorized in Chapter 60 of the 2019 Acts of Assembly.

Y. Out of this appropriation, \$4,000,000 each year from the general fund is designated for general operating support for the Virginia Community College System.

Z. Out of this appropriation, \$1,500,000 the first year and \$500,000 the second year from the general fund is designated for marketing, outreach and public awareness efforts for the new G3 program in Item 221.

221.	Higher Education Student Financial Assistance (10800)				
	a sum sufficient, estimated at.....			\$119,054,661	\$119,054,661
	Scholarships (10810).....	\$119,054,661	\$119,054,661		
	Fund Sources: General.....	\$86,607,355	\$86,607,355		
	Higher Education Operating.....	\$32,447,306	\$32,447,306		

Authority: Title 23.1, Chapter 29, Code of Virginia.

A. Out of this appropriation, \$150,000 the first year and \$150,000 the second year from the general fund is designated for Tidewater Community College to support an apprenticeship program for Virginia's shipyard workers. All general fund amounts appropriated for this apprenticeship program shall be used to provide scholarships to shipyard workers enrolled in the program. The conditions for receiving a scholarship shall be those conditions described in § 23.1-2912, Code of Virginia.

B. Funding in this Item shall be allocated for the Virginia Guaranteed Assistance Program, the Commonwealth Award and need-based student financial assistance for industry-based certifications or related programs that do not qualify for other sources of student financial assistance.

C. Up to 15 percent of the funding in this item may be used to support Virginia Guaranteed Assistance Program eligible students for (1) priority funding who are enrolled in Data Science and Technology, Science and Engineering, Healthcare and Education programs and (2) as a grant for students in innovative internship programs provided that the institutions has at least one private sector partner and the grant is matched equally by the partner with non-state funding and / or the institution from private funds.

D. 1. Out of this appropriation, \$34,500,000 each year from the general fund is designated for the Get Skilled, Get a Job, Give Back Program (G3 Program). The G3 Program will offer financial assistance to low- and middle-income Virginia residents who are eligible for in-state tuition pursuant to § 23.1, Code of Virginia, and who are enrolled in a program at a Virginia public associate degree-granting institution that leads to an occupation in a high-demand field. The programs covered under the G3 Program by Classification of Instructional Program (CIP) Codes are as follows:

CIP Code	Description
11.0101	Computer and Information Sciences, General
11.0103	Information Technology
11.0201	Computer Programming/ Programmer, General
11.0701	Computer Science
11.0801	Web Page, Digital/Multimedia and

ITEM 221.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
		Information Resources Design		
11.0901		Computer Systems Networking and Telecommunications		
11.1001		Network and System Administration/ Administrator		
11.1003		Computer and Information Systems Security/Information Assurance		
13.0101		Education, General		
13.1013		Education/Teaching of Individuals with Autism		
13.1501		Teacher Assistant/Aide		
15.0000		Engineering and Engineering- Related Fields		
15.0101		Architectural Engineering Technology/Technician		
15.0201		Civil Engineering Technology/Technician		
15.0303		Electrical, Electronic and Communications Engineering Technology/Technician		
15.0305		Telecommunications Technology/Technician		
15.0599		Environmental Control Technologies/Technicians, Other		
15.0612		Industrial Technology/Technician		
15.0613		Manufacturing Engineering Technology/Technician		
15.0699		Industrial Production Technologies/Technicians, Other		
15.0899		Mechanical Engineering Related Technologies/Technicians, Other		
15.0901		Mining Technology/Technician		
15.1301		Drafting and Design Technology/Technician, General		
15.1302		CAD/CADD Drafting and/or Design Technology/Technician		
15.1303		Architectural Drafting and Architectural CAD/CADD		
15.1401		Nuclear Engineering Technology/Technician		
15.9999		Engineering Technologies and Engineering-Related Fields, Other		
19.0707		Family and Community Services		
19.0709		Child Care Provider/Assistant		
30.0101		Biological and Physical Sciences		
41.0101		Biology		

ITEM 221.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
				Technician/Biotechnology
				Laboratory Technician
	43.0102			Corrections
	43.0103			Criminal Justice/Law
				Enforcement Administration
	43.0104			Criminal Justice/Safety
				Studies
	43.0106			Forensic Science and
				Technology
	43.0107			Criminal Justice/Police
				Science
	43.0203			Fire Science/Fire-fighting
	43.0303			Critical Infrastructure
				Protection
	43.0406			Homeland Security, Other
	43.9999			Homeland Security, Law
				Enforcement, Firefighting and
				Related Protective Services,
				Other
	46.0000			Construction Trades
	46.0302			Electrician
	47.0000			Mechanic and Repair
				Technologies / Technicians
	47.0101			Electrical/Electronics
				Equipment Installation and
				Repair, General
	47.0105			Industrial Electronics
				Technology/Technician
	47.0201			Heating, Air Conditioning,
				Ventilation and Refrigeration
				Maintenance
				Technology/Technician
	47.0603			Autobody/Collision and
				Repair
				Technology/Technician
	47.0604			Automobile/Automotive
				Mechanics
				Technology/Technician
	47.0605			Diesel Mechanics
				Technology/Technician
	47.0607			Airframe Mechanics and
				Aircraft Maintenance
				Technology/Technician
	48.0000			Precision Production
	48.0501			Machine Tool
				Technology/Machinist
	48.0508			Welding Technology/Welder
	48.0599			Precision Metal Working,
				Other
	48.0701			Woodworking, General
	51.0601			Dental Assisting/Assistant
	51.0602			Dental Hygiene/Hygienist
	51.0603			Dental Laboratory
				Technology/Technician
	51.0707			Health Information/Medical
				Records

ITEM 221.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
		Technology/Technician		
51.0708		Medical Transcription/ Transcriptionist		
51.0713		Medical Insurance Coding Specialist/Coder		
51.0799		Health and Medical Administrative Services, Other		
51.0801		Medical/Clinical Assistant		
51.0803		Occupational Therapist Assistant		
51.0805		Pharmacy Technician/Assistant		
51.0806		Physical Therapy Technician/Assistant		
51.0808		Veterinary/Animal Health Technology/Technician and Veterinary Assistant		
51.0904		Emergency Medical Technology/Technician (EMT Paramedic)		
51.0907		Medical Radiologic Technology/Science - Radiation Therapist		
51.0908		Respiratory Care Therapy/Therapist		
51.0909		Surgical Technology/Technologist		
51.0910		Diagnostic Medical Sonography/Sonographer and Ultrasound Technician		
51.0911		Radiologic Technology/Science - Radiographer		
51.0912		Physician Assistant		
51.0999		Allied Health Diagnostic, Intervention, and Treatment Professions, Other		
51.1004		Clinical/Medical Laboratory Technician		
51.1005		Clinical Laboratory Science/Medical Technology/Technologist		
51.1009		Phlebotomy Technician/Phlebotomist		
51.1105		Pre-Nursing Studies		
51.1501		Substance Abuse/Addiction Counseling		
51.1504		Community Health Services/Liaison/Counseling		
51.1508		Mental Health Counseling/Counselor		
51.1599		Mental and Social Health Services and Allied Professions, Other		
51.1801		Opticianry/Ophthalmic Dispensing Optician		
51.2706		Medical Informatics		

ITEM 221.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
	51.3101	Dietetics/Dietitian		
	51.3501	Massage Therapy/Therapeutic Massage		
	51.3801	Registered Nursing/Registered Nurse		
	51.3899	Registered Nursing, Nursing Administration, Nursing Research and Clinical Nursing, Other		
	51.3901	Licensed Practical/Vocational Nurse Training		
	51.3902	Nursing Assistant/Aide and Patient Care Assistant/Aide		

2. a. The Board of Workforce Development shall keep a list of high-demand fields and related educational programs. The Board of Workforce Development, in consultation with the Virginia Community College System, the State Council of Higher Education for Virginia, and the Chief Workforce Development Advisor, shall make recommendations to the General Assembly to help determine additions and changes to the high-demand fields for which programs may be offered pursuant to this item.

b. All additions and changes to the eligible high-demand fields for which programs may be offered pursuant to this item shall be approved by the General Assembly prior to implementation.

3. In order to be eligible for financial assistance under this program at a qualified public institution, an applicant shall:

a. Receive a total household income less than or equal to four hundred percent of the Federal Poverty Level;

b. Be enrolled or accepted for enrollment as a full-time or part-time student at an approved institution in an approved program specific to a high-demand field, as specified in paragraph D.1., and shall be enrolled in a minimum of six credit hours per semester, or in an eligible non-credit program;

c. Have submitted complete applications for federal and state student financial aid programs for which they may be eligible.

4. In order to remain eligible for financial assistance under this program at an approved institution, a participating student shall:

a. Meet standards for Satisfactory Academic Progress and maintain the required grade point average established by federal Higher Education Act of 1965 Title IV requirements;

b. Demonstrate reasonable progress to complete their specific program of study to earn an associate degree in no more than three years;

c. Not exceed 150 percent of required credits of certificate or degree.

5. a. Payments out of this appropriation shall provide (i) grants up to the amount necessary to pay for the last-dollar cost of the enrolled institution's tuition, mandatory fees, and textbook stipend for eligible students after all other qualified federal and state financial aid., and (ii) a Student Support Incentive Grant up to \$2,250 per year for eligible students who are enrolled full-time and receive full Federal Pell Grants.

b. Each Student Support Incentive Grant shall be distributed to the eligible students in two equal payments, with the first disbursement after the census date for the enrollment period is reached, and the final disbursement at the end of the term of which the students qualified. Students who withdraw or stop attending during the term shall not receive additional payments and shall be subject to repayment of the funds already received. An eligible student may receive up to \$900 per semester and up to \$450 per Summer Term.

ITEM 221.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<p>6. a. Funds for marketing and public awareness efforts to increase participation in the program are contained in Item 220 U. of this act.</p> <p>b. By September 1, 2020, the governing boards of Virginia's public associate degree-granting institutions shall develop policies and procedures to ensure that program participation does not exceed budget appropriation.</p> <p>7. a. No later than September 1 of each year, each Virginia public associate degree-granting institution shall submit to the State Council of Higher Education for Virginia and the Virginia Community College System a report with data from the previous fiscal year on program participation and completion, including data on what high-demand fields are supported by students at each institution.</p> <p>b. The Council and System shall work collaboratively to compile the data provided by each public associate degree-granting institution and report such data, in aggregate and by institution annually, to the Governor, the Chairs of the House Appropriations and Senate Finance and Appropriations Committees, the Senate Education and Health Committee, and the House Education Committee. The report must include student enrollment, retention rates between terms and academic years, wage data including median wages prior to enrollment and one year after completion of a credential or degree, wage rates of students who have not enrolled in over a year and did not complete a credential, and a comparison of demand of jobs and completion rates. The report must disaggregate the information above by program of study, college, and student income level at start of program.</p>				
222.	Financial Assistance For Educational and General Services (11000).....		\$57,236,044	\$57,236,044
	Sponsored Programs (11004).....	\$57,236,044	\$57,236,044	
	Fund Sources: Higher Education Operating.....	\$57,236,044	\$57,236,044	
	Authority: Title 23.1, Chapter 29, Code of Virginia.			
223.	Economic Development Services (53400).....		\$123,627,970	\$123,627,970
	Management of Workforce Development Program Services (53427).....	\$123,627,970	\$123,627,970	
	Fund Sources: General.....	\$11,126,314	\$11,126,314	
	Higher Education Operating.....	\$112,501,656	\$112,501,656	
	Authority: Title 23.1, Chapter 29, Code of Virginia.			
<p>A. 1. Out of this appropriation, \$53,850,629 and 38 positions the first year, and \$53,850,629 and 38 positions the second year from nongeneral funds is provided for the administration and implementation of workforce development programs as part of the federal Workforce Innovation and Opportunity Act of 2014 (WIOA).</p> <p>2. Out of this appropriation, and consistent with Sections 128 and 133 of WIOA, 15% of the nongeneral funds received for the administration of Title I of WIOA shall be reserved by the Governor in a fund to support administration of the Title 1 programs and to support statewide strategic workforce initiatives. At the end of the federal allotment cycle, unobligated Rapid Response funds shall also be transferred to the Governor's fund, consistent with Section 134 of WIOA. The investment strategy for the fund shall be determined by the Governor, in consultation with the Chief Workforce Development Advisor, the Virginia Community College System, and workforce system stakeholders no later than the first day of the federal program year for WIOA Title I. The investment strategy shall be consistent with required and allowable activities under Section 134 of WIOA. By December 15 of each year, the Chief Workforce Development Advisor shall report on the use of funds and generated outcomes to the Chairmen of the House Appropriations and Senate Finance Committees.</p> <p>B. Out of this appropriation, \$125,000 the first year and \$125,000 the second year from the general fund is provided to continue planning for the advanced integrated manufacturing technology program at Thomas Nelson Community College.</p> <p>C.1. Out of this appropriation, \$166,162 the first year and \$166,162 the second year from the general fund is designated for the A. L. Philpott Manufacturing Extension Partnership at Patrick Henry Community College.</p>				

ITEM 223.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022
2. Out of this appropriation, \$1,086,350 the first year and \$1,086,350 the second year from the general fund is designated for the A. L. Philpott Manufacturing Extension Partnership at Patrick Henry Community College for an ongoing match for a grant from the U.S. Department of Commerce to develop a manufacturer assistance program covering most of Virginia.				
D. It is the intent of the General Assembly that noncredit business and industry work-related training courses and programs offered by community colleges be funded at a ratio of 30 percent from the general fund and 70 percent from nongeneral funds. Out of this appropriation, \$664,647 in the first year and \$664,647 in the second year from the general fund is designated for this purpose. These funds may be combined with funds of \$249,243 the first year and \$249,243 the second year already included in the Virginia Community College System budget for the "Virginia Works" program. The funds will be allocated by formula to all colleges based on the number of individuals served by non-credit activities.				
E.1. As recommended by House Joint Resolution No. 622 (1997), the Joint Subcommittee to Study Noncredit Education for Workforce Training in the Commonwealth, the Virginia Community College System is directed to establish one or more Institutes of Excellence responsible for development of statewide training programs to meet current, high demand workforce needs of the Commonwealth. Out of this appropriation, at least \$664,647 the first year and \$664,647 the second year from the general fund is available to support the Institutes of Excellence.				
2. Under the guidance of the Virginia Workforce Council, authorized in Title 2.2, Chapter 26, Article 25, Code of Virginia, the Virginia Community College System shall submit to the Chairmen of the Senate Finance and House Appropriations Committees by November 4 of each year a report detailing the financing, activities, accomplishments and plans for the Institutes of Excellence and the four workforce development centers, and outcomes of the appropriations for 23 workforce coordinators and for non-credit training. The report shall include, but not be limited to:				
a. performance measures to be used to evaluate the effectiveness of the workforce coordinators at all 23 colleges;				
b. detailed information on number of students trained, employers served and courses offered; the types of certifications awarded; and the participation by local governments and the public or private sector, and other data relevant to the activities of the four regional workforce development centers;				
c. the number of students trained, employers served and courses offered through noncredit instruction, and the amounts of local government, public or private sector funding used to match this appropriation; and				
d. the amount or percentage of private and public funding contributed for the institutes' programming and operating needs; the number of private and public partnerships involved in the institutes' programming; the number of faculty and colleges affected by the institutes' programming; and performance measures to be used to evaluate the sharing or broadcasting of information and new/improved/updated curricula to other Virginia Community College campuses.				
F. Out of this appropriation, \$1,196,820 and 23 positions the first year and \$1,196,820 and 23 positions the second year from the general fund is provided for staff who will be responsible for coordinating workforce training in the campus service area. The staff will work with local business and industry to determine training needs, coordinate with local economic development personnel, the local workforce training council, and other providers. It is the General Assembly's intent that the Virginia Community College System maximize these positions by encouraging funding matches at the local level.				
G. Out of this appropriation, \$470,880 and four positions the first year and \$470,880 and four positions the second year from the general fund is provided for four workforce training centers: the Peninsula Workforce Development Center (Thomas Nelson Community College), \$78,480 and one position the first year and \$78,480 and one position the second year; the Regional Center for Applied Technology Training (Danville Community College), \$156,960 and one position the first year and \$156,960 and one				

ITEM 223.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022

position the second year; a Workforce Development Center at Paul D. Camp Community College, \$156,960 and one position the first year and \$156,960 and one position the second year; and the Central Virginia Manufacturing Technology Training Center in the Lynchburg area, \$78,480 and one position the first year and \$78,480 and one position the second year. Each center shall provide a 25 percent match prior to the release of state funding.

H. Out of this appropriation, \$250,000 the first year and \$250,000 the second year from the general fund is designated to continue the pre-hire immersion training program.

I. Out of this appropriation, \$460,000 the first year and \$460,000 the second year from the general fund is designated to support the veteran's credit for prior learning application.

J. Out of this appropriation, \$104,950 the first year and \$104,950 the second year from the general fund is designated to support career and technical education at Lord Fairfax Community College's Luray-Page County Center with a focus on healthcare and medical programs.

K. Out of this appropriation, \$310,000 the first year and \$310,000 the second year from the general fund is designated to implement a pilot program between Virginia Western Community College, Botetourt County Public Schools, and local industry partners to meet the demand for mechatronic technicians. The program goal is to prepare 100 Mechatronic Engineering Technicians over five years using established career pathways with Botetourt County Public Schools and Virginia Western Community College and a sustainable faculty preparation program.

L. Out of this appropriation, \$300,000 the first year and \$300,000 the second year from the general fund is designated to implement a pilot program between Virginia Western Community College, Roanoke City Public Schools and local industry partners to create a Career Technical dual track program to allow high school students the opportunity to complete high school with both a diploma and a workforce credential / certificate.

M. Out of this appropriation, \$250,000 the first year and \$250,000 the second year from the general fund is designated for a hospitality and culinary apprenticeship program. Funds may be used to reimburse employees for related instruction and equipment.

224.	Higher Education Auxiliary Enterprises (80900) a sum sufficient, estimated at.....			\$53,821,317	\$53,821,317
	Food Services (80910).....	\$1,238,576	\$1,238,576		
	Bookstores And Other Stores (80920).....	\$14,447,297	\$14,447,297		
	Parking And Transportation Systems And Services (80940).....	\$18,487,416	\$18,487,416		
	Student Unions And Recreational Facilities (80970)...	\$19,648,028	\$19,648,028		
	Fund Sources: Higher Education Operating.....	\$37,710,554	\$37,710,554		
	Debt Service.....	\$16,110,763	\$16,110,763		

Authority: Title 23.1, Chapter 29, Code of Virginia.

225. The appropriations in this section are for the following community colleges:

College I.D.	Community College	College I.D.	Community College
61	System Office	80	Northern Virginia
70	Shared Services Center	85	Patrick Henry
91	Blue Ridge	77	Paul D. Camp
92	Central Virginia	82	Piedmont
87	Dabney S. Lancaster	78	Rappahannock
79	Danville	76	Southside Virginia
84	Eastern Shore	94	Southwest Virginia
97	Germanna	93	Thomas Nelson
83	J. Sargeant Reynolds	95	Tidewater
90	John Tyler	96	Virginia Highlands
98	Lord Fairfax	86	Virginia Western

ITEM 225.			Item Details(\$)		Appropriations(\$)	
			First Year	Second Year	First Year	Second Year
			FY2021	FY2022	FY2021	FY2022
	99	Mountain Empire		88	Wytheville	
	75	New River				

225.10 Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted.

	FY 2021	FY 2022
Increase undergraduate student financial assistance	\$2,271,000	\$2,271,000
Implement the Get Skilled, Get a Job, Give Back program	\$36,000,000	\$35,000,000
Fund hospitality apprenticeship program	\$250,000	\$250,000
Fund VWCC Healthcare Programs from RUC Merger	\$0	\$385,177
Provide funding for health science and technology pilot	\$0	\$350,000
Provide general operating support	\$4,000,000	\$4,000,000
Fund Hub for Innovation, Virtual Reality, and Entrepreneurship	\$1,000,000	\$0
Fund collaboration with Portsmouth Public Schools' Minority & Women Business Enterprise Advisory Committee	\$386,746	\$386,746
Agency Total	\$43,907,746	\$42,642,923
Total for Virginia Community College System.....		\$1,293,875,181 \$1,292,960,358
General Fund Positions.....	5,558.57	5,558.57
Nongeneral Fund Positions.....	5,296.58	5,296.58
Position Level.....	10,855.15	10,855.15
Fund Sources: General.....	\$516,312,598	\$515,047,775
Higher Education Operating.....	\$761,451,820	\$761,801,820
Debt Service.....	\$16,110,763	\$16,110,763

§ 1-64. VIRGINIA MILITARY INSTITUTE (211)

226.	Educational and General Programs (10000).....		\$44,577,245	\$44,583,746
	Higher Education Instruction (100101).....	\$19,618,778	\$19,625,279	
	Higher Education Public Services (100103).....	\$81,424	\$81,424	
	Higher Education Academic (100104).....	\$6,086,647	\$6,086,647	
	Higher Education Student Services (100105).....	\$2,848,779	\$2,848,779	
	Higher Education Institutional Support (100106)....	\$7,925,823	\$7,925,823	
	Operation and Maintenance Of Plant (100107).....	\$8,015,794	\$8,015,794	
	Fund Sources: General.....	\$12,908,519	\$12,915,020	
	Higher Education Operating.....	\$31,268,726	\$31,268,726	
	Debt Service.....	\$400,000	\$400,000	

ITEM 226.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<p>Authority: Title 23.1, Chapter 25, Code of Virginia.</p> <p>A. This Item includes general and nongeneral fund appropriations to support institutional initiatives that help meet statewide goals as described in the Restructured Higher Education Financial and Administrative Operations Act of 2005 (Chapters 933 and 945, 2005 Acts of Assembly).</p> <p>B. As Virginia's public colleges and universities approach full funding of the base adequacy guidelines and as the General Assembly strives to fully fund the general fund share of the base adequacy guidelines, these funds are provided with the intent that, in exercising their authority to set tuition and fees, the Board of Visitors shall take into consideration the impact of escalating college costs for Virginia students and families. In accordance with the cost-sharing goals set forth in § 4-2.01 b. of this act, the Board of Visitors is encouraged to limit increases on tuition and mandatory educational and general fees for in-state, undergraduate students to the extent possible.</p> <p>C. Resources determined by the State Council of Higher Education for Virginia to be uniquely military shall be excluded from the base adequacy funding guidelines.</p> <p>D. 1. Out of this appropriation, \$395,740 the first year and \$395,740 the second year from the general fund is designated to address increased degree production in Data Science and Technology, Science and Engineering, Healthcare, and Education.</p> <p>2. Degree production shall be measured for Bachelors, Masters, Doctorates and First Professional awards as follows:</p> <p>a. Data Science and Technology awards shall be based on completion data contained in the State Council of Higher Education for Virginia, C-16 completion report;</p> <p>b. Science and Engineering awards shall be based on completion data contained in the State Council of Higher Education for Virginia (SCHEV), C-1 A1 completion report for the following programs Biological and Biomedical Science (26), Engineering (14) less those already counted in paragraph 2 a., Engineering Technologies (15), and Physical Sciences (42);</p> <p>c. Healthcare awards shall be based on completion data contained in the SCHEV C-1 A1 completion report for the Health Professions and Related Programs (51); and</p> <p>d. Education awards shall be based on completion data contained in the SCHEV C-1 A1 completion report for the Education Programs (13).</p> <p>3. Virginia Military Institute is expected to maintain increases in:</p> <p>a. Data Science and Technology awards of 5 annually over the base year.</p> <p>b. Science and Engineering awards of 5 annually over the base year.</p> <p>c. The 2016-17 year will serve as the base year for these purposes.</p> <p>4. SCHEV shall report on the progress toward these goals to the Chairmen of the House Appropriations and Senate Finance Committees annually beginning August 2020.</p> <p>E. The 4-VA, a public-private partnership among George Mason University, James Madison University, the University of Virginia, Virginia Tech, Old Dominion University, Virginia Military Institute, Virginia Commonwealth University, the College of William and Mary, and CISCO Systems, Inc., utilizes emerging technologies to promote collaboration and resource sharing to increase access, reduce time to graduation and reduce unit cost while maintaining and enhancing quality. Instructional talent across the eight institutions is leveraged in the delivery of programs in foreign languages, science, technology, engineering and mathematics. The 4-VA Management Board can expand this partnership to additional institutions as appropriate to meet the goals of the 4-VA initiative. It is expected that funding will be pooled by the management board as required to support continuing efforts of the 4-VA priorities and projects.</p>				
227.	Higher Education Student Financial Assistance (10800).....		\$5,745,018	\$5,744,918
	Scholarships (10810).....	\$5,745,018	\$5,744,918	

ITEM 227.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Fund Sources: General.....	\$1,145,018	\$1,144,918		
Higher Education Operating.....	\$4,600,000	\$4,600,000		
Authority: Title 23.1, Chapter 25, § 23.1-2506, Code of Virginia.				
A. Out of the amounts for Scholarships and Loans, the institute shall provide for State Cadetships and for discretionary student aid.				
B. Up to 15 percent of the funding in this item may be used to support Virginia Guaranteed Assistance Program eligible students for (1) priority funding who are enrolled in Data Science and Technology, Science and Engineering, Healthcare and Education programs and (2) as a grant for students in innovative internship programs provided that the institutions has at least one private sector partner and the grant is matched equally by the partner with non-state funding and / or the institution from private funds.				
228.	Financial Assistance For Educational and General Services (11000)			
	a sum sufficient, estimated at.....		\$894,898	\$894,898
	Eminent Scholars (11001).....	\$200,000	\$200,000	
	Sponsored Programs (11004).....	\$694,898	\$694,898	
	Fund Sources: Higher Education Operating.....	\$894,898	\$894,898	
Authority: Title 23.1, Chapter 25, Code of Virginia.				
229.	Unique Military Activities (11300).....		\$10,172,662	\$10,172,662
	Fund Sources: General.....	\$5,610,058	\$5,610,058	
	Higher Education Operating.....	\$4,562,604	\$4,562,604	
Authority: Discretionary Inclusion.				
A.1. Personnel associated with performance of activities designated by the State Council of Higher Education for Virginia to be uniquely military shall be excluded from the calculation of employment guidelines.				
2. It is the intent of the General Assembly that nonresident cadets receive the same general fund support in the Unique Military program as resident cadets.				
230.	Higher Education Auxiliary Enterprises (80900)			
	a sum sufficient, estimated at.....		\$29,916,510	\$29,916,510
	Food Services (80910).....	\$7,497,369	\$7,497,369	
	Bookstores And Other Stores (80920).....	\$1,174,021	\$1,174,021	
	Residential Services (80930).....	\$2,080,471	\$2,080,471	
	Student Health Services (80960).....	\$232,440	\$232,440	
	Student Unions And Recreational Facilities (80970).....	\$1,838,039	\$1,838,039	
	Recreational And Intramural Programs (80980).....	\$955,874	\$955,874	
	Other Enterprise Functions (80990).....	\$10,743,395	\$10,743,395	
	Intercollegiate Athletics (80995).....	\$5,394,901	\$5,394,901	
	Fund Sources: Higher Education Operating.....	\$27,920,510	\$27,920,510	
	Debt Service.....	\$1,996,000	\$1,996,000	
Authority: Title 23.1, Chapter 25, Code of Virginia.				
230.10	Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall			

ITEM 230.10.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted.				
		FY 2021		FY 2022
Increase undergraduate student financial assistance		\$26,800		\$26,700
Core Leadership course		\$100,047		\$103,048
Math Education and Miller Academic Centers		\$122,500		\$126,000
Agency Total		\$249,347		\$255,748
Total for Virginia Military Institute.....			\$91,306,333	\$91,312,734
General Fund Positions.....	188.71	188.71		
Nongeneral Fund Positions.....	281.06	281.06		
Position Level.....	469.77	469.77		
Fund Sources: General.....	\$19,663,595	\$19,669,996		
Higher Education Operating.....	\$69,246,738	\$69,246,738		
Debt Service.....	\$2,396,000	\$2,396,000		

§ 1-65. VIRGINIA POLYTECHNIC INSTITUTE AND STATE UNIVERSITY (208)

231.	Educational and General Programs (10000).....			\$810,133,941	\$810,133,941
	Higher Education Instruction (100101).....	\$478,205,600	\$478,205,600		
	Higher Education Research (100102).....	\$22,400,067	\$22,400,067		
	Higher Education Public Services (100103).....	\$24,988,052	\$24,988,052		
	Higher Education Academic (100104).....	\$92,583,717	\$92,583,717		
	Higher Education Student Services (100105).....	\$25,289,611	\$25,289,611		
	Higher Education Institutional Support (100106).....	\$79,434,413	\$79,434,413		
	Operation and Maintenance Of Plant (100107).....	\$87,232,481	\$87,232,481		
	Fund Sources: General.....	\$180,293,109	\$180,293,109		
	Higher Education Operating.....	\$629,840,832	\$629,840,832		

Authority: Title 23.1, Chapter 26, Code of Virginia.

A. This Item includes general and nongeneral fund appropriations to support institutional initiatives that help meet statewide goals described in the Restructured Higher Education Financial and Administrative Operations Act of 2005 (Chapters 933 and 945, 2005 Acts of Assembly).

B. Out of this appropriation shall be expended an amount estimated at \$869,882 the first year and \$869,882 the second year from the general fund and \$436,357 the first year and \$436,357 the second year from nongeneral funds are designated for the educational telecommunications project to provide graduate engineering education. For supplemental budget requests, the participating institutions and centers jointly shall submit a report in support of such requests to the State Council of Higher Education for Virginia for review and recommendation to the Governor and General Assembly.

C. Out of this appropriation, \$301,219 the first year and \$301,219 the second year from the general fund is designated to support the Marion duPont Scott Equine Center of the Virginia-Maryland Regional College of Veterinary Medicine.

D. Out of this appropriation, \$225,588 the first year and \$225,588 the second year from the general fund is designated to support tobacco research for medicinal purposes and field tests at sites in Blackstone and Abingdon.

E. As Virginia's public colleges and universities approach full funding of the base adequacy guidelines and as the General Assembly strives to fully fund the general fund share of the base adequacy guidelines, these funds are provided with the intent that, in exercising their

ITEM 231.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022

authority to set tuition and fees, the Board of Visitors shall take into consideration the impact of escalating college costs for Virginia students and families. In accordance with the cost-sharing goals set forth in § 4-2.01 b. of this act, the Board of Visitors is encouraged to limit increases on tuition and mandatory educational and general fees for in-state, undergraduate students to the extent possible.

F. Out of this appropriation, \$288,000 the first year and \$288,000 the second year from the general fund is designated to develop a STEM Industry Internship program in partnership with the Virginia Space Grant Consortium, Virginia Regional Technology Councils and industry. The program will provide 75 undergraduate students across the Commonwealth an opportunity to centrally apply for real world work experience and provide Virginia's industries with access to qualified interns. Virginia Tech will partner with the Virginia Space Grant Consortium and work with Virginia's Regional Technology Councils who will serve as the program's conduit to industry, advertising the program and linking with interested industry partners.

G. The 4-VA, a public-private partnership among George Mason University, James Madison University, the University of Virginia, Virginia Tech, Old Dominion University, Virginia Military Institute, Virginia Commonwealth University, the College of William and Mary, and CISCO Systems, Inc., utilizes emerging technologies to promote collaboration and resource sharing to increase access, reduce time to graduation and reduce unit cost while maintaining and enhancing quality. Instructional talent across the eight institutions is leveraged in the delivery of programs in foreign languages, science, technology, engineering and mathematics. The 4-VA Management Board can expand this partnership to additional institutions as appropriate to meet the goals of the 4-VA initiative. It is expected that funding will be pooled by the management board as required to support continuing efforts of the 4-VA priorities and projects.

H. Out of this appropriation, \$2,000,000 the first year and \$2,000,000 the second year from the general fund is designated to support a cyber range platform to be used for cyber security training by students in Virginia's public high schools, community colleges, and four-year institutions. Virginia Tech shall form a consortium among participating institutions, and shall serve as the coordinating entity for use of the platform. The consortium should initially include all Virginia public institutions with a certification of academic excellence from the federal government.

I. The appropriation for the fund source Higher Education Operating in this Item shall be considered a sum sufficient appropriation, which is an estimate of the amount of revenues to be collected for the educational and general program under the terms of the management agreement between Virginia Polytechnic Institute and State University and the Commonwealth, as set forth in Chapters 933 and 943, of the 2006 Acts of Assembly.

J. 1. Out of this appropriation, \$5,215,880 the first year and \$5,215,880 the second year from the general fund is designated to address increased degree production in Data Science and Technology, Science and Engineering, Healthcare, and Education.

2. Degree production shall be measured for Bachelors, Masters, Doctorates and First Professional awards as follows:

a. Data Science and Technology awards shall be based on completion data contained in the State Council of Higher Education for Virginia, C-16 completion report;

b. Science and Engineering awards shall be based on completion data contained in the State Council of Higher Education for Virginia (SCHEV), C-1 A1 completion report for the following programs Biological and Biomedical Science (26), Engineering (14) less those already counted in paragraph 2 a., Engineering Technologies (15), and Physical Sciences (42);

c. Healthcare awards shall be based on completion data contained in the SCHEV C-1 A1 completion report for the Health Professions and Related Programs (51); and

d. Education awards shall be based on completion data contained in the SCHEV C-1 A1 completion report for the Education Programs (13).

3. Virginia Tech is expected to maintain increases in:

ITEM 231.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
a. Data Science and Technology awards of 60 annually over the base year.				
b. Science and Engineering awards of 100 annually over the base year.				
c. The 2016-17 year will serve as the base year for these purposes.				
4. SCHEV shall report on the progress toward these goals to the Chairmean of the House Appropriations and Senate Finance Committees annually beginning August 2020.				
232. Higher Education Student Financial Assistance (10800).....			\$33,314,961	\$33,457,361
Scholarships (10810).....	\$27,952,536	\$27,952,536		
Fellowships (10820).....	\$5,362,425	\$5,504,825		
Fund Sources: General.....	\$24,893,936	\$25,036,336		
Higher Education Operating.....	\$8,421,025	\$8,421,025		
Authority: Soil Scientist Scholarships: Title 23.1, Chapter 26, and § 23.1-615, Code of Virginia.,				
A. Out of the amount for Scholarships, the following sums shall be made available from the general fund for:				
1. Soil Scientist Scholarships, \$11,000 the first year and \$11,000 the second year.				
2. Scholarships, internships, and graduate assistantships administered by the Multicultural Academic Opportunities Program at the university, \$86,500 the first year and \$86,500 the second year. Eligible students must have financial need and participate in an academic support program.				
B. The appropriation for the fund source Higher Education Operating in this Item shall be considered a sum sufficient appropriation, which is an estimate of the revenue collected to meet student financial aid needs, under the terms of the management agreement between the university and the Commonwealth as set forth in Chapters 933 and 943 of the 2006 Acts of Assembly.				
C. Up to 15 percent of the funding in this item may be used to support Virginia Guaranteed Assistance Program eligible students for (1) priority funding who are enrolled in Data Science and Technology, Science and Engineering, Healthcare and Education programs and (2) as a grant for students in innovative internship programs provided that the institutions has at least one private sector partner and the grant is matched equally by the partner with non-state funding and / or the institution from private funds.				
233. Financial Assistance For Educational and General Services (11000).....			\$353,801,687	\$353,801,687
Eminent Scholars (11001).....	\$2,000,000	\$2,000,000		
Sponsored Programs (11004).....	\$351,801,687	\$351,801,687		
Fund Sources: General.....	\$5,388,544	\$5,388,544		
Higher Education Operating.....	\$348,413,143	\$348,413,143		
Authority: Title 23.1, Chapter 26, Code of Virginia.				
A. Out of this appropriation, \$2,388,544 the first year and \$2,388,544 the second year from the general fund and \$15,000,000 the first year and \$15,000,000 the second year from nongeneral funds are designated to build research capacity in the areas of bioengineering, biomaterials and nanotechnology.				
B. Virginia Polytechnic Institute and State University is authorized to establish a self-supporting "instructional enterprise" fund to account for the revenues and expenditures of the Institute for Distance and Distributed Learning (IDDL) classes offered to students at locations outside the Commonwealth of Virginia. Consistent with the self-supporting concept of an "enterprise fund," student tuition and fee revenues for IDDL students at locations outside Virginia shall exceed all direct and indirect costs of providing instruction to those students. The Board of Visitors shall set tuition and fee rates to meet this requirement and shall set				

ITEM 233.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<p>other policies regarding the IDDL as may be appropriate. Revenue and expenditures of the fund shall be accounted for in such a manner as to be auditable by the Auditor of Public Accounts. As a part of this "instructional enterprise" fund Virginia Tech is authorized to establish a program in which Internet-based (on-line) courses, certificate, and entire degree programs, primarily at the graduate level, are offered to students in Virginia who are not enrolled for classes on the Blacksburg campus or one of the extended campus locations. Tuition generated by Virginia students taking these on-line courses and tuition from IDDL students at locations outside Virginia shall be retained in the fund to support the entire IDDL program and shall not be used by the state to offset other Educational and General costs. Revenues in excess of expenditures shall be retained in the fund to support the entire IDDL program. Full-time equivalent students generated through these programs shall be accounted for separately. Additionally, revenues which remain unexpended on the last day of the previous biennium and the last day of the first year of the current biennium shall be reappropriated and allotted for expenditure in the respective succeeding fiscal year.</p> <p>C. Out of this appropriation, \$3,000,000 the first year and \$3,000,000 the second year from the general fund is designated to support and enhance brain disorder research.</p> <p>D. The Higher Education Operating fund source listed in this Item is considered to be a sum sufficient appropriation, which is an estimate of funding required by the university to cover sponsored program operations.</p>				
234.	Unique Military Activities (11300).....		\$2,757,350	\$2,757,350
	Fund Sources: General.....	\$2,757,350	\$2,757,350	
<p>Authority: Discretionary Inclusion.</p> <p>A.1. Personnel associated with performance of activities designated by the State Council of Higher Education for Virginia to be uniquely military shall be excluded from the calculation of employment guidelines.</p> <p>2. It is the intent of the General Assembly that nonresident cadets receive the same general fund support in the Unique Military program as resident cadets.</p>				
235.	Higher Education Auxiliary Enterprises (80900) a sum sufficient, estimated at.....		\$313,121,077	\$313,121,077
	Food Services (80910).....	\$58,017,586	\$58,017,586	
	Residential Services (80930).....	\$54,276,261	\$54,276,261	
	Parking And Transportation Systems And Services (80940).....	\$13,709,452	\$13,709,452	
	Telecommunications Systems And Services (80950).....	\$19,617,224	\$19,617,224	
	Student Health Services (80960).....	\$11,308,313	\$11,308,313	
	Student Unions And Recreational Facilities (80970).....	\$18,411,985	\$18,411,985	
	Recreational And Intramural Programs (80980).....	\$9,123,592	\$9,123,592	
	Other Enterprise Functions (80990).....	\$61,473,310	\$61,473,310	
	Intercollegiate Athletics (80995).....	\$67,183,354	\$67,183,354	
	Fund Sources: Higher Education Operating.....	\$302,770,577	\$302,770,577	
	Debt Service.....	\$10,350,500	\$10,350,500	
<p>Authority: Title 23.1, Chapter 26, Code of Virginia.</p>				
235.10	<p>Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or</p>			

ITEM 235.10.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted.				
		FY 2021		FY 2022
Provide funding to support graduate financial aid		\$284,800		\$427,200
Increase undergraduate student financial assistance		\$1,623,200		\$1,623,200
Agency Total		\$1,908,000		\$2,050,400
Total for Virginia Polytechnic Institute and State University.....			\$1,513,129,016	\$1,513,271,416
General Fund Positions.....	1,890.53	1,890.53		
Nongeneral Fund Positions.....	4,933.45	4,933.45		
Position Level.....	6,823.98	6,823.98		
Fund Sources: General.....	\$213,332,939	\$213,475,339		
Higher Education Operating.....	\$1,289,445,577	\$1,289,445,577		
Debt Service.....	\$10,350,500	\$10,350,500		

Virginia Cooperative Extension and Agricultural Experiment Station (229)

236.	Educational and General Programs (10000).....			\$93,914,832	\$93,914,832
	Higher Education Research (100102).....	\$40,815,821	\$40,815,821		
	Higher Education Public Services (100103).....	\$49,273,406	\$49,273,406		
	Higher Education Academic (100104).....	\$746,416	\$746,416		
	Operation and Maintenance Of Plant (100107).....	\$3,079,189	\$3,079,189		
	Fund Sources: General.....	\$74,873,528	\$74,873,528		
	Higher Education Operating.....	\$19,041,304	\$19,041,304		

Authority: Title 23.1, Chapter 26, Article 2 , Code of Virginia.

A. Appropriations for this agency shall include operating expenses for research and investigations, and the several regional and county agricultural experiment stations under its control, in accordance with law.

B.1. It is the intent of the General Assembly that the Cooperative Extension Service gives highest priority to programs and services which comprised the original mission of the Extension Service, especially agricultural programs at the local level. The university shall ensure that the service utilizes information technology to the extent possible in the delivery of programs.

2. The budget of this agency shall include and separately account for local payments. Virginia Polytechnic Institute and State University, in conjunction with Virginia State University, shall report, by fund source, actual expenditures for each program area and total actual expenditures for the agency, annually, by September 1, to the Department of Planning and Budget and the House Appropriations and Senate Finance Committees. The report shall include all expenditures from local support funds.

C. The Virginia Cooperative Extension and Agricultural Experiment Station shall not charge a fee for testing the soil on property used for commercial farming.

D. It is the intent of the General Assembly that the general fund share for the Virginia Cooperative Extension and Agriculture Experiment Station shall be 95 percent.

E. The appropriation for the fund source Higher Education Operating in this Item shall be considered a sum sufficient appropriation, which is an estimate of the amount of revenues to be collected for the educational and general program under the terms of the management agreement between Virginia Polytechnic Institute and State University and the

ITEM 236.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022

Commonwealth, as set forth in Chapters 933 and 943, of the 2006 Acts of Assembly.

236.10 Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted.

	FY 2021		FY 2022
Provide funding to support the Richmond County Extension Agent	\$50,000		\$50,000
Agency Total	\$50,000		\$50,000
Total for Virginia Cooperative Extension and Agricultural Experiment Station.....			\$93,914,832 \$93,914,832
General Fund Positions.....	731.24	731.24	
Nongeneral Fund Positions.....	388.27	388.27	
Position Level.....	1,119.51	1,119.51	
Fund Sources: General.....	\$74,873,528	\$74,873,528	
Higher Education Operating.....	\$19,041,304	\$19,041,304	
Grand Total for Virginia Polytechnic Institute and State University.....			\$1,607,043,848 \$1,607,186,248
General Fund Positions.....	2,621.77	2,621.77	
Nongeneral Fund Positions.....	5,321.72	5,321.72	
Position Level.....	7,943.49	7,943.49	
Fund Sources: General.....	\$288,206,467	\$288,348,867	
Higher Education Operating.....	\$1,308,486,881	\$1,308,486,881	
Debt Service.....	\$10,350,500	\$10,350,500	

§ 1-66. VIRGINIA STATE UNIVERSITY (212)

237.	Educational and General Programs (10000).....			\$80,354,378	\$78,982,811
	Higher Education Instruction (100101).....	\$44,236,688	\$44,365,121		
	Higher Education Research (100102).....	\$2,159,360	\$2,159,360		
	Higher Education Public Services (100103).....	\$120,448	\$120,448		
	Higher Education Academic (100104).....	\$6,401,130	\$6,401,130		
	Higher Education Student Services (100105).....	\$5,003,201	\$5,003,201		
	Higher Education Institutional Support (100106).....	\$15,057,077	\$13,557,077		
	Operation and Maintenance Of Plant (100107).....	\$7,376,474	\$7,376,474		
	Fund Sources: General.....	\$42,024,756	\$40,653,189		
	Higher Education Operating.....	\$38,329,622	\$38,329,622		

Authority: Title 23.1, Chapter 27, Code of Virginia.

A. This Item includes general and nongeneral fund appropriations to support institutional initiatives that help meet statewide goals described in the Restructured Higher Education Financial and Administrative Operations Act of 2005 (Chapters 933 and 945, 2005 Acts of Assembly).

ITEM 237.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
B.1. Out of this appropriation, \$3,790,639 the first year and \$3,790,639 the second year from the general fund is designated for continued enhancement of the existing Bachelor of Science academic programs in Computer Science, Manufacturing Engineering, Computer Engineering, Mass Communications and Criminal Justice, and the doctoral program in Education.				
2. Out of this appropriation, \$37,500 the first year and \$37,500 the second year from the general fund is provided to serve in lieu of endowment income for the Eminent Scholars Program.				
3. Any unexpended balances in paragraphs B.1. and B.2. in this Item at the close of business on June 30, 2020 and June 30, 2021, shall not revert to the surplus of the general fund but shall be carried forward on the books of the State Comptroller and reappropriated in the succeeding year. Virginia State University may expend any prior year end balances to support its educational and general activities or its auxiliary enterprise activities.				
C. This appropriation includes \$200,000 the first year and \$200,000 the second year from the general fund to increase the number of faculty with terminal degrees to at least 85 percent of the total teaching faculty.				
D. Out of this appropriation, Virginia State University is authorized to use up to \$600,000 the first year and \$600,000 the second year from the general fund to address extremely critical deferred maintenance deficiencies in its facilities, including residence halls and dining facilities.				
E. As Virginia's public colleges and universities approach full funding of the base adequacy guidelines and as the General Assembly strives to fully fund the general fund share of the base adequacy guidelines, these funds are provided with the intent that, in exercising their authority to set tuition and fees, the Board of Visitors shall take into consideration the impact of escalating college costs for Virginia students and families. In accordance with the cost-sharing goals set forth in § 4-2.01 b. of this act, the Board of Visitors is encouraged to limit increases on tuition and mandatory educational and general fees for in-state, undergraduate students to the extent possible.				
F. Out of this appropriation, \$1,300,000 the first year and \$1,300,000 the second year from the general fund is designated to support the Manufacturing Engineering and Logistics Technology program.				
G. Out of this appropriation, \$104,022 the first year and \$104,022 the second year from the general fund is designated for debt service costs for the third and fourth year payments of a five-year lease under the Master Equipment Lease Program (MELP) for upgrades to the university's police radio system.				
H. Out of this appropriation, \$321,757 the first year and \$321,757 the second year from the general fund is designated to support debt service costs for the third and fourth year payments of a five-year lease under the Master Equipment Lease Program (MELP) to improve the university's information technology network. In addition to these amounts, \$295,419 the first year and \$295,419 the second year from the general fund is designated to support training and software costs.				
I. 1. Out of this appropriation, \$480,710 the first year and \$480,710 the second year from the general fund is designated to address increased degree production in Data Science and Technology, Science and Engineering, Healthcare, and Education.				
2. Degree production shall be measured for Bachelors, Masters, Doctorates and First Professional awards as follows:				
a. Data Science and Technology awards shall be based on completion data contained in the State Council of Higher Education for Virginia, C-16 completion report;				
b. Science and Engineering awards shall be based on completion data contained in the State Council of Higher Education for Virginia (SCHEV), C-1 A1 completion report for the following programs Biological and Biomedical Science (26), Engineering (14) less those already counted in paragraph 2 a., Engineering Technologies (15), and Physical Sciences (42);				

ITEM 237.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<p>c. Healthcare awards shall be based on completion data contained in the SCHEV C-1 A1 completion report for the Health Professions and Related Programs (51); and</p> <p>d. Education awards shall be based on completion data contained in the SCHEV C-1 A1 completion report for the Education Programs (13).</p> <p>3. Virginia State University is expected to maintain increases in:</p> <p>a. Data Science and Technology awards of 5 annually over the base year.</p> <p>b. Science and Engineering awards of 5 annually over the base year.</p> <p>c. Education awards of 5 annually over the base year.</p> <p>d. The 2016-17 year will serve as the base year for these purposes.</p> <p>4. SCHEV shall report on the progress toward these goals to the Chairmen of the House Appropriations and Senate Finance Committees annually beginning August 2020.</p> <p>J. Out of this appropriation, an amount estimated at \$299,286 the first year and \$299,286 the second year from the general fund and \$224,464 the first year and \$224,464 the second year from nongeneral funds are designated for the educational telecommunications project to provide graduate engineering education. For supplemental budget requests, the participating institutions and centers jointly shall submit a report in support of such requests to the State Council of Higher Education for Virginia for review and recommendation to the Governor and General Assembly.</p>				

238.	Higher Education Student Financial Assistance (10800).....			\$21,154,956	\$22,248,248
	Scholarships (10810).....	\$20,755,897	\$21,849,189		
	Fellowships (10820).....	\$399,059	\$399,059		
	Fund Sources: General.....	\$14,557,929	\$15,651,221		
	Higher Education Operating.....	\$6,597,027	\$6,597,027		

Authority: Title 23.1, Chapter 27, Code of Virginia.

A. Up to 15 percent of the funding in this item may be used to support Virginia Guaranteed Assistance Program eligible students for (1) priority funding who are enrolled in Data Science and Technology, Science and Engineering, Healthcare and Education programs and (2) as a grant for students in innovative internship programs provided that the institutions has at least one private sector partner and the grant is matched equally by the partner with non-state funding and / or the institution from private funds.

B. 1. Out of this appropriation up to \$3,773,490 the first year and \$4,872,765 the second year from the general fund is provided for an affordability pilot program to offer financial assistance to Virginia students who are Pell grant eligible, meet university admissions requirements, and live within a 25 mile radius of the university. The program is designed to address regional needs relating to access and completion. Funds shall be used to provide last dollar or reduced tuition and fees to students for up to 150 percent of required credits to complete a certificate or degree. Priority shall be placed on students from Matoaca, Petersburg, and Colonial Heights high schools, and remaining funds may be used for room and board if available. It is the intention that the program may ramp up to 300 students total at any one time by fiscal year 2024. In the first and second year, in the event that financial aid remains available after recruiting new students for fall semester, the remaining financial aid may be used to fund current students who meet the criteria and/or for eligible new students that enroll in the spring semester.

2. As part of the six-year plan process, the university shall submit an annual report of the program that includes number of students served, average financial need of students, total expenditures, average award per student, retention and completion rates, other student outcomes as defined by the university, and planned outcomes for the upcoming year.

3. The University shall submit a detailed budget and implementation plan, including how the institution will disseminate information about the program to area students, the projected size of each cohort, and how the institution will monitor and report on the

ITEM 238.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
	success of the program. After approval of the plan by the Governor and the Chairs of House Appropriations and Senate Finance and Appropriations, this funding may be released.			
239.	Financial Assistance For Educational and General Services (11000) a sum sufficient, estimated at.....		\$35,538,161	\$35,538,161
	Sponsored Programs (11004).....	\$35,538,161	\$35,538,161	
	Fund Sources: Higher Education Operating.....	\$35,538,161	\$35,538,161	
	Authority: Title 23.1, Chapter 27, Code of Virginia.			
240.	Higher Education Auxiliary Enterprises (80900) a sum sufficient, estimated at.....		\$48,215,794	\$48,215,794
	Food Services (80910).....	\$11,489,606	\$11,489,606	
	Bookstores And Other Stores (80920).....	\$1,451,001	\$1,451,001	
	Residential Services (80930).....	\$17,374,870	\$17,374,870	
	Parking And Transportation Systems And Services (80940).....	\$417,467	\$417,467	
	Student Health Services (80960).....	\$1,046,036	\$1,046,036	
	Student Unions And Recreational Facilities (80970)...	\$2,678,662	\$2,678,662	
	Other Enterprise Functions (80990).....	\$6,705,300	\$6,705,300	
	Intercollegiate Athletics (80995).....	\$7,052,852	\$7,052,852	
	Fund Sources: Higher Education Operating.....	\$37,883,249	\$37,883,249	
	Debt Service.....	\$10,332,545	\$10,332,545	
	Authority: Title 23.1, Chapter 27, Code of Virginia.			

240.10 Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted.

	FY 2021	FY 2022
Expand Supplemental Instructional program	\$320,000	\$320,000
Support Intrusive Advising Early Warning System	\$150,000	\$150,000
Provide funding for data center modernization	\$1,644,000	\$144,000
Launch Virginia College Affordability Network	\$3,773,490	\$4,872,765
Increase undergraduate student financial assistance	\$1,477,000	\$1,477,000
Implement Summer Bridge program	\$319,900	\$442,350
Implement UTeach program	\$250,000	\$250,000
Agency Total	\$7,934,390	\$7,656,115
Total for Virginia State University.....		\$185,263,289
General Fund Positions.....	335.47	335.47
Nongeneral Fund Positions.....	489.89	489.89

ITEM 240.10.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Position Level.....	825.36	825.36		
Fund Sources: General.....	\$56,582,685	\$56,304,410		
Higher Education Operating.....	\$118,348,059	\$118,348,059		
Debt Service.....	\$10,332,545	\$10,332,545		

Cooperative Extension and Agricultural Research Services (234)

241.	Educational and General Programs (10000).....		\$13,952,280	\$14,025,378
	Higher Education Research (100102).....	\$6,484,329	\$6,523,802	
	Higher Education Public Services (100103).....	\$6,736,754	\$6,770,379	
	Higher Education Institutional Support (100106)....	\$65,829	\$65,829	
	Operation and Maintenance Of Plant (100107).....	\$665,368	\$665,368	
	Fund Sources: General.....	\$7,126,822	\$7,199,920	
	Higher Education Operating.....	\$6,825,458	\$6,825,458	

Authority: Title 23.1, Chapter 27, § 23.1-2704, Title 23, Chapter 13, Code of Virginia.

A. Out this appropriation, \$392,107 the first year and \$392,107 the second year from the general fund is designated for support of research and extension activities aimed at the production of hybrid striped bass in Virginia farm ponds. No expenditures will be made from these funds for other purposes without the prior written permission of the Secretary of Education.

B. The Extension Division budgets shall include and separately account for local payments. Virginia State University, in conjunction with Virginia Polytechnic Institute and State University, shall report, by fund source, actual expenditures for each program area and total actual expenditures for the Extension Division, annually, by September 1, to the Department of Planning and Budget and the House Appropriations and Senate Finance Committees. The report shall include all expenditures from local support funds.

C. Out of this appropriation, \$394,000 the first year and \$394,000 the second year from the general fund is designated for the Small-Farmer Outreach Training and Technical Assistance Program to provide outreach and business management education to small farmers.

241.10 Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted.

	FY 2021	FY 2022
Increase funding for state match	\$1,461,956	\$1,535,054
Agency Total	\$1,461,956	\$1,535,054
Total for Cooperative Extension and Agricultural Research Services.....		\$13,952,280 \$14,025,378
General Fund Positions.....	31.75	31.75
Nongeneral Fund Positions.....	67.00	67.00
Position Level.....	98.75	98.75
Fund Sources: General.....	\$7,126,822	\$7,199,920

ITEM 241.10.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Higher Education Operating.....	\$6,825,458	\$6,825,458		
Grand Total for Virginia State University.....			\$199,215,569	\$199,010,392
General Fund Positions.....	367.22	367.22		
Nongeneral Fund Positions.....	556.89	556.89		
Position Level.....	924.11	924.11		
Fund Sources: General.....	\$63,709,507	\$63,504,330		
Higher Education Operating.....	\$125,173,517	\$125,173,517		
Debt Service.....	\$10,332,545	\$10,332,545		

§ 1-67. FRONTIER CULTURE MUSEUM OF VIRGINIA (239)

242.	Museum and Cultural Services (14500).....		\$3,115,398	\$3,115,398
	Collections Management and Curatorial Services (14501).....	\$188,555	\$188,555	
	Education and Extension Services (14503).....	\$1,294,606	\$1,294,606	
	Operational and Support Services (14507).....	\$1,632,237	\$1,632,237	
	Fund Sources: General.....	\$2,379,699	\$2,379,699	
	Special.....	\$735,699	\$735,699	

Authority: Title 23.1, Chapter 32, Article 2, Code of Virginia.

A. Any revenue generated by the Frontier Culture Museum of Virginia from the development of its properties pursuant to § 23.1-3203, Code of Virginia, may be retained by the museum to support agency operations. Such revenues shall be deposited into a special fund which shall be created on the books of the State Comptroller. Amounts in this fund shall be appropriated consistent with the provisions of this act.

B. The Governor may authorize the conveyance of any interest in property or improvements thereon held by the Commonwealth to the American Frontier Culture Foundation.

	Total for Frontier Culture Museum of Virginia.....		\$3,115,398	\$3,115,398
	General Fund Positions.....	22.50	22.50	
	Nongeneral Fund Positions.....	15.00	15.00	
	Position Level.....	37.50	37.50	
	Fund Sources: General.....	\$2,379,699	\$2,379,699	
	Special.....	\$735,699	\$735,699	

§ 1-68. GUNSTON HALL (417)

243.	Museum and Cultural Services (14500).....		\$914,376	\$914,376
	Education and Extension Services (14503).....	\$94,202	\$94,202	
	Operational and Support Services (14507).....	\$820,174	\$820,174	
	Fund Sources: General.....	\$706,571	\$706,571	
	Special.....	\$207,805	\$207,805	

Authority: Title 23.1, Chapter 32, Article 3, Code of Virginia.

	Total for Gunston Hall.....		\$914,376	\$914,376
	General Fund Positions.....	8.00	8.00	
	Nongeneral Fund Positions.....	3.00	3.00	
	Position Level.....	11.00	11.00	
	Fund Sources: General.....	\$706,571	\$706,571	
	Special.....	\$207,805	\$207,805	

§ 1-69. JAMESTOWN-YORKTOWN FOUNDATION (425)

ITEM 244.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
244.	Museum and Cultural Services (14500).....			\$20,975,663	\$20,265,282
	Collections Management and Curatorial Services (14501).....	\$662,037	\$662,037		
	Education and Extension Services (14503).....	\$8,102,579	\$7,993,479		
	Operational and Support Services (14507).....	\$12,211,047	\$11,609,766		
	Fund Sources: General.....	\$12,042,431	\$11,332,050		
	Special.....	\$8,933,232	\$8,933,232		

Authority: Title 23.1, Chapter 32, Article 4, Code of Virginia.

A. Out of the amounts for Operational and Support Services, the Director is authorized to expend from special funds amounts not to exceed \$3,500 the first year and \$3,500 the second year for entertainment expenses commonly borne by businesses. Such expenses shall be recorded separately by the agency.

B. With the prior written approval of the Director, Department of Planning and Budget, nongeneral fund revenues which are unexpended by the end of the fiscal year may be paid to the Jamestown-Yorktown Foundation, Inc. for the specific purposes determined by the Board of Trustees in support of Foundation programs.

C. It is the intent of the General Assembly that the Jamestown-Yorktown Foundation be authorized to fill all positions authorized in this act and all part-time (wage) positions funded in this act, notwithstanding § 4-7.01 of this act.

D. Out of the appropriation for this Item, \$54,777 the first year and \$54,777 the second year from the general fund is designated for debt service costs for the third and fourth year payments of a five-year lease under the Master Equipment Lease Program (MELP) for the purchase of museum electronic security equipment through the state's master equipment lease program.

244.10 Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted.

	FY 2021	FY 2022
Commemoration closeout costs	\$442,870	\$8,702
One-time funding for site infrastructure	\$167,113	\$0
Education Programs	\$491,200	\$345,100
Marketing and tourism promotion	\$208,000	\$245,000
Agency Total	\$1,309,183	\$598,802
Total for Jamestown-Yorktown Foundation.....		\$20,975,663 \$20,265,282
General Fund Positions.....	111.00	111.00
Nongeneral Fund Positions.....	63.00	63.00
Position Level.....	174.00	174.00
Fund Sources: General.....	\$12,042,431	\$11,332,050
Special.....	\$8,933,232	\$8,933,232

ITEM 245.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
245.	Archives Management (13700).....			\$6,417,426	\$6,417,426
	Management of Public Records (13701).....	\$1,212,882	\$1,212,882		
	Management of Archival Records (13702).....	\$2,026,483	\$2,026,483		
	Historical and Cultural Publications (13703).....	\$696,258	\$696,258		
	Archival Research Services (13704).....	\$1,291,996	\$1,291,996		
	Conservation-Preservation of Historic Records (13705).....	\$177,762	\$177,762		
	Circuit Court Record Preservation (13706).....	\$1,012,045	\$1,012,045		
	Fund Sources: General.....	\$2,745,363	\$2,745,363		
	Special.....	\$3,342,561	\$3,342,561		
	Federal Trust.....	\$329,502	\$329,502		

Authority: Title 42.1, Chapters 1 and 7, Code of Virginia.

A. The Librarian of Virginia shall report annually to the Secretary of Education on progress in the processing and preserving of circuit court records.

B. The Librarian of Virginia and the State Archivist shall conduct an annual study of The Library of Virginia's archival preservation needs and priorities, and shall report annually by December 1 to the Governor and the Chairmen of the Senate Finance and House Appropriations Committees of the General Assembly on The Library of Virginia's progress to date in reducing its archival backlog.

246.	Statewide Library Services (14200).....			\$6,545,519	\$6,545,519
	Cooperative Library Services (14201).....	\$2,651,222	\$2,651,222		
	Consultation to Libraries (14203).....	\$765,527	\$765,527		
	Research Library Services (14206).....	\$3,128,770	\$3,128,770		
	Fund Sources: General.....	\$3,092,325	\$3,092,325		
	Special.....	\$289,332	\$289,332		
	Federal Trust.....	\$3,163,862	\$3,163,862		

Authority: Title 42.1, Chapters 1 and 3, Code of Virginia.

It is the intent of the General Assembly to continue to provide electronic resources for public libraries and to provide universal access to all citizens of the Commonwealth. First priority shall be the ability to access the Internet in local public libraries.

247.	Financial Assistance for Educational, Cultural, Community, and Artistic Affairs (14300).....			\$18,233,584	\$18,233,584
	State Formula Aid for Local Public Libraries (14301).....	\$18,233,584	\$18,233,584		
	Fund Sources: General.....	\$18,233,584	\$18,233,584		

Authority: Title 42.1, Chapter 3, Code of Virginia.

A. It is the objective of the Commonwealth that all local public libraries receiving state aid provide access to their patrons to worldwide electronic information on the Internet. It is the intent of the General Assembly that local public libraries receiving state aid invest in the technology necessary to provide or enhance this service.

B. Included in this appropriation is \$190,070 the first year and \$190,070 the second year from the general fund to supplement the state formula aid distribution provided in Title 42.1, Code of Virginia, for Fairfax Public Library System.

C. Out of this appropriation, \$1,000,000 the first year and \$1,000,000 the second year from the general fund of the total amounts for aid to libraries may be used for summer reading materials and programs or for STEAM instructional materials.

248.	Administrative and Support Services (19900).....			\$10,747,787	\$10,652,787
	General Management and Direction (19901).....	\$3,625,634	\$3,530,634		
	Information Technology Services (19902).....	\$3,598,303	\$3,598,303		
	Physical Plant Services (19915).....	\$3,523,850	\$3,523,850		

ITEM 248.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022
Fund Sources: General.....	\$8,548,503	\$8,453,503		
Special.....	\$1,039,899	\$1,039,899		
Federal Trust.....	\$1,159,385	\$1,159,385		

Authority: Title 42.1, Chapter 1, Code of Virginia.

In the event that any budget reduction actions are required, the Director, Department of Planning and Budget, shall exclude from any reduction target calculations the rent plan included in the Library of Virginia budget.

248.10 Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted.

	FY 2021	FY 2022
Provide funding for Virginia's Centennial Commemoration of Women's Suffrage	\$95,000	\$0
Provide funding to expedite release of gubernatorial records	\$400,000	\$400,000
Increase aid to local libraries	\$1,000,000	\$1,000,000
Agency Total	\$1,495,000	\$1,400,000
Total for The Library Of Virginia.....		\$41,944,316 \$41,849,316
General Fund Positions.....	134.09	134.09
Nongeneral Fund Positions.....	63.91	63.91
Position Level.....	198.00	198.00
Fund Sources: General.....	\$32,619,775	\$32,524,775
Special.....	\$4,671,792	\$4,671,792
Federal Trust.....	\$4,652,749	\$4,652,749

§ 1-71. THE SCIENCE MUSEUM OF VIRGINIA (146)

249. Museum and Cultural Services (14500).....		\$11,883,283	\$11,883,283
Collections Management and Curatorial Services (14501).....	\$1,724,441	\$1,724,441	
Education and Extension Services (14503).....	\$5,141,670	\$5,141,670	
Operational and Support Services (14507).....	\$5,017,172	\$5,017,172	
Fund Sources: General.....	\$5,654,487	\$5,654,487	
Special.....	\$5,228,192	\$5,228,192	
Federal Trust.....	\$1,000,604	\$1,000,604	

Authority: Title 23.1, Chapter 32, Article 5, Code of Virginia.

A. This appropriation from the general fund shall be in addition to any appropriation from nongeneral funds, notwithstanding any contrary provisions in this act.

B. Out of this appropriation, \$351,314 the first year and \$351,314 the second year from the general fund is designated for debt service costs for the third and fourth year payments of a five-year lease under the Master Equipment Lease Program (MELP) for the purchase

ITEM 249.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022

of an IMAX digital projection system.

C. Out of this appropriation, \$150,000 the first year and \$150,000 the second year is provided to pilot a STEM partnership between the Science Museum of Virginia, the Virginia Air and Space Center, and the Virginia Living Museum for programs that promote achievement for K-12 students in Hampton Roads and across the state, leveraging technology in the vital STEM component of the workforce pipeline.

D. Purchase of items for resale at retail outlets and food services operations open to the public operated by the Science Museum of Virginia shall be exempt from the provisions of the Virginia Public Procurement Act (§ 2.2-4300 et. seq.) of the Code of Virginia. However, such purchase procedures shall provide for competition where practicable.

249.10 Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted.

	FY 2021	FY 2022		FY 2021	FY 2022
Security upgrades	\$210,000			\$210,000	\$210,000
Agency Total	\$210,000			\$210,000	\$210,000
Total for The Science Museum of Virginia.....			\$11,883,283	\$11,883,283	\$11,883,283
General Fund Positions.....	58.19	58.19			
Nongeneral Fund Positions.....	34.81	34.81			
Position Level.....	93.00	93.00			
Fund Sources: General.....	\$5,654,487	\$5,654,487			
Special.....	\$5,228,192	\$5,228,192			
Federal Trust.....	\$1,000,604	\$1,000,604			

§ 1-72. VIRGINIA MUSEUM OF NATURAL HISTORY (942)

250. Museum and Cultural Services (14500).....			\$3,545,803	\$3,545,803
Collections Management and Curatorial Services (14501).....	\$119,311	\$119,311		
Education and Extension Services (14503).....	\$326,517	\$326,517		
Operational and Support Services (14507).....	\$2,223,704	\$2,223,704		
Scientific Research (14508).....	\$876,271	\$876,271		
Fund Sources: General.....	\$2,990,923	\$2,990,923		
Special.....	\$459,284	\$459,284		
Federal Trust.....	\$95,596	\$95,596		
Authority: Title 10.1, Chapter 20, Code of Virginia.				
Total for Virginia Museum of Natural History.....			\$3,545,803	\$3,545,803
General Fund Positions.....	38.00	38.00		
Nongeneral Fund Positions.....	9.50	9.50		
Position Level.....	47.50	47.50		
Fund Sources: General.....	\$2,990,923	\$2,990,923		

ITEM 250.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Special.....	\$459,284	\$459,284		
Federal Trust.....	\$95,596	\$95,596		

§ 1-73. VIRGINIA COMMISSION FOR THE ARTS (148)

251.	Financial Assistance for Educational, Cultural, Community, and Artistic Affairs (14300).....			\$5,699,798	\$6,699,798
	Financial Assistance to Cultural Organizations (14302).....	\$5,332,798	\$6,332,798		
	Administration of Grants for Cultural and Artistic Affairs (14307).....	\$367,000	\$367,000		
	Fund Sources: General.....	\$5,048,123	\$6,048,123		
	Dedicated Special Revenue.....	\$11,000	\$11,000		
	Federal Trust.....	\$640,675	\$640,675		

Authority: Title 2.2, Chapter 25, Article 4, Code of Virginia.

A. In the allocation of grants to arts organizations, the Commission shall give preference to the performing arts.

B. It is the objective of the Commonwealth to fund the Virginia Commission for the Arts at an amount that equals one dollar for each resident of Virginia.

252.	Museum and Cultural Services (14500).....			\$678,130	\$678,130
	Operational and Support Services (14507).....	\$678,130	\$678,130		
	Fund Sources: General.....	\$579,011	\$579,011		
	Federal Trust.....	\$99,119	\$99,119		

Authority: Title 2.2, Chapter 25, Article 4, Code of Virginia.

252.10 Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted.

	FY 2021	FY 2022		FY 2021	FY 2022
Increase support for grants	\$1,645,886	\$2,645,886			
Agency Total	\$1,645,886	\$2,645,886			
Total for Virginia Commission for the Arts.....			\$6,377,928	\$7,377,928	
General Fund Positions.....	6.00	6.00			
Position Level.....	6.00	6.00			
Fund Sources: General.....	\$5,627,134	\$6,627,134			
Dedicated Special Revenue.....	\$11,000	\$11,000			
Federal Trust.....	\$739,794	\$739,794			

§ 1-74. VIRGINIA MUSEUM OF FINE ARTS (238)

253.	Museum and Cultural Services (14500).....			\$44,032,450	\$44,032,450
	Collections Management and Curatorial Services (14501).....	\$8,208,491	\$8,208,491		

ITEM 253.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Education and Extension Services (14503).....	\$8,373,990	\$8,373,990		
Operational and Support Services (14507).....	\$27,449,969	\$27,449,969		
Fund Sources: General.....	\$11,371,438	\$11,371,438		
Special.....	\$6,452,595	\$6,452,595		
Enterprise.....	\$7,479,910	\$7,479,910		
Dedicated Special Revenue.....	\$18,478,507	\$18,478,507		
Federal Trust.....	\$250,000	\$250,000		

Authority: Title 23.1, Chapter 32, Article 6, Code of Virginia.

A. The appropriation in this Item from the general fund shall be in addition to any appropriation from nongeneral funds, notwithstanding any contrary provision of this act.

B. Nongeneral fund revenues included in this Item under Dedicated Special Revenue will be restricted for the uses specified by the donors and shall not be subject to interagency transfers or appropriation reductions.

C. The Comptroller of Virginia shall establish a special revenue account fund detail code for nongeneral funds donated to the Virginia Museum of Fine Arts by private donors and volunteers who sponsor fundraising activities to support the museum's general operations, exhibitions, and programs, and entertainment expenses commonly borne by businesses. Such expenses shall be recorded separately by the museum.

D. Out of this appropriation, \$158,513 in the first year and \$158,513 in the second year from the general fund is provided to cover the service fee in lieu of taxes levied by the City of Richmond.

E. Purchase of items for resale at retail outlets and food services operations open to the public operated by the Virginia Museum of Fine Arts shall be exempt from the provisions of the Virginia Public Procurement Act (§ 2.2-4300 et. seq.) of the Code of Virginia. However, such purchase procedures shall provide for competition where practicable.

253.10 Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted.

	FY 2021	FY 2022
Provide funding for storage lease costs and IT upgrades	\$400,000	\$400,000
Agency Total	\$400,000	\$400,000
Total for Virginia Museum of Fine Arts.....		\$44,032,450
General Fund Positions.....	141.50	141.50
Nongeneral Fund Positions.....	212.00	212.00
Position Level.....	353.50	353.50
Fund Sources: General.....	\$11,371,438	\$11,371,438
Special.....	\$6,452,595	\$6,452,595
Enterprise.....	\$7,479,910	\$7,479,910
Dedicated Special Revenue.....	\$18,478,507	\$18,478,507
Federal Trust.....	\$250,000	\$250,000

**ACTS
OF THE
GENERAL ASSEMBLY**



2020 REGULAR SESSION

VOLUME I

VOLUME II

VOLUME III

VOLUME IV

ACTS

OF THE

GENERAL ASSEMBLY

OF THE

COMMONWEALTH OF VIRGINIA

2020 REGULAR SESSION

which met at the State Capitol, Richmond

Convened Wednesday, January 8, 2020

Adjourned sine die Thursday, March 12, 2020

Reconvened Wednesday, April 22, 2020

Adjourned sine die Wednesday, April 22, 2020

VOLUME IV

CHAPTER 1289

RESOLUTIONS
APPENDIX
INDEX

COMMONWEALTH OF VIRGINIA
RICHMOND
2020

Compiled by the Clerk's Office

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and
Keeper of the Rolls of the Commonwealth**

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in cooperation with the

**Senate of Virginia,
Division of Legislative Services,
and
Division of Legislative Automated Systems**

**TABLE OF CONTENTS
2020 REGULAR SESSION**

VOLUME I

CHAPTERS 1-827 1

VOLUME II

CHAPTERS 828-1199 1311

VOLUME III

CHAPTERS 1200-1289 2607

VOLUME IV

CHAPTER 1289..... 3867

CERTIFICATION OF THE 2020 REGULAR SESSION ACTS OF ASSEMBLY 4282

RESOLUTIONS OF THE GENERAL ASSEMBLY-2020 REGULAR SESSION

House Joint Resolutions and House Resolutions 4283
Senate Joint Resolutions and Senate Resolutions 4627

APPENDIX

Summary of 2020 Regular Session Legislation 4835
House Bills Approved with Chapter and Page Numbers 4836
Senate Bills Approved with Chapter and Page Numbers 4840
Bills Vetoed by Governor 4843
Members of the Senate 4844
Members of the House of Delegates 4847
Senators and Delegates by Counties 4852
Senators and Delegates by Cities 4856
Counties and Cities--Land Area and Population 4858
Counties and Cities--Ranked by Population 4859
Table of Titles of the Code of Virginia 4860

INDEX..... 4863

ITEM 253.10.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
§ 1-75. EASTERN VIRGINIA MEDICAL SCHOOL (274)				
254.	Financial Assistance For Educational and General Services (11000).....		\$30,990,881	\$30,990,881
	Sponsored Programs (11004).....	\$595,612	\$595,612	
	Medical Education (11005).....	\$30,395,269	\$30,395,269	
	Fund Sources: General.....	\$30,990,881	\$30,990,881	

Authority: Title 23.1, Chapter 30 and Chapter 87, Acts of Assembly of 2002.

A. Out of this appropriation, \$595,612 the first year and \$595,612 the second year from the general fund is designated to build research capacity in medical modeling and simulation.

B. Out of this appropriation, \$6,158,108 the first year and \$6,158,108 the second year from the general fund is designated for treatment, care and maintenance of indigent Virginia patients through the medical school. The aid is to be apportioned on the basis of a plan to be approved, at the beginning of each biennium, by the Director, Department of Medical Assistance Services.

C. Out of this appropriation, \$375,700 the first year and \$375,700 the second year from the general fund is designated to support financial aid for in-state medical and health professions students.

D. Out of this appropriation, \$658,597 the first year and \$658,597 the second year from the general fund is designated for the operation of the Family Practice Residency program and Family Practice Medical Student programs.

E. Out of this appropriation, \$60,620 the first year and \$60,620 the second year from the general fund is designated to support the Eastern Virginia Area Health Education Center.

F. Eastern Virginia Medical School shall transfer funds to the Department of Medical Assistance Services to fully fund the state share for Medicaid supplemental payments to physicians affiliated with Eastern Virginia Medical School for Medicaid supplemental capitation payments to managed care organizations for the purpose of securing access to Medicaid physicians services in Eastern Virginia. The funds to be transferred must comply with 42 CFR 433.51.

G. Eastern Virginia Medical School is hereby authorized to transfer funds to the Department of Medical Assistance Services to fully fund the state share for Medicaid supplemental payments to the primary teaching hospitals affiliated with Eastern Virginia Medical School. These Medicaid supplemental fee-for-service and/or capitation payments to managed care organizations are for the purpose of securing access to hospital services in Eastern Virginia. The funds to be transferred must comply with 42 CFR 433.51.

H. 1. Out of this appropriation, \$1,250,000 the first year and \$1,250,000 the second year from the general fund is designated to support accreditation requirements at the Eastern Virginia Medical School.

2. Out of this appropriation, \$1,250,000 the first year and \$1,250,000 the second year from the general fund is designated to support community health programs in partnership with Sentara Healthcare.

255. Appropriations for this agency shall be disbursed in twelve equal monthly installments each fiscal year.

255.10 Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of

ITEM 255.10.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<p>Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted.</p>				
		FY 2021		FY 2022
Provide base operating support		\$625,000		\$625,000
Agency Total		\$625,000		\$625,000
Total for Eastern Virginia Medical School.....			\$30,990,881	\$30,990,881
Fund Sources: General.....	\$30,990,881	\$30,990,881		

§ 1-76. NEW COLLEGE INSTITUTE (938)

256.	Administrative and Support Services (1990).....			\$4,292,196	\$4,292,196
	Operation of Higher Education Centers (19931).....	\$4,292,196	\$4,292,196		
	Fund Sources: General.....	\$2,747,051	\$2,747,051		
	Special.....	\$1,545,145	\$1,545,145		

Authority: Title 23.1, Chapter 31, Article 4, Code of Virginia.

A. It is the intent of the General Assembly that the New College Institute, the Institute for Advanced Learning and Research, and the Southern Virginia Higher Education Center coordinate their activities, both instructional and research, to the maximum extent possible to best meet the needs of the citizens of the region, to ensure effective utilization of resources, and to avoid unnecessary duplication. The three entities shall report annually by October 1 to the Secretary of Education and the State Council of Higher Education and the Department of Planning and Budget on their joint efforts in this regard.

B. The requirements of § 4-5.05 shall not apply to this appropriation.

C. 1. The Governing Board of the New College Institute shall be authorized to seek an agreement with the New College Foundation and other non-governmental parties to acquire the Building on Baldwin for the amount not funded by the Virginia Tobacco Indemnification and Community Revitalization Commission, the federal government through the U.S. Economic Development Administration, the Appalachian Regional Commission, other federal monies, or local government.

2. If agreement on acquisition of the Building on Baldwin cannot be reached, the Governing Board of the New College Institute, with the assistance of the Department of General Services (DGS), is further authorized to plan for the construction or acquisition of a new facility. Priority will be given to options utilizing existing state property. The Governing Board and DGS may partner with local community colleges and/or local governments to this end.

256.10 Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted.

FY 2021

FY 2022

ITEM 256.10.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022
Provide additional support for staffing		\$95,000		\$95,000
Agency Total		\$95,000		\$95,000
Total for New College Institute.....			\$4,292,196	\$4,292,196
General Fund Positions.....	17.00	17.00		
Nongeneral Fund Positions.....	6.00	6.00		
Position Level.....	23.00	23.00		
Fund Sources: General.....	\$2,747,051	\$2,747,051		
Special.....	\$1,545,145	\$1,545,145		

§ 1-77. INSTITUTE FOR ADVANCED LEARNING AND RESEARCH (885)

257.	Economic Development Services (53400).....		\$6,510,193	\$6,510,193
	Regional Research, Technology, Education, and Commercialization Services (53421).....	\$6,510,193	\$6,510,193	
	Fund Sources: General.....	\$6,510,193	\$6,510,193	

Authority: Title 23.1, Chapter 31, Article 3, Code of Virginia.

A. It is the intent of the General Assembly that the Institute for Advanced Learning and Research, the New College Institute, and the Southern Virginia Higher Education Center coordinate their activities, both instructional and research, to the maximum extent possible to best meet the needs of the citizens of the region, to ensure effective utilization of resources, and to avoid unnecessary duplication. The three entities shall report annually by October 1 to the Secretary of Education and the State Council of Higher Education on their joint efforts in this regard.

B. The requirements of § 4-5.05 shall not apply to this appropriation.

C. This Item includes no funds for the agency's use of leased property for engagement activities.

D. This Item includes \$31,927 the first year and \$31,927 the second year from the general fund for debt service on a five-year term loan through the Master Equipment Leasing Program (MELP) to purchase communications infrastructure and 16 telephone handsets. It is intended that the ongoing amount will be removed from the agency's base budget in 2022.

257.10 Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted.

	FY 2021	FY 2022
Add funding for staffing	\$95,000	\$95,000
Agency Total	\$95,000	\$95,000
Total for Institute for Advanced Learning and Research.....		\$6,510,193
Fund Sources: General.....	\$6,510,193	\$6,510,193

ITEM 257.10.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022

§ 1-78. ROANOKE HIGHER EDUCATION AUTHORITY (935)

258.	Administrative and Support Services (19900).....			\$1,790,791	\$1,673,020
	Operation of Higher Education Centers (19931).....	\$1,790,791	\$1,673,020		
	Fund Sources: General.....	\$1,790,791	\$1,673,020		

Authority: Title 23.1, Chapter 31, Article 5, Code of Virginia.

A. The requirements of § 4-5.05 shall not apply to this appropriation.

258.10 Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this Act shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted.

	FY 2021	FY 2022
Academic student success center	\$213,254	\$146,356
Security and safety	\$98,817	\$47,944
Agency Total	\$312,071	\$194,300
Total for Roanoke Higher Education Authority.....		\$1,790,791
Fund Sources: General.....	\$1,790,791	\$1,673,020

§ 1-79. SOUTHERN VIRGINIA HIGHER EDUCATION CENTER (937)

259.	Administrative and Support Services (19900).....			\$8,243,669	\$8,044,697
	Operation of Higher Education Centers (19931).....	\$8,243,669	\$8,044,697		
	Fund Sources: General.....	\$4,097,837	\$3,898,865		
	Special.....	\$4,145,832	\$4,145,832		

Authority: Title 23.1, Chapter 31, Article 6, Code of Virginia.

A. It is the intent of the General Assembly that the Southern Virginia Higher Education Center, the Institute for Advanced Learning and Research, and the New College Institute coordinate their activities, both instructional and research, to the maximum extent possible to best meet the needs of the citizens of the region, to ensure effective utilization of resources, and to avoid unnecessary duplication. The three entities shall report annually by October 1 to the Secretary of Education and the State Council of Higher Education for Virginia on their joint efforts in this regard.

B. Out of this appropriation, \$29,050 the first year and \$29,050 the second year from the general fund is designated for the educational telecommunications project to provide graduate engineering education. For supplemental budget requests, the participating institutions and centers jointly shall submit a report in support of such requests to the State Council of Higher Education for Virginia for review and recommendation to the Governor and the General Assembly.

C. Out of this appropriation, \$266,000 and four positions the first year and \$266,000 and four positions the second year from the general fund is designated for additional operational support of the Southern Virginia Higher Education Center and its efforts to provide STEM programs and specialized workforce training to the citizens of Southside Virginia.

ITEM 259.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022

D. Out of this appropriation, \$731,250 and eight positions the first year and \$731,250 and eight positions the second year from the general fund and \$782,100 and 3.5 positions the first year and \$782,100 and 3.5 positions the second year from nongeneral funds are designated to maintain workforce advancement programs in the areas of health care, manufacturing, information technology, and STEM that were originally established through short-term grants in order to expand the credentials-to-career pipeline for key industry sectors in Southside Virginia.

E. Out of this appropriation, \$127,055 the first year and \$127,055 the second year from the general fund is designated for debt service costs under the Master Equipment Leasing Program (MELP) for the acquisition of technical training equipment. In addition to these costs, \$394,125 and six positions the first year and \$394,125 and six positions the second year from the general fund and \$233,375 the first year and \$233,375 the second year from nongeneral funds are designated for the staff and operational costs associated with the Career Tech Academy, providing automation and robotics technical training to high school students from the counties of Charlotte, Halifax, and Mecklenburg.

F. The Southern Virginia Higher Education Center is authorized to provide specialized workforce training consistent with grant agreements and memoranda of understanding with employers that existed as of January 1, 2016. The center will seek opportunities to collaborate with local community colleges in meeting the continuing goals of these programs and on new training needs identified by employers. If the local community colleges are unable to meet the training needs identified by employers, then the center is authorized to seek other education providers or to offer specialized workforce training independent of the local community colleges.

G. The requirements of § 4-5.05 shall not apply to this appropriation.

259.10 Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted.

	FY 2021	FY 2022
Personnel & Technical Training	\$293,972	\$95,000
Equipment		
Agency Total	\$293,972	\$95,000
Total for Southern Virginia Higher Education Center.....		\$8,243,669
General Fund Positions.....	34.80	34.80
Nongeneral Fund Positions.....	29.50	29.50
Position Level.....	64.30	64.30
Fund Sources: General.....	\$4,097,837	\$3,898,865
Special.....	\$4,145,832	\$4,145,832

§ 1-80. SOUTHWEST VIRGINIA HIGHER EDUCATION CENTER (948)

260.	Administrative and Support Services (19900).....		\$3,981,650	\$3,981,650
	General Management and Direction (19901).....	\$38,794	\$38,794	
	Operation of Higher Education Centers (19931).....	\$3,942,856	\$3,942,856	

ITEM 260.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Fund Sources: General.....	\$2,766,000	\$2,766,000		
Special.....	\$1,215,650	\$1,215,650		

Authority: Title 23.1, Chapter 31, Article 7, Code of Virginia.

A. The board of trustees of the Southwest Virginia Higher Education Center may establish and administer agreements with out-of-state institutions certified to operate in Virginia pursuant to § 23.1-219 Code of Virginia for such institutions to provide undergraduate-level and graduate-level instructional programs at the Center.

B. Out of the appropriation for this item, \$500,000 each year from the general fund shall be deposited to the Virginia Rural Information Technology Apprenticeship Grant Fund, as established in § 23.1-3129.1 Code of Virginia, for the purpose of awarding grants on a competitive basis from the Fund to small, rural information technology businesses in qualifying localities to establish apprenticeship programs.

260.10 Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted.

	FY 2021	FY 2022
Add funding for staffing	\$95,000	\$95,000
Provide funding for Rural IT Apprenticeship Program	\$500,000	\$500,000
Agency Total	\$595,000	\$595,000
 Total for Southwest Virginia Higher Education Center.....		\$3,981,650
		\$3,981,650
General Fund Positions.....	30.00	30.00
Nongeneral Fund Positions.....	3.00	3.00
Position Level.....	33.00	33.00
Fund Sources: General.....	\$2,766,000	\$2,766,000
Special.....	\$1,215,650	\$1,215,650

§ 1-81. SOUTHEASTERN UNIVERSITIES RESEARCH ASSOCIATION DOING BUSINESS FOR JEFFERSON SCIENCE ASSOCIATES, LLC (936)

261.	Financial Assistance For Educational and General Services (11000).....			\$1,797,683	\$1,797,683
	Sponsored Programs (11004).....	\$1,797,683	\$1,797,683		
	Fund Sources: General.....	\$1,797,683	\$1,797,683		

Authority: Discretionary Inclusion.

A. This appropriation represents the Commonwealth of Virginia's contribution to the Southeastern Universities Research Association Doing Business for Jefferson Science Associates, LLC, for the support of the Thomas Jefferson National Accelerator Facility (Jefferson Lab) located at Newport News, Virginia. This contribution includes funds to support faculty positions and industry-led research that will promote economic development opportunities in the Commonwealth.

ITEM 261.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022

B. Out of this appropriation, \$750,000 the first year and \$750,000 the second year from the general fund is designated to provide funding to expand a center for nuclear femtography in partnership with the Commonwealth's research universities. Nuclear femtography is expected to be the next generation of nanotechnology.

C. This nonstate agency is exempt from the match requirement of § 2.2-1505, Code of Virginia and § 4-5.05 of this act.

261.10 Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted.

	FY 2021	FY 2022
Leverage the Center for Nuclear Femtography	\$250,000	\$250,000
Agency Total	\$250,000	\$250,000
Total for Southeastern Universities Research Association Doing Business for Jefferson Science Associates, LLC.....		\$1,797,683
Fund Sources: General.....	\$1,797,683	\$1,797,683

§ 1-82. ONLINE VIRGINIA NETWORK AUTHORITY (244)

262.	Educational and General Programs (10000).....		\$4,000,000	\$4,000,000
	Higher Education Instruction (10001).....	\$4,000,000	\$4,000,000	
	Fund Sources: General.....	\$4,000,000	\$4,000,000	

Authority: Title 23.1, Chapter 31, Article 9, Code of Virginia.

Out of this appropriation, \$4,000,000 the first year and \$4,000,000 the second year from the general fund is designated for the Online Virginia Network Authority (OVN). George Mason University, Old Dominion University, James Madison University, and the Virginia Community College System shall provide a five-year status report by November 1, 2020 on the success of the OVN in (1) serving adult learners, nontraditional students, and other students seeking access to an online degree program; (2) reducing costs relative to a traditional degree; (3) reducing the unit cost of providing online education; (4) using tuition revenue from online students to support the cost of the initiative; (5) partnering with those currently providing online courses; and (6) utilizing only existing financial aid programs. The OVN shall provide an annual progress report to the Governor and the Chairs of the House Appropriations and the Senate Finance and Appropriations Committees by November 1 of each year.

262.10 Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or

ITEM 262.10.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted.				
		FY 2021		FY 2022
Online Virginia Network - JMU		\$1,000,000		\$1,000,000
Agency Total		\$1,000,000		\$1,000,000
Total for Online Virginia Network Authority.....			\$4,000,000	\$4,000,000
Fund Sources: General.....	\$4,000,000	\$4,000,000		

§ 1-83. IN-STATE UNDERGRADUATE TUITION MODERATION (980)

262.50	In-State Undergraduate Tuition Moderation and Six-Year Plan Funding Pool (11400).....		\$54,750,000	\$25,000,000
	In-State Undergraduate Tuition Moderation (11401)...	\$54,750,000	\$25,000,000	
	Fund Sources: General.....	\$54,750,000	\$25,000,000	

Authority: Discretionary Inclusion

A.1. Out of this appropriation, \$54,750,000 the first year from the general fund is designated for In-State Undergraduate Affordability and Six-Year Plan Funding Pool. Allocations to public colleges and universities from this item are as follows:

Institution	FY 2021 Allocation
Christopher Newport University	\$2,750,000
College of William and Mary	900,000
George Mason University	4,600,000
James Madison University	7,000,000
Longwood University	2,100,000
University of Mary Washington	3,200,000
Norfolk State University	1,000,000
Old Dominion University	3,200,000
Radford University	2,100,000
University of Virginia	3,700,000
University of Virginia's College at Wise	800,000
Virginia Commonwealth University	12,700,000
Virginia Military Institute	400,000
Virginia Polytechnic Institute & State University	2,700,000
Virginia State University	1,200,000
Richard Bland College	500,000
Virginia Community College System	5,900,000
Total	\$54,750,000

2. Allocations listed in paragraph A.1. of this item shall be granted to public colleges and universities in fiscal year 2021 so long as they maintain for fiscal year 2021 all tuition and mandatory Educational and General (E & G) fee charges to include tuition differentials for in-state undergraduate students to fiscal year 2020 levels.

3. The State Council of Higher Education for Virginia (SCHEV) shall certify whether each public college and university has met the tuition freeze requirements of this fund. SCHEV shall report its findings to the Governor, the Chairs of the House Appropriations and Senate Finance and Appropriations Committees, and the Director of the Department of Planning and Budget by July 1, 2020.

4. Upon certification by SCHEV that the requirements in paragraph A.2. have been met, the

ITEM 262.50.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022

Director, Department of Planning and Budget, shall transfer the amounts listed above to each of the certified institutions.

5. If an institution elects to increase tuition and mandatory E & G fees for in-state undergraduate students in fiscal year 2021 above the fiscal year 2020 levels, the institution shall not be eligible for an allocation from the pool.

6. The Rector, Board of Visitors of institutions choosing to forego allocations from this item and electing to increase tuition and mandatory E & G fees for in-state undergraduate students in fiscal year 2021 shall communicate the Board Resolution certifying that decision to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees by August 1, 2020.

7. All unallocated funds shall be transferred to Item 275, the Revenue Cash Reserve by September 1, 2020.

B. Out of this appropriation, \$25,000,000 the second year from the general fund is designated for the continuation cost of the In-State Undergraduate Affordability and Six-Year Plan Funding Pool in Paragraph A.1. Individual institution allocations will be dependent on institutional actions in accordance with Paragraph A of this item, any required adjustments for one-time compensation actions authorized in Item 477, and relative to the total funds available.

C. No other tuition moderation actions shall be funded for fiscal year 2022.

262.60 Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted.

	FY 2021	FY 2022
Tuition moderation	\$54,750,000	\$25,000,000
Agency Total	\$54,750,000	\$25,000,000
Total for In-State Undergraduate Tuition Moderation.....		\$54,750,000 \$25,000,000
Fund Sources: General.....	\$54,750,000	\$25,000,000

§ 1-84. VIRGINIA COLLEGE BUILDING AUTHORITY (941)

263. Authority: Chapter 597, Acts of Assembly of 1986.

A.1. The purpose of this Item is to provide an ongoing program for the acquisition and replacement of instructional and research equipment at state-supported institutions of higher education in accordance with the intent and purpose of Chapter 597, Acts of Assembly of 1986.

2. The Governor shall annually present to the General Assembly through the Commonwealth's budget process, the estimated payments and the corresponding total value of equipment to be acquired.

B.1. The State Council of Higher Education for Virginia shall establish and maintain procedures through which institutions of higher education apply for allocations made

ITEM 263.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022

available under the program, and shall develop guidelines and recommendations for the apportionment of such equipment to each state-supported institution of higher education.

2. The Authority shall finance equipment for educational institutions in accordance with § 23.1-1207, Code of Virginia, and according to terms and conditions approved through the Commonwealth's budget and appropriation process. Bonds or notes issued by the Virginia College Building Authority to finance equipment may be sold and issued at the same time with other obligations of the Authority as separate issues or as a combined issue. Each institution shall make available such additional detail on specific equipment to be purchased as may be requested by the Governor or the General Assembly. If emergency acquisitions are necessary when the General Assembly is not in session, the Governor may approve such acquisitions. The Governor shall report his approval of such acquisitions to the Chairmen of the House Appropriations and Senate Finance Committees.

3. Amounts for debt service payments for allocations provided by this Item shall be provided pursuant to Item 288 of this act.

C.1. Transfer of the appropriation in Item 288 of this act to the Virginia College Building Authority shall be subject to the approval of the Secretary of Finance. An allocation of \$166,000,000 made in the 2018-2020 biennium brings the total amount of equipment acquired through the program to approximately \$1,642,789,454.

2. Allocations of \$85,725,000 the first year and \$84,150,000 the second year will be made to support the purchase of additional equipment to enhance instructional and research activity at Virginia's public colleges and universities. Allocations are as follows:

Institution	Prior Allocations	FY 2021 Allocation	FY 2022 Allocation	FY 2021 Research Allocation	FY 2022 Research Allocation
George Mason University	\$101,484,031	\$3,947,024	\$3,947,024	\$474,407	\$474,407
Old Dominion University	\$109,635,133	\$5,016,192	\$5,016,192	\$329,078	\$329,078
University of Virginia	\$292,378,958	\$10,458,476	\$10,458,476	\$5,189,341	\$5,189,341
Virginia Commonwealth University	\$198,582,821	\$6,853,430	\$6,853,430	\$2,995,552	\$2,995,552
Virginia Polytechnic Institute and State University	\$304,907,014	\$10,331,639	\$10,331,639	5,240,458	\$5,240,458
College of William and Mary	\$55,485,724	\$2,300,493	\$2,300,493	\$595,857	\$595,857
Christopher Newport University	\$16,387,285	\$754,464	\$754,464	\$0	\$0
University of Virginia's College at Wise	\$6,644,133	\$250,681	\$250,681	\$0	\$0
James Madison University	\$52,350,203	\$2,309,646	\$2,309,646	\$0	\$0
Longwood University	\$16,373,835	\$743,433	\$743,433	\$0	\$0
University of Mary Washington	\$17,970,414	\$655,746	\$655,746	\$0	\$0
Norfolk State University	\$43,633,007	\$3,450,108	\$2,350,108	\$0	\$0
Radford University	\$37,578,654	1,744,993	\$1,744,993	\$0	\$0
Virginia Military Institute	\$19,026,682	\$886,084	\$886,084	\$0	\$0

ITEM 263.	Item Details(\$)			Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Virginia State University	\$28,830,887	\$1,342,189	\$1,342,189	\$0	\$0
Richard Bland College	\$3,936,560	\$160,149	\$160,149	\$0	\$0
Virginia Community College System	\$314,013,213	\$18,071,542	\$17,596,542	\$0	\$0
Virginia Institute of Marine Science	\$10,184,330	\$362,100	\$362,100	\$175,307	\$175,307
Southwest Virginia Higher Education Center	\$1,623,607	\$80,111	\$80,111	\$0	\$0
Roanoke Higher Education Authority	\$1,304,839	\$77,623	\$77,623	\$0	\$0
Institute for Advanced Learning and Research	\$6,565,000	\$274,172	\$274,172	\$0	\$0
Southern Virginia Higher Education Center	\$816,156	\$95,790	\$95,790	\$0	\$0
New College Institute	\$479,222	\$34,486	\$34,486	\$0	\$0
Eastern Virginia Medical School	\$2,597,716	\$524,429	\$524,429	\$0	\$0
TOTAL	\$1,642,789,454	\$70,725,000	\$69,150,000	\$15,000,000	\$15,000,000

D.1. Out of the allocations for the Virginia Community College System, \$5,000,000 the first year and \$5,000,000 the second year is designated to support the equipment needs of Workforce Development activities, including those related to the New Economy Industry Credential Assistance Training Grant Program.

2. Out of the allocations for the Virginia Community College System, \$475,000 the first year is designated to support healthcare and medical programs at Lord Fairfax Community College.

E. Out of the allocations for Norfolk State University, \$2,250,000 the first year and "\$1,150,000" the second year is designated for information technology upgrades.

Total for Virginia College Building Authority..... **\$0** **\$0**

TOTAL FOR OFFICE OF EDUCATION..... **\$21,609,049,740** **\$22,088,889,935**

General Fund Positions.....	18,874.60	18,877.10
Nongeneral Fund Positions.....	42,279.01	42,544.01
Position Level.....	61,153.61	61,421.11
Fund Sources: General.....	\$9,619,348,655	\$9,859,107,388
Special.....	\$42,442,364	\$42,442,364
Higher Education Operating.....	\$9,608,949,753	\$9,742,499,715
Commonwealth Transportation.....	\$2,379,612	\$1,749,612
Enterprise.....	\$7,479,910	\$7,479,910
Trust and Agency.....	\$820,829,075	\$749,974,348
Debt Service.....	\$358,087,772	\$358,087,772
Dedicated Special Revenue.....	\$18,739,507	\$18,739,507
Federal Trust.....	\$1,130,793,092	\$1,308,809,319

ITEM 264.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
OFFICE OF FINANCE				
§ 1-85. SECRETARY OF FINANCE (190)				
264.	Administrative and Support Services (79900).....		\$685,384	\$685,384
	General Management and Direction (79901).....	\$685,384	\$685,384	
	Fund Sources: General.....	\$685,384	\$685,384	
Authority: Title 2.2, Chapter 2, Article 5; § 2.2-201, Code of Virginia.				
A. The Secretary of Finance, in consultation with other affected secretaries, is hereby authorized to order the State Comptroller to transfer to the general fund a reasonable sum, as determined by the State Comptroller, from annual charges of internal service funds and enterprise funds that exceed the cost of providing services or that represent over-recoveries from the general fund.				
B. The Secretaries of Finance and Administration shall convene a workgroup to study collective bargaining for state public sectors employees. The workgroup shall consist of subject matter experts from legal, human resource, labor, and higher education entities. The workgroup shall research policies and public costs in other states and evaluate the implementation of collective bargaining policies for state public sector employees in Virginia. The workgroup shall submit a report on its findings and recommendations to the Governor, Chairs of House Committee on Appropriations and Committee of Labor and Commerce and the Chairs of the Senate Committee on Commerce and Labor and Committee on Finance and Appropriations by November 1, 2021.				
C. The Secretary of Finance, in his role as chair of the Debt Capacity Advisory Committee (DCAC), shall convene a workgroup of relevant stakeholders to examine the process, procedures, and other requirements necessary for the various agencies, institutions, and authorities of the Commonwealth, for which the authority to issue state tax-supported debt has been vested, to report to the DCAC prior to the issuance of any such state tax-supported debt. As a part of this evaluation of the Commonwealth's debt policies, the DCAC shall also examine whether a separate capacity model should be developed for transportation outside of the overall state tax-supported debt model. A report detailing the workgroup's recommendations shall be delivered to the members of the DCAC, and the Chairs of the House Appropriations and Senate Finance and Appropriations Committees by November 1, 2020.				
	Total for Secretary of Finance.....		\$685,384	\$685,384
	General Fund Positions.....	4.00	4.00	
	Position Level.....	4.00	4.00	
	Fund Sources: General.....	\$685,384	\$685,384	
§ 1-86. DEPARTMENT OF ACCOUNTS (151)				
265.	Financial Systems Development and Management (72400).....		\$3,664,091	\$3,499,091
	Financial Systems Development (72401).....	\$833,000	\$833,000	
	Financial Systems Maintenance (72402).....	\$930,044	\$765,044	
	Computer Services (72404).....	\$1,901,047	\$1,901,047	
	Fund Sources: General.....	\$3,664,091	\$3,499,091	
Authority: Title 2.2, Chapter 8, Code of Virginia.				
266.	Accounting Services (73700).....		\$9,382,098	\$9,382,098
	General Accounting (73701).....	\$4,210,140	\$4,210,140	
	Disbursements Review (73702).....	\$1,077,382	\$1,077,382	
	Payroll Operations (73703).....	\$1,304,205	\$1,304,205	
	Financial Reporting (73704).....	\$2,790,371	\$2,790,371	

ITEM 266.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Fund Sources: General.....	\$8,386,409	\$8,386,409		
Special.....	\$995,689	\$995,689		

Authority: Title 2.2, Chapter 8, and § 2.2-1822, Code of Virginia.

A.1. There is hereby created on the books of the State Comptroller the Commonwealth Charge Card Rebate Fund. Rebates earned in any fiscal year on the Commonwealth's statewide charge card program shall be deposited to the Commonwealth Charge Card Rebate Fund. The cost of administration of the program as well as rebates due to political subdivisions and payments due to the federal government are hereby appropriated from the fund. All remaining rebate revenue in the fund shall be deposited to the general fund by June 30 of each year.

2. The Department of Accounts is authorized to include the administrative costs estimated at \$80,000 per year for executing entries in the Commonwealth's accounting system for Level III institutions as defined in Chapter 675, 2009 Acts of Assembly, in the program costs appropriated from the fund.

B. Notwithstanding the provisions of §§ 17.1-286 and 58.1-3176, Code of Virginia, the State Comptroller shall not make payments to the Circuit Court clerks on amounts directly deposited into the State Treasury by General District Courts, Juvenile and Domestic Relations General District Courts, Combined District Courts, and the Magistrates System. The State Comptroller shall continue to make payments, in accordance with §§ 17.1-286 and 58.1-3176, Code of Virginia, to the respective clerks on those amounts directly deposited into the state treasury by the Circuit Courts.

C.1. There is hereby created in the state treasury a special nonreverting fund that shall be known as the Federal Repayment Reserve Fund. The Fund shall be established on the books of the Comptroller and shall consist of such moneys as the State Comptroller determines will be required to repay the federal government its share of any rebates, Internal Service Fund profits, transfers to the general fund or amounts arising from other sources. Interest earned on the moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of the fiscal year shall not revert to the general fund but shall remain in the Fund. The Comptroller shall hold all moneys in this Fund until such payment is required by the federal government.

2. Effective upon creation of Federal Repayment Reserve Fund, any agency with cash balances held in reserve for the anticipated federal repayment shall transfer the estimated amount determined by the State Comptroller prior to June 30. On an ongoing basis, agencies shall coordinate with the State Comptroller to identify amounts due to be returned to the federal government. The State Comptroller shall transfer those amounts to the Fund on or before June 30 of each year.

D. The Department of Accounts is authorized to charge employees a mandatory fee of up to 15 cents for each payroll deduction administered under the Supplemental Insurance and Annuities program. Reimbursement by the employing agency is prohibited.

267.	Service Center Administration (82600).....			\$2,969,987	\$3,057,788
	Payroll Service Bureau (82601).....	\$2,969,987	\$3,057,788		
	Fund Sources: Internal Service.....	\$2,969,987	\$3,057,788		

Authority: Title 2.2, Chapter 8, Code of Virginia.

A. The appropriation for the Payroll Service Bureau is sum sufficient and amounts shown are estimates from an internal service fund which shall be paid solely from revenues derived from charges for services.

B.1. The Department of Accounts shall operate the payroll service center to support the salaried and wage employees of all agencies identified by the Department of Planning and Budget. The agencies so identified shall cooperate with the Department of Accounts in transferring such records and functions as may be required. The payroll service center shall provide services to employees to include, but not be limited to, payroll, benefit enrollment and leave accounting. The Department of Accounts shall be responsible for all

ITEM 267.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022

accounting reconciliations for these services; however, each employing agency shall remain fully responsible for certifying the accuracy of each payroll paid to its employees. This certification shall be in such form as the Comptroller directs.

2.a. The Department of Accounts shall recover the cost of services provided by the payroll service center through interagency transactions as determined by the State Comptroller.

b. The Department of Accounts is authorized to charge the following rates to agencies participating in the payroll service center based on the type and number of W-2 forms processed and how each customer agency reports employee leave to the department. Prior to the implementation of Cardinal Human Capital Management (HCM), the new Payroll Service Bureau Cardinal HCM rate category shall be assigned by the Comptroller to the category that most closely coincides with the prior rate.

Criteria	FY 2021	FY 2022
Wage employees with automatic leave processing	\$105.33	\$107.29
Wage employees with manual leave processing	\$127.90	\$130.29
Salaried employees with automatic leave processing	\$112.86	\$114.95
Salaried employees with manual leave processing	\$150.48	\$153.27

C.1. The Department of Accounts shall operate a fiscal service center to support the operations of all agencies identified by the Department of Planning and Budget. The agencies so identified shall cooperate with the Department of Accounts in transferring such records and functions as may be required. The service center shall provide services to agencies to include accounts payable processing, travel voucher processing, related reconciliations, and such other fiscal services as may be appropriate.

2. The Department of Accounts shall recover the cost of services provided by the fiscal service center through interagency transactions as determined by the State Comptroller.

3. The Department of Accounts is authorized to charge fees of up to twenty percent of revenues generated pursuant to non-tax debt collection initiatives to pay the administrative costs of supporting such initiatives. These fees are over and above any fees charged by outside collections contractors and/or enhanced collection revenues returned to the Commonwealth.

D. Nothing in this section shall prohibit additional agencies from using the services of the centers; however, such additions shall be subject to approval by the affected cabinet secretary and the Secretary of Finance.

268.	Information Systems Management and Direction (71100).....			\$25,818,318	\$35,462,674
	Financial Oversight for Performance Budgeting System (71107).....	\$2,724,495	\$2,795,717		
	Financial Oversight for Cardinal System (71108).....	\$23,093,823	\$32,666,957		
	Fund Sources: Internal Service.....	\$25,818,318	\$35,462,674		

Authority: Title 2.2 Chapter 8, Code of Virginia

A. The appropriation for Financial Oversight for Performance Budgeting System and Financial Oversight for Cardinal System is sum sufficient and amounts shown are estimates from internal service funds for the Commonwealth's enterprise applications which shall be paid solely from revenues derived from charges for services. All users of the Commonwealth's enterprise applications shall be assessed a surcharge based on licenses, transactions, or other meaningful methodology as determined by the Secretary of Finance and the owner of the enterprise application, which shall be deposited in the fund. Additionally, the State Comptroller shall recover the cost of services provided for the administration of the fund through interagency transactions as determined by the State Comptroller.

ITEM 268.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<p>1. Out of this appropriation, the Performance Budgeting System is appropriated \$2,724,495 the first year and \$2,795,717 the second year from internal service fund revenues.</p> <p>2. Out of this appropriation, the Cardinal Financial System is appropriated \$23,093,823 the first year and \$20,902,457 the second year from internal service fund revenues.</p> <p>3. Out of this appropriation, the Cardinal Human Capital Management (HCM) system is appropriated \$11,764,500 the second year from internal service fund revenues. The second year amount of \$11,764,500 represents nine months of operating costs incurred after the full transition to the new Cardinal HCM system during the second year. The operating costs incurred during the transition are funded through the Working Capital Advance included in paragraph B.1. of this Item.</p> <p>4. The State Comptroller shall submit revised projections of revenues and expenditures for the internal service funds for the Commonwealth's enterprise applications and estimates of any anticipated changes to fee schedules in accordance with § 4-5.03 of this act.</p> <p>5. In the event that expenses of the enterprise applications become due before costs have been fully recovered in the department's internal service fund, a treasury loan shall be provided to the department to finance these costs. This treasury loan shall be repaid from the proceeds collected in the funds.</p> <p>B.1.a. The Department of Accounts, in coordination with the Department of Human Resource Management shall replace the Commonwealth Integrated Payroll/Personnel System (CIPPS) and the Personnel Management Information System and the Benefits Eligibility System (PMIS & BES) with an integrated Human Capital Management (HCM) system. In order to maximize the efficiencies and benefits of the current Commonwealth Enterprise Resource Planning system, Cardinal, along with establishing a single source of personnel and payroll information and to achieve greater security of sensitive personally identifiable information, such system shall be based on the HCM modules within the Cardinal Enterprise Resource Planning application currently serving as the Commonwealth's financial system.</p> <p>b. A working capital advance of up to \$142,734,000 shall be provided to the Department of Accounts to pay the costs of replacing CIPPS and PMIS & BES. This may include any costs necessary for the planning, development, configuration, and roll-out of the new HCM application, and any transitional post-production support operating costs prior to the full transition to the new system. These costs do not include costs necessary to ensure agencies are prepared for the implementation of the new application and the decommissioning of CIPPS and PMIS & BES, such as interfaces from agency based systems. An additional amount of up to \$10,000,000 may be provided to be directed toward any unforeseen costs associated with the roll-out of the statewide Cardinal HCM system.</p> <p>c. The Department of Accounts and the Department of Human Resource Management shall recommend to the Governor a permanent system of governance over the new HCM application, which shall designate specifically which agencies have the responsibility for authority and control of the data in the new HCM application as well as responsibility for systems support and maintenance.</p> <p>2. The Secretary of Finance and Secretary of Administration shall approve the drawdowns from this working capital advance prior to the expenditure of funds. The State Comptroller shall notify the Governor and the Chairmen of the House Appropriations and Senate Finance Committees of any approved drawdowns.</p> <p>3. Repayment of the working capital advance and ongoing systems operation, maintenance and support costs for the statewide Human Capital Management system shall be funded through an internal service fund for the enterprise application pursuant to paragraph A. of this Item.</p>				
269.	Administrative and Support Services (79900).....		\$1,521,866	\$1,521,866
	General Management and Direction (79901).....	\$1,521,866	\$1,521,866	
	Fund Sources: General.....	\$1,521,866	\$1,521,866	

ITEM 269.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022

Authority: Title 2.2, Chapter 8, Code of Virginia.

As a condition of the appropriation in this Item, the department shall provide to the Chairmen of the House Appropriations and Senate Finance Committees the expenditure and revenue reports necessary for timely legislative oversight of state finances. The necessary reports include monthly and year-end versions and shall be provided in an interactive electronic format agreed upon by the Chairmen of the House Appropriations and Senate Finance Committees, or their designees, and the Comptroller. Delivery of these reports shall occur by way of electronic mail or other methods to ensure their receipt within 48 hours of their initial run after the close of the business month.

270. In the event of default by a unit, as defined in § 15.2-2602, Code of Virginia, on payment of principal of or interest on any of its general obligation bonded indebtedness when due, the State Comptroller, in accordance with § 15.2-2659, Code of Virginia, is hereby authorized to make such payment to the bondholder, or paying agent for the bondholder, and to recover such payment and associated costs of publication and mailing from any funds appropriated and payable by the Commonwealth to the unit for any and all purposes.

271. In the event of default by any employer participating in the health insurance program authorized by § 2.2-1204, Code of Virginia, in the remittance of premiums or other fees and costs of the program, the State Comptroller is hereby authorized to pay such premiums and costs and to recover such payments from any funds appropriated and payable by the Commonwealth to the employer for any purpose. The State Comptroller shall make such payments upon receipt of notice from the Director, Department of Human Resource Management, that such payments are due and unpaid from the employer.

272. The State Comptroller shall make calculations of payments and transfers related to interest earned on federal funds, interest receivable on state funds advanced on behalf of federal programs, and direct cost reimbursements due from the federal government pursuant to Item 287 of this act.

Total for Department of Accounts.....			\$43,356,360	\$52,923,517
General Fund Positions.....	115.00	115.00		
Nongeneral Fund Positions.....	54.00	54.00		
Position Level.....	169.00	169.00		
Fund Sources: General.....	\$13,572,366	\$13,407,366		
Special.....	\$995,689	\$995,689		
Internal Service.....	\$28,788,305	\$38,520,462		

Department of Accounts Transfer Payments (162)

273. Financial Assistance to Localities - General (72800) a sum sufficient, estimated at.....			\$583,895,000	\$583,895,000
Distribution of Rolling Stock Taxes (72806).....	\$6,530,000	\$6,530,000		
Distribution of Recordation Taxes (72808).....	\$20,000,000	\$20,000,000		
Financial Assistance to Localities - Rental Vehicle Tax (72810).....	\$50,000,000	\$50,000,000		
Distribution of Sales Tax Revenues from Certain Public Facilities (72811).....	\$1,040,000	\$1,040,000		
Distribution of Tennessee Valley Authority Payments in Lieu of Taxes (72812).....	\$1,200,000	\$1,200,000		
Distribution of the Virginia Communications Sales and Use Tax (72816).....	\$440,000,000	\$440,000,000		
Distribution of Payments to Localities for Enhanced Emergency Communications Services (72817).....	\$37,000,000	\$37,000,000		
Distribution of Sales Tax Revenues from Certain Tourism Projects (72819).....	\$125,000	\$125,000		
Distribution of Historic Triangle Sales Tax Collections (72820).....	\$28,000,000	\$28,000,000		

ITEM 273.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022
Fund Sources: General.....	\$28,895,000	\$28,895,000		
Trust and Agency.....	\$50,000,000	\$50,000,000		
Dedicated Special Revenue.....	\$505,000,000	\$505,000,000		

Authority: §§ 15.2-5914, 58.1-608.3, 58.1-662, 58.1-816, 58.1-1736, 58.1-1741, 58.1-2658.1, and 58.1-3406, Code of Virginia.

A.1. In order to carry out the provisions of § 58.1-645 et seq., Code of Virginia, there is hereby appropriated a sum sufficient amount of nongeneral fund revenues estimated at \$440,000,000 in the first year and \$440,000,000 in the second year equal to the revenues collected pursuant to § 58.1-645 et seq., Code of Virginia, from the Virginia Communications Sales and Use Tax. All revenue received by the Commonwealth pursuant to the provisions of § 58.1-645 et seq., Code of Virginia, shall be paid into the state treasury and deposited to the Virginia Communications Sales and Use Tax Fund and shall be distributed pursuant to § 58.1-662, Code of Virginia, and Item 284 of this act. For the purposes of the State Comptroller's preliminary and final annual reports required by § 2.2-813, Code of Virginia, however, all deposits to and disbursements from the fund shall be accounted for as part of the general fund of the state treasury.

2. It is the intent of the General Assembly that all such revenues be distributed to counties, cities, and towns, the Department for the Deaf and Hard-of-Hearing, and to the Department of Taxation for the costs of administering the Virginia Communications Sales and Use Tax Fund.

B. In order to carry out the provisions of § 58.1-1734 et seq., Code of Virginia, there is hereby appropriated a sum sufficient amount of nongeneral fund revenues estimated at \$50,000,000 in the first year and \$50,000,000 in the second year equal to the revenues collected pursuant to A. 2. of § 58.1-1736 Code of Virginia, from the Virginia Motor Vehicle Rental Tax.

C. In order to carry out the provisions of § 56-484:17 et seq., Code of Virginia, there is hereby appropriated a sum sufficient amount of nongeneral fund revenues estimated at \$37,000,000 in the first year and \$37,000,000 in the second year equal to the revenues collected pursuant to § 56-484.17:1, Code of Virginia, from the Virginia Wireless Tax.

D. In order to carry out the provisions of Chapter 850, 2018 Acts of Assembly, there is hereby appropriated a sum sufficient amount of nongeneral fund revenues estimated at \$28,000,000 the first year and \$28,000,000 the second year equal to the revenues collected pursuant to § 58.1-603.2, Code of Virginia, from the additional state sales and use tax in the Historic Triangle.

E.1. Out of this appropriation, amounts estimated at \$20,000,000 the first year and \$20,000,000 the second year from the general fund shall be deposited into the Hampton Roads Regional Transit Fund, as provided in § 33.2-2600.1, Code of Virginia, from revenues collected pursuant to § 58.1-816 B., Code of Virginia.

2. Notwithstanding the provisions of § 58.1-816, Code of Virginia, the appropriation in this Item for the distribution of recordation taxes is not subject to the sum sufficient provisions of this Item.

274.	Revenue Stabilization Fund (73500).....		\$77,409,780	\$17,513,177
	Payments to the Revenue Stabilization Fund (73501).....	\$77,409,780	\$17,513,177	
	Fund Sources: General.....	\$77,409,780	\$17,513,177	

Authority: Title 2.2, Chapter 18, Article 4, Code of Virginia.

A. On or before November 1 of each year, the Auditor of Public Accounts shall report to the General Assembly the certified tax revenues collected in the most recently ended fiscal year. The auditor shall, at the same time, provide his report on the 15 percent limitation and the amount that could be paid into the fund in order to satisfy the mandatory deposit requirement of Article X, Section 8 of the Constitution of Virginia as well as the additional deposit requirement of § 2.2-1829, Code of Virginia.

ITEM 274.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<p>B. Out of this appropriation, \$77,409,780 the first year from the general fund attributable to actual tax collections for fiscal year 2019 shall be paid by the State Comptroller on or before June 30, 2021, into the Revenue Stabilization Fund pursuant to § 2.2-1829, Code of Virginia. This amount is based on the certification of the Auditor of Public Accounts of actual tax revenues for fiscal year 2019. This appropriation meets the mandatory deposit requirement of Article X, Section 8 of the Constitution of Virginia.</p>				
<p>C. Out of this appropriation, \$17,513,177 the second year from the general fund shall be paid by the State Comptroller on or before June 30, 2022, into the Revenue Stabilization Fund pursuant to § 2.2-1829, Code of Virginia. This amount represents an estimate of the required deposit to the Revenue Stabilization Fund attributable to tax collections for fiscal year 2021, which the Auditor of Public Accounts shall determine for the year ending June 30, 2021.</p>				
275.	Revenue Cash Reserve (23700).....		\$0	\$300,000,000
	Appropriated Revenue Reserve (23701).....	\$0	\$300,000,000	
	Fund Sources: General.....	\$0	\$300,000,000	
<p>Authority: Title 2.2, Chapter 18, Article 4.1, Code of Virginia.</p> <p>Notwithstanding any contrary provision of law, there is hereby appropriated in this item \$300,000,000 from the general fund the second year to the Revenue Reserve established pursuant to § 2.2-1831.2, Code of Virginia, to mitigate any potential revenue or transfer shortfalls that may arise during the biennium.</p>				
276.	Virginia Education Loan Authority Reserve Fund (73600).....		\$194,778	\$194,778
	Loan Servicing Reserve Fund (73601).....	\$94,778	\$94,778	
	Edvantage Reserve Fund (73602).....	\$100,000	\$100,000	
	Fund Sources: Trust and Agency.....	\$194,778	\$194,778	
<p>Authority: Chapter 384, Acts of Assembly of 1995; Chapter 39, Acts of Assembly of 1998.</p> <p>A. The General Assembly hereby recognizes and reaffirms the provisions of such Declarations as may have been adopted by the Virginia Education Loan Authority pursuant to Chapter 384, 1995 Acts of Assembly, and dated June 30, 1996. There is hereby appropriated from the VELA Loan Servicing Reserve Fund within the state treasury such sums as may be necessary, not to exceed \$94,778, to be paid out by the State Comptroller consistent with the provisions of the Declarations. There is hereby appropriated from the VELA Loan Servicing Reserve Fund within the state treasury such sums as may be necessary, not to exceed \$100,000, to be paid out by the State Comptroller for the purpose of determining the validity and amount of any claims against the Fund. The State Comptroller is authorized to take such actions as may be necessary to effect the provisions of this paragraph.</p> <p>B. Funds in the Edvantage Reserve Fund are hereby appropriated for disbursement by the State Comptroller, as provided for by law. All interest earned by the Edvantage Reserve Fund shall remain with the fund.</p>				
277.	Personnel Management Services (70400).....		\$31,049,441	\$31,359,934
	Employee Flexible Benefits Services (70420).....	\$31,049,441	\$31,359,934	
	Fund Sources: Trust and Agency.....	\$31,049,441	\$31,359,934	
<p>Authority: Title 2.2, Chapter 8, Code of Virginia.</p>				
278.	Financial Assistance for Health Research (40700).....		\$1,936,111	\$1,846,112
	Health Research Grant Administration Services (40701).....	\$1,936,111	\$1,846,112	
	Fund Sources: Dedicated Special Revenue.....	\$1,936,111	\$1,846,112	
<p>Authority: Title 2.2, Chapter 8, Code of Virginia.</p> <p>The Department of Accounts is authorized to disburse, as fiscal agent for the Commonwealth Health Research Board, funds received from the Virginia Retirement System pursuant to § 32.1-162.28, Code of Virginia.</p>				

ITEM 278.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
279. Personal Property Tax Relief Program (74600).....			\$950,000,000	\$950,000,000
Reimbursements to Localities for Personal Property Tax Relief (74601).....	\$950,000,000	\$950,000,000		
Fund Sources: General.....	\$950,000,000	\$950,000,000		

Authority: Discretionary Inclusion.

A.1. Out of this appropriation, \$950,000,000 the first year and \$950,000,000 the second year from the general fund is provided to be used to implement a program which provides equitable tax relief from the personal property tax on vehicles.

2. The amounts appropriated in this Item provide for a local reimbursement level of 70 percent in tax years 2004 and 2005. The local reimbursement level for tax year 2006 is set at \$950,000,000 pursuant Chapter 1, 2004 Acts of Assembly, Special Session I. Payments to localities with calendar year 2006 car tax payment due dates prior to July 1, 2006, shall not be reimbursed until after July 1, 2006, except as otherwise provided in paragraph D of this Item.

B. Notwithstanding the provisions of subsection B of § 58.1-3524, Code of Virginia, as amended by Chapter 1, 2004 Acts of Assembly, Special Session I, the determination of each county's, city's and town's share of the total funds available for reimbursement for personal property tax relief pursuant to that subsection shall be pro rata based upon the actual payments to such county, city or town pursuant to Title 58.1, Chapter 35.1, Code of Virginia, for tax year 2004 as compared to the actual payments to all counties, cities and towns pursuant to that chapter for tax year 2004, made with respect to reimbursement requests submitted on or before December 31, 2005, as certified in writing by the Auditor of Public Accounts not later than March 1, 2006. Notwithstanding the provisions of the second enactment of Chapter 1, 2004 Acts of Assembly, Special Session I, this paragraph shall become effective upon the effective date of this act.

C. The requirements of subsection C 2 of § 58.1-3524 and subsection E of § 58.1-3912, Code of Virginia, as amended by Chapter 1, 2004 Acts of Assembly, Special Session I, with respect to the establishment of tax rates for qualifying vehicles and the format of tax bills shall be deemed to have been satisfied if the locality provides by ordinance or resolution, or as part of its annual budget adopted pursuant to Title 15.2, Chapter 25, Code of Virginia, or the provisions of a local government charter or Title 15.2, Chapter 4, 5, 6, 7 or 8, Code of Virginia, if applicable, specific criteria for the allocation of the Commonwealth's payments to such locality for tangible personal property tax relief among the owners of qualifying vehicles, and such locality's tax bills provide a general description of the criteria upon which relief has been allocated and set out, for each qualifying vehicle that is the subject of such bill, the specific dollar amount of relief so allocated.

D. The Secretary of Finance may authorize advance payment, from funds appropriated in this Item, of sums otherwise due a town on and after July 1, 2006, for personal property tax relief under the provisions of Chapter 1, 2004 Acts of Assembly, Special Session I, if the Secretary finds that such town (1) had a due date for tangible personal property taxes on qualified vehicles for tax year 2006 falling between January 1 and June 30, 2006, (2) had a due date for tangible personal property taxes on qualified vehicles for tax year 2004 falling between January 1 and June 30, 2004, (3) received reimbursements pursuant to the provisions of Title 58.1, Chapter 35.1, Code of Virginia, between January 1 and June 30, 2004, (4) utilizes the cash method of accounting, and (5) would suffer fiscal hardship in the absence of such advance payment.

E. It is the intention of the General Assembly that reimbursements to counties, cities and towns that had a billing date for tax year 2004 tangible personal property taxes with respect to qualifying vehicles falling between January 1 and June 30, 2004, and received personal property tax relief reimbursement with respect to tax year 2004 from the Commonwealth between January 1 and June 30, 2004, pursuant to the provisions of Title 58.1, Chapter 35.1, Code of Virginia, as it existed prior to the amendments effected by Chapter 1, 2004 Acts of Assembly, Special Session I, be made by the Commonwealth with respect to sums attributable to such spring billing dates not later than August 15 of each fiscal year.

ITEM 279.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022

279.10 Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted.

	FY 2021	FY 2022
Provide funding for a voluntary deposit to the Revenue Reserve Fund	\$0	\$300,000,000
Agency Total	\$0	\$300,000,000
Total for Department of Accounts Transfer Payments		\$1,644,485,110 \$1,884,809,001
Nongeneral Fund Positions.....	1.00	1.00
Position Level.....	1.00	1.00
Fund Sources: General.....	\$1,056,304,780	\$1,296,408,177
Trust and Agency.....	\$81,244,219	\$81,554,712
Dedicated Special Revenue.....	\$506,936,111	\$506,846,112
Grand Total for Department of Accounts.....		\$1,687,841,470 \$1,937,732,518
General Fund Positions.....	115.00	115.00
Nongeneral Fund Positions.....	55.00	55.00
Position Level.....	170.00	170.00
Fund Sources: General.....	\$1,069,877,146	\$1,309,815,543
Special.....	\$995,689	\$995,689
Internal Service.....	\$28,788,305	\$38,520,462
Trust and Agency.....	\$81,244,219	\$81,554,712
Dedicated Special Revenue.....	\$506,936,111	\$506,846,112

§ 1-87. DEPARTMENT OF PLANNING AND BUDGET (122)

280. Planning, Budgeting, and Evaluation Services (71500).....		\$8,651,148	\$8,651,148
Budget Development and Budget Execution Services (71502).....	\$6,121,506		\$6,121,506
Forecasting and Regulatory Review Services (71505).....	\$1,268,852		\$1,268,852
Program Evaluation Services (71506).....	\$734,911		\$734,911
Administrative Services (71598).....	\$525,879		\$525,879
Fund Sources: General.....	\$8,651,148		\$8,651,148

Authority: Title 2.2, Chapter 15, Code of Virginia.

A. The Department of Planning and Budget shall be responsible for continued development and coordination of an integrated, systematic policy analysis, planning, budgeting, performance measurement and evaluation process within state government. The department shall collaborate with the Governor's Secretaries and all other agencies of state government and other entities as necessary to ensure that information generated from these processes is useful for managing and improving the efficiency and effectiveness of state government operations.

ITEM 280.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022

B. The Department of Planning and Budget shall be responsible for the continued development and coordination of a review process for strategic plans and performance measures of the state agencies. The review process shall assess on a periodic basis the structure and content of the plans and performance measures, the processes used to develop and implement the plans and measures, the degree to which agencies achieve intended goals and results, and the relation between intended and actual results and budget requirements.

C.1. Notwithstanding § 2.2-1508, Code of Virginia, or any other provisions of law, on or before December 20, the Department of Planning and Budget shall deliver to the presiding officer of each house of the General Assembly a copy of the budget document containing the explanation of the Governor's budget recommendations. This copy may be in electronic format.

2. The Department of Planning and Budget shall include in the budget document the amount of projected spending and projected net tax-supported state debt for each year of the biennium on a per capita basis. For this purpose, "spending" is defined as total appropriations from all funds for the cited fiscal years as shown in the Budget Bill. The most current population estimates from the Weldon Cooper Center for Public Services shall be used to make the calculations.

D. Notwithstanding any contrary provision of law, any school division may also request the Department of Planning and Budget to assist in the coordination of a school efficiency review for the division, including but not limited to the selection of the contractor to conduct that school division's review. Each participating school division shall pay 100 percent of the cost of the review.

Total for Department of Planning and Budget.....			\$8,651,148	\$8,651,148
General Fund Positions.....	67.00	67.00		
Nongeneral Fund Positions.....	3.00	3.00		
Position Level.....	70.00	70.00		
Fund Sources: General.....	\$8,651,148	\$8,651,148		

§ 1-88. DEPARTMENT OF TAXATION (161)

281.	Planning, Budgeting, and Evaluation Services (71500).....			\$3,931,819	\$3,931,819
	Tax Policy Research and Analysis (71507).....	\$1,951,007	\$1,951,007		
	Appeals and Rulings (71508).....	\$1,225,079	\$1,225,079		
	Revenue Forecasting (71509).....	\$755,733	\$755,733		
	Fund Sources: General.....	\$3,931,819	\$3,931,819		

Authority: §§ 2.2-1503, 15.2-2502, 58.1-202, 58.1-207, 58.1-210, 58.1-213, 58.1-816, and 58.1-3406, and Title 10.1, Chapter 14, Code of Virginia.

A. The Department of Taxation shall continue the staffing and responsibility for the revenue forecasting of the Commonwealth Transportation Funds, including the Department of Motor Vehicles Special Fund, as provided in § 2.2-1503, Code of Virginia. The Department of Motor Vehicles shall provide the Department of Taxation with direct access to all data records and systems required to perform this function. The Department of Planning and Budget shall effectuate the transfer of three full-time equivalent positions and sufficient funding to ensure the successful consolidation of this function.

B. Notwithstanding the provisions of § 58.1-202.2, Code of Virginia, no report on public-private partnership contracts shall be required in years following the final report upon the completion of contract or when no such contract is active.

C. The Department of Taxation shall report no later than September 1 on an annual basis, to the Chairmen of the House Appropriations, House Finance and Senate Finance Committees, on the amount of state sales and use tax revenues authorized to be remitted for the preceding fiscal year under the provisions of § 58.1-608.3, § 58.1-3851.1, and §

ITEM 281.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
58.1-3851.2, of the Code of Virginia, as amended by the 2015 General Assembly.				
282.	Revenue Administration Services (73200).....		\$61,232,085	\$61,589,772
	Tax Return Processing (73214).....	\$6,467,197		\$6,467,197
	Customer Services (73217).....	\$12,353,531		\$12,353,531
	Compliance Audit (73218).....	\$22,761,388		\$23,119,075
	Compliance Collections (73219).....	\$16,695,927		\$16,695,927
	Legal and Technical Services (73222).....	\$2,954,042		\$2,954,042
	Fund Sources: General.....	\$50,392,070		\$50,749,757
	Special.....	\$10,118,172		\$10,118,172
	Dedicated Special Revenue.....	\$721,843		\$721,843

Authority: Title 3.2; Title 58.1, Code of Virginia.

A. Pursuant to § 58.1-1803, Code of Virginia, the Tax Commissioner is hereby authorized to contract with private collection agencies for the collection of delinquent accounts. The State Comptroller is hereby authorized to deposit collections from such agencies into the Contract Collector Fund (§ 58.1-1803, Code of Virginia). Revenue in the Contract Collector Fund may be used to pay private collection agencies/attorneys and perform oversight of their operations, upgrade audit and collection systems and data interfaces, and retain experts to perform analysis of receivables and collection techniques. Any balance in the fund remaining after such payment shall be deposited into the appropriate general, nongeneral, or local fund no later than June 30 of each year.

B.1. The Department of Taxation is authorized to retain, as special revenue, its reasonable share of any court fines and fees to reimburse the department for any ongoing operational collection expenses.

2. Any form of state debt assigned to the Department of Taxation for collection may be collected by the department in the same manner and means as state taxes may be collected pursuant to Title 58.1, Chapter 18, Code of Virginia.

C. The Department of Taxation is hereby appropriated revenues from the Communications Sales and Use Tax Trust Fund to recover the direct cost of administration incurred by the department in implementing and collecting this tax as provided by § 58.1-662, Code of Virginia.

D. The Tax Commissioner shall have the authority to waive penalties and grant extensions of time to file a return or pay a tax, or both, to any class of taxpayers when the Tax Commissioner in his discretion finds that the normal due date has, or would, cause undue hardship to taxpayers who were, or would be, unable to use electronic means to file a return or pay a tax because of a power or systems failure that causes the department's electronic filing or payment systems to be nonfunctional for all or a portion of a day on or about the due date for a return or payment.

E. The Department of Taxation is hereby appropriated Land Conservation Incentive Act fees imposed under § 58.1-513 C. 2., Code of Virginia, on the transferring of the value of the donated interest. The Code of Virginia specifies such fees will be used by the Departments of Taxation and Conservation and Recreation to recover the direct cost of administration incurred in implementing the Virginia Land Conservation Act.

F. In the event that the United States Congress adopts legislation allowing local governments, with the assistance of the Commonwealth, to collect delinquent local taxes using offsets from federal income taxes, the Department of Accounts shall provide a treasury loan to the Department of Taxation to finance the costs of modifying the agency's computer systems to implement this federal debt setoff program. This treasury loan shall be repaid from the proceeds collected from the offsets of federal income taxes collected on behalf of localities by the Department of Taxation.

G. 1. All revenue received by the Commonwealth pursuant to the provisions of § 58.1-645 et seq., Code of Virginia, shall be paid into the state treasury and deposited to the Virginia Communications Sales and Use Tax Fund and shall be distributed pursuant to § 58.1-662, Code of Virginia, and Items 273 and 294 of this act. For the purposes of the Comptroller's

ITEM 282.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<p>preliminary and final annual reports required by § 2.2-813, Code of Virginia, however, all deposits to and disbursements from the Fund shall be accounted for as part of the general fund of the state treasury.</p>				
<p>2. It is the intent of the General Assembly that all such revenues be distributed to counties, cities, and towns, the Department for the Deaf and Hard-of-Hearing, and for the costs of administering the Virginia Communications Sales and Use Tax.</p>				
<p>H. Notwithstanding the provisions of § 58.1-478, Code of Virginia, effective July 1, 2011, every employer whose average monthly liability can reasonably be expected to be \$1,000 or more and the aggregate amount required to be withheld by any employer exceeds \$500 shall file the annual report required by § 58.1-478, Code of Virginia, and all forms required by § 58.1-472, Code of Virginia, using an electronic medium using a format prescribed by the Tax Commissioner. Waivers shall be granted only if the Tax Commissioner finds that this requirement creates an unreasonable burden on the employer. All requests for waiver shall be submitted to the Tax Commissioner in writing.</p>				
<p>I. Notwithstanding the provisions of § 58.1-214, Code of Virginia, the department shall not be required to mail its forms and instructions unless requested by a taxpayer or his representative.</p>				
<p>J.1. Notwithstanding the provisions of § 58.1-609.12, Code of Virginia, no report on the fiscal, economic and policy impact of the miscellaneous Retail Sales and Use Tax exemptions under § 58.1-609.10, Code of Virginia, shall be required after the completion of the final report in the first five-year cycle of the study, due December 1, 2011. The Department of Taxation shall satisfy the requirement of § 58.1-609.12 that it study and report on the annual fiscal impact of the Retail Sales and Use Tax exemptions for nonprofit entities provided for in § 58.1-609.11, Code of Virginia, by publishing such fiscal impact on its website.</p>				
<p>2. Notwithstanding the provisions of § 58.1-202, Code of Virginia, no report detailing the total amount of corporate income tax relief provided in Virginia shall be required after the completion of such report due on October 1, 2013. The Department of Taxation shall satisfy the requirement of § 58.1-202 that it issue an annual report detailing the total amount of corporate income tax relief provided in Virginia by publishing its Annual Report on its website.</p>				
<p>K. 1. Notwithstanding any provision of the Code of Virginia or this act to the contrary,</p>				
<p>a. Effective January 1, 2013, all corporations are required to file estimated tax payments and their annual income tax return and final payment using an electronic medium in a format prescribed by the Tax Commissioner .</p>				
<p>b. Effective July 1, 2013, every employer shall file the annual report required by § 58.1-478 and all forms required by § 58.1-472, Code of Virginia, using an electronic medium in a format prescribed by the Tax Commissioner.</p>				
<p>c. Effective July 1, 2014, every employer shall file the annual report required by § 58.1-478 , not later than January 31 of the calendar year succeeding the calendar year in which wages were withheld from employees.</p>				
<p>d. Effective January 1, 2015, for taxable years beginning on and after January 1, 2014, every pass-through entity shall file the annual return required by § 58.1-392, Code of Virginia, and make related payments using an electronic medium in a format prescribed by the Tax Commissioner.</p>				
<p>e. i. Effective until January 1, 2020, all estates and trusts are required to file estimated tax payments pursuant to § 58.1-490 et seq., Code of Virginia, and their annual income tax return pursuant to § 58.1-381, Code of Virginia, and final payment using an electronic medium in a format prescribed by the Tax Commissioner.</p>				
<p>ii. Effective January 1, 2020, annual income tax returns of estates and trusts required pursuant to § 58.1-381, Code of Virginia, that are prepared by an income tax return preparer, as defined in § 58.1-302, Code of Virginia, must be filed using an electronic medium in a format prescribed by the Tax Commissioner.</p>				

ITEM 282.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
f. Taxpayers subject to the taxes imposed pursuant to § 58.1-320 and required to pay estimated tax pursuant to § 58.1-490 et seq., shall be required to file and remit using an electronic medium in a format prescribed by the Tax Commissioner all installment payments of estimated tax and all payments made with regard to a return or an extension of time to file if (i) any one such payment exceeds or is required to exceed \$7,500, or if (ii) the taxpayer's total tax liability exceeds or can be reasonably expected to exceed \$30,000 in any taxable year beginning on or after January 1, 2018. The Department of Taxation shall provide reasonable advanced notice to taxpayers affected by this requirement.				
2.a. The Tax Commissioner shall have the authority to waive the requirement to file or pay by electronic means. Waivers shall be granted only if the Tax Commissioner finds that this requirement creates an unreasonable burden on the person required to use an electronic medium. All requests for waiver shall be submitted to the Tax Commissioner in writing.				
b. The Tax Commissioner shall have the authority to waive the requirement to file or pay by January 31. Waivers shall be granted only if the Tax Commissioner finds that this requirement creates an unreasonable burden on the person required to file or pay by January 31. All requests for waiver shall be submitted to the Tax Commissioner in writing.				
L.1. Notwithstanding any other provision of law, Retail Sales and Use Tax returns and payments shall be made using an electronic medium prescribed by the Tax Commissioner beginning with the June 2012 return, due July 2012, for monthly filers and, for less frequent filers, with the first return they are required to file after July 1, 2013.				
2. Notwithstanding any other provision of law, Out-of-State Dealer's Use Tax and Business Consumer's Use Tax returns and payments shall be made using an electronic medium prescribed by the Tax Commissioner beginning with the July 2017 return, due August 2017, for monthly filers and, for less frequent filers, with the first return they are required to file after August 1, 2017.				
3. The Tax Commissioner shall have the authority to waive the requirement to file by electronic means upon a determination that the requirement would cause an undue hardship. All requests for waiver shall be transmitted to the Tax Commissioner in writing.				
M. The Department of Taxation is hereby appropriated revenues from the Virginia Motor Vehicle Rental Tax to recover the direct cost of administration incurred by the department in implementing and collecting this tax as provided by § 58.1-1741, Code of Virginia.				
N. Notwithstanding the provisions of § 58.1-490 et seq., Code of Virginia,				
1. Effective for taxable years beginning on or after January 1, 2015, a taxpayer shall be permitted to file a declaration of estimated tax with the Department of Taxation instead of with the commissioner of the revenue and notwithstanding the provisions of § 58.1-306, Code of Virginia, the department may so advise taxpayers.				
2. Effective January 1, 2015, every treasurer who receives an estimated income tax return, declaration or voucher pursuant to § 58.1-495 of the Code of Virginia shall transmit such return, declaration or voucher to the Department of Taxation using an electronic medium in a format prescribed by the Tax Commissioner.				
O. Notwithstanding any provision of the Code of Virginia or this act to the contrary, the Department of Taxation is authorized to provide Form 1099 in an electronic format to taxpayers. The Tax Commissioner shall ensure that taxpayers may elect to receive the electronic version of the form.				
P. The Department of Taxation is hereby appropriated revenues from the E-911 Wireless Tax to recover the direct cost of administration incurred by the department in implementing and collecting this tax as provided by § 56-484.17:1, Code of Virginia.				
Q. The Department of Taxation is hereby appropriated revenues from the assessment for expenses pursuant to §§ 38.2-400 and 38.2-403, Code of Virginia, to recover any costs related to the Insurance Premiums License Tax that are incurred by the Department of Taxation, as provided in § 58.1-2533, Code of Virginia.				
R. The Department of Taxation is authorized to recover the administrative costs associated				

ITEM 282.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<p>with debt collection initiatives under the U.S. Treasury Offset Program authorized by § 2.2-4809, not to exceed twenty percent of revenues generated pursuant to such debt collection initiatives. Such sums are in addition to any fees charged by outside collections contractors and/or enhanced collection revenues returned to the Commonwealth.</p>				
<p>S.1. Notwithstanding any other provision of the Code of Virginia or this act to the contrary, effective July 1, 2015, the Department of Taxation is hereby authorized to charge a fee of \$5.00 per copy of a tax return requested by a taxpayer or a representative thereof.</p>				
<p>2. The Tax Commissioner shall have the authority to waive such fee. Waivers shall be granted only if the Tax Commissioner finds that this requirement creates an unreasonable burden on the person requesting such copies. All requests for waiver shall be submitted to the Tax Commissioner in writing.</p>				
<p>T. Notwithstanding any other provision of the Code of Virginia or this act to the contrary, effective January 1, 2016, the Department of Taxation shall not provide to the local commissioners of the revenue or any other local officials copies of federal tax forms or schedules, including but not limited to, federal Schedules C (1040), C-EZ (1040), D (1040), E (1040), or F (1040), or federal Forms 4562 or 2106, or copies of Virginia Schedule 500FED, unless such schedules or forms are attached to a Virginia income tax return and submitted to the department in an electronic format by the taxpayer.</p>				
<p>U.1. Notwithstanding any other provision of law, Vending Machine Dealer's Sales Tax, Motor Vehicle Rental Tax and Fee, Communications Taxes, and Tobacco Products Tax returns shall be filed using an electronic medium prescribed by the Tax Commissioner beginning with the July 2016 return, due August 2016, for monthly filers and, for less frequent filers, with the first return they are required to file after July 1, 2016.</p>				
<p>2. Notwithstanding any other provision of law, Litter Tax returns shall be filed and any payments shall be made using an electronic medium prescribed by the Tax Commissioner beginning with the first return required to be filed after January 1, 2018.</p>				
<p>3. The Tax Commissioner shall have the authority to waive the requirement to file by electronic means upon a determination that the requirement would cause an undue hardship. All requests for waiver shall be transmitted to the Tax Commissioner in writing.</p>				
<p>V.1. Notwithstanding any other provision of law, effective July 1, 2017, the Department of Taxation shall charge a fee of \$275 for each request, except those requested by the local assessing officer, for a letter ruling to be issued pursuant to § 58.1-203, Code of Virginia, or for an advisory opinion issued pursuant to §§ 58.1-3701 or 58.1-3983.1, Code of Virginia; \$50 for each request for an offer in compromise with respect to doubtful collectability authorized by § 58.1-105, Code of Virginia; and \$100 for each request for permission to change a corporation's filing method pursuant to § 58.1-442, Code of Virginia.</p>				
<p>2. The Tax Commissioner shall have the authority to waive such fees. Waivers shall be granted only if the Tax Commissioner finds that such fee creates an unreasonable burden on the person making such request. All requests for waiver shall be submitted to the Tax Commissioner in writing.</p>				
<p>3. Revenues received from the above fees shall be deposited into the general fund in the state treasury.</p>				
<p>W. Notwithstanding the provisions of § 38.2-5601, Code of Virginia, the Department of Taxation shall not be required to update the Virginia Medical Savings Account Plan report after the completion of such report due on December 31, 2016.</p>				
<p>X.1. Notwithstanding any other provision of law, any employer or payroll service provider that owns or licenses computerized data relating to income tax withheld pursuant to Article 16 (§ 58.1-460 et seq.) of Chapter 3 of Title 58.1 shall notify the Office of the Attorney General without unreasonable delay after the discovery or notification of unauthorized access and acquisition of unencrypted and unredacted computerized data containing a taxpayer identification number in combination with the income tax withheld for that taxpayer that compromises the confidentiality of such data and that creates a</p>				

ITEM 282.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<p>reasonable belief that an unencrypted and unredacted version of such information was accessed and acquired by an unauthorized person, and causes, or the employer or payroll provider reasonably believes has caused or will cause, identity theft or other fraud. With respect to employers, this requirement applies only to information regarding the employer's employees, and does not apply to information regarding the employer's customers or other non-employees.</p> <p>Such employer or payroll service provider shall provide the Office of the Attorney General with the name and federal employer identification number of the employer as defined in § 58.1-460 that may be affected by the compromise in confidentiality. Upon receipt of such notice, the Office of the Attorney General shall notify the Department of Taxation of the compromise in confidentiality. The notification required under this provision that does not otherwise require notification under subsections A through L of § 18.2-186.6, Code of Virginia, shall not be subject to any other notification, requirement, exemption, or penalty contained in that section.</p> <p>2. Notwithstanding any other provision of law, any income tax return preparer, as defined in § 58.1-302, who prepares any Virginia individual income tax return during a calendar year for which he has the primary responsibility for the overall substantive accuracy of the preparation thereof shall notify the Department of Taxation without unreasonable delay after the discovery or notification of unauthorized access and acquisition of unencrypted and unredacted return information that compromises the confidentiality of such information and that creates a reasonable belief that an unencrypted and unredacted version of such information was accessed and acquired by an unauthorized person, and causes, or such preparer reasonably believes has caused or will cause, identity theft or other fraud.</p> <p>Such income tax return preparer shall provide the Department of Taxation with the name and taxpayer identifying number of any taxpayer that may be affected by the compromise in confidentiality, as well as the name of the income tax return preparer, his preparer tax identification number, and such other information as the Department may prescribe.</p> <p>Y.1. Every payment settlement entity required to file information returns under § 6050W of the Internal Revenue Code shall, within thirty days of the relevant federal deadline for filing such returns, submit to the Department of Taxation electronically either (i) a duplicate of all such information returns or (ii) a duplicate of such information returns related to participating payees with a Virginia state address or Virginia state taxpayers.</p> <p>2. All third-party settlement organizations, as defined in § 6050W of the Internal Revenue Code, shall report to the Department of Taxation electronically, and to any participating payee, within 30 days of the relevant federal deadline for reporting such information, all information specified by § 6050W of the Internal Revenue Code with respect to reportable payment transactions made on or after January 1, 2020 to such participating payee. For purposes of determining whether a third-party settlement organization is subject to this requirement, the de minimis limitations of § 6041(a) of the Internal Revenue Code shall apply mutatis mutandis in lieu of the de minimis limitations of § 6050W of the Internal Revenue Code. This requirement shall apply only with respect to participating payees with a Virginia mailing address.</p> <p>3. The Tax Commissioner shall have the authority to waive the requirement to submit this information upon a determination that the requirement would cause an unreasonable burden. In addition, the Tax Commissioner shall have the authority to waive the requirement to submit this information electronically upon a determination that the requirement would cause an unreasonable burden. All requests for waiver shall be transmitted to the Tax Commissioner in writing.</p> <p>Z. The Department of Taxation is hereby appropriated revenues from the Disposable Plastic Bag Tax to recover any administrative costs for collecting the tax incurred by the Department of Taxation as provided by § 58.1-3835 (C), Code of Virginia.</p>				
283.	Tax Value Assistance to Localities (73400).....		\$2,187,675	\$2,187,675
	Training for Local Assessors (73401).....	\$159,679		\$159,679
	Valuation and Assessment Assistance for Localities (73410).....	\$2,027,996		\$2,027,996

ITEM 283.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Fund Sources: General.....	\$698,453	\$698,453		
Special.....	\$1,489,222	\$1,489,222		
<p>Authority: Title 58.1, Chapters 32, 34, 35, 36, and 39 and §§ 58.1-202, subdivisions 6, 10, and 11, 58.1-206; §§ 58.1-2655, 58.1-3239, 58.1-3278, and 58.1-3374, Code of Virginia.</p> <p>A. The department is hereby authorized to recover from participating localities, as special funds, the direct costs associated with assessor/property tax and local valuation and assessments training classes. In accordance with § 58.1-206, Code of Virginia, the assessing officers and board members attending shall continue to be reimbursed for the actual expenses incurred by their attendance at the programs.</p> <p>B. In the expenditure of funds out of its appropriations for determination of true values of locally taxable real estate for use by the Board of Education in state school fund distributions, the Department of Taxation shall use a sufficiently representative sampling of parcels, in accordance with the classification system as established in § 58.1-208, Code of Virginia, to reflect actual true values; further, the department shall, upon request of any local school board, review its initial determination and promptly inform the Board of Education of corrections in such determination.</p> <p>C. Notwithstanding any other provision of law, the requirement that the Department of Taxation print and distribute local tax forms, instructions, and property tax books shall be satisfied by the posting of such documents on the department's web site.</p>				
284. Administrative and Support Services (79900).....			\$52,241,216	\$52,241,216
General Management and Direction (79901).....	\$31,250,851	\$31,250,851		
Information Technology Services (79902).....	\$20,990,365	\$20,990,365		
Fund Sources: General.....	\$52,087,762	\$52,087,762		
Special.....	\$153,454	\$153,454		
<p>Authority: §§ 58.1-200, 58.1-202, and 58.1-213, Code of Virginia.</p> <p>A. To defray the costs of administration for voluntary contributions made on individual income tax returns for taxable years beginning on or after January 1, 2003, the Department of Taxation may retain up to five percent of the contributions made to each organization, not to exceed a total of \$50,000 from all organizations in any taxable year.</p> <p>B. The Department is hereby authorized to request and receive a treasury loan to fund the necessary start-up costs associated with the implementation of a sales and use tax modification or other state or local tax imposed pursuant to Chapter 766, 2013 Acts of Assembly. The treasury loan shall be repaid for these costs from the tax revenues. The Department shall also retain sufficient revenues to recover its costs incurred administering these taxes.</p> <p>C. Out of this appropriation, \$524,670 the first year and \$524,670 the second year from the general fund shall be provided for an initiative to develop new mobile applications and purchase computer tablets for the department's field collectors and auditors in order to increase revenue collection efficiency.</p> <p>D. Notwithstanding the provisions of §§ 2.2-507 and 2.2-510, when the Tax Commissioner determines that an issue may have a major impact on tax policies, revenues or expenditures, he may request that the Attorney General appoint special counsel to render such assistance or representation as needed. The compensation for such special counsel shall be paid out of the funds appropriated for the administration of the Department of Taxation.</p> <p>E. The Department of Taxation is required to provide, at the beginning of an audit, detailed information on the audit process and tax policies that are being examined. Furthermore, the Department shall compile and make available on their website a list of common issues which are identified in a large number of audits.</p>				
Total for Department of Taxation.....			\$119,592,795	\$119,950,482
General Fund Positions.....	905.00	905.00		
Nongeneral Fund Positions.....	56.00	56.00		

ITEM 284.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Position Level.....	961.00	961.00		
Fund Sources: General.....	\$107,110,104	\$107,467,791		
Special.....	\$11,760,848	\$11,760,848		
Dedicated Special Revenue.....	\$721,843	\$721,843		

§ 1-89. DEPARTMENT OF THE TREASURY (152)

285.	Investment, Trust, and Insurance Services (72500).....			\$35,279,243	\$35,503,798
	Debt Management (72501).....	\$1,155,836	\$1,155,836		
	Insurance Services (72502).....	\$29,614,201	\$29,829,666		
	Banking and Investment Services (72503).....	\$4,509,206	\$4,518,296		
	Fund Sources: General.....	\$3,973,567	\$3,823,122		
	Special.....	\$126,365	\$126,365		
	Commonwealth Transportation.....	\$185,187	\$185,187		
	Trust and Agency.....	\$30,994,124	\$31,369,124		

Authority: Title 2.2, Chapter 18, Code of Virginia.

A. The Department of the Treasury shall take into account the claims experience of each agency and institution when setting premiums for the general liability program.

B. Coverage provided by the VARISK plan for constitutional officers shall be extended to any action filed against a constitutional officer or appointee of a constitutional officer before the Equal Employment Opportunity Commission or the Virginia State Bar.

C. Notwithstanding the provisions of § 33.2-1919 and § 33.2-1927, Code of Virginia, the Northern Virginia Transportation Commission and the Potomac Rappahannock Transportation Commission are authorized to obtain liability policies for the Commissions' joint project, the Virginia Railway Express, consisting of liability insurance and a program of self-insurance maintained by the Commissions and administered by the Department of the Treasury's Division of Risk Management or by an independent third party selected by the Commissions, which liability policies shall be deemed to meet the requirements of § 8.01-195.3, Code of Virginia. In addition, the Director of the Department of Rail and Public Transportation is authorized to work with the Northern Virginia Transportation Commission and the Potomac Rappahannock Transportation Commission to obtain the foregoing liability policies for the Commissions. In obtaining liability policies, the Director of the Department of Rail and Public Transportation shall advise the Commissions regarding compliance with all applicable public procurement and administrative guidelines.

D. By January 15 of each year the Department of the Treasury shall report to the chairmen of the House Appropriations and Senate Finance Committees, in a unified report mutually agreeable to them, summarizing changes in required debt service payments from the general fund as the result of any refinancing, refunding, or issuance actions taken or expected to be taken by the Commonwealth within the next twelve months.

E. The Virginia Public School Authority shall transfer to the Department of the Treasury each year an amount necessary to recover the direct cost incurred by the department in the administration of the Virginia Public School Authority programs.

F. Notwithstanding § 2.2-1836 of the Code of Virginia, the Department of the Treasury is authorized to continue the data breach coverage under the Property Plan for state agencies.

G. The Department of the Treasury shall provide to the State Compensation Board the premiums, by local constitutional office and individual regional jail, required to fund the Constitutional Officer and Regional Jail Fund of the State Insurance Reserve Trust Fund. The premiums provided to the Department of the Treasury by the actuary shall be calculated using factors such claims experience by local constitutional office and individual regional jail, each local constitutional office and individual regional jail's total number of positions, and local and regional jail average daily populations.

H. Notwithstanding §2.2-1836, Code of Virginia the Department of the Treasury, Division of Risk Management is authorized to initiate Cyber coverage for state agencies under the

ITEM 285.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Property Plan after July 1, 2020. On or before July 1, 2021, the Department of the Treasury shall provide a report to the Secretary of Finance summarizing the program, loss experiences, and future recommendations including program structure and funding.				
I. Out of the amounts for this item shall be paid \$159,535 the first year from the general fund as a lump sum payment within 60 days of signing the release for the relief of Winston Lamont Scott pursuant to § 8.01-195.11 of the Code of Virginia. \$15,000 shall be deducted from this award total and repaid to the Criminal Fund under the provisions provided in subsection C. of § 8.01-195.11 of the Code of Virginia.				
286.	Revenue Administration Services (73200).....		\$15,114,717	\$14,686,914
	Unclaimed Property Administration (73207).....	\$7,867,053		
	Accounting and Trust Services (73213).....	\$2,038,643		
	Check Processing and Bank Reconciliation (73216).....	\$2,510,300		
	Administrative Services (73220).....	\$2,698,721		
	Fund Sources: General.....	\$4,453,844		
	Special.....	\$342,751		
	Trust and Agency.....	\$9,668,758		
	Dedicated Special Revenue.....	\$649,364		

Authority: Title 2.2, Chapter 18 and Title 55.1, Chapter 25, Code of Virginia.

A. Included in this Item is a sum sufficient nongeneral fund appropriation for personal services and other operating expenses to process checks issued by the Department of Social Services. The estimated cost, excluding actual postage costs, is \$89,000 the first year and \$89,000 the second year.

B. Included in this Item is a sum sufficient nongeneral fund appropriation for administrative expenses to process the Virginia Employment Commission (VEC) and Virginia Retirement System (VRS) checks. The estimated cost for VEC is \$5,500 the first year and \$5,500 the second year, and for VRS is \$25,500 the first year and \$25,500 the second year.

C.1. The amounts for Unclaimed Property Administration are for administrative and related support costs of the Uniform Disposition of Unclaimed Property Act, to be paid solely from revenues derived pursuant to the act.

2. The amounts also include a sum sufficient nongeneral fund amount estimated at \$2,000,000 the first year and \$2,000,000 the second year to pay fees for compliance services and securities portfolio custody services for unclaimed property administration.

3. Any revenue derived from the sale of the Department of the Treasury's new unclaimed property system is hereby appropriated to the department for use in unclaimed property customer service and system enhancements.

4. Notwithstanding § 55.1-2525.C of the Uniform Disposition of Unclaimed Property Act, the State Treasurer is not required to publish any item of less than \$250.

D. The State Treasurer is authorized to charge institutions of higher education participating in the private college financing program of the Virginia College Building Authority an administrative fee of up to 10 basis points of the amount financed for each project in addition to a share of direct costs of issuance as determined by the State Treasurer. Revenue collected from this administrative fee shall be deposited to a special fund in the Department of the Treasury to compensate the department for direct and indirect staff time and expenses involved with this program.

E. The State Treasurer is authorized to sell any securities remitted as unclaimed demutualization proceeds of insurance companies at any time after delivery, pursuant to legislation enacted by the 2003 Session of the General Assembly. The funds derived from the sale of said securities shall be handled in accordance with § 55.1-2531, Code of Virginia.

F.1. The State Treasurer is authorized to charge qualified public depositories holding

ITEM 286.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<p>public deposits, as defined in § 2.2-4401, Code of Virginia, an annual administrative fee of not more than one-half of one basis point of their average public deposit balances over a twelve month period. The State Treasurer shall issue guidelines to effect the implementation of this fee. However, the total fees collected from all qualified depositories shall not exceed \$100,000 in any one year.</p> <p>2. Any regulations or guidelines necessary to implement or change the amount of the fee may be adopted without complying with the Administrative Process Act (§ 2.2-4000 et seq.) provided that input is solicited from qualified public depositories. Such input requires only that notice and an opportunity to submit written comments be given.</p> <p>G. The State Treasurer shall work with universities and community colleges to develop policies and procedures which minimize the use of paper checks when issuing any reimbursements of student loan balances. These efforts should include reimbursement through debit cards, direct deposits, or other electronic means.</p> <p>H. The Virginia Public School Authority shall transfer to the Department of the Treasury each year an amount necessary to recover the direct cost incurred by the department in the accounting and financial reporting of the Virginia Public School Authority programs.</p>				
287.	<p>1. There is hereby appropriated to the Department of the Treasury a sum sufficient for the transfer to the federal government, in accordance with the provisions of the federal Cash Management Improvement Act of 1990 and related federal regulations, of the interest owed by the state on federal funds advanced to the state for federal assistance programs, where such funds are held by the state from the time they are deposited in the state's bank account until they are paid out to redeem warrants, checks or payments by other means. This sum sufficient appropriation is funded from the interest earned on federal funds deposited and invested by the state. The actual amount for transfer shall be established by the State Comptroller.</p> <p>2. When permitted by applicable federal laws or administrative regulations, the State Comptroller shall first offset and reduce the amount to be transferred by any and all amounts of interest payments calculated to be received by the state from the federal government, where such payments are due to the state because the state was required to disburse its own funds for federal program purposes prior to the receipt of federal funds.</p> <p>3. Should the interest payments calculated to be made by the federal government to the state exceed the interest calculated to be transferred from the state to the federal government, reduced by the federally approved direct cost reimbursement to the state, the State Comptroller shall then notify the federal government of the net amount of interest due to the state and shall record such net interest, upon its receipt, as interest revenue earned by the general fund.</p>			
287.10	<p>Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted.</p>			
		FY 2021		FY 2022
	Increase funding for a new position in the Cash Management and Investments Division	\$100,003		\$109,093
	Agency Total	\$100,003		\$109,093
	Total for Department of the Treasury.....		\$50,393,960	\$50,190,712

ITEM 287.10.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022
General Fund Positions.....	32.20	32.20		
Nongeneral Fund Positions.....	91.80	91.80		
Position Level.....	124.00	124.00		
Fund Sources: General.....	\$8,427,411	\$8,114,163		
Special.....	\$469,116	\$469,116		
Commonwealth Transportation.....	\$185,187	\$185,187		
Trust and Agency.....	\$40,662,882	\$40,772,882		
Dedicated Special Revenue.....	\$649,364	\$649,364		

§ 1-90. TREASURY BOARD (155)

288.	Bond and Loan Retirement and Redemption (74300).....			\$876,257,156	\$931,665,934
	Debt Service Payments on General Obligation Bonds (74301).....	\$59,181,904	\$56,955,915		
	Capital Lease Payments (74302).....	\$4,757,375	\$4,756,000		
	Debt Service Payments on Public Building Authority Bonds (74303).....	\$298,386,309	\$319,645,098		
	Debt Service Payments on College Building Authority Bonds (74304).....	\$513,931,568	\$550,308,921		
	Fund Sources: General.....	\$834,230,106	\$890,333,756		
	Higher Education Operating.....	\$31,526,576	\$31,526,576		
	Dedicated Special Revenue.....	\$645,000	\$645,000		
	Federal Trust.....	\$9,855,474	\$9,160,602		

Authority: Title 2.2, Chapter 18, Code of Virginia; Article X, Section 9, Constitution of Virginia.

A. The Director, Department of Planning and Budget is authorized to transfer appropriations between Items in the Treasury Board to address legislation affecting the Treasury Board passed by the General Assembly.

B.1. Out of the amounts for Debt Service Payments on General Obligation Bonds, the following amounts are hereby appropriated from the general fund for debt service on general obligation bonds issued pursuant to Article X, Section 9 (b), of the Constitution of Virginia:

Series	FY 2021		FY 2022	
	General Fund	Federal Funds	General Fund	Federal Funds
2012 Refunding	\$4,129,700	\$0	\$4,029,200	\$0
2013 Refunding	\$14,535,250	\$0	\$14,079,000	\$0
2015B Refunding	\$13,113,750	\$0	\$12,680,250	\$0
2016B Refunding	\$5,483,450	\$0	\$5,320,700	\$0
2019B Refunding	\$20,439,250	\$0	\$19,425,000	\$0
2019C Refunding	\$1,400,504	\$0	\$1,341,765	\$0
Projected debt service & expenses	\$80,000	\$0	\$80,000	\$0
Total Service Area	\$59,181,904	\$0	\$56,955,915	\$0

2. Out of the amounts for Debt Service Payments on General Obligation Bonds, sums needed to fund issuance costs and other expenses are hereby appropriated.

C. Out of the amounts for Capital Lease Payments, the following amounts are hereby appropriated for capital lease payments:

	FY 2021	FY 2022
Virginia Biotech Research Park, 2009	\$4,757,375	\$4,756,000
Total Capital Lease Payments	\$4,757,375	\$4,756,000

ITEM 288.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022

D.1. Out of the amounts for Debt Service Payments on Virginia Public Building Authority Bonds shall be paid to the Virginia Public Building Authority the following amounts for use by the authority for its various bond issues:

Series	FY 2021		FY 2022	
	General Fund	Nongeneral Fund	General Fund	Nongeneral Fund
2005D	\$2,000,000	\$0	\$2,000,000	\$0
2009A	\$4,682,863	\$0	\$4,683,497	\$0
2009C	\$1,087,310	\$0	\$1,088,090	\$0
2009D Refunding	\$2,622,250	\$0	\$2,618,188	\$0
2010A	\$21,843,481	\$3,553,029	\$21,825,508	\$3,292,966
2010B	\$33,944,941	\$3,121,053	\$33,924,754	\$2,916,714
2011A STARS	\$630,375	\$0	\$630,375	\$0
2011A	\$12,909,250	\$0	\$12,909,875	\$0
2011B	\$1,298,949	\$0	\$1,297,924	\$0
2012A Refunding	\$6,557,350	\$0	\$6,551,700	\$0
2013A	\$8,825,775	\$0	\$8,824,900	\$0
2013B Refunding	\$17,243,625	\$0	\$17,245,000	\$0
2014A	\$8,480,150	\$645,000	\$8,477,525	\$645,000
2014B	\$2,010,580	\$0	\$2,011,088	\$0
2014C Refunding	\$25,871,400	\$0	\$17,373,650	\$0
2015A	\$17,339,870	\$0	\$17,342,870	\$0
2015B Refunding	\$11,264,775	\$0	\$11,266,900	\$0
2016A	\$14,387,050	\$0	\$14,389,800	\$0
2016B Refunding	\$17,811,650	\$0	\$17,811,275	\$0
2016C	\$11,658,000	\$0	\$11,656,000	\$0
2016D	\$904,382	\$0	\$906,682	\$0
2017A Refunding	\$6,722,850	\$0	\$6,722,850	\$0
2018A	\$11,749,844	\$0	\$11,746,094	\$0
2018B	\$1,229,590	\$0	\$1,229,490	\$0
2019A	\$13,434,000	\$0	\$13,438,000	\$0
2019B	\$10,159,150	\$0	\$10,157,525	\$0
2019C	\$5,579,052	\$0	\$5,453,302	\$0
Projected debt service and expenses	\$18,818,715	\$0	\$49,207,556	\$0
Total Service Area	\$291,067,227	\$7,319,082	\$312,790,418	\$6,854,680

2.a. Funding is included in this Item for the Commonwealth's reimbursement of a portion of the approved capital costs as determined by the Board of Corrections and other interest costs as provided in §§ 53.1-80 through 53.1-82.2 of the Code of Virginia, for the following:

Project	Commonwealth Share of Approved Capital Costs
Prince William – Manassas Regional Jail	\$21,032,421
Henry County Jail	\$18,759,878
Chesapeake City Jail	\$6,860,886
Piedmont Regional Jail	\$2,139,464
Prince William – Manassas Regional Jail Expansion	\$678,387
Riverside Regional Jail	\$807,447
Total Approved Capital Costs	\$50,278,483

b. The Commonwealth's share of the total construction cost of the projects listed in the table

ITEM 288.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022

in paragraph D.2.a. shall not exceed the amount listed for each project. Reimbursement of the Commonwealth's portion of the construction costs of these projects shall be subject to the approval of the Department of Corrections of the final expenditures.

c. This paragraph shall constitute the authority for the Virginia Public Building Authority to issue bonds for the foregoing projects pursuant to § 2.2-2261 of the Code of Virginia.

E.1. Out of the amounts for Debt Service Payments on Virginia College Building Authority Bonds shall be paid to the Virginia College Building Authority the following amounts for use by the Authority for payments on obligations issued for financing authorized projects under the 21st Century College Program:

Series	FY 2021	FY 2022
2009E Refunding	\$26,967,750	\$26,971,250
2010B	\$27,254,689	\$27,021,208
2011 A	\$10,295,250	\$0
2012A	\$16,248,450	\$16,248,450
2012B	\$21,479,850	\$21,477,850
2013 A	\$16,814,669	\$16,818,669
2014A	\$16,971,650	\$19,673,650
2014B Refunding	\$195,400	\$195,400
2015A	\$26,655,700	\$26,656,450
2015B Refunding	\$27,432,898	\$27,429,861
2015D	\$13,716,535	\$13,716,785
2016A	\$19,471,600	\$19,472,600
2016B Refunding	\$1,972,000	\$1,972,000
2016C	\$4,432,507	\$4,431,735
2017B Refunding	\$19,961,500	\$18,609,750
2017C	\$31,465,500	\$31,470,250
2017D	\$11,317,081	\$11,315,706
2017E Refunding	\$26,711,750	\$35,956,750
2019A	\$31,122,350	\$31,126,100
2019B	\$9,985,500	\$9,982,250
2019C Refunding	\$29,213,500	\$29,064,250
Projected 21st Century debt service & expenses	\$33,001,247	\$77,660,902
Subtotal 21st Century	\$422,687,376	\$467,271,866

2. Out of the amounts for Debt Service Payments on Virginia College Building Authority Bonds shall be paid to the Virginia College Building Authority the following amounts for the payment of debt service on authorized bond issues to finance equipment:

Series	FY 2021	FY 2022
2013A	\$9,450,000	\$0
2014A	\$9,660,000	\$0
2015A	\$10,479,250	\$10,479,000
2016A	\$11,066,750	\$11,063,750
2017A	\$11,851,750	\$11,852,250
2018	\$12,859,500	\$12,860,750
2019A	\$12,570,250	\$12,571,250
Projected debt service & expenses	\$13,306,692	\$24,210,055
Subtotal Equipment	\$91,244,192	\$83,037,055
Total Service Area	\$513,931,568	\$550,308,921

3. Beginning with the FY 2008 allocation of the higher education equipment trust fund, the Treasury Board shall amortize equipment purchases at seven years, which is consistent

ITEM 288.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022

with the useful life of the equipment.

4. Out of the amounts for Debt Service Payments on Virginia College Building Authority Bonds, the following nongeneral fund amounts from a capital fee charged to out-of-state students at institutions of higher education shall be paid to the Virginia College Building Authority in each year for debt service on bonds issued under the 21st Century Program:

Institution	FY 2021	FY 2022
George Mason University	\$2,804,490	\$2,804,490
Old Dominion University	\$1,108,899	\$1,108,899
University of Virginia	\$5,006,754	\$5,006,754
Virginia Polytechnic Institute and State University	\$5,192,295	\$5,192,295
Virginia Commonwealth University	\$2,359,266	\$2,359,266
College of William and Mary	\$1,639,845	\$1,639,845
Christopher Newport University	\$131,508	\$131,508
University of Virginia's College at Wise	\$48,330	\$48,330
James Madison University	\$2,843,787	\$2,843,787
Norfolk State University	\$420,789	\$420,789
Longwood University	\$106,149	\$106,149
University of Mary Washington	\$234,834	\$234,834
Radford University	\$300,486	\$300,486
Virginia Military Institute	\$400,470	\$400,470
Virginia State University	\$773,577	\$773,577
Richard Bland College	\$10,830	\$10,830
Virginia Community College System	\$3,301,665	\$3,301,665
TOTAL	\$26,683,974	\$26,683,974

5. Out of the amounts for Debt Service Payments of College Building Authority Bonds, the following is the estimated general and nongeneral fund breakdown of each institution's share of the debt service on the Virginia College Building Authority bond issues to finance equipment. The nongeneral fund amounts shall be paid to the Virginia College Building Authority in each year for debt service on bonds issued under the equipment program:

Institution	FY 2021		FY 2022	
	General Fund	Nongeneral Fund	General Fund	Nongeneral Fund
College of William & Mary	\$2,992,492	\$259,307	\$2,653,323	\$259,307
University of Virginia	\$15,492,944	\$1,088,024	\$15,075,947	\$1,088,024
Virginia Polytechnic Institute and State University	\$15,279,292	\$992,321	\$14,889,747	\$992,321
Virginia Military Institute	\$903,953	\$88,844	\$800,533	\$88,844
Virginia State University	\$1,644,946	\$108,886	\$1,275,939	\$108,886
Norfolk State University	\$1,486,086	\$108,554	\$1,096,014	\$108,554
Longwood University	\$813,221	\$54,746	\$691,450	\$54,746
University of Mary Washington	\$1,142,531	\$97,063	\$1,204,332	\$97,063
James Madison University	\$2,633,299	\$254,504	\$2,063,725	\$254,504
Radford University	\$1,565,037	\$135,235	\$973,031	\$135,235
Old Dominion University	\$5,207,706	\$374,473	\$5,056,268	\$374,473
Virginia Commonwealth	\$10,927,292	\$401,647	\$9,093,486	\$401,647

ITEM 288.	Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021
University				
Richard Bland College	\$192,408	\$2,027	\$163,209	\$2,027
Christopher Newport University	\$927,427	\$17,899	\$739,369	\$17,899
University of Virginia's College at Wise	\$296,121	\$19,750	\$231,863	\$19,750
George Mason University	\$5,148,921	\$205,665	\$5,440,942	\$205,665
Virginia Community College System	\$17,935,987	\$633,657	\$15,210,782	\$633,657
Virginia Institute of Marine Science	\$704,080	\$0	\$556,150	\$0
Roanoke Higher Education Authority	\$86,971	\$0	\$80,089	\$0
Southwest Virginia Higher Education Center	\$89,759	\$0	\$82,656	\$0
Institute for Advanced Learning and Research	\$357,191	\$0	\$282,881	\$0
Southern Virginia Higher Education Center	\$132,326	\$0	\$98,833	\$0
New College Institute	\$43,640	\$0	\$34,614	\$0
Eastern Virginia Medical School	\$397,961	\$0	\$399,279	\$0
TOTAL	\$86,401,591	\$4,842,602	\$78,194,462	\$4,842,602

F. Pursuant to various Payment Agreements between the Treasury Board and the Commonwealth Transportation Board, funds required to pay the debt service due on Commonwealth Transportation Board bonds shall be paid to the Trustee for the bondholders by the Treasury Board after transfer of these funds to the Treasury Board from the Commonwealth Transportation Board pursuant to Item 452, paragraph E of this act and §§ 33.2-2300, 33.2-2400, and 58.1-816.1, Code of Virginia.

G. Under the authority of this act, an agency may transfer funds to the Treasury Board for use as lease, rental, or debt service payments to be used for any type of financing where the proceeds are used to acquire equipment and to finance associated costs, including but not limited to issuance and other financing costs. In the event such transfers occur, the transfers shall be deemed an appropriation to the Treasury Board for the purpose of making the lease, rental, or debt service payments described herein.

H. Notwithstanding the provisions of 2.2-11.56, Code of Virginia, if tax-exempt bonds were used by the Commonwealth or its authorities, boards, or institutions to finance the acquisition, construction, improvement or equipping of real property, proceeds from the subsequent sale or disposition of such property and any improvements may first be applied toward remediation options available under federal law in order to maintain the tax-exempt status of such bonds.

289. A. There is hereby appropriated to the Treasury Board a sum sufficient from the general fund to pay obligations incurred pursuant to Article X, Sections 9 (a), 9 (c), and 9 (d), of the Constitution of Virginia, as follows:

1. Section 9 (a) To meet emergencies and redeem previous debt obligations.
2. Section 9 (c) Debt for certain revenue-producing capital projects.
3. Section 9 (d) Debt for variable rate obligations secured by general fund appropriations and a payment agreement with the Treasury Board.
4. For payment of the principal of and the interest on obligations, issued in accordance

ITEM 289.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
with the cited Sections 9 (c) and 9 (d), in the event pledged revenues are insufficient to meet the obligation of the Commonwealth.				
B. There is hereby appropriated to the Treasury Board a sum sufficient to pay debt service expected at the time of issuance to be paid from subsidies under federal programs and for arbitrage rebate amounts and other penalties to the United States Government for bonds issued by the Commonwealth pursuant to Article X, Sections 9 (a), 9 (b), 9 (c), and 9 (d) (obligations secured by General Fund appropriations to Treasury Board) of the Constitution of Virginia.				
Total for Treasury Board.....			\$876,257,156	\$931,665,934
Fund Sources: General..... \$834,230,106 \$890,333,756				
Higher Education Operating..... \$31,526,576 \$31,526,576				
Dedicated Special Revenue..... \$645,000 \$645,000				
Federal Trust..... \$9,855,474 \$9,160,602				
§ 1-91. BOARD OF ACCOUNTANCY (226)				
290.	Regulation of Professions and Occupations (56000)...		\$2,328,158	\$2,328,158
	Accountant Regulation (56001).....		\$2,328,158	\$2,328,158
	Fund Sources: Dedicated Special Revenue.....		\$2,328,158	\$2,328,158
Authority: Title 54.1, Chapter 44, Code of Virginia.				
Total for Board of Accountancy.....			\$2,328,158	\$2,328,158
Nongeneral Fund Positions..... 13.00 13.00				
Position Level..... 13.00 13.00				
Fund Sources: Dedicated Special Revenue..... \$2,328,158 \$2,328,158				
TOTAL FOR OFFICE OF FINANCE.....			\$2,745,750,071	\$3,051,204,336
General Fund Positions..... 1,123.20 1,123.20				
Nongeneral Fund Positions..... 218.80 218.80				
Position Level..... 1,342.00 1,342.00				
Fund Sources: General..... \$2,028,981,299 \$2,325,067,785				
Special..... \$13,225,653 \$13,225,653				
Higher Education Operating..... \$31,526,576 \$31,526,576				
Commonwealth Transportation..... \$185,187 \$185,187				
Internal Service..... \$28,788,305 \$38,520,462				
Trust and Agency..... \$121,907,101 \$122,327,594				
Dedicated Special Revenue..... \$511,280,476 \$511,190,477				
Federal Trust..... \$9,855,474 \$9,160,602				

ITEM 291.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022

OFFICE OF HEALTH AND HUMAN RESOURCES

§ 1-92. SECRETARY OF HEALTH AND HUMAN RESOURCES (188)

291.	Administrative and Support Services (79900).....			\$878,064	\$878,064
	General Management and Direction (79901).....	\$878,064	\$878,064		
	Fund Sources: General.....	\$878,064	\$878,064		

Authority: Title 2.2, Chapter 2; Article 6, and § 2.2-200, Code of Virginia.

A.1. The Secretary of Health and Human Resources, in collaboration with the Office of the Attorney General and the Secretary of Public Safety and Homeland Security, shall present a six-year forecast of the adult offender population presently incarcerated in the Department of Corrections and approaching release who meet the criteria set forth in Chapter 863 and Chapter 914 of the 2006 Acts of Assembly, and who may be eligible for evaluation as sexually violent predators (SVPs) for each fiscal year within the six-year forecasting period. As part of the forecast, the secretary shall report on: (i) the number of Commitment Review Committee (CRC) evaluations to be completed; (ii) the number of eligible inmates recommended by the CRC for civil commitment, conditional release, and full release; (iii) the number of civilly committed residents of the Virginia Center for Behavioral Rehabilitation who are eligible for annual review; and (iv) the number of individuals civilly committed to the Virginia Center for Behavioral Rehabilitation and granted conditional release from civil commitment in a state SVP facility. The secretary shall complete a summary report of current SVP cases and a forecast of SVP eligibility, civil commitments, and SVP conditional releases, including projected bed space requirements, to the Governor and Senate Finance and House Appropriations Committees by November 15 of each year.

2. As part of the forecast process, the Department of Corrections shall administer a STATIC-99 screening to all potential Sexually Violent Predators eligible for civil commitment pursuant to § 37.2-900 et seq., Code of Virginia, within six months of admission to the Department of Corrections. The results of such screenings shall be provided to the commissioner of the Department of Behavioral Health and Developmental Services (DBHDS) on a monthly basis and used for the SVP population forecast process.

3. The Office of the Attorney General shall also provide to the commissioner of DBHDS, on a monthly basis, the status of all SVP cases pending before their office for purposes of forecasting the SVP population.

B. The Secretary of Health and Human Resources shall create a trauma-informed care workgroup to develop a shared vision and definition of trauma-informed care for agencies within the Health and Human Resources Secretariat. The workgroup shall include representatives from the Departments of Social Services, Behavioral Health and Developmental Services, Medical Assistance Services, and Health, as well as stakeholders, researchers, community organizations and representatives from impacted communities. The workgroup shall also (i) examine Virginia's applicable child and family-serving programs and data; (ii) develop strategies to build a trauma-informed system of care for children, using best practices for families who are impacted by the human service delivery system; (iii) identify indicators to measure progress in developing such a system of care; (iv) identify needed professional development/training in trauma-informed practices for all child-serving professionals and (v) identify data sharing issues that need to be addressed to facilitate such a system. In addition, the workgroup shall explore opportunities to expand trauma-informed care throughout the Commonwealth. The Secretary of Health and Human Resources shall report on the workgroup's activities to the Chairmen of the House Appropriations and Senate Finance Committees and the Virginia Commission on Youth by December 15 of each year.

C.1. The Secretary of Health and Human Resources, in collaboration with the Secretary of Administration and the Secretary of Public Safety and Homeland Security, shall convene an interagency workgroup to oversee the development of a statewide integrated electronic health record (EHR) system. The workgroup shall include the Department of Behavioral Health and Developmental Services (DBHDS), the Virginia Department of Health, the

ITEM 291.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<p>Department of Corrections, the Department of Planning and Budget, staff of the House Appropriations and Senate Finance Committees, and other agencies as deemed appropriate by the respective Secretaries. The purpose of the workgroup shall be to evaluate common business requirements for electronic health records to ensure consistency and interoperability with other partner state and local agencies and public and private health care entities to the extent allowed by federal and state law and regulations. The goal of the workgroup is to develop an integrated EHR which may be shared as appropriate with other partner state and local agencies and public and private health care entities. The workgroup shall evaluate the DBHDS statement of work developed for its EHR system and the DBHDS platform for potential adaption and/or use by state agencies in order to develop an integrated statewide EHR.</p>				
<p>2. The workgroup may consider and evaluate other EHR systems that may be more appropriate to meet specific agency needs and evaluate the cost-effectiveness of pursuing a separate EHR system as compared to a statewide integrated EHR. However, the workgroup shall ensure that standards are developed to ensure that EHRs can be shared as appropriate with public and private partner agencies and health care entities.</p>				
<p>3. The workgroup shall also develop an implementation timeline, cost estimates, and assess other issues that may need to be addressed in order to implement an integrated statewide EHR system. The timeline and cost estimates shall be used by the respective agencies to coordinate implementation. The workgroup shall report on its activities and any recommendations to the Joint Subcommittee on Health and Human Resources Oversight by November 1 of each year.</p>				
<p>D.1. The Secretary of Health and Human Resources shall develop a state innovation waiver under Section 1332 of the federal Patient Protection and Affordable Care Act (42 U.S.C. 18052) to implement a state reinsurance program to help stabilize the individual insurance market by reducing individual insurance premiums and out-of-pocket costs while preserving access to health insurance. The Secretary shall convene stakeholders to include representatives of health insurers, the State Corporation Commission Bureau of Insurance, consumer advocates, and others deemed necessary to assist in developing the reinsurance program.</p>				
<p>2. The State Corporation Commission Bureau of Insurance shall provide technical assistance to the Secretary of Health and Human Resources as requested.</p>				
<p>3. The Secretary shall report on the reinsurance program to the Chairs of House Labor and Commerce and Senate Commerce and Labor Committees and the House Appropriations and Senate Finance and Appropriations Committees by October 1, 2020. Such report shall include an analysis of the costs and assumptions of such a reinsurance program and potential options to fund the non-federal share of costs. In addition, the report shall include suggested legislation to implement the program. Implementation of the reinsurance program shall be subject to appropriation of the non-federal share of costs by the General Assembly and approval by the United States Secretary of Health and Human Services.</p>				
<p>E. The Secretary of Health and Human Resources shall convene a workgroup to review and make recommendations regarding the state regulation of doula and establishing a community doula benefit for pregnant women covered by Medicaid. The workgroup shall include representatives from the Department of Medical Assistance Services, the Virginia Department of Health, and the Department of Health Professions, as well as representatives from community doula practitioners, stakeholder groups, and community organizations. The workgroup shall examine and report on the (i) federal requirements and permissibility associated with providing a Medicaid doula benefit; (ii) impact that state regulation would have on doula practitioners; (iii) a review of strategies other states have implemented; (iv) an analysis of the appropriate rates for such a benefit; and (v) the estimated costs and potential savings to the state and practitioners over the next six years. The workgroup shall report its findings and recommendations to the Governor and to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees by December 1, 2020.</p>				
Total for Secretary of Health and Human Resources...			\$878,064	\$878,064
General Fund Positions.....			5.00	5.00
Position Level.....			5.00	5.00
Fund Sources: General.....			\$878,064	\$878,064

ITEM 291.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Children's Services Act (200)					
292.	Protective Services (45300).....			\$371,426,427	\$379,203,904
	Financial Assistance for Child and Youth Services (45303).....	\$371,426,427	\$379,203,904		
	Fund Sources: General.....	\$318,818,681	\$326,596,158		
	Federal Trust.....	\$52,607,746	\$52,607,746		

Authority: Title 2.2, Chapter 52, Code of Virginia.

A. The Department of Education shall serve as fiscal agent to administer funds cited in paragraphs B and C.

B.1.a. Out of this appropriation, \$260,642,978 the first year and \$268,416,617 the second year from the general fund and \$51,607,746 the first year and \$51,607,746 the second year from nongeneral funds shall be used for the state pool of funds pursuant to § 2.2-5211, Code of Virginia. This appropriation shall consist of a Medicaid pool allocation, and a non-Medicaid pool allocation.

b. The Medicaid state pool allocation shall consist of \$28,526,197 the first year and \$28,526,197 the second year from the general fund and \$43,187,748 the first year and \$43,187,748 the second year from nongeneral funds. The Office of Children's Services will transfer these funds to the Department of Medical Assistance Services as they are needed to pay Medicaid provider claims.

c. The non-Medicaid state pool allocation shall consist of \$232,116,781 the first year and \$239,890,420 the second year from the general fund and \$8,419,998 the first year and \$8,419,998 the second year from nongeneral funds. The nongeneral funds shall be transferred from the Department of Social Services.

d. The Office of Children's Services, with the concurrence of the Department of Planning and Budget, shall have the authority to transfer the general fund allocation between the Medicaid and non-Medicaid state pools in the event that a shortage should exist in either of the funding pools.

e. The Office of Children's Services, per the policy of the State Executive Council, shall deny state pool funding to any locality not in compliance with federal and state requirements pertaining to the provision of special education and foster care services funded in accordance with § 2.2-5211, Code of Virginia.

2.a. Out of this appropriation, \$55,666,865 the first year and \$55,666,865 the second year from the general fund and \$1,000,000 the first year and \$1,000,000 the second year from nongeneral funds shall be set aside to pay for the state share of supplemental requests from localities that have exceeded their state allocation for mandated services. The nongeneral funds shall be transferred from the Department of Social Services.

b. In each year, the director of the Office of Children's Services may approve and obligate supplemental funding requests in excess of the amount in 2a above, for mandated pool fund expenditures up to 10 percent of the total general fund appropriation authority in B1a in this Item.

c. The State Executive Council shall maintain local government performance measures to include, but not be limited to, use of federal funds for state and local support of the Children's Services Act.

d. Pursuant to § 2.2-5200, Code of Virginia, Community Policy and Management Teams shall seek to ensure that services and funding are consistent with the Commonwealth's policies of preserving families and providing appropriate services in the least restrictive environment, while protecting the welfare of children and maintaining the safety of the public. Each locality shall submit to the Office of Children's Services information on utilization of residential facilities for treatment of children and length of stay in such facilities. By December 15 of each year, the Office of Children's Services shall report to the Governor and Chairmen of the House Appropriations and Senate Finance Committees

ITEM 292.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
	on utilization rates and average lengths of stays statewide and for each locality.			
	<p>3. Each locality receiving funds for activities under the Children's Services Act (CSA) shall have a utilization management process, including a uniform assessment, approved by the State Executive Council, covering all CSA services. Utilizing a secure electronic site, each locality shall also provide information as required by the Office of Children's Services to include, but not be limited to case specific information, expenditures, number of youth served in specific CSA activities, length of stay for residents in core licensed residential facilities, and proportion of youth placed in treatment settings suggested by the uniform assessment instrument. The State Executive Council, utilizing this information, shall track and report on child specific outcomes for youth whose services are funded under the Children's Services Act. Only non-identifying demographic, service, cost and outcome information shall be released publicly. Localities requesting funding from the set aside in paragraph 2.a. and 2.b. must demonstrate compliance with all CSA provisions to receive pool funding.</p>			
	<p>4. The Secretary of Health and Human Resources, in consultation with the Secretary of Education and the Secretary of Public Safety and Homeland Security, shall direct the actions for the Departments of Social Services, Education, and Juvenile Justice, Medical Assistance Services, Health, and Behavioral Health and Developmental Services, to implement, as part of ongoing information systems development and refinement, changes necessary for state and local agencies to fulfill CSA reporting needs.</p>			
	<p>5. The State Executive Council shall provide localities with technical assistance on ways to control costs and on opportunities for alternative funding sources beyond funds available through the state pool.</p>			
	<p>6. Out of this appropriation, \$100,000 the first year and \$100,000 the second year from the general fund is provided for a combination of regional and statewide meetings for technical assistance to local community policy and management teams, family assessment and planning teams, and local fiscal agents. Training shall include, but not be limited to, cost containment measures, building community-based services, including creation of partnerships with private providers and non-profit groups, utilization management, use of alternate revenue sources, and administrative and fiscal issues. A state-supported institution of higher education, in cooperation with the Virginia Association of Counties, the Virginia Municipal League, and the State Executive Council, may assist in the provisions of this paragraph. A training plan shall be presented to and approved by the State Executive Council before the beginning of each fiscal year. A training calendar and timely notice of programs shall be provided to Community Policy and Management Teams and family assessment and planning team members statewide as well as to local fiscal agents and chief administrative officers of cities and counties. A report on all regional and statewide training sessions conducted during the fiscal year, including (i) a description of each program and trainers, (ii) the dates of the training and the number of attendees for each program, (iii) a summary of evaluations of these programs by attendees, and (iv) the funds expended, shall be made to the Chairmen of the House Appropriations and Senate Finance Committees and to the members of the State Executive Council by December 1 of each year. Any funds unexpended for this purpose in the first year shall be reappropriated for the same use in the second year.</p>			
	<p>7. Out of this appropriation, \$70,000 the first year and \$70,000 the second year from the general fund is provided for the Office of Children's Services to contract for the support of uniform CSA reporting requirements.</p>			
	<p>8. The State Executive Council shall require a uniform assessment instrument.</p>			
	<p>9. The Office of Children's Services, in conjunction with the Department of Social Services, shall determine a mechanism for reporting Temporary Assistance for Needy Families Maintenance of Effort eligible costs incurred by the Commonwealth and local governments for the Children's Services Act.</p>			
	<p>10. For purposes of defining cases involving only the payment of foster care maintenance, pursuant to § 2.2-5209, Code of Virginia, the definition of foster care maintenance used by the Virginia Department of Social Services for federal Title IV-E shall be used.</p>			
	<p>C. The funding formula to carry out the provisions of the Children's Services Act is as follows:</p>			

ITEM 292.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022
1. Allocations. The allocations for the Medicaid and non-Medicaid pools shall be the amounts specified in paragraphs B.1.b. and B.1.c. in this Item. These funds shall be distributed to each locality in each year of the biennium based on the greater of that locality's percentage of actual 1997 Children's Services Act pool fund program expenditures to total 1997 pool fund program expenditures or the latest available three-year average of actual pool fund program expenditures as reported to the state fiscal agent.				
2. Local Match. All localities are required to appropriate a local match for the base year funding consisting of the actual aggregate local match rate based on actual total 1997 program expenditures for the Children's Services Act. This local match rate shall also apply to all reimbursements from the state pool of funds in this Item and carryforward expenditures submitted prior to September 30 each year for the preceding fiscal year, including administrative reimbursements under paragraph C.4. in this Item.				
3.a. Notwithstanding the provisions of C.2. of this Item, beginning July 1, 2008, the local match rate for community based services for each locality shall be reduced by 50 percent.				
b. Localities shall review their caseloads for those individuals who can be served appropriately by community-based services and transition those cases to the community for services. Beginning July 1, 2009, the local match rate for non-Medicaid residential services for each locality shall be 25 percent above the fiscal year 2007 base. Beginning July 1, 2011, the local match rate for Medicaid residential services for each locality shall be 25 percent above the fiscal year 2007 base.				
c. By December 1 of each year, The State Executive Council (SEC) shall provide an update to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees on the outcomes of this initiative.				
d. At the direction of the State Executive Council, local Community Policy and Management Teams (CPMTs) and Community Services Boards (CSBs) shall work collaboratively in their service areas to develop a local plan for intensive care coordination (ICC) services that best meets the needs of the children and families. If there is more than one CPMT in the CSB's service area, the CPMTs and the CSB may work together as a region to develop a plan for ICC services. Local CPMTs and CSBs shall also work together to determine the most appropriate and cost-effective provider of ICC services for children in their community who are placed in, or at-risk of being placed in, residential care through the Children's Services Act, in accordance with guidelines developed by the State Executive Council. The State Executive Council and Office of Children's Services shall establish guidelines for reasonable rates for ICC services and provide training and technical assistance to CPMTs and fiscal agents regarding these services.				
e. The local match rate for all non-Medicaid services provided in the public schools after June 30, 2011 shall equal the fiscal year 2007 base.				
4. Local Administrative Costs. Out of this appropriation, an amount equal to two percent of the fiscal year 1997 pool fund allocations, not to exceed \$2,060,000 the first year and \$2,060,000 the second year from the general fund, shall be allocated among all localities for administrative costs. Every locality shall be required to appropriate a local match based on the local match contribution in paragraph C.2. of this Item. Inclusive of the state allocation and local matching funds, every locality shall receive the larger of \$12,500 or an amount equal to two percent of the total pool allocation. Localities are encouraged to use administrative funding to hire a full-time or part-time local coordinator for the Children's Services Act program. Localities may pool this administrative funding to hire regional coordinators.				
5. Definition. For purposes of the funding formula in the Children's Services Act, "locality" means city or county.				
D. Community Policy and Management Teams shall use Medicaid-funded services whenever they are available for the appropriate treatment of children and youth receiving services under the Children's Services Act. Effective July 1, 2009, pool funds shall not be spent for any service that can be funded through Medicaid for Medicaid-eligible children and youth except when Medicaid-funded services are unavailable or inappropriate for meeting the needs of a child.				

ITEM 292.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<p>E. Pursuant to subdivision 3 of § 2.2-5206, Code of Virginia, Community Policy and Management Teams shall enter into agreements with the parents or legal guardians of children receiving services under the Children's Services Act. The Office of Children's Services shall be a party to any such agreement. If the parent or legal guardian fails or refuses to pay the agreed upon sum on a timely basis and a collection action cannot be referred to the Division of Child Support Enforcement of the Department of Social Services, upon the request of the community policy management team, the Office of Children's Services shall make a claim against the parent or legal guardian for such payment through the Department of Law's Division of Debt Collection in the Office of the Attorney General.</p>				
<p>F. The Office of Children's Services, in cooperation with the Department of Medical Assistance Services, shall provide technical assistance and training to assist residential and treatment foster care providers who provide Medicaid-reimbursable services through the Children's Services Act to become Medicaid-certified providers.</p>				
<p>G. The Office of Children's Services shall work with the State Executive Council and the Department of Medical Assistance Services to assist Community Policy and Management Teams in appropriately accessing a full array of Medicaid-funded services for Medicaid-eligible children and youth through the Children's Services Act, thereby increasing Medicaid reimbursement for treatment services and decreasing the number of denials for Medicaid services related to medical necessity and utilization review activities.</p>				
<p>H. Pursuant to subdivision 21 of § 2.2-2648, Code of Virginia, no later than December 20 in the odd-numbered years, the State Executive Council shall biennially publish and disseminate to members of the General Assembly and Community Policy and Management Teams a progress report on services for children, youth, and families and a plan for such services for the succeeding biennium.</p>				
<p>I. Out of this appropriation, \$275,000 the first year and \$275,000 the second year from the general fund shall be used to purchase and maintain an information system to provide quality and timely child demographic, service, expenditure, and outcome data.</p>				
<p>J. The State Executive Council shall work with the Department of Education to ensure that funding in this Item is sufficient to pay for the educational services of students that have been placed in or admitted to state or privately operated psychiatric or residential treatment facilities to meet the educational needs of the students as prescribed in the student's Individual Educational Plan (IEP).</p>				
<p>K.1. The Office of Children's Services (OCS) shall report on funding for therapeutic foster care services including but not limited to the number of children served annually, average cost of care, type of service provided, length of stay, referral source, and ultimate disposition. In addition, the OCS shall provide guidance and training to assist localities in negotiating contracts with therapeutic foster care providers.</p>				
<p>2. The Office of Children's Services shall report on funding for special education day treatment and residential services, including but not limited to the number of children served annually, average cost of care, type of service provided, length of stay, referral source, and ultimate disposition.</p>				
<p>3. The Office of Children's Services shall report by December 1 of each year the information included in this paragraph to the Chairmen of the House Appropriations and Senate Finance Committees.</p>				
<p>L. Out of this appropriation, the Director, Office of Children's Services, shall allocate \$2,200,000 the first year and \$2,200,000 the second year from the general fund to localities for wrap-around services for students with disabilities as defined in the Children's Services Act policy manual.</p>				
<p>M. Notwithstanding any other provision of law, the rates paid by localities to providers of private day special education services under the Children's Services Act shall not increase more than two percent the first year above the rates paid in the prior fiscal year. All localities shall submit their contracted rates for private day education services to the Office of Children's Services by August 1 of each year.</p>				
293.	Administrative and Support Services (49900).....		\$2,259,796	\$2,009,796

ITEM 293.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
General Management and Direction (49901).....	\$2,259,796	\$2,009,796		
Fund Sources: General.....	\$2,259,796	\$2,009,796		

Authority: Title 2.2, Chapter 26, Code of Virginia.

A. The Office of Children's Services may enter into a memorandum of understanding with the Department of Social Services for the provision of routine administrative support services.

B.1. Out of this appropriation, \$250,000 the first year from the general fund is provided for the Office of Children's Services to contract for the continuation of a study on the current rates paid by localities to special education private day programs licensed by the Virginia Department of Education. Any remaining balance in the appropriation for the rate study that remains unexpended on June 30, 2021, shall be reappropriated in the next fiscal year for this purpose. Any provider of special education private day services receiving public funds for services provided through the Children's Services Act program shall cooperate with this study and make available to the Office of Children's Services all necessary information, as determined by the director, Office of Children's Services, or his designee, required to determine the adequacy of rates paid for such services and to develop recommendations for a rate-setting structure. The study shall consider the financial impact on local school districts, local governments, and private educational services providers.

2. The Office of Children's Services shall take steps to protect from disclosure any provider-specific information designated by the provider to be confidential or a trade secret. Any information so designated shall be exempt from disclosure under the Virginia Freedom of Information Act. (§ 2.2-3700). This provision does not prevent the use of such data in any aggregated manner for purposes of managing, analyzing, or planning programs funded in this Act.

3. The Office of Children's Services shall submit preliminary findings on the continuation of the study on rates for private day special education services to the Joint Legislative Audit and Review Commission no later than Sept. 1, 2020 for review and incorporation into their 2020 study on the Children's Services Act. The Office of Children's Services shall provide a final report on the study's findings to the Governor and the Chairmen of the Senate Finance and Appropriations and House Appropriations Committees by June 1, 2021.

4. In addition, the study shall, at a minimum: (i) provide definitions and clear delineation between all staff and positions used by private day schools and assessed in the study; (ii) define which staff positions can be included in the classroom staff ratio assessment; (iii) assess all costs associated with regulatory licensing; and (iv) require providers to report costs and distinguish between different locations.

5. The Office of Children's Services shall implement statewide rates for private day special education services based on the study in this paragraph, effective on July 1, 2021.

293.10 Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted.

	FY 2021	FY 2022
Finalize rate study for private day	\$250,000	\$0

ITEM 293.10.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
special education programs				
Increase training funds for the Children's Services Act		\$50,000		\$50,000
Agency Total		\$300,000		\$50,000
Total for Children's Services Act.....			\$373,686,223	\$381,213,700
General Fund Positions.....	14.00	14.00		
Position Level.....	14.00	14.00		
Fund Sources: General.....	\$321,078,477	\$328,605,954		
Federal Trust.....	\$52,607,746	\$52,607,746		
Grand Total for Secretary of Health and Human Resources.....			\$374,564,287	\$382,091,764
General Fund Positions.....	19.00	19.00		
Position Level.....	19.00	19.00		
Fund Sources: General.....	\$321,956,541	\$329,484,018		
Federal Trust.....	\$52,607,746	\$52,607,746		

§ 1-93. DEPARTMENT FOR THE DEAF AND HARD-OF-HEARING (751)

294.	Social Services Research, Planning, and Coordination (45000).....			\$3,587,725	\$3,587,725
	Technology Services for Deaf and Hard-of-Hearing (45004).....	\$2,419,807	\$2,419,807		
	Consumer, Interpreter, and Community Support Services (45005).....	\$723,899	\$723,899		
	Administrative Services (45006).....	\$444,019	\$444,019		
	Fund Sources: General.....	\$1,048,970	\$1,048,970		
	Special.....	\$2,438,755	\$2,438,755		
	Federal Trust.....	\$100,000	\$100,000		

Authority: Title 51.5, Chapter 13, Code of Virginia.

A. Up to \$48,529 the first year and up to \$48,529 the second year from the general fund is provided to the Department of Deaf and Hard-of-Hearing (DDHH) to contract with the Department for Aging and Rehabilitative Services (DARS) for the provision of shared administrative services. The scope of the services and specific costs shall be outlined in a memorandum of understanding (MOU) between DDHH and DARS subject to the approval of the respective agency heads. Any revision to the MOU shall be reported by DARS to the Director, Department of Planning and Budget within 30 days.

B. Out of this appropriation, an amount estimated at \$1,723,070 the first year and \$1,723,070 the second year from special funds shall be used to cover the cost of providing telecommunications relay service as defined in §51.5-115, Code of Virginia.

C.1. Notwithstanding § 58.1-662 of the Code of Virginia, prior to the distribution of monies from the Communications Sales and Use Tax Trust Fund to counties, cities and towns, there shall be distributed monies in the fund to pay for the Technology Assistance Program. This requirement shall not change any other distributions required by law from the Communications Sales and Use Tax Trust Fund.

2. Out of this appropriation, \$500,000 the first year and \$500,000 the second year from special funds shall be used for the Technology Assistance Program.

D. Out of this appropriation, \$40,000 the first year and \$40,000 the second year from the general fund shall be used to contract with the Connie Reasor Deaf Resource Center in Planning District 1 for the provision of outreach and technical assistance to deaf and hard-of-hearing individuals.

ITEM 294.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Total for Department for the Deaf and Hard-Of-Hearing.....			\$3,587,725	\$3,587,725
General Fund Positions.....	8.37	8.37		
Nongeneral Fund Positions.....	2.63	2.63		
Position Level.....	11.00	11.00		
Fund Sources: General.....	\$1,048,970	\$1,048,970		
Special.....	\$2,438,755	\$2,438,755		
Federal Trust.....	\$100,000	\$100,000		

§ 1-94. DEPARTMENT OF HEALTH (601)

295.	Higher Education Student Financial Assistance (10800).....			\$2,985,000	\$2,985,000
	Scholarships (10810).....	\$2,985,000	\$2,985,000		
	Fund Sources: General.....	\$2,400,000	\$2,400,000		
	Dedicated Special Revenue.....	\$85,000	\$85,000		
	Federal Trust.....	\$500,000	\$500,000		

Authority: §§ 23.1-614 and 32.1-122.5:1 through 32.1-122.10, Code of Virginia.

A. This appropriation shall only be used for the provision of loans or scholarships in accordance with regulations promulgated by the Board of Health, or for the administration, management, and reporting thereof. The department may move appropriation between scholarship or loan repayment programs as long as the scholarship or loan repayment is in accordance with the regulations promulgated by the Board of Health.

B. The Virginia Department of Health shall collaborate with the Virginia Health Care Foundation and the Department of Behavioral Health and Developmental Services, the state teaching hospitals, and other relevant stakeholders on a plan to increase the number of Virginia behavioral health practitioners, including licensed clinical psychologists, licensed clinical social workers, licensed professional counselors, child and adolescent psychiatrists, and psychiatric nurse practitioners, practicing in Virginia's community services boards, behavioral health authorities, state mental health facilities, free clinics, federally qualified health centers and other similar health safety net organizations through the use of a student loan repayment program. The program design shall address the need for behavioral health professionals in behavioral health shortage areas; the types of behavioral health practitioners needed across communities; the results of community health needs assessments that have been completed by hospitals, localities or other organizations; and shortages that may exist in high cost of living areas, which may preclude individuals from choosing employment in public and non-profit community behavioral health and safety net organizations and state mental health facilities. The program design shall include a preference for applicants who choose employment in underserved areas of the Commonwealth and contain conditions for recipients to practice in these areas for at least two years. The program shall be implemented by the Virginia Department of Health. The plan shall identify opportunities to leverage state funding for the program with funds from other sources in order to maximize the total funding for such a program. The plan shall determine how the program can complement and coordinate with existing efforts to recruit and retain Virginia behavioral health practitioners.

C.1. The Virginia Department of Health shall establish the Virginia Behavioral Health Loan Repayment Program. Eligible practitioners include: psychiatrists, licensed clinical psychologists, licensed clinical social workers, licensed professional counselors, child and adolescent psychiatrists, and psychiatric nurse practitioners. The program shall include a tiered incentive system as follows: (i) Tier I providers: child and adolescent psychiatrists, psychiatric nurse practitioners, and psychiatrists; and (ii) Tier II providers: licensed clinical psychologists, licensed clinical social workers, and licensed professional counselors.

2. For each eligible year of service provided, the practitioner shall receive a year of applicable loan repayment award in return. Loan repayment checks will be submitted at

ITEM 295.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022

the end of each year of service. Payments will be made directly to the lender. Practitioners must agree to a minimum of two years of practice for the behavioral health provider with the ability for two one-year renewals. The program shall require preference be given to applicants choosing to practice in underserved areas which must be a federally designated mental Health Professional Shortage Area or Medically Underserved Area within the Commonwealth. Practitioners are required to practice at Community Services Boards, behavioral health authorities, state mental health facilities, free clinics, federally qualified health centers and other similar health safety net organizations in order to be eligible for the program. The award amount is up to 25 percent of student loan debt, not to exceed \$30,000 per year for Tier I professionals or \$20,000 per year for Tier II professionals. In no instance shall the loan repayment exceed the total student loan debt.

3. No match contribution from practice sites or the community is required. Loan repayment awards shall be tax exempt.

4. The program shall have an Advisory Board, composed of representatives from stakeholder organizations and community members as determined by the department. The Advisory Board will meet annually and provide guidance regarding effective outreach and feedback on both programmatic processes and impact. The department shall provide an annual report to the Advisory Board on successes, challenges and opportunities with the program.

5. The Board of Health shall develop regulations consistent with this language in order for the department to administer the program.

D. Out of this appropriation, \$500,000 the first year and \$500,000 the second year from the general fund shall be provided to the Virginia Department of Health to establish a Nursing Preceptor Incentive Program. The department shall collaborate with the State Council of Higher Education for Virginia, the Virginia Nurses Association, the Virginia Healthcare and Hospital Association, and other relevant stakeholders on an advanced practice nursing student preceptor grant program. The program shall offer a \$1,000 incentive for any Virginia licensed physician, physician's assistant, or advanced practice registered nurse (APRN) who, in conjunction with a licensed and accredited Virginia public or private not-for-profit school of nursing, provides a clinical education rotation of 250 hours, which is certified as having been completed by the school. The amount of the incentive may be adjusted based on the actual number of hours completed during the clinical education rotation. The program shall seek to reduce the shortage of APRN clinical education opportunities and establish new preceptor rotations for advanced practice nursing students, especially in high demand fields such as psychiatry. The department shall report to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees by November 1, 2020, on the progress of establishing the Nursing Preceptor Incentive Program.

296.	Emergency Medical Services (40200).....			\$46,280,757	\$46,280,757
	Financial Assistance for Non Profit Emergency Medical Services Organizations and Localities (40203).....	\$33,397,814	\$33,397,814		
	State Office of Emergency Medical Services (40204).....	\$12,882,943	\$12,882,943		
	Fund Sources: Special.....	\$19,881,111	\$19,881,111		
	Dedicated Special Revenue.....	\$25,992,505	\$25,992,505		
	Federal Trust.....	\$407,141	\$407,141		

Authority: §§ 32.1-111.1 through 32.1-111.16, 32.1-116.1 through 32.1-116.3, and 46.2-694 A 13, Code of Virginia.

A. Out of this appropriation, \$25,000 the first year and \$25,000 the second year from special funds shall be provided to the Department of State Police for administration of criminal history record information for local volunteer fire and rescue squad personnel (pursuant to § 19.2-389 A 11, Code of Virginia).

B. Distributions made under § 46.2-694 A 13 b (iii), Code of Virginia, shall be made only to nonprofit emergency medical services organizations.

C. Out of this appropriation, \$1,045,375 the first year and \$1,045,375 the second year from the Virginia Rescue Squad Assistance Fund and \$2,052,723 the first year and \$2,052,723 the second year from the special emergency medical services fund shall be provided to the

ITEM 296.	Item Details(\$)		Appropriations(\$)		
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022	
Department of State Police for aviation (med-flight) operations.					
<p>D. The State Health Commissioner shall review current funding provided to trauma centers to offset uncompensated care losses, report on feasible long-term financing mechanisms, and examine and identify potential funding sources on the federal, state and local level that may be available to Virginia's trauma centers to support the system's capacity to provide quality trauma services to Virginia citizens. As sources are identified, the commissioner shall work with any federal and state agencies and the Trauma System Oversight and Management Committee to assist in securing additional funding for the trauma system.</p> <p>E. Notwithstanding any other provision of law or regulation, the Board of Health shall not modify the geographic or designated service areas of designated regional emergency medical services councils in effect on January 1, 2008, or make such modifications a criterion in approving or renewing applications for such designation or receiving and disbursing state funds.</p> <p>F. Notwithstanding any other provision of law or regulation, funds from the \$0.25 of the \$4.25 for Life fee shall be provided for the payment of the initial basic level emergency medical services certification examination provided by the National Registry of Emergency Medical Technicians (NREMT). The Board of Health shall determine an allocation methodology upon recommendation by the State EMS Advisory Board to ensure that funds are available for the payment of initial NREMT testing and distributed to those individuals seeking certification as an Emergency Medical Services provider in the Commonwealth of Virginia.</p> <p>G. Out of this appropriation, \$190,000 the first year and \$190,000 the second year from the Virginia Rescue Squad Assistance Fund shall be provided for national background checks on persons applying to serve as a certified or non-certified provider in a licensed emergency medical services agency. The Office of Emergency Medical Services may transfer funding to the Office of State Police for national background checks as necessary. The Virginia Department of Health shall continue to allow local EMS agencies to submit fingerprint cards for background checks on volunteers applying to be a member of local EMS agencies. The cost of the criminal background shall be paid from funds available to the Office of Emergency Medical Services.</p>					
297.	Medical Examiner and Anatomical Services (40300).....			\$15,451,106	\$15,451,106
	Anatomical Services (40301).....	\$591,796	\$591,796		
	Medical Examiner Services (40302).....	\$14,859,310	\$14,859,310		
	Fund Sources: General.....	\$13,209,255	\$13,209,255		
	Special.....	\$1,100,385	\$1,100,385		
	Federal Trust.....	\$1,141,466	\$1,141,466		
	Authority: §§ 32.1-277 through 32.1-304, Code of Virginia.				
298.	Vital Records and Health Statistics (40400).....			\$8,517,050	\$8,517,050
	Health Statistics (40401).....	\$1,099,826	\$1,099,826		
	Vital Records (40402).....	\$7,417,224	\$7,417,224		
	Fund Sources: Special.....	\$7,882,104	\$7,882,104		
	Federal Trust.....	\$634,946	\$634,946		
	Authority: §§ 8.01-217, 32.1-249 through 32.1-276, Code of Virginia; and P.L. 93-353, as amended, Federal Code.				
	A. Effective July 1, 2004, the standard vital records fee shall be \$12.00 and the fee for the expedited record search shall be \$48.00.				
	B. Notwithstanding § 32.1-273.D, Code of Virginia, the revenues generated from the sale of birth, marriage, or divorce records in state administered health districts shall be distributed between the districts that issue the records and the Division of Vital Records. The revenues will be split with 65 percent remaining in the district to support the costs of that district and 35 percent to be transferred to the Division of Vital Records to support				

ITEM 298.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
	ongoing infrastructure costs associated with the collection, retention and issuance of the Commonwealth's vital records.			
	C. The state teaching hospitals shall work with the Department of Health and Division of Vital Records to fully implement use of the Electronic Death Registration System (EDRS) for all deaths occurring within any Virginia state teaching hospital's facilities.			
299.	Communicable Disease Prevention and Control (40500).....		\$109,901,022	\$109,966,944
	Immunization Program (40502).....	\$8,147,521	\$8,161,841	
	Tuberculosis Prevention and Control (40503).....	\$2,174,878	\$2,174,878	
	Sexually Transmitted Disease Prevention and Control (40504).....	\$3,393,106	\$3,393,106	
	Disease Investigation and Control Services (40505)....	\$5,682,596	\$5,734,198	
	HIV/AIDS Prevention and Treatment Services (40506).....	\$88,359,214	\$88,359,214	
	Pharmacy Services (40507).....	\$2,143,707	\$2,143,707	
	Fund Sources: General.....	\$11,317,437	\$11,383,359	
	Special.....	\$1,883,391	\$1,883,391	
	Federal Trust.....	\$96,700,194	\$96,700,194	

Authority: §§ 32.1-11.1, 32.1-11.2, and 32.1-35 through 32.1-73, Code of Virginia; and P.L. 91-464, as amended, Federal Code.

A. Out of this appropriation, \$50,000 the first year and \$50,000 the second year from the general fund shall be used to purchase medications for individuals who have tuberculosis but who do not qualify for free or reduced prescription drugs and who do not have adequate income or insurance coverage to purchase the required prescription drugs.

B. Out of this appropriation, \$40,000 the first year and \$40,000 the second year from the general fund shall be provided to the Division of Tuberculosis Control for the purchase of medications and supplies for individuals who have drug-resistant tuberculosis and require treatment with expensive, second-line antimicrobial agents.

C. The requirement for testing of tuberculosis isolates set out in § 32.1-50 E, Code of Virginia, shall be satisfied by the submission of samples to the Division of Consolidated Laboratory Services, or such other laboratory as may be designated by the Board of Health.

D. Out of this appropriation, \$840,288 the first year and \$840,288 the second year from nongeneral funds shall be used to purchase the Tdap (tetanus/diphtheria/pertussis) vaccine for children without insurance.

E. Out of this appropriation, \$200,000 the first year and \$200,000 the second year from the general fund shall be provided to the State Pharmaceutical Assistance Program (SPAP) for insurance premium payments, coinsurance payments, and other out-of-pocket costs for individuals participating in the Virginia AIDS Drug Assistance Program (ADAP) with incomes between 135 percent and 300 percent of the federal poverty income guidelines and who are Medicare Part D beneficiaries.

F. The State Health Commissioner shall monitor patients who have been removed or diverted from the Virginia AIDS Drug Assistance Program due to budget considerations. At a minimum the Commissioner shall monitor patients to determine if they have been successfully enrolled in a private Pharmacy Assistance Program or other program to receive appropriate anti-retroviral medications. The commissioner shall also monitor the program to assess whether a waiting list has developed for services provided through the ADAP program. The commissioner shall report findings to the Chairmen of the House Appropriations and Senate Finance Committees annually on October 1.

G. The Virginia Department of Health shall report for each month within 30 days after the end of each month, on the number of procedures approved for payment pursuant to § 32.1-92.2, Code of Virginia, and include a description of the nature of the fetal abnormality, to the extent permitted by law, as required for eligibility under § 32.1-92.2, Code of Virginia. The department shall report the information by letter to the Chairmen of the House Appropriations and Senate Finance Committees.

ITEM 299.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<p>H. The Virginia Department of Health, in cooperation with the Department of Behavioral Health and Developmental Services (DBHDS), shall utilize \$1,600,011 each year from available federal funding in DBHDS, including the State Opioid Response Grant, as available, to purchase and provide opioid reversal drugs to support community rescue efforts for those who deal with vulnerable populations.</p>				
300.	Health Research, Planning, and Coordination (40600).....		\$19,671,239	\$19,671,239
	Health Research, Planning and Coordination (40603).....	\$3,515,119		\$3,515,119
	Regulation of Health Care Facilities (40607).....	\$13,826,070		\$13,826,070
	Certificate of Public Need (40608).....	\$1,704,248		\$1,704,248
	Cooperative Agreement Supervision (40609).....	\$625,802		\$625,802
	Fund Sources: General.....	\$4,293,205		\$4,293,205
	Special.....	\$3,048,545		\$3,048,545
	Dedicated Special Revenue.....	\$451,798		\$451,798
	Federal Trust.....	\$11,877,691		\$11,877,691
<p>Authority: §§ 32.1-102.1 through 32.1-102.11; 32.1-122.01 through 32.1-122.08; and 32.1-123 through 32.1-138.5, Code of Virginia; and P.L. 96-79, as amended, Federal Code; and Title XVIII and Title XIX of the U.S. Social Security Act, Federal Code.</p> <p>A. Supplemental funding for the regional health planning agencies shall be provided from the following sources:</p> <ol style="list-style-type: none"> 1. Special funds from Certificate of Public Need (40608) application fees in excess of those required to operate the COPN Program, provided the program may retain special fund balances each year equal to of one month's operational needs in case of revenue shortfalls in the subsequent year. 2. The Department of Health shall revise annual agreements with the regional health planning agencies to require an annual independent financial audit to examine the use of state funds and the reasonableness of those expenditures. <p>B. Failure of any regional health planning agency to establish or sustain business operations shall cause funds to revert to the Central Office to support health planning and Certificate of Public Need functions.</p> <p>C. The State Health Commissioner shall continue implementation of the "Five-Year Action Plan: Improving Access to Primary Health Care Services in Medically Underserved Areas and Populations of the Commonwealth." A minimum of \$150,000 the first year and \$150,000 the second year from the general fund shall be provided to the Virginia Office of Rural Health, as the state match for the federal Office of Rural Health Policy Grant. The commissioner is authorized to contract for services to accomplish the plan.</p> <p>D. Out of the this appropriation, \$278,000 the first year and \$278,000 the second year is appropriated to the department from statewide indirect cost recoveries to match federal funds and support the programs of the Office of Licensure and Certification. Amounts recovered in excess of the special fund appropriation shall be deposited to the general fund.</p> <p>E. The Virginia Department of Health (VDH) in collaboration with the Department of Health Professions shall issue risk mitigation guidelines on the prescription of the class of potent pain medicines known as extended-release and long-acting (ER/LA) opioid analgesics to include co-prescription of an opioid antagonist, approved by the U.S. Food and Drug Administration (FDA), for administration by family members or caregivers in a non-medically supervised environment.</p>				
301.	State Health Services (43000).....		\$168,067,937	\$168,028,397
	Child and Adolescent Health Services (43002).....	\$11,744,457		\$11,744,457
	Women's and Infant's Health Services (43005).....	\$11,080,619		\$11,080,619

ITEM 301.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Chronic Disease Prevention, Health Promotion, and Oral Health (43015).....	\$11,650,846	\$11,650,846		
Injury and Violence Prevention (43016).....	\$4,970,403	\$4,930,863		
Women, Infants, and Children (WIC) and Community Nutrition Services (43017).....	\$128,621,612	\$128,621,612		
Fund Sources: General.....	\$7,464,476	\$7,424,936		
Special.....	\$3,111,390	\$3,111,390		
Dedicated Special Revenue.....	\$64,967,057	\$64,967,057		
Federal Trust.....	\$92,525,014	\$92,525,014		

Authority: §§ 32.1-11, 32.1-77, 32.1-89, and 32.1-90, Code of Virginia; P.L. 94-566, as amended, Title V of the U.S. Social Security Act and Title X of the U.S. Public Health Service Act, Federal Code; and P.L. 95-627, as amended, Federal Code.

A. Out of this appropriation, \$999,804 the first year and \$999,804 the second year from special funds is provided to support the newborn screening program and its expansion pursuant to Chapters 717 and 721, Act of Assembly of 2005, and Chapter 531, 2018 Acts of Assembly. Fee revenues sufficient to fund the Department of Health's costs of the program and its expansion shall be transferred from the Division of Consolidated Laboratory Services.

B. The Special Supplemental Nutrition Program for Women, Infants, and Children is exempt from the requirements of the Administrative Process Act (§ 2.2-4000 et seq.).

C. Out of this appropriation, \$305,000 the first year and \$305,000 the second year from the general fund shall be provided to the department's sickle cell program to address rising pediatric caseloads in the current program. Any remaining funds shall be used to develop transition services for youth who will require adult services to ensure appropriate medical services are available and provided for youth who age out of the current program.

D. It is the intent of the General Assembly that the State Health Commissioner continue providing services through child development clinics and access to children's dental services.

E. Out of this appropriation, \$1,000,000 the first year and \$1,000,000 the second year from the Temporary Assistance for Needy Families (TANF) block grant shall be provided to the Department of Health for the operation of the Resource Mothers program.

F.1. Out of this appropriation, \$124,470 the first year and \$124,470 the second year from the general fund and \$82,980 the first year and \$82,980 the second year from nongeneral funds shall be provided for the Virginia Department of Health to establish and administer a Perinatal Quality Collaborative. The Perinatal Quality Collaborative shall work to improve pregnancy outcomes for women and newborns by advancing evidence-based clinical practices and processes through continuous quality improvement with an initial focus on pregnant women with substance use disorder and infants impacted by neonatal abstinence syndrome.

2. Out of this appropriation, \$315,000 the first year and \$315,000 the second year from the general fund shall be provided to support efforts by the Virginia Neonatal Perinatal Collaborative (VNPC) to decrease maternal mortality and morbidity. Funding shall be used for a coordinator position for community engagement, training and education; the development of a pilot program of the Centers for Disease Control's levels of care assessment (LOCATe) tool in the Richmond metropolitan region and Tidewater region; and development of a Project ECHO tele-education model for education and training. Funding shall also be used to assist the VNPC with expanding capacity to address these issues through the use of software to advance data analytics.

G. Out of the appropriation, \$750,000 the first year and \$750,000 the second year from the general fund shall be transferred to the Virginia Sexual and Domestic Violence Prevention Fund.

H. Out of this appropriation, \$250,000 the first year and \$250,000 the second year from the general fund is provided to establish the Virginia Sickle Cell Patient Assistance Program. The Virginia Department of Health shall administer the program to provide health insurance premium assistance and cost sharing assistance to patients diagnosed with Sickle Cell Disease who do not qualify for Medicaid.

ITEM 302.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
302.	Community Health Services (44000).....			\$280,701,516	\$280,990,684
	Local Dental Services (44002).....	\$3,907,226	\$3,907,226		
	Restaurant and Food Safety, Well and Septic Permitting and Other Environmental Health Services (44004).....	\$41,746,457	\$41,746,457		
	Local Family Planning Services (44005).....	\$31,778,639	\$31,778,639		
	Support for Local Management, Business, and Facilities (44009).....	\$73,197,325	\$73,197,325		
	Local Maternal and Child Health Services (44010)..	\$39,003,423	\$39,292,591		
	Local Immunization Services (44013).....	\$18,720,510	\$18,720,510		
	Local Communicable Disease Investigation, Treatment, and Control (44014).....	\$23,710,463	\$23,710,463		
	Local Personal Care Services (44015).....	\$4,648,293	\$4,648,293		
	Local Chronic Disease and Prevention Control (44016).....	\$11,533,995	\$11,533,995		
	Local Nutrition Services (44018).....	\$30,547,825	\$30,547,825		
	Population Health (44019).....	\$1,907,360	\$1,907,360		
	Fund Sources: General.....	\$109,681,815	\$109,970,983		
	Special.....	\$116,800,971	\$116,800,971		
	Dedicated Special Revenue.....	\$3,636,482	\$3,636,482		
	Federal Trust.....	\$50,582,248	\$50,582,248		

Authority: §§ 32.1-11 through 32.1-12, 32.1-31, 32.1-163 through 32.1-176, 32.1-198 through 32.1-211, 32.1-246, and 35.1-1 through 35.1-26, Code of Virginia; Title V of the U.S. Social Security Act; and Title X of the U.S. Public Health Service Act.

A.1. Notwithstanding § 32.1-163 through § 32.1-176, Code of Virginia, the State Health Commissioner shall charge a fee of no more than \$425.00, for a construction permit for on-site sewage systems designed for less than 1,000 gallons per day, and alternative discharging systems not supported with certified work from an onsite soil evaluator or a professional engineer working in consultation with an onsite soil evaluator.

2. Notwithstanding § 32.1-163 through § 32.1-176, Code of Virginia, the State Health Commissioner shall charge a fee of no more than \$350.00, for the certification letter for less than 1,000 gallons per day not supported with certified work from an onsite soil evaluator or a professional engineer working in consultation with an onsite soil evaluator.

3. Notwithstanding § 32.1-163 through § 32.1-176, Code of Virginia, the State Health Commissioner shall charge a fee of no more than \$225.00, for a construction permit for an onsite sewage system designed for less than 1,000 gallons per day when the application is supported with certified work from a licensed onsite soil evaluator.

4. Notwithstanding § 32.1-163 through § 32.1-176, Code of Virginia, the State Health Commissioner shall charge a fee of no more than \$320.00, for the certification letter for less than 1,000 gallons per day supported with certified work from an onsite soil evaluator or a professional engineer working in consultation with an onsite soil evaluator.

5. Notwithstanding § 32.1-163 through § 32.1-176, Code of Virginia, the State Health Commissioner shall charge a fee of no more than \$300.00, for a construction permit for a private well.

6. Notwithstanding § 32.1-163 through § 32.1-176, Code of Virginia, the State Health Commissioner shall charge a fee of no more than \$1,400.00, for a construction permit or certification letter designed for more than 1,000 gallons per day.

7. Notwithstanding § 32.1-163 through § 32.1-176, Code of Virginia, and starting July 1, 2019, the State Health Commissioner shall charge a fee of \$425.00, for a permit to repair an onsite sewage system or an alternative discharging system designed for less than 1,000 gallons per day not supported with certified work from an onsite soil evaluator or a professional engineer working in consultation with an onsite soil evaluator. This fee shall be waived for persons with income below 200 percent of the federal poverty guidelines as established by the United States Department of Health and Human Services when the application is for a pit privy or for a repair of a failing onsite or alternative discharging

ITEM 302.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
sewage system.				
8. Notwithstanding § 32.1-163 through § 32.1-176, Code of Virginia, and starting July 1, 2019, the State Health Commissioner shall charge a fee of \$225.00, for a permit to repair or voluntarily upgrade an onsite sewage system or alternative discharging system designed for less than 1,000 gallons per day supported with certified work from an onsite soil evaluator or a professional engineer. This fee shall be waived for persons with income below 200 percent of the federal poverty guidelines as established by the United States Department of Health and Human Services when the application is for a pit privy or for a repair of a failing onsite or alternative discharging sewage system.				
9. Notwithstanding § 32.1-163 through § 32.1-176, Code of Virginia, and starting July 1, 2019, the State Health Commissioner shall charge a fee of \$150.00, to provide written authorizations pursuant to § 32.1-165 not supported with certified work from a qualified professional.				
10. Notwithstanding § 32.1-163 through § 32.1-176, Code of Virginia, and starting July 1, 2019, the State Health Commissioner shall charge a fee of \$100.00, to provide written authorizations pursuant to § 32.1-165 supported with certified work from a qualified professional.				
11. Notwithstanding § 32.1-163 through § 32.1-176, Code of Virginia, and starting July 1, 2019, the State Health Commissioner shall charge a fee of \$1,400.00, for a permit to repair or voluntarily upgrade an onsite sewage system designed for more than 1,000 gallons per day.				
12.A. The State Health Commissioner shall appoint two manufacturers to the Advisory Committee on Sewage Handling and Disposal, representing one system installer and the Association of Onsite Soil Engineers.				
B. The State Health Commissioner is authorized to develop, in consultation with the regulated entities, a hotel, campground, and summer camp plan and specification review fee, not to exceed \$40.00, a restaurant plan and specification review fee, not to exceed \$40.00, an annual hotel, campground, and summer camp permit renewal fee, not to exceed \$40.00, and an annual restaurant permit renewal fee, not to exceed \$40.00 to be collected from all establishments, except K-12 public schools, that are subject to inspection by the Department of Health pursuant to §§ 35.1-13, 35.1-14, 35.1-16, and 35.1-17, Code of Virginia. However, any such establishment that is subject to any health permit fee, application fee, inspection fee, risk assessment fee or similar fee imposed by any locality as of January 1, 2002, shall be subject to this annual permit renewal fee only to the extent that the Department of Health fee and the locally imposed fee, when combined, do not exceed the fee amount listed in this paragraph. This fee structure shall be subject to the approval of the Secretary of Health and Human Resources.				
C. Pursuant to the Department of Health's Policy Implementation Manual (#07-01), individuals who participate in a local festival, fair, or other community event where food is sold, shall be exempt from the annual temporary food establishment permit fee of \$40.00 provided the event is held only one time each calendar year and the event takes place within the locality where the individual resides.				
D. The State Health Commissioner shall work with public and private dental providers to develop options for delivering dental services in underserved areas, including the use of public-private partnerships in the development and staffing of facilities, the use of dental hygiene and dental students to expand services and enhance learning experiences, and the availability of reimbursement mechanisms and other public and private resources to expand services.				
E. Out of this appropriation, \$417,822 the first year and \$417,822 the second year from the Temporary Assistance for Needy Families (TANF) block grant shall be used to support program expenses for the Healthy Families program.				
F.1. Out of this appropriation, \$2,000,000 the first year and \$2,000,000 the second year from the Temporary Assistance for Needy Families (TANF) block grant shall be provided for the purpose of expanding access to long acting reversible contraceptives (LARC). The Virginia Department of Health shall establish and manage memorandums of understanding with qualified health care providers who will provide access to LARCs to patients whose income is				

ITEM 302.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022

below 250 percent of the federal poverty level, the Title X family planning program income eligibility requirement. Providers shall be reimbursed for the insertion and removal of LARCs at Medicaid rates. As part of the pilot program, the department, in cooperation with the Department of Medical Assistance Services and stakeholders, shall develop a plan to improve awareness and utilization of the Plan First program and include outreach efforts to refer women who have a diagnosis of substance use disorder and who seek family planning services to the Plan First program or participating providers in the pilot program.

2. The Virginia Department of Health shall report on metrics to measure the effectiveness of the program such as impacts on morbidity, reduction in abortions and unplanned pregnancies, and impacts on maternal health such as an increase in the length of time between births, among others. In addition, the department shall collect data on the number of women served who also sought treatment for substance use disorder. The department shall submit a report to the Governor, the Chairs of the House Appropriations and Senate Finance and Appropriations Committees, the Secretary of Health and Human Resources, and the Director, Department of Planning and Budget, that describes the program, and metrics used to measure results, actual program expenditures, and projected expenditures by September 1 of each year.

3. Out of this appropriation, \$1,000,000 the first year and \$1,000,000 the second year from the Temporary Assistance for Needy Families (TANF) block grant shall be made available to supplement the funding provided under paragraph 1. of this Item to expand access to FDA-approved contraceptives, that are not long acting reversible contraceptives. The Virginia Department of Health shall establish and manage memoranda of understanding with qualified health care providers who have existing contracts pursuant to paragraph 1. of this Item or to new ones if funding is available. Providers shall be reimbursed for the cost of the contraceptives, as provided under this paragraph, at Medicaid rates.

G. Out of this appropriation, \$289,168 the second year from the general fund shall be used to support four restricted positions as part of a two-year pilot program in four local health districts to increase their capacity to improve health outcomes. The department shall evaluate the pilot program and make an interim report to the House Appropriations and Senate Finance and Appropriations Committees by June 30, 2022.

303.	Financial Assistance to Community Human Services Organizations (49200).....			\$25,879,583	\$23,379,583
	Payments to Human Services Organizations (49204).....	\$25,879,583	\$23,379,583		
	Fund Sources: General.....	\$23,479,583	\$20,979,583		
	Federal Trust.....	\$2,400,000	\$2,400,000		

Authority: § 32.1-2, Code of Virginia.

A.1. Out of this appropriation, \$832,946 the first year and \$832,946 the second year from the general fund and \$2,400,000 the first year and \$2,400,000 the second year from the federal Temporary Assistance for Needy Families (TANF) block grant shall be used to contract with Families Forward. In the event that the Families Forward changes its name; the provisions of this item shall apply to the successor organization provided that the required program purposes outlined in paragraph A.2. through A.4. are still achieved.

2. The purpose of the program is to develop, expand, and operate a network of local public-private partnerships providing comprehensive care coordination, family support and preventive medical and dental services to low-income, at-risk children.

3. The general fund appropriation in this Item for the Families Forward projects shall not be used for administrative costs.

4. Families Forward shall continue to pursue raising funds and in-kind contributions from local communities. It is the intent of the General Assembly that the Families Forward program increases its efforts to raise funds from local communities and other private or public sources with the goal of reducing reliance on general fund appropriations in the future.

ITEM 303.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
5. Of this appropriation, from the amounts in paragraph A.1., \$24,679 the first year and \$24,679 the second year from the general fund shall be used to contract with CHIP of Roanoke and shall be used as matching funds to support three full-time equivalent public health nurse positions to services in the Roanoke Valley and Allegheny Highlands.				
B. Out of this appropriation \$53,241 the first year and \$53,241 the second year from the general fund shall be used to contract with the Alexandria Neighborhood Health Services, Inc. to promote the health of women in Alexandria, Arlington, Fairfax County, and Falls Church, to prevent illness and injury and provide early treatment for serious health conditions. The contract with Alexandria Neighborhood Health Services Inc. (ANHSI) shall require that ANHSI provide comprehensive women's health care with a focus on preventative health services and screenings to low income, uninsured women. Women's health care services shall focus on preventative screenings. Blood pressure screening and body mass index shall be performed at each visit. The organization shall pursue raising funds and in-kind contributions from the local community.				
C. Out of this appropriation \$5,982 the first year and \$5,982 the second year from the general fund shall be used to contract with the Louisa County Resource Council to promote, develop, and encourage activities to deliver community-based services to disadvantaged Louisa County residents. The contract with Louisa County Resource Council shall require that the council provide assistance to income-eligible residents in meeting various needs of the clients including medication assistance, outreach assistance, and medical care referrals by exploring affordable options. The council shall continue to pursue raising funds and in-kind contributions from the local community.				
D. Out of this appropriation, \$7,837 the first year and \$7,837 the second year from the general fund shall be used to contract with the Olde Towne Medical Center. The contract with Olde Towne Medical Center shall require that the center provide cost effective, comprehensive primary and preventive health care (including obstetrical care) and oral health care to the uninsured, Medicaid, and Medicare residents in the City of Williamsburg, James City County, and York County. The population served shall include adults and children.				
E.1. Out of this appropriation, \$433,750 the first year and \$433,750 the second year from the general fund shall be used to contract with the Virginia Community Healthcare Association (VCHA). The contract with VCHA shall require that the association purchase pharmaceuticals and medically necessary pharmacy supplies, and to provide pharmacy services to low-income, uninsured patients of the Community and Migrant Health Centers throughout Virginia. The uninsured patients served with these funds shall have family incomes no greater than 200 percent of the federal poverty level. The amount allocated to each Community and Migrant Health Center shall be determined through an allocation methodology developed by the Virginia Community Healthcare Association. The allocation methodology shall ensure that funds are distributed such that the Community and Migrant Health Centers are able to serve the pharmacy needs of the greatest number of low-income, uninsured persons. The Virginia Community Healthcare Association shall establish accounting and reporting mechanisms to track the disbursement and expenditure of these funds.				
2. Out of this appropriation, \$175,000 the first year and \$175,000 the second year from the general fund shall be used to contract with the Virginia Community Healthcare Association. The contract with VCHA shall require that the association expand access to care provided through community health centers.				
3. Out of this appropriation, \$2,800,000 the first year and \$2,800,000 the second year from the general fund shall be used to contract with the Virginia Community Healthcare Association. The contract with VCHA shall require that the association support community health center operating costs for services provided to uninsured clients. The amount allocated to each Community and Migrant Health Center shall be determined through an allocation methodology developed by the Virginia Community Healthcare Association. The allocation methodology shall ensure that funds are distributed such that the Community and Migrant Health Centers are able to serve the needs of the greatest number of uninsured persons. The Virginia Community Healthcare Association shall establish accounting and reporting mechanisms to track the disbursement and expenditure of these funds.				
F.1. Out of this appropriation, \$1,321,400 the first year and \$1,321,400 the second year from				

ITEM 303.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<p>the general fund shall be used to contract with the Virginia Association of Free and Charitable Clinics (VAFCC). The contract with VAFCC shall require that the organization purchase pharmaceuticals and medically necessary pharmacy supplies, and to provide pharmacy services to low-income, uninsured patients of the Free Clinics throughout Virginia. The amount allocated to each Free Clinic shall be determined through an allocation methodology developed by the Virginia Association of Free and Charitable Clinics. The allocation methodology shall ensure that funds are distributed such that the Free Clinics are able to serve the pharmacy needs of the greatest number of low-income, uninsured adults. The Virginia Association of Free and Charitable Clinics shall establish accounting and reporting mechanisms to track the disbursement and expenditure of these funds.</p>				
<p>2. Out of this appropriation, \$175,000 the first year and \$175,000 the second year from the general fund shall be used to contract with the Virginia Association of Free and Charitable Clinics (VAFCC). The contract with VAFCC shall require the organization to expand access to health care services.</p>				
<p>3. Out of this appropriation, \$5,300,000 the first year and \$5,300,000 the second year from the general fund shall be used to contract with the Virginia Association of Free and Charitable Clinics (VAFCC). The contract with VAFCC shall require that the organization support free clinic operating costs for services provided to uninsured clients. The amount allocated to each free clinic shall be determined through an allocation methodology developed by the Virginia Association of Free and Charitable Clinics. The allocation methodology shall ensure that funds are distributed such that the free clinics are able to serve the needs of the greatest number of uninsured persons. The Virginia Association of Free and Charitable Clinics shall establish accounting and reporting mechanisms to track the disbursement and expenditure of these funds.</p>				
<p>G. Out of this appropriation, \$29,303 the first year and \$29,303 the second year from the general fund shall be used to contract with HealthWorks of Herndon. The contract with HealthWorks of Herndon (HWH) shall require that HWH provide treatment and prevention services, including health care services and mental health counseling, to low income and uninsured adults and children residing in the communities of Herndon, Reston, Chantilly, and Centreville in Fairfax County. These services shall include comprehensive primary health care with integrated behavioral health care to adult and children, prescription medications, diagnostic and lab testing, specialty referrals, and preventive screenings. Children's services shall include school physicals and sports physicals. Patients will also have access to oral health care through HealthWorks Dental Program.</p>				
<p>H. Out of this appropriation, \$164,758 the first year and \$164,758 the second year from the general fund shall be used to contract with the Southwest Virginia Graduate Medical Education Consortium. The contract with Southwest Virginia Graduate Medical Education (GMEC) shall require GMEC to create and support medical residency preceptor sites in rural and underserved communities in Southwest Virginia.</p>				
<p>I. Out of this appropriation, \$355,555 the first year and \$355,555 the second year from the general fund shall be used to contract with the regional AIDS resource and consultation centers and one local early intervention and treatment center.</p>				
<p>J. Out of this appropriation, \$57,963 the first year and \$57,963 the second year from the general fund shall be used to contract with the Arthur Ashe Health Center in Richmond. The contract with the Arthur Ashe Health Center shall require that the center provide HIV early intervention and treatment for HIV infected patients who reside within the City of Richmond.</p>				
<p>K. Out of this appropriation, \$10,663 the first year and \$10,663 the second year from the general fund shall be used to contract with the Health Brigade for AIDS related services. The contract with the Health Brigade shall require that the clinic provide financial assistance and support groups and conduct an education and outreach program for HIV positive clients in Central Virginia.</p>				
<p>L.1. Out of this appropriation, \$4,580,571 the first year and \$4,580,571 the second year from the general fund shall be used to contract with the Virginia Health Care Foundation.</p>				

ITEM 303.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<p>The contract with the Virginia Health Care Foundation (VHCF) shall require that the general fund shall be matched with local public and private resources and shall be awarded to proposals which enhance access to primary health care for Virginia's uninsured and medically underserved residents, through innovative service delivery models. The foundation, in coordination with the Virginia Department of Health, the Area Health Education Centers program, the Joint Commission on Health Care, and other appropriate organizations, is encouraged to undertake initiatives to reduce health care workforce shortages. The foundation shall account for the expenditure of these funds by providing the Governor, the Secretary of Health and Human Resources, the Chairmen of the House Appropriations and Senate Finance Committees, the State Health Commissioner, and the Chairman of the Joint Commission on Health Care with a certified audit and full report on the foundation's initiatives and results, including evaluation findings, not later than October 1 of each year for the preceding fiscal year ending June 30.</p>				
<p>2. The contract with the Virginia Health Care Foundation shall require that on or before October 1 of each year, the foundation shall submit to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees a report on the actual amount, by fiscal year, of private and local government funds received by the foundation since its inception. The report shall include certification that an amount equal to the state appropriation for the preceding fiscal year ending June 30 has been matched from private and local government sources during that fiscal year.</p>				
<p>3. Of this appropriation, from the amounts in paragraph L.1., \$125,000 the first year and \$125,000 the second year from the general fund shall be used to contract with the Virginia Health Care Foundation (VHCF). The contract with VHCF shall require that the general fund shall be provided to the foundation to expand the Pharmacy Connection software program to unserved or underserved regions of the Commonwealth.</p>				
<p>4. Of this appropriation, from the amounts in paragraph L.1., \$105,000 the first year and \$105,000 the second year from the general fund shall be used to contract with the Virginia Health Care Foundation (VHCF). The contract with VHCF shall require that the general fund shall be used to contract with the foundation for the Rx Partnership to improve access to free medications for low-income Virginians.</p>				
<p>5. Of this appropriation, from the amounts in paragraph L.1., \$2,350,000 the first year and \$2,350,000 the second year from the general fund shall be used to contract with the Virginia Health Care Foundation (VHCF). The contract with VHCF shall require that the general fund be provided to the foundation to increase the capacity of the Commonwealth's health safety net providers to expand services to unserved or underserved Virginians. Of this amount, (i) \$850,000 the first year and \$850,000 the second year shall be used to underwrite service expansions and/or increase the number of patients served at existing sites or at new sites, (ii) \$1,350,000 the first year and \$1,350,000 the second year shall be used for Medication Assistance Coordinators who provide outreach assistance, and (iii) \$150,000 the first year and \$150,000 the second year shall be made available for locations with existing medication assistance programs.</p>				
<p>M.1. Out of this appropriation, \$1,272,313 the first year and \$1,272,313 the second year from the general fund shall be used to support the administration of the patient level data base, including the outpatient data reporting system. The department shall establish a contract for this service.</p>				
<p>2. Out of this appropriation from the amounts in paragraph M.1., \$1,025,000 the first year and \$1,025,000 the second year from the general fund the second year shall be used to contract with the Virginia All Payer Claims Database.</p>				
<p>N. Out of this appropriation, \$402,712 the first year and \$402,712 the second year from the general fund shall be used to contract with the Health Wagon. The contract with the Health Wagon shall require the organization to provide summer outreach programs to low-income and uninsured individuals living in southwest Virginia.</p>				
<p>O. Out of this appropriation, \$105,000 the first year and \$105,000 the second year from the general fund shall be used to contract with the Statewide Sickle Cell Chapters of Virginia (SSCCV). The contract with SSCCV shall require that the general fund shall be used to provide for grants to community-based programs that provide patient assistance, education,</p>				

ITEM 303.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<p>and family-centered support for individuals suffering from sickle cell disease. The SSCCV shall develop criteria for distributing these funds including specific goals and outcome measures. A report shall be submitted to the Chairmen of the House Appropriations and Senate Finance Committees detailing program outcomes by October 1 of each year.</p>				
<p>P. Out of this appropriation, \$141,280 the first year and \$141,280 the second year from the general fund shall be used to contract with the Virginia Dental Health Foundation for the Mission of Mercy (M.O.M.) dental project. The contract with the Virginia Dental Health Foundation for the Mission of Mercy (M.O.M.) dental project shall require the Foundation to conduct Mission of Mercy (M.O.M) Projects that provide no cost dental services in identified underserved areas.</p>				
<p>Q. Out of this appropriation, \$2,500,000 the first year from the general fund shall be used to contract with three poison control centers. The State Health Commissioner shall review existing poison control services and determine how best to provide and enhance use of these services as a resource for patients with mental health disorders and for health care providers treating patients with poison-related suicide attempts, substance abuse, and adverse medication events. The Commissioner shall allocate the general fund amounts between the three centers. The general fund amounts shall be based on the proportion of Virginia's population served by each center.</p>				
<p>R. Out of this appropriation, \$32,559 the first year and \$32,559 the second year from the general fund shall be used to contract with the Community Health Center of the Rappahannock Region to provide medical, dental, and behavioral health services to low income and/or uninsured residents in the Rappahannock region. The contract with the center shall require the center to include acute and chronic disease management services, lab and diagnostic services, medication assistance, physical examinations, diagnosis and treatment of sexually transmitted infections, immunizations, women's health services (including family planning and pap smears), preventive and restorative dental services, and behavioral health services.</p>				
<p>S. Out of this appropriation, \$571,750 the first year and \$571,750 the second year from the general fund shall be used to contract with the Hampton Roads Proton Beam Therapy Institute at Hampton University, LLC. The contract with Hampton Roads Proton Beam Therapy Institute shall require that the institute support efforts for proton therapy in the treatment of cancerous tumors with fewer side effects.</p>				
<p>T. Out of this appropriation, \$1,500,000 the first year and \$1,500,000 the second year from the general fund shall be provided to the Hampton University Proton Therapy Foundation for the cancer and proton research and therapy activities.</p>				
<p>U. Out of this appropriation, \$20,000 the first year and \$20,000 the second year from the general fund shall be provided to Special Olympics Virginia for the Special Olympics Healthy Athlete Program.</p>				
<p>V. Out of this appropriation, \$600,000 the first year and \$600,000 the second year from the general fund shall be provided to contract with the Riverside Shore Memorial Hospital (RSMH) for obstetrical healthcare services. The contract shall require that the RSMH provide obstetrical services to the residents of the Eastern Shore of Virginia.</p>				
<p>W. Out of this appropriation, \$30,000 the first year and \$30,000 the second year from the general fund is provided to contract with the Mel Leaman Free Clinic for health care services.</p>				
304.	Drinking Water Improvement (50800).....		\$33,755,027	\$33,821,023
	Drinking Water Regulation (50801).....	\$10,758,553		\$10,824,549
	Drinking Water Construction Financing (50802).....	\$22,528,534		\$22,528,534
	Public Health Toxicology (50805).....	\$467,940		\$467,940
	Fund Sources: General.....	\$5,561,249		\$5,627,245
	Special.....	\$6,131,045		\$6,131,045
	Dedicated Special Revenue.....	\$18,903,934		\$18,903,934
	Federal Trust.....	\$3,158,799		\$3,158,799

ITEM 304.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<p>Authority: §§ 32.1-163 through 32.1-176.7, 32.1-246, 32.1-246.1, and 62.1-44.18 through 62.1-44.19:9, Code of Virginia; and P.L. 92-500, P.L. 93-523 and P.L. 95-217, Federal Code.</p> <p>A. It is the intent of the General Assembly that the Department of Health be the agency designated to receive and manage general and nongeneral funds appropriated pursuant to the federal Safe Drinking Water Act of 1996.</p> <p>B. The fee schedule for charges to community waterworks shall be adjusted to the level necessary to cover the cost of operating the Waterworks Technical Assistance Program, consistent with § 32.1-171.1, Code of Virginia, and shall not exceed \$3.00 per connection to all community waterworks.</p>				
305.	Environmental Health Hazards Control (56500).....		\$12,532,540	\$12,532,540
	State Office of Environmental Health Services (56501).....	\$4,909,260		\$4,909,260
	Shellfish Sanitation (56502).....	\$2,906,038		\$2,906,038
	Bedding and Upholstery Inspection (56503).....	\$853,219		\$853,219
	Radiological Health and Safety Regulation (56504)....	\$3,864,023		\$3,864,023
	Fund Sources: General.....	\$6,327,150		\$6,327,150
	Special.....	\$2,864,503		\$2,864,503
	Dedicated Special Revenue.....	\$2,015,416		\$2,015,416
	Federal Trust.....	\$1,325,471		\$1,325,471
<p>Authority: §§ 2.2-4002 B 16; 28.2-800 through 28.2-825; and 32.1-212 through 32.1-245, Code of Virginia.</p> <p>Out of this appropriation, \$12,500 the first year and \$12,500 the second year from the general fund shall be provided for the activities of the Sewage Appeals Review Board.</p>				
306.	Emergency Preparedness (77500).....		\$34,333,979	\$34,333,979
	Emergency Preparedness and Response (77504).....	\$34,333,979		\$34,333,979
	Fund Sources: Federal Trust.....	\$34,333,979		\$34,333,979
<p>Authority: §§ 32.1-2, 32.1-39, and 32.1-42, Code of Virginia.</p>				
307.	Administrative and Support Services (49900).....		\$27,710,621	\$25,171,038
	General Management and Direction (49901).....	\$12,855,848		\$12,855,848
	Information Technology Services (49902).....	\$6,470,542		\$3,930,959
	Accounting and Budgeting Services (49903).....	\$4,020,239		\$4,020,239
	Human Resources Services (49914).....	\$2,512,406		\$2,512,406
	Procurement and Distribution Services (49918).....	\$1,851,586		\$1,851,586
	Fund Sources: General.....	\$16,506,245		\$16,426,037
	Special.....	\$7,138,997		\$7,138,997
	Federal Trust.....	\$4,065,379		\$1,606,004
<p>Authority: §§ 3.2-5206 through 3.2-5216, 32.1-11.3 through 32.1-23, 35.1-1 through 35.1-7, and 35.1-9 through 35.1-28, Code of Virginia.</p> <p>A. The State Comptroller is hereby authorized to provide a line of credit of up to \$200,000 to the Department of Health to cover the actual costs of expanding the availability of vital records through the Department of Motor Vehicles, to be repaid from administrative processing fees provided under Code of Virginia, § 32.1-273 until such time as the line of credit is repaid.</p> <p>B. Out of this appropriation, \$150,000 the first year and \$150,000 the second year from the general fund shall be provided for agency costs related to onboarding to ConnectVirginia, transition costs to convert the agency's node on ConnectVirginia to the state agency node, and provide support to other state agencies in their onboarding efforts.</p> <p>C.1. Out of this appropriation, \$300,000 from the general fund and \$2,700,000 from nongeneral funds in the first year and \$26,736 from the general fund and \$240,625 from nongeneral funds in the second year is provided for the Virginia Department of Health for the</p>				

ITEM 307.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Emergency Department Care Coordination program.				
<p>2. The ED Council, under the department's governance and direction shall: advise the State Health Commissioner regarding the operation of, changes to, and outcome measures for the EDCC Program for the purpose of improving the quality of patient care services. The ED Council shall include representatives from the following, as required in the ED Council Bylaws; the Commonwealth, hospitals & health systems, health plans, and providers.</p>				
<p>3. The department shall coordinate with the Department of Medical Assistance Services (DMAS) and apply for federal matching funds, such as the Health Information Technology for Economic and Clinical Health (HITECH) Act, Medicaid Management Information Systems (MMIS) and the Substance Use-Disorder Prevention that Promotes Opioid Recovery and Treatment for Patients and Communities Act (SUPPORT for Patients and Communities Act) or other relevant federal and nongeneral fund sources to: (i) continue the operation and maintenance of the Emergency Department Care Coordination (EDCC) Program; and (ii) in consultation with the EDCC clinical consensus committee, adopt additional functionalities to continue to better care for patients who are high utilizers of the Commonwealth's emergency departments. The department, in coordination with DMAS, shall provide an interim report on the status of funding, including issues related to sustainability; and administration and operations of the EDCC program to the Chairs of House Appropriations and Senate Finance and Appropriations Committees by August 1, 2020.</p>				
<p>4. Neither the department nor its contractor shall be obligated to enhance or expand the program without HITECH Act funds or alternative funds.</p>				
<p>5. The department, in coordination with the Department of Medical Assistance Services, shall determine the amount of federal and/or state funds available to support program operations in the fourth and fifth years before the end of Federal Fiscal Years (FFY)2020 to FFY2021, ending September 30, 2021. Accordingly, the department, in coordination with the Department of Medical Assistance Services and the ED Council, shall recommend to the Department of Planning and Budget, by June 30, 2020, a funding structure for program operations in fiscal year 2022 (starting July 1, 2021) that apportions program costs across the Commonwealth, participating hospitals, participating health plans, and other participating health care providers.</p>				
<p>6. The department, in coordination with the ED Council, shall report annually to the Secretary of Health and Human Resources and the Chairmen of the House Appropriations and Senate Finance Committees on progress, including, but not limited to: (i) the participation rate of hospitals and health systems, providers and subscribing health plans; (ii) strategies for sustaining the program and methods to continue to improve care coordination; and (iii) the impact on health care utilization and quality goals such as reducing the frequency of visits by high-volume Emergency Department utilizers and avoiding duplication of health care services.</p>				
<p>D.1. Inpatient hospitals shall report the admission source of any individuals meeting the criteria for voluntary or involuntary psychiatric commitment as outlined in § 16.1-338, 16.1-339, 16.1-340.1, 16.1-345, 37.2-805, 37.2-809, or 37.2-904, Code of Virginia, to the Board of Health. The Board shall collect and share any and all data regarding the admission source of individuals admitted to inpatient hospitals as a psychiatric patient, pursuant to § 32.1-276.6, Code of Virginia, with the Department of Behavioral Health and Developmental Services.</p>				
<p>2. The Virginia Department of Health shall promulgate these emergency regulations to become effective within 280 days or less from the enactment of this act.</p>				
<p>E. Notwithstanding § 32.1-73.11, Code of Virginia, the Advisory Council on Pediatric Autoimmune Neuropsychiatric Disorders Associated with Streptococcal Infections (PANDAS) and Pediatric Acute-onset Neuropsychiatric Syndrome (PANS), established by Chapter 466 of the 2017 Acts of Assembly, is hereby continued.</p>				
<p>F. The Virginia Department of Health shall report a detailed accounting, annually, of the agency's organization and operations. This report shall include an organizational chart that</p>				

ITEM 307.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
	shows all full- and part-time positions (by job title) employed by the agency as well as the current management structure and unit responsibilities. The report shall also provide a summary of organization changes implemented over the previous year. The report shall be made available on the department's website by August 15 of each year.			
307.10	Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted.			
		FY 2021		FY 2022
	Support a position at the Mel Leaman Free Clinic	\$30,000		\$30,000
	Add funding for community health workers - two year pilot	\$0		\$289,168
	Fund Behavioral Health Loan Repayment Program and Nursing Preceptor Incentive Position	\$88,914		\$88,914
	Establish Nursing Preceptor Incentive Program	\$500,000		\$500,000
	Establish Behavioral Health Loan Repayment Program	\$1,600,000		\$1,600,000
	Increase support for poison control centers	\$1,500,000		\$0
	Establish the Virginia Sexual and Domestic Violence Prevention Fund	\$750,000		\$750,000
	Increases in rent for Local Health Department facilities	\$75,889		\$75,889
	Increase Hampton Roads Proton Therapy Institute funding	\$1,500,000		\$1,500,000
	Establish Sickle Cell Patient Assistance Program	\$250,000		\$250,000
	Increase support for Special Olympics Virginia	\$10,000		\$10,000
	Add funding for a data management system for Virginia's Drinking Water Program	\$150,000		\$250,000
	Add funding for building Office of Health Equity infrastructure and capacity	\$150,000		\$150,000
	Adds positions for the Shellfish Safety Division	\$168,270		\$168,270
	Increase general fund and nongeneral fund appropriation related to the EPA Drinking Water State Revolving Fund grant	\$482,400		\$482,400
	Add funding and a position for a wastewater infrastructure manager	\$131,880		\$131,880
	Agency Total	\$7,387,353		\$6,276,521

ITEM 307.10.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Total for Department of Health.....			\$785,787,377	\$781,129,340
General Fund Positions.....	1,513.50	1,517.50		
Nongeneral Fund Positions.....	2,198.00	2,198.00		
Position Level.....	3,711.50	3,715.50		
Fund Sources: General.....	\$200,240,415	\$198,041,753		
Special.....	\$169,842,442	\$169,842,442		
Dedicated Special Revenue.....	\$116,052,192	\$116,052,192		
Federal Trust.....	\$299,652,328	\$297,192,953		

§ 1-95. DEPARTMENT OF HEALTH PROFESSIONS (223)

308.	Higher Education Student Financial Assistance (10800).....			\$65,000	\$65,000
	Scholarships (10810).....	\$65,000	\$65,000		
	Fund Sources: Special.....	\$65,000	\$65,000		

Authority: § 54.1-3011.2, Chapter 30, Code of Virginia.

309.	Regulation of Professions and Occupations (56000).....			\$35,249,989	\$35,371,849
	Technical Assistance to Regulatory Boards (56044).....	\$35,249,989	\$35,371,849		
	Fund Sources: Trust and Agency.....	\$1,425,987	\$1,425,987		
	Dedicated Special Revenue.....	\$33,824,002	\$33,945,862		

Authority: Title 54.1, Chapter 25, Code of Virginia.

The Department of Health Professions shall have authority to increase fees for the Board of Pharmacy to administer the operations of the five cannabis processors pursuant to legislation in the 2020 Session. The department shall have the authority to promulgate emergency regulations to implement this amendment within 280 days or less from the enactment date of this act.

Total for Department of Health Professions.....			\$35,314,989	\$35,436,849
Nongeneral Fund Positions.....	259.00	262.00		
Position Level.....	259.00	262.00		
Fund Sources: Special.....	\$65,000	\$65,000		
Trust and Agency.....	\$1,425,987	\$1,425,987		
Dedicated Special Revenue.....	\$33,824,002	\$33,945,862		

§ 1-96. DEPARTMENT OF MEDICAL ASSISTANCE SERVICES (602)

310.	Pre-Trial, Trial, and Appellate Processes (32100)....			\$17,991,740	\$17,991,740
	Reimbursements for Medical Services Related to Involuntary Mental Commitments (32107).....	\$17,991,740	\$17,991,740		
	Fund Sources: General.....	\$17,991,740	\$17,991,740		

Authority: § 37.2-809, Code of Virginia.

A. Any balance, or portion thereof, in Reimbursements for Medical Services Related to Involuntary Mental Commitments (32107), may be transferred between Items 42, 43, 44, and 310 as needed, to address any deficits incurred for Involuntary Mental Commitments by the Supreme Court or the Department of Medical Assistance Services.

B. Out of this appropriation, payments may be made to licensed health care providers for medical screening and assessment services provided to persons with mental illness while in emergency custody pursuant to § 37.2-808, Code of Virginia.

C. To the extent that appropriation in this Item are insufficient, the Department of

ITEM 310.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Planning and Budget shall transfer general fund appropriation, as needed, from Children's Health Insurance Program Delivery (44600), Medicaid Program Services (45600), and Medical Assistance Services for Low Income Children (46600), if available, into this Item.				
311.	Financial Assistance for Health Research (40700).....		\$3,810,000	\$300,000
	Grants for Improving The Quality of Health Services (40703).....		\$3,810,000	\$300,000
	Fund Sources: Federal Trust.....		\$3,810,000	\$300,000
Authority: P.L. 111-5, Federal Code.				
312.	Children's Health Insurance Program Delivery (44600).....		\$249,622,837	\$270,236,306
	Reimbursements for Medical Services Provided Under the Family Access to Medical Insurance Security Plan (44602).....		\$249,622,837	\$270,236,306
	Fund Sources: General.....		\$66,286,945	\$80,511,386
	Dedicated Special Revenue.....		\$14,065,627	\$14,065,627
	Federal Trust.....		\$169,270,265	\$175,659,293
Authority: Title 32.1, Chapter 13, Code of Virginia; Title XXI, Social Security Act, Federal Code.				
A. Pursuant to Chapter 679, Acts of Assembly of 1997, the State Corporation Commission shall annually, on or before June 30, 1998, and each year thereafter, calculate the premium differential between: (i) 0.75 percent of the direct gross subscriber fee income derived from eligible contracts and (ii) the amount of license tax revenue generated pursuant to subdivision A 4 of § 58.1-2501 for the immediately preceding taxable year and notify the Comptroller of the Commonwealth to transfer such amounts to the Family Access to Medical Insurance Security Plan Trust Fund as established on the books of the State Comptroller.				
B. As a condition of this appropriation, revenues from the Family Access to Medical Insurance Security Plan Trust Fund, shall be used to match federal funds for the Children's Health Insurance Program.				
C. Every eligible applicant for health insurance as provided for in Title 32.1, Chapter 13, Code of Virginia, shall be enrolled and served in the program.				
D. To the extent that appropriations in this Item are insufficient, the Department of Planning and Budget shall transfer general fund appropriation, as needed, from Medicaid Program Services (45600) and Medical Assistance Services for Low Income Children (46600), if available, into this Item to be used as state match for federal Title XXI funds.				
E. The Department of Medical Assistance Services shall make the monthly capitation payment to managed care organizations for the member months of each month in the first week of the subsequent month.				
F. If any part, section, subsection, paragraph, clause, or phrase of this Item or the application thereof is declared by the United States Department of Health and Human Services or the Centers for Medicare and Medicaid Services to be in conflict with a federal law or regulation, such decisions shall not affect the validity of the remaining portions of this Item, which shall remain in force as if this Item had passed without the conflicting part, section, subsection, paragraph, clause, or phrase. Further, if the United States Department of Health and Human Services or the Centers for Medicare and Medicaid Services determines that the process for accomplishing the intent of a part, section, subsection, paragraph, clause, or phrase of this Item is out of compliance or in conflict with federal law and regulation and recommends another method of accomplishing the same intent, the Director, Department of Medical Assistance Services, after consultation with the Attorney General, is authorized to pursue the alternative method.				
313.	Medicaid Program Services (45600).....		\$16,030,222,525	\$17,137,554,276
	Reimbursements to State-Owned Mental Health and Intellectual Disabilities Facilities (45607).....		\$75,685,714	\$57,410,714

ITEM 313.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022
Reimbursements for Behavioral Health Services (45608).....	\$62,787,880	\$66,242,284		
Reimbursements for Medical Services (45609).....	\$10,104,253,522	\$10,782,495,276		
Reimbursements for Long-Term Care Services (45610).....	\$1,660,622,491	\$1,735,055,863		
Payments for Healthcare Coverage for Low-Income Uninsured Adults (45611).....	\$4,126,872,918	\$4,496,350,139		
Fund Sources: General.....	\$5,139,243,074	\$5,478,352,267		
Dedicated Special Revenue.....	\$1,323,656,931	\$1,396,986,240		
Federal Trust.....	\$9,567,322,520	\$10,262,215,769		

Authority: Title 32.1, Chapters 9 and 10, Code of Virginia; P.L. 89-97, as amended, Title XIX, Social Security Act, Federal Code.

A. Out of this appropriation, \$37,842,857 the first year and \$28,705,357 the second year from the general fund and \$37,842,857 the first year and \$28,705,357 the second year from the federal trust fund is provided for reimbursement to the institutions within the Department of Behavioral Health and Developmental Services.

B.1. Included in this appropriation is \$10,753,903 the first year and \$12,370,807 the second year from the general fund and \$29,942,662 the first year and \$31,559,566 the second year from nongeneral funds to reimburse the Virginia Commonwealth University Health System for indigent health care costs as reported by the hospital and adjusted by the department for indigent care savings related to Medicaid expansion. This funding is composed of disproportionate share hospital (DSH) payments, indirect medical education (IME) payments, and any Medicaid profits realized by the Health System. Payments made from the federal DSH fund shall be made in accordance with 42 USC 1396r-4.

2. Included in this appropriation is \$19,394,915 the first year and \$20,621,854 the second year from the general fund and \$34,109,693 the first year and \$35,336,632 the second year from nongeneral funds to reimburse the University of Virginia Health System for indigent health care costs as reported by the hospital and adjusted by the department for indigent care savings related to Medicaid expansion. This funding is comprised of disproportionate share hospital (DSH) payments, indirect medical education (IME) payments, and any Medicaid profits realized by the Health System. Payments made from the federal DSH fund shall be made in accordance with 42 USC 1396r-4.

3. The general fund amounts for the state teaching hospitals have been reduced to mirror the general fund impact of reduced and no inflation for inpatient services in prior years. It also includes reductions associated with prior year indigent care reductions. However, the nongeneral funds are appropriated. In order to receive the nongeneral funds in excess of the amount of the general fund appropriated, the health systems shall certify the public expenditures.

4. The Department of Medical Assistance Service shall have the authority to increase Medicaid payments for Type One hospitals and physicians consistent with the appropriations to compensate for limits on disproportionate share hospital (DSH) payments to Type One hospitals that the department would otherwise make. In particular, the department shall have the authority to amend the State Plan for Medical Assistance to increase physician supplemental payments for physician practice plans affiliated with Type One hospitals up to the average commercial rate as demonstrated by University of Virginia Health System and Virginia Commonwealth University Health System, to change reimbursement for Graduate Medical Education to cover costs for Type One hospitals, to case mix adjust the formula for indirect medical education reimbursement for HMO discharges for Type One hospitals and to increase the adjustment factor for Type One hospitals to 1.0. The department shall have the authority to implement these changes prior to completion of any regulatory process undertaken in order to effect such change.

C.1. The estimated revenue for the Virginia Health Care Fund is \$472,802,840 the first year and \$486,936,557 the second year, to be used pursuant to the uses stated in § 32.1-367, Code of Virginia.

2. Notwithstanding any other provision of law, revenues deposited to the Virginia Health

ITEM 313.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Care Fund shall only be used as the state share of Medicaid unless specifically authorized by this Act.				
3. Notwithstanding § 32.1-366, Code of Virginia, the State Comptroller shall deposit 41.5 percent of the Commonwealth's allocation of the Master Settlement Agreement with tobacco product manufacturers, as defined in § 3.2-3100, Code of Virginia, to the Virginia Health Care Fund.				
D. If any part, section, subsection, paragraph, clause, or phrase of this Item or the application thereof is declared by the United States Department of Health and Human Services or the Centers for Medicare and Medicaid Services to be in conflict with a federal law or regulation, such decisions shall not affect the validity of the remaining portions of this Item, which shall remain in force as if this Item had passed without the conflicting part, section, subsection, paragraph, clause, or phrase. Further, if the United States Department of Health and Human Services or the Centers for Medicare and Medicaid Services determines that the process for accomplishing the intent of a part, section, subsection, paragraph, clause, or phrase of this Item is out of compliance or in conflict with federal law and regulation and recommends another method of accomplishing the same intent, the Director, Department of Medical Assistance Services, after consultation with the Attorney General, is authorized to pursue the alternative method.				
E.1. At least 45 days prior to the submission of any state plan or waiver amendment or renewal of such, to the Centers for Medicare and Medicaid Services (CMS) or change in the contracts with managed care organizations that may impact the capitation rates, the Department of Medical Assistance Services (DMAS) shall provide written notification to the Director, Department of Planning and Budget as to the purpose of such change. This notice shall also assess whether the amendment will require any future state regulatory action or expenditure beyond that which is appropriated in this Act. If the Department of Planning and Budget, after review of the proposed change, determines that it may likely result in a material fiscal impact on the general fund, for which no legislative appropriation has been provided, then the Department of Medical Assistance Services shall delay the proposed change until the General Assembly authorizes such action and notify the Chairs of the House Appropriations and Senate Finance and Appropriations Committees of such action.				
2. Effective July 1, 2020, the Department of Medical Assistance Services shall have the authority to include the following modifications to the Commonwealth Coordinated Care Plus and Medallion 4.0 contracts:				
a) Expand care coordination for adoption assistance members;				
b) Require that all foster care children receive a physician and dental visit within the first 30 days of plan enrollment;				
c) Provide cultural competency training and case management initiatives specific to the LGBTQI community;				
d) Require Patient utilization Management and Safety (PUMS) Program “lock-in” re-evaluations for members changing plans;				
e) Require additional care coordinators for the early intervention population;				
f) Develop advisory groups for member feedback and engagement surrounding maternal, child, and women's health;				
g) Develop strategies to keep mom and baby together during residential SUD treatment;				
h) Require plans to identify and address racial disparities in maternal, reproductive and child health;				
i) Improve care coordination of the high-risk maternity program;				
j) Require maternal screenings for substance abuse (SBIRT);				
k) Require maternal screenings for mental health;				
l) Waive the signature requirement for non-emergency transportation providers;				

ITEM 313.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<p>m) Establish payment targets for the total portion of medical spending covered under a value based payment arrangement; and</p> <p>n) Require CCC Plus plans to upgrade Medicare Dual Special Needs Plans (D-SNPs) to Medicare Fully Integrated Dual Eligible Special Needs Plans (FIDE-SNPS).</p> <p>3. Effective July 1, 2020, the Department of Medical Assistance Services shall amend its CCC Plus and Medallion 4.0 contracts with managed care organizations (MCOs) to include the following provisions related to community mental health and rehabilitation services:</p> <p>a) Clarify that required response times are based on calendar days, not business days.</p> <p>b) Require that, in any case where a service authorization or reauthorization for community mental health and rehabilitation services, is not approved or denied within the National Committee for Quality Assurance (NCQA) response time standard, the provider shall assume to have approval to provide the service and receive payment until date of denial.</p> <p>c) Clarify response time requirements for weekends and holidays, to the extent that they differ from the NCQA response time standards.</p> <p>d) Clarify how MCOs are to determine if a service authorization is considered urgent or non-urgent as it pertains to the NCQA response time standards.</p> <p>4. The department shall amend its contracts with managed care organizations to direct the MCOs to modify their contracts with providers to include the requirements from paragraphs a. through d. above.</p> <p>5. The department shall track and report on compliance with NCQA response time standards for each MCO, broken down by service type. Such tracking shall include: (i) How often total response time, from initial submittal until service authorization or denial, exceeds the NCQA standards; and (ii) How often appeals are filed, and of those, how often are services subsequently approved and how often they are denied. The department shall publish the data on these items on a quarterly basis to the department's website.</p> <p>6. In addition to the changes specified in E.2., DMAS shall have authority to include modifications to the Commonwealth Coordinated Care Plus and Medallion 4.0 contracts as necessary to implement actions specifically authorized through language included in this Act.</p> <p>7. The department shall conduct an analysis and report on the costs and benefits to amending the Commonwealth Coordinated Care Plus and Medallion 4.0 contracts to combine any applicable medical loss ratios and underwriting gain provisions to ensure uniformity in the applicability of those provisions to the Joint Subcommittee for Health and Human Resources Oversight. The report shall be completed by November 15, 2020.</p> <p>8. The Department of Medical Assistance Services shall develop a plan to merge the Commonwealth Coordinated Care Plus and Medallion 4.0 programs. The department shall submit the plan with a feasible timeline for such a merger to the Governor and the Chairs of the House Appropriations and Senate Finance and Appropriations Committees by November 15, 2020.</p> <p>F.1. The Director, Department of Medical Assistance Services shall seek the necessary waivers from the United States Department of Health and Human Services to authorize the Commonwealth to cover health care services and delivery systems, as may be permitted by Title XIX of the Social Security Act, which may provide less expensive alternatives to the State Plan for Medical Assistance.</p> <p>2. At least 30 days prior to the submission of an application for any new waiver of Title XIX or Title XXI of the Social Security Act, the Department of Medical Assistance Services shall notify the Chairmen of the House Appropriations and Senate Finance Committees of such pending application and provide information on the purpose and justification for the waiver along with any fiscal impact. If the department receives an official letter from either Chairmen raising an objection about the waiver during the 30-</p>				

ITEM 313.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<p>day period, the department shall not submit the waiver application and shall request authority for such waiver as part of the normal legislative or budgetary process. If the department receives no objection, then the application may be submitted. Any waiver specifically authorized elsewhere in this Item is not subject to this provision. Waiver renewals are not subject to the provisions of this paragraph.</p>				
<p>3. The director shall promulgate such regulations as may be necessary to implement those programs which may be permitted by Titles XIX and XXI of the Social Security Act, in conformance with all requirements of the Administrative Process Act.</p>				
<p>G. To the extent that appropriations in this Item are insufficient, the Department of Planning and Budget shall transfer general fund appropriation, as needed, from Children's Health Insurance Program Delivery (44600) and Medical Assistance Services for Low Income Children (46600), if available, into this Item to be used as state match for federal Title XIX funds.</p>				
<p>H. Notwithstanding any other provision of law, any unexpended general fund appropriation remaining in this Item on the last day of each fiscal year shall revert to the general fund and shall not be reappropriated in the following fiscal year.</p>				
<p>I. It is the intent of the General Assembly that the medically needy income limits for the Medicaid program are adjusted annually to account for changes in the Consumer Price Index.</p>				
<p>J.1.a. As of July 1, 2019, the Community Living (CL) waiver authorizes 11,736 slots.</p>				
<p>b. As of July 1, 2019, the Family and Individuals Support (FIS) waiver authorizes 2,983 slots.</p>				
<p>c. As of July 1, 2019, the Building Independence (BI) waiver authorizes 400 slots.</p>				
<p>2. Notwithstanding Chapters 228 and 303 of the 2009 Virginia Acts of Assembly and §32.1-323.2 of the Code of Virginia, the Department of Medical Assistance Services shall not add any slots to the Intellectual Disabilities Medicaid Waiver or the Individual and Family Developmental Disabilities and Support Medicaid Waiver other than those slots authorized specifically to support the Money Follows the Person Demonstration, individuals who are exiting state institutions, any slots authorized under Chapters 724 and 729 of the 2011 Virginia Acts of Assembly or §37.2-319, Code of Virginia, or authorized elsewhere in this Act.</p>				
<p>3. Upon approval by the Centers for Medicare and Medicaid Services of the application for renewal of the CL, FIS and BI waivers, expeditious implementation of any revisions shall be deemed an emergency situation pursuant to § 2.2-4002 of the Administrative Process Act. Therefore, to meet this emergency situation, the Department of Medical Assistance Services shall promulgate emergency regulations to implement the provisions of this Act.</p>				
<p>4.a. The Department of Medical Assistance Services (DMAS) shall amend the CL waiver to add 145 new slots effective July 1, 2020 and an additional 95 slots effective July 1, 2021. An amount estimated at \$5,653,333 the first year and \$9,357,240 the second year from the general fund and \$5,653,333 the first year and \$9,357,240 the second year from nongeneral funds is provided to cover the anticipated costs of the new slots. These estimated amounts assume that 20 of the additional slots in each year may be filled with individuals transitioning from facility care. DMAS shall seek federal approval for necessary changes to the CL waiver to add the additional slots.</p>				
<p>b. The Department of Medical Assistance Services (DMAS) shall amend the FIS waiver to add 640 new slots effective July 1, 2020 and an additional 455 slots effective July 1, 2021. An amount estimated at \$10,581,760 the first year and \$18,104,730 the second year from the general fund and \$10,581,760 the first year and \$18,104,730 the second year from nongeneral funds is provided to cover the anticipated costs of the new slots. These estimated amounts assumes that five of the additional slots in each year may be filled with individuals transitioning from facility care. DMAS shall seek federal approval for necessary changes to the FIS waiver to add the additional slots.</p>				
<p>c. In addition to the new slots added in 4.a. and b., the Department of Medical Assistance Services (DMAS) shall amend the CL waiver to add 15 new slots effective July 1, 2020 and an additional 15 slots effective July 1, 2021. The Department of Medical Assistance Services</p>				

ITEM 313.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022

(DMAS) shall amend the FIS waiver to add 10 new slots effective July 1, 2020 and an additional 10 slots effective July 1, 2021. These slots shall be held as reserve capacity by the Department of Behavioral Health and Developmental Services (DBHDS) to address emergency situations. An amount estimated at \$750,168 the first year and \$1,500,335 the second year from the general fund and \$750,168 the first year and \$1,500,335 the second year from nongeneral funds is provided to cover the anticipated costs of the emergency slots. DMAS shall seek federal approval for necessary changes to the CL and FIS waivers to add the additional slots. Beginning July 1, 2018, DBHDS shall provide a quarterly report on the use of the emergency slots provided in this paragraph.

d. The Department of Medical Assistance Services, in collaboration with the Department of Behavioral Health and Developmental Services, shall separately track all costs, placements and services associated with the additional slots added in paragraphs J.4.a., J.4.b., and J.4.c. above. By October 1 of each year, the department shall report this data to the Chairmen of the House Appropriations and Senate Finance Committees and the Director, Department of Planning and Budget.

K. The Department of Medical Assistance Services and the Virginia Department of Health shall work with representatives of the dental community: to expand the availability and delivery of dental services to pediatric Medicaid recipients; to streamline the administrative processes; and to remove impediments to the efficient delivery of dental services and reimbursement thereof. The Department of Medical Assistance Services shall report its efforts to expand dental services to the Chairmen of the House Appropriations and Senate Finance Committees and the Director, Department of Planning and Budget by December 15 each year.

L. The Department of Medical Assistance Services shall not require dentists who agree to participate in the delivery of Medicaid pediatric dental care services, or services provided to enrollees in the Family Access to Medical Insurance Security (FAMIS) Plan or any variation of FAMIS, to also deliver services to subscribers enrolled in commercial plans of the managed care vendor, unless the dentist is a willing participant in the commercial managed care plan.

M.1. The Department of Medical Assistance Services shall implement continued enhancements to the drug utilization review (DUR) program. The department shall continue the Pharmacy Liaison Committee and the DUR Board. The department shall continue to work with the Pharmacy Liaison Committee, meeting at least semi-annually, to implement initiatives for the promotion of cost-effective services delivery as may be appropriate. The department shall solicit input from the Pharmacy Liaison Committee regarding pharmacy provisions in the development and enforcement of all managed care contracts. The department shall report on the Pharmacy Liaison Committee's and the DUR Board's activities to the Board of Medical Assistance Services and to the Chairmen of the House Appropriations and Senate Finance Committees and the Department of Planning and Budget no later than December 15 each year of the biennium.

2. The department shall add a representative to the Pharmacy Liaison Committee from the Virginia Community Healthcare Association to represent pharmacy operations and issues at federally qualified health centers in Virginia.

N.1. The Department of Medical Assistance Services shall develop and pursue cost saving strategies internally and with the cooperation of the Department of Social Services, Virginia Department of Health, Office of the Attorney General, Children's Services Act program, Department of Education, Department of Juvenile Justice, Department of Behavioral Health and Developmental Services, Department for Aging and Rehabilitative Services, Department of the Treasury, University of Virginia Health System, Virginia Commonwealth University Health System Authority, Department of Corrections, federally qualified health centers, local health departments, local school divisions, community service boards, local hospitals, and local governments, that focus on optimizing Medicaid claims and cost recoveries. Any revenues generated through these activities shall be transferred to the Virginia Health Care Fund to be used for the purposes specified in this Item.

2. The Department of Medical Assistance Services shall retain the savings necessary to reimburse a vendor for its efforts to implement paragraph N.1. of this Item. However,

ITEM 313.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
	<p>prior to reimbursement, the department shall identify for the Secretary of Health and Human Resources each of the vendor's revenue maximization efforts and the manner in which each vendor would be reimbursed. No reimbursement shall be made to the vendor without the prior approval of the above plan by the Secretary.</p>			
	<p>O. The Department of Medical Assistance Services shall have the authority to pay contingency fee contractors, engaged in cost recovery activities, from the recoveries that are generated by those activities. All recoveries from these contractors shall be deposited to a special fund. After payment of the contingency fee any prior year recoveries shall be transferred to the Virginia Health Care Fund. The Director, Department of Medical Assistance Services, shall report to the Chairmen of the House Appropriations and Senate Finance Committees the increase in recoveries associated with this program as well as the areas of audit targeted by contractors by November 1 each year.</p>			
	<p>P. The Department of Medical Assistance Services in cooperation with the State Executive Council, shall provide semi-annual training to local Children's Services Act teams on the procedures for use of Medicaid for residential treatment and treatment foster care services, including, but not limited to, procedures for determining eligibility, billing, reimbursement, and related reporting requirements. The department shall include in this training information on the proper utilization of inpatient and outpatient mental health services as covered by the Medicaid State Plan.</p>			
	<p>Q.1. Notwithstanding § 32.1-331.12 et seq., Code of Virginia, the Department of Medical Assistance Services, in consultation with the Department of Behavioral Health and Developmental Services, shall amend the State Plan for Medical Assistance Services to modify the delivery system of pharmaceutical products to include a Preferred Drug List. In developing the modifications, the department shall consider input from physicians, pharmacists, pharmaceutical manufacturers, patient advocates, and others, as appropriate.</p>			
	<p>2.a. The department shall utilize a Pharmacy and Therapeutics Committee to assist in the development and ongoing administration of the Preferred Drug List program. The Pharmacy and Therapeutics Committee shall be composed of 8 to 12 members, including the Commissioner, Department of Behavioral Health and Developmental Services, or his designee. Other members shall be selected or approved by the department. The membership shall include a ratio of physicians to pharmacists of 2:1 and the department shall ensure that at least one-half of the physicians and pharmacists are either direct providers or are employed with organizations that serve recipients for all segments of the Medicaid population. Physicians on the committee shall be licensed in Virginia, one of whom shall be a psychiatrist, and one of whom specializes in care for the aging. Pharmacists on the committee shall be licensed in Virginia, one of whom shall have clinical expertise in mental health drugs, and one of whom has clinical expertise in community-based mental health treatment. The Pharmacy and Therapeutics Committee shall recommend to the department (i) which therapeutic classes of drugs should be subject to the Preferred Drug List program and prior authorization requirements; (ii) specific drugs within each therapeutic class to be included on the preferred drug list; (iii) appropriate exclusions for medications, including atypical anti-psychotics, used for the treatment of serious mental illnesses such as bi-polar disorders, schizophrenia, and depression; (iv) appropriate exclusions for medications used for the treatment of brain disorders, cancer and HIV-related conditions; (v) appropriate exclusions for therapeutic classes in which there is only one drug in the therapeutic class or there is very low utilization, or for which it is not cost-effective to include in the Preferred Drug List program; and (vi) appropriate grandfather clauses when prior authorization would interfere with established complex drug regimens that have proven to be clinically effective. In developing and maintaining the preferred drug list, the cost effectiveness of any given drug shall be considered only after it is determined to be safe and clinically effective.</p>			
	<p>b. The Pharmacy and Therapeutics Committee shall schedule meetings at least semi-annually and may meet at other times at the discretion of the chairperson and members. At the meetings, the Pharmacy and Therapeutics committee shall review any drug in a class subject to the Preferred Drug List that is newly approved by the Federal Food and Drug Administration, provided there is at least thirty (30) days notice of such approval prior to the date of the quarterly meeting.</p>			
	<p>3. The department shall establish a process for acting on the recommendations made by the Pharmacy and Therapeutics Committee, including documentation of any decisions which</p>			

ITEM 313.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022

deviate from the recommendations of the committee.

4. The Preferred Drug List program shall include provisions for (i) the dispensing of a 72-hour emergency supply of the prescribed drug when requested by a physician and a dispensing fee to be paid to the pharmacy for such supply; (ii) prior authorization decisions to be made within 24 hours and timely notification of the recipient and/or the prescribing physician of any delays or negative decisions; (iii) an expedited review process of denials by the department; and (iv) consumer and provider education, training and information regarding the Preferred Drug List prior to implementation, and ongoing communications to include computer access to information and multilingual material.

5. The Preferred Drug List program shall generate savings as determined by the department that are net of any administrative expenses to implement and administer the program.

6. Notwithstanding § 32.1-331.12 et seq., Code of Virginia, to implement these changes, the Department of Medical Assistance Services shall promulgate emergency regulations to become effective within 280 days or less from the enactment of this Act. With respect to such state plan amendments and regulations, the provisions of § 32.1-331.12 et seq., Code of Virginia, shall not apply. In addition, the department shall work with the Department of Behavioral Health and Development Services to consider utilizing a Preferred Drug List program for its non-Medicaid clients.

7. The Department of Medical Assistance Services shall (i) continually review utilization of behavioral health medications under the State Medicaid Program for Medicaid recipients; and (ii) ensure appropriate use of these medications according to federal Food and Drug Administration (FDA) approved indications and dosage levels. The department may also require retrospective clinical justification according to FDA approved indications and dosage levels for the use of multiple behavioral health drugs for a Medicaid patient. For individuals 18 years of age and younger who are prescribed three or more behavioral health drugs, the department may implement clinical edits that target inefficient, ineffective, or potentially harmful prescribing patterns in accordance with FDA-approved indications and dosage levels.

8. The Department of Medical Assistance Services shall ensure that in the process of developing the Preferred Drug List, the Pharmacy and Therapeutics Committee considers the value of including those prescription medications which improve drug regimen compliance, reduce medication errors, or decrease medication abuse through the use of medication delivery systems that include, but are not limited to, transdermal and injectable delivery systems.

R.1. The Department of Medical Assistance Services may amend the State Plan for Medical Assistance Services to modify the delivery system of pharmaceutical products to include a specialty drug program. In developing the modifications, the department shall consider input from physicians, pharmacists, pharmaceutical manufacturers, patient advocates, the Pharmacy Liaison Committee, and others as appropriate.

2. In developing the specialty drug program to implement appropriate care management and control drug expenditures, the department shall contract with a vendor who will develop a methodology for the reimbursement and utilization through appropriate case management of specialty drugs and distribute the list of specialty drug rates, authorized drugs and utilization guidelines to medical and pharmacy providers in a timely manner prior to the implementation of the specialty drug program and publish the same on the department's website.

3. In the event that the Department of Medical Assistance Services contracts with a vendor, the department shall establish the fee paid to any such contractor based on the reasonable cost of services provided. The department may not offer or pay directly or indirectly any material inducement, bonus, or other financial incentive to a program contractor based on the denial or administrative delay of medically appropriate prescription drug therapy, or on the decreased use of a particular drug or class of drugs, or a reduction in the proportion of beneficiaries who receive prescription drug therapy under the Medicaid program. Bonuses cannot be based on the percentage of cost savings generated under the benefit management of services.

ITEM 313.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
4. The department shall: (i) review, update and publish the list of authorized specialty drugs, utilization guidelines, and rates at least quarterly; (ii) implement and maintain a procedure to revise the list or modify specialty drug program utilization guidelines and rates, consistent with changes in the marketplace; and (iii) provide an administrative appeals procedure to allow dispensing or prescribing provider to contest the listed specialty drugs and rates.				
5. The department shall have authority to enact emergency regulations under § 2.2-4011 of the Administrative Process Act to effect these provisions.				
S.1. The Department of Medical Assistance Services shall reimburse school divisions who sign an agreement to provide administrative support to the Medicaid program and who provide documentation of administrative expenses related to the Medicaid program 50 percent of the Federal Financial Participation by the department.				
2. The Department of Medical Assistance Services shall retain five percent of the Federal Financial Participation for reimbursement to school divisions for medical and transportation services.				
T. In the event that the Department of Medical Assistance Services decides to contract for pharmaceutical benefit management services to administer, develop, manage, or implement Medicaid pharmacy benefits, the department shall establish the fee paid to any such contractor based on the reasonable cost of services provided. The department may not offer or pay directly or indirectly any material inducement, bonus, or other financial incentive to a program contractor based on the denial or administrative delay of medically appropriate prescription drug therapy, or on the decreased use of a particular drug or class of drugs, or a reduction in the proportion of beneficiaries who receive prescription drug therapy under the Medicaid program. Bonuses cannot be based on the percentage of cost savings generated under the benefit management of services.				
U. The Department of Medical Assistance Services, in cooperation with the Department of Social Services' Division of Child Support Enforcement (DSCE), shall identify and report third party coverage where a medical support order has required a custodial or noncustodial parent to enroll a child in a health insurance plan. The Department of Medical Assistance Services shall also report to the DCSE third party information that has been identified through their third party identification processes for children handled by DCSE.				
V.1. Notwithstanding the provisions of § 32.1-325.1:1, Code of Virginia, upon identifying that an overpayment for medical assistance services has been made to a provider, the Director, Department of Medical Assistance Services shall notify the provider of the amount of the overpayment. Such notification of overpayment shall be issued within the earlier of (i) four years after payment of the claim or other payment request, or (ii) four years after filing by the provider of the complete cost report as defined in the Department of Medical Assistance Services' regulations, or (iii) 15 months after filing by the provider of the final complete cost report as defined in the Department of Medical Assistance Services' regulations subsequent to sale of the facility or termination of the provider.				
2. Notwithstanding the provisions of § 32.1-325.1, Code of Virginia, the director shall issue an informal fact-finding conference decision concerning provider reimbursement in accordance with the State Plan for Medical Assistance, the provisions of § 2.2-4019, Code of Virginia, and applicable federal law. The informal fact-finding conference decision shall be issued within 180 days of the receipt of the appeal request, except as provided herein. If the agency does not render an informal fact-finding conference decision within 180 days of the receipt of the appeal request or, in the case of a joint agreement to stay the appeal decision as detailed below, within the time remaining after the stay expires and the appeal timeframes resume, the decision is deemed to be in favor of the provider. An appeal of the director's informal fact-finding conference decision concerning provider reimbursement shall be heard in accordance with § 2.2-4020 of the Administrative Process Act (§ 2.2-4020 et seq.) and the State Plan for Medical Assistance provided for in § 32.1-325, Code of Virginia. The Department of Medical Assistance Services and the provider may jointly agree to stay the deadline for the informal appeal decision or for the formal appeal recommended decision of the Hearing Officer for a period of up to sixty (60) days to facilitate settlement discussions. If the parties reach a resolution as reflected by a written settlement agreement within the sixty-day period, then the stay shall be extended for such additional time as may be necessary for review and approval of the settlement agreement in accordance § 2.2-514 of the Code of				

ITEM 313.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<p>Virginia. Once a final agency case decision has been made, the director shall undertake full recovery of such overpayment whether or not the provider disputes, in whole or in part, the informal fact-finding conference decision or the final agency case decision. Interest charges on the unpaid balance of any overpayment shall accrue pursuant to § 32.1-313, Code of Virginia, from the date the Director's agency case decision becomes final.</p>				
<p>W. Any hospital that was designated a Medicare-dependent small rural hospital, as defined in 42 U.S.C. §1395ww (d) (5) (G) (iv) prior to October 1, 2004, shall be designated a rural hospital pursuant to 42 U.S.C. §1395ww (d) (8) (ii) (II) on or after September 30, 2004.</p>				
<p>X.1. The Department of Medical Assistance Services shall make programmatic changes in the provision of Intensive In-Home services and Community Mental Health services in order to ensure appropriate utilization and cost efficiency. The department shall consider all available options including, but not limited to, prior authorization, utilization review and provider qualifications. The Department of Medical Assistance Services shall promulgate regulations to implement these changes within 280 days or less from the enactment date of this Act.</p>				
<p>2. The Department of Medical Assistance Services shall have the authority to implement prior authorization and utilization review for community-based mental health services for children and adults. The department shall have the authority to promulgate emergency regulations to implement this amendment within 280 days or less from the enactment of this Act.</p>				
<p>Y. The Department of Medical Assistance Services shall delay the last quarterly payment of certain quarterly amounts paid to hospitals, from the end of each state fiscal year to the first quarter of the following year. Quarterly payments that shall be delayed from each June to each July shall be Disproportionate Share Hospital payments, Indirect Medical Education payments, and Direct Medical Education payments. The department shall have the authority to implement this reimbursement change effective upon passage of this Act, and prior to the completion of any regulatory process undertaken in order to effect such change.</p>				
<p>Z. The Department of Medical Assistance Services shall make the monthly capitation payment to managed care organizations for the member months of each month in the first week of the subsequent month. The department shall have the authority to implement this reimbursement schedule change effective upon passage of this Act, and prior to the completion of any regulatory process undertaken in order to effect such change.</p>				
<p>AA. In every June the remittance that would normally be paid to providers on the last remittance date of the state fiscal year shall be delayed one week longer than is normally the practice. This change shall apply to the remittances of Medicaid and FAMIS providers. This change does not apply to providers who are paid a per-month capitation payment. The department shall have the authority to implement this reimbursement change effective upon passage of this Act, and prior to the completion of any regulatory process undertaken in order to effect such change.</p>				
<p>BB. The Department of Medical Assistance Services shall impose an assessment equal to 6.0 percent of revenue on all ICF-ID providers. The department shall determine procedures for collecting the assessment, including penalties for non-compliance. The department shall have the authority to adjust interim rates to cover new Medicaid costs as a result of this assessment.</p>				
<p>CC. Effective July 1, 2020, the Department of Medical Assistance Services shall amend the State Plan for Medical Assistance to revise per diem rates paid to Virginia-based psychiatric residential treatment facilities using the provider's audited cost per day from the facility's cost report for provider fiscal years ending in state fiscal year 2018. New Virginia-based residential psychiatric facilities must submit proforma cost report data, which will be used to set the initial per diem rate for up to two years. After this period, the department shall establish a per diem rate based on an audited cost report for a 12-month period within the first two years of operation. Virginia-based residential psychiatric facilities that do not submit cost reports shall be paid at 75 percent of the established rate ceiling. If necessary to enroll out-of-state providers for network adequacy, the department</p>				

ITEM 313.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
shall negotiate rates. If there is sufficient utilization, the department may require out-of-state providers to submit a cost report to establish a per diem rate. In-state and out-of-state provider per diem rates shall be subject to a ceiling based on the statewide weighted average cost per day from fiscal year 2018 cost reports. The department shall have the authority to implement these changes effective July 1, 2020 and prior to the completion of any regulatory process undertaken in order to effect such change.				
DD. The Department of Medical Assistance Services shall work with the Department of Behavioral Health and Developmental Services in consultation with the Virginia Association of Community Services Boards, the Virginia Network of Private Providers, the Virginia Coalition of Private Provider Associations, and the Association of Community Based Providers, to establish rates for the Intensive In-Home Service based on quality indicators and standards, such as the use of evidence-based practices.				
EE. The Department of Medical Assistance Services shall seek federal authority through the necessary waiver(s) and/or State Plan authorization under Titles XIX and XXI of the Social Security Act to expand principles of care coordination to all geographic areas, populations, and services under programs administered by the department. The expansion of care coordination shall be based on the principles of shared financial risk such as shared savings, performance benchmarks or risk and improving the value of care delivered by measuring outcomes, enhancing quality, and monitoring expenditures. The department shall engage stakeholders, including beneficiaries, advocates, providers, and health plans, during the development and implementation of the care coordination projects. Implementation shall include specific requirements for data collection to ensure the ability to monitor utilization, quality of care, outcomes, costs, and cost savings. The department shall report by November 1 of each year to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees detailing implementation progress including, but not limited to, the number of individuals enrolled in care coordination, the geographic areas, populations and services affected and cost savings achieved. Unless otherwise delineated, the department shall have authority to implement necessary changes upon federal approval and prior to the completion of any regulatory process undertaken in order to effect such change. The intent of this Item may be achieved through several steps, including, but not limited to, the following:				
a. In fulfillment of this Item, the department and the Department of Behavioral Health and Developmental Services, in collaboration with the Community Services Boards and in consultation with appropriate stakeholders, shall develop a blueprint for the development and implementation of a care coordination model for individuals in need of behavioral health services not currently provided through a managed care organization. The overall goal of the project is to improve the value of behavioral health services purchased by the Commonwealth of Virginia without compromising access to behavioral health services for vulnerable populations. Targeted case management services will continue to be the responsibility of the Community Services Boards. The blueprint shall: (i) describe the steps for development and implementation of the program model(s) including funding, populations served, services provided, timeframe for program implementation, and education of clients and providers; (ii) set the criteria for medical necessity for community mental health rehabilitation services; and (iii) include the following principles:				
1. Improves value so that there is better access to care while improving equity.				
2. Engages consumers as informed and responsible partners from enrollment to care delivery.				
3. Provides consumer protections with respect to choice of providers and plans of care.				
4. Improves satisfaction among providers and provides technical assistance and incentives for quality improvement.				
5. Improves satisfaction among consumers by including consumer representatives on provider panels for the development of policy and planning decisions.				
6. Improves quality, individual safety, health outcomes, and efficiency.				
7. Develops direct linkages between medical and behavioral services in order to make it easier for consumers to obtain timely access to care and services, which could include up to full integration.				

ITEM 313.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
8. Builds upon current best practices in the delivery of behavioral health services.				
9. Accounts for local circumstances and reflects familiarity with the community where services are provided.				
10. Develops service capacity and a payment system that reduces the need for involuntary commitments and prevents default (or diversion) to state hospitals.				
11. Reduces and improves the interface of vulnerable populations with local law enforcement, courts, jails, and detention centers.				
12. Supports the responsibilities defined in the Code of Virginia relating to Community Services Boards and Behavioral Health Authorities.				
13. Promotes availability of access to vital supports such as housing and supported employment.				
14. Achieves cost savings through decreasing avoidable episodes of care and hospitalizations, strengthening the discharge planning process, improving adherence to medication regimens, and utilizing community alternatives to hospitalizations and institutionalization.				
15. Simplifies the administration of acute psychiatric, community mental health rehabilitation, and medical health services for the coordinating entity, providers, and consumers.				
16. Requires standardized data collection, outcome measures, customer satisfaction surveys, and reports to track costs, utilization of services, and outcomes. Performance data should be explicit, benchmarked, standardized, publicly available, and validated.				
17. Provides actionable data and feedback to providers.				
18. In accordance with federal and state regulations, includes provisions for effective and timely grievances and appeals for consumers.				
b. The department may seek the necessary waiver(s) and/or State Plan authorization under Titles XIX and XXI of the Social Security Act to develop and implement a care coordination model, that is consistent with the principles in paragraph a., for individuals in need of behavioral health services to be effective July 1, 2019. This model may be applied to individuals on a mandatory basis. The department shall have authority to promulgate emergency regulations to implement this amendment within 280 days or less from the enactment date of this Act.				
FF. The Department of Medical Assistance Services shall make programmatic changes in the provision of Residential Treatment Facility (Level C) and Levels A and B residential services (group homes) for children with serious emotional disturbances in order ensure appropriate utilization and cost efficiency. The department shall consider all available options including, but not limited to, prior authorization, utilization review and provider qualifications. The department shall have authority to promulgate regulations to implement these changes within 280 days or less from the enactment date of this Act.				
GG. The Department of Medical Assistance Services (DMAS) shall have the authority to amend the State Plan for Medical Assistance to enroll and reimburse freestanding birthing centers accredited by the Commission for the Accreditation of Birthing Centers. Reimbursement shall be based on the Enhanced Ambulatory Patient Group methodology applied in a manner similar to the reimbursement methodology for ambulatory surgery centers. The department shall have authority to implement necessary changes upon federal approval and prior to the completion of any regulatory process undertaken in order to effect such change.				
HH. The department may seek federal authority through amendments to the State Plans under Title XIX and XXI of the Social Security Act, and appropriate waivers to such, to develop and implement programmatic and system changes that allow expedited enrollment of Medicaid eligible recipients into Medicaid managed care, most importantly for pregnant women. The department shall have the authority to promulgate emergency regulations to implement this amendment within 280 days or less from the enactment date				

ITEM 313.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
of this Act.				
II.1. The Department of Medical Assistance Services, related to appeals administered by and for the department, shall have authority to amend regulations to:				
i. Utilize the method of transmittal of documentation to include email, fax, courier, and electronic transmission.				
ii. Clarify that the day of delivery ends at normal business hours of 5:00 pm.				
iii. Eliminate an automatic dismissal against DMAS for alleged deficiencies in the case summary that do not relate to DMAS's obligation to substantively address all issues specified in the provider's written notice of informal appeal. A process shall be added, by which the provider shall file with the informal appeals agent within 12 calendar days of the provider's receipt of the DMAS case summary, a written notice that specifies any such alleged deficiencies that the provider knows or reasonably should know exist. DMAS shall have 12 calendar days after receipt of the provider's timely written notification to address or cure any of said alleged deficiencies. The current requirement that the case summary address each adjustment, patient, service date, or other disputed matter identified in the provider's written notice of informal appeal in the detail set forth in the current regulation shall remain in force and effect, and failure to file a written case summary with the Appeals Division in the detail specified within 30 days of the filing of the provider's written notice of informal appeal shall result in dismissal in favor of the provider on those issues not addressed by DMAS.				
iv. Clarify that appeals remanded to the informal appeal level via Final Agency Decision or court order shall reset the timetable under DMAS' appeals regulations to start running from the date of the remand.				
v. Clarify the department's authority to administratively dismiss untimely filed appeal requests.				
vi. Clarify the time requirement for commencement of the formal administrative hearing.				
vii. Clarify that settlement proposals may be tendered during the appeal process and that approval is subject to the requirements of § 2.2-514 of the Code of Virginia. The amended regulations shall develop a framework for the submission of the settlement proposal and state that the Department of Medical Assistance Services and the provider may jointly agree to stay the deadline for the informal appeal decision or for the formal appeal recommended decision of the Hearing Officer for a period of up to sixty (60) days to facilitate settlement discussions. If the parties reach a resolution as reflected by a written settlement agreement within the sixty-day period, then the stay shall be extended for such additional time as may be necessary for review and approval of the settlement agreement in accordance with law.				
2. The Department of Medical Assistance Services shall have authority to promulgate regulations to implement these changes within 280 days or less from the enactment date of this Act.				
JJ. It is the intent of the General Assembly that the implementation and administration of the care coordination contract for behavioral health services be conducted in a manner that insures system integrity and engages private providers in the independent assessment process. In addition, it is the intent that in the provision of services that ethical and professional conflicts are avoided and that sound clinical decisions are made in the best interests of the individuals receiving behavioral health services. As part of this process, the department shall monitor the performance of the contract to ensure that these principles are met and that stakeholders are involved in the assessment, approval, provision, and use of behavioral health services provided as a result of this contract.				
KK. The Department of Medical Assistance Services shall amend the State Plan for Medical Assistance to allow for delivery of notices of program reimbursement or other items referred to in the regulations related to provider appeals by electronic means consistent with the Uniform Electronic Transactions Act. The department shall implement this change effective July 1, 2013, and prior to completion of any regulatory process undertaken in order to effect such changes.				
LL. Effective July 1, 2017 through June 30, 2020, the Department of Medical Assistance				

ITEM 313.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022

Services shall amend the State Plan for Medical Assistance to pay nursing facilities located in the former Danville Metropolitan Statistical Area (MSA) the operating rates calculated for the Other MSA peer group. For purposes of calculating rates under the rebasing effective July 1, 2017, the department shall use the peer groups based on the existing regulations. For future rebasings, the department shall permanently move these facilities to the Other MSA peer group. The department shall have the authority to implement this reimbursement change effective July 1, 2017 and prior to completion of any regulatory process undertaken in order to effect such change.

MM. The Department of Medical Assistance Services shall amend its State Plan under Title XIX of the Social Security Act to implement reasonable restrictions on the amount of incurred dental expenses allowed as a deduction from income for nursing facility residents. Such limitations shall include: (i) that routine exams and x-rays, and dental cleaning shall be limited to twice yearly; (ii) full mouth x-rays shall be limited to once every three years; and (iii) deductions for extractions and fillings shall be permitted only if medically necessary as determined by the department.

NN. Notwithstanding §32.1-325, et seq. and §32.1-351, et seq. of the Code of Virginia, and effective upon the availability of subsidized private health insurance offered through a Health Benefits Exchange in Virginia as articulated through the federal Patient Protection and Affordable Care Act (PPACA), the Department of Medical Assistance Services shall eliminate, to the extent not prohibited under federal law, Medicaid Plan First and FAMIS Moms program offerings to populations eligible for and enrolled in said subsidized coverage in order to remove disincentives for subsidized private healthcare coverage through publicly-offered alternatives. To ensure, to the extent feasible, a smooth transition from public coverage, DMAS shall endeavor to phase out such coverage for existing enrollees once subsidized private insurance is available through a Health Benefits Exchange in Virginia. The department shall implement any necessary changes upon federal approval and prior to the completion of any regulatory process undertaken in order to effect such change.

OO. The Department of Medical Assistance Services shall have authority to amend the State Plans for Medical Assistance under Titles XIX and XXI of the Social Security Act, and any waivers thereof, to implement requirements of the federal Patient Protection and Affordable Care Act (PPACA) as it pertains to implementation of Medicaid and CHIP eligibility determination and case management standards and practices, including the Modified Adjusted Gross Income (MAGI) methodology. The department shall have authority to implement such standards and practices upon federal approval and prior to the completion of any regulatory process undertaken in order to effect such change.

PP. Effective July 1, 2013, the Department of Medical Assistance Services shall establish a Medicaid Physician and Managed Care Liaison Committee including, but not limited to, representatives from the following organizations: the Virginia Academy of Family Physicians; the American Academy of Pediatricians – Virginia Chapter; the Virginia College of Emergency Physicians; the American College of Obstetrics and Gynecology – Virginia Section; Virginia Chapter, American College of Radiology; the Psychiatric Society of Virginia; the Virginia Medical Group Management Association; and the Medical Society of Virginia. The committee shall also include representatives from each of the department's contracted managed care organizations and a representative from the Virginia Association of Health Plans. The committee will work with the department to investigate the implementation of quality, cost-effective health care initiatives, to identify means to increase provider participation in the Medicaid program, to remove administrative obstacles to quality, cost-effective patient care, and to address other matters as raised by the department or members of the committee. The Committee shall establish an Emergency Department Care Coordination work group comprised of representatives from the Committee, including the Virginia College of Emergency Physicians, the Medical Society of Virginia, the Virginia Hospital and Healthcare Association, the Virginia Academy of Family Physicians and the Virginia Association of Health Plans to review the following issues: (i) how to improve coordination of care across provider types of Medicaid "super utilizers"; (ii) the impact of primary care provider incentive funding on improved interoperability between hospital and provider systems; and (iii) methods for formalizing a statewide emergency department collaboration to improve care and treatment of Medicaid recipients and increase cost efficiency in the Medicaid program.

ITEM 313.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
	<p>including recognized best practices for emergency departments. The committee shall meet semi-annually, or more frequently if requested by the department or members of the committee. The department, in cooperation with the committee, shall report on the committee's activities annually to the Board of Medical Assistance Services and to the Chairmen of the House Appropriations and Senate Finance Committees and the Department of Planning and Budget no later than October 1 each year.</p>			
	<p>QQ.1. The Department of Medical Assistance Services shall seek federal authority through any necessary waiver(s) and/or State Plan authorization under Titles XIX and XXI of the Social Security Act to implement a comprehensive value-driven, market-based reform of the Virginia Medicaid/FAMIS programs.</p>			
	<p>2. The department is authorized to contract with qualified health plans to offer recipients a Medicaid benefit package adhering to these principles. Any coordination of non-traditional behavioral health services covered under contract with qualified health plans or through other means shall adhere to the principles outlined in paragraph EE.a. This reformed service delivery model shall be mandatory, to the extent allowed under the relevant authority granted by the federal government and shall, at a minimum, include (i) limited high-performing provider networks and medical/health homes; (ii) financial incentives for high quality outcomes and alternative payment methods; (iii) improvements to encounter data submission, reporting, and oversight; (iv) standardization of administrative and other processes for providers; and (v) support of the health information exchange.</p>			
	<p>3.a. Notwithstanding § 30-347, Code of Virginia, or any other provision of law, the Department of Medical Assistance Services shall have the authority to (1) amend the State Plan for Medical Assistance under Title XIX of the Social Security Act, and any waivers thereof, to implement coverage for newly eligible individuals pursuant to 42 U.S.C. § 1396d(y)(1)[2010] of the Patient Protection and Affordable Care Act and (2) begin the process of implementing a § 1115 demonstration project to transform the Medicaid program for newly eligible individuals pursuant to the provisions of 4.c. and eligible individuals enrolled in the existing Medicaid program. DMAS shall submit the § 1115 demonstration waiver application to CMS for approval. The department shall provide updates on the progress of the State Plan amendments and demonstration waiver applications to the Chairmen of the House Appropriations and Senate Finance Committees, or their designees, upon request, and provide for participation in discussions with CMS staff. The department shall respond to all requests for information from CMS on the State Plan Amendments and demonstration waiver applications in a timely manner.</p>			
	<p>b. The demonstration project shall include the following elements in the design: The Department of Medical Assistance Services shall develop a supportive employment and housing benefit targeted to high risk Medicaid beneficiaries with mental illness, substance use disorder, or other complex, chronic conditions who need intensive, ongoing support to obtain and maintain employment and stable housing.</p>			
	<p>c. The department shall have the authority to promulgate emergency regulations to implement these changes within 280 days or less from the enactment date of this Act.</p>			
	<p>4. In the event that the increased federal medical assistance percentages for newly eligible individuals included in 42 U.S.C. § 1396d(y)(1)[2010] of the PPACA are modified through federal law or regulation from the methodology in effect on January 1, 2014, resulting in a reduction in federal medical assistance as determined by the department in consultation with the Department of Planning and Budget, the Department of Medical Assistance Services shall disenroll and eliminate coverage for individuals who obtained coverage through 42 U.S.C. § 1396d(y)(1) [2010] of the PPACA. The disenrollment process shall include written notification to affected Medicaid beneficiaries, Medicaid managed care plans, and other providers that coverage will cease as soon as allowable under federal law following the date the department is notified of a reduction in Federal Medical Assistance Percentage.</p>			
	<p>RR.1. Effective July 1, 2014, the Department of Medical Assistance Services shall replace the current Disproportionate Share Hospital (DSH) methodology with the following methodology:</p>			
	<p>a) DSH eligible hospitals must have a total Medicaid Inpatient Utilization Rate equal to 14 percent or higher in the base year using Medicaid days eligible for Medicare DSH or a Low</p>			

ITEM 313.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Income Utilization Rate in excess of 25 percent and meet other federal requirements. Eligibility for out of state cost reporting hospitals shall be based on total Medicaid utilization or on total Medicaid NICU utilization equal to 14 percent or higher.				
b) Each hospital's DSH payment shall be equal to the DSH per diem multiplied by each hospital's eligible DSH days in a base year. Days reported in provider fiscal years in state FY 2011 will be the base year for FY 2015 prospective DSH payments. DSH will be recalculated annually with an updated base year. DSH payments are subject to applicable federal limits.				
c) Eligible DSH days are the sum of all Medicaid inpatient acute, psychiatric and rehabilitation days above 14 percent for each DSH hospital subject to special rules for out of state cost reporting hospitals. Eligible DSH days for out of state cost reporting hospitals shall be the higher of the number of eligible days based on the calculation in the first sentence times Virginia Medicaid utilization (Virginia Medicaid days as a percent of total Medicaid days) or the Medicaid NICU days above 14 percent times Virginia NICU Medicaid utilization (Virginia NICU Medicaid days as a percent of total NICU Medicaid days). Eligible DSH days for out of state cost reporting hospitals who qualify for DSH but who have less than 12 percent Virginia Medicaid utilization shall be 50 percent of the days that would have otherwise been eligible DSH days.				
d) Additional eligible DSH days are days that exceed 28 percent Medicaid utilization for Virginia Type Two hospitals (excluding Children's Hospital of the Kings Daughters).				
e) The DSH per diem shall be calculated in the following manner:				
a. The DSH per diem for Type Two hospitals is calculated by dividing the total Type Two DSH allocation by the sum of eligible DSH days for all Type Two DSH hospitals. For purposes of DSH, Type Two hospitals do not include Children's Hospital of the Kings Daughters (CHKD) or any hospital whose reimbursement exceeds its federal uncompensated care cost limit. The Type Two Hospital DSH allocation shall equal the amount of DSH paid to Type Two hospitals in state FY 2014 increased annually by the percent change in the federal allotment, including any reductions as a result of the Affordable Care Act, adjusted for the state fiscal year.				
b. The DSH per diem for State Inpatient Psychiatric Hospitals is calculated by dividing the total State Inpatient Psychiatric Hospital DSH allocation by the sum of eligible DSH days. The State Inpatient Psychiatric Hospital DSH allocation shall equal the amount of DSH paid in state FY 2013 increased annually by the percent change in the federal allotment, including any reductions as a result of the Affordable Care Act, adjusted for the state fiscal year.				
c. The DSH per diem for CHKD shall be three times the DSH per diem for Type Two hospitals.				
d. The DSH per diem for Type One hospitals shall be 17 times the DSH per diem for Type Two hospitals.				
2. Each year, the department shall determine how much Type Two DSH has been reduced as a result of the Affordable Care Act and adjust the percent of cost reimbursed for outpatient hospital reimbursement.				
3. The department shall convene the Hospital Payment Policy Advisory Council at least once a year to consider additional changes to the DSH methodology.				
4. The department shall have the authority to implement these reimbursement changes effective July 1, 2014, and prior to completion of any regulatory process in order to effect such changes.				
SS. The Department of Medical Assistance Services shall have authority to amend the State Plans for Medical Assistance under Titles XIX and XXI of the Social Security Act, and any waivers thereof, to implement requirements of the federal Patient Protection and Affordable Care Act (PPACA), P.L. 111-148, as it pertains to implementation of Medicaid and CHIP eligibility determination and case management standards and practices, including the Modified Adjusted Gross Income (MAGI) methodology and,				

ITEM 313.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022
	notwithstanding the requirements of Code of Virginia §2.2-4000, et seq., the process for administrative appeals of MAGI-related eligibility determinations. The department shall have authority to implement such standards and practices upon federal approval and prior to the completion of any regulatory process undertaken in order to effect such changes.			
	TT.1. Notwithstanding § 32.1-330 of the Code of Virginia, the Department of Medical Assistance Services shall improve the preadmission screening process for individuals who will be eligible for long-term care services, as defined in the state plan for medical assistance. The community-based screening team shall consist of a licensed health care professional and a social worker who are employees or contractors of the Department of Health or the local department of social services, or other assessors contracted by the department. The department shall not contract with any entity for whom there exists a conflict of interest. For community-based screening for children, the screening shall be performed by an individual or entity with whom the department has entered into a contract for the performance of such screenings.			
	2. The department shall track and monitor all requests for screenings and report on those screenings that have not been completed within 30 days of an individual's request for screening. The screening teams and contracted entities shall use the reimbursement and tracking mechanisms established by the department.			
	3. The Department of Medical Assistance Services shall promulgate regulations to implement these provisions to be effective within 280 days of its enactment. The department may implement any changes necessary to implement these provisions prior to the promulgation of regulations undertaken in order to effect such changes.			
	UU.1.a. There is hereby appropriated sum-sufficient nongeneral funds for the Department of Medical Assistance Services (DMAS) to pay the state share of supplemental payments for qualifying private hospital partners of Type One hospitals (consisting of state-owned teaching hospitals) as provided in the State Plan for Medical Assistance Services. Qualifying private hospitals shall consist of any hospital currently enrolled as a Virginia Medicaid provider and owned or operated by a private entity in which a Type One hospital has a non-majority interest. The supplemental payments shall be based upon the reimbursement methodology established for such payments in Attachments 4.19-A and 4.19-B of the State Plan for Medical Assistance Services. DMAS shall enter into a transfer agreement with any Type One hospital whose private hospital partner qualifies for such supplemental payments, under which the Type One hospital shall provide the state share in order to match federal Medicaid funds for the supplemental payments to the private hospital partner. The department shall have the authority to implement these reimbursement changes consistent with the effective date in the State Plan amendment approved by the Centers for Medicare and Medicaid Services (CMS) and prior to completion of any regulatory process in order to effect such changes.			
	b. The department shall adjust capitation payments to Medicaid managed care organizations for the purpose of securing access to Medicaid hospital services for the qualifying private hospital partners of Type One hospitals (consisting of state-owned teaching hospitals). The department shall revise its contracts with managed care organizations to incorporate these supplemental capitation payments and provider payment requirements. DMAS shall enter into a transfer agreement with any Type One hospital whose private hospital partner qualifies for such supplemental payments, under which the Type One hospital shall provide the state share in order to match federal Medicaid funds for the supplemental payments to the private hospital partner. The department shall have the authority to implement these reimbursement changes consistent with the effective date approved by the Centers for Medicare and Medicaid Services (CMS). No payment shall be made without approval from CMS.			
	2.a. The Department of Medical Assistance Services shall promulgate regulations to make supplemental payments to Medicaid physician providers with a medical school located in Eastern Virginia that is a political subdivision of the Commonwealth. The amount of the supplemental payment shall be based on the difference between the average commercial rate approved by CMS and the payments otherwise made to physicians. The department shall have the authority to implement these reimbursement changes consistent with the effective date in the State Plan amendment approved by CMS and prior to completion of any regulatory process in order to effect such changes.			

ITEM 313.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022
<p>b. The department shall increase payments to Medicaid managed care organizations for the purpose of securing access to Medicaid physician services in Eastern Virginia, through higher rates to physicians affiliated with a medical school located in Eastern Virginia that is a political subdivision of the Commonwealth subject to applicable limits. The department shall revise its contracts with managed care organizations to incorporate these supplemental capitation payments, and provider payment requirements, subject to approval by CMS. No payment shall be made without approval from CMS.</p> <p>c. Funding for the state share for these Medicaid payments is authorized in Item 254.</p>				
<p>3.a. The Department of Medical Assistance Services (DMAS) shall have the authority to amend the State Plan for Medical Assistance Services (State Plan) to implement a supplemental Medicaid payment for local government-owned nursing homes. The total supplemental Medicaid payment for local government-owned nursing homes shall be based on the difference between the Upper Payment Limit of 42 CFR §447.272 as approved by CMS and all other Medicaid payments subject to such limit made to such nursing homes. There is hereby appropriated sum-sufficient funds for DMAS to pay the state share of the supplemental Medicaid payment hereunder. However, DMAS shall not submit such State Plan amendment to CMS until it has entered into an intergovernmental agreement with eligible local government-owned nursing homes or the local government itself which requires them to transfer funds to DMAS for use as the state share for the supplemental Medicaid payment each nursing home is entitled to and to represent that each has the authority to transfer funds to DMAS and that the funds used will comply with federal law for use as the state share for the supplemental Medicaid payment. If a local government-owned nursing home or the local government itself is unable to comply with the intergovernmental agreement, DMAS shall have the authority to modify the State Plan. The department shall have the authority to implement the reimbursement change consistent with the effective date in the State Plan amendment approved by CMS and prior to the completion of any regulatory process undertaken in order to effect such change.</p> <p>b. If by June 30, 2017, the Department of Medical Assistance Services has not secured approval from the Centers for Medicare and Medicaid Services to use a minimum fee schedule pursuant to 42 C.F.R. § 438.6(c)(1)(iii) for local government-owned nursing homes participating in Commonwealth Coordinated Care Plus (CCC Plus) at the same level as and in lieu of the supplemental Medicaid payments authorized in Section XX.3.a., then DMAS shall: (i) exclude Medicaid recipients who elect to receive nursing home services in local government-owned nursing homes from CCC Plus; (ii) pay for such excluded recipient's nursing home services on a fee-for-service basis, including the related supplemental Medicaid payments as authorized herein; and (iii) prohibit CCC Plus contracted health plans from in any way limiting Medicaid recipients from electing to receive nursing home services from local government-owned nursing homes. The department may include in CCC Plus Medicaid recipients who elect to receive nursing home services in local government-owned nursing homes in the future when it has secured federal CMS approval to use a minimum fee schedule as described above.</p>				
<p>4. The Department of Medical Assistance Services shall have the authority to amend the State Plan for Medical Assistance Services to implement a supplemental payment for clinic services furnished by the Virginia Department of Health (VDH) effective July 1, 2015. The total supplemental Medicaid payment shall be based on the Upper Payment Limit approved by the Centers for Medicare and Medicaid Services and all other Medicaid payments. VDH may transfer general fund to the department from funds already appropriated to VDH to cover the non-federal share of the Medicaid payments. The department shall have the authority to implement the reimbursement change effective July 1, 2015, and prior to the completion of any regulatory process undertaken in order to effect such changes.</p>				
<p>5. The Department of Medical Assistance Services shall amend the State Plan for Medical Assistance to increase the supplemental physician payments for physicians employed at a freestanding children's hospital serving children in Planning District 8 with more than 50 percent Medicaid inpatient utilization in fiscal year 2014 to the maximum allowed by the Centers for Medicare and Medicaid Services within the limit of the appropriation provided for this purpose. The total supplemental Medicaid payment shall be based on the Upper Payment Limit approved by the Centers for Medicare and Medicaid Services and all other</p>				

ITEM 313.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Virginia Medicaid fee-for-service payments. The department shall have the authority to implement these reimbursement changes effective July 1, 2016, and prior to the completion of any regulatory process undertaken in order to effect such change.				
6.a. The Department of Medical Assistance Services shall promulgate regulations to make supplemental Medicaid payments to the primary teaching hospitals affiliated with a Liaison Committee on Medical Education (LCME) accredited medical school located in Planning District 23 that is a political subdivision of the Commonwealth and an LCME accredited medical school located in Planning District 5 that has a partnership with a public university. The amount of the supplemental payment shall be based on the reimbursement methodology established for such payments in Attachments 4.19-A and 4.19-B of the State Plan for Medical Assistance and/or the department's contracts with managed care organizations. The department shall have the authority to implement these reimbursement changes consistent with the effective date in the State Plan amendment or the managed care contracts approved by the Centers for Medicare and Medicaid Services (CMS) and prior to completion of any regulatory process in order to effect such changes. No payment shall be made without approval from CMS.				
b. Funding for the state share for these Medicaid payments is authorized in Item 254 and Item 4-5.03.				
c. Payments authorized in this subsection shall sunset after the effective date of a statewide supplemental payment for private acute care hospitals authorized in Item 3-5.16. For purposes of the upper payment limit, the department shall prorate the upper payment limit if the sunset date is mid-fiscal year. The department shall have the authority to implement this change prior to the completion of any regulatory process undertaken in order to effect such change.				
7. The department shall amend the State plan for Medical Assistance to implement a supplemental inpatient and outpatient payment for Chesapeake Regional Hospital based on the difference between reimbursement with rates using an adjustment factor of 100% minus current authorized reimbursement subject to the inpatient and outpatient Upper Payment Limits for non-state government owned hospitals. The department shall include in its contracts with managed care organizations a minimum fee schedule for Chesapeake Regional Hospital consistent with rates using an adjustment factor of 100%. The department shall adjust capitation payments to Medicaid managed care organizations to fund this minimum fee schedule. Both the contract changes and capitation rate adjustments shall be compliant with 42 C.F.R. 438.6(c)(1)(iii) and subject to CMS approval. Prior to submitting the State Plan Amendment or making the managed care contract changes, Chesapeake Regional Hospital shall enter into an agreement with the department to transfer the non-federal share for these payments. The department shall have the authority to implement these reimbursement changes consistent with the effective date(s) approved by the Centers for Medicare and Medicaid (CMS). No payments shall be made without CMS approval.				
8.a. There is hereby appropriated sum-sufficient nongeneral funds for the department to pay the state share of supplemental payments for nursing homes owned by Type One hospitals (consisting of state-owned teaching hospitals) as provided in the State Plan for Medical Assistance Services. The total supplemental payment shall be based on the difference between the Upper Payment Limit of 42 CFR § 447.272 as approved by CMS and all other Medicaid payments subject to such limit made to such nursing homes. DMAS shall enter into a transfer agreement with any Type One hospital whose nursing home qualifies for such supplemental payments, under which the Type One hospital shall provide the state share in order to match federal Medicaid funds for the supplemental payments. The department shall have the authority to implement these reimbursement changes consistent with the effective date in the State Plan amendment approved by CMS and prior to completion of any regulatory process in order to effect such changes.				
b. The department shall adjust capitation payments to Medicaid managed care organizations to fund a minimum fee schedule compliant with requirements in 42 C.F.R. § 438.6(c)(1)(iii) at a level consistent with the State Plan amendment authorized above for nursing homes owned by Type One hospitals. The department shall revise its contracts with managed care organizations to incorporate these supplemental capitation payments and provider payment requirements. DMAS shall enter into a transfer agreement with any Type One hospitals whose nursing home qualifies for such supplemental payments, under which the Type One hospital shall provide the state share in order to match federal Medicaid funds for the supplemental				

ITEM 313.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022

payments. The department shall have the authority to implement these reimbursement changes consistent with the effective date approved by CMS. No payment shall be made without approval from CMS.

VV. The Department of Medical Assistance Services shall amend the State Plan for Medical Assistance to provide coverage for cessation services for tobacco users, including pharmacology, group and individual counseling, and other treatment services including the most current version of or an official update to the Clinical Health Guideline "Treating Tobacco Use and Dependence" published by the Public Health Service of the U.S. Department of Health and Human Services. These services shall be subject to copayment requirements. The department shall have authority to implement this reimbursement change effective July 1, 2014 and prior to the completion of any regulatory process undertaken in order to effect such changes.

WW. The Department of Medical Assistance Services shall have the authority to implement Section 1902(a)(10)(A)(i)(IX) of the federal Social Security Act to provide Medicaid benefits up until the age of 26 to individuals who are or were in foster care at least until the age of 18 in any state.

XX.1. The Department of Medical Assistance Services is authorized to amend the State Plan under Title XIX of the Social Security Act to add coverage for comprehensive dental services to pregnant women receiving services under the Medicaid program to include: (i) diagnostic, (ii) preventive, (iii) restorative, (iv) endodontics, (v) periodontics, (vi) prosthodontics both removable and fixed, (vii) oral surgery, and (viii) adjunctive general services.

2. The Department of Medical Assistance Services is authorized to amend the FAMIS MOMS and FAMIS Select demonstration waiver (No. 21-W-00058/3) for FAMIS MOMS enrollees to add coverage for dental services to align with pregnant women's coverage under Medicaid.

3. The Department of Medical Assistance Services is authorized to amend the State Plan under Title XXI of the Social Security Act to plan to allow enrollment for dependent children of state employees who are otherwise eligible for coverage.

4. The department shall have authority to implement necessary changes upon federal approval and prior to the completion of any regulatory process undertaken in order to effect such changes.

YY. The Department of Medical Assistance Services shall convene a workgroup to evaluate and develop strategies and recommendations to improve payment policies and coordination of care in the Medicaid program to encourage the effective and efficient provision of care by providers and health care systems serving Medicaid members. The workgroup shall include representatives from the Virginia Hospital and Healthcare Association, hospitals, the Virginia Association of Health Plans, managed care organizations, emergency department and primary care physicians, and other stakeholders deemed necessary by the department. The workgroup shall: (i) evaluate the appropriate coordination of services and cooperation among Medicaid managed care organizations (MCOs), hospitals, physicians, social services organizations, and nonprofit organizations to achieve a reduction in hospital readmissions, improved health outcomes, and reduced overall costs of care for conditions with high rates of hospital readmission in the Medicaid program; (ii) examine the role of hospital discharge planning and MCO care coordinators in assisting Medicaid beneficiaries with access to appropriate care and services post-discharge and other factors that may contribute to higher rates of readmission such as social determinants of health that could impact a patient's readmission status; (iii) assess the effectiveness of past and current mechanisms to improve outcomes and readmission rates by hospitals and health care systems and best practices and models from federal programs and other states; (iv) assess how to prevent inappropriate utilization of emergency department services; (v) examine the role of MCO care coordinators in assisting Medicaid beneficiaries access to appropriate care, including Medicaid beneficiary access to and the availability and use of alternative non-emergency care options, adequacy of MCO provider networks and reimbursement for primary care and alternative non-emergency care options, and the effectiveness of past and current mechanisms to improve the use of alternative non-emergent care by Medicaid

ITEM 313.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<p>beneficiaries; (vi) evaluate the impact of freestanding emergency departments and hospital emergency department marketing on emergency department utilization along with lower-cost options for triage of non-emergency cases to alternative settings; (vii) consider other states efforts to address emergency department utilization, including the use of medical and health homes, alternative primary care sites, and programs to coordinate the health needs of “super-utilizers”; and (viii) consider strategies to engage in value-based payment arrangements and other forms of financial incentives to encourage appropriate utilization of services and cooperation by health care providers and systems in improving health care outcomes, including a review of designated Performance Withhold Program measures, Clinical Efficiency measures, and other existing or potential programs. The department shall provide data on emergency room utilization and hospital readmissions of Medicaid beneficiaries to the workgroup to assist in its evaluation and analysis. The department shall report on the workgroup's findings and recommendations to the Joint Subcommittee for Health and Human Resources Oversight by December 15, 2020.</p> <p>ZZ. The Department of Medical Assistance Services shall amend the State Plan for Medical Assistance to increase the supplemental physician payments for practice plans affiliated with a freestanding children's hospital with more than 50 percent Medicaid inpatient utilization in fiscal year 2009 to the maximum allowed by the Centers for Medicare and Medicaid Services. The department shall have the authority to implement these reimbursement changes effective July 1, 2015, and prior to completion of any regulatory process undertaken in order to effect such change.</p> <p>AAA. The Department of Medical Assistance Services (DMAS) shall amend its July 1, 2016, managed care contracts in order to conform to the requirement pursuant to House Bill 1942 / Senate Bill 1262, passed during the 2015 Regular Session, for prior authorization of drug benefits.</p> <p>BBB.1. Out of this appropriation, \$3,100,000 the first year and \$3,850,000 the second year from the general fund and \$3,100,000 the first year and \$3,850,000 the second year from nongeneral funds shall be used for supplemental payments to fund the fourth year of graduate medical education for two residents who began their residencies in July 2017, the second and third years of graduate medical education of 13 funded slots for residents beginning their residencies in July 2018, the second year of graduate medical education of 16 funded slots for residencies in July 2019, the first and second years of graduate medical education for two residents in July 2020, who were awarded last year but their hiring was delayed, 27 slots for residents beginning their residencies in July 2020, provided to hospitals as awarded by the Virginia Health Care Workforce Authority, and 25 slots for residents beginning their residencies in July 2021.</p> <p>2. The supplemental payment for each qualifying residency slot shall be \$100,000 annually minus any Medicare residency payment for which the sponsoring institution is eligible. For any residency program at a facility whose Medicaid payments are capped by the Centers for Medicare and Medicaid Services, the supplemental payments for each qualifying residency slot shall be \$50,000 from the general fund annually minus any Medicare residency payments for which the residency program is eligible. Supplemental payments shall be made for up to four years for each qualifying resident. Payments shall be made quarterly following the same schedule used for other medical education payments.</p> <p>3. The Department of Medical Assistance Services shall submit a State Plan amendment based on the authorization in BBB.1. of this Item to make supplemental payments for graduate medical education residency slots. The supplemental payments are subject to federal Centers for Medicare and Medicaid Services approval. The department shall have the authority to promulgate emergency regulations to implement this amendment within 280 days or less from the enactment of this Act.</p> <p>4.a. Effective July 1, 2017, the department shall make supplemental payments to the following sponsoring institutions for the specified number of primary care residencies: Sentara Norfolk General (2 residencies), Carilion Medical Center (6 residencies), Centra Lynchburg General Hospital (1 residency), Riverside Regional Medical Center (2 residencies), Bon Secours St. Francis Medical Center (2 residencies). The department shall make supplemental payments to Carilion Medical Center for 2 psychiatry residencies.</p> <p>b. Effective July 1, 2018, the department shall make supplemental payments to the following</p>				

ITEM 313.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<p>sponsoring institutions for the specified number of primary care residencies: Sentara Norfolk General (1 residency), Maryview Hospital (1 residency) and Carilion Medical Center (6 residencies). The department shall make supplemental payments to Carilion Medical Center for 2 psychiatric residencies and to Sentara Norfolk General for 1 OB/GYN residency and 2 psychiatric residencies.</p>				
<p>c. Effective July 1, 2019, the department shall make supplemental payments to the following sponsoring institutions for the specified number of primary care residencies: Sentara Norfolk General (1 residency), Maryview Hospital (1 residency), Carilion Medical Center (6 residencies), Centra Health (2 residencies), and Riverside Regional Medical Center (2 residencies). The department shall make supplemental payments to Inova Fairfax Hospital for 1 General Surgery residency and to Carilion Medical Center for 2 psychiatric residencies. The department shall make supplemental payments to Sentara Norfolk General 1 OB/GYN residency and 1 urology residency. The department shall make supplemental payments to the University of Virginia Health System for a one year fellowship in Addiction Medicine and to the Virginia Commonwealth University Health System for a one year fellowship in Addiction Medicine.</p>				
<p>d. Effective July 1, 2020, the department shall make supplemental payments for a primary care residency to Riverside Regional Medical Center. The department shall make supplemental payments to Sentara Norfolk General for 2 psychiatric residencies and 1 urology residency.</p>				
<p>5. Preference shall be given for residency slots located in underserved areas. Applications for slots that involve multiple medical care providers collaborating in training residents and that involve providing residents the opportunity to train in underserved areas are encouraged. A majority of the new residency slots funded each year shall be for primary care. The department shall adopt criteria for primary care, high need specialties and underserved areas as developed by the Virginia Health Workforce Development Authority. Beginning July 1, 2018, the department shall also review and consider applications from non-hospital sponsoring institutions, such as Federally Qualified Health Centers (FQHCs).</p>				
<p>6. If the number of qualifying residency slots exceeds the available number of supplemental payments, the Virginia Health Workforce Development Authority shall determine which new residency slots to fund based on priorities developed by the authority.</p>				
<p>7. The sponsoring institution will be eligible for the supplemental payments as long as it maintains the number of residency slots in total and by category as a result of the increase. The sponsoring institutions must certify by June 1 each year that they continue to meet the criteria for the supplemental payments and report any changes during the year to the number of residents.</p>				
<p>8. The department shall require all sponsoring institutions receiving Medicaid medical education funding to report annually by September 15 on the number of residents in total and by specialty/subspecialty. Medical education funding includes payments for graduate medical education (GME) and indirect medical education (IME).</p>				
<p>9. The department shall include in the Official Medicaid Forecast funding for cohorts previously funded and funding for up to 25 new or replacement slots each year. Hospitals applying for a slot that replaces a residency previously funded under this program shall qualify for funding as a new residency.</p>				
<p>CCC.1. The Department of Medical Assistance Services, in consultation with the appropriate stakeholders, shall amend the state plan for medical assistance and/or seek federal authority through an 1115 demonstration waiver, as soon as feasible, to provide coverage of inpatient detoxification, inpatient substance abuse treatment, residential detoxification, residential substance abuse treatment, and peer support services to Medicaid individuals in the Fee-for-Service and Managed Care Delivery Systems.</p>				
<p>2. The Department of Medical Assistance Services shall have the authority to make programmatic changes in the provision of all Substance Abuse Treatment Outpatient, Community Based and Residential Treatment services (group homes and facilities) for</p>				

ITEM 313.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<p>individuals with substance abuse disorders in order to ensure parity between the substance abuse treatment services and the medical and mental health services covered by the department and to ensure comprehensive treatment planning and care coordination for individuals receiving behavioral health and substance use disorder services. The department shall ensure appropriate utilization and cost efficiency, and adjust reimbursement rates within the limits of the funding appropriated for this purpose based on current industry standards. The department shall consider all available options including, but not limited to, service definitions, prior authorization, utilization review, provider qualifications, and reimbursement rates for the following Medicaid services: substance abuse day treatment for pregnant women, substance abuse residential treatment for pregnant women, substance abuse case management, opioid treatment, substance abuse day treatment, and substance abuse intensive outpatient. Any amendments to the State Plan or waivers initiated under the provisions of this paragraph shall not exceed funding appropriated in this Act for this purpose. The department shall have the authority to promulgate regulations to implement these changes within 280 days or less from the enactment date of this Act.</p> <p>3. The Department of Medical Assistance Services shall amend the State Plan for Medical Assistance and any waivers thereof to include peer support services to children and adults with mental health conditions and/or substance use disorders. The department shall work with its contractors, the Department of Behavioral Health and Developmental Services, and appropriate stakeholders to develop service definitions, utilization review criteria and provider qualifications. Any amendments to the State Plan or waivers initiated under the provisions of this paragraph shall not exceed funding appropriated in this Act for this purpose. The department shall have the authority to promulgate regulations to implement these changes within 280 days or less from the enactment date of this Act.</p> <p>4. The Department of Medical Assistance Services shall, prior to the submission of any state plan amendment or waivers to implement paragraphs CCC.1., CCC.2., and CCC.3., submit a plan detailing the changes in provider rates, new services added, other programmatic changes, and a certification of budget neutrality to the Director, Department of Planning and Budget and the Chairmen of the House Appropriation and Senate Finance Committees.</p> <p>DDD. The Department of Medical Assistance Services (DMAS), in consultation with the appropriate stakeholders, shall seek federal authority via a state plan amendment to cover low-dose computed tomography (LDCT) lung cancer screenings for high-risk adults. The department shall promulgate emergency regulations to implement this amendment within 280 days or less from the enactment of this Act.</p> <p>EEE. The Department of Medical Assistance Services shall not expend any appropriation for an approved Delivery System Reform Incentive Program (DSRIP) §1115 waiver unless the General Assembly appropriates the funding. The department shall notify the Chairmen of the House Appropriations and Senate Finance Committees within 15 days of any final negotiated waiver agreement with the Centers for Medicare and Medicaid Services.</p> <p>FFF. Effective July 1, 2017, the Department of Medical Assistance Services shall amend the managed care regulations to specify that all contracts with health plans in a Medicaid managed care delivery model, including long-term services and supports, require reimbursement to nursing facility and specialized care services at no less than the Medicaid established per diem rate for Medicaid covered days, using the department's methodologies, unless the managed care organization and the nursing facility or specialized care services provider mutually agree to an alternative payment. The department shall have authority to implement this provision prior to the completion of any regulatory process in order to effect such change.</p> <p>GGG.1. The Department of Medical Assistance Services shall monitor the capacity available under the Upper Payment Limit (UPL) for all hospital supplemental payments and adjust payments accordingly when the UPL cap is reached. The department shall make an adjustment to stay under the UPL cap by reducing or eliminating as necessary supplemental payments to hospitals based on when the first supplemental payments were actually made so that the newest supplemental payments to hospitals would be impacted first and so on.</p> <p>2. The Department of Medical Assistance Services shall have the authority to implement reimbursement changes deemed necessary to meet the requirements of this paragraph prior to the completion of any regulatory process in order to effect such changes.</p>				

ITEM 313.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022

HHH.1. By October 1, 2019, the Department of Medical Assistance Services shall require consumer-directed aides providing personal care, respite care and companion services in the Medicaid Commonwealth Coordinated Care (CCC) Plus Waiver and Developmental Disability waiver programs and the Early and Periodic Screening Diagnosis and Treatment (EPSDT) program to utilize an Electronic Visit Verification (EVV) system. Nothing in this paragraph shall apply to live-in caretakers, who shall be exempt from the EVV requirements beginning January 1, 2021. The department is authorized to contract with a vendor to provide access to an EVV system for use by consumer-directed aides.

2. For personal care, respite care and companion services agencies, the department shall work with the appropriate stakeholders to develop standards for electronic visit verification systems and certification requirements to ensure EVV systems used by such agencies meet all federal requirements and are capable of providing the necessary data the department may require.

3. Nothing stated above shall apply to respite services provided by a DBHDS licensed provider in a DBHDS licensed program site such as a group home, sponsored residential home, supervised living, supported living or similar facility/location licensed to provide respite, as allowed by the Centers for Medicare and Medicaid.

4. The department shall ensure that implementation of electronic visit verification complies with all requirements of the federal Centers of Medicare and Medicaid Services. The department shall have authority to implement these provisions prior to the completion of any regulatory process in order to effect such changes.

III.1. Effective July 1, 2017, the Department of Medical Assistance Services shall amend the State Plan for Medical Assistance to increase the formula for indirect medical education (IME) for freestanding children's hospitals with greater than 50 percent Medicaid utilization in 2009 as a substitute for DSH payments. The formula for these hospitals for indirect medical education for inpatient hospital services provided to Medicaid patients but reimbursed by capitated managed care providers shall be identical to the formula for Type One hospitals. The IME payments shall continue to be limited such that total payments to freestanding children's hospitals with greater than 50 percent Medicaid utilization do not exceed the federal uncompensated care cost limit to which disproportionate share hospital payments are subject, excluding third party reimbursement for Medicaid eligible patients. The department shall have the authority to implement these changes effective July 1, 2017, and prior to completion of any regulatory action to effect such changes.

2. The Department of Medical Assistance Services (DMAS) shall have the authority to create additional hospital supplemental payments for freestanding children's hospitals with greater than 50 percent Medicaid utilization in 2009 to replace payments that have been reduced due to the federal regulation on the definition of uncompensated care costs effective June 2, 2017. These new payments shall equal what would have been paid to the freestanding children's hospitals under the current disproportionate share hospital (DSH) formula without regard to the uncompensated care cost limit. These additional hospital supplemental payments shall take precedence over supplemental payments for private acute care hospitals. If the federal regulation is voided, DMAS shall continue DSH payments to the impacted hospitals and adjust the additional hospital supplemental payments authorized in this paragraph accordingly. The department shall have the authority to implement these changes prior to completion of any regulatory process undertaken in order to effectuate such change.

JJJ. For the period beginning September 1, 2016 until 180 days after publication and distribution of the Developmental Disabilities Waivers provider manual by the Department of Medical Assistance Services (DMAS), retraction of payment from Developmental Disabilities Waivers providers following an audit by DMAS or one of its contractors is only permitted when the audit points identified are supported by the Code of Virginia, regulations, DMAS general providers manuals, or DMAS Medicaid Memos in effect during the date of services being audited.

KKK. The Department of Medical Assistance Services shall submit a report annually on all supplemental payments made to hospitals through the Medicaid program. This report

ITEM 313.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
	<p>shall include information for each hospital and by type of supplemental payment (Disproportionate Share Hospital, Graduate Medical Education, Indirect Medical Education, Upper Payment Limit program, and others). The report shall include total Medicaid payments from all sources and calculate the percent of overall payments that are supplemental payments. Furthermore, it shall include a description of each type of supplemental payment and the methodology used to calculate the payments. Each report shall reflect the data for the prior three fiscal years and shall be submitted to the Chairmen of the House Appropriations and Senate Finance Committees by September 1 each year.</p>			
	<p>LLL. Effective July 1, 2018, the Department of Medical Assistance Services shall amend the State Plan for Medical Assistance to make the following changes. The department shall: (i) eliminate eligibility for Disproportionate Share Hospital (DSH) payments for Children's National Medical Center (CNMC); (ii) increase the annual indirect medical education (IME) payments for CNMC by the amount of DSH the hospital was eligible for in fiscal year 2018; and (iii) reduce the Type 2 DSH allocation by this same amount. The department shall have the authority to implement these changes effective July 1, 2018, and prior to completion of any regulatory action to effect such change.</p>			
	<p>MMM.1. The Department of Medical Assistance Services shall work with stakeholders to review and adjust medical necessity criteria for Medicaid-funded nursing services including private duty nursing, skilled nursing, and home health. The department shall adjust the medical necessity criteria to reflect advances in medical treatment, new technologies, and use of integrated care models including behavioral supports. The department shall have the authority to amend the necessary waiver(s) and the State Plan under Titles XIX and XXI of the Social Security Act to include changes to services covered, provider qualifications, medical necessity criteria, and rates and rate methodologies for private duty nursing. The adjustments to these services shall meet the needs of members and maintain budget neutrality by not requiring any additional expenditure of general fund beyond the current projected appropriation for such nursing services.</p>			
	<p>2. The department shall have authority to implement these changes to be effective July 1, 2019. The department shall also have authority to promulgate any emergency regulations required to implement these necessary changes within 280 days or less from the enactment dated of this act. The department shall submit a report and estimates of any projected cost savings to the Chairmen of the House Appropriations and Senate Finance Committees 30 days prior to implementation of such changes.</p>			
	<p>NNN. Effective July 1, 2019, the department shall amend the State Plan for Medical Assistance to clarify payment rules for new nursing homes or renovations that qualify for mid-year rate adjustments, to include the following:</p>			
	<p>1. For any facility whose Fair Rental Value report has less than 12 months of experience, the department shall develop an occupancy schedule that represents average statewide occupancy by month of operation for use in calculating the per diem rate in lieu of a minimum occupancy requirement or actual occupancy.</p>			
	<p>2. Any new beds or renovations placed in service between the reporting year and the rate year shall be treated as a mid-year rate adjustment. No new rate will be made after April 30. Rate updates that fall between May 1 and June 30 shall be effective July 1 of the same year.</p>			
	<p>3. The department shall annualize real estate taxes, property taxes and property insurance costs that do not represent a full year's cost.</p>			
	<p>4. Costs shall be based on currently available documentation at the time but are subject to audit. The department may use any reasonable method to estimate costs for which there is inadequate documentation. Any adjustments based on subsequent documentation or audit for a current rate year shall be applied beginning with the next rate year.</p>			
	<p>5. The department shall have 15 days from the date of the provider's submission to determine if the filing is complete for purposes of setting a rate for a new or renovated facility. The facility shall have 15 days from the date the filing is deemed incomplete to submit the required information. The deadline for setting the rate shall be extended for 30 days after the filing is deemed complete.</p>			
	<p>6. Providers may propose a phased renovation subject to approval by the department. The</p>			

ITEM 313.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022

phased renovation may include reductions to available beds. Any modifications to the proposed renovation are also subject to approval by the department.

7. The department shall have the authority to implement these reimbursement changes effective July 1, 2019 and prior to the completion of any regulatory process undertaken in order to effect such change.

OOO. The Department of Medical Assistance Services shall amend the State Plan for Medical Assistance and any relevant waivers thereof to modify reimbursement for Hospice services provided to patients residing in facilities to include at least 100 percent of the relevant Medicaid facility rate for that individual, a component commonly referred to as "room and board." To the extent allowed under federal law and regulation, the Department shall further amend the State plan and/or relevant waivers thereof to pay this "room and board" rate in effect with no discount applied to the facility directly, thus eliminating the Hospice from its role in passing-through this facility payment to the facility. To the extent federal approval of this direct payment component is dependent on whether it is in the State Plan or in relevant waivers, the Department shall implement the direct payment where federal approval is achieved. The department shall have authority to implement these changes effective July 1, 2019 and prior to the completion of any regulatory process undertaken in order to effect such change.

PPP. Effective July 1, 2019, the Department of Medical Assistance Services shall increase the telehealth originating site facility fee to 100 percent of the Medicare rate and shall reflect changes annually based on any changes in the Medicare rate. The department shall exempt Federally Qualified Health Centers and Rural Health Centers from this reimbursement change. The department shall have the authority to implement these changes prior to completion of any regulatory process undertaken in order to effect such change.

QQQ. The Department of Medical Assistance Services shall amend the State Plan for Medical Assistance to increase reimbursement for Critical Access Hospitals by using an adjustment factor or percent of cost reimbursement of 100% for inpatient operating and capital rates and outpatient rates effective July 1, 2019. The department shall have the authority to implement these changes effective July 1, 2019 and prior to completion of any regulatory action to effect such change.

RRR. The Department of Medical Assistance Services shall pursue any and all alternatives and cost based reimbursement models to allow a private hospital in rural Southwest Virginia that has closed in the last five years to recoup capital startup costs and minimize operating losses for the next five years, including but not limited to optimizing federal matching dollars in accordance with federal law.

SSS. The Department of Medical Assistance Services and the Department of Behavioral Health and Developmental Services shall recognize the Certified Employment Support Professional (CESP) and Association of Community Rehabilitation Educators (ACRE) certifications in lieu of competency requirements for supported employment staff in the Medicaid Community Living, Family and Individual Support and Building Independence Waiver programs and shall allow providers that are Department for the Aging and Rehabilitative Services vendors that hold a national three-year accreditation from the Commission on Accreditation of Rehabilitation Facilities (CARF) to be deemed qualified to meet employment staff competency requirements, provided the provider submits the results from their CARF surveys including recommendations received to the Department of Behavioral Health and Developmental Services so that the agency can verify that there are no recommendations for the standards that address staff competency.

TTT. Effective July 1, 2019, the Department of Medical Assistance Services shall amend the State Plan for Medical Assistance to increase the practitioner rates for primary care services by five percent and rates for Emergency Department services by one percent to reflect the equivalent of 70 percent of the 2018 Medicare rates. The department shall ensure through its contracts with managed care organizations that the rate increase is reflected in their rates to providers. The department shall have the authority to implement these reimbursement changes prior to the completion of the regulatory process.

UUU. Effective July 1, 2019, the Department of Medical Assistance Services shall amend

ITEM 313.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
the State Plan for Medical Assistance to create a separate service category for psychiatric services and to increase practitioner rates for psychiatric services by 21 percent to reflect the equivalent of 100 percent of the 2018 Medicare rates. All practitioners who bill these services shall receive new rates. The department shall have the authority to implement these reimbursement changes prior to the completion of the regulatory process.				
VVV. The Department of Medical Assistance Services shall amend its contracts with managed care organizations to require written notification and training to agency-directed personal care providers at least 60 days prior to the implementation of all changes to Quality Management Review and prior authorization policies and processes consistent with state and federal regulations.				
WWW. The Department of Medical Assistance Services shall seek federal authority through waiver and State Plan amendments under Titles XIX and XXI of the Social Security Act to offer medically necessary treatment for substance use disorder in an Institution for Mental Diseases (IMD) for individuals enrolled in FAMIS MOMS, equivalent to such benefits offered to pregnant women under the Medicaid state plan and 1115 substance use disorder demonstration waiver. The department shall have the authority to promulgate emergency regulations to implement these amendments within 280 days or less from the enactment of this Act.				
XXX. Effective July 1, 2020, the Department of Medical Assistance Services shall amend the State Plan under Title XIX of the Social Security Act to eliminate the 40 quarter work requirement for Lawful Permanent Residents who otherwise meet all Medicaid eligibility requirements. The department shall have the authority to promulgate emergency regulations to implement this amendment within 280 days or less from the enactment of this Act.				
YYY.1. The Department of Medical Assistance Services (DMAS) shall have the authority to implement programmatic changes to service definitions, prior authorization and utilization review criteria, provider qualifications, and reimbursement rates for the following existing Medicaid behavioral health services: assertive community treatment, mental health partial hospitalization programs, crisis intervention and crisis stabilization services.				
2. The department shall have the authority to develop new service definitions, prior authorization and utilization review criteria, provider qualifications, and reimbursement rates for the following new Medicaid behavioral health services: multi-systemic therapy, family functional therapy, intensive outpatient services, mobile crisis intervention services, 23 hour temporary observation services and residential crisis stabilization unit services.				
3. Effective on or after January 1, 2021, DMAS shall implement programmatic changes and reimbursement rates for the following services: assertive community treatment, multi-systemic therapy and family functional therapy.				
4. Effective on or after July 1, 2021, DMAS shall implement programmatic changes and reimbursement rates for the following services: intensive outpatient services, partial hospitalization programs, mobile crisis intervention services, 23 hour temporary observation services, crisis stabilization services and residential crisis stabilization unit services.				
5. Included in this Item is an additional \$3,028,038 the first year and \$10,273,553 the second year from the general fund and \$4,127,378 the first year and \$14,070,322 the second year from nongeneral funds to effect the changes required by paragraphs above. In the development and implementation of these changes, the department shall ensure appropriate utilization and cost efficiency. Reimbursement rate changes shall be budget neutral and must not exceed the funding appropriated in the Act for these services.				
6. The Department of Medical Assistance Services shall, prior to the submission of any state plan amendment or waivers to implement these paragraphs, submit a plan detailing the changes in provider rates, new services added and other programmatic changes to the Director, Department of Planning and Budget and the Chairmen of the House Appropriation and Senate Finance Committees.				
7. The department shall have the authority to promulgate emergency regulations to implement this amendment within 280 days or less from the enactment of this Act.				
ZZZ. The Department of Medical Assistance Services shall seek federal authority through				

ITEM 313.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022

waiver and State Plan amendments under Titles XIX and XXI of the Social Security Act to expand the Preferred Office-Based Opioid Treatment (OBOT) model to include individuals with substance use disorders (SUD) that are covered in the Addiction and Recovery Treatment Services (ARTS) benefit. The department shall have the authority to promulgate emergency regulations to implement these amendments within 280 days or less from the enactment of this Act.

AAAA. The Department of Medical Assistance Services shall seek federal authority through waiver and State Plan amendments under Titles XIX and XXI of the Social Security Act to extend coverage for pregnant women between 138% and 205% of the Federal Poverty Level to up to one year postpartum. The department shall have the authority to promulgate emergency regulations to implement these amendments within 280 days or less from the enactment of this Act.

BBBB.1. Effective July 1, 2021, the Department of Medical Assistance Services (DMAS) shall seek federal authority through waiver and State Plan amendments under Titles XIX and XXI of the Social Security Act to implement a home visiting benefit for pregnant women at risk and postpartum women at risk of poor health outcomes. Prior to implementation, DMAS shall engage all relevant stakeholders in the development of the benefit and gaining the necessary federal approvals.

2. Included in this Item is an additional \$1,054,300 the first year and \$11,750,159 the second year from the general fund and \$3,514,556 the first year and \$34,216,923 the second year from nongeneral funds to effect the changes required by paragraph BBBB.1. above. DMAS shall prepare a report that 1) identifies the services included in the proposed benefit; and 2) if the estimated cost of the benefit is consistent with the funding provided in this Act. DMAS shall provide this report, 30 days prior to the submission of a state plan amendment, to the Director, Department of Planning and Budget and the Chairmen of the House Appropriation and Senate Finance Committees. The department shall have the authority to promulgate emergency regulations to implement these amendments within 280 days or less from the enactment of this Act.

CCCC. The Department of Medical Assistance Services shall develop and implement episode-based payment models, or bundled payments, for the following conditions: maternity care, asthma, and congestive heart failure. The department shall develop these models with a goal of reducing costs and improving the quality of care for Medicaid members.

DDDD.1. Effective July 1, 2020, Department of Medical Assistance Services (DMAS), in consultation with the Department of Behavioral Health and Developmental Services, shall increase provider payment rates for services delivered through the Developmental Disability (DD) waivers.

2. Included in this Item is an additional \$25,034,884 the first year and \$25,785,930 the second year from the general fund and \$25,034,884 the first year and \$25,785,930 the second year from the nongeneral funds to effect the changes required by the paragraph DDDD.1. above. The DMAS shall prepare a report that 1) identifies the implemented rate and rate increase percentage for each service impacted by this action; and 2) determines whether the estimated cost of each service is consistent with the funding provided in this Act. DMAS shall provide this report to the Director, Department of Planning and Budget and the Chairmen of the House Appropriation and Senate Finance Committees by September 1, 2020.

3. The department shall have the authority to implement these changes prior to the completion of any regulatory process to effect such changes.

EEEE. Effective July 1, 2020, the Department of Medical Assistance Services shall increase rates by 14.7 percent for psychiatric services to the equivalent of 110 percent of Medicare rates. The department shall have the authority to implement these reimbursement changes prior to the completion of any regulatory process to effect such changes.

FFFF. The Department of Medical Assistance Services, shall seek federal authority through waiver and State Plan amendments under Titles XIX and XXI of the Social

ITEM 313.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Security Act to provide care coordination services to individuals who are Medicaid eligible 30 days prior to release from incarceration. The department shall have the authority to promulgate emergency regulations to implement this amendment within 280 days or less from the enactment of this Act.				
GGGG. Effective on and after July 1, 2020, the Department of Medical Assistance Services shall amend the State Plan for Medical Assistance to modify reimbursement for nursing facility services such that the direct peer group price percentage shall be increased to 109.3 percent and the indirect peer group price percentage shall be increased to 103.3 percent. The department shall have the authority to implement these changes effective July 1, 2020 and prior to the completion of any regulatory process undertaken in order to effect such change.				
HHHH. The Department of Medical Assistance Services shall amend the State Plan for Medical Assistance to implement a supplemental disproportionate share hospital (DSH) payment for Chesapeake Regional Hospital up to its hospital-specific disproportionate share hospital limit (OBRA '93 DSH limit) as determined pursuant to 42 U.S.C. Section 1396r-4. The payment shall be made annually based upon the hospital's disproportionate share limit for the most recent year for which the disproportionate share limit has been calculated subject to the availability of DSH funds under the federal allotment of such funds to the department. Prior to submitting the State Plan Amendment, Chesapeake Regional Hospital shall enter into an agreement with the department to transfer the non-federal share of the supplemental DSH payment. Payment of the supplemental DSH payment is contingent upon receipt of intergovernmental transfer of funds or certified public expenditures from Chesapeake Regional Hospital. In the event that Chesapeake Regional Hospital is ineligible to transfer or certify necessary funds pursuant to federal law, the department may amend the State Plan for Medical Assistance to terminate the supplemental DSH payment program. The department shall have the authority to implement these reimbursement changes consistent with effective date(s) approved by the Centers for Medicare and Medicaid Services (CMS). No payments shall be made without CMS approval. In the event, that CMS recoups supplemental DSH hospital funds from the department, Chesapeake Regional Hospital shall reimburse such funds to the department.				
IIII. Out of this appropriation, \$733,303 the first year and \$754,247 the second year from the general fund and \$733,303 the first year and \$754,247 the second year from nongeneral funds shall be used to increase the nursing facility direct and indirect operating rates by a uniform percentage for any nursing facilities that underwent a change in ownership subsequent to December 31, 2017, if the Medicaid cost report of a predecessor operator being used by the department to rebase Medicaid price-based operating rates effective July 1, 2020, was audited and the operating costs thereon were materially adjusted due to such predecessor not providing documentation of such costs to the department. The department shall amend the State Plan for Medical Assistance effective July 1, 2020 through June 30, 2023 in order to implement this Item. The department shall also have the authority to implement these reimbursement changes prior to the completion of any regulatory process undertaken in order to effect such change.				
JJJJ. The Department of Medical Assistance Services shall amend the State Plan for Medical Assistance to provide that any nursing facility which thereafter loses its Medicaid capital reimbursement status as a hospital-based nursing facility because a replacement hospital was built at a different location and Medicare rules no longer allow the nursing home's cost to be included on the hospital's Medicare cost report shall have its first fair rental value (FRV) capital payment rate set at the maximum FRV rental rate for a new free-standing nursing facility with the date of acquisition for its capital assets being the date the replacement hospital is licensed. The department shall have the authority to implement these reimbursement changes effective July 1, 2020 and prior to the completion of the regulatory process.				
KKKK. Effective July 1, 2020, the department shall amend the State Plan for Medical Assistance to increase the direct and indirect operating rates from 15 percent to 25.4 percent above a facility's calculated price-based rates where at least 80 percent of the resident population have one or more of the following diagnoses: quadriplegia, traumatic brain injury, multiple sclerosis, paraplegia, or cerebral palsy. In addition, a qualifying facility must have at least 90 percent Medicaid utilization and a case mix index of 1.15 or higher in fiscal year 2014. The department shall have the authority to implement this reimbursement methodology				

ITEM 313.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022

change for rates on or after July 1, 2020, and prior to completion of any regulatory process in order to effect such change.

LLLL. The Department of Medical Assistance Services shall amend the State Plan for Medical Assistance to establish Specialized Care operating rates for fiscal years 2021 and 2022 by inflating the fiscal year 2020 rates using Virginia nursing home inflation. After fiscal year 2022, the department shall revert to the existing cost-based methodology. The department has the authority to implement this change notwithstanding current regulations and consistent with the approved State Plan amendment.

MMMM. The Department of Medical Assistance Services shall require Medicaid managed care organizations to reimburse at no less than 90 percent of the state Medicaid program Durable Medical Equipment fee schedule for the same service or item of durable medical equipment, prosthetics, orthotics, and supplies. The department shall have the authority to implement this reimbursement change effective July 1, 2020 and prior to the completion of any regulatory process undertaken in order to effect such change.

NNNN. The Department of Medical Assistance Services (DMAS) shall convene an advisory panel of representatives chosen by the Virginia Association of Community Services Boards (VACSB), the Virginia Association of Community-Based Providers (VACBP), the Virginia Coalition of Private Provider Associations (VCOPPA), Caliber, the Virginia Network of Private Providers (VNPP), and the Virginia Hospital and Healthcare Association. The advisory panel shall meet at least every two months with the appropriate staff from DMAS to review and advise on all aspects of the plan for and implementation of the redesign of behavioral health services with a specific focus on ensuring that the systemic plan incorporates development, and maintenance of sustainable business models. Upon advice of the Advisory panel, DMAS may assign staff, as necessary, to review operations of a sample of providers to examine the process for service authorization, the interpretation of the medical necessity criteria, and the claims processing by all Medicaid managed care organizations. DMAS will report their findings from this review to the advisory panel and to the Secretary of Health and Human Resources, and the Chairs of House Appropriations and Senate Finance by December 31, 2020.

OOOO. The Department of Medical Assistance Services (DMAS) shall convene a workgroup of stakeholders to include representatives of Jill's House, SOAR 365, Virginia Sponsored Residential Provider Group, the Virginia Association of Community Services Boards, the Virginia Network of Private Providers and the Department of Behavioral Health and Developmental Services to review the existing and any proposed regulations governing the provision of respite or personal assistance services to determine the barriers to the provision of these services in a center or residential setting other than the individual's home. DMAS shall consider the option of basing the reimbursement for center-based respite and personal assistance on the Level/Tier as determined by the individual's Supports Intensity Scale score. DMAS shall report on the conclusions of the workgroup to the Chairs of House Appropriations and Senate Finance and Appropriations Committees by December 1, 2020, including whether the department needs emergency regulatory authority to make changes in order to minimize barriers to services and support broader appropriate utilization of the identified services.

PPPP. The Department of Medical Assistance Services shall review and consider amending regulations governing the practice and requirements for peer recovery services for individuals with mental illness and/or substance use disorder. In reviewing the regulations, the department shall convene stakeholders to assess the existing barriers to providing the service and assist in the development of emergency regulations. Stakeholders shall include, but not be limited to, the Virginia Organization of Consumers Asserting Leadership (VOCAL), Substance Abuse Addiction Recovery Alliance (SAARA), Virginia Network of Private Providers (VNPP), Mental Health America-Virginia (MHA-V), Virginia Association of Community Services Boards (VACSB), and National Alliance for Mental Illness-Virginia (NAMI-V). The department shall have the authority to promulgate emergency regulations to implement changes that are budget neutral within 280 days or less from the enactment of this act. The department shall submit changes that have a fiscal impact as part of the normal budget process for consideration in the 2021 Session.

ITEM 313.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<p>QQQQ. The Department of Medical Assistance Services shall adjust the post eligibility special earnings allowance for individuals in the CCC Plus, Community Living, Family and Individual Support and Building Independence waiver programs to incentivize employment for individuals receiving waiver services. DMAS shall lower the number of hours from at least eight hours but less than 20 hours per week requirement to at least four hours but less than 20 hours per week. The Special Earnings Allowance for waiver participants allows a percentage of earned income to be disregarded when calculating an individual's contribution to the cost of their waiver services when earning income. The current requirement is at least eight hours but less than 20 hours per week for a disregard of up to 200 percent of Supplemental Security Income (SSI) and a disregard of up to 300 percent for individuals that work 20 hours or more per week.</p>				
<p>RRRR. The Department of Medical Assistance Services shall conduct an analysis to determine if any additional payment opportunities could be directed to the primary teaching hospital affiliated with a Liaison Committee on Medical Education (LCME) accredited medical school located in Planning District 23 that is a political subdivision of the Commonwealth, based on the department's reimbursement methodology established for such payments. If such opportunity does exist, the department shall work with the entities to determine the framework for implementing such payments, including a reasonable cap on such payments so other qualifying entities are not adversely affected in future years.</p>				
<p>SSSS.1. Effective July 1, 2020, the Department of Medical Assistance Services shall increase the rates for agency and consumer directed personal care, respite and companion services in the home and community based services waivers and Early Periodic Screening, and Diagnosis and Treatment (EPSDT) program by five percent. The department shall have the authority to implement these changes prior to completion of any regulatory process undertaken in order to effect such change.</p>				
<p>2. Effective July 1, 2021, the Department of Medical Assistance Services shall increase the rates for agency and consumer directed personal care, respite and companion services in the home and community based services waivers and Early Periodic Screening, and Diagnosis and Treatment (EPSDT) program by two percent. The department shall have the authority to implement these changes prior to completion of any regulatory process undertaken in order to effect such change.</p>				
<p>TTTT. Out of this appropriation, \$796,755 from the general fund and \$796,755 from nongeneral funds the first year and \$833,109 from the general fund and \$833,109 from nongeneral funds the second year shall be used to increase reimbursement rates for adult day health services provided through Medicaid home- and community-based waiver programs by 10 percent effective July 1, 2020. The department shall have the authority to implement these reimbursement changes prior to the completion of any regulatory process undertaken in order to effect such changes.</p>				
<p>UUUU. Effective July 1, 2020, the Department of Medical Assistance Services shall amend the State Plan for Medical Assistance to increase the practitioner rates for anesthesiologists to reflect the equivalent of 70 percent of the 2019 Medicare rates. The department shall ensure through its contracts with managed care organizations that the rate increase is reflected in their rates to providers. The department shall have the authority to implement these reimbursement changes prior to the completion of any regulatory process undertaken in order to effect such changes.</p>				
<p>VVVV. The Department of Medical Assistance Services shall amend the State Plan for Medical Assistance to increase the supplemental physician payments for physicians employed at a freestanding children's hospital serving children in Planning District 8 to the maximum allowed by the Centers for Medicare and Medicaid Services within the limit of the appropriation provided for this purpose. The total supplemental Medicaid payment shall be based on the Upper Payment Limit approved by the Centers for Medicare and Medicaid Services and all other Virginia Medicaid fee-for-service payments. The department shall have the authority to implement these reimbursement changes effective July 1, 2020, and prior to the completion of any regulatory process undertaken in order to effect such change.</p>				
<p>WWWW. The Department of Medical Assistance Services shall have the authority to amend the State Plan for Medical Assistance or any waiver under Title XIX of the Social Security Act to increase the income eligibility for participation in the Medicaid Works program to 138</p>				

ITEM 313.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022

percent of the Federal Poverty Level. The department shall have the authority to implement this change prior to the completion of the regulatory process necessary to implement such change.

XXXX. The Department of Medical Assistance Services shall amend the State Plan under Title XIX and XXI to add coverage of tobacco cessation services for full coverage adults who are not enrolled pursuant to the Patient Protection and Affordable Care Act. The department shall have the authority to implement these changes effective July 1, 2020, and prior to the completion of any regulatory process undertaken in order to effect such changes.

YYYY. Effective July 1, 2020, the Department of Medical Assistance Services shall increase rates for skilled and private duty nursing services to 80 percent of the benchmark rate developed by the department and consistent with the appropriation available for this purpose. The department shall have the authority to implement these changes prior to the completion of any regulatory process to effect such changes.

ZZZZ. Effective, July 1, 2020, the Department of Medical Assistance Services shall amend the State Plan for Medical Assistance under Title XIX of the Social Security Act, and any necessary waivers, to authorize time and a half up to 16 hours for a single attendant who works more than 40 hours per week for attendants providing Medicaid-reimbursed consumer-directed (CD) personal assistance, respite and companion services. The department shall have authority to implement this provision prior to the completion of any regulatory process undertaken in order to effect such change.

AAAAA. The Department of Medical Assistance Services shall amend the State Plan for Medical Assistance Services to allow the pending, reviewing and the reducing of fees for avoidable emergency room claims for codes 99282, 99283 and 99284, both physician and facility. The department shall utilize the avoidable emergency room diagnosis code list currently used for Managed Care Organization clinical efficiency rate adjustments. If the emergency room claim is identified as a preventable emergency room diagnosis, the department shall direct the Managed Care Organizations to default to the payment amount for code 99281, commensurate with the acuity of the visit. The department shall have the authority to implement this reimbursement change effective July 1, 2020, and prior to the completion of any regulatory process undertaken in order to effect such change.

BBBBB. The Department of Medical Assistance Services shall amend the State Plan for Medical Assistance Services under Title XIX to modify the definition of readmissions to include cases when patients are readmitted to a hospital for the same or a similar diagnosis within 30 days of discharge, excluding planned readmissions, obstetrical readmissions, admissions to critical access hospitals, or in any case where the patient was originally discharged against medical advice. If the patient is readmitted to the same hospital for a potentially preventable readmission then the payment for such cases shall be paid at 50 percent of the normal rate, except that a readmission within five days of discharge shall be considered a continuation of the same stay and shall not be treated as a new case. Similar diagnoses shall be defined as ICD diagnosis codes possessing the same first three digits. The department shall have the authority to implement this reimbursement change effective July 1, 2020, and prior to the completion of any regulatory process undertaken in order to effect such change. The department shall report quarterly on the number of hospital readmissions, the cost, and the primary diagnosis of such readmissions to the Joint Subcommittee for Health and Human Resources Oversight.

CCCCC. The Department of Medical Assistance Services shall establish a workgroup of Medicaid managed care organizations, physicians and pharmacists and other stakeholders, as necessary, to assess policies and procedures, including risk sharing arrangements, reimbursement methods or other mechanisms to determine Medicaid coverage and reimbursement of FDA fast-track drugs and emerging-break-through technologies. The assessment shall include an examination of other states' approaches to determine Medicaid coverage, clinical criteria for coverage across the fee-for-service and managed care programs, risk sharing arrangements, and reimbursement methodologies including kick-payments or other pass-through arrangements that are consistent with the utilization and cost of the drug or technology. The assessment will also examine and make recommendations regarding the timeline for providing coverage from the date of FDA approval of the drug or technology. The workgroup shall report on issues and

ITEM 313.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
recommendations to the Joint Subcommittee for Health and Human Resources Oversight by September 1, 2020, including any budgetary or regulatory authority required to implement changes for such coverage.				
DDDDD. The Department of Medical Assistance Services shall continue working with the Department of Behavioral Health and Developmental Services to complete the actions necessary to qualify to file a Section 1115 waiver application for Serious Mental Illness and/or Serious Emotional Disturbance. The department shall develop such a waiver application at the appropriate time that shall be consistent with the Addiction Treatment and Recovery Services substance abuse waiver program. The department shall develop a plan with a timeline and potential costs savings of such a waiver to the Commonwealth. The department shall provide an update on the status of the waiver by November 1 of each year to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees.				
EEEE.1. Effective January 1, 2021, the Department of Medical Assistance Services shall develop and implement an actuarially sound risk adjustment model that addresses the behavioral health acuity differences among the Medicaid managed care organizations for the community well population of individuals who are dually eligible for Medicare and Medicaid currently served through the Commonwealth Coordinated Care (CCC) Plus program. Behavioral Health services shall be defined to include the following: case management services, community behavioral health, early intervention services, and addiction and recovery treatment services. The risk adjustment shall be based on nationally accepted models, such as the Chronic Illness and Disability Payment System (COPS) or Clinical Classifications Software Refined (CCSR), and shall incorporate variables predictive of behavioral health service utilization. Managed care experience shall be utilized as the basis for the risk adjustment.				
2. Effective January 1, 2021, the Department of Medical Assistance Services shall develop and implement differential capitation rates for members in behavioral health treatment versus those who are not, for the community well population of individuals who are dually eligible for Medicare and Medicaid currently served through the CCC Plus program. The rates shall be actuarially sound and the behavioral health rates shall additionally incorporate risk adjustment to account for acuity differences amongst the managed care organizations. Behavioral health services shall be defined to include the following: case management services, community behavioral health, early intervention services, and addiction and recovery treatment services. The risk adjustment shall be based on nationally accepted models, such as The Chronic Illness and Disability Payment System (COPS) or Clinical Classifications Software Refined (CCSR), and shall incorporate variables predictive of behavioral health service utilization. Managed care experience shall be utilized as the basis for the establishment of the capitation rates and the risk adjustment.				
3. The risk adjustment model and differential capitation rates in these paragraphs shall be implemented such that the impact is budget neutral.				
FFFF.1. The Department of Medical Assistance Services shall accept from any county, city, or town provider assessment funds that have been collected, pursuant to an ordinance, from inpatient hospitals to make Medicaid supplemental payments pursuant to the State Plan for Medical Assistance Services amendments 11-018 and 11-019. The Department of Medical Assistance Services shall pay such funds into the state treasury to be credited to the Medicaid Supplemental Payment Program Fund established in subsection 2.				
2. There is hereby created in the state treasury a special nonreverting fund to be known as the Medicaid Supplemental Payment Program Fund, referred to in this section as "the Fund." The Fund shall be established on the books of the Comptroller. All funds accepted by the Department of Medical Assistance Services from any county, city, or town to make Medicaid supplemental payments pursuant to the State Plan for Medical Assistance Services amendments 11-018 and 11-019 shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purpose of funding the non-federal share of the Medicaid supplemental payment programs authorized by the State Plan for Medical Assistance Services amendments 11-018 and 11-019. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Director				

ITEM 313.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022

of the Department of Medical Assistance Services.

3. Medicaid supplemental payments authorized under amendments 11-018 and 11-019 are strictly applicable to the period October 25, 2011 through June 30, 2017 and will necessarily be applied against the private hospital upper payment limit for each state fiscal year therein. No Medicaid supplemental payments authorized under amendments 11-018 and 11-019 may apply to any state fiscal year or any related private hospital upper payment limit beginning July 1, 2017.

4. In the event of any federal disallowance action associated with Medicaid supplemental payments paid to qualifying hospitals by the Department of Medical Assistance Services under the authority of amendments 11-018 and 11-019, hospitals in receipt of the Medicaid supplemental payments in dispute or the hospital health system owner shall return to the Department of Medical Assistance Services all federal funds associated with the Medicaid supplemental payments subject to the disallowance action.

5. The authority of a local government to enact an ordinance to impose an assessment shall be governed by the charter of such local government or pursuant to the Uniform Charters Powers Act.

6. The authority of the Department of Medical Assistance Services to appropriate monies under amendments 11-018 and 11-019 shall only be permitted as authorized in the budget.

7. The Department of Medicaid Assistance services shall retain five percent of the federal funding for state costs related to administration of the supplemental payment program and shall deposit such funds into the Health Care Fund.

8. The provisions of this paragraph are contingent on approval from CMS waiving the two year timely filing requirement and federal approval of the local provider assessment program.

GGGGG. The Department of Medical Assistance Services shall review reimbursement of services covered under the state's Medicaid program provided by local education agencies to Medicaid eligible children and determine what services can be covered outside of a student's Individualized Education Plan consistent with federal rules and regulations. The department shall evaluate options to consider to allow school divisions to draw down additional federal resources in supporting the needs of school children. The department shall report its findings and recommendations to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees by December 15, 2020.

HHHHH. Free-standing emergency departments, also referred to as dedicated emergency departments as defined in 42 C.F.R. § 489.24(b) that operate as a department of a hospital subject to requirements of the federal Emergency Medical Treatment and Labor Act (42 U.S.C. § 1395dd), and is located off the main hospital campus or in an independent facility, shall submit to the payor upon billing for services rendered (i) the campus location in which their services were rendered, and (ii) an indicator specifying that the services were rendered in a free-standing emergency department.

IIIII. Effective January 1, 2021, the Department of Medical Assistance Services shall have the authority to amend the State Plan of Medical Assistance under Title XIX of the Social Security Act to provide a comprehensive dental benefit to adults. The department shall work with its Dental Advisory Committee, including members of the Virginia Dental Association, the Virginia Health Catalyst, the Virginia Commonwealth University School of Dentistry, the Virginia Dental Hygienists Association, the Virginia Health Care Association, a representative of the developmental and intellectual disability community, the Virginia Department of Health and the administrator of the Smiles for Children program to develop the benefit. The benefit shall be modeled after the existing benefit for pregnant women. The benefit shall include preventive and restorative services and shall not include any cosmetic services or orthodontic services. The Dental Advisory Committee shall design a benefit that does not exceed the appropriated funds to provide such services. The department shall work with its dental benefit administrator, the Virginia Dental Association, the Virginia Association of Free and Charitable Clinics, the Virginia Community Healthcare Association and other stakeholders to ensure an adequate network of providers and awareness among beneficiaries. The department shall report to

ITEM 313.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022

the Chairs of the House Appropriations and Senate Finance and Appropriations Committees on the benefit design and plans for the implementation of the benefit by November 1, 2020. The department shall have authority to promulgate emergency regulations to implement these changes within 280 days or less from the enactment date of this act.

JJJJ. The Department of Medical Assistance Services shall conduct a review of other state methods and strategies for providing sick leave to personal care attendants and evaluate feasible options for the Commonwealth to consider. The department shall report its findings and recommendations to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees by November 1, 2020.

KKKKK.1. The Department of Medical Assistance Services, in collaboration with the Virginia Department of Social Services, state workforce agencies and programs, and appropriate stakeholders, shall develop a referral system designed to connect current and newly eligible Medicaid enrollees to employment, training, education assistance and other support services. The department shall review current federal law and regulations that may allow through State Plan amendments, contracts, or other policy changes, the department to support such a referral program. The department shall provide new enrollees in the Medicaid program, that have been identified as being potentially unemployed or underemployed with information on all available state and federal programs available to them that offer training, education assistance or other types of employment support services. The department shall work with its contracted managed care organizations to facilitate referrals to employment related services. To the degree that resources are available in other state agencies or from federal grants to support the referral program and existing authority permits such use, the department shall coordinate the use of such programs to provide assistance to Medicaid enrollees.

2. The department shall report on development of the referral program and make recommendations to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees by October 1, 2020.

LLLLL. The Department of Medical Assistance Services shall increase nursing home and specialized care per diem rates by \$20 per day per patient effective for the period of the Governor's Declaration of a State of Emergency due to COVID-19. Such adjustment shall be made through existing managed care capitation rates as a mandated specified rate increase for the period of the Governor's emergency declaration. DMAS shall adjust capitation rates to account for the nursing facility rate increase and reflect the duration of the Governor's emergency. Should the nursing facility rate increase necessitate state spending in excess of those funds appropriated in this Item; then, notwithstanding the provisions of §4-3.02 of this Act, the Secretary of Finance may authorize an interest-free treasury loan for DMAS to offset the cost of the required nursing facility rate increase. The department shall have the authority to file all necessary regulatory authorities without delay, make any necessary contract changes, and implement these reimbursement changes without regard to existing regulations. The specified rate increase in this paragraph applies across fee-for-service and Medicaid managed care.

314.	Medical Assistance Services (Non-Medicaid) (46400).....			\$821,702	\$821,702
	Insurance Premium Payments for HIV-Positive Individuals (46403).....	\$556,702	\$556,702		
	Reimbursements from the Uninsured Medical Catastrophe Fund (46405).....	\$265,000	\$265,000		
	Fund Sources: General.....	\$781,702	\$781,702		
	Dedicated Special Revenue.....	\$40,000	\$40,000		

Authority:- §32.1-330.1 and §32.1-324.3, Code of Virginia.

A. Out of this appropriation, \$556,702 the first year and \$556,702 the second year from the general fund shall be provided for insurance payment assistance to HIV-infected persons in accordance with § 32.1-330.1, Code of Virginia, except that the eligibility threshold for assistance shall allow a maximum income of no more than 250 percent of the federal poverty threshold.

ITEM 314.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
B. Out of this appropriation, \$225,000 the first year and \$225,000 the second year from the general fund shall be transferred to the Uninsured Medical Catastrophe Fund under § 32.1-324.3, Code of Virginia.				
315.	Medical Assistance Services for Low Income Children (46600).....		\$218,013,796	\$237,496,600
	Reimbursements for Medical Services Provided to Low-Income Children (46601).....	\$218,013,796	\$237,496,600	
	Fund Sources: General.....	\$68,121,628	\$81,366,975	
	Federal Trust.....	\$149,892,168	\$156,129,625	

Authority: Title 32.1, Chapters 9, 10 and 13, Code of Virginia; P.L. 89-97, as amended, Titles XIX and XXI, Social Security Act, Federal Code.

To the extent that appropriations in this Item are insufficient, the Department of Planning and Budget shall transfer general fund appropriation, as needed, from Children's Health Insurance Program Delivery (44600) and Medicaid Program Services (45600), if available, into this Item to be used as state match for federal Title XXI funds.

316.	Medical Assistance Management Services (Forecasted) (49600).....		\$43,871,083	\$43,871,083
	Medicaid payments for enrollment and utilization related contracts (49601).....	\$41,335,776	\$41,285,776	
	CHIP payments for enrollment and utilization related contracts (49632).....	\$2,535,307	\$2,585,307	
	Fund Sources: General.....	\$14,377,806	\$14,377,806	
	Dedicated Special Revenue.....	\$2,344,057	\$2,344,057	
	Federal Trust.....	\$27,149,220	\$27,149,220	

Amounts appropriated in this Item shall fund administrative expenditures associated with contracts between the department and companies providing dental benefit services, consumer-directed payroll services, claims processing, behavioral health management services and disease state/chronic care programs for Medicaid and FAMIS recipients.

317.	Administrative and Support Services (49900).....		\$273,234,381	\$272,824,761
	General Management and Direction (49901).....	\$258,882,292	\$255,972,671	
	Administrative Support for the Family Access to Medical Insurance Security Plan (49932).....	\$14,352,089	\$14,352,090	
	CHIP Health Services Initiatives (49936).....	\$0	\$2,500,000	
	Fund Sources: General.....	\$68,030,790	\$68,444,784	
	Special.....	\$2,585,000	\$3,575,000	
	Dedicated Special Revenue.....	\$9,706,427	\$9,520,794	
	Federal Trust.....	\$192,912,164	\$191,284,183	

Authority: Title 32.1, Chapters 9 and 10, Code of Virginia; P.L. 89-97, as amended, Titles XIX and XXI, Social Security Act, Federal Code.

A.1.a. Notwithstanding any other provision of law, by November 1 of each year, the Department of Medical Assistance Services (DMAS) shall prepare and submit a forecast of Medicaid expenditures, upon which the Governor's budget recommendations will be based, for the current and subsequent two years to the Director, Department of Planning and Budget (DPB) and the Chairmen of the House Appropriations and Senate Finance Committees.

b. The forecast shall be based on current state and federal laws and regulations.

c. The forecast shall reflect only expenditures for medical services provided in Program 45600 and shall exclude service area 45607 and administrative expenditures.

d. Rebasings and inflation estimates that are required by existing law or regulation for any Medicaid provider shall be included in the forecast.

e. The forecast shall include a projection of the increases or decreases in managed care

ITEM 317.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
	costs, including the rates that will be reflected in the upcoming July 1 contracts as well as changes in managed care rates for a three-year period including the current year.			
	f. In preparing for each year's forecast of the managed care portions of the budget, DMAS shall submit to its actuarial contractor a letter of request, with a copy sent to the Director, DPB and the Chairmen of the House Appropriations and Senate Finance Committees. This letter shall document the department's request for a point estimate of managed care rates and changes in rates, based on the application of actuarial principals and methodologies and information available at the time of the forecast. The letter also shall require that the contractor reflect the years being forecasted, and shall specify the population groupings for which estimates are requested. The department shall request that the contractor reply in writing with a copy to all parties copied on the department's letter of request.			
	2. In addition to the November 1 forecast submission, DMAS shall provide: 1) a separate accounting of forecasted expenditures by caseload/utilization, inflation and policy changes; and 2) an enrollment forecast for the same period of the forecast.			
	3. In the development and execution of the official forecast, DMAS shall collaborate with staff from the Department of Planning and Budget (DPB), House Appropriations Committee and Senate Finance Committee. Further, DMAS shall consult with DPB and money committee staff throughout the year, as necessary, to review any issues that may influence the current or upcoming forecasts. Upon request from such staff, DMAS shall provide the information necessary to evaluate factors that may affect the Medicaid forecast; including, but not limited to, program utilization, enrollment, lump sum payments, and rate changes. At a minimum, DMAS shall provide such staff with program updates within 30 days after the end of each General Assembly session and fiscal year. By October 15 of each year, DMAS shall make a preliminary forecast of Medicaid expenditures available for review to staff from DPB and the House Appropriations and Senate Finance committees. DMAS shall consider feedback generated from this review in the official November 1 forecast.			
	B.1. The Department of Medical Assistance Services (DMAS) shall submit monthly expenditure reports of the Medicaid program by service that shall compare expenditures to the official Medicaid forecast, adjusted to reflect budget actions from each General Assembly Session. The monthly report shall be submitted to the Department of Planning and Budget and the Chairmen of the House Appropriations and Senate Finance Committees within 20 days after the end of each month.			
	2. The Department of Medical Assistance Services shall prepare a quarterly report summarizing managed care expenditures by program and service category through the most recent quarter with three months of runout. The report shall summarize the data by service date for each quarter in the current fiscal year and the previous two fiscal years and update prior quarter expenditures. The department shall publish the report on the department's website no later than 30 days after the end of each quarter and shall notify the Department of Planning and Budget and the Chairmen of the House Appropriations and Senate Finance and Appropriations Committees.			
	3. The Department of Medical Assistance Services shall track expenditures for the prior fiscal year that ended on June 30, that includes the expenditures associated with changes in services and eligibility made in the Medicaid and FAMIS programs adopted by the General Assembly in the past session(s). Expenditures related to changes in services and eligibility adopted in a General Assembly Session shall be included in the report for five fiscal years beginning from the first year the policy impacted expenditures in the Medicaid and FAMIS programs. The department shall report the expenditures of each funding change separately and show the impact by fiscal year. The report shall be submitted to the Department of Planning and Budget and the Chairmen of the House Appropriations and Senate Finance Committees by October 1 of each year.			
	4. The Department of Medical Assistance Services shall convene a meeting each quarter with the Secretary of Finance, Secretary of Health and Human Resources, or their designees, and appropriate staff from the Department of Planning and Budget, House Appropriations and Senate Finance and Appropriations Committees, and Joint Legislative Audit and Review Commission to explain any material differences in expenditures compared to the official Medicaid forecast, adjusted to reflect budget actions from each General Assembly Session. The main purpose of each meeting shall be to review and discuss the most recent Medicaid			

ITEM 317.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022

expenditures to determine the program's financial status. If necessary, the department shall provide options to bring expenditures in line with available resources. At each quarterly meeting, the department shall provide an update on any changes to the managed care programs, or contracts with managed care organizations, that includes detailed information and analysis on any such changes that may have an impact on the capitation rates or overall fiscal impact of the programs, including changes that may result in savings. In addition, the department shall report on utilization and other trends in the managed care programs. During each fiscal year, the meetings for each quarter shall be held in July, October, December, and April to review the previous three month period.

C. The Department of Medical Assistance Services shall report a detailed accounting, annually, of the agency's organization and operations. This report shall include an organizational chart that shows all full- and part-time positions (by job title) employed by the agency as well as the current management structure and unit responsibilities. The report shall also provide a summary of organization changes implemented over the previous year. The report shall be made available on the department's website by August 15 of each year.

D. The Department of Medical Assistance Services shall, within 15 days of receiving a deferral of federal grant funds, or release of a deferral, or a disallowance letter, notify the Director, Department of Planning and Budget, and the Chairmen of the House Appropriations and Senate Finance Committees of such deferral action or disallowance. The notice shall include the amount of the deferral or disallowance and a detailed explanation of the federal rationale for the action. Any federal documentation received by the department shall be attached to the notification.

E.1. It is the intent of the General Assembly that the Department of Medical Assistance Services provide more data regarding Medicaid and other programs operated by the department on their public website. The department shall create a central website that consolidates data and statistical information to make the information more readily available to the general public. At a minimum the information included on such website shall include monthly enrollment data, expenditures by service, and other relevant data.

2. No later than June 30, 2018, the department shall make Medicaid and other agency data stored in the agency's data warehouse available through the department's website that includes, at a minimum, interactive tools for the user to select, display, manipulate and export requested data.

F. The Department of Medical Assistance Services shall notify the Director, Department of Planning and Budget, and the Chairmen of the House Appropriations and Senate Finance Committees at least 30 days prior to any change in capitated rates for managed care companies. The notification shall include the amount of the rate increase or decrease, and the projected impact on the state budget.

G.1. Effective January 1, 2018, the Department of Medical Assistance Services shall include in all its contracts with managed care organizations (MCOs) the following:

a. A provision requiring the MCOs to return one-half of the underwriting gain in excess of three percent of Medicaid premium income up to 10 percent. The MCOs shall return 100 percent of the underwriting gain above 10 percent.

b. A requirement for detailed financial and utilization reporting. The reported data shall include: (i) income statements that show expenses by service category; (ii) balance sheets; (iii) information about related-party transactions; and (iv) information on service utilization metrics.

c. Upon the inclusion of behavioral health care in managed care, behavioral health-specific metrics to identify undesirable trends in service utilization.

d. Upon the inclusion of behavioral health care in managed care, a report on their policies and processes for identifying behavioral health providers who provide inappropriate services and the number of such providers that are disenrolled.

2. For rate periods effective January 1, 2018 and thereafter, the Department of Medical Assistance Services shall direct its actuary as part of the rate setting process to:

ITEM 317.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
a. Identify potential inefficiencies in the Medallion program and adjust capitation rates for expected efficiencies. The department is authorized to phase-in this adjustment over time based on the portion of identified inefficiencies that MCOs can reasonably reduce each year.				
b. Monitor medical spending for related-party arrangements and adjust historical medical spending when deemed necessary to ensure that capitation rates do not cover excessively high spending as compared to benchmarks. Related-party arrangements shall mean those in which there is common ownership or control between the entities, and shall not include Medicaid payments otherwise authorized in this Item.				
c. Adjust capitation rates in the Medallion program to account for a portion of expected savings from required initiatives.				
d. Allow negative historical trends in medical spending to be carried forward when setting capitation rates.				
e. Annually rebase administrative expenses per member per month for projected enrollment changes.				
f. Annually incorporate findings on unallowable administrative expenses from audits of MCOs into its calculations of underwriting gain and administrative loss ratios for the purposes of ongoing financial monitoring, including enforcement of the underwriting gain cap.				
g. Adjust calculations of underwriting gain and medical loss ratio by classifying as profit medical spending that is excessively high due to related-party arrangements.				
3. The Department of Medical Assistance Services shall report to the General Assembly on spending and utilization trends within Medicaid managed care, with detailed population and service information and include an analysis and report on the underlying reasons for these trends, the agency's and MCOs' initiatives to address undesirable trends, and the impact of those initiatives. The report shall be submitted each year by September 1.				
4. The Department of Medical Assistance Services shall develop a proposal for cost sharing requirements based on family income for individuals eligible for long-term services and supports through the optional 300 percent of Supplemental Security Income eligibility category and submit the proposal to the Centers for Medicare and Medicaid Services to determine if such a proposal is feasible. No cost sharing requirements shall be implemented unless approved by the General Assembly.				
H. The Department of Medical Assistance Services, to the extent permissible under federal law, shall enter into an agreement with the Department of Behavioral Health and Developmental Services to share Medicaid claims and expenditure data on all Medicaid-reimbursed mental health, intellectual disability and substance abuse services, and any new or expanded mental health, intellectual disability retardation and substance abuse services that are covered by the State Plan for Medical Assistance. The information shall be used to increase the effective and efficient delivery of publicly funded mental health, intellectual disability and substance abuse services.				
I. The Department of Medical Assistance Services, in collaboration with the Department of Behavioral Health and Developmental Services, shall convene a stakeholder workgroup, to meet at least once annually, with representatives of the Virginia Association of Community Services Boards, the Virginia Network of Private Providers, the Virginia Association of Centers for Independent Living, Virginia Association of Community Rehabilitation Programs (VaACCSES), the disAbility Law Center of Virginia, the ARC of Virginia, and other stakeholders including representative family members, as deemed appropriate by the Department of Medical Assistance Services. The workgroup shall: (i) review data from the previous year on the distribution of the SIS levels and tiers by region and by waiver; (ii) review the process, information considered, scoring, and calculations used to assign individuals to their levels and reimbursement tiers; (iii) review the communication which informs individuals, families, providers, case managers and other appropriate parties about the SIS tool, the administration, and the opportunities for review to ensure transparency; and (iv) review other information as deemed necessary by the workgroup. The department shall report on the results and recommendations of the workgroup to the General Assembly by October 1 of each year.				

ITEM 317.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022

J. The Department of Medical Assistance Services (DMAS) shall collect and provide to the Office of Children's Services (OCS) all information and data necessary to ensure the continued collection of local matching dollars associated with payments for Medicaid eligible services provided to children through the Children's Services Act as required in Item 292, C.2. of this Act. This information and data shall be collected by DMAS and provided to OCS on a monthly basis.

K. The Departments of Medical Assistance Services (DMAS) and Social Services (DSS) shall collaborate with the League of Social Services Executives, and other stakeholders to analyze and report data that demonstrates the accuracy, efficiency, compliance, quality of customer service, and timeliness of determining eligibility for the Medicaid, CHIP and Governor's Access Program (GAP) programs. Based on this collaboration, the departments shall develop meaningful performance metrics on data in agency systems that shall be used to monitor eligibility trends, address potential compliance problem areas and implement best practices. DMAS shall maintain on its website a public dashboard on eligibility performance that includes performance metrics developed through collaborative efforts as well as the performance of local departments of social services and any centralized eligibility-processing unit. Effective August 1, 2018 this dashboard shall be updated for the previous quarter and 30 days following the end of each quarter thereafter.

L. In addition to any regional offices that may be located across the Commonwealth, any statewide, centralized call center facility that operates in conjunction with a brokerage transportation program for persons enrolled in Medicaid or the Family Access to Medical Insurance Security plan shall be located in Norton, Virginia.

M. The Department of Medical Assistance Services shall, to the extent possible, require web-based electronic submission of provider enrollment applications, revalidations and other related documents necessary for participation in the fee-for-service program under the State Plans for Title XIX and XXI of the Social Security Act.

N. The Department of Medical Assistance Services, in collaboration with the Department of Social Services, shall require Medicaid eligibility workers to search for unreported assets at the time of initial eligibility determination and renewal, using all currently available sources of electronic data, including local real estate property databases and the Department of Motor Vehicles for all Medicaid applicants and recipients whose assets are subject to an asset limit under Medicaid eligibility requirements.

O.1. The Department of Medical Assistance Services shall require eligibility workers to verify income, using currently available Virginia Employment Commission data, for applicants and recipients who report no earned or unearned income. The Department shall, at the earliest date feasible but no later than October 1, 2017, require all Medicaid eligibility workers to apply the same protocols when verifying income for all applicants and recipients, including those who report no earned or unearned income.

2. The Department shall amend the Virginia Medicaid application, upon approval of the federal Centers for Medicare and Medicaid, to require a Medicaid applicant to opt out if such applicant does not want to grant permission to the state to use his federal tax returns for the purposes of renewing eligibility. The Department shall implement the necessary regulatory changes and other necessary measures to be consistent with federal approval of any appropriate state plan changes, and prior to the completion of any regulatory process undertaken in order to effect such change.

P.1. The Department of Medical Assistance Services shall report on the operations and costs of the Medicaid call center (also known as the Cover Virginia Call Center). This report shall include number of calls received on a monthly basis, the purpose of the call, the number of applications for Medicaid submitted through the call center, and the costs of the contract. The department shall submit the report by August 15 of each year to the Director, Department of Planning and Budget and the Chairmen of the House Appropriations and Senate Finance Committees.

2. Out of this appropriation, \$3,283,004 the first year and \$3,283,004 the second year from the general fund and \$9,839,000 the first year and \$9,839,000 the second year from nongeneral funds is provided for the enhanced operation of the Cover Virginia Call Center as a centralized eligibility processing unit (CPU) that shall be limited to processing

ITEM 317.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<p>Medicaid applications received from the Federally Facilitated Marketplace, telephonic applications through the call center, or electronically submitted Medicaid-only applications. The department shall report the number of applications processed on a monthly basis and payments made to the contractor to the Director, Department of Planning and Budget and the Chairman of the House Appropriations and Senate Finance Committees. The report shall be submitted no later than 30 days after the end of each quarter of the fiscal year.</p>				
<p>Q.1. Out of this appropriation, \$5,835,000 the first year and \$5,835,000 the second year from the general fund and \$52,515,000 the first year and \$52,515,000 the second year from nongeneral funds shall be provided to replace the Medicaid Management Information System.</p>				
<p>2. Within 30 days of awarding a contract or contracts related to the replacement project, the Department of Medical Assistance Services shall provide the Chairmen of the House Appropriations and Senate Finance Committees, and the Director, Department of Planning and Budget, with a copy of the contract including costs.</p>				
<p>3. Beginning July 1, 2016, the Department of Medical Assistance Services shall provide annual progress reports that must include a current project summary, implementation status, accounting of project expenditures and future milestones. All reports shall be submitted to the Chairmen of House Appropriations and Senate Finance Committees, and Director, Department of Planning and Budget.</p>				
<p>R.1. Out of this appropriation, \$1,995,000 the first year and \$2,985,000 the second year from special funds is appropriated to the Department of Medical Assistance Services (DMAS) for the disbursement of civil money penalties (CMP) levied against and collected from Medicaid nursing facilities for violations of rules identified during survey and certification as required by federal law and regulation. Based on the nature and seriousness of the deficiency, the Agency or the Centers for Medicare and Medicaid Services may impose a civil money penalty, consistent with the severity of the violations, for the number of days a facility is not in substantial compliance with the facility's Medicaid participation agreement. Civil money penalties collected by the Commonwealth must be applied to the protection of the health or property of residents of nursing facilities found to be deficient. Penalties collected are to be used for (1) the payment of costs incurred by the Commonwealth for relocating residents to other facilities; (2) payment of costs incurred by the Commonwealth related to operation of the facility pending correction of the deficiency or closure of the facility; and (3) reimbursement of residents for personal funds or property lost at a facility as a result of actions by the facility or individuals used by the facility to provide services to residents. These funds are to be administered in accordance with the revised federal regulations and law, 42 CFR 488.400 and the Social Security Act § 1919(h), for Enforcement of Compliance for Long-Term Care Facilities with Deficiencies. Any special fund revenue received for this purpose, but unexpended at the end of the fiscal year, shall remain in the fund for use in accordance with this provision.</p>				
<p>2. Of the amounts appropriated in R.1. of this Item, up to \$175,000 the first year and \$175,000 the second year from special funds may be used for the costs associated with administering CMP funds.</p>				
<p>3. Of the amounts appropriated in R.1. of this Item, up to \$1,320,000 the first year and \$2,310,000 the second year from the special funds may be used for special projects that benefit residents and improve the quality of nursing Facilities.</p>				
<p>4. By October 1 of each year, the department shall provide an annual report of the previous fiscal year that includes the amount of revenue collected and spending activities to the Chairmen of the House Appropriations and Senate Finance Committees and the Director, Department of Planning and Budget.</p>				
<p>5. No spending or activity authorized under the provisions of paragraph R. of this Item shall necessitate general fund spending or require future obligations to the Commonwealth.</p>				
<p>6. The department shall maintain CMP special fund balance of at least \$1.0 million to address emergency situations in Virginia's nursing facilities.</p>				
<p>S. Out of this appropriation, \$100,000 the first year and \$100,000 the second year from the general fund shall be provided to contract with the Virginia Center for Health Innovation for research, development and tracking of innovative approaches to healthcare delivery.</p>				

ITEM 317.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022

T. The Director, the Department of Medical Assistance Services, shall include language in all managed care contracts, for all department programming, requiring the plan sponsor to report quarterly to the department for all pharmacy claims; the amount paid to the pharmacy provider per claim, including but not limited to cost of drug reimbursement; dispensing fees; copayments; and the amount charged to the plan sponsor for each claim by its pharmacy benefit manager. In the event there is a difference between these amounts, the plan sponsor shall report an itemization of all administrative fees, rebates, or processing charges associated with the claim. All data and information provided by the plan sponsor shall be kept secure; and notwithstanding any other provision of law, the department shall maintain the confidentiality of the proprietary information and not share or disclose the proprietary information contained in the report or data collected with persons outside the department. Only those department employees involved in collecting, securing and analyzing the data for the purpose of preparing the report shall have access to the proprietary data. The department shall annually provide a report using aggregated data only to the Chairmen of the House Appropriations and Senate Finance Committees on the implementation of this initiative and its impact on program expenditures by October 1 of each year. Nothing in the report shall contain confidential or proprietary information.

U. The Department of Medical Assistance Services shall, prior to the end of each fiscal quarter, determine and properly reflect in the accounting system whether pharmacy rebates received in the quarter are related to fee-for-service or managed care expenditures and whether or not the rebates are prior year recoveries or expenditure refunds for the current year. All pharmacy rebates for the quarter determined to be prior year revenue shall be deposited to the Virginia Health Care Fund before the end of the fiscal quarter. The department shall create and use a separate revenue source code to account for pharmacy rebates in the Virginia Health Care Fund.

V.1. Effective with the development of the 2020-2022 biennium, it is the intent of the General Assembly that there is hereby established an annual Medicaid state spending target for each fiscal year. The Joint Subcommittee for Health and Human Resources Oversight shall establish the annual target by September 15 of each year for the following two fiscal years. The target shall take into account the following: a 10-year rolling average of Medicaid expenditures by eligibility category and utilization of services, a 20-year rolling average of general fund revenue growth, and for policy decisions adopted by General Assembly during the previous Session which impact Medicaid spending.

2. In the event of an economic recession, the Joint Subcommittee may take into consideration enrollment and spending trends experienced during previous recessions in establishing the targets.

3. It is the intent of the General Assembly that the Governor abide by the spending target for Medicaid state spending, as established by the Joint Subcommittee, in developing the introduced budget each year and shall notify the Chairmen of the House Appropriations and Senate Finance Committees in the event the target cannot be met, along with the reason it cannot be met.

W. The Department of Medical Assistance Services, in collaboration with the Department of Social Services, shall provide data by the first day of each month, to each managed care organization, that includes the renewal dates for each member enrolled in their plan that will occur in the next 60 days. The department shall work with the managed care organizations to develop processes to reduce the number of renewals lapsing each year for Medicaid and Family Access to Insurance Security (FAMIS) enrollees.

X. Out of this appropriation, \$87,500 the first year and \$87,500 the second year from the general fund and \$262,500 the first year and \$262,500 second year from nongeneral funds shall be provided for support of the All Payer Claims Database operated by Virginia Health Information. This appropriation is contingent on federal approval of an Operational Advanced Planning Document.

Y. The Department of Medical Assistance Services shall conduct a fiscal analysis of the provisions of House Bill 1428 / Senate Bill 732 passed in the 2020 Session that creates the Virginia Health Benefits Exchange and requires the department to affirm using income tax data from the Department of Taxation if the individual or a dependent meets the income

ITEM 317.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022
	<p>eligibility for its medical assistance programs. The department shall report to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees by September 15, 2020, on the fiscal impact to the department of that provision.</p>			
	<p>Z. Out of this appropriation, \$507,500 the first year and \$373,000 the second year from the general fund and \$776,500 the first year and \$373,000 the second year from nongeneral funds shall be provided to fund the administrative costs for the department's fiscal and employer agent and managed care organizations due to exempting live-in caretakers from the electronic visit verification requirement.</p>			
	<p>AA. The Department of Medical Assistance Services and the Department of Social Services shall establish, by no later than July 1, 2021, a single phone number for the Cover Virginia call center and the call center operated by Department of Social Services such that the call is routed to the appropriate call center.</p>			
	<p>BB. Out of this appropriation, \$875,000 from the general fund and \$1,625,000 from nongeneral funds the second year is provided for the Department of Medical Assistance Services to amend the State Plan and any waivers under Title XXI to fund \$2,500,000 the second year for three Poison Control centers serving Virginia as part of a Health Services Initiative. The department shall have the authority to promulgate emergency regulations to implement these amendments within 280 days or less from the enactment of this act.</p>			
	<p>CC. Out of this appropriation, \$300,000 from the general fund and \$300,000 from nongeneral funds the first year is provided to the Department of Medical Assistance Services to contract with a consultant with expertise in health care rate setting to thoroughly analyze current Medicaid rates for services likely impacted by an increase in the state minimum wage. The consultant shall take into account the timeline of future minimum wage rate increases consistent with state law and analyze such impact on various Medicaid providers and their ability to serve Medicaid enrollees. The consultant shall develop recommendations that may include benchmark rates or rate ranges that will better inform the General Assembly on potential rate changes in the future. The department shall report the findings and recommendations of the consultant to the Department of Planning and Budget, and the Chairs of the House Appropriations and Senate Finance and Appropriations Committees by December 1, 2020.</p>			
	<p>DD. Notwithstanding any other provision of law, the Department of Medical Assistance Services (DMAS) shall have temporary authority to seek any necessary emergency changes to the State Plan for Medical Assistance Services and related waivers to address the COVID-19 pandemic. In addition, DMAS is authorized to make changes to managed care organization (MCO) contracts consistent with the activities implemented under the provisions of this paragraph. Further, the 45-day notification requirement pursuant to paragraph E.1. of Item 313 is temporarily waived. Prior to the implementation of any change authorized under the provisions of this paragraph, DMAS must receive written approval of such change from the Governor. Within 15 days of implementing changes to medical assistance programs or MCO contracts in response to COVID-19, DMAS shall send a list of such actions to the Director, Department of Planning and Budget and the Chairs of the House Appropriations and Senate Finance and Appropriations Committees. The provisions of this paragraph, as well as all actions implemented under its authority, shall be in accordance with the Governor's Declaration of a State of Emergency due to COVID-19 and be in effect for the period specified therein. Moreover, the provisions of this paragraph and all actions implemented under its authority shall expire with the Governor's emergency declaration.</p>			
	<p>EE. Notwithstanding any other provision of law, the Department of Medical Assistance Services (DMAS) shall have the authority to adjust the date of any agency payments should doing so allow the agency to maximize federal reimbursement. This language shall only apply to the extent that any impacted payments or reimbursements are allowable and appropriate under state and federal rules.</p>			
	<p>FF. Within 10 days of the enactment of this Act, the Department of Medical Assistance Services (DMAS) shall generate an estimate of the annual impact of enhanced federal Medical Assistance Percentages (FMAP), associated with federal H.R. 6021, the Families First Coronavirus Response Act (FFCRA), on all medical assistance programs as appropriated in this Act. The agency shall report these estimates by fiscal year, fiscal quarter, service area and fund detail, to the Department of Planning and Budget (DPB) and the Chairs of the House</p>			

ITEM 317.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022

Appropriations and Senate Finance and Appropriation Committees within the required timeframe. DPB is authorized to unallot an amount of state funds equal to the general fund savings identified in the DMAS report. Upon expiration of the enhanced FMAP, DPB is authorized to re-allot funding for those quarters for which assumed enhanced FMAP is not available.

317.10 Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted.

	FY 2021	FY 2022
Supplemental Payments for Children's National Medical Center	\$354,766	\$354,766
Fund Managed Care Contract Changes	\$812,600	\$1,014,350
Increase Medicaid Rates for Anesthesiologists	\$253,376	\$262,491
Increase Payment Rate by 9.5% for Nursing Homes with Special Populations	\$493,097	\$506,903
Increase mental health provider rates	\$2,374,698	\$2,458,479
Add 250 DD Waiver Slots in FY 2022	\$0	\$4,133,500
Modify Nursing Facility Operating Rates at Four Facilities	\$733,303	\$754,247
Increase Medicaid Nursing Facility Reimbursement	\$6,794,541	\$6,984,788
Implement episodic payment models for certain conditions	\$75,957	\$124,707
Increase DD Waiver Provider Rates Using Updated Data	\$21,395,221	\$22,037,077
Increase Developmental Disability (DD) waiver rates	\$3,639,663	\$3,748,853
Increase rates for skilled and private duty nursing services	\$6,245,286	\$6,245,286
Provide care coordination prior to release from incarceration	\$347,803	\$465,440
Increase Rates for Psychiatric Residential Treatment Facilities	\$7,599,696	\$7,599,696
Medicaid Rate Setting Analysis	\$300,000	\$0
Add Medicaid Adult Dental Benefits	\$8,743,420	\$25,304,935
Allow Overtime for Personal Care Attendants	\$9,609,223	\$9,609,223
Expand opioid treatment services	\$421,476	\$1,273,633
Medicaid MCO Reimbursement for Durable Medical Equipment	\$345,621	\$352,534
Modify Capital Reimbursement for Certain Nursing Facilities	\$119,955	\$119,955

ITEM 317.10.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Allow FAMIS MOMS to access substance use disorder treatment in an institution for mental disease		\$307,500		\$356,775
Fund home visiting services		\$0		\$11,750,159
Fund costs of Medicaid-reimbursable STEP-VA services		\$486,951		\$2,293,826
Extend FAMIS MOMS' postpartum coverage to 12 months		\$1,114,936		\$2,116,376
Enhance behavioral health services		\$3,028,038		\$10,273,553
Medicaid Works for Individuals with Disabilities		\$114,419		\$228,838
Exempt Live-in Caretakers from EVV Program		\$507,500		\$373,000
Expand Tobacco Cessation Coverage		\$34,718		\$34,718
Adjust medical residency award language		\$1,350,000		\$2,600,000
Increase Rate for Adult Day Health Care		\$796,755		\$833,109
Eliminate 40 quarter work requirement for legal permanent residents		\$1,172,091		\$3,289,890
Agency Total		\$79,572,610		\$127,501,107
Total for Department of Medical Assistance Services.			\$16,837,588,064	\$17,981,096,468
General Fund Positions.....	260.02	260.02		
Nongeneral Fund Positions.....	269.98	269.98		
Position Level.....	530.00	530.00		
Fund Sources: General.....	\$5,374,833,685	\$5,741,826,660		
Special.....	\$2,585,000	\$3,575,000		
Dedicated Special Revenue.....	\$1,349,813,042	\$1,422,956,718		
Federal Trust.....	\$10,110,356,337	\$10,812,738,090		

§ 1-97. DEPARTMENT OF BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES (720)

318.	Regulation of Public Facilities and Services (56100)..			\$5,373,153	\$5,373,153
	Regulation of Health Care Service Providers (56103).	\$5,373,153	\$5,373,153		
	Fund Sources: General.....	\$4,803,627	\$4,803,627		
	Special.....	\$156,584	\$156,584		
	Federal Trust.....	\$412,942	\$412,942		

Authority: Title 37.2, Chapter 4, Code of Virginia.

A. The department shall post on its Web site information concerning (i) any application for initial licensure of or renewal of a license, denial of an application for an initial license or renewal of a license, or issuance of provisional licensure of for any residential facility for children located in the locality and (ii) all inspections and investigations of any residential facility for children licensed by the department, including copies of any reports of such inspections or investigations. Information concerning inspections and investigations of residential facilities for children shall be posted on the department's Web site within seven days of the issuance of any report and shall be maintained on the department's website for a period of at least six years from the date on which the report of the inspection or investigation was issued.

B. The Department of Behavioral Health and Developmental Services shall have the authority to promulgate emergency regulations to: i) ensure that licensing regulations support high quality community-based mental health services and align with the changes being made to the Medicaid behavioral health regulations for the services funded in this Act that support evidence-based, trauma-informed, prevention-focused and cost-effective services for members across the lifespan; and ii) amend the licensing regulations to align with the American Society of Addiction Medicine Levels of Care Criteria or an equivalent set of criteria into substance use licensing regulations to ensure the provision of outcome-oriented

ITEM 318.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022

and strengths-based care in the treatment of addiction. The department shall seek input from the Department of Medical Assistance Services and other stakeholders to align with the implementation plan for changes being made to the Medicaid behavioral health regulations. To implement these changes, the Department of Behavioral Health and Developmental Services shall promulgate emergency regulations to become effective within 280 days or less from the enactment of this Act

C.1. In order to minimize the risk of exposure to infectious diseases and to protect individuals served by licensed providers as well as provider and department staff, the department, at its discretion, may conduct less than one annual unannounced inspection of each service offered by each licensed provider during the 2020 calendar year. The department shall prioritize, based on available time and necessary safety precautions, annual unannounced inspections at licensed services directly affected by the Commonwealth’s settlement agreement with the United States Department of Justice.

2. Notwithstanding § 37.2-415, Code of Virginia, and regulations 12VAC35-105-50A.1.b and 12VAC35-46-90.A, the Commissioner of the Department of Behavioral Health and Developmental Services or any authorized agent may extend the period of any conditional license issued by the department beyond twelve months, until December 31, 2020.

3. During a state of emergency as declared by the Governor, the Commissioner of the Department of Behavioral Health and Developmental Services may issue licensing status letters to children’s residential providers in order to prevent lapse of children’s residential licenses due to inability to conduct an onsite inspection, and may extend the renewal period of licensed children’s residential services.

319. A. It is the intent of the General Assembly that the Department of Behavioral Health and Developmental Services proceed in transforming its system of care into a model that embodies best practices and state-of-the art services. The consumer-driven system of services and supports shall promote self-determination, empowerment, recovery, resilience, health, and the highest possible level of consumer participation in all aspects of community life. The transformed system shall include investments in a suitable array and adequate quantity of community-based services, with an emphasis on consumer choice and the appropriate use of facility resources. State facilities shall be redesigned to ensure high quality care, efficient operation, and capacity necessary for persons most in need of such care. Amounts authorized herein, and in related legislation, shall be used to support the transformation of the system of care and to promote the provision of behavioral health and developmental services in the most efficient and appropriate setting. The Department of Behavioral Health and Developmental Services may consider the use of public-private partnerships to deliver behavioral health and intellectual disability services as part of the comprehensive behavioral health and intellectual disability system of care, in facilities that are being planned for renovation or replacement. These partnerships may include contracts with private entities for facility operations, unless the Department of Behavioral Health and Developmental Services can demonstrate that continued state operation of the facility is at least as cost effective and provides at least an equivalent or higher level quality care than operation by a private entity.

B. Notwithstanding any law to the contrary, on July 1, of each year, the State Comptroller shall transfer to the general fund any special revenue fund balance accumulated by the Department of Behavioral Health and Developmental Services in excess of \$25,000,000. Any special fund revenue allotted for the implementation of electronic health records shall not be counted in the balance.

C.1. Notwithstanding §4-5.10, §4-5.09 of this Act and paragraph C. of § 2.2-1156, Code of Virginia, the Department of Behavioral Health and Developmental Services is hereby authorized to deposit the entire proceeds of the sales of surplus land at state-owned behavioral health and intellectual disability facilities into a revolving trust fund. The trust fund may initially be used for expenses associated with restructuring such facilities. Remaining proceeds after such expenses shall be dedicated to continuing services for current patients as facility services are restructured. Thereafter, the fund will be used to enhance services to individuals with mental illness, intellectual disability and substance abuse problems.

ITEM 319.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
2. Expenditures from the Behavioral Health and Developmental Services Trust Fund shall be subject to appropriation through an appropriations bill passed by the General Assembly.				
3. Any remaining balances in the Behavioral Health and Developmental Services Trust Fund shall be carried forward to the subsequent fiscal year.				
D. Any funds appropriated in this Act for the purpose of complying with the settlement agreement with the United States Department of Justice pursuant to civil action no: 3:12cv059-JAG that remain unspent at the end of the fiscal year may be carried forward into the subsequent fiscal year in order to continue implementation of the agreement's requirements.				
320. Administrative and Support Services (49900).....			\$123,177,138	\$110,597,199
General Management and Direction (49901).....	\$21,016,747	\$21,016,747		
Information Technology Services (49902).....	\$43,783,399	\$37,450,870		
Architectural and Engineering Services (49904).....	\$2,731,753	\$2,731,753		
Collection and Locator Services (49905).....	\$3,195,236	\$3,195,236		
Human Resources Services (49914).....	\$615,324	\$615,324		
Planning and Evaluation Services (49916).....	\$3,626	\$3,626		
Program Development and Coordination (49933).....	\$51,831,053	\$45,583,643		
Fund Sources: General.....	\$64,685,318	\$65,746,308		
Special.....	\$20,996,019	\$15,555,090		
Dedicated Special Revenue.....	\$8,200,000	\$0		
Federal Trust.....	\$29,295,801	\$29,295,801		

Authority: Title 16.1, Article 18, and Title 37.2, Chapters 2, 3, 4, 5, 6 and 7, and Title 2.2, Chapters 26 and 53 Code of Virginia; P.L. 102-119, Federal Code.

A. The Commissioner, Department of Behavioral Health and Developmental Services shall, at the beginning of each fiscal year, establish the current capacity for each facility within the system. When a facility becomes full, the commissioner or his designee shall give notice of the fact to all sheriffs.

B. The Commissioner, Department of Behavioral Health and Developmental Services shall work in conjunction with community services boards to develop and implement a graduated plan for the discharge of eligible facility clients to the greatest extent possible, utilizing savings generated from statewide gains in system efficiencies.

C. Notwithstanding § 4-5.09 of this act and paragraph C of § 2.2-1156, Code of Virginia, the Department of Behavioral Health and Developmental Services is hereby authorized to deposit the entire proceeds of the sales of surplus land at state-owned behavioral health and intellectual disability facilities into a revolving trust fund. The trust fund may initially be used for expenses associated with restructuring such facilities. Remaining proceeds after such expenses shall be dedicated to continuing services for current patients as facility services are restructured.

D. The Department of Behavioral Health and Developmental Services shall identify and create opportunities for public-private partnerships and develop the incentives necessary to establish and maintain an adequate supply of acute-care psychiatric beds for children and adolescents.

E. The Department of Behavioral Health and Developmental Services, in cooperation with the Department of Juvenile Justice, where appropriate, shall identify and create opportunities for public-private partnerships and develop the incentives necessary to establish and maintain an adequate supply of residential beds for the treatment of juveniles with behavioral health treatment needs, including those who are mentally retarded, aggressive, or sex offenders, and those juveniles who need short-term crisis stabilization but not psychiatric hospitalization.

F. Out of this appropriation, \$730,788 the first year and \$730,788 the second year from the general fund shall be provided for placement and restoration services for juveniles found to be incompetent to stand trial pursuant to Title 16.1, Chapter 11, Article 18, Code of Virginia.

G. Out of this appropriation, \$50,000 the first year and \$50,000 the second year from the

ITEM 320.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022

general fund shall be used to pay for legal and medical examinations needed for individuals living in the community and in need of guardianship services.

H.1. Out of this appropriation, \$554,975 the first year and \$554,975 the second year from the general fund shall be provided for clinical evaluations and court testimony for sexually violent predators who are being considered for release from state correctional facilities and who will be referred to the Clinical Review Committee for psycho-sexual evaluations prior to the state seeking civil commitment

2. Out of this appropriation, \$2,628,360 the first year and \$2,864,912 the second year from the general fund shall be provided for conditional release services, including treatment, and costs associated with contracting with Global Positioning System service to closely monitor the movements of individuals who are civilly committed to the sexually violent predator program but conditionally released as provided by the Department of Corrections, outlined in the Memorandum of Understanding between the two agencies and pursuant to §37.2-912 of the Code of Virginia.

I. Out of this appropriation, \$146,871 the first year and \$146,871 the second year from the general fund shall be used to operate a real-time reporting system for public and private acute psychiatric beds in the Commonwealth.

J. The Department of Behavioral Health and Developmental Services shall submit a report to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees no later than December 1 of each year for the preceding fiscal year that provides information on the operation of Virginia's publicly-funded behavioral health and developmental services system. The report shall include a brief narrative and data on the numbers of individuals receiving state facility services or CSB services, including purchased inpatient psychiatric services, the types and amounts of services received by these individuals, and CSB and state facility service capacities, staffing, revenues, and expenditures. The annual report also shall describe major new initiatives implemented during the past year and shall provide information on the accomplishment of systemic outcome and performance measures during the year.

K. Out of this appropriation, \$500,000 the first year and \$500,000 the second year from the general fund shall be used for a comprehensive statewide suicide prevention program. The Commissioner of the Department of Behavioral Health and Developmental Services, in collaboration with the Departments of Health, Education, Veterans Services, Aging and Rehabilitative Services, and other partners shall develop and implement a statewide program of public education, evidence-based training, health and behavioral health provider capacity-building, and related suicide prevention activity.

L.1. Beginning October 1, 2013, the Commissioner of the Department of Behavioral Health and Developmental Services shall provide quarterly reports to the House Appropriations and Senate Finance Committees on progress in implementing the plan to close state training centers and transition residents to the community. The reports shall provide the following information on each state training center: (i) the number of authorized representatives who have made decisions regarding the long-term type of placement for the resident they represent and the type of placement they have chosen; (ii) the number of authorized representatives who have not yet made such decisions; (iii) barriers to discharge; (iv) the general fund and nongeneral fund cost of the services provided to individuals transitioning from training centers; and (v) the use of increased Medicaid reimbursement for congregate residential services to meet exceptional needs of individuals transitioning from state training centers.

2. At least six months prior to the closure of a state intellectual disabilities training center, the Commissioner of Behavioral Health and Developmental Services shall complete a comprehensive survey of each individual residing in the facility slated for closure to determine the services and supports the individual will need to receive appropriate care in the community. The survey shall also determine the adequacy of the community to provide care and treatment for the individual, including but not limited to, the appropriateness of current provider rates, adequacy of waiver services, and availability of housing. The Commissioner shall report quarterly findings to the Governor and Chairmen of the House Appropriations and Senate Finance Committees.

ITEM 320.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
3. The department shall convene quarterly meetings with authorized representatives, families, and service providers in Health Planning Regions I, II, III and IV to provide a mechanism to (i) promote routine collaboration between families and authorized representatives, the department, community services boards, and private providers; (ii) ensure the successful transition of training center residents to the community; and (iii) gather input on Medicaid waiver redesign to better serve individuals with intellectual and developmental disability.				
4. In the event that provider capacity cannot meet the needs of individuals transitioning from training centers to the community, the department shall work with community services boards and private providers to explore the feasibility of developing (i) a limited number of small community group homes or intermediate care facilities to meet the needs of residents transitioning to the community, and/or (ii) a regional support center to provide specialty services to individuals with intellectual and developmental disabilities whose medical, dental, rehabilitative or other special needs cannot be met by community providers. The Commissioner shall report on these efforts to the House Appropriations and Senate Finance Committees as part of the quarterly report, pursuant to paragraph L.1.				
M. The Department of Behavioral Health and Developmental Services in collaboration with the Department of Medical Assistance Services shall provide a detailed report for each fiscal year on the budget, expenditures, and number of recipients for each specific intellectual disability (ID) and developmental disability (DD) service provided through the Medicaid program or other programs in the Department of Behavioral Health and Developmental Services. This report shall also include the overall budget and expenditures for the ID, DD and Day Support waivers separately. The Department of Medical Assistance Services shall provide the necessary information to the Department of Behavioral Health and Developmental Services 90 days after the end of each fiscal year. This information shall be published on the Department of Behavioral Health and Developmental Services' website within 120 days after the end of each fiscal year.				
N. Effective July 1, 2015, the Department of Behavioral Health and Developmental Services shall not charge any fee to Community Services Boards or private providers for use of the knowledge center, an on-line training system.				
O. Out of this appropriation, \$600,000 the first year and \$600,000 the second year from the general fund shall be used to provide mental health first aid training and certification to recognize and respond to mental or emotional distress. Funding shall be used to cover the cost of personnel dedicated to this activity, training, manuals, and certification for all those receiving the training.				
P. Out of this appropriation, \$752,170 the first year and \$752,170 the second year from the general fund is provided to establish community support teams responsible for the development and oversight of a continuum of integrated community settings for individuals leaving state hospitals.				
Q. The Department of Behavioral Health and Developmental Services and the Department of Medical Assistance Services shall recognize Certified Employment Support Professional (CESP) and Association of Community Rehabilitation Educators (ACRE) certifications in lieu of competency requirements for supported employment staff in the developmental disability Medicaid waiver programs to allow providers that are Department of Aging and Rehabilitative Services (DARS) vendors that hold a national three-year accreditation from the National Council on Accreditation of Rehabilitation Facilities (CARF) to be deemed qualified to meet employment competency requirements.				
R. The Department of General Services, in cooperation with the Department of Behavioral Health and Developmental Services, shall work with James City County to identify a minimum of 10 acres on the Eastern State Hospital site for the location of a new facility for Colonial Behavioral Health, which may or may not include a joint facility with Olde Towne Medical Center. The subject acres shall be transferred to James City County upon such terms and conditions as may be agreed to by the parties.				
S.1. The Department of Behavioral Health and Developmental Services for each fiscal year shall report the number of waiver slots, by waiver, that becomes available for reallocation during the year. In addition, the department shall report on the allocation of emergency waiver slots and reserve slots, which shall include how many slots were allocated in the year and for				

ITEM 320.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022

which waiver. The information on reserve slots shall indicate for which waiver the reserve slot was used and the waiver from which the individual moved that was granted the slot. Furthermore, the report shall show the allocations by each Community Services Board from new waiver slots, emergency slots and reserve slots for the year. The department shall submit this report for the prior fiscal year, ending June 30, by September 1 of each year.

2. The department shall report within 30 days after the close of each quarter, the number of new slots for the fiscal year that have been allocated by Community Services and of those how many are accessing services. The report shall be provided on the department's website.

T.1. Out of this appropriation, \$75,000 the first year and \$75,000 the second year from the general fund is provided for compensation to individuals who were involuntarily sterilized pursuant to the Virginia Eugenical Sterilization Act and who were living as of February 1, 2015. Any funds that are appropriated but remain unspent at the end of the fiscal year shall be carried forward into the subsequent fiscal year in order to provide compensation to individuals who qualify for compensation.

2. A claim may be submitted on behalf of an individual by a person lawfully authorized to act on the individual's behalf. A claim may be submitted by the estate of or personal representative of an individual who died on or after February 1, 2015.

3. Reimbursement shall be contingent on the individual or their representative providing appropriate documentation and information to certify the claim under guidelines established by the department.

4. Reimbursement per verified claim shall be \$25,000 and shall be contingent on funding being available, with disbursements being prioritized based on the date at which sufficient documentation is provided.

5. Should the funding provided in the paragraph be exhausted prior to the end of the fiscal year, the department may use available special fund revenue balances to provide compensation. The department shall report to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees on a quarterly basis on the number of additional individuals who have applied.

U. The Department of Behavioral Health and Development Services and the Department of Medical Assistance Services shall not implement the proposed individualized supports budget process for the Medicaid Community Living, Family and Individual Support and Building Independence Waiver programs without the explicit authorization of the General Assembly through legislation or authorizing budget language.

V. The Department of Behavioral Health and Developmental Services shall report on the allocation and funding for Programs of Assertive Community Treatment (PACT) in the Commonwealth. The report shall include information on the cost of each team, the cost per individual served and the cost effectiveness of each PACT in diverting individuals from state and local hospitalization and stabilizing individuals in the community. The department shall provide the report to the Chairmen of the House Appropriations and Senate Finance Committees by November 1, of each year.

W. The Department of Behavioral Health and Developmental Services shall work with the Fairfax-Falls Church Community Services Board, and the provider, to ensure that future openings for the Miller House in Falls Church allow residents of Falls Church, that have been allocated a developmental disability waiver slot, be given first choice in the Miller House, if the group home is appropriate to meet their needs. In addition, the department shall work with the Community Services Board and the City of Falls Church to explore options for establishing a special allocation within the Community Services Board allocation of waiver slots for Falls Church residents who are on the Priority One waiting list and could live in the Miller House when future openings occur in the group home.

X. The Department of Behavioral Health and Developmental Services shall lease 25 acres of land at Eastern State Hospital to Hope Family Village Corporation for one dollar for the development of a village of residence and common areas to create a culture of self-care and neighborly support for families and their loved ones impacted by serious mental

ITEM 320.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
illness. The department shall work with the Hope Family Village Corporation to identify a 25 acre plot of land that is suitable for the project.				
Y. The Department of Behavioral Health and Developmental Services shall report a detailed accounting, annually, of the agency's organization and operations. This report shall include an organizational chart that shows all full- and part-time positions (by job title) employed by the agency as well as the current management structure and unit responsibilities. The report shall also provide a summary of organization changes implemented over the previous year. The report shall be made available on the department's website by August 15, of each year.				
Z.1. A joint subcommittee of the House Appropriations and Senate Finance Committees, in collaboration with the Secretary of Health and Human Resources and the Department of Behavioral Health and Developmental Services, shall continue to monitor and review the status of the closure of Central Virginia Training Center. As part of this review process the joint subcommittee may evaluate options for those individuals in any remaining training centers with the most intensive medical and behavioral needs to determine the appropriate types of facility or residential settings necessary to ensure the care and safety of those residents is appropriately factored into the overall plan to transition to a more community-based system. In addition, the joint subcommittee may review any plans for the redesign of the Intellectual Disability, Developmental Disability and Day Support Waivers.				
2. To assist the joint subcommittee, the Department of Behavioral Health and Developmental Services shall provide a quarterly accounting of the costs to operate and maintain any remaining training centers at a level of detail as determined by the joint subcommittee. The quarterly reports for the first, second and third quarter shall be due to the joint subcommittee 20 days after the close of the quarter. The fourth quarter report shall be due on August 15 of each year.				
AA. Notwithstanding the provisions of the Acts of Assembly, Chapter 610, of the 2019 Session or any other provision of law, the Department of General Services is hereby authorized to sell, pursuant to § 2.2-1156, certain real property in Carroll County outside the town of Hillsville on which the former Southwestern Virginia Training Center was situated, subject to the following conditions: (1) the sale price shall be, at a minimum, an amount sufficient to fully cover any debt or other financial obligations currently on the property; (2) the purchaser shall be responsible for all transactional expenses associated with the transfer of the property; and (3) the sale shall be made to a health care company that agrees to use the property for the provision of health care services for a minimum of five years established through a deed restriction.				
BB. Included in this item is \$150,000 the first year and \$150,000 the second year from the general fund to support substance abuse treatment utilizing non-narcotic, long-acting, injectable prescription drug treatment regimens ("treatment") used in conjunction with drug treatment court programs. Such treatment may be utilized in approved drug treatment court programs. In allocating such funding, the department shall consider the rate of fatalities within the locality, whether a drug treatment court program is available and whether such program utilizes medication-assisted treatment. The drug treatment court programs utilizing this funding shall use these resources to support provider fees, counseling and patient monitoring for participants, and medication to participants in which the costs of treatment services would not otherwise be covered. The Department of Behavioral Health and Developmental Services shall submit a report to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees no later than December 1 of each year for the preceding fiscal year that provides information on the number of participants, the number of drug courts that utilized the funding and the number of treatments administered. Any adult drug treatment court that accesses this funding shall provide all necessary information to the Department of Behavioral Health and Developmental Services to prepare this report.				
CC.1. Out of this appropriation, \$7,500,000 the first year and \$7,500,000 the second year from the general fund is provided for the Department of Behavioral Health and Developmental Services (DBHDS) to pursue alternative inpatient options to state behavioral health hospital care through the establishment of two-year pilot projects that will reduce census pressures on state hospitals. Proposals shall be evaluated on: (i) the expected impact on state hospital bed use, including the impact on the extraordinary barrier list; (ii) the speed by which the project can become operational; (iii) the start-up and ongoing costs of the project; (iv) the sustainability of the project without the use of ongoing general funds; (v) the				

ITEM 320.	Item Details(\$)		Appropriations(\$)		
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022	
<p>alignment between the project target population and the population currently being admitted to state hospitals; and (vi) the applicant's history of success in meeting the needs of the target population. No project shall be allocated more than \$2.5 million each year. Projects may include public-private partnerships, to include contracts with private entities. The department shall give preference to projects that serve individuals who would otherwise be admitted to a state hospital operated by DBHDS, that can be rapidly implemented, and provide the best long-term outcomes for patients. Consideration may be given to regional projects addressing comprehensive psychiatric emergency services, complex medical and neuro-developmental needs of children and adolescents receiving inpatient behavioral health services, and addressing complex medical needs of adults receiving inpatient behavioral health services. Any unexpended balance in this appropriation on June 30, 2021, shall be reappropriated for this purpose in the next fiscal year to fund project costs.</p> <p>2. The department shall report quarterly on projects awarded with details on each project and its projected impact on the state behavioral health hospital census. The report shall be submitted to the Chairs of House Appropriations and Senate Finance and Appropriations Committees no later than 30 days after each quarter ends.</p> <p>3. Notwithstanding any other provision of law, the contracts DBHDS enters into pursuant to paragraph AA.1. shall be exempt from competition as otherwise required by the Virginia Public Procurement Act (§§ 2.2-4300 through 2.2-4377, Code of Virginia).</p> <p>DD. The Department of Behavioral Health and Developmental Services, in collaboration with the Department of General Services, shall establish a workgroup to inventory the department's vacant and surplus properties and buildings and develop a plan for the potential disposition of those properties. The plan shall include various cost options for the demolition of buildings, environmental remediation, options to fund bond defeasance costs, or other costs necessary to prepare the property to be sold or utilized for a different purpose. The workgroup shall initially focus on the Central Virginia Training Center in Madison Heights, vacant buildings at the Southwestern Virginia Mental Health Institute in Marion, and the previous Southern Virginia Training Center in Petersburg. The department shall submit the plan by November 15, 2020 to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees.</p> <p>EE. The Department of Behavioral Health and Developmental Services shall conduct a review of the Commonwealth's Sexually Violent Predator Program to examine programmatic and community options that could reduce the number of individuals that are committed to the Virginia Center for Behavioral Health. The department shall report on these options to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees by October 1, 2020.</p> <p>FF. The Department of Behavioral Health and Developmental Services shall develop a plan to convert Crisis Intervention Team Assessment Centers (CITACs) to 24-hour, seven-day operations and moving toward regional CITAC sites. This plan shall include the costs and recommended areas of the Commonwealth for at least three assessment centers in fiscal year 2022. The department shall submit the plan to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees by October 1, 2020.</p> <p>GG. The Department of Behavioral Health and Developmental Services is authorized to collaborate with the Children's Hospital of the King's Daughters (CHKD) to develop a memorandum of understanding (MOU) for dedicating a portion of the future bed capacity of a 60-bed mental health hospital at CHKD for use in providing treatment services to children or adolescents that may otherwise be admitted to the Commonwealth Center for Children and Adolescents (CCCA). The MOU should detail the priority populations that would be best served at CHKD and that assists the Commonwealth in reducing census pressure on CCCA. As part of the MOU the department and CHKD shall develop an estimated financial contribution for the potential benefit of such an arrangement to the Commonwealth. The department shall report on the details of the MOU to the Governor and the Chairs of the House Appropriations and Senate Finance and Appropriations Committees by November 1, 2020.</p>					
321.	Central Office Managed Community and Individual Health Services (44400).....			\$50,052,046	\$54,098,468

ITEM 321.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Individual and Developmental Disability Services (44401).....	\$8,955,115	\$5,901,537		
Mental Health Services (44402).....	\$39,246,931	\$46,346,931		
Substance Abuse Services (44403).....	\$1,850,000	\$1,850,000		
Fund Sources: General.....	\$47,052,046	\$54,098,468		
Dedicated Special Revenue.....	\$3,000,000	\$0		

Authority: Title 16.1, Article 18, and Title 37.2, Chapters 2, 3, 4, 5, 6 and 7, and Title 2.2, Chapters 26 and 53 Code of Virginia; P.L. 102-119, Federal Code.

A. Out of this appropriation, \$5,200,000 the first year and \$5,200,000 the second year from the general fund shall be used for Developmental Disability Health Support Networks in regions served, or previously served, by Southside Virginia Training Center, Central Virginia Training Center, Northern Virginia Training Center, and Southwestern Virginia Training Center.

B. Out of this appropriation, \$565,000 the first year and \$565,000 the second year from the general fund shall be used to provide community-based services to individuals transitioning from state training centers to community settings who are not eligible for Medicaid.

C.1. Out of this appropriation, \$11,448,000 the first year and \$16,448,000 the second year from the general fund shall be used to address census issues at state facilities by providing community-based services for those individuals determined clinically ready for discharge or for the diversion of admissions to state facilities by purchasing acute inpatient or community-based psychiatric services.

2. Out of this appropriation, \$2,500,000 the first year and \$2,500,000 the second year from the general fund is provided for the development or acquisition of clinically appropriate housing options to provide comprehensive community-based care for individuals in state hospitals who have complex and resource-intensive needs who have been clinically determined able to move from a hospital to a more integrated setting. In addition, \$250,000 the second year from the general fund is provided for a community support team to assist housing providers in addressing the complex needs of residents who have been discharged from state facilities or individuals who are at risk of institutionalization.

3. The Department of Behavioral Health and Developmental Services shall establish and facilitate a workgroup to review and make recommendations on the allocation and use of discharge assistance funding, including recommendations for creating the services and housing needed for individuals leaving state hospitals. The Department shall submit its recommendation to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees by November 1, 2020.

D. Out of this appropriation, \$4,500,000 the first year and \$4,500,000 the second year from the general fund shall be provided to the Department of Behavioral Health and Developmental Services to provide alternative transportation for adults and children under a temporary detention order. The department shall structure the contract to phase in the program over a three-year period such that in year three the contract will result in the provision of services statewide. The department shall report to the Governor and Chairmen of the House Appropriations and Senate Finance Committees on the effectiveness and outcomes of the program funding by October 1 of each year.

E. Out of this appropriation, \$5,454,388 the first year and \$5,454,388 the second year from the general fund shall be provided to the Department of Behavioral Health and Developmental Services to contract with the Virginia Mental Health Access Program to develop integrated mental health services for children.

F. Out of this appropriation, \$1,600,000 the first year and \$1,600,000 the second year from the general fund shall be used to purchase and distribute additional REVIVE! kits and associated doses of naloxone used to treat emergency cases of opioid overdose or suspected opioid overdose.

G. Out of this appropriation, \$6,300,000 in the first year and \$8,400,000 the second year from the general fund shall be used for additional capacity for children's acute inpatient care. The Department of Behavioral Health and Developmental Services shall pursue options for

ITEM 321.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
	alternative private settings for inpatient care for children who would otherwise be admitted to the Commonwealth Center for Children and Adolescents.			
	H. Out of this appropriation, \$3,000,000 the first year from the Behavioral Health and Developmental Services Trust Fund is provided for mobile dentistry, one-time crisis services, and the costs of necessary renovations to Hiram Davis Medical Center.			
	I. The Department of Behavioral Health and Developmental Services is authorized to accept unsolicited proposals from private providers to establish a pilot project for the purpose of acquiring clinically appropriate housing options for individuals on the Extraordinary Barriers List or to prevent unnecessary hospitalizations for appropriate individuals to address census issues at state facilities.			
	J. Out of this appropriation, \$150,000 the first year and \$150,000 the second year shall be provided for transportation costs from state behavioral health facilities to their homes after being discharged from such facility as a result from an admission under a Temporary Detention Order.			
	K. The Department of Behavioral Health and Developmental Services shall post its annual federal State Targeted Response Report and State Opioid Response (SOR) Report on its website no later than December 31 of each year. The report will describe the amount of any grants received from the Substance Abuse and Mental Health Services Administration as part of any State Opioid Response grant funding, and shall provide information on how the funds are distributed among programs, the number of individuals served if available, and any available outcome-based data specific to treatment engagement and impact on access.			
	L. Out of this appropriation, \$89,396 the first year and \$35,818 the second year from the general fund shall be provided to the Department of Behavioral Health and Developmental Services to contract with the Jewish Foundation for Group Homes to expand the Transitioning Youth program for individuals with developmental disability who are aging out and exiting the school system in Loudoun County.			
	M. Out of this appropriation, \$250,000 the first year and \$250,000 the second year is provided to make grants to members of the Virginia Association of Recovery Residences for recovery support services.			

321.10 Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted.

	FY 2021	FY 2022
Provide additional funds for the Virginia Mental Health Access Program	\$4,224,388	\$4,224,388
Provide funds for administrative costs of STEP-VA	\$726,807	\$1,222,908
Train workforce in preparation for behavioral health redesign	\$129,253	\$129,253
Jewish Foundation for Group Homes	\$89,396	\$35,818
Adverse childhood experiences initiative	\$143,260	\$143,260
Alternative transportation from state	\$150,000	\$150,000

ITEM 321.10.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
hospitals				
Increase funding for statewide discharge assistance plans	\$7,500,000			\$12,500,000
Provide grants to recovery residences	\$250,000			\$250,000
Pilot Programs for facility census reduction	\$7,500,000			\$7,500,000
Agency Total	\$20,713,104			\$26,155,627
Total for Department of Behavioral Health and Developmental Services.....			\$178,602,337	\$170,068,820
General Fund Positions.....	474.50	474.50		
Nongeneral Fund Positions.....	31.75	31.75		
Position Level.....	506.25	506.25		
Fund Sources: General.....	\$116,540,991	\$124,648,403		
Special.....	\$21,152,603	\$15,711,674		
Dedicated Special Revenue.....	\$11,200,000	\$0		
Federal Trust.....	\$29,708,743	\$29,708,743		

Grants to Localities (790)

322.	Financial Assistance for Health Services (44500).....			\$540,317,960	\$562,590,641
	Community Substance Abuse Services (44501).....	\$122,527,688	\$122,527,688		
	Community Mental Health Services (44506).....	\$318,733,256	\$338,381,297		
	Community Developmental Disability Services (44507).....	\$99,057,016	\$101,681,656		
	Fund Sources: General.....	\$446,517,960	\$472,590,641		
	Dedicated Special Revenue.....	\$3,800,000	\$0		
	Federal Trust.....	\$90,000,000	\$90,000,000		

Authority: Title 37.2, Chapters 5 and 6; Title 2.2, Chapter 53, Code of Virginia.

A. It is the intent of the General Assembly that community mental health, intellectual disability and substance abuse services are to be improved throughout the state. Funds provided in this Item shall not be used to supplant the funding effort provided by localities for services existing as of June 30, 1996.

B. Further, it is the intent of the General Assembly that funds appropriated for this Item may be used by Community Services Boards to purchase, develop, lease, or otherwise obtain, in accordance with §§ 37.2-504 and 37.2-605, Code of Virginia, real property necessary to the provision of residential services funded by this Item.

C. Out of the appropriation for this Item, funds are provided to Community Services Boards in an amount sufficient to reimburse the Virginia Housing Development Authority for principal and interest payments on residential projects for the mentally disabled financed by the Housing Authority.

D. The Department of Behavioral Health and Developmental Services shall make payments to the Community Services Boards from this Item in twenty-four equal semimonthly installments, except for necessary budget revisions or the operational phase-in of new programs.

E. Failure of a board to participate in Medicaid covered services and to meet all requirements for provider participation shall result in the termination of a like amount of state grant support.

F. Community Services Boards may establish a line of credit loan for up to three months' operating expenses to assure adequate cash flow.

G. Out of this appropriation \$190,000 the first year and \$190,000 the second year from the general fund shall be provided to Virginia Commonwealth University for the continued operation and expansion of the Virginia Autism Resource Center.

ITEM 322.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022
H.1. Out of this appropriation, \$22,306,813 the first year and \$23,656,453 the second year from the general fund shall be provided for Virginia's Part C Early Intervention System for infants and toddlers with disabilities.				
2. By November 15 of each year, the department shall report to the Chairmen of the House Appropriations and Senate Finance Committees on the (a) total revenues used to support Part C services, (b) total expenses for all Part C services, (c) total number of infants, toddlers and families served using all Part C revenues, and (d) services provided to those infants, toddlers, and families.				
I. Out of this appropriation \$6,148,128 the first year and \$6,148,128 the second year from the general fund shall be provided for mental health services for children and adolescents with serious emotional disturbances and related disorders, with priority placed on those children who, absent services, are at-risk for custody relinquishment, as determined by the Family and Assessment Planning Team of the locality. The Department of Behavioral Health and Developmental Services shall provide these funds to Community Services Boards through the annual Performance Contract. These funds shall be used exclusively for children and adolescents, not mandated for services under the Comprehensive Services Act for At-Risk Youth, who are identified and assessed through the Family and Assessment Planning Teams and approved by the Community Policy and Management Teams of the localities. The department shall provide these funds to the Community Services Boards based on an individualized plan of care methodology.				
J. The Commissioner, Department of Behavioral Health and Developmental Services shall allocate \$1,000,000 the first year and \$1,000,000 the second year from the federal Community Mental Health Services Block Grant for two specialized geriatric mental health services programs. One program shall be located in Health Planning Region II and one shall be located in Health Planning Region V. The programs shall serve elderly populations with mental illness who are transitioning from state mental health geriatric units to the community or who are at risk of admission to state mental health geriatric units. The commissioner is authorized to reduce the allocation in each year in an amount proportionate to any reduction in the federal Community Mental Health Services Block Grant funds awarded to the Commonwealth.				
K. The Commissioner, Department of Behavioral Health and Developmental Services shall allocate \$750,000 the first year and \$750,000 the second year from the federal Community Mental Health Services Block Grant for consumer-directed programs offering specialized mental health services that promote wellness, recovery and improved self-management. The commissioner is authorized to reduce the allocation in each year in an amount proportionate to any reduction in the federal Community Mental Health Services Block Grant funds awarded to the Commonwealth.				
L. Out of this appropriation, \$2,197,050 the first year and \$2,197,050 the second year from the general fund shall be used for jail diversion and reentry services. Funds shall be distributed to community-based contractors based on need and community preparedness as determined by the commissioner.				
M. Out of this appropriation, \$2,400,000 the first year and \$2,400,000 the second year from the general fund shall be used for treatment and support services for substance use disorders, including individuals with acquired brain injury and co-occurring substance use disorders. Funded services shall focus on recovery models and the use of best practices.				
N. Out of this appropriation, \$2,780,645 the first year and \$2,780,645 the second year from the general fund shall be used to provide outpatient clinician services to children with mental health needs. Each Community Services Board shall receive funding as determined by the commissioner to increase the availability of specialized mental health services for children. The department shall require that each Community Services Board receiving these funds agree to cooperate with Court Service Units in their catchment areas to provide services to mandated and nonmandated children, in their communities, who have been brought before Juvenile and Domestic Relations Courts and for whom treatment services are needed to reduce the risk these children pose to themselves and their communities or who have been referred for services through family assessment and planning teams through the Comprehensive Services Act for At-Risk Youth and Families.				

ITEM 322.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
O. Out of this appropriation, \$17,701,997 the first year and \$17,701,997 the second year from the general fund shall be used to provide emergency services, crisis stabilization services, case management, and inpatient and outpatient mental health services for individuals who are in need of emergency mental health services or who meet the criteria for mental health treatment set forth pursuant to §§ 19.2-169.6, 19.2-176, 19.2-177.1, 37.2-808, 37.2-809, 37.2-813, 37.2-815, 37.2-816, 37.2-817 and 53.1-40.2 of the Code of Virginia. Funding provided in this item also shall be used to offset the fiscal impact of (i) establishing and providing mandatory outpatient treatment, pursuant to House Bill 499 and Senate Bill 246, 2008 Session of General Assembly; and (ii) attendance at involuntary commitment hearings by community services board staff who have completed the prescreening report, pursuant to §§ 19.2-169.6, 19.2-176, 19.2-177.1, 37.2-808, 37.2-809, 37.2-813, 37.2-815, 37.2-816, 37.2-817 and 53.1-40.2 of the Code of Virginia.				
P. Out of this appropriation, \$10,475,000 the first year and \$10,475,000 the second year from the general fund shall be used to provide community crisis intervention services in each region for individuals with intellectual or developmental disabilities and co-occurring mental health or behavioral disorders.				
Q. Out of this appropriation, \$1,900,000 the first year and \$1,900,000 the second year from the general fund shall be used for community-based services in Health Planning Region V. These funds shall be used for services intended to delay or deter placement, or provide discharge assistance for patients in a state mental health facility.				
R. Out of this appropriation, \$2,000,000 the first year and \$2,000,000 the second year from the general fund shall be used for crisis stabilization and related services statewide intended to delay or deter placement in a state mental health facility.				
S. Out of this appropriation, \$8,400,000 the first year and \$8,400,000 the second year from the general fund shall be used to provide child psychiatry and children's crisis response services for children with mental health and behavioral disorders. These funds, divided among the health planning regions based on the current availability of the services, shall be used to hire or contract with child psychiatrists who can provide direct clinical services, including crisis response services, as well as training and consultation with other children's health care providers in the health planning region such as general practitioners, pediatricians, nurse practitioners, and community service boards staff, to increase their expertise in the prevention, diagnosis, and treatment of children with mental health disorders. Funds may also be used to create new or enhance existing community-based crisis response services in a health planning region, including mobile crisis teams and crisis stabilization services, with the goal of diverting children from inpatient psychiatric hospitalization to less restrictive services in or near their communities. The Department of Behavioral Health and Developmental Services shall include details on the use of these funds in its annual report on the System Transformation, Excellence and Performance in Virginia (STEP-VA) process.				
T.1. Out of this appropriation, \$10,500,000 the first year and \$10,500,000 the second year from the general fund shall be used for up to 32 drop-off centers to provide an alternative to incarceration for people with serious mental illness and individuals with acquired brain injury and co-occurring serious mental health illness. Priority for new funding shall be given to programs that have implemented Crisis Intervention Teams pursuant to § 9.1-102 and § 9.1-187 et seq. of the Code of Virginia and have undergone planning to implement drop-off centers.				
2. Out of this appropriation, \$1,800,000 the first year and \$1,800,000 the second year from the general fund is provided for Crisis Intervention assessment centers in six unserved rural communities.				
3. Out of this appropriation, \$657,648 the first year and \$657,648 the second year from the general fund is provided for CIT training programs in six rural communities.				
U. Out of this appropriation, \$2,750,000 the first year and \$2,750,000 the second year from the general fund shall be for crisis services for children with intellectual or developmental disabilities.				
V. Out of this appropriation, \$35,500,441 the first year and \$35,500,411 the second year from the general fund shall be used to provide community-based services or acute inpatient services				

ITEM 322.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<p>in a private facility to individuals residing in state hospitals who have been determined clinically ready for discharge, and for continued services for those individuals currently being served under a discharge assistance plan. Of this appropriation, \$1,305,000 the first year and \$1,305,000 the second year shall be allocated for individuals currently or previously residing at Western State Hospital.</p>				
<p>W. Out of this appropriation, \$620,000 the first year and \$620,000 the second year from the general fund shall be used for telepsychiatry and telemedicine services.</p>				
<p>X. Out of this appropriation, \$4,000,000 the first year and \$4,000,000 the second year from the general fund shall be used for community-based mental health outpatient services for youth and young adults.</p>				
<p>Y. Out of this appropriation, \$500,000 the first year and \$500,000 the second year from the general fund shall be used to increase mental health inpatient treatment purchased in community hospitals. Priority shall be given to regions that exhaust available resources before the end of the year in order to ensure treatment is provided in the community and do not result in more restrictive placements.</p>				
<p>Z.1. Out of this appropriation, \$25,583,710 the first year and \$34,038,710 the second year from the general fund is provided for programs for permanent supportive housing for individuals with serious mental illness.</p>				
<p>2. The Department of Behavioral Health and Developmental Services shall report on the number of individuals who are discharged from state behavioral health hospitals who receive supportive housing services, the number of individuals who are on the hospitals' extraordinary barrier list who could receive supportive housing services, and the number of individuals in the community who receive supportive housing services and whether they are at risk of institutionalization. In addition, the department shall report on the average length of stay in permanent supportive housing for individuals receiving such services and report how the funding is reinvested when individuals discontinue receiving such services. The report shall be provided to the Chairmen of the House Appropriations and Senate Finance Committee by November 1 of each year.</p>				
<p>AA. Out of this appropriation, \$400,000 the first year and \$400,000 the second year is provided for rental subsidies and associated costs for individuals served through the Rental Choice VA program.</p>				
<p>BB. Out of this appropriation, \$7,897,833 the first year from the general fund and \$3,800,000 the first year from the Behavioral Health and Developmental Services Trust Fund and \$13,062,833 the second year from the general fund shall be used for a program of rental subsidies for individuals with intellectual and developmental disabilities.</p>				
<p>CC. Out of this appropriation, \$5,000,000 the first year and \$5,000,000 the second year from the general fund is provided to increase access to medication assisted treatment for individuals with substance use disorders who are addicted to opioids. In expending this amount, the department shall ensure that preferred drug classes shall include non-narcotic, non-addictive, injectable prescription drug treatment regimens. The department shall ensure that a portion of the funding is used for non-narcotic, non-addictive, prescription drug treatment regimens for individuals who are: (i) on probation; (ii) in an institution, prison, or jail; or (iii) not able for clinical or other reasons to participate in buprenorphine or methadone based drug treatment regimens.</p>				
<p>DD. Out of this appropriation, \$1,000,000 the first year and \$1,000,000 the second year from the general fund is provided for community detoxification and sobriety services for individuals in crisis.</p>				
<p>EE. Out of this appropriation, \$880,000 the first year and \$880,000 the second year from the general fund is provided for one regional, multi-disciplinary team for older adults. This team shall provide clinical, medical, nursing, and behavioral expertise and psychiatric services to nursing facilities and assisted living facilities.</p>				
<p>FF. Out of this appropriation, \$1,652,400 the first year and \$1,652,400 the second year from the general fund shall be used to provide permanent supportive housing to pregnant or parenting women with substance use disorders.</p>				

ITEM 322.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
GG. Out of this appropriation, \$11,025,231 the first year and \$11,025,231 the second year from the general fund shall be used to divert admissions from state hospitals by purchasing acute inpatient or community-based psychiatric services at private facilities.				
HH. Out of this appropriation, \$3,000,000 the first year and \$3,700,800 the second year from the general fund is provided for discharge planning at jails for individuals with serious mental illness. Funding shall be used to create staff positions in Community Services Boards and will be implemented at up to five jails with a high percentage of inmates with serious mental illness.				
II. Out of this appropriation, \$708,663 the first year and \$708,663 the second year from the general fund is provided to establish an Intercept 2 diversion program in up to three rural communities. The funding shall be used for staffing and to provide access to treatment services.				
JJ. Out of this appropriation, \$1,100,000 the first year and \$1,100,000 the second year from the general fund is provided to establish the Appalachian Telemental Health Initiative, a telemental health pilot program. Any funds that remain unspent at the end of each fiscal year shall be carried forward to the subsequent fiscal year.				
KK. Out of this appropriation, \$200,000 the first year and \$200,000 the second year from the general fund shall be provided to the Department of Behavioral Health and Developmental Services to contract with Best Buddies Virginia to expand inclusion services for people with intellectual and developmental disabilities to the Richmond and Virginia Beach areas of the state.				
LL. Out of this appropriation, \$200,000 the first year and \$200,000 the second year from the general fund is provided to the Fairfax-Falls Church Community Services Board to fully fund its Program of Assertive Community Treatment (PACT) Team.				
MM.1. Out of this appropriation, \$62,739,824 the first year and \$68,490,045 the second year from the general fund is provided for services by Community Services Boards and Behavioral Health Authorities pursuant to the System Transformation, Excellence and Performance in Virginia (STEP-VA) process and Chapters 607 and 683, 2017 Acts of Assembly.				
2. Of the amounts in MM.1., \$10,795,651 the first year and \$10,795,651 the second year from the general fund is provided for same day access to mental health screening services.				
3. Of the amounts in MM.1., \$7,440,000 the first year and \$7,440,000 the second year from the general fund is provided for primary care outpatient screening services.				
4. Of the amounts in MM.1., \$24,424,032 the first year and \$21,924,980 the second year from the general fund is provided for outpatient mental health and substance use services.				
5. Out of the amounts in MM.1., \$2,000,000 the first year and \$2,000,000 the second year from the general fund is provided for crisis detoxification services.				
6. Out of the amounts in MM.1., \$7,800,000 the first year and \$13,954,924 the second year from the general fund is provided for crisis services for individuals with mental health or substance use disorders.				
7. Out of the amounts in MM.1., \$4,263,141 the first year and \$3,840,490 the second year from the general fund is provided for military and veterans services.				
8. Out of the amounts in MM.1., \$2,817,000 the first year and \$5,334,000 the second year from the general fund is provided for peer support and family services.				
9. Out of the amounts in MM.1., \$3,200,000 the first year and \$3,200,000 the second year from the general fund is provided for the ancillary costs of expanding services at Community Services Boards and Behavioral Health Authorities.				
10. Notwithstanding the provisions of Chapters 607 and 683, 2017 Acts of Assembly, effective July 1, 2021, the core of services provided by Community Services Boards and Behavioral Health Authorities within cities and counties that they serve shall include, in addition to those set forth in subdivisions B 1, 2, and 3 of § 37.2-500 of the Code of Virginia				

ITEM 322.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022

and subdivisions C 1, 2, and 3 of § 37.2-601 of the Code of Virginia, (i) outpatient mental health and substance abuse services, (ii) peer support and family support services, and (iii) mental health services for members of the armed forces located 50 miles or more from a military treatment facility and veterans located 40 miles or more from a Veterans Health Administration medical facility. In addition, Community Services Boards and Behavioral Health Authorities shall continue to expand the availability of crisis services for individuals with mental health or substance use disorders, as funded in MM.6. of this Item and Items 313 and 320 of this Act. Psychiatric rehabilitation, care coordination, and case management services shall not be required services but may be provided subject to available funding.

322.10 A. Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted.

	FY 2021	FY 2022
Increase permanent supportive housing capacity	\$8,500,000	\$17,000,000
Expand forensic discharge planning programs in jails	\$1,400,000	\$2,100,800
Provide funds for partial implementation of STEP-VA	\$19,704,173	\$30,151,414
Agency Total	\$29,604,173	\$49,252,214

B. Notwithstanding the provisions of Chapters 607 and 683, 2017 Acts of Assembly, and paragraph MM. of Item 322 of this Act, no Community Services Board or Behavioral Health Authority shall be required to provide any service pursuant to the to the System Transformation, Excellence and Performance in Virginia (STEP-VA) process, beyond those services funded in Chapter 854, 2019 Acts of Assembly. Any new service requirements shall be subject to appropriation and allotment of funds for that purpose.

Total for Grants to Localities.....		\$540,317,960	\$562,590,641
Fund Sources: General.....	\$446,517,960	\$472,590,641	
Dedicated Special Revenue.....	\$3,800,000	\$0	
Federal Trust.....	\$90,000,000	\$90,000,000	

Mental Health Treatment Centers (792)

323. Instruction (19700).....		\$176,397	\$176,397
Facility-Based Education and Skills Training (19708).....	\$176,397	\$176,397	
Fund Sources: General.....	\$34,569	\$34,569	
Special.....	\$5,328	\$5,328	
Federal Trust.....	\$136,500	\$136,500	
Authority: §§ 37.2-312 and 37.2-713, Code of Virginia; P.L. 102-73 and P.L. 102-119, Federal Code.			
324. Secure Confinement (35700).....		\$23,558,686	\$23,558,686

ITEM 324.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Forensic and Behavioral Rehabilitation Security (35707).....	\$23,558,686	\$23,558,686		
Fund Sources: General.....	\$23,114,229	\$23,114,229		
Special.....	\$444,457	\$444,457		
Authority: Title 37.2, Chapter 9, Code of Virginia.				
325. Pharmacy Services (42100).....			\$19,792,383	\$19,792,383
Inpatient Pharmacy Services (42102).....	\$19,792,383	\$19,792,383		
Fund Sources: General.....	\$7,361,293	\$7,361,293		
Special.....	\$12,431,090	\$12,431,090		
Authority: Title 37.2, Chapter 8, Code of Virginia.				
326. State Health Services (43000).....			\$288,917,250	\$286,346,184
Geriatric Care Services (43006).....	\$50,166,890	\$50,166,890		
Inpatient Medical Services (43007).....	\$18,344,732	\$18,344,732		
State Mental Health Facility Services (43014).....	\$220,405,628	\$217,834,562		
Fund Sources: General.....	\$257,963,011	\$260,391,945		
Special.....	\$30,954,239	\$25,954,239		
Authority: Title 37.2, Chapters 1 through 11, Code of Virginia.				
A. Out of this appropriation, \$700,000 the first year and \$700,000 the second year from the general fund shall be used to continue operating up to 13 beds at Northern Virginia Mental Health Institute (NVMHI) that had been scheduled for closure in fiscal year 2013. The Commissioner of the Department of Behavioral Health and Developmental Services shall ensure continued operation of at least 123 beds.				
B. The Department of Behavioral Health and Developmental Services shall report by November 1 of each year to the Secretary of Finance and the Chairmen of the House Appropriations and Senate Finance Committees on the number of individuals served through discharge assistance plans and the types of services provided.				
C. Out of this appropriation, \$850,000 the first year and \$850,000 the second year from the general fund shall be used to provide transition services in alternate settings for children and adolescents who can be diverted or discharged from state facilities.				
D. Out of this appropriation, \$5,000,000 the first year from special funds is provided for the temporary operation of beds at Catawba Hospital until such time as the additional beds are no longer needed.				
327. Facility Administrative and Support Services (49800).....			\$115,182,569	\$115,182,569
General Management and Direction (49801).....	\$51,411,557	\$51,411,557		
Information Technology Services (49802).....	\$9,965,641	\$9,965,641		
Food and Dietary Services (49807).....	\$14,355,702	\$14,355,702		
Housekeeping Services (49808).....	\$8,777,438	\$8,777,438		
Linen and Laundry Services (49809).....	\$1,701,815	\$1,701,815		
Physical Plant Services (49815).....	\$21,940,717	\$21,940,717		
Power Plant Operation (49817).....	\$4,236,837	\$4,236,837		
Training and Education Services (49825).....	\$2,792,862	\$2,792,862		
Fund Sources: General.....	\$100,025,215	\$100,025,215		
Special.....	\$15,093,854	\$15,093,854		
Federal Trust.....	\$63,500	\$63,500		
Authority: § 37.2-304, Code of Virginia.				
A. Out of this appropriation, \$759,000 the first year and \$759,000 the second year from the general fund shall be used to ensure proper billing and maximum reimbursement for prescription drugs purchased by mental health treatment centers through the Medicare Part D				

ITEM 327.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
drug program.				
B. Notwithstanding § 37.2-319 of the Code of Virginia, the Commissioner shall prepare a plan to address the capital and programmatic needs of other state mental health facilities and state mental retardation training centers when considering expenditures from the trust fund. No less than 30 days prior to the expenditure of funds, the Commissioner shall present an expenditure plan to the Chairmen of the Senate Finance and House Appropriations Committees for their review and consideration.				
328.	The Commissioner, Department of Behavioral Health and Developmental Services, shall report by August 1 of each year to the Secretary of Finance, and the Chairmen of House Appropriations and Senate Finance Committees the general fund and non general fund allocations and authorized position levels for each state-operated behavioral health facility. The report shall be made available on the agency's public website.			
328.10	Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted.			
		FY 2021		FY 2022
	Provide for increased pharmacy costs at state facilities	\$966,638		\$966,638
	Increase funding for safety and security in state facilities	\$2,299,637		\$3,066,182
	Add critical clinical staffing at the Commonwealth Center for Children and Adolescents	\$765,428		\$765,428
	Agency Total	\$4,031,703		\$4,798,248
	Total for Mental Health Treatment Centers.....		\$447,627,285	\$445,056,219
	General Fund Positions.....	4,260.00	4,260.00	
	Nongeneral Fund Positions.....	613.00	613.00	
	Position Level.....	4,873.00	4,873.00	
	Fund Sources: General.....	\$388,498,317	\$390,927,251	
	Special.....	\$58,928,968	\$53,928,968	
	Federal Trust.....	\$200,000	\$200,000	
Intellectual Disabilities Training Centers (793)				
329.	Instruction (19700).....		\$3,654,086	\$3,654,086
	Facility-Based Education and Skills Training (19708).....	\$3,654,086	\$3,654,086	
	Fund Sources: General.....	\$3,454,086	\$3,454,086	
	Federal Trust.....	\$200,000	\$200,000	
	Authority: Title 37.2, Chapter 3, Code of Virginia.			
330.	Pharmacy Services (42100).....		\$2,878,724	\$2,715,600
	Inpatient Pharmacy Services (42102).....	\$2,878,724	\$2,715,600	

ITEM 330.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Fund Sources: General.....	\$141,443	\$141,443		
Special.....	\$2,737,281	\$2,574,157		
Authority: §§ 37.2-312 and 37.2-713, Code of Virginia; P.L. 102-119, Federal Code.				
331. State Health Services (43000).....			\$43,551,303	\$34,269,930
Inpatient Medical Services (43007).....	\$15,095,261	\$14,095,261		
State Intellectual Disabilities Training Center Services (43010).....	\$28,456,042	\$20,174,669		
Fund Sources: General.....	\$11,658,771	\$4,658,771		
Special.....	\$31,892,532	\$29,611,159		
Authority: Title 37.2, Chapters 1 through 11, Code of Virginia.				
The Commissioner of Behavioral Health and Developmental Services shall comply with all relevant state and federal laws and Supreme Court decisions that govern the discharge of residents from state intellectual disability training centers and the granting of intellectual disability waiver slots.				
332. Facility Administrative and Support Services (49800).....			\$25,365,604	\$17,815,743
General Management and Direction (49801).....	\$5,713,781	\$4,713,781		
Information Technology Services (49802).....	\$1,655,470	\$1,655,470		
Food and Dietary Services (49807).....	\$5,747,519	\$2,962,028		
Housekeeping Services (49808).....	\$4,348,054	\$2,539,680		
Linen and Laundry Services (49809).....	\$1,046,376	\$746,376		
Physical Plant Services (49815).....	\$3,860,534	\$3,640,286		
Power Plant Operation (49817).....	\$2,195,227	\$832,104		
Training and Education Services (49825).....	\$798,643	\$726,018		
Fund Sources: General.....	\$3,374,686	\$3,374,686		
Special.....	\$21,990,918	\$14,441,057		
Authority: Title 37.1, Chapters 1 and 2, Code of Virginia; P.L. 74-320, Federal Code.				
333. The Commissioner, Department of Behavioral Health and Developmental Services, shall report by August 1 of each year to the Secretary of Finance, and the Chairmen of House Appropriations and Senate Finance Committees the general fund and non general fund allocations and authorized position levels for each state-operated training center. The report shall be made available on the agency's public website.				
Total for Intellectual Disabilities Training Centers.....			\$75,449,717	\$58,455,359
General Fund Positions.....	106.00	106.00		
Nongeneral Fund Positions.....	603.00	603.00		
Position Level.....	709.00	709.00		
Fund Sources: General.....	\$18,628,986	\$11,628,986		
Special.....	\$56,620,731	\$46,626,373		
Federal Trust.....	\$200,000	\$200,000		
Virginia Center for Behavioral Rehabilitation (794)				
334. Instruction (19700).....			\$227,847	\$227,847
Facility-Based Education and Skills Training (19708).....	\$227,847	\$227,847		
Fund Sources: General.....	\$227,847	\$227,847		
335. Secure Confinement (35700).....			\$19,995,910	\$24,853,657
Forensic and Behavioral Rehabilitation Security (35707).....	\$19,995,910	\$24,853,657		
Fund Sources: General.....	\$19,995,910	\$24,853,657		

ITEM 335.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Authority: Title 37.2, Chapter 9, Code of Virginia.				
336.	Pharmacy Services (42100).....		\$999,013	\$999,013
	Inpatient Pharmacy Services (42102).....	\$999,013	\$999,013	
	Fund Sources: General.....	\$999,013	\$999,013	
337.	State Health Services (43000).....		\$13,777,650	\$13,777,650
	State Mental Health Facility Services (43014).....	\$13,777,650	\$13,777,650	
	Fund Sources: General.....	\$13,777,650	\$13,777,650	
Authority: Title 37.2, Chapters 1 and 9, Code of Virginia.				
338.	Facility Administrative and Support Services (49800).....		\$16,782,265	\$16,782,265
	General Management and Direction (49801).....	\$4,125,696	\$4,125,696	
	Information Technology Services (49802).....	\$604,061	\$604,061	
	Food and Dietary Services (49807).....	\$3,079,145	\$3,079,145	
	Housekeeping Services (49808).....	\$428,210	\$428,210	
	Physical Plant Services (49815).....	\$8,446,716	\$8,446,716	
	Training and Education Services (49825).....	\$98,437	\$98,437	
	Fund Sources: General.....	\$16,782,265	\$16,782,265	
Authority: Title 37.2, Chapters 1 through 11, Code of Virginia.				
A. In the event that services are not available in Virginia to address the specific needs of an individual committed for treatment at the VCBR or conditionally released, or additional capacity cannot be met at the VCBR, the Commissioner is authorized to seek such services from another state.				
B. Out of this appropriation, \$540,000 the first year and \$540,000 the second year from the general fund is provided for the treatment costs of residents diagnosed with hepatitis. The facility shall make efforts to use certified federal 340B providers for the dispensing of any associated pharmaceuticals.				
C. Within 15 days of any appropriation transfer to the Virginia Center for Behavioral Rehabilitation from any other sub-agency within the Department of Behavioral Health and Developmental Services, the Department of Planning and Budget shall notify the Chairmen of the House Appropriations and Senate Finance Committees. The notice shall include the amount, fund source and reason for the transfer with an explanation of why the funding being transferred has no impact on the sub-agency from which it is transferred.				
338.10	Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted.			
		FY 2021		FY 2022
	Support expanded facility and projected census growth	\$536,003		\$5,393,750
	Agency Total	\$536,003		\$5,393,750

ITEM 338.10.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Total for Virginia Center for Behavioral Rehabilitation.....			\$51,782,685	\$56,640,432
General Fund Positions.....	793.50	886.50		
Position Level.....	793.50	886.50		
Fund Sources: General.....	\$51,782,685	\$56,640,432		
Grand Total for Department of Behavioral Health and Developmental Services.....			\$1,293,779,984	\$1,292,811,471
General Fund Positions.....	5,634.00	5,727.00		
Nongeneral Fund Positions.....	1,247.75	1,247.75		
Position Level.....	6,881.75	6,974.75		
Fund Sources: General.....	\$1,021,968,939	\$1,056,435,713		
Special.....	\$136,702,302	\$116,267,015		
Dedicated Special Revenue.....	\$15,000,000	\$0		
Federal Trust.....	\$120,108,743	\$120,108,743		

§ 1-98. DEPARTMENT FOR AGING AND REHABILITATIVE SERVICES (262)

339.	Rehabilitation Assistance Services (45400).....			\$101,912,565	\$101,912,565
	Vocational Rehabilitation Services (45404).....	\$83,291,466	\$83,291,466		
	Community Rehabilitation Programs (45406).....	\$18,621,099	\$18,621,099		
	Fund Sources: General.....	\$34,680,700	\$34,680,700		
	Special.....	\$500,709	\$500,709		
	Dedicated Special Revenue.....	\$1,624,937	\$1,624,937		
	Federal Trust.....	\$65,106,219	\$65,106,219		

Authority: Title 51.5, Chapter 14 , Code of Virginia; P.L. 93-112, Federal Code.

A.1. Out of this appropriation, \$9,505,278 the first year and \$9,505,278 the second year from the general fund shall be used as state matching dollars for the federal Vocational Rehabilitation State Grant provided under the Rehabilitation Act of 1973, as amended, hereafter referred to as the federal vocational rehabilitation grant. The Department for Aging and Rehabilitative Services (DARS) shall not transfer or expend these dollars for any purpose other than to support activities related to vocational rehabilitation.

2. The annual federal vocational rehabilitation grant award that will be received by DARS is estimated at \$62,709,709 for federal fiscal year 2020; \$62,709,709 for federal fiscal year 2021; and \$62,709,709 for federal fiscal year 2022. In addition to the base annual award amount, DARS is expected to request up to \$4,979,946 of additional federal allotment dollars in each of these years. Assuming these amounts, the annual 21.3 percent state matching requirement would equate to \$18,320,072 for federal fiscal year 2020; \$18,320,072 for federal fiscal year 2021; and \$18,320,072 for federal fiscal year 2022.

3. Based on the projection of federal award funding in paragraph A.2., DARS shall not request federal vocational rehabilitation grant dollars in excess of \$67,689,655 for federal fiscal year 2020; \$67,689,655 for federal fiscal year 2021; and \$67,689,655 for federal fiscal year 2022, without prior written concurrence from the Director, Department of Planning and Budget. Any approved increases in grant award requests shall be reported by DARS to the Chairmen of the House Appropriations and Senate Finance Committees within 30 days. Any federal allotment dollars received by the agency shall not be used for any purpose that creates an on-going fiscal obligation to the Commonwealth.

4. By October 1 of each year, the department shall submit an annual report that details all vocational rehabilitation program revenues and spending from the prior fiscal year. The report shall also provide spending projections for the current and upcoming fiscal years. This report shall be provided to the Director, Department of Planning and Budget, and the Chairmen of the House Appropriations and Senate Finance Committees.

B. Out of this appropriation, \$1,280,512 the first year and \$1,280,512 the second year from the general fund shall be used to provide vocational rehabilitation services for persons

ITEM 339.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
recovering from mental health issues, alcohol and other substance abuse issues pursuant to an interagency agreement between the Department of Behavioral Health and Developmental Services and the Department for Aging and Rehabilitative Services.				
C. The Department for Aging and Rehabilitative Services shall use non-federal appropriation in this item to fulfill any necessary match requirement for the federal Supported Employment grant.				
D. Out of this appropriation, \$2,658,198 the first year and \$2,658,198 the second year from the general fund is provided for the Extended Employment Services (EES) program. The funding allocated to employment services organizations shall be allocated consistent with the recommendations of the Employment Service Organizations Steering Committee. The appropriation for EES shall be used for the program and shall not be used for any other purpose.				
E. Out of this appropriation, \$6,294,568 the first year and \$6,294,568 the second year from the general fund is provided for the Long Term Employment Support Services (LTESS) program.				
F. Recovery of administrative costs for the Long Term Employment Support Services program shall be limited to 1.70 percent the first year and 1.70 percent the second year.				
G. In allocating funds for Extended Employment Services, Long Term Employment Support Services (LTESS) and Economic Development, the Department for Aging and Rehabilitative Services shall consider recommendations from the established Employment Service Organizations/LTESS Steering Committee.				
H. Of this appropriation, \$200,000 the first year and \$200,000 the second year from the general fund shall be used to contract with Didlake Inc., for the purpose of extended employment services and Long Term Employment Support Services for people with disabilities.				
I. A minimum of \$5,521,858 the first year and \$5,521,858 the second year from general fund dollars is allocated to support Centers for Independent Living.				
J. The Department for Aging and Rehabilitative Services shall fulfill the administrative responsibilities pertaining to the Personal Attendant Services program, without interruption or discontinuation of personal attendant services currently provided.				
K. Out of this appropriation, it is estimated that \$2,349,935 the first year and \$2,349,935 the second year from the general fund shall be used for personal assistance services for individuals with disabilities.				
L.1. Out of this appropriation, \$6,976,719 the first year and \$6,976,719 the second year from the general fund shall be provided for expanding the continuum of services used to assist persons with brain injuries in returning to work and community living.				
2. Of this amount, \$1,830,000 the first year and \$1,830,000 the second year from the general fund shall be used to provide a continuum of brain injury services to individuals in unserved or underserved regions of the Commonwealth. Up to \$150,000 each year shall be awarded to successful program applicants. Programs currently receiving more than \$250,000 from the general fund each year are ineligible for additional assistance under this section. To be determined eligible for a grant under this section, program applicants shall submit plans to pursue non-state resources to complement the provision of general fund support.				
3. Of this amount, \$285,000 the first year and \$285,000 the second year shall be provided from the general fund to support direct case management services for brain injured individuals and their families in Southwestern Virginia.				
4. Of this amount, \$150,000 the first year and \$150,000 the second year from the general fund shall be used to support case management services for individuals with brain injuries in unserved or underserved regions of the Commonwealth.				
5. In allocating additional funds for brain injury services, the Department for Aging and Rehabilitative Services shall consider recommendations from the Virginia Brain Injury				

ITEM 339.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Council (VBIC).				
6. The Department for Aging and Rehabilitative Services (DARS) shall submit an annual report to the Chairmen of the Senate Finance and House Appropriations Committees documenting the number of individuals served, services provided, and success in attracting non-state resources.				
M.1. For Commonwealth Neurotrauma Initiative Trust Fund grants awarded after July 1, 2004, the commissioner shall require applicants to submit a plan to achieve self-sufficiency by the end of the grant award cycle in order to receive funding consideration.				
2. Notwithstanding any other law to the contrary, the commissioner may reallocate up to \$500,000 from unexpended balances in the Commonwealth Neurotrauma Initiative Trust Fund to fund new grant awards for research on traumatic brain and spinal cord injuries.				
N. Out of this appropriation, \$446,618 the first year and \$446,618 the second year from the general fund shall be allocated to the Long-Term Rehabilitation Case Management Services Program.				
O. Every county and city, either singly or in combination with another political subdivision, may establish a local disability services board to provide input to state agencies on service needs and priorities of persons with physical and sensory disabilities, to provide information and resource referral to local governments regarding the Americans with Disabilities Act, and to provide such other assistance and advice to local governments as may be requested.				
P. An employment services organization that had a CARF accreditation may continue to receive funding for Long-Term Employment Support Services (LTISS) and Extended Employment Services (EES) for up to six months after their accreditation expires if the organization is actively pursuing CARF reaccreditation.				
340.	Individual Care Services (45500).....		\$36,289,218	\$36,289,218
	Financial Assistance for Local Services to the Elderly (45504).....	\$31,120,287		\$31,120,287
	Rights and Protection for the Elderly (45506).....	\$5,168,931		\$5,168,931
	Fund Sources: General.....	\$16,503,403		\$16,503,403
	Special.....	\$90,000		\$90,000
	Dedicated Special Revenue.....	\$200,000		\$200,000
	Federal Trust.....	\$19,495,815		\$19,495,815

Authority: Title 51.5, Chapter 14, Code of Virginia.

A. Out of this appropriation, \$456,209 the first year and \$456,209 the second year from the general fund shall be provided to continue a statewide Respite Care Initiative program for the elderly and persons suffering from Alzheimer's Disease.

B.1. Out of this appropriation, \$1,726,733 the first year and \$1,726,733 the second year from the general fund shall be provided to support local and regional programs of the Virginia Public Guardian and Conservator Program. This funding is estimated to provide 457 client slots the first year and 457 client slots the second year for unrestricted guardianship services.

2. Out of this appropriation, \$125,500 the first year and \$125,500 the second year from the general fund shall be used to provide services through the Virginia Public Guardian and Conservator Program for individuals with mental illness or intellectual disability (ID). This funding is estimated to provide 40 client slots each year for guardianship services for individuals with mental illness or ID.

3. Out of this appropriation, \$1,970,600 the first year and \$1,970,600 the second year from the general fund shall be used to provide services through the Virginia Public Guardian and Conservator Program for individuals with intellectual disabilities (ID) and developmental disabilities (DD). This funding shall be expended pursuant to an interagency agreement between the Department of Behavioral Health and Developmental Services (DBHDS) and the Department for Aging and Rehabilitative Services. This funding is estimated to provide 454 client slots the first year and 454 client slots the second year for guardianship services for individuals with ID/DD, as authorized by DBHDS.

ITEM 340.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<p>4. Out of this appropriation, \$686,000 the first year and \$686,000 the second year from the general fund shall be used to provide services through the Virginia Public Guardian and Conservator Program for individuals with mental illness. This funding shall be expended pursuant to an interagency agreement between the Department of Behavioral Health and Developmental Services (DBHDS) and the Department for Aging and Rehabilitative Services. This funding is estimated to provide 98 client slots the first year and 98 client slots the second year for guardianship services for individuals with mental illness, as authorized by DBHDS.</p> <p>C.1. Area Agencies on Aging that are authorized to use funding for the Care Coordination for the Elderly Program, shall be authorized to use funding to conduct a program providing mobile, brief intervention and service linking as a form of care coordination. The Department for Aging and Rehabilitative Services, in collaboration with the Area Agencies on Aging, shall analyze the resulting impact in these agencies and determine if this model of service delivery is an appropriate and beneficial use of these funds.</p> <p>2. The Department for Aging and Rehabilitative Services, in collaboration with Area Agencies on Aging (AAAs) that are authorized to use funding for the Care Coordination for Elderly Program, shall examine and analyze existing state and national care coordination models to determine best practice models. The department and designated AAAs shall determine which models of service delivery are appropriate and demonstrate beneficial use of these funds and develop the accompanying service standards. Each AAA receiving care coordination funding shall submit its plan for care coordination with the annual area plan.</p> <p>D. Area Agencies on Aging shall be designated as the lead agency in each respective area for No Wrong Door.</p> <p>E. The Department for Aging and Rehabilitative Services shall (i) recommend strategies to coordinate services and resources among agencies involved in the delivery of services to Virginians with dementia; (ii) monitor the implementation of the Dementia State Plan; (iii) recommend policies, legislation, and funding needed to implement the Plan; (iv) collect and monitor data related to the impact of dementia on Virginians; and (v) determine the services, resources, and policies that may be needed to address services for individuals with dementia.</p> <p>F. Out of this appropriation, \$201,875 the first year and \$201,875 the second year from the general fund shall be provided to support the distribution of comprehensive health and aging information to Virginia's senior population, their families and caregivers.</p> <p>G. Out of this appropriation, \$250,000 the first year and \$250,000 the second year from the general fund shall be provided for the Pharmacy Connect Program in Southwest Virginia, administered by Mountain Empire Older Citizens, Inc.</p> <p>H. Out of this appropriation, \$150,000 the first year and \$150,000 the second year from the general fund shall be used to contract with the Jewish Social Services Agency to provide assistance to low-income seniors who have experienced trauma.</p> <p>I. Out of this appropriation, \$250,000 the first year and \$250,000 the second year from the general fund shall be provided to contract with Birmingham Green to provide residential services to low-income, disabled individuals.</p> <p>J. Out of this appropriation, \$150,000 the first year and \$150,000 the second year shall be provided for an interdisciplinary plan of care and dementia care management for 50 individuals diagnosed with dementia. This service shall be provided through a partnership between the Memory and Aging Care Clinic at the University of Virginia and the Alzheimer's Association. The Department for Aging and Rehabilitative Services shall report the status and provide an update on the results of the dementia case management program to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees by November 1 of each year.</p>				
341.	Nutritional Services (45700).....		\$22,019,603	\$22,019,603
	Meals Served in Group Settings (45701).....	\$9,521,747		\$9,521,747
	Distribution of Food (45702).....	\$424,342		\$424,342

ITEM 341.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Delivery of Meals to Home-Bound Individuals (45703).....	\$12,073,514	\$12,073,514		
Fund Sources: General.....	\$6,278,648	\$6,278,648		
Federal Trust.....	\$15,740,955	\$15,740,955		

Authority: Title 51.5, Chapter 14, Code of Virginia.

Home delivered meals shall not require cost-sharing until such time as federal law permits cost-sharing with Older Americans Act funding.

342. A. Area Agencies on Aging are encouraged to continue seeking funds from a variety of sources which include cost-sharing in programs where not prohibited by funding sources; private sector voluntary contributions from older persons receiving services; families of individuals receiving services; and churches, service groups and other organizations. Such appropriations shall not be included in the appropriations used to match Older Americans Act funding. Revenue generated as a result of these projects shall be retained by the participating area agencies for use in meeting critical care needs of older Virginians. These revenues shall supplement, not supplant, general fund resources.

B. It is the intent of the General Assembly that all Area Agencies on Aging use any new general fund revenue, with the exception of funding provided for the Long-term Care Ombudsman program, to implement sliding fees for services. However, priority for services should be given to applicants in the greatest need, regardless of ability to pay. Revenue from fees shall be retained by the Area Agencies on Aging for use in meeting critical care needs of older Virginians. These revenues shall supplement, not supplant, general fund resources.

C. It is the intent of the General Assembly that Older Americans Act funds and general fund moneys be targeted to services which can assist the elderly to function independently for as long as possible. Area Agencies on Aging may use general fund moneys for consumer-directed services.

D. At the request of the Commissioner, Department for Aging and Rehabilitative Services, the Director, Department of Planning and Budget may transfer state general fund appropriations for services provided by Area Agencies on Aging between service categories. Each individual Area Agency on Aging may transfer up to the maximum amount of federal funds and matching state general fund amounts allowed by federal law between service categories. Further, each Area Agency on Aging may transfer undesignated state general fund amounts among service categories. Under no circumstances shall any funds be transferred from direct services to administration. State general fund appropriations shall be available to the area agencies on aging beginning July 1 of each year of the biennium, in compliance with the department's General Fund Cash Management Policy.

343. Continuing Income Assistance Services (46100).....			\$54,961,470	\$54,961,470
Social Security Disability Determination (46102).....	\$54,961,470	\$54,961,470		
Fund Sources: General.....	\$1,515,223	\$1,515,223		
Special.....	\$152,258	\$152,258		
Federal Trust.....	\$53,293,989	\$53,293,989		

Authority: Title 51.5, Chapter 14, Code of Virginia; Titles II and XVI, P.L. 74-271, Federal Code.

A. The Department for Aging and Rehabilitative Services, in cooperation with the Department of Social Services and local social services agencies, shall develop an expedited process for transitioning hospitalized persons to rehabilitation facilities when the patient may meet the criteria established by the Social Security Administration (SSA) and Medicaid for disability. As part of this expedited process, the Department for Aging and Rehabilitative Services (DARS) shall make Medicaid disability determinations within seven business days of the receipt of social service referrals, when the referrals include sufficient evidence that appropriately documents SSA's definition of disability. If the referrals do not contain sufficient documentation of disability, DARS shall continue to expedite processing of these priority referrals under Medicaid regulations.

B. The general fund appropriation in this item shall only be used for the cost of Medicaid

ITEM 343.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
	disability determinations and for no other purpose.			
344.			\$7,290,421	\$7,290,421
	Adult Programs and Services (46800).....			
	Management and Quality Assurance of Aging Services (46811).....	\$3,217,784	\$3,217,784	
	Central Oversight and Quality Assurance for Adult Protective Services (46812).....	\$1,763,571	\$1,763,571	
	State Long-Term Care Ombudsman Services (46813).....	\$1,244,664	\$1,244,664	
	No Wrong Door Initiative (46814).....	\$1,064,402	\$1,064,402	
	Fund Sources: General.....	\$3,839,564	\$3,839,564	
	Special.....	\$84,232	\$84,232	
	Federal Trust.....	\$3,366,625	\$3,366,625	

Authority: Title 51.5, Chapter 14, Code of Virginia; P.L. 93-112, Federal Code.

A. 1. Out of this appropriation, \$240,757 the first year and \$240,757 the second year from the general fund shall be used to administer and oversee public guardianship programs and for no other purpose.

2. Of this amount, \$88,350 the first year and \$88,350 the second year shall be used to support the administrative costs associated with serving individuals pursuant to interagency agreements for the provision of public guardianship services between the Department of Behavioral Health and Developmental Services (DBHDS) and the Department for Aging and Rehabilitative Services.

B. Out of this appropriation, up to \$5,000 the first year and \$5,000 the second year from the general fund shall be provided to support activities of the Virginia Public Guardianship and Conservator Program Advisory Board, including but not limited to, paying expenses for the members to attend four meetings per year.

C. Out of this appropriation, \$103,588 the first year and \$103,588 the second year from the general fund is provided to support a position dedicated to monitoring and auditing the auxiliary grant (AG) program. The department shall develop an annual report on the AG program. This report shall include an overview of the program as well as a summary of oversight activities and findings. In addition, the report shall include for each month of the previous fiscal year, the number of Auxiliary Grant recipients living in a supportive housing setting as well as the number of individuals receiving an AG supportive housing slot that were discharged from a state behavioral health facility in the prior 12 months. DARS shall provide this report to the Director, Department of Planning and Budget and Chairmen of the House Appropriations and Senate Finance Committees by September 1 of each year.

D. Out of this appropriation, \$769,943 the first year and \$769,943 the second year from the general fund is provided for eight full-time and one part-time positions to support the Office of the State Long-term Care Ombudsman.

F. Out of this appropriation, \$440,000 the first year and \$440,000 the second year from the general fund is provided to cover PeerPlace license costs for local workers as well as the on-going cost of system modifications.

345.	Administrative and Support Services (49900).....		\$15,433,838	\$15,433,838
	General Management and Direction (49901).....	\$7,957,351	\$7,957,351	
	Information Technology Services (49902).....	\$6,723,660	\$6,723,660	
	Planning and Evaluation Services (49916).....	\$752,827	\$752,827	
	Fund Sources: General.....	\$560,662	\$560,662	
	Special.....	\$12,022,357	\$12,022,357	
	Federal Trust.....	\$2,850,819	\$2,850,819	

Authority: Title 51.5, Chapter 14, Code of Virginia; P.L. 93-112, Federal Code.

346. Included in the Federal Trust appropriation are amounts estimated at \$583,541 the first

ITEM 346.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<p>year and \$583,541 the second year, to pay for statewide indirect cost recoveries of this agency. Actual recoveries of statewide indirect costs up to the level of these estimates shall be exempt from payment into the general fund, as provided by § 4-2.03 of this Act. Amounts recovered in excess of these estimates shall be deposited to the general fund.</p>				
346.10	<p>Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted.</p>			
		FY 2021		FY 2022
	Dementia Case Management	\$150,000		\$150,000
	Centers for Independent Living	\$425,000		\$425,000
	Brain Injury Services	\$1,000,000		\$1,000,000
	Align personal attendant services hourly pay with Medicaid rates	\$99,320		\$99,320
	Jewish Social Services Agency	\$50,000		\$50,000
	Agency Total	\$1,724,320		\$1,724,320
	Total for Department for Aging and Rehabilitative Services.....		\$237,907,115	\$237,907,115
	General Fund Positions.....	82.76		82.76
	Nongeneral Fund Positions.....	882.26		882.26
	Position Level.....	965.02		965.02
	Fund Sources: General.....	\$63,378,200		\$63,378,200
	Special.....	\$12,849,556		\$12,849,556
	Dedicated Special Revenue.....	\$1,824,937		\$1,824,937
	Federal Trust.....	\$159,854,422		\$159,854,422
	Wilson Workforce and Rehabilitation Center (203)			
347.	Rehabilitation Assistance Services (45400).....		\$12,044,555	\$12,044,555
	Vocational Rehabilitation Services (45404).....	\$6,922,925		\$6,922,925
	Medical Rehabilitative Services (45405).....	\$5,121,630		\$5,121,630
	Fund Sources: General.....	\$3,046,401		\$3,046,401
	Special.....	\$8,989,154		\$8,989,154
	Federal Trust.....	\$9,000		\$9,000
	Authority: Title 51.5, Chapter 14, Code of Virginia; P.L. 89-313, P.L. 93-112, P.L. 94-482 and P.L. 95-602, Federal Code.			
348.	Facility Administrative and Support Services (49800).....		\$11,081,847	\$11,001,847
	General Management and Direction (49801).....	\$1,517,611		\$1,517,611
	Information Technology Services (49802).....	\$574,118		\$574,118
	Security Services (49803).....	\$632,435		\$632,435
	Residential Services (49804).....	\$1,555,134		\$1,555,134
	Food and Dietary Services (49807).....	\$1,149,430		\$1,149,430
	Physical Plant Services (49815).....	\$5,653,119		\$5,573,119

ITEM 348.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022
Fund Sources: General.....	\$2,676,303	\$2,596,303		
Special.....	\$8,226,581	\$8,226,581		
Federal Trust.....	\$178,963	\$178,963		

Authority: Title 51.5, Chapter 14, Code of Virginia; P.L. 93-112 and P.L. 95-602, Federal Code.

Comprehensive services available on-site at Wilson Workforce and Rehabilitation Center shall include, but not be limited to, vocational services, including evaluation, prevocational, academic, and vocational training; independent living services; transition from school to work services; rehabilitative engineering and assistive technology; and medical rehabilitation services, including residential, outpatient, supported living, community reentry, and family support.

348.10 Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted.

	FY 2021	FY 2022		FY 2021	FY 2022
Funding for Vehicle Purchase	\$80,000			\$0	
Agency Total	\$80,000			\$0	
Total for Wilson Workforce and Rehabilitation Center.....			\$23,126,402		\$23,046,402
General Fund Positions.....	58.80	58.80			
Nongeneral Fund Positions.....	193.20	193.20			
Position Level.....	252.00	252.00			
Fund Sources: General.....	\$5,722,704	\$5,642,704			
Special.....	\$17,215,735	\$17,215,735			
Federal Trust.....	\$187,963	\$187,963			
Grand Total for Department for Aging and Rehabilitative Services.....			\$261,033,517		\$260,953,517
General Fund Positions.....	141.56	141.56			
Nongeneral Fund Positions.....	1,075.46	1,075.46			
Position Level.....	1,217.02	1,217.02			
Fund Sources: General.....	\$69,100,904	\$69,020,904			
Special.....	\$30,065,291	\$30,065,291			
Dedicated Special Revenue.....	\$1,824,937	\$1,824,937			
Federal Trust.....	\$160,042,385	\$160,042,385			

§ 1-99. DEPARTMENT OF SOCIAL SERVICES (765)

349.	Program Management Services (45100).....			\$52,444,822	\$49,918,659
	Training and Assistance to Local Staff (45101).....	\$5,177,672	\$5,177,672		
	Central Administration and Quality Assurance for Benefit Programs (45102).....	\$14,774,193	\$12,682,884		
	Central Administration and Quality Assurance for Family Services (45103).....	\$15,639,009	\$15,846,400		

ITEM 349.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Central Administration and Quality Assurance for Community Programs (45105).....	\$10,890,414	\$10,845,088		
Central Administration and Quality Assurance for Child Care Activities (45107).....	\$5,963,534	\$5,366,615		
Fund Sources: General.....	\$22,988,078	\$21,282,524		
Special.....	\$100,000	\$100,000		
Federal Trust.....	\$29,356,744	\$28,536,135		

Authority: Title 2.2, Chapter 54; Title 63.2, Chapters 2 and 21, Code of Virginia; Title VI, Subtitle B, P.L. 97-35, as amended; P.L. 103-252, as amended; P.L. 104-193, as amended, Federal Code.

A. The Department of Social Services, in collaboration with the Office of Children's Services, shall provide training to local staff serving on Family Assessment and Planning Teams and Community Policy and Management Teams. Training shall include, but need not be limited to, the federal and state requirements pertaining to the provision of the foster care services funded under § 2.2-5211, Code of Virginia. The training shall also include written guidance concerning which services remain the financial responsibility of the local departments of social services. Training shall be provided on a regional basis at least once per year. Written guidance shall be updated and provided to local Office of Children's Services teams whenever there is a change in allowable expenses under federal or state guidelines. In addition, the Department of Social Services shall provide ongoing local oversight of its federal and state requirements related to the provision of services funded under § 2.2-5211, Code of Virginia.

B.1. By November 1 of each year, the Department of Planning and Budget, in cooperation with the Department of Social Services, shall prepare and submit a forecast of expenditures for cash assistance provided through the Temporary Assistance for Needy Families (TANF) program, mandatory child day care services under TANF, foster care maintenance and adoption subsidy payments, upon which the Governor's budget recommendations will be based, for the current and subsequent two years to the Chairmen of the House Appropriations and Senate Finance Committees.

2. The forecast of expenditures shall detail the incremental general fund and federal fund adjustments required by the forecast each year in the biennial budget. The Department of Planning and Budget shall convene a meeting on or before October 15 of each year with the appropriate staff from the Department of Social Services, and the House Appropriations and Senate Finance Committees to review current trends and assumptions used in the forecasts prior to their finalization.

C. The Department of Social Services shall provide administrative support and technical assistance to the Family and Children's Trust Fund (FACT) Board of Trustees established in Sections 63.2-2100 through 63.2-2103, Code of Virginia.

D. Out of this appropriation, \$1,829,111 the first year and \$1,829,111 the second year from the general fund and \$1,829,111 the first year and \$1,829,111 the second year from nongeneral funds shall be provided to fund the Supplemental Nutrition Assistance Program (SNAP) Electronic Benefit Transfer (EBT) contract cost.

E.1. Out of this appropriation, ten positions and the associated funding shall be dedicated to providing on-going financial oversight of foster care services. Each of the ten positions, with two working out of each regional office, shall assess and review all foster care spending to ensure that state and federal standards are met. None of these positions shall be used for quality, information technology, or clerical functions.

2. By September 1 of each year, the department shall report to the Governor, the Chairmen of the House Appropriations and Senate Finance Committees, and the Director, Department of Planning and Budget regarding the foster care program's statewide spending, error rates and compliance with state and federal reviews.

F. Out of this appropriation, \$187,549 the first year from the Temporary Assistance for Needy Families block grant shall be provided to manage the summer feeding pilot program, beginning June 2020 and ending August 2020.

G. The Department of Social Services shall provide an annual report on the activities of the

ITEM 349.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
	Office of New Americans by December 1 of each year.				
350.	Financial Assistance for Self-Sufficiency Programs and Services (45200).....			\$293,632,171	\$148,847,863
	Temporary Assistance for Needy Families (TANF) Cash Assistance (45201).....	\$81,777,467	\$76,773,813		
	Temporary Assistance for Needy Families (TANF) Employment Services (45212).....	\$21,657,833	\$21,657,833		
	Supplemental Nutrition Assistance Program Employment and Training (SNAPET) Services (45213).....	\$1,017,741	\$1,017,741		
	Temporary Assistance for Needy Families (TANF) Child Care Subsidies (45214).....	\$59,216,801	\$38,707,424		
	At-Risk Child Care Subsidies (45215).....	\$124,635,948	\$5,364,671		
	Unemployed Parents Cash Assistance (45216).....	\$5,326,381	\$5,326,381		
	Fund Sources: General.....	\$79,487,600	\$79,487,600		
	Federal Trust.....	\$214,144,571	\$69,360,263		

Authority: Title 2.2, Chapter 54; Title 63.2, Chapters 1 through 7, Code of Virginia; Title VI, Subtitle B, P.L. 97-35, as amended; P.L. 103-252, as amended; P.L. 104-193, as amended, Federal Code.

A. It is hereby acknowledged that as of June 30, 2019 there existed with the federal government an unexpended balance of \$151,404,869 in federal Temporary Assistance for Needy Families (TANF) block grant funds which are available to the Commonwealth of Virginia to reimburse expenditures incurred in accordance with the adopted State Plan for the TANF program. Based on projected spending levels and appropriations in this act, the Commonwealth's accumulated balance for authorized federal TANF block grant funds is estimated at \$132,072,240 on June 30, 2020; \$78,587,022 on June 30, 2021; and \$33,342,303 on June 30, 2022.

B. No less than 30 days prior to submitting any amendment to the federal government related to the State Plan for the Temporary Assistance for Needy Families program, the Commissioner of the Department of Social Services shall provide the Chairmen of the House Appropriations and Senate Finance Committees as well as the Director, Department of Planning and Budget written documentation detailing the proposed policy changes. This documentation shall include an estimate of the fiscal impact of the proposed changes and information summarizing public comment that was received on the proposed changes.

C. Notwithstanding any other provision of state law, the Department of Social Services shall maintain a separate state program, as that term is defined by federal regulations governing the Temporary Assistance for Needy Families (TANF) program, 45 C.F.R. § 260.30, for the purpose of providing welfare cash assistance payments to able-bodied two-parent families. The separate state program shall be funded by state funds and operated outside of the TANF program. Able-bodied two-parent families shall not be eligible for TANF cash assistance as defined at 45 C.F.R. § 260.31 (a)(1), but shall receive benefits under the separate state program provided for in this paragraph. Although various conditions and eligibility requirements may be different under the separate state program, the basic benefit payment for which two-parent families are eligible under the separate state program shall not be less than what they would have received under TANF. The Department of Social Services shall establish regulations to govern this separate state program.

D. As a condition of this appropriation, the Department of Social Services shall disregard the value of one motor vehicle per assistance unit in determining eligibility for cash assistance in the Temporary Assistance for Needy Families (TANF) program and in the separate state program for able-bodied two-parent families.

E. The Department of Social Services, in collaboration with local departments of social services, shall maintain minimum performance standards for all local departments of social services participating in the Virginia Initiative for Employment, Not Welfare (VIEW) program. The department shall allocate VIEW funds to local departments of

ITEM 350.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
	social services based on these performance standards and VIEW caseloads. The allocation formula shall be developed and revised in cooperation with the local social services departments and the Department of Planning and Budget.			
	F. A participant whose Temporary Assistance for Needy Families (TANF) financial assistance is terminated due to the receipt of 24 months of assistance as specified in § 63.2-612, Code of Virginia, or due to the closure of the TANF case prior to the completion of 24 months of TANF assistance, excluding cases closed with a sanction for noncompliance with the Virginia Initiative for Employment Not Welfare program, shall be eligible to receive employment and training assistance for up to 12 months after termination, if needed, in addition to other transitional services provided pursuant to § 63.2-611, Code of Virginia.			
	G. The Department of Social Services, in conjunction with the Department of Correctional Education, shall identify and apply for federal, private and faith-based grants for pre-release parenting programs for non-custodial incarcerated parent offenders committed to the Department of Corrections, including but not limited to the following grant programs: Promoting Responsible Fatherhood and Healthy Marriages, State Child Access and Visitation Block Grant, Serious and Violent Offender Reentry Initiative Collaboration, Special Improvement Projects, § 1115 Social Security Demonstration Grants, and any new grant programs authorized under the federal Temporary Assistance for Needy Families (TANF) block grant program.			
	H.1. Out of this appropriation, \$10,703,748 the first year and \$2,500,000 the second year from nongeneral funds is included for Head Start wraparound child care services.			
	2. Included in this Item is funding to carry out the former responsibilities of the Virginia Council on Child Day Care and Early Childhood Programs. Nongeneral fund appropriations allocated for uses associated with the Head Start program shall not be transferred for any other use until eligible Head Start families have been fully served. Any remaining funds may be used to provide services to enrolled low-income families in accordance with federal and state requirements. Families, who are working or in education and training programs, with income at or below the poverty level, whose children are enrolled in Head Start wraparound programs paid for with the federal block grant funding in this Item shall not be required to pay fees for these wraparound services.			
	I. Out of this appropriation, \$2,647,305 the first year and \$2,647,305 the second year from the general fund and \$72,503,762 the first year and from federal funds shall be provided to support state child care programs which will be administered on a sliding scale basis to income eligible families. The sliding fee scale and eligibility criteria are to be set according to the rules and regulations of the State Board of Social Services, except that the income eligibility thresholds for child care assistance shall account for variations in the local cost of living index by metropolitan statistical areas. The Department of Social Services shall make the necessary amendments to the Child Care and Development Funds Plan to accomplish this intent. Funds shall be targeted to families who are most in need of assistance with child care costs. Localities may exceed the standards established by the state by supplementing state funds with local funds.			
	J. Out of this appropriation, \$600,000 the first year from nongeneral funds shall be used to provide scholarships to students in early childhood education and related majors who plan to work in the field, or already are working in the field, whether in public schools, child care or other early childhood programs, and who enroll in a state community college or a state supported senior institution of higher education.			
	K. Out of this appropriation, \$505,000 the first year from nongeneral funds shall be used to provide training of individuals in the field of early childhood education.			
	L. Out of this appropriation, \$300,000 the first year from nongeneral funds shall be used to provide child care assistance for children in homeless and domestic violence shelters.			
	M. Out of this appropriation, the Department of Social Services shall use \$4,800,000 the first year and \$4,800,000 the second year from the federal Temporary Assistance to Needy Families (TANF) block grant to provide to each TANF recipient with two or more children in the assistance unit a monthly TANF supplement equal to the amount the Division of Child Support Enforcement collects up to \$200, less the \$100 disregard passed through to such			

ITEM 350.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022

recipient. The TANF child support supplement shall be paid within two months following collection of the child support payment or payments used to determine the amount of such supplement. For purposes of determining eligibility for medical assistance services, the TANF supplement described in this paragraph shall be disregarded. In the event there are sufficient federal TANF funds to provide all other assistance required by the TANF State Plan, the Commissioner may use unobligated federal TANF block grant funds in excess of this appropriation to provide the TANF supplement described in this paragraph.

N. The Board of Social Services shall combine Groups I and II for the purposes of Temporary Assistance to Needy Families cash benefits and use the Group II rates for the new group.

O. The Department of Social Services shall increase the Temporary Assistance for Needy Families (TANF) cash benefits and income eligibility threshold by 15 percent effective July 1, 2020.

P. Out of this appropriation, \$5,240,499 the first year from the Temporary Assistance for Needy Families block grant shall be provided for a one-year summer feeding program pilot. This pilot shall provide fifty dollars for each of the months of June, July, and August on a qualifying child's family electronic benefits transaction (EBT) card. The funding shall be used to purchase meals for qualifying low-income children in areas that are currently unserved by but summer feeding programs. The pilot shall end on August 31, 2020. The department shall report on program performance and shall include monthly expenditures, number of children served, and localities in which children were served. This report shall be provided to the Governor, Director of the Department of Planning and Budget, and the Chairmen of the House Appropriations and Senate Finance committees by November 1, 2020.

Q. The Department of Social Services shall study the resource cliff faced by families receiving public assistance when income increases enough to reduce or terminate the family's eligibility for public assistance. The report shall address how the structure and terms of eligibility affect the ability of participants to move toward self-sufficiency. The report shall be submitted to the Governor and Chairmen of the House Appropriations and Senate Finance committees on or before August 1, 2021.

351.	Financial Assistance for Local Social Services Staff (46000).....			\$529,556,452	\$524,792,881
	Local Staff and Operations (46010).....	\$529,556,452	\$524,792,881		
	Fund Sources: General.....	\$147,247,452	\$152,220,678		
	Dedicated Special Revenue.....	\$8,659,655	\$8,659,655		
	Federal Trust.....	\$373,649,345	\$363,912,548		

Authority: Title 63.2, Chapters 1 through 7 and 9 through 16, Code of Virginia; P.L. 104-193, Titles IV A, XIX, and XXI, Social Security Act, Federal Code, as amended.

A. The amounts in this Item shall be expended under regulations of the Board of Social Services to reimburse county and city welfare/social services boards pursuant to § 63.2-401, Code of Virginia, and subject to the same percentage limitations for other administrative services performed by county and city public welfare/social services boards and superintendents of public welfare/social services pursuant to other provisions of the Code of Virginia, as amended.

B. Pursuant to the provisions of §§ 63.2-403, 63.2-406, 63.2-407, 63.2-408, and 63.2-615 Code of Virginia, all moneys deducted from funds otherwise payable out of the state treasury to the counties and cities pursuant to the provisions of § 63.2-408, Code of Virginia, shall be credited to the applicable general fund account.

C. Included in this appropriation are funds to reimburse local social service agencies for eligibility workers who interview applicants to determine qualification for public assistance benefits which include but are not limited to: Temporary Assistance for Needy Families (TANF); Supplemental Nutrition Assistance Program (SNAP); and Medicaid.

D. Included in this appropriation are funds to reimburse local social service agencies for social workers who deliver program services which include but are not limited to: child

ITEM 351.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<p>and adult protective services complaint investigations; foster care and adoption services; and adult services.</p> <p>E. Out of the federal fund appropriation for local social services staff, amounts estimated at \$72,000,000 the first year and \$72,000,000 the second year shall be set aside for allowable local costs which exceed available general fund reimbursement and amounts estimated at \$22,000,000 the first year and \$22,000,000 the second year shall be set aside to reimburse local governments for allowable costs incurred in administering public assistance programs.</p> <p>F. Out of this appropriation, \$562,260 the first year and \$562,260 the second year from the general fund and \$540,211 the first year and \$540,211 the second year from nongeneral funds is provided to cover the cost of the health insurance credit for retired local social services employees.</p> <p>G. The Department of Social Services shall work with local departments of social services on a pilot project in the western region of the state to evaluate the available data collected by local departments on facilitated care arrangements. The department shall, based on the findings from the pilot project, determine the most appropriate mechanism for collecting and reporting such data on a statewide basis.</p> <p>H.1. Out of this appropriation, \$4,527,969 the first year and \$4,527,969 the second year from the general fund shall be available for the reinvestment of adoption general fund savings as authorized in Title IV, parts B and E of the federal Social Security Act (P.L. 110-351).</p> <p>2. Of the amount in paragraph H.1. above, \$1,333,031 the first year and \$1,333,031 the second year from the general fund shall be used to provide Child Protective Services (CPS) assessments and investigations in response to all reports of children born exposed to controlled substances regardless of whether the substance had been prescribed to the mother when she has sought or gained substance abuse counseling or treatment.</p> <p>I. Out of this appropriation, \$2,150,048 from the general fund and \$2,175,528 from nongeneral funds each year shall be provided for a pay band minimum increase in fiscal year 2021 of 20 percent for the family services positions and a 15 percent increase for benefit program services positions, self sufficiency services positions and administration positions that are currently below the new minimum threshold.</p> <p>J. Out of this appropriation, \$3,442,659 from the general fund and \$3,483,457 from nongeneral funds each year shall be provided for a salary adjustment the first year of 1.5 percent for all local department of social services positions to address issues related to salary compression.</p>				
352.	Child Support Enforcement Services (46300).....		\$770,838,766	\$770,838,766
	Support Enforcement and Collection Services (46301).....	\$105,932,457		\$105,932,457
	Public Assistance Child Support Payments (46302)....	\$11,000,000		\$11,000,000
	Non-Public Assistance Child Support Payments (46303).....	\$653,906,309		\$653,906,309
	Fund Sources: General.....	\$15,970,085		\$15,970,085
	Special.....	\$691,663,317		\$691,663,317
	Federal Trust.....	\$63,205,364		\$63,205,364

Authority: Title 20, Chapters 2 through 3.1 and 4.1 through 9; Title 63.2, Chapter 19, Code of Virginia; P.L. 104-193, as amended; P.L. 105-200, P.L. 106-113, Federal Code.

A. Any net revenue from child support enforcement collections, after all disbursements are made in accordance with state and federal statutes and regulations, and after the state's share of the cost of administering the program is paid, shall be estimated and deposited into the general fund by June 30 of the fiscal year in which it is collected. Any additional moneys determined to be available upon final determination of a fiscal year's costs of administering the program shall be deposited to the general fund by September 1 of the subsequent fiscal year in which it is collected.

B. In determining eligibility and amounts for cash assistance, pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, the

ITEM 352.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<p>department shall continue to disregard up to \$100 per month in child support payments and return to recipients of cash assistance up to \$100 per month in child support payments collected on their behalf.</p> <p>C. The state share of amounts disbursed to recipients of cash assistance pursuant to paragraph B of this Item shall be considered part of the Commonwealth's required Maintenance of Effort spending for the federal Temporary Assistance for Needy Families program established by the Social Security Act.</p> <p>D. The department shall expand collections of child support payments through contracts with private vendors. However, the Department of Social Services and the Office of the Attorney General shall not contract with any private collection agency, private attorney, or other private entity for any child support enforcement activity until the State Board of Social Services has made a written determination that the activity shall be performed under a proposed contract at a lower cost than if performed by employees of the Commonwealth.</p> <p>E. The Division of Child Support Enforcement, in cooperation with the Department of Medical Assistance Services, shall identify cases for which there is a medical support order requiring a noncustodial parent to contribute to the medical cost of caring for a child who is enrolled in the Medicaid or Family Access to Medical Insurance Security (FAMIS) Programs. Once identified, the division shall work with the Department of Medical Assistance Services to take appropriate enforcement actions to obtain medical support or repayments for the Medicaid program.</p>				
353.	Adult Programs and Services (46800).....		\$40,660,209	\$40,660,209
	Auxiliary Grants for the Aged, Blind, and Disabled (46801).....	\$21,998,009		\$21,998,009
	Adult In-Home and Supportive Services (46802).....	\$6,822,995		\$6,822,995
	Domestic Violence Prevention and Support Activities (46803).....	\$11,839,205		\$11,839,205
	Fund Sources: General.....	\$23,455,181		\$23,455,181
	Federal Trust.....	\$17,205,028		\$17,205,028

Authority: Title 63.2, Chapters 1, 16 and 22, Code of Virginia; Title XVI, federal Social Security Act, as amended.

A.1. Effective July 1, 2020, the Department of Social Services, in collaboration with the Department for Aging and Rehabilitative Services, is authorized to base approved licensed assisted living facility rates for individual facilities on an occupancy rate of 85 percent of licensed capacity, not to exceed a maximum rate of \$1,409 per month, which rate is also applied to approved adult foster care homes, unless modified as indicated below. The department may add a 15 percent differential to the maximum amount for licensed assisted living facilities and adult foster care homes in Planning District Eight.

2. Effective January 1, 2013, the monthly personal care allowance for auxiliary grant recipients who reside in licensed assisted living facilities and approved adult foster care homes shall be \$82 per month, unless modified as indicated below.

3. The Department of Social Services, in collaboration with the Department for Aging and Rehabilitative Services, is authorized to increase the assisted living facility and adult foster care home rates and/or the personal care allowance cited above on January 1 of each year in which the federal government increases Supplemental Security Income or Social Security rates or at any other time that the department determines that an increase is necessary to ensure that the Commonwealth continues to meet federal requirements for continuing eligibility for federal financial participation in the Medicaid program. Any such increase is subject to the prior concurrence of the Department of Planning and Budget. Within thirty days after its effective date, the Department of Social Services shall report any such increase to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees with an explanation of the reasons for the increase.

B. Out of this appropriation, \$4,185,189 the first year and \$4,185,189 in the second year from the federal Social Services Block Grant shall be allocated to provide adult companion services for low-income elderly and disabled adults.

ITEM 353.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
C. The toll-free telephone hotline operated by the Department of Social Services to receive child abuse and neglect complaints shall also be publicized and used by the department to receive complaints of adult abuse and neglect.				
D. Out of this appropriation, \$248,750 the first year and \$248,750 the second year from the general fund and \$1,346,792 the first year and \$1,346,792 the second year from federal Temporary Assistance for Needy Families (TANF) funds shall be provided as a grant to local domestic violence programs for purchase of crisis and core services for victims of domestic violence, including 24-hour hotlines, emergency shelter, emergency transportation, and other crisis services as a first priority.				
E. Out of this appropriation, \$75,000 the first year and \$75,000 the second year from the general fund and \$400,000 the first year and \$400,000 the second year from nongeneral funds shall be provided for the purchase of services for victims of domestic violence as stated in § 63.2-1615, Code of Virginia, in accordance with regulations promulgated by the Board of Social Services.				
F. Out of this appropriation \$1,100,000 the first year and \$1,100,000 the second year from the general fund and \$2,500,000 the first year and \$2,500,000 the second year from federal Temporary Assistance to Needy Families (TANF) funds shall be provided as a grant to local domestic violence programs for services.				
354. Child Welfare Services (46900).....			\$272,522,205	\$268,732,264
Foster Care Payments (46901).....	\$60,738,976	\$60,735,138		
Supplemental Child Welfare Activities (46902).....	\$47,356,349	\$43,570,246		
Adoption Subsidy Payments (46903).....	\$147,606,780	\$147,606,780		
Prevention Services (46905).....	\$16,820,100	\$16,820,100		
Fund Sources: General.....	\$125,977,900	\$131,074,062		
Special.....	\$2,434,593	\$2,434,593		
Dedicated Special Revenue.....	\$585,265	\$585,265		
Federal Trust.....	\$143,524,447	\$134,638,344		

Authority: Title 63.2, Chapters 1, 2, 4 and 8 through 15, Code of Virginia; P.L. 100-294, P.L. 101-126, P.L. 101-226, P.L. 105-89, P.L. 110-351, P.L. 111-320, as amended, Federal Code.

A. Expenditures meeting the criteria of Title IV-E of the Social Security Act shall be fully reimbursed except that expenditures otherwise subject to a standard local matching share under applicable state policy, including local staffing, shall continue to require local match. The commissioner shall ensure that local social service boards obtain reimbursement for all children eligible for Title IV-E coverage.

B. The commissioner, in cooperation with the Department of Planning and Budget, shall establish a reasonable, automatic adjustment for inflation each year to be applied to the room and board maximum rates paid to foster parents. However, this provision shall apply only in fiscal years following a fiscal year in which salary increases are provided for state employees.

C. Out of this appropriation, \$500,000 the first year and \$500,000 the second year from the general fund shall be provided for the purchase of services for victims child abuse and neglect prevention activities as stated in § 63.2-1502, Code of Virginia, in accordance with regulations promulgated by the Board of Social Services.

D. Out of this appropriation, \$180,200 the first year and \$180,200 the second year from the general fund and \$99,800 the first year and \$99,800 the second year from nongeneral funds shall be provided to continue respite care for foster parents.

E. Notwithstanding the provisions of §§ 63.2-1300 through 63.2-1303, Code of Virginia, adoption assistance subsidies and supportive services shall not be available for children adopted through parental placements, except parental placements where the legal guardian is a child placing agency at the time of the adoption. This restriction does not apply to existing adoption assistance agreements.

F.1. Out of this appropriation, \$1,500,000 the first year and \$1,500,000 the second year from the general fund shall be provided to implement pilot programs that increase the number of

ITEM 354.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
foster care children adopted.				
2. Beginning July 1, 2017, the department shall provide an annual report, not later than 45 days after the end of the state fiscal year, on the use and effectiveness of this funding including, but not limited to, the additional number of special needs children adopted from foster care as a result of this effort and the types of ongoing supportive services provided, to the Governor, Chairmen of House Appropriations and Senate Finance Committees, and the Director, Department of Planning and Budget.				
G. Out of this appropriation, \$14,864,476 the first year and \$14,864,476 the second year from the general fund and \$7,000,000 the first year and \$7,000,000 the second year from nongeneral funds shall be provided for special needs adoptions.				
H. Out of this appropriation \$61,019,627 the first year and \$61,019,627 the second year from the general fund and \$61,019,627 the first year and \$61,019,627 the second year from nongeneral funds shall be provided for Title IV-E adoption subsidies.				
I. The Commissioner, Department of Social Services, shall ensure that local departments that provide independent living services to persons between 18 and 21 years of age make certain information about and counseling regarding the availability of independent living services is provided to any person who chooses to leave foster care or who chooses to terminate independent living services before his twenty-first birthday. Information shall include the option for restoration of independent living services following termination of independent living services, and the processes whereby independent living services may be restored should he choose to seek restoration of such services in accordance with § 63.2-905.1 of the Code of Virginia.				
J.1. Notwithstanding the provisions of § 63.2-1302, Code of Virginia, the Department of Social Services shall negotiate all adoption assistance agreements with both existing and prospective adoptive parents on behalf of local departments of social services. This provision shall not alter the legal responsibilities of the local departments of social services set out in Chapter 13 of Title 63.2, Code of Virginia, nor alter the rights of the adoptive parents to appeal.				
2. Out of this appropriation, \$342,414 the first year and \$342,414 the second year from the general fund and \$215,900 the first year and \$215,900 the second year from nongeneral funds shall be provided for five positions to execute these negotiations.				
K.1. The Department of Social Services shall partner with Patrick Henry Family Services to implement a pilot program in the area encompassing Planning District 11 (Amherst, Appomattox, Bedford, Campbell Counties and the City of Lynchburg) for the temporary placements of children for children and families in crisis. The pilot program will allow a parent or legal custodian of a minor, with the assistance of Patrick Henry Family Services, to delegate to another person by a properly executed power of attorney any powers regarding care, custody, or property of the minor for a temporary placement for a period that is not greater than 90 days. The program will allow for an option of a one-time 90 day extension.				
2. The department shall ensure that this pilot program meets the following specific programmatic and safety requirements outlined in 22 VAC 40-131 and 22 VAC 40-191:				
(i) The pilot program organization shall meet the background check requirements described in 22 VAC 40-191.				
(ii) The pilot program organization shall develop and implement written policies and procedures for governing active and closed cases, admissions, monitoring the administration of medications, prohibiting corporal punishment, ensuring that children are not subjected to abuse or neglect, investigating allegations of misconduct toward children, implementing the child's back-up emergency care plan, assigning designated casework staff, management of all records, discharge policies, and the use of seclusion and restraint (22 VAC 40-131-90).				
(iii) The pilot program organization shall provide pre-service and ongoing training for temporary placement providers and staff (22 VAC 40-131-210 and 22 VAC 40-131-150).				

ITEM 354.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
L.1. Out of this appropriation, \$2,925,954 the first year and \$2,925,954 the second year from the general fund and \$2,886,611 the first year and \$2,886,611 the second year from nongeneral funds shall be available for the expansion of foster care and adoption assistance as authorized in the federal Foster Connections to Success and Increasing Adoptions Act of 2008 (P.L. 110-351; P.L. 11-148).				
2. In order to implement the Fostering Futures program, the Department of Social Services shall set out the requirements for program participation in accordance with 42 U.S.C. 675 (8) (B) (iv) and shall provide the format of an agreement to be signed by the local department of social services and the youth. The definition of a child for the purpose of the Fostering Futures program shall be any natural person who has reached the age of 18 years but has not reached the age of 21. The Department of Social Services shall develop guidance setting out the requirements for local implementation including a requirement for six-month reviews of each case and reasons for termination of participation by a youth. The guidance shall also include a definition of a supervised independent living arrangement which does not include group homes or residential facilities. Implementation of this program includes the extension of adoption assistance to age 21 for youth who were adopted at age 16 or older and who meet the program participation requirements set out in guidance by the Department of Social Services.				
3. The Department of Social Services shall issue guidance for the program's eligibility requirements and shall be available, on a voluntary basis, to an individual upon reaching the age of 18 who:				
(i) was in the custody of a local department of social services either:				
(a) prior to reaching 18 years of age, remained in foster care upon turning 18 years of age; or				
(b) immediately prior to commitment to the Department of Juvenile Justice and is transitioning from such commitment to self-sufficiency.				
(ii) and who is:				
(a) completing secondary education or an equivalent credential; or				
(b) enrolled in an institution that provides post-secondary or vocational education; or				
(c) employed for at least 80 hours per month; or				
(d) participating in a program or activity designed to promote employment or remove barriers to employment; or				
(e) incapable of doing any of the activities described in subdivisions (a) through (d) due to a medical condition, which incapability is supported by regularly updated information in the program participant's case plan.				
4. Implementation of extended foster care services shall be available for those eligible youth reaching age 18 on or after July 1, 2016.				
M.1. Out of this appropriation, \$7,517,668 the first year and \$7,517,668 the second year from the general fund and \$2,500,000 the first year and \$2,500,000 the second year from nongeneral funds shall be available for the reinvestment of adoption general fund savings as authorized in title IV, parts B and E of the federal Social Security Act (P.L. 110-351).				
2. Of the amounts in paragraph M.1. above, \$3,078,595 the first year and \$3,078,595 the second year from the general fund shall be used to develop a case management module for a comprehensive child welfare information system (CCWIS). In the development of the CCWIS, the department shall not create any future obligation that will require the appropriation of general fund in excess of that provided in this Act. Should additional appropriation, in excess of the amounts identified in this paragraph, be needed to complete development of this or any other module for the CCWIS, the department shall notify the Chairmen of the House Appropriations and Senate Finance Committees, and Director, Department of Planning and Budget.				
3. Beginning September 1, 2018, the department shall also provide semi-annual progress reports that includes current project summary, implementation status, accounting of project				

ITEM 354.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022

expenditures and future milestones. All reports shall be submitted to the Chairmen of the House Appropriations and Senate Finance Committees, and Director, Department of Planning and Budget.

N. Out of this appropriation, \$1,009,563 the first year and \$1,009,563 the second year from nongeneral funds shall be used to fund ten positions that support the child protective services hotline.

O. Out of this appropriation, \$50,000 the first year and \$50,000 the second year from the general fund and \$50,000 the first year and \$50,000 the second year from nongeneral funds shall be used to fund one position that supports Virginia Fosters.

P. Out of this appropriation, \$851,000 the first year and \$851,000 the second year from the general fund is provided for training, consultation and technical support, and licensing costs associated with establishing evidence-based programming as identified in the federal Family First Prevention Services Act (FFPSA) Evidence-Based Programs Clearinghouse.

Q. The Department of Social Services shall develop a plan to provide access statewide to a Kinship Navigator Program which will provide services to kinship caregivers who are having trouble finding assistance for their unique needs and to help these caregivers navigate their locality's service system, as well as federal and state benefits.

R. Out of this appropriation, \$100,000 the first year and \$200,000 the second year from the general fund shall be provided to support the development and implementation of a statewide driver's licensing program to support foster care youth in obtaining a driver's license. Funding shall be made available, up to the limits of this appropriation, to local departments of social services to reimburse foster care providers for increases to their existing motor vehicle insurance premiums that occur because a foster care youth in their care has been added to their insurance policy. The program may also reimburse foster care providers for additional coverage (i.e. an umbrella policy or the equivalent) that provides liability protection should a foster care youth get into or cause a catastrophic accident. Additionally, funding shall be made available to foster care youth in Virginia's Fostering Futures Program to assist in covering the cost of obtaining motor vehicle insurance. The department shall develop reimbursement policies for foster care providers and foster care youth. The department shall coordinate and administer the driver's licensing program based on best practices from similar programs in other states, to include developing educational or training materials that educate foster parents, private providers, and foster youth about (i) liability issues, insurance laws, and common insurance practices (to include laws about renewal and cancellation, how long an accident can affect premiums, how to establish that a foster youth is no longer living in the residence, and other applicable topics); (ii) Department of Motor Vehicles requirements to obtain a learner's permit and driver's license; (iii) what funding and resources are available to assist in this process, to include, paying school lab fees for "Behind the Wheel" or paying a private driving education company; and (iv) why getting a driver's license on time is important for normalcy and a successful transition to adulthood. The department shall provide information on how many foster care youth were supported by this program and any recommendations to improve the program to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees by December 1, 2020.

S. The Department of Social Services shall create an emergency approval process for kinship caregivers and develop foster home certification standards for kinship caregivers using as a guide the Model Family Foster Home Licensing Standards developed by the American Bar Association Center on Children and the Law, the Annie E. Casey Foundation, Generations United, and the National Association for Regulatory Administration. The adopted standards should align, as much as reasonably possible, to the Model Family Foster Home Licensing Standards, and should ensure that children in foster care: (i) live in safe and appropriate homes under local department of social services and court oversight; (ii) receive monthly financial assistance and supportive services to help meet their needs; and (iii) can access the permanency options offered by Virginia's Kinship Guardianship Assistance Program.

T. The Department of Social Services shall offset \$5,000,000 the first year of the general fund cost of implementing the Family First Prevention Services Act with federal Family First Transition Act funding for approved services and activities.

ITEM 354.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022

U. The Commissioner shall establish a five-year plan for the Commonwealth to prevent child abuse and neglect. In developing this plan, the Department shall collaborate with the Department for Behavioral Health & Developmental Services, Department of Health, Department of Education, Family and Children's Trust and other relevant state agencies and stakeholders. This plan shall be focused on primary prevention, be trauma informed, include a public health framework on abuse prevention, promote positive youth development, and be asset and strength based. The plan shall reference and coordinate with any other state plans or programs that deal with issues related to child abuse prevention such as, but not limited to, teen pregnancy prevention, youth substance use, school dropout, domestic violence/family violence, and foster care prevention. The Commissioner shall convene a work group to assist with developing this plan. The workgroup shall include, but not be limited to, the following stakeholders: Families Forward Virginia, VOICES for Virginia's Children, and the Virginia Poverty Law Center. The Commissioner shall report the plan to the Governor and the Chairs of the House Appropriations and Senate Finance and Appropriations Committees, and the Commission on Youth by July 1, 2021.

V. Within 10 days of the enactment of this Act, the Department of Social Services (DSS) shall generate an estimate of the annual impact of enhanced federal Medical Assistance Percentages (FMAP), associated with federal H.R. 6021, the Families First Coronavirus Response Act (FFCRA), on all Title IV-E foster care and adoptions programs as appropriated in this Act. The agency shall report these estimates by fiscal year, fiscal quarter, service area and fund detail, to the Department of Planning and Budget (DPB) and the Chairs of the House Appropriations and Senate Finance and Appropriations Committees within the required timeframe. DPB is authorized to unallot an amount of state funds equal to the general fund savings identified in the DSS report. Upon expiration of the enhanced FMAP, DPB is authorized to re-allot funding for those quarters for which assumed enhanced FMAP is not available.

355.	Financial Assistance for Supplemental Assistance Services (49100).....			\$83,257,450	\$83,257,450
	General Relief (49101).....	\$500,000	\$500,000		
	Resettlement Assistance (49102).....	\$9,022,000	\$9,022,000		
	Emergency and Energy Assistance (49103).....	\$73,735,450	\$73,735,450		
	Fund Sources: General.....	\$500,000	\$500,000		
	Federal Trust.....	\$82,757,450	\$82,757,450		

Authority: Title 2.2, Chapter 54; Title 63.2, Code of Virginia; Title VI, Subtitle B, P.L. 97-35, as amended; P.L. 104-193, as amended, Federal Code.

356.	Financial Assistance to Community Human Services Organizations (49200).....			\$59,707,967	\$56,207,967
	Community Action Agencies (49201).....	\$21,263,048	\$21,263,048		
	Volunteer Services (49202).....	\$3,866,340	\$3,866,340		
	Other Payments to Human Services Organizations (49203).....	\$34,578,579	\$31,078,579		
	Fund Sources: General.....	\$1,174,500	\$674,500		
	Federal Trust.....	\$58,533,467	\$55,533,467		

Authority: Title 2.2, Chapter 54; Title 63.2, Code of Virginia; Title VI, Subtitle B, P.L. 97-35, as amended; P.L. 103-252, as amended; P.L. 104-193, as amended, Federal Code.

A.1. All increased state or federal funds distributed to Community Action Agencies shall be distributed as follows: The funds shall be distributed to all local Community Action Agencies according to the Department of Social Services funding formula (75 percent based on low-income population, 20 percent based on number of jurisdictions served, and five percent based on square mileage served), adjusted to ensure that no agency receives less than 1.5 percent of any increase.

2. Out of this appropriation, \$185,725 the first year and \$185,725 the second year from the Temporary Assistance for Needy Families (TANF) block grant shall be provided to contract with the Virginia Community Action Partnership to provide outreach, education and tax preparation services via the Virginia Earned Income Tax Coalition and other community non-

ITEM 356.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022

profit organizations to citizens who may be eligible for the federal Earned Income Tax Credit. The contract shall require the Virginia Community Action Partnership to report on its efforts to expand the number of Virginians who are able to claim the federal EITC, including the number of individuals identified who could benefit from the credit, the number of individuals counseled on the availability of federal EITC, and the number of individuals assisted with tax preparation to claim the federal EITC. The annual report from the Virginia Community Action Partnership shall also detail actual expenditures for the program including the sub-contractors that were utilized. This report shall be provided to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees by December 1 each year.

3. Out of this appropriation, \$7,750,000 the first year and \$7,750,000 the second year from the Temporary Assistance for Needy Families (TANF) block grant shall be provided to contract with local Community Action Agencies to provide an array of services designed to meet the needs of low-income individuals and families, including the elderly and migrant workers. Services may include, but are not limited to, child care, community and economic development, education, employment, health and nutrition, housing, and transportation.

4. Out of this appropriation, \$1,125,000 the first year and \$1,125,000 the second year from the Temporary Assistance to Needy Families (TANF) block grant shall be provided for competitive grants to Community Action Agencies for a Two-Generation/Whole Family Pilot Project and for evaluation of the pilot project. Applicants selected for the pilot project shall provide a match of no less than 20 percent of the grant, including in-kind services. The Department of Social Services shall report to the General Assembly annually on the progress of the pilot project and shall complete a final report on the project no later than six years after the commencement of the project.

B. The department shall continue to fund from this Item all organizations recognized by the Commonwealth as community action agencies as defined in §2.2-5400 et seq.

C. Out of this appropriation, \$8,617,679 the first year and \$8,617,679 the second year from the Temporary Assistance for Needy Families (TANF) block grant shall be provided to contract with programs that follow the evidence-based Healthy Families America home visiting model that promotes positive parenting, improves child health and development, and reduces child abuse and neglect. The Department of Social Services shall use a portion of the funds from this item to contract with the statewide office of Prevent Child Abuse Virginia for providing the coordination, technical support, quality assurance, training and evaluation of the Virginia Healthy Families programs.

E. Out of this appropriation, \$100,000 the first year and \$100,000 the second year from nongeneral funds shall be provided for the Child Abuse Prevention Play (the play) administered by Virginia Repertory Theatre. The contract shall include production and live performances of the play that teach child safety awareness to prevent child abuse.

F. Out of this appropriation, \$70,000 the first year and \$70,000 the second year from the general fund shall be provided to contract with the Virginia Alzheimer's Association Chapters to provide dementia-specific training to long-term care workers in licensed nursing facilities, assisted living facilities and adult day care centers who deal with Alzheimer's disease and related disorders.

G. Out of this appropriation, \$1,000,000 the first year and \$1,000,000 the second year from the Temporary Assistance for Needy Families (TANF) block grant shall be provided to contract with Northern Virginia Family Services (NVFS) to provide supportive services that address the basic needs of families in crisis, including the provision of food, financial assistance to prevent homelessness, access to health services, and adult workforce development programs. The contract shall require NVFS to provide an intake process that identifies the needs and appropriate services for those in crisis. Outcomes will be measured utilizing surveys provided to those who receive services and NVFS will report quarterly on survey results.

H. Out of this appropriation, \$405,500 the first year and \$405,500 the second year from the general fund and \$1,136,500 the first year and \$1,136,500 the second year from the Temporary Assistance for Needy Families (TANF) block grant shall be provided to

ITEM 356.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<p>contract with child advocacy centers (CAC) to provide a comprehensive, multidisciplinary team response to allegations of child abuse in a dedicated, child-friendly setting. The contracts shall require CACs to provide forensic interviews, victim support and advocacy services, medical evaluations, and mental health services to victims of child abuse and neglect with the expected outcome of reducing child abuse and neglect. The department shall allocate four percent to Children's Advocacy Centers of Virginia (CACVA), the recognized chapter of the National Children's Alliance for Virginia's Child Advocacy Centers, for the purpose of assisting and supporting the development, continuation, and sustainability of community-coordinated, child-focused services delivered by children's advocacy centers (CACs). Of the remaining 96 percent, (i) 65 percent shall be distributed to a baseline allocation determined by the accreditation status of the CAC: (a) developing and associate centers 100 percent of base; (b) accredited centers 150 percent of base; and (c) accredited centers with satellite facilities 175 percent of base; and (ii) 35 percent shall be allocated according to established criteria to include: (a) 25 percent determined by the rate of child abuse per 1,000; (b) 25 percent determined by child population; and (c) 50 percent determined by the number of counties and independent cities serviced.</p>				
<p>I.1. Out of this appropriation, \$1,250,000 the first year and \$1,250,000 the second year from the Temporary Assistance for Needy Families (TANF) block grant shall be provided to contract with the Virginia Early Childhood Foundation (VECF) to support the health and school readiness of Virginia's young children prior to school entry. These funds shall be matched with local public and private resources with a goal of leveraging a dollar for each state dollar provided.</p>				
<p>2. Of the amounts in paragraph I.1. above, \$1,250,000 the first year and \$1,250,000 the second year from the Temporary Assistance for Needy Families (TANF) block grant shall be used to provide information and assistance to parents and families and to facilitate partnerships with both public and private providers of early childhood services. VECF will track and report statewide and local progress on a biennial basis. The Foundation shall account for the expenditure of these funds by providing the Governor, Secretary of Health and Human Resources, and the Chairmen of the House Appropriations and Senate Finance Committees with a certified audit and full report on Foundation initiatives and results not later than October 1 of each year for the preceding fiscal year ending June 30.</p>				
<p>3. On or before October 1 of each year, the foundation shall submit to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees a report on the actual amount, by fiscal year, of private and local government funds received by the foundation.</p>				
<p>J. Out of this appropriation \$2,000,000 the first year and \$2,000,000 the second year from the Temporary Assistance for Needy Families (TANF) block grant shall be provided to the Virginia Alliance of Boys and Girls Clubs to expand community-based prevention and mentoring programs.</p>				
<p>K.1. Out of this appropriation, \$7,500,000 the first year and \$7,500,000 the second year from the Temporary Assistance for Needy Families (TANF) block grant the shall be provided for competitive grants for community employment and training programs designed to move low-income individuals out of poverty through programs designed to assist TANF recipients in obtaining and retaining competitive employment with the prospect of a career path and wage growth and other supportive services designed to break the cycle of poverty and permanently move individuals out of poverty. Of this amount, \$2,000,000 shall be provided for competitive grants provided through Employment Services Organizations (ESOs).</p>				
<p>2.a. Out of this appropriation, \$3,000,000 the first year and \$3,000,000 the second year from the Temporary Assistance for Needy Families (TANF) block grant the shall be provided for a second round of grants for community employment and training programs designed to move low-income individuals out of poverty by obtaining and retaining competitive employment with the prospect of a career path and wage growth. The local match requirement shall be reduced to 10 percent, including in-kind services, for grant recipients located in Virginia counties or cities with high fiscal stress as defined by the Commission on Local Government fiscal stress index.</p>				
<p>b. Out of the amounts in 2.a., at least \$300,000 the first year and \$300,000 the second year from the Temporary Assistance for Needy Families (TANF) block grant shall be provided through a contract with the City of Richmond, Office of Community Wealth for services</p>				

ITEM 356.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022

provided through the Center for Workforce Innovation.

3. Out of this appropriation, \$1,500,000 the first year and \$1,500,000 the second year from the the Temporary Assistance to Needy Families (TANF) block grant shall be provided for a third round of competitive grants for community employment and training programs. Out of this amount, \$450,000 each year shall be provided for competitive grants through Employment Services Organizations. The department may encourage applicants to consider developing programs that align or coordinate with the Medicaid Referral program to be developed pursuant to language in Item 313 of this act.

4. The Department of Social Services shall award grants to qualifying programs through a memorandum of understanding which articulates performance measures and outcomes including the number of individuals participating in services, number of individuals hired into employment, the number of unique employers hiring individuals through organizational programs and activities, the average starting wage of individuals hired, reductions in the rate of poverty, as well as process measures such as how the program targets improvement in poverty over a three to five year period and fits in with long term community goals for reducing poverty. Grants shall require local matching funds of at least a 25 percent, including in-kind services.

5. Community employment and training programs and ESOs shall report on annual program performance and outcome measures contained in the memorandum of understanding with the Department of Social Services. The department shall report on the implementation of the programs and any performance and outcome data collected through the memorandum of understanding by June 1 of each year.

L. Out of this appropriation, \$100,000 the first year and \$100,000 the second year from the general fund shall be provided to contract with Youth for Tomorrow (YFT) to provide comprehensive residential, education and counseling services to at-risk youth of the Commonwealth of Virginia who have been sexually exploited, including victims of sex trafficking. The contract shall require YFT to provide individual assessments/individual service planning; individual and group counseling; room and board; coordination of medical and mental health services and referrals; independent living services for youth transitioning out of foster care; active supervision; education; and family reunification services. Youth for Tomorrow shall submit monthly progress reports on activities conducted and progress achieved on outputs, outcomes and other functions/activities during the reporting period. On October 1 of each year, YFT shall provide an annual report to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees that details program services, outputs and outcomes.

M. Out of this appropriation, \$75,000 the first year and \$75,000 the second year from the federal Temporary Assistance for Needy Families block grant shall be provided to contract with Visions of Truth Community Development Corporation in Portsmouth, Virginia. The funding will support the Students Taking Responsibility in Valuing Education (STRIVE) suspension/dropout prevention program.

N. Out of this appropriation, \$600,000 the first year and \$600,000 the second year from the the federal Temporary Assistance for Needy Families block grant shall be provided to contract with Early Impact Virginia to continue its work in support of Virginia's voluntary home visiting programs. These funds may be used to hire three full-time staff, including a director and an evaluator, and to continue Early Impact Virginia's training partnerships. Early Impact Virginia shall have the authority and responsibility to determine, systematically track, and report annually on the key activities and outcomes of Virginia's home visiting programs; conduct systematic and statewide needs assessments for Virginia's home visiting programs at least once every three years; and to support continuous quality improvement, training, and coordination across Virginia's home visiting programs on an ongoing basis. Early Impact Virginia shall report on its findings to the Chairmen of the House Appropriations and Senate Finance Committees by July 1, 2019 and annually thereafter.

O. Out of this appropriation, \$750,000 the first year and \$750,000 the second year from the Temporary Assistance for Needy Families (TANF) block grant shall be provided to contract with the Laurel Center in Winchester to provide program services to survivors of domestic abuse and sexual violence in Winchester, Frederick County, Clarke County, and

ITEM 356.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022

Warren County at the Center's residential facility for survivors.

P. Out of this appropriation, \$50,000 the first year and \$50,000 the second year from the general fund shall be provided for the Department of Social Services to contract with Adoption Share, Inc. for the purpose of a pilot program to operate the Family-Match application, which is an online matching tool for state case workers to use in matching foster care children with the best families.

Q. Out of this appropriation, \$100,000 the first year and \$100,000 the second year from the Temporary Assistance for Needy Families (TANF) block grant shall be provided to FACETS to provide homeless assistance services in Northern Virginia.

R. Out of this appropriation, \$3,000,000 the first year from the Temporary Assistance for Needy Families block grant shall be provided for one-time funding to contract with the Virginia Federation of Food Banks to provide child nutrition programs.

S. Out of this appropriation, \$1,000,000 the first year and \$1,000,000 the second year for the Temporary Assistance for Needy Families block grant shall be provided to the Virginia Transit Association to offer competitive grants for public transportation (as defined in Virginia Code §33.2-100) and public transportation demand management service fare passes. The Virginia Transit Association shall report on annual program performance and outcome measures contained in the memorandum of understanding with the Department of Social Services. The department shall report on any performance and outcome data collected through the memorandum of understanding by July 1 of each year. This report shall be provided to the Governor, Director of the Department of Planning and Budget, and the Chaimen of the House Appropriations and Senate Finance committees.

T. Out of this appropriation, \$700,000 the first year and \$700,000 the second year from the Temporary Assistance for Needy Families block grant shall be provided to United Community to offer wrap-around services for low-income families. United Community shall report on annual program performance and outcome measures contained in the memorandum of understanding with the Department of Social Services. The department shall report on any performance and outcome data collected through the memorandum of understanding by July 1 of each year. This report shall be provided to the Governor, Director of the Department of Planning and Budget, and the Chaimen of the House Appropriations and Senate Finance committees.

U. Out of this appropriation, \$100,000 the first year and \$100,000 the second year from the Temporary Assistance for Needy Families (TANF) block grant shall be provided to the Lighthouse Community Center, a nonprofit organization in Planning District 11, to provide housing assistance, or other eligible services, for individuals transitioning out of the criminal justice system and domestic violence situations contingent on contracting for services eligible under the TANF block grant.

V. Out of this appropriation, \$500,000 the first year from the general fund shall be provided to the Laurel Center for expansion of education, outreach, program services, and new career and education support.

357.	Regulation of Public Facilities and Services (56100)..			\$35,317,447	\$15,956,745
	Regulation of Adult and Child Welfare Facilities (56101).....	\$32,251,460	\$12,890,758		
	Background Investigation Services (56106).....	\$3,065,987	\$3,065,987		
	Fund Sources: General.....	\$6,246,227	\$6,588,125		
	Special.....	\$3,143,517	\$3,143,517		
	Federal Trust.....	\$25,927,703	\$6,225,103		

Authority: Title 63.2, Chapters 17 and 18, Code of Virginia.

A. The state nongeneral fund amounts collected and paid into the state treasury pursuant to the provisions of § 63.2-1700, Code of Virginia, shall be used for the development and delivery of training for operators and staff of assisted living facilities, adult day care centers, and child welfare agencies.

B. As a condition of this appropriation, the Department of Social Services shall (i) promptly

ITEM 357.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<p>fill all position vacancies that occur in licensing offices so that positions shall not remain vacant for longer than 120 days and (ii) hire sufficient child care licensing specialists to ensure that all child care facilities receive, at a minimum, the two visits per year mandated by § 63.2-1706, Code of Virginia, and that facilities with compliance problems receive additional inspection visits as necessary to ensure compliance with state laws and regulations.</p>				
<p>C. As a condition of this appropriation, the Department of Social Services shall utilize a risk assessment instrument for child and adult care enforcement. This instrument shall include criteria for determining when the following sanctions may be used: (i) the imposition of intermediate sanctions, (ii) the denial of licensure renewal or revocation of license of a licensed facility, (iii) injunctive relief against a child care provider, and (iv) additional inspections and intensive oversight of a facility by the Department of Social Services.</p>				
<p>D. Out of this appropriation, the Department of Social Services shall implement training for new assisted living facility owners and managers to focus on health and safety issues, and resident rights as they pertain to adult care residences.</p>				
<p>E. Out of this appropriation, \$8,853,833 and 59 positions the first year from the federal Child Care and Development Fund (CCDF) shall be provided to address the workload associated with licensing, inspecting and monitoring family day homes, pursuant to § 63.2-1704, Code of Virginia. The Department of Social Services shall provide an annual report, not later than October 1 of each year for the preceding state fiscal year ending June 30, on the implementation of this initiative to the Governor, the Chairmen of the House Appropriations and Senate Finance Committees, and the Director, Department of Planning and Budget.</p>				
<p>F. The Department of Social Services shall work with localities that currently inspect child day care centers and family day homes to minimize duplication and overlap of inspections pursuant to § 63.2-1701.1, Code of Virginia.</p>				
<p>G. No child day center, family day home, or family day system licensed in accordance with Chapter 17, Title 63.2; child day center exempt from licensure pursuant to § 63.2-1716; registered family day home; family day home approved by a family day system; or any child day center or family day home that enters into a contract with the Department of Social Services or a local department of social services to provide child care services funded by the Child Care and Development Block Grant shall employ; continue to employ; or permit to serve as a volunteer who will be alone with, in control of, or supervising children any person who has an offense as defined in § 63.2-1719. All employees and volunteers shall undergo the following background check by July 1, 2017 and every 5 years thereafter, as required by the federal Child Care and Development Block Grant Act of 2014 (CCDBG).</p>				
<p>H. 1. A child day program that operates for children of essential personnel, who are in need of child care as a result of the COVID-19 pandemic, shall be exempt from licensure. Programs operating under this emergency licensing exemption must file an exemption with the Department and abide by the requirements set forth in § 63.2-1715(C) and (D), Code of Virginia. The Commissioner shall have the authority to inspect these programs only upon receipt of a complaint, except as otherwise provided by law.</p>				
<p>2. An instructional program operating under § 63.2-1715 (A), Code of Virginia solely for children of essential personnel must file with the Commissioner a statement indicating the intent to operate the program and identifying that the program will operate solely for the children of essential personnel. All emergency child care programs shall follow Centers for Disease Control and Prevention and Virginia Department of Health guidance on safety measures to prevent the spread of COVID-19.</p>				
<p>I. When a child day program operates in response to the COVID-19 pandemic, a background check for an individual associated with a child day program operating solely for children of essential personnel shall not be required for any individual who has completed a background check under the provisions of § 63.2-1720.1 or § 63.2-1721.1, Code of Virginia within the previous two years and who continues to be eligible. The Department shall establish a process regarding background check portability, and child</p>				

ITEM 357.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<p>day program providers seeking portability must follow this process.</p> <p>J. Any public or accredited private school may operate emergency child care for preschool or school aged children of essential personnel during a declared state or local emergency due to COVID-19. Such programs shall be exempt from licensure (§ 63.2-1715, Code of Virginia) and shall be subject to safety and supervisory standards, including background checks, established by the local school division or accredited private school offering the program. All emergency child care programs shall follow Centers for Disease Control and Prevention and Virginia Department of Health guidance on safety measures to prevent the spread of COVID-19.</p>				
358.	Emergency Preparedness (77500).....		\$1,665,020	\$811,320
	Emergency Planning Preparedness Assistance (77503).....		\$1,665,020	\$811,320
	Fund Sources: General.....		\$797,345	\$421,717
	Federal Trust.....		\$867,675	\$389,603
<p>A. By October 1 of each year, the Sheltering Coordinator shall provide a status report on the Commonwealth's emergency shelter capabilities and readiness to the Governor, the Secretary of Health and Human Resources, the Secretary of Public Safety and Homeland Security, the Director of the Department of Planning and Budget, and the Chairmen of the House Appropriations and Senate Finance committees.</p> <p>B.1. The Department of Social Services, in consultation with institutions of higher education, and with the assistance of the Virginia Department of Emergency Management and the Department of General Services, shall develop a model state shelter plan to include but not limited to the process of mobilization and demobilization of the shelter; relocation of residents when a state shelter is de-activated; warehousing of pre-positioned supplies; potential use of existing resources and vendors already under contract with institutions of higher education; and cost estimates for resources that would be reimbursed by the Commonwealth. The Department shall submit a report on the model plan and its recommendations, including challenges implementing such plan in all state shelters, by October 15, 2020, to the chairs of the House Appropriations and Senate Finance Committees, the Secretary of Health and Human Resources, the Secretary of Education, and the Secretary of Public Safety and Homeland Security, and the Secretary of Finance.</p> <p>2. Notwithstanding any other provision of law, the Department of Social Services, in consultation with the Virginia Department of Emergency Management, shall determine and document the specifications of all goods and services required in the event of state shelter activation and provide the specifications to the Department of General Services. In so doing, the Department shall work with each institution of higher education at which a state shelter may be located to identify site-specific goods and services needs to operate the shelter. The Department will identify the extent to which an institution of higher education may have existing contracts for goods and services that could be used to support state shelter operations. In addition the Department will identify warehousing space that is or may be available at institutions of higher education for the storage of supplies. The Department shall complete the initial specifications and warehousing documentation by November 1, 2020, and revise it as needed providing updates to the Department of General Services annually thereafter by November 1 each year.</p> <p>3. All state agencies are directed to provide all information or assistance requested by the Department to complete or revise this documentation to support state shelters. Immediately following activation of one or more state shelters, the Department shall be responsible for submitting procurement orders as needed on behalf of affected institutions of higher education to the Virginia Department of Emergency Management and the Department of General Services for fulfillment in support of state shelter activation.</p>				
359.	Administrative and Support Services (49900).....		\$119,439,453	\$113,236,291
	General Management and Direction (49901).....		\$5,172,009	\$5,172,009
	Information Technology Services (49902).....		\$86,563,405	\$80,360,243
	Accounting and Budgeting Services (49903).....		\$10,584,962	\$10,584,962
	Human Resources Services (49914).....		\$5,714,069	\$5,714,069
	Planning and Evaluation Services (49916).....		\$4,114,012	\$4,114,012

ITEM 359.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Procurement and Distribution Services (49918).....	\$3,900,031	\$3,900,031		
Public Information Services (49919).....	\$3,004,654	\$3,004,654		
Financial and Operational Audits (49929).....	\$386,311	\$386,311		
Fund Sources: General.....	\$45,867,828	\$45,582,828		
Special.....	\$175,000	\$175,000		
Federal Trust.....	\$73,396,625	\$67,478,463		

Authority: Title 63.2, Chapter 1; § 2.2-4000 et seq., Code of Virginia; P.L. 98-502, P.L. 104-156, P.L. 104-193, P.L. 104-327, P.L. 105-33, as amended, P.L. 105-89, Federal Code; Titles IV-A, IV-B, IV-D, IV-E, XIX, XX, XXI of the federal Social Security Act, as amended.

A. The Department of Social Services shall require localities to report all expenditures on designated social services, regardless of reimbursement from state and federal sources. The Department of Social Services is authorized to include eligible costs in its claim for Temporary Assistance for Needy Families Maintenance of Effort requirements.

B. It is the intent of the General Assembly that the Commissioner, Department of Social Services shall work with localities that seek to voluntarily merge and consolidate their respective local departments of social services. No funds appropriated under this act shall be used to require a locality to merge or consolidate local departments of social services.

C.1. Out of this appropriation, \$627,458 the first year and \$627,458 the second year from the general fund and \$969,542 the first year and \$969,542 the second year from nongeneral funds shall be provided to support the statewide 2-1-1 Information and Referral System which provides resource and referral information on many of the specialized health and human resource services available in the Commonwealth, including child day care availability and providers in localities throughout the state, and publish consumer-oriented materials for those interested in learning the location of child day care providers.

2. The Department of Social Services shall request that all state and local child-serving agencies within the Commonwealth be included in the Virginia Statewide Information and Referral System as well as any agency or entity that receives state general fund dollars and provides services to families and youth. The Secretary of Health and Human Resources, the Secretary of Education and Workforce, and the Secretary of Public Safety and Homeland Security shall assist in this effort by requesting all affected agencies within their secretariats to submit information to the statewide Information and Referral System and ensure that such information is accurate and updated annually. Agencies shall also notify the Virginia Information and Referral System of any changes in services that may occur throughout the year.

3. The Department of Social Services shall communicate with child-serving agencies within the Commonwealth about the availability of the statewide Information and Referral System. This information shall also be communicated via the Department of Social Services' broadcast system on their agency-wide Intranet so that all local and regional offices can be better informed about the Statewide Information and Referral System. Information on the Statewide Information and Referral System shall also be included within the department's electronic mailings to all local and regional offices at least biannually.

D.1. Within 30 days of awarding or amending any contract related to the Virginia Case Management System (VaCMS), the Department of Social Services (DSS) shall provide the Chairmen of the House Appropriations and Senate Finance Committees, and Director, Department of Planning and Budget with a copy of the contract, including any fiscal implications.

2. Prior to the award of any contract that will potentially obligate the Commonwealth to future unappropriated spending, the department shall receive prior written concurrence from Director, Department of Planning and Budget. Any approved increases in funding requests shall be reported by DSS to the Chairmen of House Appropriations and Senate Finance Committees within 30 days.

ITEM 359.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022

E. At least 60 days prior to the modification of any public guidance document, handbook, manual, or state plan, the Department of Social Services (DSS) shall provide written notification to the Governor and the Director of the Department of Planning and Budget as to the purpose of such change. This notice shall also assess whether the amendment may require any 1) future state regulatory action; 2) increase in local costs; and/or 3) any state expenditure beyond that which is appropriated in this Act. This notice does not exempt the agency from any requirements set forth within § 4-5.03 of this Act.

F. The Superintendent of Public Instruction shall convene a work group to develop and establish a plan to transfer the Child Care Development Fund grant from the Virginia Department of Social Services to the Virginia Department of Education no later than July 1, 2021. The work group shall include representatives of (i) the Secretariats of Education and Health and Human Resources; (ii) relevant state agencies, including the Department of Planning and Budget, the Office of the Attorney General, the Department of Education, and the Department of Social Services; (iii) relevant regulatory boards, including the Board of Education; and (iv) the House Committee on Appropriations and the Senate Committee on Finance and Appropriations. The goal of this transfer is to house responsibility of child care and education programs under one agency. The plan shall be submitted to the Governor, the Chairs of the House Appropriations and Senate Finance and Appropriations Committees, and Director of the Department of Planning and Budget no later than August 15, 2020. Such plan shall confirm the funding amounts and positions that need to be transferred between the impacted agencies, and shall identify any savings or additional costs associated with the transfer of these programs. The review shall also assess any potential administrative impacts on the Department of Social Services and the Department of Education.

G. Out of this appropriation, \$250,000 the first year from the general fund is provided for the agency to contract with a vendor for assistance in evaluating the agency's needs for a new child welfare system, developing detailed cost estimates and a timeline for implementation. The department shall submit a plan for a new child welfare system to the Governor and the Chairs of the House Appropriations and Senate Finance and Appropriations Committees by October 1, 2020.

H. The Department of Social Services shall report a detailed accounting, annually, of the agency's organization and operations. This report shall include an organizational chart that shows all full- and part-time positions (by job title) employed by the agency as well as the current management structure and unit responsibilities. The report shall also provide a summary of organization changes implemented over the previous year. The report shall be made available on the department's website by August 15 of each year. For the report due August 15, 2020, the department shall provide a summary of all organizational changes implemented since January 1, 2018.

I. Notwithstanding any other provision of law, the Department of Social Services (DSS) shall have temporary authority to make any changes to relevant State Plans, request waivers from applicable Federal agencies, change eligibility criteria for benefits and services, and payment levels for applicable programs in response to the COVID-19 pandemic and new authorities and funding made available by the federal government to effect those policies necessary to ensure that benefits are available to eligible populations in response to COVID-19. Prior to the implementation of any change, DSS must receive written approval from the Governor. Within 15 days of implementing changes in response to COVID-19, DSS shall send a list of such actions to the Director, Department of Planning and Budget and the Chairs of the House Appropriations and Senate Finance and Appropriations Committees. The provisions of this paragraph, as well as any actions implemented under its authority, shall be in accordance with the Governor's emergency declaration for COVID-19 and be in effect for the period specified therein.

360. A. In the operation of any program of public assistance, including benefit and service programs in any locality, for which program appropriations are made to the Department of Social Services, it is provided that if a payment or overpayment is made to an individual who is ineligible therefor under federal and/or state statutes and regulations, the amount of such payment or overpayment shall be returned to the Department of Social Services by the locality.

B. However, no such repayments may be required of the locality if the department determines

ITEM 360.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022

that such overpayment or payments to ineligibles resulted from the promulgation of vague or conflicting regulations by the department or from the failure of the department to make timely distribution to the localities of the statutes, rules, regulations, and policy decisions, causing the overpayment or payment to ineligible(s) to be made by the locality or from situations where a locality exercised due diligence, yet received incomplete or incorrect information from the client which caused the overpayment or payment to ineligibles. If a locality fails to effect the return, the Department of Social Services shall withhold an equal amount from the next disbursement made by the department to the locality for the same program.

C. The Department of Social Services shall implement the guidance issued by the U.S. Department of Health and Human Services concerning the obligation of recipients of federal financial assistance to comply with Title VI of the Civil Rights Act of 1964 by ensuring that meaningful access to federally-funded programs, activities and services administered by the department is provided to limited English proficient (LEP) persons, 63 Fed. Reg. 47,311-47,323 (August 8, 2003). At a minimum, the department shall (i) identify the need for language assistance by analyzing the following factors: (1) the number or proportion of LEP persons in the eligible service population, (2) the frequency of contact with such persons, (3) the nature and importance of the program, activity or service, and (4) the costs of providing language assistance and resources available; (ii) translate vital documents into the language of each frequently encountered LEP group eligible to be served; (iii) provide accurate and timely oral interpreter services; and (iv) develop an effective implementation plan to address the identified needs of the LEP populations served.

361. A. The amount for the Supplemental Nutrition Assistance Program (SNAP) shall be expended under regulations of the Board of Social Services to reimburse county and city welfare/social services boards pursuant to § 63.2-401, Code of Virginia, and subject to the same percentage limitations for other administrative services performed by county and city public welfare/social services boards and superintendents of public welfare/social services pursuant to other provisions of the Code of Virginia, as amended.

B. Pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, the Department of Social Services shall, in cooperation with local departments of social services, maintain a waiver of the work requirement for Supplemental Nutrition Assistance Program (SNAP) recipients residing in areas that do not have a sufficient number of jobs to provide employment for such individuals, including those areas designated as labor surplus areas by the U.S. Department of Labor.

C. To the extent permitted by federal law, Supplemental Nutrition Assistance Program (SNAP) recipients subject to a work requirement pursuant to § 824 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, as amended, shall be permitted to satisfy such work requirement by providing volunteer services to a public or private, nonprofit agency for the number of hours per month determined by dividing the household's monthly SNAP allotment by the federal minimum wage.

D. The Department of Social Services shall, to the extent permitted by federal law, disregard the value of at least one motor vehicle per household in determining eligibility for the Supplemental Nutrition Assistance Program (SNAP).

E. The Department of Social Services shall develop a multi-lingual outreach campaign to inform qualified aliens and their children, who are United States citizens, of their eligibility for the federal Supplemental Nutrition Assistance Program (SNAP) and ensure that they have access to benefits under SNAP. To the extent permitted by federal law, the department shall administer SNAP in a way that minimizes the procedural burden on qualified aliens and addresses concerns about the impact of SNAP receipt on their immigration sponsors and status.

361.10 Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any

ITEM 361.10.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<p>language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted.</p>				
		FY 2021		FY 2022
Create a driver's license program for foster care youth		\$100,000		\$200,000
Increase TANF benefits and income eligibility		\$1,159,901		\$1,159,901
Provide prevention services for children and families		\$3,410,050		\$8,410,050
Adjust local staff minimum salary to stabilize workforce		\$5,592,707		\$5,592,707
Allocate one-time funding for the Laurel Center		\$500,000		\$0
Implement emergency approval process for kinship caregivers		\$75,000		\$75,000
Continue Linking Systems of Care program		\$187,443		\$467,116
Improve planning and operations of state-run emergency shelters		\$188,945		\$152,117
Fund 2-1-1 VIRGINIA contract costs		\$153,614		\$153,614
Fund adult licensing and child welfare unit licensing		\$0		\$2,130,394
Fund an evaluation team for evidence-based practices		\$801,328		\$765,187
Implement Family First evidence-based services		\$1,074,500		\$1,074,500
Fund the child welfare forecast		\$722,339		\$722,339
Fund local departments of social services prevention services		\$12,455,329		\$17,437,461
Fund foster care and adoptions cost of living adjustments		\$2,262,173		\$2,262,173
Fund emergency shelter management software and application		\$492,800		\$154,000
Fund child welfare systems improvements		\$250,000		\$0
Fund the replacement of the agency licensing system		\$2,220,134		\$431,638
Agency Total		\$31,646,263		\$41,188,197
Total for Department of Social Services.....			\$2,259,041,962	\$2,073,260,415
General Fund Positions.....	653.00	661.00		
Nongeneral Fund Positions.....	1,224.50	1,074.50		
Position Level.....	1,877.50	1,735.50		
Fund Sources: General.....	\$469,712,196	\$477,257,300		
Special.....	\$697,516,427	\$697,516,427		
Dedicated Special Revenue.....	\$9,244,920	\$9,244,920		
Federal Trust.....	\$1,082,568,419	\$889,241,768		

ITEM 361.10.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
362.	Social Services Research, Planning, and Coordination (45000).....		\$1,692,011	\$1,692,011
	Research, Planning, Outreach, Advocacy, and Systems Improvement (45002).....	\$1,017,656		
	Administrative Services (45006).....	\$674,355		
	Fund Sources: General.....	\$237,604		
	Federal Trust.....	\$1,454,407		
	Authority: Title 51.5, Chapter 7, Code of Virginia.			
	Up to \$44,474 the first year and up to \$44,474 the second year is available for the Virginia Board for People with Disabilities (VBPD) to contract with the Department for Aging and Rehabilitative Services (DARS) for the provision of shared administrative services. The scope of the services and specific costs shall be outlined in a memorandum of understanding (MOU) between VBPD and DARS subject to the approval of the respective agency heads. Any revision to the MOU shall be reported by DARS to the Director, Department of Planning and Budget within 30 days.			
363.	Financial Assistance for Individual and Family Services (49000).....		\$601,475	\$401,475
	Financial Assistance to Localities for Individual and Family Services (49001).....	\$601,475		\$401,475
	Fund Sources: Federal Trust.....	\$601,475		\$401,475
	Authority: Title 51.5, Chapter 7, Code of Virginia.			
	Total for Virginia Board for People with Disabilities.....		\$2,293,486	\$2,093,486
	General Fund Positions.....	1.60		1.60
	Nongeneral Fund Positions.....	8.40		8.40
	Position Level.....	10.00		10.00
	Fund Sources: General.....	\$237,604		\$237,604
	Federal Trust.....	\$2,055,882		\$1,855,882
	§ 1-101. DEPARTMENT FOR THE BLIND AND VISION IMPAIRED (702)			
364.	Statewide Library Services (14200).....		\$1,200,674	\$1,200,674
	Library and Resource Center Services (14202).....	\$1,200,674		\$1,200,674
	Fund Sources: General.....	\$1,200,674		\$1,200,674
	Authority: § 51.5-74, Code of Virginia; P.L. 89-522, and P.L. 101-254, Federal Code.			
	Out of this appropriation, \$141,163 the first year and \$141,363 the second year from the general fund shall be used to contract for the provision of radio reading services for the blind and vision impaired.			
365.	State Education Services (19100).....		\$1,548,870	\$1,548,870
	Braille and Instructional Materials (19101).....	\$707,069		\$707,069
	Educational and Early Childhood Support Services (19102).....	\$841,801		\$841,801
	Fund Sources: General.....	\$883,811		\$883,811
	Trust and Agency.....	\$55,000		\$55,000
	Federal Trust.....	\$610,059		\$610,059
	Authority: §§ 22.1-214 and 22.1-217, Code of Virginia; P.L. 89-313, P.L. 97-35 and P.L. 102-119, Federal Code.			
366.	Rehabilitation Assistance Services (45400).....		\$15,837,108	\$15,837,108
	Low Vision Services (45401).....	\$386,293		\$386,293
	Vocational Rehabilitation Services (45404).....	\$9,879,430		\$9,879,430

ITEM 366.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Community Based Independent Living Services (45407).....	\$5,100,811	\$5,100,811		
Vending Stands, Cafeterias, and Snack Bars (45410).....	\$470,574	\$470,574		
Fund Sources: General.....	\$4,433,775	\$4,433,775		
Special.....	\$844,731	\$844,731		
Trust and Agency.....	\$173,109	\$173,109		
Federal Trust.....	\$10,385,493	\$10,385,493		

Authority: § 51.5-1 and Title 51.5, Chapter 1, Code of Virginia; P.L. 93-516 and P.L. 93-112, Federal Code.

A. It is the intent of the General Assembly that visually handicapped persons who have completed vocational training as food service managers through programs operated by the Department be considered for food service management position openings within the Commonwealth as they arise.

B. 1. The annual federal vocational rehabilitation grant award that will be received by the Department for the Blind and Vision Impaired (DBVI) is estimated at \$9,370,416 for federal fiscal year 2020; \$9,370,416 for federal fiscal year 2021; and \$9,370,416 for federal fiscal year 2022. In addition to the base annual award amount, DBVI may request up to \$2,000,000 of additional federal reallocation dollars in each of these years. Assuming these amounts, the annual 21.3 percent state matching requirement would equate to \$3,077,380 for federal fiscal year 2020; \$3,077,380 for federal fiscal year 2021; and \$3,077,380 for federal fiscal year 2022.

2. Based on the projection of federal award funding in paragraph B.1., DBVI shall not request federal vocational rehabilitation grant dollars in excess of \$11,370,416 for federal fiscal year 2020; \$11,370,416 for federal fiscal year 2021; and \$11,370,416 for federal fiscal year 2022, without prior written concurrence from the Director, Department of Planning and Budget. Any approved increases in grant award requests shall be reported by DARS to the Chairmen of the House Appropriations and Senate Finance Committees within 30 days.

367.	Regional Office Support and Administration (49700).....			\$2,802,136	\$2,802,136
	Regional Office and Field Support Services (49701).....	\$2,802,136	\$2,802,136		
	Fund Sources: General.....	\$1,395,586	\$1,395,586		
	Federal Trust.....	\$1,406,550	\$1,406,550		

Authority: Title 2.2, Chapter 36; Title 51.5, Chapter 13, Code of Virginia; P.L. 93-112 and P.L. 97-35, Federal Code.

368.	Rehabilitative Industries (81000).....			\$51,368,817	\$52,868,817
	Manufacturing, Retail, and Contract Operations (81003).....	\$51,368,817	\$52,868,817		
	Fund Sources: Enterprise.....	\$51,368,817	\$52,868,817		

Authority: § 51.5-72, Code of Virginia; P.L. 92-29 and P.L. 93-112, Federal Code.

The Industry Production Workers with the Virginia Industries for the Blind shall not be counted in the classified employment levels of the Department for the Blind and Vision Impaired.

369.	Administrative and Support Services (49900).....			\$4,485,141	\$4,485,141
	General Management and Direction (49901).....	\$3,296,733	\$3,296,733		
	Physical Plant Services (49915).....	\$1,188,408	\$1,188,408		
	Fund Sources: General.....	\$1,356,352	\$1,356,352		
	Special.....	\$1,119,678	\$1,119,678		
	Enterprise.....	\$1,500,000	\$1,500,000		
	Trust and Agency.....	\$50,000	\$50,000		
	Federal Trust.....	\$459,111	\$459,111		

Authority: Title 63.2, Chapter 4, Code of Virginia; P.L. 89-313, P.L. 93-112, and P.L. 97-35,

ITEM 369.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Federal Code.				
Up to \$1,556,997 the first year and up to \$1,556,997 the second year is available for the Department for the Blind and Vision Impaired (DBVI) to contract with the Department for Aging and Rehabilitative Services (DARS) for the provision of shared administrative services. The scope of the services and specific costs shall be outlined in a memorandum of understanding (MOU) between DBVI and DARS subject to the approval of the respective agency heads. Any revision to the MOU shall be reported by DARS to the Director, Department of Planning and Budget within 30 days.				
369.10	Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted.			
		FY 2021		FY 2022
	Maintain independent living teachers for blind, vision impaired, or DeafBlind individuals	\$397,842		\$397,842
	Increase workforce services for vision impaired individuals	\$1,583,020		\$1,583,020
	Agency Total	\$1,980,862		\$1,980,862
	Total for Department for the Blind and Vision Impaired.....		\$77,242,746	\$78,742,746
	General Fund Positions.....	62.60	62.60	
	Nongeneral Fund Positions.....	92.40	92.40	
	Position Level.....	155.00	155.00	
	Fund Sources: General.....	\$9,270,198	\$9,270,198	
	Special.....	\$1,964,409	\$1,964,409	
	Enterprise.....	\$52,868,817	\$54,368,817	
	Trust and Agency.....	\$278,109	\$278,109	
	Federal Trust.....	\$12,861,213	\$12,861,213	
Virginia Rehabilitation Center for the Blind and Vision Impaired (263)				
370.	Rehabilitation Assistance Services (45400).....		\$1,721,313	\$1,721,313
	Social and Personal Adjustment to Blindness Training (45408).....	\$1,721,313	\$1,721,313	
	Fund Sources: General.....	\$172,500	\$172,500	
	Special.....	\$2,000	\$2,000	
	Enterprise.....	\$50,000	\$50,000	
	Trust and Agency.....	\$20,000	\$20,000	
	Federal Trust.....	\$1,476,813	\$1,476,813	
	Authority: § 51.5-1, Code of Virginia; P.L. 93-112, Federal Code.			
371.	Administrative and Support Services (49900).....		\$1,351,415	\$1,351,415
	General Management and Direction (49901).....	\$600,567	\$600,567	
	Food and Dietary Services (49907).....	\$278,000	\$278,000	

ITEM 371.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Physical Plant Services (49915).....	\$472,848	\$472,848		
Fund Sources: General.....	\$181,608	\$181,608		
Special.....	\$42,000	\$42,000		
Federal Trust.....	\$1,127,807	\$1,127,807		
Authority: § 51.5-73, Code of Virginia; P.L. 93-112, Federal Code.				
Out of this appropriation, \$172,250 the first year and \$172,250 the second year from the general fund shall be used for training individuals whose cost cannot be covered by federal vocational rehabilitation revenue. It is estimated that this funding will support 21 blind, deafblind, and vision impaired individuals.				
Total for Virginia Rehabilitation Center for the Blind and Vision Impaired.....			\$3,072,728	\$3,072,728
Nongeneral Fund Positions.....	26.00	26.00		
Position Level.....	26.00	26.00		
Fund Sources: General.....	\$354,108	\$354,108		
Special.....	\$44,000	\$44,000		
Enterprise.....	\$50,000	\$50,000		
Trust and Agency.....	\$20,000	\$20,000		
Federal Trust.....	\$2,604,620	\$2,604,620		
Grand Total for Department for the Blind and Vision Impaired.....			\$80,315,474	\$81,815,474
General Fund Positions.....	62.60	62.60		
Nongeneral Fund Positions.....	118.40	118.40		
Position Level.....	181.00	181.00		
Fund Sources: General.....	\$9,624,306	\$9,624,306		
Special.....	\$2,008,409	\$2,008,409		
Enterprise.....	\$52,918,817	\$54,418,817		
Trust and Agency.....	\$298,109	\$298,109		
Federal Trust.....	\$15,465,833	\$15,465,833		
TOTAL FOR OFFICE OF HEALTH AND HUMAN RESOURCES.....			\$21,933,306,865	\$22,894,276,509
General Fund Positions.....	8,293.65	8,398.65		
Nongeneral Fund Positions.....	6,404.12	6,257.12		
Position Level.....	14,697.77	14,655.77		
Fund Sources: General.....	\$7,468,723,560	\$7,882,977,228		
Special.....	\$1,041,223,626	\$1,021,778,339		
Enterprise.....	\$52,918,817	\$54,418,817		
Trust and Agency.....	\$1,724,096	\$1,724,096		
Dedicated Special Revenue.....	\$1,525,759,093	\$1,584,024,629		
Federal Trust.....	\$11,842,957,673	\$12,349,353,400		

ITEM 372.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022

OFFICE OF NATURAL RESOURCES

§ 1-102. SECRETARY OF NATURAL RESOURCES (183)

372.	Administrative and Support Services (79900).....			\$748,431	\$748,431
	General Management and Direction (79901).....	\$748,431	\$748,431		
	Fund Sources: General.....	\$640,939	\$640,939		
	Federal Trust.....	\$107,492	\$107,492		

Authority: Title 2.2, Chapter 2, Article 7; and § 2.2-201, Code of Virginia.

A. The Secretary of Natural Resources shall report to the Chairmen of the Senate Committees on Finance and Agriculture, Conservation, and Natural Resources, and the House Committees on Appropriations and Conservation and Natural Resources, by November 4 of each year on implementation of the Chesapeake Bay nutrient reduction strategies. The report shall include and address the progress and costs of point source and nonpoint source pollution strategies. The report shall include, but not be limited to, information on levels of dissolved oxygen, acres of submerged aquatic vegetation, computer modeling, variety and numbers of living resources, and other relevant measures for the General Assembly to evaluate the progress and effectiveness of the tributary strategies. In addition, the Secretary shall include information on the status of all of Virginia's commitments to the Chesapeake Bay Agreements.

B. It is the intent of the General Assembly that a reserve be created within the Virginia Water Quality Improvement Fund to support the purposes delineated within the Virginia Water Quality Improvement Act of 1997 (WQIA 1997) when year-end general fund surpluses are unavailable. Consequently, 15 percent of any amounts appropriated to the Virginia Water Quality Improvement Fund due to annual general fund revenue collections in excess of the official estimates contained in the general appropriation act shall be withheld from appropriation, unless otherwise specified. When annual general fund revenue collections do not exceed the official revenue estimates contained in the general appropriation act, the reserve fund may be used for WQIA 1997 purposes as directed by the General Assembly within the general appropriation act.

C. The Secretary of Natural Resources, with the assistance of the Directors of the Department of Conservation and Recreation, the Department of Environmental Quality, the Department of Game and Inland Fisheries, and the Department of Historic Resources, shall provide an annual report to the Chairmen of the House Appropriations and Senate Finance Committees of all projects undertaken pursuant to a settlement or mitigation agreement upon which the Secretary of Natural Resources is an authorized signatory on behalf of the Governor by November 15 each year until all terms of the settlement or mitigation agreement are satisfied. In addition, whenever a settlement or mitigation agreement is finalized, the Secretary shall provide a copy of, and explanation of, the terms of such settlement to the Chairmen of the House Appropriations and Senate Finance Committees within 15 days.

D.1. There is hereby established the Interagency Environmental Justice Working Group, to be comprised of 10 environmental justice coordinators representing each of the Governor's Secretaries. The Secretary of Natural Resources shall designate a chairman and vice chairman from among the membership of the Working Group.

2. The Working Group shall conduct an assessment of the processes and resources required of state agencies to develop agency-specific environmental justice policies. In conducting its assessment, the Working Group shall provide that agency policies at a minimum: (i) ensure environmental justice is meaningfully considered in the administration of agency regulations; (ii) consistently identify environmental justice communities and fenceline communities; (iii) identify how such communities are affected by agencies' regulatory activities; (iv) consider the economic development and infrastructure needs of environmental justice communities and fenceline communities in agency decision-making processes; and (v) contain robust public participation plans for residents of environmental justice communities and fenceline communities potentially affected by agency actions.

ITEM 372.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
3. The Working Group shall provide the findings of its assessment, and associated recommendations, to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees by December 1, 2020.				
Total for Secretary of Natural Resources.....			\$748,431	\$748,431
General Fund Positions.....	5.00	5.00		
Position Level.....	5.00	5.00		
Fund Sources: General.....	\$640,939	\$640,939		
Federal Trust.....	\$107,492	\$107,492		

§ 1-103. DEPARTMENT OF CONSERVATION AND RECREATION (199)

373.	Land and Resource Management (50300).....			\$105,847,453	\$65,391,756
	Soil and Water Conservation (50301).....	\$64,707,113	\$39,251,416		
	Dam Inventory, Evaluation and Classification and Flood Plain Management (50314).....	\$18,788,552	\$3,788,552		
	Natural Heritage Preservation and Management (50317).....	\$4,660,697	\$4,660,697		
	Financial Assistance to Soil and Water Conservation Districts (50320).....	\$7,691,091	\$7,691,091		
	Technical Assistance to Soil and Water Conservation Districts (50322).....	\$1,200,000	\$1,200,000		
	Agricultural Best Management Practices Cost Share Assistance (50323).....	\$8,800,000	\$8,800,000		
	Fund Sources: General.....	\$84,681,496	\$44,225,799		
	Special.....	\$995,861	\$995,861		
	Dedicated Special Revenue.....	\$12,251,202	\$12,251,202		
	Federal Trust.....	\$7,918,894	\$7,918,894		

Authority: Title 10.1, Chapters 1, 2, 5, 6, 7, and 21.1; Title 62.1, Chapter 3.1, Code of Virginia.

A.1. Out of the amounts appropriated for Financial Assistance to Virginia Soil and Water Conservation Districts, \$12,141,091 the first year and \$12,141,091 the second year from the general fund shall be provided to soil and water conservation districts for administrative and operational support as well as base funding for technical assistance. These funds shall be distributed upon approval by the Virginia Soil and Water Conservation Board to the districts in accordance with the Board's established financial allocation policy. These amounts shall be in addition to any other funding provided to the districts for technical assistance pursuant to subsections B. and C. of this Item for appropriations in excess of \$35,000,000. Of this amount, \$6,209,091 the first year and \$6,209,091 the second year from the general fund shall be distributed to the districts for core administrative and operational expenses (personnel, training, travel, rent, utilities, office support, and equipment) based on identified budget projections and in accordance with the Board's financial allocation policy; \$4,550,000 the first year and \$4,550,000 the second year for base technical assistance support; \$312,000 the first year and \$312,000 the second year from the general fund shall be distributed at a rate of \$3,000 per dam for maintenance; \$500,000 the first year and \$500,000 the second year from the general fund for small dam repairs of known or suspected deficiencies; \$400,000 the first year and \$400,000 the second year from the general fund for the purchase and installation of remote monitoring equipment for District-owned high and significant hazard dams; and \$170,000 the first year and \$170,000 the second year to the department to provide district support in accordance with Board policy, including, but not limited to, services related to auditing, bonding, contracts, and training. The amount appropriated for small dam repairs of known or suspected deficiencies and the purchase and installation of remote monitoring equipment is authorized for transfer to the Soil and Water Conservation District Dam Maintenance, Repair, and Rehabilitation Fund.

2. The department shall provide a semi-annual report on or before February 15 and August 15 of each year to the Chairmen of the House Appropriations and Senate Finance Committees on each Virginia soil and water conservation district's budget, revised budget, previous year's

ITEM 373.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022

balance budget, and expenditure for the following: (i) the federal Conservation Reserve Enhancement Program, (ii) the use of Agricultural Best Management Cost-Share Program funds within the Chesapeake Bay watershed, (iii) the use of Agricultural Best Management Cost-Share Program funds within the Southern Rivers area, and (iv) the amount of Technical Assistance funding. The August 15 report shall reflect cumulative amounts.

3. As part of the semi-annual report, the department shall assess the impact of settlement agreements with the Commonwealth entered into between July 1, 2017, and June 30, 2022, on achieving an effective level of Soil and Water Conservation District technical assistance funding and the implementation of agricultural best management practices pursuant to § 10.1-546.1., Code of Virginia. The department shall include in its report any amounts from the settlements including: 1) estimation of the timeline and amount for each fiscal year to implement agricultural best management practices; and 2) estimation of the timeline and amount for each fiscal year of additional technical assistance provided as a result of the additional funding from the settlements.

B.1. Notwithstanding §10.1-2129A., Code of Virginia, \$46,315,697 the first year from the general fund shall be deposited to the Virginia Water Quality Improvement Fund established under the Water Quality Improvement Act of 1997. Of this amount in the first year, \$2,250,000 shall be appropriated to the Department for the following specified statewide uses: \$500,000 shall be used for the Commonwealth's match for participation in the Federal Conservation Reserve Enhancement Program (CREP); \$500,000 shall be transferred to the Virginia Association of Soil and Water Conservation Districts to be used for the Virginia Conservation Assistance Program (VCAP); \$750,000 shall be allocated for special nonpoint source reduction projects to include, but not be limited to, poultry litter transport and grants related to the development and certification of Resource Management Plans developed pursuant to §10.1-104.7; \$250,000 shall be transferred to the Department of Forestry for water quality grants; and \$250,000 to the Department for the development and continued maintenance of the Conservation Application Suite including costs related to servers and necessary software licenses. The Department of Forestry shall submit a report by August 15, 2020, to the Department of Conservation and Recreation specifying uses of funds received. Pursuant to paragraph B of Item 372, \$4,857,829 is designated for deposit to the reserve within the Virginia Water Quality Improvement Fund.

2. Of the remaining amount in the first year, \$39,207,868 is authorized for transfer to the Virginia Natural Resources Commitment Fund, a sub fund of the Water Quality Improvement Fund. Notwithstanding any other provision of law, the funds transferred to the Virginia Natural Resources Commitment Fund shall be distributed by the Department upon approval of the Virginia Soil and Water Conservation Board in accordance with the board's developed policies, as follows: \$27,062,591, shall be used for matching grants for Agricultural Best Management Practices on lands in the Commonwealth exclusively or partly within the Chesapeake Bay watershed, \$11,598,254 shall be used for matching grants for Agricultural Best Management Practices on lands in the Commonwealth exclusively outside the Chesapeake Bay watershed, and an additional \$547,023 in addition to the base funding provided in A.1. shall be appropriated for Technical Assistance for Virginia Soil and Water Conservation Districts.

3. This appropriation meets the mandatory deposit requirements associated with the FY 2019 excess general fund revenue collections and discretionary year-end general fund balances.

C.1. Out of the appropriation in this Item, \$20,860,000 the second year from the general fund shall be deposited to the Virginia Water Quality Improvement Fund established under the Water Quality Improvement Act of 1997. Of this amount in the second year, \$2,250,000 shall be appropriated to the department for the following specified statewide uses: \$500,000 shall be used for the Commonwealth's match for participation in the Federal Conservation Reserve Enhancement Program (CREP); \$500,000 shall be transferred to the Virginia Association of Soil and Water Conservation Districts to be used for the Virginia Conservation Assistance Program (VCAP); \$750,000 shall be allocated for special nonpoint source reduction projects to include but not be limited to poultry litter transport and grants related to the development and certification of Resource Management

ITEM 373.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Plans developed pursuant to §10.1-104.7; \$250,000 shall be transferred to the Department of Forestry for water quality grants; and \$250,000 to the Department for the development and continued maintenance of the Conservation Application Suite including costs related to servers and necessary software licenses. The Department of Forestry shall submit a report by August 15, 2021, to the Department of Conservation and Recreation specifying uses of funds received.				
2. Of the remaining amount in the second year, \$18,610,000 is authorized for transfer to the Virginia Natural Resources Commitment Fund, a sub fund of the Water Quality Improvement Fund. Notwithstanding any other provision of law, the funds transferred to the Virginia Natural Resources Commitment Fund shall be distributed by the department upon approval of the Virginia Soil and Water Conservation Board in accordance with the board's developed policies, as follows: \$13,027,000 shall be used for matching grants for Agricultural Best Management Practices on lands in the Commonwealth exclusively or partly within the Chesapeake Bay watershed, \$5,583,000 shall be used for matching grants for Agricultural Best Management Practices on lands in the Commonwealth exclusively outside the Chesapeake Bay watershed.				
D. It is the intent of the General Assembly, that notwithstanding the provisions of § 10.1-2132, Code of Virginia, the department is authorized to make Water Quality Improvement Grants to state agencies.				
E.1 Out of the appropriation in this Item, \$10,000,000 the first year and \$10,000,000 the second year from the Virginia Natural Resources Commitment Fund, a subfund of the Virginia Water Quality Improvement Fund, is hereby appropriated. The funds shall be dispersed by the department pursuant to § 10.1-2128.1, Code of Virginia.				
2. The source of an amount estimated at \$10,000,000 the first year and \$10,000,000 the second year to support the nongeneral fund appropriation to the Virginia Natural Resources Commitment Fund shall be the recordation tax fee established in Part 3 of this act.				
3. Out of this amount, a total of thirteen percent, or \$1,300,000, whichever is greater, shall be appropriated to Virginia Soil and Water Conservation Districts for technical assistance to farmers implementing agricultural best management practices, and \$8,700,000 for Agricultural Best Management Practices Cost-Share Assistance. Of the amount deposited for Cost-Share Assistance, seventy percent shall be used for matching grants for agricultural best management practices on lands in the Commonwealth exclusively or partly within the Chesapeake Bay watershed, and thirty percent shall be used for matching grants for agricultural best management practices on lands in the Commonwealth exclusively outside of the Chesapeake Bay watershed.				
F.1. Out of the appropriation in this Item, \$2,583,531 in the first year and \$2,583,531 in the second year from the funds designated in Item 3-1.01.C. of this act are hereby appropriated to the Virginia Water Quality Improvement Fund and designated for deposit to the reserve fund established pursuant to paragraph B of Item 372. It is the intent of the General Assembly that all interest earnings of the Water Quality Improvement Fund shall be spent only upon appropriation by the General Assembly, after the recommendation of the Secretary of Natural Resources, pursuant to § 10.1-2129, Code of Virginia.				
2. Notwithstanding the provisions of §§ 10.1-2128, 10.1-2129 and 10.1-2128.1, Code of Virginia, it is the intent of the General Assembly that the department use interest earnings from the Water Quality Improvement Fund and the Virginia Natural Resources Commitment Fund to support one position to administer grants from the fund.				
G. Out of the appropriation in this Item, \$15,000 the first year and \$15,000 the second year from the general fund is provided to support the Rappahannock River Basin Commission. The funds shall be matched by the participating localities and planning district commissions.				
H. Notwithstanding § 10.1-552, Code of Virginia, Soil and Water Conservation Districts are hereby authorized to recover a portion of the direct costs of services rendered to landowners within the district and to recover a portion of the cost for use of district-owned conservation equipment. Such recoveries shall not exceed the amounts expended by a district on these services and equipment.				
I. Unless specified otherwise in this Item, it is the intent of the General Assembly that				

ITEM 373.	Item Details(\$)		Appropriations(\$)		
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022	
<p>balances in Soil and Water Conservation be used first, and then balances from Agricultural Best Management Practices Cost Share Assistance be used for the Commonwealth's statewide match for participation in the federal Conservation Reserve Enhancement Program (CREP).</p> <p>J. The Water Quality Agreement Program shall be continued in order to protect the waters of the Commonwealth through voluntary cooperation with lawn care operators across the state. The department shall encourage lawn care operators to voluntarily establish nutrient management plans and annual reporting of fertilizer application. If appropriate, then the program may be transferred to another state agency.</p> <p>K. Out of the appropriation in this Item, \$250,000 the first year and \$250,000 the second year from the general fund is provided to the department to make available competitive grants to provide Chesapeake Bay meaningful watershed educational experiences. The department may enter into two-year contracts contingent on funding being available in the second year of the biennium.</p> <p>L. Out of the appropriation in this Item, \$200,000 the first year and \$200,000 the second year from the general fund is provided to the department for technical assistance to support Shoreline Erosion Advisory Services as established in § 10.1-702, Code of Virginia.</p> <p>M. Out of the appropriation in this Item, \$500,000 the first year and \$500,000 the second year from the general fund shall be provided to the Natural Heritage Program in support of active preserve management activities across Virginia's 63 Natural Area Preserves as identified by the Board of Conservation and Recreation.</p> <p>N. Notwithstanding § 54.1, Chapter 4, the U.S. Department of Agriculture's Natural Resources Conservation Service and Department of Conservation and Recreation Central Office staff may provide engineering services to the Department of Conservation and Recreation and the local Soil and Water Conservation Districts for design and construction of agriculture best management practices.</p> <p>O.1. Out of the amounts appropriated for Dam Inventory, Evaluation, and Classification and Flood Plain Management, \$15,732,147 the first year and \$732,147 the second year from the general fund shall be deposited to the Dam Safety, Flood Prevention and Protection Assistance Fund, established pursuant § 10.1-603.17, Code of Virginia.</p> <p>2. Out of the amounts deposited to the Dam Safety, Flood Prevention and Protection Assistance Fund, \$15,000,000 the first year from the general fund shall be authorized for the major modification, upgrade, or rehabilitation of dams owned or maintained by the Department of Conservation and Recreation and the Virginia Soil and Water Conservation Districts to bring impounding structures into compliance with the Dam Safety Act requirements promulgated by the Virginia Soil and Water Conservation Board pursuant to § 10.1-605, Code of Virginia.</p> <p>3. Unobligated balances in the Dam Safety, Flood Prevention and Protection Assistance Fund may be utilized in an amount not to exceed \$60,000 to perform activities necessary to update the flood protection plan for the Commonwealth and to make the plan accessible online. Once these activities are complete, the department will maintain and update the plan as needed within existing resources.</p>					
374.	Leisure and Recreation Services (50400).....			\$74,050,589	\$73,177,420
	Preservation of Open Space Lands (50401).....	\$16,650,193	\$16,650,193		
	Design and Construction of Outdoor Recreational Facilities (50403).....	\$894,593	\$894,593		
	State Park Management and Operations (50404).....	\$50,006,739	\$49,873,570		
	Natural Outdoor Recreational and Open Space Resource Research, Planning, and Technical Assistance (50406).....	\$6,499,064	\$5,759,064		
	Fund Sources: General.....	\$37,572,732	\$36,699,563		
	Special.....	\$27,511,003	\$27,511,003		
	Dedicated Special Revenue.....	\$3,717,124	\$3,717,124		

ITEM 374.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Federal Trust.....	\$5,249,730	\$5,249,730		

Authority: Title 10.1, Chapters 1, 2, 3, 4, 4.1, and 17; Title 18.2, Chapters 1 and 5; Title 19.2, Chapters 1, 5, and 7, Code of Virginia.

A.1. Included in the amounts for Preservation of Open Space Lands is \$10,000,000 the first year and \$10,000,000 the second year from the general fund to be deposited into the Virginia Land Conservation Fund, § 10.1-1020, Code of Virginia. No less than 50 percent of the appropriations remaining after the transfer to the Virginia Outdoors Foundation's Open-Space Lands Preservation Trust fund has been satisfied are to be used for grants for fee simple acquisitions with public access or acquisitions of easements with public access. This appropriation shall be deemed sufficient to meet the provisions of § 2.2-1509.4, Code of Virginia.

2. Included in the amounts for Preservation of Open Space Lands is \$1,500,000 the first year and \$1,500,000 the second year from nongeneral funds to be deposited into the Virginia Land Conservation Fund to be distributed by the Virginia Land Conservation Foundation pursuant to the provisions of § 58.1-513, Code of Virginia.

3. The Department of Conservation and Recreation and the Virginia Outdoors Foundation shall review the Hayfields Farm property, consisting of approximately 1,034.7 acres more or less in Highlands County, Virginia, Tax Parcel #68A17 and #68A18A, located at 524 Hayfields Lane in McDowell, and make recommendations to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees by October, 1 2020 on its suitability as a recreational area pursuant to §10.1-200 et. seq., Code of Virginia, for development as a state or regional park. In its review, the agencies shall consider (i) management of the area or park by a combination of public and private entities; (ii) potential user activities at the area or park including but not limited to camping, fishing, hiking, bird watching, equestrian activities, and biking; and (iii) operation of the area or park with only those improvements minimally necessary for activities listed herein and consistent with the preservation and protection of the property's conservation values and natural resources.

B. Included in the amounts for Preservation of Open-Space Lands is \$1,752,750 the first year and \$1,752,750 the second year from the general fund and \$1,900,000 the first year and \$1,900,000 the second year from nongeneral funds for the operating expenses of the Virginia Outdoors Foundation (Title 10.1, Chapter 18, Code of Virginia).

C.1. Out of the amounts appropriated for State Parks Management and Operations, up to \$275,000 the first year and \$275,000 the second year from the general fund shall be paid for the operation and maintenance of Breaks Interstate Park.

2. The Breaks Interstate Park Commission shall submit an annual audit of a fiscal and compliance nature of its accounts and transactions to the Auditor of Public Accounts, the Director, Department of Conservation and Recreation, and the Director, Department of Planning and Budget.

3. The Breaks Interstate Park Commission shall, following the modernization of the Breaks Interstate Park electrical system, enter into negotiations to transfer control of the electrical system serving the park to a local regional electric utility.

D. Notwithstanding the provisions of § 10.1-202, Code of Virginia, amounts deposited to the State Park Conservation Resources Fund may be used for a program of in-state travel advertising. Such travel advertising shall feature Virginia State Parks and the localities or regions in which the parks are located. To the extent possible the department shall enter into cooperative advertising agreements with the Virginia Tourism Authority and local entities to maximize the effectiveness of expenditures for advertising. The department is further authorized to enter into a cooperative advertising agreement with the Virginia Association of Broadcasters.

E. Upon completion of the construction of the Daniel Boone Wilderness Trail Interpretative Center, the Division of State Parks may accept transfer of the facility, 153 acres of land, and \$450,000 for maintenance of the completed facility for operation as a satellite facility to Natural Tunnel State Park. It is the intent of the General Assembly that at such time as the facility, property, and cash are transferred to the Division of State Parks that positions and ongoing funding for the operation of the satellite facility shall be provided.

ITEM 374.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022

F. The department is hereby authorized to enter into an agreement with the non-profit organization that currently owns Natural Bridge to open and operate the facility as a Virginia State Park. Included in the amount for this item is \$376,364 the first year and \$376,364 and five positions from the general fund to increase the operational capacity of Natural Bridge State Park including additional visitor experience, retail, and maintenance functions.

G. Notwithstanding any other provision of the Code of Virginia, as a condition of the expenditure of all amounts included in this Item, the department shall not initiate or accept by gift, transfer or purchase with nongeneral funds any new lands for use as a State Park or Natural Area Preserve without a specific appropriation for such purpose by the General Assembly. However, the department is authorized to acquire land as expressly set out in Items C-27 and C-27.10 of Chapter 854, 2019 Acts of Assembly, as well as in-holdings or lands contiguous to an existing State Park or Natural Area Preserve as expressly set out in Items C-40 and C-41 of this act and as provided for in Section 4-2.01 a.1. of this act provided further that acquisitions authorized in Items C-40 and C-41 will not cause the department to incur additional operating expenses. It is not the intent of these provisions to prohibit any acquisitions resulting from mitigation settlements or to prohibit any additional operating expenses resulting from such acquisitions.

H.1. Included in the amounts for State Park Management and Operations is \$590,944 the first year and \$590,944 the second year and six positions from the general fund for the initial start-up and ongoing operational costs for Phase I of Widewater State Park in Stafford County. It is the intent of the General Assembly that, as soon as practicable upon completion of Phase 1A, that the Department shall provide public access and proceed to regular revenue generating operations at the Park.

2. The Department of Conservation and Recreation shall collaborate with Stafford County Public Schools, the Friends of Widewater State Park and other interested stakeholders regarding the Science and Environmental Center at Widewater State Park planned to be constructed as part of Phase III in order to ensure the facility is adequate to meet the needs of the community, curriculum collaboration opportunities with local schools, and other needs; determine whether any design changes would further community environmental education goals; determine the availability of any grant, charitable or co-funding opportunities with Stafford County and/or Virginia higher educational institutions; determine the feasibility and costs of any design changes or the necessity of any Master Plan changes; and produce recommendations, if any, relating to such objectives.

I. Included in the amount for this Item is \$198,752 the first year and \$198,752 the second year and two positions from the general fund to support the limited operation of Seven Bends State Park.

J. Included in the amount for this Item is \$150,000 the first year and \$150,000 the second year from the nongeneral fund amounts appropriated in Item 451 A. for recreational access which shall be used to fabricate and install Supplemental Guide Signs for Virginia State Parks.

K. The department is hereby authorized to enter into an agreement with the United States Forest Service that owns the Longdale Day Use Area to operate the facility as the Green Pastures Unit of Douthat State Park, an extension of Douthat State Park.

L. The Department of Conservation and Recreation shall review the Brandy Station and Cedar Mountain properties and make recommendations to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees by October 1, 2020 on their suitability as a historical and recreational area pursuant to §10.1-200 et. seq., Code of Virginia, or development as a state or regional park. In its review, the Department shall consider (i) management of the area or park by a combination of public and private entities; (ii) potential user activities at the area or park including heritage tourism, primitive camping, fishing, bow hunting, boating, equestrian activities, biking and historical and military education; and (iii) operation of the area or park with only those improvements minimally necessary for activities listed herein and consistent with the preservation and protection of existing historic, cultural, archaeological, and natural resources.

ITEM 374.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
M. Included in the amounts for this item is \$160,800 the first year and \$160,800 the second year and two positions from the general fund to support staffing and operations at Mason Neck State Park.				
N. The Director, Department of Conservation and Recreation, shall assess the feasibility of costs of (i) connecting Mason Neck State Park to a public water supply, and (ii) replacing equipment and providing necessary upgrades to the Park's current well water system. The Director shall report the findings and recommendations of the assessment to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees no later than October 15, 2020.				
O. Included in the amount for this item, \$740,000 the first year from the general fund is provided to the City of Danville to develop Riverfront Park. This amount shall be matched by a local appropriation of at least \$740,000 prior to any disbursement from this Item.				
375. Administrative and Support Services (59900).....			\$10,683,025	\$10,683,025
General Management and Direction (59901).....	\$10,683,025	\$10,683,025		
Fund Sources: General.....	\$10,468,025	\$10,468,025		
Special.....	\$215,000	\$215,000		

Authority: Title 2.2, Chapters 37, 40, 41, 43; and Title 10.1, Chapter 1, Code of Virginia.

375.10 Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted.

	FY 2021	FY 2022
Increase dam safety floodplain management positions	\$229,637	\$229,637
Environmental Literacy Program	\$170,000	\$170,000
Increase funding for the Virginia Land Conservation Fund	\$5,500,000	\$5,500,000
Riverfront Park Danville	\$740,000	\$0
Natural Bridge State Park Operations	\$376,364	\$376,364
Establish a dam safety lead engineer position	\$170,758	\$170,758
Mason Neck State Park Staffing	\$160,800	\$160,800
Support state park operations	\$556,000	\$556,000
Pocahontas State Park New Cabin O&M	\$152,273	\$152,273
Provide funding for management of Green Pastures Recreation Area	\$342,678	\$209,509
Provide for preventative maintenance needs at state parks	\$500,000	\$500,000
Provide a supplemental deposit to the Water Quality Improvement Fund	\$0	\$25,410,000
Supplemental Water Quality Improvement Fund amount	\$3,840,000	\$0
Increase funding for dam rehabilitation projects	\$15,000,000	\$0

ITEM 375.10.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Agency Total	\$27,738,510		\$33,435,341	
Total for Department of Conservation and Recreation.....			\$190,581,067	\$149,252,201
General Fund Positions.....	435.50	435.50		
Nongeneral Fund Positions.....	46.50	46.50		
Position Level.....	482.00	482.00		
Fund Sources: General.....	\$132,722,253	\$91,393,387		
Special.....	\$28,721,864	\$28,721,864		
Dedicated Special Revenue.....	\$15,968,326	\$15,968,326		
Federal Trust.....	\$13,168,624	\$13,168,624		

§ 1-104. DEPARTMENT OF ENVIRONMENTAL QUALITY (440)

376.	Land Protection (50900).....			\$29,379,311	\$29,379,311
	Land Protection Permitting (50925).....	\$4,892,832	\$4,892,832		
	Land Protection Compliance and Enforcement (50926).....	\$21,920,926	\$21,920,926		
	Land Protection Outreach (50927).....	\$1,808,041	\$1,808,041		
	Land Protection Planning and Policy (50928).....	\$757,512	\$757,512		
	Fund Sources: General.....	\$2,778,338	\$2,778,338		
	Special.....	\$1,658,065	\$1,658,065		
	Trust and Agency.....	\$11,504,641	\$11,504,641		
	Dedicated Special Revenue.....	\$7,278,037	\$7,278,037		
	Federal Trust.....	\$6,160,230	\$6,160,230		

Authority: Title 10.1, Chapters 11.1, 11.2, 12.1, 14, and 25; Title 44, Chapter 3.5, Code of Virginia.

A. It is the intent of the General Assembly that balances in the Virginia Environmental Emergency Response Fund be used to meet match requirements for U.S. Environmental Protection Agency Superfund State Support Contracts.

B. Notwithstanding the provisions of § 10.1-1422.3, Code of Virginia, \$1,807,575 in the first year and \$1,807,575 in the second year from the Waste Tire Trust Fund, and \$250,000 in the first year and \$250,000 in the second year from the Hazardous Waste Management Permit Fund within the Department of Environmental Quality shall be used for the costs associated with the Department's land protection and water programs. Such funds may be used for the purposes set forth in § 10.1-1422.3, Code of Virginia, at the Director's discretion and only as available after funding other land protection and water programs.

377.	Water Protection (51200).....			\$47,728,146	\$52,894,920
	Water Protection Permitting (51225).....	\$8,954,437	\$11,054,476		
	Water Protection Compliance and Enforcement (51226).....	\$8,247,453	\$8,599,703		
	Water Protection Outreach (51227).....	\$2,938,270	\$2,938,270		
	Water Protection Planning and Policy (51228).....	\$8,451,889	\$8,569,623		
	Water Protection Monitoring and Assessment (51229).....	\$11,525,815	\$14,122,566		
	Water Protection Stormwater Management (51230).....	\$7,610,282	\$7,610,282		
	Fund Sources: General.....	\$25,228,739	\$30,395,513		
	Special.....	\$1,919,279	\$1,919,279		
	Trust and Agency.....	\$25,500	\$25,500		
	Dedicated Special Revenue.....	\$12,084,183	\$12,084,183		
	Federal Trust.....	\$8,470,445	\$8,470,445		

Authority: Title 10.1, Chapter 11.1; and Title 62.1, Chapters 2, 3.1, 3.2, 3.6, 5, 6, 20, 22,

ITEM 377.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
24, and 25, Code of Virginia.				
A. Out of this appropriation, \$51,500 the first year and \$51,500 the second year from the general fund is designated for annual membership dues for the Ohio River Valley Water Sanitation Commission.				
B.1. The permit fee regulations adopted by the State Water Control Board pursuant to paragraphs B.1. and B.2. of § 62.1-44.15:6, Code of Virginia, shall be set at an amount representing not more than 50 percent of the direct costs for the administration, compliance and enforcement of Virginia Pollutant Discharge Elimination System permits and Virginia Pollution Abatement permits.				
2. The regulations adopted by the State Water Control Board to initially implement the provisions of this Item shall be exempt from Article 2 (§ 2.2-4006, et seq.) of Chapter 40 of Title 2.2, Code of Virginia, and shall become effective no later than July 1, 2010. Thereafter, any amendments to the fee schedule described by these acts shall not be exempted from Article 2 (§ 2.2-4006, et seq.) of Chapter 40 of Title 2.2, Code of Virginia.				
C. Out of the appropriation for this item, \$151,500 the first year and \$151,500 the second year from the general fund is designated for the annual membership dues for the Interstate Commission on the Potomac River Basin.				
D.1. Notwithstanding § 62.1-44.15:56, Code of Virginia, public institutions of higher education, including community colleges, colleges, and universities, shall be subject to project review and compliance for state erosion and sediment control requirements by the local program authority of the locality within which the land disturbing activity is located, unless such institution submits annual specifications to the Department of Environmental Quality, in accordance with § 62.1-44.15:56 A (i), Code of Virginia.				
2. The State Water Control Board is authorized to amend the Erosion and Sediment Control Regulations (9 VAC 25-840 et seq.) to conform such regulations with this project review requirement and to clarify the process. These amendments shall be exempt from Article 2 (§2.2-4006 et seq.) of the Administrative Process Act.				
E. Beginning October 1, 2015, there shall be a \$3.75 fee imposed on each dry ton of exceptional quality biosolids cake sewage sludge that is land applied pursuant to § 62.1-44.19:3P, Code of Virginia, until such fee is altered, amended or rescinded by the State Water Control Board.				
F.1. The Department shall work in conjunction with the Virginia Economic Development Partnership to facilitate the development of long-term offsetting methods within the Virginia Nutrient Credit Exchange as set out in Item 130 of this act.				
2. The Department shall work with permittees operating under the Chesapeake Bay Watershed Nutrient General Permit and interested stakeholders through a workgroup including local government representatives, the Chesapeake Bay Foundation and the James River Association to review the assumptions used in estimating the effluent nutrient concentrations and trends of wastewater facilities and to identify cost-effective options to achieve wastewater nutrient load levels with reasonable assurance consistent with the needs of the Chesapeake Bay TMDL Phase III Watershed Implementation Plan. The review shall be completed and provided to the Chairs of the House Appropriations Committee, the Senate Finance and Appropriations Committee, the House Committee on Agriculture, Chesapeake and Natural Resources, the Senate Committee on Agriculture, Conservation, and Natural Resources and the Virginia delegation of the Chesapeake Bay Commission by December 1, 2020. The Department shall continue issuing Water Quality Improvement Fund grants for additional nutrient removal projects in accordance with the appropriations under Items 379 and C-70 of this act and §§ 10.1-1186.01 and 10.1-2117 of the Code of Virginia.				
G. Notwithstanding any other provision of law, any Virginia Stormwater Management Program authority is authorized to charge a voluntary fee of \$30,000 for review of sites or areas within common plans of development or sale with land-disturbance acreage equal to or greater than 100 acres for an expedited stormwater management program plan review. Any individual or firm electing to pay the voluntary fee shall be guaranteed the total government review time shall not exceed 45 days excluding any applicant's time in responding to questions. Any amounts paid to DEQ above the \$9,600 fee shall be used by DEQ to increase				

ITEM 377.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022

the staffing level of the reviewers of these applications.

H. Out of the amounts in this Item, \$2,730,601 the first year and \$2,730,601 the second year from the general fund is included for the purchase of laboratory and field equipment through the Commonwealth's Master Equipment Leasing Program.

I. The Department shall assess current provisions of the Virginia Erosion and Sediment Control Act, Storm Water Management Act, and the Chesapeake Bay Preservation Act and identify any areas of inconsistency, conflict, and duplication within and among the existing administrative regulations across the three regulatory programs and analyze the impact on locally administered programs for MS4 permit localities under the Virginia Stormwater Management Act. A final report of the assessment, and all associated recommendations for increasing the efficiency and improving the integration of the current regulatory framework, shall be submitted to the Governor and the General Assembly no later than April 1, 2021.

J. Out of the amounts appropriated for this item, \$231,000 the first year and \$231,000 the second year is provided for regional water resource planning activities.

K. The Department shall assess alternative reimbursement models and reimbursement amounts for nutrient removal grants provided to projects serving a locality or localities with: (i) high fiscal stress as defined by the Composite Fiscal Stress Index; (ii) median household incomes below the Commonwealth's average; and (iii) the capacity of ratepayers to absorb the additional costs of financing nutrient removal projects. The Department shall provide a report detailing its findings and recommendations to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees no later than December 15, 2020.

378.	Air Protection (51300).....			\$21,472,948	\$22,064,948
	Air Protection Permitting (51325).....	\$5,415,049	\$5,877,049		
	Air Protection Compliance and Enforcement (51326).....	\$6,189,758	\$6,189,758		
	Air Protection Outreach (51327).....	\$1,262,360	\$1,262,360		
	Air Protection Planning and Policy (51328).....	\$4,040,995	\$4,040,995		
	Air Protection Monitoring and Assessment (51329).....	\$4,564,786	\$4,694,786		
	Fund Sources: General.....	\$2,530,380	\$3,122,380		
	Enterprise.....	\$9,766,599	\$9,766,599		
	Dedicated Special Revenue.....	\$5,195,992	\$5,195,992		
	Federal Trust.....	\$3,979,977	\$3,979,977		

Authority: Title 10.1, Chapters 11.1 and 13; and Title 46.2, Chapter 10, Code of Virginia.

A. The Department of Environmental Quality is authorized to use up to \$300,000 the first year and \$300,000 the second year from the Vehicle Emissions Inspection Program Fund to implement the provisions of Chapter 710, Acts of Assembly of 2002, which authorizes the department to operate a program to subsidize repairs of vehicles that fail to meet emissions standards established by the Air Pollution Control Board when the owner of the vehicle is financially unable to have the vehicle repaired.

B.1. All of the permit program emissions fees collected by the State Air Pollution Control Board pursuant to § 10.1-1322, Code of Virginia, shall be assessed and collected on an annual basis notwithstanding the provisions of that section. The State Air Pollution Control Board shall adopt regulations adjusting permit program emissions fees collected pursuant to § 10.1-1322, Code of Virginia, and establish permit application processing fees and permit maintenance fees sufficient to ensure that the revenues collected from fees cover the total direct and indirect costs of the program consistent with the requirements of Title V of the Clean Air Act, except that the initial adjustment to permit program emissions fees shall not be increased by more than 30 percent over current rates. Notwithstanding the provisions of § 10.1-1322, Code of Virginia, the permit application fees collected pursuant to this paragraph shall not be credited towards the amount of annual fees owed pursuant to § 10.1-1322, Code of Virginia. All of the fees adopted pursuant to this section shall be adjusted annually by the Consumer Price Index.

ITEM 378.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
2. The State Air Pollution Control Board shall adopt regulations to prohibit the sale, lease, rent, installation or entry into commerce in Virginia of any products or equipment that use or will use hydroflourocarbons for the applications and end uses restricted by Appendix U and Appendix V of Subpart G of 40 C.F.R. Part 82, as those read on January 3, 2017.				
3. The regulations adopted by the State Air Pollution Control Board to initially implement the provisions of this item shall be exempt from Chapter 40 of Title 2.2, Code of Virginia, and shall become effective no later than July 1, 2021. Thereafter, any amendments to the fee schedule described by these acts shall not be exempted from Chapter 40 of Title 2.2, Code of Virginia.				
C. Out of the amounts in this Item, \$84,451 the first year and \$84,451 the second year from the general fund is included for the purchase of laboratory and field equipment through the Commonwealth's Master Equipment Leasing Program.				
379. Environmental Financial Assistance (51500).....			\$61,313,511	\$61,313,511
Financial Assistance for Environmental Resources Management (51502).....	\$8,425,868	\$8,425,868		
Virginia Water Facilities Revolving Fund Loans and Grants (51503).....	\$23,588,877	\$23,588,877		
Financial Assistance for Coastal Resources Management (51507).....	\$1,924,500	\$1,924,500		
Litter Control and Recycling Grants (51509).....	\$2,039,509	\$2,039,509		
Petroleum Tank Reimbursement (51511).....	\$25,334,757	\$25,334,757		
Fund Sources: General.....	\$2,353,614	\$2,353,614		
Trust and Agency.....	\$25,504,646	\$25,504,646		
Dedicated Special Revenue.....	\$26,194,606	\$26,194,606		
Federal Trust.....	\$7,260,645	\$7,260,645		

Authority: Title 10.1, Chapters 11.1, 14, 21.1, and 25 and Title 62.1, Chapters 3.1, 22, 23.2, and 24, Code of Virginia.

A. To the extent available, the authorization included in Chapter 781, 2009 Acts of Assembly, Item 368, paragraph E, is hereby continued for the Virginia Public Building Authority to issue revenue bonds in order to finance Virginia Water Quality Improvement Grants, pursuant to Chapter 851, 2007 Acts of Assembly.

B. To the extent available, the authorization included in Chapter 806, 2013 Acts of Assembly, Item C-39.40, is hereby continued for the Virginia Public Building Authority to issue revenue bonds in order to finance the Stormwater Local Assistance Fund, the Combined Sewer Overflow Matching Fund, Nutrient Removal Grants, and the Hopewell Regional Wastewater Treatment Authority. The administration of several of the water quality programs, including the Stormwater Local Assistance Fund, transferred to the Department of Environmental Quality per Chapter 756, 2013 Acts of Assembly.

C.1. The State Comptroller is authorized to continue the Stormwater Local Assistance Fund as established in Item 360, Chapter 806, 2013 Acts of Assembly. The fund shall consist of bond proceeds from bonds authorized by the General Assembly and issued pursuant to Item C-39.40 in Chapter 806, 2013 Acts of Assembly, Item C-43 of Chapter 665, 2015 Acts of Assembly, Chapter 759, 2016 Acts of Assembly, Item C-48.10 in Chapter 854, 2019 Acts of Assembly, and Item C-70 of this Act; sums appropriated to it by the General Assembly; and other grants, gifts, and moneys as may be made available to it from any other source, public or private. Interest earned on the moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund.

2. The purpose of the Fund is to provide matching grants to local governments for the planning, design, and implementation of stormwater best management practices that address cost efficiency and commitments related to reducing water quality pollutant loads. Moneys in the Fund shall be used to meet: i) obligations related to the Chesapeake Bay total maximum daily load (TMDL) requirements; ii) requirements for local impaired stream TMDLs; iii) water quality requirements of the Chesapeake Bay Watershed Implementation Plan (WIP);

ITEM 379.	Item Details(\$)		Appropriations(\$)		
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022	
<p>and iv) water quality requirements related to the permitting of small municipal stormwater sewer systems. The grants shall be used only for the acquisition of certified nonpoint nutrient credits and capital projects meeting all pre-requirements for implementation, including but not limited to: i) new stormwater best management practices; ii) stormwater best management practice retrofits; iii) stream restoration; iv) low impact development projects; v) buffer restoration; vi) pond retrofits; and vii) wetlands restoration.</p> <p>D. The grants shall be used only for the acquisition of certified nonpoint nutrient credits and capital projects meeting all pre-requirements for implementation, including but not limited to: i) new stormwater best management practices; ii) stormwater best management practice retrofits; iii) stream restoration; iv) low impact development projects; v) buffer restoration; vi) pond retrofits; and vii) wetlands restoration. Such grants shall be in accordance with eligibility determinations made by the State Water Control Board under the authority of the Department of Environmental Quality.</p> <p>E. The Department of Environmental Quality shall use an amount not to exceed \$3,000,000 from the Water Quality Improvement Fund to conduct the James River chlorophyll study pursuant to the approved Virginia Chesapeake Bay Total Maximum Daily Load, Phase I Watershed Implementation Plan. This amount shall be used solely for contractual support for water quality monitoring and analysis and computer modeling. No portion of this funding may be used for administrative costs of the department.</p> <p>F. Out of such funds available in this item, the Department shall provide funding to the Virginia Geographic Information Network in an amount necessary to implement statewide digital orthography to improve land coverage data necessary to assist localities in planning and implementing stormwater management programs. As part of this authorization, the Department shall also include data to update prior LIDAR surveys of elevations along coastal areas to support activities related to management of recurrent coastal flooding.</p> <p>G. Out of the amounts appropriated for Financial Assistance for Environmental Resources Management, \$3,292,479 the first year and \$3,292,479 the second year from federal funds is provided to implement stormwater management activities.</p> <p>H.1. Each locality establishing a utility or enacting a system of service charges to support a local stormwater management program pursuant to § 15.2-2114, Code of Virginia, shall provide to the Auditor of Public Accounts by October 1 of each year, in a format specified by the Auditor, a report as to each program funded by these fees and the expected nutrient and sediment reductions for each of these programs. The Department of Environmental Quality shall, at the request of the Auditor of Public Accounts, offer assistance to the Auditor's office in the review of the submitted reports.</p> <p>2. The Auditor of Public Accounts shall include in the Specifications for Audits of Counties, Cities, and Towns regulations for all local governments establishing a utility or enacting a system of service charges to support a local stormwater management program pursuant to § 15.2-2114, Code of Virginia, a requirement to ensure that each impacted local government is in compliance with the provisions of § 15.2-2114 A., Code of Virginia. Any such adjustment to the Specifications for Audits of Counties, Cities, and Towns regulations shall be exempt from the Administrative Process Act and shall be required for all audits completed after July 1, 2014.</p>					
380.	Administrative and Support Services (59900).....			\$31,015,132	\$31,015,132
	General Management and Direction (59901).....	\$21,147,975	\$21,147,975		
	Information Technology Services (59902).....	\$9,867,157	\$9,867,157		
	Fund Sources: General.....	\$16,161,678	\$16,161,678		
	Special.....	\$6,000,667	\$6,000,667		
	Enterprise.....	\$3,325,278	\$3,325,278		
	Trust and Agency.....	\$1,239,744	\$1,239,744		
	Dedicated Special Revenue.....	\$833,740	\$833,740		
	Federal Trust.....	\$3,454,025	\$3,454,025		

Authority: Title 10.1, Chapters 11.1, 13 and 14 and Title 62.1, Chapter 3.1, Code of Virginia.

ITEM 380.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
A. Notwithstanding the provisions of Title 10.1, Chapter 25, Code of Virginia, the department is authorized to expend funds from the balances in the Virginia Environmental Emergency Response Fund for costs associated with its waste management, air, and water programs.				
B. Notwithstanding the provisions of Title 10.1, Chapter 25, Code of Virginia, the department is authorized to expend up to \$600,000 the first year and \$600,000 the second year from the balances in the Virginia Environmental Emergency Response Fund to further develop and implement eGovernment services.				

380.10 Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted.

	FY 2021	FY 2022		
Air Protection	\$1,386,451			\$1,978,451
Land Protection	\$1,659,834			\$1,659,834
Water Protection	\$3,142,973			\$8,309,747
Agency Total	\$6,189,258			\$11,948,032
Total for Department of Environmental Quality.....			\$190,909,048	\$196,667,822
General Fund Positions.....	413.50	413.50		
Nongeneral Fund Positions.....	564.50	564.50		
Position Level.....	978.00	978.00		
Fund Sources: General.....	\$49,052,749	\$54,811,523		
Special.....	\$9,578,011	\$9,578,011		
Enterprise.....	\$13,091,877	\$13,091,877		
Trust and Agency.....	\$38,274,531	\$38,274,531		
Dedicated Special Revenue.....	\$51,586,558	\$51,586,558		
Federal Trust.....	\$29,325,322	\$29,325,322		

§ 1-105. DEPARTMENT OF GAME AND INLAND FISHERIES (403)

381. Wildlife and Freshwater Fisheries Management (51100).....			\$49,941,337	\$48,830,696
Wildlife Information and Education (51102).....	\$4,604,193	\$4,604,193		
Enforcement of Recreational Hunting and Fishing Laws and Regulations (51103).....	\$15,995,890	\$15,995,890		
Wildlife Management and Habitat Improvement (51106).....	\$29,341,254	\$28,230,613		
Fund Sources: Dedicated Special Revenue.....	\$37,406,488	\$36,295,847		
Federal Trust.....	\$12,534,849	\$12,534,849		

Authority: Title 29.1, Chapters 1 through 6, Code of Virginia.

A. Out of the amounts appropriated for this Item, \$20,000 the first year and \$20,000 the second year from nongeneral funds is provided for the Smith Mountain Lake Water Quality Monitoring Program.

B. Out of the amounts appropriated in this item, \$10,000 the first year and \$10,000 the second year from nongeneral funds is provided for the Back Bay Submerged Aquatic Vegetation

ITEM 381.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
	Restoration Project.				
382.	Boating Safety and Regulation (62500).....			\$7,677,834	\$7,677,834
	Boat Registration and Titling (62501).....	\$2,580,290	\$2,580,290		
	Boating Safety Information and Education (62502).	\$362,359	\$362,359		
	Enforcement of Boating Safety Laws and Regulations (62503).....	\$4,735,185	\$4,735,185		
	Fund Sources: Dedicated Special Revenue.....	\$5,558,055	\$5,558,055		
	Federal Trust.....	\$2,119,779	\$2,119,779		
	Authority: Title 29.1, Chapters 7 and 8, Code of Virginia.				
383.	Administrative and Support Services (59900).....			\$10,332,931	\$10,332,931
	General Management and Direction (59901).....	\$6,983,303	\$6,983,303		
	Information Technology Services (59902).....	\$3,349,628	\$3,349,628		
	Fund Sources: Dedicated Special Revenue.....	\$8,829,996	\$8,829,996		
	Federal Trust.....	\$1,502,935	\$1,502,935		

Authority: Title 29.1, Chapter 1, Code of Virginia.

A. The department shall recover the cost of reproduction, plus a reasonable fee per record, from persons or organizations requesting copies of computerized lists of licenses issued by the department.

B. The department shall not further consolidate its regional offices, field offices, or close any of these offices in presently-served localities or enter into any lease for any new regional office without notification of the Chairman of the House Committee on Agriculture, Chesapeake, and Natural Resources and the Chairman of the Senate Committee on Agriculture, Conservation, and Natural Resources. The department shall not undertake any future reorganization of any division, reporting structures, regional or field offices, or any function it may perform without notifying the Chairmen of the House Committee on Agriculture, Chesapeake, and Natural Resources, the House Committee on Appropriations, the Senate Committee on Agriculture, Conservation, and Natural Resources, and the Senate Committee on Finance.

C. Funds previously appropriated to the Lake Anna Advisory Committee for hydrilla control and removal may be used at the discretion of the Lake Anna Advisory Committee upon issues related to maintaining the health, safety, and welfare of Lake Anna.

D.1. Subject to review and approval by the Secretary of Natural Resources, the Director of the Department of Game and Inland Fisheries may issue to the Department of Transportation an interim permit to relocate the nest and eggs of any state listed threatened bird species from critical areas of the Hampton Roads Bridge Tunnel Expansion Project's South Island associated with the ingress and egress to the island; the delivery, assembly, and immediate operations of the tunnel boring machine; or other project critical locations as mutually agreed to by the Commissioner of Highways and the Director, which, if not relocated, would effectively require all substantial construction activities to cease.

2. Prior to the issuance of an interim permit as described in section 1, (i) the Director must determine that the Department of Transportation and its design-build contractor have taken all reasonable steps to prevent birds from nesting on the South Island, in accordance with the Colonial Nesting Bird Management Plan dated March 27, 2020, (ii) the Commissioner of Highways must determine that substantial construction activities will have to cease if the nest and eggs are not relocated, and (iii) the Director shall require as a condition of the interim permit that the nest and any eggs will be relocated under the supervision of the Department of Game and Inland Fisheries to a location acceptable to the Director that is as close as possible to the original nesting location while allowing construction activities to continue.

3. Within 30 days of the adoption by the Board of Game and Inland Fisheries of any regulation governing the take of migratory birds or threatened and endangered species, the Department of Transportation shall apply for a permit covering such take for the Hampton Roads Bridge-Tunnel expansion project.

ITEM 383.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
4. Any agency that exercises the authority granted in paragraph D.1, or that issues any permit that has an adverse impact on fish and wildlife or their habitat, may require compensatory mitigation for such adverse impact as a condition of issuing the permit.				
a. For the purposes of this section, "compensatory mitigation" means addressing the direct and indirect adverse impacts to fish and wildlife and their habitats that may be caused by a construction project by avoiding and minimizing impacts to the extent practicable and then compensating for the remaining impacts.				
b. Proposed compensatory mitigation agreements between an agency and a permittee shall be subject to the approval of the Secretary of Natural Resources, and may include environmental restoration projects, purchase of mitigation bank credits, or in-lieu payments to existing state funds related to conservation of fish and wildlife and their habitat.				
384. A. Pursuant to §§ 29.1-101, 58.1-638, and 58.1-1410, Code of Virginia, deposits to the Game Protection Fund include an estimated \$16,500,000 the first year and \$16,500,000 the second year from revenue originating from the general fund.				
B. Pursuant to § 29.1-101.01, Code of Virginia, the Department of Planning and Budget shall transfer such funds as designated by the Board of Game and Inland Fisheries from the Game Protection Fund (§ 29.1-101) to the Capital Improvement Fund (§ 29.1-101.01) up to an amount equal to 50 percent or less of the revenue deposited to the Game Protection Fund by § 3-1.01, subparagraph M, of this act.				
C. Out of the amounts transferred pursuant to § 3-1.01, subparagraph K, of this act, \$881,753 the first year and \$881,753 the second year from the Game Protection Fund shall be used for the enforcement of boating laws, boating safety education, and for improving boating access.				
Total for Department of Game and Inland Fisheries....			\$67,952,102	\$66,841,461
Nongeneral Fund Positions.....	496.00	496.00		
Position Level.....	496.00	496.00		
Fund Sources: Dedicated Special Revenue.....	\$51,794,539	\$50,683,898		
Federal Trust.....	\$16,157,563	\$16,157,563		

§ 1-106. DEPARTMENT OF HISTORIC RESOURCES (423)

385. Historic and Commemorative Attraction Management (50200).....			\$15,105,760	\$8,117,760
Financial Assistance for Historic Preservation (50204).....	\$8,294,670	\$1,406,670		
Historic Resource Management (50205).....	\$6,811,090	\$6,711,090		
Fund Sources: General.....	\$12,089,125	\$5,101,125		
Special.....	\$888,463	\$888,463		
Commonwealth Transportation.....	\$115,642	\$115,642		
Dedicated Special Revenue.....	\$97,799	\$97,799		
Federal Trust.....	\$1,914,731	\$1,914,731		

Authority: Title 10.1, Chapters 22 and 23, Code of Virginia.

A. General fund appropriations for historic and commemorative attractions not identified in § 10.1-2211.1 or § 10.1-2211.2, Code of Virginia, shall be matched by local or private sources, either in cash or in-kind, in amounts at least equal to the appropriation and which are deemed to be acceptable to the department.

B. In emergency situations which shall be defined as those posing a threat to life, safety or property, § 10.1-2213, Code of Virginia, shall not apply.

C. Pursuant to the provisions of § 10.1-2211.1, Code of Virginia, as amended by Chapter 639, 2018 Session of the General Assembly, out of the amounts provided for Financial Preservation shall be paid \$23,100 the first year and \$23,100 the second year from the general fund grants to the Virginia Society of the Sons of the American Revolution (VASSAR) and

ITEM 385.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<p>the Revolutionary War memorial associations caring for cemeteries as set forth in subsection B of § 10.1-2211.1, Code of Virginia. Such sums shall be expended by the associations for the routine maintenance of their respective Revolutionary War cemeteries and graves and for the graves of Revolutionary War soldiers and sailors not otherwise cared for in other cemeteries, and in erecting and caring for markers, memorials, and monuments to the memory of such soldiers, sailors, and persons rendering service to the Patriot cause in the Revolutionary War.</p>				
<p>D. Included in this appropriation is \$115,642 the first year and \$115,642 the second year in nongeneral funds from the Highway Maintenance and Operating Fund to support the Department of Historic Resources' required reviews of transportation projects.</p>				
<p>E. The Department of Historic Resources is authorized to accept a devise of certain real property under the will of Elizabeth Rust Williams known as Clermont Farm located on Route 7 east of the town of Berryville in Clarke County. If, after due consideration of options, the department determines that the property should be sold or leased to a different public or private entity, and notwithstanding the provisions of § 2.2-1156, Code of Virginia, then the department is further authorized to sell or lease such property, provided such sale or lease is not in conflict with the terms of the will. The proceeds of any such sale or lease shall be deposited to the Historic Resources Fund established under § 10.1-2202.1, Code of Virginia.</p>				
<p>F. The Department of Historic Resources shall follow and provide input on federal legislation designed to establish a new national system of recognizing and funding Presidential Libraries for those entities that are not included in the 1955 Presidential Library Act.</p>				
<p>G. Included in this appropriation is \$1,250,000 the first year and \$1,250,000 the second year from the general fund to be deposited into the Virginia Battlefield Preservation Fund for grants to be made in accordance with § 10.1-2202.4, Code of Virginia. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. This appropriation shall be deemed sufficient to meet the provisions of § 2.2-1509.4, Code of Virginia.</p>				
<p>H. The Department of Historic Resources is authorized to require applicants for tax credits for historic rehabilitation projects under § 58.1-339.2, Code of Virginia, to provide an audit by a certified public accountant licensed in Virginia, in accordance with guidelines developed by the department in consultation with the Auditor of Public Accounts. The department is also authorized to contract with tax, financial, and other professionals to assist the department with the oversight of historic rehabilitation projects for which tax credits are anticipated.</p>				
<p>I.1. Included in this Item is \$100,000 the first year and \$150,000 the second year from the general fund to support the preservation and care of historical African American graves and cemeteries.</p>				
<p>2. Pursuant to § 10.1-2211.2., Code of Virginia, \$34,875 the first year and \$34,875 the second year from the general fund is provided to support the preservation and care of historical African American graves at the East End Cemetery in Henrico County, Virginia and the Evergreen Cemetery in Richmond, Virginia.</p>				
<p>3. Pursuant to § 10.1-2211.2., Code of Virginia, \$960 the first year and \$960 the second year from the general fund is provided to support the preservation and care of historical African American graves at the Daughters of Zion Cemetery in Charlottesville, Virginia.</p>				
<p>4. Pursuant to § 10.1-2211.2, Code of Virginia, \$1,330 the first year and \$1,330 the second year from the general fund is provided to support the preservation and care of historical African American graves at the Mt. Calvary Cemetery in Portsmouth, Virginia.</p>				
<p>5. Pursuant to § 10.1-2211.2, Code of Virginia, \$385 the first year and \$385 the second year from the general fund is provided to support the preservation and care of historical African American graves at the African-American Burial Ground for the Enslaved at Belmont and Mt. Zion Old Baptist Church Cemetery in Loudoun County, Virginia.</p>				
<p>6. Pursuant to § 10.1-2211.2, Code of Virginia, \$385 the first year and \$385 the second</p>				

ITEM 385.	Item Details(\$)		Appropriations(\$)							
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022						
<p>establish an underwater archaeology program.</p> <p>O. Out of the amounts for Financial Assistance for Historic Preservation, \$100,000 the first year from the general fund is provided to the County of Gloucester to support the historic rehabilitation activities of the T.C. Walker and Woodville/Rosenwald School Foundation in Hayes, Virginia.</p> <p>P. Out of the amounts in this item, \$1,000,000 the first year from the general fund is provided to the City of Richmond for the establishment of the Center for African-American History and Culture at Virginia Union University.</p> <p>Q. Out of the amounts for Financial Assistance for Historic Preservation, \$50,000 the first year from the general fund is provided to the County of Brunswick for conservation and restoration activities undertaken by the James Solomon Russell/Saint Paul's College Museum and Archives in Lawrenceville, Virginia.</p> <p>R. Out of the amounts for Financial Assistance for Historic Preservation, \$70,000 the first year from the general fund is provided to the County of Greenville for support of Citizens United to Preserve Greenville County Training School.</p> <p>S. Out of this appropriation, \$1,000,000 the first year from the general fund is provided to the County of Orange, Virginia to support research and education-related programming at James Madison's Montpelier.</p> <p>T.1. Out of the amounts for Financial Assistance for Historic Preservation shall be paid from the general fund grants to the following organization for the purposes prescribed in § 10.1-2211, Code of Virginia:</p> <table border="0" style="width: 100%; margin-left: 40px;"> <thead> <tr> <th style="text-align: left;">ORGANIZATION</th> <th style="text-align: right;">FY 2021</th> <th style="text-align: right;">FY 2022</th> </tr> </thead> <tbody> <tr> <td>United Daughters of the Confederacy</td> <td style="text-align: right;">\$83,570</td> <td style="text-align: right;">\$83,570</td> </tr> </tbody> </table> <p>Notwithstanding the cited Code section, the United Daughters of the Confederacy shall make disbursements to the treasurers of Confederate memorial associations and chapters of the United Daughters of the Confederacy for the purposes stated in that section. By November 1 of each year, the United Daughters of the Confederacy shall submit to the Director, Department of Historic Resources, a report documenting the disbursement of these funds for their specified purpose.</p> <p>2. As disbursements are made to the treasurers of Confederate memorial associations and chapters of the United Daughters of the Confederacy by the United Daughters of the Confederacy for the purposes stated in § 10.1-2211, Code of Virginia, an amount equal to \$7,500 each year shall be distributed to the Ladies Memorial Association of Petersburg.</p> <p>3. As disbursements are made to the treasurers of Confederate memorial associations and chapters of the United Daughters of the Confederacy by the United Daughters of the Confederacy for the purposes stated in § 10.1-2211, Code of Virginia, an amount equal to \$90 the first year and \$90 the second year shall be distributed to the Town of Coeburn Municipal Graveyard.</p> <p>U. Out of the amounts for Financial Assistance for Historic Preservation, \$250,000 the first year from the general fund shall be provided to the County of Fairfax as a one-time grant to NOVA Parks for the construction of the Turning Point Suffragist Memorial at Occoquan Regional Park.</p> <p>V. Out of the amounts for Financial Assistance for Historic Preservation, \$250,000 the first year from the general fund shall be provided to the City of Staunton as a one-time grant to the Woodrow Wilson Presidential Library Foundation to support necessary renovations, accessibility improvements, and educational outreach at the Woodrow Wilson Presidential Library.</p> <p>W. Out of this appropriation, \$75,000 the first year from the general fund is designated to the County of Arlington, Virginia to support the Women in Military Service for America Memorial in Arlington, Virginia.</p>					ORGANIZATION	FY 2021	FY 2022	United Daughters of the Confederacy	\$83,570	\$83,570
ORGANIZATION	FY 2021	FY 2022								
United Daughters of the Confederacy	\$83,570	\$83,570								
386.	Administrative and Support Services (59900).....		\$1,025,312	\$1,025,312						

ITEM 386.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
General Management and Direction (59901).....	\$1,025,312	\$1,025,312		
Fund Sources: General.....	\$798,123	\$798,123		
Special.....	\$46,205	\$46,205		
Federal Trust.....	\$180,984	\$180,984		

Authority: Title 10.1, Chapters 10.1, 22 and 23, Code of Virginia.

Out of the amounts for Administrative and Support Services, the department shall administer state grants to nonstate agencies pursuant to Item 498 of this act.

386.10 Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted.

	FY 2021	FY 2022
Provide funding for the Center for African-American History and Culture at Virginia Union University	\$1,000,000	\$0
Provide additional funding to support staff salaries	\$123,360	\$123,360
Provide additional funding to support the Historical Highway Marker program	\$200,000	\$0
Provide funding to digitize highway markers for the Virginia African American History Trail	\$100,000	\$0
Provide funding to increase the Director's salary	\$15,968	\$15,968
Provide funding to support a cemetery preservationist position	\$108,337	\$108,337
Provide additional funding for Montpelier	\$1,000,000	\$0
Provide funding to the County of Brunswick	\$50,000	\$0
Provide funding to County of Fairfax for NOVA Parks	\$250,000	\$0
Provide additional funding for the Battlefield Preservation Fund	\$250,000	\$250,000
Provide funding to County of Arlington	\$75,000	\$0
Provide additional funding and positions for underwater archaeology program	\$159,479	\$159,479
Provides funding to the City of Richmond for cultural initiatives	\$1,000,000	\$0
Provides funding to the City of Charlottesville for cultural initiatives	\$500,000	\$0
Provides funding to the City of Alexandria to support cultural initiatives	\$2,443,000	\$0
Provide funding and add language for the County of Gloucester	\$100,000	\$0
Provides funding to the City of Staunton	\$250,000	\$0

ITEM 386.10.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
for the Woodrow Wilson Presidential Library				
Agency Total		\$7,625,144		\$657,144
Total for Department of Historic Resources.....			\$16,131,072	\$9,143,072
General Fund Positions.....	29.50	29.50		
Nongeneral Fund Positions.....	19.00	19.00		
Position Level.....	48.50	48.50		
Fund Sources: General.....	\$12,887,248	\$5,899,248		
Special.....	\$934,668	\$934,668		
Commonwealth Transportation.....	\$115,642	\$115,642		
Dedicated Special Revenue.....	\$97,799	\$97,799		
Federal Trust.....	\$2,095,715	\$2,095,715		

§ 1-107. MARINE RESOURCES COMMISSION (402)

387.	Marine Life Management (50500).....			\$23,718,387	\$23,413,279
	Marine Life Information Services (50501).....	\$1,367,413	\$1,367,413		
	Marine Life Regulation Enforcement (50503).....	\$9,855,908	\$9,740,800		
	Artificial Reef Construction (50506).....	\$69,520	\$69,520		
	Chesapeake Bay Fisheries Management (50507).....	\$5,999,937	\$5,975,237		
	Oyster Propagation and Habitat Improvement (50508).....	\$6,425,609	\$6,260,309		
	Fund Sources: General.....	\$12,016,819	\$11,827,011		
	Special.....	\$7,557,986	\$7,442,686		
	Commonwealth Transportation.....	\$313,768	\$313,768		
	Dedicated Special Revenue.....	\$581,014	\$581,014		
	Federal Trust.....	\$3,248,800	\$3,248,800		

Authority: Title 18.2, Chapters 1 and 5; Title 19.2, Chapters 1, 5 and 7; Title 28.2, Chapters 1 through 10; Title 29.1, Chapter 7; Title 32.1, Chapter 6; Title 33.2, Chapter 1; and Title 62.1, Chapters 18 and 20, Code of Virginia.

A. Out of this appropriation, \$54,611 the first year and \$54,611 the second year from the general fund is provided for annual membership dues to the Atlantic States Marine Fisheries Commission.

B. Out of this appropriation, \$148,750 the first year and \$148,750 the second year from the general fund is provided for annual membership dues to the Potomac River Fisheries Commission.

C. Out of the amounts for Marine Life Regulation Enforcement shall be paid into the Marine Patrols Fund, \$169,248 the first year and \$169,248 the second year, pursuant to § 28.2-108, Code of Virginia. For this purpose, cash shall be transferred from the Commonwealth Transportation Fund.

D. Pursuant to § 58.1-2289 D, Code of Virginia, \$144,520 the first year and \$144,520 the second year shall be transferred to Marine Life Regulation Enforcement from the Commonwealth Transportation Fund from unrefunded motor fuel taxes for boats and paid into the Marine Patrols Fund.

E. 1. Out of this appropriation, \$4,000,000 the first year and \$4,000,000 the second year from the general fund is provided to support oyster replenishment and oyster restoration activities. From these amounts \$1,500,000 the first year and \$1,500,000 the second year from the general fund shall be used to provide support for oyster restoration.

2. Any unexpended general fund balances designated by the agency for oyster remediation activities remaining in this Item on June 30, 2021, and June 30, 2022, shall be reappropriated and reallocated to the Marine Resources Commission for expenditure.

F. The commission shall deposit proceeds from the sale of oyster shells, oyster seeds, and

ITEM 387.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<p>other subaqueous materials pursuant to § 28.2-550, Code of Virginia, to the Public Oyster Rock Replenishment Fund established by § 28.2-542, Code of Virginia. The proceeds from such sale shall be used for the same purposes specified in § 28.2-542, Code of Virginia.</p> <p>G. Out of the amounts for this item, \$50,000 the first year from the general fund is to be provided by the Commissioner to the Virginia Aquarium and Marine Science Foundation.</p>				
388.	Coastal Lands Surveying and Mapping (51000).....		\$3,049,201	\$2,799,101
	Coastal Lands and Bottomlands Management (51001).....	\$2,288,812		\$2,038,712
	Marine Resources Surveying and Mapping (51002)....	\$760,389		\$760,389
	Fund Sources: General.....	\$1,928,254		\$1,678,154
	Dedicated Special Revenue.....	\$938,947		\$938,947
	Federal Trust.....	\$182,000		\$182,000
<p>Authority: Title 28.2, Chapters 12, 13, 14, 15 and 16; Title 62.1, Chapters 16 and 19, Code of Virginia.</p> <p>Out of the amounts in this item, \$250,000 the first year from the general fund shall be deposited to the Marine Habitat and Waterways Improvement Fund pursuant to § 28.2-1204.2, Code of Virginia.</p>				
389.	Tourist Promotion (53600).....		\$220,000	\$220,000
	Virginia Saltwater Sport Fishing Tournament (53601).....	\$220,000		\$220,000
	Fund Sources: Special.....	\$220,000		\$220,000
<p>Authority: Title 28.2, Chapter 2, Code of Virginia</p> <p>Pursuant to the provisions of §28.2-206, Code of Virginia, the Virginia Marine Resources Commission shall conduct the Virginia Saltwater Sport Fishing Tournament in both years of the biennium.</p>				
390.	Administrative and Support Services (59900).....		\$2,818,242	\$2,818,242
	General Management and Direction (59901).....	\$2,818,242		\$2,818,242
	Fund Sources: General.....	\$2,700,393		\$2,700,393
	Special.....	\$117,849		\$117,849
<p>Authority: Title 28.2, Chapters 1 and 2, Code of Virginia.</p> <p>A. The Marine Resources Commission shall recover the cost of reproduction, plus a reasonable fee per record, from persons or organizations requesting copies of computerized lists of licenses issued by the commission.</p> <p>B. From the amounts collected pursuant to § 28.2-200 et seq., Code of Virginia, and deposited into the Virginia Marine Products Fund (§ 3.2-2705, Code of Virginia), the Marine Resources Commission may retain \$10,000 the first year and \$10,000 the second year for the administrative cost of issuing gear licenses.</p> <p>C. The Virginia Marine Resources Commission shall report by December 15 of each year all projects and expenditures funded from the Virginia Saltwater Recreational Fishing Development Fund. The report shall be submitted to the Chairmen of the House Appropriations and Senate Finance Committees.</p>				
390.10	<p>Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-</p>			

ITEM 390.10.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted.				
		FY 2021		FY 2022
Provide funding for a coastal resiliency manager position		\$78,250		\$78,150
Provide funding for the removal of a derelict barge in Belmont Bay		\$250,000		\$0
Provide funding for outboard motors		\$96,436		\$0
Provide funding for a position in the fisheries observer program		\$81,795		\$57,695
Provide funding for unmanned aerial vehicles		\$18,672		\$0
Virginia Aquarium and Marine Science Foundation		\$50,000		\$0
Agency Total		\$575,153		\$135,845
Total for Marine Resources Commission.....			\$29,805,830	\$29,250,622
General Fund Positions.....	138.50	138.50		
Nongeneral Fund Positions.....	31.00	31.00		
Position Level.....	169.50	169.50		
Fund Sources: General.....	\$16,645,466	\$16,205,558		
Special.....	\$7,895,835	\$7,780,535		
Commonwealth Transportation.....	\$313,768	\$313,768		
Dedicated Special Revenue.....	\$1,519,961	\$1,519,961		
Federal Trust.....	\$3,430,800	\$3,430,800		
TOTAL FOR OFFICE OF NATURAL RESOURCES.....			\$496,127,550	\$451,903,609
General Fund Positions.....	1,022.00	1,022.00		
Nongeneral Fund Positions.....	1,157.00	1,157.00		
Position Level.....	2,179.00	2,179.00		
Fund Sources: General.....	\$211,948,655	\$168,950,655		
Special.....	\$47,130,378	\$47,015,078		
Commonwealth Transportation.....	\$429,410	\$429,410		
Enterprise.....	\$13,091,877	\$13,091,877		
Trust and Agency.....	\$38,274,531	\$38,274,531		
Dedicated Special Revenue.....	\$120,967,183	\$119,856,542		
Federal Trust.....	\$64,285,516	\$64,285,516		

ITEM 391.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022

OFFICE OF PUBLIC SAFETY AND HOMELAND SECURITY

§ 1-108. SECRETARY OF PUBLIC SAFETY AND HOMELAND SECURITY (187)

391.	Administrative and Support Services (79900).....			\$1,230,902	\$1,230,902
	General Management and Direction (79901).....	\$1,230,902	\$1,230,902		
	Fund Sources: General.....	\$1,230,902	\$1,230,902		

Authority: Title 2.2, Chapter 2, Article 8, and § 2.2-201, Code of Virginia.

A. The Secretary of Public Safety and Homeland Security shall present revised six-year state and local juvenile and state and local responsibility adult offender population forecasts to the Governor, the Chairmen of the House Appropriations and Senate Finance Committees, and the Chairmen of the House and Senate Courts of Justice Committees by October 15 of each year. The secretary shall ensure that the revised forecast for state-responsible adult offenders shall include an estimate of the number of probation violators included each year within the overall population forecast who may be appropriate for alternative sanctions.

B. The secretary shall continue to work with other secretaries to (i) develop services intended to improve the re-entry of offenders from prisons and jails to general society and (ii) enhance the coordination of service delivery to those offenders by all state agencies. The secretary shall provide a status report on actions taken to improve offender transitional and reentry services, as provided in § 2.2-221.1, Code of Virginia, including improvements to the preparation and provision for employment, treatment, and housing opportunities for those being released from incarceration. The report shall be provided to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees no later than November 15 of each year.

C. Included in the appropriation for this item is \$500,000 the first year and \$500,000 the second year from the general fund for the Commonwealth's nonfederal cost match requirement to accomplish the United States Corps of Engineers Regional Reconnaissance Flood Control Study for both the Hampton Roads and Northern Neck regions as authorized by the U.S. Congress. Any balances not needed to complete these studies may be used to conduct a comparable study in the Northern Virginia region.

D. The Secretary shall report on the requirements of Item 381 H. of Chapter 854, 2019 Acts of Assembly, by November 15, 2020.

E.1. The Secretary of Public Safety and Homeland Security shall continue the expanded work group established in Item 381 of Chapter 854, 2019 Acts of Assembly. The expanded work group shall examine the workload impact, as well as other fiscal and policy impacts, on the Commonwealth's public safety and judicial agencies as a whole. The Executive Secretary of the Supreme Court shall submit the recommendations of the working group to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees by November 15, 2020. All state agencies and local subdivisions shall provide assistance as requested by the working group.

2. The expanded workgroup shall include representatives of the Supreme Court, the State Compensation Board, staff of the House Appropriations and Senate Finance and Appropriations Committees, Department of Criminal Justice Services, Commonwealth's Attorneys, local governments, and other stakeholders deemed appropriate by the Secretary.

3. Prior to the preparation of the November 15, 2020 report, each Commonwealth's Attorney's office in a locality that employs body worn cameras, in conjunction with the law enforcement agency using body worn cameras, shall report to the Compensation Board and the workgroup the following information on a quarterly basis, in a format prescribed by the Board:

a. The number of hours of body worn camera video footage received from their law enforcement agencies. The number of hours should additionally be broken down into corresponding categories of felonies, misdemeanors and traffic offenses. Any recorded event that results in charges for two or more of the above categories shall be reported in the most serious category;

ITEM 391.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
	b. The number of hours spent in the course of redacting videos; and			
	c. Any other data determined relevant and necessary by the workgroup for this analysis.			
392.	Disaster Planning and Operations (72200).....		\$582,897	\$582,897
	Emergency Planning and Homeland Security (72210).....		\$582,897	\$582,897
	Fund Sources: Federal Trust.....		\$582,897	\$582,897
	Total for Secretary of Public Safety and Homeland Security.....		\$1,813,799	\$1,813,799
	General Fund Positions.....		6.00	6.00
	Nongeneral Fund Positions.....		3.00	3.00
	Position Level.....		9.00	9.00
	Fund Sources: General.....		\$1,230,902	\$1,230,902
	Federal Trust.....		\$582,897	\$582,897

§ 1-109. COMMONWEALTH'S ATTORNEYS' SERVICES COUNCIL (957)

393.	Adjudication Training, Education, and Standards (32600).....		\$2,308,604	\$2,308,604
	Prosecutorial Training (32604).....		\$2,308,604	\$2,308,604
	Fund Sources: General.....		\$689,756	\$689,756
	Special.....		\$1,418,848	\$1,418,848
	Federal Trust.....		\$200,000	\$200,000
	Authority: Title 2.2, Chapter 26, Article 7, Code of Virginia.			
	Total for Commonwealth's Attorneys' Services Council.....		\$2,308,604	\$2,308,604
	General Fund Positions.....		7.00	7.00
	Position Level.....		7.00	7.00
	Fund Sources: General.....		\$689,756	\$689,756
	Special.....		\$1,418,848	\$1,418,848
	Federal Trust.....		\$200,000	\$200,000

§ 1-110. VIRGINIA ALCOHOLIC BEVERAGE CONTROL AUTHORITY (999)

394.	Crime Detection, Investigation, and Apprehension (30400).....		\$22,192,092	\$24,692,092
	Enforcement and Regulation of Alcoholic Beverage Control Laws (30403).....		\$22,192,092	\$24,692,092
	Fund Sources: Enterprise.....		\$21,492,092	\$23,992,092
	Federal Trust.....		\$700,000	\$700,000

Authority: § 4.1-100 through § 4.1-133, Code of Virginia.

A. No funds appropriated for this program shall be used for enforcement personnel to enforce local ordinances.

B. Revenues of the fund appropriated in this Item and Item 395 of this act are limited to those received pursuant to Title 4, Code of Virginia, excepting taxes collected by the Alcoholic Beverage Control Board.

C. By September 1 of each year, the Alcoholic Beverage Control Board shall report for the prior fiscal year the dollar amount of total wine liter tax collections in Virginia; the portion, expressed in dollars, of such tax collections attributable to the sale of Virginia wine in both ABC stores and in private stores; and, the percentage of total wine liter tax collections attributable to the sale of Virginia wine. Such report shall be submitted to the

ITEM 394.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Chairmen of the House Appropriations and Senate Finance Committees, Director, Department of Planning and Budget and the Virginia Wine Board.				
D. Included in this appropriation for this item is \$839,752 each year from the Enterprise Fund to be used to support civilian licensing technicians.				
E. Included in the appropriation for this item is \$2,500,000 the second year from the Enterprise Fund to support licensing agents in association with the Authority's licensing reform efforts.				
395.	Alcoholic Beverage Merchandising (80100).....		\$815,774,073	\$860,145,166
	Administrative Services (80101).....	\$72,883,603	\$69,983,603	
	Alcoholic Beverage Control Retail Store Operations (80102).....	\$120,233,064	\$127,149,957	
	Alcoholic Beverage Purchasing, Warehousing and Distribution (80103).....	\$622,657,406	\$663,011,606	
	Fund Sources: Enterprise.....	\$815,774,073	\$860,145,166	
Authority: § 4.1-100 through § 4.1-133, Code of Virginia.				
A. The Secretary of Finance shall chair an advisory committee to review the progress of the Alcoholic Beverage Control Authority in planning, financing, procuring, and implementing the information technology systems necessary to sustain the department's business enterprise. Members of this committee shall include the Secretary of Public Safety and Homeland Security; the Director, Department of Planning and Budget; the Director, Department of Accounts; the Chief Information Officer of the Commonwealth; the Auditor of Public Accounts; and the Staff Directors of the House Appropriations and Senate Finance Committees and/or their designees.				
B. Funds appropriated for services related to state lottery operations shall be used solely for lottery ticket purchases and prize payouts.				
C. The Alcoholic Beverage Control Board shall open additional stores in locations deemed to have the greatest potential for total increased sales in order to maximize profitability.				
D. Notwithstanding § 4.1-120, Code of Virginia, the Alcoholic Beverage Control Board may open certain government stores, as determined by the Board, for the sale of alcoholic beverages on New Year's Day and on Sundays after 10:00 a.m.				
E. Consistent with the provisions of Chapters 730 and 38, 2015 Acts of Assembly, members of the Board shall receive annually such salary, compensation, and reimbursement of expenses for the performance of their official duties as set forth in the general appropriation act for members of the House of Delegates when the General Assembly is not in session, except that the chairmen of the Board shall receive annually such salary, compensation, and reimbursement of expenses for the performance of his official duties as set forth in the general appropriation act for a member of the Senate of Virginia when the General Assembly is not in session.				
F. Out of this appropriation, \$3,000,000 the first year and \$100,000 the second year from nongeneral funds is provided to cover the costs associated with the warehouse and headquarters relocation.				
	Total for Virginia Alcoholic Beverage Control Authority.....		\$837,966,165	\$884,837,258
	Nongeneral Fund Positions.....	1,454.00	1,555.00	
	Position Level.....	1,454.00	1,555.00	
	Fund Sources: Enterprise.....	\$837,266,165	\$884,137,258	
	Federal Trust.....	\$700,000	\$700,000	

§ 1-111. DEPARTMENT OF CORRECTIONS (799)

396.	Instruction (19700).....		\$30,248,045	\$30,248,045
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ITEM 396.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Career and Technical Instructional Services for Youth and Adult Schools (19712).....	\$11,330,990	\$11,330,990		
Adult Instructional Services (19713).....	\$12,718,140	\$12,718,140		
Instructional Leadership and Support Services (19714).....	\$6,198,915	\$6,198,915		
Fund Sources: General.....	\$29,737,767	\$29,737,767		
Federal Trust.....	\$510,278	\$510,278		
Authority: §§ 53.1-5 and 53.1-10, Code of Virginia.				
397. Supervision of Offenders and Re-entry Services (35100).....			\$103,122,314	\$103,122,314
Probation and Parole Services (35106).....	\$94,925,832	\$94,925,832		
Community Residential Programs (35108).....	\$3,163,556	\$3,163,556		
Administrative Services (35109).....	\$5,032,926	\$5,032,926		
Fund Sources: General.....	\$100,133,240	\$100,133,240		
Dedicated Special Revenue.....	\$2,589,074	\$2,589,074		
Federal Trust.....	\$400,000	\$400,000		

Authority: §§ 53.1-67.2 through 53.1-67.6 and §§ 53.1-140 through 53.1-176.3, Code of Virginia.

A. By September 1 of each year, the Department of Corrections shall provide a status report on the Statewide Community-Based Corrections System for State-Responsible Offenders to the Chairmen of the House Courts of Justice; Health, Welfare and Institutions; and Appropriations Committees and the Senate Courts of Justice; Rehabilitation and Social Services; and Finance Committees and to the Department of Planning and Budget. The report shall include a description of the department's progress in implementing evidence-based practices in probation and parole districts, and its plan to continue expanding this initiative into additional districts. The section of the status report on evidence-based practices shall include an evaluation of the effectiveness of these practices in reducing recidivism and how that effectiveness is measured.

B. Included in the appropriation for this Item is \$150,000 the first year and \$150,000 the second year from nongeneral funds to support the implementation of evidence-based practices in probation and parole districts. The source of the funds is the Drug Offender Assessment Fund.

C. Out of the amounts appropriated in this item, \$200,000 the first year and \$200,000 the second year from the general fund is designated for the Department of Corrections to pay the Department of Motor Vehicles for the costs of providing identification cards to inmates through the DMV Connect program.

398. A. The following process shall be applicable in order for any county, city, or regional jail authority (hereinafter referred to as "the locality") to receive state reimbursement for a portion of the costs of the construction, expansion, or renovation of a jail as provided in §§53.1-80 and 53.1-81, Code of Virginia:

1. The locality shall file with the Department of Corrections, by January 1 of the year in which it wishes its request to be considered, the following information in a format specified by the department:

- a. the information and documents required by §53.1-82.1, Code of Virginia;
- b. Specifications for the proposed construction or renovation; and
- c. Detailed cost estimates.

2. The Department of Corrections shall review the request and make its comments and recommendations to the Board of Corrections.

3. The Departments of Corrections and Criminal Justice Services shall review the community-based corrections plan and jail population forecast submitted by the locality

ITEM 398.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
and make their comments and recommendation concerning them to the Board of Corrections.				
4. The Board of Corrections shall review and take action on the request, after reviewing the comments and recommendations of the Departments of Corrections and Criminal Justice Services. It may modify any aspect of the request before approving it. The board shall not approve any request unless the following conditions have been met:				
a. the project is consistent with the projected number of local and state responsible offenders to be housed in such facility;				
b. the project meets the design criteria set out in the Board of Corrections' Standards for Planning, Design, Construction and Reimbursement of Local Correctional Facilities;				
c. the project is proposed to be built using standards for a minimum security facility, as adopted by the board, unless the use of more expensive construction standards is justified, based on a documented projection of offender populations that would require a higher level of security;				
d. the project can be completed and operated in a cost-efficient manner; and				
e. any other criteria established by the board.				
5. If the Board of Corrections approves a request, the Department of Corrections shall notify the Department of Planning and Budget by October 1 of the board's action and submit a summary of the project and a detailed list of the board-approved costs to the department.				
6. If the Board of Corrections approves a request, the Department of Criminal Justice Services shall submit to the Department of Planning and Budget by October 1 a summary of the alternatives to incarceration included in the community-based corrections plan approved for the project, along with a projection of the state funds needed to implement these programs.				
7. The Department of Planning and Budget shall submit to the Governor, for consideration for inclusion in the budget bill to be submitted by the Governor to the General Assembly, its recommendations concerning the approval of the request for reimbursement of jail construction or renovation costs and whether state funding is appropriate to support the alternatives to incarceration included in the community-based corrections plan.				
B. The Department of Corrections shall provide an annual report on the status of jail construction and renovation projects as approved for funding by the General Assembly. The report shall be limited to those projects which increase bed capacity. The report shall include a brief summary description of each project, the total capital cost of the project and the approved state share of the capital cost, the number of beds approved, along with the net number of new beds if existing beds are to be removed, and the closure of any existing facilities, if applicable. The report shall include the six-year population forecast, as well as the double-bunking capacity compared to the rated capacity for each project listed. The report shall also include the general fund impact on community corrections programs as reported by the Department of Criminal Justice Services, and the recommended financing arrangements and estimated general fund requirements for debt service as provided by the State Treasurer. Copies of the report shall be provided by October 1 of each year to the Chairmen of the Senate Finance and House Appropriations Committees and to the Director, Department of Planning and Budget.				
C.1. No city, county, town or regional jail shall authorize the construction, remodeling, renovation or rehabilitation of any facility to house any inmate in secure custody which results in increased jail capacity without the prior approval of the Board of Corrections.				
2. Any facility operated by any local or regional jail in the Commonwealth which houses any inmate in secure custody shall be subject to the operational provisions of §§ 53.1-5 and 53.1-68, Code of Virginia, as well as all rules, regulations, and inspections established by the Board of Corrections.				
D. The Board of Corrections shall include within its reporting formats on the capacity of each local and regional jail, a measure of the actual jail capacity, which shall include double-bunking, with exceptions as appropriate, in the judgment of the Board, for isolation, segregation, or medical cells, or similar units which would not normally be double-bunked.				

ITEM 398.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<p>Exceptions to this measure of capacity may also be made for jails which were constructed prior to 1980. A report including the double-bunking capacity, as well as the standard Board of Corrections measure of rated capacity, for each jail shall be presented to the Secretary of Public Safety and the Chairmen of the Senate Finance and House Appropriations Committees by October 1 of each year.</p> <p>E. The Commonwealth shall reimburse localities or regional jail authorities up to 25 percent of the cost of constructing, enlarging, or renovating local or regional jails, for projects approved by the Governor on or after July 1, 2017.</p>				
399.	Operation of State Residential Community Correctional Facilities (36100).....		\$17,061,143	\$17,061,143
	Community Facility Management (36101).....	\$1,548,529	\$1,548,529	
	Supervision and Management of Probates (36102)..	\$11,213,036	\$11,213,036	
	Rehabilitation and Treatment Services - Community Residential Facilities (36103).....	\$1,456,013	\$1,456,013	
	Medical and Clinical Services - Community Residential Facilities (36104).....	\$852,035	\$852,035	
	Food Services - Community Residential Facilities (36105).....	\$833,442	\$833,442	
	Physical Plant Services - Community Residential Facilities (36106).....	\$1,158,088	\$1,158,088	
	Fund Sources: General.....	\$16,161,143	\$16,161,143	
	Special.....	\$900,000	\$900,000	

Authority: §§ 53.1-67.2 through 53.1-67.8, Code of Virginia.

A. Included within this appropriation is \$700,00 the first year and \$700,000 the second year from nongeneral funds to be used for operating expenses of diversion centers operated by the Department of Corrections. The nongeneral funds are to come from the fees collected from probationers, assigned to the diversion centers, to cover a portion of the cost of housing them, pursuant to § 19.2-316.4 D, Code of Virginia.

B. Included in the appropriation for this Item is \$1,019,010 the first year and \$1,019,010 the second year from the general fund for the establishment of opioid treatment programs in the detention and diversion centers. The department shall report annually to the Governor, the Chairmen of the House Appropriations and the Senate Finance Committees, and the Department of Planning and Budget on the status of the program, including recidivism and illegal drug relapse of participants in the program.

400.	Operation of Secure Correctional Facilities (39800).....		\$827,521,957	\$828,555,397
	Supervision and Management of Inmates (39802)...	\$525,472,406	\$526,505,846	
	Rehabilitation and Treatment Services - Prisons (39803).....	\$46,571,380	\$46,571,380	
	Prison Management (39805).....	\$71,104,654	\$71,104,654	
	Food Services - Prisons (39807).....	\$40,296,693	\$40,296,693	
	Agribusiness (39811).....	\$12,246,402	\$12,246,402	
	Correctional Enterprises (39812).....	\$51,108,163	\$51,108,163	
	Physical Plant Services - Prisons (39815).....	\$80,722,259	\$80,722,259	
	Fund Sources: General.....	\$773,313,794	\$774,347,234	
	Special.....	\$54,208,163	\$54,208,163	

Authority: §§ 53.1-1, 53.1-5, 53.1-8, and 53.1-10, Code of Virginia.

A. Included in this appropriation is \$1,395,000 in the first year and \$1,395,000 the second year from nongeneral funds for the purposes listed below. The source of the funds is commissions generated by prison commissary operations:

1. \$220,000 the first year and \$220,000 the second year for Assisting Families of Inmates, Inc., to provide transportation for family members to visit offenders in prison and other ancillary services to family members;

ITEM 400.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
2.	\$1,100,000	\$1,100,000		
the first year and \$1,100,000 the second year for distribution to organizations that work to enhance faith-based services to inmates; and				
3.	\$75,000	\$75,000		
the first year and \$75,000 the second year for the "FETCH" program.				
B.1.	The Department of Corrections is authorized to contract with other governmental entities to house male and female prisoners from those jurisdictions in facilities operated by the department.			
2.	The State Comptroller shall continue to maintain the Contract Prisoners Special Revenue Fund on the books of the Commonwealth to reflect the activities of contracts between the Commonwealth of Virginia and other governmental entities for the housing of prisoners in facilities operated by the Virginia Department of Corrections.			
3.	The Department of Corrections shall determine whether it may be possible to contract to house additional federal inmates or inmates from other states in space available within state correctional facilities. The department may, subject to the approval of the Governor, enter into such contracts, to the extent that sufficient bedspace may become available in state facilities for this purpose.			
C.	The Department of Corrections may enter into agreements with local and regional jails to house state-responsible offenders in such facilities and to effect transfers of convicted state felons between and among such jails. Such agreements shall be governed by the provisions of Item 69 of this act.			
D.	To the extent that the Department of Corrections privatizes food services, the department shall also seek to maximize agribusiness operations.			
E.	Notwithstanding the provisions of § 53.1-45, Code of Virginia, the Department of Corrections is authorized to sell on the open market and through the Virginia Farmers' Market Network any dairy, animal, or farm products of which the Commonwealth imports more than it exports.			
F.	It is the intention of the General Assembly that § 53.1-47, the Code of Virginia, concerning articles and services produced or manufactured by persons confined in state correctional facilities, shall be construed such that the term "manufactured" articles shall include "remanufactured" articles.			
G.1.	The Department of Corrections, in coordination with the Virginia Supreme Court, shall continue to operate a behavioral correction program. Offenders eligible for such a program shall be those offenders: (i) who have never been convicted of a violent felony as defined in § 17.1-805 of the Code of Virginia and who have never been convicted of a felony violation of §§ 18.2-248 and 18.2-248.1 of the Code of Virginia; (ii) for whom the sentencing guidelines developed by the Virginia Criminal Sentencing Commission would recommend a sentence of four years or more in facilities operated by the Department of Corrections; and (iii) whom the court determines require treatment for drug or alcohol substance abuse. For any such offender, the court may impose the appropriate sentence with the stipulation that the Department of Corrections place the offender in an intensive therapeutic community-style substance abuse treatment program as soon as possible after receiving the offender. Upon certification by the Department of Corrections that the offender has successfully completed such a program of a duration of 24 months or longer, the court may suspend the remainder of the sentence imposed by the court and order the offender released to supervised probation for a period specified by the court.			
2.	If an offender assigned to the program voluntarily withdraws from the program, is removed from the program by the Department of Corrections for intractable behavior, fails to participate in program activities, or fails to comply with the terms and conditions of the program, the Department of Corrections shall notify the court, outlining specific reasons for the removal and shall reassign the defendant to another incarceration assignment as appropriate. Under such terms, the offender shall serve out the balance of the sentence imposed by the court, as provided by law.			
3.	The Department of Corrections shall collect the data and develop the framework and processes that will enable it to conduct an in-depth evaluation of the program three years after it has been in operation. The department shall submit a report periodically on the program to			

ITEM 400.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022

the Chief Justice as he may require and shall submit a report on the implementation of the program and its usage to the Secretary of Public Safety and Homeland Security and the Chairmen of the House Appropriations and Senate Finance Committees by June 30 of each year.

H. Included in the appropriation for this Item is \$250,000 the first year and \$250,000 the second year from nongeneral funds for a culinary arts program in which inmates are trained to operate food service activities serving agency staff and the general public. The source of the funds shall be revenues generated by the program. Any revenues so generated by the program shall not be subject to § 4-2.02 of this act and shall be used by the agency for the costs of operating the program. The State Comptroller shall continue to maintain the Inmate Culinary Arts Training Program Fund on the books of the Commonwealth to reflect the revenue and expenditures of this program.

I. Federal funds received by the Department of Corrections from the federal Residential Substance Abuse Treatment Program shall be exempt from payment of statewide and agency indirect cost recoveries into the general fund.

J. The Department of Corrections shall continue to operate a separate program for inmates under 18 years old who have been tried and convicted as adults and committed to the Department of Corrections. This separation of these offenders from the general prison population is required by the requirements of the federal Prison Rape Elimination Act.

K. Included within the appropriation for this item is \$70,000 the first year and \$70,000 the second year from the general fund for the Sex Offender Residential Treatment Program.

L. Out of this appropriation, \$6,831,121 the first year and \$7,864,561 the second year from the general fund is provided to increase minimum salaries for correctional officers, sergeants, captains, lieutenants, and majors.

401.	Prison Medical and Clinical Services (39700).....			\$232,782,583	\$239,137,689
	Comprehensive Healthcare Facility Contract Costs (39701).....	\$87,886,687	\$90,194,852		
	Offsite Healthcare Costs (39702).....	\$55,343,858	\$55,324,021		
	Pharmaceutical Costs (39703).....	\$32,897,780	\$35,181,711		
	Department of Corrections-managed Facility Healthcare Costs (39704).....	\$56,654,258	\$58,437,105		
	Fund Sources: General.....	\$231,295,406	\$237,650,512		
	Special.....	\$566,137	\$566,137		
	Federal Trust.....	\$921,040	\$921,040		

Authority: §§ 53.1-1, 53.1-5, 53.1-8, and 53.1-10, Code of Virginia.

A. Out of this appropriation, \$921,040 the first year and \$921,040 the second year from nongeneral funds is included for inmate medical costs. The sources of the nongeneral funds are an award from the State Criminal Alien Assistance Program, administered by the U.S. Department of Justice.

B. The Department of Corrections shall continue to coordinate with the Department of Medical Assistance Services and the Department of Social Services to enroll eligible inmates in Medicaid. To the extent possible, the Department of Corrections shall work to identify potentially eligible inmates on a proactive basis, prior to the time inpatient hospitalization occurs. Procedures shall also include provisions for medical providers to bill the Department of Medical Assistance Services, rather than the Department of Corrections, for eligible inmate inpatient medical expenses. Due to the multiple payor sources associated with inpatient and outpatient health care services, the Department of Corrections and the Department of Medical Assistance Services shall consult with the applicable provider community to ensure that administrative burdens are minimized and payment for health care services is rendered in a prompt manner.

C. Included in the appropriation for this item is funding for the first year and the second year from the general fund for six medical contract monitors. The persons filling these positions shall have the responsibility of closely monitoring the adequacy and quality of inmate medical services in those correctional facilities for which the department has

ITEM 401.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022

contracted with a private vendor to provide inmate medical services.

D. The Department of Corrections shall assess the costs, benefits, and feasibility of adopting a "subscription model" for the purchase of Hepatitis C antiviral medication and necessary ancillary services (i) for a pre-determined period of time and (ii) at an annual fixed rate to be administered to state-responsible inmates held in state correctional facilities. The assessment shall include an evaluation of the terms and conditions of models adopted for correctional systems operated by other state and local governments, and the feasibility of implementing such models in Virginia. The scope of this assessment shall not preclude the collection of appropriate non-proprietary information from pharmaceutical manufacturers, if such information is deemed necessary by the department to complete the assessment. The department shall report the findings of its assessment, and any relevant recommendations, to the Secretary of Public Safety and Homeland Security and the Chairs of the House Appropriations and Senate Finance and Appropriations Committees no later than November 30, 2020.

E.1. The workgroup convened pursuant to Item 390, Paragraph R of Chapter 854, 2019 Acts of Assembly, shall be continued. The workgroup shall annually report on the progress and outcomes of the university medical pilots authorized in this Item. The report shall be provided to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees no later than October 15 of each year.

2. Out of the amounts provided in this item, \$2,353,165 the first year and \$4,661,330 the second year from the general fund is provided for the operation of a pilot program by the University of Virginia Health System for the provision of certain healthcare services to state-responsible inmates held at the Fluvanna Correctional Center for Women.

3. Out of the amounts provided in this item, \$838,760 the first year and \$863,923 the second year from the general fund is provided for the operation of a pilot program by the Virginia Commonwealth University Health System for the provision of healthcare services to state-responsible inmates held in the State Farm Correctional Complex.

402.	Administrative and Support Services (39900).....			\$180,872,172	\$185,414,528
	General Management and Direction (39901).....	\$29,590,256	\$29,590,256		
	Information Technology Services (39902).....	\$76,272,749	\$82,208,398		
	Accounting and Budgeting Services (39903).....	\$6,167,913	\$6,167,913		
	Architectural and Engineering Services (39904).....	\$18,341,254	\$17,391,254		
	Jail Regulation, Inspections, and Investigations (39905).....	\$777,916	\$834,623		
	Human Resources Services (39914).....	\$10,958,078	\$10,958,078		
	Planning and Evaluation Services (39916).....	\$2,192,152	\$1,692,152		
	Procurement and Distribution Services (39918).....	\$16,665,022	\$16,665,022		
	Training Academy (39929).....	\$10,801,318	\$10,801,318		
	Offender Classification and Time Computation Services (39930).....	\$9,105,514	\$9,105,514		
	Fund Sources: General.....	\$170,537,188	\$178,079,544		
	Special.....	\$10,184,984	\$7,184,984		
	Dedicated Special Revenue.....	\$150,000	\$150,000		

Authority: §§ 53.1-1 and 53.1-10, Code of Virginia.

A.1. Any plan to modernize and integrate the automated systems of the Department of Corrections shall be based on developing the integrated system in phases, or modules. Furthermore, any such integrated system shall be designed to provide the department the data needed to evaluate its programs, including that data needed to measure recidivism.

2. The appropriation in this Item includes \$600,000 the first year and \$600,000 the second year from the Contract Prisoners Special Revenue Fund to defray a portion of the costs of maintaining and enhancing the offender management system.

B. Included in this appropriation is \$550,000 the first year and \$550,000 the second year from nongeneral funds to be used for installation and operating expenses of the telemedicine program operated by the Department of Corrections. The source of the funds is revenue from

ITEM 402.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022

inmate fees collected for medical services.

C. Included in this appropriation is \$1,100,000 the first year and \$1,100,000 the second year from nongeneral funds to be used by the Department of Corrections for the operations of its Corrections Construction Unit. The State Comptroller shall continue the Corrections Construction Unit Special Operating Fund on the Commonwealth Accounting and Reporting System to reflect the activities of contracts between the Corrections Construction Unit and (i) institutions within the Department of Corrections for work not related to a capital project and (ii) agencies without the Department of Corrections for work performed for those agencies.

D. Notwithstanding the provisions of § 53.1-20 A. and B., Code of Virginia, the Director, Department of Corrections, shall receive offenders into the state correctional system from local and regional jails at such time as he determines that sufficient, secure and appropriate housing is available, placing a priority on receiving inmates diagnosed and being treated for HIV, mental illnesses requiring medication, or Hepatitis C. The director shall maximize, consistent with inmate and staff safety, the use of bed space in the state correctional system. The director shall report monthly to the Secretary of Public Safety and Homeland Security and the Department of Planning and Budget on the number of inmates housed in the state correctional system, the number of inmate beds available, and the number of offenders housed in local and regional jails that meet the criteria set out in § 53.1-20 A. and B.

E. Notwithstanding any requirement to the contrary, any building, fixture, or structure to be placed, erected or constructed on, or removed or demolished from the property of the Commonwealth of Virginia under the control of the Department of Corrections shall not be subject to review and approval by the Art and Architectural Review Board as contemplated by § 2.2-2402, Code of Virginia. However, if the Department of Corrections seeks to construct a facility that is not a secure correctional facility or a structure located on the property of a secure correctional facility, then the Department of Corrections shall submit that structure to the Art and Architectural Review Board for review and approval by that board. Such other structures could include probation and parole district offices or regional offices.

F. The Commonwealth of Virginia shall convey 45 acres (more or less) of property, being a portion of Culpeper County Tax Map No. 75, parcel 32, lying in the Cedar Mountain Magisterial District of Culpeper County, Virginia, in consideration of the County's construction of water capacity and service line(s) adequate to serve the needs of the Department of Corrections' Coffeewood Facility and the Department of Juvenile Justice's Culpeper Juvenile Correctional Facility (hereinafter "the facilities"). The cost of the water improvements necessary to serve the facilities, including an eight-inch water service line, and including engineering and land/easement acquisition costs, shall be paid by the Commonwealth, less and except (i) the value of the property for the jail conveyed by the Commonwealth to the County (\$150,382, based on valuation by the Culpeper County Assessor), and (ii) the cost of increasing the size of the water service line from eight inches to twelve inches, in order to accommodate planned county needs.

G. Notwithstanding the provisions of § 58.1-3403, Code of Virginia, the Department of Corrections shall be exempt from the payment of service charges levied in lieu of taxes by any county, city, or town.

H. The Department of Corrections shall serve as the Federal Bonding Coordinator and shall work with the Virginia Community College System and its workforce development programs and services to provide fidelity bonds to those offenders released from jails or state correctional centers who are required to provide fidelity bonds as a condition of employment. The department is authorized to use funds from the Contract Prisoners Special Revenue Fund to pay the costs of this activity.

I. In the event the Department of Corrections closes a correctional facility for which it has entered into an agreement with any locality to pay a proportionate share of the debt service for the establishment of utilities to serve the facility, the department shall continue to pay its agreed upon share of the debt service, subject to the schedule previously agreed upon.

J. Included in the appropriation for this Item is \$1,000,000 the first year and \$1,000,000

ITEM 402.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<p>the second year from the general fund for the costs of security technology and hardware for the inmate telephone system.</p>				
<p>K. From the appropriation in this Item, \$500,000 the first year and \$500,000 the second year from the general fund shall be used to present seminars on overcoming obstacles to re-entry and to promote family integration in the correctional centers designated for intensive re-entry programs. The department shall submit a report by October 15 of each year to the chairmen of the House Appropriations and Senate Finance Committees, the Secretary of Public Safety and Homeland Security, and the Department of Planning and Budget on the use of this funding.</p>				
<p>L. Included in the appropriation for this Item is \$370,125 the first year and \$426,832 the second year from the general fund and four positions to assist the Board of Corrections in carrying out its duties under the authority of § 53.1-69.1, Code of Virginia, to review deaths of inmates in local correctional facilities.</p>				
<p>M.1. Consistent with the provisions of Chapter 198 of the 2017 Session of the General Assembly, the Director, Department of Corrections, shall implement the recommendations relating to the Department of Corrections made by the Department of Medical Assistance Services in its November 30, 2017 report on streamlining the Medicaid application and enrollment process for incarcerated individuals.</p>				
<p>2. For the purpose of implementing these recommendations, included in the appropriation for this item are \$37,400 the first year and \$37,400 the second year from the general fund, and \$420,993 the first year and \$112,200 the second year from nongeneral funds and two positions.</p>				
<p>N. By September 1 of each year, the Department of Corrections shall remit data to the Director of the Department of Planning and Budget and the Chairmen of the House Appropriations and Senate Finance Committees regarding medical treatment provided to offenders at each facility. The data shall include, as a proportion of average daily population at each facility, the levels of inmates who received care, including: the specific proportions of inmates from each facility who were treated as inpatients, the specific proportion of inmates from each facility who were treated as outpatients, data on prescription drug administration, and the proportion of inmates from each facility who received other discrete services. When negotiating contracts with healthcare vendors, the Department of Corrections shall include the reporting of data required under this paragraph as a requirement within the contract.</p>				
<p>O. The Department of Corrections is authorized to purchase from the Town of Craigsville approximately 122 acres, more or less, located adjacent to the Augusta Correctional Center. In consideration for this acreage, the Department will provide wastewater treatment services to the Town at no cost for a period adequate to equal the value of the property conveyed. The value of the property shall be established by averaging the value of one appraisal provided by the Department of Corrections and one by the Town of Craigsville.</p>				
<p>P. The Commonwealth of Virginia shall convey 65 acres of property consisting of Clarke County Tax Map No. 27, new parcel A, situated in the Greenway Magisterial District of Clarke County, Virginia, to the Virginia Port Authority (VPA), on behalf of the Virginia Inland Port (VIP). The VPA, on behalf of the VIP, shall collaborate with representatives of Clarke County to promote the use of the land for economic development purposes. The VIP shall enter into a memorandum-of-understanding with Clarke County on the development and execution of mutually advantageous economic development proposals.</p>				
<p>Q. Included within the appropriation for this item is \$10,807,975 the first year and \$16,217,315 the second year from the general fund and \$7,592,004 the first year and \$1,000,000 the second year from the Contract Prisoners Special Revenue Fund for implementation of an electronic health records system in all facilities.</p>				
<p>R. The Department of Corrections shall evaluate and determine the costs for assuming state management of Lawrenceville Correctional Center at the end of the current contract and report on its findings to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees by October 15, 2020. The report shall include an implementation timeline for transitioning from private management to state agency management and propose a structure and cost estimate for the delivery of healthcare services to offenders housed in the facility.</p>				

ITEM 402.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<p>S. Out of this appropriation, \$370,125 the first year and \$426,832 the second year from the general fund is provided for four full-time jail death investigators for the Board of Corrections.</p>				
<p>T. Out of this appropriation, \$500,000 the first year from the general fund is provided to contract with third parties for an evaluation of the Department of Corrections' medical services delivery model that may include best practices in correctional healthcare, quality management, and other innovative strategies in creating a more efficient system of providing cost effective and quality healthcare. The department shall provide an update with any findings or recommendations to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees by December 1, 2020.</p>				
<p>U. The Department of Corrections shall evaluate options to increase programs that increase hours of exposure to mental health or behavioral health counseling, spiritual counseling, and or recreation, for persons in restrictive housing and report its findings to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees by January 1, 2021.</p>				
<p>V. Included in the appropriation for this Item is \$950,000 the first year from the general fund for the estimated net increase in the operating cost of adult correctional facilities resulting from the enactment of sentencing legislation as listed below. This amount shall be paid into the Corrections Special Reserve Fund, established pursuant to § 30-19.1:4, Code of Virginia.</p>				
<p>1. House Bill 2 and Senate Bill 70 -- \$50,000</p>				
<p>2. House Bill 4 and Senate Bill 36 -- \$50,000</p>				
<p>3. House Bill 123 and Senate Bill 838 -- \$50,000</p>				
<p>4. House Bill 253 -- \$50,000</p>				
<p>5. House Bill 298 and Senate Bill 724 -- \$50,000</p>				
<p>6. House Bill 557 -- \$50,000</p>				
<p>7. House Bill 618 -- \$50,000</p>				
<p>8. House Bill 623 -- \$50,000</p>				
<p>9. House Bill 666 -- \$50,000</p>				
<p>10. House Bill 674 and Senate Bill 240 -- \$50,000</p>				
<p>11. House Bill 1004 and Senate Bill 479 -- \$50,000</p>				
<p>12. House Bill 1211 -- \$50,000</p>				
<p>13. House Bill 1414 and Senate Bill 890 -- \$50,000</p>				
<p>14. House Bill 1524 -- \$50,000</p>				
<p>15. House Bill 1553 -- \$50,000</p>				
<p>16. Senate Bill 14 -- \$50,000</p>				
<p>17. Senate Bill 42 -- \$50,000</p>				
<p>18. Senate Bill 64 -- \$50,000</p>				
<p>19. Senate Bill 439 -- \$50,000</p>				
<p>W.1. Notwithstanding any other provision of law, upon the declaration by the Governor of a state of emergency pursuant to § 44-146.17 of the Code of Virginia in response to a communicable disease of public health threat as defined in § 44-146.16 of the Code of Virginia, the Director shall, during the duration of the declared emergency, have the authority to (i) discharge from incarceration or (ii) place into a lower level of supervision, including probation supervision, home electronic incarceration, or other forms of</p>				

ITEM 402.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022

community corrections, any prisoner committed to the Department who has less than one year of his sentence remaining to be served prior to his scheduled release if the Director determines that (a) any such discharge or placement during the declared emergency will assist in maintaining the health, safety, and welfare of any prisoner discharged or placed or the prisoners remaining in state correctional facilities and (b) any such discharge or placement is compatible with the interests of society and public safety.

2. The provisions of this section shall not apply to a prisoner convicted of a Class 1 felony or a sexually violent offense as defined in § 37.2-900 of the Code of Virginia.

3. The Director shall develop procedures for implementing the provisions of this section which shall include provisions addressing reentry planning in accordance with § 53.1-32.2 of the Code of Virginia. To the extent practicable, the Director shall comply with all provisions of the Virginia Code relating to providing notice of a prisoner's discharge; however, any failure to comply with such notice provisions shall not affect the Director's authority to discharge a prisoner pursuant to this section.

4. The provisions of this section shall expire on July 1, 2021.

402.10 Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted.

	FY 2021	FY 2022
Implement an electronic healthcare records system in all state correctional facilities	\$0	\$8,935,649
Fund pilot programs between the Department of Corrections and university health systems to provide offender medical care	\$3,646,925	\$5,935,253
Adjust salaries for correctional officers	\$6,831,121	\$7,864,561
Provide funding to study offender medical service delivery in state correctional facilities	\$500,000	\$0
Provide additional operating funds for Lawrenceville Correctional Center	\$994,331	\$994,331
Transfer funding for the Department of Corrections' electronic health records system	\$3,000,000	\$3,000,000
Provide funding and two positions to support Board of Corrections jail investigations	\$170,125	\$226,832
Agency Total	\$15,142,502	\$26,956,626
Total for Department of Corrections.....		\$1,391,608,214 \$1,403,539,116
General Fund Positions.....	12,331.00	12,331.00
Nongeneral Fund Positions.....	233.50	233.50
Position Level.....	12,564.50	12,564.50

ITEM 402.10.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022
Fund Sources: General.....	\$1,321,178,538	\$1,336,109,440		
Special.....	\$65,859,284	\$62,859,284		
Dedicated Special Revenue.....	\$2,739,074	\$2,739,074		
Federal Trust.....	\$1,831,318	\$1,831,318		

§ 1-112. DEPARTMENT OF CRIMINAL JUSTICE SERVICES (140)

403.	Criminal Justice Training and Standards (30300).....			\$4,544,348	\$4,544,348
	Criminal Justice Training Services (30303).....	\$2,942,994	\$2,942,994		
	Standards and Training (30304).....	\$1,059,769	\$1,059,769		
	Criminal Justice Academy Inspections and Audit Services (30307).....	\$541,585	\$541,585		
	Fund Sources: General.....	\$4,292,613	\$4,292,613		
	Special.....	\$251,735	\$251,735		

Authority: Title 9.1, Chapter 1, Code of Virginia.

A. The Director of the Department of Criminal Justice Services (the Director) and the Board of Criminal Justice Services (the Board) shall, in conjunction with the relevant stakeholders, review all of the compulsory minimum training standards which are applicable to law-enforcement officers and update them as needed. The Director and the Board shall ensure that the training standards appropriately educate law-enforcement officers in the areas of mental health, community policing, and serving individuals who are disabled. The updated compulsory minimum training standards shall, where appropriate, include consideration of, but not be limited to, the recommendations of the President's Task Force on 21st Century Policing. The Director shall identify current resources available to officers in dealing with situations related to mental health and identify what resources are needed. Any updates to the compulsory minimum training standards shall be completed by June 30, 2022, and shall be reported to the Chairmen of the House Committees on Militia, Police, and Public Safety, Courts of Justice, and Appropriations, and to the Chairmen of the Senate Committees for Courts of Justice and Finance.

B. Included in the amounts appropriated for this item is \$280,000 the first year and \$280,000 the second year from the general fund for the Department to provide annual trainings on active shooter scenarios to school and community personnel.

C. Included in the amounts appropriated for this item is \$427,630 the first year and \$427,630 the second year from the general fund for oversight and management of the school resource officer and school security officer certification and training programs, the provision of basic training courses for school resource officers and school personnel, and development and update Virginia-specific training resources for school resource officers and school security officers.

D.1. Included in the amounts appropriated for this item is \$595,630 the first year and \$595,630 the second year from the general fund for the purpose of expanding training provided to members of threat assessment teams.

2. Included in the amounts appropriated for this item is \$125,000 the first year and \$125,000 the second year from the general fund for the development of a case management tool for use by threat assessment teams, consistent with the provisions of House Bill 1734 of the 2019 Session of the General Assembly.

E. Included in the amounts appropriated for this item is \$871,890 the first year and \$871,890 the second year from the general fund to enhance school safety training provided to Virginia school personnel, to include hosting live trainings and conferences, developing online training and curricula, and developing Virginia-specific school safety resources.

404.	Criminal Justice Research, Planning and Coordination (30500).....			\$868,563	\$868,563
	Criminal Justice Research, Statistics, Evaluation, and Information Services (30504).....	\$868,563	\$868,563		

ITEM 404.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Fund Sources: General.....	\$868,563	\$868,563		
Authority: Title 9.1, Chapter 1; Title 19.2, Chapter 23.1, Code of Virginia.				
A. Included in the amounts appropriated for this item is \$400,000 the first year and \$400,000 the second year from the general fund for the ongoing costs of conducting the School Climate Survey.				
B. Included in the appropriation for this item is \$145,000 the first year and \$145,000 the second year from the general fund for the sex trafficking response coordination activities of the Department, pursuant to the provisions of House Bill 2576 and Senate Bill 1669 of the 2019 Session of the General Assembly.				
C. Out of this appropriation, \$149,174 the first year and \$149,174 the second year from the general fund is provided to establish the Virginia sexual assault forensic examiner coordination program, pursuant to House Bill 475 and Senate Bill 373 of the 2020 Session of the General Assembly.				
405.	Asset Forfeiture and Seizure Fund Management and Financial Assistance Program (30600).....		\$6,226,895	\$6,226,895
	Coordination of Asset Seizure and Forfeiture Activities (30602).....	\$6,226,895	\$6,226,895	
	Fund Sources: Special.....	\$6,226,895	\$6,226,895	
Authority: Title 19.2, Chapter 22.1, Code of Virginia.				
406.	Financial Assistance for Administration of Justice Services (39000).....		\$147,575,754	\$148,474,168
	Criminal Justice Assistance Grants (39002).....	\$138,620,230	\$139,270,230	
	Criminal Justice Grants Fiscal Management Services (39003).....	\$628,179	\$628,179	
	Criminal Justice Policy and Program Services (39004).....	\$8,327,345	\$8,575,759	
	Fund Sources: General.....	\$53,665,180	\$50,563,594	
	Special.....	\$6,624	\$6,624	
	Trust and Agency.....	\$4,298,130	\$4,298,130	
	Dedicated Special Revenue.....	\$13,605,820	\$13,605,820	
	Federal Trust.....	\$76,000,000	\$80,000,000	

Authority: Title 9.1, Chapter 1, Code of Virginia.

A.1. This appropriation includes an estimated \$4,800,000 the first year and an estimated \$4,800,000 the second year from federal funds pursuant to the Omnibus Crime Control Act of 1968, as amended. Of these amounts, ten percent is available for administration, and the remainder is available for grants to state agencies and local units of government. The remaining federal funds are to be passed through as grants to localities, with a required 25 percent local match. Also included in this appropriation is \$452,128 the first year and \$452,128 the second year from the general fund for the required matching funds for state agencies.

2. The Department of Criminal Justice Services shall provide a summary report on federal anti-crime and related grants which will require state general funds for matching purposes during FY 2013 and beyond. The report shall include a list of each grant and grantee, the purpose of the grant, and the amount of federal and state funds recommended, organized by topical area and fiscal period. The report shall indicate whether each grant represents a new program or a renewal of an existing grant. Copies of this report shall be provided to the Chairmen of the Senate Finance and House Appropriations Committees and the Director, Department of Planning and Budget by January 1 of each year.

B. The Department of Criminal Justice Services is authorized to make grants and provide technical assistance out of this appropriation to state agencies, local governments, regional, and nonprofit organizations for the establishment and operation of programs for the following purposes and up to the amounts specified:

ITEM 406.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1.a. Regional training academies for criminal justice training, \$1,001,074 the first year and \$1,001,074 the second year from the general fund and an estimated \$1,649,315 the first year and an estimated \$1,649,315 the second year from nongeneral funds. The Criminal Justice Services Board shall adopt such rules as may reasonably be required for the distribution of funds and for the establishment, operation and service boundaries of state-supported regional criminal justice training academies.				
b. The Board of Criminal Justice Services, consistent with § 9.1-102, Code of Virginia, and § 6VAC-20-20-61 of the Administrative Code, shall not approve or provide funding for the establishment of any new criminal justice training academy from July 1, 2020, through June 30, 2022.				
c. Notwithstanding subsection B.1.b. of this item, the Board of Criminal Justice Services may approve a new regional criminal justice academy serving the Counties of Clarke, Frederick, and Warren; the City of Winchester; the Towns of Berryville, Front Royal, Middletown, Stephens City and Strasburg; the Northwestern Adult Detention Center; and, the Frederick County Emergency Communications Center, to be established and operated consistent with a written agreement, provided to the Board, between the local governing bodies, chief executive officers, and chief law enforcement officers of the aforementioned localities, and the Rappahannock Regional Criminal Justice Academy. The new academy shall be eligible to receive state funding in a manner consistent with the currently existing regional criminal justice training academies. However, no current existing regional criminal justice training academy other than the Rappahannock Regional Criminal Justice Academy will receive less funding as a result of the creation of the new regional academy.				
2. Virginia Crime Victim-Witness Fund, \$5,692,738 the first year and \$5,692,738 the second year from dedicated special revenue, and \$943,700 the first year and \$943,700 the second year from the general fund. The Department of Criminal Justice Services shall provide a report on the current and projected status of federal, state and local funding for victim-witness programs supported by the Fund. Copies of the report shall be provided annually to the Secretary of Public Safety and Homeland Security, the Department of Planning and Budget, and the Chairmen of the Senate Finance and House Appropriations Committees by October 16 of each year.				
3.a. Court Appointed Special Advocate (CASA) programs, \$1,615,000 the first year and \$1,615,000 the second year from the general fund.				
b. In the event that the federal government reduces or removes support for the CASA programs, the Governor is authorized to provide offsetting funding for those impacted programs out of the unappropriated balances in this Act.				
4. Domestic Violence Fund, \$3,000,000 the first year and \$3,000,000 the second year from the dedicated special revenue fund to provide grants to local programs and prosecutors that provide services to victims of domestic violence.				
5. Pre and Post-Incarceration Services (PAPIS), \$3,286,144 the first year and \$3,286,144 the second year from general fund to support pre and post incarceration professional services and guidance that increase the opportunity for, and the likelihood of, successful reintegration into the community by adult offenders upon release from prisons and jails.				
6. To the Department of Behavioral Health and Developmental Services for the following activities and programs: (i) a partnership program between a local community services board and the district probation and parole office for a jail diversion program; (ii) forensic discharge planners; (iii) advanced training on veterans' issues to local crisis intervention teams; and (iv) cross systems mapping targeting juvenile justice and behavioral health.				
7. To the Department of Corrections for the following activities and programs: (i) community residential re-entry programs for female offenders; (ii) establishment of a pilot day reporting center; and (iii) establishment of a pilot program whereby non-violent state offenders would be housed in a local or regional jail, rather than a prison or other state correctional facility, with rehabilitative services provided by the jail.				
8. To Drive to Work, \$75,000 the first year and \$75,000 the second year from the general fund and \$75,000 the first year and \$75,000 the second year from such federal funds as may be available to provide assistance to low income and previously incarcerated persons				

ITEM 406.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
	to restore their driving privileges so they can drive to work and keep a job.			
	9. For model addiction recovery programs administered in local or regional jails, \$153,600 the first year and \$153,600 the second year from the general fund. The Department of Criminal Justice Services, consistent with the provisions of Chapter 758, 2017 Acts of Assembly, shall award grants not to exceed \$38,400 to four pilot programs selected in consultation with the Department of Behavioral Health and Developmental Services.			
	C.1. Out of this appropriation, \$27,690,378 the first year and \$27,690,378 the second year from the general fund is authorized to make discretionary grants and to provide technical assistance to cities, counties or combinations thereof to develop, implement, operate and evaluate programs, services and facilities established pursuant to the Comprehensive Community Corrections Act for Local-Responsible Offenders (§§ 9.1-173 through 9.1-183 Code of Virginia) and the Pretrial Services Act (§§ 19.2-152.2 through 19.2-152.7, Code of Virginia). Out of these amounts, the Director, Department of Criminal Justice Services, is authorized to expend no more than five percent per year for state administration of these programs.			
	2. The Department of Criminal Justice Services, in conjunction with the Office of the Executive Secretary of the Supreme Court and the Virginia Criminal Sentencing Commission, shall conduct information and training sessions for judges and other judicial officials on the programs, services and facilities available through the Pretrial Services Act and the Comprehensive Community Corrections Act for Local-Responsible Offenders.			
	D.1. Out of this appropriation, \$225,000 the first year and \$225,000 the second year from the general fund is provided for Comprehensive Community Corrections and Pretrial Services Programs for localities that belong to the Central Virginia Regional Jail Authority. These amounts are seventy-five percent of the costs projected in the community-based corrections plan submitted by the Authority. The localities shall provide the remaining twenty-five percent as a condition of receiving these funds.			
	2. Out of this appropriation, \$600,000 the first year and \$600,000 the second year from the general fund is provided for Comprehensive Community Corrections and Pretrial Services Programs for localities that belong to the Southwest Virginia Regional Jail Authority. These amounts are seventy-five percent of the costs projected in the community-based corrections plan submitted by the Authority. The localities shall provide the remaining twenty-five percent as a condition of receiving these funds.			
	E. In the event the federal government should make available additional funds pursuant to the Violence Against Women Act, the department shall set aside 33 percent of such funds for competitive grants to programs providing services to domestic violence and sexual assault victims.			
	F.1. Out of this appropriation, \$4,700,000 the first year and \$4,700,000 the second year from the general fund and \$1,710,000 the first year and \$1,710,000 the second year from such federal funds as are available shall be deposited to the School Resource Officer Incentive Grants Fund established pursuant to § 9.1-110, Code of Virginia.			
	2.a. The Director, Department of Criminal Justice Services, is authorized to expend \$410,877 the first year and \$410,877 the second year from the School Resource Officer Incentive Grants Fund to operate the Virginia Center for School Safety, pursuant to § 9.1-110, Code of Virginia.			
	b. The Center for School Safety shall provide a grant of \$100,000 in the first year and \$100,000 in the second year to the York County-Poquoson Sheriff's Office for the statewide administration of the Drug Abuse Resistance Education (DARE) program.			
	3. Subject to the development of criteria for the distribution of grants from the fund, including procedures for the application process and the determination of the actual amount of any grant issued by the department, the department shall award grants to either local law-enforcement agencies, where such local law-enforcement agencies and local school boards have established a collaborative agreement for the employment of school resource officers, as such positions are defined in § 9.1-101, Code of Virginia, for the employment of school resource officers, or to local school divisions for the employment of school security officers, as such positions are defined in § 9.1-101, Code of Virginia, for the employment of school security			

ITEM 406.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022

officers in any public school. The application process shall provide for the selection of either school resource officers, school security officers, or both by localities. The department shall give priority to localities requesting school resource officers, school security officers, or both where no such personnel are currently in place. Localities shall match these funds based on the composite index of local ability-to-pay.

4. Included in this appropriation is \$202,300 the first year and \$202,300 the second year from the general fund for the implementation of a model critical incident response training program for public school personnel and others providing services to public schools, and the maintenance of a model policy for the establishment of threat assessment teams for each public school, including procedures for the assessment of and intervention with students whose behavior poses a threat to the safety of public school staff or other students.

5. Included in the amounts appropriated for this item is \$132,254 the first year and \$132,254 the second year from the general fund for the purposes of collection and analysis of data related to school resource officers, pursuant to House Bill 271 of the 2020 Session of the General Assembly.

G. Included in the amounts appropriated in this Item is \$2,500,000 the first year and \$2,500,000 the second year from the general fund for grants to local sexual assault crisis centers (SACCs) and domestic violence programs to provide core and comprehensive services to victims of sexual and domestic violence, including ensuring such services are available and accessible to victims of sexual assault and dating violence committed against college students on- and off-campus.

H.1. Out of the amounts appropriated for this Item, \$2,658,420 the first year and \$2,658,420 the second year from nongeneral funds is provided, to be distributed as follows: for the Southern Virginia Internet Crimes Against Children Task Force, \$1,450,000 the first year and \$1,450,000 the second year; and, for the creation of a grant program to law enforcement agencies for the prevention of internet crimes against children, \$1,208,420 the first year and \$1,208,420 the second year.

2. The Southern Virginia and Northern Virginia Internet Crimes Against Children Task Forces shall each provide an annual report, in a format specified by the Department of Criminal Justice Services, on their actual expenditures and performance results. Copies of these reports shall be provided to the Secretary of Public Safety and Homeland Security, the Chairmen of the Senate Finance and House Appropriations Committees, and Director, Department of Planning and Budget prior to the distribution of these funds each year.

3. Subject to compliance with the reports and distribution thereof as required in paragraph 2 above, the Governor shall allocate all additional funding, not to exceed actual collections, for the prevention of Internet Crimes Against Children, pursuant to § 17.1-275.12, Code of Virginia.

I. Out of the amounts appropriated for this item, \$50,000 the first year and \$50,000 the second year from the general fund is provided for training to local law enforcement to aid in their identifying and interacting with individuals suffering from Alzheimer's and/or dementia.

J.1. Included in the appropriation for this item is \$2,500,000 the first year and \$2,500,000 the second year from the general fund to continue the pilot programs authorized in Item 398, Chapter 836, 2017 Acts of Assembly. The number of pilot sites shall not be expanded beyond those participating in the pilot program the first year.

2. The funding provided to each pilot site shall supplement, not supplant, existing local spending on these services. Distribution of grant amounts shall be made quarterly pursuant to the conditions of paragraph J.3. of this item.

3. The Department shall collect on a quarterly basis qualitative and quantitative data of pilot site performance, to include: (i) mental health screenings and assessments provided to inmates, (ii) mental health treatment plans and services provided to inmates, (iii) jail safety incidents involving inmates and jail staff, (iv) the provision of appropriate services after release, (v) the number of inmates re-arrested or re-incarcerated within 90 days after release following a positive identification for mental health disorders in jail or the receipt

ITEM 406.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<p>of mental health treatment within the facility. The Department shall provide a report on its findings to the Chairmen of the House Appropriations and Senate Finance Committees no later than October 15th each year.</p>				
<p>4. The department is authorized to expend up to \$125,000 per year out of the amounts allocated in Paragraph J.1. of this item for costs related to the administration of the jail mental health pilot program.</p>				
<p>K. Included in the appropriations for this Item is \$300,000 the first year and \$300,000 the second year from the general fund for the Department of Criminal Justice Services to make competitive grants to nonprofit organizations to support services for law enforcement, including post critical incident seminars and peer-supported critical incident stress management programs to promote officer safety and wellness, under guidelines to be established by the Department. The Department shall evaluate the effectiveness of the program and report on its findings to the Secretary of Public Safety and Homeland Security, the Director of the Department of Planning and Budget, and the Chairmen of the House Appropriations and Senate Finance Committees by July 1, 2022.</p>				
<p>L. Included in the appropriation for this item is \$916,066 in the first year and \$916,066 in the second year from the general fund for the Virginia Beach Correctional Center for the Jail and Re-entry Service Coordination Pathway, which is a joint operation between the Virginia Beach Department of Human Services and the Virginia Beach Sheriff's Office. The program consists of diversion, screening, assessment, treatment, and re-entry services for all incarcerated individuals with an active mental illness or substance use disorder diagnosis.</p>				
<p>M. Included in this appropriation for this item, \$2,645,244 the first year and \$193,658 the second year from the general fund and two positions for the Department of Criminal Justice Services to make competitive grants to five localities to support evidence-based gun violence intervention and prevention initiatives. The Department shall evaluate the implementation and effectiveness of the programs in each locality that received the award, and provide a report that details the amount awarded, its findings and recommendations to the Governor, Secretary of Public Safety and Homeland Security, Director of the Department of Planning and Budget, and the Chairmen of the House Appropriations and the Senate Finance Committees by November 1, 2021. The funding provided to each locality shall supplement, not supplant, existing local spending on these services.</p>				
<p>N. Out of the appropriation in this item, \$1,500,000 the first year and \$1,500,000 the second year from the general fund is allocated for the Department of Criminal Justices Services to make competitive grants to localities to combat hate crimes, including but not limited to target hardening activities, contractual security services, critical technology infrastructure, cybersecurity resilience activates, monitoring, inspection and screening systems; security-related training for employed or volunteer security staff; and terrorism awareness training for employees. The funds appropriated in this item shall be distributed to localities that have established a partnership program with institutions or nonprofit organizations that have been targets of or are at risk of being targeted for hate crimes. The Department shall establish grant guidelines to implement these provisions and shall provide a biennial or annual request for funding from localities, based on the guidelines. For each grant requested, the application shall document the need for the grant, goals, and budget expenditure of these funds and any other sources that may be committed by localities, institutions or nonprofit organizations. Funding provided in this item shall not be used to supplant the funding provided by localities to combat hate crimes.</p>				
<p>O.1. The Department of Criminal Justice Services shall review the feasibility and costs to the Commonwealth and localities for the implementation of a pilot program, operated in partnership with one or more participating localities identified by the department, to assess the operation of a uniform reporting mechanism for appropriate criminal justice agencies, as identified in § 9.1-101, Code of Virginia, to collect data relating to bail determinations made by judicial officers conducting hearings pursuant to § 19.2-80, § 19.2-120, or § 19.2-124 of the Code of Virginia, in order to facilitate the purpose of Article 1 (§ 19.2-119 et seq.) of Chapter 9 of Title 19.2 of the Code of Virginia.</p>				
<p>2. As part of its review, the department shall identify the methods, feasibility and costs associated with collecting, at minimum, the following information from localities participating in the pilot program: (i) the hearing date of any hearing conducted pursuant to §</p>				

ITEM 406.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<p>19.2-80, § 19.2-120, or § 19.2-124 of the Code of Virginia and the date any individual is admitted to bail; (ii) information about the individual, including the individual's year of birth, race, ethnicity, gender, primary language, and residential zip code; (iii) the determination of the individual's indigency pursuant to § 19.2-159 of the Code of Virginia; (iv) information related to the individual's charges, including the number of charges; the most serious offense the individual is charged with; the code section for such offense; the general description of such offense; whether such offense is a felony, misdemeanor, civil infraction, or other type of offense; and the specific classification of any felony or misdemeanor offense; (v) if the individual is admitted to bail, information related to the conditions of bail and the bond, including whether the bond was secured or unsecured; all monetary amounts set on the bond, including amounts set on both secured and unsecured bonds; any initial nonmonetary conditions of release imposed; any subsequent modifications; and whether the individual utilized the services of a bail bondsman; (vi) if the individual is not admitted to bail, the reason for the denial; (vii) any outstanding arrest warrants or other bars to release from any other jurisdiction; (viii) any revocation of bail due to a violation of such individual's conditions of release, failure to appear for a court hearing, or the commission of a new offense by such individual; (ix) the date the individual is sentenced to an active term of incarceration and the date such individual begins serving such active term; (x) all dates the individual is released or discharged from custody, including release upon satisfaction of the terms of any recognizance, release upon the disposition of any charges, or release upon completion of any active sentence; (xi) the reason for any release or discharge from custody, including whether the individual posted a bond, was released on a recognizance, or was released under terms of supervision, or whether there was a disposition of the charges that resulted in release of the individual. If the reason for release is due to a court order or a disposition of the charges resulting in release, the data collected shall include the specific reason for release, including the nature of the court order or, if there was a conviction, the particular sentence imposed. The data shall also include a list of definitions of any terms used by the locality to indicate reasons for release or discharge; and (xii) the average cost for housing the individual in the local correctional facility, as defined in § 53.1-1, Code of Virginia, for one night. Collected data shall be disaggregated by individual, and for each individual case, an anonymous unique identifier shall be provided.</p> <p>3. The department shall provide its findings and recommendations to the Chairs of the House Appropriations, House Courts of Justice, Senate Finance and Appropriations, and Senate Judiciary Committees no later than October 15, 2020.</p> <p>P. Out of this appropriation, \$500,000 the first year from the general fund is provided for the Department of Criminal Justice Services to award grants to localities for training related to enforcement of the removal of firearms based on substantial risk protective orders.</p> <p>Q. Out of this appropriation, \$250,000 the first year and \$250,000 the second year from the general fund shall be provided for the Department of Criminal Justice Services to contract with Ayuda to provide immigrants legal, social, and language services for low-income victims of crime, including victims of domestic violence, sexual assault, human trafficking and child abuse, abandonment, and neglect. The services provided shall include case management, emergency client assistance, and mental health services in the preferred language of clients.</p> <p>R. Out of this appropriation, \$150,000 the first year from the general fund is provided for community assessments for youth and gang violence prevention initiatives in Hampton, Newport News, Norfolk, Richmond, Roanoke, and Petersburg.</p>				
407.	Regulation of Professions and Occupations (56000).....		\$3,662,569	\$3,662,569
	Towing Licensing Oversight Services (56035).....	\$302,150		\$302,150
	Licensure, Certification, and Registration of Professions and Occupations (56046).....	\$1,881,040		\$1,881,040
	Enforcement of Licensing, Regulating and Certifying Professions and Occupations (56047).....	\$1,479,379		\$1,479,379
	Fund Sources: Special.....	\$3,662,569		\$3,662,569

ITEM 407.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
	Authority: Title 9.1, Chapter 1, Article 4, §§ 9.1-141, 9.1-139, 9.1-143, and 9.1-149, Code of Virginia.			
408.			\$200,374,655	\$200,374,655
	Financial Assistance to Localities - General (72800)...			
	Financial Assistance to Localities Operating Police Departments (72813).....	\$200,374,655	\$200,374,655	
	Fund Sources: General.....	\$200,374,655	\$200,374,655	
	Authority: Title 9.1, Chapter 1, Article 8, Code of Virginia.			
	<p>A. The funds appropriated in this Item shall be distributed to localities with qualifying police departments, as defined in §§ 9.1-165 through 9.1-172, Code of Virginia (HB 599), except that, in accordance with the requirements of § 15.2-1302, Code of Virginia, such funds shall also be distributed to a city without a qualifying police force that was created by the consolidation of a city and a county subsequent to July 1, 2011, pursuant to the provisions of § 15.2-3500 et seq. of the Code of Virginia. Notwithstanding the provisions of §§ 9.1-165 through 9.1-172, Code of Virginia, the total amount to be distributed to localities shall be \$200,374,655 the first year and \$200,374,655 the second year. The amount to be distributed to such a city created by consolidation shall equal the sum distributed to the city during the year prior to the effective date of the consolidation, net of any additional funds allocated by the Compensation Board to the sheriff of the consolidated city as a result of such consolidation, as adjusted in proportion to the increase or decrease in the total amount distributed to all localities during the applicable year. Notwithstanding the provisions of § 9.1-165, Code of Virginia, the amount to be distributed to each locality in each year shall be proportionate to the amount distributed to that locality in FY 2018.</p> <p>B. For purposes of receiving funds in accordance with this program, it is the intention of the General Assembly that the Town of Boone's Mill shall be considered to have had a police department in operation since the 1980-82 biennium and is therefore eligible for financial assistance under Title 9.1, Chapter 1, Article 8, Code of Virginia (House Bill 599).</p> <p>C.1. It is the intent of the General Assembly that state funding provided to localities operating police departments be used to fund local public safety services. Funds provided in this item shall not be used to supplant the funding provided by localities for public safety services.</p> <p>2. To ensure that state funding provided to localities operating police departments does not supplant local funding for public safety services, all localities shall annually certify to the Department of Criminal Justice Services the amount of funding provided by the locality to support public safety services and that the funding provided in this item was used to supplement that local funding. This certification shall be provided in such manner and on such date as determined by the department. The department shall provide this information to the Chairmen of the House Appropriations and Senate Finance Committees within 30 days following the submission of the local certifications.</p> <p>D. The Director of the Department of Criminal Justice Services is authorized to withhold reimbursements due a locality under Title 9.1, Chapter 1, Article 8, Code of Virginia, upon notification from the Superintendent of State Police that there is reason to believe that crime data reported by the locality to the Department of State Police in accordance with § 52-28, Code of Virginia, is missing, incomplete or incorrect. Upon subsequent notification by the superintendent that the data is accurate, the director shall make reimbursement of withheld funding due the locality when such corrections are made within the same fiscal year that funds have been withheld.</p> <p>E. The Director of the Department of Criminal Justice Services is authorized to withhold reimbursements due to a locality under Title 9.1, Chapter 1, Article 8, Code of Virginia, upon notification from the Superintendent of State Police that there is reason to believe the police department within a locality is not registering sex offenders as required in § 9.1-903, Code of Virginia. Upon subsequent notification by the Superintendent that the local law enforcement agency is compliant with the requirements of § 9.1-903, Code of Virginia, the Director shall make reimbursement of withheld funding due to the locality in the same fiscal year in which the local law enforcement agency comes into compliance.</p>			
409.	Administrative and Support Services (39900).....		\$3,314,639	\$3,314,639
	General Management and Direction (39901).....	\$928,986	\$928,986	

ITEM 409.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Information Technology Services (39902).....	\$931,700	\$931,700		
Accounting and Budgeting Services (39903).....	\$1,453,953	\$1,453,953		
Fund Sources: General.....	\$2,963,666	\$2,963,666		
Special.....	\$350,973	\$350,973		

Authority: Title 9.1, Chapter 1, Code of Virginia.

409.10 Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted.

	FY 2021	FY 2022
Increase funding for pre-release and post-incarceration services	\$1,000,000	\$1,000,000
Provide security grant aid to localities	\$1,500,000	\$1,500,000
Immigration Legal and Social Services Grant Funding	\$250,000	\$250,000
Post Critical Incident Support for Law Enforcement Personnel	\$200,000	\$200,000
State Aid to Localities with Police Departments	\$8,628,574	\$8,628,574
Provide funding to expand pretrial and local probation services	\$2,300,000	\$2,300,000
Agency Total	\$13,878,574	\$13,878,574
Total for Department of Criminal Justice Services...		\$366,567,423 \$367,465,837
General Fund Positions.....	62.50	62.50
Nongeneral Fund Positions.....	74.50	74.50
Position Level.....	137.00	137.00
Fund Sources: General.....	\$262,164,677	\$259,063,091
Special.....	\$10,498,796	\$10,498,796
Trust and Agency.....	\$4,298,130	\$4,298,130
Dedicated Special Revenue.....	\$13,605,820	\$13,605,820
Federal Trust.....	\$76,000,000	\$80,000,000

§ 1-113. DEPARTMENT OF EMERGENCY MANAGEMENT (127)

410.	Emergency Preparedness (77500).....		\$29,279,639	\$26,779,639
	Financial Assistance for Emergency Management and Response (77501).....	\$20,370,257	\$20,370,257	
	Emergency Training and Exercises (77502).....	\$3,745,166	\$3,745,166	
	Emergency Planning Preparedness Assistance (77503).....	\$2,976,091	\$476,091	
	Emergency Preparedness and Response (77504).....	\$1,022,611	\$1,022,611	
	Emergency Management Regional Coordination (77506).....	\$1,165,514	\$1,165,514	
	Fund Sources: General.....	\$4,318,594	\$1,818,594	

ITEM 410.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022
Special.....	\$1,710,335	\$1,710,335		
Federal Trust.....	\$23,250,710	\$23,250,710		

Authority: Title 44, Chapters 3.2, 3.3, 3.4, §§ 44-146.13 through 44-146.28:1 and 44-146.31 through 44-146.40, Code of Virginia.

A. Included within this appropriation is the continuation of \$160,810 the first year and \$160,810 the second year from the Fire Programs Fund to support the department's hazardous materials training program.

B. This appropriation includes \$500,000 in the first year and \$500,000 in the second year from the general fund for the Department of Emergency Management to conduct multidisciplinary training, regional training and exercises related to man-made and natural disaster preparedness, including training consistent with the National Incident Management System (NIMS). Training shall involve, but is not to be limited to, local and state law enforcement, fire services, emergency medical services, public health agencies, and affected private and nonprofit entities, including colleges and universities. Training may be conducted with a state, local or federal agency or agencies having the capability or responsibility to coordinate or assist in emergency preparedness. The agency shall submit a report detailing the number and types of training and exercises conducted, the costs associated with such training and exercises, and challenges and barriers to ensuring that state and local agencies are ready and able to respond to emergencies and natural disasters. The report shall be submitted to the Governor, Secretary of Public Safety and Homeland Security, the Chairmen of the House Appropriations and Senate Finance Committees, and the Department of Planning and Budget by November 1 of each year.

C.1. The Virginia Department of Emergency Management is directed to identify, review and maintain a comprehensive list of state owned supplies, equipment, commodities, and other resources that may be required in the event of state shelter activation and coordinate the use of such state assets and resources in support of shelter activation.

2. Notwithstanding any other provision of law, the State Coordinator, in consultation with all affected state agencies, shall review all statewide plans related to state shelters, including but not limited to plans developed by the Department of Social Services, institutions of higher education, and all other state agencies. The State Coordinator is responsible for ensuring all plans support a comprehensive and uniform approach to emergency response, are regularly updated, and are aligned with the Commonwealth of Virginia Emergency Operations Plan.

3. Following receipt of procurement orders from the Department of Social Services, pursuant to Item 358, paragraph B of this act, the Virginia Department of Emergency Management shall be responsible for all logistics functions as outlined in the Commonwealth of Virginia Emergency Operations Plan in support of emergency response and recovery related to state shelter activation, including but not limited to tracking and monitoring; personnel assistance; managing of resources; and delivery of equipment, goods and services to state activated shelters. The Department shall perform these logistics functions in coordination with all other state agencies, local government, federal government, and private sector partners.

D. Out of this appropriation, \$2,500,000 the first year from the general fund shall be transferred to the Emergency Shelter Upgrade Assistance Fund, created pursuant to Senate Bill 350 of the 2020 General Assembly, to aid local governments in proactively preparing for emergency sheltering situations.

411.	Emergency Response and Recovery (77600).....			\$23,097,805	\$23,097,805
	Emergency Response and Recovery Services (77601).....	\$2,798,230	\$2,798,230		
	Financial Assistance for Emergency Response and Recovery (77602).....	\$20,189,470	\$20,189,470		
	Emergency Response Direct Support (77603).....	\$102,604	\$102,604		
	Disaster Recovery Services (77604).....	\$7,501	\$7,501		
	Fund Sources: General.....	\$501,445	\$501,445		
	Special.....	\$306,340	\$306,340		
	Commonwealth Transportation.....	\$1,295,713	\$1,295,713		
	Federal Trust.....	\$20,994,307	\$20,994,307		

ITEM 411.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<p>Authority: Title 44, Chapters 3.2 through 3.5, §§ 44-146.17, 44-146.18(c), 44-146.22, 44-146.28(a) Code of Virginia.</p> <p>A. Subject to authorization by the Governor, the Department of Emergency Management may employ persons to assist in response and recovery operations for emergencies or disasters declared either by the President of the United States or by the Governor of Virginia. Such employees shall be compensated solely with funds authorized by the Governor or the federal government for the emergency, disaster, or other specific event for which their employment was authorized. The Director, Department of Planning and Budget, is authorized to increase the agency's position level based on the number of positions approved by the Governor.</p> <p>B. The Secretary of Finance, consistent with any Executive Order signed by the Governor, may provide the department anticipation loans in such amounts as may be needed to appropriately reimburse localities and state agencies for costs associated with Emergency Management Assistance Compact (EMAC) mission assignments. Such loans shall be based on the reimbursements anticipated under the Emergency Management Assistance Compact (EMAC) and, notwithstanding the provisions of § 4-3.02 b of this act, may be extended for a period longer than twelve months.</p> <p>C.1. Localities receiving reimbursements from the department for Emergency Management Assistance Compact (EMAC) mission costs shall reimburse the Department of Emergency Management for any overpayments within sixty (60) days of written notification of such overpayment.</p> <p>2. Overpayment amounts shall be based on the difference between the amount reimbursed to the locality by the Department of Emergency Management and the amount reimbursed to the Department of Emergency Management by the state requesting emergency aid under the Compact.</p> <p>3. If the locality does not reimburse the Department of Emergency Management the overpaid amount within sixty (60) days of being notified, the Comptroller is authorized to withhold from any funds to be transferred to the locality the amount overpaid to the locality and transfer such withheld funds to the Department of Emergency Management.</p> <p>D. Consistent with any Executive Order signed by the Governor, the Secretary of Finance or his designee may provide the department anticipation loans in such amounts as may be needed to appropriately reimburse the department for disaster related costs. Such loans shall be based on the federal reimbursements anticipated in accordance with the Robert T. Stafford Disaster Relief and Emergency Assistance Act and, notwithstanding the provisions of § 4-3.02 b of this act, may be extended for a period longer than twelve months, if necessary.</p>				
412.	Virginia Emergency Operations Center (77800).....		\$2,508,629	\$2,508,629
	Emergency Communications and Warning Point (77801).....	\$2,508,629	\$2,508,629	
	Fund Sources: General.....	\$907,882	\$907,882	
	Special.....	\$775,778	\$775,778	
	Federal Trust.....	\$824,969	\$824,969	
<p>Authority: Title 44 and § 52-47, Code of Virginia.</p> <p>Included within this appropriation is \$424,874 the first year and \$424,874 the second year from the general fund to support the Integrated Flood Observing and Warning System (IFLOWS) program.</p>				
413.	Administrative and Support Services (79900).....		\$13,092,545	\$12,630,121
	General Management and Direction (79901).....	\$4,565,299	\$4,565,299	
	Information Technology Services (79902).....	\$5,612,117	\$5,149,693	
	Accounting and Budgeting Services (79903).....	\$1,574,652	\$1,574,652	
	Public Information Services (79919).....	\$324,705	\$324,705	
	Telecommunications (79930).....	\$1,015,772	\$1,015,772	

ITEM 413.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Fund Sources: General.....	\$5,723,580	\$5,261,156		
Special.....	\$419,481	\$419,481		
Commonwealth Transportation.....	\$63,762	\$63,762		
Federal Trust.....	\$6,885,722	\$6,885,722		

Authority: Title 44, Chapters 3.2, 3.3, 3.4, Code of Virginia.

A.1. By September 1 of each year, the State Coordinator of Emergency Management shall assess emergencies and disasters that have been authorized sum sufficient funding by the Governor and provide to the Department of Planning and Budget and the Chairmen of the House Appropriations and Senate Finance Committees written justification to support continuing sum sufficient funding longer than one year for a locally declared emergency (or disaster), three years for a state declared disaster, and five years for a nationally declared disaster. At the same time, the state coordinator shall identify any disasters that can be closed due to fulfillment of the state's obligations.

2. The Department shall report on annual disaster expenditures and contracting. The report shall at minimum i) specify by event and state agency or locality, the amount spent per year from the Disaster Recovery Fund separate from any other state, local, federal or private contributions; ii) identify any Federal Emergency Management Agency (FEMA) reimbursements received during the previous fiscal year, itemizing for which event such reimbursements were made; iii) any contracts executed during a disaster and the expenditures and purposes for which they were executed. The State Coordinator shall provide the report to the Governor; Director, Department of Planning and Budget; and the Chairmen of the House Appropriations and Senate Finance Committees by June 30th of each year.

B.1. Localities and eligible private non-profit organizations that have received cost reimbursement through state and/or federal assistance programs to support homeland security and eligible recovery and mitigation projects and initiatives associated with disaster events, that are subsequently notified that either a portion or all of the funds provided are to be returned, shall reimburse the Virginia Department of Emergency Management for such overpayments, including any interest accrued on such funds, within sixty (60) days of being notified and receiving the request for reimbursement.

2. Overpayment amounts shall be based on the difference between the amount reimbursed or prepaid to the entity involved by the Department of Emergency Management and the final amount approved by the granting agency. Localities and eligible private non-profit organizations shall certify that no interest was earned on overpaid funds if no interest is included in the remittance.

3. If the entity does not reimburse the Virginia Department of Emergency Management within 60 days of being notified, the Comptroller is authorized to withhold the amount of overpayment from any eligible funds to be transferred to the locality or organization and redirect the funds withheld to the Virginia Department of Emergency Management to satisfy the outstanding liability.

4. The Department of Emergency Management shall not provide future prepayments to any locality or eligible private non-profit organization once the Comptroller has been required to withhold funding.

C. Included within this appropriation is \$570,901 the first year and \$570,901 the second year from the general fund that shall only be used for costs associated with transforming the agency's information systems to conform with standards of the Virginia Information Technologies Agency.

D. Out of this appropriation, \$189,043 the first year and \$189,043 the second year from the general fund is included for the financing costs of purchasing vehicles through the state's master equipment lease purchase program. It is the intent that the department establish a schedule for replacing emergency response vehicles using the master equipment lease purchase program.

E. Included in this appropriation is \$90,000 in the first year and \$90,000 in the second year from the general fund to support regional satellite communications used by the agency in the event of an emergency.

ITEM 413.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022

F. Included in this appropriation is \$42,000 the first year and \$42,000 the second year from the general fund to replace radios for regional coordinators, hazardous materials officers, disaster response and recovery officers, and other regional staff. The radios shall be inter-operable with the State Agencies Radio System (STARS), and shall be acquired through the master equipment lease program.

G. The Department of Emergency Management shall review disasters over the previous six years for which sum sufficient funding was authorized under Item 55 of this act, and categorize disasters into general types, such as tornadoes, hurricanes of various categories, flooding, etc. For local financial assistance authorized under § 44-146.28 of the Code of Virginia, the report shall also detail the state and local share of spending on those events. The Department shall propose model executive orders to authorize funding from the sum sufficient authority provided in Item 55 of this act for each respective type of disaster event, based on reasonable state share, in consideration of the data collected pursuant to this paragraph, to the Governor; Secretary of Finance; Director, Department of Planning and Budget; and the Chairmen of the House Appropriations and Senate Finance Committees by September 1, 2020.

H. Out of this appropriation, \$1,505,760 the first year and \$1,043,336 the second year from the general fund to support migration of emergency-management-related software and agency-owned servers to a cloud-based environment.

414. A. All funds transferred to the Department of Emergency Management pursuant to the Governor's authority under § 44-146.28, Code of Virginia, shall be deposited into a special fund account to be used only for Disaster Recovery.

B. Included in the Federal Trust appropriation are amounts estimated at \$34,592 the first year and \$34,592 the second year, to pay for statewide indirect cost recoveries of this agency. Actual recoveries of statewide indirect costs up to the level of these estimates shall be exempt from payment into the general fund, as provided by § 4-2.03 of this act. Amounts recovered in excess of these estimates shall be deposited to the general fund.

414.10	Information Systems Management and Direction (71100).....			\$2,755,882	\$2,755,882
	Geographic Information Access Services (71105)....	\$2,755,882	\$2,755,882		
	Fund Sources: Dedicated Special Revenue.....	\$2,755,882	\$2,755,882		

Authority: Title 2.2, Chapter 20.1, Code of Virginia.

A.1. All state and nonstate agencies receiving an appropriation in Part 1 shall comply with the guidelines and related procedures issued by Department of Emergency Management for effective management of geographic information systems in the Commonwealth.

2. All state and nonstate agencies identified in paragraph A.1. that have a geographic information system, shall assist the department by providing any requested information on the systems including current and planned expenditures and activities, and acquired resources.

3. The State Corporation Commission, the Virginia Employment Commission, the Department of Game and Inland Fisheries, and other nongeneral fund agencies are encouraged to use their own fund sources for the acquisition of hardware and development of data for the spatial data library in the Virginia Geographic Information Network.

B. The Department of Emergency Management, through its Geographic Information Network Division (VGIN), or its counterpart, shall acquire on a four-year cycle high-resolution digital orthophotography of the land base of Virginia pursuant to VGIN's Virginia Base Mapping Program (VBMP) and digital road centerline files. VGIN shall administer the maintenance of the VBMP and appropriate addressing and standardized attribution in collaboration with local governments. All digital orthophotography, Digital Terrain Models and ancillary data produced by the VBMP, but not including digital road centerline files, shall be the property of the Commonwealth of Virginia and administered by VGIN. The VGIN, or its counterpart, will be responsible for protecting the data through appropriate license agreements and establishing appropriate terms, conditions,

ITEM 414.10.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022

charges and any limitations on use of the data. VGIN will license the data at no charge (other than media / transfer costs) to Virginia governmental entities or their agents. Such data shall not be subject to release by such entities under the Freedom of Information Act or similar laws. VGIN in its discretion may release certain data by posting to the Internet. Distribution of the data for commercial or private use or to users outside the Commonwealth will be the sole responsibility of VGIN or its agent(s) and shall require payment of a license fee to be determined by VGIN. All fees collected as a result will be added to the GIS Fund as established in the Code of Virginia § 44-146.18:7. Collected fees and grants are hereby appropriated for future data updates or to cover the costs of existing digital ortho acquisition or for other purposes authorized in § 44-146.18:7.

C. Funding in this item shall be used to support the efforts of the Virginia Geographic Information Network which provides for the development and use of spatial data to support E-911 wireless activities in partnership with Enhanced Emergency Communications Services. Funding is to be earmarked for major updates of the VBMP and digital road centerline files.

D. Notwithstanding the provisions of Article 7, Chapter 15, Title 56, Code of Virginia, \$1,750,000 the first year and \$1,750,000 the second year from Emergency Response Systems Development Technology Services dedicated special revenue shall be used to support the efforts of the Virginia Geographic Information Network, or its counterpart, for providing the development and use of spatial data to support E-911 wireless activities in partnership with Enhanced Emergency Communications Services.

414.20	Emergency Response Systems Development Technology Services (71200).....			\$22,928,217	\$22,928,217
	Emergency Communication Systems Development Services (71201).....	\$6,951,609	\$6,951,609		
	Financial Assistance to Localities for Enhanced Emergency Communications Services (71202).....	\$10,984,640	\$10,984,640		
	Financial Assistance to Service Providers for Enhanced Emergency Communications Services (71203).....	\$4,991,968	\$4,991,968		
	Fund Sources: Dedicated Special Revenue.....	\$22,928,217	\$22,928,217		

Authority: Title 2.2, Chapter 20.1, and Title 56, Chapter 15, Code of Virginia.

A.1.a. Out of the amounts for Emergency Communication Systems Development Services, \$1,000,000 the first year and \$1,000,000 the second year from dedicated special revenue shall be used for development and deployment of improvements to the statewide E-911 network.

b. These funds shall remain unallotted until their expenditure has been approved by the Wireless E-911 Services Board.

2. Out of the amounts for Emergency Communication Systems Development Services, \$4,000,000 the first year and \$4,000,000 the second year from dedicated special revenue shall be used for wireless E-911 service costs as determined by the Wireless E-911 Services Board.

B. The operating expenses, administrative costs, and salaries of the employees of the Public Safety Communications Division shall be paid from the Wireless E-911 Fund created pursuant to § 56-484.17.

C.1. Pursuant to § 3-2.03 of this act, a line of credit up to \$15,000,000 shall be provided to the 911 Services Board as a temporary cash flow advance. Funds received from the line of credit shall be used only to support implementation of next generation 911 service and shall be distributed in a manner consistent with § 56-484.17 (D), Code of Virginia. The request for the line of credit shall be prepared in the formats as approved by the Secretary of Finance and Secretary of Public Safety and Homeland Security.

2. The Secretary of Finance and Secretary of Public Safety and Homeland Security shall approve draw downs from this line of credit prior to the expenditure of funds.

D. During next generation 911 service planning and deployment, the 911 Services Board may reimburse a provider for its wireless E-911 CMRS costs, in lieu of reimbursing the provider's costs to deliver 911 calls to the ESInet points of interconnection pursuant to § 56-484.17(D),

ITEM 414.20.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022

Code of Virginia. The 911 Services Board may establish the process, criteria, and duration for such reimbursement of CMRS costs but shall continue to ensure that necessary 911 service and ESInet objectives are achieved.

414.30 Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted.

	FY 2021	FY 2022
Provide funding to migrate software and agency-owned servers to the cloud	\$1,505,760	\$1,043,336
Agency Total	\$1,505,760	\$1,043,336
Total for Department of Emergency Management...		\$93,662,717
General Fund Positions.....	45.85	45.85
Nongeneral Fund Positions.....	133.15	133.15
Position Level.....	179.00	179.00
Fund Sources: General.....	\$11,451,501	\$8,489,077
Special.....	\$3,211,934	\$3,211,934
Commonwealth Transportation.....	\$1,359,475	\$1,359,475
Dedicated Special Revenue.....	\$25,684,099	\$25,684,099
Federal Trust.....	\$51,955,708	\$51,955,708

§ 1-114. DEPARTMENT OF FIRE PROGRAMS (960)

415. Fire Training and Technical Support Services (74400).....			\$10,290,674	\$10,290,674
Fire Services Management and Coordination (74401).....	\$4,159,086	\$4,159,086		
Virginia Fire Services Research (74402).....	\$302,274	\$302,274		
Fire Services Training and Professional Development (74403).....	\$4,114,054	\$4,114,054		
Technical Assistance and Consultation Services (74404).....	\$675,132	\$675,132		
Emergency Operational Response Services (74405).....	\$107,073	\$107,073		
Public Fire and Life Safety Educational Services (74406).....	\$933,055	\$933,055		
Fund Sources: Special.....	\$10,290,674	\$10,290,674		

Authority: Title 9.1, Chapter 2 and § 38.2-401, Code of Virginia.

A. Notwithstanding the provisions of § 38.2-401, Code of Virginia, up to 25 percent of the revenue available from the Fire Programs Fund, after making the distributions set out in § 38.2-401 D, Code of Virginia, may be used by the Department of Fire Programs to pay for the administrative costs of all activities assigned to it by law.

B. Included in the amounts appropriated for this item is \$123,100 the first year and \$123,100 the second year from the Fire Programs Fund to implement a modular training program for volunteer firefighters in accordance with House Bill 729 of the 2018 Session

ITEM 415.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
of the General Assembly.				
416.	Financial Assistance for Fire Services Programs (76400).....		\$33,516,684	\$35,435,644
	\$30,191,684	\$32,110,644		
	\$2,500,000	\$2,500,000		
	\$825,000	\$825,000		
	\$33,266,684	\$35,185,644		
	\$250,000	\$250,000		
Authority: §§ 38.2-401, Code of Virginia.				
417.	Regulation of Structure Safety (56200).....		\$3,118,483	\$3,118,483
	\$3,118,483	\$3,118,483		
	\$2,558,361	\$2,558,361		
	\$560,122	\$560,122		

Authority: §§ 9.1-201, 9.1-206, and 27-94 through 27-99, Code of Virginia.

The State Fire Marshal may charge no fee for any permits or inspections of any school, whether it be public or private.

417.10 Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted.

	FY 2021	FY 2022
Provide general fund appropriation to support one position	\$24,886	\$24,886
Agency Total	\$24,886	\$24,886
Total for Department of Fire Programs.....		\$46,925,841
General Fund Positions.....	29.25	29.25
Nongeneral Fund Positions.....	49.75	49.75
Position Level.....	79.00	79.00
Fund Sources: General.....	\$2,558,361	\$2,558,361
Special.....	\$44,117,480	\$46,036,440
Federal Trust.....	\$250,000	\$250,000

§ 1-115. DEPARTMENT OF FORENSIC SCIENCE (778)

418.	Law Enforcement Scientific Support Services (30900).....		\$55,453,414	\$55,579,834
	\$14,095,626	\$14,040,326		
	\$14,462,012	\$14,462,012		
	\$8,981,183	\$9,101,183		
	\$9,688,531	\$9,688,531		
	\$384,406	\$384,406		
	\$7,841,656	\$7,903,376		

ITEM 418.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Fund Sources: General.....	\$53,039,134	\$53,220,854		
Federal Trust.....	\$2,414,280	\$2,358,980		

Authority: §§ 9.1-1100 through 9.1-1113, Code of Virginia.

A. Notwithstanding the provisions of § 58.1-3403, Code of Virginia, the Department of Forensic Science shall be exempt from the payment of service charges levied in lieu of taxes by any county, city, or town.

B.1. The Forensic Science Board shall ensure that all individuals who were convicted due to criminal investigations, for which its case files for the years between 1973 and 1988 were found to contain evidence possibly suitable for DNA testing, are informed that such evidence exists and is available for testing. To effectuate this requirement, the Board shall prepare two form letters, one sent to each person whose evidence was tested, and one sent to each person whose evidence was not tested. Copies of each such letter shall be sent to the Chairman of the Forensic Science Board and to the respective Chairmen of the House and Senate Committees for Courts of Justice. The Department of Corrections shall assist the board in effectuating this requirement by providing the addresses for all such persons to whom letters shall be sent, whether currently incarcerated, on probation, or on parole. In cases where the current address of the person cannot be ascertained, the Department of Corrections shall provide the last known address. The Chairman of the Forensic Science Board shall report on the progress of this notification process at each meeting of the Forensic Science Board.

2. Upon a request pursuant to the Virginia Freedom of Information Act for a certificate of analysis that has been issued in connection with the Post Conviction DNA Testing Program and that reflects that a convicted person's DNA profile was not indicated on items of evidence tested, the Department of Forensic Science shall make available for inspection and copying such requested record after all personal and identifying information about the victims, their family members, and consensual partners has been redacted, except where disclosure of the information contained therein is expressly prohibited by law or the Commonwealth's Attorney to whom the certificate was issued states that the certificate is critical to an ongoing active investigation and that disclosure jeopardizes the investigation.

C. Out of the appropriation for this Item, \$403,250 the first year and \$403,250 the second year from the general fund is provided for the ongoing financing costs of scientific equipment in the toxicology, controlled substances, breath alcohol, and DNA sections through the state's master equipment lease purchase program.

D. Included in the appropriation for this item is \$144,336 each year from the general fund for the estimated costs of materials needed for the additional DNA testing required pursuant to Chapters 543 and 544 of the 2018 Session of the General Assembly.

E. Notwithstanding § 9.1-1101.1, Code of Virginia, the Department of Forensic Science shall not enter into contracts or agreements for forensic laboratory services that i) require additional general fund resources for laboratory services that can otherwise be procured at lower costs, or ii) impose additional regulatory burdens on the staff of the Department to implement.

418.10 Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted.

ITEM 418.10.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
		FY 2021		FY 2022
Fund information technology analyst positions		\$185,160		\$246,880
Fund laboratory equipment maintenance contracts		\$248,000		\$368,000
Agency Total		\$433,160		\$614,880
Total for Department of Forensic Science.....			\$55,453,414	\$55,579,834
General Fund Positions.....	328.00	328.00		
Nongeneral Fund Positions.....	3.00	3.00		
Position Level.....	331.00	331.00		
Fund Sources: General.....	\$53,039,134	\$53,220,854		
Federal Trust.....	\$2,414,280	\$2,358,980		
§ 1-116. DEPARTMENT OF JUVENILE JUSTICE (777)				
419.	Instruction (19700).....		\$15,625,088	\$15,625,088
	Youth Instructional Services (19711).....	\$9,594,686		\$9,594,686
	Career and Technical Instructional Services for Youth and Adult Schools (19712).....	\$2,535,022		\$2,535,022
	Instructional Leadership and Support Services (19714).....	\$3,495,380		\$3,495,380
	Fund Sources: General.....	\$13,070,293		\$13,070,293
	Special.....	\$170,536		\$170,536
	Federal Trust.....	\$2,384,259		\$2,384,259
	Authority: § 66-13.1, Code of Virginia.			
420.	Operation of Community Residential and Nonresidential Services (35000).....		\$3,320,293	\$3,320,293
	Community Residential and Non-residential Custody and Treatment Services (35008).....	\$3,320,293		\$3,320,293
	Fund Sources: General.....	\$3,247,866		\$3,247,866
	Special.....	\$50,000		\$50,000
	Federal Trust.....	\$22,427		\$22,427
	Authority: §§ 16.1-246 through 16.1-258, 16.1-286, 16.1-291 through 16.1-295, 66-13, 66-14, 66-22 and 66-24, Code of Virginia.			
	A. Services funded out of this appropriation may include intensive supervision, day treatment, boot camp, and aftercare services, and should be integrated into existing services for juveniles.			
	B. Included in the appropriation for this Item is \$2,920,000 in the first year and \$2,920,000 in the second year from the general fund for a Juvenile Community Placement Program, in which the department may contract with local juvenile detention centers to house juveniles committed to the department prior to their release. The funding provided shall support a minimum of 40 juvenile detention center beds. The department shall develop program guidelines that at a minimum will include which juveniles qualify for placement, length of stay, level of security, mental health services, alcohol and substance abuse services, as well as other services that will be provided to the juvenile while in the detention center.			
421.	Supervision of Offenders and Re-entry Services (35100).....		\$67,751,946	\$67,751,946
	Juvenile Probation and Aftercare Services (35102).....	\$67,751,946		\$67,751,946
	Fund Sources: General.....	\$66,869,997		\$66,869,997
	Special.....	\$145,000		\$145,000
	Federal Trust.....	\$736,949		\$736,949

ITEM 421.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022

Authority: §§ 16.1-233 through 16.1-238, 16.1-274, 16.1-294, 16.1-322.1 and 66-14, Code of Virginia.

A. Notwithstanding the provisions of § 16.1-273 of the Code of Virginia, the Department of Juvenile Justice, including locally-operated court services units, shall not be required to provide drug screening and assessment services in conjunction with investigations ordered by the courts.

B. Included in the appropriation for this Item is \$1,626,575 in the first year and \$1,626,575 in the second year from the general fund to support mental health and substance abuse evaluation and treatment services for juveniles under state probation or parole. Out of this item, up to \$325,315 each year may be used for the provision of inpatient mental health treatment by private providers for residents committed to the Department and found to be in need of mental health treatment pursuant to § 66-20 of the Code of Virginia. The department shall develop a plan to ensure continuation of mental health and substance abuse treatment services, including contracting with local providers as necessary.

C. Included in the appropriation for this Item is \$240,000 in the first year and \$240,000 in the second year from the general fund that shall be used for emergency housing upon release from department custody. The department shall develop guidelines which at a minimum includes a juvenile selection process for placement and maximum lengths of stay.

422.	Financial Assistance to Local Governments for Juvenile Justice Services (36000).....			\$50,624,855	\$50,624,855
	Financial Assistance for Juvenile Confinement in Local Facilities (36001).....	\$36,287,149	\$36,287,149		
	Financial Assistance for Probation and Parole - Local Grants (36002).....	\$3,672,974	\$3,672,974		
	Financial Assistance for Community based Alternative Treatment Services (36003).....	\$10,664,732	\$10,664,732		
	Fund Sources: General.....	\$48,815,176	\$48,815,176		
	Federal Trust.....	\$1,809,679	\$1,809,679		

Authority: §§ 16.1-233 through 16.1-238, 16.1-274, 16.1-322.1 and 66-14, Code of Virginia.

A. From July 1, 2020 to June 30, 2022, the Board of Juvenile Justice shall not approve or commit additional funds for the state share of the cost of construction, enlargement or renovation of local or regional detention centers, group homes or related facilities. The board may grant exceptions only to address emergency maintenance projects needed to resolve immediate life safety issues. For such emergency projects, approval by both the Board of Juvenile Justice and the Secretary of Public Safety and Homeland Security is required. Any emergency projects must also comply with Board of Juvenile Justice standards.

B. Each emergency resolution adopted by the Board of Juvenile Justice approving reimbursement of the state share of the cost of construction, maintenance, or operation of local or regional detention centers, group homes, or related facilities or programs shall include a statement noting that such approval is subject to the availability of funds and approval by the General Assembly at its next regular session.

C. The Department of Juvenile Justice shall reimburse localities, pursuant to § 66-15, Code of Virginia, at the rate of \$50 per day for housing juveniles who have been committed to the department, for each day after the department has received a valid commitment order and other pertinent information as required by § 16.1-287, Code of Virginia.

D. Notwithstanding the provisions of § 16.1-322.1 of the Code of Virginia, the department shall apportion to localities the amounts appropriated in this Item.

E.1. The appropriation for Financial Assistance for Community Based Alternative Treatment Services includes \$10,379,926 the first year and \$10,379,926 the second year

ITEM 422.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<p>from the general fund for the implementation of the financial assistance provisions of the Juvenile Community Crime Control Act (VJCCCA), §§ 16.1-309.2 through 16.1-309.10, Code of Virginia. Notwithstanding § 16.1-309.6, Code of Virginia, localities participating in this program and contributing through their local match an amount of local funds which is greater than they receive from the Commonwealth under this program are authorized, but not required, to provide a contribution greater than the state general fund contribution. In no case shall their local match be less than their state share.</p> <p>2. Notwithstanding the provisions of §§ 16.1-309.2 through 16.1-309.10, Code of Virginia, the Board of Juvenile Justice shall establish guidelines for use in determining the types of programs for which VJCCCA funding may be expended. The department shall establish a format to receive biennial or annual requests for funding from localities, based on these guidelines. For each program requested, the plan shall document the need for the program, goals, and measurable objectives, and a budget for the proposed expenditure of these funds and any other resources to be committed by localities.</p> <p>3.a. Notwithstanding the provisions of § 16.1-309.7 B, Code of Virginia, unobligated VJCCCA funds must be returned to the department by each grantee locality no later than October 1 of the fiscal year following the fiscal year in which they were received, or a similar amount may be withheld from the current fiscal year's periodic payments designated by the department for that locality. The Director, Department of Planning and Budget, may increase the general fund appropriation for this Item up to the amount of unobligated VJCCCA funds returned to the Department of Juvenile Justice.</p> <p>b. All such unobligated and reappropriated balances shall be used by the department for the purpose of awarding short-term supplementary grants to localities, for programs and services which have been demonstrated to improve outcomes, including reduced recidivism, of juvenile offenders. Such programs and services must augment and support current VJCCCA-funded programs within each affected locality. The grantee locality shall submit an outcomes report to the department, in accord with a written memorandum of agreement which shall accompany the supplementary grant award. This provision shall apply to funds obligated to and in the possession of the department and its grant recipients. The entity which returns unobligated funds under this provision shall not have a presumptive entitlement to a supplementary grant.</p> <p>c. The Department of Juvenile Justice, with the assistance of the Department of Corrections, the Virginia Council on Juvenile Detention, juvenile court service unit directors, juvenile and domestic relations district court judges, and juvenile justice advocacy groups, shall provide a report on the types of programs supported by the Juvenile Community Crime Control Act and whether the youth participating in such programs are statistically less likely to be arrested, adjudicated or convicted, or incarcerated for either misdemeanors or crimes that would otherwise be considered felonies if committed by an adult.</p> <p>F. The department shall consolidate the annual reporting requirements in §§ 2.2-222 and 66-13 and in Chapters 755 and 914 of the 1996 Acts of the General Assembly concerning juvenile offender demographics. The consolidated annual report shall address the progress of Virginia Juvenile Community Crime Control Act programs including the requirements in Article 12.1 of Chapter 11 of Title 16.1 (§ 16.1-309.2 et seq.) relating to the number of juveniles served, the average cost for residential and nonresidential services, the number of employees, and descriptions of the contracts entered into by localities. Notwithstanding any other provisions of the Code of Virginia, the consolidated report shall be submitted to the Governor, the General Assembly, the Chairmen of the House Appropriations and Senate Finance Committees, the Secretary of Public Safety and Homeland Security, and the Department of Planning and Budget by the first day of the regular General Assembly session.</p>				
423.	Operation of Secure Correctional Facilities (39800)....		\$73,177,142	\$73,177,142
	Juvenile Corrections Center Management (39801).....	\$2,704,228		
	Food Services - Prisons (39807).....	\$2,876,568		
	Medical and Clinical Services - Prisons (39810).....	\$8,298,559		
	Physical Plant Services - Prisons (39815).....	\$6,467,227		
	Offender Classification and Time Computation Services (39830).....	\$1,277,794		

ITEM 423.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Juvenile Supervision and Management Services (39831).....	\$44,664,825	\$44,664,825		
Juvenile Rehabilitation and Treatment Services (39832).....	\$6,887,941	\$6,887,941		
Fund Sources: General.....	\$69,482,483	\$69,482,483		
Special.....	\$2,101,371	\$2,101,371		
Dedicated Special Revenue.....	\$48,000	\$48,000		
Federal Trust.....	\$1,545,288	\$1,545,288		

Authority: §§ 16.1-278.8, 16.1-285.1, 66-13, 66-16, 66-18, 66-19, 66-22 and 66-25.1, Code of Virginia.

A. The Department of Juvenile Justice shall retain all funds paid for the support of children committed to the department to be used for the security, care, and treatment of said children.

B.1. The Director, Department of Juvenile Justice, (the “Department”) shall develop a transformation plan to provide more effective and efficient services for juveniles, using data-based decision-making, that improves outcomes and safely reduces the number of juveniles housed in state-operated juvenile correctional centers, consistent with public safety. To accomplish these objectives, the Department will provide, when appropriate, alternative placements and services for juveniles committed to the Department that offer treatment, supervision and programs that meet the levels of risk and need, as identified by the Department's risk and needs assessment instruments, for each juvenile placed in such placements or programs. Prior to implementation, the plan shall be approved by the Secretary of Public Safety and Homeland Security.

2. The Department shall reallocate any savings from the reduced cost of operating state juvenile correctional centers to support the goals of the transformation plan including, but not limited to: (a) increasing the number of male and female local placement options, and post-dispositional treatment programs and services; (b) ensuring that appropriate placements and treatment programs are available across all regions of the Commonwealth; and (c) providing appropriate levels of educational, career readiness, rehabilitative, and mental health services for these juveniles in state, regional, or local programs and facilities, including but not limited to, community placement programs, independent living programs, and group homes. The goals of such transformation services shall be to reduce the risks for reoffending for juveniles supervised or committed to the Department and to improve and promote the skills and resiliencies necessary for the juveniles to lead successful lives in their communities.

3. No later than November 1 of each year, the Department of Juvenile Justice shall provide a report to the Governor, the Chairmen of the House Appropriations and Senate Finance Committees, the Secretary of Public Safety and Homeland Security and the Director, Department of Planning and Budget, assessing the impact and results of the transformation plan and its related actions. The report shall include, but is not limited to, assessing juvenile offender recidivism rates, fiscal and operational impact on detention homes; changes (if any) in commitment orders by the courts; and use of the savings redirected as a result of transformation, including the amount expended for contracted programs and treatment services, including the number of juveniles receiving each specific service. The report should also include the average length of stay for juveniles in each placement option.

4. The Director, Department of Planning and Budget, is authorized to transfer appropriations between items and programs within the Department of Juvenile Justice to reallocate any savings achieved through transformation to accomplish the goals of transformation.

5. If the Department of Juvenile Justice deems it necessary, due to facility population decline, efficient use of resources, and the need to further reduce recidivism, to close a state juvenile correctional center, the Department shall (i) work cooperatively with the affected localities to minimize the effect of the closure on those communities and their residents, and (ii) implement a general closure plan, preferably not less than 12 months from announcement of the closure, to create opportunities to place affected state

ITEM 423.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
employees in existing departmental vacancies, assist affected employees with placement in other state agencies, create training opportunities for affected employees to increase their qualifications for additional positions, and safely reduce the population of the facility facing closure, consistent with public safety.				
424.	Administrative and Support Services (39900).....		\$21,751,216	\$21,751,216
	General Management and Direction (39901).....	\$3,077,866	\$3,077,866	
	Information Technology Services (39902).....	\$6,408,235	\$6,408,235	
	Accounting and Budgeting Services (39903).....	\$5,305,652	\$5,305,652	
	Architectural and Engineering Services (39904).....	\$640,446	\$640,446	
	Food and Dietary Services (39907).....	\$300,267	\$300,267	
	Human Resources Services (39914).....	\$3,844,651	\$3,844,651	
	Planning and Evaluation Services (39916).....	\$2,174,099	\$2,174,099	
	Fund Sources: General.....	\$20,284,722	\$20,284,722	
	Special.....	\$979,574	\$979,574	
	Federal Trust.....	\$486,920	\$486,920	

Authority: §§ 66-3 and 66-13, Code of Virginia.

A.1. Consistent with the provisions of Chapter 198 of the 2017 Session of the General Assembly, the Director, Department of Juvenile Justice, shall implement the recommendations relating to the Department of Juvenile Justice made by the Department of Medical Assistance Services in its November 30, 2017 report on streamlining the Medicaid application and enrollment process for incarcerated individuals.

2. For the purpose of implementing these recommendations, included in the amounts appropriated for this item is \$420,993 the first year and \$112,200 the second year from nongeneral funds and two positions.

Total for Department of Juvenile Justice.....			\$232,250,540	\$232,250,540
General Fund Positions.....	2,150.50	2,150.50		
Nongeneral Fund Positions.....	22.00	22.00		
Position Level.....	2,172.50	2,172.50		
Fund Sources: General.....	\$221,770,537	\$221,770,537		
Special.....	\$3,446,481	\$3,446,481		
Dedicated Special Revenue.....	\$48,000	\$48,000		
Federal Trust.....	\$6,985,522	\$6,985,522		

§ 1-117. DEPARTMENT OF STATE POLICE (156)

425.	Information Technology Systems, Telecommunications and Records Management (30200).....		\$73,262,019	\$68,861,090
	Information Technology Systems and Planning (30201).....	\$23,811,404	\$20,699,877	
	Criminal Justice Information Services (30203).....	\$10,215,226	\$10,106,426	
	Telecommunications and Statewide Agencies Radio System (STARS) (30204).....	\$19,207,356	\$19,207,356	
	Firearms Purchase Program (30206).....	\$4,050,827	\$2,870,225	
	Sex Offender Registry Program (30207).....	\$3,232,979	\$3,232,979	
	Concealed Weapons Program (30208).....	\$321,352	\$321,352	
	Dispatch and Telecommunications Support (30209)...	\$12,422,875	\$12,422,875	
	Fund Sources: General.....	\$62,838,937	\$58,438,008	
	Special.....	\$5,942,231	\$5,942,231	
	Dedicated Special Revenue.....	\$3,716,561	\$3,716,561	
	Federal Trust.....	\$764,290	\$764,290	

Authority: §§ 18.2-308.2:2, 19.2-387, 19.2-388, 27-55, 52-4, 52-4.4, 52-8.5, 52-12, 52-13, 52-15, 52-16, 52-25 and 52-31 through 52-34, Code of Virginia.

ITEM 425.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<p>A.1. It is the intent of the General Assembly that wireless 911 calls be delivered directly by the Commercial Mobile Radio Service (CMRS) provider to the local Public Safety Answering Point (PSAP), in order that such calls be answered by the local jurisdiction within which the call originates, thereby minimizing the need for call transfers whenever possible.</p>				
<p>2. Notwithstanding the provisions of Article 7, Chapter 15, Title 56, Code of Virginia, \$3,700,000 the first year and \$3,700,000 the second year from the Wireless E-911 Fund is included in this appropriation for telecommunications to offset dispatch center operations and related costs incurred for answering wireless 911 telephone calls.</p>				
<p>B. Out of the Motor Carrier Special Fund, \$900,000 the first year and \$900,000 the second year shall be disbursed on a quarterly basis to the Department of State Police.</p>				
<p>C.1. This appropriation includes \$9,175,535 the first year and \$9,175,535 the second year from the general fund for maintaining the Statewide Agencies Radio System (STARS).</p>				
<p>2. The Secretary of Public Safety and Homeland Security, in conjunction with the STARS Management Group and the Superintendent of State Police, shall provide a status report on (1) annual operating costs; (2) the status of site enhancements to support the system; (3) the project timelines for implementing the enhancements to the system; and (4) other matters as the secretary may deem appropriate. This report shall be provided to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees no later than October 1 of each year.</p>				
<p>3. Any bond proceeds authorized for the STARS project that remain after the full implementation of the STARS network shall be made available for the STARS equipment needs of the Department of Military Affairs.</p>				
<p>4. Any general fund appropriation given for STARS operating and maintenance under the service area 30204, is designated for such purposes. If the Department of State Police cannot expend its STARS appropriation within a given fiscal year, there shall remain an appropriation balance at the end of the fiscal year. The Department may request a discretionary re-appropriation in the subsequent year as provided in § 4-1.05 of this act if necessary for the payment of preexisting obligations for the purchase of goods or services.</p>				
<p>D. The department shall deposit to the general fund an amount estimated at \$100,000 the first year and \$100,000 the second year resulting from fees generated by additional criminal background checks of local job applicants and prospective licensees collected pursuant to § 15.2-1503.1 of the Code of Virginia.</p>				
<p>E. 1. Notwithstanding the provisions of §§ 19.2-386.14, 38.2-415, 46.2-1167 and 52-4.3, Code of Virginia, the Department of State Police may use revenue from the State Asset Forfeiture Fund, the Insurance Fraud Fund, the Drug Investigation Trust Account – State, and the Safety Fund to modify, enhance or procure automated systems that focus on the Commonwealth's law enforcement activities and information gathering processes.</p>				
<p>F. The Superintendent of State Police is authorized to and shall establish a policy and reasonable fee to contract for the bulk transmission of public information from the Virginia Sex Offender Registry. Any fees collected shall be deposited in a special account to be used to offset the costs of administering the registry. The State Superintendent of State Police shall charge no fee for the transfer of any information from the Virginia Sex Offender Registry to the Statewide Automated Victim Notification (SAVIN) system.</p>				
<p>G.1. The Virginia State Police shall, upon request, provide to the Department of Behavioral Health and Developmental Services any information it possesses as a result of carrying out the provisions of §§ 19.2-389, 37.2-819 and 64.2-2014, Code of Virginia, to enable the Department to make anonymous the data held pursuant to those provisions and link it with other relevant data held by the Commonwealth for the purpose of evaluating the impact of carrying out these provisions on the public health and safety, pursuant to a grant from the National Science Foundation to Duke University and a subcontract with the University of Virginia.</p>				
<p>2. The Department of State Police shall, upon request, provide to the Department of Juvenile Justice any information it possesses as a result of carrying out the provisions of</p>				

ITEM 425.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<p>§§ 16.1-337.1, 19.2-389, 19.2-389.1, 37.2-819 and 64.2-2014, Code of Virginia, to enable the Department to link the data held pursuant to those provisions with other relevant data held by the Commonwealth, and then to de-identify it, for the purpose of evaluating the impact of carrying out these provisions on the public health and safety, pursuant to a research grant to Duke University and a subcontract with the University of Virginia.</p> <p>H. Included in the amounts provided for this Item is \$99,479 the first year and \$99,479 the second year from the general fund for the public safety information exchange program with those states that share a border with Canada or Mexico and are willing to participate in the exchange program pursuant to § 2.2-224.1, Code of Virginia.</p> <p>I. Included in this appropriation is \$620,371 the first year and \$620,371 the second year from the general fund for the annual debt service for the Department to purchase fixed repeaters for the Statewide Agencies Radio System (STARS) through the Department of Treasury's Master Equipment Leasing Program.</p> <p>J. Included within this appropriation is \$350,200 the first year and \$350,200 the second year from the general fund to support maintenance costs of the state's Commonwealth Link to Interoperable Communications (COMLINC) system.</p> <p>K. Included within this appropriation is \$300,000 the first year and \$300,000 the second year and four positions to support the COMLINC system.</p> <p>L. Included in the amounts provided for in this Item is \$675,000 the first year for training and project management costs to upgrade the STARS system. Of this amount, \$500,000 shall not be allotted until the project management costs are determined to be ineligible costs for a bond-funded capital project.</p> <p>M. Included within the amounts for this item is \$211,947 the first year and \$211,947 the second year and three positions from the general fund for the Department to address the recommendation of the Crime Commission to provide a reference to the "Hold File" for criminal history records checks.</p> <p>N. Included within the appropriation for this item is \$110,000 the first year from the general fund for the establishment of a cold case searchable electronic database, consistent with the provisions of House Bill 1024 of the 2020 Session of the General Assembly.</p> <p>O. Included in the amounts appropriated in this item is \$4,480,829 the first year and \$1,479,302 the second year from the general fund to comply with and implement the provisions of the Community Policing Act pursuant to House Bill 1250 of the 2020 Session of the General Assembly.</p>				
426.	Law Enforcement and Highway Safety Services (31000).....		\$290,352,939	\$290,094,098
	Aviation Operations (31001).....	\$9,591,585		\$9,591,585
	Commercial Vehicle Enforcement (31002).....	\$5,748,407		\$5,748,407
	Counter-Terrorism (31003).....	\$6,309,437		\$6,309,437
	Help Eliminate Auto Theft (HEAT) (31004).....	\$1,963,303		\$1,963,303
	Drug Enforcement (31005).....	\$23,736,523		\$23,736,523
	Crime Investigation and Intelligence Services (31006).....	\$38,258,839		\$38,258,839
	Uniform Patrol Services (Highway Patrol) (31007)....	\$166,830,669		\$166,830,669
	Insurance Fraud Program (31009).....	\$6,071,391		\$6,071,391
	Vehicle Safety Inspections (31010).....	\$24,434,235		\$24,175,394
	Sex Offender Registry Program Enforcement (31011).....	\$7,408,550		\$7,408,550
	Fund Sources: General.....	\$231,377,682		\$231,377,682
	Special.....	\$31,354,981		\$31,096,140
	Commonwealth Transportation.....	\$9,083,587		\$9,083,587
	Dedicated Special Revenue.....	\$10,165,064		\$10,165,064
	Federal Trust.....	\$8,371,625		\$8,371,625

Authority: §§ 27-56, 33.2-1726, 46.2-1157 through 46.2-1187, 52-1, 52-4, 52-4.2, 52-4.3, 52-

ITEM 426.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
8, 52-8.1, 52-8.2, 52-8.4 and 56-334, Code of Virginia.				
A. Included in this appropriation is \$810,687 the first year and \$810,687 the second year from Commonwealth Transportation Funds for the personal and associated nonpersonal services costs for eight positions. These positions will be dedicated to patrolling the I-95/395/495 Interchange.				
B. Included in this appropriation is \$4,831,625 the first year and \$4,831,625 the second year from the Commonwealth Transportation Fund to support enforcement operations at weigh stations statewide.				
C. Included in this appropriation is \$1,631,282 the first year and \$1,631,282 the second year from Commonwealth Transportation Funds that shall be used to support the personal and associated nonpersonal services costs for trooper positions. These positions will be assigned to the "Highway Safety Corridors" and work to supplement the Department of State Police's enforcement efforts in those corridors.				
D. The Department of State Police shall modify the implementation of the division of drug law enforcement established pursuant to § 52-8.1:1, Code of Virginia, and shall redirect, as may be necessary, resources heretofore provided for that purpose by the General Assembly for the purposes of homeland security, the gathering of intelligence on terrorist activities, the preparation for response to a terrorist attack and any other activity determined by the Governor to be crucial to strengthening the preparedness of the Commonwealth against the threat of natural disasters and emergencies. Nothing in this Item shall be construed to prohibit the Department of State Police from performing drug law enforcement or investigation as otherwise provided for by the Code of Virginia.				
E. Included within this appropriation is \$3,098,098 the first year and \$3,098,098 the second year from the Rescue Squad Assistance Fund to support the department's aviation (med-flight) operations.				
F. Included within this appropriation is \$450,000 the first year and \$450,000 the second year from the general fund, which shall be provided to the County of Chesterfield for use in funding the paramedics assigned to the Department of State Police for aviation (med-flight) operations, and for related med-flight expenses.				
G. In the event that special fund revenues for this Item exceed expenditures, the balance of such revenues may be used for air medical evacuation equipment improvements, information technology upgrades or for motor vehicle replacement.				
H. Included in this appropriation is \$110,000 the first year and \$110,000 the second year from the general fund to maintain increased traffic enforcement on Interstate 81. These funds shall be used to provide overtime payments for extended and additional work shifts so as to maintain the enhanced level of State Police patrols on this and other public highways in the Commonwealth.				
I.1. The department shall coordinate monitoring and verification activities related to registry requirements with other state and local law enforcement agencies that have responsibility for monitoring or supervising individuals who are also required to comply with the requirements of the Sex Offender Registry.				
2. The Secretary of Public Safety and Homeland Security, in conjunction with the Superintendent of State Police, shall report on the implementation of the monitoring of offenders required to comply with the Sex Offender Registry requirements. The report shall include at a minimum: (1) the number of verifications conducted; (2) the number of investigations of violations; (3) the status of coordination with other state and local law enforcement agencies activities to monitor Sex Offender Registry requirements; and (4) an update of the sex offender registration and monitoring section in the department's current "Manpower Augmentation Study." This report shall be provided to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees each year by January 1.				
J. Included within this appropriation is \$200,000 the first year and \$200,000 the second year from nongeneral funds to be used by the Department of State Police to record expenditures related to law enforcement activity that is performed for other entities and is				

ITEM 426.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<p>billed and recorded as revenue, which may not be received until the following fiscal year. The Department of Accounts shall establish a revenue code and fund detail for this revenue.</p> <p>K. Included within this appropriation is \$100,000 the first year and \$100,000 the second year from the general fund for the Department of State Police to enhance its capabilities in recruiting minority troopers. Funding is to support increased marketing and advertising efforts for recruiting minorities.</p> <p>L. Included within this appropriation is \$116,988 the first year and \$116,988 the second year from the Department of Aviation's special fund to support the aviation operations of the Department of State Police.</p> <p>M.1. Out of the amounts appropriated for this Item, \$1,450,000 the first year and \$1,450,000 the second year from nongeneral funds shall be distributed to the department to expand the operations of the Northern Virginia Internet Crimes Against Children Task Force.</p> <p>2. Pursuant to paragraph H.2 of Item 406, the Northern Virginia Internet Crimes Against Children Task Force shall provide a report on the actual expenditures and performance results achieved each year. Copies of this report shall be provided each year to the Secretary of Public Safety and Homeland Security and the Chairmen of the House Appropriations and Senate Finance Committees by October 1.</p> <p>N. Out of the appropriation for this Item, \$3,406,365 the first year and \$3,406,365 the second year from the general fund is continued for the ongoing financing costs of purchasing four helicopters through the state's master equipment lease purchase program.</p> <p>O. Effective July 1, 2015, the Superintendent of State Police shall provide training to all local law enforcement agencies on the proper method to register and re-register persons required to be registered with the Sex Offender and Crimes Against Minors Registry. Should the Superintendent have reason to believe that any local law enforcement agency is not registering sex offenders as required by § 9.1-903, Code of Virginia, the Superintendent shall notify the local law enforcement agency, as well as the Executive Secretary of the Compensation Board and the Director of the Department of Criminal Justice Services.</p> <p>P. Included in this appropriation for this item is \$1,129,554 the first year and \$1,129,554 the second year from the general fund to establish the second Special Operations Division, which shall serve the Sixth Division. Positions from the Sixth Division that are transferred into the Special Operations Sixth Division shall be backfilled in the Sixth Division.</p> <p>Q. Included in this appropriation is \$103,470 each year from the general fund for the Department of State Police to hire an aviation mechanic for the Fourth Aviation Division in Abingdon.</p>				
427.	Administrative and Support Services (39900).....		\$32,070,900	\$32,070,900
	General Management and Direction (39901).....	\$9,357,522		\$9,357,522
	Accounting and Budgeting Services (39903).....	\$2,192,284		\$2,192,284
	Human Resources Services (39914).....	\$2,346,683		\$2,346,683
	Physical Plant Services (39915).....	\$7,490,400		\$7,490,400
	Procurement and Distribution Services (39918).....	\$2,939,433		\$2,939,433
	Training Academy (39929).....	\$7,037,537		\$7,037,537
	Cafeteria (39931).....	\$707,041		\$707,041
	Fund Sources: General.....	\$31,338,834		\$31,338,834
	Special.....	\$706,310		\$706,310
	Dedicated Special Revenue.....	\$25,756		\$25,756

Authority: §§ 52-1 and 52-4, Code of Virginia.

A. The Superintendent of State Police shall establish written procedures for the timely and accurate electronic reporting of crime data reported to the Department of State Police in accordance with the provisions of § 52-28, Code of Virginia. The procedures shall require the principal officer of the reporting organization to certify that the information provided is, to his knowledge and belief, a true and accurate report. Should the superintendent have reason to believe that any crime data is missing, incomplete or incorrect after audit of the data, the

ITEM 427.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022

superintendent shall notify the reporting organization, as well as the Chairman of the Compensation Board and the Director, Department of Criminal Justice Services. Upon receiving and verifying resubmitted data that corrects the report, the superintendent shall notify the Chairman of the Compensation Board and the Director, Department of Criminal Justice Services that the missing, incomplete or incorrect data has been satisfactorily submitted.

B.1. The Department of State Police is authorized to charge other law enforcement agencies a fee for the use of the Virginia State Police Blackstone Training Facility related to training activities. The fee structure and subsequent changes must be reviewed and approved by the Secretary of Public Safety and Homeland Security. The Department shall deposit any moneys received from such fees into the Virginia State Police Blackstone Training Facility Fund.

2. The State Comptroller shall continue the Virginia State Police Blackstone Training Facility Fund on the books of the Commonwealth. Interest earned on the moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of the fiscal year shall not revert to the general fund but shall remain in the Fund. The Department of State Police shall utilize the revenue deposited in the Fund to (1) maintain and repair facilities at the Virginia State Police Blackstone Training Facility, and (2) acquire, maintain, repair or replace equipment at the Virginia State Police Blackstone Training Facility.

428. All revenue received from the sale of motor vehicles shall be reported separately from that received from the sale of other property of the department.

428.10 Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted.

	FY 2021	FY 2022
Fund record sealing reform legislation	\$108,800	\$0
Agency Total	\$108,800	\$0
Total for Department of State Police.....		\$395,685,858
General Fund Positions.....	2,662.00	2,662.00
Nongeneral Fund Positions.....	397.00	397.00
Position Level.....	3,059.00	3,059.00
Fund Sources: General.....	\$325,555,453	\$321,154,524
Special.....	\$38,003,522	\$37,744,681
Commonwealth Transportation.....	\$9,083,587	\$9,083,587
Dedicated Special Revenue.....	\$13,907,381	\$13,907,381
Federal Trust.....	\$9,135,915	\$9,135,915

§ 1-118. VIRGINIA PAROLE BOARD (766)

429. Probation and Parole Determination (35200).....		\$2,330,525	\$2,330,525
Adult Probation and Parole Services (35201).....	\$2,330,525	\$2,330,525	
Fund Sources: General.....	\$2,280,525	\$2,280,525	

ITEM 429.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Federal Trust.....	\$50,000	\$50,000		

Authority: Title 53.1, Chapter 4, Code of Virginia.

Notwithstanding the provisions of § 53.1-40.01, Code of Virginia, the Parole Board shall annually consider for conditional release those inmates who meet the criteria for conditional geriatric release set out in § 53.1-40.01, Code of Virginia, except that upon any such review the Board may schedule the next review as many as three years thereafter. If any such inmate is also eligible for discretionary parole under the provisions of § 53.1-151 et seq., Code of Virginia, the board shall not be required to consider that inmate for conditional geriatric release unless the inmate petitions the board for conditional geriatric release.

429.10 Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted.

	FY 2021	FY 2022		FY 2021	FY 2022
Provide funding for part-time investigators	\$406,392			\$406,392	
Provide funding for a part-time release planning coordinator position	\$42,319			\$42,319	
Agency Total	\$448,711			\$448,711	
Total for Virginia Parole Board.....			\$2,330,525	\$2,330,525	
General Fund Positions.....	12.00	12.00			
Position Level.....	12.00	12.00			
Fund Sources: General.....	\$2,280,525	\$2,280,525			
Federal Trust.....	\$50,000	\$50,000			
TOTAL FOR OFFICE OF PUBLIC SAFETY AND HOMELAND SECURITY.....			\$3,426,573,100	\$3,480,696,695	
General Fund Positions.....	17,634.10	17,634.10			
Nongeneral Fund Positions.....	2,369.90	2,470.90			
Position Level.....	20,004.00	20,105.00			
Fund Sources: General.....	\$2,201,919,384	\$2,206,567,067			
Special.....	\$166,556,345	\$165,216,464			
Commonwealth Transportation.....	\$10,443,062	\$10,443,062			
Enterprise.....	\$837,266,165	\$884,137,258			
Trust and Agency.....	\$4,298,130	\$4,298,130			
Dedicated Special Revenue.....	\$55,984,374	\$55,984,374			
Federal Trust.....	\$150,105,640	\$154,050,340			

ITEM 430.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022

OFFICE OF TRANSPORTATION

§ 1-119. SECRETARY OF TRANSPORTATION (186)

430.	Administrative and Support Services (79900).....			\$953,895	\$953,895
	General Management and Direction (79901).....	\$953,895	\$953,895		
	Fund Sources: Commonwealth Transportation.....	\$953,895	\$953,895		

Authority: Title 2.2, Chapter 2, Article 10, § 2.2-201, and Titles 33, 46, and 58, Code of Virginia.

A. The transportation policy goals enumerated in this act shall be implemented by the Secretary of Transportation, including the secretary acting as Chairman of the Commonwealth Transportation Board.

1. The maintenance of existing transportation assets to ensure the safety of the public shall be the first priority in budgeting, allocation, and spending. The highway share of the Transportation Trust Fund shall be used for highway maintenance and operation purposes prior to its availability for new development, acquisition, and construction.

2. It is in the interest of the Commonwealth to have an efficient and cost-effective transportation system that promotes economic development and all modes of transportation, intermodal connectivity, environmental quality, accessibility for people and freight, and transportation safety. The planning, development, construction, and operations of Virginia's transportation facilities will reflect this goal.

3. To the greatest extent possible, the appropriation of transportation revenues shall reflect planned spending of such revenues by agency and by program.

B. The maximization of all federal transportation funds available to the Commonwealth shall be paramount in the budgetary, spending, and allocation processes.

1. Notwithstanding any provision of law to the contrary, the secretary and all agencies within the transportation secretariat are hereby authorized to take all actions necessary to ensure that federal transportation funds are allocated and utilized for the maximum benefit of the Commonwealth, whether such actions or funds or both are authorized under P.L. 114-94 of the 114th Congress, or any successor or related federal transportation legislation, or regulation, rule, or guidance issued by the U.S. Department of Transportation or any federal agency. The secretary and agencies within the transportation secretariat shall utilize, to the maximum extent practicable, the flexibility provided in federal law, regulation, rule, or guidance to use federal funds in a manner consistent with the Code of Virginia. However, neither the secretary nor an agency in the transportation secretariat may materially delay a project selected pursuant to § 33.2-214.1, Code of Virginia, under the authority in this paragraph.

2. The secretary shall ensure that the allocation of transportation funds apportioned and for which obligation authority is expected to be available under federal law shall be in accordance with such laws and in support of the transportation policy goals enumerated in section A. of this Item. Furthermore, the secretary is authorized to take all actions necessary to allocate the required match for federal highway funds to ensure their appropriate and timely obligation and expenditure within the fiscal constraints of state transportation revenues and in support of the efforts addressed in B.1. By June 1 of each year, the secretary, as Chairman of the Board, shall report to the Governor and General Assembly on the allocation of such federal transportation funds and the actions taken to provide the required match.

3. The board shall only make allocations providing the required match for federal Regional Surface Transportation Block Grant Program funds to those Metropolitan Planning Organizations in urbanized areas greater than 200,000 that, in consultation with the Office of Intermodal Planning and Investment, have developed regional transportation and land use performance measures pursuant to Chapters 670 and 690 of the 2009 Acts of Assembly and have been approved by the board.

ITEM 430.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
4. Projects funded, in whole or part, from federal funds referred to as congestion mitigation and air quality improvement, shall be selected as directed by the board. Such funds shall be federally obligated within 12 months of their allocation by the board and expended within 36 months of such obligation. If the requirements included in this paragraph are not met by such agency or recipient, then the board shall use such federal funds for any other project eligible under 23 USC 149.				
5. Funds made available to the Metropolitan Planning Organizations known as the Regional Surface Transportation Block Grant Program for urbanized areas greater than 200,000 shall be federally obligated within 12 months of their allocation by the board and expended within 36 months of such obligation. If the requirements included in this paragraph are not met by the recipient, then the board may rescind the required match for such federal funds.				
6. Notwithstanding paragraph B.2. of this Item, the required matching funds for Transportation Alternatives projects are to be provided by the project sponsor of the federal-aid funding.				
7. Federal transportation funds as well as the required state matching funds may be allocated by the Commonwealth Transportation Board for transit purposes under the same rules and conditions authorized by federal law in a manner consistent with the Code of Virginia. The Commonwealth Transportation Board, in consultation with the appropriate local and regional entities, may allocate state revenues to local and regional public transit operators, for operating and/or capital purposes.				
8. If a regional area (or areas) of the Commonwealth is determined to be not in compliance with Clean Air Act rules regarding conformity and as a result federal and/or state allocations, apportionments or obligations cannot be used to fund or support transportation projects or programs in that area, such funds may be used to finance demand management, conformity, and congestion mitigation projects to the extent allowed by federal law. Any remaining amount of such allocations, apportionments, or obligations shall be set aside to the extent possible under law for use in that regional area.				
9. Appropriations in this act related to federal revenues outlined in this section may be adjusted by the Director, Department of Planning and Budget, upon request from the Secretary of Transportation, as needed to utilize and allocate additional federal funds that may become available.				
10. The secretary shall ensure that any bonds issued pursuant to Article 4, Chapter 15 of Title 33.2 shall be programmed to eligible projects selected and funded through the High Priority Projects Program pursuant to § 33.2-370 or the Construction District Grant Program pursuant to §33.2-371. In any year such bond proceeds are allocated to one or both of the programs, the secretary shall take all necessary action to ensure that each program is provided with the same overall amount of monies though the mix of bond proceeds, state revenues, and federal revenues provided to each program may vary as deemed appropriate by the secretary.				
C. The secretary may ensure that appropriate action is taken to maintain a minimum cash balance and/or cash reserve in the Highway Maintenance and Operating Fund.				
D.1. The Office of Intermodal Planning and Investment shall recommend to the Commonwealth Transportation Board all allocations of funds made available in subsections A. and B. of Item 446. The planning and evaluation may be conducted or managed by the Department of Transportation, Department of Rail and Public Transportation, or another qualified entity selected and/or approved by the Commonwealth Transportation Board.				
2. The office shall be responsible for implementing the statewide prioritization process pursuant to § 33.2-214.1 for the Commonwealth Transportation Board.				
3. The office shall work directly with affected Metropolitan Planning Organizations to develop and implement quantifiable and achievable goals relating to congestion reduction and safety, transit and HOV usage, job/housing ratios, job and housing access to transit and pedestrian facilities, air quality, and/or per-capital vehicle miles traveled pursuant to Chapters 670 and 690 of the 2009 Acts of Assembly.				
4. For allocation of funds under Paragraph 1, the office may give a higher priority for planning grants to (i) regional organizations to analyze various land development scenarios				

ITEM 430.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022

for their long range transportation plans, (ii) local governments to revise their comprehensive plans and other applicable local ordinances to designate urban development areas pursuant to Chapter 896 of the 2007 Acts of Assembly and incorporate the principles included in such act, and (iii) local governments, regional organizations, transit agencies and other appropriate entities to develop plans for transit oriented development and the expansion of transit service. Such analyses, plans, and ordinances shall be shared with the regional planning district commission or metropolitan planning organization and the Commonwealth Transportation Board.

E.1. The Commonwealth Transportation Board is hereby authorized to apply for, execute, and/or endorse applications submitted by private entities or political subdivision of the Commonwealth to obtain federal credit assistance for one or more qualifying transportation infrastructure projects or facilities to be developed pursuant to the Public-Private Transportation Act of 1995, as amended. Any such application, agreement and/or endorsement shall not financially obligate the Commonwealth or be construed to implicate the credit of the Commonwealth as security for any such federal credit assistance.

2. The Commonwealth Transportation Board is hereby authorized to pursue or otherwise apply for, and execute, an agreement to obtain financing using a federal credit instrument for project financings otherwise authorized by this Act or other Acts of Assembly.

F. Revenues generated pursuant to the provisions of § 58.1-3221.3, Code of Virginia, shall only be used to supplement, not supplant, any local funds provided for transportation programs within the localities authorized to impose the fees under the provisions of § 58.1-3221.3, Code of Virginia.

G. The Director, Department of Planning and Budget, is authorized to adjust the appropriation of transportation agencies in order to utilize proceeds from the sale of Commonwealth of Virginia Transportation Capital Projects Revenue Bonds which were authorized in a prior fiscal year but not issued, pursuant to Section 2 of Enactment Clause 2 of Chapter 896 of the 2007 General Assembly Session.

H. The Director, Department of Planning and Budget, is authorized to adjust the appropriation of transportation agencies in order to utilize proceeds from the sale of Commonwealth of Virginia Federal Transportation Grant Anticipation Revenue Notes.

I. In programming funds for the reconstruction and rehabilitation of structurally deficient bridges pursuant to § 33.2-358 C.(i), Code of Virginia, the Commonwealth Transportation Board shall consider both state and locally-owned bridges.

J. All revenues generated under Chapter 896 of the Acts of Assembly of 2007 (HB 3202) and Chapter 766 of the Acts of Assembly of 2013 (HB 2313) that were dedicated to transportation-related funds have been appropriated in conformity with the requirements of those respective chapters.

K. Notwithstanding § 33.2-502, Code of Virginia, the high-occupancy requirement for a HOT lane facility that is constructed as a result of the Public-Private Transportation Act (§ 33.2-1800 et. seq.) with an initial construction cost in excess of \$3 billion and whose operation, maintenance, or financing is not a result of the same comprehensive agreement that resulted in the facility's construction shall be not less than two.

L. The Department of Rail and Public Transit shall establish within the Transit Ridership Incentive Program, established pursuant to House Bill 1414 and Senate Bill 890 of the 2020 General Assembly, a Congestion Mitigation Program that will use at least \$5,000,000 annually for operating cost assistance to reduce congestion in urban areas. The funds from this program will be allocated to transit systems in amounts that collectively achieve maximum congestion mitigation and passenger miles traveled. The Secretary shall provide to the Chairs of House Appropriations, Senate Finance and Appropriations, House Transportation and Senate Transportation Committees the methodology used and the distributions of such funds to transit systems by June 30, 2021.

M. It is the intent of the General Assembly that the Secretary of Transportation and the Secretary of Natural Resources, in consultation with the Chairs of the House Appropriations, Senate Finance and Appropriations, House Transportation, Senate Transportation, House Agriculture, Chesapeake and Natural Resources, and Senate

ITEM 430.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<p>Agriculture, Conservation and Natural Resources Committees, and counties containing subject outfalls, shall evaluate the scope of drainage outfalls across the Commonwealth originating from Virginia Department of Transportation (VDOT) maintained roads with no assigned maintaining entity, and recommend cost-effective solutions and means by which to fund maintenance of such outfalls. The Secretaries shall provide an interim report detailing their evaluation to the aforementioned committee chairs no later than December 31, 2020 and a final report of their findings, if not included in the December report, by September 30, 2021.</p> <p>N. Prior to the execution of any Memorandum of Understanding on behalf of the Commonwealth of Virginia for participation in the construction of any potential improvements to the bridge and related railroad infrastructure located between the Rosslyn (RO) Interlocking near Long Bridge Park in Arlington, Virginia and the L'Enfant (LE) Interlocking near 10th Street SW in Washington, D.C., or prior to the authorization for the issuance of any bonds or the sale of any land by the Virginia Passenger Rail Authority, as may be established by legislation adopted by the 2020 Session of the General Assembly that becomes law, the Secretary of Transportation shall present, for their review, to the MEI Project Approval Commission established pursuant to Chapter 47 (§ 30-309 et seq.) of Title 30, a draft of any Memorandum of Understanding, any proposed bond issuance, or contract related to the sale of land, or the terms of any agreement between or among any political subdivision of the Commonwealth of Virginia, any political subdivision of the United States, federal government agency, the National Passenger Railroad Corporation, a commuter rail service jointly operated by the Northern Virginia Transportation District established pursuant to § 33.2-1904 and the Potomac Rappahannock Transportation District established pursuant to the Transportation District Act (§ 33.2-1900 et seq.), and any Class I private railroad corporation.</p> <p>O.1. Notwithstanding § 33.2-214, the Six-Year Improvement Program adopted June 19, 2019, and as amended shall remain in effect through June 30, 2021, or until a new Six-Year Improvement Program is adopted that is based on the official Commonwealth Transportation Fund revenue forecast reflecting the impacts of COVID-19 pandemic.</p> <p>2. Notwithstanding any other provisions of law, the assistance provided for fiscal year 2021 under Item 442 A.1.a and A.1.c may be maintained up to the levels allocated in the Six Year Improvement Program approved by the Commonwealth Transportation Board on June 19, 2019 until a Six-Year Improvement Program is adopted pursuant to paragraph O.1. of this item.</p>				
			\$953,895	\$953,895
Total for Secretary of Transportation.....				
Nongeneral Fund Positions.....	6.00	6.00		
Position Level.....	6.00	6.00		
Fund Sources: Commonwealth Transportation.....	\$953,895	\$953,895		
§ 1-120. VIRGINIA COMMERCIAL SPACE FLIGHT AUTHORITY (509)				
431. Space Flight Support Services (60800).....			\$25,300,000	\$21,000,000
Maintenance and Operation of Space Flight Facilities (60801).....	\$25,300,000	\$21,000,000		
Fund Sources: Commonwealth Transportation.....	\$25,300,000	\$21,000,000		
Authority: Title 2.2, Chapter 22, Code of Virginia.				
<p>A. Notwithstanding any other provision of law, \$2,500,000 the first year shall be transferred from the Transportation Partnership Opportunity Fund to the Commonwealth Space Flight Fund to support construction of a hangar for unmanned vehicle operations.</p> <p>B. Notwithstanding any other provision of law, \$5,000,000 the first year shall be transferred from the Transportation Partnership Opportunity Fund to the Commonwealth Space Flight Fund to support the development of an improved launch team maintenance facility complex.</p>				
Total for Virginia Commercial Space Flight Authority.....			\$25,300,000	\$21,000,000
Fund Sources: Commonwealth Transportation.....	\$25,300,000	\$21,000,000		

ITEM 431.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022

§ 1-121. DEPARTMENT OF AVIATION (841)

432.	Financial Assistance for Airports (65400).....			\$30,551,475	\$33,151,475
	Financial Assistance for Airport Maintenance (65401).....	\$1,000,000	\$1,000,000		
	Financial Assistance for Airport Development (65404).....	\$28,551,475	\$31,151,475		
	Financial Assistance for Aviation Promotion (65405).....	\$1,000,000	\$1,000,000		
	Fund Sources: Commonwealth Transportation.....	\$30,551,475	\$33,151,475		

Authority: Title 5.1, Chapters 1, 3, and 5; Title 58.1, Chapter 6, Code of Virginia.

A. It is the intent of the General Assembly that the Department of Aviation match federal funds for Airport Assistance to the maximum extent possible. In furtherance of this maximization, the Commonwealth Transportation Board may request funding from the Commonwealth Airport Fund for surface transportation projects that provide airport access. The Aviation Board shall consider such requests and provide funding as it so approves. However, the legislative intent expressed herein shall not be construed to prohibit the Virginia Aviation Board from allocating funds for promotional activities in the event that federal matching funds are unavailable.

B. The department is authorized to expend up to \$400,000 the first year and \$400,000 the second year from Aviation Special Funds to support a partnership between industry, academia, and Virginia Small Aircraft Transportation System. The project shall target research efforts to promote safety and greater access for rural airports.

C. The department is authorized to pay to the Civil Air Patrol \$100,000 the first year and \$100,000 the second year from Aviation Special Funds. The provisions of § 2.2-1505, Code of Virginia, and § 4-5.05 of this act shall not apply to the Civil Air Patrol.

D. Out of the amounts included in this Item, \$500,000 the first year and \$500,000 the second year shall be paid to the Washington Airports Task Force.

E.1. By November 1 of each year, the Virginia Aviation Board shall report to the Governor and the General Assembly on the use of Commercial Airport Fund revenues allocated the previous fiscal year. The report shall include at a minimum the following: (i) the use of entitlement funds allocated by each air carrier airport, including the amount of funds that are unobligated; (ii) the award and use of discretionary funds allocated for air carrier and reliever airports by every such airport; and (iii) the award and use of discretionary funds allocated for general aviation airports by every such airport. Such report shall also include the status of ongoing projects funded in whole or in part by the Commonwealth Airport Fund pursuant to subdivision A 3 of § 58.1-638.

2. The Board shall have the right to withhold entitlement funds allocated pursuant to subdivision A 3 a of § 58.1-638 in the event that the entitlement utilization plan is not approved by the Board or the airport uses the funds in a manner that is inconsistent with the approved plan.

F. It is the intent of the General Assembly that state moneys allocated pursuant to § 33.2-1526.6 shall not be used for (i) operating costs unless otherwise approved by the Virginia Aviation Board, or (ii) purposes related to supporting the operation of an airline, either directly or indirectly, through grants, credit enhancements, or other related means.

433.	Air Transportation System Planning, Regulation, Communication and Education (65500).....			\$3,655,727	\$3,655,727
	Aviation Licensing and Regulation (65501).....	\$278,000	\$278,000		
	Aviation Communication and Education (65502).....	\$1,360,312	\$1,360,312		
	General Aviation Personnel Development (65503)..	\$26,400	\$26,400		
	Air Transportation Planning and Development (65504).....	\$1,991,015	\$1,991,015		
	Fund Sources: Commonwealth Transportation.....	\$3,155,727	\$3,155,727		

ITEM 433.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
	Federal Trust.....	\$500,000	\$500,000	
	Authority: Title 5.1, Chapter 1, Code of Virginia.			
434.	State Aircraft Flight Operations (65600).....		\$2,958,246	\$2,958,246
	State Aircraft Operations and Maintenance (65602)....	\$2,958,246	\$2,958,246	
	Fund Sources: General.....	\$30,246	\$30,246	
	Commonwealth Transportation.....	\$2,928,000	\$2,928,000	
	Authority: Title 5.1, Chapter 1, Code of Virginia.			
435.	Administrative and Support Services (69900).....		\$2,821,422	\$2,821,422
	General Management and Direction (69901).....	\$2,821,422	\$2,821,422	
	Fund Sources: Commonwealth Transportation.....	\$2,821,422	\$2,821,422	
	Authority: Title 5.1, Chapter 1, Code of Virginia.			
	A. The Director, Department of Aviation, shall prepare general guidelines regarding aircraft acquisition and use that shall include a requirement for state agencies to develop written policies on usage, charge rates and record-keeping. The Director shall examine the aircraft needs of state agencies and determine the most efficient and effective method of organizing and managing the Commonwealth's aircraft operations. The Director shall implement the aircraft management system he determines to be most suitable and revise it periodically as the need arises.			
	B. The Virginia Aviation Board and the Department of Aviation may obligate funds in excess of the current biennium appropriation for aviation financial assistance programs supported by the Commonwealth Transportation Fund provided 1) sufficient cash is available to cover projected costs in each year and 2) sufficient revenues are projected to meet all cash obligations for new obligations as well as all other commitments and appropriations approved by the General Assembly in the biennial budget.			
	Total for Department of Aviation.....		\$39,986,870	\$42,586,870
	Nongeneral Fund Positions.....	37.00	37.00	
	Position Level.....	37.00	37.00	
	Fund Sources: General.....	\$30,246	\$30,246	
	Commonwealth Transportation.....	\$39,456,624	\$42,056,624	
	Federal Trust.....	\$500,000	\$500,000	

§ 1-122. DEPARTMENT OF MOTOR VEHICLES (154)

436.	Ground Transportation Regulation (60100).....		\$216,673,180	\$216,673,180
	Customer Service Centers Operations (60101).....	\$156,643,065	\$156,643,065	
	Ground Transportation Regulation and Enforcement (60103).....	\$45,505,878	\$45,505,878	
	Motor Carrier Regulation Services (60105).....	\$14,524,237	\$14,524,237	
	Fund Sources: Commonwealth Transportation.....	\$209,226,580	\$209,226,580	
	Trust and Agency.....	\$5,446,600	\$5,446,600	
	Federal Trust.....	\$2,000,000	\$2,000,000	

Authority: Title 46.2, Chapters 1, 2, 3, 6, 8, 10, 12, 15, 16, and 17; §§ 18.2-266 through 18.2-272; Title 58.1, Chapters 21 and 24, Code of Virginia. Title 33, Chapter 4, United States Code.

A. The Commissioner, Department of Motor Vehicles, is authorized to establish, where feasible and cost efficient, contracts with private/public partnerships with commercial operations, to provide for simplification and streamlining of service to citizens through electronic means. Provided, however, that such commercial operations shall not be entitled to compensation as established under § 46.2-205, Code of Virginia, but rather at rates limited to those established by the commissioner.

ITEM 436.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022

B. The Department of Motor Vehicles shall work to increase the use of alternative service delivery methods, which may include offering discounts on certain transactions conducted online, as determined by the department. As part of its effort to shift customers to internet usage where applicable, the department shall not charge its customers for the use of credit cards for internet or other types of transactions; however, this restriction shall not apply with respect to any credit or debit card transactions the department conducts on behalf of another agency, provided (i) the other agency is authorized to charge customers for the use of credit or debit cards and (ii) the merchant's fees and other transaction costs imposed by the card issuer are charged to the department.

C. In order to provide citizens of the Commonwealth greater access to the Department of Motor Vehicles, the agency is authorized to enter into an agreement with any local constitutional officer or combination of officers to act as a license agent for the department, with the consent of the chief administrative officer of the constitutional officer's county or city, and to negotiate a separate compensation schedule for such office other than the schedule set out in § 46.2-205, Code of Virginia. Notwithstanding any other provision of law, any compensation due to a constitutional officer serving as a license agent shall be remitted by the department to the officer's county or city on a monthly basis, and not less than 80 percent of the sums so remitted shall be appropriated by such county or city to the office of the constitutional officer to compensate such officer for the additional work involved with processing transactions for the department. Funds appropriated to the constitutional office for such work shall not be used to supplant existing local funding for such office, nor to reduce the local share of the Compensation Board-approved budget for such office below the level established pursuant to general law.

D. The base compensation for DMV Select Agents shall be set at 4.5 percent of gross collections for the first \$500,000 and 5.0 percent of all gross collections in excess of \$500,000 made by the entity during each fiscal year on such state taxes and fees in place as a matter of law. The commissioner shall supply the agents with all necessary agency forms to provide services to the public, and shall cause to be paid all freight and postage, but shall not be responsible for any extra clerk hire or other business-related expenses or business equipment expenses occasioned by their duties.

E. Out of the amounts identified in this Item, an amount estimated at \$372,006 the first year and \$372,006 the second year from the Commonwealth Transportation Fund shall be paid to the Washington Metropolitan Area Transit Commission.

F.1. Notwithstanding any other provision of law, the department shall assess a minimum fee of \$15 for all titles. The revenue generated from this fee shall be set aside to meet the expenses of the department.

2. Notwithstanding any other provision of law, the department shall assess a \$10 late fee on all registration renewal transactions that occur after the expiration date. The late fee shall not apply to those exceptions granted under § 46.2-221.4, Code of Virginia. In assessing the late renewal fee the department shall provide a ten day grace period for transactions conducted by mail to allow for administrative processing. This grace period shall not apply to registration renewals for vehicles registered under the International Registration Plan. The revenue generated from this fee shall be set aside to meet the expenses of the department.

3. Notwithstanding any other provision of law, the department shall establish a \$20 minimum fee for original driver's licenses and replacements. The revenue generated from this fee shall be set aside to meet the expenses of the department.

G. The Department of Motor Vehicles is hereby granted approval to renew or extend existing capital leases due to expire during the current biennium for existing customer service centers.

H. The Department of Motor Vehicles is hereby appropriated revenues from the additional sales tax on fuel in certain transportation districts to recover the direct cost of administration incurred by the department in implementing and collecting this tax as provided by § 58.1-2295, Code of Virginia.

ITEM 436.	Item Details(\$)		Appropriations(\$)		
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022	
<p>I. The Commissioner of the Department of Motor Vehicles, in consultation with the Commissioner of Highways, shall take such steps as may be necessary to expand access to the E-ZPass program through its customer service channels using such locations and methods as are practicable.</p>					
<p>J. The Department of Motor Vehicles is hereby granted approval to distribute the transactional charges of the Cardinal accounting system to state agencies, when the transactions involve funds passed through the department to the benefiting agency. This paragraph shall not pertain to Direct Aid to Public Education.</p>					
<p>K. The Department of Motor Vehicles is hereby granted approval to distribute a portion of its indirect cost allocation charge to another state agency when the charge is related to revenue collected and transferred by the department to the state agency. Such transfers shall be based on the agency's proportionate share of the department's total transactions in the immediately preceding fiscal year. The Department shall annually submit to the Department of Planning and Budget a summary of the transfer amounts and the transaction volumes used to allocate the internal cost amounts.</p>					
<p>L. Notwithstanding § 46.2-688, Code of Virginia, the Department of Motor Vehicles shall not be required to refund a proration of the total cost of a motor vehicle registration when less than six months remain in the registration period. Any resulting savings shall be retained and used to meet the expenses of the Department.</p>					
<p>M. Notwithstanding § 46.2-342, Code of Virginia, the Department of Motor Vehicles shall not be required to include organ donation brochures with every driver's license renewal notice or application mailed to licensed drivers.</p>					
<p>N. The Commissioner shall only refuse to issue or renew any vehicle registration pursuant to subsection L of § 46.2-819.3:1 of an operator or owner of a vehicle who has no prior resolution, whether that resolution is by settlement or conviction, for offenses under § 46.2-819.3:1 if, in addition to the conditions set forth in subsection L of § 46.2-819.3:1 for such refusal, the toll operator has offered the individual a settlement of no more than \$2,200.</p>					
<p>O. The Department is authorized to impose a \$10 surcharge on all first issuances of REAL ID compliant credentials that are acceptable for federal purposes.</p>					
437.	Ground Transportation System Safety Services (60500).....			\$7,279,329	\$7,279,329
	Highway Safety Services (60508).....	\$7,279,329	\$7,279,329		
	Fund Sources: Commonwealth Transportation.....	\$5,547,005	\$5,547,005		
	Federal Trust.....	\$1,732,324	\$1,732,324		
<p>Authority: §§ 46.2-222 through 46.2-224, Code of Virginia; Chapter 4, United States Code.</p>					
438.	Administrative and Support Services (69900).....			\$91,579,974	\$95,579,974
	General Management and Direction (69901).....	\$47,205,139	\$51,205,139		
	Information Technology Services (69902).....	\$39,136,307	\$39,136,307		
	Facilities and Grounds Management Services (69915).....	\$5,238,528	\$5,238,528		
	Fund Sources: Commonwealth Transportation.....	\$89,342,974	\$93,342,974		
	Federal Trust.....	\$2,237,000	\$2,237,000		
<p>Authority: Title 46.2, Chapters 1 and 2, and § 46.2-214.3; Title 58.1, Chapters 17, 21, and 24, Code of Virginia.</p>					
<p>The Department of Transportation shall reimburse the Department of Motor Vehicles for the operating costs of the Fuels Tax Evasion Program.</p>					
	Total for Department of Motor Vehicles.....			\$315,532,483	\$319,532,483
	Nongeneral Fund Positions.....	2,222.00	2,162.00		
	Position Level.....	2,222.00	2,162.00		
	Fund Sources: Commonwealth Transportation.....	\$304,116,559	\$308,116,559		

ITEM 438.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022
Trust and Agency.....	\$5,446,600	\$5,446,600		
Federal Trust.....	\$5,969,324	\$5,969,324		

Department of Motor Vehicles Transfer Payments (530)

439.	Ground Transportation System Safety Services (60500).....			\$26,255,029	\$26,255,029
	Financial Assistance for Transportation Safety (60507).....	\$26,255,029	\$26,255,029		
	Fund Sources: Federal Trust.....	\$26,255,029	\$26,255,029		

Authority: §§ 46.2-222 through 46.2-223, Code of Virginia; Chapter 4, United States Code.

440.	Financial Assistance to Localities - General (72800).....			\$206,684,609	\$210,997,317
	Financial Assistance to Localities - Mobile Home Tax (72803).....	\$5,500,000	\$5,500,000		
	Financial Assistance to Localities for the Disposal of Abandoned Vehicles (72814).....	\$391,500	\$391,500		
	Distribution of Sales Tax on Fuel in Certain Transportation Districts (72815).....	\$200,793,109	\$205,105,817		
	Fund Sources: Commonwealth Transportation.....	\$47,484,609	\$51,797,317		
	Trust and Agency.....	\$5,500,000	\$5,500,000		
	Dedicated Special Revenue.....	\$153,700,000	\$153,700,000		

Authority: §§ 46.2-416, 58.1-2402, and 58.1-2425, and 46.2-1200 through 46.2-1207, Code of Virginia.

A. Funds collected pursuant to § 58.1-2291 et seq., Code of Virginia, from the additional sales tax on fuel in certain transportation districts under § 58.1-2291 et seq., Code of Virginia, shall be returned to the respective commissions in amounts equivalent to the shares collected in the respective member jurisdictions. The amounts generated from the sales tax on fuel in certain transportation districts in this item are estimated at \$54,900,000 in the Northern Virginia Transportation Commission, \$36,600,000 in the Potomac and Rappahannock Transportation Commission, \$72,300,000 in the Hampton Roads Transportation Accountability Commission, \$47,093,109 in the Central Virginia Transportation Authority and \$60,200,000 to the Interstate 81 Corridor Improvement Fund in the first year and \$55,000,000 in the Northern Virginia Transportation Commission, \$36,600,000 in the Potomac and Rappahannock Transportation Commission, \$72,300,000 in the Hampton Roads Transportation Accountability Commission, \$51,405,817 in the Central Virginia Transportation Authority and \$60,200,000 to the Interstate 81 Corridor Improvement Fund in the second year. These estimates are listed for informational purposes only.

B. Notwithstanding any other provision of law, the Commissioner may divulge tax information collected pursuant to § 58.1-2291 et seq., Code of Virginia, to the executive director or designee of the Northern Virginia Transportation Commission, the Potomac and Rappahannock Transportation Commission, the Central Virginia Transportation Authority, and the Hampton Roads Transportation Accountability Commission for their confidential use of such tax information as may be necessary to facilitate the collection of the taxes collected in the respective member jurisdictions. Any person to whom tax information is divulged pursuant to this section shall be subject to the prohibitions and penalties prescribed in § 58.1-3, Code of Virginia, as though that person were a tax official as defined in that section.

	Total for Department of Motor Vehicles Transfer Payments.....			\$232,939,638	\$237,252,346
	Fund Sources: Commonwealth Transportation.....	\$47,484,609	\$51,797,317		
	Trust and Agency.....	\$5,500,000	\$5,500,000		
	Dedicated Special Revenue.....	\$153,700,000	\$153,700,000		
	Federal Trust.....	\$26,255,029	\$26,255,029		

ITEM 440.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Grand Total for Department of Motor Vehicles.....			\$548,472,121	\$556,784,829
Nongeneral Fund Positions.....	2,222.00	2,162.00		
Position Level.....	2,222.00	2,162.00		
Fund Sources: Commonwealth Transportation.....	\$351,601,168	\$359,913,876		
Trust and Agency.....	\$10,946,600	\$10,946,600		
Dedicated Special Revenue.....	\$153,700,000	\$153,700,000		
Federal Trust.....	\$32,224,353	\$32,224,353		

§ 1-123. DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION (505)

441.	Ground Transportation Planning and Research (60200).....			\$3,347,198	\$3,347,198
	Rail and Public Transportation Planning, Regulation, and Safety (60203).....	\$3,347,198	\$3,347,198		
	Fund Sources: Commonwealth Transportation.....	\$3,347,198	\$3,347,198		
	Authority: Titles 33.2 and 58.1, Code of Virginia.				
442.	Financial Assistance for Public Transportation (60900).....			\$699,845,958	\$713,045,958
	Public Transportation Programs (60901).....	\$520,042,153	\$535,042,153		
	Congestion Management Programs (60902).....	\$8,741,503	\$8,741,503		
	Human Service Transportation Programs (60903).....	\$9,862,302	\$9,862,302		
	Distribution of Washington Metropolitan Area Transit Authority Capital Fund Revenues (60905).....	\$161,200,000	\$159,400,000		
	Fund Sources: Special.....	\$1,139,844	\$1,139,844		
	Commonwealth Transportation.....	\$537,506,114	\$552,506,114		
	Dedicated Special Revenue.....	\$161,200,000	\$159,400,000		

Authority: Titles 33.2 and 58.1, Code of Virginia.

A.1. Except as provided in Item 444, the Commonwealth Transportation Board shall allocate all monies in the Commonwealth Mass Transit Fund, as provided herein and in § 33.2-1526.1, Code of Virginia. The total appropriation for the Commonwealth Mass Transit Fund is estimated to be \$387,900,000 the first year and \$423,800,000 the second year from the Transportation Trust Fund. From these funds, the following estimated allocations shall be made:

a. \$107,400,000 the first year and \$114,560,000 the second year to statewide Operating Assistance as provided in § 33.2-1526.1, Code of Virginia.

b. \$56,264,000 the first year and \$66,305,000 the second year from the Commonwealth Mass Transit Fund to statewide Capital Assistance.

c. \$170,679,000 the first year and \$171,288,000 the second year from the Commonwealth Mass Transit Fund to the Northern Virginia Transportation Commission to support the operating and capital costs of the Washington Metropolitan Area Transit Authority.

d. Notwithstanding the provisions of paragraph A.1.a, A.1.b, and A.1.c of this item, prior to the annual adoption of the Six-Year Improvement Program, the Commonwealth Transportation Board may allocate funding from the Commonwealth Mass Transit Fund to implement the transit and transportation demand management improvements identified for the I-95 corridor. Such costs shall include only direct transit capital and operating costs as well as transportation demand management activities. Costs associated with additional park and ride lots required to be funded by the Commonwealth under the provisions of the Comprehensive Agreement for the Interstate 95 High Occupancy Toll Lanes project shall be borne by the Department of Transportation as set out in Item 447 of this act.

2. Included in this item is \$1,500,000 the first year and \$1,500,000 the second year from the Commonwealth Mass Transit Trust Fund. These allocations are designated for "paratransit" capital projects and enhanced transportation services for the elderly and disabled.

ITEM 442.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
3. Included in this item is an amount estimated at \$2,000,000 the first year and \$2,000,000 the second year from the Commonwealth Mass Transit Trust Fund. These allocations are designated for federally mandated state safety oversight of fixed rail guideway transit agencies located in the Commonwealth.				
4. Included in this item is \$50,000,000 the first year as provided in Chapters 854 and 856 of the 2018 Acts of Assembly and \$50,000,000 the second year from the Commonwealth Mass Transit Fund for the state match for the Passenger Rail Investment and Improvement Act (PRIIA) funding.				
B. Funds from a stable and reliable source, as required in Public Law 96-184, as amended, are to be provided to Metro from payments authorized and allocated in this program and pursuant to §58.1-2295, Code of Virginia. Notwithstanding any other provision of law, funds allocated to Metro under this program may be disbursed by the Department of Rail and Public Transportation directly to Metro or to any other transportation entity that has an agreement to provide funding to Metro as deemed appropriate by the Department. In appointing the Virginia members of the board of directors of the Washington Metropolitan Area Transit Authority (WMATA), the Northern Virginia Transportation Commission shall include the Secretary of Transportation or his designee as a principal member on the WMATA board of directors.				
C. All Commonwealth Mass Transit Funds appropriated for Financial Assistance for Public Transportation shall be used only for public transportation purposes as defined by the Federal Transit Administration or outlined in § 33.2-1526.1, Code of Virginia.				
D. It is the intent of the General Assembly that no transit operating assistance funding, as provided in A.1.a. of this item, be used to support any new transit system or route at a level higher than such project would be eligible for under the allocation formula set out in § 33.2-1526.1 C. 1., Code of Virginia, beyond the first two years of its operation.				
E. Distribution of Washington Metropolitan Area Transit Authority Capital Fund Revenues represents direct payments, of the revenue collected and deposited into the Fund, to the Washington Metropolitan Area Transit Authority for uses pursuant to Chapter 34 of Title 33.2, Code of Virginia.				
F. The Department of Rail and Public Transportation, in cooperation with Fairfax and Prince William counties, shall evaluate enhanced public transportation services from the Franconia-Springfield Metro Station to Fort Belvoir, Lorton, Potomac Mills, and Marine Corps Base Quantico in Prince William County, including the cost and feasibility of extending the Blue Line and other multimodal options such as bus rapid transit along Interstate 95 and U.S. Route 1. The Director of the Department of Rail and Public Transportation shall submit a report of its findings to the Chairs of the House Appropriations Committee and the Senate Finance and Appropriations Committee by December 1, 2021.				
G. The Department of Rail and Public Transportation shall evaluate enhanced public transportation services from the City of Roanoke to the town of Clifton Forge for the purpose of enhanced connectivity to existing Amtrak service, including the potential ridership, cost and feasibility of multimodal transportation options along the Interstate 81 and U.S. Route 220 corridors. The Department shall complete its investigation and report to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees no later than June 30, 2021.				
H.1. The Chairman of the Northern Virginia Transportation Commission shall convene a workgroup which includes the Director of the Department of Rail and Public Transportation, local government representatives, and private sector stakeholders to review the impact of the three percent cap on operating assistance in the approved WMATA budget pursuant to § 33.2-1526.1.J., Code of Virginia. The workgroup shall report to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees by November 10, 2020, on the usefulness of the cap and whether additional items should be excluded.				
2. The Department of Rail and Public Transportation shall provide staff support for the workgroup.				

ITEM 442.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
443.				
Financial Assistance for Rail Programs (61000).....			\$137,107,434	\$197,112,195
Rail Industrial Access (61001).....	\$3,000,000	\$3,000,000		
Rail Preservation Programs (61002).....	\$14,523,370	\$14,523,370		
Passenger and Freight Rail Financial Assistance Programs (61003).....	\$119,584,064	\$179,588,825		
Fund Sources: Special.....	\$1,000,000	\$1,000,000		
Commonwealth Transportation.....	\$136,107,434	\$196,112,195		

Authority: Title 33.2, Code of Virginia.

A. Except as provided in Item 444, the Commonwealth Transportation Board shall operate the Shortline Railway Preservation and Development program in accordance with § 33.2-1602, Code of Virginia. As determined by the board, funds apportioned pursuant to § 33.2-1526, Code of Virginia, shall be appropriated to the Shortline Railway Preservation and Development Program. Total funding appropriated to the Shortline Railway Preservation and Development Program from this source shall not exceed \$4,000,000 the first year and \$4,000,000 the second year.

B. The Commonwealth Transportation Board shall operate the Rail Industrial Access Program in accordance with § 33.2-1600, Code of Virginia. The board may allocate funds pursuant to § 33.2-358, Code of Virginia, to the fund for construction of industrial access railroad tracks.

C. Of the funds appropriated pursuant to Chapters 1019 and 1044 of the 2000 Acts of Assembly for passenger rail capacity improvements in the I-95 passenger rail corridor between Richmond and the District of Columbia, the Director of the Department of Rail and Public Transportation is authorized to utilize any remaining funds along the described corridor for the development of intercity passenger rail enhancements to include rail improvements and passenger station facilities.

D. Notwithstanding the provisions of § 33.2-1526.2 C, the distribution of funds in the Commonwealth Rail Fund shall be:

1. Remaining balances as of June 30, 2020 in the Rail Enhancement Fund pursuant to § 33.2-1601 and the Intercity Rail Operating and Capital Fund pursuant to § 33.2-1603 shall be transferred to the Commonwealth Rail Fund.

2. In order to facilitate the financing activities of the Virginia Passenger Rail Authority, all cash balances as of July 1, 2020 shall be transferred to the Authority from the Commonwealth Rail Fund. This transfer shall not be transacted until after an agreement has been fully executed between the Department and the Authority that requires funds to be transferred from the Authority to the Department for the prompt payment of any expenditures on the projects administered by the Department.

E. Because of the overwhelming need for the delivery of services provided by the investment in a balanced transportation system in the Commonwealth, and in an effort to deliver intercity passenger trains utilizing the Commonwealth's investments and to increase passenger train frequencies to Norfolk and Roanoke, notwithstanding the provisions of § 33.2-1601 and § 33.2-1603, Code of Virginia, the Commonwealth Transportation Board may only make further investments in intercity passenger rail capacity to serve new markets in North Carolina, provided the Six-Year Improvement Plan adopted pursuant to § 33.2-214, Code of Virginia includes sufficient funding to complete projects underway to deliver train capacity improvements and provides the funding for service for additional passenger rail frequency to Norfolk and an extension of passenger rail to Roanoke.

F. The Department of Rail and Public Transit shall evaluate the operating and capital costs associated with an extension of the Virginia Railway Express commuter rail service from Manassas to Gainesville. The Director of the Department of Rail and Public Transportation shall submit an evaluation of these costs to the Governor, the Chairs of the House Appropriations Committee and the Senate Finance and Appropriations Committee by June 30, 2021.

G. Out of the amounts in this item for Passenger and Freight Rail Assistance Programs, such funding as may be necessary is allocated to study the feasibility of an east-west

ITEM 443.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
	Commonwealth Corridor passenger rail service connecting Hampton Roads, Richmond, and the New River Valley consistent with the provisions of Senate Joint Resolution 50 of the 2020 General Assembly.			
444.	Administrative and Support Services (69900).....		\$21,949,965	\$21,949,965
	General Management and Direction (69901).....	\$21,949,965	\$21,949,965	
	Fund Sources: Commonwealth Transportation.....	\$21,949,965	\$21,949,965	
	Authority: Titles 33.2 and 58.1, Code of Virginia.			
	A. The Director, Department of Planning and Budget, is authorized to adjust appropriations and allotments for the Department of Rail and Public Transportation to reflect changes in the official revenue estimates for commonwealth transportation funds.			
	B. The Commonwealth Transportation Board may allocate up to 5 percent of the revenues available each year in the funds established pursuant to §§ 33.2-1602, 33.2-1526 and revenues allocated to the Department pursuant to 33.2-1526 .2 to support costs of project development, project administration and project compliance incurred by the Department of Rail and Public Transportation in implementing rail, public transportation, and congestion management programs and grants .			
	Total for Department of Rail and Public Transportation.....		\$862,250,555	\$935,455,316
	Nongeneral Fund Positions.....	72.00	72.00	
	Position Level.....	72.00	72.00	
	Fund Sources: Special.....	\$2,139,844	\$2,139,844	
	Commonwealth Transportation.....	\$698,910,711	\$773,915,472	
	Dedicated Special Revenue.....	\$161,200,000	\$159,400,000	

§ 1-124. DEPARTMENT OF TRANSPORTATION (501)

445.	Environmental Monitoring and Evaluation (51400).		\$41,251,696	\$40,393,808
	Environmental Monitoring and Compliance for Highway Projects (51408).....	\$9,045,617	\$7,202,424	
	Environmental Monitoring Program Management and Direction (51409).....	\$3,440,377	\$3,524,370	
	Municipal Separate Storm Sewer System (MS4) Compliance Activities (51410).....	\$28,765,702	\$29,667,014	
	Fund Sources: Commonwealth Transportation.....	\$41,251,696	\$40,393,808	
446.	Ground Transportation Planning and Research (60200).....		\$79,246,937	\$80,727,359
	Ground Transportation System Planning (60201)....	\$65,131,549	\$66,347,417	
	Ground Transportation System Research (60202)....	\$9,819,773	\$9,985,541	
	Ground Transportation Program Management and Direction (60204).....	\$4,295,615	\$4,394,401	
	Fund Sources: Commonwealth Transportation.....	\$79,246,937	\$80,727,359	

Authority: Title 33.2, Code of Virginia.

A. Included in the amount for ground transportation system planning and research is no less than \$6,500,000 the first year and no less than \$6,500,000 the second year from the highway share of the Transportation Trust Fund for the planning and evaluation of options to address transportation needs. Included in the amounts in this item, \$50,000 the first year from the allocations to the Office of Intermodal Planning and Investment is provided for sponsorship support of the fifth annual Mobility Talks International (MTI) Conference in January, 2021. The Director of the Office of Innovation shall actively identify and engage connected and autonomous vehicle stakeholders in the Commonwealth in order to most effectively maximize the return on investment from participation in the MTI Conference for the operation of unmanned systems throughout Virginia.

ITEM 446.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<p>B. In addition, the Commonwealth Transportation Board may approve the expenditures of up to \$500,000 the first year and \$500,000 the second year from the highway share of the Transportation Trust Fund for the completion of advance activities, prior to the initiation of an individual project's design along existing highway corridors, to determine short-term and long-term improvements to the corridor. Such activities shall consider safety, access management, alternative modes, operations, and infrastructure improvements. Such funds shall be used for, but are not limited to, the completion of activities prior to the initiation of an individual project's design or to benefit identification of needs throughout the state or the prioritization of those needs. For federally eligible activities, the activity or item shall be included in the Commonwealth Transportation Board's annual update of the Six-Year Improvement program so that (i) appropriate federal funds may be allocated and reimbursed for the activities and (ii) all requirements of the federal Statewide Transportation Improvement Program can be achieved.</p> <p>C. Notwithstanding the provisions of Chapter 729 and Chapter 733 of the 2012 Acts of Assembly, the Commonwealth Transportation Board shall not reallocate any funds from projects on roadways controlled by any county that has withdrawn or elects to withdraw from the secondary system of state highways, nor from any roadway controlled by a city or town as part of the state's urban roadway system, based on a determination of nonconformity with the Commonwealth Transportation Board's Statewide Transportation Plan or the Six-Year Improvement Program. In jurisdictions that maintain roadways within their boundaries, the provisions of § 33.2-214, Code of Virginia, shall apply only to highways controlled by the Department of Transportation.</p> <p>D. The prioritization process developed under § 33.2-214.1, Code of Virginia, shall not apply to use of funds provided in this Item from the federal apportionments in the State Planning and Research Program.</p> <p>E. The Department, in conducting any study of the Interstate 664 corridor in south Hampton Roads shall, in consultation with the Department of Rail and Public Transportation and the Virginia Port Authority, review and consider potential future rail needs along the corridor including the long range development plan for the Port and the development of the Craney Island Marine Terminal.</p>				
447.	Highway Construction Programs (60300).....		\$3,940,168,510	\$3,526,879,330
	Highway Construction Program Management (60315).....	\$44,411,280	\$45,435,461	
	State of Good Repair Program (60320).....	\$376,915,335	\$330,097,687	
	High Priority Projects Program (60321).....	\$324,470,484	\$300,259,697	
	Construction District Grant Programs (60322).....	\$409,470,484	\$392,659,697	
	Specialized State and Federal Programs (60323).....	\$2,542,600,927	\$2,216,126,788	
	Legacy Construction Formula Programs (60324).....	\$242,300,000	\$242,300,000	
	Fund Sources: Commonwealth Transportation.....	\$3,469,868,510	\$2,890,004,330	
	Trust and Agency.....	\$338,800,000	\$475,975,000	
	Dedicated Special Revenue.....	\$131,500,000	\$160,900,000	

Authority: Title 33.2, Chapter 3; Code of Virginia; Chapters 8, 9, and 12, Acts of Assembly of 1989, Special Session II.

A. From the appropriation for specialized state and federal programs funds shall be distributed as follows:

1. An estimated \$115,575,647 the first year and \$117,783,238 the second year in federal state and matching funds shall be allocated for regional Surface Transportation Block Grant Funds and distributed to applicable metropolitan planning organizations pursuant to 23 USC 133;
2. An estimated \$53,122,502 the first year and \$53,122,502 the second year in federal and state matching funds shall be allocated for the Highway Safety Improvement Program pursuant to 23 USC 148;
3. An estimated \$83,848,855 the first year and \$82,345,399 the second year in federal and state matching funds shall be allocated for the Congestion Mitigation Air Quality program pursuant to 23 USC 149;

ITEM 447.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
4. \$100,000,000 the first year and \$100,000,000 the second year shall be allocated for the Revenue Sharing Program pursuant to § 33.2-357, Code of Virginia;				
5. An estimated \$20,265,939 the first year and \$20,087,475 the second year in federal funds shall be allocated for the Surface Transportation Block Grant Program Set-Aside to 23 USC 133(h).				
6. An estimated \$1,188,994,340 the first year and \$773,603,367 the second year in appropriation represents the estimated project participation costs from localities and regional entities.				
7. \$218,400,000 the second year in this appropriation represents the bond proceeds to be used for the Route 58 Corridor Development Program.				
8. \$2,000,000 the first year and \$2,000,000 the second year in state funds shall be allocated to the Virginia Transportation Infrastructure Bank pursuant to § 33.2-1500 et seq. Code of Virginia.				
9. \$1,000,000 the first year and \$1,000,000 the second year in state funds shall be allocated to the Transportation Partnership Opportunity Fund pursuant to § 33.2-1529.1, Code of Virginia.				
B. Notwithstanding § 33.2-358, Code of Virginia, the proceeds from the lease or sale of surplus and residue property purchased under this program in excess of related costs shall be applied to the State of Good Repair Program pursuant to § 33.2-369, Code of Virginia. Proceeds must be used on Federal Title 23 eligible projects.				
C. The Director of the Department of Planning and Budget is authorized to increase the appropriation as needed to utilize amounts available from prior year balances in the dedicated funds and adjust items to the most recent Commonwealth Transportation Board budget.				
D. Funds appropriated for legacy formula construction programs shall be used for the purposes enumerated in subsection C of § 33.2-358, Code of Virginia, or as previously appropriated.				
E. Included in the amounts for specialized state and federal programs is the reappropriation of \$280,300,000 the first year and \$222,300,000 the second year from bond proceeds or dedicated special revenues for anticipated expenditure of amounts collected in prior years. The amounts will be provided from balances in the Capital Projects Revenue Bond Fund, Federal Transportation Grant Anticipation Revenue Bond Fund, Northern Virginia Transportation District Fund, State Route 28 Highway Improvement District Fund, U.S. Route 58 Corridor Development Fund and the Priority Transportation Fund. These amounts were originally appropriated when received or forecasted and are not related to estimated revenues of the current biennium.				
F. The Director of the Department of Planning and Budget is authorized to increase the appropriation as needed to utilize amounts available from prior year balances in the Concession Payments Account to support project activities.				
G. The Commissioner shall promulgate policies, regulations, and guidelines for Transportation Alternative Set-Aside Grants and other locally administered projects that, to the maximum extent permissible under 23 CFR 365.105, authorize full-time employees of a planning district commission established pursuant to the Regional Cooperation Act of 1968, § 15.2-4200. et. seq. Code of Virginia, who have obtained qualified status to serve as the responsible charge under the Locally Administered Projects Qualification Program requirements of the Federal Highway Administration.				
448. Highway System Maintenance and Operations (60400).....			\$1,943,719,494	\$1,975,486,943
Interstate Maintenance (60401).....	\$468,871,915	\$487,159,465		
Primary Maintenance (60402).....	\$606,000,140	\$609,008,437		
Secondary Maintenance (60403).....	\$583,900,139	\$593,156,733		
Transportation Operations Services (60404).....	\$204,227,357	\$205,442,365		

ITEM 448.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Highway Maintenance Operations, Program Management and Direction (60405).....	\$80,719,943	\$80,719,943		
Fund Sources: Commonwealth Transportation.....	\$1,943,719,494	\$1,975,486,943		
<p>A. The department is authorized to enter into agreements with state and local law enforcement officials to facilitate the enforcement of high occupancy vehicle (HOV) restrictions throughout the Commonwealth and metropolitan planning regions.</p> <p>B. Should federal law be changed to permit privatization of rest area operations, the department is hereby authorized to accept or solicit proposals for their development and/or operation.</p> <p>C. The Director, Department of Planning and Budget, is authorized to increase the appropriation in this Item as needed to utilize amounts available from prior year balances in the dedicated funds.</p> <p>D. The Commissioner's annual report pursuant to § 33.2-232, Code of Virginia, shall include an assessment of whether the department has met its secondary road pavement targets, by district and on a statewide basis.</p>				
449. Statewide Special Structures (61400).....			\$20,000,000	\$20,000,000
Statewide Special Structures - Construction (61401)...	\$10,000,000	\$10,000,000		
Statewide Special Structures - Maintenance (61402)...	\$10,000,000	\$10,000,000		
Fund Sources: Commonwealth Transportation.....	\$20,000,000	\$20,000,000		
450. Commonwealth Toll Facilities (60600).....			\$93,282,258	\$93,642,614
Toll Facility Debt Service (60602).....	\$3,187,600	\$0		
Toll Facility Maintenance And Operation (60603).....	\$53,344,658	\$56,892,614		
Toll Facilities Revolving Fund (60604).....	\$36,750,000	\$36,750,000		
Fund Sources: Commonwealth Transportation.....	\$87,282,258	\$87,642,614		
Trust and Agency.....	\$6,000,000	\$6,000,000		
<p>Authority: §§ 33.2-1524 and 33.2-1700 through 33.2-1729, Code of Virginia.</p> <p>A. Included in this Item are funds for the installation and implementation of a statewide Electronic Toll Customer Service/Violation Enforcement System.</p> <p>B. It is the intent of the General Assembly that the toll revenues, and any bond proceeds or concession payments backed by such toll revenues, derived from the express lanes on Interstate 64 between the interchange of Interstate 64 with Interstate 664 and the interchange of Interstate 64 with Interstate 564 be used to reduce the necessary contribution from the Hampton Roads Transportation Accountability Commission established pursuant Chapter 26 of Title 33.2, Code of Virginia, for a project to expand the capacity of Interstate 64 between the interchange of Interstate 64 with Interstate 664 and the interchange of Interstate 64 with Interstate 564. However, such funds may be used to support other related projects if mutually agreed upon by the Hampton Roads Transportation Accountability Commission and the Commonwealth Transportation Board.</p> <p>C. The Department shall not charge a fee to customers who have a EZ Pass flex or standard transponder based on the transponder not being used or being infrequently used.</p>				
451. Financial Assistance to Localities for Ground Transportation (60700).....			\$1,167,705,342	\$1,185,349,334
Financial Assistance for City Road Maintenance (60701).....	\$401,959,093	\$415,141,162		
Financial Assistance for County Road Maintenance (60702).....	\$70,445,497	\$70,708,334		
Financial Assistance for Planning, Access Roads, and Special Projects (60704).....	\$15,896,079	\$16,047,313		
Distribution of Northern Virginia Transportation Authority Fund Revenues (60706).....	\$304,600,000	\$310,100,000		
Distribution of Hampton Roads Transportation Fund Revenues (60707).....	\$242,400,000	\$226,600,000		

ITEM 451.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022
Distribution of Central Virginia Transportation Fund Revenues (60710).....	\$132,404,673	\$146,752,525		
Fund Sources: Commonwealth Transportation.....	\$488,300,669	\$501,896,809		
Dedicated Special Revenue.....	\$679,404,673	\$683,452,525		

Authority: Title 33.2, Chapter 1, Code of Virginia.

A. Out of the amounts for Financial Assistance for Planning, Access Road, and Special Projects, \$7,000,000 the first year and \$7,000,000 the second year from the Commonwealth Transportation Fund shall be allocated for purposes set forth in §§ 33.2-1509, 33.2-1600, and 33.2-1510, Code of Virginia. Of this amount, the allocation for Recreational Access Roads shall be \$1,500,000 the first year and \$1,500,000 the second year. It is the intent of the General Assembly that up to \$250,000 of the funds allocated by the Commonwealth Transportation Board for Recreational Access Roads in this Item shall be prioritized for handicapped accessibility improvements at Virginia State Parks, including improvements to handicapped access points and parking facility enhancements as may be requested by the Department of Conservation and Recreation.

B. Distribution of Northern Virginia Transportation Authority Fund Revenues represents direct payments, of the revenue collected and deposited into the Fund, to the Northern Virginia Transportation Authority for uses contained in Chapter 766, 2013 Acts of Assembly. Notwithstanding any other provision of law, moneys deposited into the Hampton Roads Transportation Fund shall be transferred to the Hampton Roads Transportation Accountability Commission for use in accordance with § 33.2-2611, Code of Virginia. Distribution of the Central Virginia Transportation Authority Fund revenues represents direct payments, of the revenue collected and deposited into the Fund, to the Central Virginia Transportation Authority for uses contained in House Bill 1541 as enacted by the 2020 General Assembly

C. The prioritization process developed under § 33.2-214.1, Code of Virginia, shall not apply to use of funds provided in this Item from federal apportionments in the Metropolitan Planning Program.

D. Consistent with § 33.2-366, Code of Virginia, the Commonwealth Transportation Board, when establishing annual rates of payments to Counties that have elected to withdraw from the secondary highway system, shall adjust such rate annually with i) procedures established for adjusting payments to cities, and ii) lane mileage adjustments. It is the express intent of the General Assembly that under no circumstance shall the addition of lane miles to one jurisdiction result in the direct or indirect reduction in the calculation of payment to any other jurisdiction receiving payment from funds appropriated for Financial Assistance for County Road Maintenance (60702).

E. The Department of Transportation shall report on an annual basis to the Commonwealth Transportation Board on the impact of adjusting the payments made as part of Financial Assistance to Localities distributions for inflation consistent with adjustments for highway system maintenance and operations.

F. Of the amounts in this item, \$1,000,000 the first year and \$1,000,000 the second year from the Commonwealth Transportation Fund is appropriated for service charges to be paid to localities in which the Virginia Port Authority owns tax-exempt real estate for roadway maintenance activities in the jurisdictions hosting Virginia Port Authority facilities. These payments shall be treated the same as other Commonwealth Transportation Board payments to localities for highway maintenance. These funds shall not be used for other activities nor shall they supplant other local government expenditures for roadway maintenance. These funds shall be distributed to the localities on a pro rata basis in accordance with the formula set out in § 58.1-3403 D, Code of Virginia; however, the proportion of the funds distributed based on cargo traveling through each port facility shall be distributed on a pro rata basis according to twenty-foot equivalent units.

452.	Non-Toll Supported Transportation Debt Service (61200).....			\$411,956,980	\$443,538,983
	Highway Transportation Improvement District Debt Service (61201).....	\$8,644,519	\$8,644,519		

ITEM 452.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Designated Highway Corridor Debt Service (61202)..	\$70,211,176	\$72,065,997		
Commonwealth Transportation Capital Projects Bond Act Debt Service (61204).....	\$198,283,669	\$216,471,053		
Federal Transportation Grant Anticipation Revenue Notes Debt Service (61205).....	\$134,817,616	\$146,357,414		
Fund Sources: Commonwealth Transportation.....	\$176,847,135	\$202,775,769		
Trust and Agency.....	\$228,943,886	\$234,868,489		
Federal Trust.....	\$6,165,959	\$5,894,725		

Authority: Titles 15.2, 33.2, and 58.1 of the Code of Virginia; Chapters 827 and 914, Acts of Assembly of 1990; Chapters 233 and 662, Acts of Assembly of 1994; Chapter 8, as amended by Chapter 538, Acts of Assembly of 1999; Chapters 1019 and 1044, Acts of Assembly of 2000; Chapter 799, Acts of Assembly of 2002; Chapter 896, Acts of Assembly of 2007; and Chapters 830 and 868, Acts of Assembly of 2011

A.1. The amount shown for Highway Transportation Improvement District Construction shall be derived from payments made to the Transportation Trust Fund pursuant to the Contract between the State Route 28 Highway Transportation Improvement District and the Commonwealth Transportation Board dated September 1, 1988 as amended by the Amended and Restated District Contract by and among the Commonwealth Transportation Board, the Fairfax County Economic Development Authority and the State Route 28 Highway Transportation Improvement District Commission (the "District Commission") dated August 30, 2002, and May 1, 2012 (the "District Contract").

2. There is hereby appropriated for payment immediately upon receipt to a third party approved by the Commonwealth Transportation Board, or a bond trustee selected by such third party, a sum sufficient equal to the special tax revenues collected by the Counties of Fairfax and Loudoun within the State Route 28 Highway Transportation Improvement District and paid to the Commonwealth Transportation Board by or on behalf of the District Commission (the "contract payments") pursuant to § 15.2-4600 et seq., Code of Virginia, and the District Contract between the Commonwealth Transportation Board and the District Commission.

3. The contract payments may be supplemented from the Construction District Grant Program pursuant to § 33.2-371 allocated to the highway construction district in which the project financed is located, or any other lawfully available revenues of the Transportation Trust Fund, as may be necessary to meet debt service obligations. The payment of debt service shall be for the bonds (the Series 2012 Bonds) issued under the "Commonwealth of Virginia Transportation Contract Revenue Bond Act of 1988" (Chapters 653 and 676, Acts of Assembly of 1988 as amended by Chapters 827 and 914 of the Acts of Assembly of 1990). Funds required to pay the total debt service on the Series 2012 Bonds shall be made available in the amounts indicated in paragraph E of this Item.

B.1. Out of the amounts in this Item, \$40,000,000 the first year and \$40,000,000 the second year from the Transportation Trust Fund shall be paid to the U.S. Route 58 Corridor Development Fund, hereinafter referred to as the "Fund", established pursuant to § 33.2-2300, Code of Virginia. This payment shall be in lieu of the deposit of state recordation taxes to the Fund, as specified in the cited Code section. Said recordation taxes which would otherwise be deposited to the Fund shall be retained by the general fund. Additional appropriations required for the U.S. Route 58 Corridor Development Fund, an amount estimated at \$20,000,000 the first year and \$20,000,000 the second year shall be transferred from the highway share of the Transportation Trust Fund.

2. Pursuant to the "U.S. Route 58 Commonwealth of Virginia Transportation Revenue Bond Act of 1989" (as amended by Chapter 538 of the 1999 Acts of Assembly and Chapter 296 of the 2013 Acts of Assembly), the amounts shown in paragraph E of this Item shall be available from the Fund for debt service for the bonds previously issued and additional bonds issued pursuant to said act.

C.1. The Commonwealth Transportation Board shall maintain the Northern Virginia Transportation District Fund, hereinafter referred to as the "Fund." Pursuant to § 33.2-2400, Code of Virginia, and for so long as the Fund is required to support the issuance of bonds, the

ITEM 452.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022

Fund shall include at least the following elements:

- a. Amounts provided from state transportation revenues estimated at \$20,000,000 the first year and \$20,000,000 the second year to support the debt service.
- b. Any public right-of-way use fees allocated by the Department of Transportation pursuant to § 56-468.1 of the Code of Virginia and attributable to the counties of Fairfax, Loudoun, and Prince William, the amounts estimated at \$5,387,165 the first year and \$5,387,165 the second year.
- c. Any amounts which may be deposited into the Fund pursuant to a contract between the Commonwealth Transportation Board and a jurisdiction or jurisdictions participating in the Northern Virginia Transportation District Program, the amounts estimated to be \$816,000 the first year and \$816,000 the second year.

2. The Fund shall support the issuance of bonds at a total authorized level of \$500,200,000 for the purposes provided in the “Northern Virginia Transportation District, Commonwealth of Virginia Revenue Bond Act of 1993,” Chapter 391, Acts of Assembly of 1993 as amended by Chapters 470 and 597 of the Acts of Assembly of 1994, Chapters 740 and 761 of the Acts of Assembly of 1998, Chapter 538 of the 1999 Acts of Assembly, Chapter 799 of the 2002 Acts of Assembly, and Chapter 621 of the 2005 Acts of Assembly.

3. Pursuant to the Northern Virginia Transportation District, Commonwealth of Virginia Revenue Bond Act of 1993, Chapter 391, Acts of Assembly of 1993, and as amended by Chapters 470 and 597 of the Acts of Assembly of 1994, Chapters 740 and 761 of the Acts of Assembly of 1998, Chapter 538 of the 1999 Acts of Assembly, Chapter 799 of the 2002 Acts of Assembly, and Chapter 621 of the 2005 Acts of Assembly, amounts shown in paragraph E of this Item shall be available from the Fund for debt service for the bonds previously issued and additional bonds issued pursuant to said act.

4. Should the actual distribution of recordation taxes to the localities set forth in § 33.2-2400, Code of Virginia, exceed the amount required for debt service on the bonds issued pursuant to the above act, such excess amount shall be transferred to the Northern Virginia Transportation District Fund in furtherance of the program described in § 33.2-2401, Code of Virginia.

5. Should the actual distribution of recordation taxes to said localities be less than the amount required to pay debt service on the bonds, the Commonwealth Transportation Board is authorized to meet such deficiency, to the extent required, from funds identified in Enactment No. 1, Section 11, of Chapter 391, Acts of Assembly of 1993.

D.1. The Commonwealth Transportation Board shall maintain the City of Chesapeake account of the Set-aside Fund, pursuant to § 58.1-816.1, Code of Virginia, which shall include funds provided from state transportation revenues estimated at \$1,000,000 in the first year and \$1,000,000 in the second year, and an amount estimated at \$980,000 the first year and \$980,000 the second year received from the City of Chesapeake pursuant to a contract or other alternative mechanism for the purpose provided in the “Oak Grove Connector, City of Chesapeake Commonwealth of Virginia Transportation Program Revenue Bond Act of 1994,” Chapters 233 and 662, Acts of Assembly of 1994 (hereafter referred to as the “Oak Grove Connector Act”).

2. The amounts shown in paragraph E of this Item shall be available from the City of Chesapeake account of the Set-aside Fund for debt service for the bonds issued pursuant to the Oak Grove Connector Act.

3. Should the actual distribution of state transportation revenues and such local revenues from the City of Chesapeake as may be received pursuant to a contract or other alternative mechanism to the City of Chesapeake account of the Set-aside Fund be less than the amount required to pay debt service on the bonds, the Commonwealth Transportation Board is authorized to meet such deficiency, pursuant to Enactment No. 1, Section 11 of the Oak Grove Connector Act.

E. Pursuant to various Payment Agreements between the Treasury Board and the Commonwealth Transportation Board, funds required to pay the debt service due on the

ITEM 452.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
following Commonwealth Transportation Board bonds shall be transferred to the Treasury Board as follows:				
		FY 2021		FY 2022
Transportation Contract Revenue Refund Bonds, Series 2012 (Refunding Route 28)		\$8,644,519		\$8,644,519
Commonwealth of Virginia Transportation Revenue Bonds: U.S. Route 58 Corridor Development Program:				
Series 2014B (Refunding)		\$18,755,500		\$10,636,500
Series 2016C (Refunding)		\$6,237,750		\$6,240,500
Northern Virginia Transportation District Program:				
Series 2012A (Refunding)		\$5,653,038		\$5,653,288
Series 2014A (Refunding)		\$6,548,500		\$1,359,750
Series 2016B (Refunding)		\$463,500		\$463,500
Series 2019A (Refunding)		\$3,956,900		\$3,951,150
Transportation Program Revenue Bonds:				
Series 2016A (Oak Grove Connector, City of Chesapeake)		\$1,984,750		\$1,989,750
Capital Projects Revenue Bonds:				
Series 2010 A-2		\$35,432,025		\$35,197,073
Series 2011		\$21,099,750		
Series 2012		\$29,161,800		\$29,162,300
Series 2014		\$18,224,450		\$18,224,950
Series 2016		\$16,799,500		\$16,797,000
Series 2017		\$16,521,938		\$16,522,188
Series 2017A (Refunding)		\$30,408,400		\$48,948,400
Series 2018		\$9,197,350		\$9,198,600
Series 2019		\$15,062,438		\$15,061,688

F. Out of the amounts provided for in this Item, an estimated \$128,670,764 the first year and \$142,831,412 the second year from federal reimbursements shall be provided for debt service payments on the Federal Transportation Grant Anticipation Revenue Notes.

G. Out of the amounts provided for this Item, an estimated \$196,254,151 the first year and \$200,052,699 the second year from the Priority Transportation Fund shall be provided for debt service payments on the Commonwealth Transportation Capital Projects Revenue Bonds. Any additional amounts needed to offset the debt service payment requirements attributable to the issuance of the Capital Projects Revenue Bonds shall be provided from the Transportation Trust Fund.

H. The Commonwealth Transportation Board is hereby authorized, by and with the consent of the Governor, to issue, pursuant to the applicable provisions of the Transportation Development and Revenue Bond Act (§ 33.2-1700 et seq., Code of Virginia) as amended from time to time, revenue obligations of the Commonwealth to be designated "Commonwealth of Virginia Transportation Capital Projects Revenue Bonds, Series XXXX" at one or more times in an aggregate principal amount not to exceed \$180,000,000, after all costs. The net proceeds of the bonds shall be used exclusively for the purpose of providing funds for paying the costs incurred or to be incurred for construction or funding of transportation projects set forth in Item 449.10 of Chapter 847 of the Acts of Assembly of 2007, including but not limited to environmental and engineering studies; rights-of-way acquisition; improvements to all modes of transportation; acquisition, construction and related improvements; and any financing costs and other financing expenses. Such costs may include the payment of interest on the bonds for a period during construction and not exceeding one

ITEM 452.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
	year after completion of construction of the projects. Notwithstanding the provisions of Item 449.10 of Chapter 847 of the acts of Assembly 2007, any remaining funding may be used for the purposes set forth in subsection G of Item 453 of Chapter 665, 2015 Acts of Assembly.			
453.	Administrative and Support Services (69900).....		\$304,636,935	\$302,927,468
	General Management and Direction (69901).....	\$156,081,001	\$158,439,093	
	Information Technology Services (69902).....	\$110,635,243	\$107,215,519	
	Facilities and Grounds Management Services (69915).....	\$20,527,395	\$20,666,741	
	Employee Training and Development (69924).....	\$17,393,296	\$16,606,115	
	Fund Sources: Commonwealth Transportation.....	\$304,636,935	\$302,927,468	

Authority: Title 33.2, Code of Virginia.

A. Notwithstanding any other provision of law, the highway share of the Transportation Trust Fund shall be used for highway maintenance and operation purposes prior to its availability for new development, acquisition, and construction.

B. Administrative and Support Services shall include funding for management, direction, and administration to support the department's activities that cannot be directly attributable to individual programs and/or projects.

C. Out of the amounts for General Management and Direction, allocations shall be provided to the Commonwealth Transportation Board to support its operations, the payment of financial advisory and legal services, and the management of the Commonwealth Transportation Fund.

D. Notwithstanding any other provision of law, the department may assess and collect the costs of providing services to other entities, public and private. The department shall take all actions necessary to ensure that all such costs are reasonable and appropriate, recovered, and understood as a condition to providing such service.

E. Each year, as part of the six-year financial planning process, the commissioner shall implement a long-term business strategy that considers appropriate staffing levels for the department. In addition, the commissioner shall identify services, programs, or projects that will be evaluated for devolution or outsourcing in the upcoming year. In undertaking such evaluations, the commissioner is authorized to use the appropriate resources, both public and private, to competitively procure those identified services, programs, or projects and shall identify total costs for such activities.

F. Notwithstanding § 4-2.03 of this act, the Virginia Department of Transportation shall be exempt from recovering statewide and agency indirect costs from the Federal Highway Administration until an indirect cost plan can be evaluated and developed by the agency and approved by the Federal Highway Administration.

G. The Director, Department of Planning and Budget, is authorized to adjust appropriations and allotments for the Virginia Department of Transportation to reflect changes in the official revenue estimates for commonwealth transportation funds.

H. Out of the amounts for General Management and Direction, allocations shall be provided to support the capital lease agreement with Fairfax County for the Northern Virginia District building. An amount estimated at \$7,800,000 the first year and \$7,800,000 the second year from Commonwealth Transportation Funds shall be provided.

I. Notwithstanding any other provisions of law, the Commonwealth Transportation Commissioner may enter into a contract with homeowner associations for grounds-keeping, mowing, and litter removal services.

J. Notwithstanding the provisions § 2.2-2402 of the Code of Virginia, no construction, erection, repair, upgrade, removal or demolition of any building, fixture or structure located or to be located on property of the Commonwealth of Virginia under the control of the Virginia Department of Transportation (VDOT) and within the secured area of a residency, area headquarters or district complex shall be subject to review or approval by

ITEM 453.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022

the Art and Architectural Review Board as contemplated by that section. However, for changes to any building or fixture located on property owned or controlled by VDOT that has been designated or is under consideration for designation as a historic property, then VDOT shall submit such changes to the Art and Architectural Review Board for review and approval by the Board.

K. The Virginia Department of Transportation is authorized to convey a 25-foot wide strip of land containing approximately 0.1923 acre located along the southeastern boundary of its original Callaway Area Headquarters parcel, Tax Map Parcel #0580004200, to Earl E. Bowman, Jr. and Elizabeth H. Bowman, husband and wife, in return for the termination of an existing easement in favor of the Bowmans across certain property of the Commonwealth, as shown in those certain deeds and plats recorded at Deed Book 1114, Page 1622 and Deed Book 1114, Page 1630 in the Clerk's Office of the Circuit Court of Franklin County, Virginia, and the conveyance from the Bowmans of a parcel of land containing approximately 0.3582 acres located adjacent to and northwest of VDOT's original parcel, all as shown on a plat to be agreed to between the Parties. The appraised value of the land to be acquired by VDOT shall be equal to or greater than the value of the land to be transferred from VDOT. The exact property to be conveyed as consideration for this transaction is subject to change or adjustment provided that all parties agree, the requirements for value and form are met, and the appropriate approvals are obtained. The conveyances shall be made with the recommendation of the Department of General Services, the approval of the Governor and shall be in a form approved by the Attorney General. The appropriate officials of the Commonwealth are hereby authorized to prepare, execute, and deliver such deed and other documents as may be necessary to accomplish the conveyance.

L. 1. At such time as the Virginia Department of Transportation (VDOT) determines that the VDOT Residency office, on five acres, at 626 Waddell Street, in the City of Lexington is no longer required for VDOT's purposes, it shall offer to transfer the property to the City of Lexington prior to offering the property for transfer or sale to any other public or private agency or entity or individual, on such terms and conditions as provided below.

2. The Virginia Department of Transportation and the City of Lexington shall each obtain a separate appraisal of the property, each performed by an appraiser licensed by the Commonwealth of Virginia as Certified General Real Property Appraisers, who must meet the competency provisions of the Uniform Standards of Professional Appraisal Practice.

3. VDOT shall offer the property to the City of Lexington at a value which shall be determined by averaging the values from the two appraisals obtained in L.2. above. Any other conditions of the transfer shall be based on usual and customary terms for such intergovernmental transfers.

4. If the Virginia Department of Transportation and the City of Lexington cannot agree on the terms of the transfer of the property, VDOT may transfer or sell the property to any other public or private agency or entity or individual on such terms as it determines are in the best interest of the Virginia Department of Transportation, however it will present those terms to the City of Lexington for its consideration prior to finalizing any transfer or sale to any other party.

5. Any proceeds from the sale of the Waddell Street property may be used for the construction, staff relocation and other expenses related to the renovation of the VDOT Annex Building located at 1401 East Broad Street, Richmond, VA and any proceeds not so used shall be deposited in the Transportation Trust Fund.

M. Notwithstanding any other provisions of law, the Virginia Department of Transportation (VDOT) is hereby authorized to market, sell and convey all or a portion of the Fulton property at 503 and 890 Bickerstaff Road and 421 Old Osborne Turnpike in Henrico, Virginia, containing 21.35 acres, more or less, as shown on a plat of survey entitled, "Commonwealth of Virginia Department of Highways and Transportation Fulton Depot" made by J.D. Hensdill, State Certified Engineer or Land Surveyor, dated October 1976. Any proceeds from the sale of the Fulton property may be used for the construction, staff relocation and other expenses related to the renovation of the VDOT Annex Building located at 1401 East Broad Street, Richmond, VA and any proceeds not so used shall be deposited in the Transportation Trust Fund.

ITEM 453.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<p>N. Notwithstanding any other provisions law, in addition to the marketing, sale and conveyance of any property pursuant to item C- 41.10 of the 2017 Appropriations Act, the Virginia Department of Transportation (VDOT) is hereby authorized to market, sell and convey all or a portion of the Hampton Roads District Bartlett Area Headquarters in Isle of Wight County, Virginia, containing 10.42 acres, more or less, as shown on a plat of survey entitled, "Newport Magisterial District Isle of Wight Count, Virginia subdivision of property of: Thomas L. Newton, Jr. & Thomas S. Word, Jr. Trustees" made by W. L. Jessee, State Certified Engineer or Land Surveyor, dated January 8, 1981. Any proceeds from the sale of the Bartlett Area Headquarters as well as any proceeds from the sale of any properties pursuant to item C- 41.10 of the 2017 Appropriations Act may be used for the acquisition, construction and other expenses related to the relocation of the Hampton Roads District Office Complex and any proceeds not so used shall be deposited in the Transportation Trust Fund.</p>				
454.	<p>A full accrual system of accounting shall be effected by the Department, subject to the authority of the State Comptroller, as stated in § 2.2-803, Code of Virginia.</p>			
	Total for Department of Transportation.....		\$8,001,968,152	\$7,668,945,839
	Nongeneral Fund Positions.....	7,735.00	7,735.00	
	Position Level.....	7,735.00	7,735.00	
	Fund Sources: Commonwealth Transportation.....	\$6,611,153,634	\$6,101,855,100	
	Trust and Agency.....	\$573,743,886	\$716,843,489	
	Dedicated Special Revenue.....	\$810,904,673	\$844,352,525	
	Federal Trust.....	\$6,165,959	\$5,894,725	
§ 1-125. MOTOR VEHICLE DEALER BOARD (506)				
455.	Consumer Affairs Services (55000).....		\$292,528	\$292,528
	Consumer Assistance (55002).....	\$292,528	\$292,528	
	Fund Sources: Special.....	\$292,528	\$292,528	
	Authority: Title 46.2, Chapter 15, Code of Virginia.			
456.	Regulation of Professions and Occupations (56000).....		\$2,945,366	\$2,945,366
	Motor Vehicle Dealer and Salesman Regulation (56023).....	\$1,511,707	\$1,511,707	
	Administrative Services (56048).....	\$1,433,659	\$1,433,659	
	Fund Sources: Special.....	\$2,945,366	\$2,945,366	
	Authority: Title 46.2, Chapter 15, Code of Virginia.			
	Total for Motor Vehicle Dealer Board.....		\$3,237,894	\$3,237,894
	Nongeneral Fund Positions.....	25.00	25.00	
	Position Level.....	25.00	25.00	
	Fund Sources: Special.....	\$3,237,894	\$3,237,894	
§ 1-126. VIRGINIA PORT AUTHORITY (407)				
457.	Economic Development Services (53400).....		\$7,442,946	\$7,480,786
	National and International Trade Services (53413)..	\$5,942,946	\$5,980,786	
	Commerce Advertising (53426).....	\$1,500,000	\$1,500,000	
	Fund Sources: Special.....	\$7,442,946	\$7,480,786	
	Authority: Title 62.1, Chapter 10, Code of Virginia.			
458.	Port Facilities Planning, Maintenance, Acquisition, and Construction (62600).....		\$103,438,924	\$108,938,924

ITEM 458.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Maintenance and Operations of Ports and Facilities (62601).....	\$33,126,314	\$36,626,314		
Port Facilities Planning (62606).....	\$1,280,247	\$1,280,247		
Debt Service for Port Facilities (62607).....	\$69,032,363	\$71,032,363		
Fund Sources: Special.....	\$54,895,191	\$56,895,191		
Commonwealth Transportation.....	\$43,543,733	\$47,043,733		
Federal Trust.....	\$5,000,000	\$5,000,000		

Authority: Title 62.1, Chapter 10; Title 33.2, Chapter 1, Code of Virginia.

A. 1. It is hereby acknowledged that, in accordance with § 62.1-140, Code of Virginia, the Virginia Port Authority issued Commonwealth Port Fund bonds on January 25, 2012 in the amount of \$108,015,000 to refund Commonwealth Port Fund bonds originally issued on July 11, 2002. Debt service on bonds referenced in this paragraph is estimated to be \$9,100,000 the first year and \$9,100,000 the second year, and all or a portion of such bonds may be refunded by the Authority pursuant to § 62.1-140, Code of Virginia.

2. It is hereby acknowledged that, in accordance with § 62.1-140, Code of Virginia, the Virginia Port Authority issued Commonwealth Port Fund bonds on September 26, 2012 in the amount of \$50,025,000 to refund a portion of Commonwealth Port Fund bonds originally issued on April 14, 2005. Debt service on bonds referenced in this paragraph is estimated to be \$4,100,000 the first year and \$4,100,000 the second year, and all or a portion of such bonds may be refunded by the Authority pursuant to § 62.1-140, Code of Virginia.

3. It is hereby acknowledged that, in accordance with § 62.1-140, Code of Virginia, the Virginia Port Authority issued Commonwealth Port Fund Revenue Bonds on June 23, 2015 in the principal amount of \$58,680,000 to finance improvements to the Port Facilities at NIT, PMT, VIP, and RMT. Debt service on bonds referenced in this paragraph is estimated to be \$3,000,000 the first year and \$3,000,000 the second year, and all or a portion of such bonds may be refunded by the Authority pursuant to § 62.1-140, Code of Virginia.

4. It is hereby acknowledged that, in accordance with § 62.1-140, Code of Virginia, the Virginia Port Authority issued Commonwealth Port Fund Revenue Refunding Bonds on July 26, 2018 in the amount of \$60,345,000 to refund Commonwealth Port Fund bonds originally issued in July 2011. Debt service on bonds referenced in this paragraph is estimated to be \$2,600,000 the first year and \$2,600,000 the second year, and all or a portion of such bonds may be refunded by the Authority pursuant to § 62.1-140, Code of Virginia.

5. In the event revenues of the Commonwealth Port Fund are insufficient to provide for the debt service on the Virginia Port Authority Commonwealth Port Fund Revenue Bonds authorized by paragraphs A1, A2, A3, and A4; or any bonds payable from the revenues of the Commonwealth Port Fund, there is hereby appropriated a sum sufficient first from the legally available moneys in the Transportation Trust Fund and then from the general fund to provide for this debt service. Total debt service on the bonds referenced in paragraphs A1, A2, A3, and A4 is estimated at \$18,800,000 the first year and \$18,800,000 the second year.

6. Notwithstanding § 62.1-140, Code of Virginia, the aggregate principal amount of Commonwealth Port Fund bonds, and including any other long-term commitment that utilizes the Commonwealth Port Fund, shall not exceed \$440,000,000.

B.1. It is hereby acknowledged that, in accordance with § 62.1-140, Code of Virginia, the Virginia Port Authority on November 17, 2016, issued Port Facilities Revenue Refunding bonds in the amounts of \$143,965,000, \$99,230,000 and \$37,335,000 for the purposes of defeasing and refunding special fund debt previously authorized. The debt service on these bonds, estimated to be \$17,600,000 the first year and \$17,600,000 the second year, will be paid from special funds, and all or a portion of such bonds may be refunded by the authority pursuant to § 62.1-140, Code of Virginia.

2. It is hereby acknowledged that, in accordance with § 62.1-140, Code of Virginia, the Virginia Port Authority may issue additional bonds, in an amount up to \$105,500,000 for purposes of expanding port terminal capacity (capital outlay project 407-17956). All or a portion of such bonds may be refunded by the authority pursuant to § 62.1-140, Code of Virginia. The debt service on these bonds, estimated to be \$8,500,000 the first year and

ITEM 458.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022

\$8,500,000 the second year, will be paid from special funds.

3. It is hereby acknowledged that, in accordance with § 62.1-140, Code of Virginia, the Virginia Port Authority is authorized to purchase, through a purchase agreement (master equipment lease program), terminal operating equipment at a total estimated cost of \$67,000,000. Total debt service referenced in this paragraph (including any interim financing issued in anticipation of such program), is estimated at \$6,200,000 the first year and \$6,200,000 the second year from special funds, and such lease purchases may be refunded by the Authority.

4. It is hereby acknowledged that, in accordance with § 62.1-140, Code of Virginia, the Virginia Port Authority is authorized to purchase, through a purchase agreement (master equipment lease program), terminal operating equipment at a total estimated cost of \$63,000,000. Total debt service referenced in this paragraph (including any interim financing issued in anticipation of such program), is estimated at \$5,400,000 the first year and \$7,400,000 the second year from special funds, and such lease purchases may be refunded by the Authority.

5. It is hereby acknowledged that, in accordance with § 62.1-140, Code of Virginia, the Virginia Port Authority may issue short-term debt on a revolving basis as interim or anticipation financing in order to cover costs of planning, design, and construction pending the receipt of bond or master equipment lease program proceeds authorized in an amount not to exceed the authorized amount for the projects. In the aggregate, the short-term debt shall not exceed \$200,000,000 at any point in time and all or a portion of such debt may be refunded by the Authority pursuant to § 62.1-140, Code of Virginia. The debt service, including associated fees, on the short-term debt may be paid, as recommended by the authority and approved by the Board, from the bond or master equipment lease proceeds, special funds, or other revenues or proceeds.

6. Total debt service paid from special funds for all bonds, lease agreements, and short-term debt noted herein shall not exceed \$45,000,000 the first year and \$45,000,000 the second year, excluding the capital lease authorized by Item C-40.10 of Chapter 665, 2015 Acts of Assembly.

C. In order to remain consistent with the grant of authority as provided in Chapter 10, § 62.1-128 et seq. of the Code of Virginia, the Virginia Port Authority is authorized to maintain independent payroll and nonpayroll disbursement systems and, in connection with such systems, to open and maintain appropriate accounts with a qualified public depository, or depositories. As implementation occurs, these systems and related procedures shall be subject to review and approval by the State Comptroller. The Virginia Port Authority shall continue to provide nonpayroll transaction detail to the State Comptroller through the Commonwealth Accounting and Reporting System (Cardinal).

D. Out of the amounts in this Item, \$10,000,000 the first year and \$10,000,000 the second year from the Commonwealth Port Fund may be used to make lease payments associated with the Virginia International Gateway capital lease.

E. The Virginia Port Authority shall include the Commonwealth Railway Mainline Safety Relocation Project Phase 2 - I-664 Pughsville Road to Bowers Hill - Feasibility Study as part of its long-range plan for the development of the Craney Island Marine Terminal and creating road and rail access to such terminal.

459.	Financial Assistance for Port Activities (62800).....			\$5,108,525	\$5,112,325
	Aid to Localities (62801).....	\$3,500,000	\$3,500,000		
	Payment in Lieu of Taxes (62802).....	\$1,608,525	\$1,612,325		
	Fund Sources: Special.....	\$3,108,525	\$3,112,325		
	Commonwealth Transportation.....	\$2,000,000	\$2,000,000		

Authority: Title 62.1, Chapter 10, Code of Virginia.

A. Of the amounts authorized in Item 112 A.1., \$2,000,000 the first year and \$2,000,000 the second year from the general fund may be deposited in the Port of Virginia Economic and Infrastructure Development Zone Grant Fund, created pursuant to § 62.1-132.3:2, Code of Virginia. The Executive Director of the Virginia Port Authority shall disburse the

ITEM 459.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<p>funding in the form of grants to qualified companies in accordance with the provisions of § 62.1-132.3:2, Code of Virginia.</p> <p>B. Of the amounts in this Item, \$1,000,000 the first year and \$1,000,000 the second year from the Commonwealth Port Fund is appropriated for previously awarded Aid to Local Ports which were unreimbursed in the year of the initial award.</p> <p>C. Out of amounts in this item, \$1,500,000 the first year and \$1,500,000 the second year from amounts transferred to this item pursuant § 3-1.01 M. of this act, the Authority shall award a grant of funds to a qualified applicant or applicants to support a dredging project or projects that have been approved by the Authority. The source of the grant funds shall be the Virginia Waterway Maintenance Fund created pursuant to § 62.1-132.3:3. Applicants shall be limited to political subdivisions and the governing bodies of Virginia localities. The Authority shall develop guidelines establishing an application process as set out in Chapter 642, 2018 Session of the General Assembly. Projects for which the Authority may award grant funding include (i) feasibility and cost evaluations, pre-project engineering studies, and project permitting and contracting costs for a waterway project conducted by the Commonwealth; (ii) the state portion of a nonfederal sponsor funding requirement for a federal project, which may include the beneficial use of dredged materials that are not covered by federal funding; (iii) the Commonwealth's maintenance of shallow-draft navigable waterway channel maintenance dredging and the construction and management of areas for the placement of dredged material; and (iv) the beneficial use, for environmental restoration and the mitigation of coastal erosion or flooding, of dredged materials from waterway projects conducted by the Commonwealth. Special consideration shall be given to any locality which provides a three-to-one match for any requested funding in the first year.</p>				
460.	Administrative and Support Services (69900).....		\$130,836,149	\$133,749,125
	General Management and Direction (69901).....	\$109,636,184	\$112,549,160	
	Security Services (69923).....	\$21,199,965	\$21,199,965	
	Fund Sources: Special.....	\$120,536,149	\$123,449,125	
	Commonwealth Transportation.....	\$1,300,000	\$1,300,000	
	Federal Trust.....	\$9,000,000	\$9,000,000	
<p>Authority: Title 62.1, Chapter 10, Code of Virginia.</p> <p>A. Out of the amounts in this Item, the Executive Director is authorized to expend from special funds amounts not to exceed \$37,500 the first year and \$37,500 the second year, for entertainment expenses commonly borne by businesses. Further, such expenses shall be recorded separately by the agency.</p> <p>B. Prior to purchasing airline and hotel accommodations related to overseas travel, the Virginia Port Authority shall provide an itemized list of projected costs for review by the Secretary of Transportation.</p> <p>C. It is hereby acknowledged that, in accordance with Item C-40.10 of Chapter 665, 2015 Virginia Acts of Assembly, on November 17, 2016, the Port Authority converted its 20 year operating lease to operate a privately owned marine terminal in Portsmouth to a 49 year capital lease terminating December 31, 2065. Included in this Item is an amount estimated at \$91,922,173 the first year and \$96,851,632 the second year from special funds to cover the costs of this lease.</p>				
	Total for Virginia Port Authority.....		\$246,826,544	\$255,281,160
	Nongeneral Fund Positions.....	260.00	260.00	
	Position Level.....	260.00	260.00	
	Fund Sources: Special.....	\$185,982,811	\$190,937,427	
	Commonwealth Transportation.....	\$46,843,733	\$50,343,733	
	Federal Trust.....	\$14,000,000	\$14,000,000	
	TOTAL FOR OFFICE OF TRANSPORTATION.....		\$9,728,996,031	\$9,484,245,803
	Nongeneral Fund Positions.....	10,357.00	10,297.00	
	Position Level.....	10,357.00	10,297.00	

ITEM 460.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Fund Sources: General.....	\$30,246	\$30,246		
Special.....	\$191,360,549	\$196,315,165		
Commonwealth Transportation.....	\$7,774,219,765	\$7,350,038,700		
Trust and Agency.....	\$584,690,486	\$727,790,089		
Dedicated Special Revenue.....	\$1,125,804,673	\$1,157,452,525		
Federal Trust.....	\$52,890,312	\$52,619,078		

ITEM 461.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022

OFFICE OF VETERANS AND DEFENSE AFFAIRS

§ 1-127. SECRETARY OF VETERANS AND DEFENSE AFFAIRS (454)

461.	Disaster Planning and Operations (72200).....			\$1,243,718	\$1,243,718
	Emergency Planning (72205).....	\$1,243,718	\$1,243,718		
	Fund Sources: General.....	\$866,825	\$866,825		
	Federal Trust.....	\$376,893	\$376,893		

Authority: Title 2.2, Chapter 3.1, Code of Virginia.

Included in this Item is \$190,000 the first year and \$190,000 the second year from the general fund for the grant match required for an Office of Economic Adjustment (OEA) grant.

462.	Economic Development Services (53400).....			\$3,100,000	\$3,100,000
	Financial Assistance for Economic Development (53410).....	\$3,100,000	\$3,100,000		
	Fund Sources: General.....	\$600,000	\$600,000		
	Trust and Agency.....	\$2,500,000	\$2,500,000		

A.1. Any administrative reappropriations or other administrative appropriation increases pursuant to Item 458 of the Appropriation Act for the 2014-2016 biennium to address the encroachment of incompatible uses in localities in which the United States Navy Master Jet Base, an auxiliary landing field, or United States Air Force Base are located shall continue to be governed by the provisions contained in the 2014-2016 Appropriation Act. The recurring, dedicated special (nongeneral) fund component of the U.S. Navy Master Jet Base and Auxiliary Landing Field encroachment mitigation program is continued through June 30, 2022.

2. In the event that dedicated special revenues generated pursuant to the provisions of the 2014-16 Appropriations Act exceed the amounts needed to fund the requirements set out in that Act, any excess dedicated special fund revenue a total of \$3,000,000 is hereby appropriated as follows:

- a. \$1,700,000 for encroachment mitigation activities in the vicinity of Naval Auxiliary Landing Field Fentress;
- b. \$700,000 for encroachment mitigation activities in the vicinity of Langley Air Force Base; and
- c. \$600,000 for encroachment mitigation activities in the vicinity of Naval Air Station Oceana.

3. The amounts identified in paragraph A.2. of this item shall be used to provide additional assistance to the locality in which the United States Navy Master Jet Base auxiliary landing field is located for the purpose of purchasing property or development rights and otherwise converting such property to an appropriate compatible use and prohibiting new uses or development which is deemed incompatible with air operations arising from such Master Jet Base.

4. In addition to the amounts identified in paragraph A.1. of this item, \$450,000 is hereby appropriated as follows:

- a. \$250,000 for encroachment mitigation activities in the vicinity of Naval Auxiliary Landing Field Fentress; and
- b. \$200,000 for encroachment mitigation activities in the vicinity of Langley Air Force Base.

5. Included in this appropriation is \$2,500,000 the first year and \$2,500,000 the second year from nongeneral funds to be provided through a long-term lease agreement with the City of Virginia Beach as consideration for use of state-owned parcels totaling approximately 12 acres, more or less, and currently leased to the City for use as parking for the Virginia Aquarium and Marine Science Center and overflow Rudee Inlet boat ramp parking. Such

ITEM 462.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<p>funds shall be used for construction of a new secure access control point, including all desirable or required supporting facilities, to the Camp Pendleton State Military Reservation located in the City of Virginia Beach. As additional consideration, the City of Virginia Beach shall also provide for a new signal-controlled entrance to Camp Pendleton State Military Reservation aligned with the new secure access control point. An initial payment of \$2,500,000 shall be made by the City within 30 days of lease execution but no later than June 30, 2021 and an additional payment of \$2,500,000 shall be made by the City within 12 months of lease execution but no later than June 30, 2022. Pursuant to Executive Order 20 (2018), authorizing the transfer of administrative authority of the Department of Military Affairs from the Secretary of Public Safety and Homeland Security to the Secretary of Veterans and Defense Affairs, the Secretary of Veterans and Defense Affairs shall be the authorized entity to enter into the initial and any subsequent lease agreement with the City. The term of the lease shall be not less than 50 years upon such terms and conditions as negotiated between the parties to the lease, which may include additional annual payment pursuant to the lease. The Secretary of Veterans and Defense Affairs shall report to the Chairs of the House Appropriations and the Senate Finance and Appropriations Committees on such projects and real property lease agreements executed from funds appropriated in this item by October 15th of each year until completion of the specified improvement projects.</p> <p>B. Included in this appropriation is \$600,000 in the first year and \$600,000 in the second year from the general fund to support the recommendations of the Governor's Commission on Military Installations and Defense Activities.</p> <p>C. The Secretary of Veterans and Defense Affairs may submit project requests that improve, expand, develop, or redevelop a federal or state military installation or its supporting infrastructure, to enhance its military value to the MEI Project Approval Commission established pursuant to § 30-309, Code of Virginia. The Commission shall recommend approval or denial of such packages to the General Assembly. The authority of the Commission to consider and evaluate such projects shall be in addition to the authorities provided to the MEI Project Approval Commission and § 30-310, Code of Virginia.</p> <p>D. The Secretary of Veterans and Defense Affairs and the Secretary of Finance shall, in cooperation with the City of Chesapeake, execute an addendum to the grant agreement for Encroachment Grant #2017-100 such that the terms of the agreement are to expire on September 30, 2020.</p> <p>E.1. The Secretary of Veterans and Defense Affairs and the Secretary of Finance, shall convene a workgroup to oversee the development of detailed business plans for the operation of Veterans Care Centers in the Commonwealth. The workgroup shall include the Department of Veterans Services, the Department of Medical Assistance Services, the Department of Planning and Budget, and staff of the House Appropriations and Senate Finance and Appropriations Committees, as well as other agencies deemed appropriate. The purpose of the workgroup shall be to plan for business needs, funding needs, and estimate viable revenue streams in anticipation of opening new Veterans Care Centers in the state.</p> <p>2. The workgroup shall prepare a business plan for each existing, planned, or proposed Care Center that includes, by fiscal year: appropriate staffing levels, anticipated care populations, costs, and revenue streams. The plans shall be specific to each facility and shall base revenue projections on estimated reimbursement rates from Medicare, Medicaid, and other payers. Each plan shall identify payment schedules for any loan or capital advance, with identified revenue streams, covering the entirety of the loan until projected defeasance.</p> <p>3. The Secretary shall report to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees on the business plans required in this paragraph by November 15, 2020.</p>				
Total for Secretary of Veterans and Defense Affairs.....			\$4,343,718	\$4,343,718
General Fund Positions.....	4.00	4.00		

ITEM 462.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Nongeneral Fund Positions.....	2.00	2.00		
Position Level.....	6.00	6.00		
Fund Sources: General.....	\$1,466,825	\$1,466,825		
Trust and Agency.....	\$2,500,000	\$2,500,000		
Federal Trust.....	\$376,893	\$376,893		

§ 1-128. DEPARTMENT OF VETERANS SERVICES (912)

463.	State Health Services (43000).....			\$80,099,859	\$92,099,859
	Veterans Care Center Operations (43013).....	\$80,099,859	\$92,099,859		
	Fund Sources: General.....	\$50,000	\$50,000		
	Special.....	\$45,544,638	\$45,544,638		
	Federal Trust.....	\$34,505,221	\$46,505,221		
	Authority: § Title 2.2, Chapters 20, 24, 26, and 27, Code of Virginia.				
464.	Veterans Benefit Services (46700).....			\$22,777,583	\$23,014,296
	Case Management Services for Veterans Benefits (46701).....	\$9,517,080	\$9,721,080		
	Virginia Veteran and Family Support Services (46702).....	\$8,413,102	\$8,413,102		
	Veterans Education, Transition, and Employment Services (46703).....	\$4,050,901	\$4,083,614		
	Veterans Services Fund Administration (46704).....	\$796,500	\$796,500		
	Fund Sources: General.....	\$17,653,493	\$17,885,206		
	Dedicated Special Revenue.....	\$796,500	\$796,500		
	Federal Trust.....	\$4,327,590	\$4,332,590		

Authority: Title 2.2, Chapters 20, 24, 26, and 27, Code of Virginia.

A. 1. Out of this appropriation, up to \$100,000 in the first year and up to \$100,000 in the second year from the general fund shall be provided to address the costs associated with support of a grant program to create employment opportunities for veterans by assisting Virginia employers in hiring and retaining veterans. The Department of Veterans Services shall develop program guidelines to ensure that the funding mechanism effectively attracts maximum participation of firms to increase the number of veterans hired.

2. Such funds shall be used to provide grants beginning July 1, 2015, to any business located in Virginia with 300 or fewer employees which has hired a veteran on or after July 1, 2014, with the following additional requirements: (a) each such veteran shall have been hired within five years of the date of his or her discharge from active military service and (b) each such veteran shall have been continuously employed by the business in a full-time job for at least one year. The grant shall equal \$1,000 per qualifying business for each veteran who has been hired, and who qualifies under the provisions of this item, up to a maximum grant of \$10,000 per business in the fiscal year.

3. Grants shall be issued in the order that each completed eligible application is received. In the event that the amount of eligible grants requested in a fiscal year exceeds the funds available in the Fund, such grants shall be paid in the next fiscal year in which funds are available.

4. The Department shall report no later than October 1 of each fiscal year after the program is implemented on the demand for the program, and any shortage of funding resulting from requests in excess of the available appropriation.

B. Any general fund appropriation for the Virginia Veteran and Family Support Services service area which remains unexpended at the end of the first year shall be reappropriated and allotted for expenditure for the second year.

C.1. Notwithstanding § 23.1-608, Code of Virginia, the department shall provide the State Council of Higher Education in Virginia the information these schools need to administer the Virginia Military Survivors and Dependent Education Program. The department shall retain

ITEM 464.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
the responsibility to certify the eligibility of those who apply for financial aid under this program.				
2. No surviving spouse or child may receive the education benefits provided by § 23.1-608, Code of Virginia, and funded by this or similar state appropriations, for more than four years or its equivalent.				
D. Included in the amount provided for this item is \$24,000 the first year and \$24,000 the second year from the general fund for the Angel Wings for Veterans program.				
E. Out of the amounts for this item, \$106,139 the first year and \$106,139 the second year from the general fund is provided to create a new assistant program manager for the Virginia Women Veterans Program.				
465.	Historic and Commemorative Attraction Management (50200).....		\$8,904,968	\$5,904,968
	Historic Landmarks and Facilities Management (50203).....	\$3,000,000		\$0
	State Veterans Cemetery Management and Operations (50206).....	\$3,572,868		\$3,572,868
	Virginia War Memorial Management and Operations (50209).....	\$2,332,100		\$2,332,100
	Fund Sources: General.....	\$6,851,135		\$3,851,135
	Special.....	\$348,466		\$348,466
	Federal Trust.....	\$1,705,367		\$1,705,367
Authority: Title 2.2, Chapters 20, 24, 26, and 27, Code of Virginia.				
A. The Department of General Services shall continue to provide routine building and grounds maintenance for the Virginia War Memorial as part of services provided under the seat of government rental plan.				
B. Included in the appropriation for this Item, \$3,000,000 the first year from the general fund to Fairfax County for the construction of the Virginia Veteran's Parade Field within the National Museum of the United States Army in Fairfax County.				
466.	Administrative and Support Services (49900).....		\$2,645,063	\$2,645,063
	General Management and Direction (49901).....	\$2,645,063		\$2,645,063
	Fund Sources: General.....	\$2,269,629		\$2,269,629
	Special.....	\$375,434		\$375,434
Authority: Title 2.2, Chapters 20, 24, 26, 27, Code of Virginia.				
466.10	Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted.			
		FY 2021		FY 2022
	Virginia Women Veterans Program	\$106,139		\$106,139
	Support mental health and benefits positions and fund maintenance and information technology needs	\$1,045,040		\$1,276,753

ITEM 466.10.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Provide funding for the National Museum of the United States Army		\$3,000,000		\$0
Agency Total		\$4,151,179		\$1,382,892
Total for Department of Veterans Services.....			\$114,427,473	\$123,664,186
General Fund Positions.....	236.00	236.00		
Nongeneral Fund Positions.....	890.00	1,110.00		
Position Level.....	1,126.00	1,346.00		
Fund Sources: General.....	\$26,824,257	\$24,055,970		
Special.....	\$46,268,538	\$46,268,538		
Dedicated Special Revenue.....	\$796,500	\$796,500		
Federal Trust.....	\$40,538,178	\$52,543,178		
§ 1-129. VETERANS SERVICES FOUNDATION (913)				
467. Veterans Benefit Services (46700).....			\$796,500	\$796,500
Veterans Services Fund Administration (46704).....	\$796,500	\$796,500		
Fund Sources: Dedicated Special Revenue.....	\$796,500	\$796,500		
Authority: §§ 2.2-2715 through 2.2-2718, Code of Virginia				
468. Administrative and Support Services (49900).....			\$351,575	\$351,575
General Management and Direction (49901).....	\$351,575	\$351,575		
Fund Sources: General.....	\$351,575	\$351,575		
Authority: §§ 2.2-2715 through 2.2-2718, Code of Virginia				
Total for Veterans Services Foundation.....			\$1,148,075	\$1,148,075
General Fund Positions.....	2.00	2.00		
Position Level.....	2.00	2.00		
Fund Sources: General.....	\$351,575	\$351,575		
Dedicated Special Revenue.....	\$796,500	\$796,500		
§ 1-130. DEPARTMENT OF MILITARY AFFAIRS (123)				
469. Higher Education Student Financial Assistance (10800).....			\$3,278,382	\$3,278,382
Tuition Assistance (10811).....	\$3,278,382	\$3,278,382		
Fund Sources: General.....	\$3,278,382	\$3,278,382		
Authority: Title 44, Chapters 1 and 2; § 23.1-506, Code of Virginia.				
470. At Risk Youth Residential Program (18700).....			\$5,661,187	\$5,661,187
Virginia Commonwealth Challenge Program (18701)	\$5,172,187	\$5,172,187		
Virginia Commonwealth STARBASE Youth Education Program (18702).....	\$489,000	\$489,000		
Fund Sources: General.....	\$1,592,103	\$1,592,103		
Federal Trust.....	\$4,069,084	\$4,069,084		

Authority: Discretionary Inclusion.

A. The Department of Military Affairs is hereby authorized to designate building space at the State Military Reservation as an in-kind match for the receipt of federal funds under the Commonwealth Challenge program, equivalent to a value of \$253,040 each year.

B. Out of this appropriation, up to \$489,000 the first year and up to \$489,000 the second year in nongeneral funds is provided to establish a STARBASE youth education program to

ITEM 470.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
	improve math and science skills to prepare students for careers in engineering and other science-related fields of study.			
471.			\$59,473,057	\$59,473,057
	Defense Preparedness (72100).....			
	Armories Operations and Maintenance (72101).....	\$12,392,641	\$12,392,641	
	Virginia State Defense Force (72104).....	\$201,217	\$201,217	
	Security Services (72105).....	\$4,880,424	\$4,880,424	
	Fort Pickett and Camp Pendleton Operations (72109).....	\$25,279,130	\$25,279,130	
	Other Facilities Operations and Maintenance (72110).....	\$16,719,645	\$16,719,645	
	Fund Sources: General.....	\$2,814,589	\$2,814,589	
	Special.....	\$1,784,927	\$1,784,927	
	Dedicated Special Revenue.....	\$3,178,859	\$3,178,859	
	Federal Trust.....	\$51,694,682	\$51,694,682	

Authority: Title 44, Chapters 1 and 2, Code of Virginia.

A. The Department is authorized to receive payments from localities resulting from reimbursement agreements with the Virginia Defense Force, an organization of the Virginia National Guard. The Department may disburse up to \$30,000 the first year and \$30,000 the second year from these payments to the Virginia Defense Force. Included in the appropriation for this Item is \$30,000 the first year and \$30,000 the second year from nongeneral funds for this purpose.

B. The Department of Military Affairs may operate, with nongeneral funds, a Morale, Welfare, and Recreation program for the benefit of the Virginia National Guard, Virginia Defense Force, employees of the Department, family members, and other authorized transient users of the Department's facilities, under such policies as approved by the agency.

472.	Disaster Planning and Operations (72200).....		\$0	\$0
	Communications and Warning System (72201).....	a sum sufficient		
	Disaster Assistance (72203).....	a sum sufficient		
	Fund Sources: General.....	a sum sufficient		

Authority: Title 44, Chapters 1 and 2, Code of Virginia.

A. The amount for Disaster Planning and Operations provides for a military contingent fund, out of which to pay the military forces of the Commonwealth when aiding the civil authorities.

B. In the event units of the Virginia National Guard shall be in federal service, the sum allocated herein for their support shall not be used for any different purpose, except with the prior written approval of the Governor, other than to provide for the Virginia State Defense Force or for safeguarding properties used by the Virginia National Guard.

C. Notwithstanding any other provision of law, when called into state active duty, not in the service of the United States, members of the National Guard and members of the Virginia Defense Force shall receive pay and allowances equal to their rank and years of service, as determined by the Department of Military Affairs. The Adjutant General may increase state active duty pay on an annual basis by a rate not to exceed the most recent percentage increase in basic pay for members of the Armed Forces.

473.	Administrative and Support Services (79900).....		\$8,498,868	\$8,498,868
	General Management and Direction (79901).....	\$5,562,136	\$5,562,136	
	Telecommunications (79930).....	\$2,936,732	\$2,936,732	
	Fund Sources: General.....	\$4,086,374	\$4,086,374	
	Dedicated Special Revenue.....	\$1,037,191	\$1,037,191	
	Federal Trust.....	\$3,375,303	\$3,375,303	

Authority: Title 44, Chapters 1 and 2, Code of Virginia.

ITEM 473.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
A. The Department of Military Affairs shall advise and provide assistance to the Department of Accounts in administering the \$20,000 death benefit provided for certain members of the National Guard and United States military reserves killed in action in any armed conflict as of October 7, 2001, pursuant to § 44-93.1.B., Code of Virginia.				
B. Included in this appropriation is \$240,000 the first year and \$240,000 the second year from the general fund and \$100,000 in the first year and \$100,000 the second year from nongeneral funds for the financing costs of purchasing STARS radio communication equipment through the state's master equipment lease program.				

473.10 Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted.

	FY 2021	FY 2022		
Increase funding for state tuition assistance	\$250,000			\$250,000
Agency Total	\$250,000			\$250,000
Total for Department of Military Affairs.....			\$76,911,494	\$76,911,494
General Fund Positions.....	54.47	54.47		
Nongeneral Fund Positions.....	307.03	307.03		
Position Level.....	361.50	361.50		
Fund Sources: General.....	\$11,771,448	\$11,771,448		
Special.....	\$1,784,927	\$1,784,927		
Dedicated Special Revenue.....	\$4,216,050	\$4,216,050		
Federal Trust.....	\$59,139,069	\$59,139,069		
TOTAL FOR OFFICE OF VETERANS AND DEFENSE AFFAIRS.....			\$196,830,760	\$206,067,473
General Fund Positions.....	296.47	296.47		
Nongeneral Fund Positions.....	1,199.03	1,419.03		
Position Level.....	1,495.50	1,715.50		
Fund Sources: General.....	\$40,414,105	\$37,645,818		
Special.....	\$48,053,465	\$48,053,465		
Trust and Agency.....	\$2,500,000	\$2,500,000		
Dedicated Special Revenue.....	\$5,809,050	\$5,809,050		
Federal Trust.....	\$100,054,140	\$112,059,140		

ITEM 474.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022

CENTRAL APPROPRIATIONS

§ 1-131. CENTRAL APPROPRIATIONS (995)

474.	Higher Education Academic, Fiscal, and Facility Planning and Coordination (11100).....			\$10,756,833	\$10,756,833
	Interest Earned on Educational and General Programs Revenue (11106).....	\$10,756,833	\$10,756,833		
	Fund Sources: General.....	\$7,231,017	\$7,231,017		
	Higher Education Operating.....	\$3,525,816	\$3,525,816		

A. The standards upon which the public institutions of higher education are deemed certified to receive the payment of interest earnings from the tuition and fees and other nongeneral fund Educational and General revenues shall be based upon the standards provided in § 4-9.01 of this act, as approved by the General Assembly.

B. The estimated interest earnings and other revenues shall be distributed to those specific public institutions of higher education that have been certified by the State Council of Higher Education for Virginia as having met the standards provided in § 4-9.01 of this act, based on the distribution methodology developed pursuant to Chapter 933, Enactment 2, Acts of Assembly of 2005 and reported to the Chairmen of the House Appropriations Committee and Senate Finance Committee.

C. In accordance with § 2.2-5004 and 5005, Code of Virginia, this Item provides \$4,573,395 the first year and \$4,573,395 the second year from the general fund, and \$3,525,816 from nongeneral funds in the first year and \$3,525,816 from nongeneral funds in the second year for the estimated total payment to individual institutions of higher education of the interest earned on tuition and fees and other nongeneral fund Education and General Revenues deposited to the state treasury. Upon certification by the State Council of Higher Education of Virginia that all available performance benchmarks have been successfully achieved by the individual institutions of higher education, the Director, Department of Planning and Budget, shall transfer the appropriation in this Item for such estimated interest earnings to the general fund appropriation of each institution's Educational and General program.

D. This Item also includes \$2,657,622 in the first year and \$2,657,622 the second year from the general fund for the payment to individual institutions of higher education of a pro rata amount of the rebate paid to the State Commonwealth on credit card purchases not exceeding \$5,000 during the previous fiscal year. The State Comptroller shall determine the amount owed to each certified institution, net of any payments due to the federal government, using a methodology that equates a pro rata share based upon the total transactions of \$5,000 or less made by the institution using the state-approved credit card in comparison to all transactions of \$5,000 or less using said approved credit card. By October 15, or as soon thereafter as deemed appropriate, following the year of certification, the Comptroller shall reimburse each institution its estimated pro rata share.

E. Once actual financial data from the year of certification are available, the State Comptroller and the Director, Department of Planning and Budget, shall compare the actual data with estimates used to determine the distribution of the interest earnings, nongeneral fund Educational and General revenues, and the pro rata amounts to the certified institutions of higher education. In those cases where variances exist, the Governor shall include in his next introduced budget bill recommended appropriations to make whatever adjustments to each institution's distributed amount to ensure that each institution's incentive payments are accurate based on actual financial data.

475.	Revenue Administration Services (73200).....			a sum sufficient
	Designated Refunds for Taxes and Fees (73215).....		a sum sufficient	
	Fund Sources: General.....		a sum sufficient	

Authority: Discretionary Inclusion.

A. There is hereby appropriated from the affected funds in the state treasury, for refunds

ITEM 475.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022

of taxes and fees, and the interest thereon, in accordance with law, a sum sufficient.

B. There is hereby established a special fund in the state treasury to be known as the Refund Suspense Fund, hereinafter referred to as the Fund. The Tax Commissioner is hereby authorized to contract with nongovernmental entities for review of requests for refunds of taxes to enhance, expand and/or modify the administration of the refund review program, and to perform analysis of refund processing techniques. The amount of any refund identified by the nongovernmental entity as potentially erroneous shall be deposited to the Fund pending review of the refund request. Amounts in the Fund may be used to pay refunds subsequently determined to be valid, to pay the contracted nongovernmental entity for its services, to perform oversight of their operations, to upgrade necessary refund processing systems and data interfaces to facilitate the contractor's work, to offset any administrative or other costs related to any contracts authorized under this provision, and to retain experts to perform analysis of refund processing techniques. Any balance in the fund remaining after such payments, or provision therefore, shall be deposited into the appropriate general, nongeneral, or local fund.

C. There is hereby appropriated from the affected funds in the state treasury for, (1) refunds of previously paid taxes imposed by the Commonwealth at 100 percent of face value up to the amount of the coalfield employment enhancement tax credit authorized by § 58.1-439.2, Code of Virginia, (2) refunds of any remaining credit at 90 percent of face value for credits earned in taxable years beginning before January 1, 2002, and 85 percent of face value for credits earned in taxable years beginning on and after January 1, 2002, and (3) payment of the remaining 10 or 15 percent credit to the Coalfields Economic Development Authority, a sum sufficient.

476.	Distribution of Tobacco Settlement (74500) a sum sufficient, estimated at.....			\$69,327,905	\$69,327,905
	Payments to Tobacco Producers and Tobacco Growing Communities (74501).....	\$60,000,000	\$60,000,000		
	Payments for Tobacco Usage Prevention (74502).....	\$9,327,905	\$9,327,905		
	Fund Sources: Trust and Agency.....	\$69,327,905	\$69,327,905		

Authority: Title 3.2, Chapters 31, 42 and 46, and Title 32.1, Chapter 14, Code of Virginia.

A.1. There is hereby appropriated a sum sufficient estimated at \$60,000,000 the first year and \$60,000,000 the second year from nongeneral funds for expenditures of securitized proceeds and earnings up to the amount transferred from the endowment to the Tobacco Indemnification and Community Revitalization Fund in accordance with § 3.2-3104, Code of Virginia. Such expenditures shall be made pursuant to § 3.2-3108, Code of Virginia.

2. From the amount deposited into the Tobacco Indemnification and Community Revitalization Fund pursuant to § 3.2-3106, Code of Virginia, shall be paid 50 percent of the costs associated with the diligent enforcement of the non-participating manufacturer statute of the 1998 Tobacco Master Settlement Agreement, § 3.2-4201, Code of Virginia, and Item 56, Paragraph B of this act. These costs shall be paid pursuant to the transfer to the general fund directed by § 3-1.01, Paragraph N.1, of this act.

B.1. From the amounts deposited in the Virginia Tobacco Settlement Fund, no less than \$1,000,000 the first year and \$1,000,000 the second year shall be allocated for obesity prevention activities.

2. From the amount deposited into the Virginia Tobacco Settlement Fund shall be paid 8.5 percent of the costs associated with the diligent enforcement of the non-participating manufacturer statute of the 1998 Tobacco Master Settlement Agreement, § 3.2-4201, Code of Virginia, and Item 56, Paragraph B, of this act. These costs shall be paid pursuant to the transfer to the general fund directed by § 3-1.01, Paragraph N.2, of this act.

3. Beginning November 1, 2010, and each year thereafter, the Director, Virginia Healthy Youth Foundation, shall report to the Chairmen of the House Appropriations and Senate Finance Committees on funding provided to community-based organizations for obesity prevention activities pursuant to § 32.1-355, Code of Virginia.

C. The amounts deposited by the State Comptroller pursuant to paragraph B.1. of this Item

ITEM 476.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
shall be included in the general fund revenue calculations for purposes of subsection C of § 58.1-3524, Code of Virginia.				
D. The Virginia Foundation for Healthy Youth shall prioritize in its marketing and education efforts information regarding the health effects of vaping by teens and young adults. The foundation shall include such information in marketing materials, advertising, outreach, and social media channels.				
477.	Compensation and Benefit Adjustments (75700).....		\$139,552,150	\$213,830,664
	Adjustments to Employee Compensation (75701)....	\$119,985,353	\$151,893,587	
	Adjustments to Employee Benefits (75702).....	\$19,566,797	\$61,937,077	
	Fund Sources: General.....	\$139,552,150	\$213,830,664	

Authority: Discretionary Inclusion.

A. Transfers to or from this Item may be made to decrease or supplement general fund appropriations to state agencies for:

1. Adjustments to base rates of pay;
2. Adjustments to rates of pay for budgeted overtime of salaried employees;
3. Salary changes for positions with salaries listed elsewhere in this act;
4. Salary changes for locally elected constitutional officers and their employees;
5. Employer costs of employee benefit programs when required by salary-based pay adjustments;
6. Salary changes for local employees supported by the Commonwealth, other than those funded through appropriations to the Department of Education; and
7. Adjustments to the cost of employee benefits to include but not be limited to health insurance premiums and retirement and related contribution rates.

B. Transfers from this Item may be made when appropriations to the state agencies concerned are insufficient for the purposes stated in paragraph A of this Item, as determined by the Department of Planning and Budget, and subject to guidelines prescribed by the department. Further, the Department of Planning and Budget may transfer appropriations within this Item from the second year of the biennium to the first year, when necessary to accomplish the purposes stated in paragraph A of this Item.

C. Except as provided for elsewhere in this Item, agencies supported in whole or in part by nongeneral fund sources, shall pay the proportionate share of changes in salaries and benefits as required by this Item, subject to the rules and regulations prescribed by the appointing or governing authority of such agencies. Nongeneral fund revenues and balances required for this purpose are hereby appropriated.

D. Any supplemental salary payment to a state employee or class of state employees by a local governing body shall be governed by a written agreement between the agency head of the employee or class of employees receiving the supplement and the chief executive officer of the local governing body. Such agreement shall also be reviewed and approved by the Director of the State Department of Human Resource Management. At a minimum, the agreement shall specify the percent of state salary or fixed amount of the supplement, the resultant total salary of the employee or class of employees, the frequency and method of payment to the agency of the supplement, and whether or not such supplement shall be included in the employee's state benefit calculations. A copy of the agreement shall be made available annually to all employees receiving the supplement. The receipt of a local salary supplement shall not subject employees to any personnel or payroll rules and practices other than those promulgated by the State Department of Human Resource Management.

E. The Governor is hereby authorized to transfer funds from agency appropriations to the accounts of participating state employees in such amounts as may be necessary to match the contributions of the qualified participating employees, consistent with the

ITEM 477.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
requirements of the Code of Virginia governing the deferred compensation cash match program. Such transfers shall be made consistent with the following:				
1. The maximum cash match provided to eligible employees shall not be less than \$20.00 per pay period, or \$40.00 per month, in each year of the biennium. The Governor may direct the agencies of the Commonwealth to utilize funds contained within their existing appropriations to meet these requirements.				
2. The Governor may direct agencies supported in whole or in part with nongeneral funds to utilize existing agency appropriations to meet these requirements. Such nongeneral revenues and balances are hereby appropriated for this purpose, subject to the provisions of § 4-2.01 b of this act. The use of such nongeneral funds shall be consistent with any existing conditions and restrictions otherwise placed upon such nongeneral funds.				
3. The procurement of services related to the implementation of this program shall be governed by standards set forth in § 51.1-124.30 C, Code of Virginia, and shall not be subject to the provisions of Chapter 7 (§ 11-35 et seq.), Title 11, Code of Virginia.				
F. The Secretary of Administration, in conjunction with the Secretary of Finance, may establish a program that allows for the sharing of cost savings from improved productivity, efficiency, and performance with agencies and employees. Such gain sharing programs require a management philosophy of open communication encouraging employee participation; a system which seeks, evaluates and implements employee input on increasing productivity; and a formula for measuring productivity gains and sharing these gains between employees and the agency. The Department of Human Resource Management, in conjunction with the Department of Planning and Budget, shall develop specific gain sharing program guidelines for use by agencies. The Department of Human Resource Management shall provide to the Governor, the Chairmen of the House Appropriations and Senate Finance Committees an annual report no later than October 1 of each year detailing identified savings and their usage.				
G.1. Out of the appropriation for this Item, an amount estimated at \$41,227,641 the second year from the general fund shall be transferred to state agencies and institutions of higher education to support the general fund portion of costs associated with changes in the employer's share of premiums paid for the Commonwealth's health benefit plans.				
2. Notwithstanding any contrary provision of law, the health benefit plans for state employees resulting from the additional funding in this Item shall allow for a portion of employee medical premiums to be charged to employees.				
3. The Department of Human Resource Management shall explore options within the health insurance plan for state employees to promote value-based health choices aimed at creating greater employee satisfaction with lower overall health care costs. It is the General Assembly's intent that any savings associated with this employee health care initiative be retained and used towards funding state employee salary or fringe benefit cost increases.				
4. Notwithstanding any other provision of law, it shall be the sole responsibility and authority of the Department of Human Resource Management to establish and enforce employer contribution rates for any health insurance plan established pursuant to §2.2-2818, Code of Virginia.				
5. The Department of Human Resource Management is prohibited from establishing a retail maintenance network for maintenance drugs that includes penalties for non-use of the retail maintenance network.				
6. The Department of Human Resource Management shall not increase the annual out-of-pocket maximum included in the plans above the limits in effect for the plan year which began on July 1, 2014.				
7. The Department of Human Resource Management shall include language in all contracts, signed on or after July 1, 2018, with third party administrators of the state employee health plan requiring the third party administrators to: 1) maintain policies and procedures for transparency in their pharmacy benefit administration programs; 2) transparently provide information to state employees through an explanation of benefits regarding the cost of drug reimbursement; dispensing fees; copayments; coinsurance; the amount paid to the dispensing				

ITEM 477.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022

pharmacy for the claim; the amount charged to the third party administrator for the claim by the third party administrator's pharmacy benefit manager; and the amount charged by the third party administrator to the Commonwealth; and 3) provide a report to the Department of Human Resource Management of the aggregate difference in amounts between reimbursements made to pharmacies for claims covered by the state employee insurance plan, the amount charged to the third party administrator for the claim by the third party administrator's pharmacy benefit manager, and the amount charged by the third party administrator to the Commonwealth as well as an explanation for any difference.

8. Notwithstanding the provisions of § 38.2-3418.17 and any other provision of law, effective October 1, 2018, the Department of Human Resource Management shall provide coverage under the state employee health insurance program for the treatment of autism spectrum disorder through the age of eighteen.

H.1. Contribution rates paid to the Virginia Retirement System for the retirement benefits of public school teachers, state employees, state police officers, state judges, and state law enforcement officers eligible for the Virginia Law Officers Retirement System shall be based on a valuation of retirement assets and liabilities that are consistent with the provisions of Chapters 701 and 823, Acts of Assembly of 2012.

2. Retirement contribution rates, excluding the five percent employee portion, shall be as set out below and include both the regular contribution rate and for the public school teacher plan the rate calculated by the Virginia Retirement System actuary for the 10-year payback of the retirement contribution payments deferred for the 2010-12 biennium:

	FY 2021	FY 2022
Public school teachers	16.62%	16.62%
State employees	14.46%	14.46%
State Police Officers' Retirement System	26.33%	26.33%
Virginia Law Officers' Retirement System	21.90%	21.90%
Judicial Retirement System	29.84%	29.84%

3. Payments of all required contributions and insurance premiums to the Virginia Retirement System and its third-party administrators, as applicable, shall be made no later than the tenth day following the close of each month of the fiscal year.

4. Out of the appropriation for this Item, amounts estimated at \$15,893,697 the first year and \$16,578,460 the second year, from the general fund shall be transferred to state agencies and institutions of higher education, to support the general fund portion of costs associated with changes in employer contributions for state employee retirement as provided for in this paragraph.

5. The funding necessary to support the cost of reimbursements to Constitutional Officers for retirement contributions are appropriated elsewhere in this act under the Compensation Board.

6. The funding necessary to support the cost of the employer retirement contribution rate for public school teachers is appropriated elsewhere in this act under Direct Aid to Public Education.

I. Rates paid to the Virginia Retirement System on behalf of employees of participating (i) counties, (ii) cities, (iii) towns, (iv) local public school divisions (only to the extent that the employer contribution rate is not otherwise specified in this act), and (v) other political subdivisions shall be based on the employer contribution rates certified by the Virginia Retirement System Board of Trustees pursuant to § 51.1-145(I), Code of Virginia.

J. The Virginia Retirement System Board of Trustees shall account for the employer retirement contribution payments for the public school teacher plan deferred for the 2010-2012 biennium based on limiting employer retirement contributions to the Virginia Retirement System to the actuarial normal cost. In setting the employer retirement contribution rates for the public school teacher plan for subsequent biennia, the board shall

ITEM 477.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022

calculate a separate, supplemental employer contribution rate that will amortize such deferred payments over a period of ten years using the board's assumed long-term rate of return. The Governor shall include funds to support payment of the approved state portion of such board-approved, supplemental employer contribution rates for the public school teacher plan in the budget submitted to the General Assembly.

K.1. Contribution rates paid to the Virginia Retirement System for other employee benefits to include the public employee group life insurance program, the Virginia Sickness and Disability Program, the state employee retiree health insurance credit, and the public school teacher retiree health insurance credit, shall be based on a valuation of assets and liabilities that assume an investment return of seven percent and an amortization period of 30 years, except beginning in fiscal year 2021 the state employee retiree health credit amortization period shall be reduced by 5 years.

2. Contribution rates paid on behalf of public employees for other programs administered by the Virginia Retirement System shall be:

	FY 2021	FY 2022
State employee retiree health insurance credit	1.25%	1.25%
Public school teacher retiree health insurance credit	1.21%	1.21%
State employee group life insurance program	1.34%	1.34%
Employer share of the public school teacher group life insurance program	0.54%	0.54%
Virginia Sickness and Disability Program	0.61%	0.61%

3. Funding for the Virginia Sickness and Disability Program is calculated on a rate of 0.56 percent of total payroll.

4. Out of the appropriation for this Item, amounts estimated at \$3,980,010 the first year and \$4,153,072 the second year, from the general fund shall be transferred to state agencies and institutions of higher education, to support the general fund portion of costs associated with changes in employer contributions for state employee benefits as provided for in this paragraph.

5. The funding necessary to support the cost of reimbursements to Constitutional Officers for public employee group life insurance contributions is appropriated elsewhere in this act under the Compensation Board.

6. The funding necessary to support the cost of the employer public school teacher group life insurance and retiree health insurance credit rates is appropriated elsewhere in this act under Direct Aid to Public Education.

L.1. The retiree health insurance credit contribution rates for the following groups of state supported local public employees shall be: 0.36 percent for constitutional officers and employees of constitutional officers 0.38 percent for employees of local social services boards, and 0.39 percent for General Registrars and employees of General Registrars.

2. The Director, Department of Planning and Budget, shall withhold and transfer to this Item amounts estimated at \$55,805 the first year and \$55,805 the second year to reflect the general fund portion of the net savings resulting from changes in the retiree health insurance credit contribution rates for state supported local public employees through the Compensation Board, the Department of Social Services, and the Department of Elections pursuant to § 51.1-1403, Code of Virginia.

M.1. Notwithstanding the provisions of § 2.2-3205(A), Code of Virginia, the terminating agency shall not be required to pay the Virginia Retirement System the costs of enhanced retirement benefits provided for in § 2.2-3204(A), Code of Virginia for employees who are involuntarily separated from employment with the Commonwealth if the Director of the Department of Planning and Budget certifies that such action results from 1. budget

ITEM 477.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022

reductions enacted in the Appropriation Act, 2. budget reductions executed in response to the withholding of appropriations by the Governor pursuant to §4-1.02 of the Act, 3. reorganization or reform actions taken by state agencies to increase efficiency of operations or improve service delivery provided such actions have been previously approved by the Governor, or 4. downsizing actions taken by state agencies as the result of the loss of federal or other grants, private donations, or other nongeneral fund revenue, and if the Director of the Department of Human Resource Management certifies that the action comports with personnel policy. Under these conditions, the entire cost of such benefits for involuntarily separated employees shall be factored into the employer contribution rates paid to the Virginia Retirement System.

2. Notwithstanding the provisions of § 2.2-3205(A), Code of Virginia, the terminating agency shall not be required to pay the Virginia Retirement System the costs of enhanced retirement benefits provided for in § 2.2-3204(A), Code of Virginia, for employees who are involuntarily separated from employment with the Commonwealth if the Speaker of the House of Delegates and the Chairman of the Senate Committee on Rules have certified on or after July 1, 2016, that such action results from 1. budget reductions enacted in the Appropriation Act pertaining to the Legislative Department; 2. reorganization or reform actions taken by agencies in the legislative branch of state government to increase efficiency of operations or improve service delivery provided such actions have been approved by the Speaker of the House of Delegates and the Chairman of the Senate Committee on Rules; or 3. downsizing actions taken by agencies in the legislative branch of state government as the result of the loss of federal or other grants, private donations, or other nongeneral fund revenue and if the applicable agency certifies that the actions comport with the provisions of and related policies associated with the Workforce Transition Act. Under these conditions, the entire cost of such benefits for involuntarily separated employees shall be factored into the employer contribution rates paid to the Virginia Retirement System.

N. The purpose of this paragraph is to provide a transitional severance benefit, under the conditions specified, to eligible city, county, school division or other political subdivision employees who are involuntarily separated from employment with their employer.

1.a. "Involuntary separation" includes, but is not limited to, terminations and layoffs from employment with the employer, or being placed on leave without pay-layoff or equivalent status, due to budget reductions, employer reorganizations, workforce downsizings, or other causes not related to the job performance or misconduct of the employee, but shall not include voluntary resignations. As used in this paragraph, a "terminated employee" shall mean an employee who is involuntarily separated from employment with his employer.

b. The governing authority of a city, county, school division or other political subdivision electing to cover its employees under the provisions of this paragraph shall adopt a resolution, as prescribed by the Board of Trustees of the Virginia Retirement System, to that effect. An election by a school division shall be evidenced by a resolution approved by the Board of such school division and its local governing authority.

2.a. Any (i) "eligible employee" as defined in § 51.1-132, (ii) "teacher" as defined in § 51.1-124.3, and (iii) any "local officer" as defined in § 51.1.124.3 except for the treasurer, commissioner of the revenue, attorney for the Commonwealth, clerk of a circuit court, or sheriff of any county or city, and (a) for whom reemployment with his employer is not possible because there is no available position for which the employee is qualified or the position offered to the employee requires relocation or a reduction in salary and (b) whose involuntary separation was due to causes other than job performance or misconduct, shall be eligible, under the conditions specified, for the transitional severance benefit conferred by this paragraph. The date of involuntary separation shall mean the date an employee was terminated from employment or placed on leave without pay-layoff or equivalent status.

b. Eligibility shall commence on the date of involuntary separation.

3.a. On his date of involuntary separation, an eligible employee with (i) two years' service or less to the employer shall be entitled to receive a transitional severance benefit equivalent to four weeks of salary; (ii) three years through and including nine years of consecutive service to the employer shall be entitled to receive a transitional severance

ITEM 477.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
	<p>benefit equivalent to four weeks of salary plus one additional week of salary for every year of service over two years; (iii) ten years through and including fourteen years of consecutive service to the employer shall be entitled to receive a transitional severance benefit equivalent to twelve weeks of salary plus two additional weeks of salary for every year of service over nine years; or (iv) fifteen years or more of consecutive service to the employer shall be entitled to receive a transitional severance benefit equivalent to two weeks of salary for every year of service, not to exceed thirty-six weeks of salary.</p>			
	<p>b. Transitional severance benefits shall be computed by the terminating employer's payroll department. Partial years of service shall be rounded up to the next highest year of service.</p>			
	<p>c. Transitional severance benefits shall be paid by the employer in the same manner as normal salary. In accordance with § 60.2-229, transitional severance benefits shall be allocated to the date of involuntary separation. The right of any employee who receives a transitional severance benefit to also receive unemployment compensation pursuant to § 60.2-100 et seq. shall not be denied, abridged, or modified in any way due to receipt of the transitional severance benefit; however, any employee who is entitled to unemployment compensation shall have his transitional severance benefit reduced by the amount of such unemployment compensation. Any offset to a terminated employee's transitional severance benefit due to reductions for unemployment compensation shall be paid in one lump sum at the time the last transitional severance benefit payment is made.</p>			
	<p>d. For twelve months after the employee's date of involuntary separation, the employee shall continue to be covered under the (i) health insurance plan administered by the employer for its employees, if he participated in such plan prior to his date of involuntary separation, and (ii) group life insurance plan administered by the Virginia Retirement System pursuant to Chapter 5 (§ 51.1-500 et seq.) of Title 51.1, or such other group life insurance plan as may be administered by the employer. During such twelve months, the terminating employer shall continue to pay its share of the terminated employee's premiums. Upon expiration of such twelve month period, the terminated employee shall be eligible to purchase continuing health insurance coverage under COBRA.</p>			
	<p>e. Transitional severance benefit payments shall cease if a terminated employee is reemployed or hired in an individual capacity as an independent contractor or consultant by the employer during the time he is receiving such payments.</p>			
	<p>f. All transitional severance benefits payable pursuant to this section shall be subject to applicable federal laws and regulations.</p>			
	<p>4.a. In lieu of the transitional severance benefit provided in subparagraph 3 of this paragraph, any otherwise eligible employee who, on the date of involuntary separation, is also (i) a vested member of a defined benefit plan within the Virginia Retirement System, including the hybrid retirement program described in § 51.1-169, and including a member eligible for the benefits described in subsection B of § 51.1-138, and (ii) at least fifty years of age, may elect to have the employer purchase on his behalf years to be credited to either his age or creditable service or a combination of age and creditable service, except that any years of credit purchased on behalf of a member of the Virginia Retirement System, including a member eligible for the benefits described in subsection B of § 51.1-138, who is eligible for unreduced retirement shall be added to his creditable service and not his age. The cost of each year of age or creditable service purchased by the employer shall be equal to fifteen percent of the employee's present annual compensation. The number of years of age or creditable service to be purchased by the employer shall be equal to the quotient obtained by dividing (i) the cash value of the benefits to which the employee would be entitled under subparagraphs 3.a. and 3.d. of this paragraph by (ii) the cost of each year of age or creditable service. Partial years shall be rounded up to the next highest year. Deferred retirement under the provisions of subsection C of §§ 51.1-153 and disability retirement under the provisions of § 51.1-156 et seq., shall not be available under this paragraph.</p>			
	<p>b. In lieu of the (i) transitional severance benefit provided in subparagraph 3 of this paragraph and (ii) the retirement program provided in this subsection, any employee who is otherwise eligible may take immediate retirement pursuant to §§ 51.1-155.1 or 51.1-155.2.</p>			
	<p>c. The retirement allowance for any employee electing to retire under this paragraph who, by adding years to his age, is between ages fifty-five and sixty-five, shall be reduced on the</p>			

ITEM 477.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022

actuarial basis provided in subdivision A. 2. of § 51.1-155.

d. The retirement program provided in this subparagraph shall be otherwise governed by policies and procedures developed by the Virginia Retirement System.

e. Costs associated with the provisions of this subparagraph shall be factored into the employer contribution rates paid to the Virginia Retirement System.

f. Notwithstanding the foregoing, the provisions of this paragraph N shall apply to an otherwise eligible employee who is a person who becomes a member on or after July 1, 2010, a person who does not have 60 months of creditable service as of January 1, 2013, or a person who is enrolled in the hybrid retirement program described in § 51.1-169, mutatis mutandis.

O.1. a. In order to address the potential for stranded liability in the Virginia Retirement System, notwithstanding any other contrary provisions of the Appropriation Act or of § 51.1-145, institutions of higher education that have established their own optional retirement plan under § 51.1-126(B) shall pay, effective July 1, 2019, contributions to the employer's retirement allowance account in an amount equal to that portion of the state employer contribution rate designated to pay down the total unfunded accrued liability, for any positions existing as of December 31, 2011 that are subsequently converted from non-Optional Retirement Plan for Higher Education (ORPHE) eligible positions to ORPHE-eligible positions on or after January 1, 2012 and that are filled by an employee who elects to participate in the ORPHE. In meeting this obligation, each institution shall provide to the Virginia Retirement System by April 1 of each year a list of all positions converted from non-ORPHE eligible positions to ORPHE-eligible positions since January 1, 2012, and whether current employees in such positions have elected ORPHE participation.

b. Such contributions shall not be required for any new position established by the institution after January 1, 2012, that may be eligible for participation in the Optional Retirement Plan for Higher Education.

2. Furthermore, the Department of Accounts, the Virginia Retirement System, and the universities of higher education shall work to develop a methodology to identify and report separately personnel services expenditures for university personnel in positions that use to be classified positions but have been transitioned to university staff positions.

P. 1. Notwithstanding the provisions of § 17.1-327, Code of Virginia, any justice, judge, member of the State Corporation Commission, or member of the Virginia Workers' Compensation Commission who is retired under the Judicial Retirement System and who is temporarily recalled to service shall be reimbursed for actual expenses incurred during such service and shall be paid a per diem of \$250 for each day the person actually sits, exclusive of travel time.

2. Out of the general fund appropriation for this Item, \$500,000 in the first year and \$500,000 in the second year is provided to support the costs resulting from the changes in the per diem amounts provided for in paragraph P.1. The Director, Department of Planning and Budget, shall disburse funding from this Item to all affected judicial and independent agencies upon request.

Q.1. Notwithstanding § 9.1-400, Code of Virginia, or any contrary provision of law, "eligible dependent" for purposes of continued health insurance pursuant to § 9.1-401, Code of Virginia, shall also include the natural or adopted child or children of a "deceased person", as defined in § 9.1-400, Code of Virginia, or "disabled person", as defined in § 9.1-400, Code of Virginia, born as the result of a pregnancy or adoption that occurred after the time of the employee's death or disability and prior to July 1, 2017. Eligibility will continue until the end of the year in which the eligible dependent reaches age 26 or when the eligible dependent ceases to be eligible based on the Virginia Administrative Code or administrative guidance as determined by the Department of Human Resource Management.

2. Notwithstanding § 9.1-400.1 D, Code of Virginia, the annual contribution for each participating employer shall be based on a premium of \$717.31 per eligible full-time equivalent employee.

ITEM 477.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
3. The Director, Department of Planning and Budget, shall transfer from this Item general fund amounts estimated at \$202,639 the first year and \$202,639 the second year to state agencies and institutions of higher education to support the general fund portion of costs of Line of Duty Act premiums based on the latest enrollment update from the Virginia Retirement System and the premium authorized in this paragraph.				
R. The Director, Department of Planning and Budget, shall withhold and transfer to this Item, general fund amounts estimated at \$457,852 the first year and \$173,038 the second year from state agencies and institutions of higher education to recognize the general fund portion of savings associated with the latest workers' compensation premiums provided by the Department of Human Resource Management.				
S. The following agency heads, at their discretion, may utilize agency funds to implement the provisions of new or existing performance-based pay plans:				
1. The heads of agencies in the Legislative and Judicial Departments;				
2. The Commissioners of the State Corporation Commission and the Virginia Workers' Compensation Commission;				
3. The Attorney General;				
4. The Director of the Virginia Retirement System;				
5. The Executive Director of the Virginia Lottery;				
6. The Director of the University of Virginia Medical Center;				
7. The Chief Executive Officer of the Virginia College Savings Plan;				
8. The Executive Director of the Virginia Port Authority; and				
9. The Chief Executive Officer of the Virginia Alcoholic Beverage Control Authority.				
T. Out of the amounts included in this item, amounts estimated at \$1,398,067 the first year and \$4,627,062 the second year from the general fund is available for transfer to state agencies and institutions of higher education to effectuate the provisions of House Bill 395 and Senate Bill 7 which increases the minimum wage beginning January 1, 2021.				
U.1. The Governor is hereby authorized to allocate a sum of up to \$118,087,286 the first year and up to \$146,766,525 the second year from this appropriation, to the extent necessary to offset any downward revisions of the general fund revenue estimate prepared for fiscal years 2021 and 2022, after the enactment by the General Assembly of the 2020 Appropriation Act. If within five days of the preliminary close of the fiscal year ending on June 30, 2020, the Comptroller's analysis does not determine that a revenue re-forecast is required pursuant to § 2.2-1503.3, Code of Virginia, then such appropriation shall be used only for employee compensation purposes as stated in paragraphs V., W., X., Y., Z., AA. and BB. below.				
2. Furthermore, the \$95,205,619 the first year and \$194,971,850 the second year from the general fund allocated to support the state share of a two percent salary adjustment the first year and an additional two percent salary adjustment the second year for SOQ funded positions authorized in Item 145 of this act shall be unallotted, if the provisions of paragraph U.1. are not met and the actions authorized in paragraphs V., W., X., Y., Z., AA., and BB. of this item are not effectuated.				
V.1. Contingent on the provisions of paragraph U.1. above, \$89,883,598 from the general fund the first year is available to provide all classified employees of the Executive Branch and other full-time employees of the Commonwealth, except elected officials and employees receiving a salary adjustment pursuant to paragraph Z. below, who were employed on April 1, 2020, and remain employed until at least November 24, 2020, a one-time bonus payment equal to three percent of their base pay on December 1, 2020.				
2. Employees in the Executive Department subject to the Virginia Personnel Act shall receive the bonus payment authorized in this paragraph only if they have attained an equivalent rating of at least "Contributor" on their performance evaluation and have no active written notices under the Standards of Conduct within the preceding twelve-month period.				

ITEM 477.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022

3. The governing authorities of the state institutions of higher education may provide the bonus for faculty and university staff based on performance and other employment-related factors, as long as the bonuses do not exceed what the average would have been based on the general methodology authorized in this paragraph.

W. Contingent on the provisions of paragraph U.1, out of amounts appropriated for Employee Compensation in this item, \$20,725,124 from the general fund the first year is provided for a one-time bonus, equal to two percent of their base salary on December 1, 2020 provided that the governing authority of such employees use such funds to support the provision of a bonus for the following listed employees:

- a. Locally-elected constitutional officers;
- b. General Registrars and members of local electoral boards;
- c. Full-time employees of locally-elected constitutional officers and,
- d. Full-time employees of Community Services Boards, Centers for Independent Living, secure detention centers supported by Juvenile Block Grants, juvenile delinquency prevention and local court service units, local social services boards, local pretrial services act and comprehensive community corrections act employees, and local health departments where a memorandum of understanding exists with the Virginia Department of Health.

X.1. Contingent on the provisions of paragraph U.1. above, \$109,353,218 from the general fund the second year is provided to increase the base salary of the following employees by three percent on June 10, 2021:

- a. Full-time and other classified employees of the Executive Department subject to the Virginia Personnel Act;
 - b. Full-time employees of the Executive Department not subject to the Virginia Personnel Act, except officials elected by popular vote;
 - c. Any official whose salary is listed in § 4-6.01 of this act, subject to the ranges specified in the agency head salary levels in § 4-6.01 c;
 - d. Full-time staff of the Governor's Office, the Lieutenant Governor's Office, the Attorney General's Office, Cabinet Secretaries' Offices, including the Deputy Secretaries, the Virginia Liaison Office, and the Secretary of the Commonwealth's Office;
 - e. Heads of agencies in the Legislative Department;
 - f. Full-time employees in the Legislative Department, other than officials elected by popular vote;
 - g. Legislative Assistants as provided for in Item 1 of this act;
 - h. Judges and Justices in the Judicial Department;
 - i. Heads of agencies in the Judicial Department;
 - j. Full-time employees in the Judicial Department;
 - k. Commissioners of the State Corporation Commission and the Virginia Workers' Compensation Commission, the Chief Executive Officer of the Virginia College Savings Plan, and the Directors of the Virginia Lottery, and the Virginia Retirement System; and
 - l. Full-time employees of the State Corporation Commission, the Virginia College Savings Plan, the Virginia Lottery, Virginia Workers' Compensation Commission, and the Virginia Retirement System.
- 2.a. Employees in the Executive Department subject to the Virginia Personnel Act shall receive the salary increases authorized in this paragraph only if they attained at least a rating of "Contributor" on their latest performance evaluation.

ITEM 477.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<p>b. Salary increases authorized in this paragraph for employees in the Judicial and Legislative Departments, employees of Independent agencies, and employees of the Executive Department not subject to the Virginia Personnel Act shall be consistent with the provisions of this paragraph, as determined by the appointing or governing authority. However, notwithstanding anything herein to the contrary, the governing authorities of those state institutions of higher education with employees not subject to the Virginia Personnel Act may implement salary increases for such employees that may vary based on performance and other employment-related factors. The appointing or governing authority shall certify to the Department of Human Resource Management that employees receiving the awards are performing at levels at least comparable to the eligible employees as set out in subparagraph 2.a. of this paragraph.</p> <p>3. The Department of Human Resource Management shall increase the minimum and maximum salary for each band within the Commonwealth's Classified Compensation Plan by three percent on June 10, 2021. No salary increase shall be granted to any employee as a result of this action. The department shall develop policies and procedures to be used in instances when employees fall below the entry level for a job classification due to poor performance. Movement through the revised pay band shall be based on employee performance.</p> <p>4. The following agency heads, at their discretion, may utilize agency funds or the funds provided pursuant to this paragraph to implement the provisions of new or existing performance-based pay plans:</p> <p>a. The heads of agencies in the Legislative and Judicial Departments;</p> <p>b. The Commissioners of the State Corporation Commission and the Virginia Workers' Compensation Commission;</p> <p>c. The Attorney General;</p> <p>d. The Director of the Virginia Retirement System;</p> <p>e. The Director of the Virginia Lottery;</p> <p>f. The Director of the University of Virginia Medical Center;</p> <p>g. The Chief Executive Officer of the Virginia College Savings Plan; and</p> <p>h. The Executive Director of the Virginia Port Authority.</p> <p>5. The base rates of pay, and related employee benefits, for wage employees may be increased by up to three percent no earlier than June 10, 2021. The cost of such increases for wage employees shall be borne by existing funds appropriated to each agency.</p> <p>6. The governing authorities of those state institutions of higher education with employees may provide a salary adjustment based on performance and other employment-related factors, as long as the increases do not exceed the three percent increase on average.</p> <p>Y.1. Contingent on the provisions of paragraph U.1. above, the appropriations in this item include funds to increase the base salary of the following employees by three percent on July 1, 2021, provided that the governing authority of such employees use such funds to support salary increases for the following listed employees.</p> <p>a. Locally-elected constitutional officers;</p> <p>b. General Registrars and members of local electoral boards;</p> <p>c. Full-time employees of locally-elected constitutional officers and,</p> <p>d. Full-time employees of Community Services Boards, Centers for Independent Living, secure detention centers supported by Juvenile Block Grants, juvenile delinquency prevention and local court service units, local social services boards, local pretrial services act and Comprehensive Community Corrections Act employees, and local health departments where a memorandum of understanding exists with the Virginia Department of Health.</p>				

ITEM 477.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<p>2. Out of the appropriation for Supplements to Employee Compensation is included \$28,897,190 the second year from the general fund to support the costs associated with the salary increase provided in this paragraph.</p> <p>Z. Contingent on the provisions of paragraph U.1. above, \$5,187,764 the first year and \$6,225,317 the second year from the general fund, is available for salary adjustments for sworn officers of the Department of State Police as follows:</p> <p>a. Sworn employees of the Department of State Police, who have three or more years of continuous state service shall receive \$110 for each full year of service up to thirty years, effective August 10, 2020.</p> <p>b. Prior to effectuating the salary adjustment authorized in this paragraph, the base salary of all sworn officers of the State Police shall be increased by two percent, effective August 10, 2020.</p> <p>c. The Department of Human Resource Management shall adjust the minimum and maximum salary for each band within the Commonwealth's Classified Compensation Plan as needed to effectuate the pay action in this paragraph.</p> <p>AA. Contingent on the provisions of paragraph U.1. above, included in the appropriation for this item is \$2,290,800 the first year from the general fund to provide a three percent bonus on December 1, 2020 year for adjunct faculty at Virginia two-year and four-year public colleges and higher education institutions.</p> <p>BB. Contingent on the provisions of paragraph U.1. above, included in the appropriation for this item is \$2,290,800 the second year from the general fund to provide a three percent increase in base pay for adjunct faculty at Virginia two-year and four-year public colleges and higher education institutions, effective June 10, 2021.</p>				
478.	Adjustments to Designated State Agency Activities (23800).....		(\$49,415,082)	(\$37,112,885)
	Undistributed Support for Designated State Agency Activities (23801).....	(\$49,415,082)	(\$37,112,885)	
	Fund Sources: General.....	(\$49,415,082)	(\$37,112,885)	
<p>Authority: Discretionary Inclusion</p> <p>A. Transfers from this Item may be made when appropriations to the state agencies concerned are insufficient for the purposes of paying rates billed by other agencies as internal service funds or for other designated state activities, as determined by the Department of Planning and Budget, and subject to guidelines prescribed by the department. Further, the Department of Planning and Budget may transfer appropriations within this Item from the second year of the biennium to the first year, when necessary to accomplish these purposes.</p> <p>B. Except as provided for elsewhere in this Item, agencies supported in whole or in part by nongeneral fund sources, shall pay the proportionate share of changes in the designated state agency activities as required by this Item, subject to the rules and regulations prescribed by the appointing or governing authority of such agencies. Nongeneral fund revenues and balances required for this purpose are hereby appropriated.</p> <p>C. The Director, Department of Planning and Budget, shall transfer to this Item, general fund amounts estimated at \$53,371,394 the first year and \$49,155,924 the second year from state agencies and institutions of higher education to support the general fund portion of savings resulting from the estimated usage of technology services provided by the Virginia Information Technologies Agency.</p> <p>D. The Director, Department of Planning and Budget, shall transfer from this Item amounts estimated at \$1,934,068 the first year and \$2,754,914 the second year from the general fund for the general fund share of rental costs for space maintained and operated by the Department of General Services.</p> <p>E. Out of this appropriation, amounts estimated at \$180,746 the first year and \$180,746 the second year from the general fund shall be provided to state agencies to support the</p>				

ITEM 478.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022

costs of information technology security audits and information security officer services. With such funding, agencies are encouraged to work with the Virginia Information Technologies Agency's information technology shared security center.

F. The Director, Department of Planning and Budget, shall withhold and transfer to this Item, general fund amounts estimated at \$1,869,798 the first year and \$2,119,765 the second year from state agencies and institutions of higher education to recognize the general fund portion of savings resulting from changes in agency charges for the Cardinal Financial System operated by the Department of Accounts.

G. The Director, Department of Planning and Budget, shall transfer from this Item an amount estimated at \$10,053,913 the second year from the general fund for the general fund share of costs for agency charges for the Cardinal Human Capital Management System operated by the Department of Accounts.

H. The Director, Department of Planning and Budget, shall withhold and transfer to this Item, general fund amounts estimated at \$251,280 the first year and \$225,171 the second year from state agencies and institutions of higher education to recognize the general fund portion of savings resulting from changes in agency charges for the Performance Budgeting system.

I. The Director, Department of Planning and Budget, shall withhold and transfer to this Item, general fund amounts estimated at \$316,114 the first year and \$330,518 the second year from executive branch agencies to recognize the savings resulting from changes in agency charges for the Personnel Management Information System.

J. The Director, Department of Planning and Budget, shall transfer from this Item general fund amounts estimated at \$994,019 the first year and \$994,019 the second year for the general fund share of changes in agency charges for general liability insurance premiums billed by the Department of the Treasury.

K.1. The Director Department of Planning and Budget, shall transfer from this Item general fund amounts estimated at \$670,209 the first year and \$670,209 the second year to support the existing general fund portion of costs for the Human Resource Shared Service Center operated by the Department of Human Resource Management. The center will begin billing all participating agencies for services in fiscal year 2021.

2. The Director, Department of Planning and Budget, shall transfer from this Item amounts estimated at \$105,615 the first year and \$64,692 the second year from the general fund for the general fund share of changes in costs of the Human Resource Shared Service Center operated by the Department of Human Resource Management.

L. Out of this appropriation, an amount estimated at \$2,508,847 the first year from the general fund shall be used to support state agency approved migration expenses for the migration from the Commonwealth Enterprise Solutions Center as authorized in Item 90 of this act. Any unexpended general fund balances remaining from the appropriation in this paragraph shall not revert to the general fund at the end of the fiscal year, but shall be brought forward and reappropriated for its original purpose.

479.	Payments for Special or Unanticipated Expenditures (75800).....			\$6,769,500	\$5,519,500
	Miscellaneous Contingency Reserve Account (75801).....	\$1,300,000	\$1,300,000		
	Economic Development Assistance (75804).....	\$2,400,000	\$2,150,000		
	Undistributed Support for Designated State Agency Activities (75806).....	\$3,069,500	\$2,069,500		
	Fund Sources: General.....	\$6,769,500	\$5,519,500		

Authority: Discretionary Inclusion.

A. The Governor is hereby authorized to allocate sums from this appropriation, in addition to an amount not to exceed \$5,000,000 from the unappropriated balance derived by subtracting the general fund appropriations from the projected general fund revenues in this act, to provide for supplemental funds pursuant to paragraph D hereof. Transfers from this Item shall be made only when (1) sufficient funds are not available within the agency's appropriation

ITEM 479.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022

and (2) additional funds must be provided prior to the end of the next General Assembly Session.

B.1. The Governor is authorized to allocate from the unappropriated general fund balance in this act such amounts as are necessary to provide for unbudgeted cost increases to state agencies incurred as a result of actions to enhance homeland security, combat terrorism, and to provide for costs associated with the payment of a salary supplement for state classified employees ordered to active duty as part of a reserve component of the Armed Forces of the United States or the Virginia National Guard. Any salary supplement provided to state classified employees ordered to active duty, shall apply only to employees who would otherwise earn less in salary and other cash allowances while on active duty as compared to their base salary as a state classified employee. Guidelines for such payments shall be developed by the Department of Human Resource Management in conjunction with the Departments of Accounts and Planning and Budget.

2. The Governor shall submit a report within thirty days to the Chairmen of House Appropriations and Senate Finance Committees which itemizes any disbursements made from this Item for such costs.

3. The governing authority of the agencies listed in this subparagraph may, at its discretion and from existing appropriations, provide such payments to their employees ordered to active duty as part of a reserve component of the Armed Forces of the United States or the Virginia National Guard, as are necessary to provide comparable pay supplements to its employees.

- a. Agencies in the Legislative and Judicial Departments;
- b. The State Corporation Commission, the Virginia Workers' Compensation Commission, the Virginia Retirement System, the Virginia Lottery, and the Virginia College Savings Plan;
- c. The Office of the Attorney General and the Department of Law; and
- d. State-supported institutions of higher education.

C. The Governor is authorized to expend from the unappropriated general fund balance in this act such amounts as are necessary, up to \$1,500,000, to provide for indemnity payments to growers, producers, and owners for losses sustained as a result of an infectious disease outbreak or natural disaster in livestock and poultry populations in the Commonwealth. These indemnity payments will compensate growers, producers, and owners for a portion of the difference between the appraised value of each animal destroyed or slaughtered or animal product destroyed in order to control or eradicate an animal disease outbreak and the total of any salvage value plus any compensation paid by the federal government.

D. Out of the appropriation for this item is included \$1,000,000 the first year and \$1,000,000 the second year from the general fund to be used by the Governor as he may determine to be needed for the following purposes:

- 1. To address the six conditions listed in § 4-1.03 c 5 of this act.
- 2. To provide for unbudgeted and unavoidable increases in costs to state agencies for essential commodities, services, and training which cannot be absorbed within agency appropriations including unbudgeted benefits associated with Workforce Transition Act requirements.
- 3. To secure federal funds in the event that additional matching funds are needed for Virginia to participate in the federal Superfund program.
- 4. To provide a payment of up to \$100,000 to the Military Order of the Purple Heart, for the continued operation of the National Purple Heart Hall of Honor, provided that at least half of other states have made similar grants.
- 5. In addition, if the amounts appropriated in this Item are insufficient to meet the unanticipated events enumerated, the Governor may utilize up to \$1,000,000 the first year and \$1,000,000 the second year from the general fund amounts appropriated for the

ITEM 479.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Commonwealth's Opportunity Fund for the unanticipated purposes set forth in paragraph D.1. through paragraph D.5. of this Item.				
6. In addition, to provide for payment of monetary rewards to persons who have disclosed information of wrongdoing or abuse under the Fraud and Abuse Whistle Blower Protection Act.				
7. The Department of Planning and Budget shall submit a quarterly report of any disbursements made from, commitments made against, and requests made for such sums authorized for allocation pursuant to this paragraph to the Chairmen of the House Appropriations and Senate Finance Committees. This report shall identify each of the conditions specified in this paragraph for which the transfer is made.				
E. Included in this appropriation is \$300,000 the first year and \$300,000 the second year from the general fund to pay for private legal services and the general fund share of unbudgeted costs for enforcement of the 1998 Tobacco Master Settlement Agreement. Transfers for private legal services shall be made by the Director, Department of Planning and Budget upon prior written authorization of the Governor or the Attorney General, pursuant to § 2.2-510, Code of Virginia or Item 57, Paragraph D of this act. Transfers for enforcement of the Master Settlement Agreement shall be made by the Director, Department of Planning and Budget at the request of the Attorney General, pursuant to Item 57, Paragraph B of this act.				
F. Notwithstanding the provisions of § 58.1-608.3B.(v), Code of Virginia, any municipality which has issued bonds on or after July 1, 2001, but before July 1, 2006, to pay the cost, or portion thereof, of any public facility pursuant to § 58.1-608.3, Code of Virginia, shall be entitled to all sales tax revenues generated by transactions taking place in such public facility.				
G. Any unexpended balance remaining in this Item on June 30, 2020, shall be carried forward on the books of the Comptroller and shall be available for expenditure in the second year of the current biennium. Any unexpended balance remaining in this Item on June 30, 2021, shall be carried forward on the books of the Comptroller and shall be available for expenditures in the next biennium.				
H.1. Out of this appropriation, \$1,000,000 the first year from the general fund shall be provided to the City of Richmond for the reimbursement of expenses incurred for the development of the Slavery and Freedom Heritage Site in Richmond, including Lumpkin's Pavilion and Slave Trail improvements. Any unexpended general fund balances remaining from the appropriation in this paragraph shall not revert to the general fund at the end of the fiscal year, but shall be brought forward and reappropriated for its original purpose.				
2. The City of Richmond shall provide documentation to the Department of General Services on the progress of this project and actual expenditures incurred for it in a form acceptable to the Secretaries of Finance and Administration.				
3. The Department of General Services shall act as the fiscal agent for these funds. The director shall oversee the expenditure of state appropriations to ensure that payments to the City of Richmond are made consistent with the purposes set out in paragraphs and The Director, Department of Planning and Budget, is authorized to transfer these funds to the Department of General Services to implement this appropriation.				
4. This appropriation shall be exempt from the disbursement procedures specified in § 4-5.05 of the act.				
I.1. The Director, Department of Planning and Budget, is authorized to transfer any remaining balances originally appropriated in Item 476 I., Chapter 836, 2017 Virginia Acts of Assembly, the first year, to the Department of State Police for unanticipated costs associated with mitigating security threats, information technology (IT) security gaps, and the data stored on IT systems used by the Department. The costs eligible for reimbursement shall be for information technology and telecommunications goods and services that have been procured in accordance with the regulations, policies, procedures, standards, and guidelines of the Virginia Information Technologies Agency.				
2.a. Notwithstanding the provisions of § 2.2-2011, Code of Virginia, the Department of State Police is authorized to procure, develop, operate, and manage the cyber security and management tools required to protect the information technology used by the Department that				

ITEM 479.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<p>is defined as out-of-scope from the Virginia Information Technologies Agency pursuant to the Memorandum of Understanding (MOU) between the two agencies dated August 30, 2013. The Department of State Police shall be solely responsible for securing all aspects of information technology defined as out-of-scope in the current MOU.</p>				
<p>b. Costs expended by the Department of State Police for cyber security and management tools shall be reimbursed by the Director, Department of Planning and Budget from unexpended funds provided in paragraph I.1. of this Item, after such expenses have been approved by the Chief Information Officer and determined to be in compliance with the regulations, policies, procedures, standards, and guidelines of the Virginia Information Technologies Agency.</p>				
<p>3.a. The Superintendent of State Police shall develop and report to the Chairmen of the House Committee on Appropriations and Senate Committee on Finance a detailed transition plan addressing the steps required for the Department of State Police to assume responsibility for the development, operation, and management of all of its information technology infrastructure and services. The Department of State Police is authorized to procure consulting services to assist in the development of the detailed transition plan. The Virginia Information Technologies Agency shall assist in the development and drafting of the detailed transition plan.</p>				
<p>b. The report shall, at a minimum, include a detailed transition plan that: (i) identifies and evaluates anticipated transition timelines, tasks, activities, and responsible parties; (ii) identifies any one-time and ongoing costs of transitioning responsibility for information technology services from the Virginia Information Technologies Agency to the Department of State Police, including the estimated costs to obtain existing information technology assets or transition services from Northrop Grumman; (iii) identifies the ongoing costs of staffing, services, and contracts related to enterprise security and management tools, legacy system replacements or upgrades, construction or lease of facilities including data centers, labor costs and workload analyses, and training costs; (iv) identifies any other such factors deemed necessary for discussion as identified by the Superintendent of State Police or Chief Information Officer of the Commonwealth; (v) identifies necessary changes required to transition and modernize current statutes related to basic State Police communication systems consistent with the Criminal Justice Information Services Security Policy Version 5.5, or its successor; and (vi) provides a jointly developed and agreed upon MOU between the Department of State Police and the Virginia Information Technologies Agency that certifies the information.</p>				
<p>c. Costs expended by the Department of State Police for the development of the detailed transition plan shall be reimbursed by the Director, Department of Planning and Budget from unexpended funds provided in paragraph I.1 of this item, after such expenses have been approved by the Chief Information Officer and determined to be in compliance with the regulations, policies, procedures, standards, and guidelines of the Virginia Information Technologies Agency.</p>				
<p>d. The report and accompanying Memorandum shall be provided to the Chairmen of the House Committee on Appropriations and Senate Committee on Finance as required by Item 476 I., Chapter 836, 2017 Virginia Acts of Assembly. The Chief Information Officer of the Commonwealth shall review the report and provide an analysis of the detailed transition plan no later than 30 days after submission of the report to the Chairmen of the House Committee on Appropriations and Senate Committee on Finance.</p>				
<p>4. Any remaining balances as originally appropriated in Item 476 I.5., Chapter 836, 2017 Virginia Acts of Assembly, from the general fund are authorized to be transferred to reimburse the Department of State Police for costs associated with mitigating information technology security threats and gaps required to protect and manage out-of-scope information technology that is not addressed in paragraph 3.b. All such costs shall be eligible for reimbursement if they have been procured in accordance with the regulations, policies, procedures, standards, and guidelines of the Virginia Information Technologies Agency. The Director, Department of Planning and Budget is authorized to release this funding following certification by the Chief Information Officer that these costs address cyber security threats and gaps, including upgrades to legacy applications to remediate audit findings by the Auditor of Public Accounts or Commonwealth Security and Risk Management.</p>				

ITEM 479.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
J.	Out of this appropriation, \$1,350,000 the first year and \$1,350,000 the second year from the general fund is provided to support the advancement of computer science education and implementation of the Commonwealth's new computer science standards across the public education continuum. These funds are intended to provide high quality professional development to current and future teachers; create, curate, and disseminate high quality computer science curriculum, instructional resources, and assessments; support summer and after-school computer science related programming for students; and facilitate meaningful career exposure and work-based learning opportunities in computer science fields for high school students. Funds shall be disbursed through a competitive grant process and shall prioritize at-risk students and schools. In consultation with the Secretary of Finance and the Secretary of Commerce and Trade, the Secretary of Education shall develop a process to award these funds in accordance with the provisions of this language, with the Governor providing final approval for distribution of the funds.			
K.1.	Out of this appropriation is included \$1,050,000 the first year and \$800,000 the second year from the general fund for the first two phases of the integration and enhancement of Virginia's workforce technology systems. The project will enable single sign-on access for users and the addition of new individual, organization, and community-level data from both current and future agency partners. To the maximum extent allowable under federal law, regulation, and guidance, functionality will be developed to automatically associate wage and licensure outcomes to participant records, enabling performance-driven management and contracting. The project will also support the development of shared customer-facing applications, analytic tools, and interfaces. All elements of this project will be conducted in coordination with the Chief Data Officer and Chief Workforce Development Advisor.			
2.	On or before November 1, 2020, the Chief Data Officer and Chief Workforce Development Advisor, with input from the Virginia Economic Development Partnership, shall submit a report detailing the progress of implementation for Phase I of this project among the four Titles of the Workforce Innovation and Opportunity Act and within the state's one-stop centers. This report shall also include a plan for sustaining Phase I and Phase II of the project, including the appropriate agency owner.			
L.	Out of this appropriation is included up to \$1,069,500 the first year and up to \$1,069,500 the second year from the general fund for the purpose of redistricting, which shall include expenses related to the Virginia Redistricting Commission if approved by voter referendum in the November, 2020 general election. The Department of Planning and Budget is authorized to transfer these amounts to the applicable state agency or agencies to support the purposes of redistricting, including supporting the Commission if approved.			
M.1.	Out of this appropriation, the Director of the Department of Planning and Budget is authorized to transfer an amount up to \$1,000,000 the first year and up to \$1,000,000 the second year to the Department of Emergency Management for evaluating, upgrading, and maintaining the Integrated Flood Observation and Warning System (IFLOWS). These funds may not be transferred until the requirements of Paragraph 2. of this Item have been fulfilled.			
2.	The State Coordinator of the Department of Emergency Management shall develop a plan that prioritizes a list of repairs, replacements, upgrades, and maintenance needs of IFLOWS systems. The Department is directed to provide a report that consists of, but is not limited to, detailed costs to address each project; a phased plan to fund the cost of upgrading, enhancing, and maintaining the systems, if feasible, giving priority to systems that require immediate replacement, repairs, and upgrades; and recommendations for offsetting the costs with federal grants and cost-sharing opportunities with localities that rely on IFLOWS. The report shall be submitted to the Secretary of Finance, the Director of the Department of Planning and Budget, and the Chairs of the House Appropriations and Senate Finance Committees no later than October 15, 2020.			
479.10	A.1. The Governor is hereby authorized to appropriate sums to state agencies, institutions of higher education, and other permissible entities the federal funding provided pursuant to the Coronavirus Preparedness and Response Supplemental Appropriations Act (P.L. 116-123), the Families First Coronavirus Response Act (P.L. 116-127), the Coronavirus Aid, Relief, and Economic Security (CARES) Act (P.L. 116- 136), and any other federal funding provided through subsequent legislation approved by Congress with regard to the Coronavirus public			

ITEM 479.10.	Item Details(\$)		Appropriations(\$)		
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022	
<p>health emergency. For the purposes of this item, such federal funding shall be referred collectively to as "federal relief funds". All such federal relief funds shall be subject to applicable federal rules and regulations governing these funds. Amounts so allocated are hereby appropriated subject to the provisions and conditions contained in this item.</p>					
<p>2. Records Management and Reporting</p>					
<p>a. Agencies receiving federal relief funds shall comply with the financial or other data reporting requirements set forth by the State Comptroller or the Director of the Department of Planning and Budget and shall compile and maintain all records necessary to fulfill such reporting requirements and to meet any subsequent audit of the expenditure of such federal funds.</p>					
<p>b. Agencies receiving federal relief funds shall comply with all federal reporting requirements for the receipt of any funds and shall compile and maintain all records necessary to fulfill such reporting requirements and to meet any subsequent audit of the expenditure of such federal funds.</p>					
<p>c. Agencies receiving federal relief funds shall comply with any requirements established to ensure the transparency of the use or expenditure of such federal funds.</p>					
<p>3. The Governor or his designee shall submit a quarterly report to the Chairs of House Appropriations and Senate Finance and Appropriations Committees that itemizes any appropriation action of federal relief funds.</p>					
<p>4. It is the intent of the General Assembly that the Commonwealth maximize the use of the federal relief funds. The Governor shall take all reasonable actions necessary to apply for federal relief funds. The Governor shall further ensure that funds are appropriated, distributed, and utilized in a manner that is consistent with the provisions of state and federal law.</p>					
<p>B. The Governor is authorized to appropriate, within this item or any other item of this Act, any revenues deposited to the COVID-19 Relief Fund created pursuant to House Bill 881 and Senate Bill 971 of the 2020 Session of the General Assembly. Such appropriations shall be used for the purposes of responding to the impacts of the COVID-19 pandemic which shall include, but not be limited to, i) relief to small businesses, ii) assistance for housing and homelessness, iii) assistance for long term care facilities, and iv) any other purpose designated by the Governor to address the impact of the COVID-19 pandemic. The Governor is authorized to transfer such appropriations and associated revenues to agencies designated to carry out the services required to address the COVID-19 pandemic. The Governor or his designee shall report the use of the COVID-19 Relief Fund to the Chairs of House Appropriations and Senate Finance and Appropriations Committees on a quarterly basis.</p>					
<p>C. Any reports required by paragraphs A or B above may be submitted electronically. Further, the reporting requirement shall be considered to have been met if the required information is posted on a public website.</p>					
<p>D. Any unexpended balance remaining in this Item on June 30, 2021, or June 30, 2022, shall be carried forward on the books of the Comptroller and shall be available for expenditure in the next biennium.</p>					
480.	Financial Assistance For Educational and General Services (11000).....			\$4,000,000	\$4,000,000
	Sponsored Programs (11004).....	\$4,000,000	\$4,000,000		
	Fund Sources: General.....	\$4,000,000	\$4,000,000		
<p>Out of this appropriation, \$4,000,000 the first year from the general fund and \$4,000,000 the second year from the general fund is provided for the Hampton Roads Biomedical Research Consortium.</p>					
481.	Educational and General Programs (10000).....			\$31,800,000	\$31,800,000
	Higher Education Instruction (10001).....	\$31,800,000	\$31,800,000		
	Fund Sources: General.....	\$31,800,000	\$31,800,000		

ITEM 481.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
A.	Out of this appropriation, \$31,800,000 the first year and \$31,800,000 the second year from the general fund is designated for the Tech Talent Investment Fund. These funds shall be allocated in accordance with provisions established in §23.1-1239 through §23.1-1243, Code of Virginia, and shall be used to support the efforts of qualified institutions to increase by fiscal year 2039 the number of new eligible degrees by at least 25,000 more degrees than the number of such degrees awarded in 2018 and to improve the readiness of graduates to be employed in technology-related fields and fields that align with traded-sector growth opportunities identified by the Virginia Economic Development Partnership. Funds may be used to support admissions and advising programs designed to convey labor market information to students to guide decisions to enroll in eligible degree programs and academic programs and to fund facility construction, renovation, and enhancement and equipment purchases related to the initiative to increase the number of eligible degrees awarded.			
B.	Prior to an allocation from the Fund, institutions must enter into a Memorandum of Understanding (MOU) through a negotiation process between the institution and the Commonwealth. The MOU shall contain criteria for eligible degrees, eligible expenses, and degree production goals for a period ending in 2039. In addition, each institution shall (i) submit an enrollment plan detailing the number of eligible degrees produced between July 1, 2013, and June 30, 2018; (ii) develop a detailed plan of how the institution proposes to materially increase the enrollment, retention, and graduation of students pursuing eligible degrees, the resources necessary to accomplish such increase in enrollment, retention, and graduation, and plans to track new enrollment; (iii) provide an accounting of the anticipated number of in-state and out-of-state students enrolling in eligible degree programs; (iv) determine the existing capacity of current eligible degree programs; (v) propose plans to partner with other institutions to provide courses or programs that will lead to the completion of an eligible degree including articulation agreements with the Virginia Community College System to provide guaranteed admission for qualified students with an associate degree for transfer into an eligible degree program; (vi) allocate existing funds held by or appropriated to the institution to meet increased enrollment, retention, and graduation goals in eligible degree programs; and (vii) provide any other information deemed relevant.			
C.	Failure of an institution to meet the goals, metrics, and requirements set forth in its memorandum of understanding shall result in the adjustment of any future allocations from the Fund to the institution to reflect such discrepancy.			
D.	Notwithstanding §23.1-1241 of the Code of Virginia, the Virginia Community College System may apply for a grant in fiscal year 2021.			
482.	A. The Oil Overcharge Expendable Trust Fund shall be established on the books of the Comptroller and the interest earned by investment of funds credited to the Oil Overcharge Expendable Trust Fund shall be allocated to such fund periodically. This fund represents the Commonwealth's proportionate share of the recoveries from the Exxon Corporation, Diamond Shamrock Refining and Marketing Company, Stripper Well and the Texaco Corporation litigations, for petroleum pricing violations between 1973 and 1981.			
	B.1. Any expenditure involving oil overcharges by the Exxon Corporation shall be utilized according to regulations and procedures of the five state energy conservation and benefits programs specified in the Warner Amendment (Section 155, P.L. 97-377) to provide restitution to the broad class of parties injured by the alleged overcharges. These programs are:			
	a. Low Income Home Energy Assistance Program, 42 U.S.C. § 8621 et seq.			
	b. State Energy Conservation Program, 42 U.S.C. § 6321 et seq.			
	c. Energy Extension Service, 42 U.S.C. § 7001 et seq.			
	d. Institutional Conservation Program, 42 U.S.C. § 6371 et seq.			
	e. Weatherization Assistance Program, 42 U.S.C. § 6861 et seq.			
	2. Any expenditure involving oil overcharges from the approved settlement In Re: The Department of Energy Stripper Well Litigation (MDL No. 378) or the approved settlement in the case of the Diamond Shamrock Refining and Marketing Company (Civil Action No. C2-			

ITEM 482.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
84-1432) shall be utilized to fund one or more energy-related programs which are designed to benefit, directly or indirectly, consumers of petroleum products. These programs shall be limited to:				
a. Administration and operation of the five energy conservation and benefit programs specified under the Warner Amendment (Section 155, P.L. 97-377),				
b. Those programs approved by the U.S. Department of Energy's Office of Hearings and Appeals in Subpart V Refund Proceedings,				
c. Those programs referenced in the Chevron consent order (46 FR 52221), and				
d. Such other restitutionary programs approved by the District Court or the U.S. Department of Energy's Office of Hearings and Appeals.				
C. Before appropriations to the Oil Overcharge Expendable Trust Fund can be expended, approval for the use of the funds must be obtained from the United States Department of Energy. Applications to the United States Department of Energy must be made through the Department of Mines, Minerals and Energy.				
D. The Governor shall submit such statements and reports as are required by court orders, settlements, or the Departments of Energy or Health and Human Services regarding use(s) of these funds and shall also report to the Chairmen of the House Appropriations and Senate Finance Committees on the activities funded by transfers from this Item only in fiscal years in which activities have occurred.				

482.10 Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted.

	FY 2021	FY 2022
Provide funding for Slavery and Freedom Heritage Site in Richmond	\$1,000,000	\$0
Upgrade the Integrated Flood Observation and Warning System (IFLOWS)	\$1,000,000	\$1,000,000
Compensation Actions for State Employees and State-Supported Locals	\$118,087,286	\$146,766,525
Adjust general fund support to agencies for increased internal service fund rates	\$161,465	\$223,189
Reduce state employee retiree health insurance credit amortization period	\$3,881,799	\$4,050,565
Adjust funding to agencies for information technology auditors and security officers	\$180,746	\$180,746
Adjust funding for changes in the cost of rent for enhanced security	\$1,742,906	\$2,518,778
Agency Total	\$126,054,202	\$154,739,803
Total for Central Appropriations.....		\$212,791,306 \$298,122,017
Fund Sources: General.....	\$139,937,585	\$225,268,296

ITEM 482.10.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Higher Education Operating.....	\$3,525,816	\$3,525,816		
Trust and Agency.....	\$69,327,905	\$69,327,905		
TOTAL FOR CENTRAL APPROPRIATIONS.....			\$212,791,306	\$298,122,017
Fund Sources: General.....	\$139,937,585	\$225,268,296		
Higher Education Operating.....	\$3,525,816	\$3,525,816		
Trust and Agency.....	\$69,327,905	\$69,327,905		
TOTAL FOR EXECUTIVE DEPARTMENT.....			\$65,328,824,475	\$67,012,932,236
General Fund Positions.....	48,894.16	49,001.66		
Nongeneral Fund Positions.....	66,616.62	66,997.62		
Position Level.....	115,510.78	115,999.28		
Fund Sources: General.....	\$22,971,591,457	\$23,944,000,424		
Special.....	\$1,645,198,037	\$1,628,820,985		
Higher Education Operating.....	\$9,644,002,145	\$9,777,552,107		
Commonwealth Transportation.....	\$7,791,545,724	\$7,366,734,659		
Enterprise.....	\$1,542,965,762	\$1,590,128,241		
Internal Service.....	\$2,115,253,639	\$2,231,861,108		
Trust and Agency.....	\$2,338,937,945	\$2,408,398,658		
Debt Service.....	\$358,087,772	\$358,087,772		
Dedicated Special Revenue.....	\$3,409,178,986	\$3,497,889,726		
Federal Trust.....	\$13,512,063,008	\$14,209,458,556		

ITEM 483.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022

INDEPENDENT AGENCIES

§ 1-132. STATE CORPORATION COMMISSION (171)

483.	Regulation of Business Practices (55200).....			\$76,361,907	\$76,899,542
	Corporation Commission Clerk's Services (55203).....	\$17,827,059	\$17,827,059		
	Regulation of Investment Companies, Products and Services (55210).....	\$9,611,751	\$9,611,751		
	Regulation of Financial Institutions (55215).....	\$15,499,101	\$16,036,736		
	Regulation of Insurance Industry (55216).....	\$33,423,996	\$33,423,996		
	Fund Sources: Special.....	\$76,361,907	\$76,899,542		

Authority: Article IX, Constitution of Virginia; Title 6.2; Title 8.9A, Part 4; Title 12.1, Chapter 4; Title 13.1; Title 56, Chapter 15, Article 5; Title 58.1, Chapter 28; Title 59.1, Chapter 6.1, Code of Virginia; Title 38.2; Title 58.1, Chapter 25; and Title 65.2, Chapter 8, Code of Virginia.

A. Out of this appropriation, \$1,000,000 the first year and \$1,000,000 the second year is designated for replacement of the Clerk's Information System.

B. Out of the amounts for this Item, \$1,200,000 the first year and \$1,200,000 the second year is provided to effectuate the provisions of Chapter 486 of the Acts of Assembly of 2017, which allows the Commission to absorb the credit card and eCheck convenience fees as opposed to passing them on to the filers and also grants the Commission the discretion to not charge a fee for providing copies of certain documents.

484.	Regulation of Public Utilities (56300).....			\$30,238,557	\$30,238,557
	Regulation of Utility Companies (56301).....	\$30,238,557	\$30,238,557		
	Fund Sources: Special.....	\$27,581,157	\$27,581,157		
	Dedicated Special Revenue.....	\$607,400	\$607,400		
	Federal Trust.....	\$2,050,000	\$2,050,000		

Authority: Title 56, Chapter 10, Code of Virginia.

485.	Distribution of Fees From and To Regulated Entities and Localities (56400).....			\$8,754,461	\$9,176,160
	Distribution of Uninsured Motorist Fee (56401).....	\$8,238,365	\$8,660,064		
	Distribution of Rolling Stock Taxes (56402).....	\$516,096	\$516,096		
	Fund Sources: Trust and Agency.....	\$8,754,461	\$9,176,160		

Authority: § 58.1-2652, Code of Virginia.

486.	Administrative and Support Services (59900).....			\$0	\$0
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Authority: Title 12.1, Code of Virginia; Article IV, Section 14 and Article IX, Constitution of Virginia.

A. Operational costs for this program shall be paid solely from charges to agency programs.

B. Out of the amounts for this Item, shall be paid the annual salary of the chairman, \$186,961 from July 1, 2020 to June 30, 2022, and for the other two Commissioners of the State Corporation Commission, each at \$184,913 from July 1, 2020 to June 30, 2022.

C. Notwithstanding the provisions of § 13.1-775.1, Code of Virginia, the State Corporation Commission shall continue the following annual registration fees for domestic and foreign corporations. The new annual rates shall be \$100 for every foreign and domestic corporation authorized to do business in the Commonwealth whose number of authorized shares is 5,000 shares or less. Any such corporation whose number of authorized shares is more than 5,000 shall pay an annual registration fee of \$100 plus \$30 for each 5,000 shares or fraction thereof in excess of 5,000 up to a maximum of \$1,700. The commission shall deposit these funds into a special fund and transfer three-fourths of

ITEM 486.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
the receipts to the general fund semiannually.				
D. The Acts of Assembly Chapter 734 and Chapter 636 of 2019 shall not become effective until July 1, 2021.				
487.	Plan Management (40800).....		\$8,323,671	\$13,352,671
	Federal Health Benefit Exchange Plan Management (40801).....	\$103,671	\$103,671	
	State Health Benefit Exchange Plan Management (40802).....	\$8,220,000	\$13,249,000	
	Fund Sources: General.....	\$103,671	\$103,671	
	Special.....	\$8,220,000	\$13,249,000	
Authority: §§ 38.2-316.1 and 38.2-326, Code of Virginia; § 42.18041 c, United States Code.				
A. There is hereby appropriated to the State Corporation Commission \$103,671 the first year and \$103,671 the second year from the general fund to pay for the plan management functions authorized in Chapter 670 of the Acts of Assembly of 2013.				
B.1. Notwithstanding the provisions of § 4-3.02 of this act, the Secretary of Finance may authorize either a working capital advance or an interest-free treasury loan in an amount not to exceed \$40,000,000 for the State Corporation Commission to fund start-up costs and other costs associated with the implementation of a State Health Benefit Exchange. The Secretary of Finance may extend the repayment plan for any such working capital advance or interest-free treasury loan for a period longer than twelve months.				
2. The State Corporation Commission may use a portion of the user fees collected from health insurance carriers participating in the State Health Benefit Exchange to repay the working capital advance or interest-free treasury loan authorized in B.1.				
C.1. Notwithstanding § 38.2-3418.18, as enacted during the 2020 Regular Session of the General Assembly, coverage of hearing aids for children shall not become effective until the Health Insurance Reform Commission, established pursuant to Chapter 53 (§ 30-339 et seq.) of Title 30 of the Code of Virginia, has completed an assessment of such coverage in accordance with the requirements of § 30-343 of the Code of Virginia, including a joint assessment by the Bureau of Insurance of the State Corporation Commission and the Joint Legislative Audit and Review Commission of the social and financial impact of the proposed mandate in accordance with § 30-343 of the Code of Virginia and the impact of the proposed mandate on health care providers, access to health care services, and the cost of health care in the Commonwealth and any process changes required to implement the mandated benefit. In addition, the Joint Legislative Audit and Review Commission and the Bureau of Insurance shall jointly examine whether changes could be made to the Essential Health Benefits Benchmark Plan to include hearing aids for minors as an essential health benefit without cost to the Commonwealth.				
2. The Health Insurance Reform Commission, the Bureau of Insurance, and the Joint Legislative Audit and Review Commission shall report their findings to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees by November 1, 2020.				
3. If the findings determine that no fiscal impact shall be incurred by the Commonwealth, such coverage may commence on July 1, 2021.				
	Total for State Corporation Commission.....		\$123,678,596	\$129,666,930
	Nongeneral Fund Positions.....	699.00	715.00	
	Position Level.....	699.00	715.00	
	Fund Sources: General.....	\$103,671	\$103,671	
	Special.....	\$112,163,064	\$117,729,699	
	Trust and Agency.....	\$8,754,461	\$9,176,160	
	Dedicated Special Revenue.....	\$607,400	\$607,400	
	Federal Trust.....	\$2,050,000	\$2,050,000	

ITEM 487.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
§ 1-133. VIRGINIA LOTTERY (172)					
488.	State Lottery Operations (81100).....			\$109,713,870	\$106,213,870
	Regulation and Law Enforcement (81105).....	\$3,429,368	\$3,429,368		
	Gaming Operations (81106).....	\$95,313,077	\$91,813,077		
	Administrative Services (81107).....	\$10,971,425	\$10,971,425		
	Fund Sources: Enterprise.....	\$107,463,870	\$103,963,870		
	Dedicated Special Revenue.....	\$2,250,000	\$2,250,000		

Authority: Title 58.1, Chapter 40 and Chapter 41, Code of Virginia.

A. Out of the amounts for Virginia Lottery Operations shall be paid:

1. Reimbursement for compensation and reasonable expenses of the members of the Virginia Lottery Board in the performance of their duties, as provided in § 2.2-2813, Code of Virginia.

2. The total costs for the operation and administration of the state lottery, pursuant to § 58.1-4022, Code of Virginia.

3. The costs of informing the public of the purposes of the Lottery Proceeds Fund, established pursuant to Article X, Section 7-A, Constitution of Virginia.

B. Expenses related to the regulation and oversight of Casino Gaming shall be paid from the combination of licensing and related fees collected under Title 58.1, Chapter 41, Code of Virginia, and an additional appropriation of up to \$16 million the first year and \$16 million the second year from the Gaming Proceeds Fund shall be provided to cover the costs of regulation and oversight activities related to Casino Gaming in the event casino operators become licensed in Virginia.

C. Expenses related to the regulation and oversight of Sports Betting shall be paid from a combination of ongoing licensing and fees related to the activities described in Title 58.1, Chapter 40, Code of Virginia. \$2,250,000 the first year and \$2,250,000 the second year from nongeneral funds is provided for Sports Betting regulation and oversight activities.

D. Notwithstanding the provisions of § 4-3.02 of this act, the Secretary of Finance may authorize an interest-free treasury loan for the Virginia Lottery to fund start-up costs associated with the implementation of Casino Gaming and Sports Betting activities as enacted by the 2020 General Assembly of Virginia. The Secretary of Finance may extend the repayment plan for any such interest-free treasury loan for a period of longer than twelve months.

E.1. The Director of the Virginia Lottery shall convene a working group consisting of relevant agency personnel and representatives from a suitable cross-section of the Lottery-licensed sales agents, to meet at least three times between July 1, 2020 and January 1, 2021 to examine the following: (i) Virginia Lottery sales agent compensation, including standard commissions and any bonuses and incentives which are paid; (ii) how Virginia Lottery sales agent compensation compares to jurisdictions that border Virginia; and (iii) the impacts on sales agent commissions when Lottery purchases are made by means other than cash.

2. The Director is to share conclusions of the working group's analysis with the Chairs of the House Appropriations Committee and the Senate Finance and Appropriations Committee no later than January 1, 2021.

489.	Disbursement of Lottery Prize Payments (81200) a sum sufficient, estimated at.....			\$350,000,000	\$350,000,000
	Payment of Lottery Prizes (81201).....	\$350,000,000	\$350,000,000		
	Fund Sources: Enterprise.....	a sum sufficient			

Authority: Title 58.1, Chapter 40, Code of Virginia.

There is hereby appropriated from affected funds in the state treasury, for payment of

ITEM 489.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
prizes awarded by the state lottery and of commissions to lottery sales agents, in accordance with law, a sum sufficient.				
Total for Virginia Lottery.....			\$459,713,870	\$456,213,870
Nongeneral Fund Positions.....	419.00	419.00		
Position Level.....	419.00	419.00		
Fund Sources: Enterprise.....	\$457,463,870	\$453,963,870		
Dedicated Special Revenue.....	\$2,250,000	\$2,250,000		

§ 1-134. VIRGINIA COLLEGE SAVINGS PLAN (174)

490.	Investment, Trust, and Insurance Services (72500) a sum sufficient, estimated at.....			\$250,000,000	\$250,000,000
	Payments for Tuition and Educational Expense Benefits (72505).....	\$250,000,000	\$250,000,000		
	Fund Sources: Enterprise.....	\$250,000,000	\$250,000,000		

Authority: Title 23.1, Chapter 7, Code of Virginia.

A. Amounts for Payments for Tuition and Educational Expense Benefits represent the payment of benefits to postsecondary educational institutions on behalf of program participants under the Prepaid529 Program, estimated at \$250,000,000 the first year and \$250,000,000 the second year, from nongeneral funds pursuant to, § 23.1-701, Code of Virginia.

B.1. Any moneys collected, distributed or held for the benefit of participants under the Invest529 Program and other higher education savings programs, including any income from such funds, are subject to the provisions of § 23.1-701.B. of the Code of Virginia.

2. Any moneys collected, distributed or held for the benefit of participants under the Prepaid529 Program, or any Plan administrative revenue, including any income from such funds, are subject to § 23.1-701.C. of the Code of Virginia.

C. Amounts for Payments for Tuition and Educational Expense Benefits cover the current obligations of the fund as provided for in Title 23.1, Chapter 7, Code of Virginia.

491.	Administrative and Support Services (79900).....			\$35,933,169	\$37,084,735
	General Management and Direction (79901).....	\$16,764,142	\$17,572,007		
	Investment, Trust and Related Services for Prepaid529 Program (79950).....	\$8,476,805	\$8,667,354		
	Trust and Related Services for Invest529 Program and other Higher Education Savings Programs (79951).....	\$8,317,303	\$8,470,455		
	Investment, Trust and Related Services for Achieving a Better Life Experience (ABLE) Program (79952).....	\$2,374,919	\$2,374,919		
	Fund Sources: Enterprise.....	\$35,933,169	\$37,084,735		

Authority: Title 23.1, Chapter 7, Code of Virginia.

A. The amounts appropriated to this Item are sufficient to continue funding a comprehensive compensation plan to link pay to performance.

B. Amounts for Investment, Trust and Related Services cover variable or unpredictable costs of the Prepaid529 Program, estimated at \$7,476,805 the first year and \$7,667,354 the second year, from nongeneral funds pursuant to § 23.1-701, Code of Virginia.

C. Amounts for Investment, Trust and Related Services cover variable and unpredictable costs of the Invest529 Program and other higher education savings programs, estimated at \$8,317,303 the first year and \$8,470,455 the second year, from nongeneral funds pursuant to § 23.1-701, Code of Virginia.

D. Included in this appropriation is \$2,000,000 the first year and \$2,000,000 the second year

ITEM 491.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
from nongeneral funds to support SOAR Virginia scholarships.				
E. The Investment Director position at the Virginia College Savings Plan shall assist the CEO and Board in directing, managing, and administering the Plan's assets. The Investment Director shall serve at the pleasure of the Board and may be removed by a majority vote of the Board.				
F. At the earliest available opportunity when system changes are implemented, the Virginia College Savings Plan shall incorporate additional functionality to the user interface system to allow expense submissions to include a notes or memo area. The Plan shall notify the Chairs of the House Appropriations and Senate Finance and Appropriations Committees of the expected date of implementation.				
Total for Virginia College Savings Plan.....			\$285,933,169	\$287,084,735
Nongeneral Fund Positions.....	125.00	125.00		
Position Level.....	125.00	125.00		
Fund Sources: Enterprise.....	\$285,933,169	\$287,084,735		

§ 1-135. VIRGINIA RETIREMENT SYSTEM (158)

492.	Personnel Management Services (70400).....			\$17,687,826	\$17,720,914
	Administration of Retirement and Insurance Programs (70415).....	\$17,687,826	\$17,720,914		
	Fund Sources: General.....	\$80,000	\$80,000		
	Trust and Agency.....	\$17,607,826	\$17,640,914		

Authority: Title 9.1, Chapter 4; Title 51.1, Chapters 1, 2, 2.1, and 3, Code of Virginia.

A. The Board of Trustees of the Virginia Retirement System is hereby authorized to charge a participation fee to each employer served by the Virginia Retirement System for any services provided pursuant to Title 51.1, Code of Virginia. The fee shall be utilized to pay the administrative expenses of all administrative services, including non-retirement programs. Retirement contributions required by the board shall be reduced to pay such fees in a manner prescribed by the Board of Trustees.

B. State agencies and institutions of higher education shall make payments to the Virginia Retirement System (VRS) for VRS-administered benefits no less often than monthly.

C. The Virginia Retirement System shall make changes to administrative policies, procedures, and systems as necessary for implementation of the public employee retirement reforms provided in Chapter 701 of the Acts of Assembly of 2012.

D.1. Out of this appropriation, \$80,000 the first year and \$80,000 the second year from the general fund is provided for expenses associated with the Volunteer Firefighters' and Rescue Squad Workers' Service Award Fund.

2. Gains forfeited prior to July 1, 2016 pursuant to § 51.1-1206, Code of Virginia, and the accumulated earnings thereon shall be used to provide the reimbursement described in § 51.1-1200, Code of Virginia. All future gains forfeited pursuant to § 51.1-1206, Code of Virginia, shall also be used to provide the reimbursement described in § 51.1-1200, Code of Virginia.

E. The Board of Trustees of the Virginia Retirement System shall provide notification to the Chairmen of the House Appropriations Committee and Senate Finance Committee when a political subdivision becomes more than 60 days in arrears in their contributions to the Virginia Retirement System. Such notification shall occur within 15 days of when the 60 day period has occurred.

F.1. Pursuant to the administration of Chapter 4 of Title 9.1, Code of Virginia, the following provisions are effective July 1, 2017:

2. For purposes of this Item, employer contributions for coverage provided to members of the National Guard and Virginia Defense Force on active duty shall be paid by the

ITEM 492.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Department of Military Affairs.				
<p>3. In addition to any other benefit provided by law, an additional death benefit in the amount of \$20,000 for the surviving spouses and dependents of certain members of the National Guard and United States military reserves killed in action in any armed conflict on or after October 7, 2001, are payable pursuant to § 44-93.1.B., Code of Virginia, from the Line of Duty Death and Health Benefits Trust Fund. The Virginia Retirement System, with support from the Department of Military Affairs, shall determine eligibility for this benefit.</p>				
<p>4. Funding for the inclusion of a member of any fire company providing fire protection services for facilities of the Virginia National Guard or the Virginia Air National Guard will be paid by the Department of Military Affairs out of its appropriation in Item 471 of this act.</p>				
<p>5. Any locality that has established a trust, trusts, or equivalent arrangements for the purpose of accumulating and investing assets to fund post-employment benefits other than pensions under § 15.2-1544, Code of Virginia, may fund Line of Duty Act benefits from the assets of the trust, trusts, or equivalent arrangements.</p>				
<p>G. Annually by February 1st, the Virginia Retirement System shall submit to the Secretary of Public Safety and Homeland Security the names of individuals who were determined to be deceased persons, as defined in § 9.1-400 of the Code of Virginia, in the previous calendar year. The name of any individual whose claim has been filed, but not yet approved, may be submitted in a subsequent year by the Virginia Retirement System once the claim is approved. The Secretary of Public Safety and Homeland Security shall be authorized to share the list as necessary for the purposes of the names being inscribed on the Virginia Public Safety Memorial and honored at the Annual Memorial Service. As provided in § 9.1-408 of the Code of the Virginia, the list otherwise shall be deemed confidential, shall be exempt from disclosure under the Virginia Freedom of Information Act, and shall not be released in whole or in part.</p>				
493.	Investment, Trust, and Insurance Services (72500).....		\$40,194,708	\$41,610,909
	Investment Management Services (72504).....	\$40,194,708	\$41,610,909	
	Fund Sources: Trust and Agency.....	\$40,194,708	\$41,610,909	
<p>Authority: Title 51.1, Chapters 1, 2, 2.1, and 3, Code of Virginia.</p> <p>By September 30 of each year, the Board of Trustees of the Virginia Retirement System shall report to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees on the prior fiscal year's results obtained by the internal investment management program. The report shall include a comparison of investment performance against the board's benchmarks and an estimate of the program's fee savings when compared to similar assets managed externally.</p>				
494.	Administrative and Support Services (79900).....		\$47,809,647	\$46,770,856
	General Management and Direction (79901).....	\$15,913,290	\$15,374,982	
	Information Technology Services (79902).....	\$31,896,357	\$31,395,874	
	Fund Sources: Trust and Agency.....	\$47,809,647	\$46,770,856	
<p>Authority: Title 51.1, Chapters 1, 2, 2.1, and 3, Code of Virginia.</p> <p>A. Out of the amounts appropriated to this Item, the director is authorized to expend an amount not to exceed \$25,000 the first year and \$25,000 the second year for expenses commonly borne by business enterprises. Such expenses shall be recorded separately by the agency.</p> <p>B. Out of the amounts appropriated to this Item, an amount not to exceed \$300,000 the first year and \$300,000 the second year is designated to provide retirement-related services in support of the Commission on Employee Retirement Security and Pension Reform created pursuant to the passage of Chapter 683, 2016 Acts of Assembly.</p>				
495.	In the event any political subdivision of the Commonwealth of Virginia participating in the programs administered by the Virginia Retirement System fails to remit contributions or other fees and costs of the programs as duly prescribed, the Board of Trustees of the Virginia			

ITEM 495.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Retirement System shall inform the State Comptroller and the participating political subdivision of the delinquent amount. The State Comptroller shall forthwith transfer such amounts to the appropriate fund from any non earmarked moneys otherwise distributable to such political subdivision by any department or agency of the state.				
Total for Virginia Retirement System.....			\$105,692,181	\$106,102,679
Nongeneral Fund Positions.....	383.00	386.00		
Position Level.....	383.00	386.00		
Fund Sources: General.....	\$80,000	\$80,000		
Trust and Agency.....	\$105,612,181	\$106,022,679		

§ 1-136. VIRGINIA WORKERS' COMPENSATION COMMISSION (191)

496.	Employment Assistance Services (46200).....			\$42,504,113	\$42,463,113
	Workers Compensation Services (46204).....	\$42,504,113	\$42,463,113		
	Fund Sources: Dedicated Special Revenue.....	\$42,504,113	\$42,463,113		

Authority: Title 65.2, Chapter 2; Title 38.2, Chapter 50, Code of Virginia.

A. Out of the amounts for Workers' Compensation Services shall be paid the annual salary of the chairman, \$184,488 from July 1, 2020 to June 30, 2022, and for each of the other two Commissioners of the Virginia Workers' Compensation Commission, \$180,697 from July 1, 2020 to June 30, 2022.

B. In addition, retired Commissioners recalled to active duty will be paid as authorized by § 17.1-327, Code of Virginia.

C. Out of the amounts included in this Item, \$335,458 the first year and \$294,458 the second year from nongeneral funds and two positions shall be used to create an Ombudsman program to provide neutral educational information and assistance to persons not represented by an attorney with claims pending before the Commission.

497.	Financial Assistance for Supplemental Assistance Services (49100).....			\$15,336,070	\$15,336,070
	Crime Victim Compensation (49104).....	\$15,336,070	\$15,336,070		
	Fund Sources: General.....	\$6,593,576	\$6,593,576		
	Dedicated Special Revenue.....	\$6,730,494	\$6,730,494		
	Federal Trust.....	\$2,012,000	\$2,012,000		

Authority: Title 19.2, Chapters 21.1 and 21.2, Code of Virginia.

A. Out of this appropriation, up to \$6,593,576 the first year and up to \$6,593,576 the second year from the general fund shall be transferred to the Criminal Injuries Compensation Fund, established pursuant to § 19.2-368.18, Code of Virginia, for the administration of the Virginia Workers' Compensation Commission Sexual Assault Forensic Exam (SAFE) Payment program.

B. The Virginia Workers' Compensation Commission shall prepare a report on the number of forensic acute, non-acute, and follow-up exams performed by medical providers for victims of sexual assault for which reimbursements are sought, billed and paid for, through the Sexual Assault Forensic Exam (SAFE) Payment program. The report shall detail the number of such exams, the amounts billed by medical providers for each exam, and the reimbursements made to providers for such billed exams through the SAFE Payment program. The report shall be delivered on or before November 1 of each year to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees.

497.10 Notwithstanding the provisions set forth in this Act, the amounts listed below associated with increased general fund spending within this agency shall be immediately unallotted upon enactment of these appropriations from the applicable Items of this agency and any other relevant Item of this act. Further, notwithstanding the provisions of this Act, any

ITEM 497.10.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<p>language associated with the spending listed below shall not be applicable unless, after such unallotment, a base amount of funding remains to which such language would be applicable or unless such language previously appeared in Chapter 854, 2019 Acts of Assembly. Any amounts referenced within any other Items of this Act that reflect or include the spending amounts listed below shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act. No agency shall spend, commit, or otherwise obligate the amounts listed below from any source of funds for any of the purposes stated below or any other funds that may be unallotted.</p>				
		FY 2021		FY 2022
Fund medical expenses for victims of sexual assault		\$4,708,576		\$4,708,576
Agency Total		\$4,708,576		\$4,708,576
Total for Virginia Workers' Compensation Commission.....			\$57,840,183	\$57,799,183
Nongeneral Fund Positions.....	299.00	299.00		
Position Level.....	299.00	299.00		
Fund Sources: General.....	\$6,593,576	\$6,593,576		
Dedicated Special Revenue.....	\$49,234,607	\$49,193,607		
Federal Trust.....	\$2,012,000	\$2,012,000		
TOTAL FOR INDEPENDENT AGENCIES.....			\$1,032,857,999	\$1,036,867,397
Nongeneral Fund Positions.....	1,925.00	1,944.00		
Position Level.....	1,925.00	1,944.00		
Fund Sources: General.....	\$6,777,247	\$6,777,247		
Special.....	\$112,163,064	\$117,729,699		
Enterprise.....	\$743,397,039	\$741,048,605		
Trust and Agency.....	\$114,366,642	\$115,198,839		
Dedicated Special Revenue.....	\$52,092,007	\$52,051,007		
Federal Trust.....	\$4,062,000	\$4,062,000		

ITEM 498.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022

STATE GRANTS TO NONSTATE ENTITIES

§ 1-137. STATE GRANTS TO NONSTATE ENTITIES-NONSTATE AGENCIES (986)

498.	Financial Assistance for Educational, Cultural, Community, and Artistic Affairs (14300).....		\$0	\$0
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Authority: Discretionary Inclusion.

A. Grants provided for in this Item shall be administered by the Department of Historic Resources. As determined by the department, projects of museums and historic sites, as provided for in § 10.1-2211, 10.1-2212, and 10.1-2213 of the Code of Virginia, shall be administered under the provisions of those sections. Others listed in this Item shall be administered under the provisions of § 4-5.05 of this act.

B. Prior to the distribution of any funds, the organization or entity shall make application to the department in a format prescribed by the department. The application shall state whether grant funds provided under this item will be used for purposes of operating support or capital outlay and shall include project and spending plans. Unless otherwise specified in this item, the matching share for grants funded from this Item may be cash or in-kind contributions as requested by the nonstate organization in its application for state grant funds, but must be concurrent with the grant period. The department shall use applicable federal guidelines assessing the value and eligibility of in-kind contributions to be used as matching amounts.

C. The appropriation to those entities in this Item that are marked with an asterisk (*) shall not be subject to the matching requirements of § 4-5.05 of this act.

D. Grants are hereby made to each of the following organizations and entities subject to the conditions set forth in paragraphs A., B., and C. of this Item:

Total for State Grants to Nonstate Entities-Nonstate Agencies.....		\$0	\$0
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TOTAL FOR STATE GRANTS TO NONSTATE ENTITIES.....		\$0	\$0
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TOTAL FOR PART 1: OPERATING EXPENSES.		\$67,040,660,815	\$68,731,181,179
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General Fund Positions.....	52,983.37	53,130.87	
Nongeneral Fund Positions.....	68,769.12	69,080.12	
Position Level.....	121,752.49	122,210.99	

Fund Sources: General.....	\$23,617,953,674	\$24,592,765,846	
Special.....	\$1,770,623,415	\$1,759,812,998	
Higher Education Operating.....	\$9,644,002,145	\$9,777,552,107	
Commonwealth Transportation.....	\$7,791,545,724	\$7,366,734,659	
Enterprise.....	\$2,286,362,801	\$2,331,176,846	
Internal Service.....	\$2,115,253,639	\$2,231,861,108	
Trust and Agency.....	\$2,453,428,266	\$2,523,721,176	
Debt Service.....	\$358,087,772	\$358,087,772	
Dedicated Special Revenue.....	\$3,485,826,032	\$3,574,495,772	
Federal Trust.....	\$13,517,577,347	\$14,214,972,895	

Item Details(\$)		Appropriations(\$)	
First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022

PART 2: CAPITAL PROJECT EXPENSES

§ 2-0. GENERAL CONDITIONS

A.1. The General Assembly hereby authorizes the capital projects listed in this act. The amounts hereinafter set forth are appropriated to the state agencies named for the indicated capital projects. Amounts so appropriated and amounts reappropriated pursuant to paragraph G. of this section shall be available for expenditure during the current biennium, subject to the conditions controlling the expenditures of capital project funds as provided by law. Reappropriated amounts, unless otherwise stated, are limited to the unexpended appropriation balances at the close of the previous biennium, as shown by the records of the Department of Accounts.

2. The Director, Department of Planning and Budget, may transfer appropriations listed in Part 2 of this act from the second year to the first year in accordance with § 4-1.03 c.5. of this act.

B. The five-digit number following the title of a project is the code identification number assigned for the life of the project.

C. Except as herein otherwise expressly provided, appropriations or reappropriations for structures may be used for the purchase of equipment to be used in the structures for which the funds are provided, subject to guidelines prescribed by the Governor.

D. Notwithstanding any other provisions of law, appropriations for capital projects shall be subject to the following:

1. Appropriations or reappropriations of funds made pursuant to this act for planning of capital projects shall not constitute implied approval of construction funds in a future biennium. Funds, other than the reappropriations referred to above, for the preparation of capital project proposals must come from the affected agency's existing resources.

2. No capital project for which appropriations for planning are contained in this act, nor any project for which appropriations for planning have been previously approved, shall be considered for construction funds until preliminary plans and cost estimates are reviewed by the Department of General Services. The purpose of this review is to avoid unnecessary expenditures for each project, in the interest of assuring the overall cost of the project is reasonable in relation to the purpose intended, regardless of discrete design choices.

E.1. Expenditures from Items in this act identified as "Maintenance Reserve" are to be made only for the maintenance of property, plant, and equipment as defined in § 4-4.01 c. of this act to the extent that funds included in the appropriation to the agency for this purpose in Part 1 of this act are insufficient.

2. Agencies and institutions of higher education can expend up to \$2,000,000 for a single repair or project, and up to \$4,000,000 for a roof replacement project, through the maintenance reserve appropriation. Such expenditures shall be subject to rules and regulations prescribed by the Governor. To the extent an agency or institution of higher education has identified a potential project that exceeds this threshold, the Director, Department of Planning and Budget, can provide exemptions to the threshold as long as the project still meets the definition of a maintenance reserve project as defined by the Department of Planning and Budget.

3. Only facilities supported wholly or in part by the general fund shall utilize general fund maintenance reserve appropriations. Facilities supported entirely by nongeneral funds shall accomplish maintenance through the use of nongeneral funds.

F. Conditions Applicable to Bond Projects

1. The capital projects listed in §§ 2-26 and 2-27 for the indicated agencies and institutions of higher education are hereby authorized and sums from the sources and in the amount indicated are hereby appropriated and reappropriated. The issuance of bonds in a principal amount plus amounts needed to fund issuance costs, reserve funds, and other financing expenses, including capitalized interest for any project listed in §§ 2-26 and 2-27 is hereby authorized.

2. The issuance of bonds for any project listed in § 2-26 is to be separately authorized pursuant to Article X, Section 9 (c), Constitution of Virginia.

3. The issuance of bonds for any project listed in §§ 2-26 or 2-27 shall be authorized pursuant to § 23.1-1106, Code of Virginia.

4. In the event that the cost of any capital project listed in §§ 2-26 and 2-27 shall exceed the amount appropriated therefore, the Director, Department of Planning and Budget, is hereby authorized, upon request of the affected institution, to approve an increase in appropriation authority of not more than ten percent of the amount designated in §§ 2-26 and 2-27 for such project, from any available nongeneral fund revenues, provided that such increase shall not constitute an increase in debt issuance authorization for such capital project. Furthermore, the Director, Department of Planning and Budget, is hereby authorized to approve the expenditure of all interest earnings derived from the investment of bond proceeds in addition to the amount designated in §§ 2-26 and 2-27 for such capital project.

Item Details(\$)		Appropriations(\$)	
First Year	Second Year	First Year	Second Year
FY2021	FY2022	FY2021	FY2022

5. The interest on bonds to be issued for these projects may be subject to inclusion in gross income for federal income tax purposes.

6. Inclusion of a project in this act does not imply a commitment of state funds for temporary construction financing. In the absence of such commitment, the institution may be responsible for securing short-term financing and covering the costs from other sources of funds.

7. In the event that the Treasury Board determines not to finance all or any portion of any project listed in § 2-26 of this act with the issuance of bonds pursuant to Article X, Section 9 (c), Constitution of Virginia, and notwithstanding any provision of law to the contrary, this act shall constitute the approval of the General Assembly to finance all or such portion of such project under the authorization of § 2-27 of this act.

8. The General Assembly further declares and directs that, notwithstanding any other provision of law to the contrary, 50 percent of the proceeds from the sale of surplus real property pursuant to § 2.2-1147 et seq., Code of Virginia, which pertain to the general fund, and which were under the control of an institution of higher education prior to the sale, shall be deposited in a special fund set up on the books of the State Comptroller, which shall be known as the Higher Education Capital Projects Fund. Such sums shall be held in reserve, and may be used, upon appropriation, to pay debt service on bonds for the 21st Century College Program as authorized in Item C-7.10 of Chapter 924 of the Acts of Assembly of 1997.

G. Upon certification by the Director, Department of Planning and Budget, there is hereby reappropriated the appropriations unexpended at the close of the previous biennium for all authorized capital projects which meet any of the following conditions:

1. Construction is in progress.
2. Equipment purchases have been authorized by the Governor but not received.
3. Plans and specifications have been authorized by the Governor but not completed.
4. Obligations were outstanding at the end of the previous biennium.

H. Alternative Financing

1. Any agency or institution of the Commonwealth that would construct, purchase, lease, or exchange a capital asset by means of an alternative financing mechanism, such as the Public Private Education Infrastructure Act, or similar statutory authority, shall provide a report to the Governor and the Chairmen of the Senate Finance and House Appropriations Committees no less than 30 days prior to entering into such alternative financing agreement. This report shall provide:

- a. a description of the purpose to be achieved by the proposal;
- b. a description of the financing options available, including the alternative financing, which will delineate the revenue streams or client populations pledged or encumbered by the alternative financing;
- c. an analysis of the alternatives clearly setting out the advantages and disadvantages of each for the Commonwealth;
- d. an analysis of the alternatives clearly setting out the advantages and disadvantages of each for the clients of the agency or institution; and
- e. a recommendation and planned course of action based on this analysis.

I. Conditions Applicable to Alternative Financing

The following authorizations to construct, purchase, lease or exchange a capital asset by means of an alternative financing mechanism, such as the Public Private Education Infrastructure Act, or similar statutory authority, are continued until revoked:

1. James Madison University

a. Subject to the provisions of this act, the General Assembly authorizes James Madison University, with the approval of the Governor, to explore and evaluate an alternative financing scenario to provide additional parking, student housing, and/or operational related facilities. The project shall be consistent with the guidelines of the Department of General Services and comply with Treasury Board Guidelines issued pursuant to § 23.1-1106 C.1.d, Code of Virginia.

b. The General Assembly authorizes James Madison University to enter into a written agreement with a public or private entity to design, construct, and finance a facility or facilities to provide additional parking, student housing, and/or operational related facilities. The facility or facilities may be located on property owned by the Commonwealth. All project proposals and approvals shall be in accordance with the guidelines cited in paragraph 1 of this item. James Madison University is also authorized to enter into a written agreement with the public or private entity to lease all or a portion of the facilities.

Item Details(\$)		Appropriations(\$)	
First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022

c. The General Assembly further authorizes James Madison University to enter into a written agreement with the public or private entity for the support of such parking, student housing, and/or operational related facilities by including the facilities in the University's facility inventory and managing their operation and maintenance; by assigning parking authorizations, students, and/or operations to the facility or facilities in preference to other University facilities; by restricting construction of competing projects; and by otherwise supporting the facilities consistent with law, provided that the University shall not be required to take any action that would constitute a breach of the University's obligations under any documents or other instruments constituting or securing bonds or other indebtedness of the University or the Commonwealth of Virginia.

d. James Madison University is further authorized to convey fee simple title in and to one or more parcels of land to James Madison University Foundation (JMUF), which will develop and use the land for the purpose of developing and establishing residential housing for students and/or faculty and staff, office, retail, athletics, dining, student services, and other auxiliary activities and commercial land use in accordance with the University's Master Plan.

2. Longwood University

a. Subject to the provisions of this act, the General Assembly authorizes Longwood University to enter into a written agreement or agreements with the Longwood University Real Estate Foundation (LUREF) for the development, design, construction and financing of student housing projects, a convocation center, parking, and operational and recreational facilities through alternative financing agreements including public-private partnerships. The facility or facilities may be located on property owned by the Commonwealth.

b. Longwood is further authorized to enter into a written agreement with the LUREF for the support of such student housing, convocation center, parking, and operational and recreational facilities by including the facilities in the University's facility inventory and managing their operation and maintenance; by assigning parking authorizations, students and/or operations to the facility or facilities in preference to other University facilities; by restricting construction of competing projects; and by otherwise supporting the facilities consistent with law, provided that the University shall not be required to take any action that would constitute a breach of the University's obligations under any documents or other instruments constituting or securing bonds or other indebtedness of the University or the Commonwealth of Virginia.

c. The General Assembly further authorizes Longwood University to enter into a written agreement with a public or private entity to plan, design, develop, construct, finance, manage and operate a facility or facilities to provide additional student housing and/or operational-related facilities. Longwood University is also authorized to enter into a written agreement with the public or private entity to lease all or a portion of the facilities. The State Treasurer is authorized to make Treasury loans to provide interim financing for planning, construction and other costs of any of the projects. Revenue bonds issued by or for the benefit of LUREF will provide construction and/or permanent financing.

d. Longwood University is further authorized to convey fee simple title in and to one or more parcels of land to LUREF, which will develop and use the land for the purpose of developing and establishing residential housing for students and/or faculty and staff, office, retail, athletics, dining, student services, and other auxiliary activities and commercial land use in accordance with the University's Master Plan.

3. Christopher Newport University

a. Subject to the provisions of this act, the General Assembly authorizes Christopher Newport University to enter into, continue, extend or amend written agreements with the Christopher Newport University Educational Foundation (CNUEF) or the Christopher Newport University Real Estate Foundation (CNUREF) in connection with the refinancing of certain housing and office space projects.

b. Christopher Newport University is further authorized to enter into, continue, extend or amend written agreements with CNUEF or CNUREF to support such facilities including agreements to (i) lease all or a portion of such facilities from CNUEF or CNUREF, (ii) include such facilities in the University's building inventory, (iii) manage the operation and maintenance of the facilities, including collection of any rental fees from University students in connection with the use of such facilities, and (iv) otherwise support the activities at such facilities consistent with law, provided that the University shall not be required to take any action that would constitute a breach of the University's obligation under any documents or instruments constituting or securing bonds or other indebtedness of the University or the Commonwealth of Virginia.

4. Radford University

a. Subject to the provisions of this act, the General Assembly authorizes Radford University, with the approval of the Governor, to explore and evaluate an alternative financing scenario to provide additional parking, student housing, and/or operational related facilities. The project shall be consistent with the guidelines of the Department of General Services and comply with Treasury Board Guidelines issued pursuant to § 23.1-1106 C.1.d, Code of Virginia.

b. The General Assembly authorizes Radford University to enter into a written agreement with a public or private entity to design, construct, and finance a facility or facilities to provide additional parking, student housing, and/or operational related facilities. The facility or facilities may be located on property owned by the Commonwealth. All project proposals and approvals shall be in

Item Details(\$)		Appropriations(\$)	
First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022

accordance with the guidelines cited in paragraph 1 of this item. Radford University is also authorized to enter into a written agreement with the public or private entity to lease all or a portion of the facilities.

c. The General Assembly further authorizes Radford University to enter into a written agreement with the public or private entity for the support of such parking, student housing, and/or operational related facilities by including the facilities in the University's facility inventory and managing their operation and maintenance; by assigning parking authorizations, students, and/or operations to the facility or facilities in preference to other University facilities; by restricting construction of competing projects; and by otherwise supporting the facilities consistent with law, provided that the University shall not be required to take any action that would constitute a breach of the University's obligations under any documents or other instruments constituting or securing bonds or other indebtedness of the University or the Commonwealth of Virginia.

5. University of Mary Washington

a. Subject to the provisions of this act, the General Assembly authorizes the University of Mary Washington to enter into a written agreement or agreements with the University of Mary Washington Foundation (UMWF) to support student housing projects and/or operational-related or other facilities through alternative financing agreements including public-private partnerships and leasehold financing arrangements.

b. The University of Mary Washington is further authorized to enter into written agreements with UMWF to support such student housing facilities; the support may include agreements to (i) include the student housing facilities in the University's students housing inventory; (ii) manage the operation and maintenance of the facilities, including collection of rental fees as if those students occupied University-owned housing; (iii) assign students to the facilities in preference to other University-owned facilities; (iv) seek to obtain police power over the student housing as provided by law; and (v) otherwise support the students housing facilities consistent with law, provided that the University's obligation under any documents or other instruments constituting or securing bonds or other indebtedness of the University or the Commonwealth of Virginia.

c. The General Assembly further authorizes the University of Mary Washington to enter into a written agreement with a public or private entity to design, construct, and finance a facility or facilities to provide additional student housing and/or operational-related facilities. The facility or facilities may or may not be located on property owned by the Commonwealth. The University of Mary Washington is also authorized to enter into a written agreement with the public or private entity to lease all or a portion of the facilities. The State Treasurer is authorized to make Treasury loans to provide interim financing for planning, construction and other costs of any of the projects. Revenue bonds issued by or for UMWF will provide construction and/or permanent financing.

d. The University of Mary Washington is further authorized to convey fee simple title in and to one or more parcels of land to the University of Mary Washington Foundation (UMWF) which will develop and use the land for the purpose of developing and establishing residential housing for students, faculty, or staff, recreational, athletic, and/or operational related facilities including office, retail and commercial, student services, or other auxiliary activities.

6. Norfolk State University

a. Subject to the provisions of this act, the General Assembly authorizes Norfolk State University to enter into a written agreement or agreements with a Foundation of the University for the development of one or more student housing projects on or adjacent to campus, subject to the conditions outlined in the Public-Private Education Facilities Infrastructure Act of 2002.

b. Norfolk State University is further authorized to enter into written agreements with a Foundation of the University to support such student housing facilities; the support may include agreements to (i) include the student housing facilities in the University's student housing inventory; (ii) manage the operation and maintenance of the facilities, including collection of rental fees as if those students occupied University-owned housing; (iii) assign students to the facilities in preference to other University-owned facilities; (iv) restrict construction of competing student housing projects; (v) seek to obtain police power over the student housing as provided by law; and (vi) otherwise support the student housing facilities consistent with law, provided that the University shall not be required to take any action that would constitute a breach of the University's obligations under any documents or other instruments constituting or securing bonds or other indebtedness of the University or the Commonwealth of Virginia.

7. Northern Virginia Community College - Alexandria Campus

The General Assembly authorizes Northern Virginia Community College, Alexandria Campus to enter into a written agreement either with its affiliated foundation or a private contractor to construct a facility to provide on-campus housing on College land to be leased to said foundation or private contractor for such purposes. Northern Virginia Community College, Alexandria Campus, is also authorized to enter into a written agreement with said foundation or private contractor for the support of such student housing facilities and management of the operation and maintenance of the same.

8. Virginia State University

a. Subject to the provisions of this act, the General Assembly authorizes Virginia State University (University) to enter into a written agreement or agreements with the Virginia State University Foundation (VSUF), Virginia State University Real Estate Foundation

Item Details(\$)		Appropriations(\$)	
First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022

(VSUREF), and other entities owned or controlled by the university for the development, design, construction, financing, and management of a mixed-use economic development corridor comprising student housing, parking, and dining facilities through alternative financing agreements including public-private partnerships. The facility or facilities may be located on property owned by the Commonwealth.

b. Virginia State University is further authorized to enter into a written agreement with the VSUREF, VSUF, and other entities owned or controlled by the university for the support of such a mixed-use economic development corridor comprising student housing, parking, and dining facilities by including these projects in the university's facility inventory and managing their operation and maintenance; by assigning parking authorizations, students and/or operations to the facility or facilities in preference to other university facilities; by restricting construction of competing projects; and by otherwise supporting the facilities consistent with law, provided that the university shall not be required to take any action that would constitute a breach of the university's obligations under any documents or other instruments constituting or securing bonds or other indebtedness of the university or the Commonwealth of Virginia.

9. College of William and Mary

a. Subject to the provisions of this act, the General Assembly authorizes the College of William and Mary, with the approval of the Governor, to explore and evaluate alternative financing scenarios to provide additional parking, student or faculty/staff housing, recreational, athletic and/or operational related facilities. The project shall be consistent with the guidelines of the Department of General Services and comply with Treasury Board guidelines issued pursuant to § 23.1-1106 C.1. (d), Code of Virginia.

b. The General Assembly authorizes the College of William and Mary to enter into written agreements with public or private entities to design, construct, and finance a facility or facilities to provide additional parking, student or faculty/staff housing, recreational, athletic, and/or operational related facilities. The facility or facilities may be on property owned by the Commonwealth. All project proposals and approvals shall be in accordance with the guidelines cited in paragraph 1 of this item. The College of William and Mary is also authorized to enter into a written agreement with the public or private entity to lease all or a portion of the facility.

c. The General Assembly further authorizes the College of William and Mary to enter into written agreements with the public or private entities for the support and operation of such parking, student or faculty/staff housing, recreational, athletic, and /or operational related facilities by including the facilities in the College's facility inventory and managing their operation and maintenance including the assignment of parking authorizations, students, faculty or staff, and operations to the facility in preference to other university facilities, limiting construction of competing projects, and by otherwise supporting the facilities consistent with law, provided that the College shall not be required to take any action that would constitute a breach of the University's obligations under any documents or other instruments constituting or securing bonds or other indebtedness of the College or the Commonwealth of Virginia.

d. The College of William and Mary is further authorized to convey fee simple title in and to one or more parcels of land to the William and Mary Real Estate Foundation (WMREF) which will develop and use the land for the purpose of developing and establishing residential housing for students, faculty, or staff, recreational, athletic, and/or operational related facilities including office, retail and commercial, student services, or other auxiliary activities.

10. The following individuals, and members of their immediate family, may not engage in an alternative financing arrangement with any agency or institution of the Commonwealth, where the potential for financial gain, or other factors may cause a conflict of interest:

a. A member of the agency or institution's governing body;

b. Any elected or appointed official of the Commonwealth or its agencies and institutions who has, or reasonably can be assumed to have, a direct influence on the approval of the alternative financing arrangement; or

c. Any elected or appointed official of a participating political subdivision, or authority who has, or reasonably can be assumed to have, a direct influence on the approval of the alternative financing arrangement.

J. 1. Appropriations contained in this act for capital project planning shall be used as specified for each capital project and construction funding for the project shall be considered by the General Assembly after determining that (1) project cost is reasonable; (2) the project remains a highly-ranked capital priority for the Commonwealth; and (3) the project is fully justified from a space and programmatic perspective.

2. Appropriations reappropriated for institutions of higher education, in accordance with § 23.1-1002, Code of Virginia, may be used to fund the detailed planning authorized for projects in this act and shall be reimbursed when the project is funded to move into the construction phase.

K. Any capital project that has received a supplemental appropriation due to cost overruns is expected to be completed within the revised budget provided. If a project requires an additional supplement, the Governor should also consider reduction in project scope or cancelling the project before requesting additional appropriations. Agencies and institutions with nongeneral funds may bear the costs of additional overruns from nongeneral funds.

L. The Governor shall consider the project life cycle cost that provides the best long-term benefit to the Commonwealth when conducting capital project reviews, design and construction decisions, and project scope changes.

Item Details(\$)		Appropriations(\$)	
First Year	Second Year	First Year	Second Year
FY2021	FY2022	FY2021	FY2022

M. No structure, improvement or renovation shall occur on the state property located at the Carillon in Byrd Park in the City of Richmond without the approval of the General Assembly.

N. All agencies of the Commonwealth and institutions of higher education shall provide information and/or use systems and processes in the method and format as directed by the Director, Department of General Services, on behalf of the Six-Year Capital Outlay Plan Advisory Committee, to provide necessary information for state-wide reporting. This requirement shall apply to all projects, including those funded from general and nongeneral fund sources.

O. The Director, Department of Planning and Budget, in consultation with the Six-Year Capital Outlay Plan Advisory Committee, is authorized to transfer bond appropriations and bond proceeds between and among the capital pool projects listed in the table below, in order to address any shortfall in appropriation in one or more of such projects:

Pool Project No.	Pool Project Title	Authorization
17775	Public Education Institutions Capital Account	Enactment Clause 2, § 4, Chapter 1, 2008 Acts of Assembly, Special Session I
17776	State Agency Capital Account	Enactment Clause 2, § 2, Chapter 1, 2008 Acts of Assembly, Special Session I
17861	Supplements for Previously Authorized Higher Education Capital Projects	Item C-85, Chapter 874, 2010 Acts of Assembly; amended by Item C-85, Chapter 890, 2011 Acts of Assembly
17862	Energy Conservation	Item C-86, Chapter 890, 2011 Acts of Assembly
17967	Capital Outlay Project Pool	Item C-38.10, Chapter 3, 2012 Acts of Assembly, Special Session I; amended by: Item C-38.10, Chapter 806, 2013 Acts of Assembly; by Item C-38.10, Chapter 1, 2014 Acts of Assembly, Special Session I; Item C-43, Chapter 2, 2014 Acts of Assembly, Special Session I; Item C-43, Chapter 665, 2015 Acts of Assembly; and Item 48.10, Chapter 836, 2017 Acts of Assembly; and Item C-44.10, Chapter 854, 2019 Acts of Assembly.
18049	Comprehensive Capital Outlay Program	Item C-39.40, Chapter 806, 2013 Acts of Assembly; amended by: Item C-39.40, Chapter 1, 2014 Acts of Assembly, Special Session I; Item C-46.10, Chapter 2, 2014 Acts of Assembly, Special Session I, Item 46.10, Chapter 665, 2015 Acts of Assembly, and Item C-46, Chapter 2, 2018 Acts of Assembly, Special Session I.
18196	Capital Outlay Renovation Pool	Item C-46.15, Chapter 665, 2015 Acts of Assembly; amended by: Item C-46.10, Chapter 854, 2019 Acts of Assembly.
18300	2016 VPBA Capital Construction Pool	§ 1, Chapters 759 and 769, 2016 Acts of Assembly; amended by: Item C-47, Chapter 2, 2018 Acts of Assembly, Special Session I.
18301	2016 VCBA Capital Construction Pool	§ 2, Chapters 759 and 769, 2016 Acts of Assembly; amended by: Item C-48, Chapter 2, 2018 Acts of Assembly, Special Session I.
18371	2018 Capital Construction Pool	Item C-45, Chapter 2, 2018 Acts of Assembly, Special Session I; amended by: Item C-45, Chapter 854, 2019 Acts of Assembly.
18382	Supplemental funding: Capitol Complex Infrastructure and Security	Item C-51.50, Chapter 2, 2018 Acts of Assembly, Special Session I; amended by: Item C-51.50, Chapter 854, 2019 Acts of

		Item Details(\$)		Appropriations(\$)	
		First Year	Second Year	First Year	Second Year
		FY2021	FY2022	FY2021	FY2022
			Assembly.		
18408	2019 Capital Construction Pool		Item C-48.10, Chapter 854, 2019 Acts of Assembly.		
18493	2020 VPBA Construction Pool		Item C-67 of this act.		
18494	2020 VCBA Constructions Pool		Item C-68 of this act.		

P. Not more than a total aggregate principal amount of \$250 million in debt obligations shall be issued excluding refunding bonds in any fiscal year for the capital projects listed in Items C-67 and C-68 of this act, provided, however, that if less than a total aggregate principal amount of \$250 million in debt obligations is incurred in any fiscal year for such capital projects, the unused amount may be added to any subsequent fiscal year. Issuance of debt shall proceed so that the projected average annual debt service on all tax-supported debt over the 10-year horizon shall be in accordance with the guidelines established by the Debt Capacity Advisory Committee. The Six-Year Capital Outlay Plan Advisory Committee shall establish procedures to ensure compliance with the annual issuance limits and shall meet at least quarterly to review progress.

EXECUTIVE DEPARTMENT

OFFICE OF ADMINISTRATION

§ 2-1. DEPARTMENT OF GENERAL SERVICES (194)

C-1.	Improvements: Renovate and Repair Fort Monroe (18191).....			\$17,800,000	\$0
	Fund Sources: Bond Proceeds.....	\$17,800,000	\$0		
	<p>A. 1. There is hereby appropriated \$17,800,000 the first year for improvements to Fort Monroe from the bond proceeds authorized in Item C-75 of this act. The Department of General Services shall act as fiscal agent for the bond proceeds allocated to this capital project. The Fort Monroe Authority is authorized to use a portion of these proceeds to secure the services of a project manager for overseeing and coordinating the on-site efforts involving the various repairs and renovation activities at Fort Monroe. The project manager shall work in consultation and coordination with the Department of General Services as this project proceeds towards completion.</p> <p>2. This appropriation is subject to the conditions in § 2-0 F. of this act.</p> <p>3. Except as provided for in paragraph A.2. of this item, the provisions of §§ 2-0 and 4-4.01 of this act and the provisions of §2.2-1132, Code of Virginia, shall not apply to activity executed under this project.</p>				
	Total for Department of General Services.....			\$17,800,000	\$0
	Fund Sources: Bond Proceeds.....	\$17,800,000	\$0		
	TOTAL FOR OFFICE OF ADMINISTRATION.....			\$17,800,000	\$0
	Fund Sources: Bond Proceeds.....	\$17,800,000	\$0		

OFFICE OF AGRICULTURE AND FORESTRY

§ 2-2. DEPARTMENT OF FORESTRY (411)

C-2.	Acquisition: Acquire new state forest in Charlotte County (18455).....			\$5,110,191	\$0
	Fund Sources: Dedicated Special Revenue.....	\$5,110,191	\$0		
	Total for Department of Forestry.....			\$5,110,191	\$0
	Fund Sources: Dedicated Special Revenue.....	\$5,110,191	\$0		
	TOTAL FOR OFFICE OF AGRICULTURE AND FORESTRY.....			\$5,110,191	\$0
	Fund Sources: Dedicated Special Revenue.....	\$5,110,191	\$0		

ITEM C-2.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022

OFFICE OF EDUCATION

§ 2-3. CHRISTOPHER NEWPORT UNIVERSITY (242)

C-3.	Improvements: Improvements: Auxiliary Infrastructure Repairs (18463).....			\$2,789,000	\$0
	Fund Sources: Bond Proceeds.....	\$2,789,000	\$0		
C-4.	New Construction: Integrated Science Center, Phase III (18496).....			\$2,061,000	\$0
	Fund Sources: Higher Education Operating.....	\$2,061,000	\$0		
<p>A. In accordance with Chapter 15.1 (§ 2.2-1515 et seq.) of Title 2.2 of the Code of Virginia, Christopher Newport University shall submit its completed detailed planning documents to the Six-Year Capital Outlay Plan Advisory Committee for its review and recommendation. However, no planning documents pursuant to this item shall be submitted to the Governor or the General Assembly prior to July 1, 2022.</p> <p>B. Christopher Newport University shall be reimbursed for all nongeneral funds used when the project is funded to move into the construction phase.</p>					
	Total for Christopher Newport University.....			\$4,850,000	\$0
	Fund Sources: Higher Education Operating.....	\$2,061,000	\$0		
	Bond Proceeds.....	\$2,789,000	\$0		

§ 2-4. THE COLLEGE OF WILLIAM AND MARY IN VIRGINIA (204)

C-5.	Improvements: Renovate Dormitories (18218).....			\$11,850,000	\$0
	Fund Sources: Bond Proceeds.....	\$11,850,000	\$0		
C-6.	New Construction: Renovate: Kaplan Arena & Construct: Sports Performance Center (18467).....			\$55,000,000	\$0
	Fund Sources: Bond Proceeds.....	\$55,000,000	\$0		
C-7.	New Construction: Construct: Parking Facilities (18468).....			\$11,300,000	\$0
	Fund Sources: Bond Proceeds.....	\$11,300,000	\$0		
C-8.	Improvements: Repair Sanitary Sewer Lines (18474).....			\$3,750,000	\$0
	Fund Sources: Bond Proceeds.....	\$3,750,000	\$0		
	Total for The College of William and Mary in Virginia.....			\$81,900,000	\$0
	Fund Sources: Bond Proceeds.....	\$81,900,000	\$0		

§ 2-5. GEORGE MASON UNIVERSITY (247)

C-9.	Planning: Construct and renovate Advanced Computational Infrastructure and Hybrid Learning Labs (18470).....			\$1,150,000	\$0
	Fund Sources: Higher Education Operating.....	\$1,150,000	\$0		
<p>George Mason University shall be reimbursed for the designated nongeneral funds used in this Item for detailed planning when the project is funded to move into the construction phase.</p>					
C-10.	Planning: Renovate Space to Accommodate Virtual Online Campus (18471).....			\$550,000	\$0

ITEM C-10.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Fund Sources: Higher Education Operating.....	\$550,000	\$0		
George Mason University shall be reimbursed for the designated nongeneral funds used in this Item for detailed planning when the project is funded to move into the construction phase.				
C-11. New Construction: Construct Institute for Digital Innovation (IDIA) and Garage (18482).....			\$242,500,000	\$0
Fund Sources: Special.....	\$82,000,000	\$0		
Bond Proceeds.....	\$160,500,000	\$0		
<p>A. Subject to the provisions of this act, the Governor and the General Assembly authorize George Mason University (Mason) to enter into a written agreement with a public or private entity to design, construct, finance, operate and maintain up to a 400,000 gross square foot mixed-use facility, currently identified as the Institute for Digital Innovation (IDIA), and the associated parking necessary to support research, innovation, and workforce development for the Commonwealth of Virginia. The project shall be consistent with the guidelines of the Department of General Services and comply with Treasury Board guidelines issued pursuant to § 23.1-1106 C.1. (d), Code of Virginia.</p> <p>B. The Governor and the General Assembly further authorize George Mason University to enter into long-term leases with a private or public entity for all or a portion of the project. Mason shall identify any components of such an agreement that qualifies as a long-term lease, as defined by Generally Accepted Accounting Principles (GAAP), and report such leases to the Department of Accounts, the Department of the Treasury, and the Department of Planning and Budget. Any such agreement is subject to § 4-3.03 b.2. of this act. If any such agreement contemplates the lease of property in the possession or control of Mason, this item shall constitute the approval required by subsection B of § 2.2-1155, Code of Virginia, for the term of such lease to be in excess of 50 years, up to and including the useful life of the improvements to such property, provided that the Governor also approves such a term.</p> <p>C. It is anticipated that the authorization provided in paragraphs A. and B. will generate funding totaling \$82,000,000 toward the construction of the project in this Item.</p> <p>D. The Virginia College Building Authority, pursuant to § 23.1-1200 et seq., of the Code of Virginia, is authorized to issue bonds in a principal amount not to exceed \$84,000,000 plus amounts need to fund issuance costs, reserve funds, original issue discount, interest prior to and during acquisition or construction and for one year after completion thereof, and other financing expenses, to finance the capital costs of the project for which the appropriation in this Item is provided. Debt service on bonds issued under the authorization in this Item for funding from the Virginia College Building Authority shall be provided from appropriations to the Treasury Board.</p> <p>E. This Item additionally authorizes the issuance of bonds in a principal amount not to exceed \$76,500,000 plus amounts needed to fund issuance costs, reserve funds, and other financing expenses, including capitalized interest pursuant to Article X, Section 9(d), Constitution of Virginia. The amount indicated is hereby appropriated and reappropriated. The issuance of bonds shall be authorized pursuant to § 23.1-1106, Code of Virginia. In the event that the cost of the capital project shall exceed the amount appropriated therefore, the Director, Department of Planning and Budget, is hereby authorized, upon request, to approve an increase in appropriation authority of not more than ten percent of the amount designated, from any available nongeneral fund revenues, provided that such increase shall not constitute an increase in debt issuance authorization for the capital project. Furthermore, the Director, Department of Planning and Budget, is hereby authorized to approve the expenditure of all interest earnings derived from the investment of bond proceeds in addition to the amount designated. The interest on bonds to be issued for this project may be subject to inclusion in gross income for federal income tax purposes. This authorization does not imply a commitment of state funds for temporary construction financing. In the absence of such commitment, Mason may be responsible for securing short-term financing and covering the costs from other sources of funds.</p>				
C-12. Improvements: Improve Technology Infrastructure, Phase II (18487).....			\$23,250,000	\$0
Fund Sources: Bond Proceeds.....	\$23,250,000	\$0		

ITEM C-12.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022

The funding from Bond Proceeds provided in this Item reflects \$12,250,000 from state-supported debt and \$11,000,000 from university-supported bonds.

C-12.10	Planning: Academic VIII-STEM (18498).....			\$7,500,000	\$0
	Fund Sources: Higher Education Operating.....	\$7,500,000	\$0		
<p>A. In accordance with Chapter 15.1 (§ 2.2-1515 et seq.) of Title 2.2 of the Code of Virginia, George Mason University shall submit its completed detailed planning documents to the Six-Year Capital Outlay Plan Advisory Committee for its review and recommendation. However, no planning documents pursuant to this item shall be submitted to the Governor or the General Assembly prior to July 1, 2022.</p> <p>B. George Mason University shall be reimbursed for all nongeneral funds used when the project is funded to move into the construction phase.</p>					
	Total for George Mason University.....			\$274,950,000	\$0
	Fund Sources: Special.....	\$82,000,000	\$0		
	Higher Education Operating.....	\$9,200,000	\$0		
	Bond Proceeds.....	\$183,750,000	\$0		

§ 2-6. JAMES MADISON UNIVERSITY (216)

C-13.	Acquisition: Blanket Property Acquisition (17821)			\$3,000,000	\$0
	Fund Sources: Higher Education Operating.....	\$3,000,000	\$0		
C-14.	Improvements: Convocation Center Renovation/Expansion (17826).....			\$20,000,000	\$0
	Fund Sources: Bond Proceeds.....	\$20,000,000	\$0		
C-15.	New Construction: Expand Warren Hall (18354)....			\$49,997,854	\$0
	Fund Sources: Bond Proceeds.....	\$49,997,854	\$0		
C-16.	Improvements: Renovate Eagle Hall (18469).....			\$49,000,000	\$0
	Fund Sources: Bond Proceeds.....	\$49,000,000	\$0		
C-17.	Planning: Renovate and Expand Carrier Library (18485).....			\$7,025,000	\$0
	Fund Sources: Higher Education Operating.....	\$7,025,000	\$0		
<p>A. In accordance with Chapter 15.1 (§ 2.2-1515 et seq.) of Title 2.2 of the Code of Virginia, James Madison University shall submit its completed detailed planning documents to the Six-Year Capital Outlay Plan Advisory Committee for its review and recommendation. However, no planning documents pursuant to this item shall be submitted to the Governor or the General Assembly prior to July 1, 2022.</p> <p>B. James Madison University shall be reimbursed for all nongeneral funds used when the project is funded to move into the construction phase.</p>					
	Total for James Madison University.....			\$129,022,854	\$0
	Fund Sources: Higher Education Operating.....	\$10,025,000	\$0		
	Bond Proceeds.....	\$118,997,854	\$0		

§ 2-7. OLD DOMINION UNIVERSITY (221)

C-18.	Planning: Construct a New Biology Building (18473).....			\$5,135,736	\$0
	Fund Sources: Higher Education Operating.....	\$5,135,736	\$0		

ITEM C-18.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<p>A. In accordance with Chapter 15.1 (§ 2.2-1515 et seq.) of Title 2.2 of the Code of Virginia, Old Dominion University shall submit its completed detailed planning documents to the Six-Year Capital Outlay Plan Advisory Committee for its review and recommendation. However, no planning documents pursuant to this item shall be submitted to the Governor or the General Assembly prior to July 1, 2022.</p> <p>B. Old Dominion University shall be reimbursed for all nongeneral funds used when the project is funded to move into the construction phase.</p>				
C-19.	Improvements: Campus Wide Stormwater Improvements (18476).....		\$5,241,702	\$0
	Fund Sources: Bond Proceeds.....	\$5,241,702	\$0	
	Total for Old Dominion University.....		\$10,377,438	\$0
	Fund Sources: Higher Education Operating.....	\$5,135,736	\$0	
	Bond Proceeds.....	\$5,241,702	\$0	

§ 2-8. RADFORD UNIVERSITY (217)

C-20.	Improvements: Renovate Norwood and Tyler Residence Halls (18462).....		\$17,000,000	\$0
	Fund Sources: Higher Education Operating.....	\$5,000,000	\$0	
	Bond Proceeds.....	\$12,000,000	\$0	
	Total for Radford University.....		\$17,000,000	\$0
	Fund Sources: Higher Education Operating.....	\$5,000,000	\$0	
	Bond Proceeds.....	\$12,000,000	\$0	

§ 2-9. UNIVERSITY OF MARY WASHINGTON (215)

C-21.	Improvements: Athletic Field Replacements and Improvements (18466).....		\$0	\$5,512,000
	Fund Sources: Higher Education Operating.....	\$0	\$5,512,000	
	Total for University of Mary Washington.....		\$0	\$5,512,000
	Fund Sources: Higher Education Operating.....	\$0	\$5,512,000	

§ 2-10. VIRGINIA COMMONWEALTH UNIVERSITY (236)

C-22.	Planning: Construct Interdisciplinary Classroom and Laboratory Building (18472).....		\$250,000	\$0
	Fund Sources: Higher Education Operating.....	\$250,000	\$0	

A. 1. In accordance with Chapter 15.1 (§ 2.2-1515 et seq.) of Title 2.2 of the Code of Virginia, Virginia Commonwealth University shall submit its completed detailed planning documents to the Six-Year Capital Outlay Plan Advisory Committee for its review and recommendation. However, no planning documents pursuant to this item shall be submitted to the Governor or the General Assembly prior to July 1, 2023.

2. As part of the planning process for this project, Virginia Commonwealth University will evaluate and submit construction phasing options.

B. Virginia Commonwealth University shall be reimbursed for all nongeneral funds used when the project is funded to move into the construction phase.

C-22.10	Acquisition: Virginia Alcoholic Beverage Control Authority Property (18499).....		\$0	\$0
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The provisions of Item C-13.10, Chapter 854, 2019 Acts of Assembly, as it relates to the Virginia Commonwealth University acquisition of the Virginia Alcoholic Beverage Control Authority property are hereby extended for the 2020-22 Biennium.

ITEM C-22.10.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
C-22.20 Planning: New Arts and Innovation Building (18500).....			\$5,000,000	\$0
Fund Sources: Higher Education Operating.....	\$5,000,000	\$0		
<p>A.1. In accordance with Chapter 15.1 (§ 2.2-1515 et seq.) of Title 2.2 of the Code of Virginia, Virginia Commonwealth University shall submit its completed detailed planning documents to the Six-Year Capital Outlay Plan Advisory Committee for its review and recommendation. However, no planning documents pursuant to this item shall be submitted to the Governor or the General Assembly prior to July 1, 2022.</p> <p>2. As part of the planning process for this project, Virginia Commonwealth University will evaluate and submit construction phasing options.</p> <p>B. Virginia Commonwealth University shall be reimbursed for all nongeneral funds used when the project is funded to move into the construction phase.</p>				
Total for Virginia Commonwealth University.....			\$5,250,000	\$0
Fund Sources: Higher Education Operating.....	\$5,250,000	\$0		
§ 2-11. VIRGINIA COMMUNITY COLLEGE SYSTEM (260)				
C-23. Improvements: Re-roof and Replace HVAC - Multiple Buildings, Statewide (18483).....			\$16,000,000	\$0
Fund Sources: Bond Proceeds.....	\$16,000,000	\$0		
C-24. Omitted.				
C-24.10 Improvements: Replace HVAC Franklin Campus, Paul D. Camp (18501).....			\$2,200,000	\$0
Fund Sources: Bond Proceeds.....	\$2,200,000	\$0		
Total for Virginia Community College System.....			\$18,200,000	\$0
Fund Sources: Bond Proceeds.....	\$18,200,000	\$0		
§ 2-12. VIRGINIA MILITARY INSTITUTE (211)				
C-25. Improvements: Renovate 408 Parade (18465).....			\$2,000,000	\$0
Fund Sources: Bond Proceeds.....	\$2,000,000	\$0		
Total for Virginia Military Institute.....			\$2,000,000	\$0
Fund Sources: Bond Proceeds.....	\$2,000,000	\$0		
§ 2-13. VIRGINIA POLYTECHNIC INSTITUTE AND STATE UNIVERSITY (208)				
C-26. New Construction: Construct new academic facility, Innovation campus, Northern Virginia (18412).....			\$107,000,000	\$0
Fund Sources: Bond Proceeds.....	\$107,000,000	\$0		
C-27. New Construction: Data and Decision Science Building (18427).....			\$10,000,000	\$0
Fund Sources: Bond Proceeds.....	\$10,000,000	\$0		
C-28. New Construction: Construct Creativity and Innovation District Living Learning Community (18457).....			\$105,500,000	\$0
Fund Sources: Higher Education Operating.....	\$15,880,000	\$0		
Bond Proceeds.....	\$89,620,000	\$0		

ITEM C-29.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
C-29.	New Construction: Construct Global Business and Analytics Complex Residence Halls (18458).....			\$84,000,000	\$0
	Fund Sources: Bond Proceeds.....	\$84,000,000	\$0		
C-30.	New Construction: Construct New Upper Quad Residence Hall (18459).....			\$33,000,000	\$0
	Fund Sources: Bond Proceeds.....	\$33,000,000	\$0		
C-31.	New Construction: Construct Corps Leadership and Military Science Building (18460).....			\$52,000,000	\$0
	Fund Sources: Higher Education Operating.....	\$20,650,000	\$0		
	Bond Proceeds.....	\$31,350,000	\$0		
C-32.	Acquisition: Acquire Falls Church Property (18461).			\$11,080,000	\$0
	Fund Sources: Bond Proceeds.....	\$11,080,000	\$0		
C-33.	Improvements: Address Life, Health, Safety, Accessibility and Code Compliance (18478).....			\$3,100,000	\$0
	Fund Sources: Bond Proceeds.....	\$3,100,000	\$0		
C-33.10	Planning: Replace Randolph Hall (18502).....			\$11,000,000	\$0
	Fund Sources: Higher Education Operating.....	\$11,000,000	\$0		
	<p>A. 1. In accordance with Chapter 15.1 (§ 2.2-1515 et seq.) of Title 2.2 of the Code of Virginia, Virginia Tech shall submit its completed detailed planning documents to the Six-Year Capital Outlay Plan Advisory Committee for its review and recommendation. However, no planning documents pursuant to this item shall be submitted to the Governor or the General Assembly prior to July 1, 2022.</p> <p>2. As part of the planning process for this project, Virginia Tech will evaluate and submit construction phasing options.</p> <p>B. Virginia Tech shall be reimbursed for all nongeneral funds used when the project is funded to move into the construction phase.</p>				
	Total for Virginia Polytechnic Institute and State University.....			\$416,680,000	\$0
	Fund Sources: Higher Education Operating.....	\$47,530,000	\$0		
	Bond Proceeds.....	\$369,150,000	\$0		
C-34.	Omitted.				

§ 2-14. VIRGINIA STATE UNIVERSITY (212)

C-35.	Improvements: Improve and Replace Technology Infrastructure (18475).....			\$11,471,000	\$0
	Fund Sources: Bond Proceeds.....	\$11,471,000	\$0		
C-36.	Improvements: Improve Infrastructure for Campus Safety, Security, Energy Reduction and System Reliability (18481).....			\$8,299,506	\$0
	Fund Sources: Bond Proceeds.....	\$8,299,506	\$0		
	Total for Virginia State University.....			\$19,770,506	\$0
	Fund Sources: Bond Proceeds.....	\$19,770,506	\$0		

§ 2-15. VIRGINIA MUSEUM OF FINE ARTS (238)

ITEM C-36.50.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
C-36.50 Improvements: Repairs and Structural Issues (18503).....			\$2,750,000	\$0
Fund Sources: Bond Proceeds.....	\$2,750,000	\$0		
Total for Virginia Museum of Fine Arts.....			\$2,750,000	\$0
Fund Sources: Bond Proceeds.....	\$2,750,000	\$0		
TOTAL FOR OFFICE OF EDUCATION.....			\$982,750,798	\$5,512,000
Fund Sources: Special.....	\$82,000,000	\$0		
Higher Education Operating.....	\$84,201,736	\$5,512,000		
Bond Proceeds.....	\$816,549,062	\$0		

OFFICE OF HEALTH AND HUMAN RESOURCES

§ 2-16. DEPARTMENT OF BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES (720)

C-37. Make infrastructure repairs to state facilities, Phase I (18307).....			\$13,870,000	\$0
Fund Sources: Bond Proceeds.....	\$13,870,000	\$0		
C-38. Improvements: Address patient and staff safety issues at state facilities, Phase I (18365).....			\$7,600,000	\$0
Fund Sources: Bond Proceeds.....	\$7,600,000	\$0		
Total for Department of Behavioral Health and Developmental Services.....			\$21,470,000	\$0
Fund Sources: Bond Proceeds.....	\$21,470,000	\$0		

§ 2-17. DEPARTMENT FOR THE BLIND AND VISION IMPAIRED (702)

C-39. Improvements: Improve campus infrastructure (18488).....			\$0	\$1,223,500
Fund Sources: Bond Proceeds.....	\$0	\$1,223,500		
Total for Department for the Blind and Vision Impaired.....			\$0	\$1,223,500
Fund Sources: Bond Proceeds.....	\$0	\$1,223,500		
TOTAL FOR OFFICE OF HEALTH AND HUMAN RESOURCES.....			\$21,470,000	\$1,223,500
Fund Sources: Bond Proceeds.....	\$21,470,000	\$1,223,500		

OFFICE OF NATURAL RESOURCES

§ 2-18. DEPARTMENT OF CONSERVATION AND RECREATION (199)

C-40. Acquisition: Acquisition of land for State Parks (18236).....			\$309,802	\$0
Fund Sources: Special.....	\$309,802	\$0		

It is the intent of the General Assembly that any acquisitions by gift, transfer or purchase, be limited to in-holdings or contiguous properties, consistent with the authorization contained in Item 374, and be limited to property within or contiguous to Mayo River, New River Trail, Seven Bends, Lake Anna, First Landing, Natural Tunnel, Sailor's Creek Battlefield, Shenandoah River, Wilderness Road, Westmoreland, and Southwest Virginia Museum Historical State Parks. In addition, the department is authorized to accept donations of property to develop a state park within Loudoun County.

ITEM C-41.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
C-41. Acquisition: Acquisition of land for Natural Area Preserves (18242).....			\$6,547,328	\$0
Fund Sources: Special.....	\$1,635,218	\$0		
Federal Trust.....	\$4,912,110	\$0		
<p>It is the intent of the General Assembly that any acquisitions by gift, transfer or purchase be limited, consistent with the authorization contained in Item 374, to property within or contiguous to The Cedars, Bald Knob, Deep Run Ponds, Buffalo Mountain, Antioch Pines, Pinnacle, Mount Joy Ponds, Camp Branch Wetlands, Chesnut Ridge, Cleveland Barrens, Difficult Creek, Pedlar Hills Glades, Poor Mountain, South Quay Sandhills, Grafton Ponds, Cowbane Prairie, Bush Mill Stream, Cypress Bridge, Cape Charles, and Crow's Nest Natural Area Preserves. In addition, the department is authorized to accept donations of property within Stafford County contiguous to existing Natural Area Preserves.</p>				
C-42. Improvements: Make Critical Infrastructure Repairs and Residences at Various State Parks, Phase I (18366).....			\$12,500,000	\$0
Fund Sources: Bond Proceeds.....	\$12,500,000	\$0		
C-43. Improvements: Improve Belle Isle State Park (18429).....			\$1,500,000	\$0
Fund Sources: Dedicated Special Revenue.....	\$1,500,000	\$0		
<p>The Department of Conservation and Recreation is authorized to accept and expend gifts, donations or other funds to evaluate options to renovate and furnish the Belle Isle Manor House and dependencies at Belle Isle State Park.</p>				
C-44. Omitted.				
C-45. Omitted.				
C-46. Improvements: Renovation of Existing Revenue Generating Cabins, Phase I (18490).....			\$16,158,000	\$0
Fund Sources: Bond Proceeds.....	\$16,158,000	\$0		
C-47. Omitted.				
C-48. Omitted.				
Total for Department of Conservation and Recreation.....			\$37,015,130	\$0
Fund Sources: Special.....	\$1,945,020	\$0		
Dedicated Special Revenue.....	\$1,500,000	\$0		
Federal Trust.....	\$4,912,110	\$0		
Bond Proceeds.....	\$28,658,000	\$0		

§ 2-19. DEPARTMENT OF GAME AND INLAND FISHERIES (403)

C-49. Maintenance Reserve (13316).....			\$1,500,000	\$1,500,000
Fund Sources: Dedicated Special Revenue.....	\$750,000	\$750,000		
Federal Trust.....	\$750,000	\$750,000		
C-50. Improvements: Improve Wildlife Management Areas (18103).....			\$1,000,000	\$1,000,000
Fund Sources: Dedicated Special Revenue.....	\$250,000	\$250,000		
Federal Trust.....	\$750,000	\$750,000		
C-51. Acquisition: Acquire Additional Land (18104).....			\$5,000,000	\$5,000,000
Fund Sources: Dedicated Special Revenue.....	\$500,000	\$500,000		

ITEM C-51.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
	Federal Trust.....	\$4,500,000	\$4,500,000		
C-52.	Improvements: Repair and Upgrade Dams to Comply with the Dam Safety Act (18105).....			\$500,000	\$500,000
	Fund Sources: Dedicated Special Revenue.....	\$500,000	\$500,000		
C-53.	Improvements: Improve Boating Access (18106)...			\$1,250,000	\$1,250,000
	Fund Sources: Dedicated Special Revenue.....	\$250,000	\$250,000		
	Federal Trust.....	\$1,000,000	\$1,000,000		
	Total for Department of Game and Inland Fisheries			\$9,250,000	\$9,250,000
	Fund Sources: Dedicated Special Revenue.....	\$2,250,000	\$2,250,000		
	Federal Trust.....	\$7,000,000	\$7,000,000		

§ 2-20. MARINE RESOURCES COMMISSION (402)

C-54.	Improvements: Oyster Reef Restoration (18479)....			\$10,000,000	\$0
	Fund Sources: Bond Proceeds.....	\$10,000,000	\$0		
	Total for Marine Resources Commission.....			\$10,000,000	\$0
	Fund Sources: Bond Proceeds.....	\$10,000,000	\$0		
	TOTAL FOR OFFICE OF NATURAL RESOURCES.....			\$56,265,130	\$9,250,000
	Fund Sources: Special.....	\$1,945,020	\$0		
	Dedicated Special Revenue.....	\$3,750,000	\$2,250,000		
	Federal Trust.....	\$11,912,110	\$7,000,000		
	Bond Proceeds.....	\$38,658,000	\$0		

OFFICE OF PUBLIC SAFETY AND HOMELAND SECURITY

§ 2-21. DEPARTMENT OF CORRECTIONS (799)

C-55.	Improvements: DOC Capital Infrastructure Fund (18480).....			\$15,000,000	\$15,000,000
	Fund Sources: Bond Proceeds.....	\$15,000,000	\$15,000,000		
	The appropriation for this project shall be used for the repair, renovation, or improvement of existing correctional facilities including mechanical and security systems. The Department shall submit a report on the use of this funding including: i) the facilities in which the funds were spent; ii) a description of each project; and iii) the total amount spent for each project. The report shall be submitted to the Department of Planning and Budget and the Chairs of the House Appropriations Committee and the Senate Finance Committee by July 15 of each year.				
	Total for Department of Corrections.....			\$15,000,000	\$15,000,000
	Fund Sources: Bond Proceeds.....	\$15,000,000	\$15,000,000		

§ 2-22. DEPARTMENT OF STATE POLICE (156)

C-56.	Stand-alone Equipment Acquisition: Upgrade Statewide Agencies Radio System (STARS) network (18414).....			\$40,000,000	\$40,000,000
	Fund Sources: Bond Proceeds.....	\$40,000,000	\$40,000,000		

This appropriation is the second and third of a four year allocation to implement an upgrade program for the Statewide Agencies Radio System (STARS) project. It may consist of, but is not limited to, land; mobile telecommunications equipment and towers;

ITEM C-56.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
software; radio frequency rights and licenses; communications control buildings and facilities; related infrastructure; program management; and other project costs necessary, incidental or convenient to undertake, acquire, develop, construct, upgrade, and equip the integrated statewide shared land-mobile radio communications system for the Commonwealth.				
Total for Department of State Police.....			\$40,000,000	\$40,000,000
Fund Sources: Bond Proceeds.....	\$40,000,000	\$40,000,000		
TOTAL FOR OFFICE OF PUBLIC SAFETY AND HOMELAND SECURITY.....			\$55,000,000	\$55,000,000
Fund Sources: Bond Proceeds.....	\$55,000,000	\$55,000,000		

OFFICE OF TRANSPORTATION

§ 2-23. DEPARTMENT OF TRANSPORTATION (501)

C-57.	Maintenance Reserve (15732).....		\$6,000,000	\$6,000,000
	Fund Sources: Commonwealth Transportation.....	\$6,000,000	\$6,000,000	
C-58.	Improvements: Acquire, Design, Construct and Renovate Agency Facilities (18130).....		\$51,671,839	\$54,000,000
	Fund Sources: Commonwealth Transportation.....	\$51,671,839	\$54,000,000	
	Total for Department of Transportation.....		\$57,671,839	\$60,000,000
	Fund Sources: Commonwealth Transportation.....	\$57,671,839	\$60,000,000	

§ 2-24. VIRGINIA PORT AUTHORITY (407)

C-59.	Improvements: Cargo Handling Facilities (16048)....		\$29,700,000	\$28,250,000
	Fund Sources: Special.....	\$22,500,000	\$22,500,000	
	Federal Trust.....	\$7,200,000	\$5,750,000	
C-60.	Improvements: Expand Empty Yard (16643).....		\$22,500,000	\$22,500,000
	Fund Sources: Special.....	\$22,500,000	\$22,500,000	
C-61.	Stand-alone Equipment Acquisition: Procure Equipment (18125).....		\$43,000,000	\$20,000,000
	Fund Sources: Special.....	\$43,000,000	\$20,000,000	
	Total for Virginia Port Authority.....		\$95,200,000	\$70,750,000
	Fund Sources: Special.....	\$88,000,000	\$65,000,000	
	Federal Trust.....	\$7,200,000	\$5,750,000	

§ 2-25. VIRGINIA COMMERCIAL SPACE FLIGHT AUTHORITY (509)

C-61.50	New Construction: Accomack Regional Airport Hanger (18504).....		\$2,000,000	\$0
	Fund Sources: General.....	\$1,000,000	\$0	
	Commonwealth Transportation.....	\$1,000,000	\$0	

Notwithstanding the provisions set forth in this Act, the general fund amounts appropriated in this Item shall be immediately unallotted upon enactment of these appropriations. Any language associated with these amounts shall not be applicable. Any amounts referenced within any other Items of this Act that reflect or include the general fund amounts included within this Item shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act.

ITEM C-61.50.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Total for Virginia Commercial Space Flight Authority.....			\$2,000,000	\$0
Fund Sources: General.....	\$1,000,000	\$0		
Commonwealth Transportation.....	\$1,000,000	\$0		
TOTAL FOR OFFICE OF TRANSPORTATION...			\$154,871,839	\$130,750,000
Fund Sources: General.....	\$1,000,000	\$0		
Special.....	\$88,000,000	\$65,000,000		
Commonwealth Transportation.....	\$58,671,839	\$60,000,000		
Federal Trust.....	\$7,200,000	\$5,750,000		

OFFICE OF VETERANS AND DEFENSE AFFAIRS

§ 2-26. DEPARTMENT OF VETERANS SERVICES (912)

C-61.60 Provide state matching funds for pandemic response renovations of veterans care centers (18507).....			\$1,000,000	\$0
Fund Sources: Bond Proceeds.....	\$1,000,000	\$0		
<p>A. The Virginia Public Building Authority, pursuant to § 2.2-2260 et seq. of the Code of Virginia, is authorized to issue bonds in a principal amount not to exceed \$1,000,000 plus amounts needed to fund issuance costs, reserve funds, original issue discount, interest prior to and during the acquisition or construction and for one year after completion thereof, and other financing expenses, to finance the capital costs of the project for which the appropriation in this Item is provided.</p> <p>B. Debt service on bonds issued under the authorization in this Item shall be provided from appropriations to the Treasury Board.</p> <p>C. The appropriation in this Item provides the state match for the federal Coronavirus Aid, Relief, and Economic Security Act (CARES Act) grant for coronavirus related construction and renovation projects at Sitter & Barfoot Veterans Care Center (Richmond) and Virginia Veterans Care Center (Roanoke) to prepare for and deal with pandemic response.</p>				
Total for Department of Veterans Services.....			\$1,000,000	\$0
Fund Sources: Bond Proceeds.....	\$1,000,000	\$0		

§ 2-27. DEPARTMENT OF MILITARY AFFAIRS (123)

C-62. Improvements: Replace/Install Fire Safety Systems in Readiness Centers (18318).....			\$3,000,000	\$0
Fund Sources: Bond Proceeds.....	\$3,000,000	\$0		
C-63. New Construction: Construct Blackstone Army Air Field (BAAF) Fire Station (18464).....			\$3,350,000	\$0
Fund Sources: Federal Trust.....	\$3,350,000	\$0		
Total for Department of Military Affairs.....			\$6,350,000	\$0
Fund Sources: Federal Trust.....	\$3,350,000	\$0		
Bond Proceeds.....	\$3,000,000	\$0		
TOTAL FOR OFFICE OF VETERANS AND DEFENSE AFFAIRS.....			\$7,350,000	\$0
Fund Sources: Federal Trust.....	\$3,350,000	\$0		
Bond Proceeds.....	\$4,000,000	\$0		

CENTRAL APPROPRIATIONS

ITEM C-63.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022

§ 2-28. CENTRAL CAPITAL OUTLAY (949)

C-64.	Central Maintenance Reserve (15776).....			\$137,000,000	\$137,000,000
	Fund Sources: Bond Proceeds.....	\$137,000,000	\$137,000,000		

A. A total of \$137,000,000 the first year and \$137,000,000 the second year is hereby authorized for issuance by the Virginia Public Building Authority pursuant to § 2.2-2263 Code of Virginia, or the Virginia College Building Authority pursuant to § 23.1-1200 et seq., Code of Virginia, for capital costs of maintenance reserve projects.

B. The proceeds of such bonds authorized in paragraph A. are hereby appropriated for the capital costs of the following maintenance reserve projects:

Agency Name/Code	Project Code	FY 2021	FY 2022
Department of Military Affairs (123)	10893	\$983,198	\$983,198
Department of Emergency Management (127)	15989	\$101,115	\$101,115
The Science Museum of Virginia (146)	13634	\$689,602	\$689,602
Department of State Police (156)	10886	\$660,197	\$660,197
Department of General Services (194)	14260	\$18,932,172	\$18,932,172
Department of Conservation and Recreation (199)	16646	\$2,703,908	\$2,703,908
The Library of Virginia (202)	17423	\$186,236	\$186,236
Wilson Workforce and Rehabilitation Center (203)	10885	\$548,599	\$548,599
The College of William and Mary (204)	12713	\$3,707,638	\$3,707,638
University of Virginia (207)	12704	\$13,060,405	\$13,060,405
Virginia Polytechnic Institute and State University (208)	12707	\$13,725,568	\$13,725,568
Virginia Military Institute (211)	12732	\$1,733,844	\$1,733,844
Virginia State University (212)	12733	\$3,811,227	\$3,811,227
Norfolk State University (213)	12724	\$4,164,086	\$4,164,086
Longwood University (214)	12722	\$1,899,815	\$1,899,815
University of Mary Washington (215)	12723	\$1,671,520	\$1,671,520
James Madison University (216)	12718	\$5,012,314	\$5,012,314
Radford University (217)	12731	\$2,238,123	\$2,238,123
Virginia School for the Deaf and Blind (218)	14082	\$463,468	\$463,468
Old Dominion University (221)	12710	\$3,670,222	\$3,670,222
Virginia Commonwealth University (236)	12708	\$7,152,137	\$7,152,137
Virginia Museum of Fine Arts (238)	13633	\$837,203	\$837,203
Frontier Culture Museum of Virginia (239)	15045	\$606,690	\$606,690
Richard Bland College (241)	12716	\$521,507	\$521,507
Christopher Newport University (242)	12719	\$1,027,186	\$1,027,186

ITEM C-64.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
University of Virginia's College at Wise (246)	12706	\$781,393		\$781,393
George Mason University (247)	12712	\$5,902,972		\$5,902,972
Virginia Community College System (260)	12611	\$13,305,162		\$13,305,162
Virginia Institute of Marine Science (268)	12331	\$811,261		\$811,261
Eastern Virginia Medical School (274)	18190	\$322,485		\$322,485
Department of Agriculture and Consumer Services (301)	12253	\$418,291		\$418,291
Marine Resources Commission (402)	16498	\$102,603		\$102,603
Department of Mines, Minerals, and Energy (409)	13096	\$111,466		\$111,466
Department of Forestry (411)	13986	\$472,444		\$472,444
Gunston Hall (417)	12382	\$175,253		\$175,253
Jamestown-Yorktown Foundation (425)	13605	\$1,687,911		\$1,687,911
Department for the Blind and Vision Impaired (702)	13942	\$387,738		\$387,738
Department of Behavioral Health and Developmental Services (720)	10880	\$6,835,202		\$6,835,202
Department of Juvenile Justice (777)	15081	\$1,061,383		\$1,061,383
Department of Forensic Science (778)	16320	\$544,218		\$544,218
Department of Corrections (799)	10887	\$11,875,427		\$11,875,427
Institute for Advanced Learning and Research (885)	18044	\$335,675		\$335,675
Department of Veterans Services (912)	17073	\$101,115		\$101,115
Roanoke Higher Education Center (935)	17916	\$385,136		\$385,136
Southern Virginia Higher Education Center (937)	18131	\$306,956		\$306,956
New College Institute (938)	18132	\$306,956		\$306,956
Virginia Museum of Natural History (942)	14439	\$334,753		\$334,753
Southwest Virginia Higher Education Center (948)	16499	\$326,220		\$326,220
Total		\$137,000,000		\$137,000,000

C. Expenditures for amounts appropriated in this Item are subject to conditions defined in §2-0 E. of this act.

D. 1. In order to reduce building operation costs and repay capital investments, agencies and institutions of higher education may give priority to maintenance reserve projects which result in guaranteed savings to the agency or institution pursuant to § 11-34.3, Code of Virginia.

2. Agencies and institutions of higher education may use maintenance reserve funds to finance the following capital costs: to repair or replace damaged or inoperable equipment,

ITEM C-64.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<p>components of plant, and utility systems; to correct deficiencies in property and plant required to conform with building and safety codes or those associated with hazardous condition corrections, including asbestos abatement; to correct deficiencies in fire protection, safety and security, energy conservation and handicapped access; and to address such other physical plant deficiencies as the Director, Department of Planning and Budget may approve. Agencies and institutions of higher education may also use maintenance reserve funds to make other necessary improvements that do not meet the criteria for maintenance reserve funding with the prior approval of the Director, Department of Planning and Budget.</p> <p>E. 1. The Department of General Services is authorized to use these funds from its maintenance reserve allocation and any balances left from prior maintenance reserve allocations for necessary repairs and improvements in and around Capitol Square for items such as repair and conservation of the historic fence, repair and improvements to the grounds, upkeep and ongoing repairs to the exterior of the Capitol and Bell Tower, needed safety and security upgrades, and conservation and maintenance of monuments and statues. The use of and allocation of these funds shall be as deemed appropriate by the Director, Department of General Services.</p> <p>2. Notwithstanding the provisions of § 2.2-1130, Code of Virginia, the Department of General Services shall retain custody, control and supervision of the Virginia War Memorial Carillon. Out of the amounts provided for the Department of General Services (Project Code 14260), the Department shall provide for maintenance and repair of the Virginia War Memorial Carillon. In addition, notwithstanding the provisions of § 2.2-1130, Code of Virginia, any fund balances held by the Department of General Services and new revenues generated by the Department of General Services under the provisions of § 2.2-1130, Code of Virginia, shall be paid to the Department of General Services by the Comptroller and shall be retained by the Department of General Services for the upkeep, maintenance, and improvement of the Virginia War Memorial Carillon.</p> <p>F. 1. The Jamestown-Yorktown Foundation may use an amount not to exceed 20 percent of its annual maintenance reserve allocation from this Item for the conservation of art and artifacts.</p> <p>2. The Virginia Museum of Fine Arts may use an amount not to exceed 20 percent of its annual maintenance reserve allocation from this Item for the conservation of art works owned by the Museum.</p> <p>3. The Frontier Culture Museum may use an amount not to exceed 20 percent of its annual maintenance reserve allocation from this item for the conservation of art and artifacts.</p> <p>G. The Department of Corrections may use a portion of its annual maintenance reserve allocation to make modifications to correctional facilities needed to enable the agency to meet the requirements of the federal Prison Rape Elimination Act.</p> <p>H. The Frontier Culture Museum may use its maintenance reserve allocation to pave the loop roads, paths, and parking lots, repair and replace restroom facilities, improve public entrance accessibility, and improve the grounds at the museum.</p> <p>I. The Jamestown-Yorktown Foundation may utilize its annual maintenance reserve allocation to restore, repair or renew exhibits.</p> <p>J. The Department of Corrections may use up to \$1,500,000 of its annual maintenance reserve allocation to retrofit the correctional facility in Culpeper County that had been used in the past by the Department of Juvenile Justice to house juvenile defenders, but will be used to house adult offenders.</p> <p>K. Gunston Hall may use an amount not to exceed 20 percent of its annual maintenance reserve allocation from this Item to restore, repair, or renew exhibits. Furthermore, it may use its maintenance reserve allocation to pave the roads, paths, and parking lots, improve entrance accessibility, and improve the grounds at the museum.</p> <p>L. Out of the amounts provided for the Department of Behavioral Health and Developmental Services (720), Project Code 10880, up to \$570,000 may be used to begin the initial environmental remediation recommended in the initial environmental site assessment at the Central Virginia Training Center site.</p>				

ITEM C-64.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022

M. Out of the amount allocated for the Department of General Services, \$1,000,000 the first year and \$1,000,000 the second year is designated for building and utility repairs at Fort Monroe. After determining those buildings and utilities to be repaired, and the priority in which repairs will be undertaken within the available allocation in this item, the Fort Monroe Authority shall present an annual plan to the Director, Department of Planning and Budget. The Fort Monroe Authority is authorized to use a portion of this funding allocation to secure the services of a project manager for overseeing and coordinating the on-site efforts involving the various repairs at Fort Monroe. The project manager shall work in consultation and coordination with the Department of General Services. The Department of General Services shall act as fiscal agent for the authorized funds.

C-65.	Central Reserve for Capital Equipment Funding (17954).....		\$108,608,337	\$0
	Fund Sources: Bond Proceeds.....	\$108,608,337	\$0	

A. 1. The capital projects in paragraph B. of this Item are hereby authorized and may be financed in whole or part through bonds of the Virginia College Building Authority, pursuant to § 23.1-1200 et seq., Code of Virginia, or the Virginia Public Building Authority, pursuant to § 2.2-2260, Code of Virginia. Bonds of the Virginia College Building Authority issued to finance these projects may be sold and issued under the 21st Century College Program at the same time with other obligations of the Authority as separate issues or as a combined issue. The aggregate principal amount shall not exceed \$108,608,337 plus amounts to fund issuance costs, reserve funds, original issue discount, interest prior to and during the acquisition or construction and for one year after completion thereof, and other financing costs.

2. From the list of projects included in paragraph B. of this Item, the Director, Department of Planning and Budget, shall provide the Chairmen of the Virginia College Building Authority and the Virginia Public Building Authority with the specific projects, as well as the amounts for these projects, to be financed by each authority within the dollar limit established by this authorization.

3. Debt service on the projects contained in this Item shall be provided from appropriations to the Treasury Board.

B. There is hereby appropriated \$108,608,337 in the first year from bond proceeds of the Virginia College Building Authority or the Virginia Public Building Authority to provide funds for equipment for the following projects for which construction was previously provided.

Agency Name/Project Title

The Science Museum of Virginia (146)

Construct Parking Facility/Master Site Plan (18200)

Department of General Services (194)

Capitol Complex Infrastructure and Security (18081)

Seat of Government Swing Space and Repairs (18394)

Virginia Polytechnic Institute and State University (208)

Renovate Holden Hall (Engineering) (18267)

Fralin Biomedical Research Institute

Virginia Military Institute (211)

Renovate Preston Library (18203)

Improve Post Infrastructure Phase I, II, and III (18204)

Renovate Scott Shipp Hall (18270)

James Madison University (216)

Renovate Jackson Hall (18334)

Virginia Cooperative Extension and Agricultural Experiment Station (229)

Construct Livestock and Poultry Research Facilities - Phase I (18277)

Christopher Newport University (242)

ITEM C-65.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Construct and Renovate Fine Arts and Rehearsal Space (18086)				
George Mason University (247)				
Improve IT Network Infrastructure (18339)				
Construct / Renovate Robinson Hall, New Academic and Research Facility and Harris Theater Site (18207)				
Virginia Institute of Marine Science (268)				
Research Vessel (17950)				
Department for the Blind and Vision Impaired (702)				
Renovate the Departmental Headquarters Building (18164)				
Department of Veterans Services (912)				
Hampton Roads Veterans Care Center (17957)				
Construct Northern Virginia Veterans Care Center (18212)				
Southwest Virginia Higher Education Center (948)				
Construct Building Expansion and Replace Generator (18126)				

C-66.	Planning: Detail Planning for Capital Projects (17968).....			\$11,474,040	\$0
	Fund Sources: General.....	\$9,956,290	\$0		
	Dedicated Special Revenue.....	\$1,517,750	\$0		

A. Included in the appropriation for this Item is \$9,956,290 the first year from the general fund and \$1,517,750 from the Central Capital Planning Fund (09650), established under authority of § 2.2-1520, Code of Virginia to be used for pre-planning and detailed planning of authorized projects. This amount shall be paid into the Central Capital Planning Fund, established under the authority of § 2.2-1520, Code of Virginia.

B. The following projects shall be funded for detailed planning from amounts in the Central Capital Planning Fund and such amounts are hereby appropriated.

Agency Code	Agency Name	Project Title
156	Department of State Police	Replace training academy at department headquarters
194	Department of General Services	Renovate the Supreme Court Building
211	Virginia Military Institute	Construct Center for Leadership and Ethics Facility, Phase II
213	Norfolk State University	Renovate / Replace Fine Arts Building
215	University of Mary Washington	Construct Fine and Performing Arts Center
234	Cooperative Extension and Agricultural Research Services	Renovate Summerseat for Urban Agriculture Center
417	Gunston Hall	Construction of New Archaeology and Maintenance Facilities
720	Department of Behavioral Health and Developmental Services	Food Service Renovations Statewide
720	Department of Behavioral Health and Developmental Services	Eastern State Hospital Phase 4
799	Department of Corrections	Powhatan Infirmary Replacement
799	Department of Corrections	Deerfield Correctional Center Expansion

ITEM C-66.			Item Details(\$)		Appropriations(\$)	
			First Year	Second Year	First Year	Second Year
			FY2021	FY2022	FY2021	FY2022
942	Virginia Museum of Natural History	Construct satellite facility in Waynesboro, Virginia				

C. Out of the amounts in the Central Capital Planning Fund, the Department of General Services is authorized to begin pre-planning to develop the state-owned property at 703 E. Main Street in Richmond, Virginia. No later than November 1, 2020, the Department shall submit to the Six-Year Capital Outlay Plan Advisory Committee its pre-planning documents, with capital costs for the development of the site.

D. In accordance with Title 2.2, Chapter 15.1, Code of Virginia, each institution and agency shall submit its completed detailed planning documents to the Six-Year Capital Outlay Plan Advisory Committee for its review and recommendation. However, no planning documents pursuant to this item for the Construct Fine and Performing Arts Center at the University of Mary Washington, the Renovate / Replace Fine Arts Building at Norfolk State University or the Construct Center for Leadership and Ethics Facility, Phase II at Virginia Military Institute shall be submitted to the Governor or the General Assembly prior to July 1, 2022.

E. Each agency and institution of higher education may use nongeneral funds to complete the pre-planning or detailed planning documents for projects authorized in this Item.

F. In accordance with § 2.2-1520, Code of Virginia, the Director, Department of Planning and Budget, shall reimburse the Central Capital Planning Fund for the amounts provided for detailed planning when the project is funded to move into the construction phase.

G. The Director of the Department of Planning and Budget shall transfer \$1,000,000 on July 1, 2020, from Item 402 of this act to supplement planning for the Deerfield Correctional Center Expansion project.

H. Notwithstanding the provisions set forth in this Act, the general fund amounts appropriated in this Item shall be immediately unallotted upon enactment of these appropriations. Any language associated with these amounts shall not be applicable. Any amounts referenced within any other Items of this Act that reflect or include the general fund amounts included within this Item shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act.

C-67.	2020 VPBA Capital Construction Pool (18493).....			\$319,806,572	\$0
	Fund Sources: Special.....	\$35,000,000	\$0		
	Dedicated Special Revenue.....	\$39,434,000	\$0		
	Federal Trust.....	\$17,015,317	\$0		
	Bond Proceeds.....	\$228,357,255	\$0		

A. 1. The capital projects in paragraph C. of this Item are hereby authorized and may be financed in whole or in part through bonds of the Virginia Public Building Authority pursuant to § 2.2-2260 et seq., Code of Virginia, in a principal amount not to exceed \$228,357,255 plus amounts needed to fund issuance costs, reserve funds, original issue discount, interest prior to and during the acquisition or construction and for one year after completion thereof, and other financing expenses, in accordance with § 2.2-2263, Code of Virginia.

2. From the list of projects included in paragraph B. of this Item, the Director, Department of Planning and Budget, shall provide to the Chairmen of the Virginia Public Building Authority with the specific projects, as well as the amounts for these projects, to be financed by the Authority within the dollar limit established by this authorization.

3. Debt service on the projects contained in this Item shall be provided from appropriations to the Treasury Board.

4. The appropriations for the capital projects in this Item are subject to the conditions in § 2-0 F. of this act.

B. In addition to the appropriation and bond authorization authorized by this Item, the Director, Department of Planning and Budget, shall transfer unutilized Virginia Public

ITEM C-67.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022

Building Authority (VPBA) bond authorization and appropriation from the projects listed below, in the amounts shown, to this project for funding the projects listed in paragraph C:

Agency No.	Project No.	Initial Authorization	Amount
123	18310	Item C-34.20, Chapter 836, 2017 Acts of Assembly	\$1,144.25
238	17582	Item C-97, Chapter 879, 2008 Acts of Assembly	\$80,776.76
720	17457	Item C-247.30, Chapter 3, 2006 Acts of Assembly, Special Session I	\$453,642.53
949	18049	Item C-39.40 D.5., Chapter 806, 2013 Acts of Assembly	\$5,000,000.00

C. There is hereby appropriated \$228,357,255 the first year from bond proceeds of the Virginia Public Building Authority to provide funds for the construction and other capital costs of the following projects:

Agency Code	Agency Title	Project Title
123	Department of Military Affairs	Construct Roanoke Readiness Center and Combined Support Maintenance Shop (18325)
146	The Science Museum of Virginia	Construct Regional Science Center in Northern Virginia (18428)
199	Department of Conservation and Recreation	State Park Critical Bathhouse/Restroom Replacements and Renovations
199	Department of Conservation and Recreation	Westmoreland Road and Bank Stabilization
194	Department of General Services	Construct Addition to Current State Records Center Building & Repurpose Workspace in Facility
194	Department of General Services	Provide water infrastructure to state facilities in Nottoway County, Virginia
238	Virginia Museum of Fine Arts	Expand and Renovate Museum (18430)
425	Jamestown-Yorktown Foundation	Jamestown Settlement Pier (18383)
702	Department for the Blind and Vision Impaired	Renovate the Library and Resource Center

D. Funding is included in this item for the Department of General Services to design, renovate, construct, and prepare agreements for facilities to support the potable and fire protection water needs of Piedmont Geriatric Hospital, Virginia Center for Behavioral Rehabilitation (Phases 1 and 2), and Nottoway Correctional Center (the "Identified Facilities"). The Department of General Services will first consider improvements to the current water supply system servicing the Identified Facilities. Improvements to the current water supply system may include facility infrastructure, ownership, and operational changes and improvements. The Department of Behavioral Health and Developmental Services, Department of Corrections, and the Town of Crewe shall participate with, provide support to, and be responsive to the Department of General Services' activities to satisfy the requirements of this item. Should improvements to the current water supply system be (a) cost prohibitive, (b) inadequate to meet the needs of the Identified Facilities, or (c) otherwise undesirable, all as may be determined by the Department of General Services, the Department of General Services may determine other solutions to meet the necessary water needs of the Identified Facilities.

ITEM C-67.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
C-68.	2020 VCBA Capital Construction Pool (18494).....			\$701,261,508	\$0
	Fund Sources: Bond Proceeds.....	\$701,261,508	\$0		

A. 1. The capital projects in paragraph C. of this Item are hereby authorized and may be financed in whole or in part through bonds of the Virginia College Building Authority pursuant to § 23.1-1200 et seq., Code of Virginia, in a principal amount not to exceed \$701,261,508 plus amounts needed to fund issuance costs, reserve funds, original issue discount, interest prior to and during the acquisition or construction and for one year after completion thereof, and other financing expenses, in accordance with § 2.2-2263, Code of Virginia. Bonds of the Virginia College Building Authority issued to finance these projects may be sold and issued under the 21st Century College Program at the same time with other obligations of the Authority as separate issues or as a combined issue.

2. From the list of projects included in paragraph C. of this Item, the Director, Department of Planning and Budget, shall provide to the Chairmen of the Virginia College Building Authority with the specific projects, as well as the amounts for these projects, to be financed by the Authority within the dollar limit established by this authorization.

3. Debt service on the projects contained in this Item shall be provided from appropriations to the Treasury Board.

4. The appropriations for the capital projects in this Item are subject to the conditions in § 2-0 F. of this act.

B. In addition to the appropriation and bond authorization authorized by this Item, the Director, Department of Planning and Budget, shall transfer unutilized Virginia College Building Authority (VCBA) bond authorization and appropriation from the projects listed below, in the amounts shown, to this project for funding the projects listed in paragraph C:

Agency No.	Project No.	Initial Authorization	Amount
214	17317	Item C-72, Chapter 3, 2006 Acts of Assembly, Special Session I	\$5,164,799.00
216	18173	Item C-8.30, Chapter 665, 2015 Acts of Assembly	\$436,965.00
951	15867	Item C-7.10, Chapter 912, 1996 Acts of Assembly	\$2,068,306.00
951	17644	Item C-182.10, Chapter 879, 2008 Acts of Assembly	\$624,422.00

C. There is hereby appropriated \$701,261,508 the first year from bond proceeds of the Virginia College Building Authority to provide funds for the construction and other capital costs of the following projects:

Agency Code	Agency Title	Project Title
204	The College of William and Mary	Replace Swem Library Windows
207	University of Virginia	Renovate Physics Building (18330)
211	Virginia Military Institute	Improvements to Post Wide Safety and Security Phase 1
211	Virginia Military Institute	Renovate and Expand Engineering and Laboratory Facilities
212	Virginia State University	Demolish/Replace Daniel Gym and Demolish Harris Hall, Phase I (18333)
212	Virginia State University	Construct Admissions Building
212	Virginia State University	Waterproof Campus Buildings

ITEM C-68.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
	213	Norfolk State University	Science Building Replacement (18385)	
	213	Norfolk State University	Replace Physical Plant Building	
	214	Longwood University	Renovate / Expand Environmental Health & Safety and Facilities Annex Building (18384)	
	217	Radford University	Renovation / Construction Center of Adaptive Innovation and Creativity (CAIC) (18386)	
	221	Old Dominion University	Construct Health Sciences Building (18335)	
	241	Richard Bland College	Construct Center for Innovation and Educational Development (18337)	
	242	Christopher Newport University	Improvements - Infrastructure Repairs	
	246	University of Virginia's College at Wise	Renovate/Convert Wyllie Library (18338)	
	247	George Mason University	Expand Central Plant Capacity	
	260	Virginia Community College System	Renovate Godwin Building, Annandale Campus, Northern Virginia (18087)	
	260	Virginia Community College System	Replace Diggs/Moore/Harrison Complex, Hampton, Thomas Nelson (18341)	
	260	Virginia Community College System	Construct Advanced Technical Training Center, Piedmont Virginia (18343)	
	948	Southwest Virginia Higher Education Center	Replace Windows	
C-69.	Supplement Previously Authorized Capital Project Construction Pools (18145).....		\$170,700,000	\$0
	Fund Sources: Bond Proceeds.....		\$170,700,000	\$0
	<p>A. 1. Included in this Item is \$170,700,000 in bond appropriation which may be transferred between and among the capital project pools listed in paragraph O. of § 2-0 of this act in order to address any shortfall in appropriation in one or more of such project pools, pursuant to the provisions of § 2-0, paragraph O., of this act and may be financed in whole or in part through bonds of the Virginia College Building Authority pursuant to § 23.1-1200 et seq., Code of Virginia, or the Virginia Public Building Authority pursuant to § 2.2-2260 et seq., Code of Virginia. Bonds of the Virginia College Building Authority issued to finance these projects may be sold and issued under the 21st Century College Program at the same time with other obligations of the Authority as separate issues or as a combined issue. The aggregate principal amount shall not exceed \$170,700,000 plus amounts needed to fund issuance costs, reserve funds, original issue discount, interest prior to and during the acquisition or construction and for one year after completion thereof, and other financing expenses, in accordance with § 2.2-2263, Code of Virginia.</p> <p>2. From the list of capital project pools included in paragraph O. of § 2-0 of this act, the Director, Department of Planning and Budget, shall provide to the Chairmen of the Virginia College Building Authority and the Virginia Public Building Authority the specific projects, as well as the amounts for these projects, to be financed by each authority within the dollar limit established by this authorization upon the transfer of any such appropriation in this Item.</p> <p>3. Included in this item is \$25,000,000 in bond appropriation is provided as a supplement to the Capital Complex Infrastructure and Security project authorized and funded in paragraph E.1 Item C-39.40, Chapter 1 of the 2014 Special Session I, Virginia Acts of Assembly, for additional scope and security improvements.</p> <p>4. Debt service on the projects contained in this Item shall be provided from appropriations to the Treasury Board.</p> <p>5. The appropriations in this Item are subject to the conditions in § 2-0 F. of this act.</p>			
C-70.	Improvements: Local Water Quality and Supply Projects (18050).....		\$125,000,000	\$0

ITEM C-70.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Fund Sources: Bond Proceeds.....	\$125,000,000	\$0		
<p>A. The Virginia Public Building Authority, pursuant to § 2.2-2260 et seq., Code of Virginia, is authorized to issue bonds in a principal amount not to exceed \$125,000,000, plus amounts needed to fund issuance costs, reserve funds, original issue discount, interest prior to and during the acquisition or construction and for one year after completion thereof, and other financing expenses, to finance the costs of the projects described in paragraph C. of this Item.</p> <p>B. Debt service on bonds issued under the authorization in this Item shall be provided from appropriations to the Treasury Board.</p> <p>C. 1. Stormwater Local Assistance Fund. From the appropriation and bond authorization provided in this Item, up to \$50,000,000 of the bond proceeds shall be provided to the Department of Environmental Quality for the Stormwater Local Assistance Fund, established in accordance with the provisions of Item 379 of this Act. In accordance with the purpose of the Fund set out in Item 379, the bond proceeds shall be used to provide grants solely for capital projects meeting all pre-requirements for implementation, including but not limited to: i) new stormwater best management practices; ii) stormwater best management practice retrofits; iii) stream restoration; iv) low impact development projects; v) buffer restoration; vi) pond retrofits; and vii) wetlands restoration. Such grants shall be in accordance with eligibility determinations made by the State Water Control Board under the authority of the Department of Environmental Quality.</p> <p>2. a. Combined Sewer Overflow Matching Fund. From the appropriation and bond authorization provided in this Item, up to \$25,000,000 of the bond proceeds shall be provided to the Department of Environmental Quality for the Combined Sewer Overflow Matching Fund, established pursuant to § 62.1-242.12, Code of Virginia. These bond proceeds shall be used by the Virginia Resources Authority and the State Water Control Board to make a grant to the City of Alexandria to pay a portion of the capital costs of its combined sewer overflow control project. Disbursements from these proceeds shall be authorized by the State Water Control Board, under the authority of the Department of Environmental Quality, and administered by the Virginia Resources Authority through the Combined Sewer Overflow Matching Fund.</p> <p>b. The appropriation in paragraph C.2.a. is the second of three allocations for the Combined Sewer Overflow for the City of Alexandria. It is the intent of the General Assembly to provide the third and final allocation in the 2022-2024 biennium.</p> <p>3. Nutrient Removal Grants. From the appropriation and bond authorization provided in this Item, up to \$50,000,000 of the bond proceeds shall be provided to the Department of Environmental Quality to reimburse entities as provided in § 10.1-2117 et seq., Code of Virginia, considered as eligible Significant and Non-Significant Dischargers in the Chesapeake Bay watershed for capital costs incurred for the design and installation of nutrient removal technology. Such reimbursements shall be in accordance with eligibility determinations made by the Department of Environmental Quality pursuant to the provisions of this act and Chapter 21.1 of Title 10.1, Code of Virginia, including but not limited to the qualifications of projects for Virginia Water Quality Improvement Grants as set forth in §§ 10.1-2129, 10.1-2130, and 10.1-2131, Code of Virginia, and in written guidelines developed by the Secretary of Natural Resources in accordance with § 10.1-2129, Code of Virginia.</p> <p>D. The appropriation in this Item is subject to the conditions of § 2-0 F. of this act.</p> <p>E. Except as provided in paragraph D. of this Item, the provisions of §§ 2-0 and 4-4.01 of this act and the provisions of § 2.2-1132, Code of Virginia, shall not apply to the projects supported by this Item.</p>				
C-71. Improvements: Workforce Development Projects (18418).....			\$13,600,000	\$1,900,000
Fund Sources: Bond Proceeds.....	\$13,600,000	\$1,900,000		
<p>A. 1. The Virginia College Building Authority, pursuant to § 23.1-1200 et seq., Code of Virginia, is authorized to issue bonds in a principal amount not to exceed \$15,500,000</p>				

ITEM C-71.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<p>plus amounts needed to fund issuance costs, reserve funds, original issue discount, interest prior to and during the acquisition or construction and for one year after completion thereof, and other financing expenses, to finance the capital costs of the project for which the appropriation is this Item is provided.</p> <p>2. Debt service on bonds issued under the authorization in this Item shall be provided from appropriations to the Treasury Board.</p> <p>B. Funds from this Item shall be allocated in accordance with signed Memorandums of Understanding under the provisions established in §23.1-1239 through §23.1-1243, Code of Virginia, and shall be used to support the efforts of qualified institutions to increase by fiscal year 2039 the number of new eligible degrees by at least 25,000 more degrees than the number of such degrees awarded in 2018 and to improve the readiness of graduates to be employed in technology-related fields and fields that align with traded-sector growth opportunities identified by the Virginia Economic Development Partnership.</p>				
C-72.	Other Authorized Capital Infrastructure and Improvements (18495).....		\$40,000,000	\$0
	Fund Sources: Bond Proceeds.....	\$40,000,000	\$0	
<p>A. Pursuant to § 2.2-2260 et seq. of the Code of Virginia, the Virginia Public Building Authority is authorized to issue bonds in an aggregate amount not to exceed \$40,000,000, plus amounts needed to fund issuance costs, reserve funds, original issue discount, interest prior to and during acquisition, construction, or renovation and for one year after completion thereof, and other financing expenses, in order to finance a capital project at the Portsmouth Marine Terminal of the Virginia Port Authority consisting of the expansion, renovation, and improvement of infrastructure for the offshore wind supply chain; provided, however, that such debt may only be issued if the MEI Project Approval Commission, established pursuant to Chapter 47 (§ 30-309 et seq.) of Title 30, and the Virginia Port Authority each approve a public private partnership with respect to such capital project. The General Assembly hereby appropriates the proceeds from any such bonds for the foregoing projects. Debt service on any such bonds for such project shall be provided from appropriations to the Treasury Board.</p>				
C-72.10	Improvements: Virginia Beach Improve Access (18505).....		\$10,000,000	\$0
	Fund Sources: General.....	\$10,000,000	\$0	
<p>A. Out of this appropriation, \$10,000,000 the first year from the general fund is designated to support improvements related to the Nimmo Parkway Phase VII-B project in order to provide an adequate hurricane evacuation route for the Sandbridge residents.</p> <p>B. Notwithstanding the provisions set forth in this Act, the general fund amounts appropriated in this Item shall be immediately unallotted upon enactment of these appropriations. Any language associated with these amounts shall not be applicable. Any amounts referenced within any other Items of this Act that reflect or include the general fund amounts included within this Item shall have no effect. These amounts shall remain unallotted until re-enacted by the General Assembly after acceptance of a revenue forecast that confirms the revenues estimated within this Act.</p>				
C-73.	A. The Department of General Services is authorized to enter into long-term leases as follows:			
	1. On behalf of the Department of Social Services, to address lease space needs for the Child Support Enforcement District Office, the Regional Administrative Office and the Regional Training Offices in Abingdon.			
	2. On behalf of the Department of Social Services, to address lease space needs for the Child Support Enforcement District Office and the Child Support Enforcement Regional Offices in Roanoke.			
	3. On behalf of the Department of Motor Vehicles, to address lease space needs for a customer service center to replace or renew the lease for the existing facility in Manassas and Henrico County.			
	4. On behalf of the Department of Corrections, to address space needs for probation and			

ITEM C-73.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
parole offices in Petersburg, Bristol, Abingdon, Gloucester, Front Royal, and Chesterfield County.				
5. On behalf of the Department of Environmental Quality, to address lease space needs for a regional office to replace or renew the lease for the existing facility in Roanoke.				
6. On behalf of the Department of Environmental Quality, to address lease space needs for the Piedmont Regional Office and Office of Air Quality Monitoring to replace or renew the lease for the existing facility in the greater Richmond area.				
7. On behalf of the Department of Emergency Management, to address lease space needs for a headquarters facility to replace or renew the lease for the existing facility in the greater Richmond area.				
8. On behalf of the Department of Motor Vehicles, to address lease space needs for the Sterling Customer Service Center to relocate and expand the existing facility.				
9. On behalf of the Department of Historic Resources, to address lease space needs for additional archaeological storage space to expand the existing facility in the greater Richmond area.				
C-74.	<p>A.1. Pursuant to projects authorized and funded in paragraphs B and E.1 of Item C-39.40 of Chapter 1 of the 2014 Special Session I, Virginia Acts of Assembly, the General Assembly appropriated funds to the Department of General Services (DGS) for Capitol Complex Infrastructure and Security construction projects. Project work includes improvements and safety and security enhancements to be constructed or installed within the right-of-way of North 9th Street (between the area north of where Bank Street intersects North 9th Street and south of where North 9th Street intersects East Broad Street) and within the right-of-way of East Broad Street (between the area from where the western right-of-way line of North 9th Street intersects East Broad Street to where the western right-of-way line of Governor Street intersects East Broad Street), which rights-of-way are owned by the City of Richmond (City), and more specifically as determined by the DGS project team and in collaboration with the City with respect to such rights-of-way. Accordingly, the City and DGS shall enter into a deed of easement or other proper instruments, in such form approved by the Offices of the City Attorney and of the Commonwealth Office of the Attorney General, whereby the City, without charge to the Commonwealth, shall grant to DGS, as agent of the Commonwealth, where mutually agreeable across, over, under and above the referenced right-of-way of North 9th Street and East Broad Street, (a) the perpetual and irrevocable right, privilege and easement to construct, install, use, operate, inspect, maintain, repair, replace, rebuild, improve, alter and remove (i) any construction or installation contracted for by DGS either as part of the referenced construction projects or at any time with respect to safety and security enhancements around the perimeter of Capitol Square deemed appropriate by DGS and (ii) all equipment, accessories, utilities and appurtenances necessary to support such construction projects and such incorporation of safety and security enhancements, (b) the perpetual and irrevocable right, privilege and easement to inspect, maintain, repair, replace and rebuild the sidewalks and elements thereof (but not traffic control devices and signage or street lighting located thereupon) of the referenced right-of-way of North 9th Street and East Broad Street and (c) any necessary or appropriate temporary construction easements, upon terms approved by the Mayor of Richmond and the Governor (pursuant to § 2.2-1149, Code of Virginia); approval by Richmond City Council shall not be required.</p> <p>2. The City, without expending City funds, shall cooperate with DGS (i) to support the referenced construction project work and incorporation of safety and security enhancements at and along North 9th Street and East Broad Street, (ii) to relocate any utilities located in the agreed upon easement area, if necessary, and (iii) to coordinate any closure or other traffic flow controls of North 9th Street and East Broad Street during the performance of the construction projects and the incorporation of any safety and security features that will enhance safety and security around the perimeter of Capitol Square. At no time shall DGS make any permanent changes to the North 9th Street or East Broad Street rights-of-way without the prior approval of the Chief Administrative Officer of the City or the City hinder or delay construction of the referenced construction projects. Notwithstanding the foregoing, DGS may commence the construction project work and</p>			

ITEM C-74.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022

safety and security enhancements within the referenced right-of-way of North 9th Street and East Broad Street prior to the execution of a deed of easement or other proper instruments, if deemed necessary by DGS to avoid delay in the implementation of the construction project work or safety and security enhancements.

B. 1. Pursuant to projects authorized and funded in paragraph E.1 of Item C-39.40 of Chapter 1 of the Acts of Assembly of 2014, operations of the Virginia General Assembly have temporarily moved and now operate from the Pocahontas Building bounded by the following streets 9th to the west, 10th to the east, Bank to the north, and Main to the south in the City of Richmond. This temporary move has resulted in the Commonwealth's legislative activities to be concentrated in an area requiring traffic and pedestrian operational safety and security enhancements. As such, and pursuant to the responsibilities of the Department of General Services (DGS) (§ 2.2-1129) and the Division of Capitol Police (DCP) (§ 30-34.2:1), Bank Street from 9th to 12th Street in the City of Richmond shall be controlled by the DGS and the DCP year-round while General Assembly operations are located, and conducted, in the Pocahontas Building. Vehicular travel limitations and pedestrian management needs on and along Bank Street shall be determined jointly by the DGS and the DCP during that time. These determinations will be based on the recommendations outlined in the Bank Street Safety and Security Assessment prepared by Commonwealth Architects dated February 15, 2017 (the Assessment). Funding for materials and contract services needed to address pedestrian and vehicle management activities are available to DGS from the Chapter referenced in this item.

2. At no time, will DGS or DCP make permanent changes to Bank Street right-of-way (e.g. traffic control devices, security fixtures, street lighting, surface treatments) without the approval of the City of Richmond's Chief Administrative Officer. Additionally, at no time will the City prevent DGS and DCP from implementing and maintaining the recommendations outlined in the Assessment. Bank Street operations, as described in paragraph A, will remain under the control of DGS and DCP year-round until control of Bank Street 1 reverts to the City of Richmond upon the General Assembly, and its operations, vacating the Pocahontas Building, and the General Assembly, with approval of the Governor, authorizing control of Bank Street back to the City of Richmond.

C-75. A. The Virginia Public Building Authority, pursuant to § 2.2-2260 et seq. of the Code of Virginia, is authorized to issue bonds in a principal amount not to exceed \$194,901,500 plus amounts needed to fund issuance costs, reserve funds, original issue discount, interest prior to and during the acquisition or construction and for one year after completion thereof, and other financing expenses, to finance the capital costs of the projects described in paragraph C. of this Item.

B. Debt service on bonds issued under the authorization in this Item shall be provided from appropriations to the Treasury Board.

C. The appropriations for the following authorized projects are contained in the appropriation Items listed:

Agency Name/Project Title	Project Code	Item	VPBA Bonds
Department of Military Affairs (123)			
Replace/Install Fire Safety Systems in Readiness Centers	18318	C-62	\$3,000,000
Department of State Polics (156)			
Upgrade Statewide Radio System (STARS) Network	18414	C-56	\$80,000,000
Department of General Services (194)			
Renovate and Repair Fort Monroe	18191	C-1	\$17,800,000
Department of Conservation			

ITEM C-75.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
and Recreation (199)				
Make Critical Infrastructure Repairs and Residences at Various State Parks	18366	C-42		\$12,500,000
Renovation of Existing Revenue Generating Cabins	18490	C-46		\$16,158,000
Virginia Musuem of Fine Arts (238)				
Repairs and Structural Issues	18503	C-36.50		\$2,750,000
Marine Resources Commission (402)				
Oyster Reef Restoration	18479	C-54		\$10,000,000
Department for the Blind and Vision Impaired (702)				
Improve campus infrastructure	18488	C-39		\$1,223,500
Department of Behavioral Health and Developmental Services (720)				
Address patient and staff safety issues at state facilities	18365	C-38		\$7,600,000
Make infrastructure repairs to state facilities	18307	C-37		\$13,870,000
Department of Corrections (799)				
DOC Capital Infrastructure Fund	18480	C-55		\$30,000,000
Total VPBA Bonds				\$194,901,500

C-76. A. The Virginia College Building Authority, pursuant to § 23.1-1200 et seq. of the Code of Virginia, is authorized to issue bonds in a principal amount not to exceed \$62,312,208 plus amounts needed to fund issuance costs, reserve funds, original issue discount, interest prior to and during the acquisition or construction and for one year after completion thereof, and other financing expenses, to finance the capital costs of the projects described in paragraph C. of this Item.

B. Debt service on bonds issued under the authorization in this Item shall be provided from appropriations to the Treasury Board.

C. The appropriations for the following authorized projects are contained in the appropriation Items listed:

Agency Name/Project Title	Project Code	Item	VCBA Bonds
College of William and Mary (204)			
Repair Sanitary Sewer Lines	18474	C-8	\$3,750,000
George Mason University (247)			
Improve Technology Infrastructure, Phase II	18487	C-12	\$12,250,000
Old Dominion University (221)			
Campus Wide Stormwater Improvements	18476	C-19	\$5,241,702
Virginia Community College System (260)			

ITEM C-76.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Re-roof and Replace HVAC - Multiple Buildings, Statewide	18483	C-23		\$16,000,000
Replace HVAC Franklin Campus, Paul D. Camp	18501	C-24.10		\$2,200,000
Virginia Polytechnic Institute and State University (208)				
Address Life, Health, Safety, Accessibility and Code Compliance	18478	C-33		\$3,100,000
Virginia State University (212)				
Improve and Replace Technology Infrastructure	18475	C-35		\$11,471,000
Improve Infrastructure for Campus Safety, Security, Energy Reduction and System Reliability	18481	C-36		\$8,299,506
Total VCBA Bonds				\$62,312,208
Total for Central Capital Outlay.....			\$1,637,450,457	\$138,900,000
Fund Sources: General.....	\$19,956,290		\$0	
Special.....	\$35,000,000		\$0	
Dedicated Special Revenue.....	\$40,951,750		\$0	
Federal Trust.....	\$17,015,317		\$0	
Bond Proceeds.....	\$1,524,527,100	\$138,900,000		

§ 2-29. 9(C) REVENUE BONDS (950)

- C-77. A.1. This Item authorizes the capital projects listed below to be financed pursuant to Article X, Section 9(c), Constitution of Virginia.
2. The appropriations for said capital projects are contained in the appropriation Items listed below and are subject to the conditions in § 2-0 F of this act.
3. The total amount listed in this Item includes \$279,470,000 in bond proceeds.

Agency Name/ Project Title	Item	Project Code	Section
			9(c) Bonds
College of William and Mary (204)			
Renovate Dormitories	C-5	18218	\$11,850,000
James Madison University (216)			
Renovate Eagle Hall	C-16	18469	\$49,000,000
Radford University (217)			
Renovate Norwood and Tyler Residence Halls	C-20	18462	\$12,000,000
Virginia Polytechnic Institute and State University (208)			
Construct Creativity and Innovation District Living Learning Community	C-28	18457	\$89,620,000

ITEM C-77.	Item Details(\$)		Appropriations(\$)		
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Construct Global Business and Analytics Complex Residence Halls	C-29	18458	\$84,000,000		
Construct New Upper Quad Residence Hall	C-30	18459	\$33,000,000		
Total for Nongeneral Fund Obligation Bonds 9(c)			\$279,470,000		
Total for 9(C) Revenue Bonds.....				\$0	\$0

§ 2-30. 9(D) REVENUE BONDS (951)

- C-78. 1. This Item authorizes the capital projects listed below to be financed pursuant to Article X, Section 9(d), Constitution of Virginia.
2. The appropriations for said capital projects are contained in the appropriation Items listed below and are subject to the conditions in § 2-0 F. of this act.
3. The total amount listed in this Item includes \$388,016,854 in bond proceeds.

Agency Name/ Project Title	Item	Project Code	Section 9(d) Bonds
Christopher Newport University (242)			
Auxiliary Infrastructure Repairs	C-3	18463	\$2,789,000
College of William and Mary (204)			
Renovate: Kaplan Arena & Construct: Sports Performance Center	C-6	18467	\$55,000,000
Construct: Parking Facilities	C-7	18468	\$11,300,000
George Mason University (247)			
Construct Institute for Digital Innovation (IDIA) and Garage	C-11	18482	\$76,500,000
Improve Technology Infrastructure, Phase II	C-12	18487	\$11,000,000
James Madison University (216)			
Convocation Center Renovation/Expansion	C-14	17826	\$20,000,000
Expand Warren Hall	C-15	18354	\$49,997,854
Virginia Military Institute (211)			
Renovate 408 Parade	C-25	18465	\$2,000,000
Virginia Polytechnic Institute and State University (208)			
Construct new academic facility,	C-26	18412	\$107,000,000

ITEM C-78.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Innovation campus, Northern Virginia Data and Decision	C-27	18427	\$10,000,000	
Science Building Construct Corps	C-31	18460	\$31,350,000	
Leadership and Military Science Building Acquire Falls Church Property	C-32	18461	\$11,080,000	
Total for Nongeneral Fund Obligation Bonds 9(d)			\$388,016,854	
Total for 9(D) Revenue Bonds.....			\$0	\$0
TOTAL FOR CENTRAL APPROPRIATIONS.....			\$1,637,450,457	\$138,900,000
Fund Sources: General.....	\$19,956,290	\$0		
Special.....	\$35,000,000	\$0		
Dedicated Special Revenue.....	\$40,951,750	\$0		
Federal Trust.....	\$17,015,317	\$0		
Bond Proceeds.....	\$1,524,527,100	\$138,900,000		
TOTAL FOR EXECUTIVE DEPARTMENT.....			\$2,938,068,415	\$340,635,500
Fund Sources: General.....	\$20,956,290	\$0		
Special.....	\$206,945,020	\$65,000,000		
Higher Education Operating.....	\$84,201,736	\$5,512,000		
Commonwealth Transportation.....	\$58,671,839	\$60,000,000		
Dedicated Special Revenue.....	\$49,811,941	\$2,250,000		
Federal Trust.....	\$39,477,427	\$12,750,000		
Bond Proceeds.....	\$2,478,004,162	\$195,123,500		

INDEPENDENT AGENCIES

§ 2-31. STATE CORPORATION COMMISSION (171)

C-79.	Improvements: Tyler Building Renovation Project (18454).....		\$21,600,000	\$0
	Fund Sources: Special.....	\$21,497,962	\$0	
	Dedicated Special Revenue.....	\$102,038	\$0	
	Total for State Corporation Commission.....		\$21,600,000	\$0
	Fund Sources: Special.....	\$21,497,962	\$0	
	Dedicated Special Revenue.....	\$102,038	\$0	
	TOTAL FOR INDEPENDENT AGENCIES.....		\$21,600,000	\$0
	Fund Sources: Special.....	\$21,497,962	\$0	
	Dedicated Special Revenue.....	\$102,038	\$0	
	TOTAL FOR PART 2: CAPITAL PROJECT EXPENSES.....		\$2,959,668,415	\$340,635,500
	Fund Sources: General.....	\$20,956,290	\$0	
	Special.....	\$228,442,982	\$65,000,000	
	Higher Education Operating.....	\$84,201,736	\$5,512,000	
	Commonwealth Transportation.....	\$58,671,839	\$60,000,000	
	Dedicated Special Revenue.....	\$49,913,979	\$2,250,000	
	Federal Trust.....	\$39,477,427	\$12,750,000	

ITEM C-79.

	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
Bond Proceeds.....	\$2,478,004,162	\$195,123,500		

PART 3: MISCELLANEOUS
§ 3-1.00 TRANSFERS

§ 3-1.01 INTERFUND TRANSFERS

A.1. In order to reimburse the general fund of the state treasury for expenses herein authorized to be paid therefrom on account of the activities listed below, the State Comptroller shall transfer the sums stated below to the general fund from the nongeneral funds specified, except as noted, on January 1 of each year of the current biennium. Transfers from the Alcoholic Beverage Control Enterprise Fund to the general fund shall be made four times a year, and such transfers shall be made within fifty (50) days of the close of the quarter. The payment for the fourth quarter of each fiscal year shall be made in the month of June.

	FY 2021	FY 2022
1. Alcoholic Beverage Control Enterprise Fund (§ 4.1-116, Code of Virginia)		
a) For expenses incurred for care, treatment, study and rehabilitation of alcoholics by the Department of Behavioral Health and Developmental Services and other state agencies (from Alcoholic Beverage Control gross profits)	\$65,375,769	\$65,375,769
b) For expenses incurred for care, treatment, study and rehabilitation of alcoholics by the Department of Behavioral Health and Developmental Services and other state agencies (from gross wine liter tax collections as specified in § 4.1-234, Code of Virginia)	\$9,141,363	\$9,141,363
2. Forest Products Tax Fund (§ 58.1-1609, Code of Virginia)	\$23,613	\$23,613
For collection by Department of Taxation		
3. Peanut Fund (§3.2-1906, Code of Virginia)	\$2,419	\$2,419
4. For collection by Department of Taxation		
a) Aircraft Sales & Use Tax (§ 58.1-1509, Code of Virginia)	\$39,169	\$39,169
b) Soft Drink Excise Tax	\$1,596	\$1,596
c) Virginia Litter Tax	\$9,472	\$9,472
5. Proceeds of the Tax on Motor Vehicle Fuels		
For inspection of gasoline, diesel fuel and motor oils	\$97,586	\$97,586
6. Virginia Retirement System (Trust and Agency)		
For postage by the Department of the Treasury	\$34,500	\$34,500
7. Alcoholic Beverage Control Authority (Enterprise)		
For services by the:		
a) Auditor of Public Accounts	\$75,521	\$75,521
b) Department of Accounts	\$64,607	\$64,607
c) Department of the Treasury	\$47,628	\$47,628
TOTAL	\$74,913,243	\$74,913,243

2.a. Transfers of net profits from the Alcoholic Beverage Control Enterprise Fund to the general fund shall be made four times a year, and such transfers shall be made within fifty (50) days of the close of each quarter. The transfer of fourth quarter profits shall be estimated and made in the month of June. In the event actual net profits are less than the estimate transferred in June, the difference shall be deducted from the net profits of the next quarter and the resulting sum transferred to the general fund. Distributions to localities shall be made within fifty (50) days of the close of each quarter. Net profits are estimated at \$125,100,000 the first year and \$128,700,000 the second year.

b. Notwithstanding the provisions of § 4.1-116 B, Code of Virginia, the Alcoholic Beverage Control Authority shall properly record the depreciation of all depreciable assets, including approved projects, property, plant and equipment. The State Comptroller shall be notified of the amount of depreciation costs recorded by the Alcoholic Beverage Control Authority. However, such depreciation costs shall not be the basis for reducing the quarterly transfers needed to meet the estimated profits contained in this act.

B.1. If any transfer to the general fund required by any subsections of §§ 3-1.01 through 3-6.04 is subsequently determined to be in violation of any federal statute or regulation, or Virginia constitutional requirement, the State Comptroller is hereby directed to reverse such transfer and to return such funds to the affected nongeneral fund account.

2. There is hereby appropriated from the applicable funds such amounts as are required to be refunded to the federal government for mutually agreeable resolution of internal service fund over-recoveries as identified by the U. S. Department of Health and Human Services' review of the annual Statewide Indirect Cost Allocation Plans.

C. In order to fund such projects for improvement of the Chesapeake Bay and its tributaries as provided in § 58.1-2289 D, Code of Virginia, there is hereby transferred to the general fund of the state treasury the amounts listed below. From these amounts \$2,583,531 the first year and \$2,583,531 the second year shall be deposited to the Virginia Water Quality Improvement Fund pursuant to § 10.1-2128.1, Code of Virginia, and designated for deposit to the reserve fund, for ongoing improvements of the Chesapeake Bay and its tributaries. The Department of Motor Vehicles shall be responsible for effecting the provisions of this paragraph. The amounts listed below shall be transferred on June 30 of each fiscal year.

154	Department of Motor Vehicles	\$10,000,000	\$10,000,000
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D. The provisions of Chapter 6 of Title 58.1, Code of Virginia notwithstanding, the State Comptroller shall transfer to the general fund from the special fund titled "Collections of Local Sales Taxes" a proportionate share of the costs attributable to increased local sales and use tax compliance efforts, the Property Tax Unit, and State Land Evaluation Advisory Committee (SLEAC) services by the Department of Taxation estimated at \$6,202,002 the first year and \$6,202,002 the second year.

E. The State Comptroller shall transfer to the general fund from the Transportation Trust Fund a proportionate share of the costs attributable to increased sales and use tax compliance efforts and revenue forecasting for the Transportation Trust Fund by the Department of Taxation estimated at \$2,993,308 the first year and \$2,993,308 the second year.

F.1. On or before June 30 of each year, the State Comptroller shall transfer \$12,287,244 the first year and \$12,287,244 the second year to the general fund the following amounts from the agencies and fund sources listed below, for expenses incurred by central service agencies:

Agency Name	Fund Group	FY 2021	FY 2022
Administration of Health Insurance (149)	0500	\$618,420	\$618,420
Department of Forestry (411)	0200	\$5,303	\$5,303
Department of Forestry (411)	0900	\$312	\$312
Department of Professional and Occupational Regulations (222)	0200	\$5,023	\$5,023
Tobacco Region Revitalization Commission (851)	0900	\$19,411	\$19,411
Southwest Virginia Higher Education Center	0200	\$9,535	\$9,535

(948)				
The Science Museum of Virginia (146)	0200	\$25,000	\$25,000	
Virginia Museum of Fine Arts (238)	0200	\$20,764	\$20,764	
Virginia Museum of Fine Arts (238)	0500	\$14,344	\$14,344	
Virginia Museum of Natural History (942)	0200	\$1,176	\$1,176	
Board of Accountancy (226)	0900	\$13,366	\$13,366	
Department for Aging and Rehabilitative Services (262)	0200	\$41,215	\$41,215	
Department for the Deaf and Hard of Hearing (751)	0200	\$4,533	\$4,533	
Department of Behavioral Health and Developmental Services (720)	0200	\$61,085	\$61,085	
Department of Health (601)	0900	\$123,687	\$123,687	
Virginia Foundation for Healthy Youth (852)	0900	\$16,548	\$16,548	
State Corporation Commission (171)	0900	\$9,058	\$9,058	
Virginia College Savings Plan (174)	0500	\$351,045	\$351,045	
Board of Bar Examiners (233)	0200	\$1,324	\$1,324	
Supreme Court (111)	0900	\$370,537	\$370,537	
Department of Conservation and Recreation (199)	0200	\$111,878	\$111,878	
Department of Conservation and Recreation (199)	0900	\$37,175	\$37,175	
Department of Game and Inland Fisheries (403)	0900	\$130,208	\$130,208	
Marine Resources Commission (402)	0900	\$2,525	\$2,525	
Department of Criminal Justice Services (140)	0200	\$56,351	\$56,351	
Department of Criminal	0900	\$1,153	\$1,153	

Justice Services (140)			
Department of Fire Programs (960)	0200	\$106,205	\$106,205
Division of Community Corrections (767)	0900	\$17,156	\$17,156
Department of Aviation (841)	0400	\$79,561	\$79,561
Department of Motor Vehicles (154)	0400	\$3,878,102	\$3,878,102
Department of Rail and Public Transportation (505)	0400	\$740,647	\$740,647
Department of Transportation (501)	0400	\$5,128,092	\$5,128,092
Motor Vehicle Dealer Board (506)	0200	\$16,447	\$16,447
Virginia Port Authority (407)	0200	\$172,599	\$172,599
Virginia Port Authority (407)	0400	\$86,102	\$86,102
Department of Military Affairs (123)	0900	\$11,357	\$11,357
		\$12,287,244	\$12,287,244

2. Following the transfers authorized in paragraph F.1. of this section in the each year, the State Comptroller shall transfer \$2,787,795 each year back to the Department of Motor Vehicles to replace the anticipated loss of driving privilege reinstatement fee revenue.

G.1. The State Comptroller shall transfer to the Lottery Proceeds Fund established pursuant to § 58.1-4022.1, Code of Virginia, an amount estimated at \$657,959,397 the first year and \$666,104,670 the second year, from the Virginia Lottery Fund. The transfer each year shall be made in two parts: (1) on or before January 1 of each year, the State Comptroller shall transfer the balance of the Virginia Lottery Fund for the first five months of the fiscal year and (2) thereafter, the transfer will be made on a monthly basis, or until the amount estimated at \$616,156,022 the first year and \$622,317,582 the second year has been transferred to the Lottery Proceeds Fund. Prior to June 20 of each year, the Virginia Lottery Executive Director shall estimate the amount of profits in the Virginia Lottery Fund for the month of June and shall notify the State Comptroller so that the estimated profits can be transferred to the Lottery Proceeds Fund prior to June 22.

2. No later than 10 days after receipt of the annual audit report required by § 58.1-4022.1, Code of Virginia, the State Comptroller shall transfer to the Lottery Proceeds Fund the remaining audited balances of the Virginia Lottery Fund for the prior fiscal year. If such annual audit discloses that the actual revenue is less than the estimate on which the June transfer was based, the State Comptroller shall adjust the next monthly transfer from the Virginia Lottery Fund to account for the difference between the actual revenue and the estimate transferred to the Lottery Proceeds Fund. The State Comptroller shall take all actions necessary to effect the transfers required by this paragraph, notwithstanding the provisions of § 58.1-4022, Code of Virginia. In preparing the Comprehensive Annual Financial Report, the State Comptroller shall report the Lottery Proceeds Fund as specified in § 58.1-4022.1, Code of Virginia.

H.1. The State Treasurer is authorized to charge up to 20 basis points for each nongeneral fund account which he manages and which receives investment income. The assessed fees, which are estimated to generate \$3,000,000 the first year and \$3,000,000 the second year, will be based on a sliding fee structure as determined by the State Treasurer. The amounts shall be paid into the general fund of the state treasury.

2.a. The State Treasurer is authorized to charge institutions of higher education participating in the pooled bond program of the Virginia College Building Authority an administrative fee of up to 10 basis points of the amount financed for each project in addition to a share of direct costs of issuance as determined by the State Treasurer. Such amounts collected from the public

institutions of higher education, which are estimated to generate \$100,000 the first year and \$100,000 the second year, shall be paid into the general fund of the state treasury.

3. The State Treasurer is authorized to charge agencies, institutions and all other entities that utilize alternative financing structures and require Treasury Board approval, including capital lease arrangements, up to 10 basis points of the amount financed in addition to a share of direct costs of issuance as determined by the State Treasurer. Such amounts collected shall be paid into the general fund of the state treasury.

4. The State Treasurer is authorized to charge projects financed under Article X, Section 9(c) of the Constitution of Virginia, an administrative fee of up to 10 basis points of the amount financed for each project in addition to a share of direct costs of issuance as determined by the State Treasurer. Such amounts collected are estimated to generate \$50,000 the first year and \$50,000 the second year, and shall be paid into the general fund of the state treasury.

I. The State Comptroller shall transfer to the general fund of the state treasury 50 percent of the annual reimbursement received from the Manville Property Damage Settlement Trust for the cost of asbestos abatement at state-owned facilities. The balance of the reimbursement shall be transferred to the state agencies that incurred the expense of the asbestos abatement.

J. The State Comptroller shall transfer to the general fund from the Revenue Stabilization Fund in the state treasury any amounts in excess of the limitation specified in § 2.2-1829, Code of Virginia.

K.1. Not later than 30 days after the close of each quarter during the biennium, the State Comptroller shall transfer, notwithstanding the allotment specified in § 58.1-1410, Code of Virginia, funds collected pursuant to § 58.1-1402, Code of Virginia, from the general fund to the Game Protection Fund. This transfer shall not exceed \$5,500,000 the first year and \$5,500,000 the second year.

2. Notwithstanding the provisions of subparagraph K.1. above, the Governor may, at his discretion, direct the State Comptroller to transfer to the Game Protection Fund, any funds collected pursuant to § 58.1-1402, Code of Virginia, that are in excess of the official revenue forecast for such collections.

L.1. On or before June 30 each year, the State Comptroller shall transfer from the general fund to the Family Access to Medical Insurance Security Plan Trust Fund the amount required by § 32.1-352, Code of Virginia. This transfer shall not exceed \$14,065,627 the first year and \$14,065,627 the second year. The State Comptroller shall transfer 90 percent of the yearly estimated amounts to the Trust Fund on July 15 of each year.

2. Notwithstanding any other provision of law, interest earnings shall not be allocated to the Family Access to Medical Insurance Security Plan Trust Fund (agency code 602, fund detail 0903) in either the first year or the second year of the biennium.

M. Not later than thirty days after the close of each quarter during the biennium, the State Comptroller shall transfer to the Game Protection Fund the general fund revenues collected pursuant to § 58.1-638 E, Code of Virginia. Notwithstanding § 58.1-638 E, this transfer shall not exceed \$11,000,000 the first year and \$11,000,000 the second year. Notwithstanding § 58.1-638 E, on or before June 30 of the first year and June 30 of the second year, the State Comptroller shall transfer to the Virginia Port Authority \$1,500,000 of the general fund revenues collected pursuant to § 58.1-638 E, Code of Virginia, to enhance and improve recreation opportunities for boaters, including but not limited to land acquisition, capital projects, maintenance, and facilities for boating access to the waters of the Commonwealth pursuant to the provisions of Senate Bill 693, 2018 Session of the General Assembly.

N.1. On or before June 30 each year, the State Comptroller shall transfer from the Tobacco Indemnification and Community Revitalization Fund to the general fund an amount estimated at \$244,268 the first year and \$244,268 the second year. This amount represents the Tobacco Indemnification and Community Revitalization Commission's 50 percent proportional share of the Office of the Attorney General's expenses related to the enforcement of the 1998 Tobacco Master Settlement Agreement and § 3.2-4201, Code of Virginia.

2. On or before June 30 each year, the State Comptroller shall transfer from the Tobacco Settlement Fund to the general fund an amount estimated at \$48,854 the first year and \$48,854 the second year. This amount represents the Tobacco Settlement Foundation's ten percent proportional share of the Office of the Attorney General's expenses related to the enforcement of the 1998 Tobacco Master Settlement Agreement and § 3.2-4201, Code of Virginia.

O. On or before June 30 each year, the State Comptroller shall transfer to the general fund \$2,400,000 the first year and \$2,400,000 the second year from the Court Debt Collection Program Fund at the Department of Taxation.

P. On or before June 30 each year, the State Comptroller shall transfer to the general fund \$7,400,000 the first year and \$7,400,000 the second year from the Department of Motor Vehicles' Uninsured Motorists Fund. These amounts shall be from the share that would otherwise have been transferred to the State Corporation Commission.

Q. On or before June 30 each year, the State Comptroller shall transfer an amount estimated at \$5,000,000 the first year and an amount estimated at \$5,000,000 the second year to the general fund from the Intensified Drug Enforcement Jurisdictions Fund at the Department of Criminal Justice Services.

R. On or before June 30 each year, the State Comptroller shall transfer to the general fund \$3,864,585 the first year and \$3,864,585

the second year from operating efficiencies to be implemented by the Alcoholic Beverage Control Authority.

S. On or before June 30 each year, the State Comptroller shall transfer \$466,600 the first year and \$466,600 the second year to the general fund from the Land Preservation Fund (Fund 0216) at the Department of Taxation.

T. Unless prohibited by federal law or regulation or by the Constitution of Virginia and notwithstanding any contrary provision of state law, on June 30 of each fiscal year, the State Comptroller shall transfer to the general fund of the state treasury the cash balance from any nongeneral fund account that has a cash balance of less than \$100. This provision shall not apply to institutions of higher education, bond proceeds, or trust accounts. The State Comptroller shall consult with the Director of the Department of Planning and Budget in implementing this provision and, for just cause, shall have discretion to exclude certain balances from this transfer or to restore certain balances that have been transferred.

U.1. The Brunswick Correctional Center operated by the Department of Corrections shall be sold. The Commonwealth may enter into negotiations with (1) the Virginia Tobacco Indemnification and Community Revitalization Commission, (2) regional local governments, and (3) regional industrial development authorities for the purchase of this property as an economic development site.

2. Notwithstanding the provisions of § 2.2-1156, Code of Virginia or any other provisions of law, the proceeds of the sale of the Brunswick Correctional Center shall be paid into the general fund.

V. On a monthly basis, in the month subsequent to collection, the State Comptroller shall transfer all amounts collected for the fund created pursuant to § 17.1-275.12 of the Code of Virginia, to Items 354, 406, and 426 of this act, for the purposes enumerated in Section 17.1-275.12.

W. On or before June 30 each year, the State Comptroller shall transfer \$12,518,587 the first year and \$12,518,587 the second year to the general fund from the \$2.00 increase in the annual vehicle registration fee from the special emergency medical services fund contained in the Department of Health's Emergency Medical Services Program (40200).

X. The provisions of Chapter 6.2, Title 58.1, Code of Virginia, notwithstanding, on or before June 30 each year the State Comptroller shall transfer to the general fund from the proceeds of the Virginia Communications Sales and Use Tax (fund 0926), the Department of Taxation's indirect costs of administering this tax estimated at \$106,451 the first year and \$106,451 the second year.

Y. Any amount designated by the State Comptroller from the June 30, 2020, or June 30, 2021, general fund balance for transportation pursuant to § 2.2-1514B., Code of Virginia, is hereby appropriated.

Z. On or before June 30, of each fiscal year, the State Comptroller shall transfer to the State Health Insurance Fund (Fund 06200) the balance from the Administration of Health Benefits Services Fund (Fund 06220) at the Department of Human Resource Management.

AA. The Department of General Services is authorized to dispose of the following property currently owned by the Department of Corrections in the manner it deems to be in the best interests of the Commonwealth: Pulaski Correctional Center and White Post Detention and Diversion Center. Such disposal may include sale or transfer to other agencies or to local government entities. Notwithstanding the provisions of § 2.2-1156, Code of Virginia, the proceeds from the sale of all or any part of the properties shall be deposited into the general fund.

BB. The State Comptroller shall transfer all revenues collected each year to the general fund from the Firearms Transaction, Concealed Weapons Permit, and Conservator of the Peace Programs at the Department of State Police.

CC. On or before June 30, of each fiscal year, the State Comptroller shall transfer to the Health Insurance Fund - Local (Fund 05200) at the Administration of Health Insurance the balance from the Administration of Local Benefits Services Fund (Fund 05220) at the Department of Human Resource Management.

DD. On or before June 30, of each fiscal year, the State Comptroller shall transfer to the Line of Duty Death and Health Benefits Trust Fund (Fund 07420) at the Administration of Health Insurance the balance from the Administration of Health Benefits Payment - LODA Fund (Fund 07422) at the Department of Human Resource Management.

EE. On or before June 30, of each fiscal year, the State Comptroller shall transfer \$154,743 from Special Funds of the Department of Behavioral Health and Developmental Services (720) to Special Funds at the Office of the State Inspector General (147).

FF. The Department of General Services, with the cooperation and support of the Department of Agriculture and Consumer Services, is authorized to sell, for such consideration and the Governor may approve, a portion of the Eastern Shore Farmers Market, including the Market Office Building at 18491 Garey Road and the Produce Warehouse at 18513 Garey Road, Melfa, Virginia 23410. The Department of Agriculture and Consumer Services, with the recommendation of the Department of General Services, is authorized to grant any easement necessary to facilitate the sale of this portion of the Eastern Shore Farmer's Market. Notwithstanding the provisions of § 2.2-1156, Code of Virginia, the proceeds from the sale shall first be

applied toward remediation options under federal tax law of any outstanding tax-exempt bonds on the property. After deduction of the expenses incurred by the Department of Agriculture and Consumer Services, any proceeds that remain shall be deposited to the general fund. Any conveyance shall be approved by the Governor in a manner set forth in §2.2-1150, Code of Virginia.

GG. On or before June 30 of each fiscal year, the State Comptroller shall transfer to the general fund the portion of the balances of the Disaster Recovery Fund (Fund 02460) and Covid-19 Addtl State Funding (Fund 02019) at the Virginia Department of Emergency Management that was received as a federal cost recovery. The amounts transferred represent repayment of the sum sufficient fund originally appropriated for federally-declared emergencies. The Department of Emergency Management shall report to the State Comptroller the amount of the balance to be transferred by June 1 of each year.

HH. Notwithstanding the provisions of subsection A of § 58.1-662, Code of Virginia, and in addition to clause (i) and (ii) of that subsection, monies in the Communications Sales and Use Tax Trust Fund shall not be allocated to the Commonwealth's counties, cities, and towns until after an amount equal to \$2,000,000 the first year is allocated to the general fund. The State Comptroller shall deposit to the general fund \$2,000,000 on or before June 30, the first year and an additional \$2,000,000 on or before June 30, the second year from the revenues received from the Communications Sales and Use Tax.

II. The transfer of excess amounts in the Regulatory, Consumer Advocacy, Litigation, and Enforcement Revolving Trust Fund to the general fund pursuant to Item 59 of this act is estimated at \$500,000 the first year and \$500,000 the second year.

JJ. On or before June 30, 2021, the State Comptroller shall transfer \$1,000,000 in Speical Funds from the Corrections Special Reserve Fund, pursuant to § 30-19.1:4 of the Code of Viginia, to the capital planning project authorized in Item C-66, Paragraph G of this act.

§ 3-1.02 INTERAGENCY TRANSFERS

The Virginia Department of Transportation shall transfer, from motor fuel tax revenues, \$388,254 the first year and \$388,254 the second year to the Department of General Services for motor fuels testing.

§ 3-1.03 SHORT-TERM ADVANCE TO THE GENERAL FUND FROM NONGENERAL FUNDS

A. To meet the occasional short-term cash needs of the general fund during the course of the year when cumulative year-to-date disbursements exceed temporarily cumulative year-to-date revenue collections, the State Comptroller is authorized to draw cash temporarily from nongeneral fund cash balances deemed to be available, although special dedicated funds related to commodity boards are exempt from this provision. Such cash drawdowns shall be limited to the amounts immediately required by the general fund to meet disbursements made in pursuance of an authorized appropriation. However, the amount of the cash drawdown from any particular nongeneral fund shall be limited to the excess of the cash balance of such fund over the amount otherwise necessary to meet the short-term disbursement requirements of that nongeneral fund. The State Comptroller will ensure that those funds will be replenished in the normal course of business.

B. In the event that nongeneral funds are not sufficient to compensate for the operating cash needs of the general fund, the State Treasurer is authorized to borrow, temporarily, required funds from cash balances within the Transportation Trust Fund, where such trust fund balances, based upon assessments provided by the Commonwealth Transportation Commissioner, are not otherwise needed to meet the short-term disbursement needs of the Transportation Trust Fund, including any debt service and debt coverage needs, over the life of the borrowing. In addition, the State Treasurer shall ensure that such borrowings are consistent with the terms and conditions of all bond documents, if any, that are relevant to the Transportation Trust Fund.

C. The Secretary of Finance, the State Treasurer and the Commonwealth Transportation Commissioner shall jointly agree on the amounts of such interfund borrowings. Such borrowed amounts shall be repaid to the Transportation Trust Fund at the earliest practical time when they are no longer needed to meet short-term cash needs of the general fund, provided, however, that such borrowed amounts shall be repaid within the biennium in which they are borrowed. Interest shall accrue daily at the rate per annum equal to the then current one-year United States Treasury Obligation Note rate.

D. Any temporary loan shall be evidenced by a loan certificate duly executed by the State Treasurer and the Commonwealth Transportation Commissioner specifying the maturity date of such loan and the annual rate of interest. Prepayment of temporary loans shall be without penalty and with interest calculated to such prepayment date. The State Treasurer is authorized to make, at least monthly, interest payments to the Transportation Trust Fund.

§ 3-2.00 WORKING CAPITAL FUNDS AND LINES OF CREDIT

§ 3-2.01 ADVANCES TO WORKING CAPITAL FUNDS

A. The State Comptroller shall make available to the Virginia Racing Commission, on July 1 of each year, the amount of \$125,000 from the general fund as a temporary cash flow advance, to be repaid by December 30 of each year.

B. The State Comptroller shall provide a Working Capital Advance for up to \$3,000,000 on July 1 of the first year and for up to \$16,000,000 on July 1 of the second year, to the Department of Veterans Services to operate the Puller & Cabacoy Veterans Care Centers, to be repaid from revenue generated by the facilities.

§ 3-2.02 CHARGES AGAINST WORKING CAPITAL FUNDS

The State Comptroller may periodically charge the appropriation of any state agency for the expenses incurred for services received from any program financed and accounted for by working capital funds. Such charge may be made upon receipt of such documentation as in the opinion of the State Comptroller provides satisfactory evidence of a claim, charge or demand against the appropriations made to any agency. The amounts so charged shall be recorded to the credit of the appropriate working capital fund accounts. In the event any portion of the charge so made shall be disputed, the amount in dispute may be restored to the agency appropriation by direction of the Governor.

§ 3-2.03 LINES OF CREDIT

a. The State Comptroller shall provide lines of credit to the following agencies, not to exceed the amounts shown:

Administration of Health Insurance, Health Benefits Services	\$75,000,000
Administration of Health Insurance, Line of Duty Act	\$10,000,000
Department of Accounts, for the Payroll Service Bureau	\$400,000
Department of Accounts, Transfer Payments	\$5,250,000
Alcoholic Beverage Control Authority	\$80,000,000
Department of Corrections, for Virginia Correctional Enterprises	\$1,000,000
Department of Corrections, for Federal Grant Processing	\$1,000,000
Department of Emergency Management, for Hazardous Material Incident Response	\$150,000
Department of Emergency Management, for Federal Grant Processing	\$500,000
Department of Environmental Quality	\$5,000,000
Department of Human Resource Management, for the Workers' Compensation Self Insurance Trust Fund	\$10,000,000
Department of Behavioral Health and Developmental Services	\$30,000,000
Department of Medical Assistance Services, for the Virginia Health Care Fund	\$12,000,000
Department of Motor Vehicles	\$30,600,000
Department of the Treasury, for the Unclaimed Property Trust Fund	\$5,000,000
Department of the Treasury, for the State Insurance Reserve Trust Fund	\$25,000,000
Virginia Lottery	\$56,000,000
Virginia Information Technologies Agency	\$165,000,000
Virginia Tobacco Settlement Foundation	\$3,000,000
Department of Historic Resources	\$600,000
Department of Fire Programs	\$30,000,000
Compensation Board	\$8,000,000
Department of Conservation and Recreation	\$4,000,000
Department of Military Affairs, for State Active Duty	\$5,000,000
Department of Military Affairs, for Federal Cooperative Agreements	\$21,000,000
Virginia Parole Board	\$50,000
Commonwealth's Attorneys' Services Council	\$200,000
Department of State Police, for the Internet Crimes Against Children Grant	\$3,700,000
Department of State Police, for Federal Grant Processing	\$1,500,000

b. The State Comptroller shall execute an agreement with each agency documenting the procedures for the line of credit, including, but not limited to, applicable interest and the method for the drawdown of funds. The provisions of § 4-3.02 b of this act shall not apply to these lines of credit.

c. The State Comptroller, in conjunction with the Departments of General Services and Planning and Budget, shall establish guidelines for agencies and institutions to utilize a line of credit to support fixed and one-time costs associated with implementation of office space consolidation, relocation and/or office space co-location strategies, where such line of credit

shall be repaid by the agency or institution based on the cost savings and efficiencies realized by the agency or institution resulting from the consolidation and/or relocation. In such cases the terms of office space consolidation or co-location strategies shall be approved by the Secretary of Administration, in consultation with the Secretary of Finance, as demonstrating cost benefit to the Commonwealth. In no case shall the advances to an agency or institution exceed \$1,000,000 nor the repayment begin more than one year following the implementation or extend beyond a repayment period of seven years.

d. The State Comptroller is hereby authorized to provide lines of credit of up to \$2,500,000 to the Department of Motor Vehicles and up to \$2,500,000 to the Department of State Police to be repaid from revenues provided under the federal government's establishment of Uniform Carrier Registration.

e. The Virginia Lottery is hereby authorized to use its line of credit to meet cash flow needs for operations at any time during the year and to provide cash to the Virginia Lottery Fund to meet the required transfer of estimated lottery profits to the Lottery Proceeds Fund in the month of June, as specified in provisions of § 3-1.01G. of this act. The Virginia Lottery shall repay the line of credit as actual cash flows become available. The Secretary of Finance is authorized to increase the line of credit to the Virginia Lottery if necessary to meet operating needs.

f. The State Comptroller is hereby authorized to provide a line of credit of up to \$5,000,000 to the Department of Military Affairs to cover the actual costs of responding to State Active Duty. The line of credit will be repaid as the Department of Military Affairs is reimbursed from federal or other funds, other than Department of Military Affairs funds.

g. The Department of Human Resource Management shall repay the local health insurance option program's initial start-up costs, funded through the line of credit authorized in Chapter 836, 2017 Acts of Assembly, in fiscal years 2017 and 2018, over a period not to exceed ten years from the health insurance premiums paid by the local health insurance option program's participants.

§ 3-3.00 GENERAL FUND DEPOSITS

§ 3-3.01 PAYMENT BY THE STATE TREASURER

The state Treasurer shall transfer an amount estimated at \$50,000 on or before June 30, 2019 and an amount estimated at \$50,000 on or before June 30, 2020, to the general fund from excess 9(c) sinking fund balances.

§ 3-4.00 AUXILIARY ENTERPRISES AND SPONSORED PROGRAMS IN INSTITUTIONS OF HIGHER EDUCATION

§ 3-4.01 AUXILIARY ENTERPRISE INVESTMENT YIELDS

A. 1. The educational and general programs in institutions of higher education shall recover the full indirect cost of auxiliary enterprise programs as certified by institutions of higher education to the Comptroller subject to annual audit by the Auditor of Public Accounts. The State Comptroller shall credit those institutions meeting the requirement with the interest earned by the investment of funds of their auxiliary enterprise programs.

2. The University of Virginia's College at Wise is authorized to suspend the transfer of the recovery of the full indirect cost of auxiliary enterprise programs to the educational and general program for the 2020-2022 biennium.

3. Institutions of higher education shall have the authority to reduce the recovery of the full indirect cost of auxiliary enterprise programs to the educational and general program for the 2020-2022 biennium as a result of the significant financial impact on auxiliary enterprise programs caused by the COVID-19 pandemic.

B. No interest shall be credited for that portion of the fund's cash balance that represents any outstanding loans due from the State Treasurer. The provisions of this section shall not apply to the capital projects authorized under Items C-36.21 and C-36.40 of Chapter 924, 1997 Acts of Assembly.

§ 3-5.00 ADJUSTMENTS AND MODIFICATIONS TO TAX COLLECTIONS

§ 3-5.01 RETALIATORY COSTS TO OTHER STATES TAX CREDIT

Notwithstanding any other provision of law, the amount deposited to the Priority Transportation Trust Fund pursuant to § 58.1-2531 shall not be reduced by more than \$266,667 by any refund of the Tax Credit for Retaliatory Costs to Other States available under § 58.1-2510.

§3-5.02 PAYMENT OF AUTO RENTAL TAX TO THE GENERAL FUND

Notwithstanding the provisions of § 58.1-1741, Code of Virginia, or any other provision of law, all revenues resulting from the fee imposed under subdivision A3 of § 58.1-1736, Code of Virginia, shall be deposited into the general fund after the direct costs of administering the fee are recovered by the Department of Taxation.

§ 3-5.03 IMPLEMENTATION OF CHAPTER 3, ACTS OF ASSEMBLY OF 2004, SPECIAL SESSION I

Revenues deposited into the Public Education Standards of Quality/Local Real Estate Property Tax Relief Fund established under §

58.1-638.1 of the Code of Virginia pursuant to enactments of the 2004 Special Session of the General Assembly shall be transferred to the general fund and used to meet the Commonwealth's responsibilities for the Standards of Quality prescribed pursuant to Article VIII, Section 2, of the Constitution of Virginia. The Comptroller shall take all actions necessary to effect such transfers monthly, no later than 10 days following the deposit to the Fund. The amounts transferred shall be distributed to localities as specified in Direct Aid to Public Education's (197), State Education Assistance Programs (17800) of this Act. The estimated amount of such transfers are \$426,900,000 the first year and \$433,700,000 the second year.

§ 3-5.04 RETAIL SALES & USE TAX EXEMPTION FOR INTERNET SERVICE PROVIDERS

Notwithstanding any other provision of law, for purchases made on or after July 1, 2006, any exemption from the retail sales and use tax applicable to production, distribution, and other equipment used to provide Internet-access services by providers of Internet service, as defined in § 58.1-602, Code of Virginia, shall occur as a refund request to the Tax Commissioner. The Tax Commissioner shall develop procedures for such refunds.

§ 3-5.05 DISPOSITION OF EXCESS FEES COLLECTED BY CLERKS OF THE CIRCUIT COURTS

Notwithstanding §§ 15.2-540, 15.2-639, 15.2-848, 17.1-285, and any other provision of law general or special, effective July 1, 2009, the Commonwealth shall be entitled to two-thirds of the excess fees collected by the clerks of the circuit courts as required to be reported under § 17.1-283.

§ 3-5.06 ACCELERATED SALES TAX

A. Notwithstanding any other provision of law, in addition to the amounts required under the provisions of §§58.1-615 and 58.1-616, any dealer as defined by §58.1-612 or direct payment permit holder pursuant to §58.1-624 with taxable sales and purchases of \$1,000,000 or greater for the 12-month period beginning July 1, and ending June 30 of the immediately preceding calendar year, shall be required to make a payment equal to 90 percent of the sales and use tax liability for the previous June. Such tax payments shall be made on or before the 30th day of June, if payments are made by electronic fund transfer, as defined in § 58.1-202.1. If payment is made by other than electronic funds transfer, such payment shall be made on or before the 25th day of June. Every dealer or direct payment holder shall be entitled to a credit for the payment under this section on the return for June of the current year due July 20.

B. The Tax Commissioner may develop guidelines implementing the provisions of this section. Such guidelines shall be exempt from the provisions of the Administrative Process Act (§ 2.2-4000 et seq.).

C. For purposes of this section, taxable sales or purchases shall be computed without regard to the number of certificates of registration held by the dealer. The provisions of this section shall not apply to persons who are required to file only a Form ST-7, Consumer's Use Tax Return.

D. In lieu of the penalties provided in § 58.1-635, except with respect to fraudulent returns, failure to make a timely payment or full payment of the sales and use tax liability as provided in subsection A shall subject the dealer or direct payment permit holder to a penalty of six percent of the amount of tax underpayment that should have been properly paid to the Tax Commissioner. Interest shall accrue as provided in § 58.1-15. The payment required by this section shall become delinquent on the first day following the due date set forth in this section if not paid.

E. Payments made pursuant to this section shall be made in accordance with procedures established by the Tax Commissioner and shall be considered general fund revenue, except with respect to those revenues required to be distributed under the provisions of §§ 58.1-605, 58.1-606, 58.1-638(A), 58.1-638(G)-(H), 58.1-638.2, and 58.1-638.3 of the Code of Virginia.

F. That the State Comptroller shall make no distribution of the taxes collected pursuant to this section in accordance with §§ 58.1-605, 58.1-606, 58.1-638, 58.1-638.1, 58.1-638.2 and 58.1-638.3 of the Code of Virginia until the Tax Commissioner makes a written certification to the Comptroller certifying the sales and use tax revenues generated pursuant to this section. The Tax Commissioner shall certify the sales and use tax revenues generated as soon as practicable after the sales and use tax revenues have been paid into the state treasury in any month for the preceding month.

G. Beginning with the tax payment that would be remitted on or before June 25, 2021, if the payment is made by other than electronic fund transfers, and by June 30, 2021, if payments are made by electronic fund transfer, the provisions of § 3-5.08 of Chapter 874, 2010 Acts of Assembly, shall apply only to those dealers or permit holders with taxable sales and purchases of \$10,000,000 or greater for the 12-month period beginning July 1 and ending June 30 of the immediately preceding calendar year.

§ 3-5.07 DISCOUNTS AND ALLOWANCES

A. Notwithstanding any other provision of law, effective beginning with the return for June 2010, due July 2010, the compensation allowed under § 58.1-622, Code of Virginia, shall be suspended for any dealer required to remit the tax levied under §§ 58.1-603 and 58.1-604, Code of Virginia, by electronic funds transfer pursuant to § 58.1-202.1, Code of Virginia, and the compensation available to all other dealers shall be limited to the following percentages of the first three percent of the tax levied under §§ 58.1-603 and 58.1-604, Code of Virginia:

Monthly Taxable Sales	Percentage
\$0 to \$62,500	1.6%
\$62,501 to \$208,000	1.2%
\$208,001 and above	0.8%

B. Notwithstanding any other provision of law, effective beginning with the return for June 2010, due July 2010, the compensation available under §§ 58.1-642, 58.1-656, 58.1-1021.03, and 58.1-1730, Code of Virginia, shall be suspended.

C. Beginning with the return for June 2011, due July 2011, the compensation under § 58.1-1021.03 shall be reinstated.

§ 3-5.08 SALES TAX COMMITMENT TO HIGHWAY MAINTENANCE AND OPERATING FUND

The sales and use tax revenue for distribution to the Highway Maintenance and Operating Fund shall be consistent with Chapter 766, 2013 Acts of Assembly.

§ 3-5.09 INTANGIBLE HOLDING COMPANY ADDBACK

Notwithstanding the provisions of § 58.1-402(B)(8), Code of Virginia, for taxable years beginning on and after January 1, 2004:

(i) The exception in § 58.1-402(B)(8)(a)(1) for income that is subject to a tax based on or measured by net income or capital imposed by Virginia, another state, or a foreign government shall be limited to and apply only to the portion of such income received by the related member that owns the intangible property, which portion is attributed to a state or foreign government in which such related member has sufficient nexus to be itself subject to such taxes; and

(ii) The exception in § 58.1-402(B)(8)(a)(2) for a related member deriving at least one-third of its gross revenues from licensing to unrelated parties shall be limited and apply to the portion of such income received by the related member that owns the intangible property and derived from licensing agreements for which the rates and terms are comparable to the rates and terms of agreements that such related member has entered into with unrelated entities.

§ 3-5.10 REGIONAL FUELS TAX

Funds collected pursuant to § 58.1-2291 et seq., Code of Virginia, from the additional sales tax on fuel in certain transportation districts under § 58.1-2291 et seq., Code of Virginia, shall be returned to the respective commissions in amounts equivalent to the shares collected in the respective member jurisdictions. However, no funds shall be collected pursuant to § 58.1-2291 et seq., Code of Virginia, from levying the additional sales tax on aviation fuel as that term is defined in § 58.1-2201, Code of Virginia.

§ 3-5.11 DEDUCTION FOR ABLE ACT CONTRIBUTIONS

A. Effective for taxable years beginning on or after January 1, 2016, an individual shall be allowed a deduction from Virginia adjusted gross income as defined in § 58.1-321, Code of Virginia, for the amount contributed during the taxable year to an ABLE savings trust account entered into with the Virginia College Savings Plan pursuant to Chapter 7 (§ 23.1-700 et seq.) of Title 23.1, Code of Virginia. The amount deducted on any individual income tax return in any taxable year shall be limited to \$2,000 per ABLE savings trust account. No deduction shall be allowed pursuant to this section if such contributions are deducted on the contributor's federal income tax return. If the contribution to an ABLE savings trust account exceeds \$2,000 the remainder may be carried forward and subtracted in future taxable years until the ABLE savings trust contribution has been fully deducted; however, in no event shall the amount deducted in any taxable year exceed \$2,000 per ABLE savings trust account.

B. Notwithstanding the statute of limitations on assessments contained in § 58.1-312, Code of Virginia, any deduction taken hereunder shall be subject to recapture in the taxable year or years in which distributions or refunds are made for any reason other than (i) to pay qualified disability expenses, as defined in § 529A of the Internal Revenue Code; or (ii) the beneficiary's death.

C. A contributor to an ABLE savings trust account who has attained age 70 shall not be subject to the limitation that the amount of the deduction not exceed \$2,000 per ABLE savings trust account in any taxable year. Such taxpayer shall be allowed a deduction for the full amount contributed to an ABLE savings trust account, less any amounts previously deducted.

D. The Tax Commissioner shall develop guidelines implementing the provisions of this section, including but not limited to the computation, carryover, and recapture of the deduction provided under this section. Such guidelines shall be exempt from the provisions of the Administrative Process Act (§ 2.2-4000 et seq., Code of Virginia).

§ 3-5.12 RETAIL SALES AND USE TAX EXEMPTION FOR RESEARCH FOR FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTERS

A. Notwithstanding any other provision of law or regulation, and beginning July 1, 2016 and ending June 30, 2018, the retail sales and use tax exemption provided for in subdivision 5 of § 58.1-609.3 of the Code of Virginia, applicable to tangible personal property purchased or leased for use or consumption directly and exclusively in basic research or research and development in the experimental or laboratory sense, shall apply to such property used in a federally funded research and development center, regardless

of whether such property is used by the purchaser, lessee, or another person or entity.

B. Notwithstanding any other provision of law, beginning July 1, 2018, tangible personal property purchased by a federally funded research and development center sponsored by the U.S. Department of Energy shall be exempt from the retail sales and use tax.

C. Nothing in this section shall be construed to relieve any federally funded research and development center of any liability for retail sales and use tax due for the purchase of tangible personal property pursuant to the law in effect at the time of the purchase.

§ 3-5.13 ADMISSIONS TAX

Notwithstanding the provisions of § 58.1-3818.02, Code of Virginia, or any other provision of law, subject to the execution of a memorandum of understanding between an entertainment venue and the County of Stafford, Stafford County is authorized to impose a tax on admissions to an entertainment venue located in the county that (i) is licensed to do business in the county for the first time on or after July 1, 2015, and (ii) requires at last 75 acres of land for its operations, and (iii) such land is purchased or leased by the entertainment venue owner on or after June 1, 2015. The tax shall not exceed 10 percent of the amount of charge for admission to any such venue. The provisions of this section shall expire on July 1, 2019 if no entertainment venue exists in Stafford County upon which the tax authorized is imposed.

§ 3-5.14 SUNSET DATES FOR INCOME TAX CREDITS AND SALES AND USE TAX EXEMPTIONS

A. Notwithstanding any other provision of law the General Assembly shall not advance the sunset date on any existing sales tax exemption or tax credit beyond June 30, 2025. Any new sales tax exemption or tax credit enacted by the General Assembly after the 2019 regular legislative session, but prior to the 2024 regular legislative session, shall have a sunset date of not later than June 30, 2025. However, this requirement shall not apply to tax exemptions administered by the Department of Taxation under § 58.1-609.11, relating to exemptions for nonprofit entities nor shall it apply to exemptions or tax credits with sunset dates after June 30, 2022, enacted or advanced during the 2016 Session of the General Assembly, or to the Motion Picture Production Tax Credit under § 58.1-439.12:03, Code of Virginia.

B. By November 1, 2020, the Department of Taxation shall report to every member of the General Assembly and to the Joint Subcommittee to Evaluate Tax Preferences, on the revenue impact of every sales tax exemption and tax credit scheduled to expire on or before June 30, 2025. The report shall include the prior fiscal year's state and local sales tax impact of each expiring sales tax exemption, and the prior fiscal year's general fund revenue impact of each expiring tax credit. The tax credit revenue impact analysis shall be inclusive of credits claimed against any tax imposed under Title 58.1 of the Code of Virginia.

C. The Department shall provide an updated revenue impact report no later than November 1, 2025, and every five years thereafter, for sales tax exemptions and tax credits set to expire within two years following the date of the report. Such reports shall be distributed to every member of the General Assembly and to the Joint Subcommittee to Evaluate Tax Preferences.

§ 3-5.15 PROVIDER COVERAGE ASSESSMENT

A. The Department of Medical Assistance Services (DMAS) is authorized to levy an assessment upon private acute care hospitals operating in Virginia in accordance with this Item. Private acute care hospitals operating in Virginia shall pay a coverage assessment beginning on or after October 1, 2018. For the purposes of this coverage assessment, the definition of private acute care hospitals shall exclude public hospitals, freestanding psychiatric and rehabilitation hospitals, children's hospitals, long stay hospitals, long-term acute care hospitals and critical access hospitals.

B.1. The coverage assessment shall be used only to cover the non-federal share of the "full cost of expanded Medicaid coverage" for newly eligible individuals pursuant to 42 U.S.C. § 1396d(y)(1)[2010] of the Patient Protection and Affordable Care Act, including the administrative costs of collecting the coverage assessment and implementing and operating the coverage for newly eligible adults which includes the costs of administering the provisions of the Section 1115 waiver.

2.a. The "full cost of expanded Medicaid coverage" shall include: 1) any and all Medicaid expenditures related to individuals eligible for Medicaid pursuant to 42 U.S.C. § 1396d(y)(1)[2010] of the Patient Protection and Affordable Care Act, including any federal actions or repayments; and, 2) all administrative costs associated with providing coverage, which includes the costs of administering the provisions of the Section 1115 waiver, and collecting the coverage assessment.

b. The "full cost of expanded Medicaid coverage" shall be updated: 1) on November 1 of each year based on the official Medicaid forecast and latest administrative cost estimates developed by DMAS; 2) no more than 30 days after the enactment of this Act to reflect policy changes adopted by the latest session of the General Assembly; and 3) on March 1 of any year in which DMAS estimates that the most recent non-federal share of the "full cost of expanded Medicaid coverage" times 1.08 will be insufficient to pay all expenses in 2.a. for that year.

C.1. The "coverage assessment amount" shall equal the non-federal share of the "full cost of expanded Medicaid coverage" times 1.08.

2. The "coverage assessment percentage" shall be calculated quarterly by dividing (i) the "coverage assessment amount" by (ii) the total "net patient service revenue" for hospitals subject to the assessment. The coverage assessment amount used in the quarterly calculation of the "coverage assessment percentage" shall include a reconciliation of the Health Care Coverage Assessment Fund prescribed in D.1 and subtract all prior quarterly assessments paid for that fiscal year before dividing the remainder by the remaining quarters in the fiscal year.

3. Each hospital's "net patient service revenue" equals the amount reported in the most recent Virginia Health Information (VHI) "Hospital Detail Report." Hospitals shall certify that the net patient service revenue is hospital revenue and this amount shall be the assessment basis for the following fiscal year.

4. Each hospital's coverage assessment amount shall be calculated by multiplying the quarterly "coverage assessment percentage" times each hospital's net patient service revenue.

D.1. DMAS shall, at a minimum, update the "coverage assessment amount" whenever the "full cost of expanded Medicaid coverage" is updated in section B.2.b or to ensure amounts are sufficient to cover the full cost of expanded Medicaid coverage based on the latest estimate. Hospitals shall be given no less than 15 days' notice prior to the beginning of the quarter with associated calculations supporting the change in its coverage assessment amount. Prior to any change to the coverage assessment amount, DMAS shall perform and incorporate a reconciliation of the Health Care Coverage Assessment Fund through the most recent complete quarter. Any estimated excess or shortfall of revenue shall be deducted from or added to the "coverage assessment amount."

2. DMAS shall be responsible for collecting the coverage assessment amount. Hospitals subject to the coverage assessment shall make quarterly payments due no later than July 1, October 1, January 1 and April 1 of each state fiscal year.

3. Hospitals that fail to make the coverage assessment payments within 30 days of the due date shall incur a five percent penalty that shall be deposited in the Virginia Health Care Fund. Any unpaid coverage assessment or penalty will be considered a debt to the Commonwealth and DMAS is authorized to recover it as such.

E. DMAS shall submit a report, due September 1 of each year, to the Director, Department of Planning and Budget and Chairmen of the House Appropriations and Senate Finance Committees, and the Virginia Hospital and Healthcare Association. The report shall include, for the most recently completed fiscal year, the revenue collected from the coverage assessment, expenditures for purposes authorized by this Item, and the year-end coverage assessment balance in the Health Care Coverage Assessment Fund. The report shall also include a complete and itemized listing of all administrative costs included in the coverage assessment.

F. All revenue from the coverage assessment excluding penalties, shall be deposited into the Health Care Coverage Assessment Fund. Proceeds from the coverage assessment, excluding penalties, shall not be used for any other purpose than to cover the non-federal share of the full cost of expanded Medicaid coverage. Notwithstanding any other provision of law, the net state share of any prior year recovery of Medicaid expansion costs that were paid with coverage assessment revenue shall be deposited into the Health Care Coverage Assessment Fund.

G. Any provision of this Item is contingent upon approval by the Centers for Medicare and Medicaid Services if necessary.

H. The Hospital Payment Policy Advisory Council shall meet to consider the implementation and provisions of the Provider Coverage and Payment Rate Assessments in order to consider and make recommendations to ensure the collection and use of such funds are appropriate and consistent with the intent of the General Assembly. Specifically, the Council shall consider the level of detail and format necessary to develop the report pursuant to paragraph E. The Council shall recommend a format and associated level of detail, to be included in the report to the Joint Subcommittee for Health and Human Resources Oversight. The Joint Subcommittee shall approve the final format and associated level of detail of the report to be submitted by the Department of Medical Assistance Services.

§ 3-5.16 PROVIDER PAYMENT RATE ASSESSMENT

A. The Department of Medical Assistance Services (DMAS) is hereby authorized to levy a payment rate assessment upon private acute care hospitals operating in Virginia in accordance with this item. Private acute care hospitals operating in Virginia shall pay a payment rate assessment beginning on or after October 1, 2018 when all necessary state plan amendments are approved by the Centers for Medicare and Medicaid Services (CMS). For purposes of this assessment, the definition of private acute care hospitals shall exclude public hospitals, freestanding psychiatric and rehabilitation hospitals, children's hospitals, long stay hospitals, long-term acute care hospitals and critical access hospitals.

B. Proceeds from the payment rate assessment shall be used to (i) fund an increase in inpatient and outpatient payment rates paid to private acute care hospitals operating in Virginia up to the "upper payment limit gap"; and (ii) fill the "managed care organization hospital payment gap" for care provided to recipients of medical assistance services. Payments made under the provisions i and ii of this paragraph shall be referred to as "private acute care hospital enhanced payments".

C.1. The Department of Medical Assistance Services (DMAS) shall calculate each hospital's "payment rate assessment amount" by multiplying the "payment rate assessment percentage" times "net patient service revenue" as defined below.

2. The "payment rate assessment percentage" for hospitals shall be calculated as (i) the non-federal share of funding the "private acute care hospitals enhanced payments" divided by (ii) the total "net patient service revenue" for hospitals subject to the assessment.

3. Each hospital's "net patient service revenue" equals the amount reported in the most recent Virginia Health Information (VHI) "Hospital Detail Report." Hospitals shall certify that the net patient service revenue is hospital revenue and this amount shall be the assessment basis for the following fiscal year.

D. DMAS is authorized to update the payment rate assessment amount and payment rate assessment percentage on a quarterly basis to ensure amounts are sufficient to cover the non-federal share of the full cost of the private acute care hospital enhanced payments based on the department's quarterly claims and encounter data. Hospitals shall be given no less than 15 days prior notice of the new assessment amount and be provided with calculations. Prior to any change to the payment rate assessment amount, DMAS shall perform and incorporate a reconciliation of the Health Care Provider Payment Rate Assessment Fund. Any estimated excess or shortfall of revenue since the previous reconciliation shall be deducted from or added to the calculation of the private acute care hospital enhanced payments.

E.1. The "upper payment limit" means the limit on payment for inpatient services for recipients of medical assistance established in accordance with 42 C.F.R. § 447.272 and outpatient services for recipients of medical assistance pursuant to 42 C.F.R. § 447.321 for private hospitals. DMAS shall complete a calculation of the "upper payment limit" for each state fiscal year with a detailed analysis of how it was determined. The "upper payment limit payment gap" means the difference between the amount of the private hospital upper payment limit and the amount otherwise paid pursuant to the state plan for inpatient and outpatient services. The "managed care organization hospital payment gap" means the difference between the amount included in the capitation rates for inpatient and outpatient services based on historical paid claims and the amount that would be included when the projected hospital services furnished by private acute care hospitals operating in Virginia are priced for the contract year equivalent to the upper payment limit subject to CMS approval under 42 C.F.R. section 438.6(c). As part of the development of the managed care capitation rates, the DMAS shall calculate a "Medicaid managed care organization (MCO) supplemental hospital capitation payment adjustment". This is a distinct additional amount that shall be added to Medicaid MCO capitation rates to fund supplemental payments under this section to private acute care hospitals operating in Virginia for services to Medicaid recipients.

2. DMAS shall contractually direct Medicaid MCOs to disburse supplemental hospital capitation payment funds consistent with this section and 42 C.F.R. § 438.6(c), to ensure that all such funds are disbursed to private acute care hospitals operating in Virginia. In addition, DMAS shall contractually prohibit MCOs from making reductions to or supplanting hospital payments otherwise paid by MCOs.

3. DMAS shall make available quarterly a report of the additional capitation payments that are made to each MCO pursuant to this item. Further, DMAS shall consider recommendations of the Medicaid Hospital Payment Policy and Advisory Council in designing and implementing the specific elements of the payment rate assessment and private acute care hospital supplemental payment program authorized by this item.

F.1. DMAS shall be responsible for collecting the payment rate assessment amount. Hospitals subject to the payment rate assessment shall make quarterly payments due no later than August 15, November 15, February 15 and May 15 of each state fiscal year.

2. Hospitals that fail to make the payment rate assessment payments on or before the due date in subsection F.1. shall incur a five percent penalty that shall be deposited in the Virginia Health Care Fund. Any unpaid payment assessment or penalty will be considered a debt to the Commonwealth and DMAS is authorized to recover it as such.

G. DMAS shall submit a report due September 1 of each year to the Director, Department of Planning and Budget and Chairmen of the House Appropriations and Senate Finance Committees. The report shall include, for the most recently completed fiscal year, the revenue collected from the payment rate assessment, expenditures for purposes authorized by this item, and the year-end assessment balance in the Health Care Provider Payment Rate Assessment Fund.

H. All revenue from the payment rate assessment shall be deposited into the Health Care Provider Payment Rate Assessment Fund, a special non-reverting fund in the state treasury. Proceeds from the payment rate assessment, excluding penalties, shall not be used for any other purpose than to fund (i) an increase in inpatient and outpatient payment rates paid to private acute care hospitals operating in Virginia up to the private hospital "upper payment limit" and "managed care organization hospital payment gap" for care provided to recipients of medical assistance services, and (ii) the administrative costs of collecting the assessment and of implementing and operating the associated payment rate actions.

I. Any provision of this Section is contingent upon approval by the Centers for Medicare and Medicaid Services if necessary.

§ 3-5.17 TOBACCO TAX STUDY

The Joint Subcommittee to Evaluate Tax Preferences is hereby directed to continue studying options for the modernization of § 58.1-1001(A), Code of Virginia, to reflect advances in science and technology in the area of tobacco harm reduction, and the

role innovative non-combustible tobacco products can play in reducing harm, including products that produce vapor or aerosol from heating tobacco or liquid nicotine. In addition, the Joint Subcommittee shall study possible reforms to the taxation of tobacco products that will provide fairness and equity for all local governments and also ensure stable tax revenues for the Commonwealth. The Joint Subcommittee shall complete its study and submit a final report with recommended reforms to the Finance Committees of the Virginia Senate and Virginia House of Delegates. All agencies of the Commonwealth shall provide assistance for this study, upon request.

§3-5.18 HISTORIC PRESERVATION TAX CREDIT

Notwithstanding § 58.1-339.2 or any other provision of law, effective for taxable years beginning on and after January 1, 2017, the amount of the Historic Rehabilitation Tax Credit that may be claimed by each taxpayer, including amounts carried over from prior taxable years, shall not exceed \$5 million for any taxable year.

§ 3-5.19 LAND PRESERVATION TAX CREDIT CLAIMED

Notwithstanding § 58.1-512 or any other provision of law, effective for the taxable year beginning on and after January 1, 2017, but before January 1, 2020, the amount of the Land Preservation Tax Credit that may be claimed by each taxpayer, including amounts carried over from prior taxable years, shall not exceed \$20,000.

§ 3-5.20 NEIGHBORHOOD ASSISTANCE ACT TAX CREDIT

Notwithstanding any other provision of law or regulation, in order to be eligible to receive an allocation of credits pursuant to § 58.1-439.20:1, Code of Virginia, at least 50 percent of the persons served by the neighborhood organization, either directly by the neighborhood organization or through the provision of revenues to other organizations or groups serving such persons, shall be low-income persons or eligible students with disabilities and at least 50 percent of the neighborhood organization's revenues shall be used to provide services to low-income persons or to eligible students with disabilities, either directly by the neighborhood organization or through the provision of revenues to other organizations or groups providing such services. A tax credit shall be issued by the Superintendent of Public Instruction or the Commissioner of Social Services to an individual only upon receipt of a certification made by a neighborhood organization to whom tax credits were allocated for an approved program pursuant to § 58.1-439.20, § 58.1-439.20:1 or this language.

§ 3-5.21 CIGARETTE TAX, TOBACCO PRODUCTS TAX AND TAX ON LIQUID NICOTINE

A. Notwithstanding any other provision of law, the cigarette tax imposed under subsection A of § 58.1-1001 of the Code of Virginia shall be 3.0 cents on each cigarette sold, stored or received on and after July 1, 2020.

B. Notwithstanding any other provision of law, the rates of the tobacco products tax imposed under § 58.1-1021.02 of the Code of Virginia in effect on June 30, 2020 shall be doubled beginning July 1, 2020 for taxable sales or purchases occurring on and after such date.

C. Notwithstanding any other provision of law, the tobacco products tax imposed under § 58.1-1021.02 of the Code of Virginia shall be imposed on liquid nicotine at the rate of \$0.066 per milliliter beginning July 1, 2020 for taxable sales or purchases occurring on and after such date.

D. The Tax Commissioner shall establish guidelines and rules for (i) transitional procedures in regard to the increase in the cigarette tax, (ii) implementation of the increased tobacco products tax rates, and (iii) implementation of the tobacco products tax on liquid nicotine pursuant to the provisions of this act. The development of such guidelines and rules by the Tax Commissioner shall be exempt from the provisions of the Administrative Process Act (Code of Virginia § 2.2-4000 et seq.)

§ 3-5.22 CORONAVIRUS DISEASE 2019 ADMINISTRATIVE TAX RELIEF

A. Any income tax payments originally due during the period from April 1, 2020 to June 1, 2020 may be submitted to the Department of Taxation without the accrual of interest as would otherwise be required for late payments pursuant to Chapter 3 of Title 58.1, provided that full payment is made on or before June 1, 2020. For purposes of this section, "income tax payment" means any payment required to be made with a return filed pursuant to §§ 58.1-341, 58.1-381, and 58.1-441; any payment required to be made with respect to an election to file an extension of time within which to file such a return; any payment of estimated tax required pursuant to Article 19 and Article 20 of Chapter 3 of Title 58.1; and any payment of consumer use tax made with a return filed pursuant to § 58.1-341.

B. The Department shall waive interest as otherwise required for late payments pursuant to Chapter 6 of Title 58.1 on any sales tax payment originally due March 20, 2020 for which a waiver of penalty was granted by the Department of Taxation, provided that such payment is submitted to the Department of Taxation on or before April 20, 2020.

§ 3-6.00 ADJUSTMENTS AND MODIFICATIONS TO FEES

§ 3-6.01 RECORDATION TAX FEE

There is hereby assessed a twenty dollar fee on (i) every deed for which the state recordation tax is collected pursuant to §§ 58.1-801

A and 58.1-803, Code of Virginia; and (ii) every certificate of satisfaction admitted under § 55.1-345, Code of Virginia. The revenue generated from fifty percent of such fee shall be deposited to the general fund. The revenue generated from the other fifty percent of such fee shall be deposited to the Virginia Natural Resources Commitment Fund, a subfund of the Virginia Water Quality Improvement Fund, as established in § 10.1-2128.1, Code of Virginia. The funds deposited to this subfund shall be disbursed for the agricultural best management practices cost share program, pursuant to § 10.1-2128.1, Code of Virginia.

§ 3-6.02 ANNUAL VEHICLE REGISTRATION FEE (\$4.25 FOR LIFE)

Notwithstanding § 46.2-694 paragraph 13 of the Code of Virginia, the additional fee that shall be charged and collected at the time of registration of each pickup or panel truck and each motor vehicle shall be \$6.25.

§ 3-6.03 DRIVERS LICENSE REINSTATEMENT FEE

A. Notwithstanding § 46.2-411 of the Code of Virginia, the drivers license reinstatement fee payable to the Trauma Center Fund shall be \$100.

B. Notwithstanding the provisions of § 46.2-395 of the Code of Virginia, no court shall suspend any person's privilege to drive a motor vehicle solely for failure to pay any fines, court costs, forfeitures, restitution, or penalties assessed against such person. The Commissioner of the Department of Motor Vehicles shall reinstate a person's privilege to drive a motor vehicle that was suspended prior to July 1, 2019, solely pursuant to § 46.2-395 of the Code of Virginia and shall waive all fees relating to reinstating such person's driving privileges including those paid to the Trauma Center Fund. Nothing herein shall require the Commissioner to reinstate a person's driving privileges if such privileges have been otherwise lawfully suspended or revoked or if such person is otherwise ineligible for a driver's license.

§ 3-6.04 ASSESSMENT OF ELECTRONIC SUMMONS FEE BY LOCALITIES

Nothing in § 17.1-279.1 of the Code of Virginia shall be construed to authorize any county, city, or town to assess the sum set forth therein upon any summons issued by a law-enforcement agency of the Commonwealth.

PART 4: GENERAL PROVISIONS
§ 4-0.00 OPERATING POLICIES

§ 4-0.01 OPERATING POLICIES

a. Each appropriating act of the General Assembly shall be subject to the following provisions and conditions, unless specifically exempt elsewhere in this act.

b. All appropriations contained in this act, or in any other appropriating act of the General Assembly, are declared to be maximum appropriations and conditional on receipt of revenue.

c. The Governor, as chief budget officer of the state, shall ensure that the provisions and conditions as set forth in this section are strictly observed.

d. Public higher education institutions are not subject to the provisions of § 2.2-4800, Code of Virginia, or the provisions of the Department of Accounts' Commonwealth Accounting Policies and Procedures manual (CAPP) topic 20505 with regard to students who are veterans of the United States armed services and National Guard and are in receipt of federal educational benefits under the G.I. Bill. Public higher education shall establish internal procedures for the continued enrollment of such students to include resolution of outstanding accounts receivable.

e. The provisions of the Virginia Public Procurement Act (§ 2.2-4300 et seq. of the Code of Virginia) shall not apply to grants made in support of the 2019 Commemoration to non-profit entities organized under § 501 (c)(3) of the Internal Revenue Code.

f. 1. The State Council of Higher Education for Virginia shall establish a policy for granting undergraduate course credit to entering freshman students who have taken one or more Advanced Placement, Cambridge Advanced (A/AS), College-Level Examination Program (CLEP), or International Baccalaureate examinations by August 1, 2017. The policy shall:

a) Outline the conditions necessary for each public institution of higher education to grant course credit, including the minimum required scores on such examinations;

b) Identify the course credit or other academic requirements of each public institution of higher education that the student satisfies by achieving the minimum required scores on such examinations; and

c) Ensure, to the extent possible, that the grant of course credit is consistent across each public institution of higher education and each such examination.

2. The Council and each public institution of higher education shall make the policy available to the public on its website.

g. 1. Notwithstanding any other provision of law, any public body, including any state, local, regional, or regulatory body, or a governing board as defined in § 54.1-2345 of the Code of Virginia may meet by electronic communication means without a quorum of the public body or any member of the governing board physically assembled at one location when the Governor has declared a state of emergency in accordance with § 44-146.17, provided that (i) the nature of the declared emergency makes it impracticable or unsafe for the public body or governing board to assemble in a single location; (ii) the purpose of meeting is to discuss or transact the business statutorily required or necessary to continue operations of the public body or common interest community association as defined in § 54.1-2345 of the Code of Virginia and the discharge of its lawful purposes, duties, and responsibilities; (iii) a public body shall make available a recording or transcript of the meeting on its website in accordance with the timeframes established in §§ 2.2-3707 and 2.2-3707.1 of the Code of Virginia; and (iv) the governing board shall distribute minutes of a meeting held pursuant to this subdivision to common interest community association members by the same method used to provide notice of the meeting.

2. A public body or governing board convening a meeting in accordance with this subdivision shall:

a) Give notice to the public or common interest community association members using the best available method given the nature of the emergency, which notice shall be given contemporaneously with the notice provided to members of the public body or governing board conducting the meeting;

b) Make arrangements for public access or common interest community association members access to such meeting through electronic means including, to the extent practicable, videoconferencing technology. If the means of communication allows, provide the public or common interest community association members with an opportunity to comment; and

3. Public bodies must otherwise comply with the provisions of § 2.2-3708.2 of the Code of Virginia. The nature of the emergency, the fact that the meeting was held by electronic communication means, and the type of electronic communication means by which the meeting was held shall be stated in the minutes of the public body or governing board.

§ 4-1.00 APPROPRIATIONS

§ 4-1.01 PREREQUISITES FOR PAYMENT

- a. The State Comptroller shall not pay any money out of the state treasury except pursuant to appropriations in this act or in any other act of the General Assembly making an appropriation during the current biennium.
- b. Moneys shall be spent solely for the purposes for which they were appropriated by the General Assembly, except as specifically provided otherwise by § 4-1.03 Appropriation Transfers, § 4-4.01 Capital Projects, or § 4-5.01 a. Settlement of Claims with Individuals. Should the Governor find that moneys are not being spent in accordance with provisions of the act appropriating them, he shall restrain the State Comptroller from making further disbursements, in whole or in part, from said appropriations. Further, should the Auditor of Public Accounts determine that a state or other agency is not spending moneys in accordance with provisions of the act appropriating them, he shall so advise the Governor or other governing authority, the State Comptroller, the Chairman of the Joint Legislative Audit and Review Commission, and Chairmen of the Senate Finance and House Appropriations Committees.
- c. Exclusive of revenues paid into the general fund of the state treasury, all revenues earned or collected by an agency, and contained in an appropriation item to the agency shall be expended first during the fiscal year, prior to the expenditure of any general fund appropriation within that appropriation item, unless prohibited by statute or by the terms and conditions of any gift, grant or donation.

§ 4-1.02 WITHHOLDING OF SPENDING AUTHORITY

- a. For purposes of this subsection, withholding of spending authority is defined as any action pursuant to a budget reduction plan approved by the Governor to address a declared shortfall in budgeted revenue that impedes or limits the ability to spend appropriated moneys, regardless of the mechanism used to effect such withholding.
 - b.1. Changed Expenditure Factors: The Governor is authorized to reduce spending authority, by withholding allotments of appropriations, when expenditure factors, such as enrollments or population in institutions, are smaller than the estimates upon which the appropriation was based. Moneys generated from the withholding action shall not be reallocated for any other purpose, provided the withholding of allotments of appropriations under this provision shall not occur until at least 15 days after the Governor has transmitted a statement of changed factors and intent to withhold moneys to the Chairmen of the House Appropriations and Senate Finance Committees.
2. Moneys shall not be withheld on the basis of reorganization plans or program evaluations until such plans or evaluations have been specifically presented in writing to the General Assembly at its next regularly scheduled session.
- c. Increased Nongeneral Fund Revenue:
 1. General fund appropriations to any state agency for operating expenses are supplemental to nongeneral fund revenues collected by the agency. To the extent that nongeneral fund revenues collected in a fiscal year exceed the estimate on which the operating budget was based, the Governor is authorized to withhold general fund spending authority, by withholding allotments of appropriations, in an equivalent amount. However, this limitation shall not apply to (a) restricted excess tuition and fees for educational and general programs in the institutions of higher education, as defined in § 4-2.01 c of this act; (b) appropriations to institutions of higher education designated for fellowships, scholarships and loans; (c) gifts or grants which are made to any state agency for the direct costs of a stipulated project; (d) appropriations to institutions for the mentally ill or intellectually disabled payable from the Behavioral Health and Developmental Services Revenue Fund; and (e) general fund appropriations for highway construction and mass transit. Moneys unallotted under this provision shall not be reallocated for any other purpose.
 2. To the degree that new or additional grant funds become available to supplement general fund appropriations for a program, following enactment of an appropriation act, the Governor is authorized to withhold general fund spending authority, by withholding allotments of appropriations, in an amount equivalent to that provided from grant funds, unless such action is prohibited by the original provider of the grant funds. The withholding action shall not include general fund appropriations, which are required to match grant funds. Moneys unallotted under this provision shall not be reallocated for any other purpose.
- d. Reduced General Fund Resources:
 1. The term "general fund resources" as applied in this subsection includes revenues collected and paid into the general fund of the state treasury during the current biennium, transfers to the general fund of the state treasury during the current biennium, and all unexpended balances brought forward from the previous biennium.
 2. In the event that general fund resources are estimated by the Governor to be insufficient to pay in full all general fund appropriations authorized by the General Assembly, the Governor shall, subject to the qualifications herein contained, withhold general fund spending authority, by withholding allotments of appropriations, to prevent any expenditure in excess of the estimated general fund resources available.
 3. In making this determination, the Governor shall take into account actual general fund revenue collections for the current fiscal year and the results of a formal written re-estimate of general fund revenues for the current and next biennium, prepared

within the previous 90 days, in accordance with the process specified in § 2.2-1503, Code of Virginia. Said re-estimate of general fund revenues shall be communicated to the Chairmen of the Senate Finance, House Appropriations and House Finance Committees, prior to taking action to reduce general fund allotments of appropriations on account of reduced resources.

4.a) In addition to monthly reports on the status of revenue collections relative to the current fiscal year's estimate, the Governor shall provide a written quarterly assessment of the current economic outlook for the remainder of the fiscal year to the Chairmen of the House Appropriations, House Finance, and Senate Finance Committees.

b) Within five business days after the preliminary close of the state accounts at the end of the fiscal year, the State Comptroller shall provide the Governor with the actual total of (1) individual income taxes, (2) corporate income taxes, and (3) sales taxes for the just-completed fiscal year, with a comparison of such actual totals with the total of such taxes in the official budget estimate for that fiscal year. If that comparison indicates that the total of (1) individual income taxes, (2) corporate income taxes, and (3) sales taxes, as shown on the preliminary close, was one percent or more below the amount of such taxes in the official budget estimate for the just-completed fiscal year, the Governor shall prepare a written re-estimate of general fund revenues for the current biennium and the next biennium in accordance with § 2.2-1503, Code of Virginia, to be reported to the Chairmen of the Senate Finance, House Finance and House Appropriations Committees, not later than September 1 following the close of the fiscal year.

5.a) The Governor shall take no action to withhold allotments until a written plan detailing specific reduction actions approved by the Governor, identified by program and appropriation item, has been presented to the Chairmen of the House Appropriations and Senate Finance Committees. Subsequent modifications to the approved reduction plan also must be submitted to the Chairmen of the House Appropriations and Senate Finance Committees, prior to withholding allotments of appropriations.

b) In addition to the budget reduction plan approved by the Governor, all budget reduction proposals submitted by state agencies to the Governor or the Governor's staff, including but not limited to the Department of Planning and Budget, the Governor's Cabinet secretaries, or the Chief of Staff, whether submitted electronically or otherwise, shall be made available via electronic means to the Chairmen of the House Appropriations and Senate Finance Committees concurrently with that budget reduction plan.

6. In effecting the reduction of expenditures, the Governor shall not withhold allotments of appropriations for:

a) More than 15 percent cumulatively of the annual general fund appropriation contained in this act for operating expenses of any one state or nonstate agency or institution designated in this act by title, and the exact amount withheld, by state or nonstate agency or institution, shall be reported within five calendar days to the Chairmen of the Senate Finance and House Appropriations Committees. State agencies providing funds directly to grantees named in this act shall not apportion a larger cut to the grantee than the proportional cut apportioned to the agency. Without regard to § 4-5.05 b.4. of this act, the remaining appropriation to the grantee which is not subject to the cut, equal to at least 85 percent of the annual appropriation, shall be made by July 31, or in two equal installments, one payable by July 31 and the other payable by December 31, if the remaining appropriation is less than or equal to \$500,000, except in cases where the normal conditions of the grant dictate a different payment schedule.

b) The payment of principal and interest on the bonded debt or other bonded obligations of the Commonwealth, its agencies and its authorities, or for payment of a legally authorized deficit.

c) The payments for care of graves of Confederate and historical African American dead.

d) The employer contributions, and employer-paid member contributions, to the Social Security System, Virginia Retirement System, Judicial Retirement System, State Police Officers Retirement System, Virginia Law Officers Retirement System, Optional Retirement Plan for College and University Faculty, Optional Retirement Plan for Political Appointees, Optional Retirement Plan for Superintendents, the Volunteer Service Award Program, the Virginia Retirement System's group life insurance, sickness and disability, and retiree health care credit programs for state employees, state-supported local employees and teachers. If the Virginia Retirement System Board of Trustees approves a contribution rate for a fiscal year that is lower than the rate on which the appropriation was based, or if the United States government approves a Social Security rate that is lower than that in effect for the current budget, the Governor may withhold excess contributions. However, employer and employee paid rates or contributions for health insurance and matching deferred compensation for state employees, state-supported local employees and teachers may not be increased or decreased beyond the amounts approved by the General Assembly. Payments for the employee benefit programs listed in this paragraph may not be delayed beyond the customary billing cycles that have been established by law or policy by the governing board.

e) The payments in fulfillment of any contract awarded for the design, construction and furnishing of any state building.

f) The salary of any state officer for whom the Constitution of Virginia prohibits a change in salary.

g) The salary of any officer or employee in the Executive Department by more than two percent (irrespective of the fund source for payment of salaries and wages); however, the percentage of reduction shall be uniformly applied to all employees within the Executive Department.

h) The appropriation supported by the State Bar Fund, as authorized by § 54.1-3913, Code of Virginia, unless the supporting revenues for such appropriation are estimated to be insufficient to pay the appropriation.

7. The Governor is authorized to withhold specific allotments of appropriations by a uniform percentage, a graduated reduction or on an individual basis, or apply a combination of these actions, in effecting the authorized reduction of expenditures, up to the maximum of 15 percent, as prescribed in subdivision 6a of this subsection.

8. Each nongeneral fund appropriation shall be payable in full only to the extent the nongeneral fund revenues from which the appropriation is payable are estimated to be sufficient. The Governor is authorized to reduce allotments of nongeneral fund appropriations by the amount necessary to ensure that expenditures do not exceed the supporting revenues for such appropriations; however, the Governor shall take no action to reduce allotments of appropriations for major nongeneral fund sources on account of reduced revenues until such time as a formal written re-estimate of revenues for the current and next biennium, prepared in accordance with the process specified in § 2.2-1503, Code of Virginia, has been reported to the Chairmen of the Senate Finance, House Finance, and House Appropriations Committees. For purposes of this subsection, major nongeneral fund sources are defined as Highway Maintenance and Operating Fund and Transportation Trust Fund.

9. Notwithstanding any contrary provisions of law, the Governor is authorized to transfer to the general fund on June 30 of each year of the biennium, or within 20 days from that date, any available unexpended balances in other funds in the state treasury, subject to the following:

a) The Governor shall declare in writing to the Chairmen of the Senate Finance and House Appropriations Committees that a fiscal emergency exists which warrants the transfer of nongeneral funds to the general fund and reports the exact amount of such transfer within five calendar days of the transfer;

b) No such transfer may be made from retirement or other trust accounts, the State Bar Fund as authorized by § 54.1-3913, Code of Virginia, debt service funds, or federal funds; and

c) The Governor shall include for informative purposes, in the first biennial budget he submits subsequent to the transfer, the amount transferred from each account or fund and recommendations for restoring such amounts.

10. The Director, Department of Planning and Budget, shall make available via electronic means a report of spending authority withheld under the provisions of this subsection to the Chairmen of the Senate Finance and House Appropriations Committees within five calendar days of the action to withhold. Said report shall include the amount withheld by agency and appropriation item.

11. If action to withhold allotments of appropriation under this provision is inadequate to eliminate the imbalance between projected general fund resources and appropriations, the Speaker of the House of Delegates and the President pro tempore of the Senate shall be advised in writing by the Governor, so that they may consider requesting a special session of the General Assembly.

§ 4-1.03 APPROPRIATION TRANSFERS

GENERAL

a. During any fiscal year, the Director, Department of Planning and Budget, may transfer appropriation authority from one state or other agency to another, to effect the following:

1) distribution of amounts budgeted in the central appropriation to agencies, or withdrawal of budgeted amounts from agencies in accordance with specific language in the central appropriation establishing reversion clearing accounts;

2) distribution of pass-through grants or other funds held by an agency as fiscal agent;

3) correction of errors within this act, where such errors have been identified in writing by the Chairmen of the House Appropriations and Senate Finance Committees;

4) proper accounting between fund sources 0100 and 0300 in higher education institutions;

5) transfers specifically authorized elsewhere in this act or as specified in the Code of Virginia;

6) to supplement capital projects in order to realize efficiencies or provide for cost overruns unrelated to changes in size or scope; or

7) to administer a program for another agency or to effect budgeted program purposes approved by the General Assembly, pursuant to a signed agreement between the respective agencies.

b. During any fiscal year, the Director, Department of Planning and Budget, may transfer appropriation authority within an agency to effect proper accounting between fund sources and to effect program purposes approved by the General Assembly, unless specifically provided otherwise in this act or as specified in the Code of Virginia. However, appropriation authority for local aid programs and aid to individuals, with the exception of student financial aid, shall not be transferred elsewhere without advance notice to the Chairmen of the House Appropriations and Senate Finance Committees. Further, any transfers between capital projects shall be made only to realize efficiencies or provide for cost overruns unrelated to changes in size or scope.

c.1. In addition to authority granted elsewhere in this act, the Director, Department of Planning and Budget, may transfer operating appropriations authority among sub-agencies within the Judicial System, the Department of Corrections, and the Department of Behavioral Health and Developmental Services to effect changes in operating expense requirements which may occur during the biennium.

2. The Director, Department of Planning and Budget, may transfer appropriations from the Department of Behavioral Health and Developmental Services to the Department of Medical Assistance Services, consisting of the general fund amounts required to match federal funds for reimbursement of services provided by its institutions and Community Services Boards.

3. The Director, Department of Planning and Budget, may transfer appropriations from the Office of Comprehensive Services to the Department of Medical Assistance Services, consisting of the general fund amounts required to match federal funds for reimbursement of services provided to eligible children.

4. The Director, Department of Planning and Budget, may transfer an appropriation or portion thereof within a state or other agency, or from one such agency to another, to support changes in agency organization, program or responsibility enacted by the General Assembly to be effective during the current biennium.

5. The Director, Department of Planning and Budget, may transfer appropriations from the second year to the first year, with said transfer to be reported in writing to the Chairmen of the Senate Finance and House Appropriations Committees within five calendar days of the transfer, when the expenditure of such funds is required to:

a) address a threat to life, safety, health or property, or

b) provide for unbudgeted cost increases for statutorily required services or federally mandated services, in order to continue those services at the present level, or

c) provide for payment of overtime salaries and wages, when the obligations for payment of such overtime were incurred during a situation deemed threatening to life, safety, health, or property, or

d) provide for payments to the beneficiaries of certain public safety officers killed in the line of duty, as authorized in Title 2.2, Chapter 4, Code of Virginia and for payments to the beneficiaries of certain members of the National Guard and United States military reserves killed in action in any armed conflict on or after October 7, 2001, as authorized in § 44-93.1 B., Code of Virginia, or

e) continue a program at the present level of service or at an increased level of service when required to address unanticipated increases in workload such as enrollment, caseload or like factors, or unanticipated costs, or

f) to address unanticipated business or industrial development opportunities which will benefit the state's economy, provided that any such appropriations be used in a manner consistent with the purposes of the program as originally appropriated.

6. An appropriation transfer shall not occur except through properly executed appropriation transfer documents designed specifically for that purpose, and all transactions effecting appropriation transfers shall be entered in the state's computerized budgeting and accounting systems.

7. The Director, Department of Planning and Budget, may transfer from any other agency, appropriations to supplement any project of the Virginia Public Building Authority authorized by the General Assembly and approved by the Governor. Such capital project shall be transferred to the state agency designated as the managing agency for the Virginia Public Building Authority.

8. In the event of the transition of a city to town status pursuant to the provisions of Chapter 41 of Title 15.2 of the Code of Virginia (§ 15.2-4100 et seq.) or the consolidation of a city and a county into a single city pursuant to the provisions of Chapter 35 of Title 15.2, Code of Virginia (§ 15.2-3500 et seq.) subsequent to July 1, 1999, the provisions of § 15.2-1302 shall govern distributions from state agencies to the county in which the town is situated or to the consolidated city, and the Director, Department of Planning and Budget, is authorized to transfer appropriations or portions thereof within a state agency, or from one such agency to another, if necessary to fulfill the requirements of § 15.2-1302.

§ 4-1.04 APPROPRIATION INCREASES

a. UNAPPROPRIATED NONGENERAL FUNDS:

1. Sale of Surplus Materials:

The Director, Department of Planning and Budget, is hereby authorized to increase the appropriations to any state agency by the amount of credit resulting from the sale of surplus materials under the provisions of § 2.2-1125, Code of Virginia.

2. Insurance Recovery:

The Director, Department of Planning and Budget, shall increase the appropriation authority for any state agency by the amount of the proceeds of an insurance policy or from the State Insurance Reserve Trust Fund, for expenditures as far as may be necessary, to

pay for the repair or replacement of lost, damaged or destroyed property, plant or equipment.

3. Gifts, Grants and Other Nongeneral Funds:

a) Subject to § 4-1.02 c, Increased Nongeneral Fund Revenue, and the conditions stated in this section, the Director, Department of Planning and Budget, is hereby authorized to increase the appropriations to any state agency by the amount of the proceeds of donations, gifts, grants or other nongeneral funds paid into the state treasury in excess of such appropriations during a fiscal year. Such appropriations shall be increased only when the expenditure of moneys is authorized elsewhere in this act or is required to:

1) address a threat to life, safety, health or property or

2) provide for unbudgeted increases in costs for services required by statute or services mandated by the federal government, in order to continue those services at the present level or implement compensation adjustments approved by the General Assembly, or

3) provide for payment of overtime salaries and wages, when the obligations for payment of such overtime were incurred during a situation deemed threatening to life, safety, health, or property, or

4) continue a program at the present level of service or at an increased level of service when required to address unanticipated increases in noncredit instruction at institutions of higher education or business and industrial development opportunities which will benefit the state's economy, or

5) participate in a federal or sponsored program provided that the provisions of § 4-5.03 shall also apply to increases in appropriations for additional gifts, grants, and other nongeneral fund revenue which require a general fund match as a condition of their acceptance; or

6) realize cost savings in excess of the additional funds provided, or

7) permit a state agency or institution to use a donation, gift or grant for the purpose intended by the donor, or

8) provide for cost overruns on capital projects and for capital projects authorized under § 4-4.01 m of this act, or

9) address caseload or workload changes in programs approved by the General Assembly.

b) The above conditions shall not apply to donations and gifts to the endowment funds of institutions of higher education.

c) Each state agency and institution shall ensure that its budget estimates include a reasonable estimate of receipts from donations, gifts or other nongeneral fund revenue. The Department of Planning and Budget shall review such estimates and verify their accuracy, as part of the budget planning and review process.

d) No obligation or expenditure shall be made from such funds until a revised operating budget request is approved by the Director, Department of Planning and Budget. Expenditures from any gift, grant or donation shall be in accordance with the purpose for which it was made; however, expenditures for property, plant or equipment, irrespective of fund source, are subject to the provisions of §§ 4-2.03 Indirect Costs, 4-4.01 Capital Projects General, and 4-5.03 b Services and Clients-New Services, of this act.

e) Nothing in this section shall exempt agencies from complying with § 4-2.01 a Solicitation and Acceptance of Donations, Gifts, Grants, and Contracts of this act.

4. Any nongeneral fund cash balance recorded on the books of the Department of Accounts as unexpended on the last day of the fiscal year may be appropriated for use in the succeeding fiscal year with the prior written approval of the Director, Department of Planning and Budget, unless the General Assembly shall have specifically provided otherwise. Revenues deposited to the Virginia Health Care Fund shall be used only as the state share of Medicaid, unless the General Assembly specifically authorizes an alternate use. With regard to the appropriation of other nongeneral fund cash balances, the Director shall make a listing of such transactions available to the public via electronic means no less than ten business days following the approval of the appropriation of any such balance.

5. Reporting:

The Director, Department of Planning and Budget, shall make available via electronic means a report on increases in unappropriated nongeneral funds in accordance with § 4-8.00, Reporting Requirements, or as modified by specific provisions in this subsection.

b. AGRIBUSINESS EQUIPMENT FOR THE DEPARTMENT OF CORRECTIONS

The Director of the Department of Planning and Budget may increase the Department of Corrections appropriation for the purchase of agribusiness equipment or the repair or construction of agribusiness facilities by an amount equal to fifty percent of

any annual amounts in excess of fiscal year 1992 deposits to the general fund from agribusiness operations. It is the intent of the General Assembly that appropriation increases for the purposes specified shall not be used to reduce the general fund appropriations for the Department of Corrections.

§ 4-1.05 REVERSION OF APPROPRIATIONS AND REAPPROPRIATIONS

a. GENERAL FUND OPERATING EXPENSE:

1.a) General fund appropriations which remain unexpended on (i) the last day of the previous biennium or (ii) the last day of the first year of the current biennium, shall be reappropriated and allotted for expenditure where required by the Code of Virginia, where necessary for the payment of preexisting obligations for the purchase of goods or services, or where desirable, in the determination of the Governor, to address any of the six conditions listed in § 4-1.03 c.5 of this act or to provide financial incentives to reduce spending to effect current or future cost savings. With the exception of the unexpended general fund appropriations of agencies in the Legislative Department, the Judicial Department, the Independent Agencies, or institutions of higher education, all other such unexpended general fund appropriations unexpended on the last day of the previous biennium or the last day of the first year of the current biennium shall revert to the general fund.

b) General fund appropriations for agencies in the Legislative Department, the Judicial Department, and the Independent Agencies shall be reappropriated, except as may be specifically provided otherwise by the General Assembly. General fund appropriations shall also be reappropriated for institutions of higher education, subject to § 23.1-1002, Code of Virginia.

c) To improve the stability in institutional planning and predictability for students and families to prepare for the cost of higher education, public higher education institutions are encouraged to employ the financial management strategy of establishing an institutional reserve fund supported by any unexpended education and general appropriations of the institution at the end of the fiscal year. The establishment of such a fund is designed to foster more long-term planning, promote efficient resource utilization and reduce the need for substantial year-to-year increases in tuition, thereby increasing affordability for Virginians. Independent of the provisions of § 23.1-1001, institutions are authorized to carry over education and general unexpended balances to establish and maintain a reserve fund in an amount not to exceed six percent of their general fund appropriation for educational and general programs in the most recently-completed fiscal year. Any use of the reserve fund shall be approved by the Board of Visitors of the affected institution, and the institution shall immediately report the details of the approved plan for use of the reserve fund to the Governor, the Secretary of Education, the Secretary of Finance and the Chairmen of the House Appropriations and Senate Finance Committees. Any reserve fund shall be subject to the provisions of § 23.1-1303.B.11.

2. a. The Governor shall report within five calendar days after completing the reappropriation process to the Chairmen of the Senate Finance and House Appropriations Committees on the reappropriated amounts for each state agency in the Executive Department. He shall provide a preliminary report of reappropriation actions on or before November 1 and a final report on or before December 20 to the Chairmen of the House Appropriations and Senate Finance Committees.

b. The Director, Department of Planning and Budget, may transfer reappropriated amounts within an agency to cover nonrecurring costs.

3. Pursuant to subsection E of § 2.2-1125, Code of Virginia, the determination of compliance by an agency or institution with management standards prescribed by the Governor shall be made by the Secretary of Finance and the Secretary having jurisdiction over the agency or institution, acting jointly.

4. The general fund resources available for appropriation in the first enactment of this act include the reversion of certain unexpended balances in operating appropriations as of June 30 of the prior fiscal year, which were otherwise required to be reappropriated by language in the Appropriation Act.

5. Upon request, the Director, Department of Planning and Budget, shall provide a report to the Chairmen of the House Appropriations and Senate Finance Committees showing the amount reverted for each agency and the total amount of such reversions.

b. NONGENERAL FUND OPERATING EXPENSE:

Based on analysis by the State Comptroller, when any nongeneral fund has had no increases or decreases in fund balances for a period of 24 months, the State Comptroller shall promptly transfer and pay the balance into the fund balance of the general fund. If it is subsequently determined that an appropriate need warrants repayment of all or a portion of the amount transferred, the Director, Department of Planning and Budget shall include repayment in the next budget bill submitted to the General Assembly. This provision does not apply to funds held in trust by the Commonwealth.

c. CAPITAL PROJECTS:

1. Upon certification by the Director, Department of Planning and Budget, the State Comptroller is hereby authorized to revert to the fund balance of the general fund any portion of the unexpended general fund cash balance and corresponding appropriation or reappropriation for a capital project when the Director determines that such portion is not needed for completion of the project. The State Comptroller may similarly return to the appropriate fund source any part of the unexpended nongeneral fund cash balance and

reduce any appropriation or reappropriation which the Director determines is not needed to complete the project.

2. The unexpended general fund cash balance and corresponding appropriation or reappropriation for capital projects shall revert to and become part of the fund balance of the general fund during the current biennium as of the date the Director, Department of Planning and Budget, certifies to the State Comptroller that the project has been completed in accordance with the intent of the appropriation or reappropriation and there are no known unpaid obligations related to the project. The State Comptroller shall return the unexpended nongeneral fund cash balance, if there be any, for such completed project to the source from which said nongeneral funds were obtained. Likewise, he shall revert an equivalent portion of the appropriation or reappropriation of said nongeneral funds.

3. The Director, Department of Planning and Budget, may direct the restoration of any portion of the reverted amount if he shall subsequently verify an unpaid obligation or requirement for completion of the project. In the case of a capital project for which an unexpended cash balance was returned and appropriation or reappropriation was reverted in the prior biennium, he may likewise restore any portion of such amount under the same conditions.

§ 4-1.06 LIMITED ADJUSTMENTS OF APPROPRIATIONS

a. LIMITED CONTINUATION OF APPROPRIATIONS.

Notwithstanding any contrary provision of law, any unexpended balances on the books of the State Comptroller as of the last day of the previous biennium shall be continued in force for such period, not exceeding 10 days from such date, as may be necessary in order to permit payment of any claims, demands or liabilities incurred prior to such date and unpaid at the close of business on such date, and shown by audit in the Department of Accounts to be a just and legal charge, for values received as of the last day of the previous biennium, against such unexpended balances.

b. LIMITATIONS ON CASH DISBURSEMENTS.

Notwithstanding any contrary provision of law, the State Comptroller may begin preparing the accounts of the Commonwealth for each subsequent fiscal year on or about 10 days before the start of such fiscal year. The books will be open only to enter budgetary transactions and transactions that will not require the receipt or disbursement of funds until after June 30. Should an emergency arise, or in years in which July 1 falls on a weekend requiring the processing of transactions on or before June 30, the State Comptroller may, with notification to the Auditor of Public Accounts, authorize the disbursement of funds drawn against appropriations of the subsequent fiscal year, not to exceed the sum of three million dollars (\$3,000,000) from the general fund. This provision does not apply to debt service payments on bonds of the Commonwealth which shall be made in accordance with bond documents, trust indentures, and/or escrow agreements.

§ 4-1.07 ALLOTMENTS

Except when otherwise directed by the Governor within the limits prescribed in §§ 4-1.02 Withholding of Spending Authority, 4-1.03 Appropriation Transfers, and 4-1.04 Appropriation Increases of this act, the Director, Department of Planning and Budget, shall prepare and act upon the allotment of appropriations required by this act, and by § 2.2-1819, Code of Virginia, and the authorizations for rates of pay required by this act. Such allotments and authorizations shall have the same effect as if the personal signature of the Governor were subscribed thereto. This section shall not be construed to prohibit an appeal by the head of any state agency to the Governor for reconsideration of any action taken by the Director, Department of Planning and Budget, under this section.

§ 4-2.00 REVENUES

§ 4-2.01 NONGENERAL FUND REVENUES

a. SOLICITATION AND ACCEPTANCE OF DONATIONS, GIFTS, GRANTS, AND CONTRACTS:

1. a) No state agency shall solicit or accept any donation, gift, grant, or contract without the written approval of the Governor except under written guidelines issued by the Governor which provide for the solicitation and acceptance of nongeneral funds, except that donations or gifts to the Virginia War Memorial Foundation that are small in size and number and valued at less than \$5,000, such as library items or small display items, may be approved by the Executive Director of the Virginia War Memorial in consultation with the Secretary of Veterans Affairs and Homeland Security. All other gifts and donations to the Virginia War Memorial Foundation must receive written approval from the Secretary of Veterans Affairs and Homeland Security.

b) The limits on solicitation and acceptance of donations, gifts, grants, and contracts stated in paragraph 1.a) above shall not apply to donations, gifts, grants, and contracts associated with support and/or response to the needs and impacts of the COVID-19 pandemic provided that acceptance of such does not create any ongoing commitments against general or nongeneral fund resources of the Commonwealth.

2. The Governor may issue policies in writing for procedures which allow state agencies to solicit and accept nonmonetary donations, gifts, grants, or contracts except that donations, gifts and grants of real property shall be subject to § 4-4.00 of this

act and § 2.2-1149, Code of Virginia. This provision shall apply to donations, gifts and grants of real property to endowment funds of institutions of higher education, when such endowment funds are held by the institution in its own name and not by a separately incorporated foundation or corporation.

3. The preceding subdivisions shall not apply to property and equipment acquired and used by a state agency or institution through a lease purchase agreement and subsequently donated to the state agency or institution during or at the expiration of the lease purchase agreement, provided that the lessor is the Virginia College Building Authority.

4. The use of endowment funds for property, plant or equipment for state-owned facilities is subject to §§ 4-2.03 Indirect Costs, 4-4.01 Capital Projects-General and 4-5.03 Services and Clients of this act.

5. Notwithstanding any other provision of law, public institutions of higher education may enter into agreements or contracts with nonprofit organizations that provide funding for research or other mission related activities and require use of binding arbitration or application of the laws of another jurisdiction, upon approval of the Office of the Attorney General.

b. HIGHER EDUCATION TUITION AND FEES

1. Except as provided in Chapters 933 and 943 of the 2006 Acts of Assembly, Chapters 594 and 616 of the 2008 Acts of Assembly, and Chapters 675 and 685 of the 2009 Acts of Assembly, all nongeneral fund collections by public institutions of higher education, including collections from the sale of dairy and farm products, shall be deposited in the state treasury in accordance with § 2.2-1802, Code of Virginia, and expended by the institutions of higher education in accordance with the appropriations and provisions of this act, provided, however, that this requirement shall not apply to private gifts, endowment funds, or income derived from endowments and gifts.

2. a) The Boards of Visitors or other governing bodies of institutions of higher education may set tuition and fee charges at levels they deem to be appropriate for all resident student groups based on, but not limited to, competitive market rates, provided that the total revenue generated by the collection of tuition and fees from all students is within the nongeneral fund appropriation for educational and general programs provided in this act.

b) The Boards of Visitors or other governing bodies of institutions of higher education may set tuition and fee charges at levels they deem to be appropriate for all nonresident student groups based on, but not limited to, competitive market rates, provided that: i) the tuition and mandatory educational and general fee rates for nonresident undergraduate and graduate students cover at least 100 percent of the average cost of their education, as calculated through base adequacy guidelines adopted, and periodically amended, by the Joint Subcommittee Studying Higher Education Funding Policies, and ii) the total revenue generated by the collection of tuition and fees from all students is within the nongeneral fund appropriation for educational and general programs provided in this act.

c) For institutions charging nonresident students less than 100 percent of the cost of education, the State Council of Higher Education for Virginia may authorize a phased approach to meeting this requirement, when in its judgment, it would result in annual tuition and fee increases for nonresident students that would discourage their enrollment.

d) The Boards of Visitors or other governing bodies of institutions of higher education shall not increase the current proportion of nonresident undergraduate students if the institution's nonresident undergraduate enrollment exceeds 25 percent, unless: i) such enrollment is intended to support workforce development needs within the Commonwealth of Virginia as identified in consultation with the Virginia Economic Development Partnership, and ii) the number of in-state undergraduate students does not drop below fall 2018 full-time equivalent census levels as certified by the State Council of Higher Education for Virginia. Norfolk State University, Virginia Military Institute, Virginia State University, and two-year public institutions are exempt from this restriction. Any such increases shall be limited to no more than a one percentage point increase over the prior year.

3. a) In setting the nongeneral fund appropriation for educational and general programs at the institutions of higher education, the General Assembly shall take into consideration the appropriate student share of costs associated with providing full funding of the base adequacy guidelines referenced in subparagraph 2. b), raising average salaries for teaching and research faculty to the 60th percentile of peer institutions, and other priorities set forth in this act.

b) In determining the appropriate state share of educational costs for resident students, the General Assembly shall seek to cover at least 67 percent of educational costs associated with providing full funding of the base adequacy guidelines referenced in subparagraph 2. b), raising average salaries for teaching and research faculty to the 60th percentile of peer institutions, and other priorities set forth in this act.

4. a) Each institution and the State Council of Higher Education for Virginia shall monitor tuition, fees, and other charges, as well as the mix of resident and nonresident students, to ensure that the primary mission of providing educational opportunities to citizens of Virginia is served, while recognizing the material contributions provided by the presence of nonresident students. The State Council of Higher Education for Virginia shall also develop and enforce uniform guidelines for reporting student enrollments and the domiciliary status of students.

b) The State Council of Higher Education for Virginia shall report to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees no later than August 1 of each year the annual change in total charges for tuition and all required fees approved and allotted by the Board of Visitors. As it deems appropriate, the State Council of Higher Education for Virginia

shall provide comparative national, peer, and market data with respect to charges assessed students for tuition and required fees at institutions outside of the Commonwealth.

c) Institutions of higher education are hereby authorized to make the technology service fee authorized in Chapter 1042, 2003 Acts of Assembly, part of ongoing tuition revenue. Such revenues shall continue to be used to supplement technology resources at the institutions of higher education.

d) Except as provided in Chapters 933 and 943 of the 2006 Acts of Assembly, Chapters 594 and 616 of the 2008 Acts of Assembly, Chapters 675 and 685 of the 2009 Acts of Assembly, and Chapters 144 and 145 of the 2019 Acts of Assembly, each institution shall work with the State Council of Higher Education for Virginia and the Virginia College Savings Plan to determine appropriate tuition and fee estimates for tuition savings plans.

5. It is the intent of the General Assembly that each institution's combined general and nongeneral fund appropriation within its educational and general program closely approximate the anticipated annual budget each fiscal year.

6. Nonresident graduate students employed by an institution as teaching assistants, research assistants, or graduate assistants and paid at an annual contract rate of \$4,000 or more may be considered resident students for the purposes of charging tuition and fees.

7. The fund source "Higher Education Operating" within educational and general programs for institutions of higher education includes tuition and fee revenues from nonresident students to pay their proportionate share of the amortized cost of the construction of buildings approved by the Commonwealth of Virginia Educational Institutions Bond Act of 1992 and the Commonwealth of Virginia Educational Facilities Bond Act of 2002.

8. a) 1) Except as provided in Chapters 933 and 943 of the 2006 Acts of Assembly, Chapters 594 and 616 of the 2008 Acts of Assembly, Chapters 675 and 685 of the 2009 Acts of Assembly, and Chapters 124 and 125 of the 2019 Acts of Assembly, mandatory fees for purposes other than educational and general programs shall not be increased for Virginia undergraduates beyond three percent annually, excluding requirements for wage, salary, and fringe benefit increases, authorized by the General Assembly. Fee increases required to carry out actions that respond to mandates of federal agencies are also exempt from this provision, provided that a report on the purposes of the amount of the fee increase is submitted to the Chairmen of the House Appropriations and Senate Finance Committees by the institution of higher education at least 30 days prior to the effective date of the fee increase.

2) The University of Mary Washington is hereby authorized to undertake a review of its tuition and fee structure for the purpose of more closely aligning auxiliary fees, including room, board, and the comprehensive fee, with auxiliary expenditure budgets. Adjustments to mandatory fees in auxiliary programs may exceed three percent subject to annual approval by the University's Board of Visitors to the extent required to effect budgetary alignment of revenues and expenditures. This exemption will be limited to the period beginning in fiscal year 2019-20 and extending through the end of fiscal year 2023-24.

b) This restriction shall not apply in the following instances: fee increases directly related to capital projects authorized by the General Assembly; fee increases to support student health services; and other fee increases specifically authorized by the General Assembly.

c) Due to the small mandatory non-educational and general program fees currently assessed students in the Virginia Community College System, increases in any one year of no more than \$15 shall be allowed on a cost-justified case-by-case basis, subject to approval by the State Board for Community Colleges.

9. Any institution of higher education granting new tuition waivers to resident or nonresident students not authorized by the Code of Virginia must absorb the cost of any discretionary waivers.

10. Tuition and fee revenues from nonresident students taking courses through Virginia institutions from the Southern Regional Education Board's Southern Regional Electronic Campus must exceed all direct and indirect costs of providing instruction to those students. Tuition and fee rates to meet this requirement shall be established by the Board of Visitors of the institution.

c. HIGHER EDUCATION PLANNED EXCESS REVENUES:

An institution of higher education, except for those public institutions governed by Chapters 933 and 943 of the 2006 Acts of Assembly, Chapters 594 and 616 of the 2008 Acts of Assembly, Chapters 675 and 685 of the 2009 Acts of Assembly, and Chapters 124 and 125 of the 2019 Acts of Assembly, may generate and retain tuition and fee revenues in excess of those provided in § 4-2.01 b Higher Education Tuition and Fees, subject to the following:

1. Such revenues are identified by language in the appropriations in this act to any such institution.

2. The use of such moneys is fully documented by the institution to the Governor prior to each fiscal year and prior to allotment.

3. The moneys are supplemental to, and not a part of, ongoing expenditure levels for educational and general programs used as

the basis for funding in subsequent biennia.

4. The receipt and expenditure of these moneys shall be recorded as restricted funds on the books of the Department of Accounts and shall not revert to the surplus of the general fund at the end of the biennium.

5. Tuition and fee revenues generated by the institution other than as provided herein shall be subject to the provisions of § 4-1.04 a.3 Gifts, Grants, and Other Nongeneral Funds of this act.

§ 4-2.02 GENERAL FUND REVENUE

a. STATE AGENCY PAYMENTS INTO GENERAL FUND:

1. Except as provided in § 4-2.02 a.2., all moneys, fees, taxes, charges and revenues received at any time by the following agencies from the sources indicated shall be paid immediately into the general fund of the state treasury:

a) Marine Resources Commission, from all sources, except:

1) Revenues payable to the Public Oyster Rocks Replenishment Fund established by § 28.2-542, Code of Virginia.

2) Revenue payable to the Virginia Marine Products Fund established by § 3.2-2705, Code of Virginia.

3) Revenue payable to the Virginia Saltwater Recreational Fishing Development Fund established by § 28.2-302.3, Code of Virginia.

4) Revenue payable to the Marine Fishing Improvement Fund established by § 28.2-208, Code of Virginia.

5) Revenue payable to the Marine Habitat and Waterways Improvement Fund established by § 28.2-1206, Code of Virginia.

6) Revenue payable to the Oyster Leasing Conservation and Replenishment Programs Fund.

b1) Department of Labor and Industry, or any other agency, for the administration of the state labor and employment laws under Title 40.1, Code of Virginia.

2) Department of Labor and Industry, from boiler and pressure vessel inspection certificate fees, pursuant to § 40.1-51.15, Code of Virginia.

c) All state institutions for the mentally ill or intellectually disabled, from fees or per diem paid employees for the performance of services for which such payment is made, except for a fee or per diem allowed by statute to a superintendent or staff member of any such institution when summoned as a witness in any court.

d) Secretary of the Commonwealth, from all sources.

e) The Departments of Corrections and Juvenile Justice, as required by law, including revenues from sales of dairy and other farm products.

f) Auditor of Public Accounts, from charges for audits or examinations when the law requires that such costs be borne by the county, city, town, regional government or political subdivision of such governments audited or examined.

g) Department of Education, from repayment of student scholarships and loans, except for the cost of such collections.

h) Department of the Treasury, from the following source:

Fees collected for handling cash and securities deposited with the State Treasurer pursuant to § 46.2-454, Code of Virginia.

i) Attorney General, from recoveries of attorneys' fees and costs of litigation.

j) Department of Social Services, from net revenues received from child support collections after all disbursements are made in accordance with state and federal statutes and regulations, and the state's share of the cost of administering the programs is paid.

k) Department of General Services, from net revenues received from refunds of overpayments of utilities charges in prior fiscal years, after deduction of the cost of collection and any refunds due to the federal government.

l) Without regard to paragraph e) above, the following revenues shall be excluded from the requirement for deposit to the general fund and shall be deposited as follows: (1) payments to Virginia Correctional Enterprises shall be deposited into the Virginia Correctional Enterprises Fund; (2) payments to the Departments of Corrections and Juvenile Justice for work performed by inmates, work release prisoners, probationers or wards, which are intended to cover the expenses of these inmates, work release prisoners, probationers, or wards, shall be retained by the respective agencies for their use; and (3) payments to the Departments of Corrections and Juvenile Justice for work performed by inmates in educational programs shall be retained by the agency to increase vocational training activities and to purchase work tools and work clothes for inmates, upon release.

2. The provisions of § 4-2.02 a.1. State Agency Payments into General Fund shall not apply to proceeds from the sale of surplus materials pursuant to § 2.2-1125, Code of Virginia. However, the State Comptroller is authorized to transfer to the general fund of the state treasury, out of the credits under § 4-1.04 a.1 Unappropriated Nongeneral Funds – Sale of Surplus Materials of this act, sums derived from the sale of materials originally purchased with general fund appropriations. The State Comptroller may authorize similar transfers of the proceeds from the sale of property not subject to § 2.2-1124, Code of Virginia, if said property was originally acquired with general fund appropriations, unless the General Assembly provides otherwise.

a. Without regard to § 4-2.02 a.1 above, payments to the Treasurer of Virginia assessed to insurance companies for the safekeeping and handling of securities or surety bonds deposited as insurance collateral shall be deposited into the Insurance Collateral Assessment Fund to defray such safekeeping and handling expenses.

b. DEFINITION OF GENERAL FUND REVENUE FOR PERSONAL PROPERTY RELIEF ACT

Notwithstanding any contrary provision of law, for purposes of subsection C of § 58.1-3524 and subsection B of § 58.1-3536, Code of Virginia, the term general fund revenues, excluding transfers, is defined as (i) all state taxes, including penalties and interest, required and/or authorized to be collected and paid into the general fund of the state treasury pursuant to Title 58.1, Code of Virginia; (ii) permits, fees, licenses, fines, forfeitures, charges for services, and revenue from the use of money and property required and/or authorized to be paid into the general fund of the treasury; and (iii) amounts required to be deposited to the general fund of the state treasury pursuant to § 4-2.02 a.1., of this act. However, in no case shall (i) lump-sum payments, (ii) one-time payments not generated from the normal operation of state government, or (iii) proceeds from the sale of state property or assets be included in the general fund revenue calculations for purposes of subsection C of § 58.1-3524 and subsection B of § 58.1-3536, Code of Virginia.

c. DATE OF RECEIPT OF REVENUES:

All June general fund collections received under Subtitle I of Title 58.1, Code of Virginia, bearing a postmark date or electronic transactions with a settlement or notification date on or before the first business day in July, when June 30 falls on a Saturday or Sunday, shall be considered as June revenue and recorded under guidelines established annually by the Department of Accounts.

d. RECOVERIES BY THE OFFICE OF THE ATTORNEY GENERAL

1. As a condition of the appropriation for Item 59 of this Act, there is hereby created the Disbursement Review Committee (the "Committee"), the members of which are the Attorney General, who shall serve as chairman; two members of the House of Delegates appointed by the Speaker of the House; two members of the Senate appointed by the Chairman of the Senate Committee on Rules; and two members appointed by the Governor.

2. Whenever forfeitures are available for distribution by the Attorney General through programs overseen by either the U.S. Department of Justice Asset Forfeiture Program or the U.S. Treasury Executive Office for Asset Forfeiture, by virtue of the Attorney General's participation on behalf of the Commonwealth or on behalf of an agency of the Commonwealth, the Attorney General shall seek input from the Committee, to the extent permissible under applicable federal law and guidelines, for the preparation of a proposed Distribution Plan (the "Plan") regarding the distribution and use of money or property, or both. If a federal entity must approve the Plan for such distribution or use, or both, and does not approve the Plan submitted by the Attorney General, the Plan may be revised if deemed appropriate and resubmitted to the federal entity for approval following notification of the Committee. If the federal entity approves the original Plan or a revised Plan, the Attorney General shall inform the Committee, and ensure that such money or property, or both, is distributed or used, or both, in a manner that is consistent with the Plan approved by the federal entity. The distribution of any money or property, or both, shall be done in a manner as prescribed by the State Comptroller and consistent with any federal authorization in order to ensure proper accounting on the books of the Commonwealth.

§ 4-2.03 INDIRECT COSTS

a. INDIRECT COST RECOVERIES FROM GRANTS AND CONTRACTS:

Each state agency, including institutions of higher education, which accepts a grant or contract shall recover full statewide and agency indirect costs unless prohibited by the grantor agency or exempted by provisions of this act.

b. AGENCIES OTHER THAN INSTITUTIONS OF HIGHER EDUCATION:

The following conditions shall apply to indirect cost recoveries received by all agencies other than institutions of higher education:

1. The Governor shall include in the recommended nongeneral fund appropriation for each agency in this act the amount which the agency includes in its revenue estimate as an indirect cost recovery. The recommended nongeneral fund appropriations shall reflect the indirect costs in the program incurring the costs.

2. If actual agency indirect cost recoveries exceed the nongeneral fund amount appropriated in this act, the Director, Department of Planning and Budget, is authorized to increase the nongeneral fund appropriation to the agency by the amount of such excess indirect cost recovery. Such increase shall be made in the program incurring the costs.

3. Statewide indirect cost recoveries shall be paid into the general fund of the state treasury, unless the agency is specifically exempted from this requirement by language in this act. Any statewide indirect cost recoveries received by the agency in excess of the exempted sum shall be deposited to the general fund of the state treasury.

c. INSTITUTIONS OF HIGHER EDUCATION:

The following conditions shall apply to indirect cost recoveries received by institutions of higher education:

1. Seventy percent shall be retained by the institution as an appropriation of moneys for the conduct and enhancement of research and research-related requirements. Such moneys may be used for payment of principal of and interest on bonds issued by or for the institution pursuant to § 23.1-1106, Code of Virginia, for any appropriate purpose of the institution, including, but not limited to, the conduct and enhancement of research and research-related requirements.

2. Thirty percent of the indirect cost recoveries for the level of sponsored programs authorized in the appropriations in Part 1 of Chapter 1042 of the Acts of Assembly of 2003, shall be included in the educational and general revenues of the institution to meet administrative costs.

3. Institutions of higher education may retain 100 percent of the indirect cost recoveries related to research grant and contract levels in excess of the levels authorized in Chapter 1042 of the Acts of Assembly of 2003. This provision is included as an additional incentive for increasing externally funded research activities.

d. REPORTS

The Director, Department of Planning and Budget, shall make available via electronic means a report to the Chairmen of the Senate Finance and House Appropriations Committees and the public no later than September 1 of each year on the indirect cost recovery moneys administratively appropriated.

e. REGULATIONS:

The State Comptroller is hereby authorized to issue regulations to carry out the provisions of this subsection, including the establishment of criteria to certify that an agency is in compliance with the provisions of this subsection.

§ 4-3.00 DEFICIT AUTHORIZATION AND TREASURY LOANS

§ 4-3.01 DEFICITS

a. GENERAL:

1. Except as provided in this section no state agency shall incur a deficit. No state agency receiving general fund appropriations under the provisions of this act shall obligate or expend moneys in excess of its general fund appropriations, nor shall it obligate or expend moneys in excess of nongeneral fund revenues that are collected and appropriated.

2. The Governor is authorized to approve deficit funding for a state agency under the following conditions:

a) an unanticipated federal or judicial mandate has been imposed,

b) insufficient moneys are available in the first year of the biennium for start-up of General Assembly-approved action, or

c) delay pending action by the General Assembly at its next legislative session will result in the curtailment of services required by statute or those required by federal mandate or will produce a threat to life, safety, health or property.

d) Such approval by the Governor shall be in writing under the conditions described in § 4-3.02 a Authorized Deficit Loans of this act and shall be promptly communicated to the Chairmen of the House Appropriations and Senate Finance Committees within five calendar days of deficit approval.

3. Deficits shall not be authorized for capital projects.

4. The Department of Transportation may obligate funds in excess of the current biennium appropriation for projects of a capital nature not covered by § 4-4.00 Capital Projects, of this act provided such projects a) are delineated in the Virginia Transportation Six-Year Improvement Program, as approved by the Commonwealth Transportation Board; and b) have sufficient cash allocated to each such project to cover projected costs in each year of the Program; and provided that c) sufficient revenues are projected to meet all cash obligations for such projects as well as all other commitments and appropriations approved by the General Assembly in the biennial budget.

b. UNAUTHORIZED DEFICITS: If any agency contravenes any of the prohibitions stated above, thereby incurring an unauthorized

deficit, the Governor is hereby directed to withhold approval of such excess obligation or expenditure. Further, there shall be no reimbursement of said excess, nor shall there be any liability or obligation upon the state to make any appropriation hereafter to meet such unauthorized deficit. Further, those members of the governing board of any such agency who shall have voted therefor, or its head if there be no governing board, making any such excess obligation or expenditure shall be personally liable for the full amount of such unauthorized deficit and, at the discretion of the Governor, shall be deemed guilty of neglect of official duty and be subject to removal therefor. Further, the State Comptroller is hereby directed to make public any such unauthorized deficit, and the Director, Department of Planning and Budget, is hereby directed to set out such unauthorized deficits in the next biennium budget. In addition, the Governor is directed to bring this provision of this act to the attention of the members of the governing board of each state agency, or its head if there be no governing board, within two weeks of the date that this act becomes effective. The governing board or the agency head shall execute and return to the Governor a signed acknowledgment of such notification.

c. **TOTAL AUTHORIZED DEFICITS:** The amount which the Governor may authorize, under the provisions of this section during the current biennium, to be expended from loans repayable out of the general fund of the state treasury, for all state agencies, or other agencies combined, in excess of general fund appropriations for the current biennium, shall not exceed one and one-half percent (1 1/2%) of the revenues collected and paid into the general fund of the state treasury as defined in § 4-2.02 b. of this act during the last year of the previous biennium and the first year of the current biennium.

d. The Governor shall report any such authorized and unauthorized deficits to the Chairmen of the House Appropriations and Senate Finance Committees within five calendar days of deficit approval. By August 15 of each year, the Governor shall provide a comprehensive report to the Chairmen of the House Appropriations and Senate Finance Committees detailing all such deficits.

§ 4-3.02 TREASURY LOANS

a. **AUTHORIZED DEFICIT LOANS:** A state agency requesting authorization for deficit spending shall prepare a plan for the Governor's review and approval, specifying appropriate financial, administrative and management actions necessary to eliminate the deficit and to prevent future deficits. If the Governor approves the plan and authorizes a state agency to incur a deficit under the provisions of this section, the amount authorized shall be obtained by the agency by borrowing the authorized amount on such terms and from such sources as may be approved by the Governor. At the close of business on the last day of the current biennium, any unexpended balance of such loan shall be applied toward repayment of the loan, unless such action is contrary to the conditions of the loan approval. The Director, Department of Planning and Budget, shall set forth in the next biennial budget all such loans which require an appropriation for repayment. A copy of the approved plan to eliminate the deficit shall be transmitted to the Chairmen of the House Appropriations and the Senate Finance Committees within five calendar days of approval.

b. **ANTICIPATION LOANS:** Authorization for anticipation loans are limited to the provisions below.

1.a) When the payment of authorized obligations for operating expenses is required prior to the collection of nongeneral fund revenues, any state agency may borrow from the state treasury the required sums with the prior written approval of the Secretary of Finance or his designee as to the amount, terms and sources of such funds; such loans shall not exceed the amount of the anticipated collections of such revenues and shall be repaid only from such revenues when collected.

b) When the payment of authorized obligations for capital expenses is required prior to the collection of nongeneral fund revenues or proceeds from authorized debt, any state agency or body corporate and politic, constituting a public corporation and government instrumentality, may borrow from the state treasury the required sums with the prior written approval of the Secretary of Finance or his designee as to the amount, terms and sources of such funds; such loans in anticipation of bond proceeds shall not exceed the amount of the anticipated proceeds from debt authorized by the General Assembly and shall be repaid only from such proceeds when collected.

2. Anticipation loans for operating expenses shall be in amounts not greater than the sum identified by the agency as the minimum amount required to meet the projected expenditures. The term of any anticipation loans granted for operating expenses shall not exceed twelve months.

3. Before an anticipation loan for a capital project is authorized, the agency shall develop a plan for financing such capital project; approval of the State Treasurer shall be obtained for all plans to incur authorized debt.

4. Anticipation loans for capital projects shall be in amounts not greater than the sum identified by the agency as required to meet the projected expenditures for the project within the current biennium.

5. To ensure that such loans are repaid as soon as practical and economical, the Department of Planning and Budget shall monitor the construction and expenditure schedules of all approved capital projects that will be paid for with proceeds from authorized debt and have anticipation loans.

6. Unless otherwise prohibited by federal or state law, the State Treasurer shall charge current market interest rates on anticipation loans made for operating purposes and capital projects subject to the following:

a) Anticipation loans for capital projects for which debt service will be paid with general fund appropriations shall be exempt from interest payments on borrowed balances.

b) Interest payments on anticipation loans for nongeneral fund capital projects or nongeneral fund operating expenses shall be made from appropriated nongeneral fund revenues. Such interest shall not be paid with the funds from the anticipation loan or from the proceeds of authorized debt without the approval of the State Treasurer.

c) REPORTING: All outstanding loans shall be reported by the Governor to the Chairmen of the House Appropriations and Senate Finance Committees by August 15 of each year. The report shall include a status of the repayment schedule for each loan.

c. ANTICIPATION LOANS FOR PROJECTS NOT INCLUDED IN THIS ACT OR FOR PROJECTS AUTHORIZED UNDER § 4-4.01M: Authorization for anticipation loans for projects not included in this act or for projects authorized under § 4-4.01 m are limited to the provisions below:

1. Such loans are limited to those projects that shall be repaid from revenues derived from nongeneral fund sources.

2.a) When the payment of authorized obligations for operating expenses is required prior to the collection of nongeneral fund revenues, any state agency may borrow from the state treasury the required sum with the prior written approval of the Secretary of Finance or his designee as to the amount, terms, and sources of such funds. Such loans shall not exceed the amount of the anticipated collections of such nongeneral fund revenues and shall be repaid only from such nongeneral fund revenues when collected.

b) When the payment of obligations for capital expenses for projects authorized under § 4-4.01 m is required prior to the collection of nongeneral fund revenues, any state agency or body corporate and politic, constituting a public corporation and government instrumentality, may borrow from the state treasury the required sums with the prior written approval of the Secretary of Finance or his designee as to the amount, terms and sources of such funds. Such loans shall be repaid only from nongeneral fund revenues associated with the project.

3. Anticipation loans for operating expenses shall be in amounts not greater than the sum identified by the agency as the minimum amount required to meet projected expenditures. The term of any anticipation loans granted for operating expenses shall not exceed 12 months.

4. Before an anticipation loan is provided for a capital project authorized under § 4-4.01 m, the agency shall develop a plan for repayment of such loan and approval of the Director of the Department of Planning and Budget shall be obtained for all such plans and reported to the Chairman of the House Appropriations and Senate Finance Committees.

5. Anticipation loans for capital projects authorized under § 4-4.01 m shall be in amounts not greater than the sum identified by the agency as required to meet the projected expenditures for the project within the current biennium. Such loans shall be repaid only from nongeneral fund revenues associated with the project.

6. The State Treasurer shall charge current market interest rates on anticipation loans made for capital projects authorized under § 4-4.01 m. Interest payments on anticipation loans for nongeneral fund capital projects authorized under § 4-4.01 m shall be made from appropriated nongeneral fund revenues. Such interest shall not be paid with the funds from the anticipation loan without the approval of the Director of the Department of Planning and Budget.

a) REPORTING: All outstanding loans shall be reported by the Governor to the Chairmen of the House Appropriations and Senate Finance Committees by August 15 of each year. The report shall include a status of the repayment schedule for each loan.

§ 4-3.03 LONG-TERM LEASES

a. GENERAL:

1. As part of their capital budget submission, all agencies and institutions of the Commonwealth proposing building projects that may qualify as long-term lease agreements, as defined in Generally Accepted Accounting Principles (GAAP), and that may be supported in whole, or in part, from appropriations provided for in this act, shall submit copies of such proposals to the Directors of the Departments of Planning and Budget and General Services, the State Comptroller, and the State Treasurer based on guidelines promulgated by the Secretary of Finance. In addition, the Secretary of Finance may promulgate guidelines for the review and approval of such requests.

2. The proposals shall be submitted in such form as the Secretary of Finance may prescribe. The Comptroller and the Director, Department of General Services shall be responsible for evaluating the proposals to determine if they qualify as long-term lease agreements. The State Treasurer shall be responsible for incorporating existing and authorized long-term lease agreements meeting the approved parameters into the annual Debt Capacity Advisory Committee reports.

b. APPROVAL OF FINANCINGS:

1. For any project which qualifies as a long-term lease, as defined in the preceding subdivisions a 1 and 2, and which is financed through the issuance of securities, the Treasury Board shall approve the terms and structure of such financing pursuant to § 2.2-2416, Code of Virginia.

2. For any project for which costs will exceed \$5,000,000 and which is financed through a long-term lease transaction, the Treasury Board shall approve the financing terms and structure of such long-term lease in addition to such other reviews and approvals as may be required by law. Prior to consideration by the Treasury Board, the Departments of Accounts shall notify the Treasury Board of any transaction determined to be a long-term lease. Additionally, the Departments of General Services and Planning and Budget shall notify the Treasury Board upon their approval of any transaction which qualifies as a long-term lease under the terms of this section. The State Treasurer shall notify the Chairmen of the House Appropriations and Senate Finance Committees of the action of the Treasury Board as it regards this subdivision within five calendar days of its action.

c. REPORTS: Not later than December 20 of each year, the Secretary of Finance and the Secretary of Administration shall jointly be responsible for providing the Chairmen of the House Appropriations and Senate Finance Committees with recommendations involving proposed long-term lease agreements.

d. This section shall not apply to long-term leases that are funded entirely with nongeneral fund revenues and are entered into by public institutions of higher education governed by Chapters 933 and 943 of the 2006 Acts of Assembly. Furthermore, the Department of General Services is authorized to enter into long-term leases for executive branch agencies provided that the resulting long-term lease is funded entirely with nongeneral funds, is approved based on the requirements of § 4-3.03 b.1 and 2 above, and would not be considered tax supported debt of the Commonwealth.

§ 4-4.00 CAPITAL PROJECTS

§ 4-4.01 GENERAL

a. Definition:

1. Unless defined otherwise, when used in this section, "capital project" or "project" means acquisition of property and new construction and improvements related to state-owned property, plant or equipment (including plans therefor), as the terms "acquisition", "new construction", and "improvements" are defined in the instructions for the preparation of the Executive Budget. "Capital project" or "project" shall also mean any improvements to property leased for use by a state agency, and not owned by the state, when such improvements are financed by public funds, except as hereinafter provided in subdivisions 3 and 4 of this subsection.

2. The provisions of this section are applicable equally to acquisition of property and plant by purchase, gift, or any other means, including the acquisition of property through a lease/purchase contract, regardless of the method of financing or the source of funds. Acquisition of property by lease shall be subject to § 4-3.03 of this act.

3. The provisions of this section shall not apply to property or equipment acquired by lease or improvements to leased property and equipment when the improvements are provided by the lessor pursuant to the terms of the lease and upon expiration of the lease remain the property of the lessor.

4. The provisions of this section shall not apply to property leased by state agencies for the purposes described in §§ 2.2-1151 C and 33.2-1010, Code of Virginia.

b. Notwithstanding any other provisions of law, requests for appropriations for capital projects shall be subject to the following:

1. The agency shall submit a capital project proposal for all requested capital projects. Such proposals shall be submitted to the Director, Department of Planning and Budget, for review and approval in accordance with guidelines prescribed by the director. Projects shall be developed to meet agency functional and space requirements within a cost range comparable to similar public and private sector projects.

2. Except for institutions of higher education governed by Chapters 933 and 943 of the 2006 Acts of Assembly, Chapters 594 and 616 of the 2008 Acts of Assembly, Chapters 675 and 685 of the 2009 Acts of Assembly, and Chapters 124 and 125 of the 2019 Acts of Assembly, financings for capital projects shall comply, where applicable, with the Treasury Board Guidelines issued pursuant to § 2.2-2416, Code of Virginia, and any subsequent amendments thereto.

3. As part of any request for appropriations for an armory, the Department of Military Affairs shall obtain a written commitment from the host locality to share in the operating expense of the armory.

c. Each agency head shall provide annually to the Director, Department of Planning and Budget, a report on the use of the maintenance reserve appropriation of the agency in Part 2 of this act. In the use of its maintenance reserve appropriation, an agency shall give first priority to the repair or replacement of roof on buildings under control of the agency. The agency head shall certify in the agency's annual maintenance reserve report that to the best of his or her knowledge, all necessary roof repairs have been accomplished or are in the process of being accomplished. Such roof repairs and replacements shall be in accord with the technical requirements of the Commonwealth's Construction and Professional Services Manual.

d. The Department of Planning and Budget shall review its approach to capital outlay planning and budgeting from time to time and make available via electronic means a report of any proposed change to the Chairmen of the House Appropriations and Senate Finance Committees and the public prior to its implementation. Such report shall include an analysis of the impact of the

suggested change on affected agencies and institutions.

e. Nothing in §§ 2-0 and 4-4.00 of this act shall be deemed to override the provisions of §§ 2.2-1132 and 62.1-132.6, Code of Virginia, amended by Chapter 488, 1997 Acts of Assembly, relating to Virginia Port Authority capital projects and procurement activities.

f. Legislative Approval: It is the intent of the General Assembly that, with the exceptions noted in this paragraph and paragraph m, all capital projects to be undertaken by agencies of the Commonwealth, including institutions of higher education, shall be pursuant to approvals by the General Assembly as provided in the Six-Year Capital Outlay Plan established pursuant to § 2.2-1515, et seq., Code of Virginia. Otherwise, the consideration of capital projects shall be limited to:

1. Supplementing projects which have been bid and determined to have insufficient funding to be placed under contract, and
2. Projects declared by the Governor or the General Assembly to be of an emergency nature, which may avoid an increase in cost or otherwise result in a measurable benefit to the state, and/or which are required for the continued use of existing facilities.
3. This paragraph does not prohibit the initiation of projects authorized by § 4-4.01 m hereof, or projects included under the central appropriations for capital project expenses in this act.

g. Preliminary Requirements: In regard to each capital project for which appropriation or reappropriation is made pursuant to this act, or which is hereafter considered by the Governor for inclusion in the Executive Budget, or which is offered as a gift or is considered for purchase, the Governor is hereby required: (1) to determine the urgency of its need, as compared with the need for other capital projects as herein authorized, or hereafter considered; (2) to determine whether the proposed plans and specifications for each capital project are suitable and adequate, and whether they involve expenditures which are excessive for the purposes intended; (3) to determine whether labor, materials, and other requirements, if any, needed for the acquisition or construction of such project can and will be obtained at reasonable cost; and (4) to determine whether or not the project conforms to a site or master plan approved by the agency head or board of visitors of an institution of higher education for a program approved by the General Assembly.

h. Initiation Generally:

1. No architectural or engineering planning for, or construction of, or purchase of any capital project shall be commenced or revised without the prior written approval of the Governor or his designee.
2. The requirements of § 10.1-1190, Code of Virginia, shall be met prior to the release of funds for a major state project, provided, however, that the Governor or his designee is authorized to release from any appropriation for a major state project made pursuant to this act such sum or sums as may be necessary to pay for the preparation of the environmental impact report required by § 10.1-1188, Code of Virginia.
3. The Governor, at his discretion, or his designee may release from any capital project appropriation or reappropriation made pursuant to this act such sum (or sums) as may be necessary to pay for the preparation of plans and specifications by architects and engineers, provided that the estimated cost of the construction covered by such drawings and specifications does not exceed the appropriation therefor; provided, further, however, that the architectural and engineering fees paid on completion of the preliminary design for any such project may be based on such estimated costs as may be approved by the Governor in writing, where it is shown to the satisfaction of the Governor that higher costs of labor or material, or both, or other unforeseen conditions, have made the appropriation inadequate for the completion of the project for which the appropriation was made, and where in the judgment of the Governor such changed conditions justify the payment of architectural or engineering fees based on costs exceeding the appropriation.
4. Architectural or engineering contracts shall not be awarded in perpetuity for capital projects at any state institution, agency or activity.

i. Capital Projects Financed with Bonds: Capital projects proposed to be financed with (i) 9 (c) general obligation bonds or (ii) 9(d) obligations where debt service is expected to be paid from project revenues or revenues of the agency or institution, shall be reviewed as follows:

1. By August 15 of each year, requests for inclusion in the Executive Budget of capital projects to be financed with 9(c) general obligation bonds shall be submitted to the State Treasurer for evaluation of financial feasibility. Submission shall be in accordance with the instructions prescribed by the State Treasurer. The State Treasurer shall distribute copies of financial feasibility studies to the Director, Department of Planning and Budget, the Secretary for the submitting agency or institution, the Chairmen of the House Appropriations and Senate Finance Committees, and the Director, State Council of Higher Education for Virginia, if the project is requested by an institution of higher education.
2. By August 15 of each year, institutions shall also prepare and submit copies of financial feasibility studies to the State Council of Higher Education for Virginia for 9(d) obligations where debt service is expected to be paid from project revenues or revenues of the institution. The State Council of Higher Education for Virginia shall identify the impact of all projects requested by the institutions of higher education, and as described in § 4-4.01 j.1. of this act, on the current and projected cost to students in institutions of higher

education and the impact of the project on the institution's need for student financial assistance. The State Council of Higher Education for Virginia shall report such information to the Secretary of Finance and the Chairmen of the House Appropriations and Senate Finance Committees no later than October 1 of each year.

3. Prior to the issuance of debt for 9(c) general obligation projects, when more than one year has elapsed since the review of financial feasibility specified in § 4-4.01 j 1 above, an updated feasibility study shall be prepared by the agency and reviewed by the State Treasurer prior to requesting the Governor's Opinion of Financial Feasibility required under Article X, Section 9 (c), of the Constitution of Virginia.

j. Transfers to supplement capital projects from nongeneral funds may be made under the conditions set forth in §§ 4-1.03 a, 4-1.04 a.3, and 4-4.01 m of this act.

k.1. Change in Size and Scope: Unless otherwise provided by law, the scope, which is the function or intended use, of any capital project may not be substantively changed, nor its size increased or decreased by more than five percent in size beyond the plans and justification which were the basis for the appropriation or reappropriation in this act or for the Governor's authorization pursuant to § 4-4.01 m of this act. However, this prohibition is not applicable to changes in size and scope required because of circumstances determined by the Governor to be an emergency, or requirements imposed by the federal government when such capital project is for armories or other defense-related installations and is funded in whole or in part by federal funds. Furthermore, this prohibition shall not apply to minor increases, beyond five percent, in square footage determined by the Director, Department of General Services, to be reasonable and appropriate based on a written justification submitted by the agency stating the reason for the increase, with the provision that such increase will not increase the cost of the project beyond the amount appropriated; nor to decreases in size beyond five percent to offset unbudgeted costs when such costs are determined by the Director, Department of Planning and Budget, to be reasonable based on a written justification submitted by the agency specifying the amount and nature of the unbudgeted costs and the types of actions that will be taken to decrease the size of the project. The written justification shall also include a certification, signed by the agency head, that the resulting project will be consistent with the original programmatic intent of the appropriations.

2. If space planning, energy conservation, and environmental standards guides for any type of construction have been approved by the Governor or the General Assembly, the Governor shall require capital projects to conform to such planning guides.

l. Projects Not Included In This Act:

1. Authorization by Governor:

a) The Governor may authorize initiation of, planning for, construction of or acquisition of a nongeneral fund capital project not specifically included in this act or provided for a program approved by the General Assembly through appropriations, under one or more of the following conditions:

1) The project is required to meet an emergency situation.

2) The project is to be operated as an auxiliary enterprise or sponsored program in an institution of higher education and will be fully funded by revenues of auxiliary enterprises or sponsored programs.

3) The project is to be operated as an educational and general program in an institution of higher education and will be fully funded by nongeneral fund revenues of educational and general programs or from private gifts and indirect cost recoveries.

4) The project consists of plant or property which has become available or has been received as a gift.

5) The project has been recommended for funding by the Tobacco Indemnification and Community Revitalization Commission or the Virginia Tobacco Settlement Foundation.

b) The foregoing conditions are subject to the following criteria:

1) Funds are available within the appropriations made by this act (including those subject to §§ 4-1.03 a, 4-1.04 a.3, and 4-2.03) without adverse effect on other projects or programs, or from unappropriated nongeneral fund revenues or balances.

2) In the Governor's opinion such action may avoid an increase in cost or otherwise result in a measurable benefit to the state.

3) The authorization includes a detailed description of the project, the project need, the total project cost, the estimated operating costs, and the fund sources for the project and its operating costs.

4) The Chairmen of the House Appropriations and Senate Finance Committees shall be notified by the Governor prior to the authorization of any capital project under the provisions of this subsection.

5) Permanent funding for any project initiated under this section shall only be from nongeneral fund sources.

2. Authorization by Director, Department of Planning and Budget:

a) The Director, Department of Planning and Budget, may authorize initiation of a capital project not included in this act, if the General Assembly has enacted legislation to fund the project from bonds of the Virginia Public Building Authority, Virginia College Building Authority, or from reserves created by refunding of bonds issued by those Authorities.

3. Delegated authorization by Boards of Visitors, Public Institutions of Higher Education:

a) In accordance with § 4-5.06 of this act, the board of visitors of any public institution of higher education that: i) has met the eligibility criteria set forth in Chapters 933 and 945 of the 2005 Acts of Assembly for additional operational and administrative autonomy, including having entered into a memorandum of understanding with the Secretary of Administration for delegated authority of nongeneral fund capital outlay projects, and ii) has received a sum sufficient nongeneral fund appropriation for emergency projects as set out in Part 2: Capital Project Expenses of this act, may authorize the initiation of any capital project that is not specifically set forth in this act provided that the project meets at least one of the conditions and criteria identified in § 4-4.01 m 1 of this act.

b) At least 30 days prior to the initiation of a project under this provision, the board of visitors must notify the Governor and Chairmen of the House Appropriations and Senate Finance Committees and must provide a life-cycle budget analysis of the project. Such analysis shall be in a form to be prescribed by the Auditor of Public Accounts.

c) The Commonwealth of Virginia shall have no general fund obligation for the construction, operation, insurance, routine maintenance, or long-term maintenance of any project authorized by the board of visitors of a public institution of higher education in accordance with this provision.

m. Acquisition, maintenance, and operation of buildings and nonbuilding facilities in colleges and universities shall be subject to the following policies:

1. The anticipated program use of the building or nonbuilding facility should determine the funding source for expenditures for acquisition, construction, maintenance, operation, and repairs.

2. For new campuses to be established within the Virginia Community College System, expenditures for land acquisition, site preparation beyond five feet from a building, and the construction of additional outdoor lighting, sidewalks, outdoor athletic and recreational facilities, and parking lots in the Virginia Community College System shall be made only from appropriated federal funds, Trust and Agency funds, including local government allocations or appropriations, or the proceeds of indebtedness authorized by the General Assembly.

3. The general policy of the Commonwealth shall be that parking services are to be operated as an auxiliary enterprise by all colleges and universities. Institutions should develop sufficient reserves for ongoing maintenance and replacement of parking facilities.

4. Except as provided in paragraph 2 above, expenditures for maintenance, replacement, and repair of outdoor lighting, sidewalks, and other infrastructure facilities may be made from any appropriated funds.

5. Expenditures for operations, maintenance, and repair of athletic, recreational, and public service facilities, both indoor and outdoor, should be from nongeneral funds. However, this condition shall not apply to any indoor recreational facility existing on a community college campus as of July 1, 1988.

6.a.1. At institutions of higher education that have met the eligibility criteria for additional operational and administrative authority as set forth in Chapters 933 and 945 of the 2005 Acts of Assembly or Chapters 824 and 829 of the 2008 Acts of Assembly, any repair, renovation, or new construction project costing up to \$3,000,000 shall be exempt from the capital outlay review and approval process. For purposes of this paragraph, projects shall not include any subset of a series of projects, which in combination would exceed the \$3,000,000 maximum.

2. All state agencies and institutions of higher education shall be exempt from the capital review and approval process for repair, renovation, or new construction projects costing up to \$3,000,000.

b. Blanket authorizations funded entirely by nongeneral funds may be used for 1) renovation and infrastructure projects costing up to \$3,000,000 and 2) the planning of nongeneral fund new construction and renovation projects through bidding, with bid award made after receipt of a construction authorization. The Director, Department of Planning and Budget, may provide exemptions to the threshold.

7. It is the policy of the Commonwealth that the institutions of higher education shall treat the maintenance of their facilities as a priority for the allocation of resources. No appropriations shall be transferred from the "Operation and Maintenance of Plant" subprogram except for closely and definitely related purposes, as approved by the Director, Department of Planning and Budget, or his designee. A report providing the rationale for each approved transfer shall be made to the Chairmen of the House Appropriations and Senate Finance Committees.

n. Legislative Intent and Reporting: Appropriations for capital projects shall be deemed to have been made for purposes which require their expenditure, or being placed under contract for expenditure, during the current biennium. Agencies to which such appropriations are made in this act or any other act are required to report progress as specified by the Governor. If, in the opinion of

the Governor, these reports do not indicate satisfactory progress, he is authorized to take such actions as in his judgment may be necessary to meet legislative intent as herein defined. Reporting on the progress of capital projects shall be in accordance with § 4-8.00, Reporting Requirements.

o. No expenditure from a general fund appropriation in this act shall be made to expand or enhance a capital outlay project beyond that anticipated when the project was initially approved by the General Assembly except to comply with requirements imposed by the federal government when such capital project is for armories or other defense-related installations and is funded in whole or in part by federal funds. General fund appropriations in excess of those necessary to complete the project shall not be reallocated to expand or enhance the project, or be reallocated to a different project. The prohibitions in this subsection shall not apply to transfers from projects for which reappropriations have been authorized.

p. Local or private funds to be used for the acquisition, construction or improvement of capital projects for state agency use as owner or lessee shall be deposited into the state treasury for appropriation prior to their expenditure for such projects.

q. State-owned Registered Historic Landmarks: To guarantee that the historical and/or architectural integrity of any state-owned properties listed on the Virginia Landmarks Register and the knowledge to be gained from archaeological sites will not be adversely affected because of inappropriate changes, the heads of those agencies in charge of such properties are directed to submit all plans for significant alterations, remodeling, redecoration, restoration or repairs that may basically alter the appearance of the structure, landscaping, or demolition to the Department of Historic Resources. Such plans shall be reviewed within thirty days and the comments of that department shall be submitted to the Governor through the Department of General Services for use in making a final determination.

r.1. The Governor may authorize the conveyance of any interest in property or improvements thereon held by the Commonwealth to the educational or real estate foundation of any institution of higher education where he finds that such property was acquired with local or private funds or by gift or grant to or for the use of the institution, and not with funds appropriated to the institution by the General Assembly. Any approved conveyance shall be exempt from § 2.2-1156, Code of Virginia, and any other statute concerning conveyance, transfer or sale of state property. If the foundation conveys any interest in the property or any improvements thereon, such conveyance shall likewise be exempt from compliance with any statute concerning disposition of state property. Any income or proceeds from the conveyance of any interest in the property shall be deemed to be local or private funds and may be used by the foundation for any foundation purpose.

2. This section shall not apply to public institutions of higher education governed by Chapters 933 and 943 of the 2006 Acts of Assembly, Chapters 594 and 616 of the 2008 Acts of Assembly, Chapters 824 and 829 of the 2008 Acts of Assembly, Chapters 675 and 685 of the 2009 Acts of Assembly, and Chapters 124 and 125 of the 2019 Acts of Assembly.

s.1. Facility Lease Agreements Involving Institutions of Higher Education: In the case of any lease agreement involving state-owned property controlled by an institution of higher education, where the lease has been entered into consistent with the provisions of § 2.2-1155, Code of Virginia, the Governor may amend, adjust or waive any project review and reporting procedures of Executive agencies as may reasonably be required to promote the property improvement goals for which the lease agreement was developed.

2. This section shall not apply to public institutions of higher education governed by Chapters 933 and 943 of the 2006 Acts of Assembly, Chapters 594 and 616 of the 2008 Acts of Assembly, Chapters 824 and 829 of the 2008 Acts of Assembly, Chapters 675 and 685 of the 2009 Acts of Assembly, and Chapters 124 and 125 of the 2019 Acts of Assembly.

t. Energy-efficiency Projects: Improvements to state-owned properties for the purpose of energy-efficiency shall be treated as follows:

1. Such improvements shall be considered an operating expense, provided that:

a) the scope of the project meets or exceeds the applicable energy-efficiency standards set forth in the American Society of Heating, Refrigerating, and Air Conditioning Engineers (ASHRAE), the Illuminating Engineering Society (IES) standard 90.1-1989 and is limited to measures listed in guidelines issued by the Department of General Services;

b) the project is financed consistent with the provisions of § 2.2-2417, Code of Virginia, which requires Treasury Board approval and is executed through a nonprofessional services contract with a vendor approved by the Department of General Services;

c) the scope of work has been reviewed and recommended by the Department of Mines, Minerals and Energy;

d) the total cost does not exceed \$3,000,000; and

e) if the total cost exceeds \$3,000,000, but does not exceed \$7,000,000, the energy savings from the project offset the total cost of the project, including debt service and interest payments.

2. If (a) the total cost of the improvement exceeds \$7,000,000 or (b) the total cost exceeds \$3,000,000, but does not exceed \$7,000,000, and the energy savings from the project do not fully offset the total cost of the project, including debt services and

interest payments, the improvement shall be considered a capital expense regardless of the type of improvement and the following conditions must be met:

- a) the scope of the project meets or exceeds the applicable energy-efficiency standards set forth in the American Society of Heating, Refrigerating, and Air Conditioning Engineers (ASHRAE), the Illuminating Engineering Society (IES) standard 90.1-1989 and is limited to measures listed in guidelines issued by the Department of General Services;
- b) the project is financed consistent with the provisions of § 2.2-2417, Code of Virginia, which requires Treasury Board approval and is executed through a nonprofessional services contract with a vendor approved by the Department of General Services;
- c) the scope of work has been reviewed and recommended by the Department of Mines, Minerals and Energy;
- d) the project has been reviewed by the Department of Planning and Budget; and
- e) the project has been approved by the Governor.

3. If the total project exceeds \$250,000, the agency director will submit written notification to the Director, Department of Planning and Budget, verifying that the project meets all of the conditions in subparagraph 1 above.

The provisions of §§ 2.0 and 4-4.01 of this act and the provisions of § 2.2-1132, Code of Virginia, shall not apply to energy conservation projects that qualify as capital expenses.

4. As used in this paragraph, "improvement" does not include (a) constructing, enlarging, altering, repairing or demolishing a building or structure, (b) changing the use of a building either within the same use group or to a different use group when the new use requires greater degrees of structural strength, fire protection, exit facilities or sanitary provisions, or (c) removing or disturbing any asbestos-containing materials during demolition, alteration, renovation of or additions to building or structures. If the projected scope of an energy-efficiency project includes any of these elements, it shall be subject to the capital outlay process as set out in this section.

5. The Director, Department of Planning and Budget, shall notify the Chairmen of the House Appropriations and Senate Finance Committees upon the initiation of any energy-efficiency projects under the provisions of this paragraph.

u. No expenditures shall be authorized for the purchase of fee simple title to any real property to be used for a correctional facility or for the actual construction of a correctional facility provided for in this act, or by reference hereto, that involves acquisition or new construction of youth or adult correctional facilities on real property which was not owned by the Commonwealth on January 1, 1995, until the governing body of the county, city or town wherein the project is to be located has adopted a resolution supporting the location of such project within the boundaries of the affected jurisdiction. The foregoing does not prohibit expenditures for site studies, real estate options, correctional facility design and related expenditures.

v. Except for institutions of higher education governed by Chapters 933 and 943 of the 2006 Acts of Assembly, Chapters 594 and 616 of the 2008 Acts of Assembly, Chapters 675 and 685 of the 2009 Acts of Assembly, and Chapters 124 and 125 of the 2019 Acts of Assembly, any alternative financing agreement entered into between a state agency or institution of higher education and a private entity or affiliated foundation must be reviewed and approved by the Treasury Board.

w. Prior to requesting authorization for new dormitory capital projects, institutions of higher education shall conduct a cost study to determine whether an alternative financing arrangement or public-private transaction would provide a more effective option for the construction of the proposed facility. This study shall be submitted to the Department of Planning and Budget as part of the budget development process and shall be evaluated by the Governor prior to submitting his proposed budget.

x. Construction or improvement projects of the Department of Military Affairs are not exempt from the capital outlay review process when the state procurement process is utilized, except for those projects with both an estimated cost of \$3,000,000 or less and are 100 percent federally reimbursed. The Department of Military Affairs shall submit by July 30 of each year to the Department of Planning and Budget a list of such projects that were funded pursuant to this exemption in the previous fiscal year and any projects that would be eligible for such funding in future fiscal years.

§ 4-4.02 PLANNING AND BUDGETING

a. It shall be the intent of the General Assembly to make biennial appropriations for a capital improvements program sufficient to address the program needs of the Commonwealth. The capital improvements program shall include maintenance and deferred maintenance of the Commonwealth's existing facilities, and of the facility requirements necessary to deliver the programs of state agencies and institutions.

b. In effecting these policies, the Governor shall establish a capital budget plan to address the renewal and replacement of the Commonwealth's physical plant, using such guidelines as recommended by industry or government to maintain the Commonwealth's investment in its property and plant.

§ 4-5.00 SPECIAL CONDITIONS AND RESTRICTIONS ON EXPENDITURES

§ 4-5.01 TRANSACTIONS WITH INDIVIDUALS

a. SETTLEMENT OF CLAIMS: Whenever a dispute, claim or controversy involving the interest of the Commonwealth is settled pursuant to § 2.2-514, Code of Virginia, payment may be made out of any appropriations, designated by the Governor, to the state agency(ies) which is (are) party to the settlement.

b. STUDENT FINANCIAL ASSISTANCE FOR HIGHER EDUCATION:

1. General:

a) The appropriations made in this act to state institutions of higher education within the Items for student financial assistance may be expended for any one, all, or any combination of the following purposes: grants to undergraduate students enrolled at least one-half time in a degree, certificate, industry-based certification and related programs that do not qualify for other sources of student financial assistance or diploma program; grants to full-time graduate students; graduate assistantships: grants to students enrolled full-time in a dual or concurrent undergraduate and graduate program. The institutions may also use these appropriations for the purpose of supporting work study programs. The institution is required to transfer to educational and general appropriations all funds used for work study or to pay graduate assistantships. Institutions may also contribute to federal or private student grant aid programs requiring matching funds by the institution, except for programs requiring work. The State Council of Higher Education for Virginia shall annually review each institution's plan for the expenditures of its general fund appropriation for undergraduate student financial assistance prior to the start of the fall term to determine program compliance. The institution's plan shall include the institution's assumptions and calculations for determining the cost of attendance, student financial need, and student remaining need as well as an award schedule or description of how funds are awarded. For the purposes of the proposed plan, each community college shall be considered independently. No limitations shall be placed on the awarding of nongeneral fund appropriations made in this act to state institutions of higher education within the Items for student financial assistance other than those found previously in this paragraph and as follows: (i) funds derived from in-state student tuition will not subsidize out-of-state students, (ii) students receiving these funds must be making satisfactory academic progress, (iii) awards made to students should be based primarily on financial need, and (iv) institutions should make larger grant and scholarship awards to students taking the number of credit hours necessary to complete a degree in a timely manner.

b) All awards made to undergraduate students from such Items shall be for Virginia students only and such awards shall offset all, or portions of, the costs of tuition and required fees, and, in the case of students qualifying under subdivision b 2 c)1) hereof, the cost of books. All undergraduate financial aid award amounts funded by this appropriation shall be proportionate to the remaining need of individual students, with students with higher levels of remaining need receiving grants before other students. No criteria other than the need of the student shall be used to determine the award amount. Because of the low cost of attendance and recognizing that federal grants provide a much higher portion of cost than at other institutions, a modified approach and minimum award amount for the neediest VGAP student should be implemented for community college and Richard Bland College students based on remaining need and the combination of federal and grant state aid. Student financial need shall be determined by a need-analysis system approved by the Council.

c)1) All need-based awards made to graduate students shall be determined by the use of a need-analysis system approved by the Council.

2) As part of the six-year financial plans required in the provisions of Chapters 933 and 945 of the 2005 Acts of Assembly, each institution of higher education shall report the extent to which tuition and fee revenues are used to support graduate student aid and graduate compensation and how the use of these funds impacts planned increases in student tuition and fees.

d) A student who receives a grant under such Items and who, during a semester, withdraws from the institution which made the award must surrender the unearned portion. The institution shall calculate the unearned portion of the award based on the percentage used for federal Return to Title IV program purposes.

e) An award made under such Items to assist a student in attending an institution's summer session shall be prorated according to the size of comparable awards made in that institution's regular session.

f) The provisions of this act under the heading "Student Financial Assistance for Higher Education" shall not apply to (1) the soil scientist scholarships authorized under § 23.1-615, Code of Virginia and (2) need-based financial aid programs for industry-based certification and related programs that do not qualify for other sources of student financial assistance, which will be subject to guidelines developed by the State Council of Higher Education for Virginia.

g) Unless noted elsewhere in this act, general fund awards shall be named "Commonwealth" grants.

h) Unless otherwise provided by statute, undergraduate awards shall not be made to students seeking a second or additional baccalaureate degree until the financial aid needs of first-degree seeking students are fully met.

2. Grants To Undergraduate Students:

a) Each institution which makes undergraduate grants paid from its appropriation for student financial assistance shall expend

such sums as approved for that purpose by the Council.

b) A student receiving an award must be duly admitted and enrolled in a degree, certificate or diploma program at the institution making the award, and shall be making satisfactory academic progress as defined by the institution for the purposes of eligibility under Title IV of the federal Higher Education Act, as amended.

c)1) It is the intent of the General Assembly that students eligible under the Virginia Guaranteed Assistance Program (VGAP) authorized in Title 23.1, Chapter 4.4:2, Code of Virginia, shall receive grants before all other students at the same institution with equivalent remaining need from the appropriations for undergraduate student financial assistance found in Part 1 of this act (service area 1081000 - Scholarships). In each instance, VGAP eligible students shall receive awards greater than other students with equivalent remaining need.

2) The amount of each VGAP grant shall vary according to each student's remaining need and the total of tuition, all required fees and the cost of books at the institution the student will attend upon acceptance for admission. The actual amount of the VGAP award will be determined by the proportionate award schedule adopted by each institution; however, those students with the greatest financial need shall be guaranteed an award at least equal to tuition.

3) It is the intent of the General Assembly that the Virginia Guaranteed Assistance Program serve as an incentive to financially needy students now attending elementary and secondary school in Virginia to raise their expectations and their academic performance and to consider higher education an achievable objective in their futures.

4) Students may not receive a VGAP and a Commonwealth grant in the same semester.

3. Grants To Graduate Students:

a) An individual award may be based on financial need but may, in addition to or instead of, be based on other criteria determined by the institution making the award. The amount of an award shall be determined by the institution making the award; however, the Council shall annually be notified as to the maximum size of a graduate award that is paid from funds in the appropriation.

b) A student receiving a graduate award paid from the appropriation must be duly admitted into a graduate degree program at the institution making the award.

c) Not more than 50 percent of the funds designated by an institution as graduate grants from the appropriation, and approved as such by the Council, shall be awarded to persons not eligible to be classified as Virginia domiciliary resident students except in cases where the persons meet the criteria outlined in § 4-2.01b.6.

4. Matching Funds: Any institution of higher education may, with the approval of the Council, use funds from its appropriation for fellowships and scholarships to provide the institutional contribution to any student financial aid program established by the federal government or private sources which requires the matching of the contribution by institutional funds, except for programs requiring work.

5. Discontinued Loan Program:

a) If any federal student loan program for which the institutional contribution was appropriated by the General Assembly is discontinued, the institutional share of the discontinued loan program shall be repaid to the fund from which the institutional share was derived unless other arrangements for the use of the funds are recommended by the Council and approved by the Department of Planning and Budget. Should the institution be permitted to retain the federal contributions to the program, the funds shall be used according to arrangements authorized by the Council and approved by the Department of Planning and Budget.

b)1) An institution of higher education may discontinue its student loan fund established pursuant to Title 23.1, Chapter 4.01, Code of Virginia. The full amount of cash in such discontinued loan fund shall be paid into the state treasury into a nonrevertible nongeneral fund account. Prior to such payment, the State Comptroller shall verify its accuracy, including the fact that the cash held by the institution in the loan fund will be fully depleted by such payment. The loan fund shall not be reestablished thereafter for that institution.

2) The cash so paid into the state treasury shall be used only for grants to undergraduate and graduate students in the Higher Education Student Financial Assistance program according to arrangements authorized by the Council and approved by the Department of Planning and Budget.

3) Payments on principal and interest of any promissory notes held by the discontinued loan fund shall continue to be received by the institution, which shall deposit such payments in the state treasury to the nonrevertible nongeneral fund account specified in subdivision (1) preceding, to be used for grants as specified in subdivision (2) preceding.

6. Reporting: The Council shall collect student-specific information for undergraduate students as is necessary for the operation of the Student Financial Assistance Program. The Council shall maintain regulations governing the operation of the Student Financial Assistance Program based on the provisions outlined in this section, the Code of Virginia, and State Council policy.

C. PAYMENTS TO CITIZEN MEMBERS OF NONLEGISLATIVE BODIES:

Notwithstanding any other provision of law, executive branch agencies shall not pay compensation to citizen members of boards, commissions, authorities, councils, or other bodies from any fund for the performance of such members' duties in the work of the board, commission, authority, council, or other body.

d. VIRGINIA BIRTH-RELATED NEUROLOGICAL INJURY COMPENSATION PROGRAM

Notwithstanding any other provision of law, the Virginia Birth-Related Neurological Injury Compensation Program is authorized to require each admitted claimant's parent or legal guardian to purchase private health insurance (the "primary payer") to provide coverage for the actual medically necessary and reasonable expenses as described in Virginia Code § 38.2-5009(A)(1) that were, or are, incurred as a result of the admitted claimant's birth-related neurological injury and for the admitted claimant's benefit. Provided, however, that the Program shall reimburse, upon receipt of proof of payment, solely the portion of the premiums that is attributable to the admitted claimant's post-admission coverage from the effective date of this provision forward and paid for by the admitted claimant's parent or legal guardian.

§ 4-5.02 THIRD PARTY TRANSACTIONS

a. EMPLOYMENT OF ATTORNEYS:

1.a) All attorneys authorized by this act to be employed by any state agency and all attorneys compensated out of any moneys appropriated in this session of the General Assembly shall be appointed by the Attorney General and be in all respects subject to the provisions of Title 2.2, Chapter 5, Code of Virginia, to the extent not to conflict with Title 12.1, Chapter 4, Code of Virginia; provided, however, that if the Governor certifies the need for independent legal counsel for any Executive Department agency, such agency shall be free to act independently of the Office of the Attorney General in regard to selection, and provided, further, that compensation of such independent legal counsel shall be paid from the moneys appropriated to such Executive Department agency or from the moneys appropriated to the Office of the Attorney General.

b) For purposes of this act, "attorney" shall be defined as an employee or contractor who represents an agency before a court, board or agency of the Commonwealth of Virginia or political subdivision thereof. This term shall not include members of the bar employed by an agency who perform in a capacity that does not require a license to practice law, including but not limited to, instructing, managing, supervising or performing normal or customary duties of that agency.

2. This section does not apply to attorneys employed by state agencies in the Legislative Department, Judicial Department or Independent Agencies.

3. Reporting on employment of attorneys shall be in accordance with § 4-8.00, Reporting Requirements.

4. Notwithstanding § 2.2-510.1 of the Code of Virginia and any other conflicting provision of law, the Virginia Retirement System may enter into agreements to seek i) recovery of investment losses in foreign jurisdictions, and ii) legal advice related to its investments. Any such agreements shall be reported to the Office of the Attorney General as soon as practicable.

b. STUDIES AND CONSULTATIVE SERVICES REQUIRED BY GENERAL ASSEMBLY: No expenditure for payments on third party nongovernmental contracts for studies or consultative services shall be made out of any appropriation to the General Assembly or to any study group created by the General Assembly, nor shall any such expenditure for third party nongovernmental contracts be made by any Executive Department agency in response to a legislative request for a study, without the prior approval of two of the following persons: the Chairman of the House Appropriations Committee; the Chairman of the Senate Finance Committee; the Speaker of the House of Delegates; the President pro tempore of the Senate. All such expenditures shall be made only in accordance with the terms of a written contract approved as to form by the Attorney General.

c. USE OF CONSULTING SERVICES: All state agencies and institutions of higher education shall make a determination of "return on investment" as part of the criteria for awarding contracts for consulting services.

d. DEBT COLLECTION SERVICES:

1. Notwithstanding any provision of the Code of Virginia or this act to the contrary, the Virginia Commonwealth University Health System Authority shall have the option to participate in the Office of the Attorney General's debt collection process. Should the Authority choose not to participate, the Authority shall have the authority to collect its accounts receivable by engaging private collection agents and attorneys to pursue collection actions, and to independently compromise, settle, and discharge accounts receivable claims.

2. Notwithstanding any provision of the Code of Virginia or this act to the contrary, the University of Virginia Medical Center shall have the authority to collect its accounts receivable by engaging private collection agents and attorneys to pursue collection actions, and to independently compromise, settle, and discharge accounts receivable claims, provided that the University of Virginia demonstrates to the Secretary of Finance that debt collection by an agent other than the Office of the Attorney General is anticipated to be more cost effective. Nothing in this paragraph is intended to limit the ability of the University of Virginia Medical Center from voluntarily contracting with the Office of the Attorney General's Division of Debt

Collection in cases where the Center would benefit from the expertise of legal counsel and collection services offered by the Office of the Attorney General.

3. Notwithstanding any provision of the Code of Virginia or this act to the contrary, the Department of Taxation shall be exempt from participating in the debt collection process of the Office of the Attorney General.

§ 4-5.03 SERVICES AND CLIENTS

a. CHANGED COST FACTORS:

1.a) No state agency, or its governing body, shall alter factors (e.g., qualification level for receipt of payment or service) which may increase the number of eligible recipients for its authorized services or payments, or alter factors which may increase the unit cost of benefit payments within its authorized services, unless the General Assembly has made an appropriation for the cost of such change.

b) The limits on altering or changing cost factors stated in paragraph 1.a) above shall not apply to changes associated with implementing and/or altering services in response to COVID-19 when funding is provided from a nongeneral fund source dedicated to addressing the impact of COVID-19 or from any source when specifically approved by the Governor in response to the COVID-19 pandemic.

2. Notwithstanding any other provision of law, the Department of Planning and Budget, with assistance from agencies that operate internal service funds as requested, shall establish policies and procedures for annually reviewing and approving internal service fund overhead surcharge rates and working capital reserves.

3. By September 1 each year, state agencies that operate an internal service fund, pursuant to §§ 2.2-803, 2.2-1101, and 2.2-2013, Code of Virginia, that have an impact on agency expenditures, shall submit a report to the Department of Planning and Budget and the Joint Legislative Audit and Review Commission to include all information as required by the Department of Planning and Budget to conduct a thorough review of overhead surcharge rates, revenues, expenditures, full-time positions, and working capital reserves for each internal service fund. The report shall include any proposed modifications in rates to be charged by internal service funds for review and approval by the Department of Planning and Budget. In its review, the Department of Planning and Budget shall determine whether the requested rate modifications are consistent with budget assumptions. The format by which agencies submit the operating plan for each internal service fund shall be determined by the Department of Planning and Budget with assistance from agencies that operate internal service funds as requested.

4. State agencies that operate internal service funds may not change a billable overhead surcharge rate to another state agency unless the resulting change is provided in the final General Assembly enacted budget.

5. State agencies that operate more than one internal service fund shall comply with the review and approval requirements detailed in this Item for each internal service fund.

6. As determined by the Director, Department of Planning and Budget, state agencies that operate select programs where an agency provides a service to and bills other agencies shall be subject to the annual review of the agency's internal service funds consistent with the provisions of this Item, unless such payment for services is pursuant to a memorandum of understanding authorized by § 4-1.03 a. 7 of this act.

7. The Governor is authorized to change internal service fund overhead surcharge rates, including the creation of new rates, beyond the rates enacted in the budget in the event of an emergency or to implement actions approved by the General Assembly, upon prior notice to the Chairmen of the House Appropriations and Senate Finance Committees. Such prior notice shall be no less than five days prior to enactment of a revised or new rate and shall include the basis of the rate change and the impact on state agencies.

8. Notwithstanding any other provision of law, the Commonwealth's statewide electronic procurement system and program known as eVA shall have all rates and working capital reserves reviewed and approved by the Department of Planning and Budget consistent with the provisions of this Item.

9. State agencies that are partially or fully funded with nongeneral funds and are billed for services provided by another state agency shall pay the nongeneral fund cost for the service from the agency's applicable nongeneral fund revenue source consistent with an appropriation proration of such expenses.

b. NEW SERVICES:

1.a) No state agency shall begin any new service that will call for future additional property, plant or equipment or that will require an increase in subsequent general or nongeneral fund operating expenses without first obtaining the authorization of the General Assembly.

b) The limits on establishing new services stated in paragraph 1.a) above shall not apply to new services established to respond to COVID-19 when funding is provided from a nongeneral fund source dedicated to addressing the impact of COVID-19 or from any source when specifically approved by the Governor in response to the COVID-19 pandemic.

2. Pursuant to the policies and procedures of the State Council of Higher Education regarding approval of academic programs and

the concomitant enrollment, no state institution of higher education shall operate any academic program with funds in this act unless approved by the Council and included in the Executive Budget, or approved by the General Assembly. The Council may grant exemptions to this policy in exceptional circumstances.

3. a) The General Assembly is supportive of the increasing commitment by both Virginia Tech and the Carilion Clinic to the success of the programs at the Virginia Tech/Carilion School of Medicine and the Virginia Tech/Carilion Research Institute, and encourages these two institutions to pursue further developments in their partnership. Therefore, notwithstanding § 4-5.03 c. of the Appropriation Act, if through the efforts of these institutions to further strengthen the partnership, Virginia Tech acquires the Virginia Tech Carilion School of Medicine during the current biennium, the General Assembly approves the creation and establishment of the Virginia Tech/Carilion School of Medicine within the institution notwithstanding § 23.1-203 Code of Virginia. No additional funds are required to implement establishment of the Virginia Tech/Carilion School of Medicine within the institution.

b) Virginia Tech Carilion School of Medicine is hereby authorized to transfer funds to the Department of Medical Assistance Services to fully fund the state share for Medicaid supplemental payments to the teaching hospital affiliated with the Virginia Tech Carilion School of Medicine. These Medicaid supplemental fee-for-service and/or capitation payments to managed care organizations are for the purpose of securing access to Medicaid hospital services in Western Virginia. The funds to be transferred must comply with 42 CFR 433.51.

4. Reporting on all new services shall be in accordance with § 4-8.00, Reporting Requirements.

c. OFF-CAMPUS SITES OF INSTITUTIONS OF HIGHER EDUCATION:

No moneys appropriated by this act shall be used for off-campus sites unless as provided for in this section.

1. A public college or university seeking to create, establish, or operate an off-campus instructional site, funded directly or indirectly from the general fund or with revenue from tuition and mandatory educational and general fees generated from credit course offerings, shall first refer the matter to the State Council of Higher Education for Virginia for its consideration and approval. The State Council of Higher Education for Virginia may provide institutions with conditional approval to operate the site for up to one year, after which time the college or university must receive approval from the Governor and General Assembly, through legislation or appropriation, to continue operating the site.

2. For the colleges of the Virginia Community College System, the State Board for Community Colleges shall be responsible for approving off-campus locations. Sites governed by this requirement are those at any locations not contiguous to the main campus of the institution, including locations outside Virginia.

3. a) The provisions herein shall not apply to credit offerings on the site of a public or private entity if the offerings are supported entirely with private, local, or federal funds or revenue from tuition and mandatory educational and general fees generated entirely by course offerings at the site.

b) Offerings at previously approved off-campus locations shall also not be subject to these provisions.

c) Further, the provisions herein do not govern the establishment and operations of campus sites with a primary function of carrying out grant and contract research where direct and indirect costs from such research are covered through external funding sources. Such locations may offer limited graduate education as appropriate to support the research mission of the site.

d) Nothing herein shall prohibit an institution from offering non-credit continuing education programs at sites away from the main campus of a college or university.

4. The State Council of Higher Education shall establish guidelines to implement this provision.

d. PERFORMANCE MEASUREMENT

1. In accordance with § 2.2-1501, Code of Virginia, the Department of Planning and Budget shall develop a programmatic budget and accounting structure for all new programs and activities to ensure that it provides the appropriate financial and performance measures to determine if programs achieve desired results and outcomes. The Department of Accounts shall provide assistance as requested by the Department of Planning and Budget. The Department of Planning and Budget shall provide this information each year when the Governor submits the budget in accordance with § 2.2-1509, Code of Virginia, to the Chairmen of the House Appropriations, House Finance, and Senate Finance Committees.

2.a) Within thirty days of the enactment of this act, the Director, Department of Planning and Budget, shall make available via electronic means to the Chairmen of the House Appropriations and Senate Finance Committees and the public a list of the new initiatives for which appropriations are provided in this act.

b) Not later than ninety days after the end of the first year of the biennium, the Director, Department of Planning and Budget, shall make available via electronic means a report on the performance of each new initiative contained in the list, to be submitted to the Chairmen of the House Appropriations and Senate Finance Committees and the public. The report shall

compare the actual results, including expenditures, of the initiative with the anticipated results and the appropriation for the initiative. This information shall be used to determine whether the initiative should be extended beyond the beginning period. In the preparation of this report, all state agencies shall provide assistance as requested by the Department of Planning and Budget.

§ 4-5.04 GOODS AND SERVICES

a. STUDENT ATTENDANCE AT INSTITUTIONS OF HIGHER EDUCATION:

1. Public Information Encouraged: Each public institution of higher education is expected and encouraged to provide prospective students with accurate and objective information about its programs and services. The institution may use public funds under the control of the institution's Board of Visitors for the development, preparation and dissemination of factual information about the following subjects: academic programs; special programs for minorities; dates, times and procedures for registration; dates and times of course offerings; admission requirements; financial aid; tuition and fee schedules; and other information normally distributed through the college catalog. This information may be presented in any and all media, such as newspapers, magazines, television or radio where the information may be in the form of news, public service announcements or advertisements. Other forms of acceptable presentation would include brochures, pamphlets, posters, notices, bulletins, official catalogs, flyers available at public places and formal or informal meetings with prospective students.

2. Excessive Promotion Prohibited: Each public institution of higher education is prohibited from using public funds under the control of the institution's Board of Visitors for the development, preparation, dissemination or presentation of any material intended or designed to induce students to attend by exaggerating or extolling the institution's virtues, faculty, students, facilities or programs through the use of hyperbole. Artwork and photographs which exaggerate or extol rather than supplement or complement permissible information are prohibited. Mass mailings are generally prohibited; however, either mass mailings or newspaper inserts, but not both, may be used if other methods of distributing permissible information are not economically feasible in the institution's local service area.

3. Remedial Education: Senior institutions of higher education shall make arrangements with community colleges for the remediation of students accepted for admission by the senior institutions.

4. Compliance: The president or chancellor of each institution of higher education is responsible for the institution's compliance with this subsection.

b. INFORMATION TECHNOLOGY FACILITIES AND SERVICES:

1.a) The Virginia Information Technologies Agency shall procure information technology and telecommunications goods and services of every description for its own benefit or on behalf of other state executive branch agencies and institutions, or authorize other state executive branch agencies or institutions to undertake such procurements on their own. "Executive branch agency" means the same as that term is defined in § 2.2-2006.

b) Except for research projects, research initiatives, or instructional programs at public institutions of higher education, or any non-major information technology project request from the Virginia Community College System, Longwood University, or from an institution of higher education which is a member of the Virginia Association of State Colleges and University Purchasing Professionals (VASCUPP) as of July 1, 2003, or any procurement of information technology and telecommunications goods and services by public institutions of higher education governed by some combination of Chapters 933 and 945 of the 2005 Acts of Assembly, Chapters 933 and 943 of the 2006 Acts of Assembly, Chapters 594 and 616 of the 2008 Acts of Assembly, Chapters 824 and 829 of the 2008 Acts of Assembly, and Chapters 675 and 685 of the 2009 Acts of Assembly, requests for authorization from state agencies and institutions to procure information technology and telecommunications goods and services on their own behalf shall be made in writing to the Chief Information Officer or his designee. Members of VASCUPP as of July 1, 2003, are hereby recognized as: The College of William and Mary, George Mason University, James Madison University, Old Dominion University, Radford University, Virginia Commonwealth University, Virginia Military Institute, Virginia Polytechnic Institute and State University, and the University of Virginia.

c) The Chief Information Officer or his designee may grant the authorization upon a written determination that the request conforms to the statewide information technology plan and the individual information technology plan of the requesting agency or institution.

d) Any procurement authorized by the Chief Information Officer or his designee for information technology and telecommunications goods and services, including geographic information systems, shall be issued by the requesting state agency or institution in accordance with the regulations, policies, procedures, standards, and guidelines of the Virginia Information Technologies Agency.

e) Nothing in this subsection shall prevent public institutions of higher education or the Virginia Community College System from using the services of Network Virginia.

f) To ensure that the Commonwealth's research universities maintain a competitive position with access to the national optical research network infrastructure including the National LambdaRail and Internet2, the Network Virginia Contract Administrator is hereby authorized to renegotiate the term of the existing contracts. Additionally, the contract administrator is authorized to competitively negotiate additional agreements in accordance with the Code of Virginia and all applicable regulations, as required, to establish and maintain research network infrastructure.

2. If the billing rates and associated systems for computer, telecommunications and systems development services to state agencies are altered, the Director, Department of Planning and Budget, may transfer appropriations from the general fund between programs affected. These transfers are limited to actions needed to adjust for overfunding or underfunding the program appropriations affected by the altered billing systems.

3. The provisions of this subsection shall not in any way affect the duties and responsibilities of the State Comptroller under the provisions of § 2.2-803, Code of Virginia.

4. It is the intent of the General Assembly that information technology (IT) systems, products, data, and service costs, including geographic information systems (GIS), be contained through the shared use of existing or planned equipment, data, or services which may be available or soon made available for use by state agencies, institutions, authorities, and other public bodies. State agencies, institutions, and authorities shall cooperate with the Virginia Information Technologies Agency in identifying the development and operational requirements for proposed IT and GIS systems, products, data, and services, including the proposed use, functionality, capacity and the total cost of acquisition, operation and maintenance.

5. This section shall not apply to public institutions of higher education governed by some combination of Chapters 933 and 945 of the 2005 Acts of Assembly, Chapters 933 and 943 of the 2006 Acts of Assembly or Chapters 594 and 616 of the 2008 Acts of Assembly, Chapters 824 and 829 of the 2008 Acts of Assembly and Chapters 675 and 685 of the 2009 Acts of Assembly, or to the Virginia Alcoholic Beverage Control Authority.

6. Notwithstanding any other provision of law, state agencies that do not receive computer services from the Virginia Information Technologies Agency may develop their own policies and procedures governing the sale of surplus computers and laptops to their employees or officials. Any proceeds from the sale of surplus computers or laptops shall be deposited into the appropriate fund or funds used to purchase the equipment.

c. MOTOR VEHICLES AND AIRCRAFT:

1. No motor vehicles shall be purchased or leased with public funds by the state or any officer or employee on behalf of the state without the prior written approval of the Director, Department of General Services.

2. The institutions of higher education and the Alcoholic Beverage Control Authority shall be exempt from this provision but shall be required to report their entire inventory of purchased and leased vehicles including the cost of such to the Director of the Department of General Services by June 30 of each year. The Director of the Department of General Services shall compare the cost of vehicles acquired by institutions of higher education and the Authority to like vehicles under the state contract. If the comparison demonstrates for a given institution or the Authority that the cost to the Commonwealth is greater for like vehicles than would be the case based on a contract of statewide applicability, the Governor or his designee may suspend the exemption granted to the institution or the Authority pursuant to this subparagraph c.

3. The Director, Department of General Services, is hereby authorized to transfer surplus motor vehicles among the state agencies, and determine the value of such surplus equipment for the purpose of maintaining the financial accounts of the state agencies affected by such transfers.

d. MOTION PICTURE, TELEVISION AND RADIO SERVICES PRODUCTION: Except for public institutions of higher education governed by Chapters 933 and 943 of the 2006 Acts of Assembly, no state Executive Department agency or the Virginia Lottery Department shall expend any public funds for the production of motion picture films or of programs for television transmission, or for the operation of television or radio transmission facilities, without the prior written approval of the Governor or as otherwise provided in this act, except for educational television programs produced for elementary-secondary education by authority of the Virginia Information Technologies Agency. The Joint Subcommittee on Rules is authorized to provide the approval of such expenditures for legislative agencies. For judicial agencies and independent agencies, other than the Virginia Lottery Department, prior approval action rests with the supervisory bodies of these entities. With respect to television programs which are so approved and other programs which are otherwise authorized or are not produced for television transmission, state agencies may enter into contracts without competitive sealed bidding, or competitive negotiation, for program production and transmission services which are performed by public telecommunications entities, as defined in § 2.2-2006, Code of Virginia.

e. TRAVEL: Reimbursement for the cost of travel on official business of the state government is authorized to be paid pursuant to law and regulations issued by the State Comptroller to implement such law. Notwithstanding any contrary provisions of law:

1. For the use of personal automobiles in the discharge of official duties outside the continental limits of the United States, the State Comptroller may authorize an allowance not exceeding the actual cost of operation of such automobiles;

2. The first 15,000 miles of use during each fiscal year of personal automobiles in the discharge of official duties within the continental limits of the United States shall be reimbursed at an amount equal to the most recent business standard mileage rate as established by the Internal Revenue Service for employees or self-employed individuals to use in computing their income tax deductible costs for operating passenger vehicles owned or leased by them for business purposes, or in the instance of a state employee, at the lesser of (a) the IRS rate or (b) the lowest combined capital and operational trip pool rate charged by the

Department of General Services, Office of Fleet Management Services (OFMS), posted on the OFMS website at time of travel, for the use of a compact state-owned vehicle. If the head of the state agency concerned certifies that a state-owned vehicle was not available, or if, according to regulations issued by the State Comptroller, the use of a personal automobile in lieu of a state-owned automobile is considered to be an advantage to the state, the reimbursement shall be at the rate of the IRS rate. For such use in excess of 15,000 miles in each fiscal year, the reimbursement shall be at a rate of 13.0 cents per mile, unless a state-owned vehicle is not available; then the rate shall be the IRS rate;

3. The State Comptroller may authorize exemptions to restrictions upon use of common carrier accommodations;

4. The State Comptroller may authorize reimbursement by per diem in lieu of actual costs of meals and any other expense category deemed necessary for the efficient and effective operation of state government;

5. State employees traveling on official business of state government shall be reimbursed for their travel costs using the same bank account authorized by the employee in which their net pay is direct deposited; and

6. This section shall not apply to members and employees of public school boards.

f. **SMALL PURCHASE CHARGE CARD, ELECTRONIC DATA INTERCHANGE, DIRECT DEPOSIT, AND PAYLINE OPT OUT:** The State Comptroller is hereby authorized to charge state agencies a fee of \$5 per check or earnings notice when, in his judgment, agencies have failed to comply with the Commonwealth's electronic commerce initiatives to reduce unnecessary administrative costs for the printing and mailing of state checks and earning notices. The fee shall be collected by the Department of Accounts through accounting entries.

g. **PURCHASES OF APPLIANCES AND EQUIPMENT:** State agencies and institutions shall purchase Energy Star rated appliances and equipment in all cases where such appliances and equipment are available.

h. **ELECTRONIC PAYMENTS:** Any recipient of payments from the State Treasury who receives six or more payments per year issued by the State Treasurer shall receive such payments electronically. The State Treasurer shall decide the appropriate method of electronic payment and, through his warrant issuance authority, the State Comptroller shall enforce the provisions of this section. The State Comptroller is authorized to grant administrative relief to this requirement when circumstances justify non-electronic payment.

i. **LOCAL AND NON-STATE SAVINGS AND EFFICIENCIES:** It is the intent of the General Assembly that State agencies shall encourage and assist local governments, school divisions, and other non-state governmental entities in their efforts to achieve cost savings and efficiencies in the provision of mandated functions and services including but not limited to finance, procurement, social services programs, and facilities management.

j. **TELECOMMUNICATION SERVICES AND DEVICES:**

1. The Chief Information Officer and the State Comptroller shall develop statewide requirements for the use of cellular telephones and other telecommunication devices by in-scope Executive Department agencies, addressing the assignment, evaluation of need, safeguarding, monitoring, and usage of these telecommunication devices. The requirements shall include an acceptable use agreement template clearly defining an employee's responsibility when they receive and use a telecommunication device. Statewide requirements shall require some form of identification on a device in case it is lost or stolen and procedures to wipe the device clean of all sensitive information when it is no longer in use.

2. In-scope Executive Department agencies providing employees with telecommunication devices shall develop agency-specific policies, incorporating the guidance provided in § 4-5.04 k. 1. of this act and shall maintain a cost justification for the assignment or a public health, welfare and safety need.

3. The Chief Information Officer shall determine the optimal number of telecommunication vendors and plans necessary to meet the needs of in-scope Executive Department agency personnel. The Chief Information Officer shall regularly procure these services and provide statewide contracts for use by all such agencies. These contracts shall require the vendors to provide detailed usage information in a useable electronic format to enable the in-scope agencies to properly monitor usage to make informed purchasing decisions and minimize costs.

4. The Chief Information Officer shall examine the feasibility of providing tools for in-scope Executive Department agencies to analyze usage and cost data to assist in determining the most cost effective plan combinations for the entity as a whole and individual users.

k. **ALTERNATIVE PROCUREMENT:** If any payment is declared unconstitutional for any reason or if the Attorney General finds in a formal, written, legal opinion that a payment is unconstitutional, in circumstances where a good or service can constitutionally be the subject of a purchase, the administering agency of such payment is authorized to use the affected appropriation to procure, by means of the Commonwealth's Procurement Act, goods and services, which are similar to those sought by such payment in order to accomplish the original legislative intent.

l. **MEDICAL SERVICES:** No expenditures from general or nongeneral fund sources may be made out of any appropriation by the

General Assembly for providing abortion services, except otherwise as required by federal law or state statute.

m. In an effort to expand cooperative procurement efforts, all public institutions of higher education in the Commonwealth of Virginia may access the Virginia Association of State Colleges and University Purchasing Professionals (VASCUPP) contracts regardless of their level of purchasing delegated authority, non-VASCUPP institutions shall amend terms and conditions of VASCUPP contracts to incorporate Virginia Public Procurement Act, and Commonwealth of Virginia Agency Procurement and Surplus Property Manual.

§ 4-5.05 NONSTATE AGENCIES, INTERSTATE COMPACTS AND ORGANIZATIONAL MEMBERSHIPS

a. The accounts of any agency, however titled, which receives funds from this or any other appropriating act, and is not owned or controlled by the Commonwealth of Virginia, shall be subject to audit or shall present an audit acceptable to the Auditor of Public Accounts when so directed by the Governor or the Joint Legislative Audit and Review Commission.

b.1. For purposes of this subsection, the definition of "nonstate agency" is that contained in § 2.2-1505, Code of Virginia.

2. Allotment of appropriations to nonstate agencies shall be subject to the following criteria:

a) Such agency is located in and operates in Virginia.

b) The agency must be open to the public or otherwise engaged in activity of public interest, with expenditures having actually been incurred for its operation.

3. No allotment of appropriations shall be made to a nonstate agency until such agency has certified to the Secretary of Finance that cash or in-kind contributions are on hand and available to match equally all or any part of an appropriation which may be provided by the General Assembly, unless the organization is specifically exempted from this requirement by language in this act. Such matching funds shall not have been previously used to meet the match requirement in any prior appropriation act.

4. Operating appropriations for nonstate agencies equal to or in excess of \$150,000 shall be disbursed to nonstate agencies in twelve or fewer equal monthly installments depending on when the first payment is made within the fiscal year. Operating appropriations for nonstate agencies of less than \$150,000 shall be disbursed in one payment once the nonstate agency has successfully met applicable match and application requirements.

5. The provisions of § 2.2-4343 A 14, Code of Virginia shall apply to any expenditure of state appropriations by a nonstate agency.

c.1. Each interstate compact commission and each organization in which the Commonwealth of Virginia or a state agency thereof holds membership, and the dues for which are provided in this act or any other appropriating act, shall submit its biennial budget request to the state agency under which such commission or organization is listed in this act. The state agency shall include the request of such commission or organization within its own request, but identified separately. Requests by the commission or organization for disbursements from appropriations shall be submitted to the designated state agency.

2. Each state agency shall submit by November 1 each year, a report to the Director, Department of Planning and Budget, listing the name and purpose for organizational memberships held by that agency with annual dues of \$5,000 or more. The institutions of higher education shall be exempt from this reporting requirement.

§ 4-5.06 DELEGATION OF AUTHORITY

a. The designation in this act of an officer or agency head to perform a specified duty shall not be deemed to supersede the authority of the Governor to delegate powers under the provisions of § 2.2-104, Code of Virginia.

b. The nongeneral fund capital outlay decentralization programs initiated pursuant to § 4-5.08b of Chapter 912, 1996 Acts of Assembly as continued in subsequent appropriation acts are hereby made permanent. Decentralization programs for which institutions have executed memoranda of understanding with the Secretary of Administration pursuant to the provisions of § 4-5.08b of Chapter 912, 1996 Acts of Assembly shall no longer be considered pilot projects, and shall remain in effect until revoked.

c. Institutions wishing to participate in a nongeneral fund capital outlay decentralization program for the first time shall submit a letter of interest to the appropriate Cabinet Secretary. Within 90 calendar days of the receipt of the institution's request to participate, the responsible Cabinet Secretary shall determine whether the institution meets the eligibility criteria and, if appropriate, establish a decentralization program at the institution. The Cabinet Secretary shall report to the Governor and Chairmen of the Senate Finance and House Appropriations Committees by December 1 of each year all institutions that have applied for inclusion in a decentralization program and whether the institutions have been granted authority to participate in the decentralization program.

d. The provisions identified in § 4-5.08 f and § 4-5.08 h of Chapter 1042 of the Acts of Assembly of 2003 pertaining to pilot programs for selected capital outlay projects and memoranda of understanding in institutions of higher education are hereby continued. Notwithstanding these provisions, those projects shall be insured through the state's risk management liability

program.

e. If during an independent audit conducted by the Auditor of Public Accounts, the audit discloses that an institution is not performing within the terms of the memoranda of understanding or their addenda, the Auditor shall report this information to the Governor, the responsible Cabinet Secretary, and the Chairmen of the Senate Finance and House Appropriations Committees.

f. Institutions that have executed memoranda of understanding with the Secretary of Administration for nongeneral fund capital outlay decentralization programs are hereby granted a waiver from the provisions of § 2.2-4301, Competitive Negotiation, subdivision 3a, Code of Virginia, regarding the not to exceed amount of \$100,000 for a single project, the not to exceed sum of \$500,000 for all projects performed, and the option to renew for two additional one-year terms.

g. Notwithstanding any contrary provision of law or this act, delegations of authority in this act to the Governor shall apply only to agencies and personnel within the Executive Department, unless specifically stated otherwise.

h. This section shall not apply to public institutions of higher education governed by Chapters 933 and 943 of the 2006 Acts of Assembly.

§ 4-5.07 LEASE, LICENSE OR USE AGREEMENTS

a. Agencies shall not acquire or occupy real property through lease, license or use agreement until the agency certifies to the Director, Department of General Services, that (i) funds are available within the agency's appropriations made by this act for the cost of the lease, license or use agreement and (ii) except for good cause as determined by the Department of General Services, the volume of such space conforms with the space planning procedures for leased facilities developed by the Department of General Services and approved by the Governor. The Department of General Services shall acquire and hold such space for use by state departments, agencies and institutions within the Executive Branch and may utilize brokerage services, portfolio management strategies, strategic planning, transaction management, project and construction management, and lease administration strategies consistent with industry best practices as adopted by the Department from time to time. These provisions may be waived in writing by the Director, Department of General Services. However, these provisions shall not apply to institutions of higher education that have met the conditions prescribed in subsection B of § 23.1-1006, Code of Virginia.

b. Agencies acquiring personal property in accordance with § 2.2-2417, Code of Virginia, shall certify to the State Treasurer that funds are available within the agency's appropriations made by this act for the cost of the lease.

§ 4-5.08 SEMICONDUCTOR MANUFACTURING PERFORMANCE GRANT PROGRAMS

a. The Comptroller shall not draw any warrants to issue checks for semiconductor manufacturing performance grant programs, pursuant to Title 59.1, Chapter 22.3, Code of Virginia, without a specific legislative appropriation. The appropriation shall be in accordance with the terms and conditions set forth in a memorandum of understanding between a qualified manufacturer and the Commonwealth. These terms and conditions shall supplement the provisions of the Semiconductor Manufacturing Performance Grant Program, the Semiconductor Memory or Logic Wafer Manufacturing Performance Grant Program, and the Semiconductor Memory or Logic Wafer Manufacturing Performance Grant Program II, as applicable, and shall include but not be limited to the numbers and types of semiconductor wafers that are produced; the level of investment directly related to the building and equipment for manufacturing of wafers or activities ancillary to or supportive of such manufacturer within the eligible locality; and the direct employment related to these programs. To that end, the Secretary of Commerce and Trade shall certify in writing to the Governor and to the Chairmen of the House Appropriations and Senate Finance Committees the extent to which a qualified manufacturer met the terms and conditions. The appropriation shall be made in full or in proportion to a qualified manufacturer's fulfillment of the memorandum of understanding.

b. The Governor shall consult with the House Appropriations and Senate Finance Committees before amending any existing memorandum of understanding. These Committees shall have the opportunity to review any changes prior to their execution by the Commonwealth.

§ 4-5.09 DISPOSITION OF SURPLUS REAL PROPERTY

a. Notwithstanding the provisions of § 2.2-1156, Code of Virginia, the departments, divisions, institutions, or agencies of the Commonwealth, or the Governor, shall sell or lease surplus real property only under the following circumstances:

1. Any emergency declared in accordance with §§ 44-146.18:2 or § 44-146.28, Code of Virginia, or

2. Not less than thirty days after the Governor notifies, in writing, the Chairmen of the House Appropriations and Senate Finance Committees regarding the planned conveyance, including a statement of the proceeds to be derived from such conveyance and the individual or entity taking title to such property.

3. Surplus property valued at less than \$5,000,000 that is possessed and controlled by a public institution of higher education, pursuant to §§ 2.2-1149 and 2.2-1153, Code of Virginia.

b. In any circumstance provided for in subsection a of this section, the cognizant board or governing body of the agency or

institution holding title or otherwise controlling the state-owned property shall approve, in writing, the proposed conveyance of the property.

c. In accordance with § 15.2-2005, Code of Virginia, the consent of the General Assembly is herein provided for the road known as Standpipe Road, that was relocated and established on a portion of the Virginia Department of Transportation's Culpeper District Office property, identified as Tax Map No. 50-28, to improve the operational efficiency of the local road network in the Town of Culpeper. Further, the Virginia Department of Transportation is hereby authorized to convey to the Town of Culpeper, upon such terms and conditions as the Department deems proper and for such considerations the Department may determine, the property on which "Standpipe Road (Relocated)(Variable Width R/W)" on the plat entitled "plat Showing Property and Various Easements for Standpipe Road Relocated, Tax Map 50-28, Town of Culpeper, Culpeper County, Virginia" prepared by ATCS P.L.C and sealed March 14, 2012, together with easements to the Town of Culpeper for electric utility, slopes and drainage as shown on said plat. The conveyance shall be made with the approval of the Governor and in a form approved by the Attorney General. The appropriate officials of the Commonwealth are hereby authorized to prepare, execute, and deliver such deed and other documents as may be necessary to accomplish the conveyance.

d. Notwithstanding the provisions of § 2.2-1156, Code of Virginia, if tax-exempt bonds were issued by the Commonwealth or its related authorities, boards or institutions to finance the acquisition, construction, improvement or equipping of real property, proceeds from the sale or disposition of such property and any improvements may first be applied toward remediation options available under federal law to maintain the tax-exempt status of such bonds.

§ 4-5.10 SURPLUS PROPERTY TRANSFERS FOR ECONOMIC DEVELOPMENT

a. The Commonwealth shall receive the fair market value of surplus state property which is designated by the Governor for economic development purposes, and for any properties owned by an Industrial Development Authority in any county where the Commonwealth has a continuing interest based on the deferred portion of the purchase price, which shall be assessed by more than one independent appraiser certified as a Licensed General Appraiser. Such property shall not be disposed of for less than its fair market value as determined by the assessments.

b. Recognizing the commercial, business and industrial development potential of certain lands declared surplus, and for any properties owned by an Industrial Development Authority in any county where the Commonwealth has a continuing interest based on the deferred portion of the purchase price, the Governor shall be authorized to utilize funds available in the Governor's discretion, to meet the requirements of the preceding subsection a. Sale proceeds, together with the money from the Commonwealth's Development Opportunity Fund, shall be deposited as provided in § 2.2-1156 D, Code of Virginia.

c. Within thirty days of closing on the sale of surplus property designated for economic development, the Governor or his designee shall report to the Chairmen of the Senate Finance and House Appropriations Committees. The report shall include information on the number of acres sold, sales price, amount of proceeds deposited to the general fund and Conservation Resources Fund, and the fair market value of the sold property.

d. Except for subaqueous lands that have been filled prior to January 1, 2006, the Governor shall not sell or convey those subaqueous lands identified by metes and bounds in Chapter 884 of the Acts of the Assembly of 2006.

e. Notwithstanding any provision of law to the contrary, the Commonwealth of Virginia shall begin the process to convey, as is and pursuant to § 2.2-1150, approximately 432 acres of land located within County of York, Virginia, known as Tax Parcel 12-00-00-003 (the Property) to the Eastern Virginia Regional Industrial Facility Authority, or any of its members, subsidiaries or affiliates (hereinafter referred to Authority) for an amount not to exceed \$1,350,000. The Commonwealth of Virginia shall provide to the Authority copies of the two most recent state appraisals for 150-200 acres for the parcel, and in no case shall the transaction price per acre exceed the average of the two most recent state appraisals. The Authority shall have the right to waive the appraisal requirement. The Authority shall reimburse the Commonwealth of Virginia, at property closing, for the appraisals and other Commonwealth of Virginia costs to prepare and execute the conveyance documents. The conveyance of the Property should occur no later than December 31, 2020, but may occur earlier if requested by the Authority. The Authority and its designees shall have the right to enter the Property and to perform due diligence and design studies and activities prior to the conveyance. The Authority shall have the right to file applications and related documents seeking land, zoning and use entitlements, and the Commonwealth is authorized to execute such documents as may be required for such purposes, but without incurring obligations on the Commonwealth by such execution.

1. The Authority is authorized to convey the property rights for portions of the Property conveyed by the Commonwealth in paragraph e., to one or more operators of one or more utility scale solar facilities, or to lease the property rights to such an operator or operators, for an amount as agreed by the Authority and such operator(s).

2. Any remaining Property at the site shall be subject to a deed restriction created in the Commonwealth of Virginia and Authority property sale described herein to restrict the use of such property by the Authority to any non-residential use, as determined by the Authority.

§ 4-5.11 SEAT OF GOVERNMENT TRAFFIC AND PEDESTRIAN SAFETY

In order to implement and maintain traffic and pedestrian operational safety and security enhancements and secure the seat of government, the Commonwealth Transportation Board shall, not later than January 1, 2020, add to the state primary highway system, pursuant to § 33.2-314, Code of Virginia, those portions of the rights-of-way located in the City of Richmond identified as Bank Street from 9th Street to 14th Street, 10th Street from Main Street to Bank Street, 12th Street from Main Street to Bank Street, and Governor Street from Main Street to Bank Street and, pursuant to the responsibilities of the Department of General Services (DGS) (§ 2.2-1129) and the Division of Capitol Police (DCP) (§ 30-34.2:1), DGS and DCP shall control those rights-of-way and pedestrian and vehicular traffic thereon. The rights-of-way so transferred shall be in addition to the 50 miles per year authorized to be transferred under § 33.2-314(A).

§ 4-6.00 POSITIONS AND EMPLOYMENT

§ 4-6.01 EMPLOYEE COMPENSATION

a. The compensation of all kinds and from all sources of each appointee of the Governor and of each officer and employee in the Executive Department who enters the service of the Commonwealth or who is promoted to a vacant position shall be fixed at such rate as shall be approved by the Governor in writing or as is in accordance with rules and regulations established by the Governor. No increase shall be made in such compensation except with the Governor's written approval first obtained or in accordance with the rules and regulations established by the Governor. In all cases where any appointee, officer or employee is employed or promoted to fill a vacancy in a position for which a salary is specified by this act, the Governor may fix the salary of such officer or employee at a lower rate or amount within the respective level than is specified. In those instances where a position is created by an act of the General Assembly but not specified by this act, the Governor may fix the salary of such position in accordance with the provisions of this subsection.

b. Annual salaries of persons appointed to positions by the General Assembly, pursuant to the provisions of §§ 2.2-200 and 2.2-400, Code of Virginia, shall be paid in the amounts shown. However, if an incumbent is reappointed, his or her salary may be as high as his or her prior salary.

	July 1, 2020 to June 24, 2021	June 25, 2021 to November 24, 2021	November 25, 2021 to June 30, 2022
Chief of Staff	\$183,859	\$183,859	\$183,859
Secretary of Administration	\$176,730	\$176,730	\$176,730
Secretary of Agriculture and Forestry	\$180,706	\$180,706	\$180,706
Secretary of Commerce and Trade	\$176,730	\$176,730	\$176,730
Secretary of the Commonwealth	\$180,706	\$180,706	\$180,706
Secretary of Education	\$176,730	\$176,730	\$176,730
Secretary of Finance	\$184,887	\$184,887	\$184,887
Secretary of Health and Human Resources	\$176,730	\$176,730	\$176,730
Secretary of Natural Resources	\$176,730	\$176,730	\$176,730
Secretary of Public Safety	\$182,705	\$182,705	\$182,705
Secretary of Transportation	\$176,730	\$176,730	\$176,730
Secretary of Veterans Affairs and Homeland Security	\$180,706	\$180,706	\$180,706

c.1.a) Annual salaries of persons appointed to positions listed in subdivision c 6 hereof shall be paid in the amounts shown for the current biennium, unless changed in accordance with conditions stated in subdivisions c 2 through c 5 hereof.

b) The starting salary of a new appointee shall not exceed the midpoint of the range, except where the midpoint salary is less than a

ten percent increase from an appointee's preappointment compensation. In such cases, an appointee's starting salary may be set at a rate which is ten percent higher than the preappointment compensation, provided that the maximum of the range is not exceeded. However, in instances where an appointee's preappointment compensation exceeded the maximum of the respective salary range, then the salary for that appointee may be set at the maximum salary for the respective salary range except if the new hire was employed in a state classified position, then the Governor may exceed the maximum salary for the position and set the salary for the employee at a salary level not to exceed the employee's salary at their prior state position.

c) Nothing in subdivision c 1 shall be interpreted to supersede the provisions of § 4-6.01 e, f, g, h, i, j, k, l, and m of this act.

d) For new appointees to positions listed in § 4-6.01c.6., the Governor is authorized to provide for fringe benefits in addition to those otherwise provided by law, including post retirement health care and other non-salaried benefits provided to similar positions in the public sector.

2.a)1) The Governor may increase or decrease the annual salary for incumbents of positions listed in subdivision c 6 below at a rate of up to 10 percent in any single fiscal year between the minimum and the maximum of the respective salary range in accordance with an assessment of performance and service to the Commonwealth.

2) The governing boards of the independent agencies may increase or decrease the annual salary for incumbents of positions listed in subdivision c.7. below at a rate of up to 10 percent in any fiscal year between the minimum and maximum of the respective salary range, in accordance with an assessment of performance and service to the Commonwealth.

b)1) The appointing or governing authority may grant performance bonuses of 0-5 percent for positions whose salaries are listed in §§ 1-1 through 1-9, and 4-6.01 b, c, and d of this act, based on an annual assessment of performance, in accordance with policies and procedures established by such appointing or governing authority. Such performance bonuses shall be over and above the salaries listed in this act, and shall not become part of the base rate of pay.

2) The appointing or governing authority shall report performance bonuses which are granted to executive branch employees to the Department of Human Resource Management for retention in its records.

3. From the effective date of the Executive Pay Plan set forth in Chapter 601, Acts of Assembly of 1981, all incumbents holding positions listed in this § 4-6.01 shall be eligible for all fringe benefits provided to full-time classified state employees and, notwithstanding any provision to the contrary, the annual salary paid pursuant to this § 4-6.01 shall be included as creditable compensation for the calculation of such benefits.

4. Notwithstanding § 4-6.01.c.2.b)1) of this Act, the Board of Commissioners of the Virginia Port Authority may supplement the salary of its Executive Director, with the prior approval of the Governor. The Board should be guided by criteria which provide a reasonable limit on the total additional income of the Executive Director. The criteria should include, without limitation, a consideration of the salaries paid to similar officials at comparable ports of other states. The Board shall report approved supplements to the Department of Human Resource Management for retention in its records.

5.a. With the written approval of the Governor, the Board of Trustees of the Virginia Museum of Fine Arts, the Science Museum of Virginia, the Virginia Museum of Natural History, Gunston Hall, and the Library Board may supplement the salary of the Director of each museum, and the Librarian of Virginia from nonstate funds. In approving a supplement, the Governor should be guided by criteria which provide a reasonable limit on the total additional income and the criteria should include, without limitation, a consideration of the salaries paid to similar officials at comparable museums and libraries of other states. The respective Boards shall report approved supplements to the Department of Human Resource Management for retention in its records.

b) The Board of Trustees of the Jamestown-Yorktown Foundation may supplement, using nonstate funds, the salary of the Executive Director of the Foundation. In approving the supplement the Board should be guided by criteria which provides a reasonable limit on the total additional income and the criteria should include, without limitation, a consideration of the salaries paid to similar officials at comparable Foundations in other states. The Board shall report approved supplements to the Department of Human Resource Management for retention in its records.

6.a) The following salaries shall be paid for the current biennium in the amounts shown, however, all salary changes shall be subject to subdivisions c 2 through c 5 above.

	July 1, 2020 to June 24, 2021	June 25, 2021 to November 24, 2021	November 25, 2021 to June 30, 2022
Level I Range	\$169,179- \$241,463	\$169,179- \$241,463	\$169,179- \$241,463
Midpoint	\$205,321	\$205,321	\$205,321
Chief Information Officer,	\$198,844	\$198,844	\$198,844

Virginia Information
Technologies Agency

Commissioner, Department of Motor Vehicles	\$173,321	\$173,321	\$173,321
Commissioner, Department of Social Services	\$214,748	\$214,748	\$214,748
Commissioner, Department of Behavioral Health and Developmental Services	\$241,463	\$241,463	\$241,463
Commonwealth Transportation Commissioner	\$218,509	\$218,509	\$218,509
Director, Department of Corrections	\$193,367	\$193,367	\$193,367
Director, Department of Environmental Quality	\$199,815	\$199,815	\$199,815
Director, Department of Medical Assistance Services	\$212,578	\$212,578	\$212,578
Director, Department of Planning and Budget	\$181,441	\$181,441	\$181,441
State Health Commissioner	\$236,390	\$236,390	\$236,390
State Tax Commissioner	\$172,986	\$172,986	\$172,986
Superintendent of Public Instruction	\$241,463	\$241,463	\$241,463
Superintendent of State Police	\$194,054	\$194,054	\$194,054

**July 1, 2020
to
June 24, 2021**

**June 25, 2021
to
November 24, 2021**

**November 25, 2021
to
June 30, 2022**

Level II Range	\$117,474 - \$189,111	\$117,474 - \$189,111	\$117,474 - \$189,111
Midpoint	\$153,293	\$153,293	\$153,293
Commissioner, Department for Aging and Rehabilitative Services	\$163,786	\$163,786	\$163,786
Commissioner, Department of Agriculture and Consumer Services	\$169,538	\$169,538	\$169,538
Commissioner, Department of Veterans Services	\$154,529	\$154,529	\$154,529
Commissioner, Virginia Employment Commission	\$169,863	\$169,863	\$169,863
Executive Director, Department	\$148,385	\$148,385	\$148,385

of Game and Inland Fisheries

Commissioner, Marine Resources Commission	\$145,905	\$145,905	\$145,905
Director, Department of Forensic Science	\$176,048	\$176,048	\$176,048
Director, Department of General Services	\$175,678	\$175,678	\$175,678
Director, Department of Human Resource Management	\$170,525	\$170,525	\$170,525
Director, Department of Juvenile Justice	\$165,110	\$165,110	\$165,110
Director, Department of Mines, Minerals and Energy	\$154,204	\$154,204	\$154,204
Director, Department of Rail and Public Transportation	\$160,048	\$160,048	\$160,048
Director, Department of Small Business and Supplier Diversity	\$146,525	\$146,525	\$146,525
Executive Director, Motor Vehicle Dealer Board	\$120,117	\$120,117	\$120,117
Executive Director, Virginia Port Authority	\$148,454	\$148,454	\$148,454
State Comptroller	\$181,303	\$181,303	\$181,303
State Treasurer	\$181,158	\$181,158	\$181,158
Executive Director, Board of Accountancy	\$148,988	\$148,988	\$148,988
Chief Executive Officer, Virginia Alcoholic Beverage Control Authority	\$189,111	\$189,111	\$189,111

**July 1, 2020
to
June 24, 2021**

**June 25, 2021
to
November 24, 2021**

**November 25, 2021
to
June 30, 2022**

Level III Range	\$119,014 - \$161,360	\$119,014 - \$161,360	\$119,014 - \$161,360
Midpoint	\$140,187	\$140,187	\$140,187
Adjutant General	\$146,681	\$146,681	\$146,681
Chairman, Virginia Parole Board	\$137,957	\$137,957	\$137,957
Vice Chairman, Virginia Parole Board	\$121,394	\$121,394	\$121,394
Member, Virginia Parole	\$119,014	\$119,014	\$119,014

Board

Commissioner, Department of Labor and Industry	\$146,715	\$146,715	\$146,715
Coordinator, Department of Emergency Management	\$156,395	\$156,395	\$156,395
Director, Department of Aviation	\$154,125	\$154,125	\$154,125
Director, Department of Conservation and Recreation	\$159,249	\$159,249	\$159,249
Director, Department of Criminal Justice Services	\$131,349	\$131,349	\$131,349
Director, Department of Health Professions	\$142,002	\$142,002	\$142,002
Director, Department of Historic Resources	\$130,000	\$130,000	\$130,000
Director, Department of Housing and Community Development	\$144,246	\$144,246	\$144,246
Director, Department of Professional and Occupational Regulation	\$136,818	\$136,818	\$136,818
Director, The Science Museum of Virginia	\$145,824	\$145,824	\$145,824
Director, Virginia Museum of Fine Arts	\$151,620	\$151,620	\$151,620
Director, Virginia Museum of Natural History	\$124,477	\$124,477	\$124,477
Executive Director, Jamestown-Yorktown Foundation	\$148,019	\$148,019	\$148,019
Executive Secretary, Virginia Racing Commission	\$130,938	\$130,938	\$130,938
Librarian of Virginia	\$161,360	\$161,360	\$161,360
State Forester, Department of Forestry	\$152,232	\$152,232	\$152,232

**July 1, 2020
to
June 24, 2021**

**June 25, 2021
to
November 24, 2021**

**November 25, 2021
to
June 30, 2022**

Level IV Range	\$95,120 - \$124,386	\$95,120 - \$124,386	\$95,120 - \$124,386
Midpoint	\$109,753	\$109,753	\$109,753
Administrator, Commonwealth's Attorneys' Services Council	\$113,215	\$113,215	\$113,215

Commissioner, Virginia Department for the Blind and Vision Impaired	\$124,386	\$124,386	\$124,386
Executive Director, Frontier Culture Museum of Virginia	\$111,125	\$111,125	\$111,125
Commissioner, Department of Elections	\$116,619	\$116,619	\$116,619
Executive Director, Virginia-Israel Advisory Board	\$100,695	\$100,695	\$100,695
Director, Gunston Hall	\$95,120	\$95,120	\$95,120
	July 1, 2020 to June 24, 2021	June 25, 2021 to November 24, 2021	November 25, 2021 to June 30, 2022
Level V Range	\$24,162 - \$103,566	\$24,162 - \$103,566	\$24,162 - \$103,566
Midpoint	\$63,864	\$63,864	\$63,864
Director, Virginia Department for the Deaf and Hard-of-Hearing	\$103,566	\$103,566	\$103,566
Executive Director, Department of Fire Programs	\$101,288	\$101,288	\$101,288
Executive Director, Virginia Commission for the Arts	\$101,288	\$101,288	\$101,288
Chairman, Compensation Board	\$24,162	\$24,162	\$24,162

7. Annual salaries of the directors of the independent agencies, as listed in this subdivision, shall be paid in the amounts shown. All salary changes shall be subject to subdivisions c 1, c 2, and c 3 above.

	July 1, 2020 to June 24, 2021	June 25, 2021 to November 24, 2021	November 25, 2021 to June 30, 2022
Independent Range	\$176,683 - \$192,643	\$176,683 - \$192,643	\$176,683 - \$192,643
Midpoint	\$184,663	\$184,663	\$184,663
Executive Director, Virginia Lottery	\$176,683	\$176,683	\$176,683
Director, Virginia Retirement System	\$190,982	\$190,982	\$190,982
Chief Executive Officer, Virginia College Savings Plan	\$192,643	\$192,643	\$192,643

8. Notwithstanding any provision of this Act, the Board of Trustees of the Virginia Retirement System may supplement the salary of its Director. The Board should be guided by criteria, which provide a reasonable limit on the total additional income

of the Director. The criteria should include, without limitation, a consideration of the salaries paid to similar officials in comparable public pension plans. The Board shall report such criteria and potential supplement level to the Chairmen of the Senate Finance and House Appropriations Committees at least 60 days prior to the effectuation of the compensation action. The Board shall report approved supplements to the Department of Human Resource Management for retention in its records.

9. Notwithstanding any provision of this Act, the Board of the Virginia College Savings Plan may supplement the compensation of its Chief Executive Officer. The Board should be guided by criteria which provide a reasonable limit on the total additional income of the Chief Executive Officer. The criteria should include, without limitation, a consideration of compensation paid to similar officials in comparable qualified tuition programs, independent public agencies or other entities with similar responsibilities and size. The Board shall report such criteria and potential supplement level to the Chairmen of the Senate Finance and House Appropriations Committees at least 60 days prior to the effectuation of the compensation action. The Board shall report approved supplements to the Department of Human Resource Management for retention in its records.

d.1. Annual salaries of the presidents of the senior institutions of higher education, the President of Richard Bland College, the Chancellor of the University of Virginia's College at Wise, the Superintendent of the Virginia Military Institute, the Director of the State Council of Higher Education, the Director of the Southern Virginia Higher Education Center, the Director of the Southwest Virginia Higher Education Center and the Chancellor of Community Colleges, as listed in this paragraph, shall be paid in the amounts shown. The annual salaries of the presidents of the community colleges shall be fixed by the State Board for Community Colleges within a salary structure submitted to the Governor prior to June 1 each year for approval.

2.a) The board of visitors of each institution of higher education or the boards of directors for Southern Virginia Higher Education Center, Southwest Virginia Higher Education Center, and the New College Institute may annually supplement the salary of a president or director from private gifts, endowment funds, foundation funds, or income from endowments and gifts. Supplements paid from other than the cited sources prior to June 30, 1997, may continue to be paid. In approving a supplement, the board of visitors or board of directors should be guided by criteria which provide a reasonable limit on the total additional income of a president or director. The criteria should include a consideration of additional income from outside sources including, but not being limited to, service on boards of directors or other such services. The board of visitors or board of directors shall report approved supplements to the Department of Human Resource Management for retention in its records.

b) The State Board for Community Colleges may annually supplement the salary of the Chancellor from any available appropriations of the Virginia Community College System. In approving a supplement, the State Board for Community Colleges should be guided by criteria which provide a reasonable limit on the total additional income of the Chancellor. The criteria should include consideration of additional income from outside sources including, but not being limited to, service on boards of directors or other such services. The Board shall report approved supplements to the Department of Human Resource Management for retention in its records.

c) Norfolk State University is authorized to supplement the salary of its president from educational and general funds up to \$17,000.

d) Should a vacancy occur for the Director of the State Council of Higher Education on or after the date of enactment of this act, the salary for the new director shall be established by the State Council of Higher Education based on the salary range for Level I agency heads. Furthermore, the state council may provide a bonus of up to five percent of the annual salary for the new director.

	July 1, 2020 to June 24, 2021	June 25, 2021 to November 24, 2021	November 25, 2021 to June 30, 2022
NEW COLLEGE INSTITUTE			
Executive Director, New College Institute	\$148,332	\$148,332	\$148,332
STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA			
Director, State Council of Higher Education for Virginia	\$204,965	\$204,965	\$204,965
SOUTHERN VIRGINIA HIGHER EDUCATION CENTER			
Director, Southern Virginia Higher Education Center	\$137,966	\$137,966	\$137,966
SOUTHWEST VIRGINIA			

**HIGHER EDUCATION
CENTER**

Director, Southwest Virginia Higher Education Center	\$137,582	\$137,582	\$137,582
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**VIRGINIA COMMUNITY
COLLEGE SYSTEM**

Chancellor of Community Colleges	\$185,953	\$185,953	\$185,953
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**SENIOR COLLEGE
PRESIDENTS' SALARIES**

Chancellor, University of Virginia's College at Wise	\$130,716	\$130,716	\$130,716
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President, Christopher Newport University	\$146,528	\$146,528	\$146,528
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President, The College of William and Mary in Virginia	\$173,144	\$173,144	\$173,144
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President, George Mason University	\$161,712	\$161,712	\$161,712
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President, James Madison University	\$173,292	\$173,292	\$173,292
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President, Longwood University	\$158,089	\$158,089	\$158,089
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President, Norfolk State University	\$188,510	\$188,510	\$188,510
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President, Old Dominion University	\$178,510	\$178,510	\$178,510
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President, Radford University	\$167,050	\$167,050	\$167,050
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President, Richard Bland College	\$142,606	\$142,606	\$142,606
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President, University of Mary Washington	\$155,568	\$155,568	\$155,568
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President, University of Virginia	\$192,656	\$192,656	\$192,656
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President, Virginia Commonwealth University	\$186,383	\$186,383	\$186,383
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President, Virginia Polytechnic Institute and State University	\$203,718	\$203,718	\$203,718
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President, Virginia State University	\$153,607	\$153,607	\$153,607
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Superintendent, Virginia Military Institute	\$159,042	\$159,042	\$159,042
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e. 1. Salaries for newly employed or promoted employees shall be established consistent with the compensation and classification plans established by the Governor.

2. The State Comptroller is hereby authorized to require payment of wages or salaries to state employees by direct deposit or by credit to a prepaid debit card or card account from which the employee is able to withdraw or transfer funds.

f. The provisions of this section, requiring prior written approval of the Governor relative to compensation, shall apply also to any system of incentive award payments which may be adopted and implemented by the Governor. The cost of implementing any such system shall be paid from any funds appropriated to the affected agencies.

g. No lump sum appropriation for personal service shall be regarded as advisory or suggestive of individual salary rates or of salary schedules to be fixed under law by the Governor payable from the lump sum appropriation.

h. Subject to approval by the Governor of a plan for a statewide employee meritorious service awards program, as provided for in § 2.2-1201, Code of Virginia, the costs for such awards shall be paid from any operating funds appropriated to the affected agencies.

i. The General Assembly hereby affirms and ratifies the Governor's existing authority and the established practice of this body to provide for pay differentials or to supplement base rates of pay for employees in specific job classifications in particular geographic and/or functional areas where, in the Governor's discretion, they are needed for the purpose of maintaining salaries which enable the Commonwealth to maintain a competitive position in the relevant labor market.

j.1. If at any time the Administrator of the Commonwealth's Attorneys' Services Council serves on the faculty of a state-supported institution of higher education, the faculty appointment must be approved by the Council. Such institution shall pay one-half of the salary listed in § 4-6.01 c 6 of this act. Further, such institution may provide compensation in addition to that listed in § 4-6.01 c 6; provided, however, that such additional compensation must be approved by the Council.

2. If the Administrator ceases to be a member of the faculty of a state-supported institution of higher education, the total salary listed in § 4-6.01 c 6 shall be paid from the Council's appropriation.

k.1.a. Except as otherwise provided for in this subdivision, any increases in the salary band assignment of any job role contained in the compensation and classification plans approved by the Governor shall be effective beginning with the first pay period, defined as the pay period from June 25 through July 9, of the fiscal year if: (1) the agency certifies to the Secretary of Finance that funds are available within the agency's appropriation to cover the cost of the increase for the remainder of the current biennium and presents a plan for covering the costs next biennium and the Secretary concurs, or (2) such funds are appropriated by the General Assembly. If at any time the Secretary of Administration shall certify that such change in the salary band assignment for a job role is of an emergency nature and the Secretary of Finance shall certify that funds are available to cover the cost of the increase for the remainder of the biennium within the agency's appropriation, such change in compensation may be effective on a date agreed upon by these two Secretaries. The Secretary of Administration shall provide a monthly report of all such emergency changes in accordance with § 4-8.00, Reporting Requirements.

b. Notwithstanding any other provision of law, state employees will be paid on the first workday of July for the work period June 10 to June 24 in any calendar year in which July 1 falls on a weekend.

2. Salary adjustments for any employee through a promotion, role change, exceptional recruitment and retention incentive options, or in-range adjustment shall occur only if: a) the agency has sufficient funds within its appropriation to cover the cost of the salary adjustment for the remainder of the current biennium or b) such funds are appropriated by the General Assembly.

3. No changes in salary band assignments affecting classified employees of more than one agency shall become effective unless the Secretary of Finance certifies that sufficient funds are available to provide such increase or plan to all affected employees supported from the general fund.

l. Full-time employees of the Commonwealth, including faculty members of state institutions of higher education, who are appointed to a state-level board, council, commission or similar collegial body shall not receive any such compensation for their services as members or chairmen except for reimbursement of reasonable and necessary expenses. The foregoing provision shall likewise apply to the Compensation Board, pursuant to § 15.2-1636.5, Code of Virginia.

m.1. Notwithstanding any other provision of law, the board of visitors or other governing body of any public institution of higher education is authorized to establish age and service eligibility criteria for faculty participating in voluntary early retirement incentive plans for their respective institutions pursuant to § 23.1-1302 B and the cash payment offered under such compensation plans pursuant to § 23.1-1302 D, Code of Virginia. Notwithstanding the limitations in § 23.1-1302 D, the total cost in any fiscal year for any such compensation plan, shall be set forth by the governing body in the compensation plan for approval by the Governor and review for legal sufficiency by the Office of the Attorney General.

2. Notwithstanding any other provision of law, employees holding full-time, academic-year classified positions at public institutions of higher education shall be considered "state employees" as defined in § 51.1-124.3, Code of Virginia, and shall be considered for medical/hospitalization, retirement service credit, and other benefits on the same basis as those individuals appointed to full-time, 12-month classified positions.

n. Notwithstanding the Department of Human Resource Management Policies and Procedures, payment to employees with five or more years of continuous service who either terminate or retire from service shall be paid in one sum for twenty-five percent of their

sick leave balance, provided, however, that the total amount paid for sick leave shall not exceed \$5,000 and the remaining seventy-five percent of their sick leave shall lapse. This provision shall not apply to employees who are covered by the Virginia Sickness and Disability Program as defined in § 51.1-1100, Code of Virginia. Such employees shall not be paid for their sick leave balances. However, they will be paid, if eligible as described above, for any disability leave credits they have at separation or retirement or may convert disability credits to service credit under the Virginia Retirement System pursuant to § 51.1-1103 (F), Code of Virginia.

o. It is the intent of the General Assembly that calculation of the faculty salary benchmark goal for the Virginia Community College System shall be done in a manner consistent with that used for four-year institutions, taking into consideration the number of faculty at each of the community colleges. In addition, calculation of the salary target shall reflect an eight percent salary differential in a manner consistent with other public four-year institutions and for faculty at Northern Virginia Community College.

p. Any public institution of higher education that has met the eligibility criteria set out in Chapters 933 and 945 of the 2005 Acts of Assembly may supplement annual salaries for classified employees from private gifts, endowment funds, or income from endowments and gifts, subject to policies approved by the board of visitors. The Commonwealth shall have no general fund obligations for the continuation of such salary supplements.

q. The Governor, or any other appropriate Board or Public Body, is authorized to adjust the salaries of employees specified in this item, and other items in the Act, to reflect the compensation adjustments authorized in this Act.

r. Any public institution of higher education shall not provide general fund monies above \$100,000 for any individual athletic coaching salaries after July 1, 2013. Athletic coaching salaries with general fund monies above this amount shall be phased-down over a five-year period at 20 percent per year until reaching the cap of \$100,000.

§ 4-6.02 EMPLOYEE TRAINING AND STUDY

Subject to uniform rules and regulations established by the Governor, the head of any state agency may authorize, from any funds appropriated to such department, institution or other agency in this act or subsequently made available for the purpose, compensation or expenses or both compensation and expenses for employees pursuing approved training courses or academic studies for the purpose of becoming better equipped for their employment in the state service. The rules and regulations shall include reasonable provision for the return of any employee receiving such benefits for a reasonable period of duty, or for reimbursement to the state for expenditures incurred on behalf of the employee should he not return to state service.

§ 4-6.03 EMPLOYEE BENEFITS

a. Any medical/hospitalization benefit program provided for state employees shall include the following provision: any state employee, as defined in § 2.2-2818, Code of Virginia, shall have the option to accept or reject coverage.

b. Except as provided for sworn personnel of the Department of State Police, no payment of, or reimbursement for, the employer paid contribution to the State Police Officers' Retirement System, or any system offering like benefits, shall be made by the Compensation Board of the Commonwealth at a rate greater than the employer rate established for the general classified workforce of the Commonwealth covered under the Virginia Retirement System. Any cost for benefits exceeding such general rate shall be borne by the employee or, in the case of a political subdivision, by the employer.

c. Each agency may, within the funds appropriated by this act, implement a transit and ridesharing incentive program for its employees. With such programs, agencies may reimburse employees for all or a portion of the costs incurred from using public transit, car pools, or van pools. The Secretary of Transportation shall develop guidelines for the implementation of such programs and any agency program must be developed in accordance with such guidelines. The guidelines shall be in accordance with the federal National Energy Policy Act of 1992 (P.L. 102-486), and no program shall provide an incentive that exceeds the actual costs incurred by the employee.

d. Any hospital that serves as the primary medical facility for state employees may be allowed to participate in the State Employee Health Insurance Program pursuant to § 2.2-2818, Code of Virginia, provided that (1) such hospital is not a participating provider in the network, contracted by the Department of Human Resource Management, that serves state employees and (2) such hospital enters into a written agreement with the Department of Human Resource Management as to the rates of reimbursement. The department shall accept the lowest rates offered by the hospital from among the rates charged by the hospital to (1) its largest purchaser of care, (2) any state or federal public program, or (3) any special rate developed by the hospital for the state employee health benefits program which is lower than either of the rates above. If the department and the hospital cannot come to an agreement, the department shall reimburse the hospital at the rates contained in its final offer to the hospital until the dispute is resolved. Any dispute shall be resolved through arbitration or through the procedures established by the Administrative Process Act, as the hospital may decide, without impairment of any residual right to judicial review.

e. Any classified employee of the Commonwealth and any person similarly employed in the legislative, judicial and independent agencies who (i) is compensated on a salaried basis and (ii) works at least twenty hours per week shall be considered a full-time employee for the purposes of participation in the Virginia Retirement System's group life insurance and

retirement programs. Any part-time magistrate hired prior to July 1, 1999, shall have the option of participating in the programs under this provision.

f.1. Any member of the Virginia Retirement System who is retired under the provisions of § 51.1-155.1, Code of Virginia who: 1) returns to work in a position that is covered by the provisions of § 51.1-155.1, Code of Virginia after a break of not less than four years, 2) receives no other compensation for service to a public employer than that provided for the position covered by § 51.1-155.1, Code of Virginia during such period of reemployment, 3) retires within one year of commencing such period of reemployment, and 4) retires directly from service at the end of such period of reemployment may either:

a) Revert to the previous retirement benefit received under the provisions of § 51.1-155.1, Code of Virginia, including any annual cost of living adjustments granted thereon. This benefit may be adjusted upward to reflect the effect of such additional months of service and compensation received during the period of reemployment, or

b) Retire under the provisions of Title 51.1 in effect at the termination of his or her period of reemployment, including any purchase of service that may be eligible for purchase under the provisions of § 51.1-142.2, Code of Virginia.

2. The Virginia Retirement System shall establish procedures for verification by the employer of eligibility for the benefits provided for in this paragraph.

g. Notwithstanding any other provision of law, no agency head compensated by funds appropriated in this act may be a member of the Virginia Law Officers' Retirement System created under Title 51.1, Chapter 2.1, Code of Virginia. The provisions of this paragraph are effective on July 1, 2002, and shall not apply to the Chief of the Capitol Police.

h. Full-time employees appointed by the Governor who, except for meeting the minimum service requirements, would be eligible for the provisions of § 51.1-155.1, Code of Virginia, may, upon termination of service, use any severance allowance payment to purchase service to meet, but not exceed, the minimum service requirements of § 51.1-155.1, Code of Virginia. Such service purchase shall be at the rate of 15 percent of the employee's final creditable compensation or average final compensation, whichever is greater, and shall be completed within 90 days of separation of service.

i. When calculating the retirement benefits payable under the Virginia Retirement System (VRS), the State Police Officers' Retirement System (SPORS), the Virginia Law-enforcement Officers' Retirement System (VaLORS), or the Judicial Retirement System (JRS) to any employee of the Commonwealth or its political subdivisions who is called to active duty with the armed forces of the United States, including the United States Coast Guard, the Virginia Retirement System shall:

1) utilize the pre-deployment salary, or the actual salary paid by the Commonwealth or the political subdivision, whichever is higher, when calculating average compensation, and

2) include those months after September 1, 2001 during which the employee was serving on active duty with the armed forces of the United States in the calculation of creditable service.

j. The provisions in § 51.1-144, Code of Virginia, that require a member to contribute five percent of his creditable compensation for each pay period for which he receives compensation on a salary reduction basis, shall not apply to any (i) "state employee," as defined in § 51.1-124.3, Code of Virginia, who is an elected official, or (ii) member of the Judicial Retirement System under Chapter 3 of Title 51.1 (§ 51.1-300 et seq.), who is not a "person who becomes a member on or after July 1, 2010," as defined in § 51.1-124.3, Code of Virginia.

k. Notwithstanding the provisions of subsection G of § 51.1-156, any employee of a school division who completed a period of 24 months of leave of absence without pay during October 2013 and who had previously submitted an application for disability retirement to VRS in 2011 may submit an application for disability retirement under the provisions of § 51.1-156. Such application shall be received by the Virginia Retirement System no later than October 1, 2014. This provision shall not be construed to grant relief in any case for which a court of competent jurisdiction has already rendered a decision, as contemplated by Article II, Section 14 of the Constitution of Virginia.

§ 4-6.04 CHARGES

a. **FOOD SERVICES:** Except as exempted by the prior written approval of the Director, Department of Human Resource Management, and the provisions of § 2.2-3605, Code of Virginia, state employees shall be charged for meals served in state facilities. Charges for meals will be determined by the agency. Such charges shall be not less than the value of raw food and the cost of direct labor and utilities incidental to preparation and service. Each agency shall maintain records as to the calculation of meal charges and revenues collected. Except where appropriations for operation of the food service are from nongeneral funds, all revenues received from such charges shall be paid directly and promptly into the general fund. The provisions of this paragraph shall not apply to on-duty employees assigned to correctional facilities operated by the Departments of Corrections and Juvenile Justice.

b. **HOUSING SERVICES:**

1. Each agency will collect a fee from state employees who occupy state-owned or leased housing, subject to guidelines provided by the Director, Department of General Services. Each agency head is responsible for establishing a fee for state-owned or leased

housing and for documenting in writing why the rate established was selected. In exceptional circumstances, which shall be documented as being in the best interest of the Commonwealth by the agency requesting an exception, the Director, Department of General Services may waive the requirement for collection of fees.

2. All revenues received from housing fees shall be promptly deposited in the state treasury. For housing for which operating expenses or rent are financed by general fund appropriations, such revenues shall be deposited to the credit of the general fund. For housing for which operating expenses or rent are financed by nongeneral fund appropriations, such revenues shall be deposited to the credit of the nongeneral fund. Agencies which provide housing for which operating expenses or rent are financed from both general fund and nongeneral fund appropriations shall allocate such revenues, when deposited in the state treasury, to the appropriate fund sources in the same proportion as the appropriations. However, without exception, any portion of a housing fee attributable to depreciation for housing which was constructed with general fund appropriations shall be paid into the general fund.

c. PARKING SERVICES:

1. State-owned parking facilities

Agencies with parking space for employees in state-owned facilities shall, when required by the Director, Department of General Services, charge employees for such space on a basis approved by the Governor. All revenues received from such charges shall be paid directly and promptly into a special fund in the state treasury to be used, as determined by the Governor, for payment of costs for the provision of vehicle parking spaces. Interest shall be added to the fund as earned. -

2. Leased parking facilities in metropolitan Richmond area

Agencies occupying private sector leased or rental space in the metropolitan Richmond area, not including institutions of higher education, shall be required to charge a fee to employees for vehicle parking spaces that are assigned to them or are otherwise available either incidental to the lease or rental agreement or pursuant to a separate lease agreement for private parking space. In such cases, the individual employee parking fee shall not be less than that paid by employees parking in Department of General Services parking facilities at the Seat of Government. The Director, Department of General Services may amend or waive the fee requirement for good cause. Revenues derived from employees paying for parking spaces in leased facilities will be retained by the leasing agency to be used to offset the cost of the lease to which it pertains. Any lease for private parking space must be approved by the Director, Department of General Services.

3. The assignment of Lot P1A of the Department of General Services, Capitol Area Site Plan, to include parking spaces 1 through 37, but excluding spaces 34 and 36, which shall be reserved for the Department of General Services, and the surrounding surfaces around those spaces shall be under the control of the Committee on Joint Rules and administered by the Clerk of the House and the Clerk of the Senate. Any employee permanently assigned to any of these spaces shall be subject to the provisions of paragraph 1 of this item.

4. The assignment of 300 parking spaces in the Department of General Services parking facility to be built at the corner of 9th and Broad Streets in the City of Richmond, shall be under the control of the Committee on Joint Rules and administered by the Clerk of the House and the Clerk of the Senate. Such parking spaces shall be subject to the provisions of paragraph 1 of this item.

§ 4-6.05 SELECTION OF APPLICANTS FOR CLASSIFIED POSITIONS

It is the responsibility of state agency heads to ensure that all provisions outlined in Title 2.2, Chapter 29, Code of Virginia (the Virginia Personnel Act), and executive orders that govern the practice of selecting applicants for classified positions are strictly observed. The Governor's Secretaries shall ensure this provision is faithfully enforced.

§ 4-6.06 POSITIONS GOVERNED BY CHAPTERS 933 AND 943 OF THE 2006 ACTS OF ASSEMBLY

Except as provided in subsection A of § 23.1-1020 of the Code of Virginia, § 4-6.00 shall not apply to public institutions of higher education governed by Chapters 933 and 943 of the 2006 Acts of Assembly, Chapters 594 and 616 of the 2008 Acts of Assembly and Chapters 675 and 685 of the 2009 Acts of Assembly, with regard to their participating covered employees, as that term is defined in those two chapters, except to the extent a specific appropriation or language in this act addresses such an employee.

§ 4-7.00 STATEWIDE PLANS

§ 4-7.01 MANPOWER CONTROL PROGRAM

a.1. The term Position Level is defined as the number of full-time equivalent (FTE) salaried employees assigned to an agency in this act. Except as provided in § 4-7.01 b, the Position Level number stipulated in an agency's appropriation is the upper limit for agency employment which cannot be exceeded during the fiscal year without approval from the Director, Department of Planning and Budget for Executive Department agencies, approval from the Joint Committee on Rules for Legislative Department agencies or approval from the appropriate governing authority for the independent agencies.

2. Any approval granted under this subsection shall be reported in writing to the Chairmen of the House Appropriations Committee and the Senate Finance Committee, the Governor and the Directors of the Department of Planning and Budget and Department of Human Resource Management within ten days of such approval. Approvals for executive department agencies shall be based on threats to life, safety, health, or property, or compliance with judicial orders or federal mandates, to support federal grants or private donations, to administer a program for another agency or to address an immediate increase in workload or responsibility or when to delay approval of increased positions would result in a curtailment of services prior to the next legislative session. Any such position level increases pursuant to this provision may not be approved for more than one year.

b. The Position Levels stipulated for the individual agencies within the Department of Behavioral Health and Developmental Services and the Department of Corrections are for reference only and are subject to changes by the applicable Department, provided that such changes do not result in exceeding the Position Level for that department.

c.1. The Governor shall implement such policies and procedures as are necessary to ensure that the number of employees in the Executive Department, excluding institutions of higher education and the State Council of Higher Education, may be further restricted to the number required for efficient operation of those programs approved by the General Assembly. Such policies and procedures shall include periodic review and analysis of the staffing requirements of all Executive Department agencies by the Department of Planning and Budget with the object of eliminating through attrition positions not necessary for the efficient operation of programs.

2. The institutions of higher education and the State Council of Higher Education are hereby authorized to fill all positions authorized in this act. This provision shall be waived only upon the Governor's official declaration that a fiscal emergency exists requiring a change in the official estimate of general fund revenues available for appropriation.

d.1. Position Levels are for reference only and are not binding on agencies in the legislative department, independent agencies, the Executive Offices other than the offices of the Governor's Secretaries, and the judicial department.

2. Positions assigned to programs supported by internal service funds are for reference only and may fluctuate depending upon workload and funding availability.

3. Positions assigned to sponsored programs, auxiliary enterprises, continuing education, and teaching hospitals in the institutions of higher education are for reference only and may fluctuate depending upon workload and funding availability. Positions assigned to Item Detail 43012, State Health Services Technical Support and Administration, at Virginia Commonwealth University are for reference only and may fluctuate depending upon workload and funding availability.

4. Positions assigned to educational and general programs in the institutions of higher education are for reference only and may fluctuate depending upon workload and funding availability. However, total general fund positions filled by an institution of higher education may not exceed 105 percent of the general fund positions appropriated without prior approval from the Director, Department of Planning and Budget.

5. Positions assigned to Item Details 47001, Job Placement Services; 47002, Unemployment Insurance Services; 47003, Workforce Development Services; and 53402, Economic Information Services, at the Virginia Employment Commission are for reference only and may fluctuate depending upon workload and funding availability. Unless otherwise required by the funding source, after enactment of this act, any new positions hired using this provision shall not be subject to transitional severance benefit provisions of the Workforce Transition Act of 1995, Title 2.2, Chapter 32, Code of Virginia.

e. Prior to implementing any Executive Department hiring freeze, the Governor shall consider the needs of the Commonwealth in regards to the safe and efficient operation of state facilities and performance of essential services to include the exemption of certain positions assigned to agencies and institutions that provide services pertaining to public safety and public health from such hiring freezes.

f.1. Full-time, part-time, wage or contractual state employees assigned to the Governor's Cabinet Secretaries from agencies and institutions under their control for the purpose of carrying out temporary assignments or projects may not be so assigned for a period exceeding 180 days in any calendar year. The permanent transfer of positions from an agency or institution to the Offices of the Secretaries, or the temporary assignment of agency or institutional employees to the Offices of the Secretaries for periods exceeding 180 days in any calendar year regardless of the separate or discrete nature of the projects, is prohibited without the prior approval of the General Assembly.

2. Not more than three positions in total, as described in subsection 1 hereof, may be assigned at any time to the Office of any Cabinet Secretary, unless specifically approved in writing by the Governor. The Governor shall notify the Chairmen of the House Appropriations and Senate Finance Committees in the case of any such approvals.

g. All state employees, including those in the legislative, judicial, and executive branches and the independent agencies of the Commonwealth, who are not eligible for benefits under a health care plan established and administered by the Department of Human Resource Management (DHRM) pursuant to Va. Code § 2.2-2818, or by an agency administering its own health care plan, may not work more than 29 hours per week on average over a twelve month period. Adjunct faculty at institutions of higher education may not work more than 29 hours per week on average over a twelve month period, including classroom or other instructional time plus

additional hours determined by the institution as necessary to perform the adjunct faculty's duties. DHRM shall provide relevant program requirements to agencies and employees, including, but not limited to, information on wage, variable and seasonal employees. All state agencies/employers in all branches of government shall provide information requested by DHRM concerning hours worked by employees as needed to comply with the Affordable Care Act (the "Act") and this provision. State agencies/employers are accountable for compliance with this provision, and are responsible for any costs associated with maintaining compliance with it and for any costs or penalties associated with any violations of the Act or regulations thereunder and any such costs shall be borne by the agency from existing appropriations. The provisions of this paragraph shall not apply to employees of state teaching hospitals that have their own health insurance plan; however, the state teaching hospitals are accountable for compliance with, and are responsible for any costs associated with maintaining compliance with the Act and for any costs or penalties associated with any violations of the Act or regulations thereunder and any such costs shall be borne by the agency from existing appropriations. Subject to approval of the Governor, DHRM shall modify this provision consistent with any updates or changes to federal law and regulations.

§ 4-8.00 REPORTING REQUIREMENTS

§ 4-8.01 GOVERNOR

a. General:

1. The Governor shall submit the information specified in this section to the Chairmen of the House Appropriations and Senate Finance Committees on a monthly basis, or at such intervals as may be directed by said Chairmen, or as specified elsewhere in this act. The information on agency operating plans and expenditures as well as agency budget requests shall be submitted in such form, and by such method, including electronically, as may be mutually agreed upon. Such information shall be preserved for public inspection in the Department of Planning and Budget.

2. The Governor shall make available annually to the Chairmen of the Senate Finance, House Finance, and House Appropriations Committees a report concerning the receipt of any nongeneral funds above the amount(s) specifically appropriated, their sources, and the amounts for each agency affected.

3. a) It is the intent of the General Assembly that reporting requirements affecting state institutions of higher education be reduced or consolidated where appropriate. State institutions of higher education, working with the Secretary of Education and Workforce, Secretary of Finance, and the Director, Department of Planning and Budget, shall continue to identify specific reporting requirements that the Governor may consider suspending.

b) Reporting generally should be limited to instances where (1) there is a compelling state interest for state agencies to collect, use, and maintain the information collected; (2) substantial risk to the public welfare or safety would result from failing to collect the information; or (3) the information collected is central to an essential state process mandated by the Code of Virginia.

c) Upon the effective date of this act, and until its expiration date, the following reporting requirements are hereby suspended or modified as specified below:

Agency	Report Title of Descriptor	Authority	Action
Department of Accounts	Intercollegiate Athletics Receipts & Disbursements	Code of Virginia § 23.1-102.	Suspend reporting.
Department of Accounts	Prompt Pay Summary Report	Agency Directive	Change reporting from monthly to quarterly.
Department of General Services	Usage of State-Assigned and State-Owned Vehicles Report	Agency Directive -- Executive Order 89 (2005)	Suspend reporting.
Department of General Services	Gas Report/Repair Charge	Agency Directive--Executive Order 89 (2005)	Suspend reporting.
Department of Human Resource Management	Report of Personnel Development Service	Agency Directive	Suspend reporting.
Department of Human Resource Management	Human Capital Report (Full-Time, Part-Time, Temporary, Contractual employees funded by the Commonwealth)	Code of Virginia § 2.2-1201. A. 14.	Change reporting from annually to monthly.
Department of Human	Work-related injuries and	Agency Directive -- Executive	Suspend reporting.

Resource Management State Employee Workers' Compensation Program	illnesses report -- goals, strategies, and results	Order 94 (2005)	
Governor's Office	Small, Women-and Minority- owned Businesses (SWaM)	Executive Directive	Change reporting from weekly to monthly.
Secretary of Commerce and Trade	Recruitment of National and Regional Conferences Report	Agency Directive -- Executive Order 14 (2006)	Suspend reporting.

d) The Department of Planning and Budget (DPB) and the State Council of Higher Education for Virginia (SCHEV) shall work jointly to attempt to consolidate various reporting requirements pertaining to the estimates and projections of nongeneral fund revenues in institutions of higher education. The purpose of this effort shall be aimed at developing a common form for use in collecting nongeneral fund data for DPB's six-year nongeneral fund revenue estimate submission and SCHEV's annual survey of nongeneral fund revenue from institutions of higher education.

4.a) Notwithstanding any other provision of law or of any provision of this Act, the Governor may delay or defer the submission of any report or study that is required by the Code of Virginia or by this Act of a state entity, including agencies, boards, commissions, and authorities, and that is due prior to June 30, 2021, if in the opinion of the Governor, meeting the reporting deadline is either not possible or is impractical due to impacts of the COVID-19 pandemic on the reporting entity. Reporting entities seeking approval of the Governor to grant such a delay must submit a written request to the Governor no less than 30 days prior to the reporting deadline. Upon receiving approval from the Governor, the reporting entity shall provide the parties designated to receive the report with notice of an approved delay. This notice shall be in lieu of the required report until such time as the required report is submitted. Any report receiving approval for delayed submission shall be submitted as soon as the reporting entity can resume normal business operations and can complete the work necessary to compile the report; however, no report shall be submitted later than 12 months from the original reporting requirement.

b) The Governor may establish guidelines for the submission and approval process described in paragraph a) above.

b. Operating Appropriations Reports:

1. Status of Adjustments to Appropriations. Such information must include increases and decreases of appropriations or allotments, transfers and additional revenues. A report of appropriation transfers from one agency to another made pursuant to § 4-1.03 of this act shall be made available via electronic means to the Chairmen of the House Appropriations and Senate Finance Committees, and the public by the tenth day of the month following that in which such transfer occurs, unless otherwise specified in § 4-1.03.

2. Status of each sum sufficient appropriation. The information must include the amount of expenditures for the period just completed and the revised estimates of expenditures for the remaining period of the current biennium, as well as an explanation of differences between the amount of the actual appropriation and actual and/or projected appropriations for each year of the current biennium.

3. Status of Economic Contingency Appropriation. The information must include actions taken related to the appropriation for economic contingency.

4. Status of Withholding Appropriations. The information must include amounts withheld and the agencies affected.

5. Status of reductions occurring in general and nongeneral fund revenues in relation to appropriations.

6. Status of approvals of deficits.

c. Employment Reports:

1. Status of changes in positions and employment of state agencies affected. The information must include the number of positions and the agencies affected.

2. Status of the employment by the Attorney General of special counsel in certain highway proceedings brought pursuant to Chapter 10 of Title 33.2, Code of Virginia, on behalf of the Commissioner of Highways, as authorized by § 2.2-510, Code of Virginia. This report shall include fees for special counsel for the respective county or city for which the expenditure is made and shall be submitted within 60 days of the close of the fiscal year (see § 4-5.02 a.3).

3. Changes in the level of compensation authorized pursuant to § 4-6.01 k, Employee Compensation. Such report shall include a list of the positions changed, the number of employees affected, the source and amount of funds, and the nature of the emergency.

4. Pursuant to requirements of § 2.2-203.1, Code of Virginia, the Secretary of Administration, in cooperation with the Secretary of Technology, shall provide a report describing the Commonwealth's telecommuting policies, which state agencies and localities have adopted telecommuting policies, the number of state employees who telecommute, the frequency with which state employees

telecommute by locality, and the efficacy of telecommuting policies in accomplishing the provision of state services and completing state functions. This report shall be provided to the Chairmen of the House Committee on Appropriations, the House Committee on Science and Technology, the Senate Committee on Finance, and the Senate Committee on General Laws and Technology each year by October 1.

d. Capital Appropriations Reports:

1. Status of progress of capital projects on an annual basis (see § 4-4.01 o).
2. Notice of all capital projects authorized under § 4-4.01 m (see § 4-4.01 m. 1. b) 4)).

e. Utilization of State Owned and Leased Real Property:

1. By November 15 of each year, the Department of General Services (DGS) shall consolidate the reporting requirements of § 2.2-1131.1 and § 2.2-1153 of the Code of Virginia into a single report eliminating the individual reports required by § 2.2-1131.1 and § 2.2-1153 of the Code of Virginia. This report shall be submitted to the Governor and the General Assembly and include (i) information on the implementation and effectiveness of the program established pursuant to subsection A of § 2.2-1131.1, (ii) a listing of real property leases that are in effect for the current year, the agency executing the lease, the amount of space leased, the population of each leased facility, and the annual cost of the lease; and, (iii) a report on DGS's findings and recommendations under the provisions of § 2.2-1153, and recommendations for any actions that may be required by the Governor and the General Assembly to identify and dispose of property not being efficiently and effectively utilized.

2. By October 1 of each year, each agency that controls leased property, where such leased property is not under the DGS lease administration program, shall provide a report on each leased facility or portion thereof to DGS in a manner and form prescribed by DGS. Specific data included in the report shall identify at a minimum, the number of square feet occupied, the number of employees and contractors working in the leased space, if applicable, and the cost of the lease.

f. Services Reports:

Status of any exemptions by the State Council of Higher Education to policy which prohibits use of funds in this act for the operation of any academic program by any state institution of higher education, unless approved by the Council and included in the Governor's recommended budget, or approved by the General Assembly (see § 4-5.05 b 2).

g. Standard State Agency Abbreviations:

The Department of Planning and Budget shall be responsible for maintaining a list of standard abbreviations of the names of state agencies. The Department shall make a listing of agency standard abbreviations available via electronic means on a continuous basis to the Chairmen of the House Appropriations and Senate Finance Committees, the State Comptroller, the Director, Department of Human Resource Management and the Chief Information Officer, Virginia Information Technologies Agency, and the public.

h. Educational and General Program Nongeneral Fund Administrative Appropriations Approved by the Department of Planning and Budget:

The Secretary of Finance and Secretary of Education, in collaboration with the Director, Department of Planning and Budget, shall report in December and June of each year to the Chairmen of the House Appropriations and Senate Finance Committees on adjustments made to higher education operating funds in the Educational and General Programs (10000) items for each public college and university contained in this budget. The report shall include actual or projected adjustments which increase nongeneral funds or actual or projected adjustments that transfer nongeneral funds to other items within the institution. The report shall provide the justification for the increase or transfer and the relative impact on student groups.

§ 4-8.02 STATE AGENCIES

a. As received, all state agencies shall forward copies of each federal audit performed on agency or institution programs or activities to the Auditor of Public Accounts and to the State Comptroller. Upon request, all state agencies shall provide copies of all internal audit reports and access to all working papers prepared by such auditors to the Auditor of Public Accounts and to the State Comptroller.

b. Annually: Within five calendar days after state agencies submit their budget requests, amendment briefs, or requests for amendments to the Department of Planning and Budget, the Director, Department of Planning and Budget shall submit, electronically if available, copies to the Chairmen of the Senate Finance and House Appropriations Committees.

c. By September 1 of each year, state agencies receiving any asset as the result of a law-enforcement seizure and subsequent forfeiture by either a state or federal court, shall submit a report identifying all such assets received during the prior fiscal year and their estimated net worth, to the Chairmen of the House Appropriations and Senate Finance Committees.

d. Any state agency that is required to return federal grant funding as a result of not fulfilling the specifications of a grant, shall, as soon as practicable but no later than November 1st, report to the Chairmen of the Senate Finance and House Appropriations

Committees of such forfeiting of federal grant funding.

§ 4-8.03 LOCAL GOVERNMENTS

a.1. The Auditor of Public Accounts shall establish a workgroup to develop criteria for a preliminary determination that a local government may be in fiscal distress. Such criteria shall be based upon information regularly collected by the Commonwealth or otherwise regularly made public by the local government. This information includes expenditure reports submitted to the Auditor, budget information posted on local government websites, and reports prepared by the Commission on Local Government on revenue fiscal stress. Information provided by the Virginia Retirement System, the Virginia Resources Authority, the Virginia Public Building Authority, and other state and regional authorities concerning late or missed debt service payments shall be shared with the Auditor. Fiscal distress as used in this context shall mean a situation whereby the provision and sustainability of public services is threatened by various administrative and financial shortcomings including but not limited to cash flow issues; inability to pay expenses; revenue shortfalls; deficit spending; structurally imbalanced budgets; billing and revenue collection inadequacies and discrepancies; debt overload; failure to meet obligations to authorities, school divisions, or political subdivisions of the Commonwealth; and/or lack of trained and qualified staff to process administrative and financial transactions. Fiscal distress may be caused by factors internal to the unit of government or external to the unit of government and in various degrees such conditions may or may not be controllable by management, or the local governing body, or its constitutional officers.

2. Based upon the criteria established by the workgroup and using information identified above, the Auditor of Public Accounts shall establish a prioritized early warning system. Under the prioritized early warning system, the Auditor of Public Accounts shall establish a regular process whereby it reviews data on at least an annual basis to make a preliminary determination that a local government is in fiscal distress.

3. For local governments where the Auditor of Public Accounts has made a preliminary determination of fiscal distress based upon the early warning system criteria, the Auditor of Public Accounts shall notify the local governing body of its preliminary determination that it may meet the criteria for fiscal distress. Based upon the request of the local governing body or chief executive officer, the Auditor of Public Accounts may conduct a review and request documents and data from the local government. Such review shall consider factors including, but not limited to, budget processes, debt, borrowing, expenses and payables, revenues and receivables, and other areas including staffing, and the identification of external variables contributing to a locality's financial position, and if so, the scope of the issues involved. Any local governing body that receives requests for information from the Auditor of Public Accounts pursuant to such preliminary determination based on the above described threshold levels shall acknowledge receipt of such a request and shall ensure that a response is provided within the time frames specified by the Auditor of Public Accounts. After such review, if the Auditor of Public Accounts is of the opinion that state assistance, oversight, or targeted intervention is needed, either to further assess, help stabilize, or remediate the situation, the Auditor shall notify the Governor and the Chairmen of the House Appropriations and Senate Finance Committees, and the governing body of the local government in writing outlining specific issues or actions that need to be addressed by state intervention.

4. The notification issued by the Auditor of Public Accounts pursuant to paragraph 3 above shall satisfy the notification requirement necessary to effectuate the provisions of this act in paragraph b.3 below.

b.1. The Director of the Department of Planning and Budget shall identify any amounts remaining unexpended from general fund appropriations in this Act as of June 30 of each year, which constitute state aid to local governments. The Director shall provide a listing of such amounts designated by item number and by program on or before August 15 of each year, to the Governor and the Chairmen of the House Appropriations Committee and the Senate Finance Committee.

2. From such unexpended balances identified by the Director of the Department of Planning and Budget, the Governor may reappropriate up to \$750,000 from amounts which would otherwise revert to the balance of the general fund and transfer such amounts as necessary to establish a component of fund balance which may be used for the purpose of providing technical assistance and intervention actions for local governments deemed to be fiscally distressed and in need of intervention to address such distress. Any such reappropriation approved by the Governor, shall be separately identified in the commitments specified on the balance sheet and financial statements of the State Comptroller for the close of each fiscal year, to the extent that such reserve is not used or added to by future appropriation actions.

3. Prior to any expenditure of the reappropriated reserve, the Governor and the Chairmen of the House Appropriations Committee and the Senate Finance Committee must receive a notification from the Auditor of Public Accounts that a specific locality is in need of intervention because of a worsening financial situation. The Auditor of Public Accounts may issue such a notification upon receipt of audited financial statement or other information that indicates the existence of fiscal distress. But, no such notification shall be made until appropriate follow up and correspondence ascertains that, in the opinion of the Auditor of Public Accounts, such fiscal distress indeed exists. Such notification may also be issued by the Auditor of Public Accounts if written concerns raised about fiscal distress are not adequately addressed by the locality in question.

4. Once the Governor has received a notification from the Auditor of Public Accounts indicating fiscal distress in a specific local government, the Governor shall consult with the Chairmen of the House Appropriations Committee and the Senate Finance Committee about a plan for state intervention prior to any expenditure of funds from the cash reserve. Any plan approved by the Governor for intervention should, at a minimum, specify the purpose of such intervention, the estimated duration of the intervention, and the anticipated resources (dollars and personnel) directed toward such effort. The staffing necessary to carry out the intervention

plan may be assembled from either public agencies or private entities or both and, notwithstanding any other provisions of law, the Governor may use an expedited method of procurement to secure such staffing when, in his judgment, the need for intervention is of an emergency nature such that action must be taken in a timely manner to avoid or address unacceptable financial risks to the Commonwealth.

5. The governing body and the elected constitutional officers of a locality subject to an intervention plan approved by the Governor shall assist all state appointed staff conducting the intervention regardless of whether such staff are from public agencies or private entities. Intervention staff shall provide periodic reports in writing to the Governor and the Chairmen of the House Appropriations Committee and the Senate Finance Committee outlining the scope of issues discovered and any recommendations made to remediate such issues, and the progress that is made on such recommendations or other remediation efforts. These periodic reports shall specifically address the degree of cooperation the intervention team is receiving from locally elected officials, including constitutional officers, city, county, or town managers and other local personnel in regards to their intervention work.

6. The Department of General Services is hereby encouraged to develop a master contract of qualified private sector turnaround specialists with expertise in local government intervention that the Governor can use to procure intervention services in an expeditious manner when he determines that state intervention is warranted in situations of local fiscal distress.

§ 4-9.00 HIGHER EDUCATION RESTRUCTURING

§ 4-9.01 ASSESSMENT OF INSTITUTIONAL PERFORMANCE

Consistent with § 23.1-206, Code of Virginia, the following education-related and financial and administrative management measures shall be the basis on which the State Council of Higher Education shall annually assess and certify institutional performance. Such certification shall be completed and forwarded in writing to the Governor and the General Assembly no later than October 1 of each even-numbered year. Institutional performance on measures set forth in paragraph D of this section shall be evaluated year-to-date by the Secretaries of Finance and Administration as appropriate, and communicated to the State Council of Higher Education before October 1 of each even-numbered year. Financial benefits provided to each institution in accordance with § 23.1-1002 will be evaluated in light of that institution's performance.

In general, institutions are expected to achieve all performance measures in order to be certified by SCHEV, but it is understood that there can be circumstances beyond an institution's control that may prevent achieving one or more performance measures. The Council shall consider, in consultation with each institution, such factors in its review: (1) institutions meeting all performance measures will be certified by the Council and recommended to receive the financial benefits, (2) institutions that do not meet all performance measures will be evaluated by the Council and the Council may take one or more of the following actions: (a) request the institution provide a remediation plan and recommend that the Governor withhold release of financial benefits until Council review of the remediation plan or (b) recommend that the Governor withhold all or part of financial benefits.

Further, the State Council shall have broad authority to certify institutions as having met the standards on education-related measures. The State Council shall likewise have the authority to exempt institutions from certification on education-related measures that the State Council deems unrelated to an institution's mission or unnecessary given the institution's level of performance.

The State Council may develop, adopt, and publish standards for granting exemptions and ongoing modifications to the certification process.

a. BIENNIAL ASSESSMENTS

1. Institution meets at least 95 percent of its State Council-approved biennial projections for in-state undergraduate headcount enrollment.
2. Institution meets at least 95 percent of its State Council-approved biennial projections for the number of in-state associate and bachelor degree awards.
3. Institution meets at least 95 percent of its State Council-approved biennial projections for the number of in-state STEM-H (Science, Technology, Engineering, Mathematics, and Health professions) associate and bachelor degree awards.
4. Institution meets at least 95 percent of its State Council-approved biennial projections for the number of in-state, upper level - sophomore level for two-year institutions and junior and senior level for four-year institutions - program-placed, full-time equivalent students.
5. Maintain or increase the number of in-state associate and bachelor degrees awarded to students from under-represented populations.
6. Maintain or increase the number of in-state two-year transfers to four-year institutions.

b. Elementary and Secondary Education

1. The Virginia Department of Education shall share data on teachers, including identifying information, with the State Council of Higher Education for Virginia in order to evaluate the efficacy of approved programs of teacher education, the production and retention of teachers, and the exiting of teachers from the teaching profession.

2. a) The Virginia Department of Education and the State Council of Higher Education for Virginia shall share personally identifiable information from education records in order to evaluate and study student preparation for and enrollment and performance at state institutions of higher education in order to improve educational policy and instruction in the Commonwealth. However, such study shall be conducted in such a manner as to not permit the personal identification of students by persons other than representatives of the Department of Education or the State Council for Higher Education for Virginia, and such shared information shall be destroyed when no longer needed for purposes of the study.

b) Notwithstanding § 2.2-3800 of the Code of Virginia, the Virginia Department of Education, State Council of Higher Education for Virginia, Virginia Community College System, and the Virginia Employment Commission may collect, use, share, and maintain de-identified student data to improve student and program performance including those for career readiness.

3. Institutions of higher education shall disclose information from a pupil's scholastic record to the Superintendent of Public Instruction or his designee for the purpose of studying student preparation as it relates to the content and rigor of the Standards of Learning. Furthermore, the superintendent of each school division shall disclose information from a pupil's scholastic record to the Superintendent of Public Instruction or his designee for the same purpose. All information provided to the Superintendent or his designee for this purpose shall be used solely for the purpose of evaluating the Standards of Learning and shall not be redisclosed, except as provided under federal law. All information shall be destroyed when no longer needed for the purposes of studying the content and rigor of the Standards of Learning.

c. SIX-YEAR PLAN

Institution prepares six-year financial plan consistent with § 23.1-907.

d. FINANCIAL AND ADMINISTRATIVE STANDARDS

The financial and administrative standards apply to all institutions except those governed under Chapters 933 and 943 of the 2006 Acts of Assembly, Chapters 594 and 616 of the 2008 Acts of Assembly, Chapters 675 and 685 of the 2009 Acts of Assembly, and Chapters 124 and 125 of the 2019 Acts of Assembly.

1. As specified in § 2.2-5004, Code of Virginia, institution takes all appropriate actions to meet the following financial and administrative standards:

a) An unqualified opinion from the Auditor of Public Accounts upon the audit of the public institution's financial statements;

b) No significant audit deficiencies attested to by the Auditor of Public Accounts;

c) Substantial compliance with all financial reporting standards approved by the State Comptroller;

d) Substantial attainment of accounts receivable standards approved by the State Comptroller, including but not limited to, any standards for outstanding receivables and bad debts; and

e) Substantial attainment of accounts payable standards approved by the State Comptroller including, but not limited to, any standards for accounts payable past due.

2. Institution complies with a debt management policy approved by its governing board that defines the maximum percent of institutional resources that can be used to pay debt service in a fiscal year, and the maximum amount of debt that can be prudently issued within a specified period.

3. The institution will achieve the classified staff turnover rate goal established by the institution; however, a variance of 15 percent from the established goal will be acceptable.

4. The institution will substantially comply with its annual approved Small, Women and Minority (SWAM) plan as submitted to the Department of Small Business and Supplier Diversity; however, a variance of 15 percent from its SWAM purchase goal, as stated in the plan, will be acceptable.

The institution will make no less than 75 percent of dollar purchases through the Commonwealth's enterprise-wide internet procurement system (eVA) from vendor locations registered in eVA.

5. The institution will complete capital projects (with an individual cost of over \$1,000,000) within the budget originally approved by the institution's governing board for projects initiated under delegated authority, or the budget set out in the Appropriation Act or other Acts of Assembly. If the institution exceeds the budget for any such project, the Secretaries of Administration and Finance shall review the circumstances causing the cost overrun and the manner in which the institution responded and determine whether

the institution shall be considered in compliance with the measure despite the cost overrun.

6. The institution will complete major information technology projects (with an individual cost of over \$1,000,000) within the budgets and schedules originally approved by the institution's governing board. If the institution exceeds the budget and/or time schedule for any such project, the Secretary of Administration shall review the circumstances causing the cost overrun and/or delay and the manner in which the institution responded and determine whether the institution appropriately adhered to Project Management Institute's best management practices and, therefore, shall be considered in compliance with the measure despite the cost overrun and/or delay.

e. FINANCIAL AND ADMINISTRATIVE STANDARDS

The financial and administrative standards apply to institutions governed under Chapters 933 and 943 of the 2006 Acts of Assembly, Chapters 594 and 616 of the 2008 Acts of Assembly, Chapters 675 and 685 of the 2009 Acts of Assembly, and Chapters 124 and 125 of the 2019 Acts of Assembly. They shall be measured by the administrative standards outlined in the Management Agreements and § 4-9.02.d.4. of this act. However, the Governor may supplement or replace those administrative performance measures with the administrative performance measures listed in this paragraph. Effective July 1, 2009, the following administrative and financial measures shall be used for the assessment of institutional performance for institutions governed under Chapters 933 and 943 of the 2006 Acts of Assembly and those governed under Chapters 594 and 616 of the 2008 Acts of Assembly, Chapters 675 and 685 of the 2009 Acts of Assembly, and Chapters 124 and 125 of the 2019 Acts of Assembly.

1. Financial

- a) An unqualified opinion from the Auditor of Public Accounts upon the audit of the public institution's financial statements;
- b) No significant audit deficiencies attested to by the Auditor of Public Accounts;
- c) Substantial compliance with all financial reporting standards approved by the State Comptroller;
- d) Substantial attainment of accounts receivable standards approved by the State Comptroller, including but not limited to, any standards for outstanding receivables and bad debts; and
- e) Substantial attainment of accounts payable standards approved by the State Comptroller including, but not limited to, any standards for accounts payable past due.

2. Debt Management

- a) The institution shall maintain a bond rating of AA- or better;
- b) The institution achieves a three-year average rate of return at least equal to the imoney.net money market index fund; and
- c) The institution maintains a debt burden ratio equal to or less than the level approved by the Board of Visitors in its debt management policy.

3. Human Resources

- a) The institution's voluntary turnover rate for classified plus university/college employees will meet the voluntary turnover rate for state classified employees within a variance of 15 percent; and
- b) The institution achieves a rate of internal progression within a range of 40 to 60 percent of the total salaried staff hires for the fiscal year.

4. Procurement

- a) The institution will substantially comply with its annual approved Small, Women and Minority (SWAM) procurement plan as submitted to the Department of Small Business and Supplier Diversity; however, a variance of 15 percent from its SWAM purchase goal, as stated in the plan, will be acceptable; and
- b) The institution will make no less than 80 percent of purchase transactions through the Commonwealth's enterprise-wide internet procurement system (eVA) with no less than 75 percent of dollars to vendor locations in eVA.

5. Capital Outlay

- a) The institution will complete capital projects (with an individual cost of over \$1,000,000) within the budget originally approved by the institution's governing board at the preliminary design state for projects initiated under delegated authority, or the budget set out in the Appropriation Act or other Acts of Assembly which provides construction funding for the project at the preliminary design state. If the institution exceeds the budget for any such project, the Secretaries of Administration and Finance shall review the circumstances causing the cost overrun and the manner in which the institution responded and determine whether the institution shall be considered in compliance with the measure despite the cost overrun;

b) The institution shall complete capital projects with the dollar amount of owner requested change orders not more than 2 percent of the guaranteed maximum price (GMP) or construction price; and

c) The institution shall pay competitive rates for leased office space – the average cost per square foot for office space leased by the institution is within 5 percent of the average commercial business district lease rate for similar quality space within reasonable proximity to the institution's campus.

6. Information Technology

a) The institution will complete major information technology projects (with an individual cost of over \$1,000,000) on time and on budget against their managed project baseline. If the institution exceeds the budget and/or time schedule for any such project, the Secretary of Technology shall review the circumstances causing the cost overrun and/or delay and the manner in which the institution responded and determine whether the institution appropriately adhered to Project Management Institute's best management practices and, therefore, shall be considered in compliance with the measure despite the cost overrun and/or delay; and

b) The institution will maintain compliance with institutional security standards as evaluated in internal and external audits. The institution will have no significant audit deficiencies unresolved beyond one year.

f. REPORTING

The Director, Department of Planning and Budget, with cooperation from the Comptroller and institutions of higher education governed under Management Agreements, shall develop uniform reporting requirements and formats for revenue and expenditure data.

g. EXEMPTION

The requirements of this section shall not be in effect if they conflict with § 23.1-206.D. of Chapters 828 and 869 of the Acts of Assembly of 2011.

§ 4-9.02 LEVEL II AUTHORITY

a. Notwithstanding the provisions of § 5 of Chapter 824 and 829 of the 2008 Acts of Assembly, institutions of higher education that have met the eligibility criteria for additional operational and administrative authority set forth in Chapters 824 and 829 of the 2008 Acts of Assembly shall be allowed to enter into separate negotiations for additional operational authority for a third and separate functional area listed in Chapter 824 and 829 of the 2008 Acts of Assembly, provided they have:

1. successfully completed at least three years of effectiveness and efficiencies operating under such additional authority granted by an original memorandum of understanding;
2. successfully renewed an additional memoranda of understanding for a five year term for each of the original two areas.

The institutions shall meet all criteria and follow policies for negotiating and establishing a memorandum of understanding with the Commonwealth of Virginia as provided in § 2.0 (Information Technology), § 3.0 (Procurement), and § 4.0 (Capital Outlay) of Chapter 824 and 829 of the 2008 Acts of Assembly.

b. As part of the memorandum of understanding, each institution shall be required to adopt at least one new education-related measure for the new area of operational authority. Each education-related measure and its respective target shall be developed in consultation with the Secretary of Finance, Secretary of Education, the appropriate Cabinet Secretary, and the State Council of Higher Education for Virginia. Each education-related measure and its respective target must be approved by the State Council of Higher Education for Virginia. The development and administration of education-related measures described in paragraph b. and in § 23.1-1003 A.3. are suspended through 2020-2022.

c. 1. As part of a five-year pilot program, George Mason University is authorized, for a period of five years, to exercise additional financial and administrative authority as set out in each of the three functional areas of information technology, procurement and capital projects as set forth and subject to all the conditions in §§ 2.0, 3.0 and 4.0 of the second enactment of Chapter 824 and 829 of the Acts of Assembly of 2008 except that (i) any effective dates contained in Chapter 824 and 829 of the Acts of Assembly of 2008 are superseded by the provisions of this item, and (ii) the institution is not required to have a signed memorandum of understanding with the Secretary of Administration regarding participation in the nongeneral fund decentralization program as provided in subsection C of § 2.2-1132 in order to be eligible for the additional capital project authority.

2. In addition, the institution shall exercise additional financial and administrative authority over financial operations as follows:

a). BOARD OF VISITORS ACCOUNTABILITY AND DELEGATION OF AUTHORITY.

The Board of Visitors of the University shall at all times be fully and ultimately accountable for the proper fulfillment of the duties and responsibilities set forth in, and for the appropriate implementation of, this Policy. Consistent with this full and ultimate accountability, however, the Board may, pursuant to its legally permissible procedures, specifically delegate either herein or by

separate Board resolution the duties and responsibilities set forth in this Policy to a person or persons within the University, who, while continuing to be fully accountable for such duties and responsibilities, may further delegate the implementation of those duties and responsibilities pursuant to the University's usual delegation policies and procedures.

b) FINANCIAL MANAGEMENT AND REPORTING SYSTEM.

The President, acting through the Executive Vice President, Chief Operating Officer, or Chief Financial Officer, shall continue to be authorized by the Board to maintain existing and implement new policies governing the management of University financial resources. These policies shall continue to (i) ensure compliance with Generally Accepted Accounting Principles, (ii) ensure consistency with the current accounting principles employed by the Commonwealth, including the use of fund accounting principles, with regard to the establishment of the underlying accounting records of the University and the allocation and utilization of resources within the accounting system, including the relevant guidance provided by the State Council of Higher Education for Virginia chart of accounts with regard to the allocation and proper use of funds from specific types of fund sources, (iii) provide adequate risk management and internal controls to protect and safeguard all financial resources, including moneys transferred to the University pursuant to a general fund appropriation, and ensure compliance with the requirements of the Appropriation Act.

The financial management system shall continue to include a financial reporting system to satisfy both the requirements for inclusion into the Commonwealth's Comprehensive Annual Financial Report, as specified in the related State Comptroller's Directives, and the University's separately audited financial statements. To ensure observance of limitations and restrictions placed on the use of the resources available to the University, the accounting and bookkeeping system of the University shall continue to be maintained in accordance with the principles prescribed for governmental organizations by the Governmental Accounting Standards Board.

In addition, the financial management system shall continue to provide financial reporting for the President, acting through the Executive Vice President, Chief Operating Officer, or Chief Financial Officer, and the Board of Visitors to enable them to provide adequate oversight of the financial operations of the University.

c) FINANCIAL MANAGEMENT POLICIES.

The President, acting through the Executive Vice President, Chief Operating Officer, or Chief Financial Officer, shall create and implement any and all financial management policies necessary to establish a financial management system with adequate risk management and internal control processes and procedures for the effective protection and management of all University financial resources. Such policies will not address the underlying accounting principles and policies employed by the Commonwealth and the University, but rather will focus on the internal operations of the University's financial management. These policies shall include, but need not be limited to, the development of a tailored set of finance and accounting practices that seek to support the University's specific business and administrative operating environment in order to improve the efficiency and effectiveness of its business and administrative functions. In general, the system of independent financial management policies shall be guided by the general principles contained in the Commonwealth's Accounting Policies and Procedures such as establishing strong risk management and internal accounting controls to ensure University financial resources are properly safeguarded and that appropriate stewardship of public funds is obtained through management's oversight of the effective and efficient use of such funds in the performance of University programs.

The University shall continue to follow the Commonwealth's accounting policies until such time as specific alternate policies can be developed, approved and implemented. Such alternate policies shall include applicable accountability measures and shall be submitted to the State Comptroller for review and comment before they are implemented by the University.

d) FINANCIAL RESOURCE RETENTION AND MANAGEMENT.

The Board of Visitors shall retain the authority to establish tuition, fee, room, board, and other charges, with appropriate commitment provided to need-based grant aid for middle- and lower-income undergraduate Virginians. Except as provided otherwise in the Appropriation Act, it is the intent of the Commonwealth and the University that the University shall be exempt from the revenue restrictions in the general provisions of the Appropriation Act related to non-general funds. In addition, unless prohibited by the Appropriation Act, it is the intent of the Commonwealth and the University that the University shall be entitled to retain non-general fund savings generated from changes in Commonwealth rates and charges, including but not limited to health, life, and disability insurance rates, retirement contribution rates, telecommunications charges, and utility rates, rather than reverting such savings back to the Commonwealth. This financial resource policy assists the University by providing the framework for retaining and managing non-general funds, for the receipt of general funds, and for the use and stewardship of all these funds.

The President, acting through the Executive Vice President, Chief Operating Officer, or Chief Financial Officer, shall continue to provide oversight of the University's cash management system which is the framework for the retention of non-general funds. The Internal Audit Department of the University shall periodically audit the University's cash management system in accordance with appropriate risk assessment models and make reports to the Audit and Compliance Committee of the Board of Visitors. Additional oversight shall continue to be provided through the annual audit and assessment of internal controls performed by the Auditor of Public Accounts. For the receipt of general and non-general funds, the University shall conform to

the Security for Public Deposits Act, Chapter 44 (§ 2.2-4400 et seq.) of Title 2.2 of the Code of Virginia as it currently exists and from time to time may be amended.

e) ACCOUNTS RECEIVABLE MANAGEMENT AND COLLECTION.

The President, through the Executive Vice President, Chief Operating Officer, or Chief Financial Officer, shall continue to be authorized to create and implement any and all Accounts Receivable Management and Collection policies as part of a system for the management of University financial resources. The policies shall be guided by the requirements of the Virginia Debt Collection Act, Chapter 48 (§ 2.2-4800 et seq.) of the Code of Virginia, such that the University shall take all appropriate and cost effective actions to aggressively collect accounts receivable in a timely manner.

These shall include, but not be limited to, establishing the criteria for granting credit to University customers; establishing the nature and timing of collection procedures within the above general principles; and the independent authority to select and contract with collection agencies and, after consultation with the Office of the Attorney General, private attorneys as needed to perform any and all collection activities for all University accounts receivable such as reporting delinquent accounts to credit bureaus, obtaining judgments, garnishments, and liens against such debtors, and other actions. In accordance with sound collection activities, the University shall continue to utilize the Commonwealth's Debt Set-Off Collection Programs, shall develop procedures acceptable to the Tax Commissioner and the State Comptroller to implement such Programs, and shall provide a quarterly summary report of receivables to the Department of Accounts in accordance with the reporting procedures established pursuant to the Virginia Debt Collection Act.

f) DISBURSEMENT MANAGEMENT.

The President, acting through the Executive Vice President, Chief Operating Officer, or Chief Financial Officer, shall continue to be authorized to create and implement any and all disbursement policies as part of a system for the management of University financial resources. The disbursement management policies shall continue to define the appropriate and reasonable uses of all funds, from whatever source derived, in the execution of the University's operations. These policies also shall continue to address the timing of appropriate and reasonable disbursements consistent with the Prompt Payment Act, and the appropriateness of certain goods or services relative to the University's mission, including travel-related disbursements. Further, the University's disbursement policy shall continue to provide for the mechanisms by which payments are made including the use of charge cards, warrants, and electronic payments.

These disbursement policies shall authorize the President, acting through the Executive Vice President, Chief Operating Officer, or Chief Financial Officer, to independently select, engage, and contract for such consultants, accountants, and financial experts, and other such providers of expert advice and consultation, and, after consultation with the Office of the Attorney General, private attorneys, as may be necessary or desirable in his or her discretion. The policies also shall continue to include the ability to locally manage and administer the Commonwealth's credit card and cost recovery programs related to disbursements, subject to any restrictions contained in the Commonwealth's contracts governing those programs, provided that the University shall submit the credit card and cost recovery aspects of its financial and operations policies to the State Comptroller for review and comment prior to implementing those aspects of those policies. The disbursement policies shall ensure that adequate risk management and internal control procedures shall be maintained over previously decentralized processes for public records, payroll, and non-payroll disbursements. The University shall continue to provide summary quarterly prompt payment reports to the Department of Accounts in accordance with the reporting procedures established pursuant to the Prompt Payment Act.

The University's disbursement policies shall be guided by the principles of the Commonwealth's policies as included in the Commonwealth's Accounting Policy and Procedures Manual. The University shall continue to follow the Commonwealth's disbursement policies until such time as specific alternative policies can be developed, approved and implemented. Such alternate policies shall be submitted to the State Comptroller for review and comment prior to their implementation by the University.

3. The Auditor of Public Accounts or his legally authorized representatives shall audit annually the accounts of each institution and shall distribute copies of each annual audit to the Governor and to the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance. Pursuant to § 30-133, the Auditor of Public Accounts and his legally authorized representatives shall examine annually the accounts and books of each such institution, but the institution shall not be deemed to be a state or governmental agency, advisory agency, public body, or agency or instrumentality for purposes of Chapter 14 (§ 30-130 et seq.) of Title 30 except for those provisions in such chapter that relate to requirements for financial recordkeeping and bookkeeping. Each such institution shall be subject to periodic external review by the Joint Legislative and Audit Review Commission and such other reviews and audits as shall be required by law.

d. Subject to review of its Shared Services Center by the Department of General Services, and approval to proceed with decentralized procurement of authority by the Department of General Services, the Virginia Community College System (VCCS) is authorized, for a period of five years, to exercise additional financial and administrative authority as set out in each of the three functional areas of information technology, procurement and capital projects as set forth and subject to all the conditions in §§ 2.0, 3.0 and 4.0 of the second enactment of Chapter 824 and 829 of the Acts of Assembly of 2008 except that (i) any effective dates contained in Chapter 824 and 829 of the Acts of Assembly of 2008 are superseded by the provisions of this item. The State Board for Community Colleges may request any subsequent delegation of procurement authority after consultation with and positive recommendation by the Department of General Services.

e. Notwithstanding the small purchase thresholds set forth in the Rules Governing Procurement for institutions of higher education that have operational authority in the area of procurement, the small purchases thresholds shall be the same thresholds set forth in the Virginia Public Procurement Act (§ 2.2-4300 et seq). Where small purchase thresholds in the Rules Governing Procurement for such institutions exceed those in 2.2-4300 et seq, the Rules Governing Procurement shall be the authorized procurement threshold.

§ 4-9.03 LEVEL III AUTHORITY

a. The Management Agreements negotiated by the institutions contained in Chapters 675 and 685 of the 2009 Acts of Assembly shall continue in effect unless the Governor, the General Assembly, or the institutions determine that the Management Agreements need to be renegotiated or revised.

b. Notwithstanding the small purchase thresholds set forth in the Rules Governing Procurement the small purchases thresholds for Level III institutions shall be the small purchase thresholds set forth in the Virginia Public Procurement Act (§ 2.2-4300 et seq). Where small purchase thresholds under Rules Governing Procurement for Level III institutions exceed those in 2.2-4300 et seq, the Rules Governing Procurement shall be the authorized procurement threshold.

§ 4-9.04 IMPLEMENT JLARC RECOMMENDATIONS

a. The Boards of Visitors at each Virginia public four-year higher education institution, to the extent practicable, shall:

1. require their institutions to clearly list the amount of the athletic fee on their website's tuition and fees information page. The page should include a link to the State Council of Higher Education for Virginia's tuition and fee information. The boards should consider requiring institutions to list the major components of all mandatory fees, including the portion attributable to athletics, on a separate page attached to student invoices;

2. assess the feasibility and impact of raising additional revenue through campus recreation and fitness enterprises to reduce reliance on mandatory student fees. The assessments should address the feasibility and impact of raising additional revenue through charging for specialized programs and services, expanding membership, and/or charging all users of recreation facilities;

3. direct staff to perform a comprehensive review of the institution's organizational structure, including an analysis of spans of control and a review of staff activities and workload, and identify opportunities to streamline the organizational structure. Boards should further direct staff to implement the recommendations of the review to streamline their organizational structures where possible;

4. require periodic reports on average and median spans of control and the number of supervisors with six or fewer direct reports;

5. direct staff to revise human resource policies to eliminate unnecessary supervisory positions by developing standards that establish and promote broader spans of control. The new policies and standards should (i) set an overall target span of control for the institution, (ii) set a minimum number of direct reports per supervisor, with guidelines for exceptions, (iii) define the circumstances that necessitate the use of a supervisory position, (iv) prohibit the establishment of supervisory positions for the purpose of recruiting or retaining employees, and (v) establish a periodic review of departments where spans of control are unusually narrow; and,

6. direct institution staff to set and enforce policies to maximize standardization of purchases of commonly procured goods, including use of institution-wide contracts;

7. consider directing institution staff to provide an annual report on all institutional purchases, including small purchases, that are exceptions to the institutional policies for standardizing purchases;

8. participate in national faculty teaching load assessments by discipline and faculty type.

b. The State Council on Higher Education for Virginia, to the extent practicable, shall:

1. convene a working group of institution financial officers, with input from the Department of Accounts, the Department of Planning and Budget, and the Auditor of Public Accounts, to create a standard way of calculating and publishing mandatory non-E&G fees, including for intercollegiate athletics;

2. update the state's Chart of Accounts for higher education in order to improve comparability and transparency of mandatory non-E&G fees, with input from the Department of Accounts, the Department of Planning and Budget, the Auditor of Public Accounts, and institutional staff. This process should be coordinated with the standardization of tuition and fee reporting;

3. convene a working group of institutional staff to develop instructional and research space guidelines that adequately measure current use of space and plans for future use of space at Virginia's public higher education institutions;

4. coordinate a committee of institutional representatives, such as the previously authorized Learning Technology Advisory Committee. In addition to the objectives set out in the Appropriation Act for the Learning Technology Advisory Committee, the committee should identify instructional technology initiatives and best practices for directly or indirectly lowering institutions' instructional expenditures per student while maintaining or enhancing student learning;
 5. include factors such as discipline, faculty rank, cost of living, and regional comparisons in developing faculty salary goals;
 6. identify instructional technology best practices that directly or indirectly lower student cost while maintaining or enhancing learning.
- c. Notwithstanding the provisions of § 23.1-1304, the State Council of Higher Education for Virginia shall annually train boards of visitors members on the types of information members should request from institutions to inform decision making, such as performance measures, benchmarking data, the impact of financial decisions on student costs, and past and projected cost trends. Boards of Visitors members serving on finance and facilities subcommittees should, at a minimum, participate in the training within their first year of membership on the subcommittee. SCHEV should obtain assistance in developing or delivering the training from relevant agencies such as the Department of General Services and past or present finance officers at Virginia's public four-year institutions, as appropriate.
- d. The Department of Planning and Budget shall revise the formula used to make allocation recommendations for the state's maintenance reserve funding to account for higher maintenance needs resulting from poor facility condition, aging of facilities, and differences in facility use.
- e. The Six-Year Capital Outlay Plan Advisory Committee, the Department of Planning and Budget, and others as appropriate shall use the results of the prioritization process established by the State Council of Higher Education for Virginia in determining which capital projects should receive funding.
- f. Beginning with fiscal year 2016, the Auditor of Public Accounts shall include in its audit plan for each public institution of higher education a review of progress in implementing the JLARC recommendations contained in paragraph § 4-9.04 a.

§ 4-11.00 STATEMENT OF FINANCIAL CONDITION

Each agency head handling any state funds shall, at least once each year, upon request of the Auditor of Public Accounts, make a detailed statement, under oath, of the financial condition of his office as of the date of such call, to the Auditor of Public Accounts, and upon such forms as shall be prescribed by the Auditor of Public Accounts.

§ 4-12.00 SEVERABILITY

If any part, section, subsection, paragraph, sentence, clause, phrase, or item of this act or the application thereof to any person or circumstance is for any reason declared unconstitutional, such decisions shall not affect the validity of the remaining portions of this act which shall remain in force as if such act had been passed with the unconstitutional part, section, subsection, paragraph, sentence, clause, phrase, item or such application thereof eliminated; and the General Assembly hereby declares that it would have passed this act if such unconstitutional part, section, subsection, paragraph, sentence, clause, phrase, or item had not been included herein, or if such application had not been made.

§ 4-13.00 CONFLICT WITH OTHER LAWS

Notwithstanding any other provision of law, and until June 30, 2022, the provisions of this act shall prevail over any conflicting provision of any other law, without regard to whether such other law is enacted before or after this act; however, a conflicting provision of another law enacted after this act shall prevail over a conflicting provision of this act if the General Assembly has clearly evidenced its intent that the conflicting provision of such other law shall prevail, which intent shall be evident only if such other law (i) identifies the specific provision(s) of this act over which the conflicting provision of such other law is intended to prevail and (ii) specifically states that the terms of this section are not applicable with respect to the conflict between the provision(s) of this act and the provision of such other law.

§ 4-14.00 EFFECTIVE DATE

This act is effective on July 1, 2020.

ADDITIONAL ENACTMENTS

2. That the authority and responsibilities of the Secretary of Technology included in the Code of Virginia shall be executed by the Secretary of Administration and the Secretary of Commerce and Trade pursuant to Item 66 and Item 111 of this act. Any authority or responsibilities of the Secretary of Technology not referenced in Item 66 and Item 111 of this act shall be executed by either the Secretary of Administration or the Secretary of Commerce and Trade as determined by the Governor.

3. That any authority or responsibilities of the Innovation and Entrepreneurship Investment Authority and the Center for Innovative Technology not referenced in Item 135 of this Act shall be executed by the Virginia Innovation Partnership Authority and the non-profit entity established in legislation to be considered by the 2020 General Assembly.

4. That § 16.1-69.48:2 of the Code of Virginia is amended and reenacted as follows:

§ 16.1-69.48:2. Fees for services of district court judges and clerks and magistrates in civil cases.

Fees in civil cases for services performed by the judges or clerks of general district courts or magistrates in the event any such services are performed by magistrates in civil cases shall be as provided in this section, and, unless otherwise provided, shall be included in the taxed costs and shall not be refundable, except in case of error or as herein provided.

For all court and magistrate services in each distress, detinue, interrogatory summons, unlawful detainer, civil warrant, notice of motion, garnishment, attachment issued, or other civil proceeding, the fee shall be ~~\$30~~ \$36. No such fee shall be collected (i) in any tax case instituted by any county, city or town or (ii) in any case instituted by a school board for collection of overdue book rental fees. Of the fees collected under this section, \$10 of each such fee collected shall be apportioned to the Courts Technology Fund established under § 17.1-132.

The judge or clerk shall collect the foregoing fee at the time of issuing process. Any magistrate or other issuing officer shall collect the foregoing fee at the time of issuing process, and shall remit the entire fee promptly to the court to which such process is returnable, or to its clerk. When no service of process is had on a defendant named in any civil process other than a notice of motion for judgment, such process may be reissued once by the court or clerk at the court's direction by changing the return day of such process, for which service by the court or clerk there shall be no charge; however, reissuance of such process shall be within three months after the original return day.

The clerk of any district court may charge a fee for making a copy of any paper of record to go out of his office which is not otherwise specifically provided for. The amount of this fee shall be set in the discretion of the clerk but shall not exceed \$1 for the first two pages and \$.50 for each page thereafter.

The fees prescribed in this section shall be the only fees charged in civil cases for services performed by such judges and clerks, and when the services referred to herein are performed by magistrates such fees shall be the only fees charged by such magistrates for the prescribed services.

5. a. In anticipation of the collection of taxes and revenues of the Commonwealth, for fiscal years 2021 and 2022, the Treasury Board is hereby authorized, by and with the consent of the Governor, to sell and issue, pursuant to Article X, Section 9 (a)(2) of the Constitution of Virginia, as the case may be, at one time or from time to time, tax and revenue anticipation notes ("9(a)(2) Notes") of the Commonwealth, including 9(a)(2) Notes issued as commercial paper. The proceeds of such 9(a)(2) Notes, excluding amounts needed to fund issuance costs, reserve funds, and other financing expenses, shall be used exclusively for the purpose of providing funds, together with any other available funds, to help manage the cash flow impact of actual or potential reductions of tax and other revenues or increases in expenses related to or resulting from the COVID-19 pandemic, and including the payment of operating expenses incurred or to be incurred in anticipation of the collection of taxes and revenues by the Commonwealth.

b. In addition, in anticipation of the collection of taxes and revenues of the Commonwealth, and its counties, cities and towns, for fiscal years 2021 and 2022, the Treasury Board is hereby authorized, by and with the consent of the Governor, to sell and issue, pursuant to Article X, Section 9 (d) of the Constitution of Virginia, as the case may be, at one time or from time to time, tax and revenue anticipation notes of the Commonwealth ("9(d) Notes" and together with the 9(a)(2) Notes authorized in the foregoing paragraph, "Notes"), including 9(d) Notes issued as commercial paper. The proceeds of such 9(d) Notes, excluding amounts needed to fund issuance costs, reserve funds, and other financing expenses, shall be used exclusively for the purpose of providing funds, together with any other available funds, to help manage the cash flow impact of actual or potential reductions of tax and other revenues or increases in expenses related to or resulting from the COVID-19 pandemic, and including the payment of operating expenses incurred or to be incurred in anticipation of the collection of taxes and revenues by the Commonwealth and its counties, cities and towns, and to purchase or acquire similar notes issued by, or otherwise to assist, cities, counties and towns of the Commonwealth for such purpose. The Governor is authorized to select the counties, cities and towns to participate in the undertakings authorized hereunder and direct the distribution of 9(d) Note proceeds to the particular counties, cities and town, and shall, after consultation with all interested parties, develop a guidance document governing eligibility and priority criteria.

c. The Treasury Board is authorized to issue Notes hereunder in an aggregate principal amount not exceeding \$500,000,000 for the benefit of the Commonwealth and in an aggregate principal amount not exceeding \$250,000,000 for the benefit of counties, cities and towns, plus in either case amounts needed to fund issuance costs, reserve funds, capitalized interest, and other financing expenses.

d. 9(a)(2) Notes shall mature at such time or times within twelve months from their date or dates, and 9(d) Notes shall mature at such time or times not exceeding two years from their date or dates.

e. The full faith and credit of the Commonwealth shall be pledged to any 9(a)(2) Notes issued under the provisions of this Item. 9(d) Notes issued under the provisions of this item shall not be deemed to constitute a debt of the Commonwealth of Virginia or a pledge of the full faith and credit of the Commonwealth, but such obligations shall be payable solely, subject to appropriation by the General Assembly, from amounts appropriated from time to time by the General Assembly and

from amounts paid by counties, cities and towns that issue bonds, notes or obligations with respect to this Item. There is hereby appropriated a sum sufficient to the Treasury Board for the purpose of paying the debt service on the Notes.

f. The Virginia Resources Authority is authorized to purchase and acquire through proceeds of 9(d) Notes bonds, notes or obligations of counties, cities and towns of the Commonwealth issued for the purposes authorized hereunder and establish the interest rates and repayment terms of such bonds, notes or obligations in accordance with a memorandum of agreement with the Treasury Board and the Authority shall recover its reasonable costs and expenses for doing so from the proceeds of such Notes and for its role in the administration and management of such proceeds.

g. Each county, city, and town is hereby authorized to issue bonds, notes or obligations for the purposes set forth in paragraph (b) above. The authority of any county, city, and town to contract and to issue bonds, notes or obligations pursuant to such authorization is in addition to any existing authority to contract and issue bonds, notes or obligations, anything in the laws of the Commonwealth, including any local charter, to the contrary notwithstanding. The provisions of Virginia Code § 15.2-2659 and § 62.1-216.1 shall apply, mutatis mutandis, with respect to any bond, note or obligation issued by a county, city or town hereunder.

h. The proceeds, including any premium, of the Notes shall be deposited in a special account in the state treasury and, together with the investment income thereon, shall be disbursed by the State Treasurer from time to time for paying all or any part of the expenses or undertakings as set forth in paragraphs (a) and (b) above. The Notes shall be dated and may be made redeemable before their maturity or maturities at such price or prices or within such price parameters, all as may be determined by the Treasury Board, by and with the consent of the Governor, and shall be in such form, shall bear interest at such rate or rates, either at fixed rates or at rates established by formula or other method, and may contain such other provisions, all as determined by the Treasury Board or, when authorized by the Treasury Board, the State Treasurer. The principal of and premium, if any, and the interest on Notes shall be payable in lawful money of the United States of America. Notes may be certificated or uncertificated as determined by the Treasury Board. The Treasury Board may contract for services of such registrars, transfer agents, or other authenticating agents as it deems appropriate to maintain a record of the persons entitled to the Notes. Notes issued in certificated form may be issued under a system of book entry for recording the ownership and transfer of ownership of rights to receive payments on the Notes. The Treasury Board shall fix the authorized denomination or denominations of the Notes and the place or places of payment of certificated Notes, which may be at the Office of the State Treasurer or at any bank or trust company within or without the Commonwealth. The Treasury Board may sell Notes in such manner, by competitive bidding, negotiated sale, or private placement with private lenders or governmental agencies, and for such price or within such price parameters as it may determine, by and with the consent of the Governor, to be in the best interest of the Commonwealth. In the discretion of the Treasury Board, Notes may be issued at one time or from time to time. Certificated Notes shall be signed on behalf of the Commonwealth by the Governor and by the State Treasurer, or shall bear their facsimile signatures, and shall bear the lesser seal of the Commonwealth or a facsimile thereof. If the Notes bear the facsimile signature of the State Treasurer, they shall be signed by such administrative assistant as the State Treasurer shall determine or by such registrar or paying agent as may be designated to sign them by the Treasury Board. If any officer whose signature or facsimile signature appears on any Notes ceases to be such officer before delivery, such signature or facsimile signature shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until such delivery, and any Note may bear the facsimile signature of, or may be signed by, such persons as at the actual time of execution are the proper officers to sign such Note, although at the date of such Note, such persons may not have been such officers.

i. The Treasury Board is authorized to create debt service and sinking funds for the payments of the principal of, premium, if any, and interest on the Notes and other funds or reserves desirable or required by any purchaser. Pending the application of the proceeds of the Notes to the purpose for which they have been authorized and the application of funds set aside for the purpose to the payment of Notes, they may be invested by the State Treasurer in securities that are legal investments under the laws of the Commonwealth for public funds and sinking funds, as the case may be. Whenever the State Treasurer receives interest from the investment of the proceeds of Notes, such interest shall become a part of the principal of the Notes and shall be used in the same manner as required for principal of the Notes.

6. That the provisions of the first, second, third, and fifth enactments of this act shall expire at midnight on June 30, 2022.

7. That the provisions of the fourth enactment of this act shall have no expiration date.

INDEX

	Page
PART 1: OPERATING EXPENSES.....	3594
PART 2: CAPITAL PROJECT EXPENSES.....	4154
PART 3: MISCELLANEOUS.....	4190
PART 4: GENERAL PROVISIONS.....	4206

Index, PART 1: OPERATING EXPENSES

Agency Name	Agency Code	Page
Accounts Transfer Payments, Department of (DOATP).....	(162)	3882
Accounts, Department of (DOA).....	(151)	3878
Administration of Health Insurance (AHI).....	(149)	3671
Agricultural Council (VAC).....	(307)	3689
Agriculture and Consumer Services, Department of (VDACS).....	(301)	3682
Attorney General and Department of Law (OAG).....	(141)	3637
Auditor of Public Accounts (APA).....	(133)	3604
Autism Advisory Council (AAC).....	(871)	3611
Aviation, Department of (DOAV).....	(841)	4093
Behavioral Health and Developmental Services, Department of (DBHDS).....	(720)	3972
Blind and Vision Impaired, Department for the (DBVI).....	(702)	4021
Board of Accountancy (BOA).....	(226)	3902
Board of Bar Examiners (BBE).....	(233)	3631
Brown v. Board of Education Scholarship Committee (BBEDS).....	(858)	3610
Capitol Square Preservation Council (CSPC).....	(820)	3607
Central Appropriations (CA).....	(995)	4123
Chesapeake Bay Commission (CBC).....	(842)	3615
Children's Services Act (CSA).....	(200)	3905
Christopher Newport University (CNU).....	(242)	3792
Circuit Courts (CCV).....	(113)	3626
Combined District Courts (CDC).....	(116)	3630
Commission on Electric Utility Regulation (CEUR).....	(863)	3611
Commission on School Construction and Modernization (CSCM).....	(881)	3614
Commission on the May 31, 2019 Virginia Beach Mass Shooting (CMVBMS).....	(879)	3613
Commission on the Virginia Alcohol Safety Action Program (VASAP).....	(413)	3605
Commission on Unemployment Compensation (CUC).....	(860)	3610
Commission to Evaluate Opportunity For Minority Business Expansion (CEOMBE).....	(878)	3612
Commission to Study Slavery and Subsequent De Jure and De Facto Racial and Economic Discrimination Against African Americans (CSDJDFREDA).....	(880)	3615
Commissioners for the Promotion of Uniformity of Legislation in the United States (CPUL).....	(145)	3608
Commonwealth's Attorneys' Services Council (CASC).....	(957)	4049
Compensation Board (CB).....	(157)	3644
Conservation and Recreation, Department of (DCR).....	(199)	4026
Cooperative Extension and Agricultural Research Services (VSU/ CEAR).....	(234)	3859
Corrections, Department of (DOC).....	(799)	4050
Court of Appeals of Virginia (CAV).....	(125)	3626
Criminal Justice Services, Department of (DCJS).....	(140)	4061
Deaf and Hard-Of-Hearing, Department for the (VDDHH).....	(751)	3910
Department for Aging and Rehabilitative Services (DARS).....	(262)	3992

Direct Aid to Public Education (DOE/ DAPE).....	(197).....	3732
Division of Capitol Police (DCP).....	(961).....	3605
Division of Debt Collection (DDC).....	(143).....	3640
Division of Legislative Automated Systems (DLAS).....	(109).....	3606
Division of Legislative Services (DLS).....	(107).....	3607
Dr. Martin Luther King, Jr. Memorial Commission (MLKMC).....	(845).....	3608
Eastern Virginia Medical School (EVMS).....	(274).....	3867
Economic Development Incentive Payments (EDIP).....	(312).....	3692
Education, Central Office Operations, Department of (DOE/ COO).....	(201).....	3722
Elections, Department of (ELECT).....	(132).....	3673
Emergency Management, Department of (DEM).....	(127).....	4069
Environmental Quality, Department of (DEQ).....	(440).....	4033
Fire Programs, Department of (DFP).....	(960).....	4075
Forensic Science, Department of (DFS).....	(778).....	4076
Forestry, Department of (DOF).....	(411).....	3687
Fort Monroe Authority (FMA).....	(360).....	3710
Frontier Culture Museum of Virginia (FCMV).....	(239).....	3860
Game and Inland Fisheries, Department of (DGIF).....	(403).....	4038
General Assembly of Virginia (GAV).....	(101).....	3594
General District Courts (GDC).....	(114).....	3628
General Services, Department of (DGS).....	(194).....	3662
George Mason University (GMU).....	(247).....	3802
Grants to Localities (DBDHS/GL).....	(790).....	3982
Gunston Hall (GH).....	(417).....	3860
Health Professions, Department of (DHP).....	(223).....	3927
Health, Department of (VDH).....	(601).....	3911
Historic Resources, Department of (DHR).....	(423).....	4040
Housing and Community Development, Department of (DHCD).....	(165).....	3696
Human Resource Management, Department of (DHRM).....	(129).....	3669
Indigent Defense Commission (IDC).....	(848).....	3632
In-State Undergraduate Tuition Moderation (ISUTM).....	(980).....	3874
Institute for Advanced Learning and Research (IALR).....	(885).....	3869
Intellectual Disabilities Training Centers (IDTC).....	(793).....	3989
Interstate Organization Contributions (IOC).....	(921).....	3642
James Madison University (JMU).....	(216).....	3806
Jamestown-Yorktown Foundation (JYF).....	(425).....	3860
Joint Commission on Administrative Rules (JCAR).....	(865).....	3611
Joint Commission on Health Care (JCHC).....	(844).....	3615
Joint Commission on Technology and Science (JCOTS).....	(847).....	3608
Joint Commission on Transportation Accountability (JCTA).....	(875).....	3612
Joint Legislative Audit and Review Commission (JLARC).....	(110).....	3616
Judicial Inquiry and Review Commission (JIRC).....	(112).....	3632
Juvenile and Domestic Relations District Courts (JDRC).....	(115).....	3630
Juvenile Justice, Department of (DJJ).....	(777).....	4078
Labor and Industry, Department of (DOLI).....	(181).....	3703
Legislative Department Reversion Clearing Account (LDRCA).....	(102).....	3621
Lieutenant Governor (LTGOV).....	(119).....	3637
Longwood University (LU).....	(214).....	3808
Magistrate System (MAG).....	(103).....	3631
Manufacturing Development Commission (MDC).....	(864).....	3611

Marine Resources Commission (MRC).....	(402).....	4045
Medical Assistance Services, Department of (DMAS).....	(602).....	3927
Mental Health Treatment Centers (MHTC).....	(792).....	3987
Military Affairs, Department of (DMA).....	(123).....	4120
Mines, Minerals and Energy, Department of (DMME).....	(409).....	3705
Motor Vehicle Dealer Board (MVDB).....	(506).....	4111
Motor Vehicles Transfer Payments, Department of (DMVTP).....	(530).....	4097
Motor Vehicles, Department of (DMV).....	(154).....	4094
New College Institute (NCI).....	(938).....	3868
Norfolk State University (NSU).....	(213).....	3811
Office of the Governor (GOV).....	(121).....	3636
Office of the State Inspector General (OSIG).....	(147).....	3641
Old Dominion University (ODU).....	(221).....	3814
Online Virginia Network Authority (OVN).....	(244).....	3873
Planning and Budget, Department of (DPB).....	(122).....	3886
Professional and Occupational Regulation, Department of (DPOR).....	(222).....	3707
Radford University (RU).....	(217).....	3818
Rail and Public Transportation, Department of (DRPT).....	(505).....	4098
Richard Bland College (RBC).....	(241).....	3797
Roanoke Higher Education Authority (RHEA).....	(935).....	3870
Secretary of Administration (SOA).....	(180).....	3644
Secretary of Agriculture and Forestry (OSAF).....	(193).....	3682
Secretary of Commerce and Trade (SCT).....	(192).....	3692
Secretary of Education (SOE).....	(185).....	3722
Secretary of Finance (SFIN).....	(190).....	3878
Secretary of Health and Human Resources (SHHR).....	(188).....	3903
Secretary of Natural Resources (SNR).....	(183).....	4025
Secretary of Public Safety and Homeland Security (SPSHS).....	(187).....	4048
Secretary of the Commonwealth (SOC).....	(166).....	3641
Secretary of Transportation (STO).....	(186).....	4089
Secretary of Veterans and Defense Affairs (SVDA).....	(454).....	4116
Small Business and Supplier Diversity, Department of (DSBSD).....	(350).....	3708
Small Business Commission (SBC).....	(862).....	3610
Social Services, Department of (DSS).....	(765).....	3999
Southeastern Universities Research Association Doing Business for Jefferson Science Associates, LLC (JSA).....	(936).....	3872
Southern Virginia Higher Education Center (SVHEC).....	(937).....	3870
Southwest Virginia Higher Education Center (SWHEC).....	(948).....	3871
State Corporation Commission (SCC).....	(171).....	4145
State Council of Higher Education for Virginia (SCHEV).....	(245).....	3783
State Grants to Nonstate Entities-Nonstate Agencies (GNSA).....	(986).....	4153
State Police, Department of (VSP).....	(156).....	4082
State Water Commission (SWC).....	(971).....	3609
Supreme Court (SUPCT).....	(111).....	3623
Taxation, Department of (TAX).....	(161).....	3887
The College of William and Mary in Virginia (CWM).....	(204).....	3794
The Library Of Virginia (LVA).....	(202).....	3861
The Science Museum of Virginia (SMV).....	(146).....	3863
Transportation, Department of (VDOT).....	(501).....	4101
Treasury Board (TB).....	(155).....	3897
Treasury, Department of the (TD).....	(152).....	3894
University of Mary Washington (UMW).....	(215).....	3820

University of Virginia (UVA/AD).....	(207)	3823
University of Virginia Medical Center (UVAH).....	(209)	3828
University of Virginia's College at Wise (UVA/CW).....	(246)	3829
Veterans Services Foundation (VSF).....	(913)	4120
Veterans Services, Department of (DVS).....	(912)	4118
Virginia Alcoholic Beverage Control Authority (ABC).....	(999)	4049
Virginia Board for People with Disabilities (VBPD).....	(606)	4020
Virginia Center for Behavioral Rehabilitation (VCBR).....	(794)	3990
Virginia Coal and Energy Commission (VCEC).....	(118)	3609
Virginia Code Commission (VCC).....	(108)	3609
Virginia College Building Authority (VCBA).....	(941)	3875
Virginia College Savings Plan (VCSP).....	(174)	4148
Virginia Commercial Space Flight Authority (VCSFA).....	(509)	4092
Virginia Commission for the Arts (VCA).....	(148)	3865
Virginia Commission on Intergovernmental Cooperation (VCIC).....	(105)	3621
Virginia Commission on Youth (VCOY).....	(839)	3616
Virginia Commonwealth University (VCU/AD).....	(236)	3831
Virginia Community College System (VCCS).....	(260)	3836
Virginia Conflict of Interest & Ethics Advisory Council (VCIEAC).....	(876)	3611
Virginia Cooperative Extension and Agricultural Experiment Station (VPISU /CE).....	(229)	3854
Virginia Criminal Sentencing Commission (VCSC).....	(160)	3633
Virginia Disability Commission (VDC).....	(837)	3608
Virginia Economic Development Partnership (VEDP).....	(310)	3711
Virginia Employment Commission (VEC).....	(182)	3712
Virginia Freedom of Information Advisory Council (FIAC).....	(834)	3609
Virginia Housing Commission (VHC).....	(840)	3610
Virginia Information Technologies Agency (VITA).....	(136)	3676
Virginia Innovation Partnership Authority (VIPA).....	(309)	3716
Virginia Institute of Marine Science (VIMS).....	(268)	3800
Virginia Lottery (VAL).....	(172)	4147
Virginia Management Fellows Program Administration (VMFPA).....	(164)	3672
Virginia Military Institute (VMI).....	(211)	3847
Virginia Museum of Fine Arts (VMFA).....	(238)	3865
Virginia Museum of Natural History (VMNH).....	(942)	3864
Virginia Parole Board (VPB).....	(766)	4087
Virginia Polytechnic Institute and State University (VPISU/ID).....	(208)	3850
Virginia Port Authority (VPA).....	(407)	4111
Virginia Racing Commission (VRC).....	(405)	3689
Virginia Rehabilitation Center for the Blind and Vision Impaired (VRCBVI).....	(263)	4023
Virginia Retirement System (VRS).....	(158)	4149
Virginia School for the Deaf and the Blind (VSDB).....	(218)	3782
Virginia State Bar (VSB).....	(117)	3634
Virginia State Crime Commission (VSCC).....	(142)	3616
Virginia State University (VSU).....	(212)	3855
Virginia Tourism Authority (VTA).....	(320)	3714
Virginia Workers' Compensation Commission (VWC).....	(191)	4151
Virginia-Israel Advisory Board (VIAB).....	(330)	3612
Wilson Workforce and Rehabilitation Center (WWRC).....	(203)	3998

Index, PART 2: CAPITAL PROJECT EXPENSES

Agency Name	Agency Code	Page
9(C) Revenue Bonds (RBNC).....	(950)	4186

9(D) Revenue Bonds (RBND).....	(951).....	4187
Behavioral Health and Developmental Services, Department of (DBHDS).....	(720).....	4167
Blind and Vision Impaired, Department for the (DBVI).....	(702).....	4167
Central Capital Outlay (CCO).....	(949).....	4172
Christopher Newport University (CNU).....	(242).....	4161
Conservation and Recreation, Department of (DCR).....	(199).....	4167
Corrections, Department of (DOC).....	(799).....	4169
Forestry, Department of (DOF).....	(411).....	4160
Game and Inland Fisheries, Department of (DGIF).....	(403).....	4168
General Services, Department of (DGS).....	(194).....	4160
George Mason University (GMU).....	(247).....	4161
James Madison University (JMU).....	(216).....	4163
Marine Resources Commission (MRC).....	(402).....	4169
Military Affairs, Department of (DMA).....	(123).....	4171
Old Dominion University (ODU).....	(221).....	4163
Radford University (RU).....	(217).....	4164
State Corporation Commission (SCC).....	(171).....	4188
State Police, Department of (VSP).....	(156).....	4169
The College of William and Mary in Virginia (CWM).....	(204).....	4161
Transportation, Department of (VDOT).....	(501).....	4170
University of Mary Washington (UMW).....	(215).....	4164
Veterans Services, Department of (DVS).....	(912).....	4171
Virginia Commercial Space Flight Authority (VCSFA).....	(509).....	4170
Virginia Commonwealth University (VCU/AD).....	(236).....	4164
Virginia Community College System (VCCS).....	(260).....	4165
Virginia Military Institute (VMI).....	(211).....	4165
Virginia Museum of Fine Arts (VMFA).....	(238).....	4166
Virginia Polytechnic Institute and State University (VPISU/ID).....	(208).....	4165
Virginia Port Authority (VPA).....	(407).....	4170
Virginia State University (VSU).....	(212).....	4166

Index, PART 3: MISCELLANEOUS

	Page
Accelerated Sales Tax.....	4199
Adjustments and Modifications to Fees.....	4204
Adjustments and Modifications to Tax Collections.....	4198
Admissions Tax.....	4201
Advances to Working Capital Funds.....	4196
Annual Vehicle Registration Fee (\$4.25 for Life).....	4205
Assessment of Electronic Summons Fee by Localities.....	4205
Auxiliary Enterprise Investment Yields.....	4198
Auxiliary Enterprises and Sponsored Programs in Institutions of Higher Education.....	4198

Charges Against Working Capital Funds.....4196
 Cigarette Tax, Tobacco Products Tax and Tax on Liquid Nicotine.....4204
 Coronavirus Disease 2019 Administrative Tax Relief.....4204

Deduction for Able Act Contributions.....4200
 Discounts and Allowances.....4199
 Disposition of Excess Fees Collected by Clerks of the Circuit Courts.....4199
 Drivers License Reinstatement Fee.....4205

General Fund Deposits.....4198

Historic Preservation Tax Credit.....4204

Implementation of Chapter 3, Acts of Assembly of 2004, Special Session I.....4198
 Intangible Holding Company Addback.....4200
 Interagency Transfers.....4196
 Interfund Transfers.....4190

Land Preservation Tax Credit Claimed.....4204
 Lines of Credit.....4197

Neighborhood Assistance Act Tax Credit.....4204

Payment by the State Treasurer.....4198
 Payment of Auto Rental Tax to the General Fund.....4198
 Provider Coverage Assessment.....4201
 Provider Payment Rate Assessment.....4202

Recordation Tax Fee.....4204
 Regional Fuels Tax.....4200
 Retail Sales & Use Tax Exemption for Internet Service Providers.....4199
 Retail Sales and Use Tax Exemption for Research for Federally Funded Research and Development Centers.....4200
 Retaliatory Costs to other States Tax Credit.....4198

Sales Tax Commitment to Highway Maintenance and Operating Fund.....4200
 Short-term Advance to the General Fund from Nongeneral Funds.....4196
 Sunset Dates for Income Tax Credits and Sales and Use Tax Exemptions.....4201

Tobacco Tax Study.....4203
 Transfers.....4190

Working Capital Funds and Lines of Credit.....4196

Index, PART 4: GENERAL PROVISIONS

	Page
Allotments.....	4213
Appropriation Increases.....	4210
Appropriation Transfers.....	4209
Appropriations.....	4206
Assessment of Institutional Performance.....	4255
Capital Projects.....	4221
Charges.....	4248

Conflict with other Laws.....4262

Deficit Authorization and Treasury Loans.....4218

Deficits.....4218

Delegation of Authority.....4235

Disposition of Surplus Real Property.....4236

Effective Date.....4262

Employee Benefits.....4247

Employee Compensation.....4238

Employee Training and Study.....4247

General.....4221

General Fund Revenue.....4216

Goods and Services.....4232

Governor.....4251

Higher Education Restructuring.....4255

Implement JLARC Recommendations.....4261

Indirect Costs.....4217

Lease, License or Use Agreements.....4236

Level II Authority.....4258

Level III Authority.....4261

Limited Adjustments of Appropriations.....4213

Local Governments.....4254

Long-term Leases.....4220

Manpower Control Program.....4249

Nongeneral Fund Revenues.....4213

Nonstate Agencies, Interstate Compacts and Organizational Memberships.....4235

Operating Policies.....4206

Operating Policies.....4206

Planning and Budgeting.....4226

Positions and Employment.....4238

Positions Governed by Chapters 933 and 943 of the 2006 Acts of Assembly.....4249

Prerequisites for Payment.....4206

Reporting Requirements.....4251

Revenues.....4213

Reversion of Appropriations and Reappropriations.....4212

Seat of Government Traffic and Pedestrian Safety.....4237

Selection of Applicants for Classified Positions.....4249

Semiconductor Manufacturing Performance Grant Programs.....4236

Services and Clients.....4230

Severability.....4262

Special Conditions and Restrictions on Expenditures.....4226

State Agencies.....4253

Statement of Financial Condition.....4262

Statewide Plans.....4249

Surplus Property Transfers for Economic Development.....4237

Third Party Transactions.....4229

Transactions with Individuals.....	4226
Treasury Loans.....	4219
Withholding of Spending Authority.....	4207

Index, CODE OF VIRGINIA SECTION REFERENCES

Title 1 GENERAL PROVISIONS

Section	Page
§ 1-610.....	3814

Title 2.2 ADMINISTRATION OF GOVERNMENT

Section	Page
§ 2.2-104.....	4235
§ 2.2-115.....	3693
§ 2.2-120.....	3667
§ 2.2-200.....	3903,4238
§ 2.2-201.....	3692,3878,4025,4048,4089
§ 2.2-203.1.....	3644,4252
§ 2.2-203.2:4.....	3644
§ 2.2-203.3.....	3682
§ 2.2-205.....	3692
§ 2.2-206.2.....	3619
§ 2.2-208.....	3722,3822
§ 2.2-213.3.....	3644
§ 2.2-221.1.....	4048
§ 2.2-222.....	4080
§ 2.2-222.3.....	3644
§ 2.2-224.1.....	4084
§ 2.2-225.....	3644,3692
§ 2.2-400.....	3641,4238
§ 2.2-409.....	3641
§ 2.2-424.....	3612
§ 2.2-435.....	3641
§ 2.2-436.....	3644
§ 2.2-437.....	3644
§ 2.2-507.....	3893
§ 2.2-510.....	3893,4138,4252
§ 2.2-510.1.....	4229
§ 2.2-514.....	3936,3940,4227
§ 2.2-518.....	3640
§ 2.2-803.....	1,3828,4111,4230,4233
§ 2.2-806.....	3655
§ 2.2-813.....	3883,3888
§ 2.2-1101.....	4230
§ 2.2-1104.....	3663
§ 2.2-1105.....	3663
§ 2.2-1124.....	4216
§ 2.2-1125.....	4210,4212,4216
§ 2.2-1129.....	4184,4237
§ 2.2-1130.....	4174
§ 2.2-1131.1.....	4253
§ 2.2-1132.....	4181,4222,4226,4258
§ 2.2-1147.....	566
§ 2.2-1149.....	3835,4183,4213,4236
§ 2.2-1150.....	4237
§ 2.2-1151.....	4221
§ 2.2-1153.....	4236,4253
§ 2.2-1155.....	4162,4225
§ 2.2-1156.....	3663,3973,3974,3978,4041,4195,4225,4236,4237
§ 2.2-1176.....	3667
§ 2.2-1201.....	4246,4251
§ 2.2-1204.....	3671,3882
§ 2.2-1501.....	4231
§ 2.2-1502.1.....	3728
§ 2.2-1503.....	3887,4207,4208,4209
§ 2.2-1503.3.....	4132
§ 2.2-1505.....	1,3873,4093,4235
§ 2.2-1508.....	3887
§ 2.2-1509.....	1,3678,4231
§ 2.2-1509.3.....	3678
§ 2.2-1509.4.....	3683,4030,4041
§ 2.2-1514.....	4195
§ 2.2-1515.....	4161,4163,4164,4165,4166,4222

§ 2.2-1520.....	4176,4177
§ 2.2-1611.....	3694
§ 2.2-1616.....	3708
§ 2.2-1617.....	3644
§ 2.2-1802.....	3835,4214
§ 2.2-1819.....	4213
§ 2.2-1822.....	3879
§ 2.2-1829.....	3604,3883,3884,4194
§ 2.2-1831.2.....	3884
§ 2.2-1836.....	3894
§ 2.2-2005.....	3644
§ 2.2-2006.....	3644,4232,4233
§ 2.2-2007.....	3644,3678
§ 2.2-2011.....	4138
§ 2.2-2012.....	3606
§ 2.2-2013.....	3678,4230
§ 2.2-2017.....	3678
§ 2.2-2020.....	3644
§ 2.2-2104.....	3690
§ 2.2-2220.....	3644
§ 2.2-2221.....	3692
§ 2.2-2221.1.....	3692
§ 2.2-2233.1.....	3692
§ 2.2-2240.1.....	3692
§ 2.2-2260.....	4171,4175,4177,4180,4181,4182,4184
§ 2.2-2261.....	3899
§ 2.2-2263.....	4172,4177,4179,4180
§ 2.2-2285.....	3709
§ 2.2-2290.....	3709
§ 2.2-2291.....	3709
§ 2.2-2309.....	3709
§ 2.2-2310.....	3709
§ 2.2-2320.....	3693
§ 2.2-2320.1.....	3695
§ 2.2-2338.....	3710
§ 2.2-2342.....	3710
§ 2.2-2357.....	3718
§ 2.2-2402.....	4057,4109
§ 2.2-2416.....	4220,4221
§ 2.2-2417.....	4225,4226,4236
§ 2.2-2472.....	3722
§ 2.2-2485.....	3692
§ 2.2-2487.....	3700
§ 2.2-2489.....	3700
§ 2.2-2648.....	3908
§ 2.2-2698.....	3692
§ 2.2-2699.1.....	3692
§ 2.2-2699.5.....	3644
§ 2.2-2699.7.....	3644
§ 2.2-2715.....	4120
§ 2.2-2718.....	4120
§ 2.2-2738.....	3692
§ 2.2-2813.....	3600,3613,4147
§ 2.2-2817.1.....	3644
§ 2.2-2818.....	3671,4126,4247,4250
§ 2.2-2822.....	3644
§ 2.2-2823.....	3595
§ 2.2-2825.....	3600,3613
§ 2.2-2900.....	3674
§ 2.2-3106.....	3641
§ 2.2-3204.....	4128,4129
§ 2.2-3205.....	4128,4129
§ 2.2-3503.....	3644
§ 2.2-3504.....	3644
§ 2.2-3605.....	4248
§ 2.2-3700.....	3617,3618,3619,3620,3909
§ 2.2-3701.....	3618,3619,3620,3710

§ 2.2-3707.....	4206
§ 2.2-3707.1.....	4206
§ 2.2-3708.....	3710
§ 2.2-3708.2.....	4206
§ 2.2-3800.....	3679,4256
§ 2.2-3801.....	3644
§ 2.2-3803.....	3644
§ 2.2-3815.....	3789
§ 2.2-4000.....	3896,3916,4017,4199,4200,4204
§ 2.2-4002.....	3924,3932
§ 2.2-4006.....	4034
§ 2.2-4011.....	3936
§ 2.2-4019.....	3936
§ 2.2-4020.....	3936
§ 2.2-4025.....	3623
§ 2.2-4300.....	3606,3864,3866,3979,4206,4261
§ 2.2-4301.....	4236
§ 2.2-4343.....	4235
§ 2.2-4377.....	3979
§ 2.2-4400.....	4259
§ 2.2-4401.....	3895
§ 2.2-4800.....	3640,3673,4206,4260
§ 2.2-4806.....	3713
§ 2.2-4809.....	3890
§ 2.2-5004.....	4123,4256
§ 2.2-5101.....	3693
§ 2.2-5102.1.....	3694
§ 2.2-5200.....	3905
§ 2.2-5206.....	3907
§ 2.2-5209.....	3906
§ 2.2-5211.....	3725,3905,4000

Title 3.2 AGRICULTURE, ANIMAL CARE, AND FOOD

Section	Page
§ 3.2-201.....	3683
§ 3.2-303.....	3684
§ 3.2-305.....	3684
§ 3.2-2705.....	4046,4216
§ 3.2-3005.....	3683
§ 3.2-3100.....	3930
§ 3.2-3104.....	4124
§ 3.2-3106.....	4124
§ 3.2-3108.....	4124
§ 3.2-4112.....	3684
§ 3.2-4114.2.....	3684
§ 3.2-4115.....	3684
§ 3.2-4200.....	3638,3639
§ 3.2-4201.....	4124,4194
§ 3.2-4204.....	3639
§ 3.2-4415.....	3684
§ 3.2-4416.....	3684
§ 3.2-5206.....	3924
§ 3.2-5216.....	3924
§ 3.2-5600.....	3685
§ 3.2-5703.....	3685

Title 4.1 ALCOHOLIC BEVERAGE CONTROL ACT

Section	Page
§ 4.1-100.....	4049,4050
§ 4.1-116.....	4190,4191
§ 4.1-120.....	4050
§ 4.1-133.....	4049,4050
§ 4.1-234.....	4190

Title 8.01 CIVIL REMEDIES AND PROCEDURE

Section	Page
§ 8.01-195.11.....	3895
§ 8.01-195.3.....	3894
§ 8.01-216.1.....	3640
§ 8.01-217.....	3913
§ 8.01-384.1:1.....	3627,3629,3630,3631

§ 8.01-582.....	3655
§ 8.01-589.....	3655

Title 9.1 COMMONWEALTH PUBLIC SAFETY

Section	Page
§ 9.1-101.....	4064,4066
§ 9.1-102.....	3984,4063
§ 9.1-110.....	4064
§ 9.1-139.....	4067
§ 9.1-141.....	4067
§ 9.1-143.....	4067
§ 9.1-149.....	4067
§ 9.1-165.....	4068
§ 9.1-172.....	4068
§ 9.1-173.....	4064
§ 9.1-183.....	4064
§ 9.1-187.....	3984
§ 9.1-201.....	4076
§ 9.1-206.....	4076
§ 9.1-400.....	4131,4150
§ 9.1-400.1.....	4131
§ 9.1-401.....	4131
§ 9.1-408.....	4150
§ 9.1-903.....	3661,4068,4086
§ 9.1-1100.....	4077
§ 9.1-1101.1.....	4077
§ 9.1-1113.....	4077

Title 10.1 CONSERVATION

Section	Page
§ 10.1-104.7.....	4027
§ 10.1-200.....	4030,4031
§ 10.1-202.....	4030
§ 10.1-546.1.....	4027
§ 10.1-552.....	4028
§ 10.1-603.17.....	4029
§ 10.1-605.....	4029
§ 10.1-702.....	4029
§ 10.1-1020.....	4030
§ 10.1-1124.....	3687
§ 10.1-1186.01.....	4034
§ 10.1-1188.....	4222
§ 10.1-1190.....	4222
§ 10.1-1237.....	3712
§ 10.1-1300.....	3663
§ 10.1-1322.....	4035
§ 10.1-1400.....	3663
§ 10.1-1422.3.....	4033
§ 10.1-2117.....	4034,4181
§ 10.1-2128.....	4028
§ 10.1-2128.1.....	4028,4191,4204
§ 10.1-2129.....	4028,4181
§ 10.1-2130.....	4181
§ 10.1-2131.....	4181
§ 10.1-2132.....	4028
§ 10.1-2202.1.....	4041
§ 10.1-2202.2.....	4042
§ 10.1-2202.4.....	4041
§ 10.1-2211.....	4043,4153
§ 10.1-2211.1.....	4040
§ 10.1-2211.2.....	4040,4041,4042
§ 10.1-2212.....	4153
§ 10.1-2213.....	4040,4153
§ 10.1-2214.....	4042

Title 11 CONTRACTS

Section	Page
§ 11-019.....	3960,3961
§ 11-34.3.....	4173
§ 11-35.....	4126

Title 13.1 CORPORATIONS

Section	Page
§ 13.1-775.1.....	4145

Title 15.2 COUNTIES, CITIES AND TOWNS

Section	Page
§ 15.2-540.....	4199
§ 15.2-639.....	4199
§ 15.2-848.....	4199
§ 15.2-941.....	3711
§ 15.2-1302.....	3660,3763,3765,4068,4210
§ 15.2-1503.1.....	4083
§ 15.2-1544.....	4150
§ 15.2-1604.....	3639
§ 15.2-1605.....	3661
§ 15.2-1609.1.....	3646
§ 15.2-1613.....	3649
§ 15.2-1615.1.....	3649
§ 15.2-1627.1.....	3653
§ 15.2-1628.....	3653
§ 15.2-1629.....	3653
§ 15.2-1630.....	3653
§ 15.2-1631.....	3653
§ 15.2-1636.12.....	3651,3652,3657
§ 15.2-1636.17.....	3651,3657,3658
§ 15.2-1636.5.....	4246
§ 15.2-1636.8.....	3659
§ 15.2-1643.....	3628,3638
§ 15.2-2005.....	4237
§ 15.2-2114.....	3604,4037
§ 15.2-2425.....	3692
§ 15.2-2502.....	3887
§ 15.2-2602.....	3882
§ 15.2-2659.....	3760,3882,4264
§ 15.2-3500.....	3660,4068,4210
§ 15.2-4100.....	3660,4210
§ 15.2-4200.....	4103
§ 15.2-4207.....	3698
§ 15.2-4600.....	4106
§ 15.2-5914.....	3883

Title 16.1 COURTS NOT OF RECORD

Section	Page
§ 16.1-69.1.....	3628,3630,3631
§ 16.1-69.30.....	3624
§ 16.1-69.33.....	3624
§ 16.1-69.48.....	3625
§ 16.1-69.48.2.....	4263
§ 16.1-69.58.....	3630
§ 16.1-137.....	3628,3631
§ 16.1-226.....	3630,3631
§ 16.1-233.....	4078,4079
§ 16.1-238.....	4078,4079
§ 16.1-246.....	4078
§ 16.1-258.....	4078
§ 16.1-273.....	4079
§ 16.1-274.....	4078,4079
§ 16.1-278.8.....	4081
§ 16.1-285.1.....	4081
§ 16.1-286.....	4078
§ 16.1-287.....	4079
§ 16.1-291.....	4078
§ 16.1-294.....	4078
§ 16.1-295.....	4078
§ 16.1-309.10.....	4079,4080
§ 16.1-309.2.....	4079,4080
§ 16.1-309.6.....	4079
§ 16.1-309.7.....	4080
§ 16.1-322.1.....	4078,4079
§ 16.1-334.....	3630,3631
§ 16.1-337.1.....	4083

§ 16.1-338.....	3925
§ 16.1-339.....	3925
§ 16.1-340.1.....	3925
§ 16.1-345.....	3925

Title 17.1 COURTS OF RECORD

Section	Page
§ 17.1-100.....	3625
§ 17.1-132.....	3624,4263
§ 17.1-275.12.....	4065,4195
§ 17.1-278.....	3634
§ 17.1-279.....	3656
§ 17.1-283.....	3656,4199
§ 17.1-284.....	3655
§ 17.1-285.....	4199
§ 17.1-286.....	3879
§ 17.1-287.....	3656
§ 17.1-288.....	3659
§ 17.1-290.....	3659
§ 17.1-314.....	3624
§ 17.1-320.....	3624
§ 17.1-327.....	4131,4151
§ 17.1-502.....	3624
§ 17.1-805.....	4054

Title 18.2 CRIMES AND OFFENSES GENERALLY

Section	Page
§ 18.2-186.6.....	3892
§ 18.2-248.....	4054
§ 18.2-248.1.....	4054
§ 18.2-254.1.....	3624,3625
§ 18.2-266.....	4094
§ 18.2-271.1.....	3605
§ 18.2-271.2.....	3605
§ 18.2-272.....	4094
§ 18.2-308.2.2.....	4082
§ 18.2-340.31.....	3686

Title 19.2 CRIMINAL PROCEDURE

Section	Page
§ 19.2-38.1.....	3623
§ 19.2-43.....	3623
§ 19.2-80.....	4066
§ 19.2-119.....	4066
§ 19.2-120.....	4066
§ 19.2-124.....	4066
§ 19.2-152.2.....	4064
§ 19.2-152.7.....	4064
§ 19.2-155.....	3628
§ 19.2-159.....	4066
§ 19.2-163.....	3623,3626,3627,3628,3630,3631
§ 19.2-163.01.....	3632
§ 19.2-163.8.....	3632
§ 19.2-169.6.....	3983
§ 19.2-176.....	3983
§ 19.2-177.1.....	3983
§ 19.2-298.01.....	3657
§ 19.2-306.....	3627,3628
§ 19.2-316.4.....	4053
§ 19.2-326.....	3624
§ 19.2-349.....	3653,3654,3656
§ 19.2-368.18.....	4151
§ 19.2-386.14.....	4083
§ 19.2-387.....	4082
§ 19.2-388.....	4082
§ 19.2-389.....	3912,4083
§ 19.2-389.1.....	4083

Title 20 DOMESTIC RELATIONS

Section	Page
§ 20-124.4.....	3630

Title 22.1 EDUCATION

Section	Page
§ 22.1-1	3772
§ 22.1-3.4	3743
§ 22.1-8	3730
§ 22.1-16	3729
§ 22.1-16.2	3725
§ 22.1-17.1	3725
§ 22.1-17.2	3725
§ 22.1-18.01	3726
§ 22.1-20.1	3728
§ 22.1-21	3730
§ 22.1-24	3728,3743
§ 22.1-25	3746,3779
§ 22.1-70.2	3728
§ 22.1-79.1	3748
§ 22.1-89.1	3728
§ 22.1-97	3750
§ 22.1-101.1	3772
§ 22.1-108	3743
§ 22.1-166.2	3763,3764
§ 22.1-168	3760,3763,3764
§ 22.1-168.1	3760,3763,3764
§ 22.1-175.5	3771
§ 22.1-176	3743
§ 22.1-198	3743
§ 22.1-199	3743
§ 22.1-199.1	3728,3743
§ 22.1-199.2	3743
§ 22.1-199.4	3725
§ 22.1-205	3755
§ 22.1-206	3725
§ 22.1-207.1	3725
§ 22.1-207.3	3728
§ 22.1-208.01	3725
§ 22.1-209.2	3725
§ 22.1-212.2	3728
§ 22.1-212.2:2	3743
§ 22.1-213	3725,3743
§ 22.1-214	4021
§ 22.1-217	4021
§ 22.1-221	3725,3743
§ 22.1-223	3722,3743
§ 22.1-227	3743
§ 22.1-237	3743
§ 22.1-253.13:1	3722,3725,3728,3743
§ 22.1-253.13:2	3750
§ 22.1-253.13:3	3727,3728,3758
§ 22.1-253.13:8	3725,3728,3743
§ 22.1-254	3743,3745
§ 22.1-254.01	3743
§ 22.1-254.1	3745
§ 22.1-254.2	3722
§ 22.1-287.03	3739
§ 22.1-289.1	3743
§ 22.1-290	3729
§ 22.1-290.01	3729,3734
§ 22.1-290.02	3778
§ 22.1-290.1	3729
§ 22.1-298	3729
§ 22.1-298.1	3729
§ 22.1-299	3729,3739,3768
§ 22.1-299.2	3729
§ 22.1-302	3729
§ 22.1-303	3729
§ 22.1-305.1	3729
§ 22.1-305.2	3729
§ 22.1-316	3729
§ 22.1-318	3729,3743
§ 22.1-319	3725
§ 22.1-332	3725

§ 22.1-346	3782
§ 22.1-349	3782
§ 22.1-362	3740

Title 23.1 INSTITUTIONS OF HIGHER EDUCATION; OTHER EDUCATIONAL AND CULTURAL INSTITUTIONS

Section	Page
§ 23.1-102	4251
§ 23.1-200	3787
§ 23.1-203	3787,4231
§ 23.1-206	3788,4255,4258
§ 23.1-211	3791
§ 23.1-219	3788,3872
§ 23.1-224	3788
§ 23.1-306	3788
§ 23.1-500	3819
§ 23.1-506	3814,4120
§ 23.1-608	3785,4118,4119
§ 23.1-614	3911
§ 23.1-615	3852,4227
§ 23.1-623	3785,3786
§ 23.1-624	3785
§ 23.1-627	3785,3786
§ 23.1-628	3783
§ 23.1-629	3787
§ 23.1-635	3783
§ 23.1-700	4200
§ 23.1-701	4148
§ 23.1-903.4	3787,3789
§ 23.1-907	4256
§ 23.1-1001	4212
§ 23.1-1002	566,4212,4255
§ 23.1-1003	4258
§ 23.1-1006	4236
§ 23.1-1020	4249
§ 23.1-1106	566,4162,4218
§ 23.1-1107	3787
§ 23.1-1200	4162,4172,4175,4179,4180,4181,4185
§ 23.1-1207	3876
§ 23.1-1243	4142,4182
§ 23.1-1302	4246
§ 23.1-1303	4212
§ 23.1-1304	3790,4262
§ 23.1-1310	3822
§ 23.1-2506	3849
§ 23.1-2704	3859
§ 23.1-2911.1	3692
§ 23.1-2912	3839
§ 23.1-3102	3692
§ 23.1-3129.1	3872
§ 23.1-3132	3692
§ 23.1-3203	3860

Title 24.2 ELECTIONS

Section	Page
§ 24.2-102	3674
§ 24.2-108	3675
§ 24.2-111	3674
§ 24.2-668	3673
§ 24.2-712	3673
§ 24.2-947.5	3673

Title 27 FIRE PROTECTION

Section	Page
§ 27-55	4082
§ 27-56	4084
§ 27-94	4076
§ 27-99	4076

Title 28.2 FISHERIES AND HABITAT OF THE TIDAL WATERS

Section	Page
----------------	-------------

§ 28.2-108.....	4045
§ 28.2-200.....	4046
§ 28.2-208.....	4216
§ 28.2-302.3.....	4216
§ 28.2-542.....	4045,4216
§ 28.2-550.....	4045
§ 28.2-800.....	3924
§ 28.2-825.....	3924
§ 28.2-1204.2.....	4046
§ 28.2-1206.....	4216

Title 29.1 GAME, INLAND FISHERIES AND BOATING

Section	Page
§ 29.1-101.....	4040
§ 29.1-101.01.....	4040

Title 30 GENERAL ASSEMBLY

Section	Page
§ 30-19.1:4.....	3633,4059,4196
§ 30-19.11.....	3594
§ 30-19.12.....	3596,3600,3613
§ 30-19.13.....	3597
§ 30-19.20.....	3594
§ 30-19.4.....	3594,3595
§ 30-34.1.....	3603
§ 30-34.2:1.....	4184,4237
§ 30-130.....	4260
§ 30-133.....	4260
§ 30-231.5.....	3610
§ 30-257.....	3610
§ 30-278.....	3667
§ 30-279.....	3644
§ 30-309.....	4092,4117,4182
§ 30-310.....	4117
§ 30-339.....	4146
§ 30-343.....	4146
§ 30-347.....	3942

Title 32.1 HEALTH

Section	Page
§ 32.1-2.....	3919,3924
§ 32.1-11.....	3916,3917
§ 32.1-11.1.....	3914
§ 32.1-11.2.....	3914
§ 32.1-11.3.....	3924
§ 32.1-12.....	3917
§ 32.1-23.....	3924
§ 32.1-31.....	3917
§ 32.1-35.....	3914
§ 32.1-39.....	3924
§ 32.1-42.....	3924
§ 32.1-50.....	3914
§ 32.1-73.....	3914
§ 32.1-73.11.....	3925
§ 32.1-77.....	3916
§ 32.1-89.....	3916
§ 32.1-90.....	3916
§ 32.1-92.2.....	3914
§ 32.1-102.1.....	3915
§ 32.1-102.11.....	3915
§ 32.1-111.1.....	3912
§ 32.1-111.16.....	3912
§ 32.1-116.1.....	3912
§ 32.1-116.3.....	3912
§ 32.1-122.01.....	3915
§ 32.1-122.08.....	3915
§ 32.1-122.10.....	3911
§ 32.1-122.5:1.....	3911
§ 32.1-123.....	3915
§ 32.1-138.5.....	3915
§ 32.1-162.23.....	3719

§ 32.1-162.28.....	3884
§ 32.1-163.....	3917,3918,3923
§ 32.1-165.....	3918
§ 32.1-171.1.....	3924
§ 32.1-176.....	3917,3918
§ 32.1-176.7.....	3923
§ 32.1-198.....	3917
§ 32.1-211.....	3917
§ 32.1-212.....	3924
§ 32.1-245.....	3924
§ 32.1-246.....	3917,3923
§ 32.1-246.1.....	3923
§ 32.1-249.....	3913
§ 32.1-273.....	3913,3924
§ 32.1-276.....	3913
§ 32.1-276.6.....	3925
§ 32.1-277.....	3913
§ 32.1-304.....	3913
§ 32.1-313.....	3936
§ 32.1-323.2.....	3932
§ 32.1-324.3.....	3962
§ 32.1-325.....	3936
§ 32.1-325.1.....	3936
§ 32.1-325.1:1.....	3936
§ 32.1-330.....	3944
§ 32.1-330.1.....	3962
§ 32.1-331.12.....	3934,3935
§ 32.1-351.....	3941
§ 32.1-352.....	4194
§ 32.1-355.....	4124
§ 32.1-366.....	3930
§ 32.1-367.....	3929

Title 33.2 HIGHWAYS AND OTHER SURFACE TRANSPORTATION SYSTEMS

Section	Page
§ 33.2-214.....	4092,4100,4102
§ 33.2-214.1.....	4089,4090,4102,4105
§ 33.2-232.....	4104
§ 33.2-314.....	4237
§ 33.2-357.....	4102
§ 33.2-358.....	4091,4100,4103
§ 33.2-366.....	4105
§ 33.2-369.....	4103
§ 33.2-370.....	4090
§ 33.2-371.....	4090,4106
§ 33.2-502.....	4091
§ 33.2-1010.....	4221
§ 33.2-1500.....	4103
§ 33.2-1509.....	4105
§ 33.2-1510.....	4105
§ 33.2-1524.....	4104
§ 33.2-1526.....	4100,4101
§ 33.2-1526.1.....	4098,4099
§ 33.2-1526.2.....	4100
§ 33.2-1526.6.....	4093
§ 33.2-1529.1.....	4103
§ 33.2-1600.....	4100,4105
§ 33.2-1601.....	4100
§ 33.2-1602.....	4100,4101
§ 33.2-1603.....	4100
§ 33.2-1700.....	4104,4108
§ 33.2-1726.....	4084
§ 33.2-1729.....	4104
§ 33.2-1800.....	4091
§ 33.2-1900.....	4092
§ 33.2-1904.....	4092
§ 33.2-1919.....	3894
§ 33.2-1927.....	3894
§ 33.2-2300.....	3901,4106
§ 33.2-2400.....	3901,4106,4107

§ 33.2-2401.....	4107
§ 33.2-2600.1.....	3883
§ 33.2-2611.....	4105

Title 35.1 HOTELS, RESTAURANTS, SUMMER CAMPS, AND CAMPGROUNDS

Section	Page
§ 35.1-1.....	3917,3924
§ 35.1-7.....	3924
§ 35.1-9.....	3924
§ 35.1-13.....	3918
§ 35.1-14.....	3918
§ 35.1-16.....	3918
§ 35.1-17.....	3918
§ 35.1-26.....	3917
§ 35.1-28.....	3924

Title 36 HOUSING

Section	Page
§ 36-139.....	3697
§ 36-142.....	3696,3697

Title 37.2 BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES

Section	Page
§ 37.2-304.....	3988
§ 37.2-312.....	3987,3990
§ 37.2-319.....	3989
§ 37.2-415.....	3973
§ 37.2-500.....	3986
§ 37.2-504.....	3982
§ 37.2-601.....	3986
§ 37.2-605.....	3982
§ 37.2-713.....	3755,3987,3990
§ 37.2-805.....	3925
§ 37.2-808.....	3927,3983
§ 37.2-809.....	3628,3630,3631,3925,3927,3983
§ 37.2-813.....	3630,3631,3983
§ 37.2-815.....	3983
§ 37.2-816.....	3983
§ 37.2-817.....	3983
§ 37.2-819.....	4083
§ 37.2-900.....	3903,4060
§ 37.2-912.....	3975

Title 38.2 INSURANCE

Section	Page
§ 38.2-316.1.....	4146
§ 38.2-326.....	4146
§ 38.2-400.....	3890
§ 38.2-401.....	4075,4076
§ 38.2-403.....	3890
§ 38.2-415.....	4083
§ 38.2-3418.17.....	4127
§ 38.2-3418.18.....	4146
§ 38.2-5009.....	4229
§ 38.2-5601.....	3891

Title 40.1 LABOR AND EMPLOYMENT

Section	Page
§ 40.1-49.4.....	3704
§ 40.1-51.15.....	4216

Title 42.1 LIBRARIES

Section	Page
§ 42.1-60.....	3623
§ 42.1-64.....	3623

Title 44 MILITARY AND EMERGENCY LAWS

Section	Page
§ 44-93.1.....	4122,4150,4210
§ 44-146.13.....	4070

§ 44-146.16.....	4059
§ 44-146.17.....	4059,4071,4206
§ 44-146.18.....	4071
§ 44-146.18:2.....	4236
§ 44-146.18:7.....	4073
§ 44-146.22.....	4071
§ 44-146.28.....	3636,3637,4071,4073,4236
§ 44-146.28:1.....	4070
§ 44-146.31.....	4070
§ 44-146.40.....	4070

Title 45.1 MINES AND MINING

Section	Page
§ 45.1-161.292:31.....	3706
§ 45.1-161.58.....	3706
§ 45.1-361.29.....	3706

Title 46.2 MOTOR VEHICLES

Section	Page
§ 46.2-205.....	4094,4095
§ 46.2-214.3.....	4096
§ 46.2-221.4.....	4095
§ 46.2-222.....	4096,4097
§ 46.2-223.....	4097
§ 46.2-224.....	4096
§ 46.2-342.....	4096
§ 46.2-395.....	4205
§ 46.2-411.....	4205
§ 46.2-416.....	4097
§ 46.2-454.....	4216
§ 46.2-688.....	4096
§ 46.2-694.....	3912,4205
§ 46.2-819.3:1.....	4096
§ 46.2-1157.....	4084
§ 46.2-1167.....	4083
§ 46.2-1187.....	4084
§ 46.2-1200.....	4097
§ 46.2-1207.....	4097

Title 51.1 PENSIONS, BENEFITS, AND RETIREMENT

Section	Page
§ 51.1-124.3.....	3597,4129,4246,4248
§ 51.1-124.30.....	4126
§ 51.1-126.....	4131
§ 51.1-132.....	4129
§ 51.1-137.....	3655
§ 51.1-138.....	4130
§ 51.1-142.2.....	4248
§ 51.1-144.....	4248
§ 51.1-145.....	4127,4131
§ 51.1-152.....	3597
§ 51.1-153.....	4130
§ 51.1-155.....	4130
§ 51.1-155.1.....	4130,4248
§ 51.1-156.....	4130,4248
§ 51.1-166.....	3747
§ 51.1-169.....	4130,4131
§ 51.1-300.....	4248
§ 51.1-500.....	4130
§ 51.1-706.....	3655
§ 51.1-1100.....	4246
§ 51.1-1103.....	4246
§ 51.1-1200.....	4149
§ 51.1-1206.....	4149
§ 51.1-1401.....	3754
§ 51.1-1403.....	3661,4128

Title 51.5 PERSONS WITH DISABILITIES

Section	Page
§ 51.5-1.....	4022,4023
§ 51.5-72.....	4022

§ 51.5-73.....	4024
§ 51.5-74.....	4021

Title 52 POLICE (STATE)

Section	Page
§ 52-1.....	4084,4086
§ 52-4.....	4082,4084,4086
§ 52-4.2.....	4084
§ 52-4.3.....	4083,4084
§ 52-4.4.....	4082
§ 52-8.....	4084
§ 52-8.1.....	3642,4084
§ 52-8.1:1.....	4085
§ 52-8.2.....	4084
§ 52-8.4.....	4084
§ 52-8.5.....	4082
§ 52-12.....	4082
§ 52-13.....	4082
§ 52-15.....	4082
§ 52-16.....	4082
§ 52-25.....	4082
§ 52-28.....	3661,4068,4086
§ 52-31.....	4082
§ 52-34.....	4082
§ 52-47.....	4071

Title 53.1 PRISONS AND OTHER METHODS OF CORRECTION

Section	Page
§ 53.1-1.....	3648,4053,4055,4056,4066
§ 53.1-5.....	4051,4052,4053,4055
§ 53.1-8.....	4053,4055
§ 53.1-10.....	4051,4053,4055,4056
§ 53.1-20.....	4057
§ 53.1-32.2.....	4060
§ 53.1-40.....	3628
§ 53.1-40.01.....	4088
§ 53.1-40.2.....	3983
§ 53.1-45.....	4054
§ 53.1-47.....	4054
§ 53.1-67.2.....	4051,4053
§ 53.1-67.6.....	4051
§ 53.1-67.8.....	4053
§ 53.1-68.....	4052
§ 53.1-69.1.....	4058
§ 53.1-80.....	3649,3898,4051
§ 53.1-81.....	3649,4051
§ 53.1-82.2.....	3898
§ 53.1-83.1.....	3644,3648
§ 53.1-84.....	3648
§ 53.1-85.....	3644,3648
§ 53.1-120.....	3646
§ 53.1-131.....	3647
§ 53.1-140.....	4051
§ 53.1-151.....	4088
§ 53.1-176.3.....	4051

Title 54.1 PROFESSIONS AND OCCUPATIONS

Section	Page
§ 54.1-308.....	3707
§ 54.1-2345.....	4206
§ 54.1-3011.2.....	3927
§ 54.1-3912.....	3625
§ 54.1-3913.....	4208,4209
§ 54.1-3916.....	3634
§ 54.1-3934.....	3631
§ 54.1-3935.....	3634
§ 54.1-3938.....	3634

Title 55.1 PROPERTY AND CONVEYANCES

Section	Page
§ 55.1-345.....	4204

§ 55.1-1204.....	3697
§ 55.1-2525.....	3895
§ 55.1-2531.....	3895

Title 56 PUBLIC SERVICE COMPANIES

Section	Page
§ 56-232.....	3763
§ 56-234.....	3763
§ 56-334.....	4084
§ 56-468.1.....	4107
§ 56-484:17.....	3883
§ 56-484.17.....	4074
§ 56-484.17:1.....	3883,3890
§ 56-575.1.....	3667
§ 56-575.17.....	3618

Title 58.1 TAXATION

Section	Page
§ 58.1-3.....	3618,4097
§ 58.1-15.....	4199
§ 58.1-105.....	3891
§ 58.1-200.....	3893
§ 58.1-202.....	3887,3889,3893
§ 58.1-202.1.....	4199
§ 58.1-202.2.....	3887
§ 58.1-203.....	3891
§ 58.1-206.....	3893
§ 58.1-207.....	3887
§ 58.1-208.....	3893
§ 58.1-210.....	3887
§ 58.1-213.....	3887,3893
§ 58.1-214.....	3889
§ 58.1-302.....	3889,3892
§ 58.1-306.....	3890
§ 58.1-312.....	4200
§ 58.1-320.....	3890
§ 58.1-321.....	4200
§ 58.1-322.02.....	3692
§ 58.1-339.2.....	4041,4204
§ 58.1-341.....	4204
§ 58.1-381.....	3889,4204
§ 58.1-392.....	3889
§ 58.1-402.....	3692,4200
§ 58.1-435.....	3697
§ 58.1-439.12:03.....	4201
§ 58.1-439.2.....	4124
§ 58.1-439.20.....	4204
§ 58.1-439.20:1.....	4204
§ 58.1-441.....	4204
§ 58.1-442.....	3891
§ 58.1-460.....	3891,3892
§ 58.1-472.....	3889
§ 58.1-478.....	3889
§ 58.1-490.....	3889,3890
§ 58.1-495.....	3890
§ 58.1-512.....	4204
§ 58.1-513.....	3888,4030
§ 58.1-602.....	4199
§ 58.1-603.....	4199
§ 58.1-603.2.....	3883
§ 58.1-604.....	4199
§ 58.1-605.....	4199
§ 58.1-606.....	4199
§ 58.1-608.3.....	3883,3887,4138
§ 58.1-609.10.....	3889
§ 58.1-609.11.....	3889,4201
§ 58.1-609.12.....	3889
§ 58.1-609.3.....	4200
§ 58.1-615.....	4199
§ 58.1-616.....	4199
§ 58.1-622.....	4199

§ 58.1-624.....	4199
§ 58.1-635.....	4199
§ 58.1-638.....	3752,3756,3773,4040,4093,4194,4199
§ 58.1-638.1.....	4198,4199
§ 58.1-638.2.....	4199
§ 58.1-638.3.....	4199
§ 58.1-642.....	4200
§ 58.1-645.....	3883,3888
§ 58.1-656.....	4200
§ 58.1-662.....	3883,3888,3910,4196
§ 58.1-801.....	4204
§ 58.1-803.....	4204
§ 58.1-816.....	3883,3887
§ 58.1-816.1.....	3901,4107
§ 58.1-1001.....	4203,4204
§ 58.1-1021.02.....	4204
§ 58.1-1021.03.....	4200
§ 58.1-1402.....	4194
§ 58.1-1410.....	4040,4194
§ 58.1-1509.....	4190
§ 58.1-1609.....	4190
§ 58.1-1730.....	4200
§ 58.1-1731.....	3693
§ 58.1-1734.....	3883
§ 58.1-1736.....	3883,4198
§ 58.1-1741.....	3883,3890,4198
§ 58.1-1803.....	3888
§ 58.1-2201.....	4200
§ 58.1-2289.....	4045,4191
§ 58.1-2291.....	4097,4200
§ 58.1-2295.....	4095,4099
§ 58.1-2402.....	4097
§ 58.1-2425.....	4097
§ 58.1-2501.....	3928
§ 58.1-2510.....	4198
§ 58.1-2531.....	4198
§ 58.1-2533.....	3890
§ 58.1-2652.....	4145
§ 58.1-2655.....	3893
§ 58.1-2658.1.....	3883
§ 58.1-3176.....	3879
§ 58.1-3221.3.....	4091
§ 58.1-3234.....	3655
§ 58.1-3239.....	3893
§ 58.1-3278.....	3893
§ 58.1-3374.....	3893
§ 58.1-3403.....	3665,4057,4077,4105
§ 58.1-3406.....	3883,3887
§ 58.1-3524.....	3885,4124,4217
§ 58.1-3536.....	4217
§ 58.1-3701.....	3891
§ 58.1-3818.02.....	4201
§ 58.1-3835.....	3892
§ 58.1-3851.1.....	3887
§ 58.1-3851.2.....	3887
§ 58.1-3912.....	3885
§ 58.1-3958.....	3654
§ 58.1-4022.....	3743,4147,4193
§ 58.1-4022.1.....	3743,4193

Title 59.1 TRADE AND COMMERCE

Section	Page
§ 59.1-284.20.....	3694
§ 59.1-284.22.....	3694
§ 59.1-284.29.....	3694
§ 59.1-284.30.....	3694
§ 59.1-284.32.....	3694
§ 59.1-336.....	3617
§ 59.1-364.....	3690
§ 59.1-365.....	3691
§ 59.1-391.....	3691

§ 59.1-392.....	3690
§ 59.1-497.....	3644
§ 59.1-547.....	3701
§ 59.1-548.....	3701
§ 59.1-550.....	3644

Title 60.2 UNEMPLOYMENT COMPENSATION

Section	Page
§ 60.2-100.....	4130
§ 60.2-106.....	3730
§ 60.2-229.....	4130
§ 60.2-301.....	3713
§ 60.2-305.....	3713
§ 60.2-315.....	3713

Title 62.1 WATERS OF THE STATE, PORTS AND HARBORS

Section	Page
§ 62.1-44.15:6.....	4034
§ 62.1-44.15:56.....	4034
§ 62.1-44.18.....	3923
§ 62.1-44.19:3.....	4034
§ 62.1-44.19:9.....	3923
§ 62.1-44.2.....	3663
§ 62.1-128.....	4113
§ 62.1-132.3:2.....	4113
§ 62.1-132.3:3.....	4114
§ 62.1-132.6.....	4222
§ 62.1-140.....	4112,4113
§ 62.1-216.1.....	4264
§ 62.1-242.12.....	4181

Title 63.2 WELFARE (SOCIAL SERVICES)

Section	Page
§ 63.2-401.....	4003,4019
§ 63.2-403.....	4003
§ 63.2-406.....	4003
§ 63.2-407.....	4003
§ 63.2-408.....	4003
§ 63.2-611.....	4002
§ 63.2-612.....	4002
§ 63.2-615.....	4003
§ 63.2-905.1.....	4007
§ 63.2-1300.....	4006
§ 63.2-1302.....	4007
§ 63.2-1303.....	4006
§ 63.2-1502.....	4006
§ 63.2-1615.....	4006
§ 63.2-1700.....	4014
§ 63.2-1701.1.....	4015
§ 63.2-1704.....	4015
§ 63.2-1706.....	4014
§ 63.2-1715.....	4015,4016
§ 63.2-1716.....	4015
§ 63.2-1719.....	4015
§ 63.2-1720.1.....	4015
§ 63.2-1721.1.....	4015
§ 63.2-2103.....	4000

Title 64.2 WILLS, TRUSTS, AND FIDUCIARIES

Section	Page
§ 64.2-2014.....	4083

Title 66 JUVENILE JUSTICE

Section	Page
§ 66-3.....	4082
§ 66-13.....	4078,4080,4081,4082
§ 66-13.1.....	4078
§ 66-14.....	4078,4079
§ 66-15.....	4079
§ 66-16.....	4081
§ 66-18.....	4081

§ 66-19.....	4081
§ 66-20.....	4079
§ 66-22.....	4078,4081
§ 66-24.....	4078
§ 66-25.1.....	4081

CERTIFICATION OF THE ACTS OF ASSEMBLY

2020 REGULAR SESSION

I, Suzette P. Denslow, Clerk of the House of Delegates and Keeper of the Rolls of the Commonwealth, do hereby certify that the 2020 Regular Session of the General Assembly of the Commonwealth of Virginia, at which the Acts of Assembly herein printed were enacted, convened on Wednesday, January 8, 2020, and adjourned sine die on Thursday, March 12, 2020, and the Reconvened Session, pursuant to Section 6 of Article IV of the Constitution of Virginia, convened on Wednesday, April 22, 2020, and adjourned sine die on Wednesday, April 22, 2020.

SUZETTE P. DENSLow
Clerk of the House of Delegates
and
Keeper of the Rolls of the Commonwealth

Note: Except as otherwise provided therein, all Acts of the 2020 Regular Session of the General Assembly, including the Reconvened Session, became effective at the first moment of July 1, 2020.

The Acts contained in Chapters 198-201 were signed by the Governor on March 8, 2020, all having been returned to the Governor by the Regular Session, pursuant to Section 6 (b) (iii) of Article V of the Constitution of Virginia.

The Acts contained in Chapters 355 and 356 were signed by the Governor on March 12, 2020, all having been returned to the Governor by the Regular Session, pursuant to Section 6 (b) (iii) of Article V of the Constitution of Virginia.

The Acts contained in Chapters 1195 and 1196 became a chapter of the Acts of Assembly on April 13, 2020, pursuant to Section 1 of Article XII of the Constitution of Virginia and §§ 30-13, 30-14, and 30-19 of the Code of Virginia. These chapters, agreed to by the General Assembly as either a House Joint Resolution or Senate Joint Resolution, are not subject to presentation, review, and action by the Governor pursuant to Section 6 of Article V of the Constitution of Virginia.

The Acts contained in Chapters 1197-1282 became law without the signature of the Governor on April 22, 2020, pursuant to Section 6 (c) (iii) of Article V of the Constitution of Virginia.

The Act contained in Chapter 1283 was signed by the Governor on April 24, 2020, having been returned to the Governor by the Reconvened Session, pursuant to Section 6 (c) (iii) of Article V of the Constitution of Virginia.

The Acts contained in Chapters 1284-1289 were signed by the Governor on May 21, 2020, all having been returned to the Governor by the Reconvened Session, pursuant to Section 6 (c) (iii) of Article V of the Constitution of Virginia.

**RESOLUTIONS OF THE GENERAL ASSEMBLY
2020 REGULAR SESSION**

HOUSE JOINT RESOLUTION NO. 1

Ratifying the Equal Rights Amendment to the Constitution of the United States.

Agreed to by the House of Delegates, January 15, 2020

Agreed to by the Senate, January 27, 2020

WHEREAS, a concurrent or joint resolution is a resolution adopted by both houses of a bicameral legislature, which does not require the signature of the chief executive, and a concurrent or joint resolution is sufficient for a state's ratification of an amendment to the Constitution of the United States; and

WHEREAS, Article V of the Constitution of the United States provides that amendments "shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three fourths of the several states"; and

WHEREAS, over 80 percent of Virginians approve the ratification of the Equal Rights Amendment by the Virginia General Assembly; and

WHEREAS, Virginia has been pivotal to incorporating fundamental rights into the Constitution of the United States, as when Virginia's ratification of 10 amendments in 1791 established the Bill of Rights; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly of the Commonwealth of Virginia hereby ratify and affirm the Equal Rights Amendment to the Constitution of the United States proposed by the United States Congress on March 22, 1972, and ratified by 37 state legislatures. The complete text of House Joint Resolution 208 proposing the Equal Rights Amendment follows:

HOUSE JOINT RESOLUTION 208

Proposing an amendment to the Constitution of the United States relative to equal rights for men and women.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

"Article—

"Section 1. Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

"Section 2. The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

"Section 3. This amendment shall take effect two years after the date of ratification."; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates transmit certified copies of this joint resolution to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, the members of the Virginia Congressional Delegation, and the Archivist of the United States at the National Archives and Records Administration of the United States.

HOUSE JOINT RESOLUTION NO. 4

Celebrating the life of Alan Arnold Diamonstein.

Agreed to by the House of Delegates, February 18, 2020

Agreed to by the Senate, February 27, 2020

WHEREAS, Alan Arnold Diamonstein, a preeminent attorney and a tireless public servant who ably represented the residents of Newport News in the Virginia House of Delegates for 34 years, died on October 17, 2019; and

WHEREAS, a native of Hampton, Alan Diamonstein learned the value of hard work and responsibility at a young age by helping in his grandparents' grocery store and his father's furniture store; his early experiences with anti-Semitism influenced his lifelong commitment to social justice and civil rights; and

WHEREAS, Alan Diamonstein attended Newport News High School and Augusta Military Academy and earned a bachelor's degree and a law degree from the University of Virginia after completing a tour with the United States Air Force; and

WHEREAS, Alan Diamonstein returned to Hampton Roads and opened a private practice, subsequently becoming a partner in the nationally known law firm Patten, Wornom, Hatten & Diamonstein; specializing in business, real estate, and land-use law, he gained renown for his legal acumen and professionalism; and

WHEREAS, desirous to be of further service to the Commonwealth, Alan Diamonstein was elected to the Virginia House of Delegates in 1967 and represented the residents of Newport News for 17 consecutive terms; and

WHEREAS, Alan Diamonstein introduced and supported numerous important pieces of legislation to benefit all Virginians, had a transformative impact on higher education, and helped establish the Housing Study Commission and the Virginia Housing Development Authority; and

WHEREAS, among his significant achievements, Alan Diamonstein introduced legislation that required the University of Virginia to admit women on the same basis as men in the 1970s and played a vital role in the passage of the Virginia Residential Landlord and Tenant Act and antidiscrimination laws related to housing; and

WHEREAS, Alan Diamonstein offered his wisdom and expertise to the committees on Rules, Appropriations, and General Laws and was a valued source of institutional knowledge during his long tenure in the Virginia House of Delegates; and

WHEREAS, a respected statesman, Alan Diamonstein worked to build bipartisan trust and consensus and significantly increased diversity in state agencies by advocating for women and minority appointees to boards and commissions; he served as a trusted mentor, advisor, and friend to many fellow legislators and other state and local officials; and

WHEREAS, at the national level, Alan Diamonstein represented Virginia on the Democratic National Committee and subsequently became state party chair; he was an advisor to several members of the Carter administration and was appointed by President Bill Clinton to the board of the National Housing Partnership; and

WHEREAS, countless organizations and institutions benefited from Alan Diamonstein's visionary leadership, including the Virginia Museum of Fine Arts, the Peninsula Fine Arts Center, the Mariners' Museum, the Sarah Bonwell Hudgins Foundation, and many others; most notably, he earned the nickname "Mr. CNU" for his contributions to Christopher Newport University; and

WHEREAS, Alan Diamonstein will be fondly remembered and greatly missed by his wife of 47 years, Beverly; his children, Candis, Karen, Trey, and Kevin, and their families; and numerous family members, as well as friends and colleagues on both sides of the aisle; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Alan Arnold Diamonstein, a consummate public servant and a true Virginia gentleman; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Alan Arnold Diamonstein as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 5

Commending the Norfolk Police Department.

Agreed to by the House of Delegates, January 13, 2020

Agreed to by the Senate, January 16, 2020

WHEREAS, the Norfolk Police Department earned national accolades in 2019 by winning the grand prize on the television special *Lip Sync to the Rescue*; and

WHEREAS, broadcast live on CBS, *Lip Sync to the Rescue* featured videos of public safety officers from around the nation lip-synching to popular songs in a one-hour countdown special; the Norfolk Police Department's video was selected from a pool of approximately 1,000 applicants; and

WHEREAS, the Norfolk Police Department originally posted its video on Facebook in July 2018; dozens of law-enforcement officers, first responders, and city staff members participated in the nearly five-minute video set to "Uptown Funk" by Mark Ronson and Bruno Mars; and

WHEREAS, members of the Norfolk Police Department used borrowed video equipment and a cell phone to shoot the one-take video, which has received more than 80 million views; and

WHEREAS, the Norfolk Police Department was one of 30 agencies to reach the live show and triumphed over the Seattle Police Department in the final round of voting to claim the \$100,000 grand prize; and

WHEREAS, this unique form of public outreach helped the Norfolk Police Department build trust and goodwill among the members of the community and fostered *esprit de corps* between the hardworking men and women of the department; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Norfolk Police Department on winning the grand prize on *Lip Sync to the Rescue*; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Norfolk Police Department as an expression of the General Assembly's admiration for the department's achievement.

HOUSE JOINT RESOLUTION NO. 8

Commending the Virginia 4-H shotgun development team.

Agreed to by the House of Delegates, January 13, 2020

Agreed to by the Senate, January 16, 2020

WHEREAS, the Virginia 4-H shotgun development team finished in first place at the 2019 4-H Shooting Sports National Championships in Grand Isle, Nebraska; and

WHEREAS, the Virginia 4-H shotgun development team won the skeet and trap events to defeat the runner-up team from Texas in the national competition, which featured 30 teams from around the country; and

WHEREAS, Mattison Russell of Mecklenburg County placed third overall in the individual standings, followed by Grayson Melton of Powhatan County in fifth place, Walker Coleman of Nottoway County in seventh place, and Charlie Maddox of Appomattox County in 19th place; and

WHEREAS, in the trap event, the Virginia 4-H shotgun development team hit 290 of 300 targets to claim the win, with Walker Coleman and Mattison Russell each scoring 97 points, Grayson Melton scoring 96, and Charlie Maddox scoring 92; and

WHEREAS, the Virginia 4-H shotgun development team won the skeet event with a score of 289 and finished in second place in the sporting clays event; and

WHEREAS, the competition was the first time the Commonwealth had fielded a team in the 4-H Shooting Sports National Championships since 2013, making the Virginia 4-H shotgun development team's victory a triumphant return to the national stage; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Virginia 4-H shotgun development team on winning the first-place award at the 2019 4-H Shooting Sports National Championships; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Jinx Baney, head coach of the Virginia 4-H shotgun development team, as an expression of the General Assembly's admiration for the team's achievements and best wishes for the future.

HOUSE JOINT RESOLUTION NO. 9

Commending the Reverend Dr. Douglas Warren Kittredge.

Agreed to by the House of Delegates, January 13, 2020

Agreed to by the Senate, January 16, 2020

WHEREAS, in 2019, the Reverend Dr. Douglas Warren Kittredge completed his successful 44 years of ministry as senior pastor of New Life in Christ Church in Spotsylvania County; and

WHEREAS, Pastor Kittredge provided spiritual leadership, joyful worship, and generous outreach to many in the community, especially during a time of significant regional growth; and

WHEREAS, Pastor Kittredge was called as the first pastor of New Life in Christ Church in 1975, when a group of Christians from different denominations joined together to express their love of Jesus Christ through the establishment of a church; and

WHEREAS, Pastor Kittredge led New Life in Christ Church to a number of worship locations over the first few years of ministry; and

WHEREAS, in 1985, Pastor Kittredge oversaw the purchase of land for a new building in Spotsylvania County; the church began a capital campaign that raised more than \$400,000, and construction was completed in 1998 through the generosity of congregants and community members; and

WHEREAS, Pastor Kittredge contributed to the establishment of Bethany Christian Services, Fredericksburg Christian School, Covenant Christian Co-Op, and a radio station that serves Spotsylvania and the surrounding region; and

WHEREAS, Pastor Kittredge began the New Life in Christ Church's Thanksgiving Day Ministry, which has distributed more than 10,000 Thanksgiving dinners to families in need, and supported the regular distribution of food boxes in the community; and

WHEREAS, Pastor Kittredge supported the development of New Life in Christ's baseball league, which has provided Christian discipleship in a sports context for hundreds of children every year; and

WHEREAS, in 1998, Pastor Kittredge led New Life in Christ Church to affiliate with the James River Presbytery of the Presbyterian Church in America and has worked to build a network of sister churches throughout the United States and the world; in 2002, he started an extension campus of New Geneva Theological Seminary at New Life in Christ Church; and

WHEREAS, in 2012, Pastor Kittredge led the congregation in a significant building project, adding a \$1.2 million expansion to the church's facilities; and

WHEREAS, Pastor Kittredge has led 44 mission conferences at New Life in Christ Church and raised hundreds of thousands of dollars for mission work throughout the region and the world; and

WHEREAS, Pastor Kittredge led numerous mission trips to Israel and Palestine and helped establish the Jerusalem Gateway Partnership to promote gospel ministry in the Middle East and reconciliation efforts between Jews and Palestinians; and

WHEREAS, Pastor Kittredge facilitated numerous interfaith meetings that promoted better understanding and stronger relationships between Christians and Muslims; and

WHEREAS, Pastor Kittredge actively assisted in the establishment of other local churches including Evident Grace Fellowship and New Life Korean Church in Spotsylvania County, and Hope of Christ and New Life Community Church in Stafford County; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Reverend Dr. Douglas Warren Kittredge for his service to Spotsylvania County on the occasion of his retirement as senior pastor of New Life in Christ Church; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Reverend Dr. Douglas Warren Kittredge as an expression of the General Assembly's admiration for his spiritual leadership and legacy of contributions to the community.

HOUSE JOINT RESOLUTION NO. 10

Designating June 1, in 2020 and in each succeeding year, as Gun Violence Awareness Day in Virginia.

Agreed to by the House of Delegates, January 29, 2020

Agreed to by the Senate, March 3, 2020

WHEREAS, each year, tens of thousands of people in the United States are killed or injured by gunfire, including homicides involving firearms, suicides by firearm, and accidental shootings; and

WHEREAS, since 1968, more Americans have died from gun-related incidents in the United States than have died on the battlefields of all the wars in United States history; and

WHEREAS, by one count, in 2017 there were 346 mass shooting incidents in the United States in which four or more people were killed or wounded by gunfire, including dozens of incidents in which a gun was fired in a school; and

WHEREAS, gun violence typically increases during the summer months, but on average, one person in the United States under the age of 25 dies as a result of gun violence every 70 minutes, or more than 6,300 such people annually; and

WHEREAS, in 2013, Hadiya Pendleton, a 15-year-old high school student, was killed while standing in a Chicago park, inspiring the Wear Orange for Gun Safety campaign, in which hundreds of people throughout the United States wear orange clothes and participate in Orange Meet-Ups to make their voices heard and stand in solidarity with people who have been affected by gun violence and their families; and

WHEREAS, the organizers of the Wear Orange campaign chose the color orange—the same color commonly worn by hunters in the woods for safety—as a way to increase visibility and draw attention to the organization's mission; and

WHEREAS, the Wear Orange campaign has earned support from prominent elected officials at all levels of government, celebrities, youth and professional sports teams, and more than 150 corporate and nonprofit partner organizations, and landmarks throughout the country have been painted or lit orange in honor of the campaign; and

WHEREAS, the Wear Orange campaign is a diverse movement, bringing together people from many walks of life to find common cause in keeping their communities safe by reducing gun violence; and

WHEREAS, all Virginians are encouraged to observe Gun Violence Awareness Day by wearing orange, offering support to those affected by gun violence and their families, promoting greater awareness of gun safety, and discussing ways to make Virginia communities safer; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly designate June 1, in 2020 and in each succeeding year, as Gun Violence Awareness Day in Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates transmit a copy of this resolution to the Wear Orange for Gun Safety campaign so that members of the organization may be apprised of the sense of the General Assembly of Virginia in this matter; and, be it

RESOLVED FINALLY, That the Clerk of the House of Delegates post the designation of this day on the General Assembly's website.

HOUSE JOINT RESOLUTION NO. 11

Commending Larry T. Harley.

Agreed to by the House of Delegates, January 13, 2020

Agreed to by the Senate, January 16, 2020

WHEREAS, Larry T. Harley began his service as a paralegal with the Southwest Virginia Legal Aid Society in 1975; and
WHEREAS, Larry Harley held many different roles within the Southwest Virginia Legal Aid Society over the years, ultimately serving as executive director for 26 years; and

WHEREAS, Larry Harley shepherded the Southwest Virginia Legal Aid Society through significant structural changes and growth during his tenure, leading it to become one of the preeminent rural legal aid programs in the country; and

WHEREAS, under Larry Harley's skillful management, the Southwest Virginia Legal Aid Society has served thousands of low-income citizens in Southwest Virginia who have faced legal problems involving domestic violence, financial hardships, unfair treatment in housing and the workplace, and family crises, among many others; and

WHEREAS, because of his record of service to the public, *Virginia Business* named Larry Harley as one of Virginia's most elite attorneys in the area of public service law for the years 2004, 2005, 2006, 2008, and 2009; he received the 2011 Virginia State Bar Legal Aid Award; and

WHEREAS, Larry Harley honorably served the Commonwealth as a member of the Virginia Supreme Court's Access to Justice Commission, promoting equal access to justice in Virginia, with particular emphasis on the civil legal needs of Virginia residents; and

WHEREAS, Larry Harley's leadership has enabled Southwest Virginia Legal Aid to fulfill its noble mission of "Seeking One Justice for All Virginians"; and

WHEREAS, Larry Harley has faithfully served Southwest Virginia Legal Aid, his community, and the Commonwealth with honor and distinction; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Larry T. Harley for more than 40 years of service to the Southwest Virginia Legal Aid Society; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Larry T. Harley as an expression of the General Assembly's admiration for his contributions to the legal field and service to the citizens of the Commonwealth.

HOUSE JOINT RESOLUTION NO. 12

Celebrating the life of John Curtis Marion.

Agreed to by the House of Delegates, January 13, 2020

Agreed to by the Senate, January 16, 2020

WHEREAS, John Curtis Marion, a trusted entrepreneur and a dedicated public servant who helped strengthen the Pennington Gap community, died on May 12, 2019; and

WHEREAS, a native of Hancock County, Tennessee, John Marion attended Hancock County High School and studied at Carson-Newman College and Lincoln Memorial University; and

WHEREAS, after graduating from the University of Tennessee School of Pharmacy in 1967, John Marion worked at the Drug Shop in Pennington Gap, then subsequently owned and operated John C. Marion Pharmacist; and

WHEREAS, desirous to be of further service to the community, John Marion ran for and was elected to multiple terms on the Pennington Gap Town Council, including two terms as mayor; he offered his leadership to the Lee County School Board and the board of Lee County Community Hospital; and

WHEREAS, John Marion was a 50-year member of both New Castle Masonic Lodge No. 91 in Indiana and Miles Masonic Lodge No. 165 in Pennington Gap, and he enjoyed fellowship and worship with the community at First Baptist Church of Pennington Gap; and

WHEREAS, John Marion also operated a small farm in Dryden, where he spent countless hours tending to the land and enjoying time with his beloved family; and

WHEREAS, John Marion will be fondly remembered and greatly missed by his wife of 52 years, Janet; his daughters, Jacqui and Jannesah, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of John Curtis Marion; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of John Curtis Marion as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 13

Celebrating the life of Ben E. Allen.

Agreed to by the House of Delegates, January 13, 2020

Agreed to by the Senate, January 16, 2020

WHEREAS, Ben E. Allen, a respected businessman and a dedicated public servant who worked to enhance the quality of life for his fellow residents of Big Stone Gap, died on July 10, 2019; and

WHEREAS, a native of Bristol, Tennessee, Ben Allen graduated from Tennessee High School and East Tennessee State University; he served his country as a member of the United States Air Force from 1951 to 1954, earning an achievement award from the Strategic Air Command for his exemplary performance; and

WHEREAS, Ben Allen pursued a career in the oil industry and retired as president of Southwest Oil Company in Big Stone after 32 years of service; he then operated Lonesome Pine Raceway for several years; and

WHEREAS, an avid sports fan, Ben Allen hosted the local radio show *Pigskin Picks* and became known as the "Voice of the Powell Valley Vikings" for his work as a public address announcer at Powell Valley High School; and

WHEREAS, Ben Allen further served the community as a member of the Big Stone Gap Town Council and two-term mayor; his civic involvement extended to the LENOWISCO Planning District Commission, Wise County Industrial Development Authority, Mountain Empire Community College Foundation, Lonesome Pine Hospital, Wellmont Foundation, Holston United Methodist Home for Children, and Big Stone Gap Lions Club; and

WHEREAS, a man of deep and abiding faith, Ben Allen enjoyed fellowship and worship with the congregation of Trinity United Methodist Church, where he volunteered on several committees and ministries; and

WHEREAS, Ben Allen will be fondly remembered and greatly missed by his wife of 67 years, Dorothy; his children, Andy, Mike, and Carol, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Ben E. Allen, former mayor of Big Stone Gap and an active leader in the community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Ben E. Allen as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 14

Celebrating the life of William Rhea Quillen, Jr.

Agreed to by the House of Delegates, January 13, 2020

Agreed to by the Senate, January 16, 2020

WHEREAS, William Rhea Quillen, Jr., a highly admired member of the Gate City community who touched thousands of lives during his long career as an educator and football coach, died on July 27, 2019; and

WHEREAS, a native of Gate City, William "Bill" Rhea Quillen graduated from Gate City High School in 1965 and attended East Tennessee State University; after completing his education, he spent most of his career at his alma maters, Gate City Middle School and Gate City High School; and

WHEREAS, Bill Quillen taught for 31 years and coached football for 46 years, serving as head coach of the middle school team and an assistant coach of the varsity high school team; he helped lead the Gate City High School Blue Devils to state championship victories in 1970, 1974, 1997, 2003, and 2010; and

WHEREAS, after his well-earned retirement from coaching, Bill Quillen continued to serve the community as a member of the Scott County School Board for eight years, including seven years as chair; and

WHEREAS, affectionately known as Coach Quillen throughout the community, Bill Quillen's legacy lives on through the countless young people he mentored and inspired to achieve greatness in all their pursuits; and

WHEREAS, Bill Quillen's greatest joy in life was his family, and he especially relished every opportunity to spend time with his six beloved grandchildren; and

WHEREAS, Bill Quillen will be fondly remembered and greatly missed by his wife, Darlene; his children, Julie, Laura, Heather, and Jessica, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of William Rhea Quillen, Jr.; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of William Rhea Quillen, Jr., as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 15

Celebrating the life of Gloria Elizabeth Blair.

Agreed to by the House of Delegates, January 13, 2020

Agreed to by the Senate, January 16, 2020

WHEREAS, Gloria Elizabeth Blair, a respected member of the Gate City community who dedicated her life to serving those in need, died on September 22, 2019; and

WHEREAS, Gloria Elizabeth "Beth" Blair graduated from Rye Cove High School in Scott County and attended Radford University and East Tennessee State University; and

WHEREAS, Beth Blair joined the Scott County Department of Social Services in 1972 and retired as an eligibility supervisor after more than two decades of exceptional contributions to her fellow Scott County residents; and

WHEREAS, after her well-earned retirement, Beth Blair continued to serve the community as a member of the Scott County Public Schools School Board for 17 years; and

WHEREAS, Beth Blair worked with the Rural Area Development Association to provide emergency housing assistance to low-income families; she offered her leadership to other charitable causes, such as the Scott County Christmas Cart and the Rye Cove Optimist Club; and

WHEREAS, Beth Blair enjoyed fellowship and worship with her fellow Gate City residents as a member of Midway Memorial United Methodist Church; and

WHEREAS, Beth Blair was a devoted mother who took every opportunity to support her daughters and grandchildren and instill in them her dedication to community service; and

WHEREAS, Beth Blair will be fondly remembered and greatly missed by her husband of 56 years, Roger; her daughters, Mary Beth and Jane, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Gloria Elizabeth Blair; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Gloria Elizabeth Blair as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 16

Commending the Union High School boys' cross country team.

Agreed to by the House of Delegates, January 13, 2020

Agreed to by the Senate, January 16, 2020

WHEREAS, the Union High School boys' cross country team of Big Stone Gap won the team title at the Virginia High School League Class 2 State Championship on November 16, 2019, at Green Hill Park in Salem; and

WHEREAS, the Union High School Bears secured the victory by posting a score of 54 points, finishing 24 points ahead of the runner-up Strasburg High School Rams; and

WHEREAS, the Union Bears were led by Nathaniel Hersel, who finished in sixth place with a time of 16:33; Tanner Cusano, who finished seventh with a time of 16:46; and Jacob Mullins, who finished thirteenth with a time of 17:07; each runner earned all-state honors for finishing in the top 15 of the race; and

WHEREAS, the Union Bears' win was sealed by Caiden Bartee and Asher Whitt, who both finished in the top 25, and ensured by strong performances from Mason Byington and Benjamin Hersel; and

WHEREAS, the win demonstrates the support the athletes show for each other; it is the culmination of years of training and preparation dating back to middle school for several members of the Union Bears team; and

WHEREAS, the Union Bears' success is the result of the hard work and determination of the student-athletes, the encouragement and guidance of their coaches and teachers, and the resounding support of the entire Union High School community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Union High School boys' cross country team for winning the team title at the 2019 Virginia High School League Class 2 State Championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Mark Castle, coach of the Union High School boys' cross country team, as an expression of the General Assembly's admiration for their achievement and best wishes for the future.

HOUSE JOINT RESOLUTION NO. 17

Commending The American Legion Auxiliary.

Agreed to by the House of Delegates, January 13, 2020

Agreed to by the Senate, January 16, 2020

WHEREAS, The American Legion Auxiliary, one of the world's largest patriotic service organizations, celebrates its 100th anniversary in 2019; and

WHEREAS, founded on November 10, 1919, The American Legion Auxiliary was established to support the mission of The American Legion and honor the sacrifices of those who served by enhancing the lives of veterans, active-duty military members, and military families, both at home and abroad; and

WHEREAS, The American Legion Auxiliary adheres to The American Legion's four pillars of care for Veterans, National Security, Americanism, and Children & Youth; and

WHEREAS, The American Legion Auxiliary advocates for veterans, provides educational resources, mentors young people, and promotes patriotism, good citizenship, peace, and security; and

WHEREAS, each year, The American Legion Auxiliary members' volunteer service of more than 12 million hours is valued at approximately \$1.1 billion; and

WHEREAS, The American Legion Auxiliary Department of Virginia is active in communities throughout the Commonwealth and promotes The American Legion Auxiliary's mission within localities through its generosity, patriotism, and leadership; and

WHEREAS, Dr. Kate Waller Barrett, a physician from Virginia and a charter member of her unit, served as The American Legion Auxiliary Department of Virginia's first president from 1921 to 1922; and

WHEREAS, The American Legion Auxiliary Department of Virginia proudly endorsed Dr. Kate Waller Barrett as the second American Legion Auxiliary national president from 1922 to 1923; another Virginian, Peggy Thomas, served as the 93rd national president from 2012 to 2013; and

WHEREAS, Dr. Lisa Chaplin is serving as the 2019-2020 president of The American Legion Auxiliary Department of Virginia during the centennial year; and

WHEREAS, The American Legion Auxiliary Department of Virginia has more than 6,500 members and 141 units; and

WHEREAS, The American Legion Auxiliary Department of Virginia actively supports all of the veterans' hospitals in Virginia with volunteer representatives at each hospital; and

WHEREAS, The American Legion Auxiliary Department of Virginia sponsors rising female seniors from high schools throughout the Commonwealth through its marquee program, ALA Virginia Girls State, held at Longwood University in Farmville during the third week in June; and

WHEREAS, having made significant charitable contributions, recorded countless volunteer hours and completed numerous programs and service projects, the members of The American Legion Auxiliary Department of Virginia exemplify the spirit of "Service, Not Self" and never waver in their commitment to honor those who have served the nation and to assist their fellow Virginians; and

WHEREAS, the members of The American Legion Auxiliary are dedicated to upholding the ideals of freedom and democracy while working to make a difference in the lives of fellow Americans; and

WHEREAS, The American Legion Auxiliary will commemorate its centennial with special events throughout 2019 and 2020; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend The American Legion Auxiliary on the occasion of its 100th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Dr. Lisa Chaplin, president of The American Legion Auxiliary Department of Virginia, as an expression of the General Assembly's admiration for The American Legion Auxiliary's legacy of service to the Commonwealth and the United States.

HOUSE JOINT RESOLUTION NO. 21

Designating August 26, in 2020 and in each succeeding year, as Women's Equality Day in Virginia.

Agreed to by the House of Delegates, January 29, 2020

Agreed to by the Senate, March 3, 2020

WHEREAS, women in the United States have experienced discrimination in both the public and private sectors, often facing challenges, constraints, and disparities in legal rights that do not affect male citizens of the United States; and

WHEREAS, the women of the United States have worked to ensure that these rights and privileges are available to all citizens equally, regardless of sex; and

WHEREAS, 12 of the Commonwealth's most prominent women leaders—Anne Burras Laydon, Cockacoeske, Mary Draper Ingles, Martha Washington, Clementina Rind, Elizabeth Keckly, Sally L. Tompkins, Maggie L. Walker, Sarah G. Jones, Laura S. Copenhaver, Virginia E. Randolph, and Adèle Clark—were honored in 2019 with the dedication of the Virginia Women's Monument on Capitol Square; and

WHEREAS, over the course of Virginia's 400-year history, from the colonial period and the foundation of the United States to the modern era, countless other women throughout the Commonwealth have played a vital role in shaping the future of the nation and made significant contributions as leaders in their communities, careers, and families; and

WHEREAS, in 1973, the United States Congress designated August 26, the anniversary date of the passage of the Nineteenth Amendment, which prohibited states and the federal government from denying citizens the right to vote on the basis of sex, as Women's Equality Day; and

WHEREAS, Women's Equality Day provides an opportunity to recognize the achievements of Virginia women and raise awareness of the ongoing fight for equal rights for women in all aspects of American life; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly designate August 26, in 2020 and in each succeeding year, as Women's Equality Day in Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates transmit a copy of this resolution to the Virginia chapter of the National Organization for Women so that members of the organization may be apprised of the sense of the General Assembly of Virginia in this matter; and, be it

RESOLVED FINALLY, That the Clerk of the House of Delegates post the designation of this day on the General Assembly's website.

HOUSE JOINT RESOLUTION NO. 25

Requesting the railroad companies having information about coal dust blown from moving trains in the Commonwealth to continue to submit annual reports to the General Assembly.

Agreed to by the House of Delegates, February 10, 2020

Agreed to by the Senate, February 25, 2020

WHEREAS, in 1992, the General Assembly established the Joint Subcommittee Studying Measures to Reduce Emissions from Coal-Carrying Railroad Cars (the Joint Subcommittee) in response to complaints of blowing coal dust by residents and businesses close to certain railroad lines; and

WHEREAS, in response to the work of the Joint Subcommittee, the affected railroad companies, in cooperation with the coal companies whose products they transport, were able to identify and employ techniques and technologies that have significantly reduced the amount of coal dust blown from moving trains; and

WHEREAS, although the Joint Subcommittee did not find legislative action by the General Assembly in this area to be either necessary or desirable at the present time, it is highly desirable that the General Assembly be kept abreast of actions by railroad companies and coal producers that may affect the amount of coal dust blown from moving trains, so that timely action may be taken if such should prove necessary or desirable in the future; and

WHEREAS, the Senate and House of Delegates passed SJ 257 during the 1997 Regular Session of the General Assembly, affirming the above statements; and

WHEREAS, over 20 years after such prior resolution was passed, the problem with coal dust blown from moving trains still has not been resolved; and

WHEREAS, residents in the Commonwealth are still suffering from coal dust blown from railroad cars and, consequently, a threatened quality of life, and businesses are also being adversely affected; and

WHEREAS, reports indicate that the benefits of covering rail cars carrying coal dust and coal ash outweigh the costs; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the railroad companies having information about coal dust blown from moving trains in the Commonwealth be requested to continue to submit annual reports to the General Assembly. Such reports are requested to be filed with the Clerks of the House of Delegates and Senate and should include information for the preceding calendar year on actions and activities having or likely to have an impact on coal dust blown from trains operating in or through the Commonwealth, including annual citizen input meetings in Roanoke, Richmond, Salem, and Norfolk; a cost-benefit analysis of covering rail cars carrying coal; a cost-benefit analysis of enclosing with a dust suppression system the twin rotary dumpsters in Norfolk; publication of the Dust Information Telephone Line via social media and newspaper; and reporting on the number, frequency, and location of complaints from the public about coal dust blown from trains; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates transmit a copy of this resolution to the registered agent of the Norfolk Southern Corporation with a request that he forward copies of this resolution to coal producers so that they may be apprised of the sense of the General Assembly in this matter.

HOUSE JOINT RESOLUTION NO. 29

Establishing a joint committee of the House Committee on Health, Welfare and Institutions; the House Committee on Public Safety; the Senate Committee on the Judiciary; and the Senate Committee on Rehabilitation and Social Services to study staffing levels, employment conditions, and compensation at the Virginia Department of Corrections. Report.

Agreed to by the House of Delegates, March 7, 2020

Agreed to by the Senate, March 8, 2020

WHEREAS, it is the mission of the Virginia Department of Corrections to enhance public safety by providing effective programs and reentry services for the supervision of sentenced offenders in a humane, cost-effective manner, consistent with sound correctional principles and constitutional standards; and

WHEREAS, the Virginia Department of Corrections (the Department) aspires to be recognized as a model correctional agency and a proven innovative leader in the field; and

WHEREAS, the Commonwealth will be a safer place to live and work if the Department provides appropriate custody and supervision of, and programs and reentry practices for, offenders through its exemplary services; and

WHEREAS, the cornerstone of the Department is its employees, who embrace a common purpose and a commitment to the highest professional standards and excellence in public service; and

WHEREAS, the Department should maintain a responsible commitment to its employees and be a satisfying, rewarding, and safe place to work and grow professionally; and

WHEREAS, adequate staffing is critical to the Department's ability to fulfill its mission; and

WHEREAS, inadequate staffing levels can lead to lapses in safety and can place employees under extreme stress and at risk of other negative effects on their health; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That a joint committee of the House Committee on Health, Welfare and Institutions; the House Committee on Public Safety; the Senate Committee on the Judiciary; and the Senate Committee on Rehabilitation and Social Services be established to study staffing levels, employment conditions, and compensation at the Virginia Department of Corrections. The joint committee shall have a total membership of 10 members, consisting of two members of the House Committee on Health, Welfare and Institutions to be appointed by the Speaker of the House of Delegates upon the recommendation of the Chairman of the House Committee on Health, Welfare and Institutions; two members of the House Committee on Public Safety to be appointed by the Speaker of the House of Delegates upon the recommendation of the Chairman of the House Committee on Public Safety; one member of the Senate Committee on the Judiciary to be appointed by the Senate Committee on Rules upon the recommendation of the Chairman of the Senate Committee on the Judiciary; one member of the Senate Committee on Rehabilitation and Social Services to be appointed by the Senate Committee on Rules upon the recommendation of the Chairman of the Senate Committee on Rehabilitation and Social Services; and four nonlegislative citizen members to be appointed by the Joint Committee on Rules, of whom two members shall be representatives of an association for correctional officers or employees and two members shall be former correctional officers or employees. Nonlegislative citizen members of the joint committee shall be citizens of the Commonwealth of Virginia. Unless otherwise approved in writing by the chairman of the joint committee and the Clerk of the House of Delegates, nonlegislative citizen members shall only be reimbursed for travel originating and ending within the Commonwealth of Virginia for the purpose of attending meetings. The joint committee shall elect a chairman and vice-chairman from among its membership.

In conducting its study, the joint committee shall study staffing levels, rates of staff turnover, employment conditions, employee health and safety, and employee compensation at the Department.

Administrative staff support shall be provided by the Office of the Clerk of the House of Delegates. Legal, research, policy analysis, and other services as requested by the joint committee shall be provided by the Division of Legislative Services. Technical assistance shall be provided by the Department. All agencies of the Commonwealth shall provide assistance to the joint committee for this study, upon request.

The joint committee shall be limited to four meetings for the 2020 interim. The direct costs of this study shall not exceed \$14,200 without approval as set out in this resolution. Approval for unbudgeted nonmember-related expenses shall require the written authorization of the chairman of the joint committee and the Clerk of the House of Delegates. If a companion joint resolution of the other chamber is agreed to, written authorization of both Clerks shall be required.

No recommendation of the joint committee shall be adopted if a majority of the House members or a majority of the Senate members of the joint committee (i) vote against the recommendation and (ii) vote for the recommendation to fail notwithstanding the majority vote of the joint committee.

The joint committee shall complete its meetings by November 30, 2020, and the chairman shall submit an executive summary of its findings and recommendations no later than the first day of the 2021 Regular Session of the General Assembly to the Division of Legislative Automated Systems. The executive summary shall state whether the joint committee intends to submit to the General Assembly and the Governor a report of its findings and recommendations for publication as a House or Senate document. The executive summary and the report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

Implementation of this resolution is subject to subsequent approval and certification by the Joint Rules Committee. The Committee may approve or disapprove expenditures for this study, extend or delay the period for the conduct of the study, or authorize additional meetings during the 2020 interim.

HOUSE JOINT RESOLUTION NO. 33

Commending William Daly.

Agreed to by the House of Delegates, January 13, 2020

Agreed to by the Senate, January 16, 2020

WHEREAS, William Daly, a mathematics teacher at Albemarle High School, received the Presidential Award for Excellence in Mathematics and Science Teaching on October 15, 2019; and

WHEREAS, the award, administered by the National Science Foundation on behalf of The White House Office of Science and Technology, is considered the nation's highest honor for K-12 mathematics and science teachers; William "Bill" Daly was a 2017 recipient of the award for secondary mathematics education, which distinguishes him as the top secondary mathematics educator in Virginia; and

WHEREAS, an educator for over 30 years, Bill Daly has taught at Albemarle High School for the past 21 years, where he is admired by students and faculty for his ability to teach mathematics in an engaging and effective manner; and

WHEREAS, his courses, Algebra 2, Trigonometry, and Mathematics Analysis, are taught through the Math, Engineering & Science Academy at Albemarle High School; a four-year program Bill Daly helped design to prepare students for a career in engineering; and

WHEREAS, in his classroom, Bill Daly emphasizes problem-solving skills that can be applied beyond mathematics, often using open discussions to help lead his students to a deeper understanding of the mathematical principles he is teaching; and

WHEREAS, over the past three decades, Bill Daly has touched the lives of countless students, providing many of them with not only a solid grounding in mathematics but the confidence to succeed; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend William Daly, a mathematics teacher at Albemarle High School, on the occasion of his distinction as a recipient of the Presidential Award for Excellence in Mathematics and Science Teaching; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to William Daly as an expression of the General Assembly's admiration for his years of service to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 42

Designating the Honor and Sacrifice Flag as the Commonwealth's emblem for honoring the brave men and women who have given their lives for public safety.

Agreed to by the House of Delegates, January 29, 2020

Agreed to by the Senate, March 3, 2020

WHEREAS, the Honor and Sacrifice Flag was designed by Chesapeake resident George Lutz to honor firefighters, law-enforcement officers, emergency medical services personnel, and other public safety personnel who have given their lives in the line of duty; and

WHEREAS, the blue field of the Honor and Sacrifice Flag symbolizes the law-enforcement community; and

WHEREAS, the purple field of the Honor and Sacrifice Flag signifies mourning for a loss in the firefighter community; and

WHEREAS, the white field of the Honor and Sacrifice Flag recognizes the purity of heart within each individual who serves and protects the community and is willing to face each day's challenges regardless of the risk; and

WHEREAS, the black star of the Honor and Sacrifice Flag represents those who wear the distinctive badge, including sheriffs and marshals; and

WHEREAS, the red Maltese cross of the Honor and Sacrifice Flag recognizes all who have fallen in the emergency response communities; and

WHEREAS, the golden shield of the Honor and Sacrifice Flag recognizes all law-enforcement officers and other public safety representatives who wear the shield, including emergency medical services personnel, and who have made the ultimate sacrifice in the line of duty; gold represents the value of the life given; and

WHEREAS, the folded flag element of the Honor and Sacrifice Flag signifies the final tribute to an individual life that a family has lost for the sake of others; and

WHEREAS, the flame element of the Honor and Sacrifice Flag is an eternal reminder of the spirit that has departed this life yet burns on in the memory of all who knew and loved the fallen hero; and

WHEREAS, the General Assembly of Virginia calls for a unifying symbol recognizing this nation's solemn debt to fallen public safety workers and the families and communities who mourn their loss; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly designate the Honor and Sacrifice Flag as the Commonwealth's emblem for honoring the brave men and women who have given their lives for public safety; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates transmit copies of this resolution to the Director of the Department of Criminal Justice Services, the Executive Director of the Department of Fire Programs, and the State Health Commissioner, requesting that they further disseminate copies of this resolution to their respective constituents so that they may be apprised of the sense of the General Assembly of Virginia in this matter; and, be it

RESOLVED FINALLY, That in the absence of a directive from the Governor or the Director of the Department of General Services, the head of the state agency that controls any facility or building outside of Capitol Square may determine when to display the Honor and Sacrifice Flag, provided that the Honor and Sacrifice Flag that is displayed is (i) smaller in height and width than the flag of the United States that is officially displayed at the building or facility and (ii) made in the United States.

HOUSE JOINT RESOLUTION NO. 46

Commending the United States Women's National Soccer Team.

Agreed to by the House of Delegates, January 13, 2020

Agreed to by the Senate, January 16, 2020

WHEREAS, on July 7, 2019, in Lyon, France, the United States Women's National Soccer Team won the 2019 FIFA Women's World Cup for the second consecutive year and became the first team to win the Women's World Cup four times; and

WHEREAS, during the 2019 FIFA Women's World Cup the United States Women's National Team (USWNT) finished first in its group before eliminating the teams from Spain, France, and England in the knockout stages to reach the final; and

WHEREAS, the USWNT secured a decisive 2 - 0 victory over the Netherlands in the final with goals from Megan Rapinoe in the 61st minute and Rose Lavelle in the 69th minute, as well as a standout performance by the defense; and

WHEREAS, with six goals and three assists each, Megan Rapinoe and Alex Morgan earned the Golden Boot Award and the Silver Boot Award, respectively; Rose Lavelle, playing in her first FIFA Women's World Cup Tournament, earned the Bronze Ball Award; and

WHEREAS, renowned for its prowess on the attack, the USWNT set all-time records for goals scored in a single game and goals throughout the entire tournament; the team's staunch defense conceded only three goals over seven games; and

WHEREAS, Jill Ellis, a graduate of The College of William & Mary who was named as a third-team All-American during her years as a player, became the first head coach to win consecutive FIFA Women's World Cup titles and demonstrated extraordinary leadership by adjusting the team's starting lineup as the tournament progressed to capitalize on the unique talents of each player and the depth of the roster; and

WHEREAS, several other players on the USWNT represented the Commonwealth, including Dumfries native Ali Krieger and University of Virginia alumnae Morgan Brian, Becky Sauerbrunn, and Emily Sonnett; the University of Virginia Cavaliers' head coach Steve Swanson also served as an assistant coach on the national team; and

WHEREAS, every member of the USWNT—Morgan Brian, Abby Dahlkemper, Tiarna Davidson, Crystal Dunn, Julie Ertz, Adrianna Franch, Ashlyn Harris, Tobin Heath, Lindsey Horan, Ali Krieger, Rose Lavelle, Carli Lloyd, Allie Long, Jessica McDonald, Samantha Mewis, Alex Morgan, Alyssa Naeher, Kelley O'Hara, Christen Press, Mallory Pugh, Megan Rapinoe, Becky Sauerbrunn, and Emily Sonnett—exemplifies the high quality and spirit of women's soccer and is an inspiration to women and girls throughout the Commonwealth, the United States, and the world; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the United States Women's National Team on winning the 2019 FIFA Women's World Cup; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the United States Women's National Soccer Team as an expression of the General Assembly's admiration for the team's historic achievements.

HOUSE JOINT RESOLUTION NO. 47

Directing the Joint Commission on Technology and Science to study the safety, quality of life, and economic consequences of weather and climate-related events on coastal areas in Virginia. Report.

Agreed to by the House of Delegates, February 7, 2020

Agreed to by the Senate, March 3, 2020

WHEREAS, the Commonwealth has thousands of miles of shoreline, including the tidal portions of the Chesapeake Bay and its tributaries, stretching 7,213 miles; and

WHEREAS, the sea level rose approximately six inches in the last 26 years or about an inch every four years when adjusting for the effect of ground subsidence; and

WHEREAS, state and local governments, the private sector, and individual citizens have spent or are planning to spend significant resources on projects related to sea-level rise and flooding; and

WHEREAS, the data that is required to inform and appropriately direct such spending is technically complex and liable to be accidentally or intentionally misinterpreted; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Joint Commission on Technology and Science (the Commission) be directed to study the safety, quality of life, and economic consequences of weather and climate-related events on coastal areas in Virginia.

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

The Office of the Clerk of the House of Delegates shall provide administrative staff support. The Division of Legislative Services shall provide legal, research, policy analysis, and other services as requested by the Commission. Technical assistance shall be provided to the Commission by the Secretary of Natural Resources. The Commission shall accept any

scientific and technical assistance provided by the nonpartisan, volunteer Virginia Academy of Science, Engineering, and Medicine. All agencies of the Commonwealth shall provide assistance to the Commission for this study, upon request.

The Commission shall complete its meetings by November 30, 2020, and the Chairman shall submit to the Division of Legislative Automated Systems an executive summary of its findings and recommendations no later than the first day of the 2021 Regular Session of the General Assembly. The executive summary shall state whether the Commission intends to submit to the General Assembly and the Governor a report of its findings and recommendations for publication as a House or Senate document. The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

HOUSE JOINT RESOLUTION NO. 50

Designating the week of November 8, in 2020 and in each succeeding year, as Radiologic Technology Week in Virginia.

Agreed to by the House of Delegates, January 29, 2020

Agreed to by the Senate, March 3, 2020

WHEREAS, radiologic technology plays a vital role in modern medicine and patient care throughout the Commonwealth and the United States; and

WHEREAS, qualified practitioners who specialize in the use of medical radiation and imaging technology to aid in the diagnosis and treatment of diseases share a commitment to providing safe, compassionate care for all patients; and

WHEREAS, professionals in the radiologic sciences are dedicated to the highest standard of professionalism and maintain this standard through education, lifelong learning, credentialing, and personal commitment; and

WHEREAS, X-ray technology has advanced the medical field by providing extraordinary imaging of bones, cavities, swallowed objects, blood vessels, lungs, and intestines, allowing for faster diagnoses and more effective treatment of patients; and

WHEREAS, National Radiologic Technology Week is celebrated annually to recognize the vital work of radiologic technologists and to commemorate the discovery of the X-ray by Wilhelm Conrad Röntgen on November 8, 1895; and

WHEREAS, the week-long celebration recognizes the achievements and contributions of radiologic technologists, highlighting the ways these skilled, conscientious professionals have increased the health, safety, and well-being of individuals throughout the nation; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly designate the week of November 8, in 2020 and in each succeeding year, as Radiologic Technology Week in Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates transmit a copy of this resolution to the Virginia Society of Radiologic Technologies so that members of the organization may be apprised of the sense of the General Assembly of Virginia in this matter; and, be it

RESOLVED FINALLY, That the Clerk of the House of Delegates post the designation of this week on the General Assembly's website.

HOUSE JOINT RESOLUTION NO. 51

Requesting the Departments of Education, Behavioral Health and Developmental Services, and Social Services to study the feasibility of developing an early childhood mental health consultation program available to all early care and education programs serving children from birth to five years of age. Report.

Agreed to by the House of Delegates, February 27, 2020

Agreed to by the Senate, February 25, 2020

WHEREAS, the beginning years of any child's life are critical for building the foundation of learning, health, and wellness needed for success in school and later in life. During these years, children's brains are developing rapidly, influenced by the experiences they share with their families, teachers, and peers and in their communities; and

WHEREAS, exclusionary discipline practices are stressful, and negative experiences for young children and their families can influence adverse outcomes across development, health, and education; recent national data indicates that expulsions and suspensions occur regularly in early childhood settings and at a much higher rate than in K-12 education; and

WHEREAS, evidence shows that young children who are suspended or expelled in the early school years are as much as 10 times more likely to drop out of high school, experience academic failure and grade retention, hold negative attitudes toward school, and face incarceration than those who are not; and

WHEREAS, in 2014, the U.S. Department of Education and the U.S. Department of Health and Human Services jointly released a policy statement addressing expulsion and suspension in early learning settings, highlighting the importance of social-emotional health, and recommended that early childhood education programs have access to specialized supports such as Early Childhood Mental Health Consultation; and

WHEREAS, research shows that early childhood mental health consultation models can play an important role in improving school readiness and reducing preschool expulsions by addressing challenging behaviors, increasing positive social skills, and reducing teacher stress and burnout. Early Childhood Mental Health Consultation (ECMHC) is a multilevel preventive intervention that teams mental health professionals with early care professionals who work with young children and their families to improve their social-emotional development; ECMHC builds the capacity of teachers, providers, and families and includes skilled observations, the strengthening of teacher-family relationships, teacher training, the identification of children with or at-risk for behavioral, developmental, or mental health difficulties, and linkages to additional support services; and

WHEREAS, in a 2018 report on challenging behavior in early childhood settings from the National Center for Children in Poverty, over 900 early childhood educators in Virginia were asked about their experiences working with children with challenging behaviors; a relevant finding is that 90 percent of teachers reported having at least one child in their care with challenging behaviors and 63 percent of teachers recommended increasing access to ECMHC services; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Department of Education, Department of Behavioral Health and Developmental Services, and the Department of Social Services be requested to jointly study the feasibility of developing an early childhood mental health consultation available to all early care and education programs serving children from birth to five years of age. In conducting the study, the Departments shall convene a work group to include stakeholders including the Virginia Early Childhood Mental Health Advisory Council, the Virginia Infant Mental Health Association, Voices for Virginia's Children, the National Center of Excellence for Infant and Early Childhood Mental Health Consultation, the National Center for Children in Poverty, Zero to Three, Head Start, Early Impact Virginia, and other state and national experts as the Departments may deem appropriate. The work group shall evaluate the potential costs and benefits of adopting a statewide early childhood mental health consultation model to prevent suspensions and expulsions of young children attending early care and education programs in Virginia and shall (i) identify the appropriate state agency to scale up a statewide early childhood mental health consultation program, (ii) study effective models of early childhood mental health consultation, (iii) identify funding streams that Virginia could access to support statewide implementation of early childhood mental health consultation, (iv) develop a plan for scaling up the early childhood mental health workforce that builds off existing resources, and (v) provide recommendations for legislative, regulatory, budgetary, and other actions necessary to implement such a plan.

All agencies of the Commonwealth shall provide assistance to the Departments of Education, Behavioral Health and Developmental Services for this study, upon request.

The Departments of Education, Behavioral Health and Developmental Services, and Social Services shall complete their meetings by November 30, 2020, and shall submit to the Governor and the General Assembly an executive summary and a report of their findings and recommendations for publication as a House or Senate document. The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports no later than the first day of the 2021 Regular Session of the General Assembly and shall be posted on the General Assembly's website.

HOUSE JOINT RESOLUTION NO. 52

Requesting the Secretary of Health and Human Resources to convene a work group to examine the pharmaceutical distribution payment system in the Commonwealth and innovative solutions to address the cost of prescription drugs to Virginians at the point of sale. Report.

Agreed to by the House of Delegates, February 10, 2020

Agreed to by the Senate, February 25, 2020

WHEREAS, health care coverage including prescription medications is important to the health and safety of Virginia residents; and

WHEREAS, the Commonwealth has a substantial public interest in the price of and cost-sharing for prescription drugs; and

WHEREAS, it is essential to understand the drivers and impacts of pricing on the consumer at the point of sale, including the role of pharmaceutical companies, pharmacy benefits managers, and health plans; and

WHEREAS, transparency is an important step toward that understanding and can lead to better cost containment and greater consumer access to prescription drugs; and

WHEREAS, many prescription drugs and prescription drug cost-sharing have become increasingly unaffordable for residents of the Commonwealth; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Secretary of Health and Human Resources be requested to convene a work group to examine the pharmaceutical distribution payment system in the Commonwealth and innovative solutions to address the cost of prescription drugs to Virginians at the point of sale.

The examination shall include a review of transparency for pharmaceutical manufacturers, pharmacy benefits managers, and health insurance carriers, and the work group shall provide policy and legislative recommendations to help reduce out-of-pocket expenses for citizens of the Commonwealth and to address issues within the pharmaceutical distribution system. The work group shall also consider the resources necessary to fund any proposed options. The work group shall

include representatives of the Pharmaceutical Research and Manufacturers of America, the Association for Accessible Medicines, the Virginia Biotechnology Association, the Pharmaceutical Care Management Association, and the Virginia Association of Health Plans and Virginia patient representatives.

The Secretary of Health and Human Resources shall submit an executive summary of the work group's findings and any legislative recommendations to the General Assembly by November 1, 2020.

HOUSE JOINT RESOLUTION NO. 53

Celebrating the life of Ronald Lewis.

Agreed to by the House of Delegates, January 13, 2020

Agreed to by the Senate, January 16, 2020

WHEREAS, Ronald Lewis, a trailblazer for African American professional firefighters who diligently served the Richmond community as fire chief for more than 25 years, died on February 23, 2019; and

WHEREAS, Ronald Lewis was born in Philadelphia, where he began his career as a firefighter in 1956 and served the city until 1978; he was then selected to become fire chief for the City of Richmond after an extensive, nationwide search; and

WHEREAS, under Ronald Lewis' exceptional leadership, the City of Richmond reduced the number of fire deaths by 75 percent and increased the efficiency of service by reorganizing the Richmond Department of Fire and Emergency Services and building 25 new stations and facilities; and

WHEREAS, Ronald Lewis implemented career development programs for Richmond firefighters, increased diversity in the department, and worked to ensure that firefighters had the best possible equipment and up-to-date training; and

WHEREAS, in addition to creating specialized hazardous materials and dive teams, Ronald Lewis oversaw the implementation of sign language and braille programs to help Richmond firefighters better serve the members of the community in any situation; and

WHEREAS, Ronald Lewis established several community outreach efforts, including fire safety education for fifth grade students in Richmond Public Schools and smoke detector giveaways that distributed more than 7,000 smoke detectors to local residents in need; and

WHEREAS, as the first African American fire chief in Richmond history and a founding member of the International Association of Black Professional Firefighters, Ronald Lewis was an inspiration for generations of African American firefighters throughout the Commonwealth and the nation; and

WHEREAS, Ronald Lewis earned many awards and accolades for his exceptional service, including the Freedom Award from the Richmond Branch of the NAACP and recognition from the Virginia Department of Fire Programs; and

WHEREAS, Ronald Lewis will be fondly remembered and greatly missed by his wife, Leslie; his children, Terri, Anita, Audrey, and Kenneth, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Ronald Lewis; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Ronald Lewis as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 54

Celebrating the life of Nate Evans.

Agreed to by the House of Delegates, January 13, 2020

Agreed to by the Senate, January 16, 2020

WHEREAS, Nate Evans, a standout member of The College of William & Mary football team, died on March 21, 2019; and

WHEREAS, prior to matriculating at The College of William & Mary, Nate Evans was the three-year captain of the football team at Lee-Davis High School in Hanover County; and

WHEREAS, Nate Evans finished his high school career with 3,466 rushing yards, the fifth-most in school history, and a school record of 56 touchdowns; he was named to the *Richmond Times-Dispatch* All-Metro football team during his junior and senior years; and

WHEREAS, during his freshman season at The College of William & Mary in 2017, Nate Evans led the team with 476 yards on 119 carries; he averaged 21 yards on 11 kick returns and made 20 receptions for 161 yards; and

WHEREAS, during his sophomore season, Nate Evans continued to be an important member of the team, gaining 208 yards on 70 carries in nine games; and

WHEREAS, Nate Evans was an aspiring kinesiology major, who hoped to pursue a career in health care; and

WHEREAS, Nate Evans will be fondly remembered and greatly missed by numerous family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Nate Evans; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Nate Evans as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 60

Celebrating the life of Dorcas Ruth Hardy.

Agreed to by the House of Delegates, January 13, 2020

Agreed to by the Senate, January 16, 2020

WHEREAS, Dorcas Ruth Hardy, a tireless public servant and the first woman to lead the United States Social Security Administration, died on November 28, 2019; and

WHEREAS, born in Newark, New Jersey, Dorcas Hardy graduated from Connecticut College before earning a master's degree in business administration from Pepperdine University; and

WHEREAS, after beginning her career as a legislative assistant to a United States Senator from New Jersey, Clifford Case, Dorcas Hardy later returned to California and served as Assistant Secretary for Health under Governor Ronald Reagan; and

WHEREAS, following her service to the State of California, Dorcas Hardy was the Associate Director of the Center for Health Services Research at the University of Southern California School of Medicine from 1974 to 1981; and

WHEREAS, Dorcas Hardy moved to the Washington, D.C., area in 1981 to serve the administration of President Ronald Reagan; she initially held the position of Assistant Secretary for Human Development Services at the United States Department of Health and Human Services and chaired the president's Task Force on Legal Equity for Women; and

WHEREAS, for her many years of dedication and professionalism, President Ronald Reagan nominated Dorcas Hardy to serve as Commissioner of the Social Security Administration in 1986, the first time the post had been held by a woman; in this role from 1986 to 1989, she managed over 76,000 staff members in 1,000 offices processing \$200 billion worth of benefits for 37 million people; and

WHEREAS, after leaving office, Dorcas Hardy remained a passionate advocate for the responsible management of the nation's entitlement program, serving on the Social Security Advisory Board for many years and co-authoring *Social Insecurity: The Crisis in America's Social Security System and How to Plan Now for Your Own Survival* in 1991; and

WHEREAS, an active and engaged member of her community committed to improving the lives of young girls and women, Dorcas Hardy volunteered considerable time to the Olave Baden-Powell Society and the Girl Scouts of the United States of America, the latter of which bestowed upon her a lifetime membership in recognition of her efforts; and

WHEREAS, the Commonwealth is indebted to Dorcas Hardy for her leadership and guidance as a state appointee to the Board of Rehabilitative Services and the University of Mary Washington Board of Visitors; and

WHEREAS, Dorcas Hardy will be dearly remembered and missed by her husband, Samuel; her stepchildren, Samuel, Brad, and Greg, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Dorcas Ruth Hardy, an influential public servant who was committed to ensuring a sound retirement for all Americans; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Dorcas Ruth Hardy as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 62

Celebrating the life of Clarene Helen Vickery.

Agreed to by the House of Delegates, January 13, 2020

Agreed to by the Senate, January 16, 2020

WHEREAS, Clarene Helen Vickery, a pioneer of early childhood education in the Commonwealth and an enterprising leader of her community, died on June 26, 2019; and

WHEREAS, a member of the "Greatest Generation," Clarene Vickery was raised on a farm near Collins, Mississippi, and supported her family while her husband served in Europe during World War II and then later in the military government of Germany; and

WHEREAS, Clarene Vickery founded Parkwood School in Vienna in 1956 in response to a lack of public kindergarten and limited options for early childhood education; under her leadership, Parkwood School has since educated more than 10,000 young children; and

WHEREAS, Clarene Vickery, beyond her work at Parkwood School, made immeasurable contributions to youth education as a founder of the Virginia Association for Early Childhood Education, now known as the Virginia Association

for the Education of Young Children, for which she served as a member of the executive board for 45 years, and as an active member of the National Association for the Education of Young Children; and

WHEREAS, Clarene Vickery received multiple accolades for her efforts to improve the lives of young people in the Commonwealth, including a Lifetime Achievement Award from the Virginia Association for Early Childhood Education; a certificate of recognition from the Fairfax County Health Department in 2017, particularly for her continuous support of immunizations for young children; and resolutions by both the Virginia General Assembly and the Town of Vienna in 2018 on the occasion of her 100th birthday; and

WHEREAS, Clarene Vickery impacted her community in meaningful ways outside of education; among her many other accomplishments, she was President and Honorary Lifetime Member of the Ayr Hill Garden Club in Vienna and the Grand Marshall of the 2006 Vienna Halloween Parade; and

WHEREAS, a devout Christian who lived her faith through her actions, Clarene Vickery was a founding member of Providence Baptist Church in Tysons Corner as well as an active member of Vienna Baptist Church for 65 years, where she taught Sunday school and assisted in other leadership roles; and

WHEREAS, Clarene Vickery was most of all dedicated to her sons, Raymond, Jr., Donald, Kenneth, and Steven, whose accomplishments as a member of the Virginia House of Delegates and U.S. Assistant Secretary of Commerce, medical doctor and author, history professor, and screenwriter, respectively, serve as a testament to her abilities as an educator and mother; and

WHEREAS, preceded in death by her husband, Raymond, and her son, Donald; Clarene Vickery will be fondly remembered and greatly missed by her children, Raymond, Jr., Kenneth, and Steven, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Clarene Helen Vickery, leader in early childhood education in the Commonwealth and inspirational member of the Vienna community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Clarene Helen Vickery as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 64

Requesting the Virginia Information Technologies Agency to study ransomware attack preparedness. Report.

Agreed to by the House of Delegates, February 10, 2020

Agreed to by the Senate, February 25, 2020

WHEREAS, ransomware is a malicious software code that incapacitates a computer system until a ransom fee is paid; and

WHEREAS, ransomware is disseminated through phishing emails with malicious attachments; and

WHEREAS, vulnerable state agencies and localities may be extorted for large sums of money before access to infected systems is restored; and

WHEREAS, ransomware can disrupt user access to sensitive or proprietary information; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Virginia Information Technologies Agency be requested to study ransomware attack preparedness.

In conducting its study, the Virginia Information Technologies Agency shall (i) assess the Commonwealth's susceptibility to ransomware attacks at the state and local levels of government; (ii) develop guidelines and best practices to prevent ransomware attacks; (iii) evaluate current data encryption and backup strategies; (iv) evaluate the availability of tools to monitor unusual access requests, viruses, and network traffic; (v) develop guidance for state agencies and localities on responding in the event of a ransomware attack; (vi) develop a coordinated law-enforcement response strategy that utilizes forensic investigative techniques to identify the source of ransomware attacks; and (vii) provide recommendations on legislative or regulatory changes to better protect state and local government entities from ransomware.

All agencies of the Commonwealth shall provide assistance to the Virginia Information Technologies Agency for this study, upon request.

The Virginia Information Technologies Agency shall complete its meetings by November 30, 2020, and shall submit to the Governor and the General Assembly an executive summary and a report of its findings and recommendations for publication as a House or Senate document. The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports no later than the first day of the 2021 Regular Session of the General Assembly and shall be posted on the General Assembly's website.

HOUSE JOINT RESOLUTION NO. 70

Commemorating the life and legacy of Secretariat.

Agreed to by the House of Delegates, January 13, 2020

Agreed to by the Senate, March 3, 2020

WHEREAS, Secretariat, recognized as one of the greatest thoroughbred racehorses in racing history and a winner of the prestigious Triple Crown, was born 50 years ago on March 30, 1970, at Meadow Farm in Caroline County; and

WHEREAS, a strapping chestnut colt, Secretariat was unanimously selected as the American Horse of the Year as a two-year-old in 1972; he was the first juvenile ever to be so honored in the history of the award; and

WHEREAS, while a three-year-old in 1973, Secretariat became the first thoroughbred in 25 years to win horse racing's coveted Triple Crown, achieving victories in the Kentucky Derby, the Preakness Stakes in Maryland, and the Belmont Stakes in New York; and

WHEREAS, Secretariat accomplished the unprecedented feat of breaking records in all three Triple Crown races, completing the one-and-one-fourth-mile Kentucky Derby in one minute and 59-and-two-fifths seconds; the one-and-three-sixteenths-mile Preakness Stakes in one minute and 53 seconds; and the one-and-one-half-mile Belmont Stakes in two minutes and 24 seconds; and

WHEREAS, Secretariat's astonishing 31-length victory in the Belmont Stakes is widely considered to be the single greatest performance in the history of the ancient sport of kings; and

WHEREAS, Secretariat was again selected as the American Horse of the Year at the conclusion of the 1973 season; and

WHEREAS, being a breeding stallion, Secretariat had a lasting impact on the thoroughbred breed, especially through his daughters, from whom additional champions have been issued; and

WHEREAS, Secretariat, who died in 1989, is today considered to be the greatest thoroughbred in the modern history of American turf horse racing and the enduring standard of excellence against which all other racehorses are measured; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commemorate the life and legacy of Secretariat on the occasion of the 50th anniversary of his birth in Caroline County; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Caroline County Board of Supervisors as an expression of the esteem in which the memory of Secretariat, one of the finest athletes ever born in the Commonwealth, is held by the members of the General Assembly.

HOUSE JOINT RESOLUTION NO. 72

Designating May 1, in 2020 and in each succeeding year, as Oliver White Hill, Sr., Day in Virginia.

Agreed to by the House of Delegates, January 29, 2020

Agreed to by the Senate, March 3, 2020

WHEREAS, Oliver White Hill, Sr., the civil rights icon and attorney who devoted his legal career to securing full constitutional rights and first-class citizenship for all Americans, was born in Richmond and raised in Roanoke; and

WHEREAS, inspired to attend law school and overturn Jim Crow laws after reading an annotated Constitution of the United States given to him by his aunt, Oliver Hill graduated from the Howard University School of Law in 1933 alongside his friend, Thurgood Marshall; and

WHEREAS, Oliver Hill was admitted to the Virginia State Bar and, after briefly practicing in Roanoke, established a practice in Richmond in 1939, pursuing a broad equalization campaign for African American teachers and students; he would continue practicing law until he retired as senior partner of the law firm of Hill, Tucker & Marsh at the age of 91; and

WHEREAS, in 1943, Oliver Hill enlisted in the United States Army and served the country with honor and distinction through the end of World War II; later, he also served the country in the civil service, both as a presidential appointee to the committee that led to the establishment of the United States Commission on Civil Rights and as an integral member of the Federal Housing Administration; and

WHEREAS, fighting racial inequality and social injustice his entire career, Oliver Hill is best known for his legal prowess in many of the nation's landmark civil rights cases; his case, *Davis v. County School Board of Prince Edward County*, was one of the five cases combined into *Brown v. Board of Education*, the historic U.S. Supreme Court decision that abolished segregation in public schools; and

WHEREAS, Oliver Hill was admitted to the bar of each of the federal district and appellate courts and the United States Supreme Court; in 1971, he became a permanent member of the United States Court of Appeals Fourth Circuit Judicial Conference and later was a fellow of the American College of Trial Lawyers, the Virginia Law Foundation, and the Old Dominion Law Foundation; and

WHEREAS, Oliver Hill gave liberally of his time and talents to numerous organizations, including the NAACP, the National Bar Association, the Southern Conference for Human Welfare, the National Association of Intergroup Relations Officials, the Richmond Urban League, the National Committee Against Discrimination in Housing, the Commission on Constitutional Revision for the State of Virginia, and the Sigma Pi Phi and Omega Psi Phi fraternities; and

WHEREAS, Oliver Hill encouraged minority groups to participate in organized political activities through his untiring work with the Richmond City Democratic Committee and, in 1949, became the first African American since the Reconstruction-era to be elected to the Richmond City Council; and

WHEREAS, Oliver Hill received numerous accolades, honorary degrees, and awards in recognition of his illustrious legal career and service to the community, including the Presidential Medal of Freedom in 1999, the American Bar

Association Medal in 2000, the NAACP's Springarn Medal in 2005, and the Old Dominion Bar Association's Lifetime Achievement Award; and

WHEREAS, today, in honor of his commitments to justice and helping others, both the Richmond City Juvenile and Domestic Relations District Courthouse and the Roanoke City Courthouse bear Oliver Hill's name, while the Virginia State Bar since 2002 has bestowed the Oliver White Hill Student Pro Bono Award upon law students recognized for extraordinary public service; and

WHEREAS, Oliver Hill valiantly devoted himself to building a more just and inclusive America; successfully litigated landmark cases that secured equal rights for African Americans in education, employment, housing, voting, and jury selection; and tirelessly fought to improve the lives of all citizens of the Commonwealth and the nation with his unwavering dedication to freedom; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly designate May 1, in 2020 and in each succeeding year, as Oliver White Hill, Sr., Day in Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates transmit a copy of this resolution to the Oliver White Hill Foundation so that members of the organization may be apprised of the sense of the General Assembly of Virginia in this matter; and, be it

RESOLVED FINALLY, That the Clerk of the House of Delegates post the designation of this day on the General Assembly's website.

HOUSE JOINT RESOLUTION NO. 75

Commending Tyrone Hines.

Agreed to by the House of Delegates, January 13, 2020

Agreed to by the Senate, January 16, 2020

WHEREAS, Tyrone Hines is a highly admired pillar of the Portsmouth community; and

WHEREAS, as a long-time Portsmouth resident, Tyrone Hines has worked for more than 40 years to provide neighborhood recreational activities for the children of Portsmouth; and

WHEREAS, Tyrone Hines and his wife, Pat, have been honored twice by the Portsmouth Sports Club, in 1992 and 2019, and only one other person has been recognized more than once; and

WHEREAS, Tyrone Hines worked diligently to establish the Westmoreland Children & Youth Association in 2009; he has cultivated the Portsmouth community's next generation of leaders by enhancing the lives of children through educational support and providing them with positive role models; and

WHEREAS, in August 2019, after years of dedicated and faithful community service, bringing positive changes to the Portsmouth community and to the lives of at-risk young people, Tyrone Hines retired from his role with the Westmoreland Children & Youth Association; and

WHEREAS, over the years, Tyrone Hines has worked with local agencies, city departments, nonprofit organizations, and people from all walks of life and all ages who are dedicated to the growth and development of Portsmouth's youth; and

WHEREAS Tyrone Hines has demonstrated, in countless ways, his dedication to the youth of Portsmouth and to the Westmoreland Children & Youth Association; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Tyrone Hines on the occasion of his retirement from the Westmoreland Children & Youth Association; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Tyrone Hines as an expression of the General Assembly's admiration for his achievements in service to the Portsmouth community.

HOUSE JOINT RESOLUTION NO. 76

Commending Pat Hines.

Agreed to by the House of Delegates, January 13, 2020

Agreed to by the Senate, January 16, 2020

WHEREAS, Pat Hines is a highly admired pillar of the Portsmouth community; and

WHEREAS, as a long-time Portsmouth resident, Pat Hines has worked for more than 40 years to provide neighborhood recreational activities for the children of Portsmouth; and

WHEREAS, Pat Hines and her husband, Tyrone, have been honored twice by the Portsmouth Sports Club, in 1992 and 2019, and only one other person has been recognized more than once; and

WHEREAS, Pat Hines worked diligently to establish the Westmoreland Children & Youth Association in 2009; she has cultivated the Portsmouth community's next generation of leaders by enhancing the lives of children through educational support and providing them with positive role models; and

WHEREAS, in August 2019, after years of dedicated and faithful community service, bringing positive changes to the Portsmouth community and to the lives of at-risk young people, Pat Hines retired from her role with the Westmoreland Children & Youth Association; and

WHEREAS, over the years, Pat Hines has worked with local agencies, city departments, nonprofit organizations, and people from all walks of life and all ages who are dedicated to the growth and development of Portsmouth's youth; and

WHEREAS Pat Hines has demonstrated, in countless ways, her dedication to the youth of Portsmouth and to the Westmoreland Children & Youth Association; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Pat Hines on the occasion of her retirement from the Westmoreland Children & Youth Association; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Pat Hines as an expression of the General Assembly's admiration for her achievements in service to the Portsmouth community.

HOUSE JOINT RESOLUTION NO. 81

Commending the Eastern View High School cheerleading squad.

Agreed to by the House of Delegates, January 13, 2020

Agreed to by the Senate, January 16, 2020

WHEREAS, the Eastern View High School cheerleading squad won the Virginia High School League Region 4B Championship on October 26, 2019; and

WHEREAS, the Eastern View High School Cyclones' victory was the first regional championship in the program's history and earned the squad the opportunity to compete in the Class 4 State Meet at Virginia Commonwealth University's Siegel Center on November 9, 2019; and

WHEREAS, at the state meet, the Eastern View Cyclones advanced to the second and final round of competition, finishing in third place with a score of 237.5 and proving they can contend with the best programs in the state; and

WHEREAS, with only two seniors leaving the program, the Eastern View Cyclones are poised to build on the best year in program history with more impressive routines; and

WHEREAS, the success of the Eastern View High School cheerleading squad is a testament to the hard work and dedication of the student-athletes, the leadership and guidance of their coaches and teachers, and the unflagging support of the entire Eastern View High School community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Eastern View High School cheerleading squad for becoming Virginia High School League Region 4B champions in 2019; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Melissa Summerscales, head coach of the Eastern View High School cheerleading squad, as an expression of the General Assembly's admiration for the program's accomplishments and best wishes for the future.

HOUSE JOINT RESOLUTION NO. 85

Designating November 20, in 2020 and in each succeeding year, as Transgender Day of Remembrance in Virginia.

Agreed to by the House of Delegates, January 29, 2020

Agreed to by the Senate, March 3, 2020

WHEREAS, throughout the Commonwealth and the United States, transgender people face bigotry and discrimination in the course of their everyday lives; and

WHEREAS, a significant number of people in the transgender community have reported being victims of verbal harassment, sexual harassment, or physical assault, including many who have reported harassment or attacks in the workplace; and

WHEREAS, each year, numerous transgender people are killed as a result of violence, including Noony Norwood of Richmond on November 6, 2016, India Monroe of Newport News on December 21, 2016, and Ebony Morgan of Lynchburg on July 2, 2017; and

WHEREAS, at least 157 transgender and gender non-conforming people have been killed in the United States since 2013, and

WHEREAS, approximately two-thirds of those killed in the United States were victims of gun violence; and

WHEREAS, more than three-quarters of those killed in the United States were Black/African-American; and

WHEREAS, hundreds of transgender and gender non-conforming people are murdered around the world every year; and

WHEREAS, the first known out transgender person murdered in 2020 was a 25-year-old taxi cab driver and founding member of Okalahomans for Equality-McAlester Chapter: Southeastern Equality, Dustin Parker, who was fatally shot in McAlester, Oklahoma, on the morning of January 1; and

WHEREAS, in 1999, Gwendolyn Ann Smith organized the first Transgender Day of Remembrance to commemorate the unsolved murder of Rita Hester, a transgender African American woman who was killed in November of the previous year; and

WHEREAS, all Virginians are encouraged to commemorate Transgender Day of Remembrance by holding or attending vigils, town-hall-style meetings, exhibitions of artwork and photography, and other activities; and

WHEREAS, Transgender Day of Remembrance raises much-needed awareness of hate crimes against the transgender community and provides a day to mourn and honor victims by expressing love and respect for all people in the face of hatred; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly designate November 20, in 2020 and in each succeeding year, as Transgender Day of Remembrance in Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates transmit a copy of this resolution to Gwendolyn Ann Smith, founder of Transgender Day of Remembrance, so that the members and supporters of the transgender community may be apprised of the sense of the General Assembly of Virginia in this matter; and, be it

RESOLVED FINALLY, That the Clerk of the House of Delegates post the designation of this day on the General Assembly's website.

HOUSE JOINT RESOLUTION NO. 88

Recognizing the Roanoke and New River Valleys as Virginia's Mental Health Region.

Agreed to by the House of Delegates, January 29, 2020

Agreed to by the Senate, March 3, 2020

WHEREAS, in recent years, the Commonwealth's system of public and private behavioral health services has faced many challenges and has undergone a great deal of growth and many changes; and

WHEREAS, the Roanoke and New River Valleys have been leaders in the planning, development, and implementation of a modernized behavioral health system marked by strong regional partnerships between public and private entities, cutting-edge research, and innovative development and implementation of services; and

WHEREAS, key partners in the Roanoke and New River Valleys include Virginia Polytechnic Institute and State University, Carilion Health System, the Virginia Tech Carilion School of Medicine, the Fralin Biomedical Research Institute at VTC, Radford University, the Department of Behavioral Health and Developmental Services, Catawba Hospital, Blue Ridge Behavioral Healthcare, and New River Valley Community Services; and

WHEREAS, continued cooperation among these important partners and innovation in the planning, development, and implementation of behavioral health services is key to continued excellence in the delivery of behavioral health services in the Roanoke and New River Valleys; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Roanoke and New River Valleys be recognized as Virginia's Mental Health Region; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates transmit copies of this resolution to the Chief Executive Officer of Blue Ridge Behavioral Healthcare and the Executive Director of New River Valley Community Services, requesting that the Chief Executive Officer of Blue Ridge Behavioral Healthcare and Executive Director of New River Valley Community Services further disseminate copies of this resolution to their respective constituents so that they may be apprised of the sense of the General Assembly of Virginia in this matter.

HOUSE JOINT RESOLUTION NO. 90

Commemorating the 150th anniversary of the ratification of the Fifteenth Amendment to the Constitution of the United States.

Agreed to by the House of Delegates, January 29, 2020

Agreed to by the Senate, February 6, 2020

WHEREAS, the Fifteenth Amendment to the Constitution of the United States was ratified 150 years ago, on February 3, 1870, forbidding the denial of United States citizens' right to vote "on account of race, color, or previous condition of servitude" and providing constitutionally for the right to vote for African American men; and

WHEREAS, the nation's founders asserted in the United States Declaration of Independence "that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness"; but these ideals did not extend to enslaved persons, formerly enslaved persons, or their descendants; and

WHEREAS, the Thirteenth Amendment, ratified on December 6, 1865, formally encoded the abolition of slavery, an institution that spanned nearly 250 years in the British colonies and the new nation; the Fourteenth Amendment, ratified on July 9, 1868, granted citizenship to "all persons born or naturalized in the United States" and required equal protection under the law for all persons within the states' jurisdiction; and

WHEREAS, the Fifteenth Amendment was the last of the three Reconstruction Amendments passed in the wake of the American Civil War to build a foundation for the newly reunited nation, inclusive of rights for formerly enslaved persons and their descendants; and

WHEREAS, the passage of the Fifteenth Amendment and the granting of the right to vote to African American men enabled the election of African American legislators to the General Assembly, to both the Senate and the House of Delegates, and enabled African American Virginians to have a voice in Virginia's legislature; and

WHEREAS, the right to vote and the power it afforded to African American voters was resisted, particularly in the American South, and in spite of the constitutionally guaranteed right, African American voters were deliberately disenfranchised, including by Jim Crow laws that included poll taxes and literacy tests designed to make the polls inaccessible to African American voters; and

WHEREAS, the suppression of the vote disenfranchised African Americans for decades following Reconstruction, such that in Virginia no African Americans were elected to the General Assembly from 1890 until 1969; and

WHEREAS, the right to vote guaranteed by the Fifteenth Amendment had to be continually fought for following Reconstruction and through the Civil Rights Movement, and such right was encoded again in the form of the Twenty-fourth Amendment to the Constitution of the United States, ratified in 1964, abolishing poll taxes, and the Voting Rights Act of 1965, prohibiting discriminatory voting practices; and

WHEREAS, the right of citizens to vote is a fundamental component of American democracy, a right that has historically been denied and suppressed, and a right that must be continually defended and protected; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commemorate the 150th anniversary of the ratification of the Fifteenth Amendment to the Constitution of the United States; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates transmit copies of this resolution to the Superintendent of Public Instruction, the Chairman and Executive Director of the State Council of Higher Education for Virginia, the Chancellor of the Virginia Community College System, the Executive Director of the Virginia State Conference NAACP, and the Executive Director of the American Civil Liberties Union of Virginia, requesting that they further disseminate copies of this resolution to their respective constituents so that they may be apprised of the sense of the General Assembly of Virginia in this matter.

HOUSE JOINT RESOLUTION NO. 91

Affirming the Commonwealth's commitment to diversity and safeguarding the civil rights and dignity of all Virginians.

Agreed to by the House of Delegates, January 29, 2020

Agreed to by the Senate, March 3, 2020

WHEREAS, in recent years, there has been a sense of uncertainty and fear among many communities across our Commonwealth and the nation; and

WHEREAS, America is a nation of immigrants, a great melting pot of every racial, ethnic, cultural, and religious group and every nationality, sexual orientation, gender identity, ability, and gender; and

WHEREAS, the Federal Bureau of Investigation's Uniform Crime Report for 2016 released in the fall of 2017 documented over 6,100 incidents and over 7,600 victims of hate crimes, noting that 57.5 percent of reported single-bias incidents were motivated by race, ethnicity, or ancestry and that 50.2 percent of such attacks were targeted toward African Americans, 21 percent of victims were assaulted on the basis of their religion, 17.7 percent of victims were assailed because of their sexual orientation, 2.0 percent were targeted for their gender identity, 1.2 percent were attacked due to their disability, and 0.5 percent were assaulted because of their gender; and

WHEREAS, from 2015 to 2016, such hate crimes based on religion increased 13.6 percent, including a 17.9 percent increase in reported anti-Jewish crimes and a 19.5 percent increase in crimes against Muslims; and

WHEREAS, the constitutional right to freedom of religion is a cherished American value, and violence or hate speech toward any American on the basis of his faith conflicts with the nation's founding principles; and

WHEREAS, racial, ethnic, cultural, and religious diversity is America's greatest strength and makes the country enviable among other nations; America depends upon the contributions of all citizens, and the New American and immigrant communities have made innumerable contributions to the social, cultural, and economic well-being of American society; and

WHEREAS, the rise of hateful and intolerant acts of bigotry against New Americans, Muslim Americans, Jewish Americans, Latino Americans, Asian Americans, African Americans, LGBTQ Americans, Americans with disabilities, and other racial, ethnic, cultural, and religious minorities is fueled by ignorance and isolationism; racial, ethnic, cultural, and religious intolerance is abhorrent and disrespectful of American beliefs, devalues American principles, weakens democracy and the nation's standing as a world leader, and harms victims, their families, and communities; and

WHEREAS, the inalienable rights and dignity of all American citizens, regardless of race, ethnicity, faith, beliefs, culture, gender, ability, sexual orientation, and gender identity should be steadfastly affirmed and protected, and acts of racial animus, intolerance, intimidation, and violence must be prosecuted to the fullest extent of the law to ensure the free expression of faith and the unfettered practice of religion as the founding fathers envisioned; and

WHEREAS, Virginia's diverse population consists of both native-born citizens and immigrants whose collective cultures, religions, backgrounds, orientations, abilities, and perspectives combine to form a pluralistic community that welcomes persons and families of all backgrounds; and

WHEREAS, Virginia should be a safe place for immigrants from all countries, people of color, Jews, Muslims, other religious minorities, LGBTQ people, women, and persons with disabilities; and

WHEREAS, the Commonwealth must assure its vulnerable communities that they are supported and that it is committed to maintaining and improving their quality of life and will not tolerate acts of hate, discrimination, bullying, harassment, or any type of intimidation against them; and

WHEREAS, the Commonwealth has a strong tradition and mission of embracing and valuing diversity and respecting the civil and human rights of all residents, regardless of their race, ethnicity, religion, sexual orientation, gender, gender identity, ability, or immigration status; and

WHEREAS, Virginia's large immigrant population contributes to the social fabric and economic growth of the state, and it is the Commonwealth's intent to ensure that immigrant residents participate freely in civic life and daily activities; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby affirm the Commonwealth's commitment to diversity and safeguarding the civil rights and dignity of all Virginians; and, be it

RESOLVED FURTHER, That the General Assembly denounce hate speech, hate crimes, harassment, racial bias, anti-Semitism, Islamophobia, anti-immigrant activity, harmful bias, and discrimination in all forms; and, be it

RESOLVED FURTHER, That the Commonwealth remain committed to diversity and fostering an atmosphere of inclusiveness that respects the dignity and worth of every person without regard to race, ethnicity, gender, religion, ancestry, national origin, immigration status, marital status, age, disability, sexual orientation, gender identity, or familial status; and, be it

RESOLVED FURTHER, That the General Assembly call upon all citizens and residents and state employees to resist and oppose acts of intimidation, bullying, discrimination, and violence and support victims of such acts; and, be it

RESOLVED FINALLY, That the Clerk of the House of Delegates transmit copies of this resolution to the Secretary of Education, the Superintendent of Public Instruction, and the Executive Director of the State Council of Higher Education for Virginia, requesting that they further disseminate copies of this resolution to their respective constituents so that they may be apprised of the sense of the General Assembly in this matter.

HOUSE JOINT RESOLUTION NO. 92

Requesting the Office of Drinking Water of the Department of Health to study the Commonwealth's drinking water infrastructure and oversight of the drinking water program. Report.

Agreed to by the House of Delegates, February 10, 2020

Agreed to by the Senate, February 25, 2020

WHEREAS, the Office of Drinking Water of the Department of Health is responsible for protecting the public health by ensuring that all people in the Commonwealth have access to an adequate supply of clean, safe drinking water that meets federal and state drinking water standards; and

WHEREAS, the National Primary Drinking Water Regulations and state Public Water Supplies Law (§ 32.1-167 et seq. of the Code of Virginia) and state regulations governing waterworks and waterworks operators set out standards for drinking water quality, drinking water infrastructure, and oversight of the drinking water program; and

WHEREAS, problems or issues with the existing drinking water infrastructure or oversight of the drinking water program may result in an increased risk of contamination of drinking water with lead, copper, and other substances or organisms; and

WHEREAS, contamination of drinking water may have serious negative effects on the health and well-being of residents of the Commonwealth; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Office of Drinking Water of the Department of Health be requested to study the Commonwealth's drinking water infrastructure and oversight of the drinking water program.

In conducting its study, the Office of Drinking Water of the Department of Health shall (i) evaluate the existing drinking water program infrastructure and oversight of the drinking water program to identify problems or issues that may result in contamination of drinking water with lead or copper or other substances or organisms or increase the likelihood of contamination of drinking water with lead or copper or other substances or organisms and (ii) develop recommendations for addressing such problems or issues.

All agencies of the Commonwealth shall provide assistance to the Office of Drinking Water of the Department of Health for this study, upon request.

The Office of Drinking Water of the Department of Health shall complete its meetings by November 30, 2020, and shall submit to the Governor and the General Assembly an executive summary and a report of its findings and recommendations for publication as a House or Senate document. The executive summary and report shall be submitted as provided in the

procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports no later than the first day of the 2021 Regular Session of the General Assembly and shall be posted on the General Assembly's website.

HOUSE JOINT RESOLUTION NO. 96

Commending the Interstate Commission on the Potomac River Basin.

Agreed to by the House of Delegates, January 13, 2020

Agreed to by the Senate, January 16, 2020

WHEREAS, 2020 marks the 80th anniversary of the compact between the States of Maryland and West Virginia, the Commonwealths of Virginia and Pennsylvania, and the District of Columbia that created a Potomac Valley Conservation District and established the Interstate Commission on the Potomac River Basin; and

WHEREAS, the Interstate Commission on the Potomac River Basin, a nonregulatory interstate compact agency, works to protect and improve the Potomac River and enhance the quality of life of the watershed area's more than 6.1 million residents; and

WHEREAS, formed by the United States Congress in 1940 in response to severe levels of pollution in the Potomac River, the Interstate Commission on the Potomac River Basin is made up of commissioners from the federal government, Maryland, Pennsylvania, Virginia, West Virginia, and Washington, D.C.; and

WHEREAS, the Potomac River flows from Fairfax Stone, West Virginia, on its North Branch and Highland County, Virginia, on its South Branch to the Chesapeake Bay at Point Lookout, Maryland, covering a drainage area of more than 14,600 square miles; and

WHEREAS, the Potomac River is essential to the region, with approximately 600 million gallons of water per day used for public and domestic water supply; including 500 million gallons per day in the Washington, D.C., area alone and 1.6 billion gallons per day used for power plant cooling and industrial use; and

WHEREAS, while the quality of the Potomac River has drastically improved since 1940, new challenges, such as population growth, land-use changes, nutrient and sediment enrichment, and the growth of impervious chemical contaminants have required ongoing regional cooperation through the Interstate Commission on the Potomac River Basin; and

WHEREAS, the Interstate Commission on the Potomac River Basin collaborates with government agencies, the private sector, and members of the academic community to ensure that challenges are met efficiently and effectively; and

WHEREAS, the staff of the Interstate Commission on the Potomac River Basin includes environmental engineers, aquatic ecologists, biologists, and communications professionals; all of whom work to provide sound science and guidance for local, state, and national officials; and

WHEREAS, the Potomac River watershed comprises about 20 percent of the Chesapeake Bay Watershed and is a major factor in the bay's restoration, and the Interstate Commission on the Potomac River Basin works closely with the Chesapeake Bay Program; and

WHEREAS, in addition to safeguarding water sources and improving water quality, the Interstate Commission on the Potomac River Basin conducts studies on plant and animal life in the Potomac River Basin and conducts valuable education and outreach programs to inform residents and other stakeholders on the importance of good stewardship of natural resources; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Interstate Commission on the Potomac River Basin for its work to protect and enhance the waters and related natural resources of the Potomac River on the occasion of its 80th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Interstate Commission on the Potomac River Basin as an expression of the General Assembly's admiration for the commission's important work and contributions to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 99

Providing for a Joint Assembly, establishing a schedule for the conduct of business coming before the 2020 Regular Session of the General Assembly of Virginia, and providing for legislative continuity between the 2020 and 2021 Regular Sessions of the General Assembly.

Agreed to by the House of Delegates, January 10, 2020

Agreed to by the Senate, January 10, 2020

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly shall meet in joint session in the Hall of the House of Delegates on Wednesday, January 8, 2020, at such time as specified by the Speaker of the House of Delegates, to receive the Governor of Virginia, and such address as he may desire to make, and that the rules for the government of the House of Delegates and the Senate, when convened in joint session for such purpose, shall be as follows:

Rule I. At the hour fixed for the meeting of the Joint Assembly, the Senators, accompanied by the President and the Clerk of the Senate, shall proceed to the Hall of the House of Delegates and shall be received by the Delegates standing. Appropriate seats shall be assigned to the Senators by the Sergeant at Arms of the House. The Speaker of the House of Delegates shall assign an appropriate seat for the President of the Senate.

Rule II. The Speaker of the House of Delegates shall be President of the Joint Assembly. In case it shall be necessary for the Speaker to vacate the Chair, the President of the Senate shall serve as the presiding officer.

Rule III. The Clerk of the House of Delegates shall be Clerk of the Joint Assembly and shall be assisted by the Clerk of the Senate. The Clerk of the Joint Assembly shall enter the proceedings of the Joint Assembly in the Journal of the House and shall certify a copy of the same to the Clerk of the Senate, who shall enter the same in the Journal of the Senate.

Rule IV. The Sergeant at Arms and Doorkeepers of the House shall act as such for the Joint Assembly.

Rule V. The 2018-2019 Rules of the House of Delegates as they were in effect on January 11, 2018, as far as applicable, shall be the rules of the Joint Assembly.

Rule VI. In calling the roll of the Joint Assembly, the names of the Senators shall be called in alphabetical order, then the names of the Delegates in like order, except that the name of the Speaker of the House of Delegates shall be called last.

Rule VII. If, when the Joint Assembly meets, it shall be ascertained that a majority of each house is not present, the Joint Assembly may take measures to secure the attendance of absentees, or adjourn to a succeeding day, as a majority of those present may determine.

Rule VIII. When the Joint Assembly adjourns, the Senators, accompanied by the President and the Clerk of the Senate, shall return to their chamber, and the business of the House shall be continued in the same order as at the time of the entrance of the Senators; and, be it

RESOLVED FURTHER, That notwithstanding any other provision of this resolution and in accordance with the practices of each house, with the exception of commending and memorial joint resolutions, a request to be added as a co-patron shall be received prior to the first vote on the passage of a bill or agreement to a joint resolution or, if the bill or joint resolution is not reported from committee, then prior to the last action on such legislation. A request to be removed as a co-patron shall be received no later than 3:00 p.m., Friday, February 28, 2020; and, be it

RESOLVED FURTHER, That any member offering for introduction a bill or joint resolution not submitted to the Division of Legislative Services for drafting is encouraged to submit an electronic version no later than 5:00 p.m. on the day the legislation is introduced; and, be it

RESOLVED FURTHER, That for purposes of the procedural deadlines established herein for the 2020 Regular Session of the General Assembly:

"Budget Bill" means the general appropriation bill introduced in each house that authorizes the biennial expenditure of public revenues for the period from July 1, 2018, through June 30, 2020, or July 1, 2020, through June 30, 2022.

"Debt bill" means any bill that authorizes the issuance of debt.

"Legislative day" means the period of time that begins with the call to order by the presiding officer and ends when declared adjourned by the presiding officer. Unless another time is specified, any deadline established in this resolution shall expire at the end of the legislative day.

"Prefiled legislation" means any bill or joint resolution requested from the Division of Legislative Services no later than 5:00 p.m., Thursday, December 5, 2019, and prefiled no later than 10:00 a.m., Wednesday, January 8, 2020, or any bill or joint resolution not requested from the Division of Legislative Services and prefiled no later than 10:00 a.m., Wednesday, January 8, 2020.

"Revenue bill" means any bill, except the Budget Bill(s) and debt bills, that increases or decreases the total revenues available for appropriation.

"Second Reference Resolution" means any joint resolution amending the Constitution of Virginia referred to the General Assembly at its first regular session immediately following a general election of members of the House of Delegates pursuant to Article XII, Section 1 of the Constitution and Section 30-19 of the Code of Virginia.

"Unanimous consent" means the affirmation of all the members present in the house of origin. Any legislation intended to be offered for introduction with unanimous consent or with the written request of the Governor shall not require the consent of the house in order for the member to request the Division of Legislative Services to draft such legislation. The Division of Legislative Services shall return such legislation after the original introduction deadline.

"Virginia Retirement System bill" means any bill that amends, adds, repeals, or modifies any provision of any retirement system established in Title 51.1 of the Code of Virginia; and, be it

RESOLVED FINALLY, That the 2020 Regular Session of the General Assembly shall be governed by the following procedural rules, which establish introduction limits and time limitations for elections and for all legislation prefiled and introduced for the 2020 Regular Session except:

- (i) House and Senate resolutions, except for the time limitations established in Rules 18 and 20;
- (ii) Bills and joint resolutions affecting the rules of procedure or the schedule of business of the General Assembly, either of its houses, or any of its committees;
- (iii) Bills and joint resolutions introduced with unanimous consent either to exceed the introduction limits established in Rule 1 or to exceed the time limitations established in Rules 2, 3, 6, and 16;
- (iv) Joint resolutions confirming appointments subject to the confirmation of the General Assembly;
- (v) Joint commending and memorial resolutions, except for the time limitations established in Rules 14 and 16;

- (vi) Bills and joint resolutions regarding elections held by the General Assembly during the 2020 Regular Session; or
- (vii) Bills and joint resolutions requested in writing by the Governor.

Rule 1. After the deadline for filing prefiled legislation established by House Joint Resolution No. 607 (2019), no member of the House of Delegates shall introduce more than a combined total of five bills and referred joint resolutions and no member of the Senate shall introduce more than a combined total of eight bills and referred joint resolutions.

Rule 2. No bill or joint resolution creating or continuing a study shall be offered in either house after adjournment of that house on Wednesday, January 8, 2020.

Rule 3. No Virginia Retirement System bill shall be offered in either house after adjournment of that house on Wednesday, January 8, 2020.

Rule 4. Except for bills and joint resolutions required to be requested earlier, requests for the drafting, redrafting, or correction of any bill or joint resolution shall be submitted to and received by the Division of Legislative Services no later than 5:00 p.m., Friday, January 10, 2020.

Rule 5. No later than Monday, January 13, 2020, each house shall begin its consideration of any election to fill any judicial seat in the courts of the Commonwealth, or to fill a seat on any commission or office elected by the General Assembly. In the event that the houses cannot agree on such election before Tuesday, January 14, 2020, such election shall become the subject of a special and continuing joint order in each house, and such special and continuing joint order shall have precedence over all other business of either house, until such time as both houses reach agreement on such election or agree to hold it at another specific time. The Rules of each house, as far as applicable, shall be the rules governing such election.

Rule 6. Except for bills required to be filed earlier, no bill or joint resolution shall be offered in either house after 3:00 p.m., Friday, January 17, 2020.

Rule 7. No later than Thursday, January 23, 2020, the Board of Trustees of the Virginia Retirement System shall submit, in accordance with § 30-19.1:7, impact statements for all Virginia Retirement System bills filed by the first day of session. For any Virginia Retirement System bill filed later than the first day of session, the Board of Trustees shall use due diligence in preparing the impact statement in time for review by the standing committees.

Rule 8. Except for the Budget Bill(s) or Second Reference Resolutions, beginning Wednesday, February 12, 2020, the House of Delegates shall consider only Senate bills, Senate joint resolutions, House bills with Senate amendments, and House joint resolutions with Senate amendments; the Senate shall consider only House bills, House joint resolutions, Senate bills with House amendments, and Senate joint resolutions with House amendments; and each house may consider conference reports and other privileged matters relating thereto to the end that the work of each house may be disposed of by the other.

Rule 9. The committees responsible for the consideration of the Budget Bill(s) in the houses of introduction shall complete their work on such bill(s) no later than midnight, Sunday, February 16, 2020, and any amendments proposed by such committees shall be made available to their respective houses no later than noon, Tuesday, February 18, 2020.

Rule 10. The houses of introduction shall complete their consideration of the Budget Bill(s) and *Second Reference Resolutions*, except for conference reports and other privileged matters relating thereto, no later than Thursday, February 20, 2020.

Rule 11. The committees responsible for consideration of revenue bills of the other house shall complete their consideration of such bills no later than midnight, Tuesday, February 25, 2020.

Rule 12. No later than midnight, Wednesday, February 26, 2020, each house shall complete consideration of the Budget Bill(s) and all revenue bills of the other house, except for conference reports and other privileged matters relating thereto, and the appointing authority shall appoint the conferees to such bills.

Rule 13. No later than Wednesday, February 26, 2020, each house shall begin its consideration of any election to fill any judicial seat in the courts of the Commonwealth, or to fill a seat on any commission or office elected by the General Assembly. In the event that the houses cannot agree on such election before Thursday, February 27, 2020, such election shall become the subject in each house of a special and continuing joint order, and such special and continuing joint order shall have precedence over all other business of either house, until such time as both houses reach agreement on such election or either house votes to suspend or discharge the order. The Rules of each house, as far as applicable, shall be the rules governing any such election.

Rule 14. Requests for the drafting, redrafting, or correction of any joint commending or memorial resolution shall be submitted to and received by the Division of Legislative Services no later than 5:00 p.m., Thursday, February 27, 2020.

Rule 15. Any conference committee on any revenue bills shall complete its deliberations and make the report of such conference available to the General Assembly as soon as practicable.

Rule 16. No joint commending or memorial resolution shall be offered in either house after 5:00 p.m., Monday, March 2, 2020.

Rule 17. ~~Except for Second Reference Resolutions, beginning~~ *Beginning* Tuesday, March 3, 2020, neither house shall receive from any committee any bill or joint resolution acted on by any committee later than midnight, Monday, March 2, 2020.

Rule 18. Requests for the drafting, redrafting, or correction of any single-house commending or memorial resolution shall be submitted to and received by the Division of Legislative Services no later than 5:00 p.m., Tuesday, March 3, 2020.

Rule 19. Any conference committee on the Budget Bill(s) shall complete its deliberations and make the report of such conference available to the General Assembly as soon as practicable. In accordance with House Rule 75(b) and Senate Rule 39(a), neither house shall receive, consider, or vote on any Budget Bill that is in conference unless it has been agreed to in writing by a majority of conferees from each house. Neither house shall consider such conference report earlier than 48 hours after receipt, unless both houses respectively determine to proceed earlier by a vote of two-thirds of the members voting in each house. No engrossment of the Budget Bill(s) shall be required in either house, and any conference on the Budget Bill(s) shall consider, as the basis of its deliberations, the Budget Bill(s) as recommended by the Governor and introduced in the House and the amendments thereto proposed by each house. A report shall be issued concurrently with the report of the conference committee that identifies the following by item number, narrative description, and dollar amount: (i) any nonstate agency appropriation, (ii) any item in the conference report that was not included in a general appropriation bill as passed by either the House or the Senate, and (iii) any item that represents legislation that failed in either house during the regular or a special session.

Rule 20. No single-house commending or memorial resolution shall be offered in either house after 5:00 p.m., Thursday, March 5, 2020.

Rule 21. Except for joint resolutions affecting the rules of procedure or the schedule of business of the General Assembly ~~or joint resolutions that are Second Reference Resolutions~~, beginning Friday, March 6, 2020, the House shall consider only Senate joint resolutions and House joint resolutions with Senate amendments; the Senate shall consider only House joint resolutions and Senate joint resolutions with House amendments; and each house may consider conference reports or joint resolutions and other privileged matters relating thereto, to the end that the work of each house may be disposed of by the other.

Rule 22. This session of the General Assembly shall adjourn sine die no later than the legislative day of Saturday, March 7, 2020.

Rule 23. Pursuant to Section 6 of Article IV of the Constitution of Virginia, the General Assembly shall reconvene Wednesday, April 22, 2020, for the purpose of considering bills that may have been returned by the Governor with recommendations for their amendment and bills and items of appropriation bills, including the general appropriation act, that may have been returned by the Governor with his objections.

Rule 24. Pursuant to Section 7 of Article IV of the Constitution of Virginia, legislative continuity is hereby provided for between sessions occurring during the terms for which members of the House of Delegates are elected, in conformity with the Rules of the House of Delegates and the Rules of the Senate.

Rule 25. The conduct of the business of any subcommittee of any House committee, any joint subcommittee of House and Senate committees, and any interim study commission created pursuant to a House measure shall be governed by the Rules of the House of Delegates; the conduct of the business of any subcommittee of any Senate committee, any joint subcommittee of Senate and House committees, and any interim study commission created pursuant to a Senate measure shall be governed by the Rules of the Senate. If a House measure and a Senate measure create the same study, the conduct of business of the study shall be governed by the rules of the house of the chairman of the study, or in the case of co-chairmen, the rules of the house as agreed upon by the co-chairmen.

Rule 26. Interim meetings of any standing committee, joint committee, joint subcommittee, legislative commission, or any other interim study subcommittee or study commission shall be held on Monday, Tuesday, or Wednesday during the first and third full weeks of the month, unless otherwise authorized by the Speaker of the House of Delegates or the Chairman of the Senate Committee on Rules, as may be appropriate for the house in which the chairman serves.

Rule 27. Any staff member assigned to work for, and support the efforts of, any committee of the House or Senate, any subcommittee of any such committee, any joint subcommittee of House and Senate committees, or any interim study commission shall work under the direction of the chairman of such committee, subcommittee, joint subcommittee, or interim study commission.

Rule 28. The standing committees of the General Assembly shall complete their consideration of all legislation continued by them from the 2020 Regular Session no later than midnight, Thursday, December 3, 2020.

HOUSE JOINT RESOLUTION NO. 102

Continuing the Joint Subcommittee on Coastal Flooding. Report.

Agreed to by the House of Delegates, February 7, 2020

Agreed to by the Senate, March 3, 2020

WHEREAS, House Joint Resolution 50 and Senate Joint Resolution 76 (2012) directed the Virginia Institute of Marine Science (VIMS) to study strategies for adaptation to prevent recurrent flooding in Tidewater and Eastern Shore Virginia localities; and

WHEREAS, the resulting VIMS report, titled "Recurrent Flooding Study for Tidewater Virginia," published as Senate Document 3 (2013), stated that recurrent flooding impacts all localities in Virginia's coastal zone and is predicted to become worse over reasonable planning horizons (20 to 50 years); and

WHEREAS, VIMS offered several recommendations, including that the Commonwealth, working with its coastal localities, (i) begin comprehensive and coordinated planning efforts; (ii) initiate identification, collection, and analysis of data needed to support effective planning for response efforts; and (iii) take a lead role in addressing recurrent flooding in Virginia for the following reasons: (a) accessing relevant federal resources for planning and mitigation may be enhanced through state mediation, (b) flooding problems are linked to water bodies and therefore often transcend locality boundaries, and (c) prioritizing flood management actions must be based in part on risk; and therefore, the Commonwealth must oversee the necessary studies to determine adaptation strategies as well as implementation of the agreed-upon strategies; and

WHEREAS, the Joint Legislative Audit and Review Commission (JLARC) study mandated by House Joint Resolution 132 (2012) and presented on October 15, 2013, titled "Review of Disaster Preparedness Planning in Virginia," stated, "The state generally has strong disaster response plans, but deficiencies in evacuation and shelter plans may compromise the safety of the Hampton Roads population during a catastrophic disaster"; and

WHEREAS, the JLARC study further noted that if four key assumptions in the state's current evacuation plan do not hold, "timely hurricane evacuations could be compromised," placing citizens at risk after the storm; and

WHEREAS, House Joint Resolution 16 and Senate Joint Resolution 3 (2014) established the Joint Subcommittee to Formulate Recommendations to Address Recurrent Flooding as recommended by the VIMS report; and

WHEREAS, the Joint Subcommittee to Address Recurrent Flooding met four times during the 2014 interim to collect information from federal agencies, state agencies, localities, and stakeholders and to carry out its work; and

WHEREAS, the Joint Subcommittee to Address Recurrent Flooding filed an executive summary with the General Assembly prior to the 2015 Session, which included five initial recommendations to increase public awareness, improve local and state government agency resiliency coordination, and address floodplain management; and

WHEREAS, recommendations made by the Joint Subcommittee to Address Recurrent Flooding during the 2014 interim resulted in six bills passing the General Assembly with bipartisan support during the 2015 Session; and

WHEREAS, the Joint Subcommittee to Address Recurrent Flooding met four times during the 2015 interim to collect information from federal agencies, state agencies, localities, and stakeholders and to carry out its work; and

WHEREAS, the members of the full Joint Subcommittee to Address Recurrent Flooding concurred that the joint subcommittee be continued for two more years with a name change to the Joint Subcommittee on Coastal Flooding to more accurately reflect its mission and to continue the Commonwealth on the path of advancing Virginia as the coastal states' leader in advancing resiliency strategies, and most importantly, protecting our citizens and our business assets; and

WHEREAS, pursuant to House Joint Resolution 84 and Senate Joint Resolution 58 (2016), the Joint Subcommittee on Coastal Flooding continued its work during the 2016 and 2017 interims and brought forth additional recommendations for the 2018 Session; and

WHEREAS, pursuant to House Joint Resolution 26 and Senate Joint Resolution 19 (2018), the Joint Subcommittee on Coastal Flooding continued its work during the 2018 and 2019 interims and will bring forth additional recommendations for the 2020 Session; and

WHEREAS, the members of the joint subcommittee concur that the work of the joint subcommittee be continued for two additional years; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Joint Subcommittee on Coastal Flooding be continued. The joint subcommittee shall have a total membership of 11 members that shall consist of five members of the House of Delegates appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; three members of the Senate appointed by the Senate Committee on Rules; and three nonlegislative citizen members, one of whom shall be a business leader and one of whom shall be a representative of the environmental community appointed by the Speaker of the House of Delegates, and one of whom shall be a local official representing Virginia's flood-prone communities appointed by the Senate Committee on Rules. Nonlegislative citizen members of the joint subcommittee shall be citizens of the Commonwealth of Virginia. The current members appointed by the Speaker of the House of Delegates shall be subject to reappointment. The current members appointed by the Senate Committee on Rules shall continue to serve until replaced. Vacancies shall be filled by the original appointing authority. Unless otherwise approved in writing by the chairman of the joint subcommittee and the respective Clerk, nonlegislative citizen members shall only be reimbursed for travel originating and ending within the Commonwealth of Virginia for the purpose of attending meetings. If a companion joint resolution of the other chamber is agreed to, written authorization of both Clerks shall be required. The joint subcommittee shall elect a chairman and vice-chairman from among its membership, who shall be members of the General Assembly.

In conducting its study, the joint subcommittee shall recommend short-term and long-term strategies for minimizing the impact of recurrent flooding and coastal storms.

Administrative staff support shall continue to be provided by the Office of the Clerk of the House of Delegates. Legal, research, policy analysis, and other services as requested by the joint subcommittee shall continue to be provided by the Division of Legislative Services. Technical assistance shall continue to be provided by faculty at Virginia institutions of higher education who have expertise in the subject matter. All agencies of the Commonwealth shall provide assistance to the joint subcommittee for this study, upon request.

The joint subcommittee shall be limited to four meetings for the 2020 interim and four meetings for the 2021 interim, and the direct costs of this study shall not exceed \$18,640 for each year without approval as set out in this resolution. Approval for unbudgeted nonmember-related expenses shall require the written authorization of the chairman of the joint

subcommittee and the respective Clerk. If a companion joint resolution of the other chamber is agreed to, written authorization of both Clerks shall be required.

No recommendation of the joint subcommittee shall be adopted if a majority of the House members or a majority of the Senate members appointed to the joint subcommittee (i) vote against the recommendation and (ii) vote for the recommendation to fail notwithstanding the majority vote of the joint subcommittee.

The joint subcommittee shall complete its meetings for the first year by November 30, 2020, and for the second year by November 30, 2021, and the chairman shall submit to the Division of Legislative Automated Systems an executive summary of its findings and recommendations no later than the first day of the next Regular Session of the General Assembly for each year. Each executive summary shall state whether the joint subcommittee intends to submit to the General Assembly and the Governor a report of its findings and recommendations for publication as a House or Senate document. The executive summaries and reports shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

Implementation of this resolution is subject to subsequent approval and certification by the Joint Rules Committee. The Committee may approve or disapprove expenditures for this study, extend or delay the period for the conduct of the study, or authorize additional meetings during the 2020 and 2021 interims.

HOUSE JOINT RESOLUTION NO. 104

Designating April 19-25, in 2020 and the final full week in April in each succeeding year, as National Prosthodontics Awareness Week in Virginia.

Agreed to by the House of Delegates, January 29, 2020

Agreed to by the Senate, March 3, 2020

WHEREAS, an estimated 120 million Americans are missing one or more teeth, a condition that not only affects overall health, but also affects an individual's self-image and job prospects; and

WHEREAS, a prosthodontist is a dental specialist who focuses on repairing or replacing missing or damaged teeth; prosthodontists have advanced training in the use of dentures, dental implants, and digital technology to deliver life-changing treatments; and

WHEREAS, the American College of Prosthodontists (ACP) is a national, nonprofit organization recognized by the American Dental Association as representing the prosthodontic specialty and its practitioners; and

WHEREAS, the ACP established National Prosthodontics Awareness Week to raise awareness of the ways dental prostheses can increase an individual's quality of life; during the event in 2019, hundreds of ACP members gave lectures, hosted activities, and completed pro bono dental work; and

WHEREAS, National Prosthodontics Awareness Week provides an opportunity for dentists, educators, and government officials to stress the importance of good oral health and deliver a message of hope to people with missing or damaged teeth; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly designate April 19-25, in 2020 and the final full week in April in each succeeding year, as National Prosthodontics Awareness Week in Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House transmit a copy of this resolution to the American College of Prosthodontists so that members of the organization may be apprised of the sense of the General Assembly of Virginia in this matter; and, be it

RESOLVED FINALLY, That the Clerk of the House post the designation of this week on the General Assembly's website.

HOUSE JOINT RESOLUTION NO. 108

Designating 2020 as The Year of the Eye Exam in Virginia.

Agreed to by the House of Delegates, January 29, 2020

Agreed to by the Senate, March 3, 2020

WHEREAS, the American Optometric Association reports that up to 16 million Americans struggle with undiagnosed or untreated vision impairments and that eye diseases, vision loss, and eye disorders create an estimated \$139 billion economic burden; and

WHEREAS, comprehensive eye exams serve a vital function in preventive medicine, maintenance of quality vision acuity, and eye health; and

WHEREAS, eye exams can serve as early indicators for a number of underlying health conditions and life-threatening diseases while providing insight into important markers of overall health; and

WHEREAS, doctors of optometry encourage an annual comprehensive eye exam to help patients protect their vision and ensure early diagnosis and treatment of visual system diseases like glaucoma, a leading cause of blindness; and

WHEREAS, more than half of all doctors of optometry in Virginia are members of the Virginia Optometric Association, with members practicing in every region of the Commonwealth; the association is committed to educating and informing policymakers, the news media, and the public about essential eye health and vision care; and

WHEREAS, as part of a comprehensive eye exam, visual acuity is rated on a fractional scale that expresses the distance at which an individual can read certain size letters, with 20/20 representing normal, healthy vision; and

WHEREAS, the year 2020 provides a one-time opportunity to emphasize the importance of eye health and encourage Virginians to take care of their vision and health by making an appointment for an in-person, comprehensive eye exam; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly designate 2020 as The Year of the Eye Exam in Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates transmit a copy of this resolution to the Virginia Optometric Association so that members of the association may be apprised of the sense of the General Assembly of Virginia in this matter; and, be it

RESOLVED FINALLY, That the Clerk of the House of Delegates post the designation of this year on the General Assembly's website.

HOUSE JOINT RESOLUTION NO. 111

Designating July, in 2020 and in each succeeding year, as Maternal Health Awareness Month in Virginia.

Agreed to by the House of Delegates, January 29, 2020

Agreed to by the Senate, March 3, 2020

WHEREAS, preventable maternal and infant mortality and morbidity affects women and their families in all jurisdictions in the United States; and

WHEREAS, maternal mortality is measured as the death of a woman while pregnant, or within 42 days of the end of pregnancy, from any cause related to or aggravated by the pregnancy or its management that is not accidental or incidental; and

WHEREAS, data indicates that preventable maternal mortality associated with multiple forms of discrimination is improved by the use of midwives, doulas, and home visitor programs; and

WHEREAS, the United States is the only industrialized country with a rising maternal mortality ratio and is ranked fourth globally for its maternal mortality rate; meanwhile, maternal mortality is also occurring at higher rates in Virginia in the most recent years with available data; and

WHEREAS, from 2012 to 2014, the maternal mortality rate for all women in Virginia hovered between 11.7 and 17.5 deaths per 100,000 live births, but from 2015 to 2017, maternal mortality rates ranged from 31 to 46.9 deaths per 100,000 live births; and

WHEREAS, from 2012 to 2017, African American women had higher rates of maternal mortality than the state average every year, with maternal mortality rates ranging from 22.9 deaths per 100,000 live births in 2012 to 90.8 deaths per 100,000 live births in 2016; and

WHEREAS, though there has been a slight improvement in maternal mortality rates for all women in Virginia in recent years, the maternal mortality rate of 40.1 deaths per 100,000 live births in 2017 is still five times higher than the rate from a decade ago, when there were 7.8 deaths per 100,000 live births; and

WHEREAS, maternal and infant mortality are exacerbated by factors such as poverty, gender inequality, age, multiple forms of discrimination, lack of access to adequate health facilities, inadequate technology, and lack of infrastructure; and

WHEREAS, considerable racial disparities in pregnancy-related mortality exist, with deaths per live birth for black women nearly three times higher than such deaths for white women; the root cause of these disparities is longstanding structural racism, which has contributed to poorer health outcomes among communities of color; and

WHEREAS, nearly half of all pregnancy-associated deaths in Virginia occurred among the residents of 12 localities, including the Cities of Chesapeake, Hampton, Newport News, Norfolk, Portsmouth, Richmond, Roanoke, and Virginia Beach and the Counties of Chesterfield, Fairfax, Henrico, and Pulaski; and

WHEREAS, reducing infant and maternal mortality will require a multifaceted, comprehensive national strategy, including access to health coverage; access to a continuum of prevention and intervention services for all women, infants, and families; access to high-quality, patient-centered care; and investments in prevention and public health throughout communities; and

WHEREAS, the Commonwealth is committed to better understanding the root causes of pregnancy-related and pregnancy-associated deaths, identifying ways to improve maternal care and maternal health outcomes, reducing infant mortality, and improving the health of pregnant women; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly designate July, in 2020 and in each succeeding year, as Maternal Health Awareness Month in Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates transmit a copy of this resolution to the Virginia Department of Health so that members of the agency may be apprised of the sense of the General Assembly of Virginia in this matter; and, be it

RESOLVED FINALLY, That the Clerk of the House of Delegates post the designation of this month on the General Assembly's website.

HOUSE JOINT RESOLUTION NO. 117

Commending Robert W. Tull, Jr.

Agreed to by the House of Delegates, January 13, 2020

Agreed to by the Senate, January 16, 2020

WHEREAS, Robert W. Tull, Jr., a respected businessman and devoted member of the Chesapeake community, was named the 2019 First Citizen of Chesapeake by the Chesapeake Rotary Club; and

WHEREAS, the founder and president of Tull Financial Group, Robert "Robin" W. Tull, Jr., has provided wealth management and financial planning services in Chesapeake for over 30 years, helping countless individuals meet their financial goals and enjoy the retirement of their dreams; and

WHEREAS, an early practitioner in the field of wealth management, Robin Tull has been sought by many media outlets and companies for his expertise; he has contributed to national publications such as *The New York Times*, *USA Today*, *The Wall Street Journal*, and *Reader's Digest*; appeared frequently on CBN's *Newswatch*; and answered questions from the public through Quicken's "Ask the Expert" page on the company's retirement website; and

WHEREAS, Robin Tull has provided leadership and guidance on the boards of several organizations; he served on the national board of directors for the Institute of Certified Financial Planners and currently serves on the Chesapeake Hospital Authority board for Chesapeake Regional Healthcare and the board of trustees at Oral Roberts University; and

WHEREAS, called by his faith to serve others, Robin Tull has been a member of the Chesapeake Rotary Club for over 25 years, participating in programs such as Coats for Kids, Paint Your Heart Out, and other local events for the community; and

WHEREAS, Robin Tull's steadfast dedication to helping others has improved the lives of many and made Chesapeake a better place to live, work, and play; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Robert W. Tull, Jr., the Chesapeake Rotary Club's 2019 First Citizen of Chesapeake, on the occasion of this honor; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Robert W. Tull, Jr., as an expression of the General Assembly's respect and admiration for his service to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 118

Commending AromasWorld.

Agreed to by the House of Delegates, January 13, 2020

Agreed to by the Senate, January 16, 2020

WHEREAS, AromasWorld, a coffeehouse and cafe with locations in Williamsburg and Newport News, has provided a welcoming environment for local residents and visitors to meet and enjoy freshly roasted coffee and delicious, healthy food for two decades; and

WHEREAS, founded by Don and Geri Pratt in 2000, AromasWorld offers numerous options for breakfast, lunch, and dinner, in addition to the highest-quality coffees and teas; the restaurant offers homemade soups, quiche, cakes, pies, cookies, scones, and muffins, including vegetarian and vegan options; and

WHEREAS, AromasWorld opened a second location in 2006 in City Center at Oyster Point in Newport News; a third location, Aromas Abridged, serves students at The College of William & Mary from inside the Earl Gregg Swem Library; and

WHEREAS, the Pratt family further expanded their business when they created the animal-themed The Hound's Tale restaurant and Corner BARKery bakery; in 2018, the Pratts sold AromasWorld, The Hound's Tale, and Corner BARKery to Steve and Michelle Sieling; and

WHEREAS, with its neighborhood atmosphere and commitment to exceptional customer service, AromasWorld has become a cherished home away from home for countless patrons in its 20-year history; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend AromasWorld on the occasion of its 20th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to AromasWorld as an expression of the General Assembly's admiration for the establishment's contributions to the Williamsburg and Newport News communities.

HOUSE JOINT RESOLUTION NO. 119

Commending the Williamsburg-Jamestown Airport.

Agreed to by the House of Delegates, January 13, 2020

Agreed to by the Senate, January 16, 2020

WHEREAS, the Williamsburg-Jamestown Airport, one of the few remaining privately owned airports in the Commonwealth, has served the residents of the Virginia Peninsula and aviators from around the country for 50 years; and

WHEREAS, the Williamsburg-Jamestown Airport traces its roots to 1967, when Larry Waltrip asked his parents, the owners of a construction company, about building a new airstrip to replace the recently closed College Airport at The College of William & Mary; and

WHEREAS, Larry Waltrip worked with his father, Dudley; his brother, Timmy; and architect Bill Phillips to bring his dream to fruition; the Williamsburg-Jamestown Airport officially opened on September 20, 1970, and is still owned by the Waltrip family; and

WHEREAS, thousands of people pass through the Williamsburg-Jamestown Airport each year, including business travelers and Tidewater locals; the airport is a major hub for tourist travel to nearby Colonial Williamsburg and Busch Gardens; and

WHEREAS, the Williamsburg-Jamestown Airport houses dozens of privately owned aircraft and further serves the community by supporting the Nightingale Regional Air Ambulance and the Williamsburg Flight Center, which operates on airport property and provides flight training, maintenance, and air tours; and

WHEREAS, over the course of its history, the Williamsburg-Jamestown Airport has become a beloved community meeting place, with civic groups using the airport's conference room for events and the award-winning Charly's Airport Restaurant providing delicious food to locals and travelers alike; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Williamsburg-Jamestown Airport on the occasion of its 50th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Larry Waltrip as an expression of the General Assembly's admiration for the Williamsburg-Jamestown Airport's unique history and contributions to the community.

HOUSE JOINT RESOLUTION NO. 120

Commending the Jamestown High School Envirothon team.

Agreed to by the House of Delegates, January 13, 2020

Agreed to by the Senate, January 16, 2020

WHEREAS, the Jamestown High School Envirothon team from Williamsburg won the National Conservation Foundation's Envirothon national competition, held July 28, 2019 through August 2, 2019, in Raleigh, North Carolina; and

WHEREAS, Envirothon is a team-based academic competition that tests students' rhetorical abilities, problem-solving skills, and knowledge of the principles of environmental science through a series of field test events and an oral presentation; after placing third in the 2018 national competition, the Envirothon team from Jamestown High School brought home first place honors in 2019 for the first time in the program's history; and

WHEREAS, Jamestown High School Envirothon team was represented at the Envirothon competition by Joseph Kang, Audrey Root, Anna Song, Lisa Small, and Rachel Smith; in preparation for the event, these students conducted fieldwork and consulted with industry professionals to learn more about how their classroom experiences can be applied in the real world; and

WHEREAS, for the past 15 years, the Jamestown High School Envirothon Club has had a positive impact on many students' lives, encouraging a study of environmental science and natural resource management that emphasizes creativity and critical thinking; and

WHEREAS, the triumph of the Jamestown High School Envirothon team is the result of the hard work and dedication of the students, the leadership and guidance of their teachers, and the unwavering support of the entire Jamestown High School community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Jamestown High School Envirothon team, the 2019 Envirothon national champions, on the occasion of its incredible victory; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Charles Dubay, founder of the Jamestown High School Envirothon Club, as an expression of the General Assembly's admiration for the program's great success and best wishes for future competitions.

HOUSE JOINT RESOLUTION NO. 121

Commending the University of Virginia men's basketball team.

Agreed to by the House of Delegates, January 13, 2020

Agreed to by the Senate, January 23, 2020

WHEREAS, on April 8, 2019, the University of Virginia men's basketball team claimed its first national championship title with a victory in the National Collegiate Athletic Association Division I Men's Basketball Tournament; and

WHEREAS, in the tournament final, held at U.S. Bank Stadium in Minnesota, the University of Virginia Cavaliers defeated the Texas Tech University Red Raiders 85-77 in a hard-fought contest; and

WHEREAS, after the Texas Tech Red Raiders recovered from a 10-point deficit to tie the game at the end of regulation, the Virginia Cavaliers regained the momentum in overtime and pulled away to finish the season with a 35-3 record; and

WHEREAS, the University of Virginia's Kyle Guy, who finished the game with 24 points, was named most outstanding player; De'Andre Hunter led the team in scoring with a game-high of 27 points, including four three-pointers; and

WHEREAS, after the conclusion of the season, Kyle Guy and De'Andre Hunter were selected in the National Basketball Association Draft, along with their teammates Ty Jerome and Marial Shayok; and

WHEREAS, head coach Tony Bennett, well known in the Charlottesville community for his selfless commitment to the University of Virginia basketball program, received the 2019 Nell and John Wooden Excellence in Coaching Award in recognition of his personal integrity and high standards of excellence on and off the court; and

WHEREAS, after a stunning loss to a 16-seed team in the 2018 tournament, the University of Virginia Cavaliers regained their focus and defied expectations to win the 2019 national title, with major media outlets calling it one of the greatest redemption stories in the history of college athletics; and

WHEREAS, the University of Virginia basketball team's victory is a testament to the hard work of the student-athletes, the leadership of coaches and staff, and the passionate support of friends, families, fans, and the entire University of Virginia community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the University of Virginia men's basketball team on winning the National Collegiate Athletic Association Division I Men's Basketball Tournament; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Tony Bennett, head coach of the University of Virginia men's basketball team, as an expression of the General Assembly's admiration for the team's resilience, determination, and skill.

HOUSE JOINT RESOLUTION NO. 122

Celebrating the life of Roland Carroll Smith, Sr.

Agreed to by the House of Delegates, January 13, 2020

Agreed to by the Senate, January 16, 2020

WHEREAS, Roland Carroll Smith, Sr., a paragon of business and philanthropy in Chesapeake and Hampton Roads, died on October 10, 2019; and

WHEREAS, a long-time resident of Chesapeake, Carroll Smith dedicated his life to developing and improving the place he called home; and

WHEREAS, after serving in the United States Army, Carroll Smith went into business with William J. Herring, founder of Hearndon Construction, in 1975; after 44 years with the company, Carroll Smith rose to the position of president and chief executive officer and oversaw the construction of thousands of homes in Hampton Roads, making a major impact on the growth and prosperity of the region; and

WHEREAS, throughout his life, Carroll Smith was active in his community; he was a charter member of the Chesapeake Sports Club, served on the board of directors of the Bank of Hampton Roads, and was involved in the Tidewater Builders Association, the Lions Club, the Chesapeake Public Schools Education Foundation Blue Ribbon Committee, and the Boy Scouts of America; and

WHEREAS, Carroll Smith dedicated time and resources to numerous charities, philanthropic organizations, and public institutions, including the United Way, the Salvation Army, Hope Haven, the Virginia Special Olympics, the Chesapeake Regional Health Foundation, the Union Mission Ministries, Children's Hospital of the King's Daughters, Seton Youth Shelters, and Eastern Virginia Medical School, among other local charities; and

WHEREAS, Carroll Smith received several awards in his lifetime in recognition of his efforts to make Chesapeake a better place to live, work, and play; he was named Member of the Year by the Chesapeake Sports Club and First Citizen of Chesapeake by the Chesapeake Rotary Club in 2018 and Member of the Year by the Tidewater Builders Association in 2014; and

WHEREAS, Carroll Smith will be fondly remembered and greatly missed by his wife, Jackie; his sons, Roland, Jr., and Doug, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Roland Carroll Smith, Sr., respected businessman and devoted philanthropist of the Chesapeake community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Roland Carroll Smith, Sr., as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 124

Commending The Inn at Willow Grove.

Agreed to by the House of Delegates, January 13, 2020

Agreed to by the Senate, January 16, 2020

WHEREAS, The Inn at Willow Grove, a boutique hotel in Orange, was named by *Travel + Leisure* magazine in 2019 as the best hotel in the South, the second best hotel in the United States, and the 24th best hotel worldwide; and

WHEREAS, while The Inn at Willow Grove has been recognized before by *Travel + Leisure* magazine, which uses ratings from readers to rank hotels based on their facilities, location, service, food, and overall value, 2019 marked the first time the hotel topped the list of best hotels in the South; and

WHEREAS, nestled on a 40-acre property in beautiful Virginia Wine Country, The Inn at Willow Grove's main building is an eighteenth century house which has been expanded and lovingly restored over the years; and

WHEREAS, in 2008, owners of The Inn at Willow Grove, David and Charlene Scibal, acquired the property and renovated the house and its surrounding cottages, offering accommodations that are both modern and antique; and

WHEREAS, The Inn at Willow Grove's recent honor is the result of its attention to the experience of its guests, demonstrating the spirit of Southern hospitality that pervades all aspects of the hotel's operations; and

WHEREAS, along with the hotel, The Inn at Willow Grove offers a restaurant with a four-star rating from *Forbes Travel Guide* and a modern spa, ensuring guests have all they need for a relaxing and enjoyable stay; and

WHEREAS, as a world class hotel, The Inn at Willow Grove provides both tourists and citizens of the Commonwealth with a premier vacation destination, which helps support the local community and its businesses; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend The Inn at Willow Grove for being distinguished by *Travel + Leisure* magazine as the best hotel in the South in 2019; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to David and Charlene Scibal, owners of The Inn at Willow Grove, as an expression of the General Assembly's admiration for their establishment's commitment to excellence and its service to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 126

Providing for a Joint Assembly.

Agreed to by the House of Delegates, January 8, 2020

Agreed to by the Senate, January 9, 2020

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly shall meet in joint session in the Hall of the House of Delegates on Wednesday, January 8, 2020, at such time as specified by the Speaker of the House of Delegates, to receive the Governor of Virginia, and such address as he may desire to make, and that the rules for the government of the House of Delegates and the Senate, when convened in joint session for such purpose, shall be as follows:

Rule I. At the hour fixed for the meeting of the Joint Assembly, the Senators, accompanied by the President and the Clerk of the Senate, shall proceed to the Hall of the House of Delegates and shall be received by the Delegates standing. Appropriate seats shall be assigned to the Senators by the Sergeant at Arms of the House. The Speaker of the House of Delegates shall assign an appropriate seat for the President of the Senate.

Rule II. The Speaker of the House of Delegates shall be President of the Joint Assembly. In case it shall be necessary for the Speaker to vacate the Chair, the President of the Senate shall serve as the presiding officer.

Rule III. The Clerk of the House of Delegates shall be Clerk of the Joint Assembly and shall be assisted by the Clerk of the Senate. The Clerk of the Joint Assembly shall enter the proceedings of the Joint Assembly in the Journal of the House and shall certify a copy of the same to the Clerk of the Senate, who shall enter the same in the Journal of the Senate.

Rule IV. The Sergeant at Arms and Doorkeepers of the House shall act as such for the Joint Assembly.

Rule V. The 2018-2019 Rules of the House of Delegates as they were in effect on January 11, 2018, as far as applicable, shall be the rules of the Joint Assembly.

Rule VI. In calling the roll of the Joint Assembly, the names of the Senators shall be called in alphabetical order, then the names of the Delegates in like order, except that the name of the Speaker of the House of Delegates shall be called last.

Rule VII. If, when the Joint Assembly meets, it shall be ascertained that a majority of each house is not present, the Joint Assembly may take measures to secure the attendance of absentees, or adjourn to a succeeding day, as a majority of those present may determine.

Rule VIII. When the Joint Assembly adjourns, the Senators, accompanied by the President and the Clerk of the Senate, shall return to their chamber, and the business of the House shall be continued in the same order as at the time of the entrance of the Senators.

HOUSE JOINT RESOLUTION NO. 130

Directing the Joint Legislative Audit and Review Commission to study and make recommendations for how Virginia should legalize and regulate the growth, sale, and possession of marijuana and address the impacts of marijuana prohibition. Report.

Agreed to by the House of Delegates, March 4, 2020

Agreed to by the Senate, March 3, 2020

WHEREAS, the mechanisms and pathways for legalizing marijuana have not been fully vetted and analyzed in Virginia; and

WHEREAS, data and analysis including, but not limited to, Illinois, New Mexico, Colorado, and Washington, as states that have legalized recreational use of marijuana, can help inform the conversation in Virginia and also include a review of the costs, benefits, and societal impact; and

WHEREAS, the effects on all populations including communities of color, children, young and older adults, as well as students, and adults and youth in recovery should be considered; and

WHEREAS, consideration should be given to the specific impact of the criminalization of marijuana use and possession on communities of color, specifically the impact of incarceration on youth ages 18-24, neighborhoods or other geographic areas where impact has been the most disparate, and programs and policies that must be implemented to identify particularly disadvantaged areas and provide appropriate redress for the harm caused; and

WHEREAS, it is important to ensure that any market created for the regulated sale of marijuana assures that business opportunities are available to those people previously marginalized and geographic areas harmed by criminalization of marijuana possession and use; and

WHEREAS, it is important to ensure that any regulating entity or group established to study regulation, sale, and possession of marijuana include those who have been impacted by the criminalization of marijuana use and possession; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Joint Legislative Audit and Review Commission be directed to study and make recommendations for how Virginia should go about legalizing and regulating the growth, sale, and possession of marijuana by July 1, 2022, and address the impacts of marijuana prohibition.

In conducting its study, the Joint Legislative Audit and Review Commission shall (i) review Illinois' Cannabis Regulation and Tax Act and consider best practices that could be applied to Virginia including policies addressing the impact of marijuana prohibition on marginalized community members; (ii) review New Mexico's Marijuana Legalization Work Group Findings; (iii) make recommendations for a regulated, adult use market; and (iv) make recommendations for programs and policies that must be implemented to provide appropriate redress for the harm caused to communities most impacted by marijuana prohibition including the impact of incarceration on youth ages 18-24 and neighborhoods or other geographic areas where impact has been the most disparate. Recommendations should be inclusive of these five primary tenets: (a) maintain and expand Virginia's medical marijuana program; (b) install public safety protections to protect minors and identify and prosecute those who sell marijuana without legal authority; (c) create strong testing and labeling; (d) provide equity and economic opportunity for every community, especially those disproportionately impacted by prohibition drug policies with an emphasis on ensuring equity in ownership in the marijuana industry; and (e) ensure racially equitable programs and policies exist that will provide reinvestment in communities most impacted by marijuana prohibition. In addition, the Joint Legislative Audit and Review Commission shall include in its study a review of the work of any joint subcommittee established by the General Assembly to study the development of a framework for regulated adult use of cannabis and the creation of a regulatory entity to oversee licensing and regulation of industrial hemp, medical cannabis, and adult use of cannabis.

All agencies of the Commonwealth shall provide assistance to the Joint Legislative Audit and Review Commission for this study, upon request.

The Joint Legislative Audit and Review Commission shall submit to the Division of Legislative Automated Systems a report of its findings and recommendations no later than December 1, 2020. The report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

HOUSE JOINT RESOLUTION NO. 133

Designating October, in 2020 and in each succeeding year, as Postural Orthostatic Tachycardia Syndrome Awareness Month in Virginia.

Agreed to by the House of Delegates, January 29, 2020

Agreed to by the Senate, March 3, 2020

WHEREAS, Postural Orthostatic Tachycardia Syndrome, a form of dysautonomia, is a disorder of the nervous system that results in a malfunction of the autonomic nervous system, which is responsible for "automatic" bodily functions such as respiration, heart rate, blood pressure, kidney function, digestion, and temperature control; and

WHEREAS, the symptoms of Postural Orthostatic Tachycardia Syndrome (POTS) include fatigue, headaches, lightheadedness, heart palpitations, nausea, syncope, coldness or pain in the extremities, tachycardia upon standing, blood pooling in the extremities, blood pressure dysregulation, fainting, dilated pupils that cause a sensitivity to light and frequent migraines, chest pains, shortness of breath, gastrointestinal motility problems, and peripheral neuropathy, among many others; and

WHEREAS, there is no known cure for POTS, which affects an estimated one to three million Americans and is most often seen in women between the ages of 15 and 50; and

WHEREAS, 25 percent of POTS patients are so disabled that they cannot work or attend school; researchers compare the disability seen in POTS to the disability seen in congestive heart failure or chronic obstructive pulmonary disease; and

WHEREAS, POTS is often misdiagnosed as anxiety, panic attacks, vasovagal syncope, chronic fatigue syndrome, or inappropriate sinus tachycardia, and 85 percent of POTS patients are told their symptoms are all in their heads; and

WHEREAS, the average delay of diagnosis for POTS is five years and 11 months; patients are often expensively and extensively investigated, often to no avail; and

WHEREAS, increased awareness of POTS will save lives by helping patients receive a diagnosis and treatment in a timely manner and foster support for individuals and families coping with POTS throughout the Commonwealth; and

WHEREAS, members of the professional medical community, patients, and family members are working diligently to educate the residents of Virginia about POTS; and

WHEREAS, POTS Awareness Month is an opportunity to garner support for further research into the condition and promote increased education about, and mindfulness of, the symptoms that affect people with POTS; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly designate October, in 2020 and in each succeeding year, as Postural Orthostatic Tachycardia Syndrome Awareness Month in Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates transmit a copy of this resolution to Dysautonomia International so that members of the organization may be apprised of the sense of the General Assembly of Virginia in this matter; and, be it

RESOLVED FINALLY, That the Clerk of the House of Delegates post the designation of this month on the General Assembly's website.

HOUSE JOINT RESOLUTION NO. 134

Designating October 9, in 2020 and in each succeeding year, as Hangul Day in Virginia.

Agreed to by the House of Delegates, January 29, 2020

Agreed to by the Senate, March 3, 2020

WHEREAS, Hangul, the official alphabet of both the Republic of Korea and the Democratic People's Republic of Korea, was invented in the 15th century by King Sejong the Great of Korea and has been used to write the Korean language since its creation; and

WHEREAS, in 1446, the 28th year of his kingship, King Sejong published the *Hunminjeongeum*, the realization of his decree to research and develop a writing system that would replace the complex Chinese characters used at the time and be simple and easy for Koreans to master and communicate; and

WHEREAS, the Hangul system consists of 24 characters, including 14 consonants and 10 vowels; the consonant characters are formed with curved or angled lines, while the vowels are composed of vertical or horizontal straight lines together with short lines on either side of the main line; and

WHEREAS, in 1928, the Korean alphabet was named Hangul, and in 1940 Korean language scholars Lee Hee Seung and Lee Byeong Ro discovered the *Hunminjeongeum Haerye* manuscript and calculated October 9, 1446, to be the birth date of Hangul; and

WHEREAS, the Korean language is one of five strategic languages, along with Arabic, Chinese, Japanese, and Russian, as designated by the National Security Language Initiative, that Americans are encouraged to learn; and

WHEREAS, the Korean language is one of nine foreign languages the College Board approved to be on the SAT Subject Tests in languages, which assess a student's ability in reading and listening to a foreign language; other approved languages include Chinese, French, German, Italian, Japanese, Latin, Modern Hebrew, and Spanish; and

WHEREAS, there are more than 50,000 Americans, including Americans with Korean heritage, learning Hangul throughout the United States; with the popularity of K-pop, K-dramas, and Korean food rising, the Korean language is now taught throughout the world; and

WHEREAS, Virginia is home to one of the largest and fastest-growing populations of Korean Americans in the United States; and

WHEREAS, Korean Americans have become an integral part of mainstream American society and have made important contributions to the Commonwealth in the fields of finance, technology, law, medicine, education, sports, media, the arts, the military, and government, as well as in other areas; and

WHEREAS, as the Korean American community prepares for a new era and builds upon its history, Korean Americans must instill in younger generations the proper appreciation for the courage and values of their forebearers, a deep sense of their roots, and pride in their own cultural heritage, including Hangul, so that they may better contribute to the rich ethnic and cultural diversity of the Commonwealth; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly designate October 9, in 2020 and in each succeeding year, as Hangul Day in Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates transmit a copy of this resolution to The United Korean School of Greater Washington so that the organization may be apprised of the sense of the General Assembly of Virginia in this matter; and, be it

RESOLVED FINALLY, That the Clerk of the House of Delegates post the designation of this day on the General Assembly's website.

HOUSE JOINT RESOLUTION NO. 135

Commending King George County.

Agreed to by the House of Delegates, January 20, 2020

Agreed to by the Senate, January 30, 2020

WHEREAS, King George County, which was established via charter in November 1720, will celebrate its 300th anniversary in 2020; and

WHEREAS, King George County serves as the natural land gateway to the Northern Neck of Virginia; bordered by the Potomac and Rappahannock Rivers and serving as a natural border between Virginia and Maryland, King George County has long functioned as a focal point for commerce and trade both nationally and internationally; and

WHEREAS, King George County has featured prominently in the history of the nation; it was the birthplace of James Madison, the childhood home of George Washington, the location of land owned by James Monroe, and the site of the signing of the Leedstown Resolutions, which served as the precursor to the Declaration of Independence; and

WHEREAS, King George County is home to more than 14 sites listed on the National Register of Historic Places, including historic homes such as Belle Grove, Cleydael, Marmion, and Nanzatico and historic churches such as Emmanuel Church, Lamb's Creek Church, and St. Paul's Church; and

WHEREAS, for over 100 years, King George County has served as the home of Naval Support Facility Dahlgren, one of the country's preeminent military research and development centers, named in honor of Rear Admiral John Adolphus Dahlgren; what began as a gun test facility in 1918 has grown over the years to support numerous scientific and response-force missions serving all branches of the United States Armed Forces; and

WHEREAS, King George County has long strived to provide its young people with first-rate educational opportunities and has endeavored to promote the growth of business and industry within the county and the Commonwealth; and

WHEREAS, the King George County Board of Supervisors celebrated November 15, 2019, as King George County Founders' Day to honor the county's rich local history and this momentous occasion; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend King George County on the occasion of the 300th anniversary of its founding; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the King George County Board of Supervisors as an expression of the General Assembly's respect and admiration for King George County's history and its contributions to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 138

Commending Linda J. Byrd.

Agreed to by the House of Delegates, January 20, 2020

Agreed to by the Senate, January 23, 2020

WHEREAS, Linda J. Byrd, a highly admired community leader and a passionate educator, was selected as the City of Chesapeake's 2019 Woman of the Year; and

WHEREAS, Linda Byrd dedicated more than 40 years of service to the students of Chesapeake Public Schools as both a teacher and school administrator; and

WHEREAS, Linda Byrd taught science, biology, and chemistry at Crestwood High School, Indian River Junior High School, and Great Bridge High School and subsequently served as assistant principal of Oscar Smith High School and principal of Crestwood Middle School; and

WHEREAS, best known for her role as "Head Hawk" of Hickory High School, Linda Byrd was the founding principal of the school in 1996 and quickly established a sense of pride and identity among the faculty and student body; and

WHEREAS, Linda Byrd completed her career as the director of secondary curriculum and instruction for Chesapeake Public Schools and has continued to serve as a mentor to young teachers even after her well-earned retirement; and

WHEREAS, Linda Byrd's commitment to service is guided by her faith, and as a longtime member of Mount Pleasant United Methodist Church, she has supported young people through youth ministry activities and as director of Nurture, Outreach, and Witness; and

WHEREAS, Linda Byrd has coordinated American Red Cross blood drives at Mount Pleasant United Methodist Church, developed programs to provide fellowship to senior citizens, and served as a liaison between the church and local homeless shelters; and

WHEREAS, Linda Byrd has received numerous other awards and accolades for her work, including the 2005 W. Randolph Nichols Scholarship Foundation Community Service Award, and the 1992 Lifetime Membership Award and the 1993 Phoebe Apperson Hearst Outstanding Educator Award from the National Congress of Parents and Teachers; and

WHEREAS, Linda Byrd's legacy of excellence lives on in the countless students and teachers she has inspired, and she instilled her compassion, wisdom, and empathy in her own daughters, who have followed in her footsteps as community leaders; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Linda J. Byrd on her selection as the 2019 Chesapeake Woman of the Year; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Linda J. Byrd as an expression of the General Assembly's admiration for her legacy of contributions to her fellow Chesapeake residents.

HOUSE JOINT RESOLUTION NO. 139

Commending Alvene Buckley.

Agreed to by the House of Delegates, January 20, 2020

Agreed to by the Senate, January 30, 2020

WHEREAS, Alvene Buckley has made decades of contributions to health care education in the Commonwealth and inspired future generations of health care professionals; and

WHEREAS, after receiving a bachelor's degree from the University of North Carolina at Chapel Hill and a master's degree from Old Dominion University, Alvene Buckley began working as a nurse at Bon Secours DePaul Medical Center in Norfolk; and

WHEREAS, Alvene Buckley specialized in clinical health education in obstetrics and retired after 24 years of service to mothers and children in the region; her husband, Don, played a vital role in the growth and expansion of Chesapeake Regional Medical Center, and their three children, Lisa, Lori, and Keith, have all pursued careers in health care; and

WHEREAS, Alvene Buckley has served the community as a former chair of the Chesapeake Fine Arts Commission and former president of the Women's Division Hampton Roads Chamber of Commerce Chesapeake; and

WHEREAS, in addition, Alvene Buckley has volunteered her time and leadership as a mentor for young women competing in pageants and served as a former chair of the Miss Virginia Recital Committee, which conducts an annual fundraiser to support scholarship awards; and

WHEREAS, Alvene Buckley has received the 2012 Miss Virginia Volunteer of the Year Award, and she was the inaugural recipient of the Miss Chesapeake Woman of Achievement Award; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Alvene Buckley for her contributions to health care education; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Alvene Buckley as an expression of the General Assembly's admiration for her achievements in service to the Hampton Roads community.

HOUSE JOINT RESOLUTION NO. 140

Designating February, in 2020 and in each succeeding year, as Winter Honey Month in Virginia.

Agreed to by the House of Delegates, January 29, 2020

Agreed to by the Senate, March 3, 2020

WHEREAS, honey bees are an integral part of the ecosystem, providing the pollination that is necessary for the production of many fruits and vegetables harvested each year; and

WHEREAS, it is estimated by the American Beekeeping Federation that as much as one third of the food consumed in the United States is impacted either directly or indirectly by honey bee pollination; and

WHEREAS, in recent years, the Commonwealth's honey bee population has struggled against the harmful effects of parasitic infestations, particularly by the Varroa mite and wax moth; intrusions from predatory animals; pesticide and insecticide use; habitat loss; a lack of available food; and Colony Collapse Disorder; and

WHEREAS, since 2012, the Richlands Winter Honey Festival has been held annually to educate the public about the honey bee, promote awareness of the need for their protection and perpetuation, and encourage appreciation of honey and its many uses; and

WHEREAS, growing in size each year, the Richlands Winter Honey Festival features bee keeping workshops, food events, arts and crafts classes, bird-watching tours, concerts and performances, wilderness walks, storytelling and literary events, and other family-friendly activities; and

WHEREAS, the Richlands Winter Honey Festival is made possible through the efforts of many volunteers, beekeepers, and merchants, as well as the support of several local businesses and institutions, including Tazewell County Mercantile, the Historic Crab Orchard Museum, Southwest Virginia Community College, and the Appalachian Arts Center; and

WHEREAS, drawing the community together each winter, much as the hive gathers around the queen to keep her warm through the colder months, the Richlands Winter Honey Festival has become a highly anticipated local tradition, and Winter Honey Month will provide an opportunity for all Virginians to gain a greater appreciation and understanding of the honey bee; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly designate February, in 2020 and in each succeeding year, as Winter Honey Month in Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates transmit a copy of this resolution to organizers of the Richlands Winter Honey Festival so that they may be apprised of the sense of the General Assembly of Virginia in this matter; and, be it

RESOLVED FINALLY, That the Clerk of the House of Delegates post the designation of this month on the General Assembly's website.

HOUSE JOINT RESOLUTION NO. 141

Commending Elnora F. Tompkins.

Agreed to by the House of Delegates, January 20, 2020

Agreed to by the Senate, January 30, 2020

WHEREAS, Elnora F. Tompkins, a retired educator and community leader who touched countless lives in the Northern Neck, received the Distinguished Service Award from the Virginia, Maryland & Delaware Association of Electric Cooperatives in 2019; and

WHEREAS, a native of Westmoreland County, Elnora Tompkins gained an appreciation for the importance of a good education at a young age; after graduating from A. T. Johnson High School and Virginia State University, she pursued a long and fulfilling career as a teacher and guidance counselor in Westmoreland County Public Schools; and

WHEREAS, over the course of her career, Elnora Tompkins helped to instill a sense of respect and dignity in her students while giving them the tools to succeed in careers, higher education, and citizenship; and

WHEREAS, seeking to ensure a high quality of life for her students and fellow community members, Elnora Tompkins joined the Northern Neck Electric Cooperative as a director in 1985; she served the organization for 32 years, including 26 years as secretary and treasurer, becoming well-known for her attention to detail, punctuality, and professionalism; and

WHEREAS, in addition, Elnora Tompkins served on the Virginia, Maryland & Delaware Association of Electric Cooperatives Communications and Public Relations Committee for 20 years, including terms as vice chair and chair; and

WHEREAS, Elnora Tompkins has offered her time and wise leadership to the Westmoreland County Public Schools School Board, the Rappahannock Community College Board of Directors, the NAACP, and the American Cancer Society; and

WHEREAS, among her many other honors and accolades, Elnora Tompkins was named as an Unsung Hero by the Black Business and Professional Coalition of the Northern Neck and received the Liberty Bell Award from the Northern Neck Bar Association; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Elnora F. Tompkins on receiving the Distinguished Service Award from the Virginia, Maryland & Delaware Association of Electric Cooperatives; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Elnora F. Tompkins as an expression of the General Assembly's admiration for her exceptional service to students in the Northern Neck and contributions to communities throughout Virginia, Maryland, and Delaware.

HOUSE JOINT RESOLUTION NO. 142

Celebrating the life of Terry Lee Kibler.

Agreed to by the House of Delegates, January 20, 2020

Agreed to by the Senate, January 23, 2020

WHEREAS, Terry Lee Kibler of Woodstock, a successful entrepreneur and an avid horseman who owned several harness racing horses and dedicated years of leadership to the Shenandoah County Fair, died on November 26, 2018; and

WHEREAS, born in Winchester, Terry Kibler began showing animals at the Shenandoah County Fair at the age of 10; after graduating from Central High School in Woodstock, he earned a bachelor's degree in animal science from Virginia Polytechnic Institute and State University; and

WHEREAS, in addition to running a furniture store in Woodstock for 30 years, Terry Kibler was well-known in the region as an owner of Standardbred horses that participated in harness races in Virginia, Maryland, Delaware, and Pennsylvania; and

WHEREAS, Terry Kibler was highly admired for his honesty, fairness, and unparalleled work ethic; several of his horses earned great renown, including Farmer Jones, who set a world record for a four-year-old gelding trotter with a time of 1:53.0, and Calcutta, who had recorded 22 wins in 126 starts as of December 2018; and

WHEREAS, in 1987, Terry Kibler followed in the footsteps of his father as the racing secretary of the Shenandoah County Fair; he was subsequently appointed to the Shenandoah County Fair Board of Directors and was the longest-serving member of the board at the time of his passing; and

WHEREAS, Terry Kibler will be fondly remembered and greatly missed by his sister, Rhonda, and her family and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Terry Lee Kibler, a respected entrepreneur who made many contributions to the Shenandoah County community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Shenandoah County Fair Board of Directors as an expression of the General Assembly's respect for the memory of Terry Lee Kibler.

HOUSE JOINT RESOLUTION NO. 144

Recognizing the contributions of James River Bateamen.

Agreed to by the House of Delegates, January 29, 2020

Agreed to by the Senate, March 3, 2020

WHEREAS, from the 1770s through the mid-1800s, thousands of merchant sailors known as bateamen were instrumental to the economic growth and development of Richmond and the James River region; and

WHEREAS, at a time when the area west of Richmond's fall line was only accessible by horse, the narrow riverboat called a bateau was a groundbreaking mode of transportation, quickly becoming the primary means by which goods traveled along the James River; and

WHEREAS, while the bateau greatly improved the efficiency with which goods could be transported, their operation was often difficult and perilous; bateamen, typically working in groups of three and steering with long poles, were required to maneuver their heavily laden bateau through a maze of rocks and rapids to safely reach their destination; and

WHEREAS, it is estimated that over 90 percent of bateamen were either free or enslaved African Americans and that from the 1820s to the 1840s, when trade along the James River was at its peak, approximately 1,500 bateamen operated over 500 bateaux; and

WHEREAS, with their navigational prowess and unparalleled knowledge of Virginia's waterways, many bateamen were enlisted by the Union Forces during the Civil War to aid the Union blockade of the Confederate states, greatly contributing to the success of that operation; and

WHEREAS, the legacy of the bateamen was recently commemorated by a Virginia Board of Historic Resources historical highway marker, which was sponsored by the owners of Bateau, LLC, a restaurant in Richmond's Shockoe Bottom district located not far from where the bateamen used to dock; and

WHEREAS, unveiled in 1993, the Headman Statue on Brown's Island in Richmond depicts a 19th century bateaman, honoring the contributions that thousands of African Americans made to the city's economy in its early years; and

WHEREAS, until the James River and Kanawha Canal reached Lynchburg in 1840, the bateamen bravely provided a service essential to the prosperity of several industries in the James River region, making them both major contributors to the economic success of the Commonwealth and significant figures in its history; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the contributions of James River bateamen be recognized; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates transmit a copy of this resolution to Bateau, LLC, requesting that it further disseminate copies of this resolution to its respective constituents so that they may be apprised of the sense of the General Assembly of Virginia in this matter.

HOUSE JOINT RESOLUTION NO. 145

Recognizing Navy Week on March 30-April 5, 2020, in Tri-Cities.

Agreed to by the House of Delegates, January 29, 2020

Agreed to by the Senate, March 3, 2020

WHEREAS, on March 30-April 5, 2020, the United States Navy will host one of its annual Navy Week celebrations in Tri-Cities, Tennessee-Virginia, including events in Bristol and at Bristol Motor Speedway; and

WHEREAS, since 2005, Navy Week has served as the United States Navy's primary outreach effort in areas that do not maintain a significant naval presence, designed to inform, educate, and entertain members of the public; and

WHEREAS, more than 74 different cities have hosted Navy Week events, and the Tri-Cities are one of 15 locations across the nation that will have the honor of hosting a Navy Week in 2020; and

WHEREAS, Navy Week organizers coordinate with representatives from local government agencies, businesses, civic groups, schools, members of the media, and veterans to plan between 75 and 100 unique events; and

WHEREAS, Tri-Cities Navy Week will feature the sailors and divers from the Navy Explosive Ordnance Disposal teams, the Navy Ceremonial Guard Drill Team, members of the Navy Meteorological and Oceanographic Command's Fleet Weather Center, recruiters from the Navy Talent Acquisition Group, admissions counselors from the United States Naval Academy, and crew members of the reconstructed USS *Constitution*; and

WHEREAS, the United States Navy Band will honor the region's contributions to American music through its bluegrass group, Country Current, and Navy personnel plan to participate in race week events for the Food City 500 at Bristol Motor Speedway; and

WHEREAS, Virginia is home to tens of thousands of civilian employees and active-duty members of the United States Navy, serving on Naval Air Station Oceana and the Dam Neck Annex, Joint Expeditionary Base Little Creek-Fort Story, Naval Station Norfolk, and Norfolk Naval Shipyard, among other national defense installations; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That Navy Week on March 30-April 5, 2020, in Tri-Cities be recognized; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates transmit a copy of this resolution to the United States Navy requesting that the council further disseminate copies of this resolution to Navy personnel so that they may be apprised of the sense of the General Assembly of Virginia in this matter.

HOUSE JOINT RESOLUTION NO. 146

Commending United We Light: Project Bolivia.

Agreed to by the House of Delegates, January 27, 2020

Agreed to by the Senate, January 30, 2020

WHEREAS, in September 2019, lineworkers representing electric cooperatives in Virginia and Maryland traveled to Bolivia to provide electricity infrastructure for several remote villages as part of United We Light: Project Bolivia; and

WHEREAS, the Virginia, Maryland & Delaware Association of Electric Cooperatives sponsored United We Light: Project Bolivia in conjunction with NRECA International, a division of the National Rural Electric Cooperative Association that has brought electric power to more than 160 million people in 45 developing nations; and

WHEREAS, while similar projects only include work at one or two sites, United We Light: Project Bolivia provided electricity to five villages in the mountainous Oruro region over the course of two and a half weeks; and

WHEREAS, from September 4 to September 21, 2019, the United We Light: Project Bolivia crew members hung more than 13 miles of power lines and made connections to 37 dwellings, working in hazardous terrain and harsh weather without the benefit of heavy equipment; and

WHEREAS, the United We Light: Project Bolivia crew members showed exceptional fortitude and dedication to their mission, adapting to the challenges of working at a high altitude while eating a subsistence diet; and

WHEREAS, United We Light: Project Bolivia had an immediate impact on the communities it served; in addition to adding basic amenities to homes that never before received electricity, the villages used the power grid to operate a water pump, use electric lights to keep nocturnal predators away from livestock, and employ heaters to process crops; and

WHEREAS, the members of the United We Light: Project Bolivia crew were Bernie Hastings of A&N Electric Cooperative; Cody Minter of BARC Electric Cooperative; Josh Golladay, Jason Purvis, and Allan Thacker of Central Virginia Electric Cooperative; Mike Johnson of Choptank Electric Cooperative; Craig Loving of Northern Neck Electric Cooperative; Patrick Ambrose, Cody Lockheart, Brian Michael, and Dillon Sheads of Rappahannock Electric Cooperative;

Mike Alexander, JT Jacobs, and Roger Pace of Shenandoah Valley Electric Cooperative; and Scott Diggs of Southside Electric Cooperative; and

WHEREAS, United We Light: Project Bolivia provided a sense of hope and strengthened communities by helping to ensure that residents can choose to stay in their home villages; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend United We Light: Project Bolivia for its life-changing accomplishments in service to communities in rural Bolivia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Virginia, Maryland & Delaware Association of Electric Cooperatives as an expression of the General Assembly's admiration for hard work and sacrifices of the United We Light: Project Bolivia crew members.

HOUSE JOINT RESOLUTION NO. 148

Designating August, in 2020 and in each succeeding year, as Indian American Heritage Month in Virginia.

Agreed to by the House of Delegates, February 6, 2020

Agreed to by the Senate, March 3, 2020

WHEREAS, Virginia is home to a vibrant and growing Indian American community, the members of which have made, and continue to make, significant contributions to all facets of the Commonwealth's economic prosperity and overall quality of life; and

WHEREAS, Indian traditions, including singing, the performing arts, and cuisine, are an important part of the rich cultural tapestry that make Virginia a special place to live and visit; and

WHEREAS, India is a major trading partner with the United States and enjoys a special relationship with Virginia as one of its strongest trade allies; and

WHEREAS, August is a special month for Indians around the world, as India celebrates its National Independence Day on August 15; and

WHEREAS, India is now the world's most populous representative democracy, with great religious and linguistic diversity, and Indians are proud to have gained their independence through nonviolence, setting an example for other nations to follow; and

WHEREAS, establishing August as Indian American Heritage Month provides an opportunity to celebrate the cultural, academic, economic, and political contributions of Indian Americans to Virginia and the United States and to teach future generations about the unique heritage and vibrant traditions of India; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly designate August, in 2020 and in each succeeding year, as Indian American Heritage Month in Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates transmit a copy of this resolution to Harsh Vardhan Shringla, the Ambassador of India to the United States, so that he may be apprised of the sense of the General Assembly of Virginia in this matter; and, be it

RESOLVED FINALLY, That the Clerk of the House of Delegates post the designation of this month on the General Assembly's website.

HOUSE JOINT RESOLUTION NO. 149

Celebrating the life of Maya LaFonn Smith.

Agreed to by the House of Delegates, January 22, 2020

Agreed to by the Senate, January 30, 2020

WHEREAS, Maya LaFonn Smith, a beloved member of the Charles City community who touched countless lives as an author, public speaker, and fundraiser for organizations supporting children with cancer, died on September 6, 2019; and

WHEREAS, born to Ronald and Melissa Smith on July 27, 2005, Maya Smith was a natural leader who brought joy to her family and friends through her confidence, grace, and zest for life; and

WHEREAS, at the age of four, Maya Smith began attending Landmark Christian School, where she earned accolades as an honor student and began to cultivate her deep and abiding faith; and

WHEREAS, Maya Smith was baptized at Little Elam Baptist Church in Charles City in 2012; she joined the youth choir and made many contributions to the congregation; and

WHEREAS, during a courageous two-year battle with brain cancer, Maya Smith authored the book *Flight of Friendship*, an inspiring story about new beginnings, unlikely bonds, and the importance of staying true to yourself; and

WHEREAS, Maya Smith donated a portion of her book proceeds to support other children living with cancer through the ASK Childhood Cancer Foundation and Connor's Heroes Foundation; and

WHEREAS, Maya Smith raised more than \$15,000 for the Children's Hospital Foundation, became the spokesperson for the 2018 Anthem LemonAid fundraisers, and appeared in several television and radio programs to raise awareness of childhood cancers; and

WHEREAS, Maya Smith will be fondly remembered and greatly missed by her parents, Ronald, Jr., and Melissa; her brother, Ronald III; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Maya LaFonn Smith; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Maya LaFonn Smith as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 150

Commending Sherrin Cherrell Alsop.

Agreed to by the House of Delegates, January 27, 2020

Agreed to by the Senate, January 30, 2020

WHEREAS, Sherrin Cherrell Alsop, a public servant in King and Queen County, was elected as 2017-2018 president of the Virginia Association of Counties at the organization's 83rd annual conference in Bath County in November 2017; and

WHEREAS, Sherrin Alsop became the first president of the Virginia Association of Counties from King and Queen County, where for the past 20 years she has been on the county's Board of Supervisors as a representative of the Newtown District; and

WHEREAS, since 2009, Sherrin Alsop has served on the Virginia Association of Counties' Board of Directors, helping to further the organization's mission to support county officials and represent, promote, and protect the interests of counties and the people they serve; and

WHEREAS, a 2005 graduate of the County Leadership Institute, a joint certification program of the National Association of Counties and New York University's Robert F. Wagner Graduate School of Public Service, as well as the recipient of a bachelor's degree, two master's degrees, and a doctorate, Sherrin Alsop brought many years of training and experience to her role as president of the Virginia Association of Counties; and

WHEREAS, Sherrin Alsop supports her community as an active member of the King and Queen Volunteer Rescue Squad, contributing her time as board secretary and as a certified emergency medical technician and emergency vehicle operator; and

WHEREAS, beyond King and Queen County, Sherrin Alsop served the Commonwealth as a gubernatorial appointee to the State Emergency Medical Services Advisory Board and as past chair of the Middle Peninsula Planning District Commission; and

WHEREAS, Sherrin Alsop's leadership and passion for serving others has greatly improved the lives of many and has been an inspiration to all; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Sherrin Cherrell Alsop for the distinction of being elected the 2017-2018 president of the Virginia Association of Counties in 2017; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Sherrin Cherrell Alsop as an expression of the General Assembly's respect and admiration for her contributions to King and Queen County and the Commonwealth.

HOUSE JOINT RESOLUTION NO. 151

Commending Charles Ingram.

Agreed to by the House of Delegates, January 27, 2020

Agreed to by the Senate, January 30, 2020

WHEREAS, Charles Ingram, a dedicated public servant and a longtime farmer, retired from the Mathews County Board of Supervisors on December 31, 2019; and

WHEREAS, a graduate of Mathews High School, Charles Ingram worked as a barber for more than 60 years and opened a successful daffodil farm with his wife, Jean, in the 1970s; and

WHEREAS, desirous to be of further service to the community, Charles Ingram ran for and was elected to the Mathews County Board of Supervisors in 1991 and was subsequently reelected to six additional four-year terms; and

WHEREAS, Charles Ingram supported numerous important measures to strengthen the community and enhance the quality of life for his fellow Mathews County residents during his 28-year career in local government; and

WHEREAS, notably, Charles Ingram organized Mathews County's annual Fourth of July fireworks show, a beloved local tradition featuring a pyrotechnic display on par with any other show in the region; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Charles Ingram on the occasion of his retirement from the Mathews County Board of Supervisors; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Charles Ingram as an expression of the General Assembly's admiration for his service to the residents of Mathews County.

HOUSE JOINT RESOLUTION NO. 152

Commending Virginia Organizing.

Agreed to by the House of Delegates, January 27, 2020

Agreed to by the Senate, January 30, 2020

WHEREAS, in 2020, Virginia Organizing, a nonprofit organization with chapters throughout the Commonwealth, celebrates 25 years of empowering and encouraging individuals to work together to strengthen their communities; and

WHEREAS, Virginia Organizing was founded in August 1995 as the Virginia Organizing Project and was the first statewide organization formed to encourage the active participation by different constituencies of people on a variety of issues; and

WHEREAS, Virginia Organizing is a grassroots organization dedicated to helping people address the issues that affect the quality of their lives and has members in every region of the Commonwealth; and

WHEREAS, throughout its history, Virginia Organizing has built strong relationships with diverse individuals and groups across the state, enhancing their ability to work together for positive change; and

WHEREAS, Virginia Organizing has facilitated hundreds of Dismantling Racism workshops and leadership training programs in all parts of the Commonwealth; and

WHEREAS, Virginia Organizing has worked on local, state, and national campaigns on a variety of issues, including affordable housing, criminal justice, disability rights, economic security for families, the "ban the box" movement, employment, minimum wage, living wage, fighting predatory lending, education and the school-to-prison pipeline, environmental justice, health care and Medicaid expansion, immigration, LGBTQ rights, tax reform, and other social justice issues; and

WHEREAS, Virginia Organizing has championed fair elections and encouraged nonpartisan participation in the electoral process by preparing and distributing hundreds of thousands of statewide voter guides, registering voters, helping individuals restore their voting rights, and encouraging people to vote through phone banking, door-to-door canvassing, and providing transportation to the polls; and

WHEREAS, Virginia Organizing has received national and state awards and accolades for its work to organize for change in local communities and for making a deep and meaningful commitment to those who are traditionally disenfranchised in their communities; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Virginia Organizing on the occasion of its 25th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Virginia Organizing as an expression of the General Assembly's admiration for its dedicated service to the people of Virginia.

HOUSE JOINT RESOLUTION NO. 153

Commending Edwina J. Casey.

Agreed to by the House of Delegates, January 27, 2020

Agreed to by the Senate, January 30, 2020

WHEREAS, Edwina J. Casey served as a member of the Mathews County Board of Supervisors from January 2008 to December 2019; and

WHEREAS, first elected to the Mathews County Board of Supervisors in 2007, Edwina Casey served for 12 years over three terms, providing leadership and guidance in the board's oversight of the county's budget, schools, and other public services; and

WHEREAS, Edwina Casey enjoyed a long career in civil service; after graduating from high school, she worked at Naval Weapons Station Yorktown for 35 years, retiring from the Atlantic Ordnance Command as an inventory management specialist; and

WHEREAS, dedicated to serving the Mathews County Public Schools both as a board member and a citizen, Edwina Casey was a bus driver for the school system from 2008 to 2010 and coached junior varsity softball from 2010 to 2014; and

WHEREAS, valued for her friendly nature and prudent wisdom, Edwina Casey has worked tirelessly the past 12 years to ensure Mathews County is a wonderful place to live, work, and play; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Edwina J. Casey for her years of service as a member of the Mathews County Board of Supervisors; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Edwina J. Casey as an expression of the General Assembly's profound respect and heartfelt admiration for her contributions to Mathews County and the Commonwealth.

HOUSE JOINT RESOLUTION NO. 154

Commending Margaret Hundley Davis.

Agreed to by the House of Delegates, January 27, 2020

Agreed to by the Senate, January 30, 2020

WHEREAS, Margaret Hundley Davis has served on the Essex County Board of Supervisors for 24 years, representing the South District with great character and distinction since 1996; and

WHEREAS, Margaret "Prue" Hundley Davis has given selflessly of her time, talent, and wisdom to serve her fellow Essex County citizens; and

WHEREAS, Prue Davis has demonstrated exceptional leadership in her role on the Essex County Board of Supervisors, serving for a period as its chair; and

WHEREAS, Prue Davis showed great wisdom and poise during her tenure, admirably representing the Essex County Board of Supervisors on the Rappahannock River Basin Committee since 2000 and the Middle Peninsula Chesapeake Bay Public Access Authority since 2012; and

WHEREAS, committed to the growth and development of Essex County and the surrounding region, Prue Davis served on the Middle Peninsula Planning District Commission as one of her town's commissioners; and

WHEREAS, an active and engaged member of her community, Prue Davis has volunteered her time and resources as a director of the Essex County Conservation Alliance and a member of the Essex County Museum & Historical Society; and

WHEREAS, Prue Davis' many years of leadership, dedication, and service have helped make Essex County a wonderful place to live, work, and play; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Margaret Hundley Davis, a long-time member of the Essex County Board of Supervisors, for her 24 years of service; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Margaret Hundley Davis as an expression of the General Assembly's profound respect and heartfelt appreciation for her contributions to Essex County and the Commonwealth.

HOUSE JOINT RESOLUTION NO. 155

Commending Priscilla J. Davenport.

Agreed to by the House of Delegates, January 27, 2020

Agreed to by the Senate, January 30, 2020

WHEREAS, Priscilla J. Davenport, Middlesex County Commissioner of the Revenue for the past 11 years, retired on December 31, 2019; and

WHEREAS, prior to moving to Middlesex, Priscilla J. "Bonnie" Davenport was an accountant for Columbia Pictures for two decades and later a representative of the New York State Federal Credit Union League; and

WHEREAS, upon settling in Middlesex in 1987, Bonnie Davenport became an active member of her community, serving on the Middlesex Planning Commission for 14 years and with the Middlesex Red Cross; and

WHEREAS, Bonnie Davenport joined the commissioner of the revenue's office in 1997 as a part-time employee and, over 11 years, worked her way up through the ranks of chief deputy and master deputy before ultimately running for the position of commissioner of the revenue; and

WHEREAS, first elected Middlesex Commissioner of the Revenue in 2008 and serving three terms, Bonnie Davenport became the first African American woman to hold a county constitutional office in Middlesex; and

WHEREAS, certified as a Master Commissioner of the Revenue by the Commissioners of the Revenue Association of Virginia and the University of Virginia's Weldon Cooper Center for Public Service, Bonnie Davenport has provided excellent oversight of Middlesex's real estate and property tax operations, tax relief program, and state income tax filing process for the past 11 years; and

WHEREAS, over more than two decades, Bonnie Davenport has worked tirelessly to ensure the proper and responsible administration of the office of the commissioner of the revenue in Middlesex, greatly benefiting the county's residents; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Priscilla J. Davenport, dedicated public servant and Middlesex County Commissioner of the Revenue for over a decade, on the occasion of her retirement; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Priscilla J. Davenport as an expression of the General Assembly's deep respect and heartfelt appreciation for her contributions to Middlesex County and the Commonwealth.

HOUSE JOINT RESOLUTION NO. 156

Commending the Central High School one-act play team.

Agreed to by the House of Delegates, January 27, 2020

Agreed to by the Senate, January 30, 2020

WHEREAS, the Central High School one-act play team brought home a state title to Wise County after winning the Virginia High School League Class 2 State Theatre Festival; and

WHEREAS, the Central High School one-act play team, in its 15th trip to the state festival under the exceptional leadership of director Jan Thompson, performed *Mockingbird* by Julie Jensen, a moving piece about an 11-year-old girl on the autism spectrum who is coping with the tragic death of her brother; and

WHEREAS, Central High School's Emma Chandler and Reece Elkins received Class 2 Outstanding Actor Awards at both the state and regional festivals; and

WHEREAS, on the road to the state championship, the Central High School Warriors placed first at the Mountain 7 District Theatre Festival on October 26 and the Region D Theatre Festival on November 16, 2019; and

WHEREAS, every member of the Central High School one-act play team, including Caleb Adams, Nicole Aguirre, Zoey Barker, Emma Chandler, Reagan Dotson, Reece Elkins, Emily Hall, Sagan Holbrook, Nick Jackson, Emily Jett, Ellianna Kudirka, Makenna Loudon, Harper McCall, Emily Mullins, Sydney Phillips, Izah Qureshi, Haley Ricketts, Elle Smith, Taylor Sanders, Emma Stallard, Mackenzie Stidham, Madison Sturgill, Draak Sutphin, and Alex Vincer, contributed to the successful season; and

WHEREAS, the Central High School one-act play team was assisted by set designer Billy Thompson, choreographer Elaine Sheldon, and set artist Madi Fields and benefited from the enthusiastic support of the entire Central High School community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Central High School one-act play team; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Central High School one-act play team as an expression of the General Assembly's admiration for the team's achievements and best wishes for the future.

HOUSE JOINT RESOLUTION NO. 157

Commending the Saint Michael the Archangel High School football team.

Agreed to by the House of Delegates, January 27, 2020

Agreed to by the Senate, January 30, 2020

WHEREAS, the Saint Michael the Archangel High School football team won the Virginia Independent Schools Athletic Association Division III Championship on November 15, 2019; and

WHEREAS, the Saint Michael the Archangel High School Warriors defeated the three-time defending champion Roanoke Catholic School Celtics by a score of 22-18 to earn the school's first title in any sport; and

WHEREAS, with the smallest enrollment of any football program in their division, sometimes fielding only 14 players and requiring several to play entire games, the Saint Michael the Archangel Warriors showed incredible grit on their march to a 10-1 season record; and

WHEREAS, the determination of the Saint Michael the Archangel Warriors was on display during their final game of the season, when valorous clutch plays on both defense and offense were the difference between victory and defeat; and

WHEREAS, trailing 18-15 with less than nine minutes in regulation and the Roanoke Catholic Celtics less than five yards from the end zone, Matthew Brown and Melvin Spriggs combined to force a game-saving turnover on downs; and

WHEREAS, marching the distance of the field over a dramatic eight-minute drive, the Saint Michael the Archangel Warriors bravely opted to go for the win on 4th and goal with 12 seconds remaining; moments later, the team sealed the championship with a touchdown pass from Jalen Smith to Chase Wormley; and

WHEREAS, as a testament to the Saint Michael the Archangel Warriors' impressive roster, numerous players received Virginia Independent Schools Athletic Association Division III all-state honors and all-conference honors this season; and

WHEREAS, the triumph of the Saint Michael the Archangel Warriors is the result of the hard work and dedication of the student-athletes, the leadership and guidance of their coaches and teachers, and the unwavering support of the entire Saint Michael the Archangel High School community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Saint Michael the Archangel High School football team for winning the 2019 Virginia Independent Schools Athletic Association Division III Championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Hugh Brown, coach of the Saint Michael the Archangel High School football team, as an expression of the General Assembly's wholehearted admiration for the team's achievement and best wishes for the future.

HOUSE JOINT RESOLUTION NO. 158

Celebrating the life of the Reverend Sydney Strother Smith III.

Agreed to by the House of Delegates, January 27, 2020

Agreed to by the Senate, January 30, 2020

WHEREAS, the Reverend Sydney Strother Smith III, an esteemed attorney, admired spiritual leader, and engaged member of the Washington County community, died on May 19, 2019; and

WHEREAS, Sydney Smith grew up in Richmond, where he joined the Boy Scouts of America and earned the prestigious rank of Eagle Scout; he remained active in Scouting throughout his life as a troop leader and a longtime board member of the Sequoyah Council; and

WHEREAS, Sydney Smith graduated from the University of Richmond and the Marshall-Wythe School of Law at The College of William & Mary, where he served as managing editor of the *William & Mary Law Review*, then pursued a career as an attorney; and

WHEREAS, well known for his eloquence and legal acumen, Sydney Smith tried cases on a wide range of subjects, from claims related to black lung disease and mineral rights law to religious freedom litigation and guardian *ad litem* matters, including several cases before the Supreme Court of the United States; and

WHEREAS, Sydney Smith answered the call to the ministry in later life and was ordained as a priest in the Anglican Catholic Church in 1987; he served as a vicar in several churches for many years; and

WHEREAS, in addition to teaching law and debate at King University in Bristol, Sydney Smith offered his wisdom to numerous state boards, including the Public Broadcasting Board and a commission on surplus property; and

WHEREAS, Sydney Smith served as chair of the Washington County Republican Party and was a member of the GOP State Central Committee, as well as manager of his father's successful campaign for the Virginia House of Delegates in 1963; and

WHEREAS, Sydney Smith will be fondly remembered and greatly missed by his wife of 52 years, Barbara; his daughters, Jacqueline, Sydney, and Nancy, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of the Reverend Sydney Strother Smith III, a respected attorney, vicar, and community leader; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of the Reverend Sydney Strother Smith III, as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 159

Commending Megan Watson.

Agreed to by the House of Delegates, January 27, 2020

Agreed to by the Senate, January 30, 2020

WHEREAS, Megan Watson, a pharmacy student in good standing in the Class of 2021 at Virginia Commonwealth University School of Pharmacy, received the 2019 Harvey B. Morgan Award for Advancing Health Policy from the Harvey B. Morgan Institute of Government and Public Policy on August 17, 2019; and

WHEREAS, Megan Watson has demonstrated exceptional service and commitment to public policy for patient care and related activities, including participation in Pharmacy Legislative Days in 2018 and 2019; and

WHEREAS, Megan Watson serves as the legislative chair of the National Community Pharmacists Association's student chapter at the Virginia Commonwealth University (VCU) School of Pharmacy, where she coordinates education and outreach events focused on legislative issues impacting community practice; and

WHEREAS, Megan Watson serves as the liaison between the American Pharmacists Association's Academy of Students of Pharmacy and the Virginia Pharmacists Association; and

WHEREAS, Megan Watson has applied her knowledge of pharmacy and policy to provide education and information to patients, citizens, public officials, pharmacists, and future pharmacists; and

WHEREAS, Megan Watson exemplifies the ideals of the pharmacy profession, the Harvey B. Morgan Institute of Government and Public Policy, and the VCU School of Pharmacy, which has given countless students the tools to support good health and wellness and advocate for patient care; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Megan Watson on receiving the 2019 Harvey B. Morgan Award for Advancing Health Policy; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare copies of this resolution for presentation to Megan Watson and Joseph T. DiPiro, dean of the Virginia Commonwealth University School of Pharmacy, as an expression of the General Assembly's admiration for Megan Watson's contributions to patient care and best wishes on her future endeavors.

HOUSE JOINT RESOLUTION NO. 160

Commending Albemarle County.

Agreed to by the House of Delegates, January 27, 2020

Agreed to by the Senate, January 30, 2020

WHEREAS, in 1744, Albemarle County was formed by an Act of the General Assembly from the western portion of Goochland County; and

WHEREAS, Albemarle County was named for the then-Governor of Virginia, Willem Anne van Keppel, Second Earl of Albemarle; and has been home to many notable individuals; and

WHEREAS, Albemarle County's early economy developed around the Kanawha Canal in Scottsville and the mills along the Rivanna River; it was bolstered by the development of the Orange & Alexandria Railroad and the Chesapeake & Ohio Railway, which allowed Albemarle's agricultural and early industrial products to reach regional and national markets; and

WHEREAS, the founding of the University of Virginia in 1819 anchored Albemarle County as a center for learning and innovation; and

WHEREAS, the creation of Shenandoah National Park, part of which is located in western Albemarle County, in 1935 preserved thousands of acres of pristine forestlands for many types of recreation and enjoyment; and

WHEREAS, the Albemarle County Board of Supervisors adopted a growth management policy in 1971 to preserve the rural character and natural resources of Albemarle County; and

WHEREAS, Albemarle County continues to work to achieve its vision of a community with abundant natural, historic, and scenic resources; healthy ecosystems; active and vibrant development areas; facilities and infrastructure to support healthy lifestyles; a thriving economy; and exceptional educational opportunities for present and future generations; and

WHEREAS, the residents of Albemarle County, in celebration of this special anniversary, can reflect with pride on the county's 275 years of history and look forward with anticipation to a bright future; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Albemarle County and its citizens on the occasion of its 275th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Albemarle County as an expression of the General Assembly's best wishes for a joyous celebration.

HOUSE JOINT RESOLUTION NO. 161

Election of a Supreme Court of Virginia Justice, Circuit Court Judges, General District Court Judges, Juvenile and Domestic Relations District Court Judges, and a member of the Virginia Workers' Compensation Commission.

Agreed to by the House of Delegates, January 27, 2020

Agreed to by the Senate, January 27, 2020

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly shall proceed this day To the election of a Supreme Court of Virginia justice for a term of twelve years commencing February 1, 2020.

To the election of Circuit Court judges for terms of eight years commencing as follows:

One judge for the Sixth Judicial Circuit, term commencing July 1, 2020.

One judge for the Ninth Judicial Circuit, term commencing July 1, 2020.

One judge for the Twelfth Judicial Circuit, term commencing July 1, 2020.

One judge for the Fourteenth Judicial Circuit, term commencing July 1, 2020.

One judge for the Seventeenth Judicial Circuit, term commencing July 1, 2020.

One judge for the Seventeenth Judicial Circuit, term commencing July 1, 2020.

One judge for the Twenty-second Judicial Circuit, term commencing July 1, 2020.

One judge for the Twenty-eighth Judicial Circuit, term commencing July 1, 2020.

One judge for the Twenty-seventh Judicial Circuit, term commencing July 1, 2020.

To the election of General District Court judges for terms of six years commencing as follows:

One judge for the First Judicial District, term commencing January 1, 2021.

One judge for the Second Judicial District, term commencing February 1, 2020.

One judge for the Second Judicial District, term commencing February 1, 2020.

One judge for the Second Judicial District, term commencing December 1, 2020.

One judge for the Fourth Judicial District, term commencing February 1, 2020.

One judge for the Fourth Judicial District, term commencing December 1, 2020.

One judge for the Fifth Judicial District, term commencing May 1, 2020.

One judge for the Sixth Judicial District, term commencing December 1, 2020.

One judge for the Ninth Judicial District, term commencing December 1, 2020.

One judge for the Eleventh Judicial District, term commencing February 1, 2020.

One judge for the Twelfth Judicial District, term commencing December 1, 2020.

One judge for the Fifteenth Judicial District, term commencing December 1, 2020.
 One judge for the Eighteenth Judicial District, term commencing May 1, 2020.
 One judge for the Twenty-second Judicial District, term commencing January 1, 2021.
 One judge for the Twenty-third Judicial District, term commencing November 1, 2020.
 One judge for the Twenty-sixth Judicial District, term commencing December 1, 2020.
 One judge for the Twenty-ninth Judicial District, term commencing December 1, 2020.
 One judge for the Thirtieth Judicial District, term commencing January 1, 2021.
 One judge for the Thirty-first Judicial District, term commencing December 1, 2020.
 To the election of Juvenile and Domestic Relations District Court judges for terms of six years commencing as follows:
 One judge for the Second Judicial District, term commencing December 1, 2020.
 One judge for the Twelfth Judicial District, term commencing January 1, 2021.
 One judge for the Twelfth Judicial District, term commencing December 1, 2020.
 One judge for the Twelfth Judicial District, term commencing December 1, 2020.
 One judge for the Thirteenth Judicial District, term commencing May 1, 2020.
 One judge for the Fifteenth Judicial District, term commencing February 1, 2020.
 One judge for the Sixteenth Judicial District, term commencing December 1, 2020.
 One judge for the Sixteenth Judicial District, term commencing December 1, 2020.
 One judge for the Nineteenth Judicial District, term commencing February 1, 2020.
 One judge for the Twenty-third Judicial District, term commencing January 1, 2021.
 One judge for the Twenty-third Judicial District, term commencing December 1, 2020.
 One judge for the Twenty-fifth Judicial District, term commencing May 1, 2020.
 One judge for the Twenty-fifth Judicial District, term commencing December 1, 2020.
 One judge for the Twenty-sixth Judicial District, term commencing December 1, 2020.
 One judge for the Twenty-sixth Judicial District, term commencing December 1, 2020.
 One judge for the Twenty-seventh Judicial District, term commencing December 1, 2020.
 One judge for the Twenty-seventh Judicial District, term commencing December 1, 2020.
 One judge for the Twenty-eighth Judicial District, term commencing February 1, 2020.
 One judge for the Thirty-first Judicial District, term commencing December 1, 2020.
 To the election of a member of the Virginia Workers' Compensation Commission for a term of six years commencing February 1, 2020.

And that in the execution of the joint order nominations shall be made in the order herein named, and that each house shall be notified of said nominations, and when the rolls shall be called for the whole number, the presiding officers of each house shall appoint a committee of three, which together shall constitute the joint committee to count the vote of each house in each case and report the results to their respective houses. The joint order may be suspended by the presiding officer of either house at any time but for no longer than twenty-four hours to receive the report of the joint committee.

HOUSE JOINT RESOLUTION NO. 163

Commending Lakeview Elementary School.

Agreed to by the House of Delegates, January 27, 2020

Agreed to by the Senate, January 30, 2020

WHEREAS, Lakeview Elementary School in Colonial Heights celebrated its 50th anniversary on November 25, 2019; and
 WHEREAS, serving an average of 410 students from kindergarten through fifth grade, the school is accredited by the Commonwealth and AdvancED and has maintained full Standards of Learning accreditation for the past 20 years; and

WHEREAS, students at Lakeview Elementary School are given many opportunities to engage with the arts through participation in the Colonial Heights Fine Arts Festival, field trips to the Virginia Symphony and Virginia Museum of Fine Arts, and the KEES program, which offers fourth and fifth graders piano instruction in preparation for a special performance at the end of each year; and

WHEREAS, serving the community and others is a foundational part of a Lakeview Elementary School education; students are recognized monthly for positive behavior and acts of service, and the school's character education committee raises funds on behalf of the Richmond Animal League, Kinsley's Cookie Cart, hurricane relief efforts, and families in need; and

WHEREAS, Lakeview Elementary School fosters a close relationship with the United States military and its veterans; each year, the school partners with a company from Fort Lee as part of the Adopt-A-School Program, hosts a Veterans Day ceremony for veterans and members of the community, and sends letters to service members overseas during the holidays; and

WHEREAS, in recognition of its commitment to the nation's veterans, Lakeview Elementary School was awarded the Purple Star Designation by the Virginia Department of Education in 2019; other distinctions received by the school for its academic achievements include the Virginia Excellence in Education Award in 1994 and a Title I Distinguished School honor from the Department of Education in 2012; and

WHEREAS, for a half-century, Lakeview Elementary School has promoted a learning environment conducive to its students' success, making it an invaluable part of the Colonial Heights community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Lakeview Elementary School of Colonial Heights on the occasion of the school's 50th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Patrick Neuman, principal of Lakeview Elementary School, as an expression of the General Assembly's heartfelt admiration for the school's contributions to the Commonwealth and best wishes for the future.

HOUSE JOINT RESOLUTION NO. 164

Commending Old House Vineyards.

Agreed to by the House of Delegates, January 27, 2020

Agreed to by the Senate, January 30, 2020

WHEREAS, for more than 20 years, Old House Vineyards, a family-owned business in Culpeper, has provided opportunities to enjoy high-quality wines and spirits to both local residents and visitors; and

WHEREAS, Old House Vineyards traces its roots to 1998, when Patrick and Allyson Kearney began to transform an abandoned farmhouse on 75 acres of overgrown alfalfa fields into a weekend retreat; and

WHEREAS, the Kearney family relocated to the property in 2003 and has since expanded Old House Vineyards into a 163-acre farm that supports a winery, brewery, and distillery, with Patrick and Allyson's son Ryan Kearney as general manager; and

WHEREAS, under the leadership of winemaker Christopher Harris, Old House Vineyards produces 11 wines, including red, white, rosé, sparkling, and dessert wines; the distillery, which opened in 2015, and the brewery, which opened in 2018, produce a host of other spirits and craft beer; and

WHEREAS, nestled in the foothills of the Blue Ridge Mountains, Old House Vineyards has hosted numerous local events, and the restored farmhouse, which dates back to the 1800s, has provided a beautiful backdrop for everything from wine tastings to weddings; and

WHEREAS, in addition, Patrick Kearney used his background as a museum fabrication expert to create a unique experience for guests by decorating the distillery tasting room with World War II memorabilia; and

WHEREAS, Old House Vineyards has helped elevate Culpeper County and the Commonwealth as a renowned destination for wine connoisseurs from around the world; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Old House Vineyards on the occasion of its 20th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Old House Vineyards as an expression of the General Assembly's admiration for the vineyard's unique history and its contributions to the Commonwealth's thriving wine industry.

HOUSE JOINT RESOLUTION NO. 165

Commending the Washington Nationals.

Agreed to by the House of Delegates, January 27, 2020

Agreed to by the Senate, January 27, 2020

WHEREAS, the Washington Nationals of Major League Baseball won the 2019 World Series on October 30, 2019, defeating the Houston Astros in seven games; and

WHEREAS, the last time a Major League Baseball team from Washington, D.C., won a World Series was nearly a century ago; following years without baseball in the nation's capital, multiple 100-loss seasons, and a series of painful playoff defeats, the victory was a long-awaited opportunity for fans in the capital region and throughout the Commonwealth to rejoice; and

WHEREAS, during the season, the Washington Nationals' motto was "Stay in the Fight"; after starting the year with a disappointing 19-31 record, the team nonetheless finished the regular season with 93 wins, earning a playoff berth and starting its march to the World Series; with its October triumph, the team became only the second club in Major League Baseball history to win it all after being 12 games below .500; and

WHEREAS, the relentless spirit that lifted the team into the playoffs carried them to the very end, with the Washington Nationals posting five come-from-behind wins in elimination games in the 2019 postseason, including an astounding 7th-inning comeback in Game Seven of the World Series; and

WHEREAS, as testament to the improbable and historic nature of this season, the Washington Nationals became the only club in Major League Baseball history to win three winner-take-all games in the same postseason and to win every game of a seven-game series on the road; and

WHEREAS, this remarkable accomplishment was a whole-team effort, highlighted by dominant pitching from Patrick Corbin, Anibal Sanchez, Max Scherzer, and Stephen Strasburg and clutch hitting from Adam Eaton, Howie Kendrick, Anthony Rendon, and Juan Soto; and

WHEREAS, the Commonwealth was well-represented on the Washington Nationals' World Series championship roster, with outstanding contributions from University of Virginia alumni Sean Doolite and Ryan Zimmerman and Old Dominion University alumnus Daniel Hudson; and

WHEREAS, the 2019 Washington Nationals will not only be remembered for the caliber of their play, but for the much-appreciated levity they brought to the game through their on-field rituals and celebrations, including dugout dances and "Baby Shark" sing-alongs; and

WHEREAS, the Washington Nationals demonstrated to young players all over the world what can be accomplished through grit and determination and gave fans a moment they will cherish for the rest of their lives; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Washington Nationals, 2019 World Series champions, on the occasion of their monumental victory; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Lerner family, principal owners of the Washington Nationals, as an expression of the General Assembly's admiration for the team's success and its contributions to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 166

Celebrating the life of the Honorable Mary T. Christian.

Agreed to by the House of Delegates, February 3, 2020

Agreed to by the Senate, February 6, 2020

WHEREAS, the Honorable Mary T. Christian, a respected educator and a dedicated public servant who represented Hampton residents in the Virginia House of Delegates for 14 years, died on November 11, 2019; and

WHEREAS, Mary Christian grew up in Hampton and graduated from Phenix High School, where she was a member of the basketball, drama, and debate teams, as well as the National Honor Society; and

WHEREAS, Mary Christian completed typing courses while working in the laundry at Hampton University and was eventually accepted for a secretarial position; she continued her studies while working for the university and earned a bachelor's degree in 1955; and

WHEREAS, a passionate lifelong learner, Mary Christian subsequently earned a master's degree from Columbia University and a doctorate from Michigan State University; and

WHEREAS, Mary Christian pursued a career as an educator with Hampton City Public Schools and Hampton University; she was the first African American member of the Hampton City School Board, and in 1980, she was selected as dean of Hampton University's School of Education; and

WHEREAS, desirous to be of further service to the Hampton community and the Commonwealth, Mary Christian ran for and was elected to the Virginia House of Delegates in 1985, becoming the first African American woman to represent the residents of the 92nd District; and

WHEREAS, during her tenure as a state delegate, Mary Christian introduced and supported many important pieces of legislation to benefit all Virginians, taking a special interest in education and health care; and

WHEREAS, Mary Christian offered her wisdom to the House Committee on Appropriations, the House Committee on Education, and the Joint Rules Committee; and

WHEREAS, Mary Christian was a life member of the Hampton branch of the NAACP and an honorary board member of the National Patient Advocate Foundation, and she enjoyed fellowship and worship with the community as a life member of First Baptist Church of Hampton; and

WHEREAS, Mary Christian received several awards and accolades for her contributions to the field of education and commitment to community service, including the Distinguished Service Award from the National Patient Advocate Foundation; she was named as a professor emeritus at Hampton University, and her legacy of excellence lives on in the thousands of students she mentored and inspired; and

WHEREAS, predeceased by her son, James, Mary Christian will be fondly remembered and greatly missed by her husband, Wilbur; her daughters, Benita and Carolyn, and their families; and numerous other family members, friends, and colleagues on both sides of the aisle; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of the Honorable Mary T. Christian; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of the Honorable Mary T. Christian as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 167

Commending the Richmond Academy of Medicine.

Agreed to by the House of Delegates, February 3, 2020

Agreed to by the Senate, February 6, 2020

WHEREAS, the Richmond Academy of Medicine, one of the oldest local, professional medical societies in the Commonwealth, will observe its 200th anniversary in 2020; and

WHEREAS, the Richmond Academy of Medicine originated in 1820 and was formed to provide education and support for physicians in Central Virginia; and

WHEREAS, the Richmond Academy of Medicine has remained an integral part of Virginia's medical community, serving as an advocate for patients, an ally to physicians, and a trusted partner in the community; and

WHEREAS, the Richmond Academy of Medicine has grown into a progressive organization that includes Access Now, Honoring Choices Virginia, Centralized Credentials Verification Service, and other entities to ensure the best care for all patients in Central Virginia; and

WHEREAS, the Richmond Academy of Medicine has been recognized nationally for its programs to support young physicians; and

WHEREAS, the Richmond Academy of Medicine provides legislative advocacy to protect patients and the practice of medicine, including several White Coats on Call days at the General Assembly each year; and

WHEREAS, the Richmond Academy of Medicine sponsors general meetings for all area physicians, advocacy activities, social events, networking opportunities, physician bylaws education, and family support programs; and

WHEREAS, in 1974, Richmond Academy of Medicine physicians championed the creation of Richmond Metropolitan Blood Services, Central Virginia's first blood bank that served all local hospitals; the organization was later known as Virginia Blood Services and is now part of the American Red Cross; and

WHEREAS, countless patients in Central Virginia have benefited from the education and advocacy of the Richmond Academy of Medicine; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Richmond Academy of Medicine on the occasion of its 200th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Richmond Academy of Medicine as an expression of the General Assembly's admiration for the Academy's service to generations of Virginians.

HOUSE JOINT RESOLUTION NO. 168

Commending the Loudoun South Little League baseball team.

Agreed to by the House of Delegates, February 3, 2020

Agreed to by the Senate, February 6, 2020

WHEREAS, the Loudoun South Little League baseball team from South Riding won the 2019 Southeast Regional Little League Tournament, becoming the first team in 25 years to represent the Commonwealth at the Little League World Series; and

WHEREAS, led by a dominant pitching performance from Justin Lee and a grand slam by Chase Obstgarten, the Loudoun South team marched to a commanding 12-2 victory over Peachtree City, Georgia, punching their ticket to Williamsport, Pennsylvania, home of the Little League World Series; and

WHEREAS, the Loudoun South team went undefeated in the Southeast Regional Little League Tournament, tallying impressive victories against teams from North Carolina and South Carolina before facing the Peachtree City team in both the semifinal and the final; and

WHEREAS, the Little League World Series is the premier international showcase of youth baseball, with many players competing in the tournament going on to college and Major League Baseball careers; and

WHEREAS, the Loudoun South team was one of 16 teams from around the world to compete at the Little League World Series, a feat that had not been accomplished by a team from the Commonwealth since 1994; and

WHEREAS, throughout the 2019 season, the Loudoun South players were enthusiastically supported by their families, fellow teammates, and the entire South Riding community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Loudoun South Little League baseball team for winning the 2019 Southeast Regional Little League Tournament and representing the Commonwealth at the 2019 Little League World Series; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Alan Bowden, manager of the Loudoun South Little League baseball team, as an expression of the General Assembly's admiration for the team's remarkable achievements and best wishes for the future.

HOUSE JOINT RESOLUTION NO. 169

Commending Andrew James, Jr.

Agreed to by the House of Delegates, February 3, 2020

Agreed to by the Senate, February 6, 2020

WHEREAS, Andrew James, Jr., a lifelong resident of Gloucester County, served his community for many years with the Gloucester Volunteer Fire and Rescue Squad and as the Ware District Representative on the Gloucester County Board of Supervisors; and

WHEREAS, a graduate of Randolph-Macon College, Andrew "Andy" James, Jr., owned and operated J.C. Brown Oil Company and JCB Transport for more than 30 years, working tirelessly to satisfy his community's oil and gas needs; and

WHEREAS, dedicated to ensuring the safety and security of others, Andy James served in the United States Coast Guard Reserve for 25 years and has been a member of the Gloucester Volunteer Fire and Rescue Squad since 1964, serving 28 years as its chief; and

WHEREAS, despite an injury requiring the use of a wheelchair during his campaign for a seat on the Gloucester County Board of Supervisors in 2011, Andy James stayed determined to represent the people of Ware District and Gloucester County and won his election later that year; and

WHEREAS, serving two terms from 2012 through 2019, Andy James was the Gloucester County Board of Supervisor's representative to the county's Local Emergency Planning Committee and the Community Policy and Management Team and a valued voice on the board; and

WHEREAS, as a businessman, service member, and elected official, Andy James has dedicated his life to Gloucester County and its community, ensuring that it is a wonderful place to live, work, and play; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Andrew James, Jr., for his years of service to the Gloucester County Board of Supervisors and his community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Andrew James, Jr., as an expression of the General Assembly's profound respect and heartfelt admiration for his contributions to Gloucester County and the Commonwealth.

HOUSE JOINT RESOLUTION NO. 170

Celebrating the life of Thomas Franklin Repass, USN, Ret.

Agreed to by the House of Delegates, February 3, 2020

Agreed to by the Senate, February 6, 2020

WHEREAS, Thomas Franklin Repass, USN, Ret., native of Meadowview and honorable veteran of World War II, died on July 15, 2019; and

WHEREAS, born in Meadowview in 1928 to the late William H. Repass and Katherine Davis Repass, Thomas Repass answered the call to serve his country in World War II and fought bravely as a member of the United States Navy; and

WHEREAS, after his service in the Navy, Thomas Repass worked admirably as a signal foreman for the Norfolk Southern Railroad, now a part of the Norfolk Southern Corporation, one of the nation's elite transportation companies; and

WHEREAS, Thomas Repass enjoyed fellowship and worship with the community as a member of Mount Carmel Christian Church in Meadowview; and

WHEREAS, Thomas Repass will be fondly remembered and greatly missed by his wife, Geneva; his children, Ben and Sharon, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Thomas Franklin Repass, USN, Ret., distinguished veteran of the World War II; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Thomas Franklin Repass, USN, Ret., as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 171

Celebrating the life of Jon Odum.

Agreed to by the House of Delegates, February 3, 2020

Agreed to by the Senate, February 6, 2020

WHEREAS, Jon Odum, legendary basketball player and coach at John S. Battle High School in Bristol, died on August 10, 2019; and

WHEREAS, Jon "Big O" Odum first made his mark at John S. Battle High School by leading the Trojans basketball team to a state runner-up finish in 1998; in that historic season, he averaged 21.7 points and 6.8 rebounds per game as the team achieved its best finish in years; and

WHEREAS, recognized as the *Bristol Herald Courier* Southwest Virginia Player of the Year in 1998, Jon Odum went on to play at Virginia Intermont College, where he posted one of the more remarkable careers in school history, tallying 1,798 points over four seasons; and

WHEREAS, Jon Odum's talent as a player translated to success as a basketball and golf coach at his alma mater; over three seasons leading the John S. Battle Trojans basketball team, the squad posted a 44-29 record and qualified for the Virginia High School League Region 2D Tournament twice; and

WHEREAS, off the court, Jon Odum was a motivational leader in the classroom at Wallace Middle School, providing mentorship to many and touching countless lives; and

WHEREAS, guided by his resolute faith throughout his life, Jon Odum was a member of Victory Baptist Church and Highlands Fellowship Church, where he enjoyed worship and fellowship with his community; and

WHEREAS, of all his accomplishments and positive qualities, Jon Odum will be cherished most for his humility, perseverance, and ability to inspire the best in others; and

WHEREAS, preceded in death by his father, Norman, Jon Odum will be dearly remembered and missed by his wife, Ashley; his children, Macy, Jonathan, and Jase; his parents, Sandy and Nick; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Jon Odum, a beloved member of the Bristol and John S. Battle High School communities; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Jon Odum as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 172

Celebrating the life of Amanda Doane Holley.

Agreed to by the House of Delegates, February 3, 2020

Agreed to by the Senate, February 6, 2020

WHEREAS, Amanda Doane Holley, an entrepreneur and a dedicated wife, daughter, and community leader in Smyth County, died on January 1, 2020; and

WHEREAS, a native of Abingdon, Amanda Holley graduated from Chilhowie High School in 2006, attended King University, and earned a doctorate from Appalachian College of Pharmacy; and

WHEREAS, along with her late father, Charles, Amanda Holley cofounded Chilhowie Drug Company, where she served the community as both an owner of the business and a trusted pharmacist; and

WHEREAS, Amanda Holley enjoyed fellowship and worship with the congregation of Chilhowie Christian Church, where she taught Sunday school and volunteered her time as an assistant prayer ministry leader; and

WHEREAS, Amanda Holley's greatest passion in life was helping others, and she touched many lives in the community through her generosity and grace; and

WHEREAS, Amanda Holley will be fondly remembered and greatly missed by her beloved husband Keith; her mother, Tammy; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Amanda Doane Holley, a respected small business owner and beloved member of the Chilhowie community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Amanda Doane Holley as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 173

Celebrating the life of Russell Lee Scott.

Agreed to by the House of Delegates, February 3, 2020

Agreed to by the Senate, February 6, 2020

WHEREAS, Russell Lee Scott, heroic veteran and beloved member of the Richmond community, died on November 19, 2019; and

WHEREAS, born in Richmond on April 26, 1920, Russell Scott was beginning a career in the automotive industry when the start of World War II compelled him to serve his country and volunteer for the Army Air Corps; and

WHEREAS, trained as a B-25 tail-gunner in the 489th Bomb Squadron of the 340th Bombardment Group, Russell Scott flew his first mission off the island of Corsica on May 23, 1944; on his second mission two days later, he was shot down

over Foggia, Italy, and broke his back upon impact, an injury from which he would never fully recover; once captured by German troops, he was held as a prisoner of war until May 1, 1945; and

WHEREAS, upon his return to the United States, Russell Scott received the Purple Heart and other medals for his courage and valor; he resumed his civilian life and had a productive career in the automotive industry for many years; and

WHEREAS, Russell Scott will be remembered as the longest serving volunteer at the Virginia War Memorial; for nearly 20 years he served as docent to visitors every Wednesday, sharing his wartime experiences with countless students and visitors; in 2016, in honor of his contributions, the Virginia War Memorial displayed a replica of his B-25 bomber, "Wabbit Twacks"; and

WHEREAS, several media profiles about Russell Scott were produced over the years in response to his moving story and inspiring life, including WCVE-TV's "Virginia Currents" program, WTVR-TV's "Heroes Among Us" program, WRIC-TV's "Reliving History" program, and several features in the *Richmond Times-Dispatch* and other publications; and

WHEREAS, always an active and engaged member of his community, Russell Scott volunteered for over 30 years at the Hunter Holmes McGuire VA Medical Center in Richmond and with several local civic organizations, including over 65 years with Northside Masonic Lodge #292, more than 35 years with American Legion Post 244, and many years with the Denny Landrum Chapter of the American Ex-Prisoners of War; and

WHEREAS, inspired to serve others by his abiding faith, Russell Scott joined the Lakeside Baptist Church in 1954 and enjoyed fellowship and worship there for the rest of his life, holding several leadership positions, including fifty years as assistant treasurer; and

WHEREAS, preceded in death by his wives, Madeline and Evelyn, Russell Scott will be dearly remembered and greatly missed by his stepchildren, Steve, Cindi, and Karen, especially his stepson-in-law and buddy, Roddy Davoud, their families, and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Russell Lee Scott, honored veteran and cherished member of the Richmond community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Russell Lee Scott as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 174

Commending ASHA for Women.

Agreed to by the House of Delegates, February 3, 2020

Agreed to by the Senate, February 6, 2020

WHEREAS, ASHA for Women, a charitable, nonprofit, secular organization established in Virginia that helps empower South Asian women to escape domestic violence and provides guidance to South Asian seniors and their caregivers, commemorated its 30th anniversary in 2019; and

WHEREAS, in the early 1980s, four women professionals from India and Bangladesh living in the Washington, D.C., metropolitan area discussed the problem of domestic abuse in their community; these discussions grew into the incorporation of ASHA for Women in 1989; and

WHEREAS, created to navigate the language, cultural, and social barriers that prevent many South Asian women in Virginia from receiving the help they need, ASHA for Women has assisted hundreds of women and children in their efforts to live safer, happier lives; and

WHEREAS, focusing on victims of South Asian descent living in the Washington, D.C., metropolitan area, ASHA for Women had fewer than a handful of clients when it was founded 30 years ago; in 2018, however, the organization received over 450 calls and email inquiries, making it one of the largest organizations of its kind in Virginia; and

WHEREAS, operated by a network of volunteers, ASHA for Women connects its clients with the government and community resources available to victims of domestic violence, such as mental health counseling, educational support, transportation, and legal counseling, helping them escape dangerous situations and achieve financial and personal independence; and

WHEREAS, recognizing its service to the community, in past years ASHA for Women has been honored as a GuideStar Exchange Platinum Participant and featured on WRC-TV's "12 Days of Giving" campaign, among other notable distinctions; and

WHEREAS, in several South Asian languages, "asha" means "hope," which is what ASHA for Women has provided countless women and children living in the national capital region for the past three decades; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend ASHA for Women, a charitable organization dedicated to empowering South Asian women and seniors living in the Washington, D.C., metropolitan area, on the occasion of the organization's 30th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to ASHA for Women as an expression of the General Assembly's admiration for the organization's dedicated service to South Asian women and children.

HOUSE JOINT RESOLUTION NO. 175

Commending the University of Virginia's College at Wise cornhole team.

Agreed to by the House of Delegates, February 3, 2020

Agreed to by the Senate, February 6, 2020

WHEREAS, the University of Virginia's College at Wise cornhole team won first place in the college singles and doubles tournaments at the National College Cornhole Championship in Myrtle Beach, South Carolina, on December 27 and 28, 2019; and

WHEREAS, presented by the American Cornhole League and broadcast nationally on ESPNU, the second annual National College Cornhole Championship brought together approximately 200 players from 40 schools to compete for a split of \$50,000 in scholarships and booster club donations; and

WHEREAS, with a team score of 30 points, Austin Schlobohm and Isaac Green carried the day in the doubles final bracket on December 27, 2019, earning a \$4,500 scholarship for their efforts; and

WHEREAS, on the next day of competition, Austin Schlobohm continued his dominant streak by taking first place in the singles tournament, with Isaac Green close behind in fourth place; and

WHEREAS, the University of Virginia's College at Wise cornhole team achieved its success through the hard work and dedication of its student-athletes and the unflinching support of the entire community at the University of Virginia's College at Wise; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the University of Virginia's College at Wise cornhole team for winning the 2019 National College Cornhole Championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Isaac Green and Austin Schlobohm of the University of Virginia's College at Wise cornhole team as an expression of the General Assembly's admiration for their achievements and best wishes for the future.

HOUSE JOINT RESOLUTION NO. 176

Commending James L. Agnew.

Agreed to by the House of Delegates, February 10, 2020

Agreed to by the Senate, February 13, 2020

WHEREAS, James L. Agnew, a dedicated law-enforcement officer, retired as sheriff of Goochland County on January 1, 2020, after 28 years of exceptional service to the community; and

WHEREAS, James Agnew grew up in Richmond and served his country as a member of the United States Coast Guard Reserve from 1974 to 1980; he began his law-enforcement career as a game warden with the Department of Game and Inland Fisheries in 1977; and

WHEREAS, James Agnew began his first term as the head of the Goochland County Sheriff's Office on January 1, 1992, and was subsequently re-elected to six additional terms as sheriff; and

WHEREAS, James Agnew enhanced the professionalism and the operational capabilities of the Goochland County Sheriff's Office by writing and maintaining a comprehensive manual of Standard Operating Procedures, placing mobile computer terminals and cutting-edge equipment in every patrol car, and advocating for competitive pay for deputies and dispatchers; and

WHEREAS, under James Agnew's leadership, the Goochland County Sheriff's Office achieved accreditation and four subsequent re-accreditations by the Virginia Law Enforcement Professional Standards Commission; and

WHEREAS, James Agnew established wide-ranging programs to benefit the community, including the Sheriff's Office Citizens' Academy, the Goochland School Resource Officer Program, the Sheriff's Office Crime Prevention Program, and the Goochland Emergency Medical Dispatch Program; and he initiated successful partnerships with Richmond Metro Crime Stoppers, the Goochland Christmas Mother program, and Goochland Meals on Wheels; and

WHEREAS, James Agnew has made many contributions to the field of law enforcement as a board member of the Virginia Sheriffs' Association, where he served on a task force to formulate policies to prevent biased policing, and a member of the Governor's Task Force on Mental Health and the committee that established the statewide Amber Alert System; and

WHEREAS, as an active participant in the annual Police Unity Tour, James Agnew has honored the sacrifices of his fellow law-enforcement officers by raising money for the National Law Enforcement Officers Memorial in Washington, D.C.; and

WHEREAS, James Agnew further served the citizens of Goochland County by volunteering his time and leadership as a board member of the Friends of the Goochland Branch Library, the Tuckahoe Family YMCA, the Goochland Family YMCA, the Capital Area Alcohol Safety Action Program, and the Goochland Rotary Club; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend James L. Agnew on the occasion of his retirement as sheriff of Goochland County; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to James L. Agnew as an expression of the General Assembly's admiration for his commitment to serving and protecting the residents of Goochland County and best wishes on his well-earned retirement.

HOUSE JOINT RESOLUTION NO. 177

Commending the Virginia Maritime Association.

Agreed to by the House of Delegates, February 13, 2020

Agreed to by the Senate, February 27, 2020

WHEREAS, the Virginia Maritime Association, which was established as the Norfolk Maritime Exchange on February 13, 1920, by local business interests to develop and promote the ports of Hampton Roads, celebrates its 100th anniversary in 2020; and

WHEREAS, Virginia's maritime heritage dates to the birth of the Commonwealth, as the Virginia Company of London, a commercial venture conducting waterborne trade, landed three ships of 105 colonists on the shores of Virginia and founded the Jamestown Colony at the mouth of the James River in 1607; and

WHEREAS, since its founding, the Virginia Maritime Association has pursued the fulfillment of a mission to promote, protect, and encourage international and domestic commerce through the Commonwealth's ports; and

WHEREAS, the Virginia Maritime Association has fostered a culture of collaboration and cooperation among and between its member businesses, regulators, and lawmakers, which has become a hallmark of the progress, growth, and supportive environment enjoyed by companies conducting business through the Commonwealth's ports; and

WHEREAS, the Virginia Maritime Association has successfully worked to obtain private-sector support, as well as local, state, and federal policies and investments in the waterways, waterfront facilities, and transportation infrastructure, resulting in increasing commerce between domestic and international markets; and

WHEREAS, as "The Voice of Port Industries," the Virginia Maritime Association has for a century led, advocated for, or influenced every major development related to the Commonwealth's ports and waterborne trade; and

WHEREAS, in 2020, the Commonwealth's waterways are home to the world's largest concentration of naval forces, the nation's largest shipbuilding and ship repair industrial base, and the third-largest commercial port on the East Coast of the United States, with unrivaled capacity for growth; and

WHEREAS, the Virginia Maritime Association has evolved and expanded from a Hampton Roads organization representing solely vessel and waterfront interests to a statewide force of nearly 500 member companies, connecting and representing through its regional chapters the port and supply chain interests in every corner of the Commonwealth, from its farms and manufacturers to the waterfront facilities and marine highways that connect them to domestic and international markets; and

WHEREAS, the actions and influence of the Virginia Maritime Association have fostered the growth of an industry responsible for economic activities resulting in the employment of over 530,000 Virginians; over \$88 billion in annual spending, contributing 10.1 percent of Virginia's Gross State Product; and the general economic well-being of the Commonwealth; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the officers, directors, members, and employees of the Virginia Maritime Association on the occasion of its 100th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Virginia Maritime Association as an expression of the General Assembly's gratitude and appreciation for the organization and its members, who have, for the last 100 years, faithfully fulfilled their stated purpose to promote, protect, and encourage international and domestic trade through Virginia's ports.

HOUSE JOINT RESOLUTION NO. 178

Commending Harold Wright, Jr.

Agreed to by the House of Delegates, February 10, 2020

Agreed to by the Senate, February 13, 2020

WHEREAS, Harold Wright, Jr., a distinguished broadcasting pioneer who created the first local news station in Charlottesville, retired in 2020; and

WHEREAS, hailing from Georgia, Harold Wright attended the University of Virginia, where he earned a degree in engineering and was involved with the university's radio station; following graduation, Harold Wright explored his interests in broadcasting further, working for and later owning a local radio station, WELK; and

WHEREAS, recognizing the need for a local news television broadcast in Charlottesville, Harold Wright established WVIR-TV, more commonly known by locals as NBC29, which went on the air for the first time on March 11, 1973; starting with salvaged broadcast equipment and only a few employees, WVIR-TV grew to have a staff of nearly 100 people and became a leading source of news in the community; and

WHEREAS, earning recognition over the years for its quality programming under Harold Wright's leadership, WVIR-TV was the recipient of 45 first-place awards from *The Associated Press* for excellence in journalism, three Associated Press Douglas Southall Freeman Awards for its public service through journalism, and four prestigious Edward R. Murrow Awards; and

WHEREAS, serving as a member of the UVA Health System Community Relations Committee and volunteering for many years with the University of Virginia Children's Hospital, Harold Wright often generously volunteered WVIR-TV's services to conduct telethon fundraisers on behalf of the hospital, raising over \$18 million; and

WHEREAS, beyond his contributions to the community as a broadcaster, Harold Wright has given his time and talents in service to others as a charter member and past president of the Blue Ridge Mountains Rotary Club and as a volunteer with the Charlottesville Dogwood Foundation, the Salvation Army, Habitat for Humanity, and his church, Effort Baptist Church in Palmyra; and

WHEREAS, to honor his steadfast dedication in support of his community, the Charlottesville Chamber of Commerce bestowed its highest distinction, the Paul Goodloe McIntire Citizenship Award, upon Harold Wright in 2007; and

WHEREAS, nearing the conclusion of an inimitable broadcasting career, *The Associated Press* awarded Harold Wright with the Robert Gallimore Distinguished Service Award in 2018 to celebrate his remarkable efforts in the public interest and in support of the journalism profession; and

WHEREAS, considering an informed citizenry is the foundation of our democracy, Harold Wright's timely and relevant local news coverage over nearly a half-century has provided an invaluable service to the residents of Charlottesville; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Harold Wright, Jr., the broadcaster who first brought local news to televisions around Charlottesville, on the occasion of his retirement; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Harold Wright, Jr., as an expression of the General Assembly's heartfelt respect and admiration for his contributions to Charlottesville and the Commonwealth.

HOUSE JOINT RESOLUTION NO. 179

Commending the Canines-N-Kids Foundation.

Agreed to by the House of Delegates, February 10, 2020

Agreed to by the Senate, February 13, 2020

WHEREAS, the Canines-N-Kids Foundation, a nonprofit organization in Loudoun County that supports research to cure cancers affecting children and dogs, has enabled members of its community to join in its fight through its BARKE SALE fundraiser; and

WHEREAS, inspired by the traditional bake sale model, the Canines-N-Kids Foundation provides BARKE SALE kits, including flyers, postcards, and instructions, so that anyone can raise funds for cancer research and improve awareness of the links between child and canine cancers; and

WHEREAS, additionally, the Canines-N-Kids Foundation provides "BARKE SALE in a Box" toolkits, which, for a small fee, offer everything one would need to carry out a fundraiser for cancer research on behalf of the children and canines this research supports; and

WHEREAS, cancer is the leading cause of disease-related death in children, affecting nearly 16,000 patients annually, yet only four percent of the National Institutes of Health's budget and very limited private-sector funds are directed toward pediatric cancer research today; and

WHEREAS, recognizing that the canine population, which suffers in great numbers from many of the same cancers afflicting children, offers a valuable body of patients for study that is greatly needed, the Canines-N-Kids Foundation seeks to support comparative oncology research that will encourage developments in the treatment and cure of both pediatric and canine cancers; and

WHEREAS, the Canines-N-Kids Foundation's commitment and innovative approach to one of society's greatest challenges offers hope for a better, healthier tomorrow; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Canines-N-Kids Foundation, a nonprofit organization in Loudoun County dedicated to finding a cure for cancers that afflict children and dogs alike, for the success of its recently initiated BARKE SALE fundraiser; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Ulrike Szalay, executive director and founder of the Canines-N-Kids Foundation, as an expression of the General Assembly's heartfelt respect and admiration for the organization's efforts to end pediatric and canine cancers.

HOUSE JOINT RESOLUTION NO. 180

Commending Brittany Burke.

Agreed to by the House of Delegates, February 10, 2020

Agreed to by the Senate, February 13, 2020

WHEREAS, Brittany Burke, a devoted American Sign Language teacher at Westfield High School in Chantilly, received a Fairfax County Public Schools Excellence Award in 2019; and

WHEREAS, the Fairfax County Public Schools (FCPS) Excellence Awards recognize contributions by FCPS employees that produce outstanding results and further the mission and vision of FCPS, with nomination categories that align with each school system's goals; and

WHEREAS, receiving the award in the "Growth" category, Brittany Burke demonstrated a commitment to enhancing school curriculum and programs, primarily through the American Sign Language (ASL) courses she offers at Westfield High School; and

WHEREAS, in six years under Brittany Burke's leadership, Westfield High School's ASL program has expanded from four small classes to six full classes, its ASL Club has extended its activities beyond the classroom, and its ASL Honor Society has become increasingly involved with the local Deaf community; and

WHEREAS, motivated to create engaging learning experiences for her students, Brittany Burke is consistently looking for opportunities to innovate her ASL classes and support her students' extra-curricular endeavors; and

WHEREAS, currently pursuing a master's degree in ASL education, Brittany Burke will undoubtedly continue to advance ASL learning in ways that will contribute greatly to the success of her students both in and out of the classroom; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Brittany Burke, a distinguished American Sign Language teacher at Westfield High School, for receiving a 2019 Fairfax County Public Schools Excellence Award; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Brittany Burke as an expression of the General Assembly's profound respect and admiration for her exemplary efforts on behalf of Fairfax and the Commonwealth.

HOUSE JOINT RESOLUTION NO. 181

Commending the Westfield High School HACE program.

Agreed to by the House of Delegates, February 10, 2020

Agreed to by the Senate, February 13, 2020

WHEREAS, the Westfield High School HACE program, an intervention program at Westfield High School in Chantilly serving the school's ESOL students, received a Fairfax County Public Schools Excellence Award in 2019; and

WHEREAS, the Fairfax County Public Schools (FCPS) Excellence Awards recognize contributions by FCPS employees that produce outstanding results and further the mission and vision of FCPS, with nomination categories that align with each school system's goals; and

WHEREAS, receiving the award in the "Student Achievement" category, Westfield High School's Hispanos Al Camino Exitoso (HACE) program was recognized for its successful implementation of interventions that encourage student engagement and promote their success; and

WHEREAS, led by Geneva Ardalan, Dana E. Garcia, Kristi L. Layman, and Elvira Nicole Tiff, the Westfield High School HACE program is designed to help its participants feel invested in their education and supported in their quest to graduate; and

WHEREAS, reaching 30 to 50 ESOL students through open, bimonthly meetings, the Westfield High School HACE program enables individuals to voice their concerns and work through the challenges of graduating; and

WHEREAS, members of the Hispanic community are often invited to speak at Westfield High School HACE meetings, sharing their paths to success and providing students with invaluable wisdom and guidance; and

WHEREAS, many participants in the Westfield High School HACE program improve their overall attendance and actively plan to graduate and attend college, a testament to the success of the program's efforts and strategies; and

WHEREAS, cultivating a sense of inclusivity, belonging, and purpose, the Westfield High School HACE program has made great strides toward helping its participants graduate and go on to lead happy and fulfilling lives; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Westfield High School HACE program, an intervention program serving ESOL students at Westfield High School in Chantilly, for receiving a 2019 Fairfax County Public Schools Excellence Award; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Westfield High School HACE program as an expression of the General Assembly's profound respect and admiration for the program's contributions to Fairfax and the Commonwealth.

HOUSE JOINT RESOLUTION NO. 182*Commending Westfield High School.*

Agreed to by the House of Delegates, February 10, 2020

Agreed to by the Senate, February 13, 2020

WHEREAS, Westfield High School, a dynamic public institution of learning in Chantilly for grades nine through 12, celebrates its 20th anniversary in 2020; and

WHEREAS, opening its doors in September 2000, Westfield High School became the 24th high school in the Fairfax County Public Schools system and has since excelled at providing a quality educational experience for its students; and

WHEREAS, located on a 159-acre site in an award-winning building, Westfield High School offers a welcoming and supportive environment conducive to learning and community involvement; and

WHEREAS, Westfield High School is dedicated to the academic success of all its students, with advanced placement courses, career and technical education programs, and ESOL classes supporting each student's needs; and

WHEREAS, recognizing the value of the arts to a well-rounded education, Westfield High School fosters its creative and expressive community of students with special facilities, including photography labs, a fully equipped television studio, and a publications lab, as well as fine arts and performing arts programs; and

WHEREAS, numerous extracurricular activities, clubs, and sports teams at Westfield High School cultivate a sense of unity and school spirit, while motivating students to succeed both in and out of the classroom; and

WHEREAS, over the years, Westfield High School's academic, artistic, and athletic accomplishments have earned it recognition on the district, regional, state, national, and international levels, making the school a source of pride for the entire Fairfax community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Westfield High School, an institution upholding the distinguished reputation of Fairfax County Public Schools, on the occasion of its 20th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Anthony Copeland, principal of Westfield High School, as an expression of the General Assembly's admiration for the school's achievements and contributions to Fairfax and the Commonwealth.

HOUSE JOINT RESOLUTION NO. 183*Celebrating the life of Georgia Bellman.*

Agreed to by the House of Delegates, February 10, 2020

Agreed to by the Senate, February 13, 2020

WHEREAS, Georgia Bellman, cherished member of the Fairfax community, died on December 16, 2019; and

WHEREAS, born to George and Cordula Miller on September 28, 1924, in Jerome, Georgia "Tootsie" Bellman graduated from Triplett High School in Mount Jackson with the Class of 1943; and

WHEREAS, after earning a degree in business, Georgia Bellman moved to the Washington, D.C., area, where she worked her entire career; and

WHEREAS, predeceased by her first husband, Curtis, and her second husband, William, Georgia Bellman will be fondly remembered and dearly missed by her children, Sandra and Patricia; her stepchildren, Patricia, William, Jr., and David; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Georgia Bellman, a beloved member of the Fairfax community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Georgia Bellman as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 184*Commending Ollan Conn Cassell.*

Agreed to by the House of Delegates, February 10, 2020

Agreed to by the Senate, February 13, 2020

WHEREAS, Ollan Conn Cassell, the only Virginian from the coalfields region to win an Olympic gold medal, supported countless young American athletes through his active leadership as a former director of USA Track & Field; and

WHEREAS, Ollan Cassell was born in Scott County and grew up in Pardee, a mining town in Wise County, where he was a multisport athlete at Appalachia High School; he was the school's only representative at the 1956 state track and field meet and won the 220-yard dash with a time of 21.8 seconds; and

WHEREAS, Ollan Cassell attended East Tennessee State University on a football scholarship and subsequently transferred to the University of Houston, where he honed his skills as a track and field athlete; and

WHEREAS, during his college career, Ollan Cassell participated in the Amateur Athletic Union (AAU) Championship, Gulf Coast AAU Championship, and the Southwestern Relays, winning numerous events at distances between 100 and 440 meters; and

WHEREAS, after graduation, Ollan Cassell continued to achieve success at national and international track events, including the World Military Track & Field Championships, the Pan Am Games, the Texas Relays, the Kansas Relays, and the Coliseum Relays; and

WHEREAS, in 1964, Ollan Cassell represented the United States at the Games of the XVIII Olympiad in Tokyo and brought home a gold medal for his performance as the leadoff runner for the 4x400-meter relay team, which set a world record with a time of 3:00.7; and

WHEREAS, one year later, Ollan Cassell joined the staff of the AAU, which was the American governing body for 17 sports at the time; he rose through the ranks to become executive director and skillfully managed all aspects of the organization, including coordination with regional sports associations, television and marketing contract negotiations, and participation arrangements with foreign nations; and

WHEREAS, after the passage of the Amateur Sports Act of 1978, Ollan Cassell led the AAU into a new era, when the organization became The Athletics Congress and later USA Track & Field; the reorganization created new opportunities and a stronger framework for athletes to turn professional; and

WHEREAS, Ollan Cassell represented the United States on the International Amateur Athletics Federation, the world governing body on track and field, and was elected as vice president of the organization; and

WHEREAS, Ollan Cassell currently resides in Indianapolis, Indiana, with his wife of nearly 60 years, Cathy, and continues to serve and support track and field athletes and his fellow Olympians; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Ollan Conn Cassell for his athletic accomplishments and contributions to the advancement of track and field athletics in the United States; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Ollan Conn Cassell as an expression of the General Assembly's admiration for his personal achievements and support for athletes in Virginia and the United States.

HOUSE JOINT RESOLUTION NO. 185

Commending the Children's Home Society of Virginia.

Agreed to by the House of Delegates, February 10, 2020

Agreed to by the Senate, February 13, 2020

WHEREAS, in 2020, the Children's Home Society of Virginia, a nonprofit organization with offices in Richmond and Fredericksburg, celebrates 120 years of serving young people in the Commonwealth; and

WHEREAS, the Children's Home Society of Virginia is a licensed, private, nonsectarian, full-service child placing agency, the mission of which is to create strong, permanent families and lifelong relationships for children and youths throughout the Commonwealth; and

WHEREAS, the Children's Home Society of Virginia began in 1899 when a group of concerned citizens, deeply troubled by the care offered in orphanages at the time, banded together to help abandoned and neglected children; and

WHEREAS, the Children's Home Society of Virginia was chartered on January 30, 1900, with the Honorable John Garland Pollard, who became governor in 1930, as a founding member of the organization's board of directors; and

WHEREAS, since 1900, the staff members of the Children's Home Society of Virginia have worked diligently to place more than 14,500 children into adoptive homes; and

WHEREAS, in 1998, the Children's Home Society of Virginia began partnering with local social service agencies to help facilitate the placement of hundreds of children and youths from the foster care system into adoptive homes; and

WHEREAS, in 2007, the Children's Home Society of Virginia began serving as a Wendy's Wonderful Kids Site, a program of the Dave Thomas Foundation for Adoption, to recruit adoptive parents for children and youths who have waited for extended periods of time in foster care to be placed into adoptive families; and

WHEREAS, the Children's Home Society of Virginia not only finds permanent homes for children of all ages, but offers a lifetime of post-adoption support programs to Virginia's adoptive families and adoptees, including parent coaching, family support and engagement activities, respite care, and family search and reunion services; and

WHEREAS, in 2016, the Children's Home Society of Virginia began partnering with the Better Housing Coalition to create The Possibilities Project, a signature program that provides housing assistance and best practices to give youths who are transitioning from foster care the skills and resources they need to become independent, productive members of society; and

WHEREAS, the Children's Home Society of Virginia is a permanency-driven organization that embraces the values of top-quality service delivery, working with integrity, maximizing collaborations, demonstrating compassion, and embracing equity and inclusion in all that it does; and

WHEREAS, for 120 years the Children's Home Society of Virginia has worked to provide all children, from newborns to older youths who have aged out of foster care, as well as children with special needs, with the healthy, supportive, and permanent adult relationships they need to thrive; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Children's Home Society of Virginia on the occasion of its 120th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the board of directors of the Children's Home Society of Virginia as an expression of the General Assembly's admiration for the organization's work to create permanency for the Commonwealth's young people.

HOUSE JOINT RESOLUTION NO. 186

Commending The Faison Center.

Agreed to by the House of Delegates, February 10, 2020

Agreed to by the Senate, February 13, 2020

WHEREAS, in 2019, The Faison Center, an organization committed to providing exceptional services to children and adults with autism and other developmental disabilities and their families, celebrated the 20th anniversary of its founding; and

WHEREAS, originally established as The Faison School for Autism in 1999 and initially serving only four students, The Faison Center had grown substantially by 2015 with the addition of its Early Education Center, serving children as young as 16 months; and

WHEREAS, The Faison Center has developed programs and services for adults, including The Faison Residence, a one-of-a-kind apartment complex housing adults with autism in a community-based setting; and

WHEREAS, in 2018, The Faison Center opened its Peninsula School in Newport News to better serve children on the Virginia Peninsula and to expand its Early Education Center to provide for the youngest children in need; and

WHEREAS, The Faison Center has served thousands of individuals since its founding and now reaches over 350 children and adults from over 35 jurisdictions in Virginia every day through its various programs; and

WHEREAS, The Faison Center is a leader in applied research in the field of behavior analysis, partnering with the University of Virginia, the Kennedy Krieger Institute at Johns Hopkins University, the Teachers College at Columbia University, and Clemson University; and

WHEREAS, The Faison Center partners with other leaders and organizations in the community to increase awareness of autism and advocate for the services necessary to give those with autism and related challenges the best opportunity to live rich and fulfilling lives; and

WHEREAS, The Faison Center's innovative, visionary, and inclusive programs change the lives of those they serve as a result of the remarkable, dedicated, and passionate faculty and staff who work tirelessly every day; and

WHEREAS, always striving for excellence, The Faison Center looks forward to serving more children and adults with autism and other developmental disabilities and their families over the next 20 years and beyond; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend The Faison Center, an organization committed to the success of individuals with autism and other developmental disabilities throughout every stage in life, on its 20th anniversary of service to the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to W. Brian McCann, President and CEO of The Faison Center, as an expression of the General Assembly's admiration for the organization's outstanding efforts to provide exceptional services in the area of education, early education, and adult services to those with autism and other developmental disabilities in the Commonwealth.

HOUSE JOINT RESOLUTION NO. 187

Commending the Loudoun County Sheriff's Office.

Agreed to by the House of Delegates, February 10, 2020

Agreed to by the Senate, February 13, 2020

WHEREAS, throughout 2019, the Loudoun County Sheriff's Office went above and beyond in its mission to safeguard the members of the public and its efforts to support and advocate for law-enforcement officers; and

WHEREAS, at the Virginia Sheriffs' Association Conference in September 2019, the Loudoun County Sheriff's Office received the Highway Safety Award (Fairfax Region) for its enforcement, public education, and community outreach initiatives related to traffic safety; and

WHEREAS, the Loudoun County Sheriff's Office reduced impaired driving through sobriety checkpoints and a teenage driver education program that distributed brochures with helpful safety tips for new drivers; and

WHEREAS, in addition, the Virginia Sheriffs' Association selected Deputy Colin Whittington as the 2019 Virginia Deputy of the Year for his outstanding performance, personal integrity, and commitment to serving and protecting the public; and

WHEREAS, Colin Whittington demonstrated his professionalism through his roles as a community resource deputy and a public information officer, and he worked extensively with businesses, community partners, and the Virginia Alcoholic Beverage Control Authority to deter disorderly conduct and alcohol offenses at local establishments; and

WHEREAS, within the agency, the Loudoun County Sheriff's Office has emphasized the mental health and wellness of its officers, building in 2019 on programs that have been implemented over the past several years; and

WHEREAS, some of the Loudoun County Sheriff's Office's programs include a peer-to-peer support team; the Employee Assistance Program, which offers free therapy sessions for officers and their families; Crisis Intervention Training; a Chaplain Unit; and an annual wellness training session; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Loudoun County Sheriff's Office for its dedication to serving local residents and commitment to supporting its officers; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Loudoun County Sheriff's Office as an expression of the General Assembly's admiration for its many contributions to the Loudoun County community.

HOUSE JOINT RESOLUTION NO. 188

Commending the recipients of the 2020 Virginia Outstanding Faculty Awards.

Agreed to by the House of Delegates, February 10, 2020

Agreed to by the Senate, February 13, 2020

WHEREAS, the Commonwealth of Virginia offers one of the most respected and acclaimed systems of higher education in the United States due to the quality of each of its public and private colleges and universities; and

WHEREAS, Virginia colleges and universities educate more than 550,000 students annually, representing all demographics, all regions of the Commonwealth, and all corners of the nation and the world; and

WHEREAS, Virginia higher education advances learning, research, and public service to enhance the civic and financial health of the Commonwealth and the well-being of all its people, transforming the lives of Virginians, their communities, and the Commonwealth; and

WHEREAS, the success of the Virginia higher education system would not be possible without the dedicated, hard-working faculty at each of the Commonwealth's superb colleges and universities; and

WHEREAS, Virginia faculty facilitate in many ways the intellectual and personal growth and development of their students, who in turn contribute greatly to the educational, economic, cultural, and civic vitality of the Commonwealth; and

WHEREAS, the Virginia Outstanding Faculty Awards program, now in its 34th year, is presented by the State Council of Higher Education for Virginia and Dominion Energy and continues to recognize the finest among the Commonwealth's faculty for their superior abilities and accomplishments in teaching, research, service, and knowledge integration; and

WHEREAS, the 2020 Virginia Outstanding Faculty Award recipients—Nicholas Balascio, Amorette Barber, Kent Carpenter, Cynthia Rayvin Deutsch, Kirsten Heidi Gelsdorf, Ryan David Huish, Timothy Edward Long, Cynthia Lum, Diane Rosemary Murphy, Wing Fai Ng, Arthur Louis Weltman, and Jeremy Michael Wojdak—are remarkable educators, productive scholars, and tremendous ambassadors for their academic disciplines, campuses, communities, and the entire Commonwealth; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the recipients of the 2020 Virginia Outstanding Faculty Awards for their professorial excellence and unparalleled achievements; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare copies of this resolution for presentation to the State Council of Higher Education for Virginia and the recipients of the 2020 Virginia Outstanding Faculty Awards as an expression of the General Assembly's respect for the recipients' commitment to their profession and their outstanding contributions to the lives of Virginians and the Commonwealth as a whole.

HOUSE JOINT RESOLUTION NO. 189

Commending Girl Scout Troop 56002.

Agreed to by the House of Delegates, February 10, 2020

Agreed to by the Senate, February 13, 2020

WHEREAS, in 2019, Girl Scout Troop 56002 of Fairfax County completed a service project to support women in developing countries by assembling sustainable menstruation supply kits; and

WHEREAS, Girl Scout Troop 56002 partnered with Days for Girls, a nonprofit organization that donates handmade kits to girls and women in countries where lack of access to menstrual products may cause them to miss days of school each month, limiting their education; and

WHEREAS, Girl Scout Troop 56002 learned about Days for Girls through Trisha Nittala, who had previously volunteered for the organization; a total of 40 Girl Scouts and 14 adult leaders participated in the event; and

WHEREAS, as part of the project, which took place in an event space donated by ServiceSource, Girl Scout Troop 56002 helped assemble kits with comfortable, reusable, high-quality menstrual products in hand-sewn storage bags; the kits included cleaning supplies, instructions, and crucial health education materials; and

WHEREAS, the members of Girl Scout Troop 56002 are exemplars of the character and ideals of the Girl Scouts of the USA, and their generous service will help women around the world participate more fully in their communities; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Girl Scout Troop 56002 for its efforts to support and empower women in developing countries; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Girl Scout Troop 56002 as an expression of the General Assembly's admiration for the troop's hard work, generosity, and servant leadership.

HOUSE JOINT RESOLUTION NO. 190

Celebrating the life of Charles S. Miller, Jr.

Agreed to by the House of Delegates, February 10, 2020

Agreed to by the Senate, February 13, 2020

WHEREAS, Charles S. Miller, Jr., an information technology security professional and a member of the Chantilly community, died on September 13, 2019; and

WHEREAS, Charles Miller was born in Harrisburg, Pennsylvania, to Charles and Jacqueline Miller in 1962 and lived in Middletown before settling in Chantilly; and

WHEREAS, Charles Miller pursued a career with Integrated Security Technologies and worked as a senior technical specialist; and

WHEREAS, Charles Miller's greatest joy in his life was his beloved family, and he relished every opportunity to spend time with them and share his passions for bowling, boating, and fishing; and

WHEREAS, Charles Miller will be fondly remembered and greatly missed by his loving wife, Valerie; his daughters, Kerri and Lindsay, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Charles S. Miller, Jr.; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Charles S. Miller, Jr., as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 191

Celebrating the life of Lewis Eugene Burke.

Agreed to by the House of Delegates, February 10, 2020

Agreed to by the Senate, February 13, 2020

WHEREAS, Lewis Eugene Burke, a veteran and a respected member of the Centreville community, died on December 20, 2019; and

WHEREAS, Lewis "Lew" Eugene Burke was born in 1923 to the late Harry and Elnorah Brown Burke in Arlington, where he graduated from what is now Washington-Liberty High School; and

WHEREAS, Lew Burke joined many of the other young men of his generation in service to the nation during World War II as a pilot in the United States Army Air Corps; and

WHEREAS, during the war, Lew Burke piloted the venerable B-17 Flying Fortress as a member of the 398th Bombardment Group (Heavy); he participated in 29 missions over Europe and was awarded the Air Medal with Oak Leaf Cluster for his meritorious service; and

WHEREAS, after his honorable discharge, Lew Burke returned to the Commonwealth and pursued a career with the Chesapeake and Potomac Telephone Company; and

WHEREAS, predeceased by two sons, Lewis, Jr., and Robert, Lew Burke will be fondly remembered and greatly missed by his wife of 37 years, Lillie; his stepchildren; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Lewis Eugene Burke; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Lewis Eugene Burke as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 192

Commending Zeta Phi Beta Sorority, Inc.

Agreed to by the House of Delegates, February 10, 2020

Agreed to by the Senate, February 13, 2020

WHEREAS, Zeta Phi Beta Sorority, Inc., an international, historically black Greek organization founded at Howard University, celebrates its 100th anniversary of service in 2020; and

WHEREAS, Zeta Phi Beta Sorority was established on January 16, 1920, with the founding principles of Scholarship, Service, Sisterhood, and Finer Womanhood; and

WHEREAS, the members of Zeta Phi Beta Sorority uphold the belief that social events should not overshadow the organization's mission to address societal mores, ills, and prejudices, as well as concerns about poverty and health in their communities; and

WHEREAS, Zeta Phi Beta Sorority is a community-conscious, goal-oriented organization that calls all members to action at local, state, and national levels; and

WHEREAS, Zeta Phi Beta Sorority conducts its projects and services under the umbrella of Zetas Helping Other People Excel, a holistic, multidimensional outreach program designed to support women, men, youths, and seniors of color around the world, cultivate leadership, and empower participants to develop healthy lifestyle choices; and

WHEREAS, Zeta Phi Beta Sorority seeks to mentor and empower girls between the ages of four and 18 through its Youth Affiliates program and to expand its capacity for service in partnership with Zeta Amicae; and

WHEREAS, Virginia is home to 41 undergraduate and graduate chapters of Zeta Phi Beta Sorority, and the Honorable Yvonne B. Miller, the first African American woman elected to the Virginia House of Delegates, was a member of the Beta Theta Zeta Chapter; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Zeta Phi Beta Sorority, Inc., on the occasion of its 100th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Zeta Phi Beta Sorority, Inc., as an expression of the General Assembly's admiration for 100 years of dedication to uplifting communities throughout the Commonwealth and the world and promoting the values of Scholarship, Service, Sisterhood, and Finer Womanhood.

HOUSE JOINT RESOLUTION NO. 193

Commending Phi Beta Sigma Fraternity, Inc.

Agreed to by the House of Delegates, February 10, 2020

Agreed to by the Senate, February 13, 2020

WHEREAS, Phi Beta Sigma Fraternity, Inc., an international, historically black Greek organization founded at Howard University, celebrates 106 years of service in 2020; and

WHEREAS, Phi Beta Sigma Fraternity was established on January 9, 1914, with the founding principles of Brotherhood, Scholarship, and Service; and

WHEREAS, the members of Phi Beta Sigma Fraternity uphold the belief that social events should not overshadow the organization's mission to address societal mores, ills, and prejudices, as well as concerns about poverty and health in their communities; and

WHEREAS, Phi Beta Sigma Fraternity is a community-conscious, goal-oriented organization that calls all members to action at local, state, and national levels; and

WHEREAS, throughout its history, Phi Beta Sigma Fraternity has focused on improving the global community through dedicated service and outreach, which has led to the development of four main programs to support African American businesses, education, social action, and youth development; and

WHEREAS, Phi Beta Sigma Fraternity's national mentoring program, Sigma Beta Club, provides skill development opportunities for young men between the ages of eight and 18 as they prepare for higher education and the workforce; and

WHEREAS, Phi Beta Sigma Fraternity is composed of 150,000 college-educated men in more than 700 chapters around the world; Virginia is home to 20 collegiate and alumni chapters; and

WHEREAS, Phi Beta Sigma Fraternity's Eastern Regional Conference, which was established in 1920 and today includes chapters from Virginia to Maine, as well as chapters in Germany, the United States Virgin Islands, Switzerland, Liberia, Nigeria, and Ghana, will celebrate its 100th anniversary at its meeting in Richmond on April 1-5, 2020; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Phi Beta Sigma Fraternity, Inc., for its 106 years of service; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Phi Beta Sigma Fraternity as an expression of the General Assembly's admiration for more than a century of dedication to

uplifting communities throughout the Commonwealth and the world and promoting the values of Brotherhood, Scholarship, and Service.

HOUSE JOINT RESOLUTION NO. 194

Commending Kevin Wilson.

Agreed to by the House of Delegates, February 10, 2020

Agreed to by the Senate, February 13, 2020

WHEREAS, Kevin Wilson, a dedicated public servant who dutifully oversaw Gloucester County's tax administration for many years as its Commissioner of the Revenue, retired in 2019; and

WHEREAS, Kevin Wilson studied at Alpha College of Real Estate, the College of Hampton Roads, and Christopher Newport University and worked as an auditor in York County for over 18 years before assuming the position of Gloucester County Commissioner of the Revenue in 2004; and

WHEREAS, two years after beginning his post, Kevin Wilson was certified as a Master Commissioner of the Revenue, attesting to his ability to reliably, impartially, and equitably implement and uphold the tax laws of Gloucester County and the Commonwealth; and

WHEREAS, under Kevin Wilson's leadership, his department reduced its operating budget while proactively implementing programs that ensured greater accuracy, protection for taxpayers, and full compliance with all state statutes; and

WHEREAS, committed to fostering the professional development and education of his staff, Kevin Wilson saw several colleagues receive the accreditation of Master Deputy Commissioner of the Revenue from the University of Virginia's Weldon Cooper Center for Public Service during his tenure; and

WHEREAS, passionate about his craft and promoting the best accounting practices, Kevin Wilson has been involved with various local professional organizations, including the Tidewater Commissioners of the Revenue Association, for which he has served as historian, and the Commissioners of the Revenue Association of Virginia; and

WHEREAS, Kevin Wilson worked tirelessly to serve Gloucester County and its residents in an effective, efficient, and trustworthy manner and to ensure the responsible stewardship of the county's finances; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Kevin Wilson, former Gloucester County Commissioner of the Revenue, for his many years of service and on the occasion of his retirement; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Kevin Wilson as an expression of the General Assembly's profound admiration for his contributions to Gloucester County and the Commonwealth.

HOUSE JOINT RESOLUTION NO. 195

Commemorating the life and legacy of Dr. Robert Russa Moton.

Agreed to by the House of Delegates, February 10, 2020

Agreed to by the Senate, February 13, 2020

WHEREAS, Dr. Robert Russa Moton, one of the most prominent African American educators of the 20th century and a native of Virginia, died on May 31, 1940; and

WHEREAS, born in Amelia County and raised in Prince Edward County, Robert Moton graduated from Hampton Normal and Agricultural Institute in 1890, whereafter he served as commandant of the school's male cadet corps for nearly 25 years; and

WHEREAS, Robert Moton was actively involved in several organizations dedicated to improving the lives of African Americans; he was elected president of the National Negro Business League in 1900; became trustee of the Anna T. Jeanes Fund, which supported the development of schools for African Americans in rural areas, in 1908; and founded the Negro Organization Society of Virginia, with the mission to improve African American communities, in 1912; and

WHEREAS, Robert Moton was selected to serve as principal of the Tuskegee Institute, one of the nation's leading universities for African Americans, after its founder and first principal, the renowned educator Booker T. Washington, died in 1915; and

WHEREAS, as head of the Tuskegee Institute for two decades, Robert Moton contributed to the continued development of the institution, overseeing the construction of new buildings, the incorporation of liberal arts into the historically vocational curriculum, the creation of degree programs in agriculture and education, the improvement of the faculty and administrative staff, and the growth of the school's endowment; and

WHEREAS, in recognition of his leadership and expertise, Robert Moton served as advisor to several United States presidents; he was asked by President Woodrow Wilson to report on the living conditions and morale of African American soldiers during World War I and appointed by President Herbert Hoover to serve on the United States Commission on Education in Haiti; and

WHEREAS, widely considered one of the leading African American intellectuals of his time, Robert Moton was selected by former President and Chief Justice of the Supreme Court William Howard Taft to give the keynote address at the dedication of the Lincoln Memorial in 1922; and

WHEREAS, for his efforts to serve African Americans and improve race relations, Robert Moton received numerous honorary degrees and awards throughout his lifetime, including honorary degrees from Harvard University and Howard University and the prestigious Spingarn Medal from the NAACP in 1930; and

WHEREAS, Robert Moton will be forever remembered for improving African American communities and their access to education in the early 20th century, laying a foundation that would facilitate even greater progress years later; today, his legacy lives on through the restoration and maintenance of his retirement home in Gloucester, now owned and operated by The Gloucester Institute, which was founded by Virginia natives Charles and Kay James; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commemorate the life and legacy of Dr. Robert Russa Moton, one of the foremost African American public figures and educators in the first half of the 20th century, on the 80th anniversary of his death; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Dr. Robert Russa Moton as an expression of the General Assembly's respect for his achievements.

HOUSE JOINT RESOLUTION NO. 196

Commending Christopher M. Calkins.

Agreed to by the House of Delegates, February 10, 2020

Agreed to by the Senate, February 13, 2020

WHEREAS, Christopher M. Calkins, a historian who demonstrated an unwavering commitment to the preservation of the Commonwealth's cultural resources, retired from Virginia State Parks on January 1, 2020; and

WHEREAS, Christopher Calkins was responsible for the creation of Sailor's Creek Battlefield Historical State Park, having selflessly furnished the exhibits with pieces from his own collections; and

WHEREAS, Christopher Calkins donated personal funds for the conservation of historic structures, properties, and research materials for the benefit of the Commonwealth's citizens; and

WHEREAS, for 34 years, Christopher Calkins served the National Park Service with equal commitment, concluding his exemplary career as the chief of interpretation at Petersburg National Battlefield where he oversaw the land protection plan that selected 7,238 acres critical for the expansion of the park; and

WHEREAS, as a board member for the Association for the Preservation of Civil War Sites, Inc., Christopher Calkins was an early architect and advocate for the modern battlefield preservation movement in Virginia, giving rise to the nationwide organization known today as the American Battlefield Trust; and

WHEREAS, in 1994, Christopher Calkins envisioned and launched the Lee's Retreat Driving Tour, giving rise to the Civil War Trails program, which now covers more than 1,200 sites across six states; and

WHEREAS, in 2014, Christopher Calkins was recognized by the American Association for State and Local History and was one of only three Virginians to receive its Award of Merit; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Christopher M. Calkins on the occasion of his retirement from Virginia State Parks; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Christopher M. Calkins as an expression of the General Assembly's admiration for his legacy of unparalleled service, which will directly benefit future generations of history makers.

HOUSE JOINT RESOLUTION NO. 197

Commending the Alexandria Police Department.

Agreed to by the House of Delegates, February 10, 2020

Agreed to by the Senate, February 13, 2020

WHEREAS, July 15, 2020, marks the 150th anniversary of the official founding of the Alexandria Police Department; and

WHEREAS, the Alexandria community benefited from local law-enforcement protection through the service of constables, night watchmen, and police officers beginning in the late 18th century; and

WHEREAS, recognizing the need for a professionally organized police force, city leaders formally authorized the establishment of the Alexandria Police Department on July 15, 1870; and

WHEREAS, the Alexandria Police Department's rich and proud heritage is an important part of the city's celebrated and well-known history; and

WHEREAS, over the past 150 years, thousands of brave individuals have answered the call to serve as Alexandria police officers; and

WHEREAS, one watchman, one constable, and 16 police officers have made the ultimate sacrifice in service to the people of Alexandria; and

WHEREAS, the Alexandria Police Department has long been on the forefront of law-enforcement advancements, establishing technical crime scene investigative capabilities in the late 1920s, interoperability radio communications in the 1940s, and one of the region's first canine police teams in 1959; and

WHEREAS, through the second half of the 20th century, the Alexandria Police Department continued improving its ability to serve the community by establishing a community relations team in the 1960s and implementing computer and 911 capabilities in the 1970s and 1980s; and

WHEREAS, in 1986, the Alexandria Police Department became one of the first police departments in the country to earn national accreditation from the Commission on Accreditation for Law Enforcement Agencies; and

WHEREAS, the Alexandria Police Department headquarters was established in 1870 within Alexandria City Hall and, after moving to 400 North Pitt Street in 1959 and 2003 Mill Road in 1987, relocated in 2011 to an award-winning, highly efficient green facility at 3600 Wheeler Avenue; and

WHEREAS, sworn, civilian, and volunteer members of the Alexandria Police Department have created a lasting legacy of benevolence through the Alexandria Police Youth Camp and the Alexandria Police Association; and

WHEREAS, the Alexandria Police Department will be celebrating its distinguished history with special events and commemorations throughout this year; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Alexandria Police Department on the occasion of its 150th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Michael L. Brown, Chief of the Alexandria Police Department, as an expression of the General Assembly's respect and admiration for the department's service to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 198

Commending Betty Bray.

Agreed to by the House of Delegates, February 10, 2020

Agreed to by the Senate, February 13, 2020

WHEREAS, Betty Bray, former treasurer for Middlesex County, retired in 2019 after 20 years of service as the county's chief financial officer; and

WHEREAS, Betty Bray assumed the position of treasurer on January 1, 2000, overseeing all of Middlesex County's local investments, tax collections, and payments, and was certified by the Treasurers' Association of Virginia and the Compensation Board of Virginia; and

WHEREAS, following a comprehensive study program led by the Treasurers' Association of Virginia and the Weldon Cooper Center for Public Service at the University of Virginia, Betty Bray was designated a Master Governmental Treasurer; and

WHEREAS, throughout her career, Betty Bray employed careful precision, exceptional problem-solving skills, and first-rate customer service to ensure the treasurer's office functioned in an effective and fiscally sound manner; and

WHEREAS, Betty Bray's efforts to redesign personal property and real estate tax bills, establish electronic payment methods, and remodel the treasurer's office modernized the office's functions and improved its interactions with customers; and

WHEREAS, Betty Bray enhanced the overall performance of the treasurer's office during her tenure by developing operational policies to systematize investments, customer service, and delinquent collections; outsourcing the office's printing and mailing operations to reduce costs; and implementing strategies to ensure greater compliance with the county's tax policies; and

WHEREAS, as a testament to Betty Bray's impact as county treasurer, the Middlesex County Treasurer's Office received accreditation in 2019 from the Treasurers' Association of Virginia and was recognized for its strong commitment to integrity and accounting best practices; and

WHEREAS, Betty Bray has dedicated many years to ensuring the finances of Middlesex County are properly managed for the benefit of its citizens, offering an exemplary model to which all public servants may aspire; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Betty Bray, former treasurer for Middlesex County, on the occasion of her retirement; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Betty Bray as an expression of the General Assembly's admiration for her achievements and appreciation for her service to Middlesex County and the Commonwealth.

HOUSE JOINT RESOLUTION NO. 199

Commending William H. Goodwin, Jr.

Agreed to by the House of Delegates, February 7, 2020

Agreed to by the Senate, February 7, 2020

WHEREAS, William H. Goodwin, Jr., a respected leader of the Virginia business community and generous supporter of the Commonwealth's public institutions of higher education and other philanthropic endeavors, was awarded the 2020 Outstanding Virginian Award; and

WHEREAS, presented by the General Assembly's Outstanding Virginian Committee in conjunction with University of Virginia's Frank Batten School of Leadership and Public Policy, the Outstanding Virginian Award is considered the Commonwealth's highest civilian honor and is awarded to citizens who have distinguished themselves through extraordinary civic service; and

WHEREAS, William Goodwin received a bachelor's degree in mechanical engineering in 1962, followed by a master's degree from what is now the Darden School of Business at the University of Virginia; and

WHEREAS, during his professional career, William Goodwin served as chair of The Riverstone Group, LLC, and CCA Industries, Inc., a diversified holding company that oversaw The Riverstone Group along with its many business interests, including Kiawah Island Golf Resort, The Jefferson Hotel, Sea Pines Resort, Dynamic Brands, Pompanette, CCA Financial, and Service Center Metals; and

WHEREAS, from 1996-2004 and from 2013-2017, William Goodwin served on the Board of Visitors of the University of Virginia, providing valued insights and leadership to his alma mater; in 2013, he was unanimously elected vice rector, followed by a two-year term as rector from 2015-2017; and

WHEREAS, beyond his service on the Board of Visitors, William Goodwin supported the University of Virginia as a former member and chair of the board of trustees for the university's Darden School of Business and as chair of the board of the University of Virginia Investment Management Company; and

WHEREAS, William Goodwin has given liberally of his time and talents to serve the boards of several local and regional civic organizations; currently, he is a member of the board of directors for the Richmond Performing Arts Corporation, a member and chair of the GO Virginia Region 4 Council, and a member of the board of trustees of the Virginia Commonwealth University School of Engineering Foundation; and

WHEREAS, trustee emeritus and former president of the Medical College of Virginia Foundation, William Goodwin and his wife, Alice, are renowned for their support of cancer research at medical institutions throughout the country, receiving the Medal of Honor for Philanthropy from the American Cancer Society in 2006; and

WHEREAS, prior to the Outstanding Virginian Award, William Goodwin received many accolades in recognition of his professional accomplishments and service, including honorary doctorates from the University of Richmond, Virginia Commonwealth University, and John Hopkins University, as well as the Virginia Tech Alumni Distinguished Achievement Award in 2005; and

WHEREAS, serving the Commonwealth in numerous capacities over the years, William Goodwin has touched countless lives and built a legacy of service that is an inspiration to all; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend William H. Goodwin, Jr., on his selection as the Outstanding Virginian for 2020; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to William H. Goodwin, Jr., as an expression of the General Assembly's profound respect and admiration for his contributions to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 200

Expressing the opposition of the General Assembly to the enactment or enforcement of a law requiring a six-month revocation or suspension of a person's driver's license upon conviction of a drug offense.

Agreed to by the House of Delegates, February 10, 2020

Agreed to by the Senate, February 25, 2020

WHEREAS, in 1990, the Congress of the United States enacted 23 U.S.C. § 159, which makes the apportionment of certain federal highway funding to a state contingent upon that state's enacting a law requiring that the driver's licenses of persons convicted of drug offenses be revoked or suspended for a period of at least six months, regardless of whether the offense was related to the operation of a motor vehicle; and

WHEREAS, currently, a state that has not enacted such a law would be subject to withholding by the U.S. Secretary of Transportation of 10 percent of apportionments for Interstate Maintenance, the National Highway System, and the Surface Transportation Program; and

WHEREAS, in response to the enactment of 23 U.S.C. § 159, the General Assembly enacted §§ 18.2-259.1 and 46.2-390.1 of the Code of Virginia, Chapters 58 and 833 of the Acts of Assembly of 1992, to effectuate the revocation or suspension requirement of 23 U.S.C. § 159; and

WHEREAS, the revocation or suspension of a person's driver's license may impose significant societal and economic hardships and constitutes excessive punishment when such revocation or suspension is unrelated to the underlying criminal offense; and

WHEREAS, 23 U.S.C. § 159 provides that if the Governor submits to the U.S. Secretary of Transportation a written certification of his opposition to the enactment or enforcement of state law that meets the requirements of 23 U.S.C. § 159 and a written certification that the General Assembly has adopted a resolution expressing its opposition to such a law, then no highway funds will be withheld; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly oppose the enactment or enforcement of a law requiring a six-month revocation or suspension of a person's driver's license upon conviction of a drug offense; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates transmit copies of this resolution to the Governor so that the Governor may submit a copy of the resolution to the U.S. Secretary of Transportation.

HOUSE JOINT RESOLUTION NO. 201

Commending Botetourt County.

Agreed to by the House of Delegates, February 17, 2020

Agreed to by the Senate, February 20, 2020

WHEREAS, Botetourt County, a serenely beautiful region of the Roanoke Valley that figures prominently in the history of the Commonwealth, celebrates the 250th anniversary of its founding in 2020; and

WHEREAS, an act of the Virginia House of Burgesses in 1769 established Botetourt County within the existing boundaries of Augusta County, with the newly established county named for Lord Botetourt, the governor of the colony of Virginia at the time; and

WHEREAS, many current residents can trace their lineage to the early settlers who were drawn to the region by its fertile hills and valleys; for some time after the American Revolutionary War, Botetourt County extended as far as the Mississippi River, an area encompassing seven states in the present day; and

WHEREAS, the Town of Fincastle was established in 1772 and has served as the county seat of Botetourt County ever since; today, the town's buildings from the colonial and antebellum periods and the Victorian era offer a panorama of American architectural history while historical landmarks, such as the courthouse reportedly designed by Thomas Jefferson, are emblems of Botetourt County's storied past; and

WHEREAS, established in 1811, the Town of Buchanan, a gateway between the Shenandoah Valley and the southwest region of the Commonwealth, has been an important social and financial hub in Botetourt for over two centuries; and

WHEREAS, today, thousands of residents support numerous businesses and civic organizations in Botetourt County, while countless visitors flock to the area for its noteworthy hiking, wineries, and historical attractions, fostering a vibrant and thriving community that makes the county a special place to live, work, and play; and

WHEREAS, for a quarter millennia, Botetourt County has been an essential piece in the patchwork of the Commonwealth, making immeasurable contributions to the state's history, culture, and economy; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Botetourt County, treasured county of the Roanoke Valley, on the occasion of the sestercentennial of its founding; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Botetourt County Board of Supervisors as an expression of the General Assembly's appreciation for the county's contributions to the Commonwealth and best wishes for its future prosperity.

HOUSE JOINT RESOLUTION NO. 202

Celebrating the life of Susan Camille Gardner, DVM.

Agreed to by the House of Delegates, February 17, 2020

Agreed to by the Senate, February 20, 2020

WHEREAS, Susan Camille Gardner, DVM, a respected member of the Huddleston community who made many contributions to agriculture and veterinary medicine in the Commonwealth, died on January 20, 2020; and

WHEREAS, a native of Clarksburg, West Virginia, Susan Gardner cultivated a lifelong love of animals and the outdoors; she graduated as one of only four women students in the Class of 1970 at the Oklahoma State University College of Veterinary Medicine; and

WHEREAS, Susan Gardner started her own veterinary practice, Bedford Animal Hospital, with her husband, Don, in 1971; she offered her expertise to the American Veterinary Medical Association, the Virginia Academy of Food Animal

Practitioners, and the American Association of Bovine Practitioners and served as a director of the Virginia Veterinary Medical Association; and

WHEREAS, Susan Gardner was an active leader in the Bedford County Farm Bureau as a longtime member of the board of directors and chair of the women's committee; she received the organization's Distinguished Service Award in 2018 for her legacy of hard work; and

WHEREAS, Susan Gardner also served the Commonwealth as director of the Department of Agriculture and Consumer Services Regional Diagnostic Laboratory in Lynchburg; and

WHEREAS, later in life, Susan Gardner retired to her farm, where she enjoyed tending to her animals and relished every opportunity to spend time with her beloved family and friends; and

WHEREAS, Susan Gardner will be fondly remembered and greatly missed by her husband of 49 years, Don; her sons, Andy and Sam, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Susan Camille Gardner, DVM, a trusted veterinarian in Bedford County; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Susan Camille Gardner, DVM, as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 203

Celebrating the life of Charles Richard Watson.

Agreed to by the House of Delegates, February 17, 2020

Agreed to by the Senate, February 20, 2020

WHEREAS, Charles Richard Watson, a respected attorney and patriotic veteran in Prince George County, died on June 23, 2019; and

WHEREAS, Charles Watson was a former member of the elite Navy SEALs and retired from the United States Navy as a chief warrant officer 2, having earned a National Defense Service Medal with a Bronze Service Star; and

WHEREAS, Charles Watson served as the Chesterfield County Commonwealth's Attorney for 11 years, then worked as a criminal defense attorney in the Colonial Heights area; and

WHEREAS, Charles Watson continued to serve his country as a member of the United States Coast Guard Auxiliary and supported his fellow veterans as a member of the UDT-SEAL Association; and

WHEREAS, Charles Watson enjoyed fellowship and worship with the community as a member of Westover Episcopal Church in Charles City; and

WHEREAS, Charles Watson will be fondly remembered and greatly missed by his wife of 62 years, Mary Frances, and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Charles Richard Watson; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Charles Richard Watson as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 204

Commending the Lion Pride Run.

Agreed to by the House of Delegates, February 17, 2020

Agreed to by the Senate, February 20, 2020

WHEREAS, the Lion Pride Run has raised nearly \$60,000 to support scholarships and program funding for Louisa County Public Schools' students in four years; and

WHEREAS, the Lion Pride Run was created by Katharine Fletcher, an English teacher at Louisa County High School, who has coordinated the event since 2016; and

WHEREAS, through the Lion Pride Run, Katharine Fletcher has demonstrated Louisa County Public Schools' "Non-Negotiables" of support, high expectations, accountability, consistency, positivity, and grit; and

WHEREAS, the success of the Lion Pride Run has allowed the Lion Pride Scholarship Committee to award 22 scholarships for students who have shown perseverance and achieved great success despite facing seemingly insurmountable obstacles; and

WHEREAS, the Lion Pride Run provides funding for the *Lion's Roar* student newspaper and the Louisa County High School Leadership program, which gives students the opportunity to practice large-scale project management, event coordination, marketing, and fundraising; and

WHEREAS, the Lion Pride Run is made possible thanks to the unwavering support of teachers, staff, and administrators from all six Louisa County Public Schools, as well as the district's nearly 5,000 students, their families, and community partners; and

WHEREAS, the passion and hard work of the "TeamLCPS" community has inspired people throughout the Commonwealth and garnered national and international recognition for the Lion Pride Run; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Lion Pride Run for its years of success raising money for scholarships and other programs for students; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Louisa County High School as an expression of the General Assembly's admiration for the Lion Pride Run's achievements in support of young people.

HOUSE JOINT RESOLUTION NO. 205

Commending Loudoun Now.

Agreed to by the House of Delegates, February 17, 2020

Agreed to by the Senate, February 20, 2020

WHEREAS, *Loudoun Now*, a community-owned newspaper serving the residents of Loudoun County, received a Community Leadership Award from the Loudoun County Chamber of Commerce in 2019; and

WHEREAS, the annual Community Leadership Awards recognize exceptional individuals and organizations for their community engagement and efforts to make Loudoun County a world-class place to visit, live, work, and raise a family; *Loudoun Now* received the award in the Small Organization (Less than 100 employees) Category; and

WHEREAS, *Loudoun Now* was established to provide high-quality print and online journalism to members of the Loudoun County community following the closure of two countywide newspapers; and

WHEREAS, *Loudoun Now* is distributed weekly to 40,000 homes in Leesburg, Ashburn, and other areas, and its digital edition provides daily news coverage of communities from Aldie to Lovettsville and from Sterling to Bluemont; and

WHEREAS, the experienced journalists at *Loudoun Now* work diligently to provide an additional voice for local residents while promoting good community stewardship; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend *Loudoun Now* on receiving a Community Leadership Award from the Loudoun County Chamber of Commerce; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to *Loudoun Now* as an expression of the General Assembly's admiration for the newspaper's work to keep the residents of Loudoun County informed and engaged on local issues.

HOUSE JOINT RESOLUTION NO. 206

Commending JK Moving Services.

Agreed to by the House of Delegates, February 17, 2020

Agreed to by the Senate, February 20, 2020

WHEREAS, JK Moving Services, and its founder, Chuck Kuhn, received Community Leadership Awards from the Loudoun County Chamber of Commerce in 2019; and

WHEREAS, the annual Community Leadership Awards recognize exceptional individuals and organizations for their community engagement and efforts to make Loudoun County a world-class place to visit, live, work, and raise a family; and

WHEREAS, JK Moving Services received the award in the Large Organization (100 employees or more) Category and Chuck Kuhn received the award in the Executive Leader Category; and

WHEREAS, Chuck Kuhn established JK Moving Services at the age of 16 with only two employees and one truck and has since helped the business grow to become the largest independent relocation company in North America; and

WHEREAS, JK Moving Services specializes in residential, commercial, corporate, government, and international moving projects and has served United States presidents, Fortune 500 companies, and professional athletes, along with hundreds of thousands of families; and

WHEREAS, JK Moving Services places a high emphasis on professional development and adheres to industry best practices to ensure quality control, safety, and efficiency, and the company has received numerous awards and accolades for its record outstanding performance; and

WHEREAS, employees of JK Moving Services support the Loudoun County community through donations, in-kind service, and volunteer work with a wide range of charitable organizations; the company established JK Community Farm in Purcellville to help alleviate hunger by growing and donating fresh food; and

WHEREAS, JK Moving Services is committed to protecting the environment through sustainable, green moving practices, including the use of recycled materials, fuel-efficient vehicles, and measures to reduce waste; in addition, the company protected the Commonwealth's valuable natural resources by partnering with the Loudoun Wildlife Conservancy to preserve an 87-acre wildlife sanctuary that is home to a high concentration of native flora and fauna; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend JK Moving Services and Chuck Kuhn on winning Community Leadership Awards from the Loudoun County Chamber of Commerce; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Chuck Kuhn, founder of JK Moving Services, as an expression of the General Assembly's admiration for their contributions toward maintaining a high quality of life in Loudoun County.

HOUSE JOINT RESOLUTION NO. 209

Celebrating the life of Anne Kendrick Coulthard.

Agreed to by the House of Delegates, February 17, 2020

Agreed to by the Senate, February 20, 2020

WHEREAS, Anne Kendrick Coulthard, longtime educator and beloved member of the Washington County community, died on November 15, 2019; and

WHEREAS, graduating with the inaugural class of Patrick Henry High School in 1961, Anne Coulthard later earned a bachelor's degree in English from Emory & Henry College and a master's degree in library sciences from East Tennessee State University; and

WHEREAS, Anne Coulthard dedicated 35 years of her life as a passionate educator with Washington County Public Schools, beginning her career as an English teacher and part-time librarian at John S. Battle High School and later serving in the same capacity at Patrick Henry High School; and

WHEREAS, for the joy she brought to teaching and her ability to encourage her students to be the best that they could be, Anne Coulthard was recognized as Washington County Teacher of the Year in 1976; and

WHEREAS, in addition to serving as a teacher, Anne Coulthard earned a degree in accounting and worked alongside her husband for over 10 years at Hubs and Wheels of Emory, Inc., supporting the success of many local businesses and customers; and

WHEREAS, an active member of her community, Anne Coulthard served on 31 different boards and committees in various leadership roles throughout her life and was most recently chairwoman of the Cancer Outreach Foundation, a local organization assisting individuals and families battling cancer; and

WHEREAS, Anne Coulthard will be dearly remembered and missed by her husband, Donald; her son, Kendrick, and his family; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Anne Kendrick Coulthard, who touched many lives in the Washington County community as both an educator and a friend; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Anne Kendrick Coulthard as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 210

Celebrating the life of Samuel Hughes Melton, M.D.

Agreed to by the House of Delegates, February 17, 2020

Agreed to by the Senate, February 27, 2020

WHEREAS, Samuel Hughes Melton, M.D., commissioner of the Department of Behavioral Health and Developmental Services and a clinician dedicated to the health and well-being of countless individuals throughout the Commonwealth, died on August 2, 2019; and

WHEREAS, after graduating from Washington and Lee University, Hughes Melton earned his medical degree and completed his residency at the University of Virginia School of Medicine; he would later earn a master's degree in business administration when entering a career as a medical administrator; and

WHEREAS, as a member of the Reserve Officers' Training Corps, Hughes Melton completed medical training and served as a doctor in the United States Army at Fort Campbell, Kentucky, and Fort Bragg, North Carolina; and

WHEREAS, Hughes Melton later settled in Lebanon, where he opened his own clinic, C-Health, PC, to care for the medically underserved in Russell County; he later became board-certified in addiction medicine and specialized in caring for patients with substance abuse disorders at HighPower, PC, in Lebanon; and

WHEREAS, for his dedication to his patients and staff and commitment to providing exemplary care, Hughes Melton was recognized as the 2011 Family Physician of the Year by the American Academy of Family Physicians; and

WHEREAS, after many years as a clinician, Hughes Melton began a career in medical administration at Johnston Memorial Hospital in Abingdon as chief medical officer for the Virginia facilities of legacy Mountain States Health Alliance; for his service, he received the Servant's Heart Award, the highest patient service award granted by Ballad Health; and

WHEREAS, as vice president of Medical Education for the northeastern and northwestern markets of legacy Mountain States Health Alliance, Hughes Melton was instrumental in starting a family medicine residency that brought more physicians to Southwest Virginia; and

WHEREAS, in 2015, Hughes Melton assumed the position of deputy commissioner of the Department of Health; two years later, he was appointed by Governor Ralph Northam to serve as commissioner of the Department of Behavioral Health and Developmental Services; and

WHEREAS, as Virginia's highest ranking mental health official, Hughes Melton was a national leader for improving mental illness and addiction treatment and touched the lives of innumerable individuals and families in need; and

WHEREAS, Hughes Melton will be dearly remembered and missed by his wife, Sarah; his daughters, Maggie and Claire; his father, Howard; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Samuel Hughes Melton, M.D., commissioner of the Department of Behavioral Health and Developmental Services, honored veteran, and a physician who worked tirelessly for the benefit of others his entire career; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Samuel Hughes Melton, M.D., as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 211

Commending Boy Scout Troop 1865.

Agreed to by the House of Delegates, February 17, 2020

Agreed to by the Senate, February 20, 2020

WHEREAS, Boy Scout Troop 1865 of the Boy Scouts of America, which provides leadership and service programs for boys between the ages of 11 and 18, celebrates its 50th anniversary in 2020; and

WHEREAS, established on March 19, 1970, and chartered by the Country Club View Civic Association, Boy Scout Troop 1865 has counted hundreds of boys and more than 300 adult volunteers among its membership; and

WHEREAS, Boy Scout Troop 1865 provides training for young people related to good citizenship, character development, and self-reliance through a range of outdoor activities and educational programs, including annual trips for caving, climbing, target shooting, canoeing, hiking, leadership training, and medieval battling; and

WHEREAS, Boy Scout Troop 1865 has engaged in many service projects throughout Fairfax County, such as event support for its charter organization, environmental clean-up efforts, and various Eagle Scout projects; and

WHEREAS, Boy Scout Troop 1865 actively participates in yearly adventure programs and summer camps, sending a majority of the troop to these events with funds partially raised by the Scouts themselves through fall and spring mulch sales and deliveries; and

WHEREAS, Boy Scout Troop 1865 supports all Scouts as they explore interests and improve their skills while working toward the organization's highest rank, Eagle Scout; 166 members have achieved the rank of Eagle Scout since the troop's inception; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Boy Scout Troop 1865 on the occasion of its 50th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Boy Scout Troop 1865 as an expression of the General Assembly's admiration for its dedication to supporting leadership, citizenship, character development and self-reliance in young people in Fairfax County.

HOUSE JOINT RESOLUTION NO. 212

Commending Virginia REALTORS®.

Agreed to by the House of Delegates, March 2, 2020

Agreed to by the Senate, March 4, 2020

WHEREAS, Virginia REALTORS®, one of the largest trade associations in Virginia, is celebrating its 100th anniversary in 2020; and

WHEREAS, originally known as the Virginia Real Estate Association, Virginia REALTORS® was founded on October 21, 1920, with a mission to standardize the real estate business, cultivate and enforce fair dealing, and encourage the business of owning, buying, selling, renting, and managing real estate in the Commonwealth; and

WHEREAS, beginning with just 54 members in 1920, the membership of Virginia REALTORS® has grown to include 35,000 REALTORS®; the organization comprises 28 local associations, representing all regions of the Commonwealth; and

WHEREAS, Paul T. Collins, president of the Norfolk Real Estate & Stock Exchange, served as the first president of Virginia REALTORS® from 1920 to 1922; and

WHEREAS, J. Kemper Funkhouser, chief operating officer of the Funkhouser Real Estate Group, is serving as the president of Virginia REALTORS® during the association's centennial year; and

WHEREAS, three past presidents of Virginia REALTORS® have gone on to serve as president of the National Association of REALTORS®, including Dorcas Helfant-Browning, who became the national association's first female president in 1992; and

WHEREAS, Virginia REALTORS® provides industry advocacy, training, and professional resources to real estate professionals across the Commonwealth; and

WHEREAS, Virginia REALTORS® is an ardent advocate of fair housing legislation and strives to create stable housing opportunities for all Virginians; and

WHEREAS, Virginia REALTORS® recognizes that homeownership is key to the American dream and works to make that dream accessible to all Virginians; and

WHEREAS, the members of Virginia REALTORS® are major contributors to the state economy, facilitating the buying and selling of both residential and commercial real estate, as well as property management; and

WHEREAS, members of Virginia REALTORS® are held to a high ethical standard and adhere to the REALTOR® Code of Ethics; and

WHEREAS, community outreach is central to the association's mission, and in 2019, the Virginia REALTORS® Disaster Relief Fund was created to assist individuals facing real property loss/damage as a result of natural or manmade disasters in the Commonwealth; and

WHEREAS, Virginia REALTORS® will commemorate its centennial year with special events throughout 2020; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Virginia REALTORS® on the occasion of its 100th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to J. Kemper Funkhouser, president of Virginia REALTORS®, as an expression of the General Assembly's admiration for the association's contributions to communities throughout Virginia and the real estate profession as a whole.

HOUSE JOINT RESOLUTION NO. 213

Commending Anjali Nair.

Agreed to by the House of Delegates, February 17, 2020

Agreed to by the Senate, February 20, 2020

WHEREAS, Anjali Nair, a junior at Thomas Jefferson High School for Science and Technology in Alexandria, was crowned National American Miss Junior Teen for 2019–2020 on December 1, 2019; and

WHEREAS, National American Miss is a pageant contest emphasizing grace, poise, confidence, and an appreciation of one's inner beauty, with state and national competitions for several age groups; and

WHEREAS, crowned the American Miss Virginia Junior Teen in August 2019, Anjali Nair represented the Commonwealth at the 2019 National American Miss Junior Teen pageant in Anaheim, California; and

WHEREAS, at the state and national competitions, Anjali Nair participated in a formal wear segment, a speech, a round robin-style interview, and an onstage questionnaire, requiring her to demonstrate outstanding communication skills to win top honors; and

WHEREAS, Anjali Nair began competing in pageants in 2016 without any prior experience or coaching; after studying videos of previous pageant winners, she put in a first-place runner-up performance at that year's American Miss Virginia Pre-Teen event; and

WHEREAS, Anjali Nair attributes her success to her willingness to be honest and frank with the judges, telling them what she wanted them to know, not what she thought they wanted to know, demonstrating the value these competitions place on self-expression; and

WHEREAS, Anjali Nair developed an interest in engineering through her studies at Thomas Jefferson High School for Science and Technology and has consistently encouraged girls to pursue careers in science, technology, engineering, and mathematics through her pageant performances; and

WHEREAS, an animal rights advocate dedicated to placing abandoned animals in loving homes through local rescue foundations, Anjali Nair spoke in support of ways to end needless euthanasia through her speeches and responses to judges; and

WHEREAS, for empowering young women to have confidence in themselves and the determination to pursue their dreams, Anjali Nair is an inspiration to her classmates, teachers, and the entire Commonwealth; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Anjali Nair for being crowned 2019-2020 National American Miss Junior Teen; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Anjali Nair as an expression of the General Assembly's admiration for her achievements and best wishes for the future.

HOUSE JOINT RESOLUTION NO. 214

Commending Team Teens See Tomorrow.

Agreed to by the House of Delegates, February 17, 2020

Agreed to by the Senate, February 20, 2020

WHEREAS, Team Teens See Tomorrow, a group of students from Chantilly High School working to bring an end to teen suicide, participated in the American Foundation for Suicide Prevention's Out of the Darkness Community Walk in Fairfax County in 2018; and

WHEREAS, after their involvement in the 2017 Out of the Darkness Community Walk, students Megan Sweeney and Austin Sponheimer started Team Teens See Tomorrow to support the American Foundation for Suicide Prevention's efforts; and

WHEREAS, the American Foundation for Suicide Prevention (AFSP) was founded in 1987 with the aim to support scientific research, education initiatives, and public policy advocacy that will combat teen suicide, a leading cause of death among young people that has become an even greater problem in recent years; and

WHEREAS, the Out of the Darkness Community Walks are one of AFSP's major events, annually drawing over 250,000 participants from 400 communities across all 50 states and greatly increasing the visibility of the problem of teen suicide; and

WHEREAS, recruiting several students to participate in and fundraise for the 2018 Out of the Darkness Community Walk, Team Teens See Tomorrow made great strides toward improving community awareness of this public health issue in a county that suffered 19 suicides among its youth in 2014 alone; and

WHEREAS, Team Teens See Tomorrow pursued their fundraising goal of \$2,000 in several ways, including a page on AFSP's donor drive website; a store on the online marketplace Etsy; and an event at the Chipotle in Fair Lakes Center; and

WHEREAS, through their hard work, determination, and passion for their cause, the members of Team Teens See Tomorrow provide hope for countless individuals and are an inspiration to all; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Team Teens See Tomorrow, a group of students at Chantilly High School striving to end teen suicide, for supporting the American Foundation for Suicide Prevention's 2018 Out of the Darkness Community Walk; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Team Teens See Tomorrow as an expression of the General Assembly's heartfelt admiration for their efforts and best wishes for their success.

HOUSE JOINT RESOLUTION NO. 215

Commending Asha-Jyothi.

Agreed to by the House of Delegates, February 17, 2020

Agreed to by the Senate, February 20, 2020

WHEREAS, Asha-Jyothi, a nonprofit organization based in Chantilly dedicated to supporting the community through health care and education initiatives, gave nearly \$90,000 in grants to 17 public schools in the Counties of Fairfax and Loudoun in 2019; and

WHEREAS, distributed as part of Asha-Jyothi's Educate-Innovate program, the grants will provide funding for the schools to enhance their technology education, inspiring today's children to be the trailblazers of tomorrow; and

WHEREAS, Rocky Run Middle School in Chantilly was the grand prize recipient at the 2019 Educate-Innovate awards ceremony, receiving \$60,000 to establish an "Inspiration Lab" that will feature a Lego wall, a podcasting/recording studio, and a modular workspace with dry erase tabletops and flexible seating; and

WHEREAS, the other 2019 recipients of Asha-Jyothi's Educate-Innovate grants include Brookfield Elementary School in Chantilly, which received \$1,800 to acquire Ozobots that will be used to teach programming skills, and Liberty Middle School in Clifton, which will use its \$2,950 grant to purchase a vinyl cutter; and

WHEREAS, through its annual 5K run/walk, Asha-Jyothi encourages community interest in and support of technology education for area youth, matching and distributing the registration fees to the schools with representatives participating in the event, an initiative that resulted in thousands of dollars in donations to 17 public schools in the Counties of Fairfax and Loudoun in 2019; and

WHEREAS, through its grants to schools and individuals in the Commonwealth and throughout the country, Asha-Jyothi demonstrates a remarkable commitment to fostering the next generation of technology inventors and innovators; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Asha-Jyothi, a nonprofit organization in Chantilly that supports education and health projects in the Commonwealth and beyond, for its impressive contributions to Fairfax and Loudoun public schools in 2019 through its Educate-Innovate grant program; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Sekhar Puli, founder of Asha-Jyothi, as an expression of the General Assembly's admiration and respect for the organization's efforts to support education in the Commonwealth.

HOUSE JOINT RESOLUTION NO. 216

Commending the Stony Brook Junior Volunteers.

Agreed to by the House of Delegates, February 17, 2020

Agreed to by the Senate, February 20, 2020

WHEREAS, the Stony Brook Junior Volunteers, a group of youth volunteers serving the Stony Brook Apartments community in Fairfax, were honored as the Youth Volunteer Group of the Year at the 2019 Fairfax County Volunteer Service Awards; and

WHEREAS, the Stony Brook Junior Volunteers support the low-income and middle-income residents of Stony Brook Apartments, which were built by the Community Preservation and Development Corporation in 1972; and

WHEREAS, dedicated to serving people of all ages, the Stony Brook Junior Volunteers held bingo nights for adults, early education reading programs for children, and summer sports programs; and

WHEREAS, committed to improving its neighborhood's access to healthy, locally grown food, the Stony Brook Junior Volunteers planted, grew, and harvested vegetables in a community garden, donating most of the yield to Stony Brook residents in need; and

WHEREAS, with the aim to strengthen local sustainability efforts, the Stony Brook Junior Volunteers ran a door-to-door recycling collection program, gathering recyclables from residents every Monday to encourage the practice; and

WHEREAS, the Stony Brook Junior Volunteers organized a community day featuring carnival games, baked goods, giveaways, and other activities for nearly 150 attendees from around the neighborhood; and

WHEREAS, in April 2018, the Stony Brook Junior Volunteers were featured in a national service campaign, the Scooby-Doo Doo Good campaign, sponsored by Scooby-Doo, Warner Bros. Entertainment, Inc., and generationOn; and

WHEREAS, as part of the Doo Good campaign, 60 youth volunteers cleaned a stretch of Little Hunting Creek located immediately behind the Stony Brook apartments, greatly enhancing the environment in which its residents live and play; and

WHEREAS, the hard work of the Stony Brook Junior Volunteers has improved the quality of life for residents of the Stony Brook Apartments and served as an inspiration to all; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Stony Brook Junior Volunteers for being distinguished as the Youth Volunteer Group of the Year at the 2019 Fairfax County Volunteer Service Awards; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Stony Brook Junior Volunteers as an expression of the General Assembly's heartfelt admiration for their achievements and best wishes for the future.

HOUSE JOINT RESOLUTION NO. 217

Commending the Ecumenical Community Helping Others.

Agreed to by the House of Delegates, February 17, 2020

Agreed to by the Senate, February 20, 2020

WHEREAS, the Ecumenical Community Helping Others, better known as ECHO, a nonprofit organization providing emergency relief to families in the Springfield and Burke areas of Fairfax County, was recognized as the Volunteer Program of the Year at the 2019 Fairfax County Volunteer Service Awards; and

WHEREAS, for the last 50 years, ECHO has been a lifeline for the community, providing financial assistance, food, and human services referrals to low-income families and families struggling with short-term emergencies; and

WHEREAS, each year, ECHO donates clothing, household wares, and school supplies to families in need; in 2018 alone, the organization supported approximately 1,500 families by distributing 192,615 pounds of food, 4,602 bags of clothing and household goods, and \$55,575 worth of school supplies; and

WHEREAS, the ECHO Christmas Shop supplied 605 children with new toys, games, and clothing over the 2018 holidays, bringing joy to many families during this special time of year; and

WHEREAS, since its founding in 1969, ECHO has been entirely managed and operated by volunteers from local congregations, with only one percent of the organization's revenues going toward administrative costs; and

WHEREAS, today, the work of nearly 400 volunteers serving as counselors, administrative assistants, facility managers, clothing chairpersons, community relations liaisons, food drive chairpersons, and more allows ECHO to have an outsized impact in its service area; and

WHEREAS, ECHO and its volunteers have assured a greater quality of life for countless individuals by providing safety and security to families going through difficult times, embodying the community spirit that makes Fairfax County and the Commonwealth a great place to live, work, and raise a family; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Ecumenical Community Helping Others, an organization dedicated to supporting the families of Burke and Springfield in greatest need, for being distinguished as the Volunteer Program of the Year at the 2019 Fairfax County Volunteer Service Awards; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Ecumenical Community Helping Others as an expression of the General Assembly's profound respect and admiration for their contributions to Fairfax County and the Commonwealth.

HOUSE JOINT RESOLUTION NO. 218

Commending the Stream Critter Cube Lab.

Agreed to by the House of Delegates, February 17, 2020

Agreed to by the Senate, February 20, 2020

WHEREAS, the Stream Critter Cube Lab, an educational program created by staff in the Fairfax County Department of Public Works and Environmental Services, was awarded a National Association of Counties Achievement Award in 2019; and

WHEREAS, recognized by the association in the category of Civic Education and Public Information, the Stream Critter Cube Lab offers a novel, hands-on way for students to learn more about how scientists monitor the health of a stream's ecosystem; and

WHEREAS, since certain species are more tolerant to pollutants than others, an ecologist typically assesses water quality in part by measuring the biodiversity in a given sample, treating the quantity and diversity of species present, particularly the presence of benthic macroinvertebrates, as an expression of the stream's health and ability to support life; and

WHEREAS, with the challenges of reliably holding field events due to unpredictable weather conditions and stream elevations, the Watershed Education and Outreach group in the Fairfax County Department of Public Works and Environmental Services devised a low-cost way to replicate the stream monitoring experience in the classroom; and

WHEREAS, using an interactive dice game that generates biodiversity data for students to collect and interpret, the Stream Critter Cube Lab offers a fun and engaging way for students to better understand the process by which ecologists study and determine the overall health of a stream; and

WHEREAS, by effectively bringing nature into the classroom, the Stream Critter Cube Lab greatly facilitates student understanding of the value of stream sampling and the ecological insights it provides, preparing future generations to be better, well-informed stewards of our earth and streams; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Stream Critter Cube Lab, an educational program organized within the Fairfax County Department of Public Works and Environmental Services, for receiving a National Association of Counties Achievement Award for Civic Education and Public Information in 2019; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Watershed Education and Outreach group, creators of the Stream Critter Cube Lab, as an expression of the General Assembly's admiration for the program's innovative approach and best wishes for its continued success.

HOUSE JOINT RESOLUTION NO. 219

Commending Branching out for the Homeless.

Agreed to by the House of Delegates, February 17, 2020

Agreed to by the Senate, February 20, 2020

WHEREAS, Branching out for the Homeless, a partnership between Loudoun County Public Library and Loudoun County Mental Health, Substance Abuse & Developmental Services, received a National Association of Counties Achievement Award for Libraries in 2019; and

WHEREAS, one of only nine library programs in the Commonwealth to be recognized by the National Association of Counties in 2019, the award is a testament to the success of the Branching out for the Homeless initiative, which helps provide resources to people challenged by uncertain living conditions; and

WHEREAS, Loudoun County Mental Health, Substance Abuse & Developmental Services staff worked to implement the Projects for Assistance in Transition from Homelessness (PATH) program in collaboration with the Loudoun County Public Library (LCPL) to improve its ability to reach members of the county's homeless community; and

WHEREAS, since many homeless individuals already utilize LCPL resources, the Branching out for the Homeless partnership made it easier for these individuals to engage with staff carrying out the PATH program; and

WHEREAS, through weekly "Homeless Outreach Drop-In" events held at the Rust Library in Leesburg since July 2017, the Branching out for the Homeless partnership has already helped over 120 people either enter the PATH program or connect with services suitable for their particular situations; and

WHEREAS, through its ingenuity and dedication, the Branching out for the Homeless partnership has supported countless individuals and families, helping them access the beneficial services they need to find a stable home; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Branching out for the Homeless, a partnership between Loudoun County Public Library and Loudoun County Mental Health, Substance Abuse & Developmental Services, for receiving the National Association of Counties Achievement Award for Libraries in 2019; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Branching out for the Homeless as an expression of the General Assembly's admiration and respect for the partnership's efforts to end homelessness in Loudoun County and the Commonwealth.

HOUSE JOINT RESOLUTION NO. 220

Commending the Loudoun County Office of Emergency Management.

Agreed to by the House of Delegates, February 17, 2020

Agreed to by the Senate, February 20, 2020

WHEREAS, the Loudoun County Office of Emergency Management, which oversees the county's disaster preparedness and assistance, received a National Association of Counties Achievement Award for Risk and Emergency Management in 2019; and

WHEREAS, in 2016, the Loudoun County Office of Emergency Management (OEM) began developing its Family Assistance Center Plan, which outlines steps for supporting families that fall victim to a disaster or mass casualty event; and

WHEREAS, identified by county leadership as a priority during the development of Loudoun County's Threat and Hazard Identification and Risk Assessment, the Loudoun County OEM was tasked with convening a planning team and developing a comprehensive plan to address the issue of family assistance following disasters; and

WHEREAS, bringing together nearly 20 agencies and partners, including the National Transportation Safety Board (NTSB), the Loudoun County OEM developed creative and effective procedures for responding to such disasters that have since become standard protocol for other localities in the Commonwealth; and

WHEREAS, the success of Loudoun County OEM's comprehensive family assistance plan led to the Northern Virginia Approach to Family Assistance Planning, a directive guide designed to facilitate local jurisdictions in the development of their respective operating procedures for providing relief to families faced with calamity; and

WHEREAS, as a result of the collaborative efforts of the Loudoun County OEM; the Virginia Department of Emergency Management, Region VII; and the NTSB, all jurisdictions in Northern Virginia have since developed their own comprehensive family assistance plans; and

WHEREAS, by recognizing that family assistance is an important aspect of emergency and disaster preparedness and working tirelessly to have plans in place for any scenario, the Loudoun County OEM has made the Commonwealth safer for all of its residents; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Loudoun County Office of Emergency Management, which inspired the implementation of comprehensive family assistance plans throughout the localities of Northern Virginia, for receiving the National Association of Counties Achievement Award for Risk and Emergency Management in 2019; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Loudoun County Office of Emergency Management as an expression of the General Assembly's profound admiration and respect for its efforts on behalf of Loudoun County, the Commonwealth, and its families.

HOUSE JOINT RESOLUTION NO. 221

Commending the National Automated Clearing House Association.

Agreed to by the House of Delegates, February 17, 2020

Agreed to by the Senate, February 20, 2020

WHEREAS, the National Automated Clearing House Association in Herndon was named one of the 2020 Best Places to Work in Virginia by *Virginia Business* magazine, earning the distinction for the second year in a row; and

WHEREAS, the National Automated Clearing House Association (Nacha) was recognized as one of the Best Places to Work in Virginia based on a thorough company assessment conducted by *Virginia Business* magazine, which included a 78-question "Employment Engagement and Satisfaction Survey"; and

WHEREAS, Nacha works with a diverse group of stakeholders to establish rules and standards that cultivate broad compatibility and effective integration across a multitude of payment systems, greatly facilitating the financial operations of countless businesses and markets; and

WHEREAS, by supporting and guiding the Automated Clearing House Network, electronic benefits transfers, and electronic funds transfers through its widely accepted operating rules, Nacha facilitates the efficient and secure transfer of money between banks and other financial institutions, fostering an essential dimension of the national economy; and

WHEREAS, Nacha's recognition by *Virginia Business* magazine as one of 2020's Best Places to Work in Virginia is the result of the relationship it cultivates with its employees, wherein each member of the business is valued for their contributions to the overall well-being of the company; and

WHEREAS, through payment governance and the establishment of interoperability standards, as well as its education and certification programs for industry professionals, Nacha and its employees are key players in ensuring the effective and efficient delivery of financial services, providing the underpinning for a thriving and successful economy; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the National Automated Clearing House Association for being named one of the 2020 Best Places to Work in Virginia by *Virginia Business* magazine; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Jane Larimer, president and chief executive officer of the National Automated Clearing House Association, as an expression of the General Assembly's admiration for the company's efforts to support and engage its employees and promote a positive work environment.

HOUSE JOINT RESOLUTION NO. 222

Commending The Woodland, Inc.

Agreed to by the House of Delegates, February 17, 2020

Agreed to by the Senate, February 20, 2020

WHEREAS, The Woodland, Inc., a highly regarded assisted living facility in Farmville that has supported countless families of the Commonwealth, celebrates its 50th anniversary in 2020; and

WHEREAS, cofounder of The Woodland, Inc., Dr. Ray Moore, was inspired to start an assisted living facility after difficulties finding suitable care for his aging mother in the area; and

WHEREAS, after researching facilities in North Carolina, and in collaboration with local businessmen, including banker John Varner, The Woodland, then called the Southside Community Nursing Home, opened its doors to its inaugural residents on March 16, 1970; and

WHEREAS, the first facility at The Woodlands, Holly Manor, initially housed only 60 beds and quickly reached capacity, necessitating the creation of a second wing four years later that doubled the facility's capacity; and

WHEREAS, since these humble beginnings, The Woodland has developed new facilities, including Brookview and The Courts, that diversify the levels of senior care the organization is able to provide, from independent living communities to assisted living arrangements, to full-time skilled nursing support and rehabilitation; and

WHEREAS, setting industry standards while continuing to grow over the years, The Woodland now occupies almost 30 acres in Farmville and is the second largest private sector employer in the region; and

WHEREAS, holding true to the spirit of community that encouraged its creation a half-century ago, The Woodland has built an unparalleled reputation for excellence that makes it a leading choice for families in the region seeking care; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend The Woodland, Inc., a senior community serving the families of Farmville and Central Virginia with great compassion and dedication, on the occasion of the organization's 50th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Greg Cole, president and chief executive officer of The Woodland, Inc., as an expression of the General Assembly's appreciation for the organization's contributions to Farmville and the Commonwealth.

HOUSE JOINT RESOLUTION NO. 223

Commending the Know Before You Fly campaign.

Agreed to by the House of Delegates, February 17, 2020

Agreed to by the Senate, February 20, 2020

WHEREAS, the Know Before You Fly campaign is an educational program that provides information about the safe and responsible use of unmanned aircraft systems; and

WHEREAS, Know Before You Fly was established by the Association for Unmanned Vehicle Systems International and the Academy of Model Aeronautics in partnership with the Federal Aviation Administration; and

WHEREAS, the safe integration of unmanned aircraft systems into the National Airspace System promises to drive new economic development and consumer choice, promote more responsible stewardship of natural resources, facilitate more effective emergency response and disaster recovery, and improve the efficiency and security of energy, transportation, and communications networks; and

WHEREAS, direct operation of unmanned aircraft systems, for both commercial and non-commercial use, is growing rapidly, with more than 1,500,000 aircraft already registered; the safe operation of those aircraft is necessary for continued innovation, economic activity, and public benefit; and

WHEREAS, the development and adoption of services provided by unmanned aircraft systems is expected to generate billions of new economic activity and create thousands of new jobs in the United States; and

WHEREAS, Know Before You Fly helps prospective operators of unmanned aircraft systems understand and abide by relevant requirements and limitations to ensure the safe operation of such systems; and

WHEREAS, Know Before You Fly gives users the tools to navigate the developing regulatory framework for unmanned aircraft systems, including steps by the Federal Aviation Administration to integrate unmanned aircraft systems into the National Airspace System and issuance of operational requirements for small unmanned aircraft systems operations in the airspace; and

WHEREAS, Know Before You Fly offers information regarding current guidance for safe and responsible unmanned aircraft systems operations to provide certainty to unmanned aircraft system owners and operators, maximizing the public benefits of unmanned aircraft systems, and mitigating risks to public safety and security; and

WHEREAS, the Know Before You Fly campaign has developed relationships with more than 150 supporters, including unmanned aircraft manufacturers, law-enforcement agencies, retailers, labor organizations, and institutions of higher education; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Know Before You Fly campaign for its success in providing safety education for prospective and active operators of unmanned aircraft systems in Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare copies of this resolution for presentation to the Association for Unmanned Vehicle Systems International and the Academy of Model Aeronautics as an expression of the General Assembly's admiration for the Know Before You Fly campaign's contributions to amateur aeronautics in the Commonwealth.

HOUSE JOINT RESOLUTION NO. 224

Commending C.W. Miller.

Agreed to by the House of Delegates, February 17, 2020

Agreed to by the Senate, February 20, 2020

WHEREAS, C.W. Miller, longtime assistant chief of the Gloucester County Volunteer Fire & Rescue Squad, stepped down from his leadership role with the squad in 2020; and

WHEREAS, joining the Gloucester County Volunteer Fire & Rescue Squad (GVFRS) in 1964 and serving as assistant chief of Station 4 in Harcum for the past 42 years, C.W. Miller epitomized the values of leadership, dedication, and service; and

WHEREAS, growing up across the street from where GVFRS Station 4 is located in Harcum, C.W. Miller has been able to give back to the community that raised him and made him the person he is today; and

WHEREAS, on call all hours of the day, C.W. Miller has shown tremendous commitment to both the citizens of Gloucester County and his fellow firefighters, who have benefited greatly from his guidance over the years; and

WHEREAS, C.W. Miller cultivated close relationships with other area fire stations, particularly Abingdon Volunteer Fire & Rescue and stations in the Counties of Mathews, King and Queen, and Middlesex, to enhance the service GVFRS provides; and

WHEREAS, in recognition of his many years of service on behalf of the community, the Gloucester County Board of Supervisors presented C.W. Miller with an official resolution and a commemorative plaque at the board's meeting on January 7, 2020; and

WHEREAS, C.W. Miller will remain active with GVFRS, continuing to provide mentorship to fellow firefighters and to ensure the safety and protection of Gloucester County for years to come; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend C.W. Miller, who served as assistant chief of Station 4 of the Gloucester County Volunteer Fire & Rescue Squad for 42 years, as he embarks on the next chapter in his service to Gloucester County; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to C.W. Miller as an expression of the General Assembly's admiration and respect for his contributions to Gloucester County and the Commonwealth.

HOUSE JOINT RESOLUTION NO. 225

Commending the Chickahominy Community Improvement Organization.

Agreed to by the House of Delegates, February 17, 2020

Agreed to by the Senate, February 20, 2020

WHEREAS, the Chickahominy Community Improvement Organization has been serving residents of the Chickahominy and Little Creek Dam Road neighborhoods in Toano for the past 50 years; and

WHEREAS, the Chickahominy Community Improvement Organization was founded in 1969 by Iris Lynch, member of Circle K International at The College of William & Mary, to encourage youth involvement in opportunities and programs offered by James City County and the Williamsburg James City County Community Action Agency; and

WHEREAS, early accomplishments of the Chickahominy Community Improvement Organization included the construction of a community playground and recreational facility, making exceptional resources and programming available to area youth; and

WHEREAS, partnering with the Williamsburg James City County Community Action Agency and collaborating with local businesses, the Chickahominy Community Improvement Organization has provided job training in the fields of nursing, office administration, and food services, preparing young men and women for successful and rewarding careers; and

WHEREAS, in conjunction with the local school system, students from The College of William & Mary, county programs, civic organizations, and area churches, the Chickahominy Community Improvement Organization has overseen many community development programs that empower children to live healthy, fulfilling lives and become leaders in their community; and

WHEREAS, having received many accolades for its past achievements, the Chickahominy Community Improvement Organization continually looks for new ways to strengthen its community, ensuring the future well-being of countless Toano youth; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Chickahominy Community Improvement Organization for its 50 years of service to the youth and residents of Toano; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Chickahominy Community Improvement Organization as an expression of the General Assembly's profound respect and heartfelt admiration for the organization's contributions to Toano and the Commonwealth.

HOUSE JOINT RESOLUTION NO. 226

Commending the Loudoun Literacy Council.

Agreed to by the House of Delegates, February 17, 2020

Agreed to by the Senate, February 20, 2020

WHEREAS, the Loudoun Literacy Council, a nonprofit organization providing literacy services in Loudoun County, celebrates its 40th anniversary in 2020; and

WHEREAS, initially providing only English tutoring services for recently arrived refugees, since 1980, the Loudoun Literacy Council has vastly diversified its literacy enrichment opportunities; and

WHEREAS, today, services provided by the Loudoun Literacy Council include classes and tutoring in basic literacy and financial literacy for adults, English for Speakers of Other Languages (ESOL) courses, General Educational Development (GED) and citizen test preparation, and an array of other programs to improve communication and learning skills; and

WHEREAS, since 1998, Loudoun Literacy Council has provided the literacy-enrichment component of Loudoun County Public Schools' Head Start program, expanding its curriculum in 2017 to include the Starting Toward Excellence Program; and

WHEREAS, the Loudoun Literacy Council supports at-risk members of the community by providing literacy activities and books to homeless shelters, low-income expectant and new parents, and partner organizations in Loudoun County; and

WHEREAS, each year, the Loudoun Literacy Council acquires new nonprofit, public, and private partners that share its ambition to ensure all members of the community have the literacy skills needed to thrive, enabling the organization to extend its program offerings and reach more individuals and families; and

WHEREAS, the accomplishments of the Loudoun Literacy Council were made possible by the exceptional commitment of more than 500 volunteers, who collectively gave over 5,000 hours of their time in 2019; and

WHEREAS, annually serving more than 2,000 economically disadvantaged individuals and families, the Loudoun Literacy Council combats illiteracy, promotes civic engagement, and contributes greatly to the well-being of the entire Loudoun County community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Loudoun Literacy Council, a nonprofit organization that has improved the lives of countless individuals, on the occasion of its 40th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Nikki Daruwala, Executive Director of the Loudoun Literacy Council, as an expression of the General Assembly's profound admiration for the organization's efforts to assist residents of Loudoun County and the Commonwealth.

HOUSE JOINT RESOLUTION NO. 227

Celebrating the life of Elizabeth Leonard Ryan, DVM.

Agreed to by the House of Delegates, February 17, 2020

Agreed to by the Senate, February 20, 2020

WHEREAS, Elizabeth Leonard Ryan, DVM, a respected veterinarian and a beloved member of the Yorktown community, died on December 29, 2019; and

WHEREAS, from a young age, Elizabeth Ryan cultivated a lifelong love of animals, and she volunteered her time and leadership to Animal Aid as a teenager; and

WHEREAS, a gifted mathematician, Elizabeth Ryan was the valedictorian of her senior class at Cave Spring High School and her senior class at Roanoke College, where she earned a bachelor's degree; and

WHEREAS, after a successful career as an actuary with Shenandoah Life Insurance Company, Elizabeth Ryan followed her passion to care for animals and continued her education at the Virginia-Maryland College of Veterinary Medicine in Blacksburg; and

WHEREAS, Elizabeth Ryan worked at Deer Park Animal Hospital in Newport News; she then established Seaford Veterinary Medical Center in Yorktown in 1995; under her leadership, the center provided exceptional medical, dental, and surgical services to countless patients; and

WHEREAS, Elizabeth Ryan earned a reputation for treating each animal with the utmost compassion and strove to build strong, personal relationships with their owners; and

WHEREAS, Elizabeth Ryan served on the boards of the Peninsula Veterinary Association and Mutts with a Mission, Inc., which provides service dogs to wounded or disabled veterans, law-enforcement officers, and first responders; and

WHEREAS, Elizabeth Ryan worked to promote autism awareness on the Special Education Advisory Committee for the York County School Division and enjoyed fellowship and worship with the congregation of Ivy Memorial Baptist Church, where she was involved with the Women's Missionary Union; and

WHEREAS, Elizabeth Ryan moved to York County with the intention to help others, and the community will be forever grateful for her service, her dedication, and her love; and

WHEREAS, Elizabeth Ryan will be fondly remembered and greatly missed by her husband of more than 30 years, Patrick; her children, Sean and Dana, and their families; her parents, Dan and Virginia Leonard; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Elizabeth Leonard Ryan, DVM, a trusted veterinarian in Yorktown; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Elizabeth Leonard Ryan, DVM, as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 228

Commending Camille Thomasina Schrier.

Agreed to by the House of Delegates, February 17, 2020

Agreed to by the Senate, February 20, 2020

WHEREAS, Camille Thomasina Schrier, a doctoral candidate at the Virginia Commonwealth University School of Pharmacy, was crowned Miss America on December 19, 2019, at Mohegan Sun in Uncasville, Connecticut, before a television audience of more than four million people; and

WHEREAS, Camille Schrier earned the nation's most prestigious pageant honor after several top finishes in earlier competitions; she was National American Miss Pennsylvania Teen in 2012, earning a first runner-up finish in that pageant's national competition the same year, followed by the title of Miss USA Ambassador Teen a year later; and

WHEREAS, the highlight of Camille Schrier's performance at the 99th Miss America pageant was the talent competition, in which she demonstrated the catalytic decomposition of hydrogen peroxide with potassium iodide, a popular experiment often referred to as "elephant's toothpaste"; and

WHEREAS, Camille Schrier cultivated an interest in science at Virginia Polytechnic Institute and State University, where she graduated *cum laude*, dual majored in biochemistry and systems biology, and minored in chemistry; she was one year into her doctoral program at the Virginia Commonwealth School of Pharmacy when she was crowned Miss America; and

WHEREAS, competing on a platform that promoted drug safety and raised mental health awareness, Camille Schrier will push forward her social impact initiative, "Mind Your Meds: Drug Safety and Abuse Prevention from Pediatrics to Geriatrics," throughout her year as Miss America; and

WHEREAS, by challenging the stereotypes associated with the Miss America pageant and inspiring young girls to recognize their boundless potential, Camille Schrier has brought great distinction to the Commonwealth; now, therefore, be it RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Camille Thomasina Schrier for being crowned Miss America 2020; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Camille Thomasina Schrier as an expression of the General Assembly's admiration and respect for her achievements and best wishes for the future.

HOUSE JOINT RESOLUTION NO. 229

Commending Amanda B. Wimberley.

Agreed to by the House of Delegates, February 17, 2020

Agreed to by the Senate, February 20, 2020

WHEREAS, Amanda B. Wimberley, dedicated member of the Portsmouth Sheriff's Office, retired in 2019; and

WHEREAS, in 1979, Amanda Wimberley earned a bachelor's degree in criminal justice from Old Dominion University, which she supplemented in 1989 with a master's degree in public administration with a concentration in justice administration from Golden Gate University; and

WHEREAS, after a brief stint as a teacher with Portsmouth Public Schools, Amanda Wimberley began a long and distinguished career as a criminal justice administrator; and

WHEREAS, from 1980 to 1990, she was a probation counselor serving the Third District Court Service Unit of the Virginia Department of Corrections, followed by four years as a probation and parole officer; and

WHEREAS, in 1994, Amanda Wimberley assumed a management position as director of the Portsmouth Community Diversion Incentive Program, applying years of experience providing parole and probation services to reduce recidivism among nonviolent felons; and

WHEREAS, for over two decades, Amanda Wimberley helped ensure the Portsmouth local courts functioned properly as director of Portsmouth Community Corrections and Pretrial Services, overseeing the Portsmouth Sheriff's Office's administration of local probation and pretrial services and other agency operations such as grant development, program development, and staff supervision; and

WHEREAS, Amanda Wimberley improved the quality of trial services and other programs in the Commonwealth with her involvement in several professional affiliations, including the Virginia Community Criminal Justice Association, for which she served as president and treasurer, and the Virginia Juvenile Justice Association, for which she served as president from 1986 to 1988; and

WHEREAS, in recognition of her many professional accomplishments, Amanda Wimberley received several awards and distinctions, including the Leadership Award from the Virginia Community Criminal Justice Association in 2016 and the Liberty Bell Award from the Portsmouth Bar Association in 2015; and

WHEREAS, the Portsmouth community benefited greatly from Amanda Wimberley's four decades of commitment and service; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Amanda B. Wimberley, an invaluable member of the Portsmouth Sheriff's Office for many years, on the occasion of her retirement; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Amanda B. Wimberley as an expression of the General Assembly's admiration and respect for her contributions to Portsmouth and the Commonwealth.

HOUSE JOINT RESOLUTION NO. 230

Commending the Tappahannock-Essex Volunteer Fire Department, Inc.

Agreed to by the House of Delegates, February 17, 2020

Agreed to by the Senate, February 20, 2020

WHEREAS, for the past 100 years, the Tappahannock-Essex Volunteer Fire Department, Inc., has safeguarded the lives and property of the residents of Tappahannock and Essex County; and

WHEREAS, founded in 1920, the Tappahannock-Essex Volunteer Fire Department (TEVFD) was at first without a fire truck, requiring its firefighters to pull the hose reel to the scene by hand; a new Ford/Oren pumper truck was acquired in 1935, greatly improving the department's ability to respond to emergencies; and

WHEREAS, initially housed in the Town of Tappahannock's office building and exclusively servicing the town and its residents, the TEVFD expanded its service to include the surrounding parts of Essex County in 1939; and

WHEREAS, in the 1950s, recognizing the need for improved medical emergency services in the community, the TEVFD incorporated a volunteer rescue squad, which would remain with the department until it became the independently operated Tappahannock Volunteer Rescue Squad in 1976; and

WHEREAS, in 1952, wives of members of the TEVFD started a Ladies Auxiliary to assist the department during major disasters and to support its fundraising and long-term projects; and

WHEREAS, relocating to a standalone fire station in the 1950s, the TEVFD quickly outgrew this location and built a new station in 1977, at which point the department's name officially changed from the Tappahannock Volunteer Fire Department to what it is today; and

WHEREAS, in 1994, a local businessman donated an old Center Cross service station in southern Essex County to the TEVFD, which was renovated and opened as Station 2 two years later; with support from citizens of northern Essex County in the mid-2000s, the TEVFD's Station 3 was established in Champlain in 2005; and

WHEREAS, today, the TEVFD's three stations are staffed by 70 members, covering a service area of 261 miles that includes a population of nearly 10,000 people and approximately 4,500 homes and businesses; and

WHEREAS, in recognition of its heroic response to a tornado that struck Essex County in 2016, the TEVFD received the Governor's Award for Excellence in Virginia Fire Services; and

WHEREAS, responding to thousands of calls since its founding, the TEVFD has admirably served and safeguarded the community by responding to fires, medical emergencies, and other crisis situations; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Tappahannock-Essex Volunteer Fire Department, Inc., on the occasion of its 100th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Tappahannock-Essex Volunteer Fire Department, Inc., as an expression of the General Assembly's profound respect and admiration for its contributions to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 231

Commending the Virginia Department of State Police.

Agreed to by the House of Delegates, February 17, 2020

Agreed to by the Senate, March 2, 2020

WHEREAS, the Virginia Department of State Police demonstrated a high degree of vigilance, dedication to duty, and professionalism while responding to extraordinary crowds during a gun rights rally on January 20, 2020; and

WHEREAS, the Virginia Department of State Police coordinated with other local, state, and federal agencies to monitor critical intelligence in weeks prior and implemented additional security measures for the event; and

WHEREAS, in the lead-up to the event, members of the Virginia Department of State Police devoted long hours and made personal sacrifices to ensure safety and security in and around Capitol Square; and

WHEREAS, the event had an estimated attendance of 22,000 people, including approximately 6,000 people inside Capitol Square, which had been designated as a gun-free area, and 16,000 people in the surrounding area, many of whom were armed; and

WHEREAS, in addition to manning security checkpoints for Capitol Square, the Virginia Department of State Police and other agencies maintained effective crowd control through temporary fencing and road closures and increased the law-enforcement presence in and around state office buildings to minimize disruptions for state employees; and

WHEREAS, the officers of the Virginia Department of State Police helped mitigate a potentially volatile situation through extensive planning and careful preparation; and

WHEREAS, the members of the General Assembly and the state agencies in and around Capitol Square sincerely appreciate the hard work and dedication demonstrated by the officers of the Virginia Department of State Police as they fulfill their duties to serve and protect the residents of and visitors to the Commonwealth every day; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Virginia Department of State Police for performance above and beyond the normal call of duty on January 20, 2020; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Gary T. Settle, superintendent of the Virginia Department of State Police, as an expression of the General Assembly's admiration for the department's enduring commitment to keeping Virginians safe.

HOUSE JOINT RESOLUTION NO. 232

Commending the Richmond Police Department.

Agreed to by the House of Delegates, February 17, 2020

Agreed to by the Senate, March 2, 2020

WHEREAS, the Richmond Police Department demonstrated a high degree of vigilance, dedication to duty, and professionalism while responding to extraordinary crowds during a gun rights rally on January 20, 2020; and

WHEREAS, the Richmond Police Department coordinated with other local, state, and federal agencies to monitor critical intelligence in weeks prior and implemented additional security measures for the event; and

WHEREAS, in the lead-up to the event, members of the Richmond Police Department devoted long hours and made personal sacrifices to ensure safety and security in and around Capitol Square; and

WHEREAS, the event had an estimated attendance of 22,000 people, including approximately 6,000 people inside Capitol Square, which had been designated as a gun-free area, and 16,000 people in the surrounding area, many of whom were armed; and

WHEREAS, in addition to manning security checkpoints for Capitol Square, the Richmond Police Department and other agencies maintained effective crowd control through temporary fencing and road closures and increased the law-enforcement presence in and around state office buildings to minimize disruptions for state employees; and

WHEREAS, the officers of the Richmond Police Department helped mitigate a potentially volatile situation through extensive planning and careful preparation; and

WHEREAS, the members of the General Assembly and the state agencies in and around Capitol Square sincerely appreciate the hard work and dedication demonstrated by the officers of the Richmond Police Department as they fulfill their duties to serve and protect the residents of and visitors to Richmond every day; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Richmond Police Department for performance above and beyond the normal call of duty on January 20, 2020; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to William C. Smith, chief of the Richmond Police Department, as an expression of the General Assembly's admiration for the department's enduring commitment to keeping Virginians safe.

HOUSE JOINT RESOLUTION NO. 233

Commending Robert Eugene Foster, Jr.

Agreed to by the House of Delegates, February 24, 2020

Agreed to by the Senate, February 27, 2020

WHEREAS, Robert Eugene Foster, Jr., acclaimed former associate head coach and defensive coordinator of the Virginia Polytechnic Institute and State University football team, retired in 2019 after serving the university loyally for many years; and

WHEREAS, Robert Eugene "Bud" Foster, Jr., was born in Somerset, Kentucky, and grew up in Nokomis, Illinois; he graduated from Murray State University in 1981, where he played strong safety and linebacker from 1977 to 1980; and

WHEREAS, one of the National Collegiate Athletic Association's most respected coaches, Bud Foster served at Virginia Tech for 33 years of a 39-year career, making him the longest continually tenured assistant coach at one school in the NCAA Division I Football Bowl Subdivision; and

WHEREAS, starting as the linebackers coach in 1987 and eventually taking over defensive signal calling in 1995, Bud Foster's distinctive and innovative "Lunch Pail Defense" led all NCAA Division I Football Bowl Subdivision programs during his tenure as defensive coordinator, with 856 sacks and 380 interceptions; and

WHEREAS, Bud Foster was an integral part of the Virginia Tech Hokies' appearance in the national championship game in 1999 and the Virginia Tech Hokies' 27-year streak of bowl game appearances, the longest active bowl streak recognized by the NCAA; over his career, his defenses have led a major defensive statistical category nine times and placed among the top five in a category 44 times; and

WHEREAS, after his squad led the nation in total defense in both 2005 and 2006, Bud Foster was the recipient of the 2006 Broyles Award, an annual award recognizing the best assistant coach in college football; and

WHEREAS, Bud Foster was named the Division I-A Defensive Coordinator of the Year by *American Football Coach* magazine after the Virginia Tech Hokies made it to the 1999 national championship game and was named the American Football Coaches Association Defensive Coordinator of the Year in 2000; and

WHEREAS, since 1996, Bud Foster has seen over 50 of his defensive charges drafted to the National Football League, including 11 players selected in the first or second round, many of whom have gone on to become notable players in their own right on football's highest stage; and

WHEREAS, for over a generation, Bud Foster has been a mainstay of Virginia Tech football, creating a legacy that will be cherished for years to come by both the school's fans and the student-athletes whose lives he touched in such a profound and positive way; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Robert Eugene Foster, Jr., beloved associate head coach and defensive coordinator for the Virginia Polytechnic Institute and State University football team, on the occasion of his retirement; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Robert Eugene Foster, Jr., as an expression of the General Assembly's utmost appreciation and heartfelt admiration for his contributions to the Town of Blacksburg and the Commonwealth.

HOUSE JOINT RESOLUTION NO. 234

Commending Kenneth Neal Turner.

Agreed to by the House of Delegates, February 24, 2020

Agreed to by the Senate, February 27, 2020

WHEREAS, Kenneth Neal Turner, longtime emergency services coordinator for Montgomery County, retired on February 1, 2020; and

WHEREAS, a native of Christiansburg, Neal Turner has served Montgomery County for 33 years; as head of the Emergency Services Department, he oversaw the county's efforts to plan for and respond to incidents resulting from natural and man-made disasters and major emergencies; and

WHEREAS, coordinating between law enforcement, fire services, emergency medical services, rescue squads, and other emergency response operations, Neal Turner was instrumental to ensuring the safety and security of citizens in Blacksburg, Christiansburg, and Montgomery County; and

WHEREAS, for his years of compassionate and dedicated service, the Virginia Emergency Management Association recognized Neal Turner with its Stanley Everett Crigger Humanitarian Award in 2015 and its President's Award the following year; and

WHEREAS, in 2017, the Western Virginia Emergency Medical Services Council, Inc., presented Neal Turner with the Benny Summerlin Award for Service to Local Government, distinguishing his years of service on behalf of Montgomery County; and

WHEREAS, a life member of the Christiansburg Rescue Squad, with a period of service spanning over four decades, and a charter life member of the Riner Volunteer Rescue Squad, Neal Turner has spent many years on the front lines, providing emergency response and disaster relief; and

WHEREAS, in recognition of these efforts, Neal Turner was honored in 2008 with an honorary membership to the Virginia Tech Rescue Squad and in 2014 with a certification of appreciation from the Riner Volunteer Fire Department; and

WHEREAS, Neal Turner's tireless efforts and inspiring commitment have safeguarded residents of Montgomery County for many years and provided a model which all emergency service professionals may aspire toward; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Kenneth Neal Turner, esteemed emergency services coordinator for Montgomery County, on the occasion of his retirement; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Kenneth Neal Turner as an expression of the General Assembly's appreciation for his extraordinary contributions to Montgomery County and the Commonwealth.

HOUSE JOINT RESOLUTION NO. 235

Commending Black Women United for Action.

Agreed to by the House of Delegates, February 24, 2020

Agreed to by the Senate, February 27, 2020

WHEREAS, for 30 years, Black Women United for Action has held an annual wreath-laying ceremony at the Slave Memorial at Mount Vernon to honor individuals who lived and died as slaves; and

WHEREAS, Black Women United for Action, a grassroots organization designed to increase the visibility and community engagement of African American families in Northern Virginia, worked with the Mount Vernon Ladies' Association to hold its first wreath-laying ceremony in 1990; and

WHEREAS, the Slave Memorial at Mount Vernon was designed by Howard University students as a tribute to the skills, talents, and spiritual resilience of enslaved people; Black Women United for Action's ceremony brings attention to their suffering and sacrifices in addition to celebrating the liberty and freedom they hoped to one day achieve; and

WHEREAS, Black Women United for Action's ceremony includes poetry readings, speeches, and liturgical dance and music performed by students from Howard University and other historically black colleges and universities; and

WHEREAS, through its wreath-laying ceremony, Black Women United for Action has provided generations of attendees with an occasion for both somber remembrance of the past and joyful hope for the future; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Black Women United for Action on the occasion of its 30th annual wreath-laying ceremony at the Slave Memorial at Mount Vernon; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Black Women United for Action as an expression of the General Assembly's admiration for the organization's important work to preserve the history and memory of enslaved people at Mount Vernon and throughout the United States.

HOUSE JOINT RESOLUTION NO. 236

Celebrating the life of Sterling McCoy Nichols.

Agreed to by the House of Delegates, February 24, 2020

Agreed to by the Senate, February 27, 2020

WHEREAS, Sterling McCoy Nichols, a successful entrepreneur, respected real estate professional and passionate conservationist who worked to maintain the health of the James River, died on December 10, 2019; and

WHEREAS, a native of Hopewell, Sterling Nichols attended Virginia Polytechnic Institute and State University and pursued a career as a chemical engineer with Firestone Tire and Rubber Company and a subsidiary of Dow Chemical Company, Dow Badische; and

WHEREAS, while working at Dow Badische, Sterling Nichols developed a revolutionary process to control electrostatic charges in carpet fiber that has since been used throughout the world; he subsequently opened a manufacturing facility in South Carolina to produce this unique fiber; and

WHEREAS, Sterling Nichols later changed careers and, with the help and support of his beloved wife, Dottie, established construction and real estate companies that developed single-family homes, student housing buildings, and other properties for more than 45 years; and

WHEREAS, after his well-earned retirement, Sterling Nichols continued to offer his wise counsel to his real estate companies when needed as an executive director, but he preferred to focus on philanthropic projects; and

WHEREAS, Sterling Nichols built and helped organize Hospice House and Support Care of Williamsburg, a nonprofit organization that provides compassionate end-of-life care and support to members of the community and their families; and

WHEREAS, as an avid boating enthusiast who relished every opportunity to share his love of the water with family and friends, Sterling Nichols had a vested interest in the preservation of the James River and offered his leadership to the James River Association for many years; and

WHEREAS, in addition, Sterling Nichols volunteered his time with the Jamestown-Yorktown Foundation, the Jamestown Rediscovery Foundation, the Williamsburg Community Foundation, the James City County Economic Development Authority, and the Greater Williamsburg Chamber & Tourism Alliance; and

WHEREAS, Sterling Nichols will be fondly remembered by his wife of 56 years, Dottie; his children, Brad and Jennifer, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Sterling McCoy Nichols, a pillar of the Williamsburg community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Sterling McCoy Nichols as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 237

Commending the Loudoun Abused Women's Shelter.

Agreed to by the House of Delegates, February 24, 2020

Agreed to by the Senate, February 27, 2020

WHEREAS, for more than 35 years, the Loudoun Abused Women's Shelter has offered safety, hope, and empowerment to survivors of domestic violence, sexual assault, and abuse by providing essential services, information, and support; and

WHEREAS, the Loudoun Abused Women's Shelter (LAWS) traces its roots to 1984, when three Loudoun County women established Loudoun Citizens for Social Justice to provide community-based care; the first shelter location opened the following year, with 15 beds for women and children fleeing domestic violence; and

WHEREAS, in the 1990s, LAWS opened a satellite office to provide counseling for women who were not residing in the shelter and became one of the first domestic violence programs in Virginia to provide free legal representation; the organization expanded its services to survivors of sexual assault through its rape crisis center; and

WHEREAS, in 2001, LAWS opened its Community Services Center in Leesburg to better serve clients in need of legal advocacy, counseling, parenting classes, and support groups, among other services, and two years later, the organization added a Spanish-speaking case worker; and

WHEREAS, LAWS worked with a team of community partners to form the Loudoun County Domestic Abuse Response Team in 2005, established the nationally accredited Loudoun Child Advocacy Center in 2008, and was a founding member of the Sexual Abuse Response Team in 2018; and

WHEREAS, in 2019, LAWS provided direct services to 1,243 individuals and education to 7,575 individuals through prevention and awareness programs; the LAWS Emergency Shelter housed 51 adults and 37 children, and 638 survivors of domestic violence received other support and services over the course of the year; and

WHEREAS, in 2019, LAWS served hundreds of survivors of child abuse and more than 200 adult victims of sexual assault, provided counseling to more than 1,200 individuals on its 24-hour crisis hotline, and assisted more than 400 people with legal services; and

WHEREAS, LAWS received the Nonprofit Organization of the Year Award from the Loudoun County Chamber of Commerce in 2013 and the Nonprofit of the Year Award from the *Loudoun Times-Mirror* in 2014 and 2019; and

WHEREAS, LAWS has fulfilled its mission through the hard work and dedication of its dozens of volunteers and professional staff, the leadership of its board of directors, and generous donations from other organizations, businesses, and individuals; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Loudoun Abused Women's Shelter on the occasion of its 35th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Loudoun Abused Women's Shelter as an expression of the General Assembly's admiration for its legacy of contributions to members of the Loudoun County community in need.

HOUSE JOINT RESOLUTION NO. 238

Commending the All Dulles Area Muslim Society.

Agreed to by the House of Delegates, February 24, 2020

Agreed to by the Senate, February 27, 2020

WHEREAS, for 37 years, the All Dulles Area Muslim Society, a nonprofit organization based in Sterling, has served thousands of individuals and families as the largest mosque and Muslim community center in Virginia and the second largest in the United States; and

WHEREAS, the All Dulles Area Muslim Society (ADAMS) provides opportunities for religious worship, education, and social activities to more than 25,000 people at locations in Ashburn, Crystal City, Fairfax, Greater Gainesville/Nokesville, North Reston, South Riding, Sterling/Herndon, Sully/Chantilly, Tysons Corner, and Washington, D.C.; and

WHEREAS, ADAMS coordinates Friday prayer services at all of its locations, and its Eid holiday services draw thousands of worshippers from around the region; and

WHEREAS, ADAMS regularly supports interfaith partnerships, advocacy efforts, and community outreach programs to enhance the quality of life of Northern Virginia residents; members of the society are active participants in nonpartisan, grassroots civic education and engagement campaigns; and

WHEREAS, the ADAMS community service committee helps provide food, clothing, and other useful items to people in need, and the ADAMS Compassionate Healthcare Network offers vital care to uninsured or underinsured members of the community; and

WHEREAS, ADAMS is a leader in building interfaith understanding and cooperation; the society sponsors and participates in more than 250 annual meetings with representatives from Jewish, Roman Catholic, Protestant, Evangelical, Hindu, Sikh, Jain, Bahai, and Zoroastrian congregations; and

WHEREAS, ADAMS works with local, regional, state, and federal government officials and law-enforcement agencies to protect and preserve civil liberties for all people; and

WHEREAS, ADAMS has touched the lives of numerous young people as the sponsor of one of the largest Cub Scout, Boy Scout, and Girl Scout programs in the Washington, D.C., Metropolitan Area, representing more than 9,000 Scouts; and

WHEREAS, ADAMS has fulfilled its mission with the leadership of its elected Board of Trustees, which includes both men and women; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the All Dulles Area Muslim Society for its decades of service to the Muslim community in Northern Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the All Dulles Area Muslim Society as an expression of the General Assembly's admiration for its legacy of contributions to its members and all residents of Northern Virginia.

HOUSE JOINT RESOLUTION NO. 239

Commending the Lake Braddock Secondary School baseball team.

Agreed to by the House of Delegates, February 24, 2020

Agreed to by the Senate, February 27, 2020

WHEREAS, the Lake Braddock Secondary School baseball team of Burke won the Virginia High School League Class 6 State Championship on June 14, 2019, at RF&P Park in Glen Allen; and

WHEREAS, the Lake Braddock Secondary School Bruins defeated the Westfield High School Bulldogs of Chantilly by a score of 6–2, bringing a state title home for the first time in seven years; and

WHEREAS, all season, the Lake Braddock Bruins were motivated by a heartbreaking defeat in the 2018 state semifinals, training and conditioning for this moment of redemption; and

WHEREAS, with the score tied at two in the 5th inning, the Lake Braddock Bruins piled on three runs and never looked back; a towering home run in the 6th inning from 2019 All-Met Player of the Year, Lyle Miller-Green, sealed the win; and

WHEREAS, playing the semifinal and final in a doubleheader format, the Lake Braddock Bruins were carried by an impressive pitching performance from Jay Cassady, who threw 33 pitches in the semifinal win over the James River High School Rapids of Midlothian before posting four and two-thirds innings in the championship; and

WHEREAS, the Lake Braddock Bruins' victory was the result of the hard work and dedication of the student-athletes, the leadership and guidance of their teachers and coaches, and the unwavering support of the entire Lake Braddock Secondary School community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Lake Braddock Secondary School baseball team for winning the Virginia High School League Class 6 State Championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to John Thomas, head coach of the Lake Braddock Secondary School baseball team, as an expression of the General Assembly's admiration for his team's accomplishment and best wishes for the future.

HOUSE JOINT RESOLUTION NO. 240

Commending Deirdre Lavery.

Agreed to by the House of Delegates, February 24, 2020

Agreed to by the Senate, February 27, 2020

WHEREAS, Deirdre Lavery, a longtime educator with Fairfax County Public Schools who most recently served as principal of Robert E. Lee High School in Springfield, retired in 2019; and

WHEREAS, Deirdre Lavery earned a bachelor's degree in special education from Marymount University and a master's degree in education from George Mason University, preparing her for a career educating and cultivating young minds; and

WHEREAS, beginning her career with Fairfax County Public Schools (FCPS) in 1987 as a special education teacher at Frost Middle School, Deirdre Lavery would eventually chair that school's special education department before assuming leadership positions at Groveton Elementary School and Twain Middle School; and

WHEREAS, serving as principal of Glasgow Middle School beginning in 2004, Deirdre Lavery would be named FCPS Principal of the Year in 2009, earning a Distinguished Educational Leadership Award from *The Washington Post* the same year; and

WHEREAS, in five years as principal of Robert E. Lee High School, Deirdre Lavery worked closely with her staff to make great strides toward improving the school's academic, arts, and athletic programs; and

WHEREAS, to serve the school's considerable ESOL student population, Deirdre Lavery developed an effective collaboration with Edu-Futuro, a nonprofit organization dedicated to empowering immigrant students and their families and fostering their success in and out of the classroom; and

WHEREAS, Deirdre Lavery strengthened many of Robert E. Lee High School's partnerships, both with FCPS schools in its network and with local organizations such as Greenspring Senior Living Community, Apple Federal Credit Union, Genesys Works, and the National Geospatial-Intelligence Agency, enhancing the education the school could provide and extending its impact in the community; and

WHEREAS, under Deirdre Lavery's leadership, Robert E. Lee High School and its staff earned many distinctions, including the 2018 National School Library Program of the Year Award from the American Association of School Librarians, a 2018 National Banner Unified Champion School recognition from Special Olympics Unified Champion Schools, and a 2019 Recognized ASCA Model Program designation from the American School Counselor Association; and

WHEREAS, through her tireless dedication, vibrant optimism, and resourceful creativity, Deirdre Lavery promoted a learning environment that allowed her students and staff to thrive; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Deirdre Lavery, celebrated educator with Fairfax County Public Schools and former principal of Robert E. Lee High School, on the occasion of her retirement; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Deirdre Lavery as an expression of the General Assembly's profound admiration and respect for her efforts on behalf of Fairfax County and the Commonwealth.

HOUSE JOINT RESOLUTION NO. 241

Commending Burke United Methodist Church.

Agreed to by the House of Delegates, February 24, 2020

Agreed to by the Senate, February 27, 2020

WHEREAS, Burke United Methodist Church of Fairfax County celebrated its 90th anniversary in 2019; and

WHEREAS, Burke United Methodist Church was initially founded in 1929 in one of the area's oldest structures, a former Southern Railway Train Station that was the site of a raid by Confederate General J. E. B. Stuart in 1862; and

WHEREAS, the former train station was fashioned into a church with a steeple and cross constructed by former schoolteacher and community handyman, Willie Harlow; and

WHEREAS, Burke United Methodist Church moved to a new location in 1979 and has continued to grow for the past 40 years; and

WHEREAS, the congregation is currently led by Senior Pastor Jason Snow and Associate Pastor Katie Carson-Phillips, who inspire the members of Burke United Methodist Church with their insightful sermons; and

WHEREAS, in addition to weekly services, Burke United Methodist Church offers infant and preschool ministries, Sunday school, youth ministry, and small Bible study groups for adults, encouraging a life of faith and service; and

WHEREAS, the members of Burke United Methodist Church generously give their time and resources in service to others through activities such as Hot Lunch for the Homeless, Operation Food Bag, Rebuilding Together, and the Teddy Bear Brigade; and

WHEREAS, for nearly a century, Burke United Methodist Church has helped countless individuals to live a life of faith and serve their community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Burke United Methodist Church on the occasion of its 90th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Burke United Methodist Church as an expression of the General Assembly's respect and admiration for its service to Fairfax and the Commonwealth.

HOUSE JOINT RESOLUTION NO. 242

Commending Ilryong Moon.

Agreed to by the House of Delegates, February 24, 2020

Agreed to by the Senate, February 27, 2020

WHEREAS, Ilryong Moon, a longtime public servant, gave admirably of his time and talents as a member-at-large of the Fairfax County School Board for nearly 20 years; and

WHEREAS, serving as board chairman in 2006, 2012, and 2013, and board vice chairman in 2005, 2011, and 2019, Ilryong Moon was a steady and influential presence on the Fairfax County School Board for many years; and

WHEREAS, immigrating to the United States from Korea at the age of 17, Ilryong Moon graduated from T.C. Williams High School in Alexandria before earning a bachelor's degree from Harvard University and a juris doctorate from The College of William & Mary; and

WHEREAS, overseeing a diverse student population speaking over 200 different languages, Ilryong Moon's personal experience provided an important perspective to the Fairfax County School Board and bolstered its efforts to serve students of all backgrounds; and

WHEREAS, the Fairfax County School Board adopted the Ignite Strategic Plan in 2015 to close achievement gaps and implemented the One Fairfax policy in 2017 to make social and racial equity issues part of the decision-making process at county schools, both initiatives championed by Ilryong Moon; and

WHEREAS, policies supported by Ilryong Moon, such as expanding kindergarten to full days and eliminating Monday early release in 2014, have helped countless working parents in Fairfax better manage the logistical and financial challenges of raising a family; and

WHEREAS, beyond his service to the Fairfax County School Board, Ilryong Moon has practiced law for many years as a partner of Moon, Park & Associates; served his community as a member of the Annandale Rotary Club and the United Way; and provided expertise on the Fairfax County Planning Commission, the Governor's Urban Policy Taskforce, and the Virginia Advisory Committee of the United States Commission on Civil Rights; and

WHEREAS, the citizens and students of Fairfax County are indebted to Ilryong Moon for dedicating nearly two decades to making Fairfax County Public Schools a leader in public education; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Ilryong Moon, committed public servant, for his many years of service to the Fairfax County School Board; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Ilryong Moon as an expression of the General Assembly's profound respect and deep admiration for his contributions to Fairfax County and the Commonwealth.

HOUSE JOINT RESOLUTION NO. 243

Commending Scoot's BBQ.

Agreed to by the House of Delegates, February 24, 2020

Agreed to by the Senate, February 27, 2020

WHEREAS, Scoot's BBQ, a family-owned restaurant in Gloucester Point, was crowned *Virginia Living's* BBQ Bracket Battle champion in 2019; and

WHEREAS, the tournament-style showdown, the first ever event of its kind sponsored by *Virginia Living* magazine, started with a panel of seasoned judges selecting a list of 32 entries from more than 250 barbecue restaurants in the Commonwealth; and

WHEREAS, slated in the Eastern region of the bracket, Scoot's BBQ was pitted against a different restaurant each week as *Virginia Living* readers voted to determine which establishments would advance to the next round; and

WHEREAS, to win the *Virginia Living* BBQ Bracket Battle, Scoot's BBQ received more votes than some of the Commonwealth's finest barbecue establishments, including Pierce's Pitt Bar-B-Que in Williamsburg and King's Barbecue in Petersburg; and

WHEREAS, opened in 2015, Scoot's BBQ stood out against many long-standing barbecue establishments in a field that values tradition and experience, a testament to the culinary mastery of the restaurant's owners and chefs; and

WHEREAS, to highlight its win, Scoot's BBQ was featured in the December 2019 issue of *Virginia Living*, promoting its reputation for delicious, mouth-watering barbecue throughout the Commonwealth; and

WHEREAS, the staff of Scoot's BBQ brought great pride to Gloucester County through its hard work and dedication, careful attention to detail, and tireless drive to create an unparalleled dining experience for its patrons; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Scoot's BBQ for being named *Virginia Living's* 2019 BBQ Bracket Battle champion; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Gary Ward, co-owner of Scoot's BBQ, as an expression of the General Assembly's admiration for the restaurant's achievement and best wishes for its continued success.

HOUSE JOINT RESOLUTION NO. 244

Commending the Ryan Bartel Foundation.

Agreed to by the House of Delegates, February 24, 2020

Agreed to by the Senate, February 27, 2020

WHEREAS, the Ryan Bartel Foundation, a nonprofit organization in Waterford, strives to prevent youth suicide by empowering young people, families, and community organizations to provide education, hope, and lifesaving support; and

WHEREAS, the Ryan Bartel Foundation was established by Suzie and Ben Bartel after their oldest son, Ryan, died by suicide at the age of 17, with a mission to ensure that other families did not experience a similar tragedy; and

WHEREAS, the Ryan Bartel Foundation facilitates connections between young people and trusted adults and encourages young people to seek help for themselves and others; the organization works to break the stigma surrounding mental health and suicide and create a culture of acceptance; and

WHEREAS, by using evidence-based programs to build resiliency for coping with life challenges and providing community-focused activities, the Ryan Bartel Foundation fosters a sense of purpose, belonging, and hope among participants; and

WHEREAS, the Ryan Bartel Foundation uses a wide range of programs to engage with young people, including We're All Human peer groups, the We're All Human Walk, and the We're All Human Color Run, all named for one of Ryan Bartel's favorite sayings; and

WHEREAS, the Ryan Bartel Foundation hosts Sources of Strength training programs in local schools and other locations; in 2019, 12,000 Loudoun County Public Schools students attended Sources of Strength training at 26 middle and high schools, and 110 teens and more than 100 adults received community-based training; and

WHEREAS, in 2019, the Ryan Bartel Foundation's FORT program served 145 participants through workshops where young people can relax, share their experiences, and grow strong together by learning skills to cope with stress, anxiety, and depression; and

WHEREAS, the Ryan Bartel Foundation's Acceptance of Others Awards recognize strength of character, acts of kindness, and service to others and has awarded thousands of dollars in scholarships to high school seniors who were nominated by their peers for their good deeds; and

WHEREAS, the Ryan Bartel Foundation has fulfilled its mission through the hard work of its professional staff members and volunteers, the leadership of its board of directors, and many generous donations from individuals, local organizations, and corporate partners; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Ryan Bartel Foundation for its work to raise awareness of youth suicide and provide vital support to young people; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Ryan Bartel Foundation as an expression of the General Assembly's admiration for its contributions to young people and families in the Loudoun County community.

HOUSE JOINT RESOLUTION NO. 245

Commemorating the life and legacy of Leslie Devan Smith, Jr.

Agreed to by the House of Delegates, February 24, 2020

Agreed to by the Senate, February 27, 2020

WHEREAS, Leslie Devan Smith, Jr., the first African American graduate of the Washington and Lee University School of Law, was honored in 2019 with a permanent exhibit at the institution that highlights his trailblazing accomplishments as a student and as attorney at the United States Department of Justice; and

WHEREAS, a native of Nansemond County, Leslie Smith earned a bachelor's degree from Saint Paul's College and chose to further his education by pursuing a law degree, believing that the legal profession provided the tools to build a more just world; and

WHEREAS, Leslie Smith excelled at the Washington and Lee University School of Law, where he was a member of the *Washington and Lee Law Review*, the Student Bar Association, and the Legal Research Association; and

WHEREAS, during his time at Washington and Lee University, Leslie Smith served as co-editor of the institution's law magazine *The Lawyer*, president of Delta Theta Pi, and treasurer of the Young Democrats Association; and

WHEREAS, Leslie Smith spent a summer working on Capitol Hill in Washington, D.C., becoming the first African American to work in a Virginia senator's office as a research aide to the Honorable William B. Spong, Jr., who later recommended him for a position at the firm Steptoe & Johnson the following summer; and

WHEREAS, after his graduation in 1969, Leslie Smith joined the United States Department of Justice and was assigned to the Civil Rights Division, where he worked to ensure compliance with court-ordered desegregation efforts in school districts in the South; and

WHEREAS, Leslie Smith was killed on June 9, 1971, and was laid to rest in his hometown of Chuckatuck, where his headstone proudly bears the one-word epitaph "Attorney"; and

WHEREAS, to honor Leslie Smith's accomplishments, Brant Hellwig, dean of the Washington and Lee University School of Law, worked with archivist John Jacob to design a permanent exhibit, which was fabricated by Gropen, Inc., and installed in the lobby of the Millhiser Moot Court Room in Sydney Lewis Hall in 2019; and

WHEREAS, the physical exhibit is accompanied by an online component containing photographs and other materials, allowing for a more thorough interpretation of Leslie Smith's life and achievements; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commemorate the life and legacy of Leslie Devan Smith, Jr., on the occasion of the 50th anniversary of his graduation from the Washington and Lee University School of Law; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Leslie Devan Smith, Jr., as an expression of the General Assembly's admiration for his dedication to the pursuit of equal rights and inspirational contributions to the legal profession.

HOUSE JOINT RESOLUTION NO. 246

Celebrating the life of John W. Gerdelman.

Agreed to by the House of Delegates, February 24, 2020

Agreed to by the Senate, February 27, 2020

WHEREAS, John W. Gerdelman, a successful businessman, pioneering telecommunications entrepreneur, and honorable veteran, died on January 4, 2020; and

WHEREAS, before graduating from The College of William & Mary with a degree in chemistry in 1975, John Gerdelman distinguished himself as a three-year letterman on the football team and an Academic All-American in 1974; and

WHEREAS, shortly after graduation, John Gerdelman enlisted in the United States Navy, earning his aviator wings and flying an EA-6B Prowler, the United States Navy's primary carrier-based electronic warfare jet, on active duty for six years; and

WHEREAS, beginning his professional career at Baxter-Travenol, John Gerdelman would become an early proponent of the power of telecommunications technology and Internet services and later hold many prominent executive positions during the industry's meteoric rise; and

WHEREAS, John Gerdelman was president of Pioneer TeleTechnologies/MCI Services and later networkMCI, a leading telemarketing, sales, and service company; he had leadership roles with USA.NET, Long Lines, Ltd., and Intelliden, which he cofounded in 2000 and sold to IBM in 2010; and

WHEREAS, valued for his business acumen and expertise, John Gerdelman served on many corporate boards, including those of Brocade Communications Systems, Owens & Minor, and Local Voice, and assisted several technology companies and start-ups as both a turnaround specialist and an investor; and

WHEREAS, a proud alumni of The College of William & Mary, John Gerdelman gave considerably in many ways to his alma mater; he was appointed to two terms on the university's Board of Visitors, served as chair of the William & Mary Foundation and the school's Real Estate Foundation Board, and was a member of the Tribe Club Executive Board; and

WHEREAS, in recognition of his years of service on behalf of the university, John Gerdelman received the Alumni Medallion in 2005, The College of William & Mary's highest alumni honor, and an honorary doctor of humane letters degree in 2019; and

WHEREAS, the Commonwealth is indebted to John Gerdelman for the contributions he made during his years of service as a gubernatorial appointee to the State Council of Higher Education for Virginia; and

WHEREAS, John Gerdelman will be dearly remembered and missed by his beloved wife of 43 years, Sue; his children, Mark and Emily, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of John W. Gerdelman, a cherished member of the Williamsburg community who had a positive impact on countless lives as a businessman and friend; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of John W. Gerdelman as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 247

Celebrating the life of Dois Irvin Rosser, Jr.

Agreed to by the House of Delegates, February 24, 2020

Agreed to by the Senate, February 27, 2020

WHEREAS, Dois Irvin Rosser, Jr., of Hampton Roads, founder of Pomoco Auto Group, Inc., and International Cooperating Ministries, died on November 12, 2019; and

WHEREAS, born in Galts Mill and raised in Hampton Roads, Dois Rosser worked in the Newport News shipyard while studying at the Walton College of Commerce in Chicago; in 1946, he answered the call to serve his country, enlisting in the United States Army Air Forces during World War II and later in the Tactical Air Command; and

WHEREAS, possessing tremendous business acumen and vision, Dois Rosser was a successful entrepreneur in various industries; he developed several real estate investments in the Virginia Peninsula, including Marlbank Farms in Yorktown and Cypress Creek in Smithfield, and founded Pomoco Auto Group, which has grown over the years into one of the largest dealership groups in Hampton Roads; and

WHEREAS, Dois Rosser was a leader of the auto industry both locally and nationally, serving as the chairman of the Chrysler National Dealer Council in 1979 and receiving the Quality Dealer Award from *Time Magazine* in 2000 for his exemplary customer care; and

WHEREAS, greatly motivated by his Christian faith, Dois Rosser served on the boards of several nonprofit organizations in the 1960s and 1970s, including Trans World Radio, Prison Fellowship, and Leighton Ford Ministries, and helped found both the Commonwealth Prayer Breakfast and the National Prayer Breakfast; and

WHEREAS, after studying the Bible through Pastor Dick Woodward's Mini Bible College, Dois Rosser was inspired to found International Cooperating Ministries (ICM), an organization dedicated to supporting indigenous Christian communities around the world; and

WHEREAS, ICM would become Dois Rosser's life legacy; since 1986, the organization has translated the Mini Bible College program into 56 languages while constructing more than 8,700 churches across 93 countries, helping countless individuals convene for Christian worship and fellowship; and

WHEREAS, committed to the region he had called home nearly his entire life, Dois Rosser served on the board of trustees of Hampton University, helping to ensure a quality education for the youth in his community; and

WHEREAS, Dois Rosser was recognized in 1986 with the Unsung Virginian Award for his contributions to his community, was elected Layman of the Year in 1989 by Religious Heritage of America for his work with ICM, and received the Humanitarian Award in 2018 for his dedication to Hampton Roads and the world; and

WHEREAS, preceded in death by his beloved wife of 76 years, Shirley, Dois Rosser will be dearly remembered and missed by his daughters, Pamela, Cindy, and Janice, their families, and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Dois Irvin Rosser, Jr., who inspired the Hampton Roads community through his entrepreneurship and faith; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Dois Irvin Rosser, Jr., as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 248

Celebrating the life of Henry Jackson Darst, Jr.

Agreed to by the House of Delegates, February 24, 2020

Agreed to by the Senate, February 27, 2020

WHEREAS, Henry Jackson Darst, Jr., a passionate educator, accomplished horse breeder, and devoted local historian who committed his life to both the prosperity and study of Virginia, died on October 28, 2019; and

WHEREAS, raised in Dublin, where his ancestors had settled as frontiersmen centuries prior, Henry Darst's life was imbued with a sense of heritage from an early age; and

WHEREAS, earning a doctorate in history from the University of Virginia, Henry Darst taught at both his alma mater and Lynchburg College, imparting his wisdom and knowledge of Virginia's history to countless students; and

WHEREAS, a proud patriot dedicated to the nation's armed services, Henry Darst was senior educational advisor to the United States Army Transportation School and contributed to both the graduate civilian education of regular army officers and the overall operation of the United States Army's service schools; and

WHEREAS, embracing the agricultural spirit that is characteristic of both Virginia's past and present, Henry Darst operated two successful farms, "Bird Hill" in James City County and "Heron Hill" in York County, breeding and raising thoroughbred and quarter horses for many years; and

WHEREAS, valued for his expertise in land and resource management, Henry Darst served as chairman of the Colonial Soil and Water Conservation District for over 25 years and was a gubernatorial appointee to the Regional Open-Space Preservation Advisory Board-Region III; and

WHEREAS, a respected leader of the agricultural community, Henry Darst served as president of both the Charles City-James City-New Kent-York Farm Bureau and the Four Rivers Agricultural Services Corporation, the former for over 30 years, and was active in the Southern States Cooperative on both the local and corporate levels; and

WHEREAS, an author of three books and a member of several prestigious lineage societies, including the Society of the Cincinnati, for which he served as registrar for over 30 years, Henry Darst contributed greatly to the investigation and preservation of Virginia's local history and genealogy; and

WHEREAS, inspired by his abiding faith to serve others, Henry Darst was Rector of Jerusalem Christian Church in King William County, where he enjoyed worship and fellowship with his community; and

WHEREAS, Henry Darst will be dearly remembered and missed by his wife of 25 years, Ann; his stepchildren, Dandridge and Jonathan, and their families; his sister, Joan; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Henry Jackson Darst, Jr., an illustrious citizen of the Commonwealth who contributed greatly to the state as an educator, agriculturalist, and historian; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Henry Jackson Darst, Jr., as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 249

Celebrating the life of Michael E.G. Kirby.

Agreed to by the House of Delegates, February 24, 2020

Agreed to by the Senate, February 27, 2020

WHEREAS, Michael E.G. Kirby, an accomplished advertising executive, esteemed arts advocate, and cherished member of the Williamsburg community, died on November 19, 2019; and

WHEREAS, born in London in 1932, Michael Kirby served in the Essex Regiment and the Honourable Artillery Company Reserve Regiment of the British Army from 1952 to 1956 before emigrating to the United States in 1958; and

WHEREAS, initially residing in San Francisco, California, Michael Kirby moved to New York, New York, in the 1960s with advertising agency Young & Rubicam; he would ultimately conclude his advertising career in 1992, having reached the position of worldwide director of strategic advertising and promotion for the Xerox Corporation in Stamford, Connecticut; and

WHEREAS, retiring to Williamsburg in 1994, Michael Kirby quickly became an active and engaged member of his new community; chiefly, he served Twentieth Century Gallery, now the Williamsburg Contemporary Art Center, as president for 12 years, promoting the careers of countless local, regional, and national artists; and

WHEREAS, Michael Kirby's civic engagement included memberships with both the Williamsburg-James City County Republican Committee and the Colonial Area Republican Men's Association, as well as involvement in his retirement community, WindsorMeade of Williamsburg; and

WHEREAS, Michael Kirby will be fondly remembered and dearly missed by his beloved wife, Juliet; his children, Angela, Caroline, Belinda, and Justin; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Michael E.G. Kirby, a treasured member of the Williamsburg community who touched the lives of many; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Michael E.G. Kirby as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 250

Commending Zena Maria Cardman.

Agreed to by the House of Delegates, February 24, 2020

Agreed to by the Senate, February 27, 2020

WHEREAS, Zena Maria Cardman, a scientist from Williamsburg, was officially distinguished as an astronaut with the National Aeronautics and Space Administration during a ceremony at Johnson Space Center on January 10, 2020; and

WHEREAS, selected out of a record-setting applicant pool of 18,000 people in 2017 for the astronaut candidate program managed by the National Aeronautics and Space Administration (NASA), Zena Cardman was part of the 21st class to graduate from the agency's stringent training program, making her one of only 350 people to ever hold the distinction of being a United States astronaut; and

WHEREAS, earning a bachelor's degree in biology and a master's degree in marine sciences from the University of North Carolina at Chapel Hill, Zena Cardman has spent the past several years researching microorganisms in subsurface environments like caves and deep sea sediments; and

WHEREAS, with extensive field experience, including several expeditions to Antarctica, research programs aboard marine vessels, and NASA analog missions in British Columbia, Idaho, and Hawaii, Zena Cardman is as ready as any human can be for the extreme environments of outer space; and

WHEREAS, as part of her training to become an astronaut, Zena Cardman received instruction in spacewalking, robotics, the International Space Station's systems, T-38 jet proficiency, and Russian, preparing her to continue NASA's decades-long stewardship of the International Space Station; and

WHEREAS, graduating among the first class of astronauts trained under NASA's Artemis program, which aims to reinvigorate the agency's lunar exploration in the coming years, Zena Cardman has the opportunity to be among the first women to step foot on the Moon; and

WHEREAS, by accomplishing a career feat that many dream of and few achieve, Zena Cardman has demonstrated what can be accomplished through talent, hard work, and dedication, and will serve as a role model for young Virginians for many years to come; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Zena Maria Cardman of Williamsburg for the honor of becoming an astronaut with the National Aeronautical and Space Administration; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Zena Maria Cardman as an expression of the General Assembly's admiration for her achievements and best wishes for the future.

HOUSE JOINT RESOLUTION NO. 251

Commending Sarah Rosenberger Eissler.

Agreed to by the House of Delegates, February 24, 2020

Agreed to by the Senate, February 27, 2020

WHEREAS, Sarah Rosenberger Eissler, a devoted caregiver who helped bring essential services to underserved communities in Virginia, received the 2019 Nancy Vance Award from the Virginia Nurses Association; and

WHEREAS, named for a trailblazing leader in health education, the Nancy Vance Award recognizes nurses and public health professionals like Sarah "Sallie" Rosenberger Eissler for their commitment to excellence in the field; and

WHEREAS, Sallie Eissler has dedicated much of her career to serving populations with limited or no access to health care by developing free clinics, operating mobile health vans, and building strong, personal relationships with each community; and

WHEREAS, as director of community outreach operations for Kaiser Permanente, Sallie Eissler led a project to place nurse practitioners and physician's assistants in free clinics and Federally Qualified Health Centers between Baltimore and Fredericksburg; over the course of seven years, the project accounted for 325,000 patient encounters; and

WHEREAS, during her term as president of the Virginia Nurses Foundation, Sallie Eissler established SYNC, an interprofessional leadership development program for health care workers, that was the first of its kind in the Commonwealth; she addressed the needs and concerns of her fellow nurse practitioners through her work with the Virginia Nurses Association; and

WHEREAS, Sallie Eissler has earned many other awards and accolades, including the Raven Award from the University of Virginia, the Distinguished Service Award from the Virginia Chapter of the National Association of Pediatric Nurse Practitioners, and the Nurse Practitioner of the Year Award from the Virginia Council of Nurse Practitioners; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Sarah Rosenberger Eissler on receiving the 2019 Nancy Vance Award from the Virginia Nurses Association; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Sarah Rosenberger Eissler as an expression of the General Assembly's admiration for her contributions to the nursing profession and exceptional care for her patients.

HOUSE JOINT RESOLUTION NO. 252

Commending the South County High School softball team.

Agreed to by the House of Delegates, February 24, 2020

Agreed to by the Senate, February 27, 2020

WHEREAS, the South County High School softball team won the 2019 Virginia High School League Class 6 State Championship on June 14 at RF&P Park in Glen Allen; and

WHEREAS, the South County Stallions' victory over the Cosby High School Titans was settled by a single run after an epic, four-and-a-half-hour game; the decisive moment came in the bottom of the 17th inning when freshman Shannon Johnson scored on a throwing error off a grounder by freshman Nicole Puhek, sealing the 1-0 win; and

WHEREAS, South County High School's starting pitcher, sophomore Cara Martin, gave a masterful performance, posting 20 strikeouts and keeping the scoreboard blank for all 17 innings; and

WHEREAS, the South County Stallions' accomplishment was preceded by a 9-0 semifinal win against Manchester High School and was the culmination of an impressive season in which the team posted a 19-4 record; and

WHEREAS, the championship win is a testament to the skill and determination of the student-athletes, the leadership of their coaches and staff, and the enthusiastic support of the entire South County High School community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the South County High School softball team for winning the 2019 Virginia High School League Class 6 State Championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the South County High School softball team as an expression of the General Assembly's admiration for the team's exceptional achievements and best wishes for the future.

HOUSE JOINT RESOLUTION NO. 253

Commending Gerald R. Rubin.

Agreed to by the House of Delegates, February 24, 2020

Agreed to by the Senate, February 27, 2020

WHEREAS, Gerald R. Rubin, a noted biologist and geneticist, concluded his service as vice president of the Howard Hughes Medical Institute and as executive director of the Janelia Research Campus in 2020; and

WHEREAS, Gerald "Gerry" R. Rubin joined the Howard Hughes Medical Institute (HHMI), one of the leading medical research organizations in the United States, in 1987; serving for many years as an investigator at the University of California, Berkeley, he led the public project to sequence the *Drosophila melanogaster* genome, among other accomplishments; and

WHEREAS, in 2000, Gerry Rubin became HHMI's vice president for biomedical research, initiating the development of the institute's Janelia Research Campus in Loudoun County shortly thereafter; and

WHEREAS, establishing and supervising all of the activities needed to take the Janelia Research Campus from an empty building to a fully operational research facility, Gerry Rubin worked tirelessly to recruit its first laboratory heads and to implement the scientific infrastructure essential to their success; and

WHEREAS, as a key member of HHMI's leadership team and one of its ambassadors in the scientific community, Gerry Rubin has had an outsized impact on the nation's biological and medical research activities over the past several years; and

WHEREAS, throughout his tenure, Gerry Rubin demonstrated excellent judgment, initiative, and dedication to HHMI's mission, greatly advancing the institute's capacity for cutting-edge research and innovation; and

WHEREAS, countless individuals and families in the Commonwealth will undoubtedly benefit from the advancements that were made possible through Gerry Rubin's indefatigable efforts; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Gerald R. Rubin, an esteemed biologist and geneticist, as he concludes his terms as vice president of the Howard Hughes Medical Institute and executive director of the Janelia Research Campus; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Gerald R. Rubin as an expression of the General Assembly's profound respect for his impressive career and appreciation for his contributions to the health and well-being of the Commonwealth.

HOUSE JOINT RESOLUTION NO. 254

Commending the Division of Capitol Police.

Agreed to by the House of Delegates, February 24, 2020

Agreed to by the Senate, March 2, 2020

WHEREAS, the Division of Capitol Police demonstrated a high degree of vigilance, dedication to duty, and professionalism while responding to extraordinary crowds during a gun rights rally on January 20, 2020; and

WHEREAS, the Division of Capitol Police coordinated with other local, state, and federal agencies to monitor critical intelligence in weeks prior and implement additional security measures for the event; and

WHEREAS, in the lead-up to the event, members of the Division of Capitol Police devoted long hours and made personal sacrifices to ensure safety and security in and around Capitol Square; and

WHEREAS, the event had an estimated attendance of 22,000 people, including approximately 6,000 people inside Capitol Square, which had been designated as a gun-free area, and 16,000 people in the surrounding area, many of whom were armed; and

WHEREAS, in addition to manning security checkpoints for Capitol Square, the Division of Capitol Police and other agencies maintained effective crowd control through temporary fencing and road closures and increased the law-enforcement presence in and around state office buildings to minimize disruptions for state employees; and

WHEREAS, the officers of the Division of Capitol Police helped mitigate a potentially volatile situation through extensive planning and careful preparation; and

WHEREAS, the members of the General Assembly and the state agencies in and around Capitol Square sincerely appreciate the hard work and dedication demonstrated by the officers of the Division of Capitol Police as they maintain order, security, and overall smooth operations in the execution of their duties every day; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Division of Capitol Police for performance above and beyond the normal call of duty on January 20, 2020; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Anthony S. Pike, chief of the Division of Capitol Police, as an expression of the General Assembly's admiration for the department's enduring commitment to keeping Virginians safe.

HOUSE JOINT RESOLUTION NO. 255

Commending the Screen at 23 campaign.

Agreed to by the House of Delegates, February 24, 2020

Agreed to by the Senate, February 27, 2020

WHEREAS, the Screen at 23 campaign works to raise awareness of higher rates of diabetes among Asian Americans and promote the importance of diabetes screening and healthy lifestyle choices; and

WHEREAS, approximately 884,000 people in Virginia, or 12.8 percent of the adult population, have diabetes; and

WHEREAS, people of Asian American heritage comprise 6.2 percent of the population of Virginia; diabetes is the fifth-leading cause of death among Asian Americans, who are more than 30 percent more likely to have diabetes than Caucasian Americans; and

WHEREAS, recent analysis of cross-sectional national data shows that Asian Americans are the least-likely ethnic group to receive recommended diabetes screenings, with a 34-percent lower rate of diabetes screening than Caucasian Americans; and

WHEREAS, Asian Americans are at greater risk of developing prediabetes, diabetes, and associated risks (such as cardiovascular disease) at a lower body mass index (BMI) than Caucasians, Hispanics, African Americans, or Native Americans; and

WHEREAS, two out of three people with type 2 diabetes die from a heart attack or stroke, and adults with diabetes are at risk of developing end-stage renal disease, as well as kidney failure, blindness, and lower limb loss; and

WHEREAS, the per capita health care cost of direct medical expenses for diagnosed and undiagnosed diabetes, prediabetes, and gestational diabetes and associated indirect costs and productivity loss in Virginia is an estimated \$9,500 per year; the annual cost for diabetes in Virginia in 2017 was estimated at \$6.1 billion in medical expenses, plus \$2.3 billion in productivity loss; and

WHEREAS, the National Institutes of Health found that more than half of Asian Americans with diabetes are undiagnosed, greatly increasing their overall health risk; early detection and treatment can mitigate diabetes-related complications, risks, and costs; and

WHEREAS, early interventions focusing on nutrition, physical activity, and healthy weight loss have been shown to reverse prediabetes, improve glucose function in diabetics, and reduce the need for multiple medications; and

WHEREAS, Asian Americans face a health care disparity in type 2 diabetes detection and diagnosis, due in part to general guidelines calling for screening at a body mass index (BMI) of 25kg/m², which misses 36 percent of diabetes diagnoses in Asian Americans over the age of 45, or nearly 13,000 individuals in Virginia, and underestimates the prevalence of prediabetes among Asian Americans and the increased risk of both prediabetes and diabetes among Asian Americans who are younger than 45; and

WHEREAS, screening Asian American patients, age 45 and older, at a BMI of 23kg/m² or higher unmask more than 7,000 additional diabetes cases, as well as many thousands more prediabetes cases, and would lead to increased screenings among Asian Americans younger than 45 who are at BMI 23 and at risk for diabetes, thereby initiating treatment or early interventions to reduce negative co-morbidities like heart disease, kidney disease, and limb amputation; and

WHEREAS, the World Health Organization recommends screening Asian patients at a lower body mass index than non-Hispanic whites, and the 2015 official guidelines of the American Diabetes Association recommend that Asian Americans should be tested for type 2 diabetes at a body mass index of 23; and

WHEREAS, the National Council of Asian Pacific Islander Physicians, through partnerships with the Asian American, Native Hawaiian, and Pacific Islander Diabetes Coalition, the Asian American Diabetes Initiative at Joslin Diabetes Center, and the American Diabetes Association, has coordinated the Screen at 23 campaign with the support of more than 40 national and regional health organizations; and

WHEREAS, as of January 2020, California, Hawaii, Illinois, Massachusetts, and Washington have recognized and recommended screening adult Asian Americans for type 2 diabetes at a body mass index of 23, enabling thousands of individuals to receive the early care and treatment needed to live healthier and happier lives; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Screen at 23 campaign for raising awareness of diabetes among Asian American communities and the use of appropriate screening measures for Asian American patients; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the National Council of Asian Pacific Islander Physicians, organizers of the Screen at 23 campaign, as an expression of the General Assembly's admiration for the campaign's important, lifesaving work.

HOUSE JOINT RESOLUTION NO. 256

Commending South County High School.

Agreed to by the House of Delegates, February 24, 2020

Agreed to by the Senate, February 27, 2020

WHEREAS, South County High School in Lorton received the prestigious Blue Ribbon Award from the Virginia Music Educators Association in 2019; and

WHEREAS, South County High School was a first-time recipient of the Blue Ribbon Award, the highest award presented to school music programs in the Commonwealth; and

WHEREAS, all of South County High School's music ensembles, including the South County Symphonic Band, South County Singers, and South County Chamber Orchestra, received superior ratings at their respective state assessments to earn the Blue Ribbon Award; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend South County High School on receiving the 2018-2019 Blue Ribbon Award from the Virginia Music Educators Association; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to South County High School as an expression of the General Assembly's admiration for the school's commitment to excellence in music education.

HOUSE JOINT RESOLUTION NO. 257

Commending the Laurel Hill Park Volunteer Team.

Agreed to by the House of Delegates, February 24, 2020

Agreed to by the Senate, February 27, 2020

WHEREAS, the Laurel Hill Park Volunteer Team, a collective of volunteer stewards of Laurel Hill Park in Lorton, received the 2019 Elly Doyle Special Recognition Award from the Fairfax County Park Authority; and

WHEREAS, the Elly Doyle Special Recognition Award was established by the Fairfax County Park Authority in 1988 to highlight volunteer contributions to parks in Fairfax; and

WHEREAS, the Laurel Hill Park Volunteer Team was one of the first groups to collaborate with the Fairfax County Park Authority through the Park Volunteer Team Program and has helped the county refine its model for coordinating park maintenance efforts between county employees and volunteers; and

WHEREAS, with its mission to make Laurel Hill Park as beautiful and inviting as possible and to protect the park's pristine nature, wildlife, birds, and plants, the Laurel Hill Park Volunteer Team conducts several service activities throughout the year, including trash clean-ups, invasive plant removal, and trail maintenance; and

WHEREAS, as a result of the generous efforts of the members of the Laurel Hill Park Volunteer Team, citizens and visitors of Fairfax will be better able to enjoy the wonders and splendor of Laurel Hill Park for years to come; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Laurel Hill Park Volunteer Team for receiving the Elly Doyle Special Recognition Award in 2019; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Laurel Hill Park Volunteer Team as an expression of the General Assembly's ardent appreciation for their contributions to Fairfax County and the Commonwealth.

HOUSE JOINT RESOLUTION NO. 258

Celebrating the life of Irvin Adams, Jr.

Agreed to by the House of Delegates, February 24, 2020

Agreed to by the Senate, February 27, 2020

WHEREAS, Irvin Adams, Jr., a public servant and former chief of the Vinton First Aid Crew, died on January 22, 2020, after decades of service to his beloved Vinton community; and

WHEREAS, Irvin "Doug" Adams, Jr., worked tirelessly on the Vinton Town Council for a number of years and volunteered his leadership to the Vinton Breakfast Lions Club and the Vinton Needy Family Program; he was employed by Dayco Products; and

WHEREAS, Doug Adams joined the Vinton First Aid Crew in early 1971; at the time, calls were answered, day or night, by the members who would leave their homes and assemble at the station before responding to emergency situations; and

WHEREAS, Doug Adams was one of the first members of the Vinton First Aid Crew to be certified as a Virginia emergency medical technician, and he continued to tirelessly answer calls while becoming involved in the business aspect of the organization, he helped establish the accounting system, complete the yearly review, and prepare the operational budget; and

WHEREAS, over the years, Doug Adams served on numerous committees addressing important aspects of the business, such as equipment procurement, bylaws, personnel matters, finance, recruitment and retention, and taxes and audits; he used his position on the Vinton Town Council to help other members understand the unique challenges faced by local emergency services departments; and

WHEREAS, Doug Adams served as rescue chief on two different occasions, as well as treasurer and assistant treasurer; he was serving as the president of the board of directors at the time of his passing; and

WHEREAS, Doug Adams offered his expertise to the Virginia Association of Volunteer Rescue Squads as the District 6 vice president in 1976-1977, 1977-1978, 2013-2014, and 2014-2015; he maintained and inventoried To The Rescue, the official Virginia state emergency medical services museum, in the City of Roanoke until its closing; and

WHEREAS, Doug Adams was a mentor to junior members of the Vinton First Aid Crew, where one member said of him, "We can never truly craft words to define history, feelings, and endearment for one who shaped the people we grew to be. I respected no one more as maturity eventually found me."; and

WHEREAS, predeceased by his beloved wife, Brenda, Doug Adams will be fondly remembered and greatly missed by his children, Donna Phillips and Mike Adams; his grandchildren and great-granddaughter; his nieces, nephews, sisters-in-law, and their families; and numerous other family members, friends, and colleagues in the emergency medical services community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Irvin Adams, Jr., a devoted leader of the Town of Vinton and a dedicated member of the Vinton First Aid Crew; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Irvin Adams, Jr., as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 259

Celebrating the life of Francis Holden.

Agreed to by the House of Delegates, February 24, 2020

Agreed to by the Senate, February 27, 2020

WHEREAS, Francis Holden, a heroic veteran, esteemed businessman, and beloved member of the Culpeper community, died on January 22, 2020; and

WHEREAS, affectionately known by friends and family as "Pup," Francis Holden was born in Harrington, Delaware, as the youngest of 12 children; and

WHEREAS, enlisting with the United States Marine Corps in 1943, Francis Holden proudly served the country in the Pacific theater of World War II, including deployments to the Marshall Islands, Saipan, Japan, and China; and

WHEREAS, possessing excellent business acumen, Francis Holden enjoyed great success in several industries throughout his accomplished career; he spent over 40 years managing industrial plants, first for Playtex and later for clothing manufacturer Aileen, all while owning the car dealership Eagle Ford; and

WHEREAS, even in retirement, Francis Holden's entrepreneurial spirit could not be contained; along with his wife, Janet, he built The Holden Group, one of the leading real estate businesses in Culpeper, and he became a partner in a travel agency, leveraging one of his lifelong hobbies into another prosperous business opportunity; and

WHEREAS, an avid golfer and adept ballroom dancer who visited all 50 states and more than 25 countries, Francis Holden lived his life to the fullest, buoying others over the years with his unceasing optimism; and

WHEREAS, Francis Holden will be fondly remembered and dearly missed by his wife of 34 years, Janet; his children, Lois, Holly, Pamela, and Jill, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Francis Holden, an honorable veteran, respected businessman, and cherished member of the Culpeper community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Francis Holden as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 260

Commending Dr. Walter E. Williams.

Agreed to by the House of Delegates, February 24, 2020

Agreed to by the Senate, February 27, 2020

WHEREAS, Dr. Walter E. Williams, John M. Olin Distinguished Professor of Economics at George Mason University and prolific author and commentator, was awarded the Bradley Prize from the Lynde and Harry Bradley Foundation in 2017; and

WHEREAS, the Bradley Prize was bestowed upon Dr. Williams for his years of advocacy for liberty and free markets, efforts that support the principles and mission of the Lynde and Harry Bradley Foundation; Dr. Williams was one of four recipients of the award in 2017, which includes a stipend of \$250,000; and

WHEREAS, Dr. Williams has dedicated nearly four decades to economic scholarship and education at George Mason University in Fairfax, inspiring young men and women of the Commonwealth with his intellect and ideas; and

WHEREAS, Dr. Williams has been influential beyond Virginia, authoring over 150 scholarly publications, 10 books, and a syndicated weekly column carried by approximately 140 newspapers and websites; appearing as a regular commentator on various national radio and television programs; and giving expert testimony before Congressional committees on issues such as labor policy, taxation, and spending; and

WHEREAS, Dr. Williams' standing on numerous advisory boards, including the Cato Institute, Landmark Legal Foundation, Institute of Economic Affairs, and Heritage Foundation, and his many past fellowships and awards are further testament to the profound impact he has had on the intellectual and political life of our country; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Dr. Walter E. Williams, John M. Olin Distinguished Professor of Economics at George Mason University and noted public scholar, for receiving the Bradley Prize from the Lynde and Harry Bradley Foundation in 2017; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Dr. Walter E. Williams as an expression of the General Assembly's respect and admiration for his contributions to the Commonwealth and the nation.

HOUSE JOINT RESOLUTION NO. 261

Commending the Ayr Hill Garden Club.

Agreed to by the House of Delegates, February 24, 2020

Agreed to by the Senate, February 27, 2020

WHEREAS, the Ayr Hill Garden Club, a Vienna institution dedicated to improving the community and beautifying its public spaces, celebrated its 90th anniversary in 2019; and

WHEREAS, founded as the Vienna Garden Club, the group changed its name to the Ayr Hill Garden Club in 1929, at which time it offered educational programs to the public, raised funds through tea soirees and flower shows, and served the community in various other ways; and

WHEREAS, in the early years, Ayr Hill Garden Club spruced up local buildings, landscaped public grounds, painted the town library, and even purchased Vienna's first public trash can; and

WHEREAS, during World War II, the Ayr Hill Garden Club served the country by helping with the maintenance of the grounds on the local military bases at Fort Belvoir and Fort Myer; and

WHEREAS, the Ayr Hill Garden Club continued to foster Vienna's growth over the years, purchasing flagstones to pave a road to a local school, installing entrance markers at the edge of town, and convincing the American Automobile Association to put their small town of 900 people on local maps; and

WHEREAS, today, the Ayr Hill Garden Club remains active in the community through regular public meetings that explore the joys of gardening and wildlife, its maintenance of six public gardens for the benefit of Vienna residents and its visitors, its sponsorship of a biennial flower show that is renowned throughout the region, and its decoration of public spaces during the holidays, among other civic activities; and

WHEREAS, in the spirit of its years of service, the social club has recently changed its organizational status to that of a federally recognized, 501(c)(3) nonprofit organization, underscoring the impact the Ayr Hill Garden Club will have on the Vienna community for years to come; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Ayr Hill Garden Club, a social club-turned-service organization that has cultivated a verdant and flourishing Vienna for many years, on the occasion of its 90th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Ayr Hill Garden Club as an expression of the General Assembly's admiration for the club's history and its contributions to the Town of Vienna.

HOUSE JOINT RESOLUTION NO. 262

Commending PRS.

Agreed to by the House of Delegates, February 24, 2020

Agreed to by the Senate, February 27, 2020

WHEREAS, for 50 years, PRS, a nonprofit organization headquartered in Oakton, has supported the residents of the Washington, D.C., metropolitan area by providing mental health, crisis intervention, and suicide prevention services; and

WHEREAS, PRS traces its roots to the early 1960s, when changes in the perception and treatment of mental illness resulted in a need for transitional care to bridge the gap between hospitalization and a return to community life; and

WHEREAS, in 1963, under the direction of Vera Mellen, the Northern Virginia Mental Health Association established the precursor to PRS, a program to assist patients that had been recently discharged from Western State Hospital in Staunton; the program offered participants an opportunity to discuss goals and identify their needs for housing, employment, and transportation in a supportive environment; and

WHEREAS, on June 11, 1970, the program was incorporated as the Social Center and subsequently opened satellite programs in Mount Vernon, Springfield, and southern Fairfax County; four years later, the program that had begun with less than a dozen participants and only one full-time staff member had grown to serve 300 people with a professional staff of 18; and

WHEREAS, by the 1980s, the Social Center, then the Social Center for Psychiatric Rehabilitation, had evolved to provide more comprehensive vocational, educational, recreational, and case management services designed to help participants lead more independent lives; and

WHEREAS, as part of a reorganization in 1994, the Social Center for Psychiatric Rehabilitation was renamed Psychiatric Rehabilitation Services, which was ultimately shortened to PRS, to better reflect the growing scope and nature of its program activities; and

WHEREAS, PRS founder Vera Mellen retired in 1998, after 35 years of exceptional service, and left the organization under the capable leadership of Wendy Gradison, who formalized new sets of programs, including community housing, employment services, community support services, and day programs; and

WHEREAS, in 2011, PRS expanded its programs to include people with emotional and behavioral disorders, mild intellectual disabilities, developmental disorders, and substance abuse disorders, in addition to clients with mental illnesses and co-occurring disorders; two years later, the organization had more than 70 clinicians and staff members serving more than 900 individuals; and

WHEREAS, PRS remains committed to expanding its service delivery to all members of the community in need and strives to empower those individuals to become healthy, productive members of society; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend PRS on the occasion of its 50th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to PRS as an expression of the General Assembly's admiration for the organization's life-changing contributions to the Northern Virginia community.

HOUSE JOINT RESOLUTION NO. 263

Commending Devotion to Children.

Agreed to by the House of Delegates, February 24, 2020

Agreed to by the Senate, February 27, 2020

WHEREAS, Devotion to Children, a nonprofit organization dedicated to providing quality, affordable childcare to families in need, celebrated its 25th anniversary in 2019; and

WHEREAS, originally founded in Falls Church in 1994, Devotion to Children has since expanded to Reston, serving countless children and families throughout Northern Virginia; and

WHEREAS, recognizing that a child's first six years are the most critical period for brain development and learning, Devotion to Children works to ensure every child receives the education and care they need to reach their full potential; and

WHEREAS, Devotion to Children tackles the problem of inadequate daycare and education services for underprivileged children by raising awareness of the issue in the community; fundraising to support scholarships, grants, and other programs; and initiating partnerships with organizations similarly committed to addressing the inequities that limit access to early childhood education; and

WHEREAS, aiming to offer children the best daycare and education available while enabling their parents and guardians to work or attend school full-time, Devotion to Children provides an invaluable service to the health and well-being of families and the community; and

WHEREAS, in 2014 alone, Devotion to Children was able to assist 215 children through scholarships, programs, and computer labs, and each year gives numerous scholarships to both families in need and qualifying preschool programs; and

WHEREAS, with the help of many corporate leaders, donors, and volunteers, Devotion to Children has given thousands of children a winning head start and the potential to live successful, rewarding lives; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Devotion to Children, a nonprofit organization committed to serving economically disadvantaged young children and their families, on the occasion of its 25th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Rosemary Tran Lauer, founder and president of Devotion to Children, as an expression of the General Assembly's profound admiration and respect for the organization's service on behalf of families of the Commonwealth.

HOUSE JOINT RESOLUTION NO. 264

Commending the Nachman family.

Agreed to by the House of Delegates, February 24, 2020

Agreed to by the Senate, February 27, 2020

WHEREAS, for more than 100 years, members of the Nachman family, generous patrons of the arts and dedicated community leaders, have served and strengthened the Herndon community; and

WHEREAS, Julius Nachman immigrated to the United States from Russia in 1911 and worked in various general retail stores in Baltimore, where he met his future wife, Anna; and

WHEREAS, in 1919, Julius Nachman purchased an interest in Cohen's Store in downtown Herndon, where he and Anna began to raise their family, beginning an unparalleled legacy of community engagement and civic service; and

WHEREAS, after the Cohen family sold their stake in the store, Julius and Anna Nachman renamed the business as Nachman's and lived on the second floor of the building; their son Philip "Melvin" Nachman and grandsons Howard and Arthur Nachman inherited the family business as time went on; and

WHEREAS, over the course of 75 years, Nachman's adapted to changes in customer preferences, as well as the community's evolution from a rural to a suburban area; and

WHEREAS, after the store closed in 1994, Howard and Arthur Nachman operated their commercial real estate company on the first floor, but rented the second floor to local artists, a catalyst for the establishment of the Herndon Art District; the family supported a downtown concert series and a mural program that depicted local history, as well as a program to provide instruments and lessons to young musicians; and

WHEREAS, the Nachman family completed numerous renovations and enhancements to the building to better serve the community, and Howard and Arthur Nachman ultimately moved their business to the second floor and rented the ground floor to other local businesses; and

WHEREAS, the Nachman's department store building is on the National Register of Historic Places as part of the Herndon Historic District and is the oldest continuously occupied commercial building in Herndon, with Green Lizard Cycling as its current tenant in 2020; and

WHEREAS, in addition to their contributions to the retail industry and cultural life in Herndon, members of the Nachman family supported the community as public servants, with Melvin Nachman and Howard Nachman both winning election to the Herndon Town Council; and

WHEREAS, members of the Nachman family have volunteered their time and leadership to the Herndon Volunteer Fire Department, Herndon Rotary Club, Herndon Business and Professional Women's Club, Herndon Optimist Club, the Herndon Economic Development Authority, and local chapters of the Freemasons and the Order of the Eastern Star; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Nachman family for more than 100 years of service to the Herndon community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Nachman family as an expression of the General Assembly's admiration for the family's incredible contributions to generations of Herndon residents.

HOUSE JOINT RESOLUTION NO. 265

Celebrating the life of Sunny Sung-In Kim.

Agreed to by the House of Delegates, February 24, 2020

Agreed to by the Senate, February 27, 2020

WHEREAS, Sunny Sung-In Kim, a respected businessman and leader of the Korean American community in New England and the Commonwealth, died on June 9, 2019; and

WHEREAS, born in Pusan, Korea, in 1950, Sunny Kim served in the Republic of Korea Marine Corps from 1969 to 1972, graduating from basic training with the 218th Class and achieving the rank of lance corporal; and

WHEREAS, emigrating to the United States in 1973, Sunny Kim was naturalized on May 11, 1975, and remained a proud patriot and model citizen for the rest of his life; and

WHEREAS, in 1986, Sunny Kim founded Grass Roots, Inc., a food service and catering business with several locations in the Financial District of Boston, Massachusetts, which he led as president for nearly 30 years; and

WHEREAS, Sunny Kim was a leader of the Korean American community, both locally and nationally, serving as president of the Korean-American Association of New England and as Secretary-General of the Federation of Korean Associations, U.S.A.; and

WHEREAS, driven throughout his life to honor those who gave the ultimate sacrifice during the Korean War, Sunny Kim effectively advocated for the creation of the Massachusetts Korean War Veterans Memorial, which was installed at Charlestown Naval Shipyard Park in Boston in 1993; and

WHEREAS, in recognition of his indefatigable support of the United States-Korea alliance and years of service on behalf of the Korean American community, Sunny Kim received a Presidential Commendation from the president of the Republic of Korea; and

WHEREAS, retiring to Haymarket to be closer to his sons and grandchildren, who he loved to watch play football, lacrosse, and baseball, Sunny Kim quickly became a cherished member of his newfound community; and

WHEREAS, Sunny Kim will be fondly remembered and dearly missed by his wife of 44 years, Susan; his sons, Thomas and James, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Sunny Sung-In Kim, an honorable veteran, esteemed businessman, and tireless supporter of Korean American causes; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Sunny Sung-In Kim as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 266

Celebrating the life of the Reverend David Stewart Jordan-Haas.

Agreed to by the House of Delegates, February 24, 2020

Agreed to by the Senate, February 27, 2020

WHEREAS, the Reverend David Stewart Jordan-Haas, a compassionate and uplifting spiritual leader in Vienna, died on July 18, 2019; and

WHEREAS, David Jordan-Haas was born in Pennsylvania and grew up in Iowa, where he graduated from Cornell College; he later graduated from Harvard Divinity School and was ordained as a minister in 1990; and

WHEREAS, in the course of his career, David Jordan-Haas worked at Oberlin College in Ohio and served as the inaugural Protestant chaplain at Fairfield University in Connecticut; and

WHEREAS, David Jordan-Haas ministered to congregations in Mansfield, Ohio, and Darien, Connecticut, before relocating to the Commonwealth as an associate pastor at Vienna Presbyterian Church; and

WHEREAS, guided by his deep faith to serve others, David Jordan-Haas was engaged with the community and responsive to the needs of his congregation, touching countless lives through his kindness and wisdom; and

WHEREAS, David Jordan-Haas will be fondly remembered and greatly missed by his beloved wife of 31 years, Constance; his daughters, Julia and Mary, and their families; his mother, Thomsa; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of the Reverend David Stewart Jordan-Haas, a highly admired pastor in Vienna; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of the Reverend David Stewart Jordan-Haas as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 267

Celebrating the life of Rosetta Cole Gilbert.

Agreed to by the House of Delegates, March 2, 2020

Agreed to by the Senate, March 4, 2020

WHEREAS, Rosetta Cole Gilbert, a vibrant resident of Fairfax County who was an active volunteer for local schools, youth organizations, and community events, died on January 28, 2020; and

WHEREAS, born in Paris, France, to a military family, Rosetta "Colis" Cole Gilbert returned to the United States in 1960 and grew up in the Rose Hill neighborhood of Alexandria; and

WHEREAS, Colis Gilbert attended Rose Hill Elementary School, Mark Twain Middle School, and St. Mary's Academy and graduated from Thomas A. Edison High School; she was a passionate lifelong learner who never missed an opportunity to expand her knowledge and skills; and

WHEREAS, Colis Gilbert pursued a career as a typist and systems administrator for several firms, including Price Waterhouse; she used her expertise to establish her own word processing firm, WordMasters, which prepared restaurant reviews, contract bids, and other documents; and

WHEREAS, after her well-earned retirement from WordMasters in 1993, Colis Gilbert devoted her energies to raising her family and strengthening the community through volunteer leadership; and

WHEREAS, Colis Gilbert earned recognition for her generous work at Parklawn Elementary School, Belvedere Elementary School, and Glasgow Middle School and supported youth soccer teams, Odyssey of the Mind teams, and two local Girl Scouts of the USA troops; and

WHEREAS, Colis Gilbert was a longtime supporter of Fairfax County farmers markets, where she spent countless hours and developed strong relationships with local farmers and vendors; she was renowned for her own talents at traditional crafts and cooking methods, and many friends cherished her gifts of handmade embroidery, candles, baked goods, and other items; and

WHEREAS, Colis Gilbert's greatest joy in life was her family, and she relished every opportunity to spend time with them at concerts, at the beach, or on road trips to watch Formula One races around the country; and

WHEREAS, Colis Gilbert will be fondly remembered and greatly missed by her beloved husband, Ken; her children, Lauren and Earl; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Rosetta Cole Gilbert, a beloved community leader in Fairfax County; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Rosetta Cole Gilbert as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 268

Commending Glenn Fatzinger.

Agreed to by the House of Delegates, February 24, 2020

Agreed to by the Senate, February 27, 2020

WHEREAS, Glenn Fatzinger, a longtime educator, civic activist, and philanthropist from Mount Vernon, was awarded the Virginia Community College System's 2019 Chancellor's Award for Leadership in Philanthropy; and

WHEREAS, Glenn Fatzinger received the Chancellor's Award for Leadership in Philanthropy in recognition of his years of service on behalf of the Virginia Community College System (VCCS); and

WHEREAS, along with teaching history and business courses at VCCS schools and serving on the board of Northern Virginia Community College from 1978 to 1985, Glenn Fatzinger has supported the education of countless students financially through two major scholarship programs he founded; and

WHEREAS, in 1979, Glenn Fatzinger cofounded the Northern Virginia Community College Educational Fund, which today has an endowment of \$25 million that provides over \$600,000 in student scholarships annually; and

WHEREAS, in memory of his late wife, Glenn Fatzinger founded the Harriet H. Fatzinger Nursing Memorial Scholarship in 2011, raising over \$100,000 to annually provide two partial scholarships to students in the VCCS nursing program; and

WHEREAS, Glenn Fatzinger's service to the community extends beyond VCCS; he cofounded the Mount Vernon Council of Citizens' Associations, Inc., a half-century ago, which has since successfully lobbied for a paid fire department, an indoor ice rink and pool, express bus services from Mount Vernon to Washington, D.C., and a bike trail along the Potomac River between Alexandria and Mount Vernon; and

WHEREAS, in 2016, in recognition of his expertise and dedication to the community, the Board of Supervisors of Fairfax County appointed Glenn Fatzinger to the Fairfax County History Commission, which he currently serves as the commission's secretary; he is an active member of the Mount Vernon Regional Historical Society; and

WHEREAS, by both cultivating the educational opportunities of hundreds of VCCS students and fostering the growth and development of Mount Vernon, Glenn Fatzinger has embodied the values that make the Commonwealth such a wonderful place to live, work, and raise a family; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Glenn Fatzinger, esteemed educator, civic activist, and philanthropist, for the distinction of receiving the 2019 Chancellor's Award for Leadership in Philanthropy from the Virginia Community College System; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Glenn Fatzinger as an expression of the General Assembly's profound admiration and respect for his efforts in support of the Commonwealth.

HOUSE JOINT RESOLUTION NO. 269

Commending Michael Montante.

Agreed to by the House of Delegates, February 24, 2020

Agreed to by the Senate, February 27, 2020

WHEREAS, Michael Montante, owner and founder of Michael Montante, CPA & Associates in Alexandria, has been serving the tax and accounting needs of citizens of the Commonwealth for many years; and

WHEREAS, in 2002, Michael Montante established Michael Montante, CPA & Associates, specializing in small businesses and individuals with advanced tax situations under Virginia and federal law, with clients filing returns in 25 states; and

WHEREAS, at the request of the Virginia House of Delegates' Committee on Finance, Michael Montante provided information explaining how Virginia tax laws conformed to the Tax Cuts and Jobs Act of 2017; this information was essential in supporting the recent tax refund enjoyed by families and individuals throughout the Commonwealth; and

WHEREAS, in his spare time, Michael Montante provides free tax seminars at local retirement communities and community centers for seniors, their families, and parents and guardians of disabled persons who need help navigating the current tax law; and

WHEREAS, Michael Montante makes a special effort to help certain clients who cannot travel due to their age or disabilities, bringing the Montante, CPA & Associates' office to them; and

WHEREAS, Michael Montante's passion for helping persons with disabilities extends to his work with the Fairfax County Public Schools (FCPS) Advisory Committee for Students with Disabilities, which he has served for eight years, counseling the FCPS School Board and its superintendent on how to best serve the division's population of students with disabilities or special education needs; and

WHEREAS, Michael Montante has served FCPS as a Special Education Parent Liaison with two Parent Teacher Associations, helping families with children receiving special education services by sharing his knowledge of resources available through FCPS and the community; and

WHEREAS, committed to supporting the youth in his community, Michael Montante has coached youth soccer and basketball since he was 17 years old, helping a generation of young people discover the joys of teamwork, avoid harmful activities, and learn to respect each other and the community; and

WHEREAS, as a volunteer at the Church of Saint Clement in Alexandria, which is an overflow facility for the hypothermia shelter provided by the Carpenter's Shelter, Michael Montante can often be found opening or closing the church shelter and providing for the needs of the community's homeless; and

WHEREAS, with a tireless dedication to serving others, Michael Montante has improved countless lives in the Commonwealth as an accountant, advisor, coach, volunteer, and friend; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Michael Montante, owner and founder of Michael Montante, CPA & Associates, for his many years serving citizens of the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Michael Montante as an expression of the General Assembly's admiration and respect for his contributions to Fairfax County and the Commonwealth.

HOUSE JOINT RESOLUTION NO. 270

Commending Mount Vernon at Home.

Agreed to by the House of Delegates, February 24, 2020

Agreed to by the Senate, February 27, 2020

WHEREAS, for more than 10 years, Mount Vernon at Home has helped senior residents of Fairfax County maintain their independence and stay engaged with the community; and

WHEREAS, Mount Vernon at Home was established by a group of retired friends and neighbors who decided to create a support network that would allow them to age in place and continue living active, vibrant lives; and

WHEREAS, inspired by the village movement, Mount Vernon at Home is a grassroots organization that coordinates services for residents through a team of dedicated volunteers; since its founding, the community has grown to include 160 residents and 70 volunteers; and

WHEREAS, Mount Vernon at Home's volunteers assist residents by providing transportation to appointments, light home repair, home cleaning and organization, technology support, and friendly visits; and

WHEREAS, Mount Vernon at Home offers residents a diverse array of social, cultural, and educational activities, services, and events that are easily accessible from their homes; and

WHEREAS, Mount Vernon at Home has built a strong sense of community among its members and ensures that they are able to participate fully in local life; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Mount Vernon at Home for more than a decade of service; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Mount Vernon at Home as an expression of the General Assembly's admiration for the organization's contributions to senior members of the Fairfax County community.

HOUSE JOINT RESOLUTION NO. 271

Commending Alice's Kids.

Agreed to by the House of Delegates, February 24, 2020

Agreed to by the Senate, February 27, 2020

WHEREAS, Alice's Kids, a Mount Vernon-based nonprofit organization that provides immediate, short-term financial assistance to children in need, has brightened countless lives throughout the Washington, D.C., area and the Commonwealth; and

WHEREAS, Alice's Kids was founded by Laura Fitzsimmons Peters and Ron Fitzsimmons, who grew up on welfare and were all too familiar with how a family's poverty and economic instability affects a child's life; and

WHEREAS, remembering the joy they felt when their mother, Alice, had extra money to buy them new clothes or get them a haircut, Laura Fitzsimmons Peters and Ron Fitzsimmons founded Alice's Kids to share that feeling with underprivileged children like themselves; and

WHEREAS, depending on a referral network of nearly 500 teachers, counselors, social workers, and others, Alice's Kids fulfills hundreds of requests each year for items or services that will make a difference in a child's life; and

WHEREAS, over the years, Alice's Kids has provided prom fees, soccer cleats, hygiene products, uniforms, glasses, and many other items that have helped children participate in their school's activities and fit in among their peers; and

WHEREAS, throughout the process, Alice's Kids takes great effort to ensure that the child is unaware they are a recipient of charity, a method intended to preserve their dignity while offering their parent a chance to shine; and

WHEREAS, working with the national organization Communities in Schools, Alice's Kids has served children in Nashville, Tennessee; Seattle, Washington; Tulsa, Oklahoma; Harrisburg, Pennsylvania; San Antonio, Texas; and elsewhere; and

WHEREAS, through these acts of kindness, Alice's Kids helps shield children from humiliating experiences, consequently boosting their self-esteem, improving their ability to learn, and fostering future opportunities for success; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Alice's Kids, a nonprofit organization in the Commonwealth dedicated to alleviating the effects of poverty, for the thousands of lives the organization has impacted over the years; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Laura Fitzsimmons Peters and Ron Fitzsimmons, founders of Alice's Kids, as an expression of the General Assembly's profound admiration and respect for the organization's efforts to support children of the Commonwealth in need.

HOUSE JOINT RESOLUTION NO. 273

Commending Dianne H. Smith.

Agreed to by the House of Delegates, February 24, 2020

Agreed to by the Senate, February 27, 2020

WHEREAS, Dianne H. Smith served Chesterfield County Public Schools for many years as a teacher, principal, and administrator and as a member of the Chesterfield County School Board from 2012 to 2019; and

WHEREAS, with a bachelor's degree in elementary education from Virginia Commonwealth University, Dianne Smith taught for Richmond Public Schools briefly before joining Chesterfield County Public Schools as a reading teacher in 1976; and

WHEREAS, earning a master's degree in education administration from Virginia Commonwealth University in 1983, Dianne Smith served the school system for decades thereafter as an assistant principal, principal, and central office administrator; and

WHEREAS, after a period as the school system's assistant director for human resources and the director of leadership and career development, Dianne Smith concluded her career with Chesterfield County Public Schools as principal of Winterpock Elementary School; and

WHEREAS, Dianne Smith's effectiveness as an educator and administrator was demonstrated by the academic achievements of her students; in 2003, under her leadership, Clover Hill Elementary School was recognized by the United States Department of Education as a National Blue Ribbon School, the first elementary school in Chesterfield County to receive this distinction; and

WHEREAS, with close to 40 years of experience in education, Dianne Smith was an important and influential voice on the Chesterfield County School Board as the Clover Hill District representative, serving during her tenure as both chair and vice chair of the board and as an appointee to the Governor's Task Force on School and Campus Safety; and

WHEREAS, a tireless civil servant dedicated to helping her community, Dianne Smith gave her time and talents to various civic organizations, including the Chesterfield Schools Citizens Budget Advisory Committee, the Chesterfield Education Foundation, and the Chesterfield-Colonial Heights Social Services Board; and

WHEREAS, recognized in 2014 by the Virginia Commonwealth University School of Education for her years of service, Dianne Smith has built an inspirational career on her commitment to ensuring the best for the students and families of Chesterfield County; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Dianne H. Smith, passionate educator and civic leader, for her many years of service to Chesterfield County Public Schools and the Chesterfield County School Board; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Dianne H. Smith as an expression of the General Assembly's profound respect and heartfelt admiration for her contributions to Chesterfield County and the Commonwealth.

HOUSE JOINT RESOLUTION NO. 274

Commending the Hopewell High School football team.

Agreed to by the House of Delegates, February 25, 2020

Agreed to by the Senate, March 2, 2020

WHEREAS, the Hopewell High School football team won the Virginia High School League Class 3 State Championship on December 14, 2019, at Liberty University's Williams Stadium; and

WHEREAS, the Hopewell High School Blue Devils defeated the Lord Botetourt High School Cavaliers of Daleville by a score of 35-7 to earn the program's fifth state title and second in the past three years; and

WHEREAS, the championship win concluded a remarkable season in which the Hopewell Blue Devils won the most games in program history and went undefeated for the first time since 1951; and

WHEREAS, the Hopewell Blue Devils took their streak of dominance into the championship, scoring on the second play of the game and posting four unanswered touchdowns on their march to victory; and

WHEREAS, the Hopewell Blue Devils' offense was led by Virginia Gatorade Player of the Year, TreVeyon Henderson, who scored four touchdowns and gained 237 total yards; and

WHEREAS, on the defensive side, the Hopewell Blue Devils forced five turnovers on two interceptions and three fumbles, including a fumble recovery for a touchdown by Kaiveon Cox, keeping the Lord Botetourt Cavaliers in check the entire game; and

WHEREAS, the triumph of the Hopewell High School Blue Devils is the result of the hard work and dedication of the student-athletes, the leadership and guidance of their coaches and teachers, and the steadfast support of the entire Hopewell High School community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Hopewell High School football team for winning the 2019 Virginia High School League Class 3 State Championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Ricky Irby, coach of the Hopewell High School football team, as an expression of the General Assembly's heartfelt admiration for the team's achievement and best wishes for the future.

HOUSE JOINT RESOLUTION NO. 275

Commending Robert M. Oman.

Agreed to by the House of Delegates, February 24, 2020

Agreed to by the Senate, February 27, 2020

WHEREAS, Robert M. Oman, a respected businessman and civic leader in Hampton Roads, has served his community with great care and compassion for many years; and

WHEREAS, as president of Oman Funeral Homes, Inc.; Hampton Roads Crematory, LLC; and Simply Cremation, Robert "Bob" M. Oman provides an essential service to the Hampton Roads region with great empathy and integrity; and

WHEREAS, Bob Oman's business ventures extend into the banking and insurance industries, as he serves as president of Oman Insurance Company, as founding director and a corporate board member of Monarch Bank, and as a corporate board member of Towne Bank; and

WHEREAS, Bob Oman has demonstrated leadership in the mortuary industry for many years, serving as president of the Virginia State Board of Funeral Directors and Embalmers, the Virginia Funeral Directors Association, and the Tidewater Funeral Directors Association; and

WHEREAS, with ample wisdom to pass along to future generations, Bob Oman has influenced countless students of the Commonwealth as a member of the advisory board of the mortuary science department of Tidewater Community College and as a guest lecturer in the sociology department of Old Dominion University; and

WHEREAS, as a 31-year board member and three-term chair of the Chesapeake Hospital Authority, Bob Oman played an outsized role in the management of the Chesapeake Regional Medical Center, ensuring that residents of the Tidewater Region have access to quality medical care and services; and

WHEREAS, an active and engaged member of the community, Bob Oman served on the boards of the Chesapeake Community Trust and the Widowed Persons Services of AARP, and as president of the Hospice Council of the Chesapeake Regional Medical Center; and

WHEREAS, in recognition of his years of commitment to professional excellence, Bob Oman received the Virginia Outstanding Funeral Director of the Year Award from the Virginia Funeral Directors Association in 2004; and

WHEREAS, for many years, residents of Hampton Roads have reliably turned to Bob Oman for support in their time of need, while numerous organizations have benefited from his tireless commitment to their cause; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Robert M. Oman, esteemed businessman and civic leader of the Hampton Roads community, for his many years of dedicated service; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Robert M. Oman as an expression of the General Assembly's admiration for his many contributions to Hampton Roads and the Commonwealth.

HOUSE JOINT RESOLUTION NO. 276

Commending the South Lakes High School boys' soccer team.

Agreed to by the House of Delegates, February 24, 2020

Agreed to by the Senate, February 27, 2020

WHEREAS, the South Lakes High School boys' soccer team earned its first state title in program history with a victory in the Virginia High School League Class 6 State Championship on June 8, 2019; and

WHEREAS, while the South Lakes High School Seahawks were known for their prodigious offense throughout the season, the Madison High School Warhawks stymied their chances and held the score level at 0-0 until late in the second half, when sophomore Merrick Edgerton scored the lone goal of the match with a game-winning header; and

WHEREAS, on the road to the state final, the South Lakes High School Seahawks won the district and regional championships and ultimately finished the season with an impressive 20-1-0 record; with three sophomores in the championship starting lineup, the team is well-poised for success in the future; and

WHEREAS, the members of the South Lakes High School soccer program represent more than 30 countries, with more than half of the varsity squad comprising first-generation and second-generation immigrants, and are united by their love of the beautiful game despite differences in culture, language, and life experiences; and

WHEREAS, the victory is a testament to the hard work of all the student-athletes, the leadership and guidance of coaches and staff, and the enthusiastic support of the entire South Lakes High School community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the South Lakes High School boys' soccer team on winning the Virginia High School League Class 6 State Championship in 2019; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Marty Pfister, head coach of the South Lakes High School boys' soccer team, as an expression of the General Assembly's admiration for the team's determination, skill, and achievements on and off the pitch.

HOUSE JOINT RESOLUTION NO. 277

Commending Dorothy A. Jaeckle.

Agreed to by the House of Delegates, February 24, 2020

Agreed to by the Senate, February 27, 2020

WHEREAS, Dorothy A. Jaeckle was first elected to the Chesterfield County Board of Supervisors in 2007, representing the magisterial district of Bermuda; and

WHEREAS, Dorothy Jaeckle was re-elected in 2011 and 2015 and served honorably for 12 years, providing her constituents and all the residents of Chesterfield County with public service marked by integrity and commitment; and

WHEREAS, during her three terms of service, Dorothy Jaeckle was elected by her peers to serve as chair of the Board of Supervisors in 2013, 2017, and 2018; her leadership and insight have significantly contributed to steady, noteworthy improvement in Chesterfield County's quality of life and stature as a nationally recognized leader among local governments; and

WHEREAS, while serving on the Chesterfield Board of Supervisors, Dorothy Jaeckle and her fellow board members met the challenge of appointing a new county administrator and police chief following the retirements of long-tenured county employees serving in those positions; and

WHEREAS, Dorothy Jaeckle was key in several of the board's recent endeavors, including renovations for aging schools, improvements to public safety and emergency communications, and developments to expand tourism and enhance the county's transportation infrastructure; she is concluding her service the same year the county broke ground on the much-anticipated Baxter Perkinson Center for the Arts; and

WHEREAS, during Dorothy Jaeckle's tenure, Chesterfield County has announced 139 new economic development projects, more than \$5,235,978,000 in investment, and 11,807 new jobs; she has helped the county adopt a new Comprehensive Plan and the Northern Jefferson Davis Special Area Plan, ensuring productive and responsible growth in the region; and

WHEREAS, prior to being elected to the Board of Supervisors, Dorothy Jaeckle represented the Bermuda District as a member of the Committee on the Future from 1992-2003, serving as committee chair from 1996-2000 and proving instrumental in the creation of four of the committee's reports; and

WHEREAS, Dorothy Jaeckle has lent her talents in service to the Chesterfield-Colonial Heights Social Services Board, the County-Schools Liaison Committee, the Henricus Foundation Board, Plan RVA, the Crater Planning District Commission, the Sports Backers Board, and Virginia's Gateway Region Board; and

WHEREAS, Dorothy Jaeckle's insight, leadership, and many talents will be dearly missed by the Chesterfield County Board of Supervisors and the residents of Chesterfield County, who have benefited greatly from her tireless efforts and enduring commitment to her community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Dorothy A. Jaeckle, dedicated public servant, for her years of service to the Chesterfield County Board of Supervisors; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Dorothy A. Jaeckle as an expression of the General Assembly's heartfelt respect and admiration for her contributions to Chesterfield County and the Commonwealth.

HOUSE JOINT RESOLUTION NO. 278

Commending Matteo Lambert.

Agreed to by the House of Delegates, February 24, 2020

Agreed to by the Senate, February 27, 2020

WHEREAS, Matteo Lambert, a student at Louise Archer Elementary School in Vienna, ran over 120 miles in 2019 in support of children battling cancer; and

WHEREAS, Matteo Lambert ran his first race when he was seven years old at his school and soon after began raising funds to honor his grandfather and other prostate cancer survivors, an experience that compelled him to find more ways to make a difference in the lives of others; and

WHEREAS, in 2019, Matteo Lambert ran for Hopecam, an organization that aims to overcome the social isolation experienced by children receiving treatment for cancer by connecting them with their classmates through web-enabled technologies; and

WHEREAS, by running 33 different races between five and 10 kilometers in distance from March to November 2019, Matteo Lambert raised over \$65,000 in support of Hopecam's mission, helping about 70 children stay connected with hundreds of friends and classmates throughout treatment and remain positive during a difficult time in their lives; and

WHEREAS, each race, Matteo Lambert wore a cape with the name and photo of a child in the Hopecam program; he presented these capes and all the medals he won to children with cancer while referring to his record-setting running times as belonging to the sick children from whom he borrowed "superpowers"; and

WHEREAS, Matteo Lambert has run on behalf of numerous heroic children, including Andrew, Baylee, Benjamin, Blake, Bradley, Brentton, Dalton, Derreon, Ella, Elyssia, Fletcher, Gabriela, Grace, Gray, Harper, Jack, Jackson, Jeremy, Jonah, Luca, Lucas, Maddie, Mathias, Naomi, Nate, Poppy, Quinn, Scout, Sofia, Tabitha, Tucker, and Wyatt; and

WHEREAS, in addition to his running project with Hopecam, Matteo Lambert has raised awareness of heroic children through his documentary films, recently earning recognition from the National Parent Teacher Association for his film about Tommy Morrissey, a young golf champion born with one arm; and

WHEREAS, Matteo Lambert has demonstrated great selflessness and concern for others and offered an example of how hard work and perseverance can have a positive impact on one's community regardless of age; and

WHEREAS, Matteo Lambert courageously took to a large stage and delivered, without notes, a TED Talk to spread his message that there are no age requirements to help others; and

WHEREAS, at the age of nine, Matteo Lambert has founded the "Off The Charts Club," a nonprofit that supports kids with cancer and encourages youth to use their passion toward helping others; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Matteo Lambert, an inspiring young athlete and filmmaker from Vienna, for his efforts to champion his peers in need; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Matteo Lambert as an expression of the General Assembly's wholehearted admiration and profound respect for his dedication and service to others.

HOUSE JOINT RESOLUTION NO. 279

Commending the Texas Tavern.

Agreed to by the House of Delegates, March 2, 2020

Agreed to by the Senate, March 4, 2020

WHEREAS, the Texas Tavern, the landmark eatery in Roanoke famous for its "chile," Cheesy Westerns, and charm, celebrates its 90th anniversary in 2020; and

WHEREAS, the Texas Tavern was opened on February 13, 1930, by Nick Bullington, an advance man for the Ringling Brothers Circus who acquired recipes for a short-order restaurant while traveling throughout the country; and

WHEREAS, since Nick Bullington opened the restaurant, it has been owned and operated by his son James, his grandson Jim, and his great-grandson Matt, a proud lineage that distinguishes the Texas Tavern; and

WHEREAS, for the past four generations, the Bullingtons have provided a home-away-from-home for countless hungry souls, from celebrities and politicians to first-timers and cherished regulars; and

WHEREAS, affectionately known as "Roanoke's Millionaires Club," Texas Tavern built its reputation by providing quality food and service to all, 24 hours a day, seven days a week; and

WHEREAS, the Texas Tavern, a piece of living history, still retains many of its original fixtures from nearly a century ago, offering its visitors a nostalgic and inviting step into the past; and

WHEREAS, beloved by the residents of Roanoke for years, the Texas Tavern has earned innumerable awards and distinctions from local newspapers and magazines, as well as lavish praise from the national media; and

WHEREAS, Texas Tavern's most recent accolade came from the Food Network, which declared the establishment the best diner in Virginia in 2019, confirming what its patrons had already known for years; and

WHEREAS, one "bowl with" at a time, the Texas Tavern has become an essential part of life in Roanoke and a prime reason why the city endears itself to its visitors; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Texas Tavern, a Roanoke institution serving up bowls, burgers, and banter for years, on the occasion of its 90th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Matt Bullington, owner of the Texas Tavern, as an expression of the House of Delegates' admiration for the restaurant's contributions to Roanoke and the Commonwealth.

HOUSE JOINT RESOLUTION NO. 280

Commending Sherman P. Lea.

Agreed to by the House of Delegates, March 2, 2020

Agreed to by the Senate, March 4, 2020

WHEREAS, Sherman P. Lea, a trailblazing public servant, was inducted into the Virginia Union University Athletic Hall of Fame for his exceptional achievements as a college football player and contributions to young people as a sports official; and

WHEREAS, Sherman Lea joined the Virginia Union University football team in 1971 and started at center during his junior and senior seasons; and

WHEREAS, in 1973, Sherman Lea helped lead the Virginia Union University Panthers to a 9-1 record and the university's first Central Intercollegiate Athletic Association (CIAA) championship victory in 50 years; and

WHEREAS, after graduating from Virginia Union University, Sherman Lea worked as a football referee for the CIAA, Old Dominion Athletic Conference, and Atlantic Coast Conference, then pursued a career as a probation and parole officer for the Virginia Department of Corrections; and

WHEREAS, combining his experiences in both athletics and law enforcement, Sherman Lea cultivated trust and respect between young people and police officers through a summer outdoor basketball league and an annual basketball tournament; and

WHEREAS, in 2000, Sherman Lea established the Western Virginia Education Classic, which showcased teams from historically black colleges and universities and raised money for Total Action for Progress; and

WHEREAS, desirous to be of further service to the community, Sherman Lea ran for and was elected mayor of Roanoke in 2016; he was instrumental in the negotiations that brought CIAA championship games to the Roanoke Valley; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Sherman P. Lea on his induction into the Virginia Union University Athletic Hall of Fame in 2019; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Sherman P. Lea as an expression of the General Assembly's admiration for his athletic achievements and contributions to the Roanoke community.

HOUSE JOINT RESOLUTION NO. 281

Commending the Kiwanis Club of Roanoke.

Agreed to by the House of Delegates, March 2, 2020

Agreed to by the Senate, March 4, 2020

WHEREAS, the Kiwanis Club of Roanoke, one of the oldest, largest, and most successful Kiwanis clubs in America, celebrates its 100th anniversary in 2020; and

WHEREAS, as the 25th largest Kiwanis club out of 8,000 clubs around the world, the Kiwanis Club of Roanoke has become a flagship member of Kiwanis International, an organization dedicated to improving the lives of children in every corner of the globe; and

WHEREAS, after the national organizer for Kiwanis, E.F. Westcott, visited Roanoke to inspire the community to form a club, 118 charter members applied for membership and were granted Charter No. 182 on January 28, 1920; and

WHEREAS, the first membership roster of the Kiwanis Club of Roanoke included several distinguished members of the community, including the city mayor, a congressman, and a judge, lending the club a degree of power and prestige that would help the organization improve the quality of life in Roanoke; and

WHEREAS, since the earliest years, the Kiwanis Club of Roanoke has placed an emphasis on helping underprivileged children get the support they need; in the 1920s, the club raised money to pay off the mortgage of the Children's Home Society of Roanoke and, in 1927, began hosting an annual Christmas party; and

WHEREAS, when Kiwanis International voted in 1987 to allow women in the club, the Kiwanis Club of Roanoke quickly began admitting its first female members, expanding its membership and enhancing the quality of support it could provide; and

WHEREAS, over the years, the club has initiated more regular programs to support underserved children in the community, including the Annual Kmart Christmas Shopping Spree, the West End Tutorial Program, the Kiwanis Pancake and Auction Day, and Kids' Fishing Day; and

WHEREAS, to help fund its growing operations and further its many youth projects, the Kiwanis Foundation of Roanoke was established in 1955 to consolidate assets and investments for the club and generate income for future endeavors; and

WHEREAS, much as it did at the club's beginning, the Kiwanis Club of Roanoke currently has many of the city's leaders on its rolls, including clergy, educators, elected and appointed officials, members of the media, and volunteers with deep ties to other impactful service organizations in the region, all of whom help the club fulfill its important mission; and

WHEREAS, the Kiwanis Club of Roanoke has exemplified for the past century what a service organization can accomplish through steadfast dedication and heartfelt compassion; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Kiwanis Club of Roanoke, an organization that has improved the lives of countless children in Roanoke, on the occasion of its 100th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Kiwanis Club of Roanoke as an expression of the General Assembly's deep respect and unqualified admiration for the organization's service to Roanoke and the Commonwealth.

HOUSE JOINT RESOLUTION NO. 282

Commending Local Colors.

Agreed to by the House of Delegates, March 2, 2020

Agreed to by the Senate, March 4, 2020

WHEREAS, for 30 years, Local Colors has celebrated the ethnic diversity of the Roanoke community and promoted multicultural understanding through education, outreach, and special events; and

WHEREAS, founded in 1990 by Pearl Fu, Local Colors originally represented cultures from four countries; the nonprofit organization has grown to include members from more than 100 countries with diverse origins, races, and ethnic backgrounds; and

WHEREAS, Local Colors has enriched the lives of countless Roanoke residents by partnering with schools, colleges, neighborhood associations, retirement communities, government agencies, businesses, and civic organizations to offer unique programs and services; and

WHEREAS, Local Colors builds cultural awareness by celebrating the cuisine, fashion, stories, and traditions of member nations, culminating in the Local Colors Festival, held on the third weekend of May each year; and

WHEREAS, Local Colors directly supports minority communities with advocacy services, business networking, translation assistance, educational lectures, and cultural sensitivity training; and

WHEREAS, Local Colors has succeeded in its mission through the generosity of individual and corporate donors as well as the hard work and dedication of local volunteers; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Local Colors on the occasion of its 30th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Local Colors as an expression of the General Assembly's admiration for its work to enhance cultural life in Roanoke and build a safe, welcoming community for all people.

HOUSE JOINT RESOLUTION NO. 283

Commending the Roanoke Valley-Alleghany Regional Commission.

Agreed to by the House of Delegates, March 2, 2020

Agreed to by the Senate, March 4, 2020

WHEREAS, in 1966, the General Assembly created the Metropolitan Areas Study Commission (the Hahn Commission), which found that a holistic approach to solving local and regional problems needed to be taken; the Commission recommended a new concept, the creation of planning district commissions and service district commissions; and

WHEREAS, the Virginia Area Development Act (VADA) passed in 1968, creating the planning district commission framework "to encourage and facilitate local government cooperation and state-local cooperation in addressing, on a regional basis, problems of greater than local significance"; and

WHEREAS, following passage of the VADA, the Commonwealth undertook an aggressive effort to establish planning district commission boundaries, the last of which were announced in 1969, and within one year, planning district commissions were established in 19 of the original 22 districts; and

WHEREAS, in 2019, the Roanoke Valley-Alleghany Regional Commission celebrated 50 years of promoting and supporting regional collaboration; and

WHEREAS, the Roanoke Valley-Alleghany Regional Commission serves to foster intergovernmental cooperation by bringing together elected and appointed officials and citizens to discuss common needs and develop solutions to regional issues; and

WHEREAS, over the last 50 years, the Roanoke Valley-Alleghany Regional Commission has supported its member governments by conducting studies and identifying solutions in the areas of transportation, economic development, infrastructure, the environment, and community development; and

WHEREAS, the Roanoke Valley-Alleghany Regional Commission often serves as a liaison between local and state governments, partnering with the Commonwealth to carry out state initiatives at the local and regional level; these partnerships have included working cooperatively with state agencies on projects such as developing regional water supply plans, preparing transportation plans, and assisting localities with Community Development Block Grants; and

WHEREAS, the Roanoke Valley-Alleghany Regional Commission is committed to promoting opportunities for regional collaboration and expanding the types of services it provides to its member governments; and

WHEREAS, the Roanoke Valley-Alleghany Regional Commission takes great pride in its 50 years of accomplishments, while recognizing the importance of looking ahead to the challenges of the future; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Roanoke Valley-Alleghany Regional Commission on the occasion of its 50th anniversary for the many important programs and services it has provided to the region; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Roanoke Valley-Alleghany Regional Commission as an expression of the General Assembly's admiration for the vital support provided by the Commission to local governments, private citizens, and the Commonwealth.

HOUSE JOINT RESOLUTION NO. 284

Commending the Virginia Emergency Management Association.

Agreed to by the House of Delegates, March 2, 2020

Agreed to by the Senate, March 4, 2020

WHEREAS, the Virginia Emergency Management Association is a statewide organization that promotes and supports the twin goals of saving lives and protecting property during times of emergencies and disasters; and

WHEREAS, the Virginia Emergency Management Association was established in 1963 to promote, support, and advocate for emergency management professionals in the Commonwealth; and

WHEREAS, the vision of the Virginia Emergency Management Association is to be the recognized expert and advocate for excellence in the management of emergency preparedness, response, recovery, and mitigation throughout the Commonwealth; and

WHEREAS, the Virginia Emergency Management Symposium, an annual event cosponsored by the Virginia Emergency Management Association and the Virginia Department of Emergency Management, provides a forum to discuss current trends and topics and share information about the latest tools and technology in emergency management and homeland security; and

WHEREAS, each political subdivision in the Commonwealth has a director of emergency management, and each local and interjurisdictional agency prepares an emergency operations plan for its area; the Virginia Emergency Management Association coordinates with local agencies to ensure that effective plans are put in place and maintained; and

WHEREAS, members of the Virginia Emergency Management Association review and assist with emergency plans for nursing homes, assisted living facilities, adult day care centers, and child care centers; and

WHEREAS, throughout the Virginia Emergency Management Association's history, its hardworking members have played an integral role in the preparedness, response, and mitigation of a wide range of crisis situations, limiting damage to property and reducing loss of life; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Virginia Emergency Management Association and its members for their service to the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Robert Foresman, president of the Virginia Emergency Management Association, as an expression of the General Assembly's admiration for the association's commitment to saving lives and protecting property during times of emergencies and disasters.

HOUSE JOINT RESOLUTION NO. 285

Commending Blue Ridge Behavioral Healthcare.

Agreed to by the House of Delegates, March 2, 2020

Agreed to by the Senate, March 4, 2020

WHEREAS, Blue Ridge Behavioral Healthcare, the Community Services Board serving the residents of the Roanoke Valley, celebrated its 50th anniversary in 2019; and

WHEREAS, Blue Ridge Behavioral Healthcare traces its origins to the establishment of state mental hygiene clinics in the 1940s and subsequent legislation in 1968 that created a system of Community Services Boards, which incorporated many of those clinics; and

WHEREAS, officially established on January 20, 1969, Blue Ridge Behavioral Healthcare was the fourth Community Services Board in Virginia and is now one of 40 such organizations that serve every city and county in the Commonwealth; and

WHEREAS, Blue Ridge Behavioral Healthcare provides support to children, adults, and families living with mental health disorders, developmental disabilities, or substance abuse disorders in the Cities of Roanoke and Salem and the Counties of Botetourt, Craig, and Roanoke; and

WHEREAS, the 350 employees of Blue Ridge Behavioral Healthcare adhere to the highest standards of ethics and professional conduct and strive to ensure that patients feel respected and engaged in the decisions that affect their lives; and

WHEREAS, placing a high emphasis on honesty, responsibility, and patient confidentiality, Blue Ridge Behavioral Healthcare provides timely, effective, and affordable services in the least restrictive setting possible; and

WHEREAS, throughout its history, Blue Ridge Behavioral Healthcare has maintained a strong commitment to increasing the health and wellness of all residents of the Roanoke Valley; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Blue Ridge Behavioral Healthcare on the occasion of its 50th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Blue Ridge Behavioral Healthcare as an expression of the General Assembly's admiration for the organization's commitment to serving Virginians in need.

HOUSE JOINT RESOLUTION NO. 286

Commending the West End Center for Youth.

Agreed to by the House of Delegates, March 2, 2020

Agreed to by the Senate, March 4, 2020

WHEREAS, the West End Center for Youth, a pillar of the Roanoke community, celebrated its 40th anniversary in 2019; and

WHEREAS, recognizing a need to provide a safe haven for neighborhood youth, the West End Presbyterian Church, West End Methodist Church, and Mountain View Neighborhood Alliance formed a coalition in 1979 to establish the West End Center; and

WHEREAS, over the past 40 years, the West End Center has flourished, both in terms of the number of children served and the services and programs available; the center currently supports approximately 150 children each year from Roanoke's most disadvantaged neighborhoods; and

WHEREAS, the mission of the West End Center is to provide young people with the developmental assets they need to succeed; to achieve this goal, the center employs a comprehensive educational program that sets children on a course to greatness; and

WHEREAS, many children who have passed through the West End Center have gone on to graduate from college, serve in the United States Armed Forces, and enjoy successful and rewarding careers; and

WHEREAS, a powerful testament to the impact of the programs at the West End Center is the number of children who have returned in adulthood to work at the center, passing along the knowledge and positivity that was so influential in their own lives; and

WHEREAS, the West End Center demonstrates the power of community, grassroots organizations to transform societies and lift up those in need; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the West End Center for Youth, an institution dedicated to ensuring the best for all children; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the West End Center for Youth as an expression of the General Assembly's admiration for its contributions to Roanoke and the Commonwealth.

HOUSE JOINT RESOLUTION NO. 287

Commending the Ahmadiyya Muslim Community, USA.

Agreed to by the House of Delegates, February 24, 2020

Agreed to by the Senate, February 27, 2020

WHEREAS, the Ahmadiyya Muslim Community, USA, the oldest Muslim American organization in the United States, celebrates its 100th anniversary in 2020; and

WHEREAS, inspired by the life and teachings of Mirza Ghulam Ahmad, tens of millions of adherents to the Islamic reformist Ahmadiyya movement have formed communities around the world; and

WHEREAS, the Ahmadiyya Muslim Community, USA, was established on February 15, 1920, when its first missionary, Dr. Mufti Muhammad Sadiq, arrived in Philadelphia, Pennsylvania; and

WHEREAS, working since to both share their beliefs and serve their neighbors, the Ahmadiyya Muslim Community, USA, has cultivated strong and productive community relationships in more than 70 local chapters throughout the United States; and

WHEREAS, the Central Virginia chapter of the Ahmadiyya Muslim Community, USA, has served Fairfax, Loudoun, and Fauquier Counties since 1980, with more than 700 members actively involved in the organization today; and

WHEREAS, Ahmadiyya Muslim Community, USA, is led by its international spiritual leader, His Holiness Mirza Masroor Ahmad, a tireless advocate for global peace and interreligious harmony who made notable visits to the United States in 2008, 2012, 2013, and 2018; and

WHEREAS, the Ahmadiyya Muslim Community, USA, is celebrating its historic centennial year with its "Centennial Day" on February 15, 2020; to honor the occasion, thousands of members of the Ahmadiyya Muslim Community, USA, will gather at mosques throughout the country and later engage in various service projects in their respective communities; and

WHEREAS, with its advocacy of peace, justice, and love for one's neighbor, the Ahmadiyya Muslim Community, USA, embodies many of the values Americans hold most dear, while its influence and support has made it an important part of the nation's history over the past century; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Ahmadiyya Muslim Community, USA, on the occasion of its 100th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Ahmadiyya Muslim Community, USA, as an expression of the General Assembly's earnest admiration and respect for the organization's contributions to the Commonwealth and the country.

HOUSE JOINT RESOLUTION NO. 288

Commending Visit Loudoun.

Agreed to by the House of Delegates, February 24, 2020

Agreed to by the Senate, February 27, 2020

WHEREAS, for 25 years, Visit Loudoun has supported the Loudoun County community by promoting the county's unparalleled opportunities for both business and leisure travelers; and

WHEREAS, originally known as the Loudoun Tourism Council, Visit Loudoun was established in 1995 to stimulate and enhance Loudoun County's economy by promoting unique local businesses like shops and restaurants, as well as venues for sporting events, conferences, weddings, and other gatherings; and

WHEREAS, Visit Loudoun branded Loudoun County as "DC's Wine Country" in 2011, a moniker that brought state, national, and international attention to the county's more than 50 wineries; and

WHEREAS, in 2017, Visit Loudoun launched the LoCo Ale Trail, making Loudoun County's nearly 40 craft breweries popular destinations for beer aficionados; and

WHEREAS, Visit Loudoun's campaign to promote agritourism helped maintain Loudoun County's rural roots and attracted more than 1.2 million people who generated more than \$400 million in revenue in 2018 alone; and

WHEREAS, in 2018, thanks in part to the hard work of the members of Visit Loudoun, Loudoun County ranked third out of 133 Virginia localities in total tourism spending, with more than five million visitors spending \$1.84 billion and supporting jobs for 17,673 people; and

WHEREAS, the success of Visit Loudoun and the Loudoun County tourism industry spurred growth in the hospitality industry as well, with 30 new hotels opening in the county over the past 25 years; the Salamander Resort and Spa was one of only two resorts in 2019 to earn the prestigious Five-Star rating from *Forbes Travel Guide*; and

WHEREAS, throughout the organization's history, the members of Visit Loudoun have consistently demonstrated creativity, passion, and a strong commitment to community leadership; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Visit Loudoun on the occasion of its 25th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Visit Loudoun as an expression of the General Assembly's admiration for its work to promote Loudoun County and the Commonwealth as a world-class tourism destination.

HOUSE JOINT RESOLUTION NO. 289

Commending United Methodist Family Services.

Agreed to by the House of Delegates, February 24, 2020

Agreed to by the Senate, February 27, 2020

WHEREAS, United Methodist Family Services, an organization that advocates for Virginia's children, teens, and families during some of their most difficult times, marked its 120th anniversary in 2020; and

WHEREAS, in 1900, the Virginia legislature granted a charter to the Virginia Annual Conference of the United Methodist Church to establish an orphanage in Richmond; this orphanage would later grow into the organization now known as United Methodist Family Services (UMFS); and

WHEREAS, flourishing in its early years as a farming community that included both the original Richmond location and a plot in New Kent County, the UMFS orphanage frequently admitted children whose families were unable to support them financially; and

WHEREAS, as families struggled through the Great Depression, the UMFS orphanage grew to house as many as 365 children; however, after the Social Security Act was enacted in 1935, families had greater access to public assistance and the number of children needing custodial care diminished; and

WHEREAS, in the 1950s, the orphanage consolidated at its Richmond location and became known as the Virginia Methodist Children's Home; at this time, children lived in cottages with house parents and attended public schools; and

WHEREAS, by 1980, the organization's Charterhouse School was built, and the organization was renamed shortly thereafter to United Methodist Family Services, conveying a shift in emphasis toward program goals that supported both children and their families; and

WHEREAS, over the next few decades, the UMFS extended into several locations throughout the Commonwealth, with offices or treatment centers opening in Northern Virginia, Tidewater, Fredericksburg, Farmville, and Centreville; and

WHEREAS, today, UMFS has locations in nine cities throughout the Commonwealth and offers nearly 20 programs for children and their families, including residential treatment centers, foster care and adoption programs, private day schools, and affordable-living apartments for seniors; and

WHEREAS, UMFS remains a leading provider of health and human services, regularly adapting its programs to incorporate evidence-based treatment models and meet the ever-changing needs of children, teens, and their families; and

WHEREAS, collaborating with a broad network of volunteers, donors, churches, community partners, and local and state providers, UMFS strives to ensure that every child and teen in the Commonwealth has a team of lifelong, unwavering champions and the tools necessary to grow into a resilient, successful adult; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend United Methodist Family Services, an organization dedicated to supporting children, teens, and families in the Commonwealth, on the occasion of the organization's 120th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Greg Peters, president and chief executive officer of United Methodist Family Services, as an expression of the General Assembly's profound respect and admiration for the organization's service on behalf of the Commonwealth and its citizens.

HOUSE JOINT RESOLUTION NO. 290

Commending the Loudoun Health and Wellness Expo.

Agreed to by the House of Delegates, March 2, 2020

Agreed to by the Senate, March 4, 2020

WHEREAS, the Loudoun Health and Wellness Expo, an annual event in Sterling, provides free health advice and services from nonprofit organizations and government agencies to members of the Loudoun County community; and

WHEREAS, the Loudoun Health and Wellness Expo features a wide variety of exhibitors from many disciplines, providing expert advice and direction on health issues, as well as legal aid, housing assistance, and other matters; and

WHEREAS, previously held at the Sterling Community Center, the Loudoun Health and Wellness Expo will hold its 2020 event in a larger space at Sterling Middle School, with more than 100 exhibitors planning to attend; and

WHEREAS, attendees of the Loudoun Health and Wellness Expo can receive free pharmacist consultations from Wegmans; blood pressure screenings and other health services from the Inova Health System and the StoneSprings Hospital Center; or vision and hearing tests for children through Lions Clubs International, among many other opportunities; the YMCA offers a full slate of games and activities as part of its Get Healthy Day celebration; and

WHEREAS, the Loudoun Health and Wellness Expo has received endorsements from state and local government officials, including Dr. David Goodfriend of the Virginia Department of Health and Koran Saines, vice chair of the Loudoun County Board of Supervisors; and

WHEREAS, the Loudoun Health and Wellness Expo has fulfilled its mission with the support of its partner businesses, organizations, and agencies; the hard work and generosity of countless volunteers; and the leadership of its committee members, including Robert Blakely, Angel Cerritos, Allisyn Lam, William Lam, and Grant Schafer; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Loudoun Health and Wellness Expo for its work to enhance the quality of life of Loudoun County residents by providing health advice and services; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Ken Courter, organizer of the Loudoun Health and Wellness Expo, as an expression of the General Assembly's admiration for the event's important contributions to individuals and families in the Loudoun County community.

HOUSE JOINT RESOLUTION NO. 291

Commending Bellen Woodard.

Agreed to by the House of Delegates, March 2, 2020

Agreed to by the Senate, March 4, 2020

WHEREAS, Bellen Woodard, a young student in Loudoun County Public Schools, has raised awareness of diversity and worked to increase inclusivity in the classroom through her More than Peach Project; and

WHEREAS, the only African American student in her class at the time, Bellen Woodard created the More than Peach Project in 2019 after frequently hearing the peach-colored crayon referred to as the "skin-color" crayon; and

WHEREAS, Bellen Woodard's More than Peach Project started with an idea and grew into a national movement to enhance classroom culture by providing diverse art supplies throughout local schools; and

WHEREAS, Bellen Woodard, who is a straight-A student and a competing gymnast, used her own money to launch the program and has since received sponsorships from the Loudoun Diversity Council and Crayola, which donated items from its multicultural crayons line; and

WHEREAS, Bellen Woodard created Palette Packets, art supply packets containing sketch books and boxes of regular and multicultural crayons, for distribution to preschool students, elementary school classrooms, and middle school social studies and art classrooms in Loudoun County; and

WHEREAS, under Bellen Woodard's leadership, the More than Peach Project has donated more than 1,000 items and received local and national recognition; and

WHEREAS, Bellen Woodard has successfully enriched the learning experience in Loudoun County Public Schools and empowered students to be more understanding and inclusive; and

WHEREAS, the Virginia Museum of History & Culture, moved by Bellen Woodard's initiative to foster greater inclusivity and representation for people of color, will add the story and items to their collection; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Bellen Woodard for her work with the More than Peach Project; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Bellen Woodard as an expression of the General Assembly's admiration for her visionary leadership and accomplishments on behalf of her fellow students in Loudoun County.

HOUSE JOINT RESOLUTION NO. 292

Celebrating the life of Virginia Flynn Bell.

Agreed to by the House of Delegates, March 2, 2020

Agreed to by the Senate, March 4, 2020

WHEREAS, Virginia Flynn Bell of Fairfax County, a trusted advisor to local, state, and federal government officials, died on August 2, 2019; and

WHEREAS, Virginia "Pixie" Flynn Bell was born in Boston, Massachusetts, and graduated from Edward Little High School in Auburn, Maine; and

WHEREAS, Pixie Bell served her country as a member of the United States Air Force and, at the age of 63, earned a bachelor's degree from Marymount University; and

WHEREAS, Pixie Bell was an active leader in her community and served as first vice chair of Virginia's 8th Congressional District Democratic Committee, as well as four terms as secretary of the Democratic Party of Virginia; and

WHEREAS, the devoted matriarch of a large family, Pixie Bell will be fondly remembered and greatly missed by her children and grandchildren and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Virginia Flynn Bell; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Virginia Flynn Bell as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 293

Commending the Dinwiddie Nationals Machine Pitch All-Stars.

Agreed to by the House of Delegates, March 2, 2020

Agreed to by the Senate, March 4, 2020

WHEREAS, the Dinwiddie Nationals Machine Pitch All-Stars won the Dixie Youth Baseball State Championship in Lunenburg in July 2019; and

WHEREAS, the championship victory capped the Dinwiddie Nationals' impressive undefeated streak through the district and state tournaments; and

WHEREAS, the Dinwiddie Nationals represented Virginia at the 2019 Dixie Youth Baseball World Series in Ruston, Louisiana, placing fifth in the tournament; and

WHEREAS, the Dinwiddie Nationals are players Kolbee Bourlier, Kipton Cliborne, Parker Cole, Wyatt Dyson, Matthew Hardy, Zack Kennedy, Caleb Maitland, Beckett Mann, Jackson Perkinson, Deegan Steed, Camden Taylor, and Ryder West; manager Reed Clay; and coaches Jesse Bishop, Jonathan Bourlier, and Andrew Dyson, who all contributed to the team's victories; and

WHEREAS, the Dinwiddie Nationals were led by Dixie Youth Machine Pitch World Series batting champion Camden Taylor, who posted a .727 batting average in the tournament; and

WHEREAS, the success of the Dinwiddie Nationals was the result of the hard work and dedication of the players, the leadership and guidance of their manager and coaches, and the unwavering support of the Dinwiddie community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Dinwiddie Nationals Machine Pitch All-Stars for winning the 2019 Dixie Youth Baseball State Championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Reed Clay, manager of the Dinwiddie Nationals Machine Pitch All-Stars, as an expression of the General Assembly's admiration for the team's remarkable accomplishment and best wishes for the future.

HOUSE JOINT RESOLUTION NO. 294

Commending The Heights Baptist Church.

Agreed to by the House of Delegates, March 2, 2020

Agreed to by the Senate, March 4, 2020

WHEREAS, for 100 years, The Heights Baptist Church has provided spiritual guidance, generous outreach, and opportunities for joyful worship to members of the Colonial Heights and Chesterfield County communities; and

WHEREAS, The Heights Baptist Church traces its roots to August 1919, when local residents began meeting for Sunday school, and on February 1, 2020, the Petersburg Baptist Association officially established Colonial Heights Baptist Church with the Reverend W.S. Leake as pastor; and

WHEREAS, Colonial Heights Baptist Church moved into its first permanent building, located on Chesterfield Avenue in Colonial Heights, in 1924; the building underwent expansions and renovations in 1955, 1962, and 1983, and construction on a new, state-of-the-art sanctuary was completed in 1994; and

WHEREAS, after purchasing 39 acres of land just three miles away in southern Chesterfield County, Colonial Heights Baptist Church opened a modern worship facility in May 2008; the church changed its name to The Heights Baptist Church in 2013; and

WHEREAS, The Heights Baptist Church opened a second campus in Midlothian in 2013 to better serve the community; and

WHEREAS, numerous servants of God have led The Heights Baptist Church as pastor, including the Reverend Terry L. Harper from November 1984 to December 2001 and the Reverend Dr. Randall T. Hahn from November 2002 to the present; and

WHEREAS, The Heights Baptist Church is a member of the Petersburg Baptist Association, the Southern Baptist Conservatives of Virginia, and the Southern Baptist Convention and works in partnership with the North American Mission Board and International Mission Board; and

WHEREAS, the mission of The Heights Baptist Church is "Building relationships that connect all people to a God-sized life and love"; the members of the congregation strive to share the Gospel with the Central Virginia community through the "Love 804" project, believing that "life is better connected"; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend The Heights Baptist Church on the occasion of its 100th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Reverend Dr. Randall T. Hahn, lead pastor of The Heights Baptist Church, as an expression of the House of Delegates' admiration for the church's long legacy of spiritual leadership and generous outreach.

HOUSE JOINT RESOLUTION NO. 295

Commending Carey A. Adams.

Agreed to by the House of Delegates, March 2, 2020

Agreed to by the Senate, March 4, 2020

WHEREAS, Carey A. Adams, longtime public servant and treasurer of Chesterfield County, retired in 2019 after serving citizens of the county for over three decades; and

WHEREAS, after earning a degree in accounting from Virginia Polytechnic Institute and State University with *magna cum laude* honors, Carey Adams worked for the international accounting firm of Arthur Young for five years in their audit practice, obtaining his certified public account license in 1985; and

WHEREAS, in May 1988, Carey Adams began his career with the government of Chesterfield County as an accounting manager and was promoted to chief deputy treasurer shortly thereafter; on January 1, 2017, Carey Adams was appointed acting county treasurer and was elected to the position by the citizens of Chesterfield County in November of that same year; and

WHEREAS, Carey Adams actively participated on numerous committees and focus groups, including the Chesterfield Minority Internship Committee, the Treasurers' Association of Virginia's Education Committee, and several other groups in support of Chesterfield County's total quality improvement initiative; and

WHEREAS, Carey Adams led many innovations and process improvements that enhanced customer service and resulted in cost savings and convenience for the citizens of Chesterfield County, including the implementation of a new tax management system, the consolidation of statement billings, and the establishment of a new tax payment portal; and

WHEREAS, passionate about serving all customers with fairness and excellence, Carey Adams worked tirelessly alongside his staff to assist hundreds of walk-in taxpayers during peak periods; under his leadership, wait times in the Treasurer's Office on the June 5 tax deadline were the lowest in county history; and

WHEREAS, Carey Adams was responsible for safeguarding county funds under his control, maintaining accurate accounting records, and establishing a strong system of internal controls and management oversight that helped attain Chesterfield County's AAA bond rating; and

WHEREAS, during his tenure, Carey Adams made changes to investment policies and procedures that resulted in significant increases in interest earnings; and

WHEREAS, Carey Adams will be missed for his faithful service, his unwavering commitment to fiscal integrity and ethics, and his dedication to excellence in customer service and treasury management; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Carey A. Adams for his 31 years of exemplary service to the residents of Chesterfield County; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Carey A. Adams as an expression of the General Assembly's admiration for his contributions to Chesterfield County and best wishes for a long, happy, and fulfilling retirement.

HOUSE JOINT RESOLUTION NO. 296

Commending Sergeant 1st Class Richard Harris, ARNG, Ret.

Agreed to by the House of Delegates, March 2, 2020

Agreed to by the Senate, March 4, 2020

WHEREAS, Sergeant 1st Class Richard Harris, ARNG, Ret., honorable veteran and longtime employee at United States Army Garrison Fort A.P. Hill, retired from civil service on January 3, 2020; and

WHEREAS, born in Caroline County, Richard Harris learned the importance of hard work on his father's farm, where he would dutifully drive the tractor from sunup to sundown as well as perform chores around the farm; and

WHEREAS, Richard Harris continued to hone his impressive work ethic while a student at Union High School in Bowling Green, driving a school bus and serving as a janitor around his coursework; and

WHEREAS, graduating from Union High School in 1968, Richard Harris was drafted into the United States Army a year later, training as an infantryman at Fort Benning, Georgia, and carrying out his assignment in Mannheim, West Germany; and

WHEREAS, completing his active duty service in 1971, Richard Harris worked briefly at the Keller aluminum plant in Caroline County, first as a truck loader and later as a production scheduler; and

WHEREAS, a summer job setting up general purpose medium tents at Fort A.P. Hill would change the trajectory of the remainder of Richard Harris' career; demonstrating an ability to complete his work effectively and efficiently, he assumed more responsibilities and was ultimately supervising his own tent crew; and

WHEREAS, in 1976, Richard Harris was promoted to a year-round position in the Petroleum, Oils, and Lubricants (POL) department in Fort A.P. Hill's Directorate of Logistics, supporting training programs for countless National Guard and reserve units at the base; and

WHEREAS, since 1983, Richard Harris has been a permanent employee with the POL department, serving for the past seven years as its supervisor, a role that is essential to the successful operation of the United States Armed Forces' premier training facility; and

WHEREAS, a member of the Virginia Army National Guard since 1976, Richard Harris served as an ammunition sergeant and in the food service department before retiring as Sergeant 1st Class in 1994; and

WHEREAS, Richard Harris tirelessly served his community and provided an invaluable service to the residents of Caroline County as a lifetime member of the Frog Level Volunteer Fire Department, which he joined in 1976; and

WHEREAS, over a career that spanned nearly a half-century, Richard Harris made immeasurable contributions to the United States Armed Forces, demonstrating steadfast dedication in his service to the country; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Sergeant 1st Class Richard Harris, ARNG, Ret., who was an integral member of Fort A.P. Hill's Directorate of Logistics as the Petroleum, Oils, and Lubricants department supervisor, on the occasion of his retirement; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Sergeant 1st Class Richard Harris, ARNG, Ret., as an expression of the General Assembly's respect and admiration for his efforts on behalf of the country and the Commonwealth.

HOUSE JOINT RESOLUTION NO. 297

Commending the Frog Level Volunteer Fire Department.

Agreed to by the House of Delegates, March 2, 2020

Agreed to by the Senate, March 4, 2020

WHEREAS, the Frog Level Volunteer Fire Department in Caroline County celebrated its 50th anniversary in 2019; and

WHEREAS, the first step toward the creation of the Frog Level Volunteer Fire Department was a meeting at Bowie's Restaurant in Lorne on February 12, 1969, where 30 individuals met to discuss plans for establishing a volunteer fire department in the Dawn/Lorne area of the Reedy Church district in Caroline County; and

WHEREAS, incorporated on May 14, 1969, the Frog Level Volunteer Fire Department responded to its first official fire call at Sutton's Garage on August 4, 1969, with a 1947 Ford Pumper loaned by the Bowling Green Volunteer Fire Department; and

WHEREAS, as one of eight volunteer fire departments in Caroline County, the Frog Level Volunteer Fire Department is an important part of Caroline County's emergency response effort and ensures residents in the southwest portions of the county receive prompt and efficient services; and

WHEREAS, the Frog Level Volunteer Fire Department's station on U.S. 301 just north of State Route 30 has long been the hub of the unincorporated community of Frog Level; and

WHEREAS, the annual Frog Level Volunteer Fire Department Festival and Parade, which raises money to support the department, has been a cherished Frog Level tradition since 1969; and

WHEREAS, staffed and supported by members of the Frog Level community, the Frog Level Volunteer Fire Department has ensured the safety and security of Caroline County residents for the past half-century and become an invaluable institution in the region; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Frog Level Volunteer Fire Department on the occasion of its 50th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Charles Griffin, chief of the Frog Level Volunteer Fire Department, as an expression of the General Assembly's respect and appreciation for the department's service to Caroline County and the Commonwealth.

HOUSE JOINT RESOLUTION NO. 298

Celebrating the life of Dr. James Henry Robinson, Jr.

Agreed to by the House of Delegates, March 2, 2020

Agreed to by the Senate, March 4, 2020

WHEREAS, Dr. James Henry Robinson, Jr., accomplished education professional and invaluable member of the Norfolk community, died on August 22, 2019; and

WHEREAS, James Robinson was born in Norfolk, graduating from Booker T. Washington High School in 1952; after serving honorably in the United States Army, he earned a bachelor's degree at Virginia Union University; and

WHEREAS, raised to value the importance of an education, James Robinson continued his studies, earning a master's degree in educational administration and supervision from Hampton University and a doctorate in education from Virginia Polytechnic Institute and State University, while concurrently building a remarkable career as an educator; and

WHEREAS, over the years, James Robinson applied his expertise in various positions, serving as a teacher, principal, and director of special education for Norfolk Public Schools; assistant superintendent for Halifax County Public Schools and Hertford County Public Schools, both in North Carolina; and professor and member of the Board of Visitors for Norfolk State University; and

WHEREAS, a natural-born leader dedicated to bettering his community, James Robinson devoted himself to many professional and civic organizations throughout his life, including Phi Delta Kappa, the National Education Association, the National Association of Elementary School Principals, the Council for Exceptional Children, the National Alliance of Black School Educators, the Providence Square Civic League, the YMCA, and Optimist International; and

WHEREAS, James Robinson, whose faith inspired his steadfast dedication to others, enjoyed fellowship and worship with his community as a lifelong member and trustee of First Baptist Church Lambert's Point in Norfolk; and

WHEREAS, preceded in death by his first wife, Willie, James Robinson will be dearly remembered and greatly missed by his wife, Sandra; his children, Katherine, James III, Jennifer, and Lisa, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Dr. James Henry Robinson, Jr., tireless public servant and revered member of the Norfolk community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Dr. James Henry Robinson, Jr., as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 299

Celebrating the life of Vernon Lee Gordon, Sr.

Agreed to by the House of Delegates, March 2, 2020

Agreed to by the Senate, March 4, 2020

WHEREAS, Vernon Lee Gordon, Sr., a trailblazing law-enforcement officer in Hamptons Roads and a devoted member of Jesus Church of Deliverance who helped the congregation grow and thrive, died on October 31, 2019; and

WHEREAS, born in what was formerly Norfolk County, Vernon Gordon attended a one-room schoolhouse in the Green Sea area and dropped out of school after eighth grade to help support his family as a hotel elevator operator and busboy; and

WHEREAS, Vernon Gordon subsequently worked at a chemical factory, a supermarket, and two local banks until a custodian position opened at the Chesapeake City Jail; after four years, he broke down barriers as the first African American deputy sheriff in city history; and

WHEREAS, Vernon Gordon rose through the ranks to become a captain in the Chesapeake Sheriff's Office and used his position to strengthen the community by helping local residents find jobs at the jail and striving to reduce recidivism; and

WHEREAS, during his tenure with the Chesapeake Sheriff's Office, Vernon Gordon earned an associate's degree in police science from Tidewater Community College and served as a player on and coach of the department's softball team; and

WHEREAS, Vernon Gordon joined the Norfolk Sheriff's Office as undersheriff in 1993 and retired from law enforcement as a colonel in 1998; and

WHEREAS, Vernon Gordon played a vital role in the establishment of Jesus Church of Deliverance, which held worship services in the Gordon family's garage in its early days; he took an active role as a Sunday school teacher, ultimately becoming superintendent of the program in 1984; and

WHEREAS, in 1989, Vernon Gordon helped Jesus Church of Deliverance acquire land on Jones Lane in Chesapeake for a permanent sanctuary and personally oversaw construction as chair of the building committee; thanks in large part to his tireless efforts, the congregation completed the new building without incurring debt; and

WHEREAS, Vernon Gordon became the head trustee and chair of the deacon board in 2004 and continued to expand church property, acquiring nearby land for the construction of the JDC Family Life Center; and

WHEREAS, predeceased by his wife of 64 years, Catherine, and a daughter, Wanda, Vernon Gordon will be fondly remembered and greatly missed by his children, Cynthia, Valerie, Sherry, Vernon, Jr., Shawn, and Andre, and their families, and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Vernon Lee Gordon, Sr., a dedicated law-enforcement officer and champion for the congregation of Jesus Church of Deliverance; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Vernon Lee Gordon, Sr., as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 300

Celebrating the life of Ashton Daniel Mitchell III.

Agreed to by the House of Delegates, March 2, 2020

Agreed to by the Senate, March 4, 2020

WHEREAS, Ashton Daniel Mitchell III, a highly respected insurance and association management professional in Richmond, died on December 25, 2018; and

WHEREAS, Ashton "Danny" Mitchell III, was the oldest of six children born to Pauline Allen Mitchell and the late Ashton D. Mitchell, Jr., of Powhatan; raised in the countryside with the mighty James River in his back yard, Danny Mitchell graduated from Huguenot Academy in 1971; and

WHEREAS, Danny Mitchell graduated from Hampden-Sydney College in 1975, where he studied religion and philosophy, played rugby, hosted a Sunday morning radio show, and was president of Theta Chi fraternity; and

WHEREAS, Danny Mitchell remained actively involved with Hampden-Sydney College throughout his life, attending many special events, especially homecomings and football games against Randolph-Macon College; and

WHEREAS, as part of the Nu Chapter of the Theta Chi fraternity, Danny Mitchell was a proud member of a group known only as the "Old Farts," which accepted him despite being their youngest member at annual events for many years; and

WHEREAS, some of Danny Mitchell's early jobs included assistant to artist and stonemason Julian Binford at what is now The Foundry Golf Club, trophy engraver at Schwarzschild's, and lifeguard at Salisbury Country Club; and

WHEREAS, Danny Mitchell began his career in the private-sector insurance industry in 1975, with Julius Strauss & Sons, Inc.; Hilb Rogal & Hamilton, Inc.; and Robins Insurance Agency, Inc.; he chaired his trade organization's Government Relations Committee and was president of the Independent Insurance Agents of Richmond, receiving its Young Agent of the Year Award; and

WHEREAS, Danny Mitchell later founded an advertising agency and managed a number of associations through Mitchell Management and Marketing before joining the Independent Insurance Agents of Virginia as vice president for business development; and

WHEREAS, Danny Mitchell was an advocate for continuing professional education, earning designations as an Accredited Advisor in Insurance and an Accredited Advisor in Insurance Management; and

WHEREAS, Danny Mitchell taught a variety of popular continuing education classes throughout the Commonwealth in which he injected quick wit and dry humor into discussions about property and casualty insurance; and

WHEREAS, Danny Mitchell was also heavily involved with the Virginia Society for Association Executives, serving on its board of directors and informally as the association greeter; and

WHEREAS, a man of faith and spirituality, above all, Danny Mitchell was a loving husband, son, brother, uncle, father, and "Papa" to many; he will be remembered for his kindness, generosity, and ability to make those around him laugh, often at themselves; and

WHEREAS, predeceased by his beloved grandson, Sammy Spott, Danny Mitchell is survived by his wife of 37 years, Linda; and their four children, Billy Spott (Donia), Nicole Midulla (Sal), Jennifer Spott (Andrew), and Ashton Mitchell (Rebecca); grandchildren Maia Overby (TJ), Ethan Spott, Zachary Midulla (Kayla), Grayson Midulla, Taylor Stewart (Dominic), Alexis Locklear, Grace Locklear, Emma Grace Mitchell; and great-children, Olive and Angel; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Ashton Daniel Mitchell III, an esteemed educator, insurance and association management professional, and a true friend of many; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Ashton Daniel Mitchell III as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 301

Commending Edwin L. Allen, Jr.

Agreed to by the House of Delegates, March 2, 2020

Agreed to by the Senate, March 4, 2020

WHEREAS, in 2020, Edwin L. Allen, Jr., retires as the chief of the Fredericksburg Fire Department with more than 45 years of diligent service as a public safety officer; and

WHEREAS, Edwin Allen fulfilled his childhood dream to serve the community as a firefighter when he joined the Fredericksburg Fire Department in 1974; and

WHEREAS, over the course of his career, Edwin Allen witnessed significant changes, both in the needs of the community and in firefighting procedures; he helped the department transition into an all-hazards department that responds to medical emergencies and other crisis situations, as well as fires; and

WHEREAS, during his 16-year tenure as chief, Edwin Allen worked to ensure that the firefighters under his command had the best tools, techniques, and training to achieve their mission and that the department was prepared to coordinate emergency management for the city when called upon; and

WHEREAS, under Edwin Allen's leadership, the Fredericksburg Fire Department has provided exceptional, specialized service through its emergency medical services team, confined space rescue and hazardous materials response team, and diving and underwater rescue team; and

WHEREAS, Edwin Allen leaves the Fredericksburg Fire Department well-poised to continue safeguarding the lives and property of community members; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Edwin L. Allen, Jr., on the occasion of his retirement as chief of the Fredericksburg Fire Department; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Edwin L. Allen, Jr., as an expression of the General Assembly's admiration for his outstanding service to the Fredericksburg community.

HOUSE JOINT RESOLUTION NO. 302

Commending William Farrell.

Agreed to by the House of Delegates, March 2, 2020

Agreed to by the Senate, March 4, 2020

WHEREAS, William Farrell, of the Berglund Automotive Group in Roanoke, was named the 2020 *Time* magazine Quality Automobile Dealer of the Year nominee for Virginia; and

WHEREAS, William Farrell, whose career in the auto industry has spanned more than 40 years, got his start at the age of 14 working in the service department of his father's dealership, Berglund Chevrolet in Roanoke; and

WHEREAS, William Farrell took many opportunities to gain experience in the auto industry, both with his family's dealerships and with other dealer and industry groups; and

WHEREAS, in 2002, William Farrell bought his first dealership, Farrell Chevrolet, in South Carolina, which grew to be the number one dealership in the state; and

WHEREAS, William Farrell returned to Roanoke to run his family's dealerships, expanding the Berglund Automotive Group to carry 26 brands in 12 locations throughout Roanoke, Lynchburg, Salem, and Bedford while employing over 600 people; and

WHEREAS, an active and dedicated member of his community, William Farrell has supported a wide array of industry and community causes for many years, becoming a well-recognized and respected advocate for numerous community events; and

WHEREAS, William Farrell has been a leader in his community, supporting numerous causes such as the United Way, the Roanoke Children's Museum, the Lynchburg Humane Society, and the Blue Ridge Food Bank; and

WHEREAS, recognizing the need to create educational opportunities in his community, William Farrell served on the board of the Virginia Western Community College Educational Foundation and established a 5,000-square-foot training facility for automotive technicians, providing equipment, tools, vehicles, and volunteers from his dealerships to offer students the training necessary to begin a career in the auto industry; and

WHEREAS, in recognition of his contributions to the community, the City of Roanoke awarded the naming rights for the Roanoke Civic Center to Berglund Automotive; today, the Berglund Center is the premier full-service facility in the Blue Ridge region, hosting over 400,000 visitors from Central and Southwest Virginia for world-class entertainment, trade shows, conventions, and sporting events and serving as a popular location for community meetings; and

WHEREAS, an active and dedicated member of his industry who serves his customers and his community with a generous spirit, William Farrell has been a model toward which dealers around the Commonwealth may aspire; and

WHEREAS, William Farrell brought his passion for providing a great customer experience to his dealerships, leading Berglund Automotive to be recognized as a "Best Overall Car Dealership" by *The Roanoker Magazine*; and

WHEREAS, William Farrell has served his industry as an active member of the Virginia Automobile Dealers Association, including terms as a member of the organization's board of directors and as its chair in 2016, when he led all of Virginia's affiliated franchise dealers as their top elected officer; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend William Farrell on his selection as the 2020 *Time* magazine Quality Dealer of the Year nominee for Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to William Farrell as an expression of the General Assembly's congratulations and best wishes.

HOUSE JOINT RESOLUTION NO. 303

Commending Dr. Lisa Chaplin.

Agreed to by the House of Delegates, March 2, 2020

Agreed to by the Senate, March 4, 2020

WHEREAS, Dr. Lisa Chaplin of Richmond was elected as president of The American Legion Auxiliary Department of Virginia for 2019-2020, the national organization's centennial year; and

WHEREAS, eligible for membership in The American Legion Auxiliary (ALA) through her father, John Thomas, who served the United States Army in the Korean War, Dr. Lisa Chaplin has been a member of the ALA since 1984; in over three decades with the organization, she has held many offices and chaired several committees at both the unit and district levels; and

WHEREAS, within the ALA Department of Virginia, Dr. Lisa Chaplin has chaired the state's committees for Education, Children and Youth, and Veterans Affairs and Rehabilitation, while serving as the ALA Virginia Girls State program's on-site chief nurse since 2014; and

WHEREAS, Dr. Lisa Chaplin has held prominent positions with the ALA on the national level as well, serving as national vice chairman of ALA Girls Nation in 2017 and, in recognition of her outstanding performance in that role, as national chairman a year later; and

WHEREAS, as the ALA national legislative chairman in 2018-2019, Dr. Lisa Chaplin was instrumental in securing passage of numerous veteran and military bills during the 115th and 116th Congresses; she continues to utilize these talents to further ALA's mission and currently serves as a strategic planner for the organization at both the state and national levels; and

WHEREAS, a board-certified nurse practitioner with a doctorate in nursing, Dr. Lisa Chaplin is a professor at the Georgetown University School of Nursing and Health Studies, where she currently serves on the Council for Outcomes and Evaluation and previously served on the Council for the Advancement of Nursing Science; and

WHEREAS, in addition to her service with the ALA, Dr. Lisa Chaplin is a member of the American Association of Nurse Practitioners and of Rotary International, greatly improving the lives of both her colleagues and those in her community; and

WHEREAS, Dr. Lisa Chaplin was recognized for her patriotism, exceptional leadership, and devotion to serving her community, state, and nation when she was selected to lead the ALA Department of Virginia during the national organization's 100th anniversary; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Dr. Lisa Chaplin, longtime advocate for and supporter of veterans and the military, for being named president of The American Legion Auxiliary Department of Virginia in 2019, the organization's centennial year; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Dr. Lisa Chaplin as an expression of the General Assembly's admiration and profound respect for her efforts on behalf of veterans, the United States Armed Forces, and the Commonwealth.

HOUSE JOINT RESOLUTION NO. 304

Commending Pablo Cuevas.

Agreed to by the House of Delegates, March 2 2020

Agreed to by the Senate, March 4, 2020

WHEREAS, Pablo Cuevas, long-standing member of the Rockingham County Board of Supervisors, retired on December 31, 2019; and

WHEREAS, over the past 30 years, Pablo Cuevas has served as supervisor of District 1, which includes the Towns of Broadway and Timberville and the communities of Fulks Run, Bergton, Criders, Lacey Spring, and Tenth Legion; and

WHEREAS, during his tenure, Pablo Cuevas has held the position of chairman and vice chairman on the Rockingham County Board of Supervisors; been active on the board's Finance Committee, Public Works Committee, Chamber of Commerce, and Community Criminal Justice Board; and served as the board's City-County Liaison, Towns-County Liaison, and School Board Liaison; and

WHEREAS, Pablo Cuevas' other past government service in Rockingham County includes positions on the Harrisonburg-Rockingham County Criminal Justice Board, the Rockingham County Planning Commission, and the Rockingham Development Corporation Board of Directors; and

WHEREAS, prior to these roles, Pablo Cuevas served locally on the Broadway Town Council and the Broadway Planning Commission, gaining experience that would be invaluable when serving on the county and state levels; and

WHEREAS, for many years, Pablo Cuevas offered his leadership and guidance to the Commonwealth as a member of the Virginia Association of Counties Board of Directors, where he served as second vice president and was active on

committees for education, transportation, and resolutions, and as an appointee to several state commissions and advisory boards; and

WHEREAS, a steadfast proponent of a quality education for all Virginians, Pablo Cuevas served on the James Madison University Board of Visitors for many years, as well as the Rockingham County Schools Foundation Board of Directors and the Massanutten Technical Center Foundation Board of Directors; and

WHEREAS, through Pablo Cuevas' leadership, Rockingham County has been able to grow and develop over the past three decades while retaining the agricultural character that the county's citizens cherish; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Pablo Cuevas, valued civic leader of the Rockingham community, on the occasion of his retirement; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Pablo Cuevas as an expression of the General Assembly's admiration and respect for his contributions to Rockingham County and the Commonwealth.

HOUSE JOINT RESOLUTION NO. 305

Commending James Ellis Hall.

Agreed to by the House of Delegates, March 2, 2020

Agreed to by the Senate, March 4, 2020

WHEREAS, James Ellis Hall, a respected businessman, honorable veteran, and beloved member of the Gloucester community, celebrated his 101st birthday in 2019; and

WHEREAS, born in Ordinary, James Hall has spent nearly his entire life in Gloucester County, graduating from Achilles High School in 1937 and working at the Union Life Insurance Company until he was drafted into the United States Army on February 6, 1943; and

WHEREAS, serving in the 930th Engineer Aviation Regiment, James Hall completed tours of duty in North Africa, India, and Myanmar, where he built roads and airstrips for the military; he reached the rank of first sergeant by the time he was honorably discharged on November 29, 1945, shortly after the end of World War II; and

WHEREAS, James Hall partnered with William F. Broaddus of the General Electric appliance retailer Broaddus Bros., in 1948, which changed its name to Broaddus and Hall, Inc., in 1956 in a nod to James Hall's contributions to its success; and

WHEREAS, James Hall proved instrumental in growing Broaddus and Hall into the largest General Electric retailer in Gloucester, Mathews, and Middlesex Counties and managed the store until he sold it in 2006; in recognition of a career spanning more than a half-century, he was recognized the same year as the Business Person of the Year by the Gloucester County Chamber of Commerce; and

WHEREAS, in addition to his retail business, James Hall was a successful real estate investor, pursuing interests in commercial and residential real estate while developing the Edgehill Shopping Center in Gloucester County alongside his partner, William F. Broaddus; and

WHEREAS, guided throughout life by his deep and abiding faith, James Hall has been a member of Newington Baptist Church for over 72 years, where he has held several leadership positions and enjoyed worship and fellowship with his community; and

WHEREAS, James Hall sang in the Newington Baptist Church choir for 70 years, served as a deacon, church trustee, and finance committee chair for many years, and taught Sunday school until the age of 100; and

WHEREAS, James Hall represented the Mid-Tidewater Baptist Association (MTBA) as a member of the Virginia Baptist Mission Board from 2000 to 2006, receiving a Servant Leadership Award from the MTBA in 2016 in honor of his years of service; and

WHEREAS, passionate about sharing his faith with others, James Hall was a member of Gideons International for more than 43 years and an organizing member of the Gloucester Gideons Camp in 1975; and

WHEREAS, James Hall was active with the prison ministry at the Gloucester County Jail through the Southeastern Correctional Ministry, receiving hundreds of letters over the years from inmates he had positively impacted through his Bible studies; and

WHEREAS, active and engaged in the community that raised him, James Hall was a charter member of the Gloucester Rotary Club, which he served for 57 years, including a term as the club's president; and

WHEREAS, over the past century, James Hall has touched countless lives in the Gloucester community as a businessman, spiritual mentor, and friend; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend James Ellis Hall on the occasion of his 101st birthday; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to James Ellis Hall as an expression of the General Assembly's admiration for his illustrious life and appreciation for his many contributions to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 306

Commending Michael Bennett.

Agreed to by the House of Delegates, March 2, 2020

Agreed to by the Senate, March 5, 2020

WHEREAS, Michael Bennett, CFO and partner with the Ourisman Automotive Group received the Mount Vernon-Lee Chamber of Commerce Citizen of the Year Award in 2016; and

WHEREAS, Michael Bennett is a lifelong resident of the Groveton area, where he was raised five houses down from the former Dixie Pig BBQ on Beacon Hill; he has worked to increase local business opportunities and has championed revitalization of the Richmond Highway corridor; as a community volunteer, his service is focused on helping children and those less fortunate, and on providing educational opportunities; and

WHEREAS, Michael Bennett started work at the age of 10, delivering papers for *The Washington Post*; he later worked at Joe Gill's service station in Beacon Mall and at the Hess gas station on Telegraph Road to pay his tuition to Bishop Ireton High School; and

WHEREAS, from this beginning, Michael Bennett went on to provide leadership for a string of successful automotive dealerships, opening the Ford store on Quander Road in 1979 before joining the Ourisman Automotive Group at the Ford store on Richmond Highway in 1983; he opened the Suzuki store on Richmond Highway in 1986 and subsequently a Chevy store in 2010; and

WHEREAS, Michael Bennett has been actively involved in youth sports; he helped start the Woodlawn Football League where he coached for nine years, leading teams that included two Metropolitan Super Bowl champion teams and one semi-finalist team; he coached Woodlawn Little League teams for eight years, including a state champion 12-year-old team; he has served as a volunteer umpire and basketball official; and

WHEREAS, Michael Bennett serves on the boards of directors for Good Shepherd Housing and the Mount Vernon-Lee Education Partnership, and is a member of the Bishop Ireton High School Board of Governors; he is a past board member of the Southeast Fairfax Development Corporation; and

WHEREAS, Michael Bennett was appointed by the Governor to the Virginia Economic Development Partnership; since 1990 he has served as a National Automobile Dealers Charitable Foundation Ambassador; and

WHEREAS, Michael Bennett has been involved with the Mount Vernon-Lee Chamber of Commerce for 40 years; in 2014, the chamber recognized him as the founding sponsor of its annual Police and Firefighters Tribute; as a strong supporter of community policing, he helped create the Mount Vernon District Police Station's bike program; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Michael Bennett, CFO and partner with the Ourisman Automotive Group, for being named the Mount Vernon-Lee Chamber of Commerce Citizen of the Year in 2016; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Michael Bennett as an expression of the General Assembly's admiration for his good works in the community.

HOUSE JOINT RESOLUTION NO. 307

Commending Mattie Palmore.

Agreed to by the House of Delegates, March 2, 2020

Agreed to by the Senate, March 4, 2020

WHEREAS, for more than 30 years, Mattie Palmore has been a champion for those experiencing homelessness, youths, seniors, survivors of domestic violence, and people living with physical and mental challenges in Fairfax County; and

WHEREAS, Mattie Palmore coordinates with local government agencies, the judicial system, and local nonprofit organizations and businesses to promote domestic violence prevention efforts and deliver essential services to victims; and

WHEREAS, Mattie Palmore currently represents the Mount Vernon district on the Fairfax-Falls Church Community Services Board and previously served as vice chair; and

WHEREAS, Mattie Palmore is a former Fairfax County magistrate and former director of the homeless transition program at Good Shepherd Housing and Family Services; and

WHEREAS, Mattie Palmore cofounded the Women's Group of Mount Vernon, which earned statewide recognition for providing a safe, supportive environment to victims of abuse; she was appointed to the Josiah H. Beeman Commission, which studied changes to Virginia's mental health system; and

WHEREAS, among the many awards and accolades for her good work, Mattie Palmore received the 2006 Women We Admire Award from Black Women United for Action, the 2011 Joe Adinaro Award, and the 2012 Community Champions Award from Molina Healthcare; and

WHEREAS, Mattie Palmore has touched countless lives through her leadership, generosity, compassionate advocacy, and unflinching commitment to service; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Mattie Palmore for more than three decades of hard work on behalf of the residents of Fairfax County; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Mattie Palmore as an expression of the General Assembly's admiration for her achievements in service to her fellow community members.

HOUSE JOINT RESOLUTION NO. 308

Commending Zyahna Bryant.

Agreed to by the House of Delegates, March 2, 2020

Agreed to by the Senate, March 4, 2020

WHEREAS, Zyahna Bryant of Charlottesville has worked diligently to fight injustice and inequality as a student activist and community organizer; and

WHEREAS, Zyahna Bryant began her career as an activist at the age of 12, when she organized a rally to protest police violence against African Americans; and

WHEREAS, in the spring of 2015, Zyahna Bryant spoke in support of increased funding for public education as a panelist at a town hall meeting and subsequently established and served as founding chair of the Black Student Union at Charlottesville High School; and

WHEREAS, at the age of 15, Zyahna Bryant petitioned the Charlottesville City Council to rename what was then Lee Park and remove the statue of Robert E. Lee from the park; and

WHEREAS, Zyahna Bryant continues to encourage and empower her fellow young people to respond to racial discrimination and inequality, placing strong emphasis on addressing the achievement gap in education for students of color; and

WHEREAS, Zyahna Bryant has been featured in *The New York Times*, *National Geographic*, *The New Yorker*, and *Teen Vogue* and on VICE News, CNN, PBS, and BET, and in 2019, she published the book *Reclaim.: A Collection of Poetry and Essays*; and

WHEREAS, Zyahna Bryant currently serves as the youngest member of the Virginia African American Advisory Board and a member of the University of Virginia President's Council on UVA-Community Partnerships and the Charlottesville Youth Council; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Zyahna Bryant, a highly admired youth leader in Charlottesville; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Zyahna Bryant as an expression of the General Assembly's admiration for her contributions to youth engagement in social justice.

HOUSE JOINT RESOLUTION NO. 309

Commending the Children's Home Society of Virginia.

Agreed to by the House of Delegates, March 2, 2020

Agreed to by the Senate, March 4, 2020

WHEREAS, in 2020, the Children's Home Society of Virginia, a nonprofit organization with offices in Richmond and Fredericksburg, celebrates 120 years of serving young people in the Commonwealth; and

WHEREAS, the Children's Home Society of Virginia is a licensed, private, nonsectarian, full-service child placing agency, the mission of which is to create strong, permanent families and lifelong relationships for children and youths throughout the Commonwealth; and

WHEREAS, the Children's Home Society of Virginia began in 1899 when a group of concerned citizens, deeply troubled by the care offered in orphanages at the time, banded together to help abandoned and neglected children; and

WHEREAS, the Children's Home Society of Virginia was chartered on January 30, 1900, with the Honorable John Garland Pollard, who became governor in 1930, as a founding member of the organization's board of directors; and

WHEREAS, since 1900, the staff members of the Children's Home Society of Virginia have worked diligently to place more than 14,500 children into adoptive homes; and

WHEREAS, in 1998, the Children's Home Society of Virginia began partnering with local social service agencies to help facilitate the placement of hundreds of children and youths from the foster care system into adoptive homes; and

WHEREAS, in 2007, the Children's Home Society of Virginia began serving as a Wendy's Wonderful Kids Site, a program of the Dave Thomas Foundation for Adoption, to recruit adoptive parents for children and youths who have waited extended periods in foster care to be placed into adoptive families; and

WHEREAS, the Children's Home Society of Virginia not only finds permanent homes for children of all ages, but offers a lifetime of post-adoption support programs to Virginia's adoptive families and adoptees, including parent coaching, family support and engagement activities, respite care, and family search and reunion services; and

WHEREAS, in 2016, the Children's Home Society of Virginia began partnering with the Better Housing Coalition to create The Possibilities Project, a signature program that provides housing assistance and best practices to give youths who are transitioning from foster care the skills and resources they need to become independent, productive members of society; and

WHEREAS, the Children's Home Society of Virginia is a permanency-driven organization that embraces the values of top-quality service delivery, working with integrity, maximizing collaborations, demonstrating compassion, and embracing equity and inclusion in all that it does; and

WHEREAS, for 120 years the Children's Home Society of Virginia has worked to provide all children, from newborns to older youths who have aged out of foster care, as well as children with special needs, with the healthy, supportive, and permanent adult relationships they need to thrive; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Children's Home Society of Virginia on the occasion of its 120th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the board of directors of the Children's Home Society of Virginia as an expression of the General Assembly's admiration for the organization's work to create permanency for the Commonwealth's young people.

HOUSE JOINT RESOLUTION NO. 310

Celebrating the life of the Honorable Kevin G. Miller, Sr.

Agreed to by the House of Delegates, March 2, 2020

Agreed to by the Senate, March 4, 2020

WHEREAS, the Honorable Kevin G. Miller, Sr., a passionate educator, honored veteran, and former statesman who served the Commonwealth admirably for over two decades, died on November 8, 2019; and

WHEREAS, born in Denny, North Carolina, in 1930, Kevin Miller enlisted in the United States Army shortly after graduating high school, serving on Okinawa and in the Korean War as a diesel mechanic from 1949 to 1952; and

WHEREAS, with support from the G.I. Bill, Kevin Miller attended Madison College, earning a bachelor's and a master's degree in education in 1957 and 1959, respectively; he would later round out his knowledge of business by becoming a certified public accountant in 1972; and

WHEREAS, early in his career as an educator, Kevin Miller taught business courses for San Diego City Schools in California and at Frederick College; he would ultimately become the first professor of accounting at his alma mater, Madison College, retiring as professor emeritus in 1995; and

WHEREAS, Kevin Miller's accounting acumen was a valued asset of the federal government during the years he served the Internal Revenue Service as an auditor in Charlottesville; and

WHEREAS, Kevin Miller served two terms in the Virginia House of Delegates from 1978 to 1982 before proudly representing the 26th District in the Senate of Virginia for five terms from 1983 through 2003; and

WHEREAS, during his tenure as a state lawmaker, Kevin Miller introduced and supported numerous important pieces of legislation to benefit all Virginians and offered his leadership and expertise to several standing committees; and

WHEREAS, as an educator and a statesman, Kevin Miller touched the lives of countless Virginians and helped make the Commonwealth a great place to live, work, and visit; and

WHEREAS, preceded in death by his daughter, Lora, Kevin Miller will be dearly remembered and missed by his adoring wife, Frances; his children, Kevin, Jr., and Stephanie, and their families; and numerous other family members, friends, and colleagues on both sides of the aisle; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of the Honorable Kevin G. Miller, Sr., accomplished statesman, inspiring educator, heroic veteran, and beloved member of the Harrisonburg community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of the Honorable Kevin G. Miller, Sr., as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 311

Celebrating the life of the Honorable Gerald L. Baliles.

Agreed to by the House of Delegates, March 2, 2020

Agreed to by the Senate, March 4, 2020

WHEREAS, the Honorable Gerald L. Baliles, a consummate public servant who dedicated a lifetime of leadership to the residents of the Commonwealth as a member of the Virginia House of Delegates, an Attorney General, and the 65th Governor of Virginia, died on October 29, 2019; and

WHEREAS, a native of Patrick County, Gerald Baliles grew up on his grandparents' farm and began to develop his commitment to lifelong learning at a young age; he attended Fishburne Military School, where he served as battalion commander of the Corps of Cadets, and then received a bachelor's degree from Wesleyan University in Connecticut; and

WHEREAS, Gerald Baliles returned to the Commonwealth to earn a law degree from the University of Virginia; he then worked for the Office of the Attorney General and in private practice in the Richmond area, specializing in environmental law; and

WHEREAS, desirous to be of further service to the Commonwealth, Gerald Baliles ran for election to the Virginia House of Delegates and represented the residents of Richmond and Henrico County in the 35th District for three terms, beginning in 1976; and

WHEREAS, in 1981, Gerald Baliles was elected Attorney General and was subsequently chosen by his peers as Outstanding Attorney General of the United States; and

WHEREAS, four years later, Gerald Baliles was elected Governor of Virginia after running with the most diverse ticket in state history, which included Attorney General Mary Sue Terry, the first woman to hold a statewide office in the Commonwealth, and Lieutenant Governor L. Douglas Wilder, who later became the first African American Governor of Virginia; he maintained his commitment to diversity by appointing numerous women and minorities to state boards and commissions; and

WHEREAS, Gerald Baliles set clear goals for each of his four years in office, and his unparalleled focus and attention to detail helped him successfully enact policies related to transportation funding, expanded family and mental health care services, support for public education, and environmental protection; and

WHEREAS, Gerald Baliles strengthened the Virginia economy by improving port facilities and increasing global trade, and he traveled to more than 20 countries, significantly enhancing the Commonwealth's international profile; his policies resulted in the creation of hundreds of thousands of jobs in the Commonwealth; and

WHEREAS, known for his humility, moderate temperament, and "boldly cautious" leadership style, Gerald Baliles balanced the concerns and priorities of both rural and urban Virginians and worked to build respect and bipartisan consensus, noting once that kindness and civility can often achieve for the public good what energy and passion alone cannot; and

WHEREAS, in 1990, Gerald Baliles joined the firm Hunton & Williams and specialized in aviation and international law; in 1995, he was appointed by President Bill Clinton to a blue ribbon commission on improving the airline industry, which led to many new safety and operational policies; and

WHEREAS, after 16 years with Hunton & Williams, Gerald Baliles became director and chief executive officer of the University of Virginia Miller Center of Public Affairs, one of the nation's leading institutions on presidential scholarship; he subsequently returned to Patrick County, where he created the Patrick County Educational Foundation; and

WHEREAS, Gerald Baliles will be fondly remembered and greatly missed by his wife of 16 years, Robin; his children, Laura, Jonathan, Katherine, and Danielle, and their families; and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of the Honorable Gerald L. Baliles; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of the Honorable Gerald L. Baliles as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 312

Celebrating the life of James Michael Bebout.

Agreed to by the House of Delegates, March 2, 2020

Agreed to by the Senate, March 5, 2020

WHEREAS, James Michael Bebout, a respected businessman and cherished member of the Washington County community, died on December 2, 2019; and

WHEREAS, born in Beaufort, South Carolina, and raised in Portsmouth, James "Jim" Michael Bebout graduated from Craddock High School before attending Tidewater Community College and completing a machinist apprenticeship at the Norfolk Naval Shipyard; and

WHEREAS, hardworking and dedicated, Jim Bebout was a successful small business owner in Chesapeake from 1992 to 2008, retiring afterward to Washington County so he could be closer to the mountains of Southwest Virginia that he loved; and

WHEREAS, Jim Bebout served several local, state, and national campaigns for Republican candidates to support the conservative values he held all his life; and

WHEREAS, Jim Bebout was an active and engaged member of his community, serving on the Washington County Electoral Board and offering ministry to prisoners through his work with Hands and Feet Ministries in Damascus; and

WHEREAS, guided by his deep and abiding faith throughout his life, Jim Bebout was a longtime member of the First Baptist Church of Damascus, where he enjoyed worship and fellowship with his community for many years; and

WHEREAS, Jim Bebout will be fondly remembered and dearly missed by his loving wife, Tammie; his daughter, Tara, and her family; his mother, Ethie Ann; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of James Michael Bebout; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of James Michael Bebout as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 313

Celebrating the life of Barbara Wurtzel Rabin.

Agreed to by the House of Delegates, March 2, 2020

Agreed to by the Senate, March 4, 2020

WHEREAS, Barbara Wurtzel Rabin, founding executive director of Housing Opportunities Made Equal of Virginia, died on September 22, 2019; and

WHEREAS, a native of New York, Barbara Rabin studied at Oberlin College and the London School of Economics and worked as an educator before earning a doctorate in political science from American University in Washington, D.C.; and

WHEREAS, after moving to Richmond in 1966, Barbara Rabin worked with other local parents to lay the groundwork for John B. Cary Elementary School to become, in 1969, the first city school to be voluntarily integrated and have open enrollment; and

WHEREAS, Barbara Rabin helped create Citizens for Excellence in Public Schools, which spurred the development of Henderson Middle School and Open High School; and

WHEREAS, in 1971, Barbara Rabin helped found and was chosen to lead Housing Opportunities Made Equal of Virginia (HOME), which tackles systemically divisive housing practices through fair housing enforcement and research, advocacy, and statewide policy work; and

WHEREAS, during her tenure at HOME, Barbara Rabin developed a legal case that resulted in a landmark 1982 decision by the Supreme Court of the United States in *Havens Realty Corp. v. Coleman* that strengthened enforcement of the Fair Housing Act of 1968; and

WHEREAS, Barbara Rabin earned a law degree from the University of Virginia, then relocated to Massachusetts, where she worked for the Lawyers' Committee for Civil Rights Under Law and Greater Boston Legal Services; she continued to advocate for housing rights as a member of the National Fair Housing Alliance; and

WHEREAS, Barbara Rabin will be fondly remembered and greatly missed by her children, Judy, Daniel, and Sharon, and their families, and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of a dedicated activist, attorney, and mother, Barbara Wurtzel Rabin; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Barbara Wurtzel Rabin as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 314

Celebrating the life of Judith P. Carter.

Agreed to by the House of Delegates, March 2, 2020

Agreed to by the Senate, March 4, 2020

WHEREAS, Judith P. Carter, a dedicated public servant, successful entrepreneur, and highly admired member of the Orange community, died on August 23, 2018; and

WHEREAS, a native of Covington, Judith "Judy" P. Carter married Henry Carter in Orange in 1985, and the couple successfully helped her three children and his two children, who were between the ages of nine and 17, bond and become one happy family unit; and

WHEREAS, Judy Carter pursued a 30-year career as owner of Germanna Title Company and further supported the community by offering her expertise to the Orange County Electoral Board and the Orange County Economic Development Authority; and

WHEREAS, as a longtime member of the Orange County School Board, Judy Carter was a passionate advocate for the students, faculty, and staff of Orange County Public Schools; and

WHEREAS, over the course of her 21-year tenure on the school board, including 10 years as chair, Judy Carter strove to improve and enhance school facilities and was especially proud of her work to secure health insurance for school bus drivers; and

WHEREAS, Judy Carter touched many lives through her generosity, grace, and professional accomplishments but considered her beloved family to be her crowning achievement, relishing every opportunity to share in their joys; and

WHEREAS, Judy Carter's beloved husband, Henry, died in 2019; she is fondly remembered and greatly missed by her children, Caroline, Jack, Jeff, Sullivan, and Jaime, and their families, and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Judith P. Carter; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Judith P. Carter as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 315

Celebrating the life of Henry Lee Carter.

Agreed to by the House of Delegates, March 2, 2020

Agreed to by the Senate, March 4, 2020

WHEREAS, Henry Lee Carter, a respected attorney, dedicated public servant, and highly admired member of the Orange County community, died on May 31, 2019; and

WHEREAS, Henry Carter was born in Washington, D.C., and attended Episcopal High School in Alexandria; he continued his education at the University of Virginia and earned a law degree from Washington and Lee University; and

WHEREAS, in 1985, Henry Carter married his beloved wife, Judy, and the couple successfully helped his two children and her three children, who were between the ages of nine and 17, bond and become one happy family unit; and

WHEREAS, Henry Carter pursued a long and successful career as an attorney, and proudly maintained his legal practice in Orange from 1974 until the time of his passing; he was a longtime member of the Orange County Bar Association and a trusted mentor to many young attorneys as a member of Lawyers Helping Lawyers; and

WHEREAS, Henry Carter was active in local, state, and national politics, serving as the chair of the Orange County Democratic Committee from 1974 to 1997; he held the position of Orange County Commonwealth's Attorney for nine years and was elected to the Orange Town Council, where he used his expertise to lead and support the community for 18 years, including four years as mayor; and

WHEREAS, Henry Carter served on the Virginia Board of Psychology for nearly 10 years and enjoyed fellowship and worship with the Orange community at St. Thomas Episcopal Church as a member of the vestry and the Brotherhood of St. Andrew; and

WHEREAS, predeceased by the love of his life, Judy, Henry Carter is fondly remembered and greatly missed by his children, Caroline, Jack, Jeff, Sullivan, and Jaime, and their families, as well as numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Henry Lee Carter; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Henry Lee Carter as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 316

Celebrating the life of John C. Beyer.

Agreed to by the House of Delegates, March 2, 2020

Agreed to by the Senate, March 4, 2020

WHEREAS, John C. Beyer of Great Falls, a respected economist, consultant, and philanthropist who touched many lives during his long and successful career, died on January 16, 2020; and

WHEREAS, John Beyer graduated from the University of the Pacific with highest honors and went on to earn a master's degree and a doctorate from the Fletcher School of Law and Diplomacy at Tufts University; and

WHEREAS, in 1966, John Beyer joined the international firm Nathan Associates in Washington, D.C., where he worked as a consultant, economist, and expert witness and ultimately served as chief executive officer for three decades; and

WHEREAS, over the course of his 45-year career with Nathan Associates, John Beyer guided the application of economics to domestic and international problem solving and conflict resolution and developed a keen understanding of the impacts of structural adjustment, foreign exchange, and trade liberalization, as well as changes in pricing, taxes, and regulations; and

WHEREAS, as an expert witness, John Beyer provided critical testimony for international antitrust cases on a wide range of subjects and estimated damages related to violations of patent law; his assessment of damages for individuals subjected to forced labor in Nazi Germany during World War II was used in negotiations between survivors and German corporations; and

WHEREAS, John Beyer shared his knowledge with many other organizations, working at the Ford Foundation, serving as a guest scholar at the Brookings Institution, and teaching economics at American University; and

WHEREAS, John Beyer offered his leadership to the board of Five Talents, a charitable organization that helps impoverished people better support their families and communities through savings programs, financial literacy education, business training, and other forms of economic empowerment; and

WHEREAS, John Beyer's legacy lives on at his alma mater the University of the Pacific, where he created a myriad of opportunities for students and faculty by establishing the John C. Beyer Chair in Economics, the Nathan Scholars Experiential Learning Endowment, and the John Beyer Endowed Fellowship in Economics; and

WHEREAS, John Beyer will be fondly remembered and greatly missed by his wife, Jinny; his children, Sean, Darren, and Kiran, and their families; and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of John C. Beyer; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of John C. Beyer as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 317

Commending the Virginia Association of Volunteer Rescue Squads.

Agreed to by the House of Delegates, March 2, 2020

Agreed to by the Senate, March 4, 2020

WHEREAS, for 85 years, the Virginia Association of Volunteer Rescue Squads has helped agencies throughout the Commonwealth provide high-quality pre-hospital care to the members of their communities; and

WHEREAS, the Virginia Association of Volunteer Rescue Squads was formed in the Green Room of the Hotel Roanoke on February 12, 1935, by Julian Stanley Wise, who had previously formed the first volunteer lifesaving crew in the United States, the Roanoke Life Saving Crew, in May 1928; and

WHEREAS, the Virginia Association of Volunteer Rescue Squads held its first convention on September 28, 1935, in Lynchburg and Julian Wise was elected the first president; the organization started with just six units and now is made up of more than 465 departments throughout the Commonwealth, including volunteer rescue squads, professional emergency medical services providers, volunteer fire departments, and specialty agencies, representing 18,000 individual members; and

WHEREAS, the membership of the Virginia Association of Volunteer Rescue Squads includes auxiliaries and junior squads that assist local agencies in improving service to their communities and the Commonwealth, with the junior squads providing a pathway to the senior squads; and

WHEREAS, the Virginia Association of Volunteer Rescue Squads has been a leader in developing and instituting critical training courses, many of which are now considered statewide requirements and models for other state, national, and international agencies; and

WHEREAS, the Virginia Association of Volunteer Rescue Squads provides a multitude of statewide training opportunities through its Annual State Rescue College, which provides training for more than 300 students annually and will host its 45th session in 2020; and

WHEREAS, the Virginia Association of Volunteer Rescue Squads works in conjunction with other state agencies and those of adjoining states to improve and advance training in all areas of emergency medical services; and

WHEREAS, the Virginia Association of Volunteer Rescue Squads has advocated for emergency medical services departments in state government and supported passage of legislation to gain funding for an office and executive director position in 1976, established the Rescue Squad Assistance Fund in 1978, and instituted the \$1.00 for Life program to support regional councils in 1983 and subsequently increased the funding to \$2.00 in 1990 and \$4.00 in 2002; and

WHEREAS, members of the Virginia Association of Volunteer Rescue Squads have served on numerous boards to enhance the delivery of emergency medical services in the Commonwealth, including the Governor's Emergency Medical Services Advisory Board, of which numerous members have served as chair; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Virginia Association of Volunteer Rescue Squads on the occasion of its 85th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Virginia Association of Volunteer Rescue Squads as an expression of the General Assembly's admiration for the organization's work to ensure that Virginians receive the highest quality emergency medical care.

HOUSE JOINT RESOLUTION NO. 318

Commending Germanna Community College.

Agreed to by the House of Delegates, March 2, 2020

Agreed to by the Senate, March 4, 2020

WHEREAS, Germanna Community College, a comprehensive community college serving students from the City of Fredericksburg and the Counties of Caroline, Culpeper, King George, Madison, Orange, Spotsylvania, and Stafford, celebrates its 50th anniversary in 2020; and

WHEREAS, the origins of Germanna Community College date to the 1960s, when the Virginia legislature created the Virginia Community College System, and the Memorial Foundation of the Germanna Colonies in Virginia, Inc., donated 100 acres of property to serve as the site of a new community college in Orange County; and

WHEREAS, in 1997, Germanna Community College opened its Fredericksburg-area campus on a 70-acre parcel donated by the John T. Hazel family; the Workforce Development and Technology Center subsequently opened in 2004, followed by the Science and Engineering Building and Information Commons in 2012; and

WHEREAS, Germanna Community College extended to Culpeper County in 2006 when the Joseph R. Daniel Technology Center opened on land donated previously by Rose Bente Lee, Kaye and Marie Andrus, Nicholas and Flora Tomasetti, and Philip and Susan DeSiato; and

WHEREAS, the institution continued to grow with support from the Stafford Economic Development Authority, which contributed to the creation of what is now the Germanna Community College Barbara J. Fried Center in 2009 and the college's Automotive Technology Center in 2012; and

WHEREAS, the most recent additions to the Germanna Community College network are the Center for Workforce & Community Education's Caroline Center and the Fredericksburg Center for Advanced Technology, which both greatly improve access to noncredit workforce training for countless individuals; and

WHEREAS, accredited by the Southern Association of College and Schools Commission on Colleges to award associate degrees, Germanna Community College provides high-quality, affordable educational and training opportunities, enhancing the academic and career trajectories of its students; since its founding, the college has granted more than 15,000 associate degrees and 11,000 certificates and diplomas; and

WHEREAS, through its curriculum and administrative practices, Germanna Community College cultivates a diverse, equitable, and inclusive learning environment where people from all walks of life can thrive; and

WHEREAS, through the Germanna Community College Alumni Association and the Germanna Community College Educational Foundation, Inc., the university continues to grow and progress as one of the leading academic institutions in the area; and

WHEREAS, as a dynamic learning environment, Germanna Community College prepares its graduates to make impactful contributions to the social, economic, political, cultural, and intellectual life of communities in the Commonwealth; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Germanna Community College on the occasion of its 50th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Dr. Janet Gullickson, president of Germanna Community College, as an expression of the General Assembly's heartfelt admiration for the school's history and its service to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 319

Commending the Bristol Rhythm & Roots Reunion.

Agreed to by the House of Delegates, March 2, 2020

Agreed to by the Senate, March 4, 2020

WHEREAS, the Bristol Rhythm & Roots Reunion, an annual music festival honoring Bristol's legacy as the birthplace of country music, celebrates its 20th anniversary in 2020; and

WHEREAS, beginning in 2001 and produced since 2012 by Birthplace of Country Music, Inc., the Bristol Rhythm & Roots Reunion gathers over 100 bands on several stages in downtown Bristol for three days of enchanting musical performances each September; and

WHEREAS, the Bristol Rhythm & Roots Reunion features both leading and up-and-coming acts, with an aim to highlight genres, such as country, Americana, progressive roots, traditional bluegrass, old-time, Celtic, and blues, that have been influenced by the legendary 1927 Bristol Sessions, a series of recording sessions often hailed as the "big bang" of country music; and

WHEREAS, alongside the music, many artisans selling handmade wares and food vendors serving culinary wonders contribute to an event that draws approximately 45,000 attendees annually; the economic impact of the festival is estimated in the millions and has been a major contributor to the financial prosperity and vitality of Bristol in recent years; and

WHEREAS, the Bristol Rhythm & Roots Reunion has been honored with many accolades, including the Grand Pinnacle Award from the International Festival and Events Association and recognition from *Rolling Stone* magazine as one of the country's "Top 20 Tours and Festivals"; and

WHEREAS, the accomplishments of the Bristol Rhythm & Roots Reunion have been made possible by the efforts of hundreds of volunteers, numerous community organizations, and several municipal departments in both Bristol and Bristol, Tennessee; and

WHEREAS, for two decades, the Bristol Rhythm & Roots Reunion has fulfilled its mission to promote and celebrate Bristol's musical heritage, entertain and delight those attending, and bring recognition and economic benefit to Birthplace of Country Music, Inc., and its local and regional communities; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Bristol Rhythm & Roots Reunion, an award-winning musical event and homage to Bristol's place in music history, on the occasion of the festival's 20th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Birthplace of Country Music, Inc., producer of the Bristol Rhythm & Roots Reunion, as an expression of the General Assembly's admiration for the event's contributions to Bristol and the Commonwealth.

HOUSE JOINT RESOLUTION NO. 320

Commending the Marion Veterans of Foreign Wars Post 4667.

Agreed to by the House of Delegates, March 2, 2020

Agreed to by the Senate, March 4, 2020

WHEREAS, for 75 years, the Marion Veterans of Foreign Wars Post 4667 has promoted patriotism, honored the military service of local residents, and worked to enhance community life; and

WHEREAS, like all Veterans of Foreign Wars (VFW) posts, the Marion VFW Post 4667 traces its roots to 1899, when the American Veterans of Foreign Service and the National Society of the Army of the Philippines were organized to secure rights and benefits for veterans of the Spanish-American War and the Philippine-American War; and

WHEREAS, these two organizations merged in 1914, creating the Veterans of Foreign Wars of the United States, which was chartered by the United States Congress in 1936; the Marion VFW Post 4667 was authorized and constituted on November 30, 1945; and

WHEREAS, on May 12, 1967, members of Marion VFW Post 4667 purchased the building at the post's current location on Goolsby Street; and

WHEREAS, throughout its history, the Marion VFW Post 4667 has provided care for veterans and their families and worked in the best interests of its members, while respecting different viewpoints and the needs of the community; and

WHEREAS, the Marion VFW Post 4667 has promoted a positive image of veterans through generous outreach programs and local engagement; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Marion Veterans of Foreign Wars Post 4667 on the occasion of its 75th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Marion Veterans of Foreign Wars Post 4667 as an expression of the General Assembly's admiration for its contributions to the men and women who have served and sacrificed in defense of the nation.

HOUSE JOINT RESOLUTION NO. 321

Commending Robert W. Duncan.

Agreed to by the House of Delegates, March 2, 2020

Agreed to by the Senate, March 4, 2020

WHEREAS, Robert W. Duncan, who served the Commonwealth with distinction for 41 years, retired on April 1, 2019; and

WHEREAS, Robert "Bob" W. Duncan began state service on January 1, 1978, with the Department of Game and Inland Fisheries; and

WHEREAS, Bob Duncan served in many significant positions throughout his career with the department, including as a district biologist, wildlife division director, and executive director; and

WHEREAS, Bob Duncan contributed to aquatic wildlife management by maintaining and developing quality, diverse sport fisheries; enabling progressive stances on fish health; and fostering innovative restoration strategies for endangered mussels, finfish, and amphibians within the Commonwealth; and

WHEREAS, Bob Duncan's leadership to the department's comprehensive boating safety education program, safety outreach messaging, on-the-water enforcement, and boating access program resulted in a safer and more enjoyable boating experience for the Commonwealth's nearly 250,000 registered boat owners, multitudes of paddlers, and on-the-water enthusiasts and their families through increased access and a marked reduction in boating accidents and fatalities; and

WHEREAS, Bob Duncan supported the department's conservation police officers as they furthered their efforts to safeguard Virginia's natural resources, connect all people to wildlife, and protect the public; and

WHEREAS, the inextricable link between Virginia's wildlife resources and Bob Duncan's more than four decades of leadership were exemplified by his staunch adherence to the North American Model of Wildlife Conservation, which includes the promotion of ethical, safe, and fair chase pursuits; conviction that management be grounded in strong science; recognition that cooperative relationships enhance wildlife management actions; support for permanently protecting tens of thousands of

acres of quality wildlife habitat; and innumerable day-to-day decisions that positively impacted the Commonwealth's wildlife resources, such that Virginia remains a national leader in wildlife management; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Robert W. Duncan for his decades of service to the Commonwealth on the occasion of his retirement from the Department of Game and Inland Fisheries; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Robert W. Duncan as an expression of the General Assembly's admiration for the support that he has provided to the Department of Game and Inland Fisheries and his work to conserve the wildlife and natural resources of Virginia.

HOUSE JOINT RESOLUTION NO. 322

Commending Chief Warrant Officer 5 William R. Halevy, USA, Ret.

Agreed to by the House of Delegates, March 2, 2020

Agreed to by the Senate, March 4, 2020

WHEREAS, Chief Warrant Officer 5 William R. Halevy, USA, Ret., a decorated military aviator with more than four decades of service, established Veterans Health and Benefits Management in Culpeper County to provide critical services at no cost to veterans; and

WHEREAS, over the course of his distinguished career, William Halevy served in the United States Army National Guard, the United States Army Reserve, and on active duty, including deployments around the world, from the Vietnam War to Operation Iraqi Freedom; and

WHEREAS, having served multiple tours in combat as a helicopter pilot, as well as stateside posts, including at the National Guard Bureau and the United States Army Forces Command, William Halevy gained a unique understanding of the interactions among the many different components of the nation's military; and

WHEREAS, shortly after his retirement, William Halevy was approached by fellow veterans seeking advice on receiving health care and benefits from the United States Department of Veterans Affairs and realized the need for a dedicated local support network; and

WHEREAS, William Halevy established Veterans Health and Benefits Management to help veterans and their families navigate the different administrative departments responsible for health care, disability compensation, pensions, and other benefits; and

WHEREAS, William Halevy has changed the lives of countless veterans, including many who were unaware of benefits and others who had given up trying to receive benefits due to the length and complexity of the process; and

WHEREAS, as a veteran service officer, accredited by the United States Department of Veterans Affairs, William Halevy has served his fellow veterans with compassion, professionalism, and integrity, and his work with Veterans Health and Benefits Management demonstrates his enduring commitment to service; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Chief Warrant Officer 5 William R. Halevy, USA, Ret., for his outstanding achievements on behalf of the men and women who have served and sacrificed in defense of the nation; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Chief Warrant Officer 5 William R. Halevy, USA, Ret., as an expression of the General Assembly's admiration for his legacy of contributions to the veteran community in the Commonwealth and the United States.

HOUSE JOINT RESOLUTION NO. 323

Commending Lena C. McAllister.

Agreed to by the House of Delegates, March 2, 2020

Agreed to by the Senate, March 4, 2020

WHEREAS, Lena C. McAllister has helped promote the history and heritage of the Commonwealth at Gunston Hall, an educational agency that preserves and interprets the former home of George Mason, for more than 34 years as administrative specialist; and

WHEREAS, since opening as a public museum in 1952, Gunston Hall has welcomed and hosted hundreds of thousands of guests, providing these individuals and families with exceptional educational and recreational experiences throughout the historic site's 554-acre campus; the agency's ability to facilitate those experiences is supported and advanced by the dedicated work of professional staff members like Lena McAllister; and

WHEREAS, Lena McAllister has been a passionate and enthusiastic advocate for the story of George Mason, the founding father and visionary author of the 1776 *Virginia Declaration of Rights*, a document fundamental to the history of the United States, which states: "That all men are by nature equally free and independent, and have certain inherent rights, of which, when they enter into a state of society, they cannot, by any compact, deprive or divest their posterity; namely, the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing happiness and safety."; and

WHEREAS, Lena McAllister has served as Gunston Hall's chief financial officer and director of human resources while serving as an organizational leader and a trusted mentor and advisor to all members of the team; and

WHEREAS, Lena McAllister has consistently demonstrated integrity, tireless dedication, professional expertise, grace, compassionate support for her colleagues, and joy in the performance of her duties; and

WHEREAS, over the course of her more-than-34-year career, Lena McAllister's exceptional work at Gunston Hall has represented the very best of what it means to be a public servant, a good colleague, and a friend; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Lena C. McAllister for more than three decades of outstanding service to Gunston Hall; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Lena C. McAllister as an expression of the General Assembly's admiration for her contributions to the preservation of the legacy of George Mason.

HOUSE JOINT RESOLUTION NO. 324

Commending Marsha Manning.

Agreed to by the House of Delegates, March 2, 2020

Agreed to by the Senate, March 4, 2020

WHEREAS, in 2019, Marsha Manning retired as principal of South County Middle School after nearly three decades of service to Fairfax County as an educator and school administrator; and

WHEREAS, a native of Illinois, Marsha Manning grew up in Florida, where she worked as an English teacher at Clearwater High School and Lakewood High School after graduating from Florida State University; and

WHEREAS, Marsha Manning relocated to Springfield in 1987 and began working for Fairfax County Public Schools as an English teacher at Washington Irving Middle School in 1990; and

WHEREAS, in 1999, Marsha Manning earned a master's degree in educational leadership from George Mason University and subsequently became an assistant principal at Mark Twain Middle School; and

WHEREAS, from 2005 to 2012, Marsha Manning served as a founding assistant principal of South County Secondary School, adapting to the unique challenges of supporting both middle school and high school students in the same building; and

WHEREAS, in recognition of her exceptional leadership, Marsha Manning was subsequently named as founding principal of South County Middle School, where she built a culture of integrity and cultivated strong relationships with students, teachers, and her fellow administrators; and

WHEREAS, during her tenure with Fairfax County Public Schools, Marsha Manning helped support the nation's veterans by coordinating student volunteers for the Honor Flight program; and

WHEREAS, among the many accolades earned throughout her career, Marsha Manning received the Nancy F. Sprague Outstanding First-Year Principal Award in 2013 from Fairfax County Public Schools; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Marsha Manning on the occasion of her retirement as principal of South County Middle School; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Marsha Manning as an expression of the General Assembly's admiration for her legacy of excellence and devoted service to young people in Fairfax County.

HOUSE JOINT RESOLUTION NO. 325

Commending Girls on the Run of NOVA.

Agreed to by the House of Delegates, March 2, 2020

Agreed to by the Senate, March 4, 2020

WHEREAS, for 20 years, Girls on the Run of NOVA has empowered girls to become successful women by teaching them the skills they need to be strong, confident, and healthy; and

WHEREAS, established in 2000, Girls on the Run of NOVA is a nonprofit organization that strives to increase the health and wellness of girls in Northern Virginia, their families, and the volunteer coaches who serve them; and

WHEREAS, Girls on the Run of NOVA serves all of Northern Virginia as an independent Council of Girls on the Run International and has inspired more than 70,000 girls to know their limitless potential and boldly pursue their dreams; and

WHEREAS, Girls on the Run of NOVA's trained coaches lead small teams through research-based curricula that include dynamic discussions, activities, and running games; in the course of the 10-week program, girls in third through eighth grade develop essential life skills and nurture an appreciation for health and fitness; and

WHEREAS, Girls on the Run of NOVA's program culminates with a service project and the completion of a celebratory 5k event; and

WHEREAS, with hundreds of coaches already serving students at more than 200 local schools, Girls on the Run of NOVA plans to continue expanding its programs in Prince William County and Loudoun County, as well as increasing financial assistance to ensure that all members of the community are able to participate; and

WHEREAS, Girls on the Run of NOVA will commemorate its 20th anniversary with special events throughout the year; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Girls on the Run of NOVA on the occasion of its 20th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Girls on the Run of NOVA as an expression of the General Assembly's admiration for the organization's legacy of service to girls throughout Northern Virginia.

HOUSE JOINT RESOLUTION NO. 326

Commending Adrian J. O'Connor.

Agreed to by the House of Delegates, March 2, 2020

Agreed to by the Senate, March 4, 2020

WHEREAS, after more than 25 years with *The Winchester Star*, Adrian J. O'Connor, a distinguished journalist and generous community volunteer, retired as editor of the newspaper's editorial page on January 24, 2020; and

WHEREAS, a graduate of Randolph-Macon College and the University of North Carolina at Chapel Hill, Adrian O'Connor worked for several newspapers in Southside Virginia, including the *Danville Register & Bee*, where he wrote for the editorial, features, and sports pages; and

WHEREAS, Adrian O'Connor joined *The Winchester Star* on December 7, 1992, and earned admiration for his fair-mindedness, elegant prose, and impressive vocabulary, while providing a conservative voice on the editorial page; and

WHEREAS, since 1997, Adrian O'Connor had written the weekly "Valley Pike" column, an engaging collection of stories about the people and places of the Shenandoah Valley; and

WHEREAS, throughout his career, Adrian O'Connor earned several awards and accolades from the Virginia Press Association for his stories, columns, and photography; and

WHEREAS, possessed of a servant's heart, Adrian O'Connor volunteered his time and leadership with the Knights of Columbus, the Rotary Club of Winchester, the Blue Ridge Area Food Bank, Shenandoah Apple Blossom Festival, and the Honor Flight Network; and

WHEREAS, Adrian O'Connor supported young people in the community as an official for high school sports, a Little League baseball coach, a longtime member of Big Brothers, Big Sisters, and a mentor to students in the gifted program at Frederick County Public Schools; and

WHEREAS, Adrian O'Connor left a legacy of excellence to his colleagues at *The Winchester Star*, and he will seek new opportunities to continue serving the community in his well-earned retirement; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Adrian J. O'Connor on the occasion of his retirement as editor of the editorial page at *The Winchester Star*; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Adrian J. O'Connor as an expression of the General Assembly's admiration for his contributions to journalism and service to the Winchester community.

HOUSE JOINT RESOLUTION NO. 327

Commending Bethany Baptist Church.

Agreed to by the House of Delegates, March 2, 2020

Agreed to by the Senate, March 4, 2020

WHEREAS, Bethany Baptist Church, the oldest church in the Fredericksburg Area Baptist Network, celebrates its 250th anniversary of service to the Lord and the Woodford community in 2020; and

WHEREAS, founded in 1770, Bethany Baptist Church began as Guiney's Bridge Church under the leadership of Elder Nathaniel Holloway; the congregation met in a small frame building in a grove of oaks near the present-day location of the church; and

WHEREAS, despite persecution of its leaders in its early years, Guiney's Bridge Church grew to 45 members by 1791 and, under the leadership of John Waller, the church was admitted to the Goshen Association of Churches; and

WHEREAS, by 1818, the congregation was known as Bethany Baptist Church, and by 1825, a larger frame building was constructed to accommodate the growing membership; and

WHEREAS, misfortune struck in 1842 when Bethany Baptist Church was destroyed by fire; however, the faithful congregation quickly rebuilt on the same site with brick, and that building serves as the nucleus of the present-day church; and

WHEREAS, in 1872, with the agreement of the entire Bethany Baptist Church body, 30 African American members of the congregation started Beulah Baptist Church, which continues to thrive in 2020; and

WHEREAS, during the latter half of the 19th century, Bethany Baptist Church's membership increased to 714 members, among whom an active female missionary society developed; and

WHEREAS, by 1925, Bethany Baptist Church was one of the 10 largest churches in the Goshen Association of Churches and had its first full-time minister, the Reverend W.L. Witt; in 1929, the church expanded its facilities, which accommodated the congregation for almost 40 years; and

WHEREAS, during World War II, 21 members of the Bethany Baptist Church congregation joined the other young men of their generation in service to the nation, with John Paul Houck making the ultimate sacrifice; and

WHEREAS, Bethany Baptist Church leaders made the decision in 1968 to construct an educational building and baptistery for the growing congregation, and in 1970 the church was accepted into the Fredericksburg Baptist Association; and

WHEREAS, while the surrounding community has changed from a largely rural farming area to a more suburban population, Bethany Baptist Church has adapted and continued to address the spiritual needs of all its members; and

WHEREAS, as the Woodford community has grown and changed, Bethany Baptist Church has grown apace, ordaining women into its deacon service and welcoming the Reverend Dr. Susan McBride as a pastor, while maintaining its commitment to traditional Baptist theology; and

WHEREAS, from its founding days before the signing of the Declaration of Independence, Bethany Baptist Church and its faithful congregation have grown in faith and numbers and remained steadfast in their service to the Lord and the community; and

WHEREAS, Bethany Baptist Church has been served throughout its 250-year history by immensely dedicated and able pastors, who have provided visionary leadership, devout worship, meaningful Christian education, and enthusiastic ministry and community missions; and

WHEREAS, throughout its long history, Bethany Baptist Church has provided its devoted congregation, its neighbors, and the community a place to worship, to help others, and to grow in faith and service; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly commend Bethany Baptist Church on the occasion of its 250th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Bethany Baptist Church as an expression of the General Assembly's congratulations and best wishes for future success in its ministries.

HOUSE JOINT RESOLUTION NO. 328

Commending Mobile Hope of Loudoun.

Agreed to by the House of Delegates, March 2, 2020

Agreed to by the Senate, March 4, 2020

WHEREAS, for nearly a decade, Mobile Hope of Loudoun has served and supported young people who do not have stable housing or are currently experiencing homelessness; and

WHEREAS, established in 2011, Mobile Hope of Loudoun was originally an adjunct of the Mobile Health program at Inova Loudoun Hospital; three years later, it became an independent nonprofit organization, with Donna Fortier as the founding chief executive officer; and

WHEREAS, Mobile Hope of Loudoun provides access to housing solutions, daily essentials, and life-changing support from its office in Leesburg or from a bus that travels throughout Ashburn, Leesburg, Lucketts, Middleburg, Purcellville, Sterling, and South Riding; and

WHEREAS, Mobile Hope of Loudoun's Homeless Youth Diversion Program provides comprehensive case management, essential support items, transportation and financial assistance, life skills training, and the Youth Employment Services program to help clients find and pursue careers; and

WHEREAS, Mobile Hope of Loudoun's Crisis Care provides safe emergency housing, additional case management options, mental health counseling, substance abuse support with licensed clinical social workers, the Handcuffs to Hope program for incarcerated youths, and all the services offered by the Homeless Youth Diversion Program; and

WHEREAS, over the course of its history, Mobile Hope has made a significant, positive impact in Loudoun County and helped many young people become thriving, self-sufficient members of the community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Mobile Hope of Loudoun for nearly 10 years of service to vulnerable members of the Loudoun County community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Mobile Hope of Loudoun as an expression of the General Assembly's admiration for its vital work to support young people currently or at risk of experiencing homelessness.

HOUSE JOINT RESOLUTION NO. 329*Commending Priscilla Martinez.*

Agreed to by the House of Delegates, March 2, 2020

Agreed to by the Senate, March 4, 2020

WHEREAS, Priscilla Martinez is a community activist in Loudoun County who has worked tirelessly to improve interfaith relations, support racial justice and reconciliation, heighten environmental awareness and stewardship, and promote education for over 25 years; and

WHEREAS, as a lifetime member of the NAACP and a member and leader of Loudoun Interfaith BRIDGES since 2006, Priscilla Martinez has fought prejudice and discrimination while cultivating harmonious relations throughout the community; and

WHEREAS, in recent years, Priscilla Martinez has been actively involved in the planning and development of the African American Burial Ground for the Enslaved at Belmont, including participation in the Eagle Scout service project organized by her son, Mikael, to create the Journey to Freedom Heritage Trail, a 400-foot trail loop honoring a burial site of 40 enslaved people; and

WHEREAS, a member of Interfaith Power & Light, a national environmental advocacy organization, and previously serving on the board of directors of the Blue Ridge Center for Environmental Stewardship, Priscilla Martinez has contributed greatly toward sustainability and environmental conservation efforts in her region; and

WHEREAS, dedicated to the well-being of the children in her community, Priscilla Martinez has served in various leadership positions with the Boy Scouts of America, including membership on the board of directors of the National Capitol Area Council, as well as the Girl Scouts of the USA; and

WHEREAS, as president of the Purcellville Public Library Advisory Board and a former member of the board of directors of The Organization of Virginia Homeschoolers, Priscilla Martinez has fostered the educational efforts of both adults and children in Loudoun County and throughout the Commonwealth; and

WHEREAS, guided through life by her deep and abiding faith, Priscilla Martinez has long been a member of the All Dulles Area Muslim Society, known as the ADAMS Center, where she serves on the Interfaith, Media, & Government Relations Committee; and

WHEREAS, in recognition of her years working to fight injustice and promote inclusivity, Priscilla Martinez received the Ann Robinson Social Justice Award from the Unitarian Universalist Church of Loudoun at its annual Loudoun Falls for Social Justice event in 2018; and

WHEREAS, through her indefatigable efforts to support worthy causes and improve the lives of others, Priscilla Martinez embodies what makes Loudoun County such a wonderful place to live, work, and raise a family; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Priscilla Martinez, a community leader in Loudoun County, for her many years of service; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Priscilla Martinez as an expression of the House of Delegates' heartfelt admiration and profound respect for her contributions to Loudoun County and the Commonwealth.

HOUSE JOINT RESOLUTION NO. 330*Commending the Raj Khalsa Gurdwara.*

Agreed to by the House of Delegates, March 2, 2020

Agreed to by the Senate, March 4, 2020

WHEREAS, the Raj Khalsa Gurdwara in Sterling has served the Sikh community in Northern Virginia for more than 50 years; and

WHEREAS, originally known as the Ahimsa Ashram, the Raj Khalsa Gurdwara was established by Yogi Bhajan in Washington, D.C., to help community members lead happier, healthier lives by teaching the principles and practices of Sikh and yogic traditions; and

WHEREAS, in 1970, the Ahimsa Ashram opened the Golden Temple Conscious Cookery, a vegetarian restaurant that served local residents for 10 years; the community continued to grow and expand, establishing a Khalsa preschool in 1978 and subsequently founding the Miri Piri Academy in India; and

WHEREAS, after members of the community relocated from Washington, D.C., to the Herndon and Great Falls areas, a Gurdwara temple was established on Export Drive in Sterling in 1980 and later renamed the Raj Khalsa Gurdwara; and

WHEREAS, the Raj Khalsa Gurdwara strives to create an atmosphere of mutual respect and friendship, where approximately 400 to 500 members can enjoy fellowship, worship and opportunities for service; and

WHEREAS, as part of the rich cultural fabric of the Commonwealth, the members of Raj Khalsa Gurdwara, make many valuable contributions as leaders in a variety of professions, businesses, and community organizations; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Raj Khalsa Gurdwara for its decades of service to its members; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Raj Khalsa Gurdwara as an expression of the General Assembly's admiration for the temple's contributions to the Loudoun County community.

HOUSE JOINT RESOLUTION NO. 331

Commending Lori Carbonneau.

Agreed to by the House of Delegates, March 2, 2020

Agreed to by the Senate, March 4, 2020

WHEREAS, Lori Carbonneau, executive director of the McLean Project for the Arts, received the Non-Profit Executive of the Year Award from the Greater McLean Chamber of Commerce in 2019; and

WHEREAS, each year, the Greater McLean Chamber of Commerce honors exceptional businesses, organizations, and individuals, such as Lori Carbonneau, for their contributions to the community at its annual Suits and Sneakers event; and

WHEREAS, as executive director of the McLean Project for the Arts, Lori Carbonneau oversees multiple contemporary art exhibits, showcasing the talents of emerging and established artists, to promote public awareness and understanding of contemporary art; and

WHEREAS, under Lori Carbonneau's leadership, the McLean Project for the Arts has placed a high emphasis on community engagement, providing arts instruction and education for children, adolescents, and adults as well as artist talks, workshops, and tours of local museums and galleries; and

WHEREAS, Lori Carbonneau offers her leadership and expertise to the New Dominion Women's Club and Offender Aid and Restoration; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Lori Carbonneau on receiving the 2019 Non-Profit Executive of the Year Award from the Greater McLean Chamber of Commerce; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Lori Carbonneau as an expression of the General Assembly's admiration for her achievements in service to the community.

HOUSE JOINT RESOLUTION NO. 332

Commending Carole Herrick.

Agreed to by the House of Delegates, March 2, 2020

Agreed to by the Senate, March 4, 2020

WHEREAS, Carole Herrick has preserved the history and heritage of the McLean community through her work as an author, historical reenactor, and civic leader; and

WHEREAS, Carole Herrick is the chair of the Fairfax County History Commission and the vice president and a past president of the McLean Historical Society; she helps history come alive for members of the community as a Dolley Madison reenactor; and

WHEREAS, Carole Herrick previously served with organizations promoting the 400th anniversary of the founding of Jamestown and commemorating McLean's role in the Civil War, and she served as chair of McLean's centennial celebration committee; and

WHEREAS, Carole Herrick writes for *VivaTysons Magazine*, and she has authored multiple books, including *Ambitious Failure: Chain Bridge the First Bridge Across the Potomac River; August 24, 1814 - Washington in Flames; Yesterday: 100 Recollections of McLean and Great Falls, Virginia; Yesterday Vol. II: Additional Recollections of McLean and Great Falls, Virginia; McLean (Images of America); Legendary Locals of McLean; and A Chronological History of McLean, Virginia*; and

WHEREAS, Carole Herrick has received awards from the local Rotary club and the Friends of the McLean Community Center; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Carole Herrick for her work to preserve and interpret local history in McLean; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Carole Herrick as an expression of the General Assembly's admiration for her achievements in service to the McLean community.

HOUSE JOINT RESOLUTION NO. 333

Commending the Loudoun Commission on Women and Girls.

Agreed to by the House of Delegates, March 2, 2020

Agreed to by the Senate, March 4, 2020

WHEREAS, the Loudoun Commission on Women and Girls works to ensure that women and girls have opportunities to achieve success in social, cultural, economic, and political leadership; and

WHEREAS, established in 2017, the Loudoun Commission on Women and Girls provides education and support to help participants build confidence and learn strategies to overcome risks and challenges; and

WHEREAS, the Loudoun Commission on Women and Girls focuses on critical issues like the prevention of domestic violence, sexual violence, and human trafficking; and

WHEREAS, the Loudoun Commission on Women and Girls hosts workshops, training seminars, and other events related to STEM, entrepreneurship, and education, and develops strategic partnerships with local businesses and organizations to address gaps in existing community resources; and

WHEREAS, the Loudoun Commission on Women and Girls is a component of the Community Foundation for Loudoun and Northern Fauquier Counties and has succeeded through the hard work of its volunteer leadership board and program chairs, as well as many generous donations from community members; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Loudoun Commission on Women and Girls for its work to support and empower women and girls in Loudoun County; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Loudoun Commission on Women and Girls as an expression of the General Assembly's admiration for its important mission and numerous achievements.

HOUSE JOINT RESOLUTION NO. 334

Commending the Honorable Dr. William Ferguson Reid.

Agreed to by the House of Delegates, March 2, 2020

Agreed to by the Senate, March 4, 2020

WHEREAS, the Honorable Dr. William Ferguson Reid, a native of the City of Richmond, earned a bachelor's degree from Virginia Union University and a medical degree from Howard University School of Medicine; and

WHEREAS, upon completing his medical internship and residency at Homer G. Phillips Hospital in St. Louis, the Honorable Dr. William Ferguson "Fergie" Reid enlisted in the military, serving with distinction as a lieutenant in the United States Marine Corps in the 1st Marine Division in Korea and later at the United States Naval Hospital in Bethesda, Maryland; and

WHEREAS, returning to Richmond after the Korean War, Fergie Reid became active in civic and political affairs; in 1956, he cofounded the Richmond Crusade for Voters, an organization instrumental in assisting black voters to register and to mobilize politically during the era of Massive Resistance; and

WHEREAS, desirous to be of further service to his community, Fergie Reid ran for and was elected to the 35th House District of the Virginia House of Delegates in 1967 and ably represented the residents of the City of Richmond and Henrico County until 1972; and

WHEREAS, Fergie Reid continues to be an active member in numerous civic, medical, political, and community organizations, giving freely of his time, talents, and sage advice; and

WHEREAS, in honor of Fergie Reid's 90th birthday, the 90 for 90 campaign was launched in Virginia to register 90 new voters in each of the Commonwealth's precincts, appealing to potential registrants that "Voting Is a Right, not a Privilege"; and

WHEREAS, during his longstanding tenure in Virginia politics, Fergie Reid has been a tower of strength and an inspiration for those who seek a stronger democracy, strive to uphold the principles of the Commonwealth, and demand justice for all; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Honorable Dr. William Ferguson Reid for his achievements as a compassionate physician, a staunch civil rights advocate, a revered political mentor, and a respected former member of the Virginia House of Delegates; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Honorable Dr. William Ferguson Reid as an expression of the General Assembly's admiration for his legacy of contributions to the Richmond and Henrico County communities and the Commonwealth as a whole.

HOUSE JOINT RESOLUTION NO. 335

Commending the Hopewell/Prince George Chamber of Commerce.

Agreed to by the House of Delegates, March 4, 2020

Agreed to by the Senate, March 8, 2020

WHEREAS, the Hopewell/Prince George Chamber of Commerce, which originated in December 1915 and was incorporated five years later as the Hopewell Chamber of Commerce, is celebrating 100 years of service in 2020; and

WHEREAS, the Hopewell/Prince George Chamber of Commerce was instrumental in helping the City of Hopewell recover from the fire of 1915 and built relationships over the years that would guide the city through the marketing of a war surplus plant site and the establishment of numerous factories and a retail district; and

WHEREAS, the chamber officially changed its name to the Hopewell Area Prince George Chamber of Commerce in January 1975 and is now known as the Hopewell/Prince George Chamber of Commerce; and

WHEREAS, in each decade since its founding, the Hopewell/Prince George Chamber of Commerce has focused on impactful projects, including an initiative that marketed Hopewell as "America's Greatest Industrial Opportunity" and ambitious programs to replace ferries with bridges and ensure proper signage along interstate highways; and

WHEREAS, over the past quarter century, the Hopewell/Prince George Chamber of Commerce has launched programs to help youth in the community develop soft skills, obtain work experience, strengthen career awareness, and improve their performance in job interviews; and

WHEREAS, the Hopewell/Prince George Chamber of Commerce supported Fort Lee and the Crater region through three federal base realignment and closure rounds, including in 2005, when Fort Lee was expanded significantly and both its population and number of facilities doubled; and

WHEREAS, most recently, the Hopewell/Prince George Chamber of Commerce expanded to manage a certified Virginia Visitor Center, promoting the Commonwealth and fostering quality-of-life initiatives that attract visitors and benefit citizens; and

WHEREAS, some of the early members of the Hopewell/Prince George Chamber of Commerce are still in business today, even if under different names and corporate structures, and are recognized for their efforts to promote business and commerce in the community; and

WHEREAS, some of these early members of the Hopewell/Prince George Chamber of Commerce include Ashland, Inc. (formerly Hercules, Inc.), DuPont, AdvanSix (formerly Allied Chemical), WestRock (formerly Hummel-Ross Fibre Corp.), J. W. Enochs, Inc., Marks & Harrison, *The Progress-Index*, Appomattox Regional Library System, Hopewell Iron & Metal Company, J.T. Morriss & Son, The Bank of Southside Virginia, and John Randolph Medical Center; and

WHEREAS, the Hopewell/Prince George Chamber of Commerce is a trusted resource to a transient community, thereby helping employers, employees, and military families connect and thrive; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Hopewell/Prince George Chamber of Commerce on the occasion of its 100th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Hopewell/Prince George Chamber of Commerce as an expression of the General Assembly's admiration for the organization's service to the communities of Hopewell and Prince George County.

HOUSE JOINT RESOLUTION NO. 336

Celebrating the life of William Robert Campbell, Jr.

Agreed to by the House of Delegates, March 2, 2020

Agreed to by the Senate, March 4, 2020

WHEREAS, William Robert Campbell, Jr., a public servant who made many contributions to the Madison County community, died on October 20, 2018; and

WHEREAS, a native of Portsmouth, William "Bill" Robert Campbell, Jr., attended Holland High School in what was then Nansemond County before serving his country as a member of the United States Army, achieving the rank of captain; and

WHEREAS, Bill Campbell lived in Franklin, Fredericksburg, and Orange County and spent his entire professional career in the construction industry; and

WHEREAS, after his well-earned retirement, Bill Campbell settled in Madison County, where he provided his wise leadership to the community as a member of the Madison County Board of Supervisors; and

WHEREAS, Bill Campbell was involved with local and state Republican Party committees and supported the National Wild Turkey Federation and the Wounded Warrior Project; and

WHEREAS, earning the nickname "Mountain Man," Bill Campbell helped preserve the Commonwealth's frontier heritage from his mountain home in Lost Valley; and

WHEREAS, predeceased by one daughter, Amanda, Bill Campbell will be fondly remembered and greatly missed by his children, Rob, Cris, Clay, and Susannah, and their families; his sister, Ann; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of William Robert Campbell, Jr., a respected member of the Madison County community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of William Robert Campbell, Jr., as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 337

Amending Rule 12 of House Joint Resolution No. 99 of the 2020 Regular Session of the General Assembly of Virginia, relating to the deadline for the revenue bills.

Agreed to by the House of Delegates, February 26, 2020

Agreed to by the Senate, February 26, 2020

RESOLVED by the House of Delegates, the Senate concurring, That Rule 12 of House Joint Resolution No. 99 of the 2020 Regular Session of the General Assembly of Virginia is amended and reenacted as follows:

Rule 12. No later than 11:59 p.m., Thursday, February 27, 2020, each house shall complete consideration of the Budget Bill(s) and all revenue bills of the other house, except for conference reports and other privileged matters relating thereto, and the appointing authority shall appoint the conferees to such bills.

HOUSE JOINT RESOLUTION NO. 338

Celebrating the life of Maud Ferris Robinson.

Agreed to by the House of Delegates, March 2, 2020

Agreed to by the Senate, March 4, 2020

WHEREAS, Maud Ferris Robinson, a celebrated civic leader and beloved member of the Vienna community, died on March 11, 2019; and

WHEREAS, born and raised in Connecticut, where her family could trace its roots back to the 17th century, Maud Robinson graduated from Smith College in 1944; and

WHEREAS, upon graduating, Maud Robinson was recruited into the United States Naval Reserve as a member of the Women Accepted for Volunteer Emergency Service (WAVES) unit, serving the country's intelligence and communications needs as a code analyst through the end of World War II; and

WHEREAS, after the war, Maud Robinson lived briefly in Charlottesville, attending the University of Virginia School of Law, before relocating to Vienna in 1951, where she would become an instrumental figure in the town's development over more than a half-century; and

WHEREAS, as a member of the town's Board of Architectural Review who served on the Town/Business Liaison Committee and the Church Street Vision Committee, Maud Robinson helped Vienna grow and prosper while preserving its small-town, residential character; and

WHEREAS, while her husband, Charles, served as mayor of the Town of Vienna from 1976 to 2000, Maud Robinson was a civic leader in her own right whose involvement was critical to the success of many public endeavors, including the establishment of a library and a community center in town; and

WHEREAS, following her husband's death in 2000, Maud Robinson was asked to fill the seat on the Vienna Town Council vacated by his replacement, M. Jane Seeman, a position she would continue to hold through 2009; and

WHEREAS, on the Vienna Town Council, one of Maud Robinson's crowning achievements was the preservation of Northside Park, which was protected through a special undeveloped parkland zoning designation that she both proposed and championed; and

WHEREAS, Maud Robinson's impact on Vienna over the years was felt through her active involvement in many local civic and community organizations, including the Vienna Lions Club, the American Legion, the Vienna Woman's Club, the Ayr Hill Garden Club, and Historic Vienna, Inc.; and

WHEREAS, preceded in death by her husband, Charles, Maud Robinson will be fondly remembered and dearly missed by numerous family members and friends and the entire Vienna community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Maud Ferris Robinson, whose contributions to the Town of Vienna made it the wonderful place to live, work, and raise a family that it is today; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Maud Ferris Robinson as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 339

Celebrating the life of Judith Peters Beattie.

Agreed to by the House of Delegates, March 2, 2020

Agreed to by the Senate, March 4, 2020

WHEREAS, Judith Peters Beattie, a trusted member of the Vienna community who provided child care to generations of local families, died on October 11, 2019; and

WHEREAS, Judith "Judy" Peters Beattie raised her family in the Vienna and Oakton communities, and they lived in Germany, Taiwan, Myanmar, Hong Kong, and Jamaica due to her late husband Fred's career with the United States Department of State; and

WHEREAS, as the owner and operator of Hunter Mill Country Day School since 1978, Judy Beattie created a safe, nurturing environment in which students could learn and grow; and

WHEREAS, over the course of her 36-year career with Hunter Mill Country Day School, Judy Beattie oversaw many enhancements and renovations to the school to help children develop socially, emotionally, and intellectually; and

WHEREAS, Judy Beattie was an active community leader who volunteered her time with several local and state task forces and committees and served as president of the Hunters Valley Association; she was a passionate advocate for the Unitarian Universalist faith and helped establish congregations throughout the region; and

WHEREAS, predeceased by her husband, Fred, Judy Beattie will be fondly remembered and greatly missed by her children, Annie, Brian, Eric, and Judy, and their families, and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Judith Peters Beattie, a trusted child care provider and beloved member of the Vienna community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Judith Peters Beattie as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 340

Celebrating the life of Katharine Logan Tugendhat.

Agreed to by the House of Delegates, March 2, 2020

Agreed to by the Senate, March 4, 2020

WHEREAS, Katharine Logan Tugendhat, a distinguished educator who became a beloved member of the Vienna community in her later years, died on June 29, 2019; and

WHEREAS, born in Evanston, Illinois, Katharine "Kathy" Logan Tugendhat boarded at Cambridge School of Weston in Massachusetts for high school, where she met her future husband, Herbert, marrying him in 1953; and

WHEREAS, at 20 years of age and with no Spanish language abilities, Kathy Tugendhat moved with Herbert to Caracas, Venezuela, where she would raise a family and become one of the city's leading educators; and

WHEREAS, beginning as a first grade teacher at the Gloria Felix School, Kathy Tugendhat later collaborated with two colleagues to found the Washington Academy, which would become Venezuela's top-rated school for bilingual education; and

WHEREAS, with a background in progressive education methods, Kathy Tugendhat stressed emotional intelligence through a transactional analysis curriculum at the Washington Academy, fostering the interpersonal growth of her students; and

WHEREAS, Kathy Tugendhat's accomplishments as an educator in Venezuela earned her many accolades over the years, including the Andrés Bello Award, the nation's top education award; and

WHEREAS, beginning her retirement in 1998, Kathy Tugendhat moved to Vienna to be closer to family, quickly becoming an active and engaged member of her newfound community; and

WHEREAS, arts and education were always at the core of Kathy Tugendhat's community involvement, as she sang with the Vienna Choral Society, participated in the Shepherd's Center of Oakton-Vienna's Adventures in Learning program, tutored adult ESL students at her neighborhood library, and read to children as part of the Town of Vienna's Summer Stories, Songs & Sprinklers events; and

WHEREAS, for two decades, Kathy Tugendhat generously volunteered her time and talents at the Shepherd's Center of Oakton-Vienna, serving as a companion driver, a medical transportation driver, and both an instructor for and chair of the organization's Adventures in Learning program; her rousing sing-alongs at the organization's Caregivers Treat will long be cherished; and

WHEREAS, preceded in death by her husband, Herbert, Kathy Tugendhat will be fondly remembered and dearly missed by her children, Eduardo, Marcia, and Andrés, and their families, and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Katharine Logan Tugendhat, a celebrated educator and treasured member of the Vienna community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Katharine Logan Tugendhat as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 341

Celebrating the life of Jean Tsukimi Mitori Reavey.

Agreed to by the House of Delegates, March 2, 2020

Agreed to by the Senate, March 4, 2020

WHEREAS, Jean Tsukimi Mitori Reavey, a longtime and cherished member of the Vienna community, died on June 7, 2019; and

WHEREAS, born in Stockton, California, Jean Reavey lived in Switzerland and many other countries throughout the world before settling in the Town of Vienna in 1974, where she would reside the remainder of her life; and

WHEREAS, Jean Reavey began her career as a secretary and ultimately retired as a computer system specialist for the United States government; and

WHEREAS, in retirement, she remained an active and engaged member of the Vienna community, serving as an usher at George Mason University and volunteering with local service organizations, such as Shepherd's Center of Oakton-Vienna, the Vienna Community Center, and the Fairfax County Community Emergency Response Team; and

WHEREAS, to honor her years of service, Jean Reavey was presented with a Vienna Volunteer Recognition Award by the Vienna Town Council at the town's 13th annual Volunteer Service Award ceremony in 2014; and

WHEREAS, Jean Reavey lived her life to the fullest, traveling widely and sharing many enjoyable moments with friends through her Tai Chi practice and over games of Mahjong, dominoes, and pickleball; and

WHEREAS, preceded in death by her husband, Henry, Jean Reavey will be fondly remembered and dearly missed by her daughters, April, Laura, and Kim, and their families, and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Jean Tsukimi Mitori Reavey, who touched countless lives in the Vienna community through her service and friendship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Jean Tsukimi Mitori Reavey as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 342

Commending Laurie DiRocco.

Agreed to by the House of Delegates, March 2, 2020

Agreed to by the Senate, March 4, 2020

WHEREAS, Laurie DiRocco, a tireless public servant and cherished member of the Vienna community, will retire from her post as town mayor on June 30, 2020; and

WHEREAS, before beginning her career of public service, Laurie DiRocco was an adjunct professor at George Mason University with a bachelor's degree in finance from Virginia Polytechnic Institute and State University and a master's degree in business administration from George Washington University; and

WHEREAS, prior to becoming mayor in 2014, Laurie DiRocco was a member of the Vienna Town Council from 2009 to 2014, having previously served as chair of the Town of Vienna Planning Commission and as vice chair of the Transportation Safety Committee; since 2016, she has chaired the Northern Virginia Regional Commission and served on the executive committee of the Virginia Municipal League; and

WHEREAS, giving generously of her time and talents to support her community, Laurie DiRocco is a member of many local organizations, including the Rotary Club of Vienna, the Tysons Transportation Service District Advisory Board, and various school and parent-teacher associations; and

WHEREAS, throughout her tenure as mayor, Laurie DiRocco has sought to protect the Town of Vienna's residential neighborhoods while bolstering its commercial areas, supporting both the town's growth and viability and its small-town charm; and

WHEREAS, major accomplishments during her terms as mayor include repaved roads, new sidewalks, upgraded water and sewer lines, improved facilities, and other infrastructural enhancements that will serve the residents of the Town of Vienna for years to come; and

WHEREAS, the successful completion of the Vienna Community Center renovation along with the renewal of the town's AAA bond rating convey the breadth of Laurie DiRocco's achievements as mayor of the Town of Vienna, whereby public art commissions, recreational activities, and other community services went hand in hand with fiscal responsibility and the effective and efficient use of taxpayers' dollars; and

WHEREAS, Laurie DiRocco has worked tirelessly on behalf of the Town of Vienna and its residents for 17 years, positively impacting countless lives as a civic leader, volunteer, and friend; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Laurie DiRocco, mayor of the Town of Vienna, for her years of service on behalf of the Town of Vienna; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Laurie DiRocco as an expression of the General Assembly's admiration for her efforts and best wishes for the future.

HOUSE JOINT RESOLUTION NO. 343

Commending the Reverend Dr. Peter G. James.

Agreed to by the House of Delegates, March 2, 2020

Agreed to by the Senate, March 4, 2020

WHEREAS, the Reverend Dr. Peter G. James, beloved senior pastor at Vienna Presbyterian Church, is retiring in 2020 after four decades leading the congregation; and

WHEREAS, the Reverend Dr. Peter "Pete" G. James studied the scriptures for many years prior to his pastorship, earning a bachelor's degree in religion from Ohio Wesleyan University, a master of divinity degree from the Gordon Conwell Seminary, and a doctorate in ministry from Union Presbyterian Seminary; and

WHEREAS, prior to joining Vienna Presbyterian Church, Pete James was a campus minister and football coach at Thiel College, providing spiritual mentorship to countless young people at a pivotal time in their lives; and

WHEREAS, Pete James joined Vienna Presbyterian Church as an associate pastor in 1979, ready to make a positive impact on the lives of those in his community; and

WHEREAS, the congregation's senior pastor since 1986, Pete James has shepherded Vienna Presbyterian Church through a tremendous period of growth over the past 30 years; and

WHEREAS, the congregation at Vienna Presbyterian Church has doubled during Pete James' tenure and, with over 2,600 members today, represents the largest Presbyterian church in the Washington, D.C., area; and

WHEREAS, in recent years, Pete James has led capital campaigns to allow Vienna Presbyterian Church to expand its facilities and accommodate the educational and fellowship needs of its burgeoning flock; and

WHEREAS, today, along with the prayer service that Pete James leads each week, Vienna Presbyterian Church offers extensive Bible study, fellowship, volunteer, and support opportunities for its members, as well as numerous local, national, and international mission programs; and

WHEREAS, along with his work with Vienna Presbyterian Church, Pete James has planted three churches in Northern Virginia and taught at the Gordon Conwell Seminary, where he will remain an active instructor in his retirement; and

WHEREAS, for over 40 years, Pete James has provided spiritual leadership and opportunities for joyful worship to thousands of members of the Vienna community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Reverend Dr. Peter G. James, longtime senior pastor at Vienna Presbyterian Church, on the occasion of his retirement; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Reverend Dr. Peter G. James as an expression of the General Assembly's admiration for his commitment to the citizens of the Town of Vienna and the Commonwealth.

HOUSE JOINT RESOLUTION NO. 344

Commending the Gate City High School boys' basketball program.

Agreed to by the House of Delegates, March 2, 2020

Agreed to by the Senate, March 4, 2020

WHEREAS, in 2020, the Gate City High School boys' basketball program became the first high school in the United States to be represented by 2,000-point scorers in three successive seasons; and

WHEREAS, Mac McClung, Zac Ervin, and Bradley Dean, members of the Gate City High School Blue Devils' program, each reached the 2,000 career point mark in 2018, 2019, and 2020, respectively, an astronomically improbable athletic feat; and

WHEREAS, Mac McClung, who currently plays as a guard with Georgetown University, led the Gate City Blue Devils to a state championship title in 2018 while tallying 2,801 career points; he holds the distinction of being the first Virginia High School League player to score more than 1,000 points in a single season; and

WHEREAS, Zac Ervin, now a member of the Elon University basketball team, followed Mac McClung's accomplishment with a career total of 2,351 points, earning ninth place on the Virginia High School League leaderboard; and

WHEREAS, Bradley Dean most recently joined the 2,000-point club, lifting Gate City High School further into the echelons of high school basketball history; and

WHEREAS, along with this remarkable accomplishment, Gate City High School became only the second United States high school ever to feature three 2,000-point scorers on one team for at least one season, as all three student-athletes were on the 2017-2018 championship squad; and

WHEREAS, the accomplishments of the Gate City High School basketball program are the result of the tremendous talent and dedication of the student-athletes, the leadership and guidance of their coaches, and the unwavering support of the entire Gate City High School community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Gate City High School boys' basketball program for making high school basketball history in 2020; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare copies of this resolution for presentation to Mac McClung, Zac Ervin, and Bradley Dean as an expression of the General Assembly's admiration for their extraordinary achievements and best wishes for the future.

HOUSE JOINT RESOLUTION NO. 345

Commending Linda M. Erdos.

Agreed to by the House of Delegates, March 2, 2020

Agreed to by the Senate, March 4, 2020

WHEREAS, Linda M. Erdos, a communications professional with more than 40 years of experience in public relations and marketing, retired as assistant superintendent of school and community relations for Arlington Public Schools in March 2019; and

WHEREAS, a graduate of Westminster College and the Carroll School of Management at Boston College, Linda Erdos previously worked as a language arts teacher and a crisis communications consultant for the YMCA of the USA and served as senior vice president of marketing and communications for the YMCA of Metropolitan Washington; and

WHEREAS, after 12 years as public relations manager for the *Washington Post*, Linda Erdos joined Arlington Public Schools in 2000 and effectively managed internal and external communications for the school district for nearly two decades; and

WHEREAS, during her tenure with Arlington Public Schools, Linda Erdos was responsible for media relations, publications, social media, television broadcasts, and emergency communications; she built strong relationships with the community through special events and by coordinating volunteer outreach projects and partnerships with local businesses; and

WHEREAS, respected among her peers in the communications field, Linda Erdos has offered her expertise to the Public Relations Society of America and the National School Public Relations Association; and

WHEREAS, Linda Erdos has earned numerous awards and accolades for her work, and she is a frequent speaker on topics related to community engagement, media relations, and crisis communications; she has volunteered her time with several charitable organizations, including Leadership Arlington; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Linda M. Erdos on the occasion of her retirement as assistant superintendent for school and community relations for Arlington Public Schools; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Linda M. Erdos as an expression of the General Assembly's admiration for her exceptional service to the students of Arlington County and best wishes for her well-earned retirement.

HOUSE JOINT RESOLUTION NO. 346

Commending Judy Apostolico-Buck.

Agreed to by the House of Delegates, March 2, 2020

Agreed to by the Senate, March 4, 2020

WHEREAS, Judy Apostolico-Buck, who has touched the lives of countless young people through her visionary leadership as principal of Ashlawn Elementary School and Barcroft Elementary School, was named the 2019 Principal of the Year by Arlington Public Schools; and

WHEREAS, a graduate of James Madison University and the University of Virginia, Judy Apostolico-Buck first worked at Arlington Public Schools as a student-teacher and has spent her entire 32-year career with the school district; and

WHEREAS, Judy Apostolico-Buck held a variety of positions in Arlington Public Schools, including itinerant resource teacher for gifted students, assistant principal of Taylor Elementary School, and supervisor of early childhood education programs, gaining a wealth of experience that has served her well as a school administrator; and

WHEREAS, from 2010 to 2017, Judy Apostolico-Buck served as principal of Ashlawn Elementary School, which earned numerous accolades and maintained a tradition of academic excellence under her leadership; and

WHEREAS, in 2017, Judy Apostolico-Buck brought her creative approaches to problem solving, commitment to collaborative leadership, and passion for lifelong learning to Barcroft Elementary School; and

WHEREAS, Judy Apostolico-Buck strives to build trust and understanding with students and parents, using her knowledge of early childhood development and the importance of treating each student as an individual to create a responsive, supportive classroom environment; and

WHEREAS, in addition to advocating for research-based teaching practices, Judy Apostolico-Buck facilitates open discussion among faculty and staff members to ensure that teachers have the resources they need to properly support their students; and

WHEREAS, Judy Apostolico-Buck was recognized for her exceptional accomplishments by the Arlington School Board at a special ceremony on May 14, 2019; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Judy Apostolico-Buck on her selection as the 2019 Principal of the Year by Arlington Public Schools; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Judy Apostolico-Buck as an expression of the General Assembly's admiration for her achievements in service to the students of Arlington County.

HOUSE JOINT RESOLUTION NO. 347

Commending Wilson Ramirez.

Agreed to by the House of Delegates, March 2, 2020

Agreed to by the Senate, March 4, 2020

WHEREAS, Wilson Ramirez, an esteemed world languages teacher at Washington-Liberty High School, was selected by Arlington Public Schools as a 2019 Teacher of the Year; and

WHEREAS, over the course of his 25-year career, Wilson Ramirez has worked as an educator in his home country of Colombia, as well as Spain and multiple states in the United States; he taught Spanish at Woodson High School in Fairfax County before joining what is now Washington-Liberty High School in 2015; and

WHEREAS, Wilson Ramirez tailors his teaching style to each class by building strong, personal relationships with his students; he strives to create an energetic, welcoming environment in his classroom through his unparalleled enthusiasm for learning and his unique cultural perspectives; and

WHEREAS, well known for his dedication and willingness to support others, Wilson Ramirez accepted extra classes during his first year at Washington-Liberty High School when another teacher was unable to return due to an illness; and

WHEREAS, Wilson Ramirez's exceptional performance resulted in a significant increase in enrollment for both international baccalaureate Spanish language and Spanish literature courses during the 2017-2018 academic year; and

WHEREAS, Wilson Ramirez has received the 2018 Victoria D. de Sanchez Northern Virginia Hispanic Teacher of the Year Award from the Hispanic Youth Foundation of Northern Virginia and was recognized as a finalist for the *Washington Post* 2019 Teacher of the Year Award; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Wilson Ramirez on his selection as Arlington Public Schools' 2019 Teacher of the Year; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Wilson Ramirez as an expression of the General Assembly's admiration for his commitment to students and passion for lifelong learning.

HOUSE JOINT RESOLUTION NO. 348

Commending David Bell.

Agreed to by the House of Delegates, March 2, 2020

Agreed to by the Senate, March 4, 2020

WHEREAS, David Bell, who has served the citizens of Arlington County in numerous public roles for more than four decades, retired as vice chair of the Arlington County Electoral Board after years of exemplary service administering free and fair elections; and

WHEREAS, David Bell began his public service career as the Clerk of Court for Arlington County and the City of Falls Church, where he became one of the youngest elected clerks in Virginia history at the age of 28 in 1977 and served until 2007; and

WHEREAS, David Bell earned recognition for his service to Virginia's judicial system as a clerk, including the prestigious William L. Winston Award from the Arlington County Bar Foundation; and

WHEREAS, David Bell first served on the Arlington Electoral Board from 2009 to 2011 and was reappointed in 2014; and

WHEREAS, under David Bell's skillful management and leadership, the Arlington County Electoral Board has overseen and efficiently managed record turnout in the county's 54 precincts; and

WHEREAS, David Bell's service on the Arlington County Electoral Board has made it a model for other electoral boards across the Commonwealth; and

WHEREAS, David Bell has faithfully served the Arlington County Electoral Board, the Arlington County community, and the Commonwealth with honor and distinction; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend David Bell on the occasion of his retirement from the Arlington County Electoral Board; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to David Bell as an expression of the General Assembly's admiration for his contributions to election administration in Arlington County and service to the citizens of the Commonwealth.

HOUSE JOINT RESOLUTION NO. 349

Commending United Steelworkers Local 8888.

Agreed to by the House of Delegates, March 2, 2020

Agreed to by the Senate, March 4, 2020

WHEREAS, United Steelworkers Local 8888 reached a milestone in January 2020 when it welcomed its 10,000th current member; and

WHEREAS, United Steelworkers Local 8888, established in 1978, has enhanced working conditions, increased workplace safety, and advocated for higher wages, better health benefits, and better pensions at the Commonwealth's largest industrial employer for more than 40 years; and

WHEREAS, United Steelworkers Local 8888 reached its previous membership record in 2019 with 7,900 individuals; the organization has continued to grow through the passionate service of its recruiters, who have emphasized the union's storied history and many achievements on behalf of members; and

WHEREAS, United Steelworkers Local 8888 had projected to reach 10,000 dues-paying members by August 2020, and the organization has subsequently increased its expectations to 12,000 members in the coming months; and

WHEREAS, United Steelworkers Local 8888 reached another milestone, with 83 percent of eligible employees joining the union, far above the national average for union membership; and

WHEREAS, throughout its history United Steelworkers Local 8888 has provided an important voice for all employees of Newport News Shipbuilding and ensured that the company continues to serve the Hampton Roads community and the Commonwealth; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend United Steelworkers Local 8888 on reaching an all-time high in membership in 2020; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to United Steelworkers Local 8888 as an expression of the General Assembly's admiration for the organization's commitment to advocating for the hardworking employees of Newport News Shipbuilding.

HOUSE JOINT RESOLUTION NO. 350

Commending the Williamsburg House of Mercy.

Agreed to by the House of Delegates, March 2, 2020

Agreed to by the Senate, March 4, 2020

WHEREAS, the Williamsburg House of Mercy, a nonprofit organization providing services to the homeless in the Historic Triangle region, has had an outsized positive impact on its community; and

WHEREAS, by providing emergency housing assistance, Williamsburg House of Mercy helps hundreds of Williamsburg residents find stability in their lives when they need it most; last fiscal year alone, Williamsburg House of Mercy provided 1,068 nights of emergency shelter for 113 people, putting many on the path out of homelessness; and

WHEREAS, on most days, the Williamsburg House of Mercy feeds at least 20 people at its Harbor Day Shelter, assists five to seven people with consultations, and provides another dozen individuals with pantry food items and necessities, like diapers; and

WHEREAS, through its homeless prevention services, Williamsburg House of Mercy coordinates with local churches and social services departments to prevent evictions and foreclosures that are often the result of health emergencies or other personal crises in people's lives; and

WHEREAS, the Williamsburg House of Mercy benefits from its partnership with 30 local faith and community groups that provide financial support for the organization's efforts and assist with its caseload; and

WHEREAS, by providing quality compassionate care and services to its community's most vulnerable members, Williamsburg House of Mercy exemplifies the convivial spirit that makes Williamsburg a wonderful place to live, work, and play; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Williamsburg House of Mercy for its service to the community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Shannon Woloszynowski, executive director of the Williamsburg House of Mercy, as an expression of the General Assembly's heartfelt admiration for the organization's mission and best wishes for its continued success in fighting homelessness.

HOUSE JOINT RESOLUTION NO. 351

Commending the Raj Khalsa Gurdwara.

Agreed to by the House of Delegates, March 2, 2020

Agreed to by the Senate, March 4, 2020

WHEREAS, the Raj Khalsa Gurdwara in Sterling has served the Sikh community in Northern Virginia for more than 50 years; and

WHEREAS, originally known as the Ahimsa Ashram, the Raj Khalsa Gurdwara was established by Yogi Bhajan in Washington, D.C., to help community members lead happier, healthier, and holier lives by teaching the principles and practices of Sikh and yogic traditions; and

WHEREAS, in 1970, the Ahimsa Ashram opened the Golden Temple Conscious Cookery, a vegetarian restaurant that served local residents for 10 years; the community continued to grow and expand, establishing a Khalsa preschool in 1978; and

WHEREAS, after members of the community relocated from Washington, D.C., to the Herndon and Great Falls areas, a Gurdwara temple was established on Export Drive in Sterling in 1980 and later renamed the Raj Khalsa Gurdwara; and

WHEREAS, the Raj Khalsa Gurdwara strives to create an atmosphere of mutual respect and friendship, where approximately 400 to 500 members can enjoy fellowship, worship and opportunities for service; and

WHEREAS, as part of the rich cultural fabric of the Commonwealth, the members of Raj Khalsa Gurdwara, make many valuable contributions as leaders in a variety of professions, businesses, and community organizations; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Raj Khalsa Gurdwara for its decades of service to its community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Raj Khalsa Gurdwara as an expression of the General Assembly's admiration for the temple's contributions to the Loudoun County community.

HOUSE JOINT RESOLUTION NO. 352

Commending AmityConnections.

Agreed to by the House of Delegates, March 2, 2020

Agreed to by the Senate, March 4, 2020

WHEREAS, AmityConnections, which developed a mobile application to connect family members with the health of their elders, won the 2019 T-Mobile Changemaker Challenge; and

WHEREAS, AmityConnections was established by Kushi Sethuram and Karthik Ramu, students at Loudoun County's Academy of Engineering and Technology, as part of a dual-enrollment entrepreneurship class; and

WHEREAS, concerned for the safety and wellness of their grandparents and other senior residents of Loudoun County, Kushi Sethuram and Karthik Ramu formulated an idea to gather health data from existing smart medical devices used by seniors into one convenient interface for family members to use; and

WHEREAS, AmityConnections and its mobile platform, AmityConnect, was created with expert input from local medical professionals and health care companies; the founders entered several competitions to raise awareness of the organization, which was ultimately selected from more than 400 applicants to the T-Mobile Changemaker Challenge; and

WHEREAS, as winners of the T-Mobile Changemaker Challenge, Kushi Sethuram and Karthik Ramu received \$2,000 in seed funding for AmityConnections and an opportunity to meet with mentors at T-Mobile Headquarters in Bellevue, Washington; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend AmityConnections on its selection as one of 30 winning teams in the 2019 T-Mobile Changemaker Challenge; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Kushi Sethuram and Karthik Ramu, founders of AmityConnections, as an expression of the General Assembly's admiration for their innovative work to increase the health and wellness of senior members of the community.

HOUSE JOINT RESOLUTION NO. 353

Commending the passage of the Americans with Disabilities Act.

Agreed to by the House of Delegates, March 2, 2020

Agreed to by the Senate, March 4, 2020

WHEREAS, July 26, 2020, marks the 30th anniversary of the signing of the Americans with Disabilities Act; and

WHEREAS, the Americans with Disabilities Act (ADA) represents the most comprehensive civil rights law for people with disabilities, offering protections against discrimination in employment, access to government services and programs, and access to public accommodations and information technology; and

WHEREAS, Virginia led the way in disability rights five years before the federal government with the passage of its own Virginians with Disabilities Act in 1985; and

WHEREAS, since that time, Virginia's leaders have championed measures to extend and reinforce the rights of Virginians with disabilities through various measures, including the creation of the Virginia Disability Commission in 1990; and

WHEREAS, Virginia further supported people with disabilities through the establishment of an Olmstead Task Force in 2002 and codification of that effort in 2006 as the Community Integration Advisory Commission, as well as the issuance of executive orders in 2014 prohibiting discrimination against otherwise qualified persons with disabilities in Virginia state government and prioritizing integrated accessible housing for people with disabilities; and

WHEREAS, on January 3, 2020, Governor Ralph Northam issued Executive Order 47 and Executive Directive 6 to ensure employment equity for Virginians with disabilities by prioritizing hiring and workforce diversity in state government; to expand educational opportunity by directing the Secretary of Education to explore ways to increase active participation in advanced training and higher education programs; to ensure all Virginians can benefit from the state services and support they need by directing the Virginia Information Technologies Agency to review state websites and technology services to increase accessibility; and to continue the Community Integration Implementation Team to ensure the Commonwealth is providing opportunities for individuals with disabilities to become fully integrated into the community if they choose; and

WHEREAS, the 30th anniversary of the Americans with Disabilities Act and 35th anniversary of the Virginians with Disabilities Act provides an opportunity for localities, state agencies, and all Virginians to learn about, preserve, extend, and enhance the rights and protections these laws afforded to Virginians and all Americans with disabilities; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the passage of the Americans with Disabilities Act on the occasion of its 30th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the disAbility Law Center of Virginia as an expression of the General Assembly's appreciation for the significance of the Americans with Disabilities Act.

HOUSE JOINT RESOLUTION NO. 354

Commending the Sacred Heart Center.

Agreed to by the House of Delegates, March 2, 2020

Agreed to by the Senate, March 4, 2020

WHEREAS, the Sacred Heart Center, a service organization supported by the Sacred Heart Catholic Church in Richmond and other local partners, celebrates its 30th anniversary in 2020; and

WHEREAS, opened in 1990 by the Maryland Province Jesuits and the Catholic Diocese of Richmond in a building that formerly housed the Sacred Heart School, the Sacred Heart Center quickly became a valuable community institution through its innovative programs for children and adults; and

WHEREAS, responding to changing demographics in the neighborhood and the increasing number of Spanish speakers in the congregation at Sacred Heart Catholic Church, the Sacred Heart Center focused its efforts to support the needs of this growing community; and

WHEREAS, through numerous adult education and support programs, the Sacred Heart Center helps individuals of all ages achieve their goals, whether it be to improve literacy, earn a General Educational Development degree, or obtain citizenship; and

WHEREAS, the Sacred Heart Center has programs to help children through every stage of their educational maturation, from the Pasitos Exitosos program for preschool-age children to the Cielito Lindo program for summer enrichment, to the College and Career Bound program for high school students exploring higher education opportunities; and

WHEREAS, from 2016 to 2017 alone, the Sacred Heart Center enrolled more than 600 students in core educational programs while serving thousands more through partnerships providing medical, consular, and tax preparation services; food assistance; and referrals for human services; and

WHEREAS, creating synergy through collaborations with partner organizations in the area, the Sacred Heart Center is continually looking to extend its outreach and enhance the positive impact it has upon the community; and

WHEREAS, the accomplishments of the Sacred Heart Center over the years have been made possible by its volunteers, who are essential to every facet of the organization's operations and its programs; and

WHEREAS, by offering a space that is welcoming and accepting of all people, the Sacred Heart Center fosters community, celebrates the dignity of each individual, and contributes to a more just and peaceful world; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Sacred Heart Center, a Catholic charitable organization serving the Richmond Latino community, on the occasion of its 30th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Reverend Shay W. Auerbach, S.J., president of the Sacred Heart Center, as an expression of the General Assembly's profound respect and admiration for the organization's efforts and best wishes for its continued success.

HOUSE JOINT RESOLUTION NO. 355

Celebrating the life of Calvin Frederick Larson.

Agreed to by the House of Delegates, March 2, 2020

Agreed to by the Senate, March 4, 2020

WHEREAS, Calvin Frederick Larson, an honorable veteran, esteemed attorney, and beloved member of the Reston community, died on December 3, 2019; and

WHEREAS, born in Weyauwega, Wisconsin, Calvin "Cal" Frederick Larson was a voracious student from the start; enrolled in school at the age of three, he studied at several prestigious institutions, including Brown University, for a United States Army special engineering program during World War II; the University of Wisconsin-Madison, where he earned a bachelor's degree in agricultural journalism; and the University of Denver College of Law, where he earned his juris doctorate; and

WHEREAS, Cal Larson lived for many years in the Harvey Park neighborhood of Denver, Colorado, where he was president of the Harvey Park Improvement Association and was honored as Southwest Denver Citizen of the Year in 1965; and

WHEREAS, moving to Reston in 1967, Cal Larson quickly became an active and invaluable member of his community; his many activities on behalf of others included his involvement in planning and development committees within Reston and the pro bono legal services he provided to assist individuals with HIV/AIDS; and

WHEREAS, the impact of Cal Larson's contributions is evident through the many accolades he earned over his lifetime, including the Citizen of the Year Award from Reston Community Association, which he helped found; the Best of Reston honor from the Reston Chamber of Commerce and Reston Interfaith; and the Fairfax Bar Association's James Keith Public Service Award; and

WHEREAS, as a founding member of the Northern Virginia Music Center at Reston, which encouraged the development of young musicians, and a supporter and advocate for the Lake Anne Village Center, Cal Larson was a tireless promoter of local art and culture in his community; and

WHEREAS, Cal Larson will be fondly remembered and greatly missed by his loving wife, Nancy; his children, Sarah and Barbara, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Calvin Frederick Larson, who touched countless lives as an attorney, community leader, and friend; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Calvin Frederick Larson as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 356

Celebrating the life of Sidney Buford Scott.

Agreed to by the House of Delegates, March 2, 2020

Agreed to by the Senate, March 4, 2020

WHEREAS, Sidney Buford Scott, business leader and major philanthropist in the Richmond community, died on September 2, 2019; and

WHEREAS, Buford Scott graduated from the University of Virginia in 1955 and, after a brief stint serving with the United States Army's Counterintelligence Corps, began a long and successful career as a financial broker, helping countless individuals grow their wealth and investments; and

WHEREAS, for over 60 years, Buford Scott worked for the brokerage firm now named BB&T Scott & Stringfellow, a company founded by his grandfather in 1893; he started on the ground floor in 1958, working as a board boy to assist the firm's brokers, and would rise to the position of chairman in 1974, a position he would hold until becoming chairman emeritus in 2018; and

WHEREAS, for many years, Buford Scott dedicated his time and resources to improving the lives of young people; his primary initiative was Elk Hill Farm, which he founded in 1970 to provide education and residence to children in need; today, the organization serves nearly 700 children annually; and

WHEREAS, an advocate for the power of education to create opportunity, Buford Scott was instrumental in founding the Virginia Council on Economic Education, an organization that advises primary and secondary education teachers on strategies for teaching financial literacy in the classroom, and supported programs such as the Virginia Mentoring Partnership and the Micah Initiative, which provides volunteer tutors to Richmond Public Schools; and

WHEREAS, active in many other facets of the community, Buford Scott provided overwhelming support to ventures such as the American Civil War Museum and Sheltering Arms Physical Rehabilitation Hospital; and

WHEREAS, Buford Scott provided his wisdom and expertise to several institutions over his lifetime, serving the Virginia Commonwealth University Board of Visitors for 11 years; the University of Virginia Board of Visitors, his alma mater, for seven years; and for the Virginia Retirement System Board of Trustees for 10 years; and

WHEREAS, in recognition of his numerous achievements and unflagging support of Richmond, Buford Scott was named to the *Richmond Times-Dispatch* Person of the Year Hall of Fame in 2016; and

WHEREAS, at one point contemplating becoming a priest, faith was always an integral part of Buford Scott's life; for many years, he enjoyed fellowship and worship as a member of St. Paul's Episcopal Church in Richmond, drawing inspiration for a life of good deeds; and

WHEREAS, Buford Scott will be dearly remembered and greatly missed by his wife, Susan; his children, Sidney, Jr., George, and Elizabeth, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Sidney Buford Scott, giant of the Richmond business community and hero to many; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Sidney Buford Scott as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 357

Celebrating the life of Betsy Samuelson Greer.

Agreed to by the House of Delegates, March 2, 2020

Agreed to by the Senate, March 4, 2020

WHEREAS, Betsy Samuelson Greer, a dedicated mental health advocate and hero to many in the Arlington community, died on November 3, 2019; and

WHEREAS, born in Burlington, Vermont, Betsy Greer graduated from Oberlin College in 1961 and spent the early years of her career first as a reporter in Montpelier, Vermont, and Philadelphia, Pennsylvania, and later as a congressional aide to United States Senators George Aiken and Patrick Leahy; and

WHEREAS, after facing the challenges presented by mental health disorders in their own family, Betsy Greer and her husband, Richard, were inspired to found the Arlington chapter of the National Alliance on Mental Illness, becoming impassioned advocates for greater mental health services in the community; and

WHEREAS, for 30 years as a National Alliance on Mental Illness volunteer, Betsy Greer worked tirelessly to improve mental health services on the local level and served as a lifeline to many individuals and families in need; and

WHEREAS, the Richard and Betsy Greer Advocacy Award, presented annually by the National Alliance on Mental Illness to honor a member within the organization who has advanced mental health policy and advocacy efforts, is a testament to the couple's legacy within the organization; and

WHEREAS, in pursuit of providing greater care to those struggling with mental health disorders in her community, Betsy Greer served on the Arlington County Community Services Board and with the Friends of Clarendon House; and

WHEREAS, recognizing the invaluable support she provided to countless individuals, Betsy Greer received the James B. Hunter III Community Hero Award for Lifetime Achievement at Arlington's Neighborhood Day in 2006 and the Distinguished Service Award from her alma mater, Oberlin College, in 2011; and

WHEREAS, inspired by her faith to serve others, Betsy Greer enjoyed fellowship and worship at Kol Ami, the Northern Virginia Reconstructionist Jewish Community, where she was a long-standing member; and

WHEREAS, preceded in death by her husband of 21 years, Richard, Betsy Greer will be dearly remembered and missed by her sister, Miriam; her stepchildren, Kimberly, Teresa, Gretchen, Martha, Sarah, and Richard; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Betsy Samuelson Greer, champion of those living with mental health disorders and their families; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Betsy Samuelson Greer as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 358

Celebrating the life of Nita Jones.

Agreed to by the House of Delegates, March 2, 2020

Agreed to by the Senate, March 4, 2020

WHEREAS, Nita Jones, celebrated columnist at the *Richmond Times-Dispatch*, passionate social activist, and beloved member of the Richmond community, died on December 27, 2019; and

WHEREAS, born and raised in Richmond and educated at Virginia Commonwealth University and the University of Richmond, Nita Jones was a natural fit to cover the city she knew and loved; and

WHEREAS, beginning her journalism career in 1976 as a writer and reporter for the *Richmond Times-Dispatch*, Nita Jones delighted readers with her regular "Dining out with Nita Jones" column, along with many other special features and articles in the business and trade sections; and

WHEREAS, a gifted writer and expert communicator, Nita Jones supported the public relations and communications departments of many companies throughout her career, including Signet Bank, St. Mary's Hospital, Johnston-Willis Hospital, and the Federal Reserve Bank of Richmond; and

WHEREAS, in recognition of her accomplishments both as a journalist and public relations professional, Nita Jones received several awards from the International Association of Business Communicators, for which she was an active chapter member, as well as accolades from "The Ragan Report" and Virginia Press Women; and

WHEREAS, Nita Jones supported members of her community through her work with Meals on Wheels and was an unflinching advocate for social justice issues as an active member of the Democratic Party; and

WHEREAS, a tireless champion of LGBT causes, Nita Jones was an ardent supporter of Equality Virginia and a founding member of "Mothers and Others," a Richmond-based grassroots organization dedicated to ensuring equality for LGBT individuals and their families; and

WHEREAS, guided throughout her life by her deep and abiding faith, Nita Jones was a member of St. Paul's Episcopal Church in Richmond, where she enjoyed worship and fellowship with her community for many years; and

WHEREAS, Nita Jones will be fondly remembered and dearly missed by her husband, Robert; her children, Robert, Jr., and Kimberly, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Nita Jones, who touched the lives of countless citizens of Richmond as a journalist, social activist, and friend; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Nita Jones as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 359

Celebrating the life of James Ronald Schroeder, DDS.

Agreed to by the House of Delegates, March 2, 2020

Agreed to by the Senate, March 4, 2020

WHEREAS, James Ronald Schroeder, DDS, a trusted dentist and an active community leader who touched countless lives in Richmond, died on January 11, 2020; and

WHEREAS, a native of Chicago, James Schroeder inherited his lifelong passion for service to others from his mother, a nurse, and his father, a police officer; and

WHEREAS, James Schroeder graduated from Taft High School in Chicago, Luther College in Iowa, and the Virginia Commonwealth University School of Dentistry; and

WHEREAS, after completing his dental residency at the University of Virginia, James Schroeder opened a private practice in Richmond, where he served patients for more than 40 years and increased access to dental care for patients with special needs; and

WHEREAS, James Schroeder advanced the dental profession through his work as a cofounder of CrossOver Healthcare Ministry, a longtime adjunct faculty member at Virginia Commonwealth University, and a frequent contributor to *Virginia Dental Journal*; and

WHEREAS, later in life, James Schroeder established the consulting firm Leadership by Design and was sought after for his wisdom and insights; he organized a group of talented dentists under Central Virginia Dental Care, PLC; and

WHEREAS, James Schroeder served and supported young people as a member of the Chesterfield County School Board and a Sunday school teacher at Redeemer Lutheran Church; and

WHEREAS, in recognition of his exceptional career, James Schroeder received many awards, including national accolades from the American Dental Association in 1989, a Community Service Award from the *Richmond Times-Dispatch*, and the Outstanding Richmond History Maker Award from The Valentine Richmond History Center; and

WHEREAS, James Schroeder's greatest joy in life was his beloved family, and he will be fondly remembered and greatly missed by his wife of nearly 50 years, Jan; his children, Elizabeth, James, Christiana, Emily, Julie, and Mimi, and their families; and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of James Ronald Schroeder, DDS, a pillar of the Richmond community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of James Ronald Schroeder, DDS, as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 360

Celebrating the life of Joan Carpenter Massey.

Agreed to by the House of Delegates, March 2, 2020

Agreed to by the Senate, March 4, 2020

WHEREAS, Joan Carpenter Massey, a passionate philanthropist and an active community leader who touched countless lives throughout the Richmond region, died on July 12, 2019; and

WHEREAS, Joan Massey grew up in North Carolina and relocated to Virginia after graduating from Draper High School; while working as a hostess at an inn in Virginia Beach, she met her future husband, Morgan; and

WHEREAS, Joan Massey took courses at Virginia Commonwealth University and worked as a bank teller while supporting her husband in his role as head of the A.T. Massey Coal Company; her keen intelligence, charm, and grace helped her interact with everyone from business executives to coal miners; and

WHEREAS, Joan Massey volunteered her leadership to some of Richmond's most prominent nonprofit organizations and cultural institutions; and

WHEREAS, Joan Massey served in numerous capacities at the Museum of the Confederacy, now part of the American Civil War Museum, including as president of the board from 1988 to 1989, during which time she oversaw the restoration of the White House of the Confederacy; and

WHEREAS, in 1986, Joan Massey was appointed to the board of the Virginia Museum of Fine Arts by Governor Gerald L. Baliles; over the course of a decade, she served on 10 different committees at the museum, including exhibitions, education and programs, and education in the arts, among others; and

WHEREAS, in 1987, Joan Massey joined the board of Lewis Ginter Botanical Garden and helped transform the property into one of the finest botanical gardens in the United States; she completed terms as president and chair and ultimately served on the board until 2002; and

WHEREAS, more recently, Joan Massey had served as director of the Joan and Morgan Massey Foundation, a charitable organization that provided grants to worthy causes throughout the Commonwealth; and

WHEREAS, Joan Massey will be fondly remembered and greatly missed by her beloved husband, Morgan; her sons, Charles and Craig, and their families; her five stepchildren, and their families; and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Joan Carpenter Massey; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Joan Carpenter Massey as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 361

Celebrating the life of Paule Marshall.

Agreed to by the House of Delegates, March 2, 2020

Agreed to by the Senate, March 4, 2020

WHEREAS, Paule Marshall of Richmond, a luminary author who highlighted the experiences of women, African Americans, and Caribbean migrants through her passionate, lyrical prose, died on August 12, 2019; and

WHEREAS, born Valenza Pauline Burke, Paule Marshall changed her name in later life, fearing that her given name would impact her employment prospects; as the daughter of Barbadian immigrants in New York City, her personal understanding of issues related to race, gender, and cultural identity influenced much of her work; and

WHEREAS, Paule Marshall attended Hunter College for one year, but was forced to withdraw due to an illness; she returned to her studies at Brooklyn College, where she graduated Phi Beta Kappa in 1952; and

WHEREAS, after working as a researcher for a magazine, Paule Marshall published her first and most well-known work, *Brown Girl, Brownstones* in 1959; the novel garnered national and international acclaim and is considered by some as the beginning of contemporary African American women's literature; and

WHEREAS, Paule Marshall served as a bridge between African American novelists of the early 20th century like Richard Wright and Zora Neale Hurston and more modern authors such as Toni Morrison and Alice Walker; and

WHEREAS, Paule Marshall infused her writing with strength, dignity, clear vision, and a powerful sense of purpose; her other notable works include *Soul Clap Hands and Sing* in 1961, *The Chosen Place, the Timeless People* in 1969, and *Praisesong for the Widow* in 1983; and

WHEREAS, beginning in 1984, Paule Marshall taught English and creative writing at Virginia Commonwealth University, where she helped create opportunities for students by bringing other eminent African American authors to campus; she taught at other institutions around the nation and held the Helen Gould Sheppard Chair of Literature and Culture at New York University; and

WHEREAS, Paule Marshall received many awards and accolades throughout her career, including a 1961 Guggenheim Fellowship, a 1992 MacArthur Fellowship, and the 2009 Anisfield-Wolf Book Award; and

WHEREAS, Paule Marshall will be fondly remembered and greatly missed by her son, Evan, and his family; her stepdaughter and her family; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Paule Marshall, a highly admired author in Richmond; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Paule Marshall as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 362

Celebrating the life of Eugene A. Mason, Jr.

Agreed to by the House of Delegates, March 2, 2020

Agreed to by the Senate, March 4, 2020

WHEREAS, Eugene A. Mason, Jr., a highly admired spiritual leader, entrepreneur, and public servant who made many contributions to the Richmond community, died on August 11, 2019; and

WHEREAS, Eugene Mason grew up in Richmond and studied business at Virginia Commonwealth University and Reynolds Community College; he pursued a career in home improvement construction management as the owner of Nosam Contracting and Services; and

WHEREAS, Eugene Mason offered his leadership to the Richmond Branch of the NAACP as vice president and served with the Metropolitan Business League, the Boys & Girls Clubs of Metro Richmond, the National Kidney Foundation, the Friends of the Richmond Public Library, and the Richmond City Democratic Committee; and

WHEREAS, as a member of the Richmond City Council, Eugene Mason ably represented the residents of the Ninth District and supported critical programs to build self-esteem and was committed to academic excellence among young people and strengthening the community as a whole; and

WHEREAS, guided by his faith in all his good deeds, Eugene Mason enjoyed fellowship and worship with the congregations of Mt. Carmel Baptist Church and United Nations Church International, where he served as a faithful elder and implemented youth mentorship programs; and

WHEREAS, after the death of his beloved wife, Vivian, Eugene Mason strove to honor her legacy by establishing the Vivian Conway Mason Scholarship Fund to help underprivileged high school students attend Virginia Commonwealth University; and

WHEREAS, Eugene Mason will be fondly remembered and greatly missed by his children, Yvette and Eugene III, and their families, and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Eugene A. Mason, Jr.; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Eugene A. Mason, Jr., as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 363

Celebrating the life of Edward H. Peeples, Jr.

Agreed to by the House of Delegates, March 2, 2020

Agreed to by the Senate, March 4, 2020

WHEREAS, Edward H. Peeples, Jr., a longtime educator at Virginia Commonwealth University and a passionate advocate for civil rights and social justice, died on September 7, 2019; and

WHEREAS, a native of Richmond, Edward "Ed" H. Peeples, Jr., relocated to Ohio to seek employment after high school, but ultimately returned home to the Commonwealth and enrolled in what was then the Richmond Professional Institute (RPI); and

WHEREAS, while at RPI, Ed Peeples became involved with the early Civil Rights Movement, protesting segregation on campus, and in 1960, he spontaneously joined the sit-in at the Thalhimers department store lunch counter; and

WHEREAS, Ed Peeples served his country as a member of the United States Navy and continued his education at the University of Pennsylvania, where he earned a master's degree; his thesis on the condition of segregated schools in Prince Edward County garnered national attention for its comprehensive research documenting disparities between white and black schools; and

WHEREAS, Ed Peeples began teaching at the Medical College of Virginia (MCV) School of Nursing in 1963, and he was at the forefront of many new programs when RPI and MCV merged to form Virginia Commonwealth University (VCU) in 1968; and

WHEREAS, during that time, Ed Peeples continued to fight for the dignity and fair treatment for all people throughout the United States and served as executive director of an Encampment for Citizenship leadership course in Tennessee, the first such course held in the Southern United States; and

WHEREAS, over the course of his 30-year career in education, Ed Peeples helped establish the African American studies program, a master's in public health degree program, and the Virginia College Council on Human Relations; and

WHEREAS, Ed Peeples expanded his advocacy efforts to include women's rights, gender issues, prison reform, and equal treatment of the poor in hospital care and disaster relief, touching countless lives through his leadership and unflinching kindness; and

WHEREAS, among his many awards and accolades for his good work, Ed Peeples received the 2015 Civil Rights Unsung Hero Award from the Richmond Branch of the NAACP and the inaugural Edward H. Peeples, Jr., Award for Social Justice from the VCU Alumni Association; and

WHEREAS, Ed Peeples will be fondly remembered and greatly missed by his wife, Karen; his daughters, Suzannah, Kathryn, Cecily, and Camille, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Edward H. Peeples, Jr.; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Edward H. Peeples, Jr., as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 364

Celebrating the life of Mary Patricia Moynahan Mullins.

Agreed to by the House of Delegates, March 2, 2020

Agreed to by the Senate, March 4, 2020

WHEREAS, Mary Patricia Moynahan Mullins, a respected pharmacist and educator who touched many lives in the Richmond region through her kindness, professionalism, and wisdom, died on January 13, 2019; and

WHEREAS, a proud native of Kentucky, Patricia Mullins grew up in Nicholasville and attended Jessamine County Schools; after studying at Sullins College in Bristol for one year, she transferred to the University of Kentucky; and

WHEREAS, during her time at the University of Kentucky, Patricia Mullins made lifelong friendships as a member and president of Delta Delta Delta Sorority and was accepted into a newly created doctor of pharmacy program, of which she was honored to become the first graduate; and

WHEREAS, Patricia Mullins worked as a pharmacist in Illinois and Missouri before relocating to Richmond in 1978, when she joined the Virginia Commonwealth University School of Pharmacy; and

WHEREAS, Patricia Mullins subsequently worked in private practice for a number of years and offered her expertise to Bon Secours Hospice as a consultant to its drug formulary committee and the Richmond Academy of Medicine Alliance as a past president; and

WHEREAS, Patricia Mullins volunteered her time as an election official for her voting precinct, and she enjoyed fellowship and worship with the Richmond community at St. Bridget Catholic Church; and

WHEREAS, predeceased by her husband of 45 years, Maurice, Patricia Mullins will be fondly remembered and greatly missed by her sons, Connell and Broderick; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Mary Patricia Moynahan Mullins; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Mary Patricia Moynahan Mullins as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 365

Celebrating the life of Alma Joyce Martin Moore.

Agreed to by the House of Delegates, March 2, 2020

Agreed to by the Senate, March 4, 2020

WHEREAS, Alma Joyce Martin Moore, a civic leader and cherished member of the Richmond community, died on May 13, 2019; and

WHEREAS, a native of Newport News, Alma Moore relocated to Richmond with her husband, Otto, Sr., and was a longtime resident in the Westover South and Woods neighborhood; and

WHEREAS, driven to aid her community, Alma Moore served as president of the Westover South and Woods Civic Association for nearly 30 years, demonstrating great loyalty and dedication to her neighbors; and

WHEREAS, in 1997 and 2000, Alma Moore ran for Richmond City Council, mustering passionate and considerable support for her candidacy and vision for the city; and

WHEREAS, serving as a member of the Social Services Advisory Board in Richmond for 12 years, Alma Moore helped oversee the planning and implementation of various social services that the city provides; and

WHEREAS, a member of the Richmond Behavioral Health Authority from 2012 to 2016, Alma Moore championed mental health and developmental services for the benefit of the citizens of Richmond; and

WHEREAS, Alma Moore will be fondly remembered and dearly missed by her devoted husband of 61 years, Otto, Sr.; her children, Stephanie, Otto, Jr., D'Andre, Rodney, and Zina, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Alma Joyce Martin Moore, who touched countless lives in Richmond as a civic leader and friend; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Alma Joyce Martin Moore as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 366

Celebrating the life of Mamie Littleton Goins.

Agreed to by the House of Delegates, March 2, 2020

Agreed to by the Senate, March 4, 2020

WHEREAS, Mamie Littleton Goins, a vibrant member of the Richmond community who served others as a health care professional for many years, died on August 11, 2019; and

WHEREAS, a native of Birmingham, Alabama, Mamie Goins relocated to the Richmond area, where she graduated from Armstrong High School; and

WHEREAS, Mamie Goins pursued a career as a nurse at what is now Virginia Commonwealth University Medical Center, as well as other health care organizations, and offered her leadership and expertise to several peer and professional associations; and

WHEREAS, guided by her servant's heart and abiding faith, Mamie Goins touched many lives through her grace and generosity; and

WHEREAS, Mamie Goins was baptized at New Bridge Baptist Church, where her grandfather was a minister, and later joined Fifth Street Baptist Church; she shared her joyful spirit with her daughter's church in the Swansboro area; and

WHEREAS, Mamie Goins was devoted to her family and relished every opportunity to care for them and impart her lifetime of wisdom to her children and grandchildren; and

WHEREAS, Mamie Goins will be fondly remembered and greatly missed by her husband, Raleigh; her children, Mechelle and Raleigh, Jr., and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Mamie Littleton Goins, who made many contributions to the Richmond community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Mamie Littleton Goins as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 367

Commending Richmond Prep.

Agreed to by the House of Delegates, March 2, 2020

Agreed to by the Senate, March 4, 2020

WHEREAS, Richmond Prep, a Christian academy in Richmond serving students from preschool through fifth grade, celebrated its 35th anniversary in 2018; and

WHEREAS, founded by Dr. Yvonne Jones Bibbs in 1983, what would later become known as Richmond Prep was opened as Sixth Baptist Christian School in the basement of Sixth Baptist Church in Richmond; and

WHEREAS, initially serving only five students through extracurricular programs, by 1993, the school had greatly expanded to include a summer day camp for primary grade students, a preschool serving more than 200 students each year, and two satellite campuses; and

WHEREAS, that same year, renowned Richmond educator Dr. Mary Gordon West joined the faculty as director of the preschool division; two years later, when the Sixth Baptist Christian School began offering elementary education, she became the school's first principal; and

WHEREAS, in 2000, Sixth Baptist Christian School consolidated its campuses, moved to a new location on West Main Street, and renamed itself Richmond Prep; now offering classes from preschool through ninth grade, the school would remain at this location until 2005, when it relocated to the historic Daniel Call House on West Grace Street; and

WHEREAS, upon taking up residence at the Daniel Call House, leadership of Richmond Prep passed from Yvonne Jones Bibbs and Mary Gordon West to Dr. Jonathan Clay Bibbs and Patricia Colander Grant, who served as the school's lead administrator and principal, respectively; and

WHEREAS, briefly establishing itself at the Benedictine College Prep High School building from 2012 to 2018, Richmond Prep found its home for the 2018–2019 school year at the Westminster Presbyterian Church, where it celebrated its 35th year providing the youth of Richmond with an excellent education and the opportunity to thrive; and

WHEREAS, informed by its Christian faith and an appreciation for the individual character of every child, Richmond Prep has fostered the success of its students for many years, both in and out of the classroom; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Richmond Prep, a Christian academy in Richmond that raises young men and women to be faithful, lifelong learners, on the occasion of its 35th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Dr. Jonathan Clay Bibbs, lead administrator of Richmond Prep, as an expression of the General Assembly's admiration for the school's achievements and best wishes for the future.

HOUSE JOINT RESOLUTION NO. 368

Commending Derwin Booker.

Agreed to by the House of Delegates, March 2, 2020

Agreed to by the Senate, March 4, 2020

WHEREAS, Derwin Booker, longtime member of the board of directors of the Northern Neck Soil & Water Conservation District, retired in 2019; and

WHEREAS, raised on a 250-acre farm in Richmond County, Derwin Booker learned the meaning of hard work from a young age while developing an appreciation for the responsible management of our natural resources; and

WHEREAS, a year as a page with the Virginia House of Delegates and several years of service to the country in the United States Air Force instilled in Derwin Booker a passion for leading and serving others; and

WHEREAS, after his honorable discharge in 1968, Derwin Booker began a career in marketing, ultimately retiring from the Reuben H. Donnelley Corporation in 1989; his savvy for promotion would prove invaluable as a member of the Northern Neck Soil & Water Conservation District (NNSWCD) Board of Directors, which he joined in 2002; and

WHEREAS, for the past eight years, Derwin Booker chaired the NNSWCD Board while extending his efforts statewide as chair of the Virginia Association of Soil & Water Conservation Districts' marketing committee; and

WHEREAS, in recent years, Derwin Booker was instrumental in bringing the problem of shoreline erosion in the Commonwealth to the attention of Virginia legislators, efforts that resulted in the restoration of funding for the Shoreline Erosion Advisory Service, a division of the Virginia Department of Conservation and Recreation that helps landowners and localities mitigate this type of erosion; and

WHEREAS, in retirement, Derwin Booker will remain an associate director of the NNSWCD, ensuring the region will retain an insightful voice and valued leader for years to come; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Derwin Booker, a civil servant who dedicated 18 years to the Northern Neck Soil & Water Conservation District, on the occasion of his retirement; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Derwin Booker as an expression of the General Assembly's admiration for his contributions to the Northern Neck and the Commonwealth.

HOUSE JOINT RESOLUTION NO. 369

Commending Zenaviv.

Agreed to by the House of Delegates, March 2, 2020

Agreed to by the Senate, March 4, 2020

WHEREAS, Zenaviv in Ashburn works with local businesses, corporations, hospitals, and individuals to empower artists with special needs by promoting and selling prints of their artwork; and

WHEREAS, Zenaviv was cofounded by Harish Bikmal and his son, Saket Bikmal, whose older brother, Himel, was diagnosed with severe nonverbal autism but discovered an outlet for expression through painting; the Bikmal family subsequently held a fundraiser showcasing Himel's art, and more than 100 people contributed their own art to the successful event; and

WHEREAS, Zenaviv was established to benefit other individuals living with autism and their families by supporting their artistic endeavors; the organization has provided hope and a sense of accomplishment to participants, while helping parents and guardians nurture their children's unique strengths and talents; and

WHEREAS, Zenaviv offers prints on paper, canvas, or acrylic, as well as calendars, tote bags, mugs, greeting cards, and other products, allowing artists to earn an income, gain self-esteem, and help support their families; members of Zenaviv have completed murals at the Four Seasons Hotel and the Jefferson Hotel in Washington, D.C.; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Zenaviv for its work to enhance the lives of people with autism; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Zenaviv as an expression of the General Assembly's admiration for its work to promote inclusivity and empower artists.

HOUSE JOINT RESOLUTION NO. 371

Celebrating the life of Robert J. Hatfield.

Agreed to by the House of Delegates, March 3, 2020

Agreed to by the Senate, March 5, 2020

WHEREAS, Robert J. Hatfield, an esteemed management consultant, tireless social justice and gun violence prevention advocate, dedicated Special Olympics coach, and beloved member of the Fairfax community, died on January 16, 2020; and

WHEREAS, born and raised in Massachusetts, Robert "Bob" J. Hatfield graduated from Melrose High School and Northeastern University and lived in New York City, New York, for several years before spending the last four decades in the Commonwealth; and

WHEREAS, Bob Hatfield had a remarkable career in fields of management consulting and contract management serving numerous companies and organizations, including Link Aviation, Syracuse University, Old Dominion University, the World Bank, PRC/Litton, Northrop Grumman, and SAIC; and

WHEREAS, later in life, Bob Hatfield was an independent consultant who had assignments around the world, including in Germany and the Netherlands; throughout his career, he was a leader of his industry, serving as national director, fellow, and chapter president of the National Contract Management Association; and

WHEREAS, guided throughout his life by his deep and abiding faith, Bob Hatfield was an active member of the Unitarian Universalist Congregation of Fairfax (UUCF) for 34 years, where he enjoyed worship and fellowship with his community; and

WHEREAS, at UUCF, Bob Hatfield served as a lay minister, board president, and a social justice leader, advocating for gun violence prevention and immigration justice; he established the UUCF Science, Reason & Religion weekly forum, coordinated and delivered annual Thanksgiving donations to homeless members of the community in Washington, D.C., volunteered at Beacon House, and taught ESOL (English for Speakers of Other Languages) courses; and

WHEREAS, for his humble, dedicated service and years of commitment to social justice, Bob Hatfield was honored with the UUCF Founders Award and the Sollenberger Community Action Award; and

WHEREAS, an accomplished ice skater, Bob Hatfield was a Special Olympics ice skating coach for 30 years, assisting countless youth with special needs in their pursuit of Olympic glory; and

WHEREAS, Bob Hatfield will be fondly remembered and dearly missed by his loving wife of 51 years, Joy; his children, Victoria, Brian, and Brad; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Robert J. Hatfield, cherished member of the Fairfax community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Robert J. Hatfield as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 372

Celebrating the life of Michael Patrick Brandt.

Agreed to by the House of Delegates, March 3, 2020

Agreed to by the Senate, March 5, 2020

WHEREAS, Michael Patrick Brandt, award-winning brewer and winemaker and beloved member of the Richmond community, died on November 20, 2019; and

WHEREAS, born in Rochester, New York, Michael Brandt studied at James Madison University, where he earned a degree in sociology and acquired a love for brewing beer; and

WHEREAS, Michael Brandt's career as a brewer and winemaker started as an assistant brewer at Calhoun's Brewery in Harrisonburg, whereafter he worked his way through the ranks of the Virginia wine industry, ultimately becoming head winemaker and viticulturist at Naked Mountain Winery in Markham and assistant winemaker at Linden Vineyards; and

WHEREAS, committed to his craft, Michael Brandt returned to school to study the art and science of fermentation, earning a master's degree in environmental studies from Virginia Commonwealth University and later working as a research agronomist at Virginia State University; and

WHEREAS, after many years helping other Virginia businesses thrive, Michael Brandt co-founded his own establishment, Garden Grove Brewing and Urban Winery, in Richmond; and

WHEREAS, Garden Grove Brewing and Urban Winery devoted itself to small-batch production, allowing Michael Brandt to experiment with novel recipes alongside more traditional offerings; with experience as both a brewer and a vintner, he excelled at producing creative combinations of beer and wine that both surprised and delighted patrons; and

WHEREAS, in recognition of his mastery as a brewer and winemaker, Michael Brandt's recipes have won many awards at the Virginia Craft Beer Cup, the largest state competition of its kind in the United States; and

WHEREAS, a leader in his industry, Michael Brandt never hesitated to offer his expertise and guidance to other aspiring brewers and vintners, helping many others experience the joy of crafting great beer and wine; and

WHEREAS, Michael Brandt will be dearly remembered and greatly missed by his wife, Kara; his son, Miles; his parents, Berkeley and Carol; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Michael Patrick Brandt, accomplished brewer and winemaker who inspired many with his passion and creativity; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Michael Patrick Brandt as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 373

Celebrating the life of Elisabeth Ross Reed Carter.

Agreed to by the House of Delegates, March 3, 2020

Agreed to by the Senate, March 5, 2020

WHEREAS, Elisabeth Ross Reed Carter, a conservationist who served on the Chesapeake Bay Foundation for 30 years and made many other contributions to the Roanoke and Richmond communities, died on April 13, 2019; and

WHEREAS, Elisabeth "Liz" Ross Reed Carter grew up on her family's Sabot Hill Farm in Goochland County and graduated from The Collegiate School in Richmond, St. Timothy's School in Maryland, and Finch College in New York; and

WHEREAS, Liz Carter raised her family in Roanoke, where she was an active volunteer leader as president of the North Cross School Parents Association, the Mill Mountain Garden Club, and the Children's Home Society of Virginia; and

WHEREAS, Liz Carter led Girl Scouts and other young people on hiking trips and other outdoor adventures in the Roanoke Valley, Blue Ridge Mountains, Chesapeake Bay, and Fishers Island; and

WHEREAS, Liz Carter returned to Sabot Hill Farm in 1978; while living in the Richmond area, she served as a member of the James River Garden Club, the Garden Club of Virginia, the Woman's Club, the Country Club of Virginia, and the National Society of Colonial Dames of America, as well as a trustee of The Collegiate School; and

WHEREAS, Liz Carter relished every opportunity to share her love of nature with family and friends and helped safeguard the Commonwealth's valuable natural resources as a member of the Chesapeake Bay Foundation for three decades, including 10 years as a trustee; and

WHEREAS, a woman of deep and abiding faith, Liz Carter enjoyed fellowship and worship with the congregations of St. John's Episcopal Church in Roanoke, St. John's Episcopal Church on Fishers Island, and St. Paul's Episcopal Church in Richmond; and

WHEREAS, Liz Carter will be fondly remembered and greatly missed by her daughter, Mary, and her family, as well as numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Elisabeth Ross Reed Carter; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Elisabeth Ross Reed Carter as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 374

Commending Homestretch.

Agreed to by the House of Delegates, March 3, 2020

Agreed to by the Senate, March 5, 2020

WHEREAS, Homestretch empowers homeless families in Northern Virginia to secure permanent housing and to attain the knowledge, skills, and hope they need to achieve lasting economic self-sufficiency; and

WHEREAS, Homestretch has contributed substantially to efforts by Fairfax County and the City of Falls Church to end homelessness by providing housing and comprehensive services to more than 1,000 homeless families with more than 3,000 children since its founding in 1990; and

WHEREAS, Homestretch equips families to escape homelessness and poverty permanently through programs that help the family members acquire skills and education, reduce debt and repair credit, enter lucrative career paths, and restore their health; and

WHEREAS, Homestretch facilitates the economic empowerment of homeless parents with children in Northern Virginia, and launches them into careers such as nurses, chefs, teachers, accountants, real estate agents, dental assistants, pastors, commercial drivers, social workers, business analysts, pharmacy technicians, master plumbers, restaurateurs, and auto mechanics; and

WHEREAS, Homestretch provides high-quality early education for homeless and low-income children through its licensed preschool, Kidstretch, and ensures the educational success of youths in the program through its dedicated collaboration with the Fairfax County and Falls Church City Schools; and

WHEREAS, Homestretch has achieved unparalleled success in assisting homeless families secure and maintain long-term employment and permanent housing, with 90 percent of families completing the program by moving into permanent housing that they can afford and 95 percent of its graduates never returning to homelessness; and

WHEREAS, Homestretch has fulfilled its mission through the hard work of hundreds of volunteers and the generosity of more than 1,400 donors each year; and

WHEREAS, Homestretch demonstrates that dramatic transformation of lives is possible, given the right structure, support, and opportunity; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend and congratulate Homestretch on the occasion of its 30th anniversary, and that the General Assembly express its admiration and gratitude for the important work of Homestretch, benefiting the lives of homeless families and helping to strengthen the future of our community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Homestretch as an expression of the General Assembly's admiration for its life-changing contributions to communities in the City of Falls Church and Fairfax County.

HOUSE JOINT RESOLUTION NO. 375

Commending Rich Serbay.

Agreed to by the House of Delegates, March 3, 2020

Agreed to by the Senate, March 5, 2020

WHEREAS, Rich Serbay has made numerous contributions to the Fredericksburg community and guided generations of James Monroe High School students during his 35-year tenure as head coach of the school's football team; and

WHEREAS, Rich Serbay worked at Stafford High School before joining James Monroe High School as an assistant coach; he was named head coach of the football team in 1985 and led the James Monroe Yellow Jackets to a state title the following year; and

WHEREAS, Rich Serbay and the James Monroe Yellow Jackets won additional state championships in 1987, 1996, and 2008, along with three finishes as state runner-up, amassing a 266-146-1 record; and

WHEREAS, as a coach, Rich Serbay earned a reputation for extensive preparation and steady leadership, and was a trusted mentor to his players on and off the field, as well as a mentor to many fellow coaches; and

WHEREAS, Rich Serbay served as James Monroe High School's athletic director for 20 years, coached the baseball team for several seasons, and was a physical education teacher until 2015; and

WHEREAS, Rich Serbay was inducted into the James Monroe High School Hall of Fame in 2012 and the Virginia High School League Hall of Fame in 2014; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Rich Serbay for his exceptional career as head coach of the James Monroe High School football team; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Rich Serbay as an expression of the General Assembly's admiration for his commitment to excellence and legacy of service to the students of James Monroe High School.

HOUSE JOINT RESOLUTION NO. 376

Commending Cornerstones, Inc.

Agreed to by the House of Delegates, March 3, 2020

Agreed to by the Senate, March 5, 2020

WHEREAS, Cornerstones, Inc., a nonprofit organization promoting self-sufficiency by supporting and advocating for those in need of food, shelter, and other human services, celebrates its 50th anniversary in 2020; and

WHEREAS, founded in 1970 by six sponsoring religious organizations as the Reston Interfaith Housing Corporation, Cornerstones has long specialized in providing affordable housing and shelter to members of the community; and

WHEREAS, changing its name to Cornerstones in the 2010s, the organization today partners with a network of religious organizations, community leaders, donors, and volunteers to pursue its mission of providing stability, empowerment, and hope to its neighbors in need; and

WHEREAS, Cornerstones promotes stability in the community by limiting evictions, providing emergency shelter, protecting individuals from hypothermia and hyperthermia, offering food and other basic needs, and transitioning homeless individuals to permanent housing; and

WHEREAS, Cornerstones empowers members of its community by helping families become homeowners, assisting with care management, conducting citizenship courses, and providing affordable child care and before-school and after-school programs to working families; and

WHEREAS, the last pillar in Cornerstones' mission, hope, is fostered by Cornerstones' tremendous advocacy network that works to ensure adequate affordable housing, better conditions for children and families, a living wage for local workers, and racial and social equity; and

WHEREAS, in its last fiscal year, Cornerstones served 15,776 individuals, including 2,576 families and 5,373 children, making it one of the most impactful charitable organizations in Fairfax County; and

WHEREAS, Cornerstones' accomplishments were made possible by the thousands of volunteers who facilitate its programs and activities each year, as well as the dozens of corporate partners and faith-based community organizations that provide essential financial and programmatic support; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Cornerstones, Inc., a comprehensive service organization dedicated to supporting individuals and families in need, on the occasion of its 50th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Kerrie B. Wilson, chief executive officer of Cornerstones, Inc., as an expression of the General Assembly's profound admiration for the organization's service on behalf of Fairfax County and the Commonwealth.

HOUSE JOINT RESOLUTION NO. 377

Commending Janet Hancock.

Agreed to by the House of Delegates, March 4, 2020

Agreed to by the Senate, March 8, 2020

WHEREAS, Janet Hancock, who was a longtime employee with Pittsylvania County Schools and most recently clerk of the Pittsylvania County School Board, retired in November 2019; and

WHEREAS, Janet Hancock's career with Pittsylvania County Schools (PCS) began when she was still a student at Gretna High School; after excelling in a Cooperative Office Education program that was part of the school's business course, she was offered a full-time job and started the same summer she graduated; and

WHEREAS, over the next 41 years, Janet Hancock held various positions in the PCS central office, serving most of her career as the executive assistant to the superintendent and as the clerk of the PCS Board; and

WHEREAS, Janet Hancock's work required her to communicate effectively between various stakeholders, including school board members and school officials, while overseeing essential responsibilities of the school system, including teacher licensure, contracts, and the Virginia Retirement System; and

WHEREAS, throughout her career, Janet Hancock earned a reputation for her dependability, integrity, maturity, and enthusiasm, handling her work day-to-day in a thorough and exemplary manner; and

WHEREAS, in spite of tremendous technological changes that impacted the workplace over the past four decades, Janet Hancock consistently remained a reliable source on all aspects of PCS and its operations; and

WHEREAS, as a dedicated and integral member of PCS for many years, Janet Hancock supported the education and careers of countless students and staff, helping them succeed both in and out of the classroom; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Janet Hancock, cherished former clerk of the Pittsylvania County School Board, on the occasion of her retirement; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Janet Hancock as an expression of the General Assembly's admiration for her remarkable service on behalf of Pittsylvania County and the Commonwealth.

HOUSE JOINT RESOLUTION NO. 378*Commending Tonda Finney.*

Agreed to by the House of Delegates, March 4, 2020

Agreed to by the Senate, March 8, 2020

WHEREAS, Tonda Finney, a longtime employee with Pittsylvania County Schools and executive administrative assistant to the assistant superintendent for instruction, retired in 2019; and

WHEREAS, Tonda Finney's career with Pittsylvania County Schools (PCS) began when she was still a student at Gretna High School; after excelling in a Cooperative Office Education program that was part of the school's business course, she was offered a full-time job and started the same summer she graduated; and

WHEREAS, Tonda Finney spent her entire career with the PCS instruction department, taking on an important role in the management of the collection of student records and the creation of PCS publications, like student handbooks and course selection guides; and

WHEREAS, the crowning achievement of Tonda Finney's career was the establishment of the Graduate of Merit Program, which she spearheaded in 2000 to recognize PCS graduates for their exemplary achievements, maturity, and character; and

WHEREAS, a recipient of the 2000 Horizon Award, the Graduate of Merit Program has recognized more than 2,000 extraordinary PCS graduates over the past 20 years, while motivating countless students to strive to succeed academically and be supportive members of the community; and

WHEREAS, over her 41 years with PCS, Tonda Finney inspired students and staff with her conscientious spirit, dependable nature, and industrious work ethic, exuding a passion for her work that compelled the best in others; and

WHEREAS, navigating seismic changes in technology over her career, Tonda Finney was a highly sought after collaborator others relied on for enhancing the school system's presentations, brochures, and publications; and

WHEREAS, as a compassionate and caring executive assistant, Tonda Finney provided an essential service to PCS while brightening the lives of the students and staff she helped every day; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Tonda Finney, a cherished employee of the Pittsylvania County Schools community, on the occasion of her retirement; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Tonda Finney as an expression of the General Assembly's admiration for her contributions to Pittsylvania County and the Commonwealth.

HOUSE JOINT RESOLUTION NO. 379*Commending the Reverend Franklin Todd Gray.*

Agreed to by the House of Delegates, March 3, 2020

Agreed to by the Senate, March 5, 2020

WHEREAS, the Reverend Franklin Todd Gray, the longtime pastor of the Fifth Street Baptist Church in Richmond, will celebrate his 25th anniversary with the church in June 2020; and

WHEREAS, a native of Chillicothe, Ohio, and adopted son of Virginia, Reverend Gray was born on July 5, 1960; and

WHEREAS, a fourth-generation preacher, Reverend Gray was educated in Chillicothe City Schools, graduated with a bachelor's degree from Ohio University, and earned a master of divinity degree from Virginia Union University's Samuel Dewitt Proctor School of Theology and a master of theology from Union Theological Seminary in Richmond; he received an honorary doctor of divinity degree from Richmond Virginia Seminary; and

WHEREAS, Reverend Gray is a veteran of the United States Navy and entered the ministry after his honorable military service; he has served in the ministries of Zion Baptist Church in Chillicothe, Ohio, and First Baptist Church in Richmond, and as the pastor of New Hope Baptist Church in Ohio and the Mount Olive Baptist Church in the community of Wicomico Church, Virginia; and

WHEREAS, on June 4, 1995, Reverend Gray was greeted as "teacher" by a full church school assembly at the Fifth Street Baptist Church in Richmond and was affirmed as "preacher" at the church's morning worship service, beginning his pastoral duties with the delivery of a powerful and spirit-filled sermon; he was installed as the church's 11th pastor on August 6, 1995, and his visionary leadership, anointed preaching, and dynamic teaching has blessed the congregation, the city, and especially the Highland Park community; and

WHEREAS, a professor of church history and theology at the Samuel Dewitt Proctor School of Theology at Virginia Union University, Reverend Gray is admired and highly respected by his congregation, colleagues, and community as a teacher and pulpiteer without equal, as well as for his intellect and generosity, dedication to the Gospel ministry, knowledge of the Scriptures, love of teaching and preaching, and commitment to Christian service; he labors tirelessly, giving of his time, treasure, and talents to ensure that congregants and the community feel God's presence and love in their lives; and

WHEREAS, as the beloved senior pastor of the Fifth Street Baptist Church, Reverend Gray has led the church to experience significant growth, develop innovative ministries, and expand and improve church facilities through major building programs; and

WHEREAS, with an emphasis on celebratory worship, evangelism, and community witness, under Reverend Gray's leadership, the church has experienced a great spiritual revival, has embraced a renewed enthusiasm in worship services, and has renewed its dedication to diversified ministry and civic and community engagement; and

WHEREAS, Reverend Gray has received numerous awards and accolades, including his selection as a National Merit Scholar and as the recipient of the D.C. Rice Theological Scholarship, the Union Theological Seminar Graduate Scholarship, the NAACP Community Leadership Award, and the SLC Leadership Award; he was awarded the key to the city of Chillicothe, Ohio, by the mayor, who twice proclaimed "Rev. F. Todd Gray Day" in his honor; and

WHEREAS, his many affiliations, interests, and civic involvement attest to his calling; Reverend Gray has served as cochair of the City of Richmond's Commission on African American Males, chair of the citywide Men's Revival, moderator of the Shiloh Association, chair of Virginia Churches of the National Baptist Convention USA, Inc., and as a member of the Private Industry Council, the Richmond Renaissance Board, the United Way of Greater Richmond and Petersburg, the board of the Baptist General Convention of Virginia, and many other community organizations; and

WHEREAS, Reverend Gray has served the Fifth Street Baptist Church with honor, integrity, and great dedication for 25 years, and his passion for Christian service and ministry, love of and devotion to family, unconditional love for people, and selfless service to others are worthy of emulation; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Reverend Franklin Todd Gray for his 25 years of service as pastor of the Fifth Street Baptist Church; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Reverend Franklin Todd Gray as an expression of the General Assembly's admiration and gratitude for his extraordinary commitment to ministry, his family, his congregation, his community, and the people of the Commonwealth.

HOUSE JOINT RESOLUTION NO. 380

Commending the Fifth Street Baptist Church.

Agreed to by the House of Delegates, March 3, 2020

Agreed to by the Senate, March 5, 2020

WHEREAS, the Fifth Street Baptist Church, located on Third Avenue in Richmond, celebrates its 140th anniversary in 2020; and

WHEREAS, the Fifth Street Baptist Church was organized in July 1880 by several African American members of First African Baptist Church, which had been founded in 1841 by freedmen and slaves, who were asked to plant a church family in the Jackson Ward/Navv Hill area of Richmond to serve the spiritual needs of the community; and

WHEREAS, the Fifth Street Baptist Church was first pastored by the Reverend Dr. Henry Haywood Mitchell from 1880 to 1882, and the church worshipped in the Odd Fellows Hall at 1417 East Franklin Street until the church's first site was purchased at the intersection of Fifth and Jackson Streets, and it has been subsequently blessed with five houses of worship; and

WHEREAS, the Fifth Street Baptist Church has been served by 11 visionary, nationally renowned pastors who have been recognized for their dedicated service to the congregation and community, considerable homiletical and hermeneutical acumen, stirring proclamation of the Gospel, compassionate pastoral gifts, extraordinary oratorical skills, excellent church administration and stewardship, respect by ecclesiastical groups, and outstanding leadership among cultural, social, and educational organizations; and

WHEREAS, the Fifth Street Baptist Church hosted the mass planning meeting to establish Virginia Union University in Richmond and organized the Women's Convention Auxiliary of the National Baptist Convention, USA, Inc.; and

WHEREAS, noted for its leadership in the Civil Rights Movement in Richmond and throughout the nation, the Fifth Street Baptist Church often hosted organizational and planning meetings for demonstrations, and several members of the congregation were part of the "Richmond 34," a student-led sit-in to desegregate lunch counters in downtown Richmond; and

WHEREAS, the Fifth Street Baptist Church has received acclaim for its rich history of service, including the establishment of groundbreaking church ministries, support of evangelism through home and foreign missions, and community outreach projects, particularly in the Highland Park area, which has continued throughout the years; and

WHEREAS, in 1992, the Fifth Street Baptist Church experienced a split and three years later, on August 6, 1995, it installed as its 11th pastor the Reverend Franklin Todd Gray, who will celebrate his 25th anniversary as leader of the church in June 2020; and

WHEREAS, under Reverend Gray's exemplary leadership, the membership of the Fifth Street Baptist Church increased significantly, and the Bible study and summer programs experienced phenomenal growth in attendance; the church began offering computer classes, a health clinic, and before-school and after-school programs; and

WHEREAS, through a collaboration with the City of Richmond, the Fifth Street Baptist Church initiated a Head Start program and education and training for its staff; it developed a relationship with the Richmond Behavioral Health Authority to offer education, family support, health care, parental involvement activities, and mental health services; and

WHEREAS, the Fifth Street Baptist Church maintains partnerships with many other churches, local organizations, and professional groups, and dedicated its G.R.A.C.E. (God's Redemptive and Community Empowerment) Center to better serve the community; and

WHEREAS, with the outstanding leadership of its pastors and through its dynamic ministries, the Fifth Street Baptist Church has remained an integral part of the Richmond community; and

WHEREAS, the Fifth Street Baptist Church is "founded by faith and focused on family, through Worship, Word, and Work," and the congregation firmly believes that God has many great things still in store for the church; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Fifth Street Baptist Church on the occasion of its 140th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Reverend Franklin Todd Gray and the congregation of the Fifth Street Baptist Church as an expression of the General Assembly's best wishes for a long and fruitful ministry serving the citizens of Richmond and all people throughout Virginia and the United States.

HOUSE JOINT RESOLUTION NO. 381

Commending the American Automobile Association School Safety Patrol Program.

Agreed to by the House of Delegates, March 3, 2020

Agreed to by the Senate, March 5, 2020

WHEREAS, the American Automobile Association School Safety Patrol Program, a program designed to ensure safety during students' daily commutes, is celebrating its 100th anniversary in 2020; and

WHEREAS, the American Automobile Association (AAA) School Safety Patrol Program is a program that enlists the assistance of select volunteer students to help younger students and classmates cross the street and navigate traffic hazards on their way to and from school; and

WHEREAS, the concept of the AAA School Safety Patrol Program came from Charles M. Hayes in 1920, who pledged support for a program protecting school-aged children after witnessing a terrible car crash; the program is now 100 years strong and continues to have a positive impact on schools, students, and communities; and

WHEREAS, members of the AAA School Safety Patrol Program play an important role in helping young pedestrians learn and fulfill responsibilities regarding traffic safety, with millions of boys and girls in the United States having honorably served their classmates since the program began; and

WHEREAS, today, the AAA School Safety Patrol Program is the largest school-based safety program in the world, boasting more than 679,000 patrollers in 35,000 schools across North America and 30 countries while providing a safer environment for young pedestrians and a spectrum of educational opportunities for children; and

WHEREAS, the AAA School Safety Patrol Program embodies the organization's mission of providing safety and security to the motoring public; and

WHEREAS, the AAA School Safety Patrol Program and the outstanding students who have dedicated themselves to improving safety in and around their respective schools have enhanced the quality of life in communities across the globe; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the American Automobile Association School Safety Patrol Program on the occasion of its 100th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the American Automobile Association as an expression of the General Assembly's admiration for the organization's mission and best wishes for its continued success.

HOUSE JOINT RESOLUTION NO. 382

Commending Androniki Fallis.

Agreed to by the House of Delegates, March 3, 2020

Agreed to by the Senate, March 5, 2020

WHEREAS, Androniki Fallis, a longtime educator and mentor who has served the Danville community for years, was named the Kiwanis Club of Danville's Citizen of the Year in 2019; and

WHEREAS, Androniki "Niki" Fallis was presented the honor during the Kiwanis Club of Danville's 87th Citizenship Award dinner at the Danville Golf Club on December 5, 2019; and

WHEREAS, since 1932, the Kiwanis Club of Danville has presented this award annually to Danville or Pittsylvania County citizens who distinguish themselves by their professional accomplishments; demonstration of religious and family values; participation in cultural, educational, and civic growth; public service; and leadership in the community; and

WHEREAS, several endeavors undertaken by Niki Fallis have centered on improving educational and recreational opportunities for youth, promoting the arts, and providing aid to families in need; and

WHEREAS, as president of the Danville Science Center, Niki Fallis was key to the recent establishment of the institution's Digital Dome Theater, which promises to offer engaging and thought-provoking experiences for countless children and future scientists; and

WHEREAS, a member of the boards for both the YWCA and the YMCA, Niki Fallis assisted numerous programs to encourage both children and adults to enjoy active, healthy lives; and

WHEREAS, various arts and educational organizations and institutions have benefited from Niki Fallis' ardent support over the years, including the Danville Concert Association, the Danville Symphony Orchestra, the Danville Historical Society, and Averett University; and

WHEREAS, Niki Fallis' work on the board of the Danville Museum of Fine Arts & History and as a member of the Garden Club of Virginia has helped both of these institutions advance their missions and make an impact in the community; and

WHEREAS, Niki Fallis serves tirelessly on behalf of the underprivileged members of society as a volunteer with God's Storehouse, an organization that provides food to families in need; and

WHEREAS, as president and secretary of the Community Foundation of the Dan River Region, Niki Fallis has facilitated the distribution of thousands of dollars to local nonprofit organizations that strive to improve the quality of life in Danville, Pittsylvania County, and the surrounding areas; and

WHEREAS, by demonstrating great selflessness and a commitment to others for many years, Niki Fallis offers a stirring example of leadership toward which all may aspire; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Androniki Fallis, cherished educator and civic leader, for being honored as the 2019 Kiwanis Club of Danville Citizen of the Year; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Androniki Fallis as an expression of the General Assembly's wholehearted admiration for her efforts on behalf of Danville, Pittsylvania County, and the Commonwealth.

HOUSE JOINT RESOLUTION NO. 383

Commending Roman Eagle Masonic Lodge No. 122.

Agreed to by the House of Delegates, March 3, 2020

Agreed to by the Senate, March 5, 2020

WHEREAS, Roman Eagle Masonic Lodge No. 122 of the Ancient Free and Accepted Masons has supported the Danville community through generous outreach programs and civic leadership for 200 years; and

WHEREAS, on December 13, 1820, the Grand Lodge of Virginia granted a charter to the Roman Eagle Masonic Lodge No. 122, which counted Thomas G. Tunstall, George Craghead, B.W.S. Cabell, Walter Coles, and James Lanier among its original membership; and

WHEREAS, Roman Eagle Masonic Lodge No. 122 was originally located on the second story of a small building on Craghead Street; the lodge dedicated new temples in 1854, 1902, and 1921 before moving to its current home on Tunstall Road in 2001; and

WHEREAS, the Reverend George W. Dame was elected worshipful master of the lodge in 1842 and served for a total of 28 years; under his leadership, Roman Eagle Masonic Lodge No. 122 moved to Main Street and played an active role in the growth of the community, laying the cornerstones for many important buildings in Danville; and

WHEREAS, numerous members of Roman Eagle Masonic Lodge No. 122 served during the Civil War and other members provided care to Union prisoners of war who were being held in Danville; and

WHEREAS, Roman Eagle Masonic Lodge No. 122 has enjoyed a long partnership with Roman Eagle Memorial Home, formerly Hilltop Nursing Home, by supporting the construction of new facilities to better serve residents; and

WHEREAS, members of Roman Eagle Masonic Lodge No. 122 have made many generous donations to support the victims of hurricanes in Puerto Rico and Florida, floods in North Carolina and South Carolina, and many other crisis situations; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Roman Eagle Masonic Lodge No. 122 on the occasion of its 200th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Roman Eagle Masonic Lodge No. 122 as an expression of the General Assembly's admiration for its generations of service to the Danville community.

HOUSE JOINT RESOLUTION NO. 384*Commending Tim Barber.*

Agreed to by the House of Delegates, March 3, 2020

Agreed to by the Senate, March 5, 2020

WHEREAS, Tim Barber ably served the residents of Pittsylvania County for 16 years, representing the Tunstall district on the Pittsylvania County Board of Supervisors; and

WHEREAS, Tim Barber grew up in Brosville and began working at his father's mechanic shop at a young age; in 1989, he started his own business, Barber Automotive, Inc., which is located on his family's farm; and

WHEREAS, Tim Barber served the community as a first responder for two local agencies before deciding to run for the Pittsylvania County Board of Supervisors in 2003; and

WHEREAS, Tim Barber worked long hours to fulfill his commitments as a farmer and a business owner as well as his responsibilities as a public servant and notably only missed one board meeting in 16 years; and

WHEREAS, during his long tenure on the Pittsylvania County Board of Supervisors, Tim Barber became an important source of institutional knowledge and was a trusted mentor to less senior members of the board; and

WHEREAS, Tim Barber earned respect for his honesty, integrity, and incomparable work ethic and served the Pittsylvania County community with the utmost dedication and distinction; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Tim Barber for his 16 years of public service as a member of the Pittsylvania County Board of Supervisors; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Tim Barber as an expression of the General Assembly's admiration for his contributions to the residents of the Tunstall district and all of Pittsylvania County.

HOUSE JOINT RESOLUTION NO. 385*Commending Averett University.*

Agreed to by the House of Delegates, March 3, 2020

Agreed to by the Senate, March 5, 2020

WHEREAS, in 2019, Averett University received the Governor's Volunteerism and Community Service Award for its efforts to enhance the learning experience by creating opportunities for students and faculty members to enhance the quality of life in the Dan River region through volunteer outreach; and

WHEREAS, Averett University received the award in the Outstanding Education Organization category for establishing the Center for Community Engagement and Career Competitiveness (CCECC), which pairs volunteers from Averett University, Danville Community College, and Piedmont Community College with local organizations; and

WHEREAS, the CCECC at Averett University prepares students to become active community leaders through experiential learning, participation in civic initiatives, and comprehensive career skills development programs; and

WHEREAS, Averett University not only contributes to the social and economic vitality of the Dan River region but helps students build meaningful relationships and valuable networks; and

WHEREAS, the CCECC at Averett University is a model for other institutions to foster a culture of volunteerism and encourage young people to help make their communities stronger, healthier, and happier; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Averett University on receiving the 2019 Governor's Volunteerism and Community Service Award; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Averett University as an expression of the General Assembly's admiration for the institution's work to promote and facilitate volunteerism and community service.

HOUSE JOINT RESOLUTION NO. 386*Commending Kenneth Ross Garren.*

Agreed to by the House of Delegates, March 3, 2020

Agreed to by the Senate, March 5, 2020

WHEREAS, Kenneth Ross Garren has served as the president of the University of Lynchburg, formerly Lynchburg College, since 2001; and

WHEREAS, Kenneth Garren ably led the University of Lynchburg through a period of expansion and innovation; graduates who benefited from programs established or expanded under his leadership have gone on to become educators, health care practitioners, artists and performers, scientists, business leaders, and public servants in Virginia and beyond; and

WHEREAS, Kenneth Garren led the University of Lynchburg through a significant expansion of offerings at the graduate school level, culminating in Lynchburg College achieving University status; and

WHEREAS, Kenneth Garren is recognized as a champion for students, diversity, academic accomplishment, and athletic success; and

WHEREAS, Kenneth Garren serves on the board of directors of the National Association of Independent Colleges and Universities and has promoted ethics and critical thinking through his longtime support of the Virginia Foundation for Independent Colleges Ethics Bowl; and

WHEREAS, Kenneth Garren has exercised his voice to help legislators and other leaders in the state and federal government understand the importance of higher education and the ways they can better serve students; and

WHEREAS, Kenneth Garren has volunteered his time, expertise, and leadership to many civic and community organizations in the City of Lynchburg; and

WHEREAS, earlier in his career, Kenneth Garren worked on the National Aeronautics and Space Administration's Apollo program and subsequently served for more than 30 years as a professor and administrator at his alma mater, Roanoke College; and

WHEREAS, Kenneth Garren served his country as a member of the United States Army National Guard and retired as a colonel in the United States Army Reserve after many years of decorated service; and

WHEREAS, Kenneth Garren will retire from the University of Lynchburg in 2020, at the conclusion of his 19th year as president; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Kenneth Ross Garren, longtime president of the University of Lynchburg, for his more than 50 years of service to higher education; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Kenneth Ross Garren as an expression of the General Assembly's profound respect and admiration for his contributions to the University of Lynchburg, the City of Lynchburg, and the Commonwealth.

HOUSE JOINT RESOLUTION NO. 387

Commending Mariel Margaret Hamm-Garciaparra.

Agreed to by the House of Delegates, March 3, 2020

Agreed to by the Senate, March 5, 2020

WHEREAS, Mariel Margaret Hamm-Garciaparra, an American sports icon and a pivotal figure in the growth of women's professional soccer, won two FIFA Women's World Cup titles and two Olympic gold medals during her exceptional career; and

WHEREAS, born in Selma, Alabama, Mariel "Mia" Margaret Hamm-Garciaparra grew up as part of a military family and discovered soccer while living in Florence, Italy; she joined her first soccer team at the age of five in Texas; and

WHEREAS, a generational talent, Mia Hamm excelled on the pitch and became the youngest woman to play for the United States women's national soccer team in 1987 when she was selected for the U.S. Olympic Festival roster at the age of 15; and

WHEREAS, Mia Hamm lived in the Commonwealth in 1989, when she attended Lake Braddock Secondary School in Burke and helped lead the Bruins to a state championship; that same year, she matriculated at the University of North Carolina at Chapel Hill and began her record-breaking college soccer career; and

WHEREAS, Mia Hamm and the University of North Carolina Tar Heels won four National Collegiate Athletic Association Division I women's soccer championships, and she graduated with Atlantic Coast Conference records for goals (103), assists (72), and total points (278); while she was playing at the University of North Carolina, the women's soccer team only lost one of 95 games; and

WHEREAS, in 1991, Mia Hamm participated in the inaugural FIFA Women's World Cup, scoring the game-winner of the United States women's national soccer team's (USWNT) opening match against Sweden; the team was dominant throughout the tournament and clinched its first World Cup championship title with a 2-1 victory over Norway; and

WHEREAS, after a third-place finish at the 1995 FIFA Women's World Cup, Mia Hamm and the USWNT returned to form at the Games of the XXVI Olympiad in Atlanta the following year; the 1996 Summer Olympics was the first tournament to include women's soccer, and the American side won the gold medal before the largest crowd for any soccer event in the history of the Olympics and the largest for any women's sporting event in the United States; and

WHEREAS, in 1999, Mia Hamm broke an international record by scoring her 108th goal and subsequently helped the USWNT secure its second World Cup title with a victory over China in the tournament final; and

WHEREAS, two years later, Mia Hamm became a founding player in the first professional women's soccer league in the United States, the Women's United Soccer Association, as a member of the Washington Freedom in Washington, D.C.; and

WHEREAS, Mia Hamm completed her international career in 2004 after she won her second Olympic gold medal at the Games of the XXVIII Olympiad in Athens and was selected by her fellow members of Team USA to carry the flag at the closing ceremony; that same year, she set a record for the most international goals by either a man or a woman with 158; and

WHEREAS, after a 10-game farewell tour, Mia Hamm played her final international match on December 8, 2004, giving two assists in the 5-0 win over Mexico; in her 17-year career with the USWNT, she recorded 276 international caps, 158 goals, and 144 assists; and

WHEREAS, throughout her career, Mia Hamm was renowned for her athleticism, versatility, and technical brilliance, especially her elegant footwork and uncanny accuracy as both a passer and striker; and

WHEREAS, among her countless awards and accolades, Mia Hamm was selected as the Female Athlete of the Year five years in a row by United States Soccer, was named the FIFA World Player of the Year in 2001 and 2002, was nominated by Brazilian soccer star Pelé as one of FIFA's 125 greatest living players in 2004, and was the first woman inducted into the World Football Hall of Fame; and

WHEREAS, after her well-earned retirement as a player, Mia Hamm became a co-owner of the Major League Soccer franchise Los Angeles FC, a global ambassador for the Spanish club FC Barcelona, and a member of the board of directors for the Italian club A.S. Roma; and

WHEREAS, as founder of the Mia Hamm Foundation, Mia Hamm has raised funds for people in need of bone marrow or cord blood transplants, while promoting the ways soccer can empower young people to make a positive change in their communities; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Mariel Margaret Hamm-Garciaparra, a living legend of the beautiful game; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Mariel Margaret Hamm-Garciaparra as an expression of the General Assembly's admiration for her exceptional achievements as a professional athlete and for providing inspirational leadership to girls and women around the world.

HOUSE JOINT RESOLUTION NO. 388

Election of Circuit Court Judges, General District Court Judges, and Juvenile and Domestic Relations District Court Judges.

Agreed to by the House of Delegates, March 2, 2020

Agreed to by the Senate, March 2, 2020

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly shall proceed this day

To the election of circuit court judges for terms of eight years commencing as follows:

One judge for the Second Judicial Circuit, term commencing April 1, 2020.

One judge for the Thirteenth Judicial Circuit, term commencing July 1, 2020.

One judge for the Fifteenth Judicial Circuit, term commencing April 1, 2020.

One judge for the Sixteenth Judicial Circuit, term commencing July 1, 2020.

One judge for the Twenty-third Judicial Circuit, term commencing April 1, 2020.

One judge for the Twenty-fourth Judicial Circuit, term commencing May 1, 2020.

One judge for the Twenty-fifth Judicial Circuit, term commencing July 1, 2020.

One judge for the Twenty-fifth Judicial Circuit, term commencing April 1, 2020.

One judge for the Twenty-sixth Judicial Circuit, term commencing May 1, 2020.

One judge for the Twenty-seventh Judicial Circuit, term commencing July 1, 2020.

One judge for the Thirtieth Judicial Circuit, term commencing August 3, 2020.

To the election of general district court judges for terms of six years commencing as follows:

One judge for the Second Judicial District, term commencing April 1, 2020.

One judge for the Sixth Judicial District, term commencing April 1, 2020.

One judge for the Eleventh Judicial District, term commencing December 1, 2020.

One judge for the Fifteenth Judicial District, term commencing April 1, 2020.

One judge for the Sixteenth Judicial District, term commencing May 1, 2020.

One judge for the Eighteenth Judicial District, term commencing April 1, 2020.

One judge for the Twentieth Judicial District, term commencing April 1, 2020.

One judge for the Twentieth Judicial District, term commencing May 1, 2020.

One judge for the Twenty-fifth Judicial District, term commencing May 1, 2020.

One judge for the Twenty-sixth Judicial District, term commencing June 1, 2020.

To the election of juvenile and domestic relations district court judges for terms of six years commencing as follows:

One judge for the Second Judicial District, term commencing April 16, 2020.

One judge for the Judicial District 2-A, term commencing April 16, 2020.

One judge for the Eleventh Judicial District, term commencing July 1, 2020.

One judge for the Fourteenth Judicial District, term commencing May 1, 2020.

One judge for the Fifteenth Judicial District, term commencing May 16, 2020.

One judge for the Eighteenth Judicial District, term commencing April 1, 2020.

And that in the execution of the joint order nominations shall be made in the order herein named, and that each house shall be notified of said nominations, and when the rolls shall be called for the whole number, the presiding officers of each house shall appoint a committee of three, which together shall constitute the joint committee to count the vote of each house in each case and report the results to their respective houses. The joint order may be suspended by the presiding officer of either house at any time but for no longer than twenty-four hours to receive the report of the joint committee.

HOUSE JOINT RESOLUTION NO. 389

Commending Glenn Yarborough.

Agreed to by the House of Delegates, March 3, 2020

Agreed to by the Senate, March 5, 2020

WHEREAS, Glenn Yarborough, an honorable veteran, esteemed business executive, and cherished civic leader of the McLean community, has dedicated his life to serving others; and

WHEREAS, a graduate of the Darla Moore School of Business and the University of South Carolina, Glenn Yarborough admirably served his country for several years as a member of the United States Army; and

WHEREAS, as an international business executive, Glenn Yarborough offers valuable insights and leadership to defense and homeland security firms that support the United States Armed Forces and protect the country; and

WHEREAS, since 2002, Glenn Yarborough has been on the board of directors of Airbus, Inc., supporting the American arm of the world's second-largest aerospace and defense company and the largest in Europe; and

WHEREAS, Glenn Yarborough has fostered the traditions of the United States Cavalry since 2004 as the director of the U.S. Cavalry Association, overseeing the U.S. Cavalry Memorial Research Library, *The Cavalry Journal*, and other activities; and

WHEREAS, Glenn Yarborough has supported both veterans and the community at large in McLean through his work with American Legion McLean Post 270 and as president of the McLean Rotary Club; and

WHEREAS, Glenn Yarborough has given generously of his time and talents for many years, helping to honor the efforts of the United States Armed Forces and its veterans and to make McLean a wonderful place to live, work, and raise a family; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Glenn Yarborough, a humble servant who works tirelessly on behalf of veterans and his community, for his many years of service; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Glenn Yarborough as an expression of the General Assembly's admiration for his many contributions to the Commonwealth and the country.

HOUSE JOINT RESOLUTION NO. 390

Commending Marilyn C. Jerome, M.D.

Agreed to by the House of Delegates, March 3, 2020

Agreed to by the Senate, March 5, 2020

WHEREAS, Marilyn C. Jerome, M.D., a trusted medical professional in Washington, D.C., has touched the lives of thousands of individuals affected by HIV in Kenya through her leadership of the nonprofit organization, Nyumbani USA; and

WHEREAS, a graduate of Xavier University and the University of Cincinnati College of Medicine, Marilyn Jerome completed her residency at the George Washington University Hospital, where she currently mentors students in the Department of Global Health; and

WHEREAS, in 1982, Marilyn Jerome joined Foxhall OB/GYN Associates; in 1999, she joined the medical staff of Sibley Memorial Hospital; and she is a member of the Medical Reserve Corps of Fairfax County; and

WHEREAS, Marilyn Jerome has offered her visionary leadership to the boards of the Jesuit Refugee Service and the Children of God Relief Fund, of which she has served as president since 2008; and

WHEREAS, Marilyn Jerome works with Nyumbani USA, a nonprofit arm of the Children of God Relief Fund, to provide support and oversight to programs for children living with or affected by HIV; and

WHEREAS, during Marilyn Jerome's tenure, Nyumbani USA has served thousands of children and their families at a residential facility and at clinics throughout Nairobi, Kenya; the self-sustaining Kitui village project is expected to serve an additional 1,000 children and 100 grandparents and guardians; and

WHEREAS, Marilyn Jerome's generosity and servant leadership are an inspiration to her fellow members of the medical community and residents of Northern Virginia; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Marilyn C. Jerome, M.D., for her life-changing, philanthropic work in Kenya; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Marilyn C. Jerome, M.D., as an expression of the General Assembly's admiration for her outstanding achievements.

HOUSE JOINT RESOLUTION NO. 391

Commending the American Legion McLean Post 270.

Agreed to by the House of Delegates, March 3, 2020

Agreed to by the Senate, March 5, 2020

WHEREAS, for many years, the American Legion McLean Post 270 has supported the veteran community in McLean and honored the service and sacrifices of all men and women in uniform both at home and abroad; and

WHEREAS, initially housed during the mid-to-late 1940s in a cinderblock building constructed by its members, the American Legion McLean Post 270 has long been a home that brings veterans together to engage in various meetings, special events, and activities; and

WHEREAS, located near the nation's capital and the headquarters of the Central Intelligence Agency, the American Legion McLean Post 270 includes among its members many of the most prominent leaders in the history of the United States Armed Forces; and

WHEREAS, supported by an active membership spanning decades, the efforts of the American Legion McLean Post 270 are bolstered by its highly involved Auxiliary Unit and Sons of the American Legion Squadron; and

WHEREAS, beyond its service to its members, the American Legion McLean Post 270 has made immeasurable contributions to the Fairfax County community at large through its fundraisers, outreach, and other civic engagements; and

WHEREAS, by cultivating a community that enriches the lives of our nation's veterans, the American Legion McLean Post 270 greatly contributes to the honor and dignity of both the Commonwealth and the country; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the American Legion McLean Post 270, a venerable institution in the Fairfax community, for its many years of service on behalf of veterans and their families; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the American Legion McLean Post 270 as an expression of the General Assembly's admiration and respect for the organization, its members, and its many contributions to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 393

Commending the Washington Mystics.

Agreed to by the House of Delegates, March 3, 2020

Agreed to by the Senate, March 5, 2020

WHEREAS, the Washington Mystics won the Women's National Basketball Association Championship on October 10, 2019; and

WHEREAS, playing before a packed stadium of faithful fans at Entertainment and Sports Arena in Washington, D.C., the Washington Mystics defeated the Connecticut Sun 89–78 in a winner-take-all Game 5; and

WHEREAS, after being swept in the 2018 WNBA Finals by the Seattle Storm, the Washington Mystics persevered all season to earn the franchise's first championship title; and

WHEREAS, the Washington Mystics' championship win was a total team effort, with standout performances from Finals Most Valuable Player Emma Meesseman and team leaders Natasha Cloud, Elena Delle Donne, and Kristi Toliver; and

WHEREAS, with several players playing through injuries, the Washington Mystics demonstrated inspiring grit and determination to achieve this historic accomplishment; and

WHEREAS, the victory gave Mike Thibault, the general manager-head coach of the Washington Mystics and the winningest coach in WNBA history, his first title, elevating an already impressive career; and

WHEREAS, established in 1997, the Washington Mystics redeemed over two decades of losing seasons and disappointing playoff finishes with this championship, placing themselves in the pantheon of great teams from Washington, D.C.; and

WHEREAS, champions both on the court and in their community, the Washington Mystics are an inspiration to young players, sports fans, and citizens alike; and

WHEREAS, the 2019 season and its triumphant finish will give Washington Mystics fans and citizens throughout the national capital region and the Commonwealth memories they will cherish for years to come; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Washington Mystics for winning the 2019 Women's National Basketball Association Championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Ted Leonsis, majority owner of the Washington Mystics, as an expression of the General Assembly's profound respect and heartfelt admiration for the team's achievement.

HOUSE JOINT RESOLUTION NO. 394

Commending Joseph DeVault.

Agreed to by the House of Delegates, March 3, 2020
Agreed to by the Senate, March 5, 2020

WHEREAS, Joseph DeVault, dedicated educator and former member of the Henry County School Board, retired from the board on December 31, 2019, after 12 years of service; and

WHEREAS, serving as the board's at-large representative and as its chair in 2013 and 2018, Joseph "Joe" DeVault demonstrated a commitment to providing every child in Henry County with the educational tools they need to succeed; and

WHEREAS, the son of a school principal, Joe DeVault began his teaching career in 1965 as a teacher and coach at Drewry Mason High School, later serving as the principal of Rich Acres Elementary School, Drewry Mason High School, and Magna Vista High School in a career that spanned more than 30 years with Henry County Public Schools; and

WHEREAS, following close to a decade as a principal of Dalton McMichael High School in Mayodan, North Carolina, Joe DeVault returned to Henry County Public Schools as a well-informed and influential voice on the Henry County School Board; and

WHEREAS, Henry County Public Schools accomplished significant improvements during Joe DeVault's tenure on the Henry County School Board, moving toward full accreditation, closing the achievement gap, incorporating more equitable curriculum offerings, improving school facilities, and constructing a new elementary school; and

WHEREAS, the Warrior Tech and Bengal Tech education programs introduced under Joe DeVault's stewardship were the first programs of their kind in Virginia, earning Henry County Public Schools state and national awards and preparing today's students for the world of tomorrow; and

WHEREAS, previously serving as both a member and chair on the Patrick Henry Community College Board, Joe DeVault supported the success of students pursuing higher education in Henry County; and

WHEREAS, to recognize Joe DeVault's tireless efforts, the Henry County Board of Supervisors presented him with the 2019 Jack Dalton Community Service Award, the county's highest citizen honor; and

WHEREAS, Joe DeVault's leadership, determination, and perseverance were invaluable assets to Henry County Public Schools during his 12 years on the Henry County School Board and his decades in the school division as a principal, teacher, and coach; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Joseph DeVault, longtime educator and valued civil servant, on the occasion of his retirement from the Henry County School Board; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Joseph DeVault as an expression of the General Assembly's profound respect and heartfelt admiration for his contributions to Henry County and the Commonwealth.

HOUSE JOINT RESOLUTION NO. 395

Commending Every Citizen Has Opportunities, Inc.

Agreed to by the House of Delegates, March 3, 2020
Agreed to by the Senate, March 5, 2020

WHEREAS, Every Citizen Has Opportunities, Inc., a Leesburg-based service organization dedicated to supporting adults with disabilities, celebrates its 45th anniversary in 2020; and

WHEREAS, founded in 1975, Every Citizen Has Opportunities, Inc., better known as ECHO, began by providing vocational training and other services to help adults with disabilities secure employment and interact productively and positively with their communities; and

WHEREAS, today, close to 200 participants benefit from ECHO's services, receiving day support, medically intensive day support, job placement assistance, group and individual supported employment, and transportation to help them build successful, fulfilling careers; and

WHEREAS, ECHO's many community partners enable its group-supported employment programs, while ECHO's participants offer quality business services and contribute to a diverse and compassionate workplace culture; and

WHEREAS, by helping its participants become and stay gainfully employed, ECHO fosters the self-esteem and dignity of adults living with disabilities while helping them to be productive members of society and to support their families financially; and

WHEREAS, ECHO contributes greatly to the well-being of countless families and the community by creating a supportive, welcoming environment for hundreds of adults with needs; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Every Citizen Has Opportunities, Inc., an organization in Leesburg that helps adults with disabilities build meaningful, lifelong careers, on the occasion of its 45th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Paul Donohue, chief executive officer of Every Citizen Has Opportunities, Inc., as an expression of the General Assembly's admiration for the organization's benevolent mission and its remarkable success.

HOUSE JOINT RESOLUTION NO. 396

Commending Rick Judd.

Agreed to by the House of Delegates, March 3, 2020

Agreed to by the Senate, March 5, 2020

WHEREAS, Rick Judd, a lieutenant with the Falls Church Police Department, has served residents of the community as a law-enforcement officer for more than 25 years; and

WHEREAS, Rick Judd joined the Falls Church Police Department on December 5, 1994, as an emergency communications technician; he subsequently became a patrol officer in 2000 and rose through the ranks of police officer first class, master police officer, and sergeant before becoming a lieutenant in July 2018; and

WHEREAS, Rick Judd provided voluntary assistance to public safety agencies in New York City in the aftermath of the attacks on September 11, 2001, and he has earned the admiration of his peers and superiors for his commitment to teamwork, attention to detail, and composure under pressure; and

WHEREAS, Rick Judd is consistently recognized with the department's annual Safe Driver Award for operating a vehicle in the course of his duties without an at-fault incident; and

WHEREAS, Rick Judd received a Performance Award in 2007 for effectively addressing citizen concerns on traffic safety and has led the department in a program to prevent reckless and intoxicated driving; and

WHEREAS, throughout his exemplary career, Rick Judd has served and protected the members of the Falls Church community with integrity, compassion, and professionalism; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Rick Judd for more than 25 years of service as a member of the Falls Church Police Department; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Rick Judd as an expression of the General Assembly's admiration for his contributions to the Falls Church community.

HOUSE JOINT RESOLUTION NO. 400

Commending Hunt Valley Elementary School.

Agreed to by the House of Delegates, March 3, 2020

Agreed to by the Senate, March 5, 2020

WHEREAS, in 2019, Hunt Valley Elementary School in Fairfax County celebrated its 50th anniversary of providing a safe, supportive environment for children to learn and grow; and

WHEREAS, established in 1969, Hunt Valley Elementary School currently serves more than 700 students in kindergarten through sixth grade and feeds into Irving Middle School and West Springfield High School; and

WHEREAS, the dedicated faculty and staff members of Hunt Valley Elementary School utilize a variety of instructional enrichment techniques and intervention strategies to help students build a strong foundation for lifelong learning and explore their talents, strengths, and passions; and

WHEREAS, Hunt Valley Elementary School promotes the HAWKS (Helpfulness, Accountability, Wise Choices, Kindness, and Safety for All) system to maintain a positive atmosphere and help students develop a sense of responsibility and self-respect; and

WHEREAS, technology plays a vital role at Hunt Valley Elementary School, with students learning good digital citizenship skills along with the ability to think creatively and critically; students in kindergarten through second grade attend a weekly computer lab and students in grades three through six are assigned individual laptops for school use; and

WHEREAS, Hunt Valley Elementary School offers a wide range of cocurricular activities and has increased opportunities for students by building strong relationships with parents, local volunteers, and the community as a whole; and

WHEREAS, Hunt Valley Elementary School places a high emphasis on supporting military families and has received the Purple Star School designation from the Virginia Department of Education for its outstanding programming and resources, including a trained staff member to help families with transitions and academic planning; and

WHEREAS, in recognition of its accomplishments in service to young people, Hunt Valley Elementary School has received the Governor's Award for Educational Excellence and the Distinguished Achievement Award; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Hunt Valley Elementary School for its legacy of service to young people in Fairfax County on the occasion of its 50th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Hunt Valley Elementary School as an expression of the General Assembly's admiration for the school's commitment to academic excellence and for its contributions to the Fairfax County community.

HOUSE JOINT RESOLUTION NO. 402

Celebrating the life of Robert A. Tetreault.

Agreed to by the House of Delegates, March 3, 2020

Agreed to by the Senate, March 5, 2020

WHEREAS, Robert A. Tetreault, a hardworking civil servant and a man of deep faith who strengthened the Petersburg community through his leadership and generosity, died on April 2, 2019; and

WHEREAS, after his honorable discharge from the United States Army, Robert "Bob" A. Tetreault began a long and fulfilling career as a civilian employee of the Department of Defense; and

WHEREAS, Bob Tetreault originally worked as an instructor at the Quartermaster School at Fort Lee, then held several management positions over the course of the next 30 years, becoming affectionately known as "Mr. T" to the people he mentored and inspired; and

WHEREAS, in 1988, Bob Tetreault retired as chief of operations for the Quartermaster School's Enlisted Supply Department; and

WHEREAS, Bob Tetreault enjoyed fellowship and worship with the Petersburg community at Saint Joseph Catholic Church, where he had served as head of the Lector Program, President of the Parish Council, and as a member of many other church committees; and

WHEREAS, Bob Tetreault was a champion for Catholic education and worked to create new opportunities for local young people; and

WHEREAS, as an active member of the Knights of Columbus Council #694, Bob Tetreault offered his leadership to the organization at local, district, and state levels, serving as Grand Knight, District Deputy, State General Program Chairman, and as a Past Faithful Navigator over the course of his decades-long membership; he was a founding member of Appomattox Assembly 1614, and he and his wife, Addie, were honored as the Virginia Knights of Columbus Family of the Year in 1982; and

WHEREAS, a memorial charity was established in Bob Tetreault's name to continue his work with St. Joseph's Catholic School, low-income families, and those in need; and

WHEREAS, Bob Tetreault was an avid Boston Red Sox fan who shared this love with his family; and

WHEREAS, Bob Tetreault spoke French fluently, often challenging his grandchildren on their knowledge of grammar and vocabulary; and

WHEREAS, Bob Tetreault loved to sing, dance, and make people laugh, often breaking into a spontaneous song or telling a story; and

WHEREAS, Bob Tetreault never burned the outhouse down so his mother never had to pay and upon entering Heaven and knocking on the gate, proclaimed that Barnacle Bill had arrived from over the sea; and

WHEREAS, Bob Tetreault, known as a devoted husband, father, Pèpère, Grand Pèpère, and Mon Oncle, will be fondly remembered and greatly missed by his beloved wife of 68 years, Addie; his sons, Henri and Timothy, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Robert A. Tetreault, a respected resident of Petersburg; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Robert A. Tetreault as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 403

Commending Greg Sides.

Agreed to by the House of Delegates, March 3, 2020

Agreed to by the Senate, March 5, 2020

WHEREAS, Greg Sides, former assistant county administrator for Pittsylvania County, retired on December 20, 2019; and

WHEREAS, an employee of Pittsylvania County for 22 years, Greg Sides spent the last 11 years as assistant county administrator, where he was instrumental in developing the county's infrastructure for accommodating large-scale industrial and economic projects; and

WHEREAS, prior to serving Pittsylvania County, Greg Sides worked in multiple state positions with the Virginia Department of Transportation and the Virginia Department of Conservation and Recreation; and

WHEREAS, joining the Pittsylvania County staff as an erosion control specialist, Greg Sides fulfilled various roles in his first 11 years with the county, including overseeing code compliance and serving as county planner and director of planning; and

WHEREAS, new, world-class industrial parks in Pittsylvania County were made possible by Greg Sides' efforts and his ability to effectively collaborate with various programs, organizations, and agencies; and

WHEREAS, Greg Sides was key in developing a workforce training program in precision machining that is now lauded throughout the region; and

WHEREAS, Greg Sides provided an invaluable service to Pittsylvania County by facilitating its coordination with the City of Danville, engineers all over the region, the Virginia Department of Transportation, and members of the Institute for Advanced Learning and Research; and

WHEREAS, through his years of humble, dedicated service as assistant county administrator of Pittsylvania County, Greg Sides has ensured the growth and development of the region for many years to come; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Greg Sides, a treasured civil servant of Pittsylvania County, on the occasion of his retirement; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Greg Sides as an expression of the General Assembly's admiration for his contributions to Pittsylvania County and best wishes for the future.

HOUSE JOINT RESOLUTION NO. 404

Commending Kay C. Crane.

Agreed to by the House of Delegates, March 3, 2020

Agreed to by the Senate, March 5, 2020

WHEREAS, Kay C. Crane, longtime director of Piedmont Access to Health Services, Inc., a nonprofit health care organization based in Danville, retired on May 31, 2019; and

WHEREAS, after government agencies and medical organizations in the Danville area recognized the high number of uninsured individuals in the region and the public health issues this presented, Kay C. Crane was hired to form an organization that would serve this population in need; and

WHEREAS, Kay C. Crane helped form Project Access, a precursor to Piedmont Access to Health Services, Inc. (PATHS), and through that organization helped establish the network and infrastructure that would facilitate PATHS's later success; and

WHEREAS, in 2004, Project Access secured funding for two federally qualified community health centers and became PATHS to better represent the growing scope of the organization's operations; and

WHEREAS, in subsequent years, PATHS continued to expand and accept new patients, adding community medical centers in Chatham, Boydton, and South Boston, which greatly enhanced the community's access to medical, dental, and behavioral health services; and

WHEREAS, at the time of her retirement, Kay C. Crane oversaw an organization of 161 employees that accommodated 16,823 unduplicated patients and 66,491 health visits per year, greatly contributing to the health and well-being of the Piedmont region; and

WHEREAS, with the opening of a new pharmacy in Martinsville and a women's health clinic in Danville in 2019, PATHS promises to continue its upward trajectory as a result of Kay C. Crane's hard work and determination; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Kay C. Crane, esteemed director of Piedmont Access to Health Services, Inc., on the occasion of her retirement; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Kay C. Crane as an expression of the General Assembly's heartfelt admiration for her many years of service on behalf of citizens of the Commonwealth.

HOUSE JOINT RESOLUTION NO. 405

Commending Odell Tate.

Agreed to by the House of Delegates, March 3, 2020

Agreed to by the Senate, March 5, 2020

WHEREAS, Odell Tate, a longtime member and chaplain of the Danville Life Saving Crew, celebrated 50 years of service with the organization in 2019; and

WHEREAS, recognizing the need for quality, responsive first aid care in the Danville community, Odell Tate joined the Danville Life Saving Crew in 1969 to enhance his ability to serve others; and

WHEREAS, shortly after joining the Danville Life Saving Crew, Odell Tate helped the team refurbish a former bread truck into an ambulance, demonstrating a resourcefulness that has been invaluable to the organization for many years; and

WHEREAS, Odell Tate was among the first members of the Danville Life Saving Crew to take an emergency medical technician course, displaying his steadfast drive to provide the best possible first aid care and emergency services to his community; and

WHEREAS, Odell Tate became a paramedic in the mid-1990s, continuing to develop his skills as a medical professional for the benefit of his patients and those he served; and

WHEREAS, since the 1970s, Odell Tate has acted as chaplain of the Danville Life Saving Crew, aiding its members through the many spiritual challenges and tribulations they face on a daily basis while responding to the region's emergencies; and

WHEREAS, Odell Tate has exhibited exceptional leadership, dedication, and service as a member of the Danville Life Saving Crew, furthering the organization's efforts and the impact it has on the community in countless ways; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Odell Tate, member and chaplain of the Danville Life Saving Crew, on the occasion of his 50th year with the organization; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Odell Tate as an expression of the General Assembly's admiration for his many years of service and passion for aiding citizens of the Commonwealth.

HOUSE JOINT RESOLUTION NO. 406

Commending First Piedmont Corporation.

Agreed to by the House of Delegates, March 3, 2020

Agreed to by the Senate, March 5, 2020

WHEREAS, First Piedmont Corporation, a waste and recycling solutions company serving Southern, Central, and Southwest Virginia and parts of North Carolina, received the Danville Pittsylvania County Chamber of Commerce's Pinnacle Award and celebrated its 50th anniversary in 2019; and

WHEREAS, First Piedmont Corporation received the honor at the Danville Pittsylvania County Chamber of Commerce's annual awards dinner held on May 6, 2019, at the Institute for Advanced Learning and Research; and

WHEREAS, created in 2011, the Danville Pittsylvania County Chamber of Commerce's Pinnacle Award is the organization's highest honor, recognizing businesses and organizations that improve the region's economic vitality and its quality of life; and

WHEREAS, since its founding in Chatham in 1969, First Piedmont Corporation has grown into one of the leading waste and recycling service companies in the region; today, it employs more than 150 people, most of whom work locally in the Danville and Pittsylvania County areas; and

WHEREAS, First Piedmont Corporation has demonstrated a desire to protect the environment of the community it serves, converting its fleet from trucks that run on diesel and gasoline to those that run on natural gas, greatly reducing its carbon footprint; and

WHEREAS, by operating with sound and ethical business practices and a steadfast commitment to serving its customers, First Piedmont Corporation exemplifies the community spirit that makes the Commonwealth a wonderful place to live, work, and raise a family; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend First Piedmont Corporation, an upstanding waste and recycling service company, on the occasion of its 50th anniversary and for meriting the Danville Pittsylvania County Chamber of Commerce's 2019 Pinnacle Award; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to First Piedmont Corporation as an expression of the General Assembly's heartfelt admiration for the company's success and the valued service it provides to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 407

Commending the Magna Vista High School JROTC Raider team.

Agreed to by the House of Delegates, March 3, 2020

Agreed to by the Senate, March 5, 2020

WHEREAS, in November 2019, the Magna Vista High School JROTC Raider team from Ridgeway competed at the United States Army Raider National Championships and subsequently won its 12th state championship; and

WHEREAS, earlier in 2019, the Magna Vista High School Warriors, who competed in the coed division of the JROTC (Junior Reserve Officers' Training Corps) Raider program, earned first-place victories at two events in North Carolina; and

WHEREAS, at the United States Army Raider National Championships in Molena, Georgia, the Magna Vista Warriors competed against top teams from 31 other schools, including students from several military preparatory schools; and

WHEREAS, the Magna Vista Warriors finished in the top 15 of three events—the rope bridge, the team physical fitness challenge, and the 5K race—and finished fifth in the Gauntlet, a harrowing obstacle course featuring a climb over an eight-foot wall and a 30-foot crawl through culvert pipes, all while laden with equipment; and

WHEREAS, building on the momentum from their impressive showing at the national tournament, the Magna Vista Warriors claimed the Virginia state title on November 9 in Chesterfield; and

WHEREAS, the Magna Vista Warriors' successful season is a tribute to the hard work and determination of all the student-athletes, the leadership and guidance of their coaches, and the support of the entire Magna Vista High School community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Magna Vista High School JROTC Raider team on winning a state title and representing the Commonwealth at the United States Army Raider National Championships in 2019; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Sergeant First Class John Truini, head coach of the Magna Vista High School JROTC Raider team, as an expression of the General Assembly's admiration for the team's accomplishments and best wishes for the future.

HOUSE JOINT RESOLUTION NO. 408

Commending Mary Reid Barrow.

Agreed to by the House of Delegates, March 3, 2020

Agreed to by the Senate, March 5, 2020

WHEREAS, Mary Reid Barrow, a pillar in the Commonwealth's journalist community and a leader in the Tidewater Region, recently retired; and

WHEREAS, Mary Reid Barrow was born Mary Reid Dunn in Richmond and graduated from the Collegiate School for Girls before enrolling at Sweet Briar College in Amherst County; and

WHEREAS, Mary Reid Barrow's journalistic career began by joining her mother as a writer for the women's pages of the *Richmond Times-Dispatch*; and

WHEREAS, the majority of Mary Reid Barrow's more than 40-year career was spent dedicated to writing about and advocating for the Tidewater Region's flora and fauna in the *Virginian-Pilot*; and

WHEREAS, Mary Reid Barrow shared her love of Tidewater's natural resources and local cuisine with a national audience by co-publishing *The Great Taste of Virginia Seafood: A Cookbook and Guide to Virginia Waters* and publishing *The Virginia Beach Harvest Cookbook*; and

WHEREAS, Mary Reid Barrow's commitment to sustainability and conservation was not limited to her writings, and she was heavily involved in philanthropic causes promoting those ideals; and

WHEREAS, Mary Reid Barrow helped found Buy Fresh Buy Local Hampton Roads and Lynnhaven River Now, served on the board of the Friends of False Cape State Park and the Virginia Beach SPCA, and extensively volunteered with the Virginia Aquarium and Marine Science Center; and

WHEREAS, Mary Reid Barrow has received numerous awards for her tireless efforts in support of conservation, sustainability, and the Tidewater ecosystem, including her selection as the inaugural Conservationist of the Year by the Back Bay Restoration Foundation and the naming of a new *Cattleya* orchid hybrid in her honor; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Mary Reid Barrow on the occasion of her retirement; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Mary Reid Barrow as an expression of the General Assembly's admiration for her tireless service on behalf of the Tidewater community and her storied career in journalism.

HOUSE JOINT RESOLUTION NO. 409

Commending the Glen Allen High School girls' junior varsity basketball team.

Agreed to by the House of Delegates, March 3, 2020

Agreed to by the Senate, March 5, 2020

WHEREAS, the Glen Allen High School girls' junior varsity basketball team of Henrico County finished their 2019-2020 season with a 20-0 undefeated season, setting a school record; and

WHEREAS, the Glen Allen High School Jaguars defeated the James River High School Rapids of Chesterfield County by a score of 40-39 to win their season-ending JV Jamboree four-team tournament on February 15, 2020; and

WHEREAS, their tournament victory was a total team effort, with the Glen Allen Jaguars defeating their opponents by an average score of 42-14; and

WHEREAS, the Glen Allen Jaguars' success was the result of the hard work and dedication of the student-athletes, the leadership and guidance of their coaches and teachers, and the continued support of the entire Glen Allen High School community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Glen Allen High School girls' junior varsity basketball team hereby be commended for their history-making season; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Chris Clement, Alexis Weidner, Rick Brennan, and Jimmy Wright, coaches of the Glen Allen High School girls' junior varsity basketball team, as an expression of the House of Delegates' admiration for the team's accomplishments and best wishes for the future.

HOUSE JOINT RESOLUTION NO. 410

Commending the Piedmont Virginia Community College Student Launch Team.

Agreed to by the House of Delegates, March 3, 2020

Agreed to by the Senate, March 5, 2020

WHEREAS, the Piedmont Virginia Community College Student Launch Team won several awards during the National Aeronautics and Space Administration Student Launch Competition at the Marshall Space Flight Center in Huntsville, Alabama, in 2019; and

WHEREAS, the National Aeronautics and Space Administration (NASA) Student Launch Competition is one of the premier engineering competitions for middle school, high school, and college students; testing participants' ability to design, fabricate, test, and launch high-powered rockets, the program and competition help students develop real-world skills that will be invaluable in their careers; and

WHEREAS, as part of the Piedmont Virginia Community College (PVCC) Student Launch Team, students participate in an eight-month program, developing their rocket from concept to launch while completing a series of comprehensive design reviews and engaging the public through educational outreach activities; and

WHEREAS, students from all disciplines are encouraged to join the PVCC Student Launch Team, emphasizing the diverse technical, professional, and team skills required for success in the competition; and

WHEREAS, it is an extraordinary accomplishment to meet NASA's many milestone requirements and to have the opportunity to fly a rocket at its Student Launch Competition; it is even more remarkable to earn a top place in one of its competitive categories, as the PVCC Student Launch Team did; and

WHEREAS, the PVCC Student Launch Team earned first place in the Rocket Fair Display and Team Spirit categories and second place in the Best-Looking Rocket category, putting forth one of the most impressive showings at the competition; and

WHEREAS, the PVCC Student Launch Team's success is the result of the hard work and dedication of the program participants, the leadership and guidance of their professors and advisors, and the unwavering support of the entire Piedmont Virginia Community College community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Piedmont Virginia Community College Student Launch Team for its distinction at the 2019 National Aeronautics and Space Administration Student Launch Competition; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Piedmont Virginia Community College Student Launch Team as an expression of the General Assembly's admiration for the team's achievement and best wishes for the future.

HOUSE JOINT RESOLUTION NO. 411

Commending Charlottesville High School boys' soccer team.

Agreed to by the House of Delegates, March 3, 2020

Agreed to by the Senate, March 5, 2020

WHEREAS, the Charlottesville High School boys' soccer team claimed its first state title in 15 years with a victory at the Virginia High School League Class 4 State Championship game in June 2019; and

WHEREAS, in the state final, the Charlottesville High School Black Knights handed the Chancellor High School Chargers their first loss of the season in the tense, rain-soaked contest at Roanoke College; and

WHEREAS, the Chancellor Chargers held the lead for most of the game, until the Charlottesville Black Knights responded with an equalizer by Joe Von Storch near the end of regulation time; and

WHEREAS, Benhui Ryang of the Charlottesville Black Knights scored the game-winner with less than three minutes before the end of the second period of overtime to close out the game with a score of 2-1; and

WHEREAS, the Charlottesville Black Knights finished their victorious campaign with an impressive 18-1-1 thanks to important contributions from each of the student-athletes throughout the season; and

WHEREAS, the Charlottesville Black Knights benefited from the leadership and guidance of coaches and staff and the passionate support of the entire Charlottesville High School community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Charlottesville High School boys' soccer team on winning the Virginia High School League Class 4 State Championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Martin Braun, head coach of the Charlottesville High School boys' soccer team, as an expression of the General Assembly's admiration for the team's achievements and best wishes for the future.

HOUSE JOINT RESOLUTION NO. 412

Commending the Jamestown High School golf team.

Agreed to by the House of Delegates, March 3, 2020

Agreed to by the Senate, March 5, 2020

WHEREAS, the Jamestown High School golf team won the Virginia High School League Class 4 State Championship in 2019; and

WHEREAS, the Jamestown High School Eagles demonstrated composure under pressure and played some of their best golf of the season in the state final, shooting three under par for a combined score of 285; and

WHEREAS, the Jamestown Eagles' victory, which took place on their home course at Williamsburg National Golf Club, was the seventh state title for the program in 20 years; and

WHEREAS, Jamestown High School seniors Bobby Dudeck and Jack DeVore were named to the Class 4 all-state team in recognition of their outstanding performance; and

WHEREAS, the victorious season is a tribute to the skill and dedication of all the student-athletes, the leadership and guidance of coaches and staff, and the passionate support of the entire Jamestown High School community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Jamestown High School golf team on winning the Virginia High School League Class 4 State Championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Doug Meredith, head coach of the Jamestown High School golf team, as an expression of the General Assembly's admiration for the team's achievements.

HOUSE JOINT RESOLUTION NO. 413

Commending the Village Initiative.

Agreed to by the House of Delegates, March 3, 2020

Agreed to by the Senate, March 5, 2020

WHEREAS, the Village Initiative, a local nonprofit that promotes unity and inclusion in Williamsburg-James City County Public Schools, has hosted numerous forums benefiting the community; and

WHEREAS, the Village Initiative forums have included discussions on many important topics and themes relevant to residents, such as the recent forum "Integration Then and Now: Voices from the Community," which marked the 50th anniversary of school integration in Williamsburg-James City County Public Schools; and

WHEREAS, the Village Initiative has worked for years to break down structural barriers and encourage minority students to succeed both in and out of the classroom; and

WHEREAS, members of the Village Initiative and the community recently participated in a national walk with activist Opal Lee to raise awareness of Juneteenth and to advocate for the day to be a nationally observed holiday commemorating the emancipation of enslaved peoples in the United States; and

WHEREAS, the Village Initiative operates a tutoring program in local preschools and elementary and middle schools and is currently initiating its African American Culture Club to promote education in the community; and

WHEREAS, the Village Initiative is tirelessly dedicated to a range of efforts addressing these pressing issues, making Williamsburg and James City County more welcoming and inclusive places for all residents; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Village Initiative, a nonprofit furthering unity and inclusion in Williamsburg-James City County Public Schools, for its many impactful endeavors in the community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Village Initiative as an expression of the General Assembly's admiration for the organization's mission and best wishes for its continued success.

HOUSE JOINT RESOLUTION NO. 414

Commending Jillian Anne Ellis.

Agreed to by the House of Delegates, March 3, 2020

Agreed to by the Senate, March 5, 2020

WHEREAS, Jillian Anne Ellis, a former resident of Fairfax County and a graduate of The College of William & Mary, led the United States women's national soccer team to consecutive FIFA Women's World Cup Championships in 2015 and 2019; and

WHEREAS, Jillian "Jill" Anne Ellis grew up near Portsmouth, England, but did not play organized soccer until her family relocated to Northern Virginia in 1981, as there were no soccer programs for girls in the United Kingdom at that time; and

WHEREAS, as captain of the Robinson Secondary School girls' soccer team, Jill Ellis led the Robinson Rams to a state championship in 1984, and she played as a forward for The College of William & Mary Tribe from 1984 to 1987; and

WHEREAS, Jill Ellis pursued a lucrative career as a technical writer but was drawn by her passion for the beautiful game to return to the pitch as an assistant coach at the University of Maryland, the University of Virginia, and North Carolina State University; and

WHEREAS, Jill Ellis was selected as head coach of the University of Illinois women's soccer team in 1997 and helped the team achieve a 12–8 record and its first-ever Big Ten Conference Tournament berth in 1998; and

WHEREAS, in 1999, Jill Ellis joined the University of California, Los Angeles as head coach of the women's soccer team and guided the Bruins to six consecutive Pacific-10 Conference titles and eight National Collegiate Athletic Association Final Four appearances, including seven in a row from 2003 to 2009; and

WHEREAS, Jill Ellis, who ultimately became a naturalized citizen of the United States, began her association with United States Soccer as a coach of the national under-20 and under-21 teams, and she became the first full-time development director for United States women's soccer in 2011; and

WHEREAS, Jill Ellis was an assistant coach to the United States women's national soccer team (USWNT) in 2008, when the team earned a gold medal at the Games of the XXIX Olympiad in Beijing; she went on to serve as interim head coach in 2012 and again in 2014; and

WHEREAS, Jill Ellis was selected as the head coach of the USWNT team on May 16, 2014, and was immediately tasked with ensuring that the team qualified for the 2015 FIFA Women's World Cup; and

WHEREAS, on July 5, 2015, Jill Ellis oversaw the defeat of the defending Women's World Cup champions, Japan, by an astounding score of 5-2; Japan, which had only conceded three goals in the tournament before the final, could not withstand the American side's offensive talent and conceded three goals within the first 16 minutes; and

WHEREAS, four years later, on July 7, 2019, Jill Ellis and the USWNT won their second consecutive Women's World Cup title and made history as the only four-time cup winners, defeating the Netherlands by a score of 2-0; and

WHEREAS, during the 2019 campaign, the USWNT set a world record for goals in the tournament with 26, and Jill Ellis became only the second coach in history to win consecutive men's or women's World Cup titles since Italy's Vittorio Pozzo in 1938; and

WHEREAS, over the course of her career as interim coach and head coach, Jill Ellis coached the most games in USWNT history, achieving an incredible 106-7-19 record, and left the team well-poised to continue its legacy of success; and

WHEREAS, after her well-earned retirement as head coach, Jill Ellis will continue to support United States Soccer as an ambassador, promoting the power of soccer as a tool for youth development and positive change; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Jillian Anne Ellis for her achievements as head coach of the United States women's national soccer team; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Jillian Anne Ellis as an expression of the General Assembly's admiration for her legacy of contributions to women's athletics.

HOUSE JOINT RESOLUTION NO. 415

Celebrating the life of Dr. Reginald Dennin Butler.

Agreed to by the House of Delegates, March 3, 2020

Agreed to by the Senate, March 5, 2020

WHEREAS, Dr. Reginald Dennin Butler, a professor of history at the University of Virginia and former director of the university's Carter G. Woodson Institute for African American and African Studies, died on July 5, 2019; and

WHEREAS, as a young man, Dr. Reginald Butler was active in the struggle for social justice both in Washington state and nationally, joining the Student Non-Violent Coordinating Committee and canvassing for voters in Mississippi; and

WHEREAS, Dr. Reginald Butler graduated from Western Washington University in 1969, earned a master's degree and a doctorate in African American colonial history from Johns Hopkins University in 1989, and joined the University of Virginia Corcoran Department of History in 1991 as a scholar of early African American history; and

WHEREAS, Dr. Reginald Butler served as director of the Carter G. Woodson Institute for African American and African Studies from 1996 to 2005, during which time he explored many emergent technologies for the study and dissemination of historical resources while developing programs, research opportunities, and initiatives for students; and

WHEREAS, Dr. Reginald Butler conducted the Chesapeake Regional Seminar in Black Studies, organizing workshops and seminars focused on new directions in research and the teaching of African American studies; he convened and coordinated the Central Virginia Social History Project, a group of area scholars examining race and ethnicity in Central Virginia from the 17th to the early 20th century; and

WHEREAS, Dr. Reginald Butler served on the Advisory Committee on African American Interpretation at Monticello, the Albemarle County home of Thomas Jefferson; and

WHEREAS, Dr. Reginald Butler will be fondly remembered and dearly missed by his children, Maya, Ishmael, Omar, and Alfred, and their families; his brother, Howard; his sister-in-law, Geri; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Dr. Reginald Dennin Butler, a civil rights activist and treasured professor of history at the University of Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Dr. Reginald Dennin Butler as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 416

Celebrating the life of Mortimer Caplin.

Agreed to by the House of Delegates, March 3, 2020

Agreed to by the Senate, March 5, 2020

WHEREAS, Mortimer Caplin, a graduate, law school alumnus, and professor of the University of Virginia; an honorable veteran; and a longtime attorney, philanthropist, and civil servant, died on July 15, 2019, at the age of 103; and

WHEREAS, Mortimer Caplin graduated from the University of Virginia in 1937 at the top of his class with a National Collegiate Athletic Association middleweight boxing title and degrees in economics and political science; and

WHEREAS, graduating from the University of Virginia School of Law in 1940, where he was editor-in-chief of the *Virginia Law Review*, Mortimer Caplin subsequently taught at the university for 33 years; and

WHEREAS, Mortimer Caplin enlisted in the United States Navy during World War II and oversaw Allied landings at Omaha Beach in France as a beachmaster; and

WHEREAS, from 1961 through 1964, under Presidents John F. Kennedy and Lyndon B. Johnson, Mortimer Caplin served as Commissioner of the Internal Revenue Service, where he championed reform and introduced a centralized computer system to audit returns quickly and equitably; and

WHEREAS, in 1964, Mortimer Caplin was a founding member of the influential law firm Caplin & Drysdale in Washington, D.C., benefiting countless clients as one of the nation's leading tax attorneys; and

WHEREAS, in 2001, the University of Virginia School of Law awarded Mortimer Caplin its highest honor, the Thomas Jefferson Medal in Law, in recognition of his many years of service to the school; and

WHEREAS, furthermore, the University of Virginia School of Law created the Mortimer Caplin Public Service Award in his honor, presented annually to a student that demonstrates the qualities of leadership, integrity, and service that Mortimer Caplin embodied; and

WHEREAS, Mortimer Caplin was a board member and fellow of the American Bar Foundation, an honorary society of lawyers, judges, and law professionals whose public and private careers have demonstrated outstanding dedication to the highest principles of the legal profession and to the welfare of their communities; and

WHEREAS, preceded in death by his wife, Ruth, and his daughter, Mary Ellen, Mortimer Caplin will be fondly remembered and dearly missed by his children, Lee, Michael, Jeremy, and Cate, and their families, as well as numerous other family members, friends, and people touched by his life of service; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Mortimer Caplin, distinguished attorney, former head of the Internal Revenue Service, and longtime benefactor of the University of Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Mortimer Caplin as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 417

Celebrating the life of Annie Mae Dorns Merritt.

Agreed to by the House of Delegates, March 3, 2020

Agreed to by the Senate, March 5, 2020

WHEREAS, Annie Mae Dorns Merritt, beloved citizen of Charlottesville who was affectionately known as "Mother Merritt" by her friends and family, died on March 6, 2019, at the age 104; and

WHEREAS, Annie Merritt graduated from Ridge Hill High School in Ridge Hill, South Carolina, and continued her education at Bettis Academy and Junior College near Trenton, South Carolina; and

WHEREAS, following her graduation, she began teaching in Ridge Spring, South Carolina, and later attended Benedict College and North Carolina A&T State University, majoring in elementary education; and

WHEREAS, in 1940, she married Robert Merritt and continued teaching until he returned from World War II and completed his studies; she then moved with him to Charlottesville in 1951, where she studied at Jackson P. Burley High School to become a licensed practical nurse and worked in the University of Virginia neurology and newborn nursery departments; and

WHEREAS, one of the first African American nurses to serve at the University of Virginia, Annie Merritt later was a visiting health nurse with the Charlottesville-Albemarle County Health Department until her retirement in 1979; and

WHEREAS, Annie Merritt was a founding member of the Albemarle-Charlottesville branch of the NAACP, becoming a life member and recipient of the NAACP Virginia Banks Carrington Humanitarian Award in 2013; and

WHEREAS, guided throughout her life by her deep and abiding faith, Annie Merritt was an active member and leader of First Baptist Church of Charlottesville, where she enjoyed worship and fellowship with her community; and

WHEREAS, preceded in death by her husband of 50 years, Robert, Annie Merritt will be fondly remembered and dearly missed by her children, Robbie and Kent, and their families, and numerous other family members, friends, and others touched by her life of service; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Annie Mae Dorns Merritt, a cherished member of the Charlottesville community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Annie Mae Dorns Merritt as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 418

Celebrating the life of Mark Harril Saunders.

Agreed to by the House of Delegates, March 3, 2020

Agreed to by the Senate, March 5, 2020

WHEREAS, Mark Harril Saunders, director of the University of Virginia Press and a treasured member of the Charlottesville community, died on May 19, 2019; and

WHEREAS, Mark Saunders devoted his career to the production of high-quality books as both a publisher and an author and was a leader of the country's publishing industry through his work with the Association of University Presses; and

WHEREAS, Mark Saunders was named a Henry Hoyns Fellow in the University of Virginia's program in creative writing, from which he earned a master of fine arts degree in 1997; his novel, *Ministers of Fire*, was published in 2012 and received wide critical acclaim; and

WHEREAS, Mark Saunders served as director of the University of Virginia Press from 2013 until his death, supervising a staff of 20 and leading strategic planning, acquisitions, editorial, production, marketing, fiscal, and fundraising activities of the press; and

WHEREAS, having joined the University of Virginia Press in 1995, he helped to establish its Rotunda electronic imprint in 2001, which put the press at the forefront of innovation in digital scholarship; and

WHEREAS, Mark Saunders will be fondly remembered by his wife, Robin; his children, Binx, Ward, and Harry; his sister, Catherine; his stepsister, Caryn; and numerous other family members, friends, and others touched by his life of service; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Mark Harril Saunders, director of the University of Virginia Press and a cherished member of the Charlottesville community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Mark Harril Saunders as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 419

Celebrating the life of Roland Arlington Wiggins.

Agreed to by the House of Delegates, March 3, 2020

Agreed to by the Senate, March 5, 2020

WHEREAS, Roland Arlington Wiggins of Charlottesville, a distinguished music educator known for his innovative applications of advanced musical theory, died on November 20, 2019; and

WHEREAS, a native of Ocean City, New Jersey, Roland Wiggins was recognized as a musical prodigy at a young age and began formal study of the piano when he was eight years old; by 15, he was a star performer at Atlantic City's Steel Pier amusement park; and

WHEREAS, Roland Wiggins continued to study the piano at the Philadelphia Conservatory of Music, then served his country as a member of the United States Air Force, during which time he played with the renowned jazz trumpeter Donald Byrd and studied composition with one of the most innovative composers of the 20th century, Henry Cowell; and

WHEREAS, Roland Wiggins subsequently became an authorized instructor of the Schillinger System of Musical Composition, a comprehensive, mathematical approach to musical analysis and composition, and pursued a career in education after graduating from Combs College with bachelor's, master's, and doctoral degrees; and

WHEREAS, Roland Wiggins' joyful approach to composition focused on individual expression and truthful communication through music, and he provided guidance to many well-known artists, including John Coltrane, Yusef Lateef, and Thelonious Monk; he conducted groundbreaking research into the production of electronic music and used computerized analyses of famous musicians to teach key concepts; and

WHEREAS, in addition to teaching at Combs College, Roland Wiggins worked at several high schools and junior high schools, the University of Massachusetts Amherst, Williams College, Amherst College, Hampshire College, and the University of Virginia; and

WHEREAS, Roland Wiggins relocated to Charlottesville in 1989 and quickly became a cherished member of the community; and

WHEREAS, Roland Wiggins will be fondly remembered and greatly missed by his wife, Muriel, and his daughters, Rosalyn, Suzan, and Carol; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Roland Arlington Wiggins, a luminary of jazz music who inspired countless students as an instructor; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Roland Arlington Wiggins as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 420

Celebrating the life of Karenne Wood.

Agreed to by the House of Delegates, March 3, 2020

Agreed to by the Senate, March 5, 2020

WHEREAS, Karenne Wood, a scholar and poet who was a passionate and effective advocate on behalf of Native American tribal groups in the Commonwealth and throughout the United States, died on July 21, 2019; and

WHEREAS, born and raised in the Washington, D.C., area, Karenne Wood earned a master of fine arts degree from George Mason University and later a doctoral degree in anthropology from the University of Virginia, where she was a Ford Fellow; and

WHEREAS, a member of the Monacan Indian Nation, Karenne Wood would dedicate much of her life to improving people's understanding and awareness of indigenous cultures and how Native American groups fit into both the history of the United States and its society today; and

WHEREAS, Karenne Wood was instrumental in securing federal recognition for the Monacan Indian Nation in 2018; she was successful in encouraging the University of Virginia, which was built on ancestral lands of the Monacan Indian Nation, to pay tribute to this legacy through formal acknowledgements, including a Monacan blessing she recited to open the university's bicentennial celebrations in 2017; and

WHEREAS, Karenne Wood joined the Virginia Humanities board in 2004 as its first Virginia Indian representative, later joining the staff in 2007 to manage the organization's Virginia Indian Program; in recognition of her work with Virginia Humanities, which included updating the state's Standards of Learning curriculum to modernize the study of Virginia Indian history; the organization won the Schwartz Award in 2009, the Federation of State Humanities Councils' highest honor; and

WHEREAS, Karenne Wood advocated for better representation for Native American groups and the repatriation of their sacred artifacts through her work with several organizations, including the Association on American Indian Affairs, the Virginia Council on Indians, the National Museum of the American Indian, and the National Congress of American Indians' Repatriation Commission; and

WHEREAS, an accomplished poet and recipient of the Diane Decorah Award for Poetry from the Native Writers' Circle of the Americas, Karenne Wood published two collections, *Markings on Earth* and *Weaving the Boundary*, and was featured in several poetry anthologies throughout her career; and

WHEREAS, Karenne Wood was distinguished as one of the "Virginia Women in History" as part of the Library of Virginia's exhibition in 2015, bringing greater attention to the ways she and the Monacan Indian Nation have enriched Virginia's past and present; and

WHEREAS, Karenne Wood will be fondly remembered and dearly missed by her children, Adrienne and Emily, and their families; her mother, Gwendolyn; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Karenne Wood, who touched countless lives as an advocate, poet, scholar, and friend; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Karenne Wood as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 421

Celebrating the life of Charles D. Crowson, Jr.

Agreed to by the House of Delegates, March 3, 2020

Agreed to by the Senate, March 5, 2020

WHEREAS, Charles D. Crowson, Jr., a dedicated public servant, longtime public policy advocate, and beloved member of the Newport News community, died on February 27, 2020; and

WHEREAS, a graduate of Parksley High School and The Apprentice School at Newport News Shipbuilding, Charles Crowson dedicated more than 40 years of his career to the Office of the Commissioner of the Revenue of Newport News; and

WHEREAS, Charles Crowson served the office as a field inspector and as chief deputy commissioner of the revenue before taking the helm as commissioner of the revenue for 16 years; he tirelessly served the Newport News community throughout his tenure by ensuring the sound and reliable management of the city's finances; and

WHEREAS, in retirement, Charles Crowson enjoyed a second career as a political consultant and lobbyist, serving on various task forces related to tax policy for the General Assembly, the Department of Motor Vehicles, the Virginia Municipal League, the Virginia Association of Counties, the Virginia Chamber of Commerce, and the Virginia Manufacturers Association; and

WHEREAS, an active and engaged member of his community, Charles Crowson previously served as president of his local Kiwanis Club and was on the board of directors of the Virginia Peninsula Foodbank and the Newport News Municipal Employees Credit Union; and

WHEREAS, Charles Crowson will be fondly remembered and dearly missed by his loving wife, Lou Ann; his son, Douglas, and his family; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Charles D. Crowson, Jr., who touched countless lives in the Newport News community as a public servant and friend; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Charles D. Crowson, Jr., as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 422

Celebrating the life of Shirley Carter Olsson, M.D.

Agreed to by the House of Delegates, March 3, 2020

Agreed to by the Senate, March 5, 2020

WHEREAS, Shirley Carter Olsson, M.D., a respected medical professional and a vibrant member of the West Point community, died on February 19, 2020; and

WHEREAS, a native of Richmond, Shirley Olsson earned a bachelor's degree from the University of North Carolina Women's College and returned to the Commonwealth to obtain her medical degree from the Medical College of Virginia; and

WHEREAS, Shirley Olsson interned at the Los Angeles County General Hospital and completed her residency at Johnston-Willis Hospital in Richmond, where she met her husband, Sture, to whom she was married for 50 years until his passing in 2007; and

WHEREAS, Shirley Olsson touched countless lives through her work at public health clinics in the Counties of King William, King and Queen, Gloucester, Mathews, and Middlesex; and

WHEREAS, Shirley Olsson was passionate about the history and heritage of the Commonwealth, serving as a member of the William Byrd Chapter of the Daughters of the American Revolution and the Colonial Dames of the Commonwealth of Virginia, as well as on the board of trustees of the Virginia Museum of History & Culture; and

WHEREAS, Shirley Olsson enjoyed fellowship and worship with the community as a member of St. John's Episcopal Church in West Point, where she shared her love of song with the congregation in the choir; and

WHEREAS, predeceased by her husband, Sture, Shirley Olsson will be fondly remembered and greatly missed by her children, Lisa, Ann, Inga, and Charles, and their families, and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Shirley Carter Olsson, M.D., who made many contributions to the West Point community and the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Shirley Carter Olsson, M.D., as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 423

Celebrating the life of French H. Moore, Jr., D.D.S.

Agreed to by the House of Delegates, March 3, 2020

Agreed to by the Senate, March 5, 2020

WHEREAS, French H. Moore, Jr., D.D.S., an honorable veteran, esteemed dentist, admired public servant, and beloved member of the Abingdon community, died on February 24, 2020; and

WHEREAS, a United States Army veteran of the Korean War and a graduate of the Medical College of Virginia School of Dentistry, French Moore enjoyed a prosperous dental career in Abingdon that spanned nearly four decades; and

WHEREAS, French Moore was a leader of his industry, previously serving as president of the Virginia Dental Association and as chair of the American Dental Association Council on Dental Practice; and

WHEREAS, French Moore dedicated many years of his life to civic leadership in Abingdon and Washington County; he spent 42 years on the Abingdon Town Council, including 30 years as vice mayor and six as mayor; additionally, he generously served 36 years on the Abingdon Planning Commission and 17 years on the Washington County Planning Commission; and

WHEREAS, French Moore's insights were invaluable to the Commonwealth during his service on numerous state commissions and committees, and he was appointed by Governor Charles S. Robb in 1983 to the Board of Visitors of Virginia Commonwealth University, serving for eight years, including three as rector; and

WHEREAS, an active and engaged member of his community, French Moore gave plentifully of his time and talents to a plethora of local service and civic organizations, including the Washington County Life Saving Crew, which he helped charter in 1952, and the Kiwanis Club of Abingdon and the Virginia Municipal League, both of which he served as president; and

WHEREAS, for his outsized impact on the arts, culture, and economy of his community and for his efforts as a tireless education advocate, French Moore was the recipient of innumerable awards and accolades during his life, including the Washington County Chamber of Commerce's Person of the Year Award, the Medallion Award from the Medical College of Virginia School of Dentistry, and Virginia Commonwealth University's Edward A. Wayne Medal for outstanding service; and

WHEREAS, guided through life by his deep and abiding faith, French Moore was a lifelong member of the Abingdon United Methodist Church, where he enjoyed worship and fellowship with his community; and

WHEREAS, French Moore will be fondly remembered and dearly missed by his loving wife of 66 years, Mary Ann; his children, French III, Garrett, and Marilou, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of French H. Moore, Jr., D.D.S., a distinguished member of the Abingdon community who touched countless lives as a dentist, civic leader, and friend; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of French H. Moore, Jr., D.D.S., as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 424

Commending the Prince William County Public Schools Aquatics Center.

Agreed to by the House of Delegates, March 3, 2020

Agreed to by the Senate, March 5, 2020

WHEREAS, the Prince William County Public Schools Aquatics Center, located at Charles J. Colgan, Sr. High School, celebrated in 2019 the milestone of having served 10,000 students in its Water Safety School Program; and

WHEREAS, the Prince William County Public Schools (PWCS) Aquatics Center opened in the 2016-2017 school year; since then, second-graders from around the county have attended the center to learn the basics of water safety and swimming instruction; and

WHEREAS, as part of the Water Safety School Program, the PWCS Aquatics Center covers all costs of the program, including transportation, instructors and lifeguards, and free swimming instruction based on the American Red Cross Learn-to-Swim curriculum; and

WHEREAS, the water safety component of the program at PWCS Aquatics Center is designed to prevent water-related tragedies and water safety topics are referenced each day to provide constant reinforcement of water safety knowledge; and

WHEREAS, in addition to the Water Safety School Program, the PWCS Aquatics Center is used by several high school swim teams for regular practices and swim meets and is open to the public; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Prince William County Public Schools Aquatics Center on achieving in 2019 the milestone of having served 10,000 students in its Water Safety School Program; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Prince William County Public Schools Aquatics Center as an expression of the General Assembly's admiration for the center's commitment to teaching young people about water safety.

HOUSE JOINT RESOLUTION NO. 425

Commending the Dale City Track Club.

Agreed to by the House of Delegates, March 3, 2020

Agreed to by the Senate, March 5, 2020

WHEREAS, the Dale City Track Club, located in Woodbridge, received the National Track and Field Club of the Year Award from the Amateur Athletic Union, a national organization, for its work in teaching children about track and field and for the achievements of its athletes and the staff; and

WHEREAS, the Dale City "Lightning" Track Club has received national recognition in previous years and continues to provide a community for children of all abilities to learn about and excel in track and field events; and

WHEREAS, the Dale City Track Club provides resources for students to succeed in academics, working with student-athletes, parents, and officials by collaborating with coaches and schools to offer joint programming for family events, seminars, clinics, and college readiness workshops; and

WHEREAS, the Dale City Track Club was founded in 2010 and has won two national awards and three state awards honoring the club's commitment to the youth of Prince William County and become a beloved part of the community since then; and

WHEREAS, led by head coach Monte Evans, the Dale City Track Club provides programming for more than 300 young athletes addressing good sportsmanship, proper nutrition, and improved physical fitness and instilling leadership skills to help young people build a positive self-image; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Dale City Track Club on receiving the National Track and Field Club of the Year Award from the Amateur Athletic Union; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Monte Evans, head coach of the Dale City Track Club, as an expression of the General Assembly's admiration for the organization's commitment to excellence.

HOUSE JOINT RESOLUTION NO. 426

Commending Earsaline Anderson.

Agreed to by the House of Delegates, March 3, 2020

Agreed to by the Senate, March 5, 2020

WHEREAS, Earsaline Anderson, a resident of Fauquier County, has worked to preserve the important history of local Rosenwald Schools, which were established across the South in the early 20th century to provide educational opportunities for African American children; and

WHEREAS, a retired federal government worker, Earsaline Anderson has spent time as a volunteer monitoring deliberations related to the planned renovation and expansion of a middle school in Fauquier County on behalf of the Afro-American Historical Association of Fauquier; and

WHEREAS, as a proponent of education as well as a teacher's secretary for Fauquier County Public Schools, Earsaline Anderson advocates for the commemoration of historical academic buildings in Fauquier, noting the importance of preserving and promoting African American history; and

WHEREAS, Earsaline Anderson has dedicated her life to serving others throughout the Commonwealth and the United States and plans to continue to give back to her community and to her spiritual home, Mount Olive Baptist Church, where she served as clerk; and

WHEREAS, Earsaline Anderson's work has uplifted the Fauquier community and helped to spread awareness of African American history and heritage in Virginia; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Earsaline Anderson for her work to preserve the legacy of the all-black Rosenwald Schools in Fauquier County; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Earsaline Anderson as an expression of the General Assembly's admiration for her contributions to the community.

HOUSE JOINT RESOLUTION NO. 427

Commending Fitz Johnson.

Agreed to by the House of Delegates, March 3, 2020

Agreed to by the Senate, March 5, 2020

WHEREAS, Fitz Johnson, a Woodbridge Senior High School graduate from 1982 and the Senior Conference champion as an undergraduate at The Citadel, will be inducted into the Georgia Chapter of the National Wrestling Hall of Fame; and

WHEREAS, Fitz Johnson has had exponential leadership success among his numerous career changes over the years; he served in the United States Army and Army Reserves for over 21 years, coached wrestling at The Citadel for 15 years and elsewhere, and has owned multiple companies, such as Eagle Group International, the Atlanta Beat women's soccer franchise, and ASID Group International; and

WHEREAS, Fitz Johnson has earned multiple degrees, earning a bachelor's degree in education from The Citadel in 1985, a master's degree in education leadership and administration from Troy University in 1991, and a law degree from the University of Kentucky College of Law in 1998; and

WHEREAS, Fitz Johnson serves as a member of the WellStar Health System Board of Trustees, the Hospital Authority of Cobb County, Georgia, and the Town Center Community Improvement District; he attributes his success to the discipline and life balance he learned as a wrestler; and

WHEREAS, Fitz Johnson is the only inductee to be named as an Outstanding American by the Georgia Chapter of the National Wrestling Hall of Fame in 2020, which recognizes former wrestlers who have used the disciplines learned through wrestling to become highly successful in their professional careers; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Fitz Johnson on the occasion of his induction into the Georgia Chapter of the National Wrestling Hall of Fame in 2020; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Fitz Johnson as an expression of the General Assembly's admiration for his accomplishments.

HOUSE JOINT RESOLUTION NO. 428

Commending Frank J. Principi.

Agreed to by the House of Delegates, March 3, 2020

Agreed to by the Senate, March 5, 2020

WHEREAS, Frank J. Principi, who had served as the Woodbridge magisterial district supervisor since 2008 and advocated for his vision of a "New Woodbridge" focused on smart development, better transportation, and stronger neighborhoods, celebrated the end of his tenure on the Prince William County Board of Supervisors in 2019; and

WHEREAS, Frank Principi worked closely with area residents through town halls, homeowners' association meetings, advisory groups, and the Woodbridge Civic Association to ensure satisfaction among his constituency; and

WHEREAS, Frank Principi used \$1.5 billion in private and public investments to develop "New Woodbridge," a project which includes the widening of Interstate 95 and Route 1, undergrounding utilities and improving overall utility infrastructure, and completing new crosswalks and traffic lights with countdown timers to significantly improve the quality of life in the Woodbridge area; and

WHEREAS, Frank Principi has been involved in public service for decades and is a graduate of Leadership Greater Washington's Program for Social Change; he worked in multiple leadership roles in the Woodbridge area involving various councils, commissions, and initiatives where he focused on advocating for the best interests of his constituents; and

WHEREAS, Frank Principi served the community and his constituents with passion and dedication and spearheaded his vision for a "New Woodbridge" with determination and optimism; he has become a well-known and significant leader and will continue to focus on building a solid foundation and leveraging new opportunities for the Woodbridge area; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Frank J. Principi on the occasion of the end of his tenure on the Prince William County Board of Supervisors in 2019; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Frank J. Principi as an expression of the General Assembly's admiration for his legacy.

HOUSE JOINT RESOLUTION NO. 429

Commending the Grace Church Concert Series.

Agreed to by the House of Delegates, March 3, 2020

Agreed to by the Senate, March 5, 2020

WHEREAS, the Grace Church Concert Series, a series that is a part of the musical outreach of Grace Episcopal Church in The Plains, celebrates its 20th anniversary in 2020; and

WHEREAS, the Grace Church Concert Series, established by a generous grant from Jacqueline B. Mars with a mission to present high-quality musical performances at affordable prices, has been providing exceptional musical performances to concertgoers for two decades; and

WHEREAS, the Grace Church Concert Series has featured a wide range of performers and musical styles over the decades, including faculty members from the Shenandoah Conservatory and the Peabody Institute of The Johns Hopkins University, the Vienna Boys' Choir, Chanticleer, The King's Singers, and more; and

WHEREAS, the Grace Church Concert Series is renowned for its unique and wonderful concert experiences and is valued for its mission to feature local, national, and international artists and ensembles; and

WHEREAS, the Grace Church Concert Series has become a loved and sought-after attraction for attendees of the series and continues to bring affordable quality musical experiences to the local community, while attracting people from across the nation to be a part of their different musical opportunities; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Grace Church Concert Series, a series that is a part of the musical outreach of Grace Episcopal Church, on the occasion of the series' 20th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Grace Episcopal Church as an expression of the General Assembly's admiration for its legacy.

HOUSE JOINT RESOLUTION NO. 430

Commending Gray Ghost Winery.

Agreed to by the House of Delegates, March 3, 2020

Agreed to by the Senate, March 5, 2020

WHEREAS, Gray Ghost Winery, a family-owned-and-operated winery that has served exceptional wines and offered Southern hospitality since 1994, celebrates its 26th anniversary in 2020; and

WHEREAS, Gray Ghost Winery produces internationally acclaimed fine wines, with all grapes handpicked and the wine aged in premium oak barrels; owing to the quality of their wines, they were named "Best in the East" by *Vineyard & Winery Management Magazine* for four consecutive years; and

WHEREAS, Gray Ghost Winery finished the 2019 competition season with 121 medals, making it the 17th consecutive year Gray Ghost wines has earned more than 100 medals in international, national, and regional competitions; in 2019, the medal count included 24 gold, three platinum, and five double gold awards; and

WHEREAS, in 2017, Gray Ghost Winery had gold medal wins for its petit verdot in the prestigious American Wine Society competition and for its reserve chardonnay in the Atlantic Seaboard Wine Association Wine Competition, making it one of the most decorated wineries in the Commonwealth that year; and

WHEREAS, Gray Ghost Winery has grown grapes for 33 years and is one of Virginia's oldest wineries, offering fine wine as well as scenic picnic grounds, various indoor facilities, winery events, entertaining tours, and its popular volunteer harvest program for the local community to enjoy; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Gray Ghost Winery on the occasion of its 26th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Gray Ghost Winery as an expression of the General Assembly's admiration for its legacy.

HOUSE JOINT RESOLUTION NO. 431

Commending Katie Fielding.

Agreed to by the House of Delegates, March 3, 2020

Agreed to by the Senate, March 5, 2020

WHEREAS, Katie Fielding, a Woodbridge Senior High School instructional technology coach, was named the Virginia Society for Technology in Education Coach of the Year in 2019; and

WHEREAS, Katie Fielding received the award for being an outstanding technology-focused educator, for her dedication as a digital educator, and for her commitment to helping her students use technology in innovative ways; and

WHEREAS, Katie Fielding has more than 15 years of experience in education and has gone above and beyond to share instructional practices with her students and colleagues to help them understand and navigate the changing world of technology; and

WHEREAS, Katie Fielding works with other instructional technology coaches to improve digital instruction in the classroom and digital equity for all students at Woodbridge Senior High School, especially students who use assistive devices; and

WHEREAS, Katie Fielding participated in the Google Innovator Academy, focusing on improving digital homebound instruction, and has dedicated much of her career to building deeper connections between teachers and students; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Katie Fielding on her selection as the Virginia Society for Technology in Education Coach of the Year in 2019; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Katie Fielding as an expression of the General Assembly's admiration for her achievements.

HOUSE JOINT RESOLUTION NO. 432

Commending the Kettle Run High School coed swimming team.

Agreed to by the House of Delegates, March 3, 2020

Agreed to by the Senate, March 5, 2020

WHEREAS, the Kettle Run High School coed swimming team of Prince William County won its third consecutive Virginia High School League Class 4 Northwestern District boys' swim title in 2020; and

WHEREAS, the Kettle Run High School Cougars' victory in the boys' tournament was the fifth district title in program history; the team placed second in the girls' tournament; and

WHEREAS, the Kettle Run Cougars spent their season training to ensure they would be successful at the Class 4 Northwestern District Championship; their strong determination and effort over the years have been essential to achieving their goals; and

WHEREAS, during the season, the Kettle Run Swimming Cougars celebrated wins over Millbrook High School and Culpeper County High School; and

WHEREAS, Kettle Run High School students have earned state and regional cut times and are looking forward to having a successful season in the 2020-2021 school year; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Kettle Run High School coed swimming team on winning its third consecutive Virginia High School League Class 4 Northwestern District boys' swim title in 2020; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Kettle Run High School coed swimming team as an expression of the General Assembly's admiration for the team's accomplishments.

HOUSE JOINT RESOLUTION NO. 433

Commending Old Bust Head Brewing Company.

Agreed to by the House of Delegates, March 3, 2020

Agreed to by the Senate, March 5, 2020

WHEREAS, Old Bust Head Brewing Company in Vint Hill Farms has provided exceptional service to many residents of and visitors to Fauquier County and made numerous contributions to the Commonwealth's growing craft beer industry; and

WHEREAS, Old Bust Head Brewing Company's traditional ales and lagers have won many awards in many different categories over the last five years and consistently satisfies customers with its exceptional offerings; and

WHEREAS, Old Bust Head Brewing Company's environmental mission influences all aspects of their business: the company's solar array provides 40 percent of the energy needed for its production facility, and a plethora of geothermal wells allow it to efficiently heat and cool tap rooms and offices; and

WHEREAS, Old Bust Head Brewing Company has hosted various events over the years involving live music, food trucks, and speakers for different groups and individuals; elected officials have held multiple events at the brewery; and

WHEREAS, Old Bust Head Brewing Company has become a pivotal attraction for Fauquier County residents and continues to bring joy and fun to the local community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Old Bust Head Brewing Company for its contributions to Virginia's economic vitality as a craft beer brewer; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Ike and Julie Broadus of Old Bust Head Brewing Company as an expression of the General Assembly's admiration for the company's contributions to the Fauquier County community and the Commonwealth.

HOUSE JOINT RESOLUTION NO. 434

Commending Prince William County Public Schools.

Agreed to by the House of Delegates, March 3, 2020

Agreed to by the Senate, March 5, 2020

WHEREAS, Prince William County Public Schools led efforts to fight childhood hunger through its dinner program for students in 2019; and

WHEREAS, Prince William County Public Schools served about 165,000 after-school meals to students at 18 local schools during the 2018-2019 academic year; and

WHEREAS, Prince William County Public Schools took top honors in the Virginia School Board Association's Food for Thought competition for its Supper Program; the competition was created in 2012 to educate, engage, and empower school leaders to address childhood hunger and provide all students in Virginia with healthier and more nutritious school meals; and

WHEREAS, Prince William County Public Schools was recognized in the Meal Access to Fight Hunger category award for school divisions with more than 10,000 students; and

WHEREAS, the Prince William County Public Schools' Supper Program was implemented in 2016 at one initial school site, which served about 7,000 meals to students, and has grown to 18 sites; with 165,000 meals served in 2019, the program has been successful at lessening food insecurity for students and improving their ability to learn; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Prince William County Public Schools for its commitment to ending food insecurity and reducing childhood hunger; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Babur B. Lateef as an expression of the General Assembly's admiration for Prince William County Public Schools' achievements on behalf of its students.

HOUSE JOINT RESOLUTION NO. 435

Commending Prince William Food Rescue.

Agreed to by the House of Delegates, March 3, 2020

Agreed to by the Senate, March 5, 2020

WHEREAS, Prince William Food Rescue, a local initiative that focuses on food insecurity and reducing food waste, has rescued its 200,000th pound of food, the equivalent of nearly 101,000 meals, in its first year; and

WHEREAS, Prince William Food Rescue, a program of the nonprofit Action in Community Through Service of Prince William County, connects donations and delivers them to centers that distribute meals to families based on need; it currently provides food to over 600 families every month; and

WHEREAS, Prince William Food Rescue took only six months from its inception in August 2019 to surpass its first-year goal and is gaining more donor locations to support its mission to reduce hunger and food insecurity; and

WHEREAS, Prince William Food Rescue's goal is to reduce food waste, food insecurity, and greenhouse gas emissions in the community; it has had major success in achieving its goals thus far; and

WHEREAS, the members and volunteers of Prince William Food Rescue have showcased their exceptional team skills by collaborating with different donors, distributors, and volunteers, and since its inception, it has changed the food insecurity landscape in Prince William County; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Prince William Food Rescue on the occasion of its 200,000th pound of food rescued in its first year; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Aaron Tolson, director of development for Prince William Food Rescue, as an expression of the General Assembly's admiration for the organization's service to the community.

HOUSE JOINT RESOLUTION NO. 436

Commending the Woodbridge Senior High School wrestling team.

Agreed to by the House of Delegates, March 3, 2020

Agreed to by the Senate, March 5, 2020

WHEREAS, in 2020, the Woodbridge Senior High School wrestling team won its regional championship for the first time since 1991; and

WHEREAS, the Woodbridge High School Vikings' victory at the Virginia High School League Region 6B Meet ended its 28-year drought without a regional team wrestling championship; and

WHEREAS, the Woodbridge Vikings had region qualifiers in all 14 classes after winning the district title and continued to showcase the determination, dedication, and passion required to succeed at the Region 6B Meet; and

WHEREAS, at the Region 6B Meet, the Woodbridge Vikings led all teams, with six wrestlers advancing to the finals and winning four individual titles; the team led the region with eight wrestlers in the state championship; and

WHEREAS, the Woodbridge Vikings overcame the loss of starting players in order to make the team's classmates at Woodbridge High School proud and will continue to represent the school with dignity and pride at future meets; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Woodbridge Senior High School wrestling team on its victory at the Virginia High School League Region 6B Championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Woodbridge Senior High School wrestling team as an expression of the General Assembly's admiration for the team's achievements.

HOUSE JOINT RESOLUTION NO. 437

Commending Carson Miller.

Agreed to by the House of Delegates, March 3, 2020

Agreed to by the Senate, March 5, 2020

WHEREAS, Carson Miller, a wrestler from Forest Park High School in Woodbridge, won an individual title at the Virginia High School League Class 6 State Championship in 2020; and

WHEREAS, Carson Miller has dedicated time and effort almost every day toward training for wrestling events and is well-known among his peers and coaches for his passion and love for the sport; and

WHEREAS, Carson Miller, who was one of two individual champions from Forest Park High School, is a leader on his team, which finished in fourth place overall at the state championship; and

WHEREAS, Carson Miller is admired by his coach for his technical skill, sportsmanship, and resilience, not only in his wrestling career but in all areas of his life; and

WHEREAS, though only a sophomore in high school, Carson Miller has become a well-known figure in his local community and will continue to be successful in his career and bring pride and dignity to Forest Park High School; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Carson Miller on his victory at the Virginia High School League Class 6 State Championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Carson Miller as an expression of the General Assembly's admiration for his accomplishments.

HOUSE JOINT RESOLUTION NO. 438

Commending Rachel Thompson.

Agreed to by the House of Delegates, March 3, 2020

Agreed to by the Senate, March 5, 2020

WHEREAS, Rachel Thompson, a Spanish teacher at Princess Anne High School in Virginia Beach, was named the Virginia Department of Education's Region 2 Teacher of the Year in 2020; and

WHEREAS, prior to this award, Rachel Thompson was recognized by Virginia Beach City Public Schools as the division's Teacher of the Year in 2020; and

WHEREAS, Rachel Thompson became enamored with the Spanish language during high school trips abroad and through mission work in Central America, later earning a bachelor's degree in Spanish philology and English literature at Saint Louis University in Madrid; and

WHEREAS, Rachel Thompson was enticed into an education career by a former teacher who notified her of a substitute teaching position at Princess Anne High School, where she has been a passionate educator for the past 15 years; and

WHEREAS, teaching Spanish 5 and 6 in the school's International Baccalaureate program, Rachel Thompson encourages her students to develop their language skills through the examination of complex global issues affecting Spanish-speaking regions of the world; and

WHEREAS, invested in her students' progress, Rachel Thompson supports several programs and activities at Princess Anne High School outside of the classroom, including the Model United Nations team, the Operation Smile club, and the school's Gay-Straight Alliance, while serving as co-chair on the School Planning Council; and

WHEREAS, for the past 15 years, Rachel Thompson's enthusiastic, caring, and inclusive spirit has motivated her students and contributed to their success both in and out of the classroom; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Rachel Thompson, a Spanish teacher at Princess Anne High School, for being named the 2020 Region 2 Teacher of the Year and the 2020 Virginia Beach City Public Schools Teacher of the Year; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Rachel Thompson as an expression of the General Assembly's admiration for her achievements and best wishes for her continued success.

HOUSE JOINT RESOLUTION NO. 439

Commending the Virginia Beach Sheriff's Office.

Agreed to by the House of Delegates, March 3, 2020

Agreed to by the Senate, March 5, 2020

WHEREAS, the Virginia Beach Sheriff's Office introduced an innovative mental health program in 2019 to help address mental illness in prisons and the impact it has on the community; and

WHEREAS, with the support of state funding and in coordination with the Virginia Beach Department of Human Services, the Virginia Beach Sheriff's Office launched the program to divert, screen, assess, and treat individuals with mental illness before, during, and after their incarceration; and

WHEREAS, recognizing that many crimes are manifestations of mental illness, the Virginia Beach Sheriff's Office developed a plan to help inmates get the care they need and break the cycle of recidivism; and

WHEREAS, as part of the Virginia Beach Sheriff's Office's program, inmates receive a mental illness screening within 48 hours after booking, helping prison officials determine if it is appropriate to advocate for their diversion; furthermore, the program improves standards for monitoring inmates during their incarceration and provides each individual with a comprehensive reentry and discharge plan, ensuring they have access to housing, counseling, and medication upon release; and

WHEREAS, to ease the transition back into the community, the Virginia Beach Sheriff's Office conducts a follow-up with the inmate within five days after their release and provides an education and engagement program to help family members understand and proactively address any concerns that may arise; and

WHEREAS, the Virginia Beach Sheriff's Office's program is tackling one of the biggest challenges confronting law enforcement today, helping individuals access the support they need to become healthy, productive members of their communities; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Virginia Beach Sheriff's Office for the innovative mental health program it implemented in 2019; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Ken Stolle, sheriff of Virginia Beach, as an expression of the General Assembly's appreciation for the department's efforts to protect and serve the community.

HOUSE JOINT RESOLUTION NO. 440

Commending the Wes Strong Foundation.

Agreed to by the House of Delegates, March 3, 2020

Agreed to by the Senate, March 5, 2020

WHEREAS, the Wes Strong Foundation, a nonprofit organization in Yorktown, has rallied community members for nearly a decade to support children fighting cancer and their families; and

WHEREAS, originally known as United in GRACE, the Wes Strong Foundation traces its roots to 2011 when five-year-old Wes Pak, who was undergoing treatment for neuroblastoma, asked to give his toys to his fellow patients at the Children's Hospital of the King's Daughters; and

WHEREAS, the first Wes' Wish Toy Drive resulted in the donation of five little red wagons full of toys for childhood cancer patients, and has grown significantly through partnerships with local businesses and organizations and generous support from the community; and

WHEREAS, the Wes' Wish Toy Drive has reduced stress at the holidays for many families by allowing them to select toys and gifts for their children free of charge; Wes Pak continued to support the organization by collecting, sorting, and delivering toys until he passed away in 2018; and

WHEREAS, the Wes Strong Foundation has carried on Wes Pak's legacy of compassionate service through other programs, such as Wes' Wish Granting, which helps children fulfill their dreams through unique experiences; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Wes Strong Foundation for its work to provide hope and support to children fighting cancer and their families; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Wes Strong Foundation as an expression of the General Assembly's admiration for the organization's inspirational mission.

HOUSE JOINT RESOLUTION NO. 441

Commending the Hopewell Dixie Youth Baseball Majors All-Star team.

Agreed to by the House of Delegates, March 4, 2020

Agreed to by the Senate, March 8, 2020

WHEREAS, the Hopewell Dixie Youth Baseball Majors All-Star team, a talented group of 11-year-old and 12-year-old athletes, won the Dixie Youth Baseball Division II Majors World Series in Lumberton, North Carolina, on July 31, 2019; and

WHEREAS, the Hopewell Dixie Youth Baseball Majors All-Stars won the Dixie Youth Baseball District 9 Championship on June 28, 2019, in Hopewell and the Dixie Youth Baseball Virginia State Championship, the first in Hopewell's history, on July 10, 2019, in Lunenburg on the team's march to the Dixie Youth Baseball Division II Majors World Series; and

WHEREAS, at the national tournament, the Hopewell Dixie Youth Baseball Majors All-Stars defeated strong teams from Mississippi, North Carolina, South Carolina, and Georgia to earn the city's first Dixie Youth Baseball World Series Championship; and

WHEREAS, trailing the team from Mississippi by one run in the last inning of the championship game, the Hopewell Dixie Youth Baseball Majors All-Stars mounted an outstanding six-run comeback, putting the game out of reach and sealing the title; and

WHEREAS, the Hopewell Dixie Youth Baseball Majors All-Stars are Anthony Clark, Christian Edwards, Ryder Hazlitt, Camden Hunt, Jake Irby, Luke Kuhns, Colsen McComber, Ethan McComber, Brian Moore, Demetrius Simms, Xavier Taylor, and Tavin Tucker, coached by Clint Gorkiewicz, Ricky Irby, and Joe Kuhns; and

WHEREAS, in admiration for the remarkable way in which they represented their hometown, the Hopewell Dixie Youth Baseball Majors All-Stars received keys to the city from the City of Hopewell; and

WHEREAS, the accomplishments of the Hopewell Dixie Youth Baseball Majors All-Stars are the result of the hard work, dedication, and sportsmanship of the young athletes, as well as the steadfast commitment and support of their coaches, parents, and the entire Hopewell community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Hopewell Dixie Youth Baseball Majors All-Star team for winning the 2019 Dixie Youth Baseball Division II Majors World Series; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Hopewell Dixie Youth Baseball Majors All-Star team as an expression of the General Assembly's admiration for the team's achievement and best wishes for the future.

HOUSE JOINT RESOLUTION NO. 442

Commending the Dulles South Food Pantry.

Agreed to by the House of Delegates, March 3, 2020

Agreed to by the Senate, March 5, 2020

WHEREAS, the Dulles South Food Pantry, a charitable organization in southern Loudoun County dedicated to alleviating hunger, has had a profound and positive impact on its community; and

WHEREAS, founded in 2014, the Dulles South Food Pantry works by collecting food donations and distributing them to families and individuals in need; and

WHEREAS, in 2019 alone, the Dulles South Food Pantry distributed 284,450 pounds of milk, eggs, meat, bread, baked and dry goods, and produce, serving 1,889 individuals; and

WHEREAS, to ensure children in need have adequate food during the weekend when meal assistance through their schools is unavailable, the Dulles South Food Pantry initiated the Backpack Buddies program, providing nearly 40,000 meals to children at 18 different area schools in 2019; and

WHEREAS, in partnership with Loudoun Volunteer Caregivers, which assists in-home elderly or disabled clients, the Dulles South Food Pantry has been able to reach and serve this vulnerable population; and

WHEREAS, the Dulles South Food Pantry has established a self-sufficiency coordinator to help guests acquire essential items and services, such as clothing, jobs, English as a second or other language training, Medicaid coverage, and more, by connecting them with the community resources available to them; and

WHEREAS, the Dulles South Food Pantry's accomplishments are made possible by the tireless efforts of its volunteers and the abundant generosity of its donors; in 2019, 781 volunteers served more than 9,000 hours to receive and distribute more than 284,000 pounds of food, including 19,000 pounds from the organization's food recovery program initiated at area schools; and

WHEREAS, with the tagline of "Neighbors Feeding Neighbors," the Dulles South Food Pantry embodies the convivial and compassionate spirit that makes Loudoun County a wonderful place to live, work, and raise a family; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Dulles South Food Pantry, a multi-faith food pantry serving Loudoun County, for its support of countless families; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Dulles South Food Pantry as an expression of the General Assembly's admiration for the organization's mission and best wishes for its continued success.

HOUSE JOINT RESOLUTION NO. 443

Commending the Loudoun County Chamber of Commerce.

Agreed to by the House of Delegates, March 3, 2020

Agreed to by the Senate, March 5, 2020

WHEREAS, the Loudoun County Chamber of Commerce, an organization dedicated to making Loudoun County a welcoming locale for businesses, residents, and visitors, has contributed greatly to the success of the region in recent years; and

WHEREAS, established on December 18, 1968, the Loudoun County Chamber of Commerce has grown into one of the largest chambers of commerce in the region, boasting more than 1,150 members that all contribute to the economic vitality of Loudoun County; and

WHEREAS, by promoting business throughout the community, the Loudoun County Chamber of Commerce improves the quality of life for residents of Loudoun County and makes the county a world-class destination for visitors; and

WHEREAS, through various training programs, activities, and marketing events, the Loudoun County Chamber of Commerce supports its members' professional development, enhancing their ability to serve the community; and

WHEREAS, more than 120 nonprofits are members of the Loudoun County Chamber of Commerce, utilizing the organization's Superior Nonprofit Initiative to strengthen their impact and reach others more effectively; and

WHEREAS, in 2019, the Loudoun County Chamber of Commerce contributed to rewriting the Loudoun County Comprehensive Plan to address the region's housing crisis and supported the creation of the county's new Department of Housing, facilitating residents' ability to access quality, affordable housing; and

WHEREAS, the Loudoun County Chamber of Commerce founded the Loudoun Chamber Foundation in 2015, an organization that has already gifted over \$114,000 to area nonprofits and grown its endowment fund; and

WHEREAS, the Loudoun County Chamber of Commerce advocates for and supports businesses, nonprofits, and government agencies of all sizes, fostering a healthy and prosperous Loudoun County for every resident, employee, and visitor; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Loudoun County Chamber of Commerce for its visionary leadership on behalf of Loudoun County and the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Loudoun County Chamber of Commerce as an expression of the General Assembly's admiration for the organization's mission and best wishes for its continued success.

HOUSE JOINT RESOLUTION NO. 444

Commending Patrick K. Murphy.

Agreed to by the House of Delegates, March 3, 2020

Agreed to by the Senate, March 5, 2020

WHEREAS, Patrick K. Murphy, a respected educator who served students in the Commonwealth for more than 30 years, retired as superintendent of Arlington Public Schools on September 3, 2019; and

WHEREAS, Patrick Murphy began his career in 1988 at Francis Scott Key Middle School and served in various capacities in Fairfax County Public Schools for 19 years, including four years as assistant superintendent for accountability, during which he was responsible for testing, research, evaluation, and strategic planning; and

WHEREAS, Patrick Murphy joined Arlington Public Schools as superintendent in 2009 and ably met the challenges of leading a diverse school division with 37 schools and programs, 4,000 employees, 26,000 students, and a budget of more than \$581 million; and

WHEREAS, Patrick Murphy was selected as the 2015 Virginia Superintendent of the Year by the Virginia Association of School Superintendents, and under his leadership, Arlington Public Schools earned many awards and accolades, increased its high school graduation rate by 10 percent, and achieved full accreditation for five consecutive years; and

WHEREAS, Patrick Murphy's high emphasis on consistent academic achievement, sound operational management, visionary planning, and capital investment helped students and faculty reach new heights of success; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Patrick K. Murphy on the occasion of his retirement as superintendent of Arlington Public Schools; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Patrick K. Murphy as an expression of the General Assembly's admiration for his legacy of excellence in education and many contributions to young people in Virginia.

HOUSE JOINT RESOLUTION NO. 446

Commending the Loudoun Museum.

Agreed to by the House of Delegates, March 3, 2020

Agreed to by the Senate, March 5, 2020

WHEREAS, for more than 50 years, the Loudoun Museum in Leesburg has worked to discover, preserve, interpret, and share knowledge of Loudoun County's cultural and historical resources; and

WHEREAS, established in 1969, the Loudoun Museum offers unique and engaging exhibits and programs and maintains a collection of nearly 8,000 historically significant items; and

WHEREAS, the Loudoun Museum was revitalized in 2019, welcoming new board members and new staff and opening its "Caught in the Maelstrom of Civil War: Loudoun County Divided" and "Vintage Pursuits: Cultivating a Virginia Wine Industry" exhibits; throughout the year, the museum accommodated traveling exhibits on the arrival of the first Africans to the United States and on World War I; and

WHEREAS, the Loudoun Museum offers historic lectures in-house, at local businesses, and streaming on its social media pages; the museum has increased its outreach to members of the community through its Facebook and Instagram pages, the followers of which nearly doubled in 2019; and

WHEREAS, the Loudoun Museum organizes interactive activities with historical reenactors and pop-up activities in downtown Leesburg; the museum's most popular event, its annual Hauntings Tours in October, presents local history through costumed interpreters and has introduced the museum's other offerings to many new visitors each year; and

WHEREAS, the Loudoun Museum builds strong partnerships with other local institutions and organizations to continue providing new and unique content to benefit all residents of Loudoun County; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Loudoun Museum for more than 50 years of service to the Loudoun County community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Loudoun Museum as an expression of the General Assembly's admiration for its vital work to preserve the history and heritage of Loudoun County and the Commonwealth.

HOUSE JOINT RESOLUTION NO. 447

Commending the League of Women Voters of the Prince William Area.

Agreed to by the House of Delegates, March 3, 2020

Agreed to by the Senate, March 5, 2020

WHEREAS, the League of Women Voters of the Prince William Area is a nonpartisan organization that promotes informed and active participation in government and influences public policy through education and advocacy, without supporting or opposing any political party or candidate; and

WHEREAS, the League of Women Voters of the Prince William Area has members from Prince William County and Fauquier County and is a chapter of the League of Women Voters of the United States, which is celebrating its 100th anniversary in 2020; and

WHEREAS, the League of Women Voters of the Prince William Area presents unbiased information about elections, the voting process, and key issues and has developed two brochures that are distributed free of charge at many libraries, public offices, schools, and other public and private venues, along with voter information cards in English, Arabic, Spanish, Vietnamese, Mandarin, and Korean; and

WHEREAS, the first brochure, the "Top Ten," is updated and provided before an election, giving the hours and places of voting, along with information about all candidates and links to other pertinent nonpartisan information; and

WHEREAS, the second brochure, "They Represent You (TRY)," is updated yearly and lists the elected officials who represent Prince William County, from town mayors and elected board members to the president of the United States, along with contact information; and

WHEREAS, the League of Women Voters of the Prince William Area registers voters at 12 Prince William County public high schools and offers students history and civic education, including ways to contact legislators, awareness of laws for 18-year-olds, a review of germane Constitutional Amendments, and samples of a 1963 literacy test; in Fauquier County, the League has registered voters at the county's three high schools and Lord Fairfax Community College, as well as reaching out to voters and potential voters with educational materials at First Fridays in Warrenton; and

WHEREAS, the League of Women Voters of the Prince William Area registers voters at senior centers, churches, and civic events such as the Latino Festival, Haymarket Day, and Manassas Jubilee, as well as at naturalization ceremonies several times a year; and

WHEREAS, the League of Women Voters of the Prince William Area, in cooperation with the Greater Prince William Re-Entry Council, visits the Adult Detention Center to explain absentee voting, voting rights, and the process of restoration of rights to those incarcerated; and

WHEREAS, the League of Women Voters of the Prince William Area sponsored or was a co-sponsor of debates related to seven races for seats in the Virginia House of Delegates in 2019; the league has sponsored community forums on opioid addiction and prevention and on historic and present-day voter suppression; and

WHEREAS, each year, the League of Women Voters of the Prince William Area acquires new nonprofit, public, and private partners that share its goal of extending outreach to underserved communities to make voter participation possible and accessible to all; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the League of Women Voters of the Prince William Area for its work to register and educate voters; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the League of Women Voters of the Prince William Area as an expression of the General Assembly's admiration for the organization's efforts to empower residents of Prince William County, Fauquier County, and the entire Commonwealth.

HOUSE JOINT RESOLUTION NO. 448

Commending the Loudoun County NAACP.

Agreed to by the House of Delegates, March 3, 2020

Agreed to by the Senate, March 5, 2020

WHEREAS, the Loudoun County NAACP, a local branch of the national civil rights organization, celebrates its 80th anniversary in 2020; and

WHEREAS, at the forefront of the fight for racial equality and justice for many years, the Loudoun County NAACP has accomplished several milestones on the path to a more inclusive and supportive society for all; and

WHEREAS, the organization actively supports the preservation and protection of many African American historical sites in Loudoun County and the Commonwealth, ensuring future generations will know and better understand the history that precedes them; and

WHEREAS, in 2019, the Loudoun County NAACP dedicated the Orion Anderson Lynching Memorial, shining light on a tragic and unjust event from the county's history and bringing peace to a local family; and

WHEREAS, the Loudoun County NAACP is a steadfast advocate for equality in the county's schools; these advocacy efforts are led by the organization's president, Pastor Michelle Thomas, who was recently appointed to the Commission on African American History Education, a state commission created to evaluate Virginia's history standards and the instructional practices, content, and resources the Commonwealth currently uses to teach African American history; and

WHEREAS, as a result of the Loudoun County NAACP's environmental justice advocacy, residents of Howardsville, a predominately African American rural community in Loudoun County, will soon have running water for the first time; and

WHEREAS, tirelessly addressing the myriad of issues affecting the lives of African Americans and others, the Loudoun County NAACP has made great strides toward a more equal and just Commonwealth for all; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Loudoun County NAACP on the occasion of its 80th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Pastor Michelle Thomas, president of the Loudoun County NAACP, as an expression of the General Assembly's admiration for the organization's mission and best wishes for its continued success.

HOUSE JOINT RESOLUTION NO. 449

Commending the Loudoun County Board of Supervisors.

Agreed to by the House of Delegates, March 3, 2020

Agreed to by the Senate, March 5, 2020

WHEREAS, in 2018, the Loudoun County Board of Supervisors established the Vet Center Community Access Center in Leesburg to provide a convenient location for veterans to receive the best possible readjustment counseling; and

WHEREAS, the Loudoun County Board of Supervisors worked with the United States Department of Veterans Affairs and the Martinsburg Vet Center in West Virginia to make the Vet Center Community Access Center a reality; and

WHEREAS, the licensed clinicians of the Vet Center Community Access Center offer counseling for mental health needs related to post-traumatic stress disorder, marriage and family therapy, sexual assault, substance abuse, anxiety, depression, and other unique socioeconomic issues affecting veterans and their families; and

WHEREAS, the Vet Center Community Access Center is more accessible to the veteran community in Loudoun County than other such centers in the region, ensuring that all individuals in need can receive care and support; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Loudoun County Board of Supervisors on establishing the Vet Center Community Access Center in Leesburg; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Loudoun County Board of Supervisors as an expression of the General Assembly's admiration for the important work of the Vet Center Community Access Center in supporting the men and women in uniform who have served and sacrificed in defense of the nation.

HOUSE JOINT RESOLUTION NO. 450

Celebrating the life of Robert Holt Evans, Sr.

Agreed to by the House of Delegates, March 3, 2020

Agreed to by the Senate, March 5, 2020

WHEREAS, Robert Holt Evans, Sr., longtime officer of the United States Air Force and beloved member of the Halifax community, died on January 3, 2020; and

WHEREAS, born in South Boston and a graduate of Halifax High School, Holt Evans completed his studies at the United States Naval Academy in 1958, where he earned golden gloves in boxing and laid the foundation for a promising military career; and

WHEREAS, during his 28 years with the United States Air Force, Holt Evans served his country all over the world, including seven years in Asia, seven years in Europe, and four years at NATO Headquarters, ultimately retiring at Langley Air Force Base in Hampton; and

WHEREAS, returning to Halifax in his retirement, Holt Evans quickly became involved in his community, serving on the Town Council of Halifax, where he chaired the Finance and Personnel Committee, and on the board of the South Boston-Halifax County Museum of Fine Arts and History; and

WHEREAS, guided throughout his life by his deep and abiding faith, Holt Evans was an active member of St. John's Episcopal Church in Halifax, where he enjoyed worship and fellowship with his community and served on the vestry; and

WHEREAS, Holt Evans will be fondly remembered and dearly missed by his loving wife, Nancy; his children, Robert, Jr., and Teel, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Robert Holt Evans, Sr., who served his country, the Commonwealth, and Halifax County admirably all his life; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Robert Holt Evans, Sr., as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 451

Celebrating the life of Ernest George Minns.

Agreed to by the House of Delegates, March 3, 2020

Agreed to by the Senate, March 5, 2020

WHEREAS, Ernest George Minns, a civil rights activist, civic leader, and beloved member of the Virginia Beach community, died on July 26, 2019; and

WHEREAS, a graduate of Floyd E. Kellam High School in Virginia Beach, George Minns would go on to become an influential advocate for human rights and racial justice in Virginia Beach; and

WHEREAS, from 1987 to 1997, George Minns was president of the Virginia Beach branch of the NAACP; his advocacy over the years was instrumental to the establishment of the Virginia Beach Minority Business Council and the Virginia Beach Human Rights Commission; and

WHEREAS, in his later years, George Minns was president of the Seatack Community Civic League, providing valued insights and leadership to ensure that the residents of one of the oldest African American communities in the country prospered; and

WHEREAS, guided throughout life by his deep and abiding faith, George Minns was an active member of the Mt. Zion African Methodist Episcopal Church in Virginia Beach, where he enjoyed worship and fellowship with his community for many years; and

WHEREAS, George Minns will be fondly remembered and dearly missed by his children, Mary and George II, and their families; his former wife, Kim; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Ernest George Minns, who touched countless lives in Virginia Beach as a civil rights activist, civic leader, and friend; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Ernest George Minns as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 452

Celebrating the life of Henry Richard Appelbaum.

Agreed to by the House of Delegates, March 3, 2020

Agreed to by the Senate, March 5, 2020

WHEREAS, Henry Richard Appelbaum of Arlington, a former intelligence officer who ably served four United States presidents, died on December 16, 2018; and

WHEREAS, a native of Rochester, New York, Henry "Hank" Richard Appelbaum graduated with honors from Harvard University and earned a master's degree from the Maxwell School of Syracuse University; and

WHEREAS, in 1966, Hank Appelbaum began his long career in government with the United States Department of State; after a posting in Uruguay as a foreign service officer, he joined the Central Intelligence Agency and was assigned to National Security Council staff; and

WHEREAS, Hank Appelbaum subsequently became an editor for the President's Daily Brief, a daily report of sensitive intelligence materials presented to the president, vice president, and other high-ranking officials; and

WHEREAS, Hank Appelbaum's extensive knowledge of political geography and history served him well during oral briefings on complex subjects; he ultimately became deputy chief of the briefing team and was lauded for his expertise and professionalism; and

WHEREAS, after his retirement from the briefing team, Hank Appelbaum continued to work with the Central Intelligence Agency on contract as an analyst and publications editor; he was cited in *The President's Book of Secrets: The Untold Story of Intelligence Briefings to America's Presidents from Kennedy to Obama* and contributed a chapter to *Stories from Langley: A Glimpse Inside the CIA*; and

WHEREAS, Hank Appelbaum will be fondly remembered and greatly missed by his wife, Amy; his children, Nancy and Sam, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Henry Richard Appelbaum, a former intelligence officer and a respected member of the Arlington community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Henry Richard Appelbaum as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 453

Celebrating the life of Elaine E. Thompson.

Agreed to by the House of Delegates, March 3, 2020

Agreed to by the Senate, March 5, 2020

WHEREAS, Elaine E. Thompson, an educator, author, and historian who touched many lives in the Loudoun County community, died on October 9, 2016; and

WHEREAS, born in Purcellville, Elaine Thompson attended Hampton University, from which she earned bachelor's and master's degrees; and

WHEREAS, Elaine Thompson pursued a career in education and taught English in Talbot County Public Schools in Maryland; after her well-earned retirement, she returned to the Commonwealth in the 1980s and lived in Hamilton; and

WHEREAS, Elaine Thompson was a prolific researcher of local African American history and authored many books and articles on the subject, including *In the Watchfires: The Loudoun County Emancipation Association, 1890-1971*, and contributed to the two-volume book, *The Essence of a People*; and

WHEREAS, Elaine Thompson helped secure a historical highway marker at the Emancipation Grounds in Purcellville, which was dedicated in 2000, and served as chair of the Emancipation Day celebration in 2008; and

WHEREAS, among her many notable achievements, Elaine Thompson was a founding member of the Black History Committee at Balch Library and donated her great-great-great-grandfather's freedom certificate to the National Museum of African American History and Culture; and

WHEREAS, in February 2020, the Loudoun County School Board voted to name one of its newest elementary schools in Elaine Thompson's honor in recognition of her legacy of contributions to Loudoun County and the preservation of African American history; and

WHEREAS, Elaine Thompson is fondly remembered and greatly missed by numerous family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Elaine E. Thompson; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Elaine E. Thompson as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 454

Celebrating the life of Maria Bonazzoli Bourne.

Agreed to by the House of Delegates, March 3, 2020

Agreed to by the Senate, March 5, 2020

WHEREAS, Maria Bonazzoli Bourne, an active member of the Wytheville community and a beloved mother and grandmother, died on May 12, 2019; and

WHEREAS, a native of Barre, Vermont, Maria Bourne graduated from Spaulding High School and continued her education at what is now Castleton University; and

WHEREAS, Maria Bourne relocated to Middletown, Connecticut, where she began her career as a third-grade teacher at Bielefield Elementary School and gave many young students a strong foundation for lifelong learning; and

WHEREAS, after marrying her late husband, John, Maria Bourne settled in the Commonwealth and worked in Wytheville; and

WHEREAS, Maria Bourne touched many lives and brought happiness to others through her distinctly Italian exuberance; her own greatest joy in life was family, and she strove to impart her work ethic and sense of compassion to her children and grandchildren; and

WHEREAS, predeceased by her husband, John, Maria Bourne will be fondly remembered and greatly missed by her sons Jeff and Justin, and their families, and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Maria Bonazzoli Bourne, a cherished member of the Wytheville community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Maria Bonazzoli Bourne as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 455

Commending Arlington County.

Agreed to by the House of Delegates, March 3, 2020

Agreed to by the Senate, March 5, 2020

WHEREAS, in 2020, Arlington County, one of the most prosperous counties in the United States, marks the 100th anniversary of the renaming of Alexandria County as Arlington County; and

WHEREAS, Arlington County traces its history to 1801, when part of Fairfax County that had been ceded to the federal government for the creation of Washington, D.C., was designated as Alexandria County; and

WHEREAS, Alexandria County was retroceded to Virginia in 1846, and after the Civil War, the county thrived as a suburb of Washington, D.C., thanks in large part to the introduction of a streetcar system in the late 1800s and the construction of the Washington and Old Dominion Railroad in the early 1900s; and

WHEREAS, to avoid confusion with the City of Alexandria, which had incorporated as an independent city in 1870, Alexandria County reorganized as Arlington County in 1920; the county took its new name from the birthplace of Robert E. Lee, the Arlington House, the grounds of which now serve as the site of Arlington National Cemetery; and

WHEREAS, Arlington County exercises the functions of both county and city government through its county manager plan and was the first county in the United States to adopt such a system; while Arlington County is geographically the smallest self-governing county in the United States, it ranks as one of the most populous counties in Virginia; and

WHEREAS, during World War II, the Henry G. Shirley Highway, now Interstate 395, was constructed in Arlington County, spurring further growth in the region, and after the war, the Pentagon was constructed on the former site of the region's original airport; and

WHEREAS, Arlington County was a pioneer in the school integration movement, announcing plans to integrate its public schools as early as 1956; Stratford Junior High School ultimately became the first public secondary school in the Commonwealth to racially integrate in February 1959; and

WHEREAS, Arlington County has taken an active role in transit planning in the region, and its work to prepare for the construction of the Washington Metro has become a model for revitalization of older suburbs throughout the country; and

WHEREAS, Arlington County has one of the highest median family income levels in the nation and consistently maintains the lowest unemployment rate of any locality in Virginia's economy; in addition to the Department of Defense at the Pentagon, numerous federal agencies are headquartered in the county and many national and international companies have relocated to or opened offices there; and

WHEREAS, in recognition of its visionary development programs, Arlington County received a 2002 National Award for Smart Growth Achievement from the Environmental Protection Agency; the county is home to several well-preserved historical resources, and many of its neighborhoods have enacted conservation plans to preserve the character and history of their communities; and

WHEREAS, with its rich history, vibrant cultural diversity, and economic vitality, Arlington County and its residents have made incalculable contributions to the Commonwealth and the United States; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Arlington County on the occasion of the 100th anniversary of the renaming of Alexandria County; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Arlington County Board as an expression of the General Assembly's admiration for Arlington County's unique place in the history of the Commonwealth.

HOUSE JOINT RESOLUTION NO. 456

Commending Pathway Homes.

Agreed to by the House of Delegates, March 3, 2020

Agreed to by the Senate, March 5, 2020

WHEREAS, Pathway Homes, a coalition of family members and mental health professionals seeking better support for individuals with mental illness, celebrates its 40th anniversary in 2020; and

WHEREAS, over the past four decades, Pathway Homes has become a successful nonprofit organization by providing non-time-limited housing and support services to adults embracing recovery from the symptoms of mental illness; and

WHEREAS, established in 1980 with two homes serving eight people, today, Pathway Homes boasts over 350 permanent housing units serving nearly 600 individuals; last year alone, the organization helped more than 1,200 people struggling with mental illness find adequate housing and get the care they needed; and

WHEREAS, the mission of Pathway Homes is to embody the spirit of recovery, embracing an attitude of hope and self-determination while partnering with each individual on their personal journey toward achieving self-fulfillment and the realization of their dreams; and

WHEREAS, Pathway Homes achieves its mission by providing individuals with mental illness and co-occurring disabilities a variety of non-time-limited, affordable housing, as well as services to enable them to realize their individual potential; the efficacy of Pathway Homes' programs is evidenced by the fact that 97 percent of its participants come out of homelessness and remain in stable housing; and

WHEREAS, Pathway Homes promotes individual empowerment by encouraging graduated, independent living, self-sufficiency, and self-confidence; protects the dignity of its clients by promoting their self-determination and self-worth; and cultivates a positive working environment by prioritizing diversity, flexibility, integrity, staff empowerment, and teamwork; and

WHEREAS, Pathway Homes works collaboratively with the Commonwealth to build solutions that effectively help those in need in our communities, particularly in partnership with the Department of Behavioral Health and Developmental Services; and

WHEREAS, in recognition of its contributions to the community, Pathway Homes received the Virginia Governor's Housing Award for Best Housing Program or Service in both 2007 and 2013; and

WHEREAS, with great compassion and dedication, Pathway Homes has helped more than 5,000 Virginians over the past 40 years receive the care they need to enjoy healthy, fulfilling lives; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Pathway Homes, a coalition of families and professionals helping individuals cope with mental illness and avoid homelessness, on the occasion of its 40th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Pathway Homes as an expression of the General Assembly's admiration for the organization's accomplishments and appreciation for its service on behalf of the Commonwealth.

HOUSE JOINT RESOLUTION NO. 457

Commending the Richmond 34.

Agreed to by the House of Delegates, March 3, 2020
Agreed to by the Senate, March 5, 2020

WHEREAS, the Richmond 34, a group of Virginia Union University students who participated in the Thalhimer's lunch counter sit-in, were at the forefront of the modern Civil Rights Movement and played a pivotal role in the desegregation of Richmond businesses; and

WHEREAS, under Jim Crow laws and the doctrine of "separate but equal" derived from *Plessy v. Ferguson*, many businesses throughout the nation maintained a system of segregation, whereby African American customers were served separately from white customers or not served at all; and

WHEREAS, inspired by the Reverend Dr. Martin Luther King, Jr., who had recently given a speech at Virginia Union University, as well as the student sit-ins at the Woolworth's department store in Greensboro in early February 1960, students at Virginia Union University launched a campaign of nonviolent protests at Richmond department stores; and

WHEREAS, on the morning of February 22, 1960, 34 students assembled at the Thalhimer's department store in downtown Richmond, sat at the whites-only lunch counter and restaurant, and demanded to be served; after refusing to leave, the students were arrested and briefly taken to jail before being released on bail; and

WHEREAS, the members of the Richmond 34 were Leroy M. Bray, Jr., Gordon Coleman, Gloria C. Collins, Robert B. Dalton, Joseph E. Ellison, Marise L. Ellison, Wendell T. Foster, Jr., Anderson J. Franklin, Donald Vincent Goode, Woodrow B. Grant, Albert Van Graves, Jr., George Wendall Harris, Jr., Thalma Y. Hickman, Joanna Hinton, Carolyn Anne Horne, Richard C. Jackson, Elizabeth Patricia Johnson, Ford Tucker Johnson, Jr., Milton Johnson, Celia E. Jones, Clarence A. Jones, John J. McCall, Frank George Pinkston, Larry Pridgen, Leotis L. Pryor, Raymond B. Randolph, Jr., Samuel F. Shaw, Charles Melvin Sherrod, Virginia G. Simms, Ronald B. Smith, Barbara A. Thornton, Randolph A. Tobias, Patricia A. Washington, and Lois B. White; and

WHEREAS, the members of the Richmond 34 were all convicted of trespassing; all 34 students appealed the convictions, which were upheld by the Supreme Court of Virginia but overturned by the Supreme Court of the United States in 1963 in *Randolph v. Virginia*; and

WHEREAS, the Richmond 34 galvanized the Richmond community; the students' arrest and great personal sacrifice launched shopping boycotts by the African American community and further pickets of business establishments by Virginia Union University and high school students, resulting in many businesses integrating main-floor lunch counters and even upstairs dining rooms within a year of the original protest; and

WHEREAS, members of the Richmond 34 went on to become accomplished professionals in many fields, including law, education, medicine, jurisprudence, ministry, business and industry, pharmacy, politics, the criminal justice system, and social sciences; and

WHEREAS, the Richmond 34 demonstrated the power of peaceful protest and the necessity of confronting bigotry, discrimination, and hatred in the pursuit of justice and equality; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Richmond 34 on the occasion of the 60th anniversary of their courageous participation in the historic Thalhimer's lunch counter sit-in; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Virginia Union University as an expression of the General Assembly's admiration for the Richmond 34's important contributions to the Civil Rights Movement and the Richmond community as a whole.

HOUSE JOINT RESOLUTION NO. 458

Commending the Manchester Family YMCA of the YMCA of Greater Richmond.

Agreed to by the House of Delegates, March 3, 2020
Agreed to by the Senate, March 5, 2020

WHEREAS, the Manchester Family YMCA of the YMCA of Greater Richmond, an organization supporting individuals and families in Chesterfield County for many years, will enhance its ability to serve the community through a major facility renovation that commenced in 2020; and

WHEREAS, the YMCA of Greater Richmond is a nonprofit, cause-driven organization that operates 17 branches throughout the metropolitan area of Richmond and Petersburg, serving over 170,000 people; and

WHEREAS, the YMCA of Greater Richmond is dedicated to strengthening the community, working side by side with neighbors to make sure that everyone, regardless of age, income, or background, has the opportunity to learn, grow, and thrive; and

WHEREAS, since opening the Manchester Family YMCA in 1963 as the South Richmond YMCA, the organization has expanded, grown, and warmly welcomed children, families, and adults in Chesterfield County; and

WHEREAS, the renovated Manchester Family YMCA will create opportunities for a stronger community and will provide barrier-free access for people from all backgrounds to find a lively, social gathering space to connect; and

WHEREAS, the renovated Manchester Family YMCA will enable children to be cared for in safe, age-appropriate programming; provide opportunities for immigrants to integrate into American society; prepare communities to be welcoming and inclusive by engaging local institutions and mobilizing community resources; and give seniors a place to stay physically and socially active and vibrant; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Manchester Family YMCA of the YMCA of Greater Richmond for its years of service to the Chesterfield community and on the occasion of its new renovation; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Manchester Family YMCA of the YMCA of Greater Richmond in recognition of its contributions to Chesterfield County and the Commonwealth.

HOUSE JOINT RESOLUTION NO. 459

Commending Yorkshire Restaurant.

Agreed to by the House of Delegates, March 4, 2020

Agreed to by the Senate, March 8, 2020

WHEREAS, Yorkshire Restaurant, a mainstay of the Greater Manassas and Prince William County area, has served delicious Southern-style comfort food and maintained high-quality service and a welcoming environment for customers since 1958; and

WHEREAS, brothers Matt and Elias Natour purchased the restaurant in 1979 and have brought a sense of warmth and family values to the establishment, which is located on Centreville Road, along State Route 28; and

WHEREAS, Yorkshire Restaurant provides a wholesome environment for patrons to enjoy each other's company; and

WHEREAS, Yorkshire Restaurant is known for serving home-cooked delicacies such as biscuits and gravy, omelets, hotcakes, waffles, French toast, and other traditional breakfast foods; and

WHEREAS, Yorkshire Restaurant provides delicious and savory lunch and dinner options, such as soups, salads, steak, seafood, sandwiches, and many specialty dishes; and

WHEREAS, Yorkshire Restaurant has sponsored events in support of the Lions Club and local Little League teams, and the restaurant has sponsored meals for Yorkshire Elementary School, Christmas events at the local fire department, and Yorkshire Free Will Baptist Church; and

WHEREAS, Yorkshire Restaurant is a reflection of traditional American cuisine and comfort and a supportive partner with many local Greater Manassas organizations; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Yorkshire Restaurant, a family-operated diner that has provided delicious meals to residents and visitors for more than 60 years; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Yorkshire Restaurant as an expression of the General Assembly's admiration for the establishment's contributions to the community.

HOUSE JOINT RESOLUTION NO. 460

Commending NEST4US.

Agreed to by the House of Delegates, March 3, 2020

Agreed to by the Senate, March 5, 2020

WHEREAS, NEST4US, a teen-led nonprofit organization dedicated to supporting the community and empowering the next generation of compassionate leaders, has positively impacted the lives of residents in Loudoun County and the Commonwealth; and

WHEREAS, founded by sisters Shreyaa Venkat and Esha Venkat, NEST4US has grown to include more than 750 volunteers in only a few years, greatly furthering the organization's ability to relieve hunger and fight homelessness in the community; and

WHEREAS, operating out of chapters in both the Commonwealth and Maryland, NEST4US's contributions include the delivery of more than 20,000 meals to homeless and low-income families, service at more than 250 volunteer events, 23 homeless shelters, and food banks; and various other charitable endeavors; and

WHEREAS, in recognition of its accomplishments, NEST4US and its founders have received numerous accolades and awards, including the Governor's Volunteerism and Community Service Award for Outstanding Youth Volunteer and a L'Oréal Paris Women of Worth honor; and

WHEREAS, through its kindness, generosity, and good deeds, NEST4US embodies the community spirit that makes the Commonwealth a wonderful place to live, work, and raise a family; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend NEST4US, a human services nonprofit organization leading the charge against hunger and homelessness, for its inspirational service; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to NEST4US as an expression of the General Assembly's admiration for the organization's mission and best wishes for its continued success.

HOUSE JOINT RESOLUTION NO. 461

Commending PROPEL Academy.

Agreed to by the House of Delegates, March 3, 2020

Agreed to by the Senate, March 5, 2020

WHEREAS, PROPEL Academy, an after-school program in Loudoun County Public Schools, has cultivated an interest in science, technology, engineering, and math among elementary school and middle school students for several years; and

WHEREAS, since 2017, PROPEL Academy has expanded into more than 20 elementary schools and middle schools throughout Loudoun County, providing dozens of students with interactive, hands-on opportunities to explore science, technology, engineering, and math (STEM) concepts; and

WHEREAS, PROPEL Academy engages students in activities that are both entertaining and academically rigorous, such as building robots and creating electricity, stimulating an early interest in science and how the world works; and

WHEREAS, through complex and involved STEM activities, students of the PROPEL Academy develop valuable computational and analytical reasoning skills that will serve them in various facets of their lives; and

WHEREAS, PROPEL Academy was initiated with the support of a Good Neighbor Grant from the Jack Kent Cooke Foundation with the intention of closing the achievement gap by improving access to STEM programs for students from economically disadvantaged backgrounds; and

WHEREAS, PROPEL Academy encourages students to have a greater understanding of STEM principles, preparing them for success both in and out of the classroom; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend PROPEL Academy, an after-school science, technology, engineering, and math education program in Loudoun County Public Schools, for contributing to the Commonwealth's pursuit of academic excellence; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Patricia Herr, coordinator of PROPEL Academy, as an expression of the General Assembly's admiration for the program's mission and best wishes for its continued success.

HOUSE JOINT RESOLUTION NO. 462

Commending Elise N. Pridgeon.

Agreed to by the House of Delegates, March 3, 2020

Agreed to by the Senate, March 5, 2020

WHEREAS, Elise N. Pridgeon, a young track superstar from Ashburn, set several national records on her way to winning events at Amateur Athletic Union championships in 2019; and

WHEREAS, from March 8 to March 10, 2019, Elise Pridgeon competed in the Amateur Athletic Union (AAU) Indoor National Championship in Landover, Maryland, taking home three titles for the 60-meter, 200-meter, and 400-meter events in the five- to six-year-old age group; and

WHEREAS, at the AAU Indoor National Championship, Elise Pridgeon set national records in the 200-meter and 400-meter events, scoring times of 34.88 and 1:20.64, respectively, and outpacing her competition by several seconds; and

WHEREAS, at Disney's ESPN Wild World of Sports Complex from July 5 to July 6, 2019, Elise Pridgeon competed in the AAU Primary National Championships, where her gold-medal time of 1:17.29 for the 400-meter event broke the national record for the six-year-old age group by six seconds; she placed second in the 100-meter and 200-meter events; and

WHEREAS, while developing her talents as a top-notch athlete, Elise Pridgeon continues to excel in school, earning outstanding grade marks in each of the last five consecutive grading quarters; she is active in her school's community, supporting her classmates as student government class representative; and

WHEREAS, in recognition of her impressive accomplishments, Elise Pridgeon was recently honored by the Loudoun County Board of Supervisors as part of a proclamation celebrating the county's citizens during Black History Month; and

WHEREAS, Elise Pridgeon's remarkable season is the result of her matchless talent, unwavering determination, and indomitable will to win, making her an inspiration to athletes and fans throughout the Commonwealth; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Elise N. Pridgeon, a record-breaking track athlete from Ashburn, for her tremendous success in 2019; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Elise N. Pridgeon as an expression of the General Assembly's heartfelt admiration for her achievements and best wishes for the future.

HOUSE JOINT RESOLUTION NO. 463

Commending the Vienna Inn.

Agreed to by the House of Delegates, March 3, 2020

Agreed to by the Senate, March 5, 2020

WHEREAS, the Vienna Inn, a local landmark that has built a strong sense of community among generations of Vienna residents, celebrates its 60th anniversary in 2020; and

WHEREAS, established in 1960 by Mike and Mollie Abraham, the Vienna Inn has retained much of its rustic charm, such as its long communal tables, while adding new traditions, like decorating the walls with art from patrons' children and trophies from local sports teams; and

WHEREAS, known for its delicious chili mac and chili dogs, with thousands sold every month, the Vienna Inn offers something to satisfy every palate on its diverse menu; and

WHEREAS, Phillip Abraham, Mike and Mollie's son, helped create a laid-back, family-friendly atmosphere at the Vienna Inn, an identity that has endured under current owner, Marty Volk; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Vienna Inn on the occasion of its 60th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Vienna Inn as an expression of the General Assembly's admiration for the establishment's contributions to residents of and visitors to Vienna.

HOUSE JOINT RESOLUTION NO. 464

Commending Loudoun Hunger Relief.

Agreed to by the House of Delegates, March 3, 2020

Agreed to by the Senate, March 5, 2020

WHEREAS, Loudoun Hunger Relief, a grocery aid organization dedicated to ensuring everyone has access to healthy, nutritious food, has had a powerful impact on the community for many years; and

WHEREAS, founded in 1991, Loudoun Hunger Relief supports Loudoun County residents in need of food assistance, primarily working families; and

WHEREAS, in fiscal year 2019, Loudoun Hunger Relief served nearly 8,000 Loudoun residents, nearly half of whom were children under the age of 18, while 13 percent were senior adults; and

WHEREAS, serving as a produce distribution hub to several other charitable food service organizations in the area, Loudoun Hunger Relief distributed 1.6 million pounds of food in fiscal year 2019, including 450,000 pounds of fresh produce; and

WHEREAS, by supporting clinics, smaller pantries, and county agencies, as well as the thousands of individuals who visit its own pantry, Loudoun Hunger Relief serves as the primary source for emergency grocery aid in Loudoun County; and

WHEREAS, since 2019, Loudoun Hunger Relief has operated its Mobile Market vehicle to improve access for residents living in Sterling who depend on public transportation or who are otherwise unable to easily visit its Leesburg location; the organization has plans to expand this service in 2020; and

WHEREAS, in recognition of the organization's accomplishments, Jennifer Montgomery, executive director of Loudoun Hunger Relief, received the Nonprofit Executive Leadership Award from the Loudoun County Chamber of Commerce in 2020; and

WHEREAS, by serving its neighbors in need with nutritious food, education, and community partnerships, Loudoun Hunger Relief makes an invaluable contribution to Loudoun County; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Loudoun Hunger Relief, a food aid organization operating in Leesburg and Sterling, for its many years of service to the Loudoun community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Jennifer Montgomery, executive director of Loudoun Hunger Relief, as an expression of the General Assembly's heartfelt admiration for the organization's mission and best wishes for its continued success.

HOUSE JOINT RESOLUTION NO. 465

Commending Linwood Fisher.

Agreed to by the House of Delegates, March 3, 2020

Agreed to by the Senate, March 5, 2020

WHEREAS, Linwood Fisher, a veteran and former civilian employee of the United States Navy, has served the Norfolk community as a civic leader for many years; and

WHEREAS, Linwood Fisher joined the United States Navy in 1980 and served the country with honor for more than 22 years, holding numerous command posts and management positions, as well as serving on the personal staff of several flag officers; and

WHEREAS, after his retirement from active duty in 2003, Linwood Fisher continued to serve the United States Navy as a civilian, specializing in personnel support in Maryland, Virginia, and Texas until 2009; and

WHEREAS, since that time, Linwood Fisher has focused on supporting the Norfolk community in various capacities, including as a member of the Ocean View Civic League, Norfolk Economic Development Authority, Norfolk Department of Development's Capital Access Program Committee, and 2020 Census Complete Count Committee; and

WHEREAS, Linwood Fisher served as chair of the Norfolk City Democratic Committee from January 2016 to January 2020 and has offered his leadership to the Democratic Party of Virginia Central Committee and the Democratic 2nd Congressional District Committee; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Linwood Fisher for his years of service to the Norfolk community and the United States; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Linwood Fisher as an expression of the General Assembly's admiration for his achievements.

HOUSE JOINT RESOLUTION NO. 466

Commending Gloria Campbell.

Agreed to by the House of Delegates, March 3, 2020

Agreed to by the Senate, March 5, 2020

WHEREAS, Gloria Campbell, a longtime advocate for civil rights in the Danville community, was honored by the Pittsylvania County branch of the NAACP with its President's Award in 2019; and

WHEREAS, Gloria Campbell received the President's Award at the Pittsylvania NAACP's Freedom Fund banquet on September 28, 2019, at Cherrystone Missionary Baptist Association Center; and

WHEREAS, hailed by many as the matriarch of the Civil Rights Movement in Danville, Gloria Campbell has been leading the charge for equality and social justice in her community all her life; and

WHEREAS, alongside her husband, Bishop Lawrence Campbell, Sr., Gloria Campbell was one of the leaders of the civil rights protest in Danville on June 10, 1963, that is often referred to as Bloody Monday; and

WHEREAS, as a result of the courage of Gloria Campbell and others on Bloody Monday, national attention was drawn to Danville, increasing pressure on the city for it to end its segregationist policies and practices; and

WHEREAS, Gloria Campbell exemplifies the leadership, dedication, and resiliency that compelled progress during the Civil Rights Movement and made the Commonwealth and the United States a more welcoming and just place for all; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Gloria Campbell, a civil rights leader in the Danville community, for receiving the Pittsylvania NAACP's 2019 President's Award; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Gloria Campbell as an expression of the General Assembly's heartfelt admiration for her heroic efforts and her contributions to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 467

Commending Danville Public Schools Child Nutrition staff.

Agreed to by the House of Delegates, March 3, 2020

Agreed to by the Senate, March 5, 2020

WHEREAS, Danville Public Schools Child Nutrition staff was inducted into the 2019 No Kid Hungry Summer Hero Hall of Fame for its innovative work to support children affected by food insecurity during summer months when school is not in session; and

WHEREAS, the No Kid Hungry Summer Hero Hall of Fame celebrates those who find ways to provide children with the nutritious food they need to grow and stay healthy; Danville Public Schools Child Nutrition staff was one of 13 organizations and individuals in Virginia recognized in 2019; and

WHEREAS, in 2019, the 30 dedicated staff members of Danville Public Schools Summer Food Service Program served more than 32,000 meals and 7,400 snacks at no cost to students; the program operated at three schools in the district and provided meals to 25 participating organizations; and

WHEREAS, Danville Public Schools Child Nutrition staff purchased and operated a food truck, which distributed hundreds of meals to students at several convenient locations; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Danville Public Schools Child Nutrition staff on being inducted into the 2019 No Kid Hungry Summer Hero Hall of Fame; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Danville Public Schools Child Nutrition staff as an expression of the General Assembly's admiration for its commitment to ensuring that children in Danville have access to healthy food outside of the school year.

HOUSE JOINT RESOLUTION NO. 468

Commending Marvin McDowell.

Agreed to by the House of Delegates, March 3, 2020

Agreed to by the Senate, March 5, 2020

WHEREAS, Marvin McDowell, a humble servant and treasured member of the Pittsylvania County community, was named Citizen of the Year by the Dan River Ruritan Club in 2019; and

WHEREAS, Marvin "Mac" McDowell was presented the prestigious honor at the Dan River Ruritan Club's Christmas banquet on December 2, 2019, by the organization's vice president, Mike Neal; and

WHEREAS, Mac McDowell earned this recognition for his tireless efforts on behalf of residents of the Ringgold community and the surrounding areas; and

WHEREAS, Mac McDowell is famous in his community for his delicious stews, which are the foundation of many fundraising activities in the area, including fundraisers for the Lakewood Community Church in Ringgold, the Westover Christian Academy in Danville, and the Ringgold Volunteer Fire and Rescue Department, which he serves as an active support member; and

WHEREAS, Mac McDowell is the consummate good neighbor, helping members of his community soldier through winter by clearing driveways in the snow and delivering firewood; and

WHEREAS, guided through life by his deep and abiding faith, Mac McDowell is a devout member of the Ringgold Baptist Church, where he serves as deacon and enjoys worship and fellowship with his community; and

WHEREAS, by generously giving of his time and talents without expecting anything in return, Mac McDowell embodies the community spirit that makes the Commonwealth a wonderful place to live, work, and raise a family; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Marvin McDowell for the honor of being named the Dan River Ruritan Club's 2019 Citizen of the Year; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Marvin McDowell as an expression of the General Assembly's admiration for his steadfast dedication to serving others and his many contributions to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 469

Commending the Loudoun Free Clinic.

Agreed to by the House of Delegates, March 3, 2020

Agreed to by the Senate, March 5, 2020

WHEREAS, the Loudoun Free Clinic, a nonprofit organization in Leesburg that supports the health care needs of uninsured and underserved members of the community, was named the Loudoun County Nonprofit of the Year by the Loudoun County Chamber of Commerce in 2019; and

WHEREAS, founded by the Catoctin Foundation in 1998, the Loudoun Free Clinic provides doctor visits, medications, tests, surgeries, and transportation to thousands of individuals with emergency, acute, and chronic conditions who, because of their economic situation, would otherwise not have access to these services; and

WHEREAS, initially operating in a space donated by the Loudoun County Health Department, the Loudoun Free Clinic expanded to its current location in 2002, a 2,800-square-foot facility donated by the Inova Loudoun Hospital, that has enabled the organization to better serve its community ever since; and

WHEREAS, over the years, the Loudoun Free Clinic has increased its capacity and now employs eight full-time and five part-time staff, capable of accommodating more than 1,500 patients and 3,000 visits per year; and

WHEREAS, supported financially through grants and donations, the accomplishments of the Loudoun Free Clinic would not be possible without its network of community partners and the volunteers who collectively contribute thousands of hours to the organization each year; and

WHEREAS, by providing quality, compassionate medical care at no cost to the most vulnerable members of society, the Loudoun Free Clinic contributes greatly to both the well-being of others and the community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Loudoun Free Clinic for being named the 2019 Loudoun County Nonprofit of the Year by the Loudoun County Chamber of Commerce; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Bill Schmidt, chair of the Loudoun Free Clinic, as an expression of the General Assembly's admiration for the organization's mission and best wishes for its continued success.

HOUSE JOINT RESOLUTION NO. 470

Commending the 2019 Legacy Celebration of Extraordinary African American Women.

Agreed to by the House of Delegates, March 3, 2020

Agreed to by the Senate, March 5, 2020

WHEREAS, in 2019, the Office of the Honorable Delores McQuinn, the Alpha Zeta Chapter of Phi Delta Kappa, Inc., and the Help Me Help You Foundation honored seven African American Legacy Honorees for their incredible contributions to their communities; and

WHEREAS, the inaugural Legacy Brunch for the Extraordinary African American Legacy Honorees, held on October 12, 2019, celebrated the 400th commemoration of the arrival of the first documented Africans to North America, the beginning of a proud tradition of excellence in leadership by African American women; and

WHEREAS, the 2019 Extraordinary African American Legacy Honorees are Dr. Estelle Fleming Braxton-Davis, Dr. Lucille Murray Brown, Helen Harrison Guthrie, Virginia Peace Jackson, Charlotte Melton, Thelma Y. Pettis, and Anna Washington; and

WHEREAS, Dr. Estelle Fleming Braxton-Davis, a highly respected, longtime educator has uplifted the minds and spirits of local students and worked diligently to be a positive influence in the community through her involvement with her church and other civic organizations; she has offered her leadership to Phi Delta Kappa at local, regional, and national levels; and

WHEREAS, Dr. Lucille Murray Brown, a highly esteemed and distinguished educator, served students as a chemistry and biology teacher, a high school principal, and superintendent of Richmond Public Schools; she currently serves on the Virginia Union University Board of Trustees and continues to devote many hours of service to strengthen the Richmond community; and

WHEREAS, Helen Harrison Guthrie, an experienced educator who taught at Manassas High School, Virginia Randolph High School, and Highland Springs High School over the course of more than 40 years has volunteered as a youth leader through organizations like the Girl Scouts of the USA and the National Association of University Women; and

WHEREAS, Virginia Peace Jackson enhanced the community by working with the Model Cities program and leading the establishment of new child care facilities; she inspired many other women to pursue public service through her generosity and commitment to civic engagement, and she is one of the oldest living members of First Union Baptist Church; and

WHEREAS, Charlotte Melton began her teaching career in Pittsylvania County and touched the lives of students throughout the Commonwealth before settling in Henrico County, where she retired as principal of Laburnum Elementary School; she has dedicated much of her life to the preservation of African American history, including through programs at the State Fair of Virginia; and

WHEREAS, Thelma Y. Pettis, a former employee of the Virginia Department of Health, pursued a second career in education as a teacher and guidance counselor; she subsequently served as a curriculum specialist and an assistant principal, the computer-based education coordinator for Richmond Public Schools, and an adjunct professor at Virginia Union University and Virginia State University; and

WHEREAS, Anna Washington, who shared her wisdom with students at Virginia Randolph High School and Highland Springs High School for nearly 40 years, has been a prolific volunteer who has worked diligently to elevate and empower all members of the community; furthermore, she was the first woman elected to the vestry at Saint Philip's Episcopal Church; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the 2019 Legacy Celebration of Extraordinary African American Women; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare copies of this resolution for presentation to the 2019 Extraordinary African American Legacy Honorees as an expression of the General Assembly's admiration for the exemplary achievements of these seven women in service to their communities and the Commonwealth.

HOUSE JOINT RESOLUTION NO. 471

Commending Nischelle Buffalow.

Agreed to by the House of Delegates, March 3, 2020

Agreed to by the Senate, March 5, 2020

WHEREAS, for 10 years, Nischelle Buffalow, the founder of the nonprofit organization Buffalow Family and Friends Community Days, has helped feed hundreds of Chesapeake residents through an annual Thanksgiving dinner and supported the community with many other programs; and

WHEREAS, a native of the Chesapeake area and graduate of Norfolk State University, Nischelle Buffalow began her yearly Thanksgiving dinner in 2010 for members of the community in need after learning that soup kitchens and churches typically did not serve meals on Thanksgiving; and

WHEREAS, after rallying the support of her family and friends, Nischelle Buffalow served around 30 people at her first Thanksgiving dinner, which took place in her back yard; the event has grown significantly since then, serving more than 500 individuals in 2019; and

WHEREAS, as her Thanksgiving dinner has increased in popularity, Nischelle Buffalow has added new programs to further benefit the community; she started offering free donated clothing to diners, and in 2014, she added Thanksgiving meal deliveries for the elderly; and

WHEREAS, in preparation for each Thanksgiving dinner, Nischelle Buffalow, her family, and her hardworking volunteers spend several days gathering food and preparing meals; while donations cover some of the costs, members of the Buffalow family still generously contribute their own money to support the dinner each year; and

WHEREAS, in 2015, Nischelle Buffalow expanded her philanthropic efforts by founding the Buffalow Family and Friends Community Days organization; the group's activities include a summer meals program for children and the Warm and Fuzzy Program, which has distributed blankets, winter clothing, and food baskets to more than 800 children; and

WHEREAS, Buffalow Family and Friends Community Days has spearheaded community outreach events, such as a back-to-school fair with immunizations and dental and health screenings, serving 900 children, and established a mobile pantry in South Norfolk that delivers fresh food to 200 households once a month; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Nischelle Buffalow for her 10 years of service to individuals and families in Hampton Roads; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Nischelle Buffalow, founder of Buffalow Family and Friends Community Days, as an expression of the General Assembly's admiration for her generosity and servant leadership.

HOUSE JOINT RESOLUTION NO. 472

Commending Special Olympics Virginia-Loudoun County.

Agreed to by the House of Delegates, March 3, 2020

Agreed to by the Senate, March 5, 2020

WHEREAS, Special Olympics Virginia-Loudoun County, an organization dedicated to supporting athletes with intellectual disabilities, has positively impacted the community for many years; and

WHEREAS, Special Olympics Virginia (SOVA)-Loudoun County facilitates the athletic ambitions of individuals of all ages through a variety of sports programs available year-round, including basketball, bocce, bowling, equestrian activities, flag football, golf, powerlifting, soccer, softball, swimming, tennis, and volleyball; and

WHEREAS, SOVA-Loudoun County provides experiences that help hundreds of individuals develop skills and discover new strengths and abilities, instilling in its participants a sense of joy and confidence; and

WHEREAS, the accomplishments of SOVA-Loudoun County are made possible through the tireless efforts of more than 200 volunteers, as well as the financial support of various community partners; and

WHEREAS, by bringing people together to recognize the talents of everyone in the community, SOVA-Loudoun County makes the Commonwealth a better place to live, work, and play; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Special Olympics Virginia-Loudoun County for creating opportunities encouraging all members of the community to thrive; and, be it RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Jeff Erikson, council chair of the Special Olympics Virginia-Loudoun County, as an expression of the General Assembly's admiration for the achievements of the organization's athletes and best wishes for the future.

HOUSE JOINT RESOLUTION NO. 473

Celebrating the life of Mildred DeBell.

Agreed to by the House of Delegates, March 2, 2020
Agreed to by the Senate, March 4, 2020

WHEREAS, Mildred DeBell, celebrated historian of Centreville and a beloved member of the community, died on January 20, 2020; and

WHEREAS, raised in Fishers Hill near Winchester, Mildred DeBell moved to Centreville in 1938 to teach first grade at Centreville Elementary School; after a brief stint teaching fourth grade in Bailey's Crossroads, she returned to Centreville to teach seventh grade part-time during World War II; and

WHEREAS, until the late 1950s, Mildred DeBell and her husband, Stuart, ran a dairy farm called Sunnyside on property owned by the DeBell family since the 1870s; later, the DeBell family ran the Newgate Inn, a Centreville institution that attracted visitors from locales far and wide, for many years; and

WHEREAS, an avid and accomplished gardener, in 1950, Mildred DeBell helped found the Rocky Run Garden Club, contributing to the beautification of Centreville and performing other worthwhile civic activities; and

WHEREAS, many residents of Centreville will remember Mildred DeBell best for the captivating historical displays she presented at Centreville Day year after year; using a trove of historical records and artifacts she discovered at the DeBell farmhouse, Mildred DeBell helped countless individuals better understand the community they lived in and appreciate its history; and

WHEREAS, in honor of the value she brought to the community, Fairfax County Sully District Supervisor Michael Frey named Mildred DeBell the Sully District's honorary Lady Fairfax in 2003; further accolades were extended in October 2017, when she was elected Centreville Day's Citizen of the Year and its Honored Community Historian; and

WHEREAS, guided throughout life by her deep and abiding faith, Mildred DeBell was an active member of St. John's Episcopal Church in Centreville since 1938, where she enjoyed worship and fellowship with her community while directing the choir and playing the organ; and

WHEREAS, preceded in death by her husband, Stuart, Sr., and her son, Stephen, Mildred DeBell will be fondly remembered and dearly missed by her children, John and Stuart, Jr., and their families, and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Mildred DeBell, a venerable icon of the Centreville community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Mildred DeBell as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 474

Celebrating the life of the Reverend Dr. Dimitri R. Bradley.

Agreed to by the House of Delegates, March 3, 2020
Agreed to by the Senate, March 5, 2020

WHEREAS, the Reverend Dr. Dimitri R. Bradley, who provided spiritual leadership to thousands of members of the community as the founder and pastor of City Church of Richmond, died on November 20, 2019; and

WHEREAS, born in Richmond and raised in Henrico, Rev. Dimitri Bradley graduated from Manchester High School before earning a bachelor's degree in risk management from Virginia Commonwealth University; and

WHEREAS, in the first half of his career, Rev. Dimitri Bradley worked in the private banking industry and rose to the position of a regional manager with Bank of America, demonstrating both his impressive talents and his willingness to work hard to succeed; and

WHEREAS, answering the call to serve his faith later in life, Rev. Dimitri Bradley was ordained by Pastor Randy Gilbert at Faith Landmarks Ministries on November 15, 1998; and

WHEREAS, that same year, Rev. Dimitri Bradley cofounded Mt. Gerizim World Outreach Ministries with his wife, Nicole; starting with 12 people in their living room, the Bradleys would quickly grow their congregation into one of the largest in the Richmond area; and

WHEREAS, over time, Mt. Gerizim World Outreach Ministries became City Church of Richmond, which now operates in two locations and provides worship services for more than 4,000 members; and

WHEREAS, Rev. Dimitri Bradley always promoted an inclusive and accepting environment at City Church, welcoming people from all walks of life to join the congregation and find inspiration in his sermons; and

WHEREAS, Rev. Dimitri Bradley will be fondly remembered and dearly missed by his loving wife, Nicole; his children, Jordan and Julius; his parents, Delois and John; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the passing of the Reverend Dr. Dimitri R. Bradley, who touched countless lives in Richmond as both a pastor and a friend; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of the Reverend Dr. Dimitri R. Bradley as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 475

Celebrating the life of Tyrone Jermaine Williams, Jr.

Agreed to by the House of Delegates, March 3, 2020

Agreed to by the Senate, March 5, 2020

WHEREAS, Tyrone Jermaine Williams, Jr., an aspiring leader and a beloved young member of the Richmond community, died on October 20, 2019; and

WHEREAS, a native of Richmond, Tyrone Williams attended Richmond Public Schools and was an honor roll student at Armstrong High School; he was studying the electrical trade at Richmond Technical Center; and

WHEREAS, Tyrone Williams participated in local Boys and Girls Club programs, the East End Teen Center's Summer Writing Institute, and the Future Leaders Forum for Young Black Men of Richmond; and

WHEREAS, Tyrone Williams enjoyed playing video games and was a fan of basketball and football, especially his favorite team, the Green Bay Packers; and

WHEREAS, affectionately known as "Lil Ty," Tyrone Williams brought joy to others through his kindness and generosity; and

WHEREAS, Tyrone Williams will be fondly remembered and greatly missed by his parents, Tashia and Tyrone, Sr.; his siblings, Imani, Dwaynise, Anthonette, Johnette, Ty'Nique, Corey, and Ge'Ni; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Tyrone Jermaine Williams, Jr.; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Tyrone Jermaine Williams, Jr., as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 476

Celebrating the life of Inez Beatrice Greene West.

Agreed to by the House of Delegates, March 3, 2020

Agreed to by the Senate, March 5, 2020

WHEREAS, Inez Beatrice Greene West, an active member of the Richmond community and a beloved wife, mother, and friend, died on November 21, 2018; and

WHEREAS, a lifelong resident of Richmond, Inez West graduated from George Mason Elementary School and Maggie L. Walker High School; and

WHEREAS, Inez West worked in the laundry of the historic Hotel Richmond and at what is now Hunter Holmes McGuire Veterans Administration Medical Center; and

WHEREAS, after her well-earned retirement, Inez West dedicated more time to her passion for bowling and traveling to bowling tournaments, and she took opportunities to meet with a large group of friends for special Friday night dinners; and

WHEREAS, Inez West was a longtime member of Fourth Baptist Church, where she was secretary of the Sunday school for more than 50 years, served on a ladies auxiliary usher board, and was selected as the church's Mother of the Year in 2010; and

WHEREAS, predeceased by a son, Darryl, Inez West will be fondly remembered and greatly missed by her husband, Cornelius, Sr.; her son, Cornelius, Jr., and his family; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Inez Beatrice Greene West; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Inez Beatrice Greene West as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 477

Celebrating the life of Frederick Obruché Aganbi.

Agreed to by the House of Delegates, March 3, 2020

Agreed to by the Senate, March 5, 2020

WHEREAS, Frederick Obruché Aganbi, esteemed musician and beloved member of the Chester community, died on June 26, 2019; and

WHEREAS, Frederick Aganbi was an accomplished musician who was passionate about singing and playing the keyboard, guitar, drums, and other musical instruments; and

WHEREAS, a tireless performer involved in the Richmond music scene for many years, Frederick Aganbi was an adept musical producer and mentor to many other musicians and individuals throughout his life; and

WHEREAS, Frederick Aganbi embraced technology to enhance every aspect of life and generously gave his time and talents to help many churches in his community develop their technology systems to better serve their congregations; and

WHEREAS, guided throughout life by his deep and abiding faith, Frederick Aganbi was an active member of the Southside Church of Nazarene in Chesterfield County, where he enjoyed worship and fellowship with his community for many years; and

WHEREAS, Frederick Aganbi will be fondly remembered and dearly missed by his loving family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Frederick Obruché Aganbi, a cherished member of the Chester community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Frederick Obruché Aganbi as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 478

Celebrating the life of Dr. Carolyn Walker Hines.

Agreed to by the House of Delegates, March 5, 2020

Agreed to by the Senate, March 8, 2020

WHEREAS, Dr. Carolyn Walker Hines, a highly admired community leader who was sought-after for her expertise in management and business development, died on December 6, 2019; and

WHEREAS, Carolyn Hines grew up in Brunswick County and graduated from James Solomon Russell High School; she continued her education at Wellesley College and St. Paul's College and earned a doctorate in counseling and higher education administration from The College of William & Mary; and

WHEREAS, Carolyn Hines' commitment to service was evident in her work as a licensed marriage and family therapist and a mediator and arbitrator for the Supreme Court of Virginia; and

WHEREAS, as president and chief executive officer of CW Hines & Associates, Inc., Carolyn Hines ably managed a talented staff that earned national and international recognition for success in management consulting, with a focus on enhanced organizational leadership; and

WHEREAS, Carolyn Hines served on the board of directors of Fear2Freedom, which helps survivors of sexual violence return to normalcy, and was especially proud of her work to inspire young people through the Boys and Girls Club of the Northern Neck and the Virginia Peninsula Chapter of 100 Black Men of America; and

WHEREAS, among her many and varied achievements, Carolyn Hines served as a civilian aide to the United States Secretary of the Army and helped establish the Civilian Marksmanship Program; she was a member of Delta Sigma Theta Sorority, The Links, Inc., the Board of Trustees of her alma mater St. Paul's College, and the Board of Visitors of Christopher Newport University; and

WHEREAS, predeceased by her husband, William, Carolyn Hines will be fondly remembered and greatly missed by her children, Kimberly and Michael, and their families, and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Dr. Carolyn Walker Hines, a respected professional who touched countless lives throughout the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Dr. Carolyn Walker Hines as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 479

Celebrating the life of Harry Clarke Curtis.

Agreed to by the House of Delegates, March 3, 2020

Agreed to by the Senate, March 5, 2020

WHEREAS, Harry Clarke Curtis, respected businessman and beloved member of the Roanoke community, died on December 23, 2019; and

WHEREAS, born and raised in Roanoke, Harry "Duke" Clarke Curtis graduated from William Fleming High School in 1975 and John Tyler Community College in 1978 before joining the family business full time at Hamlar-Curtis Funeral Home; and

WHEREAS, beginning his career at Hamlar-Curtis Funeral Home as a teenager washing cars, Duke Curtis would ultimately take the helm of the business his father started, holding the position of president from 2003 until he retired in 2019; and

WHEREAS, at Hamlar-Curtis Funeral Home, Duke Curtis provided compassionate service for over four decades, becoming a reliable and supportive figure in the community that others could dependably turn to in their time of need; and

WHEREAS, Duke Curtis was a leader of his industry, serving previously as president of the Virginia Morticians' Association and on the board of the National Funeral Directors & Morticians Association; and

WHEREAS, valued for his wisdom and guidance, Duke Curtis held leadership roles with several community organizations, including positions on the SunTrust Advisory Board, the United Way of Roanoke Valley Board of Directors, and the New Horizons Healthcare Center Board of Directors, of which he was chairman; and

WHEREAS, committed to encouraging the youth of Roanoke to live healthy, active lives, Duke Curtis served on the board of the former Hunton YWCA and coached several recreational football, basketball, and baseball teams; and

WHEREAS, in recognition of his years of service, innumerable achievements, and inspiring character, the Roanoke branch of the NAACP awarded Duke Curtis a Lifetime Achievement Award at its 21st Annual Citizen of the Year Awards Program on May 31, 2019; and

WHEREAS, guided by his abiding faith to help others, Duke Curtis enjoyed worship and fellowship with his community at High Street Baptist Church in Roanoke, where he was vice chair of the High Street Baptist Church Deacon Ministry and chairman of the High Street Baptist Church Credit Union; and

WHEREAS, Duke Curtis will be dearly remembered and missed by his loving wife, Patricia; his children, Tiffany and Patrick, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Harry Clarke Curtis, an admired businessman and community leader of Roanoke who worked tirelessly for others; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Harry Clarke Curtis as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 480

Celebrating the life of Lawrence Harold Hoover, Jr.

Agreed to by the House of Delegates, March 3, 2020

Agreed to by the Senate, March 5, 2020

WHEREAS, Lawrence Harold Hoover, Jr., a prominent Harrisonburg attorney known as the "father of mediation in Virginia," died on September 6, 2019; and

WHEREAS, Lawrence "Larry" Harold Hoover, Jr., graduated *magna cum laude* from Hampden-Sydney College in 1956 and earned his juris doctorate from the University of Virginia School of Law three years later; and

WHEREAS, early in his career, Larry Hoover served as a legal officer for the United States Department of State, serving posts in Manila, Philippines, and Geneva, Switzerland, before returning to Harrisonburg in 1971, when he partnered with his father to form the law firm now known as Hoover Penrod, PLC; and

WHEREAS, in 1982, Larry Hoover was a co-founder of the Community Mediation Center in Harrisonburg, now known as the Fairfield Center, because he saw shortcomings in the legal system that he wanted to address in order to better serve clients' needs; and

WHEREAS, for his many accomplishments as a legal professional, Larry Hoover received numerous awards, including the 2005 Tradition of Excellence Award from the General Practice Section of the Virginia State Bar and a Lifetime Achievement Award from the Office of the Executive Secretary of the Supreme Court of Virginia; and

WHEREAS, Harrisonburg Mayor Chris Jones proclaimed April 23, 2016, as Larry Hoover Day and presented Larry Hoover with the first Lawrence H. Hoover, Jr., Award for Excellence in Peaceable Service to the Community; and

WHEREAS, Larry Hoover shared his passion for and knowledge of alternative dispute methods with students at the Washington and Lee University School of Law, the University of Virginia School of Law, and Bridgewater College, supporting many of them throughout their careers; and

WHEREAS, Larry Hoover made significant contributions to his community through his service in several civic organizations in Harrisonburg and Rockingham County, including the Community Foundation, the Center for Justice and Peacebuilding at Eastern Mennonite University, Gemeinschaft Home, and the Blue Ridge Community College Education Foundation; and

WHEREAS, inspired to serve others by his unwavering faith, Larry Hoover enjoyed worship and fellowship with his community at Bridgewater Church of the Brethren; and

WHEREAS, Larry Hoover will be dearly remembered and missed by his wife of 39 years, Pat; his children, Cornelia and John, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Lawrence Harold Hoover, Jr., distinguished attorney of Harrisonburg and pioneer in the practice of mediation in Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Lawrence Harold Hoover, Jr., as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 481

Celebrating the life of Betsey Jean Smith Brown.

Agreed to by the House of Delegates, March 3, 2020

Agreed to by the Senate, March 5, 2020

WHEREAS, Betsey Jean Smith Brown, a community activist and public servant in Loudoun County, died on July 29, 2019; and

WHEREAS, Betsey Brown grew up traveling around the country with her family while her father worked as an engineer on public works and infrastructure projects; after graduating from Syracuse University, she married Harry Brown and worked as a family therapist in New Jersey; and

WHEREAS, in 1985, Betsey Brown began her long legacy of service to the residents of Loudoun County when she moved to her husband's family farm near Lucketts, Rockland Farm; and

WHEREAS, Betsey Brown proudly considered herself the caretaker of the farm; she restored the house and gardens, which she offered for community events like the Leesburg Garden Club's Historic Garden Week, oversaw the property's placement on the National Register of Historic Places, and helped create the Rockland Agricultural District to keep the 500-acre property in agricultural use; and

WHEREAS, desirous to be of further service to the community, Betsey Brown ran for and was elected to the Loudoun County Board of Supervisors and represented the Catoctin district from 1988 to 1991; and

WHEREAS, Betsey Brown advocated for responsible growth to maintain Loudoun County's rural character and helped found the Friends of Route 15 to support improvements for traffic flow and safety on the heavily traveled two-lane road; and

WHEREAS, Betsey Brown helped establish the 25,000-acre Catoctin Rural Historic District, which was recognized by the Virginia Department of Historic Resources for its picturesque landscapes, significant architecture, and agricultural history; and

WHEREAS, predeceased by her husband, Harry, Betsey Brown is fondly remembered and greatly missed by her children, Peter, Alexander, Elizabeth, and Harriet, and their families and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Betsey Jean Smith Brown, an active member of the Loudoun County community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Betsey Jean Smith Brown as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 482

Commending Loudoun Habitat for Humanity.

Agreed to by the House of Delegates, March 3, 2020

Agreed to by the Senate, March 5, 2020

WHEREAS, for 27 years, Loudoun Habitat for Humanity has facilitated strong communities and provided a sense of hope to families in need by organizing volunteers to build homes, which are sold at an affordable, no-profit rate; and

WHEREAS, established in 1993, Loudoun Habitat for Humanity has built or renovated 53 homes, giving 211 individuals a safe place to call home over the course of its history; in addition to building new homes, the organization offers a home repair program with a focus on veterans, the disabled, and the elderly, giving new life to older neighborhoods; and

WHEREAS, the Loudoun Habitat for Humanity Home Buyers Club provides financial education to help participants plan for a future that includes successful homeownership; the organization offers other classes to help people learn the skills they need to successfully own and maintain a home; and

WHEREAS, in 2019 alone, Loudoun Habitat for Humanity built one home, rehabilitated three homes, repaired three homes, and conducted 24 learning center workshops; and

WHEREAS, Loudoun Habitat for Humanity advocates at the local, state, and federal level for housing options for all members of the community; and

WHEREAS, Loudoun Habitat for Humanity has fulfilled its mission through partnerships with businesses, individuals, government agencies, and other nonprofits, as well as the hard work of its employees and volunteers and generosity of its donors; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Loudoun Habitat for Humanity for more than two and a half decades of service to individuals and families in Loudoun County; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Loudoun Habitat for Humanity as an expression of the General Assembly's admiration for the organization's work to help all members of the community experience the strength, stability, and self-reliance that comes from owning a place to call home.

HOUSE JOINT RESOLUTION NO. 483

Commending the Rotary Club of Danville.

Agreed to by the House of Delegates, March 3, 2020

Agreed to by the Senate, March 5, 2020

WHEREAS, the Rotary Club of Danville celebrates 100 years of placing "service above self" in 2020; and

WHEREAS, 15 years after the first Rotary Club was established in 1905, Club 611 was organized and chartered in Danville on February 1, 1920, with distinguished leaders of the Danville community among its original membership; and

WHEREAS, with Dr. H.W. DuBose serving as its first president, the Rotary Club of Danville began supporting many worthwhile community endeavors not long after its inception; in April 1920, the club began making donations to a local orphan in need, and in October of the same year, it began a movement that eventually resulted in the organization of the first Community Chest for Danville; and

WHEREAS, in its early days, the Rotary Club of Danville supported youth camps for boys and girls and held meetings with other clubs from other cities in the area, as well as country meetings, to learn the needs and concerns of different groups of people throughout the area; and

WHEREAS, the Rotary Club of Danville provided critical support to individuals, families, and organizations in Danville during the Great Depression, and several of its members served the nation during World War II; and

WHEREAS, in 1946, the Rotary Club of Danville established its first scholarship fund, and the club has proudly supported worthy local students with thousands of dollars in loans and scholarships since that time; and

WHEREAS, the Rotary Club of Danville maintained its focus on serving and empowering young people throughout the 1950s, and in 1962, the club passed an important milestone with more than 100 active members; and

WHEREAS, in the 1960s, the Rotary Club of Danville began its long affiliation with the Salvation Army, manning donation kettles at the holidays, and helped secure the health and wellness of the community by creating a blood bank and providing funding to the Danville Life Saving Crew; and

WHEREAS, the Danville Rotary Club began the 1970s by sponsoring numerous popular community events; in 1978, the club began participating in the Liberty Bell Award program with the local bar association, which has become an annual tradition; and

WHEREAS, the Rotary Club of Danville carried out many and varied community service projects in the Danville area throughout the 1980s and 1990s, then completed several international projects near the turn of the century, including digging clean water wells in Bangladesh and donating textbooks to children in the Philippines and South Africa; and

WHEREAS, the Rotary Club of Danville undertook one of its largest programs in 2015 when it established a Field of Honor with 500 flags to promote patriotism and recognize local veterans, police officers, and first responders; the project grew to include 1,000 flags by the following year with generous support from the community; and

WHEREAS, in 2018, the Rotary Club of Danville was awarded status as one of the elite few Paul Harris Fellow Clubs, with 100 percent of its active members achieving fellowship; and

WHEREAS, the Rotary Club of Danville built further engagement with the community in 2019 when it created the Service Above Self Award to honor a nonmember who exemplifies the Rotary Club motto; and

WHEREAS, throughout its century of service, the Rotary Club of Danville has touched countless lives, significantly enhanced the quality of life in Danville and the surrounding region, and become an irreplaceable pillar of the community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Rotary Club of Danville on the occasion of its 100th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Allen R. Smith, president of the Rotary Club of Danville, as an expression of the General Assembly's admiration for the club's incredible legacy of contributions to the Danville community.

HOUSE JOINT RESOLUTION NO. 484

Commending A Place to Be.

Agreed to by the House of Delegates, March 3, 2020

Agreed to by the Senate, March 5, 2020

WHEREAS, A Place to Be has delivered innovative and influential music therapy services in Virginia since 2010, helping people with disabilities and medical and mental health challenges experience greater independence and find belonging and hope; and

WHEREAS, A Place to Be increases its music therapy reach by offering powerful inclusive performances that help change the audience's perceptions of people with disabilities; some of these performances have been held at acclaimed venues, such as The John F. Kennedy Center for Performing Arts in Washington, D.C.; and

WHEREAS, clients of A Place to Be thrive and experience growth through the power of music therapy and performance opportunities and many become mentors to others and community advocates for people with disabilities; and

WHEREAS, programs organized by A Place to Be now serve more than 400 families each week and performances have reached more than 100,000 school children and community members, making it one of the largest music therapy nonprofit organizations in the county; and

WHEREAS, the efforts of A Place to Be have been recognized by the Virginia Commission for the Arts, which presented the organization with the Best Emerging Arts Organization Award; the *American Journal of Critical Care*, which published research based on work by A Place to Be examining the use of music therapy in an intensive care unit; and the American Music Therapy Association, which bestowed upon the organization the Professional Practice Award; and

WHEREAS, today, the impact of A Place to Be extends throughout the Commonwealth and nation by helping countless individuals reach their therapeutic goals and tap into their potential through music therapy; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend A Place to Be for its contributions to the well-being of the Commonwealth and its communities; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to A Place to Be as an expression of the General Assembly's admiration for the organization's achievements and best wishes for the future.

HOUSE JOINT RESOLUTION NO. 485

Commending Community Living Alternatives.

Agreed to by the House of Delegates, March 3, 2020

Agreed to by the Senate, March 5, 2020

WHEREAS, Community Living Alternatives, a 501(c)(3) charitable organization that provides residential support services to individuals with intellectual and developmental disabilities, has positively impacted the Northern Virginia community for many years; and

WHEREAS, Community Living Alternatives was founded in 1987 by Dr. Susan Perlik and other advocates with a mission to help adults living with intellectual and developmental disabilities secure stable housing to better enable them to achieve their life goals; and

WHEREAS, in 1989, Community Living Alternatives was licensed by what is now the Virginia Department of Behavioral Health and Developmental Services to transition four adults from institutions into an independent facility, the first four-bed intermediate care facility in the Commonwealth; and

WHEREAS, over the past three decades, Community Living Alternatives has expanded into 10 additional group homes in Fairfax County while providing supervised residential services in Arlington County; and

WHEREAS, today, Community Living Alternatives helps more than 40 individuals manage the burden of finding stable housing, promoting their development and enhancing their ability to engage with their community, family, and friends; and

WHEREAS, collaborating with county support coordinators, families, and experts, Community Living Alternatives tailors their services to the unique needs of each individual, ensuring the individual receives the maximum benefit from their programs; and

WHEREAS, in 2001, Community Living Alternatives began to pursue ownership of its properties in order to ensure greater consistency in the lives of its program's participants; by 2010, through the generosity of its community partners, more than 80 percent of its residents live in homes owned by Community Living Alternatives; and

WHEREAS, by providing residential services and support to their neighbors with intellectual and developmental disabilities, Community Living Alternatives contributes to the well-being of the Commonwealth and serves as an inspiration to all; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Community Living Alternatives for its many years of service on behalf of others in need; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Jack Porter, president of Community Living Alternatives, as an expression of the General Assembly's admiration for the organization's mission and best wishes for its continued success.

HOUSE JOINT RESOLUTION NO. 486

Commending Steven Richardson.

Agreed to by the House of Delegates, March 3, 2020

Agreed to by the Senate, March 5, 2020

WHEREAS, in 2019, Steven Richardson received a Fairfax County Volunteer Service Award in the Fairfax County Government Volunteer category for his work to support first responders throughout the region; and

WHEREAS, Steven "Steve" Richardson was selected from a pool of 150 individual and group nominees to receive one of the awards, which were presented by Volunteer Fairfax and the Fairfax County Board of Supervisors; and

WHEREAS, Steve Richardson is one of three primary volunteers qualified to operate the Canteen, a frontline support unit that responds to large-scale events like two-alarm or greater fires, search and rescue operations, or hostage situations; and

WHEREAS, with only four fire stations in Fairfax County maintaining Canteen units, Steve Richardson is responsible for a large territory covering multiple jurisdictions; in 2018, he recorded more than 900 hours of service with Station 22 of the Springfield Volunteer Fire Department; and

WHEREAS, Steve Richardson offers his time and leadership to young people as a Scout leader with the Boy Scouts of America and as a volunteer for Ecumenical Community Helping Others; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Steven Richardson on winning a 2019 Fairfax County Volunteer Service Award; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Steven Richardson as an expression of the General Assembly's admiration for his diligent work to support his fellow first responders and help safeguard the residents of Fairfax County.

HOUSE JOINT RESOLUTION NO. 487

Commending the Rotary Club of Leesburg.

Agreed to by the House of Delegates, March 3, 2020

Agreed to by the Senate, March 5, 2020

WHEREAS, the Rotary Club of Leesburg, a local chapter of Rotary International dedicated to serving residents of Loudoun County in need, has demonstrated exemplary community service for many years; and

WHEREAS, since 1927, the Rotary Club of Leesburg has generously volunteered tens of thousands of hours to support beneficent initiatives and endeavors in the community; in the past two decades, it has invested over \$600,000 in more than 30 local, national, and international programs and projects; and

WHEREAS, the Rotary Club of Leesburg places particular emphasis on fostering education opportunities through scholarships and other programs; relieving hunger through food drives and pantry distributions; improving access to quality, affordable health care and clean water; and supporting local economies; and

WHEREAS, the Rotary Club of Leesburg was active throughout 2019, providing a major donation to the Ability Fitness Center at the Arc of Loudoun, conducting numerous hunger relief programs and distributions, and organizing a Toys for Tots toy drive, along with various other programs supporting veterans, the homeless, and other members of the community; and

WHEREAS, the Rotary Club of Leesburg, through its leadership, vision, and commitment to serving others, embodies the community spirit that makes the Commonwealth a wonderful place to live, work, and raise a family; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Rotary Club of Leesburg for its many years of exceptional service on behalf of the Loudoun County community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Rotary Club of Leesburg as an expression of the General Assembly's admiration for the organization's mission and best wishes for its continued success.

HOUSE JOINT RESOLUTION NO. 488

Commending BAPS Shri Swaminarayan Mandir of Northern Virginia.

Agreed to by the House of Delegates, March 3, 2020

Agreed to by the Senate, March 5, 2020

WHEREAS, BAPS Shri Swaminarayan Mandir of Northern Virginia provides opportunities for worship and spiritual growth to residents of Chantilly and members of the Hindu faith throughout the region; and

WHEREAS, BAPS Shri Swaminarayan Mandir cultivates peace within the community and fosters personal and collective worship by providing a place for devotees to offer prayers before sacred images or attend cultural classes and religious services; and

WHEREAS, in addition to providing a sanctuary for community members to quiet their minds and enhance their spirituality, BAPS Shri Swaminarayan Mandir promotes Hindu traditions and heritage by teaching the arts, language, music, and philosophy; and

WHEREAS, BAPS Shri Swaminarayan Mandir supports the community by hosting charitable fundraisers and other events, such as walkathons, health fairs, and blood drives; and

WHEREAS, as part of the rich cultural fabric of the Commonwealth, the members of BAPS Shri Swaminarayan Mandir make many valuable contributions as leaders in a variety of professions, businesses, and community organizations; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend BAPS Shri Swaminarayan Mandir of Northern Virginia for its service to the community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to BAPS Shri Swaminarayan Mandir of Northern Virginia as an expression of the General Assembly's admiration for its contributions to religious life in Chantilly.

HOUSE JOINT RESOLUTION NO. 489

Commending the Chinmaya Somnath chapter of the Chinmaya Mission Washington Regional Center.

Agreed to by the House of Delegates, March 3, 2020

Agreed to by the Senate, March 5, 2020

WHEREAS, the Chinmaya Somnath chapter of the Chinmaya Mission Washington Regional Center has provided spiritual guidance, generous outreach, and opportunities for joyful worship to members of the Chantilly community for several years; and

WHEREAS, the Chinmaya Mission, an organization that supports a variety of spiritual, educational, and charitable activities in more than 300 centers around the globe, was established in India in 1953 by devotees of the Vedanta teacher Swami Chinmayananda; and

WHEREAS, since the late 1980s, the Chinmaya Mission Washington Regional Center has served the Washington, D.C., metropolitan area through worship opportunities, community projects, and other beneficent activities; and

WHEREAS, the Chinmaya Somnath chapter of the Chinmaya Mission Washington Regional Center extends the outreach of the global organization to members of the Chantilly community; and

WHEREAS, by cultivating the inner personal growth of individuals and the collective well-being of the community, the Chinmaya Somnath chapter of the Chinmaya Mission Washington Regional Center has become a valued institution in the Chantilly community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Chinmaya Somnath chapter of the Chinmaya Mission Washington Regional Center for providing spiritual leadership and other enriching activities to the Chantilly community for many years; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Chinmaya Somnath chapter of the Chinmaya Mission Washington Regional Center, as an expression of the General Assembly's respect for the organization's service to the Commonwealth and best wishes for the future.

HOUSE JOINT RESOLUTION NO. 490

Commending the Northern Virginia Community College Loudoun Campus.

Agreed to by the House of Delegates, March 3, 2020

Agreed to by the Senate, March 5, 2020

WHEREAS, the Northern Virginia Community College Loudoun Campus has provided educational and career development opportunities to residents of Loudoun County for many years; and

WHEREAS, since 1964, Northern Virginia Community College (NOVA) has offered a quality and convenient educational experience at an affordable price; and

WHEREAS, NOVA is the largest public educational institution in the Commonwealth and the second-largest community college in the United States, composed of more than 75,000 students and 2,600 faculty and staff members; and

WHEREAS, NOVA is one of the most internationally diverse colleges in the United States, with a student body consisting of individuals from more than 180 countries; and

WHEREAS, the NOVA Loudoun Campus provides a variety of academic programs, workforce development classes, student activities, events, and campus facilities to more than 11,000 students each year; and

WHEREAS, located on 93 acres, the NOVA Loudoun Campus consists of eight buildings including the Waddell Theater and Art Gallery; the campus features state-of-the-art science and computer labs, a veterinary teaching hospital, a commercial grade greenhouse, and an interior design resource library; and

WHEREAS, among the more distinctive programs offered at the NOVA Loudoun Campus are its veterinary technology and horticulture programs through the Natural and Applied Science Division, its music recording technology program via the Communication and Human Studies Division, and the motorcycle rider and aviation training courses offered by its office for Continuing Education and Workforce Development; and

WHEREAS, by providing an excellent and affordable education to numerous students in Loudoun County and the Commonwealth, the NOVA Loudoun Campus has become an invaluable institution in the community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Northern Virginia Community College Loudoun Campus for its service to Loudoun County and the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Northern Virginia Community College Loudoun Campus as an expression of the General Assembly's admiration for the institution's commitment to academic excellence.

HOUSE JOINT RESOLUTION NO. 491

Commending Loudoun Youth, Inc.

Agreed to by the House of Delegates, March 3, 2020

Agreed to by the Senate, March 5, 2020

WHEREAS, for 15 years, Loudoun Youth, Inc., has empowered young people in Loudoun County to develop leadership skills and take active roles in serving the community; and

WHEREAS, established in 2005, Loudoun Youth, Inc., serves hundreds of young people through its core programs and has developed important partnerships with the Loudoun County Parks Recreation and Community Services, the Loudoun County Public Schools, the Loudoun County Chamber of Commerce, the Loudoun Human Services Network, and the Loudoun County Juvenile Justice Steering Committee; and

WHEREAS, among its major programs, Loudoun Youth, Inc., operates the Step Up Loudoun Youth Competition, where middle school and high school students create a plan to address an issue in their communities, and the Loudoun Youth Leadership Program, which helps young people build good character and strong leadership during a week-long summer camp; and

WHEREAS, through the Claude Moore Community Builders program, Loudoun Youth, Inc., provides leadership training and instills a sense of civic engagement in young people through opportunities for volunteer service; and

WHEREAS, Loudoun Youth, Inc., sponsors Battle of the Bands events and organized the Youth Advisory Council, which consists of representatives from public and private schools throughout the county as well as homeschooled students; and

WHEREAS, Loudoun Youth, Inc., was instrumental in the development of Youth Net, a multiagency initiative to better understand the issues affecting young people in Loudoun County and plan effective support strategies; and

WHEREAS, young people that have participated in programs organized by Loudoun Youth, Inc., have gained confidence in their abilities, developed knowledge and career skills, and enhanced their understanding of the Loudoun County community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Loudoun Youth, Inc., on the occasion of its 15th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Loudoun Youth, Inc., as an expression of the General Assembly's admiration for the organization's achievements on behalf of young people in Loudoun County.

HOUSE JOINT RESOLUTION NO. 492

Commending the William Fleming High School 800-meter sprint medley relay team.

Agreed to by the House of Delegates, March 3, 2020

Agreed to by the Senate, March 5, 2020

WHEREAS, the William Fleming High School 800-meter sprint medley relay team of Roanoke won first place at the New Balance Nationals Outdoor meet in Greensboro, North Carolina, on June 16, 2019; and

WHEREAS, the William Fleming relay team, including Tajai Jackson, a recent graduate at the time, then-rising seniors Timothy Allen and Robert Martin, and then-rising sophomore Micah Jones, finished the race with a time of 1:30.55; and

WHEREAS, despite an eighth seed in the last of seven heats and running out of lane 8, the time posted by the William Fleming relay team was the second best time for a high school team in the United States in 2019, making it one of the greatest track and field accomplishments in the school's history; and

WHEREAS, the William Fleming relay team was in second place when Tajai Jackson took the baton for the final 400 meters, but his leg of 47.05 seconds was fast enough to edge out the team from Central Dauphin East High School of Harrisburg, Pennsylvania, by over half a second; and

WHEREAS, at the Highland Springs Invitational in Glen Allen on May 11, the William Fleming relay team recorded a time of 1:33.33, which was the best time for the event in Virginia in 2019 and fast enough to qualify the team for the national meet in June; and

WHEREAS, the William Fleming relay team's triumphs are the result of the effort and dedication of the student-athletes, the leadership and guidance of their coaches and teachers, and the unwavering support of their classmates and community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the William Fleming High School 800-meter sprint medley relay team on the occasion of its momentous victory at the New Balance Nationals Outdoor meet in June 2019; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the William Fleming High School 800-meter sprint medley relay team as an expression of the General Assembly's admiration for its exceptional performance and best wishes for the future.

HOUSE JOINT RESOLUTION NO. 493

Commending Peers and Students Taking Action.

Agreed to by the House of Delegates, March 3, 2020

Agreed to by the Senate, March 5, 2020

WHEREAS, Peers and Students Taking Action, a student-run volunteer organization helping children and their families, has provided many leadership opportunities for young people while positively impacting the community; and

WHEREAS, organized into several chapters of four to eight middle school and high school students operating under the guidance of an all-student board of directors, Peers and Students Taking Action (PASTA) is a nonprofit that facilitates civic-minded projects by providing mentorship, advice, and resources to its members; and

WHEREAS, through its Nothing's ImPASTAble program, PASTA connects students in the 3rd through 6th grades with high school counterparts who act as tutors, mentors, and role models; and

WHEREAS, PASTA proactively supports families in the community undergoing crises by providing tutoring, babysitting, friendship programs, requested items, and tributes to families affected by calamities such as house fires, illnesses, the loss of family members, and homelessness; and

WHEREAS, in order to respond to the growing interest in its activities, PASTA recently established a mentorship program to streamline the training process for its burgeoning number of new chapters, helping initiates better understand the organization's mission so they can implement its programs both responsibly and effectively; and

WHEREAS, by demonstrating the power younger generations have to make profound and meaningful contributions on behalf of others, the members of PASTA embody the spirit of community and conviviality that makes the Commonwealth a wonderful place to live, work, and raise a family; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Peers and Students Taking Action, a student-led organization dedicated to serving children and families, for its inspiring display of compassion and support; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Peers and Students Taking Action as an expression of the General Assembly's admiration for the organization's mission and best wishes for its continued success.

HOUSE JOINT RESOLUTION NO. 494

Commending ARCH Roanoke.

Agreed to by the House of Delegates, March 3, 2020

Agreed to by the Senate, March 5, 2020

WHEREAS, ARCH Roanoke, a collaboration between the nonprofit organizations Bethany Hall and Trust House, provides exceptional care to vulnerable members of the Roanoke community; and

WHEREAS, ARCH Roanoke benefits from a century of collective experience between Bethany Hall and Trust House, both of which were established in 1970; and

WHEREAS, Bethany Hall, which provides residential substance abuse treatment for ARCH Roanoke, was originally established to help women with alcohol addiction and utilizes a therapeutic approach to help participants accept responsibility, plan recovery goals, and develop a positive value system; and

WHEREAS, Bethany Hall is one of only three such facilities in the Commonwealth that allow infants to remain with their mother during treatment, leading to improved recovery outcomes for participants and positive behavioral development for their children; and

WHEREAS, Trust House, established by students and faculty at Hollins College, has evolved into a 27-bed shelter for individuals and families and offers extensive case management services to help ensure that homelessness is brief and nonrecurring for program participants; and

WHEREAS, ARCH Roanoke provides housing stability for people who have recently transitioned out of homelessness through its New Beginnings program, which makes regular home visits and referrals to outside resources for up to 12 months after leaving the shelter; and

WHEREAS, in addition, ARCH Roanoke provides vouchers for chronically homeless veterans through its Heroes Haven program and for chronically homeless individuals with disabilities through the Healing Haven program; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend ARCH Roanoke, a successful partnership between Bethany Hall and Trust House that provides safety, support, and opportunities for recovery to members of the Roanoke community in need; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to ARCH Roanoke as an expression of the General Assembly's admiration for the organization's work to end the cycle of homelessness.

HOUSE JOINT RESOLUTION NO. 495

Commending Morning Star Baptist Church.

Agreed to by the House of Delegates, March 3, 2020

Agreed to by the Senate, March 5, 2020

WHEREAS, for 90 years, Morning Star Baptist Church has provided spiritual guidance, generous outreach, and opportunities for joyful worship to members of the Roanoke community; and

WHEREAS, the Morning Star Baptist Mission was first organized in 1930 by the Reverend E. Blake above a storefront in northeast Roanoke; and

WHEREAS, the mission's leadership passed shortly thereafter to the Reverend W.A. Webb, who called a council to recognize the mission and officially changed its name to Morning Star Baptist Church; and

WHEREAS, the Morning Star Baptist Church purchased its first building in 1942 and relocated to its present location a decade later, making several improvements over the years to provide an accommodating sanctuary for worship and fellowship; and

WHEREAS, several pastors have guided the Morning Star Baptist Church congregation over the years, including the Reverend Moore, who led the church for 15 years, and the Reverend Thomas E. Crews, who was with the congregation for more than two decades; and

WHEREAS, since August 17, 1980, the Morning Star Baptist Church has been in the able hands of the Reverend Lee A. Lewis and first lady Annette Lewis, who celebrate their 40th anniversary leading the congregation in 2020; and

WHEREAS, in 1986, the *Roanoke Tribune* selected Morning Star Baptist Church to be the first church featured in its "Church of the Month" series, a testament to its impact in and value to the community; and

WHEREAS, the Morning Star Baptist Church has adopted new ministries, auxiliaries, and methods over the years to spread its message and reach its congregants, including the "Morning Star Messenger" newsletter started in 1987, the Tape Ministry organized in 1996, and the Saturated with Specific Prayer Service Ministry initiated in 2001; and

WHEREAS, the Morning Star Baptist Church has demonstrated a remarkable ability to grow and prosper since its founding, and will continue to support the spiritual needs of the Roanoke community for many years to come; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Morning Star Baptist Church on the occasion of its 90th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Reverend Lee A. Lewis, pastor of Morning Star Baptist Church, as an expression of the General Assembly's admiration for the church's history and its contributions to Roanoke.

HOUSE JOINT RESOLUTION NO. 496

Commending the Phi Upsilon Zeta Chapter of the Zeta Phi Beta Sorority, Inc.

Agreed to by the House of Delegates, March 3, 2020

Agreed to by the Senate, March 5, 2020

WHEREAS, the Phi Upsilon Zeta Chapter of the Zeta Phi Beta Sorority, Inc., will celebrate the organization's 100th anniversary in 2020; and

WHEREAS, for the past 100 years, Zeta Phi Beta Sorority, a community-conscious, action-oriented organization, has called all Zetas to social action at local, state, and national levels; and

WHEREAS, the Phi Upsilon Zeta Chapter was chartered in Loudoun County on April 27, 2008, by Ericka Williams Boone, Pamela Croft, Kendra Glover, Bertha Sloan, Suzanne Volpe, and Constance Willingham; and

WHEREAS, the Zeta Phi Beta Sorority conducts its programs and services under the umbrella of Zetas Helping Other People Excel (Z-HOPE), a holistic, multidimensional outreach program designed to empower women, youth, seniors, men, and international women of color to develop healthy lifestyle choices in mind, body, and spirit; and

WHEREAS, the Zeta Phi Beta Sorority has had a significant and consistent impact in Loudoun County for the past 12 years with the ladies of the Phi Upsilon Zeta Chapter partnering with various nonprofit organizations to donate clothing, clean up local highways, serve the senior population, prepare meals, and donate school supplies to local schools; and

WHEREAS, the Phi Upsilon Zeta Chapter of the Zeta Phi Beta Sorority, Inc., exemplifies the spirit of community and conviviality that makes Loudoun County a wonderful place to live, work, and raise a family; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Phi Upsilon Zeta Chapter of the Zeta Phi Beta Sorority, Inc., on the occasion of its 100th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Phi Upsilon Zeta Chapter of the Zeta Phi Beta Sorority, Inc., as an expression of the General Assembly's admiration for the group's mission and best wishes for its continued success.

HOUSE JOINT RESOLUTION NO. 497

Commending Friends of Loudoun Mental Health.

Agreed to by the House of Delegates, March 3, 2020

Agreed to by the Senate, March 5, 2020

WHEREAS, Friends of Loudoun Mental Health, an all-volunteer, nonprofit organization based in Leesburg that supports and advocates for members of the community disabled by mental illness, celebrates its 65th anniversary in 2020; and

WHEREAS, established in 1955, Friends of Loudoun Mental Health was initially an advisory board guiding mental health services in Loudoun County; in its early years, the organization aided the first mental health services to be introduced in Loudoun County and provided equipment and supplies to pioneering Loudoun County mental health centers; and

WHEREAS, acting as an advocate, educator, and service provider, the organization grew over the years; in the late 1980s, Friends of Loudoun Mental Health introduced its representative payee program to facilitate its clients' receipt of Supplemental Security Income and enhance the services it could provide; and

WHEREAS, in 1993, a public-private partnership was formed between Friends of Loudoun Mental Health and what is now the Loudoun County Department of Mental Health, Substance Abuse & Developmental Services, amplifying the organization's ability to reach citizens of Loudoun County struggling with chronic mental illness and homelessness; and

WHEREAS, through responsible and equitable material assistance, distributed in coordination with Loudoun County's Mental Health Residential Services program, Friends of Loudoun Mental Health is an invaluable lifeline to countless members of the community in their greatest time of need; and

WHEREAS, recognizing that the personal and societal problems stemming from mental illness will only be solved through greater community awareness and effective legislation, Friends of Loudoun Mental Health serves as a passionate educator and advocate on behalf of the innumerable individuals and families dealing with these issues; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Friends of Loudoun Mental Health for its tireless and noble efforts on the occasion of its 65th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Friends of Loudoun Mental Health as an expression of the General Assembly's admiration for the organization's mission and best wishes for its continued success.

HOUSE JOINT RESOLUTION NO. 498

Commending Jessica Berg.

Agreed to by the House of Delegates, March 3, 2020

Agreed to by the Senate, March 5, 2020

WHEREAS, Jessica Berg, an English teacher at Rock Ridge High School in Loudoun County, organized the first "Rise to Summit" event, a program for empowering the world's next generation of leaders, on March 23, 2019; and

WHEREAS, Jessica Berg earned a bachelor's degree in English from the University of Virginia, worked in the publishing industry, and returned to school earning a master's degree in education from George Mason University before embarking on a career in education; and

WHEREAS, Jessica Berg has taught in Loudoun County Public Schools for the past nine years, including five with Rock Ridge High School, where she has positively impacted many students' lives by helping them engage with inspirational and thought-provoking literature; and

WHEREAS, promoting inclusion and diversity in her classroom, Jessica Berg founded the Ms. Phoenix Organization and wrote curriculum for a women's studies course, which is now taught at three schools in Loudoun County; and

WHEREAS, following a trip to Girl Talk 2018 in South Africa, an event that featured women grappling with the challenges and prejudices they face every day, Jessica Berg was motivated to bring a similar educational initiative to Loudoun County, leading to the creation of the "Rise to Summit" event; and

WHEREAS, the second annual "Rise to Summit" event will be held on March 21, 2020, at Rock Ridge High School, fostering a tradition that will promote greater understanding and awareness among the school's students and embolden them to be exemplary leaders of tomorrow; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Jessica Berg, an English teacher at Rock Ridge High School, for her role in creating the school's "Rise to Summit" event; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Jessica Berg as an expression of the General Assembly's admiration for her achievements and best wishes for her continued success.

HOUSE JOINT RESOLUTION NO. 499

Commending Jennifer Rodgers.

Agreed to by the House of Delegates, March 3, 2020

Agreed to by the Senate, March 5, 2020

WHEREAS, Jennifer Rodgers, a United States government and politics teacher at Dominion High School in Sterling, was honored as the Region 4 Teacher of the Year and the Loudoun County Public Schools Teacher of the Year in 2019; and

WHEREAS, the Region 4 Teacher of the Year Award, presented by the Virginia Department of Education, was announced at a school-wide assembly by First Lady of Virginia Pamela Northam, who noted Jennifer Rodgers' ability "to bring the world of government, politics, and international relations to life" for her students; and

WHEREAS, a graduate of the University of Virginia, Jennifer Rodgers began teaching at Dominion High School in 2005, developing an impressive career as an educator willing to pursue bold and innovative programs; and

WHEREAS, Jennifer Rodgers' signature achievement is the Loudoun International Youth Leadership Summit, an event that brings hundreds of students from around the world to the Commonwealth each year to solve global issues of the day; as the program's founder and director, Jennifer Rodgers has raised more than \$75,000 in support of the program; and

WHEREAS, by creating engaging and thought-provoking educational opportunities that expand her students' perspectives on the world, Jennifer Rodgers has contributed greatly to the likelihood of their success both in and out of the classroom; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Jennifer Rodgers, a United States government and politics teacher at Dominion High School, for being recognized as the 2019 Region 4 Teacher of the Year; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Jennifer Rodgers as an expression of the General Assembly's admiration for her service on behalf of Loudoun County and the Commonwealth.

HOUSE JOINT RESOLUTION NO. 500

Commending Helen Butts.

Agreed to by the House of Delegates, March 3, 2020

Agreed to by the Senate, March 5, 2020

WHEREAS, Helen Butts, a highly respected public servant in Clarke County, has served members of the community for more than 57 years in the Clerk's Office of the Clarke County Circuit Court; and

WHEREAS, a native of Frederick County, Helen Butts graduated from James Wood High School and began her career working for an attorney in Winchester; and

WHEREAS, Helen Butts first joined the Clerk's Office of the Clarke County Circuit Court in 1963 and served for many years as a deputy clerk; and

WHEREAS, Helen Butts was appointed as clerk of the Clarke County Circuit Court in 1996 to fill the unexpired term of her predecessor and was subsequently elected to three eight-year terms; and

WHEREAS, over the course of her long career, Helen Butts became a trusted source of institutional knowledge for the Clarke County Circuit Court and witnessed significant changes in court procedures and technology; and

WHEREAS, in her capacity as clerk, Helen Butts attended hundreds of court proceedings and preserved and maintained the county's important legal records while helping citizens better understand the processes for obtaining deeds, marriage licenses, wills, and permits; and

WHEREAS, with her extensive knowledge, incomparable work ethic, and genial personality, Helen Butts ensured that generations of Clarke County residents had positive interactions with local government; and

WHEREAS, in her well-earned retirement, Helen Butts plans to spend more time with her beloved children, grandchildren, and great-grandchildren; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Helen Butts on the occasion of her retirement as clerk of the Clarke County Circuit Court; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Helen Butts as an expression of the General Assembly's admiration for her achievements in service to the residents of Clarke County.

HOUSE JOINT RESOLUTION NO. 501

Commending Mary Morris.

Agreed to by the House of Delegates, March 3, 2020

Agreed to by the Senate, March 5, 2020

WHEREAS, Mary Morris, a local historian and genealogy expert in Clarke County and longtime archivist with the Clarke County Historical Association, retired in 2019; and

WHEREAS, Mary Morris learned archival skills at Handley Regional Library's Stewart Bell, Jr., Archives Room in Winchester; after years of working with the Handley Regional Library, the Clarke County Historical Association, and the Warren Heritage Society, Mary Morris took a full-time position with the Clarke County Historical Association in 1990; and

WHEREAS, alongside her work with the Clarke County Historical Association, Mary Morris has published several books, including an index of obituaries that greatly aids researchers studying Clarke County's history; and

WHEREAS, Mary Morris has furthered the mission of Clermont Farm in Berryville, an 18th-century farm that has been repurposed as a research and training site for students of history, historic preservation, and agriculture, by developing the institution's collections and establishing its database; and

WHEREAS, in recognition of her extraordinary commitment to the preservation and presentation of Virginia's history, Mary Morris received the Heritage Hero Award from the Mosby Heritage Area Association in 2016 and a professional achievement award from the Clarke County Historical Association in 2004; and

WHEREAS, Mary Morris has provided an invaluable service to Clarke County and the Commonwealth through her careful stewardship of the county's historical documents, artifacts, and records; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Mary Morris, a treasured civil servant dedicated to the preservation of Clarke County's history, on the occasion of her retirement; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Mary Morris as an expression of the General Assembly's admiration for her efforts to preserve the past and educate citizens of the Commonwealth.

HOUSE JOINT RESOLUTION NO. 502

Commending David L. Ash.

Agreed to by the House of Delegates, March 3, 2020

Agreed to by the Senate, March 5, 2020

WHEREAS, David L. Ash assumed the duties and responsibilities of county administrator and clerk to the Clarke County Board of Supervisors on March 19, 1991, and served in that capacity, as only the second county administrator in Clarke County's history, until December 2, 2019; and

WHEREAS, during his tenure, David Ash served on various civic committees and commissions, including the Berryville-Clarke County Government Center Joint Building Committee, the Berryville-Clarke County Joint Committee for Economic Development and Tourism, the Clarke County Communications Committee, the Coalition on the Effects of Illegal Immigration, the Events Ordinance Review Committee, the Housing Rehabilitation Board, and the Joint Administrative Services Board; and

WHEREAS, David Ash acted as the locality's director of emergency management from 1991 until the creation of the Fire, Emergency Medical Services, and Emergency Management Department on October 21, 2014; in order to best serve the interests of the citizens of Clarke County, he maintained his certifications as an emergency medical technician and responded to emergency medical service calls as needed; and

WHEREAS, during his tenure, David Ash oversaw numerous building projects, including the Berryville-Clarke County Government Center, the Animal Shelter on Ramsburg Lane, and the Quarry Road Convenience Center, as well as the expansion of the Clarke County Recreation Center to include the new Parks and Recreation Administrative Offices and the Clarke County Senior Center; and

WHEREAS, David Ash instituted the employee service awards, the digitization of records in county administration, and the digitization and in-house publication of the Code of Clarke County, greatly enhancing the county's operations; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend David L. Ash, longtime county administrator and clerk to the Clarke County Board of Supervisors, on the occasion of his retirement; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to David L. Ash as an expression of the General Assembly's admiration for his service and dedication to the supervisors, employees, and citizens of Clarke County.

HOUSE JOINT RESOLUTION NO. 503

Commending the Woodgrove High School girls' soccer team.

Agreed to by the House of Delegates, March 3, 2020

Agreed to by the Senate, March 5, 2020

WHEREAS, the Woodgrove High School girls' soccer team won the Virginia High School League Class 4 State Championship in 2019, claiming its third state title since 2011; and

WHEREAS, the Woodgrove High School Wolverines defeated the reigning champion Loudoun County High School Raiders by a score of 1-0; and

WHEREAS, Woodgrove High School junior Liz Marcheschi scored the game winner off of a lob from junior Rachel Castro in the first minute of overtime; and

WHEREAS, the Woodgrove Wolverines' staunch defense was anchored by center backs Rachel Chatfield and Delaney Boyer and keeper Xanthe Bergel, who did not allow a goal in 170 minutes of play between the state semifinal and championship games; and

WHEREAS, the Woodgrove Wolverines and the Loudoun County Raiders met five times throughout the season, resulting in two draws and one victory apiece, with Woodgrove High School securing the tie-breaker in the state final; and

WHEREAS, the victorious season is a tribute to the skill and hard work of all the student-athletes, the leadership and guidance of coaches and staff, and the enthusiastic support of the entire Woodgrove High School community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the completely awesome Woodgrove High School girls' soccer team; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Pat Manno, head coach of the Woodgrove High School girls' soccer team, as an expression of the General Assembly's admiration for the team's achievements.

HOUSE JOINT RESOLUTION NO. 504

Commending the Loudoun County High School girls' volleyball team.

Agreed to by the House of Delegates, March 3, 2020

Agreed to by the Senate, March 5, 2020

WHEREAS, the Loudoun County High School girls' volleyball team won the Virginia High School League Class 4 State Championship on November 22, 2019, at Virginia Commonwealth University's Stuart C. Siegel Center; and

WHEREAS, the Loudoun County High School Raiders defeated the Grafton High School Clippers of Loudoun County in three straight sets with scores of 25-14, 25-12, and 25-14, finishing the season with a record 27-3; and

WHEREAS, the victory continued the Loudoun County Raiders' reign of dominance, marking the program's eighth consecutive state title and its 12th title in the past 13 years; and

WHEREAS, the Loudoun County Raiders' win was a total team effort, with Olivia Mallow, who earned First Team All-State and Virginia High School League Region 4A Player of the Year honors; Hannah Prendergast, who earned First Team All-State honors; and Chandler Vaughan, who earned Second Team All-State honors, leading the charge as they had all season; and

WHEREAS, the accomplishments of the Loudoun County Raiders are the result of the hard work and dedication of the student-athletes, the leadership and guidance of their coaches and teachers, and the steadfast support of the entire Loudoun County High School community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the incredible Loudoun County High School girls' volleyball team for winning the 2019 Virginia High School League Class 4 State Championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to John Senchak, coach of the Loudoun County High School girls' volleyball team and Virginia High School League Region 4A Coach of the Year, as an expression of the General Assembly's admiration for the team's achievement and best wishes for the future.

HOUSE JOINT RESOLUTION NO. 505

Commending Heidi Trude.

Agreed to by the House of Delegates, March 3, 2020

Agreed to by the Senate, March 5, 2020

WHEREAS, Heidi Trude, a French language teacher at Loudoun Valley High School in Purcellville, was honored with an EF Excellence Award in Language Teaching from EF Education First in 2019; and

WHEREAS, EF Education First, an international education company specializing in language training, educational travel experiences, academic degree programs, and cultural exchange, presented Heidi Trude the award in recognition of her exceptional and innovative ability to teach language in ways that promote cross-cultural understanding; and

WHEREAS, one of 13 teachers selected out from a pool of 900 applicants from 83 countries, Heidi Trude attended the 2019 EF Excellence Award in Language Teaching Global Summit in Tarrytown, New York, where she and the other recipients discussed instructional practices, pedagogy, technology, and policy while learning from prominent experts in the field; and

WHEREAS, through her leadership, vision, and dedication, Heidi Trude furthers the Commonwealth's tradition of academic excellence and contributes to the success of her students both in and out of the classroom; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Heidi Trude, a French language teacher at Loudoun Valley High School, for being presented the 2019 EF Excellence Award in Language Teaching; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Heidi Trude as an expression of the General Assembly's admiration for her achievement and best wishes for her continued success.

HOUSE JOINT RESOLUTION NO. 506

Commending Tree of Life Ministries.

Agreed to by the House of Delegates, March 3, 2020

Agreed to by the Senate, March 5, 2020

WHEREAS, Tree of Life Ministries, a Christian, faith-based nonprofit, has served the community admirably for many years; and

WHEREAS, established in 2008, Tree of Life Ministries serves others by providing food, life skills, shelter, health care, and relief to those in greatest need; and

WHEREAS, through its holistic approach, Tree of Life Ministries offers individuals and families the opportunity to lift themselves out of difficult circumstances; and

WHEREAS, over the past 12 years, Tree of Life Ministries has cumulatively reached 70,000 individuals and expects to impact another 20,000 lives in 2020; and

WHEREAS, Tree of Life Ministries' accomplishments are made possible by 730 trained volunteers and 34 churches in the Commonwealth, with support reaching three regions through 31 active ministries; and

WHEREAS, Tree of Life Ministries' food branch serves 12,000 annually through a food pantry that is the largest in western Loudoun County, along with other ministries including a home delivery service, community kitchen, and community garden; and

WHEREAS, Tree of Life Ministries' life skills training programs assist more than 1,600 individuals annually in the areas of finance, career networking, and English, helping these individuals be successful and productive members of society; and

WHEREAS, shelter provided by Tree of Life Ministries assists more than 1,600 women and children annually; along with clothing and furniture giveaways and a mentoring program, these services have helped many of these individuals achieve their goals; and

WHEREAS, Tree of Life Ministries serves approximately 100 individuals yearly with vouchers for dental, health, and eye care, while providing wellness coaching to encourage healthy, active lifestyles; and

WHEREAS, Tree of Life Ministries impacts the community through its relief efforts in the form of financial assistance; elderly care; special needs care; and Christmas clothing, food, and toy drives; and

WHEREAS, Tree of Life Ministries aims to continue to expand its services to the community through housing for elderly and disabled adults, ventures in new regions, and a local retail enterprise that will provide employment opportunities for disabled and elderly adults; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Tree of Life Ministries for its commitment to supporting members of the community in need; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Tree of Life Ministries as an expression of the General Assembly's admiration for the organization's mission and best wishes for its continued success.

HOUSE JOINT RESOLUTION NO. 507

Commending the Korean American Education Foundation.

Agreed to by the House of Delegates, March 3, 2020

Agreed to by the Senate, March 5, 2020

WHEREAS, in 2020, the Korean American Education Foundation and its United Korean School of Greater Washington program will celebrate 50 years of helping Korean Americans and others interested in learning the Korean language and culture; and

WHEREAS, the Korean American Education Foundation traces its roots to June 20, 1970, when a group of Korean and American educators and community leaders began the first Korean language school in the Washington, D.C., metropolitan area at Trinity College; and

WHEREAS, on September 9, 1987, the five largest church-affiliated Saturday Korean language schools in Virginia and the six largest Korean schools in Maryland began working together on their mutual efforts; and

WHEREAS, in May 1988, the collaboration resulted in the opening of the United Korean School of Greater Washington; and

WHEREAS, in November 1994, the organization launched the Korean American Educational Resources Library; and

WHEREAS, the United Korean School of Greater Washington established a scholarship fund which provides scholarships every year at the Anniversary Banquet to select Virginia and Maryland students who meet certain criteria; and

WHEREAS, in 2002, the Korean American Education Foundation established the Building Fund Committee; and

WHEREAS, in 2018, the scholarship program established a Students for Korean Language and Culture Program at George Mason University; and

WHEREAS, in 2019, the organization established the second Korean American Education Foundation scholarship program for a student pursuing a bachelor's degree in Korean Studies at George Mason University; and

WHEREAS, over the past five decades, the Korean American Education Foundation has served approximately 6,000 students in Virginia and approximately 8,000 students in Maryland through dozens of dedicated teachers and other volunteers; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Korean American Education Foundation for its 50 years of service through the United Korean School of Greater Washington; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Korean American Education Foundation as an expression of the General Assembly's admiration for the organization's commitment to promoting education and supporting the Korean American community.

HOUSE JOINT RESOLUTION NO. 508

Amending Rule 22 of House Joint Resolution No. 99 of the 2020 Regular Session of the General Assembly of Virginia, relating to the sine die date of such Session and the adoption of conference reports.

Agreed to by the House of Delegates, March 7, 2020

Agreed to by the Senate, March 7, 2020

RESOLVED by the House of Delegates, the Senate concurring, That Rule 22 of House Joint Resolution No. 99 of the 2020 Regular Session of the General Assembly of Virginia is amended and reenacted as follows:

Rule 22. *With the exception of any conference report on a Budget Bill, no conference report shall be adopted by the House of Delegates or the Senate after 6 p.m. on Sunday, March 8, 2020. This session of the General Assembly shall adjourn sine die no later than the legislative day of Saturday, March 7, 11:59 p.m. on Thursday, March 12, 2020.*

HOUSE JOINT RESOLUTION NO. 509

Election of a Circuit Court Judge, a General District Court Judge, Juvenile and Domestic Relations District Court Judges, members of the Judicial and Inquiry Review Commission, and a member of the State Corporation Commission.

Agreed to by the House of Delegates, March 12, 2020

Agreed to by the Senate, March 12, 2020

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly shall proceed this day

To the election of a circuit court judge of the Twenty-third Judicial Circuit for a term of eight years commencing April 1, 2020.

To the election of a general district court judge of the Thirtieth Judicial District for a term of six years commencing August 3, 2020.

To the election of juvenile and domestic relations district court judges for terms of six years commencing as follows:

One judge for the Thirty-first Judicial District, term commencing June 1, 2020.

One judge for the Thirty-first Judicial District, term commencing July 1, 2020.

To the election of members of the Judicial Inquiry and Review Commission for terms as follows:

One member, for an unexpired term ending June 30, 2021.

One member, for a term of four years commencing July 1, 2020.

To the election of a member of the State Corporation Commission for a term of six years commencing April 1, 2020.

And that in the execution of the joint order nominations shall be made in the order herein named, and that each house shall be notified of said nominations, and when the rolls shall be called for the whole number, the presiding officers of each house shall appoint a committee of three, which together shall constitute the joint committee to count the vote of each house in each case and report the results to their respective houses. The joint order may be suspended by the presiding officer of either house at any time but for no longer than twenty-four hours to receive the report of the joint committee.

HOUSE JOINT RESOLUTION NO. 510

Establishing a schedule for the conduct of business for the prefiling period of the 2021 Regular Session of the General Assembly of Virginia.

Agreed to by the House of Delegates, March 12, 2020

Agreed to by the Senate, March 12, 2020

RESOLVED by the House of Delegates, the Senate concurring, That the prefiling period of the 2021 Regular Session of the General Assembly shall be governed by the following rules:

Rule 1. Requests for drafts of any bill or joint resolution to be prefiled shall be submitted to and received by the Division of Legislative Services no later than 5:00 p.m., Monday, November 30, 2020. The Division shall make such drafts available for review no later than midnight, Thursday, December 31, 2020.

Rule 2. Requests for the drafting, redrafting, or correction of any bill or joint resolution creating or continuing a study shall be submitted to and received by the Division of Legislative Services no later than 5:00 p.m., Friday, January 8, 2021, in order to be filed on the first day of the 2021 Regular Session.

Rule 3. Requests for redrafts and corrections of any draft prepared for prefiling shall be submitted to and received by the Division of Legislative Services no later than 5:00 p.m., Friday, January 8, 2021. The Division shall make such drafts available no later than noon, Tuesday, January 12, 2021.

Rule 4. Bills and joint resolutions offered for prefiling shall be prefiled in either house no later than 10:00 a.m., Wednesday, January 13, 2021. Any member offering for prefiling a bill or joint resolution not submitted to the Division of Legislative Services for drafting is encouraged to submit an electronic version no later than 5:00 p.m. on the day the legislation is prefiled.

Rule 5. The rules established under this joint resolution are subject to modification or may be superseded by prefiling rules established by the Joint Rules Committee to the extent authorized under § 30-19.3 of the Code of Virginia.

HOUSE RESOLUTION NO. 1

Celebrating the life of Jean F. Siebert.

Agreed to by the House of Delegates, January 13, 2020

WHEREAS, Jean F. Siebert, a respected entrepreneur and a beloved member of the Sandbridge Beach community, died on April 21, 2019; and

WHEREAS, Jean Siebert grew up in Quincy, Massachusetts, and relocated to Virginia Beach in 1976, becoming well-known for her business acumen, generosity, and grace; and

WHEREAS, along with her husband, Jack, Jean Siebert owned and operated Siebert Realty, a leader in vacation property management; the couple helped the company succeed by embracing new technology while still providing personalized service; and

WHEREAS, Jean Siebert was a hardworking pioneer for other professional women in Virginia Beach, as well as a loving mother and grandmother who relished every opportunity to support her family; and

WHEREAS, Jean Siebert volunteered her wisdom and expertise to the Old Dominion Athletic Foundation Board of Trustees, the Virginia Aquarium Foundation Board of Trustees, and the TowneBank Virginia Beach Board of Directors; and

WHEREAS, predeceased by her husband, Jack, Jean Siebert will be fondly remembered and greatly missed by her children, John, Jim, Joanne, and Patrick, and their families, and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Jean F. Siebert; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Jean F. Siebert as an expression of the House of Delegates' respect for her memory.

HOUSE RESOLUTION NO. 3

Celebrating the life of William Marshall Gunter.

Agreed to by the House of Delegates, January 13, 2020

WHEREAS, William Marshall Gunter, an esteemed member of the Virginia Beach community, died on April 15, 2019; and

WHEREAS, William "Bill" Marshall Gunter was born December 9, 1939; after the death of his father, Bill Gunter at 20 years old became the third generation to own and operate M.M. Gunter and Son, a grading and excavating company in Hampton Roads; and

WHEREAS, as head of M.M. Gunter and Son, Bill Gunter contributed to several major construction projects, including the Pembroke Mall in 1965, the original site work for the retirement community Westminster-Canterbury on Chesapeake Bay in 1982, and the approach to the Chesapeake Bay Bridge-Tunnel in 1999; and

WHEREAS, Bill Gunter had the joy of passing along his company to his son, Matt, continuing a proud Gunter family tradition; in 2020, M.M. Gunter and Son will mark its 100th anniversary of providing excellent grading and excavation services to the Commonwealth; and

WHEREAS, Bill Gunter was dedicated to helping his community; he was a member of the National Exchange Club, served on the school board of the Virginia Beach City Public Schools, and the boards of the Bank of Virginia Beach and the Bank of Tidewater; and

WHEREAS, preceded in death by his daughter, Nikki, Bill Gunter will be fondly remembered and greatly missed by his wife of 51 years, Margaret; his children, Kim, Matt, and Claire, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of William Marshall Gunter, revered member of the Virginia Beach community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of William Marshall Gunter as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 4

Celebrating the life of the Honorable Constance Kelly-Rice.

Agreed to by the House of Delegates, January 13, 2020

WHEREAS, the Honorable Constance Kelly-Rice, dedicated educator, trailblazer, and adored member of the Brunswick community, died on November 15, 2019; and

WHEREAS, born and raised in Brunswick, Constance "Sis" Kelly-Rice devoted her life to her community, educating its youth and promoting local businesses that would improve the lives of many; and

WHEREAS, education was a lifelong pursuit for Constance Kelly-Rice; she earned a bachelor's degree from Saint Paul's College in 1972, an elementary education certification from Virginia Commonwealth University in 1973, and a master's degree from George Washington University in 1987; in 2015, she became a doctoral candidate at Nova Southeastern University; and

WHEREAS, Constance Kelly-Rice worked hard to ensure the children of Brunswick had a quality education; teaching at Brunswick County Public Schools for 15 years, training countless aspiring teachers through the student-teacher program at Saint Paul's College, mentoring many young minds through her tutoring company, Center of Knack Resources, and working as director of the Upward Bound program at Saint Paul's College, a college preparatory program for first-generation students; and

WHEREAS, in 1988, Constance Kelly-Rice made history by becoming the first African American and the first woman to be the Clerk of the Circuit Court in Brunswick, a position she held until 1991 and which earned her the lifetime title of "the Honorable" from Governor Gerald L. Baliles; and

WHEREAS, understanding the importance of economic growth to the well-being of her community, Constance Kelly-Rice played a key role in facilitating businesses in Brunswick, including a McDonald's franchise in 1990 and the Lake Gaston Water Supply Pipeline; and

WHEREAS, many civic organizations owe Constance Kelly-Rice a debt of gratitude for her service and leadership, including the Virginia Court Clerks Association, Brunswick County Chamber of Commerce, Jack and Jill of America, and the Southside Senior Citizens Center; and

WHEREAS, guided throughout her life by her abiding faith, Constance Kelly-Rice was baptized at Poplar Mount Baptist Church in Lawrenceville, where she served in many leadership positions and enjoyed fellowship and worship with her community over the years; and

WHEREAS, Constance Kelly-Rice will be dearly remembered and greatly missed by her husband of 50 years, Norman, Sr.; her children, Rene and Norman, Jr., and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of the Honorable Constance Kelly-Rice, an invaluable member of the Brunswick community who served others her entire life; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of the Honorable Constance Kelly-Rice as an expression of the House of Delegates' respect for her memory.

HOUSE RESOLUTION NO. 5

Commending the Williamsburg-Jamestown Airport.

Agreed to by the House of Delegates, January 13, 2020

WHEREAS, the Williamsburg-Jamestown Airport, one of the few remaining privately owned airports in the Commonwealth, has served the residents of the Virginia Peninsula and aviators from around the country for 50 years; and

WHEREAS, the Williamsburg-Jamestown Airport traces its roots to 1967, when Larry Waltrip asked his parents, the owners of a construction company, about building a new airstrip to replace the recently closed College Airport at The College of William & Mary; and

WHEREAS, Larry Waltrip worked with his father, Dudley; his brother, Timmy; and architect Bill Phillips to bring his dream to fruition; the Williamsburg-Jamestown Airport officially opened on September 20, 1970, and is still owned by the Waltrip family; and

WHEREAS, thousands of people pass through the Williamsburg-Jamestown Airport each year, including business travelers and Tidewater locals; the airport is a major hub for tourist travel to nearby Colonial Williamsburg and Busch Gardens; and

WHEREAS, the Williamsburg-Jamestown Airport houses dozens of privately owned aircraft and further serves the community by supporting the Nightingale Regional Air Ambulance and the Williamsburg Flight Center, which operates on airport property and provides flight training, maintenance, and air tours; and

WHEREAS, over the course of its history, the Williamsburg-Jamestown Airport has become a beloved community meeting place, with civic groups using the airport's conference room for events and the award-winning Charly's Airport Restaurant providing delicious food to locals and travelers alike; now, therefore, be it

RESOLVED by the House of Delegates, That the Williamsburg-Jamestown Airport hereby be commended on the occasion of its 50th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Larry Waltrip as an expression of the House of Delegates' admiration for the Williamsburg-Jamestown Airport's unique history and contributions to the community.

HOUSE RESOLUTION NO. 7

Commending New Gilfield Reformed Zion Union Apostolic Church.

Agreed to by the House of Delegates, January 13, 2020

WHEREAS, for 110 years, New Gilfield Reformed Zion Union Apostolic Church has provided generous community outreach services and opportunities for spiritual growth to the residents of Victoria; and

WHEREAS, New Gilfield Reformed Zion Union Apostolic (RZUA) Church was established in September 1909 by members of the Wilkerson, Bailey, Allen, Hites, and Manning families with the Reverend William Chapman as the first pastor; and

WHEREAS, many other local families, including the Feggins, Brown, Hardy, Edmonds, Glasgow, Stokes, Tisdale, and Taylor families, helped the New Gilfield RZUA Church grow in faith and numbers in its early days; and

WHEREAS, after the original building was destroyed by a fire in 1929, members of New Gilfield RZUA Church purchased the land where the current sanctuary is located; and

WHEREAS, New Gilfield RZUA Church has benefited from the wise leadership of 15 pastors, including the Reverend Hilman Wright, who served for 35 years and oversaw numerous enhancements to the church building; and

WHEREAS, in 1994, the Reverend Lewis D. Knight became the pastor of New Gilfield RZUA Church and ushered in a new era of community service by increasing the number of worship services and establishing new ministries to engage with local young people; and

WHEREAS, in 2003, New Gilfield RZUA Church broke ground on a new sanctuary, which was completed the following year; the former sanctuary was remodeled as a fellowship hall to better serve the congregation; and

WHEREAS, the Reverend Anita Lewis was appointed as pastor of New Gilfield RZUA Church in 2015 and upheld the church's commitment to fellowship and outreach until 2017, when the Reverend Dr. James H. Simmons, Jr., was called as pastor; and

WHEREAS, under Dr. Simmons' leadership, New Gilfield RZUA Church has developed its first mission statement and vision statement and has set forth its set of core values; he has overseen the creation of a women's retreat and a ministry for young men; and

WHEREAS, New Gilfield RZUA Church has provided a spiritual home for generations of families in Victoria; the church has succeeded in its mission through the hard work and dedication of its Trustee Board, deacons, administrative staff, and countless volunteers; now, therefore, be it

RESOLVED by the House of Delegates, That New Gilfield Reformed Zion Union Apostolic Church hereby be commended on the occasion of its 110th anniversary in 2019; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Reverend Dr. James H. Simmons, Jr., pastor of New Gilfield Reformed Zion Union Apostolic Church, as an expression of the House of Delegates' admiration for the church's legacy of spiritual leadership and contributions to the Victoria community.

HOUSE RESOLUTION NO. 8

Commemorating the life and legacy of Peter Francisco.

Agreed to by the House of Delegates, January 13, 2020

WHEREAS, Peter Francisco, a hero of the American Revolution who played a pivotal role in the foundation of the United States through his bravery and valor, died 189 years ago on January 16, 1831; and

WHEREAS, born Pedro Francisco in 1760 on the Portuguese island of Terceira, Peter Francisco was kidnapped as a child and found in 1765 on the docks of City Point, Virginia; he was taken in by the Honorable Anthony Winston of Buckingham County, whose family had ties to Patrick Henry; and

WHEREAS, Peter Francisco was tutored by the Winston family and apprenticed as a blacksmith; he was especially large for the time period and, due to his size and strength, became known as the "Virginian Hercules" or the "Virginia Giant"; and

WHEREAS, in 1776, at the age of 16, Peter Francisco joined the 10th Virginia Regiment of the Continental Army; he fought with distinction at several engagements during the Revolutionary War, including the battles of Brandywine, Germantown, Valley Forge, and Monmouth Court House; and

WHEREAS, at the Battle of Stony Point, Peter Francisco was the second man to enter the British fort and captured the enemy flag; following the Battle of Camden, he single-handedly carried away a cannon to keep it from falling into enemy hands; and

WHEREAS, after sustaining severe wounds at the Battle of Guilford Court House, Peter Francisco returned to Buckingham County to recuperate and volunteered to spy on the British Legion, more commonly known as Tarleton's Raiders, who were operating in the area; in 1781, he returned to the Continental Army to witness the British surrender at Yorktown; and

WHEREAS, later in life, Peter Francisco served as Sergeant-at-Arms to the Senate of Virginia; he was buried with full military honors at Shockoe Hill Cemetery in Richmond; and

WHEREAS, the Society of the Descendants of Peter Francisco, a nonprofit genealogical society based in Buckingham County, preserves the memory of Peter Francisco, his contributions to the nation, and celebrates Peter Francisco Day every March 15; now, therefore, be it

RESOLVED, That the House of Delegates hereby commemorate the life and legacy of Peter Francisco on the 189th anniversary of his death; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Society of the Descendants of Peter Francisco as an expression of the House of Delegates' admiration for Peter Francisco's unique contributions to the formation of the United States.

HOUSE RESOLUTION NO. 10

Commending the Surry County High School boys' basketball team.

Agreed to by the House of Delegates, January 13, 2020

WHEREAS, the Surry County High School boys' basketball team won the Virginia High School League Class 1 State Championship at Virginia Commonwealth University's Siegel Center in Richmond on March 9, 2019; and

WHEREAS, the Surry County High School Cougars defeated the Eastside High School Spartans by a score of 57-48, bringing a state championship back to the school for the first time in 14 years; and

WHEREAS, in a game that saw 15 lead changes, the Surry County Cougars mounted a 20-point offensive in the fourth quarter, including a 9-3 run in the last three minutes of play to ensure victory; and

WHEREAS, the Surry County Cougars saw standout performances from QuanDriel Palmer, who recorded 16 points and made a couple of clutch shots in the final minutes of regulation; Monte Pope, with 14 points and four assists; and Zhamare Slade, who put up 14 points along with 11 rebounds; and

WHEREAS, the Surry County Cougars' success is the result of the hard work and dedication of the student-athletes, the leadership and guidance of their coaches and teachers, and the tireless support of the entire Surry County community; now, therefore, be it

RESOLVED by the House of Delegates, That the Surry County High School boys' basketball team hereby be commended for winning the Virginia High School League Class 1 State Championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to James Pope, Jr., coach of the Surry County High School boys' basketball team, as an expression of the House of Delegates' admiration for their remarkable achievement and best wishes for the future.

HOUSE RESOLUTION NO. 11

Commending Farmers Bank.

Agreed to by the House of Delegates, January 13, 2020

WHEREAS, Farmers Bank of Windsor, a local community bank serving the Tidewater Region, celebrated its 100th anniversary in 2019; and

WHEREAS, Farmers Bank was founded by five local business leaders in 1919 to serve farmers in the region; its first cashier, Shirley T. Holland, would go on to become president of the local institution, followed by his son, Richard J. Holland, who led the bank for many years, and his grandson, Richard J. Holland, Jr., who is currently the chief executive officer and chairman of the board; and

WHEREAS, since its founding, Farmers Bank has expanded into seven branch locations in the Tidewater Region, including branches in Smithfield, Courtland, Suffolk, and Chesapeake, and continues to evolve its services to better serve the region and help its customers meet their financial goals; and

WHEREAS, Farmers Bank was the recipient of the inaugural Business Excellence Award from the Isle of Wight County Department of Economic Development in 2019, which was bestowed upon the bank for its many years of dedication to the community; and

WHEREAS, while many local banks have been consolidated into larger financial institutions over the past century, Farmers Bank remains independent and locally operated, enabling it to provide a personal and reliable banking service for local businesses and families; and

WHEREAS, Farmers Bank is a major supporter of local endeavors, sponsoring the Woman's Club and Ruritan events, the Windsor Christmas Parade and Fourth of July celebration, and the Isle of Wight County Fair, a demonstration of its commitment to the community; now, therefore, be it

RESOLVED by the House of Delegates, That Farmers Bank hereby be commended on the occasion of its 100th anniversary for its many years of service to the community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Richard J. Holland, Jr., chief executive officer and chairman of the board at Farmers Bank, as an expression of the House of Delegates' admiration for the bank's contributions to the Commonwealth.

HOUSE RESOLUTION NO. 12

Commending Rajput Indian Cuisine.

Agreed to by the House of Delegates, January 10, 2020

WHEREAS, Rajput Indian Cuisine, a pair of Indian restaurants in Hampton Roads, celebrates its 20th anniversary on January 19, 2020; and

WHEREAS, the owner and operator of Rajput Indian Cuisine, Y. Paul Chhabra, was born in India and moved to the United States in 1986, beginning a career in the restaurant industry shortly thereafter on Long Island, New York; and

WHEREAS, after a brief tenure as co-owner of Nawab Indian Cuisine in Norfolk in the early 1990s, Paul Chhabra returned to India to spend time with family and enhance his skills as a restaurateur; and

WHEREAS, upon Paul Chhabra's return to Hampton Roads in 1999, he established Rajput Indian Cuisine in downtown Hampton, later moving in 2003 to the Ghent neighborhood in Norfolk; and

WHEREAS, since its founding, Rajput Indian Cuisine has offered patrons a transporting dining experience marked by delicious culinary creations, an inviting ambiance, and impeccable service; and

WHEREAS, providing a broad range of traditional Indian dishes, including vegan, vegetarian, organic, and kosher selections, Rajput Indian Cuisine built itself on a foundation of quality, authenticity, and attention to detail; and

WHEREAS, in the restaurant's early years, Paul Chhabra would frequently travel as far as Washington, D.C., to acquire spices and ingredients that were not available locally, working tirelessly to provide the best for his customers; and

WHEREAS, after the success of its Norfolk location, Rajput Indian Cuisine expanded into a second location in Suffolk; the restaurants now offer top-notch catering services for events large and small, from weddings to corporate retreats; and

WHEREAS, for many years, Rajput Indian Cuisine has endeared itself to local vegetarians, vegans, and others through its "First and Third Wednesdays," when the evening's buffet spread is exclusively non-meat dishes; and

WHEREAS, Paul Chhabra has actively supported many local and national civic organizations, including the Virginia Peninsula Foodbank and March of Dimes, underscoring the generous spirit that guides Rajput Indian Cuisine and its involvement with the community; and

WHEREAS, Rajput Indian Cuisine has both encouraged newcomers to Indian cuisine and impressed the most discerning curry lovers, offering a restaurant experience that has contributed greatly to the quality of life in Hampton Roads; now, therefore, be it

RESOLVED by the House of Delegates, That Rajput Indian Cuisine, a cherished group of restaurants in the Hampton Roads area, hereby be commended on the occasion of its 20th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Y. Paul Chhabra, owner of Rajput Indian Cuisine, as an expression of the House of Delegates' admiration for his contributions to the Commonwealth and best wishes for the future.

HOUSE RESOLUTION NO. 15

Establishing Rules of the House of Delegates for the period beginning the first day of the 2020 Session of the General Assembly, January 8, 2020, and ending at noon on the second day of the 2020 Session of the General Assembly, January 9, 2020.

Agreed to by the House of Delegates, January 8, 2020

RESOLVED by the House of Delegates, That the period beginning the first day of the 2020 Session of the General Assembly, January 8, 2020, and ending at noon on the second day of the 2020 Session of the General Assembly, January 9, 2020, shall be governed by the Rules of the House of Delegates as they were in effect on December 31, 2019. The House of Delegates shall establish new rules to govern periods beginning on or after 12:00 p.m. on January 9, 2020.

HOUSE RESOLUTION NO. 16

Salaries, contingent and incidental expenses.

Agreed to by the House of Delegates, January 8, 2020

RESOLVED by the House of Delegates, That the Comptroller is directed to issue his warrants on the Treasurer, payable from the contingent fund of the House to accomplish the work of the House of Delegates during the 2020 Regular Session of the General Assembly. Necessary payments to cover salaries of temporary employees, as well as contingent and incidental expenses, will be certified by the Clerk or her designee.

HOUSE RESOLUTION NO. 17

Establishing the Rules of the House of Delegates for the 2020 - 2021 Sessions of the General Assembly of Virginia.

Agreed to by the House of Delegates, January 9, 2020

RESOLVED by the House of Delegates, That the House of Delegates shall be governed by the following Rules:

I. Organization.**Elections.**

Rule 1. Voting at elections in the House will be by use of the electronic voting system or, if it is inoperable, viva voce by response to the call of names, and the vote will be recorded in the Journal. Except in the case of block voting, only one person will be chosen at a time. If, on the first voting, no one receives a majority, the person having the smallest number of votes will not be voted for on the next voting and so on until someone receives a majority of the whole vote. If the election is by joint vote of the two houses, messages will be exchanged for each voting announcing the names of persons in nomination. A committee of three from each house will compare the votes and ascertain and report the result.

At the election for any judgeship to the Supreme Court of Virginia, the Court of Appeals of Virginia, Circuit Courts, and Courts Not of Record, no nominee will be offered to the House unless that nominee has been interviewed by the House Courts of Justice Committee and subsequently certified as qualified for election. If more than one nominee is offered for any judgeship, a member may cast a vote for only one nominee.

The Speaker.

Rule 2. The House of Delegates will choose its own Speaker from among the members of the House. The Speaker will be elected in evennumbered years for a term of two years. The nominations for Speaker will be viva voce without debate and no second will be required to place a name in nomination. Once nominations are closed, the election of the Speaker will be a matter of privilege and will be conducted immediately and will not be debated. The voting for Speaker will be by use of the electronic voting system or, if it is inoperable, viva voce by response to the call of names, and the vote will be recorded in the Journal. Each member will vote for only one nominee for Speaker in each round of voting. If, on the first voting, no one receives a majority, the person having the smallest number of votes will not be voted for on the next voting and so on until someone will receive a majority of the whole vote. Once elected, the Speaker will not be removed from her office during her term except with the concurrence of two-thirds of the elected membership of the House.

The Speaker may appoint to the Chair any member who will exercise its functions for the time. However, no member, by virtue of such appointment, will preside for a longer time than three consecutive days. During such appointment the Speaker may participate in the debates.

If the Speaker is absent and has named no one to act in her stead, the duties will be performed by the Leader of the Majority Caucus. If the Majority Leader is unable or unwilling to assume the duties of the Speaker, or until the Majority Leader is available, the duties will be performed by a member of the majority caucus of the Rules Committee taking precedence in the order named by the Speaker. In the event of a vacancy that occurs during a Regular or Special Session, the Leader of the Majority Caucus will serve as Speaker pro tempore with all the authority provided the Speaker by the Constitution, Rules, precedent or statute, until the House has elected a successor at an election to take place within seven days of notice of the vacancy. If the Majority Leader is unable or unwilling to assume the duties of the Speaker, or until the Majority Leader is available, the duties will be performed by a member of the majority caucus of the Rules Committee taking precedence in the order named by the Speaker. The person receiving a majority of the votes of the members present and voting will be deemed to be elected Speaker.

In the event of a vacancy that occurs during the Interim, the Rules Committee will convene at a meeting to be called by the chairman or, in her absence, the vice chairman or a majority of the membership of the committee to elect a Speaker to serve during the vacancy and until a successor is elected by the House at its next session. At least three working days' notice of the time, place, and purpose of the meeting will be given to all members of the committee. The person receiving a majority of the votes of the members of the committee present and voting will be deemed to be elected Speaker. Pursuant to the provisions of this Rule, the Speaker will serve and perform all the duties of the position until a successor is elected by the House at its next session.

Rule 3. The Speaker will take the Chair every day precisely at the hour to which the House shall have adjourned on the preceding legislative day. She will immediately call the House to order. After divine services are performed, she will direct

that the Pledge of Allegiance to the flag of the United States of America be recited, and she will direct that the roll of members be taken, pursuant to Rule 32, and the names of those members present entered upon the Journal. A quorum being present, she will proceed with the business of the day. The Speaker will have the power to supervise and correct the Journal. The Speaker, having examined the Journal of the proceedings of the last day's sitting and approved the same, will announce to the House her approval of the Journal. The Speaker's approval of the Journal will be deemed to be agreed to subject to a vote on agreeing to the Speaker's approval on the demand of any member, which vote, if decided in the affirmative, will not be subject to a motion to reconsider. It will be in order to offer one motion that the Journal be read only if the Speaker's approval of the Journal is not agreed to, and such motion will be determined without debate and will not be subject to a motion to reconsider. Upon the last day of the session, the Journal for that day being examined and found correct will be signed by the Speaker and the Clerk. The said Journals, when so signed, will be the authentic record of the proceedings of the House.

Rule 4. The Speaker will have a general direction of the House Chamber with power, in case of disturbance or disorderly conduct in such part thereof as may be appropriated to spectators, to have the same cleared. Representatives of news media, wishing to report the proceedings of the House, may be admitted by the Speaker, who will assign them to such places in the House Chamber as shall not interfere with the convenience of the members.

In the event of a disaster, natural or otherwise, or other emergency circumstance, the Speaker may convene the House in a location other than the House Chamber.

Rule 5. All enrolled bills and joint resolutions proposing amendments to the Constitution will be signed by the Speaker and all writs and warrants issued by order of the House will be under her hand and seal, attested by the Clerk.

The Clerk.

Rule 6. A Clerk will be elected by the House in evennumbered years and will be deemed to continue in office until another is chosen. In the event of a vacancy, the Speaker may appoint an acting Clerk until a successor is elected by the House or, if the House is not in session, by the Committee on Rules at a meeting to be called by the chairman or, in her absence, the vice chairman, or a majority of the membership of the committee. At least three working days notice of the time, place, and purpose of the meeting will be given to all members of said committee, and the person receiving a majority of the votes of the members of said committee present and voting will be deemed to be elected to fill said vacancy.

Rule 6(a). The Clerk has the authority, with the approval of the Speaker, to employ personnel necessary to accomplish the work of the House subject to such terms and conditions as deemed appropriate by the Speaker; such personnel may be removed by the Clerk with the approval of the Speaker. The Clerk will be charged with the clerical business of the House and its committees.

Pages will be appointed annually by the Speaker and should be thirteen or fourteen years old at the time of their initial appointment. They will be ineligible for reappointment after serving for two years. The Clerk is responsible for the administration of the Page program.

Rule 6(b). The Clerk will be charged with the duty of assigning each member to a seat in the House Chamber and office space. No seat or office space assigned to and occupied by a member who is reelected will be changed without such member's consent, except that members will be moved to the left or right by the Clerk to maintain contiguity in dividing the chamber along major party caucuses.

Rule 7. The Clerk will perform all the duties of her office under the direction of the Speaker. She will keep a journal of the proceedings of the House, have the same in proper form to be signed as provided by Rule 3, and submit it daily to the Speaker in time to be examined before the next assembling of the House. She will keep at the Clerk's table, during the sittings of the House, a calendar or docket so arranged as to show the condition and progress of the business of the House. She will provide to each member before the assembling of the House each day, a printed calendar of pending bills and a list of all bills offered on the preceding day, under Rule 37, with the names of the patrons, titles of the bills, and the committees to which the same have been referred. After amendments have been agreed to by the House, she will see that they are handled only by the clerks of the standing committees, if referred or rereferred; clerks at the desk; or the clerks charged with the duty of engrossing bills until such amendments have been duly engrossed and verified.

Rule 8. The Clerk will keep accounts of the compensation of the members, officials and employees of the House, and will from time to time certify the same to the Comptroller. She will provide the stationery required for the business of the House and for the official use of the members. She also will provide postage for the official use of the members within the limitations established by the Rules Committee.

Rule 9. The Clerk will provide to the members, when required, vouchers for mileage and expenses; certify such for payment as provided by law; and pay over to those entitled the money due upon such vouchers.

She will keep detailed accounts of all transactions pursuant to Rules 8 and 9, which will be open to inspection at all times.

Sergeant at Arms.

Rule 10. A Sergeant at Arms and doorkeepers will be appointed by the Speaker. The Clerk will be responsible for the administration and duties of these positions.

Rule 11. The Sergeant at Arms will, with the doorkeepers, attend upon the House during its sitting, and execute its commands, together with all such process, issued by its authority, as directed by the Speaker and the Clerk.

Rule 12. The Sergeant at Arms will, under the direction of the Speaker and the Clerk, have charge of the supervision of the Chamber and prevent any interruption of the business of the House by disorder within or without. She will distribute among the members all papers printed for their use and give such attendance upon them during the sittings of the House as will promote their comfort and facilitate the business of the House.

Immediately prior to the convening of every session, she will clear the floor of the House of all persons other than those specified under Rule 83 who are authorized to be there during each session.

Rule 13. The Sergeant at Arms will attend to receiving and dispatching all messages in the House Chamber intended for or sent by members and make such arrangement as to promote the convenience of the members. She will attend to the display of the Mace during sessions of the House and direct all persons not entitled to privileges on the floor of the House to the gallery.

Oaths of Office.

Rule 14. The oaths which the officers of the House are required by law to take will be administered and certified by a person authorized to administer oaths and will be filed with the Clerk of the House.
Committees.

Rule 15. The Speaker will appoint all committee members and will designate the chairman and vice chairman of each committee provided that no member will be chairman of more than one committee, unless a chairman of a standing committee is serving as Speaker pursuant to Rule 2, and no member will be vice chairman of more than one committee, as designated in Rule 16. If the chairman and vice chairman are absent or excused by the House, one of the members will act as the chairman, taking precedence in the order named by the Speaker. The Speaker will serve as chairman of the Committee on Rules.

Rule 16. There will be appointed standing committees, to be named and to consist of up to the number of members indicated below:

1.	Privileges and Elections	22 members
2.	Courts of Justice	22 members
3.	Education	22 members
4.	General Laws	22 members
5.	Transportation	22 members
6.	Finance	22 members
7.	Appropriations	22 members
8.	Counties, Cities and Towns	22 members
9.	Labor and Commerce	22 members
10.	Health, Welfare and Institutions	22 members
11.	Agriculture, Chesapeake and Natural Resources	22 members
12.	Public Safety	22 members
13.	Communications, Technology and Innovation	22 members
14.	Rules	17 members and the Speaker

The Speaker will designate eight members of the House Rules Committee to meet with members of the Senate to constitute the Joint Rules Committee.

Rule 16(a). Except for the Committee on Rules, membership on all standing committees and subcommittees will be contingent upon membership or nonmembership in the majority party caucus. The apportionment of members will be according to the same ratio of members in the House of Delegates who are members or nonmembers of the majority party caucus. If such ratio would represent a fractional number of the committee or subcommittee membership assigned to the majority party caucus, then the number of majority party caucus members will be the next highest whole number of committee or subcommittee members. For the purposes of this rule only, members who do not caucus with the majority party caucus or the largest minority party caucus will be deemed part of the majority party caucus.

Notwithstanding any other provision of law, the Speaker of the House may appoint two more House members to any legislative commission, joint subcommittee of House and Senate committees, or any interim study committee than are appointed by the Senate.

Rule 16(b). The Speaker shall strive to appoint from each congressional district at least one member who represents that congressional district on all standing committees with the exception of Rules.

Rule 17. A majority will constitute a quorum for committees. Each committee will meet pursuant to a regular meeting schedule as approved by the Speaker. In addition to a committee's regular scheduled meeting(s), a committee chairman may call additional meetings. It will be the duty of a committee to meet on call of a majority of the committee's members if the chairman is absent or declines to call a meeting. However, additional committee meetings may not be scheduled that are in conflict with another committee's regularly scheduled meeting time. No committee will meet while the House is in session without special leave granted by the Speaker.

Rule 17(a). The chairman of any standing committee may appoint subcommittees provided any such subcommittee will consist of no fewer than five members, a majority of whom will constitute a quorum for the conduct of business. The chairman of any standing committee may serve as an ex-officio member of any such subcommittee, however the chairman may vote on questions before the subcommittee only if a member of the majority caucus is absent from the meeting at the time the question is before the subcommittee.

Rule 17(b). The chairman of any standing committee may appoint ad hoc subcommittees of less than five members to consider no more than one bill or resolution, a majority of whom will constitute a quorum to conduct business.

Rule 17(c). With the exception of Fridays, on days when the House is in session between the hours of 8:30 a.m. and 4:00 p.m., no subcommittee of a standing committee except for the Appropriations or Rules Committees, will meet opposite

a standing committee unless the parent committee foregoes meeting at its designated time to allow its subcommittees to meet. Subcommittees of standing committees may meet after the House has adjourned for the day on Fridays and weekends upon call of the chairman to consider any such matter as may have been referred to them.

Rule 18. The several standing committees will consider matters specially referred to them and, whenever practicable, suggest such legislation as may be germane to the duties of the committee. The chairman will have discretion to determine when, and if, legislation will be heard before the committee. The chairman, at her discretion, may refer legislation for consideration to a subcommittee. If referred to a subcommittee, the legislation will be considered by the subcommittee. If the subcommittee does not recommend such legislation by a majority vote, the chairman need not consider the legislation in the full committee. It will be the duty of each committee to inquire into the condition and administration of the laws relating to the subjects which it has in its charge; to investigate the conduct and look to the responsibility of all public officers and agents concerned; and to suggest such measures as will correct abuses, protect the public interests, and promote the public welfare.

Any committee of the House may, at its discretion, confer with a committee of the Senate having under consideration the same subject.

Rule 18(a). When a question is before the committee, no motion will be received unless specially provided for, except to adjourn, lay upon the table, pass by indefinitely, postpone for a specified time or purpose, refer or rerefer, amend or incorporate, strike from the docket, or report; which several motions will have precedence in the order in which they are arranged and each such motion will be required to be seconded.

The Committee on Rules may, on a vote of a majority of the members appointed plus one, send a bill, joint resolution, or resolution to the floor on a motion that "the bill, joint resolution, or resolution be reported to the floor by the committee without specific recommendation." This motion is a special motion and can only be made in the Committee on Rules.

When a question has been decided, it may be reconsidered on the motion of any member who voted with the prevailing side provided it be made on the same day or if such motion has not been communicated to the House, such motion may be made no later than the adjournment of the next regularly scheduled meeting of the full committee, except for those measures continued pursuant to Rule 22.

Rule 18(b). Committees will in all cases report by bill or resolution, with or without amendment or amendments, in such form that, if passed or agreed to, it will carry into effect their recommendations; but no papers returned therewith will be printed unless the committee will so recommend. Every bill will be printed, as provided in Rule 37. Bills may be considered in executive session, but final vote thereon will be in open session.

Rule 18(c). A recorded vote of members of a committee or subcommittee will be taken and the name and number of those voting for, against, or abstaining will be taken upon each measure using an electronic voting system, unless inoperable, in which case the Clerk will record the vote by response to the call of names arranged and called in the order named except that the Chair will be called last. Such recorded vote will be reported with the bill or resolution and ordered printed on the Calendar on any matter reported from committee and sent to the floor, including those measures reported and referred.

A recorded vote of members will not be required on a motion to adjourn, a motion to refer or rerefer administratively, or a motion to pass by for the day or postpone for a specified time or purpose, except upon the call of the chairman or the desire of one-fifth of the members present.

Rule 18(d). Reports of the committees may be handed to the Clerk at any time and may be disposed of in the morning hour. If, in the judgment of the Speaker, any report of a committee requires immediate action she may bring it to the attention of the House at any time.

Rule 18(e). No member will be excluded from any meeting of a committee, subcommittee, joint subcommittee, or interim study committee except as hereinafter provided for the maintenance of order. If an electronic meeting is authorized by the chairman, no member will be excluded from participating by electronic communication means, and members participating by electronic communication means will not be counted in attendance for purposes of a quorum. The chairman of the committee will maintain order and decorum, and the business of the committee will be conducted at all times in accordance with the Rules of the House.

Rule 19. The chairman or, in her absence, the vice chairman, or the majority of the membership of the committee, may call meetings of the committee to study, call hearings, and consider any bill or resolution, or to consider such other matters as may be germane to the duties of the committee.

Rule 20. The chairman of any standing committee is authorized, with the prior approval of the Speaker, to hire, employ, engage or retain such additional clerks, counsel and other staff personnel, whose function will be to participate with such committees or subcommittees thereof in reviewing legislation, rules, House policy, or in performing any referred study or study initiated by the committee or its chairman.

For this purpose and for such other expenses as may be occasioned by the conduct of any committee study, payments will be made from the general appropriations to the House of Delegates.

Persons who are asked by a committee chairman to appear before a committee or subcommittee to offer expert testimony may receive reimbursement for their actual and reasonable expenses if approved by the chairman and the Speaker.

Rule 21. The conduct of the business of any subcommittee of any House committee, any joint subcommittee of House and Senate committees, and any interim study committee created by a House measure will be governed in accordance with the Rules of the House. If a House measure and a Senate measure create the same study, the conduct of business of the study will be governed by the rules of the house of the chairman of the study, or in the case of co-chairmen, the rules of the house as agreed upon by the co-chairmen.

Rule 22. Any bill or resolution introduced in an evennumbered year and not reported to the House of Delegates by the committee to which it has been referred, may be continued on the agenda of the committee for hearings and committee action during the interim between regular sessions and not otherwise. The committee will report, prior to the adjournment sine die of the House of Delegates, such bills or resolutions as will be continued and the Clerk of the House of Delegates will enter upon the Journal the fact that such bill or resolution has been continued. Any bill or resolution that has been continued and subsequently reported from a committee will be placed upon the Calendar of the House of Delegates.

The House of Delegates, upon consideration of any bill or resolution on the Calendar, may rerefer the bill to the committee reporting the same and direct the committee to continue the bill or resolution until the following oddnumbered year regular session and hold such hearings and render such further consideration of the bill or resolution as the committee may deem proper.

(The provisions of any rule relating to legislative continuity between sessions will be subject to the provisions of Article IV, Section 7 of the Constitution of Virginia.)

Standards of Conduct.

Rule 23. There will be a subcommittee on Standards of Conduct of the Rules Committee consisting of four members, two of whom will be members of the majority caucus and two of whom will be nonmembers of the majority caucus, appointed by the chairman, which may review annually members' statements of economic interests and consider any request by a member for an advisory opinion with respect to the general propriety of any current or proposed conduct of such member.

Rule 23(a). The House Committee on Rules will establish, by majority vote, a formal policy for the training, reporting, investigating, and resolving of issues of harassment on the basis of race, sex, color, national origin, religion, sexual orientation, gender identity or expression, age, or against otherwise qualified persons with disabilities that extends to the public and to persons engaged with or employed by the legislative branch. The Committee may amend the policy from time to time as appropriate. Copies of the approved policy and any changes or amendments thereof will be provided to every member, full and part-time employee, page, and intern of the Virginia House of Delegates.

Rule 24. The Privileges and Elections Committee will receive and investigate any charges or complaints brought against any member of the House of Delegates in the performance of her duties or the discharge of her responsibilities and recommend to the House such action as it may deem appropriate to establish and enforce standards of conduct for members.

Committee of the Whole.

Rule 25. When the House will go into the Committee of the Whole, the Speaker may vacate the Chair and appoint a member to preside in Committee; the other officers will attend, and the Rules of the House will be observed and enforced in Committee, as far as applicable, except that the previous question will not be ordered.

Rule 26. If the Committee of the Whole arise before the consideration of the subject referred is concluded, the same will be reported back and have its place in order as unfinished business of the House. When it will be again reached in order, unless it be otherwise disposed of, the House, after making such orders as it may deem proper in relation to the business before the Committee, will stand again resolved into the Committee of the Whole, and so on until the business therein be disposed of.

Rule 27. Nothing will be in order in the Committee of the Whole except such matters as may be specially referred to it by the House.

Rule 28. Whenever the Committee of the Whole will find itself without a quorum, the chairman will cause the roll to be called and thereupon the Committee will rise, and the chairman will report the fact and the names of the absentees, which will be entered upon the Journal of the House.

Rule 29. The motion to go into Committee of the Whole, and the motion to discharge the Committee, will not be debated.

II. Attendance and Adjournment.

Attendance.

Rule 30. No member will absent herself from the service of the House unless she has leave granted by the Speaker or is sick or otherwise unable to attend. Such leave will be entered upon the Journal.

Rule 31. Any ten members or more including the Speaker, if there is one, and she is present, will be authorized to compel the attendance of absent members by a call of the House.

Rule 32. The roll of the House will be taken by the use of the electronic voting system or, if it is inoperable, by viva voce by response to the call of names arranged and called in alphabetical order except that the Speaker will be called last.

Rule 33. The electronic voting system may be used for a call of the House; however, if it is inoperable, the call of the House will be by viva voce, the names of the members will be first called over by the Clerk, and the absentees noted; after which the names of the absentees will be again called over. The doors will then be shut and those for whom no excuse or insufficient excuses are made may, by order of those present, if ten in number, be taken into custody as they appear or may be sent for and taken into custody, wherever to be found, by the Sergeant at Arms or the doorkeepers, or by special messengers to be appointed for that purpose.

Rule 34. When a member is discharged from custody and admitted to her seat the House will determine whether such discharge will be with or without payment of fees and expenses.

Adjournment.

Rule 35. Any member or members may adjourn from day to day. A motion to adjourn and a motion to fix the time for which the House will adjourn will always be in order and be decided without debate.

III. Introduction of Business.

Messages, Reports, and Communications.

Rule 36. Messages from the Governor and reports and communications from any other public officer or agent may be received at any time. If, in the judgment of the Speaker, they require immediate action, they may be brought at once to the attention of the House. Otherwise, they will lie upon the Speaker's table and be disposed of in the morning hour. The same rule will be observed with regard to messages from the Senate.

Introducing Legislation.

Rule 37. Members having bills or resolutions to present may, at any time pursuant to agreed upon deadlines, electronically file (e-file) such legislation via the Bill Drafting System or manually file such legislation with the Clerk, endorsed by one or more members with their names. Any bill or joint resolution introduced in the House may show as "Senate Patrons" the signatures or electronic signatures of members of the Senate. Any bill, joint resolution, or resolution manually filed prior to the commencement of the session in which it is to be considered may have the names of copatrons signed to the measure by the chief patron, provided that each such copatron expressly authorized the chief patron to sign for such copatron and the chief patron plainly marks such signatures on the original copy of the measure as being signed by the chief patron. Any bill, joint resolution, or resolution e-filed prior to the commencement of the session in which it is to be considered may have the names of co-patrons added electronically via the Bill Drafting System.

No member may introduce more than 15 bills during the Regular Session of an oddnumbered year.

No bill expressly amending an existing law will be offered by any member unless or until the e-filed or manually filed copy has been prepared so as to indicate deletions and additions. The form for deletions and additions will set forth the material deleted with lines through such material and by underscoring the words added, before they are received in the Senate or House of Delegates. The stricken material and underscorings or italics in the printed bills, enrolled bills, and printed Acts will not be considered evidence of all amendments to any bill or existing statute but merely as an aid for quick reference to amended portions. Nothing herein contained will be construed as requiring the use of stricken material or underscoring where new words are substituted for existing words and the new words or the omission of words do not change the sense or meaning of the act.

The Clerk will, under the direction of the Speaker, refer all such legislation to the proper committee and enter the fact, with the names of the members presenting them, upon the Journal. Such bills will be printed, unless otherwise ordered by the House, and numbered in the order in which they are filed with the Clerk.

The Speaker will review all legislation introduced in the House or communicated to the House for its action to determine if such legislation is in conflict with Article IV, Section 12 of the Constitution of Virginia. If such legislation is determined to be in conflict, the Speaker may withhold committee referral of the legislation.

The designation of "House Bill," "House Joint Resolution," or "House Resolution" will not be changed after a bill or resolution is introduced in the House. Nor will the designation of "Senate Bill" or "Senate Joint Resolution" be changed or amended after the bill or resolution is received by the House. In addition, no bill or resolution introduced for a purpose other than to direct or request a study shall be amended for the purpose of directing or requesting a study unless authorized by unanimous consent of the members of the House.

Rule 38. No bill, joint resolution, or resolution calling for information from the Governor or other public officer or agent will be introduced, considered, or acted upon otherwise than is provided by Rule 37 and will not be acted upon until it will have been examined and reported upon by a committee.

Rule 39. Any other resolution or motion upon which a member may desire the judgment of the House, or any action other than a reference to a standing committee, may be presented to the House in the morning hour after the business on the Speaker's table is disposed of. A recorded vote is required on a resolution authorizing a study or an expenditure of funds. To obtain immediate consideration of any resolution other than a procedural or a memorial or commending resolution, without reference to a standing committee, the vote of twothirds of the members elected, as required by Rule 81, will be a recorded vote.

Rule 39(a). All memorial or commending joint resolutions or resolutions will conform to the procedure set forth by the Clerk of the House and will not be referred under Rule 37, unless so ordered by the Speaker or by majority vote of the House on motion of a member, but will be placed on the Calendar.

IV. Order of Business.

The Morning Hour.

Rule 40. After the approval and signing of the Journal, a time, to be called the morning hour, will be devoted to the dispatch of business upon the Speaker's table and to motions and resolutions presented under Rule 39. The business on the Speaker's table will be disposed of in such order as the Speaker deems best, except as may be herein otherwise provided, or as the House may at any time order by a majority vote of the members elected. The morning hour will be limited to no more than 60 minutes unless otherwise ordered by the Speaker or a majority vote of the members elected.

The order of business for the morning hour as pronounced by the Speaker will be as follows, unless otherwise directed by the Speaker:

- announcements and communications by the Clerk; announcements by members;
- introduction of guests by members; motions to adjourn in the honor of and/or honor and memory of; motions to take up out of order certain memorial or commending resolutions; motions to dispense with constitutional readings of certain legislation; motions for reconsideration; and announcements by the Speaker of leaves of absence per House practice;

· announcement by the Clerk of member requests to move legislation from any Uncontested Calendar to Regular Calendar per House practice; [any relevant legislation not announced may still be moved when considered under the regular order of business pursuant to Rule 49];

· announcement by the Clerk relating to a list of legislation to go By for the Day subsequent to agreement of the motion by the Majority Leader for such legislation to go By for the Day and any additional motions from members for legislation to go By for the Day; [any relevant legislation may still be subject to a motion to go By for the Day or any other applicable motion when considered under the regular order of business pursuant to Rule 49];

· recognition of members for points of personal privilege; however, the Speaker may order a time limitation on members' points of personal privilege or the House may order a time limit on members' points of personal privilege by a vote of a majority of the members elected; and

· the Speaker may proceed with or return to any Morning Hour sub category if requested by a member or will return if ordered by a majority vote of the members elected.

Pursuant to Rule 49, the Calendar will be called at the expiration of the Morning Hour unless otherwise directed by a previously agreed to special order or joint order, or when ordered by the House by a majority vote of the members elected and such motion will be in order at any time during the Morning Hour.

Rule 41. The annual message of the Governor will be laid before the House as soon as it is received. It will be printed for the use of the House and be considered by the several standing committees without any special order therefor.

Rule 42. All other messages from the Governor may be referred by the Speaker to the proper committees. The same rule will be observed as to reports and communications from other public officers.

Rule 43. Bills and resolutions originating in the Senate and not requiring immediate action will be read or printed on the Calendar by title the first time when received and referred to their appropriate committees, unless the House directs otherwise.

Rule 44. All bills reported from committee, pursuant to Rule 18(c), will be transferred to the Calendar and the reading or printing on the Calendar of the titles as reported will constitute the first reading or printing of the House bills and the second reading or printing of the Senate bills as required by the Constitution.

Rule 45. All other reports from committees will be considered and disposed of in the order in which the Speaker presents them, unless the House directs otherwise.

Rule 46. A member presenting a resolution under Rule 39 will be allowed five minutes in which to explain her wishes in relation to it, after which the question on referring to a standing committee will be taken without debate.

Rule 47. Printing recommended by committees under Rule 18(b) will be ordered by the Speaker, unless the House directs otherwise.

Rule 48. Once the morning hour expires, the House will proceed to the business of the House as defined in Rule 49; however, the Speaker will be permitted, without objection, to return to the morning hour for the purpose of recognizing any distinguished visitor or other individual defined in Rule 83 that may be present and seated on the floor or in the gallery.

The Calendar.

Rule 49. At the expiration of the morning hour, the House will proceed to consider bills, joint resolutions, and resolutions on the Calendar or any Supplemental Calendar which will be arranged in the following order:

1. Senate bills on third reading.
2. House bills on third reading.
3. House bills on second reading.
4. House bills and joint resolutions returned from Senate with amendments.
5. Resolutions.
6. Memorial and commending resolutions.
7. House bills returned by Governor without approval.
8. House bills returned by Governor with recommendations.
9. Senate bills returned by Governor without approval.
10. Senate bills returned by Governor with recommendations.
11. House bills and resolutions in conference.
12. Senate bills and resolutions in conference.
13. Unfinished business - House and Senate bills and joint resolutions.
14. Senate bills on second reading.
15. House bills on first reading.
16. Resolutions reported.
17. Senate bills and joint resolutions referred.
18. Bills referred.
19. Resolutions referred.
20. Resolutions presented.

The House may direct that bills and resolutions of either house be divided between the designations "Uncontested Calendar" and "Regular Calendar" and be considered in such order. When such a division is directed for bills and resolutions on the Calendar, the Uncontested Calendar will not include any bill or resolution (i) which received a dissenting vote or an abstention in committee, (ii) to which objection is made by any member, or (iii) if any nontechnical floor amendment or any floor amendment in the nature of a substitute is offered. Any bill or resolution will be removed from the

Uncontested Calendar and placed on the Regular Calendar at the request of any member rising from her seat for that purpose and stating the request for such legislation to be moved. Once legislation is moved to the Regular Calendar there it will remain.

A Pro Forma Calendar prepared for a pro forma session of the House will only contain new legislation reported from committee.

Supplemental Calendars may be prepared for consideration while the House remains in Session for the day and will be considered when called by the Speaker. Any Supplemental Calendar and the measures contained therein will be considered in the same manner as measures on the Calendar.

Rule 50. It will be the duty of the Clerk to see that the printing and engrossing, when ordered, will be done in such time that the bills and resolutions may be acted on according to their priorities on the Calendar.

Rule 51. If any bill or resolution is not ready for consideration when it is reached on the Calendar category it will be passed by temporarily and be allowed to retain its position on the Calendar. When the Calendar category has been called through, it may be called again in order to dispose of any business that may then be ready; otherwise it will be passed by for the day. Upon completion of the business on the Calendar, the business of the morning hour will be resumed.

Rule 52. The regular order of business herein established will not be changed, nor will any special order be made, except by vote of twothirds of the members present. However, a majority may postpone the Calendar not exceeding one day at a time, or postpone for a specified time or purpose any subject coming up in order without changing its place, or agree to a joint order with the Senate, or postpone or discharge any special order.

V. Conduct of Business.

Order and Decorum.

Rule 53. The Speaker will preserve order and decorum, may speak to points of order in preference to other members, rising from her seat for that purpose, and will decide questions of order without debate, subject to an appeal to the House. If the decision relates to a question of decorum or propriety of conduct, it will not be debatable; if it relates to the priority of business or the relevancy or applicability of propositions, the appeal may be debated, but no member will speak on it more than once except by leave of the House.

Rule 54. When a member rises to speak she will respectfully address, "Madam Speaker," standing in her place; she will confine herself strictly to the question before the House, and when she has finished she will sit down.

Rule 55. When two or more members request to speak or rise at the same time the Speaker will name the person to speak.

Rule 56. Every motion or proposition will be reduced to writing, if desired by the Speaker or any member, and will be delivered at the Clerk's table to be there read; and the question will be stated by the Chair before the same will be debated. When the reading of any paper in possession of the House, not being the precise matter upon which the House is acting, is called for, and objection is made by any member, the question will be determined by a vote of the House without debate. Any motion or proposition may be withdrawn by the mover at any time before a decision, amendment, or other action of the body upon it, except a motion to reconsider which will not be withdrawn without leave of the House.

Rule 57. No member will in debate use any language or gesture calculated to wound, offend, or insult another member.

Rule 58. If any member, in speaking, transgress the Rules of the House, the Speaker will, or any member may, call her to order; in which case the member called to order will immediately take her seat unless permitted to explain. If there be no appeal, the decision of the Chair will be final. If the decision be in favor of the member called to order, she will be at liberty to proceed; otherwise, she will not proceed, except by leave of the House. For frequent or repeated violations of order, especially if persisted in after the admonition of the Speaker, a member will be liable to the censure of the House.

Rule 59. If any member be called to order by another member for words spoken, the words excepted to will be immediately taken down in writing in order that the Speaker and House may be better able to judge the matter.

Rule 60. No member will, while the House is sitting, interrupt or hinder its business by standing up, leaving her place, moving about the Chamber, engaging in conversation, expressing approval or disapproval of any of the proceedings, or by any other conduct tending to disorder and confusion.

Rule 61. No member will speak more than once on any question until all others have spoken who desire to do so, nor more than twice, without the consent of a majority of the members present.

Rule 62. If the question for decision includes several distinct propositions any member may have the same divided, but a motion to strike out and insert will not be so divided; nor will a motion to strike out, being lost, preclude either amendment or a motion to strike out and insert. In filling blanks, the question will be put first upon the largest sum and the longest time or the broadest question.

Rule 62(a). No motion or proposition, or subject different from that under consideration, will be admitted under color of amendment.

Rule 62(b). The Speaker will determine all questions of germaneness relevant to any legislation under consideration by the House including House legislation and any amendments thereto communicated by the Senate or the Governor to the House for its action.

Rule 63. When a question is before the House, no motion will be received unless specially provided for, except to adjourn, lay upon the table, pass by indefinitely, postpone for a specified time or purpose, refer or rerefer, amend, or strike from the Calendar, which several motions will have precedence in the order in which they are arranged.

Rule 64. Upon the motion to pass by indefinitely, the mover will be allowed two minutes to state the reason for her motion, and one member opposed to the motion will be allowed a like time to object. The motion to lay upon the table, for the previous question, and for the pending question will not be debated; nor will debate be allowed on a motion to take up a subject from the table or to reconsider any question which was not debated. When a question not debatable is before the House all incidental questions arising after it is stated to the House will be decided and settled, whether on appeal or otherwise, without debate; and the same rule will apply to incidental questions rising after any question is put to the House. Pending and Previous Questions.

Rule 65. Pending a debate, any member who obtains the floor for the purpose only, and submits no other motion or remark, may move for the "previous question" or the "pending question," and in either case the motion will be forthwith put to the House. Twothirds of the members present will be required to order the main question; however, a majority may require an immediate vote upon the pending question, whatever it may be.

Rule 66. The previous question will be in this form: "Will the main question now be put?" If carried, its effect will be to put an end to all debate and bring the House to a direct vote upon a motion to refer or rerefer, if pending; then upon amendments reported by a committee, if any; then upon pending amendments; and then upon the main question. If upon the motion for the previous question, the main question be not ordered, debate may continue as if the motion had not been made.

Taking the Vote.

Rule 67. The Speaker will rise to put a question, but may state it sitting. Questions will be distinctly put in substantially the following forms, viz.: "As many as agree that, etc. (as the question may be), say 'Aye,' " and "Those opposed say 'No.' " If the Speaker doubts or a division is called for, the House will divide with those in the affirmative of the question rising first from their seats and afterwards those in the negative, or by a show of hands in the affirmative and then in the negative. If required, the Speaker will cause the result to be ascertained by a count.

Rule 68. The yeas and nays on any question may be called for at any time before proceeding to another question or proposition but, being refused, they will not be again demanded on the same question. Any member will have a right to vote at any time before the decision is announced by the Chair.

Rule 69. Upon a division of the House on any question, a member who is present and fails to vote will on the demand of any member be counted on the negative of the question and when the yeas and nays are taken will, in addition, be entered on the Journal as present and not voting. However, no member who has an immediate and personal interest in the result of the question will either vote or be counted upon it.

Reconsideration.

Rule 70. When a question has been decided, it may be reconsidered on the motion of any member who voted with the prevailing side, provided it be made on the same day or within the next two days of actual session, as long as such action has not been communicated to the Senate or the Governor. The motion may be entered as a matter of privilege and will take precedence of everything except special orders and other questions of privilege and be disposed of in the morning hour or with the Calendar, as the case may be. All motions to reconsider will be decided by a majority of the votes of the members present.

Bills and Amendments.

Rule 71. Every bill will be read or printed on the Calendar by title on three different calendar days in the House previous to its being passed, and it will be distinctly announced or set out at each reading or printing on the Calendar, whether it is the first, second, or third time. A bill may be referred or rereferred at any time before its passage.

Rule 72. The first reading or printing on the Calendar of the House bill will be for information merely and, notwithstanding a motion to refer or rerefer to a committee or a motion to strike, it will go to second reading or printing on the Calendar without a question. The second reading or printing on the Calendar of a Senate bill will be for information merely and, notwithstanding a motion to refer or rerefer to a committee or a motion to strike, it will go to third reading or printing on the Calendar without a question.

Rule 73. Upon the second reading or printing on the Calendar of a House bill it will be open to amendment or to referral or rereferral or to any of the motions provided for in Rule 63, and the final question will be "Whether it will be engrossed and read or printed on the Calendar a third time?" Upon the third reading or printing on the Calendar of a Senate bill it will be open to amendment or to referral or rereferral or to any of the motions provided in Rule 63.

The Speaker may direct by notice to the House, or the House may determine by a majority vote, that there will be a deadline for the submission of any proposed floor amendment or floor amendment in the nature of a substitute (floor substitute) to the House version of the Budget Bill(s). The deadline for submission of any floor amendment or floor substitute will be 24 hours prior to the commencement of the Special Order set for the consideration of the Budget Bill(s). Any floor amendment or floor substitute offered after the deadline for submission may be considered if (i) it is an amendment that has been approved by the Committee on Appropriations or (ii) it is offered as a technical amendment or clarifying amendment to a previously submitted floor amendment or floor substitute and is germane to the purpose of the original floor amendment or floor substitute.

Rule 74. A House bill ordered to be engrossed will not have its third reading or printing on the Calendar until the engrossment is actually and properly done. However, in the case of a Senate bill, the engrossment will only apply to such amendments as may have been made in the House.

Rule 75. A House bill on its third reading will not be open for debate; however, any member may be recognized to speak to the legislation or offer motions. No amendment to a House bill will be received upon its third reading or printing on the Calendar by way of rider or otherwise, and no amendment involving an additional appropriation will be added to the general

appropriation bill, and no amendment to increase any tax will be added to any tax measure, unless either such amendment be to carry into effect an existing law or unless it received the vote required to pass the bill itself. A Senate amendment to a House bill to be concurred in, or a conference report to be adopted, must receive the same recorded vote as required to pass the bill itself.

Rule 75(a). If the Senate refuses to concur in the amendments of the House and so communicates such action to the House, the House may vote to recede from its amendments and subsequently pass the legislation in the form originally passed by the Senate or insist on its amendments and request a committee of conference with the Senate. Conversely, the House in considering Senate amendments to House legislation will wait for communication by the Senate that they have voted to insist on their amendments and request a committee of conference whereby the House may agree to the request for a committee of conference.

Rule 75(b). Upon an affirmative vote to form a committee of conference, the Speaker will appoint the House membership to the committee. A majority of the members of each house on the committee of conference will agree to the committee of conference report prior to its submission and consideration by the House. If a committee of conference is unable to reach agreement and reports such action to the House, the Speaker may appoint new conferees or, upon the motion of a member and an affirmative vote of the House, a new set of conferees will be appointed. In addition, if a committee of conference report is considered and rejected, the House may agree by a majority vote of the members present to request an additional committee of conference.

Rule 75(c). Any conference committee on the Budget Bill will complete its deliberations and make the report of such conference available to the House as soon as practicable. The House will consider such conference report no earlier than 48 hours after receipt, unless the House determines to proceed earlier by a vote of two-thirds of the members voting. The conference report will clearly state the funding of any nonstate agencies, any item that was not included in the Budget Bill as passed by either house, and any provisions from legislation that failed during that session.

Rule 76. On the third reading or printing on the Calendar of a bill, the question will be, "Shall the bill pass?"

Rule 77. The title of a bill and all amendments offered will be entered upon the Journal, except that amendments in the nature of substitutes may be printed separately and only the titles thereof entered upon the Journal.
Withdrawals of Exhibits.

Rule 78. Original papers, filed as exhibits with any bill or resolution, may be withdrawn by the patron or she may leave attested copies, for which she will pay the Clerk at the rate provided by law for other copies made by her.

Messages.

Rule 79. It will be the duty of the Clerk, without any special order therefor, to communicate to the Senate any action of the House upon business coming from the Senate or upon matters requiring the concurrence of that body; however, no such communication will be made in relation to any action of the House while it remains open for consideration.

Manual and Rules.

Rule 80. The rules of parliamentary practice comprised in Jefferson's Manual will govern the House in all cases to which they are applicable and in which they are not inconsistent with the Rules of the House and such joint rules as are or may from time to time be established by the two houses of the General Assembly.

Rule 81. The Rules of the House will be adopted in even-numbered years by a majority vote of members elected and will remain in effect upon adoption and coinciding with the terms of members. The Rules may be suspended by a vote of two-thirds of the members elected to be ascertained by an actual division of the House except as prohibited by the Constitution; provided that a motion to discharge a committee from the consideration of a bill will require a majority of those voting, which will include two-fifths of the members elected to the House, the vote thereon to be taken by yeas and nays and recorded in the Journal; and provided further, that a motion to dispense with the printing and reading of a bill, or its printing on the Calendar, or either, will not be entertained, except as provided by the Constitution.

A proposition to change a rule of the House will be submitted in writing and forthwith printed. In its printed form it will lie upon the Speaker's table for five days and be read by the House during the morning hour of each day during that time. At the expiration of five days it will be ready for consideration and may be adopted or rejected by a majority vote of the members elected; provided that as to all resolutions or bills which involve an appropriation or expenditure of money by the Commonwealth, or which may create a charge upon the treasury, the rule of the House will not be changed or suspended save by a vote of two-thirds of the members present to be ascertained by an actual division of the House.

Upon a motion to suspend a rule of the House the mover will be allowed two minutes to state the reasons for her motion, and one member opposed to the motion will be allowed a like time to object.
Chamber of the House of Delegates.

Rule 82. The Chamber of the House of Delegates will be used for no other purpose than the sessions of the House and for meetings of the committees and members of the legislature on public affairs except by vote of the House or the Rules Committee or with the approval of the Speaker during the interim or when the House is not convened at any time during a session of the General Assembly.

Rule 83. Only members of the General Assembly, former members, members of the Congress of the United States, State officers, judges, officers and employees of the General Assembly, and such other persons as the Speaker may designate will be permitted on the floor of the House during the session; however, the privileges granted hereunder will not be exercised by any person having business for compensation before the House or any committee thereof and the officers of this body will enforce this rule under the direction of the Speaker.

Capitol and Pocahontas Building.

Rule 84. The areas of the Capitol and the Pocahontas Building ("General Assembly Building") assigned to the House of Delegates, members of the House of Delegates, their legislative support staff, the clerical staff of the House of Delegates, the Office of the Clerk of the House of Delegates, the facilities and space for those charged with the maintenance, repair, and security of such building, and such space designated for the news media will not be utilized or occupied as office space by any other person or persons, except by vote of the House or the Rules Committee.

Rule 85. It is the policy of the Virginia House of Delegates to take all reasonable precautions to ensure the safety of every member, full and part-time employee, page, intern, visitor, and guest of the Virginia House of Delegates. In keeping with this commitment, the House Committee on Rules will establish, by majority vote, a formal policy on the ability of members, staff, guests, and visitors to bring firearms into the those areas under the legal authority of the House of Delegates including, but not limited to, the Capitol, the House Chamber, and the Pocahontas Building. The Committee may amend the policy, which may or may not include a blanket prohibition, from time to time as appropriate. Copies of the approved policy and any changes or amendments thereof will be provided to every member, full and part-time employee, page, and intern of the Virginia House of Delegates and be posted for the members of the public.

Applicability of Rules.

Rule 86. Any word in these Rules used in the feminine includes the masculine and neuter.

HOUSE RESOLUTION NO. 18

Commending the Omicron Alpha Lambda Chapter of Alpha Phi Alpha Fraternity, Inc.

Agreed to by the House of Delegates, January 13, 2020

WHEREAS, for 35 years, the Omicron Alpha Lambda Chapter of Alpha Phi Alpha Fraternity, Inc., has provided generous outreach and volunteer service to the residents of the Rappahannock region; and

WHEREAS, originally established in 1984, Omicron Alpha Lambda was officially chartered in 1985 as an alumni chapter of Alpha Phi Alpha Fraternity, Inc., the first intercollegiate Greek organization for African American men; and

WHEREAS, Omicron Alpha Lambda serves communities in the City of Fredericksburg and Caroline, King George, Spotsylvania, and Stafford Counties through mentorship programs and participation in service initiatives; and

WHEREAS, Omicron Alpha Lambda's Go-Getter-Goal-Getter (G4) program challenges participants to set and achieve life goals through educational and entertaining workshops, forums, and events; G4 coordinates with Alpha Phi Alpha's national Go-To-High-School, Go-To-College program to provide unique opportunities for boys and young men; and

WHEREAS, in conjunction with Rites of Passage, Omicron Alpha Lambda hosts Project Alpha weekend events that provide education, motivation, and skill building on important adolescent issues to help participants become healthy, productive members of society; and

WHEREAS, Omicron Alpha Lambda maintains a longstanding relationship with the March of Dimes and has raised thousands of dollars to support research, advocacy, and programs to increase the health and wellness of mothers and babies; and

WHEREAS, members of Omicron Alpha Lambda have volunteered at the Brisben Center to cook and serve meals for the homeless and with the Adopt-a-Highway program to clean roads in the Fredericksburg area; members have supported holiday food basket drives at Zion Baptist Church and Toys for Tots at Loisann's Hope House; and

WHEREAS, Omicron Alpha Lambda strives to increase engagement with the electoral process through A Voteless People is a Hopeless People, a national program that hosts town hall meetings, candidate forums, and voter education sessions; and

WHEREAS, throughout its history, Omicron Alpha Lambda and its members have touched countless lives in the region and strengthened the community as a whole through these and a host of other programs; now, therefore, be it

RESOLVED by the House of Delegates, That the Omicron Alpha Lambda Chapter of Alpha Phi Alpha Fraternity, Inc., hereby be commended on the occasion of its 35th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Omicron Alpha Lambda Chapter of Alpha Phi Alpha Fraternity, Inc., as an expression of the House of Delegates' admiration for the chapter's legacy of service to the Rappahannock region.

HOUSE RESOLUTION NO. 19

Commending Maureen Caddigan.

Agreed to by the House of Delegates, January 20, 2020

WHEREAS, Maureen Caddigan, who had represented the Potomac Magisterial District on the Prince William County Board of Supervisors since 1991, celebrated her retirement in 2019; and

WHEREAS, Maureen Caddigan attended Caldwell College for Women and Fresno State College and subsequently became a resident of Prince William County in 1969; and

WHEREAS, Maureen Caddigan devoted 28 years of her life to public service, including seven years on the Prince William County School Board, where she was elected as chair for three consecutive years; and

WHEREAS, Maureen Caddigan was elected to serve as vice chair of the Prince William County Board of Supervisors in 1995, 1996, 2004, 2011, and 2019; and

WHEREAS, Maureen Caddigan oversaw many beneficial development projects during her tenure, including the National Museum of the Marine Corps and the Ali Krieger Sports Complex at Potomac Shores; and

WHEREAS, Maureen Caddigan remains active in the community through her membership in the Veterans of Foreign Wars Auxiliary and as a sustaining sponsor of the Dumfries-Triangle Little League; and

WHEREAS, among many honors, Maureen Caddigan was selected by Soroptimist International of the Americas as Woman of the Year; she is a two-time recipient of the Boys and Girls Club's prestigious Woman and Youth Award and the Richard Pfitzner Award; and

WHEREAS, Maureen Caddigan has achieved success with the love and support of her husband, Jim, and their four children, five grandchildren, and four great-grandchildren; now, therefore, be it

RESOLVED by the House of Delegates, That Maureen Caddigan hereby be commended on the occasion of her retirement in 2019; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Maureen Caddigan as an expression of the House of Delegates' admiration for her service to the residents of Prince William County and the Commonwealth.

HOUSE RESOLUTION NO. 20

Designating March 28, in 2020 and in each succeeding year, as James Solomon Russell Day in Virginia.

Agreed to by the House of Delegates, January 29, 2020

WHEREAS, James Solomon Russell was born into slavery on the Hendrick Plantation near Palmer Springs in Mecklenburg County on December 5, 1857; and

WHEREAS, James Solomon Russell learned the value of hard work at a young age, growing up under poverty conditions with his mother on the farm; and

WHEREAS, James Solomon Russell enrolled in Hampton Normal and Agricultural Institute in 1874 and supported his family by working as a teacher for local children; and

WHEREAS, James Solomon Russell's education was interrupted when he ran out of funds and had to return home to work on the farm, but he ultimately succeeded in receiving his teaching license; and

WHEREAS, while teaching with the Book of Common Prayer, James Solomon Russell became interested in the Episcopal Church; Pattie Buford of Brunswick County recognized his talents and recommended that he attend the St. Stephen's School for Colored Missionary Training in Petersburg; and

WHEREAS, James Solomon Russell built his first church in Palmer Springs while in seminary school in 1879; he was ordained in 1882 and sent to Lawrenceville to pastor a colored congregation meeting at St. Andrew's Episcopal Church; and

WHEREAS, in 1882, James Solomon Russell began opening schools and senior housing for the poor in the area, in addition to opening nine new parishes; and

WHEREAS, in 1888, James Solomon Russell began preparation for a higher learning institution that eventually became Saint Paul's College; he started with a two-room school called the Saul Building and helped the institution grow to a campus of 35 buildings, 50 faculty members, and 800 students; and

WHEREAS, in 1893, James Solomon Russell was named the archdeacon of the Episcopal Diocese of Southern Virginia, overseeing more than 30 churches representing thousands of congregations; and

WHEREAS, James Solomon Russell received two doctoral degrees and was twice selected as bishop, an appointment he declined; and

WHEREAS, in 1929, James Solomon Russell was honored with the William E. Harmon Foundation's gold medal award for his achievements; and

WHEREAS, James Solomon Russell died on March 28, 1935; in recognition of his exceptional accomplishments as a faith leader, James Solomon Russell was canonized as a local saint by the Episcopal Diocese of Southern Virginia; now, therefore, be it

RESOLVED by the House of Delegates, That March 28, in 2020 and in each succeeding year, be designated as James Solomon Russell Day in Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates transmit copies of this resolution to the family of James Solomon Russell and the James Solomon Russell-Saint Paul's College Museum and Archives so that they may be apprised of the sense of the Virginia House of Delegates in this matter; and, be it

RESOLVED FINALLY, That the Clerk of the House of Delegates post the designation of this day on the General Assembly's website.

HOUSE RESOLUTION NO. 21

Celebrating the life of George Dragas, Jr.

Agreed to by the House of Delegates, January 20, 2020

WHEREAS, George Dragas, Jr., prolific home developer and benevolent member of the Hampton Roads community, died on March 21, 2019; and

WHEREAS, born in Sharon, Pennsylvania, and raised in Norfolk, George Dragas graduated from Matthew Fontaine Maury High School before enlisting in the United States Army and serving in West Germany; and

WHEREAS, after his military service, George Dragas attended the Norfolk Division of The College of William & Mary, now known as Old Dominion University, and graduated with a degree in business administration from Virginia Polytechnic Institute and State University; and

WHEREAS, George Dragas founded a mortgage lending company, Dragas Mortgage, in 1968; this company quickly expanded into home development and real estate brokering and grew into the Dragas Companies, which has since built, sold, and financed over 8,000 quality homes in Hampton Roads; and

WHEREAS, for its longevity and success, the Dragas Companies has received numerous accolades and is recognized today as one of the leading development companies in the nation; and

WHEREAS, being a recipient of an excellent public education, George Dragas devoted considerable time and resources to his alma mater, Old Dominion University; he was twice appointed to the university's Board of Visitors and was elected Rector of the Board in 1990; and

WHEREAS, the university's Dragas Center for Economic Analysis and Public Policy and Dragas Hall, formerly the International Education Center, are a testament to George Dragas' outsized influence at Old Dominion University; and

WHEREAS, for his support through the years, Old Dominion University bestowed upon George Dragas the Distinguished Alumnus Award in 1993 and the University Medal in 1995, its highest honor; and

WHEREAS, George Dragas was committed to promoting business throughout Hampton Roads, serving as founding director of Virginia Beach Vision, director of the Tidewater Builders Association, and director of the Norfolk Metropolitan Board of Crestar Bank; and

WHEREAS, as director of the Contemporary Art Center, now known as the Virginia Museum of Contemporary Art; founder and president of the Cape Henry Racquet Club; and generous supporter of many arts, educational, and charitable organizations, George Dragas demonstrated a steadfast desire to improve the quality of life in Hampton Roads; and

WHEREAS, in 2009, the Dragas family made a gift to the Cities of Norfolk, Virginia Beach, and Chesapeake to combat family homelessness in the region; it was an extraordinary gesture, one that accorded with a life guided by compassion and concern for others; and

WHEREAS, George Dragas will be fondly remembered and greatly missed by his beloved wife of 59 years, Grace; his daughters, Anita, Helen, Mary, and Jennifer, and their families; and numerous other families and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of George Dragas, Jr., distinguished businessman, noted philanthropist, and cherished member of the Hampton Roads community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of George Dragas, Jr., as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 22

Authorizing the painting of a portrait of former Speaker of the House of Delegates M. Kirkland Cox and allocating funding therefor.

Agreed to by the House of Delegates, February 5, 2020

RESOLVED by the House of Delegates, That the painting of a portrait of former Speaker of the House of Delegates M. Kirkland Cox, such portrait to hang in the Chamber of the House of Delegates in the Capitol of Virginia, hereby be authorized; and, be it

RESOLVED FURTHER, That there hereby be allocated from the general appropriation to the House of Delegates a sum sufficient to cover the cost of such portrait; and, be it

RESOLVED FINALLY, That the Speaker of the House of Delegates appoint a committee composed of three members of the House of Delegates and the Clerk of the House of Delegates to exercise general supervision of the project until the portrait has been hung in the Chamber of the House of Delegates in the Capitol of Virginia.

HOUSE RESOLUTION NO. 23

Commending the Virginia Arab American Political Forum.

Agreed to by the House of Delegates, January 27, 2020

WHEREAS, the Virginia Arab American Political Forum, a bipartisan advocacy organization for Arab Americans in the Commonwealth, held its 31st Candidates' Night Dinner in 2019; and

WHEREAS, the Virginia Arab American Political Forum helps provide a voice for the more than 160,000 Arab Americans in Virginia and increase community engagement with the political process; and

WHEREAS, the Virginia Arab American Political Forum strives to keep elected and nonelected officials informed about concerns in the community and works to preserve the civil liberties of all Americans; and

WHEREAS, Virginia Arab American Political Forum's 2019 Candidates' Night Dinner featured nearly 40 candidates for a wide range of local and state offices and was attended by more than 250 people; now, therefore, be it

RESOLVED by the House of Delegates, That the Virginia Arab American Political Forum hereby be commended for its more than 30 years of service to Arab Americans in the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Virginia Arab American Political Forum as an expression of the House of Delegates' admiration for the organization's achievements in support of Arab Americans.

HOUSE RESOLUTION NO. 24

Commending the Honorable Richard Preston Bell.

Agreed to by the House of Delegates, January 27, 2020

WHEREAS, the Honorable Richard Preston Bell retired from public office in January 2020 after ably representing the residents of the 20th District in the Virginia House of Delegates for 10 years; and

WHEREAS, a native of Staunton, Richard "Dickie" Preston Bell attended Blue Ridge Community College, James Madison University, and Old Dominion University and served his country as a hospital corpsman in the United States Navy from 1967 to 1973; and

WHEREAS, Dickie Bell touched the lives of countless young people through his work as a high school special education teacher and coach and volunteered his time and leadership on numerous local boards and commissions, as well as the Staunton City Council from 1996 to 2009; and

WHEREAS, desirous to be of further service to his community and the Commonwealth, Dickie Bell ran for and was elected to the Virginia House of Delegates and represented parts of the Shenandoah Valley, including his home city of Staunton, for five terms; and

WHEREAS, during his tenure as a state lawmaker, Dickie Bell introduced and supported many important pieces of legislation to benefit all Virginians, focusing on education reform, mental health initiatives, and programs to protect children; and

WHEREAS, Dickie Bell offered his expertise to several standing committees, including the House Committee on Education, where his background as a teacher gave him unique insights into the issues affecting the Commonwealth's schools; and

WHEREAS, Dickie Bell was admired as a friend, mentor, and confidant to many of his fellow public servants and earned a reputation as a statesman who cared deeply for his constituents; and

WHEREAS, after his well-earned retirement, Dickie Bell plans to spend more time with his beloved family and will seek new opportunities to serve and strengthen his community; now, therefore, be it

RESOLVED by the House of Delegates, That the Honorable Richard Preston Bell hereby be commended for his 10 years of service to the Commonwealth as a state legislator; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Honorable Richard Preston Bell as an expression of the House of Delegates' admiration for his achievements on behalf of the residents of the Shenandoah Valley.

HOUSE RESOLUTION NO. 25

Commending Andrea Carson Johnson.

Agreed to by the House of Delegates, January 23, 2020

WHEREAS, Andrea Carson Johnson, an English teacher at Salem High School, was named the 2020 Virginia Teacher of the Year by the Virginia Department of Education; and

WHEREAS, selected from a group of eight regional finalists by a committee of representatives from professional and educational associations and the business community, Andrea Johnson received this top honor during a ceremony at the Virginia Museum of Fine Arts in Richmond on October 7, 2019; and

WHEREAS, a graduate of the University of Virginia and Virginia Commonwealth University, Andrea Johnson did not begin her career in a traditional classroom, instead worked as an educator at the Airfield Conference Center and Southeast 4-H Educational Center in Wakefield; and

WHEREAS, a beneficiary of the EducateVA Career Switcher licensure program administered by the Virginia Community College System, Andrea Johnson began teaching in 2011 at Lakeland High School in Suffolk; after moving to Roanoke shortly thereafter, she taught English at Andrew Lewis Middle School and Salem High School; and

WHEREAS, since 2017, Andrea Johnson has served as chair of the English department at Salem High School, where her 12th grade English and English 12 college prep courses expose young readers to the best of both classic and contemporary literature and provide them with insights and skills that will foster fulfilling lives and careers; and

WHEREAS, the joy and energy Andrea Johnson brings to teaching every day inspires her students with a love for learning and compels them to succeed both in and out of the classroom; now, therefore, be it

RESOLVED by the House of Delegates, That Andrea Carson Johnson, English teacher at Salem High School, hereby be commended for the distinction of being named the 2020 Virginia Teacher of the Year; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Andrea Carson Johnson as an expression of the House of Delegates' utmost respect and wholehearted admiration for the example she has set in her service to the children of Salem.

HOUSE RESOLUTION NO. 26

Commending Joy Scruggs.

Agreed to by the House of Delegates, January 27, 2020

WHEREAS, Joy Scruggs, longtime faculty member and women's basketball coach at Emory & Henry College, is retiring in 2020 after nearly four decades with the institution; and

WHEREAS, as a basketball player at the University of Tennessee in the mid-1970s, Joy Scruggs played under the legendary Pat Summitt, an experience that instilled in her a passion to coach; and

WHEREAS, after a brief stint with the Girls Preparatory School in Chattanooga, Tennessee, Joy Scruggs joined Emory & Henry College in 1981, where she has since coached basketball and cross-country and taught in the Health & Human Performance Department; and

WHEREAS, over 28 seasons as head coach of the Emory & Henry College women's basketball team, Joy Scruggs posted 384 wins, 19 winning seasons, and an Old Dominion Athletic Conference Championship in 1988; and

WHEREAS, Joy Scruggs played an instrumental role in transitioning the Emory & Henry College women's basketball program to the National Collegiate Athletic Conference Division III in 1982, one year after the conference began sponsoring women's athletics; and

WHEREAS, always dedicated to the maturation and development of her players, Joy Scruggs was named Old Dominion Athletic Conference Coach of the Year in 1984, 2002, and 2003, while many of her players earned all-conference honors under her leadership; and

WHEREAS, as a faculty member with the Health & Human Performance Department at Emory & Henry College, Joy Scruggs has contributed to the well-being of countless students, these efforts earned her the 2016 Exemplary Teaching Award from the General Board of Higher Education and Ministry of the United Methodist Church; and

WHEREAS, for her many years of service in the community through Meadowview United Methodist Church and the Abingdon Rotary Club, Joy Scruggs has been honored with numerous awards and distinctions, including a Paul Harris Fellow recognition by Rotary International in 2006 and a Hope Award from Emory & Henry College in 2007; and

WHEREAS, the legacy of Joy Scruggs will live on not only through her induction into the Emory & Henry College Sports Hall of Fame in 2016, but also through the establishment of the Joy Scruggs Leadership Award, which annually recognizes the Emory & Henry College women's basketball player who best embodies servant leadership; and

WHEREAS, over a career spanning nearly a half-century, Joy Scruggs offered an example of what can be accomplished through hard work, dedication, and perseverance, serving as an inspiration to her players, students, and fellow faculty alike; now, therefore, be it

RESOLVED by the House of Delegates, That Joy Scruggs, cherished faculty member and basketball coach at Emory & Henry College, hereby be commended on the occasion of her retirement; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Joy Scruggs as an expression of the House of Delegates' profound admiration and respect for her achievements and best wishes for the future.

HOUSE RESOLUTION NO. 27

Commending the Princess Anne Courthouse Volunteer Rescue Squad.

Agreed to by the House of Delegates, January 27, 2020

WHEREAS, the Princess Anne Courthouse Volunteer Rescue Squad was honored as the 2019 Volunteer EMS Service of the Year by the National Association of Emergency Medical Technicians; and

WHEREAS, in operation since 1947, the Princess Anne Courthouse Volunteer Rescue Squad currently serves over 450,000 residents in the Princess Anne, General Booth, Red Mill, and Salem areas of Virginia Beach; and

WHEREAS, as one of 10 volunteer rescue squads in Virginia Beach, the Princess Anne Courthouse Volunteer Rescue Squad is an important part of the city's emergency response effort; and

WHEREAS, the Princess Anne Courthouse Volunteer Rescue Squad is staffed by 110 members across two stations, providing approximately 50,000 volunteer hours and answering 5,000 calls per year; and

WHEREAS, in addition to responding in the event of medical emergencies, the Princess Anne Courthouse Volunteer Rescue Squad serves the community by providing medical assistance at major public events and attractions; and

WHEREAS, the Princess Anne Courthouse Volunteer Rescue Squad contributes to the community's emergency readiness by providing safety and first aid education at schools and civic organizations, including Stop the Bleed programs and CPR certification courses; and

WHEREAS, in spite of enduring unimaginable tragedy as first responders to the Virginia Beach mass shooting in May 2019, the Princess Anne Courthouse Volunteer Rescue Squad remains steadfast in its dedication to serving the community; and

WHEREAS, the efforts of the Princess Anne Courthouse Volunteer Rescue Squad have helped thousands in Virginia Beach and ensured the safety of countless more; now, therefore, be it

RESOLVED by the House of Delegates, That the Princess Anne Courthouse Volunteer Rescue Squad hereby be commended for its distinction as the National Association of Emergency Medical Technicians' 2019 Volunteer EMS Service of the Year; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Princess Anne Courthouse Volunteer Rescue Squad as an expression of the House of Delegates' respect and admiration for the program's dedication to Virginia Beach and the Commonwealth.

HOUSE RESOLUTION NO. 28

Celebrating the life of the Honorable George William Vakos.

Agreed to by the House of Delegates, January 27, 2020

WHEREAS, the Honorable George William Vakos, a respected civic leader who played an instrumental role in the reorganization of the City of Virginia Beach after its merger with Princess Anne County and a former judge of the Virginia Beach General District Court and the Virginia Beach Circuit Court, died on February 22, 2019; and

WHEREAS, George Vakos learned the importance of hard work and responsibility at a young age while working in his father's restaurants and hotels; he remained involved with his family's businesses throughout his life and strove to instill those values in his own children and grandchildren; and

WHEREAS, a graduate of Maury High School and The College of William & Mary, George Vakos served his country as a member of the United States Navy during the Korean War, then completed his education with a law degree from George Washington University; and

WHEREAS, in 1960, George Vakos was appointed as assistant city attorney of Virginia Beach; he crafted the merger agreement between the City of Virginia Beach and Princess Anne County, drafted a new legal code for the reorganized city, and ultimately became city attorney; and

WHEREAS, George Vakos was appointed as the first full-time judge of the Virginia Beach General District Court of the 2nd Judicial District of Virginia in 1965; he presided over the court with great fairness and wisdom until 1967, when he was appointed as a judge of the Virginia Beach Circuit Court of the 2nd Judicial Circuit of Virginia; and

WHEREAS, at the time, George Vakos was the youngest circuit court judge in the Commonwealth and the first such judge of Greek descent; during his tenure, he organized the first full-time salaried magistrate position in Virginia Beach, which became a model for other magistrate systems throughout the Commonwealth; and

WHEREAS, after his well-earned retirement from the bench in 1984, George Vakos enjoyed spending time with his family in the Outer Banks and the Florida Keys, but maintained strong connections to Virginia Beach; he was named King Neptune XV in 1988 in recognition of his legacy of contributions to the community; and

WHEREAS, George Vakos is fondly remembered and greatly missed by his wife, Nancy; his children, Kimberly, George, Jr., Charles, and Andrew, and their families; his first wife, Madeline; and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of the Honorable George William Vakos, a former judge and a pillar of the Virginia Beach community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of the Honorable George William Vakos as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 29

Nominating a person to be elected to the Supreme Court of Virginia.

Agreed to by the House of Delegates, January 27, 2020

RESOLVED by the House of Delegates, That the following person is hereby nominated to be elected to the Supreme Court of Virginia as follows:

The Honorable S. Bernard Goodwyn, of Chesapeake, as a justice of the Supreme Court of Virginia for a term of twelve years commencing February 1, 2020.

HOUSE RESOLUTION NO. 30

Nominating persons to be elected to circuit court judgeships.

Agreed to by the House of Delegates, January 27, 2020

RESOLVED by the House of Delegates, That the following persons are hereby nominated to be elected to the respective circuit court judgeships as follows:

The Honorable W. Allan Sharrett, of Emporia, as a judge of the Sixth Judicial Circuit for a term of eight years commencing July 1, 2020.

The Honorable Michael E. McGinty, of James City County, as a judge of the Ninth Judicial Circuit for a term of eight years commencing July 1, 2020.

The Honorable Steven C. McCallum, of Chesterfield, as a judge of the Twelfth Judicial Circuit for a term of eight years commencing July 1, 2020.

The Honorable Richard S. Wallerstein, Jr., of Henrico, as a judge of the Fourteenth Judicial Circuit for a term of eight years commencing July 1, 2020.

The Honorable Louise M. DiMatteo, of Arlington, as a judge of the Seventeenth Judicial Circuit for a term of eight years commencing July 1, 2020.

The Honorable Daniel S. Fiore, II, of Arlington, as a judge of the Seventeenth Judicial Circuit for a term of eight years commencing July 1, 2020.

The Honorable Stacey R. W. Moreau, of Pittsylvania, as a judge of the Twenty-second Judicial Circuit for a term of eight years commencing July 1, 2020.

The Honorable Sage B. Johnson, of Washington, as a judge of the Twenty-eighth Judicial Circuit for a term of eight years commencing July 1, 2020.

HOUSE RESOLUTION NO. 31

Nominating persons to be elected to general district court judgeships.

Agreed to by the House of Delegates, January 27, 2020

RESOLVED by the House of Delegates, That the following persons are hereby nominated to be elected to the respective general district court judgeships as follows:

The Honorable Robert G. MacDonald, of Chesapeake, as a judge of the First Judicial District for a term of six years commencing January 1, 2021.

The Honorable Elizabeth S. Hodges, of Virginia Beach, as a judge of the Second Judicial District for a term of six years commencing February 1, 2020.

The Honorable Salvatore R. Iaquinto, of Virginia Beach, as a judge of the Second Judicial District for a term of six years commencing February 1, 2020.

The Honorable Paul D. Merullo, of Virginia Beach, as a judge of the Second Judicial District for a term of six years commencing December 1, 2020.

The Honorable Joan E. Mahoney, of Norfolk, as a judge of the Fourth Judicial District for a term of six years commencing February 1, 2020.

The Honorable Michael C. Rosenblum, of Norfolk, as a judge of the Fourth Judicial District for a term of six years commencing December 1, 2020.

The Honorable W. Parker Council, of Isle of Wight, as a judge of the Fifth Judicial District for a term of six years commencing May 1, 2020.

The Honorable H. Lee Townsend, III, of Emporia, as a judge of the Sixth Judicial District for a term of six years commencing December 1, 2020.

The Honorable Stephanie E. Merritt, of New Kent, as a judge of the Ninth Judicial District for a term of six years commencing December 1, 2020.

The Honorable Ray P. Lupold, III, of Petersburg, as a judge of the Eleventh Judicial District for a term of six years commencing February 1, 2020.

The Honorable Matthew D. Nelson, of Chesterfield, as a judge of the Twelfth Judicial District for a term of six years commencing December 1, 2020.

The Honorable Robert E. Reibach, of Hanover, as a judge of the Fifteenth Judicial District for a term of six years commencing December 1, 2020.

The Honorable Donald M. Haddock, Jr., of Alexandria, as a judge of the Eighteenth Judicial District for a term of six years commencing May 1, 2020.

The Honorable Robert L. Adams, Jr., of Danville, as a judge of the Twenty-second Judicial District for a term of six years commencing January 1, 2021.

The Honorable Francis W. Burkart, III, of Roanoke, as a judge of the Twenty-third Judicial District for a term of six years commencing November 1, 2020.

The Honorable John S. Hart, Jr., of Harrisonburg, as a judge of the Twenty-sixth Judicial District for a term of six years commencing December 1, 2020.

The Honorable George R. Brittain, II, of Tazewell, as a judge of the Twenty-ninth Judicial District for a term of six years commencing December 1, 2020.

The Honorable Shawn L. Hines, of Lee, as a judge of the Thirtieth Judicial District for a term of six years commencing January 1, 2021.

The Honorable Wallace S. Covington, III, of Prince William, as a judge of the Thirty-first Judicial District for a term of six years commencing December 1, 2020.

HOUSE RESOLUTION NO. 32

Nominating persons to be elected to juvenile and domestic relations district court judgeships.

Agreed to by the House of Delegates, January 27, 2020

RESOLVED by the House of Delegates, That the following persons are hereby nominated to be elected to the respective juvenile and domestic relations district court judgeships as follows:

The Honorable Philip C. Hollowell, of Virginia Beach, as a judge of the Second Judicial District for a term of six years commencing December 1, 2020.

The Honorable Vanessa L. Jones, of Chesterfield, as a judge of the Twelfth Judicial District for a term of six years commencing January 1, 2021.

The Honorable Scott D. Landry, of Chesterfield, as a judge of the Twelfth Judicial District for a term of six years commencing December 1, 2020.

The Honorable Jayne A. Pemberton, of Chesterfield, as a judge of the Twelfth Judicial District for a term of six years commencing December 1, 2020.

The Honorable Marilyn C. Goss, of Richmond, as a judge of the Thirteenth Judicial District for a term of six years commencing May 1, 2020.

The Honorable Georgia K. Sutton, of Stafford, as a judge of the Fifteenth Judicial District for a term of six years commencing February 1, 2020.

The Honorable David M. Barredo, of Albemarle, as a judge of the Sixteenth Judicial District for a term of six years commencing December 1, 2020.

The Honorable Deborah S. Tinsley, of Louisa, as a judge of the Sixteenth Judicial District for a term of six years commencing December 1, 2020.

The Honorable Janine M. Saxe, of Fairfax, as a judge of the Nineteenth Judicial District for a term of six years commencing February 1, 2020.

The Honorable Frank W. Rogers, III, of Roanoke, as a judge of the Twenty-third Judicial District for a term of six years commencing January 1, 2021.

The Honorable Onzlee Ware, of Roanoke, as a judge of the Twenty-third Judicial District for a term of six years commencing December 1, 2020.

The Honorable Laura L. Dascher, of Alleghany, as a judge of the Twenty-fifth Judicial District for a term of six years commencing May 1, 2020.

The Honorable Linda Schorsch Jones, of Waynesboro, as a judge of the Twenty-fifth Judicial District for a term of six years commencing December 1, 2020.

The Honorable Kimberly M. Athey, of Warren, as a judge of the Twenty-sixth Judicial District for a term of six years commencing December 1, 2020.

The Honorable Anthony W. Bailey, of Harrisonburg, as a judge of the Twenty-sixth Judicial District for a term of six years commencing December 1, 2020.

The Honorable Bradley G. Dalton, of Carroll, as a judge of the Twenty-seventh Judicial District for a term of six years commencing December 1, 2020.

The Honorable Stephanie Murray Shortt, of Montgomery, as a judge of the Twenty-seventh Judicial District for a term of six years commencing December 1, 2020.

The Honorable Florence A. Powell, of Washington, as a judge of the Twenty-eighth Judicial District for a term of six years commencing February 1, 2020.

The Honorable H. Jan Roltsch-Anoll, of Prince William, as a judge of the Thirty-first Judicial District for a term of six years commencing December 1, 2020.

HOUSE RESOLUTION NO. 33

Commending Marceline Rollins Catlett.

Agreed to by the House of Delegates, January 27, 2020

WHEREAS, Marceline Rollins Catlett, who experienced school integration firsthand as a student in the 1960s and went on to become a passionate educator, was selected as the first African American superintendent in the history of Fredericksburg City Public Schools; and

WHEREAS, a lifelong resident of Fredericksburg, Marceline "Marci" Rollins Catlett has spent her entire career with Fredericksburg City Public Schools, starting in 1981 as a teacher and administrative assistant at Walker-Grant Middle School; and

WHEREAS, Marci Catlett subsequently served as an administrative assistant at Hugh Mercer Elementary School, director of instruction and division director of testing for Fredericksburg City Public Schools, and assistant superintendent for instruction and personnel; and

WHEREAS, Marci Catlett became the deputy superintendent of Fredericksburg City Public Schools in 2012 and was selected as superintendent from a diverse field of 34 talented applicants in 2019; and

WHEREAS, throughout her career, Marci Catlett has developed a deep connection to the community and works diligently with faculty, staff, and parents to ensure that young people in Fredericksburg receive the highest quality education; and

WHEREAS, as the 25th superintendent of Fredericksburg City Public Schools, Marci Catlett's sense of community engagement, adaptability as an administrator, and visionary leadership skills make her uniquely suited to lead the school division into the future; now, therefore, be it

RESOLVED by the House of Delegates, That Marceline Rollins Catlett hereby be commended on the occasion of her selection as superintendent of Fredericksburg City Public Schools; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Marceline Rollins Catlett as an expression of the House of Delegates' admiration for her outstanding contributions to the education of young people in Fredericksburg.

HOUSE RESOLUTION NO. 34

Celebrating the life of Helen Reddy Blackwell.

Agreed to by the House of Delegates, January 27, 2020

WHEREAS, Helen Reddy Blackwell, leading conservative activist and cherished member of the Arlington community, died on September 8, 2019; and

WHEREAS, born in Baton Rouge, Louisiana, Helen Blackwell earned a bachelor's degree in art history and a master's degree in business administration from Louisiana State University, where she laid the foundation for a career promoting conservative causes as co-founder and secretary of Students for Conservative Government; and

WHEREAS, moving to Arlington in 1972, Helen Blackwell continued to be a champion of the conservative movement; for 25 years she served as the Virginia State Chairman of the Eagle Forum, the influential interest group founded by conservative icon Phyllis Schlafly, and for many years wrote a national newsletter on behalf of the organization; and

WHEREAS, in an effort to further promote her principles, Helen Blackwell was director of the Virginia Conservative Alliance and the original chairman of the Voting Integrity Project; and

WHEREAS, for decades, Helen Blackwell supported the Republican Party on the local, state, and national level; she served as Republican captain of the Lyon Village precinct in Arlington for 41 years, was elected chairman of the Arlington County Republican Committee three times, served on the State Central Committee of the Republican Party of Virginia, and was a state delegate to a Republican National Convention; and

WHEREAS, from 1999 to 2004, Helen Blackwell served the James Madison University Board of Visitors as a gubernatorial appointee of Governor James S. Gilmore; and

WHEREAS, Helen Blackwell used her training in art history to great effect as a longtime volunteer docent at the National Gallery of Art in Washington, D.C., and contributed to civic causes as a member of the Eleanor Wilson Chapter of the Daughters of the American Revolution; and

WHEREAS, guided throughout her life by her abiding faith, Helen Blackwell enjoyed worship and fellowship with her community at Columbia Baptist Church in Falls Church; and

WHEREAS, Helen Blackwell will be dearly remembered and greatly missed by her beloved husband of 47 years, Morton; her sons, Charles and William, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, That the General Assembly hereby note with great sadness the loss of Helen Reddy Blackwell; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Helen Reddy Blackwell as an expression of the General Assembly's respect for her memory.

HOUSE RESOLUTION NO. 35

Commending Rodney A. Robinson.

Agreed to by the House of Delegates, January 23, 2020

WHEREAS, Rodney A. Robinson, a social studies teacher at Virgie Binford Education Center who has helped vulnerable young people become more engaged with civics, was named the 2019 National Teacher of the Year; and

WHEREAS, a highly experienced educator, Rodney Robinson has worked in Richmond Public Schools for 19 years, including at Armstrong High School, Wythe High School, and Brown Middle School; and

WHEREAS, Rodney Robinson has been a trusted mentor and an inspirational role model to countless students; in his current role as a teacher at Virgie Binford Education Center in the Richmond Juvenile Justice Center, he has created a culture of positivity where students feel understood, appreciated, and better engaged with the community; and

WHEREAS, throughout his career, Rodney Robinson has been a champion for mental health services in schools and initiatives to keep students on the path to success in higher education, careers, and responsible citizenship; and

WHEREAS, Rodney Robinson holds a bachelor's degree from Virginia State University and a master's degree from Virginia Commonwealth University; he has received many other awards and accolades for his personal and professional achievements, including the R.E.B. Award for Teaching Excellence; now, therefore, be it

RESOLVED by the House of Delegates, That Rodney A. Robinson hereby be commended on his selection as the 2019 National Teacher of the Year; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Rodney A. Robinson as an expression of the House of Delegates' admiration for his exceptional service to young people in Richmond.

HOUSE RESOLUTION NO. 36

Commending Lindy Dimeo.

Agreed to by the House of Delegates, January 27, 2020

WHEREAS, for more than 20 years, Lindy Dimeo has served women, children, and families in the Culpeper community as a director and patient advocate coordinator of the Pregnancy Centers of Central Virginia; and

WHEREAS, the Pregnancy Centers of Central Virginia, a nonprofit organization now known as ThriVe® Women's Healthcare of Central Virginia, was established in 1984, and Lindy Dimeo served as founding director of the Culpeper office; and

WHEREAS, as director, Lindy Dimeo oversaw a dedicated staff that provided free pregnancy tests and ultrasounds, among other services, as well as free supplies for mothers with children under the age of two, including diapers, cribs, and other materials; and

WHEREAS, Lindy Dimeo has dedicated her life to assisting women in crisis in an environment of love and support; and WHEREAS, over the course of her career, Lindy Dimeo brought comfort and hope to families in need throughout Central Virginia and helped save the lives of many children in the region; now, therefore, be it

RESOLVED by the House of Delegates, That Lindy Dimeo hereby be commended on the occasion of her retirement as director of the Culpeper location of the Pregnancy Centers of Central Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Lindy Dimeo as an expression of the House of Delegates' admiration for her service to the community as a healthcare professional.

HOUSE RESOLUTION NO. 37

Commending Thomas Sowell.

Agreed to by the House of Delegates, January 27, 2020

WHEREAS, Thomas Sowell, the Rose and Milton Friedman Senior Fellow on Public Policy at the Hoover Institution on War, Revolution and Peace at Stanford University, has made decades of contributions to scholarship on economics, history, social policy, and ethnicity; and

WHEREAS, a native of North Carolina, Thomas Sowell served his country during the Korean War as a member of the United States Marine Corps; after his honorable discharge, he attended Howard University and subsequently earned degrees from Harvard University, Columbia University, and the University of Chicago; and

WHEREAS, throughout his career in education, Thomas Sowell has taught economics at Cornell University, Amherst College, the University of California at Los Angeles, Brandeis University, and Rutgers University, becoming known as a leading representative of the Chicago school of economics; and

WHEREAS, Thomas Sowell has held positions at several research centers, including project director at the Urban Institute, fellow for the Center for Advanced Study in the Behavioral Sciences at Stanford University, and adjunct scholar at the American Enterprise Institute; and

WHEREAS, Thomas Sowell is an esteemed author who has published dozens of books on a range of topics; his works have appeared in several scholarly journals and his nationally syndicated column has appeared in more than 150 newspapers throughout the country; and

WHEREAS, Thomas Sowell has received many awards and accolades, including the 2002 National Humanities Medal from President George W. Bush and the 2003 Bradley Prize for Intellectual Achievement from the Bradley Foundation; now, therefore, be it

RESOLVED by the House of Delegates, That Thomas Sowell hereby be commended for his legacy of contributions to the study of economics, history, social policy, and ethnicity; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Thomas Sowell as an expression of the House of Delegates' admiration for his extensive body of work and numerous achievements.

HOUSE RESOLUTION NO. 38

Nominating a person to be elected to the Virginia Workers' Compensation Commission.

Agreed to by the House of Delegates, January 27, 2020

RESOLVED by the House of Delegates, That the following person is hereby nominated to be elected to the Virginia Workers' Compensation Commission as follows:

The Honorable Robert Alan Rapaport, of the City of Virginia Beach, as a member of the Virginia Workers' Compensation Commission for a term of six years commencing February 1, 2020.

HOUSE RESOLUTION NO. 39

Commending the Alberta Volunteer Fire Department, Inc.

Agreed to by the House of Delegates, February 3, 2020

WHEREAS, the Alberta Volunteer Fire Department, Inc., has provided fire protection services to the Town of Alberta and Brunswick County for the past 70 years; and

WHEREAS, with support from the local business community, a small group of residents chartered the Alberta Volunteer Fire Department on April 21, 1949, installing John Thomas Avery, Jr., as its first chief; and

WHEREAS, in the organization's first decade, the Alberta Volunteer Fire Department benefited from the installation of a municipal water supply system, the expansion of its apparatus fleet, and the construction of a new fire station; and

WHEREAS, through the 1960s, the Alberta Volunteer Fire Department responded to an increasing number of calls and fires of greater magnitude; to respond to this demand, the department purchased its first new apparatus in 1967, a Ford/John Bean 500 GPM pumper; and

WHEREAS, following the opening of Interstate 85 in 1970 and prolonged dry periods through the 1970s, the Alberta Volunteer Fire Department began responding to more vehicular accidents and brush fires; a new town water tank and continued improvements to the department's apparatus fleet helped address these emerging challenges; and

WHEREAS, in the 1980s, the Alberta Volunteer Fire Department upgraded its communications system, acquired more technically advanced apparatus, and began providing emergency medical services and handling hazardous material emergencies; and

WHEREAS, the Alberta Volunteer Fire Department became more active in competitions in the 1980s, winning six overall championships in firematic competitions from 1987 to 1992 and the Southside Volunteer Firefighters Association's competition in 1987 and 1991; and

WHEREAS, formally incorporating in 1993, the Alberta Volunteer Fire Department continued to improve its services through the purchase of its first large-diameter hose in 1996 and vehicle extraction equipment two years later; ground-breaking ceremonies for a new fire station were held in 1998 and the department relocated to the new building in May 2001; and

WHEREAS, after obtaining county approval and a state license for advanced life support transport in 2006, the Alberta Volunteer Fire Department enhanced its ability to provide emergency medical services to the community through the addition of ambulances to its apparatus fleet; and

WHEREAS, over the years, the Alberta Volunteer Fire Department has held many fundraisers to support its operations, including stew cook-offs and the annual Alberta Carnival in the 1950s, bingo nights in the 1970s, vending booths at music festivals in the 1980s, and an annual fish fry beginning in 1997; and

WHEREAS, the Alberta Volunteer Fire Department has long been an active member of many associations, including the Southside Virginia Volunteer Firefighters Association, the Virginia State Firefighters Association, and the Virginia Fire Chiefs Association, supporting firefighting operations throughout the Commonwealth; and

WHEREAS, the Alberta Volunteer Fire Department currently has 20 operational members, eight support members, and 10 emergency medical services employees, all dedicated to continuing the department's legacy of excellence in serving the Town of Alberta and Brunswick County communities; now, therefore, be it

RESOLVED by the House of Delegates, That the Alberta Volunteer Fire Department, Inc., hereby be commended on the occasion of the 70th anniversary of the organization's founding charter; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Alberta Volunteer Fire Department, Inc., as an expression of the House of Delegates' profound respect and wholehearted admiration for the department's service to the Commonwealth.

HOUSE RESOLUTION NO. 40

Commending Carrie Weaver Mason-Wyche.

Agreed to by the House of Delegates, February 3, 2020

WHEREAS, Carrie Weaver Mason-Wyche, the beloved matriarch of a large family and a respected member of the southeastern Virginia community, celebrated her 95th birthday in 2019; and

WHEREAS, born to the late Isaac Tucker and Eunice Weaver, Carrie Mason-Wyche learned the value of hard work and responsibility at a young age during the Great Depression; and

WHEREAS, Carrie Mason-Wyche witnessed many of the seminal events of the 20th century, from World War II to the Civil Rights movement and the dawn of the Internet age; and

WHEREAS, throughout her career, Carrie Mason-Wyche supported her family as a farm laborer in the cotton and tobacco fields of Virginia and served as a live-in maid for the owner of a Coca-Cola plant in North Carolina; and

WHEREAS, Carrie Mason-Wyche subsequently joined the hospitality industry, beginning as a maid at a hotel on U.S. Route 301; in recognition of her tireless work ethic, her employer trained her in many other aspects of the hotel business; and

WHEREAS, Carrie Mason-Wyche has always been guided by her deep faith, and she has inspired countless people through her kindness, generosity, and grace; now, therefore, be it

RESOLVED by the House of Delegates, That Carrie Weaver Mason-Wyche hereby be commended on the occasion of her 95th birthday; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Carrie Weaver Mason-Wyche as an expression of the House of Delegates' admiration for her lifetime of service to her family and her community.

HOUSE RESOLUTION NO. 41

Commending Brunswick County.

Agreed to by the House of Delegates, February 3, 2020

WHEREAS, Brunswick County, a county along the Virginia–North Carolina border that precedes the founding of the nation, celebrates its 300th anniversary in 2020; and

WHEREAS, in 1714, Governor Alexander Spotswood of the colony of Virginia established a wilderness fort on a bend in the Meherrin River to provide trade with Native Americans in the area, protect the remnants of displaced tribes nearby, and encourage settlers to work the region's fertile land; and

WHEREAS, the population of the area increased to the point that the fort was disbanded, prompting the House of Burgesses to pass a bill calling for the formation of Brunswick County on December 23, 1720; and

WHEREAS, the boundaries of Brunswick County in 1720 extended to the vaguely defined "mountains," creating such an expansive region that 10 counties would subsequently be drawn from the area; and

WHEREAS, from the beginning, Brunswick County has been a major producer of crops, livestock, timber, and bricks, as well as the site of several significant historical events and home to notable citizens of the Commonwealth; and

WHEREAS, the first Methodist circuit in the colonies was formed in Brunswick County in the 1770s, making it the center of early Methodist developments in the country; and

WHEREAS, while cooking for a hunting party in 1828, Jimmy Matthews created a stew from vegetables and squirrels that inspired the famous Brunswick stew of the present day, with a succulent flavor that has charmed gourmands around the world for years; and

WHEREAS, in 1888, James Solomon Russell, a formerly enslaved young African American Episcopalian priest, was sent to Brunswick County to establish a church and to promote education among recently freed enslaved people; the school that emerged from his efforts grew to become Saint Paul's College; and

WHEREAS, in the early part of the twentieth century, Lawrenceville, the county seat of Brunswick County, was a major hub of several railroad companies, including the Norfolk, Franklin and Danville Railway; and

WHEREAS, Albertis S. Harrison, Jr., the son of a tobacco farmer from Brunswick County, became the governor of Virginia from 1961 to 1965 and notably held positions in all three branches of government in the Commonwealth, serving as governor, attorney general, and a member of the Virginia Supreme Court at different points in his career; and

WHEREAS, in 1960, Lake Gaston was formed at the foot of the county, providing recreation and housing to countless families; ten years later, the first campus of Southside Virginia Community College opened in the county, making both college courses and occupational-technical studies conveniently available to students in the area; and

WHEREAS, over the past three centuries, Brunswick County has been an integral part of what makes Virginia a great place to live, work, and play; now, therefore, be it

RESOLVED by the House of Delegates, That Brunswick County, treasured county of the Commonwealth, hereby be commended on the occasion of its 300th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Board of Supervisors of Brunswick County as an expression of the House of Delegates' profound respect and earnest admiration for the county's history and its contributions to the Commonwealth.

HOUSE RESOLUTION NO. 42

Commending Flossie Zenobia Jones Jordan.

Agreed to by the House of Delegates, February 3, 2020

WHEREAS, Flossie Zenobia Jones Jordan, a beloved member of the Dinwiddie County community, celebrated her 100th birthday in 2019; and

WHEREAS, born on September 15, 1919, Flossie Jordan learned the value of hard work and responsibility at a young age as the daughter of a sharecropper; and

WHEREAS, the proud matriarch of a large family, Flossie Jordan and her husband, George, had 10 children, and they have been blessed with 35 grandchildren, 57 great-grandchildren, and 22 great-great-grandchildren; and

WHEREAS, Flossie Jordan continued to work as a sharecropper for many years and also served as a domestic worker for two local families; and

WHEREAS, Flossie Jordan lives her faith through her actions and enjoys fellowship and worship with the congregation of Mount Level Baptist Church, where she serves as a deaconess and participates in the Silver Leaf Missionary Ministry; and

WHEREAS, Flossie Jordan was a witness to many of the seminal events of the 20th century, from the Great Depression and World War II to the triumphs of the Civil Rights movement and the dawn of the Internet age; and she relishes opportunities to share her lifetime of wisdom with younger generations; now, therefore, be it

RESOLVED by the House of Delegates, That Flossie Zenobia Jones Jordan hereby be commended on the occasion of her 100th birthday; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Flossie Zenobia Jones Jordan as an expression of the House of Delegates' admiration for her contributions to the Dinwiddie County community.

HOUSE RESOLUTION NO. 43

Celebrating the life of Ruby Williams Evans.

Agreed to by the House of Delegates, February 3, 2020

WHEREAS, Ruby Williams Evans, an active and beloved member of the Dinwiddie community and longtime employee of Virginia State University, died on July 27, 2019; and

WHEREAS, in the 1960s, Ruby Evans attended the Durham Business College in Durham, North Carolina, where she participated in several demonstrations as part of the civil rights movement; despite several jail sentences, she was not deterred in her fight for equality and justice; and

WHEREAS, Ruby Evans later earned a bachelor's degree from Virginia State University, where she worked faithfully for over 47 years, assisting innumerable faculty and staff and ensuring a quality education for countless students; today, the Ruby W. Evans Endowed Scholarship Fund provides financial assistance to students, honoring her legacy at the institution; and

WHEREAS, Ruby Evans was a Silver Star and a Life Member of the Alpha Kappa Alpha, Inc., sorority; in recognition of her years of service and support, she received the Graduate Advisor of the Year Award in 2003 at Alpha Kappa Alpha's Mid-Atlantic Regional Conference and the Unsung Hero Award in 2013 from the Petersburg chapter of the National Pan-Hellenic Council; and

WHEREAS, actively involved in politics throughout her life, Ruby Evans was the president of the Dinwiddie County Democratic Committee from 2007 to 2013, has volunteered at election polls, and assisted with voter registration; and

WHEREAS, a dedicated leader of her community in Dinwiddie, Ruby Evans served as a member of the local branch of the NAACP; the Petersburg Assembly #144 Order of the Golden Circle, for which she served as Loyal Lady Ruler; and the Dinwiddie chapter of the Virginia State University Alumni Association; and

WHEREAS, Ruby Evans was guided by her abiding faith to serve others and was a lifelong member of the Rocky Branch Baptist Church, where she served in various capacities, including as Director of the Christian Education Ministry, and was honored as the Rocky Branch Baptist Church Woman of the Year in 2016; and

WHEREAS, Ruby Evans will be fondly remembered and greatly missed by her husband of 53 years, Larry; her children, LaTanja and LaTrease, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Ruby Williams Evans, beacon of the Dinwiddie community who touched countless lives through her good words and deeds; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Ruby Williams Evans as an expression of the House of Delegates' respect for her memory.

HOUSE RESOLUTION NO. 44

Commending the Smithfield Volunteer Fire Department.

Agreed to by the House of Delegates, February 3, 2020

WHEREAS, the Smithfield Volunteer Fire Department celebrated its 80th anniversary of service in 2019; and

WHEREAS, on January 30, 1939, 30 members of the Smithfield community established the Smithfield Volunteer Fire Department in response to the area's need for efficient and effective fire protection services; and

WHEREAS, the Smithfield Volunteer Fire Department was the first fire department in Isle of Wight County and housed the first motorized fire apparatus in the county; Engine No. 1, a 1938 Ford Oren affectionately referred to as "Maude," still makes appearances during parades and special events; and

WHEREAS, in 1968, the Smithfield Volunteer Fire Department moved into a new firehouse and over the years acquired a larger and more advanced fleet to enhance the department's capabilities to respond to various emergencies; and

WHEREAS, today, the Smithfield Volunteer Fire Department is staffed by 72 volunteer fire fighters that serve a residential population of more than 10,000 citizens over a geographical area of over 200 square miles; and

WHEREAS, the Smithfield Volunteer Fire Department ensures its community's safety every day, answering an average of 800 service calls per year and providing many emergency services including fire suppression, vehicle rescue, emergency medical care, and hazardous materials mitigation; and

WHEREAS, by providing public educational programs and fire safety training, the Smithfield Volunteer Fire Department also helps citizens do their part to prevent fires and contribute to the town's safety; and

WHEREAS, after many years, the Smithfield Volunteer Fire Department continues to uphold the standards of excellence that has made it an invaluable institution to Smithfield and the Commonwealth; now, therefore, be it

RESOLVED by the House of Delegates, That the Smithfield Volunteer Fire Department hereby be commended on the occasion of its 80th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Jerry Hackney, chief of the Smithfield Volunteer Fire Department, as an expression of the House of Delegates' tremendous respect for the department's history and its service to the Commonwealth.

HOUSE RESOLUTION NO. 45

Celebrating the life of Renee Marie Kelahan.

Agreed to by the House of Delegates, February 3, 2020

WHEREAS, Renee Marie Kelahan, dedicated educator and beloved member of the Leesburg community, died on October 13, 2019; and

WHEREAS, raised in upstate New York, Renee Kelahan worked for 16 years at Eastman Kodak Company in Rochester, the country's leading photography supply company; and

WHEREAS, moving to Leesburg in 2001, Renee Kelahan began a 15-year tenure as the librarian of Loudoun Country Day School, where she was an inspiration to students and fellow teachers alike; and

WHEREAS, at the Loudoun Country Day School, Renee Kelahan initiated many programs that furthered the school's mission, inspiring students to become lifelong learners, think critically and creatively, and lead with courage, compassion, and character; and

WHEREAS, active in the development of several successful summer camps at Loudoun Country Day School, Renee Kelahan was instrumental in fostering the growth and development of countless students and helping them transition between school years; and

WHEREAS, of her many accomplishments, Renee Kelahan was most proud of her children, whom she considered her greatest legacy; and

WHEREAS, Renee Kelahan will be dearly remembered and missed by her adoring husband, Matthew; her children, Casey and Cameron; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Renee Marie Kelahan, a passionate educator who touched the lives of many in the Leesburg community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Renee Marie Kelahan as an expression of the House of Delegates' respect for her memory.

HOUSE RESOLUTION NO. 46

Celebrating the life of Sarah Leigh Jones.

Agreed to by the House of Delegates, February 3, 2020

WHEREAS, Sarah Leigh Jones, tireless public servant, former legislative aide, and active member of the Holland and Whaleyville communities, died on June 13, 2019; and

WHEREAS, born in Whaleyville in 1925, Sarah Leigh Jones earned an associate's degree in business administration from Mary Washington College and worked for 25 years as a secretary at Holland High School, Forest Glen High School, and Nansemond-Suffolk Academy; and

WHEREAS, after retiring, Sarah Leigh Jones served for 22 years as an administrative aide in the General Assembly, serving under Senators Nolen, McFarland, Miller, Schewel, and Lambert, as well as the Clerk of the Senate, Susan Clarke Schaar; and

WHEREAS, Sarah Leigh Jones was a born leader and involved in many facets of her community; she was past president of the Holland Woman's Club where she was a member for over 50 years, past president of the Holland Community House Corporation, cochair of the Initiative Steering Committee for Improvements in Holland, charter member of the Southside District International Association of Administrative Professionals, and past president of the Pilot Club of Suffolk; and

WHEREAS, among her many accomplishments, Sarah Leigh Jones was the first woman to serve as chair of the board for the Suffolk Red Cross; she served on the boards of the Riddick's Folly House Museum and the Suffolk Tomorrow Committee, was a member of the Suffolk Red Hat Society, and for 10 years served as chaperone for the Suffolk Peanut Fest Queen and Court, where she was affectionately known as Miss Manners; and

WHEREAS, Sarah Leigh Jones lived her faith through her good work and actions; she served as the choir director and organist for Whaleyville Methodist Church before moving to Holland, then joined Holy Neck Christian Church where she served as choir director and organist, among many other church leadership roles over the years; and

WHEREAS, predeceased by her husband, James, and her daughter, Victoria Leigh, Sarah Leigh Jones will be fondly remembered and greatly missed by her children, Russell Turner and Carla Ann, their families, and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Sarah Leigh Jones, dedicated public servant and beloved member of the Holland and Whaleyville communities; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Sarah Leigh Jones as an expression of the House of Delegates' respect for her memory.

HOUSE RESOLUTION NO. 47

Commending the Lake Taylor High School football team.

Agreed to by the House of Delegates, February 3, 2020

WHEREAS, the Lake Taylor High School football team of Norfolk won the Virginia High School League Class 4 State Championship on December 14, 2019, at Liberty University's Williams Stadium; and

WHEREAS, the Lake Taylor High School Titans defeated the Tuscarora High School Huskies of Leesburg by a score of 34-14, earning the program's first state title since 2014; and

WHEREAS, after a tough five-point loss to the Woodgrove High School Wolverines of Purcellville in last year's state championship, the Lake Taylor High School Titans trained all season for a chance at redemption; and

WHEREAS, the Lake Taylor Titans put up the game's first three touchdowns and never looked back; Jeff Foster connected with Darius Speight for three of the team's five touchdowns, including an impressive 31-yard pass in the second half, while Malik Newton posted the other two touchdowns on a reception and a three-yard run; and

WHEREAS, the Lake Taylor Titans' defense put forth a strong performance, holding the Tuscarora Huskies to only one touchdown in each half and preventing the team from ever getting back into the game; and

WHEREAS, the accomplishment of the Lake Taylor Titans is the result of the hard work and dedication of the student-athletes, the leadership and guidance of their coaches and teachers, and the unwavering support of the entire Lake Taylor High School community; now, therefore, be it

RESOLVED by the House of Delegates, That the Lake Taylor High School football team hereby be commended for winning the 2019 Virginia High School League Class 4 State Championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Lake Taylor High School football team as an expression of the House of Delegates' heartfelt admiration for the team's achievement and best wishes for the future.

HOUSE RESOLUTION NO. 48

Commending the Maury High School football team.

Agreed to by the House of Delegates, February 3, 2020

WHEREAS, the Maury High School football team of Norfolk won the Virginia High School League Class 5 State Championship on December 14, 2019, at Hampton University's Armstrong Stadium; and

WHEREAS, the Maury High School Commodores defeated the Stone Bridge High School Bulldogs of Ashburn with a score of 28-21 to capture the program's first state title in 80 years; and

WHEREAS, the undefeated Maury Commodores broke out to a commanding early lead, putting up four touchdowns before the Stone Bridge Bulldogs had points on the board; KeAndre Lambert had two touchdown receptions on passes from EJ Gibson, who had one of the team's two touchdown runs alongside Khamran Laborn; and

WHEREAS, an interception by Shaq McKesson following pressure from Paul Hutson helped set up an excellent field position for a quick touchdown, highlighting a stout defensive performance that kept the score in the Maury Commodores' favor the entire game; and

WHEREAS, after a valiant comeback by the Stone Bridge Bulldogs, it was a one-possession game at the end of the third quarter; with the offensive line employing the grit and determination that had defined the team all season, the Maury Commodores completed six first-down conversions and maintained possession for nearly 11 minutes to seal the win; and

WHEREAS, the accomplishments of the Maury Commodores are the result of the hard work and dedication of the student-athletes, the leadership and guidance of their coaches and teachers, and the unwavering support of the entire Maury High School community; now, therefore, be it

RESOLVED by the House of Delegates, That the Maury High School football team hereby be commended for winning the 2019 Virginia High School League Class 5 State Championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Dyrri McCain, coach of the Maury High School football team, as an expression of the House of Delegates' heartfelt admiration for the team's achievement and best wishes for the future.

HOUSE RESOLUTION NO. 49

Commending Fredericksburg Area HIV/AIDS Support Services.

Agreed to by the House of Delegates, February 10, 2020

WHEREAS, Fredericksburg Area HIV/AIDS Support Services, a nonprofit organization dedicated to improving the lives of people living with human immunodeficiency virus and acquired immunodeficiency syndrome, commemorated its 30th anniversary in 2019; and

WHEREAS, beginning in 1989 as a small support group organized to address the needs of people living with HIV and AIDS, the organization was briefly known as the Fredericksburg AIDS Support Team before establishing its first board of directors and incorporating as Fredericksburg Area HIV/AIDS Support Services in 1992; and

WHEREAS, with the mission to positively impact individual and community health by providing integrated wellness, prevention, and health navigation services, Fredericksburg Area HIV/AIDS Support Services offers compassionate and quality care in a safe environment, enabling individuals and their families to get the help they need; and

WHEREAS, initially serving the immediate Fredericksburg area, Fredericksburg Area HIV/AIDS Support Services has expanded service over the years to individuals in the Counties of Caroline, Culpeper, Fauquier, King George, Madison, Orange, Prince William, Rappahannock, Spotsylvania, Stafford, and Westmoreland; and

WHEREAS, Fredericksburg Area HIV/AIDS Support Services provides education, counseling, and services in the form of medical and non-medical case management, medication access and support consultations, housing assistance, employment readiness programs, mental health services, dental care referrals, medical transportation, psychosocial programs, and other specialty health services; and

WHEREAS, Fredericksburg Area HIV/AIDS Support Services offers free testing at its office and in a mobile unit that operates throughout Fredericksburg and the surrounding area, alleviating the barriers that prevent people from getting tested and vastly expanding the reach of its services; and

WHEREAS, to respond to technological developments enhancing the quality of treatments available to people living with HIV and AIDS, Fredericksburg Area HIV/AIDS Support Services is continually honing and expanding its services to provide the best possible care for its clients, becoming a model for all community health organizations to strive toward; and

WHEREAS, the efforts of Fredericksburg Area HIV/AIDS Support Services have greatly relieved the burden on clients, families, and medical service providers, enabling people living with HIV and AIDS to better manage their treatment and care while accessing the support services they need; now, therefore, be it

RESOLVED by the House of Delegates, That Fredericksburg Area HIV/AIDS Support Services, an organization dedicated to the health and well-being of its community, hereby be commended on the occasion of its 30th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the board of directors of Fredericksburg Area HIV/AIDS Support Services as an expression of the House of Delegates' profound admiration and respect for the organization's contributions to Fredericksburg and the Commonwealth.

HOUSE RESOLUTION NO. 50

Celebrating the life of Debra Sue Maurer.

Agreed to by the House of Delegates, February 10, 2020

WHEREAS, Debra Sue Maurer, loving wife and mother and treasured member of the Chantilly community, died on February 5, 2019; and

WHEREAS, Debra Maurer was born in Morristown, New Jersey, and grew up in Harrisburg, Pennsylvania; a lifelong Nittany Lions fan, she earned a bachelor's degree from Pennsylvania State University before beginning a career as a finance manager, first for Logicon and ultimately for Northrop Grumman; and

WHEREAS, Debra Maurer is remembered for her immeasurable generosity and willingness to put others' interests before her own; she was a dear friend to many and helped countless individuals less fortunate than herself; and

WHEREAS, Debra Maurer's great passion in life was raising her children, attending every game, recital, and performance for as long as she could and taking them on a trip of their choice to show them the world; and

WHEREAS, Debra Maurer herself traveled extensively throughout her life, visiting every state in our nation except Alaska, and looked forward to more trips with her husband, sisters, and children; and

WHEREAS, Debra Maurer will be fondly remembered and greatly missed by her mother, Joyce Lattig; her husband, Carl; her children, Evan, Samuel, Jackson, and Amelia; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Debra Sue Maurer, beloved member of the Chantilly community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Debra Sue Maurer as an expression of the House of Delegates' respect for her memory.

HOUSE RESOLUTION NO. 51

Commending the Appomattox Dixie Darlings softball team.

Agreed to by the House of Delegates, February 10, 2020

WHEREAS, the Appomattox Dixie Darlings softball team won the Virginia Dixie Darlings State Softball Tournament on July 16, 2019, in Charlotte Court House; and

WHEREAS, the Appomattox Dixie Darlings softball team defeated the Amelia Dixie Darlings softball team by a score of 11-10, earning the team a bid to the 2019 Dixie Darlings World Series in Eufaula, Alabama; and

WHEREAS, trailing 9-10 in the final inning against the team from Amelia County, Hallie Vaughn capitalized on a bases-loaded situation by clobbering a waist-high pitch, scoring Kollyns Almond and Willow Harris for the walk-off win; and

WHEREAS, representing the Commonwealth at the 2019 Dixie Darlings World Series, the Appomattox Dixie Darlings softball team competed against other teams of girls ages six through eight from Florida, Alabama, South Carolina, and Texas; and

WHEREAS, throughout their national tournament run, the Appomattox Dixie Darlings softball team's games were livestreamed on the league's Facebook page, allowing hundreds of Appomattox County residents to follow the action and voice their support; and

WHEREAS, the accomplishments of the Appomattox Dixie Darlings softball team is a testament to the hard work and dedication of the athletes, the leadership and guidance of their coaches, and the overwhelming support of the entire Appomattox County community; now, therefore, be it

RESOLVED by the House of Delegates, That the Appomattox Dixie Darlings softball team hereby be commended for winning the 2019 Virginia Dixie Darlings State Softball Tournament; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Appomattox Dixie Darlings softball team as an expression of the House of Delegates' admiration for the team's achievements and best wishes for the future.

HOUSE RESOLUTION NO. 52

Commending the Appomattox County High School football team.

Agreed to by the House of Delegates, February 10, 2020

WHEREAS, the Appomattox County High School football team won the Virginia High School League Class 2 State Championship at Salem City Stadium on December 14, 2019; and

WHEREAS, the Appomattox County High School Raiders defeated the Stuarts Draft High School Cougars in Augusta County by a score of 42-21, earning the program its fourth state title in the past five years; and

WHEREAS, despite a slow start to the season in which the Appomattox County Raiders lost two of their first three games, the team showed determination by rallying for 12 straight victories to clinch this year's championship; and

WHEREAS, the Appomattox County Raiders were led by senior Cristian Ferguson, who had three clutch touchdowns and an interception late in the fourth quarter of the championship, and quarterback Tre Lawing, who posted nearly 2,400 all-purpose yards throughout the season; and

WHEREAS, the accomplishments of the Appomattox County Raiders are the result of the hard work and dedication of the student-athletes, the leadership and guidance of their coaches and teachers, and the steadfast support of the entire Appomattox County High School community; now, therefore, be it

RESOLVED by the House of Delegates, That the Appomattox County High School football team hereby be commended for winning the 2019 Virginia High School League Class 2 State Championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Doug Smith, head coach of the Appomattox County High School football team, as an expression of the House of Delegates' admiration for the team's achievements and best wishes for the future.

HOUSE RESOLUTION NO. 53

Commending M.M. Gunter & Son.

Agreed to by the House of Delegates, February 10, 2020

WHEREAS, in 2020, M.M. Gunter & Son will mark its 100th anniversary of providing excellent grading and excavation services to the Commonwealth; and

WHEREAS, a family-run business since its founding, M.M. Gunter & Son has been owned and operated by four generations of Gunters, including most recently the late William Marshall Gunter and Matt Gunter; and

WHEREAS, M.M. Gunter & Son has contributed to many major construction projects in the Hampton Roads area, including the Pembroke Mall in 1965, the original site work for the retirement community Westminster-Canterbury on Chesapeake Bay in 1982, and the approach to the Chesapeake Bay Bridge-Tunnel in 1999; and

WHEREAS, M.M. Gunter & Son takes care of its employees and is dedicated to supporting their work; the company goes above and beyond what is expected by providing exceptional customer service; and

WHEREAS, for the past century, M.M. Gunter & Son has fostered the growth and prosperity of the Commonwealth and benefitted the lives of countless Virginians; now, therefore, be it

RESOLVED by the House of Delegates, That M.M. Gunter & Son, an elite grading and excavation services company in Hampton Roads, hereby be commended on the occasion of its 100th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Matt Gunter, owner of M.M. Gunter & Son, as an expression of the House of Delegates' admiration for the company's achievements and respect for its service to the Commonwealth.

HOUSE RESOLUTION NO. 54

Commending Armada Hoffler Properties, Inc.

Agreed to by the House of Delegates, February 10, 2020

WHEREAS, Armada Hoffler Properties, Inc., a real estate investment trust that develops, builds, and manages premier office, retail, and multifamily properties in the Mid-Atlantic and Southeastern United States, celebrated its 40th anniversary in 2019; and

WHEREAS, founded by Daniel A. Hoffler in 1979 and originally based in Chesapeake, Armada Hoffler Properties quickly became one of the leading commercial real estate firms on the East Coast; and

WHEREAS, expanding into the construction industry in 1982 with the Armada Hoffler Construction Company, Daniel A. Hoffler and current chief executive officer, Lou Haddad, fostered a company that has since its founding built millions of square feet of property worth billions of dollars; and

WHEREAS, over the years, major construction projects overseen by Armada Hoffler Properties have included Harbor East in Baltimore, Maryland, and the Town Center of Virginia Beach, both thriving mixed-use developments that contribute greatly to the lives of residents and visitors in each locale; and

WHEREAS, in 2003, Armada Hoffler Properties moved its company headquarters to The Armada Hoffler Tower in the Town Center of Virginia Beach, at the time the third tallest building in the Commonwealth; and

WHEREAS, on May 8, 2013, after 34 years as a privately managed company, Armada Hoffler Properties successfully completed a \$218 million initial public offering and became a publicly traded real estate investment trust on the New York Stock Exchange; and

WHEREAS, in recent years, Armada Hoffler Properties was added to the MSCI U.S. REIT Index and the S&P Smallcap 600 Index, demonstrating the company's robust market capitalization, liquidity, and financial viability; and

WHEREAS, Armada Hoffler Properties surpassed a market capitalization of \$1 billion in early 2018 and has continued to grow and prosper since that time; and

WHEREAS, as a result of conscientious asset recycling and savvy acquisitions and dispositions, Armada Hoffler Properties has built a remarkable real estate portfolio that reliably generates value for the company's shareholders, making it a leader of its industry both in the Commonwealth and nationwide; now, therefore, be it

RESOLVED by the House of Delegates, That Armada Hoffler Properties, Inc., an accomplished real estate investment trust founded and developed in the Commonwealth, hereby be commended on the occasion of its 40th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Daniel A. Hoffler, executive chairman of the board of directors and founder of Armada Hoffler Properties, Inc., as an expression of the House of Delegates' admiration for the company's achievements and best wishes for the future.

HOUSE RESOLUTION NO. 55

Commending the Cone Parade.

Agreed to by the House of Delegates, February 10, 2020

WHEREAS, for 12 years, the Cone Parade, a unique local tradition in Richmond's Carytown district, has given participants the opportunity to celebrate New Year's Day with imagination and positivity; and

WHEREAS, the proprietors of the Aquarian Bookshop in Richmond decided to create an event on the first day of January of each year to honor the cone shape by inviting participants and observers to the Cone Parade through Carytown; and

WHEREAS, the Cone Parade highlights the cone shape as an important tool of sacred geometry, used as a symbol to harness energy for the lands and structures upon which they are embedded, examples of which are found in many buildings and monuments throughout Virginia and the nation; and

WHEREAS, among his many works, the great Virginian Thomas Jefferson advanced the discipline of architecture and produced many fine examples of spherical architecture, believing in the special effects of architectural shapes in uniting reason and divine revelation; and

WHEREAS, the annual Cone Parade has drawn hundreds of participants from all over Virginia and beyond to ring in the new year with fun and the harnessing of energy that only a cone can provide; and

WHEREAS, the Cone Parade continues to bring happiness and fun for all who participate, observe, and use their imaginations in this creative endeavor, including children and adults alike; now, therefore, be it

RESOLVED by the House of Delegates, That the Cone Parade hereby be commended on the occasion of its 12th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Aquarian Bookshop as an expression of the House of Delegates' admiration for the Cone Parade's contributions to local community life.

HOUSE RESOLUTION NO. 56

Commending E.G. Middleton, Inc.

Agreed to by the House of Delegates, February 10, 2020

WHEREAS, E.G. Middleton, Inc., a preeminent electrical contracting business in Norfolk, celebrates its 100th anniversary in 2020; and

WHEREAS, E. George Middleton, Sr., and his wife, Thelma, founded E.G. Middleton, Inc., in 1920, primarily performing residential projects while operating out of the couple's home; and

WHEREAS, starting in the late 1940s, their sons, E. George Middleton, Jr., and Beverly Middleton, worked for the family business during summers and college breaks; after graduation, they became involved full-time and helped the company expand into larger, more complex industrial and commercial projects; and

WHEREAS, with a reputation for honest, quality work, demand for E.G. Middleton's services grew and the company established its own shop, first in downtown Norfolk and later in the city's Ballentine Place neighborhood, where the company continues to operate today; and

WHEREAS, in the 1970s, Beverly Middleton left the business to pursue other ventures while George Middleton, Jr., became sole owner, continuing the company's shift toward projects in the industrial and heavy construction markets; around this time, his son E.G. "Rudy" Middleton III began to work for the company during summers and school breaks, much as his father had a generation before; and

WHEREAS, in 1982, as a graduate of Old Dominion University with years of experience in the electrical contracting field, Rudy Middleton joined E.G. Middleton as a project estimator and manager; he assumed the position of company president in the mid-1990s and continued the company's push into new markets and more challenging jobs; and

WHEREAS, both E.G. "Erby" Middleton IV and Evan Middleton have recently joined the company, ensuring its continued success into a fourth generation; and

WHEREAS, today, E.G. Middleton handles many large-scale projects for shipyards, paper mills, food processing plants, public utilities, and other federal, state, and local government clients, employing an average of 100 to 150 electricians, linemen, and cable splicers at any time to manage the considerable workload; and

WHEREAS, E.G. Middleton exemplifies that quality, honesty, and integrity are the foundation for success, and over three generations have provided impeccable services benefiting countless Virginians; now, therefore, be it

RESOLVED by the House of Delegates, That E.G. Middleton, Inc., an esteemed electrical contracting business in Norfolk, hereby be commended for 100 years of growth and prosperity; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to E.G. Middleton III, president and chief executive officer of E.G. Middleton, Inc., as an expression of the House of Delegates' profound respect and heartfelt admiration for the company's contributions to the Commonwealth.

HOUSE RESOLUTION NO. 57

Celebrating the life of Shirley Jean Ybarra.

Agreed to by the House of Delegates, February 10, 2020

WHEREAS, Shirley Jean Ybarra, former Secretary of Transportation for the Commonwealth and dedicated civil servant, died on November 10, 2019; and

WHEREAS, Shirley Ybarra earned a bachelor's degree in business administration and a master's degree in economics from the University of Nebraska-Lincoln; and

WHEREAS, early in her career, Shirley Ybarra was senior policy advisor and special assistant for policy for United States Secretary of Transportation Elizabeth Dole from 1983 to 1987; her major accomplishment in that role was the

corporatization of Dulles International Airport and Ronald Reagan Washington National Airport and their transfer to the Metropolitan Washington Airports Authority; and

WHEREAS, between 1994 and 1998, Shirley Ybarra was the Deputy Secretary of Transportation for the Commonwealth, at which time she authored the state's Public-Private Transportation Act of 1995, which became a model for Public-Private Partnership Transportation laws nationwide; and

WHEREAS, Shirley Ybarra served from 1998 to 2002 as the Secretary of Transportation in Governor James S. Gilmore's cabinet, overseeing a budget of \$3.2 billion and a staff of 13,000 people; in this position, she established the first ongoing state public-private partnership program, which led to billions of dollars of new transportation investment during a period of significant economic and population growth; and

WHEREAS, in 2001, Shirley Ybarra received the Public-Private Ventures Entrepreneur of the Year Award from the American Road & Transportation Builders Association in recognition of her leadership in the design of innovative infrastructure financing; and

WHEREAS, in recent years, Shirley Ybarra was senior transportation policy analyst at Reason Foundation, a nonprofit think tank committed to advancing free minds and free markets, values she lived by her entire life; and

WHEREAS, preceded in death by her parents, Verguet and Myrtle, and her brother, Russell, Shirley Ybarra will be dearly remembered and missed by her sister, Lynette, and her family, and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Shirley Jean Ybarra, a former Secretary of Transportation for the Commonwealth devoted to improving the lives of countless Virginians; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Shirley Jean Ybarra as an expression of the House of Delegates' respect for her memory.

HOUSE RESOLUTION NO. 58

Celebrating the life of the Reverend Walter Allen Whitehurst.

Agreed to by the House of Delegates, February 10, 2020

WHEREAS, the Reverend Walter Allen Whitehurst, longtime pastor of congregations of the United Methodist Church in the Commonwealth and a beloved member of the Pungo community, died on January 4, 2020; and

WHEREAS, a graduate of Oceana High School in Princess Anne County, Walter "Walt" Allen Whitehurst received a bachelor's degree from Randolph-Macon College before ultimately graduating from Duke Divinity School in 1961; and

WHEREAS, while serving as pastor of Lynnhaven United Methodist Church in Virginia Beach, Walt Whitehurst founded the Princess Anne Plaza United Methodist Church before assuming the position of associate pastor at Annandale United Methodist Church in the mid-1960s; and

WHEREAS, during his studies at Duke Divinity School, Walt Whitehurst took a leave of absence for missionary work in Chile, returning there with his family from 1966 - 1971; over his lifetime, he would return to the country over 15 times, variously serving as a pastor, program director, translator, and general laborer; and

WHEREAS, from the early 1970s to the mid-1990s, Walt Whitehurst served several United Methodist Church congregations in the Commonwealth, including churches in Rustburg, Bedford, Hopewell, Richmond, and Virginia Beach; and

WHEREAS, with many years of missionary experience, Walt Whitehurst became director of the Southeastern Jurisdiction of the United Methodist Volunteers in Mission, fostering the service experience of countless individuals; and

WHEREAS, retiring in 1999, Walt Whitehurst remained active in the church as an associate pastor of Charity United Methodist Church from 2001 - 2006 and as a consultant with the United Methodist General Board of Global Ministries; and

WHEREAS, after coauthoring a book with his wife, Betty, about the mission trips they had supported, titled *Following God's Call: Individual Volunteers in Mission*, Walt Whitehurst wrote five other books about his community, known as the *Pungo Tales* series, which he proudly sold at the Pungo Strawberry Festival and local venues; and

WHEREAS, as a member of the Virginia Beach Historic Review Board, Walt Whitehurst was a staunch advocate for preserving the heritage and way of life in Pungo, working tirelessly to ensure that his hometown grew and prospered in a way that accorded with its beloved rural character; and

WHEREAS, having led and been part of many congregations over his lifetime, Walt Whitehurst most recently was a member of the Charity United Methodist Church in Virginia Beach, where he enjoyed worship and fellowship with his community for many years; and

WHEREAS, Walt Whitehurst will be dearly remembered and missed by his wife of 58 years, Betty; his children, David, Bruce, and Monica, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of the Reverend Walter Allen Whitehurst, who served the Commonwealth and his Pungo community admirably as a pastor, author, and friend; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of the Reverend Walter Allen Whitehurst as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 60*Commending the Loudoun Hunt.*

Agreed to by the House of Delegates, February 11, 2020

WHEREAS, the Loudoun Hunt, a hunting club that has welcomed generations of Loudoun County residents and visitors, celebrated its 125th anniversary in 2019; and

WHEREAS, originally known as the Loudoun County Hunt Club, the Loudoun Hunt has been a part of Virginia's social sporting traditions since 1894, making it one of the oldest hunting clubs in the Commonwealth; and

WHEREAS, the Loudoun Hunt was recognized by the National Steeplechase and Hunt Association in 1905 and Masters of Foxhounds Association in 1920, and it has maintained partnerships with other hunting clubs and kennels in the region; and

WHEREAS, with small fields that facilitate an active, engaged hunt experience, the Loudoun Hunt is ideal for new hunters, and the club's knowledgeable staff and officers are dedicated to ensuring the best possible experience for members; and

WHEREAS, the Loudoun Hunt has had many notable members, including the Honorable Westmoreland Davis, the 48th Governor of Virginia, and has hosted many distinguished guests, including First Lady Jacqueline Kennedy, who hunted and showed horses at the club in the 1960s; and

WHEREAS, throughout its history, the Loudoun Hunt has been a source of enjoyment for members, friends, and landowners alike, offering social events, trail rides, and charitable benefits, in addition to opportunities for hunting; now, therefore, be it

RESOLVED by the House of Delegates, That the Loudoun Hunt hereby be commended on the occasion of its 125th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Loudoun Hunt as an expression of the House of Delegates' admiration for the club's history and contributions to the Loudoun County community.

HOUSE RESOLUTION NO. 61*Commending the Appomattox County High School Agricultural Education Department.*

Agreed to by the House of Delegates, February 17, 2020

WHEREAS, the Appomattox County High School Agricultural Education Department was honored by the National Association of Agricultural Educators as the Region VI Outstanding Middle/Secondary Agricultural Education Program in 2019; and

WHEREAS, the National Association of Agricultural Educators is a federation of state agricultural associations that supports and advocates for agricultural educators and highlights the achievements of exceptional individuals and academic programs; Appomattox County High School previously won the Outstanding Program Award in 2014; and

WHEREAS, the Appomattox County High School Agricultural Education Department is one of the largest career and technical education programs in Appomattox County with a wide range of classroom and experiential learning components; and

WHEREAS, the Appomattox County High School Agricultural Education Department offers courses related to multiple career pathways, including agriculture machinery services, agriculture production, horticulture, and veterinary sciences; and

WHEREAS, over the years, the Appomattox County High School Agricultural Education Department has partnered with Virginia Cooperative Extension, Future Farmers of America, and other organizations to provide unique opportunities for students in and out of the classroom; and

WHEREAS, Appomattox County High School teachers Elizabeth Duncan, Ed McCann, and Hannah Simpson accepted the award at the National Association of Agricultural Educators Convention in December 2019; now, therefore, be it

RESOLVED by the House of Delegates, That the Appomattox County High School Agricultural Education Department hereby be commended on its selection as the 2019 Region VI Outstanding Middle/Secondary Agricultural Education Program; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Appomattox County High School Agricultural Education Department as an expression of the House of Delegates' admiration for the department's outstanding contributions to young people.

HOUSE RESOLUTION NO. 62

Commending Jacob Johnson.

Agreed to by the House of Delegates, February 17, 2020

WHEREAS, Jacob Johnson, a student at Appomattox County High School, was selected as a National Proficiency Award finalist at the National Future Farmers of America Convention & Expo in 2019; and

WHEREAS, the National Proficiency Awards recognize exceptional Future Farmers of America (FFA) members like Jacob Johnson for their work to develop specialized skills that they can apply to future careers; and

WHEREAS, after winning a state championship earlier in 2019, Jacob Johnson submitted his Supervised Agricultural Experience (SAE) project to a panel of educators, agricultural professionals, and FFA staff to become one of the elite few selected as National Proficiency Award finalists; and

WHEREAS, as part of his project, Jacob Johnson works at 5-Bottoms Hunting Club in Concord, where he raises and trains hunting dogs, maintains trails on leased hunting land, provides routine maintenance on the lodge, and initiated a predator control program; and

WHEREAS, Jacob Johnson is the first student from Appomattox County High School to win a national FFA award in the Outdoor Recreation category; now, therefore, be it

RESOLVED by the House of Delegates, That Jacob Johnson hereby be commended on his selection as a National Proficiency Award finalist at the National FFA Convention & Expo; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Jacob Johnson as an expression of the House of Delegates' admiration for his achievements and best wishes for the future.

HOUSE RESOLUTION NO. 63

Commending Kelly Price.

Agreed to by the House of Delegates, February 17, 2020

WHEREAS, Kelly Price, a student at Appomattox County High School, was selected as a National Proficiency Award champion at the National Future Farmers of America Convention & Expo in 2019; and

WHEREAS, the National Proficiency Awards recognize exceptional Future Farmers of America (FFA) members like Kelly Price for their work to develop specialized skills that they can apply to future careers; and

WHEREAS, after winning a state championship earlier in 2019, Kelly Price submitted her Supervised Agricultural Experience (SAE) project to a panel of educators, agricultural professionals, and FFA staff to become one of the elite few selected as National Proficiency Award finalists; and

WHEREAS, Kelly Price was chosen out of four finalists as the champion in the Home and Community Development category for her service with the Appomattox County Rescue Squad and the Red House Volunteer Fire Department; and

WHEREAS, certified as an emergency medical technician, Kelly Price helps safeguard the members of the community by responding to calls with both departments, and she inspired her fellow students to do the same by forming a first responder club at Appomattox County High School; now, therefore, be it

RESOLVED by the House of Delegates, That Kelly Price hereby be commended on her selection as a National Proficiency Award champion at the National FFA Convention & Expo; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Kelly Price as an expression of the House of Delegates' admiration for her achievements and best wishes for the future.

HOUSE RESOLUTION NO. 64

Commending the Chesapeake Bay Commission.

Agreed to by the House of Delegates, February 17, 2020

WHEREAS, the Chesapeake Bay Commission is a tri-state government entity of the legislative branches of Maryland, Pennsylvania, and Virginia, required by current statute to assist, advise, recommend, and "enhance the functions, powers, and duties" of each state's General Assembly regarding Chesapeake Bay law and policy; and

WHEREAS, Chesapeake Bay Commission member state delegations are comprised of seven members, with two members representing each senate, three members representing each house, one member representing each governor, and one member a citizen-at-large; and

WHEREAS, the Chesapeake Bay Commission is a bipartisan, objective entity tasked with identifying concerns requiring inter-jurisdictional coordination and cooperation; collecting, analyzing, and disseminating information pertaining to the region and its resources for the respective legislative bodies; recommending legislative and administrative actions necessary

to encourage effective and cooperative management of the Chesapeake Bay; and representing the common interests of the member states as they are affected by the activities of the federal government; and

WHEREAS, the chairman of the Chesapeake Bay Commission is a member of the Chesapeake Executive Council and signatory of the Chesapeake Bay agreements, representing the legislative branches of the member states; and

WHEREAS, the Chesapeake Bay Commission serves as the official legislative arm of the multi-jurisdictional Chesapeake Bay Program and is the designated regional liaison to the United States Congress for Chesapeake Bay law and policy; and

WHEREAS, the Chesapeake Bay Commission first convened on December 17, 1980, and in four decades since has championed important legislative and policy initiatives at the state and federal level, including bi-state blue crab management, nutrient management, agricultural conservation funding, and open space preservation, among other issues and initiatives; and

WHEREAS, these initiatives have contributed to noticeable signs of improvement in the Chesapeake Bay, despite a doubling of the human population in the watershed over the same time period; and

WHEREAS, the role of the Chesapeake Bay Commission is even more necessary today as its member states face a 2025 deadline to achieve nutrient and sediment reduction goals for the Chesapeake Bay; now, therefore, be it

RESOLVED by the House of Delegates, That the Chesapeake Bay Commission, a model of effective interstate and intergovernmental relations and policymaking, hereby be commended on the occasion of its 40th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Chesapeake Bay Commission as an expression of the House of Delegates' admiration for its efforts to manage and protect the Chesapeake Bay for the future benefit of the citizens of the Commonwealth.

HOUSE RESOLUTION NO. 65

Commending the Blue Ridge Volunteer Fire Department.

Agreed to by the House of Delegates, February 17, 2020

WHEREAS, the Blue Ridge Volunteer Fire Department of Botetourt County celebrated its 60th anniversary of service to the community in 2019; and

WHEREAS, founded by 22 charter members on September 21, 1959, the Blue Ridge Volunteer Fire Department was incorporated to address the area's need for efficient and effective fire protection services; and

WHEREAS, after obtaining property near U.S. Route 460 and State Route 616, where the Blue Ridge Volunteer Fire Department continues to reside today, the charter members held meetings under a tent while raising funds for a fire station and equipment; and

WHEREAS, before acquiring a fire truck, members of the Blue Ridge Volunteer Fire Department prepared by viewing training films and practicing with neighboring fire departments; in 1962, the department acquired its first truck, a used Oren pumper on a 1938 Chevrolet chassis; and

WHEREAS, since the early years, the Blue Ridge Volunteer Fire Department's fleet has grown significantly and now includes two pumper trucks, a brush truck, a rescue truck, an air truck, and a response car; today, the department is staffed by approximately 20 active volunteers responding to an average of 150 emergency calls per year; and

WHEREAS, the Blue Ridge Volunteer Fire Department has evolved over the years, implementing new technology to improve response time; initially relying on a telephone chain system, the department utilized an air horn and a radio tone Plectron system before adopting the current Enhanced 911 paging system; and

WHEREAS, since its founding, several chiefs have overseen the Blue Ridge Volunteer Fire Department; the longest standing chief, Sam Smelser, Jr., served in the position from 1968 to 1998 and was given the title chief emeritus in honor of his leadership of the department through many changes and improvements; and

WHEREAS, the vision of local citizens over a half-century ago and the tireless dedication of numerous volunteers with the Blue Ridge Volunteer Fire Department have contributed to making Botetourt and Bedford Counties and the City of Roanoke safer places for all; now, therefore, be it

RESOLVED by the House of Delegates, That the Blue Ridge Volunteer Fire Department hereby be commended on the occasion of its 60th anniversary of service to the community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Mike Maddox, chief of the Blue Ridge Volunteer Fire Department, as an expression of the House of Delegates' deep respect and heartfelt admiration for the department's contributions to Botetourt County and the Commonwealth.

HOUSE RESOLUTION NO. 66

Commending the Lord Botetourt High School volleyball team.

Agreed to by the House of Delegates, February 17, 2020

WHEREAS, the Lord Botetourt High School volleyball team of Daleville won the Virginia High School League Class 3 State Championship at the Salem Civic Center on November 23, 2019; and

WHEREAS, the Lord Botetourt High School Cavaliers defeated the Tabb High School Tigers of Yorktown in three straight sets for the program's third consecutive championship title; and

WHEREAS, the match culminated an immaculate season in which the Lord Botetourt Cavaliers went 31-0 and never lost a set; the win extended a 56-match streak dating back to the 2018 season and added to a 94-1 record since 2017; and

WHEREAS, trailing 24-23 in the third set, the Lord Botetourt Cavaliers rallied to seal their perfect season, ending the match with finishes from Miette Veldman and Taylor Robertson; and

WHEREAS, the Lord Botetourt Cavaliers' victory was a total team effort and a joyous conclusion to the high school careers of the seven seniors on the team; and

WHEREAS, the success of the Lord Botetourt Cavaliers is the result of the hard work and dedication of the student-athletes, the leadership and guidance of their coaches and teachers, and the steadfast support of the entire Lord Botetourt High School community; now, therefore, be it

RESOLVED by the House of Delegates, That the Lord Botetourt High School volleyball team hereby be commended for winning the Virginia High School League Class 3 State Championship in 2019; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Julie Conner, coach of the Lord Botetourt High School volleyball team, as an expression of the House of Delegates' admiration for the team's outstanding accomplishment and best wishes for the future.

HOUSE RESOLUTION NO. 67

Celebrating the life of Colonel (Va.) Bobbie Garrett Johnson, Ret.

Agreed to by the House of Delegates, February 17, 2020

WHEREAS, Colonel (Va.) Bobbie Garrett Johnson, Ret., distinguished veteran and beloved citizen of the Bedford community, died on July 20, 2019; and

WHEREAS, after graduating valedictorian from Moneta High School in 1944, Bobbie Johnson served the nation as an active duty member of the United States Army Air Corps during World War II and in a reserve capacity from 1946 to 1949; and

WHEREAS, Bobbie Johnson dedicated many years serving the country and the Commonwealth in the National Guard from 1949 to 1960 and the Virginia Defense Force from 1986 to 2002; and

WHEREAS, while a member of the Virginia Defense Force, Bobbie Johnson was commander of the 4th Brigade; in recognition of his exceptional service in defense of the Commonwealth, he received the Virginia Distinguished Service Medal from the State Guard Association of the United States; and

WHEREAS, in his civilian life, Bobbie Johnson was a successful businessman, co-founding Laughon & Johnson, Inc., an excavating and paving company, in 1948; and

WHEREAS, over nearly a half-century with Laughon & Johnson, Bobbie Johnson helped build many of the bridges along U.S. Route 460 and the Virginia Tech Montgomery Executive Airport; and

WHEREAS, committed to supporting the United States Armed Forces in any way that he could, Bobbie Johnson was a volunteer tour guide at the National D-Day Memorial in Bedford and a member of the Air Force Association; and

WHEREAS, guided by his abiding faith, Bobbie Johnson was a member of the Mt. Olivet Southern Baptist Church in Bedford for most of his life, where he served in many capacities, including the office of a deacon, and enjoyed worship and fellowship with his community; and

WHEREAS, preceded in death by his wife, Peggy, and his son, Glenn, Bobbie Johnson will be dearly remembered and missed by his sons, William and Steven, their families, and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Colonel (Va.) Bobbie Garrett Johnson, Ret., honored veteran, respected businessman, and cherished member of the Bedford community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Colonel (Va.) Bobbie Garrett Johnson, Ret., as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 68

Commending Joseph Dashiell.

Agreed to by the House of Delegates, February 17, 2020

WHEREAS, Joseph Dashiell, distinguished senior reporter at WDBJ7 in Roanoke, celebrates his 40th anniversary with the news station in 2020; and

WHEREAS, a native of Norfolk and a graduate of Washington and Lee University, Joseph "Joe" Dashiell has dedicated his life to breaking the news; he began his career in 1980 as a summer intern at the WDBJ7 Bureau in Lynchburg and has been with the station ever since; and

WHEREAS, in 1990, after serving as a correspondent in New River and Richmond, Joe Dashiell returned to Roanoke, where over three decades as a senior reporter he endeared himself to the community through his quality reporting and affable nature; and

WHEREAS, in recognition of his journalistic accomplishments, Joe Dashiell has received many accolades over his career, including the George A. Bowles, Jr., Award for Distinguished Performance in Broadcast News from the Virginia Association of Broadcasters in 2009 and *The Associated Press* Robert Gallimore Distinguished Service Award from Virginias Associated Press Broadcasters in 2019; and

WHEREAS, Joe Dashiell has built a reputation on his impactful reporting and, in 2010, his news series, "Headlines in Hard Times," earned him a regional Edward R. Murrow Award and an Emmy nomination; and

WHEREAS, using his position as a public figure to advocate on behalf of equality and justice, Joe Dashiell received the Dr. Martin Luther King, Jr., Service in Media Award from the Roanoke Chapter of the Southern Christian Leadership Conference in 2011 and was recognized by the Roanoke branch of the NAACP during the organization's 2012 Citizen of the Year Awards ceremony; and

WHEREAS, in spite of major technological upheavals in the journalism and broadcasting industries over his career, Joe Dashiell remains a steady and reliable source of news for the citizens of Roanoke; now, therefore, be it

RESOLVED by the House of Delegates, That Joseph Dashiell, longtime reporter at WDBJ7 and beloved member of the Roanoke community, hereby be commended on the occasion of his 40th anniversary with the station; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Joseph Dashiell as an expression of the House of Delegates' profound admiration and respect for his service to Roanoke and the Commonwealth.

HOUSE RESOLUTION NO. 69

Commending Diana Christopulos.

Agreed to by the House of Delegates, February 17, 2020

WHEREAS, Diana Christopulos, leading advocate for environmental conservancy in the Roanoke Valley region, was named the 2019 National Cox Conserves Hero on October 22, 2019; and

WHEREAS, the National Cox Conserves Hero award is presented by the James M. Cox Foundation on behalf of Cox Enterprises and The Trust for Public Land, recognizing volunteers who create, preserve, or enhance shared outdoor spaces in their local communities; the recipient is awarded \$50,000 that they designate to the nonprofit of their choice; and

WHEREAS, after winning the state-level competition, Diana Christopulos was selected for the National Cox Conserves Hero award after garnering the most votes in an online poll among eight other state finalists; and

WHEREAS, Diana Christopulos has directed her award to the Appalachian Trail Conservancy, protecting the landscape along the Appalachian Trail in Virginia and furthering her longtime commitment to shepherd the region's outdoors for the enjoyment of others; and

WHEREAS, as president of the Blue Ridge Land Conservancy and the Roanoke Valley Cool Cities Coalition and past president of the Roanoke Appalachian Trail Club, Diana Christopulos already had a profound influence on conservation efforts in Southwest Virginia; and

WHEREAS, as an authority on environmental conservation in the region, Diana Christopulos consults regularly with local governments and businesses on how they can reduce their carbon footprints and environmental impact; and

WHEREAS, due to Diana Christopulos' tireless efforts, future generations of the Roanoke Valley will be better able to experience the rich and abundant nature the region has to offer; now, therefore, be it

RESOLVED by the House of Delegates, That Diana Christopulos, champion of environmental causes in the Roanoke Valley, hereby be commended for her distinction as the 2019 National Cox Conserves Hero; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Diana Christopulos as an expression of the House of Delegates' deep appreciation for her service to the Roanoke Valley and the Commonwealth.

HOUSE RESOLUTION NO. 70

Celebrating the life of George Bartholomew Rodenburg.

Agreed to by the House of Delegates, February 17, 2020

WHEREAS, George Bartholomew Rodenburg, honorable veteran, accomplished chemical engineer, and beloved member of the Richmond community, died on May 8, 2019; and

WHEREAS, born and raised in New York, New York, George Rodenburg enjoyed a classic big-city childhood, filled with games of curb ball, ringolevio, and stickball; and

WHEREAS, in 1944, shortly after turning 18, George Rodenburg enlisted in the United States Navy, serving two years before being honorably discharged; and

WHEREAS, George Rodenburg earned a bachelor's degree in chemistry from Manhattan College in 1948, followed by a master's degree in chemical engineering from Niagara University two years later; and

WHEREAS, devoting his entire career to the water treatment technology company Infilco, initially as a chemical engineer and later as a contract manager, George Rodenburg spent many years in Tucson, Arizona, before moving with the company to Richmond in 1971; and

WHEREAS, distinctly proud of his family's heritage, George Rodenburg was a member of the Ancient Order of Hibernians, the oldest Irish Catholic fraternal organization in the country; and

WHEREAS, a devout Catholic, George Rodenburg was an active member of St. Joseph's Parish in Richmond, where he enjoyed worship and fellowship with his community for many years; and

WHEREAS, preceded in death by his beloved wife of 56 years, Kathleen, George Rodenburg will be dearly remembered and missed by his children, Anne, Monica, George, and Martha, and their families, and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of George Bartholomew Rodenburg, heroic veteran, dedicated chemical engineer, and cherished member of the Richmond community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of George Bartholomew Rodenburg as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 71

Commending Carolyn Bragg.

Agreed to by the House of Delegates, February 17, 2020

WHEREAS, Carolyn Bragg, a respected businesswoman and dedicated civic leader from Stuarts Draft, served the past five years on the Augusta County Board of Supervisors; and

WHEREAS, as the representative for the South River District on the Augusta County Board of Supervisors, Carolyn Bragg served as vice chair three times, as chair in 2016, and in leadership roles on several committees, including the Ordinance Review Committee and the Economic Development Committee; and

WHEREAS, Carolyn Bragg represented Augusta County in numerous ways in her capacity as a representative on the county's Board of Supervisors, serving as Boards & Commission Liaison, School Board Liaison, and as a member of the Shenandoah Valley Partnership Board; and

WHEREAS, with over 30 years of management experience, including 17 years as a successful business owner, Carolyn Bragg brought invaluable expertise to the Augusta County Board of Supervisors that was crucial to the county's recent growth and development; and

WHEREAS, concurrently with her service on the Augusta County Board of Supervisors, Carolyn Bragg oversaw the county's water and sewer services as a member of the Augusta County Service Authority Board of Directors; and

WHEREAS, Carolyn Bragg offers her time and energy to numerous local organizations and endeavors, including the Stuarts Draft Christmas Parade, the Blue Ridge Soap Box Derby, the Stuarts Draft Ruritan Club, and Tinkling Spring Presbyterian Church; and

WHEREAS, committed to ensuring the health and well-being of the youth in Augusta County, Carolyn Bragg previously served as president of the Stuarts Draft Middle School Parents Association and as a Scout leader and cubmaster with the Boy Scouts of America; and

WHEREAS, in recognition of her tireless efforts and valued contributions, Carolyn Bragg has been the recipient of numerous service awards, including the Outstanding Service Award from the Sweet Dreams Committee in 2004 and 2012, the Citizen of the Year Award from the Stuarts Draft Ruritan Club in 2009, and the Community Hero Award from Stuarts Draft Middle School in 2016; and

WHEREAS, for many years, the residents of Stuarts Draft and Augusta County have greatly benefited from Carolyn Bragg's devotion and positive spirit; now, therefore, be it

RESOLVED by the House of Delegates, That Carolyn Bragg hereby be commended for her five years of service as a member of the Augusta County Board of Supervisors; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Carolyn Bragg as an expression of the House of Delegates' respect and admiration for her contributions to Augusta County and the Commonwealth.

HOUSE RESOLUTION NO. 72

Celebrating the life of Terry Lynn Hedgepeth.

Agreed to by the House of Delegates, February 17, 2020

WHEREAS, Terry Lynn Hedgepeth, a hardworking farmer and an active member of the Isle of Wight County community, died on January 28, 2020; and

WHEREAS, a native of Nansemond County, Terry Hedgepeth was born to the late Johnnie and Lucille Hedgepeth; and

WHEREAS, Terry Hedgepeth made his career as a farmer and worked the land with his brother, Wayne, on their property in Zuni for many years; and

WHEREAS, Terry Hedgepeth was a member of the Zuni Hunt Club and volunteered his time with the Zuni Ruritan Club and the Isle of Wight County Fair; and

WHEREAS, dedicated to strengthening the community, Terry Hedgepeth offered his expertise to the Isle of Wight County Planning Commission; and

WHEREAS, Terry Hedgepeth will be fondly remembered and greatly missed by his wife of nearly 46 years, Debbie; his daughter, Michelle, and her family; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Terry Lynn Hedgepeth, who made many contributions to his fellow residents of Isle of Wight County as a farmer and civic leader; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Terry Lynn Hedgepeth as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 73

Commending Third Street Bethel African Methodist Episcopal Church.

Agreed to by the House of Delegates, February 17, 2020

WHEREAS, Third Street Bethel African Methodist Episcopal Church, the oldest church in the Jackson Ward neighborhood of Richmond and the second oldest African Methodist Episcopal church in the Commonwealth, commemorates the 170th anniversary of the founding of its congregation in 2020; and

WHEREAS, the congregation at Third Street Bethel AME Church traces its origins to a group of formerly enslaved people who worshipped in the gallery of Trinity Methodist Episcopal Church beginning in 1850; and

WHEREAS, with the support of skilled African American artisans and the trustees of Trinity Methodist Episcopal Church, the main portion of what is today Third Street Bethel AME Church was completed between 1856 and 1857, known then as Third Street Church; and

WHEREAS, on May 10, 1867, Third Street Church established the Virginia AME Annual Conference with encouragement from St. John's Chapel in Norfolk, becoming the mother church of the African Methodist Episcopal denomination in Virginia and renaming itself Third Street Bethel AME Church; and

WHEREAS, during the Virginia AME Annual Conference in 1867, James D.S. Hall was appointed to lead Third Street Bethel AME Church, becoming the congregation's first African American pastor; and

WHEREAS, over the years, Third Street Bethel AME Church has been the setting for many important, historical moments, including a speech by Maggie L. Walker in 1901 in which she outlined her vision for establishing an African American-owned bank, newspaper, and department store; and

WHEREAS, as one of the few antebellum African American churches remaining in the United States and in recognition of its role in several pivotal historical movements, the Third Street Bethel AME Church was placed on the Virginia Landmarks Register and the National Register of Historic Places in 1975; and

WHEREAS, with an active and engaged congregation that continually looks for ways to serve others, Third Street Bethel AME Church remains a cornerstone of its community and an irreplaceable Richmond institution; now, therefore, be it

RESOLVED by the House of Delegates, That Third Street Bethel African Methodist Episcopal Church, a long cherished and historically significant church in the Jackson Ward neighborhood of Richmond, hereby be commended on the occasion of the 170th anniversary of the founding of its congregation; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Reverend Reuben J. Boyd, pastor of Third Street Bethel African Methodist Episcopal Church, as an expression of the House of Delegates' profound respect and admiration for the church's history and contributions to the Commonwealth.

HOUSE RESOLUTION NO. 74

Commending Advocates for Richmond Youth and the Youth Housing Stability Coalition of Greater Richmond.

Agreed to by the House of Delegates, February 17, 2020

WHEREAS, Advocates for Richmond Youth and the Youth Housing Stability Coalition of Greater Richmond earned national accolades for their work to design and implement a community-wide response to homelessness among young people of color and LGBTQ+ youths; and

WHEREAS, based upon the national study conducted by Chapin Hall's Voices of Youth Count at the University of Chicago, one in 10 young adults ages 18 to 25 and at least one in 30 adolescents ages 13 to 17 experience some form of homelessness unaccompanied by a parent or guardian over the course of a year in the United States; and

WHEREAS, 13 percent of people identified in Virginia as experiencing homelessness during the January 2019 Point-In-Time Count are youths or young adults (age 24 or under) or the minor child of a young adult; youths of color and LGBTQ+ youths are disproportionately represented among people experiencing homelessness; and

WHEREAS, according to data from the Greater Richmond Continuum of Care, there were 773 youths ages 18 to 24 experiencing homelessness who were served between July 1, 2018, and June 30, 2019, of whom 79 percent were young people of color; national data shows that up to 40 percent of youths experiencing homelessness are LGBTQ+; and

WHEREAS, the causes and consequences of homelessness for youths ages 24 and under are varied and compound experiences of childhood trauma that have lasting effects on their well-being; building prevention efforts in the child welfare, juvenile justice, and education systems can mitigate these issues; and

WHEREAS, nationally one in four youths who age out of foster care without finding a permanent home experience homelessness within 18 months; and

WHEREAS, Advocates for Richmond Youth, a participatory action research team of young people who have been directly affected by homelessness and housing instability, was formed in July 2014; and

WHEREAS, with the support of Alex Wagaman at the Virginia Commonwealth University School of Social Work, Advocates for Richmond Youth began conducting research and engaging in advocacy to increase visibility of the issue of youth homelessness; and

WHEREAS, in partnership with the United Way of Greater Richmond & Petersburg and other organizations, Advocates for Richmond Youth convened directly with impacted people and organizations to form the Youth Housing Stability Coalition; and

WHEREAS, this group completed the Coordinated, Comprehensive Plan to End Youth Housing Instability in Greater Richmond in 2018 with input from more than 25 directly impacted young people and nearly 75 representatives from organizations and state agencies who serve young people; and

WHEREAS, the momentum and effort of these groups has attracted the attention of other community organizations in Virginia, including the City of Petersburg and the Planning Council in Hampton Roads, which have seen increases in youth homelessness and understand the need for a tailored response that addresses the unique needs of adolescents and young adults; and

WHEREAS, the efforts of Advocates for Richmond Youth and the Youth Housing Stability Coalition of Greater Richmond have been recognized by A Way Home America, which named Richmond as one of only 10 cities in the United States that have the capacity and commitment to work with national experts to end youth homelessness by centering the needs of young people of color and LGBTQ+ youths through the Grand Challenge Initiative; now, therefore, be it

RESOLVED by the House of Delegates, That Advocates for Richmond Youth and the Youth Housing Stability Coalition of Greater Richmond hereby be commended for developing a youth-affirming, coordinated community response to prevent and end youth homelessness; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare copies of this resolution for presentation to Advocates for Richmond Youth and the Youth Housing Stability Coalition of Greater Richmond as an expression of the House of Delegates' admiration for their important contributions to the Richmond community.

HOUSE RESOLUTION NO. 75

Commending Greater Richmond Fit4Kids.

Agreed to by the House of Delegates, February 17, 2020

WHEREAS, Greater Richmond Fit4Kids, a nonprofit organization dedicated to improving children's health in the Richmond metropolitan area, celebrates its 10th anniversary in 2020; and

WHEREAS, with support from the Richmond-based organization Sports Backers and the Robins Foundation, Greater Richmond Fit4Kids was formed in April 2010 to tackle the causes of obesity that increasingly afflict children nationwide; and

WHEREAS, from the beginning, Greater Richmond Fit4Kids strove to enhance physical education curriculums, provide healthier food options in school cafeterias, introduce nutrition programs for students and their parents, and increase the availability of after-school programs that encourage physical activity; and

WHEREAS, through many collaborative partnerships with local schools, governments, health systems, and community organizations, Greater Richmond Fit4Kids today reaches over 10,000 children each year across the Cities of Hopewell, Petersburg, Richmond, and the Counties of Chesterfield and Henrico; and

WHEREAS, Greater Richmond Fit4Kids has successfully introduced several innovative school-based programs, including the installation of "garden patch" salad bars at local schools as part of its Eat Fresh RPS initiative and the implementation of programs such as Safe Routes to School and Game On, Girl! that promote active lifestyles; and

WHEREAS, beyond its work in area schools, Greater Richmond Fit4Kids has taken its efforts into the community, engaging with the public at local community centers, grocery stores, farmers markets, health clinics, and more; and

WHEREAS, with the unflagging dedication of its educators, partners, and volunteers, Greater Richmond Fit4Kids has supported the well-being of thousands of children and families in the Commonwealth; now, therefore, be it

RESOLVED by the House of Delegates, That Greater Richmond Fit4Kids, an organization committed to raising healthy young people and serving as a wellness model for schools around the country, hereby be commended on the occasion of its 10th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Mary Dunne Stewart, president and chief executive officer of Greater Richmond Fit4Kids, as an expression of the House of Delegates' profound admiration for the organization's contributions to Richmond and the Commonwealth.

HOUSE RESOLUTION NO. 76

Commending the Children's Home Society of Virginia.

Agreed to by the House of Delegates, February 17, 2020

WHEREAS, in 2020, the Children's Home Society of Virginia, a nonprofit organization with offices in Richmond and Fredericksburg, celebrates 120 years of serving young people in the Commonwealth; and

WHEREAS, the Children's Home Society of Virginia is a licensed, private, nonsectarian, full-service child placing agency, the mission of which is to create strong, permanent families and lifelong relationships for children and youths throughout the Commonwealth; and

WHEREAS, the Children's Home Society of Virginia began in 1899 when a group of concerned citizens, deeply troubled by the care offered in orphanages at the time, banded together to help abandoned and neglected children; and

WHEREAS, the Children's Home Society of Virginia was chartered on January 30, 1900, with the Honorable John Garland Pollard, who became governor in 1930, as a founding member of the organization's board of directors; and

WHEREAS, since 1900, the staff members of the Children's Home Society of Virginia have worked diligently to place more than 14,500 children into adoptive homes; and

WHEREAS, in 1998, the Children's Home Society of Virginia began partnering with local social service agencies to help facilitate the placement of hundreds of children and youths from the foster care system into adoptive homes; and

WHEREAS, in 2007, the Children's Home Society of Virginia began serving as a Wendy's Wonderful Kids Site, a program of the Dave Thomas Foundation for Adoption, to recruit adoptive parents for children and youths who have waited extended periods in foster care to be placed into adoptive families; and

WHEREAS, the Children's Home Society of Virginia not only finds permanent homes for children of all ages, but offers a lifetime of post-adoption support programs to Virginia's adoptive families and adoptees, including parent coaching, family support and engagement activities, respite care, and family search and reunion services; and

WHEREAS, in 2016, the Children's Home Society of Virginia began partnering with the Better Housing Coalition to create The Possibilities Project, a signature program that provides housing assistance and best practices to give youths who are transitioning from foster care the skills and resources they need to become independent, productive members of society; and

WHEREAS, the Children's Home Society of Virginia is a permanency-driven organization that embraces the values of top-quality service delivery, working with integrity, maximizing collaborations, demonstrating compassion, and embracing equity and inclusion in all that it does; and

WHEREAS, for 120 years the Children's Home Society of Virginia has worked to provide all children, from newborns to older youths who have aged out of foster care, as well as children with special needs, with the healthy, supportive, and permanent adult relationships they need to thrive; now, therefore, be it

RESOLVED by the House of Delegates, That the Children's Home Society of Virginia hereby be commended on the occasion of its 120th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the board of directors of the Children's Home Society of Virginia as an expression of the House of Delegates' admiration for the organization's work to create permanency for the Commonwealth's young people.

HOUSE RESOLUTION NO. 77

Commemorating the life and legacy of Oswald Spengler.

Agreed to by the House of Delegates, February 17, 2020

WHEREAS, a century ago, Virginians and serious readers 'round the world were engrossed in *Decline of the West*, by Oswald Spengler (1880-1936); and

WHEREAS, *Decline of the West* appeared in German in 1918—just as the First World War was coming to its tragic close—and was completed in a second volume published in 1922; and

WHEREAS, on the eve of the Second World War, *Time* magazine would observe, "Cultivated discourse [in the 1920s had become] Spengler-saturated...It was imperative to read Spengler, to sympathize or revolt. It still remains so"; and

WHEREAS, Oswald Spengler in *Decline of the West* dismisses the linear view of history as one of inexorable progress from ancient, through medieval, and modern periods, and instead declares that only cultures account for the vitality of human history and that only eight major cultures have been manifested in all of human history; and

WHEREAS, cultures, as organic energies, are creative in all aspects of human endeavor, pass through a cycle similar to the seasons, and, with the onset of its "Winter," a culture in its final civilizational phase descends into merely a complex organization that exhausts the rich creations it had inherited from the originating culture; and

WHEREAS, Oswald Spengler in *Decline of the West* asserted that, "At last, in the gray dawn of Civilization the fire in the Soul dies down. The dwindling powers rise to one more, half-successful, effort of creation, and produce the Classicism that is common to all dying Cultures. The soul thinks once again, and in Romanticism looks back piteously to its childhood; then finally, weary, reluctant, cold, it loses its desire to be, and, as in Imperial Rome, wishes itself out of the overlong daylight and back in the darkness of proto-mysticism in the womb of the mother in the grave"; and

WHEREAS, Oswald Spengler continued, "One day the last portrait of Rembrandt and the last bar of Mozart will have ceased to be—though possibly a colored canvas and a sheet of notes will remain—because the last eye and the last ear accessible to their message will have gone"; and

WHEREAS, as an early indication of civilization decline, Oswald Spengler added, "When the ordinary thought of a highly cultivated people begins to regard 'having children' as a question of pro's and con's, the great turning point has come"; and

WHEREAS, as another indication of decline, Oswald Spengler observed, "Through money, democracy [as the inevitable sign of a Civilization in the last phases of its decline] becomes its own destroyer, after money has destroyed intellect"; and

WHEREAS, as yet another characteristic of any civilization in decline, Spengler asserted, too, that "The press today is an army with carefully organized weapons, the journalists its officers, the readers its soldiers. The reader neither knows nor is supposed to know the purposes for which he is used and the role he is to play. What is truth? For the multitude, that which it continually reads and hears"; and

WHEREAS, in a period of decline, Oswald Spengler writes, "The common man wants nothing of life but health, longevity, amusement, comfort—'happiness.' He who does not despise this should turn his eyes from world history, for it contains nothing of the sort. The best that history has created is great suffering [because] optimism is cowardice"; and

WHEREAS, in assaying the state of Western civilization, Oswald Spengler informed his readers that, "We have not chosen this time. We cannot help it if we are born as men of the early winter of full Civilization, instead of on the golden summit of a ripe Culture, in a Phidias or a Mozart time. Everything depends on our seeing our own position, our destiny, clearly, on our realizing that though we may lie to ourselves about it, we cannot evade it. He who does not acknowledge this in his heart, ceases to be counted among the men of his generation, and remains either a simpleton, a charlatan, or a pedant"; and

WHEREAS, Spengler concluded, "We are born into this time and must bravely follow the path to the destined end. There is no other way. Our duty is to hold on to the lost position, without hope, without rescue, like that Roman soldier whose bones were found in front of a door in Pompeii, who, during the eruption of Vesuvius, died at his post because they forgot to relieve him. That is greatness. That is what it means to be a thoroughbred. The honorable end is the one thing that cannot be taken from a man"; and

WHEREAS, Professor John Farrenkopf, who earned his doctoral degree in foreign affairs from The University of Virginia, has established himself as the world's leading English-speaking scholar on the life and works of Oswald Spengler, including especially *Decline of the West*; and

WHEREAS, Professor John Farrenkopf is the author of the acclaimed *Prophet of Decline: Spengler on World History and Politics*; and

WHEREAS, Professor John Farrenkopf will present his latest scholarship on Oswald Spengler at an upcoming forum to be held in Richmond; now, therefore, be it

RESOLVED by the House of Delegates, That the life and legacy of Oswald Spengler be commemorated on the centennial of the appearance in English of *Decline of the West*; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Professor John Farrenkopf, long a resident of Charlottesville now on the faculty of Wofford College, South Carolina, for his admirable contributions to scholarship on the significance of the life and writings of Oswald Spengler.

HOUSE RESOLUTION NO. 78

Commending Pi Sigma Alpha.

Agreed to by the House of Delegates, February 17, 2020

WHEREAS, Pi Sigma Alpha, the national political science honor society, celebrates its 100th anniversary in 2020; and

WHEREAS, founded on October 1, 1920, at the University of Texas at Austin, Pi Sigma Alpha was established to recognize excellence in academic achievement by college and university students in the fields of political science, government, international affairs, and public affairs; and

WHEREAS, Pi Sigma Alpha's aim is to stimulate scholarship and interest in political science; to promote worthwhile curricular and extracurricular activities related to political science; and to promote civil dialogue; and

WHEREAS, Pi Sigma Alpha is the only recognized college honor society in the political science discipline and one of the largest and most prestigious constituent members of the Association of College Honor Societies; and

WHEREAS, Pi Sigma Alpha has over 700 chapters in the United States, including the Xi Pi Chapter at Virginia Commonwealth University in Richmond; and

WHEREAS, Pi Sigma Alpha has initiated over 300,000 members since its inception, including many renowned scholars, distinguished public officials, and prominent leaders of industry; and

WHEREAS, Pi Sigma Alpha has advanced the study of politics and government as one of the noblest academic pursuits, promoting the highest ideals of scholarship, integrity, citizenship, and service; now, therefore, be it

RESOLVED by the House of Delegates, That Pi Sigma Alpha, the distinguished national political science honor society, hereby be commended on the occasion of the honor society's 100th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Executive Council of Pi Sigma Alpha as an expression of the House of Delegates' admiration for the honor society's rich history, proud legacy, and enduring impact on political science students in the Commonwealth and throughout the United States.

HOUSE RESOLUTION NO. 79

Commending the Rustburg Dixie Youth AAA All-Stars baseball team.

Agreed to by the House of Delegates, February 24, 2020

WHEREAS, the Rustburg Dixie Youth AAA All-Stars baseball team won the Dixie Youth Baseball State Tournament in July 2019; and

WHEREAS, the Rustburg Dixie Youth AAA All-Stars went undefeated through district play, notching a 5-0 record against formidable teams from Appomattox, Brookneal, Madison Heights, and Timberlake; and

WHEREAS, at the state tournament in Forest, the Rustburg Dixie Youth AAA All-Stars rebounded after losing their first game to win five straight, including two straight victories over the team from Bedford County, securing the program's second championship in three years; and

WHEREAS, representing the Commonwealth at the 2019 Dixie Youth World Series in Lumberton, North Carolina, the Rustburg Dixie Youth AAA All-Stars competed admirably against teams from Alabama, Georgia, North Carolina, South Carolina, and Texas, posting a 4-2 record and a runner-up finish; and

WHEREAS, the highlight of the tournament came when, facing elimination, the Rustburg Dixie Youth AAA All-Stars managed a dramatic, last-inning, come-from-behind victory against a strong team from South Carolina, keeping the team's tournament hopes alive for another game; and

WHEREAS, the accomplishments of the Rustburg Dixie Youth AAA All-Stars are the result of the hard work and dedication of the athletes, the leadership and guidance of their manager and coaches, and the unwavering support of the entire Rustburg community; now, therefore, be it

RESOLVED by the House of Delegates, That the Rustburg Dixie Youth AAA All-Stars baseball team hereby be commended for winning the 2019 Dixie Youth Baseball State Championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to John Rosser, manager of the Rustburg Dixie Youth AAA All-Stars baseball team, as an expression of the House of Delegates' admiration for the team's achievements and best wishes for the future.

HOUSE RESOLUTION NO. 80

Celebrating the life of Louis Clifford Schroeder, Sr.

Agreed to by the House of Delegates, February 24, 2020

WHEREAS, Louis Clifford Schroeder, Sr., a successful business executive who was a champion for education and the preservation of the Chesapeake Bay and other natural resources, died on January 29, 2020; and

WHEREAS, a native of New York, Louis Clifford "Cliff" Schroeder, Sr., attended The Taft School in Watertown, Connecticut, and graduated *magna cum laude* from Harvard College, then continued his education at the Harvard Graduate School of Business Administration; and

WHEREAS, in 1956, Cliff Schroeder became the owner and president of Corrugated Container Company in New York and subsequently became the owner and chief executive officer of Dixie Container Corporation in Richmond, both of which had been founded by his father; and

WHEREAS, in the 1960s, Cliff Schroeder served as founding vice president and treasurer of Thermo Electron Company, which is now part of a Fortune 500 company that develops advanced medical technology products; and

WHEREAS, over the course of his career, Cliff Schroeder expanded Dixie Container Corporation to include 10 subsidiaries throughout the Southeastern United States and, in 1982, established one of only two recycling paper mills in the country at that time; and

WHEREAS, after selling Dixie Container Corporation in 1990, Cliff Schroeder formed Chronos, L.C., a financial and real estate investment firm; and

WHEREAS, from 1972 to 1988, Cliff Schroeder served as chair of the Virginia Outdoors Foundation, which preserved thousands of acres of land from development during that period; he founded and served as president of the Virginia Oyster Reef Heritage Foundation, which helped repopulate the Commonwealth's oyster colonies; and

WHEREAS, Cliff Schroeder served as chair of the Last Great Waters Foundation and the Chesapeake Bay Local Assistance Board and as a member of several other boards and commissions related to the health of the Chesapeake Bay and Virginia's natural resources; he was selected as a trustee of the Elizabeth River Restoration Trust and the Virginia Land Conservation Foundation; and

WHEREAS, Cliff Schroeder was a longtime member of the Board of Visitors and Governors at Washington College in Maryland, where he established the Center for the Environment and Society to create new opportunities for young leaders; and

WHEREAS, an honorary alumnus at The College of William & Mary, Cliff Schroeder served on the institution's Board of Visitors and founded the Schroeder Center for Health Policy and the Thomas Jefferson Program for Public Policy; and

WHEREAS, Cliff Schroeder similarly offered his leadership to his alma mater The Taft School, as well as St. Christopher's School and St. Catherine's School in Richmond; and

WHEREAS, Cliff Schroeder will be fondly remembered and greatly missed by his beloved wife of 62 years, Lois; his children, Allesandra, Louis, Jr., and Christopher, and their families; and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Louis Clifford Schroeder, Sr., a respected businessman and a passionate environmentalist; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Louis Clifford Schroeder, Sr., as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 81

Celebrating the life of the Honorable Eva Mae Fleming Scott.

Agreed to by the House of Delegates, February 24, 2020

WHEREAS, the Honorable Eva Mae Fleming Scott, a pharmacist, businesswoman, and newspaper publisher who made history as the first woman to serve in the Senate of Virginia, died on March 28, 2019; and

WHEREAS, born in Amelia County, Eva Scott attended Longwood College and later graduated with a pharmacy degree from the Medical College of Virginia; and

WHEREAS, Eva Scott was a loving wife and life partner to her husband, Leander O. Scott, with whom she raised five children, remaining heavily involved in each of their lives until her passing; and

WHEREAS, Eva Scott was a consummate businessperson, leading from the front as a woman before her time; she was a principal and active participant in the family businesses, including a drug store, lumber mill, pallet manufacturing plant, and timber farm, and oversaw the family's investments in land conservation, power generation, transportation, and commercial real estate; and

WHEREAS, Eva Scott was a trailblazer in Virginia's political world; initially serving four consecutive terms in the Virginia House of Delegates beginning in 1972, she became the first woman elected to the Senate of Virginia in 1979, serving one term and earning a reputation as a committed conservative; and

WHEREAS, Eva Scott remained an active participant in community organizations and conservative causes throughout her lifetime, advocating for fiscal responsibility, personal accountability, and the sanctity of life; and

WHEREAS, in recognition of her historic accomplishments and tireless efforts on behalf of the Commonwealth and its citizens, Eva Scott was honored by the Library of Virginia as a "Virginia Woman in History" in 2013; and

WHEREAS, predeceased by her son, Tom, Eva Scott will be fondly remembered and dearly missed by her husband of more than 70 years, Leander; her children, Jo Anne, Rebecca, Lanny, and William, and their families; and numerous other family members, friends, and colleagues on both sides of the aisle; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of the Honorable Eva Mae Fleming Scott, a beloved member of the Amelia community who touched countless lives as a businesswoman, legislator, and friend; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of the Honorable Eva Mae Fleming Scott as an expression of the House of Delegates' respect for her memory.

HOUSE RESOLUTION NO. 82

Commending Kayleigh Kim.

Agreed to by the House of Delegates, February 24, 2020

WHEREAS, Kayleigh Kim, a Virginia native and student at Oakton High School in Herndon, was selected to compete in the Yehudi Menuhin International Competition for Young Violinists in Richmond in 2020; and

WHEREAS, founded in 1983 by its namesake to cultivate the talents of aspiring musicians, the biannual Yehudi Menuhin International Competition for Young Violinists is regarded today as the premier international musical competition for violinists under the age of 22; and

WHEREAS, selected to be one of 44 competitors out of 321 skilled applicants from around the globe, the honor of performing in the competition is one of many in Kayleigh Kim's already impressive musical career; and

WHEREAS, only 15 years of age, Kayleigh Kim has played on some of the world's most notable stages, including Carnegie Hall, the Kennedy Center Millennium Stage, Merkin Concert Hall, and Strathmore Hall; and

WHEREAS, an alumni of the Heifetz International Music Institute at Mary Baldwin University, Kayleigh Kim currently studies with Catherine Cho and Francesca dePasquale in the Pre-College Division of The Juilliard School, the renowned music conservatory; and

WHEREAS, previously a student of Ko Sugiyama, assistant concertmaster of the Kennedy Center Opera House Orchestra, Kayleigh Kim has played in master classes with many leading violinists from around the world, including Hilary Hahn, Shirley Givens, Mark Kaplan, and Aaron Rosand; and

WHEREAS, figuring prominently in youth orchestras throughout the Washington, D.C., metropolitan area, Kayleigh Kim has been distinguished as a National Symphony Orchestra youth fellow and as a concertmaster with the Maryland Classic Youth Orchestras, which she was a member of from 2015 to 2019; and

WHEREAS, Kayleigh Kim has already enjoyed great success in several earlier musical competitions, including the Music Teachers National Association Competition, the Joseph and Goldie Feder Memorial String Competition, and the 2018 Indiana University Violin Concerto Competition; and

WHEREAS, Kayleigh Kim's inspirational accomplishments are the result of her remarkable talents, hard work, and tireless dedication; now, therefore, be it

RESOLVED by the House of Delegates, That Kayleigh Kim, a young master violinist at Oakton High School, hereby be commended for the distinction of competing in the 2020 Yehudi Menuhin International Competition for Young Violinists; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Kayleigh Kim as an expression of the House of Delegates' admiration for her remarkable achievement and best wishes for the future.

HOUSE RESOLUTION NO. 83

Commending Timothy R. Quillen.

Agreed to by the House of Delegates, February 24, 2020

WHEREAS, Timothy R. Quillen served the Augusta County School Board for more than 10 years; and

WHEREAS, Timothy Quillen joined the Augusta County School Board in January 2008 and ably represented the residents of the South River District until December 2019; and

WHEREAS, during that time, Timothy Quillen was actively involved in the design, planning, and completion of two new elementary schools and the renovation of one middle school; and

WHEREAS, Timothy Quillen helped secure a strong future for Augusta County Public Schools by helping to develop the school system's 10-Year Capital Facilities Plan for 2015-2025; and

WHEREAS, Timothy Quillen supported a visionary, environmentally friendly program to install solar panels at local schools that has reduced costs for the county by producing sustainable energy; and

WHEREAS, Timothy Quillen served on the Personnel Policy Committee and advocated for a strategic salary plan for teachers; and

WHEREAS, Timothy Quillen offered his leadership to the board of the Genesis School, a regional alternative school for students in grades six through 12; and

WHEREAS, as a member of the Augusta County School Board, Timothy Quillen demonstrated an unwavering commitment to providing the best possible academic experience for every child, every day; now, therefore, be it

RESOLVED by the House of Delegates, That Timothy R. Quillen hereby be commended for more than a decade of service to the students, faculty, and staff of Augusta County Public Schools as a member of the Augusta County School Board; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Timothy R. Quillen as an expression of the House of Delegates' admiration for his work to support high-quality public education in Augusta County.

HOUSE RESOLUTION NO. 84

Commending Rabbi Bruce D. Aft.

Agreed to by the House of Delegates, February 24, 2020

WHEREAS, Rabbi Bruce D. Aft has provided outstanding spiritual leadership to Congregation Adat Reyim in Springfield for nearly 30 years; and

WHEREAS, a graduate of the Reconstructionist Rabbinical College, Bruce Aft joined Adat Reyim in 1991 and has touched countless lives through his compassion, insightfulness, and commitment to service; and

WHEREAS, Bruce Aft worked to make Adat Reyim more welcoming, inclusive, and responsive to the needs of the local community; in his generosity, he has enhanced the quality of life for seniors and mentored many young people; and

WHEREAS, Bruce Aft currently serves as rabbinic advisor to the George Mason University Hillel Community Board and has helped develop constructive dialogue groups through the institution's School for Conflict Analysis and Resolution; and

WHEREAS, as a longtime member of the Jewish Federation of Greater Washington, March of the Living, and B'nai B'rith, Bruce Aft has raised awareness of anti-Semitism and worked to fight bigotry in all forms in the Commonwealth and around the world; and

WHEREAS, Bruce Aft has promoted respect, understanding, and cooperation between the Jewish and African American communities in the region as chair of the board of Operation Understanding DC; now, therefore, be it

RESOLVED by the House of Delegates, That Rabbi Bruce D. Aft hereby be commended on the occasion of his retirement from Congregation Adat Reyim; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Rabbi Bruce D. Aft as an expression of the House of Delegates' admiration for his contributions to the Springfield community.

HOUSE RESOLUTION NO. 85

Commending the Rustburg Dixie Youth Baseball O-Zone All-Star team.

Agreed to by the House of Delegates, February 24, 2020

WHEREAS, the Rustburg Dixie Youth Baseball O-Zone All-Star team, an accomplished group of 11-year-old and 12-year-old athletes, won the Dixie Youth Baseball State Championship in July 2019; and

WHEREAS, the Rustburg Dixie Youth Baseball O-Zone All-Star team advanced to the state tournament after winning the District VI Tournament with a record of 5-1; during one close game in the tournament, the team emerged victorious after a clutch, late-inning home run; and

WHEREAS, at the state tournament in South Boston, the Rustburg Dixie Youth Baseball O-Zone All-Star team bested teams throughout the Commonwealth, posting a 3-2 record and showing an incredible ability to step up with a big play when it mattered most; and

WHEREAS, the Rustburg Dixie Youth Baseball O-Zone All-Star team represented Virginia in the 2019 Dixie Youth Division II World Series in Lumberton, North Carolina, and competed admirably against strong teams from North Carolina, Alabama, Florida, and Mississippi; and

WHEREAS, on the Rustburg Dixie Youth Baseball O-Zone All-Star team is Titus Blanks, Tyler Carr, Brady Chewing, Cameron Elliott, Chris Gilbert, Jackson Hall, K.J. Klein, Bryant Maddox, Dylan Maddox, Evan Neighbors, Austin Rosser, and Doug Sprouse; and

WHEREAS, the Rustburg Dixie Youth Baseball O-Zone All-Star team's successful season is a tribute to the skill and hard work of all of the athletes, the leadership of the coaches and staff, and the support of the entire Rustburg community; now, therefore, be it

RESOLVED by the House of Delegates, That the Rustburg Dixie Youth Baseball O-Zone All-Star team hereby be commended for winning the 2019 Dixie Youth Baseball State Championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Andy Maddox, manager of the Rustburg Dixie Youth Baseball O-Zone All-Star team, as an expression of the House of Delegates' admiration for the team's remarkable achievement and best wishes for the future.

HOUSE RESOLUTION NO. 86

Commending the Riverheads High School football team.

Agreed to by the House of Delegates, February 24, 2020

WHEREAS, the Riverheads High School football team of Augusta County claimed its fourth consecutive state title with a victory in the Virginia High School League Class 1 State Championship; and

WHEREAS, the Riverheads High School Gladiators defeated the Galax High School Maroon Tide by a score of 31-24 in what turned out to be their closest game of the season; and

WHEREAS, the Galax Maroon Tide took an early lead, but the Riverheads Gladiators responded with 17 points in the second quarter; the Maroon Tide answered after halftime, but the Gladiators stayed the course and ultimately won by a one-touchdown margin; and

WHEREAS, junior Zac Smiley led the attack for Riverheads High School, rushing for 135 yards and two touchdowns on 17 carries and returning an interception for a third score; and

WHEREAS, the Riverheads Gladiators' State Championship win capped off a perfect 15-0 season; and

WHEREAS, the victory was a testament to the skill and hard work of all the student-athletes, the leadership and guidance of coaches and staff, and the enduring support of the entire Riverheads High School community; now, therefore, be it

RESOLVED by the House of Delegates, That the Riverheads High School football team hereby be commended on winning the Virginia High School League Class 1 State Championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Robert Casto, head coach of the Riverheads High School football team, as an expression of the House of Delegates' admiration for the team's achievements and best wishes for the future.

HOUSE RESOLUTION NO. 87

Celebrating the life of Dorothy G. Gwaltney.

Agreed to by the House of Delegates, February 24, 2020

WHEREAS, Dorothy G. Gwaltney, a respected farmer and beloved member of the Windsor community, died on January 16, 2020; and

WHEREAS, as the matriarch of the family that owns Indika Farms in Windsor, Dorothy "Dot" G. Gwaltney contributed greatly to the peanut industry for which the Commonwealth is famous; and

WHEREAS, Dot Gwaltney and her husband, William, started growing peanuts at Indika Farms in 1956, and grew the operation substantially over the years; even after her sons, William, Jr., and Jesse, took over the family business, Dot Gwaltney continued to help each harvest season; and

WHEREAS, a frequent participant in Isle of Wight County's Farm Day activities, Dot Gwaltney graciously taught countless children about farming and the natural world, sharing decades of experience for the benefit of future generations; and

WHEREAS, in recognition of Indika Farm's accomplishments and the value it brings to Isle of Wight County, the business received the 1998 Virginia Clean Water Award from the Department of Conservation and Recreation and was named the 2001 Agricultural Business of the Year by the Isle of Wight-Smithfield-Windsor Chamber of Commerce; and

WHEREAS, for more than 60 years, Dot Gwaltney made an impact in her community through her involvement with the Woman's Club of Windsor, Inc., serving twice as the service organization's president and often as chair of its various committees; and

WHEREAS, Dot Gwaltney proved through the years to be a dependable friend and supportive member of the community, both through her work with organizations like Suffolk Meals on Wheels and Friends of the Blackwater Regional Library and at gatherings such as Bee Friends Quilting Group in Suffolk and Pat's Weekly Scrapbooking Group; and

WHEREAS, guided throughout life by her deep and abiding faith, Dot Gwaltney was an engaged member of the Windsor Congregational Christian Church, where she was involved in the Martha S. Persons Sunday school class, the Women's Fellowship, and Circle #2; and

WHEREAS, preceded in death by her husband, William, Dot Gwaltney will be fondly remembered and dearly missed by her children, Dianne, Susan, William, Jr., and Jesse, and their families, and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Dorothy G. Gwaltney, an inspiring agriculturalist and cherished member of the Windsor community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Dorothy G. Gwaltney as an expression of the House of Delegates' respect for her memory.

HOUSE RESOLUTION NO. 88

Celebrating the life of Donald Arthur Bagshaw.

Agreed to by the House of Delegates, February 24, 2020

WHEREAS, Donald Arthur Bagshaw, an active and engaged community member and civic leader beloved throughout the Tri-Cities area, died on January 17, 2020; and

WHEREAS, born in Hollidaysburg, Pennsylvania, Donald "Don" Arthur Bagshaw was an avid musician who performed in several distinguished ensembles in his youth, including the Pennsylvania FFA Band, the Penn State University Blue Band, and the Penn State University ROTC Band; and

WHEREAS, studying vocational agriculture in high school and animal husbandry at Penn State University, Don Bagshaw worked briefly as a dairy herdsman and milk tester, maintaining production records for farms throughout Berks County, Pennsylvania; and

WHEREAS, drafted into the United States Army in 1958 and obtaining the rank of staff sergeant, Don Bagshaw served with the 392nd Army Band in Fort Lee, followed by a period with the 80th Division United States Army Reserves Band, before his discharge in 1967; and

WHEREAS, Don Bagshaw spent his professional career with the Virginia American Water Company as the Hopewell District's operations superintendent and distribution and loss control manager, retiring in 1999 after nearly four decades with the utility company; and

WHEREAS, an avid sportsman, Don Bagshaw coached a USSSA Class A women's softball team to a 13th-place finish in the league's world tournament in 1976 and won several medals at the Virginia Commonwealth Games' bowling competitions over the years, earning a place in the Appomattox River District Bowling Association's Bowling Hall of Fame in 2013; and

WHEREAS, several fraternal and professional organizations benefited from Don Bagshaw's membership over the years, including the Hopewell Moose Lodge #1472, the Hopewell American Legion Post 146, and the American Water Works Association; and

WHEREAS, dedicated to serving his community and helping others, Don Bagshaw was involved with several Ruritan clubs, including clubs in City Point, where he was a charter member and treasurer; Disputanta, where he served as both president and vice president; and Prince George County, in 2007, he was recognized as a Distinguished Ruritan Member by Ruritan National for his many contributions to the organization over the years; and

WHEREAS, valued for his wisdom and good sense, Don Bagshaw served several civic organizations and government agencies, including the South Centre Corridors Resource Conservation & Development Council, the Prince George County Extension Leadership Council, the Virginia Cooperative Extension Leadership Council, and the James River Soil & Water Conservation District; and

WHEREAS, for 40 years, Don Bagshaw was essential to the safety and security of the Counties of Prince George and Surry and the City of Hopewell as the Virginia Department of Emergency Management's radiological monitoring instructor and radiological defense officer; and

WHEREAS, a former member of the Virginia Emergency Management Association and the board of directors of the Virginia Safety Association, Don Bagshaw was a charter member of the Hopewell Industrial Safety Council, now known as the Hopewell Local Emergency Planning Committee; and

WHEREAS, Don Bagshaw will be fondly remembered and dearly missed by his wife of 35 years, Mary; his children, John, Shel, Lori, and Teresa, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Donald Arthur Bagshaw, who touched countless lives in the Tri-Cities area as a civic leader, safety expert, and friend; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Donald Arthur Bagshaw as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 89

Commending the Virginia Society of Eye Physicians and Surgeons.

Agreed to by the House of Delegates, February 24, 2020

WHEREAS, the Virginia Society of Eye Physicians and Surgeons, the voice of ophthalmology in the Commonwealth, celebrates its 100th anniversary in 2020; and

WHEREAS, founded on October 27, 1920, the Virginia Society of Eye Physicians and Surgeons was established to represent the Commonwealth's ophthalmologists and to advocate for the best quality eye care through education, legislative efforts, and community service; and

WHEREAS, the Virginia Society of Eye Physicians and Surgeons is committed to heightening public awareness that eye disease and blindness can be reduced through prevention, early detection, and treatment; and

WHEREAS, the Virginia Society of Eye Physicians and Surgeons is dedicated to the public's direct access to high-quality ophthalmic care and has served to promote and enhance the practice of ophthalmology for its members in a variety of ways; and

WHEREAS, the Virginia Society of Eye Physicians has actively advocated for high-quality eye care and health care for patients; and

WHEREAS, originally chartered as the Virginia Society of Ophthalmology and Otolaryngology in October 1920, the Virginia Society of Ophthalmology was incorporated in March 1983 and in June 2009 changed its name to the Virginia Society of Eye Physicians and Surgeons; and

WHEREAS, the Virginia Society of Eye Physicians and Surgeons will commemorate its centennial with special events and activities throughout 2020; now, therefore, be it

RESOLVED by the House of Delegates, That the Virginia Society of Eye Physicians and Surgeons hereby be commended on the occasion of its 100th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Dr. Anthony Viti, president of the Virginia Society of Eye Physicians and Surgeons, as an expression of the House of Delegates' admiration for the Virginia Society of Eye Physicians and Surgeons' significant contributions to eye care, health care, patients, and ophthalmologists in the Commonwealth and the United States.

HOUSE RESOLUTION NO. 90

Commending Brigadier General Creighton W. Abrams III, USA, Ret.

Agreed to by the House of Delegates, February 24, 2020

WHEREAS, Brigadier General Creighton W. Abrams III, USA, Ret., honorable veteran and former executive director of the Army Historical Foundation, retired in June 2019; and

WHEREAS, Creighton Abrams led the Army Historical Foundation since 2000, spearheading the campaign to build the National Museum of the United States Army, which is expected to open in Fort Belvoir in 2020 and attract approximately 750,000 visitors a year; and

WHEREAS, the National Museum of the United States Army, which will honor the history of the nation's largest and oldest service and provide a moving tribute to its veterans, would not be possible without the efforts of Creighton Abrams; and

WHEREAS, under Creighton Abrams' curatorial guidance, the National Museum of the United States Army will take a unique approach to military history, focusing less on specific battles and more on story-driven themes that illuminate the lives and experiences of soldiers, from the United States Army's founding in 1775 to today; and

WHEREAS, the son of General Creighton W. Abrams, Jr., the United States commander during the Vietnam War and later Chief of Staff of the United States Army, Creighton Abrams III, descends from a distinguished military family; he served in the United States Army for 31 years, including deployments to Korea, Vietnam, Germany, Southwest Asia, and Italy; and

WHEREAS, as a result of Creighton Abrams' skillful leadership and tireless dedication, countless individuals will have a deeper understanding of and greater appreciation for the United States Army in the future; now, therefore, be it

RESOLVED by the House of Delegates, That Brigadier General Creighton W. Abrams III, USA, Ret., decorated veteran and former executive director of the Army Historical Foundation, hereby be commended on the occasion of his retirement; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Brigadier General Creighton W. Abrams III, USA, Ret., as an expression of the House of Delegates' profound appreciation for his service to the country and the Commonwealth.

HOUSE RESOLUTION NO. 91

Celebrating the life of Douglas Paris Redman.

Agreed to by the House of Delegates, February 24, 2020

WHEREAS, Douglas Paris Redman, a retired mechanical engineer and a man of deep and abiding faith who touched countless lives through his commitment to ministry, died on January 28, 2020; and

WHEREAS, a native of Newport News, Douglas "Doug" Paris Redman graduated from Warwick High School, then served his country as a member of the United States Marine Corps, both on active duty and in the reserves; and

WHEREAS, after his honorable military service, Doug Redman worked as a Bible Club director for Youth for Christ, served as a youth pastor at Denbigh Baptist Church in Newport News, and attended Washington Bible College in Maryland in the late 1970s; and

WHEREAS, Doug Redman settled in Surry in 1986 and joined Bacon's Castle Baptist Church, where he served as a Sunday school teacher, trustee, deacon, youth leader, and Awana commander; he was a longtime member of Gideons International, having served in local camps for more than 30 years; and

WHEREAS, Doug Redman graduated from LeTourneau University in Texas with a degree in mechanical engineering technology and subsequently offered his expertise to Newport News Shipbuilding, the Newport News Housing and Redevelopment Authority, Richmond Engineering, the Sussex Service Authority, and other contracting firms in the region; and

WHEREAS, outside of his career, Doug Redman was a private pilot for many years, and he delighted family and friends with his talents as an upright bass player; and

WHEREAS, Doug Redman will be fondly remembered and greatly missed by his wife of 45 years, Carolyn, and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Douglas Paris Redman, a respected member of the Surry community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Douglas Paris Redman as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 92

Celebrating the life of Sergeant First Class Travis Wayne Glover, VANG, Ret.

Agreed to by the House of Delegates, February 24, 2020

WHEREAS, Sergeant First Class Travis Wayne Glover, VANG, Ret., a former resident of Chesapeake who served his country as a member of the United States Air Force and the Virginia Army National Guard, died on December 3, 2019; and

WHEREAS, born in Athens, Greece, Travis Glover grew up in Hampton Roads, where he attended Great Bridge High School and later earned a bachelor's degree from Old Dominion University; and

WHEREAS, after high school, Travis Glover followed in his father's footsteps as a member of the military and joined the United States Air Force; he completed overseas deployments to Saudi Arabia and South Korea and served as a recruiter; and

WHEREAS, in 1998, Travis Glover joined the Virginia Army National Guard as a fire support specialist assigned to the 1st Battalion, 116th Infantry Brigade Combat Team in Lynchburg; and

WHEREAS, during his time with the Virginia Army National Guard, Travis Glover served in combat in Iraq and Afghanistan; he retired from military service as a fire support sergeant with the 1st Battalion, 111th Field Artillery Regiment; and

WHEREAS, Travis Glover earned the Meritorious Service Medal, Army Commendation Medal with three Oak Leaf Clusters, Army Achievement Medal, Air Force Achievement Medal, Army Good Conduct Medal, Air Force Good Conduct Medal, and Army Reserve Components Achievement Medal, among many others; and

WHEREAS, in civilian life, Travis Glover worked as a surveyor with Stephen Boone & Associates, PC, in Portsmouth, and ultimately settled in Fort Worth, Texas; and

WHEREAS, Travis Glover will be fondly remembered and greatly missed by his wife, Jenny; his children, Jack, Kristie, and Carly, and their families; his parents, William and Kay; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Sergeant First Class Travis Wayne Glover, VANG, Ret., a decorated former member of the United States Air Force and the Virginia Army National Guard; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Sergeant First Class Travis Wayne Glover, VANG, Ret., as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 93

Celebrating the life of Michael Thompson, Sr.

Agreed to by the House of Delegates, February 24, 2020

WHEREAS, Michael Thompson, Sr., an influential public policy expert, a successful businessman, and a beloved member of the Fairfax County community, died on September 7, 2019; and

WHEREAS, shortly after moving to Fairfax County in 1970, Michael Thompson founded the Thompson Creative Marketing Group, a nationally recognized marketing and public affairs company that he sold after 24 prosperous years; and had success in business as president of Mather Furniture Company, a family-owned business based in Georgia; and

WHEREAS, Michael Thompson's next venture was the Thomas Jefferson Institute for Public Policy, an organization that had an outsized influence in shaping Virginia's approach to education and government reform, environmental stewardship, and economic development, which he co-founded and served as president and chairman until 2019; and

WHEREAS, although never serving in public office, Michael Thompson was an influential figure within the Republican Party for years; after serving on the party's State Central Committee, as Springfield District Chairman for the Fairfax County Republican Committee, and as an informal advisor to countless politicians, *Campaigns & Elections* magazine recognized him as one of the 30 most influential non-elected Republicans in Virginia; and

WHEREAS, several organizations benefited from Michael Thompson's masterful leadership experience, including the Virginia Leadership Council and the National Federation of Independent Business, for which he served on Virginia's Board of Directors; and

WHEREAS, over the years, Michael Thompson served the Commonwealth on several state commissions; he was on the Virginia Attorney General's Regulation Reform Commission from 2008 to 2009, a member of Governor Robert F. McDonnell's transition team in 2009, special advisor to the Governor's Commission on Government Reform and Restructuring from 2010 to 2014, and a gubernatorial appointee to the Small Business Environmental Compliance Advisory Board; and

WHEREAS, impactful at the local level, Michael Thompson served three terms as president of the Springfield District Council, which represents over 200 homeowners' associations; member of the Executive Committee of the Fairfax Federation of Civic Associations, which oversees all homeowners' associations in Fairfax; and co-founder of the Occoquan Watershed Coalition; and

WHEREAS, Michael Thompson will be dearly remembered and greatly missed by his wife, Kit; his children, Michael, Jr., and Liza; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Michael Thompson, Sr., a natural-born leader whose vision influenced and inspired many; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Michael Thompson, Sr., as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 94

Commending the Douglas S. Freeman High School "We the People" team.

Agreed to by the House of Delegates, February 24, 2020

WHEREAS, the Douglas S. Freeman High School "We the People" team won the Virginia "We the People: The Citizen and the Constitution" competition on January 24, 2020, at the University of Virginia's Darden School of Business; and

WHEREAS, presented by the Center for Civic Education, the "We the People: The Citizen and the Constitution" program promotes students' knowledge and understanding of the United States Constitution through a period of intensive study culminating in competitions among participating schools; and

WHEREAS, the "We the People" competitions occur at the district, state, and national levels, simulating congressional hearings as students respond to questions on American history, government, politics, and constitutional law; and

WHEREAS, the Douglas S. Freeman High School "We the People" team won the state competition by defeating the perennial champions from Maggie L. Walker Governor's School for Government and International Studies; and

WHEREAS, advancing to the national competition, the Douglas S. Freeman High School "We the People" team earned the opportunity to compete at the 33rd Annual We the People National Finals in Washington, D.C., in April 2020; and

WHEREAS, the members of the Douglas S. Freeman High School "We the People" team, dubbed "Team Rehnquist" in honor of the late United States Supreme Court justice, are all seniors in their school's Center for Leadership, Government, and Global Economics; and

WHEREAS, the members of the Douglas S. Freeman High School "We the People" team include Kate Becker-Mowery, Charlotte Browder, Davis Buckbee, Josh DuPuis, Piper Finkelson, Karson Girvin, Addison Gorenflo, Balazs Kaszala, Salaar Khan, Christian Massengill, Megan McDonald, Brian Morton, Gretchen Neary, Rylan Pearsall, Marcus Rand, Sadie Rogerson, Maggie Sheerin, Maddie Sherman, Ashwin Suresh, Abby Taylor, Caroline Tyler, and Abby Zorn; and

WHEREAS, the success of the Douglas S. Freeman High School "We the People" team is the result of the hard work and dedication of the students, the leadership and guidance of their teachers, and the unwavering support of the entire Douglas S. Freeman High School community; now, therefore, be it

RESOLVED by the House of Delegates, That the Douglas S. Freeman High School "We the People" team hereby be commended for winning the 2020 Virginia "We the People: the Citizen and the Constitution" competition; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Robert Peck, teacher advisor of the Douglas S. Freeman High School "We the People" team, as an expression of the House of Delegates' admiration for the team's remarkable achievement and best wishes for the future.

HOUSE RESOLUTION NO. 95

Commending Jackson-Feild Behavioral Health Services.

Agreed to by the House of Delegates, February 24, 2020

WHEREAS, Jackson-Feild Behavioral Health Services, an organization dedicated to serving children with acute emotional and mental health needs, marks its 165th anniversary in 2020; and

WHEREAS, Jackson-Feild Behavioral Health Services was established in 1855 with a charter from the Virginia General Assembly to serve children orphaned by the yellow fever epidemic; and

WHEREAS, Jackson-Feild Behavioral Health Services has since developed into an organization that offers a multitude of programs for children, including addiction, recovery, and trauma-informed treatments and spiritual services; and

WHEREAS, today, Jackson-Feild Behavioral Health Services has the capacity and qualifications to provide quality residential psychiatric treatment services for children suffering from mental illness or substance use disorders; and

WHEREAS, Jackson-Feild Behavioral Health Services has helped transform the lives of thousands of children by helping them manage their mental illness, achieve wellness, and reintegrate into their communities; and

WHEREAS, Jackson-Feild Behavioral Health Services is recognized as a national leader in the field of children's mental health services, developing new and emerging best mental health practices in its programs and services; and

WHEREAS, Jackson-Feild Behavioral Health Services has been a guiding light and source of inspiration for its ability to treat children with several mental health and trauma-related issues and restore them to their communities; now, therefore, be it

RESOLVED by the House of Delegates, That Jackson-Feild Behavioral Health Services, an organization that has served countless children and families of the Commonwealth, hereby be commended on the occasion of its 165th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Jackson-Feild Behavioral Health Services as an expression of the House of Delegates' respect, appreciation, and esteem for the organization and its contributions to the Commonwealth.

HOUSE RESOLUTION NO. 96

Commending Diane C. Ickes.

Agreed to by the House of Delegates, February 24, 2020

WHEREAS, Diane C. Ickes has faithfully served as a supervising deputy clerk, deputy clerk, and clerk in the Richmond Juvenile and Domestic Relations District Court of the 13th Judicial District of Virginia for 50 years, from 1970 to 2020; and

WHEREAS, Diane Ickes has served as a trusted assistant and aide to the judges of the Richmond Juvenile and Domestic Relations Court for these five decades, working with no fewer than 21 judges and hundreds of attorneys in the Richmond area; and

WHEREAS, through her efforts, Diane Ickes has contributed to the numerous successes and accomplishments of the Clerk's Office of the Juvenile and Domestic Relations District Court, working with scores of clerks and administrative personnel; she was awarded the Outstanding Career Service Award from the District Court and Magistrate System in 2007 and was recognized as Supervising Deputy Clerk of the Year by the District Court Clerks Association of Virginia in 2019; and

WHEREAS, Diane Ickes has been a true ambassador and representative of the Richmond Juvenile and Domestic Relations District Court as she has interacted with police officers, members of the public, litigants, and city officials; and

WHEREAS, Diane Ickes is singular in her knowledge of the court's history and practices, having served for nearly half of its 108-year existence and in two of its five courthouses; and

WHEREAS, Diane Ickes has demonstrated a commitment to excellence, a dedication to public service, a resolve to improve the lives of all citizens of Richmond, and brought credit to the Juvenile and Domestic Relations District Court, making Richmond an even better city during her service; and

WHEREAS, Diane Ickes has faithfully exhibited a sterling character, a faithfulness to friends and colleagues, and is a devoted mother and grandmother; now, therefore, be it

RESOLVED by the House of Delegates, That Diane C. Ickes hereby be commended for her 50 years of hard work on behalf of the Richmond Juvenile and Domestic Relations District Court; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Diane C. Ickes as an expression of the House of Delegates' admiration for her achievements in service to the residents of Richmond and the Commonwealth.

HOUSE RESOLUTION NO. 97

Celebrating the life of Margie Dickinson Davis.

Agreed to by the House of Delegates, February 24, 2020

WHEREAS, Margie Dickinson Davis, civic leader and beloved member of the Chesterfield County community, died on November 2, 2019; and

WHEREAS, a graduate of the University of Virginia and Virginia Commonwealth University, Margie Davis dedicated her life to bettering her community and the Commonwealth; and

WHEREAS, Margie Davis served on the board of the DuPont Community Credit Union and on the Lucy Corr Health Center Commission, overseeing the center's operation and expansion of its nursing home; and

WHEREAS, dedicated to protecting the environment and ensuring the health and safety of her community, Margie Davis was elected three times to represent Chesterfield County as a director of the James River Soil & Water Conservation District, a political subdivision organized to protect local soil and water resources with support from the Department of Conservation and Recreation; and

WHEREAS, having grown up on a farm, Margie Davis was particularly adept at communicating with local farmers and understanding their needs; as director, she advocated for a program that allowed farmers to rent equipment from the James River Soil & Water Conservation District, facilitating relationships between farmers and the district and improving the district's ability to implement best-management practices; and

WHEREAS, Margie Davis will be dearly remembered and missed by her husband, Michael; her children, Axel, Nicole, and Mitch; her mother, Pat; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Margie Dickinson Davis, dedicated civic leader and cherished member of the Chesterfield community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Margie Dickinson Davis as an expression of the House of Delegates' respect for her memory.

HOUSE RESOLUTION NO. 98

Celebrating the life of Michele R. Green-Wright.

Agreed to by the House, February 20, 2020

WHEREAS, Michele R. Green-Wright, a longtime nurse, health educator, and beloved member of the Emporia community, died on February 17, 2020; and

WHEREAS, an alumni of Greensville County High School, Michele Green-Wright graduated from the Norfolk State University nursing program in 1986 and subsequently earned a bachelor's degree in organizational management from St. Paul's College and a master's degree in education from Central Michigan University; and

WHEREAS, over a 28-year nursing career, Michele Green-Wright worked at the prestigious Georgetown University Hospital in various areas, including orthopedics, pediatrics, and oncology, and in many positions, including preceptor, charge nurse, and clinical coordinator; she later worked as a nurse manager in a managed care center at George Washington University; and

WHEREAS, with her extraordinary nursing experience, Michele Green-Wright became a highly effective health educator in the second part of her career; for many years, she served the Greensville County Public Schools as a health occupations teacher and fulfilled several leadership roles, earning recognition as the 2008 Greensville County High School Teacher of the Year; and

WHEREAS, after subsequently serving as an adjunct instructor at Southside Virginia Community College, Michele Green-Wright was most recently employed with the Virginia Department of Education in the Office of Career and Technical Education Services, where she filled the role of state specialist for health and medical sciences and related clusters; and

WHEREAS, creating opportunities for youth in her community was always a priority for Michele Green-Wright; toward this end, she served many years as an advisor for Health Occupations Students of America and as a volunteer for 4-H, the Girl Scouts of the USA, and the Boy Scouts of America; and

WHEREAS, Michele Green-Wright's leadership and membership were invaluable to numerous social and professional organizations; notably, she was president of the Eta Eta Chapter of Chi Eta Phi Sorority, Inc., for over 10 years and former president of the Virginia Health and Medical Science Educators Association; and

WHEREAS, guided throughout her life by her deep and abiding faith, Michele Green-Wright was an active member of Royal Baptist Church in Emporia, where she enjoyed worship and fellowship with her community and served as chair of the health ministry; and

WHEREAS, Michele Green-Wright will be fondly remembered and dearly missed by her loving husband, James; her children, Natasha and Brittany; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Michele R. Green-Wright, who touched countless lives as a nurse, health educator, and friend; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Michele R. Green-Wright as an expression of the House of Delegates' respect for her memory.

HOUSE RESOLUTION NO. 99

Commending Pamela Hall.

Agreed to by the House of Delegates, February 24, 2020

WHEREAS, Pamela Hall, a first-grade teacher at Windsor Elementary School in Isle of Wight County, was named the Virginia Agriculture in the Classroom Teacher of the Year in 2020; and

WHEREAS, Agriculture in the Classroom is a national program that provides resources and opportunities to affiliated state-based programs to promote agricultural literacy in PreK-12 schools; Virginia Agriculture in the Classroom works closely with the national organization and receives both funding and administrative support from the Virginia Farm Bureau Federation; and

WHEREAS, the Virginia Agriculture in the Classroom Teacher of the Year Award distinguishes Pamela Hall for incorporating agricultural lessons into her curriculum in engaging and effective ways; and

WHEREAS, throughout the year, Pamela Hall's students studied the life cycles of plants and animals, took nature walks, visited farms, made ice cream, raised a hive of bees, and grew hydroponic plants, activities designed to cultivate greater interest in and understanding of agricultural practices; and

WHEREAS, by supporting her students' classroom activities with visits from experts and field trips to area farms, Pamela Hall fostered a broad educational experience that will inspire her students' imagination and encourage them to think both creatively and constructively about the natural world; and

WHEREAS, as part of the Virginia Agriculture in the Classroom honor, Pamela Hall will receive a scholarship to attend the 2020 National Agriculture in the Classroom Conference in Salt Lake City, Utah, in June, where she will have the opportunity to share ideas with other leading educators in her field; and

WHEREAS, Pamela Hall has admirably served the students of Isle of Wight County through her innovative and compelling lessons, preparing them for future success both in and out of the classroom; now, therefore, be it

RESOLVED by the House of Delegates, That Pamela Hall, a first-grade teacher at Windsor Elementary School, hereby be commended for being named the 2020 Virginia Agriculture in the Classroom Teacher of the Year; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Pamela Hall as an expression of the House of Delegates' admiration for her achievement and best wishes for the future.

HOUSE RESOLUTION NO. 100

Commending Central State Hospital.

Agreed to by the House of Delegates, March 2, 2020

WHEREAS, Central State Hospital, an inpatient psychiatric facility, has provided care and treatment to the residents of Petersburg, Dinwiddie County, and other Central Virginia counties for 150 years; and

WHEREAS, Central State Hospital traces its roots to the end of the Civil War, when the Freedmen's Bureau leased Howards Grove Hospital to create the first mental and medical hospital in the nation for emancipated African Americans; and

WHEREAS, originally known as the Central Lunatic Asylum for Colored Insane, Central State Hospital was ceded to the Commonwealth in 1870; the hospital treated patients diagnosed with insanity, and it served members of the community afflicted with other medical, social, and economic challenges; and

WHEREAS, by 1885, the population of the Central State Hospital had reached 373 patients, and a new, larger facility was erected on the former site of the Mayfield plantation to better serve the community; and

WHEREAS, the number of patients at the Central State Hospital doubled each decade between 1885 and 1950, when the inpatient population had reached 5,000, with the rate of hospitalization consistently ranking at twice that of the black proportion of the state population; and

WHEREAS, Central State Hospital remained segregated until 1968 and was the only such hospital in Virginia that accepted African American mental health patients from throughout the Commonwealth for nearly 100 years; and

WHEREAS, today, Central State Hospital is accredited by the Joint Commission on Accreditation of Healthcare Organizations and strives to enhance the wellness and safety of the community; and

WHEREAS, in its 150-year history, Central State Hospital has served the residents of Petersburg, Dinwiddie County, and other Central Virginia counties by offering rehabilitative care for patients and extensive employment opportunities for local residents; now, therefore, be it

RESOLVED by the House of Delegates, That Central State Hospital hereby be commended on the occasion of its 150th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Central State Hospital as an expression of the House of Delegates' admiration for its contributions to the community.

HOUSE RESOLUTION NO. 101*Commending Dixie Restaurant.*

Agreed to by the House of Delegates, March 2, 2020

WHEREAS, Dixie Restaurant, a beloved Southern-style diner in Petersburg, has opened its doors to customers for the past 100 years; and

WHEREAS, established in 1920 along Sycamore Street in Old Towne Petersburg, the restaurant moved once before settling in 1939 down the block from its original location, where it has remained for the past 80 years; and

WHEREAS, although the name of Dixie Restaurant has changed over time, serving variously as Dixie Lunch, Dixie Quick Lunch, and Dixie Diner, the restaurant has always provided reliable and delicious down-home country cooking; and

WHEREAS, Louis Plakas, owner of the establishment from 1947 to 1970, created the much celebrated "Dixie Dog," a red hot dog smothered in house-made chili, mustard, and onions that has whetted appetites and filled bellies for over a half-century; and

WHEREAS, along with its irresistible menu items, Dixie Restaurant has charmed patrons over the years with its well-worn decor, a testament to the decades of community life that have transpired between its walls; and

WHEREAS, over countless meals, cups of coffee, and glasses of sweet tea, Dixie Restaurant has become a home away from home for several generations of Petersburg residents; now, therefore, be it

RESOLVED by the House of Delegates, That Dixie Restaurant, a cherished dining establishment in Petersburg, hereby be commended on the occasion of its 100th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Charlie and Frannie Rawlings, owners of Dixie Restaurant, as an expression of the House of Delegates' admiration for their contributions to the Commonwealth and best wishes for their continued success.

HOUSE RESOLUTION NO. 102*Commending Glenn Drumheller.*

Agreed to by the House of Delegates, March 2, 2020

WHEREAS, Glenn Drumheller, a life member of the Staunton-Augusta County First Aid & Rescue Squad, was honored for his 50 years of service on January 11, 2020; and

WHEREAS, born in New Hope and a graduate of Wilson Memorial High School in Fishersville, Glenn Drumheller answered the call to serve at a young age, enlisting with the United States Army Reserves for over 12 years; and

WHEREAS, a power service operator at the area DuPont plant for many years, Glenn Drumheller was inspired to join the Staunton-Augusta County First Aid & Rescue Squad after learning about the volunteer opportunity through coworkers; and

WHEREAS, from 1969 to 1993, Glenn Drumheller responded to emergency calls throughout the community, aiding countless residents of Staunton and Augusta County in their time of need, including three mothers and their newborns; and

WHEREAS, limited by health issues in recent years but undeterred in his desire to assist the Staunton-Augusta County First Aid & Rescue Squad, Glenn Drumheller later served the unit as a dispatcher, ably managing this important responsibility until only a few months ago; and

WHEREAS, over his half-century tenure with the Staunton-Augusta County First Aid & Rescue Squad, Glenn Drumheller was elected to many offices, sitting on various committees and serving as the squad's president for six years; and

WHEREAS, for his extraordinary service on behalf of the Staunton-Augusta County First Aid & Rescue Squad, Glenn Drumheller was distinguished as one of the squad's life members, and was further recognized in recent years as an honorary member of Stuarts Draft Rescue Squad; and

WHEREAS, long active in the Virginia Association of Volunteer Rescue Squads (VAVRS) at both the state and local levels and formerly the organization's District 1 vice president for 9 years, Glenn Drumheller was honored with VAVRS life membership in 2000; and

WHEREAS, always motivated by the opportunity to help others, Glenn Drumheller has embodied the ideals of compassion, commitment, and care toward which all should aspire; now, therefore, be it

RESOLVED by the House of Delegates, That Glenn Drumheller, a loyal and dedicated member of the Staunton-Augusta County First Aid & Rescue Squad hereby be commended for his 50 years of service; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Glenn Drumheller as an expression of the House of Delegates' profound admiration and respect for his contributions to Augusta County and the Commonwealth.

HOUSE RESOLUTION NO. 103

Commending Grant Holloway.

Agreed to by the House of Delegates, March 2, 2020

WHEREAS, Grant Holloway, a talented track and field athlete and a Chesapeake native, won a gold medal at the 2019 International Association of Athletics Federations World Athletics Championships; and

WHEREAS, Grant Holloway began his athletic career at Grassfield High School in Chesapeake, then attended the University of Florida, where he was a valued member of both the indoor and outdoor track and field teams; and

WHEREAS, while at the University of Florida, Grant Holloway earned six national titles in hurdling and broke a 40-year-old National Collegiate Athletic Association record with a time of 12.98 in the 110-meter hurdles event; and

WHEREAS, competing in only his fourth event as a professional, Grant Holloway won his first world championship title with a time of 13.10 in the 110-meter hurdles event at the World Athletics Championships in Doha, Qatar; and

WHEREAS, in recognition of his unprecedented success during the 2019 indoor and outdoor track and field seasons, Grant Holloway received The Bowerman, the highest honor presented to American collegiate track and field athletes; and

WHEREAS, Grant Holloway ably represented the Commonwealth and the United States through his determination and hard work; now, therefore, be it

RESOLVED by the House of Delegates, That Grant Holloway hereby be commended on winning a gold medal at the 2019 International Association of Athletics Federations World Athletics Championships; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Grant Holloway as an expression of the House of Delegates' admiration for his athletic achievements and best wishes for the future.

HOUSE RESOLUTION NO. 104

Commending New River Community College.

Agreed to by the House of Delegates, March 2, 2020

WHEREAS, for 50 years, New River Community College in Dublin has made numerous contributions to higher education and had a positive impact on the region and the Commonwealth; and

WHEREAS, originally known as New River Vocational-Technical School, New River Community College welcomed its first students on September 15, 1959; and

WHEREAS, in its first year, New River Vocational-Technical School enrolled 52 students in day and evening courses in industrial electronics and engineering drafting in the former Belle Heth Elementary School in Radford; and

WHEREAS, after the establishment of the Virginia Community College System in 1966, New River Vocational-Technical School became a member on July 1, 1966; fall enrollment that year was 837 students, with 21 full-time faculty members; and

WHEREAS, New River Vocational-Technical School officially became New River Community College on July 1, 1969; the following year, the institution moved into new facilities on what is now the current main campus in Dublin; and

WHEREAS, the mission of New River Community College is to give students the opportunity to learn and develop the right skills to succeed in education and careers and strengthen their communities; and

WHEREAS, New River Community College believes that all people should have a chance not only to develop and extend their skills and knowledge, but to increase their awareness of their roles and duties as good citizens; and

WHEREAS, New River Community College serves the educational needs of the public and assumes a responsibility to help provide the requirements for trained workers in the New River Valley through a combined effort with local industries, businesses, professions, and government, including economic development efforts; and

WHEREAS, New River Community College is dedicated to organizing programs with senior institutions and local public school systems; and

WHEREAS, with over 4,300 students and a faculty and staff of 293, including 48 full-time teaching faculty, New River Community College in the 21st century continues to excel at its core mission to provide learning opportunities for all; now, therefore, be it

RESOLVED by the House of Delegates, That New River Community College hereby be commended on the occasion of its 50th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to New River Community College as an expression of the House of Delegates' admiration for its contributions to the New River Valley and the Commonwealth.

HOUSE RESOLUTION NO. 105

Commending the Christiansburg High School boys' indoor track team.

Agreed to by the House of Delegates, March 2, 2020

WHEREAS, the Christiansburg High School boys' indoor track team of Montgomery County won the Virginia High School League Class 3A State Championship on February 23, 2019, at Roanoke College; and

WHEREAS, the Christiansburg High School Blue Demons earned 62.50 points to defeat the runner-up Western Albemarle High School Warriors; and

WHEREAS, senior Ethan Mills won two individual titles in the 1,600-meter and 1,000-meter races, followed closely by Trey Wilson, who claimed second place in both races; and

WHEREAS, each member of the Christiansburg High School Blue Demons—Sean Chase, Nathan Jenkins, J.R. Jordan, Zach Lewis, Ethan Mills, Cooper Neeble, Landon Shaver, Dakota Sisson, Alex Watty, Ethan Wilson, Trey Wilson, and Xavier Wright—played a role in the victory; and

WHEREAS, under the leadership and direction of Tommy Trotter, the Blue Demons' championship title is a wonderful testament to the personal commitment and skill of all Christiansburg High School student-athletes; the excellent guidance of all coaches and staff; and the inspiring support of family, friends, and the entire Christiansburg High School community; now, therefore, be it

RESOLVED by the House of Delegates, That the Christiansburg High School boys' indoor track team hereby be commended on winning the Virginia High School League Class 3A State Championship in 2019; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Tommy Trotter, head coach of the Christiansburg High School boys' indoor track team, as an expression of the House of Delegates' admiration for the team's notable athletes, exceptional season, and quality program.

HOUSE RESOLUTION NO. 106

Commending the Auburn High School softball team.

Agreed to by the House of Delegates, March 2, 2020

WHEREAS, the Auburn High School softball team of Montgomery County won the Virginia High School League Class 1A State Championship on June 14, 2019, at Radford University in Radford; and

WHEREAS, with an impressive victory over the Rappahannock County High School Panthers of Washington, Virginia, the Auburn Eagles ended the title game with an impressive 18-1 score; and

WHEREAS, the Auburn Eagles completed their regular season with an exceptional record of 25-3; and

WHEREAS, the Auburn High School softball team included seniors Skyler DeHart, Rebecca Harding, Leah Harrison, Emily Scaggs, McKenzie Lawrence, Courtney Cochran, and Abby Wilson; juniors Sarah Lee Bolen, Rachel Harding, Addie Huff, and Tori Boyd; sophomore Emily Coe; and freshman Hannah Sheppard; and

WHEREAS, Abby Wilson was selected as 1A Player of the Year and was named to the All-State First Team, along with Skyler DeHart, Emily Scaggs, and Rebecca Harding; and

WHEREAS, Cortney Cochran, Tori Boyd, and McKenzie Lawrence, were named to the All-State Second Team; and

WHEREAS, achieved under the leadership and direction of David Hurd, who was named Class 1A Coach of the Year, the Eagles' championship title is a wonderful testament to the personal commitment and skill of all Auburn High School student-athletes, the excellent guidance of all coaches and staff, and the inspiring support of family, friends, and the entire Auburn High School community; now, therefore, be it

RESOLVED by the House of Delegates, That the Auburn High School softball team hereby be commended on winning the 2018-2019 Virginia High School League Class 1A State Championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to David Hurd, head coach of the Auburn High School softball team, as an expression of the House of Delegates' admiration for the team's most notable athletes, exceptional season, and quality program.

HOUSE RESOLUTION NO. 107

Commending the Pulaski Yankees.

Agreed to by the House of Delegates, March 2, 2020

WHEREAS, the Pulaski Yankees, a Rookie Advanced team in the Appalachian League, which became a farm team of the New York Yankees franchise in 2015 and plays its home games at the historic Calfee Park, won Minor League Baseball's top honor in 2019; and

WHEREAS, the Pulaski Yankees are the recipients of the 46th annual John H. Johnson President's Award, which has been presented since 1974 to honor baseball franchises for their financial stability, contributions to league stability, support of baseball in the community, and promotion of the baseball industry; and

WHEREAS, the receipt of the John H. Johnson President's Award by the Pulaski Yankees is a first in the team's history, as well as in the history of the entire Appalachian League; and

WHEREAS, attendance at the Pulaski Yankees games has grown over five years under the ownership of David Hagan and Larry Shelor, heads of Christiansburg-based Shelor Automotive Group; and

WHEREAS, in 2015, David Hagan took over management of the Pulaski Yankees and historic Calfee Park from the Town of Pulaski, beginning a series of upgrades to the facility to ensure the future of professional baseball in Pulaski and the surrounding New River Valley; and

WHEREAS, these improvements included a renovated home team clubhouse; a new visiting team clubhouse, concessions stand, press box, 35-foot-by-22-foot video board, Bermuda grass playing field, irrigation and drainage system, scoreboard, box seats, and home offices for park employees; upgraded seating; additional parking; and an expanded upper concourse with a three-tiered party deck, increasing the stadium's capacity to 3,200 people; and

WHEREAS, the Pulaski Yankees boast a roster of over 200 corporate partners in a town with 9,000 residents, which has allowed for small businesses and large companies to show their support for Pulaski as a destination location for summertime enjoyment and excitement; and

WHEREAS, the Pulaski Yankees held record-breaking attendance numbers for the entire Appalachian League for the past two seasons and are poised to have great turnout for years to come; and

WHEREAS, in the spring of 2019, the Pulaski Yankees introduced #CalfeeCares, a mission organization that has made it a priority to give back to the fans and businesses in Pulaski and the New River Valley that help support the organization and its ballpark; now, therefore, be it

RESOLVED by the House of Delegates, That the Pulaski Yankees hereby be commended on being named the best minor league baseball franchise in the country with its receipt of the 46th John H. Johnson President's Award; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare copies of this resolution for presentation to Larry Shelor, David Hagen, the Pulaski Yankees, and the Town of Pulaski as an expression of the General Assembly's appreciation of the Pulaski County Yankees for providing another special reason to visit Southwest Virginia and promoting Pulaski as a destination location of the Commonwealth.

HOUSE RESOLUTION NO. 108

Commending the Auburn High School baseball team.

Agreed to by the House of Delegates, March 2, 2020

WHEREAS, the Auburn High School baseball team of Montgomery County won the Virginia High School League Class 1A State Championship on June 14, 2019, at Calfee Park in Pulaski County; and

WHEREAS, with a 9-0 victory over the Lancaster High School Red Devils of Staunton, the Auburn Eagles earned their second state title in three years; and

WHEREAS, an exciting semifinal game between the Auburn Eagles and Riverheads High School Red Pride provided a 4-3 win with an incredible comeback in the last inning, thanks to a walk-off single by senior Trevor Miles, which propelled them to the state final; and

WHEREAS, the Auburn Eagles completed their regular season with an exceptional record of 18-1; and

WHEREAS, the Auburn High School baseball team included seniors Brady Harris, Drew Hill, Austin Kirtner, Trevor Miles, Taylor Newcome, and Keith Reed; sophomores Parker Hale, Carter Keith, Matthew Lawrence, Kaden Poff, Mike Royal, Blaze Seely, and Reed Underwood; and freshmen Ethan Millirons, AJ Reece, and Tyler Sparrer; and

WHEREAS, Austin Kirtner, Keith Reed, Carter Keith, and Taylor Newcome were named to the All-State First Team; and

WHEREAS, achieved under the leadership and direction of Eric Altizer, who was named 1A Coach of the Year, the Eagles' championship title is a wonderful testament to the personal commitment and skill of all the Auburn High School student-athletes; the excellent guidance of all coaches and staff; and the inspiring support of family, friends, and the entire Auburn High School community; now, therefore, be it

RESOLVED by the House of Delegates, That the Auburn High School baseball team hereby be commended on winning the Virginia High School League Class 1A State Championship in 2019; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Eric Altizer, head coach of the Auburn High School Varsity baseball team, as an expression of the House of Delegates' admiration for the team's most notable athletes, exceptional season, and quality program.

HOUSE RESOLUTION NO. 109

Commending the Auburn High School boys' cross country team.

Agreed to by the House of Delegates, March 2, 2020

WHEREAS, the Auburn High School boys' cross country team of Montgomery County won the Virginia High School League Class 1A State Championship on November 9, 2018, at Great Meadow in The Plains; and

WHEREAS, the Auburn Eagles' championship victory clinched the fourth-straight state title for the Auburn High School boys' cross country program; the team scored an impressive total of 69 points to beat the George Wythe High School Maroons by a very small margin of three points; and

WHEREAS, Auburn High School junior Adam Downs placed seventh with a time of 17:14, freshman Andy Vaughan placed eighth with a time of 17:17, and senior Peyton Hurd placed 10th with a time of 17:24; all three athletes were named to the All-State team for their efforts; and

WHEREAS, other finishers for Auburn High School included freshman Chris Neal in 33rd place with a time of 18:11, senior Eddie Tickle in 42nd place with a time of 18:25, and freshman Chase Guynn in 73rd place with a time of 19:45; and

WHEREAS, achieved under the leadership and direction of Mark Carper, who was named Class 1A Coach of the Year, the Eagles' fourth straight title is a great testament to the commitment and skill of all Auburn High School student-athletes; the excellent guidance of all coaches and staff; and the inspiring support of family, friends, and the entire Auburn High School community; now, therefore, be it

RESOLVED by the House of Delegates, That the Auburn High School boys' cross country team hereby be commended on winning the Virginia High School League Class 1A State Championship in 2018; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Mark Carper, head coach of the Auburn High School boys' cross country team, as an expression of the House of Delegates' admiration for the team's notable athletes, successful season, and continued program excellence for four consecutive years.

HOUSE RESOLUTION NO. 110

Commending the Auburn High School girls' tennis team.

Agreed to by the House of Delegates, March 2, 2020

WHEREAS, the Auburn High School girls' tennis team of Montgomery County won the Virginia High School League Class 1A State Championship on June 8, 2019, at Virginia Polytechnic Institute and State University; and

WHEREAS, the Auburn Eagles defeated the Rappahannock High School Raiders of Warsaw 5-4, earning their second consecutive state title; and

WHEREAS, the championship victory came down to the very last doubles match-up, with senior Haley Gordon and junior Molly McMichael coming back to win 2-6, 6-2, and 6-4; and

WHEREAS, the Auburn High School girls' tennis team included seniors Haley Gordon, Anya Robins, and Sara Nichols; junior Molly McMichael; sophomore Anna Wilson; and freshmen Sara Albert and Anna McGuire; and

WHEREAS, Haley Gordon and Molly McMichael were the 1A Doubles Tournament state champions; and

WHEREAS, achieved under the leadership and direction of Conrad Nester, who was named the All-Timesland Coach of the Year, the Eagles' second consecutive championship title is a wonderful testament to the personal commitment and skill of all Auburn High School student-athletes, the excellent guidance of all coaches and staff, and the inspiring support of family, friends, and the entire Auburn High School community; now, therefore, be it

RESOLVED by the House of Delegates, That the Auburn High School girls' tennis team hereby be commended on winning the Virginia High School League Class 1A State Championship in 2019; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Conrad Nester, head coach of the Auburn High School girls' tennis team, as an expression of the House of Delegates' admiration for the team's most notable athletes, exceptional season, and quality program.

HOUSE RESOLUTION NO. 111

Commending the Auburn High School girls' cross country team.

Agreed to by the House of Delegates, March 2, 2020

WHEREAS, the Auburn High School girls' cross country team of Montgomery County won the Virginia High School League Class 1A State Championship on November 9, 2018, at Great Meadow in The Plains; and

WHEREAS, the Auburn Eagles' championship victory was its second in back-to-back state titles for the Auburn High School girls' cross country program; the team scored an impressive total of 40 points to beat the team from Parry McCluer High School by a notable margin of 16 points; and

WHEREAS, Auburn High School sophomore Anna Kuchan placed seventh with a time of 20:20, senior Caitlin Dominy placed eighth with a time of 20:37, sophomore Lily Messner placed 11th with a time of 20:47, and senior Jessica Musselman placed 15th with a time of 21:38 to each earn All-State honors; and

WHEREAS, other finishers for Auburn High School included junior Elizabeth Tomlin in 18th place with a time of 22:03, senior Grace Hall in 23rd place with a time of 22:44, and senior Hailey Wade in 29th place with a time of 23:08; and

WHEREAS, achieved under the leadership and direction of Mark Carper, who was named Class 1A Coach of the Year, the Eagles' second consecutive title is a true testament to the personal commitment and skill of all Auburn High School student-athletes; the excellent guidance of all coaches and staff; and the inspiring support of family, friends, and the entire Auburn High School community; now, therefore, be it

RESOLVED by the House of Delegates, That the Auburn High School girls' cross country team hereby be commended on winning the Virginia High School League Class 1A State Championship in 2018; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Mark Carper, head coach of the Auburn High School girls' cross country team, as an expression of the House of Delegates' admiration for the team's notable athletes, exciting season, and continued program excellence for two consecutive years.

HOUSE RESOLUTION NO. 112

Commending the Auburn High School girls' soccer team.

Agreed to by the House of Delegates, March 2, 2020

WHEREAS, the Auburn High School girls' soccer team of Montgomery County won the Virginia High School League Class 1A State Championship on June 8, 2019, at Christiansburg High School in Montgomery County; and

WHEREAS, the Auburn Eagles defeated the Stonewall Jackson High School Generals from Quicksburg in a 5-4 penalty shootout, following regulation play that had ended with a 0-0 score; and

WHEREAS, the Auburn Eagles completed their season with an impressive 18-1 record; and

WHEREAS, the Auburn High School girls' varsity soccer team included seniors Taylor Givens, Lyndsay Harris, Breanna Lohrmann, Jessica Nagel, Jessica Musselman, Rachel Rodriguez, and Lianne Veggeberg; juniors Abigail Lafon, Emma Sutphin, and Elizabeth Tomlin; sophomores Abby Coe, Emma Defendini, Leandra Gillie, and Lily Messner; and freshmen Katelyn Lafon, Kaitlyn Lytton, and Ava Weseloh; and

WHEREAS, Jessica Musselman, Lyndsay Harris, Elizabeth Tomlin, Breanna Lohrmann, Abigail Lafon, and Abby Coe were named to the All-State First Team, while Katelyn Lafon was named to the All-State Second Team; and

WHEREAS, achieved under the leadership and direction of Ashley Moreno, who was named Class 1A Coach of the Year, the Eagles' championship title is a wonderful testament to the personal commitment and skill of all Auburn High school student-athletes; the excellent guidance of all coaches and staff; and the inspiring support of family, friends, and the entire Auburn High School community; now, therefore, be it

RESOLVED by the House of Delegates, That the Auburn High School girls' soccer team hereby be commended on winning the Virginia High School League Class 1A State Championship in 2019; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Ashley Moreno, head coach of the Auburn High School girls' soccer team, as an expression of the House of Delegates' admiration for the team's notable athletes, exceptional season, and quality program.

HOUSE RESOLUTION NO. 113

Celebrating the life of James Wesley Epperly.

Agreed to by the House of Delegates, March 2, 2020

WHEREAS, James Wesley Epperly, the longtime chief of the Christiansburg Fire Department who proudly served the community for 54 years, died on March 19, 2019; and

WHEREAS, after joining the Christiansburg Fire Department, James "Jimmy" Wesley Epperly worked hard and with true purpose, achieving the ranks of firefighter, engineer and training officer, lieutenant, and captain; and

WHEREAS, in 1971, Jimmy Epperly fulfilled his lifelong dream when he was elected chief, a position that he held for 38 years until his retirement in 2009; and

WHEREAS, in 1972, Jimmy Epperly received a letter from President Richard M. Nixon which recognized his dedication to fire prevention; and

WHEREAS, Jimmy Epperly was elected president of the Southwest Virginia Firefighters Association from 1974 to 1975 and was subsequently named as a life member in 1990; and

WHEREAS, in 1985, Governor Charles Robb appointed Jimmy Epperly to the Virginia Fire Services Board; and

WHEREAS, Jimmy Epperly served as vice president, president, and owner of Epperly Pontiac-GMC Trucks until 1988; and

WHEREAS, in 1988, Jimmy Epperly was hired by the Town of Christiansburg to be the first paid, full-time fire chief and was recognized as both the youngest and longest-serving chief in the history of the department; and

WHEREAS, Jimmy Epperly will be lovingly remembered by his wife, Linda Holbrook Epperly; their five children, Jennifer Epperly McDonald, Paula Epperly Walker, J. Wesley Epperly II, Katlyn Epperly Garner, and Christopher "Cade" Kark; his brother, Larry Alton Epperly; his stepchildren, Marla Mundy and Mike Mundy; his cousin, Eugene Argabright; his grandchildren, Mitchell Myers, Erin Myers, Brayden Epperly, Kylee Epperly, Elizabeth Walker, Anna Leigh Walker, Owen Ward, and Oliver Garner; and his step-grandchildren, Jordan McDonald, Maddie McDonald, Cody Doyon, Morgan Mundy, Logan Mundy, Jaxon Mundy, Kendyl Mundy, and Knox Mundy; and

WHEREAS, Jimmy Epperly is survived by the members of the Christiansburg Fire Department, Christiansburg Rescue Department, Christiansburg Hunt Club, and Montgomery Game and Fish Club; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of James Wesley Epperly, a pillar of the Christiansburg community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of James Wesley Epperly as an expression of the General Assembly's respect for his memory.

HOUSE RESOLUTION NO. 114

Commending Jahmal Potter.

Agreed to by the House of Delegates, March 2, 2020

WHEREAS, Jahmal Potter, a Virginia Beach native and budding children's book author, published his first book in October 2018; and

WHEREAS, a graduate of the University of Virginia's College at Wise, Jahmal Potter fell in love with Southwest Virginia and became inspired to write a children's book drawn from the region's folklore; and

WHEREAS, Jahmal Potter's story, *Where is the Woodbooger?*, playfully recounts a search for the Bigfoot-like mythical creature believed to reside in and around Wise County and the City of Norton; and

WHEREAS, in recent years, the City of Norton has embraced the Woodbooger, erecting a statue in its honor and officially designating the Flag Rock Recreation Area a "Woodbooger Sanctuary"; and

WHEREAS, prompted by this local zeal, Jahmal Potter wrote a story to enchant young minds throughout the Commonwealth and promote the regional culture and geography of Wise County and the City of Norton; and

WHEREAS, in addition to his talents as a writer, Jahmal Potter is also an accomplished disc jockey with his own company, JGreat Entertainment, delighting audiences at many weddings, parties, and functions in the community; and

WHEREAS, as an advocate for reading and children's education, Jahmal Potter has visited several schools throughout the Commonwealth, encouraging students to open their eyes, use their imaginations, and fall in love with learning; now, therefore, be it

RESOLVED by the House of Delegates, That Jahmal Potter, a children's book author from Virginia Beach, hereby be commended for his efforts to motivate the youth of the Commonwealth to read; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Jahmal Potter as an expression of the House of Delegates' admiration for his achievements and best wishes for the future.

HOUSE RESOLUTION NO. 115

Commending Marshall W. Pattie.

Agreed to by the House of Delegates, March 2, 2020

WHEREAS, Marshall W. Pattie dedicated several years to serving as North River Magisterial District Supervisor of the Augusta County Board of Supervisors; and

WHEREAS, elected to the board in 2012 and 2016, Marshall Pattie served on several committees, including the Agricultural & Forestal District Committee, the Audit Committee, and the Broadband Committee, and was a Rockingham-Augusta Liaison; and

WHEREAS, with a doctorate from the University of Texas at Arlington, Marshall Pattie has been a professor of management at James Madison University since 2007, where he teaches courses on human resources, training and development, and management consulting; and

WHEREAS, committed to bettering his community, Marshall Pattie has served as a volunteer business consultant to local nonprofits and is active with Ruritan and Spring Hill Presbyterian Church; he provided leadership and guidance through the Shenandoah Valley Partnership and as a board member of the Central Shenandoah Planning District Commission; and

WHEREAS, in recognition of his commitment to the community and promotion of local businesses, Marshall Pattie was a James Madison University College of Business Civic Engagement Fellow from 2016 to 2019 and a recipient of a grant from the Gilliam Center for Free Enterprise and Ethical Leadership in 2013; and

WHEREAS, students of James Madison University and citizens of Augusta County and the Shenandoah Valley have benefited greatly from Marshall Pattie's tireless efforts; now, therefore, be it

RESOLVED by the House of Delegates, That Marshall W. Pattie hereby be commended for his years of service as North River Magisterial District Supervisor of the Augusta County Board of Supervisors; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Marshall W. Pattie as an expression of the House of Delegates' admiration for his contributions to Augusta County and the Commonwealth.

HOUSE RESOLUTION NO. 116

Commending Wendell L. Coleman.

Agreed to by the House of Delegates, March 2, 2020

WHEREAS, Wendell L. Coleman served Augusta County admirably for 12 years as Wayne Magisterial District Supervisor of the Augusta County Board of Supervisors; and

WHEREAS, elected to the board in 2004, 2008, and 2016, Wendell Coleman served as chairman in 2006 and with the county's Parks & Recreation Commission, the Recycling Committee, and the Audit Committee, helping the county navigate several major economic development projects in recent years; and

WHEREAS, for over a half-century, Wendell Coleman has worked for the Wilson Workforce & Rehabilitation Center, providing vocational rehabilitation to countless Virginians with disabilities; since retiring from his full-time position with the center, he continues to work part-time while serving on the Wilson Workforce & Rehabilitation Center Foundation Board of Directors; and

WHEREAS, serving as a member of the board of directors for Vector Industries, a nonprofit organization specializing in industrial and manufacturing labor support performed by persons with disabilities, Wendell Coleman has extended his long-standing commitment to improving the lives of others; and

WHEREAS, dedicated to serving the community, Wendell Coleman has been actively engaged in many local civic endeavors as the president of the Preston L. Yancey Fire Company from 2013 to 2015, a longtime coach for local Little League baseball and high school football teams, and a member of the Fishersville Ruritan Club and Tinkling Spring Presbyterian Church; and

WHEREAS, Wendell Coleman has greatly impacted the Shenandoah Valley region through his involvement with the Community Action Partnership of Staunton, Augusta, and Waynesboro and the Staunton-Augusta-Waynesboro Metropolitan Planning Organization, facilitating initiatives that will improve the lives of many; and

WHEREAS, innumerable citizens of Augusta County, Staunton, and Waynesboro have benefited from Wendell Coleman's tireless efforts and dedication; now, therefore, be it

RESOLVED by the House of Delegates, That Wendell L. Coleman hereby be commended for his years of service as Wayne Magisterial District Supervisor of the Augusta County Board of Supervisors; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Wendell L. Coleman as an expression of the House of Delegates' admiration for his contributions to Augusta County and the Commonwealth.

HOUSE RESOLUTION NO. 117

Commending Judith Ann White Wyatt.

Agreed to by the House of Delegates, March 2, 2020

WHEREAS, Judith Ann White Wyatt of Augusta County, a former educator who served the Commonwealth for 18 years as legislative director to a member of the Virginia House of Delegates, retired on April 1, 2019; and

WHEREAS, a graduate of Westhampton College at the University of Richmond and Mary Baldwin College, Judith "Judy" Ann White Wyatt began her career in state government as a member of the Virginia Employment Commission; and

WHEREAS, Judy Wyatt subsequently worked as an educator for more than two decades, including five years as a long-term substitute teacher and 17 years as a full-time first-grade teacher; and

WHEREAS, during that time, Judy Wyatt helped numerous students in Staunton City Schools develop a strong foundation for lifelong learning and especially enjoyed teaching children to appreciate the joy of reading; and

WHEREAS, as president of the Staunton Education Association, Judy Wyatt advocated for local teachers and worked with government and school officials to address important matters, including parity in teacher pay, and determining ways to better serve students; and

WHEREAS, in 2001, Judy Wyatt joined the office of the Honorable R. Steven Landes, and she ably served the residents of parts of Albemarle, Augusta, and Rockingham Counties in the 25th District until her retirement on April 1, 2019; and

WHEREAS, after her well-earned retirement, Judy Wyatt plans to spend more time with her beloved family, including her husband, Charles Bruce Wyatt, who has served the Commonwealth with 51 years of service in law enforcement; now, therefore, be it

RESOLVED by the House of Delegates, That Judith Ann White Wyatt hereby be commended for her service to the Commonwealth as a legislative director in the House of Delegates; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Judith Ann White Wyatt as an expression of the House of Delegates' admiration for her achievements in service to the residents of the 25th District.

HOUSE RESOLUTION NO. 118

Celebrating the life of Emma Carrington Edmunds.

Agreed to by the House of Delegates, March 2, 2020

WHEREAS, Emma Carrington Edmunds, a respected journalist and historian who preserved the history of the Civil Rights Movement in Southside Virginia, died on February 9, 2020; and

WHEREAS, a native of Richmond, Emma "Em" Carrington Edmunds graduated from Randolph-Macon Woman's College and pursued a career in journalism, working for the *Atlanta Constitution* and *Atlanta Magazine* in Atlanta, Georgia; and

WHEREAS, Em Edmunds returned to the Commonwealth and established History Matters in Halifax to showcase the history of Southside Virginia, with a particular focus on the region's role in the Civil Rights Movement; and

WHEREAS, over the course of 15 years, Em Edmunds researched and developed the exhibit "Mapping Local Knowledge from 1945-1975," which has been on permanent display in the Danville Museum of Fine Arts and History since 2010 and has become the most visited exhibit in the museum's history; and

WHEREAS, Em Edmunds worked at the University of Virginia and History United and was an active member of the Halifax community after her well-earned retirement; and

WHEREAS, Em Edmunds enjoyed fellowship and worship with the congregation of Saint John's Episcopal Church, where she served as a member of the vestry; and

WHEREAS, Em Edmunds will be fondly remembered and greatly missed by her sisters, Lavinia and Anne, and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Emma Carrington Edmunds; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Emma Carrington Edmunds as an expression of the House of Delegates' respect for her memory.

HOUSE RESOLUTION NO. 119

Celebrating the life of Julius Hudson Reese, Jr.

Agreed to by the House of Delegates, March 2, 2020

WHEREAS, Julius Hudson Reese, Jr., a civic servant who made many contributions to Halifax County and the Commonwealth, died on February 11, 2020; and

WHEREAS, a native of North Dakota, Julius "Jay" Hudson Reese, Jr., relocated to Virginia, where he became a pillar of the community in Scottsburg; and

WHEREAS, Jay Reese helped safeguard the lives and property of local residents as a member and former chief of the Scottsburg Volunteer Fire Department; and

WHEREAS, Jay Reese supported agriculture in Halifax County as a past president and board member of the Halifax County Farm Bureau and past president of the Virginia Farm Bureau Young Farmers Committee, and he offered his expertise to many other relevant committees and organizations; and

WHEREAS, Jay Reese enjoyed fellowship and worship with the congregation of Scottsburg Baptist Church, where he served as a deacon; and

WHEREAS, Jay Reese will be fondly remembered and greatly missed by his wife, Rosemary; his children, Cameron and Trey, and their families; his parents, Hudson and Patsy; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Julius Hudson Reese, Jr., a respected member of the Halifax County community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Julius Hudson Reese, Jr., as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 120*Commending Elden Family Dental.*

Agreed to by the House of Delegates, March 2, 2020

WHEREAS, for 10 years Elden Family Dental in Herndon has provided personalized, high-quality dental care to thousands of patients; and

WHEREAS, Elden Family Dental was established in 2009 by B. Robert Meer, DMD, an experienced practitioner who began his career as a dental officer with the United States Army; from 2002 to 2005, he provided routine and emergency dental care to service members at Fort Bragg, North Carolina, as well as to coalition troops and other personnel during a deployment to Iraq; and

WHEREAS, after completing his honorable military service, Robert Meer worked in several group dental practices and at a health clinic in Maryland, gaining valuable insights that would help Elden Family Dental maintain high standards of care and a comfortable experience for all patients; and

WHEREAS, with its convenient hours and conscientious, conservative approach to dental procedures, Elden Family Dental has become a trusted community health partner; and

WHEREAS, Elden Family Dental has served more than 2,800 patients from Herndon, Reston, Sterling, Ashburn, and Fairfax, representing nearly 8,800 appointments; and

WHEREAS, Elden Family Dental strives to make dental care available to all members of the community, offering reduced-fee dental plans and working to accommodate individuals with no dental insurance, approximately 30 percent of its regular patients; and

WHEREAS, Robert Meer is a member of the American Dental Association and the Academy of General Dentistry and participates in many continuing education courses to ensure that Elden Family Dental remains on the cutting edge of dental treatment techniques and best practices; now, therefore, be it

RESOLVED by the House of Delegates, That Elden Family Dental hereby be commended on the occasion of its 10th anniversary of service to patients in Herndon and the surrounding area; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to B. Robert Meer, DMD, founder of Elden Family Dental, as an expression of the House of Delegates' admiration for the practice's contributions to good oral health in Northern Virginia.

HOUSE RESOLUTION NO. 121*Celebrating the life of Raymond Joseph Klotz, Jr.*

Agreed to by the House of Delegates, March 2, 2020

WHEREAS, Raymond Joseph Klotz, Jr., esteemed entrepreneur, longtime civil servant, and cherished member of the Hanover community, died on February 1, 2020; and

WHEREAS, born in Richmond, Raymond "Buddy" Joseph Klotz, Jr., graduated from Virginia Polytechnic Institute and State University (Virginia Tech) in 1961 with a degree in electrical engineering; and

WHEREAS, at Virginia Tech, Buddy Klotz was an active member of the university community, overseeing the operations of student-run WUVT radio as its news director and serving as an associate judge with the Cadet Honor Court; he rose to the rank of commander of N Squadron with the Corps of Cadets and later served honorably with the Virginia Air National Guard for many years; and

WHEREAS, Buddy Klotz ran his own business with his wife and partner, Dorothy; he was committed to promoting a welcoming environment for businesses in his region, serving as president of the Richmond section of the Virginia Manufacturers Association, the Richmond section of the Institute of Electrical & Electronic Engineers, the Hanover Airpark Business Association, and the Hanover Business Roundtable; and

WHEREAS, Buddy Klotz gave generously of his time and talents to his community, serving on the Hanover County Board of Supervisors, the Hanover County Board of Zoning Appeals, and the Hanover County Sheriff's Citizen Advisory Board; and

WHEREAS, living his life to the fullest, Buddy Klotz was an avid runner who competed in several marathons and at one point ran every day for 10 years straight; in his later years, he was happiest spending time with his grandchildren and attending their sporting events; and

WHEREAS, Buddy Klotz will be fondly remembered and dearly missed by his loving wife, Dorothy; his children, Michelle and Sharon, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Raymond Joseph Klotz, Jr., a civic and business leader of Hanover County who touched the lives of many; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Raymond Joseph Klotz, Jr., as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 122

Commending the Honorable Rosalyn Randolph Dance.

Agreed to by the House of Delegates, March 2, 2020

WHEREAS, the Honorable Rosalyn Randolph Dance, a health care professional and former mayor of Petersburg, served the Commonwealth for 15 years as a member of the Virginia House of Delegates and the Senate of Virginia; and

WHEREAS, a native of Petersburg, Rosalyn Dance was a proud first-generation college student, earning an associate's degree from John Tyler Community College, a bachelor's degree from Virginia State University, a master's degree from Virginia Commonwealth University, and an honorary doctorate from Virginia State University; and

WHEREAS, Rosalyn Dance pursued a career in health care and worked for 34 years at the Southside Virginia Training Center, where she rose through the ranks from a nurse's aide to a nurse, an interim facility director, and retired as a health care administrator; and

WHEREAS, desirous to be of further service to the community, Rosalyn Dance ran for and was elected to the Petersburg City Council in 1992 and ultimately served as mayor of Petersburg for 12 years; and

WHEREAS, in 2005, Rosalyn Dance won a special election for a seat in the Virginia House of Delegates, representing the residents of the City of Petersburg, part of the City of Hopewell, and the Counties of Chesterfield, Dinwiddie, and Prince George; and

WHEREAS, Rosalyn Dance won reelection to the Virginia House of Delegates five times and served in that capacity until 2014, when she won a special election to the Senate of Virginia, and she ably represented the residents of the 16th District until January 2020; and

WHEREAS, during her tenure as a state lawmaker, Rosalyn Dance introduced and supported numerous important pieces of legislation to benefit all Virginians, focusing on initiatives to support education and increase public safety; and

WHEREAS, Rosalyn Dance served on numerous committees, including the House Committees on Appropriations, General Laws, Health, Welfare and Institutions, and Privileges and Elections and the Senate Committees on Agriculture, Conservation and Natural Resources, Commerce and Labor, Finance, and Privileges and Elections; and

WHEREAS, Rosalyn Dance offered her leadership and expertise to numerous state boards and commissions that addressed a wide variety of topics, from the history and heritage of the Commonwealth to health care policy and local government issues; and

WHEREAS, a consummate public servant, Rosalyn Dance will seek new opportunities to serve and strengthen her community and the Commonwealth; now, therefore, be it

RESOLVED by the House of Delegates, That the Honorable Rosalyn Randolph Dance hereby be commended for her achievements on behalf of the residents of Central Virginia over the course of nearly three decades of public service; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Honorable Rosalyn Randolph Dance as an expression of the House of Delegates' admiration for her legacy of service to the Commonwealth.

HOUSE RESOLUTION NO. 123

Commending John T. Dever.

Agreed to by the House of Delegates, March 2, 2020

WHEREAS, after more than eight years of dedicated leadership and service to students, John T. Dever retired as president of Thomas Nelson Community College in December 2019; and

WHEREAS, John Dever began his 40-year career in education at Thomas Nelson Community College in 1975, serving as an English professor and chair of the Communications and Humanities Division; and

WHEREAS, John Dever subsequently worked as dean of instruction and student services at Blue Ridge Community College, vice president for academic and student affairs at Tidewater Community College, and executive vice president for academic and student services at Northern Virginia Community College; and

WHEREAS, John Dever brought his wealth of experience in higher education administration to Thomas Nelson Community College in October 2011, when he began his tenure as the eighth president of the institution; and

WHEREAS, over the course of his career, John Dever developed a keen understanding of complex issues affecting community colleges, including transfer programs, diversity and inclusion, distance learning, developmental education, general education, and workforce development; and

WHEREAS, in his final months as president of Thomas Nelson Community College, John Dever oversaw programs to achieve the goals related to student success, enhanced community partnerships, and overall excellence from the institution's *Focus 2020* strategic plan; and

WHEREAS, John Dever has offered his leadership to the boards of the Peninsula Council for Workforce Development, the Virginia Tidewater Consortium for Higher Education, GENEDGE, Riverside Lifelong Health, and Greater Peninsula Now, and he will seek new ways to serve the community after his well-earned retirement; now, therefore, be it

RESOLVED by the House of Delegates, That John T. Dever hereby be commended on the occasion of his retirement as president of Thomas Nelson Community College; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to John T. Dever as an expression of the House of Delegates' admiration for his legacy of contributions to higher education in the Commonwealth.

HOUSE RESOLUTION NO. 124

Commending the Virginia Peninsula Association of REALTORS®.

Agreed to by the House of Delegates, March 2, 2020

WHEREAS, the Virginia Peninsula Association of REALTORS®, one of the most active and highly respected real estate organizations in the region and throughout the Commonwealth, is celebrating its 100th anniversary in 2020; and

WHEREAS, founded in December 1920 as the Newport News Real Estate and Insurance Exchange, the Virginia Peninsula Association of REALTORS® was established to unite the real estate and insurance professions for the purpose of "effectively exerting a combined influence upon matters affecting real estate"; and

WHEREAS, the Newport News Real Estate and Insurance Exchange was chartered on October 14, 1922, by the National Association of REALTORS® and, in 1925, became the Newport News-Hampton Real Estate and Insurance Exchange; and

WHEREAS, in 1952, the Newport News-Hampton Real Estate and Insurance Exchange and the Hampton Real Estate and Insurance Association merged into a single trade organization known as the Peninsula Association of Insurance Agents; in 1953, the real estate side of the organization became known as the Newport News-Warwick Real Estate Board, which created a Multiple Listing System in 1958; and

WHEREAS, in April 1962, the Newport News-Hampton Real Estate Board was formed, with Russell Winfree serving as the first president; the organization was subsequently renamed as the Newport News-Hampton Board of REALTORS® and, in 1990, the Virginia Peninsula Association of REALTORS®; and

WHEREAS, the Virginia Peninsula Association of REALTORS® has grown from only 19 members in 1920 to more than 1,200 members in its centennial year; and

WHEREAS, the jurisdiction of the Virginia Peninsula Association of REALTORS® comprises the localities of Hampton, Newport News, Poquoson, Isle of Wight County, and York County; and

WHEREAS, the Virginia Peninsula Association of REALTORS® provides public policy and advocacy, education and training, and industry resources to real estate professionals across the Virginia Peninsula; and

WHEREAS, the Virginia Peninsula Association of REALTORS®, as an ardent supporter of fair housing, recognizes home ownership as key to the American Dream and strives to make that dream universally achievable; and

WHEREAS, the members of the Virginia Peninsula Association of REALTORS® believe strongly that community outreach and engagement is central to the association's mission, and they contribute hundreds of volunteer hours each year to improve and strengthen the region's economy and standards of living; and

WHEREAS, the members of the Virginia Peninsula Association of REALTORS® are significant contributors to the regional and state economy, facilitating the buying and selling of both residential and commercial real estate, as well as property management; and

WHEREAS, members of the Virginia Peninsula Association of REALTORS® are held to a high ethical standard and adhere to the REALTOR® Code of Ethics; and

WHEREAS, the Virginia Peninsula Association of REALTORS® will commemorate its centennial year with special events throughout 2020; now, therefore, be it

RESOLVED by the House of Delegates, That the Virginia Peninsula Association of REALTORS® be commended on the occasion of its 100th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Virginia Peninsula Association of REALTORS® as an expression of the House of Delegates' admiration for the organization's legacy of service to individuals, families, and businesses in the Commonwealth.

HOUSE RESOLUTION NO. 125

Commending the Kiwanis Club of Portsmouth.

Agreed to by the House of Delegates, March 2, 2020

WHEREAS, the Kiwanis Club of Portsmouth, a local chapter of the international service organization dedicated to improving the lives of young people, celebrates its 100th anniversary in 2020; and

WHEREAS, the impetus for the Kiwanis Club of Portsmouth came from Frank D. Lawrence, who had learned of the accomplishments of Kiwanis clubs in other cities and became inspired to establish a chapter in Portsmouth; and

WHEREAS, during a gathering at the Old Dominion Club on October 8, 1919, 23 citizens agreed to organize and subsequently petitioned the Kiwanis International headquarters for a charter; as new chapters were typically formed through

committees of existing chapters, the head office was surprised by the gesture and greatly impressed by the show of enthusiasm; and

WHEREAS, completing its charter list of 50 members, the Kiwanis Club of Portsmouth received its charter on April 15, 1920, joining the ranks of hundreds of clubs throughout the United States and Canada; and

WHEREAS, the Kiwanis Club of Portsmouth initially supported health and education efforts in the community, including fundraising to support the Children's Hospital of the King's Daughters and college scholarships for area youth; and

WHEREAS, in 1924, the Kiwanis Club of Portsmouth entertained 250 disadvantaged children in the city over a Christmas dinner, a celebratory event that would occur regularly for years, brightening the holiday season for countless young boys and girls; and

WHEREAS, a major project undertaken by the Kiwanis Club of Portsmouth in its early years was the Fresh Air Farm for Underprivileged Children; offering boys and girls an opportunity to spend time outdoors and receive medical care and other services, the Fresh Air Farm would grow over the years and provide a rewarding experience for hundreds of children; and

WHEREAS, since the beginning, the Kiwanis Club of Portsmouth has frequently collaborated with other local service organizations, including Rotary International, the YMCA, Boy Scouts of America, Girl Scouts of the USA, and other Kiwanis clubs in the region, enhancing the organization's ability to serve youth in the community; and

WHEREAS, on March 21, 2020, the Kiwanis Club of Portsmouth will hold a gala to celebrate a century of service on behalf of the young men and women of Portsmouth; now, therefore, be it

RESOLVED by the House of Delegates, That the Kiwanis Club of Portsmouth hereby be commended on the occasion of its 100th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Willie J. Bamberg, president of the Kiwanis Club of Portsmouth, as an expression of the House of Delegates' admiration for the organization's contributions to Portsmouth and the Commonwealth.

HOUSE RESOLUTION NO. 126

Commending The Flying Circus Aerodrome and Airshow.

Agreed to by the House of Delegates, March 2, 2020

WHEREAS, The Flying Circus Aerodrome and Airshow, an International Aviation Ambassador located in Bealeton, is celebrating its 50th year of entertaining and educating visitors from around the Commonwealth, the United States, and the world in 2020; and

WHEREAS, established in 1970, The Flying Circus is one of America's best and longest-performing weekly airshows and preserves the legacy of the "barnstorming" aerobatic shows popular during the Golden Age of Flight in the 1920s and 1930s through majestic stunts, the performances of daring wing walkers, and the use of modern high-performance aerobatics aircraft; and

WHEREAS, The Flying Circus and its associated aviators have preserved, maintained, and kept in operational condition dozens of historic planes in order for the public to experience firsthand what amazed and thrilled Americans generations ago at the dawn of the age of human flight; and

WHEREAS, while most of the aircraft involved in the show are privately owned, the Flying Circus Aerodrome and Airshow's own silver and black 1943 Stearman biplane plays a pivotal role in opening skydives and wing-walking acts; and

WHEREAS, aviators affiliated with The Flying Circus have unselfishly performed throughout the United States, bringing this unique experience to countless people who would not otherwise have such an opportunity; and

WHEREAS, The Flying Circus and many of its past and present pilots and administrators are members of the Virginia Aviation Hall of Fame and have been an integral part of Virginia's aviation industry and aviation history communities, vividly bringing to life aspects of the Commonwealth's leading role in American aviation supremacy; and

WHEREAS, The Flying Circus has developed programs for the public to ride in these historic planes and to further educate all interested parties in the magnificence of these early mechanical marvels; and

WHEREAS, over the past 50 years, The Flying Circus has supported the dreams of numerous volunteers and amateur pilots to advance into aviation careers, including military, commercial, general, historical, experimental, sport, and professional performance aviation; and

WHEREAS, The Flying Circus and its volunteers provide charitable aviation support to several worthy causes, including Wounded Warriors, Make-A-Wish Foundation, Angel Flights, hospice care, Scouting, youth programs, and science, technology, engineering, and mathematics education at local schools; and

WHEREAS, The Flying Circus has inspired generations by exhibiting the glorious tapestry that is the "Spirit and Love of Aviation"; now, therefore, be it

RESOLVED by the House of Delegates, That The Flying Circus Aerodrome and Airshow in Bealeton hereby be commended on the occasion of its 50th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to The Flying Circus Aerodrome and Airshow as an expression of the House of Delegates' admiration for its work to preserve the history of aviation and contributions to the residents of and visitors to the Commonwealth.

HOUSE RESOLUTION NO. 127

Commending Ross W. D'Urso.

Agreed to by the House of Delegates, March 2, 2020

WHEREAS, Ross W. D'Urso of Opal retired as commissioner of the revenue of Fauquier County on December 31, 2019, after nearly three decades of exceptional service to local residents and businesses; and

WHEREAS, Ross D'Urso began his career of service to the citizens of Fauquier County in 1990 as chief deputy commissioner of the revenue under the tutelage of the Honorable Alice Jane Childs, until her retirement from the office; and

WHEREAS, in 1995, Ross D'Urso was elected as commissioner of the revenue and faithfully served the citizens of Fauquier County for six consecutive four-year terms; and

WHEREAS, Ross D'Urso was instrumental in providing leading-edge technology to the commissioner's office and implemented a computerized mapping system for Fauquier County, which was the foundation for the current geographic information system; and

WHEREAS, Ross D'Urso maintained tax assessment records and provided a range of financial services, including revenue forecasting, to county government, as well as serving as a "watchdog" and assessor for the property tax revenue of Fauquier County; and

WHEREAS, in September 2019, Ross D'Urso was honored at the 100th annual conference of the Commissioners of the Revenue Association, when Fauquier County became one of the first localities in the Commonwealth of Virginia to achieve Office Accreditation, thanks in large part to his commitment to good governance through hard work, leadership, and maintaining the highest standards of professionalism; and

WHEREAS, as a patron of the arts, Ross D'Urso enjoys joining other musicians in various local venues and events, and served on the board of the Windmore Foundation for the Arts and the first board of directors for the Gloria Faye Dings Music Alliance in Warrenton; and

WHEREAS, Ross D'Urso continues to actively serve the community as a longstanding member and past president of the Rotary Club of Warrenton; and

WHEREAS, in all areas of service, Ross D'Urso has been an inspiration to others and an example of excellence; now, therefore, be it

RESOLVED by the House of Delegates, That Ross W. D'Urso hereby be commended for his distinguished service as commissioner of the revenue for Fauquier County on the occasion of his retirement; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Ross W. D'Urso as an expression of the House of Delegates' admiration for his achievements on behalf of the residents of Fauquier County and best wishes for the future.

HOUSE RESOLUTION NO. 128

Commending Allan M. Carmody.

Agreed to by the House of Delegates, March 2, 2020

WHEREAS, Allan M. Carmody retired as the director of finance of Chesterfield County on December 31, 2019; and

WHEREAS, Allan Carmody began his career with Chesterfield County on June 7, 1993, as a construction coordinator in the Capital Projects Office, overseeing the design and construction of various county facilities; and

WHEREAS, Allan Carmody rose through the ranks to become capital finance administrator in 1996, budget manager in 1998, director of budget and management in 2006, and director of finance in 2016; and

WHEREAS, Allan Carmody offered his expertise to numerous committees at the local, state, and national levels, and he was a sought-after speaker at regional and national conferences on many subjects, including capital projects outlook, capital budgeting, procurement strategies, and finance course curricula; and

WHEREAS, during his tenure in the Budget and Management Department, Allan Carmody oversaw the design and implementation of Blueprint Chesterfield, a resource allocation and communication tool that has been presented at statewide and national conferences, garnering multiple awards and interest from many other local governments; and

WHEREAS, Allan Carmody was able to resolve issues with program management for the county's Community Development Block, lead the county through the development and adoption of some of its most challenging budgets in modern history during the Great Recession, and helm public facility referenda in 2004 and 2013, during which projects received overwhelming community support; and

WHEREAS, Chesterfield County has made significant strides in the utilization of technology for finance functions, and Allan Carmody co-led the implementation of the county's Enterprise Resource Planning system and assisted in the implementation of appraisal, procurement, and tax management software programs; and

WHEREAS, during his tenure as the director of finance, Allan Carmody stabilized the school division's supplemental retirement program trust fund by authoring the plan administrator's annual report, selecting a new investment manager and

new actuary, and developing key financial metric tracking tools; he served as a board member for the Riverside Regional Jail Authority and provided oversight to the Real Estate Assessor's Office; and

WHEREAS, Allan Carmody created and led the county's cash proffer program, controlled per-capita spending at or below the rate of inflation, and had the county's AAA bond rating reaffirmed annually during his tenure; now, therefore, be it

RESOLVED by the House of Delegates, That Allan M. Carmody hereby be commended on the occasion of his retirement as director of finance of Chesterfield County; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Allan M. Carmody as an expression of the House of Delegates' admiration for his contributions to the Chesterfield County community.

HOUSE RESOLUTION NO. 129

Commending Jana D. Carter.

Agreed to by the House of Delegates, March 2, 2020

WHEREAS, Jana D. Carter retired from Chesterfield County on January 1, 2020, after a distinguished 34-year career; and

WHEREAS, Jana Carter joined Chesterfield County in 1985 as the director of Housing Programs, where she improved the quality of life for citizens by establishing the county's first housing assistance initiatives; and

WHEREAS, as the administrator of Youth Planning and Development from 1996 to 2005 and the director of Juvenile Services from 2005 to 2017, Jana Carter provided leadership, strategic direction, and financial oversight for six juvenile services departments; and

WHEREAS, Jana Carter facilitated the transformation of the Drug and Alcohol Abuse Task Force into Substance Abuse Free Environment, Inc., (SAFE) the award-winning county, school, and community nonprofit coalition focused on preventing substance abuse, and she served as a founding member of the SAFE Board of Directors; and

WHEREAS, Jana Carter led many successful collaborations that improved access to information and resources, including the development and launch of a Community Care mobile application, the School Readiness Coalition's redesign and promotion of the Positive Parenting website, a process for conducting biennial community youth surveys, and transformation of the county's youth group home residential program into a day reporting center, resulting in improved services for juvenile offenders and their parents; and

WHEREAS, Jana Carter provided leadership and direction to the Chesterfield County Board of Supervisors-appointed Youth Citizen Board and raised visibility and community support for youth-focused issues and events, such as town hall meetings, Model County Government Day, and Outstanding Youth awards; and

WHEREAS, Jana Carter co-authored six successful America's Promise Award submissions, resulting in Chesterfield County being the only locality in Virginia named as "One of the 100 Best Communities in America for Young People" for each of the six years of the competition; and

WHEREAS, in 2017, Jana Carter was appointed director of the newly created Department of Citizen Information and Resources; she provided exemplary leadership, financial oversight, planning, and coordination for the department, which supports aging and disability services, youth services, mobility services, and community engagement; and

WHEREAS, during her tenure with the Department of Citizen Information and Resources, Jana Carter facilitated the organizational changes necessary to establish a new county department that merged staff and programs from a variety of county departments, supported the establishment and subsequent expansion of the Davis Child Advocacy Center, supported the development and launch of Access On Demand, and supported the development and implementation of My Chesterfield Academy, which is the first of its kind in Virginia; and

WHEREAS, Jana Carter received SAFE's Sharyl W. Adams Award in 2019 for her exemplary contributions to community engagement related to the prevention of substance abuse; and

WHEREAS, Jana Carter was an invaluable mentor to fellow local government employees, patiently guiding them through county processes, lending an objective ear and assisting with problem-solving, and serving as a model for professionalism and integrity; now, therefore, be it

RESOLVED by the House of Delegates, That Jana D. Carter hereby be commended on the occasion of her retirement from Chesterfield County government; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Jana D. Carter as an expression of the House of Delegates' admiration for her contributions to the Chesterfield County community.

HOUSE RESOLUTION NO. 130

Commending Stylian P. Parthemos.

Agreed to by the House of Delegates, March 2, 2020

WHEREAS, Stylian P. Parthemos, a respected legal professional, retired as senior deputy county attorney of Chesterfield County in 2019; and

WHEREAS, in 1987, Stylian "Stel" P. Parthemos left a successful private law practice to serve the residents of Chesterfield in the County Attorney's office, and he rose through the ranks to become senior deputy county attorney; and

WHEREAS, Stel Parthemos is widely recognized, admired, and respected as a fierce litigator, a successful negotiator, and a creative adviser, and county officials at all levels seek out his insights and value his ability to solve their problems, however complicated; and

WHEREAS, during his tenure in local government, Stel Parthemos became an expert in a variety of legal areas, including personal injury, civil rights, public utilities, constitutional law, the Freedom of Information Act, purchasing, and construction disputes; he litigated numerous cases in federal and state courts at the trial and appellate level with success; and

WHEREAS, Stel Parthemos played an instrumental role in the County Attorney's office and successfully defended Chesterfield County against legal challenges on county policies, construction and zoning disputes, and employment litigation; and

WHEREAS, the legal community has recognized Stel Parthemos' profound achievements as a lawyer, and in 2013, the Local Government Attorneys of Virginia presented him with the Robert Cherin Award, which recognizes the most distinguished assistant or deputy local government attorney in Virginia; and

WHEREAS, Stel Parthemos' professionalism as a lawyer, his loyalty to Chesterfield County, his commitment to ethics, and his devotion to his family makes him a role model for all lawyers and for public employees in general; now, therefore, be it

RESOLVED by the House of Delegates, That Stylian P. Parthemos hereby be commended on the occasion of his retirement as senior deputy county attorney of Chesterfield County; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Stylian P. Parthemos as an expression of the House of Delegates' admiration for his contributions to the Chesterfield County community.

HOUSE RESOLUTION NO. 131

Commending Janice B. Blakley.

Agreed to by the House of Delegates, March 2, 2020

WHEREAS, Janice B. Blakley retired from the Office of the Clerk to the Chesterfield County Board of Supervisors on January 1, 2020, after providing more than 28 years of dedicated service to the residents of Chesterfield County; and

WHEREAS, Janice Blakley joined the Office of the Clerk in October 2007 and ably fulfilled her duties to provide professional support, communications, and record management services to the Chesterfield County Board of Supervisors, as well as serve as a vital link between board members, citizens, and other local entities; and

WHEREAS, prior to her appointment as clerk, Janice Blakley worked as a legal secretary in the County Attorney's office and as deputy clerk to the Board of Supervisors; and

WHEREAS, Janice Blakley was instrumental in developing technological advancements to increase efficiency in the Office of the Clerk and spearheaded the creation of numerous informative documents designed to assist citizens and employees; and

WHEREAS, through Janice Blakley's leadership, the Office of the Clerk maintained its excellent reputation as an information hub for Chesterfield County and built cooperative relationships with residents, other governmental and regional organizations, community groups, local nonprofits, and businesses; and

WHEREAS, in recognition of her extraordinary job performance, Janice Blakley was selected as County Administration's Employee of the Year in 2003, 2006, and 2013; and

WHEREAS, Janice Blakley served on the Chesterfield Employees Association for 18 years and was deemed "Miss Volunteer Extraordinaire" by her peers; and

WHEREAS, Janice Blakley received the designation of Certified Municipal Clerk in 2002 and earned the prestigious designation of Master Municipal Clerk in 2013; and

WHEREAS, Janice Blakley was an active member of the Virginia Municipal Clerks Association (VMCA), serving on several committees and as regional director for a number of years; she helped Chesterfield County host the association's annual meeting in 2005 and was nominated as VMCA's Clerk of the Year several times by her peers; and

WHEREAS, Janice Blakley rendered invaluable service to each member of the Chesterfield County Board of Supervisors, enabling them to perform their duties more efficiently, and her many acts of kindness, cheerful disposition, and high degree of professionalism will be missed; now, therefore, be it

RESOLVED by the House of Delegates, That Janice B. Blakley hereby be commended on the occasion of her retirement from the Office of the Clerk to the Chesterfield County Board of Supervisors; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Janice B. Blakley as an expression of the House of Delegates' admiration for her contributions to the Chesterfield County community.

HOUSE RESOLUTION NO. 132

Commending the Ahmadiyya Muslim Community, USA.

Agreed to by the House of Delegates, March 2, 2020

WHEREAS, the Ahmadiyya Muslim Community, USA, the oldest Muslim American organization in the United States, celebrates its 100th anniversary in 2020; and

WHEREAS, inspired by the life and teachings of Mirza Ghulam Ahmad, tens of millions of adherents to the Islamic reformist Ahmadiyya movement have formed communities around the world; and

WHEREAS, the Ahmadiyya Muslim Community, USA, was established on February 15, 1920, when its first missionary, Dr. Mufti Muhammad Sadiq, arrived in Philadelphia, Pennsylvania; and

WHEREAS, working since to both share their beliefs and serve their neighbors, the Ahmadiyya Muslim Community, USA, has cultivated strong and productive community relationships in more than 70 local chapters throughout the United States; and

WHEREAS, the Virginia chapter of the Ahmadiyya Muslim Community, USA, has served Fairfax, Loudoun, Fauquier, and Chesterfield Counties and their surrounding areas since 1980, with more than 2,300 members actively involved in the organization today; and

WHEREAS, Ahmadiyya Muslim Community, USA, is led by its international spiritual leader, His Holiness Mirza Masroor Ahmad, a tireless advocate for global peace and interreligious harmony who made notable visits to the United States in 2008, 2012, 2013, and 2018; and

WHEREAS, the Ahmadiyya Muslim Community, USA, is celebrating its historic centennial year with its "Centennial Day" on February 15, 2020; to honor the occasion, thousands of members of the Ahmadiyya Muslim Community, USA, will gather at mosques throughout the country and later engage in various service projects in their respective communities; and

WHEREAS, with its advocacy of peace, justice, and love for one's neighbor, the Ahmadiyya Muslim Community, USA, embodies many of the values Americans hold most dear, while its influence and support has made it an important part of the nation's history over the past century; now, therefore, be it

RESOLVED by the House of Delegates, That the Ahmadiyya Muslim Community, USA, hereby be commended on the occasion of its 100th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Ahmadiyya Muslim Community, USA, as an expression of the House of Delegates' earnest admiration and respect for the organization's contributions to the Commonwealth and the country.

HOUSE RESOLUTION NO. 133

Commemorating the legacy of the Negro National League.

Agreed to by the House of Delegates, March 2, 2020

WHEREAS, the Negro National League, one of the most prominent of several leagues that served African Americans during the period when baseball was segregated in the United States, was established 100 years ago; and

WHEREAS, not long after the Civil War, the National Association of Base Ball Players voted to ban African American players from its teams, and the first all-black professional team was not established until 1885; and

WHEREAS, Andrew Bishop "Rube" Foster, a talented pitcher and manager who founded the Chicago American Giants, was the driving force behind the establishment of the Negro National League on February 13, 1920; and

WHEREAS, eight organizations played during the inaugural season of the Negro National League in 1920, the Chicago American Giants, the Chicago Giants, the Cuban Stars, the Dayton Marcos, the Detroit Stars, the Indianapolis ABCs, the Kansas City Monarchs, and the St. Louis Stars; and

WHEREAS, the Negro National League was the first of the segregated baseball leagues to achieve stability and last for more than one season; its success prompted the subsequent formation of the Eastern Colored League, and the first World Series between the two leagues was held in 1924; and

WHEREAS, the Negro National League was significantly impacted by the beginning of the Great Depression, as well as Rube Foster's death in 1930, and ceased operations in 1931, but the league inspired the creation of many other baseball organizations that served African Americans from the 1930s until the 1960s; now, therefore, be it

RESOLVED by the House of Delegates, That the legacy of the Negro National League be commemorated on the occasion of the 100th anniversary of the league's establishment; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to descendants of members of the Negro National League as an expression of the House of Delegates' appreciation for the league's historical significance and its contributions to America's pastime.

HOUSE RESOLUTION NO. 134

Commending the Next Move Program.

Agreed to by the House of Delegates, March 2, 2020

WHEREAS, for several years, the Next Move Program, a nonprofit organization in Richmond, has provided educational experiences and opportunities for vocational training to young adults with disabilities; and

WHEREAS, studies show that more than 20,000 students with special needs graduate in the Commonwealth each year but that more than two-thirds of this population are unemployed after completing their studies; and

WHEREAS, by providing employment opportunities for young men and women with disabilities, the Next Move Program helps these individuals build confidence, develop financial independence, and feel valued by their community; and

WHEREAS, a precursor of the Next Move Program was established in 2010 as an internship program operated out of Health Diagnostic Laboratory in Richmond, with program participants handling tasks that were previously managed by temporary workers; and

WHEREAS, shortly after this program began, the staff at Health Diagnostic Laboratory recognized the ways in which the program improved the company's performance and culture; employee turnover was down, mistakes resulting from the inexperience of temporary workers were eliminated, and the staff was motivated by the positive, can-do spirit of the program's participants; and

WHEREAS, the success of this program inspired its managers, Mary Townley and Elizabeth Redford, to establish the Next Move Program in 2015; incorporated as a 501(c)(3) nonprofit, the program has since expanded to businesses throughout the Greater Richmond and Williamsburg areas, in partnership with several area school systems; and

WHEREAS, the Next Move Program has implemented its Tablespoons Baking program since 2017 to prepare participants for entrepreneurial careers in the culinary arts; moving into a physical space in 2020, the program will not only enhance the training it can provide but become a hub for the disability community throughout the Greater Richmond area; and

WHEREAS, each year since 2017, the Next Move Program has conducted its Capable Campaign, using social media and a portrait exhibition at the Virginia Museum of History & Culture to highlight the inspirational stories of individuals thriving with disabilities; and

WHEREAS, the Next Move Program presents its Pioneer Awards to recognize organizations in the Greater Richmond and Williamsburg areas that prioritize inclusivity in their hiring and training practices, promoting a welcoming and supportive work culture for all; and

WHEREAS, the accomplishments of the Next Move Program are the result of the dedication of its staff, the hard work of its participants, and the overwhelming support of its various partners throughout the Commonwealth; now, therefore, be it

RESOLVED by the House of Delegates, That the Next Move Program, an organization facilitating the growth and development of young adults with disabilities, hereby be commended for its many years of service to the community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare copies of this resolution for presentation to Mary Townley and Elizabeth Redford, cofounders of the Next Move Program, as an expression of the House of Delegates' admiration for the organization's work to prepare countless Virginians for success in their chosen careers.

HOUSE RESOLUTION NO. 135

Commending the Fauquier High School wrestling team.

Agreed to by the House of Delegates, March 3, 2020

WHEREAS, the Fauquier High School wrestling team won the Virginia High School League Class 4 State Championship at Tuscarora High School in Leesburg on February 22, 2020; and

WHEREAS, the Fauquier High School Falcons edged out the Great Bridge High School Wildcats of Chesapeake by a score of 170.5-164 for the program's third state title in the past six years and its seventh consecutive top-seven finish at the state tournament; and

WHEREAS, the Fauquier High School Falcons entered the state tournament having recently won the Class 4 Northwestern District Championship and the Region 4C title; and

WHEREAS, the Fauquier High School Falcons got off to an early start and took the lead for good after D.J. Richards' win in the 126-pound event; and

WHEREAS, the victory was sealed by Sam Fisher, who became the first four-time state champion in the program's history with his win in the 182-pound category; and

WHEREAS, the Fauquier High School Falcons were carried by strong performances from Ben Bell, Casey Burr, Gino Camarca, Eric DeWald, Reece Kuhns, and Thomas Heisler; and

WHEREAS, the accomplishments of the Fauquier High School Falcons are the result of the hard work and dedication of the student-athletes, the leadership and guidance of their coaches and teachers, and the unwavering support of the entire Fauquier High School community; now, therefore, be it

RESOLVED by the House of Delegates, That the General Assembly hereby commend the Fauquier High School wrestling team for winning the 2020 Virginia High School League Class 4 State Championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Doug Fisher, coach of the Fauquier High School wrestling team, as an expression of the General Assembly's admiration for the team's achievement and best wishes for the future.

HOUSE RESOLUTION NO. 136

Celebrating the life of Helen Siegfried Bolger.

Agreed to by the House of Delegates, March 3, 2020

WHEREAS, Helen Siegfried Bolger, a beloved member of the Alexandria community, died on February 14, 2020, at the age of 93; and

WHEREAS, one of eight children, Helen Bolger was raised in Philadelphia, Pennsylvania, where she graduated from Little Flower Catholic High School for Girls and attended Immaculata College; and

WHEREAS, Helen Bolger married Robert J. Bolger, Sr., who went on to become the first president and chief executive officer of the National Association of Chain Drug Stores; as his greatest champion, Helen Bolger contributed to the success of the organization in innumerable ways over the years; and

WHEREAS, living in Alexandria for much of her life, Helen Bolger raised a family of six children who would go on to become successful and productive members of the community; and

WHEREAS, Helen Bolger was famous in her neighborhood for her hospitality and touched countless lives through her kindness, generosity, and grace; and

WHEREAS, preceded in death by her loving husband of 53 years, Bob, and her daughter, Mary, Helen Bolger will be fondly remembered and dearly missed by her children, Robert, Jr., Cindy, Ann, Cara, and David, and their families, and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Helen Siegfried Bolger, a cherished member of the Alexandria community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Helen Siegfried Bolger as an expression of the House of Delegates' respect for her memory.

HOUSE RESOLUTION NO. 137

Nominating persons to be elected to circuit court judgeships.

Agreed to by the House of Delegates, March 2, 2020

RESOLVED by the House of Delegates, That the following persons are hereby nominated to be elected to the respective circuit court judgeships as follows:

The Honorable Kevin M. Duffan, of Virginia Beach, as a judge of the Second Judicial Circuit for a term of eight years commencing April 1, 2020.

The Honorable David Eugene Check, of the City of Richmond, as a judge of the Thirteenth Judicial Circuit for a term of eight years commencing July 1, 2020.

The Honorable James Bruce Strickland, of Stafford, as a judge of the Fifteenth Judicial Circuit for a term of eight years commencing April 1, 2020.

David B. Franzen, Esquire, of Charlottesville, as a judge of the Sixteenth Judicial Circuit for a term of eight years commencing July 1, 2020.

The Honorable Onzlee Ware, of Roanoke City, as a judge of the Twenty-third Judicial Circuit for a term of eight years commencing April 1, 2020.

Michael R. Doucette, Esquire, of Lynchburg, as a judge of the Twenty-fourth Judicial Circuit for a term of eight years commencing May 1, 2020.

Anne M. F. Reed, Esquire, of Augusta, as a judge of the Twenty-fifth Judicial Circuit for a term of eight years commencing July 1, 2020.

The Honorable Christopher B. Russell, of Buena Vista, as a judge of the Twenty-fifth Judicial Circuit for a term of eight years commencing April 1, 2020.

The Honorable William W. Eldridge, IV, of Rockingham, as a judge of the Twenty-sixth Judicial Circuit for a term of eight years commencing May 1, 2020.

Kenneth Mike Fleenor, Jr., Esquire, of Pulaski, as a judge of the Twenty-seventh Judicial Circuit for a term of eight years commencing July 1, 2020.

The Honorable Ronald K. Elkins, of Wise, as a judge of the Thirtieth Judicial Circuit for a term of eight years commencing August 3, 2020.

HOUSE RESOLUTION NO. 138

Nominating persons to be elected to general district court judgeships.

Agreed to by the House of Delegates, March 2, 2020

RESOLVED by the House of Delegates, That the following persons are hereby nominated to be elected to the respective general district court judgeships as follows:

Afshin Farashahi, Esquire, of Virginia Beach, as a judge of the Second Judicial District for a term of six years commencing April 1, 2020.

Lynda P. Ramsey, Esquire, of Sussex, as a judge of the Sixth Judicial District for a term of six years commencing April 1, 2020.

Kenneth A. Blalock, Esquire, of Petersburg, as a judge of the Eleventh Judicial District for a term of six years commencing December 1, 2020.

Kenneth Andrew Sneathern, Esquire, of Charlottesville, as a judge of the Sixteenth Judicial District for a term of six years commencing May 1, 2020.

Sonya L. Sacks, Esquire, of Prince William, as a judge of the Eighteenth Judicial District for a term of six years commencing April 1, 2020.

Lorrie A. Sinclair Taylor, Esquire, of Loudoun, as a judge of the Twentieth Judicial District for a term of six years commencing April 1, 2020.

Matthew P. Snow, Esquire, of Loudoun, as a judge of the Twentieth Judicial District for a term of six years commencing May 1, 2020.

Robin J. Mayer, Esquire, of Lexington, as a judge of the Twenty-fifth Judicial District for a term of six years commencing May 1, 2020.

Mary L. C. Daniel, Esquire, of Clarke, as a judge of the Twenty-sixth Judicial District for a term of six years commencing June 1, 2020.

HOUSE RESOLUTION NO. 139

Nominating persons to be elected to juvenile and domestic relations district court judgeships.

Agreed to by the House of Delegates, March 2, 2020

RESOLVED by the House of Delegates, That the following persons are hereby nominated to be elected to the respective juvenile and domestic relations district court judgeships as follows:

Adrienne L. Bennett, Esquire, of Virginia Beach, as a judge of the Second Judicial District for a term of six years commencing April 16, 2020.

Cela J. Burge, Esquire, of Northampton, as a judge of the Judicial District 2-A for a term of six years commencing April 16, 2020.

Cheryl J. Wilson, Esquire, of Petersburg, as a judge of the Eleventh Judicial District for a term of six years commencing July 1, 2020.

Linda Y. Lambert, Esquire, of Henrico, as a judge of the Fourteenth Judicial District for a term of six years commencing May 1, 2020.

Marcel D. Jones, Esquire, of Spotsylvania, as a judge of the Fifteenth Judicial District for a term of six years commencing May 16, 2020.

Thomas K. Cullen, Esquire, of Alexandria, as a judge of the Eighteenth Judicial District for a term of six years commencing April 1, 2020.

HOUSE RESOLUTION NO. 141

Commending the Honorable R. Steven Landes.

Agreed to by the House of Delegates, March 3, 2020

WHEREAS, the Honorable R. Steven Landes served the Commonwealth for more than two decades as a member of the Virginia House of Delegates, ably representing the residents of the Shenandoah Valley in the 25th District; and

WHEREAS, a native of Staunton, the Honorable R. Steven "Steve" Landes attended Buffalo Gap High School in Augusta County and earned a bachelor's degree from Virginia Commonwealth University, then pursued a career in marketing, advertising, and public relations; and

WHEREAS, Steve Landes began his time in public service as a legislative aide to the Honorable A.R. Giesen, Jr., from 1988 to 1992 and a district director for the Honorable Bob Goodlatte from 1993 to 1995; and

WHEREAS, desirous to be of further service to his community, Steve Landes ran for and was elected to a seat in the Virginia House of Delegates in 1995 and represented the residents of parts of the Counties of Albemarle, Augusta, and Rockingham in that capacity until November 2019; and

WHEREAS, during his time as a state lawmaker, Steve Landes introduced and supported numerous important pieces of legislation to benefit all Virginians, especially related to government accountability and support for the Commonwealth's agricultural industry; and

WHEREAS, Steve Landes championed legislation to create the Secretary of Agriculture and Forestry as a cabinet-level position and established the Center for Rural Virginia and the Governor's Agriculture and Forestry Industries Development Fund; and

WHEREAS, in addition, Steve Landes supported the creation of the Small Business Jobs Grant Fund and the Virginia International Trade Corporation to enhance the economic vitality of the Commonwealth and the Office of the Inspector General to investigate reports of fraud, waste, corruption, or abuse of Virginia residents by public officials; and

WHEREAS, Steve Landes offered his leadership and expertise to the House Committee on Education as chair and the House Appropriations Committee as vice chair; he served as vice chair of the Joint Legislative Audit and Review Commission and was the first non-lawyer to chair the Virginia Code Commission; and

WHEREAS, Steve Landes has been an active leader in his community as a two-time president of the Weyers Cave Ruritan Club and preserved the history and heritage of the Commonwealth as a member of the National Society of the Sons of the American Revolution and the board of trustees of the Frontier Culture Museum of Virginia; and

WHEREAS, Steve Landes' legacy of leadership in the Virginia House of Delegates left the Shenandoah Valley community stronger, and he will continue to serve his fellow residents as clerk of the Augusta Circuit Court; now, therefore, be it

RESOLVED by the House of Delegates, That the Honorable R. Steven Landes hereby be commended for his 24 years of service to the Commonwealth as a member of the Virginia House of Delegates; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Honorable R. Steven Landes as an expression of the House of Delegates' admiration for his legacy of achievements in service to the residents of the 25th District.

HOUSE RESOLUTION NO. 142

Commending CrossOver Healthcare Ministry.

Agreed to by the House of Delegates, March 3, 2020

WHEREAS, CrossOver Healthcare Ministry, a health organization serving uninsured and medically underserved patients in the City of Richmond and Henrico County for many years, celebrates the 15th anniversary of its Henrico clinic in 2020; and

WHEREAS, established in 1983 by Dr. Cullen B. Rivers and the Reverend Buddy Childress, the CrossOver Healthcare Ministry initially operated with limited resources while providing various services, from medical care, to legal counsel, to financial advice, to community members in need; and

WHEREAS, focusing its activities on the medical needs of the community, CrossOver Healthcare Ministry added dental care services in 1987 and a vision care program three years later; and

WHEREAS, after several years housed in various locations, CrossOver Healthcare Ministry opened its Richmond clinic on Cowardin Avenue in 1991, followed by its Henrico clinic in 2005; today, the two clinics serve more than 6,600 patients per year; and

WHEREAS, the accomplishments of CrossOver Healthcare Ministry are made possible through the tireless efforts of numerous volunteers and staff members, as well as the generous support of several community partners; and

WHEREAS, by providing quality health care, promoting wellness, and connecting resources and talent with people in need, CrossOver Healthcare Ministry helps make the Greater Richmond area a wonderful place to live, work, and raise a family; now, therefore, be it

RESOLVED by the House of Delegates, That CrossOver Healthcare Ministry hereby be commended for its many years of service to the community and the 15th anniversary of its Henrico clinic; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Julie Bilodeau, chief executive officer of CrossOver Healthcare Ministry, as an expression of the House of Delegates' admiration for the organization's mission and best wishes for its continued success.

HOUSE RESOLUTION NO. 143

Commending the Williamsburg Regional Library.

Agreed to by the House of Delegates, March 3, 2020

WHEREAS, the Williamsburg Regional Library, a public library serving the City of Williamsburg and James City and York Counties, was distinguished as one of the top libraries in the nation by *Library Journal* in 2020; and

WHEREAS, *Library Journal*, a national trade publication for librarians, rated more than 6,300 libraries by comparing user data provided to the Institute of Museum and Library Services, including per capita circulation, number of visits to the library, program attendance per capita, and computer use per capita; and

WHEREAS, the Williamsburg Regional Library was one of only four percent of public libraries nationwide to earn a star rating from the study, an honor bestowed upon only one other library in the Commonwealth; and

WHEREAS, the accomplishment of the Williamsburg Regional Library is indicative of the hard work and dedication of its staff, the vision and leadership of the library's board, and the tremendous support shown by the Friends of Williamsburg Regional Library, local governments, and the community; and

WHEREAS, the Williamsburg Regional Library is developing a new strategic plan and exploring new technologies to enhance the library experience, ensuring it will continue to be an important resource for the community for many years to come; now, therefore, be it

RESOLVED by the House of Delegates, That the Williamsburg Regional Library hereby be commended for the distinction of being named one of the top libraries in the nation by *Library Journal*; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Williamsburg Regional Library as an expression of the House of Delegates' admiration for the institution's achievement and best wishes for its continued success.

HOUSE RESOLUTION NO. 144

Commending the Unity March Against Hate.

Agreed to by the House of Delegates, March 3, 2020

WHEREAS, in August 2020, the Unity March Against Hate will promote justice, tolerance, and equality for all with a 90-mile march from Manassas to Charlottesville; and

WHEREAS, the Unity March Against Hate will bring together like-minded people of many faiths and from all walks of life, including youth athletes, representatives from the LGBTQ community, veterans, and many others; and

WHEREAS, some members of the Unity March Against Hate will complete the journey on foot, while others will travel on bicycles and in cars or buses; and

WHEREAS, the Unity March Against Hate provides an opportunity for residents of Virginia to stand up to intolerance and resist attempts to divide the community with prejudice and fear; now, therefore, be it

RESOLVED by the House of Delegates, That the Unity March Against Hate hereby be commended on the occasion of its titular event on August 9-12, 2020; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Unity March Against Hate as an expression of the House of Delegates' admiration for the march's message of strength and hope.

HOUSE RESOLUTION NO. 145

Commending Patsy J. Brown.

Agreed to by the House of Delegates, March 3, 2020

WHEREAS, Patsy J. Brown retired on January 1, 2020, after providing more than 33 years of dedicated and faithful service to Chesterfield County; and

WHEREAS, Patsy Brown began her career in local government with Chesterfield County as an assistant director of accounting in 1986, serving in that capacity for more than 23 years; and

WHEREAS, Patsy Brown provided oversight and leadership for general accounting, accounts payable, financial systems, and payroll, while ensuring proper internal controls were in place to safeguard county assets; and

WHEREAS, Patsy Brown led the implementation of accounts payable, purchasing, and budgetary control modules of the county's and school system's integrated financial system in 1989 and coordinated the upgrade of the payroll system to ensure it was Y2K compliant; and

WHEREAS, Patsy Brown was responsible for numerous process improvements that enhanced services to customers through automation, including the implementation of a fixed asset barcoding inventory system and automated cash receipts system; and

WHEREAS, Patsy Brown contributed to the success of the county's Total Quality Improvement (TQI) initiative as one of the first TQI facilitators and trainers and helped implement TQI principles within the Accounting Department; she has the distinction of being the first Accounting Department employee to graduate from TQI University; and

WHEREAS, Patsy Brown was the project manager for the InFocus system implementation project, one of the county's largest technology undertakings, which replaced multiple stand-alone financial systems into an integrated system, providing many benefits to the county and school organizations, and which was implemented seamlessly while providing continuity of business processes and financial reporting; and

WHEREAS, Patsy Brown directed the change management effort for the InFocus project for the county and local schools, a critical factor identified for project success, balancing the recommendations of vendors and best practices with the unique cultures and needs of the county and separate school organizations; and

WHEREAS, Patsy Brown was selected by her colleagues as the Accounting Department's Employee of the Year in 1989 and 2003; and

WHEREAS, Patsy Brown became the director of accounting in 2010 and served in that capacity for almost 10 years, dedicating herself to ensuring the fiscal integrity of the financial records of the county, bringing a high level of professionalism to the department and contributing to the county receiving and maintaining a AAA credit rating; and

WHEREAS, as director of accounting, Patsy Brown was responsible for maintaining policies and procedures with strong internal controls; ensuring county compliance with generally accepted accounting principles, Governmental Accounting Standards Board (GASB) and Financial Accounting Standards Board pronouncements, and state and federal requirements, including the implementation of more than 85 GASB standards; and leading a major reporting model change that impacted both the county and school organizations; and

WHEREAS, Patsy Brown was responsible for oversight of the Comprehensive Annual Financial Report for Chesterfield County, which received the Certificate of Achievement in Financial Reporting from the Government Finance Officers' Association (GFOA) for all the years it was under her direction; and

WHEREAS, Patsy Brown actively participated on numerous boards and committees during her tenure with the county and was appointed by the National Association of Counties to serve as a member of the Governmental Accounting Standards Advisory Council; and

WHEREAS, Patsy Brown maintained her Certified Professional Accountant license throughout her tenure and earned the designation of Certified Public Finance Officer by demonstrating her knowledge and competency in the disciplines of government finance to the GFOA; and

WHEREAS, Patsy Brown supported the implementation of very successful Procurement Card and ePayables programs that have not only improved efficiency but generated more than \$2.5 million in revenue since the inception of the programs; and

WHEREAS, Patsy Brown set a high standard of ethical behavior and leadership; her strong commitment to customer service is evidenced by scores from an annual customer satisfaction survey, averaging 8.98 out of 10 from 2011 through 2019; and

WHEREAS, Patsy Brown will be missed for her professional contributions, her dedicated service, her leadership, her technology skills, her caring nature, and her commitment to providing the highest possible level of service to those served by the Accounting Department; now, therefore, be it

RESOLVED by the House of Delegates, That Patsy J. Brown hereby be commended on the occasion of her retirement from the Chesterfield County Accounting Department; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Patsy J. Brown as an expression of the House of Delegates' admiration for her contributions to the Chesterfield County community.

HOUSE RESOLUTION NO. 146

Commending Mr. Peanut.

Agreed to by the House of Delegates, March 3, 2020

WHEREAS, Mr. Peanut, the 104-year-old mascot for the snack food company Planters and a treasured icon of American advertising with roots in the Commonwealth, was revitalized as Baby Nut in February 2020; and

WHEREAS, three years after Planters opened a facility in Suffolk to be closer to peanut farmers in the region, Mr. Peanut was designed in 1916 by Antonio Gentile, a local student, as a part of a contest to find a new mascot for the company; and

WHEREAS, Mr. Peanut has become a mainstay of American popular culture for more than a century, and the original drawings reside in the Smithsonian National Museum of American History; and

WHEREAS, in January 2020, Mr. Peanut heroically sacrificed himself to save the lives of two friends in a viral social media video featuring actor Wesley Snipes and comedian Matt Walsh; and

WHEREAS, Baby Nut subsequently made his debut in a commercial during Super Bowl LIV on February 2, 2020, that brought together other recognizable mascots like Mr. Clean and the Kool-Aid Man and ushered in a new era for the character and the Planters brand with Mr. Peanut's rebirth as the newborn nut; and

WHEREAS, Planters and Mr. Peanut remain an important part of the Suffolk community, contributing to the economic vitality of the city and its status in the peanut industry; now, therefore, be it

RESOLVED by the House of Delegates, That Mr. Peanut, a symbol of the importance of the peanut industry to the Commonwealth and the United States, hereby be commended on his return as Baby Nut; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Planters as an expression of the House of Delegates' admiration for the continued success of Mr. Peanut as a facet of Americana.

HOUSE RESOLUTION NO. 147

Commending the Brooke Point High School wrestling team.

Agreed to by the House of Delegates, March 3, 2020

WHEREAS, the Brooke Point High School wrestling team of Stafford County won the Virginia High School League Class 5 State Championship at Rock Ridge High School in Ashburn on February 22, 2020; and

WHEREAS, the Brooke Point High School Black-Hawks outpaced the runner-up Nansemond River High School Warriors of Suffolk by a score of 178-152.5, bringing home the program's remarkable fourth consecutive state title; and

WHEREAS, the Brooke Point High School wrestling team was led by Bruno Alves, who defeated Nansemond River High School's Braxton Lewis to win the 120-pound event after a gripping overtime finish; and

WHEREAS, the Brooke Point High School Black-Hawks had eight wrestlers place in the tournament, including individual state champion Chris Lee in the 126-pound event, a commanding series of performances that allowed the team to seal the victory before the final rounds; and

WHEREAS, the accomplishments of the Brooke Point High School wrestling team are the result of the hard work and dedication of the student-athletes, the leadership and guidance of their coaches and teachers, and the steadfast support of the entire Brooke Point High School community; now, therefore, be it

RESOLVED by the House of Delegates, That the Brooke Point High School wrestling team hereby be commended for winning the 2020 Virginia High School League Class 5 State Championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Travis Harris, coach of the Brooke Point High School wrestling team, as an expression of the House of Delegates' admiration for the team's extraordinary achievement and best wishes for the future.

HOUSE RESOLUTION NO. 148

Celebrating the life of Master Sergeant Sae Jin Park-Schneider, USA.

Agreed to by the House of Delegates, March 3, 2020

WHEREAS, Master Sergeant Sae Jin Park-Schneider, USA, a decorated member of the elite Green Berets, died on March 13, 2018; and

WHEREAS, Sae Jin Park-Schneider, also known as Jeremy Schneider, grew up in Watertown, Connecticut, where he graduated from Watertown High School in 1992; he subsequently earned a bachelor's degree and a master's degree; and

WHEREAS, desirous to be of service to the nation, Sae Jin Park-Schneider enlisted in the United States Army in January 1998; he completed Airborne and Ranger training and volunteered for the rigorous Special Forces Assessment and Selection; and

WHEREAS, Sae Jin Park-Schneider completed deployments throughout the world, including to the Republic of Korea and Iraq; he most recently had served as team sergeant for an Operational Detachment Alpha; and

WHEREAS, throughout his distinguished military career, Sae Jin Park-Schneider received the Legion of Merit, Bronze Star Medal, Meritorious Service Medal, Joint Service Commendation Medal, six Army Commendation Medals, and four Army Achievement Medals, among many other awards and decorations; and

WHEREAS, predeceased by his twin brother, Sergeant First Class Dae Han Park, USA, Sae Jin Park-Schneider is fondly remembered and greatly missed by his parents, Joseph and Bonnie; his sister, Katie; his fiancée, Yong Kwon; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Master Sergeant Sae Jin Park-Schneider, USA, a respected member of the United States Army Special Forces; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Master Sergeant Sae Jin Park-Schneider, USA, as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 149

Celebrating the life of Sergeant First Class Dae Han Park, USA.

Agreed to by the House of Delegates, March 3, 2020

WHEREAS, Sergeant First Class Dae Han Park, USA, a proud member of the elite Green Berets, was killed in action on March 12, 2011; and

WHEREAS, born in the Republic of Korea, Dae Han Park, also known as Michael Schneider, grew up in Watertown, Connecticut, where he graduated from Watertown High School; and

WHEREAS, Dae Han Park studied at the University of Connecticut before ultimately joining the United States Army with his twin brother, the late Sae Jin Park-Schneider, in 1998; and

WHEREAS, Dae Han Park joined the United States Army Rangers in 2000 and completed his first overseas deployment to Iraq in 2003; he volunteered for Special Forces Assessment and Selection in 2005; and

WHEREAS, Dae Han Park was subsequently assigned to the Third Battalion, First Special Forces Group, as a communications sergeant with Operational Detachment Alpha 1333; he completed deployments throughout the world, including missions in Bangladesh, India, the Philippines, and Cambodia; and

WHEREAS, during his first deployment to Afghanistan in support of Operation Enduring Freedom, Dae Han Park made the ultimate sacrifice when his vehicle was struck by an improvised explosive device in the Wardak Province; and

WHEREAS, throughout his distinguished military career, Dae Han Park received the Bronze Star Medal, two Army Commendation Medals, two Army Achievement Medals, and four Army Good Conduct Medals, among many other awards and decorations; and

WHEREAS, Dae Han Park is fondly remembered and greatly missed by his wife, Mi Kyong; his daughters, Niya and Sadie; his parents, Joseph and Bonnie; his sister, Katie; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Sergeant First Class Dae Han Park, USA; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Sergeant First Class Dae Han Park, USA, as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 150

Commending the Osbourn Park High School indoor track and field program.

Agreed to by the House of Delegates, March 3, 2020

WHEREAS, the Osbourn Park High School indoor track and field program of Prince William County advanced to the 2020 Virginia High School League Class 6 State Championship due to their strong performances at the Region 6A Championship Meet; and

WHEREAS, with superb performances from members of both the boys' and girls' teams, the Osbourn Park High School Yellow Jackets advanced to the state championship for the 55-meter hurdles, 4x400-meter relay, high jump, pole vault, shotput, 500-meter dash, and high jump; and

WHEREAS, the individual athletes qualifying for the events were Lena Gooden for the 55-meter hurdles; Ashley Smith and Israel Delacruz for the high jump; Margaret Pullen, Jared Kunz, and Kenny Quach for the pole vault; Barbara Antwi and Garlin Gross for the shotput; and Lewis Freeman for the 500-meter dash; and

WHEREAS, the Osbourn Park Yellow Jackets' advancement to the state championship competition is a testament to the hard work of each of its talented student-athletes, the leadership of its coaches and staff, and the energetic support of the entire Osbourn Park High School community; now, therefore, be it

RESOLVED by the House of Delegates, That the Osbourn Park High School indoor track program hereby be commended on advancing to the Virginia High School League Class 6 State Championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Osbourn Park High School indoor track program as an expression of the House of Delegates' admiration for the teams' extraordinary achievements.

HOUSE RESOLUTION NO. 151

Commemorating the life and legacy of Boaz Fleming.

Agreed to by the House of Delegates, March 7, 2020

WHEREAS, in 1787, Boaz Fleming, who was born on January 3, 1758, in Delaware and was a veteran of the Revolutionary War, led a group of pioneers westward from Delaware, across the Allegheny Mountains and hundreds of miles of wilderness to the area near Paw Paw Creek, a tributary of the Monongahela River; and

WHEREAS, Boaz Fleming purchased 254 acres of land in the area, which was then part of Monongalia County, Virginia, from Thomas Barns and made his home there for many years; and

WHEREAS, in 1808, while making his annual journey to pay taxes in Clarksburg, Boaz Fleming met Dolley Madison at a social function and discussed the idea of creating a new county to better serve his community; and

WHEREAS, while the petition to create a county was initially unsuccessful, Boaz Fleming and his sons in 1817 began to clear land for a new town on the western bank of the Monongahela River; and

WHEREAS, the new town was laid out in 1819 and officially established in 1820 under a trustee form of government by the Virginia General Assembly; the town was named Middletown, as it was halfway between Clarksburg and Morgantown and facilitated easy access to both; and

WHEREAS, while Boaz Fleming died on March 20, 1830, his goal to create a new locality was finally realized in 1842, after Marion County, named for the Revolutionary War officer Brigadier General Francis Marion, was formed from parts of Monongalia County and Harrison County, with Middletown as the county seat; and

WHEREAS, the following year, Middletown was renamed as Fairmont for its beautiful overlook of the Monongahela River, and the community continued to grow; in 1861, Marion County and Fairmont became part of the newly formed state of West Virginia; and

WHEREAS, Boaz Fleming had moved away from the area in later life, but ultimately returned to Fairmont, where he was laid to rest at the historic Woodlawn Cemetery along with his first wife, Elizabeth; his daughter, Clarissa; and numerous other family members; now, therefore, be it

RESOLVED by the House of Delegates, That the life and legacy of Boaz Fleming hereby be commemorated, on the occasion of the 200th anniversary of the founding of Middletown, Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Kenneth "Brad" Merrifield, mayor of the City of Fairmont, West Virginia, as an expression of the House of Delegates' appreciation for the town's storied history.

HOUSE RESOLUTION NO. 152

Celebrating the life of Barbara Pickeral Lee.

Agreed to by the House of Delegates, March 3, 2020

WHEREAS, Barbara Pickeral Lee, an esteemed teacher, devoted education advocate, and beloved member of the Clarke County community, died on January 5, 2020; and

WHEREAS, Barbara Lee earned her undergraduate degree from Randolph-Macon Woman's College in 1966 and her master's degree in education from George Mason University 13 years later; and

WHEREAS, Barbara Lee made an outsized impact on innumerable children's lives as a teacher for 38 years, most of which she spent at D.G. Cooley Elementary School in Berryville; and

WHEREAS, in more recent years, Barbara Lee served as administrator of the Wee Angels Programs at Duncan Memorial United Methodist Church in Berryville, providing an abundance of love and care to many young children; and

WHEREAS, since 2002, Barbara Lee had been a member of the Lord Fairfax Community College Board, serving as its chair since 2008; her passion and dedication to the school, evident to all, earned her the 2009 Chairman's Award from the Virginia Community College System for college board member exemplary service; and

WHEREAS, dedicated to serving others, Barbara Lee gave generously of her time and talents to a plethora of civic and service organizations over the years, including the Clarke County Community Services Council, the Clarke County Kiwanis Club, the Clarke County Women's Club, and the Clarke County School Board, which she chaired; and

WHEREAS, guided throughout her life by her deep and abiding faith, Barbara Lee was a longtime member of Duncan Memorial United Methodist Church in Berryville, where she enjoyed worship and fellowship with her community; and

WHEREAS, preceded in death by her loving husband, Timothy, Barbara Lee will be fondly remembered and dearly missed by her children, Laura, John, and Jennifer, and their families, as well as numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Barbara Pickeral Lee, who touched countless lives as a teacher, community leader, and friend; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Barbara Pickeral Lee as an expression of the House of Delegates' respect for her memory.

HOUSE RESOLUTION NO. 153

Commending Victor LoPreto.

Agreed to by the House of Delegates, March 3, 2020

WHEREAS, Victor LoPreto, a longtime police officer with Fairfax and Loudoun Counties, retired in 2019; and

WHEREAS, after three years stationed with the United States Army in Missouri, Victor LoPreto joined the Fairfax County Police Department in 1982, spending 15 years with the Reston District Station; and

WHEREAS, in the late 1980s, as the crime rate in the county increased, Victor LoPreto was appointed to the Reston Pathway Patrol, policing the community on a multi-terrain motorcycle for several years; and

WHEREAS, retiring from the Fairfax County Police Department as a second lieutenant in 2006, Victor LoPreto joined the Loudoun County Sheriff's Office shortly thereafter; and

WHEREAS, since 2012, Victor LoPreto served as a community resource officer in western Loudoun County, building relationships with residents and serving as an intermediary on behalf of the Loudoun County Sheriff's Office; and

WHEREAS, one of Victor LoPreto's signature achievements as a community resource officer in western Loudoun County was the "Love in Lovettsville" parade he organized in July 2015 to honor Tony Porta, a military veteran severely wounded in the Iraq War; and

WHEREAS, in 2019, in recognition of his exceptional service to the community, the Lovettsville Town Council declared March 22 as "Victor LoPreto Day," commemorating the day he was sworn in as a Fairfax County police officer; and

WHEREAS, for 37 years, Victor LoPreto safeguarded members of the community by upholding the law and responding to a wide range of emergencies and calls for service; now, therefore, be it

RESOLVED by the House of Delegates, That Victor LoPreto, former deputy first class with the Loudoun County Sheriff's Office, hereby be commended on the occasion of his retirement; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Victor LoPreto as an expression of the House of Delegates' admiration for his commitment to protecting and serving citizens of the Commonwealth.

HOUSE RESOLUTION NO. 154

Commending the Battlefield High School indoor track and field program.

Agreed to by the House of Delegates, March 3, 2020

WHEREAS, the Battlefield High School indoor track and field program of Prince William County advanced to the 2020 Virginia High School League Class 6 State Championship due to the strong performances of its student-athletes at the Region 6A Championship Meet; and

WHEREAS, members of both the Battlefield High School boys' and girls' teams had superb performances at the regional meet, and the Battlefield High School Bobcats advanced to the state championship for the 1,600-meter run, 1,000-meter run, 55-meter hurdles, 4x200-meter relay, 4x400-meter run relay, 4x800 meter relay, long jump, shot put, high jump, triple jump, 300-meter dash, 500-meter dash, and pole vault; and

WHEREAS, the individual athletes who qualified for their respective events are Farrah McDaniel and David Kennedy for the 1,600-meter run; Bailey McLain and Joseph Morris for the 1,000-meter run; Madyson Kannon for the 55-meter hurdles; Maya Wooten for the long jump and triple jump; Brittany Fort for the shot put; Kaden Waller for the 300-meter dash; Austin Gallant for the 500-meter dash, shot put, and the high jump; Kojo Pobi for the high jump; Jordan Sickles for the long jump; Brian DiBassinga for the triple jump and pole vault; Todd Russell for the triple jump; and Tyler Lynch for the pole vault; and

WHEREAS, the Battlefield Bobcats' success is a testament to the hard work of each of the talented student-athletes, the leadership of coaches and staff, and the energetic support of the entire Battlefield High School community; now, therefore, be it

RESOLVED by the House of Delegates, That the Battlefield High School indoor track and field program hereby be commended on its success in the Virginia High School League Region 6A Championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Battlefield High School indoor track and field program as an expression of the House of Delegates' admiration for the teams' extraordinary achievements.

HOUSE RESOLUTION NO. 155

Commending Lee Lawrence and Carol Lee.

Agreed to by the House of Delegates, March 3, 2020

WHEREAS, Lee Lawrence and Carol Lee were honored at the 27th annual Loudoun History Awards at the Thomas Balch Library in Leesburg in November 2019; and

WHEREAS, both local historians, Lee Lawrence and Carol Lee were recognized for contributing to the preservation and study of Loudoun County's history through their research and advocacy; and

WHEREAS, Lee Lawrence notably supported the restoration and study of a historic structure that was likely the former quarters of an African American family in the 19th century, saving the building that is now located along the Fauquier-Loudoun county line in Upperville from certain destruction; and

WHEREAS, Lee Lawrence has helped restore a former church in Mountville, served three years on the Mosby Heritage Area Association board of directors, and transcribed and edited two publications of Loudoun women's diaries, offering valuable insights into the region's history; and

WHEREAS, Carol Lee was the inspiration and impetus behind the Village of Willisville's recent induction into the National Register of Historic Places; located in western Loudoun County and dating to the early 19th century, Willisville is currently the only African American village in the county to be individually recognized by this national distinction; and

WHEREAS, to accomplish her objective, Carol Lee partnered with the Mosby Heritage Area Association and established the Willisville Preservation Foundation, supporting the organization with funds she raised at a highly attended gospel concert charity event; and

WHEREAS, as a result of the tireless efforts of Lee Lawrence and Carol Lee, residents and visitors of Loudoun County will be able to better understand and appreciate the region's history for generations to come; now, therefore, be it

RESOLVED by the House of Delegates, That Lee Lawrence and Carol Lee hereby be commended for being honored at the 2019 Loudoun History Awards; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare copies of this resolution for presentation to Lee Lawrence and Carol Lee as an expression of the House of Delegates' admiration for their dedication to preserving and presenting the history of the Commonwealth.

HOUSE RESOLUTION NO. 156

Commending Mike Koscinski.

Agreed to by the House of Delegates, March 3, 2020

WHEREAS, in 2019, Mike Koscinski, an elementary school teacher and high school basketball coach in Loudoun County, was honored by the President's Council on Sports, Fitness & Nutrition for his commitment to developing the nation's future leaders by supporting youth sports programs; and

WHEREAS, the President's Council on Sports, Fitness & Nutrition was developed to promote healthy, active lifestyles and increase participation in sports by young people of all backgrounds and skill levels; the council recognizes exceptional leaders like Mike Koscinski for their achievements in those areas; and

WHEREAS, a physical education teacher at Newton-Lee Elementary School since 2005, Mike Koscinski is the head coach of the basketball team at Riverside High School and organizes the annual Riverside High School Youth Basketball Camp; and

WHEREAS, in addition, Mike Koscinski conducts seasonal basketball clinics and is the president of the East Coast Hoopers Basketball Club; and

WHEREAS, Mike Koscinski received the award from Master Sergeant Robert Wilkins of the United States Air Force, who presented him with a certificate and commemorative challenge coin; now, therefore, be it

RESOLVED by the House of Delegates, That Mike Koscinski hereby be commended for his award-winning work to support youth sports and healthy lifestyle choices; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Mike Koscinski as an expression of the House of Delegates' admiration for his contributions to the young people of Northern Virginia.

HOUSE RESOLUTION NO. 157

Commending the Wine Kitchen.

Agreed to by the House of Delegates, March 3, 2020

WHEREAS, the Wine Kitchen, a wine bar and restaurant in Leesburg, held its inaugural Dinner on the Rooftop event on May 20, 2019, entertaining hundreds of guests and raising thousands of dollars for charity; and

WHEREAS, the Wine Kitchen's Dinner on the Rooftop event was held on the top floor of Leesburg's primary parking garage, where more than 260 attendees enjoyed an unforgettable culinary experience while gaining awareness of and aiding an admirable cause; and

WHEREAS, the Wine Kitchen's Dinner on the Rooftop event, the first of its kind in Leesburg, raised more than \$16,000 for the local nonprofit Mobile Hope, an organization that assists the county's homeless population and its precariously housed youth; and

WHEREAS, the Dinner on the Rooftop event was generously supported with appetizers and drinks from Tuscarora Mill, King Street Oyster Bar, Cocina on Market, Walsh Family Wines, and Catocin Creek Distillery; and

WHEREAS, the Wine Kitchen looks to make its Dinner on the Rooftop event an annual occurrence, establishing a tradition that will be both a boon to the area's charities and an eagerly anticipated social occasion for years to come; now, therefore, be it

RESOLVED by the House of Delegates, That the Wine Kitchen hereby be commended for the success of its 2019 Dinner on the Rooftop event; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Wine Kitchen as an expression of the House of Delegates' heartfelt admiration for its contributions to Loudoun County and the Commonwealth.

HOUSE RESOLUTION NO. 158

Commending Cecil R. Harris, Jr.

Agreed to by the House of Delegates, March 4, 2020

WHEREAS, Cecil R. Harris, Jr., county administrator of Hanover County and longtime civil servant, retires in May 2020; and

WHEREAS, a certified public accountant with a degree from the University of Richmond and experience in the private sector, Cecil R. "Rhu" Harris joined Hanover County in 1984, when he was hired as the assistant director of finance; and

WHEREAS, recognized for his diligence and hard work, Rhu Harris quickly moved up the ranks in the county's finance department before being appointed deputy county administrator in 1998 by the Hanover County Board of Supervisors; six years later, he was promoted to county administrator and has proudly served the county in this role for the past 15 years; and

WHEREAS, as county administrator, Rhu Harris is the chief executive of the county government, responsible for implementing the policies and procedures established by the Hanover County Board of Supervisors and for directly supervising its departments of human resources and economic development; and

WHEREAS, overseeing a county of approximately 110,000 people with an annual budget upwards of \$499 million, Rhu Harris is credited with successfully managing Hanover County's moderate, but consistent, growth over the past several years, effectively preserving its rural character while ensuring the locality's financial stability; and

WHEREAS, an unparalleled advocate for Hanover County, Rhu Harris has championed its schools and public safety facilities while attracting new businesses and working to keep the county's tax-rate among the lowest in the region; and

WHEREAS, Rhu Harris' effective management helped Hanover County attain a highly sought AAA bond rating from all three of the nation's bond-rating agencies in 2010, making it one of the smallest localities in the country, by population, to earn this distinction; and

WHEREAS, throughout his tenure, Rhu Harris strove to make Hanover County a desirable locale for both families and businesses, putting it in a good position to remain a wonderful place to live, work, and play for many years to come; now, therefore, be it

RESOLVED by the House of Delegates, That Cecil R. Harris, Jr., a treasured civil servant and county administrator of Hanover County for the past 15 years, hereby be commended on the occasion of his retirement; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Cecil R. Harris, Jr., as an expression of the House of Delegates' heartfelt admiration and enduring respect for his service on behalf of Hanover County and the Commonwealth.

HOUSE RESOLUTION NO. 159

Commending the Poquoson High School wrestling team.

Agreed to by the House of Delegates, March 4, 2020

WHEREAS, the Poquoson High School wrestling team won the Virginia High School League Class 2 State Championship in February 2020; and

WHEREAS, the Poquoson High School Islanders earned an impressive 140 points, finishing more than 30 points ahead of the runner-up Strasburg High School Rams; and

WHEREAS, two of the Poquoson Islanders, Karon Smith and Cole McCormick, capped off their high school careers by earning individual titles in their weight classes; and

WHEREAS, Poquoson's Jake Williams reached the final in his weight class to contribute 20 points, while Trevor Wiggins finished third to add 21.5 points to the final tally; the victory was a team effort, with Colten Barke, Bobby Long, and Evan Graham each finishing in the top six of their events; and

WHEREAS, the victorious season is a tribute to the hard work of all the student-athletes, the leadership and guidance of coaches and staff, and the passionate support of the entire Poquoson High School community; now, therefore, be it

RESOLVED by the House of Delegates, That the Poquoson Wrestling Team hereby be commended; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Eric Decker, head coach of the Poquoson High School wrestling team, as an expression of the House of Delegates' admiration for the team's achievements and best wishes for the future.

HOUSE RESOLUTION NO. 160

Commending Richard Bland College.

Agreed to by the House of Delegates, March 4, 2020

WHEREAS, in 1960, Richard Bland College, a junior college and branch of The College of William & Mary serving Southside Virginia, was established south of Petersburg on the site of the former Petersburg Training School and Hospital, which was previously the Seward farm; and

WHEREAS, Richard Bland College has benefited from the outstanding leadership of its presidents, Colonel James Carson (1961-1973), Dr. Cornelis Laban (acting president 1973-1975), Dr. Clarence Maze (1975-1996), Dr. James McNeer (1996-2012), and Dr. Debbie Sydow, the first woman to be appointed president, from 2012 to the present; and

WHEREAS, Richard Bland College offers rigorous academic programs and university parallel courses for two-year degrees with seamless transfer to public and private four-year institutions of higher education; and

WHEREAS, throughout its history, Richard Bland College has grown and expanded, with residence halls opening in 2008, allowing students from around the Commonwealth and across the globe to live and learn on campus and thrive together in a lively, diverse community; and

WHEREAS, intercollegiate athletics has enhanced life on campus since its reinstatement in 2013; as a member of the National Junior College Athletic Association, Richard Bland College has won national and regional championships in basketball, soccer, softball, and volleyball; and

WHEREAS, Richard Bland College values and supports the surrounding region and hosts numerous corporate and community events on campus, including a signature Pecan Festival on the grounds of the oldest and largest pecan grove in the Commonwealth; now, therefore, be it

RESOLVED by the House of Delegates, That Richard Bland College hereby be commended on the occasion of its 60th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Dr. Debbie Sydow, president of Richard Bland College, as an expression of the House of Delegates' admiration for the institution's commitment to supporting its students, higher education, workforce readiness, economic development, good citizenship, and service to the Commonwealth.

HOUSE RESOLUTION NO. 161

Commending Colin Campbell.

Agreed to by the House of Delegates, March 4, 2020

WHEREAS, Colin Campbell attended Cornell University and studied to be an attorney at Columbia University; he was employed on Wall Street and served as the chief executive officer of three major institutions over the course of more than 44 years; and

WHEREAS, Colin Campbell served as president of the prestigious Wesleyan University for 18 years, becoming the youngest president in the institution's history when he assumed office at the age of 35; and

WHEREAS, in 1988, Colin Campbell was appointed as president and trustee of the Rockefeller Brothers Fund and oversaw 12 years of extraordinary growth as the organization's endowment increased from \$240 million to \$800 million; and

WHEREAS, Colin Campbell led the Colonial Williamsburg Foundation from 2000 to 2014, directing the organization's renewed efforts to enhance the conservation of one of America's most prestigious and challenging historical sites; he currently serves as chairman emeritus; and

WHEREAS, Colin Campbell reaffirmed Colonial Williamsburg's commitment to a history that connects the past to contemporary American life and citizenship by creating the "Revolutionary City," which provides an opportunity for visitors to engage with political and social controversies experienced in colonial and revolutionary societies that still resonate today; and

WHEREAS, Governor Robert F. McDonnell recognized Colin Campbell as a leader in the field of history, interpretation, education, business, and preservation, and appointed him to the Fort Monroe Authority Board of Trustees in 2010 and reappointed him in 2012; and

WHEREAS, in June 2016, Governor Terence R. McAuliffe reaffirmed Colin Campbell's numerous contributions to the Fort Monroe Authority by reappointing him to a third term to its board of trustees; and

WHEREAS, during Colin Campbell's three terms of office at the Fort Monroe Authority, his fellow trustees recognized him with the title of vice chairman and he accepted numerous responsibilities for activities, including board oversight of the Base Realignment and Closure Process (BRAC), becoming directly involved in the negotiations for the conveyance of the non-reversionary and reversionary lands to the Fort Monroe Authority; and

WHEREAS, the United States Army successfully transferred 312.75 acres of reversionary land to the Commonwealth on June 4, 2013; and

WHEREAS, Colin Campbell served on the Fort Monroe Authority Board of Trustees during a time when the Commonwealth and the United States Secretary of the Interior were contemplating the creation of a Fort Monroe unit of the National Park Service; it was eventually designated as a national monument by President Barrack Obama on November 1, 2011; and

WHEREAS, on August 25, 2015, the Commonwealth transferred 121.1 acres to the National Park Service for the creation of the Fort Monroe National Monument; and

WHEREAS, Colin Campbell subsequently represented the board of trustees in negotiations with the United States Army for the transfer of 83.188 acres of land through the Economic Development Conveyance; and

WHEREAS, during Colin Campbell's tenure, the Fort Monroe Authority accepted responsibility for the operations of the Fort Monroe property, created a business model that successfully leases commercial and residential properties, and managed a growing museum presence on the property, including the creation of the first-ever Fort Monroe Visitor and Education Center; and

WHEREAS, the trustees with whom Colin Campbell served and the staff with whom he worked all came to rely on his great energy, calm presence, gentle sense of humor, sound judgment, and kindness as he promoted lively and productive dialogue in all interactions; now, therefore, be it

RESOLVED by the House of Delegates, That Colin Campbell hereby be commended for his years of service to the Fort Monroe Authority; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Colin Campbell as an expression of the House of Delegates' admiration for his contributions to the preservation of the Commonwealth's valuable historic resources.

HOUSE RESOLUTION NO. 162

Commending Judith Smith Gary.

Agreed to by the House of Delegates, March 4, 2020

WHEREAS, Judith Smith Gary, a respected, admired, and beloved choral arts director, retired from her position as conductor and founding director of The Virginia Consort in 2020, completing a remarkable career spanning more than four decades, three of them holding the baton of The Virginia Consort; and

WHEREAS, a native of Virginia Beach, Judith Gary graduated from Boston University with a bachelor's degree in music theory and composition and from the University of Virginia with a master's degree in music history; she studied with the grand master of choral music, Robert Shaw, and for many years attended summer sessions at Westminster Choir College; and

WHEREAS, Judith Gary served as music director of the Charlottesville Peace Choir, The Oratorio Society of Charlottesville-Albemarle, and Church of Our Saviour Episcopal, before founding The Virginia Consort in 1990 and directing the Consort's Chamber Ensemble, Festival Chorus, and Youth Chorale; and

WHEREAS, Judith Gary is well known by audiences and musicians throughout Central Virginia for her creative concert programming and precise direction and is an inspiration to singers young and old for her commitment to excellence; and

WHEREAS, Judith Gary is likewise known for her joyful approach to learning, deep curiosity, enthusiasm for life, and her love for and dedication to her family; now, therefore, be it

RESOLVED by the House of Delegates, That Judith Smith Gary hereby be commended on the occasion of her retirement as director of The Virginia Consort; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare copies of this resolution for presentation to Judith Smith Gary; her son, Hart Gary IV; and the president of The Virginia Consort, Matthew O'Driscoll, as an expression of the House of Delegates' admiration for Judith Smith Gary's legacy of contributions to the advancement and appreciation of choral music.

HOUSE RESOLUTION NO. 163

Commending Stephen A. Elswick.

Agreed to by the House of Delegates, March 4, 2020

WHEREAS, Stephen A. Elswick was first elected to the Chesterfield County Board of Supervisors in 2011, representing the Matoaca magisterial district; and

WHEREAS, Stephen "Steve" A. Elswick was subsequently reelected in 2015 and ably served his constituents and all the residents of Chesterfield County with honor and integrity for eight years; and

WHEREAS, during his two terms of service, Steve Elswick was elected by his peers to serve as chair of the Board of Supervisors in 2015 and 2016; and

WHEREAS, prior to being elected to the Board of Supervisors, Steve Elswick faithfully served the Chesterfield Fire and Emergency Services Department for 31 years, starting as a firefighter in 1973 and working up through the ranks to retire as fire chief; and

WHEREAS, Steve Elswick's insights, expertise, and visionary leadership contributed to steady, noteworthy improvement in Chesterfield County's quality of life and stature as a nationally recognized leader among local governments; and

WHEREAS, Steve Elswick volunteered his talents to the County-Schools Liaison Committee; Audit and Finance Committee; Capital Region Airport Commission; Plan RVA (formerly the Richmond Regional Planning District Commission); Richmond Regional Transportation Planning Organization; Capital Region Collaborative; Crater Planning District Commission; Tri-Cities Metropolitan Planning Organization; and the Richmond Metropolitan Authority; and

WHEREAS, while serving on the Board of Supervisors, Steve Elswick and his fellow board members met the challenge of appointing a new county administrator and police chief following the retirements of long-tenured county employees serving in these positions; and

WHEREAS, Steve Elswick was instrumental in developing a successful bond referendum that was approved by the voters in 2013 to increase funding for school renovations and public safety and emergency communications needs; and

WHEREAS, Steve Elswick oversaw the adoption of a new Comprehensive Plan for Chesterfield County that will guide its future growth and development while maintaining a high quality of life for residents and businesses; the adoption of a reformed cash proffer policy with 100 percent of the maximum cash proffer dedicated to road infrastructure; and an increase in sports tourism in the county through the acquisition of River City Sportsplex; and

WHEREAS, Steve Elswick provided unwavering support to Virginia State University (VSU) and the Ettrick community through the establishment of regular town and gown meetings between the leadership of the university and the county government, preservation of the Summerseat historic building, dedication of the Appomattox River Trail, and construction of the VSU Randolph Farm water tank; and

WHEREAS, Steve Elswick secured significant transportation improvements in Chesterfield County, including the widening of East River Road in Ettrick, Hull Street Road, and Woolridge Road, as well as the construction of the roundabout at Genito and Otterdale roads; and

WHEREAS, during Steve Elswick's tenure, Chesterfield County announced 98 new economic development projects and more than \$4 billion in investment, as well as 8,238 new jobs; the county began renovations of Manchester Middle School and Matoaca Middle School and broke ground on the new Matoaca Elementary School; now, therefore, be it

RESOLVED by the House of Delegates, That Stephen A. Elswick hereby be commended for his eight years of exemplary public service on the Chesterfield County Board of Supervisors; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Stephen A. Elswick as an expression of the House of Delegates' admiration for his legacy of achievements on behalf of the residents of the Matoaca district and all of Chesterfield County.

HOUSE RESOLUTION NO. 164

Commending Dr. Jeffery O. Smith.

Agreed to by the House of Delegates, March 4, 2020

WHEREAS, Dr. Jeffery O. Smith, superintendent of Hampton City Schools, was named Virginia's 2019 Superintendent of the Year by the Virginia Association of School Superintendents; and

WHEREAS, already recognized as Virginia's Region II Superintendent of the Year last February, Jeffery Smith was selected for the statewide distinction by numerous stakeholders in the Commonwealth's education system, including the State Superintendent of Public Instruction and the Virginia Education Association; and

WHEREAS, prior to taking the helm of Hampton City Schools in 2015, Jeffery Smith had served as an education administrator with eight different Virginia school divisions, including King George, Hanover, and Westmoreland Counties, acquiring extensive and invaluable experience for the next stage in his career; and

WHEREAS, in the five years that Jeffery Smith has led Hampton City Schools, the state's 14th largest school division has gone from an accreditation rate below 50 percent to full accreditation, while graduation and dropout rates have markedly improved; and

WHEREAS, Jeffery Smith is credited with the development of a PreK-12 pipeline that encourages students to acquire credits toward associate degrees while pursuing advanced high school diplomas; today, more than 300 students participate in the program, increasing their chances of academic success beyond high school; and

WHEREAS, as part of Jeffery Smith's five-year master plan, all high schools in the division initiated college and career academies, providing students with specialized instruction to develop applicable skills for various industries; and

WHEREAS, using a data-oriented approach as well as more traditional observational methods, Jeffery Smith introduced effective processes for teachers to receive constructive feedback on their instruction strategies and to improve their ability to serve their students; and

WHEREAS, as Virginia's nominee, Jeffery Smith was recognized as a finalist for the School Superintendents Association's 2020 National Superintendent of the Year Award, distinguishing him as one of the best education administrators in the country; and

WHEREAS, Jeffery Smith's accomplishments are the result of his tireless hard work, insightful approaches to today's education challenges, and unflinching dedication to his students; now, therefore, be it

RESOLVED by the House of Delegates, That Dr. Jeffery O. Smith, superintendent of Hampton City Schools, hereby be commended for being named the 2019 Virginia Superintendent of the Year by the Virginia Association of School Superintendents; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Dr. Jeffery O. Smith as an expression of the House of Delegates' profound admiration and respect for his contributions to Hampton and the Commonwealth.

HOUSE RESOLUTION NO. 165

Commending Dr. George M. Hampton.

Agreed to by the House of Delegates, March 4, 2020

WHEREAS, Dr. George M. Hampton of Dale City, a patriotic veteran and civic leader who served the Commonwealth under five Virginia governors' administrations, is an exemplar of servant leadership and a living legend in his community; and

WHEREAS, a native of New Jersey, George Hampton grew up in North Carolina, where he graduated from North Carolina Agricultural and Technical State University and was commissioned as a second lieutenant in the United States Army; and

WHEREAS, during his time in the military, George Hampton overcame discrimination to serve his country with honor and distinction for two decades, retiring as a lieutenant colonel in 1971; and

WHEREAS, George Hampton pursued a career with the American Institutes for Research as a research scientist, project director, and human relations specialist, managing research and development projects that dealt with race relations and conflict resolution between Americans and host nationals in Asia and Africa; and

WHEREAS, George Hampton was a longtime political advisor to the Prince William County Branch of the NAACP and was subsequently appointed by Governors Charles Robb and Gerald Baliles to the Virginia Parole Board from 1982 to 1990; and

WHEREAS, George Hampton continued to serve the Commonwealth as chair and chief executive officer of the Virginia Alcoholic Beverage Control Board under Governor L. Douglas Wilder and as an appointee to the State Board of Elections under Governor George Allen; and

WHEREAS, George Hampton subsequently served as a member of the Northern Virginia Community College Board of Directors and was appointed by Governor Mark Warner to the Virginia State University Board of Visitors; and

WHEREAS, George Hampton is the oldest and most senior member of Omega Psi Phi Fraternity, Inc., which established the George M. Hampton Foundation in his honor; the foundation provides scholarships to high school seniors to promote academic achievement, leadership, and youth empowerment; and

WHEREAS, in recognition of George Hampton's incredible legacy of contributions to the Commonwealth, Mills E. Godwin Middle School in Prince William County was renamed George M. Hampton Middle School with a historic ceremony in August 2016; now, therefore, be it

RESOLVED by the House of Delegates, That Dr. George M. Hampton hereby be commended for his lifetime of service to the residents of Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Dr. George M. Hampton as an expression of the House of Delegates' admiration for his personal and professional achievements.

HOUSE RESOLUTION NO. 166

Commending Trummer's on Main.

Agreed to by the House of Delegates, March 4, 2020

WHEREAS, Trummer's on Main, a restaurant in Clifton specializing in New American cuisine, was honored by the Daily Meal as the best brunch in Virginia in 2020; and

WHEREAS, the Daily Meal, a website focusing on food and drink trends, distinguished Trummer's on Main as part of its list of "Best Brunch in Every State"; and

WHEREAS, placing an emphasis in their survey on innovative menu items and diverse offerings for gluten-free and vegan diets, the Daily Meal celebrated Trummer's on Main for its fresh-baked pastry basket, cinnamon-sugar beignets, oysters, smoked salmon benedicts, ricotta gnocchi with butternut squash, and pork schnitzel with peppercorn gravy; and

WHEREAS, Trummer's on Main creates a charming dining experience for its patrons through its bright and inviting ambiance, the culinary prowess of executive chef Jon Cropf, and its unparalleled wine list, which draws from the largest cellar in the Mid-Atlantic region; and

WHEREAS, located 25 miles outside of Washington, D.C., in the historic Clifton Hotel, Trummer's on Main is an appealing destination both for local residents and those seeking a weekend getaway; and

WHEREAS, the accomplishments of Trummer's on Main are the result of the vision and execution of the owners and chefs, the hard work and dedication of the staff, and the unwavering support of the entire Clifton community; now, therefore, be it

RESOLVED by the House of Delegates, That Trummer's on Main, a cherished restaurant in Clifton, hereby be commended for the distinction of being named best brunch in Virginia by the Daily Meal; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Stefan and Victoria Trummer, owners of Trummer's on Main, as an expression of the House of Delegates' admiration for the restaurant's achievement and best wishes for the future.

HOUSE RESOLUTION NO. 167

Commending Justin Skule.

Agreed to by the House of Delegates, March 4, 2020

WHEREAS, Justin Skule, a Clifton native and alumnus of Centreville High School, competed in Super Bowl LIV on February 2, 2020, with the San Francisco 49ers; and

WHEREAS, originally an ice hockey player, Justin Skule transitioned to football in high school and excelled immediately as an offensive tackle; and

WHEREAS, as captain of the Centreville High School Wildcats football team, he led his teammates to a state championship in 2013, helping the squad post nearly 4,600 rushing yards along the way; and

WHEREAS, an accomplished student-athlete both on the gridiron and in the classroom, Justin Skule earned a four-year scholarship to Vanderbilt University, where he appeared in 45 games, was the program's all-time leading rusher with 1,283 yards, and graduated with a degree in economics; and

WHEREAS, selected in the sixth round of the 2019 National Football League Draft by the San Francisco 49ers, Justin Skule immediately made an impact on his new team, starting in eight games and playing in all but one of the regular season match-ups; and

WHEREAS, with the San Francisco 49ers advancing to Super Bowl LIV, Justin Skule stood at a pinnacle of sports that most athletes will only dream of reaching, a testament to his years of hard work and dedication; and

WHEREAS, Justin Skule's accomplishments are the result of his tremendous talent, diehard determination, and indomitable will to win; the leadership and guidance of his coaches; and the unwavering support of the Clifton and Centreville communities; now, therefore, be it

RESOLVED by the House of Delegates, That Justin Skule, a world-class athlete with the San Francisco 49ers, hereby be commended for competing in the 2020 Super Bowl; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Justin Skule as an expression of the House of Delegates' admiration for his achievements and best wishes for the future.

HOUSE RESOLUTION NO. 168

Commending the Battlefield High School boys' swim and dive team.

Agreed to by the House of Delegates, March 4, 2020

WHEREAS, the Battlefield High School boys' swim and dive team of Haymarket won the Virginia High School League Region 6B Championship on February 8, 2020; and

WHEREAS, in the regional championship, held at the Prince William County Schools Aquatic Center on the campus of Colgan High School in Manassas, the Battlefield High School Bobcats finished with an impressive 404 points, 58 points ahead of the runner-up Patriot High School Pioneers; and

WHEREAS, three members of the Battlefield Bobcats earned individual titles, including Chino Vera in the 50-meter freestyle event, Eric Liao in the 100-meter backstroke event, and Tatum Robinson in the 1-meter diving event; and

WHEREAS, the Battlefield Bobcats' relay team of Henry Radzikowski, Matthew Pianoto, Theo Drescher, and Eric Liao placed first in the 400-meter freestyle relay event; the team finished second in the 200-meter freestyle relay and the 200-meter medley relay; and

WHEREAS, the Battlefield Bobcats succeeded through the hard work and determination of all the student-athletes, the leadership and guidance of coaches and staff, and the enthusiastic support of the entire Battlefield High School community; now, therefore, be it

RESOLVED by the House of Delegates, That the Battlefield High School boys' swim and dive team hereby be commended on winning the Virginia High School League Region 6B Championship in 2020; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Jay Thorpe, head coach of the Battlefield High School boys' swim and dive team, as an expression of the House of Delegates' admiration for the team's achievements and best wishes for the future.

HOUSE RESOLUTION NO. 169

Commending the Battlefield High School girls' swim and dive team.

Agreed to by the House of Delegates, March 4, 2020

WHEREAS, the Battlefield High School girls' swim and dive team of Haymarket placed second in the Virginia High School League Region 6B Championship on February 8, 2020; and

WHEREAS, the Battlefield High School Bobcats finished with 318 points in the regional championship, held at the Prince William County Schools Aquatic Center on the Colgan High School campus in Manassas; and

WHEREAS, Battlefield freshman Camille Spink earned an individual title in the 200-meter freestyle event with a record-setting time; in addition, she participated in victories in the 200-meter medley relay with Jamie Cornwell, Emma Hannam, and Sophia Heilen and the 400-meter freestyle relay with Jamie Cornwell, Sarah Golsen, and Katherine Diatchenko; and

WHEREAS, the Battlefield Bobcats swept the relay events, with Jamie Cornwell, Sarah Golsen, Emma Hannam, and Sophia Heilen winning the 200-meter freestyle relay; and

WHEREAS, the Battlefield Bobcats succeeded through the hard work and determination of all the student-athletes, the leadership and guidance of coaches and staff, and the enthusiastic support of the entire Battlefield High School community; now, therefore, be it

RESOLVED by the House of Delegates, That the Battlefield High School girls' swim and dive team hereby be commended on placing second in the Virginia High School League Region 6B Championship in 2020; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Jay Thorpe, head coach of the Battlefield High School girls' swim and dive team, as an expression of the House of Delegates' admiration for the team's achievements and best wishes for the future.

HOUSE RESOLUTION NO. 170

Commending Aatish Sethi and Saahas Gowda.

Agreed to by the House of Delegates, March 4, 2020

WHEREAS, Aatish Sethi and Saahas Gowda, students at Battlefield High School in Haymarket, won a first place award in the 2018-2019 Washington-Arlington Catholic Forensic League Metro Finals Tournament; and

WHEREAS, Aatish Sethi and Saahas Gowda competed against several other top debate teams from high schools in Virginia, Maryland, and Washington, D.C., in the championship tournament, which was held at BASIS Independent McLean; and

WHEREAS, Aatish Sethi and Saahas Gowda won their award in the Public Forum debate of the tournament's junior varsity section; now, therefore, be it

RESOLVED by the House of Delegates, That Aatish Sethi and Saahas Gowda hereby be commended on winning a first place award at the 2018-2019 Washington-Arlington Catholic Forensic League Metro Finals Tournament; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare copies of this resolution for presentation to Aatish Sethi and Saahas Gowda as an expression of the House of Delegates' admiration for their accomplishments and best wishes for the future.

HOUSE RESOLUTION NO. 171

Commending the Reverend Terry Davis Edwards.

Agreed to by the House of Delegates, March 7, 2020

WHEREAS, the Reverend Terry Davis Edwards, a former teacher and an admired spiritual leader in Newport News, retired as rector of St. Augustine's Episcopal Church; and

WHEREAS, a native of Winston-Salem, North Carolina, Terry Edwards is a graduate of North Carolina Central University and Regent University; she pursued a fulfilling career as an educator in Norfolk Public Schools for nearly 40 years before answering the call to ministry; and

WHEREAS, after graduating from Virginia Theological Seminary in Alexandria, Terry Edwards was ordained into the Episcopal Diocese of Southern Virginia in December 2012 and joined St. Augustine's Episcopal Church in April 2013; and

WHEREAS, during her tenure as rector of St. Augustine's Episcopal Church, Terry Edwards established Eucharistic teams to visit sick and homebound members of the community, a contemplative Blue Sunday service in December, an annual Fall Festival, and the monthly family worship program, which offers local families opportunities to take a more active role in worship services; and

WHEREAS, under Terry Edwards' leadership, St. Augustine's Episcopal Church commemorated its 120th anniversary of service to the community in 2017 and participated in Child Abuse Prevention Month in 2019; and

WHEREAS, Terry Edwards has given invocations at Newport News City Council meetings and offered a blessing over a swearing-in ceremony at the Virginia State Capitol; and

WHEREAS, Terry Edwards led the congregation of St. Augustine's Episcopal Church with unparalleled devotion and care for the community; now, therefore, be it

RESOLVED by the House of Delegates, That the Reverend Terry Davis Edwards hereby be commended on the occasion of her retirement as rector of St. Augustine's Episcopal Church; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Reverend Terry Davis Edwards as an expression of the House of Delegates' admiration for her legacy of spiritual leadership and contributions to the Newport News community.

HOUSE RESOLUTION NO. 172

Commending the Dochiki Civic and Social Club, Inc.

Agreed to by the House of Delegates, March 7, 2020

WHEREAS, for 80 years, the Dochiki Civic and Social Club, Inc., has provided men in Newport News with opportunities to meet, socialize, and discuss ways to better support their families and the community as a whole; and

WHEREAS, originally known as "Los Amigas," the Dochiki Civic and Social Club was founded by 11 Newport News residents at a local barbershop on the corner of 29th Street and Chestnut Avenue; the club adopted an image of a handshake as its emblem and was subsequently renamed for a Chinese word meaning love and friendship; and

WHEREAS, early meetings of the Dochiki Civic and Social Club were held in members' homes and in rented rooms; the club purchased the property for its current location on Chestnut Avenue in 1952 and has conducted many renovations and expansions over the years; and

WHEREAS, the Dochiki Wives Auxiliary, Inc., was formed in 1960 to help support the Dochiki Civic and Social Club in its philanthropic endeavors and civic projects; and

WHEREAS, the Dochiki Civic and Social Club has raised funds to benefit young people, seniors, and other charitable causes through automobile raffles and bingo nights, and the club has opened its doors to local organizations in need of meeting space; furthermore, the Chestnut Avenue voting precinct has been based at the club for many years; and

WHEREAS, the membership of the Dochiki Civic and Social Club is composed of business leaders and entrepreneurs, educators and school administrators, current and former members of the military, government officials, and many others; and

WHEREAS, throughout its history, the Dochiki Civic and Social Club has emphasized the health and vitality of its members while demonstrating a commitment to good family values, youth mentorship, and support for education; now, therefore, be it

RESOLVED by the House of Delegates, That the Dochiki Civic and Social Club, Inc., hereby be commended on the occasion of its 80th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Dochiki Civic and Social Club, Inc., as an expression of the House of Delegates' admiration for its decades of service to the Newport News community.

HOUSE RESOLUTION NO. 173

Commending Rosa B. Price.

Agreed to by the House of Delegates, March 7, 2020

WHEREAS, Rosa B. Price, a beloved mother, grandmother, great-grandmother, aunt, and friend in Newport News and an admired member of the community, celebrates her 101st birthday in 2020; and

WHEREAS, a native of Surry County, Rosa Price was one of four children born to Raymond and Chessie Charity; at a young age, she began to develop a love of reading and passion for education that has endured throughout her life; and

WHEREAS, Rosa Price was a witness to many significant events in the 20th century, from the Great Depression and World War II to the triumphs of the Civil Rights Movement and the dawn of the Internet age; and

WHEREAS, in 1941, Rosa Price married her late husband, Arthur; the couple enjoyed 63 years of marriage and raised three children; Arthur, McKinley, and Pamela; and

WHEREAS, guided by her commitment to lifelong learning, Rosa Price has given young people the tools to succeed in and out of the classroom as a tutor in after-school programs and community centers; and

WHEREAS, as a member of First Church of Newport News (Baptist), Rosa Price founded the church's soup kitchen and has served as a deaconess and a missionary; and

WHEREAS, the cherished matriarch of her family, Rosa Price relishes every opportunity to share her lifetime of wit and wisdom with others; now, therefore, be it

RESOLVED by the House of Delegates, That Rosa B. Price hereby be commended on the occasion of her 101st birthday; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Rosa B. Price as an expression of the House of Delegates' admiration for her legacy of contributions to the Newport News community.

HOUSE RESOLUTION NO. 174

Celebrating the life of Carolyn Walker Hines.

Agreed to by the House of Delegates, March 5, 2020

WHEREAS, Carolyn Walker Hines, a highly admired community leader who was sought-after for her expertise in management and business development, died on December 6, 2019; and

WHEREAS, Carolyn Hines grew up in Brunswick County and graduated from James Solomon Russell High School; she continued her education at Wellesley College and St. Paul's College and earned a doctorate in counseling and higher education administration from The College of William & Mary; and

WHEREAS, Carolyn Hines' commitment to service was evident in her work as a licensed marriage and family therapist and a mediator and arbitrator for the Supreme Court of Virginia; and

WHEREAS, as president and chief executive officer of CW Hines & Associates, Inc., Carolyn Hines ably managed a talented staff that earned national and international recognition for success in management consulting, with a focus on enhanced organizational leadership; and

WHEREAS, Carolyn Hines served on the board of directors of Fear2Freedom, which helps survivors of sexual violence return to normalcy, and was especially proud of her work to inspire young people through the Boys and Girls Club of the Northern Neck and the Virginia Peninsula Chapter of 100 Black Men of America; and

WHEREAS, among her many and varied achievements, Carolyn Hines served as a civilian aide to the United States Secretary of the Army and helped establish the Civilian Marksmanship Program; she was a member of Delta Sigma Theta Sorority, The Links, Inc., the Board of Trustees of her alma mater St. Paul's College, and the Board of Visitors of Christopher Newport University; and

WHEREAS, predeceased by her husband, William, Carolyn Hines is fondly remembered and greatly missed by her children, Kimberly and Michael, and their families, and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Carolyn Walker Hines, a respected professional who touched countless lives throughout the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Carolyn Walker Hines as an expression of the House of Delegates' respect for her memory.

HOUSE RESOLUTION NO. 175

Celebrating the life of Lieutenant Colonel William A. Hines, Jr., USA, Ret.

Agreed to by the House of Delegates, March 5, 2020

WHEREAS, Lieutenant Colonel William A. Hines, Jr., USA, Ret., a decorated veteran and respected member of his community, died on February 10, 2019; and

WHEREAS, a native of Lawrenceville, William Hines grew up in Brunswick County and graduated from James Solomon Russell High School, where he was a standout member of the basketball team, earning a scholarship to the Hampton Institute; and

WHEREAS, while attending the Hampton Institute, William Hines began working at Norfolk Naval Shipyard to support his family, then joined the United States Army during the Vietnam War; and

WHEREAS, William Hines served valorously in combat, earning the Bronze Star Medal and the Legion of Merit, and held command posts in Vietnam, Korea, and Europe; furthermore, he worked as a professor at Norfolk State University under Training and Doctrine Command and finished his career in the Office of the Army Inspector General at the Pentagon; and

WHEREAS, during his time in the military, William Hines returned to the Hampton Institute to complete his bachelor's degree and subsequently earned a master's degree from George Washington University; and

WHEREAS, after his well-earned retirement, William Hines joined CW Hines & Associates, Inc., the management consulting company established by his wife of 50 years, Carolyn, who died on December 6, 2019; and

WHEREAS, William Hines served two terms as a commissioner for the Newport News Redevelopment and Housing Authority and was a member of the board of directors of the Boys and Girls Club of the Northern Neck; and

WHEREAS, William Hines is fondly remembered and greatly missed by his children, Kimberly and Michael, and their families, and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Lieutenant Colonel William A. Hines, Jr., USA, Ret., a distinguished veteran who made many contributions to the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Lieutenant Colonel William A. Hines, Jr., USA, Ret., as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 176

Celebrating the life of Dr. Dimitri R. Bradley.

Agreed to by the House of Delegates, March 7, 2020

WHEREAS, Dr. Dimitri R. Bradley, senior pastor, who provided spiritual leadership to thousands of members of the community as the founder and pastor of City Church of Richmond, died on November 20, 2019; and

WHEREAS, born in Richmond and raised in Henrico, Dr. Dimitri Bradley graduated from Manchester High School before earning a bachelor's degree in risk management from Virginia Commonwealth University; and

WHEREAS, in the first half of his career, Dr. Dimitri Bradley worked in the private banking industry and rose to the position of a regional manager with Bank of America, demonstrating both his impressive talents and his willingness to work hard to succeed; and

WHEREAS, answering the call to serve his faith later in life, Dr. Dimitri Bradley was ordained by Pastor Randy Gilbert at Faith Landmarks Ministries on November 15, 1998; and

WHEREAS, that same year, Dr. Dimitri Bradley cofounded Mt. Gerizim World Outreach Ministries with his wife, Nicole; starting with 12 people in their living room, the Bradleys would quickly grow their congregation into one of the largest in the Richmond area; and

WHEREAS, over time, Mt. Gerizim World Outreach Ministries became City Church of Richmond, which now operates in two locations and provides worship services for more than 4,000 members; and

WHEREAS, Dr. Dimitri Bradley always promoted an inclusive and accepting environment at City Church, welcoming people from all walks of life to join the congregation and find inspiration in his sermons; and

WHEREAS, Dr. Dimitri Bradley will be fondly remembered and dearly missed by his loving wife, Nicole; his children, Jordan and Julius; his parents, Delois and John; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, That the General Assembly hereby note with great sadness the passing of Dr. Dimitri R. Bradley, who touched countless lives in Richmond as both a pastor and a friend; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Dr. Dimitri R. Bradley as an expression of the General Assembly's respect for his memory.

HOUSE RESOLUTION NO. 177

Commending the Eastside High School one-act play ensemble.

Agreed to by the House of Delegates, March 7, 2020

WHEREAS, the Eastside High School one-act play ensemble of Coeburn won its sixth consecutive state title for Virginia High School League Class 1 at the State Theatre Festival in December 2019; and

WHEREAS, the Eastside High School one-act play ensemble performed "The Swan Queen of Berlin County," an original play by Eastside High School theater director, Shane Burke; and

WHEREAS, using dance, interpretive motions, and freezes to explore the protagonist's memories, emotions, and physical limitations, the Eastside High School one-act play ensemble demonstrated a mastery of modern stage techniques; and

WHEREAS, the Eastside High School one-act play ensemble advanced to the State Theatre Festival by winning first place at the season's regional and super-regional competitions; and

WHEREAS, over three rounds of competition, its actors earned numerous accolades, including two Outstanding Actor awards each for Olivia Adkins and Jillian Hall, and one apiece for Sarah Burke and Hadassah White; and

WHEREAS, the continued success of the Eastside High School one-act play ensemble is the result of the effort and dedication of the student actors and crew, the leadership and guidance of their director and teachers, and the proud support of the entire Eastside High School community; now, therefore, be it

RESOLVED by the House of Delegates, That the Eastside High School one-act play ensemble hereby be commended for winning the Virginia High School League Class 1 State Title at the 2019 State Theatre Festival; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Shane Burke, director of the Eastside High School one-act play ensemble, as an expression of the House of Delegates' admiration for the team's tremendous achievements.

HOUSE RESOLUTION NO. 178

Commending the Wilbert Tucker Woodson High School boys' swim and dive team.

Agreed to by the House of Delegates, March 7, 2020

WHEREAS, the Wilbert Tucker Woodson High School boys' swim and dive team of Fairfax County won the Virginia High School League Class 6 State Championship at George Mason University's Jim McKay Natatorium on February 22, 2020; and

WHEREAS, the W.T. Woodson High School Cavaliers trailed most of the meet, but emerged victorious with a tally of 245 points, bringing home the program's first state title since 1993; and

WHEREAS, the W.T. Woodson Cavaliers were led by sophomore Aiken Do, who won the 100-yard freestyle event with a time of 44.83 seconds and came in second in the 50-yard freestyle event with a time of 20.56 seconds; and

WHEREAS, the W.T. Woodson Cavaliers benefited from notable finishes by junior Eric Lundgren, who earned second in the 100-yard backstroke event with a time of 50.23, and the 200-yard freestyle relay team, who notched a second-place finish to help their team to victory; and

WHEREAS, the accomplishments of the W.T. Woodson Cavaliers are the result of the hard work and dedication of the student-athletes, the leadership and guidance of their coaches and teachers, and the unwavering support of the entire W.T. Woodson High School community; now, therefore, be it

RESOLVED by the House of Delegates, That the Wilbert Tucker Woodson High School boys' swim and dive team hereby be commended for winning the 2020 Virginia High School League Class 6 State Championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Wilbert Tucker Woodson High School boys' swim and dive team as an expression of the House of Delegates' admiration for the team's achievement and best wishes for the future.

HOUSE RESOLUTION NO. 179

Celebrating the life of Milton Alan Cain, Jr.

Agreed to by the House of Delegates, March 5, 2020

WHEREAS, Milton Alan Cain, Jr., a hardworking member of the Emporia community and a man of deep and abiding faith who was dedicated to the service of others, died on March 15, 2019; and

WHEREAS, Milton Cain, affectionately known to family and friends as "Junie" or "Junior," attended public schools in Greenville County and Brunswick County; he subsequently graduated from Virginia State University, where he studied computer engineering; and

WHEREAS, Milton Cain honorably served his country as a member of the United States Army, then worked at McDonald's restaurants in Emporia and Lawrenceville until 2014, when he joined the Amazon Fulfillment Center in Chester; and

WHEREAS, Milton Cain began a second career as a law-enforcement officer with the Virginia Department of Corrections at the Greenville Correctional Center, then the Emporia Police Department, where he served until the time of his passing; and

WHEREAS, Milton Cain enjoyed fellowship and worship with the congregation of Rising Star Baptist Church, where he shared his joyful faith with others through song as minister of music; and

WHEREAS, in addition to Rising Star Baptist Church, Milton Cain sang with the Rocky Mount Baptist Church Mass Choir, the 75th District Choir, and the Emporia Male Community Chorus; and

WHEREAS, Milton Cain is fondly remembered and greatly missed by his child, Cameron; his parents, Milton and Demetrice; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Milton Alan Cain, Jr., a cherished member of the Emporia community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Milton Alan Cain, Jr., as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 180

Commending Bob F. Holton.

Agreed to by the House of Delegates, March 7, 2020

WHEREAS, Bob F. Holton, one of the longest-serving public officials in Rockingham County, retired as assistant town manager for public works of Bridgewater in 2020; and

WHEREAS, after graduating from James Madison University in 1973, Bob Holton began serving the Bridgewater community as town superintendent at a time when the population numbered less than 3,000; and

WHEREAS, throughout his tenure, Bob Holton focused on improving infrastructure by replacing water lines and addressing problems with street drainage and the sewer system, as well as on projects to enhance local parks and recreational facilities; and

WHEREAS, over the course of Bob Holton's long career, the population of Bridgewater more than doubled, and he ably managed the challenges of continuing to provide high-quality service to the growing community; and

WHEREAS, Bob Holton was a vital source of institutional knowledge and witnessed changes to town administration, including the renaming of the town superintendent position to town manager, serving as the first town manager and as the town's top administrator for 43 years; and

WHEREAS, Bob Holton was guided by his vision to build a stronger, more resilient community in Bridgewater, and his legacy lives on in the many other town officials he mentored and inspired; now, therefore, be it

RESOLVED by the House of Delegates, That Bob F. Holton hereby be commended on the occasion of his retirement as assistant town manager for public works of Bridgewater; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Bob F. Holton as an expression of the House of Delegates' admiration for his outstanding legacy of contributions to the residents of Bridgewater.

HOUSE RESOLUTION NO. 181

Commending celebrations of the Muslim holy month of Ramadan in 2020.

Agreed to by the House of Delegates, March 7, 2020

WHEREAS, Ramadan, a holy month observed by Muslims throughout the world as a time for fasting, spiritual reflection, peace, renewal, and community service, will be celebrated in Virginia and throughout the United States in 2020 beginning on the evening of Thursday, April 23, and ending on Sunday, May 24; and

WHEREAS, as Ramadan is a lunar month, dates vary from year to year and may vary between communities through calculation or moonsighting; and

WHEREAS, fasting, which is one of the Five Pillars of Islam along with declaration of faith, daily prayers, charity, and pilgrimage to Makkah, is an essential component of Ramadan, performed to learn discipline, self-restraint, and generosity; and

WHEREAS, during Ramadan, Muslims abstain from food and drink from dawn to sunset and host regular iftars, or evening meals, at mosques, as well as interfaith iftars to build relationships with community members of all faiths; and

WHEREAS, during Ramadan, members of the Muslim community make generous contributions to charitable organizations and organize outreach programs to help and support those in need; and

WHEREAS, Ramadan concludes with communal prayers and celebrations called Eid al-Fitr, or the "Festival of Breaking the Fast," which begins on the evening of May 23, 2020; and

WHEREAS, the Muslim community has strengthened the cultural, social, economic, and spiritual fabric of Virginia, and approximately 90 mosques, representing several hundred thousand Muslims, will commemorate Ramadan throughout the Commonwealth in 2020; now, therefore, be it

RESOLVED by the House of Delegates, That celebrations of the Muslim holy month of Ramadan in 2020 hereby be commended; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Virginia Council of Muslim Organizations as an expression of the House of Delegates' admiration for the many contributions of the Muslim community to the Commonwealth.

HOUSE RESOLUTION NO. 182

Commending Captain J. William Cofer.

Agreed to by the House of Delegates, March 7, 2020

WHEREAS, Captain J. William Cofer of Virginia Beach has served the mariner community in the Commonwealth for more than two decades as president of the Virginia Pilot Association; and

WHEREAS, a native Virginian, Captain J. William "Bill" Cofer is a graduate of Old Dominion University (ODU), where he served as the four-year captain of the sailing team and helped the program earn national recognition; he served his alma mater as a member of the Old Dominion Athletic Foundation, ODU Sailing Afterguard, ODU Board of Visitors, and the Advisory Board of the Strome College of Business International Maritime Institute; and

WHEREAS, Bill Cofer was elected as president of the Virginia Pilot Association in 1998 and has ably represented the hardworking maritime pilots who guide ships through the busy waters around Hampton Roads every day; and

WHEREAS, in addition to serving as president of the Virginia Pilot Association for 22 years, Bill Cofer has volunteered his leadership and expertise to numerous other maritime organizations, including as president and chair of the Virginia Maritime Association and the Port of Virginia's representative on the Virginia Area Homeland Security Executive Committee; and

WHEREAS, in 2014, Bill Cofer was appointed to the Virginia Port Authority Board of Commissioners, where he has provided an important voice for working mariners; and

WHEREAS, Bill Cofer has promoted and supported the Hampton Roads community through his involvement with Norfolk Festevents, Nauticus, and the Hampton Roads Navigation Summit; outside of his professional career, he has been active with community organizations like Urban Discovery Ministries of Norfolk and supported the Park Place School for children with learning disabilities; and

WHEREAS, among his many awards and accolades for his achievements, Bill Cofer received the Hampton Roads Commerce Builders Award in 2011 and the Distinguished Service Award from the Virginia Maritime Association in 2013; now, therefore, be it

RESOLVED by the House of Delegates, That Captain J. William Cofer hereby be commended on the occasion of his retirement as president of the Virginia Pilot Association; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Captain J. William Cofer as an expression of the House of Delegates' admiration for his years of outstanding service to mariners in the Commonwealth.

HOUSE RESOLUTION NO. 183

Commending ITServe Alliance.

Agreed to by the House of Delegates, March 7, 2020

WHEREAS, ITServe Alliance, one of the largest consortia of information technology services, staffing, and consulting organizations in the country, celebrates its 10th anniversary in 2020; and

WHEREAS, with 16 local chapters serving more than 1,500 member organizations, ITServe Alliance supports the employment of approximately 70,000 information technology professionals nationwide; and

WHEREAS, established in 2016, the Washington, D.C., metropolitan area chapter boasts more than 130 member organizations, employing upwards of 8,000 individuals who support private-sector and government clients in the region; and

WHEREAS, ITServe Alliance serves its members by acting as the collective voice of the information technology industry, promoting best practices and quality control, facilitating networks and partnerships, and spearheading advocacy at state and federal levels; and

WHEREAS, ITServe Alliance helps the Commonwealth and the country keep pace in a rapidly changing industry by ensuring the availability of a highly skilled workforce and by limiting the outsourcing of this important work overseas; and

WHEREAS, through partnerships with area schools and colleges, ITServe Alliance encourages science, technology, engineering, and math education and fosters future generations of information technology professionals to meet the growing demands of the industry; and

WHEREAS, as information technology increasingly drives the ways businesses operate and individuals connect, ITServe Alliance's leadership is an invaluable asset to the Commonwealth and the country; now, therefore, be it

RESOLVED by the House of Delegates, That ITServe Alliance, a distinguished consortium of informational technology organizations, hereby be commended on the occasion of its 10th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Amar Varada, president of ITServe Alliance, as an expression of the House of Delegates' admiration for the consortium's mission and best wishes for its continued success.

HOUSE RESOLUTION NO. 184

Commending Hattie Louise Jones.

Agreed to by the House of Delegates, March 7, 2020

WHEREAS, Hattie Louise Jones, a cherished member of the Arlington community, celebrated her 100th birthday in 2019; and

WHEREAS, born on September 22, 1919, Hattie Jones was a witness to many significant events in the 20th century, from the Great Depression and World War II to the triumphs of the Civil Rights Movement and the dawn of the Internet age; and

WHEREAS, Hattie Jones grew up in Ithaca, New York, and graduated from Ithaca High School; she began to raise her family in nearby Binghamton, where she worked at the local country club; and

WHEREAS, Hattie Jones subsequently pursued a career with IBM in New York and Washington, D.C., then began her 40-year affiliation with the Army Navy Country Club in Arlington; and

WHEREAS, admired for her vigor and energetic personality, Hattie Jones works as a greeter and coatroom attendant at the club and brightens the days of both members and her colleagues through her kindness and grace; and

WHEREAS, the beloved matriarch of a large family, Hattie Jones relishes every opportunity to impart her lifetime of wisdom to her three children, eight grandchildren, and three great-grandchildren; now, therefore, be it

RESOLVED by the House of Delegates, That Hattie Louise Jones hereby be commended on the occasion of her 100th birthday; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Hattie Louise Jones as an expression of the House of Delegates' admiration for her contributions to the Arlington community and her zest for life.

HOUSE RESOLUTION NO. 185

Commending Kim Cummings.

Agreed to by the House of Delegates, March 7, 2020

WHEREAS, Kim Cummings, an active civic leader in the Fredericksburg area, retired from Prince William County Public Schools in 2019 after more than 35 years of service as an educator; and

WHEREAS, a native of New York, Kim Cummings holds degrees from New York University and Adelphi University; she began her career as a special education teacher, then became lead educational diagnostician for Prince William County Public Schools; and

WHEREAS, in that capacity, Kim Cummings was a staunch advocate for students with disabilities and guided the intervention and eligibility process to ensure that students received the resources and support they needed; and

WHEREAS, Kim Cummings is a devoted leader in the Fredericksburg Area Alumnae Chapter of Delta Sigma Theta Sorority, Inc., and served as co-chair of the Social Action Committee from 2014 to 2018; and

WHEREAS, during that time, Kim Cummings renewed social outreach efforts throughout the five counties represented by the chapter and helped the organization win a first-place award in 2018 for Distinguished Social Action Programming; under her leadership, the chapter encouraged greater civic engagement among its membership and held a widely attended Social Action Community Workshop and Forum; and

WHEREAS, Kim Cummings serves as president of the National Panhellenic Council of Greater Fredericksburg, a charter member of the New Dominion Section of the National Council of Negro Women, and parliamentarian of the Stafford County Branch of the NAACP, and is a longtime member of Strong Tower Church; and

WHEREAS, Kim Cummings' commitment to civic service is evident through her work as assistant chief election official for the Stafford County Registrar's Office, senior vice chair of the Stafford Democratic Committee, and an appointed member of the State Board of Elections Advisory Review Workgroup; now, therefore, be it

RESOLVED by the House of Delegates, That Kim Cummings hereby be commended on the occasion of her retirement from Prince William County Public Schools in 2019; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Kim Cummings as an expression of the House of Delegates' admiration for her legacy of contributions to the Prince William County and Fredericksburg communities.

HOUSE RESOLUTION NO. 186

Commending GCubed Enterprises.

Agreed to by the House of Delegates, March 7, 2020

WHEREAS, GCubed Enterprises, a black-owned and veteran-owned business headquartered in Stafford County, celebrates its sixth anniversary in 2020; and

WHEREAS, Vernon Green, Jr., founder of GCubed Enterprises, began the information technology and cybersecurity firm with a vision of "changing the world through the empowerment and education of people ... inspiring focus on mission over self"; and

WHEREAS, GCubed Enterprises has been awarded the Good Business of the Year Award by the Northern Virginia Chamber of Commerce and the HIRE Vets Gold Medallion Award from the United States Department of Labor; and

WHEREAS, GCubed Enterprises launched a 501(c)(3) nonprofit entity, G³ Community Services, to help local youth, veterans, entrepreneurs, and community members in need of assistance; and

WHEREAS, GCubed Enterprises continues to serve and provide employment opportunities for veterans around Quantico and the Washington, D.C., metropolitan area; now, therefore, be it

RESOLVED by the House of Delegates, That GCubed Enterprises hereby be commended on the occasion of its sixth anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Vernon Green, Jr., chief executive officer of GCubed Enterprises, as an expression of the House of Delegates' admiration for the firm's contributions to the veterans of the Commonwealth and the people of Northern Virginia.

HOUSE RESOLUTION NO. 187

Commending Dashon Reeves.

Agreed to by the House of Delegates, March 7, 2020

WHEREAS, at the VA Showcase indoor track and field meet on January 19, 2020, Dashon Reeves of Stonewall Jackson High School in Prince William County set a new school record of 1:06.77 in the 500-meter dash; and

WHEREAS, with his superb performance, Dashon Reeves advanced to the 2020 Virginia High School League Class 6 State Championship in February 2020; and

WHEREAS, Dashon Reeves' achievement in reaching the state championship competition is a testament to his talent as a student-athlete, the leadership of his coaches and staff, and the energetic support of the entire Stonewall Jackson High School community; now, therefore, be it

RESOLVED by the House of Delegates, That Dashon Reeves hereby be commended for his performance at the 2020 VA Showcase and reaching the Virginia High School League Class 6 State Championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Dashon Reeves as an expression of the House of Delegates' admiration for his accomplishments and best wishes for the future.

HOUSE RESOLUTION NO. 188

Commending Hilton Elementary School.

Agreed to by the House of Delegates, March 7, 2020

WHEREAS, Hilton Elementary School, an academic institution in the Newport News City Public Schools division, celebrated its 100th anniversary in 2019; and

WHEREAS, built in 1919 on farm land that was once owned by the Hilton family, Hilton Elementary School has witnessed a century of tremendous growth and change in Newport News; and

WHEREAS, originally heated by a coal furnace, students at Hilton Elementary School would help custodial staff clear out ash piles in the school's early days; and

WHEREAS, over the years, additions and improvements helped Hilton Elementary School better accommodate its students, faculty, and administration, including new classrooms, an office, and a lounge in 1952; a cafeteria in the 1960s; a major renovation in the 1970s; and a gym and art room in 2001; and

WHEREAS, since the 1960s, fifth grade students participating in the Hilton Elementary School safety patrol have fostered the school's community spirit by helping their younger peers transition safely between home and school at the beginning and end of the day; additionally, they open and close fire doors, help students with carrying their belongings, tie shoes, and read the breakfast menu to younger students, among other helpful tasks; and

WHEREAS, Hilton Elementary School currently serves children of the Hilton Village community while serving as home to Newport News City Public Schools' Communication Arts Magnet Program, which provides a comprehensive academic program with a focus on reading, writing, and oral communication; and

WHEREAS, the original bell used at Hilton Elementary School was salvaged and enshrined in front of the school in the early 2000s, memorializing the academic institution's long and storied past; and

WHEREAS, for over 100 years, innumerable students and staff at Hilton Elementary School have contributed to a lively and vibrant learning environment in Newport News; now, therefore, be it

RESOLVED by the House of Delegates, That Hilton Elementary School hereby be commended on the occasion of its 100th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Annette Walls, principal of Hilton Elementary School, as an expression of the House of Delegates' admiration for the school's history and its tradition of excellence.

HOUSE RESOLUTION NO. 189

Commending Flora D. Crittenden Middle School.

Agreed to by the House of Delegates, March 7, 2020

WHEREAS, Flora D. Crittenden Middle School, an academic institution of Newport News Public Schools, celebrates its 25th anniversary in 2020; and

WHEREAS, the building of Flora D. Crittenden Middle School was initially constructed in 1949, serving as George Washington Carver High School until it became Carver Intermediate School in 1971; and

WHEREAS, from 1980 to 1990, the school was named in honor of former principal Homer L. Hines, after which it was temporarily closed for a major, multimillion-dollar renovation; and

WHEREAS, on September 24, 1995, the newly renovated school was officially dedicated in honor of Flora D. Crittenden, a longtime educator and guidance counselor with Newport News Public Schools who served her community admirably on the Newport News City Council and in the Virginia House of Delegates for many years; and

WHEREAS, today, Flora D. Crittenden Middle School serves as one of the science, technology, engineering, and mathematics magnet programs for Newport News Public Schools, offering innovative and engaging classes in earth science, animal science, forensics, computer science, graphic arts, digital photography, robotics, web design, and more; and

WHEREAS, with computer labs dedicated to art, computer programming, and robotics instruction, Flora D. Crittenden Middle School provides its students with interactive and thought-provoking learning environments and experiences that stimulate their creativity and foster an interest in science and technology; and

WHEREAS, for 25 years, Flora D. Crittenden Middle School has supported the success of its students, faculty, and staff both in and out of the classroom, upholding the values upon which the Commonwealth's tradition of academic excellence is founded; now, therefore, be it

RESOLVED by the House of Delegates, That Flora D. Crittenden Middle School of Newport News Public Schools hereby be commended on the occasion of its 25th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Natia Smith, principal of Flora D. Crittenden Middle School, as an expression of the House of Delegates' admiration for the school's illustrious history and its many contributions to the Commonwealth.

HOUSE RESOLUTION NO. 190

Celebrating the life of Lorine Bernice Allen Jordan.

Agreed to by the House of Delegates, March 7, 2020

WHEREAS, Lorine Bernice Allen Jordan, a beloved mother and grandmother and a woman of deep faith who made many contributions to communities throughout the Richmond area, died on March 11, 2019; and

WHEREAS, Lorine Jordan grew up in a tight-knit community in Sandston and attended schools in Henrico County, including Fair Oaks Elementary School, one of the historic Rosenwald Schools for African Americans established throughout the American South during the early 20th century, and Virginia Randolph High School; and

WHEREAS, in 1947, Lorine Jordan married Obediah Jordan, and the couple enjoyed 50 happy years of marriage; she relished every opportunity to share in the joys and achievements of her 12 children, 35 grandchildren, 40 great-grandchildren, and 12 great-great-grandchildren; and

WHEREAS, Lorine Jordan supported her family as a domestic engineer for several doctors in Henrico County; for 17 years, she worked at a local KMart store, where she was promoted to supervisor and was a trusted mentor to many younger employees; and

WHEREAS, Lorine Jordan attended Seven Pines Baptist Church, Fair Oaks Baptist Church, and New Bridge Baptist Church before joining Rock Hill Baptist Church, where she offered her wisdom to the usher board and the deaconess board and proudly served as a Sunday school teacher and superintendent; and

WHEREAS, Lorine Jordan was well known for her love of gardening, especially her beautiful arrays of tulips and other flowers, as well as her delicious home-cooked meals; she touched countless lives throughout the community with her generosity, compassion, kindness, and grace; and

WHEREAS, predeceased by her husband, Obediah, and three children, Obediah, Jr., Darlene, and Jackie, Lorine Jordan is fondly remembered and greatly missed by her children, Lawrence, Lionel, Norman, Dennis, Alan, Darryl, Clarice, Delores, and Brenda, and their families, as well as numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Lorine Bernice Allen Jordan, a cherished member of the Greater Richmond community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Lorine Bernice Allen Jordan as an expression of the House of Delegates' respect for her memory.

HOUSE RESOLUTION NO. 191

Celebrating the life of Joe Allen Mann.

Agreed to by the House of Delegates, March 7, 2020

WHEREAS, Joe Allen Mann, an esteemed engineer, a prosperous entrepreneur, and a beloved member of the Williamsburg community, died on February 21, 2020; and

WHEREAS, born in Ronceverte, West Virginia, Joe Mann graduated from West Virginia University and earned his doctorate in chemistry from the Georgia Institute of Technology; and

WHEREAS, Joe Mann began his career with Dow Badische, where his hard work and diligence took him from an entry-level position to division management within three years; subsequently, from 1982 through 1987, Joe Mann served as corporate director for research and development for Burlington Industries; and

WHEREAS, with ample leadership experience, Joe Mann formed his own firm, The Mann Group, providing top-notch management consulting and technical troubleshooting services to his industry; and

WHEREAS, in 1990, Joe Mann relocated to Williamsburg to take over the BASF Fibers plant that was set to close, starting Mann Industries and saving more than 400 jobs in the community; and

WHEREAS, a passionate education advocate, Joe Mann served on the advisory boards of several institutions of higher learning, including the Textile Research Institute, North Carolina State University at Greensboro, and Virginia Polytechnic Institute and State University; and

WHEREAS, in recognition of his accomplishments as a businessman and local leader, Joe Mann is featured in *Who's Who in the South and Southwest*, *Who's Who in America*, *Who's Who in the World*, and *Who's Who of Emerging Leaders in America*; and

WHEREAS, an active and engaged member of his community, Joe Mann served as a trustee of the Leadership Historic Triangle, was a founding member of the James City County Ambassadors Focus Group, and was a member of the Williamsburg Rotary Club and the Colonial Area Republican Men's Association; and

WHEREAS, dedicated to the election of Republican officials and the advancement of Republican principles and values, Joe Mann was an active member of the Williamsburg-James City County Republican Committee for over 30 years, during which he served as chair and in various leadership roles; and

WHEREAS, in recognition of his many years of support for the Republican Party in Williamsburg, Joe Mann received a Lifetime Achievement Award from the Williamsburg-James City County Republican Committee in 2019; and

WHEREAS, preceded in death by his son, Joseph, Joe Mann will be fondly remembered and dearly missed by his loving wife, Carol; his two daughters, Mary Leigh and Susan, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Joe Allen Mann who touched countless lives in the Williamsburg community as an entrepreneur, civic leader, and friend; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Joe Allen Mann as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 192

Commending Julian Curtis-Zilius.

Agreed to by the House of Delegates, March 7, 2020

WHEREAS, Julian Curtis-Zilius, a student at Warhill High School in Williamsburg, was chosen as the Second Congressional District of Virginia's winner in the 2019 Congressional App Challenge; and

WHEREAS, established in 2014, the annual Congressional App Challenge is the nation's most prestigious competition for K-12 computer science, with more than 10,000 students from 304 Congressional districts submitting 2,177 mobile applications in 2019 alone; and

WHEREAS, for his entry in the Congressional App Challenge, Julian Curtis-Zilius developed My Class Rewards, an application to help teachers implement a rewards system for students, alongside classmate Zakeri Reckmeyer; and

WHEREAS, by tallying points with radio-frequency identification technology and enabling students to redeem these points online for prizes like snacks and school supplies, My Class Rewards facilitates a teacher's efforts to track student activity and provide performance incentives; and

WHEREAS, using HTML, JavaScript, and CSS coding languages for the front-end of the application, and Node.JS and a MySQL database for the back-end, the development of the My Class Rewards application demonstrated remarkable coding literacy and knowledge of user experience design; and

WHEREAS, a three-judge panel in the office of Congresswoman Elaine Luria recognized the My Class Rewards application for its utilization of complex coding technologies and design features while presenting an interface that was both practical and easy to use; and

WHEREAS, Julian Curtis-Zilius displayed tremendous talent, creativity, and dedication through his development of the My Class Rewards application and undoubtedly has a bright future ahead of him; now, therefore, be it

RESOLVED by the House of Delegates, That Julian Curtis-Zilius, a computer whiz at Warhill High School, hereby be commended for his selection as the Second Congressional District of Virginia's winner in the 2019 Congressional App Challenge; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Julian Curtis-Zilius as an expression of the House of Delegates' admiration for his impressive achievement and best wishes for the future.

HOUSE RESOLUTION NO. 193

Commending Zakeri Reckmeyer.

Agreed to by the House of Delegates, March 7, 2020

WHEREAS, Zakeri Reckmeyer, a student at Warhill High School in Williamsburg, was chosen as the Second Congressional District of Virginia's winner in the 2019 Congressional App Challenge; and

WHEREAS, established in 2014, the annual Congressional App Challenge is the nation's most prestigious competition for K-12 computer science, with more than 10,000 students from 304 Congressional districts submitting 2,177 mobile applications in 2019 alone; and

WHEREAS, for his entry in the Congressional App Challenge, Zakeri Reckmeyer developed My Class Rewards, an application to help teachers implement a rewards system for students, alongside classmate Julian Curtis-Zilius; and

WHEREAS, by tallying points with radio-frequency identification technology and enabling students to redeem these points online for prizes like snacks and school supplies, My Class Rewards facilitates a teacher's efforts to track student activity and provide performance incentives; and

WHEREAS, using HTML, JavaScript, and CSS coding languages for the front-end of the application, and Node.JS and a MySQL database for the back-end, the development of the My Class Rewards application demonstrated remarkable coding literacy and knowledge of user experience design; and

WHEREAS, a three-judge panel in the office of Congresswoman Elaine Luria recognized the My Class Rewards application for its utilization of complex coding technologies and design features while presenting an interface that was both practical and easy to use; and

WHEREAS, Zakeri Reckmeyer displayed tremendous talent, creativity, and dedication through his development of the My Class Rewards application and undoubtedly has a bright future ahead of him; now, therefore, be it

RESOLVED by the House of Delegates, That Zakeri Reckmeyer, a computer whiz at Warhill High School, hereby be commended for his selection as the Second Congressional District of Virginia's winner in the 2019 Congressional App Challenge; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Zakeri Reckmeyer as an expression of the House of Delegates' admiration for his impressive achievement and best wishes for the future.

HOUSE RESOLUTION NO. 194

Commending Matthew Abregu.

Agreed to by the House of Delegates, March 7, 2020

WHEREAS, Matthew Abregu, a driving instructor in Loudoun County, has helped several of his peers earn their driver's licenses, equipping them to lead prosperous and fulfilling lives; and

WHEREAS, Matthew Abregu's driver's education business, La Escuelita DIP, is certified by the Virginia Department of Motor Vehicles to offer programs in coordination with the Douglass School in Leesburg, which does not have its own driver's education program, and Mobile Hope, an organization that aids homeless and precariously housed youth in Loudoun County; and

WHEREAS, Matthew Abregu's programs offer students with limited access to cars and other resources the opportunity to learn how to drive, providing them with an invaluable life skill that will improve their ability to find gainful employment and support themselves; and

WHEREAS, Matthew Abregu guides students step-by-step through the process of obtaining a driver's license, establishing a plan with the student, coordinating with their parents or guardian, helping them study and practice, and ultimately escorting them to the Department of Motor Vehicles for their driver's test; and

WHEREAS, by improving their mobility in the community, Matthew Abregu helps students access greater professional and educational opportunities, fostering their success later in life; and

WHEREAS, through his tireless efforts to support disadvantaged youth in his community, Matthew Abregu embodies the values and ideals the Commonwealth holds most dear; now, therefore, be it

RESOLVED by the House of Delegates, That Matthew Abregu, a driving instructor in Loudoun County, hereby be commended for helping numerous citizens of the Commonwealth achieve an important milestone in their lives; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Matthew Abregu as an expression of the House of Delegates' admiration for his steadfast dedication to serving others and best wishes for the future.

HOUSE RESOLUTION NO. 195

Commending the League of Women Voters of Loudoun County.

Agreed to by the House of Delegates, March 7, 2020

WHEREAS, the League of Women Voters of Loudoun County, a nonpartisan political organization dedicated to cultivating an informed and civically active community, has served the interests of Loudoun County residents for more than 70 years; and

WHEREAS, the League of Women Voters of Loudoun County is a chapter of the League of Women Voters of the United States, which is celebrating its 100th anniversary in 2020; and

WHEREAS, since 1946, the League of Women Voters of Loudoun County has registered voters, performed studies, produced educational publications, advocated for public policy initiatives and reforms, and conducted educational forums and community discussions in the interest of encouraging civic participation at the local, state, and national levels; and

WHEREAS, studies conducted by the League of Women Voters of Loudoun County over the years investigated international food programs, mental health and local education needs, natural resource protections, the effects of Dillon's Rule, education finance, and the local juvenile justice system; and

WHEREAS, since its founding, the League of Women Voters of Loudoun County has produced numerous publications to educate and inspire citizens, including *This Is Your County*, *Know Your County*, and *Visions: Land and Community in Loudoun County, Virginia*; and

WHEREAS, the League of Women Voters of Loudoun County has been a vocal and effective advocacy group for many decades, supporting numerous policies related to local and regional governance, county schools, park land preservation, and county finances; and

WHEREAS, through regular educational forums and community discussions, the League of Women Voters of Loudoun County fosters spirited debate to further awareness and understanding of the important issues of the day; and

WHEREAS, a well-informed electorate being the foundation of our democracy, the League of Women Voters of Loudoun County has provided an invaluable service to the county, the Commonwealth, and the country; now, therefore, be it

RESOLVED by the House of Delegates, That the League of Women Voters of Loudoun County hereby be commended for its many years of advocacy and educational efforts in support of a civically engaged community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the League of Women Voters of Loudoun County as an expression of the House of Delegates' admiration for the organization's mission and best wishes for its continued success.

HOUSE RESOLUTION NO. 196

Commending the Telugu Association of North America.

Agreed to by the House of Delegates, March 7, 2020

WHEREAS, for more than 40 years, the Telugu Association of North America, the oldest and largest Indo-American organization in the United States, has worked to address the social, cultural, and educational needs and concerns of the Telugu-speaking community; and

WHEREAS, the Telugu Association of North America was established in 1977 and incorporated as a nonprofit organization in 1978 to support speakers of Telugu, one of the most widely spoken languages in India and one of the fastest-growing languages in the United States; and

WHEREAS, the Telugu Association of North America has established Telugu language programs and scholarships at educational institutions throughout the United States and hosts writing competitions that have led to new trends in Telugu literature and poetry; and

WHEREAS, the Telugu Association of North America played a critical role in Telugu being recognized by the government of India as a classical language and has helped the language endure in the Internet age by developing information technology tools, such as a Telugu font and online dictionaries; and

WHEREAS, the Telugu Association of North America invites prominent Telugu singers, musicians, dancers, actors, and artists to the United States to introduce their work to new audiences and inspire young people; the organization's conventions and festivals have sustained traditional art forms while building strong community bonds through shared culture; and

WHEREAS, through its charitable arm, the TANA Foundation, the Telugu Association of North America has supported projects related to education, sanitation, disease prevention, and health and wellness in India, as well as food and clothing donation drives, disaster relief efforts, and support for students from low-income families in the United States; and

WHEREAS, with its innovative approaches to cultural preservation and community service, the Telugu Association of North America has been a pioneer for and an inspiration to many other Indian ethnic organizations around the world; now, therefore, be it

RESOLVED by the House of Delegates, That the Telugu Association of North America hereby be commended for more than four decades of service to Telugu people in the Commonwealth and throughout the United States; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Telugu Association of North America as an expression of the House of Delegates' admiration for its contributions to the Telugu community.

HOUSE RESOLUTION NO. 197

Commending the American Telugu Association.

Agreed to by the House of Delegates, March 7, 2020

WHEREAS, for 30 years, the American Telugu Association has served Telugu people in the United States by promoting literary, cultural, educational, religious, social, economic, and health and wellness programs for members of the community; and

WHEREAS, the American Telugu Association was established in 1990 by 12 Telugu-speaking individuals who wished to foster a greater appreciation for Telugu heritage and create ways to better serve people of Telugu origin living in North America; and

WHEREAS, the American Telugu Association organizes exchange programs between the United States, Canada, and India for Telugu students, scientists, and other professionals and invites distinguished Telugu artists, artisans, scholars, and officials to the United States for lectures and workshops; and

WHEREAS, the American Telugu Association provides vital assistance for newly arrived Telugu immigrants, and its career development programs have helped individuals achieve success in competitive fields and better support their families; the organization offers guidance and mentorship to Telugu young people through its youth services programs; and

WHEREAS, the American Telugu Association conducts generous charitable outreach, including a successful event at the DC Central Kitchen in Washington, D.C., on Diwali to prepare and serve nutritious meals to more than 5,000 homeless or less-fortunate members of the community; the organization hosted a 5K race in Fairfax, attended by more than 1,000 people, to support orphaned children in India; and

WHEREAS, the American Telugu Association has fulfilled its mission with the hard work of numerous volunteers, and the organization has built strong partnerships with many other service organizations and Telugu associations; now, therefore, be it

RESOLVED by the House of Delegates, That the American Telugu Association hereby be commended on the occasion of its 30th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the American Telugu Association as an expression of the House of Delegates' admiration for the organization's service to the Telugu community in the Commonwealth and throughout the United States.

HOUSE RESOLUTION NO. 198

Commending the Arc of Loudoun.

Agreed to by the House of Delegates, March 7, 2020

WHEREAS, the Arc of Loudoun, a nonprofit organization assisting individuals of all ages with mental disabilities, has admirably served its community for many years; and

WHEREAS, in 2019, the Arc of Loudoun's programs benefited more than 6,000 individuals and their families, primarily through its major facilities and programs, including the Ability Fitness Center, A Life Like Yours (ALLY) Advocacy Center, the Aurora Behavioral Clinic, the Aurora School, and the Open Door Learning Center; and

WHEREAS, at the Arc of Loudoun's Ability Fitness Center, expert clinicians and specialists support therapeutic fitness and wellness activities, helping individuals with neurophysical injuries and dysfunctions attain greater functionality; and

WHEREAS, at its ALLY Advocacy Center, the Arc of Loudoun supports its community and encourages greater awareness and understanding of mental health issues through events, workshops, and related services; and

WHEREAS, the Aurora Behavior Clinic operated by the Arc of Loudoun serves as a hub for applied behavior analysis-based individualized therapeutic services for children with autism and related disabilities; and

WHEREAS, the Arc of Loudoun administers the Aurora School, a private day school that utilizes applied behavior analysis to enhance the learning experience for people ages five through 22 with intellectual or developmental disabilities or other cognitive or behavioral impairments; and

WHEREAS, through the Open Door Learning Center, the Arc of Loudoun cultivates an interactive learning environment for children ages two through seven to prepare for the next stage in their education; and

WHEREAS, by upholding its core values of safety, integrity, teamwork, empowerment, and success, the Arc of Loudoun provides opportunities for individuals of all ages with mental disabilities to thrive; now, therefore, be it

RESOLVED by the House of Delegates, That the Arc of Loudoun hereby be commended for its many years of service on behalf of families in Loudoun County and the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Arc of Loudoun as an expression of the House of Delegates' admiration for the organization's mission and best wishes for its continued success.

HOUSE RESOLUTION NO. 199

Commending Equality Loudoun.

Agreed to by the House of Delegates, March 7, 2020

WHEREAS, Equality Loudoun, a grassroots advocacy organization working to advance and protect equal rights for LGBTQ+ individuals in Loudoun County, was officially established as a 501(c)(3) nonprofit entity in 2020; and

WHEREAS, Equality Loudoun has been active since 2003, working to ensure that Loudoun County is a welcoming and inclusive place for all people; and

WHEREAS, after a temporary hiatus in the 2010s, Equality Loudoun relaunched in May 2017 and has since promoted several worthwhile endeavors to further its mission; and

WHEREAS, Equality Loudoun was a key advocate in support of Loudoun County Public Schools' recent decision to add gender identity and sexual orientation to its equal opportunity policy; and

WHEREAS, through its #BigGayBookDrive program, Equality Loudoun has collected and distributed more than 600 age-appropriate books that positively portray LGBTQ+ people to 33 schools throughout Loudoun County; and

WHEREAS, Equality Loudoun has fostered an active and engaged LGBTQ+ community in Loudoun County through various social events, programs, and activities both during Pride Month and throughout the year; and

WHEREAS, to honor victims of anti-transgender violence, Equality Loudoun held its first annual Transgender Day of Remembrance vigil on November 20, 2017; and

WHEREAS, Equality Loudoun's leadership, vision, and dedication embody the spirit of love and tolerance that makes the Commonwealth a wonderful place to live, work, and play; now, therefore, be it

RESOLVED by the House of Delegates, That Equality Loudoun hereby be commended for its support of the LGBTQ+ communities in Loudoun County and the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Equality Loudoun as an expression of the House of Delegates' admiration for the organization's mission and best wishes for its continued success.

HOUSE RESOLUTION NO. 200

Commending the Loudoun County Bar Association.

Agreed to by the House of Delegates, March 7, 2020

WHEREAS, the Loudoun County Bar Association strives to advance the legal profession by providing attorneys in Loudoun County with opportunities for professional development and community outreach; and

WHEREAS, members of the Loudoun County Bar Association volunteer their time to support important programs that provide legal services, legal education, and critical resources for community members in need; and

WHEREAS, the Loudoun County Bar Association supports attorneys in the region by providing various continuing legal education programs and strives to ensure that all members of the community have access to legal representation; and

WHEREAS, the Loudoun County Bar Association supports a website to help non-represented individuals in family law cases and offers resources for indigent citizens to effectuate non-contested divorces or receive appropriate clothing for court appearances; and

WHEREAS, through its Wills for Heroes program, the Loudoun County Bar Association drafts essential legal documents, such as wills, living wills, and powers of attorney, at no cost for first responders; and

WHEREAS, the Loudoun County Bar Association supports numerous worthy charitable causes, including annual food drives during the holidays and the Toys for Tots program every December; and

WHEREAS, the Loudoun County Bar Association gives students the opportunity to discuss relevant legal issues and maintains the Loudoun County Chapter of Beat the Odds®, a scholarship program for at-risk youths; and

WHEREAS, for the past 20 years, members of the Loudoun County Bar Association have inspired many young people to learn about the legal system through the Thomas D. Horne Leadership in the Law Program, a competitive summer camp that allows 24 students from high schools in Loudoun County and Fauquier County to receive legal training and participate in a mock trial; and

WHEREAS, the Thomas D. Horne Leadership in the Law Program gives students the opportunity to learn about criminal and civil law, courtroom proceedings, and effective trial advocacy from judges, lawyers, law clerks, and other legal professionals, fostering an appreciation for the legal system in these young leaders; now, therefore, be it

RESOLVED by the House of Delegates, That the Loudoun County Bar Association hereby be commended for its work to support attorneys professionally and help them stay engaged with the local community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Loudoun County Bar Association as an expression of the House of Delegates' admiration for the organization's contributions to the residents of Loudoun County.

HOUSE RESOLUTION NO. 201

Commending Rick Judd.

Agreed to by the House of Delegates, March 7, 2020

WHEREAS, Rick Judd, a lieutenant with the Falls Church Police Department, has served residents of the community as a law-enforcement officer for more than 25 years; and

WHEREAS, Rick Judd joined the Falls Church Police Department on December 5, 1994, as an emergency communications technician; he subsequently became a patrol officer in 2000 and rose through the ranks of police officer first class, master police officer, and sergeant before becoming a lieutenant in July 2018; and

WHEREAS, Rick Judd provided voluntary assistance to public safety agencies in New York City in the aftermath of the attacks on September 11, 2001, and he has earned the admiration of his peers and superiors for his commitment to teamwork, attention to detail, and composure under pressure; and

WHEREAS, Rick Judd is consistently recognized with the department's annual Safe Driver Award for operating a vehicle in the course of his duties without an at-fault incident; and

WHEREAS, Rick Judd received a Performance Award in 2007 for effectively addressing citizen concerns on traffic safety and has led the department in a program to prevent reckless and intoxicated driving; and

WHEREAS, throughout his exemplary career, Rick Judd has served and protected the members of the Falls Church community with integrity, compassion, and professionalism; now, therefore, be it

RESOLVED by the House of Delegates, That Rick Judd hereby be commended for more than 25 years of service as a member of the Falls Church Police Department; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Rick Judd as an expression of the House of Delegates' admiration for his contributions to the Falls Church community.

HOUSE RESOLUTION NO. 202

Commending Brian Benson.

Agreed to by the House of Delegates, March 7, 2020

WHEREAS, Brian Benson, a crew leader in the Operations Division of the Falls Church Department of Public Works, has served residents of the community for more than 25 years; and

WHEREAS, Brian Benson joined the Falls Church Department of Public Works on May 16, 1994, and was promoted to senior maintenance worker, equipment operator, and senior equipment operator before becoming a crew leader in April 2019; and

WHEREAS, well known by his peers and superiors for his dependability, Brian Benson has served the residents of Falls Church in a wide variety of ways, including by setting up voting equipment on election days, working as a mechanic for city vehicles, and operating a plow in snow emergencies; and

WHEREAS, Brian Benson is committed to continuing education and has earned certifications in first aid, backhoe and front-end loader operation, brush chipper safety and maintenance, trench and excavation safety, and work zone traffic control; and

WHEREAS, among his many awards and accolades, Brian Benson received Performance Awards in 1999 for installing historic trail signs ahead of schedule and in 2001 for going above and beyond to ensure that repairs on city structures were completed in an efficient manner; and

WHEREAS, Brian Benson received a commendation in 2007 for his work to ensure a safe and successful Falls Church Watch Night and is consistently recognized with the annual Safe Driver Award for operating heavy machinery in the course of his duties without an at-fault incident; and

WHEREAS, throughout his career, Brian Benson has served the Falls Church community with the utmost integrity and professionalism; now, therefore, be it

RESOLVED by the House of Delegates, That Brian Benson hereby be commended for more than 25 years of service as a member of the Falls Church Department of Public Works; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Brian Benson as an expression of the House of Delegates' admiration for his contributions to the Falls Church community.

HOUSE RESOLUTION NO. 203

Commending Stephen Rau.

Agreed to by the House of Delegates, March 7, 2020

WHEREAS, Stephen Rau, a captain with the Falls Church Police Department, has served residents of the community as a law-enforcement officer for more than 25 years; and

WHEREAS, Stephen Rau joined the Falls Church Police Department as a police officer on September 26, 1994, and rose through the ranks as a master police officer, sergeant, and lieutenant, before his promotion to captain in October 2019; and

WHEREAS, Stephen Rau was the first school resource officer in the history of Falls Church and has been a trusted mentor to many young people while serving as a trusted resource for teachers, staff members, and parents; and

WHEREAS, Stephen Rau has been a strong proponent of professional development and continuing education; he has earned a degree in emergency and disaster management from American Military University and completed a field officers training course, a computer crimes investigation course, a leadership training course, and first aid and CPR training from the American Red Cross; and

WHEREAS, Stephen Rau is consistently recognized with the department's annual Safe Driver Award for operating a vehicle in the course of his duties without an at-fault incident; and

WHEREAS, throughout his career, Stephen Rau has served and protected the members of the Falls Church community with honesty, loyalty, and integrity; now, therefore, be it

RESOLVED by the House of Delegates, That Stephen Rau hereby be commended for more than 25 years of service as a member of the Falls Church Police Department; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Stephen Rau as an expression of the House of Delegates' admiration for his contributions to the Falls Church community.

HOUSE RESOLUTION NO. 204

Commending Daniel Zakula.

Agreed to by the House of Delegates, March 7, 2020

WHEREAS, Daniel Zakula, deputy chief major of the Falls Church Police Department, has served residents of the community as a law-enforcement officer for more than 30 years; and

WHEREAS, Daniel Zakula joined the Falls Church Police Department on January 24, 1989, and rose through the ranks, serving as a corporal, sergeant, lieutenant, and captain, before becoming deputy chief major in November 2019; and

WHEREAS, Daniel Zakula worked as a criminal investigator from 1995 to 1997 and subsequently earned respect for his achievements as a K-9 officer, winning two United States Police Canine Association triple crown awards with his partner, Murphy; and

WHEREAS, Daniel Zakula has been a strong proponent of professional development and continuing education; he has completed training with the SWAT team and honed his understanding of the legal system and victim assistance programs; and

WHEREAS, among his many awards and accolades from his peers, superiors, and citizens, Daniel Zakula was named Police Officer of the Month in 1992, 1995, and 1999 for his dedicated management of cases and exemplary conduct; and

WHEREAS, throughout his career, Daniel Zakula has served and protected the members of the Falls Church community with honesty, loyalty, and integrity; now, therefore, be it

RESOLVED by the House of Delegates, That Daniel Zakula hereby be commended for more than 30 years of service as a member of the Falls Church Police Department; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Daniel Zakula as an expression of the House of Delegates' admiration for his contributions to the Falls Church community.

HOUSE RESOLUTION NO. 205

Commending Gary Fuller.

Agreed to by the House of Delegates, March 7, 2020

WHEREAS, Gary Fuller, deputy planning director with Falls Church Community Planning and Economic Development Services, has served residents of the community for more than 30 years; and

WHEREAS, a native of Charlottesville and a graduate of Old Dominion University and the University of Virginia School of Architecture, Gary Fuller joined Falls Church Community Planning and Economic Development Services as a planner on August 28, 1989, and was promoted to senior planner in June of the following year; and

WHEREAS, over the course of his career, Gary Fuller has served as a planning director, a principal planner, and as a department director for the City of Falls Church; he was the primary staff member for several mixed-use developments and provided staff support for the zoning ordinance revision project; and

WHEREAS, among his many awards and accolades, Gary Fuller received the 2008 Performance Award for his work on the Falls Church City Center review project and has been nominated for multiple employee of the year awards in recognition of his consistent support for local businesses and exemplary work; and

WHEREAS, throughout his career, Gary Fuller has been committed to continuing education, earning certifications from the American Planning Association, George Mason University, Virginia Polytechnic Institute and State University, the American Institute of Certified Planners, and the Virginia Association of Zoning Officials; and

WHEREAS, Gary Fuller has helped countless individuals and businesses in Falls Church better understand the zoning, planning, and permits processes through his extensive knowledge, patience, and professionalism; now, therefore, be it

RESOLVED by the House of Delegates, That Gary Fuller hereby be commended for more than 30 years of service as a member of Falls Church Community Planning and Economic Development Services; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Gary Fuller as an expression of the House of Delegates' admiration for his contributions to the Falls Church community.

HOUSE RESOLUTION NO. 206

Commending the Young Achievers Program.

Agreed to by the House of Delegates, March 7, 2020

WHEREAS, the Young Achievers Program, a partnership between the Commonwealth VA Chapter of The Links, Inc., and the Beta Gamma Lambda Chapter of Alpha Phi Alpha Fraternity, Inc., develops young leaders in the Richmond area through opportunities for mentorship and service; and

WHEREAS, established by Dr. Jacquelyn Joyner in September 2007 and currently chaired by Margie R. Booker and Geovante Crawford, the Young Achievers Program has helped many young men in grades nine through 12 build confidence and develop important life skills; and

WHEREAS, in 2018-2019, the Young Achievers Program hosted mentoring sessions twice a month and organized college tours, focusing on historically black colleges and universities, and trips to the Science Museum of Virginia, the Black History Museum and Cultural Center of Virginia, and the Birmingham Civil Rights Institute; and

WHEREAS, the Young Achievers Program included educational components on financial planning, career planning, etiquette and dress, and other skill-building workshops, as well as a service project and other physical and social activities; and

WHEREAS, the Young Achievers Program has benefited from the hard work of numerous volunteers, and sponsorship by the Nellie Mae Education Foundation has allowed the program to better serve students with a greater number of activities; now, therefore, be it

RESOLVED by the House of Delegates, That the Young Achievers Program hereby be commended for its work to support, inspire, and empower young people; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Young Achievers Program as an expression of the House of Delegates' admiration for the program's important service to the Richmond community.

HOUSE RESOLUTION NO. 207

Commending Joann S.M. Bagnerise.

Agreed to by the House of Delegates, March 7, 2020

WHEREAS, Joann S.M. Bagnerise, a longtime resident of Prince William County and a grassroots community leader who has touched countless lives through her volunteer service, received the Lifetime Humanitarian Award at the Dale City Multicultural Achievement Awards and Scholarship Banquet on March 16, 2019; and

WHEREAS, Joann Bagnerise has been recognized by many prominent figures, including Coretta Scott King, Myrlie Evers-Williams, and Alma and Colin Powell, for her work during the Civil Rights Movement at the local and national levels; and

WHEREAS, Joann Bagnerise was a volunteer at the White House for more than 22 years under four presidential administrations, a member of the Jennie Dean Memorial Committee, and a volunteer for the dedication of the Martin Luther King, Jr., Memorial on the National Mall; and

WHEREAS, Joann Bagnerise served as cofounder of Prince William County's Martin Luther King, Jr., Day celebration and has helped the event grow into one of largest such commemorations in the nation; and

WHEREAS, Joann Bagnerise is a charter member of the Prince William County Alumnae Chapter of Delta Sigma Theta Sorority, Inc., and she is an active participant in Delta Days in the Nation's Capital and Delta Days at the Virginia General Assembly; and

WHEREAS, Joann Bagnerise has offered her leadership and expertise to the Phyllis Wheatley Young Women's Christian Association, the National Council of Negro Women, Unity in the Community, the National Museum of African American History and Culture, and the Prince William County Chapter of Jack and Jill of America; and

WHEREAS, Joann Bagnerise participated in the Northern Virginia Civil Rights Oral History Project organized by George Mason University's College of Humanities and Social Sciences to preserve the history and heritage of the Commonwealth; and

WHEREAS, Joann Bagnerise has earned numerous other awards and accolades, including the 2012 President's Volunteer Service Award from President Barack Obama, the Prince William County Human Rights Award, and the Distinguished Service Award from the NAACP, among many others; now, therefore, be it

RESOLVED by the House of Delegates, That Joann S.M. Bagnerise, winner of the 2019 Lifetime Humanitarian Award, hereby be commended for her outstanding community service in Northern Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Joann S.M. Bagnerise as an expression of the House of Delegates' admiration for her contributions to the Prince William County community and legacy of servant leadership.

HOUSE RESOLUTION NO. 208

Celebrating the life of Rino E. Balducci, Sr.

Agreed to by the House of Delegates, March 7, 2020

WHEREAS, Rino E. Balducci, Sr., a veteran, exceptionally successful entrepreneur, and cherished member of the Hanover County community, died on December 18, 2019; and

WHEREAS, born in 1926 as the 10th of 12 children to Umberto and Vienna Balducci, Rino Balducci became gravely ill with a kidney disease at age six and was not expected to live, yet persevered and recovered; and

WHEREAS, Rino Balducci began working in his father's and uncle's restaurants at the age of seven and enlisted in the United States Navy at the age of 17, serving for three years during World War II; and

WHEREAS, Rino Balducci returned to the restaurant business following his admirable service to the nation and owned and operated several restaurants in the 1940s, 1950s, and 1960s; and

WHEREAS, Rino Balducci began his prosperous real estate career in the 1950s and worked on many developments, including the Union Bag Cafeteria, Leon's Supper Club, Rao's, and The Black Garter, among others; and

WHEREAS, in 1973, Rino Balducci opened the first of his six Golden Skillet franchises, which he successfully owned and operated for nearly three decades; and

WHEREAS, in 2017, Rino Balducci led the charge and was instrumental in having a historic marker erected in Highland Park, noting the many Italian families who resided there in the early 1900s through the 1960s and their contributions to the community; and

WHEREAS, Rino Balducci will be fondly remembered and greatly missed by his devoted wife, Maria; his cherished sons, Ricky, Christopher, David, and Dennis, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Rino E. Balducci, Sr., an admired civic and business leader of Hanover County, who touched the lives of many; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Rino E. Balducci, Sr., as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 209

Celebrating the life of Lieutenant Commander Brian Edward McCaffrey, USCGR, Ret.

Agreed to by the House of Delegates, March 5, 2020

WHEREAS, Lieutenant Commander Brian Edward McCaffrey, USCGR, Ret., distinguished veteran of the United States Coast Guard, loyal colleague, and beloved member of the Gainesville community, died on August 12, 2019; and

WHEREAS, Brian McCaffrey was born in Schenectady, New York, on April 17, 1953, to Edward McCaffrey and Lydia Fisher McCaffrey; he was a devoted husband to his wife, Margaret McCaffrey, and brother to the late Kathleen Bargo; and

WHEREAS, Brian McCaffrey served his country in the United States Coast Guard in many duty stations, both as a marine inspector in Cleveland, Ohio; Chicago, Illinois; and Hampton Roads and as a deck qualification exam writer at the Coast Guard Institute in Oklahoma City, Oklahoma; and

WHEREAS, Brian McCaffrey was sent on temporary additional duty to assist with the Cuban boatlift in 1980, an assignment for which he received the United States Humanitarian Service Medal, which is awarded to United States military service members who exhibit meritorious direct participation in a significant military act or operation of a humanitarian nature that is approved by the United States Department of Defense or the department governing the respective service; and

WHEREAS, Brian McCaffrey served in the United States Coast Guard Reserve at MSO Chicago and MSO Milwaukee, and later served in the Fifth Coast Guard District in Hampton Roads after taking a civilian employment position; and

WHEREAS, Brian McCaffrey served at the United States Navy Military Sealift Command in 1991 and was a very knowledgeable contributor with expertise in shipboard safety and training due to his distinguished experience in the United States Coast Guard Reserve; and

WHEREAS, Brian McCaffrey retired from the United States Coast Guard Reserve in 1998 as a lieutenant commander after years of uncompromising devotion to duty and service and relocated to Northern Virginia to dedicate himself to civilian public service; and

WHEREAS, Brian McCaffrey ended his federal civilian career in 2017 having served as safety director for the United States Navy Naval Sea Systems Command (NAVSEA) in Washington, D.C.; and

WHEREAS, Brian McCaffrey enjoyed working on and restoring classic cars such as his 1988 Oldsmobile Cutlass Supreme Classic and shared his love of cars with friends and neighbors; and

WHEREAS, Brian McCaffrey was a close and devoted friend to many and would reach out to mentor colleagues and friends to ensure they were doing well, going out of his way to offer his thoughtful support; and

WHEREAS, Brian McCaffrey was an empathetic listener with extremely high moral values, always open and sensitive to the opinion and circumstances of others whom he encountered, either personally or professionally; and

WHEREAS, Brian McCaffrey was fiercely loyal and devoted to those he loved, especially his loving wife, best friend, and partner in life, Margaret; and

WHEREAS, Brian McCaffrey was a man of strong convictions who was a proponent of peace; devoutly religious and committed to his Catholic faith, he exemplified the values of patience, kindness, and modesty; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Lieutenant Commander Brian Edward McCaffrey, USCGR, Ret.; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Margaret McCaffrey, as an expression of the House of Delegates' respect for the memory of Lieutenant Commander Brian Edward McCaffrey, USCGR, Ret.

HOUSE RESOLUTION NO. 210

Commending Loudoun County wineries.

Agreed to by the House of Delegates, March 7, 2020

WHEREAS, wine was first introduced to North America during European colonization, and within a few decades of the settlement of Jamestown in 1607, the House of Burgesses passed an act requiring all male colonists to plant and tend grapevines; John Smith subsequently documented that colonists had made 20 gallons of wine from grapes grown along the Virginia coast; and

WHEREAS, the early days of Virginia winemaking were extremely difficult, with attempts at growing wine grapes ending in failure due to disease, pests, and Virginia's climate; many colonists abandoned the pursuit of winemaking, believing that fine wine could only be produced in Europe; and

WHEREAS, Virginians did not give up hope on their wine, and by the end of the 17th century, many people had locally-produced wine stocked in their homes; and

WHEREAS, after Charles Carter proved that wine grapes could be grown successfully in Virginia, Thomas Jefferson set aside 2,000 acres near his Monticello estate to establish a vineyard in 1770, but his efforts at winemaking were again thwarted by Virginia's climate; and

WHEREAS, in the 19th century, winemakers found greater success by turning to the use of grapes native to America; in the 1820s, America's oldest wine grape, Norton, was first cultivated in Virginia, and wine made from Norton grapes was named the "best red wine of all nations" at the 1873 Vienna World's Fair, beginning a new era of Virginia winemaking; and

WHEREAS, Virginia's wine industry began to accelerate with the success of indigenous grapes and the discovery that native vines and European vines could be grafted together; and

WHEREAS, the passage of the Eighteenth Amendment to the Constitution of the United States and Prohibition brought Virginia's burgeoning wine industry to a standstill from 1919 to 1933; it wasn't until the late 1950s that Virginia's winemakers once again began experimenting with European grapes; and

WHEREAS, there were only six wineries in Virginia in 1979, but the industry enjoyed a renaissance in the 1980s and 1990s, growing to 46 by 1995; today, there are more than 300 wineries throughout the Commonwealth, the sixth most of any state in the nation, and Loudoun County is home to more wineries than any other Virginia locality; and

WHEREAS, Willowcroft Farm Vineyards, founded in 1984, was the first winery to open in Loudoun County; owner and winemaker Lew Parker is considered the pioneer of Loudoun winemaking and respected as a patriarch to a now very large winemaking family; and

WHEREAS, Loudoun County's own Breaux Vineyards has received numerous awards and accolades and has been voted "Favorite Winery in Virginia" for the past four years; and

WHEREAS, in 1982, the Virginia Governor's Cup wine competition was established to judge entries made from 100 percent Virginia fruit and remains one of the nation's most stringent wine competitions; and

WHEREAS, on February 25, 2020, Loudoun County's 868 Estate Vineyards was awarded the 2020 Governor's Cup for its 2017 Vidal Blanc Passito, the first award-winner made entirely from Loudoun County fruit; 868 Estate Vineyards was cofounded eight years ago by Peter and Nancy Deliso with Wendy Charron and winemaker Carl DiManno; and

WHEREAS, nine wines from Loudoun County wineries earned a Gold Medal for scoring 90 points or higher in the competition, and 21 Loudoun County wineries and vineyards overall received recognition in the 2020 competition; and

WHEREAS, Loudoun County's wineries have given stellar performances in many competitions and deserve praise for their hard work and ingenuity; now, therefore, be it

RESOLVED by the House of Delegates, That Loudoun County wineries hereby be commended for their legacy of contributions to winemaking and the economic vitality of Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to representatives of Loudoun County wineries as an expression of the House of Delegates' admiration for their exceptional achievements and service to generations of Virginia residents and visitors.

HOUSE RESOLUTION NO. 211

Commending the Clarke County High School academic team.

Agreed to by the House of Delegates, March 7, 2020

WHEREAS, the Clarke County High School academic team won the Virginia High School League Class 2 Scholastic Bowl State Tournament on February 29, 2020, at Jamestown High School in Williamsburg; and

WHEREAS, the Clarke County High School academic team finished its regular season with a flawless 12-0 record, then embarked on its march to a state title by placing first at the Bull Run District Tournament on January 25, 2020; and

WHEREAS, the Clarke County High School academic team subsequently won the Region 2B Scholastic Bowl Tournament on February 8, 2020, advancing to the Scholastic Bowl State Tournament; and

WHEREAS, in the final stage of competition, the Clarke County High School academic team defeated the Region 2A, Region 2C, and Region 2D champions in a round robin-style matchup to bring home the state title; and

WHEREAS, at the 2020 Scholastic Bowl State Tournament, the Clarke County High School academic team was represented by Evan Hanley, Wynn Morris, Linus Pritchard, Derek Sprincis, Benjamin Thompson, and Mark Viti; and

WHEREAS, the Clarke County High School academic team was led by team captain Mark Viti, who earned numerous accolades this season, including First Team All-District honors, First Team All-Region honors, and First Team All-State honors, placing among the top five scorers across the entire Commonwealth at the state tournament; and

WHEREAS, the Clarke County High School academic team benefited from a strong showing by Derek Sprincis, who received Second Team All-Region honors at the Region 2B Scholastic Bowl Tournament; and

WHEREAS, the Clarke County High School academic team owes its success to the dedication and hard work of its team members, Santiago Barajas-Castillo, Karl Bue, Jonathan Genda, Evan Hanley, Ethan Henard, Rebecca Housey, Christopher Martz, Wynn Morris, Linus Pritchard, Derek Sprincis, Campbell Summers, Benjamin Thompson, Taryn Tuttle, and Mark Viti; and

WHEREAS, the Clarke County High School academic team greatly benefited from the leadership of its coaches, Laurie Barbagallo and Thom Potts, who both received 2020 Region 2B Coach of the Year honors in 2020; and

WHEREAS, the members of the Clarke County High School academic team were championed along the way by the enthusiastic support of their parents and teachers and the entire Clarke County High School community; now, therefore, be it

RESOLVED by the House of Delegates, That the Clarke County High School academic team hereby be commended for winning the 2020 Virginia High School League Class 2 Scholastic Bowl State Tournament; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Clarke County High School academic team as an expression of the House of Delegates' admiration for the team's remarkable achievement and best wishes for the future.

HOUSE RESOLUTION NO. 212

Commending the Greater Sikh Community of Northern Virginia.

Agreed to by the House of Delegates, March 7, 2020

WHEREAS, Sikhism is a monotheistic religion that originated in the State of Punjab, located in what is now divided between modern-day India and parts of Pakistan; and

WHEREAS, Sikhism began with Guru Nanak, born in 1469, who developed the foundational tenets of the religion; nine Gurus proceeded after him and their teachings make up the Sri Guru Ganth Sahib, which are the written teachings and the religious text of Sikhi or otherwise anglicized as Sikhism; and

WHEREAS, in 2019, Sikhs across the world celebrated the 550th anniversary of the birth of Guru Nanak and the birth of Sikhi (Sikhism); and

WHEREAS, Sikhism is composed of three essential pillars, the first of which is *Naam Japna*, that translates as "focus on the Supreme Being," meaning that followers must believe in one Creator for all, shapeless, genderless, free of enemies and fearless; the second tenant is *Kirat Karni*, which means "to work honestly," and working with consistent determination, merit, and honor; the third tenant is *Vand Chakna*, meaning "sharing with others," and consisting of the integral value to consistently care about others and view all humans as equal and infused with divine beauty; and

WHEREAS, there are approximately 700,000 Sikhs in the United States and about 35,000 of them live in the Washington, D.C., metropolitan area, including Northern Virginia, where they have been part of the Commonwealth's history since the 1960s; and

WHEREAS, the practicing place of worship for Sikhs is called a Gurudwara or "door to the Guru," and there are a number of Gurudwaras within the Commonwealth, and specifically within Northern Virginia, including the Sikh Foundation of Virginia in Fairfax, the Sikh Center of Virginia in Manassas, the Raj Khalsa Gurdwara in Sterling, and the Sikh Sangat of Virginia in Chantilly; and

WHEREAS, the first Gurudwara in Virginia was the Sikh Foundation of Virginia, founded in Fairfax in 1986; and

WHEREAS, the Sikh Center of Virginia was founded in February 2009 and is celebrating its 11th anniversary in 2020; the head of the clergy at the center is Minister of Faith (Granthi) Darshan Singh; and

WHEREAS, the first Sikh elected to public office in the Commonwealth was Satyendra Huja as a member of the Charlottesville City Council in 2007; and

WHEREAS, the second Sikh elected to public office in the Commonwealth was Mansimran Kahlon, elected as director of the Prince William County Soil and Water Board in Northern Virginia in 2019; and

WHEREAS, an important practice and tradition within the Sikh religion is *Seva*, the implementation of actions of service into justification; and

WHEREAS, being Sikh means being devoted to the world and those that live within it; Sikhs demonstrate genuine concern for the well-being of others, and within Virginia, practicing Sikhs are often involved in nonprofit work and acts of selfless volunteer work for the greater good of the community, such as aiding people experiencing homelessness, through projects like Homeless *Langar*, participating in weekly food delivery programs, developing the Seva Food Truck program in Fairfax County, voter registration events, vocational scholarships for students in need in Richmond, hosting faith-based youth leadership camps like Camp Akal Sahai in Prince William County, and performing other acts of service in the community; and

WHEREAS, the Sikh community focuses on congregation and learning through others, as well as displaying important religious acts that benefit the community, such as *Langar*, an open meal that guests of all races, religions, genders, and ages can attend; and

WHEREAS, the Sikh community stresses love, honor, and dignity, respect of all people, and awareness that divinity belongs in all individuals and beings; and

WHEREAS, the Sikh community in Northern Virginia has had a positive impact by stressing the importance of acts of *Seva* and consistently inviting all persons to be involved in an open and welcoming environment; now, therefore, be it

RESOLVED by the House of Delegates, That the Greater Sikh Community of Northern Virginia hereby be commended; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Mansimran Kahlon on behalf of other members of the Greater Sikh Community of Northern Virginia as an expression of the House of Delegates' admiration for the many contributions of Sikhs to this region of the Commonwealth.

HOUSE RESOLUTION NO. 213

Commending John E. Potter.

Agreed to by the House of Delegates, March 7, 2020

WHEREAS, John E. Potter, president and chief executive officer of the Metropolitan Washington Airports Authority and former United States Postmaster General and chief executive officer of the United States Postal Service, has served residents in the Washington, D.C., metropolitan area and throughout the country for many years; and

WHEREAS, joining the United States Postal Service (USPS) in 1978 as a distribution clerk, John "Jack" E. Potter quickly rose through the ranks by demonstrating expertise in the implementation of automation technology throughout the USPS system; and

WHEREAS, named the 72nd United States Postmaster General on June 1, 2001, Jack Potter was instrumental in raising awareness of the chronic issues endangering the sustainability and longevity of the USPS, insights that ushered in the Postal Accountability and Enhancement Act of 2006, the first major piece of postal reform legislation in decades; and

WHEREAS, shortly after retiring from the USPS in 2010, Jack Potter was selected by the board of directors of the Metropolitan Washington Airports Authority (MWA) to serve as the organization's president and chief executive; and

WHEREAS, as leader of MWA, Jack Potter guides a staff of more than 1,500 employees in the operation of Dulles International Airport and Ronald Reagan Washington National Airport, the two major airports servicing the Washington, D.C., metropolitan area; and

WHEREAS, Jack Potter's responsibilities at MWA include the management of large-scale capital improvement initiatives at both airports, involving the administration of multi-billion-dollar project budgets; and

WHEREAS, Jack Potter coordinates between various public and private partners and stakeholders to fund MWA's activities and fulfill its objectives, demonstrating remarkable capabilities as an executive and manager; and

WHEREAS, countless citizens of the Commonwealth and the United States have benefited from Jack Potter's sterling leadership, masterful vision, and tireless dedication; now, therefore, be it

RESOLVED by the House of Delegates, That John E. Potter, president and chief executive officer of the Metropolitan Washington Airports Authority hereby be commended for his years of service; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to John E. Potter as an expression of the House of Delegates' admiration for his contributions on behalf of the Commonwealth and the country.

HOUSE RESOLUTION NO. 214

Nominating a person to be elected to a circuit court judgeship.

Agreed to by the House of Delegates, March 12, 2020

RESOLVED by the House of Delegates, That the following person is hereby nominated to be elected to the respective circuit court judgeship as follows:

The Honorable Onzlee Ware, of Roanoke City, as a judge of the Twenty-third Judicial Circuit for a term of eight years commencing April 1, 2020.

HOUSE RESOLUTION NO. 215

Nominating a person to be elected to a general district court judgeship.

Agreed to by the House of Delegates, March 12, 2020

RESOLVED by the House of Delegates, That the following person is hereby nominated to be elected to the respective general district court judgeship as follows:

Andrew L. Johnson, Esquire, of Scott, as a judge of the Thirtieth Judicial District for a term of six years commencing August 3, 2020.

HOUSE RESOLUTION NO. 216

Nominating persons to be elected to juvenile and domestic relations district court judgeships.

Agreed to by the House of Delegates, March 12, 2020

RESOLVED by the House of Delegates, That the following persons are hereby nominated to be elected to the respective juvenile and domestic relations district court judgeships as follows:

Carlos J. Flores-Laboy, Esquire, of Prince William, as a judge of the Thirty-first Judicial District for a term of six years commencing June 1, 2020.

Jacqueline W. Lucas, Esquire, of Prince William, as a judge of the Thirty-first Judicial District for a term of six years commencing July 1, 2020.

HOUSE RESOLUTION NO. 217

Nominating persons to be elected as members of the Judicial Inquiry and Review Commission.

Agreed to by the House of Delegates, March 12, 2020

RESOLVED by the House of Delegates, That the following persons are hereby nominated to be elected as members of the Judicial Inquiry and Review Commission as follows:

Terrie N. Thompson, of Chesapeake, as a member of the Judicial Inquiry and Review Commission for an unexpired term ending June 30, 2021.

Kathleen M. Uston, Esquire, of Fairfax County, as a member of the Judicial Inquiry and Review Commission for a term of four years commencing July 1, 2020.

HOUSE RESOLUTION NO. 218

Nominating a person to be elected as a member of the State Corporation Commission.

Agreed to by the House of Delegates, March 12, 2020

RESOLVED by the House of Delegates, That the following person is hereby nominated to be elected as a member of the State Corporation Commission as follows:

Jehmal T. Hudson, Esquire, of Arlington, as a member of the State Corporation Commission for a term of six years commencing April 1, 2020.

SENATE JOINT RESOLUTION NO. 1

Ratifying the Equal Rights Amendment to the Constitution of the United States.

Agreed to by the Senate, January 15, 2020

Agreed to by the House of Delegates, January 27, 2020

WHEREAS, a concurrent or joint resolution is a resolution adopted by both houses of a bicameral legislature, which does not require the signature of the chief executive, and a concurrent or joint resolution is sufficient for a state's ratification of an amendment to the Constitution of the United States; and

WHEREAS, Article V of the Constitution of the United States provides that amendments "shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three fourths of the several states"; and

WHEREAS, over 80 percent of Virginians approve the ratification of the Equal Rights Amendment by the Virginia General Assembly; and

WHEREAS, Virginia has been pivotal to incorporating fundamental rights into the Constitution of the United States, as when Virginia's ratification of 10 amendments in 1791 established the Bill of Rights; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly of the Commonwealth of Virginia hereby ratify and affirm the Equal Rights Amendment to the Constitution of the United States proposed by the United States Congress on March 22, 1972, and ratified by 37 state legislatures. The complete text of House Joint Resolution 208 proposing the Equal Rights Amendment follows:

HOUSE JOINT RESOLUTION 208

Proposing an amendment to the Constitution of the United States relative to equal rights for men and women.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

"Article—

"Section 1. Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

"Section 2. The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

"Section 3. This amendment shall take effect two years after the date of ratification."; and, be it

RESOLVED FURTHER, That the Clerk of the Senate transmit certified copies of this joint resolution to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, the members of the Virginia Congressional Delegation, and the Archivist of the United States at the National Archives and Records Administration of the United States.

SENATE JOINT RESOLUTION NO. 4

Celebrating the life of Alan Arnold Diamonstein.

Agreed to by the Senate, January 16, 2020

Agreed to by the House of Delegates, January 20, 2020

WHEREAS, Alan Arnold Diamonstein, a preeminent attorney and a tireless public servant who ably represented the residents of Newport News in the House of Delegates for 34 years, died October 17, 2019; and

WHEREAS, a native of Hampton, Alan Diamonstein learned the value of hard work and responsibility at a young age by helping in his grandparents' grocery store and his father's furniture store; his early experiences with anti-Semitism influenced his lifelong commitment to social justice and civil rights; and

WHEREAS, Alan Diamonstein attended Newport News High School and Augusta Military Academy and earned a bachelor's degree and a law degree from the University of Virginia after completing a tour with the United States Air Force; and

WHEREAS, Alan Diamonstein returned to Hampton Roads and opened a private practice, subsequently becoming a partner in the nationally known law firm Patten, Wornom, Hatten & Diamonstein; specializing in business, real estate, and land-use law, he gained renown for his legal acumen and professionalism; and

WHEREAS, desirous to be of further service to the Commonwealth, Alan Diamonstein was elected to the House of Delegates in 1967 and represented the residents of Newport News for 17 consecutive terms; and

WHEREAS, Alan Diamonstein introduced and supported numerous important pieces of legislation to benefit all Virginians, had a transformative impact on higher education, and helped establish the Housing Study Commission and the Virginia Housing Development Authority; and

WHEREAS, among his significant achievements, Alan Diamonstein introduced legislation that required the University of Virginia to admit women on the same basis as men in the 1970s and played a vital role in the passage of the Virginia Residential Landlord and Tenant Act and antidiscrimination laws related to housing; and

WHEREAS, Alan Diamonstein offered his wisdom and expertise to the committees on Rules, Appropriations, and General Laws and was a valued source of institutional knowledge during his long tenure in the House of Delegates; and

WHEREAS, a respected statesman, Alan Diamonstein worked to build bipartisan trust and consensus and significantly increased diversity in state agencies by advocating for women and minority appointees to boards and commissions; he served as a trusted mentor, advisor, and friend to many fellow legislators and other state and local officials; and

WHEREAS, at the national level, Alan Diamonstein represented Virginia on the Democratic National Committee and subsequently became state party chair; he was an advisor to several members of the Carter administration and was appointed by President Bill Clinton to the board of the National Housing Partnership; and

WHEREAS, countless organizations and institutions benefited from Alan Diamonstein's visionary leadership, including the Virginia Museum of Fine Arts, the Peninsula Fine Arts Center, the Mariners' Museum, the Sarah Bonwell Hudgins Foundation, and many others; most notably, he earned the nickname "Mr. CNU" for his contributions to Christopher Newport University; and

WHEREAS, Alan Diamonstein will be fondly remembered and greatly missed by his wife of 47 years, Beverly; his children, Candis, Karen, Trey, and Kevin, and their families; and numerous family members, as well as friends and colleagues on both sides of the aisle; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Alan Arnold Diamonstein, a consummate public servant and a true Virginia gentleman; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Alan Arnold Diamonstein as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 10

Celebrating the life of the Honorable Constance Kelly-Rice.

Agreed to by the Senate, January 9, 2020

Agreed to by the House of Delegates, January 13, 2020

WHEREAS, the Honorable Constance Kelly-Rice, dedicated educator, trailblazer, and adored member of the Brunswick community, died on November 15, 2019; and

WHEREAS, born and raised in Brunswick, Constance "Sis" Kelly-Rice devoted her life to her community, educating its youth and promoting local businesses that would improve the lives of many; and

WHEREAS, education was a lifelong pursuit for Constance Kelly-Rice; she earned a bachelor's degree from Saint Paul's College in 1972, an elementary education certification from Virginia Commonwealth University in 1973, and a master's degree from George Washington University in 1987; in 2015, she became a doctoral candidate at Nova Southeastern University; and

WHEREAS, Constance Kelly-Rice worked hard to ensure the children of Brunswick had a quality education, teaching at Brunswick County Public Schools for 15 years, training countless aspiring teachers through the student-teacher program at Saint Paul's College, and mentoring many young minds through her tutoring company, Center of Knack Resources, and as director of the Upward Bound program at Saint Paul's College, a college preparatory program for first-generation students; and

WHEREAS, in 1988, Constance Kelly-Rice made history by becoming the first African American and the first woman to be the Clerk of the Circuit Court in Brunswick, a position she held until 1991 and which earned her the lifetime title of "the Honorable" from Governor Gerald Baliles; and

WHEREAS, understanding the importance of economic growth to the well-being of her community, Constance Kelly-Rice played a key role in facilitating businesses in Brunswick, including a McDonald's franchise in 1990 and the Lake Gaston Water Supply Pipeline; and

WHEREAS, many civic organizations owe Constance Kelly-Rice a debt of gratitude for her service and leadership, including the Virginia Court Clerks Association, Brunswick County Chamber of Commerce, Jack and Jill of America, and the Southside Senior Citizens Center; and

WHEREAS, guided throughout her life by her abiding faith, Constance Kelly-Rice was baptized at Poplar Mount Baptist Church in Lawrenceville, where she served in many leadership positions and enjoyed fellowship and worship with her community over the years; and

WHEREAS, Constance Kelly-Rice will be dearly remembered and greatly missed by her husband of 50 years, Norman, Sr.; her children, Rene and Norman, Jr., and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of the Honorable Constance Kelly-Rice, an invaluable member of the Brunswick community who served others her entire life; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of the Honorable Constance Kelly-Rice as an expression of the General Assembly's respect for her memory.

SENATE JOINT RESOLUTION NO. 15

Requesting the Department of Education to study the teacher licensure process and the assessment requirements therein for any inherent biases that may prevent minority teacher candidates from entering the profession. Report.

Agreed to by the Senate, March 5, 2020

Agreed to by the House of Delegates, March 4, 2020

WHEREAS, local school divisions throughout the Commonwealth are struggling to recruit and retain high-quality teachers; and

WHEREAS, the teacher workforce in the Commonwealth is becoming more racially homogeneous over time; and

WHEREAS, public elementary and secondary school populations continue to grow in both size and racial diversity; and

WHEREAS, this growth demands careful consideration of policy changes to address teacher shortages and the lack of teacher diversity in order to best serve the needs of all public school students, especially in light of recent supportive findings such as a study published by the Institute of Labor Economics that concludes that low-income black students who have at least one black teacher in elementary school are significantly more likely to graduate high school and consider attending college; and

WHEREAS, it is imperative to identify and eliminate any barriers to a sufficient and diverse teacher workforce in the Commonwealth; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the Department of Education be requested to study the teacher licensure process and the assessment requirements therein for any inherent biases that may prevent minority teacher candidates from entering the profession.

In conducting its study, the Department of Education shall review all relevant statutes, regulations, and data. Technical assistance shall be provided to the Department of Education by each school board in the Commonwealth. All agencies of the Commonwealth shall provide assistance to the Department of Education for this study, upon request.

The Department of Education shall complete its meetings by November 30, 2021, and shall submit to the Governor and the General Assembly an executive summary and a report of its findings and recommendations for publication as a House or Senate document. The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports no later than the first day of the 2022 Regular Session of the General Assembly and shall be posted on the General Assembly's website.

SENATE JOINT RESOLUTION NO. 17

Commending Friday Night Live!

Agreed to by the Senate, January 9, 2020

Agreed to by the House of Delegates, January 13, 2020

WHEREAS, Friday Night Live!, the popular outdoor concert series held at Town Green in Herndon, celebrated its 25th season in 2019; and

WHEREAS, founded by Doug Downer in 1995, Friday Night Live! has become an institution in the community with thousands of people of all ages flocking to Town Green each summer to unwind with delicious food and captivating musical acts; and

WHEREAS, Friday Night Live!, a charitable organization, provides more than entertainment, raising thousands of dollars in support of the Herndon Chamber of Commerce, Herndon High School's after-prom and graduation parties, local parent-teacher associations and organizations, the Holiday Lights Project, and the Veterans Memorial Fund; and

WHEREAS, in recognition of its quality programming, Friday Night Live! was named the "Best Free Outdoor Concert in the Washington Metropolitan Area" in 2009 by *The Washington Post* and "BEST of NoVA" in 2012 by *Northern Virginia Magazine*; and

WHEREAS, Friday Night Live!, a free event for the community, is made possible with the support of its presenter, Volkswagen Group of America; platinum sponsor, United Bank; and several other gold, silver, and bronze sponsors; and

WHEREAS, the lifeblood of Friday Night Live! is the dedicated organizers and hardworking volunteers who give untold hours of their time to ensure each event's success; and

WHEREAS, over the past 25 years, Friday Night Live! has brought thousands in the community together, becoming an integral part of what makes Herndon a great place to live, work, and play; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Friday Night Live! on the occasion of its 25th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Doug Downer, founder of Friday Night Live!, as an expression of the General Assembly's appreciation for his organization's contributions to the community of Herndon.

SENATE JOINT RESOLUTION NO. 20

Celebrating the life of Dorcas Ruth Hardy.

Agreed to by the Senate, January 9, 2020

Agreed to by the House of Delegates, January 10, 2020

WHEREAS, Dorcas Ruth Hardy, tireless public servant and the first woman to lead the United States Social Security Administration, died on November 28, 2019; and

WHEREAS, born in Newark, New Jersey, Dorcas Hardy graduated from Connecticut College before earning a master's degree in business administration from Pepperdine University; and

WHEREAS, after beginning her career as a legislative assistant to a U.S. Senator from New Jersey, Clifford Case, Dorcas Hardy later returned to California and served as Assistant Secretary for Health under Governor Ronald Reagan; and

WHEREAS, following her service to the state of California, Dorcas Hardy was Associate Director of the Center for Health Services Research at the University of Southern California School of Medicine from 1974 to 1981; and

WHEREAS, Dorcas Hardy moved to the Washington, D.C., area in 1981 to serve the administration of President Ronald Reagan; she initially held the position of Assistant Secretary for Human Development Services at the U.S. Department of Health and Human Services and chaired the president's Task Force on Legal Equity for Women; and

WHEREAS, for her many years of dedication and professionalism, President Ronald Reagan nominated Dorcas Hardy to serve as Commissioner of the Social Security Administration in 1986, the first time the post had been held by a woman; in this role from 1986 to 1989, she managed over 76,000 staff members in 1,000 offices processing \$200 billion worth of benefits for 37 million people; and

WHEREAS, after leaving office, Dorcas Hardy remained a passionate advocate for the responsible management of the nation's entitlement program, serving on the Social Security Advisory Board for many years and co-authoring *Social Insecurity: The Crisis in America's Social Security System and How to Plan Now for Your Own Financial Survival* in 1991; and

WHEREAS, an active and engaged member of her community committed to improving the lives of young girls and women, Dorcas Hardy volunteered considerable time to the Olave Baden-Powell Society and the Girl Scouts of the USA, the latter of which bestowed upon her a lifetime membership in recognition of her efforts; and

WHEREAS, the Commonwealth is indebted to Dorcas Hardy for her leadership and guidance as a state appointee to the Board of Rehabilitative Services and the University of Mary Washington Board of Visitors; and

WHEREAS, Dorcas Hardy will be dearly remembered and sorely missed by her husband, Samuel; her stepchildren, Samuel, Brad, and Greg, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Dorcas Ruth Hardy, an influential public servant who was committed to ensuring a sound retirement for all Americans; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Dorcas Ruth Hardy as an expression of the General Assembly's respect for her memory.

SENATE JOINT RESOLUTION NO. 22

Commending Fairfax Masonic Lodge No. 43.

Agreed to by the Senate, January 9, 2020

Agreed to by the House of Delegates, January 13, 2020

WHEREAS, for 225 years, Fairfax Masonic Lodge No. 43 of the Ancient Free & Accepted Masons has enabled its members to serve the community and make positive contributions to life in Culpeper; and

WHEREAS, on November 27, 1794, Philip Roots Thompson, Birket Davenport, and Philip Lightfoot filed a petition with the Grand Lodge of Virginia of the Ancient Free & Accepted Masons requesting the formation of a Masonic lodge in Culpeper; and

WHEREAS, the charter for Fairfax Masonic Lodge No. 43 was signed by the future Chief Justice of the Supreme Court of the United States John Marshall, and Philip Roots Thompson was installed as the first worshipful master of the new lodge; and

WHEREAS, the members of Fairfax Masonic Lodge No. 43 originally met in the home of Benjamin Shackleford on what is now Main Street; and

WHEREAS, by 1799, Fairfax Masonic Lodge No. 43 had raised sufficient funds to build a Masonic temple at the intersection of North Main Street and West Davis Street; the new building was the site of numerous meetings over the years and hosted a visit from the Marquis de Lafayette; and

WHEREAS, Fairfax Masonic Lodge No. 43 has played an active role in the community throughout its history and even hosted sporadic meetings during the Civil War, with Confederate and Union soldiers attending together under a flag of truce; and

WHEREAS, despite the loss of several members and all but one of its officers, Fairfax Masonic Lodge No. 43 resumed regular meetings after the Civil War, and important lodge records and property that had been looted during the war were ultimately safeguarded by fellow Masons and returned years later; and

WHEREAS, in 1900, Fairfax Masonic Lodge No. 43 purchased land from Mary and Charles Chelf at the intersection of East Davis Street and East Street and laid the cornerstone for its current Masonic temple, which has been in continuous use for more than 100 years; and

WHEREAS, Fairfax Masonic Lodge No. 43 has also supported Fairfax Royal Arch Chapter No. 13 and Fairfax Commandery No. 25 through the use of its temple, which has been the site of many fraternal meetings and community events; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Fairfax Masonic Lodge No. 43 on the occasion of its 225th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Douglas R. Lingenfelter, worshipful master of Fairfax Masonic Lodge No. 43, as an expression of the General Assembly's admiration for the organization's unique history and long legacy of service to the Culpeper community.

SENATE JOINT RESOLUTION NO. 23

Celebrating the life of Willard R. Heidig.

Agreed to by the Senate, January 9, 2020

Agreed to by the House of Delegates, January 13, 2020

WHEREAS, Willard R. Heidig, a respected member of the Bumpass community who served the Commonwealth and the nation as a veteran, a government employee, and an entrepreneur, died on August 22, 2019; and

WHEREAS, a native of Scranton, Pennsylvania, Willard "Bill" Heidig joined the United States Coast Guard after high school and served as a radio operator; and

WHEREAS, Bill Heidig subsequently completed an advanced technology program at RCA Institutes, earned a bachelor's degree in physics from American University, and attended the National War College; and

WHEREAS, Bill Heidig pursued a career in the private sector before returning to government work as a member of the Defense Communications Agency, now known as the Defense Information Systems Agency; and

WHEREAS, over the course of his distinguished tenure with the Defense Information Systems Agency, Bill Heidig helped enhance the capabilities of the United States Armed Forces, particularly in the area of nuclear submarine fleet communications; and

WHEREAS, after a business trip to France, Bill Heidig developed a passion for viticulture and went on to establish Lake Anna Winery and Oak Hill Vineyards, an award-winning, family-owned business that offers a diverse selection of wines; he offered his leadership to the board of directors of the Virginia Wineries Association and the Vinifera Wine Growers Association; and

WHEREAS, Bill Heidig will be fondly remembered and greatly missed by his loving wife, Ann; his children, Jeff, Mike, Eric, and Stacey, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Willard R. Heidig; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Willard R. Heidig as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 24

Celebrating the life of Annette G. Kramer.

Agreed to by the Senate, January 9, 2020

Agreed to by the House of Delegates, January 13, 2020

WHEREAS, Annette G. Kramer of Stafford County, a beloved member of the community and a loyal advocate for veterans and their families, died on June 16, 2015; and

WHEREAS, over the course of 35 years, Annette Kramer proudly supported her husband and daughter during their service in the United States Marine Corps; a model of selflessness, integrity, and grace, she was a trusted mentor to fellow military wives and provided counseling and support to friends in need; and

WHEREAS, Annette Kramer volunteered countless hours at Walter Reed National Military Medical Center in Bethesda, Maryland, where she supported combat-wounded soldiers during the recovery process and comforted the families of service members who had been killed in the line of duty; and

WHEREAS, Annette Kramer worked as a docent at the National Museum of the Marine Corps and offered her leadership to the Veterans of Foreign Wars Auxiliary, the Honor Flight Network, and the local ASPCA; and

WHEREAS, after the attacks on September 11, 2001, Annette Kramer joined the search-and-recovery task force at the Pentagon; as a member of the night shift, she arrived after her day job and worked long hours to help organize and distribute supplies to task force personnel; and

WHEREAS, in 2003, Annette Kramer held several fundraisers to address equipment shortfalls for troops overseas, resulting in the purchase of hundreds of hydration systems for Marines deployed to Iraq; she subsequently organized similar drives to support other service members, significantly enhancing capabilities and raising morale; and

WHEREAS, for more than a decade, Annette Kramer honored the nation's veterans by participating in the Wreaths Across America ceremony at Arlington National Cemetery, which ultimately became her final resting place; and

WHEREAS, Annette Kramer will be fondly remembered and greatly missed by her husband of 35 years, Glenn; her daughter, Nichole; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Annette G. Kramer, a beloved and highly admired member of the Stafford County community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Annette G. Kramer as an expression of the General Assembly's respect for her memory.

SENATE JOINT RESOLUTION NO. 27

Continuing the Joint Subcommittee on Coastal Flooding. Report.

Agreed to by the Senate, February 11, 2020

Agreed to by the House of Delegates, March 4, 2020

WHEREAS, House Joint Resolution 50 and Senate Joint Resolution 76 (2012) directed the Virginia Institute of Marine Science (VIMS) to study strategies for adaptation to prevent recurrent flooding in Tidewater and Eastern Shore Virginia localities; and

WHEREAS, the resulting VIMS report, titled "Recurrent Flooding Study for Tidewater Virginia," published as Senate Document 3 (2013), stated that recurrent flooding impacts all localities in Virginia's coastal zone and is predicted to become worse over reasonable planning horizons (20 to 50 years); and

WHEREAS, VIMS offered several recommendations, including that the Commonwealth, working with its coastal localities, (i) begin comprehensive and coordinated planning efforts; (ii) initiate identification, collection, and analysis of data needed to support effective planning for response efforts; and (iii) take a lead role in addressing recurrent flooding in Virginia for the following reasons: (a) accessing relevant federal resources for planning and mitigation may be enhanced through state mediation, (b) flooding problems are linked to water bodies and therefore often transcend locality boundaries, and (c) prioritizing flood management actions must be based in part on risk; and therefore the Commonwealth must oversee the necessary studies to determine adaptation strategies as well as implementation of the agreed-upon strategies; and

WHEREAS, the Joint Legislative Audit and Review Commission (JLARC) study mandated by House Joint Resolution 132 (2012) and presented on October 15, 2013, titled "Review of Disaster Preparedness Planning in Virginia," stated, "The state generally has strong disaster response plans, but deficiencies in evacuation and shelter plans may compromise the safety of the Hampton Roads population during a catastrophic disaster"; and

WHEREAS, the JLARC study further noted that if four key assumptions in the state's current evacuation plan do not hold, "timely hurricane evacuations could be compromised," placing citizens at risk after the storm; and

WHEREAS, House Joint Resolution 16 and Senate Joint Resolution 3 (2014) established the Joint Subcommittee to Formulate Recommendations to Address Recurrent Flooding as recommended by the VIMS report; and

WHEREAS, the Joint Subcommittee to Address Recurrent Flooding met four times during the 2014 interim to collect information from federal agencies, state agencies, localities, and stakeholders and to carry out its work; and

WHEREAS, the Joint Subcommittee to Address Recurrent Flooding filed an executive summary with the General Assembly prior to the 2015 Session, which included five initial recommendations to increase public awareness, improve local and state government agency resiliency coordination, and address floodplain management; and

WHEREAS, recommendations made by the Joint Subcommittee to Address Recurrent Flooding during the 2014 interim resulted in six bills passing the General Assembly with bipartisan support during the 2015 Session; and

WHEREAS, the Joint Subcommittee to Address Recurrent Flooding met four times during the 2015 interim to collect information from federal agencies, state agencies, localities, and stakeholders and to carry out its work; and

WHEREAS, the members of the full Joint Subcommittee to Address Recurrent Flooding concurred that the joint subcommittee be continued for two more years with a name change to the Joint Subcommittee on Coastal Flooding to more accurately reflect its mission and to continue the Commonwealth on the path of advancing Virginia as the coastal states' leader in advancing resiliency strategies, and most importantly, protecting our citizens and our business assets; and

WHEREAS, pursuant to House Joint Resolution 84 and Senate Joint Resolution 58 (2016), the Joint Subcommittee on Coastal Flooding continued its work during the 2016 and 2017 interims and brought forth additional recommendations for the 2018 Session; and

WHEREAS, pursuant to House Joint Resolution 26 and Senate Joint Resolution 19 (2018), the Joint Subcommittee on Coastal Flooding continued its work during the 2018 and 2019 interims and will bring forth additional recommendations for the 2020 Session; and

WHEREAS, the members of the joint subcommittee concur that the work of the joint subcommittee be continued for two additional years; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the Joint Subcommittee on Coastal Flooding be continued. The joint subcommittee shall have a total membership of 11 members that shall consist of five members of the House of Delegates appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; three members of the Senate appointed by the Senate Committee on Rules; and three nonlegislative citizen members, one of whom shall be a business leader and one of whom shall be a representative of the environmental community appointed by the Speaker of the House of Delegates, and one of whom shall be a local official representing Virginia's flood-prone communities appointed by the Senate Committee on Rules. Nonlegislative citizen members of the joint subcommittee shall be citizens of the Commonwealth of Virginia. The current members appointed by the Speaker of the House of Delegates shall be subject to reappointment. The current members appointed by the Senate Committee on Rules shall continue to serve until replaced. Vacancies shall be filled by the original appointing authority. Unless otherwise approved in writing by the chairman of the joint subcommittee and the respective Clerk, nonlegislative citizen members shall only be reimbursed for travel originating and ending within the Commonwealth of Virginia for the purpose of attending meetings. If a companion joint resolution of the other chamber is agreed to, written authorization of both Clerks shall be required. The joint subcommittee shall elect a chairman and vice-chairman from among its membership, who shall be members of the General Assembly.

In conducting its study, the joint subcommittee shall recommend short-term and long-term strategies for minimizing the impact of recurrent flooding and coastal storms.

Administrative staff support shall continue to be provided by the Office of the Clerk of the House of Delegates. Legal, research, policy analysis, and other services as requested by the joint subcommittee shall continue to be provided by the Division of Legislative Services. Technical assistance shall continue to be provided by faculty at Virginia institutions of higher education who have expertise in the subject matter. All agencies of the Commonwealth shall provide assistance to the joint subcommittee for this study, upon request.

The joint subcommittee shall be limited to four meetings for the 2020 interim and four meetings for the 2021 interim, and the direct costs of this study shall not exceed \$18,640 for each year without approval as set out in this resolution. Approval for unbudgeted nonmember-related expenses shall require the written authorization of the chairman of the joint subcommittee and the respective Clerk. If a companion joint resolution of the other chamber is agreed to, written authorization of both Clerks shall be required.

No recommendation of the joint subcommittee shall be adopted if a majority of the House members or a majority of the Senate members appointed to the joint subcommittee (i) vote against the recommendation and (ii) vote for the recommendation to fail notwithstanding the majority vote of the joint subcommittee.

The joint subcommittee shall complete its meetings for the first year by November 30, 2020, and for the second year by November 30, 2021, and the chairman shall submit to the Division of Legislative Automated Systems an executive summary of its findings and recommendations no later than the first day of the next Regular Session of the General Assembly for each year. Each executive summary shall state whether the joint subcommittee intends to submit to the General Assembly and the Governor a report of its findings and recommendations for publication as a House or Senate document. The executive summaries and reports shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

Implementation of this resolution is subject to subsequent approval and certification by the Joint Rules Committee. The Committee may approve or disapprove expenditures for this study, extend or delay the period for the conduct of the study, or authorize additional meetings during the 2020 and 2021 interims.

SENATE JOINT RESOLUTION NO. 30

Requesting the Department of Aviation to study the coordination of stakeholders within the aviation industry for economic and workforce development. Report.

Agreed to by the Senate, January 29, 2020

Agreed to by the House of Delegates, March 3, 2020

WHEREAS, the aviation industry is critical to the strength and vitality of the economy of the Commonwealth; and
WHEREAS, an important factor in attracting, developing, and expanding the aviation industry in the Commonwealth is providing access to a skilled workforce; and

WHEREAS, the number of active certificated airplane pilots has been on a significant downward trend in the last 40 years; and

WHEREAS, by 2037 the demand for new airline pilots is expected to top 117,000 in North America and 637,000 worldwide; and

WHEREAS, by 2037 the demand for new airline mechanics is expected to top 648,000 worldwide; and

WHEREAS, the Commonwealth is uniquely fortunate in its resources for training aviation workers at all levels including K-12, community college, four-year university, and internship and apprenticeship programs; and

WHEREAS, there exists still a lack of coordination and strategic planning for the future demands of the industry among such educational resources, government, and industry; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the Department of Aviation be requested to study coordination of stakeholders within the aviation industry for economic and workforce development.

In conducting its study, the Department of Aviation shall convene a work group with representation from the aviation industry, the Department of Education, the State Council of Higher Education for Virginia, and other interested parties to explore issues related to the continued development of the aviation industry and workforce, in coordination with the Federal Aviation Administration and other responsible federal agencies.

All agencies of the Commonwealth shall provide assistance to the Department of Aviation for this study, upon request.

The Department of Aviation shall complete its meetings by November 30, 2020, and shall submit to the Governor and the General Assembly an executive summary and a report of its findings and recommendations for publication as a House or Senate document. The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports no later than the first day of the 2021 Regular Session of the General Assembly and shall be posted on the General Assembly's website.

SENATE JOINT RESOLUTION NO. 31

Designating the Honor and Sacrifice Flag as the Commonwealth's emblem for honoring the brave men and women who have given their lives for public safety.

Agreed to by the Senate, January 29, 2020

Agreed to by the House of Delegates, February 25, 2020

WHEREAS, the Honor and Sacrifice Flag was designed by Chesapeake resident George Lutz to honor firefighters, law-enforcement officers, emergency medical services personnel, and other public safety personnel who have given their lives in the line of duty; and

WHEREAS, the blue field of the Honor and Sacrifice Flag symbolizes the law-enforcement community; and

WHEREAS, the purple field of the Honor and Sacrifice Flag signifies mourning for a loss in the firefighter community; and

WHEREAS, the white field of the Honor and Sacrifice Flag recognizes the purity of heart within each individual who serves and protects the community and is willing to face each day's challenges regardless of the risk; and

WHEREAS, the black star of the Honor and Sacrifice Flag represents those who wear the distinctive badge, including sheriffs and marshals; and

WHEREAS, the red Maltese cross of the Honor and Sacrifice Flag recognizes all who have fallen in the emergency response communities; and

WHEREAS, the golden shield of the Honor and Sacrifice Flag recognizes all law-enforcement officers and other public safety representatives who wear the shield, including emergency medical services personnel, and who have made the ultimate sacrifice in the line of duty; gold represents the value of the life given; and

WHEREAS, the folded flag element of the Honor and Sacrifice Flag signifies the final tribute to an individual life that a family has lost for the sake of others; and

WHEREAS, the flame element of the Honor and Sacrifice Flag is an eternal reminder of the spirit that has departed this life yet burns on in the memory of all who knew and loved the fallen hero; and

WHEREAS, the General Assembly of Virginia calls for a unifying symbol recognizing this nation's solemn debt to fallen public safety workers and the families and communities who mourn their loss; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the Honor and Sacrifice Flag be designated as the Commonwealth's emblem for honoring the brave men and women who have given their lives for public safety; and, be it

RESOLVED FURTHER, That the Clerk of the Senate transmit a copy of this resolution to the Director of the Department of Criminal Justice Services, the Executive Director of the Department of Fire Programs, and the State Health Commissioner, requesting that they further disseminate copies of this resolution to their respective constituents so that they may be apprised of the sense of the General Assembly of Virginia in this matter; and, be it

RESOLVED FINALLY, That in the absence of a directive from the Governor or the Director of the Department of General Services, the head of the state agency that controls any facility or building outside of Capitol Square may determine when to display the Honor and Sacrifice Flag, provided that the Honor and Sacrifice Flag that is displayed is (i) smaller in height and width than the flag of the United States that is officially displayed at the building or facility and (ii) made in the United States.

SENATE JOINT RESOLUTION NO. 35

Establishing a joint subcommittee to study barrier crimes and criminal history records checks. Report.

Agreed to by the Senate, March 8, 2020

Agreed to by the House of Delegates, March 8, 2020

WHEREAS, barrier crimes are statutorily established crimes, conviction for which disqualifies an individual from eligibility for various types of employment, to volunteer or provide certain services, or to establish or operate certain types of regulated businesses; and

WHEREAS, Virginia's criminal history records check and barrier crimes laws are extensive and require a wide range of individuals to undergo criminal history records checks as a condition of eligibility for employment, to volunteer or provide services, or to establish or operate certain types of regulated businesses; and

WHEREAS, the Commonwealth's laws governing criminal history records checks and barrier crimes vary, sometimes significantly, with regard to categories of individuals required to undergo a background check; the background check process; the types of crimes that disqualify an individual from eligibility for employment or to volunteer, provide services, or establish or operate a business; exceptions to criminal history records check and barrier crime requirements; and opportunities to overcome restrictions and prohibitions related to barrier crimes; and

WHEREAS, the various laws related to criminal history records checks and barrier crimes are not centralized in the Code of Virginia and lack the necessary organization that state agencies and citizens of the Commonwealth need to navigate these provisions; and

WHEREAS, many studies conducted on the Commonwealth's laws governing criminal history records checks and barrier crimes in the Commonwealth have recommended further consideration of the Commonwealth's requirements related to criminal history records checks and barrier crimes, including review of the specific crimes included as barrier crimes and exceptions to these requirements; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That a joint subcommittee be established to study barrier crimes and criminal history records checks. The joint subcommittee shall consist of 11 members that include six legislative members, two nonlegislative citizen members, and three ex officio members. Members shall be appointed as follows: two members of the Senate to be appointed by the Senate Committee on Rules; four members of the House of Delegates to be appointed by the Speaker of the House of Delegates; one citizen-at-large to be appointed by the Senate Committee on Rules; and one citizen-at-large to be appointed by the Speaker of the House of Delegates. The Commissioners of the Departments of Behavioral Health and Developmental Services, Health, and Social Services, or their designees, shall serve ex officio with nonvoting privileges. Nonlegislative citizen members shall be citizens of the Commonwealth of Virginia. Unless otherwise approved in writing by the chairman of the joint subcommittee and the respective Clerk, nonlegislative citizen members shall be reimbursed only for travel originating and ending within the Commonwealth of Virginia for the purpose of attending meetings. If a companion joint resolution of the other chamber is agreed to, written authorization of both Clerks shall be required. The joint subcommittee shall elect a chairman and vice-chairman from among its membership, who shall be members of the General Assembly.

In conducting its study, the joint subcommittee shall study the Commonwealth's laws related to barrier crimes and criminal history records checks and shall develop recommendations related to (i) whether statutory provisions related to criminal history records checks, barrier crimes, and barrier crime exceptions should be reorganized and consolidated into a central location in the Code of Virginia; (ii) whether certain crimes should be removed from the list of barrier crimes; (iii) whether barrier crime exceptions and waiver processes should be broadened; (iv) whether the required amount of time that must lapse after conviction of certain barrier crimes should be shortened; and (v) other changes that could be made to criminal history records check and barrier crimes requirements that would improve the organization, effectiveness, and fairness of such provisions.

Administrative staff support shall be provided by the Office of the Clerk of the Senate. Legal, research, policy analysis, and other services as requested by the joint subcommittee shall be provided by the Division of Legislative Services. All agencies of the Commonwealth shall provide assistance to the joint subcommittee for this study, upon request.

The joint subcommittee shall be limited to four meetings for the 2020 interim, and the direct costs of this study shall not exceed \$13,680 without approval as set out in this resolution. Approval for unbudgeted nonmember-related expenses shall require the written authorization of the chairman of the joint subcommittee and the respective Clerk. If a companion joint resolution of the other chamber is agreed to, written authorization of both Clerks shall be required.

No recommendation of the joint committee shall be adopted if a majority of the Senate members or a majority of the House members of the joint committee (i) vote against the recommendation and (ii) vote for the recommendation to fail notwithstanding the majority vote of the joint committee.

The joint subcommittee shall complete its meetings by November 30, 2020, and the chairman shall submit to the Division of Legislative Automated Systems an executive summary of its findings and recommendations no later than the first day of the 2021 Regular Session of the General Assembly. The executive summary shall state whether the joint subcommittee intends to submit to the General Assembly and the Governor a report of its findings and recommendations for publication as a House or Senate document. The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

Implementation of this resolution is subject to subsequent approval and certification by the Joint Rules Committee. The Committee may approve or disapprove expenditures for this study, extend or delay the period for the conduct of the study, or authorize additional meetings during the 2020 interim.

SENATE JOINT RESOLUTION NO. 37

Celebrating the life of Melanie Bandazian Kerneklian.

Agreed to by the Senate, January 9, 2020

Agreed to by the House of Delegates, January 13, 2020

WHEREAS, Melanie Bandazian Kerneklian of Manakin-Sabot, a champion for the Armenian community in the Commonwealth, died on February 25, 2019; and

WHEREAS, Melanie Kerneklian worked as a legislative aide for the Honorable Eric Cantor and served on the Armenia/Virginia Advisory Commission under Governor George Allen and the Advisory Board on Service and Volunteerism under Governor Jim Gilmore; and

WHEREAS, Melanie Kerneklian was most passionate about Armenian causes and played a vital role in efforts to include the history of Armenia in the Virginia Standards of Learning; and

WHEREAS, Melanie Kerneklian was a member of the Armenian Relief Society, the Armenian National Committee of America, and St. James Armenian Church, where she taught Sunday school and was chair of the Women's Guild; and

WHEREAS, Melanie Kerneklian will be fondly remembered and greatly missed by her husband of 59 years, Murad; her daughters, Sona, Seta, and Seran, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Melanie Bandazian Kerneklian; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Melanie Bandazian Kerneklian as an expression of the General Assembly's respect for her memory.

SENATE JOINT RESOLUTION NO. 38

Directing the Joint Commission on Technology and Science to study the safety, quality of life, and economic consequences of weather and climate-related events on coastal areas in Virginia. Report.

Agreed to by the Senate, March 7, 2020

Agreed to by the House of Delegates, March 8, 2020

WHEREAS, the Commonwealth has thousands of miles of shoreline, including the tidal portions of the Chesapeake Bay and its tributaries, stretching 7,213 miles; and

WHEREAS, the sea level rose approximately six inches in the last 26 years or about an inch every four years when adjusting for the effect of ground subsidence; and

WHEREAS, state and local governments, the private sector, and individual citizens have spent or are planning to spend significant resources on projects related to sea-level rise and flooding; and

WHEREAS, the data that is required to inform and appropriately direct such spending is technically complex and liable to be accidentally or intentionally misinterpreted; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the Joint Commission on Technology and Science (the Commission) be directed to study the safety, quality of life, and economic consequences of weather and climate-related events on coastal areas in Virginia.

In conducting its study, the Commission shall examine (i) the negative impacts of weather, and geological and climate-related events, including displacement, economic loss, and damage to health or infrastructure; (ii) the area or areas

and the number of citizens affected by such impacts; (iii) the frequency or probability and the time dimensions, including near-term, medium-term, and long-term probabilities of such impacts; (iv) alternative actions available to remedy or mitigate such impacts and their expected cost; (v) the degree of certainty that each of these impacts and alternative actions may reliably be known; and (vi) the technical resources available, either in state or otherwise, to effect such alternative actions and improve our knowledge of their effectiveness and cost.

The Office of the Clerk of the Senate shall provide administrative staff support. The Division of Legislative Services shall provide legal, research, policy analysis, and other services as requested by the Commission. Technical assistance shall be provided to the Commission by the Secretary of Natural Resources. The Commission shall accept any scientific and technical assistance provided by the nonpartisan, volunteer Virginia Academy of Science, Engineering, and Medicine. All agencies of the Commonwealth shall provide assistance to the Commission for this study, upon request.

The Commission shall complete its meetings by November 30, 2020, and the Chairman shall submit to the Division of Legislative Automated Systems an executive summary of its findings and recommendations no later than the first day of the 2021 Regular Session of the General Assembly. The executive summary shall state whether the Commission intends to submit to the General Assembly and the Governor a report of its findings and recommendations for publication as a House or Senate document. The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website; and, be it

RESOLVED FURTHER, That the provisions of this joint resolution shall not become effective unless an appropriation effectuating the purposes of this joint resolution is included in a general appropriation act passed in 2020 by the General Assembly that becomes law.

SENATE JOINT RESOLUTION NO. 40

Celebrating the life of Harold L. Willmington.

Agreed to by the Senate, January 9, 2020

Agreed to by the House of Delegates, January 13, 2020

WHEREAS, Harold L. Willmington of Forest, a pastor, teacher, author, and higher education administrator who was world-renowned for his study and instruction of the Bible, died on October 15, 2018; and

WHEREAS, a native of Illinois, Harold Willmington studied at the Moody Bible Institute in Chicago and earned a bachelor's degree from Culver-Stockton College in Missouri; he attended Dallas Theological Seminary in Texas and Ashland Theological Seminary in Ohio before receiving a doctor of ministry degree from Trinity Evangelical Divinity School in his home state; and

WHEREAS, Harold Willmington served as a pastor for 17 years, providing spiritual leadership to congregants in four states until 1972, when he relocated to Lynchburg and joined the faculty of the recently established Lynchburg Baptist College, now Liberty University; and

WHEREAS, Harold Willmington was well known for his extensive study of the Bible, and he was a prolific author who published many books and articles on the subject; his popular work, *Willmington's Guide to the Bible*, has been in print for more than 30 years, with more than 367,000 copies in circulation throughout the world; and

WHEREAS, Harold Willmington was the founding dean of the Liberty Bible Institute, which was renamed the Willmington Bible Institute in his honor, and the Liberty Home Bible Institute, the first distance learning program center at Liberty University; and

WHEREAS, with more than 46 years of service, Harold Willmington was the longest-serving faculty member of Liberty University at the time of his passing; in recognition of his incredible contributions to Bible scholarship, Liberty University compiled much of his work in a free online resource, ensuring that future generations benefit from his wisdom; and

WHEREAS, Harold Willmington enjoyed fellowship and worship with the community as an active member of Thomas Road Baptist Church, where he shared his insights with the congregation at the Thomas Road Bible Center every Sunday night; and

WHEREAS, Harold Willmington will be fondly remembered and greatly missed by his devoted wife of 57 years, Sue; his son, Matthew, and his family; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Harold L. Willmington, a pillar of the Liberty University community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Harold L. Willmington as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 42

Requesting the Department of Environmental Quality to establish a Waste Diversion and Recycling Task Force to meet to discuss ways to increase waste diversion and recycling. Report.

Agreed to by the Senate, March 4, 2020

Agreed to by the House of Delegates, March 3, 2020

WHEREAS, pursuant to § 10.1-1411 of the Code of Virginia, localities are required to maintain a minimum recycling rate of 25 percent of generated waste, or 15 percent in localities with a low population density; and

WHEREAS, technological and economic changes in the waste management industry have made it more difficult for localities to achieve those targets; and

WHEREAS, in 2019, pursuant to Chapter 615 of the Acts of Assembly of 2018, the Department of Environmental Quality (the Department) completed its report titled "Recycling in Virginia: An Evaluation of Recycling Rates and Recommendations" (the Report); and

WHEREAS, the Report recommended that the Department establish a Waste Diversion and Recycling Task Force to develop recommendations for reducing waste and diverting it from landfills; and

WHEREAS, the Report also observed that economic trends in the recycling sector have in some circumstances made existing local recycling practices fiscally unfeasible; and

WHEREAS, the Report noted that, until 2016, China was by far the largest consumer of the recyclable waste of the United States, purchasing about 40 percent of its recyclables; and

WHEREAS, in 2017, China implemented its National Sword policy to reduce smuggling and illicit activities related to recyclables; and

WHEREAS, in 2018, China banned the import of 24 types of recyclable materials and announced its intent to ban the import of all recyclable materials by 2020; and

WHEREAS, the Report observed that changes to China's recyclables policy decreased demand for recyclables from the United States by 40 percent, resulting in the reduction, suspension, or termination of service by public and private recycling facilities; and

WHEREAS, the Report concluded that "the cost of maintaining recycling programs is relatively high while the supply of recyclable material exceeds the current market demand" and "in several rural areas, due to a variety of factors, operation expenses can make recycling cost prohibitive"; and

WHEREAS, technological changes in the United States recycling industry and shifts in demand in the market for recyclable materials have rendered some Virginia recycling programs economically unsustainable; and

WHEREAS, for localities to meet their statutory recycling targets and accomplish Virginia's general policy of responsible management of waste material, additional state support to localities may be necessary; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the Department of Environmental Quality be requested to establish a Waste Diversion and Recycling Task Force to meet to discuss ways to increase waste diversion and recycling.

In conducting its meetings, the Waste Diversion and Recycling Task Force shall include stakeholders, including localities, the Virginia Waste Industries Association, the Virginia Beer Wholesalers Association, the Virginia Beverage Association, the Virginia Petroleum and Convenience Marketers Association, the Virginia Manufacturers Association, the Virginia Recycling Association, the Virginia Municipal League, the Virginia Association of Counties, and any other entity it deems appropriate. The Waste Diversion and Recycling Task Force shall discuss (i) methods of improving recycling, reducing waste, and diverting waste from landfills; (ii) recommendations to reduce waste at the source, such as composting and recycling of organic material; and (iii) whether current recycling rates required by Virginia law should be increased and whether state policy should be changed to give landfills a greater role in the management of organic material.

In conducting its meetings, the Waste Diversion and Recycling Task Force also shall discuss (a) potential improvements in the goals and efficiency of the grant program funded by the Litter Control and Recycling Fund pursuant to Article 3 (§ 10.1-1414 et seq.) of Chapter 14 of Title 10.1 of the Code of Virginia, (b) §§ 10.1-1422.01 and 10.1-1422.04 of the Code of Virginia and related statutory provisions and whether amendments are advisable, and (c) the allocation formula, codifying and increasing the percentage of grants that it awards to localities on a competitive basis, reallocating funds for the purpose of funding regional recycling programs that provide service to multiple localities, providing additional grants for educational programs, imposing constraints on the amount of grant funds that may be used to fund personnel salaries and wages, providing funding for additional collection points for recyclables generated by localities, and any other changes it deems appropriate.

All agencies of the Commonwealth shall provide assistance to the Waste Diversion and Recycling Task Force for its meetings, upon request.

The Waste Diversion and Recycling Task Force shall meet no more than four times and shall complete its meetings by November 30, 2021, and shall submit to the Governor and the General Assembly an executive summary and a report of its meetings, including meeting minutes and any identified recommendations, for publication as a House or Senate document. The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative

Automated Systems for the processing of legislative documents and reports no later than the first day of the 2022 Regular Session of the General Assembly and shall be posted on the General Assembly's website.

SENATE JOINT RESOLUTION NO. 43

Confirming appointments by the Governor of certain persons communicated to the General Assembly October 1, 2019.

Agreed to by the Senate, January 27, 2020

Agreed to by the House of Delegates, February 5, 2020

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly confirm the following appointments of certain persons made by Governor Ralph Northam and communicated to the General Assembly October 1, 2019.

AGENCY HEADS

Mary Broz-Vaughan of **Richmond**, Virginia 23226, Director, Virginia Department of Professional and Occupational Regulation, to serve at the pleasure of the Governor beginning September 16, 2019, to succeed Jay W. DeBoer.

Karen Kimsey of **Richmond**, Virginia 23111, Director, Virginia Department of Medical Assistance Services, to serve at the pleasure of the Governor beginning August 29, 2019, to succeed Jennifer Lee.

ADMINISTRATION

Citizens' Advisory Council on Furnishing and Interpreting the Executive Mansion

Siobhan Gilbride Deeds of **Lexington**, Virginia 24450, Member, appointed September 20, 2019, for a term of five years beginning April 1, 2019, and ending March 31, 2024, to succeed Monica H. Rao.

Sunita Gupta of **Glen Allen**, Virginia 23060, Member, appointed September 13, 2019, for a term of five years beginning April 1, 2019, and ending March 31, 2024, to succeed Leslie Greene Bowman.

Parke Richeson of **Richmond**, Virginia 23221, Member, appointed September 13, 2019, for a term of five years beginning April 1, 2019, and ending March 31, 2024, to succeed Cynthia H. Conner.

Data Sharing and Analytics Advisory Committee

Arlyn Burgess of **Charlottesville**, Virginia 22901, Member, appointed September 20, 2019, for a term of one year beginning July 1, 2019, and ending June 30, 2020, to succeed herself.

Josh Levi of **Leesburg**, Virginia 20175, Member, appointed September 20, 2019, for a term of one year beginning July 1, 2019, and ending June 30, 2020, to succeed himself.

AGRICULTURE AND FORESTRY

Aquaculture Advisory Board

John E. Hofmeyer of **Williamsburg**, Virginia 23185, Member, appointed August 23, 2019, for a term of three years beginning July 1, 2019, and ending June 30, 2022, to succeed himself.

Kimberly Huskey of **Yorktown**, Virginia 23692, Member, appointed August 16, 2019, for a term of three years beginning July 1, 2019, and ending June 30, 2022, to succeed herself.

Michael Schwarz of **Norfolk**, Virginia 23503, Member, appointed August 16, 2019, for a term of three years beginning July 1, 2019, and ending June 30, 2022, to succeed himself.

Milk Commission

Kevin C. Craun of **Bridgewater**, Virginia 22812, Member, appointed August 16, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed Gerald A. Heatwole.

Rodrigo Velasquez of **Springfield**, Virginia 22150, Member, appointed September 20, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed himself.

Virginia Board of Forestry

Elizabeth Flippo Hutchins of **Richmond**, Virginia 23223, Member, appointed August 9, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed herself.

John Benjamin Reeves of **Lynchburg**, Virginia 24503, Member, appointed August 9, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed William Blount Snyder.

Greg Scheerer of **Lynchburg**, Virginia 24502, Member, appointed August 9, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed himself.

Virginia Wine Board

Courtney Anderson Mailey of **Richmond**, Virginia 23219, Member, appointed August 2, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed Diane H. Flynt.

Megan M. Seibel of **Roanoke**, Virginia 24012, Member, appointed August 2, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed William C. Tonkins.

Kirk Wiles of **Clifton**, Virginia 20124, Member, appointed August 2, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed himself.

AUTHORITIES

Southwest Virginia Energy Research and Development Authority

Michael Karmis of **Blacksburg**, Virginia 24062, Member, appointed September 20, 2019, for a term of three years beginning July 1, 2019, and ending June 30, 2022, to fill a new seat.

Brad Kreps of **Abingdon**, Virginia 24210, Member, appointed September 20, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to fill a new seat.

Lydia Sinemus of **Bristol**, Virginia 24202, Member, appointed September 20, 2019, for a term of two years beginning July 1, 2019, and ending June 30, 2021, to fill a new seat.

Kristen Westover of **Dryden**, Virginia 24243, Member, appointed September 20, 2019, for a term of one year beginning July 1, 2019, and ending June 30, 2020, to fill a new seat.

Virginia Port Authority Board of Commissioners

John C. Asbury of **Richmond**, Virginia 23221, Member, appointed September 13, 2019, for a term of five years beginning July 1, 2019, and ending June 30, 2024, to succeed John Pullen.

James William Cofer of **Virginia Beach**, Virginia 23452, Member, appointed September 13, 2019, for a term of five years beginning July 1, 2019, and ending June 30, 2024, to succeed himself.

Deborah C. Waters of **Suffolk**, Virginia 23432, Member, appointed September 13, 2019, for a term of five years beginning July 1, 2019, and ending June 30, 2024, to succeed herself.

COMMERCE AND TRADE

Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects

Doyle B. Allen of **Forest**, Virginia 24551, Member, appointed September 6, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed himself.

Board for Barbers and Cosmetology

Renee Gilanshah of **Reston**, Virginia 20191, Member, appointed August 9, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed Daniella D. Tsamouras.

Board for Professional and Occupational Regulation

Ana Mitchell of **Chesapeake**, Virginia 23320, Member, appointed August 30, 2019, to serve an unexpired term beginning July 1, 2019, and ending June 30, 2020, to succeed Waylin Ross.

Board of Housing and Community Development

Brett E. Meringoff of **McLean**, Virginia 22101, Member, appointed August 23, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed John P. Carr.

Patricia Shields of **Falls Church**, Virginia 22046, Member, appointed August 23, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed herself.

Coal Surface Mining Reclamation Fund Advisory Board

John Paul Jones of **Bristol**, Virginia 23202, Member, appointed August 2, 2019, for a term of five years beginning July 1, 2019, and ending June 30, 2024, to succeed himself.

Real Estate Appraiser Board

Mark R. Chapin of **Sandston**, Virginia 23150, Member, appointed August 9, 2019, to serve an unexpired term beginning April 3, 2018, and ending April 2, 2022, to succeed Michael Gordon Miller.

Research and Technology Investment Advisory Committee

Scott Tolleson of **Richmond**, Virginia 23229, Member, appointed September 20, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed himself.

Virginia Board of Workforce Development

Hobart P. Bauhan of **Harrisonburg**, Virginia 22801, Member, appointed August 23, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed himself.

Thomas A. Bell of **Norfolk**, Virginia 23509, Member, appointed August 23, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed himself.

Julie Brown of **Danville**, Virginia 24540, Member, appointed August 23, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed Thomas Lee Walker.

Ernie Caldwell III of **Salem**, Virginia 24153, Member, appointed August 23, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed Jeanne Armentrout.

Virginia R. Diamond of **McLean**, Virginia 22101, Member, appointed August 23, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed herself.

John Dougherty of **Richmond**, Virginia 23225, Member, appointed August 23, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed Bruce D. Phipps.

Mark B. Dreyfus of **Virginia Beach**, Virginia 23451, Member, appointed August 23, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed himself.

Lane Hopkins of **Richmond**, Virginia 23226, Member, appointed August 23, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed herself.

Ann Huckle Mallek of **Earlsville**, Virginia 22936, Member, appointed August 23, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed herself.

John David Smith, Jr., of **Winchester**, Virginia 22601, Member, appointed August 23, 2019, to serve an unexpired term beginning July 1, 2017, and ending June 30, 2021, to fill a new seat.

Brian Warner of **Midlothian**, Virginia 23113, Member, appointed August 23, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed himself.

Virginia Growth and Opportunity Board

Nancy Howell Agee of **Salem**, Virginia 24153, Member, appointed August 23, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed herself.

Thomas F. Farrell, II, of **Richmond**, Virginia 23219, Member, appointed August 23, 2019, for a term of four years beginning July 1, 2018, and ending June 30, 2022, to succeed himself.

Leah Fremouw of **Richmond**, Virginia 23235, Member, appointed August 23, 2019, to serve an unexpired term beginning February 16, 2019, and ending June 30, 2021, to succeed Bruce Bernard Smith.

Douglas B. Juanarena of **Blacksburg**, Virginia 24060, Member, appointed August 23, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed himself.

Don "Robin" Sullenberger, III, of **Monterey**, Virginia 24465, Member, appointed August 23, 2019, to serve an unexpired term beginning July 1, 2018, and ending June 30, 2022, to succeed Jennifer R. Boykin.

Marilyn House West of **Richmond**, Virginia 23227, Member, appointed August 23, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed herself.

Virginia Housing Development Authority Commissioners

Lisa R. Porter of **Abingdon**, Virginia 24211, Member, appointed August 9, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed Kermit Edison Hale.

Michael J. Schewel of **Richmond**, Virginia 23226, Member, appointed August 9, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed Charles C. McConnell.

Virginia Resources Authority Board of Directors

Cynthia V. Bailey of **Richmond**, Virginia 23225, Member, appointed August 30, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed David Branscome.

COMMONWEALTH

Virginia African American Advisory Board

Cozy Bailey of **Dumfries**, Virginia 22025, Member, appointed August 30, 2019, for a term of two years beginning July 1, 2019, and ending June 30, 2021, to fill a new seat.

Xavier L. Beale of **Smithfield**, Virginia 23430, Member, appointed August 30, 2019, for a term of two years beginning July 1, 2019, and ending June 30, 2021, to fill a new seat.

Gilbert T. Bland of **Virginia Beach**, Virginia 23452, Member, appointed August 30, 2019, for a term of two years beginning July 1, 2019, and ending June 30, 2021, to fill a new seat.

Larry Boone of **Norfolk**, Virginia 23504, Member, appointed August 30, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to fill a new seat.

Zyahna Bryant of **Charlottesville**, Virginia 22903, Member, appointed August 30, 2019, for a term of two years beginning July 1, 2019, and ending June 30, 2021, to fill a new seat.

Hope F. Cupit of **Forest**, Virginia 24551, Member, appointed August 30, 2019, for a term of one year beginning July 1, 2019, and ending June 30, 2020, to fill a new seat.

Keren Charles Dongo of **Alton**, Virginia 25420, Member, appointed August 30, 2019, for a term of two years beginning July 1, 2019, and ending June 30, 2021, to fill a new seat.

Ingrid Grandberry Grant of **Chesterfield**, Virginia 23236, Member, appointed August 30, 2019, for a term of one year beginning July 1, 2019, and ending June 30, 2020, to fill a new seat.

Cheryl Ivey Green of **Chesterfield**, Virginia 23234, Member, appointed August 30, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to fill a new seat.

Teri Helene of **Loudoun**, Virginia 22079, Member, appointed August 30, 2019, for a term of one year beginning July 1, 2019, and ending June 30, 2020, to fill a new seat.

Gaylene Kanoyton of **Hampton**, Virginia 23664, Member, appointed August 30, 2019, for a term of three years beginning July 1, 2019, and ending June 30, 2022, to fill a new seat.

Yvonne J. Lewis of **Virginia Beach**, Virginia 23452, Member, appointed August 30, 2019, for a term of three years beginning July 1, 2019, and ending June 30, 2022, to fill a new seat.

Monica Motley of **Danville**, Virginia 24541, Member, appointed August 30, 2019, for a term of two years beginning July 1, 2019, and ending June 30, 2021, to fill a new seat.

Precious Rasheeda Muhammad of **Suffolk**, Virginia 23434, Member, appointed August 30, 2019, for a term of one year beginning July 1, 2019, and ending June 30, 2020, to fill a new seat.

Cameron D. Patterson of **Farmville**, Virginia 23901, Member, appointed August 30, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to fill a new seat.

Monica L. Reid of **Alexandria**, Virginia 22309, Member, appointed August 30, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to fill a new seat.

Yvette Robinson of **Petersburg**, Virginia 23803, Member, appointed August 30, 2019, for a term of one year beginning July 1, 2019, and ending June 30, 2020, to fill a new seat.

Van Wilson of **Glen Allen**, Virginia 23060, Member, appointed August 30, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to fill a new seat.

Virginia Council on Women

Nicole B. Carry of **Norfolk**, Virginia 22401, Member, appointed August 16, 2019, for a term of three years beginning July 1, 2019, and ending June 30, 2022, to succeed Noor Khalidi.

Ramunda Lark Young of **Woodbridge**, Virginia 22193, Member, appointed August 16, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed Kathy Sawyer.

COMPACTS

Local Government Advisory Committee to the Chesapeake Bay Executive Council

Richard A. Baugh of **Harrisonburg**, Virginia 22801, Member, appointed September 6, 2019, to serve at the pleasure of the Governor, to succeed himself.

Ruby A. Brabo of **King George**, Virginia 22485, Member, appointed September 6, 2019, to serve at the pleasure of the Governor, to succeed herself.

Jasmine Gore of **Hopewell**, Virginia 23860, Member, appointed September 6, 2019, to serve at the pleasure of the Governor, to succeed herself.

Penelope A. Gross of **Alexandria**, Virginia 22312, Member, appointed September 6, 2019, to serve at the pleasure of the Governor, to succeed herself.

Andria McClellan of **Norfolk**, Virginia 23507, Member, appointed September 6, 2019, to serve at the pleasure of the Governor, to succeed herself.

Potomac River Fisheries Commission

Glen Wayne France of **Warsaw**, Virginia 22572, Member, appointed August 23, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed himself.

EDUCATION

Board of Trustees of the A.L. Philpott Manufacturing Extension Partnership (dba GENEDGE)

Peter Bale of **Wallops Island**, Virginia 23337, Member, appointed September 13, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed David Ronald Lohr.

Matthew Clarke of **Wytheville**, Virginia 24382, Member, appointed September 13, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed Kevin Dennis Creehan.

Tiffany M. Franks of **Danville**, Virginia 24541, Member, appointed September 20, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed herself.

Douglas Frost of **Purcellville**, Virginia 20132, Member, appointed September 13, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed himself.

James S. McEwan of **Holmes Beach, Florida** 34217, Member, appointed September 13, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed Kevin Neal Mumpower.

Jacqueline Gill Powell of **Danville**, Virginia 24540, Member, appointed September 13, 2019, to serve an unexpired term beginning July 1, 2016, and ending June 30, 2020, to succeed Bruce Scism.

Board of Trustees of the Frontier Culture Museum of Virginia

Kevin J. Callanan of **Stephens City**, Virginia 22655, Member, appointed September 13, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed himself.

Frank W. Nolen of **Grottoes**, Virginia 24441, Member, appointed September 13, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed himself.

Richard N. Ruby of **Staunton**, Virginia 24401, Member, appointed September 13, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed John Randolph Higgs.

Peggy Sheets of **Staunton**, Virginia 24401, Member, appointed September 13, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed herself.

Virginia Commission for the Arts

Robert Goudie of **Reston**, Virginia 20190, Member, appointed September 20, 2019, for a term of five years beginning July 1, 2019, and ending June 30, 2024, to succeed Grace Han Wolf.

Verdena R. Jennings of **Orange**, Virginia 22960, Member, appointed September 20, 2019, for a term of five years beginning July 1, 2019, and ending June 30, 2024, to succeed Lorita C. Daniels.

Michael T. Markley of **Remington**, Virginia 22734, Member, appointed September 20, 2019, for a term of five years beginning July 1, 2019, and ending June 30, 2024, to succeed Jo M. Hodgin.

Sushmita Mazumdar of **Arlington**, Virginia 22206, Member, appointed September 20, 2019, for a term of five years beginning July 1, 2019, and ending June 30, 2024, to succeed Jay H. Dick.

Jan P. Monroe of **Fredericksburg**, Virginia 22408, Member, appointed September 20, 2019, for a term of five years beginning July 1, 2019, and ending June 30, 2024, to succeed Ashleigh Maggard.

Barbara Parker of **Collinsville**, Virginia 24078, Member, appointed September 20, 2019, to serve an unexpired term beginning May 25, 2019, and ending June 30, 2021, to succeed Pattie Kathleen O'Hare.

Amanda Pillion of **Abingdon**, Virginia 24210, Member, appointed September 20, 2019, for a term of five years beginning July 1, 2019, and ending June 30, 2024, to succeed John Valle Rainero.

David Trinkle of **Roanoke**, Virginia 24014, Member, appointed September 20, 2019, for a term of five years beginning July 1, 2019, and ending June 30, 2024, to succeed himself.

HEALTH AND HUMAN RESOURCES

Advisory Council on PANDAS/PANS (Pediatric Autoimmune Neuropsychiatric Disorders Associated with Streptococcal Infections and Pediatric Acute-onset Neuropsychiatric Syndrome)

Teresa L. Champion of **Springfield**, Virginia 22153, Member, appointed August 16, 2019, for a term of two years beginning July 1, 2019, and ending June 30, 2021, to succeed herself.

Jessica Gavin of **Chesterfield**, Virginia 23832, Member, appointed August 16, 2019, for a term of two years beginning July 1, 2019, and ending June 30, 2021, to succeed herself.

David Jaffe of **Henrico**, Virginia 23233, Member, appointed August 16, 2019, for a term of two years beginning July 1, 2019, and ending June 30, 2021, to succeed himself.

Stefanie Levensalor of **Norfolk**, Virginia 23508, Member, appointed August 16, 2019, for a term of two years beginning July 1, 2019, and ending June 30, 2021, to succeed herself.

Stacey Link of **Moseley**, Virginia 23120, Member, appointed August 16, 2019, for a term of two years beginning July 1, 2019, and ending June 30, 2021, to succeed herself.

Melissa Nelson of **Richmond**, Virginia 23226, Member, appointed August 16, 2019, for a term of two years beginning July 1, 2019, and ending June 30, 2021, to succeed herself.

Aradhana Bela Sood of **Midlothian**, Virginia 23113, Member, appointed August 16, 2019, for a term of two years beginning July 1, 2019, and ending June 30, 2021, to succeed herself.

Susan E. Swedo of **McLean**, Virginia 22102, Member, appointed August 16, 2019, for a term of two years beginning July 1, 2019, and ending June 30, 2021, to succeed herself.

Wei Zhao of **Chesterfield**, Virginia 23836, Member, appointed August 16, 2019, for a term of two years beginning July 1, 2019, and ending June 30, 2021, to succeed himself.

Alzheimer's Disease and Related Disorders Commission

Laura Swanson Bowser of **Richmond**, Virginia 23225, Member, appointed August 23, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed herself.

L. Karen Darner of **Arlington**, Virginia 22206, Member, appointed August 23, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed Courtney S. Tierney.

Carol Manning of **Charlottesville**, Virginia 22903, Member, appointed August 23, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed herself.

Board of Audiology and Speech-Language Pathology

Corliss V. Booker of **Chester**, Virginia 23831, Member, appointed August 2, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed herself.

Kyttra L. Burge of **Manassas**, Virginia 20112, Member, appointed August 2, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed herself.

Board of Counseling

Johnston M. Brendel of **Williamsburg**, Virginia 23185, Member, appointed August 9, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed himself.

Danielle Hunt of **Richmond**, Virginia 23236, Member, appointed August 9, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed herself.

Board of Nursing

Yvette Dorsey of **Richmond**, Virginia 23222, Member, appointed August 16, 2019, to serve an unexpired term beginning June 29, 2019, and ending June 30, 2020, to succeed Joyce Ann Hahn.

James L. Hermansen-Parker of **Norfolk**, Virginia 23513, Member, appointed August 16, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed himself.

Dixie McElfresh of **Richmond**, Virginia 23223, Member, appointed August 16, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed herself.

Felisa Smith of **Portsmouth**, Virginia 23703, Member, appointed August 16, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed Trula Earle Minton.

Board of Pharmacy

James L. Jenkins, Jr., of **Mechanicsville**, Virginia 23111, Member, appointed August 23, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed himself.

William T. Lee of **Radford**, Virginia 24141, Member, appointed August 23, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed Rafael Saenz.

Board of Social Work

Angelia Allen of **Portsmouth**, Virginia 23704, Member, appointed September 20, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed herself.

Jamie Clancey of **Culpeper**, Virginia 22701, Member, appointed September 20, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed herself.

Employment Service Organization Steering Committee

James Fenerty of **Henrico**, Virginia 23060, Member, appointed September 20, 2019, for a term of three years beginning July 1, 2019, and ending June 30, 2022, to fill a new seat.

Alan Hargraves of **Richmond**, Virginia 23231, Member, appointed September 20, 2019, for a term of three years beginning July 1, 2019, and ending June 30, 2022, to fill a new seat.

State Board of Health

Wendy Klein of **Richmond**, Virginia 23238, Member, appointed August 9, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed herself.

James M. Shuler of **Blacksburg**, Virginia 24060, Member, appointed August 9, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed himself.

State Executive Council for Children's Services

Sophia V. Booker of **Richmond**, Virginia 23227, Member, appointed August 23, 2019, for a term of three years beginning July 1, 2019, and ending June 30, 2022, to succeed herself.

Andelicia M. Neville of **Richmond**, Virginia 23235, Member, appointed August 23, 2019, for a term of three years beginning July 1, 2019, and ending June 30, 2022, to succeed Jeanette S. Troyer.

Jessica Stern of **Glen Allen**, Virginia 23060, Member, appointed August 23, 2019, for a term of three years beginning July 1, 2019, and ending June 30, 2022, to succeed herself.

State Health Department Sewage Handling and Disposal Appeal Review Board

Bryan J. Allen of **Culpeper**, Virginia 22701, Member, appointed August 23, 2019, to serve at the pleasure of the Governor, to succeed Rodney Dean Stone.

Substance Abuse Services Council

Natale Christian of **Hampton**, Virginia 23666, Member, appointed August 30, 2019, for a term of three years beginning July 1, 2019, and ending June 30, 2022, to succeed James C. May.

Virginia Board for People with Disabilities

Dianna L. Banks of **Culpeper**, Virginia 22701, Member, appointed August 16, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed George R. Burak.

Theresa Simonds Casselman of **Fairfax**, Virginia 22031, Member, appointed August 16, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed herself.

Allison Coles-Johnson of **Richmond**, Virginia 23223, Member, appointed August 16, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed herself.

Madeline H. Nunnally of **Henrico**, Virginia 23294, Member, appointed August 16, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed Jarl K. Jackson.

Lindsay Pearse of **Arlington**, Virginia 22204, Member, appointed August 16, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed Rachel Laughlin.

Vasantha K. Rayman of **Annandale**, Virginia 22003, Member, appointed August 16, 2019, to serve an unexpired term beginning March 9, 2019, and ending June 30, 2022, to succeed Atima Omara.

Chandra Robinson of **Aylett**, Virginia 23009, Member, appointed August 16, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed Alexis Nicole Nichols.

Alexus Smith of **South Boston**, Virginia 24592, Member, appointed August 16, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed herself.

Virginia Foundation for Healthy Youth

Andrew Goodwin of **Takoma Park**, Virginia 20912, Member, appointed August 30, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed himself.

Patrick J. Hughes, Sr., of **Richmond**, Virginia 23238, Member, appointed August 30, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed Sandy L. Chung.

Robert Leek of **Williamsburg**, Virginia 23185, Member, appointed August 30, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed Kris E. Kennedy.

Teresa Tyson of **Coeburn**, Virginia 24230, Member, appointed August 30, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed herself.

INDEPENDENT

Virginia College Savings Plan Board

Reginald Samuel of **Spotsylvania**, Virginia 22551, Member, appointed August 9, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed himself.

Lauren K. Stack of **Alexandria**, Virginia 22314, Member, appointed August 9, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed Shawn P. McLaughlin.

Virginia Foundation for the Humanities and Public Policy

William M. Habeeb of **Arlington**, Virginia 22207, Member, appointed August 2, 2019, for a term of three years beginning July 1, 2019, and ending June 30, 2022, to succeed himself.

Lenneal J. Henderson, Jr., of **Claremont**, Virginia 23899, Member, appointed August 2, 2019, for a term of three years beginning July 1, 2019, and ending June 30, 2022, to succeed himself.

Iris E. Holliday of **North Chesterfield**, Virginia 23235, Member, appointed August 2, 2019, for a term of three years beginning July 1, 2019, and ending June 30, 2022, to succeed Edward A. Mullen.

Sylvester Johnson of **Blacksburg**, Virginia 24060, Member, appointed August 2, 2019, for a term of three years beginning July 1, 2019, and ending June 30, 2022, to succeed Daphne B. Reid.

LEGISLATIVE

Capitol Square Preservation Council

Missy Benson of **Richmond**, Virginia 23229, Member, appointed August 23, 2019, for a term of three years beginning July 1, 2019, and ending June 30, 2022, to succeed Robert Maury McGinnis.

Andrew H. Talkov of **Richmond**, Virginia 23225, Member, appointed August 23, 2019, for a term of three years beginning July 1, 2019, and ending June 30, 2022, to succeed himself.

Conflict of Interest and Ethics Advisory Council

Sharon E. Pandak of **Woodbridge**, Virginia 22192, Member, appointed August 2, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed herself.

NATURAL RESOURCES

Board of Conservation and Recreation

Nancy Hull Davidson of **Richmond**, Virginia 23225, Member, appointed August 9, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed herself.

Dexter C. Hurt of **Richmond**, Virginia 23226, Member, appointed August 9, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed himself.

Camille C. Touton of **Arlington**, Virginia 22206, Member, appointed August 9, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed Vincent Marco Burgess.

Board of Historic Resources

Jeffrey A. Harris of **Hampton**, Virginia 23669, Member, appointed August 23, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed Clyde Paul Smith.

Karice Luck-Brimmer of **Danville**, Virginia 24540, Member, appointed August 23, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed Frederick S. Fisher.

Mount Vernon Board of Visitors

Beau Blevins of **Richmond**, Virginia 23220, Member, appointed August 2, 2019, for a term of four years beginning May 1, 2019, and ending April 30, 2023, to succeed himself.

Sheila Coates of **Herndon**, Virginia 20170, Member, appointed August 2, 2019, for a term of four years beginning May 1, 2019, and ending April 30, 2023, to succeed herself.

Potomac Aquifer Recharge Oversight Committee

William J. Mann, Jr., of **Williamsburg**, Virginia 23188, Member, appointed August 9, 2019, for a term of two years beginning July 1, 2019, and ending July 1, 2021, to fill a new seat.

M. Douglas Powell of **Williamsburg**, Virginia 23188, Member, appointed August 9, 2019, for a term of two years beginning July 1, 2019, and ending July 1, 2021, to fill a new seat.

State Water Control Board

Heather Wood of **Norfolk**, Virginia 23507, Member, appointed September 20, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed herself.

Virginia Coastal Land Management Advisory Council

Jill Bieri of **Nassawadox**, Virginia 23413, Member, appointed August 2, 2019, for a term of three years beginning July 1, 2019, and ending June 30, 2022, to succeed herself.

Hali Plourde-Rogers of **Onancock**, Virginia 23417, Member, appointed August 2, 2019, for a term of three years beginning July 1, 2019, and ending June 30, 2022, to succeed Curt Smith.

Virginia Marine Resources Commission

Glen Wayne France of **Warsaw**, Virginia 22572, Member, appointed August 23, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed himself.

John Edmund Tankard III of **Eastville**, Virginia 23347, Member, appointed August 16, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed himself.

PUBLIC SAFETY AND HOMELAND SECURITY

Advisory Committee on Juvenile Justice and Prevention

Lena Baker-Scott of **Suffolk**, Virginia 23435, Member, appointed September 20, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed herself.

Marilyn G. Brown of **Henrico**, Virginia 23229, Member, appointed September 20, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed herself.

Ngan Bui of **Richmond**, Virginia 23234, Member, appointed September 20, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to fill a new seat.

David Johnson of **Henrico**, Virginia 23233, Member, appointed September 20, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed himself.

Julie E. McConnell of **Henrico**, 23229, Member, appointed September 20, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed herself.

Samuel Perez of **Manassas**, Virginia 20109, Member, appointed September 20, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed himself.

Paul Taylor of **Richmond**, Virginia 23220, Member, appointed September 20, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to fill a new seat.

Lawrence L. Webb of **Falls Church**, Virginia 22046, Member, appointed September 20, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed himself.

Amy Woolard of **Charlottesville**, Virginia 22046, Member, appointed September 20, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed herself.

Advisory Committee on Sexual and Domestic Violence

Kathleen Anderson of **Fredericksburg**, Virginia 22401, Member, appointed September 20, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed herself.

Teresa Berry of **Hardy**, Virginia 24101, Member, appointed September 20, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed herself.

Autumn L. Jones of **Arlington**, Virginia 22193, Member, appointed September 20, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed herself.

Warren Rodgers, Jr., of **Patrick Springs**, Virginia 24133, Member, appointed September 20, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed himself.

Mindy Stell of **Dinwiddie**, Virginia 23841, Member, appointed September 20, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed herself.

Toni Zollicoffer of **Fairfax**, Virginia 22060, Member, appointed September 20, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed Chans Lyn Ramsey.

Board of Juvenile Justice

Dana Schrad of **Glen Allen**, Virginia 23116, Member, appointed September 20, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed herself.

Gregory Underwood of **Norfolk**, Virginia 23504, Member, appointed September 20, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed Michael Nehemiah Herring.

Jennifer Woolard of **Bristow**, Virginia 20136, Member, appointed September 20, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed herself.

Criminal Justice Services Board

Jagdish Katyal, Jr., of **Arlington**, Virginia 22207, Member, appointed September 6, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed Robert D. Soles.

Scientific Advisory Committee

Leslie Edinboro of **Henrico**, Virginia 20151, Member, appointed September 6, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed himself.

George Maha of **Chapel Hill, North Carolina** 27215, Member, appointed September 6, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed himself.

Jami St. Clair of **Ostrander, Ohio** 43061, Member, appointed September 6, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed herself.

Kenneth Zercie of **Madison, Connecticut** 06443, Member, appointed September 6, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed himself.

Virginia Parole Board

Kemba Smith Pradia of **Richmond**, Virginia 23462, Member, appointed September 20, 2019, to serve at the pleasure of the Governor, to succeed Jean Cunningham.

TRANSPORTATION

Virginia Aviation Board

Vanessa Christie of **Virginia Beach**, Virginia 23455, Member, appointed September 6, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed Cheryl P. McLeskey.

Roderick D. Hall of **Woodbridge**, Virginia 22191, Member, appointed September 6, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed himself.

Derek M. Hardwick of **Alexandria**, Virginia 22304, Member, appointed September 6, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed himself.

Maggie A. Ragon of **Staunton**, Virginia 2440, Member, appointed September 6, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed John Victor Mazza.

Virginia Commercial Space Flight Authority Board of Directors

Edward Bolton of **Alexandria**, Virginia 22314, Member, appointed September 13, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed John R. Broderick.

James D. McArthur, Jr., of **Suffolk**, Virginia 23435, Member, appointed September 13, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed himself.

VETERANS AND DEFENSE AFFAIRS**Veterans Services Foundation Board of Trustees**

Robin Beres of **Richmond**, Virginia 23229, Member, appointed August 16, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed Thomas V. Mulrine.

Nicole B. Carry of **Norfolk**, Virginia 23229, Member, appointed August 16, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed herself.

Jack O. Lanier of **Richmond**, Virginia 23220, Member, appointed August 16, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed himself.

SENATE JOINT RESOLUTION NO. 44

Confirming appointments by the Governor of certain persons communicated to the General Assembly August 1, 2019.

Agreed to by the Senate, January 27, 2020

Agreed to by the House of Delegates, February 5, 2020

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly confirm the following appointments of certain persons made by Governor Ralph Northam and communicated to the General Assembly August 1, 2019.

AGENCY HEAD

Valerie P. Boykin of **Suffolk**, Virginia 23439, Director, Department of Juvenile Justice, to serve at the pleasure of the Governor beginning April 19, 2019, to succeed Andrew K. Block Jr.

AGRICULTURE AND FORESTRY**Board for Agriculture and Consumer Services**

Shelley S. Butler Barlow of **Suffolk**, Virginia 23432, Member, appointed July 12, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed herself.

Cecil E. Shell of **Kenbridge**, Virginia 23944, Member, appointed July 12, 2019, to serve an unexpired term beginning July 1, 2019, and ending June 30, 2021, to succeed Robert Mills Jr.

Kay Johnson Smith of **Arlington**, Virginia 22204, Member, appointed July 12, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed herself.

Margaret Ann Smith of **Lexington**, Virginia 24450, Member, appointed July 12, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed Rosalea Potter.

O. Bryan Taliaferro, Jr., of **Center Cross**, Virginia 22437, Member, appointed July 12, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed himself.

Horse Industry Board

John T. Wise of **Staunton**, Virginia 24401, Member, appointed July 26, 2019, for a term of three years beginning July 1, 2019, and ending June 30, 2022, to succeed himself.

Small Grains Board

Delores C. Darden of **Smithfield**, Virginia 23430, Member, appointed June 7, 2019, for a term of three years beginning September 1, 2018, and ending August 31, 2021, to succeed herself.

AUTHORITIES**Virginia Biotechnology Research Partnership Authority**

James Robert Mooney of **Richmond**, Virginia 23236, Member, appointed June 28, 2019, for a term of three years beginning July 1, 2019, and ending June 30, 2022, to succeed himself.

Vida C. Williams of **Henrico**, Virginia 23231, Member, appointed June 28, 2019, for a term of three years beginning July 1, 2019, and ending June 30, 2022, to succeed herself.

COMMERCE AND TRADE**Board for Hearing Aid Specialists and Opticians**

Melissa A. Gill of **Lynchburg**, Virginia 24501, Member, appointed July 26, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed herself.

Board for Professional and Occupational Regulation

Joseph M. Montano of **Manassas**, Virginia 20112, Member, appointed July 12, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed Eugene I. Goldman.

Board for Professional Soil Scientists, Wetland Professionals, and Geologists

Carlyle Robin Jones of **Richmond**, Virginia 23218, Member, appointed July 19, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed herself.

Board for Waste Management Facility Operators

Leslie D. Beckwith of **Sandston**, Virginia 23150, Member, appointed June 28, 2019, to serve an unexpired term beginning July 1, 2017, and ending June 30, 2021, to succeed Justin L. Williams.

Board of Accountancy

D. Brian Carson of **Virginia Beach**, Virginia 23456, Member, appointed June 28, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed himself.

Nadia A. Rogers of **Blacksburg**, Virginia 24060, Member, appointed June 28, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed Susan Q. Ferguson.

Fair Housing Board

Scott Astrada of **Alexandria**, Virginia 22303, Member, appointed June 7, 2019, to serve an unexpired term beginning March 4, 2019, and ending June 30, 2021, to succeed Abigail Anne Davis Spanberger.

Amanda Buyalos of **Roanoke**, Virginia 24018, Member, appointed June 7, 2019, for a term of four years beginning July 1, 2018, and ending June 30, 2022, to succeed Robert Wilfred Schaberg.

Sherman Gillums, Jr., of **Gainesville**, Virginia 20155, Member, appointed June 7, 2019, to serve an unexpired term beginning May 2, 2016, and ending June 30, 2019, to succeed Linda G. Broady-Myers.

T. Nicole Hebbe of **Sandston**, Virginia 23150, Member, appointed June 7, 2019, for a term of four years beginning July 1, 2018, and ending June 30, 2022, to succeed Andrew J. Reisinger.

Myra E. Howard of **Richmond**, Virginia 23230, Member, appointed June 7, 2019, for a term of four years beginning July 1, 2018, and ending June 30, 2022, to succeed herself.

Linda R. Melton of **Glen Allen**, Virginia 23060, Member, appointed June 7, 2019, for a term of four years beginning July 1, 2018, and ending June 30, 2022, to succeed herself.

Innovation and Entrepreneurship Investment Authority

Marilyn C. Crouther of **Herndon**, Virginia 20171, Member, appointed July 12, 2019, for a term of two years beginning July 1, 2019, and ending June 30, 2021, to succeed Jonathan Moss Aberman.

Bernard Mustafa of **Ashburn**, Virginia 20148, Member, appointed July 12, 2019, for a term of two years beginning July 1, 2019, and ending June 30, 2021, to succeed himself.

Latino Advisory Board

Manuel E. Leiva of **Leesburg**, Virginia 20176, Member, appointed June 14, 2019, to serve an unexpired term beginning December 2, 2018, and ending June 30, 2022, to succeed Mercedes Suhail Santos-Bell.

Real Estate Board

Sharon P. Johnson of **Boydton**, Virginia 23917, Member, appointed June 21, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed herself.

Virginia Economic Development Partnership Committee on International Trade

Stuart S. Malawer of **Great Falls**, Virginia 22066, Member, appointed June 7, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed himself.

Virginia Small Business Financing Authority

John Hopper of **Richmond**, Virginia 23229, Member, appointed June 28, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed himself.

Ronnie Nelson Johnson of **Richmond**, Virginia 23241, Member, appointed June 28, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed himself.

Michael Joyce of **Richmond**, Virginia 23221, Member, appointed June 28, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed himself.

COMPACTS**Washington Metrorail Safety Commission**

Mark V. Rosenker of **McLean**, Virginia 22101, Member, appointed July 19, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed himself.

EDUCATION**Board of Education**

Pamela L. Davis-Vaught of **Abingdon**, Virginia 24210, Member, appointed July 26, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed Tamara Wallace.

Daniel A. Gecker of **Richmond**, Virginia 23235, Member, appointed July 26, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed himself.

Tammy L. Mann of **Fairfax**, Virginia 22032, Member, appointed July 26, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed Elizabeth Lodal.

Board of Trustees of the Science Museum of Virginia

Richard S. Groover of **Mechanicsville**, Virginia 23116, Member, appointed July 12, 2019, for a term of five years beginning July 1, 2019, and ending June 30, 2024, to succeed himself.

Eucharía N. Jackson of **Richmond**, Virginia 23238, Member, appointed July 12, 2019, for a term of five years beginning July 1, 2019, and ending June 30, 2024, to succeed herself.

Tiffany Jana of **Richmond**, Virginia 23222, Member, appointed July 12, 2019, for a term of five years beginning July 1, 2019, and ending June 30, 2024, to succeed herself.

Board of Visitors of Christopher Newport University

Robert Hatten of **Gloucester**, Virginia 23061, Member, appointed June 7, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed himself.

Steven Kast of **Poquoson**, Virginia 23662, Member, appointed June 7, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed himself.

Board of Visitors of the College of William and Mary

Mari Carmen Aponte of **Washington, District of Columbia** 20008, Member, appointed June 7, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed Todd Stottlemeyer.

James A. Hixon of **Virginia Beach**, Virginia 23452, Member, appointed June 7, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed himself.

Charles E. Poston of **Norfolk**, Virginia 23505, Member, appointed June 7, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed Thomas Frantz.

Karen Kennedy Schultz of **Winchester**, Virginia 22601, Member, appointed June 7, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed herself.

Board of Visitors of George Mason University

Simmi Bhuller of **Falls Church**, Virginia 22043, Member, appointed June 7, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed Karen Alcade.

Carolyn Moss of **McLean**, Virginia 22102, Member, appointed June 7, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed Shawn Purvis.

Juan Iturregui of **Bethesda, Maryland** 20816, Member, appointed June 7, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed David Petersen.

Mehmood Kazmi of **Great Falls**, Virginia 22066, Member, appointed June 7, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed Stephen Cumbie.

Board of Visitors of James Madison University

Jeffrey Grass of **Arlington**, Virginia 22209, Member, appointed June 7, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed himself.

Matthew Gray-Kneeling of **Richmond**, Virginia 23226, Member, appointed June 7, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed himself.

Maria Jankowski of **Richmond**, Virginia 23221, Member, appointed June 7, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed herself.

Deborah Johnson of **Woodbridge**, Virginia 22191, Member, appointed June 7, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed herself.

Craig Welburn of **Manassas**, Virginia 20112, Member, appointed June 7, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed himself.

Board of Visitors of Longwood University

Michael A. Evans of **Mechanicsville**, Virginia 23116, Member, appointed June 7, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed himself.

David H. Hallock, Jr., of **Richmond**, Virginia 23225, Member, appointed June 7, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed himself.

Nancy H. "Cookie" Scott of **Midlothian**, Virginia 23112, Member, appointed June 7, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed Marianne Radcliff.

Board of Visitors of Norfolk State University

Mary Blunt of **Chesapeake**, Virginia 23322, Member, appointed June 7, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed Ann Adams.

Kim Brown of **Chesapeake**, Virginia 23322, Member, appointed June 7, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed Kenneth Crowder.

Michael Helpinstill of **Williamsburg**, Virginia 23188, Member, appointed June 7, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed himself.

Harry Watkins of **Richmond**, Virginia 23222, Member, appointed June 7, 2019, to serve an unexpired term beginning January 1, 2019, and ending June 30, 2021, to succeed Byron Cherry.

Board of Visitors of Old Dominion University

Yvonne Allmond of **Norfolk**, Virginia 23508, Member, appointed June 7, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed herself.

Robert Broermann of **Virginia Beach**, Virginia 23454, Member, appointed June 7, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed Robert Tata.

Peter G. Decker III of **Norfolk**, Virginia 23510, Member, appointed June 7, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed Michael Henry.

Board of Visitors of Radford University

Mark S. Lawrence of **Roanoke**, Virginia 24014, Member, appointed June 7, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed himself.

David Smith of **Roanoke**, Virginia 24019, Member, appointed June 7, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed Randolph J. Marcus.

Lisa Throckmorton of **Vienna**, Virginia 22182, Member, appointed June 7, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed herself.

Board of Visitors of the University of Mary Washington

Heather Mullins Crislip of **Richmond**, Virginia 23220, Member, appointed June 7, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed herself.

Deborah A. Santiago of **Arlington**, Virginia 22206, Member, appointed June 7, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed Davis Rennolds.

Rhonda VanLowe of **Reston**, Virginia 20191, Member, appointed June 7, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed herself.

Board of Visitors of the University of Virginia and Affiliated Schools

Whittington W. Clement of **Richmond**, Virginia 23226, Member, appointed June 7, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed himself.

Louis S. Haddad of **Virginia Beach**, Virginia 23462, Member, appointed June 7, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed Tammy Murphy.

Angela Hucles Mangano of **Los Angeles, California** 90293, Member, appointed June 7, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed Jeffrey Walker.

James V. Reyes of **Washington, District of Columbia** 20016, Member, appointed June 7, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed himself.

Board of Visitors of Virginia Commonwealth University

Pamela K. El of **St. Petersburg, Florida** 33701, Member, appointed June 7, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed Ronald McFarlane.

Carolina Espinal of **Arlington**, Virginia 22204, Member, appointed June 7, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed Jacquelyn Stone.

Coleen Santa Ana of **Elizabeth City, North Carolina** 27909, Member, appointed June 7, 2019, to serve an unexpired term beginning January 5, 2019, and ending June 30, 2022, to succeed Phoebe Hall.

Alexis N. Swann of **Yorktown**, Virginia 23693, Member, appointed June 7, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed Carol Shapiro.

Shantaram Talegaonkar of **North Chesterfield**, Virginia 23236, Member, appointed June 7, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed himself.

Board of Visitors of Virginia Military Institute

Lara Tyler Chambers of **Manakin-Sabot**, Virginia 23103, Member, appointed June 7, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed herself.

Michael L. Hamlar of **Roanoke**, Virginia 24015, Member, appointed June 7, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed Brian Deter.

David L. Miller of **Brentwood, Tennessee** 37027, Member, appointed June 7, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed himself.

Eugene Scott, Jr., of **Richmond**, Virginia 23238, Member, appointed June 7, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed himself.

Board of Visitors of Virginia Polytechnic Institute and State University

C.T. Hill of **Manakin-Sabot**, Virginia 23103, Member, appointed June 7, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed himself.

Sharon Brickhouse Martin of **Fairfax**, Virginia 22033, Member, appointed June 7, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed Mehmood Kazmi.

Melissa Byrne Nelson of **Richmond**, Virginia 23226, Member, appointed June 7, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed Deborah Petrine.

Board of Visitors of the Virginia School for the Deaf and the Blind

J. H. Cline, Jr., of **Staunton**, Virginia 24401, Member, appointed June 21, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed Virgil Aldwin Cook.

Board of Visitors of Virginia State University

Michael Flemming of **Alexandria**, Virginia 22302, Member, appointed June 7, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed himself.

Raul R. Herrera of **Burke**, Virginia 22015, Member, appointed June 7, 2019, to serve an unexpired term beginning August 28, 2018, and ending June 30, 2022, to succeed Ruth Sandoval.

Glenn D. Sessoms of **Cordova, Tennessee** 38018, Member, appointed June 7, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed himself.

Wayne Turnage of **Washington, District of Columbia** 20003, Member, appointed June 7, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed himself.

State Board for Community Colleges

David Broder of **Vienna**, Virginia 22181, Member, appointed June 7, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed himself.

Douglas Garcia of **Fairfax**, Virginia 22033, Member, appointed June 7, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed himself.

Rajiv K. Narang of **McLean**, Virginia 22182, Member, appointed June 7, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed William Hall.

Richard S. Reynolds III of **Manakin-Sabot**, Virginia 23103, Member, appointed June 7, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed Carolyn Berkowitz.

Terri Thompson of **Chesapeake**, Virginia 23320, Member, appointed June 7, 2019, to serve an unexpired term beginning October 1, 2019, and ending June 30, 2021, to succeed Yohannes Abraham.

State Council of Higher Education for Virginia

Marianne M. Radcliff of **Richmond**, Virginia 23235, Member, appointed June 7, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed Minnis Ridenour.

Katharine M. Webb of **Richmond**, Virginia 23226, Member, appointed June 7, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed herself.

FINANCE

Board of the Virginia Public Building Authority

Carolyn Bishop of **Powhatan**, Virginia 23139, Member, appointed June 21, 2019, for a term of five years beginning July 1, 2019, and ending June 30, 2024, to succeed herself.

HEALTH AND HUMAN RESOURCES

Advisory Board for the Virginia Department for the Deaf and Hard-of-Hearing

Traci D. Branch of **Chester**, Virginia 23836, Member, appointed July 26, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed herself.

Carrie N.H. Humphrey of **Henrico**, Virginia 23229, Member, appointed July 26, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed herself.

Roy B. Martin IV of **Norfolk**, Virginia 23505, Member, appointed July 26, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed himself.

Jason Zuccari of **Fairfax**, Virginia 22031, Member, appointed July 26, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed himself.

Advisory Board of Occupational Therapy

Breshae Bedward of **Charles City**, Virginia 23030, Member, appointed July 26, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed herself.

Dwayne Pitre of **Charlottesville**, Virginia 22901, Member, appointed July 26, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed himself.

Assistive Technology Loan Fund Authority Board of Directors

Ronald L. Lanier of **Richmond**, Virginia 23223, Member, appointed July 12, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed Michael E. VanDyke.

Sarah A. Liddle of **Shawsville**, Virginia 24162, Member, appointed July 12, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed herself.

Board for the Blind and Vision Impaired

Debra Helms of **Roanoke**, Virginia 24015, Member, appointed July 19, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed herself.

Board of Medical Assistance Services

Michael H. Cook of **Alexandria**, Virginia 22302, Member, appointed June 28, 2019, for a term of four years beginning March 8, 2019, and ending March 7, 2023, to succeed himself.

Alexis Y. Edwards of **Norfolk**, Virginia 23523, Member, appointed June 28, 2019, for a term of four years beginning March 8, 2019, and ending March 7, 2023, to succeed herself.

Maureen Hollowell of **Norfolk**, Virginia 23502, Member, appointed June 28, 2019, for a term of four years beginning March 8, 2019, and ending March 7, 2023, to succeed herself.

B. Cameron Webb of **Charlottesville**, Virginia 22902, Member, appointed June 28, 2019, to serve an unexpired term beginning June 4, 2019, and ending March 7, 2020, to succeed Cara Coleman.

Board of Optometry

Devon Cabot of **Woodbridge**, Virginia 22192, Member, appointed July 19, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed herself.

Lisa Wallace-Davis of **Hampton**, Virginia 23666, Member, appointed July 19, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed herself.

Board of Physical Therapy

Tracey Adler of **Richmond**, Virginia 23226, Member, appointed June 21, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed herself.

Arkena Dailey of **Hampton**, Virginia 23669, Member, appointed June 21, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed herself.

Family and Children's Trust Fund Board of Trustees

Virginia Powell of **Richmond**, Virginia 23225, Member, appointed June 7, 2019, to serve an unexpired term beginning April 22, 2019, and ending June 30, 2021, to succeed John E. Oliver.

State Emergency Medical Services Advisory Board

Beth Adams of Haymarket, Virginia 20169, Member, appointed July 26, 2019, to serve an unexpired term beginning April 2, 2019, and ending June 30, 2021, to succeed Jose V. Salazar.

INDEPENDENT**Virginia Commonwealth University Health System Authority Board of Directors**

May H. Fox of Richmond, Virginia 23226, Member, appointed July 12, 2019, for a term of three years beginning July 1, 2019, and ending June 30, 2022, to succeed herself.

Michelle Whitehurst-Cook of Highland Springs, Virginia 23075, Member, appointed July 12, 2019, for a term of three years beginning July 1, 2019, and ending June 30, 2022, to succeed herself.

JUDICIAL**Virginia Indigent Defense Commission**

Henry L. Chambers, Jr., of Richmond, Virginia 23238, Member, appointed July 12, 2019, for a term of three years beginning July 1, 2019, and ending June 30, 2022, to succeed himself.

Adeola Ogunkeyede of Midlothian, Virginia 23112, Member, appointed July 12, 2019, for a term of three years beginning July 1, 2019, and ending June 30, 2022, to succeed James Hingeley.

LEGISLATIVE**Virginia Freedom of Information Advisory Council**

Matthew Conrad of Richmond, Virginia 23223, Member, appointed July 26, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed Stephanie Hamlett.

Virginia Housing Commission

J. Forest Hayes of Waterford, Virginia 20197, Member, appointed July 12, 2019, to serve an unexpired term beginning April 2, 2019, and ending June 30, 2020, to succeed Cynthia B. Hall.

NATURAL RESOURCES**Cave Board**

Daniel H. Doctor of Reston, Virginia 20191, Member, appointed July 12, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed himself.

John H. Graves of Luray, Virginia 22835, Member, appointed July 12, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed himself.

Meredith Hall Weberg of Woodbridge, Virginia 22191, Member, appointed July 12, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed herself.

TRANSPORTATION**Commonwealth Transportation Board**

Cedric Bernard Rucker of Fredericksburg, Virginia 22401, Member, appointed June 28, 2019, to serve an unexpired term beginning December 6, 2018, and ending June 30, 2022, to succeed Henry L. Connors.

VETERANS AND DEFENSE AFFAIRS**Board of Veteran Services**

Thurraya S. Kent of Annandale, Virginia 22003, Member, appointed July 12, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed Nickolaus William Kesler.

Kathleen P. Owens of Virginia Beach, Virginia 23454, Member, appointed July 12, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed Joana Concepcion Garcia.

Joint Leadership Council of Veterans Service Organizations

Michael D. Boyle of Virginia Beach, Virginia 23464, Member, appointed July 26, 2019, to serve an unexpired term beginning July 1, 2018, and ending June 30, 2021, to succeed Glenn Robert Rodriguez.

SENATE JOINT RESOLUTION NO. 45

Confirming appointments by the Governor of certain persons communicated to the General Assembly June 1, 2019.

Agreed to by the Senate, January 27, 2020

Agreed to by the House of Delegates, February 5, 2020

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly confirm the following appointments of certain persons made by Governor Ralph Northam and communicated to the General Assembly June 1, 2019.

ADMINISTRATION**State Board of Elections**

Robert H. Brink of Arlington, Virginia 22207, Member, appointed March 8, 2019, for a term of four years beginning February 1, 2019, and ending January 31, 2023, to succeed James B. Alcorn.

Jamilah D. LeCruise of Norfolk, Virginia 23510, Member, appointed March 8, 2019, for a term of four years beginning February 1, 2019, and ending January 31, 2023, to succeed Singleton Beryl McAllister.

John M. O'Bannon of Richmond, Virginia 23229, Member, appointed March 8, 2019, for a term of four years beginning February 1, 2019, and ending January 31, 2023, to succeed Clara Belle Wheeler.

AGRICULTURE AND FORESTRY

Cattle Industry Board

Jared Burner of **Luray**, Virginia 22835, Member, appointed January 25, 2019, for a term of four years beginning July 1, 2018, and ending June 30, 2022, to fill a new seat.

W. David Coleman of **Amelia**, Virginia 23002, Member, appointed January 25, 2019, for a term of two years beginning July 1, 2018, and ending June 30, 2020, to fill a new seat.

Steven K. Furrow of **Rocky Mount**, Virginia 24151, Member, appointed February 22, 2019, for a term of four years beginning July 1, 2018, and ending June 30, 2022, to fill a new seat.

Matthew C. Hill of **Duffield**, Virginia 24244, Member, appointed January 25, 2019, for a term of two years beginning July 1, 2018, and ending June 30, 2020, to fill a new seat.

Perry J. Huffman of **Lexington**, Virginia 24450, Member, appointed January 25, 2019, for a term of four years beginning July 1, 2018, and ending June 30, 2022, to fill a new seat.

H. Richard Lloyd of **Bumpass**, Virginia 23024, Member, appointed January 25, 2019, for a term of two years beginning July 1, 2018, and ending June 30, 2020, to fill a new seat.

Cecelia C. Moyer of **Amelia**, Virginia 23002, Member, appointed January 25, 2019, for a term of four years beginning July 1, 2018, and ending June 30, 2022, to fill a new seat.

Paige Johnson Pratt of **Atkins**, Virginia 24311, Member, appointed January 25, 2019, for a term of four years beginning July 1, 2018, and ending June 30, 2022, to fill a new seat.

Walter H. Shelton, Jr., of **Gretna**, Virginia 24557, Member, appointed January 25, 2019, for a term of four years beginning July 1, 2018, and ending June 30, 2022, to fill a new seat.

John Henry Anderson Smith, IV of **Rosedale**, Virginia 24280, Member, appointed January 25, 2019, for a term of two years beginning July 1, 2018, and ending June 30, 2020, to fill a new seat.

William A. Tucker of **Amherst**, Virginia 24521, Member, appointed January 25, 2019, for a term of two years beginning July 1, 2018, and ending June 30, 2020, to fill a new seat.

Charitable Gaming Board

Tanya Conrad of **Newport News**, Virginia 23608, Member, appointed February 22, 2019, for a term of four years beginning July 1, 2018, and ending June 30, 2022, to succeed herself.

Lea Roberts of **Virginia Beach**, Virginia 23455, Member, appointed February 22, 2019, for a term of four years beginning July 1, 2018, and ending June 30, 2022, to succeed Randy Green.

Amy L. Solares of **Virginia Beach**, Virginia 23456, Member, appointed February 22, 2019, for a term of four years beginning July 1, 2018, and ending June 30, 2022, to succeed herself.

Corn Board

M. Heath Bray of **Urbanna**, Virginia 23175, Member, appointed March 8, 2019, for a term of three years beginning July 1, 2018, and ending June 30, 2021, to succeed himself.

Ray G. Keating of **Norfolk**, Virginia 23502, Member, appointed March 29, 2019, for a term of three years beginning July 1, 2018, and ending June 30, 2021, to succeed Gerald Underwood.

Charles D. McGhee of **Mechanicsville**, Virginia 23116, Member, appointed March 8, 2019, for a term of three years beginning July 1, 2018, and ending June 30, 2021, to succeed himself.

Cotton Board

Philip F. Edwards, III of **Smithfield**, Virginia 23430, Member, appointed March 15, 2019, for a term of three years beginning September 26, 2018, and ending September 25, 2021, to succeed himself.

James S. Ferguson, Sr., of **Emporia**, Virginia 23847, Member, appointed March 15, 2019, for a term of three years beginning September 26, 2018, and ending September 25, 2021, to succeed himself.

Monte K. Walden, Sr., of **Suffolk**, Virginia 23437, Member, appointed March 15, 2019, for a term of three years beginning September 26, 2018, and ending September 25, 2021, to succeed himself.

Potato Board

William S. Floyd of **Machipongo**, Virginia 23405, Member, appointed April 19, 2019, for a term of four years beginning June 20, 2017, and ending June 19, 2021, to succeed himself.

Jimmy Holland of **New Church**, Virginia 23415, Member, appointed May 17, 2019, for a term of four years beginning July 1, 2018, and ending June 30, 2022, to succeed himself.

John P. Holland of **Salisbury, Maryland** 21804, Member, appointed May 17, 2019, to serve an unexpired term beginning June 20, 2017, and ending June 19, 2021, to succeed Leonard Bruce Holland.

Sheep Industry Board

James A. Mumaw of **Linville**, Virginia 22834, Member, appointed April 5, 2019, to serve an unexpired term beginning January 24, 2019, and ending March 8, 2020, to succeed Daniel G. Hadacek.

Small Grains Board

Dave Black of **Charles City**, Virginia 23030, Member, appointed May 24, 2019, for a term of three years beginning September 1, 2018, and ending August 31, 2021, to succeed himself.

Michael Downing of **Lottsburg**, Virginia 22511, Member, appointed April 5, 2019, for a term of three years beginning September 1, 2018, and ending August 31, 2021, to succeed himself.

Lynn Gayle of Onancock, Virginia 23417, Member, appointed April 5, 2019, for a term of three years beginning September 1, 2018, and ending August 31, 2021, to succeed himself.

Candice M. Wilson of West Point, Virginia 23181, Member, appointed April 5, 2019, for a term of three years beginning September 1, 2018, and ending August 31, 2021, to succeed herself.

AUTHORITIES

Hampton Roads Sanitation District Commission

Michael E. Glenn of Norfolk, Virginia 23508, Member, appointed May 24, 2019, for a term of four years beginning June 8, 2019, and ending June 7, 2023, to succeed himself.

Willie Levenston of Portsmouth, Virginia 23701, Member, appointed May 24, 2019, for a term of four years beginning June 8, 2019, and ending June 7, 2023, to succeed himself.

Molly J. Ward of Hampton, Virginia 23669, Member, appointed May 24, 2019, to serve an unexpired term beginning May 3, 2019, and ending June 7, 2020, to succeed Ann Watkins Templeman.

Virginia Alcoholic Beverage Control Authority Board of Directors

Mark E. Rubin of Richmond, Virginia 23227, Member, appointed April 26, 2019, for a term of five years beginning January 15, 2019, and ending January 14, 2024, to succeed himself.

COMMERCE AND TRADE

Apprenticeship Council

Latitia D. McCane of Suffolk, Virginia 23435, Member, appointed March 29, 2019, to serve an unexpired term beginning August 25, 2018, and ending June 20, 2020, to succeed Keisha Lanell Pexton.

Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects

Vinay Nair of Alexandria, Virginia 22315, Member, appointed February 1, 2019, to serve an unexpired term beginning November 7, 2018, and ending June 30, 2020, to succeed Carolyn B. Langelotti.

Board for Contractors

Donald L. Groh of Chesapeake, Virginia 23322, Member, appointed April 19, 2019, to serve an unexpired term beginning July 1, 2017, and ending June 30, 2021, to succeed H. Bailey Dowdy.

Jeffery W. Hux of Norfolk, Virginia 23502, Member, appointed April 19, 2019, for a term of four years beginning July 1, 2018, and ending June 30, 2022, to succeed himself.

Caitlin M. King of Toano, Virginia 23168, Member, appointed April 19, 2019, for a term of four years beginning July 1, 2018, and ending June 30, 2022, to succeed Eppa C. Pace.

Jeffrey S. Mitchell of Broadlands, Virginia 20148, Member, appointed April 19, 2019, for a term of four years beginning July 1, 2018, and ending June 30, 2022, to succeed himself.

John D. O'Dell of Mechanicsville, Virginia 23116, Member, appointed April 19, 2019, for a term of four years beginning July 1, 2018, and ending June 30, 2022, to succeed himself.

Robin C. Plummer of Petersburg, Virginia 23805, Member, appointed April 26, 2019, for a term of four years beginning July 1, 2018, and ending June 30, 2022, to succeed David Giesen.

Michael D. Redifer of Waynesboro, Virginia 23980, Member, appointed April 19, 2019, for a term of four years beginning July 1, 2018, and ending June 30, 2022, to succeed himself.

Board for Waste Management Facility Operators

Sathish Anabathula of Charlottesville, Virginia 22911, Member, appointed May 24, 2019, to serve an unexpired term beginning July 1, 2015, and ending June 30, 2019, to succeed Danielle Davis.

Timothy Torrez of Richmond, Virginia 23227, Member, appointed January 25, 2019, for a term of four years beginning July 1, 2018, and ending June 30, 2022, to succeed himself.

Coal Surface Mining Reclamation Fund Advisory Board

Brad Kreps of Abingdon, Virginia 24210, Member, appointed February 22, 2019, for a term of five years beginning July 1, 2018, and ending June 30, 2023, to fill a new seat.

Commission on Local Government

Stephanie Dean Davis of Max Meadows, Virginia 24360, Member, appointed April 26, 2019, for a term of five years beginning January 1, 2019, and ending December 31, 2023, to succeed Vickie Hull.

Latino Advisory Board

C. Alexander Guzman of Richmond, Virginia 23219, Member, appointed April 11, 2019, to serve an unexpired term beginning February 3, 2019, and ending June 30, 2020, to succeed Dania Matos.

Virginia-Asian Advisory Board

Hyun Lee of Centreville, Virginia 20120, Member, appointed April 19, 2019, to serve an unexpired term beginning August 25, 2018, and ending June 30, 2021, to succeed Anthony Terry Gitalado.

Bao Ly of Fairfax, Virginia 22032, Member, appointed April 19, 2019, to serve an unexpired term beginning December 12, 2018, and ending June 30, 2020, to succeed Alice Lin Tong.

Virginia Board of Workforce Development

Xavier L. Beale of Smithfield, Virginia 23430, Member, appointed January 25, 2019, to serve an unexpired term beginning July 24, 2018, and ending June 30, 2021, to succeed Ray Charles Bagley.

Virginia Manufactured Housing Board

J. Scott Montgomery of **Salem**, Virginia 24153, Member, appointed March 29, 2019, to serve an unexpired term beginning November 18, 2018, and ending March 31, 2022, to succeed Jon M. Gandy.

Virginia Small Business Financing Authority Board of Directors

Ronnie Nelson Johnson of **Richmond**, Virginia 23225, Member, appointed January 25, 2019, to serve an unexpired term beginning June 8, 2017, and ending June 30, 2019, to succeed Andrew N. Lock.

Sanjay Puri of **Great Falls**, Virginia 22066, Member, appointed January 25, 2019, for a term of four years beginning July 1, 2018, and ending June 30, 2022, to succeed Gail Lorraine Letts.

COMPACTS

Citizens Advisory Committee to the Chesapeake Executive Council

Anna M. Killius of **Henrico**, Virginia 23231, Member, appointed April 19, 2019, for a term of four years beginning January 1, 2019, and ending December 31, 2022, to succeed Paula Jasinski.

Potomac River Basin Commission of Virginia

Mark Peterson of **Purcellville**, Virginia 20132, Member, appointed April 10, 2019, to serve an unexpired term beginning March 1, 2017, and ending February 28, 2021, to succeed Paul A. Holland.

EDUCATION

Board of Regents of Gunston Hall

Virginia D. Finley of **Raleigh, North Carolina** 27608, Member, appointed March 29, 2019, for a term of five years beginning October 26, 2018, and ending October 25, 2023, to succeed Alice Harney.

Drennan Walter of **Shepherdstown, West Virginia** 25443, Member, appointed March 29, 2019, for a term of five years beginning October 26, 2018, and ending October 25, 2023, to succeed Dorothea C. McMillan.

Board of Trustees of the Southwest Virginia Higher Education Center

Hannah Ingram of **Abingdon**, Virginia 24210, Member, appointed April 12, 2019, to serve an unexpired term beginning July 24, 2018, and ending June 30, 2019, to succeed Aviva Frye.

Keith Perrigan of **Bristol**, Virginia 24201, Member, appointed April 12, 2019, for a term of four years beginning July 1, 2018, and ending June 30, 2022, to succeed himself.

Sandy Ratliff of **Abingdon**, Virginia 24211, Member, appointed April 12, 2019, for a term of four years beginning July 1, 2018, and ending June 30, 2022, to succeed Steve Cochran.

Board of Trustees of the Virginia Museum of Fine Arts

Carol Ann Bischoff of **Arlington**, Virginia 22207, Member, appointed February 8, 2019, to serve an unexpired term beginning July 1, 2017, and ending June 30, 2022, to succeed W. Birch Douglass, III.

Gilbert Bland of **Virginia Beach**, Virginia 23452, Member, appointed February 8, 2019, for a term of five years beginning July 1, 2018, and ending June 30, 2023, to succeed William Sessoms.

Joan Brock of **Virginia Beach**, Virginia 23451, Member, appointed February 8, 2019, for a term of five years beginning July 1, 2018, and ending June 30, 2023, to succeed Thomas Farrell.

Marland Buckner of **Richmond**, Virginia 23220, Member, appointed February 8, 2019, to serve an unexpired term beginning July 1, 2017, and ending June 30, 2022, to succeed Mary Anne Carlson.

Edie Cabaniss of **Richmond**, Virginia 23226, Member, appointed February 8, 2019, to serve an unexpired term beginning July 1, 2017, and ending June 30, 2022, to succeed Terrell Harrigan.

Margaret N. Gottwald of **Richmond**, Virginia 23238, Member, appointed February 8, 2019, for a term of five years beginning July 1, 2017, and ending June 30, 2022, to succeed herself.

Monroe Harris of **Richmond**, Virginia 23226, Member, appointed February 8, 2019, for a term of five years beginning July 1, 2017, and ending June 30, 2022, to succeed himself.

Jeffrey Humber of **Washington, District of Columbia** 20003, Member, appointed February 8, 2019, for a term of five years beginning July 1, 2018, and ending June 30, 2023, to succeed Michael Schewel.

Andrew Lewis of **Richmond**, Virginia 23233, Member, appointed February 8, 2019, for a term of five years beginning July 1, 2018, and ending June 30, 2023, to succeed John Luke.

Susan Szasz Palmer of **Richmond**, Virginia 23220, Member, appointed February 8, 2019, for a term of five years beginning July 1, 2018, and ending June 30, 2023, to succeed Cynthia Kerr Fralin.

Pamela J. Royal of **Richmond**, Virginia 23221, Member, appointed February 8, 2019, for a term of five years beginning July 1, 2018, and ending June 30, 2023, to succeed herself.

Charles N. Whitaker of **Richmond**, Virginia 23226, Member, appointed February 8, 2019, to serve an unexpired term beginning July 1, 2017, and ending June 30, 2022, to succeed Richard Gillam.

FINANCE

Board of the Virginia College Building Authority

Shaheed Mahomed of **Falls Church**, Virginia 22044, Member, appointed January 25, 2019, to serve an unexpired term beginning August 8, 2018, and ending June 30, 2020, to succeed Charles E. Poston.

Charles Mann of **Ashburn**, Virginia 20147, Member, appointed January 25, 2019, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed himself.

HEALTH AND HUMAN RESOURCES**Advisory Board on Polysomnographic Technology**

Abdul Amir of Glen Allen, Virginia 23060, Member, appointed March 15, 2019, for a term of four years beginning July 1, 2018, and ending June 30, 2022, to succeed Robert Daniel Vorona.

Jonathan C. Clark of Henrico, Virginia 23238, Member, appointed March 15, 2019, for a term of four years beginning July 1, 2018, and ending June 30, 2022, to succeed himself.

Raid Mohaidat of Glen Allen, Virginia 23059, Member, appointed March 15, 2019, for a term of four years beginning July 1, 2018, and ending June 30, 2022, to succeed Marie F. Quinn.

Board of Health Professions

Sahil Chaudhary of Centreville, Virginia 20120, Member, appointed March 8, 2019, for a term of four years beginning July 1, 2018, and ending June 30, 2022, to succeed Jacquelyn Melissa Tyler.

Board of Nursing

James L. Hermansen-Parker of Norfolk, Virginia 23513, Member, appointed May 10, 2019, to serve an unexpired term beginning December 10, 2018, and ending June 30, 2019, to succeed Grace Thapa.

Cynthia M. Swineford of Disputanta, Virginia 23834, Member, appointed May 10, 2019, to serve an unexpired term beginning December 2, 2018, and ending June 30, 2021, to succeed Michelle D. Hereford.

Child Support Guidelines Review Panel

Kim-marie A. Brown of Leesburg, Virginia 20152, Member, appointed May 17, 2019, to serve at the pleasure of the Governor, to succeed herself.

Deborah V. Bryan of Virginia Beach, Virginia 23454, Member, appointed May 17, 2019, to serve at the pleasure of the Governor, to succeed herself.

Craig M. Burshem of Glen Allen, Virginia 23059, Member, appointed May 17, 2019, to serve at the pleasure of the Governor, to succeed himself.

Lawrence D. Diehl of Waverly, Virginia 23890, Member, appointed May 17, 2019, to serve at the pleasure of the Governor, to succeed himself.

Shawn K. Edwards of Richmond, Virginia 23225, Member, appointed May 17, 2019, to serve at the pleasure of the Governor, to succeed Russell J. Smith.

Valerie L'Herrou of Richmond, Virginia 23226, Member, appointed May 17, 2019, to serve at the pleasure of the Governor, to succeed Christine E. Marra.

Dennis M. Hottell of Fairfax, Virginia 22039, Member, appointed May 17, 2019, to serve at the pleasure of the Governor, to succeed himself.

Ryan C. Johnston of Front Royal, Virginia 22630, Member, appointed May 17, 2019, to serve at the pleasure of the Governor, to succeed Christian Paasch.

Yvonne J. Nageotte of Stafford, Virginia 22556, Member, appointed May 17, 2019, to serve at the pleasure of the Governor, to succeed Karen H. Sampson.

Kimberlee H. Ramsey of Richmond, Virginia 23219, Member, appointed May 24, 2019, to serve at the pleasure of the Governor, to succeed Carol Benner Gravitt.

Edward A. Robbins, Jr., of Chesterfield, Virginia 23838, Member, appointed May 17, 2019, to serve at the pleasure of the Governor, to succeed himself.

Commonwealth Council on Aging

Amy L. Duncan of Abington, Virginia 24210, Member, appointed May 24, 2019, to serve an unexpired term beginning July 8, 2018, and ending June 30, 2021, to succeed Andrew B. Hamilton.

State Rehabilitation Council

Tammy Burns of Midlothian, Virginia 23112, Member, appointed February 15, 2019, to serve an unexpired term beginning January 19, 2019, and ending September 30, 2019, to succeed Nichole C. Drummond.

State Rehabilitation Council for the Blind and Vision Impaired

Tammy Burns of Midlothian, Virginia 23112, Member, appointed March 1, 2019, to serve an unexpired term beginning January 20, 2019, and ending September 30, 2021, to succeed Nichole C. Drummond.

Virginia Health Workforce Development Authority Board of Directors

Christopher S. Bailey of Henrico, Virginia 23233, Member, appointed February 1, 2019, to serve an unexpired term beginning July 1, 2018, and ending June 30, 2019, to succeed Ronnie N. Graham.

JUDICIAL**Virginia Criminal Sentencing Commission**

Kemba Smith Pradia of Virginia Beach, Virginia 23462, Member, appointed March 1, 2019, for a term of four years beginning January 1, 2019, and ending December 31, 2022, to succeed herself.

Shannon L. Taylor of Richmond, Virginia 23229, Member, appointed March 1, 2019, for a term of four years beginning January 1, 2019, and ending December 31, 2022, to succeed herself.

LEGISLATIVE**Manufacturing Development Commission**

Amy White of Buchanan, Virginia 24066, Member, appointed April 5, 2019, for a term of four years beginning July 1, 2018, and ending June 30, 2022, to succeed Angeline Godwin.

NATURAL RESOURCES**Virginia Coastal Land Management Advisory Council**

Jay C. Ford of **Eastville**, Virginia 23347, Member, appointed April 12, 2019, for a term of three years beginning July 1, 2016, and ending June 30, 2019, to succeed himself.

Joseph C. Valentine of **Onancock**, Virginia 23417, Member, appointed April 12, 2019, to serve an unexpired term beginning July 1, 2016, and ending June 30, 2019, to succeed David M. Fick.

PUBLIC SAFETY AND HOMELAND SECURITY**Secure and Resilient Commonwealth Panel**

Karen Jackson of **Poquoson**, Virginia 23662, Member, appointed March 15, 2019, for a term of four years beginning July 1, 2018, and ending June 30, 2022, to succeed John A. Braun.

Charles L. Werner of **Charlottesville**, Virginia 22902, Member, appointed March 15, 2019, for a term of four years beginning July 1, 2018, and ending June 30, 2022, to succeed Sean T. Cushing.

TECHNOLOGY**9-1-1 Services Board**

Gary Critzer of **Waynesboro**, Virginia 22980, Member, appointed February 22, 2019, for a term of five years beginning July 1, 2018, and ending June 30, 2023, to succeed Dennis E. Hale.

R. Bruce Edwards of **Franklin**, Virginia 23851, Member, appointed February 22, 2019, for a term of five years beginning July 1, 2018, and ending June 30, 2023, to succeed James Lyndon Junkins.

Pete Hatcher of **Richmond**, Virginia 23236, Member, appointed February 22, 2019, for a term of five years beginning July 1, 2018, and ending June 30, 2023, to succeed Robert E. Layman.

Jeff Merriman of **Glen Allen**, Virginia 23059, Member, appointed February 22, 2019, for a term of five years beginning July 1, 2018, and ending June 30, 2023, to succeed himself.

Innovation and Entrepreneurship Investment Authority Board of Directors

James E. Ryan of **Charlottesville**, Virginia 22904, Member, appointed February 15, 2019, for a term of two years beginning July 1, 2018, and ending June 30, 2020, to succeed Teresa Sullivan.

TRANSPORTATION**Medical Advisory Board for the Department of Motor Vehicles**

Firas Beitinjaneh of **Norfolk**, Virginia 23455, Member, appointed February 1, 2019, to serve an unexpired term beginning October 25, 2018, and ending September 30, 2020, to succeed Adam Rosenblatt.

Susan R. DiGiovanni of **Midlothian**, Virginia 23112, Member, appointed February 1, 2019, for a term of four years beginning October 1, 2018, and ending September 30, 2022, to succeed herself.

Mark Sochor of **Charlottesville**, Virginia 22902, Member, appointed February 1, 2019, for a term of four years beginning October 1, 2018, and ending September 30, 2022, to succeed himself.

Motor Vehicle Dealer Board

Donald Sullivan of **Fredericksburg**, Virginia 22406, Member, appointed March 8, 2019, for a term of four years beginning July 1, 2017, and ending June 30, 2021, to succeed David Gripshover.

Washington Metrorail Safety Commission Board of Directors

Michael Rush of **Reston**, Virginia 20191, Member, appointed February 1, 2019, to serve an unexpired term beginning January 18, 2019, and ending June 30, 2020, to succeed Barbara Reese.

VETERANS AND DEFENSE AFFAIRS**Joint Leadership Council of Veterans Service Organizations**

James R. Barrett of **Henrico**, Virginia 23238, Member, appointed March 1, 2019, to serve an unexpired term beginning January 15, 2019, and ending June 30, 2021, to succeed John R. Clickener.

Virginia Military Advisory Council

Susan Acevedo Moyer of **Powhatan**, Virginia 23139, Member, appointed March 1, 2019, to serve at the pleasure of the Governor, to succeed Michael Jason McCalip.

SENATE JOINT RESOLUTION NO. 46

Confirming appointments by the Governor of certain persons communicated to the General Assembly December 1, 2019.

Agreed to by the Senate, January 27, 2020

Agreed to by the House of Delegates, February 6, 2020

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly confirm the following appointments of certain persons made by Governor Ralph Northam and communicated to the General Assembly December 1, 2019.

AGENCY HEADS

Alison Land of **Richmond**, Virginia 23219, Commissioner, Department of Behavioral Health and Developmental Services, to serve at the pleasure of the Governor beginning December 16, 2019, to succeed Hughes Melton.

ADMINISTRATION**Citizens' Advisory Council on Furnishing and Interpreting the Executive Mansion**

Margaret Richardson of **Delaplane**, Virginia 20144, Member, appointed September 13, 2019, for a term of five years beginning April 1, 2019, and ending March 31, 2024, to succeed herself.

Gayle Jessup White of **Henrico**, Virginia 23229, Member, appointed November 1, 2019, for a term of five years beginning April 1, 2019, and ending March 31, 2024, to succeed Beverly B. Davis.

Data Sharing and Analytics Advisory Committee

Rowley Molina of **Ashland**, Virginia 23005, Member, appointed October 4, 2019, for a term of one year beginning July 1, 2019, and ending June 30, 2020, to succeed himself.

AUTHORITIES**Virginia Solar Energy Development and Energy Storage Authority**

John Ockerman of **Carrollton**, Virginia 23314, Member, appointed October 18, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed Michael Barrett Hardiman.

Cliona Mary Robb of **Richmond**, Virginia 23219, Member, appointed October 18, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed herself.

COMMERCE AND TRADE**Board for Architects, Professional Engineers, Land Surveyors Certified Interior Designers and Landscape Architects**

Mel Price of **Norfolk**, Virginia 23507, Member, appointed October 4, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed herself.

Clean Energy Advisory Board

KC Bleile of **Richmond**, Virginia 23235, Member, appointed October 25, 2019, for a term of three years beginning July 1, 2019, and ending June 30, 2022, to fill a new seat.

Janaka Casper of **Blacksburg**, Virginia 24060, Member, appointed October 25, 2019, for a term of three years beginning July 1, 2019, and ending June 30, 2022, to fill a new seat.

Hannah Coman of **Charlottesville**, Virginia 22903, Member, appointed October 25, 2019, for a term of three years beginning July 1, 2019, and ending June 30, 2022, to fill a new seat.

William Greenleaf of **Richmond**, Virginia 23225, Member, appointed October 25, 2019, for a term of three years beginning July 1, 2019, and ending June 30, 2022, to fill a new seat.

Susan Kruse of **Charlottesville**, Virginia 22901, Member, appointed October 25, 2019, for a term of three years beginning July 1, 2019, and ending June 30, 2022, to fill a new seat.

William Reisinger of **Richmond**, Virginia 23219, Member, appointed October 25, 2019, for a term of three years beginning July 1, 2019, and ending June 30, 2022, to fill a new seat.

Samuel Thurston Towell of **Richmond**, Virginia 23223, Member, appointed October 25, 2019, for a term of three years beginning July 1, 2019, and ending June 30, 2022, to fill a new seat.

Commission on Local Government

Diane M. Linderman of **Midlothian**, Virginia 23113, Member, appointed November 1, 2019, for a term of five years beginning January 1, 2020, and ending December 31, 2024, to succeed herself.

Virginia Board for Asbestos, Lead, and Home Inspectors

Louis Walker of **Midlothian**, Virginia 23112, Member, appointed November 22, 2019, to serve an unexpired term beginning August 2, 2019, and ending June 30, 2021, to succeed Frederick Molter.

Virginia Nuclear Energy Consortium Authority Board of Directors

William John Briscoe of **Charles Town, West Virginia** 25414, Member, appointed October 11, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed himself.

David A. Christian of **Richmond**, Virginia 23219, Member, appointed October 11, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed himself.

Thomas DePonty of **Washington, District of Columbia** 20004, Member, appointed October 18, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed himself.

Scott Koppie of **Alexandria**, 22308, Member, appointed November 1, 2019, to serve an unexpired term beginning October 2, 2019, and ending June 30, 2021, to succeed Regina W. Carter.

Dayton W. Lawman of **Midlothian**, Virginia 23112, Member, appointed October 11, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed himself.

Michael K. Lempke of **Alexandria**, Virginia 22310, Member, appointed October 18, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed himself.

COMPACTS**Local Government Advisory Committee to the Chesapeake Bay Executive Council**

Robin Rich-Coates of **Machipongo**, Virginia 23405, Member, appointed October 4, 2019, to serve at the pleasure of the Governor, to succeed Charles C. Jones.

EDUCATION**Virginia Museum of Natural History Board of Trustees**

Carole L. Nash of **Harrisonburg**, Virginia 22801, Member, appointed November 1, 2019, for a term of five years beginning July 1, 2019, and ending June 30, 2024, to succeed Monica Monday.

Roberto Quinones of **McLean**, Virginia 22102, Member, appointed November 1, 2019, for a term of five years beginning July 1, 2019, and ending June 30, 2024, to succeed James W. Severt.

Board of Visitors of Christopher Newport University

Christy Tomlinson Morton of **Gloucester**, Virginia 23149, Member, appointed November 22, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed N. Scott Millar.

Board of Visitors of Virginia Commonwealth University

Peter Farrell of **Henrico**, Virginia 23238, Member, appointed November 22, 2019, to serve an unexpired term beginning July 2, 2019, and ending June 30, 2022, to succeed Colette McEachin.

State Council of Higher Education for Virginia

Thaddeus B. Holloman of **Newport News**, Virginia 23606, Member, appointed November 22, 2019, to serve an unexpired term beginning November 7, 2019, and ending June 30, 2020, to succeed H. Eugene Lockhart.

Virginia Research Investment Committee

Douglas Juanarena of **Blacksburg**, Virginia 24060, Member, appointed October 25, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed himself.

FINANCE**Advisory Council on Revenue Estimates**

Marc Katz of **McLean**, Virginia 22102, Member, appointed November 22, 2019, to serve at the pleasure of the Governor, to succeed Albert Dwoskin.

Howard P. Kern of **Virginia Beach**, Virginia 23455, Member, appointed November 22, 2019, to serve at the pleasure of the Governor, to succeed Mary Dridi.

Debt Capacity Advisory Committee

Hossein Sadid of **Richmond**, Virginia 23225, Member, appointed October 25, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed Jody M. Wagner.

HEALTH AND HUMAN RESOURCES**Advisory Board on Athletic Training**

David Pawlowski of **Richmond**, Virginia 23233, Member, appointed October 25, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed Michael Puglia.

Michael Puglia of **Richmond**, Virginia 23225, Member, appointed October 25, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed Sara Lynn Whiteside.

Jeffrey Roberts of **Midlothian**, Virginia 23221, Member, appointed October 25, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed himself.

Trilizsa Ann Trent of **Woodbridge**, Virginia 22192, Member, appointed October 25, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed herself.

Advisory Board on Behavior Analysis

Autumn Kaufman of **Mineral**, Virginia 23117, Member, appointed October 11, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed Katherine C. Lewis.

Mark Llobell of **Virginia Beach**, Virginia 23451, Member, appointed October 11, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed Gary Matthew Fletcher.

Advisory Board on Massage Therapy

Erin Osiol of **Chesapeake**, Virginia 23225, Member, appointed November 8, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed Joseph L. Schibner.

Shawnte' Peterson of **Chesapeake**, Virginia 23321, Member, appointed November 8, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed Stephanie Quinby.

Advisory Board on Service and Volunteerism

Lily Beres of **Falls Church**, Virginia 22305, Member, appointed October 4, 2019, for a term of three years beginning July 1, 2019, and ending June 30, 2022, to succeed herself.

Behavioral Health and Developmental Services Board

Varun Choudhary of **Henrico**, Virginia 23059, Member, appointed November 16, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed himself.

Jerome Hughes of **Woodbridge**, Virginia 22192, Member, appointed November 16, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed Calendria Jones.

Board of Dentistry

Mike Nguyen of **Ashburn**, Virginia 20147, Member, appointed November 8, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed Tonya Adrena Parris-Wilkins.

Board of Funeral Directors and Embalmers

Jason Graves of **Chesapeake**, Virginia 23323, Member, appointed November 1, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed Larry Omfs.

Blair H. Nelsen of **Richmond**, Virginia 23226, Member, appointed November 1, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed himself.

Joseph F. Walton of **Virginia Beach**, Virginia 23456, Member, appointed November 1, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed himself.

Board of Health Professions

Helene D. Clayton-Jeter of **Great Falls**, Virginia 22066, Member, appointed November 22, 2019, to serve a term concurrent with her term as a member of a health regulatory board beginning July 1, 2019, and ending June 30, 2022, to succeed herself.

Kevin Doyle of **Charlottesville**, Virginia 22901, Member, appointed November 22, 2019, to serve a term concurrent with his term as a member of a health regulatory board beginning July 1, 2019, and ending June 30, 2021, to succeed himself.

Louise Hershkowitz of **Reston**, Virginia 20191, Member, appointed November 22, 2019, to serve a term concurrent with her term as a member of a health regulatory board beginning July 1, 2019, and ending June 30, 2021, to succeed Trula Earle Minton.

Steven Karras of **Roanoke**, Virginia 24018, Member, appointed November 22, 2019, to serve a term concurrent with his term as a member of a health regulatory board beginning July 1, 2019, and ending June 30, 2020, to succeed to succeed Mark Johnson.

Ryan Logan of **Fairfax**, Virginia 22033, Member, appointed November 22, 2019, to serve a term concurrent with his term as a member of a health regulatory board beginning July 1, 2019, and ending June 30, 2021, to succeed himself.

James Well of **Front Royal**, Virginia 22630, Member, appointed November 22, 2019, to serve a term concurrent with his term as a member of a health regulatory board beginning July 1, 2019, and ending June 30, 2023, to succeed himself.

Board of Long-Term Care Administrators

Mitchell P. Davis of **Salem**, Virginia 24153, Member, appointed October 25, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed himself.

Ali Faruk of **Richmond**, Virginia 23222, Member, appointed November 8, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed Mary B. Brydon.

Martha Hunt of **Smithfield**, Virginia 23430, Member, reappointed November 8, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed herself.

Jenny Inker of **Williamsburg**, Virginia 23185, Member, appointed November 8, 2019, for a term of one year beginning July 1, 2019, and ending June 30, 2020, to succeed Doug Nevitt.

Ashley Jackson of **Chesapeake**, Virginia 23324, Member, appointed November 8, 2019, for a term of one year beginning July 1, 2019, and ending June 30, 2020, to succeed Karen Stanfield.

Board of Medicine

Alvin Edwards of **Charlottesville**, Virginia 22901, Member, appointed October 4, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed himself.

Jane Hickey of **Richmond**, Virginia 23225, Member, appointed October 4, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023 to succeed herself.

Joel Silverman of **Richmond**, Virginia 23238, Member, appointed October 4, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023 to succeed David John Taminger.

Board of Nursing

Brandon Jones of **Roanoke**, Virginia 24019, Member, appointed October 18, 2019, to serve an unexpired term beginning July 1, 2019, and ending June 30, 2023, to succeed Laura Cei.

Board of Veterinary Medicine

Autumn Halsey of **Marion**, Virginia 24354, Member, appointed October 25, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed herself.

Jeffery Newman of **Alexandria**, Virginia 22305, Member, appointed October 25, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed Mark Johnson.

Mary Spencer of **Richmond**, Virginia 23221, Member, appointed October 25, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed herself.

State Rehabilitation Council

Aaron Bossard of **Henrico**, Virginia 23231, Member, appointed November 1, 2019, for a term of three years beginning October 1, 2019, and ending September 30, 2022, to succeed David K. Head.

Garrett Brumfield of **Roanoke**, Virginia 24011, Member, appointed November 1, 2019, for a term of three years beginning October 1, 2019, and ending September 30, 2022, to succeed himself.

Tammy Burns of **Midlothian**, Virginia 23112, Member, appointed November 1, 2019, to serve an unexpired term beginning October 1, 2019, and ending September 30, 2022, to succeed Cherie Takemoto.

Brian Evans of **Henrico**, Virginia 23227, Member, appointed November 1, 2019, for a term of three years beginning October 1, 2019, and ending September 30, 2022, to succeed himself.

Joliefawn Liddell of **Richmond**, Virginia 23234, Member, appointed November 1, 2019, for a term of three years beginning October 1, 2019, and ending September 30, 2022, to succeed Julie Triplett.

Daniel Lufkin of **Smithfield**, Virginia 23430, Member, appointed November 22, 2019, for a term of four years beginning October 1, 2019, and ending September 30, 2023, to succeed Bruce Phipps.

Dawn Mosley of Chesterfield, Virginia 23832, Member, appointed November 1, 2019, for a term of three years beginning October 1, 2019, and ending September 30, 2022, to succeed Shaquwanda Baker.

Statewide Independent Living Council

Kenneth W. Jessup of Virginia Beach, Virginia 23451, Member, reappointed November 8, 2019, for a term of three years beginning October 1, 2019, and ending September 30, 2022, to succeed himself.

Karen Michalski-Karney of Glade Hill, Virginia 24092, Member, reappointed November 8, 2019, to serve an unexpired term beginning October 1, 2019, and ending September 30, 2022, to succeed herself.

Alexis Nichols of Chesterfield, Virginia 23838, Member, reappointed November 8, 2019, for a term of three years beginning October 1, 2019, and ending September 30, 2022, to succeed herself.

Robert Targos of Chesterfield, Virginia 23113, Member, reappointed November 8, 2019, for a term of three years beginning October 1, 2019, and ending September 30, 2022, to succeed himself.

Shawn M. Utt of Pulaski, Virginia 24301, Member, reappointed November 8, 2019, for a term of three years beginning October 1, 2019, and ending September 30, 2022, to succeed himself.

Virginia Board for People with Disabilities

Molly McMunn Korte of Moseley, Virginia 23120, Member, appointed August 16, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed Traci E. LaGanke.

Virginia Foundation for Healthy Youth

Keith Newby of Norfolk, Virginia 23508, Member, appointed October 4, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed Thomas Joseph L'Ecuyer.

Jerrin Norton of Richmond, Virginia 23227, Member, appointed October 25, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed Anne R. Hardy.

Virginia Interagency Coordinating Council

Kristine PJ Caalim of Virginia Beach, Virginia 23456, Member, appointed November 8, 2019, for a term of three years beginning July 1, 2019, and ending June 30, 2022, to succeed herself.

Tabatha Carroll of Chesapeake, Virginia 23322, Member, appointed November 8, 2019, to serve an unexpired term beginning July 1, 2017, and ending June 30, 2020, to succeed Amy Fields.

Bonnie Grifa of Chesapeake, Virginia 23320, Member, appointed November 8, 2019, for a term of three years beginning July 1, 2019, and ending June 30, 2022, to succeed herself.

Zipporah Levi-Shackelford of Henrico, Virginia 23228, Member, appointed November 8, 2019, for a term of three years beginning July 1, 2019, and ending June 30, 2022, to succeed herself.

Kathleen McCauley of Richmond, Virginia 23220, Member, appointed November 8, 2019, for a term of three years beginning July 1, 2019, and ending June 30, 2022, to succeed herself.

NATURAL RESOURCES

Board of Game and Inland Fisheries

W. Frank Adams of King William, Virginia 23086, Member, appointed October 25, 2019, to serve an unexpired term beginning October 25, 2019, and ending June 30, 2022, to succeed Gerald K. Washington.

Catherine H. Claiborne of Richmond, Virginia 23226, Member, appointed October 25, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed herself.

Tom Sadler of Verona, Virginia 24482, Member, appointed October 25, 2019, to serve an unexpired term beginning May 31, 2019, and ending June 30, 2020, to succeed Ryan Joseph Brown.

Gerald K. Washington of Dillwyn, Virginia 23936, Member, appointed October 25, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed Nicole S. Butterworth.

State Air Pollution Control Board

Staci Rijal of Alexandria, Virginia 22302, Member, appointed October 25, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed Nicole Marie Rovner.

Virginia Land Conservation Foundation Board of Trustees

Glenda Booth of Alexandria, Virginia 22308, Member, appointed October 4, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed herself.

James F. Casey of Lexington, Virginia 24450, Member, appointed October 4, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed Anna Logan Lawson.

Katherine Imhoff of Montpelier Station, Virginia 22957, Member, appointed October 25, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed Valerie D. Hubbard.

Mary-Carson S. Stiff of Norfolk, Virginia 23508, Member, appointed October 25, 2019, to serve an unexpired term beginning October 24, 2019, and ending June 30, 2022, to succeed Byron Adkins.

Virginia Soil and Water Conservation Board

Kristen Saacke Blunk of Richmond, Virginia 23223, Member, appointed October 4, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed Janette F. Kennedy.

Kathleen Maybury of Charlottesville, Virginia 22903, Member, appointed October 4, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed Barry L. Marten.

Dahlia O'Brien of Moseley, Virginia 23120, Member, appointed October 4, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed Richard Alan Street.

PUBLIC SAFETY AND HOMELAND SECURITY**Virginia Fire Services Board**

Jerome I. Williams of **Fairfax**, Virginia 20121, Member, appointed October 11, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to fill a new seat.

TRANSPORTATION**Commonwealth Transportation Board**

Carlos M. Brown of **Glen Allen**, Virginia 23059, Member, appointed October 25, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023 to succeed himself.

Bertram F. Dodson of **Lynchburg**, Virginia 24503, Member, appointed October 25, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed himself.

VETERANS AND DEFENSE AFFAIRS**Joint Leadership Council of Veterans Service Organizations**

Lauren Augustine of **Alexandria**, Virginia 22193, Member, appointed November 22, 2019, for a term of three years beginning July 1, 2019, and ending June 30, 2022, to succeed herself.

Robert Barnette of **Mechanicsville**, Virginia 23111, Member, appointed November 8, 2019, for a term of three years beginning July 1, 2019, and ending June 30, 2022, to succeed himself.

John Manning of **Charles City**, Virginia 23030, Member, appointed November 8, 2019, for a term of three years beginning July 1, 2019, and ending June 30, 2023, to succeed Kenneth Bryce Shelton.

Vernon Peters of **Chester**, Virginia 23831, Member, appointed November 8, 2019, for a term of three years beginning July 1, 2019, and ending June 30, 2022, to succeed William Barrett.

SENATE JOINT RESOLUTION NO. 47

Requesting the Judicial Council of Virginia to study the jurisdiction and organization of the Court of Appeals of Virginia. Report.

Agreed to by the Senate, January 29, 2020

Agreed to by the House of Delegates, March 3, 2020

WHEREAS, the Court of Appeals of Virginia was created in 1985 with the intention to alleviate the caseload of the Supreme Court of Virginia; and

WHEREAS, the Court of Appeals' jurisdiction over appeals from the circuit courts is limited to domestic relations matters, traffic infraction cases, and criminal cases (except cases involving the death penalty), as well as appeals from the decisions of administrative agencies; and

WHEREAS, appeals of right to the Court of Appeals are only authorized in domestic relations and workers' compensation matters; and

WHEREAS, since 1985, the quality, diligence, and predictability of jurisprudence has improved in the circuit courts due to the increased likelihood of appellate review in certain matters; and

WHEREAS, appeals of right to the Supreme Court of Virginia are limited to only appeals from the State Corporation Commission and capital cases, and parties in civil cases are often denied appellate review from judgments in the circuit courts; and

WHEREAS, a lack of appellate review increases the likelihood of judicial mistakes, wrongful convictions, and unjust outcomes; and

WHEREAS, appeals of right are guaranteed at every level of the federal judicial system; and

WHEREAS, Virginia has been the only state in the United States without a guaranteed right of appeal in criminal cases for over a decade and has recently become the only remaining state in the United States without a guaranteed right to appeal in all other cases; and

WHEREAS, a bona fide right to appeal has been recognized as a part of fundamental procedural due process that has its ultimate roots in the Virginia Declaration of Rights; and

WHEREAS, in 2013, the Judicial Council of Virginia concluded in a two-year study, submitted to the 2014 Session of the General Assembly pursuant to House Joint Resolution 111 (Regular Session, 2012) and published as House Document 7 (Regular Session, 2014), that "the current judicial capacity of the Court of Appeals, to continue quality and timely appellate review, would not be impaired if given additional jurisdiction provided it is given appropriate staffing levels and resources"; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the Judicial Council of Virginia be requested to study the jurisdiction and organization of the Court of Appeals of Virginia.

In conducting its study, the Judicial Council of Virginia shall (i) make recommendations on implementing an appeal of right in all cases decided by and appealed from the circuit courts; (ii) make recommendations on organizing the Court of Appeals into four geographic circuits, approximately encompassing central Virginia, eastern Virginia, northern Virginia, and western and southwestern Virginia with appeal by certiorari to the Supreme Court of Virginia, including how many

additional judges would be necessary to effectuate such a system; (iii) make recommendations as to whether any additional statutory changes are necessary; and (iv) develop a proposed budget and implementation schedule.

Technical assistance shall be provided to the Judicial Council of Virginia by the Executive Secretary of the Supreme Court of Virginia. All agencies of the Commonwealth shall provide assistance to the Judicial Council of Virginia for this study upon request. The Judicial Council of Virginia shall further solicit public comment from the Virginia State Bar, the Boyd-Graves Conference, the Virginia Bar Association, the Virginia Trial Lawyers Association, the Virginia Association of Defense Attorneys, the Virginia Association of Commonwealth's Attorneys, the Virginia Association of Criminal Defense Lawyers, the Virginia Indigent Defense Commission, and all minority bar associations.

The Judicial Council of Virginia shall complete its meetings by November 30, 2020, and shall submit to the Governor and General Assembly an executive summary and a report of its findings and recommendations for publication as a House or Senate document. The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports no later than the first day of the 2021 Regular Session of the General Assembly and shall be posted on the General Assembly's website.

SENATE JOINT RESOLUTION NO. 48

Celebrating the life of Dorothy Leah Gerber.

Agreed to by the Senate, January 16, 2020

Agreed to by the House of Delegates, January 20, 2020

WHEREAS, Dorothy Leah Gerber, renowned musical talent and a vibrant advocate of music literacy, died on May 16, 2019; and

WHEREAS, Dorothy Gerber was born on July 18, 1940, in Boston, Massachusetts; after growing up in Long Branch, New Jersey, and studying music at the University of Colorado Boulder, she ultimately settled with her family in Reston; and

WHEREAS, Dorothy Gerber was a strong, active voice in the musical community throughout her life as both a choral artist and a music teacher; her advocacy of music literacy for a quarter-century at Montessori Country School in Herndon made her much beloved by her students; and

WHEREAS, as a teacher and a board of trustees lifetime advisor at Montessori Country School, Dorothy Gerber filled her students with the joy of music and an appreciation of music history and ensured high-caliber programs and talented teachers were in place to continue the school's success; and

WHEREAS, Dorothy Gerber was a member of the Choral Arts Society of Washington for over 25 years; the group's numerous performances with the National Symphony Orchestra led her to sing and record with world-renowned conductors, including Mstislav Rostropovich and Leonard Bernstein; and

WHEREAS, with the Choral Arts Society of Washington, Dorothy Gerber performed all over the world, including Spoleto, Moscow's Red Square, Notre Dame in Paris, Carnegie Hall in New York City, Teatro Colon in Argentina, and Royal Albert Hall in England; and

WHEREAS, Dorothy Gerber also led a madrigal singing group, the Morley Muse, performing throughout the Washington, D.C., metropolitan area for over a decade; and

WHEREAS, active in politics, Dorothy Gerber volunteered for the campaign of Senator Hillary Rodham Clinton and supported get-out-the-vote efforts for several years; and

WHEREAS, Dorothy Gerber shared a love of birding with young children and adults, teaching them how to identify birds, calls, and songs and educating them on the variety of species and natural habitats; she also devoted time and financial support to the Cornell Lab of Ornithology; and

WHEREAS, a devout Episcopalian, Dorothy Gerber's early devotion to the music and liturgy of the Episcopal Church lasted a lifetime and inspired her life's work; and

WHEREAS, Dorothy Gerber was proud of her family's history, which included the heroism of her great-grandfather, who escaped slavery to fight in the Civil War; all her life, she lived up to this legacy through her actions and deeds; and

WHEREAS, Dorothy Gerber will be fondly remembered and greatly missed by her husband, Hermann; her daughters, Heidi and Amy, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Dorothy Leah Gerber, esteemed choral artist and champion of musical education; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Dorothy Leah Gerber as an expression of the General Assembly's respect for her memory.

SENATE JOINT RESOLUTION NO. 49

Requesting the Department of Health Professions to study the need for additional micro-level, mezzo-level, and macro-level social workers and increased compensation of such social workers in the Commonwealth. Report.

Agreed to by the Senate, January 29, 2020

Agreed to by the House of Delegates, March 3, 2020

WHEREAS, social workers form society's social safety net and offer important services to individuals, families, groups, organizations, and the governmental agencies and political subdivisions of the Commonwealth, guided by special knowledge of social resources and systems, human capabilities, and the part that conscious and unconscious motivations play in determining human behavior; and

WHEREAS, social workers are trained to provide service and action to effect changes in human behavior, emotional responses, and social conditions by the application of the values, principles, methods, and procedures of the profession of social work; and

WHEREAS, social workers have demanding positions that entail increasing levels of required paperwork, large caseloads, and consistent difficulties with challenging clients, including increased safety risks; and

WHEREAS, salaries of social workers are, on average, among the lowest of all occupations in the United States, especially among social workers with a master's degree; and

WHEREAS, workforce challenges facing the social work profession include high student loan debt, lack of fair market compensation, translation of social work research to practice, social worker safety, a lack of state-level licensure policies and reciprocity agreements for social workers providing services across state lines and via telehealth, and a lack of diversity, all of which affect recruitment and retention of social workers and lower the level of services provided to clients; and

WHEREAS, in order to continue the successful growth and development of citizens of the Commonwealth through the practice of social work, it is essential that efforts be taken to ensure that an adequate number of social workers are available to provide services and that social workers are compensated in a manner that both rewards their work and encourages a long-term workforce; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the Department of Health Professions be requested to study the need for additional micro-level, mezzo-level, and macro-level social workers and increased compensation of such social workers in the Commonwealth.

In conducting its study, the Department of Health Professions shall convene a work group, which shall include representatives of the Virginia Chapter of the National Association of Social Workers, institutions of higher education with social work programs, the Department of Social Services, and local departments of social services. The work group shall (i) identify the number of social workers needed in the Commonwealth to adequately serve the population; (ii) identify opportunities for the Commonwealth's social work workforce to successfully serve and respond to increasing biopsychosocial needs of individuals, groups, and communities in areas related to aging, child welfare, social services, military and veterans affairs, criminal justice, juvenile justice, corrections, mental health, substance abuse treatment, and other health and social determinants; (iii) gather information about current social workers in the Commonwealth related to level of education, school of social work attended, level of licensure, job title and classification, years of experience, gender, employer, and compensation; (iv) analyze the impact of compensation levels on social workers' job satisfaction and performance, as well as its impact on the likelihood of other persons entering the profession and any complications to such compensation levels caused by student debt; and (v) make recommendations for additional sources of funding to adequately compensate social workers and increase the number of social workers in the Commonwealth. The Department of Health Professions shall enter into data sharing agreements with the Department of Social Services and other employers of social workers to enable the exchange of de-identified data necessary to comply with the directives set forth in this paragraph.

All agencies of the Commonwealth shall provide assistance to the Department of Health Professions for this study, upon request.

The Department of Health Professions shall complete its meetings by November 30, 2020, and shall submit to the Governor and the General Assembly an executive summary and a report of its findings and recommendations for publication as a House or Senate document. The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports no later than the first day of the 2021 Regular Session of the General Assembly and shall be posted on the General Assembly's website.

SENATE JOINT RESOLUTION NO. 50

Requesting the Department of Rail and Public Transportation to study the feasibility of an east-west Commonwealth Corridor passenger rail service. Report.

Agreed to by the Senate, March 5, 2020

Agreed to by the House of Delegates, March 4, 2020

WHEREAS, Virginia is a leader in expanding and improving intercity passenger rail service; and

WHEREAS, Virginia launched new intercity passenger rail service between Lynchburg and Washington, D.C., in 2009 and Richmond and Washington, D.C., in 2010; and

WHEREAS, Virginia extended the Richmond - Washington, D.C., service to Norfolk in 2013 and the Lynchburg - Washington, D.C., service to Roanoke in 2017; and

WHEREAS, intercity passenger rail service provides a beneficial alternative to the use of highways for travelers, especially students, business travelers, and tourists; and

WHEREAS, by providing an alternative to using highways, increased use of intercity passenger rail service can reduce highway congestion, generate economic development, and improve air quality; and

WHEREAS, in 2017 Amtrak trains in Virginia removed 568 million passenger miles from our roadways, reduced carbon pollution by 233 million pounds, generated nearly \$1.1 billion in economic benefits, and sustained over 11,000 jobs; and

WHEREAS, there is no east-west cross-state intercity passenger rail service in Virginia; and

WHEREAS, to travel by train from Norfolk to Roanoke would take 16 hours, which includes a six-hour layover in Washington, D.C.; and

WHEREAS, an intercity passenger rail corridor between Hampton Roads and the New River Valley would improve transportation connectivity for 3.7 million Virginians, 1.4 million jobs, and 330,000 higher education students; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the Department of Rail and Public Transportation (DRPT) be requested to study the feasibility of an east-west Commonwealth Corridor passenger rail service. The Commonwealth Corridor passenger rail service would connect Hampton Roads, Richmond, and the New River Valley.

In conducting its study, the DRPT shall assess the feasibility, desirability, and possibility of expanding intercity passenger rail service connecting the metropolitan areas from Hampton Roads through Richmond to the New River Valley.

All agencies of the Commonwealth shall provide assistance to the DRPT for this study, upon request.

The DRPT shall complete its meetings by July 1, 2021, and shall submit to the Governor and the General Assembly an executive summary and a report of its findings and recommendations for publication as a House or Senate document. The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports no later than the first day of the 2022 Regular Session of the General Assembly and shall be posted on the General Assembly's website.

SENATE JOINT RESOLUTION NO. 51

Designating November, in 2020 and in each succeeding year, as World Prematurity Month and November 17, in 2020 and in each succeeding year, as World Prematurity Day in Virginia.

Agreed to by the Senate, January 29, 2020

Agreed to by the House of Delegates, February 24, 2020

WHEREAS, premature birth, also known as preterm birth, is a birth that occurs at least three weeks before a baby's due date or with less than 37 weeks' gestation; premature birth can happen to any pregnant woman and the cause is often unknown; and

WHEREAS, while most women give birth to healthy, full-term babies, premature birth is not uncommon, affecting four out of every 10 women, and can involve a high degree of emotional distress for both the woman and her family; and

WHEREAS, there are three groups of women at greatest risk of premature labor and birth: women who have had a previous premature birth, women who are pregnant with twins or higher-order multiples, and women with certain uterine or cervical abnormalities; and

WHEREAS, if a woman has any of these three risk factors, it is especially important for her to know the signs and symptoms of premature labor and what to do if they occur; and

WHEREAS, among the known lifestyle risk factors for premature birth are a woman's use of tobacco, alcohol, or drugs and inadequate preconception and prenatal care, although prematurity in birth may also occur in women who have no known risk factors; and

WHEREAS, preterm babies represent the largest child patient group, and the number of preterm births continue to increase even as the total number of overall births is steadily decreasing, with approximately 15 million children born too early every year; and

WHEREAS, despite this high number and the risks involved, the public is not fully aware of the problems and risks involved in the development of a preterm infant and the need for efforts to reduce the number of preterm births; and

WHEREAS, in 2017, the rate of preterm birth in the United States rose to 9.93 percent, one of the highest rates of premature birth in the developed world, with Virginia slightly below the national average at 9.6 percent; and

WHEREAS, although babies may survive preterm birth, some may require special medical care requiring weeks or months of hospitalization, and often these babies face adverse health conditions over the course of their lives, such as chronic respiratory problems, cerebral palsy, vision and hearing loss, feeding and digestive problems, sensory and motor deficits, infections, cardiovascular diseases, or diabetes, and higher risk of learning, behavioral, and intellectual disabilities compared to their full-term counterparts; and

WHEREAS, in the United States, the annual cost of these serious health consequences is estimated to be more than \$26 billion, and although doctors have made exceptional progress in the care of preterm babies, more research is needed to increase the medical community's understanding of the risk factors for premature birth; and

WHEREAS, researchers agree that better screening tests need to be developed to identify women likely to give birth early, as well as treatments that can be used in advance to interrupt the cascade of events leading to prematurity; and

WHEREAS, World Prematurity Day, established by the March of Dimes, provides an opportunity to raise awareness about premature birth throughout the Commonwealth and the United States and to promote efforts to support women and families dealing with premature birth; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly designate November, in 2020 and in each succeeding year, as World Prematurity Month and November 17, in 2020 and in each succeeding year, as World Prematurity Day in Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the Senate transmit a copy of this resolution to the March of Dimes so that members of the organization may be apprised of the sense of the General Assembly of Virginia in this matter; and, be it

RESOLVED FINALLY, That the Clerk of the Senate post the designation of this month and this day on the General Assembly's website.

SENATE JOINT RESOLUTION NO. 54

Celebrating the life of Adolph Schick.

Agreed to by the Senate, January 16, 2020

Agreed to by the House of Delegates, January 20, 2020

WHEREAS, Adolph Schick, a respected businessman and an active member of the Falls Church and Arlington communities, died on February 24, 2019; and

WHEREAS, born in Austria-Hungary, Adolph "Sonny" Schick immigrated to the United States in 1929; his family settled in Washington, D.C., and opened a restaurant on I Street; and

WHEREAS, Sonny Schick joined many of the other young men of his generation in service to the nation during World War II as a member of the United States Navy; and

WHEREAS, in 1951, Sonny Schick married Dorothy "Dottie" Wasserman and joined her family's automobile business in Arlington, Al's Motors Chrysler Plymouth; and

WHEREAS, under Sonny Schick's leadership, Al's Motors became one of the most successful automobile dealers in the region during the 1960s and 1970s; and

WHEREAS, Sonny Schick also supported the community as a member of the Kiwanis Club of Arlington, and he hosted the Annual Mason District Democratic Crab Feast for many years; and

WHEREAS, predeceased by his wife of 54 years, Dottie, Sonny Schick will be fondly remembered and greatly missed by his sons, Rory, Wade, Kyle, and Albert, and their families, and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Adolph Schick; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Adolph Schick as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 55

Commemorating the 150th anniversary of the ratification of the Fifteenth Amendment to the Constitution of the United States.

Agreed to by the Senate, March 2, 2020

Agreed to by the House of Delegates, March 3, 2020

WHEREAS, the Fifteenth Amendment to the Constitution of the United States was ratified 150 years ago, on February 3, 1870, forbidding the denial of United States citizens' right to vote "on account of race, color, or previous condition of servitude" and providing constitutionally for the right to vote for African American men; and

WHEREAS, the nation's founders asserted in the United States Declaration of Independence "that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness"; but these ideals did not extend to enslaved persons, formerly enslaved persons, or their descendants; and

WHEREAS, the Thirteenth Amendment, ratified on December 6, 1865, formally encoded the abolition of slavery, an institution that spanned nearly 250 years in the British colonies and the new nation; the Fourteenth Amendment, ratified on July 9, 1868, granted citizenship to "all persons born or naturalized in the United States" and required equal protection under the law for all persons within the states' jurisdiction; and

WHEREAS, the Fifteenth Amendment was the last of the three Reconstruction Amendments passed in the wake of the American Civil War to build a foundation for the newly reunited nation, inclusive of rights for formerly enslaved persons and their descendants; and

WHEREAS, the passage of the Fifteenth Amendment and the granting of the right to vote to African American men enabled the election of African American legislators to the General Assembly, to both the Senate and the House of Delegates, and enabled African American Virginians to have a voice in Virginia's legislature; and

WHEREAS, the right to vote and the power it afforded to African American voters was resisted, particularly in the American South, and in spite of the constitutionally guaranteed right, African American voters were deliberately disenfranchised, including by Jim Crow laws that included poll taxes and literacy tests designed to make the polls inaccessible to African American voters; and

WHEREAS, the suppression of the vote disenfranchised African Americans for decades following Reconstruction, such that in Virginia no African Americans were elected to the General Assembly from 1890 until 1969; and

WHEREAS, the right to vote guaranteed by the Fifteenth Amendment had to be continually fought for following Reconstruction and through the Civil Rights Movement, and such right was encoded again in the form of the Twenty-fourth Amendment to the Constitution of the United States, ratified in 1964, abolishing poll taxes, and the Voting Rights Act of 1965, prohibiting discriminatory voting practices; and

WHEREAS, the right of citizens to vote is a fundamental component of American democracy, a right that has historically been denied and suppressed, and a right that must be continually defended and protected; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commemorate the 150th anniversary of the ratification of the Fifteenth Amendment to the Constitution of the United States; and, be it

RESOLVED FURTHER, That the Clerk of the Senate transmit a copy of this resolution to the Superintendent of Public Instruction, the Chairman and Executive Director of the State Council of Higher Education for Virginia, the Chancellor of the Virginia Community College System, the Executive Director of the Virginia State Conference NAACP, and the Executive Director of the American Civil Liberties Union of Virginia, requesting that they further disseminate copies of this resolution to their respective constituents so that they may be apprised of the sense of the General Assembly of Virginia in this matter.

SENATE JOINT RESOLUTION NO. 60

Encouraging the advancement of nuclear energy research and the exploration of economic development opportunities related to nuclear energy.

Agreed to by the Senate, February 11, 2020

Agreed to by the House of Delegates, February 24, 2020

WHEREAS, Virginia supports private and public technological innovation and solutions to reduce carbon emissions, promote economic growth, and protect the environment for future generations; and

WHEREAS, Virginia has repeatedly been recognized as one of the best states in which to do business and has experienced consistent economic and population growth throughout the 21st century; and

WHEREAS, the growth of Virginia's economy is supported by an increasingly diverse energy portfolio, and it will need to continue to diversify in order to meet the goal of utilizing 100 percent carbon-free energy sources by 2050; and

WHEREAS, the Governor's announcement of Executive Order 43 specifically mentioned nuclear energy as one of the clean resources for the Commonwealth to utilize in its efforts to reduce carbon emissions; and

WHEREAS, advanced nuclear reactor technology has the potential to help meet Virginia's energy needs by providing a carbon-free energy source; and

WHEREAS, the engineering and design of advanced nuclear facilities can result in enhanced electricity reliability and public safety and contribute to economic development; and

WHEREAS, in addition to providing a source of safe, carbon-free power generation, research in nuclear technology can lead to advancements in medical science and help the Commonwealth better support the United States Navy at its shipyards; and

WHEREAS, the manufacturing and construction of advanced nuclear facilities and expansion of companies engaged in projects related to nuclear research and advanced nuclear manufacturing will facilitate job growth and economic development across all regions of the Commonwealth; and

WHEREAS, nuclear technology can play a vital role in Virginia's efforts to become a national leader in clean energy and advanced technological research; and

WHEREAS, the General Assembly supports market access to clean energy including that which is derived from advanced nuclear reactor facilities; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the advancement of nuclear energy research and the exploration of economic development opportunities related to nuclear energy be encouraged; and, be it

RESOLVED FURTHER, That the Clerk of the Senate transmit a copy of this resolution to the Department of Mines, Minerals and Energy, requesting that the agency further disseminate copies of this resolution to its respective constituents so that they may be apprised of the sense of the General Assembly of Virginia in this matter.

SENATE JOINT RESOLUTION NO. 62

Commending the Washington Nationals.

Agreed to by the Senate, January 16, 2020

Agreed to by the House of Delegates, January 20, 2020

WHEREAS, the Washington Nationals of Major League Baseball won the 2019 World Series on October 30, 2019, defeating the Houston Astros in seven games; and

WHEREAS, the last time a Major League Baseball team from Washington, D.C., won a World Series was nearly a century ago; following years without baseball in the nation's capital, multiple 100-loss seasons, and a series of painful playoffs defeats, the victory was a long-awaited opportunity for fans in the capital region and throughout the Commonwealth to rejoice; and

WHEREAS, during the season, the Washington Nationals' motto was "Stay in the Fight"; after starting the year with a disappointing 19-31 record, the team nonetheless finished the regular season with 93 wins, earning a playoff berth and starting its march to the World Series; with its October triumph, the team became only the second club in Major League Baseball history to win it all after being 12 games below .500; and

WHEREAS, the relentless spirit that lifted the team into the playoffs carried them to the very end, with the Washington Nationals posting five come-from-behind wins in elimination games in the 2019 postseason, including an astounding 7th-inning comeback in Game Seven of the World Series; and

WHEREAS, as testament to the improbable and historic nature of this season, the Washington Nationals became the only club in Major League Baseball history to win three winner-take-all games in the same postseason and to win every game of a seven-game series on the road; and

WHEREAS, this remarkable accomplishment was a whole-team effort, highlighted by dominant pitching from Patrick Corbin, Anibal Sanchez, Max Scherzer, and Stephen Strasburg and clutch hitting from Adam Eaton, Howie Kendrick, Anthony Rendon, and Juan Soto; and

WHEREAS, the Commonwealth was well-represented on the Washington Nationals' World Series championship roster, with outstanding contributions from University of Virginia alumni Sean Doolittle and Ryan Zimmerman and Virginia native Daniel Hudson; and

WHEREAS, the 2019 Washington Nationals will not only be remembered for the caliber of their play, but for the much-appreciated levity they brought to the game through their on-field rituals and celebrations, including dugout dances and "Baby Shark" sing-alongs; and

WHEREAS, the Washington Nationals demonstrated to young players all over the world what can be accomplished through grit and determination and gave fans a moment they will cherish for the rest of their lives; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Washington Nationals of Major League Baseball, 2019 World Series champions, on the occasion of their monumental victory; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Lerner family, principal owners of the Washington Nationals, as an expression of the General Assembly's admiration for the team's success and its contributions to the Commonwealth.

SENATE JOINT RESOLUTION NO. 65

Celebrating the life of David L. King.

Agreed to by the Senate, January 16, 2020

Agreed to by the House of Delegates, January 20, 2020

WHEREAS, David L. King, a respected leader in the Albemarle County community and an award-winning vintner whose tireless advocacy helped Virginia's wine industry thrive and earn national prestige, died on May 2, 2019; and

WHEREAS, David King grew up in Texas, where he attended Abilene High School and earned a bachelor's degree from Trinity University and a law degree from the University of Houston; and

WHEREAS, in 1995, David King and his family relocated to Virginia and subsequently established Roseland Farm in Crozet; three years later, he was at the forefront of the Commonwealth's burgeoning wine industry when he opened King Family Vineyards; and

WHEREAS, under David King's able leadership, King Family Vineyards expanded to 31 acres and grew from producing 480 cases of wine per year to 10,000 cases of wine per year; the vineyard has earned multiple accolades, including the 2019 Monticello Cup for its 2016 Mountain Plains red blend; and

WHEREAS, David King played a pivotal role in the passage of the Virginia Farm Winery Act in 2007, and he was a trusted mentor to many other winemakers throughout the Commonwealth; he offered his leadership and expertise to the Virginia Wine Board as chair from 2007 to 2009 and 2013 to 2018; and

WHEREAS, David King was also a skilled pilot who offered the use of his helicopter during search and rescue operations and allowed first responders to train with search and rescue drones at the winery; he was sworn in as a reserve deputy of the Albemarle County Sheriff's Office in recognition of his unwavering support for the department; and

WHEREAS, David King touched countless lives through his passionate advocacy and unparalleled generosity; his legacy of excellence lives on in the many successful vineyards throughout the region and the Commonwealth; and

WHEREAS, David King will be fondly remembered and greatly missed by his wife of more than 40 years, Ellen; his sons, Carrington, Stuart, and James, and their families; and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of David L. King, a champion of the Virginia wine industry; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of David L. King as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 67

Directing the Joint Audit and Review Commission to study and make recommendations for how Virginia should legalize and regulate the growth, sale, and possession of marijuana and address the impacts of marijuana prohibition. Report.

Agreed to by the Senate, March 8, 2020

Agreed to by the House of Delegates, March 8, 2020

WHEREAS, the mechanisms and pathways for legalizing marijuana have not been fully vetted and analyzed in Virginia; and

WHEREAS, data and analysis including, but not limited to, Illinois, New Mexico, Colorado, and Washington, as states that have legalized recreational use of marijuana, can help inform the conversation in Virginia and also include a review of the costs, benefits, and societal impact; and

WHEREAS, the effects on all populations including communities of color, children, young and older adults, as well as students, and adults and youth in recovery should be considered; and

WHEREAS, consideration should be given to the specific impact of the criminalization of marijuana use and possession on communities of color, specifically the impact of incarceration on youth ages 18-24, neighborhoods or other geographic areas where impact has been the most disparate, and programs and policies that must be implemented to identify particularly disadvantaged areas and provide appropriate redress for the harm caused; and

WHEREAS, it is important to ensure that any market created for the regulated sale of marijuana assures that business opportunities are available to those people previously marginalized and geographic areas harmed by criminalization of marijuana possession and use;

WHEREAS, it is important to ensure that any regulating entity or group established to study regulation, sale, and possession of marijuana include those who have been impacted by the criminalization of marijuana use and possession; now, therefore, be it

RESOLVED by the Senate of Virginia, the House concurring, That the Joint Legislative Audit and Review Commission be directed to study and make recommendations for how Virginia should go about legalizing and regulating the growth, sale, and possession of marijuana by July 1, 2022 and address the impacts of marijuana prohibition.

In conducting its study, the Joint Legislative Audit and Review Commission shall (i) review Illinois' Cannabis Regulation and Tax Act and consider best practices that could be applied to Virginia including policies addressing the impact of marijuana prohibition on marginalized community members; (ii) review New Mexico's Marijuana Legalization Work Group Findings; (iii) make recommendations for a regulated, adult use market; and (iv) make recommendations for programs and policies that must be implemented to provide appropriate redress for the harm caused to communities most impacted by marijuana prohibition including the impact of incarceration on youth ages 18-24 and neighborhoods or other geographic areas where impact has been the most disparate. Recommendations should be inclusive of these five primary tenets: (a) maintain and expand Virginia's medical marijuana program; (b) install public safety protections to protect minors and identify and prosecute those who sell marijuana without legal authority; (c) create strong testing and labeling; (d) provide equity and economic opportunity for every community, especially those disproportionately impacted by prohibition drug policies with an emphasis on ensuring equity in ownership in the marijuana industry; and (e) ensure racially equitable programs and policies exist that will provide reinvestment in communities most impacted by marijuana prohibition. In addition, the Joint Legislative Audit and Review Commission shall include in its study a review of the work of any work group on a related topic established by the General Assembly to study the development of a framework for regulated adult use of cannabis and the creation of a regulatory entity to oversee licensing and regulation of industrial hemp, medical cannabis, and adult use of cannabis.

All agencies of the Commonwealth shall provide assistance to the Joint Legislative Audit and Review Commission for this study, upon request.

The Joint Legislative Audit and Review Commission shall submit to the Division of Legislative Automated Systems a report of its findings and recommendations no later than December 1, 2020. The report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

SENATE JOINT RESOLUTION NO. 68

Designating December, in 2020 and in each succeeding year, as Puppy Mill Awareness Month in Virginia.

Agreed to by the Senate, February 11, 2020

Agreed to by the House of Delegates, February 24, 2020

WHEREAS, Virginia's proud agricultural heritage has ingrained in its citizens a tradition of responsible stewardship of animals; and

WHEREAS, the worldwide use of dogs as companion animals, as vital partners in law-enforcement and military duty, for therapeutic situations, as service animals for the disabled and blind or visually impaired, and in other noble roles is a testimony to the intelligence, devotion, and value of these animals and to the respectful treatment they deserve; and

WHEREAS, these long-standing traditions have been put in jeopardy by out-of-state, large-scale commercial dog breeding operations, many of which have been repeatedly cited for violations of the federal Animal Welfare Act and are transporting and shipping puppies into the Commonwealth; and

WHEREAS, commonly known as puppy mills, there are more than 10,000 such breeding operations producing more than two million dogs each year in the United States, with countless other dogs imported from other countries; and

WHEREAS, dogs from puppy mills are often underdeveloped, sick, or suffer from genetic deformities or behavioral defects as a result of poor socialization and mistreatment, and some may even die only days or weeks after purchase; and

WHEREAS, many pets purchased as holiday gifts come from puppy mills, and animal welfare organizations see increased numbers of rejected and unwanted dogs following the holidays; and

WHEREAS, tolerating the inhumane treatment of adult breeding dogs, where profit is put above the welfare of the dogs, and the sale of unhealthy puppies to consumers in Virginia and other states constitutes an abdication of the responsibilities of good citizenship and good stewardship; and

WHEREAS, greater transparency within and oversight of this industry will yield a better outcome for dogs, responsible dog breeders, and consumers and will increase Virginia's national standing as a champion for animals; and

WHEREAS, Virginians are encouraged to observe Puppy Mill Awareness Month by supporting efforts to raise awareness of puppy mills, support rescue organizations, and promote responsible dog breeding and responsible pet adoption; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly designate December, in 2020 and in each succeeding year, as Puppy Mill Awareness Month in Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the Senate transmit copies of this resolution to the American Society for the Prevention of Cruelty to Animals and the Humane Society of the United States so that members of the organizations may be apprised of the sense of the General Assembly of Virginia in this matter; and, be it

RESOLVED FINALLY, That the Clerk of the Senate post the designation of this month on the General Assembly's website.

SENATE JOINT RESOLUTION NO. 69

Celebrating the life of Olivia Gae Armentrout Welsh.

Agreed to by the Senate, January 23, 2020

Agreed to by the House of Delegates, January 27, 2020

WHEREAS, Olivia Gae Armentrout Welsh, devoted businesswoman and civic leader in Staunton, died on May 10, 2019; and

WHEREAS, Olivia "Libby" Welsh was born in Keezletown in 1939 and attended school in Rockingham County; after studying bookkeeping at Temple University, she settled in Staunton, where she successfully owned and operated Livia Properties, a warehouse and leasing facility, for over 40 years; and

WHEREAS, Libby Welsh was involved in the civic affairs of her community through several boards and commissions, including 29 years on the Staunton Board of Zoning Appeals, where she was chair for most of her tenure; and

WHEREAS, serving two partial terms as the Staunton District member of the Commonwealth Transportation Board and two full terms on the Commonwealth's Judicial Inquiry and Review Commission, Libby Welsh was granted the Patrick Henry Award in recognition of her efforts on behalf of the Commonwealth; and

WHEREAS, over the years, Libby Welsh supported the campaigns of numerous local and state Republican candidates, including the campaign of Governor George Allen; and

WHEREAS, Libby Welsh will be fondly remembered and greatly missed by her husband of 55 years, James; her son, James, Jr., and his family; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Olivia Gae Armentrout Welsh, beloved member of the Staunton community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Olivia Gae Armentrout Welsh as an expression of the General Assembly's respect for her memory.

SENATE JOINT RESOLUTION NO. 71

Confirming the appointment of the Director of the Department of Game and Inland Fisheries.

Agreed to by the Senate, January 27, 2020

Agreed to by the House of Delegates, February 5, 2020

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly confirm the following appointment by the Board of the Department of Game and Inland Fisheries pursuant to §§ 29.1-103 and 29.1-109 of the Code of Virginia:

Ryan Brown of Goochland, Virginia 23063, Director of the Department of Game and Inland Fisheries effective July 8, 2019, to succeed Robert W. Duncan.

SENATE JOINT RESOLUTION NO. 72

Celebrating the life of Harry Clarke Curtis.

Agreed to by the Senate, January 23, 2020

Agreed to by the House of Delegates, January 27, 2020

WHEREAS, Harry Clarke "Duke" Curtis, a well-known and respected businessman and beloved member of the Roanoke community, died on December 23, 2019; and

WHEREAS, born and raised in Roanoke, Duke Curtis graduated from William Fleming High School in 1975 and John Tyler Community College in 1978 before joining the family business full time at Hamlar-Curtis Funeral Home; and

WHEREAS, beginning his career at Hamlar-Curtis Funeral Home as a teenager washing cars, Duke Curtis would ultimately take the helm of the business his father started, holding the position of president from 2003 until he retired in 2019; and

WHEREAS, at Hamlar-Curtis Funeral Home, Duke Curtis provided compassionate service for over four decades, becoming a leading figure in the community that others could dependably turn to in their time of need; and

WHEREAS, Duke Curtis was a leader in his industry, having served previously as president of the Virginia Morticians' Association and on the board of the National Funeral Directors & Morticians Association; and

WHEREAS, valued for his wisdom and guidance, Duke Curtis also held leadership roles with several community organizations, including positions on the SunTrust Advisory Board, the United Way of Roanoke Valley Board of Directors, and the New Horizons Healthcare Center Board of Directors, of which he was chairman; and

WHEREAS, committed to encouraging the youth of Roanoke to live healthy, active lives, Duke Curtis served on the board of the former Hunton YWCA and coached several recreational football, basketball, and baseball teams; and

WHEREAS, in recognition of his years of service, innumerable achievements, and inspiring character, the Roanoke branch of the NAACP awarded Duke Curtis a Lifetime Achievement Award at its 21st Annual Citizen of the Year Awards Program on May 31, 2019; and

WHEREAS, guided by his abiding faith to help others, Duke Curtis enjoyed worship and fellowship with his community at High Street Baptist Church in Roanoke, where he was vice chair of the High Street Baptist Church Deacon Ministry and chairman of the High Street Baptist Church Credit Union; and

WHEREAS, Duke Curtis will be dearly remembered and sorely missed by his loving wife, Patricia; children, Tiffany and Patrick, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Harry Clarke Curtis, an admired businessman and community leader of Roanoke who worked tirelessly for others; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Harry Clarke Curtis as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 73

Confirming appointments by the Governor of certain persons communicated to the General Assembly January 3, 2020.

Agreed to by the Senate, January 27, 2020

Agreed to by the House of Delegates, February 5, 2020

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly confirm the following appointments of certain persons made by Governor Ralph Northam and communicated to the General Assembly January 3, 2020.

AUTHORITIES

Board of Directors of the Virginia Alcoholic Beverage Control Authority

William D. Euille of **Alexandria**, Virginia 22314, Member, appointed December 20, 2019, to fill an unexpired term beginning December 1, 2019, and ending January 14, 2020, to succeed Jeffrey L Painter.

Virginia Recreational Facilities Authority Board of Directors

Kelvin C. Bratton of **Roanoke**, Virginia 24019, Member, appointed December 6, 2019, for a term of five years beginning July 1, 2019, and ending June 30, 2024, to succeed himself.

Andrew Downs of **Roanoke**, Virginia 24015, Member, appointed December 6, 2019, for a term of five years beginning July 1, 2019, and ending June 30, 2024, to succeed Carolyn D. Fidler.

Joel F. Keebler of **Blacksburg**, Virginia 24060, Member, appointed December 6, 2019, for a term of five years beginning July 1, 2019, and ending June 30, 2024, to succeed John Renick.

COMMERCE AND TRADE

Common Interest Community Board

James Foley of **Clifton**, Virginia 20124, Member, appointed December 6, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed Paul L. Orlando.

David S. Mercer of **Alexandria**, Virginia 22302, Member, appointed December 6, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed Lucia Anna Trigiani.

Scott Sterling of **McLean**, Virginia 22102, Member, appointed December 6, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed himself.

Latino Advisory Board

Paul Berry of **McLean**, Virginia 22101, Member, appointed December 6, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed himself.

Diana Brown of **Virginia Beach**, Virginia 23464, Member, appointed December 6, 2019, to fill an unexpired term beginning June 15, 2019, and ending June 30, 2022, to succeed Ana K. Solorio.

Karina Kline-Gabel of **Harrisonburg**, Virginia 22807, Member, appointed December 6, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed herself.

Sergio Rimola of **Vienna**, Virginia 22182, Member, appointed December 6, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed himself.

Rodrigo Velasquez of **Springfield**, Virginia 22150, Member, appointed December 6, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed Edgar Lara.

Walewska M. Watkins of **Ashburn**, Virginia 20147, Member, appointed December 6, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed Victoria M. Cartagena.

Rosa Cecilia Williams of **Fairfax**, Virginia 22031, Member, appointed December 6, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed herself.

EDUCATION

Board of Trustees of the Southern Virginia Higher Education Center

Mattie M. Cowan of **South Boston**, Virginia 24592, Member, appointed November 6, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed herself.

Dennis Witt of **Halifax County**, Virginia 24558, Member, appointed November 6, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed himself.

Board of Visitors for Gunston Hall

Edmund Graber of **Fairfax**, Virginia 23030, Member, appointed November 6, 2019, for a term of one year beginning October 1, 2019, and ending September 30, 2020, to succeed himself.

Eileen Cassidy Rivera of **Alexandria**, Virginia 22305, Member, appointed November 6, 2019, for a term of one year beginning October 1, 2019, and ending September 30, 2020, to succeed herself.

Timothy Sargeant of **Fairfax**, Virginia 23030, Member, appointed November 6, 2019, for a term of one year beginning October 1, 2019, and ending September 30, 2020, to succeed himself.

Jamestown-Yorktown Foundation Board of Trustees

Suzanne Owen Flippo of **Glen Allen**, Virginia 23059, Member, appointed December 13, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed Timothy Peter Dykstra.

Ervin L. Jordan, Jr., of **Charlottesville**, Virginia 22902, Member, appointed December 13, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed himself.

Jeffrey B. Trammell of **Washington, District of Columbia** 20005, Member, appointed December 13, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed John Casteen.

HEALTH AND HUMAN RESOURCES

Advisory Board on Midwifery

Rebecca Banks of **Sterling**, Virginia 20165, Member, appointed November 6, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed Maya Hawthorn.

Natasha Jones of **Norfolk**, Virginia 23231, Member, appointed November 6, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed herself.

Ami Keatts of **Staunton**, Virginia 24401, Member, appointed November 6, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed herself.

Board of Health Professions

Sheila Battle of **Chesterfield**, Virginia 23236, Member, appointed December 13, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed Lisette Carbajal.

Board of Psychology

Sally Singer Brodsky of **Reston**, Virginia 20190, Member, appointed November 6, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed Russell Leonard.

Christine Payne of **Williamsburg**, Virginia 23185, Member, appointed November 6, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed Deja M. Lee.

Susan Brown Wallace of **Springfield**, Virginia 22150, Member, appointed November 6, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed herself.

Commonwealth Council on Aging

John T. White of **Richmond**, Virginia 23220, Member, appointed November 6, 2019, to serve an unexpired term beginning July 1, 2018, and ending June 30, 2022, to succeed Davis Creef.

Maternal Mortality Review Team

Kristie Burnette of **Midlothian**, Virginia 23113, Member, appointed December 20, 2019, for a term of two years beginning July 1, 2019, and ending June 30, 2021, to fill a new seat.

Donald Dudley of **Charlottesville**, Virginia 22908, Member, appointed December 20, 2019, for a term of one year beginning July 1, 2019, and ending June 30, 2020, to fill a new seat.

Nancy Fowler of **Richmond**, Virginia 23229, Member, appointed December 20, 2019, for a term of one year beginning July 1, 2019, and ending June 30, 2020, to fill a new seat.

Susan Lanni of **Montpelier**, Virginia 23192, Member, appointed December 20, 2019, for a term of one year beginning July 1, 2019, and ending June 30, 2020, to fill a new seat.

Elizabeth Newton of **Charlottesville**, Virginia 22902, Member, appointed December 20, 2019, for a term of two years beginning July 1, 2019, and ending June 30, 2021, to fill a new seat.

Kathleen Page of **Lynchburg**, Virginia 24503, Member, appointed December 20, 2019, for a term of two years beginning July 1, 2019, and ending June 30, 2021, to fill a new seat.

Donna Schminkey of **Harrisonburg**, Virginia 22802, Member, appointed December 20, 2019, for a term of three years beginning July 1, 2019, and ending June 30, 2022, to fill a new seat.

Shannon Walsh of **Midlothian**, Virginia 23113, Member, appointed December 20, 2019, for a term of three years beginning July 1, 2019, and ending June 30, 2022, to fill a new seat.

Statewide Independent Living Council

Leelynn Brady of **Suffolk**, Virginia 23435, Member, appointed November 6, 2019, for a term of three years beginning July 1, 2019, and ending June 30, 2022, to succeed Raymond Kenney.

NATURAL RESOURCES

State Water Control Board

Jillian Cohen of **Falls Church**, Virginia 22046, Member, appointed December 20, 2019, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed Guinevere Nissa Dean.

TRANSPORTATION

Aerospace Advisory Council

Peter James Bale of **Chincoteague**, Virginia 23336, Member, appointed December 20, 2019, for a term of two years beginning July 1, 2018, and ending June 30, 2020, to succeed himself.

David Bowles of **Exmore**, Virginia 23350, Member, appointed December 20, 2019, for a term of two years beginning July 1, 2018, and ending June 30, 2020, to succeed himself.

Kurt Eberly of **Arlington**, Virginia 22203, Member, appointed December 20, 2019, for a term of two years beginning July 1, 2018, and ending June 30, 2020, to succeed himself.

Jon Greene of **Blacksburg**, Virginia 24060, Member, appointed December 20, 2019, to serve an unexpired term beginning July 1, 2018, and ending June 30, 2020, to succeed Rose Mooney.

Dale Nash of **Virginia Beach**, Virginia 23456, Member, appointed December 20, 2019, for a term of two years beginning July 1, 2018, and ending June 30, 2020, to succeed himself.

David Pierce of **Salisbury, Maryland** 21804, Member, appointed December 20, 2019, to serve an unexpired term beginning July 1, 2018, and ending June 30, 2020, to succeed William Wrobel.

Michael Stoltzfus of **Bridgewater, Virginia** 22815, Member, appointed December 20, 2019, to serve an unexpired term beginning July 1, 2018, and ending June 30, 2020, to succeed Fernando J. Martinez.

Todd Yeatts of **Arlington, Virginia** 22202, Member, appointed December 20, 2019, for a term of two years beginning July 1, 2018, and ending June 30, 2020, to succeed himself.

SENATE JOINT RESOLUTION NO. 76

Commending Mission BBQ.

Agreed to by the Senate, January 23, 2020

Agreed to by the House of Delegates, January 27, 2020

WHEREAS, Mission BBQ offers a wide selection of authentic regional barbecue fare while working to honor and support veterans in the Commonwealth and throughout the nation; and

WHEREAS, combining their patriotism, commitment to community service, and passion for good food, Bill Kraus and Steve Newton established Mission BBQ in Glen Burnie, Maryland, on September 11, 2011; and

WHEREAS, using only the highest quality ingredients cooked fresh that day, Mission BBQ quickly developed a loyal following and opened its second location the following year; it has since expanded to nearly 80 locations in the United States, including more than 15 locations in Virginia; and

WHEREAS, true to its name, Mission BBQ works toward a greater purpose by supporting the men and women who serve the nation in uniform, hiring veterans, offering free food to veterans on remembrance days, and hosting fundraisers to support veterans, public safety officers, and their families; and

WHEREAS, Mission BBQ locations are decorated with memorabilia donated by local veterans, law-enforcement officers, and other first responders, making each dining room a unique reflection of its community; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Mission BBQ for its success as both a restaurant and a community partner; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Bill Kraus and Steve Newton, founders of Mission BBQ, as an expression of the General Assembly's admiration for the its work to honor the service and sacrifice of veterans and public safety officers.

SENATE JOINT RESOLUTION NO. 78

Commemorating the 150th anniversary of the swearing in of the first African American legislators to serve in the General Assembly.

Agreed to by the Senate, February 6, 2020

Agreed to by the House of Delegates, February 24, 2020

WHEREAS, the first African American members of the General Assembly, elected in 1869, were sworn into office 150 years ago in February 1870; and

WHEREAS, during the era of Reconstruction in the wake of the American Civil War, as a condition of readmission to the United States Congress, states in the South were required to reform their governments and establish new constitutions; in Virginia, despite an existing prohibition in the state constitution, African American men were allowed to vote in the election of delegates to the Virginia Constitutional Convention of 1867-1868; and

WHEREAS, the Virginia Constitutional Convention of 1867-1868 created the Virginia Constitution of 1869, also known as the Underwood Constitution, which formally guaranteed the right to vote in Virginia to African American men, enabling African American men to elect the first African American representatives to the Senate and the House of Delegates in the election of 1869; and

WHEREAS, in the decades that followed in Virginia, in response to fear of the power afforded to African American citizens by their representation in government, African American voters were disenfranchised by Jim Crow laws, designed to make the polls inaccessible to them, and by a new state constitution in 1902, which allowed the General Assembly to enact laws again disenfranchising African American voters; from 1890 until 1969, no African Americans were elected to the General Assembly; and

WHEREAS, the first African American legislators to serve in the General Assembly performed their public service in the face of great prejudice, animosity, and intimidation; in the time that they were able to offer their service to the Commonwealth, they enabled the expansion of rights to African American citizens, including many who were formerly enslaved; and

WHEREAS, the first African American legislators sworn in as members of the General Assembly in 1870 are as follows:

House of Delegates

William H. Andrews, born around 1839 in Virginia, was a teacher and represented Isle of Wight and Surry Counties in the Virginia Constitutional Convention of 1867-1868 and Surry County in the Virginia House of Delegates from 1869 until 1871.

William H. Brisby was born free in New Kent County in 1836 to Roger Lewis, an African American, and Miranda Brisby, a Pamunkey Indian. He taught himself to read and write and learned blacksmithing as a trade. Mr. Brisby worked as a blacksmith, farmer, and lawyer. He worked on the construction of the Richmond and York River Railroad. He was a landowner and his chief interests were the study and practice of law. William H. Brisby represented New Kent County in the Virginia House of Delegates from 1869 until 1871, serving on the Officers and Offices at the Capitol Committee. He later served on the New Kent Board of Supervisors from 1880 to 1882 and was a justice of the peace from 1870 until 1910. Mr. Brisby claimed to have helped Union prisoners of war escape from Richmond during the American Civil War, stowing them away in his cargo transports.

Henry Cox was born free in Powhatan County in 1832. A shoemaker, he became a landowner early, purchasing 37 acres in 1871. He represented Chesterfield and Powhatan Counties in the House of Delegates from 1869 to 1877, serving on the Officers and Offices at the Capitol Committee. Mr. Cox was part of a delegation that met with President Ulysses S. Grant to solicit his support for the Civil Rights Act.

Isaac Edmundson, a property owner with little education, was born in 1846. Mr. Edmundson represented Halifax County in the House of Delegates from 1869 to 1871.

Ballard T. Edwards, a bricklayer, plasterer, and contractor, was born free in Manchester in 1829 of black, white, and Native American ancestry. His mother was a teacher, and he too taught at a night school for freedmen after the American Civil War. He was a delegate to the 1865 Virginia Black Convention, and during Reconstruction he held office as overseer of the poor, justice of the peace, and assistant postmaster at Manchester. He represented Chesterfield and Powhatan Counties in the Virginia House of Delegates from 1869 to 1871, where he proposed a measure banning racial discrimination by railroad and steamboat companies. A leader in the Manchester First Baptist Church, Mr. Edwards was also active in the Masons.

George Fayerman, a storekeeper, was born free in Louisiana in 1830 to George and Phoebe Fayerman. His father fled from Haiti to Louisiana during the slave insurrection led by Touissant l'Overture. Mr. Fayerman was literate in both French and English. After the American Civil War, he came to Petersburg, where he established a grocery store and became an official of the Union League and a delegate to the 1867 state Republican convention. Mr. Fayerman served in the House of Delegates from 1869 to 1871, where he sponsored civil rights legislation. He served as overseer of the poor from 1872 to 1874 and as a member of the Petersburg City Council from 1874 to 1876.

Charles E. Hodges was born in 1819 to well-to-do African American Virginians. His family moved to Brooklyn, New York, in the 1830s after his brother William was accused of forging free papers for slaves, leading to the prosecution of his father. Charles Hodges was a minister. He became involved in the abolition movement and the struggle for African American suffrage in New York State and was a delegate to the National Black Convention in Philadelphia in 1855. Returning to Virginia after the American Civil War, he served in the Virginia House of Delegates, representing Norfolk County from 1869 to 1871. Three of his brothers were also involved in Reconstruction politics.

John Q. Hodges, the brother of officeholders Charles, William, and Willis Hodges, was born to a prosperous Virginia free African American family that was forced to leave the state for Brooklyn, New York, in the 1830s after his brother was accused of aiding fugitive slaves. The date of his birth is unknown. John Hodges represented Princess Anne County in the Virginia House of Delegates from 1869 to 1871.

Benjamin Jones, a farm manager, was born into slavery in 1834 or 1835. The overseer on his master's plantation before the American Civil War, Mr. Jones was sent to the North for education in 1865 by his former owner and was given 35 acres of land. He represented Charles City County in the Virginia House of Delegates from 1869 to 1871, where he introduced legislation to make gambling a felony. According to the U.S. Census in 1870, he owned \$600 in real estate.

Peter K. Jones, a native of Petersburg, was born in 1838. He worked as a shoemaker and carpenter. Mr. Jones was a delegate to the 1865 Virginia Black Convention and represented Greenville and Sussex Counties at the Virginia Constitutional Convention of 1867-1868. He served in the Virginia House of Delegates, representing Greenville County from 1869 to 1877.

Robert G. W. Jones, a farmer, mail carrier, and music teacher, was born free in 1827 in Henrico County. He moved to Charles City County before 1860, where he acquired considerable landholdings. In 1865, he purchased 500 acres for \$900. In 1870, he bought 70 acres for \$179, and finally, in 1876, he purchased 31 acres for \$300. He organized the first music classes in Charles City County and represented the county in the Virginia House of Delegates from 1869 to 1871.

James F. Lipscomb, a farmer and merchant, was born free in Cumberland County in 1830 to a family whose freedom was first granted in 1818. Although he was born in poverty, he learned to read and write and rose by his own efforts from the position of a hack driver in Richmond to the owner of a canal boat on the James River and finally to the ownership of three farms in Cumberland totaling 510 acres. He built a 12-room house and eight smaller dwellings, which he rented out to his farm tenants. After ending his eight-year career in the General Assembly, Mr. Lipscomb opened a general country store, which was later operated by his grandson. He represented Cumberland County in the Virginia House of Delegates from 1869 to 1877.

J. B. Miller, Jr., a teacher, was elected to the Virginia House of Delegates in 1869 as a Radical Republican to represent Goochland County from 1869 to 1871.

Peter G. Morgan, born a slave of African, Native American, and white ancestry in 1817, in Nottoway County, was a storekeeper and shoemaker. He represented Petersburg in the Virginia Constitutional Convention of 1867-1868 and in the Virginia House of Delegates from 1869 to 1871. He served on the Petersburg City Council from 1872 to 1874 and was a member of the Petersburg School Board.

Frederick S. Norton, a shoemaker, was the brother of Virginia legislators Robert Norton and Daniel M. Norton. The dates of his birth and death are unknown. Mr. Norton represented James City County and Williamsburg in the Virginia House of Delegates from 1869 to 1871.

Robert Norton was born a slave in Virginia. The date of his birth and death are unknown. Robert Norton and his brother Daniel ran away to the North around 1850. He returned to Virginia in 1865, established himself as the leading African American merchant in Yorktown, and served in the Virginia House of Delegates from 1869 to 1872 and from 1881 to 1882, representing Elizabeth City and York County. He ran unsuccessfully as an independent candidate for U.S. Congress in 1874.

Alexander Owen, a rock mason, was born into slavery in 1830 or 1831 to Patrick and Lucy Hughes Owen. Mr. Owen represented Halifax County in the Virginia House of Delegates from 1869 to 1871. He did not own property according to the U.S. Census of 1870, but he used his legislative salary to purchase 54 acres of land.

Caesar Perkins was born a slave in 1839 in Buckingham County, the son of Joseph and Clarey Mosely. He adopted the name "Perkins" from the name of his last master. Mr. Perkins, a brick mason, farmer, storekeeper, and minister, was self-educated. He made bricks on his farm, built homes, promoted education, and organized churches, serving as pastor for them. He entered politics and represented Buckingham County in the Virginia House of Delegates from 1869 to 1871 and from 1887 to 1888. Although from 1890 to 1903 he lived in Clifton Forge and from 1903 to 1910 he resided in Richmond, he spent the greater part of his life in Buckingham County.

Fountain M. Perkins was born in 1816. He was a minister and farmer. As a Virginia slave, Perkins was educated by his owner's wife and worked as a plantation overseer. He attended a school run by a Northern teacher after the American Civil War. Mr. Perkins organized Baptist churches in Louisa County, was a landowner during Reconstruction, and served in the Virginia House of Delegates from 1869 to 1871.

William H. Ragsdale, the son of R. Edward and Fannie Ragsdale, was born a slave in 1844. He became a teacher. He purchased 122 acres of land in Charlotte County in 1871 for \$1,400. Mr. Ragsdale represented Charlotte County in the Virginia House of Delegates from 1869 to 1871.

George L. Seaton was a contractor and grocer. He was born free in 1826 in Alexandria to George and Lucinda Seaton. His father was a carpenter, and he taught the trade to his sons, George and John. The Seatons were successful business owners. George Seaton represented Alexandria in the Virginia House of Delegates from 1869 to 1871.

William N. Stevens was born in 1850 to a Petersburg family that had been free for three or four generations. Mr. Stevens was a lawyer and represented Sussex County in the House of Delegates from 1869 to 1871, and the district of Dinwiddie, Greensville, and Sussex Counties from 1871 to 1879 and in 1881 and 1882 in the Senate of Virginia. He wrote to Charles Sumner in 1870 on behalf of the Civil Rights Act: "We are as much today the victims of this hateful prejudice of caste as though we were not men and citizens."

John Watson was born in Mecklenburg County and served in the Virginia Constitutional Convention of 1867-1868 and in the House of Delegates in 1869. Mr. Watson was active in promoting schools and churches in the county. He died while in office.

Ellis Wilson, a farmer and minister, was born into slavery in Dinwiddie County in 1824. He spent his entire life in Dinwiddie County as a minister and community leader. In 1870 and 1871, he purchased four tracts of land comprising 624 acres. He represented Dinwiddie County in the Virginia House of Delegates from 1869 to 1871.

Senate of Virginia

James William D. Bland, a carpenter, a cooper, and a U.S. tax assessor, was born free in Farmville in 1844. He represented Prince Edward County and Appomattox in the Virginia Constitutional Convention of 1867-1868 and in the Virginia Senate from 1869 to 1870, where he served on the Senate Committee for Courts of Justice. At the Virginia Constitutional Convention, Mr. Bland proposed a resolution requesting military authorities to direct railroad companies to allow convention delegates to occupy first-class accommodations, which many railroads had refused to do. He also introduced a measure guaranteeing the right of "every person to enter any college, seminary, or other public institution upon equal terms with any other, regardless of race, color, or previous condition." He was considered to be the voice of compromise and impartiality in an age of turmoil and partisanship. James Bland was one of 60 persons killed in 1870 when the second floor of the State Capitol collapsed.

Isaiah L. Lyons, a native of New York born in 1842 or 1843, may have come to Virginia before the American Civil War, as the U.S. Census of 1870 lists him as living with a New York-born wife and a 12-year-old son born in Virginia. He represented Surry, York, Elizabeth City, and Warwick Counties in the Senate of Virginia from 1869 to 1871. In the Virginia General Assembly, Mr. Lyons did not oppose segregated schools; rather, he insisted that African American schools should have African American teachers. Mr. Lyons was a member of the First Baptist Church in Hampton. He died while a member of the Senate on February 21, 1871. After his death, the Virginia General Assembly awarded his wife \$52 to cover funeral expenses.

William P. Mosely, a slave born in Virginia in 1819, was a house servant and operated a freight boat. He obtained his freedom before the American Civil War and became well educated. Mr. Mosely was a delegate to the Virginia Black Convention of 1865, represented Goochland County in the Virginia Constitutional Convention of 1867-1868, and served in

the Senate of Virginia from 1869 to 1871. He ran for Congress as a Republican in 1880 but was defeated by the Readjuster Party candidate.

Francis "Frank" Moss was a farmer and minister who was born free in 1825 in Buckingham County. Mr. Moss served in the Virginia Constitutional Convention of 1867–1868 and served in the Virginia House of Delegates, representing Buckingham County from 1874 to 1875. He represented Buckingham County in the Senate of Virginia from 1869 to 1871.

John Robinson was born in 1822. He was a lawyer and graduate of Hampton Institute. He represented Cumberland County in the Virginia Constitutional Convention of 1867–1868 and in the Senate of Virginia from 1869 to 1873. He also worked as a mail carrier and operated a saloon and general store during the 1870s. The date of his death is unknown.

George Teamoh, a carpenter, was born a slave in Portsmouth in 1818. An accomplished orator, he was a delegate to the Virginia Black Convention of 1865 and was a Union League organizer. He served in the Virginia Constitutional Convention of 1867–1868 but generally remained silent. He wrote, "Agricultural degrees and brickyard diplomas were poor preparation for the complex proceedings." He supported the disenfranchisement of former Confederates. Mr. Teamoh served in the Senate of Virginia from 1869 to 1871, where he supported the formation of a biracial labor union at the Gosport Navy Yard. Later, due to party factionalism, he was denied re-nomination to the Senate of Virginia in 1871 and ran unsuccessfully for the Virginia House of Delegates. He was an advocate of African American self-help, was a founder of Portsmouth's first African American school, and was active in African Methodist Episcopal church affairs in the city; and

WHEREAS, the Commonwealth is indebted to these first African American legislators, and the people of the Commonwealth continue to benefit from their contributions and their legacies; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly commemorate the 150th anniversary of the swearing in of the first African American legislators to serve in the General Assembly; and, be it

RESOLVED FURTHER, That the Clerk of the Senate transmit a copy of this resolution to the Chairman of the Virginia Legislative Black Caucus, the Superintendent of Public Instruction, the Chairman and Executive Director of the State Council of Higher Education for Virginia, the Executive Director of the Virginia State Conference NAACP, and the Executive Director of the American Civil Liberties Union, requesting that they further disseminate copies of this resolution to their respective constituents so that they may be apprised of the sense of the General Assembly of Virginia in this matter.

SENATE JOINT RESOLUTION NO. 80

Designating April 19-25 in 2020 and the final full week in April in each succeeding year, as National Prosthodontics Awareness Week in Virginia.

Agreed to by the Senate, February 26, 2020

Agreed to by the House of Delegates, February 24, 2020

WHEREAS, an estimated 120 million Americans are missing one or more teeth, a condition that not only affects overall health, but also affects an individual's self-image and job prospects; and

WHEREAS, a prosthodontist is a dental specialist who focuses on repairing or replacing missing or damaged teeth; prosthodontists have advanced training in the use of dentures, dental implants, and digital technology to deliver life-changing treatments; and

WHEREAS, the American College of Prosthodontists (ACP) is a national, nonprofit organization recognized by the American Dental Association as representing the prosthodontic specialty and its practitioners; and

WHEREAS, the ACP established National Prosthodontics Awareness Week to raise awareness of the ways dental prostheses can increase an individual's quality of life; during the event in 2019, hundreds of ACP members gave lectures, hosted activities, and completed pro bono dental work; and

WHEREAS, National Prosthodontics Awareness Week provides an opportunity for dentists, educators, and government officials to stress the importance of good oral health and deliver a message of hope to people with missing or damaged teeth; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly designate April 19-25 in 2020 and the final full week in April in each succeeding year, as National Prosthodontics Awareness Week in Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the Senate transmit a copy of this resolution to the American College of Prosthodontists so that members of the organization may be apprised of the sense of the General Assembly of Virginia in this matter; and, be it

RESOLVED FINALLY, That the Clerk of the Senate post the designation of this week on the General Assembly's website.

SENATE JOINT RESOLUTION NO. 82

Commending the Garden Club of Virginia.

Agreed to by the Senate, January 23, 2020

Agreed to by the House of Delegates, January 27, 2020

WHEREAS, the Garden Club of Virginia, founded on May 13, 1920, will observe the 100th anniversary of its founding in 2020; and

WHEREAS, in the past century, the Garden Club of Virginia has grown from eight to 47 member clubs representing cities, towns, and rural areas across the Commonwealth; and

WHEREAS, since 1920, initiatives sponsored by the Garden Club of Virginia have contributed to the interpretation of historic properties, the protection of scenic viewsheds, and the conservation of natural resources in Virginia; and

WHEREAS, since 1929, proceeds from its annual Historic Garden Week in Virginia have made possible the restoration and preservation of the gardens and landscapes of more than 50 historic landmarks throughout the Commonwealth, giving prominence to Virginia's unique and distinguished history; and

WHEREAS, Historic Garden Week in April attracts more than 26,000 visitors to Virginia from throughout the world, bringing significant economic benefit to the Commonwealth; and

WHEREAS, in 1929, the Garden Club of Virginia advocated for the establishment of state parks in Virginia, and today, the organization continues to partner with Virginia State Parks to support programs and land stewardship throughout the Commonwealth; and

WHEREAS, the Garden Club of Virginia inspires Virginia's citizens to uphold the club's mission "to celebrate the beauty of the land, to conserve the gifts of nature, and to challenge future generations to build on this heritage"; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Garden Club of Virginia for its service to the Commonwealth on the occasion of its 100th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Garden Club of Virginia as an expression of the General Assembly's admiration for its significant contributions to the beauty of Virginia's landscape.

SENATE JOINT RESOLUTION NO. 83

Celebrating the life of the Honorable Mary T. Christian.

Agreed to by the Senate, January 30, 2020

Agreed to by the House of Delegates, February 3, 2020

WHEREAS, the Honorable Mary T. Christian, a respected educator and a dedicated public servant who represented Hampton residents in the House of Delegates for 14 years, died on November 11, 2019; and

WHEREAS, Mary Christian grew up in Hampton and graduated from Phenix High School, where she was a member of the basketball, drama, and debate teams, as well as the National Honor Society; and

WHEREAS, Mary Christian completed typing courses while working in the laundry at Hampton Institute and was eventually accepted for a secretarial position; she continued her studies while working for the school and earned a bachelor's degree in 1955; and

WHEREAS, a passionate lifelong learner, Mary Christian subsequently earned a master's degree from Columbia University and a doctorate from Michigan State University; and

WHEREAS, Mary Christian pursued a career as an educator with Hampton City Public Schools and Hampton Institute; she was the first African American member of the Hampton City School Board, and in 1980, she was selected as dean of Hampton Institute's school of education; and

WHEREAS, desirous to be of further service to the Hampton community and the Commonwealth, Mary Christian ran for and was elected to the House of Delegates in 1985, becoming the first African American woman to represent the residents of the 92nd District; and

WHEREAS, during her tenure as a state delegate, Mary Christian introduced and supported many important pieces of legislation to benefit all Virginians, taking a special interest in education and health care; and

WHEREAS, Mary Christian offered her wisdom to the House Appropriations Committee, the House Committee on Education, and the Joint Rules Committee; and

WHEREAS, Mary Christian was a life member of the Hampton branch of the NAACP, and she enjoyed fellowship and worship with the community as a life member of First Baptist Church of Hampton; and

WHEREAS, Mary Christian received several awards and accolades for her commitment to community service and contributions to the field of education; she was named as a professor emeritus at Hampton University in 1989, and her legacy of excellence lives on in the thousands of students she mentored and inspired; and

WHEREAS, predeceased by her son, James, Mary Christian will be fondly remembered and greatly missed by her husband, Wilbur; her daughters, Benita and Carolyn, and their families; and numerous other family members, friends, and colleagues on both sides of the aisle; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of the Honorable Mary T. Christian; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of the Honorable Mary T. Christian as an expression of the General Assembly's respect for her memory.

SENATE JOINT RESOLUTION NO. 84

Commending H.A. Street.

Agreed to by the Senate, January 30, 2020

Agreed to by the House of Delegates, February 3, 2020

WHEREAS, H.A. Street, eminent attorney, respected veteran, and cherished member of the Buchanan County community, celebrates his 70th anniversary as a practicing attorney in 2020; and

WHEREAS, born in Contrary, H.A. Street has contributed to the community of Buchanan County his entire life; in the 1930s, at the age of six, he shined shoes in Grundy, demonstrating an early entrepreneurial spirit and foreshadowing a life of hard work, achievement, and dedication to others; and

WHEREAS, after graduating from Grundy High School at the age of 16, H.A. Street served in the United States Armed Forces for two years during World War II; afterward, he attended the University of Virginia School of Law, successfully passing the bar months prior to his graduation in 1950; and

WHEREAS, shortly thereafter, H.A. Street began practicing law at the Law Firm of Combs & Street in Grundy; over a career that spanned a half-century, he served in many distinguished positions, including eight years as counsel to the Virginia State Bar; and

WHEREAS, retiring from private-sector practice in 2005, H.A. Street opened one of the first family offices in the Commonwealth, creating a thriving business while remaining an active, practicing attorney and keeping up with the continuing legal education requirements expected of legal professionals; and

WHEREAS, H.A. Street's affable and honest nature, coupled with his deep love for Buchanan County, has endeared him to his community and made him a light in the lives of many; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend H.A. Street, accomplished attorney and honorable war veteran, for a remarkable legal career spanning 70 years; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to H.A. Street as an expression of the General Assembly's heartfelt admiration and profound respect for his contributions to Buchanan County and the Commonwealth.

SENATE JOINT RESOLUTION NO. 85

Commending Brunswick County.

Agreed to by the Senate, February 6, 2020

Agreed to by the House of Delegates, February 10, 2020

WHEREAS, Brunswick County, a county along the Virginia-North Carolina border that precedes the founding of the nation, celebrates its 300th anniversary in 2020; and

WHEREAS, in 1714, Governor Alexander Spotswood of the colony of Virginia established a wilderness fort on a bend in the Meherrin River to provide trade with Native Americans in the area, protect the remnants of displaced tribes nearby, and encourage settlers to work the region's fertile land; and

WHEREAS, the population of the area increased to the point that the fort was disbanded, prompting the House of Burgesses to pass a bill calling for the formation of Brunswick County on December 23, 1720; and

WHEREAS, the boundaries of Brunswick County in 1720 extended to the vaguely defined "mountains," creating such an expansive region that 10 counties would subsequently be drawn from the area; and

WHEREAS, from the beginning, Brunswick County has been a major producer of crops, livestock, timber, and bricks, as well as the site of several significant historical events and home to notable citizens of the Commonwealth; and

WHEREAS, the first Methodist circuit in the colonies was formed in Brunswick County in the 1770s, making it the center of early Methodist developments in the country; and

WHEREAS, while cooking for a hunting party in 1828, Jimmy Matthews created a stew from vegetables and squirrels that inspired the famous Brunswick stew of the present day, with a succulent flavor that has charmed gourmands around the world for years; and

WHEREAS, in 1888, James Solomon Russell, a formerly enslaved young African American Episcopalian priest, was sent to Brunswick County to establish a church and to promote education among recently freed enslaved people; the school that emerged from his efforts grew to become Saint Paul's College; and

WHEREAS, in the early part of the twentieth century, Lawrenceville, the county seat of Brunswick County, was a major hub of several railroad companies, including the Norfolk, Franklin and Danville Railway; and

WHEREAS, Albertis S. Harrison, Jr., the son of a tobacco farmer from Brunswick County, became the governor of Virginia from 1961 to 1965 and notably held positions in all three branches of government in the Commonwealth, serving as governor, attorney general, and a member of the Virginia Supreme Court at different points in his career; and

WHEREAS, in 1960, Lake Gaston was formed at the foot of the county, providing recreation and housing to countless families; ten years later, the first campus of Southside Virginia Community College opened in the county, making both college courses and occupational-technical studies more conveniently available to students in the area; and

WHEREAS, over the past three centuries, Brunswick County has been an integral part of what makes Virginia a great place to live, work, and play; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Brunswick County, treasured county of the Commonwealth, on the occasion of its 300th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Board of Supervisors of Brunswick County as an expression of the General Assembly's profound respect and earnest admiration for the county's history and its contributions to the Commonwealth.

SENATE JOINT RESOLUTION NO. 86

Designating September, in 2020 and in each succeeding year, as Ovarian Cancer Awareness Month in Virginia.

Agreed to by the Senate, February 11, 2020

Agreed to by the House of Delegates, February 24, 2020

WHEREAS, ovarian cancer is the fifth leading cause of cancer deaths in women in Virginia, accounting for more deaths than any other gynecologic cancer; and

WHEREAS, according to the Centers for Disease Control (CDC), there were 2,639 new cases of ovarian cancer reported in Virginia from 2012 to 2016—11 cases for every 100,000 women; and

WHEREAS, according to the CDC, there were 1,810 women in Virginia who died of ovarian cancer during that period—seven out of every 100,000 women; and

WHEREAS, the American Cancer Society estimates that 570 cases of ovarian cancer will be diagnosed in Virginia in 2019 and 360 people will die from the disease; and

WHEREAS, in the United States, a woman's lifetime risk of being diagnosed with ovarian cancer is about one in 78; and

WHEREAS, the five-year survival rate for ovarian cancer is 46.5 percent and survival rates vary greatly depending on the stage of diagnosis; and

WHEREAS, for women diagnosed in early stages, the five-year survival rate for ovarian cancer increases to more than 90 percent; and

WHEREAS, while the mammogram can detect breast cancer and the Pap smear can detect cervical cancer, there is no reliable early detection test for ovarian cancer; and

WHEREAS, many people are unaware that the symptoms of ovarian cancer often include bloating, pelvic or abdominal pain, difficulty eating or feeling full quickly, urinary symptoms, and other symptoms that are easily confused with other diseases; and

WHEREAS, the lack of an early detection test for ovarian cancer combined with its vague symptoms mean that approximately 80 percent of cases of ovarian cancer are detected at an advanced stage; and

WHEREAS, all women are at risk for ovarian cancer, but approximately 20 percent of women who are diagnosed with ovarian cancer have a hereditary predisposition to develop ovarian cancer, which places them at even higher risk; and

WHEREAS, scientists and physicians have uncovered changes in the BRCA genes that some women inherit from their parents, which may make those women 30 times more likely to develop ovarian cancer; and

WHEREAS, the family history of a woman has been found to play an important role in the accurate assessment of the risk of developing ovarian cancer, and medical experts believe that family history should be taken into consideration during the annual wellness visit of any woman; and

WHEREAS, many experts in health prevention now recommend genetic testing for young women with a family history of breast and ovarian cancer; and

WHEREAS, women who know that they are at high risk of breast and ovarian cancer may undertake prophylactic measures to help reduce the risk of developing those diseases; and

WHEREAS, guidelines issued by the National Comprehensive Cancer Network and Society of Gynecologic Oncology recommend that all women diagnosed with ovarian cancer receive counseling and genetic testing regardless of their family history; and

WHEREAS, according to a 2016 consensus report by the National Academy of Medicine, "there remain surprising gaps in the fundamental knowledge about and understanding of ovarian cancer"; and

WHEREAS, ongoing investments in ovarian cancer research and education and awareness efforts are critical to closing these gaps and improving survivorship for women with ovarian cancer; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly designate September, in 2020 and in each succeeding year, as Ovarian Cancer Awareness Month in Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the Senate transmit a copy of this resolution to the American Cancer Society in Virginia so that members of the organization may be apprised of the sense of the General Assembly of Virginia in this matter; and, be it

RESOLVED FINALLY, That the Clerk of the Senate post the designation of this month on the General Assembly's website.

SENATE JOINT RESOLUTION NO. 88

Celebrating the life of the Honorable Gerald L. Baliles.

Agreed to by the Senate, February 20, 2020

Agreed to by the House of Delegates, February 24, 2020

WHEREAS, the Honorable Gerald L. Baliles, a consummate public servant who dedicated a lifetime of leadership to the residents of the Commonwealth as a member of the House of Delegates, an Attorney General, and the 65th Governor of Virginia, died on October 29, 2019; and

WHEREAS, a native of Patrick County, Gerald Baliles grew up on his grandparents' farm and began to develop his commitment to lifelong learning at a young age; he attended Fishburne Military School, where he served as battalion commander of the Corps of Cadets, and then received a bachelor's degree from Wesleyan University in Connecticut; and

WHEREAS, Gerald Baliles returned to the Commonwealth to earn a law degree from the University of Virginia; he then worked for the Office of the Attorney General and in private practice in the Richmond area, specializing in environmental law; and

WHEREAS, desirous to be of further service to the Commonwealth, Gerald Baliles ran for election to the House of Delegates and represented the residents of Richmond and Henrico County in the 35th District for six terms, beginning in 1976; and

WHEREAS, in 1981, Gerald Baliles was elected Attorney General and was subsequently chosen by his peers as Outstanding Attorney General of the United States; and

WHEREAS, four years later, Gerald Baliles was elected Governor of Virginia after running with the most diverse ticket in state history, which included Attorney General Mary Sue Terry, the first woman to hold a statewide office in the Commonwealth, and Lieutenant Governor L. Douglas Wilder, who later became the first African American Governor of Virginia; he maintained his commitment to diversity by appointing numerous women and minorities to state boards and commissions; and

WHEREAS, Gerald Baliles set clear goals for each of his four years in office, and his unparalleled focus and attention to detail helped him successfully enact policies related to transportation funding, expanded family and mental health care services, support for public education, and environmental protection; and

WHEREAS, Gerald Baliles strengthened the Virginia economy by improving port facilities and increasing global trade, and he traveled to more than 20 countries, significantly enhancing the Commonwealth's international profile; his policies resulted in the creation of hundreds of thousands of jobs in the Commonwealth; and

WHEREAS, known for his humility, moderate temperament, and "boldly cautious" leadership style, Gerald Baliles balanced the concerns and priorities of both rural and urban Virginians and worked to build respect and bipartisan consensus, noting once that kindness and civility can often achieve for the public good what energy and passion alone cannot; and

WHEREAS, in 1990, Gerald Baliles joined the firm Hunton & Williams and specialized in aviation and international law; in 1995, he was appointed by President Bill Clinton to a blue ribbon commission on improving the airline industry, which led to many new safety and operational policies; and

WHEREAS, after 16 years with Hunton & Williams, Gerald Baliles became director and chief executive officer of the University of Virginia Miller Center of Public Affairs, one of the nation's leading institutions on presidential scholarship; he subsequently returned to Patrick County, where he created the Patrick County Educational Foundation; and

WHEREAS, Gerald Baliles will be fondly remembered and greatly missed by his wife of 16 years, Robin; his children, Laura, Jonathan, Katherine, and Danielle, and their families; and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of the Honorable Gerald L. Baliles; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of the Honorable Gerald L. Baliles as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 89

Confirming appointments by the Senate Committee on Rules to the Virginia Commonwealth University Health System Authority Board of Directors.

Agreed to by the Senate, February 11, 2020

Agreed to by the House of Delegates, March 3, 2020

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly confirm the following appointments made by the Senate Committee on Rules:

Appointment to the **Virginia Commonwealth University Health System Authority Board of Directors** pursuant to § 23.1-2402 of the Code of Virginia:

The Honorable Lisa M. Hicks-Thomas of **Richmond**, Virginia 23223, Member, for a term of three years beginning July 1, 2019, and ending June 30, 2022, to succeed Robert M. Blue.

Dr. Bruce E. Mathern of **Richmond**, Virginia 23298, Member, for a term of three years beginning July 1, 2019, and ending June 30, 2022, to succeed himself.

The Honorable Ryan T. McDougle of **Mechanicsville**, Virginia 23111, Member, for a term of three years beginning July 1, 2019, and ending June 30, 2022, to succeed himself.

SENATE JOINT RESOLUTION NO. 90

Commending the Frank W. Cox High School boys' volleyball team.

Agreed to by the Senate, February 6, 2020

Agreed to by the House of Delegates, February 10, 2020

WHEREAS, the Frank W. Cox High School boys' volleyball team of Virginia Beach won the Virginia High School League Class 5A regional championship on November 13, 2019; and

WHEREAS, the Frank W. Cox High School Falcons defeated the Gloucester High School Dukes three sets to one; after losing the opening set 19-25, the team rallied to win three straight sets by a score of 25-18, 25-14, and 25-18 to bring home the win; and

WHEREAS, the victory was a total team effort, with the Frank W. Cox Falcons posting 58 digs over the match in pursuit of a comeback; and

WHEREAS, the Frank W. Cox Falcons were led by strong performances from Daniel Hurley, who had 17 kills; Jason Wang, with 11 kills; and Kyle Schlaepfer, who notched 27 assists; and

WHEREAS, the team's success was the result of the hard work and dedication of the student-athletes, the leadership and guidance of their coaches and teachers, and the strong support of the entire Frank W. Cox High School community; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Frank W. Cox High School boys' volleyball team for winning the Virginia High School League Class 5A regional championship; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Mariellen Gero, coach of the Frank W. Cox High School boys' volleyball team, as an expression of the General Assembly's admiration for the team's accomplishment and best wishes for the future.

SENATE JOINT RESOLUTION NO. 91

Commending John F. Reinhart.

Agreed to by the Senate, February 20, 2020

Agreed to by the House of Delegates, February 24, 2020

WHEREAS, John F. Reinhart, the executive director and chief executive officer of the Virginia Port Authority, was inducted into the International Maritime Hall of Fame in 2019; and

WHEREAS, a respected leader in the maritime shipping industry, John Reinhart worked for the shipping company Maersk for more than two decades, including 14 years as chief executive officer of the company's United States-flag subsidiary, Maersk Line, Limited; and

WHEREAS, John Reinhart joined the Virginia Port Authority as executive director and chief executive officer in 2014 and has since built confidence within the agency and emphasized good corporate citizenship; and

WHEREAS, during his tenure with the Virginia Port Authority, John Reinhart has overseen business development, strategic marketing, finances, and operations and maximized facility usage at marine terminals in Hampton Roads, Richmond, and Front Royal; and

WHEREAS, John Reinhart has also strengthened the Hampton Roads community as a member of the Virginia Economic Development Partnership Board, Hampton Roads Business Roundtable, Hampton Roads Economic Development Alliance, and other regional bodies; and

WHEREAS, John Reinhart has earned many other awards and accolades, including the 2016 Business Person of the Year award from *Virginia Business* magazine, the 2015 Merchant Marine Medal for Outstanding Achievement, the 2014 Colgate W. Darden, Jr., Scouter Citizen of the Year award, and the 2007 Admiral of the Ocean Sea Award from the United Seamen's Service; and

WHEREAS, as one of only a select few inducted into the International Maritime Hall of Fame, John Reinhart was recognized for his achievements at the organization's annual dinner on May 8, 2019, at the Grand Hyatt New York; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend John F. Reinhart on his induction into the International Maritime Hall of Fame; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to John F. Reinhart as an expression of the General Assembly's admiration for his accomplishments in service to the maritime industry and the residents of the Commonwealth.

SENATE JOINT RESOLUTION NO. 92

Commending Christopher M. Calkins.

Agreed to by the Senate, February 13, 2020

Agreed to by the House of Delegates, February 17, 2020

WHEREAS, Christopher M. Calkins, a historian who demonstrated an unwavering commitment to the preservation of the Commonwealth's cultural resources, retired from Virginia State Parks on January 1, 2020; and

WHEREAS, Christopher Calkins was responsible for the creation of Sailor's Creek Battlefield Historical State Park, having selflessly furnished the exhibits with pieces from his own collections; and

WHEREAS, Christopher Calkins donated personal funds for the conservation of historic structures, properties, and research materials for the benefit of the Commonwealth's citizens; and

WHEREAS, for 34 years, Christopher Calkins served the National Park Service with equal commitment, concluding his exemplary career as the chief of interpretation at Petersburg National Battlefield where he oversaw the land protection plan that selected 7,238 acres critical for the expansion of the park; and

WHEREAS, as a board member for the Association for the Preservation of Civil War Sites, Inc., Christopher Calkins was an early architect and advocate for the modern battlefield preservation movement in Virginia, giving rise to the nationwide organization known today as the American Battlefield Trust; and

WHEREAS, in 1994, Christopher Calkins envisioned and launched the Lee's Retreat Driving Tour, giving rise to the Civil War Trails program, which now covers more than 1,200 sites across six states; and

WHEREAS, in 2014, Christopher Calkins was recognized by the American Association for State and Local History and was one of only three Virginians to receive its Award of Merit; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Christopher M. Calkins on the occasion of his retirement from Virginia State Parks; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Christopher M. Calkins as an expression of the General Assembly's admiration for his legacy of unparalleled service, which will directly benefit future generations of history-makers.

SENATE JOINT RESOLUTION NO. 93

Commending the Richmond Academy of Medicine.

Agreed to by the Senate, February 13, 2020

Agreed to by the House of Delegates, February 14, 2020

WHEREAS, the Richmond Academy of Medicine, one of the oldest local, professional medical societies in the Commonwealth, will observe its 200th anniversary in 2020; and

WHEREAS, the Richmond Academy of Medicine originated in 1820 and was formed to provide education and support for physicians in Central Virginia; and

WHEREAS, the Richmond Academy of Medicine has remained an integral part of Virginia's medical community, serving as an advocate for patients, an ally to physicians, and a trusted partner in the community; and

WHEREAS, the Richmond Academy of Medicine has grown into a progressive organization that includes Access Now, Honoring Choices Virginia, Centralized Credentials Verification Service, and other entities to ensure the best care for all patients in Central Virginia; and

WHEREAS, the Richmond Academy of Medicine has been recognized nationally for its programs to support young physicians; and

WHEREAS, the Richmond Academy of Medicine provides legislative advocacy to protect patients and the practice of medicine, including several White Coats on Call days at the General Assembly each year; and

WHEREAS, the Richmond Academy of Medicine sponsors general meetings for all area physicians, advocacy activities, social events, networking opportunities, physician bylaws education, and family support programs; and

WHEREAS, in 1974, Richmond Academy of Medicine physicians championed the creation of Richmond Metropolitan Blood Services, Central Virginia's first blood bank that served all local hospitals; the organization was later known as Virginia Blood Services and is now part of the American Red Cross; and

WHEREAS, countless patients in Central Virginia have benefited from the education and advocacy of the Richmond Academy of Medicine; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Richmond Academy of Medicine on the occasion of its 200th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Richmond Academy of Medicine as an expression of the General Assembly's admiration for the academy's service to generations of Virginians.

SENATE JOINT RESOLUTION NO. 94

Commending the Virginia Wing, Civil Air Patrol.

Agreed to by the Senate, February 13, 2020

Agreed to by the House of Delegates, February 17, 2020

WHEREAS, the Virginia Wing, Civil Air Patrol, the Commonwealth's civilian auxiliary of the United States Air Force, dedicates its newly remodeled wing headquarters and training facility in 2020; and

WHEREAS, the Virginia Wing has 2,000 members and 23 units throughout Virginia and operates more than 20 vehicles and 12 single-engine aircraft to provide support to the Commonwealth in search and rescue, disaster relief, homeland security, and drug interdiction operations; and

WHEREAS, the Virginia Wing plays a leading role in aerospace, cyber-defense, and science, technology, engineering, and mathematics education; and

WHEREAS, the Virginia Wing's members serve as mentors to more than 1,000 young people in the Commonwealth, participating in the Civil Air Patrol's cadet program; and

WHEREAS, the Virginia Wing's new headquarters and training facility will allow it to better serve its members and fulfill its important missions; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Virginia Wing, Civil Air Patrol, on its newly remodeled headquarters and training facility; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Virginia Wing, Civil Air Patrol, as an expression of the General Assembly's admiration for its dedication supporting the United States Air Force and contributions to the Commonwealth.

SENATE JOINT RESOLUTION NO. 95

Commending the Virginia Mediation Network, Inc.

Agreed to by the Senate, February 13, 2020

Agreed to by the House of Delegates, February 17, 2020

WHEREAS, the Virginia Mediation Network, Inc., one of the only organizations in Virginia dedicated to the craft of mediation, celebrates the 30th anniversary of its incorporation in 2020; and

WHEREAS, in 1986, Michael A. Traylor, Susan H. Yoder, Karen Asaro, Angela Cimino-Valentine, Diane L. Bryner, Joanne A. Jackson, Ruby Blair, Denton Walthall, and Thomas N. Walsh founded a group to enhance the professional skills of mediators in Virginia; on September 20, 1990, the Virginia Mediation Network, Inc., was incorporated; and

WHEREAS, the Virginia Mediation Network, Inc., has worked to increase public understanding and acceptance of the value of the role of mediation in the expeditious and cost-effective resolution of disputes; and

WHEREAS, the Virginia Mediation Network, Inc., spearheaded legislation resulting in the Virginia Administrative Dispute Resolution Act in 2002, which authorizes public bodies to use dispute resolution proceedings in order to achieve mutually agreed-upon settlements of controversial matters without incurring the costs associated with adversarial proceedings; and

WHEREAS, the Virginia Mediation Network, Inc., is committed to promoting the highest standards of integrity in the provision of mediation services in Virginia and demonstrating the value of the field of alternative dispute resolution and of mediation specifically as tools for peacemaking between and among individuals, groups, units, neighborhoods, or countries; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Virginia Mediation Network, Inc., an organization dedicated to helping stakeholders find durable solutions to important issues, on the occasion of its 30th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Vickie R. Williams-Cullins, president of the Virginia Mediation Network, Inc., as an expression of the General Assembly's admiration for the organization's achievements.

SENATE JOINT RESOLUTION NO. 96

Celebrating the life of John Walter Ainslie.

Agreed to by the Senate, February 20, 2020

Agreed to by the House of Delegates, February 24, 2020

WHEREAS, John Walter Ainslie, longtime home builder and beloved member of the Hampton Roads community, died on November 14, 2019; and

WHEREAS, John "Jack" Walter Ainslie was born to James and Gertrude Ainslie in Rockland, New York; and

WHEREAS, Jack Ainslie built thousands of homes for the Hampton Roads community throughout his career with the leading home development companies in the region, including The Dragas Companies, R.G. Moore Building Corporation, and Benchmark Building Corporation, a company he started with his two sons over 35 years ago; and

WHEREAS, always willing to pass knowledge of his trade on to the next generation, Jack Ainslie taught business, marketing, and finance at Old Dominion University and Tidewater Community College and shared his expertise with other builders as a member of the Tidewater Builders Association; and

WHEREAS, an avid sailor who had traversed coastal waters from Canada to the Bahamas, Jack Ainslie was a member of the Broad Bay Sailing Association and the Town Point Yacht Club; and

WHEREAS, preceded in death by his first wife, Janice, and his daughter, Susan, Jack Ainslie will be dearly remembered and sorely missed by his wife, Debbie; his children, Jeff and John, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of John Walter Ainslie, prolific home builder and cherished member of the Hampton Roads community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of John Walter Ainslie as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 97

Celebrating the life of the Reverend C. Douglas Pillow.

Agreed to by the Senate, February 13, 2020

Agreed to by the House of Delegates, February 17, 2020

WHEREAS, the Reverend C. Douglas Pillow, a devout spiritual leader and a respected member of the Lynchburg community, died on March 25, 2019; and

WHEREAS, a native of Campbell County, Douglas "Doug" Pillow earned a bachelor's degree from what is now Lynchburg University and remained active with his alma mater throughout his life, serving as president of the university's alumni society; and

WHEREAS, Doug Pillow continued his education through the United Methodist Course of Study and was ordained as a minister in the United Methodist Church; and

WHEREAS, for more than five decades, Doug Pillow offered his leadership to numerous church communities, including 10 churches in the Lynchburg District of the United Methodist Church, as well as churches in Newport News, Kenwood, Danville, and Madison Heights; and

WHEREAS, Doug Pillow had most recently served as a pastor at Court Street United Methodist Church in downtown Lynchburg; and

WHEREAS, Doug Pillow volunteered his time and wisdom to several boards and committees of the Virginia United Methodist Conference, such as the Evangelism Committee, the Board of Ordained Ministry, and the Council on Ministries; and

WHEREAS, predeceased by his daughter, Dona; Doug Pillow will be fondly remembered and greatly missed by his wife of more than 70 years, Eleanor; his son, Richard, and his family; his daughter's family; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of the Reverend C. Douglas Pillow; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of the Reverend C. Douglas Pillow as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 98

Commending the Frank W. Cox High School field hockey team.

Agreed to by the Senate, February 13, 2020

Agreed to by the House of Delegates, February 17, 2020

WHEREAS, the Frank W. Cox High School field hockey team of Virginia Beach won the Virginia High School League Class 5 state championship at South County High School in Lorton on November 15, 2019; and

WHEREAS, the Frank W. Cox High School Falcons defeated the Mountain View High School Wildcats of Stafford by a score of 4-1, bringing home the 21st state title in program history; and

WHEREAS, the Frank W. Cox Falcons jumped out to an early lead and never looked back; Zella Bailey scored in the first three minutes of play with a backhand off a rebound and would score twice more in the first half on a deflection and a penalty shot; and

WHEREAS, the Frank W. Cox Falcons' Zoe Campisi scored the second decisive goal off a deflection in the first 10 minutes of play, overwhelming the formidable team from Mountain View High School; and

WHEREAS, the Frank W. Cox Falcons, who also won the 2018 Class 6 championship, went undefeated against state opponents in 2019, capping another dominant season with a record of 20-1; and

WHEREAS, the success of the Frank W. Cox Falcons is the result of the hard work and determination of the student-athletes, the mentorship and guidance of their coaches and teachers, and the steadfast support of the entire Frank W. Cox High School community; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Frank W. Cox High School field hockey team for winning the 2019 Virginia High School League Class 5 state championship; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Frank W. Cox High School field hockey team as an expression of the General Assembly's admiration for its remarkable achievement.

SENATE JOINT RESOLUTION NO. 99

Celebrating the life of the Honorable Elliot Schewel.

Agreed to by the Senate, February 27, 2020

Agreed to by the House of Delegates, March 2, 2020

WHEREAS, the Honorable Elliot Schewel, a heroic veteran, respected businessman, esteemed statesman, and beloved member of the Lynchburg community, died on December 15, 2019; and

WHEREAS, with the exception of his time in college and the military, Elliot Schewel lived his entire life in Lynchburg; he was attending Washington and Lee University when the attack on Pearl Harbor compelled him to enlist with the United States Army Air Corps, in which he served valorously until the end of World War II; and

WHEREAS, completing his studies after the war, Elliot Schewel built a formidable career running his family's furniture business, Schewel Furniture Company, for more than 50 years; working alongside his cousin Bert, he grew the company substantially, to the point that it now boasts dozens of locations throughout the Commonwealth; and

WHEREAS, galvanized by the civil rights movement in the 1960s, Elliot Schewel entered local politics in 1965 when he was elected to the Lynchburg City Council; 10 years later, he won a seat in the Senate of Virginia representing the residents of the City of Lynchburg, and Bedford and Amherst Counties, whom he served for the next 20 years; and

WHEREAS, throughout his political career, Elliot Schewel advocated for fair housing, public education, fiscal responsibility, and the rights of women, addressing the systemic inequities that burdened many in the community; often campaigning on the motto of "Straight Talk, Hard Work," he was respected by his colleagues for his principled approach to the ethical issues of the day; and

WHEREAS, Elliot Schewel had many accomplishments in his two decades in the Senate of Virginia; along with chairing the Senate Committee on Education and Health and serving as a member of the Senate Committee on Finance, he was also instrumental in the General Assembly's adoption of the Commonwealth's first conflict of interest legislation; and

WHEREAS, in honor of his years of service on the Board of Overseers of Lynchburg College, now the University of Lynchburg, the school presented an honorary doctorate of humane letters to Elliot Schewel in 2000 and renamed its Centennial Hall as the Elliot & Rosel Schewel Hall in 2012; and

WHEREAS, Elliot Schewel served on many other boards throughout his life, including the National Conference of Christians and Jews, the Anti-Defamation League, Centra Foundation, the United Negro College Fund, the Lynchburg Jewish Community Council, and the Lynchburg Covenant Fellowship; and

WHEREAS, guided by his abiding faith to serve others, Elliot Schewel was a lifelong member of Agudath Sholom Synagogue in Lynchburg, where he enjoyed worship and fellowship with his community; and

WHEREAS, preceded in death by his adoring wife of 68 years, Rosel, Elliot Schewel will be dearly remembered and sorely missed by his children, Steve, Susan, and Michael, their families, and numerous other family members, friends, and colleagues on both sides of the aisle; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of the Honorable Elliot Schewel, who had an outsized impact on his community as a veteran, businessman, statesman, and friend; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of the Honorable Elliot Schewel as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 100

Commending David E. Bowles.

Agreed to by the Senate, February 20, 2020

Agreed to by the House of Delegates, February 24, 2020

WHEREAS, David E. Bowles, former director of the National Aeronautics and Space Administration's Langley Research Center, took the helm of the newly established Virginia Institute for Spaceflight and Autonomy at Old Dominion University in 2019; and

WHEREAS, David "Dave" Bowles joined the director's office at the NASA Langley Research Center in 2012, serving as associate director and deputy director before becoming center director in 2015; during his tenure leading the nation's first civilian aeronautical research facility, he advanced the center's mission while overseeing a budget of \$870 million, a workforce of 3,400 employees, and a complex of 189 buildings; and

WHEREAS, Dave Bowles' journey as an aerospace engineer started at Virginia Polytechnic Institute and State University, where he earned bachelor's, master's, and doctoral degrees in engineering mechanics in 1978, 1980, and 1990, respectively; and

WHEREAS, beginning his career at the Langley Research Center 39 years ago studying advanced materials for use on aerospace vehicles and in space, Dave Bowles rose to management positions within NASA's Next Generation Launch Technology Program and Advanced Subsonic Technology Program, and served as director of Langley Research Center's Exploration and Space Operations Directorate before joining the director's office; and

WHEREAS, by joining the Virginia Institute for Spaceflight and Autonomy, Dave Bowles is continuing his efforts to make the Commonwealth a leader in emerging aerospace technologies; since 2015 he has provided his expertise on the Virginia Governor's Aerospace Advisory Council and in 2017 was a member of the committee on "A Blueprint for Growth of the Virginia Aviation and Aerospace Industry" through the Joint Commission on Technology and Science; and

WHEREAS, in recognition of his remarkable professional accomplishments and contributions to the federal government and NASA, Dave Bowles received the Presidential Rank Award of Meritorious Executive in 2017 and the NASA Outstanding Leadership Medal in 2005 and 2015; and

WHEREAS, Dave Bowles fostered an organizational culture at the Langley Research Center that values efficiency, diversity, and excellence; he will bring his years of leadership experience to Old Dominion University to make the Virginia Institute for Spaceflight and Autonomy a leader in its field; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend David E. Bowles, former director of NASA's Langley Research Center and new executive director of the Virginia Institute for Spaceflight and Autonomy at Old Dominion University, on his remarkable career; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to David E. Bowles as an expression of the General Assembly's profound respect and admiration for his service to the nation and the Commonwealth.

SENATE JOINT RESOLUTION NO. 101

Celebrating the life of Steven H. Rubin.

Agreed to by the Senate, February 20, 2020

Agreed to by the House of Delegates, February 24, 2020

WHEREAS, Steven H. Rubin, a beloved member of the Charlottesville community and indefatigable advocate for equality and justice, died on August 10, 2019; and

WHEREAS, Steven Rubin was born in Great Neck, New York, earned degrees from Carleton College and New York University, and served in the United States Army before beginning a career teaching literature and journalism at universities in Delaware, Louisiana, and New York; and

WHEREAS, while pursuing a doctorate degree and teaching at Louisiana State University's New Orleans campus in the 1960s, Steven Rubin became involved in the civil rights movement; he worked with the NAACP and later joined the New Orleans chapter of the American Civil Liberties Union, serving as its president and a national board member from 1965 to 1968; and

WHEREAS, despite the risks, Steven Rubin was undeterred in his fight against segregation and discrimination; from 1967 to 1976 he also served on the Louisiana and New York state committees for the U.S. Commission on Civil Rights; and

WHEREAS, Steven Rubin later worked at the State University of New York at Oneonta, chairing the Department of English from 1979 to 1983 and sharing his expertise with countless students; and

WHEREAS, after moving to Charlottesville, Steven Rubin became involved in the Ron Brown Scholar Program, for which he served as chief editor and consultant for over two decades; the program, which provides scholarships and mentorship to African American college students, was a fitting conclusion to his life's work; and

WHEREAS, preceded in death by his daughter, Jennifer, Steven Rubin will be fondly remembered and greatly missed by his wife, Gail; their son, Joshua, and his family; and many other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Steven H. Rubin, lifelong champion of human rights and cherished member of the Charlottesville community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Steven H. Rubin as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 102

Celebrating the life of Paul Morton Gaston.

Agreed to by the Senate, February 20, 2020

Agreed to by the House of Delegates, February 24, 2020

WHEREAS, Paul Morton Gaston, esteemed professor of history at the University of Virginia and lifelong champion of social justice and equality, died on June 14, 2019; and

WHEREAS, Paul Gaston was born in 1928 in Fairhope, Alabama, a planned community founded by his grandfather with the aim of ending economic inequality; the values of fairness and equality that inspired Fairhope would guide him throughout his life; and

WHEREAS, after earning a bachelor's degree from Swarthmore College and master's and doctorate degrees from The University of North Carolina at Chapel Hill, Paul Gaston took a position in the University of Virginia's Corcoran Department of History in 1957, where he would teach for the next 40 years; and

WHEREAS, in Charlottesville, Paul Gaston became an outspoken supporter of the civil rights movement and an activist in local demonstrations combating segregation and racial discrimination; he participated in the sit-ins at Buddy's Restaurant in May 1963, considered today a pivotal moment in the fight to desegregate the city, and endured the jail time and physical abuse that resulted from these actions; and

WHEREAS, on the Grounds at the University of Virginia, Paul Gaston was instrumental in promoting social justice causes; he served as faculty adviser to the university's Human Relations Council, which brought the Reverend Dr. Martin Luther King, Jr. to speak at Old Cabell Hall in 1963; he advocated for the founding of the Carter G. Woodson Institute of African-American and African Studies; and he ensured civil rights issues were part of the university's discourse, both through his own courses and through his role hiring faculty, such as civil rights hero Julian Bond; and

WHEREAS, for these efforts, Paul Gaston received several distinctions, including the Bridge Builders Award from the City of Charlottesville in 2005, the Legendary Civil Rights Activist Award from the Charlottesville-Albemarle branch of the NAACP in 2008, the Brown v. Board of Education Recognition Award from the Virginia Foundation for the Humanities in 2004, and the Outstanding Faculty Award from the State Council of Higher Education for Virginia in 1994; and

WHEREAS, Paul Gaston will be remembered for enlightening countless students through his honest interpretations of the South and for compelling his community toward fairness and justice through his actions; and

WHEREAS, preceded in death by his wife, Mary, Paul Gaston will be fondly remembered and greatly missed by his children, Blaise, Chinta, and Gareth; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Paul Morton Gaston, revered professor of history at the University of Virginia and steadfast activist for civil rights; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Paul Morton Gaston as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 103

Commending the University of Virginia men's basketball team.

Agreed to by the Senate, February 20, 2020

Agreed to by the House of Delegates, February 24, 2020

WHEREAS, on April 8, 2019, the University of Virginia men's basketball team claimed its first national championship title with a victory in the National Collegiate Athletic Association Division I Men's Basketball tournament; and

WHEREAS, in the tournament final, held at U.S. Bank Stadium in Minnesota, the University of Virginia Cavaliers defeated the Texas Tech University Red Raiders 85-77 in a hard-fought contest; and

WHEREAS, after the Texas Tech Red Raiders recovered from a 10-point deficit and took the lead near the end of regulation, Virginia's De'Andre Hunter scored a critical three-pointer with 12.9 seconds remaining to send the game to overtime, where the Virginia Cavaliers regained the momentum and pulled away to win the game and the national championship, finishing the season with a 35-3 record; and

WHEREAS, the University of Virginia's Kyle Guy, who finished the game with 24 points, was named most outstanding player of the Final Four; De'Andre Hunter led the team in scoring with a game-high 27 points, including four three-pointers; and

WHEREAS, after the conclusion of the season, Kyle Guy and De'Andre Hunter were selected in the National Basketball Association draft, along with their teammate Ty Jerome; and

WHEREAS, head coach Tony Bennett, well known in the Charlottesville community for his selfless commitment to the University of Virginia basketball program, received the 2019 Nell and John Wooden Excellence in Coaching Award in recognition of his personal integrity and high standards of excellence on and off the court; and

WHEREAS, after a stunning loss to a 16-seed team in the 2018 tournament, the University of Virginia Cavaliers regained their focus and defied expectations to win the 2019 national title, with major media outlets calling it one of the greatest redemption stories in the history of college athletics; and

WHEREAS, the University of Virginia basketball team's victory is a testament to the hard work of the student-athletes, the leadership of coaches and staff, and the passionate support of friends, families, fans, and the entire University of Virginia community; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the University of Virginia men's basketball team on winning the National Collegiate Athletic Association Division I Men's Basketball tournament; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Tony Bennett, head coach of the University of Virginia men's basketball team, as an expression of the General Assembly's admiration for the team's resilience, determination, and skill.

SENATE JOINT RESOLUTION NO. 104

Celebrating the life of the Honorable Thomas J. Michie.

Agreed to by the Senate, February 20, 2020

Agreed to by the House of Delegates, February 24, 2020

WHEREAS, the Honorable Thomas J. Michie, an esteemed attorney, admired community leader, and former member of both the Virginia House of Delegates and the Senate of Virginia who served the Commonwealth for two decades, died on August 27, 2019; and

WHEREAS, a native of Pittsburgh, Pennsylvania, Thomas "Tom" Michie moved to Norfolk with his family in 1942 and graduated from Woodberry Forest School in 1949; he continued his education at Trinity College in Connecticut and the University of Virginia School of Law; and

WHEREAS, Tom Michie served his country as an active duty member of the United States Navy for three years and retired as a commander in the United States Navy Reserve after 20 years of service; and

WHEREAS, Tom Michie pursued a career as an attorney with his father's law firm and ultimately retired as a senior partner of MichieHamlett; he specialized in wills, trusts, and estate law and was a respected member of the legal community, becoming a fellow of the American College of Trust and Estate Counsel; and

WHEREAS, in 1965, Tom Michie was appointed to the Charlottesville School Board, where he led efforts to voluntarily integrate the city's public schools; he also oversaw the construction of new schools, helped established a kindergarten program, and enhanced the quality of education for all students; and

WHEREAS, desirous to be of further service to the Commonwealth, Tom Michie ran for and was elected to the House of Delegates in a special election in 1970, becoming known as "Landslide Michie" for his one-vote margin of victory; and

WHEREAS, during his tenure as a state lawmaker, Tom Michie introduced and supported many important pieces of legislation to benefit all Virginians, including the creation of a highly effective mechanism for reporting child abuse; and

WHEREAS, Tom Michie was one of only 10 delegates to oppose a measure that allowed localities to circumvent integration efforts through busing and was a consistent advocate for the ratification of the Equal Rights Amendment; among his many other achievements, he carried a set of bills that reduced annexation lawsuits and improved cooperation between Virginia's cities and counties; and

WHEREAS, in 1980, Tom Michie was elected to the Senate of Virginia, where he helped pass measures related to child support enforcement, all-terrain vehicle safety, and assisted conception; he played a vital role in the passage of the Virginia Indoor Clean Air Act, which created indoor smoking-free zones and was the first such measure to pass in a major tobacco-producing state; and

WHEREAS, Tom Michie also offered his time and expertise to the Jefferson Area Board for Aging, the United Way-Thomas Jefferson Area, the Charlottesville Housing Foundation, Planned Parenthood, and Camp Holiday Trails; he enjoyed fellowship and worship with the Charlottesville community at Thomas Jefferson Memorial Church; and

WHEREAS, predeceased by his first wife, Molly, and his second wife, Janet, Tom Michie will be fondly remembered and greatly missed by his sons, Thomas VI, John, Edmund, and George, and their families; his stepchildren, Julie, Paul, Elizabeth, and Allison, and their families; and numerous other family members, friends, and colleagues on both sides of the aisle; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of the Honorable Thomas J. Michie, a consummate statesman who strengthened the Charlottesville community and the Commonwealth through his visionary leadership; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of the Honorable Thomas J. Michie as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 105

Celebrating the lives of Kate Lee Cobb McGinnis and Bernard Lewis McGinnis.

Agreed to by the Senate, February 20, 2020

Agreed to by the House of Delegates, February 24, 2020

WHEREAS, Kate Lee Cobb McGinnis and Bernard Lewis McGinnis, cherished members of the Nelson County community, died on June 13, 2018, and April 23, 2019, respectively; and

WHEREAS, Kate McGinnis dedicated her career to education and taught for many years in Virginia Beach and Washington, D.C., later serving on the boards at Salem College and Piedmont Virginia Community College; and

WHEREAS, upon relocating to Nelson County, Kate McGinnis became an invaluable member of the community, working tirelessly to improve the lives of others; and

WHEREAS, Bernard "Bernie" McGinnis enlisted in the United States Navy after graduating from high school and, following his service to the country, attended Virginia Polytechnic Institute and State University; and

WHEREAS, after graduation, Bernie McGinnis began a long and successful career as a businessman, establishing the Bernie McGinnis Company in 1958 to provide sporting goods to customers and schools throughout the southeast United States; and

WHEREAS, Bernie McGinnis offered his expertise and leadership to several organizations and institutions, serving on the Board of Visitors at Virginia Polytechnic Institute and State University from 1984 to 1988 and as president of the Sporting Goods Agents Association from 1993 to 1994; and

WHEREAS, Bernie McGinnis chaired the Nelson County Democratic Committee for many years, attending the National Democratic Convention in Chicago in 1968 as a Virginia delegate and receiving a commendation from the Nelson County Democratic Party in 2007 for his 50-plus years of service to the party; and

WHEREAS, for his unwavering dedication to his community, Bernie McGinnis was named "Mr. Nelson County" by the Nelson County Chamber of Commerce in 1987; and

WHEREAS, Kate and Bernie McGinnis were active in the Nelson County Historical Society over the years, playing an instrumental role in establishing Oakland Museum as the organization's permanent home; and

WHEREAS, inspired to serve others by their abiding faith, Kate and Bernie McGinnis were longtime members of Trinity Episcopal Church in Arrington, where they served on the vestry and several other church committees; and

WHEREAS, preceded in death by their son, Bernard II, Kate and Bernie McGinnis will be fondly remembered and greatly missed by their daughter, Mary, and her family; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Kate Lee Cobb McGinnis and Bernard Lewis McGinnis, beloved members of the Nelson County community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Kate Lee Cobb McGinnis and Bernard Lewis McGinnis as an expression of the General Assembly's respect for their memory.

SENATE JOINT RESOLUTION NO. 106

Commending Matteo Lambert.

Agreed to by the Senate, February 20, 2020

Agreed to by the House of Delegates, February 24, 2020

WHEREAS, Matteo Lambert, a student at Louise Archer Elementary School in Vienna, ran 100 miles in 2019 in support of children battling cancer; and

WHEREAS, Matteo Lambert ran his first race when he was seven years old to honor his grandfather and prostate cancer survivors, an experience that compelled him to find more ways to make a difference in the lives of others; and

WHEREAS, in 2019, Matteo Lambert ran for Hopecam, an organization that aims to overcome the social isolation experienced by children receiving treatment for cancer by connecting them with their classmates through web-enabled technologies; and

WHEREAS, over 32 five-kilometer races from April to October 2019, Matteo Lambert raised nearly \$20,000 in support of Hopecam's mission, helping at least 20 children stay connected with their friends and classmates throughout their treatment and remain positive during a difficult time in their lives; and

WHEREAS, each race, Matteo Lambert wore a cape honoring a child in the Hopecam program and, for his final race in 2019, he invited Hopecam children in the Washington, D.C., area to walk the race with him, ever mindful of the people for whom he is running; and

WHEREAS, in addition to his running project with Hopecam, Matteo Lambert has raised awareness of heroic children through his documentary films, recently earning recognition from the National Parent Teacher Association for his film about Tommy Morrissey, a young golf champion born with one arm; and

WHEREAS, Matteo Lambert has demonstrated great selflessness and concern for others and offered an example of how hard work and perseverance can have a positive impact on one's community; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Matteo Lambert, an inspiring young athlete and filmmaker from Vienna, for his efforts to champion his peers in need; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Matteo Lambert as an expression of the General Assembly's wholehearted admiration and profound respect for his dedication and service to others.

SENATE JOINT RESOLUTION NO. 107

Commending the James Madison High School marching band.

Agreed to by the Senate, February 20, 2020

Agreed to by the House of Delegates, February 24, 2020

WHEREAS, the James Madison High School marching band of Vienna won the Virginia Marching Band Cooperative state championship at Liberty University's Williams Stadium on November 2, 2019; and

WHEREAS, the James Madison High School marching band received a score of 94.25 from the Virginia Marching Band Cooperative judges, including first place honors in all three categories of music, general effect, and visual, which earned the program its second consecutive state title; and

WHEREAS, incorporating a theme of "Dusk 'til Dawn," the James Madison High School marching band performed classic rock favorites like the Rolling Stones' "Paint It Black" and the Beatles' "Here Comes the Sun," while employing color guard costumes, stage makeup, props, and backdrops to great effect; and

WHEREAS, hailed as the "Pride of Vienna," the 150 members of the James Madison High School marching band began practicing together in August and performed at several high school events in preparation for their regional, state, and national competitions; and

WHEREAS, in October, the James Madison High School marching band won the Bands of America Mid-Atlantic Regional Championship title for the first time in school history, a feat that had not been accomplished by a school from the Commonwealth in over 30 years; and

WHEREAS, at the 2019 Bands of America Grand National Competition, held in Indianapolis, Indiana, from November 14-16, 2019, the James Madison High School marching band advanced to the semifinals, a first for a team from Fairfax County Public Schools; and

WHEREAS, ultimately receiving the second-highest score in the nation for its class, the James Madison High School marching band went further at the 2019 Bands of America Grand National Competition than any other program in the Commonwealth; and

WHEREAS, the James Madison High School marching band's accomplishments are the result of the hard work and dedication of the student-musicians, the leadership and guidance of their director and teachers, and the unwavering support of the entire James Madison High School community; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the James Madison High School marching band for winning the 2019 Virginia Marching Band Cooperative state championship; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Michael Hackbarth, director of the James Madison High School marching band, as an expression of the General Assembly's admiration for the band's achievements and best wishes for the future.

SENATE JOINT RESOLUTION NO. 108

Celebrating the life of Sergeant George Phillip Moskowitz.

Agreed to by the Senate, February 20, 2020

Agreed to by the House of Delegates, February 24, 2020

WHEREAS, Sergeant George Phillip Moskowitz, a veteran law-enforcement officer with more than 30 years of experience, died on January 31, 2019; and

WHEREAS, George Moskowitz worked with the Fairfax County Police Department for 25 years and retired as a second lieutenant; he subsequently joined the City of Fairfax Police Department in 2011; and

WHEREAS, during his eight years with the City of Fairfax Police Department, George Moskowitz served as a school resource officer, a patrol supervisor, and a member of the Community Services Division; and

WHEREAS, throughout his distinguished career, George Moskowitz strove to always treat members of the public fairly and with respect; he was a trusted mentor and friend who helped many younger officers learn how to better serve and protect the Fairfax community; and

WHEREAS, George Moskowitz will be fondly remembered and greatly missed by his wife and children, and numerous other family members, friends, and fellow law-enforcement officers; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Sergeant George Phillip Moskowitz, a highly admired police officer who dedicated more than three decades of service to the Fairfax community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Sergeant George Phillip Moskowitz as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 109

Celebrating the life of Master Chief Rudolph Ernest Boesch, USN, Ret.

Agreed to by the Senate, February 27, 2020

Agreed to by the House of Delegates, March 2, 2020

WHEREAS, Master Chief Rudolph Ernest Boesch, USN, Ret., distinguished veteran of the United States Navy SEALs and beloved member of the Virginia Beach community, died on November 1, 2019; and

WHEREAS, born January 20, 1928, in Rochester, New York, Rudolph "Rudy" Boesch enlisted with the United States Navy in 1945, beginning nearly a half century of active, meritorious service; and

WHEREAS, Rudy Boesch carried out tours of duty aboard the USS *New Yorker* and the USS *Massey* in the 1940s, then he served in the Underwater Demolition Team from 1951 to 1962 at Naval Amphibious Base Little Creek; and

WHEREAS, in 1962, Rudy Boesch was selected as one of the original members of the elite United States Navy SEAL Team Two, commanding as chief of the boat and setting physical and operational standards over 26 years with the special operations force; and

WHEREAS, Rudy Boesch demonstrated great courage in two deployments to Vietnam; in 1968, he participated in 45 combat operations, earning a Bronze Star for heroic action, and in 1970, he redeployed to train South Vietnamese troops in underwater demolition; and

WHEREAS, in 45 years with the United States Navy, Rudy Boesch earned a reputation for being an exemplary Navy SEAL; before his retirement in 1990, he held the title of "Bull Frog," an honor recognizing the active duty Navy SEAL with the longest continuous period of service; he also received the Defense Superior Service Medal in recognition of his support of the United States Special Operations Command, a remarkable accomplishment for an enlisted sailor; and

WHEREAS, as tribute to the many years he dedicated to his country, Rudy Boesch was among the 14 initial inductees to the United States Special Operations Command's Commando Hall of Honor in 2010; and

WHEREAS, already a legend in the United States Navy SEAL community, Rudy Boesch rose to national fame in 2000 as a contestant on *Survivor: Borneo*, the first season of the popular reality-television program, and enjoyed many subsequent television appearances while becoming a fixture in homes nationwide; and

WHEREAS, preceded in death by his wife of 53 years, Marjorie, Rudy Boesch will be dearly remembered and greatly missed by his three daughters, Ellen Marie, Patricia Ann, and Barbara Jean, their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Master Chief Rudolph Ernest Boesch, USN, Ret., honored veteran and an inspiration to many; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Master Chief Rudolph Ernest Boesch, USN, Ret., as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 110

Confirming appointments by the Governor of certain persons communicated to the General Assembly February 3, 2020.

Agreed to by the Senate, February 25, 2020

Agreed to by the House of Delegates, March 4, 2020

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly confirm the following appointments of certain persons made by Governor Ralph Northam and communicated to the General Assembly February 3, 2020.

AUTHORITIES

Board of Directors of the Virginia Alcoholic Beverage Control Authority

William D. Euille of Alexandria, Virginia 22314, Member, appointed January 10, 2020, for a term of five years beginning January 15, 2020, and ending January 14, 2025, to succeed himself.

COMMERCE AND TRADE

Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects

Frank Hancock of Charlottesville, Virginia 22903, Member, appointed January 24, 2020, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed Andrew Cabell Crowther.

Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals

James N. Brockwell of West Point, Virginia 23181, Member, appointed January 10, 2020, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed himself.

Rosa-lee Cooke of Big Stone Gap, Virginia 24219, Member, appointed January 10, 2020, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed herself.

Erica Duncan of Ashland, Virginia 23005, Member, appointed January 10, 2020, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed Douglas Perry Greene.

Jordan Evans of Richmond, Virginia 23219, Member, appointed January 10, 2020, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed himself.

John Ewing of Richmond, Virginia 23227, Member, appointed January 10, 2020, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed himself.

Pamela M. Pruett of Warrenton, Virginia 20186, Member, appointed January 10, 2020, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed herself.

Caleb Taylor of Christiansburg, Virginia 24073, Member, appointed January 10, 2020, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed Kristen Murphy Lentz.

Common Interest Community Board

Anne M. Sheehan of Broadlands, Virginia 20148, Member, appointed January 24, 2020, to fill an unexpired term beginning May 23, 2019, and ending June 30, 2021, to succeed Mary Elizabeth Johnson.

COMMONWEALTH

Virginia African American Advisory Board

Robert N. Barnette, Jr., of Mechanicsville, Virginia 23117, Member, appointed January 24, 2020, for a term of one year beginning July 1, 2019, and ending June 30, 2020, to fill a new seat.

Shirley Ginwright of Fairfax, Virginia 22079, Member, appointed January 24, 2020, for a term of three years beginning July 1, 2019, and ending June 30, 2022, to fill a new seat.

Virginia-Asian Advisory Board

Melody Agbisit of Norfolk, Virginia 23510, Member, appointed January 10, 2020, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed Rummy J. Mohta.

Suja Amir of Glen Allen, Virginia 23060, Member, appointed January 10, 2020, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed Victoria Mirandah.

Justin Lo of Richmond, Virginia 23223, Member, appointed January 10, 2020, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed Karla Soloria.

Praveendharan Meyyan of Arlington, Virginia 22201, Member, appointed January 10, 2020, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed John R. Smith.

Carla Okouchi of Fairfax Station, Virginia 22039, Member, appointed January 10, 2020, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed Hassan M. Ahmad.

Marie A. Sankaran Raval of Henrico, Virginia 23229, Member, appointed January 10, 2020, for an unexpired term beginning November 16, 2019, and ending June 30, 2021, to succeed Osman Parvaiz.

Jewan Tiwari of Manassas, Virginia 20109, Member, appointed January 10, 2020, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed Leonard Cube Tengco.

Council on Women

Olga Boucher of Waynesboro, Virginia 22980, Member, appointed January 24, 2020, for a term of three years beginning July 1, 2019, and ending June 30, 2022, to succeed Erin Evans-Bedois.

Da'Shaun Antoinette Joseph of Reston, Virginia 20190, Member, appointed January 24, 2020, for an unexpired term beginning September 29, 2018, and ending June 30, 2020, to succeed Susan Johnston Rowland.

Karishma Merchant of Arlington, Virginia 22202, Member, appointed January 24, 2020, for an unexpired term beginning December 24, 2019, and ending June 30, 2021, to succeed Chrystal J. Neal.

Holly Seibold of Vienna, Virginia 22180, Member, appointed January 24, 2020, for a term of three years beginning July 1, 2019, and ending June 30, 2022, to succeed herself.

Michelle Strucke of **Vienna**, Virginia 22180, Member, appointed January 24, 2020, for a term of three years beginning July 1, 2019, and ending June 30, 2022, to succeed herself.

Michelle Woods of **Alexandria**, Virginia 22314, Member, appointed January 24, 2020, for a term of three years beginning July 1, 2019, and ending June 30, 2022, to succeed Ikeita Hinojosa.

EDUCATION

Board of Trustees of the Science Museum of Virginia

Cristina Ramirez of **Richmond**, Virginia 23220, Member, appointed January 3, 2020, to fill an unexpired term beginning October 25, 2019, and ending June 30, 2020, to succeed Mary Ellen Pauli.

Southwest Virginia Cultural Heritage Foundation Board of Trustees

Kevin Byrd of **Blacksburg**, Virginia 24060, Member, appointed January 24, 2020, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed himself.

Dean Chiapetto of **Floyd**, Virginia 24091, Member, appointed January 24, 2020, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed himself.

Duane A. Miller of **Appalachia**, Virginia 24216, Member, appointed January 24, 2020, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed himself.

James Morani of **Abingdon**, Virginia 24212, Member, appointed January 24, 2020, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed Cathy C. Lowe.

Amanda Pillion of **Abingdon**, Virginia 24210, Member, appointed January 24, 2020, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed Lisa T. Alderman.

Robyn Raines of **Abingdon**, Virginia 24210, Member, appointed January 24, 2020, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed herself.

Ellen Reynolds of **Wytheville**, Virginia 24382, Member, appointed January 24, 2020, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed herself.

Pat Sharkey of **Floyd**, Virginia 24091, Member, appointed January 24, 2020, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed David E. Rotenizer.

Kathy Shearer of **Emory**, Virginia 24327, Member, appointed January 24, 2020, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed Amanda L. Parris.

William J. Smith of **Wytheville**, Virginia 24382, Member, appointed January 24, 2020, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed himself.

Julie Walters-Steele of **Stuart**, Virginia 24171, Member, appointed January 24, 2020, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed Lou Ann Jessee-Wallace.

Virginia Water Resources Research Center Statewide Advisory Board

Russell W. Baxter of **Richmond**, Virginia 23221, Member, appointed January 17, 2020, to serve at the pleasure of the Governor beginning January 17, 2020, to succeed Jack Frye.

Kendall Tyree Covington of **Henrico**, Virginia 23229, Member, appointed January 17, 2020, to serve at the pleasure of the Governor beginning January 17, 2020, to succeed Ellen Gilinsky.

Troy Hartley of **Williamsburg**, Virginia 23188, Member, appointed January 17, 2020, to serve at the pleasure of the Governor beginning January 17, 2020, to succeed Benjamin H. Grumbles.

Chris J. McDonald of **Richmond**, Virginia 23220, Member, appointed January 17, 2020, to serve at the pleasure of the Governor beginning January 17, 2020, to succeed Larry Land.

HEALTH AND HUMAN RESOURCES

Board of Psychology

Andrea O. Bailey of **Prince William**, Virginia 22025, Member, appointed January 10, 2020, for a term of four years beginning July 1, 2019, and ending June 30, 2023, to succeed herself.

State Rehabilitation Council for the Blind and Vision Impaired

Julie Akers of **Radford**, Virginia 24141, Member, appointed January 10, 2020, for a term of three years beginning October 1, 2019, and ending September 30, 2022, to succeed herself.

Christine Appert of **Charlottesville**, Virginia 22903, Member, appointed January 10, 2020, for a term of three years beginning October 1, 2019, and ending September 30, 2022, to succeed herself.

Irene M. Conlin of **Virginia Beach**, Virginia 23462, Member, appointed January 10, 2020, for a term of three years beginning October 1, 2019, and ending September 30, 2022, to succeed herself.

Mark Roane of **Richmond**, Virginia 23221, Member, appointed January 17, 2020, for a term of three years beginning October 1, 2019, and ending September 30, 2022, to succeed himself.

TECHNOLOGY

Broadband Advisory Council

Jimmy Carr of **Leesburg**, Virginia 20176, Member, appointed January 17, 2020, for a term of two years beginning July 1, 2019, and ending June 30, 2021, to succeed himself.

Mike Keyser of **Lexington**, Virginia 24450, Member, appointed January 3, 2020, for a term of two years beginning July 1, 2019, and ending June 30, 2021, to fill a new seat.

Raphael LaMura of **Richmond**, Virginia 23230, Member, appointed January 17, 2020, for a term of two years beginning July 1, 2019, and ending June 30, 2021, to succeed himself.

Duront Walton of **Richmond**, Virginia 23220, Member, appointed January 17, 2020, for a term of two years beginning July 1, 2019, and ending June 30, 2021, to succeed himself.

TRANSPORTATION

Aerospace Advisory Council

Christopher Goyne of **Charlottesville**, Virginia 22904, Member, appointed December 20, 2020, for an unexpired term beginning July 1, 2018, and ending June 30, 2020, to succeed James McDaniel.

Virginia Commercial Space Flight Authority Board of Directors

Morris Foster of **Norfolk**, Virginia 23507, Member, appointed January 24, 2020, for an unexpired term beginning November 30, 2019, and ending June 30, 2021, to succeed Bittle Porterfield.

SENATE JOINT RESOLUTION NO. 111

Commending the Children's Home Society of Virginia.

Agreed to by the Senate, February 20, 2020

Agreed to by the House of Delegates, February 24, 2020

WHEREAS, in 2020, the Children's Home Society of Virginia, a nonprofit organization with offices in Richmond and Fredericksburg, celebrates 120 years of serving young people in the Commonwealth; and

WHEREAS, the Children's Home Society of Virginia is a licensed, private, nonsectarian, full-service child placing agency, the mission of which is to create strong, permanent families and lifelong relationships for children and youths throughout the Commonwealth; and

WHEREAS, the Children's Home Society of Virginia began in 1899 when a group of concerned citizens, deeply troubled by the care offered in orphanages at the time, banded together to help abandoned and neglected children; and

WHEREAS, the Children's Home Society of Virginia was chartered on January 30, 1900, with the Honorable John Garland Pollard, who became governor in 1930, as a founding member of the organization's board of directors; and

WHEREAS, since 1900, the staff members of the Children's Home Society of Virginia have worked diligently to place more than 14,500 children into adoptive homes; and

WHEREAS, in 1998, the Children's Home Society of Virginia began partnering with local social service agencies to help facilitate the placement of hundreds of children and youths from the foster care system into adoptive homes; and

WHEREAS, in 2007, the Children's Home Society of Virginia began serving as a Wendy's Wonderful Kids Site, a program of the Dave Thomas Foundation for Adoption, to recruit adoptive parents for children and youths who have waited extended periods in foster care to be placed into adoptive families; and

WHEREAS, the Children's Home Society of Virginia not only finds permanent homes for children of all ages, but also offers a lifetime of post-adoption support programs to Virginia's adoptive families and adoptees, including parent coaching, family support and engagement activities, respite care, and family search and reunion services; and

WHEREAS, in 2016, the Children's Home Society of Virginia began partnering with the Better Housing Coalition to create The Possibilities Project, a signature program that provides housing assistance and best practices to give youths who are transitioning from foster care the skills and resources they need to become independent, productive members of society; and

WHEREAS, the Children's Home Society of Virginia is a permanency-driven organization that embraces the values of top-quality service delivery, working with integrity, maximizing collaborations, demonstrating compassion, and embracing equity and inclusion in all that it does; and

WHEREAS, for 120 years the Children's Home Society of Virginia has worked to provide all children, from newborns to older youths who have aged out of foster care, as well as children with special needs, with the healthy, supportive, and permanent adult relationships they need to thrive; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Children's Home Society of Virginia on the occasion of its 120th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Board of Directors of the Children's Home Society of Virginia as an expression of the General Assembly's admiration for the organization's work to create permanency for the Commonwealth's young people.

SENATE JOINT RESOLUTION NO. 112

Commending George Mason University Korea.

Agreed to by the Senate, March 2, 2020

Agreed to by the House of Delegates, March 3, 2020

WHEREAS, George Mason University Korea, a satellite campus of the distinguished public institution of higher education in Fairfax County, celebrated its fifth anniversary in 2019; and

WHEREAS, established in 2014 as part of the Incheon Global Campus in Songdo, South Korea, which aspires to be the preeminent global education hub in Northeast Asia, George Mason University Korea (GMUK) provides a unique and innovative educational experience for Korean and American students; and

WHEREAS, with a faculty of preeminent scholars and experts, including several Nobel Prize laureates, GMUK offers degrees certified by the home institution, including leading degree programs in the areas of conflict analysis and resolution, and economics; and

WHEREAS, as part of the GMUK curriculum, Korean students must spend one year studying at the university's home campus in Fairfax, while American students may spend up to a year taking classes in Songdo, South Korea, encouraging lively international exchange that enriches students' lives; and

WHEREAS, by offering a first-class American education without the expense of living abroad for many years, GMUK creates exceptional opportunities for its Korean students and positions them for success; and

WHEREAS, with the possibility of studying in South Korea without the need to apply to external universities, GMUK offers its American students an easy and attractive way to experience another culture without disrupting their studies; and

WHEREAS, through numerous internship and recruitment opportunities, and the support of the GMUK Career Development Center, students leave GMUK prepared to apply their education toward promising and worthwhile careers; and

WHEREAS, GMUK is just one example of how George Mason University, the largest public research university in the Commonwealth, consistently pursues excellence while developing exciting, new ways to serve its students; and

WHEREAS, by providing a diverse and inclusive learning environment and a curriculum that is responsive to the needs of its students, GMUK will become a standard bearer for global education initiatives and the alma mater of many of the world's future leaders; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend George Mason University Korea, Virginia's largest public research university in Northeast Asia's education hub, on the occasion of its fifth anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Anne Holton, president of George Mason University, as an expression of the General Assembly's admiration for the university's efforts to provide an exemplary education to students around the world.

SENATE JOINT RESOLUTION NO. 113

Commending the Virginia Maritime Association.

Agreed to by the Senate, February 13, 2020

Agreed to by the House of Delegates, February 17, 2020

WHEREAS, the Virginia Maritime Association, which was established as the Norfolk Maritime Exchange on February 13, 1920, by local business interests to develop and promote the ports of Hampton Roads, celebrates its 100th anniversary in 2020; and

WHEREAS, Virginia's maritime heritage dates to the birth of the Commonwealth, as the Virginia Company of London, a commercial venture conducting waterborne trade, landed three ships of 105 colonists on the shores of Virginia and founded the Jamestown Colony at the mouth of the James River in 1607; and

WHEREAS, since its founding, the Virginia Maritime Association has pursued the fulfillment of a mission to promote, protect, and encourage international and domestic commerce through the Commonwealth's ports; and

WHEREAS, the Virginia Maritime Association has fostered a culture of collaboration and cooperation among and between its member businesses, regulators, and lawmakers, which has become a hallmark of the progress, growth, and supportive environment enjoyed by companies conducting business through the Commonwealth's ports; and

WHEREAS, the Virginia Maritime Association has successfully worked to obtain private-sector support, as well as local, state, and federal policies and investments in the waterways, waterfront facilities, and transportation infrastructure, resulting in increasing commerce between domestic and international markets; and

WHEREAS, as "The Voice of Port Industries," the Virginia Maritime Association has for a century led, advocated for, or influenced every major development related to the Commonwealth's ports and waterborne trade; and

WHEREAS, in 2020, the Commonwealth's waterways are home to the world's largest concentration of naval forces, the nation's largest shipbuilding and ship repair industrial base, and the third-largest commercial port on the East Coast of the United States, with unrivaled capacity for growth; and

WHEREAS, the Virginia Maritime Association has evolved and expanded from a Hampton Roads organization representing solely vessel and waterfront interests to a statewide force of nearly 500 member companies, connecting and representing through its regional chapters the port and supply chain interests in every corner of the Commonwealth, from its farms and manufacturers to the waterfront facilities and marine highways that connect them to domestic and international markets; and

WHEREAS, the actions and influence of the Virginia Maritime Association have fostered the growth of an industry responsible for economic activities resulting in the employment of over 530,000 Virginians; over \$88 billion in annual

spending, contributing 10.1 percent of Virginia's Gross State Product; and the general economic well-being of the Commonwealth; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the officers, directors, members, and employees of the Virginia Maritime Association on the occasion of its 100th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Virginia Maritime Association as an expression of the General Assembly's gratitude and appreciation for the organization and its members, who have, for the last 100 years, faithfully fulfilled their stated purpose to promote, protect, and encourage international and domestic trade through Virginia's ports.

SENATE JOINT RESOLUTION NO. 114

Commending James Smith.

Agreed to by the Senate, February 20, 2020

Agreed to by the House of Delegates, February 24, 2020

WHEREAS, James Smith, a heroic veteran who served the nation in the United States Marine Corps during World War II and the Central Intelligence Agency for four decades afterwards, will celebrate his 100th birthday in 2020; and

WHEREAS, born and raised in Cleveland, Ohio, James Smith was inspired to enlist in the United States Marine Corps in 1939 after years training in a Citizens' Military Training Camp; and

WHEREAS, demonstrating an aptitude for Morse code and radio physics, James Smith was trained as a radio operator, earning the affectionate nicknames of "Horse" and "Horse Collar" from all the times he was required to haul large carts of communications equipment; and

WHEREAS, James Smith volunteered for a newly formed elite unit known as the Mariner Raiders, serving in the 1st Marine Raider Battalion under Colonel Merritt A. Edson; and

WHEREAS, part of the Allied invasion of Guadalcanal, James Smith first saw combat during the Battle of Tulagi, where he saved several Marines' lives by laying down suppressing fire against a Japanese line, an act of bravery that allowed the men to retreat to safety and earned him the Silver Star Medal; and

WHEREAS, after the Battle of Tulagi, James Smith received another Silver Star Medal for defending Henderson Field during the Battle of Edson's Ridge, a vicious period of close fighting that was a decisive moment in the Guadalcanal campaign and the Allied efforts in the Pacific Theater of the war; and

WHEREAS, concluding his service with the United States Marine Corps after the war, James Smith joined the Central Intelligence Agency in 1952, serving at the headquarters in Washington, D.C., as well as throughout Europe and Asia, in an illustrious career spanning the better part of a half-century; and

WHEREAS, after retiring from the Central Intelligence Agency in the early 1990s, James Smith kept his marksman skills sharp as a competitive skeet shooter, making the Super Veteran First Team at the 2014 World Skeet Championships in San Antonio, Texas; and

WHEREAS, a member of the City of Fairfax community for many years, James Smith is revered as one of the "Old Originals" of the Old Lee Hills neighborhood, where he continues to reside; and

WHEREAS, James Smith's courage and heroism is an inspiration to future generations of Americans, who enjoy a more free and just world as a result of his tremendous efforts on behalf of the nation; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend James Smith, distinguished veteran of World War II, on the occasion of his centennial birthday; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to James Smith as an expression of the General Assembly's profound admiration and respect for his valorous service.

SENATE JOINT RESOLUTION NO. 115

Celebrating the life of Billy Bernard Lawrence.

Agreed to by the Senate, February 20, 2020

Agreed to by the House of Delegates, February 24, 2020

WHEREAS, Billy Bernard Lawrence, a successful entrepreneur in Martinsville, died on May 28, 2019; and

WHEREAS, Billy Lawrence was a native of Henry County and served his country during the Korean War as a member of the United States Army; and

WHEREAS, after returning home to the Commonwealth, Billy Lawrence established Billy Lawrence Farms and Lawrence Distributing Company; he offered his expertise to the Virginia Beer Wholesalers Association, National Beer Wholesalers Association, and the Virginia Wine Wholesalers Association; and

WHEREAS, during the course of his career, Billy Lawrence received several awards and accolades, including the Life Service Award from the National Beer Wholesalers Association and the Enduring Enterprise Award from the Danville Pittsylvania County Chamber of Commerce; and

WHEREAS, Billy Lawrence was a member of the American Legion, Veterans of Foreign Wars, the Benevolent and Protective Order of Elks, and the Loyal Order of Moose, and he enjoyed fellowship and worship with the congregation of Granbery United Methodist Church; and

WHEREAS, Billy Lawrence will be fondly remembered and greatly missed by his wife of 64 years, Dovie "Shirley"; his daughters, Linda and Sandra, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Billy Bernard Lawrence, a respected business owner in Martinsville; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Billy Bernard Lawrence as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 116

Commending the Reverend Thurman Echols.

Agreed to by the Senate, February 20, 2020

Agreed to by the House of Delegates, February 24, 2020

WHEREAS, the Reverend Thurman Echols, a leader of the Henry County community and longtime pastor at Moral Hill Baptist Church in Axton, retired in 2019; and

WHEREAS, coming of age in Danville during the civil rights movement, Thurman Echols was on the front lines in the fight to end segregation and secure equality and freedom for all; as a young activist leader, he was arrested during the events now known as Bloody Monday, demonstrating a fervor for righteousness that would stay with him throughout his life; and

WHEREAS, shortly after graduating with a degree in sociology from Virginia Union University, Thurman Echols was drafted, serving in the United States Armed Forces as a medic at Fort Knox, Fort Sam Houston, and Fort Jackson; and

WHEREAS, following his service, Thurman Echols briefly worked as a community-school coordinator before becoming inspired to join the ministry and embarking on a religious education that would span decades; and

WHEREAS, studying initially at Duke University Divinity School and ultimately earning a master of divinity degree from Shaw Divinity School in the 1980s, Thurman Echols was the recipient of honorary doctorates from several institutions throughout his career, including Virginia Union University; and

WHEREAS, assuming leadership of the congregation at Moral Hill Baptist Church in 1976, Thurman Echols led countless parishioners in faith and worship for nearly a half-century; during his tenure, the church vastly expanded in size and developed new programs to better serve the community; and

WHEREAS, Thurman Echols was a leader beyond his church as well, serving as president or chair of several organizations and boards, including the Virginia State Baptist Convention, the Axton Life Saving Crew, the Martinsville-Henry County branch of the NAACP, the Piedmont Arts Association, the Martinsville and Henry County United Way, and the Henry County Social Services Board; and

WHEREAS, recognized for his wisdom and acumen, Thurman Echols was a gubernatorial appointee to the Commonwealth's Advisory Board on Child Abuse and Neglect and appointed by the Henry County Board of Supervisors to serve as a board member of Pittsylvania County Community Action, a position he held for 25 years; and

WHEREAS, Thurman Echols' efforts on behalf of his community have been acknowledged through numerous awards and distinctions, including the 2007 Jack Dalton Community Service Award from the Henry County Board of Supervisors, the 1998 Citizen of the Year Award from the Omega Psi Phi Fraternity, Inc., and keys to the Cities of Roanoke, Danville, and Virginia Beach; and

WHEREAS, Thurman Echols has impacted countless lives with his good words and deeds, both through his stewardship of Moral Hill Baptist Church and his numerous civic affiliations, demonstrating a tireless dedication to serving others; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Reverend Thurman Echols, long-standing pastor of Moral Hill Baptist Church and pillar of the Henry County community, on the occasion of his retirement; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Reverend Thurman Echols as an expression of the General Assembly's profound respect and heartfelt admiration for his contributions to Henry County and the Commonwealth.

SENATE JOINT RESOLUTION NO. 117

Commending the Louisa County High School boys' basketball team.

Agreed to by the Senate, February 13, 2020

Agreed to by the House of Delegates, February 17, 2020

WHEREAS, the Louisa County High School boys' basketball team won the Virginia High School League Region 4B championship on their home court on February 25, 2019; and

WHEREAS, the Louisa County High School Lions defeated the Courtland High School Cougars of Spotsylvania County by a score of 77-53, earning a berth to the Virginia High School Class 4 state tournament that would result in the team's first state championship appearance since 1994; and

WHEREAS, the Louisa County Lions jumped out to a quick start against the Courtland Cougars, opening on a 13-0 run; after holding their opponent nearly scoreless through the first five minutes of play, the team commanded a double-digit lead for the remainder of the game; and

WHEREAS, the Louisa County Lions' accomplishment was a total-team effort, with standout performances by Isaac Haywood, who had 19 points, and Chris Shelton and Xavien Hunter, with 16 points apiece; and

WHEREAS, posting a record of 26-5, the Louisa County Lions put forth their best performance in more than two decades, drawing inspiration all season from the energy and determination of the team's seniors, Mark Carter, Reginald Cosby, Chris Shelton, Shylek Washington, and Michael Weakley; and

WHEREAS, the team's success was the result of the hard work and dedication of the student-athletes, the leadership and guidance of their coaches and teachers, and the passionate support of the entire Louisa County High School community; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Louisa County High School boys' basketball team for winning the 2019 Virginia High School League Region 4B championship; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Robert Shelton, coach of the Louisa County High School boys' basketball team, as an expression of the General Assembly's admiration for the team's achievement and best wishes for the future.

SENATE JOINT RESOLUTION NO. 118

Commending the Lion Pride Run.

Agreed to by the Senate, February 20, 2020

Agreed to by the House of Delegates, February 24, 2020

WHEREAS, the Lion Pride Run has raised nearly \$60,000 to support scholarships and program funding for Louisa County Public Schools students in four years; and

WHEREAS, the Lion Pride Run was created by Katharine Fletcher, an English teacher at Louisa County High School, which has coordinated the event since 2016; and

WHEREAS, through the Lion Pride Run, Katharine Fletcher has demonstrated Louisa County Public Schools' "Non-Negotiables" of support, high expectations, accountability, consistency, positivity, and grit; and

WHEREAS, the success of the Lion Pride Run has allowed the Lion Pride Scholarship Committee to award 22 scholarships for students who have shown perseverance and achieved great success despite facing seemingly insurmountable obstacles; and

WHEREAS, the Lion Pride Run also provides funding for the *Lion's Roar* student newspaper and Louisa County High School Leadership program, which gives students the opportunity to practice large-scale project management, event coordination, marketing, and fundraising; and

WHEREAS, the Lion Pride Run is made possible thanks to the unwavering support of teachers, staff, and administrators from all six schools in Louisa County Public Schools, as well as the district's nearly 5,000 students, their families, and community partners; and

WHEREAS, the passion and hard work of the "TeamLCPS" community have inspired people throughout the Commonwealth and garnered national and international recognition for the Lion Pride Run; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Lion Pride Run for its years of success raising money for scholarships and other programs for students; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Louisa County High School as an expression of the General Assembly's admiration for the Lion Pride Run's achievements in support of young people.

SENATE JOINT RESOLUTION NO. 120

Celebrating the life of Brantley Moses Jefferson.

Agreed to by the Senate, February 20, 2020

Agreed to by the House of Delegates, February 24, 2020

WHEREAS, Brantley Moses Jefferson, an honored veteran, prominent businessman, and beloved member of the Farmville community for over a half-century, died on January 20, 2020; and

WHEREAS, born in Red House in Charlotte County, Brantley Jefferson attended the University of Virginia and the Medical College of Virginia before serving in the United States Army; and

WHEREAS, after completing his service, Brantley Jefferson became the owner and pharmacist of Owens-Sanford Drug Store, and later of Gray's Drug Stores, becoming a fixture in the community as a friendly and reliable source for its pharmaceutical needs; and

WHEREAS, Brantley Jefferson gave generously of his time and talents to several local organizations, serving on the boards of The Woodland, Inc., for which he was a founding member; Southside Community Hospital; and the First National Bank of Farmville; and

WHEREAS, guided through life by his deep and abiding faith, Brantley Jefferson was a member of the Farmville United Methodist Church, where he enjoyed worship and fellowship with his community for many years; and

WHEREAS, preceded in death by his wife, Grace, Brantley Jefferson will be fondly remembered and dearly missed by his children, Anne and Robert, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Brantley Moses Jefferson, a respected businessman, distinguished veteran, and cherished member of the Farmville community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Brantley Moses Jefferson as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 121

Commending Saint Benedict Catholic School.

Agreed to by the Senate, February 20, 2020

Agreed to by the House of Delegates, February 24, 2020

WHEREAS, for 100 years, Saint Benedict Catholic School in Richmond's Museum District has brought together children from different backgrounds and neighborhoods to learn and grow in faith; and

WHEREAS, Saint Benedict Catholic School was established by the Benedictine Sisters of Virginia and originally opened in 1919 under the direction of its first principal, Sister Edward Galloway, OSB, in their convent located at the corner of Belmont Avenue and Grove Avenue; and

WHEREAS, the convent was later moved and the Saint Benedict Catholic School building was completed on the same site in 1924, welcoming children from kindergarten through eighth grade; the building was expanded in 1949 to accommodate a growing number of students; and

WHEREAS, over the course of its long history, Saint Benedict Catholic School has given its students the tools to achieve success, with graduates becoming community leaders, philanthropists, priests and religious leaders, artists, athletes, entrepreneurs, and corporate executives, among many other professions; and

WHEREAS, a Saint Benedict Catholic School education is grounded in the nobility of faith, hard work, humility, and service, virtues that are as relevant and needed today as they were in 1919; and

WHEREAS, Saint Benedict Catholic School is sought after for its faithful Catholic culture, challenging classical curriculum, beautiful diversity, and supportive community; and

WHEREAS, throughout its history, Saint Benedict Catholic School has fulfilled its mission with the hard work of its foundresses, the Benedictine Sisters of Virginia; the dedication of its parish, Saint Benedict Catholic Church; the devotion of its faculty and staff; the leadership of its board of directors; and the generosity of its school community, alumni, grant makers, and family supporters; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Saint Benedict Catholic School on the occasion of its 100th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Saint Benedict Catholic School as an expression of the General Assembly's admiration for the school's dedication to providing a wholesome education that inspires students to be good citizens and contributors to our society.

SENATE JOINT RESOLUTION NO. 122

Celebrating the life of William Griffith Thomas.

Agreed to by the Senate, February 20, 2020

Agreed to by the House of Delegates, February 24, 2020

WHEREAS, William Griffith Thomas, a respected attorney, influential political advisor, and valued civic leader, died on January 23, 2020; and

WHEREAS, William Thomas graduated from Randolph-Macon Academy, attended Williams College and Richmond College, and earned a juris doctor degree from the University of Richmond School of Law; and

WHEREAS, opening his first law practice in Alexandria, William Thomas largely dedicated his career to representing clients before the Virginia General Assembly and other governmental agencies in the Commonwealth; and

WHEREAS, a founding partner of Thomas, Kent, Haddock, & Sewell in 1970, which later became Hazel & Thomas, William Thomas joined Reed Smith, LLP, in 1999 when his firm merged with the law partnership, practicing until his retirement in 2018; and

WHEREAS, involved in politics throughout his life, William Thomas was appointed Secretary of the Virginia Democratic Party in 1968 and two years later was elected the party's chair; he was a close advisor of Governors Charles S. Robb and Gerald L. Baliles and was instrumental to the governors' success during their campaigns and throughout their terms in office; and

WHEREAS, a concerned and engaged member of the community, William Thomas gave generously of his time and talents to several professional, civic, educational, and corporate organizations including the Uniform Law Commission, Virginia Bar Association, Virginia State University, the Virginia Museum of Fine Arts, Metropolitan Washington Airports Authority, and Virginia Electric & Power Company, now known as Dominion Energy; and

WHEREAS, guided by his deep and abiding faith throughout his life, William Thomas was an active member of the Episcopal Church, serving as senior warden and foundation president at St. Paul's Episcopal Church in Alexandria and as a vestry member of St. Paul's Episcopal Church in Millers Tavern; and

WHEREAS, William Thomas will be fondly remembered and dearly missed by his wife of 59 years, Suzanne; his children, William III, Alexander, and Margaret, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of William Griffith Thomas, who touched countless lives as an attorney, civic leader, and friend; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of William Griffith Thomas as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 123

Commending Robert Eugene Foster, Jr.

Agreed to by the Senate, February 20, 2020

Agreed to by the House of Delegates, February 24, 2020

WHEREAS, Robert Eugene Foster, Jr., acclaimed former associate head coach and defensive coordinator of the Virginia Polytechnic Institute and State University football team, retired in 2019 after serving the university loyally for many years; and

WHEREAS, Robert "Bud" Foster was born in Somerset, Kentucky, and grew up in Nokomis, Illinois; he graduated from Murray State University in 1981, where he played strong safety and linebacker from 1977 to 1980; and

WHEREAS, one of the National Collegiate Athletic Association's most respected coaches, Bud Foster served at Virginia Tech for 33 years of his 39-year career, making him the longest continually tenured assistant coach at one school in the NCAA Division I Football Bowl Subdivision; and

WHEREAS, starting as the linebackers coach in 1987 and eventually taking over defensive signal calling in 1995, Bud Foster's distinctive and innovative "Lunch Pail Defense" led all NCAA Division I Football Bowl Subdivision programs during his tenure as defensive coordinator, with 856 sacks and 380 interceptions; and

WHEREAS, Bud Foster was an integral part of the Virginia Tech Hokies' appearance in the national championship game in 1999 and the Virginia Tech Hokies' 27-year streak of bowl game appearances, the longest active bowl streak recognized by the NCAA; over his career, his defenses have led the nation in a major defensive statistical category nine times and placed in the top five 44 different times; and

WHEREAS, after his squad led the nation in total defense in both 2005 and 2006, Bud Foster was recipient of the 2006 Broyles Award, an annual award recognizing the best assistant coach in college football; and

WHEREAS, Bud Foster was also named the Division I-A Defensive Coordinator of the Year by *American Football Coach* magazine after the Virginia Tech Hokies made it to the 1999 national championship game and was named the American Football Coaches Association Defensive Coordinator of the Year in 2000; and

WHEREAS, since 1996, Bud Foster has seen over 50 of his defensive charges drafted to the National Football League, including 11 players selected in the first or second round, many of whom have gone on to become notable players in their own right on football's highest stage; and

WHEREAS, for over a generation, Bud Foster has been a mainstay of Virginia Tech football, creating a legacy that will be cherished for years to come by both the school's fans and the student-athletes whose lives he touched in such a profound and positive way; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Robert Eugene Foster, Jr., beloved associate head coach and defensive coordinator for the Virginia Polytechnic Institute and State University football team, on the occasion of his retirement; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Robert Eugene Foster, Jr., as an expression of the General Assembly's utmost appreciation and heartfelt admiration for his contributions to the Town of Blacksburg and the Commonwealth.

SENATE JOINT RESOLUTION NO. 124

Commending Lord Fairfax Community College.

Agreed to by the Senate, February 20, 2020

Agreed to by the House of Delegates, February 24, 2020

WHEREAS, in 2020, Lord Fairfax Community College celebrates 50 years of providing students of all ages with exceptional educational and career training opportunities; and

WHEREAS, Lord Fairfax Community College has served an important role in the economic development of the region, working with local governments, area school systems, and business and industry partners; and

WHEREAS, on October 11, 1969, community leaders broke ground on a 120-acre tract of land in Middletown in Frederick County to establish Lord Fairfax Community College, named in honor of Thomas, Baron Cameron, sixth Lord Fairfax; and

WHEREAS, Lord Fairfax Community College officially opened on September 29, 1970, and enrolled 577 students during its first year; and

WHEREAS, 259,421 students have been enrolled at Lord Fairfax Community College since 1970, and 22,517 individuals have received a degree or certificate; and

WHEREAS, Lord Fairfax Community College opened a campus in Fauquier County in 1988, a center in Page County in 2006, and a second location in Fauquier County at Vint Hill in 2016; and

WHEREAS, approximately 20,000 students are now served each year through Lord Fairfax Community College's academic and workforce training programs, high school dual enrollment courses, professional development and continuing education opportunities, and adult basic education programs; and

WHEREAS, Lord Fairfax Community College proudly represents the geographic region comprising the City of Winchester and the Counties of Clarke, Fauquier, Frederick, Page, Rappahannock, Shenandoah, and Warren; and

WHEREAS, Lord Fairfax Community College faculty, staff, students, alumni, and board members have brought honor and positive recognition to the region and to the Commonwealth; and

WHEREAS, Lord Fairfax Community College remains committed to its mission to provide "a positive, caring, and dynamic learning environment that inspires student success, values diversity, and promotes community vitality," and embraces five core values of learning, high performance, integrity, positive spirit, and diversity; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Lord Fairfax Community College on the occasion of its 50th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Dr. Kimberly P. Blosser, president of Lord Fairfax Community College, as an expression of the General Assembly's congratulations on this historic milestone.

SENATE JOINT RESOLUTION NO. 125

Commending Lily Wilson Huffman.

Agreed to by the Senate, February 20, 2020

Agreed to by the House of Delegates, February 24, 2020

WHEREAS, Lily Wilson Huffman, a former educator and longtime member of the Staunton community, was crowned Ms. Virginia Senior in 2019; and

WHEREAS, the Ms. Virginia Senior America pageant was established in 1984 to honor the dignity, maturity, and elegance of women in the Commonwealth, promoting the wisdom and experience seniors provide in creating a foundation for younger generations to achieve greatness; and

WHEREAS, a 12th generation Virginian who can trace her lineage to John Rolfe, Pocahontas, President Zachary Taylor, and First Lady Edith Bolling Wilson, Lily "Lilchy" Huffman has called several parts of the Commonwealth home throughout her life, including Richmond, Rockingham County, Fairfax County, Prince William County, and Staunton; and

WHEREAS, receiving a bachelor's degree in home economics education from Bridgewater College in 1968, Lilchy Huffman embarked on an illustrious teaching career that spanned over three decades and took her all over the world; and

WHEREAS, starting at West Springfield High School in Fairfax County and earning a master's degree in counselor education from the University of Virginia in 1971, Lilchy Huffman subsequently taught for the Department of Defense Dependent Schools in Bamberg, Germany, in the early 1970s; and

WHEREAS, later, over a 26-year tenure with Prince William County Public Schools and a three-year stint with Manassas City Public Schools, Lilchy Huffman's career highlights included induction into the Phi Delta Kappa honor fraternity for professional educators in 1985 and the opportunity to lead an oral English workshop at a university in Wuxi, China, in 1992; and

WHEREAS, retiring to Staunton and her beloved Blue Ridge Mountains, Lilchy Huffman has been an active and engaged member of the community for many years; volunteering each August for the world-renowned Staunton Music Festival, she also works tirelessly on behalf of Trinity Episcopal Church in Staunton, for which she serves a Eucharistic minister, lay reader, usher, member of the vestry, and in other leadership roles; and

WHEREAS, Lilchy Huffman has charmed countless audiences through her portrayals of her cousin, Edith Bolling Wilson, at events held by the Edith Bolling Wilson Birthplace Museum in Wytheville and the Woodrow Wilson Presidential Library in Staunton; and

WHEREAS, along with winning several awards for her cross-stitch and needlepoint work, Lilchy Huffman was the recipient of the MVSA Community Service Award in 2017 for her service with Trinity Episcopal Church; and

WHEREAS, embodying the ideals of the Ms. Virginia Senior America pageant through her spirit and dedication, Lilchy Huffman has brought great distinction to the Commonwealth and been an inspiration to all; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Lily Wilson Huffman, a former educator and longtime member of the Staunton community, who has impacted the lives of innumerable Virginians, for being crowned the 2019 Ms. Virginia Senior; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Lily Wilson Huffman as an expression of the General Assembly's admiration for her achievement and best wishes for the future.

SENATE JOINT RESOLUTION NO. 126

Commending the Riverheads High School football team.

Agreed to by the Senate, February 20, 2020

Agreed to by the House of Delegates, February 24, 2020

WHEREAS, the Riverheads High School football team of Augusta County claimed its fourth consecutive state title with a victory in the Virginia High School League Class 1 state championship; and

WHEREAS, the Riverheads High School Gladiators defeated the Galax High School Maroon Tide by a score of 31-24 in what turned out to be their closest game of the season; and

WHEREAS, the Galax Maroon Tide took an early lead, but the Riverheads Gladiators responded with 17 points in the second quarter; the Maroon Tide answered after halftime, but the Gladiators stayed the course and ultimately won by a one-touchdown margin; and

WHEREAS, junior Zac Smiley led the attack for Riverheads High School, rushing for 135 yards and two touchdowns on 17 carries and returning an interception for a third score; and

WHEREAS, the Riverheads Gladiators' state championship win capped off a perfect 15-0 season; and

WHEREAS, the victory was a testament to the skill and hard work of all the student-athletes, the leadership and guidance of coaches and staff, and the enduring support of the entire Riverheads High School community; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Riverheads High School football team on winning the Virginia High School League Class 1 state championship; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Robert Casto, head coach of the Riverheads High School football team, as an expression of the General Assembly's admiration for the team's achievements and best wishes for the future.

SENATE JOINT RESOLUTION NO. 127

Commending the Staunton High School boys' soccer team.

Agreed to by the Senate, February 20, 2020

Agreed to by the House of Delegates, February 24, 2020

WHEREAS, the Staunton High School boys' soccer team won the Virginia High School League Class 2 state championship at Radford University on June 8, 2019; and

WHEREAS, the Staunton High School Storm defeated the George Mason High School Mustangs by a score of 2-0, earning the first state title in the boys' soccer program's history; and

WHEREAS, defeated by the George Mason Mustangs in the semifinal of the 2018 Virginia High School League (VHSL) Class 2 state tournament, the Staunton Storm were determined to get redemption this season; and

WHEREAS, after another crushing loss to the George Mason Mustangs in the VHSL Region 2B final earlier in the year, the Staunton Storm made the necessary adjustments to win big when it mattered most; and

WHEREAS, battling through a steady downpour all match, the Staunton Storm scored their first goal on an off-balance kick from Marcos Sasia; later, in the waning moments of the match, a penalty kick from Kyle Stenzel sealed the team's historic win; and

WHEREAS, a steely defensive performance led by Luke Gaines, Cooper Yurish, Quinn Anderson, Isaiah Knopp, and Jimmy Kivlighan held the George Mason Mustangs' potent offense at bay all match; and

WHEREAS, the Staunton Storm's victory was a total team effort, made all the more impressive by the fact that the match marked the last time the George Mason Mustangs will play in VHSL Class 2, as the perennial powerhouse is moving into the league's Class 3 division in 2020; and

WHEREAS, Staunton High School assumed its new name on July 1, 2019, after formerly being Robert E. Lee High School; with its win less than a month before the official change, the Staunton High School boys' soccer team recorded the last state championship title in Robert E. Lee High School history; and

WHEREAS, the team's success is the result of the hard work and dedication of the student-athletes, the leadership and guidance of their coaches and teachers, and the unflinching support of the entire Staunton High School community; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Staunton High School boys' soccer team for winning the 2019 Virginia High School League Class 2 state championship; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Homes Tehrani, head coach of the Staunton High School boys' soccer team, as an expression of the General Assembly's admiration for the team's achievement and best wishes for the future.

SENATE JOINT RESOLUTION NO. 128

Commending the James City Ruritan Club.

Agreed to by the Senate, February 20, 2020

Agreed to by the House of Delegates, February 24, 2020

WHEREAS, the James City Ruritan Club of James City County celebrated its 80th anniversary in November 2019; and

WHEREAS, with the intent to foster a vibrant and prosperous community through fellowship, goodwill, and service, 41 citizens met on November 8, 1939, to form the James City Ruritan Club; and

WHEREAS, the charter members of the James City Ruritan Club were merchants, farmers, insurance agents, bankers, mechanics, postal carriers, educators, and government officials and represented the leaders from every corner of the James City community; and

WHEREAS, the vision of these charter members laid the foundation for the prosperity James City County enjoys today; over the years, the James City Ruritan Club was instrumental to the region's development, leading important ventures such as the founding of the James City-Bruton Volunteer Fire Department, the establishment of the Anheuser-Busch Brewery and Busch Gardens, the creation of Williamsburg Memorial Park, and the construction of many housing developments; and

WHEREAS, members of the James City Ruritan Club remain an important source of support for the community, generously donating over 2,000 service hours and \$8,000 annually to local and national civic organizations such as Camp Easter Seals, the Hospice of Williamsburg, Meals on Wheels, the American Red Cross, James City-Bruton Volunteer Fire Department, Eastern State Hospital, the Williamsburg Chamber of Commerce, the Boys Home of Virginia, and many others; and

WHEREAS, the James City Ruritan Club and its members have upheld the Ruritan ideals for the past eight decades, helping make James City County a wonderful place for families to live, work, and play; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the James City Ruritan Club on the occasion of its 80th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the James City Ruritan Club as an expression of the General Assembly's profound respect and heartfelt admiration for its years of service to James City County and the Commonwealth.

SENATE JOINT RESOLUTION NO. 129

Commending the Zion Baptist Church of Lightfoot.

Agreed to by the Senate, February 20, 2020

Agreed to by the House of Delegates, February 24, 2020

WHEREAS, the Zion Baptist Church of Lightfoot celebrated its 100th anniversary in 2019; and

WHEREAS, in 1919, members of the congregation at the First Baptist Church in Williamsburg formed their own church, the Zion Baptist Church of Lightfoot; and

WHEREAS, initially only a few members in a one-room building owned by W.T. Brown, the Zion Baptist Church of Lightfoot congregation grew under the leadership of the Reverend L.W. Wales, eventually prompting the need for a full-time pastor; and

WHEREAS, the Reverend E.D. McCray served the Zion Baptist Church of Lightfoot congregation from 1920 to 1925, followed by the Reverend F.E. Segar, who led the church for 42 years until he retired in 1967; meanwhile, Sister Gladys Stone served as church clerk from 1920 to 1947; and

WHEREAS, the next minister to lead the congregation, the Reverend Lloyd Williams, Sr., contributed greatly to the church's progress; during his tenure from 1968 to 1991, membership in the Zion Baptist Church of Lightfoot increased, new auxiliaries were created, and services such as Sunday School Worship and Wednesday night Bible Study fostered deeper engagement with the church; and

WHEREAS, the growth of the church demanded a new sanctuary, and construction of the current Zion Baptist Church of Lightfoot began in 1970; continuing on this forward path, the church built an additional building in the 2010s to further expand its sanctuary; and

WHEREAS, in recent years, the congregation has been well-served by the wisdom and guidance of the Reverend Carlton B. Johnson, the Reverend Horace Suber, and the current pastor, the Reverend Valerie Matthews; and

WHEREAS, the Zion Baptist Church of Lightfoot has been an integral part of many lives and a beacon for the community the past 100 years; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Zion Baptist Church of Lightfoot on the occasion of its 100th anniversary of service; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Reverend Valerie Matthews, pastor of the Zion Baptist Church of Lightfoot, as an expression of the General Assembly's deep admiration for the church's history and best wishes for the future.

SENATE JOINT RESOLUTION NO. 130

Commending Laura Belle Gordy.

Agreed to by the Senate, February 20, 2020

Agreed to by the House of Delegates, February 24, 2020

WHEREAS, Laura Belle Gordy, former District 7 Supervisor on the Accomack County Board of Supervisors and a leader in the Accomack and Eastern Shore communities, retired in 2019; and

WHEREAS, first elected to the board in 1988, Laura Belle Gordy served seven four-year terms and was chairwoman five times, overseeing many improvements in Accomack County during her tenure, including the development of a recreational park at the former Jones lumber yard, the establishment of the Wallops Research Park, and the construction of new schools and convenience centers; and

WHEREAS, Laura Belle Gordy was a valued voice on several board-appointed bodies, including the Accomack-Northampton Planning District Commission, the Accomack Solid Waste Committee, the Eastern Shore of Virginia Tourism Board, the Accomack Social Services Board, the Eastern Shore Area Agency on Aging/Community Action Agency, the Accomack Parks and Recreation Advisory Board, the Eastern Shore Public Library Board of Trustees, and the Eastern Shore Community College Board; and

WHEREAS, dedicating many years to Riverside Shore Memorial Hospital, Laura Belle Gordy served as chairwoman of the hospital charity ball for two years and as a member of the Executive Finance and Long-Range Planning Committee while chairwoman of public relations for the Board of Trustees; her service to the hospital also included 15 years as volunteer at the hospital's gift shop and a role as hospital auxiliary president; and

WHEREAS, Laura Belle Gordy also provided expertise and guidance on several statewide and regional organizations and committees, including the Virginia Association of Counties, the Delmarva Advisory Council, the Virginia Marine Resources Commission, and the Regional Economic Development Advisory Council, for which she served as secretary; and

WHEREAS, also contributing to many local civic organizations, Laura Belle Gordy was president of the Woman's Club of Accomack County and the Virginia Federation of Business and Professional Women's Club, and a member of Temperanceville Chapter 88 Order of the Eastern Star, the Onancock Emblem Club 195, Friends of Onancock School, and the Exmore Moose Lodge; and

WHEREAS, Laura Belle Gordy served the Accomack community for over three decades with pride and distinction, and her presence on the county's Board of Supervisors will be dearly missed; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Laura Belle Gordy, former District 7 Supervisor on the Accomack County Board of Supervisors and pillar of the Accomack and Eastern Shore communities, on the occasion of her retirement; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Laura Belle Gordy as an expression of the General Assembly's humble admiration and profound respect for her contributions to the Commonwealth.

SENATE JOINT RESOLUTION NO. 131

Commending John T. Dever.

Agreed to by the Senate, February 20, 2020

Agreed to by the House of Delegates, February 24, 2020

WHEREAS, after more than eight years of dedicated leadership and service to students, John T. Dever retired as president of Thomas Nelson Community College in December 2019; and

WHEREAS, John Dever began his 40-year career in education at Thomas Nelson Community College in 1975, serving as an English professor and chair of the Communications and Humanities Division; and

WHEREAS, John Dever subsequently worked as dean of instruction and student services at Blue Ridge Community College, vice president for academic and student affairs at Tidewater Community College, and executive vice president for academic and student services at Northern Virginia Community College; and

WHEREAS, John Dever brought his wealth of experience in higher education administration to Thomas Nelson Community College in October 2011, when he began his tenure as the eighth president of the institution; and

WHEREAS, over the course of his career, John Dever developed a keen understanding of complex issues affecting community colleges, including transfer programs, diversity and inclusion, distance learning, developmental education, general education, and workforce development; and

WHEREAS, in his final months as president of Thomas Nelson Community College, John Dever oversaw programs to achieve the goals related to student success, enhanced community partnerships, and overall excellence from the institution's *Focus 2020* strategic plan; and

WHEREAS, John Dever has also offered his leadership to the boards of the Peninsula Council for Workforce Development, the Virginia Tidewater Consortium for Higher Education, GENEDGE, Riverside Lifelong Health, and Greater Peninsula Now, and he will seek new ways to serve the community after his well-earned retirement; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend John T. Dever on the occasion of his retirement as president of Thomas Nelson Community College; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to John T. Dever as an expression of the General Assembly's admiration for his legacy of contributions to higher education in the Commonwealth.

SENATE JOINT RESOLUTION NO. 132

Celebrating the life of David M. Hinkle.

Agreed to by the Senate, February 20, 2020

Agreed to by the House of Delegates, February 24, 2020

WHEREAS, David M. Hinkle, a dedicated educator, respected real estate agent, and cherished civic leader of the Shenandoah community, died on February 12, 2019; and

WHEREAS, born in Pottsville, Pennsylvania, in 1939, David "Dave" Hinkle earned a bachelor's degree from Davis & Elkins College and a master's degree in education from James Madison University; and

WHEREAS, beginning his teaching and coaching career in Goochland County, Dave Hinkle would live in Delaware, Florida, and Hampton before ultimately settling in the Shenandoah Valley, where he became a beloved educator and coach at Page County High School, Robert E. Lee High School in Staunton, and Amelia County High School; and

WHEREAS, after retiring from his career as a teacher, Dave Hinkle began a new venture in real estate, forming his own firm in Elkton and serving as an associate with companies in Harrisonburg and Luray; and

WHEREAS, Dave Hinkle committed the later years of his life to his community as a public servant in Shenandoah, serving on the Town Council for over a decade, on various town committees, and with the Town Planning Commission, ensuring the town government was well-managed and responsive to its citizenry; and

WHEREAS, an avid history buff, Dave Hinkle served as president of the Shenandoah Heritage Center, an organization that operates Stevens Cottage, a Virginia and National Historic Landmark, and endeavors to preserve the town's rich history; and

WHEREAS, for over 20 years, Dave Hinkle led the volunteer effort to host the Shenandoah Memorial Day Festival and Parade, a treasured annual event that drew many to Shenandoah to honor veterans for their service; and

WHEREAS, guided by his abiding faith to live his life in service to others, Dave Hinkle enjoyed worship and fellowship with his community as a member of the Evangelical Presbyterian Church in Elkton and an attendee at Mt. Lebanon Congregational Church in Shenandoah; and

WHEREAS, preceded in death by his adoring wife, Betty Ann, Dave Hinkle will be dearly remembered and sorely missed by his children, David and Lori, their families, and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of David M. Hinkle, passionate educator, esteemed real estate agent, and devoted civic leader of Shenandoah; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of David M. Hinkle as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 133

Celebrating the life of Catherine Carter Askew.

Agreed to by the Senate, February 20, 2020

Agreed to by the House of Delegates, February 24, 2020

WHEREAS, Catherine Carter Askew, a vibrant member of the Hampton community and a devoted mother and grandmother, died on February 6, 2020; and

WHEREAS, a native of Hampton, Catherine Askew began to develop her deep faith at a young age as a member of Queen Street Baptist Church; and

WHEREAS, Catherine Askew attended Hampton Public Schools and continued her education in nursing school, then began a long and fulfilling career in health care as a licensed practical nurse at Riverside Hospital in Newport News; and

WHEREAS, Catherine Askew continued her career at what is now the Hampton VA Medical Center, where she served the nation's veterans for 25 years; she also served as secretary to the Peninsula Chapter of the National Active and Retired Federal Employees Association; and

WHEREAS, Catherine Askew helped strengthen the community as a longtime member of the NAACP and an active participant in several citizen advisory committees with Newport News Parks, Recreation & Tourism; and

WHEREAS, Catherine Askew will be fondly remembered and greatly missed by her children, Verbena, Sonja, and Earl, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Catherine Carter Askew, a beloved member of the Hampton community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Catherine Carter Askew as an expression of the General Assembly's respect for her memory.

SENATE JOINT RESOLUTION NO. 134

Commending Dr. Lisa Chaplin.

Agreed to by the Senate, February 27, 2020

Agreed to by the House of Delegates, March 2, 2020

WHEREAS, Dr. Lisa Chaplin of Richmond was distinguished as president of The American Legion Auxiliary Department of Virginia in 2019, the national organization's centennial year; and

WHEREAS, eligible for membership in The American Legion Auxiliary (ALA) through her father, John Thomas, who served the United States Army in the Korean War, Lisa Chaplin has been a member of the ALA since 1984; in over three decades with the organization, she has held many offices and chaired several committees at both the unit and district levels; and

WHEREAS, within the ALA Department of Virginia, Lisa Chaplin has chaired the state's committees for education, children and youth, and veterans affairs and rehabilitation, while also serving as the ALA Virginia Girls State program's onsite chief nurse since 2014; and

WHEREAS, Lisa Chaplin has held prominent positions with the ALA on the national level as well, serving as national vice chairman of ALA Girls Nation in 2017 and, in recognition of her outstanding performance in that role, as national chairman a year later; and

WHEREAS, as the ALA National Legislative Chairman in 2018–2019, Lisa Chaplin was instrumental in securing passage of numerous veteran and military bills during the 115th and 116th Congresses; she continues to utilize these talents to further ALA's mission and currently serves as a strategic planner for the organization at both the state and national levels; and

WHEREAS, a board-certified nurse practitioner with a Doctorate in Nursing, Dr. Lisa Chaplin is a professor at the Georgetown University School of Nursing and Health Studies, where she currently serves on the Council for Outcomes and Evaluation and previously served on the Council for the Advancement of Nursing Science; and

WHEREAS, in addition to her service with the ALA, Dr. Lisa Chaplin is also a member of the American Association of Nurse Practitioners and of Rotary International, greatly improving the lives of both her colleagues and those in her community; and

WHEREAS, Lisa Chaplin was recognized for her patriotism, exceptional leadership, and devotion to serving her community, state, and nation when she was selected to lead the ALA Department of Virginia during the national organization's 100th anniversary; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Dr. Lisa Chaplin, longtime advocate for and supporter of veterans and the military, for being named president of The American Legion Auxiliary Department of Virginia in 2019, the organization's centennial year; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Dr. Lisa Chaplin as an expression of the General Assembly's admiration and profound respect for her efforts on behalf of veterans, the United States Armed Forces, and the Commonwealth.

SENATE JOINT RESOLUTION NO. 135

Celebrating the life of William Bidgood Wall, Sr.

Agreed to by the Senate, February 27, 2020

Agreed to by the House of Delegates, March 2, 2020

WHEREAS, William Bidgood Wall, Sr., longtime owner and manager of *The Farmville Herald* and beloved member of the community he served, died on January 8, 2020; and

WHEREAS, in his formative years, William "Bill" Wall achieved the rank of Eagle Scout and graduated from the prestigious St. Christopher's School in Richmond and Hampden-Sydney College; at both schools, he was an accomplished football player who competed with the best players in the state; and

WHEREAS, after post-graduate studies at the Babson Institute, Bill Wall attended officer candidate school and joined the United States Navy, serving as a communications officer on the aircraft carrier USS *Salerno Bay* and ultimately attaining the rank of lieutenant junior grade; and

WHEREAS, concluding his military service, Bill Wall returned to Farmville in 1954 to join his father in managing *The Farmville Herald*, where he devoted the rest of his career to reporting and printing the news for his community; and

WHEREAS, under Bill Wall's stewardship, *The Farmville Herald* went from being published weekly to triweekly and grew to become the 10th largest non-daily news publication in the Commonwealth; and

WHEREAS, the success of *The Farmville Herald* could largely be attributed to Bill Wall's emphasis on local news, whereby he used the paper's network of community correspondents to deliver the minute updates of town life that mattered most to the publication's readers; and

WHEREAS, Bill Wall was honored by the Virginia Press Association for his support of the newspaper industry throughout his illustrious career at *The Farmville Herald*, which spanned more than 60 years; and

WHEREAS, Bill Wall's creativity extended beyond his work as a newsman, as he established the WVHL-FM radio station in the early 1990s, won awards for his photography, and distinguished himself as a keen and compelling writer; and

WHEREAS, a lifelong resident of Farmville, Bill Wall served his community as a member of the town council from 1962 through 2002, passionately advocating on behalf of his constituents and their interests; and

WHEREAS, as a member of the Rural Education Foundation Board and the Board of Directors for Prince Edward Academy, Bill Wall promoted academic excellence for the benefit of countless children; and

WHEREAS, inspired by his faith to live compassionately and care for others, Bill Wall enjoyed worship and fellowship with his community at Johns Memorial Episcopal Church in Farmville, where he served on the vestry and taught Sunday school; and

WHEREAS, preceded in death by his wife of 66 years, Iris, Bill Wall will be fondly remembered and dearly missed by his sons, William, Jr., and Steven, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of William Bidgood Wall, Sr., a fixture in the Farmville community who will be cherished for many years; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of William Bidgood Wall, Sr., as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 136

Celebrating the life of Jean F. Siebert.

Agreed to by the Senate, February 27, 2020

Agreed to by the House of Delegates, March 2, 2020

WHEREAS, Jean F. Siebert, a respected entrepreneur and a beloved member of the Sandbridge Beach community, died on April 21, 2019; and

WHEREAS, Jean Siebert grew up in Quincy, Massachusetts, and relocated to Virginia Beach in 1976, becoming well known for her business acumen, generosity, and grace; and

WHEREAS, along with her husband, Jack, Jean Siebert owned and operated Siebert Realty, a leader in vacation property management; the couple helped the company succeed by embracing new technology while still providing personalized service; and

WHEREAS, Jean Siebert was a hardworking pioneer for other professional women in Virginia Beach as well as a loving mother and grandmother who relished every opportunity to support her family; and

WHEREAS, Jean Siebert also volunteered her wisdom and expertise to the Old Dominion Athletic Foundation Board of Trustees, the Virginia Aquarium Foundation Board of Trustees, and the TowneBank Virginia Beach Board of Directors; and

WHEREAS, predeceased by her husband, Jack, Jean Siebert will be fondly remembered and greatly missed by her children, John, Jim, Joanne, and Patrick, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Jean F. Siebert; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Jean F. Siebert as an expression of the General Assembly's respect for her memory.

SENATE JOINT RESOLUTION NO. 137

Commending the Virginia Dental Association.

Agreed to by the Senate, February 27, 2020

Agreed to by the House of Delegates, March 2, 2020

WHEREAS, the Virginia Dental Association, a professional organization representing dentists from across the Commonwealth, is celebrating its 150th anniversary in 2020; and

WHEREAS, the Virginia Dental Association was founded by nine dentists on November 3, 1870, to cultivate the science and art of dentistry and to elevate and sustain the professional character of dentists; and

WHEREAS, the Virginia Dental Association now represents 3,920 dentists from all dental specialties and all regions of the Commonwealth; and

WHEREAS, the Virginia Dental Association strives to empower its members to better serve their patients and make lasting contributions to the field of dentistry through education, advocacy, and opportunities for leadership development; and

WHEREAS, throughout its history, the Virginia Dental Association has promoted good oral health while fostering integrity, compassion, and social responsibility among its members; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Virginia Dental Association on the occasion of its 150th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Virginia Dental Association as an expression of the General Assembly's admiration for the Association's dedication to advancing the profession of dentistry and to improving the oral health of all Virginians.

SENATE JOINT RESOLUTION NO. 138

Celebrating the life of Gregory Alan Krause.

Agreed to by the Senate, February 27, 2020

Agreed to by the House of Delegates, March 2, 2020

WHEREAS, Gregory Alan Krause, honorable veteran and longtime member of the Prince William County Police Department, died on January 25, 2020; and

WHEREAS, born in Iowa in 1968, Gregory "Greg" Krause proudly served in the United States Marine Corps for six years, attaining the rank of sergeant; and

WHEREAS, for four years, Greg Krause was on the security detachment of Marine Helicopter Squadron One, or HMX-1, the unit responsible for transporting the president and vice president of the United States and other heads of state and high-ranking officials; and

WHEREAS, a member of the Prince William County Police Department (PWCPD) for 25 years, Greg Krause obtained the rank of master police officer and was highly regarded by the agency for his loyalty, positivity, and abilities as an instructor; and

WHEREAS, starting as a patrol officer with the PWCPD's Eastern District Station in 1995, Greg Krause later served as a field training officer before becoming a firearms instructor at the Prince William County Public Safety Training Academy, where he was most recently range master; and

WHEREAS, a passionate marksmanship educator both on duty and off, Greg Krause trained countless officers over the years, while often giving generously of his time to lead range days for PWCPD retirees and Citizen's Police Academy attendees; and

WHEREAS, Greg Krause will be fondly remembered and dearly missed by his loving wife of 29 years, Lori; his son, Grant; his parents, Duane and Sharon; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Gregory Alan Krause, who served the country and the Commonwealth admirably as a member of the United States Marine Corps and the Prince William County Police Department; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Gregory Alan Krause as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 139

Commending Advocates for Richmond Youth and the Youth Housing Stability Coalition of Greater Richmond.

Agreed to by the Senate, February 27, 2020

Agreed to by the House of Delegates, March 2, 2020

WHEREAS, Advocates for Richmond Youth and the Youth Housing Stability Coalition of Greater Richmond earned national accolades for their work to design and implement a community-wide response to homelessness among young people of color and LGBTQ+ youths; and

WHEREAS, based upon the national study conducted by Chapin Hall's Voices of Youth Count at University of Chicago, one in 10 young adults ages 18 to 25 and at least one in 30 adolescents ages 13 to 17 experience some form of homelessness unaccompanied by a parent or guardian over the course of a year in the United States; and

WHEREAS, 13 percent of people identified in Virginia as experiencing homelessness during the January 2019 Point-In-Time Count are youths or young adults (age 24 or under) or the minor child of a young adult; youths of color and LGBTQ+ youths are disproportionately represented among people experiencing homelessness; and

WHEREAS, according to data from the Greater Richmond Continuum of Care, there were 773 youths ages 18 to 24 experiencing homelessness who were served between July 1, 2018, and June 30, 2019, of whom 79 percent were young people of color; national data shows that up to 40 percent of youths experiencing homelessness are LGBTQ+; and

WHEREAS, the causes and consequences of homelessness for youths ages 24 and under are varied and compound experiences of childhood trauma that have lasting effects on their well-being; building prevention efforts in the child welfare, juvenile justice, and education systems can mitigate these issues; and

WHEREAS, nationally, one in four youths who age out of foster care without finding a permanent home experience homelessness within 18 months; and

WHEREAS, Advocates for Richmond Youth, a participatory action research team of young people who have been directly affected by homelessness and housing instability, was formed in July 2014; and

WHEREAS, with the support of Alex Wagaman at the Virginia Commonwealth University School of Social Work, Advocates for Richmond Youth began conducting research and engaging in advocacy to increase visibility of the issue of youth homelessness; and

WHEREAS, in partnership with the United Way of Greater Richmond & Petersburg and other organizations, Advocates for Richmond Youth convened directly-impacted people and organizations to form the Youth Housing Stability Coalition; and

WHEREAS, this group developed The Coordinated, Comprehensive Plan to End Youth Housing Instability in Greater Richmond in 2018 with input from more than 25 directly impacted young people and nearly 75 representatives from organizations and state agencies who serve young people; and

WHEREAS, the momentum and effort of these groups has attracted the attention of other community organizations in Virginia, including the City of Petersburg and the Planning Council in Hampton Roads, which have seen increases in youth homelessness and understand the need for a tailored response that addresses the unique needs of adolescents and young adults; and

WHEREAS, the efforts of Advocates for Richmond Youth and the Youth Housing Stability Coalition of Greater Richmond have been recognized by A Way Home America, which named Richmond as one of only 10 cities in the

United States that have the capacity and commitment to work with national experts to end youth homelessness by centering the needs of young people of color and LGBTQ+ youths through the Grand Challenge Initiative; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Advocates for Richmond Youth and the Youth Housing Stability Coalition of Greater Richmond for developing a youth-affirming, coordinated community response to prevent and end youth homelessness; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare copies of this resolution for presentation to Advocates for Richmond Youth and the Youth Housing Stability Coalition of Greater Richmond as an expression of the General Assembly's admiration for their important contributions to the Richmond community.

SENATE JOINT RESOLUTION NO. 140

Commending the Richmond Police Department.

Agreed to by the Senate, March 4, 2020

Agreed to by the House of Delegates, March 7, 2020

WHEREAS, the Richmond Police Department demonstrated a high degree of vigilance, dedication to duty, and professionalism while responding to extraordinary crowds during a gun rights rally on January 20, 2020; and

WHEREAS, the Richmond Police Department coordinated with other local, state, and national agencies to monitor critical intelligence in weeks prior and implement additional security measures for the event; and

WHEREAS, in the lead-up to the event, members of the Richmond Police Department devoted long hours and made personal sacrifices to ensure safety and security in and around Capitol Square; and

WHEREAS, the event had an estimated attendance of 22,000 people, including approximately 6,000 people inside Capitol Square, which had been designated as a gun-free area, and 16,000 people in the surrounding area, many of whom were armed; and

WHEREAS, in addition to manning security checkpoints for Capitol Square, the Richmond Police Department and other agencies maintained effective crowd control through temporary fencing and road closures and increased the law-enforcement presence in and around state office buildings to minimize disruptions for state employees; and

WHEREAS, the officers of the Richmond Police Department helped mitigate a potentially volatile situation through extensive planning and careful preparation; and

WHEREAS, the members of the General Assembly and the state agencies in and around Capitol Square sincerely appreciate the hard work and dedication demonstrated by the officers of the Richmond Police Department as they fulfill their duties to serve and protect the residents of and visitors to Richmond every day; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Richmond Police Department for performance above and beyond the normal call of duty on January 20, 2020; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to William C. Smith, chief of the Richmond Police Department, as an expression of the General Assembly's admiration for the department's enduring commitment to keeping Virginians safe.

SENATE JOINT RESOLUTION NO. 141

Commending the Appalachian Society of American Foresters.

Agreed to by the Senate, February 27, 2020

Agreed to by the House of Delegates, March 2, 2020

WHEREAS, the Appalachian Society of American Foresters, which represents Virginia, North Carolina, and South Carolina as part of the national Society of American Foresters, has supported forestry and natural resource professionals for nearly 100 years; and

WHEREAS, on October 28 and 29, 1921, foresters met in Asheville, North Carolina, to further the profession of forestry in America by fostering a spirit of camaraderie among foresters, creating opportunities for a free interchange of views on forestry and related subjects, and disseminating knowledge of the purpose and achievements of forestry; and

WHEREAS, since the inception of the Appalachian Society of American Foresters, the organization has grown from a charter membership of 15 individuals to more than 1,100 individuals in its member states in January 2020, with 350 members currently in Virginia; and

WHEREAS, the Appalachian Society of American Foresters is composed of a diverse group of foresters, registered foresters, forestry technicians, scientists, educators, students, and other natural resource practitioners; and

WHEREAS, the forest sector plays a key role in the economy of Virginia, with roughly 15.8 million acres of timberland supporting a robust forest products industry across the state; in 2015, the Virginia forest sector contributed more than \$21 billion to the economy and supported 108,000 jobs; and

WHEREAS, using evidence-based research, members of the Appalachian Society of American Foresters promote the sustainable management of forest resources through science, education, and technology and use their knowledge, skills, and

conservation ethic to ensure the continued health, integrity, and use of forests to benefit the people of the Commonwealth and the United States; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Appalachian Society of American Foresters on the occasion of its 100th anniversary on October 28 and 29, 2021; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Appalachian Society of American Foresters as an expression of the General Assembly's admiration for its efforts to maintain the values of professional competency, excellence, and commitment to conservation demonstrated by generations of foresters.

SENATE JOINT RESOLUTION NO. 142

Commending the Richmond County School Board.

Agreed to by the Senate, February 27, 2020

Agreed to by the House of Delegates, March 2, 2020

WHEREAS, the Richmond County School Board was named the Virginia School Board Association's School Board of the Year in 2019; and

WHEREAS, the Virginia School Board Association (VSBA), a voluntary organization of school boards that encourages education excellence through advocacy, training, and services, honors one extraordinary member, such as the Richmond County School Board, each year for its efforts and accomplishments; and

WHEREAS, the Richmond County School Board was presented the award by former VSBA president Tyrone Foster at the 2019 VSBA Annual Convention in Williamsburg, an event attended by school board members, superintendents, division administrators, and education officials from around the Commonwealth; and

WHEREAS, evaluating nominees in the areas of policy development, application, and monitoring; community engagement and advocacy; community and business partnerships; student achievement; and board development activities, the VSBA judges distinguished the Richmond County School Board for its ability to cultivate a culture of success throughout its schools and community; and

WHEREAS, by effectively responding to the challenge of providing an outstanding education to its students, both within a healthy and safe environment and in a fiscally responsible manner, the Richmond County School Board offers a model toward which all education leaders may aspire; and

WHEREAS, with the mission to raise its students to be "lifelong learners, independent thinkers, and responsible citizens," the Richmond County School Board has made immeasurable contributions to the future of Richmond County and the Commonwealth; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Richmond County School Board for being named the 2019 School Board of the Year by the Virginia School Board Association; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to John Brown, chair of the Richmond County School Board, as an expression of the General Assembly's profound respect and admiration for the board's service on behalf of the children and families of Richmond County.

SENATE JOINT RESOLUTION NO. 143

Celebrating the life of Wallace Woodrow Chadwick, Jr.

Agreed to by the Senate, February 27, 2020

Agreed to by the House of Delegates, March 2, 2020

WHEREAS, Wallace Woodrow Chadwick, Jr., a respected member of the Portsmouth community, died on February 5, 2020; and

WHEREAS, Wallace "Wally" Chadwick attended Woodrow Wilson High School and was a 1975 graduate of the Norfolk Naval Shipyard Apprenticeship Program; and

WHEREAS, Wally Chadwick supported the community as a member of Knights of Pythias Charity Lodge 10 in Norfolk, and he honored the service and sacrifices of fallen police officers as a charter member of Law Enforcement United, participating in its Road to Hope ride every year; and

WHEREAS, Wally Chadwick enjoyed fellowship and worship with the congregation of Fairview Heights Baptist Church, where he served as a Sunday school teacher and a deacon; and

WHEREAS, Wally Chadwick was a consummate storyteller who relished every opportunity to share his lifetime of wisdom with younger generations; and

WHEREAS, Wally Chadwick will be fondly remembered and greatly missed by his beloved wife of 47 years, Susan; his children, Amy, Rebecca, and Wallace III, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Wallace Woodrow Chadwick, Jr.; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Wallace Woodrow Chadwick, Jr., as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 144

Commending Gary Rice.

Agreed to by the Senate, February 27, 2020

Agreed to by the House of Delegates, March 2, 2020

WHEREAS, Gary Rice, longtime head coach of the Alleghany High School varsity baseball team, coached his last game on May 17, 2019; and

WHEREAS, Gary Rice coached high school baseball for over half a century; his career began at Valley High School in 1969, and after one year as a varsity assistant at Bath County High School and 10 years as the junior varsity coach at Alleghany County High School, he began a 40-year run as the head coach of the varsity teams at Alleghany County High School and Alleghany High School; and

WHEREAS, in his 36 years at Alleghany High School, which was formed in 1983 with the consolidation of Alleghany County High School and Clifton Forge High School, Gary Rice recorded 511 wins, leading the Alleghany High School Mountaineers to a state championship game in 2008 and a state semifinal game the following year; and

WHEREAS, Gary Rice retired with a career record of 565-269-5, third on the Virginia High School League's all-time win list; his impressive legacy is enshrined in the Alleghany High School Athletic Hall of Fame, the Covington High School Hall of Fame, and the Salem-Roanoke Baseball Hall of Fame; and

WHEREAS, in addition to his leadership on the baseball diamond, Gary Rice has also mentored and supported the youth of Alleghany for 36 years as a physical education teacher at Alleghany High School; and

WHEREAS, Gary Rice's impact on the lives of countless student-athletes and the Alleghany community at large is immeasurable; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Gary Rice, legendary coach of the Alleghany High School varsity baseball team, on the occasion of his retirement in 2019; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Gary Rice as an expression of the General Assembly's admiration for his remarkable career and service to the Commonwealth.

SENATE JOINT RESOLUTION NO. 145

Commending Deborah Warrick Lamb.

Agreed to by the Senate, February 27, 2020

Agreed to by the House of Delegates, March 2, 2020

WHEREAS, Deborah Warrick Lamb, an accomplished information systems professional at the University of Virginia Medical Center, retired after more than 40 years of exceptional service to the community; and

WHEREAS, a native of Charlottesville, Deborah Lamb raised her family in Crozet, where she still resides; she began her long career with the University of Virginia Medical Center in 1980 as a payroll technician; and

WHEREAS, while working full-time, Deborah Lamb attended night school to earn an associate's degree from Piedmont Virginia Community College, a bachelor's degree from Mary Baldwin University, and a master's degree from Averett University; and

WHEREAS, Deborah Lamb's hard work and determination paid dividends; she was promoted multiple times, becoming a payroll supervisor, systems operations supervisor, and clinical systems application analyst; and

WHEREAS, Deborah Lamb offered her insights and expertise to the Nursing, Perioperative/Surgical Services, and Health Information Technology departments; she worked on many innovative projects, such as the creation of an information technology help desk and the transition from manual to automated payroll systems; and

WHEREAS, after leading the hospital-wide integration of Epic software, Deborah Lamb finished her career as a senior analyst maintaining the Epic Anesthesia and Epic OpTime record management systems; and

WHEREAS, in her well-earned retirement, Deborah Lamb plans to travel, devote more attention to personal projects, and spend time with her beloved family; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Deborah Warrick Lamb on the occasion of her retirement from the University of Virginia Medical Center; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Deborah Warrick Lamb as an expression of the General Assembly's admiration for her achievements and best wishes for a happy retirement.

SENATE JOINT RESOLUTION NO. 146

Commending Theodore C. DeLaney, Jr.

Agreed to by the Senate, February 27, 2020
Agreed to by the House of Delegates, March 2, 2020

WHEREAS, Theodore C. DeLaney, Jr., a highly admired professor of history at Washington and Lee University, enlightened countless young minds over the course of his distinguished 35-year career in education; and

WHEREAS, a native of Lexington, Theodore "Ted" DeLaney attended the Lyburn Downing School in 1961 and subsequently began working in the facilities and maintenance department of Washington and Lee University, which did not admit African American students at the time; and

WHEREAS, Ted DeLaney later joined the institution's Biology Department as a lab technician and benefited from a policy that allowed employees to take one class per semester for credit; he ultimately graduated cum laude with a bachelor's degree in American history in 1985 after becoming a full-time student at age 40; and

WHEREAS, Ted DeLaney taught at the Asheville School, a residential secondary school in North Carolina, then served as an instructor at his alma mater, Washington and Lee University, after receiving a doctoral degree from The College of William and Mary; and

WHEREAS, Ted DeLaney finished his dissertation while working at State University of New York at Genesco before returning to Washington and Lee University for the remainder of his career; he served as head of the History Department from 2008 to 2013, cofounded the Africana Studies Program, and offered his expertise to numerous committees, including the Commission on Institutional History and Community; and

WHEREAS, Ted DeLaney taught courses on Colonial North America, slavery in the Western Hemisphere, African American history, the civil rights movement, and LGBTQ rights in the 20th century, as well as a class on the bold idealism of the Harlem Renaissance of the 1920s, one of his favorites; and

WHEREAS, in 2004, Ted DeLaney coordinated a symposium with prominent scholars to commemorate the 50th anniversary of the landmark decision by the Supreme Court of the United States in *Brown v. Board of Education*; and

WHEREAS, the following year, Ted DeLaney organized an event for local community members in the City of Lexington and Rockbridge County to share their personal experiences with desegregation that subsequently evolved into a series of oral history projects in other localities; and

WHEREAS, generous with both his time and wisdom, Ted DeLaney demonstrated an unparalleled commitment to and engagement with his students, and during his 55-year affiliation with Washington and Lee University, he was both a trusted mentor to his fellow educators and a vital source of institutional knowledge; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Theodore C. DeLaney, Jr., on the occasion of his retirement from Washington and Lee University; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Theodore C. DeLaney, Jr., as an expression of the General Assembly's admiration for his contributions to the study of American history and service to generations of Washington and Lee University students.

SENATE JOINT RESOLUTION NO. 147

Commending the Appalachian School of Law.

Agreed to by the Senate, February 27, 2020
Agreed to by the House of Delegates, March 2, 2020

WHEREAS, the Appalachian School of Law was founded in 1997 in Grundy to provide a legal education to students from Buchanan County, Appalachia, and beyond; and

WHEREAS, the Appalachian School of Law has since granted juris doctor degrees to over 1,000 students, a majority of whom are from Appalachia, while contributing greatly to the economy of Buchanan County; and

WHEREAS, the Appalachian School of Law counts among its graduates 14 judges, five state legislators, and eight attorneys for the Commonwealth; and

WHEREAS, the Appalachian School of Law's students have completed over 223,000 hours of community service over the last 12 years; and

WHEREAS, the 29th and 30th Judicial Circuits, which include Buchanan County and the surrounding areas, have an attorney-to-person ratio that is the lowest in Virginia and less than half of the national average, indicating a critical need for more attorneys in the region; and

WHEREAS, graduates of the Appalachian School of Law make up 62 percent of the lawyers who began practicing in the 29th and 30th Judicial Circuits after the year 2000, increasing access to justice for the most underrepresented region of the Commonwealth; and

WHEREAS, the Appalachian School of Law has contributed to the 21 percent positive change in the attorney-to-person ratio in the counties surrounding the law school since it graduated its first class in the year 2000; and

WHEREAS, a majority of graduates of the Appalachian School of Law return to their communities in Appalachia to become lawyers and leaders, with more than 60 percent of alumni living within the boundaries of Appalachia as defined by the Appalachian Regional Commission; and

WHEREAS, the Appalachian School of Law plans to continue to fulfill its mission of educating lawyers in Appalachia and improving access to justice; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Appalachian School of Law for providing an excellent legal education to thousands of students and for improving Appalachia's access to legal representation and justice; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Honorable Elizabeth A. McClanahan, Dean of the Appalachian School of Law, as an expression of the General Assembly's admiration for the school's spirit and mission and best wishes for its continued success.

SENATE JOINT RESOLUTION NO. 148

Commending the Life Christian Academy boys' basketball team.

Agreed to by the Senate, February 27, 2020

Agreed to by the House of Delegates, March 2, 2020

WHEREAS, the Life Christian Academy boys' basketball team of South Chesterfield won the Virginia Independent Schools Athletic Association Division 3 state championship in 2019; and

WHEREAS, the Life Christian Academy Eagles went into the Virginia Independent Schools Athletic Association (VISAA) Division 3 tournament with an impressive 18-2 record, and captured the division title by convincingly winning all three of their tournament games; and

WHEREAS, in the tournament final, the Life Christian Eagles took an early four-point lead and never looked back, defeating the Eastern Mennonite School Flames by a score of 63-59; and

WHEREAS, point guard Antonio Bridy led the team with 22 points in the final, while forward Marchellus Avery was honored as the VISAA Division 3 Player of the Year and selected for the All-Tournament team; and

WHEREAS, Richard Mason, the Life Christian Eagles' head coach, was also named the VISAA Division 3 Coach of the Year; and

WHEREAS, the Life Christian Eagles achieved success through the hard work and competitive spirit of the student-athletes, the leadership and guidance of coaches and staff, and the passionate support of the entire Life Christian Academy community; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Life Christian Academy boys' basketball team on winning the Virginia Independent Schools Athletic Association Division 3 state championship in 2019; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Richard Mason, head coach of the Life Christian Academy boys' basketball team, as an expression of the General Assembly's admiration for their achievements and best wishes for the future.

SENATE JOINT RESOLUTION NO. 149

Commending Dennis Ellmer.

Agreed to by the Senate, February 27, 2020

Agreed to by the House of Delegates, March 2, 2020

WHEREAS, Dennis Ellmer, president and chief executive officer of Priority Automotive Group in Chesapeake, has recently received local, regional, and national praise for the Priority Inmate Technician Training Program he initiated in 2018, the first program of its kind in the Commonwealth; and

WHEREAS, Dennis Ellmer's career in the auto industry spans more than 40 years; he founded Priority Automotive Group in 1998 with two dealerships and has since grown his business into one of the 50 largest dealership groups nationwide, adding many new car franchises in locations throughout Virginia and North Carolina; and

WHEREAS, an active and dedicated member of his community, Dennis Ellmer has used his success in business to help create a better world; in partnership with the Norfolk Sheriff's Office, Tidewater Community College, and Governor Ralph Northam, he spearheaded the creation of the Priority Inmate Technician Training Program, providing a pathway for former inmates to obtain quality jobs at his Priority Toyota Chesapeake dealership; and

WHEREAS, an early pioneer of jail inmate training programs in the country, the Priority Inmate Technician Training Program is designed to fill the need for trained auto technicians, reduce repeat offenses and recidivism, and give those who have been incarcerated a fresh start in a growing industry upon their release; and

WHEREAS, Dennis Ellmer and Priority Automotive Group have invested more than \$1 million to establish the Priority Inmate Technician Training Program, earning national recognition from Toyota Motor Corporation and becoming a template for other inmate training programs throughout the country; and

WHEREAS, in February 2020, Dennis Ellmer was presented the Dealer Education Award from Northwood University, a premier educational institution for automotive marketing and management; he was also the recipient of the 2019 Distinguished Service Medal as Norfolk's First Citizen in Civic Affairs, presented by the Norfolk Cosmopolitan Club in recognition of his commitment to his community; and

WHEREAS, in 2019, Akio Toyoda, President of Toyota Motor Corporation, presented Dennis Ellmer and Priority Automotive Group with the Best in Town Award, a national honor presented to only one Toyota dealership in the United States each year, in recognition of the accomplishments of the Priority Inmate Technician Training Program; and

WHEREAS, Dennis Ellmer has served his industry as an active member of the Virginia Automobile Dealers Association and the Hampton Roads Automobile Dealers Association, including service as a member of the Board of Directors for both organizations; and

WHEREAS, an active and dedicated member of his industry, Dennis Ellmer has served his customers and community with a generous spirit and been an example to dealers throughout the Commonwealth; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly commend Dennis Ellmer, president and chief executive officer of Priority Automotive Group, for his dedication to his community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Dennis Ellmer as an expression of the General Assembly's congratulations and best wishes.

SENATE JOINT RESOLUTION NO. 150

Commending Robert M. Oman.

Agreed to by the Senate, February 27, 2020

Agreed to by the House of Delegates, March 2, 2020

WHEREAS, Robert M. Oman, a respected businessman and civic leader in Hampton Roads, has served his community with great care and compassion for many years; and

WHEREAS, as president of Oman Funeral Homes, Inc., Hampton Roads Crematory, LLC, and Simply Cremation, Robert "Bob" Oman provides an essential service to the Hampton Roads region with great empathy and integrity; and

WHEREAS, Bob Oman's business ventures also extend into the banking and insurance industries, as he serves as president of Oman Insurance Company, as founding director and a corporate board member of Monarch Bank, and as a corporate board member of TowneBank; and

WHEREAS, Bob Oman has demonstrated leadership in the mortuary industry for many years, serving as president of the Virginia State Board of Funeral Directors and Embalmers, the Virginia Funeral Directors Association, and the Tidewater Funeral Directors Association; and

WHEREAS, with ample wisdom to pass along to future generations, Bob Oman has influenced countless students of the Commonwealth as a member of the advisory board of the mortuary science department of Tidewater Community College and as a guest lecturer in the sociology department of Old Dominion University; and

WHEREAS, as a 31-year board member and three-term chair of the Chesapeake Hospital Authority, Bob Oman played an outsized role in the management of the Chesapeake Regional Medical Center, ensuring that residents of the Tidewater region have access to quality medical care and services; and

WHEREAS, an active and engaged member of the community, Bob Oman also served on the boards of the Chesapeake Community Trust and the Widowed Persons Services of AARP, and as president of the Hospice Council of the Chesapeake Regional Medical Center; and

WHEREAS, in recognition of his years of commitment to professional excellence, Bob Oman received the Virginia Outstanding Funeral Director of the Year Award from the Virginia Funeral Directors Association in 2004; and

WHEREAS, for many years, residents of Hampton Roads have reliably turned to Bob Oman for support in their time of need, while numerous organizations have benefited from his tireless commitment to their cause; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Robert M. Oman, esteemed businessman and civic leader of the Hampton Roads community, for his many years of dedicated service; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Robert M. Oman as an expression of the General Assembly's admiration for his many contributions to Hampton Roads and the Commonwealth.

SENATE JOINT RESOLUTION NO. 151*Commending Peter Eltringham.*

Agreed to by the Senate, February 27, 2020
 Agreed to by the House of Delegates, March 2, 2020

WHEREAS, Peter Eltringham, member of the Fauquier County Transportation Committee, was named the Scott District Citizen of the Year by the Fauquier County Board of Supervisors in 2019; and

WHEREAS, Peter Eltringham was nominated for the award by Supervisor Holder Trumbo, who also advocated for Peter Eltringham's appointment to the Fauquier County Transportation Committee after admiring the breadth of knowledge he displayed during campaign events over a decade ago; and

WHEREAS, as the Scott District representative on the Fauquier County Transportation Committee, Peter Eltringham works with the Fauquier County Board of Supervisors to address the county's transportation and safety needs; and

WHEREAS, Peter Eltringham's crowning achievement was the \$3.5 million "Cut the Hills" project, which addressed dangers present at the intersection of U.S. Route 29 and Vint Hill Road, one of the most hazardous intersections in the region; and

WHEREAS, working with a commission to advise the Virginia Department of Transportation, Peter Eltringham helped devise an efficient and workable plan that would address safety issues while being sensitive to environmental and historical preservation efforts in the area; and

WHEREAS, by making Fauquier County safer for all of its residents, Peter Eltringham exemplifies what citizen volunteers can accomplish through tireless persistence and steadfast dedication; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Peter Eltringham, member of the Fauquier County Transportation Committee, for being distinguished by the Fauquier County Board of Supervisors as the 2019 Scott District Citizen of the Year; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Peter Eltringham as an expression of the General Assembly's heartfelt admiration for his efforts on behalf of Fauquier County and the Commonwealth.

SENATE JOINT RESOLUTION NO. 152*Commending Rob and Stacia Stribling.*

Agreed to by the Senate, February 27, 2020
 Agreed to by the House of Delegates, March 2, 2020

WHEREAS, Rob and Stacia Stribling, owners and operators of Stribling Orchard near Markham, were named the Marshall District Citizens of the Year by the Fauquier County Board of Supervisors in 2019; and

WHEREAS, the origin of the Stribling Orchard dates to the mid-1700s, when construction of the main house on the property began and the initial apple trees were planted; and

WHEREAS, Stribling Orchard has been in the Stribling family since 1812, when Dr. Robert Stribling moved to the area to establish his medical practice and purchased the property; and

WHEREAS, several buildings were added to the property over the years; while some are open to the public as part of the Stribling Orchard experience, others continue to be used by the Stribling family to this day; and

WHEREAS, due to its position along major troop thoroughfares during the Civil War, both Union and Confederate officers quartered at the main house, known as "Mountain View," securing the property's place in the nation's history; and

WHEREAS, through the first half of the 20th century, Stribling Orchard actively exported apples to Europe and other markets, maintaining its own packinghouse on site; and

WHEREAS, as the fruit industry changed, Stribling Orchard shifted toward a pick-your-own sales model in the 1950s, which it continues to this day to the joy of Fauquier County residents and visitors; and

WHEREAS, with some trees dating as far back as the 1930s, the Stribling Orchard today boasts approximately 2,500 apple trees and 800 peach trees, offering guests a reliably bountiful fruit-picking experience; and

WHEREAS, the Stribling family's successful operation of Stribling Orchard for over two centuries exemplifies the agricultural spirit that characterizes the Commonwealth; and

WHEREAS, every year, citizens of Fauquier County rejoice for harvest season and another chance to visit the Stribling Orchard; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Rob and Stacia Stribling, owners and operators of Stribling Orchard, for being named the 2019 Marshall District Citizens of the Year by the Fauquier County Board of Supervisors; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Rob and Stacia Stribling as an expression of the General Assembly's admiration for Stribling Orchard's history and its contributions to the Commonwealth.

SENATE JOINT RESOLUTION NO. 153

Commending River Oaks Elementary School.

Agreed to by the Senate, February 27, 2020

Agreed to by the House of Delegates, March 2, 2020

WHEREAS, River Oaks Elementary School in Prince William County will celebrate its 30th year providing a world-class education in 2020; and

WHEREAS, River Oaks Elementary School is located adjacent to the Potomac River and serves a diverse school community within the division of Prince William County Public Schools; and

WHEREAS, River Oaks Elementary School represents a premier educational learning environment, promoting high expectations, pride, and innovation, while serving as a cornerstone for emerging 21st century learners; and

WHEREAS, River Oaks Elementary School fosters a partnership with its stakeholders in support of its mission to promote high standards, rigorous instruction, collaboration, and communication; and

WHEREAS, River Oaks Elementary School recognizes the potential in all children and dedicates itself to providing an intellectually challenging educational environment that allows each student to achieve his or her best; and

WHEREAS, River Oaks Elementary School operates a number of special programs devoted to literacy, STEM, foreign languages, robotics, Odyssey of the Mind, technology, literacy enrichment, 24 Math Club, and family events; and

WHEREAS, River Oaks Elementary School's instructional practices are both reflective of and responsive to the needs of its students, empowering them to become knowledgeable, engaged, and innovative citizens of the community; and

WHEREAS, River Oaks Elementary School's faculty, staff, parents, and community are dedicated to the intellectual, personal, social, and physical growth of their students, and give generously of their time and talents to ensure each and every student thrives; and

WHEREAS, through diversified experiences in a safe and caring environment, River Oaks Elementary School's students are set on a path to succeed both in college and their careers; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend River Oaks Elementary School on the occasion of its 30th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Aerica A. Williams, principal of River Oaks Elementary School, as an expression of the General Assembly's admiration for the school's commitment to academic excellence and service to the students of Prince William County.

SENATE JOINT RESOLUTION NO. 154

Commending Triangle Elementary School.

Agreed to by the Senate, February 27, 2020

Agreed to by the House of Delegates, March 2, 2020

WHEREAS, Triangle Elementary School, in the division of Prince William County Public Schools, celebrated its 60th anniversary in 2019; and

WHEREAS, opened in 1959, Triangle Elementary School relocated to a new school building in 2010, marking a new chapter in the school's history; and

WHEREAS, Triangle Elementary School's vision is "Building Champions Together," as the school draws on its many stakeholders, including teachers, administrators, parents, and members of the community, to cultivate a safe, equitable, and welcoming learning environment for all of its students; and

WHEREAS, with a chorus class, a robotics program, before-school and after-school tutoring, and one of only two elementary after-school band programs in the division, Triangle Elementary School offers its students a well-rounded education and several outlets for their creativity; and

WHEREAS, promoting diversity and inclusiveness through its curriculum, Triangle Elementary School encourages positive student behavior with initiatives like Principal Geoffrey Deavers' "Caught Ya Being Good" program, in which students receive awards from the principal following teacher referrals for acts of kindness and good deeds; and

WHEREAS, staff at Triangle Elementary School closely track the school's performances at every grade level through the quarterly Principal's High Expectation Assemblies, where achievements are shared and challenges are proactively discussed; and

WHEREAS, Triangle Elementary School benefits from an active and engaged parent-teacher organization, which holds fundraisers like dances and movie nights to support school activities and endeavors; and

WHEREAS, other events that bring the Triangle Elementary School community together include an annual book fair, Title I Nights, and "Family Engagement Night," which is to be held for the first time this March to encourage family participation in the school's many courses and programs; and

WHEREAS, with more than 775 students and 60 teachers and staff, two autism-support programs, two special education programs, and a full-day pre-kindergarten program, Triangle Elementary School ably serves a large and diverse community; and

WHEREAS, Triangle Elementary School has been named a School of Excellence four times in the past 10 years, a testament to the school's commitment to providing an exceptional and rewarding educational experience for its students; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Triangle Elementary School, which has served countless students and families in Prince William County with integrity and kindness, on the occasion of its 60th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Geoffrey Deavers, principal of Triangle Elementary School, as an expression of the General Assembly's admiration and respect for the school's contributions to Prince William County and the Commonwealth.

SENATE JOINT RESOLUTION NO. 155

Commending Forest Park High School.

Agreed to by the Senate, February 27, 2020

Agreed to by the House of Delegates, March 2, 2020

WHEREAS, for 20 years, Forest Park High School, an outstanding public secondary school in Prince William County that features a specialty program for information technology, has provided rigorous and challenging instruction and given young people a safe, supportive environment in which to learn and grow; and

WHEREAS, throughout its history, Forest Park High School has proudly focused on cultivating excellence in support of its students and has been named one of the nation's top high schools by *U.S. News and World Report*; and

WHEREAS, Forest Park High School's information technology (IT) program, one of the first such programs in Virginia to offer such a wide variety of specialized technology curriculum, allows students to receive a special diploma and graduate high school with IT certifications; and

WHEREAS, Forest Park High School is the state model for the Virginia Student Training and Refurbishment Program and SWAT Club, a collaborative effort of the Secretary of Education, Secretary of Technology, Department of Education, and Department of General Services to introduce Virginia's students to the field of IT repair; and

WHEREAS, Forest Park High School's counseling department has received the Recognized ASCA Model Program designation, which recognizes schools that adhere to criteria in the American School Counselor Association National Model and that are committed to delivering a comprehensive, data-driven school counseling program and an exemplary educational environment; and

WHEREAS, Forest Park High School was named a Virginia Distinguished Purple Star school for supporting military-connected students and has partnered with the National Federation of State High School Associations and Pixellot to film athletic events and student activities and stream them online, allowing families and military personnel who are unable to attend games and activities to be part of their children's lives while away or abroad; and

WHEREAS, Forest Park High School hosts Unified Sports, a Virginia High School League and Virginia Special Olympics activity that promotes school spirit and community engagement through activities like basketball games, track and field events, and assemblies that unify special needs students with the student body; in 2019, Forest Park High School was recognized as a National Banner School by ESPN for its participation in the program; and

WHEREAS, Forest Park High School's "A Street Bruins" program gives students with disabilities the opportunity to interact with other students, gain valuable personal and work experiences, and focus on their abilities instead of disabilities; "A Street Bruins" is an integral program in the school and features an annual multimedia rendition of *The Polar Express* that is presented annually to over 5,000 elementary students and staff; and

WHEREAS, Forest Park High School is a Positive Behavior Interventions and Systems school and recently launched an initiative that encourages teachers and administrators to highlight positive student behavior throughout the day and reward students for acts of kindness and generosity or public service; and

WHEREAS, Forest Park High School's robotics team received the Excellence Award, the highest honor awarded at the RVA VEX Robotics Competition, for its standout performance on the field, robot skills, engineering notebook, and judged interviews; the team qualified to compete at the state championship in March 2020 and has made past appearances at the World Robotics Competition; and

WHEREAS, Forest Park High School's award-winning annual publication, *Ursa Major*, produced by the students in creative writing classes, has won the Virginia Trophy Class award multiple times and sponsors a Coffee House in the early spring to showcase art in all forms; and

WHEREAS, Forest Park High School's music program highlights students of all abilities at all levels and has been awarded the Virginia Music Educators Association Blue Ribbon Award for Excellence 11 times; the school's chorus groups have performed at the White House, the Kennedy Center Concert Hall, Epcot, and Riverside Cathedral in New York City; and the Concert Choir, Platinum Vocal Jazz, and Bel Canto chorus groups have received grand champion awards; and

WHEREAS, the Forest Park High School band is a 14-time Virginia honor band, and the marching band and color guard have earned superior ratings and numerous trophies throughout the past two decades; the orchestra program features three ensembles that perform throughout the community and consistently earn superior ratings at music competitions and festivals; and

WHEREAS, Forest Park High School also hosts a successful drama program, which sponsors three shows a year, including a musical, a mainstage play, and a one-act play, with popular shows like *You're a Good Man, Charlie Brown*; *Beauty and the Beast*; *Guys and Dolls*; *The Wizard of Oz*; *Oklahoma!*; *Shrek the Musical*; *Cinderella*; and *Young Frankenstein*; and

WHEREAS, Forest Park High School offers a comprehensive United States Army Junior Reserve Officers' Training Corps program, which teaches high school students the value of citizenship, responsibility, and a sense of accomplishment, while instilling in them self-esteem, teamwork, and self-discipline; and

WHEREAS, Forest Park High School offers a leadership program that hosts student-led events throughout the year, including Breakfast with Santa, a tradition that invites the community into the school to enjoy breakfast and take pictures with Santa; and

WHEREAS, Forest Park High School was crowned the Virginia state champion of Keep America Beautiful's Recycle-Bowl, the national recycling competition for K-12 students, teachers, and school communities; in 2019, Forest Park High School collected more than 5,429 pounds of recyclables; and

WHEREAS, Forest Park High School hosts an annual Suicide Awareness Walk, organized and led by the Advanced Placement Government class to promote awareness of mental health and suicide prevention, an event that has featured guest speakers from state and federal government; and

WHEREAS, Forest Park High School maintains 17 varsity male and female athletic teams, including state championship teams in girls' volleyball, indoor/outdoor track and field, and girls' basketball; the school promotes both academic and athletic excellence, as well as good sportsmanship and a positive team atmosphere; and

WHEREAS, Forest Park High School has graduated many distinguished alumni, including former United States women's national soccer team member, two-time Olympian, and three-time World Cup player, Ali Kreiger, professional men's soccer player C.J. Sapong, and Women's National Basketball Association player Monica Wright; and

WHEREAS, Forest Park High School maintains a high degree of student participation in student clubs and activities, with hundreds of students involved in more than 40 clubs, including numerous honor societies, language clubs, and student interest organizations, all of which support service to the community and development of student abilities; and

WHEREAS, Forest Park High School earned the distinction of being a Prince William County School of Excellence in the 2002-2003, 2015-2016, 2016-2017, and 2018-2019 academic years; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Forest Park High School on the occasion of its 20th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Forest Park High School as an expression of the General Assembly's admiration for the school's commitment to academic excellence and service to the students of Prince William County.

SENATE JOINT RESOLUTION NO. 156

Commending the Frank W. Cox High School girls' volleyball team.

Agreed to by the Senate, February 27, 2020

Agreed to by the House of Delegates, March 2, 2020

WHEREAS, the Frank W. Cox High School girls' volleyball team of Virginia Beach won the Virginia High School League Class 5 state championship on November 22, 2019; and

WHEREAS, the Frank W. Cox High School Falcons defeated the North Stafford High School Wolverines in five sets at the Siegel Center in Richmond; and

WHEREAS, after the North Stafford Wolverines took an early lead with a 10-point win in the first set, the Frank W. Cox Falcons tightened up their defense to win the second set 25-24 and gain the momentum in the fourth set with a final score of 25-15; and

WHEREAS, Frank W. Cox High School senior Maddie Brunick, who had a team-high 23 kills and 12 digs, recorded the decisive kill to end the fifth set with a score of 15-11 and secure the fifth state championship in program history; and

WHEREAS, the Frank W. Cox Falcons' victory was a total team effort, with clutch offensive performances from Payton Brunick, Grace Holroyd, Erica Hart, Michelle Humphrey, and Kaitlyn Piston in the state final and important contributions throughout the season from every player; and

WHEREAS, the Frank W. Cox Falcons succeeded with the leadership and guidance of the team's coaches and staff and the passionate support of the entire Frank W. Cox High School community; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Frank W. Cox High School girls' volleyball team on winning the Virginia High School League Class 5 state championship; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Tracey Thompson, head coach of the Frank W. Cox High School girls' volleyball team, as an expression of the General Assembly's admiration for the team's achievements and best wishes for the future.

SENATE JOINT RESOLUTION NO. 157

Commending the Central Accomack Senior League girls' all-star team.

Agreed to by the Senate, February 27, 2020

Agreed to by the House of Delegates, March 2, 2020

WHEREAS, the Central Accomack Senior League girls' all-star team won the Senior League state championship in 2019; and

WHEREAS, the Senior League is a division of Little League Baseball for players ages 13 to 16, with each season culminating in district, state, regional, and national tournaments; and

WHEREAS, the Central Accomack girls' all-star team entered the Virginia Senior League state championship as back-to-back district champions; and

WHEREAS, after losing their first game in the state tournament, the Central Accomack girls' all-star team found their form and emerged as champions; and

WHEREAS, demonstrating their grit and determination, the Central Accomack girls' all-star team powered through two tripleheaders over two days to win the state title; and

WHEREAS, with all but two players on the Central Accomack girls' all-star team returning next season, the team is poised to continue its dominance into the future; and

WHEREAS, the Central Accomack girls' all-star team's victory was especially remarkable, considering many of the teams they faced came from much larger districts with more players to recruit; and

WHEREAS, it was with great pride and adoration that the community of Accomack hosted a parade on August 11, 2019, to celebrate the Central Accomack girls' all-star team; during the event, the players were honored by local public officials and recognized for their historic achievement; and

WHEREAS, the accomplishments of the Central Accomack girls' all-star team are the result of the players' hard work and determination, the leadership and guidance of their coaches and parents, and the tremendous support of the entire Accomack community; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Central Accomack Senior League girls' all-star team for winning the 2019 Senior League state championship; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Bobbie Wert, coach of the Central Accomack Senior League girls' all-star team, as an expression of the General Assembly's heartfelt admiration for the team's achievement and best wishes for the future.

SENATE JOINT RESOLUTION NO. 158

Commending the Central Accomack Senior League boys' all-star team.

Agreed to by the Senate, February 27, 2020

Agreed to by the House of Delegates, March 2, 2020

WHEREAS, the Central Accomack Senior League boys' all-star team won the Senior League state championship in 2019; and

WHEREAS, the Senior League is a division of Little League Baseball for players ages 13 to 16, with each season culminating in district, state, regional, and national tournaments; and

WHEREAS, after going undefeated in the state tournament and winning the Southeast regional championship, the Central Accomack boys' all-star team became the first-ever team from the Eastern Shore to advance to the Senior League World Series; and

WHEREAS, the World Series berth came after the Central Accomack Senior League boys' all-star team defeated the Irmo Senior League boys' all-star team from South Carolina, 12-11, in a dramatic, extra-innings championship game that saw several lead changes and ended with a walk-off sacrifice fly; and

WHEREAS, finishing the season as the fourth-placed Senior League team in the country and the eighth-placed Senior League team in the world, the Central Accomack boys' all-star team had a spellbinding season that will be remembered in Accomack for years to come; and

WHEREAS, the Central Accomack boys' all-star team's victory was especially remarkable, considering many of the teams they faced came from much larger districts with more players to recruit; and

WHEREAS, it was with great pride and adoration that the community of Accomack hosted a parade on August 11, 2019, to celebrate the Central Accomack boys' all-star team; during the event, the players were honored by local public officials and recognized for their historic achievement; and

WHEREAS, the accomplishments of the Central Accomack boys' all-star team are the result of the players' hard work and determination, the leadership and guidance of their coaches and parents, and the tremendous support of the entire Accomack community; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Central Accomack Senior League boys' all-star team for winning the 2019 Senior League state championship; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Ricky Parks, coach of the Central Accomack Senior League boys' all-star team, as an expression of the General Assembly's heartfelt admiration for the team's achievement and best wishes for the future.

SENATE JOINT RESOLUTION NO. 159

Celebrating the life of Dr. James I. Robertson, Jr.

Agreed to by the Senate, February 27, 2020

Agreed to by the House of Delegates, March 2, 2020

WHEREAS, Dr. James I. Robertson, Jr., renowned historian of the Civil War, prolific author, and beloved professor at Virginia Polytechnic Institute and State University, died on November 2, 2019; and

WHEREAS, born in Danville in 1930, James "Bud" Robertson earned a bachelor's degree from Randolph-Macon University in 1955 and a doctorate from Emory University in 1959; and

WHEREAS, in 1961, Bud Robertson was tasked by President John F. Kennedy to head the United States Civil War Centennial Commission, leading 34 state commissions and 100 local committees to produce an honorable and well-regarded commemoration; and

WHEREAS, after brief stints at the University of Iowa, George Washington University, and the University of Montana, Bud Robertson joined the faculty at Virginia Tech, where he would teach for 44 years until his retirement in 2011; and

WHEREAS, Bud Robertson's popular course on the Civil War attracted hundreds of students each semester and, since 1992, he held the title of Alumni Distinguished Professor in recognition of his extraordinary accomplishments and academic citizenship at the university; and

WHEREAS, beyond his classes, Bud Robertson was influential in other corners of the Virginia Tech community; having served as president of the Virginia Tech Athletic Association and faculty chairman of athletics from 1979 to 1991, Bud Robertson was inducted into the Virginia Tech Sports Hall of Fame in 2008; and

WHEREAS, Bud Robertson's impressive knowledge and understanding of the Civil War was shared around the world with both academics and the general public through over 40 books, more than 350 radio essays, and thousands of talks; and

WHEREAS, Bud Robertson's 1997 biography of General Thomas J. "Stonewall" Jackson, *Stonewall Jackson: The Man, the Soldier, the Legend*, was a best seller, earning many awards and serving as inspiration for the 2003 feature film, "Gods and Generals," for which Bud Robertson served as historical consultant; and

WHEREAS, adding to his legacy in the Commonwealth, Bud Robertson was founding director of the Virginia Center for Civil War Studies at Virginia Tech and the only nonlegislative member on the executive committee for the Virginia Sesquicentennial of the American Civil War Commission, demonstrating his talents both as an expert scholar and an effective manager; and

WHEREAS, Bud Robertson received many honors and accolades over his life, including the Virginus Dabney Award from the Museum of the Confederacy, the Virginia Press Association's 2004 Virginian of the Year distinction, the 1997 Best Non-Fiction Book Award from the Library of Virginia, and the Outstanding Professor Award from the Virginia Council for Higher Education; and

WHEREAS, preceded in death by his first wife, Elizabeth, Bud Robertson will be dearly remembered and greatly missed by his wife, Elizabeth; his children, James III, Howard, Beth, William, and Elizabeth, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Dr. James I. Robertson, Jr., a gifted historian who touched the lives of thousands of Virginia Tech students and millions of people worldwide; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Dr. James I. Robertson, Jr., as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 160

Celebrating the life of Bittle Wilson Porterfield III.

Agreed to by the Senate, February 27, 2020

Agreed to by the House of Delegates, March 2, 2020

WHEREAS, Bittle Wilson Porterfield III, respected businessman and civic leader in the Roanoke community, died on November 29, 2019; and

WHEREAS, a native of Roanoke, Bittle Porterfield earned degrees from Roanoke College and Virginia Polytechnic Institute and State University and served two years in the United States Army before returning to the city to begin a career in the beverage industry; and

WHEREAS, for most of his career, Bittle Porterfield led two family-owned businesses, Porterfield Distributing Company and Rice Management Enterprises, developing business acumen and wisdom that would make him an important and reliable voice in many local civic organizations; and

WHEREAS, over the years, Bittle Porterfield served as chair of the Roanoke Valley Business Council, the Foundation for the Roanoke Valley, and the Roanoke Valley Resources Authority and as president of the Taubman Museum of Art and the Roanoke Valley Chamber of Commerce, supporting several facets of the region's development; and

WHEREAS, committed to promoting aviation in the Commonwealth, Bittle Porterfield served as chairman of the Roanoke Regional Airport Commission, director of the board of the Virginia Commercial Space Flight Authority, and gubernatorial appointee to the Virginia Aviation Board; and

WHEREAS, Bittle Porterfield held positions as chair of the North Cross School Board of Trustees, member of the Hollins University Board of Trustees, rector of the Radford University Board of Visitors, and gubernatorial appointee to the State Council of Higher Education for Virginia, contributing greatly to the advancement of Virginia's academic institutions; and

WHEREAS, dedicated to improving the lives of children of all ages, Bittle Porterfield served on the boards of the Child Health Investment Partnership of the Roanoke Valley and Apple Ridge Farm, an organization that provides unparalleled educational, cultural, and outdoor experiences to underserved youth; and

WHEREAS, called by his faith to devote his life to serving others, Bittle Porterfield enjoyed worship and fellowship with his community at St. John's Episcopal Church in Roanoke for more than 45 years; and

WHEREAS, Bittle Porterfield will be dearly remembered and sorely missed by his wife of 50 years, Charlotte; his two sons, Bittle IV and Forrest, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Bittle Wilson Porterfield III, a businessman and civic leader cherished by the Roanoke community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Bittle Wilson Porterfield III, as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 161

Commending the Kiwanis Club of Roanoke.

Agreed to by the Senate, February 27, 2020

Agreed to by the House of Delegates, March 2, 2020

WHEREAS, the Kiwanis Club of Roanoke, one of the oldest, largest, and most successful Kiwanis clubs in America, celebrates its 100th anniversary in 2020; and

WHEREAS, as the 25th largest Kiwanis club out of 8,000 clubs around the world, the Kiwanis Club of Roanoke has become a flagship member of Kiwanis International, an organization dedicated to improving the lives of children in every corner of the globe; and

WHEREAS, after the national organizer for Kiwanis, E.F. Westcott, visited Roanoke to inspire the community to form a club, 118 charter members applied for membership and were granted Charter No. 182 on January 28, 1920; and

WHEREAS, the first membership roster of the Kiwanis Club of Roanoke included several distinguished members of the community, including the city mayor, a congressman, and a judge, lending the club a degree of power and prestige that would help the organization improve the quality of life in Roanoke; and

WHEREAS, since the earliest years, the Kiwanis Club of Roanoke has placed an emphasis on helping underprivileged children get the support they need; in the 1920s, the club raised money to pay off the Children's Home Society of Roanoke and, in 1927, began hosting an annual Christmas party; and

WHEREAS, when Kiwanis International voted in 1987 to allow women in the club, the Kiwanis Club of Roanoke quickly began admitting its first female members, expanding its membership and enhancing the quality of support it could provide; and

WHEREAS, over the years, the club has initiated more regular programs to support underserved children in the community, including the Annual Kmart Christmas Shopping Spree, the West End Tutorial Program, the Kiwanis Pancake and Auction Day, and Kids' Fishing Day; and

WHEREAS, to help fund its growing operations and further its many youth projects, the Kiwanis Foundation of Roanoke was established in 1955 to consolidate assets and investments for the club and generate income for future endeavors; and

WHEREAS, much as it did at the club's beginning, the Kiwanis Club of Roanoke currently has many of the city's leaders on its rolls, including clergy, educators, elected and appointed officials, members of the media, and volunteers with deep ties to other impactful service organizations in the region, all of whom help the club fulfill its important mission; and

WHEREAS, the Kiwanis Club of Roanoke has exemplified for the past century what a service organization can accomplish through steadfast dedication and heartfelt compassion; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Kiwanis Club of Roanoke, an organization that has improved the lives of countless children in Roanoke, on the occasion of its 100th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Kiwanis Club of Roanoke as an expression of the General Assembly's deep respect and unqualified admiration for the organization's service to Roanoke and the Commonwealth.

SENATE JOINT RESOLUTION NO. 162

Celebrating the life of Lessie Lula Jones Polk.

Agreed to by the Senate, February 27, 2020

Agreed to by the House, March 2, 2020

WHEREAS, Lessie Lula Jones Polk, a highly admired entrepreneur and community leader in Roanoke, died on December 26, 2019, at the age of 102; and

WHEREAS, born in Laurens County, South Carolina, in 1916, Lessie Polk was a witness to the seminal events of the 20th century, from the Great Depression and World War II to the dawn of the Internet age; and

WHEREAS, Lessie Polk owned a home-based beauty shop in Old Northeast Roanoke for more than 70 years and offered her leadership to the Modern Beauticians Club; she was also the first African American president of the Democratic Women of the Roanoke Valley and president and treasurer of the Garden Club of Virginia; and

WHEREAS, in February 2019, Lessie Polk was honored by Total Action for Progress at a ceremony highlighting the contributions of outstanding leaders in Roanoke's historically black neighborhoods; and

WHEREAS, Lessie Polk was affectionately known as "Big Mama" to both her beloved family and to the generations of Roanoke residents whose lives she touched through her generosity, grace, and dedication to service; and

WHEREAS, guided by her faith in all of her good deeds, Lessie Polk was a longtime member of Price Memorial AME Zion Church, where she played the organ for 50 years and served as treasurer, a Sunday school teacher, a missionary, and a deaconess; and

WHEREAS, predeceased by her husband, Raymond, and three children, Raymond, Jr., James, and Delores, Lessie Polk will be fondly remembered and greatly missed by her children, Ralph and Gloria, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Lessie Lula Jones Polk; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Lessie Lula Jones Polk as an expression of the General Assembly's respect for her memory.

SENATE JOINT RESOLUTION NO. 163

Commending the 10 River Basin Grand Winners of the Clean Water Farm Award.

Agreed to by the Senate, February 27, 2020

Agreed to by the House of Delegates, March 2, 2020

WHEREAS, the Department of Conservation and Recreation and the Soil and Water Conservation Districts provide farmers throughout the Commonwealth with education, technical assistance, and incentive programs to encourage nutrient reduction and water quality improvement; and

WHEREAS, the General Assembly passed legislation in 1998 to establish the Clean Water Farm Award Program, which is administered by the Department of Conservation and Recreation; and

WHEREAS, the Clean Water Farm Award Program furthers the Commonwealth's water quality goals by recognizing farmers actively engaged in implementing important conservation practices that control nutrients, sediment, and other agricultural nonpoint source pollutants; and

WHEREAS, the Soil and Water Conservation Districts selected local farms across the Commonwealth for recognition in 2019 as winners of the Clean Water Farm Award; and

WHEREAS, 10 of those farms were selected and announced at the December 2019 meeting of the Virginia Association of Soil and Water Conservation Districts by the Department of Conservation and Recreation to represent the Commonwealth's 10 major river basins and to recognize the exemplary efforts of such farms in implementing best management practices; and

WHEREAS, those 10 winners are:

Adam A. Wilson, Wilson Farm LLC, Washington County, for the Big Sandy-Upper Tennessee River Basin;

Mark Palmer, West Wind Farm, Lunenburg County, for the Chowan River Basin;

David Rew, Rew Farms Inc., Accomack County, for the Coastal Basin;

Taylor and Lois Cole, Scott Hollow Farm, Augusta County, for the James River Basin;

Jessie R. Cox, Floyd County, for the New River Basin;
 Paul House, Kyle House, and Stephanie Cornell, Kettle Wind Farm, Prince William and Fauquier Counties, for the Potomac River Basin;
 Frank Gillan, Retreat Farm Produce Company, Orange County, for the Rappahannock River Basin;
 Henry and Linda Maxey and Hank and Debbie Maxey, Maxey Farms, Pittsylvania County, for the Roanoke River Basin;
 Luke and Roberta Heatwole, Rockingham County, for the Shenandoah River Basin; and
 B. Allen and Brenda Tignor, Jr., Caroline County, for the York River Basin; now, therefore, be it
 RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend and congratulate the 10 River Basin Grand Winners of the Clean Water Farm Award; and, be it
 RESOLVED FURTHER, That the Clerk of the Senate prepare copies of this resolution for presentation to the 10 River Basin Grand Winners of the Clean Water Farm Award as an expression of the General Assembly's admiration for their commitment to conserving the Commonwealth's natural resources and their outstanding conservation achievements.

SENATE JOINT RESOLUTION NO. 164

Commending B.J. Roberts.

Agreed to by the Senate, February 27, 2020
 Agreed to by the House of Delegates, March 2, 2020

WHEREAS, B.J. Roberts, the first African American to serve as sheriff of Hampton and president of the National Sheriffs' Association, became the longest serving active sheriff in the Commonwealth in 2020; and
 WHEREAS, born in Mullins, South Carolina, and raised in Newport News and Hampton, B.J. Roberts attended the Thomas Nelson Academy of Criminal Justice and joined the Newport News Police Department as a patrolman in 1972; and
 WHEREAS, shortly thereafter, B.J. Roberts joined Hampton University Police Department, where he rose to the rank of Director of Police and Public Safety while also earning a degree in business management from the university in 1986; and
 WHEREAS, in 1992, B.J. Roberts became the first African American to be elected as a constitutional officer and sheriff in Hampton, beginning a long and successful career protecting and serving the city's residents; and
 WHEREAS, B.J. Roberts' major achievements as sheriff include the establishment of a training program for new deputies; the creation of the Hampton Community Corrections Center; and the implementation of programs designed to help inmates receive their GED, participate in work-release initiatives, and benefit from occupational training they can use after their release; and
 WHEREAS, distinguished as the first African American to serve as president of the National Sheriffs' Association in 2010, B.J. Roberts has been active in many other organizations in support of the community, including the Exchange Club of Wythe, Alternatives, Inc., the Kenneth Wallace Neighborhood Resource Center, the Salvation Army, Kappa Alpha Psi, and the NAACP; and
 WHEREAS, B.J. Roberts has witnessed over his career how mental health issues burden the community and the criminal justice system and serves as a member of the Hampton-Newport News Community Services Board to help alleviate these challenges; and
 WHEREAS, committed to serving honestly and with humility, B.J. Roberts has had a profoundly positive impact on the community of Hampton while providing an inspiring example to his fellow officers and sheriffs; now, therefore, be it
 RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend B.J. Roberts, who has dedicated his career to protecting and serving the citizens of Hampton, on the occasion of becoming the most senior sheriff in the Commonwealth; and, be it
 RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to B.J. Roberts as an expression of the General Assembly's heartfelt admiration and respect for his many years of service and contributions to Hampton and the Commonwealth.

SENATE JOINT RESOLUTION NO. 165

Celebrating the life of Officer Katherine Mary Thyne.

Agreed to by the Senate, February 27, 2020
 Agreed to by the House of Delegates, March 2, 2020

WHEREAS, Officer Katherine Mary Thyne of the Newport News Police Department made the ultimate sacrifice in the line of duty on January 23, 2020; and
 WHEREAS, a native of Massachusetts, Katherine "Katie" Thyne graduated from Alvirne High School in New Hampshire, where she was a member of the Reserve Officers' Training Corps program and a talented multisport athlete; and
 WHEREAS, Katie Thyne served her country as a member of the United States Navy on active duty for five years, then joined the United States Navy Reserve in 2018; and

WHEREAS, Katie Thyne fulfilled her longtime dream to become a law-enforcement officer, when she graduated from the Police Academy in June 2019 and was assigned to the South Precinct as a patrol officer with the Newport News Police Department; and

WHEREAS, Katie Thyne brought joy to others through her compassion, bright smile, and sense of adventure, and she was respected by her fellow officers of the Newport News Police Department for her commitment to community service; and

WHEREAS, Katie Thyne will be fondly remembered and greatly missed by her daughter, Raegan; her fiancée, Brittany; her mother, Tracy; and numerous other family members, friends, and fellow law-enforcement officers; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Officer Katherine Mary Thyne, a dedicated member of the Newport News Police Department; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Officer Katherine Mary Thyne as an expression of the General Assembly's respect for her memory.

SENATE JOINT RESOLUTION NO. 166

Celebrating the life of Kimberly Coldiron Hollaway.

Agreed to by the Senate, February 27, 2020

Agreed to by the House of Delegates, March 2, 2020

WHEREAS, Kimberly Coldiron Hollaway, a beloved mother and wife and a respected member of the Bristol community, died on January 15, 2020; and

WHEREAS, Kimberly Hollaway attended Jonesville High School, where she was a skilled member of the band and nominated as homecoming queen by her peers; and

WHEREAS, Kimberly Hollaway attended Mountain Empire College after high school, as well as Virginia Highlands Community College later in life when she majored in accounting; and

WHEREAS, Kimberly Hollaway worked several places as an accountant before settling in at the Washington County School Board Nutrition Department; and

WHEREAS, Kimberly Hollaway was an active member of the School Nutrition Association of Virginia and traveled to Richmond to advocate on behalf of students; and

WHEREAS, Kimberly Hollaway was an avid bingo player and enjoyed hunting for antiques; and

WHEREAS, Kimberly Hollaway knew no strangers, always had a smile on her face, was loved by all she encountered, and touched countless lives through her strength, kindness, and grace; and

WHEREAS, Kimberly Hollaway is fondly remembered and dearly missed by her husband of 27 years, Claude; her daughters, Kristen and Caitlin; her stepson, Matthew; her parents, Buford and Carolyn; her brother, Jason; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Kimberly Coldiron Hollaway; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Kimberly Coldiron Hollaway as an expression of the General Assembly's respect for her memory.

SENATE JOINT RESOLUTION NO. 167

Celebrating the life of the Honorable Kossen Gregory.

Agreed to by the Senate, March 2, 2020

Agreed to by the House of Delegates, March 3, 2020

WHEREAS, the Honorable Kossen Gregory, a former delegate of the Commonwealth and a cherished member of the Roanoke community, died on June 29, 2019; and

WHEREAS, after graduating from Hampden-Sydney College magna cum laude, Kossen Gregory volunteered for officer training at the United States Naval Reserve Midshipmen's School in Chicago, earning a commission as an ensign; and

WHEREAS, during World War II, Kossen Gregory served his country on destroyer duty with the Atlantic Fleet, as an instructor at the United States Naval Reserve Midshipmen's School in Chicago, and with Special Services in the Pacific Theater; and

WHEREAS, completing his service in 1946, Kossen Gregory attended the University of Virginia School of Law, where he was class president, chair of the Honor Committee, and a member of the prestigious Raven Society; and

WHEREAS, joining the Roanoke firm of Burks, Woodrum & Staples in 1948, Kossen Gregory would practice law for the next 15 years, during which time he served five consecutive terms in the Virginia House of Delegates from 1953 to 1963; and

WHEREAS, a member of a new generation of delegates referred to as the "Young Turks," Kossen Gregory helped lead the Commonwealth through a turbulent period in its history in ways that would transform the state for years to come; and

WHEREAS, as the last surviving member of the Perrow Commission, which was responsible for establishing a legislative plan to end Virginia's massive resistance policy, Kossen Gregory played a role in the ultimately peaceful desegregation of the Commonwealth's schools; and

WHEREAS, concluding his legislative service and law practice in 1963, Kossen Gregory embarked upon a prosperous business career, serving for many years as president and chief executive officer of General Stone and Materials Corporation and later as president of Southern Stone Industries, Inc.; and

WHEREAS, Kossen Gregory was an engaged member of his community and held membership with several local civic and professional organizations, including the Kiwanis Club of Roanoke, the Roanoke Regional Chamber of Commerce, and the Roanoke Bar Association; and

WHEREAS, guided throughout life by his deep and abiding faith, Kossen Gregory was an active member of St. John's Episcopal Church, where he enjoyed worship and fellowship with his community for more than 75 years; and

WHEREAS, preceded in death by his son, Kossen, Jr., Kossen Gregory will be fondly remembered and dearly missed by his beloved wife of 76 years, Sarah; his daughters, Elizabeth and Martha, and their families; and numerous family members, friends, and colleagues on both sides of the aisle; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of the Honorable Kossen Gregory, an esteemed veteran, attorney, statesmen, businessman, and friend, who touched countless lives in the Roanoke community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of the Honorable Kossen Gregory as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 168

Commending Rita D. Bishop.

Agreed to by the Senate, March 2, 2020

Agreed to by the House of Delegates, March 3, 2020

WHEREAS, Rita D. Bishop, dedicated educator and superintendent of Roanoke City Public Schools over the past decade, is retiring in 2020; and

WHEREAS, beginning her career as an English teacher in the 1960s, Rita Bishop also worked as a counselor, vice principal, and principal before joining the central administration office in San Jose, California; and

WHEREAS, from the mid-1990s to 2004, Rita Bishop became familiar with Roanoke and its school division as vice superintendent of Roanoke City Public Schools; after a brief stint as a superintendent in Lancaster, Pennsylvania, Rita Bishop returned to Roanoke in 2007, where she has served as superintendent ever since; and

WHEREAS, over Rita Bishop's tenure, Roanoke City Public Schools underwent a remarkable transformation, with innovative programs and unconventional approaches resulting in higher graduation rates, better school performance, and greater equity across the division; and

WHEREAS, one of Rita Bishop's first accomplishments was the establishment of Forest Park Academy, a school designed to help students who had dropped out or fallen behind on credits finish their education; since the program began in 2008, it has produced more than 1,000 graduates and helped increase the division-wide graduation rate from below 60 percent to over 90 percent; and

WHEREAS, Rita Bishop was also instrumental in the creation of RCPS+, a summer enrichment program designed to help the transition between school years and improve learning outcomes; in 2019, over 3,400 students enrolled, a record for the program; and

WHEREAS, in 2009, Rita Bishop advocated for the adoption of an equity policy which has helped narrow the division's achievement gap and ensured that every student in Roanoke City Public Schools has the opportunity to succeed; and

WHEREAS, recent initiatives spearheaded by Rita Bishop have aimed to make the schools of Roanoke City safer and the division's employees more informed of the effects trauma has on many of their students, fostering a more welcoming and encouraging learning environment; and

WHEREAS, when Rita Bishop took over as superintendent in 2007, eight schools in Roanoke lacked accreditation; after years of persistence, Roanoke City Public Schools reached full accreditation for the first time in the division's history in 2018, a feat it accomplished again in 2019, a testament to the impact Rita Bishop has had on the school system; and

WHEREAS, for her countless accomplishments as an educator, Rita Bishop has received many awards, including recognition from the Virginia Association of School Superintendents as Virginia Superintendent of the Year in 2013; and

WHEREAS, Rita Bishop has touched thousands of students' lives over her career and helped make Roanoke a wonderful place to live and learn; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Rita D. Bishop, superintendent of Roanoke City Public Schools and leader in her community, on the occasion of her retirement; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Rita D. Bishop as an expression of the General Assembly's profound respect and wholehearted admiration for her contributions to Roanoke and the Commonwealth.

SENATE JOINT RESOLUTION NO. 169

Commending Wood Brothers Racing.

Agreed to by the Senate, March 2, 2020

Agreed to by the House of Delegates, March 3, 2020

WHEREAS, Wood Brothers Racing, a family-owned professional racing team founded in Virginia and the oldest continuously operating team in the top series of the National Association for Stock Car Auto Racing, celebrates its 70th anniversary in 2020; and

WHEREAS, Wood Brothers Racing was established in Stuart and made its racing debut in Martinsville, where Glenn Wood drove his first race; despite being forced to withdraw due to a wreck by another vehicle, Glenn Wood and his team repaired their car and went on to finish third in a race at Dan River Speedway three weeks later; and

WHEREAS, along with his younger brother, Leonard, who built engines and developed Wood Brothers Racing's efficient pit stops, Glenn Wood went on to participate in the famous Daytona 500 and won four races on the early National Association for Stock Car Auto Racing (NASCAR) circuit; and

WHEREAS, after Glenn Wood retired in the 1980s, his children, Eddie, Len, and Kim, took a more active role in the business and were later followed by a third generation of the Wood family; currently Jon Wood and Jordan Wood work in marketing, social media, and business development, while Kevan Wood helps maintain the team's #21 Ford Mustang; and

WHEREAS, Wood Brothers Racing has won the Daytona 500 five times with five different drivers, Tiny Lund, Cale Yarborough, A.J. Foyt, David Pearson, and Trevor Bayne, and many other NASCAR Hall of Fame drivers have sat behind the wheel of a Wood Brothers Ford; and

WHEREAS, Glenn and Leonard Wood were themselves inducted into the NASCAR Hall of Fame in 2013 and 2014, respectively, a testament to Wood Brothers Racing's innumerable contributions to the sport; Glenn Wood also was selected as one of NASCAR's top 50 drivers in 1998; and

WHEREAS, Wood Brothers Racing holds a record as the longest continuously active NASCAR Cup Series team and has recorded 99 race victories over the course of its 70-year history; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Wood Brothers Racing on the occasion of its 70th anniversary in 2020; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Wood Brothers Racing as an expression of the General Assembly's admiration for the organization's legacy of achievements in American automobile racing.

SENATE JOINT RESOLUTION NO. 170

Commending Judith Ann White Wyatt.

Agreed to by the Senate, March 2, 2020

Agreed to by the House of Delegates, March 3, 2020

WHEREAS, Judith Ann White Wyatt of Augusta County, a former educator who served the Commonwealth for 18 years as legislative director to a member of the House of Delegates, retired on April 1, 2019; and

WHEREAS, a graduate of Westhampton College at the University of Richmond and Mary Baldwin College, Judith "Judy" Wyatt began her career in state government as a member of the Virginia Employment Commission; and

WHEREAS, Judy Wyatt subsequently worked as an educator for more than two decades, including five years as a long-term substitute teacher and 17 years as a full-time first-grade teacher; and

WHEREAS, during that time, Judy Wyatt helped numerous students in Staunton City Schools develop a strong foundation for lifelong learning and especially enjoyed teaching children to appreciate the joy of reading; and

WHEREAS, as president of the Staunton Education Association, Judy Wyatt advocated for local teachers and worked with government and school officials to address important matters, including parity in teacher pay, and determine ways to better serve students; and

WHEREAS, in 2001, Judy Wyatt joined the office of the Honorable R. Steven Landes, and she ably served the residents of parts of Albemarle, Augusta, and Rockingham counties in the 25th District until her retirement on April 1, 2019; and

WHEREAS, as a legislative director, Judy Wyatt oversaw staff members and monitored proposed legislation and relevant issues during sessions of the General Assembly and was committed to serving constituents throughout the year by maintaining good communication and helping members of the public stay engaged with government; and

WHEREAS, after her well-earned retirement, Judy Wyatt plans to spend more time with her beloved family, including her husband, Charles Bruce Wyatt, who has also served the Commonwealth, with 51 years of service in law enforcement; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Judith Ann White Wyatt for her service to the Commonwealth as a legislative director in the House of Delegates; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Judith Ann White Wyatt as an expression of the General Assembly's admiration for her achievements in service to the residents of the 25th District.

SENATE JOINT RESOLUTION NO. 171

Commending Robert W. Duncan.

Agreed to by the Senate, March 2, 2020

Agreed to by the House of Delegates, March 3, 2020

WHEREAS, Robert W. Duncan, who served the Commonwealth with distinction for 41 years, retired on April 1, 2019; and WHEREAS, Robert "Bob" Duncan began state service on January 1, 1978, with the Department of Game and Inland Fisheries; and

WHEREAS, Bob Duncan served in many significant positions throughout his career with the department, including as a district biologist, wildlife division director, and executive director; and

WHEREAS, Bob Duncan contributed to aquatic wildlife management by maintaining and developing quality, diverse sport fisheries, enabling progressive stances on fish health, and fostering innovative restoration strategies for endangered mussels, finfish, and amphibians within the Commonwealth; and

WHEREAS, Bob Duncan's leadership to the department's comprehensive boating safety education program, safety outreach messaging, on-the-water enforcement, and boating access program resulted in a safer and more enjoyable boating experience for the Commonwealth's nearly 250,000 registered boat owners, multitudes of paddlers, and on-the-water enthusiasts and their families through increased access and a marked reduction in boating accidents and fatalities; and

WHEREAS, Bob Duncan supported the department's conservation police officers as they furthered their efforts to safeguard Virginia's natural resources, connect all people to wildlife, and protect the public; and

WHEREAS, the inextricable link between Virginia's wildlife resources and Bob Duncan's more than four decades of leadership were exemplified by his staunch adherence to the North American Model of Wildlife Conservation, which includes the promotion of ethical, safe, and fair chase pursuits; conviction that management be grounded in strong science; recognition that cooperative relationships enhance wildlife management actions; support for permanently protecting tens of thousands of acres of quality wildlife habitat; and innumerable day-to-day decisions that positively impacted the Commonwealth's wildlife resources, such that Virginia remains a national leader in wildlife management; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Robert W. Duncan for his decades of service to the Commonwealth on the occasion of his retirement from the Department of Game and Inland Fisheries; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Robert W. Duncan as an expression of the General Assembly's admiration for the support that he has provided to the Department of Game and Inland Fisheries and his work to conserve the wildlife and natural resources of Virginia.

SENATE JOINT RESOLUTION NO. 172

Commending Pablo Cuevas.

Agreed to by the Senate, March 2, 2020

Agreed to by the House of Delegates, March 3, 2020

WHEREAS, Pablo Cuevas, long-standing member of the Rockingham County Board of Supervisors, retired on December 31, 2019; and

WHEREAS, over the past 30 years, Pablo Cuevas has served as supervisor of District 1, which includes the towns of Broadway and Timberville and the communities of Fulks Run, Bergton, Criders, Lacey Spring, and Tenth Legion; and

WHEREAS, during his tenure, Pablo Cuevas has held the position of chairman and vice chairman on the Rockingham County Board of Supervisors, been active on the board's Finance Committee, Public Works Committee, Chamber of Commerce, and Community Criminal Justice Board, and served as the board's City-County Liaison, Towns-County Liaison, and School Board Liaison; and

WHEREAS, Pablo Cuevas' other past government service in Rockingham County includes positions on the Harrisonburg-Rockingham County Criminal Justice Board, the Rockingham County Planning Commission, and the Rockingham Development Corporation's Board of Directors; and

WHEREAS, prior to these roles, Pablo Cuevas served locally on the Broadway Town Council and the Broadway Planning Commission, gaining experience that would be invaluable when serving on the county and state levels; and

WHEREAS, for many years, Pablo Cuevas offered his leadership and guidance to the Commonwealth as a member of the Virginia Association of Counties' Board of Directors, where he served as second vice president and was active on committees for education, transportation, and resolutions, and as an appointee to several state commissions and advisory boards; and

WHEREAS, a steadfast proponent of a quality education for all Virginians, Pablo Cuevas served on James Madison University's Board of Visitors for many years, as well as the Rockingham County Schools Foundation's Board of Directors and the Massanutten Technical Center Foundation's Board of Directors; and

WHEREAS, through Pablo Cuevas' leadership, Rockingham County has been able to grow and develop over the past three decades while retaining the agricultural character that the county's citizens cherish; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Pablo Cuevas, valued civic leader of the Rockingham community, on the occasion of his retirement; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Pablo Cuevas as an expression of the General Assembly's admiration and respect for his contributions to Rockingham County and the Commonwealth.

SENATE JOINT RESOLUTION NO. 173

Celebrating the life of John W. Gerdelman.

Agreed to by the Senate, March 2, 2020

Agreed to by the House of Delegates, March 3, 2020

WHEREAS, John W. Gerdelman, a successful businessman, pioneering telecommunications entrepreneur, and honorable veteran, died on January 4, 2020; and

WHEREAS, before graduating from The College of William & Mary with a degree in chemistry in 1975, John Gerdelman distinguished himself as a three-year letterman on the football team and an Academic All-American in 1974; and

WHEREAS, shortly after graduation, John Gerdelman enlisted in the United States Navy, earning his aviator wings and flying an EA-6B Prowler, the United States Navy's primary carrier-based electronic warfare jet, on active duty for six years; and

WHEREAS, beginning his professional career at Baxter-Travenol, John Gerdelman would become an early proponent of the power of telecommunications technology and internet services and later hold many prominent executive positions during the industry's meteoric rise; and

WHEREAS, John Gerdelman was president of Pioneer TeleTechnologies/MCI Services and later networkMCI, a leading telemarketing, sales, and service company; he also had leadership roles with USA.NET, Long Lines, Ltd., and Intelliden, which he cofounded in 2000 and sold to IBM in 2010; and

WHEREAS, valued for his business acumen and expertise, John Gerdelman served on many corporate boards, including those of Brocade Communications Systems, Owens & Minor, and Local Voice, and assisted several technology companies and startups as both a turnaround specialist and an investor; and

WHEREAS, a proud alumnus of The College of William & Mary, John Gerdelman gave considerably in many ways to his alma mater; he was appointed to two terms on the university's Board of Visitors, served as chair of the William & Mary Foundation and the school's Real Estate Foundation Board, and was a member of the Tribe Club Executive Board; and

WHEREAS, in recognition of his years of service on behalf of the university, John Gerdelman received the Alumni Medallion in 2005, The College of William & Mary's highest alumni honor, and an honorary doctor of humane letters degree in 2019; and

WHEREAS, the Commonwealth is indebted to John Gerdelman for the contributions he made during his years of service as a gubernatorial appointee to the State Council of Higher Education for Virginia; and

WHEREAS, John Gerdelman will be dearly remembered and sorely missed by his beloved wife of 43 years, Sue; his children, Mark and Emily, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of John W. Gerdelman, a cherished member of the Williamsburg community who had a positive impact on countless lives as a businessman and friend; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of John W. Gerdelman as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 174*Commending Adrian J. O'Connor:*

Agreed to by the Senate, March 2, 2020

Agreed to by the House of Delegates, March 3, 2020

WHEREAS, after more than 25 years with *The Winchester Star*, Adrian J. O'Connor, a distinguished journalist and generous community volunteer, retired as editor of the newspaper's editorial page on January 24, 2020; and

WHEREAS, a graduate of Randolph-Macon College and the University of North Carolina at Chapel Hill, Adrian O'Connor worked for several newspapers in Southside Virginia, including the *Danville Register & Bee*, where he wrote for the editorial, features, and sports pages; and

WHEREAS, Adrian O'Connor joined *The Winchester Star* on December 7, 1992, and earned admiration for his fair-mindedness, elegant prose, and impressive vocabulary, while providing a conservative voice on the editorial page; and

WHEREAS, since 1997, Adrian O'Connor had also written the weekly "Valley Pike" column, an engaging collection of stories about the people and places of the Shenandoah Valley; and

WHEREAS, throughout his career, Adrian O'Connor earned several awards and accolades from the Virginia Press Association for his stories, columns, and photography; and

WHEREAS, possessed of a servant's heart, Adrian O'Connor volunteered his time and leadership with the Knights of Columbus, the Rotary Club of Winchester, the Blue Ridge Area Food Bank, Shenandoah Apple Blossom Festival, and the Honor Flight Network; and

WHEREAS, Adrian O'Connor supported young people in the community as an official for high school sports, a Little League baseball coach, a longtime member of Big Brothers, Big Sisters, and a mentor to students in the gifted program at Frederick County Public Schools; and

WHEREAS, Adrian O'Connor left a legacy of excellence to his colleagues at *The Winchester Star*, and he will seek new opportunities to continue serving the community in his well-earned retirement; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Adrian J. O'Connor on the occasion of his retirement as editor of the editorial page at *The Winchester Star*; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Adrian J. O'Connor as an expression of the General Assembly's admiration for his contributions to journalism and service to the Winchester community.

SENATE JOINT RESOLUTION NO. 175*Celebrating the life of Raymond Joseph Klotz, Jr.*

Agreed to by the Senate, March 2, 2020

Agreed to by the House of Delegates, March 3, 2020

WHEREAS, Raymond Joseph Klotz, Jr., esteemed entrepreneur, longtime civil servant, and cherished member of the Hanover community, died on February 1, 2020; and

WHEREAS, born in Richmond, Raymond "Buddy" Klotz graduated from the Virginia Polytechnic Institute and State University (Virginia Tech) in 1961 with a degree in electrical engineering; and

WHEREAS, at Virginia Tech, Buddy Klotz was an active member of the university community, overseeing the operations of student-run WUVT radio as its news director and serving as an associate judge with the Cadet Honor Court; he also rose to the rank of commander of N Squadron with the Corps of Cadets and later served honorably with the Virginia Air National Guard for many years; and

WHEREAS, Buddy Klotz ran his own business with his wife and partner, Dorothy; he was committed to promoting a welcoming environment for businesses in his region, serving as president of the Richmond section of the Virginia Manufacturers Association, the Richmond section of the Institute of Electrical & Electronic Engineers, the Hanover Airpark Business Association, and the Hanover Business Roundtable; and

WHEREAS, Buddy Klotz gave generously of his time and talents to his community, serving on the Hanover County Board of Supervisors, the Hanover County Board of Zoning Appeals, and the Hanover County Sheriff's Citizen Advisory Board; and

WHEREAS, living his life to the fullest, Buddy Klotz was an avid runner who competed in several marathons and at one point ran every day for 10 years straight; in his later years, he was happiest spending time with his grandchildren and attending their sporting events; and

WHEREAS, Buddy Klotz will be fondly remembered and dearly missed by his loving wife, Dorothy; his children, Michelle and Sharon, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Raymond Joseph Klotz, Jr., a civic and business leader of Hanover County who touched the lives of many; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Raymond Joseph Klotz, Jr., as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 176

Celebrating the life of Charles W. Ahrend.

Agreed to by the Senate, March 2, 2020

Agreed to by the House of Delegates, March 3, 2020

WHEREAS, Charles W. Ahrend, former member of the Rockingham County Board of Supervisors who devoted years of his life in service to his community, died on June 24, 2019; and

WHEREAS, in his early years, Charles "Chuck" Ahrend served in the United States Navy during World War II and graduated from Cornell University with a bachelor's degree in agriculture in 1951; and

WHEREAS, raised on a 50-acre vegetable farm in Staten Island, New York, Chuck Ahrend was eminently prepared for an agriculture career; for over 20 years, he worked in the agricultural department of Campbell Soup Company before starting his own livestock farm in Albemarle raising hogs, cattle, and sheep; and

WHEREAS, relocating his farm to Singers Glen in 1975 and operating there until 2008, Chuck Ahrend became intimately familiar with the concerns of farmers and agricultural workers in Rockingham County, gaining experience that would later inform his efforts as a civic leader; and

WHEREAS, for over 20 years, Chuck Ahrend represented District 2, including the communities of Singers Glen, Edom, Melrose, Mount Clinton, and Ottobine, on the Rockingham County Board of Supervisors, where his leadership and good humor helped build consensus and guide the board through many important policy issues affecting the growth and prosperity of Rockingham County; and

WHEREAS, Chuck Ahrend was instrumental in promoting the agricultural industry in the region as director of the Rockingham County Farm Bureau Association, member of the Agriculture and Natural Resources Committee of the Virginia Association of Counties, state representative on the National Pork Producers Council, and gubernatorial appointee to the Virginia Pork Industry Board and the State Water Commission; and

WHEREAS, ever active in his community, either through service with organizations such as the Boys & Girls Club, the Fellowship of Christian Athletes, the Virginia Mennonite Retirement Community Foundation, and the Singers Glen Ruritan Club; or as a fixture at the Rockingham County Fair, where he served on the board and was famous for the pork barbecue he cooked each year, Chuck Ahrend found a way to touch the lives of countless individuals; and

WHEREAS, inspired by his faith to serve others, Chuck Ahrend enjoyed worship and fellowship with his community as a member of Emmanuel Episcopal Church in Harrisonburg; and

WHEREAS, preceded in death by his beloved wife, Dorothy, Chuck Ahrend will be dearly remembered and sorely missed by his children, Charles, Kerry, and Robin, their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates and the General Assembly hereby note with great sadness the loss of Charles W. Ahrend, dedicated public servant and cherished member of the Rockingham community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Charles W. Ahrend as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 177

Commending Third Street Bethel African Methodist Episcopal Church.

Agreed to by the Senate, March 2, 2020

Agreed to by the House of Delegates, March 3, 2020

WHEREAS, Third Street Bethel African Methodist Episcopal Church, the oldest church in the Jackson Ward neighborhood of Richmond and the second oldest African Methodist Episcopal church in the Commonwealth, commemorates the 170th anniversary of the founding of its congregation in 2020; and

WHEREAS, the congregation at Third Street Bethel AME Church traces its origins to a group of formerly enslaved people who worshipped in the gallery of Trinity Methodist Episcopal Church beginning in 1850; and

WHEREAS, with the support of skilled African American artisans and the trustees of Trinity Methodist Episcopal Church, the main portion of what is today Third Street Bethel AME Church was completed between 1856 and 1857, known then as Third Street Church; and

WHEREAS, on May 10, 1867, Third Street Church established the Virginia AME Annual Conference with encouragement from St. John's Chapel in Norfolk, becoming the mother church of the African Methodist Episcopal denomination in Virginia and renaming itself Third Street Bethel AME Church; and

WHEREAS, during the Virginia AME Annual Conference in 1867, James D.S. Hall was appointed to lead Third Street Bethel AME Church, becoming the congregation's first African American pastor; and

WHEREAS, over the years, Third Street Bethel AME Church has been the setting for many important, historical moments, including a speech by Maggie L. Walker in 1901 in which she outlined her vision for establishing an African American–owned bank, newspaper, and department store; and

WHEREAS, as one of the few antebellum African American churches remaining in the United States and in recognition of its role in several pivotal historical movements, the Third Street Bethel AME Church was placed on the Virginia Landmarks Register and the National Register of Historic Places in 1975; and

WHEREAS, with an active and engaged congregation that continually looks for ways to serve others, Third Street Bethel AME Church remains a cornerstone of its community and an irreplaceable Richmond institution; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Third Street Bethel African Methodist Episcopal Church, a long cherished and historically significant church in the Jackson Ward neighborhood of Richmond, on the occasion of the 170th anniversary of the founding of its congregation; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Reverend Reuben J. Boyd, pastor of Third Street Bethel African Methodist Episcopal Church, as an expression of the General Assembly's profound respect and admiration for the church's history and contributions to the Commonwealth.

SENATE JOINT RESOLUTION NO. 178

Celebrating the life of Markiya Simone Dickson.

Agreed to by the Senate, March 2, 2020

Agreed to by the House of Delegates, March 3, 2020

WHEREAS, Markiya Simone Dickson, a cherished nine-year-old member of the Greater Richmond community, died on May 26, 2019; and

WHEREAS, a third-grade student at Crestwood Elementary School in Chesterfield County, Markiya Dickson enjoyed sharing her penchant for singing with others and had been planning to participate in a talent show; and

WHEREAS, Markiya Dickson brightened the lives of everyone she met through her kindness, generosity, and joyful exuberance; and

WHEREAS, Markiya Dickson will be fondly remembered and greatly missed by her parents, Ciara Dickson and Mark Whitfield, Sr.; her siblings; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Markiya Simone Dickson, a beloved daughter and sister in Richmond; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Markiya Simone Dickson as an expression of the General Assembly's respect for her memory.

SENATE JOINT RESOLUTION NO. 179

Celebrating the life of Edward H. Peebles, Jr.

Agreed to by the Senate, March 2, 2020

Agreed to by the House of Delegates, March 3, 2020

WHEREAS, Edward H. Peebles, Jr., a longtime educator at Virginia Commonwealth University and a passionate advocate for civil rights and social justice, died on September 7, 2019; and

WHEREAS, a native of Richmond, Edward "Ed" Peebles relocated to Ohio to seek employment after high school, but ultimately returned home to the Commonwealth and enrolled in what was then the Richmond Professional Institute (RPI); and

WHEREAS, while at RPI, Ed Peebles became involved with the early civil rights movement, protesting segregation on campus, and in 1960, he spontaneously joined in the sit-in at the Thalhimers department store lunch counter; and

WHEREAS, Ed Peebles served his country as a member of the United States Navy and continued his education at the University of Pennsylvania, where he earned a master's degree; his thesis on the condition of segregated schools in Prince Edward County garnered national attention for its comprehensive research documenting disparities between white and black schools; and

WHEREAS, Ed Peebles began teaching at the Medical College of Virginia (MCV) School of Nursing in 1963, and he was at the forefront of many new programs when RPI and MCV merged to form Virginia Commonwealth University (VCU) in 1968; and

WHEREAS, during that time, Ed Peebles continued to fight for the dignity and fair treatment for all people throughout the United States and served as executive director of an Encampment for Citizenship leadership course in Tennessee, the first such course held in the southern United States; and

WHEREAS, over the course of his 30-year career in education, Ed Peebles helped establish the African American studies program, a master's in public health degree program, and the Virginia College Council on Human Relations; and

WHEREAS, Ed Peebles also expanded his advocacy efforts to include women's rights, gender issues, prison reform, and equal treatment of the poor in hospital care and disaster relief, touching countless lives through his leadership and unflinching kindness; and

WHEREAS, among his many awards and accolades for his good work, Ed Peebles received the 2015 Civil Rights Unsung Hero Award from the Richmond Branch of the NAACP and the inaugural Edward H. Peebles, Jr., Award for Social Justice from the VCU Alumni Association; and

WHEREAS, Ed Peebles will be fondly remembered and greatly missed by his wife, Karen; his daughters, Suzannah, Kathryn, Cecily, and Camille, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Edward H. Peebles, Jr.; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Edward H. Peebles, Jr., as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 180

Celebrating the life of the Reverend Dr. Dimitri R. Bradley.

Agreed to by the Senate, March 2, 2020

Agreed to by the House of Delegates, March 3, 2020

WHEREAS, the Reverend Dr. Dimitri R. Bradley, who provided spiritual leadership to thousands of members of the community as the founder and pastor of City Church of Richmond, died on November 20, 2019; and

WHEREAS, born in Richmond and raised in Henrico, Dimitri Bradley graduated from Manchester High School before earning a bachelor's degree in risk management from Virginia Commonwealth University; and

WHEREAS, in the first half of his career, Dimitri Bradley went from being a hot dog vendor to a regional manager with Bank of America, demonstrating both his impressive talents and his willingness to work hard to succeed; and

WHEREAS, answering the call to serve his faith later in life, Dimitri Bradley was ordained by Pastor Randy Gilbert at Faith Landmarks Ministries on November 15, 1998; and

WHEREAS, that same year, Dimitri Bradley cofounded Mt. Gerizim World Outreach Ministries with his wife, Nicole; starting with 12 people in their living room, the Bradleys would quickly grow their congregation into one of the largest in the Richmond area; and

WHEREAS, over time, Mt. Gerizim World Outreach Ministries became City Church of Richmond, which now operates in two locations and provides worship services for more than 4,000 members; and

WHEREAS, Dimitri Bradley always promoted an inclusive and accepting environment at City Church of Richmond, welcoming people from all walks of life to join the congregation and find inspiration in his sermons; and

WHEREAS, Dimitri Bradley will be fondly remembered and dearly missed by his loving wife, Nicole; his children, Jordan and Julius; his parents, Delois and John; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the passing of the Reverend Dr. Dimitri R. Bradley, who touched countless lives in Richmond as both a pastor and a friend; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of the Reverend Dr. Dimitri R. Bradley as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 181

Commending Bob Brown.

Agreed to by the Senate, March 4, 2020

Agreed to by the House of Delegates, March 7, 2020

WHEREAS, Bob Brown, senior photographer for the *Richmond Times-Dispatch*, has been a witness to history as a photojournalist at the Virginia State Capitol for five decades; and

WHEREAS, after working in television for 10 years, Bob Brown joined the *Richmond Times-Dispatch* in 1968 to pursue his passion for photography; he has produced beautiful, thought-provoking photos for local sports, weather events, and other news stories and has covered state government since 1970; and

WHEREAS, during his long career, Bob Brown has adapted to changes in the field of photojournalism, transitioning from black and white to color film and eventually digital photography, all while maintaining his talent for capturing complex stories in a single moment; and

WHEREAS, from historic proceedings steeped in decorum and passionate calls to action, to candid negotiations and moments of quiet contemplation, Bob Brown has captured generations of lawmakers conducting the business of the state, and his extensive body of work represents a unique record of the past half-century of the General Assembly; and

WHEREAS, Bob Brown has earned many awards and accolades for his photography, including in 2014, when he became the first photojournalist to win the George Mason Award from the Society of Professional Journalists, Virginia Pro Chapter; and

WHEREAS, in February 2018, Bob Brown became the fifth journalist affiliated with Richmond newspapers inducted into the Virginia Capitol Correspondents Association Hall of Fame in recognition of his longstanding commitment to journalistic excellence; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Bob Brown for his more than 50 years of conveying the work of the General Assembly through an engaging visual medium; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Bob Brown as an expression of the General Assembly's admiration for his keen eye and legacy of contributions to photojournalism.

SENATE JOINT RESOLUTION NO. 182

Commending Waller & Company Jewelers.

Agreed to by the Senate, March 2, 2020

Agreed to by the House of Delegates, March 3, 2020

WHEREAS, for 120 years, Waller & Company Jewelers, an African American family-owned retail jewelry business, has served generations of Richmond residents by providing fine products and outstanding jewelry and watch repair services; and

WHEREAS, originally known as M.C. Waller & Sons, Waller & Company Jewelers was established in 1900 by Marcellus Carrington (M.C.) Waller, a determined entrepreneur who taught himself to repair timepieces at a young age; and

WHEREAS, M.C. Waller was a pioneer in Richmond's African American business community, having worked in the insurance, real estate, and grocery businesses before he and his three sons opened M.C. Waller & Sons in the city's Carver district; and

WHEREAS, Waller & Company Jewelers has worked with many local fraternities and sororities, the Order of the Eastern Star, and Masonic organizations to produce jewelry for members, and the company is a frequent participant in community events; and

WHEREAS, Richard Waller, Jr., M.C. Waller's grandson, became the manager of the family business in 1968 and moved Waller & Company Jewelers to a new location on Broad Street, where it has continued its traditions of excellence; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Waller & Company Jewelers on the occasion of its 120th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Richard Waller, Jr., of Waller & Company Jewelers as an expression of the General Assembly's admiration for its legacy of service to the Richmond community.

SENATE JOINT RESOLUTION NO. 183

Commending Madeline Michel.

Agreed to by the Senate, March 2, 2020

Agreed to by the House of Delegates, March 3, 2020

WHEREAS, Madeline Michel, theater director at Monticello High School in Charlottesville, received the Excellence in Theatre Education Award during the 2019 Tony Awards at Radio City Music Hall; and

WHEREAS, the Excellence in Theatre Education Award, presented by the American Theatre Wing, the Broadway League, and Carnegie Mellon University since 2014, recognizes a K-12 drama teacher that has greatly impacted the lives of their students and promoted the arts in their school; and

WHEREAS, a graduate of the University of Rochester and Johns Hopkins University, Madeline Michel began her career as an English teacher in Baltimore before ultimately settling in Charlottesville, where for the past 12 years she has headed the drama program at Monticello High School; and

WHEREAS, leading a program of approximately 140 students from diverse backgrounds, Madeline Michel has encouraged her young thespians to address social injustice and racial inequality through student-authored plays and student-led productions of works such as *Once on This Island* and *In the Heights*; and

WHEREAS, Monticello High School productions inspired by the personal experiences of the school's students, including "#WhileBlack" by graduating senior Kayla Scott and "A King's Story" by senior Joshua Hill, have recently earned awards from the Virginia Theatre Association; and

WHEREAS, each year, Madeline Michel and her drama department raise thousands of dollars on behalf of local community service organizations and initiatives, taking their work beyond the classroom; and

WHEREAS, always striving to foster the efforts and accomplishments of her students, Madeline Michel masterfully demonstrates how a teacher can touch lives and provide students with the confidence and skills to succeed; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Madeline Michel, theater director at Monticello High School in Charlottesville, for receiving the 2019 Excellence in Theatre Education Award; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Madeline Michel as an expression of the General Assembly's profound admiration and earnest appreciation for her contributions to Charlottesville and the Commonwealth.

SENATE JOINT RESOLUTION NO. 184

Celebrating the life of Robert Hopkins Strickler.

Agreed to by the Senate, March 2, 2020

Agreed to by the House of Delegates, March 3, 2020

WHEREAS, Robert Hopkins Strickler, a prosperous businessman, generous philanthropist, and beloved member of the Rockingham community, died on May 24, 2019; and

WHEREAS, born in Rockingham County in 1928, RoberShawopkins "Twig" Strickler graduated with a degree in business administration from Virginia Polytechnic Institute and State University (Virginia Tech) in 1950; and

WHEREAS, after completing the Reserve Officers' Training Corps program his senior year of school, Twig Strickler was commissioned as a second lieutenant and stationed in Germany for two years; and

WHEREAS, upon returning to the Shenandoah Valley in 1953, Twig Strickler resumed his position in the family business, Rocco Feeds; the company flourished under his management and by the time he retired as chief executive officer in 1985, Rocco Feeds had expanded into a large food company known as Rocco Enterprises; and

WHEREAS, several organizations benefited from Twig Strickler's leadership and guidance; over the years, he served as chairman of BlueCross BlueShield of Virginia and the Rockingham Memorial Hospital Foundation, director of Rockingham National Bank, president of the Farm Credit Bank of Baltimore, and several professional agricultural associations in the state; and

WHEREAS, Twig Strickler received many awards throughout his life for his accomplishments and good deeds as a successful businessman and passionate philanthropist, including the Lifetime Achievement Award from the National Turkey Federation in 2013 in recognition of his role in transforming the modern turkey industry; and honors from the City of Harrisonburg for his exceptional support of the Harrisonburg-Rockingham Historical Society; and

WHEREAS, the son of educators, Twig Strickler gladly supported many education programs in the region, including scholarships and professorships at Virginia Tech, Blue Ridge Community College, Bridgewater College, and James Madison University; and the Robert Burtner and Gladys Hopkins Strickler Honored Teachers Essay Contest, which he started in 1996 to honor his parents and celebrate local educators; and

WHEREAS, inspired by his faith to live a life in service to others, Twig Strickler enjoyed worship and fellowship with his community as a lifelong member of Asbury United Methodist Church; and

WHEREAS, Twig Strickler will be dearly remembered and greatly missed by his wife, Lorraine; his sons, Robert, David, Scott, and Mark, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Robert Hopkins Strickler, a respected businessman and philanthropist dedicated to helping his community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Robert Hopkins Strickler as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 185

Commending Fulks Run Grocery.

Agreed to by the Senate, March 2, 2020

Agreed to by the House of Delegates, March 3, 2020

WHEREAS, Fulks Run Grocery, a cherished establishment of the Shenandoah Valley and the home of world-class Turner Hams, celebrated its 70th anniversary in 2019; and

WHEREAS, recognizing the need for a country store in the area to serve locals and visitors, Garnett and Lena Turner founded Fulks Run Grocery on Brocks Gap Road in 1949; and

WHEREAS, after Garnett Turner was unable to find a source to satisfy his customers' many requests for cured Virginia hams, he began curing hams himself and selling them out of Fulks Run Grocery; and

WHEREAS, using his grandfather Webster Turner's recipe and a five-month curing process, Garnett Turner made hams that were so popular he could not keep them in stock; by 1966, he built the Turner Ham House to keep up with the growing customer demand; and

WHEREAS, today, producing nearly 8,000 hams a year as the only source for sugar-cured country ham in the Shenandoah Valley, Fulks Run Grocery and the Turner Ham House have created a treasured local tradition; and

WHEREAS, in 2017, the Turner Ham House and Fulks Run Grocery were recipients of the *USA Today* 2017 Reader's Choice Award for best country ham sandwich in Virginia, confirming what many local residents had already known for decades; and

WHEREAS, over the years, Fulks Run Grocery has been a truly family-run business; Garnett Turner's brother, Miles Turner, took over the grocery store portion of the operation in 1969, while his son and daughter-in-law, Ron and Peggie Turner, have owned both Fulks Run Grocery and the Turner Ham House since 1996, managing the store with the help of Ron's sisters; and

WHEREAS, while grocery stores and the preferences of customers have changed since 1949, Fulks Run Grocery has found a niche that allows it to thrive, offering a unique inventory that includes locally made products, jams, jellies, and Polish pottery; and

WHEREAS, Fulks Run Grocery has brightened many lives through its delectable ham and gracious customer service, demonstrating what can be accomplished through hard work and an enterprising spirit; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Fulks Run Grocery, beloved local establishment and purveyor of the celebrated Turner Hams, on the occasion of the store's 70th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Garnett Turner, founder of Fulks Run Grocery, as an expression of the General Assembly's heartfelt admiration for the store's contributions to the Shenandoah Valley and the Commonwealth.

SENATE JOINT RESOLUTION NO. 186

Celebrating the life of Thomas Martin.

Agreed to by the Senate, March 2, 2020

Agreed to by the House of Delegates, March 3, 2020

WHEREAS, Thomas Martin, longtime head coach of the James Madison University mens' soccer team, died on October 4, 2019; and

WHEREAS, Thomas "Tom" Martin's illustrious soccer career began as a player at Davis & Elkins College, where he led the Senators to National Association of Intercollegiate Athletics (NAIA) titles in 1968 and 1970, as well as a runner-up finish in 1969; and

WHEREAS, coaching at West Virginia Wesleyan College from 1978 to 1985, Tom Martin posted an impressive 114-31-9 record and took his team to four West Virginia Intercollegiate Athletic Conference titles and two NAIA championships, earning recognition as national coach of the year in both 1984 and 1985; and

WHEREAS, the remainder of Tom Martin's legendary coaching career was with James Madison University, where he helped the Dukes to a 359-164-58 record over 29 seasons and was distinguished as the Colonial Athletic Association's Coach of the Year five times; and

WHEREAS, under Tom Martin's leadership, teams at James Madison University won five Colonial Athletic Association championships, put up the conference's best regular season record seven times, and qualified for the National Collegiate Athletic Association tournament a remarkable 10 times, including two consecutive quarterfinal finishes in 1994 and 1995; and

WHEREAS, Tom Martin's 478 career wins rank him seventh all-time among coaches who have been with a Division I program for at least 10 years and 18th among coaches from four-year institutions across all divisions; and

WHEREAS, as a testament to his standout career, Tom Martin has been inducted into the James Madison University Hall of Fame, the West Virginia Wesleyan College Hall of Fame, and the Davis & Elkins College Hall of Fame; and

WHEREAS, in addition to serving as James Madison University's interim director of athletics from 1998 to 1999 and as an educator for several academic courses at the university, Tom Martin continued to support the school after he retired from coaching in 2014, helping countless students achieve success both in and out of the classroom; and

WHEREAS, Tom Martin will be fondly remembered and dearly missed by his wife, Cherylen; his son, Sean, and his family; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Thomas Martin, revered former head coach of the James Madison University mens' soccer team and an inspiration to sports fans across the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Thomas Martin as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 187

Commending Kenneth Ross Garren and Sheila Johnston Garren.

Agreed to by the Senate, March 2, 2020

Agreed to by the House of Delegates, March 3, 2020

WHEREAS, Kenneth Ross Garren has served as the president of the University of Lynchburg for 19 years, with Sheila Johnston Garren, his wife, serving as the first lady of the institution; and

WHEREAS, Kenneth Garren served in the Virginia Army National Guard starting at age 17 and retired from the United States Army Reserve with the rank of colonel after 33 years of service, receiving the Meritorious Service Medal; and

WHEREAS, Kenneth Garren served as an aerospace engineer for five years with the National Aeronautics and Space Administration at NASA Langley Research Center, working on both the Gemini and Apollo missions; and

WHEREAS, Kenneth Garren has served in multiple local, state, and national positions in higher education, including as a member of the Virginia Center for Inclusive Communities (VCIC), a member of the Executive Committee of the Board of Directors of the National Association of Independent Colleges and Universities (NAICU), chair of the Committee on Policy Analysis and Public Relations of NAICU, and chair of the Ethics Bowl Committee of the Virginia Foundation of Independent Colleges; and

WHEREAS, Kenneth Garren has been the recipient of many distinguished accolades, including the Mayor of Lynchburg's Award for Excellence, the Charles W. L. Freeman Award from the Council of Independent Colleges, the Silver Patrick Henry Medallion for Patriotic Achievement from the Military Order of World Wars, the George Taylor Stewart Award from the Lynchburg Regional Chamber of Commerce, and the Humanitarian of the Year Award from the VCIC; and

WHEREAS, Sheila Garren was a charter employee of Salem City Schools and served as an elementary school teacher for 28 years; and

WHEREAS, Sheila Garren is a lifetime member of Chi Beta Phi, Kappa Delta Pi, Pi Gamma Mu, and Alpha Chi national honor societies and was listed in the first edition of *Who's Who Among American Teachers*; and

WHEREAS, Sheila Garren has been an invited speaker and presenter at more than 30 state, national, and international professional conferences; and

WHEREAS, Sheila Garren has planned and hosted more than 400 dinners, receptions, parties, and meetings at her home for University of Lynchburg students, parents, alumni, faculty, advisors, trustees, and spouses as well as for Lynchburg community, church, nonprofit, and educational leaders; and

WHEREAS, Sheila Garren has served in leadership positions on multiple community organizations, including the League of Women Voters, the Adult Care Center of Lynchburg, Miriam's House, Amazement Square, Elizabeth's Early Learning Center, and Lynchburg Interfaith Outreach; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Kenneth Ross Garren and Sheila Johnston Garren for their service to the University of Lynchburg; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Kenneth Ross Garren and Sheila Johnston Garren as an expression of the General Assembly's admiration for their achievements.

SENATE JOINT RESOLUTION NO. 188

Commending Pi Sigma Alpha.

Agreed to by the Senate, March 2, 2020

Agreed to by the House of Delegates, March 3, 2020

WHEREAS, Pi Sigma Alpha, the national political science honor society, celebrates its 100th anniversary in 2020; and

WHEREAS, founded on October 1, 1920, at the University of Texas at Austin, Pi Sigma Alpha was established to recognize excellence in academic achievement by college and university students in the fields of political science, government, and international and public affairs; and

WHEREAS, Pi Sigma Alpha aims to stimulate scholarship and interest in political science; to promote worthwhile curricular and extracurricular activities related to political science; and to promote civil dialogue; and

WHEREAS, Pi Sigma Alpha is the only recognized college honor society in the political science discipline and one of the largest and most prestigious constituent members of the Association of College Honor Societies; and

WHEREAS, Pi Sigma Alpha has over 700 chapters in the United States, including the Xi Pi Chapter at Virginia Commonwealth University in Richmond; and

WHEREAS, Pi Sigma Alpha has initiated over 300,000 members since its inception, among whom are many renowned scholars, distinguished public officials, and prominent leaders of industry; and

WHEREAS, Pi Sigma Alpha has advanced the study of politics and government as one of the noblest academic pursuits, promoting the highest ideals of scholarship, integrity, citizenship, and service; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Pi Sigma Alpha on the occasion of its 100th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Executive Council of Pi Sigma Alpha as an expression of the General Assembly's admiration for the honor society's rich history, proud legacy, and enduring impact on political science students in the Commonwealth of Virginia and throughout the United States.

SENATE JOINT RESOLUTION NO. 189

Commending Domenick D'Adamo, Jr.

Agreed to by the Senate, March 2, 2020

Agreed to by the House of Delegates, March 3, 2020

WHEREAS, Domenick D'Adamo, Jr., a heroic veteran and highly admired lifelong member of the Richmond community, celebrates his 100th birthday in 2020; and

WHEREAS, born in Richmond on October 12, 1920, Domenick D'Adamo was working as a dental technician at Richmond Dental Laboratory when the start of World War II compelled him to serve his country; and

WHEREAS, Domenick D'Adamo enlisted on March 17, 1942, and volunteered for the United States Army Air Corps, where he served as a bombardier on the B-24 bomber, "Tondelao," in the 389th Bomb Group of the Eighth Air Force, followed by service in B-17 bombers with the 482nd Bomb Group, a Pathfinder Group that used radar-equipped aircraft to support bombing missions; and

WHEREAS, Domenick D'Adamo completed 22 combat missions, including a mission to bomb the railyards north of Rome, where flak knocked out an engine and forced the crew to return to base on three engines; a mission to bomb the submarine pens at Vegesack, Germany, where flak shattered two panes of plexiglass, six inches from where he was positioned; and a difficult bombing raid on Berlin, where the amount of flak was enormous; and

WHEREAS, on August 1, 1943, Domenick D'Adamo participated in Operation Tidal Wave, the famous mission to bomb the oil fields in Ploesti, Romania, where he flew just 250 feet over the target; and

WHEREAS, upon his return to the United States, Domenick D'Adamo had received the Distinguished Flying Cross, the Air Medal with two Oak Leaf Clusters, the European-African-Middle Eastern Campaign Medal with nine Battle Stars, and the Distinguished Unit Badge with one Oak Leaf Cluster; and

WHEREAS, after his heroic service, Domenick D'Adamo returned to civilian life and had a productive career as a dental technician well into his late 70s; and

WHEREAS, Domenick D'Adamo has been a strong supporter of education by sharing his wartime experiences with numerous students of the Commonwealth, including by participating in public events at the Virginia War Memorial; and

WHEREAS, as a former member of the Benedictine High School Corps of Cadets and graduate of the Class of 1937, he has been honored for his military service at Benedictine High School; and

WHEREAS, Domenick D'Adamo has been a devout parishioner of both Saint Benedict Catholic Church and Saint Bridget Catholic Church in Richmond; and

WHEREAS, preceded in death by his wife, Shirley, and his son, Stephen, Domenick D'Adamo relishes every opportunity to share his lifetime of wisdom with his daughters, Shirley Ann and Rosemary, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Domenick D'Adamo, Jr., an honored veteran and a cherished member of the Richmond community, on the occasion of his 100th birthday; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Domenick D'Adamo, Jr., as an expression of the General Assembly's admiration for his legacy of service to the Commonwealth and the nation.

SENATE JOINT RESOLUTION NO. 190

Celebrating the life of Winston G. Lawson.

Agreed to by the Senate, March 2, 2020

Agreed to by the House of Delegates, March 3, 2020

WHEREAS, Winston G. Lawson, distinguished veteran and longtime member of the United States Secret Service, died on November 7, 2019; and

WHEREAS, born in western New York, Winston "Win" Lawson earned a degree from the University of Buffalo before joining the United States Army in 1953, serving in the Counterintelligence Corps during the Korean War; and

WHEREAS, with his prior military experience and an interest in law enforcement, Win Lawson joined the United States Secret Service in 1959, serving under seven administrations from President Dwight D. Eisenhower to President Ronald Reagan; and

WHEREAS, known for his detailed and thorough work as an advance agent, Win Lawson quickly moved up through the ranks, attaining the position of acting assistant director before his retirement in 1981; and

WHEREAS, with decades of experience in the United States Secret Service, Win Lawson continued to work in the intelligence community for 10 years and finished his career providing security to Reverends Billy and Franklin Graham during their appearances around the world; and

WHEREAS, committed to supporting his community, Win Lawson was active in several organizations including Meals on Wheels, the Francis Asbury United Methodist Church, the Association of Former Agents of the United States Secret Service, and Samaritan's Purse; and

WHEREAS, Win Lawson will be dearly remembered and sorely missed by his wife of 69 years, Barbara; his children, Andrea and Jeff, and their families; and numerous other family and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Winston G. Lawson, beloved citizen of Virginia Beach, who gave many years of service to the country as an elite security and intelligence officer; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Winston G. Lawson as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 191

Commending the Virginia Association of Volunteer Rescue Squads.

Agreed to by the Senate, March 2, 2020

Agreed to by the House of Delegates, March 3, 2020

WHEREAS, for 85 years, the Virginia Association of Volunteer Rescue Squads has helped agencies throughout the Commonwealth provide high-quality pre-hospital care to the members of their communities; and

WHEREAS, the Virginia Association of Volunteer Rescue Squads was formed in the Green Room of the Hotel Roanoke on February 12, 1935, by Julian Stanley Wise, who had previously formed the first volunteer lifesaving crew in the United States, the Roanoke Life Saving Crew, in May 1928; and

WHEREAS, the Virginia Association of Volunteer Rescue Squads held its first convention on September 28, 1935, in Lynchburg and Julian Wise was elected the first president; the organization started with just six units and now is made up of more than 465 departments throughout the Commonwealth, including volunteer rescue squads, professional emergency medical services providers, volunteer fire departments, and specialty agencies, representing 18,000 individual members; and

WHEREAS, the membership of the Virginia Association of Volunteer Rescue Squads includes auxiliaries and junior squads that assist local agencies in improving service to their communities and the Commonwealth, with the junior squads providing a pathway to the senior squads; and

WHEREAS, the Virginia Association of Volunteer Rescue Squads has been a leader in developing and instituting critical training courses, many of which are now considered statewide requirements and models for other state, national, and international agencies; and

WHEREAS, the Virginia Association of Volunteer Rescue Squads provides a multitude of statewide training opportunities through its Annual State Rescue College, which provides training for more than 300 students annually and will host its 45th session in 2020; and

WHEREAS, the Virginia Association of Volunteer Rescue Squads works in conjunction with other state agencies and those of adjoining states to improve and advance training in all areas of emergency medical services; and

WHEREAS, the Virginia Association of Volunteer Rescue Squads has advocated for emergency medical services departments in state government and supported passage of legislation to gain funding for an office and executive director position in 1976, established the Rescue Squad Assistance Fund in 1978, and instituted the \$1.00 for Life program to support regional councils in 1983 and subsequently increase the funding to \$2.00 in 1990 and \$4.00 in 2002; and

WHEREAS, members of the Virginia Association of Volunteer Rescue Squads have served on numerous boards to enhance the delivery of emergency medical services in the Commonwealth, including the Governor's Emergency Medical Services Advisory Board, of which numerous members have served as chair; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Virginia Association of Volunteer Rescue Squads on the occasion of its 85th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Virginia Association of Volunteer Rescue Squads as an expression of the General Assembly's admiration for the organization's work to ensure that Virginians receive the highest quality emergency medical care.

SENATE JOINT RESOLUTION NO. 192

Commending Wareings Gym.

Agreed to by the Senate, March 2, 2020

Agreed to by the House of Delegates, March 3, 2020

WHEREAS, for 60 years, Wareings Gym has promoted good health and physical fitness while striving to build a strong sense of community in Virginia Beach; and

WHEREAS, Wareings Gym traces its heritage to New York City in the 1920s, when Bill Wareing, Sr., who set a world record for the 127-pound single arm dumbbell press, began coaching physical fitness training sessions; and

WHEREAS, in 1960, Bill Wareing's son, John, opened Wareings Gym on Laskins Road in Virginia Beach and touched thousands of lives over the course of his long career; and

WHEREAS, as a veteran, a law-enforcement officer, a television personality, and a comedian, John Wareing was a driving force in the fitness movement who united people from all walks of life in the common pursuit of health and wellness at Wareings Gym through his unique personality; and

WHEREAS, as John Wareing's sons took a more active role in Wareings Gym, they not only expanded the range of training experiences but also refocused the gym's mission to address modern health epidemics like childhood obesity, heart disease, and the effects of sedentary lifestyles; and

WHEREAS, throughout its history, Wareings Gym has endured changes in the fitness industry by placing the needs and goals of its members above fads and trends in equipment and programming; and

WHEREAS, the talented coaches and staff members of Wareings Gym work diligently to create a culture of success and a supportive environment where people are free to feel better about themselves; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Wareings Gym on the occasion of its 60th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Wareings Gym as an expression of the General Assembly's admiration for the gym's contributions to health and wellness in the Virginia Beach community.

SENATE JOINT RESOLUTION NO. 193

Celebrating the life of Mac Wiseman.

Agreed to by the Senate, March 2, 2020

Agreed to by the House of Delegates, March 3, 2020

WHEREAS, Mac Wiseman, a legendary bluegrass musician from Augusta County who had an outsized impact on the musical culture of the Commonwealth, the United States, and the world, died on February 24, 2019; and

WHEREAS, affectionately known by many as "The Voice with a Heart," some of Mac Wiseman's most memorable tunes include "The Ballad of Davy Crockett" and "Jimmy Brown the Newsboy," both standout contributions to the American music canon, which he penned in the 1950s; and

WHEREAS, Mac Wiseman's musical odyssey began at the age of 12 when he got his first guitar; after studying at the Shenandoah Conservatory of Music, he worked at various radio stations throughout the Commonwealth and the southeastern United States, all the while honing his distinctive playing style and voice; and

WHEREAS, Mac Wiseman's big break came in 1948 when he was asked to join Lester Flatt and Earl Scruggs in the formation of the Foggy Mountain Boys, one of the most influential groups in the history of American music; after venturing out as a solo musician with a debut on the *Grand Ole Opry* in 1949, he would go on to enjoy a musical career spanning seven decades, touring prolifically around the world in venues large and small; and

WHEREAS, playing with some of the biggest names in music throughout his career, including Johnny Cash, Patsy Cline, Bootsie Collins, Charlie Daniels, Merle Haggard, Bill Monroe, and John Prine, Mac Wiseman will be remembered as one of the greatest musicians to call the Commonwealth home; and

WHEREAS, a cultural ambassador throughout his life, Mac Wiseman earned a reputation for his ability to adapt to a variety of musical idioms, playing swing, funk, and other genres as adeptly as the bluegrass and country stylings for which he was known; and

WHEREAS, Mac Wiseman was honored with the National Endowment for the Arts' National Heritage Fellowship in 2008 and inducted into the Virginia Country Music Hall of Fame in 2014, fitting tributes to one of country and bluegrass music's biggest stars; and

WHEREAS, Mac Wiseman will be fondly remembered and dearly missed by his companion, Janie; his children, Scott, Randy, Maxine, Chris, and Linda, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Mac Wiseman, a musical icon who proudly represented the Shenandoah Valley, the Commonwealth, and the wonderful musical traditions they have to offer throughout his long and storied career; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Mac Wiseman as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 194

Commending James Dennis Alan Hamlin.

Agreed to by the Senate, March 2, 2020
Agreed to by the House of Delegates, March 3, 2020

WHEREAS, James Dennis Alan Hamlin, a professional racing driver with roots in Chesterfield County, won the 2020 Daytona 500, becoming one of only four drivers to win consecutive championships in the National Stock Car Auto Racing Association's most prestigious Cup Series race; and

WHEREAS, James Dennis "Denny" Hamlin attended Chesterfield County Public Schools and graduated from Manchester High School; he began racing go-karts at a young age and won three championships at age 12; and

WHEREAS, four years later, Denny Hamlin switched to driving mini stock cars, and he was named Rookie of the Year in 2000 at Southside Speedway in Chesterfield County; and

WHEREAS, in 2004, Denny Hamlin fulfilled his lifelong dream to race in the National Stock Car Auto Racing Association (NASCAR) when he competed in the NASCAR Craftsman Truck Series and subsequently made his NASCAR Cup Series debut the following year; and

WHEREAS, Denny Hamlin raced in his first full NASCAR Cup Series season in 2006, winning the season-opening Budweiser Shootout exhibition race, and became the first driver to qualify as a rookie for what was then the Chase for the Nextel Cup; and

WHEREAS, Denny Hamlin has gone on to become one of the most consistent drivers in the sport, winning at least one race each cup season from 2006 to 2017, and again in 2019 and 2020, including victories at Daytona International Speedway in 2016 and 2019; and

WHEREAS, at the 2020 Daytona 500, Denny Hamlin defeated Ryan Blaney to the finish in overtime by 0.014 seconds, one of the closest finishes in race history, second only to Hamlin's victory in 2016; and

WHEREAS, after his victory in 2020, Denny Hamlin entered the record books as one of only six drivers to win the Daytona 500 three or more times and one of only four drivers to win consecutively, an accomplishment that put him in the company of NASCAR greats Cale Yarborough, Richard Petty, and Sterling Marlin, who was the last to achieve the feat 25 years prior in 1994 and 1995; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend James Dennis Alan Hamlin on his historic win at the Daytona 500 in 2020; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to James Dennis Alan Hamlin as an expression of the General Assembly's admiration for his outstanding achievements and best wishes for the future.

SENATE JOINT RESOLUTION NO. 196

Celebrating the life of Corporal Ryan C. McGhee, USA.

Agreed to by the Senate, March 2, 2020
Agreed to by the House of Delegates, March 3, 2020

WHEREAS, Corporal Ryan C. McGhee, USA, of Spotsylvania, who fearlessly took decisive action to engage the enemy, and in so doing, saved the lives of several fellow Rangers, was killed in the line of duty on May 13, 2009; and

WHEREAS, born in Pittsburgh, Pennsylvania, Ryan McGhee relocated to Virginia, where he attended Massaponax High School, earning second team all-state honors as a defensive lineman on the football team; and

WHEREAS, Ryan McGhee was inspired by the events of September 11, 2001, and by his role model, the late Pat Tillman, a former professional football player and United States Army Ranger, to serve his country after graduating high school; and

WHEREAS, Ryan McGhee enlisted in the United States Army on August 1, 2006, and was assigned to Bravo Company, 3rd Battalion, 75th Ranger Regiment on March 1, 2007; he served as a rifleman and grenadier before becoming one of the founding members of Delta Company as a weapons squad team leader; and

WHEREAS, Ryan McGhee made the ultimate sacrifice while conducting combat operations in central Iraq to eliminate a known weapons facilitator and suicide vest cell during his fourth deployment in support of the Global War on Terror; he had previously completed three deployments to Afghanistan; and

WHEREAS, Ryan McGhee earned several awards and decorations for his service, including the Bronze Star Medal with "V" device, the Purple Heart, the Meritorious Service Medal, the Ranger Leadership Tab, the Army Good Conduct Medal, the National Defense Service Medal, the Afghanistan Campaign Medal with Combat Star, and the Iraq Campaign Medal with Combat Star, among many others; and

WHEREAS, Ryan McGhee is fondly remembered and greatly missed by his mother, Sherrie; his brother, Zachary, who named a son in his honor; his half-siblings, Gabriel and Elle; and numerous other family members, friends, and fellow service members; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Corporal Ryan C. McGhee, USA; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Corporal Ryan C. McGhee, USA, as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 197

Celebrating the life of E. Bruce Heilman.

Agreed to by the Senate, March 4, 2020

Agreed to by the House of Delegates, March 7, 2020

WHEREAS, E. Bruce Heilman, who lived a remarkable life of leadership and service, and for nearly 50 years was an esteemed member of the University of Richmond family, where he propelled the university's advancement and excellence, died on October 19, 2019, at the age of 93; and

WHEREAS, Bruce Heilman was born July 16, 1926, served as a distinguished member of the U.S. Marine Corps, and was deployed to Okinawa during the World War II Pacific campaign, earning numerous medals and military distinctions; he remained throughout his life a champion of the United States military and its veterans; and

WHEREAS, as a beneficiary of the G.I. Bill, Bruce Heilman received in 1949 a certificate from then Campbellsville Junior College, followed by bachelor's, master's, and doctoral degrees from George Peabody College, now part of Vanderbilt University, and undertook a distinguished career of leadership and service to higher education; and

WHEREAS, Bruce Heilman served numerous institutions as a faculty member and senior administrator, including as treasurer of Georgetown College, vice president and dean of Kentucky Southern College, administrative vice president of George Peabody College, and president of Meredith College, and also provided, throughout his career, invaluable service on the boards of institutions including Campbellsville University and William Jewell College; and

WHEREAS, Bruce Heilman profoundly shaped the University of Richmond and its excellence through his leadership and vision as president of the university from 1971 to 1986 and 1987 to 1988, and he continued to work tirelessly on behalf of the university as chancellor for more than three decades further; and

WHEREAS, Bruce Heilman was recruited to the University of Richmond at a crucial time for the institution, providing leadership to implement the landmark \$50 million gift from E. Claiborne Robins, as well as launching an ambitious \$50 million campaign to match the gift, substantially increasing the university's endowment and ensuring the strong financial foundation on which the university continues to build today; and

WHEREAS, Bruce Heilman's leadership and vision elevated the University of Richmond's aspirations and achievements and resulted in figuratively and literally building for the university's future through construction of the Robins School of Business, the Gottwald Center for the Sciences, Tyler Haynes Commons, Lora Robins Court, Gray Court, and the Robins Center basketball arena; and

WHEREAS, among many other initiatives, Bruce Heilman was instrumental in the creation of the University's chaplaincy, one of the few endowed chaplaincies in higher education; and

WHEREAS, Bruce Heilman, as chancellor of the University of Richmond, remained an energetic and active daily presence on campus, a beloved guest and frequent speaker at university events, an invaluable mentor to staff and administrators, and a personal friend to countless alumni across generations; and

WHEREAS, in recognition of Bruce Heilman's exceptional leadership, the University of Richmond named the Heilman Dining Center, built during his tenure, in his honor in 1986, also conferring on him an honorary doctor of laws degree; and

WHEREAS, Bruce Heilman undertook remarkable cross-country motorcycle rides in his 80s and 90s to represent and call attention to the Greatest Generations Foundation, for which he served as spokesman; and

WHEREAS, Bruce Heilman served as a founding member of the National Museum of the Marine Corps, chair of the boards of Marine Military Academy in Texas and the Marine Corps University at Quantico, secretary of the Board of the Marine Corps Heritage Foundation, and a member of the boards of the National Defense University Foundation, Inc., and the Virginia War Memorial Educational Foundation; and

WHEREAS, preceded in death by his loving wife of 65 years, Betty, Bruce Heilman will be fondly remembered and dearly missed by his children, Bobbie, Nancy, Terry, Sandy, and Tim, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of E. Bruce Heilman, who touched countless lives as an honorable veteran, esteemed education administrator, and friend; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of E. Bruce Heilman as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 198

Celebrating the life of Captain Frank Richard Whalen, USN, Ret.

Agreed to by the Senate, March 2, 2020

Agreed to by the House of Delegates, March 3, 2020

WHEREAS, Captain Frank Richard Whalen, USN, Ret., distinguished veteran of the United States Navy, masterful maritime artist, and tireless advocate of youth soccer in Hampton Roads, passed away on August 13, 2019; and

WHEREAS, Frank "Dick" Whalen, born in Hawaii days before the attack on Pearl Harbor and the son of a career naval officer, was committed to a life of service from a young age; he became an Eagle Scout in high school and graduated from the United States Naval Academy in 1963; and

WHEREAS, Dick Whalen served in the United States Navy for 30 years, serving on six ships in the Atlantic Fleet, commanding the USS *Thomas C. Hart*, and serving as the commissioning commanding officer of the USS *Mobile Bay*; over his years of service, his decorations included the Defense Superior Service Medal, Legion of Merit, and Meritorious Service Medal; and

WHEREAS, in his final assignment, Dick Whalen served as the commanding officer of the Hampton Roads Naval ROTC consortium, a posting which would prove a precursor to his next career as the first Director of Military Activities at Old Dominion University, a position he held for 19 years; and

WHEREAS, from a young age, Dick Whalen was also a dedicated artist who specialized in highly detailed and realistic maritime portraits; his works of art, which he distributed through his gallery, Seaman's Eye Marine Art, have been featured on the covers of national magazines and acquisitioned by museums and public and private collectors across the country; and

WHEREAS, Dick Whalen made his mark on the Hampton Roads community as an indefatigable advocate for soccer in the region; he spearheaded the creation of the nonprofit Hampton Roads Soccer Council and its 75-acre sports complex and founded the North American Sand Soccer Championships, today the largest tournament of its kind in the world; for these efforts, he was inducted into the Virginia-DC Soccer Hall of Fame and named as a Tourism Ambassador for Virginia Beach; and

WHEREAS, Dick Whalen will be fondly remembered and greatly missed by his wife of 55 years, Marti; his children, Scott, Todd, and Matthew; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Captain Frank Richard Whalen, USN, Ret., honorable veteran of the United States Navy, inspiring artist, and unwavering supporter of the Hampton Roads soccer community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Captain Frank Richard Whalen, USN, Ret., as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 199

Celebrating the life of William Robert Burnette.

Agreed to by the Senate, March 2, 2020

Agreed to by the House of Delegates, March 3, 2020

WHEREAS, William Robert Burnette, a passionate aviator and a respected entrepreneur in Norfolk, died on February 3, 2020; and

WHEREAS, a native of Rocky Mount, North Carolina, William "Bill" Burnette grew up during the Golden Age of Flight and developed a passion for aviation at a young age; he completed his first solo airplane flight at the age of 14 and earned his pilot's license before his driver's license; and

WHEREAS, after graduating from Newport News High School, Bill Burnette joined the other young men of his generation in service to the nation during World War II as a member of the United States Coast Guard; and

WHEREAS, Bill Burnette graduated from The College of William and Mary in 1950, then returned to military service as a member of the United States Air Force Reserve during the Korean War; and

WHEREAS, Bill Burnette pursued a rewarding 60-year career with the Equitable Life Assurance Society and was selected as an Equitable National Honor Agent and inducted into the company's Hall of Fame for his outstanding achievements; and

WHEREAS, Bill Burnette started a second career as an entrepreneur when he helped his sons establish a self-storage company, which opened its first facility on the Outer Banks of North Carolina, in 1999; and

WHEREAS, Bill Burnette volunteered time and leadership to a number of local organizations, and he enjoyed fellowship and worship with the Norfolk community at the Church of the Good Shepherd, where he served as a senior warden; and

WHEREAS, Bill Burnette will be fondly remembered and greatly missed by his wife of more than 50 years, Betsy; his children, William, Jr., and Michael, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of William Robert Burnette, a respected member of the Norfolk community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of William Robert Burnette as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 200

Commending Derrick Nnadi.

Agreed to by the Senate, March 2, 2020

Agreed to by the House of Delegates, March 3, 2020

WHEREAS, Derrick Nnadi, a Virginia Beach native and member of the National Football League, won Super Bowl LIV with the Kansas City Chiefs on February 2, 2020; and

WHEREAS, Derrick Nnadi attended and played football at Ocean Lakes High School in Virginia Beach on his way to Super Bowl stardom; and

WHEREAS, in 2018, the Kansas City Chiefs drafted Derrick Nnadi out of Florida State University with the third pick in the National Football League draft; and

WHEREAS, as a defensive tackle with the Kansas City Chiefs, Derrick Nnadi was instrumental to the team's stellar season and its historic Super Bowl win; and

WHEREAS, to celebrate his monumental victory, Derrick Nnadi generously committed to paying the adoption fees for every dog at a Kansas City Pet Project shelter in Kansas City, Missouri, deservedly earning praise from around the country; and

WHEREAS, Derrick Nnadi also supports valuable initiatives in Virginia Beach through his Derrick Nnadi Foundation, aiming to positively impact the lives of countless individuals; and

WHEREAS, in recognition of his remarkable professional achievement and selfless acts of charity, Derrick Nnadi was honored with a resolution by the Virginia Beach City Council that officially declared February 18 as Derrick Nnadi Day in the city; and

WHEREAS, through both his accomplishments on the gridiron and his service to the community, Derrick Nnadi is an admirable role model for young athletes and an inspiration to all; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Derrick Nnadi for winning the 2020 Super Bowl; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Derrick Nnadi as an expression of the General Assembly's admiration for his achievement and best wishes for his continued success.

SENATE JOINT RESOLUTION NO. 201

Commending the Hampden-Sydney College Student Senate.

Agreed to by the Senate, March 2, 2020

Agreed to by the House of Delegates, March 3, 2020

WHEREAS, for 100 years, the Hampden-Sydney College Student Senate has provided students with opportunities to develop leadership skills by representing their classmates as elected officials; and

WHEREAS, Hampden-Sydney College's student legislative body was originally known as the Students Council and was later renamed the Student Assembly; the name Student Senate was first used in 1974; and

WHEREAS, the Hampden-Sydney College Student Senate is composed of three senators from each graduating class who serve one-year terms; the Student Senate is one of several branches of the institution's proud tradition of student government; and

WHEREAS, the Hampden-Sydney College Student Senate provides important information to students, advocates for infrastructure improvements on campus, and boosts school spirit by hosting the annual Beat Macon Night; and

WHEREAS, distinguished former members of the Hampden-Sydney College Student Senate include the Honorable Robert Hurt and the Honorable Paul Tribble, both of whom represented the Commonwealth in the United States Congress; and

WHEREAS, the members of the Hampden-Sydney College Student Senate pride themselves on maintaining civil discourse and staying engaged with the needs of their constituents and strive to uphold the institution's mission "to form good men and good citizens in an atmosphere of sound learning"; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Hampden-Sydney College Student Senate on the occasion of its 100th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Hampden-Sydney College Student Senate as an expression of the General Assembly's admiration for the organization's contributions to the college community and success in developing young leaders.

SENATE JOINT RESOLUTION NO. 202

Commending the Division of Capitol Police, the Virginia Department of State Police, the Richmond Police Department, the Department of General Services, and the many other support units of the Unified Command.

Agreed to by the Senate, March 2, 2020

Agreed to by the House of Delegates, March 3, 2020

WHEREAS, the Division of Capitol Police, the Virginia Department of State Police, the Richmond Police Department, and the Department of General Services demonstrated a high degree of vigilance, dedication to duty, and professionalism while coordinating a Unified Command responding to the extraordinary crowd of participants at the Second Amendment rally on January 20, 2020; and

WHEREAS, the Division of Capitol Police coordinated with local, state, and national agencies to monitor critical intelligence in weeks prior, and to implement additional security measures to ensure safety and security in and around Capitol Square; and

WHEREAS, the event had an estimated attendance of 22,000 people, including 6,000 within Capitol Square and 16,000 in the surrounding area; and

WHEREAS, in addition to manning security checkpoints for Capitol Square, the Division of Capitol Police and other agencies maintained effective crowd control through temporary fencing, road closures, and increased law-enforcement presence in and around state office buildings to minimize disruption to state employees; and

WHEREAS, the members of the Unified Command helped mitigate a potentially volatile situation through extensive planning, careful preparation, and coordinated communications; and

WHEREAS, they were assisted in their endeavors by other first responders including the Richmond Fire Department, the Richmond Ambulance Authority, Virginia Commonwealth University Police, Virginia Commonwealth University Medical Center, the Federal Bureau of Investigation, the U.S. Secret Service, the U.S. Department of Homeland Security, the Virginia Department of Emergency Management, the York County Department of Fire and Life Safety, the Henrico County Police Division, the Henrico County Division of Fire, the Chesterfield County Police Department, and the Virginia Department of Corrections; and

WHEREAS, the members of the General Assembly and the state agencies in and around the Capitol Complex sincerely appreciate the hard work, dedication, and professionalism demonstrated by the members of the Division of Capitol Police, the Virginia Department of State Police, the Richmond Police Department, the Department of General Services, and their many partners on the response team as they maintained order, security, and overall smooth operations during this event and in the daily execution of their duties; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Division of Capitol Police, the Virginia Department of State Police, the Richmond Police Department, the Department of General Services, and the many other support units of the Unified Command for performance above and beyond the normal call of duty on January 20, 2020; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Colonel Anthony S. Pike, Chief of the Division of Capitol Police; Colonel Gary Settle, Superintendent of the Department of State Police; Chief William Smith, Chief of the Richmond Police Department; Joe Damico, Director of the Department of General Services; and each support unit of the Unified Command as an expression of the General Assembly's admiration for their enduring commitment to keeping Virginians safe every day.

SENATE JOINT RESOLUTION NO. 203

Celebrating the life of Beatrice Nicole Warren-Curtis.

Agreed to by the Senate, March 2, 2020

Agreed to by the House of Delegates, March 3, 2020

WHEREAS, Beatrice Nicole Warren-Curtis, a resident of Virginia Beach who brought joy to others through her kindness and grace, died on August 4, 2019; and

WHEREAS, Nicole Warren-Curtis grew up in Wilmington, Delaware, and attended Delcastle Technical High School, participating in the auto body program where she cultivated a love for automobile service and repair; and

WHEREAS, Nicole Warren-Curtis relocated to the Commonwealth where she graduated from Norfolk State University with a bachelor's degree in 2006 and pursued a career with Anthem Insurance; and

WHEREAS, Nicole Warren-Curtis was a caring and supportive friend who went out of her way to help others; she was well known for her infectious laugh and loving spirit; and

WHEREAS, Nicole Warren-Curtis will be fondly remembered and greatly missed by her mother, Nadine; her father, William; her brother, Mark; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Beatrice Nicole Warren-Curtis, a highly admired member of the Virginia Beach community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Beatrice Nicole Warren-Curtis as an expression of the General Assembly's respect for her memory.

SENATE JOINT RESOLUTION NO. 204

Celebrating the life of Monica E. Brickhouse.

Agreed to by the Senate, March 2, 2020

Agreed to by the House of Delegates, March 3, 2020

WHEREAS, Monica E. Brickhouse, a former resident of Hampton Roads who touched countless lives through her kindness and generosity, died on August 4, 2019; and

WHEREAS, a native of Springfield, Ohio, Monica Brickhouse graduated from Springfield South High School in 1998 and attended Clark State Community College; and

WHEREAS, Monica Brickhouse subsequently relocated to Hampton Roads, where she attended Tidewater Community College, then worked for Bank of America and Anthem, Inc.; and

WHEREAS, during her time in Hampton Roads, Monica Brickhouse enjoyed fellowship and worship with the congregation of Kingdom World Outreach Center in Virginia Beach; and

WHEREAS, despite having recently returned to Ohio, Monica Brickhouse maintained strong ties to the Commonwealth through friends and former coworkers; and

WHEREAS, a devoted wife, mother, and daughter, Monica Brickhouse will be fondly remembered and greatly missed by her husband, Anthony; her children, Anthony, Kevon, and Sanaa; her parents, Bonita and Dale Brim and Charles and Sissy Storey; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Monica E. Brickhouse; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Monica E. Brickhouse as an expression of the General Assembly's respect for her memory.

SENATE JOINT RESOLUTION NO. 205

Celebrating the life of Katherine Johnson.

Agreed to by the Senate, March 4, 2020

Agreed to by the House of Delegates, March 7, 2020

WHEREAS, Katherine Johnson, a National Aeronautics and Space Administration mathematician celebrated for her role in both breaking down racial barriers in the United States and pioneering manned flight in outer space, died on February 24, 2020; and

WHEREAS, born in White Sulphur Springs, West Virginia, where public education was not available to African Americans beyond the eighth grade, Katherine Johnson's family made great efforts to allow her to attend the historically black West Virginia State College, from which she graduated at the age of 18 with summa cum laude honors and degrees in mathematics and French; and

WHEREAS, Katherine Johnson was one of three students to first integrate the University of West Virginia's graduate programs, but she would leave academia after one semester to raise her family and later relocated to Newport News; and

WHEREAS, Katherine Johnson's role in the history of manned space flight began in 1953, when she joined the segregated West Area computing unit at the National Advisory Committee for Aeronautics' Langley Aeronautical Laboratory; her matchless talent was soon recognized and, in 1960, she became the first woman in the history of the flight research division to be credited as an author on one of its published reports; and

WHEREAS, responsible for computing rocket trajectories for the missions to outer space, Katherine Johnson's work was essential to the historic achievements of several astronauts, including Alan Shepherd, the first American to travel in space; John Glenn, the first American to orbit the earth; and Neil Armstrong and Buzz Aldrin, the first humans to land on the moon; and

WHEREAS, in recognition of her profound influence during the nascent days of the United States' space program and her contributions toward bringing an end to America's segregationist practices, Katherine Johnson was awarded the Presidential Medal of Freedom, the nation's highest civilian honor, by President Barack Obama in 2015; and

WHEREAS, Katherine Johnson's story was the subject of the 2016 major motion picture, *Hidden Figures*, garnering her long overdue acknowledgment and praise, as well as legions of fans and admirers inspired by her courageous and remarkable life; and

WHEREAS, in her later years, Katherine Johnson advocated for young women and men to pursue interests in science, math, and technology, serving as testament to the limitless accomplishments one can achieve through steadfast dedication and a passionate sense of purpose; and

WHEREAS, preceded in death by her first husband, James Goble; her second husband, James A. Johnson; and her daughter Connie, Katherine Johnson will be fondly remembered and dearly missed by her daughters, Joylette and Kathy, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Katherine Johnson, whose role in the history of the Commonwealth and the United States will long be remembered and cherished; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Katherine Johnson as an expression of the General Assembly's respect for her memory.

SENATE JOINT RESOLUTION NO. 206

Commending Lackey Clinic.

Agreed to by the Senate, March 4, 2020

Agreed to by the House of Delegates, March 7, 2020

WHEREAS, Lackey Clinic, a free clinic in York County serving thousands of patients each year from Williamsburg, James City County, York County, Poquoson, and Newport News, celebrates its 25th anniversary in 2020; and

WHEREAS, compelled by their faith to serve others, Jim and Cooka Shaw founded the Lackey Clinic in 1995 to provide medical care to economically disadvantaged members of the community; and

WHEREAS, the clinic initially operated one night a week out of a Sunday school room at the Rising Sun Baptist Church in Lackey, later moving to the Charles Brown Community Center as the clinic's population grew; and

WHEREAS, the Lackey Clinic ultimately moved into a new facility in 2003, which was expanded in 2013 to create a 10,000-square-foot clinic with 10 exam rooms, two group rooms for patient education, and five dental operating rooms; and

WHEREAS, with an emphasis on providing holistic care for its patients, Lackey Clinic offers various medical services onsite, including a pharmacy, a dental clinic, and chronic-care clinic for patients with diabetes, hypertension, asthma, and other ongoing conditions; and

WHEREAS, Lackey Clinic has been volunteer-driven from the beginning and today depends on over 400 volunteers, both with and without medical backgrounds, to handle the thousands of patients the clinic sees each year; and

WHEREAS, staffed in part by student volunteers pursuing medical careers at neighboring universities, Lackey Clinic plays a major role in training the next generation of health care providers in the region; and

WHEREAS, in recognition of its impact on the community, Lackey Clinic's founders, Jim and Cooka Shaw, were named *Daily Press* Citizens of the Year in 2007, while its volunteers were honored with the same award in 2016; and

WHEREAS, for its efforts to address systemic challenges facing the community, Lackey Clinic was also recipient of the 2019 Bank of America Neighborhood Builders Award, which will provide the clinic with a two-year, \$200,000 grant and leadership training to further its mission; and

WHEREAS, although Jim Shaw passed away in 2015, Lackey Clinic continues to live out the Shaws' vision of providing medical care to society's underprivileged individuals and families; what started as an evening clinic in a Sunday school room 25 years ago has grown into one of the area's leading medical facilities, a testament to the power of that vision; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Lackey Clinic, a free clinic operating in York County, on the occasion of its 25th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Larry M. Trumbore, Jr., executive director of Lackey Clinic, as an expression of the General Assembly's profound admiration for the clinic's efforts to care for residents of the Commonwealth in need.

SENATE JOINT RESOLUTION NO. 207

Commending Temple Beth El of Williamsburg.

Agreed to by the Senate, March 4, 2020

Agreed to by the House of Delegates, March 7, 2020

WHEREAS, Temple Beth El of Williamsburg, the only synagogue serving the city's Jewish community, celebrated its 60th anniversary in 2019; and

WHEREAS, Williamsburg did not have a synagogue until 1959, when Dr. Paul and Ethel Sternberg, seeking to provide the children of the city's growing Jewish community a place to develop their religious education and practice, founded Temple Beth El; and

WHEREAS, initially holding services in the chapel of the Wren Building on the campus of The College of William and Mary, the congregation would establish a dedicated space for worship in the late 1960s by relocating the building that formerly housed a colonial gift shop to the temple's current location on Jamestown Road; and

WHEREAS, the congregation of Temple Beth El continued to grow into the 1980s and regularly held fundraisers like hat sales, bake sales, dances, and art shows to support the temple and its activities; and

WHEREAS, serving more than 40 families by the early 1990s, Temple Beth El determined it was time to appoint its first rabbi; in 1994, the temple's former religious coordinator, Sylvia Scholnick, assumed the position, becoming the first female rabbi of a Hampton Roads congregation and one of the first female rabbis in the Commonwealth; and

WHEREAS, in the interest of inclusivity and to welcome all members of the Williamsburg Jewish community, Temple Beth El has maintained a nondenominational approach that is unaffiliated with any of the major movements in Judaism; and

WHEREAS, supporting the progressive havurah fellowship movement through some of its worship activities, Temple Beth El's services also include readings from the Conservative movement's prayer book, offering a spiritual practice that appeals to Jewish people of all creeds; and

WHEREAS, this approach, along with the increase in Williamsburg's Jewish population over the past two decades, has led more than 60 families to join Temple Beth El since Sylvia Scholnick became its rabbi 26 years ago; to accommodate this growing congregation, which now counts approximately 140 families as members, Temple Beth El expanded its synagogue in 2007; and

WHEREAS, for years, Temple Beth El has enjoyed a close relationship with The College of William and Mary; located across the street from the campus, the temple is easily accessible to students, while its current rabbi, David Katz, also works with the school's Jewish student organization, Balfour Hillel; and

WHEREAS, for 60 years, Temple Beth El has provided spiritual guidance, generous outreach, and opportunities for joyful worship to members of the Williamsburg Jewish community; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Temple Beth El of Williamsburg on the occasion of its 60th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Rabbi David Katz, spiritual leader of Temple Beth El of Williamsburg, as an expression of the General Assembly's admiration for the temple's history and its contributions to Williamsburg and the Commonwealth.

SENATE JOINT RESOLUTION NO. 208

Commending Dr. Jeffery O. Smith.

Agreed to by the Senate, March 4, 2020

Agreed to by the House of Delegates, March 7, 2020

WHEREAS, Dr. Jeffery O. Smith, Superintendent of Hampton City Schools, was named Virginia's 2019 Superintendent of the Year by the Virginia Association of School Superintendents; and

WHEREAS, already recognized as Virginia's Region II superintendent of the year last February, Jeffery Smith was selected for the statewide distinction by numerous stakeholders in the Commonwealth's education system, including the State Superintendent of Public Instruction and the Virginia Education Association; and

WHEREAS, prior to taking the helm of Hampton City Schools in 2015, Jeffery Smith had served as an education administrator with eight different Virginia school divisions, including King George, Hanover, and Westmoreland Counties, acquiring extensive and invaluable experience for the next stage in his career; and

WHEREAS, in the five years that Jeffery Smith has led Hampton City Schools, the state's 14th largest school division has gone from an accreditation rate below 50 percent to full accreditation, while graduation and dropout rates have also markedly improved; and

WHEREAS, Jeffery Smith is credited with the development of a PreK-16 pipeline that encourages students to acquire credits toward associate degrees while pursuing advanced high school diplomas; today, more than 300 students participate in the program, increasing their chances of academic success beyond high school; and

WHEREAS, as part of Jeffery Smith's five-year master plan, several high schools in the division initiated college and career academies, providing students with specialized instruction to develop applicable skills for various industries; and

WHEREAS, using a data-oriented approach as well as more traditional observational methods, Jeffery Smith introduced effective processes for teachers to receive constructive feedback on their instruction strategies and to improve their ability to serve their students; and

WHEREAS, as Virginia's nominee, Jeffery Smith was recognized as a finalist for the School Superintendents Association's 2020 National Superintendent of the Year award, distinguishing him as one of the best education administrators in the country; and

WHEREAS, Jeffery Smith's accomplishments are the result of his tireless hard work, insightful approaches to today's education challenges, and unflinching dedication to his students; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Dr. Jeffery O. Smith, superintendent of Hampton City Schools, for being named the 2019 Virginia Superintendent of the Year by the Virginia Association of School Superintendents; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Dr. Jeffery O. Smith as an expression of the General Assembly's profound admiration and respect for his contributions to Hampton and the Commonwealth.

SENATE JOINT RESOLUTION NO. 209

Commending Williamsburg Parent Cooperative Preschool.

Agreed to by the Senate, March 4, 2020

Agreed to by the House of Delegates, March 7, 2020

WHEREAS, Williamsburg Parent Cooperative Preschool, the only parent cooperative preschool in the Tidewater area, celebrated its 50th anniversary in 2019; and

WHEREAS, affectionately referred to as "Co-op," Williamsburg Parent Cooperative Preschool was founded by a group of parents in 1969; over the past half-century, the school has served thousands of families and today is one of the largest cooperative preschools in the Commonwealth; and

WHEREAS, housed in St. Martin's Episcopal Church for the past 40 years, Williamsburg Parent Cooperative Preschool is run by a parent board and is unique for the level of parental involvement in the day-to-day operations of the school; and

WHEREAS, parents of the children enrolled at Williamsburg Parent Cooperative Preschool generously volunteer in the classroom as aides multiple times a year, facilitating the work of the school's licensed professional teachers and fostering a collective sense of togetherness; and

WHEREAS, the Williamsburg Parent Cooperative Preschool model allows parents to interact with the school's children, teachers, and other parents in meaningful ways that are not always possible in the traditional preschool model; and

WHEREAS, with this experience of close community support and involvement, many parents who participate in Williamsburg Parent Cooperative Preschool later become leaders at their children's grade schools or in parent teacher associations; and

WHEREAS, by creating an interactive and lively learning environment, Williamsburg Parent Cooperative Preschool cultivates a love for learning in its students that will stay with them for the rest of their lives; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Williamsburg Parent Cooperative Preschool on the occasion of its 50th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Molly Gareis, director of Williamsburg Parent Cooperative Preschool, as an expression of the General Assembly's admiration for the school's history and its contributions to Williamsburg and the Commonwealth.

SENATE JOINT RESOLUTION NO. 210

Commending Cornerstones, Inc.

Agreed to by the Senate, March 4, 2020

Agreed to by the House of Delegates, March 7, 2020

WHEREAS, Cornerstones, Inc., a nonprofit organization promoting self-sufficiency by supporting and advocating for those in need of food, shelter, and other human services, celebrates its 50th anniversary in 2020; and

WHEREAS, founded in 1970 by six sponsoring religious organizations as the Reston Interfaith Housing Corporation, Cornerstones has long specialized in providing affordable housing and shelter to members of the community; and

WHEREAS, changing its name to Cornerstones in the 2010s, the organization today partners with a network of religious organizations, community leaders, donors, and volunteers to pursue its mission of providing stability, empowerment, and hope to its neighbors in need; and

WHEREAS, Cornerstones promotes stability in the community by limiting evictions, providing emergency shelter, protecting individuals from hypothermia and hyperthermia, offering food and other basic needs, and transitioning homeless individuals to permanent housing; and

WHEREAS, Cornerstones empowers members of its community by helping families become homeowners, assisting with care management, conducting citizenship courses, and providing affordable child care and before-school and after-school programs to working families; and

WHEREAS, the last pillar in Cornerstones' mission, hope, is fostered by Cornerstones' tremendous advocacy network that works to ensure adequate affordable housing, better conditions for children and families, a living wage for local workers, and racial and social equity; and

WHEREAS, in its last fiscal year, Cornerstones served 15,776 individuals, including 2,576 families and 5,373 children, making it one of the most impactful charitable organizations in Fairfax County; and

WHEREAS, Cornerstones' accomplishments were made possible by the thousands of volunteers who facilitate its programs and activities each year, as well as the dozens of corporate partners and faith-based community organizations that provide essential financial and programmatic support; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Cornerstones, Inc., a comprehensive service organization dedicated to supporting individuals and families in need, on the occasion of its 50th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Kerrie B. Wilson, chief executive officer of Cornerstones, Inc., as an expression of the General Assembly's profound admiration for the organization's service on behalf of Fairfax County and the Commonwealth.

SENATE JOINT RESOLUTION NO. 212

Commending the Prince William County Police Department.

Agreed to by the Senate, March 4, 2020

Agreed to by the House of Delegates, March 7, 2020

WHEREAS, the Prince William County Police Department celebrates its 50th anniversary of service to the community in 2020; and

WHEREAS, founded on July 1, 1970, with fewer than 50 staff members, today, the Prince William County Police Department is staffed by 686 sworn officers and more than 100 civilians; and

WHEREAS, the Prince William County Police Department is composed of four police divisions and 14 bureaus, providing a diversity of specialized services to the citizens of Prince William County and enabling the department to be prepared for any scenario; and

WHEREAS, protecting a jurisdiction with more than 450,000 residents, the Prince William County Police Department consistently receives high marks from the community it serves; and

WHEREAS, to ensure all of its officers conduct themselves with the values of honor, professionalism, integrity, and equality that the department upholds, the Prince William County Police Department has its own Criminal Justice Academy to train new recruits; and

WHEREAS, the Prince William County Police Department excels at accomplishing its mission to protect and serve Prince William County by fostering cooperation and respect across the community; and

WHEREAS, due to the effort and dedication of every member of the Prince William County Police Department, Prince William County is a safe and welcoming place to live, work, and play; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Prince William County Police Department for 50 years of service ensuring the safety and protection of the Prince William County community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Colonel Barry M. Barnard, Chief of Police of the Prince William County Police Department, as an expression of the General Assembly's wholehearted appreciation for the department's contributions to Prince William County and the Commonwealth.

SENATE JOINT RESOLUTION NO. 213

Commending Signal Hill Elementary School.

Agreed to by the Senate, March 4, 2020

Agreed to by the House of Delegates, March 7, 2020

WHEREAS, Signal Hill Elementary School, an outstanding public primary school in Prince William County, has served the community for 20 years; and

WHEREAS, established in 2000, Signal Hill Elementary School was built to replace the former Parkside Elementary School; and

WHEREAS, Signal Hill Elementary School is a "Leader in Me School" that uses a comprehensive program based on the book *The 7 Habits of Highly Effective People* to empower students with the leadership and life skills they need to succeed in and out of the classroom; and

WHEREAS, Signal Hill Elementary School is committed to academic excellence by setting high standards for learners while also fostering a school-wide sense of community and safety; the school builds strong partnerships with parents and families by offering activities for them to stay involved in their child's education; and

WHEREAS, as a world language school, Signal Hill Elementary School teaches French to students in grades one through five; and

WHEREAS, Signal Hill Elementary School has fulfilled its mission through the hard work of its students and the dedication of its faculty and staff members; many original staff members are still proudly serving at the school, including the cafeteria manager, Gloria Baggette; and

WHEREAS, outgoing fifth-grade students have the opportunity to "leave their mark" on the hallways of Signal Hill Elementary School by personalizing a tile, and many students return to find their tiles and reminisce about their time at Signal Hill; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Signal Hill Elementary School on the occasion of its 20th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Signal Hill Elementary School as an expression of the General Assembly's admiration for its contributions to the Prince William County community.

SENATE JOINT RESOLUTION NO. 214

Commending the Governor's School @ Innovation Park.

Agreed to by the Senate, March 4, 2020

Agreed to by the House of Delegates, March 7, 2020

WHEREAS, for 10 years, the Governor's School @ Innovation Park has provided public school students from Prince William County and the Cities of Manassas and Manassas Park with opportunities for advanced learning in science, technology, engineering, and mathematics; and

WHEREAS, established in 2010 as Virginia's 19th partial-day academic year Governor's School program, the Governor's School @ Innovation Park is led by a joint board with representatives from Manassas City Public Schools, Manassas Park City Public Schools, Prince William County Public Schools, and George Mason University; and

WHEREAS, the Governor's School @ Innovation Park provides a two-year shared-day program to 118 gifted and academically motivated students from 14 high schools in the three participating school divisions; and

WHEREAS, the Governor's School @ Innovation Park is housed on George Mason University's SciTech Campus, located in western Prince William County, and it is the only Governor's School located on a four-year college campus; and

WHEREAS, most courses at the Governor's School @ Innovation Park are offered for college credit through dual enrollment with George Mason University; throughout its history, the school has maintained 100 percent college acceptance for graduating seniors; and

WHEREAS, multiple teams of students from the Governor's School @ Innovation Park have demonstrated their knowledge by participating in the International Science and Engineering Fair over the last 10 years; and

WHEREAS, the Governor's School @ Innovation Park has earned numerous local, state, and national awards for the achievements of its student body, and a member of its hardworking faculty received a national teaching award; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Governor's School @ Innovation Park on the occasion of its 10th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Governor's School @ Innovation Park as an expression of the General Assembly's admiration for its contributions to students in Prince William County and the Cities of Manassas and Manassas Park.

SENATE JOINT RESOLUTION NO. 215

Celebrating the life of Charles Calvin Singleton.

Agreed to by the Senate, March 4, 2020

Agreed to by the House of Delegates, March 7, 2020

WHEREAS, Charles Calvin Singleton, an honorable veteran, dedicated firefighter, valued civil servant, and beloved member of the Vienna and Ebony communities, died on January 9, 2020; and

WHEREAS, Charles Singleton bravely served his country with the United States Army in Austria during World War II and in Korea during the Korean War; and

WHEREAS, shortly after concluding his service, Charles Singleton began a career with C&P Telephone Company, where he worked for 32 years, retiring in 1981; and

WHEREAS, a great passion of Charles Singleton's life was serving the volunteer fire department in his communities; he joined the Vienna Volunteer Fire Department in 1952, which he served until moving to Ebony in 1981, at which point he joined the Ebony Volunteer Fire Department, where he would serve the rest of his life, including as chief for 14 years; and

WHEREAS, inducted into the Virginia State Firefighters Association Hall of Fame in 1994, Charles Singleton received many distinctions for his service as a firefighter through the years, including the President's Award from the Virginia State Fire Chiefs Association and the Lifetime Achievement Award from the National Volunteer Fire Council; and

WHEREAS, in 2005, Charles Singleton was appointed by the Amherst County Board of Supervisors to serve as the chair of the county's Emergency Services Council, a position he carried out dutifully for many years; and

WHEREAS, for almost four decades, Charles Singleton advocated tirelessly on behalf of the firefighting community before the General Assembly and the United States Congress as a leader of the Virginia State Firefighters Association's legislative committee; and

WHEREAS, Charles Singleton will be fondly remembered and dearly missed by his loving wife of 53 years, Viola; his children, Carolyn, Joyce, and Ron, and their families; and numerous other family members and friends; now, therefore, be it RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Charles Calvin Singleton, who touched countless lives as a firefighter, civil servant, and friend; and, be it RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Charles Calvin Singleton as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 216

Commending the Roman Catholic Diocese of Richmond.

Agreed to by the Senate, March 5, 2020

Agreed to by the House of Delegates, March 7, 2020

WHEREAS, the Roman Catholic Diocese of Richmond, one of the oldest Catholic dioceses in the United States, has united and provided spiritual leadership for the Catholic community in central and southern Virginia for 200 years; and

WHEREAS, among the first Catholics to arrive in Virginia were a group of Spanish Jesuits who settled near present-day Williamsburg in the early 1570s; the first organized Catholic communities did not take shape until 1794, however, due to an official prohibition against Catholicism and many other factors; and

WHEREAS, Pope Pius VII formed the Roman Catholic Diocese of Richmond, the seventh diocese in the United States, on July 11, 1820, to unify the Catholic population in central and southern Virginia and help the community thrive; and

WHEREAS, for much of its early history, the parishes of the Roman Catholic Diocese of Richmond were small, geographically isolated, and poor, but advancements in transportation and contributions from diverse immigrant groups led to growth; and

WHEREAS, after the American Civil War, the Roman Catholic Diocese of Richmond welcomed many formerly enslaved people and established new parishes to serve African American communities; the expansion of the federal government and the military during World War I, World War II, and the Cold War also led to an increase in the Catholic population in Northern Virginia and Hampton Roads; and

WHEREAS, while the Roman Catholic Diocese of Arlington was formed from part of the Roman Catholic Diocese of Richmond in 1974, the Richmond diocese still covers a vast area, representing more than 200,000 Catholics in the Richmond area, Hampton Roads, and the Eastern Shore; and

WHEREAS, members of the Roman Catholic Diocese of Richmond have contributed to many different career fields, served the nation in the military, made generous donations of time and treasure to charitable causes, and become recognized leaders in their communities; the success of the diocese is a testament to the power of faith, perseverance, and commitment to improving society; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Roman Catholic Diocese of Richmond on the occasion of its 200th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Roman Catholic Diocese of Richmond as an expression of the General Assembly's admiration for its legacy of contributions to the Catholic community in Virginia.

SENATE JOINT RESOLUTION NO. 217

Commending the Turning Point Suffragist Memorial Association.

Agreed to by the Senate, March 4, 2020

Agreed to by the House of Delegates, March 7, 2020

WHEREAS, the Turning Point Suffragist Memorial in Fairfax County will be dedicated by the Turning Point Suffragist Memorial Association on August 26, 2020, in honor of the individuals who fought for the Nineteenth Amendment to the United States Constitution and women's right to vote; and

WHEREAS, the Turning Point Suffragist Memorial Association seeks to educate, inspire, and empower present and future generations so that they remain dedicated to the pursuit of liberty, freedom, and equal rights; and

WHEREAS, the Turning Point Suffragist Memorial will raise awareness of the centennial anniversary of the passage of the Nineteenth Amendment and the many suffrage events and names that are part of the movement's history; and

WHEREAS, the Turning Point Suffragist Memorial originated in 2008, when the Northern Virginia Regional Park Authority, now NOVA Parks, offered the League of Women Voters of the Fairfax Area land for a suffrage memorial at Occoquan Regional Park in Fairfax County; and

WHEREAS, the Turning Point Suffragist Memorial will be built in Occoquan Regional Park because it contains part of the historic prison grounds where the infamous Occoquan Workhouse was located; and

WHEREAS, in the years leading up to passage of the Nineteenth Amendment, scores of suffragists, known as "Silent Sentinels" for their steadfast activism outside of the White House, were unjustly imprisoned at the Occoquan Workhouse, where they were subjected to grossly inhumane conditions and treatment; and

WHEREAS, when news of the Occoquan Workhouse reached the public, it galvanized interest in women's right to vote and became a "turning point" in the movement, an historic moment that is the inspiration for the Turning Point Suffragist Memorial; and

WHEREAS, unlike other heroes in the nation's struggle for freedom, no national monument celebrating the Occoquan Workhouse suffragists' extraordinary contributions to Virginia history has been established, a shortcoming the Turning Point Suffragist Memorial Association aims to address; and

WHEREAS, to tell the story of the many women who suffered at the Occoquan Workhouse for the right to vote, 19 education stations within the Turning Point Suffragist Memorial will recount the 72-year history of the suffrage movement, this decisive chapter, and other overlooked stories, such as the contributions of African American and Jewish leaders to the cause; and

WHEREAS, with the suffragists as role models and in conjunction with the Turning Point Suffragist Memorial Association, the Turning Point Institute will cultivate leadership and civic skills through a range of youth programs, including interactive presentations, webinars, camps, and mentorships; and

WHEREAS, by establishing a memorial that will educate future Virginians about the injustices of the past and inspire them to correct the inequities of the present, the Turning Point Suffragist Memorial Association has provided an invaluable service to the Commonwealth; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Turning Point Suffragist Memorial Association for its dedication of the Turning Point Suffragist Memorial; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Turning Point Suffragist Memorial Association as an expression of the General Assembly's profound respect and admiration for the organization's efforts to educate the public about the suffrage movement and its role in the history of the Commonwealth.

SENATE JOINT RESOLUTION NO. 218

Commending Kimberly Wilson.

Agreed to by the Senate, March 4, 2020

Agreed to by the House of Delegates, March 7, 2020

WHEREAS, Kimberly Wilson, a teacher at T.C. Williams High School in Alexandria, was named the Association for Career and Technical Education's 2019 National Teacher of the Year; and

WHEREAS, the Association for Career and Technical Education's award recognizes teachers who further career and technical education at the middle and secondary school levels through innovation in the classroom, commitment to the students, and dedication to the community; and

WHEREAS, Kimberly Wilson earned a bachelor's degree in family and consumer sciences with a minor in business from Virginia State University and later, after beginning her teaching career, received a master's degree in family and consumer sciences from Virginia Polytechnic Institute and State University; and

WHEREAS, for the past 28 years, Kimberly Wilson has served students and families of Alexandria City Public Schools (ACPS), first at Francis C. Hammond Middle School and, most recently, for nine years at T.C. Williams High School; and

WHEREAS, Kimberly Wilson currently teaches courses, such as "Early Childhood Education" and "Virginia Teachers for Tomorrow," designed for students who are interested in pursuing careers in education; in addition to teaching at T.C. Williams High School, Kimberly Wilson is also a mentor coordinator for new teachers in her building; and

WHEREAS, Kimberly Wilson has inspired graduates to dedicate their careers to teaching with ACPS and assisted them along the way, setting up more than 100 placements in internships, field assignments, and full-time jobs for those who have earned their Childhood Development Associate Credential through her class; and

WHEREAS, affectionately known to students as "Momma Wilson," Kimberly Wilson teaches with the mentality that her students come first and foremost, emphasizing their potential to succeed no matter what their prior experiences may be; and

WHEREAS, by cultivating her students' ambitions through engaging and transformative lessons and preparing the next generation of educators in the Commonwealth, Kimberly Wilson has touched the lives of countless individuals and families; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Kimberly Wilson, longtime educator with Alexandria City Public Schools, for being named the Association for Career and Technical Education's 2019 National Teacher of the Year; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Kimberly Wilson as an expression of the General Assembly's wholehearted admiration and respect for her contributions to Alexandria and the Commonwealth.

SENATE JOINT RESOLUTION NO. 219

Celebrating the life of Herman Boone.

Agreed to by the Senate, March 4, 2020

Agreed to by the House of Delegates, March 7, 2020

WHEREAS, Herman Boone, a legend in Virginia sports who was immortalized in the feature film *Remember the Titans* for his role as head coach of the T.C. Williams High School football team, died on December 18, 2019; and

WHEREAS, Herman Boone was born in North Carolina and earned bachelor's and master's degrees from North Carolina Central University; he began his career in education in 1958 at Luther H. Foster High School in Blackstone, Virginia, where he also coached football, basketball, and baseball; and

WHEREAS, in 1961, Herman Boone returned to North Carolina as an assistant coach of the E.J. Hayes High School football team; he helped lead the team 99-8 record over the course of nine years, but he resigned after he was denied the position of head coach due to his race; and

WHEREAS, Herman Boone subsequently became the first black football head coach in Northern Virginia in 1971, after Alexandria City Public Schools consolidated students from a predominately white school and a predominately black school into T.C. Williams High School; and

WHEREAS, during a two-week preseason training camp, Herman Boone challenged his players to achieve greatness through his dynamic coaching style and emphasis on hard work and discipline while striving to also build trust and camaraderie between all members of the team; and

WHEREAS, Herman Boone's leadership paid off with an undefeated season that year; the T.C. Williams Titans recorded nine shutouts in 13 games, including a 27-0 state championship victory over Andrew Lewis High School of Salem; and

WHEREAS, during a time of intense racial strife, Herman Boone and the T.C. Williams Titans served as a unifying force for the City of Alexandria and the Commonwealth, and after the premiere of *Remember the Titans* in 2000, he became a football icon throughout the nation; and

WHEREAS, even after his retirement, Herman Boone remained a mentor and a father figure to many of his former players, in whom he instilled a lifelong appreciation for the importance of responsibility, respect, and punctuality; and

WHEREAS, predeceased by his wife of 57 years, Carol, and a daughter, Donna, Herman Boone will be fondly remembered and greatly missed by his daughters, Sharon and Monica, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Herman Boone; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Herman Boone as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 220

Celebrating the life of William Riley Yoast.

Agreed to by the Senate, March 4, 2020

Agreed to by the House of Delegates, March 7, 2020

WHEREAS, William Riley Yoast, a legend in Virginia sports whose achievements were immortalized in the feature film *Remember the Titans*, died on May 23, 2019; and

WHEREAS, a native of Florence, Alabama, William "Bill" Yoast graduated from Coffee High School and served his country during World War II as a member of the United States Army Air Corps; and

WHEREAS, Bill Yoast continued his education at Georgia Military College, Mercer University, and Peabody College of Education and Human Development and pursued a long and fulfilling career as a high school teacher and coach; and

WHEREAS, Bill Yoast relocated to Virginia from Georgia in 1960 and led the Francis C. Hammond High School Admirals to a regional championship in 1969 as head coach of the football team; and

WHEREAS, in 1971, Bill Yoast joined T.C. Williams High School, which had recently consolidated white and black students from two other Alexandria schools, as defensive coordinator of the football team; he helped lead the Titans to nine shutouts in 13 games, including a 27-0 state championship victory over Andrew Lewis High School of Salem; and

WHEREAS, during a time of intense racial strife, Bill Yoast and the T.C. Williams Titans served as a unifying force for the City of Alexandria and the Commonwealth, and after the premiere of *Remember the Titans* in 2000, he became a football icon throughout the nation; and

WHEREAS, Bill Yoast continued to coach track and field and teach physical education and driver education until 1990, and he coached football until 1996; he enjoyed retirement in Bethany Beach, Delaware, where he was an active member of the community and relished opportunities to teach his grandchildren the art of fishing; and

WHEREAS, in 2014, Bill Yoast returned to the Commonwealth to be closer to his family and resided in Northern Virginia; he remained in close contact with his former students, serving as a trusted mentor until the time of his passing; and

WHEREAS, predeceased by two daughters, Sheryl and Bonnie, Bill Yoast will be fondly remembered and greatly missed by his daughters, Susan, Angie, and Dee Dee, and their families; his former wife, Betty; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of William Riley Yoast; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of William Riley Yoast as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 221

Commending Shirley Morrow Marshall.

Agreed to by the Senate, March 4, 2020

Agreed to by the House of Delegates, March 7, 2020

WHEREAS, Shirley Morrow Marshall of Alexandria celebrated her 100th birthday on September 26, 2019; and

WHEREAS, Shirley Morrow was born in Middletown Township, New Jersey, the youngest of the three children of Annabel Frost and John Morrow; and

WHEREAS, after graduating from high school, Shirley Morrow worked as a dental assistant for the town dentist and volunteered for the United Service Organizations during World War II; and

WHEREAS, during this time, Shirley Morrow met Donald Marshall, a serviceman whom she would later marry; and

WHEREAS, Shirley Morrow Marshall became a military spouse and the matriarch of a large family, raising four children and six grandchildren in Northern Virginia; and

WHEREAS, Shirley Morrow Marshall volunteered for the Veterans Administration during the Vietnam War and later for the American Red Cross; and

WHEREAS, Shirley Morrow Marshall has had a lifetime commitment to promoting the conservation of wildlife and the environment; and

WHEREAS, at the age of 100, Shirley Morrow Marshall continues to knit caps and scarves for people experiencing homelessness and to vote in every local, state, and federal election; and

WHEREAS, over her lifetime, Shirley Morrow Marshall has seen war, peace, and dramatic social change and has adjusted and taken every opportunity to help those around her feel both comfortable and welcome; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Shirley Morrow Marshall on the occasion of her 100th birthday; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Shirley Morrow Marshall as an expression of the General Assembly's congratulations and admiration for her long and full life.

SENATE JOINT RESOLUTION NO. 222

Commending Noah Lyles.

Agreed to by the Senate, March 4, 2020

Agreed to by the House of Delegates, March 7, 2020

WHEREAS, Noah Lyles, a track and field star from Alexandria, was named the U.S. Men's Athlete of the Year by *Track and Field News* in 2019; and

WHEREAS, born in Gainesville, Florida, and raised in Alexandria, Noah Lyles attended T.C. Williams High School and trained at the school's Parker-Gray Memorial Stadium, where he started on his path toward becoming the fastest man in the world; and

WHEREAS, Noah Lyles' promising future was evident with wins in several major international youth competitions, including the 2014 Summer Youth Olympics and the 2015 Pan American U20 Athletics Championships; and

WHEREAS, shortly after graduating in 2016, Noah Lyles remarkably placed fourth in the 200-meter race at the U.S. Olympic Trials, breaking a national high school record that had previously stood for 31 years; and

WHEREAS, Noah Lyles next great accomplishment came as a professional sprinter at the 2017 USA Indoor Track and Field Championships, where he won his first senior national title with a time of 31.87 in the 300-meter race, a new world record; and

WHEREAS, limited by injury for much of the 2017 season, Noah Lyles nonetheless rallied to compete in the final race of the year, defeating the reigning world champion to claim the International Association of Athletics Federations (IAAF) Diamond League overall title in the 200-meter event; and

WHEREAS, Noah Lyles has since claimed three more IAAF Diamond League championship trophies, a feat that has never been accomplished before; when he won the 100-meter event at the 2019 IAAF Diamond League Championship, he also became the first person to hold IAAF Diamond League titles in both the 100-meter and 200-meter events; and

WHEREAS, in July 2019, Noah Lyles ran his personal best in the 200-meter race with a time of 19.50, making him the fourth fastest man in history in the event; he carried this dominance into the 2019 IAAF World Track and Field Championships, winning the 200-meter race with a time of 19.83, the fastest time by any runner in the event that year; and

WHEREAS, on several occasions, Noah Lyles has demonstrated his appreciation for the T.C. Williams High School track and field team and the role it played in his development as an athlete; in 2017, he gifted the team new warm-up apparel prior to a state competition; and, two years later, presented it with one of his IAAF Diamond League trophies; and

WHEREAS, in addition to the *Track and Field News* honors, Noah Lyles received the 2018 Jesse Owens Award, the highest accolade presented by USA Track & Field, while this past year *Athletics Weekly* ranked him first in the world in the 200-meter race and second in the 100-meter race; and

WHEREAS, Noah Lyles accomplishments are the result of his relentless hard work, world-class talent, and matchless determination, making him an inspiration for young athletes throughout the Commonwealth; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Noah Lyles, a champion sprinter from Alexandria, on the occasion of his distinction as the 2019 *Track and Field News* U.S. Men's Athlete of the Year; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Noah Lyles as an expression of the General Assembly's admiration for his achievements and best wishes for his continued success.

SENATE JOINT RESOLUTION NO. 223

Celebrating the life of the Honorable Albert Vickers Bryan, Jr.

Agreed to by the Senate, March 4, 2020

Agreed to by the House of Delegates, March 7, 2020

WHEREAS, the Honorable Albert Vickers Bryan, Jr., a senior judge and former chief judge of the United States District Court for the Eastern District of Virginia who made many contributions to jurisprudence over the course of his long career, died on August 27, 2019; and

WHEREAS, a native of Alexandria, Albert Bryan attended George Washington High School and Virginia Military Institute; he served his country as a member of the United States Marine Corps Reserve before graduating from the University of Virginia School of Law; and

WHEREAS, Albert Bryan practiced law in Alexandria until he was appointed to the Fairfax Circuit Court, where he presided with great fairness and wisdom from 1962 to 1971; and

WHEREAS, Albert Bryan followed in the footsteps of his father as a federal judge when he was nominated by President Richard Nixon to serve on the United States District Court for the Eastern District of Virginia and subsequently confirmed by the United States Senate in 1971; and

WHEREAS, known for his efficiency and professionalism, Albert Bryan was selected as chief judge in 1985; he helped the Eastern District Court of Virginia earn national renown as the "rocket docket" for the speed with which it brought civil and criminal cases to trial, and the court bears many hallmarks of his influential leadership to this day; and

WHEREAS, among his many high-profile cases, Albert Bryan oversaw the trial of former presidential candidate Lyndon LaRouche and issued important decisions related to women's health care under Medicaid and discriminatory hiring practices against African Americans and women; and

WHEREAS, Albert Bryan's ruling in *Harvey v. Horan* led to the passage of the Innocence Protection Act, which ensures that convicted offenders have an opportunity to request DNA testing on evidence in the government's possession; and

WHEREAS, Albert Bryan became a senior judge of the Eastern District Court of Virginia in 1991 and served in that capacity until the time of his passing; and

WHEREAS, predeceased by his wife, Marilyn, and a son, Albert III, Albert Bryan will be fondly remembered and greatly missed by his children, Marie, John, and Vickers, and their families; and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of the Honorable Albert Vickers Bryan, Jr., a respected senior judge and former chief judge of the United States District Court for the Eastern District of Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of the Honorable Albert Vickers Bryan, Jr., as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 224

Commending Standing for Tomorrow.

Agreed to by the Senate, March 4, 2020

Agreed to by the House of Delegates, March 7, 2020

WHEREAS, Standing for Tomorrow, a group of student-activists committed to identifying and advocating for mold remediation in schools throughout the Commonwealth, has made great strides bringing attention to this important issue in recent years; and

WHEREAS, Standing for Tomorrow includes Bridget Baron, Ben Delnegro, Zachary Harris, Veronica Holguin, Lillian Wagner, and Chloe Yokitis, students of George Washington Middle School in Alexandria, who began studying the problem of mold in schools for their annual science fair project; and

WHEREAS, the Standing for Tomorrow science fair team won first prize at the school, city, and regional levels, impressing judges with their presentation of the data and research they had collected; and

WHEREAS, Standing for Tomorrow went to great lengths to incorporate expert opinion into their study, which inspired the group to pursue legislation to protect students from mold exposure in their schools; and

WHEREAS, sharing their research on the presence of mold in Virginia schools and the negative health impacts this can cause, Standing for Tomorrow created a petition that garnered over 2,000 signatures from local citizens and gained the support of several important stakeholders and policymakers; and

WHEREAS, after presenting before the Alexandria City School Board, Standing for Tomorrow was featured in *The Washington Post*, bringing great recognition to their cause and bolstering their efforts to eradicate mold from state schools; and

WHEREAS, members of Standing for Tomorrow testified convincingly before the Public Education Subcommittee of the Senate Committee on Education and Health, leading to broad support for legislation that would address the mold issue in schools throughout the Commonwealth; and

WHEREAS, through hard work and dedication, the students of Standing for Tomorrow have helped make Virginia schools healthier and safer for countless students and teachers; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Standing for Tomorrow for its meaningful advocacy to remediate mold in Virginia schools; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Standing for Tomorrow as an expression of the General Assembly's admiration for the group's service to the Commonwealth and best wishes for its continued success.

SENATE JOINT RESOLUTION NO. 227

Celebrating the life of James N. Crumbley.

Agreed to by the Senate, March 4, 2020

Agreed to by the House of Delegates, March 7, 2020

WHEREAS, James N. Crumbley, an esteemed veteran and longtime leader of the Port of Virginia and Virginia International Terminals, died on December 6, 2019; and

WHEREAS, James "Jim" Crumbley served in the United States Navy with distinction during World War II as a crew member of a destroyer and was involved in many actions, including the significant Battle of Savo Island in the South Pacific in 1942, demonstrating courage and commitment to the defense of the United States; and

WHEREAS, Jim Crumbley came to Norfolk from the Port of New Orleans in 1949 to work as the assistant general manager of the Norfolk Port and Industrial Authority, moving up to the position of general manager in 1966; and

WHEREAS, in 1952, Jim Crumbley had the vision to form the Hampton Roads Foreign Commerce Club, now the Hampton Roads Global Commerce Council, and to create the Commerce Builder Award that is presented at the Virginia Chamber of Commerce's annual Virginia Conference on World Trade to foster international trade in Virginia; and

WHEREAS, Jim Crumbley innovated port operations by incorporating the new concept of handling ships' cargo by containers and container cranes in the 1950s and 1960s; he also facilitated the unification of Hampton Roads' ports and became the general manager of the Virginia International Terminals in 1972, managing the unified ports; and

WHEREAS, from the time he took over as general manager until his retirement in 1987, Jim Crumbley helped the Port of Virginia prosper; his vision and determination unified the port and served the Commonwealth and its citizens by ensuring for generations that the Port of Virginia would be one of the most prosperous and competitive in the United States; and

WHEREAS, throughout his service to the Commonwealth, Jim Crumbley was deeply involved in the development of the commerce and facilities of the Port of Virginia and gave the Commonwealth the benefit of his wisdom and experience; and

WHEREAS, Jim Crumbley was a truly farsighted proponent of intermodal transport in the 1960s, initiating the planning for and the development of a new modern airport passenger terminal, related facilities improvements, and the operational structure that was completed in 1974, all of which have been great successes over the past 50 years; and

WHEREAS, Jim Crumbley served with distinction as a commissioner on the Norfolk Airport Authority and as its chair for a number of years, overseeing the significant expansion of the Norfolk Airport into an international terminal; and

WHEREAS, Jim Crumbley's vision of a robust education program dedicated to the fields of maritime transportation and supply chain logistics was instrumental in establishing the Old Dominion University International Maritime (Ports & Logistics) Institute and its Advisory Council; and

WHEREAS, from 1991 to 2001, Jim Crumbley served as chair of the Old Dominion University International Maritime (Ports & Logistics) Institute Advisory Council, and his wise counsel, guidance, and leadership over a period of years greatly benefited the institution's students and faculty; and

WHEREAS, Jim Crumbley will be fondly remembered and greatly missed by his children, Eddie and Harriet, and their families; as well as numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of James N. Crumbley, an outstanding civil servant and true gentleman who was committed to making Hampton Roads a world-class location for business in both Virginia and the United States; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare copies of this resolution for presentation to the family of James N. Crumbley and the Virginia Port Authority as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 228

Commending King George County.

Agreed to by the Senate, March 4, 2020

Agreed to by the House of Delegates, March 7, 2020

WHEREAS, King George County, which was established via charter in November 1720, will celebrate its 300th anniversary in 2020; and

WHEREAS, King George County serves as the natural land gateway to the Northern Neck of Virginia; bordered by the Potomac and Rappahannock Rivers and serving as a natural border between Virginia and Maryland, King George County has long functioned as a focal point for commerce and trade both nationally and internationally; and

WHEREAS, King George County has featured prominently in the history of the nation; it was the birthplace of James Madison, the childhood home of George Washington, the location of land owned by James Monroe, and the site of the signing of the Leedstown Resolutions, which served as the precursor to the Declaration of Independence; and

WHEREAS, King George County is home to more than 14 sites listed on the National Register of Historic Places, including historic homes such as Belle Grove, Cleydael, Marmion, and Nanzatico and historic churches such as Emmanuel Church, Lamb's Creek Church, and St. Paul's Church; and

WHEREAS, for over 100 years, King George County has served as the home of Naval Support Facility Dahlgren, one of the country's preeminent military research and development centers; named in honor of Rear Admiral John Adolphus Dahlgren; what began as a gun test facility in 1918 has grown over the years to support numerous scientific and response-force missions serving all branches of the United States Armed Forces; and

WHEREAS, King George County has long strived to provide its young people with first-rate educational opportunities and has endeavored to promote the growth of business and industry within the county and the Commonwealth; and

WHEREAS, the King George County Board of Supervisors celebrated November 15, 2019, as King George County Founders' Day to honor the county's rich local history and this momentous occasion; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend King George County on the occasion of the 300th anniversary of its founding; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the King George County Board of Supervisors as an expression of the General Assembly's respect and admiration for King George County's history and its contributions to the Commonwealth.

SENATE JOINT RESOLUTION NO. 229

Commending Charles Jones.

Agreed to by the Senate, March 4, 2020

Agreed to by the House of Delegates, March 7, 2020

WHEREAS, Charles Jones, born and raised in the Northern Neck, was first elected to the Northern Neck Soil and Water Conservation District in 2011 as a district director representing Westmoreland County and served as vice chairman of his local board; and

WHEREAS, Charles "Chip" Jones took on leadership roles serving the Virginia Association of Soil and Water Conservation Districts (VASWCD) as an Executive Board member; he held the role of second vice president and first vice president before becoming VASWCD president in 2019; and

WHEREAS, during his term as president, Chip Jones served with distinction, leading the VASWCD to increase its outreach and advocacy work, including the representation of Virginia's Soil and Water Conservation Districts on the Local Government Advisory Committee to the Chesapeake Bay Advisory Council; and

WHEREAS, Chip Jones received the Wilkinson Award, the highest honor awarded by the VASWCD, for his unselfish and dedicated acts and services that have furthered the conservation efforts of Virginia's Soil and Water Conservation Districts and the VASWCD; and

WHEREAS, Chip Jones continues to highlight the work of the Commonwealth's conservation initiatives by serving in a leadership role for the VASWCD's nonprofit arm, the VASWCD Educational Foundation; and

WHEREAS, Chip Jones has expressed a deep appreciation and passion for community conservation, having also given his time to the Northern Neck Land Conservancy and the Northern Neck Farm Museum; and

WHEREAS, Chip Jones served as the farm manager and grist mill operator at Stratford Hall in Westmoreland County, promoting the farming and conservation heritage of the Northern Neck; and

WHEREAS, Chip Jones has provided exemplary service not only to conservation initiatives in Virginia but also to the nation, having served in the Virginia National Guard since 2001, including two deployments to Iraq, and risen to the rank of staff sergeant; and

WHEREAS, as an unpaid volunteer district director and past president of the VASWCD, Chip Jones embraced the mission of Virginia's Soil and Water Conservation Districts by providing and promoting leadership in the conservation of natural resources; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Charles Jones on his exemplary service and dedication to Virginia's Soil and Water Conservation Districts; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Charles Jones as an expression of the General Assembly's appreciation for his public service and professionalism.

SENATE JOINT RESOLUTION NO. 230

Celebrating the life of Robert Allen Garland.

Agreed to by the Senate, March 4, 2020

Agreed to by the House of Delegates, March 7, 2020

WHEREAS, Robert Allen Garland, an esteemed pharmacist and one of the longest-serving members of the Roanoke City Council, died on March 3, 2019; and

WHEREAS, Robert "Bob" Garland, the son of a pharmacist, graduated from the Medical College of Virginia with a pharmacy degree in 1949; prior to completing his studies during World War II, Bob Garland admirably served the United States Army in the Atlanta Ordnance Depot; and

WHEREAS, Bob Garland joined the family business and reliably accommodated the Roanoke community's pharmaceutical needs for many years; his innovative approach led the family business to diversify and expand, becoming not just a pharmacy but a center of the community that employed 130 people at its peak; and

WHEREAS, Bob Garland was elected to Roanoke City Council in 1962, but after one term stepped away from politics to manage his booming business; after selling the company in 1969, he was elected in 1970 and would sit on the council for the next two decades; and

WHEREAS, serving for a period as vice mayor and overseeing a period of tremendous growth and development in the city, Bob Garland was a calming presence on the council, valued for his thoughtful, open-minded approach; and

WHEREAS, preceded in death by his loving wife of 72 years, Frances, Bob Garland will be fondly remembered and dearly missed by his children, Robert, Jr., Rebecca, Anita, and Teresa, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Robert Allen Garland, a devoted public servant and esteemed entrepreneur cherished by the Roanoke community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Robert Allen Garland as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 231

Commending the Roanoke Higher Education Center.

Agreed to by the Senate, March 5, 2020

Agreed to by the House of Delegates, March 7, 2020

WHEREAS, the Roanoke Higher Education Center, an institution housing 10 colleges, universities, and workforce training programs since 2000, celebrates its 20th anniversary in 2020; and

WHEREAS, the Roanoke Higher Education Center serves over 2,500 students yearly and supports the career ambitions of thousands of Virginians living in and around Roanoke, offering associate's, bachelor's, master's, and doctoral degrees, along with certificates and endorsements in the region; and

WHEREAS, the Roanoke Higher Education Center offers courses and training that are tailored to suit the needs of both students and businesses in the area; since it opened in August 2000, the Roanoke Higher Education Center has awarded over 12,000 degrees, certificates, and endorsements; and

WHEREAS, the General Assembly established in 1998 the Roanoke Higher Education Authority, a political subdivision of the Commonwealth designated to renovate and rehabilitate the Norfolk and Western Railway office building, transitioning a building built in the Industrial Age into a facility with advanced technology designed to meet the needs of the Information Age; and

WHEREAS, that same year, following a study requested by the General Assembly, the State Council of Higher Education for Virginia unanimously concluded that a need existed for an education center in Roanoke; and

WHEREAS, Destination Education, a coalition of more than 70 business, civic, and educational leaders from the Roanoke Valley, was created to help fund and establish the Roanoke Higher Education Center; and

WHEREAS, the Roanoke Higher Education Center offers higher education and training through its member institutions, including Dabney S. Lancaster Community College, James Madison University, Mary Baldwin University, Old Dominion University, Radford University, Region 5 Adult Education, TAP-Total Action For Progress, Virginia Commonwealth University, Virginia Polytechnic Institute and State University, and Virginia Western Community College, which deliver world-class programs and services to the citizens of the Roanoke region; and

WHEREAS, by providing exceptional educational opportunities and workforce training, the Roanoke Higher Education Center serves residents of Roanoke Valley by increasing opportunities for higher-earning employment while supporting the growth and development of the region's various businesses and industries; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Roanoke Higher Education Center and its member institutions and programs serving the Roanoke Valley on the occasion of the center's 20th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Kay Dunkley, executive director of the Roanoke Higher Education Center, as an expression of the General Assembly's admiration and respect for the center's contributions to Roanoke and the Commonwealth.

SENATE JOINT RESOLUTION NO. 232

Celebrating the life of W. Malone Schooler.

Agreed to by the Senate, March 4, 2020

Agreed to by the House of Delegates, March 7, 2020

WHEREAS, W. Malone Schooler, accomplished businessman and treasured member of the Fredericksburg community, died on May 9, 2019; and

WHEREAS, gripped by the power of rock and roll music from a young age, Malone Schooler was a founding member and bassist of the Prophets, a musical group popular in Fredericksburg in the 1960s that performed along the East Coast, at the New York World's Fair, and in several television appearances; and

WHEREAS, in the early years of his career, Malone Schooler taught himself the business of commercial real estate development while working for a custom home builder preparing estimates and plan reviews, and also with a commercial real estate developer leasing commercial office and retail space; and

WHEREAS, in 1977, with limited funds, he set out to form his own company, the Malone Schooler Company, which had great success developing and managing state-of-the-art commercial properties in the Fredericksburg area; and

WHEREAS, living in and around Fredericksburg his entire life, Malone Schooler was dedicated to giving back to his city and belonged to several fraternal and community organizations and boards, including the Stafford Hospital Foundation Board of Trustees; and

WHEREAS, Malone Schooler will be dearly remembered and sorely missed by his wife of 40 years, Brooke; his children, Drew, Brooke, and Leland, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of W. Malone Schooler, a respected businessman and beloved member of the Fredericksburg community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of W. Malone Schooler as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 233

Celebrating the life of James Dwight Livingston.

Agreed to by the Senate, March 4, 2020

Agreed to by the House of Delegates, March 7, 2020

WHEREAS, James Dwight Livingston, beloved educator and esteemed vintner of the Fredericksburg community, died on November 29, 2019; and

WHEREAS, as a librarian and educator at Quantico High School and Neabsco Elementary School in Woodbridge, James "Jim" Livingston had a profound influence on countless young minds, inspiring in them a love for learning and preparing them to lead successful, fulfilling lives; and

WHEREAS, since college, Jim Livingston was passionate about making wine; his experience producing wine in his dormitory bathtub at East Tennessee State University would prove vital when passage of the Virginia Farm Winery Act in 1975 ushered in a new chapter for the Virginia wine industry; and

WHEREAS, initially involved as a member of the Virginia Vineyards Association, Jim Livingston became an expert of vinification by studying under renowned winemaker Jacques Recht, reading every publication available on the subject, and learning through trial and error while planting vines for several local vineyards; and

WHEREAS, with this expertise, he established the first commercial vineyard in Stafford in 1981 and then Hartwood Winery in Fredericksburg in 1989, which for the past 30 years has provided fine Virginia wine and charming ambiance to countless visitors; and

WHEREAS, the Fredericksburg Area Wine Festival and the Grape and Grains Trail are two endeavors cofounded by Jim Livingston that have been an important part of the Virginia wine industry's growth over the past several years; and

WHEREAS, for the years of mentorship and assistance he provided other Virginia vintners, and the outstanding success Hartwood Winery has enjoyed for three decades, Jim Livingston is recognized as a pioneer of the Virginia wine industry; and

WHEREAS, Jim Livingston will be dearly remembered and sorely missed by his wife, Beverly, and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of James Dwight Livingston, passionate educator and trailblazing vintner of the Fredericksburg community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of James Dwight Livingston as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 234

Celebrating the life of Mary Sigillo Barraco.

Agreed to by the Senate, March 4, 2020

Agreed to by the House of Delegates, March 7, 2020

WHEREAS, Mary Sigillo Barraco, a courageous member of the Belgian Resistance during World War II and a highly admired resident of Virginia Beach, died on December 6, 2019; and

WHEREAS, a native of Lawrence, Massachusetts, Mary Barraco moved to Renaix, Belgium, with her mother at a young age and was attending high school there at the outset of World War II; as American citizens, they were kept under observation and forced to report to Nazi officials three times each day; and

WHEREAS, horrified by the policies of the occupying Nazi forces, Mary Barraco joined the Belgian Resistance at great personal risk and ultimately attained the rank of captain, serving as a liaison between Canadian and Belgian forces; and

WHEREAS, during her time with the resistance, Mary Barraco helped Jewish children escape Nazi authorities, worked on underground newspapers, passed critical information between resistance members, assisted Allied paratroopers and downed airmen, and posed as a Red Cross worker to rescue prisoners from enemy detention; and

WHEREAS, in 1943, Mary Barraco was captured by the Nazis and brutally tortured during 16 months of imprisonment; her indomitable spirit was never broken and she bravely returned to the Belgian Resistance upon her release; and

WHEREAS, after the war, Mary Barraco settled in Virginia Beach and dedicated her life to promoting the importance of liberty, patriotism, and service as a community organizer and an inspirational speaker who touched countless lives through her work with students, veterans, church groups, and civic organizations; and

WHEREAS, in recognition of her heroic contributions to the Belgian people, Mary Barraco was named as a Knight of the Crown by order of His Majesty, King Albert II of Belgium in 2004, and she received many other awards and accolades for her civic leadership throughout her life; and

WHEREAS, a devout Catholic, Mary Barraco lived her faith through her actions and enjoyed fellowship and worship with the Virginia Beach community as a member of Star of the Sea Catholic Church; and

WHEREAS, predeceased by her husband, Joseph, Mary Barraco will be fondly remembered and greatly missed by her grandson, Leon, and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Mary Sigillo Barraco, a respected member of the Virginia Beach community who made great personal sacrifices as a freedom fighter during World War II; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Mary Sigillo Barraco as an expression of the General Assembly's respect for her memory.

SENATE JOINT RESOLUTION NO. 235

Celebrating the life of Cecil Filmore Gilkerson.

Agreed to by the Senate, March 4, 2020
Agreed to by the House of Delegates, March 7, 2020

WHEREAS, Cecil Filmore Gilkerson, an honorable veteran, community leader, and longtime director of the Harrisonburg Parks and Recreation Department, died on January 8, 2020; and

WHEREAS, Cecil Gilkerson was raised in Mount Crawford and, after serving his country admirably in the United States Navy during World War II, graduated from Catawba College in 1949; and

WHEREAS, after a brief stint coaching various high school sports teams, Cecil Gilkerson was hired as the first full-time director of the Harrisonburg Parks and Recreation Department in 1954, tirelessly serving the city and its residents until his retirement in 1990; and

WHEREAS, during his tenure as director, Cecil Gilkerson expanded the Harrisonburg Parks and Recreation Department substantially, providing greater athletic opportunities for youth and adults in the community; and

WHEREAS, Cecil Gilkerson's efforts as a parks and recreation advocate extended beyond Harrisonburg; he was president of the Virginia Recreation and Park Society in the 1960s and contributed to the founding of the Upper Valley Regional Park Authority; and

WHEREAS, Cecil Gilkerson also pursued entrepreneurial opportunities to enhance athletics in Harrisonburg, owning and operating Valley Sports Center and Valley Tennis Court Surfacing Company for many years; and

WHEREAS, in recognition of his dedication to the Harrisonburg community both through its Parks and Recreation Department and various civic endeavors, the city named the Cecil F. Gilkerson Community Activities Center in his honor in 1990; and

WHEREAS, preceded in death by his loving wife, Gay, Cecil Gilkerson will be fondly remembered and dearly missed by his daughters, Pam, Lynn, Julie, and Sharon, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Cecil Filmore Gilkerson, who touched countless lives in Harrisonburg as a humble servant dedicated to the community's parks and recreational activities; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Cecil Filmore Gilkerson as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 236

Celebrating the life of Sarah Rebecca Wright.

Agreed to by the Senate, March 4, 2020
Agreed to by the House of Delegates, March 7, 2020

WHEREAS, Sarah Rebecca Wright, an active member of the Hampton Roads community and a beloved wife, mother, and friend, died on January 29, 2020; and

WHEREAS, a native of Richmond, Sarah Wright graduated from Armstrong High School and attended Virginia State College for two years before traveling the world with her husband, Benjamin, who was a member of the United States Navy; and

WHEREAS, Sarah Wright returned to the Commonwealth in 1966 and resumed her education at the Norfolk Division of Virginia State College, which had become Norfolk State College by the time she graduated in 1970; and

WHEREAS, after continuing her studies with graduate work at Old Dominion University, Sarah Wright pursued an 18-year career with the Virginia Employment Commission and subsequently worked as a substitute teacher in Norfolk Public Schools and Virginia Beach City Public Schools after her retirement; and

WHEREAS, a member of the Beta Theta Zeta Chapter of Zeta Phi Beta Sorority, Sarah Wright held several leadership roles and received the Zeta of the Year and Unsung Hero awards for her exceptional service; and

WHEREAS, well known for her compassion, generosity, and grace, Sarah Wright relished every opportunity to share her lifetime of wisdom or a delicious home-cooked meal with family and friends; and

WHEREAS, Sarah Wright will be fondly remembered and greatly missed by her husband of 70 years, Benjamin; her children, Benjamin, Jr., Stephanie, and Michelle, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Sarah Rebecca Wright; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Sarah Rebecca Wright as an expression of the General Assembly's respect for her memory.

SENATE JOINT RESOLUTION NO. 237

Commending the South Norfolk Ruritan Club.

Agreed to by the Senate, March 5, 2020

Agreed to by the House of Delegates, March 7, 2020

WHEREAS, the South Norfolk Ruritan Club, a local chapter of Ruritan National dedicated to bettering communities through fellowship, goodwill, and service, celebrated its 40th anniversary in 2019; and

WHEREAS, the origins of Ruritan National can be traced to Tom Downing and Jack Gwaltney of Virginia, who founded the organization in Holland, not far from where the South Norfolk Ruritan Club operates today; and

WHEREAS, the South Norfolk Ruritan Club was chartered in 1979 and has been supporting various youth, scholarship, social, and environmental programs ever since; and

WHEREAS, the South Norfolk Ruritan Club honors local law enforcement, public safety officers, troops, and veterans through many of its service endeavors each year; and

WHEREAS, the South Norfolk Ruritan Club has recently spearheaded or supported various local service programs and events, including Paint Your Heart Out, the rebuilding efforts at Cascade Park, Clean the Bay Day cleanups, Arbor Day tree plantings, the South Norfolk Ruritan Club annual memorial golf tournament, and the Phelps Brothers Music Festival; and

WHEREAS, the South Norfolk Ruritan Club actively supports promising youth through generous scholarships, recently presenting two scholarships to students from Oscar Smith High School in Chesapeake; and

WHEREAS, the South Norfolk Ruritan Club, in coordination with the Chesapeake Sheriff's Office sponsors and conducts the Annual Great American Food Fest to raise needed funding for the entire Chesapeake community; and

WHEREAS, the South Norfolk Ruritan Club exemplifies the community spirit that makes the Commonwealth a wonderful place to live, work, and raise a family; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the South Norfolk Ruritan Club on the occasion of its 40th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Bob McCreary, president of the South Norfolk Ruritan Club, as an expression of the General Assembly's admiration for the organization's mission and best wishes for its continued success.

SENATE JOINT RESOLUTION NO. 238

Commending Albemarle High School athletics.

Agreed to by the Senate, March 4, 2020

Agreed to by the House of Delegates, March 7, 2020

WHEREAS, Albemarle High School athletics had an outstanding year in 2019, with the girls' soccer team and boys' cross country team both winning state championships; and

WHEREAS, in June 2019, the Albemarle High School girls' soccer team won the Virginia High School League (VHSL) Class 5 state championship, defeating the team from Deep Run High School by a score of 4-1; and

WHEREAS, with the Deep Run High School Wildcats holding a 1-0 lead, Albemarle High School Patriots' coach Amy Sherrill rallied the team at halftime, inspiring an equalizer from Kora Jillions, the game-winner from Savannah Alexander, and two exclamation points from Madeline St. Amand; and

WHEREAS, in December 2019, the boys' cross country team brought home another state title with a victory in the VHSL Class 5 state cross country meet; the team finished with 52 points overall, 34 points better than the runners-up from Deep Run High School; and

WHEREAS, Will Mackenzie led the way for the Albemarle High School Patriots in second place with a time of 15:54; Stephen Smith also finished in the top 10, placing seventh with 16:11, followed by J.D. MacKnight in 11th place, Joe Yung in 13th place, and Harris Naseh in 26th place; and

WHEREAS, the Albemarle High School Patriots' victories are a tribute to the skill and determination of all the student-athletes, the leadership and guidance of their coaches and staff members, and the enthusiastic support of the entire Albemarle High School community; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Albemarle High School athletics on winning two state championships in 2019; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Albemarle High School as an expression of the General Assembly's admiration for the achievements of the school's girls' soccer team and boys' cross country team.

SENATE JOINT RESOLUTION NO. 239

Commending Western Albemarle High School athletics.

Agreed to by the Senate, March 4, 2020

Agreed to by the House of Delegates, March 7, 2020

WHEREAS, Western Albemarle High School athletics have had outstanding seasons in 2019 and 2020, with the boys' and girls' tennis teams, boys' and girls' soccer teams, boys' cross country team, and boys' and girls' swim and dive teams winning state championships; and

WHEREAS, the Western Albemarle boys' tennis team, coached by Randy Hudgins, and girls' tennis team, coached by Ellen Markowitz, both finished impressive seasons with wins in the Virginia High School League Class 3 state championships in June 2019; and

WHEREAS, the Western Albemarle Warriors' adapted to changes in venue due to inclement weather, and both teams won their matches with scores of 5-0; the victory marked the third consecutive state championship for the boys' team; and

WHEREAS, also in June 2019, the Western Albemarle boys' soccer team, coached by Milo Oakland, and the girls' soccer team, coached by Jake Desch, won their own Class 3 state titles; and

WHEREAS, the Western Albemarle boys' soccer team handed Northside High School its first shutout of the year with a lopsided 4-0 victory and the Western Albemarle girls' soccer team celebrated its third consecutive state title with a 3-1 win over Brentsville District High School; and

WHEREAS, in November 2019, the Western Albemarle boys' cross country team brought home its third consecutive state title, sweeping the top three spots in the race, led by individual state champion Jack Eliason, to finish with an astounding score of 15 points; and

WHEREAS, coached by Lindy Bain, the Western Albemarle Warriors rounded out the top three with Joe Hawkes in second place and Stuart Terrill in third place; in total, six of the Western Albemarle Warriors were named to the all-state team for their outstanding performances; and

WHEREAS, the Western Albemarle boys' and girls' swim and dive teams opened 2020 with a splash, after a clutch performance in the diving competition by the girls' team and the boys' team taking a nearly 200-point lead in the swimming portion to sweep the Class 3 state championships; and

WHEREAS, the Western Albemarle Warriors' success at the swim and dive tournament was a total team effort, with multiple competitors finishing high in the standings, including freshman Emily Mandell and senior Carey D'Atre finishing in the top five for the girls and senior William Peritz placing second for the boys, with the support of coaches Dan Bledsoe, Pete Neill, and Becca Corbett; and

WHEREAS, the Western Albemarle Warriors' victories are a tribute to the skill and determination of all the student-athletes, the leadership and guidance of their coaches and staff members, and the enthusiastic support of the entire Western Albemarle High School community; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Western Albemarle High School athletics on winning seven state championships in 2019 and 2020; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Western Albemarle High School as an expression of the General Assembly's admiration for the achievements of the boys' and girls' tennis teams, boys' and girls' soccer teams, boys' cross country team, and boys' and girls' swim and dive teams in 2019 and 2020.

SENATE JOINT RESOLUTION NO. 240

Commending the Parry McCluer High School boys' cross country team.

Agreed to by the Senate, March 4, 2020

Agreed to by the House of Delegates, March 7, 2020

WHEREAS, the Parry McCluer High School boys' cross country team of Buena Vista won the Virginia High School League Class 1 state championship at Green Hill Park in Salem on November 16, 2019; and

WHEREAS, winning the Pioneer District championship and Region 1C title earlier in the year, the Parry McCluer High School Blues finished the day with 38 points, coming in 34 points lower than the runner-up Auburn High School Eagles of Montgomery County and coasting to the team's first state title since 1980; and

WHEREAS, the Parry McCluer Blues were led by Dylan May, who ran the flat five-kilometer race in 15:54.6 for his first individual state title and the program's first in almost four decades; and

WHEREAS, the Parry McCluer Blues' victory was a total team effort, with four other runners earning all-state honors by placing among the top 15 finishes, including Cooper Braddy in seventh place with a time of 16:47.5, Trevor Tomlin in eighth place with a time of 16:49.8, and Kedryn Chandler in ninth place with a time of 16:57.8; and

WHEREAS, the Parry McCluer Blues also saw strong finishes from underclassmen Matthew Hemmings and Landon Mahaffey, who are poised to help carry the team in its upcoming seasons; and

WHEREAS, the accomplishments of the Parry McCluer Blues are the result of the hard work and dedication of the student-athletes, the leadership and guidance of their coaches and teachers, and the steadfast support of the entire Parry McCluer High School community; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Parry McCluer High School boys' cross country team for winning the 2019 Virginia High School League Class 1 state championship; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Parry McCluer High School boys' cross country team as an expression of the General Assembly's admiration for the team's achievements and best wishes for the future.

SENATE JOINT RESOLUTION NO. 241

Celebrating the life of French H. Moore, Jr., D.D.S.

Agreed to by the Senate, March 4, 2020

Agreed to by the House of Delegates, March 7, 2020

WHEREAS, French H. Moore, Jr., D.D.S., an honorable veteran, esteemed dentist, admired public servant, and beloved member of the Abingdon community, died on February 24, 2020; and

WHEREAS, a United States Army veteran of the Korean War and a graduate of the Medical College of Virginia School of Dentistry, French Moore enjoyed a prosperous dental career in Abingdon that spanned nearly four decades; and

WHEREAS, French Moore was a leader of his industry, previously serving as president of the Virginia Dental Association and as chair of the American Dental Association Council on Dental Practice; and

WHEREAS, French Moore dedicated many years of his life to civic leadership in Abingdon and Washington County; he spent 42 years on the Abingdon Town Council, including 30 years as vice mayor and six as mayor; additionally, he generously served 36 years on the Abingdon Planning Commission and 17 years on the Washington County Planning Commission; and

WHEREAS, French Moore's insights were invaluable to the Commonwealth during his service on numerous state commissions and committees, and he was appointed by Governor Chuck Robb in 1983 to the Board of Visitors of the Virginia Commonwealth University, serving for eight years, including three as rector; and

WHEREAS, an active and engaged member of his community, French Moore gave plentifully of his time and talents to a plethora of local service and civic organizations, including the Washington County Life Saving Crew, which he helped charter in 1952, and the Kiwanis Club of Abingdon and the Virginia Municipal League, both of which he served as president; he is also recognized as one of the founding fathers of the Virginia Creeper Trail, one of the country's premier rail-trails; and

WHEREAS, for his outsized impact on the arts, culture, and economy of his community and for his efforts as a tireless education advocate, French Moore was the recipient of innumerable awards and accolades during his life, including the Washington County Chamber of Commerce's Person of the Year Award, the Medallion Award from the Medical College of Virginia School of Dentistry, and the Virginia Commonwealth University's Edward A. Wayne Medal for outstanding service; and

WHEREAS, guided through life by his deep and abiding faith, French Moore was a lifelong member of the Abingdon United Methodist Church, where he enjoyed worship and fellowship with his community; and

WHEREAS, French Moore will be fondly remembered and dearly missed by his loving wife of 66 years, Mary Ann; his children, French III, Garrett, and Marilou, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of French H. Moore, Jr., D.D.S., a distinguished member of the Abingdon community who touched countless lives as a dentist, civic leader, and friend; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of French H. Moore, Jr., D.D.S., as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 242

Commending Christopher Howard Long.

Agreed to by the Senate, March 4, 2020

Agreed to by the House of Delegates, March 7, 2020

WHEREAS, Christopher Howard Long, defensive end in the National Football League and Virginia Cavalier, retired from professional football on May 18, 2019; and

WHEREAS, Christopher "Chris" Long began his football journey in the Commonwealth as a standout at both St. Anne's-Belfield High School in Charlottesville and the University of Virginia; in his final season as a Cavalier in 2007,

Chris Long recorded 14 sacks, was named both the NCAA Atlantic Coast Conference Defensive Player of the Year and a consensus All-American, and won the Hendricks Award, a national honor given each year to the best defensive end in college football; and

WHEREAS, in 2008, Chris Long was drafted second overall by the St. Louis Rams; he played for the Rams for eight seasons, followed by one season with the New England Patriots and two seasons with the Philadelphia Eagles; and

WHEREAS, over his 11-year career, Chris Long recorded 70 sacks and was widely regarded as one of the best defensive ends in the National Football League; he was a member of two different Super Bowl-winning teams in back-to-back years, the Patriots in the 2016-2017 season and the Eagles in the 2017-2018 season, a feat that has rarely been accomplished in the history of the league; and

WHEREAS, Chris Long concluded his professional football career in inspiring fashion, both by starting the organization Waterboys, which works to bring clean drinking water to communities in need, and by giving his entire 2017 salary to charity, including his first six game checks to fund scholarships at his alma mater, St. Anne's-Belfield High School; for these efforts, he was recognized by the National Football League as the Walter Payton Man of the Year in 2018; and

WHEREAS, Chris Long has used his platform to work for the benefit of others; as a result of his dedication, thousands of individuals are living better, healthier lives and countless more will be inspired to answer the call to serve; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Christopher Howard Long, an esteemed member of the Charlottesville community, on the occasion of his retirement from professional football; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Christopher Howard Long as an expression of the General Assembly's admiration for his service and best wishes for the future.

SENATE JOINT RESOLUTION NO. 243

Commending Jai Ram Srinivasan.

Agreed to by the Senate, March 4, 2020

Agreed to by the House of Delegates, March 7, 2020

WHEREAS, Jai Ram Srinivasan, an eight-year-old from Ashburn in Loudoun County living with cerebral palsy, has achieved success as a fashion model, a theatre actor, and a compassionate advocate for other children with disabilities; and

WHEREAS, Jai Srinivasan works to promote adaptive clothing, which uses magnets or hook and loop tape rather than buttons or zippers, to help individuals with developmental challenges gain confidence and independence; and

WHEREAS, after trying Tommy Hilfiger's adaptive clothing, Jai Srinivasan began working with the nonprofit organization Runway of Dreams Foundation, which had partnered with Tommy Hilfiger to create the line in 2016; and

WHEREAS, Jai Srinivasan has modeled clothing from Tommy Adaptive, Kohl's Adaptive, and Appaman Adaptive and walked the runway at New York Fashion Week, representing the Runway of Dreams Foundation; and

WHEREAS, in November 2019, Jai Srinivasan made his Broadway debut as Tiny Tim in an adaptation of *A Christmas Carol*, bringing authenticity to the iconic role and paving the way for other individuals with disabilities on the stage and screen; and

WHEREAS, with his enduring sense of hope and excitement for the future, Jai Srinivasan has shown countless children and individuals with cerebral palsy that they too can achieve their dreams; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Jai Ram Srinivasan for his devoted advocacy and inspirational achievements in the fashion and entertainment industries; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Jai Ram Srinivasan as an expression of the General Assembly's admiration for his courage, determination, and inspiring outlook on life.

SENATE JOINT RESOLUTION NO. 244

Commending Ashburn Ice House.

Agreed to by the Senate, March 4, 2020

Agreed to by the House of Delegates, March 7, 2020

WHEREAS, for more than 20 years, Ashburn Ice House has fostered a strong sense of community in Ashburn while providing opportunities for recreational ice skating and supporting youth, amateur, and professional sports teams; and

WHEREAS, founded in 1998, Ashburn Ice House was the first ice skating rink in Loudoun County and has grown to become a cherished facet of community life; and

WHEREAS, conveniently located in the center of Ashburn, Ashburn Ice House is open throughout the year and provides a family-friendly venue for recreation, parties, and events, as well as opportunities to practice figure skating and competitive skating; and

WHEREAS, with its two National Hockey League-sized indoor ice rinks, as well as locker rooms, a weight training facility, and a full-service pro shop, Ashburn Ice House is perfect for hockey training and instruction, and supports multiple youth and adult hockey leagues; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Ashburn Ice House for more than 20 years of service to members of the Ashburn community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Ashburn Ice House as an expression of the General Assembly's admiration for its contributions to skaters and sports enthusiasts of all ages.

SENATE JOINT RESOLUTION NO. 245

Commending Niko Chavarriaga.

Agreed to by the Senate, March 4, 2020

Agreed to by the House of Delegates, March 7, 2020

WHEREAS, Niko Chavarriaga, a student at Haymarket Elementary School, has raised awareness of childhood cancers and brought hope to patients by collecting donated LEGO® sets for them to enjoy during hospital stays; and

WHEREAS, diagnosed with B-cell acute lymphoblastic leukemia while he was in kindergarten, Niko Chavarriaga understood what it was like to spend an extended period of time in a hospital room for treatment and found that LEGO® sets provided a positive outlet to keep his mind occupied; and

WHEREAS, Niko Chavarriaga created the #Nikostrong social media campaign to support his fellow patients in a similar way, as well as to raise awareness of childhood cancer with the hope of increasing funding for research; and

WHEREAS, during the first year of his campaign, Niko Chavarriaga received 49 new LEGO® sets and donated them to children at Inova Fairfax Hospital; the following year, he collected more than 200 sets, with donations coming from as far away as Japan, thanks in part to a YouTube video created by one of his teachers, Anna Collins-Walker; and

WHEREAS, Niko Chavarriaga has touched the lives of numerous young patients at Inova Fairfax Hospital through his kindness, compassion, and selflessness; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Niko Chavarriaga for his inspirational work to support childhood cancer patients; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Niko Chavarriaga as an expression of the General Assembly's admiration for his generosity and servant leadership.

SENATE JOINT RESOLUTION NO. 246

Commending Colleen Rathgeber.

Agreed to by the Senate, March 4, 2020

Agreed to by the House of Delegates, March 7, 2020

WHEREAS, Colleen Rathgeber used her background with both corporate and philanthropic organizations to establish the Legg Calve Perthes Foundation as a central support network for children diagnosed with Legg-Calve-Perthes disease and their families; and

WHEREAS, Colleen Rathgeber, who previously worked for Yahoo!, CareerBuilder, AOL, and the Los Angeles Times, first became aware of Legg-Calve-Perthes disease (Perthes) in 2016 when her daughter, Kaelan, was diagnosed with the condition, which affects roughly five in 100,000 children between the ages of four and eight and causes an interruption of blood flow to the hip; and

WHEREAS, Perthes causes painful bone and tissue damage and, while many cases resolve themselves by age 10, treatment requires restricting a child's activity to prevent lasting damage; frustrated by the lack of information on the disease, Colleen Rathgeber cofounded the Legg Calve Perthes Foundation as a nonprofit organization to provide hope and support to other parents; and

WHEREAS, Colleen Rathgeber and the Legg Calve Perthes Foundation aim to empower families to deal with the challenges of pain management, the frustration of activity restriction, the difficulty of navigating the school system, and the trials of daily life related to the disease; and

WHEREAS, in 2017, the Legg Calve Perthes Foundation hosted a Perthes conference in Dallas, Texas, that was attended by 25 parents and 25 surgeons and hospital employees from around the country, who shared their stories and insights into the fight against the disease; and

WHEREAS, Colleen Rathgeber also sponsored a Perthes awareness event at a Washington Nationals game in 2018 and oversaw the Legg Calve Perthes Foundation's acceptance into the National Organization for Rare Disorders; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Colleen Rathgeber, cofounder of the Legg Calve Perthes Foundation, for her work to enhance research, education, and awareness of the rare disease; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Colleen Rathgeber as an expression of the General Assembly's admiration for her legacy of compassionate support for children with Legg-Calve-Perthes disease and their families.

SENATE JOINT RESOLUTION NO. 247

Celebrating the life of the Reverend Dr. Levy M. Armwood, Jr.

Agreed to by the Senate, March 4, 2020

Agreed to by the House of Delegates, March 7, 2020

WHEREAS, the Reverend Dr. Levy M. Armwood, Jr., an esteemed educator and beloved former pastor of the historic Ebenezer Baptist Church in Richmond, died on February 18, 2020; and

WHEREAS, a graduate of Howard University, Levy Armwood enjoyed a 32-year career as a music educator for Richmond Public Schools, teaching at eight city schools, including Thomas Jefferson High School, where he ultimately retired in 2000; and

WHEREAS, Levy Armwood's career in ministry began when he became the director of the Ebenezer Baptist Church's sanctuary choir in 1968; three years later, he was the church's minister of music, a position he held for many years and from which he inspired innumerable parishioners; and

WHEREAS, Levy Armwood was licensed as a minister in 1982 and received master's and doctoral degrees in divinity from Virginia Union University; while completing his education, he served as pastor of Providence Baptist Church in Ashland from 1992 to 2002; and

WHEREAS, Levy Armwood took the helm at Ebenezer Baptist Church in 2003, providing spiritual guidance, generous outreach, and opportunities for joyful worship to hundreds of members of the Richmond community; and

WHEREAS, Levy Armwood will be fondly remembered by his loving wife, Cookie; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of the Reverend Dr. Levy M. Armwood, Jr., who touched countless lives in the Greater Richmond area as an admired educator and spiritual leader; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of the Reverend Dr. Levy M. Armwood, Jr., as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 248

Commending the Fifth Street Baptist Church.

Agreed to by the Senate, March 4, 2020

Agreed to by the House of Delegates, March 7, 2020

WHEREAS, the Fifth Street Baptist Church, located on Third Avenue in Richmond, celebrates its 140th anniversary in 2020; and

WHEREAS, the Fifth Street Baptist Church was organized in July 1880 by several African American members of First African Baptist Church, which had been founded in 1841 by freedmen and slaves, who were asked to plant a church family in the Jackson Ward/Navy Hill area of Richmond to serve the spiritual needs of the community; and

WHEREAS, the Fifth Street Baptist Church was first pastored by the Reverend Dr. Henry Haywood Mitchell from 1880 to 1882, and the church worshipped in the Odd Fellows Hall at 1417 East Franklin Street until the church's first site was purchased at the intersection of Fifth and Jackson Streets, and it has been subsequently blessed with five houses of worship; and

WHEREAS, the Fifth Street Baptist Church has been served by 11 visionary, nationally renowned pastors who have been recognized for their dedicated service to the congregation and community, considerable homiletical and hermeneutical acumen, stirring proclamation of the Gospel, compassionate pastoral gifts, extraordinary oratorical skills, excellent church administration and stewardship, respect by ecclesiastical groups, and outstanding leadership among cultural, social, and educational organizations; and

WHEREAS, the Fifth Street Baptist Church hosted the mass planning meeting to establish Virginia Union University in Richmond and organized the Women's Convention Auxiliary of the National Baptist Convention, USA, Inc.; and

WHEREAS, noted for its leadership in the Civil Rights movement in Richmond and throughout the nation, the Fifth Street Baptist Church often hosted organizational and planning meetings for demonstrations, and several members of the congregation were part of the "Richmond 34," a student-led sit-in to desegregate lunch counters in downtown Richmond; and

WHEREAS, the Fifth Street Baptist Church has also received acclaim for its rich history of service, including the establishment of groundbreaking church ministries, support of evangelism through home and foreign missions, and community outreach projects, particularly in the Highland Park area, which has continued throughout the years; and

WHEREAS, in 1992, the Fifth Street Baptist Church experienced a split and three years later, on August 6, 1995, it installed as its 11th pastor the Reverend Franklin Todd Gray, who will celebrate his 25th anniversary as leader of the church in June 2020; and

WHEREAS, under Reverend Gray's exemplary leadership, the membership of the Fifth Street Baptist Church increased significantly, and the Bible study and summer programs experienced phenomenal growth in attendance; the church also began offering computer classes, a health clinic, and before-school and after-school programs; and

WHEREAS, through a collaboration with the City of Richmond, the Fifth Street Baptist Church initiated a Head Start program and education and training for its staff; it also developed a relationship with the Richmond Behavioral Health Authority to offer education, family support, health care, parental involvement activities, and mental health services; and

WHEREAS, the Fifth Street Baptist Church maintains partnerships with many other churches, local organizations, and professional groups, and dedicated its G.R.A.C.E. (God's Redemptive and Community Empowerment) Center to better serve the community; and

WHEREAS, with the outstanding leadership of its pastors and through its dynamic ministries, the Fifth Street Baptist Church has remained an integral part of the Richmond community; and

WHEREAS, the Fifth Street Baptist Church is "founded by faith and focused on family, through Worship, Word, and Work," and the congregation firmly believes that God has many great things still in store for the church; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Fifth Street Baptist Church on the occasion of its 140th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Reverend Franklin Todd Gray and the congregation of the Fifth Street Baptist Church as an expression of the General Assembly's best wishes for a long and fruitful ministry serving the citizens of Richmond and all people throughout Virginia and the United States.

SENATE JOINT RESOLUTION NO. 249

Commending Joe Taylor.

Agreed to by the Senate, March 4, 2020

Agreed to by the House of Delegates, March 7, 2020

WHEREAS, Joe Taylor, a highly admired football coach and the current athletic director of Virginia Union University, was inducted into the Black College Football Hall of Fame in Atlanta, Georgia, on February 22, 2020; and

WHEREAS, an icon of the sport, Joe Taylor has won four national college football championships, 14 conference championships, and seven bowl games, and has an overall record of 233-96-4; and

WHEREAS, Joe Taylor graduated from Western Illinois University, where he played offensive line, and subsequently began his coaching career at H.D. Woodson High School in his hometown of Washington, D.C., from 1972 to 1977; and

WHEREAS, Joe Taylor helped lead the Eastern Illinois University football team to the 1978 NCAA Division II championship as an assistant coach, then joined Virginia Union University as an offensive coordinator the following year; and

WHEREAS, Joe Taylor coached at Howard University in 1983, but returned to Virginia Union University as head coach; he helped the Virginia Union University Panthers compile a 60-19-3 record from 1984 to 1991; and

WHEREAS, Joe Taylor coached the Hampton University Pirates to a 136-49-1 record between 1992 and 2007, then finished his coaching career with the Florida A & M Rattlers from 2008 to 2012; upon his retirement, he ranked third in wins among coaches at historically black colleges and universities; and

WHEREAS, a former president of the American Football Coaches Association, Joe Taylor also served on the advisory board of the Black Coaches Association, receiving many lifetime achievement awards and was previously inducted into the College Football Hall of Fame with the Class of 2019; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Joe Taylor on his induction into the Black College Football Hall of Fame with the Class of 2020; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Joe Taylor as an expression of the General Assembly's admiration for his contributions to generations of Virginia Union University students and his legacy of excellence in college athletics.

SENATE JOINT RESOLUTION NO. 250

Commending the Children's Home Society of Virginia.

Agreed to by the Senate, March 4, 2020

Agreed to by the House of Delegates, March 7, 2020

WHEREAS, in 2020, the Children's Home Society of Virginia, a nonprofit organization with offices in Richmond and Fredericksburg, celebrates 120 years of serving young people in the Commonwealth; and

WHEREAS, the Children's Home Society of Virginia is a licensed, private, nonsectarian, full-service child placing agency, the mission of which is to create strong, permanent families and lifelong relationships for children and youths throughout the Commonwealth; and

WHEREAS, the Children's Home Society of Virginia began in 1899 when a group of concerned citizens, deeply troubled by the care offered in orphanages at the time, banded together to help abandoned and neglected children; and

WHEREAS, the Children's Home Society of Virginia was chartered on January 30, 1900, with the Honorable John Garland Pollard, who became governor in 1930, as a founding member of the organization's board of directors; and

WHEREAS, since 1900, the staff members of the Children's Home Society of Virginia have worked diligently to place more than 14,500 children into adoptive homes; and

WHEREAS, in 1998, the Children's Home Society of Virginia began partnering with local social service agencies to help facilitate the placement of hundreds of children and youths from the foster care system into adoptive homes; and

WHEREAS, in 2007, the Children's Home Society of Virginia began serving as a Wendy's Wonderful Kids Site, a program of the Dave Thomas Foundation for Adoption, to recruit adoptive parents for children and youths who have waited extended periods in foster care to be placed into adoptive families; and

WHEREAS, the Children's Home Society of Virginia not only finds permanent homes for children of all ages, but also offers a lifetime of post-adoption support programs to Virginia's adoptive families and adoptees, including parent coaching, family support and engagement activities, respite care, and family search and reunion services; and

WHEREAS, in 2016, the Children's Home Society of Virginia began partnering with the Better Housing Coalition to create The Possibilities Project, a signature program that provides housing assistance and best practices to give youths who are transitioning from foster care the skills and resources they need to become independent, productive members of society; and

WHEREAS, the Children's Home Society of Virginia is a permanency-driven organization that embraces the values of top-quality service delivery, working with integrity, maximizing collaborations, demonstrating compassion, and embracing equity and inclusion in all that it does; and

WHEREAS, for 120 years, the Children's Home Society of Virginia has worked to provide all children, from newborns to older youths, who have aged out of foster care, as well as children with special needs, with the healthy, supportive, and permanent adult relationships they need to thrive; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Children's Home Society of Virginia on the occasion of its 120th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Board of Directors of the Children's Home Society of Virginia as an expression of the General Assembly's admiration for the organization's work to create permanency for the Commonwealth's young people.

SENATE JOINT RESOLUTION NO. 251

Celebrating the life of Joe Allen Mann, Ph.D.

Agreed to by the Senate, March 4, 2020

Agreed to by the House of Delegates, March 7, 2020

WHEREAS, Joe Allen Mann, Ph.D., an esteemed engineer, a prosperous entrepreneur, and a beloved member of the Williamsburg community, died on February 21, 2020; and

WHEREAS, born in Ronceverte, West Virginia, Joe Mann graduated from West Virginia University and earned his doctorate in chemistry from the Georgia Institute of Technology; and

WHEREAS, Joe Mann began his career with Dow Badische, where his hard work and diligence took him from an entry-level position to division management within three years; subsequently, from 1982 through 1987, Joe Mann served as corporate director for research and development for Burlington Industries; and

WHEREAS, with ample leadership experience, Joe Mann formed his own firm, The Mann Group, providing top-notch management consulting and technical troubleshooting services to his industry; and

WHEREAS, in 1990, Joe Mann relocated to Williamsburg to take over the BASF Fibers plant that was set to close, starting Mann Industries and saving more than 400 jobs in the community; and

WHEREAS, a passionate education advocate, Joe Mann served on the advisory boards of several institutions of higher learning, including the Textile Research Institute, North Carolina State University at Greensboro, and Virginia Polytechnic Institute and State University; and

WHEREAS, in recognition of his accomplishments as a businessman and local leader, Joe Mann is featured in *Who's Who in the South and Southwest*, *Who's Who in America*, *Who's Who in the World*, and *Who's Who of Emerging Leaders in America*; and

WHEREAS, an active and engaged member of his community, Joe Mann served as a trustee of the Leadership Historic Triangle, was a founding member of the James City County Ambassadors Focus Group, and was a member of the Williamsburg Rotary Club and the Colonial Area Republican Men's Association; and

WHEREAS, dedicated to the election of Republican officials and the advancement of Republican principles and values, Joe Mann was an active member of the Williamsburg–James City County Republican Committee for over 30 years, during which he served as chair and in various leadership roles; and

WHEREAS, in recognition of his many years of support for the Republican Party in Williamsburg, Joe Mann received a Lifetime Achievement Award from the Williamsburg–James City County Republican Committee in 2019; and

WHEREAS, preceded in death by his son, Joseph, Joe Mann will be fondly remembered and dearly missed by his loving wife, Carol; his two daughters, Mary Leigh and Susan, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Joe Allen Mann, Ph.D., who touched countless lives in the Williamsburg community as an entrepreneur, civic leader, and friend; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Joe Allen Mann, Ph.D., as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 252

Commending Teresa Fennessy.

Agreed to by the Senate, March 4, 2020

Agreed to by the House of Delegates, March 7, 2020

WHEREAS, Teresa Fennessy, the principal of Herndon Elementary School, was named the Fairfax County Public Schools' Outstanding New Principal in 2019; and

WHEREAS, Teresa Fennessy received the award at the Fairfax County Public School's honors ceremony on June 12, 2019, in recognition of her tremendous accomplishments since recently taking the helm of Herndon Elementary School; and

WHEREAS, Teresa Fennessy earned her bachelor's degree from Fresno State University, followed by master's degrees from Golden Gate University and George Mason University; and

WHEREAS, Teresa Fennessy has been an educator with Fairfax County Public Schools for more than 20 years; she has taught 5th and 6th grade students, English as a Second Language or other language classes, and high school-level Spanish; and

WHEREAS, Teresa Fennessy came to Herndon Elementary School with leadership experience, having previously served as assistant principal of London Towne Elementary School in Centreville for seven years; and

WHEREAS, during her tenure as principal of Herndon Elementary School, student academic achievement has improved, the school has become more responsive to students' needs, and the school's relationship with the community has been strengthened; and

WHEREAS, Teresa Fennessy's positivity and dedication to working with students, parents, and staff at Herndon Elementary School has created an inclusive learning environment that encourages students to reach their full potential every day; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Teresa Fennessy, principal of Herndon Elementary School, for being named the 2019 Outstanding New Principal by Fairfax County Public Schools; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Teresa Fennessy as an expression of the General Assembly's admiration for her remarkable leadership and daily commitment to supporting her students' success both in and out of the classroom.

SENATE JOINT RESOLUTION NO. 254

Commending William H. Harrison.

Agreed to by the Senate, March 4, 2020

Agreed to by the House of Delegates, March 7, 2020

WHEREAS, William H. Harrison, longtime civic leader, agriculture advocate, and founding president of the Loudoun Heritage Farm Museum, retired in January 2020; and

WHEREAS, a third-generation farmer, William "Bill" Harrison grew up in the Herndon and Chantilly area and supported many local farmers in Loudoun County over the years, helping the region's dairy industry become one of the largest in the Commonwealth; and

WHEREAS, after nearly three decades as a county agent, Bill Harrison redoubled his efforts to serve his community through various civic organizations and endeavors; and

WHEREAS, Bill Harrison was instrumental in the founding of the Keep Loudoun Beautiful initiative, the Loudoun Health Foundation, and the Loudoun Education Foundation and contributed to the formation of four Ruritan clubs in Loudoun County and the establishment of the county's local Salvation Army chapter, among other worthwhile pursuits; and

WHEREAS, one of Bill Harrison's signature achievements was the founding of the Loudoun Heritage Farm Museum, a 12,000-square-foot museum in Claude Moore Park of Sterling that preserves the region's agricultural history for the educational benefit of future generations, for which he served as president for many years; and

WHEREAS, Bill Harrison's leadership, service, and dedication have helped unite the community and honor its distinguished agricultural history, contributing to Loudoun County's distinction as a wonderful place to live, work, and raise a family; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend William H. Harrison, founding president of the Loudoun Heritage Farm Museum, on the occasion of his retirement; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to William H. Harrison as an expression of the General Assembly's admiration for his contributions to Loudoun County and the Commonwealth.

SENATE JOINT RESOLUTION NO. 255

Commending the Herndon Woman's Club.

Agreed to by the Senate, March 4, 2020

Agreed to by the House of Delegates, March 7, 2020

WHEREAS, for 80 years, the Herndon Woman's Club has provided opportunities for women to volunteer their time and talents as servant leaders in the community; and

WHEREAS, the Herndon Woman's Club traces its roots to 1939, when M.J. Willis, chair of the Virginia Federation of Junior Women's Clubs, met with 18 local women for the purpose of organizing a club; and

WHEREAS, in 1940, the Herndon Woman's Club was established as a chapter of the General Federation of Women's Clubs, the oldest and largest such organization, and was originally known as the Young Women's Club of Herndon as all of its members were age 25 or younger; and

WHEREAS, in the beginning, the Herndon Woman's Club assisted other clubs and organizations with service projects in the community, including work at the local library and in local schools; and

WHEREAS, during World War II, the Herndon Woman's Club supported the war effort by making surgical dressings for the American Red Cross and lifted the spirits of women affected by the war by sending wedding dresses to England; and

WHEREAS, in 1947, the Herndon Woman's Club established a safe place for local youths to meet and socialize, with club members serving as chaperones; the organization has also fulfilled the mission of the General Federation of Women's Clubs to prevent and address violence against women by supporting a shelter for survivors of domestic abuse; and

WHEREAS, the Herndon Woman's Club continued to expand in numbers, outgrowing its meeting place at a local Episcopal church, and raised money for an addition to the Herndon Fortnightly Club Library, where the club relocated in the 1950s; and

WHEREAS, in 1963, the Herndon Woman's Club held a ball to raise funds for a scholarship for a Herndon High School graduate, and the event has become an ongoing facet of the club's outreach efforts; the club has also supported students by helping to conduct a water study project and holding vision screenings in schools; and

WHEREAS, the Herndon Woman's Club joined with the Herndon Parks and Recreation Department in the 1980s to host an antiques show that became a popular fundraiser to support local organizations; and

WHEREAS, the Herndon Woman's Club is organized into six departments to most effectively meet its community service goals in support of the arts, conservation, education, home life, international outreach, and public issues; and

WHEREAS, in 2019, the members of the Herndon Woman's Club have provided more than 10,000 volunteer hours in support of local charitable organizations and worthy causes, and the club began 2020 with 78 active members who were prepared to carry on its proud traditions of civic engagement; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Herndon Woman's Club on the occasion of its 80th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Herndon Woman's Club as an expression of the General Assembly's congratulations and admiration for the organization's legacy of service to women and contributions to the entire Herndon community.

SENATE JOINT RESOLUTION NO. 256

Commending the Herndon Fortnightly Club.

Agreed to by the Senate, March 4, 2020

Agreed to by the House of Delegates, March 7, 2020

WHEREAS, the Herndon Fortnightly Club, one of the oldest women's clubs in the Commonwealth, has promoted literacy and civic leadership among women for 130 years; and

WHEREAS, the Herndon Fortnightly Club was established by 11 local women in 1889 to provide opportunities every two weeks for members to study science, art, literature, and current events; and

WHEREAS, by 1900, the Herndon Fortnightly Club had amassed a collection of more than 1,000 books on various subjects and is now considered to be Fairfax County's first lending library; and

WHEREAS, in 1927, the Herndon Fortnightly Club built a new library on Spring Street with a volunteer staff to better serve the growing community; and

WHEREAS, after its establishment in 1939, Fairfax County Public Library offered rotating collections of books to the Herndon Fortnightly Club and other local libraries; the Herndon Fortnightly Library officially became a branch of the public library system in 1972; and

WHEREAS, the Herndon Fortnightly Club continues to fulfill its mission to promote education in the community by supporting the Herndon Fortnightly Library through gifts, donations, volunteer efforts, and sponsoring the library's annual open house, a beloved local tradition; and

WHEREAS, the Herndon Fortnightly Club joined the General Federation of Women's Clubs in 1912 and has supported countless charitable causes in Fairfax County over the years; and

WHEREAS, emphasizing the importance of lifelong learning, the Herndon Fortnightly Club has also awarded more than \$200,000 in scholarships to local students and adults looking to further their education; and opened another library at Birmingham Green; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Herndon Fortnightly Club on the occasion of its 130th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Mary Burger, president of the Herndon Fortnightly Club, as an expression of the General Assembly's admiration for the club's longstanding support for the Fairfax County Public Library and legacy of contributions to the entire Herndon community.

SENATE JOINT RESOLUTION NO. 257

Commending Lisa C. Merkel.

Agreed to by the Senate, March 4, 2020

Agreed to by the House of Delegates, March 7, 2020

WHEREAS, Lisa C. Merkel, a dedicated public servant and the first female elected mayor of the Town of Herndon, has served the community in various capacities for more than a decade; and

WHEREAS, a native of Alabama, Lisa Merkel is a graduate of Auburn University and Virginia Polytechnic Institute and State University; she has lived in Northern Virginia since 1996 and moved to historic downtown Herndon, where she and her husband, Dave, have lived and raised their children since 2002; and

WHEREAS, Lisa Merkel became an active member of the Herndon community, joining the Herndon Home Tours Committee and offering her leadership to many other local organizations, such as the Citizen's Planning Academy, the Downtown Master Plan Citizens Advisory Group, and the Ladies' Brunch; and

WHEREAS, desirous to be of further service to her fellow residents, Lisa Merkel ran for election to the Herndon Town Council and served as vice mayor from 2010 to 2012; and

WHEREAS, after her historic election as mayor in 2012, Lisa Merkel focused on maintaining the unique spirit and character of Herndon, balancing the need for new development with the preservation of its small town charms; and

WHEREAS, among her many accomplishments, Lisa Merkel designated June as LGBTQ Pride Month, introduced circulator buses to Herndon Station, implemented online access to Herndon Town Council meetings, established the town's Economic Development Department, and placed a renewed focus on the revitalization of downtown Herndon, as well as planning for the Metro's arrival; and

WHEREAS, during her tenure as mayor, Lisa Merkel built strong relationships with neighboring localities to pursue common goals and represented Herndon on the Northern Virginia Regional Commission and the Northern Virginia Transportation Authority's Planning Commission Advisory Committee; and

WHEREAS, prior to her public service in Herndon, Lisa Merkel previously worked as an elementary school teacher and was selected by Governor Mark Warner to serve on the Partnership for Achieving Successful Schools initiative, through which she provided language arts professional development opportunities for other teachers and staff; and

WHEREAS, Lisa Merkel has served the residents of Herndon with integrity, dedication, and distinction, and her efforts have ensured that the town continues to feel like home for longtime residents and welcoming to new members of the community; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Lisa C. Merkel for her 10 years of service as vice mayor and mayor of the Town of Herndon; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Lisa C. Merkel as an expression of the General Assembly's admiration for her visionary leadership and exceptional contributions to the Herndon community.

SENATE JOINT RESOLUTION NO. 258

Celebrating the life of the Honorable Charles Henry Duff, Jr.

Agreed to by the Senate, March 4, 2020

Agreed to by the House of Delegates, March 7, 2020

WHEREAS, the Honorable Charles Henry Duff, Jr., a retired judge of the Court of Appeals of Virginia, died on February 7, 2020; and

WHEREAS, a native of Houston, Texas, Charles Duff grew up in Richmond and attended Benedictine High School; he continued his education at Virginia Military Institute, but was called upon to serve the nation as a member of the United States Army during World War II before graduating; and

WHEREAS, after his honorable military service, Charles Duff enrolled at Georgetown University, from which he ultimately earned a law degree; he began his distinguished legal career with Jesse, Phillis, Kling & Kendrick in Arlington, then started his own firm, focusing on insurance law; and

WHEREAS, Charles Duff was subsequently appointed as a judge for the Arlington Circuit Court of the Seventeenth Judicial Circuit of Virginia in 1972 and presided over the court with great fairness and wisdom for more than a decade; and

WHEREAS, in 1985, Charles Duff was selected as one of the 10 original judges of the newly created Court of Appeals of Virginia, where he heard and decided many significant cases until his retirement in 2000; and

WHEREAS, predeceased by his wife, Jean, and a son, Edward, Charles Duff will be fondly remembered and greatly missed by his children, Anne, Charles, and David, and their families; and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of the Honorable Charles Henry Duff, Jr., a respected judge who made many contributions to jurisprudence in the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of the Honorable Charles Henry Duff, Jr., as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 259

Commending Karen Ramos.

Agreed to by the Senate, March 4, 2020

Agreed to by the House of Delegates, March 7, 2020

WHEREAS, Karen Ramos, a student at Dominion High School in Sterling, was honored as a Student Journalist of the Year by PBS NewsHour Student Reporting Labs and the National Educational Telecommunications Association in 2019; and

WHEREAS, Karen Ramos is a three-year member of Dominion High School's PBS NewsHour Student Reporting Lab; the PBS NewsHour Student Reporting Labs program, active in more than 150 schools across the country, supports an innovative journalism curriculum that helps students develop critical thinking skills and original reporting on important issues affecting their lives; and

WHEREAS, Karen Ramos was one of 25 fellows selected from more than 3,000 students participating in PBS NewsHour Student Reporting Labs who were invited to attend the program's annual summer academy; and

WHEREAS, Karen Ramos was also one of four honorees selected from PBS NewsHour Student Reporting Labs to be recognized at the National Educational Telecommunications Association's conference in Washington, D.C., in 2020; and

WHEREAS, Karen Ramos' reporting investigates compelling and pressing issues of the day, such as the DC Climate Strike and the Virginia senatorial election; and

WHEREAS, one of the highlights of Karen Ramos' reporting career was her interview with climate activist Greta Thunberg, *Time* magazine's 2019 Person of the Year; and

WHEREAS, Karen Ramos' accomplishments are the result of her hard work and dedication, the leadership and guidance of her teachers, and the unwavering support of the Dominion High School community; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Karen Ramos for being honored as a 2019 Student Journalist of the Year by PBS NewsHour Student Reporting Labs and the National Educational Telecommunications Association; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Karen Ramos as an expression of the General Assembly's admiration for her achievement and best wishes for the future.

SENATE JOINT RESOLUTION NO. 260

Commending Michael O'Reilly.

Agreed to by the Senate, March 4, 2020

Agreed to by the House of Delegates, March 7, 2020

WHEREAS, Michael O'Reilly, an attorney, public servant, and active community leader in Herndon, was selected as the 2020 Citizen of the Year by the Rotary Club of Herndon; and

WHEREAS, a native Virginian, Michael O'Reilly has lived in Herndon for 40 years and proudly raised his four children in the community with his wife, Annie; he has served many local residents as an attorney and the owner of the O'Reilly Law Firm; and

WHEREAS, desirous to be of further service to his fellow residents, Michael O'Reilly ran for and was elected to the Herndon Town Council, where he served as a member from 2000 to 2004, at which time he was elected as mayor; and

WHEREAS, during his tenure as mayor, Michael O'Reilly achieved a significant tax rate reduction, oversaw the opening of a new police station and a new senior center, helped rewrite the town's zoning ordinance, and partnered with Fairfax County to establish a regulated day labor site; and

WHEREAS, after the completion of his term, Michael O'Reilly continued to serve the region on the Board of Directors of the Metropolitan Washington Airports Authority and was involved in renovations at Dulles International Airport, as well as the Dulles Corridor Metrorail Project; he subsequently joined the nonprofit Washington Airports Task Force; and

WHEREAS, from 2009 to 2019, Michael O'Reilly offered his leadership to the Governing Board of the Fairfax-Falls Church Partnership to Prevent and End Homelessness and presided over a 46 percent reduction in the region's homeless population by working with faith-based groups, service providers, and community volunteers; and

WHEREAS, Michael O'Reilly has enhanced cultural life in Herndon as chair of the Board of Arts Herndon, which is currently working with Fairfax County to build a new arts center in downtown Herndon; and

WHEREAS, Michael O'Reilly has received numerous other awards and accolades for his exemplary achievements in public service and civic leadership; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Michael O'Reilly on his selection as 2020 Citizen of the Year by the Rotary Club of Herndon; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Michael O'Reilly as an expression of the General Assembly's admiration for his legacy of service to the Herndon community and the Commonwealth.

SENATE JOINT RESOLUTION NO. 261

Celebrating the life of Josephine Evans Burns.

Agreed to by the Senate, March 4, 2020

Agreed to by the House of Delegates, March 7, 2020

WHEREAS, Josephine Evans Burns, a resident of Herndon who made many contributions to the community personally and professionally, died on February 21, 2020; and

WHEREAS, a native of Indianapolis, Indiana, Josephine Burns moved to Herndon with her family after her mother accepted a teaching position in Washington, D.C.; and

WHEREAS, after completing her own education, Josephine Burns helped maintain Rock Ridge, a farm and youth camp, and later operated a messenger service between Dulles International Airport, Washington, D.C., and Maryland with her husband, Horace; and

WHEREAS, an avid reader, Josephine Burns promoted literacy and education for women as a 50-year member and past president of the Herndon Fortnightly Club; she also held a position at the Loudoun Campus of Northern Virginia Community College; and

WHEREAS, Josephine Burns enjoyed fellowship and worship with the congregation of Trinity Presbyterian Church, of which she was a founding member; and

WHEREAS, predeceased by her husband, Horace, Josephine Burns will be fondly remembered and greatly missed by her foster son, Melvin; stepchildren, Carol, Sharon, and Daniel; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Josephine Evans Burns, a vibrant member of the Herndon community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Josephine Evans Burns as an expression of the General Assembly's respect for her memory.

SENATE JOINT RESOLUTION NO. 262

Celebrating the life of Barbara Hicks Harding.

Agreed to by the Senate, March 4, 2020

Agreed to by the House of Delegates, March 7, 2020

WHEREAS, Barbara Hicks Harding, a hardworking supporter of early childhood education who made many contributions to cultural life in Herndon through her passion for music and traditional dance, died on December 6, 2019; and

WHEREAS, a native of Cambridge, Massachusetts, Barbara Harding moved to Herndon in 1950 to raise her family and became a cherished member of the community; and

WHEREAS, realizing the need for a local preschool, Barbara Harding founded Harding Hall in 1951, which operated as a preschool, kindergarten, and daycare facility out of her family home until 2003; she also taught kindergarten and first grade students at Herndon Elementary School; and

WHEREAS, Barbara Harding's legacy of caring for young people continued after her retirement, when she rented the former Harding Hall space to Al Fatih Academy; the building currently serves as the Montessori Peace School; and

WHEREAS, for many years, Barbara Harding was an avid student of English Country Dance and attended the Christmas Country Dance School in Berea, Kentucky, every year from 1952 to 2012; she served as an interim director of the school, as well as faculty member at Berea College, where she founded a Danish-American Exchange program; and

WHEREAS, Barbara Harding enjoyed fellowship and worship with the congregation of St. Timothy's Episcopal Church, where she served as a choir director, organist, and treasurer; she was a loyal, longtime member of the Rotary Club of Herndon; and she was named the Herndon Citizen of the Year in 1970; and

WHEREAS, predeceased by her husband, Reuben, Barbara Harding is fondly remembered and greatly missed by her children, Martt, Todd, Howard, Susan, and William, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Barbara Hicks Harding, a vibrant member of the Herndon community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Barbara Hicks Harding as an expression of the General Assembly's respect for her memory.

SENATE JOINT RESOLUTION NO. 263

Celebrating the life of Helen Wang.

Agreed to by the Senate, March 4, 2020

Agreed to by the House of Delegates, March 7, 2020

WHEREAS, Helen Wang, a student at Colonial Forge High School in Stafford County and a beloved daughter and sister, died on May 16, 2019; and

WHEREAS, born in Beijing, China, Helen Wang moved to the United States with her family at a young age, becoming a cherished member of both the Spotsylvania and Stafford communities; and

WHEREAS, Helen Wang, who received a Chinese name from her grandfather at birth that translates to "a person with strong, beautiful feathers in heaven," will be remembered by friends and family for her boundless generosity and kindness toward others; and

WHEREAS, buoyed by her unwavering optimism, Helen Wang was a light in many people's lives and inspired others through her hard work, dedication, and positivity; and

WHEREAS, in response to the untimely death of their friend, several of Helen Wang's classmates have advocated before the Stafford County Board of Supervisors, the Virginia House of Delegates, and the Senate of Virginia in support of improving the area's roads, actions that have made commutes safer for countless motorists in the county; and

WHEREAS, in honor of Helen Wang and her many years as a competitive swimmer, the Stafford Stingrays Swim Team initiated the Helen Wang Memorial Scholarship, which will recognize members of the team that demonstrate the qualities of sportsmanship and volunteerism that Helen Wang embodied; and

WHEREAS, Helen Wang will be fondly remembered and dearly missed by her parents, James and Felicia; her sisters, Lilly and Ashley; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Helen Wang, a treasured member of the Colonial Forge High School community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Helen Wang as an expression of the General Assembly's respect for her memory.

SENATE JOINT RESOLUTION NO. 264

Commending The Difference Baker.

Agreed to by the Senate, March 4, 2020

Agreed to by the House of Delegates, March 7, 2020

WHEREAS, The Difference Baker, founded by Alyssa Sobecki in Ashburn, supports the community by providing a wide range of safe, delicious meals for people with many types of food allergies; and

WHEREAS, for much of her life, Alyssa Sobecki dealt with severe allergic reactions to multiple foods, and after the birth of her first child, she made it her personal passion to create the healthiest possible diet for her family by serving only homemade food; and

WHEREAS, surprised to learn that Loudoun County did not have an establishment that met her dietary needs, Alyssa Sobecki changed careers and opened The Difference Baker as a gluten-free, peanut-free café and bakery; and

WHEREAS, responding to requests from fellow community members, The Difference Baker offers dairy-free items and has also adapted its menu to be free of tree nuts, soy, seafood and shellfish products, corn, and food dyes; and

WHEREAS, The Difference Baker primarily operates as a takeout restaurant, focusing on sandwiches, wraps, and baked goods, but also offers frozen meals for patrons to enjoy at home; and

WHEREAS, Alyssa Sobecki hired Lauren Katz, the 2015 champion of the nationally televised Great American Baking Show: Holiday Edition, as head pastry chef and Van Trainor, who has developed many innovative recipes for bread and pretzel doughs, as head baker; and

WHEREAS, The Difference Baker partnered with Roots to Rise, a locally owned juice company, making the location the first certified gluten-free shared kitchen in the country; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend The Difference Baker, an outstanding small business in Ashburn, on the occasion of its opening in 2019; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Alyssa Sobecki, founder of The Difference Baker, as an expression of the General Assembly's admiration for the restaurant's contributions to supporting healthy lifestyles in Loudoun County.

SENATE JOINT RESOLUTION NO. 265

Commending the Violet Blast robotics team.

Agreed to by the Senate, March 4, 2020

Agreed to by the House of Delegates, March 7, 2020

WHEREAS, the Violet Blast robotics team, an all-girl team representing several schools in Ashburn, has achieved success in local, regional, and international competitions; and

WHEREAS, Violet Blast robotics team competes in the FIRST LEGO® League, where teams of students between the ages of nine and 14 build and program working robots out of LEGO® bricks and tackle problem-solving challenges through research-based innovation; and

WHEREAS, the Violet Blast robotics team won the second-place award at the regional tournament in Manassas, then finished third at the state championship at James Madison University in Harrisonburg in 2018, and went on to represent the Commonwealth at the international tournament in California in May 2019; and

WHEREAS, at the international open, the Violet Blast robotics team showcased designs and a prototype for a wearable helmet that simulates artificial gravity as part of the competition's theme, "Into Orbit"; and

WHEREAS, in 2019, the Violet Blast robotics team won another second-place award for best all-around performance and advanced to the state competition for the second consecutive year; and

WHEREAS, the members of the Violet Blast robotics team have led the way for other girls in science, technology, engineering, and mathematics fields and conducted outreach events at local schools; and

WHEREAS, in addition, the Violet Blast robotics team is active in community service, most recently supporting an initiative with Habitat for Humanity that converts vacant malls and other former retail spaces into affordable housing units; and

WHEREAS, the members of the Violet Blast robotics team are Shriya Avala, Maia Brown, Mahsa Riar, and Callia Sun of Belmont Ridge Middle School; Amanda Chin of Trailside Middle School; and Holland Gentile of Newton-Lee Elementary School; and

WHEREAS, the team has succeeded through the hard work of its members, the leadership of head coach Kevin Chin and assistant coaches Michael Brown and Nick Gentile; mentorship from the LEGOnauts robotics team; and the enthusiastic support of parents, family members, and the entire Ashburn community; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Violet Blast robotics team on its success at local, regional, and international events; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Violet Blast robotics team as an expression of the General Assembly's admiration for the team's achievements and best wishes for the future.

SENATE JOINT RESOLUTION NO. 266

Commending Patti Maloney.

Agreed to by the Senate, March 4, 2020

Agreed to by the House of Delegates, March 7, 2020

WHEREAS, Patti Maloney, a Master Police Officer with the City of Chesapeake Police Department, retired on February 1, 2020, after 27 years of service to the Chesapeake community; and

WHEREAS, Patti Maloney graduated with the 33rd Session of the Basic Police School at the Chesapeake Law Enforcement Training Academy in March 1994; as a Patrol Officer, she quickly earned both a General Instructor Certification and a Defensive Tactics Instructor Certification from the Department of Criminal Justice Services; and

WHEREAS, Patti Maloney became an Instructor for numerous classes at the Police Academy, including Domestic Violence, Stalking, Defensive Tactics, Death Investigations, Homicide Investigations, Interview and Interrogations Skills, Crisis Intervention, and Honor Guard Drill and Formation; and

WHEREAS, in 1997, Patti Maloney became a Field Training Officer, helping to train, mentor, and evaluate new police officers; she was then quickly selected to become Chesapeake's first female Police K-9 Handler and along with her faithful K9 Roxie, performed a wide range of law enforcement tasks; upon K9 Roxie's retirement from active duty, she was assigned to Patti Maloney until her passing; and

WHEREAS, in 1999, Patti Maloney became a Detective and, for the next 20 years, investigated violent crimes, including juvenile and adult sex crimes, robberies, felonious assaults, and homicide investigations; she continued to rise through the ranks, becoming a Police Officer Specialist, a Senior Police Officer, and, in 2017, a Master Police Officer; after receiving a Bachelor of Arts in Psychology, from Saint Leo University; and

WHEREAS, Patti Maloney served on the department's Honor Guard for over 23 years of her career, with ceremonial taskings such as funerals for active and retired officers, award ceremonies, and parades; and

WHEREAS, placing a high emphasis on training and professional development, Patti Maloney became a Polygraph Examiner and conducted several hundred polygraph exams relating to criminal investigations and background/hiring examinations over the course of 20 years; and

WHEREAS, Patti Maloney ably managed the critical, resource-intensive task of screening each applicant who applied for positions within the Chesapeake Police Department and other city agencies, and skillfully managed a team of six as Coordinator of the Recruitment and Hiring Unit; and

WHEREAS, Patti Maloney was responsible for updating the City of Chesapeake's administrative regulations for the hiring process, leaving the Chesapeake Police Department poised to continue hiring the best possible candidates to serve and protect the members of the public in the future; and

WHEREAS, among her many awards and accolades, Patti Maloney received multiple Meritorious Service Awards and more than 10 Star Performer Awards, and she was selected as Officer of the Quarter and Detective of the Quarter several times, as well as nominated for Detective of the Year; and

WHEREAS, throughout her career, Patti Maloney was an exemplar of the Chesapeake Police Department's core values of integrity, professionalism, and commitment to excellence; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Patti Maloney on the occasion of her retirement from the City of Chesapeake Police Department; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Patti Maloney as an expression of the General Assembly's admiration for her contributions to the Chesapeake community.

SENATE JOINT RESOLUTION NO. 267

Celebrating the life of Douglas William Talbot.

Agreed to by the Senate, March 4, 2020

Agreed to by the House of Delegates, March 7, 2020

WHEREAS, Douglas William Talbot, longtime civil engineer, developer, entrepreneur, community leader, public speaker, mentor, and beloved member of the Hampton Roads community, passed away on December 9, 2017; and

WHEREAS, Douglas William Talbot was born to Douglas Francis and Margaret (Peg) O'Keefe Talbot in Beacon, New York; after graduating from the Virginia Military Institute (VMI) with a degree in civil engineering, he served in the United States Army, and, while stationed at Fort Knox, Kentucky, served as executive officer in the support Armored Engineering Company; and

WHEREAS, Douglas Talbot was an accomplished civil engineer and developer, and as such, contributed significantly to what Virginia Beach and the Hampton Roads area has become today; and

WHEREAS, Douglas Talbot's ambition and entrepreneurial spirit led him to establish the award-winning architectural, engineering, and surveying firm, Talbot & Associates, Ltd., in Virginia Beach; with the support of more than 200 dedicated professionals, the company has developed several communities, including Baycliff, Southgate, Three Oaks, Green Run, Ocean Way Condominiums, Indian Lakes, Poplar Ridge, Windsor Oaks West, Charlestown Lakes, Pelican Watch, Wildwood Heights, Park Inn, and the Atrium Hotel, among others; and

WHEREAS, Talbot & Associates, Ltd., designed and supervised construction for numerous roads and major highways throughout Virginia and subsequently opened offices in Florida, North Carolina, and Tennessee; prior to his career in Virginia Beach, Douglas Talbot worked as an engineer in GE's management training program; served as design engineer for the City of Richmond; was city engineer for the City of Independence, Missouri, where he was named the Engineer of the Year; and was director of Public Works and city manager for the City of Hopewell; and

WHEREAS, Douglas Talbot was an active community leader who served on numerous boards and commissions, most notably as civil engineer representative for the Virginia Beach Committee of 100, chair of the Hampton Roads Chamber of Commerce, chair of the Neptune Festival, commissioner of the Hampton Roads Sanitation District; and president of the Tidewater Builders Association, Home Builders Association of Virginia (HBAV), and National Home Builders Association (NHBA); and

WHEREAS, Douglas Talbot also served as vice chair of the HBAV political action committee and served as NHBA's legislative contact for the United States Congress; he taught land planning and development courses at University of Virginia, Old Dominion University, Tidewater Community College, and Northern Virginia Community College; and

WHEREAS, an accomplished golfer, Douglas Talbot enjoyed playing for business, as well as in semi-professional tournaments, countless charity events, and alongside his VMI colleagues during their annual outings; and

WHEREAS, Douglas Talbot was inducted into the American Society of Civil Engineers as a Lifetime Member, which is among the highest professional recognitions civil engineers can receive, and was an inductee into the International Who's Who of Professionals; and

WHEREAS, Douglas Talbot loved his family and cherished every moment spent with them; he is fondly remembered and greatly missed by his four children, Beth Hebenstreit, Marianne (Boots) Talbot, Cyndi Deppe, and Doug Talbot, Jr.; their spouses, Donald Lilly, Martin Deppe, and Shelly Talbot; six grandchildren, Trevor and Maribeth Hebenstreit, Austen and Meagan Deppe, and Nick and Norah Talbot-Lilly; his brother Richard Talbot; and sister Sue Swager; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Douglas William Talbot; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Douglas William Talbot as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 268

Commending Ross D'Urso.

Agreed to by the Senate, March 4, 2020

Agreed to by the House of Delegates, March 7, 2020

WHEREAS, Ross D'Urso of Opal retired as commissioner of the revenue of Fauquier County on December 31, 2019, after nearly three decades of exceptional service to local residents and businesses; and

WHEREAS, after serving as Chief Deputy Commissioner of the Revenue for five years, Ross D'Urso was elected as Commissioner of the Revenue for Fauquier County in 1995; he subsequently won reelection to six consecutive terms; and

WHEREAS, during his 24-year tenure as commissioner of the revenue, Ross D'Urso oversaw the assessment of personal property taxes, business taxes, and state income taxes and maintained real estate taxpayer records and tax relief programs for elderly and disabled residents; and

WHEREAS, Ross D'Urso played a pivotal role in the adoption of innovative technology to better serve the community, including the office's first computerized mapping system of Fauquier County; and

WHEREAS, under Ross D'Urso's leadership, the Office of the Commissioner of the Revenue developed a highly qualified staff of 20 employees who are well-poised to continue serving the residents of Fauquier County; and

WHEREAS, in September 2019, Fauquier County became one of the first localities in the Commonwealth to receive accreditation from the Commissioners of the Revenue Association of Virginia, thanks in large part to Ross D'Urso's commitment to good governance and the highest standards of excellence; and

WHEREAS, Ross D'Urso has also enhanced cultural life in Warrenton as a board member of the Gloria Faye Dingus Center for the Arts and has volunteered his time and leadership with his local Rotary Club; and

WHEREAS, a consummate public servant, Ross D'Urso will seek new opportunities to support the Fauquier County community after his well-earned retirement; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Ross D'Urso on the occasion of his retirement as Commissioner of the Revenue for Fauquier County; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Ross D'Urso as an expression of the General Assembly's admiration for his contributions to the residents of Fauquier County.

SENATE JOINT RESOLUTION NO. 269

Commending Virginia REALTORS®.

Agreed to by the Senate, March 4, 2020

Agreed to by the House of Delegates, March 7, 2020

WHEREAS, Virginia REALTORS®, one of the largest trade associations in Virginia, is celebrating its 100th anniversary in 2020; and

WHEREAS, originally known as the Virginia Real Estate Association, Virginia REALTORS® was founded on October 21, 1920, with a mission to standardize the real estate business, cultivate and enforce fair dealing, and encourage the business of owning, buying, selling, renting, and managing real estate in the Commonwealth; and

WHEREAS, beginning with just 54 members in 1920, the membership of Virginia REALTORS® has grown to include 35,000 realtors; the organization comprises 28 local associations, representing all regions of the Commonwealth; and

WHEREAS, Paul T. Collins, president of the Norfolk Real Estate & Stock Exchange, served as the first president of Virginia REALTORS® from 1920 to 1922; and

WHEREAS, J. Kemper Funkhouser, chief operating officer of the Funkhouser Real Estate Group, is serving as the president of Virginia REALTORS® during the association's centennial year; and

WHEREAS, three past presidents of Virginia REALTORS® have gone on to serve as president of the National Association of REALTORS®, including Dorcas Helfant-Browning, who became the national association's first female president in 1992; and

WHEREAS, Virginia REALTORS® provides industry advocacy, training, and professional resources to real estate professionals across the Commonwealth; and

WHEREAS, Virginia REALTORS® is an ardent advocate of fair housing legislation and strives to create stable housing opportunities for all Virginians; and

WHEREAS, Virginia REALTORS® recognizes that homeownership is key to the American dream and works to make that dream accessible to all Virginians; and

WHEREAS, the members of Virginia REALTORS® are major contributors to the state economy, facilitating the buying and selling of both residential and commercial real estate, as well as property management; and

WHEREAS, members of Virginia REALTORS® are held to a high ethical standard and adhere to the REALTORS® Code of Ethics; and

WHEREAS, community outreach is central to the association's mission, and in 2019, the Virginia REALTORS® Disaster Relief Fund was created to assist individuals facing real property loss/damage as a result of natural or manmade disasters in the Commonwealth; and

WHEREAS, Virginia REALTORS® will commemorate its centennial year with special events throughout 2020; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Virginia REALTORS® on the occasion of its 100th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to J. Kemper Funkhouser, president of Virginia REALTORS®, as an expression of the General Assembly's admiration for the association's contributions to communities throughout Virginia and the real estate profession as a whole.

SENATE RESOLUTION NO. 1

Commending the Norfolk Police Department.

Agreed to by the Senate, January 16, 2020

WHEREAS, the Norfolk Police Department earned national accolades in 2019 by winning the grand prize on the television special *Lip Sync to the Rescue*; and

WHEREAS, broadcast live on CBS, *Lip Sync to the Rescue* featured videos of public safety officers from around the nation lip-synching to popular songs in a one-hour countdown special; the Norfolk Police Department's video was selected from a pool of approximately 1,000 applicants; and

WHEREAS, the Norfolk Police Department originally posted its video on Facebook in July 2018; dozens of law-enforcement officers, first responders, and city staff members participated in the nearly five-minute video set to "Uptown Funk" by Mark Ronson and Bruno Mars; and

WHEREAS, members of the Norfolk Police Department used borrowed video equipment and a cell phone to shoot the one-take video, which has received more than 80 million views; and

WHEREAS, the Norfolk Police Department was one of 30 agencies to reach the live show and triumphed over the Seattle Police Department in the final round of voting to claim the \$100,000 grand prize; and

WHEREAS, this unique form of public outreach helped the Norfolk Police Department build trust and goodwill among the members of the community and fostered esprit de corps between the hardworking men and women of the department; now, therefore, be it

RESOLVED by the Senate of Virginia, That the Norfolk Police Department hereby be commended on winning the grand prize on *Lip Sync to the Rescue*; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Norfolk Police Department as an expression of the Senate of Virginia's admiration for the department's achievement.

SENATE RESOLUTION NO. 2

Celebrating the life of Georgia M. Shivers.

Agreed to by the Senate, January 9, 2020

WHEREAS, Georgia M. Shivers, a vibrant member of the Smithfield community who touched countless lives, died on July 5, 2019, at the age of 105; and

WHEREAS, born in Isle of Wight County on March 15, 1914, Georgia Shivers was a witness to the seminal events of the 20th century, from both world wars and the Great Depression to the Civil Rights Movement and the dawn of the Internet age; and

WHEREAS, Georgia Shivers cleaned houses and worked in various jobs before she joined Smithfield Packing, where she remained a loyal employee for 25 years; she was well known by friends and family for her delicious, home-cooked meals and desserts; and

WHEREAS, Georgia Shivers enjoyed fellowship and worship with the community as a lifelong member of Little Zion Baptist Church, from which she received the First Matriarch Award in 2019; and

WHEREAS, throughout her life, Georgia Shivers also received awards and accolades from the Town of Smithfield, Isle of Wight County, several Virginia state officials, and President Barack Obama; and

WHEREAS, Georgia Shivers was blessed to share her love and wisdom with 14 children, 58 grandchildren, 105 great-grandchildren, 175 great-great-grandchildren, 78 great-great-great-grandchildren, and four great-great-great-great-grandchildren; and

WHEREAS, predeceased by her husband, Leslie, and eight children, Georgia Shivers will be fondly remembered and greatly missed by her children, Leslie, Jr., Wilbert, Evangeline, Shirley, Patricia, and Margaret, and their families, and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Georgia M. Shivers; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Georgia M. Shivers as an expression of the Senate of Virginia's respect for her memory.

SENATE RESOLUTION NO. 3

Recognizing that the Virginia Beach Tragedy Fund is performing an essential government service with respect to the Virginia Beach mass shooting.

Agreed to by the Senate, January 29, 2020

WHEREAS, on May 31, 2019, 12 people were killed and four people were wounded in a mass shooting at a municipal building in the City of Virginia Beach; and

WHEREAS, the victims and their families incurred medical, funeral, and other expenses as a result of the mass shooting; and

WHEREAS, the resources of the City of Virginia Beach and the Commonwealth were burdened due to the increased need for public safety personnel, first responders, public health professionals, and other officials who worked long hours in response to the mass shooting; and

WHEREAS, United Way of South Hampton Roads, a nonprofit organization that the Internal Revenue Service has certified as tax-exempt under § 501(c)(3) of the Internal Revenue Code, worked with the City of Virginia Beach to establish the Virginia Beach Tragedy Fund (the Fund); and

WHEREAS, after the mass shooting, people and businesses showed great generosity in offering help to the victims of the mass shooting; and

WHEREAS, the City of Virginia Beach was the recipient of many of these offers to help and directed monetary donations from numerous people and businesses to the Fund; and

WHEREAS, the City of Virginia Beach tasked United Way of South Hampton Roads with the burden of centralizing the community's efforts to help the victims of mass shootings, ensuring that monetary donations are used to help the victims of mass shootings, and fulfilling the same functions if a similar tragedy occurs in the future; and

WHEREAS, the Fund is intended to decrease the likelihood that community members' generosity will be subverted by fraudulent charities; and

WHEREAS, the Senate of Virginia deems it prudent and necessary that a charity exist to address the loss suffered by victims and their families, provide for final arrangements, memorialize the heroism of first responders and community members, and thereby relieve and lessen the burdens of government and promote the health of victims and the community as a whole; and

WHEREAS, the Fund was created to address these concerns; now, therefore, be it

RESOLVED by the Senate of Virginia, That the Virginia Beach Tragedy Fund be recognized as performing an essential government service with respect to the Virginia Beach mass shooting; and, be it

RESOLVED FURTHER, That the Fund has the purpose of lessening the burden of government and promoting health generally in relation to mass shootings and similar tragedies that may occur in the future; and, be it

RESOLVED FURTHER, That the Commonwealth recognizes that the Fund (i) provides a single vehicle to receive the overwhelming number of monetary donations that community members have made in response to the mass shooting, thereby avoiding the misdirection of donations to fraudulent charities; (ii) provides the infrastructure to coordinate the collection, administration, and distribution of funds in a manner consistent with the Commonwealth's interest in helping the victims of mass shootings; (iii) acts as a central resource to allow victims of mass shootings to find appropriate help; and (iv) maintains the infrastructure that would allow it to respond immediately if a similar tragedy occurred in the future, in order to lessen the burdens of government; and, be it

RESOLVED FURTHER, That the Fund shall fulfill the essential government service of developing a protocol for financially assisting the victims of mass shootings; and, be it

RESOLVED FURTHER, That on behalf of the City of Virginia Beach and the Commonwealth, Jeffrey Breit, Administrator of the Fund, and other members of the Fund shall work to develop a protocol for the distribution of financial assistance to those victims most seriously affected by mass shootings and provide recommendations for final distributions; and, be it

RESOLVED FURTHER, That a person's or business's donation to the Fund shall not influence any other business such person or business may have with the Commonwealth or any of its instrumentalities; and, be it

RESOLVED FURTHER, That should any officer or employee of the Commonwealth have reason to believe that a donation is improperly influencing business with the Commonwealth, he shall communicate the reasons for his belief to the Department of State Police or any other appropriate investigatory officer or agency; and, be it

RESOLVED FINALLY, That immediately upon the adoption of this resolution the Clerk of the Senate transmit a copy of this resolution to the City of Virginia Beach, the Fund, the Governor, and the Internal Revenue Service so that they may be apprised of the sense of the Senate of Virginia in this matter.

SENATE RESOLUTION NO. 4

Celebrating the life of Roland Carroll Smith, Sr.

Agreed to by the Senate, January 9, 2020

WHEREAS, Roland Carroll Smith, Sr., paragon of business and philanthropy in Chesapeake and Hampton Roads, died on October 10, 2019; and

WHEREAS, a longtime resident of Chesapeake, Carroll Smith dedicated his life to developing and improving the place he called home; and

WHEREAS, after serving in the United States Army, Carroll Smith went into business with William J. Herring, founder of Hearndon Construction, in 1975; in 44 years with the company, Carroll Smith rose to the position of president and chief executive officer and oversaw the construction of thousands of homes in Hampton Roads, making a major impact on the growth and prosperity of the region; and

WHEREAS, throughout his life, Carroll Smith was active in his community; he was a charter member of the Chesapeake Sports Club, served on the board of directors of the Bank of Hampton Roads, and was involved in the Tidewater Builders Association, Lions Club, Chesapeake Public Schools Education Foundation Blue Ribbon Committee, and Boy Scouts of America; and

WHEREAS, Carroll Smith also dedicated time and resources to numerous charities, philanthropic organizations, and public institutions, including the United Way, the Salvation Army, Hope Haven, the Virginia Special Olympics, the Chesapeake Regional Health Foundation, the Union Mission Ministries, Children's Hospital of the King's Daughters, Seton Youth Shelters, and Eastern Virginia Medical School, among other local charities; and

WHEREAS, Carroll Smith received several awards in his lifetime in recognition of his efforts to make Chesapeake a better place to live, work, and play; he was named both Member of the Year by the Chesapeake Sports Club and First Citizen of Chesapeake by the Chesapeake Rotary Club in 2018 and Member of the Year by the Tidewater Builders Association in 2014; and

WHEREAS, Carroll Smith will be fondly remembered and greatly missed by his wife, Jackie; his sons, Roland, Jr., and Doug, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Roland Carroll Smith, Sr., respected businessman and devoted philanthropist of the Chesapeake community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Roland Carroll Smith, Sr., as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 5

2020 Session operating resolution.

Agreed to by the Senate, January 8, 2020

RESOLVED by the Senate of Virginia, That the Comptroller is directed to issue his warrants on the Treasurer, payable from the contingent fund of the Senate, to accomplish the work of the Senate of Virginia as reported by the Clerk of the Senate to the Senate Committee on Rules during the 2020 Session. Necessary payments to cover salaries of temporary employees and the Pages, per diem for legislative assistants who establish a temporary residence, per diem for Pages and certain employees designated by the Clerk and reported to the Chair of the Senate Committee on Rules, as well as other contingent and incidental expenses, will be certified by the Clerk of the Senate or her designee. Per diem for orientation will be paid as approved by the Clerk.

SENATE RESOLUTION NO. 6

Establishing the Rules of the Senate.

Agreed to by the Senate, January 8, 2020

RESOLVED by the Senate of Virginia, That the following are adopted as the Rules of the Senate to supersede all previous Rules of the Senate:

RULES OF THE SENATE

I.

Presiding Officer.

1. The presiding officer of the Senate shall be the Lieutenant Governor of the Commonwealth as the President of the Senate in accordance with Article V, Section 14, of the Constitution.

2 (a). There shall be elected by the Senate, on the first day of the session following the election of the Senate, a President pro tempore who shall serve for a term coincident with the member's current term of office and be a senior member in the Senate.

2 (b). In the event of the absence, disability, or vacancy in the office of the Lieutenant Governor, the President pro tempore shall carry out the duties of the Lieutenant Governor as presiding officer.

2 (c). The President pro tempore shall have the right to name in open session, or if ~~he~~ *the President pro tempore* is absent, in writing, a Senator to perform the duties of the presiding officer, but such substitution shall not extend beyond an adjournment of a daily session, except by unanimous consent of those present.

2 (d). In the event of a vacancy in the office of the Lieutenant Governor, or whenever the powers and duties of the Governor shall devolve upon the Lieutenant Governor, the President pro tempore shall have the right to name, in writing, a Senator to perform the duties of the presiding officer during ~~his~~ *the absence of the President pro tempore*; and the Senator so named shall have the right to name, in open session, or in writing, if he is absent, a Senator to perform the duties of the presiding officer, but such substitution shall not extend beyond adjournment of a daily session, except by unanimous consent of those present.

3. The presiding officer, after taking the Chair pursuant to these Rules, and a quorum being present, shall cause the Journal of the preceding day to be read. The reading of the Journal may be waived by a majority of those Senators present and voting. The reading of the Journal may be waived at a reconvened session of a special session by at least two members present and voting, only if there is no business to consider in accordance to Article IV, Section 6 of the Constitution of Virginia. Any errors in the entries shall be corrected, and the Journal being found correct, shall be signed by the presiding officer for that day and the Clerk of the Senate. The Journals, when so signed, shall be the official records of the proceedings of the Senate.

4. If any question is put upon a bill or resolution, the presiding officer shall state the same without argument.

II.

Membership, Attendance, and Adjournment.

5. A member of the Senate shall be a Senator elected to represent one of the 40 senatorial districts. A majority of Senators shall constitute a quorum to do business; two may adjourn, and nine may order a call of the Senate, send for absentees, and make any order for their censure or discharge. However, not less than 16 may meet by proclamation of the Governor under the provisions of Article IV, Section 8 of the Constitution. At a special session or a reconvened session of a special session when there is no business to consider in accordance with Article IV, Section 6 of the Constitution of Virginia, two members may convene the Senate, dispense with the reading of the Journal, recess or adjourn the Senate.

6. No Senator shall absent himself from the service of the Senate without leave.

III.

The Pages.

7. The Senate shall elect 20 Pages in accordance with an appointment process approved by the Clerk, in consultation with the Chair of the Committee on Rules, that includes geographical diversity and ensures that each Senator has an appointment for one long (60 days) session and one short (46 days) session during a term. Six Pages shall be appointed by the following: one by the Lieutenant Governor; one by the President pro tempore; one by the chair of the caucus of the majority party; one by the majority leader; one by the chair of the caucus of the minority party; and one by the minority leader. The Clerk may also appoint such number of additional Pages as may be required. The Pages shall be no less than 13 and no more than 14 years of age at the time of election or appointment, shall be residents of the Commonwealth of Virginia, and shall be elected or appointed for a term of one year. No Page shall be eligible for reelection. Any such Page so elected or appointed may be suspended or dismissed for cause by the Clerk of the Senate.

IV.

The Clerk of the Senate.

8 (a). A Clerk of the Senate shall be elected by the Senate for a term of four years and shall thereafter continue in office until another is chosen. The oath of office shall be administered to the Clerk of the Senate by any person qualified by law to administer oaths. If a vacancy in the office of Clerk of the Senate occurs when the General Assembly is not in session, a successor shall be elected by the Committee on Rules to serve until the first day of the next session, at a meeting to be called by the Chair, or in his absence or inability to act, the next senior member of such Committee able and willing to do so. At least five ~~days~~ *days*' notice by certified mail of the time, place, and purpose of the meeting shall be given all members of the Committee, and, at such meeting, the person receiving the votes of a majority of the members present and voting shall be elected to fill the vacancy.

8 (b). The Clerk of the Senate shall be the custodian of the public seal and design of armorial bearings of the Senate.

8 (c). The Clerk of the Senate shall be the custodian of all records and papers of the Senate and the Clerk shall not suffer any such records or papers to be taken from the Clerk's desk or out of the Clerk's custody by any person except the Chair or the clerk of a Committee, or any Senator on taking receipts for same. Amendments agreed to by the Senate shall be handled only by the Clerk of the Senate, or staff members designated by the Clerk.

8 (d). It shall be the duty of the Clerk of the Senate to refer all bills and resolutions to the appropriate standing Committee or the Committee on Rules as provided in these Rules. If there is any objection as to the referral by the Clerk of the Senate of any bill or resolution to any standing committee or the Committee on Rules, the Committee on Rules shall hear the same, resolve the issue and report to the Senate.

8 (e). The Clerk of the Senate shall prepare a list of the Senators in order of seniority. Seniority shall be based upon longest continuous service in the Senate. However, if a Senator has previous interrupted service in the Senate, then the beginning date of such previous Senate service shall qualify the Senator for seniority before those Senators elected at the same time not having previous service in the Senate, and if a Senator has previous service in the House of Delegates, then seniority shall be based upon longest continuous service in the House of Delegates and shall qualify the Senator to seniority before those Senators elected to the Senate at the same time not having previous service in the House of Delegates. Senators elected at the same time without previous service in the Senate or House of Delegates shall have their seniority determined by a public drawing of lots, conducted by the Clerk of the Senate, to which all Senators involved shall be invited to attend. After the name of each Senator there shall be indicated the name of the political party under which the Senator was elected or abbreviation of the same; e.g., "Rep." or "Dem." If a Senator was not elected as a nominee of a political party, then such Senator shall be listed as an Independent, or "Ind."; however, if any Senator is elected at a special or general election and such Senator has, prior to such election, declared himself in writing a member of a political party during and prior to such election and the political party of his choice did not hold a convention or call a primary election for such election, such Senator shall be listed as a member of the party of which he declared himself a member.

8 (f). The Clerk of the Senate, after the election of Senators, shall assign chamber desks to the individual Senators with the Senators elected as members of the majority party in the Senate in the chamber area beginning at the ~~south~~ *north* side of the chamber until all such desks have been assigned, and then the Senators elected as members of the minority party in the Senate, and then any Senator not elected as a member of the two major political parties. The Clerk of the Senate shall also assign office space in such buildings as may be made available for the use of the Senate. Whenever feasible, the Clerk of the Senate shall give due consideration in assigning chamber desks and office space to the seniority and request of a Senator. However, the chamber desk or office space of a Senator having immediate prior service in the Senate shall not be reassigned unless he shall so request the Clerk of the Senate.

Should any Senator, however, during his term of office, cease to be a member of the political party of which he was a member at the time of his election *or the caucus of such party* either by self-declaration or through other conduct ~~as confirmed by a two-thirds majority of the members elected to the Senate~~, or if a special election results in a change of political party membership, the Clerk of the Senate, upon such change in political party membership *or the caucus of such party*, is authorized to reassign chamber desks and office space accordingly.

8 (g). The area of the General Assembly Building assigned to the members of the Senate, their legislative support staff, the staff of the Senate, the facilities and space for those charged with the maintenance, repair, and security of such building,

and such space designated for the news media shall not be utilized or occupied as office space by any other person or persons, except by vote of the Committee on Rules.

8 (h). During the sessions, the Clerk shall provide office supplies for official use by the Senators.

9. The Journal of the Senate shall be daily drawn up by the Clerk of the Senate, and shall be read the succeeding day, unless the reading thereof is waived as provided in these Rules; it shall be printed under the supervision of the Clerk of the Senate and delivered to the Senators without delay.

10 (a). The Clerk of the Senate shall appoint a chief deputy clerk and such staff as necessary to perform the work of the Senate. The Clerk may also appoint such number of additional Pages as may be required. The Clerk of the Senate shall also appoint such committee clerks as may be necessary after consultation with, and the approval of, the Chair of the Committee on Rules and the Chairs of the several Committees. The Clerk of the Senate shall also appoint such additional committee staff as may be necessary after consultation with, and the approval of, the Chair of the Committee on Rules. All committee clerks so appointed shall remain in the Capitol or other legislative facilities during the daily sessions of the Senate, and committee clerks shall be assigned for duties with various standing Committees by the Clerk of the Senate, after consultation by the Clerk of the Senate and with the approval of the Chair of each such Committee. Additional committee staff shall be assigned for duties with various standing Committees by the Clerk of the Senate, after consultation with, and the approval of, the Chair ~~on~~ of the Committee on Rules and the Chair of the respective Committee. Each clerk shall perform any other duties that the Clerk of the Senate shall require, when not employed by their respective standing Committees. Clerks may be removed by the Clerk of the Senate, after consultation with, and the approval of, the Chair of the Committee on Rules. Additional committee staff may be removed by the Clerk of the Senate, after consultation with, and the approval of, the Chair of the Committee on Rules. The Clerk of the Senate shall have supervision over all employees of the Senate.

10 (b). The Clerk of the Senate shall be the clerk to the Committee on Rules.

11 (a). Before reading each bill or resolution by title, the Clerk of the Senate shall announce, by either individual bill or resolution or en bloc, whether it is the first, second, or third time of such reading.

11 (b). The Clerk of the Senate shall keep at the Clerk's desk, during the sittings of the Senate, a calendar that shows the business of the Senate. The Clerk shall make available to each member, before the assembling of the Senate each day, a calendar of pending bills and resolutions. The Clerk shall prepare a list of all bills and resolutions offered on the preceding day, with the names of the patrons, titles of the bills or resolutions, and the Committees to which the same have been referred under these Rules.

12. It shall be the duty of the Clerk of the Senate, without special order therefor, to communicate to the House of Delegates any action of the Senate upon business coming from the House of Delegates, or upon matters requiring the concurrence of that body, but no such communication shall be made in relation to any action of the Senate while it remains open for consideration.

13. The Clerk of the Senate shall, at the beginning of the term after the election of Senators, have printed the Senate manual and rules, the Constitution of Virginia, and the Constitution of the United States for the use of the Senators.

14 (a). Whenever the Clerk of the Senate is absent, the chief deputy clerk appointed pursuant to law and these Rules shall exercise the powers and perform the duties conferred and imposed upon the Clerk of the Senate by law and these Rules, by and with the consent of the Committee on Rules.

14 (b). In the discharge of all the duties assigned to the Clerk, and such other duties as the Clerk may from time to time undertake, the Clerk shall be subject to the direction of the Committee on Rules.

V.

Sergeant-at-Arms and Doorkeepers.

15. A Sergeant-at-Arms shall be elected by the Senate, and shall continue in office at the pleasure of the Committee on Rules for a term not exceeding four years. Except as otherwise provided by these Rules, his duties shall be prescribed by the Committee on Rules.

16. Except by order of the Senate, no Senator shall be taken into custody by the Sergeant-at-Arms on any grounds other than to quell a breach of the peace until the matter is examined by the Committee on Privileges and Elections and reported to the Senate.

17 (a). The Doorkeepers shall be constantly at their post during the daily sessions of the Senate and shall permit no one to enter freely or remain upon the floor of the Senate during the daily session, except the President of the Senate; members of the General Assembly; ~~and~~ officers and employees of the Clerk of the Senate and the Clerk of the House of Delegates; *and representatives of the news media in such numbers as may be seated in accommodations provided for them at the press tables. The Committee on Rules shall consider and determine all matters concerning the news media in the Senate Chamber.*

17 (b). Members of a Senator's family and such persons whom a Senator may invite shall be entitled to seats in a reserved section of the gallery. Representatives of the news media *who cannot be accommodated with seats at press tables on the floor* may also be entitled to seats in a reserved section of the gallery.

17 (c). Fifteen minutes prior to the convening of every daily session, the Sergeant-at-Arms shall clear the floor of the Senate of all persons other than those who are authorized to be there during each session and shall not permit unauthorized persons upon the floor of the Senate for five minutes following the conclusion of every daily session.

17 (d). Interviews are not allowed in the Senate Chamber during the daily session or during the recesses during the daily session. Interviews in the Senate Chamber shall end 15 minutes prior to the scheduled start of the daily session and shall not commence until five minutes after the adjournment of the daily session.

17 (e). Whenever any person requests an interview with a Senator or the Clerk of the Senate, a Doorkeeper shall send the request by a Page.

17 (f). A Doorkeeper shall direct all persons not entitled to entry on the floor of the Senate, as set out above, to the gallery of the Senate.

VI.

Standing Committees.

18. At the commencement of each session after the election of Senators, a nominations report shall be submitted by the majority caucus to elect members to the standing Committees and the Committee on Rules for terms coincident with their terms of office in such numbers as hereinafter set forth. Such members shall be elected by a majority vote of those present and voting. *Each standing Committee and the Committee on Rules shall consist of 15 Senators, except the Committee on Finance and Appropriations shall consist of 16 Senators.*

18 (a). A Committee on Agriculture, Conservation and Natural Resources; ~~15 Senators~~, to consider matters concerning agriculture; air and water pollution and solid waste disposal; conservation of land and water resources; crustaceans and bivalves; all matters of environment, forest, fresh and salt water fishing, game, mining, parks and recreation, and petroleum products.

18 (b). A Committee on Commerce and Labor; ~~15 Senators~~, to consider all matters concerning banking; commerce; commercial law; corporations; economic development; industry; insurance; labor; manufacturing; partnerships; public utilities, except matters relating to transportation; tourism; workmen's compensation; and unemployment matters.

18 (c). ~~A Committee for Courts of Justice, 15 Senators, to consider matters relating to the Courts of the Commonwealth and the Justices and Judges thereof, including the nominations of such Justices and Judges where provided by the Constitution and statutes of Virginia; and all matters concerning the criminal laws of the Commonwealth; together with all matters concerning contracts, domestic relations, eminent domain, fiduciaries, firearms, garnishments, homestead and all other exemptions, immigration (with the exception of matters relating to the powers of the Governor or education), magistrates, mechanics' and other liens, notaries public and out-of-state commissioners, property and conveyances (except landlord and tenant and condominium matters), wills, and decedents' estates.~~

~~It shall report to the Senate the names of such persons as it shall find qualified for election as a Justice or Judge of the Commonwealth. Senators, all or part of whose Senate Districts are within the Circuit or District for which a Judge is to be elected, shall nominate a qualified person for such election by affirmation of a majority of such Senators on a form provided by the Clerk of the Senate. If such Senators are unable to agree on a nominee, a Senator shall only nominate a person deemed qualified by the Committee for Courts of Justice for any judicial position.~~

~~Whenever a vacancy in the office of a justice of the Supreme Court or judge of the Court of Appeals is announced, the Chair of the Committee for Courts of Justice shall establish a date certain by which any Senator may forward the name of any potential nominee for such office to the Chair.~~

18 ~~(d)~~. A Committee on Education and Health; ~~15 Senators~~, to consider matters concerning education; human reproduction; life support; persons under disability; public buildings; public health; mental health; ~~mental retardation intellectual disability~~ and health professions.

18 ~~(e)~~(d). A Committee on Finance; ~~15 Senators~~, and *Appropriations* to consider matters concerning auditing; bills and resolutions for appropriations; the budget of the Commonwealth; claims; general and special revenues of the Commonwealth; all taxation; and all matters concerning the expenditure of funds of the Commonwealth.

18 ~~(f)~~(e). A Committee on General Laws and Technology; ~~15 Senators~~, to consider matters concerning affirmation and bonds; the boundaries, jurisdiction and emblems of the Commonwealth; cemeteries; condominiums; consumer affairs; fire protection; gaming and wagering; housing; inter- or intra-government information technology applications and uses other than those proposed or used to support the operations of the General Assembly or the Senate; land offices; landlord and tenant; libraries; military and war emergency; nuisances; oaths; professions and occupations (except the health and legal professions); religious and charitable matters; state governmental reorganization; veterans' affairs; warehouses; and matters not specifically referable to other Committees, including, but not limited to, matters relating to technology, engineering, or electronic research, development, policy, standards, measurements, or definitions, or the scientific, technical, or technological requirements thereof, except for those affecting the operations of the General Assembly or the Senate.

18 (f). A Committee on the Judiciary to consider matters relating to the Courts of the Commonwealth and the Justices and Judges thereof, including the nominations of such Justices and Judges where provided by the Constitution and statutes of Virginia; and all matters concerning the criminal laws of the Commonwealth; together with all matters concerning the contracts, domestic relations, eminent domain, fiduciaries, firearms, garnishments, homestead and all other exemptions, immigration (with the exception of matters relating to the powers of the Governor or education), magistrates, mechanics' and other liens, notaries public and out-of-state commissioners, property and conveyances (except landlord and tenant and condominium matters), wills and decedents' estates.

It shall report to the Senate the names of such persons as it shall find qualified for election as a Justice or Judge of the Commonwealth. Senators, all or part of whose Senate Districts are within the Circuit or District for which a Judge is to be elected, shall nominate a qualified person for such election by affirmation of a majority of such Senators on a form provided

by the Clerk of the Senate. If such Senators are unable to agree on a nominee, a Senator shall only nominate a person deemed qualified by the Committee on the Judiciary for any judicial position.

Whenever a vacancy in the office of a justice of the Supreme Court or judge of the Court of Appeals is announced, the Chair of the Committee on the Judiciary shall establish a date certain by which any Senator may forward the name of any potential nominee for such office to the Chair.

18 (g). A Committee on Local Government; ~~13 Senators~~, to consider matters of local government in the counties, cities, towns, regions, or districts, planning boards, and commissions and authorities, except matters relating to the compensation of elected officeholders, where funds of the Commonwealth are involved.

18 (h). A Committee on Privileges and Elections; ~~13 Senators~~, to consider matters concerning voting; apportionment; conflict of interests, except those concerning members of the judiciary or solely the legal profession, provided that any such matter, after being reported by the Committee, shall be rereferred by the Committee to the Committee ~~for Courts of Justice on the Judiciary~~ for consideration of the matters relating only to members of the judiciary or solely to the legal profession; constitutional amendments; elections; elected officeholders; reprimand, censure, or expulsion of a Senator; and nominations and appointments to any office or position in the Commonwealth (except Justices and Judges of the Commonwealth). It shall consider all grievances and propositions, federal relations, and interstate matters. It shall examine the oath taken by each Senator and the certificate of election furnished by the proper office and report thereon to the Senate. It shall review and report as may be required in cases involving financial disclosure statements and shall recommend disciplinary action by majority vote where appropriate. It shall report in all cases involving contested elections the principles and reasons upon which their resolves are founded. It shall determine and report on all matters referred to it by the Senate Ethics Advisory Panel as set forth in the statutes.

Whenever the Clerk receives a report of the Senate Ethics Advisory Panel or a resolution seeking the reprimand, censure, or expulsion of a Senator, the report shall be referred forthwith to the Committee on Privileges and Elections. The Committee shall consider the matter, conduct such hearings as it shall deem necessary, and, in all cases report its determination of the matter, together with its recommendations and reasons for its resolves, to the Senate. If the Committee deems disciplinary action warranted, it shall report a resolution offered by a member of the Committee to express such action. Any such resolution reported by the Committee shall be a privileged matter. The Senate as a whole shall then consider the resolution, and, by recorded vote, either defeat the resolution or take one or more of the following actions: (i) reprimand the Senator with a majority vote of the Senators present and voting; (ii) censure the Senator and place the Senator last in seniority with a majority vote of the elected membership of the Senate; (iii) expel the Senator with a two-thirds vote of the elected membership of the Senate; or (iv) refer the matter to the Attorney General for appropriate action with a majority vote of the Senators present and voting, in the event the Senate finds a knowing violation of § 30-108 or subsection C of § 30-110 of the Code of Virginia.

18 (i). A Committee on Rehabilitation and Social Services; ~~15 Senators~~, to consider matters concerning alcoholic beverages; correctional and penal institutions; morals; social services and welfare; and substance abuse.

18 (j). A Committee on Transportation; ~~13 Senators~~, to consider matters concerning airports; airspaces; airways; the laws concerning motor vehicles relating to rules of the road or traffic regulations; heliports; highways; port facilities; public roads and streets; transportation safety; public waterways; railways; seaports; transportation companies or corporations; and transportation public utilities. Any matter relating to rules of the road or traffic regulations which include a change in a penalty shall be rereferred by the Committee to the Committee for Courts of Justice.

VII.

Committee on Rules.

19 (a). A Committee on Rules, which shall be in addition to the foregoing standing Committees, consisting of the standing Committee Chairs; the President pro tempore, if the person is not a Chair; the Majority Leader, if the person is not a Chair; the Minority Leader; and other Senators ~~to comprise not more than 15~~. The Chair of the Committee on Rules shall not be Chair of any standing Committee. The Chair of the Committee on Rules shall be the Chair of the Commission on Interstate Cooperation of the Senate. The Committee shall consider all resolutions amending or altering the Rules of the Senate; all joint rules with the House of Delegates; all bills and resolutions creating study committees or commissions; and all other resolutions (except those of a purely procedural nature, those concerning nominations and appointments to any office or position in the Commonwealth including the nominations of Justices and Judges, and those concerning constitutional amendments). The Committee may report such bills or resolutions with the recommendation that they be passed, or that they be rereferred to another Committee. In considering a bill or resolution, the Committee is empowered to sit while the Senate is in session. There shall be a subcommittee of the Committee, consisting of the Chair and members appointed by the Chair to equal the number of House members appointed to the subcommittee, which shall exercise on behalf of the Committee such powers as are delegated to the Committee when acting jointly with the Committee on Rules of the House of Delegates or a subcommittee thereof.

19 (b). If there is any objection as to the referral by the Clerk of the Senate of any bill or resolution to any standing Committee or any matter relating to the Office of the Clerk, the Committee on Rules shall hear the same, resolve the issue, and report to the Senate.

19 (c). The Chair of the Committee on Rules, in consultation with the Clerk, shall consider and determine all matters concerning the news media in the Senate Chamber; all policies concerning travel expenses and reimbursements; all matters concerning joint assemblies with the House of Delegates and such persons, not members of the Senate, who are to be

permitted to address the Senate; and all matters concerning the utilization of the facilities available to the Senate and its membership. The Chair, in consultation with the Clerk, shall prescribe the duties not otherwise prescribed for the Clerk, Sergeant-at-Arms, and Doorkeepers. The Chair, in consultation with the Clerk, shall approve the appointment, removal, and assignment for duties of the additional committee staff authorized in Rule 10 (a).

19 (d). The Committee on Rules shall from time to time prescribe such requirements as will expedite the flow of the work of the Senate, all such requirements being subject to the approval of the Senate.

19 (e). The Chair of the Committee on Rules shall appoint a subcommittee to review the financial disclosure statements filed annually by members or candidates and shall determine whether each statement is correct and complete as filed or requires correction, augmentation, or revision by the member or candidate involved, who shall be directed in writing to make the changes required within such time as shall be set by the Committee.

Additional review shall be made of any financial disclosure statement by the Committee on Rules upon a request in writing by 20 percent of the membership of the Senate on the basis of newly discovered evidence. This review shall be made promptly, the adequacy of filing determined, and notice of the determination of the Committee sent in writing to the member involved. If a financial disclosure statement is found to need correction, augmentation, or revision, the member or candidate involved shall be directed in writing to make the changes required within such time as shall be set by the Committee. Failure to make the correction shall result in the matter being referred to the Committee on Privileges and Elections for disciplinary action pursuant to Rules 18 (h) and 53 (b).

19 (f). There shall be a Subcommittee on Standards of Conduct of the Committee on Rules, consisting of three members, one of whom shall be a member of the minority party, appointed by the Chair. The Subcommittee shall consider any request by a Senator for an advisory opinion as to whether the facts in a particular case would constitute a violation of the Rules of the Senate or any statute enacted relative to conflicts of interests, and may consider any other matters assigned to it by the Committee on Rules. Any Senator requesting such an advisory opinion shall submit the request in writing, addressed to the Chair of the Committee on Rules, and shall set forth specifically the facts relative to the opinion sought. The Subcommittee shall convene as soon as practicable, granting the Senator requesting the opinion the right to appear and, upon the conclusion of its deliberations, the Subcommittee shall submit its written opinion to the full Committee on Rules. The Committee on Rules shall consider the written opinion submitted by the Subcommittee and, if accepted, the same shall constitute an advisory opinion for the conduct of the members of the Senate on the issues set forth. The Clerk of the Senate shall maintain a record of such advisory opinions, which shall be available to any member of the Senate.

19 (g). Any Senator who wishes to present a person to the Senate shall first seek the approval of the Chair of the Committee on Rules. The Senator shall submit a written request to the Chair of the Committee and a copy of the request to the Clerk of the Senate, at least 48 hours prior to the time of the presentation. The Chair shall determine the merit of the presentation and notify the Senator of the decision. The submission of the written request and the approval of the Chair shall not be required to present members of the Virginia Congressional Delegation and former members of the Virginia Senate. The Chair, in consultation with the Clerk, shall approve the dates for the presentations. During the regular session, presentations shall not be made on Fridays, crossover, or any day involving action on the appropriation act.

19 (h). The Committee on Rules shall make all Senate appointments to study committees and commissions in the number authorized for the Senate, whether the authority is limited to Senate members or other persons. It shall appoint members of the Senate to such other committees as may be required to serve as joint committees with the House of Delegates under its Rules, and shall appoint members of the Senate to serve as Senate members on any Committee or Commission required by statute. Senate membership on half of the joint subcommittees and commissions created each session with the House of Delegates shall be of equal membership. If no member of a standing Committee of the Senate specified in a study resolution is able to serve, the Committee on Rules may appoint a member of the Senate at large to the study notwithstanding the provisions of the enabling resolution.

VIII.

Composition and Procedures of Committees.

20 (a). The total membership of all Committees and the membership of each standing Committee shall be composed of members of the two major political parties in the Commonwealth and consideration shall be given to the geographic balance in the membership of each standing Committee. Senators shall serve terms on such Committees coincident with their current terms of office. No member shall be removed from a Committee, except by a majority vote of the members present and voting or by forfeiture under these rules or upon submission of the member's resignation from the Committee.

The standing Committees may also include any Senator not elected as a member of the two major political parties. All members of the Senate shall be elected to the standing Committees, where practicable. When the Committees are elected, the Senator first named shall be the Chair; ~~except that in the case of the Committee on Finance, the first two Senators of the majority party named to the Committee shall be Co-Chairs. All references in these Rules to the Chair of a standing Committee shall be interpreted to include and apply to the Co-Chairs.~~ However, a Senator shall serve as Chair of only one of the standing Committees. Next shall be listed the members, listed by seniority and by the date elected to the Committee. At the first meeting of the Committee, the Chair may appoint and announce a vice chair.

Should any Senator, during his term of office, cease to be a member of the political party of which he was a member at the time of his election *or the caucus of such party* either by self-declaration or through other conduct ~~as confirmed by a two-thirds majority of the members elected to the Senate,~~ he shall be deemed, thereby, to have forfeited all Committee memberships to which he may have been elected.

20 (b). Any vacancy in Committee membership during the four-year term of the Committee members shall be filled in the manner in which Committee members are elected in the first instance.

20 (c). The standing Committees shall meet at such time and place as shall be designated by the Committee on Rules, after consultation with the respective Committee Chair, and the fixed time and place of Committee meetings shall be published. All committees shall be governed by the Rules of the Senate.

20 (d). All Committee meetings shall be held in public. All votes on bills shall be recorded.

However, executive sessions may be held pursuant to applicable provisions of law upon a recorded vote. Except as provided herein, a recorded vote of members upon each measure shall be taken and the name and number of those voting for, against, or abstaining reported with the bill or resolution and ordered printed on the Calendar. A recorded vote shall not be necessary to report a resolution, if that resolution does not have a specific vote requirement pursuant to these Rules. A Senator who has a personal interest in the transaction, as defined in § 30-101 of the Code of Virginia, shall neither vote nor be counted upon it, and he shall withdraw, or invoke this Rule not to be counted, prior to the taking of any vote upon it, by stating the same before the Committee, and the fact shall be recorded by the Committee Clerk and reported along with the votes of the Committee members on the bill or resolution. If a Senator invokes this rule, the Senator shall not participate, directly or indirectly, in the matter wherein the rule is invoked. Pairs may be taken in Committee voting as provided in Rule 36.

20 (e). The majority of any Committee shall constitute a quorum. Any Senator attending and recorded as present at a Committee meeting who must depart prior to the rising of the Committee, may designate, in writing on committee proxy forms, one member of the Committee to vote his proxy for the duration of his absence, but for no longer than the meeting of the Committee at which the proxy is given and only for the duration during which the Senator leaving the proxy is within the confines of Capitol Square. Proxies are not transferable. The Chair shall be informed in open session of the proxy authority prior to the departure of the Senator so leaving.

20 (f). Any bill or resolution introduced in an even-numbered year, and not reported to the Senate by a Committee may, upon the majority vote of the elected membership of the Committee to which it has been referred, be continued on the agenda of the Committee for hearings and Committee action during the interim between sessions or for future action by the Committee during the following odd-numbered year regular sessions. A bill or resolution may be continued only one year from an even-numbered year session and not otherwise. The Committee shall report, prior to the adjournment sine die of the Senate, such bills or resolutions as shall be continued and the Clerk of the Senate shall enter upon the Journal the fact that such bill or resolution has been continued.

20 (g). The Senate, upon consideration of any bill or resolution on the Calendar, may recommit, in accordance with these Rules, the bill or resolution to the Committee reporting the same, and direct the Committee to continue the bill or resolution until the following odd-numbered year regular session, and hold such hearings or render such further consideration of the bill or resolution as the Committee may deem proper.

20 (h). The Chair of the Committee, or the majority of the elected membership of a Committee, may call meetings of the Committee during the interim between sessions to study, call hearings, and consider any bill or resolution continued for further action at the odd-numbered year session, or to consider such other matters as may be germane to the duties of the Committee.

20 (i). The provisions of this Rule relating to legislative continuity between sessions shall be subject to the provisions of Article IV, Section 7 of the Constitution of Virginia.

20 (j). Each Committee shall have a clerk appointed by the Clerk of the Senate, after consultation with the Chair of the Committee on Rules and the Chair of the respective Committee. The Clerk of the Senate shall be the clerk to the Committee on Rules.

20 (k). The Chair of any Committee may appoint subcommittees to consider a particular bill or resolution or to consider matters relative to a portion of the work of the Committee. Such subcommittees shall not take final votes and shall only make recommendations to the Committee. The Chair of the full Committee shall be an ex officio member of all subcommittees and entitled to vote, but shall not be counted as a member for purposes of a quorum. All subcommittees shall be governed by the Rules of the Senate.

20 (l). Any Committee of the Senate may, at its discretion, confer with any Committee of the House of Delegates having under consideration the same subject and arrange joint meetings, hearings, or studies, as the Committees deem appropriate.

20 (m). A Committee, after considering a bill or resolution referred to it may:

A. Rerefer the same to another Committee, in the same form received, to consider applicable portions of such bill or resolution as are germane to another Committee under the Rules, or may

B. Report it to the Senate

(i) without amendment,

(ii) with recommendation that a Committee amendment(s) be adopted, or

(iii) with recommendation that it be rereferred to another Committee (either with or without amendment), in which latter event the Clerk of the Senate shall so rerefer unless the Senate shall otherwise direct.

A recorded vote of members shall be taken upon any motion listed in A and B above and the name and number of those voting for, against, or abstaining reported with the bill or resolution and ordered printed on the Calendar. The report recorded by the Committee Clerk shall be the recorded vote on the motion and cannot be changed unless the vote is reconsidered and voted upon again. A recorded vote shall not be necessary to report or rerefer a resolution, if that resolution does not have a specific vote requirement pursuant to these Rules.

20 (n). Any bill, except the budget bill sent down by the Governor, whose principal objective is taxation or which establishes a special fund or any type of nonreverting fund, whether or not such bill may also require an appropriation, tax, special, or general revenue, shall first be referred to the Standing Committee which has jurisdiction of the subject matter of the bill as defined in rules 18 (a) through 18 (j) of the Rules of the Senate. If said bill is reported by the Committee of original jurisdiction then said bill shall be rereferred by the Committee to the ~~Finance Committee~~ *Committee on Finance and Appropriations*.

20 (o). A Committee may refer the subject matter of a bill or resolution to any agency, board, commission, council, or other governmental or nongovernmental entity for comment, but the bill or resolution shall remain with the Committee. The Chair of the Committee shall direct the Clerk of the Senate to prepare the appropriate letter and the action of the Committee shall be made available to the public.

20 (p). Committees of the Senate are authorized to seek and obtain, in the period of time between sessions of the General Assembly, the services of citizens of the Commonwealth whose function will be to participate with such Committees or Subcommittees thereof in reviewing legislation or in performing any referred study or study initiated by the Committee or its Chair.

Persons appointed to serve shall receive reimbursement for their actual and reasonable expenses incurred in the performance of services for the Committees. For such other expenses as may be occasioned by the conduct of any Committee study, payments shall have approval in advance by the Chair of the Committee on Rules in consultation with the Clerk and shall be made from the general appropriation to the Senate.

20 (q). Persons who are asked by a Committee Chair to appear before a Committee or subcommittee or study to offer expert testimony may receive reimbursement for their actual and reasonable expenses if approved in advance by the Chair of the Committee on Rules, in consultation with the Clerk.

IX.

Order of Business.

21. At the appointed hour, the presiding officer of the Senate shall take the chair and call the Senate to order, and the order of business thereafter shall be as follows:

(a) A period of devotions.

(b) *The recitation of the Pledge of Allegiance to the flag of the United States of America.*

(c) A roll call of members present.

~~(d)~~ (d) The reading of the Journal.

~~(e)~~ (e) A period to be called the "morning hour," for the following purposes:

i. to dispose of communications from the House of Delegates, the Executive, and the Judiciary.

ii. to recognize and welcome visitors to the Senate.

iii. to receive resolutions and bills, but such resolutions and bills may be received at the Clerk's desk at any time after the "morning hour," with leave of the Senate.

~~(f)~~ (f) Consideration of unfinished business. (Unfinished business is legislation before the Senate as a result of or pending action by the House of Delegates.)

~~(g)~~ (g) Consideration of the Calendar of the Senate for that day, for which purpose the Calendar shall be called by the Clerk of the Senate.

~~(h)~~ (h) Upon completion of the Calendar and then Senators expressing Point(s) of Personal Privilege and such other business as may come before the Senate, a recess or adjournment shall then be taken.

22. To expedite the business of the Senate, it may order the convening of a "special morning session," at which session no vote shall be taken or other business transacted except the introduction of bills and resolutions. Upon the completion thereof, such session shall recess to such time as the Senate may have theretofore ordered. Such "special morning session" shall be convened by the presiding officer or President pro tempore unless otherwise designated. The "special morning session" shall be considered adjourned upon the convening of the daily session.

23 (a). Notwithstanding Rule 21 and Rule 22, any subject may, by a recorded vote of a majority of the members present and voting, be made a special and continuing order, to commence at a time to be fixed by the Senate, and when the time so fixed for its consideration arises, the presiding officer shall lay it before the Senate.

23 (b). When two or more special and continuing orders have been made for the same time, they shall have precedence according to the order in which they were severally assigned, and that order shall only be changed by majority of those present and voting. All motions to change such order shall be decided without debate.

24. When a bill or resolution of the House of Delegates is passed or rejected by the Senate, the fact of the passage or rejection, with the bill or resolution, shall be communicated to the House of Delegates.

25 (a). All bills, resolutions, or other business originating in the Senate and all bills, resolutions, or other business sent from the House of Delegates shall be dispatched in the order in which they are introduced or received, unless the Senate shall otherwise direct.

25 (b). Bills or resolutions of either house shall be divided on the Calendar between the designations "Uncontested Calendar" and "Regular Calendar" and shall be considered in such order. When such a division is made for bills or resolutions, the Uncontested Calendar shall not include any bills or resolutions (i) that receive a dissenting vote or abstention in Committee or (ii) to which objection is made by any Senator on first reading. Any bills or resolutions shall be

removed from the Uncontested Calendar at any time at the request of any Senator. Resolutions that do not have a specific vote requirement pursuant to these Rules shall not be placed on the Uncontested Calendar but may be divided separately.

25 (c). It shall be the duty of the Clerk to see that the printing and engrossing, when ordered, shall be done in such time that the bills and resolutions may be acted upon according to their priorities upon the Calendar. If, however, any bill or resolution is not ready when it is reached upon the Calendar, it shall be passed by, and be allowed to retain its place upon the Calendar.

25 (d). When the Calendar has been called through, it may be called again in order to dispose of any business that may be ready, and if there is none, the business of the "morning hour" shall be resumed and disposed of; but the business of the "morning hour" shall in no case be allowed to interfere with that of the Calendar without the unanimous consent of the members present.

26 (a). No law shall be enacted except by bill. Every bill, upon its introduction, shall be referred to the appropriate Committee. No bill shall become a law until the procedures required by Article IV, Section 11 of the Constitution of Virginia have been observed.

26 (b). No bill expressly amending any existing law shall be offered by any member unless or until the original and all copies thereof have been prepared so as to indicate deletions and additions. Each bill or resolution shall be signed by at least one Senator or by the Clerk of the Senate upon authorization of a member who has become incapacitated or who is unavailable to sign the legislation. Upon the approval of the Committee on Rules, electronic filing of bills and resolutions and electronic patronage may be permitted. Any bill or resolution offered for introduction in the Senate may show two or more Senators as chief patrons and as "House Patrons" the signatures of members of the House of Delegates. The title of any bill having any provisions pertaining to taxation or revenues shall so indicate. The form for deletions and additions shall be to set forth the material deleted with lines through such material, e.g., ~~deleted material or words~~, and to underscore the words added, before they are received in the Senate. However, the stricken material and underscoring and italics in the printed bill, enrolled bills, and printed Acts shall not be considered evidence of all amendments to any bill or existing statute, but merely as an aid for quick reference to amended portions. Nothing herein contained shall be construed as requiring the use of stricken material or underscoring when new words are substituted for existing words where the new words or the omission of words does not change the sense or meaning of the act.

26 (c). The title of a bill or resolution and all amendments offered thereto shall be entered upon the Journal, except the amendments in the nature of a substitute shall be printed separately, and only the titles thereof entered upon the Journal.

26 (d). Any Senate bill or resolution which has been amended during the legislative process by the Senate shall be engrossed and reproduced by the Clerk of the Senate, as soon as practicable, in sufficient numbers for the members of the Senate and House of Delegates.

26 (e). The designation of "Senate Bill" or "Senate Resolution" or "Senate Joint Resolution" shall not be changed nor amended after a bill or resolution is introduced in the Senate. Nor shall the designation of "House Bill" or "House Joint Resolution" be changed or amended after the bill or resolution is received by the Senate.

26 (f). Any member of the Senate or House of Delegates may request in writing to the Clerk to be added as a co-patron to any Senate bill or joint resolution, provided that the first vote on the passage of the bill or agreement to the joint resolution has not occurred, or, if the bill or joint resolution is not reported from Committee, then prior to the last action on such legislation. A Senator may also request in writing to the Clerk to be added to a Senate resolution within the same timeframe. A co-patron added pursuant to this Rule shall be listed in the Journal as a co-patron of such bill, joint resolution, or resolution, and shall be so listed on such bill, joint resolution, or resolution at its next printing, if any.

Any member of the Senate or House of Delegates may also request in writing to the Clerk to be removed as a co-patron of any bill or joint resolution prior to the deadline set by the General Assembly. A Senator may also request in writing to the Clerk to be removed from a Senate resolution provided that the first vote on the passage of the resolution has not occurred, or, if the resolution is not reported from Committee, then prior to the last action on such resolution. A co-patron removed pursuant to this Rule shall thereafter not be listed in the Journal as a co-patron of such bill, joint resolution, or resolution, nor shall the co-patron's name be listed on such bill, joint resolution, or resolution at its next printing, if any. This Rule shall not apply to the addition or removal of co-patrons to commending and memorial joint resolutions and resolutions.

26 (g). Any memorial or commending resolutions shall conform to the form and procedure set forth by the Clerk of the Senate and shall not be referred to the Committee on Rules, but shall be placed upon the Calendar on the next Thursday of the session and shall be considered for approval on said day; however, any one member may object to such consideration and the same shall be continued to the next Thursday session or any member may move that the same be referred to the Committee on Rules. Any member of the Senate or House of Delegates may request in writing to the Clerk to be added or removed as a co-patron to a Senate commending or memorial joint resolution until one hour after the adjournment of the House of Delegates on the day of the joint resolution's final agreement. A Senator may also request in writing to the Clerk to be added or removed as a co-patron to a Senate commending and memorial resolution until one hour after the adjournment of the Senate on the day of the resolution's final agreement. A co-patron added pursuant to this Rule shall be listed in the Journal as a co-patron of such joint resolution or resolution and so listed on the joint resolution or resolution at its next printing, if any. A co-patron removed pursuant to this Rule shall thereafter not be listed in the Journal as a co-patron of such joint resolution or resolution, nor shall the co-patron's name be listed on such joint resolution or resolution at its next printing, if any.

No Senator may introduce more than a combined total of ten commending and memorial resolutions each session, except for the Chair of the Committee on Rules when introducing such resolutions according to custom or protocol.

27. Bills or resolutions originating in the House of Delegates and communicated to the Senate shall be read by title the first time when received and referred to the appropriate Committee unless otherwise directed by the Senate.

28 (a). No bill or resolution reported from a Committee of the Senate shall be recommitted or amended until it has been twice read by title, nor shall any Senate bill or resolution be amended after its third reading, except by the unanimous consent of the Senate. House bills or resolutions may be recommitted or amended at any time before their final passage, but a bill or resolution that has been recommitted to a Committee, when reported by Committee, shall be restored on the Calendar to the status it had before it was recommitted.

28 (b). In the case of a House bill or resolution, engrossment shall only apply to such amendments as may have been made in the Senate.

29. Whenever a Senate bill or resolution is reported to the Senate with one or more House amendments, copies of all such amendments shall be furnished to each Senator. The same shall apply to amendments proposed by a Senate Committee or by a Senator, unless otherwise ordered by the Senate.

30. Every question shall be put in the affirmative and the presiding officer shall declare whether the yeas or the nays have it, which declaration shall stand as the judgment of the Senate. The yeas and nays on any question shall, at the desire of one-fifth of those present, be entered on the Journal. On the final vote of any bill, and on the vote in any election or impeachment conducted in the General Assembly or on the expulsion of a Senator, the name of each Senator voting, and how he voted shall be recorded in the Journal. After the roll has been taken, and before the vote is announced by the presiding officer, any Senator shall have the right to correct any mistake committed in enrolling his name and the presiding officer shall order the vote to be stricken.

31. Any Senator may call for a division of the question, which shall be divided if it comprehends propositions so distinct in substance that, one being taken away, a substantive proposition shall remain for the decision of the Senate.

32. Upon the determination of a question, any Senator may enter his protest upon the Journal, with the consent of one-third of the Senators present; and on the question "Shall the protest be entered on the Journal?", no privileged motion as set out in Rule 47 (a) or Rule 47 (b) shall be in order except to adjourn.

33. Whenever the Senate proceeds to consider any nominations or appointments after the same have been reported by the appropriate Committee, which are subject to the choice or ratification of the Senate, and when it is so ordered by the Senate pursuant to Chapter 37 of Title 2.2 of the Code of Virginia, the same shall be considered in executive session.

X.

The Pending and Previous Question.

34. Upon a motion for the pending question, agreed to by a majority of the Senators present, as indicated by a recorded vote, and there being no other motions afforded priority by these Rules, the presiding officer shall immediately put the pending question. All incidental questions of order arising after a motion for the pending question is made, and pending such motion, shall be decided, whether on appeal or otherwise, without debate.

35. Upon a motion for the previous question, agreed to by a majority of the Senators present, as indicated by a recorded vote, and there being no other motions afforded priority by these Rules, the presiding officer shall immediately put the question, first upon the amendments in the order prescribed in the Rules, and then upon the main question. If the previous question be not ordered, debate may continue as if the motion had not been made.

XI.

Taking the Vote.

36. Every Senator present in the Chamber, when any question is put or vote taken, shall vote or be counted as voting on one side or the other, except in the case of pairs, as hereinafter provided, ~~or in the case of judicial elections.~~ A Senator who has a personal interest in the transaction, as defined in § 30-101 of the Code of Virginia, shall neither vote nor be counted upon it, and he shall withdraw, or invoke this rule not to be counted, prior to the division and the fact shall be recorded on the voting machine. If a Senator invokes this rule, the Senator shall not participate, directly or indirectly, in the matter wherein the rule is invoked. Pairs upon any question pending may be made and entered upon the Journal, and in such cases shall be announced immediately upon completion of the roll call, and before the announcement of its result. Pairs may be general or special. General pairs shall extend to and include all motions, amendments, or other proceedings in aid of or against the question pending, and which is the subject of the pairs. Special pairs shall depend in their scope upon the agreement between the Senators making the same, but in absence of a specific agreement, the presumption shall be conclusive that the pairs are general. The Senator announcing a pair shall be counted as present for the purposes of establishing a quorum. Pairs may be taken in Committee votes under this rule herein set forth.

37. The voting machine may be used for the call of the roll, for recording abstentions under Rule 36, or for the affirmative and the negative of the question.

38 (a). No Senator shall be allowed to vote or submit a vote statement unless he is in attendance at the daily session at the time the Senate is being divided, or before a determination of the question upon a call of the roll, and is physically present in the Chamber, or one of its anterooms. A Senator may submit a vote statement if he was not recorded as voting or if his recorded vote does not reflect his intention. The statement shall be limited to the fact that his vote was not recorded or that his vote did not reflect his intention and must be submitted to the Clerk of the Senate by the adjournment of the daily session.

38 (b). In cases where the presiding officer is also a member of the Senate at the time a recorded vote is being taken, the presiding officer shall request another Senator to cast his vote for him or shall cast his vote from the Chair.

XII.

Committees of Conference.

39 (a). The Senate members of any committee of conference with the House of Delegates shall be designated by the Chair of the Committee to which the bill or resolution in conference was first referred by the Clerk of the Senate. If a Senate bill or resolution is in conference, the *lead chief patron*(~~→~~) *patron* of the same shall be a conferee and, where feasible, members of a Committee to which the bill or resolution was referred or rereferred shall comprise the conferees.

Any conference report must be agreed to by the majority of the members of each house on the conference committee before it may be filed with the Senate. If the report of the first named conference is rejected by the Senate or the conferees cannot agree, the Chair shall designate the same or new conferees in the event a second conference is formed.

Conferees shall not insert in their report matters not committed to them by either house, nor shall they strike from the bill or resolution in conference matters agreed to by both houses.

39 (b). When a committee of conference is meeting, it shall inform the Clerk of the place of meeting and, when a vote be put, the presiding officer shall, before calling the vote, inform the Senate conferees of the pending vote and grant them a reasonable opportunity to return to the Chamber to vote.

XIII.

Debate.

40 (a). While the presiding officer is reporting or putting any question, or the Clerk of the Senate is reporting a bill or resolution or calling the roll, or a Senator is addressing the Chair, strict order shall be observed. No Senator or other person shall give audible expression to his or her approval or disapproval of any proceeding before the Senate. The use of props is prohibited on the floor of the Senate.

40 (b). The use of ~~audible~~ electronic devices ~~used for transmitting~~ *making* and receiving ~~communications~~ *phone calls* is prohibited in Senate committee rooms and the Senate Chamber. ~~The use of cellular telephones is prohibited in Senate committee rooms and the Senate Chamber.~~ Violations of this rule shall be punishable as prescribed by the Committee on Rules.

41. If words are spoken in debate that give offense, exception thereto shall be taken the same day, and be stated in writing; and in such case, if the words are decided by the presiding officer, or by the Senate, upon an appeal, to be offensive, and they are not explained or retracted by the Senator who uttered them, he shall be subject to such action as the Senate may deem necessary.

42. When any member is about to speak in debate or deliver any matter to the Senate, he shall rise from his seat, and without advancing, with due respect, address "Mr. President," confining himself strictly to the point in debate, and avoiding all disrespectful language.

43. No member shall speak more than twice upon the same subject without leave of the Senate, nor more than once, until every member choosing to speak has spoken.

44. No question shall be debated until it has been stated by the presiding officer, and the mover shall have the right to explain his views in preference to any Senator.

45. During any debate any Senator, though he has spoken to the matter, may rise and speak to the orders of the Senate if they are transgressed, in case the presiding officer does not so rise and speak, but if the presiding officer stands up at any time, he is first to be heard, and while he is standing Senators shall keep their seats.

46. No Senator shall be allowed to be interrupted while speaking, except on points of order, to correct erroneous statements, or for a Senator to answer any questions that may be stated by the Senator speaking.

47 (a). The following motions shall not be debated or spoken to except as hereinafter provided:

- (i) A motion to adjourn.
- (ii) A motion calling for a vote on the pending question.
- (iii) A motion calling for a vote on the previous question.
- (iv) A motion to suspend the Rules.
- (v) A motion to close debate.
- (vi) A motion to limit debate.
- (vii) A motion to extend the limit of debate.
- (viii) A motion to reconsider matters not debatable.
- (ix) A motion to change, in case of two or more special and continuing orders.

47 (b). Upon the following motions, the mover shall be allowed five minutes to speak to his motion, to state the reasons therefor, and one member opposed to the motion shall be allowed a like time to speak to the motion, to state his objections:

- (i) A motion for a special and continuing order.
- (ii) A motion to appeal a ruling of the Chair.

47 (c). When a question not debatable is before the Senate, all incidental questions arising after it is stated shall be decided and settled without debate, whether on appeal or otherwise. This same Rule shall apply to all incidental questions arising after the presiding officer has put any question to the Senate.

47 (d). A motion to strike out, being lost, shall preclude neither amendment nor a motion to insert, nor a motion to strike out and insert.

47 (e). When a question is pending, no motion shall be received but to adjourn, to pass by for the day, for the pending question, for the previous question, or to amend, which several motions shall have precedence in the order in which they are herein set out.

47 (f). Except as otherwise provided herein, the provisions of Rule 47 (e), a primary motion may be substituted once.

XIV.

Reconsideration.

48 (a). A question arising on a Senate Bill, Senate Resolution or Senate Joint Resolution being once determined must stand as the judgment of the Senate, and cannot during the course of that session of the General Assembly be drawn again into debate, unless a motion to reconsider a question which has been decided has been made by a Senator voting with the prevailing side on the same day on which the vote was taken.

However, if such action has not been communicated to the House, a motion to reconsider may be made within the next two days of actual session of the Senate thereafter.

Unless unanimous consent of the members of the Senate present and voting on a motion for a second or subsequent reconsideration be granted, no measure being once determined may be reconsidered more than once by the Senate during that session of the General Assembly.

When any question is decided in the negative simply for the want of a majority of the whole Senate, any Senator who was absent from the city of Richmond or detained from his seat by sickness at the time of the vote sought to be reconsidered may move its reconsideration.

A Senator desiring such reconsideration shall confer with the Chair of the Committee on Rules, or in his absence the next listed available member of the Committee on Rules, who shall consult with the chief spokesman for and against the measure, if there is any, and thereafter such Chair or next listed member may direct the Clerk to defer or expedite the transmittal of the action of the Senate on the measure to the House of Delegates to permit the making of such motion for reconsideration; however, in no event shall such deferral of transmittal hereunder be for more than one legislative day.

This rule shall not preclude consideration of any House Bill, House Joint Resolution, or House amendment to a Senate Bill or a Senate Joint Resolution, regardless of whether such House measure involves a question already determined.

48 (b). If the Committee has possession of a bill or resolution, a motion to reconsider in Committee may be made no later than the next Committee meeting.

However, a motion to reconsider at a second or subsequent meeting may be made with unanimous consent if the Committee has possession of the bill or resolution.

XV.

Suspension of Rules.

49. Any rule of the Senate may only, except where otherwise provided by the Constitution of Virginia, be amended by a vote of two-thirds of the Senators present and voting. These Rules may be suspended by a vote of two-thirds of the Senators present and voting. If the Senate is meeting due to a state emergency or enemy attack pursuant to Article IV, Section 8 of the Constitution, then the Rules of the Senate may be suspended by a vote of two-thirds of the quorum.

XVI.

Appeals.

50. If the presiding officer rules on any matter under these Rules by his own act, or upon request of any Senator, and if any Senator objects to the ruling of the presiding officer, then an appeal to the Senate shall lie. The appeal shall be stated as a motion to sustain the ruling of the Chair. To overrule the ruling of the Chair shall require a majority of those present and voting. A ruling of the Chair shall not be overruled on appeal by a tie vote.

XVII.

Committee of the Whole.

51. The Senate may go into the Committee of the Whole only upon the affirmative vote of a majority of the members present and voting. When the Senate shall resolve itself into the Committee of the Whole, the President shall leave the Chair and the President pro tempore shall preside in the Committee. If the President pro tempore is absent from the Senate, then the Senate shall elect a chair to preside therein.

The Committee of the Whole shall consider and report on such subjects as may be committed to it by the Senate. The Rules of the Senate shall be observed in the Committee of the Whole, so far as they are applicable. The proceedings in the Committee of the Whole shall not be recorded on the Journal of the Senate, except so far as reported to the Senate by the Chair of the Committee.

XVIII.

Campaign Advocacy Contribution Limitations.

52. During any regular, special, or reconvened session of the General Assembly, no member of the Senate shall use his name or title or authorize another person to use the Senator's name or title, orally or in writing, to solicit monetary contributions if any part of the contributions would be used to pay for an advocacy campaign conducted through mass mailings, e-mails, telephone calls or other communication media to influence the outcome of legislative action by the General Assembly. This rule shall not apply during any recess of a special session. Nothing in this rule shall prohibit a

Senator from using his name or title or authorizing another person to use the Senator's name or title in the letterhead or roster listing the membership of an organization.

XIX.

Senate Ethics and Senate Ethics Advisory Panel.

53 (a). The Senate Ethics Advisory Panel shall be composed of five members: three of whom shall be former members of the Senate; and two of whom shall be citizens of the Commonwealth who have not previously held such office. No member shall engage in activities requiring him to register as a lobbyist under § 2.2-422 of the Code of Virginia during his tenure on the Panel. The members shall be nominated by the Committee on Rules of the Senate and confirmed by the Senate. Nominations shall be made so as to assure bipartisan representation on the Panel.

53 (b). Whenever the Clerk receives a report of the Senate Ethics Advisory Panel or a resolution seeking the reprimand, censure, or expulsion of a Senator, the report shall be referred forthwith to the Committee on Privileges and Elections. The Committee shall consider the matter, conduct such hearings as it shall deem necessary, and, in all cases report its determination of the matter, together with its recommendations and reasons for its resolves, to the Senate. If the Committee deems disciplinary action warranted, it shall report a resolution offered by a member of the Committee to express such action. Any such resolution reported by the Committee shall be a privileged matter. The Senate as a whole shall then consider the resolution, and, by recorded vote, either defeat the resolution or take one or more of the following actions: (i) reprimand the Senator with a majority vote of the Senators present and voting; (ii) censure the Senator and place the Senator last in seniority with a majority vote of the elected membership of the Senate; (iii) expel the Senator with a two-thirds vote of the elected membership of the Senate; or (iv) refer the matter to the Attorney General for appropriate action with a majority vote of the Senators present and voting, in the event the Senate finds a knowing violation of § 30-108 or subsection C of § 30-110 of the Code of Virginia.

XX.

Court of Impeachment.

54. When, pursuant to the Constitution, the Senate sits as a Court for the trial of impeachments, the Rules covering the same shall be as the Rules of Procedure and Practice in the United States Senate when sitting on Impeachment Trials.

XXI.

Votes Required.

55. The votes required shall be as set forth in the Appendix to these Rules.

XXII.

Construction of Rules.

56. The Rules of the Senate shall be adopted at the commencement of the first regular session of the General Assembly after the election of the Senate, and shall be in force for the succeeding four years unless amended or suspended as provided by these Rules. In the construction of the Rules, reference shall be had to the following sources in the following order:

- (a) Jefferson's Manual of Parliamentary Practice.
- (b) Mason's Manual of Legislative Procedure.
- (c) Standing Rules for Conducting Business in the Senate of the United States.

APPENDIX

VOTES REQUIRED PURSUANT TO CONSTITUTION OR RULES OF THE SENATE

(1)	Adjournment		
(a)	Daily Session	— at least 2 Senators (Rule 5)	
(b)	Certain Special Session	— at least 2 Senators (Rule 5)	
(c)	Certain Reconvened Session of a Special Session	— at least 2 Senators (Rule 5)	
(2)	Amend Senate bill or resolution after third reading	— unanimous consent (Rule 28(a))	
(3)	Appeals from ruling of chair to overrule chair	— a majority of the members present and voting, not less than (Rule 50)	11
(4)	Bills:		
(a)	Ordinary bills	— a majority of the members voting, not less than (Const. Art. IV, Sec. 11) (Same for House amendment 16 or Conference report)	

(b)	Appropriation, Claim or Demand of State, Debt or Charge, New Office, Tax	— a majority of the members elected, not less than (Const. Art. IV, Sec. 11) (Same for House amendment 21 or Conference report)	21
(c)	(1) Bonds, general obligation	— a majority of the members elected, not less than (Const. Art. X, Sec. 9(b))	21
	(2) Bonds, revenue	— 2/3 of the members elected, not less than (Const. Art. X, Sec. 9(c))	27
(d)	Charter or "Special Act" for county, city, town or regional government	— 2/3 of the members elected, not less than (Const. Art. VII, Sec. 1) (Same for House amendment 27 or Conference report)	27
(e)	Printing or Reading dispensed	— 4/5 of the members voting, not less than (Const. Art. IV, Sec. 11)	17
(f)	Creating new office	— a majority of the members elected, not less than (Const. Art. IV, Sec. 11)	21
(5)	Call of the Senate to send for absentee(s)	— at least 9 Senators (Rule 5)	
(6)	Censure of a Senator	— a majority of the members elected, not less than (Rule 18(h) and Rule 52(b))	21
(7)	Committee of the Whole, to go into	— a majority of the members present and voting, not less than (Rule 51)	11
(8)	Confirmation of Virginia Conflict of Interest and Ethics Advisory Council and Senate Ethics Panel Appointments	— a majority vote of (i) the members present of the majority party and (ii) the members present of the minority party	
(9)	Constitution, amending		
(a)	Virginia Constitution Bills or Resolutions proposing to amend	— a majority of the members elected, not less than (Const. Art. XII, Sec. 1)	21
(b)	Amendment to Bill or Resolution proposing to amend Virginia Constitution	— a majority of the members elected, not less than (Const. Art. XII, Sec. 1)	21
(c)	Virginia Constitutional Convention, calling of	— 2/3 of the members elected, not less than (Const. Art. XII, Sec. 2)	27
(d)	United States Constitution, Resolutions proposing to ratify and amend	— a majority of the members present and voting, not less than	11
(e)	United States Constitution, Resolutions proposing calling of a convention to amend	— a majority of the members present and voting, not less than	11
(10)	Discharging Committee	— a majority of the members voting, not less than 2/5 of the members elected (Const. Art. IV, Sec. 11)	16
(11)	Division of question required	— 1 Senator (Rule 31)	1
(12)	Election of "Interim" Clerk	— a majority of Committee members present and voting, at least 5 Senators	
(13)	Emergency Clause	— 4/5 of the members voting, not less than (Const. Art. IV, Sec. 13)	17
(14)	Expulsion of a Senator	— 2/3 of the members elected, not less than (Const. Art. IV, Sec. 7; Sec. 10; Rule 18(h) and Rule 53(b))	27
(15)	Extended Session 30 days	— 2/3 of the members elected, not less than (Const. Art. IV, Sec. 6)	27
(16)	Governor, disability of	— 3/4 of the members elected, not less than (Const. Art. V, Sec. 16)	30

- (17) Governor's recommendation for amending bill — a majority of the members present. In case of refusal, bill again sent to Governor (Const. Art. V, Sec. 6)
- (18) Impeachment — 2/3 of the members present, not less than (Const. Art. IV, Sec. 17; Sec. 10) 14
- (19) Interruption of the Calendar — unanimous consent of members present (Rule 25(d))
- (20) Journal, reading waived
- (a) All sessions except reconvened special sessions with no business — a majority of the members voting, not less than (Rule 3) 11
- (b) Reconvened special sessions with no business — 2 Senators (Rules 3 and 5) 2
- (21) President pro tempore's substitute to continue to preside over the Senate — unanimous consent of members present (Rule 2(c))
- (22) Protest entered upon Journal — 1/3 of the members present, not less than (Rule 32) 7
- (23) Quorum
- (a) Emergency — at least 16 Senators (Const. Art. IV, Sec. 8)
- (b) Daily Session — a majority of members elected, not less than (Const. Art. IV, Sec. 8; Rule 5) 21
- (c) Reconvened Session — a majority of members elected, not less than 21
- (d) Certain Special Session — at least 2 Senators (Rule 5)
- (e) Certain Reconvened Session of a Special Session — at least 2 Senators (Rule 5)
- (f) Committee — ~~at least 8 Senators~~ a majority of the Committee (Rule 20(e))
- (24) Reading or printing of a Bill dispensed — 4/5 of the members voting, not less than (Const. Art. IV, Sec. 11) 17
- (25) ~~Recorded vote, yeas and nays~~ Reconsideration
- (a) ~~Floor~~ Floor (Second and subsequent Reconsideration) — ~~1/5 of the members present (Const. Art. IV, Sec. 10 and Rule 30)~~ — unanimous consent of members present (Rule 48(a))
- (b) Committee — ~~1/5 of the Committee members present~~ — unanimous consent of the committee if later than the next meeting (Rule 48(b))
- (26) Recorded vote, yeas and nays
- (a) Floor — 1/5 of the members present (Const. Art. IV, Sec. 10 and Rule 30)
- (b) Committee — 1/5 of the Committee members present
- ~~(26)~~ (27) Referring certain violations of Conflicts of Interests Act to Attorney General — a majority of the members voting, not less than (Rule 18(h) and Rule 53 (b)) 11
- ~~(27)~~ (28) Reprimand of a Senator — a majority of the members present and voting, not less than (Rule 18(h) and Rule 53(b)) 11
- ~~(28)~~ (29) Resolutions other than those proposing a Constitutional amendment — a majority of the members voting, not less than 16
- ~~(29)~~ Suspending or amending Rules

(a)	Regular quorum	— 2/3 of the members present and voting, not less than (Rule 49)	14
(b)	Lesser quorum pursuant to Art. IV, Sec. 8 of the Constitution	— 2/3 of the quorum, not less than (Rule 49)	11
(30)			
(a)	Special and Continuing Order	— a majority of the members present and voting, not less than (Rule 23(a))	11
(b)	Changing Special and Continuing Order	— a majority of the members present and voting, not less than (Rule 23(b))	11
(31)	Supreme Court, Increase size of	— 3/5 of the members elected, voting at 2 consecutive regular sessions, not less than (Const. Art. VI, Sec. 2)	24
(32)	Veto, to override Suspending or amending Rules	— 2/3 of the members present, not less than a majority of the members elected (Const. Art. V, Sec. 6)	21
(a)	Regular quorum	— 2/3 of the members present and voting, not less than (Rule 49)	14
(b)	Lesser quorum pursuant to Art. IV, Sec. 8 of the Constitution	— 2/3 of the quorum, not less than (Rule 49)	11
(33)	Veto, to override	— 2/3 of the members present, not less than a majority of the members elected (Const. Art. V, Sec. 6)	21
(34)	Vote to elect Senator(s) to Committee	— a majority of the members present and voting, not less than (Rule 18)	11
(35)	Vote to remove Senator from a Committee	— a majority of the members present and voting, not less than (Rule 20(a))	11
(35)	Vote to elect Senator(s) to Committee	— a majority of members present and voting, not less than (Rule 18)	11
(36)	Reconsideration		
(a)	Floor (Second and subsequent Reconsideration)	— unanimous consent of members present (Rule 48(a))	
(b)	Committee	— unanimous consent of the committee if later than the next meeting (Rule 48(b))	
(36)	Votes on elections, impeachments or expulsions of a Senator	— names to be recorded in Journal (Const. Art. IV, Sec. 10) (also see Secs. 7 & 17)	

SENATE RESOLUTION NO. 7

Designating March 28, in 2020 and in each succeeding year, as James Solomon Russell Day in Virginia.

Agreed to by the Senate, February 11, 2020

WHEREAS, James Solomon Russell was born into slavery on the Hendrick Plantation near Palmer Springs in Mecklenburg County on December 5, 1857; and

WHEREAS, James Solomon Russell learned the value of hard work at a young age, growing up under poverty conditions with his mother on the farm; and

WHEREAS, James Solomon Russell enrolled in Hampton Normal and Agricultural Institute in 1874 and supported his family by working as a teacher for local children; and

WHEREAS, James Solomon Russell's education was interrupted when he ran out of funds and had to return home to work on the farm, but he ultimately succeeded in receiving his teaching license; and

WHEREAS, while teaching with the Book of Common Prayer, James Solomon Russell became interested in the Episcopal Church; Pattie Buford of Brunswick County recognized his talents and recommended that he attend the St. Stephen's School for Colored Missionary Training in Petersburg; and

WHEREAS, James Solomon Russell built his first church in Palmer Springs while in seminary school in 1879; he was ordained in 1882 and sent to Lawrenceville to pastor a colored congregation meeting at St. Andrew's Episcopal Church; and

WHEREAS, in 1882, James Solomon Russell began opening schools and senior housing for the poor in the area, in addition to opening nine new parishes; and

WHEREAS, in 1888, James Solomon Russell began preparation for a higher learning institution that eventually became Saint Paul's College; he started with a two-room school called the Saul Building and helped the institution grow to a campus of 35 buildings, 50 faculty members, and 800 students; and

WHEREAS, in 1893, James Solomon Russell was named the archdeacon of the Episcopal Diocese of Southern Virginia, overseeing more than 30 churches representing thousands of congregants; and

WHEREAS, James Solomon Russell received two doctoral degrees and was twice selected as bishop, an appointment he declined; and

WHEREAS, in 1929, James Solomon Russell was honored with the William E. Harmon Foundation's gold medal award for his achievements; and

WHEREAS, James Solomon Russell died on March 28, 1935; in recognition of his exceptional accomplishments as a faith leader, James Solomon Russell was canonized as a local saint by the Episcopal Diocese of Southern Virginia; now, therefore, be it

RESOLVED by the Senate of Virginia, That March 28, in 2020 and in each succeeding year, be designated as James Solomon Russell Day in Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the Senate transmit a copy of this resolution to the family of James Solomon Russell so that they may be apprised of the sense of the Senate of Virginia in this matter; and, be it

RESOLVED FINALLY, That the Clerk of the Senate post the designation of this day on the General Assembly's website.

SENATE RESOLUTION NO. 8

Celebrating the life of Lorraine Brinkley Skeeter.

Agreed to by the Senate, January 23, 2020

WHEREAS, Lorraine Brinkley Skeeter, a respected community leader who touched the lives of many young people in the Tidewater region through her achievements as chair of the Suffolk School Board, died on November 22, 2019; and

WHEREAS, a native of Suffolk, Lorraine Skeeter was well known for her generosity, grace, and tireless dedication to enhancing the lives of her fellow community members; and

WHEREAS, as a member and former chair of the Suffolk School Board, Lorraine Skeeter supported Suffolk Public Schools for 25 years, overseeing the construction of nine schools and the renovation of many others; and

WHEREAS, during her tenure on the Suffolk School Board, Lorraine Skeeter created new educational opportunities for students and helped Suffolk Public Schools achieve national recognition; and

WHEREAS, Lorraine Skeeter also offered her wise leadership to several other boards and civic groups, including as director of the vocational school programs at STOP, Inc., a community action agency that works to reduce poverty by empowering individuals and families to achieve economic self-sufficiency; and

WHEREAS, Lorraine Skeeter will be fondly remembered and greatly missed by her husband, Aubrey; her daughter, Donna, and her family; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Lorraine Brinkley Skeeter; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Lorraine Brinkley Skeeter as an expression of the Senate of Virginia's respect for her memory.

SENATE RESOLUTION NO. 9

Commending Purcell G. Bailey, Sr.

Agreed to by the Senate, January 23, 2020

WHEREAS, Purcell G. Bailey, Sr., a respected member of the Surry County community, celebrated his 100th birthday on September 8, 2019; and

WHEREAS, born in 1919, Purcell Bailey witnessed many of the seminal events of the twentieth century, from the Great Depression and World War II to the triumphs of the civil rights movement and the dawn of the Internet era; and

WHEREAS, throughout his life, Purcell Bailey has offered his leadership and wisdom to numerous civic and service organizations in an effort to enhance the quality of life of all his fellow Surry County residents; and

WHEREAS, Purcell Bailey has served as a member of the American Legion, the Benevolent and Protective Order of Elks, and the Surry County African-American Heritage Society; and

WHEREAS, Purcell Bailey enjoys fellowship and worship with the community as a longtime member of Lebanon Baptist Church; now, therefore, be it

RESOLVED by the Senate of Virginia, That Purcell G. Bailey, Sr., hereby be commended on the occasion of his 100th birthday; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Purcell G. Bailey, Sr., as an expression of the Senate of Virginia's admiration for his contributions to Surry County and the Commonwealth.

SENATE RESOLUTION NO. 10

Nominating a person to be elected to the Supreme Court of Virginia.

Agreed to by the Senate, January 27, 2020

RESOLVED by the Senate of Virginia, That the following person is hereby nominated to be elected to the Supreme Court of Virginia as follows:

The Honorable S. Bernard Goodwyn, of Chesapeake, as a justice of the Supreme Court of Virginia for a term of twelve years commencing February 1, 2020.

SENATE RESOLUTION NO. 11

Nominating persons to be elected to circuit court judgeships.

Agreed to by the Senate, January 27, 2020

RESOLVED by the Senate of Virginia, That the following persons are hereby nominated to be elected to the respective circuit court judgeships as follows:

The Honorable W. Allan Sharrett, of Emporia, as a judge of the Sixth Judicial Circuit for a term of eight years commencing July 1, 2020.

The Honorable Michael E. McGinty, of James City County, as a judge of the Ninth Judicial Circuit for a term of eight years commencing July 1, 2020.

The Honorable Steven C. McCallum, of Chesterfield, as a judge of the Twelfth Judicial Circuit for a term of eight years commencing July 1, 2020.

The Honorable Richard S. Wallerstein, Jr., of Henrico, as a judge of the Fourteenth Judicial Circuit for a term of eight years commencing July 1, 2020.

The Honorable Louise M. DiMatteo, of Arlington, as a judge of the Seventeenth Judicial Circuit for a term of eight years commencing July 1, 2020.

The Honorable Daniel S. Fiore, II, of Arlington, as a judge of the Seventeenth Judicial Circuit for a term of eight years commencing July 1, 2020.

The Honorable Stacey R. W. Moreau, of Pittsylvania, as a judge of the Twenty-second Judicial Circuit for a term of eight years commencing July 1, 2020.

The Honorable Marcus H. Long, Jr., of Montgomery, as a judge of the Twenty-seventh Judicial Circuit for a term of eight years commencing July 1, 2020.

The Honorable Sage B. Johnson, of Washington, as a judge of the Twenty-eighth Judicial Circuit for a term of eight years commencing July 1, 2020.

SENATE RESOLUTION NO. 12

Nominating persons to be elected to general district court judgeships.

Agreed to by the Senate, January 27, 2020

RESOLVED by the Senate of Virginia, That the following persons are hereby nominated to be elected to the respective general district court judgeships as follows:

The Honorable Robert G. MacDonald, of Chesapeake, as a judge of the First Judicial District for a term of six years commencing January 1, 2021.

The Honorable Elizabeth S. Hodges, of Virginia Beach, as a judge of the Second Judicial District for a term of six years commencing February 1, 2020.

The Honorable Salvatore R. Iaquinto, of Virginia Beach, as a judge of the Second Judicial District for a term of six years commencing February 1, 2020.

The Honorable Paul D. Merullo, of Virginia Beach, as a judge of the Second Judicial District for a term of six years commencing December 1, 2020.

The Honorable Joan E. Mahoney, of Norfolk, as a judge of the Fourth Judicial District for a term of six years commencing February 1, 2020.

The Honorable Michael C. Rosenblum, of Norfolk, as a judge of the Fourth Judicial District for a term of six years commencing December 1, 2020.

The Honorable W. Parker Councill, of Isle of Wight, as a judge of the Fifth Judicial District for a term of six years commencing May 1, 2020.

The Honorable H. Lee Townsend, III, of Emporia, as a judge of the Sixth Judicial District for a term of six years commencing December 1, 2020.

The Honorable Stephanie E. Merritt, of New Kent, as a judge of the Ninth Judicial District for a term of six years commencing December 1, 2020.

The Honorable Ray P. Lupold, III, of Petersburg, as a judge of the Eleventh Judicial District for a term of six years commencing February 1, 2020.

The Honorable Matthew D. Nelson, of Chesterfield, as a judge of the Twelfth Judicial District for a term of six years commencing December 1, 2020.

The Honorable Robert E. Reibach, of Hanover, as a judge of the Fifteenth Judicial District for a term of six years commencing December 1, 2020.

The Honorable Donald M. Haddock, Jr., of Alexandria, as a judge of the Eighteenth Judicial District for a term of six years commencing May 1, 2020.

The Honorable Robert L. Adams, Jr., of Danville, as a judge of the Twenty-second Judicial District for a term of six years commencing January 1, 2021.

The Honorable Francis W. Burkart, III, of Roanoke, as a judge of the Twenty-third Judicial District for a term of six years commencing November 1, 2020.

The Honorable John S. Hart, Jr., of Harrisonburg, as a judge of the Twenty-sixth Judicial District for a term of six years commencing December 1, 2020.

The Honorable George R. Brittain, II, of Tazewell, as a judge of the Twenty-ninth Judicial District for a term of six years commencing December 1, 2020.

The Honorable Shawn L. Hines, of Lee, as a judge of the Thirtieth Judicial District for a term of six years commencing January 1, 2021.

The Honorable Wallace S. Covington, III, of Prince William, as a judge of the Thirty-first Judicial District for a term of six years commencing December 1, 2020.

SENATE RESOLUTION NO. 13

Nominating persons to be elected to juvenile and domestic relations district court judgeships.

Agreed to by the Senate, January 27, 2020

RESOLVED by the Senate of Virginia, That the following persons are hereby nominated to be elected to the respective juvenile and domestic relations district court judgeships as follows:

The Honorable Philip C. Hollowell, of Virginia Beach, as a judge of the Second Judicial District for a term of six years commencing December 1, 2020.

The Honorable Vanessa L. Jones, of Chesterfield, as a judge of the Twelfth Judicial District for a term of six years commencing January 1, 2021.

The Honorable Scott D. Landry, of Chesterfield, as a judge of the Twelfth Judicial District for a term of six years commencing December 1, 2020.

The Honorable Jayne A. Pemberton, of Chesterfield, as a judge of the Twelfth Judicial District for a term of six years commencing December 1, 2020.

The Honorable Marilynn C. Goss, of Richmond, as a judge of the Thirteenth Judicial District for a term of six years commencing May 1, 2020.

The Honorable Georgia K. Sutton, of Stafford, as a judge of the Fifteenth Judicial District for a term of six years commencing February 1, 2020.

The Honorable David M. Barredo, of Albemarle, as a judge of the Sixteenth Judicial District for a term of six years commencing December 1, 2020.

The Honorable Deborah S. Tinsley, of Louisa, as a judge of the Sixteenth Judicial District for a term of six years commencing December 1, 2020.

The Honorable Janine M. Saxe, of Fairfax, as a judge of the Nineteenth Judicial District for a term of six years commencing February 1, 2020.

The Honorable Frank W. Rogers, III, of Roanoke, as a judge of the Twenty-third Judicial District for a term of six years commencing January 1, 2021.

The Honorable Onzlee Ware, of Roanoke, as a judge of the Twenty-third Judicial District for a term of six years commencing December 1, 2020.

The Honorable Laura L. Dascher, of Alleghany, as a judge of the Twenty-fifth Judicial District for a term of six years commencing May 1, 2020.

The Honorable Linda Schorsch Jones, of Waynesboro, as a judge of the Twenty-fifth Judicial District for a term of six years commencing December 1, 2020.

The Honorable Kimberly M. Athey, of Warren, as a judge of the Twenty-sixth Judicial District for a term of six years commencing December 1, 2020.

The Honorable Anthony W. Bailey, of Harrisonburg, as a judge of the Twenty-sixth Judicial District for a term of six years commencing December 1, 2020.

The Honorable Bradley G. Dalton, of Carroll, as a judge of the Twenty-seventh Judicial District for a term of six years commencing December 1, 2020.

The Honorable Stephanie Murray Shortt, of Montgomery, as a judge of the Twenty-seventh Judicial District for a term of six years commencing December 1, 2020.

The Honorable Florence A. Powell, of Washington, as a judge of the Twenty-eighth Judicial District for a term of six years commencing February 1, 2020.

The Honorable H. Jan Roltsch-Anoll, of Prince William, as a judge of the Thirty-first Judicial District for a term of six years commencing December 1, 2020.

SENATE RESOLUTION NO. 14

Nominating a person to be elected to the Virginia Workers' Compensation Commission.

Agreed to by the Senate, January 27, 2020

RESOLVED by the Senate of Virginia, That the following person is hereby nominated to be elected to the Virginia Workers' Compensation Commission as follows:

The Honorable Robert Alan Rapaport, of the City of Virginia Beach, as a member of the Virginia Workers' Compensation Commission for a term of six years commencing February 1, 2020.

SENATE RESOLUTION NO. 15

Celebrating the life of Esmond B. Lambert.

Agreed to by the Senate, January 30, 2020

WHEREAS, Esmond B. Lambert, a respected entrepreneur and a beloved member of the Portsmouth community, died on November 14, 2019; and

WHEREAS, after proudly graduating from I.C. Norcom High School, Esmond Lambert continued her education at Norfolk State University; and

WHEREAS, Esmond Lambert pursued a career as a tailor in Hampton Roads and parlayed her reputation for skill and professionalism into her own tailoring shop, the Red Barn in Portsmouth; and

WHEREAS, outside of her business, Esmond Lambert was active in the community as a member of the Martha Chapter of the Order of the Eastern Star of Virginia, Prince Hall Affiliation; and

WHEREAS, a woman of devout faith, Esmond Lambert enjoyed fellowship and worship with the congregation of First Baptist Church South Portsmouth for more than 80 years; and

WHEREAS, Esmond Lambert was an active volunteer in her church community and offered her wise leadership to the Bible Training Union, the Junior Usher Board, the TOTS Choir, and the Deaconess Board; and

WHEREAS, predeceased by her husband, Harvey, Esmond Lambert will be fondly remembered and greatly missed by her children, Esmond, Vincent, and David, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Esmond B. Lambert, a bright light in the Portsmouth community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Esmond B. Lambert as an expression of the Senate of Virginia's respect for her memory.

SENATE RESOLUTION NO. 16

Commending the Know Before You Fly campaign.

Agreed to by the Senate, February 6, 2020

WHEREAS, the Know Before You Fly campaign is an educational program that provides information about the safe and responsible use of unmanned aircraft systems; and

WHEREAS, Know Before You Fly was established by the Association for Unmanned Vehicle Systems International and the Academy of Model Aeronautics in partnership with the Federal Aviation Administration; and

WHEREAS, the safe integration of unmanned aircraft systems into the National Airspace System promises to drive new economic development and consumer choice, promote more responsible stewardship of natural resources, facilitate more effective emergency response and disaster recovery, and improve the efficiency and security of energy, transportation, and communications networks; and

WHEREAS, direct operation of unmanned aircraft systems, for both commercial and non-commercial use, is growing rapidly, with more than 1,500,000 aircraft already registered; the safe operation of those aircraft is necessary for continued innovation, economic activity, and public benefit; and

WHEREAS, the development and adoption of services provided by unmanned aircraft systems is expected to generate billions of new economic activity and create thousands of new jobs in the United States; and

WHEREAS, Know Before You Fly helps prospective operators of unmanned aircraft systems understand and abide by relevant requirements and limitations to ensure the safe operation of such systems; and

WHEREAS, Know Before You Fly gives users the tools to navigate the developing regulatory framework for unmanned aircraft systems, including steps by the Federal Aviation Administration to integrate unmanned aircraft systems into the National Airspace System and issuance of operational requirements for small unmanned aircraft systems operations in the airspace; and

WHEREAS, Know Before You Fly offers information regarding current guidance for safe and responsible unmanned aircraft systems operations to provide certainty to unmanned aircraft system owners and operators, maximizing the public benefits of unmanned aircraft systems, and mitigating risks to public safety and security; and

WHEREAS, the Know Before You Fly campaign has developed relationships with more than 150 supporters, including unmanned aircraft manufacturers, law-enforcement agencies, retailers, labor organizations, and institutions of higher education; now, therefore, be it

RESOLVED by the Senate of Virginia, That the Know Before You Fly campaign hereby be commended for its success in providing safety education for prospective and active operators of unmanned aircraft systems in Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare copies of this resolution for presentation to the Association for Unmanned Vehicle Systems International and the Academy of Model Aeronautics as an expression of the Senate of Virginia's admiration for the Know Before You Fly campaign's contributions to amateur aeronautics in the Commonwealth.

SENATE RESOLUTION NO. 17

Commending James McAllister.

Agreed to by the Senate, February 3, 2020

WHEREAS, James McAllister, chief of the Occoquan-Woodbridge-Lorton Volunteer Fire Department, retired on February 8, 2020, after nearly 29 years of service to the community; and

WHEREAS, James McAllister joined the Occoquan-Woodbridge-Lorton Volunteer Fire Department in June 1991 and served in every operational capacity over the course of his long career; and

WHEREAS, James McAllister was promoted to chief in 2009 and skillfully managed the department's three stations and hundreds of volunteer and professional employees for more than a decade; and

WHEREAS, during James McAllister's tenure as chief, the Occoquan-Woodbridge-Lorton Volunteer Fire Department responded to thousands of calls for service related to fire suppression, medical emergencies, search and rescue operations, and other crisis situations; and

WHEREAS, James McAllister worked to ensure that the members of the Occoquan-Woodbridge-Lorton Volunteer Fire Department had the best tools, techniques, and training to safeguard the lives and property of local residents; and

WHEREAS, James McAllister also offered his leadership to Prince William County through his membership on numerous committees and task forces, as well as the Prince William County Fire and Rescue Association; now, therefore, be it

RESOLVED by the Senate of Virginia, That James McAllister hereby be commended on the occasion of his retirement as chief of the Occoquan-Woodbridge-Lorton Volunteer Fire Department; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to James McAllister as an expression of the Senate of Virginia's admiration for his contributions to the Prince William County community and best wishes on his well-earned retirement.

SENATE RESOLUTION NO. 18

Commending the League of Women Voters.

Agreed to by the Senate, February 6, 2020

WHEREAS, the League of Women Voters was founded on February 14, 1920, by leaders of the movement for women's right to vote in the United States; and

WHEREAS, the goal of the League of Women Voters was to support understanding of and participation in the new responsibility of voting by women, in light of the 1920 ratification of the Nineteenth Amendment to the Constitution of the United States, and to support legislation that would help safeguard future movements for voting rights; and

WHEREAS, the League of Women Voters of Virginia was formed on November 10, 1920, as a successor to the Equal Suffrage League of Virginia; and

WHEREAS, the League of Women Voters of Virginia was organized to "safeguard and advance the educations, industrial and legal rights and interests of women and to obtain for women the franchise on equal terms with men," and as "an earnest and serious body banded together for civic betterment and the welfare of the community in which they live"; and

WHEREAS, the League of Women Voters believes that active and engaged citizens, without hindrance based on gender, ethnicity, or political affiliation, are the hallmark of democracy; and

WHEREAS, through ceaseless efforts over 100 years to strengthen and uphold its mission to empower voters and defend democracy, the League of Women Voters has become a trusted source of nonpartisan information; and

WHEREAS, the League of Women Voters champions government systems that are open, transparent, inclusive, and equitable; and

WHEREAS, the League of Women Voters has supported legislation and fought in the courts to protect and strengthen voting rights and access and for free and fair elections, civil rights, and issues related to children, health, and education; and

WHEREAS, the League of Women Voters has received accolades for its conduct of candidate forums, provision of nonpartisan elections information, and work to register, educate, and mobilize voters; and

WHEREAS, throughout the history of the League of Women Voters, members have helped overturn restrictions on voting, including the poll tax, literacy requirements, and property ownership qualifications; and

WHEREAS, members of the League of Women Voters also supported early litigation to eliminate the segregated seating law in Virginia and joined lawsuits, testified, and organized against the segregation of Virginia public schools; and

WHEREAS, members of the League of Women Voters of Virginia have included Leslie L. Byrne, the first woman from Virginia elected to Congress of the United States; Mary Sue Terry, the first woman Attorney General of Virginia; Elizabeth B. Lacy, the first woman justice of the Supreme Court of Virginia; Laurie Naismith, a former Secretary of the Commonwealth; Vivian Watts, the first woman Secretary of the Virginia Department of Transportation and Public Safety; and Yvonne B. Miller, the first African American woman elected to the Virginia House of Delegates; and

WHEREAS, membership of the League of Women Voters has included members of statewide boards such as Mary Hynes of the Commonwealth Transportation Board; former state legislators such as Ellen Bozman, Judy Connally, Karen Darner, Evelyn Hailey, Kathryn Stone, and Mary Margaret Whipple; current state legislators Barbara Favola, Nancy Guy, Alfonso Lopez, Ibraheem Samirah, and Shelly Simonds; and judges such as Rose Mortimer Macdonald and Rosemarie Annunziata; and

WHEREAS, the League of Women Voters has also benefited from the leadership of local officials like Evelyn Butts, the plaintiff in the Supreme Court of the United States case that overturned Virginia's poll tax and the first African American woman commissioner to the Norfolk Redevelopment and Housing Authority; Elizabeth Howell, the first woman elected to the Norfolk City Council; and Rebecca Reed, the first woman to chair the Stafford County Board of Supervisors; now, therefore, be it

RESOLVED by the Senate of Virginia, That the League of Women Voters hereby be commended on the occasion of its 100th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the League of Women Voters as an expression of the Senate of Virginia's admiration for the organization's significant contributions toward empowering women voters and defending democracy.

SENATE RESOLUTION NO. 19

Commending George Michael Brent.

Agreed to by the Senate, February 6, 2020

WHEREAS, George Michael Brent retired as chief of the Fluvanna County Volunteer Fire Department after more than three decades of exceptional leadership; and

WHEREAS, Michael "Mike" Brent began his career as a firefighter in 1977 with Palmyra Volunteer Fire Company, one of the three divisions of the Fluvanna County Volunteer Fire Department; and

WHEREAS, quickly rising through the ranks, Mike Brent was elected by his peers as chief of the Fluvanna County Volunteer Fire Department in 1987 and ably managed dozens of firefighters in Palmyra, Fork Union, and Kent's Store over the next 32 years; and

WHEREAS, during his tenure as chief, Mike Brent worked tirelessly to ensure that his volunteers had the tools and training to deliver effective fire suppression and emergency medical services; and

WHEREAS, Mike Brent oversaw the completion of three state-of-the-art firehouses and created a capital improvements plan for new pieces of apparatus; he also helped establish the Fluvanna County Fire and Rescue Association to better coordinate with other local agencies; and

WHEREAS, after his well-earned retirement as chief of the department, Mike Brent returned to Palmyra Volunteer Fire Company, where he will continue to offer his expertise as a volunteer; now, therefore, be it

RESOLVED by the Senate of Virginia, That George Michael Brent hereby be commended on the occasion of his retirement as chief of the Fluvanna County Volunteer Fire Department; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to George Michael Brent as an expression of the Senate of Virginia's admiration for his diligent service to the residents of Fluvanna County.

SENATE RESOLUTION NO. 20

Commending the South County High School football team.

Agreed to by the Senate, February 13, 2020

WHEREAS, the South County High School football team of Lorton won the Virginia High School League Class 6 state championship at Hampton University's Armstrong Stadium on December 14, 2019; and

WHEREAS, the South County High School Stallions defeated the Oscar Smith High School Tigers of Chesapeake by a nail-biting score of 14-13 to earn the first state title in the program's history; and

WHEREAS, the team's points came early and in quick succession; after posting a touchdown on a six-yard pass from Matthew Dzierski to Zion Dayne on the team's first drive, a clutch interception by Akibu Koroma set up a short run by Keshawn Toran for the team's second and final touchdown; and

WHEREAS, for the remainder of the game, the South County Stallions' defense kept the Oscar Smith Tigers in check, not allowing a point in the second half as they made several crucial plays in their own red zone to stifle the opponent's scoring chances; and

WHEREAS, on top of its perfect 15-0 season, the South County Stallions brought home the Occoquan Region's top individual honors, with Matt Dzierski and Haris Khan named Offensive Player of the Year and Defensive Player of the Year, respectively, and Gerry Pannoni distinguished as the region's Coach of the Year; and

WHEREAS, the success of the South County Stallions was a total team effort and is the result of the hard work and dedication of the student-athletes, the leadership and guidance of their coaches and teachers, and the unwavering support of the entire South County High School community; now, therefore, be it

RESOLVED by the Senate of Virginia, That the South County High School football team hereby be commended for winning the 2019 Virginia High School League Class 6 state championship; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Gerry Pannoni, head coach of the South County High School football team, as an expression of the Senate of Virginia's admiration for the team's achievements and best wishes for the future.

SENATE RESOLUTION NO. 21

Commending New Creation United Methodist Church.

Agreed to by the Senate, February 13, 2020

WHEREAS, for more than 50 years, New Creation United Methodist Church has provided spiritual guidance, opportunities for joyful worship, and generous outreach programs to the Hampton Roads community; and

WHEREAS, originally known as Aldersgate United Methodist Church, New Creation United Methodist Church moved into its current building at 4320 Bruce Road in Chesapeake in 1969; and

WHEREAS, New Creation United Methodist Church offers three worship services every Sunday to meet the needs of its 2,000-member congregation; and

WHEREAS, New Creation United Methodist Church is home to an active youth ministry; a Vacation Bible Camp; and KinderPrep, a licensed preschool program that serves 140 children and their families; the church also supports Boy Scouts of America Troop 212; and

WHEREAS, New Creation United Methodist Church's United Methodist Women Circles support Edmarc Hospice for Children and H.E.R. Shelters in Portsmouth and Chesapeake; and

WHEREAS, among its many community outreach programs, New Creation United Methodist Church has hosted blood drives that have collected more than 6,800 units of blood since the year 2000; and

WHEREAS, New Creation United Methodist Church's food pantry supplies groceries and basic toiletries to 40 local families twice each month, and members of the congregation serve food to the homeless at Oasis Social Ministry's soup kitchen in Portsmouth; and

WHEREAS, members of New Creation United Methodist Church volunteer their time and leadership to the Faith Works Coalition, United Methodist Committee on Relief, Hands of God, Wesley Community Center, Red Bird Mission, and the Salvation Army; outside of the Commonwealth, members of the church have participated in mission trips to Honduras, Haiti, and Ukraine; now, therefore, be it

RESOLVED by the Senate of Virginia, That New Creation United Methodist Church hereby be commended for its decades of service and spiritual leadership; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to New Creation United Methodist Church as an expression of the Senate of Virginia's admiration for the church's legacy of contributions to the Hampton Roads community.

SENATE RESOLUTION NO. 22

Celebrating the life of the Honorable Eva Mae Fleming Scott.

Agreed to by the Senate, February 20, 2020

WHEREAS, the Honorable Eva Mae Fleming Scott, a pharmacist, businesswoman, and newspaper publisher who made history as the first woman to serve in the Senate of Virginia, died on March 28, 2019; and

WHEREAS, born in Amelia County, Eva Scott attended Longwood College and later graduated with a pharmacy degree from the Medical College of Virginia; and

WHEREAS, Eva Scott was a loving wife and life partner to her husband, Leander O. Scott, with whom she raised five children, remaining heavily involved in each of their lives until her passing; and

WHEREAS, Eva Scott was a consummate businessperson, leading from the front as a woman before her time; she was a principal and active participant in the family businesses, including a drug store, lumber mill, pallet manufacturing plant, and timber farm, and oversaw the family's investments in land conservation, power generation, transportation, and commercial real estate; and

WHEREAS, Eva Scott was a trailblazer in Virginia's political world; initially serving four consecutive terms in the Virginia House of Delegates beginning in 1972, she became the first woman elected to the Senate of Virginia in 1979, serving one term and earning a reputation as a committed conservative; and

WHEREAS, Eva Scott remained an active participant in community organizations and conservative causes throughout her lifetime, advocating for fiscal responsibility, personal accountability, and the sanctity of life; and

WHEREAS, in recognition of her historic accomplishments and tireless efforts on behalf of the Commonwealth and its citizens, Eva Scott was honored by the Library of Virginia as a "Virginia Woman in History" in 2013; and

WHEREAS, predeceased by her son, Tom, Eva Scott will be fondly remembered and dearly missed by her husband of more than 70 years, Leander; her children, Jo Anne, Rebecca, Lanny, and William, and their families; and numerous other family members, friends, and colleagues on both sides of the aisle; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of the Honorable Eva Mae Fleming Scott, a beloved member of the Amelia community who touched countless lives as a businesswoman, legislator, and friend; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of the Honorable Eva Mae Fleming Scott as an expression of the Senate of Virginia's respect for her memory.

SENATE RESOLUTION NO. 23

Commending Lisa Specter-Dunaway.

Agreed to by the Senate, February 13, 2020

WHEREAS, Lisa Specter-Dunaway played a pivotal role in the 2019 formation of Families Forward Virginia by negotiating and facilitating the merger of Prevent Child Abuse Virginia, the Comprehensive Health Investment Project of Virginia, and Early Impact Virginia; and

WHEREAS, Families Forward Virginia, a nonprofit organization, is Virginia's leading organization dedicated to disrupting the cycle of child abuse, neglect, and poverty by providing statewide leadership and unifying support for a multitude of evidence-based programs and multi-generational prevention strategies; and

WHEREAS, Families Forward Virginia currently serves approximately 10,000 families in the Commonwealth, with its home-visiting program serving almost 5,700 families by working directly with parents and their children and providing home visitations, positive parenting education, child sexual abuse prevention programs, advocacy, and public education; and

WHEREAS, on November 15, 2017, Lisa Specter-Dunaway was appointed chief executive officer for Families Forward Virginia; and

WHEREAS, prior to the 2019 formation of Families Forward Virginia, Lisa Specter-Dunaway served as chief executive officer of the Comprehensive Health Investment Project (CHIP) of Virginia for 11 years; and

WHEREAS, CHIP of Virginia, now operating as part of the Families Forward array of service models, continues to support children and families through a two-generation approach, which changes lives two generations at a time by pairing families with integrated teams of registered nurses and parent educators; and

WHEREAS, in 2018, Secretary of Education Atif Qarni appointed Lisa Specter-Dunaway to the School Readiness Committee to provide strategic guidance on state-level early childhood policy; and

WHEREAS, Lisa Specter-Dunaway played an integral role in the 2006 establishment of the Virginia Home Visiting Consortium to provide state leadership on improvements in efficiency, quality, resource development, and effectiveness of early childhood home visitation services, which has become a national model for collaborative leadership on those issues; and

WHEREAS, Lisa Specter-Dunaway was appointed to the Family and Children's Trust Fund (FACT) Board in 2010 by Governor Robert McDonnell and served in that capacity through 2018, including as chair of the board from 2015 to 2018; and

WHEREAS, in that role, Lisa Specter-Dunaway used her high-level perspectives on the complex issues related to family violence to provide valuable guidance and direction for FACT, moving the organization forward in new and innovative ways; and

WHEREAS, Lisa Specter-Dunaway continues to work closely with FACT, providing support and partnership in addressing policy and programmatic issues affecting families in Virginia; and

WHEREAS, in 2014, Governor Terry McAuliffe signed Executive Order 22, establishing the Commonwealth Council on Childhood Success to ensure that basic health, education, and child care needs are being met for Virginians under the age of eight, and appointed Lisa Specter-Dunaway to the council; and

WHEREAS, Lisa Specter-Dunaway served as executive director for Smart Smiles, Virginia Alliance of Boys & Girls Clubs, ensuring that low-income children with limited oral health care were able to access preventive and restorative care; and

WHEREAS, Lisa Specter-Dunaway served as deputy director for Youth Matters, Greater Richmond Chamber of Commerce, using her leadership skills to improve the health and safety of children in the Richmond area; and

WHEREAS, in preparation for a career devoted to improving the lives of low-income children and families, Lisa Specter-Dunaway earned a bachelor's degree in psychology from the University of Virginia and a master's degree with a concentration in nonprofit management, from L. Douglas Wilder School of Government and Public Affairs at Virginia Commonwealth University; and

WHEREAS, by dedicating her career to strengthening families and protecting children in Virginia, Lisa Specter-Dunaway has contributed to improving the lives of the Commonwealth's most vulnerable families and young children; and

WHEREAS, through her tireless efforts in influencing policy and expanding services to meet the needs of the future, Lisa Specter-Dunaway has contributed to developing and strengthening a comprehensive support system for young families in the Commonwealth; and

WHEREAS, Lisa Specter-Dunaway is the epitome of a servant-leader, who has dedicated her career to strengthening families and protecting children in the Commonwealth with the utmost integrity and capability, engendering the respect of her colleagues and her clientele, and the loyalty of her staff; now, therefore, be it

RESOLVED by the Senate of Virginia, That Lisa Specter-Dunaway hereby be commended for her service to the Commonwealth and its citizens; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Lisa Specter-Dunaway as an expression of the Senate of Virginia's admiration for her legacy of leadership and unparalleled contributions to children and families in Virginia.

SENATE RESOLUTION NO. 24

Commending William H. Goodwin, Jr.

Agreed to by the Senate, February 6, 2020

WHEREAS, William H. Goodwin, Jr., a respected leader of the Virginia business community and generous supporter of the Commonwealth's public institutions of higher education and other philanthropic endeavors, was awarded the 2020 Outstanding Virginian Award; and

WHEREAS, presented by the General Assembly's Outstanding Virginian Committee in conjunction with University of Virginia's Frank Batten School of Leadership and Public Policy, the Outstanding Virginian Award is considered the Commonwealth's highest civilian honor and is awarded to citizens who have distinguished themselves through extraordinary civic service; and

WHEREAS, William Goodwin received a bachelor's degree in mechanical engineering in 1962, followed shortly thereafter by a master's degree from what is now the Darden School of Business at the University of Virginia; and

WHEREAS, during his professional career, William Goodwin served as chair of The Riverstone Group, LLC, and CCA Industries, Inc., a diversified holding company that oversaw The Riverstone Group along with its many business interests, including Kiawah Island Golf Resort, The Jefferson Hotel, Sea Pines Resort, Dynamic Brands, Pompanette, CCA Financial, and Service Center Metals; and

WHEREAS, from 1996-2004 and from 2013-2017, William Goodwin served on the Board of Visitors of the University of Virginia, providing valued insights and leadership to his alma mater; in 2013, he was unanimously elected vice rector, followed by a two-year term as rector from 2015-2017; and

WHEREAS, beyond his service on the Board of Visitors, William Goodwin also supported the University of Virginia as a former member and chair of the Board of Trustees for the university's Darden School of Business and as chair of the Board of the University of Virginia Investment Management Company; and

WHEREAS, William Goodwin has given liberally of his time and talents to serve the boards of several local and regional civic organizations; currently, he is a member of the Board of Directors for the Richmond Performing Arts Corporation, a member and chair of the GO Virginia Region 4 Council, and a member of the Board of Trustees of the Virginia Commonwealth University School of Engineering Foundation; and

WHEREAS, trustee emeritus and former president of the Medical College of Virginia Foundation, William Goodwin and his wife, Alice, are renowned for their support of cancer research at medical institutions throughout the country, receiving the Medal of Honor for Philanthropy from the American Cancer Society in 2006; and

WHEREAS, prior to the Outstanding Virginian Award, William Goodwin received many accolades in recognition of his professional accomplishments and service, including honorary doctorates from the University of Richmond, the Virginia Commonwealth University, and Johns Hopkins University, as well as the Virginia Tech Alumni Distinguished Achievement Award in 2005; and

WHEREAS, serving the Commonwealth in numerous capacities over the years, William Goodwin has touched countless lives and built a legacy of service that is an inspiration to all; now, therefore, be it

RESOLVED by the Senate of Virginia, That William H. Goodwin, Jr., hereby be commended on his selection as the Outstanding Virginian for 2020; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to William H. Goodwin, Jr., as an expression of the Senate of Virginia's profound respect and admiration for his contributions to the Commonwealth.

SENATE RESOLUTION NO. 25

Commending Diane C. Ickes.

Agreed to by the Senate, February 20, 2020

WHEREAS, Diane C. Ickes has faithfully served as a supervising deputy clerk, deputy clerk, and clerk in the Richmond Juvenile and Domestic Relations District Court of the 13th Judicial District of Virginia for 50 years, from 1970 to 2020; and

WHEREAS, Diane Ickes has served as a trusted assistant and aide to the judges of the Richmond Juvenile and Domestic Relations Court for these five decades, working with no fewer than 21 judges and hundreds of attorneys in the Richmond area; and

WHEREAS, through her efforts, Diane Ickes has contributed to the numerous successes and accomplishments of the Clerk's Office of the Juvenile and Domestic Relations District Court, working with scores of clerks and administrative personnel; she was awarded the Outstanding Career Service Award from the District Court and Magistrate System in 2007 and was recognized as Supervising Deputy Clerk of the Year by the District Court Clerks Association of Virginia in 2019; and

WHEREAS, Diane Ickes has been a true ambassador and representative of the Richmond Juvenile and Domestic Relations District Court as she has interacted with police officers, members of the public, litigants, and city officials; and

WHEREAS, Diane Ickes is singular in her knowledge of the court's history and practices, having served for nearly half of its 108-year existence and in two of its five courthouses; and

WHEREAS, Diane Ickes has demonstrated a commitment to excellence, a dedication to public service and a resolve to improve the lives of all citizens of Richmond and brought credit to the Juvenile and Domestic Relations District Court, making Richmond an even better city during her service; and

WHEREAS, Diane Ickes has faithfully exhibited a sterling character, a faithfulness to friends and colleagues, and is a devoted mother and grandmother; now, therefore, be it

RESOLVED by the Senate of Virginia, That Diane C. Ickes hereby be commended for her 50 years of hard work on behalf of the Richmond Juvenile and Domestic Relations District Court; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Diane C. Ickes as an expression of the Senate of Virginia's admiration for her achievements in service to the residents of Richmond and the Commonwealth.

SENATE RESOLUTION NO. 26

Commending the Virginia Society of Eye Physicians and Surgeons.

Agreed to by the Senate, February 20, 2020

WHEREAS, the Virginia Society of Eye Physicians and Surgeons, the voice of ophthalmology in the Commonwealth, celebrates its 100th anniversary in 2020; and

WHEREAS, founded on October 27, 1920, the Virginia Society of Eye Physicians and Surgeons was established to represent the Commonwealth's ophthalmologists and to advocate for the best quality eye care through education, legislative efforts, and community service; and

WHEREAS, the Virginia Society of Eye Physicians and Surgeons is committed to heightening public awareness that eye disease and blindness can be reduced through prevention and early detection and treatment; and

WHEREAS, the Virginia Society of Eye Physicians and Surgeons is dedicated to the public's direct access to high-quality ophthalmic care and has served to promote and enhance the practice of ophthalmology for its members in a variety of ways; and

WHEREAS, the Virginia Society of Eye Physicians and Surgeons has actively advocated for high-quality eye care and health care for patients; and

WHEREAS, originally chartered as the Virginia Society of Ophthalmology and Otolaryngology in October 1920, the Virginia Society of Ophthalmology was incorporated in March 1983 and in June 2009 changed its name to the Virginia Society of Eye Physicians and Surgeons; and

WHEREAS, the Virginia Society of Eye Physicians and Surgeons will commemorate its centennial with special events and activities throughout 2020; now, therefore, be it

RESOLVED by the Senate of Virginia, That the Virginia Society of Eye Physicians and Surgeons hereby be commended on the occasion of its 100th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Dr. Anthony Viti, president of the Virginia Society of Eye Physicians and Surgeons, as an expression of the Senate of Virginia's admiration for the Virginia Society of Eye Physicians and Surgeons' significant contributions to eye care, health care, patients, and ophthalmologists in the Commonwealth and the United States.

SENATE RESOLUTION NO. 28

Commending Willisville.

Agreed to by the Senate, February 20, 2020

WHEREAS, Willisville, a unique community in southwest Loudoun County, was added to the Virginia Landmarks Register and the National Register of Historic Places in 2019; and

WHEREAS, Willisville, the origins of which predate the Civil War, was established during the Reconstruction Era and takes its name from Henson Willis, a freedman who lived in the village and was the first person to be buried in the village cemetery; and

WHEREAS, other former slaves from the Middleburg and Upperville areas also bought land in what is now Willisville and formed a small community with its own church, school, and store; and

WHEREAS, the 24-acre, 15-home village has endured for more than a century, and some community members are still able to trace their lineage back to Willisville's original residents; and

WHEREAS, the Mosby Heritage Area Association considered recognizing Willisville in January 2018 and contacted longtime resident Carol Lee, whose family has lived in Willisville for generations, and who had already begun to catalog the history of the village, its families, and its burial grounds; and

WHEREAS, after working with local singing groups to raise money through a gospel concert, the Mosby Heritage Area Association and Carol Lee hired historian Jane Covington Motion to coordinate Willisville's application as an historic place; and

WHEREAS, after successfully completing the application process, Willisville became Loudoun County's only historically black village listed individually on the National Register of Historic Places, with its rural, rustic charms offering a window into Loudoun County's past; now, therefore, be it

RESOLVED by the Senate of Virginia, That Willisville hereby be commended on being added to the Virginia Landmarks Register and the National Register of Historic Places in 2019; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Carol Lee on behalf of the Willisville Preservation Foundation as an expression of the Senate of Virginia's admiration for the community's contributions to the history and heritage of Loudoun County and the Commonwealth.

SENATE RESOLUTION NO. 29

Commending the Virginia Peninsula Association of REALTORS®.

Agreed to by the Senate, February 20, 2020

WHEREAS, the Virginia Peninsula Association of REALTORS®, one of the most active and highly respected real estate organizations in the region and throughout the Commonwealth, is celebrating its 100th anniversary in 2020; and

WHEREAS, founded in December 1920 as the Newport News Real Estate and Insurance Exchange, the Virginia Peninsula Association of REALTORS® was established to unite the real estate and insurance professions for the purpose of "effectively exerting a combined influence upon matters affecting real estate"; and

WHEREAS, the Newport News Real Estate and Insurance Exchange was chartered on October 14, 1922, by the National Association of REALTORS® and, in 1925, became the Newport News-Hampton Real Estate and Insurance Exchange; and

WHEREAS, in 1952, the Newport News-Hampton Real Estate and Insurance Exchange and the Hampton Real Estate and Insurance Association merged into a single trade organization known as the Peninsula Association of Insurance Agents;

in 1953, the real estate side of the organization became known as the Newport News-Warwick Real Estate Board, which created a Multiple Listing System in 1958; and

WHEREAS, in April 1962, the Newport News-Hampton Real Estate Board was formed, with Russell Winfree serving as the first president; the organization was subsequently renamed as the Newport News-Hampton Board of REALTORS® and, in 1990, the Virginia Peninsula Association of REALTORS®; and

WHEREAS, the Virginia Peninsula Association of REALTORS® has grown from only 19 members in 1920 to more than 1,200 members in its centennial year; and

WHEREAS, the jurisdiction of the Virginia Peninsula Association of REALTORS® comprises the localities of Hampton, Newport News, Poquoson, Isle of Wight County, and York County; and

WHEREAS, the Virginia Peninsula Association of REALTORS® provides public policy and advocacy, education and training, and industry resources to real estate professionals across the Virginia Peninsula; and

WHEREAS, the Virginia Peninsula Association of REALTORS®, as an ardent supporter of fair housing, recognizes home ownership as key to the American Dream and strives to make that dream universally achievable; and

WHEREAS, the members of the Virginia Peninsula Association of REALTORS® believe strongly that community outreach and engagement is central to the association's mission, and they contribute hundreds of volunteer hours each year to improve and strengthen the region's economy and standards of living; and

WHEREAS, the members of the Virginia Peninsula Association of REALTORS® are significant contributors to the regional and state economy, facilitating the buying and selling of both residential and commercial real estate, as well as property management; and

WHEREAS, members of the Virginia Peninsula Association of REALTORS® are held to a high ethical standard and adhere to the REALTOR® Code of Ethics; and

WHEREAS, the Virginia Peninsula Association of REALTORS® will commemorate its centennial year with special events throughout 2020; now, therefore, be it

RESOLVED by the Senate of Virginia, That the Virginia Peninsula Association of REALTORS® be commended on the occasion of its 100th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Virginia Peninsula Association of REALTORS® as an expression of the Senate of Virginia's admiration for the organization's legacy of service to individuals, families, and businesses in the Commonwealth.

SENATE RESOLUTION NO. 30

Celebrating the life of Henry Burgwyn Hundley.

Agreed to by the Senate, February 27, 2020

WHEREAS, Henry Burgwyn Hundley, a vibrant member of the Richmond community and an employee of the Senate Clerk's Office, died on August 10, 2019; and

WHEREAS, Henry Hundley grew up in Essex County and graduated from Episcopal High School in Alexandria; he continued his education at the University of Virginia, where he cultivated a lifelong passion for European history; and

WHEREAS, after relocating to Richmond, Henry Hundley served the Commonwealth by helping to maintain the official record of the Senate of Virginia as a respected member of the Senate Clerk's Office Journal staff; and

WHEREAS, outside of the legislative session, Henry Hundley visited Europe multiple times, preferring to travel at a leisurely pace and appreciate the unique ambiance of every destination; he especially relished opportunities to complete his transatlantic journeys aboard the ocean liner *Queen Mary 2*; and

WHEREAS, Henry Hundley was also a longtime member of Westmoreland Players, a community theatre troupe, and appeared in a wide range of productions between 1994 and 2005; and

WHEREAS, Henry Hundley further supported cultural life in Richmond as a founding member of the Art Deco Society of Virginia and regularly won the best-dressed man award at the organization's annual Gatsby Afternoon Picnic; and

WHEREAS, Henry Hundley will be fondly remembered and greatly missed by numerous family members, friends, and colleagues; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Henry Burgwyn Hundley, a member of the Senate Clerk's Office and a true gentleman; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Henry Burgwyn Hundley as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 31

Commending Kayleigh Kim.

Agreed to by the Senate, February 27, 2020

WHEREAS, Kayleigh Kim, a Virginia native and student at Oakton High School in Vienna, was selected to compete in the Yehudi Menuhin International Competition for Young Violinists in Richmond in 2020; and

WHEREAS, founded in 1983 by its namesake to cultivate the talents of aspiring musicians, the biannual Yehudi Menuhin International Competition for Young Violinists is regarded today as the premier international musical competition for violinists under the age of 22; and

WHEREAS, selected to be one of 44 competitors out of 321 skilled applicants from around the globe, the honor of performing in the competition is one of many in Kayleigh Kim's already impressive musical career; and

WHEREAS, only 15 years of age, Kayleigh Kim has played on some of the world's most notable stages, including Carnegie Hall, the Kennedy Center Millennium Stage, Merkin Concert Hall, and Strathmore Hall; and

WHEREAS, an alumnus of the Heifetz International Music Institute at Mary Baldwin University, Kayleigh Kim currently studies with Catherine Cho and Francesca dePasquale in the Pre-College Division of the Juilliard School, the renowned music conservatory; and

WHEREAS, previously a student of Ko Sugiyama, assistant concertmaster of the Kennedy Center Opera House Orchestra, Kayleigh Kim has played in master classes with many leading violinists from around the world, including Hilary Hahn, Shirley Givens, Mark Kaplan, and Aaron Rosand; and

WHEREAS, figuring prominently in youth orchestras throughout the Washington, D.C., metropolitan area, Kayleigh Kim has been distinguished as a National Symphony Orchestra youth fellow and as a concertmaster with the Maryland Classic Youth Orchestras, of which she was a member from 2015 to 2019; and

WHEREAS, Kayleigh Kim has already enjoyed great success in several earlier musical competitions, including the Music Teachers National Association Competition, the Joseph and Goldie Feder Memorial String Competition, and the 2018 Indiana University Violin Concerto Competition; and

WHEREAS, Kayleigh Kim's inspirational accomplishments are the result of her remarkable talents, hard work, and tireless dedication; now, therefore, be it

RESOLVED by the Senate of Virginia, That Kayleigh Kim, a young master violinist at Oakton High School, hereby be commended for the distinction of competing in the 2020 Yehudi Menuhin International Competition for Young Violinists; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Kayleigh Kim as an expression of the Senate of Virginia's admiration for her remarkable achievement and best wishes for the future.

SENATE RESOLUTION NO. 32

Commending the Medical Society of Virginia.

Agreed to by the Senate, February 27, 2020

WHEREAS, the Medical Society of Virginia, the only association representing all medical doctors and doctors of osteopathy in the Commonwealth, will observe its 200th anniversary in 2020; and

WHEREAS, on December 15, 1820, the Medical Society of Virginia was founded by a group of 17 physicians from Richmond and Manchester who gathered in hopes of creating a better place to practice medicine and receive care; and

WHEREAS, the Medical Society of Virginia is proud to have approximately 10,000 Virginia physicians, physician assistants, residents, and medical students as members; and

WHEREAS, the Medical Society of Virginia leads advocacy efforts to protect patients and to expand access to high-quality health care; and

WHEREAS, the Medical Society of Virginia was responsible for the creation of the State Board of Medical Examiners, the Board of Medicine, and the Virginia Health Quality Center; and

WHEREAS, the Medical Society of Virginia strives to fortify physician wellness and mitigate burnout through programming and education; and

WHEREAS, the Medical Society of Virginia empowers physicians to achieve positive change for their patients and their communities through leadership and interprofessional collaboration; and

WHEREAS, the Medical Society of Virginia has led initiatives to curb the opioid crisis through stakeholder partnerships, education opportunities for physicians, and the elimination of barriers for patients seeking treatment; and

WHEREAS, the Medical Society of Virginia is dedicated to serving as a partner, organizer, and leader in building a healthier Virginia; now, therefore, be it

RESOLVED by the Senate of Virginia, That the Medical Society of Virginia hereby be commended on the occasion of its 200th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Medical Society of Virginia as an expression of the Senate of Virginia's respect and admiration of the Society's long-standing service to physicians and their patients.

SENATE RESOLUTION NO. 33

Celebrating the life of William H. Napper, Jr.

Agreed to by the Senate, February 27, 2020

WHEREAS, William H. Napper, Jr., a standout athlete from Nelson County and longtime member of the Virginia State Police, died on March 26, 2019; and

WHEREAS, William "Bill" Napper had one of the most remarkable careers in Nelson County High School basketball history, scoring more than 1,600 points over three years for an average of 26.1 points per game; and

WHEREAS, in recognition of his accomplishments, Bill Napper was an inaugural inductee to the Nelson County High School Hall of Fame in 2017; and

WHEREAS, after excelling at Anderson Junior College, Bill Napper transferred to the University of Virginia, where he was part of the team that won the program's first Atlantic Coast Conference championship in 1976; and

WHEREAS, Bill Napper joined the University of Virginia Police Department while still in college and transferred to the Virginia State Police upon graduating in 1978; and

WHEREAS, over an illustrious 39-year career with the Virginia State Police, Bill Napper served on the Governor's security detail and retired as a master state trooper; and

WHEREAS, a savvy businessman who loved the outdoors, Bill Napper owned and operated a landscaping company, Napper's Landscaping, for twenty years; and

WHEREAS, guided by his abiding faith to live honorably and in service to others, Bill Napper was a member of Faith Landmarks Ministries in Henrico, where he enjoyed fellowship and worship with his community and served as an usher; and

WHEREAS, Bill Napper will be dearly remembered by his daughters, sons, and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of William H. Napper, Jr., a beloved member of the Richmond and Nelson County communities who selflessly devoted himself to protecting and serving others; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of William H. Napper, Jr., as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 35

Celebrating the life of Joseph Roland Wright, Sr.

Agreed to by the Senate, February 27, 2020

WHEREAS, Joseph Roland Wright, Sr., who distinguished himself in the Portsmouth community as an honorable veteran, dedicated civil servant, and influential community activist, died on March 28, 2019; and

WHEREAS, Joseph Wright was born and raised in Portsmouth, where he was affectionately known by his friends and family as "Joe" or "Roland"; and

WHEREAS, after graduating from Tidewater Community College, Joseph Wright served his country with honor and distinction for several years as a member of the United States Army; and

WHEREAS, upon returning to civilian life, Joseph Wright worked tirelessly on behalf of his city as an employee with the United States Postal Service; and

WHEREAS, Joseph Wright was an active and engaged member of the Portsmouth community, building a legacy of commitment and service through his involvement in numerous local organizations and frequent participation in Portsmouth City Council meetings; and

WHEREAS, as president and treasurer of the Police-Community Relations Advisory Committee for the Cavalier Manor neighborhood, Joseph Wright strove to ensure the safety and security of his community, earning the nickname "the Mayor of Cavalier Manor"; and

WHEREAS, several fraternal organizations benefited from Joseph Wright's membership over the years, including the Shriners of Arabia Temple #12, whom he formerly served as an honorary past potentate, and the Mt. Gilead Alpha & Omega Lodge #46 of the Ancient Free & Accepted Masons, whom he served previously as worshipper master; and

WHEREAS, guided through life by his deep and abiding faith, Joseph Wright enjoyed worship and fellowship with his community as a longtime member of the First Baptist Church on Elm Avenue in Portsmouth, where he served as a trustee, Sunday school superintendent, and a member of the men's chorus; and

WHEREAS, Joseph Wright will be fondly remembered and dearly missed by his loving wife of 63 years, Betty; his children, Joseph, Jr., LaDonna, and Angela, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Joseph Roland Wright, Sr., an honored veteran and esteemed postal worker who touched countless lives in Portsmouth as a community activist, mentor, and friend; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Joseph Roland Wright, Sr., as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 36

Celebrating the life of the Honorable Willard James Moody, Sr.

Agreed to by the Senate, February 27, 2020

WHEREAS, the Honorable Willard James Moody, Sr., an honorable veteran, distinguished attorney, esteemed statesman, and beloved member of the Portsmouth community, died on March 27, 2019; and

WHEREAS, a member of the "Greatest Generation," Willard Moody proudly served the United States Army in Europe during World War II; and

WHEREAS, upon his return, Willard Moody earned degrees from the Norfolk Division of The College of William and Mary, now Old Dominion University, and the University of Richmond's School of Law; and

WHEREAS, embarking upon a law career in 1952, Willard Moody would practice until the end of his life and earn many honors and distinctions along the way; his legacy is The Moody Law Firm in Portsmouth, which today is recognized as one of the nation's leading firms for injured railroad workers and accident liability lawsuits; and

WHEREAS, serving as counsel for nearly every railroad workers union in the country, Willard Moody earned a sterling reputation for his ability to win cases on behalf of his clients; in recognition of his success, he was inducted into the National Trial Lawyers Hall of Fame in 2014, the only Virginian to have received this distinction; and

WHEREAS, as the Commissioner in Chancery and the Commissioner of Accounts for the Portsmouth Circuit Court, Willard Moody contributed greatly to the proper and equitable administration of justice in his community; and

WHEREAS, a born leader, Willard Moody served in the Virginia House of Delegates from 1956 to 1967 and in the Senate of Virginia from 1968 through 1984; over nearly three decades in public office, he never lost an election; and

WHEREAS, during his tenure as a state lawmaker, Willard Moody introduced and supported many important pieces of legislation to benefit all Virginians and offered his leadership and expertise to several standing committees; and

WHEREAS, Willard Moody proved a steadfast supporter of the legal profession through membership in several attorneys' associations, such as the Virginia Trial Lawyers Association, which he served as president in 1973; and

WHEREAS, one of Willard Moody's proudest accomplishments in a remarkably illustrious life was his establishment of the Railroad Museum of Virginia in his hometown of Portsmouth, a destination that will promote greater interest in and understanding of railroads and trains for years to come; and

WHEREAS, inspired by his faith to serve others with compassion and humility, Willard Moody was a member of Park View Baptist Church in Portsmouth, where he enjoyed fellowship and worship with his community and taught Sunday school; and

WHEREAS, Willard Moody will be fondly remembered and dearly missed by his loving wife of 71 years, Betty; his children, Sharon, Willard, Jr., and Paul, and their families; and numerous other family members, friends, and colleagues on both sides of the aisle; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of the Honorable Willard James Moody, Sr., who had a profound and positive impact on countless lives as a veteran, attorney, statesman, and friend; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of the Honorable Willard James Moody, Sr., as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 37

Commending David S. Wright.

Agreed to by the Senate, February 27, 2020

WHEREAS, David S. Wright, a professor of physics and mentor to thousands of Tidewater Community College students for more than 45 years, will retire from the institution on June 1, 2020; and

WHEREAS, throughout his teaching career at Tidewater Community College, David Wright has inspired thousands of students with his creativity and enthusiasm for science education; and

WHEREAS, David Wright has elevated the global stature of Tidewater Community College through media reporting of his hands-on teaching style, which found him hopping on pogo sticks, lying flat on a bed of nails, and walking barefoot over broken glass to demonstrate the laws of physics to his students; and

WHEREAS, David Wright's students Erica Church and Kierra Brothers shared a video of his demonstrations on Twitter, which took the footage viral, amassing more than 25 million views within days; and

WHEREAS, David Wright has been invited to tell his and his students' stories on a variety of local, national, and global media outlets and programs, including *Good Morning America*, *NBC Nightly News*, the *India Times*, People.com, CNN, BBC, BuzzFeed, 13NewsNow.com, WAVY-TV, WTKR-TV, and the *Virginian-Pilot*; and

WHEREAS, for years, David Wright has shared his passion for the sciences with his "Physics in Motion" interactive shows at Busch Gardens in Williamsburg, Virginia, and Tampa, Florida; and

WHEREAS, David Wright was named Tidewater Community College's Professor of the Year in 2017; and

WHEREAS, David Wright was awarded his Ph.D. in physics at Virginia Polytechnic Institute and State University, following completion of bachelor's and master's degrees at Brigham Young University; now, therefore, be it

RESOLVED by the Senate of Virginia, That David S. Wright hereby be commended for his years of dedication to the advancement of scientific knowledge as an educator in service to the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to David S. Wright as an expression of the Senate of Virginia's admiration for his achievements and best wishes on his well-earned retirement.

SENATE RESOLUTION NO. 38

Commending Devon Settle.

Agreed to by the Senate, February 27, 2020

WHEREAS, Devon Settle, executive director of the Fauquier Society for the Prevention of Cruelty to Animals (SPCA), and her staff at the organization were named the Cedar Run District's Citizens of the Year by the Fauquier County Board of Supervisors in 2019; and

WHEREAS, a licensed veterinary technician, longtime volunteer at the Fauquier SPCA, and its deputy executive director briefly in 2016, Devon Settle has helmed the organization since 2017, demonstrating the utmost compassion and professionalism in caring for animals in need; and

WHEREAS, throughout her tenure, Devon Settle has sought to raise awareness of the SPCA's role in the community and to make it more accessible to the public, emphasizing its activities as a rescue and rehabilitation center for Fauquier County's animals; and

WHEREAS, founded in 1957, the Fauquier SPCA is contracted by the Fauquier County government to provide the county's animal shelter, but the organization also offers many other valuable services to the public, including lost-and-found assistance, humane education, pet therapy, tag identification, behavioral training, and a low-cost spay and neuter clinic; and

WHEREAS, as executive director of the Fauquier SPCA, Devon Settle oversees fundraising efforts to maintain the organization's operations; although some funding is provided by the Fauquier County government, most of the organization's nearly \$1 million annual operating budget is supported by donations, fundraisers, adoption fees, and grants; and

WHEREAS, each year, Devon Settle and her staff of nearly 100 employees and volunteers house and care for hundreds of animals that are stray, abandoned, rabies-exposed, or involved in court proceedings, and find loving homes to receive them after they have been restored to health; and

WHEREAS, through their efforts to eliminate the needless pain and suffering inflicted upon animals through overpopulation and neglect, Devon Settle and the Fauquier SPCA provide an essential, humane service that preserves the dignity of Fauquier County and the Commonwealth; now, therefore, be it

RESOLVED by the Senate of Virginia, That Devon Settle, executive director of the Fauquier Society for the Prevention of Cruelty to Animals, hereby be commended for being distinguished, along with her staff, as the Cedar Run District's 2019 Citizens of the Year by the Fauquier County Board of Supervisors; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Devon Settle as an expression of the Senate of Virginia's admiration and respect for her and the Fauquier SPCA's dedication to the health and safety of the animals of Fauquier County.

SENATE RESOLUTION NO. 39

Celebrating the life of Naomi R. Francisco.

Agreed to by the Senate, February 27, 2020

WHEREAS, Naomi R. Francisco, a beloved member of the Hampton community who touched countless lives through her generosity and grace, died on February 5, 2020; and

WHEREAS, born in Warwick County, Naomi Francisco attended George P. Phenix High School in Hampton and began her career at a sewing company in Newport News, where she ultimately became a supervisor; and

WHEREAS, in 1956, Naomi Francisco married her late husband, Leslie, and after becoming the parents of three sons, the couple rededicated their lives to faith and community service; and

WHEREAS, as first lady of Calvary Mennonite Church, where her husband served as pastor, Naomi Francisco assisted with teaching Sunday school and vacation Bible school, directed the children's choir, organized women's activities and prayer groups, and offered her wisdom to the pastor's aide committee for 19 years; and

WHEREAS, Naomi and Leslie Francisco subsequently established Calvary Community Church, now known as C3 Hampton, in 1985 to better serve local residents; the couple received the James and Rowena Lark Award from the Mennonite Board of Missions for their creative leadership in evangelism and church development; and

WHEREAS, Naomi Francisco continued her career at Calvary Christian Academy, where she was affectionately known to students as "Grandma" and served as a food service manager; and

WHEREAS, predeceased by her husband, Leslie II, and a son, Steven, Naomi Francisco will be fondly remembered and greatly missed by her sons, Leslie III and Myron, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Naomi R. Francisco, a vibrant member of the Hampton community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Naomi R. Francisco as an expression of the Senate of Virginia's respect for her memory.

SENATE RESOLUTION NO. 40

Commending Bob and Marion Wilson.

Agreed to by the Senate, March 2, 2020

WHEREAS, in 1989, Bob and Marion Wilson of Rancho Santa Fe, California, cofounded the Teacher Institute of Colonial Williamsburg to provide opportunities for California elementary school teachers to enhance their curricula by studying the early history of the United States; and

WHEREAS, Bob and Marion Wilson's program began with 44 elementary school teachers and grew rapidly, welcoming teachers from Alabama, California, Louisiana, Maryland, Montana, Oklahoma, Pennsylvania, Texas, Virginia, and Washington within five years of its establishment; and

WHEREAS, in 1994, the Teacher Institute of Colonial Williamsburg expanded its offerings to middle school and high school teachers, who have attended sessions through scholarships funded by Bob and Marion Wilson and many other generous donors; and

WHEREAS, thanks in large part to Bob and Marion Wilson's leadership and ongoing support, the Colonial Williamsburg Teacher Institute had served 10,000 educators from all 50 states, Puerto Rico, the U.S. Virgin Islands, Brazil, Canada, Norway, and Tunisia by 2019; and

WHEREAS, in recognition of Bob and Marion Wilson's legacy of contributions to history education, the program was renamed as the Bob and Marion Wilson Teacher Institute of Colonial Williamsburg in their honor; and

WHEREAS, the Bob and Marion Wilson Teacher Institute of Colonial Williamsburg continues to help teachers examine the economic, political, and social events that shaped the nation using primary sources, offering unique tools and strategies to help history come alive in the classroom; now, therefore, be it

RESOLVED by the Senate of Virginia, That Bob and Marion Wilson be commended for their dedicated work to promote professional development for teachers at Colonial Williamsburg; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Bob and Marion Wilson as an expression of the Senate of Virginia's admiration for their achievements on behalf of educators throughout the United States and the world.

SENATE RESOLUTION NO. 41

Celebrating the life of the Honorable Kevin G. Miller, Sr.

Agreed to by the Senate, March 2, 2020

WHEREAS, the Honorable Kevin G. Miller, Sr., a passionate educator, honored veteran, and former statesman who served the Commonwealth admirably for over two decades, died on November 8, 2019; and

WHEREAS, born in Denny, North Carolina, in 1930, Kevin Miller enlisted in the United States Army shortly after graduating high school, serving on Okinawa and in the Korean War as a diesel mechanic from 1949 to 1952; and

WHEREAS, with support from the G.I. Bill, Kevin Miller attended Madison College, earning bachelor's and master's degrees in education in 1957 and 1959, respectively; he would later round out his knowledge of business by becoming a certified public accountant in 1972; and

WHEREAS, early in his career as an educator, Kevin Miller taught business courses for San Diego City Schools in California and at Frederick College; he would ultimately become the first professor of accounting at his alma mater, Madison College, retiring as professor emeritus in 1995; and

WHEREAS, Kevin Miller's accounting acumen was a valued asset of the federal government during the years he served the Internal Revenue Service as an auditor in Charlottesville; and

WHEREAS, Kevin Miller served two terms in the Virginia House of Delegates from 1978 to 1982 before proudly representing the 26th District in the Senate of Virginia for five terms from 1983 through 2003; and

WHEREAS, during his tenure as a state lawmaker, Kevin Miller introduced and supported numerous important pieces of legislation to benefit all Virginians and offered his leadership and expertise to several standing committees; and

WHEREAS, as an educator and a statesman, Kevin Miller touched the lives of countless Virginians and helped make the Commonwealth a great place to live, work, and visit; and

WHEREAS, preceded in death by his daughter, Lora, Kevin Miller will be dearly remembered and sorely missed by his adoring wife, Frances; his children, Kevin, Jr., and Stephanie, and their families; and numerous other family members, friends, and colleagues on both sides of the aisle; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of the Honorable Kevin G. Miller, Sr., accomplished statesman, inspiring educator, heroic veteran, and beloved member of the Harrisonburg community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of the Honorable Kevin G. Miller, Sr., as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 42

Celebrating the life of William Edward Mills.

Agreed to by the Senate, March 2, 2020

WHEREAS, William Edward Mills, an accomplished printer and cherished member of the Page County community, died on October 16, 2019; and

WHEREAS, born in Salisbury, Maryland, in 1930, William "Bill" Mills dedicated his entire half-century career to printing, serving both the federal government and the *Salisbury Times* for 20 years each and *The Wall Street Journal* for a decade; and

WHEREAS, retiring in 1984, Bill Mills and his wife, Hazel, relocated to Page County, where they quickly became active and involved members of their newfound community; and

WHEREAS, always willing to help with a service project, Bill Mills contributed to the construction of Page County's first Habitat for Humanity home and assisted the county's first Litter Control Council; and

WHEREAS, Bill Mills' impact in the community was also felt through his membership in several local service and fraternal organizations, including Lafayette Lodge 137 of the Ancient Free and Accepted Masons; Page Chapter 4 of the Royal Arch Masons, for whom he served as high priest; Page Chapter 24 of the Order of the Eastern Star, which recognized him as a worthy patron; and the Stanley Lions Club, for which he was a past president; and

WHEREAS, guided throughout his life by his deep and abiding faith, Bill Mills was a member of Page United Methodist Church, where he enjoyed worship and fellowship with his community for many years; and

WHEREAS, Bill Mills will be fondly remembered and dearly missed by his beloved wife of 71 years, Hazel; his daughters, Chris and Priscilla, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of William Edward Mills, who touched countless lives in the Page County community through his service and friendship; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of William Edward Mills as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 43

Celebrating the life of Nancy Mulcahy Sweet.

Agreed to by the Senate, March 2, 2020

WHEREAS, Nancy Mulcahy Sweet, an active and cherished member of the Harrisonburg community, died on September 10, 2019; and

WHEREAS, born in Winchester, Massachusetts, and graduating from Mount Ida College, Nancy Sweet lived in Topeka, Kansas; Glens Falls, New York; and Richmond before settling in Harrisonburg in 1957, where she would raise her family and reside for the rest of her life; and

WHEREAS, invested in the well-being of Harrisonburg's children, Nancy Sweet served as the leader of Girl Scout Troop 478, the president of the Harrisonburg High School Parent Teacher Association, and on the Harrisonburg City School Board; and

WHEREAS, committed to making Harrisonburg a wonderful place to live, work, and raise a family, Nancy Sweet gave generously of her time and talents to several community organizations, serving as president of the Spotswood Garden Club and the Harrisonburg Junior Women's Club and on the board of the Shenandoah Valley Music Festival; and

WHEREAS, in recognition of her years of service, Nancy Sweet received a Woman of Achievement Award from the Harrisonburg Business and Professional Women's Club in 1968; and

WHEREAS, appointed as the magistrate for the City of Harrisonburg in 1974, Nancy Sweet made history as the first woman to hold this position, which she served in for many years; and

WHEREAS, guided throughout life by her deep and abiding faith, Nancy Sweet was a longtime member of the Blessed Sacrament Catholic Church in Harrisonburg, where she served as president of the church's Ladies Sodality and enjoyed worship and fellowship with her community; and

WHEREAS, preceded in death by her husband, Lyle, Nancy Sweet will be fondly remembered and dearly missed by her children, Ann, Dana, Jean, and Patrick, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Nancy Mulcahy Sweet, who supported countless individuals and families in Harrisonburg as a volunteer, civic leader, and friend; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Nancy Mulcahy Sweet as an expression of the Senate of Virginia's respect for her memory.

SENATE RESOLUTION NO. 45

Celebrating the life of Rufus B. Easter, Jr.

Agreed to by the Senate, March 2, 2020

WHEREAS, Rufus B. Easter, Jr., who dedicated his life to promoting the arts and mental health advocacy in Hampton, died on February 5, 2020; and

WHEREAS, Rufus Easter, affectionately known to friends and family as "RB," was born and raised in Hampton; he attended Hampton City Schools and Hampton Institute, now Hampton University, before studying at the New York Institute of Technology; and

WHEREAS, Rufus Easter dedicated his career to Hampton University, serving for many years as director of auxiliary services and as an instructor in the music department, where he led the senior level technical seminar, among other accomplishments; and

WHEREAS, committed to fostering the arts in his community, Rufus Easter founded the Hampton Association for the Arts and Humanities and was a member of the Music, Arts, Drama, and Science Committee for Hampton City Schools; notably, as one of Hampton's most renowned piano tuners, he served as the resident piano technician for the Hampton Jazz Festival for more than 40 years; and

WHEREAS, Rufus Easter was a major figure in the Hampton mental health community, serving on the boards of various hospitals and health organizations while co-founding Insight Enterprises, Inc., and chairing the Peninsula Center for Independent Living, collaborative organizations that provide support to individuals with disabilities; and

WHEREAS, with his wife, Evelyn, Rufus Easter co-organized the Hampton/Newport News affiliate of the National Alliance on Mental Illness, bolstering the health and support services available to members of the community in need; and

WHEREAS, for his many contributions to Hampton over the years, Rufus Easter was enshrined at the Martin Luther King, Jr., and Hampton Heroes Plaza, as well as inducted into the Hampton-Newport News Community Services Board Hall of Fame in 2007, ensuring his legacy of service to others will be appreciated by many future generations to come; and

WHEREAS, guided throughout his life by his deep and abiding faith, Rufus Easter was a lifelong member of First Baptist Church in Hampton, where he enjoyed worship and fellowship with his community, served as deacon, and was chair of the music ministry committee; and

WHEREAS, preceded in death by his loving wife of 66 years, Evelyn, and his son, Rufus III, Rufus Easter will be fondly remembered and dearly missed by his children, Robert, Deborah, and Russell, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Rufus B. Easter, Jr., who touched countless lives in Hampton as an educator, mental health advocate, civic leader, and friend; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Rufus B. Easter, Jr., as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 46

Commending The Flying Circus Aerodrome and Airshow.

Agreed to by the Senate, March 2, 2020

WHEREAS, The Flying Circus Aerodrome and Airshow, an International Aviation Ambassador located in Bealeton, is celebrating its 50th year of entertaining and educating visitors from around the Commonwealth, the United States, and the world in 2020; and

WHEREAS, established in 1970, The Flying Circus is one of America's best and longest-performing weekly airshows and preserves the legacy of the "barnstorming" aerobatic shows popular during the Golden Age of Flight in the 1920s and 1930s through majestic stunts, the performances of daring wing walkers, and the use of modern high-performance aerobatics aircraft; and

WHEREAS, The Flying Circus and its associated aviators have preserved, maintained, and kept in operational condition dozens of historic planes in order for the public to experience firsthand what amazed and thrilled Americans generations ago at the dawn of the age of human flight; and

WHEREAS, while most of the aircraft involved in the show are privately owned, the Flying Circus' own silver and black 1943 Stearman biplane plays a pivotal role in opening skydives and wing-walking acts; and

WHEREAS, aviators affiliated with The Flying Circus have unselfishly performed throughout the United States, bringing this unique experience to countless people who would not otherwise have such an opportunity; and

WHEREAS, The Flying Circus and many of its past and present pilots and administrators are members of the Virginia Aviation Hall of Fame and have been an integral part of Virginia's aviation industry and aviation history communities, vividly bringing to life aspects of the Commonwealth's leading role in American aviation supremacy; and

WHEREAS, The Flying Circus has developed programs for the public to ride in these historic planes and to further educate all interested parties in the magnificence of these early mechanical marvels; and

WHEREAS, over the past 50 years, The Flying Circus has supported the dreams of numerous volunteers and amateur pilots to advance into aviation careers, including military, commercial, general, historical, experimental, sport, and professional performance aviation; and

WHEREAS, The Flying Circus and its volunteers provide charitable aviation support to several worthy causes, including Wounded Warriors, Make-A-Wish Foundation, Angel Flights, hospice care, scouting, youth programs, and science, technology, engineering, and mathematics education at local schools; and

WHEREAS, The Flying Circus has inspired generations by exhibiting the glorious tapestry that is the "Spirit and Love of Aviation"; now, therefore, be it

RESOLVED by the Senate of Virginia, That The Flying Circus Aerodrome and Airshow in Bealeton hereby be commended on the occasion of its 50th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to The Flying Circus Aerodrome and Airshow as an expression of the Senate of Virginia's admiration for its work to preserve the history of aviation and contributions to the residents of and visitors to the Commonwealth.

SENATE RESOLUTION NO. 47

Confirming nominations by the Senate Committee on Rules.

Agreed to by the Senate, March 8, 2020

RESOLVED by the Senate of Virginia, That the Senate confirm the following nominations made by the Senate Committee on Rules to the Senate Ethics Advisory Panel pursuant to § 30-112 of the Code of Virginia:

Daniel J. Palazzolo of Richmond, Virginia 23229, for a term of four years beginning July 1, 2020, and ending June 30, 2024, to succeed himself.

The Honorable Jackson E. Reasor, Jr. of Henrico, Virginia 23239, for a term of four years beginning July 1, 2020, and ending June 30, 2024, to succeed himself.

SENATE RESOLUTION NO. 48

Commending the Hampton University Choir.

Agreed to by the Senate, March 4, 2020

WHEREAS, for 150 years, the Hampton University Choir has supported Hampton University and provided opportunities for students to share the joys of music; and

WHEREAS, originally known as the Hampton Singers, the Hampton University Choir was established by Samuel Chapman Armstrong in 1870 and consisted of 17 students, four of whom were former slaves; and

WHEREAS, in 1872, the Hampton Singers worked with Thomas P. Fenner, a conservatory-trained vocalist, to prepare for a tour of several Northern states; and

WHEREAS, the Hampton Singers raised more than \$300,000 through their performances and were credited with raising much of the early endowment for Hampton University, then known as Hampton Normal and Agricultural Institute; and

WHEREAS, in the mid-1870s, the Hampton Singers also "sung up" a women's dormitory on campus, Virginia-Cleveland Hall, by performing to raise money for its construction; and

WHEREAS, the Hampton University Choir has performed throughout the United States, Canada, and Europe; including in Carnegie Hall, the John F. Kennedy Center for the Performing Arts, the Basilica of the National Shrine of the Immaculate Conception, and St. Patrick's Cathedral; as well as at the inauguration of President Bill Clinton; and

WHEREAS, the Hampton University Choir will commemorate the organization's 150th anniversary with a special event on April 17, 2020; now, therefore, be it

RESOLVED by the Senate of Virginia, That the Hampton University Choir hereby be commended on the occasion of its 150th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Hampton University Choir as an expression of the Senate of Virginia's admiration for its rich history and many contributions to the Hampton University community.

SENATE RESOLUTION NO. 49

Commending George M. Hampton Middle School.

Agreed to by the Senate, March 4, 2020

WHEREAS, George M. Hampton Middle School, of Prince William County Public Schools, celebrates its 50th anniversary in 2020; and

WHEREAS, established in 1970, Hampton Middle School was the first middle school built in Dale City; in 2016, the school was rededicated to honor the esteemed veteran and civic leader Dr. George M. Hampton; and

WHEREAS, Hampton Middle School currently serves 1,062 students and supports 110 staff members, offering a plethora of academic and extracurricular activities that foster a lively and engaging learning environment; and

WHEREAS, an International Baccalaureate Middle Years Programme school for more than 20 years, Hampton Middle School challenges its students with a rigorous curriculum that encourages them to reach their full potential; and

WHEREAS, a participant in the Afterschool Alliance's Nita M. Lowey 21st Century Community Learning Centers initiative, Hampton Middle School provides its students with various enrichment activities that extend their development beyond the classroom; and

WHEREAS, Hampton Middle School offers its students a variety of extracurricular activities, including soccer, football, basketball, wrestling, volleyball, softball, baseball, track, and cheerleading, as well as many academic and outreach programs that help the school serve families and the community; and

WHEREAS, with an extensive renovation in 2010, Hampton Middle School is prepared to continue providing an excellent educational experience to countless future students in Prince William County; now, therefore, be it

RESOLVED by the Senate of Virginia, That George M. Hampton Middle School, a distinguished institution of Prince William County Public Schools, hereby be commended on the occasion of its 50th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Jehovanni Mitchell, principal of George M. Hampton Middle School, as an expression of the Senate of Virginia's admiration for the school's history and achievements and best wishes for its continued success.

SENATE RESOLUTION NO. 50

Nominating persons to be elected to circuit court judgeships.

Agreed to by the Senate, March 2, 2020

RESOLVED by the Senate of Virginia, That the following persons are hereby nominated to be elected to the respective circuit court judgeships as follows:

The Honorable Kevin M. Duffan, of Virginia Beach, as a judge of the Second Judicial Circuit for a term of eight years commencing April 1, 2020.

The Honorable David Eugene Cheek, of the City of Richmond, as a judge of the Thirteenth Judicial Circuit for a term of eight years commencing July 1, 2020.

The Honorable James Bruce Strickland, of Stafford, as a judge of the Fifteenth Judicial Circuit for a term of eight years commencing April 1, 2020.

David B. Franzen, Esquire, of Charlottesville, as a judge of the Sixteenth Judicial Circuit for a term of eight years commencing July 1, 2020.

The Honorable Frank W. Rogers III, of Roanoke County, as a judge of the Twenty-third Judicial Circuit for a term of eight years commencing April 1, 2020.

Michael R. Doucette, Esquire, of Lynchburg, as a judge of the Twenty-fourth Judicial Circuit for a term of eight years commencing May 1, 2020.

Anne M. F. Reed, Esquire, of Augusta, as a judge of the Twenty-fifth Judicial Circuit for a term of eight years commencing July 1, 2020.

The Honorable Christopher B. Russell, of Buena Vista, as a judge of the Twenty-fifth Judicial Circuit for a term of eight years commencing April 1, 2020.

The Honorable William W. Eldridge, IV, of Rockingham, as a judge of the Twenty-sixth Judicial Circuit for a term of eight years commencing May 1, 2020.

Kenneth Mike Fleenor, Jr., Esquire, of Pulaski, as a judge of the Twenty-seventh Judicial Circuit for a term of eight years commencing July 1, 2020.

The Honorable Ronald K. Elkins, of Wise, as a judge of the Thirtieth Judicial Circuit for a term of eight years commencing August 3, 2020.

SENATE RESOLUTION NO. 51

Nominating persons to be elected to general district court judgeships.

Agreed to by the Senate, March 3, 2020

RESOLVED by the Senate of Virginia, That the following persons are hereby nominated to be elected to the respective general district court judgeships as follows:

Afshin Farashahi, Esquire, of Virginia Beach, as a judge of the Second Judicial District for a term of six years commencing April 1, 2020.

Lynda P. Ramsey, Esquire, of Sussex, as a judge of the Sixth Judicial District for a term of six years commencing April 1, 2020.

Kenneth A. Blalock, Esquire, of Petersburg, as a judge of the Eleventh Judicial District for a term of six years commencing December 1, 2020.

LaBravia S. J. Jenkins, Esquire, of Fredericksburg, as a judge of the Fifteenth Judicial District for a term of six years commencing April 1, 2020.

Kenneth Andrew Sneathern, Esquire, of Charlottesville, as a judge of the Sixteenth Judicial District for a term of six years commencing May 1, 2020.

Sonya L. Sacks, Esquire, of Prince William, as a judge of the Eighteenth Judicial District for a term of six years commencing April 1, 2020.

Lorrie A. Sinclair Taylor, Esquire, of Loudoun, as a judge of the Twentieth Judicial District for a term of six years commencing April 1, 2020.

Matthew P. Snow, Esquire, of Loudoun, as a judge of the Twentieth Judicial District for a term of six years commencing May 1, 2020.

Robin J. Mayer, Esquire, of Lexington, as a judge of the Twenty-fifth Judicial District for a term of six years commencing May 1, 2020.

Mary L. C. Daniel, Esquire, of Clarke, as a judge of the Twenty-sixth Judicial District for a term of six years commencing June 1, 2020.

SENATE RESOLUTION NO. 52

Nominating persons to be elected to juvenile and domestic relations district court judgeships.

Agreed to by the Senate, March 3, 2020

RESOLVED by the Senate of Virginia, That the following persons are hereby nominated to be elected to the respective juvenile and domestic relations district court judgeships as follows:

Adrienne L. Bennett, Esquire, of Virginia Beach, as a judge of the Second Judicial District for a term of six years commencing April 16, 2020.

Cela J. Burge, Esquire, of Northampton, as a judge of the Judicial District 2-A for a term of six years commencing April 16, 2020.

Cheryl J. Wilson, Esquire, of Petersburg, as a judge of the Eleventh Judicial District for a term of six years commencing July 1, 2020.

Linda Y. Lambert, Esquire, of Henrico, as a judge of the Fourteenth Judicial District for a term of six years commencing May 1, 2020.

Marcel D. Jones, Esquire, of Spotsylvania, as a judge of the Fifteenth Judicial District for a term of six years commencing May 16, 2020.

Thomas K. Cullen, Esquire, of Alexandria, as a judge of the Eighteenth Judicial District for a term of six years commencing April 1, 2020.

SENATE RESOLUTION NO. 53

Nominating a person to be elected to a circuit court judgeship.

Agreed to by the Senate, March 12, 2020

RESOLVED by the Senate of Virginia, That the following person is hereby nominated to be elected to the respective circuit court judgeship as follows:

The Honorable Onzlee Ware, of Roanoke City, as a judge of the Twenty-third Judicial Circuit for a term of eight years commencing April 1, 2020.

SENATE RESOLUTION NO. 54

Commending Greg Mance.

Agreed to by the Senate, March 4, 2020

WHEREAS, Greg Mance, the highly respected head coach of the Richlands High School football team in Tazewell County, who guided the Blue Tornado for the past 23 seasons, retired as head coach in 2020; and

WHEREAS, Greg Mance began his coaching career in 1988 as an assistant coach for the Richlands High School football team, where he served under Billy Haun, Dennis Vaught, Terry Wess, and George Brown; and

WHEREAS, Greg Mance was the offensive coordinator for the 1992 Richlands Blue Tornado football team, which completed its season with a 14-0 record while winning the first state championship in the history of Richlands High School athletics; and

WHEREAS, in 1997, Greg Mance became the eleventh head coach in the history of the Richlands High School football program; over the course of his 23-season career, he led the Blue Tornado to 12 Southwest District championships, eight Region IV championships, the 2006 Virginia High School League Group AA, Division 3 state championship, and four state runner-up finishes; and

WHEREAS, Greg Mance compiled a record of 205 wins and 78 losses while outscoring opponents 8,797-4,637; his 205 wins are the most of any head coach in the history of the Richlands High School football program; and

WHEREAS, under the direction of Greg Mance, the Blue Tornado finished with 10 or more wins in 10 seasons, including a stretch of 13 seasons where the Richlands football program won nine or more contests; and

WHEREAS, during Greg Mance's tenure as the head football coach at Richlands High School, the Blue Tornado completed four of the five perfect 10-0 regular seasons in school history; and

WHEREAS, Greg Mance led the Blue Tornado to 20 playoff appearances, including 19 consecutive playoff appearances from 2001 to 2019; and

WHEREAS, Greg Mance was honored for his accomplishments by earning the Southwest District Coach of the Year award 12 times, the Region Coach of the Year award eight times, and the State Coach of the Year award two times; and

WHEREAS, in addition to coaching football, Greg Mance served as an assistant baseball coach, head golf coach, head boys track coach, and athletic director during his 32-year teaching and coaching career at Richlands High School; and

WHEREAS, upon his retirement from Richlands High School, Greg Mance will assume the head coaching position for the football team at Loris High School in Loris, South Carolina; now, therefore, be it

RESOLVED by the Senate of Virginia, That Greg Mance hereby be commended on the occasion of his retirement as head coach of the Richlands High School football team; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Greg Mance as an expression of the Senate of Virginia's admiration for his achievements, best wishes on a happy retirement, and best wishes in his future endeavors.

SENATE RESOLUTION NO. 55

Commending Ellen Zangla.

Agreed to by the Senate, March 4, 2020

WHEREAS, Ellen Zangla, a professional photographer from Hamilton, has raised more than \$28,000 for two animal shelters in Loudoun County through the sale of her book, *Tails of Loudoun County*; and

WHEREAS, featuring more than 200 pets, including dogs, cats, horses, and lizards, *Tails of Loudoun County* poses heartwarming scenes of these animals in historic and scenic locations throughout Loudoun County; and

WHEREAS, proceeds from Ellen Zangla's publication go to Friends of Loudoun County Animal Services and the Loudoun Community Cat Coalition, greatly contributing to the mission of these organizations by supporting veterinary care, enrichment activities for sheltered animals, spay and neuter surgeries, vaccinations, flea and tick treatments, and more; and

WHEREAS, beyond the sales of *Tails of Loudoun County*, Ellen Zangla has raised an additional \$30,000 on behalf of Loudoun County shelters and their animals; a three-time award winner at the Professional Photographers of America's International Photographic Competition, her passion for animals goes hand-in-hand with her profession, as she specializes in portraits of pets and pets with their people; and

WHEREAS, through a project that celebrates the loving connection between humans and animals, Ellen Zangla embodies the caring community spirit that makes Loudoun County a wonderful place to live, work, and be a pet owner; now, therefore, be it

RESOLVED by the Senate of Virginia, That Ellen Zangla hereby be commended for the publication of her book, *Tails of Loudoun County*, and the generous charity it has inspired; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Ellen Zangla as an expression of the Senate of Virginia's heartfelt admiration for her work and best wishes for her continued success.

SENATE RESOLUTION NO. 56

Commending 868 Estate Vineyards.

Agreed to by the Senate, March 4, 2020

WHEREAS, 868 Estate Vineyards received the Virginia Wineries Association's Governor's Cup from Governor Ralph Northam on February 25, 2020, at Main Street Station in Richmond; and

WHEREAS, 868 Estate Vineyards earned the Governor's Cup distinction with its 2017 Vidal Blanc Passito, a wine made from hybrid grapes and produced through the "appassimento" technique, wherein the grapes are partially dried to concentrate their flavor and the fermentation process is halted early to preserve the wine's natural sweetness; and

WHEREAS, selected as the best wine out of more than 500 entries, 868 Estate Vineyards' 2017 Vidal Blanc Passito is the first winner to be made entirely with Loudoun County fruit and the first sweet wine to win the competition in more than 15 years; and

WHEREAS, 868 Estate Vineyards established its first grapes in 2012 and now has more than 22 acres of vines producing more than 4,000 cases of wine per year; in a short time, the vineyard's reputation for excellent wine and world-class hospitality has made it an appealing destination for both residents of and visitors to Loudoun County; and

WHEREAS, 868 Estate Vineyards has demonstrated mastery of its craft by winning the coveted Governor's Cup honor, an accomplishment that elevates the prestige of Loudoun County's viticulture industry and celebrates the exceptional quality of Virginia wine; now, therefore, be it

RESOLVED by the Senate of Virginia, That 868 Estate Vineyards hereby be commended for winning the Virginia Wineries Association's 2020 Governor's Cup; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Carl DiManno, winemaker and cofounder of 868 Estate Vineyards, as an expression of the Senate of Virginia's admiration for the vineyard's achievement and best wishes for its continued success.

SENATE RESOLUTION NO. 57

Celebrating the life of Leonard Rocklin Bogaev, M.D.

Agreed to by the Senate, March 4, 2020

WHEREAS, Leonard Rocklin Bogaev, M.D., respected urologist and beloved member of the Fredericksburg community, died on October 20, 2017; and

WHEREAS, Leonard Bogaev was born on September 27, 1928, in Philadelphia, Pennsylvania; he graduated from Princeton University with Phi Beta Kappa honors in 1950 and from the Perelman School of Medicine at the University of Pennsylvania in 1954, where he was elected to the Alpha Omega Alpha medical honor society; and

WHEREAS, after an internship at the Hospital of the University of Pennsylvania and a urology residency at the University of Virginia, Leonard Bogaev began a career as a urologist, first with the Medical Corps of the United States Navy in Millington, Tennessee, and later in private practice in Jonesboro, Arkansas, where he raised his family and worked for the remainder of his successful career; and

WHEREAS, following his retirement in 1988, Leonard Bogaev returned to Virginia, lived in Mathews for several years, and ultimately settled in Fredericksburg in 2004, becoming a cherished member of the community; and

WHEREAS, Leonard Bogaev will be fondly remembered and greatly missed by his wife, Rosa Lee; his children, Susan, Rick, Doug, and Chris, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Leonard Rocklin Bogaev, M.D., accomplished urologist and esteemed citizen of Fredericksburg; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Leonard Rocklin Bogaev, M.D., as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 58*Commending Breaux Vineyards.*

Agreed to by the Senate, March 4, 2020

WHEREAS, Breaux Vineyards of Loudoun County produced two gold-winning wines at the 38th annual Governor's Cup Virginia wine competition in 2020; and

WHEREAS, Breaux Vineyards' 2015 Nebbiolo and its 2016 Merlot stood out among a field of 530 wines from Virginia, joining the class of 64 wines that received gold medals at the event; and

WHEREAS, Breaux Vineyards opened in 1997 and has since been offering residents and visitors of Loudoun County an enchanting refuge for the enjoyment of fine wine against a backdrop of the Commonwealth's unparalleled vistas; and

WHEREAS, since its founding, Breaux Vineyards has grown from three acres of grapes to 104 acres, making it one of the fastest growing wineries in Virginia and a standout member of the Loudoun County wine-making community, which boasts more wineries than any other county in the Commonwealth; and

WHEREAS, Breaux Vineyards' recent distinction at the Governor's Cup competition is one in a long line of awards and accolades for the vineyard, which includes gold medals at the State Fair of Virginia wine competition, the Riverside International Wine Competition, and the San Francisco International Wine Competition; and

WHEREAS, through painstaking attention to detail and dedication to their craft, the winemakers at Breaux Vineyards achieve a level of excellence befitting the Commonwealth's renowned wine industry; now, therefore, be it

RESOLVED by the Senate of Virginia, That Breaux Vineyards hereby be commended for winning gold medals at the 2020 Governor's Cup Virginia wine competition; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to E. Paul Breaux, Jr., president and chief executive officer of Breaux Vineyards, as an expression of the Senate of Virginia's admiration for the vineyard's achievements and best wishes for its continued success.

SENATE RESOLUTION NO. 59*Commending Sharon Virts.*

Agreed to by the Senate, March 4, 2020

WHEREAS, Sharon Virts, an esteemed entrepreneur and influential philanthropist from Loudoun County, was presented the J. Hamilton Lambert Exemplary Leadership in Education and Community Service Award by the Loudoun School-Business Partnership Executive Council in 2020; and

WHEREAS, the J. Hamilton Lambert Exemplary Leadership in Education and Community Service Award is the Loudoun School-Business Partnership Executive Council's highest service award, recognizing individuals who demonstrate visionary leadership and a steadfast commitment to Loudoun schools and the community; and

WHEREAS, earlier in her career, Sharon Virts founded FCi Federal, a leading government contractor specializing in federal immigration services; during her tenure, the company grew from 35 employees and \$1.5 million in revenue in 2007 to nearly 5,000 employees and over \$250 million in revenue at the time of its sale in 2017; and

WHEREAS, Sharon Virts has given generously of her time and talents to several civic and community organizations in Loudoun County, including the Loudoun Economic Development Advisory Commission, which she chaired, and the Loudoun INOVA Hospital Foundation, where she was board director; and

WHEREAS, as an inaugural member of WE Capital, a venture capital group investing in women-led businesses with social impact missions, Sharon Virts promotes a welcoming and inclusive business culture in which all individuals can thrive; and

WHEREAS, Sharon Virts, along with her husband, Scott Miller, created the Virts Miller Foundation to support various education, culture, health, and development initiatives, particularly endeavors that serve economically depressed and rural communities and that mentor and encourage the leaders of tomorrow; and

WHEREAS, Sharon Virts recently donated \$100,000 to her former school, Lucketts Elementary School in Loudoun County, while also actively supporting education in the county through the Loudoun Education Foundation, an organization that has bolstered Loudoun County Public Schools by providing funding to enhance its curriculum and extracurricular programs; now, therefore, be it

RESOLVED by the Senate of Virginia, That Sharon Virts hereby be commended for being an exemplary philanthropist, entrepreneur, and servant leader; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Sharon Virts as an expression of the Senate of Virginia's heartfelt admiration for her remarkable contributions to Loudoun County and the Commonwealth.

SENATE RESOLUTION NO. 61

Celebrating the life of the Reverend Sydney Strother Smith III.

Agreed to by the Senate, March 5, 2020

WHEREAS, the Reverend Sydney Strother Smith III, an esteemed attorney, admired spiritual leader, and engaged member of the Washington County community, died on May 19, 2019; and

WHEREAS, Sydney Smith grew up in Richmond, where he joined the Boy Scouts of America and earned the prestigious rank of Eagle Scout; he remained active in scouting throughout his life as a troop leader and a longtime board member of the Sequoyah Council; and

WHEREAS, Sydney Smith graduated from the University of Richmond and the Marshall-Wythe School of Law at The College of William and Mary, where he served as managing editor of the *William & Mary Law Review*; then pursued a career as an attorney; and

WHEREAS, well known for his eloquence and legal acumen, Sydney Smith tried cases on a wide range of subjects, from claims related to black lung disease and mineral rights law to religious freedom litigation and guardian ad litem matters, including several cases before the Supreme Court of the United States; and

WHEREAS, Sydney Smith answered the call to the ministry in later life and was ordained as a priest in the Anglican Catholic Church in 1987; he served as a vicar in several churches for many years; and

WHEREAS, in addition to teaching law and debate at King University in Bristol, Sydney Smith offered his wisdom to numerous state boards, including the Public Broadcasting Board and a commission on surplus property; and

WHEREAS, Sydney Smith also served as chair of the Washington County Republican Party and a member of the GOP State Central Committee, as well as manager to his father's successful campaign for the House of Delegates in 1963; and

WHEREAS, Sydney Smith will be fondly remembered and greatly missed by his wife of 52 years, Barbara; his daughters, Jacqueline, Sydney, and Nancy, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of the Reverend Sydney Strother Smith III, a respected attorney, vicar, and community leader; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of the Reverend Sydney Strother Smith III, as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 62

Celebrating the life of James Michael Bebout.

Agreed to by the Senate, March 5, 2020

WHEREAS, James Michael Bebout, a respected businessman and cherished member of the Washington County community, died on December 2, 2019; and

WHEREAS, born in Beaufort, South Carolina, and raised in Portsmouth, James "Jim" Bebout graduated from Craddock High School before attending Tidewater Community College and completing a machinist apprenticeship at the Norfolk Naval Shipyard; and

WHEREAS, hardworking and dedicated, Jim Bebout was a successful small business owner in Chesapeake from 1992 to 2008, retiring afterward to Washington County so he could be closer to the mountains of Southwest Virginia that he loved; and

WHEREAS, Jim Bebout served several local, state, and national campaigns for Republican candidates to support the conservative values he held all his life; and

WHEREAS, Jim Bebout was an active and engaged member of his community, serving on the Washington County Electoral Board and offering ministry to prisoners through his work with Hands and Feet Ministries in Damascus; and

WHEREAS, guided by his deep and abiding faith throughout his life, Jim Bebout was a longtime member of the First Baptist Church of Damascus, where he enjoyed worship and fellowship with his community for many years; and

WHEREAS, Jim Bebout will be fondly remembered and dearly missed by his loving wife, Tammie; his daughter, Tara, and her family; his mother, Ethie Ann; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of James Michael Bebout; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of James Michael Bebout as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 64

Celebrating the life of William Levon Stewart.

Agreed to by the Senate, March 8, 2020

WHEREAS, William Levon Stewart, a graduate of Covington High School and St. Paul's College in Lawrenceville, left this world too soon on April 4, 2019; and

WHEREAS, William Stewart, born on January 26, 1978, and affectionately known to family and friends as "Boo," was the much-loved son of Curtis Stewart and Priscilla Twitty Stewart of Covington; and

WHEREAS, William Stewart was a loving husband to Virginia Stewart for eight wonderful years; and

WHEREAS, William Stewart was a devoted father to Truman and a heavenly angel for giving his family the precious gift of Liam, both of whom will carry on his sense of kindness and truly special legacy; and

WHEREAS, William Stewart enjoyed fellowship and worship with the community as a member of the Life Line Ministries Church in Hot Springs; and

WHEREAS, William Stewart was an honored member of the Homestead Resort family, earning the respect of his fellow employees and building fond friendships with guests, some of which endured throughout his more-than-20-year career; and

WHEREAS, William Stewart loved football and especially enjoyed watching and supporting his beloved Dallas Cowboys; and

WHEREAS, William Stewart was dedicated to inspiring and mentoring younger generations as a varsity football coach at Bath County High School and Covington High School, and as the head coach of the Covington High School junior varsity football team; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of William Levon Stewart; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of William Levon Stewart as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 65

Commending Highlands Fellowship Church.

Agreed to by the Senate, March 8, 2020

WHEREAS, for 25 years, Highlands Fellowship Church has provided spiritual leadership, conducted generous outreach, and built a strong sense of community in Southwest Virginia; and

WHEREAS, in 1994, Jimmie Davidson and his family moved to Abingdon to establish Highlands Fellowship Church, which was originally known as Virginia Highlands Christian Fellowship; and

WHEREAS, Highlands Fellowship Church held its first service on Easter Sunday in 1995, with Jimmie Davidson as its founding pastor; the congregation met at a community center and in a local school until 2000, when it purchased its own building; and

WHEREAS, Highlands Fellowship Church opened a campus in Bristol in 2006 and has since opened Virginia locations in Marion, Wise, and Bluefield, as well as a location in Johnson City, Tennessee; the church also streams Sunday services online to congregants around the world; and

WHEREAS, Allen Jessee became lead pastor of Highlands Fellowship Church in 2012, and the church has grown significantly in both faith and number under his leadership; and

WHEREAS, Highlands Fellowship Church engages with young people through its Tri-Cities Speed School, Highlands Fellowship Students, and HFKidz ministries, and its Celebrate Recovery ministry helps members of the community in need to overcome life's challenges; and

WHEREAS, in 2018, Highlands Fellowship Church partnered with Bluefield College to launch HF College, an accredited program that allows students to gain practical experience in ministry; and

WHEREAS, in addition to its missionary work in France, Tanzania, Kenya, and Thailand, Highlands Fellowship Church has developed strategic partnerships with churches around the world and trained nearly 400 global pastoral leaders; and

WHEREAS, Highlands Fellowship Church operates two thrift stores in Abingdon and Bristol that serve approximately 700 people each week; the church also has a ministry called Simple Rhythms inside the Birthplace of Country Music Museum in Bristol; and

WHEREAS, one of Highlands Fellowship Church's most popular outreach events was Love Week, which spread joy and fellowship to thousands of people in Virginia and Tennessee in 2019; and

WHEREAS, over the course of its history, Highlands Fellowship Church has served generations of Southwest Virginia residents, baptizing more than 4,500 people, and has helped countless others find a spiritual home, where they are respected, accepted, and cared for; now, therefore, be it

RESOLVED by the Senate of Virginia, That Highlands Fellowship Church hereby be commended on the occasion of its 25th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Allen Jessee, lead pastor of Highlands Fellowship Church, as an expression of the Senate of Virginia's admiration for the church's legacy of contributions to communities throughout Southwest Virginia.

SENATE RESOLUTION NO. 66

Celebrating the life of Admiral Robert Stanley Cole, USN, Ret.

Agreed to by the Senate, March 8, 2020

WHEREAS, Admiral Robert Stanley Cole, USN, Ret., distinguished veteran and treasured member of the Smithfield community, died September 19, 2019; and

WHEREAS, Robert Cole was born in West Point, New York; he proudly served in the United States Navy for 34 years, attaining the rank of rear admiral (lower half); and

WHEREAS, Robert Cole flew more than 200 missions during the Vietnam War and trained other pilots with the Navy Strike Fighter Tactics Instructor program, popularly known as TOPGUN, at Naval Air Station Miramar in California; he earned many awards and decorations, including the Distinguished Flying Cross; and

WHEREAS, Robert Cole served as executive officer of the USS *John F. Kennedy* and commanding officer of the USS *Forrestal* and Naval Station Norfolk; he also completed tours of duty at the United States Naval War College in Rhode Island and the Pentagon in Washington, D.C.; and

WHEREAS, after his years of military service, Robert Cole worked several years as a general manager for the Pomoco Auto Group; and

WHEREAS, an active and engaged member of his community, Robert Cole served the Kiwanis Club, the Smithfield Little Theatre, and the Isle of Wight Chamber of Commerce; and in 2003, was one of the founding members of the Isle of Wight Education Foundation; and

WHEREAS, guided throughout his life by his faith, Robert Cole was a dedicated member of Liberty Baptist Church; and

WHEREAS, Robert Cole will be dearly remembered and greatly missed by his wife, Paula; his children, Tami, Jennifer, and Brian, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Admiral Robert Stanley Cole, USN, Ret., honorable veteran and valued member of the Smithfield community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Admiral Robert Stanley Cole, USN, Ret., as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 67

Commending the Honorable Marie Yovanovitch.

Agreed to by the Senate, March 8, 2020

WHEREAS, the Honorable Marie Yovanovitch, an experienced diplomat who represented the United States at multiple foreign posts, retired from the U.S. Department of State after more than 30 years of distinguished service; and

WHEREAS, born in Canada after her parents had fled the Soviet Union and Nazi Germany, Marie Yovanovitch relocated to the United States when she was young and proudly became a citizen of the United States at age 18; she has lived in Virginia for two decades and made her home between postings in Alexandria; and

WHEREAS, Marie Yovanovitch began her career with the United States Foreign Service in 1986 and completed assignments in Canada, Russia, England, and Somalia; she also served as deputy director of the State Department's Russia desk from 1998 to 2000 and senior advisor to the Under Secretary of State for Political Affairs from 2004 to 2005; and

WHEREAS, Marie Yovanovitch served as the ambassador to Kyrgyzstan from 2005 to 2008 and Armenia from 2008 to 2011, during which time she oversaw one of the largest United States embassy compounds in the world; and

WHEREAS, after an assignment as Principal Deputy Assistant Secretary for the Bureau of European and Eurasian Affairs, Marie Yovanovitch began her tenure as ambassador to Ukraine in 2016; she earned respect and admiration within the national security community for her efforts to bolster the country's fight against corruption; and

WHEREAS, throughout her career, Marie Yovanovitch was known for her commitment to supporting democracy and the advancement of women; she received the U.S. Secretary of State's Diplomacy in Human Rights Award for her stalwart defense of human rights around the world; now, therefore, be it

RESOLVED by the Senate of Virginia, That the Honorable Marie Yovanovitch hereby be commended on the occasion of her retirement from the U.S. Department of State; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Honorable Marie Yovanovitch as an expression of the Senate of Virginia's admiration for her outstanding contributions to the United States Foreign Service.

SENATE RESOLUTION NO. 68

Commending Bob F. Holton.

Agreed to by the Senate, March 8, 2020

WHEREAS, Bob F. Holton, one of the longest-serving public officials in Rockingham County, retired as assistant town manager for public works of Bridgewater in 2020; and

WHEREAS, after graduating from James Madison University in 1973, Bob Holton began serving the Bridgewater community as town superintendent at a time when the population numbered less than 3,000; and

WHEREAS, throughout his tenure, Bob Holton focused on improving infrastructure by replacing water lines and addressing problems with street drainage and the sewer system, as well as on projects to enhance local parks and recreational facilities; and

WHEREAS, over the course of Bob Holton's long career, the population of Bridgewater more than doubled, and he ably managed the challenges of continuing to provide high-quality service to the growing community; and

WHEREAS, Bob Holton was a vital source of institutional knowledge and witnessed changes to town administration, including the renaming of the town superintendent position to town manager, serving as the first town manager and as the town's top administrator for 43 years; and

WHEREAS, Bob Holton was guided by his vision to build a stronger, more resilient community in Bridgewater, and his legacy lives on in the many town officials he mentored and inspired; now, therefore, be it

RESOLVED by the Senate of Virginia, That Bob F. Holton hereby be commended on the occasion of his retirement as assistant town manager for public works of Bridgewater; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Bob F. Holton as an expression of the Senate of Virginia's admiration for his outstanding legacy of contributions to the residents of Bridgewater.

SENATE RESOLUTION NO. 70

Celebrating the life of Jerry F. Morris.

Agreed to by the Senate, March 8, 2020

WHEREAS, Jerry F. Morris, an esteemed businessman and beloved member of the Rockingham community, died on February 25, 2020; and

WHEREAS, born in Fort Worth, Texas, Jerry Morris graduated from Texas Christian University with a degree in television broadcasting and served six years in the Air National Guard; and

WHEREAS, after a brief stint with the Packaging Corporation of America, Jerry Morris helped found Packaging Services, Inc., a corrugated box manufacturing plant in Weyers Cave; and

WHEREAS, over his career, Jerry Morris and his partners had tremendous success as their packaging companies expanded throughout the Mid-Atlantic region; and

WHEREAS, in 2000, Jerry Morris also cofounded InterChange Group, a warehousing, logistics, and real estate development company based in Harrisonburg, greatly contributing to the success of other businesses in the Commonwealth; and

WHEREAS, Jerry Morris gave generously of his time and talents to various community and trade associations over the years, serving on the boards of Rockingham Memorial Hospital, Bridgewater College, and Fibre Box Association; and

WHEREAS, passionate about serving the nation's military heroes and their families, Jerry Morris was chairman of the board of Freedom Alliance, an organization providing college scholarships to the children of veterans and rehabilitation services to those wounded in combat; and

WHEREAS, a longtime member of his local Rotary Club, Jerry Morris supported innumerable service endeavors for the benefit of others in his community; and

WHEREAS, guided throughout his life by his deep and abiding faith, Jerry Morris was an active member of Asbury United Methodist Church in Harrisonburg, where he enjoyed worship and fellowship with his community for many years; and

WHEREAS, Jerry Morris will be fondly remembered and dearly missed by his loving wife of 55 years, Becky; his children, Tracy and Ricky, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Jerry F. Morris, who touched countless lives in Rockingham County as a businessman, community leader, and friend; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Jerry F. Morris as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 71

Commending the Lee-Mount Vernon Sports Club.

Agreed to by the Senate, March 8, 2020

WHEREAS, the Lee-Mount Vernon Sports Club, a youth sports club in Alexandria that has inspired countless young athletes, celebrates its 50th season in 2019-2020; and

WHEREAS, the Lee-Mount Vernon Sports Club traces its roots to August 1969 by John Walker from Hybla Valley, Dennis Smith from Hayfield, and a mutual baseball friend from Hayfield, Walt Ulica, who were discussing the need of youth soccer in the area; and

WHEREAS, a consensus emerged that soccer didn't limit participation for lack of size and could be a tool for more participation by individual team players than some other youth sports, and with that agreement, the Lee-Mount Vernon Sports Club was born; and

WHEREAS, the number one priority of the Lee-Mount Vernon Sports Club is to instill a love of soccer in local young people and encourage them to enjoy every moment of the game for its own sake; the club focuses on the sheer joy of playing, and, wherever feasible, keeps the emphasis on winning or losing to a minimum, allowing players to fall in love with the sport and build camaraderie with their teammates; and

WHEREAS, the Lee-Mount Vernon Sports Club includes more than 5,000 male and female players between the ages of two and 18 and demonstrates its dedication to the community by offering scholarships to 700 players annually; and

WHEREAS, throughout its history, the Lee-Mount Vernon Sports Club has contracted with independent assignors to obtain professional referee services and has developed an in-house program for providing FIFA/USSF certification for adults and youths who are interested in becoming referees; and

WHEREAS, these referees then work with the Lee-Mount Vernon Sports Club assignor to officiate the club's recreational and travel games, with the funds for referee pay each year derived solely from the registration fees and donations from the players; and

WHEREAS, the emphasis of the Lee-Mount Vernon Sports Club has always been on participation, skill development, good sportsmanship, and team play; to that end, the club has developed a league that provides for an increased level of play to meet the needs of the players; and

WHEREAS, over 50 years of success, the Lee-Mount Vernon Sports Club has allowed many young athletes to achieve their dreams of playing in college and in national and international professional leagues; and

WHEREAS, the Lee-Mount Vernon Sports Club has become a fixture of its local community and helped to promote values such as respect, fair play, and good citizenship; now, therefore, be it

RESOLVED by the Senate of Virginia, That the Lee-Mount Vernon Sports Club hereby be commended on the occasion of its 50th season; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Lee-Mount Vernon Sports Club as an expression of the Senate of Virginia's admiration for the organization's work to support young athletes and promote the values of respect, fair play, and good citizenship.

SENATE RESOLUTION NO. 72

Commending Andrew Hoehn.

Agreed to by the Senate, March 8, 2020

WHEREAS, Andrew Hoehn of Virginia Beach won the Virginia Media Spelling Bee on February 29, 2020; and

WHEREAS, Andrew Hoehn is a student of St. Matthew's Catholic School, a National Blue Ribbon School of Excellence that provides rigorous academic curricula and engaging co-curricular activities to foster a commitment to lifelong learning; and

WHEREAS, Andrew Hoehn achieved victory by correctly spelling "tapetum," a term referring to the layer of tissue in the eyes of many animals that causes them to reflect light in the dark; and

WHEREAS, Andrew Hoehn was one of 53 students who competed in the Virginia Media Spelling Bee, a regional tournament hosted by WHRO Education, for the chance to represent the Commonwealth at the Scripps National Spelling Bee in May 2020; now, therefore, be it

RESOLVED by the Senate of Virginia, That Andrew Hoehn hereby be commended on winning the 2020 Virginia Media Spelling Bee; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Andrew Hoehn as an expression of the Senate of Virginia's admiration for his accomplishment and best wishes for the future.

SENATE RESOLUTION NO. 73

Commending Eddie Vincek.

Agreed to by the Senate, March 8, 2020

WHEREAS, Eddie Vincek, an honorable veteran of the United States Marine Corps and World War II, served his country valiantly 75 years ago during the Battle of Iwo Jima; and

WHEREAS, raised on a dairy farm in upstate New York, Eddie Vincek enlisted with the United States Marine Corps in April 1943 when he was 18 years of age; and

WHEREAS, after boot camp, Eddie Vincek was briefly stationed in Norfolk, where he met his future wife, Mary, whose photo he carried with him throughout the war; and

WHEREAS, on February 19, 1945, Eddie Vincek, private first class with the 5th Marine Division, 28th Marine Regiment, 1st Battalion, Company A, was one of thousands of United States Marines to charge the beaches of Iwo Jima on the first day of the Allied forces' invasion; and

WHEREAS, fighting 20,000 Japanese troops scattered throughout a maze of caves, pillboxes, bunkers, and trenches, it would take three divisions of the United States Marines five weeks to root out the enemy and secure the island; and

WHEREAS, more than 6,000 of Eddie Vincek's compatriots made the ultimate sacrifice during the Battle of Iwo Jima, a legacy of courage the citizens of the Commonwealth will never forget; and

WHEREAS, after the war, Eddie Vincek settled with his wife in Chesapeake and started a family; he was a longtime employee of Globe Iron Construction Company and gave generously of his time to the Grassfield Ruritan Club, Meals on Wheels, and other noble causes; and

WHEREAS, Eddie Vincek is a testament to the heroism and humility that made his generation truly the Greatest Generation; now, therefore, be it

RESOLVED by the Senate of Virginia, That Eddie Vincek, a distinguished veteran of the United States Marine Corps and World War II, hereby be commended for the bravery he displayed during the Battle of Iwo Jima; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Eddie Vincek as an expression of the Senate of Virginia's gratitude for his service to the country and the Commonwealth.

SENATE RESOLUTION NO. 74

Celebrating the life of Bernard Lee Greene, Jr.

Agreed to by the Senate, March 8, 2020

WHEREAS, Bernard Lee Greene, Jr., a former Henrico County Drug Court administrator and native of Richmond, died on March 7, 2019; and

WHEREAS, Bernard Greene earned a bachelor's degree in social work from Virginia Commonwealth University, followed by a master's degree in social work from the university in 2004; during his studies, he also participated in a university program to South Africa; and

WHEREAS, Bernard Greene was certified as a substance abuse counselor in 2007; then became a licensed clinical social worker in 2014 and a National Drug Court Institute consultant in 2015; and

WHEREAS, with a passion for helping individuals grappling with addiction, Bernard Greene spent much of his career as a dedicated substance abuse counselor, working for several organizations including Rubicon, Inc., HomeAgain, the U.S. Department of Veteran Affairs, and Frank D. Manners & Associates; and

WHEREAS, Bernard Greene joined the Henrico County Drug Court as a clinician in 2008 and was promoted to drug court administrator in 2017; and

WHEREAS, Bernard Greene was an avid runner and an active member of the River City Runners of Color; in 2017, he helped organize the inaugural Henrico County Drug Court Alumni 5K race, promoting physical fitness in his community; and

WHEREAS, Bernard Greene was regarded by his colleagues as dedicated, hardworking, candid, compassionate, generous, energetic, resilient, and progressive, and was widely known to be an enthusiastic fan of the Dallas Cowboys; and

WHEREAS, Bernard Greene's smile was infectious, and he was loved and admired by many; he will be fondly remember and truly missed by his loving and devoted wife, Kimlyn; his children, Brittany and Bernishia, and their families; his parents, Josephine and Bernard, Sr.; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Bernard Lee Greene, Jr., who touched countless lives in the Henrico County and Richmond communities; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Bernard Lee Greene, Jr., as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 75

Celebrating the life of Ronald Lewis.

Agreed to by the Senate, March 8, 2020

WHEREAS, Ronald Lewis, a trailblazer for African American professional firefighters who diligently served the Richmond community as fire chief for more than 25 years, died on February 23, 2019; and

WHEREAS, Ronald Lewis was born in Philadelphia, where he began his career as a firefighter in 1956, and served the city until 1978, when he was selected to become fire chief for the City of Richmond after an extensive, nationwide search; and

WHEREAS, under Ronald Lewis's exceptional leadership, the City of Richmond reduced the number of fire deaths by 75 percent and increased efficiency of service by reorganizing the Richmond Department of Fire and Emergency Services and building 25 new stations and facilities; and

WHEREAS, Ronald Lewis implemented career development programs for Richmond firefighters, increased diversity in the department, and worked to ensure that firefighters had the best possible equipment and up-to-date training; and

WHEREAS, in addition to creating specialized hazardous materials and dive teams, Ronald Lewis also oversaw the implementation of sign language and braille programs to help Richmond firefighters better serve the members of the community in any situation; and

WHEREAS, Ronald Lewis established several community outreach efforts, including fire safety education for fifth grade students in Richmond Public Schools and smoke detector giveaways that distributed more than 7,000 smoke detectors to local residents in need; and

WHEREAS, as the first African American fire chief in Richmond history and a founding member of the International Association of Black Professional Firefighters, Ronald Lewis was an inspiration for generations of African American firefighters throughout the Commonwealth and the nation; and

WHEREAS, Ronald Lewis earned many awards and accolades for his exceptional service, including the Freedom Award from the Richmond Branch of the NAACP and recognition from the Virginia Department of Fire Programs; and

WHEREAS, Ronald Lewis will be fondly remembered and greatly missed by his wife, Leslie; his children, Terri, Anita, Audrey, and Kenneth, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Ronald Lewis; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Ronald Lewis as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 76

Commending the Reverend Franklin Todd Gray.

Agreed to by the Senate, March 8, 2020

WHEREAS, the Reverend Franklin Todd Gray, the longtime pastor of the Fifth Street Baptist Church in Richmond, will celebrate his 25th anniversary with the church in June 2020; and

WHEREAS, a native of Chillicothe, Ohio, and adopted son of Virginia, Reverend Gray was born on July 5, 1960; and

WHEREAS, a fourth-generation preacher, Reverend Gray was educated in Chillicothe City Schools, graduated with a bachelor's degree from Ohio University, and earned a master of divinity degree from Virginia Union University's Samuel Dewitt Proctor School of Theology and a master of theology from Union Theological Seminary in Richmond; he also received an honorary doctor of divinity degree from Richmond Virginia Seminary; and

WHEREAS, Reverend Gray is a veteran of the United States Navy and entered the ministry after his honorable military service; he has served in the ministries of Zion Baptist Church in Chillicothe, Ohio, and First Baptist Church in Richmond; and as the pastor of New Hope Baptist Church in Ohio and the Mount Olive Baptist Church in the community of Wicomico Church, Virginia; and

WHEREAS, on June 4, 1995, Reverend Gray was greeted as "teacher" by a full church school assembly at the Fifth Street Baptist Church in Richmond and was affirmed as "preacher" at the church's morning worship service, beginning his pastoral duties with the delivery of a powerful and spirit-filled sermon; he was installed as the church's 11th pastor on August 6, 1995, and his visionary leadership, anointed preaching, and dynamic teaching has blessed the congregation, the city, and especially the Highland Park community; and

WHEREAS, a professor of church history and theology at the Samuel Dewitt Proctor School of Theology at Virginia Union University, Reverend Gray is admired and highly respected by his congregation, colleagues, and community as a teacher and pulpiteer without equal; as well as for his intellect and generosity, dedication to the Gospel ministry, knowledge of the Scriptures, love of teaching and preaching, and commitment to Christian service; he labors tirelessly, giving of his time, treasure, and talents to ensure that congregants and the community feel God's presence and love in their lives; and

WHEREAS, as the beloved senior pastor of the Fifth Street Baptist Church, Reverend Gray has led the church to experience significant growth, develop innovative ministries, and expand and improve church facilities through major building programs; and

WHEREAS, with an emphasis on celebratory worship, evangelism, and community witness, under Reverend Gray's leadership, the church has experienced a great spiritual revival, has embraced a renewed enthusiasm in worship services, and has renewed its dedication to diversified ministry and civic and community engagement; and

WHEREAS, Reverend Gray has received numerous awards and accolades, including his selection as a National Merit Scholar and as the recipient of the D.C. Rice Theological Scholarship, the Union Theological Seminar Graduate Scholarship, the NAACP Community Leadership Award, and the SLC Leadership Award; he was awarded the key to the city of Chillicothe, Ohio, by the mayor, who twice proclaimed "Rev. F. Todd Gray Day" in his honor; and

WHEREAS, his many affiliations, interests, and civic involvement attest to his calling; Reverend Gray has served as co-chair of the City of Richmond's Commission on African American Males, chair of the citywide Men's Revival, moderator of the Shiloh Association, chair of Virginia Churches of the National Baptist Convention USA, Inc., and as a member of the Private Industry Council, the Richmond Renaissance Board, the United Way of Greater Richmond and Petersburg, the Board of the Baptist General Convention of Virginia; and many other community organizations; and

WHEREAS, Reverend Gray has served the Fifth Street Baptist Church with honor, integrity, and great dedication for 25 years, and his passion for Christian service and ministry, love of and devotion to family, unconditional love for people, and selfless service to others are worthy of emulation; now, therefore, be it

RESOLVED by the Senate of Virginia, That the Reverend Franklin Todd Gray hereby be commended for his 25 years of service as pastor of the Fifth Street Baptist Church; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Reverend Franklin Todd Gray as an expression of the Senate of Virginia's admiration and gratitude for his extraordinary commitment to ministry and his family, his congregation, his community, and the people of the Commonwealth.

SENATE RESOLUTION NO. 77

Commemorating the legacy of the Negro National League.

Agreed to by the Senate, March 8, 2020

WHEREAS, the Negro National League, one of the most prominent of several leagues that served African Americans during the period when baseball was segregated in the United States, was established 100 years ago; and

WHEREAS, not long after the Civil War, the National Association of Base Ball Players voted to ban African American players from its teams, and the first all-black professional team was not established until 1885; and

WHEREAS, Andrew Bishop "Rube" Foster, a talented pitcher and manager who founded the Chicago American Giants, was the driving force behind the establishment of the Negro National League on February 13, 1920; and

WHEREAS, eight organizations played during the inaugural season of the Negro National League in 1920, the Chicago American Giants, the Chicago Giants, the Cuban Stars, the Dayton Marcos, the Detroit Stars, the Indianapolis ABCs, the Kansas City Monarchs, and the St. Louis Stars; and

WHEREAS, the Negro National League was the first of the segregated baseball leagues to achieve stability and last for more than one season; its success prompted the subsequent formation of the Eastern Colored League, and the first World Series between the two leagues was held in 1924; and

WHEREAS, the Negro National League was significantly impacted by the beginning of the Great Depression, as well as Rube Foster's death in 1930, and ceased operations in 1931, but the league inspired the creation of many other baseball organizations that served African Americans from the 1930s until the 1960s; now, therefore, be it

RESOLVED by the Senate of Virginia, That the legacy of the Negro National League be commemorated on the occasion of the 100th anniversary of the league's establishment; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to descendants of members of the Negro National League as an expression of the Senate of Virginia's appreciation for the league's historical significance and its contributions to America's pastime.

SENATE RESOLUTION NO. 78

Celebrating the life of Leonard H. Simpson III.

Agreed to by the Senate, March 8, 2020

WHEREAS, Leonard H. Simpson III, a respected member of the Henrico County and Mathews communities, died on February 28, 2020; and

WHEREAS, born in Wheeling, West Virginia, Leonard "Buddy" Simpson moved to the Commonwealth and grew up in Richmond, where he attended St. Christopher's School; and

WHEREAS, after graduating from the University of Virginia, Buddy Simpson enjoyed a long career with Metropolitan Life Insurance Company, becoming a member of the Insurance Millionaires Association for his success as a salesman; and

WHEREAS, after his retirement from Metropolitan Life Insurance Company, Buddy Simpson opened Simpson Realty LLC in Richmond and enjoyed serving the community as a volunteer and a youth athletics coach; and

WHEREAS, Buddy Simpson will be fondly remembered and greatly missed by his loving wife of 58 years, Mary; his children, Leonard IV and Louise, and their families; and numerous other family members and friends; now, therefore, be it
 RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Leonard H. Simpson III; and, be it
 RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Leonard H. Simpson III as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 79

Celebrating the life of Henry J. Abraham.

Agreed to by the Senate, March 8, 2020

WHEREAS, Henry J. Abraham, a professor emeritus at the University of Virginia who was well known for his expertise on judicial law, died on February 26, 2020; and

WHEREAS, a native of Germany, Henry Abraham attended primary and secondary schools there and had completed an apprenticeship as a printer, when, at the age of 15, his parents sent him to the United States after the rise of the Nazi regime; and

WHEREAS, Henry Abraham lived and worked in Pittsburgh, Pennsylvania, before joining the United States Army in 1942 and becoming a citizen of the United States in 1943; he completed specialized training in languages while he was assigned to the Signal Corps; and

WHEREAS, during World War II, Henry Abraham gathered valuable intelligence as an interrogator in England, Holland, Belgium, France, and Germany; he subsequently became a member of the Berlin Documents Center, an essential repository of documents needed for the Nuremberg War Crimes Trials; and

WHEREAS, after his honorable military service, Henry Abraham graduated first in his class from Kenyon College, then received a master's degree from Columbia University and a doctorate from the University of Pennsylvania, where he served as a faculty member from 1949 until 1972, when he joined the University of Virginia; and

WHEREAS, during his tenure at the University of Virginia, Henry Abraham served as a chaired professor of government and foreign affairs and earned many awards and accolades, including the Thomas Jefferson Award, the University of Virginia Alumni Association Distinguished Professor Award, and the Z Society's Distinguished Faculty Award; and

WHEREAS, through his vast intellect and engaging teaching style, Henry Abraham inspired generations of students, and he enjoyed lifelong friendships with many of them; after his retirement as a professor in 1997, he continued to teach an adult continuing education program on his area of expertise, the Supreme Court of the United States; and

WHEREAS, Henry Abraham was a prolific author who completed 13 books on the judicial process, most of which spanned multiple editions, and contributed chapters and scholarly articles to other works; he was a visiting professor at institutions throughout the United States and also served as a longtime lecturer for the U.S. Department of State, sharing his insights with individuals in 65 countries; and

WHEREAS, Henry Abraham will be fondly remembered and greatly missed by his wife of 66 years, Mildred; his children, Philip and Peter, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Henry J. Abraham, a distinguished scholar who made many contributions to the University of Virginia community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Henry J. Abraham as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 80

Nominating a person to be elected to a general district court judgeship.

Agreed to by the Senate, March 12, 2020

RESOLVED by the Senate of Virginia, That the following person is hereby nominated to be elected to the respective general district court judgeship as follows:

Andrew L. Johnson, Esquire, of Scott, as a judge of the Thirtieth Judicial District for a term of six years commencing August 3, 2020.

SENATE RESOLUTION NO. 81

Nominating persons to be elected to juvenile and domestic relations district court judgeships.

Agreed to by the Senate, March 12, 2020

RESOLVED by the Senate of Virginia, That the following persons are hereby nominated to be elected to the respective juvenile and domestic relations district court judgeships as follows:

Carlos J. Flores-Laboy, Esquire, of Prince William, as a judge of the Thirty-first Judicial District for a term of six years commencing June 1, 2020.

Jacqueline W. Lucas, Esquire, of Prince William, as a judge of the Thirty-first Judicial District for a term of six years commencing July 1, 2020.

SENATE RESOLUTION NO. 83

Nominating persons to be elected as members of the Judicial Inquiry and Review Commission.

Agreed to by the Senate, March 12, 2020

RESOLVED by the Senate of Virginia, That the following persons are hereby nominated to be elected as members of the Judicial Inquiry and Review Commission as follows:

Terrie N. Thompson, of Chesapeake, as a member of the Judicial Inquiry and Review Commission for an unexpired term ending June 30, 2021.

Kathleen M. Uston, Esquire, of Fairfax County, as a member of the Judicial Inquiry and Review Commission for a term of four years commencing July 1, 2020.

SUMMARY OF 2020 REGULAR SESSION LEGISLATION

TOTAL INTRODUCED LEGISLATION	3911
House Bills	1734
Senate Bills	1096
House Joint Resolutions	510
Senate Joint Resolutions	269
House Resolutions	219
Senate Resolutions	83
TOTAL LEGISLATION PASSED AND/OR AGREED TO	2218
House Bills	748
Senate Bills	543
House Joint Resolutions	417
Senate Joint Resolutions	223
House Resolutions	211
Senate Resolutions	76
TOTAL BILLS ENACTED INTO LAW	1287
House Bills	746
Senate Bills	541
House Joint Resolutions	1
Senate Joint Resolutions	1
TOTAL CHAPTERS	1289
BILLS VETOED BY GOVERNOR	4
House Bills	2
Senate Bills	2

HOUSE BILLS APPROVED SHOWING CHAPTERS AND PAGE NUMBERS

HOUSE			HOUSE			HOUSE			HOUSE		
HB	Chapter	Page	HB	Chapter	Page	HB	Chapter	Page	HB	Chapter	Page
1	1149	2333	150	9	13	278	10	15	414	795	1242
2	1111	2133	154	208	297	282	403	609	415	337	522
4	1197	2559	155	239	353	284	962	1823	420	590	905
5	306	475	160	426	636	287	38	46	421	1205	2619
6	477	728	165	37	44	292	52	63	422	392	591
9	743	1154	166	22	27	298	1122	2255	432	744	1154
10	1198	2588	167	661	993	299	39	47	436	42	52
19	1064	2016	168	119 E	181	305	68	87	437	358	548
22	1199	2605	169	1150	2341	306	69	90	438	1206	2621
29	1283	3157	171	120	182	307	324	494	441	126	196
30	1289	3592	172	342	528	308	869	1532	443	563	874
33	1200	2607	173	307	476	310	419	624	445	393	592
34	341	526	174	23	29	313	70	92	446	43	53
35	2	1	175	24	30	314	83	117	447	382	580
36	947	1739	176	121	184	316	240	354	449	311	478
37	386	583	179	284	437	330	948	1739	452	44	55
38	387	584	180	209	304	334	391	591	454	359	550
42	709	1055	186	285	441	336	206	296	456	434	652
43	920	1681	193	781	1221	337	950	1741	457	380	577
46	1086	2078	196	838	1362	340	1202	2615	460	326	500
51	207	296	198	500	759	341	325	497	464	127	198
55	673	1009	200	427	636	342	241	355	465	478 E	731
56	1145	2327	201	1153	2351	343	439	658	466	242	357
60	118	181	202	286	441	345	125 E	195	471	45	56
61	18	24	207	1201	2607	347	711	1056	475	274	424
62	238	353	210	82	116	351	379	575	477	987	1888
63	67	86	211	970	1867	358	1203	2616	479	360	550
65	19	25	213	1154	2351	362	40	51	486	327	502
66	881	1550	214	501	763	365	53	63	491	745	1154
74	471	724	220	1155	2352	366	348	533	500	290	451
88	347	532	232	921	1683	368	474	726	501	338	523
94	3	10	234	794	1241	369	4	11	502	468	719
97	416	622	235	908	1638	370	11	16	504	1207	2625
99	388	585	236	353	538	375	1135	2272	505	86	121
100	157	230	237	287	442	376	674	1012	506	713	1056
103	433	651	238	288	443	378	212	307	509	243	363
104	473	725	239	289	444	385	357	546	510	71	96
105	862	1521	240	1156	2355	386	41	52	511	490	747
106	8	13	241	710	1055	388	309	477	513	383	580
108	417	622	242	1157	2356	390	1113	2147	515	12	17
113	650	980	245	122	186	392	877	1540	516	55	64
115	198 E	285	246	123	190	393	985	1883	517	46	58
117	36	43	253	389	587	394	712	1056	518	26	33
120	467	716	256	199	287	395	1204	2617	519	183	268
123	868	1530	257	335	520	396	516	779	520	405	609
129	697	1031	259	1121	2253	400	95	139	528	662	994
134	51	63	262	273	424	402	1040	2003	533	1104	2112
135	438	656	264	390	589	404	54	64	534	1022	1972
136	20	25	270	378	575	405	675	1012	535	244	367
137	21	26	271	1039	2002	406	17	24	536	245	368
143	261	398	275	343	529	408	429	648	537	246	369
145	153	227	276	124	194	410	336	521	538	371	568
146	283	436	277	25	32	411	698	1032	539	291	452

Note: E signifies emergency status

HOUSE BILLS APPROVED SHOWING CHAPTERS AND PAGE NUMBERS

HOUSE			HOUSE			HOUSE			HOUSE		
HB	Chapter	Page	HB	Chapter	Page	HB	Chapter	Page	HB	Chapter	Page
540	1087	2079	664	502	766	789	1215	2638	894	870	1532
542	1105	2114	665	450	680	790	328	508	896	1218	2667
543	59	72	666	922	1683	791	839	1363	902	365	553
544	47	59	668	1106	2116	792	1048	2010	904	461	707
548	48	60	670	130	200	797	293	453	906	329	511
549	13	17	674	887	1562	798	1136	2272	907	503	770
552	420	625	687	724	1078	799	1084	2077	908	924	1686
554	344	530	688	363	552	806	1072	2044	909	740	1150
557	479	731	689	202 E	293	807	715	1060	913	1041	2004
558	1123	2256	690	550	847	808	725	1078	914	1052	2012
561	971	1867	696	131	200	810	517	779	916	572	884
564	394	593	697	509	774	812	991	1900	921	397	595
566	361	551	698	574	886	813	262	398	923	150	225
570	56	67	703	575	886	817	677	1013	925	925	1693
572	1188	2466	704	1212	2628	819	700	1034	928	1042	2004
573	663	994	706	451	682	821	87	122	929	138	213
575	1208	2626	714	1192	2495	822	840	1365	932	1168	2413
576	164	234	715	435	652	824	1124	2256	933	366	557
578	972	1867	717	973	1868	826	841	1366	935	591	905
581	548	845	719	421	627	827	1138	2306	938	139	214
582	1209	2627	720	441	660	831	1132	2265	941	1024	1974
585	14	18	721	98	154	832	481	733	942	620 E	943
586	611	933	722	72	97	833	1216	2663	949	16	21
587	49	62	723	666	1000	834	159	231	950	27	34
590	430	648	724	247	370	835	518	780	951	216	311
593	116	179	726	132	201	836	510	774	962	406	609
594	384	581	727	1068	2037	837	678	1013	967	28	35
595	60	78	728	364	553	838	749	1159	972	1285	3534
597	723	1076	730	248	374	839	249 E	374	973	110	171
598	15	18	731	442	662	840	214	308	974	993	1908
600	910	1645	738	133	201	846	135	205	975	1034	1992
611	156	229	742	345	531	849	551	848	980	898	1589
617	549	847	743	436	653	852	717	1061	981	1219	2685
618	746	1155	744	396	594	854	482	741	984	203	294
622	1210	2628	746	480	732	857	1050	2012	988	446	668
623	900	1600	748	469	719	859	313	481	989	974	1868
624	901	1632	749	134	202	860	459	692	990	88	123
629	128	198	752	1115	2248	861	1074	2046	991	975	1869
637	213	307	753	339	524	868	1107	2117	992	398	595
639	96	153	755	1213	2629	870	1125	2257	993	57	67
641	97	154	757	422	628	872	718	1063	995	89	124
646	449	670	760	699	1033	873	1167	2401	997	462	709
648	1066	2033	763	714	1057	874	250	375	998	166	237
651	1211	2628	764	453	684	875	136	206	999	476	727
653	292	453	775	506	771	880	137	207	1000	464	709
654	664	998	778	5	11	881	1217	2665	1002	1220 E	2687
655	385	582	780	158	231	882	667	1000	1003	423	629
656	312	478	781	99	154	885	444	667	1004	1221	2689
657	665	999	783	498	757	886	314	486	1006	6	12
659	395	594	784	1070	2040	887	923	1684	1011	111	171
660	989	1899	785	1214	2631	888	507	772	1012	860	1400
661	362	551	787	747	1157	889	796	1242	1013	552	850
663	129	199	788	748	1158	890	162	233	1015	912	1647

Note: E signifies emergency status

HOUSE BILLS APPROVED SHOWING CHAPTERS AND PAGE NUMBERS

HOUSE			HOUSE			HOUSE			HOUSE		
HB	Chapter	Page	HB	Chapter	Page	HB	Chapter	Page	HB	Chapter	Page
1017	1164	2376	1136	491	748	1252	1228	2754	1354	798	1243
1021	251	376	1137	7	13	1253	488	745	1355	872	1535
1022	90	130	1139	871	1535	1255	1229	2755	1359	903	1634
1023	1126	2258	1141	842	1366	1257	1097	2105	1361	265	416
1024	1127	2258	1143	635	959	1258	94	138	1362	1148	2330
1025	553	850	1145	316	488	1259	997	1917	1369	148	225
1030	797	1242	1147	556	853	1260	926	1694	1371	1159	2359
1032	976	1870	1148	728	1088	1261	927	1694	1375	566	877
1037	1076	2047	1149	1226	2700	1262	330	512	1376	266	418
1041	465	713	1150	995	1913	1263	101	156	1378	74	104
1042	113	175	1154	782	1223	1266	521	785	1380	768	1207
1044	140	214	1161	520	782	1267	147	224	1383	332	516
1047	91	132	1162	454	685	1268	540	824	1385	424	634
1048	93	137	1164	492	749	1269	1128	2259	1388	688	1027
1049	1137	2273	1166	372	568	1271	1026	1975	1394	689	1027
1053	294	453	1173	252	380	1272	564	876	1401	30	36
1056	1036	1998	1174	460	700	1273	217	312	1402	296	458
1057	726	1082	1176	1088	2079	1275	636	962	1406	1099	2106
1059	100	155	1179	680	1015	1276	637	962	1407	681	1016
1061	349	534	1181	487	744	1280	752	1164	1410	843	1367
1062	554	851	1183	863	1522	1284	522	785	1411	702	1040
1064	141	215	1184	1189	2472	1285	295	457	1413	255 E	384
1066	815	1298	1186	1117	2251	1290	219	316	1414	1230	2759
1071	160	231	1196	964	1824	1291	1082	2069	1417	1030	1978
1073	679	1014	1198	58	68	1300	496	754	1419	638	966
1074	315	486	1199	204	295	1301	1090	2081	1420	1231 E	2831
1076	142	215	1201	1089	2080	1303	657	989	1421	297	459
1078	1158	2358	1205	1182	2455	1304	102	163	1422	1185	2457
1080	1037	1999	1208	576	887	1310	565	877	1424	914	1648
1081	105	167	1209	1078	2048	1313	493	749	1426	683	1024
1082	483	741	1210	719	1063	1315	512	775	1427	783	1223
1083	742	1153	1211	1227	2721	1318	966	1859	1428	916	1651
1084	1222	2690	1213	144	220	1324	753	1165	1429	844	1367
1086	350	536	1217	978	1871	1325	1055	2013	1430	659 E	990
1088	816	1298	1221	750	1161	1327	508	773	1431	114	176
1090	1223	2693	1222	902	1633	1328	836	1361	1434	1028	1976
1092	701 E	1034	1223	511	775	1330	489	746	1436	410	614
1093	484	743	1225	668	1004	1332	729	1095	1437	593	920
1096	485	743	1226	577	887	1333	998	1918	1438	703	1041
1098	50	62	1228	859	1399	1334	264	399	1442	1232	2832
1099	431	649	1231	514	779	1335	578	888	1443	690	1028
1100	354	539	1232	145	220	1336	687	1026	1448	201 E	290
1101	143	216	1233	146	221	1337	73	102	1452	1233	2838
1102	538	815	1235	494	751	1339	331	513	1453	367	565
1103	1054	2012	1237	407	611	1340	592	911	1457	256	385
1105	486	744	1238	557	861	1341	29	35	1458	622	949
1106	555	852	1240	408	612	1342	200	288	1460	730	1096
1107	813	1279	1244	263	398	1344	513	776	1462	999	1922
1118	879	1542	1246	253 E	381	1346	112	175	1467	523	785
1121	727	1087	1248	254	384	1348	409	614	1469	639	970
1126	977	1870	1249	751	1163	1349	317	488	1482	298	460
1131	1224	2695	1250	1165	2399	1352	621	943	1490	75	104
1133	1225	2696	1251	1080	2051	1353	318	490	1491	612	934

Note: E signifies emergency status

HOUSE BILLS APPROVED SHOWING CHAPTERS AND PAGE NUMBERS

HOUSE			HOUSE			HOUSE			
HB	Chapter	Page	HB	Chapter	Page	HB	Chapter	Page	
1492	594 E	921	1586	1133	2268	1725	1061	2015	
1495	968	1863	1587	333	517	1726	1241	2865	
1498	275	425	1597	525	788	1733	267	418	
1499	1129	2260	1598	319	492	1734	598	923	
1500	651	981	1601	320	492	HJR	Chapter	Page	
1501	585	896	1602	1119	2252	103	1195	2556	
1503	613	934	1604	321	493				
1505	1234	2841	1605	115	177				
1506	731	1097	1608	800	1255				
1508	953	1745	1609	1103	2111				
1509	956	1754	1611	645	975				
1511	31	36	1612	322	493				
1513	1091	2086	1613	684	1024				
1514	107	170	1615	334	519				
1518	784	1224	1616	596	922				
1519	1043	2004	1622	567	878				
1521	1057	2013	1623	623	951				
1522	1000	1923	1626	754	1168				
1523	455	686	1627	1002	1926				
1524	595	921	1630	640	970				
1526	1193	2498	1631	705	1042				
1527	76	105	1634	1238	2855				
1528	77	105	1635	373	569				
1529	691	1028	1638	1059	2014				
1531	614	936	1639	624	951				
1534	504	770	1641	625	952				
1537	1101	2109	1642	845	1368				
1540	1092	2087	1646	685	1024				
1541	1235	2843	1647	1239	2857				
1544	1236	2854	1648	526	789				
1547	766	1205	1653	641	973				
1548	817	1299	1654	609	932				
1549	558	862	1655	346	532				
1552	954	1747	1656	801	1257				
1553	785	1225	1660	340	524				
1556	615	937	1664	1240	2863				
1558	616	939	1666	786	1233				
1560	704	1042	1670	928	1698				
1561	84	119	1675	802	1268				
1562	103	165	1678	720	1064				
1565	151	227	1679	258	389				
1568	108	171	1680	692	1028				
1569	655	986	1681	979	1871				
1570	524	786	1688	597	922				
1572	1001	1925	1690	980	1872				
1573	1183	2455	1695	323	494				
1575	541	826	1699	918	1680				
1576	799	1244	1701	368	566				
1577	1237	2854	1705	1031	1983				
1580	643	974	1707	803	1269				
1581	644	974	1719	929	1701				
1582	257	388	1720	447	668				
1585	149	225	1722	774	1215				

Note: E signifies emergency status

SENATE BILLS APPROVED SHOWING CHAPTERS AND PAGE NUMBERS

SENATE			SENATE			SENATE			SENATE		
SB	Chapter	Page	SB	Chapter	Page	SB	Chapter	Page	SB	Chapter	Page
1	965	1841	115	182	267	239	560	864	329	1118	2251
2	1286	3561	120	1093 E	2091	240	888	1570	333	533	809
3	355	542	122	220	320	244	889	1579	336	570	884
7	1242	2869	124	221	322	245	721	1069	340	399	596
8	1243	2871	127	175	243	246	544	828	341	163	233
9	499	758	130	627	953	247	270	422	343	656	987
11	1023	1973	133	1004	1928	248	818	1302	345	1152	2350
14	527	795	138	1141	2324	250	1161	2363	349	425	635
17	195	283	139	904	1635	251	1288	3588	350	819	1302
20	599	924	140	78	107	255	787	1234	355	848	1374
24	411	616	144	1005	1930	256	226	335	356	1255	2963
28	1244	2873	149	602	925	257	890 E	1580	360	820	1302
31	1245	2874	153	1142	2325	258	804	1270	365	849	1374
34	1246	2875	156	732	1100	259	587	898	368	618	940
35	1247	2909	160	543	827	261	190	275	373	276	427
36	1248	2910	161	154	228	262	310	477	377	875	1539
40	559	862	163	62	79	263	1130	2260	378	821	1303
41	600	924	164	222	322	264	161	232	380	176	244
42	1003	1927	165	223	322	268	191	276	384	1256	2963
44	579	888	167	168	238	269	79	108	385	822	1304
48	951	1742	170	169	238	270	1166	2400	386	883	1551
49	205	295	171	184	268	271	775	1216	388	823	1305
50	152	227	172	1081	2060	272	955	1751	389	1114	2197
53	617	940	173	693	1029	273	64	81	391	931	1701
54	969	1865	177	733	1114	275	475	726	392	884	1552
57	769	1213	178	224	323	277	1033	1985	393	1085	2078
60	864	1522	179	1171	2436	279	227	336	394	628	953
62	210	305	181	755	1169	280	847	1372	395	534	809
63	445	667	182	1251	2957	281	1252 E	2958	397	932	1703
64	601	925	183	1100	2108	282	530	807	401	824	1307
65	1065	2025	185	846	1368	283	583	895	403	734	1114
69	992	1904	186	170	239	284	814	1288	404	1077	2048
70	1112	2140	199	568	879	286	990	1899	406	1257	2981
71	1249	2939	200	1032	1984	288	404	609	407	915	1650
72	376	574	208	873	1536	289	545	835	408	905	1635
77	1250	2940	209	586	897	290	546	836	410	776	1216
78	1146	2328	211	63	80	292	1006	1932	412	228	337
87	432	651	212	32	37	293	259	389	414	756	1173
93	278 E	429	213	882	1550	294	531	808	415	648	978
94	1191	2492	214	581	891	296	547	844	421	1258	2982
95	1160	2360	215	1287	3587	297	913	1648	422	885	1552
96	528	795	217	770	1213	301	930	1701	423	1094	2094
98	167	237	219	909	1642	303	569	883	428	177	245
101	542	826	221	171	240	307	532	809	429	722	1069
103	529	799	224	865	1523	312	1116	2249	430	178	265
105	1075	2047	225	963	1823	313	878	1541	432	196	283
106	626	952	229	351	536	316	1253	2960	433	1062	2015
107	61	79	230	866	1528	320	1254	2961	434	192	278
109	374	569	232	676	1012	321	1172	2439	435	308	477
110	470	722	233	225	331	323	874	1536	436	1173	2439
111	1151	2342	236	1071	2042	324	437	653	437	1259	3007
112	580	888	237	106	169	325	588	902	439	1007	1933
114	412	617	238	582	892	328	268	420	441	1008	1939

Note: E signifies emergency status

SENATE BILLS APPROVED SHOWING CHAPTERS AND PAGE NUMBERS

SENATE			SENATE			SENATE			SENATE		
SB	Chapter	Page	SB	Chapter	Page	SB	Chapter	Page	SB	Chapter	Page
442	561	868	565	232	348	658	1015	1963	738	1267	3038
443	735	1114	566	1095	2095	661	180	266	739	235	350
444	886	1554	567	935	1708	662	271	423	740	1268	3041
445	669	1005	568	1083	2073	665	736	1121	742	630	955
448	777	1217	572	854	1391	666	857	1396	744	682	1020
451	185	272	575	1067	2035	667	1016	1964	745	606	930
454	825	1307	576	1169	2413	668	936	1708	746	760	1199
455	933	1703	577	1134	2270	670	299	460	747	1102	2111
462	642	973	578	861	1460	672	605	928	752	791	1238
463	694	1029	579	829	1311	673	670	1006	753	832	1355
465	440	659	580	280 E	432	674	959	1821	754	807	1272
466	369	566	582	1 E	1	675	463	709	757	236	351
469	850	1374	583	85	120	676	443	665	758	1269	3041
472	934	1704	584	1011	1951	678	300	462	760	1162	2365
478	629	954	585	855	1392	679	805	1270	761	981	1874
479	1260	3007	586	646	976	680	172	240	762	1270	3049
480	949	1740	587	830	1343	683	937	1714	763	1029	1977
482	851	1375	588	1263	3018	684	1175	2446	764	1271	3050
487	852	1383	589	893	1582	685	65	84	766	716	1061
491	996	1915	590	789	1234	686	938	1715	768	919	1681
492	826	1308	593	911	1646	689	34	40	771	907	1637
494	515	779	594	778	1218	690	1176	2447	772	808 E	1273
496	1009	1940	595	686	1025	693	906	1637	773	1184	2456
497	400	597	597	757	1175	695	939	1715	774	631	955
498	1010	1947	600	352	537	698	1017	1965	776	809	1274
499	603 E	926	601	418	623	700	1063	2015	782	165	236
504	272	423	603	880	1546	701	80	113	783	810	1278
511	994	1911	605	215	310	702	806	1270	786	1109	2130
513	741	1152	607	497	756	703	81	114	787	539	820
515	695	1030	610	758	1176	704	1186	2458	788	401	599
519	33	39	611	604	926	706	234	350	791	356 E	542
524	706	1048	612	1098	2105	707	986	1886	792	1027	1975
525	707	1049	616	958	1756	708	187	273	793	1272 E	3065
527	788	1234	617	856	1395	710	1187	2460	794	1131	2262
528	827	1310	619	472	725	711	1018	1969	795	452	683
530	853	1384	622	759	1178	712	1139	2307	798	1019	1970
538	229	338	628	186	272	713	301	463	801	771	1214
540	230	345	629	1264	3025	717	1265	3027	804	1147	2329
541	891	1581	630	1012	1960	718	940	1716	812	607	931
542	279	429	631	1174	2446	720	1069	2039	817	960	1822
543	828	1311	632	1190	2478	722	1060	2014	818	1096	2103
544	231	347	633	233	349	724	277	428	828	811	1278
545	1049	2011	636	1056	2013	725	790	1238	830	237	351
546	988	1893	640	1013	1962	726	281	436	831	519	781
548	1261	3009	646	831 E	1344	727	66	85	832	779	1219
549	658	989	647	894	1585	729	173	241	833	1177	2450
553	193	280	649	505	771	731	1108	2119	834	833	1356
555	377	574	650	104	166	732	917	1666	836	302	465
556	892	1582	651	895	1587	733	899	1594	838	1038	2000
557	1025	1974	652	896	1588	734	737	1123	843	812	1279
561	1262	3013	653	1014	1962	735	1266	3031	845	780	1220
562	867	1529	656	837	1361	736	188	274	846	218	314
563	179	265	657	466	715	737	370	567	848	792	1239

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SENATE BILLS APPROVED SHOWING CHAPTERS AND PAGE NUMBERS

SENATE			SENATE			SENATE		
SB	Chapter	Page	SB	Chapter	Page	SB	Chapter	Page
849	413	620	953	835	1360	1070	537	815
850	1058	2014	955	181	267	1071	1282	3155
851	1194	2527	956	194	282	1072	649	979
853	573	885	957	1045	2007	1073	957	1755
856	619	941	961	608	932	1074	610	933
857	858	1399	963	961	1822	1075	1110	2132
859	1163	2375	968	983	1878	1084	448	669
860	1273	3066	971	1277	3141	1088	946	1738
864	303	470	976	1278	3143	1089	1181	2454
868	1140	2309	977	1144	2327	1090	457	692
869	761	1200	978	109	171	1094	458	692
870	414	621	979	772	1214	SJR	Chapter	Page
871	260	391	980	269	420	18	1196	2557
874	1051	2012	981	35	43			
875	402	606	987	415	622			
877	738	1123	990	1120	2253			
880	952	1742	991	1079	2050			
881	456	689	994	1047	2009			
882	671	1008	995	282	436			
883	1274	3067	996	897	1589			
885	941 E	1716	998	1279	3147			
888	1044	2006	1002	197	284			
890	1275	3069	1003	1178	2451			
891	1284	3531	1004	672	1008			
894	381	579	1005	647	978			
896	1053	2012	1008	1021	1971			
897	155	228	1014	763	1202			
900	762	1201	1015	764	1203			
902	304	470	1018	765	1204			
903	942	1718	1020	876	1540			
904	584	896	1023	1170	2435			
905	1020	1971	1024	535	811			
910	1035	1995	1025	562	873			
913	739	1150	1027	1280	3148			
918	660 E	991	1028	708	1049			
922	117	180	1029	1179	2451			
923	967	1861	1030	632	957			
925	189	275	1031	305	473			
926	92	135	1032	654	985			
927	495	752	1035	984	1879			
929	652	982	1036	536	814			
931	375	571	1038	1281	3151			
933	696	1030	1039	633	957			
935	767	1206	1040	1046	2008			
936	982	1875	1041	174	242			
938	653	983	1044	943	1721			
939	1276	3140	1045	944	1721			
940	589	902	1046	945	1722			
941	1143	2326	1048	571	884			
943	428	642	1051	773	1215			
948	834	1360	1064	634	958			
949	1073	2045	1065	1180	2454			
951	793	1240	1066	211	306			

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BILLS VETOED BY THE GOVERNOR

(Communications from the Governor, relating to the bills that were vetoed, may be found in the Journals of the House of Delegates and the Senate for the 2020 Regular Session.)

The following vetoed bills were returned unsigned by Governor Ralph S. Northam:

HOUSE BILLS

- HB 119 Milk; definition, misbranding product, prohibition, provisions shall not become effective until six months after enactment of 11 other states. Chief Patron: Knight
- HB 795 Health insurance; policies of group accident and sickness insurance issued to an association, etc., clarifies certain definitions, Commissioner of Insurance shall apply for a state innovation waiver. Chief Patron: Hurst

SENATE BILLS

- SB 235 Health insurance; policies of group accident and sickness insurance issued to an association, etc., clarifies certain definitions, Commissioner of Insurance shall apply for a state innovation waiver. Chief Patron: Barker
- SB 861 Group health benefit plans; bona fide associations, benefits consortium, or sponsoring associations, exemption from certain provisions and license tax. Chief Patron: Mason

**THE SENATE
2020 REGULAR SESSION**

District Number	Name	County and/or City Represented
39	Barker, George L. (D)	Counties of Fairfax (part) and Prince William (part); City of Alexandria (part)
13	Bell, John J. (D)	Counties of Loudoun (part) and Prince William (part)
33	Boysko, Jennifer B. (D)	Counties of Fairfax (part) and Loudoun (part)
38	Chafin, A. Benton, Jr. (R)	Counties of Bland, Buchanan, Dickenson, Montgomery (part), Pulaski, Russell, Smyth (part), Tazewell, and Wise (part); Cities of Norton and Radford
11	Chase, Amanda F. (R)	Counties of Amelia and Chesterfield (part); City of Colonial Heights
14	Cosgrove, John A., Jr. (R)	Counties of Isle of Wight (part) and Southampton (part); Cities of Chesapeake (part), Franklin (part), Portsmouth (part), Suffolk (part), and Virginia Beach (part)
25	Deeds, R. Creigh (D)	Counties of Albemarle (part), Alleghany, Bath, Highland, Nelson, and Rockbridge; Cities of Buena Vista, Charlottesville, Covington, and Lexington
8	DeSteph, Bill (R)	City of Virginia Beach (part)
12	Dunnavant, Siobhan S. (R)	Counties of Hanover (part) and Henrico (part)
30	Ebbin, Adam P. (D)	Counties of Arlington (part) and Fairfax (part); City of Alexandria (part)
21	Edwards, John S. (D)	Counties of Giles, Montgomery (part), and Roanoke (part); City of Roanoke
31	Favola, Barbara A. (D)	Counties of Arlington (part), Fairfax (part), and Loudoun (part)
24	Hanger, Emmett W., Jr. (R)	Counties of Augusta, Culpeper (part), Greene, Madison, and Rockingham (part); Cities of Staunton and Waynesboro
10	Hashmi, Ghazala F. (D)	Counties of Chesterfield (part) and Powhatan; City of Richmond (part)
32	Howell, Janet D. (D)	Counties of Arlington (part) and Fairfax (part)
7	Kiggans, Jen A. (R)	Cities of Norfolk (part) and Virginia Beach (part)
6	Lewis, Lynwood W., Jr. (D)	Counties of Accomack, Mathews, and Northampton; Cities of Norfolk (part) and Virginia Beach (part)
2	Locke, Mamie E. (D)	County of York (part); Cities of Hampton (part), Newport News (part), and Portsmouth (part)
18	Lucas, L. Louise (D)	Counties of Brunswick (part), Greenville, Isle of Wight (part), Southampton (part), Surry (part), and Sussex; Cities of Chesapeake (part), Emporia, Franklin (part), Portsmouth (part), and Suffolk (part)
37	Marsden, David W. (D)	County of Fairfax (part)

**THE SENATE
2020 REGULAR SESSION**

District Number	Name	County and/or City Represented
1	Mason, T. Montgomery (D)	Counties of James City (part) and York (part); Cities of Hampton (part), Newport News (part), Suffolk (part), and Williamsburg
9	McClellan, Jennifer L. (D)	Counties of Charles City, Hanover (part), and Henrico (part); City of Richmond (part)
4	McDougle, Ryan T. (R)	Counties of Caroline, Essex, Hanover (part), King George (part), Lancaster, Middlesex, Northumberland, Richmond, Spotsylvania (part), and Westmoreland (part)
29	McPike, Jeremy S. (D)	County of Prince William (part); Cities of Manassas and Manassas Park
16	Morrissey, Joseph D. (D)	Counties of Chesterfield (part), Dinwiddie (part), and Prince George (part); Cities of Hopewell, Petersburg, and Richmond (part)
23	Newman, Stephen D. (R)	Counties of Bedford (part), Botetourt, Campbell (part), Craig, and Roanoke (part); City of Lynchburg (part)
3	Norment, Thomas K., Jr. (R)	Counties of Gloucester, Isle of Wight (part), James City (part), King and Queen, King William, New Kent, Surry (part), and York (part); Cities of Hampton (part), Poquoson, and Suffolk (part)
26	Obenshain, Mark D. (R)	Counties of Page, Rappahannock, Rockingham (part), Shenandoah, and Warren; City of Harrisonburg
22	Peake, Mark J. (R)	Counties of Amherst, Appomattox, Buckingham, Cumberland, Fluvanna, Goochland, Louisa (part), and Prince Edward; City of Lynchburg (part)
34	Petersen, J. Chapman (D)	County of Fairfax (part); City of Fairfax
40	Pillion, Todd E. (R)	Counties of Grayson, Lee, Scott, Smyth (part), Washington, Wise (part), and Wythe (part); City of Bristol
17	Reeves, Bryce E. (R)	Counties of Albemarle (part), Culpeper (part), Louisa (part), Orange, and Spotsylvania (part); City of Fredericksburg
15	Ruff, Frank M., Jr. (R)	Counties of Brunswick (part), Campbell (part), Charlotte, Dinwiddie (part), Halifax (part), Lunenburg, Mecklenburg, Nottoway, Pittsylvania (part), and Prince George (part); City of Danville (part)
35	Saslaw, Richard L. (D)	County of Fairfax (part); Cities of Alexandria (part) and Falls Church
5	Spruill, Lionell, Sr. (D)	Cities of Chesapeake (part) and Norfolk (part)
20	Stanley, William M., Jr. (R)	Counties of Carroll (part), Franklin (part), Halifax (part), Henry, Patrick, and Pittsylvania (part); Cities of Danville (part), Galax, and Martinsville

THE SENATE
2020 REGULAR SESSION

District Number	Name	County and/or City Represented
28	Stuart, Richard H. (R)	Counties of King George (part), Prince William (part), Spotsylvania (part), Stafford (part), and Westmoreland (part)
19	Suetterlein, David R. (R)	Counties of Bedford (part), Carroll (part), Floyd, Franklin (part), Montgomery (part), Roanoke (part), and Wythe (part); City of Salem
36	Surovell, Scott A. (D)	Counties of Fairfax (part), Prince William (part), and Stafford (part)
27	Vogel, Jill Holtzman (R)	Counties of Clarke, Culpeper (part), Fauquier, Frederick, Loudoun (part), and Stafford (part); City of Winchester

**THE HOUSE OF DELEGATES
2020 REGULAR SESSION**

District Number	Name	County and/or City Represented
68	Adams, Dawn M. (D)	Counties of Chesterfield (part) and Henrico (part); City of Richmond (part)
16	Adams, Leslie R. (R)	Counties of Henry (part) and Pittsylvania (part); City of Martinsville
63	Aird, Lashrecse D. (D)	Counties of Chesterfield (part) and Dinwiddie (part); City of Petersburg
85	Askew, Alex Q. (D)	City of Virginia Beach (part)
19	Austin, Terry L. (R)	Counties of Alleghany, Bedford (part), and Botetourt (part); City of Covington
20	Avoli, G. John (R)	Counties of Augusta (part), Highland, and Nelson (part); Cities of Staunton and Waynesboro
51	Ayala, Hala S. (D)	County of Prince William (part)
74	Bagby, Lamont (D)	County of Henrico (part)
96	Batten, Amanda E. (R)	Counties of James City (part) and York (part)
58	Bell, Robert B. (R)	Counties of Albemarle (part), Fluvanna (part), Greene, and Rockingham (part)
100	Bloxom, Robert S., Jr. (R)	Counties of Accomack and Northampton; Cities of Norfolk (part) and Virginia Beach (part)
71	Bourne, Jeffrey M. (D)	City of Richmond (part)
64	Brewer, Emily M. (R)	Counties of Isle of Wight, Prince George (part), and Surry (part); City of Suffolk (part)
37	Bulova, David L. (D)	County of Fairfax (part); City of Fairfax
22	Byron, Kathy J. (R)	Counties of Bedford (part), Campbell (part), and Franklin (part); City of Lynchburg (part)
6	Campbell, Jeffrey L. (R)	Counties of Carroll, Smyth (part), and Wythe
24	Campbell, Ronnie R. (R)	Counties of Amherst (part), Augusta (part), Bath, and Rockbridge; Cities of Buena Vista and Lexington
69	Carr, Betsy B. (D)	City of Richmond (part)
2	Carroll Foy, Jennifer D. (D)	Counties of Prince William (part) and Stafford (part)
50	Carter, Lee J. (D)	County of Prince William (part); City of Manassas
28	Cole, Joshua G. (D)	County of Stafford (part); City of Fredericksburg (part)
88	Cole, Mark L. (R)	Counties of Fauquier (part), Spotsylvania (part), and Stafford (part); City of Fredericksburg (part)
29	Collins, Christopher E. (R)	Counties of Frederick (part) and Warren (part); City of Winchester

**THE HOUSE OF DELEGATES
2020 REGULAR SESSION**

District Number	Name	County and/or City Represented
21	Convirs-Fowler, Kelly K. (D)	Cities of Chesapeake (part) and Virginia Beach (part)
66	Cox, M. Kirkland (R)	County of Chesterfield (part); City of Colonial Heights
62	Coyner, Carrie E. (R)	Counties of Chesterfield (part) and Prince George (part); City of Hopewell (part)
84	Davis, Glenn R., Jr. (R)	City of Virginia Beach (part)
67	Delaney, Karrie K. (D)	Counties of Fairfax (part) and Loudoun (part)
60	Edmunds, James E., II (R)	Counties of Campbell (part), Charlotte, Halifax, and Prince Edward
59	Fariss, C. Matthew (R)	Counties of Albemarle (part), Appomattox, Buckingham, Campbell (part), and Nelson (part)
41	Filler-Corn, Eileen (D)	County of Fairfax (part)
55	Fowler, Hyland F., Jr. (R)	Counties of Caroline (part), Hanover (part), and Spotsylvania (part)
30	Freitas, Nicholas J. (R)	Counties of Culpeper (part), Madison, and Orange
15	Gilbert, C. Todd (R)	Counties of Page, Rockingham (part), Shenandoah, and Warren (part)
10	Gooditis, Gwendolyn W. (D)	Counties of Clarke (part), Frederick (part), and Loudoun (part)
83	Guy, Nancy D. (D)	Cities of Norfolk (part) and Virginia Beach (part)
31	Guzman, Elizabeth R. (D)	Counties of Fauquier (part) and Prince William (part)
77	Hayes, C.E. Cliff, Jr. (D)	Cities of Chesapeake (part) and Virginia Beach (part)
17	Head, Christopher T. (R)	Counties of Botetourt (part) and Roanoke (part); City of Roanoke (part)
40	Helmer, Daniel I. (D)	Counties of Fairfax (part) and Prince William (part)
79	Heretick, Stephen E. (D)	Cities of Chesapeake (part), Norfolk (part), and Portsmouth (part)
46	Herring, Charniele L. (D)	City of Alexandria (part)
98	Hodges, M. Keith (R)	Counties of Essex, Gloucester, King and Queen, King William (part), Mathews, and Middlesex
47	Hope, Patrick A. (D)	County of Arlington (part)
57	Hudson, Sally L. (D)	County of Albemarle (part); City of Charlottesville
12	Hurst, Chris L. (D)	Counties of Giles, Montgomery (part), and Pulaski (part); City of Radford
76	Jenkins, Clinton L. (D)	Cities of Chesapeake (part) and Suffolk (part)
89	Jones, Jerrauld C. (D)	City of Norfolk (part)

**THE HOUSE OF DELEGATES
2020 REGULAR SESSION**

District Number	Name	County and/or City Represented
35	Keam, Mark L. (D)	County of Fairfax (part)
1	Kilgore, Terry G. (R)	Counties of Lee, Scott, and Wise (part); City of Norton
81	Knight, Barry D. (R)	Cities of Chesapeake (part) and Virginia Beach (part)
38	Kory, Kaye (D)	County of Fairfax (part)
44	Krizek, Paul E. (D)	County of Fairfax (part)
33	LaRock, David A. (R)	Counties of Clarke (part), Frederick (part), and Loudoun (part)
78	Leftwich, James A., Jr. (R)	City of Chesapeake (part)
45	Levine, Mark H. (D)	Counties of Arlington (part) and Fairfax (part); City of Alexandria (part)
90	Lindsey, Joseph C. (D)	Cities of Norfolk (part) and Virginia Beach (part)
49	Lopez, Alfonso H. (D)	Counties of Arlington (part) and Fairfax (part)
14	Marshall, Daniel W., III (R)	Counties of Henry (part) and Pittsylvania (part); City of Danville
56	McGuire, John J., III (R)	Counties of Goochland (part), Henrico (part), Louisa, and Spotsylvania (part)
8	McNamara, Joseph P. (R)	Counties of Craig, Montgomery (part), and Roanoke (part); City of Salem
70	McQuinn, Delores L. (D)	Counties of Charles City, Chesterfield (part), and Henrico (part); City of Richmond (part)
82	Miyares, Jason S. (R)	City of Virginia Beach (part)
3	Morefield, James W. (R)	Counties of Bland, Buchanan, Russell (part), and Tazewell
91	Mugler, Martha M. (D)	County of York (part); Cities of Hampton (part) and Poquoson
93	Mullin, Michael P. (D)	Counties of James City (part) and York (part); Cities of Newport News (part) and Williamsburg
34	Murphy, Kathleen J. (D)	Counties of Fairfax (part) and Loudoun (part)
5	O'Quinn, Israel D. (R)	Counties of Grayson, Smyth (part), and Washington (part); Cities of Bristol and Galax
54	Orrock, Robert D., Sr. (R)	Counties of Caroline (part) and Spotsylvania (part)
36	Plum, Kenneth R. (D)	County of Fairfax (part)
9	Poindexter, Charles D. (R)	Counties of Franklin (part), Henry (part), and Patrick
95	Price, Marcia S. (D)	City Newport News (part)

**THE HOUSE OF DELEGATES
2020 REGULAR SESSION**

District Number	Name	County and/or City Represented
99	Ransone, Margaret B. (R)	Counties of Caroline (part), King George, Lancaster, Northumberland, Richmond, and Westmoreland
11	Rasoul, Sam (D)	City of Roanoke (part)
32	Reid, David A. (D)	County of Loudoun (part)
27	Robinson, Roxann L. (R)	County of Chesterfield (part)
13	Roem, Danica A. (D)	County of Prince William (part); City of Manassas Park
25	Runion, Chris (R)	Counties of Albemarle (part), Augusta (part), and Rockingham (part)
7	Rush, L. Nick (R)	Counties of Floyd, Montgomery (part), and Pulaski (part)
86	Samirah, Ibraheem S. (D)	Counties of Fairfax (part) and Loudoun (part)
80	Scott, Don. L. Jr. (D)	City of Portsmouth (part)
43	Sickles, Mark D. (D)	County of Fairfax (part)
53	Simon, Marcus B. (D)	County of Fairfax (part); City of Falls Church
94	Simonds, Shelly A. (D)	City of Newport News (part)
87	Subramanyam, Suhas (D)	Counties of Loudoun (part) and Prince William (part)
48	Sullivan, Richard C., Jr. (D)	Counties of Arlington (part) and Fairfax (part)
52	Torian, Luke E. (D)	County of Prince William (part)
42	Tran, Kathy KL (D)	County of Fairfax (part)
75	Tyler, Roslyn C. (D)	Counties of Brunswick, Greensville, Lunenburg (part), Southampton, and Sussex; Cities of Emporia and Franklin
72	VanValkenburg, Schuyler T. (D)	County of Henrico (part)
23	Walker, Wendell S. (R)	Counties of Amherst (part) and Bedford (part); City of Lynchburg (part)
4	Wampler, William, III (R)	Counties of Dickenson, Russell (part), Washington (part), and Wise (part)
92	Ward, Jeion A. (D)	City of Hampton (part)
65	Ware, R. Lee (R)	Counties of Chesterfield (part), Fluvanna (part), Goochland (part), and Powhatan
39	Watts, Vivian E. (D)	County of Fairfax (part)
18	Webert, Michael J. (R)	Counties of Culpeper (part), Fauquier (part), Rappahannock, and Warren (part)
73	Willett, Rodney T. (D)	County of Henrico (part)

**THE HOUSE OF DELEGATES
2020 REGULAR SESSION**

District Number	Name	County and/or City Represented
26	Wilt, Tony O. (R)	County of Rockingham (part); City of Harrisonburg
61	Wright, Thomas C., Jr. (R)	Counties of Amelia, Cumberland, Lunenburg (part), Mecklenburg, and Nottoway
97	Wyatt, Scott A. (R)	Counties of Hanover (part), King William (part), and New Kent

**SENATORS AND DELEGATES BY COUNTIES
2020 REGULAR SESSION**

COUNTIES	SENATORS	DELEGATES
Accomack	Lynwood W. Lewis, Jr. (D)	Robert S. Bloxom, Jr. (R)
Albemarle.....	R. Creigh Deeds (D)..... Bryce E. Reeves (R)	Robert B. Bell (R) C. Matthew Fariss (R) Sally L. Hudson (D) Chris Runion (R)
Alleghany.....	R. Creigh Deeds (D).....	Terry L. Austin (R)
Amelia.....	Amanda F. Chase (R).....	Thomas C. Wright, Jr. (R)
Amherst.....	Mark J. Peake (R).....	Ronnie R. Campbell (R) Wendell S. Walker (R)
Appomattox.....	Mark J. Peake (R).....	C. Matthew Fariss (R)
Arlington	Adam P. Ebbin (D)..... Barbara A. Favola (D) Janet D. Howell (D)	Patrick A. Hope (D) Mark H. Levine (D) Alfonso H. Lopez (D) Richard C. Sullivan, Jr. (D)
Augusta	Emmett W. Hanger, Jr. (R).....	G. John Avoli (R) Ronnie R. Campbell (R) Chris Runion (R)
Bath	R. Creigh Deeds (D).....	Ronnie R. Campbell (R)
Bedford	Stephen D. Newman (R)..... David R. Suetterlein (R)	Terry L. Austin (R) Kathy J. Byron (R) Wendell S. Walker (R)
Bland.....	A. Benton Chafin, Jr. (R).....	James W. Morefield (R)
Botetourt	Stephen D. Newman (R).....	Terry L. Austin (R) Christopher T. Head (R)
Brunswick	L. Louise Lucas (D)..... Frank M. Ruff, Jr. (R)	Roslyn C. Tyler (D)
Buchanan.....	A. Benton Chafin, Jr. (R).....	James W. Morefield (R)
Buckingham	Mark J. Peake (R).....	C. Matthew Fariss (R)
Campbell.....	Stephen D. Newman (R)..... Frank M. Ruff, Jr. (R)	Kathy J. Byron (R) James E. Edmunds, II (R) C. Matthew Fariss (R)
Caroline.....	Ryan T. McDougale (R).....	Hyland F. Fowler, Jr. (R) Robert D. Orrock, Sr. (R) Margaret B. Ransone (R)
Carroll	William M. Stanley, Jr. (R)..... David R. Suetterlein (R)	Jeffrey L. Campbell (R)
Charles City	Jennifer L. McClellan (D).....	Delores L. McQuinn (D)
Charlotte.....	Frank M. Ruff, Jr. (R).....	James E. Edmunds, II (R)
Chesterfield.....	Amanda F. Chase (R)..... Ghazala F. Hashmi (D) Joseph D. Morrissey (D)	Dawn M. Adams (D) Lashrecse D. Aird (D) M. Kirkland Cox (R) Carrie E. Coyner (R) Delores L. McQuinn (D) Roxann L. Robinson (R) R. Lee Ware (R)
Clarke.....	Jill Holtzman Vogel (R).....	Gwendolyn W. Gooditis (D) David A. LaRock (R)
Craig.....	Stephen D. Newman (R).....	Joseph P. McNamara (R)
Culpeper.....	Emmett W. Hanger, Jr. (R)..... Bryce E. Reeves (R) Jill Holtzman Vogel (R)	Nicholas J. Freitas (R) Michael J. Webert (R)
Cumberland.....	Mark J. Peake (R).....	Thomas C. Wright, Jr. (R)
Dickenson	A. Benton Chafin, Jr. (R).....	William Wampler, III (R)

**SENATORS AND DELEGATES BY COUNTIES
2020 REGULAR SESSION**

COUNTIES	SENATORS	DELEGATES
Dinwiddie.....	Joseph D. Morrissey (D)..... Frank M. Ruff, Jr. (R)	Lashreese D. Aird (D)
Essex	Ryan T. McDougale (R)	M. Keith Hodges (R)
Fairfax.....	George L. Barker (D)..... Jennifer B. Boysko (D) Adam P. Ebbin (D) Barbara A. Favola (D) Janet D. Howell (D) David W. Marsden (D) J. Chapman Petersen (D) Richard L. Saslaw (D) Scott A. Surovell (D) Jennifer T. Wexton (D)	David L. Bulova (D) Karrie K. Delaney (D) Eileen Filler-Corn (D) Daniel I. Helmer (D) Mark L. Keam (D) Kaye Kory (D) Paul E. Krizek (D) Mark H. Levine (D) Alfonso H. Lopez (D) Kathleen J. Murphy (D) Kenneth R. Plum (D) Ibraheem S. Samirah (D) Mark D. Sickles (D) Marcus B. Simon (D) Richard C. Sullivan (D) Kathy KL Tran (D) Vivian E. Watts (D)
Fauquier.....	Jill Holtzman Vogel (R).....	Mark L. Cole (R) Elizabeth R. Guzman (D) Michael J. Webert (R)
Floyd.....	David R. Suetterlein (R).....	L. Nick Rush (R)
Fluvanna.....	Mark J. Peake (R).....	Robert B. Bell (R) R. Lee Ware (R)
Franklin.....	William M. Stanley, Jr. (R)..... David R. Suetterlein (R)	Kathy J. Byron (R) Charles D. Poindexter (R)
Frederick.....	Jill Holtzman Vogel (R).....	Christopher E. Collins (R) Gwendolyn W. Gooditis (D) David A. LaRock (R)
Giles.....	John S. Edwards (D).....	Chris L. Hurst (D)
Gloucester.....	Thomas K. Norment, Jr. (R).....	M. Keith Hodges (R)
Goochland.....	Mark J. Peake (R).....	John J. McGuire, III (R) R. Lee Ware (R)
Grayson.....	Todd E. Pillion (R).....	Israel D. O'Quinn (R)
Greene.....	Emmett W. Hanger, Jr. (R).....	Robert B. Bell (R)
Greensville.....	L. Louise Lucas (D).....	Roslyn C. Tyler (D)
Halifax.....	Frank M. Ruff, Jr. (R)..... William M. Stanley, Jr. (R)	James E. Edmunds, II (R)
Hanover.....	Siobhan S. Dunnavant (R)..... Jennifer L. McClellan (D) Ryan T. McDougale (R)	Hyland F. Fowler, Jr. (R) Scott A. Wyatt (R)
Henrico.....	Siobhan S. Dunnavant (R)..... Jennifer L. McClellan (D)	Dawn M. Adams (D) Lamont Bagby (D) John J. McGuire, III (R) Delores L. McQuinn (D) Schuyler T. VanValkenburg (D) Rodney T. Willett (D)
Henry.....	William M. Stanley, Jr. (R).....	Leslie R. Adams (R) Daniel W. Marshall, III (R) Charles D. Poindexter (R)
Highland.....	R. Creigh Deeds (D).....	G. John Avoli (R)

**SENATORS AND DELEGATES BY COUNTIES
2020 REGULAR SESSION**

COUNTIES	SENATORS	DELEGATES
Isle of Wight.....	John A. Cosgrove, Jr. (R)..... L. Louise Lucas (D) Thomas K. Norment, Jr. (R)	Emily M. Brewer (R)
James City.....	T. Montgomery Mason (D)..... Thomas K. Norment, Jr. (R)	Amanda E. Batten (R) Michael P. Mullin (D)
King and Queen	Thomas K. Norment, Jr. (R).....	M. Keith Hodges (R)
King George.....	Ryan T. McDougle (R)..... Richard H. Stuart (R)	Margaret B. Ransone (R)
King William.....	Thomas K. Norment, Jr. (R).....	M. Keith Hodges (R) Scott A. Wyatt (R)
Lancaster.....	Ryan T. McDougle (R).....	Margaret B. Ransone (R)
Lee.....	Todd E. Pillion (R).....	Terry G. Kilgore (R)
Loudoun.....	John J. Bell (D)..... Jennifer B. Boysko (D) Barbara A. Favola (D) Jill Holtzman Vogel (R)	Karrie K. Delaney (D) Gwendolyn W. Gooditis (D) David A. LaRock (R) Kathleen J. Murphy (D) David A. Reid (D) Ibraheem S. Samirah (D) Suhass Subramanyam (D)
Louisa.....	Mark J. Peake (R)..... Bryce E. Reeves (R)	John J. McGuire, III (R)
Lunenburg.....	Frank M. Ruff, Jr. (R).....	Roslyn C. Tyler (D) Thomas C. Wright, Jr. (R)
Madison.....	Emmett W. Hanger, Jr. (R).....	Nicholas J. Freitas (R)
Mathews.....	Lynwood W. Lewis, Jr. (D).....	M. Keith Hodges (R)
Mecklenburg	Frank M. Ruff, Jr. (R).....	Thomas C. Wright, Jr. (R)
Middlesex.....	Ryan T. McDougle (R).....	M. Keith Hodges (R)
Montgomery.....	A. Benton Chafin, Jr. (R)..... John S. Edwards (D) David R. Suetterlein (R)	Chris L. Hurst (D) Joseph P. McNamara (R) L. Nick Rush (R)
Nelson.....	R. Creigh Deeds (D).....	G. John Avoli (R) C. Matthew Fariss (R)
New Kent	Thomas K. Norment, Jr. (R).....	Scott A. Wyatt (R)
Northampton	Lynwood W. Lewis, Jr. (D).....	Robert S. Bloxom, Jr. (R)
Northumberland	Ryan T. McDougle (R).....	Margaret B. Ransone (R)
Nottoway.....	Frank M. Ruff, Jr. (R).....	Thomas C. Wright, Jr. (R)
Orange.....	Bryce E. Reeves (R).....	Nicholas J. Freitas (R)
Page.....	Mark D. Obenshain (R).....	C. Todd Gilbert (R)
Patrick.....	William M. Stanley, Jr. (R).....	Charles D. Poindexter (R)
Pittsylvania.....	Frank M. Ruff, Jr. (R)..... William M. Stanley, Jr. (R)	Leslie R. Adams (R) Daniel W. Marshall, III (R)
Powhatan.....	Ghazala F. Hashmi (D).....	R. Lee Ware (R)
Prince Edward.....	Mark J. Peake (R).....	James E. Edmunds, II (R)
Prince George.....	Joseph D. Morrissey (D)..... Frank M. Ruff, Jr. (R)	Emily M. Brewer (R) Carrie E. Coyner (R)
Prince William	George L. Barker (D)..... John J. Bell (D) Jeremy S. McPike (D) Richard H. Stuart (R) Scott A. Surovell (D)	Hala S. Ayala (D) Jennifer D. Carroll Foy (D) Lee J. Carter (D) Elizabeth R. Guzman (D) Daniel I. Helmer (D) Danica A. Roem (D) Suhass Subramanyam (D) Luke E. Torian (D)

**SENATORS AND DELEGATES BY COUNTIES
2020 REGULAR SESSION**

COUNTIES	SENATORS	DELEGATES
Pulaski.....	A. Benton Chafin, Jr. (R)	Chris L. Hurst (D) L. Nick Rush (R)
Rappahannock.....	Mark D. Obenshain (R).....	Michael J. Webert (R)
Richmond.....	Ryan T. McDougale (R).....	Margaret B. Ransone (R)
Roanoke	John S. Edwards (D)	Christopher T. Head (R)
	Stephen D. Newman (R)	Joseph P. McNamara (R)
	David R. Suetterlein (R)	
Rockbridge.....	R. Creigh Deeds (D).....	Ronnie R. Campbell (R)
Rockingham	Emmett W. Hanger, Jr. (R)	Robert B. Bell (R)
	Mark D. Obenshain (R)	C. Todd Gilbert (R)
		Chris Runion (R)
		Tony O. Wilt (R)
Russell.....	A. Benton Chafin, Jr. (R)	James W. Morefield (R) William Wampler, III (R)
Scott	Todd E. Pillion (R)	Terry G. Kilgore (R)
Shenandoah	Mark D. Obenshain (R).....	C. Todd Gilbert (R)
Smyth	A. Benton Chafin, Jr. (R)	Jeffrey L. Campbell (R)
	Todd E. Pillion (R)	Israel D. O'Quinn (R)
Southampton	John A. Cosgrove, Jr. (R)	Roslyn C. Tyler (D)
	L. Louise Lucas (D)	
Spotsylvania.....	Ryan T. McDougale (R).....	Mark L. Cole (R)
	Bryce E. Reeves (R)	Hyland F. Fowler, Jr. (R)
	Richard H. Stuart (R)	John J. McGuire, III (R)
		Robert D. Orrock, Sr. (R)
Stafford.....	Richard H. Stuart (R)	Jennifer D. Carroll Foy (D)
	Scott A. Surovell (D)	Joshua G. Cole (D)
	Jill Holtzman Vogel (R)	Mark L. Cole (R)
Surry.....	L. Louise Lucas (D)	Emily M. Brewer (R)
	Thomas K. Norment, Jr. (R)	
Sussex.....	L. Louise Lucas (D)	Roslyn C. Tyler (D)
Tazewell	A. Benton Chafin, Jr. (R)	James W. Morefield (R)
Warren.....	Mark D. Obenshain (R).....	Christopher E. Collins (R)
		C. Todd Gilbert (R)
		Michael J. Webert (R)
Washington.....	Todd E. Pillion (R)	Israel D. O'Quinn (R) William Wampler, III (R)
Westmoreland.....	Ryan T. McDougale (R).....	Margaret B. Ransone (R)
	Richard H. Stuart (R)	
Wise.....	A. Benton Chafin, Jr. (R)	Terry G. Kilgore (R)
	Todd E. Pillion (R)	William Wampler, III (R)
Wythe	Todd E. Pillion (R)	Jeffrey L. Campbell (R)
	David R. Suetterlein (R)	
York.....	Mamie E. Locke (D)	Amanda E. Batten (R)
	T. Montgomery Mason (D)	Martha M. Mugler (D)
	Thomas K. Norment, Jr. (R)	Michael P. Mullin (D)

**SENATORS AND DELEGATES BY CITIES
2020 REGULAR SESSION**

CITIES	SENATORS	DELEGATES
Alexandria	George L. Barker (D)	Charniele L. Herring (D)
	Adam P. Ebbin (D)	Mark H. Levine (D)
	Richard L. Saslaw (D)	
Bristol	Todd E. Pillion (R)	Israel D. O'Quinn (R)
Buena Vista	R. Creigh Deeds (D)	Ronnie R. Campbell (R)
Charlottesville	R. Creigh Deeds (D)	Sally L. Hudson (D)
Chesapeake	John A. Cosgrove, Jr. (R)	Kelly K. Convis-Fowler (D)
	L. Louise Lucas (D)	C.E. Cliff Hayes, Jr. (D)
	Lionell Spruill, Sr. (D)	Stephen E. Heretick (D)
		Clinton L. Jenkins (D)
		Barry D. Knight (R)
		James A. Leftwich, Jr. (R)
Colonial Heights	Amanda F. Chase (R)	M. Kirkland Cox (R)
Covington	R. Creigh Deeds (D)	Terry L. Austin (R)
Danville	Frank M. Ruff, Jr. (R)	Daniel W. Marshall, III (R)
	William M. Stanley, Jr. (R)	
Emporia	L. Louise Lucas (D)	Roslyn C. Tyler (D)
Fairfax	J. Chapman Petersen (D)	David L. Bulova (D)
Falls Church	Richard L. Saslaw (D)	Marcus D. Simon (D)
Franklin	John A. Cosgrove, Jr. (R)	Roslyn C. Tyler (D)
	L. Louise Lucas (D)	
Fredericksburg	Bryce E. Reeves (R)	Joshua G. Cole (D)
		Mark L. Cole (R)
Galax	William M. Stanley, Jr. (R)	Israel D. O'Quinn (R)
Hampton	Mamie E. Locke (D)	Martha M. Mugler (D)
	T. Montgomery Mason (D)	Jeion A. Ward (D)
	Thomas K. Norment, Jr. (R)	
Harrisonburg	Mark D. Obenshain (R)	Tony O. Wilt (R)
Hopewell	Joseph D. Morrissey (D)	Carrie E. Coyner (R)
Lexington	R. Creigh Deeds (D)	Ronnie R. Campbell (R)
Lynchburg	Stephen D. Newman (R)	Kathy J. Byron (R)
	Mark J. Peake (R)	Wendell S. Walker (R)
Manassas	Jeremy S. McPike (D)	Lee J. Carter (D)
Manassas Park	Jeremy S. McPike (D)	Danica A. Roem (D)
Martinsville	William M. Stanley, Jr. (R)	Leslie R. Adams (R)
Newport News	Mamie E. Locke (D)	Michael P. Mullin (D)
	T. Montgomery Mason (D)	Marcia S. Price (D)
		Shelly A. Simonds (D)
Norfolk	Jen A. Kiggans (R)	Robert S. Bloxom, Jr. (R)
	Lynwood W. Lewis, Jr. (D)	Nancy D. Guy (D)
	Lionell Spruill, Sr. (D)	Stephen E. Heretick (D)
		Jerrauld C. Jones (D)
		Joseph C. Lindsey (D)
Norton	A. Benton Chafin, Jr. (R)	Terry G. Kilgore (R)
Petersburg	Joseph D. Morrissey (D)	Lashrece D. Aird (D)
Poquoson	Thomas K. Norment, Jr. (R)	Martha M. Mugler (D)
Portsmouth	John A. Cosgrove, Jr. (R)	Stephen E. Heretick (D)
	Mamie E. Locke (D)	Don L. Scott, Jr. (D)
	L. Louise Lucas (D)	
Radford	A. Benton Chafin, Jr. (R)	Chris L. Hurst (D)
Richmond	Ghazala F. Hashmi (D)	Dawn M. Adams (D)
	Joseph D. Morrissey (D)	Jeffrey M. Bourne (D)
	Jennifer L. McClellan (D)	Betsy B. Carr (D)
		Delores L. McQuinn (D)

**SENATORS AND DELEGATES BY CITIES
2020 REGULAR SESSION**

CITIES	SENATORS	DELEGATES
Roanoke	John S. Edwards (D)	Christopher T. Head (R) Sam Rasoul (D)
Salem.....	David R. Suetterlein (R).....	Joseph P. McNamara (R)
Staunton	Emmett W. Hanger, Jr. (R)	G. John Avoli (R)
Suffolk.....	John A. Cosgrove, Jr. (R)	Emily M. Brewer (R)
	L. Louise Lucas (D)	Clinton L. Jenkins (D)
	T. Montgomery Mason (D)	
	Thomas K. Norment, Jr. (R)	
Virginia Beach.....	John A. Cosgrove, Jr. (R)	Alex Q. Askew (D)
	Bill DeSteph (R)	Robert S. Bloxom, Jr. (R)
	Jen A. Kiggans (R)	Kelly K. Convors-Fowler (D)
	Lynwood W. Lewis, Jr. (D)	Glenn R. Davis, Jr. (R)
		Nancy D. Guy (D)
		C. E. Cliff Hayes, Jr. (D)
		Barry D. Knight (R)
		Joseph C. Lindsey (D)
		Jason S. Miyares (R)
Waynesboro.....	Emmett W. Hanger, Jr. (R)	G. John Avoli (R)
Williamsburg.....	T. Montgomery Mason (D)	Michael P. Mullin (D)
Winchester.....	Jill Holtzman Vogel (R).....	Christopher E. Collins (R)

COUNTIES AND CITIES--LAND AREA AND POPULATION

United States Census of 2010 (December 21, 2010)

COUNTIES	Land Area in Square Miles	Population	COUNTIES	Land Area in Square Miles	Population
Accomack	449	33,164	Pittsylvania	969	63,506
Albemarle	721	98,970	Powhatan	260	28,046
Alleghany	445	16,250	Prince Edward	350	23,368
Amelia	355	12,690	Prince George	265	35,725
Amherst	474	32,353	Prince William	336	402,002
Appomattox	334	14,973	Pulaski	320	34,872
Arlington	26	207,627	Rappahannock	266	7,371
Augusta	967	73,750	Richmond	191	9,254
Bath	529	4,731	Roanoke	251	92,376
Bedford	753	68,676	Rockbridge	598	22,307
Bland	358	6,824	Rockingham	849	76,314
Botetourt	541	33,148	Russell	474	28,897
Brunswick	566	17,434	Scott	536	23,177
Buchanan	503	24,098	Shenandoah	509	41,993
Buckingham	580	17,146	Smyth	451	32,208
Campbell	504	54,842	Southampton	599	18,570
Caroline	528	28,545	Spotsylvania	401	122,397
Carroll	475	30,042	Stafford	269	128,961
Charles City	183	7,256	Surry	279	7,058
Charlotte	475	12,586	Sussex	490	12,087
Chesterfield	423	316,236	Tazewell	519	45,078
Clarke	176	14,034	Warren	213	37,575
Craig	330	5,190	Washington	561	54,876
Culpeper	379	46,689	Westmoreland	229	17,454
Cumberland	297	10,052	Wise	403	41,452
Dickenson	331	15,903	Wythe	462	29,235
Dinwiddie	504	28,001	York	105	65,464
Essex	257	11,151			
Fairfax	391	1,081,726	CITIES		
Fauquier	647	65,203	Alexandria	15	139,966
Floyd	380	15,279	Bedford*	7	6,222
Fluvanna	286	25,691	Bristol	13	17,835
Franklin	690	56,159	Buena Vista	7	6,650
Frederick	414	78,305	Charlottesville	10	43,475
Giles	356	17,286	Chesapeake	341	222,209
Gloucester	218	36,858	Colonial Heights	8	17,411
Goochland	282	21,717	Covington	5	5,161
Grayson	442	15,533	Danville	43	43,055
Greene	156	18,403	Emporia	7	5,927
Greensville	295	12,243	Fairfax	6	22,565
Halifax	818	36,241	Falls Church	2	12,332
Hanover	469	99,863	Franklin	8	8,582
Henrico	234	306,935	Fredericksburg	10	24,281
Henry	382	54,151	Galax	8	7,042
Highland	415	2,321	Hampton	51	137,436
Isle of Wight	316	35,270	Harrisonburg	17	48,914
James City	142	67,009	Hopewell	10	22,591
King and Queen	315	6,945	Lexington	2	7,042
King George	180	23,584	Lynchburg	49	75,568
King William	274	15,935	Manassas	10	37,821
Lancaster	133	11,391	Manassas Park	3	14,273
Lee	436	25,587	Martinsville	11	13,821
Loudoun	516	312,311	Newport News	69	180,719
Louisa	496	33,153	Norfolk	54	242,803
Lunenburg	432	12,914	Norton	7	3,958
Madison	321	13,308	Petersburg	23	32,420
Mathews	86	8,978	Poquoson	15	12,150
Mecklenburg	625	32,727	Portsmouth	34	95,535
Middlesex	130	10,959	Radford	10	16,408
Montgomery	387	94,392	Richmond	60	204,214
Nelson	471	15,020	Roanoke	43	97,032
New Kent	210	18,429	Salem	14	24,802
Northampton	212	12,389	Staunton	20	23,746
Northumberland	191	12,330	Suffolk	400	84,585
Nottoway	314	15,853	Virginia Beach	249	437,994
Orange	341	33,481	Waynesboro	15	21,006
Page	311	24,042	Williamsburg	9	14,068
Patrick	483	18,490	Winchester	9	26,203

Population of Virginia, 2010 Census, 8,001,024.

*The City of Bedford became part of the Town of Bedford pursuant to Chapters 565 and 628 of the 2013 Acts of Assembly.

COUNTIES AND CITIES--RANKED BY POPULATION

United States Census of 2010 (December 21, 2010)

<u>Population</u>	<u>County</u>	<u>Population</u>	<u>County</u>	<u>Population</u>	<u>County</u>
2,321	Highland	17,286	Giles	36,241	Halifax
4,731	Bath	17,434	Brunswick	36,858	Gloucester
5,190	Craig	17,454	Westmoreland	37,575	Warren
6,824	Bland	18,403	Greene	41,452	Wise
6,945	King and Queen	18,429	New Kent	41,993	Shenandoah
7,058	Surry	18,490	Patrick	45,078	Tazewell
7,256	Charles City	18,570	Southampton	46,689	Culpeper
7,373	Rappahannock	21,717	Goochland	54,151	Henry
8,978	Mathews	22,307	Rockbridge	54,842	Campbell
9,254	Richmond	23,177	Scott	54,876	Washington
10,052	Cumberland	23,368	Prince Edward	56,159	Franklin
10,959	Middlesex	23,584	King George	63,506	Pittsylvania
11,151	Essex	24,042	Page	65,203	Fauquier
11,391	Lancaster	24,098	Buchanan	65,464	York
12,087	Sussex	25,587	Lee	67,009	James City
12,243	Greensville	25,691	Fluvanna	68,676	Bedford
12,330	Northumberland	28,001	Dinwiddie	73,750	Augusta
12,389	Northampton	28,046	Powhatan	76,314	Rockingham
12,586	Charlotte	28,545	Caroline	78,305	Frederick
12,690	Amelia	28,897	Russell	92,376	Roanoke
12,914	Lunenburg	29,235	Wythe	94,392	Montgomery
13,308	Madison	30,042	Carroll	98,970	Albemarle
14,034	Clarke	32,208	Smyth	99,863	Hanover
14,973	Appomattox	32,353	Amherst	122,397	Spotsylvania
15,020	Nelson	32,727	Mecklenburg	128,961	Stafford
15,279	Floyd	33,148	Botetourt	207,627	Arlington
15,533	Grayson	33,153	Louisa	306,935	Henrico
15,853	Nottoway	33,164	Accomack	312,311	Loudoun
15,903	Dickenson	33,481	Orange	316,236	Chesterfield
15,935	King William	34,872	Pulaski	402,002	Prince William
16,250	Alleghany	35,270	Isle of Wight	1,081,726	Fairfax
17,146	Buckingham	35,725	Prince George		
<u>Population</u>	<u>Cities</u>	<u>Population</u>	<u>Cities</u>	<u>Population</u>	<u>Cities</u>
3,958	Norton	16,408	Radford	43,475	Charlottesville
5,927	Emporia	17,411	Colonial Heights	48,914	Harrisonburg
5,961	Covington	17,835	Bristol	75,568	Lynchburg
6,222	Bedford*	21,006	Waynesboro	84,585	Suffolk
6,650	Buena Vista	22,565	Fairfax	95,535	Portsmouth
7,042	Galax	22,591	Hopewell	97,032	Roanoke
7,042	Lexington	23,746	Staunton	137,436	Hampton
8,582	Franklin	24,286	Fredericksburg	139,966	Alexandria
12,150	Poquoson	24,802	Salem	180,719	Newport News
12,332	Falls Church	26,203	Winchester	204,214	Richmond
13,821	Martinsville	32,420	Petersburg	222,209	Chesapeake
14,068	Williamsburg	37,821	Manassas	242,803	Norfolk
14,273	Manassas Park	43,055	Danville	437,994	Virginia Beach

*The City of Bedford became part of the Town of Bedford pursuant to Chapters 565 and 628 of the 2013 Acts of Assembly.

INDEX

Table of Titles

CODE OF VIRGINIA

1950

TITLE	
1.	GENERAL PROVISIONS.
2.	ADMINISTRATION OF THE GOVERNMENT GENERALLY [Repealed].
2.1.	ADMINISTRATION OF THE GOVERNMENT GENERALLY [Repealed].
2.2.	ADMINISTRATION OF GOVERNMENT.
3.	AGRICULTURE, HORTICULTURE AND FOOD [Repealed].
3.1.	AGRICULTURE, HORTICULTURE AND FOOD [Repealed].
3.2.	AGRICULTURE, ANIMAL CARE, AND FOOD.
4.	ALCOHOLIC BEVERAGES AND INDUSTRIAL ALCOHOL [Repealed].
4.1.	ALCOHOLIC BEVERAGE CONTROL ACT.
5.	AVIATION [Repealed].
5.1.	AVIATION.
6.	BANKING AND FINANCE [Repealed].
6.1.	BANKING AND FINANCE [Repealed].
6.2.	FINANCIAL INSTITUTIONS AND SERVICES.
7.	BOUNDARIES, JURISDICTION AND EMBLEMS OF THE COMMONWEALTH [Repealed].
7.1.	BOUNDARIES, JURISDICTION AND EMBLEMS OF THE COMMONWEALTH [Repealed].
8.	CIVIL REMEDIES AND PROCEDURE; EVIDENCE GENERALLY [Repealed].
8.01.	CIVIL REMEDIES AND PROCEDURE.
8.1.	COMMERCIAL CODE - GENERAL PROVISIONS [Repealed].
8.1A.	UNIFORM COMMERCIAL CODE - GENERAL PROVISIONS.
8.2.	COMMERCIAL CODE - SALES.
8.2A.	COMMERCIAL CODE - LEASES.
8.3.	COMMERCIAL CODE - COMMERCIAL PAPER [Repealed].
8.3A.	COMMERCIAL CODE - NEGOTIABLE INSTRUMENTS.
8.4.	COMMERCIAL CODE - BANK DEPOSITS AND COLLECTIONS.
8.4A.	COMMERCIAL CODE - FUNDS TRANSFERS.
8.5.	COMMERCIAL CODE - LETTERS OF CREDIT [Repealed].
8.5A.	UNIFORM COMMERCIAL CODE - LETTERS OF CREDIT.
8.6.	COMMERCIAL CODE - BULK TRANSFERS [Repealed].
8.6A.	COMMERCIAL CODE - BULK TRANSFERS [Repealed].
8.7.	COMMERCIAL CODE - WAREHOUSE RECEIPTS, BILLS OF LADING AND OTHER DOCUMENTS OF TITLE.
8.8.	COMMERCIAL CODE - INVESTMENT SECURITIES [Repealed].
8.8A.	COMMERCIAL CODE - INVESTMENT SECURITIES.
8.9.	COMMERCIAL CODE - SECURED TRANSACTIONS; SALES OF ACCOUNTS, CONTRACT RIGHTS AND CHATTEL PAPER [Repealed].
8.9A.	COMMERCIAL CODE - SECURED TRANSACTIONS.
8.10.	COMMERCIAL CODE - EFFECTIVE DATE - TRANSITIONAL PROVISIONS.
8.11.	1973 AMENDATORY ACT - EFFECTIVE DATE AND TRANSITION PROVISIONS.
9.	COMMISSIONS, BOARDS AND INSTITUTIONS GENERALLY [Repealed].
9.1.	COMMONWEALTH PUBLIC SAFETY.
10.	CONSERVATION GENERALLY [Repealed].
10.1.	CONSERVATION.
11.	CONTRACTS.
12.	CORPORATION COMMISSION [Repealed].
12.1.	STATE CORPORATION COMMISSION.
13.	CORPORATIONS GENERALLY [Repealed].

- 13.1. CORPORATIONS.
- 14. COSTS, FEES, SALARIES AND ALLOWANCES [Repealed].
- 14.1. COSTS, FEES, SALARIES AND ALLOWANCES [Repealed].
- 15. COUNTIES, CITIES AND TOWNS [Repealed].
- 15.1. COUNTIES, CITIES AND TOWNS [Repealed].
- 15.2. COUNTIES, CITIES AND TOWNS.
- 16. COURTS NOT OF RECORD [Repealed].
- 16.1. COURTS NOT OF RECORD.
- 17. COURTS OF RECORD [Repealed].
- 17.1. COURTS OF RECORD.
- 18. CRIMES AND OFFENSES GENERALLY [Repealed].
- 18.1. CRIMES AND OFFENSES GENERALLY [Repealed].
- 18.2. CRIMES AND OFFENSES GENERALLY.
- 19. CRIMINAL PROCEDURE [Repealed].
- 19.1. CRIMINAL PROCEDURE [Repealed].
- 19.2. CRIMINAL PROCEDURE.
- 20. DOMESTIC RELATIONS.
- 21. DRAINAGE, SOIL CONSERVATION, SANITATION AND PUBLIC FACILITIES DISTRICTS.
- 22. EDUCATION [Repealed].
- 22.1. EDUCATION.
- 23. EDUCATIONAL INSTITUTIONS [Repealed].
- 23.1. INSTITUTIONS OF HIGHER EDUCATION; OTHER EDUCATIONAL AND CULTURAL INSTITUTIONS.
- 24. ELECTIONS [Repealed].
- 24.1. ELECTIONS [Repealed].
- 24.2. ELECTIONS.
- 25. EMINENT DOMAIN. [Repealed].
- 25.1. EMINENT DOMAIN.
- 26. FIDUCIARIES GENERALLY. [Repealed].
- 27. FIRE PROTECTION.
- 28. FISH, OYSTERS AND SHELLFISH [Repealed].
- 28.1. FISH, OYSTERS, SHELLFISH AND OTHER MARINE LIFE [Repealed].
- 28.2. FISHERIES AND HABITAT OF THE TIDAL WATERS.
- 29. GAME, INLAND FISHERIES AND DOGS [Repealed].
- 29.1. GAME, INLAND FISHERIES AND BOATING [Repealed].
- 29.1 WILDLIFE, INLAND FISHERIES AND BOATING.
- 30. GENERAL ASSEMBLY.
- 31. GUARDIAN AND WARD. [Repealed].
- 32. HEALTH [Repealed].
- 32.1. HEALTH.
- 33. HIGHWAYS, BRIDGES AND FERRIES [Repealed].
- 33.1. HIGHWAYS, BRIDGES AND FERRIES [Repealed effective 10/1/14].
- 33.2. HIGHWAYS AND OTHER SURFACE TRANSPORTATION SYSTEMS.
- 34. HOMESTEAD AND OTHER EXEMPTIONS.
- 35. HOTELS, RESTAURANTS AND CAMPS [Repealed].
- 35.1. HOTELS, RESTAURANTS, SUMMER CAMPS, AND CAMPGROUNDS.
- 36. HOUSING.
- 37. INSANE, EPILEPTIC, FEEBLE-MINDED AND INEBRIATE PERSONS [Repealed].
- 37.1. INSTITUTIONS FOR THE MENTALLY ILL; MENTAL HEALTH GENERALLY [Repealed].
- 37.2. BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES.
- 38. INSURANCE [Repealed].
- 38.1. INSURANCE [Repealed].
- 38.2. INSURANCE.
- 39. JUSTICES OF THE PEACE [Repealed].
- 39.1. JUSTICES OF THE PEACE [Repealed].
- 40. LABOR AND EMPLOYMENT [Repealed].
- 40.1. LABOR AND EMPLOYMENT.
- 41. LAND OFFICE [Repealed].
- 41.1. LAND OFFICE.
- 42. LIBRARIES [Repealed].
- 42.1. LIBRARIES.
- 43. MECHANICS' AND CERTAIN OTHER LIENS.

- 44. MILITARY AND EMERGENCY LAWS.
- 45. MINES AND MINING [Repealed].
- 45.1. MINES AND MINING.
- 46. MOTOR VEHICLES [Repealed].
- 46.1. MOTOR VEHICLES [Repealed].
- 46.2. MOTOR VEHICLES.
- 47. NOTARIES AND OUT-OF-STATE COMMISSIONERS [Repealed].
- 47.1. NOTARIES AND OUT-OF-STATE COMMISSIONERS.
- 48. NUISANCES.
- 49. OATHS, AFFIRMATIONS AND BONDS.
- 50. PARTNERSHIPS.
- 51. PENSIONS AND RETIREMENT [Repealed].
- 51.01. PERSONS WITH DISABILITIES [Recodified].
- 51.1. PENSIONS, BENEFITS, AND RETIREMENT.
- 51.5. PERSONS WITH DISABILITIES.
- 52. POLICE (STATE).
- 53. PRISONS AND OTHER METHODS OF CORRECTION [Repealed].
- 53.1. PRISONS AND OTHER METHODS OF CORRECTION.
- 54. PROFESSIONS AND OCCUPATIONS [Repealed].
- 54.1. PROFESSIONS AND OCCUPATIONS.
- 55. PROPERTY AND CONVEYANCES. [Repealed]
- 55.1. PROPERTY AND CONVEYANCES.
- 56. PUBLIC SERVICE COMPANIES.
- 57. RELIGIOUS AND CHARITABLE MATTERS; CEMETERIES.
- 58. TAXATION [Repealed].
- 58.1. TAXATION.
- 59. TRADE AND COMMERCE [Repealed].
- 59.1. TRADE AND COMMERCE.
- 60. UNEMPLOYMENT COMPENSATION [Repealed].
- 60.1. UNEMPLOYMENT COMPENSATION [Repealed].
- 60.2. UNEMPLOYMENT COMPENSATION.
- 61. WAREHOUSES, COLD STORAGE AND REFRIGERATED LOCKER PLANTS [Repealed].
- 61.1. WAREHOUSES, COLD STORAGE AND REFRIGERATED LOCKER PLANTS.
- 62. WATERS OF THE STATE, PORTS AND HARBORS [Repealed].
- 62.1. WATERS OF THE STATE, PORTS AND HARBORS.
- 63. WELFARE [Repealed].
- 63.1. WELFARE (SOCIAL SERVICES) [Repealed].
- 63.2. WELFARE (SOCIAL SERVICES).
- 64. WILLS AND DECEDENTS' ESTATES [Repealed].
- 64.1. WILLS AND DECEDENTS' ESTATES [Repealed].
- 64.2. WILLS, TRUSTS, AND FIDUCIARIES.
- 65. WORKMEN'S COMPENSATION [Repealed].
- 65.1. WORKERS' COMPENSATION [Repealed].
- 65.2. WORKERS' COMPENSATION.
- 66. JUVENILE JUSTICE.
- 67. VIRGINIA ENERGY PLAN.

	BILL OR CHAP. RES. NO.	PAGE NO.	PAGE NO.
A PLACE TO BE			
A Place to Be; commending. (Patron—Subramanyam)	HJR 484		4499
ABANDONED MOTOR VEHICLES			
Abandoned, unattended, or immobile vehicles; minimum weight. (Patron—Davis) . .	HB 1126	977	1870
ABINGDON, TOWN OF			
Abingdon, Town of; amending charter, updates town's boundary descriptions.			
Patron—Wampler	HB 1720	447	668
Patron—Pillion	SB 1084	448	669
ABORTION			
Abortion; expands who can perform in first trimester, informed consent required.			
Patron—Herring	HB 980	898	1589
Patron—McClellan	SB 733	899	1594
ABRAHAM, HENRY J.			
Abraham, Henry J.; recording sorrow upon death. (Patron—Dunnivant)	SR 79		4833
ABRAMS, CREIGHTON W., III			
Abrams, Creighton W., III; commending. (Patron—Tran)	HR 90		4564
ABSENTEE BALLOTS			
Absentee voting; annual applications for eligible absentee voters. (Patron—Sickles) . .	HB 240	1156	2355
Absentee voting; any registered voter to vote by absentee ballot in any election in which he is qualified to vote, application of any covered voter may be on a federal postcard, etc.			
Patron—Herring	HB 1	1149	2333
Patron—Howell	SB 111	1151	2342
Absentee voting; deadline for returning absentee ballot.			
Patron—Sickles	HB 238	288	443
Patron—Reeves	SB 455	933	1703
Absentee voting; emergency absentee voting by and late applications for persons hospitalized. (Patron—Ebbin)	SB 859	1163	2375
Absentee voting; envelope provided to an absentee voter for the return of the absentee ballot to include prepaid postage, provisions shall not become effective unless reenacted by 2021 Regular Session. (Patron—Krizek)	HB 220	1155	2352
Absentee voting; extends deadline for applying for an absentee ballot to cast other than in person. (Patron—Sickles)	HB 239	289	444
Absentee voting; no excuse required, permanent absentee voter list, voter shall be removed from list if voter moves to a different address not in the same county or city of his registration, in the case of a special election, excluding for federal offices, if time is insufficient between issuance of the writ calling for special election and date of election, absentee voting in person shall be available as soon as possible after issuance of writ, effective date, repeals enactments referring to general elections on November 3, 2020. (Patron—VanValkenburg)	HB 207	1201	2607
Absentee voting; process by which a qualified voter is permitted to vote by absentee ballot when an emergency prevented him from applying for ballot by the deadline, etc., repeals provisions relating to late applications and in-person absentee voting, etc. (Patron—Sickles)	HB 242	1157	2356
Voter registration by mail; certain first-time voters permitted to vote by absentee ballot, person confined while awaiting trial or for having been convicted of a misdemeanor. (Patron—Bourne)	HB 872	718	1063
ADAMS, IRVIN, JR.			
Adams, Irvin, Jr.; recording sorrow upon death. (Patron—Head)	HJR 258		4382
ADMINISTRATION OF GOVERNMENT			
Active military-owned and military spouse-owned businesses; Department of General Services to permit surplus materials to be sold to businesses prior to public sale or auction. (Patron—Carroll Foy)	HB 437	358	548
Administration of government; boards and councils, cleanup. (Patron—Lindsey) . . .	HB 993	57	67
Administration of government; state publications to be made available in electronic format as read-only and text-searchable Portable Document Format (.pdf) files. (Patron—Reid)	HB 719	421	627
Administration, Secretary of; policy of the Commonwealth regarding employment of individuals with disabilities, report deadline. (Patron—Carr)	HB 1098	50	62

BILL OR CHAP. PAGE
RES. NO. NO. NO.

ADMINISTRATION OF GOVERNMENT - Continued

American Revolutionary 250 Commission; established, membership, report, sunset provision.			
Patron—Krizek	HB 1424	914	1648
Patron—Hashmi	SB 407	915	1650
Art and Architectural Review Board; changes number of citizen members, staggered terms of members. (Patron—Mugler)	HB 1431	114	176
Baby changing facilities; Department of General Services to develop and implement in restrooms located in public buildings. (Patron—Guzman)	HB 587	49	62
Budget bill; appropriations for 2018-2020 biennium. (Patron—Torian)	HB 29	1283	3157
Budget bill; appropriations for 2020-2022 biennium. (Patron—Torian)	HB 30	1289	3592
Capital outlay bill; timing of required submission.			
Patron—Torian	HB 1248	254	384
Patron—Hanger	SB 60	864	1522
Capital outlay plan; updates six-year plan for projects to be funded entirely or partially from general fund-supported resources, beginning July 1, 2020, repeals existing six-year plan. (Patron—Howell)	SB 577	1134	2270
Certificate of public need; revises the Medical Care Facilities Certificate of Public Need Program, revocation of certificates, etc. (Patron—Barker)	SB 764	1271	3050
Chief Resilience Officer; Governor to designate. (Patron—Hodges)	HB 1313	493	749
Children's Ombudsman, Office of the; established, Children's Advocacy Fund, created, effective clause. (Patron—Hurst)	HB 1301	1090	2081
Civil rights and dignity of all Virginians; affirming the Commonwealth's commitment to diversity and safeguarding. (Patron—Lopez)	HJR 91		4304
Combined sewer overflow outfalls; owner or operator of any overflow system east of Charlottesville that discharges into the James River watershed shall submit to the Department of Environmental Quality an interim plan regarding CSO system. (Patron—Stuart)	SB 1064	634	958
Commonwealth of Virginia Innovation Partnership Authority; created, membership, powers of Authority, repeals provisions relating to Innovation and Entrepreneurship Investment Authority and Virginia Research Investment Committee, report.			
Patron—Sickles	HB 1017	1164	2376
Patron—Howell	SB 576	1169	2413
Conflict of Interests Act, State and Local Government; disclosure by executive directors and members of industrial development authorities and economic development authorities, penalty.			
Patron—Webert	HB 1528	77	105
Patron—Obenshain	SB 703	81	114
Conflict of Interests Act, State and Local Government; disclosure by members of Northern Virginia Transportation Authority and Northern Virginia Transportation Commission. (Patron—Keam)	HB 1337	73	102
Conflict of Interests Act, State and Local Government, and Virginia Freedom of Information Act; training requirements, executive directors and members of industrial development authorities and economic development authorities.			
Patron—Webert	HB 1527	76	105
Patron—Obenshain	SB 701	80	113
Conservation and Recreation, Department of; authorized to divest itself of certain property that was conveyed to it by Norfolk Southern Railroad for the New River Trail State Park in Pulaski County. (Patron—Deeds)	SB 1094	458	692
Construction management contracts; use by local public bodies, procedures adopted by Secretary of Administration.			
Patron—Sickles	HB 890	162	233
Patron—Locke	SB 341	163	233
Developmental Disabilities Mortality Review Committee; created, report. (Patron—Favola)	SB 482	851	1375
Discrimination; prohibited in employment, public accommodation, public contracting, etc., on the basis of sexual orientation or gender identity. (Patron—Levine)	HB 1049	1137	2273
Discrimination; prohibited in public accommodations, employment, credit, and housing, causes of action, civil actions by private parties, sexual orientation, gender identity, status as a veteran, disability, etc., repeals provision relating to causes of action not created. (Patron—Ebbin)	SB 868	1140	2309

BILL OR CHAP. PAGE
RES. NO. NO. NO.

ADMINISTRATION OF GOVERNMENT - Continued

Diversity and cultural competency; Department of Human Resource Management to develop online training module. (Patron—Guzman)	HB	581	548	845
Diversity, Equity, and Inclusion, Director of; position created. (Patron—Ward)	HB	394	712	1056
Early childhood care and education; establishment of system, definitions, licensure, child day programs, repeals provisions relating to certain licensure and registration procedures, etc. Patron—Bulova	HB	1012	860	1400
Patron—Howell	SB	578	861	1460
Economic development programs; reporting requirements, repeals requirement that Secretary of Commerce and Trade provide an annual report. (Patron—Willett)	HB	935	591	905
Election Day; designating as the Tuesday, after the first Monday in November, as a state holiday and removes Lee-Jackson Day as a state holiday. Patron—Lindsey	HB	108	417	622
Patron—Lucas	SB	601	418	623
Electric vehicle charging stations; operation by state agencies, repeals provisions relating to charging stations on property of existing parks, charging stations operated by higher educational institutions, etc. (Patron—Bulova)	HB	511	490	747
Emergency services and disaster preparedness plans; Department of Emergency Management shall review programs to determine if changes are necessary to address needs of individuals with limited English proficiency or access and functional needs. (Patron—Price)	HB	420	590	905
Energy manager; head of each state agency shall designate an existing employee as manager, responsible for implementing energy efficiency in state buildings. (Patron—Surovell)	SB	963	961	1822
Environmental justice; definitions, agency regulations, Virginia Environmental Justice Act, policy. Patron—Keam	HB	704	1212	2628
Patron—Hashmi	SB	406	1257	2981
Environmental Justice, Virginia Council on; definitions, established, nonlegislative citizen members of the Council shall be residents of the Commonwealth, etc., report, sunset provision. (Patron—Locke)	SB	883	1274	3067
Environmental Justice, Virginia Council on; established, nonlegislative citizen members of the Council shall be residents of the Commonwealth, etc., report, sunset provision. (Patron—Herring)	HB	1042	113	175
Environmental Quality, Department of; establishment of process for notice of disposal of certain fill materials. (Patron—Webert)	HB	1310	565	877
Environmental Quality, Department of; policy statement. (Patron—Lopez)	HB	1164	492	749
Fair Employment Contracting Act; if contractor employs more than five employees, the contractor shall provide annual training on sexual harassment policy to all supervisors, etc. (Patron—Tran)	HB	1228	859	1399
Fort Monroe Authority; exemption from the Virginia Personnel Act. Patron—Mugler	HB	1608	800	1255
Patron—Locke	SB	980	269	420
Freedom of Information Advisory Act; training requirements. (Patron—Stuart)	SB	139	904	1635
Game and Inland Fisheries, Department of; changes name to Department of Wildlife Resources, and the Board changed to Board of Wildlife Resources. (Patron—Deeds)	SB	616	958	1756
General Services, Department of; public posting of contract information on central electronic procurement system, modifications made by a using agency on or after July 1, 2021, to any other contract that has two or more years remaining shall be posted on Department's system. Patron—Carr	HB	544	47	59
Patron—Ruff	SB	563	179	265
GO Virginia grants; allows a locality to use funds awarded from the Tobacco Region Revitalization Commission as matching funds, sunset provision. (Patron—Wampler)	HB	1597	525	788
Governor's New Airline Service Incentive Fund; created, Fund shall be used, in sole discretion of the Governor, for grants to airlines serving local, regional, etc., airports, revenues in Fund shall be used to support the development of additional commercial air services in the Commonwealth, guidelines and criteria, etc. Patron—Austin	HB	1602	1119	2252
Patron—Edwards	SB	990	1120	2253

BILL OR CHAP. PAGE
RES. NO. NO. NO.

ADMINISTRATION OF GOVERNMENT - Continued

Health insurance; adds employees of a transit company to definition of "employees of local governments" for purposes of insurance program. (Patron—Hudson)	HB	1106	555	852
Higher educational institutions, public; collection of debts by hospitals affiliated with institutions, neither VCU Health System Authority nor University of Virginia Medical Center shall participate in the setoff program for debts related to medical treatment, etc. (Patron—Tran)	HB	1226	577	887
Higher educational institutions, public; president of the institution allowed to delegate to an officer his obligation to contracting firms, etc. (Patron—Edwards) . . .	SB	448	777	1217
Human Rights, Division of; Division to determine requirements for proactively enforcing statutory requirements for equal pay irrespective of sex. (Patron—Hurst) . .	HB	624	901	1632
Industrial hemp; Virginia Department of Agriculture and Consumer Services shall convene a work group to assess opportunities for development and manufacturing in the industry, report. (Patron—Marshall)	HB	491	745	1154
Investment of public funds; ratings agencies, allows ratings by Fitch Ratings to be used. (Patron—Hope)	HB	1587	333	517
Menhaden; Virginia Marine Resources Commission to adopt regulations necessary to manage Atlantic menhaden, including those necessary to comply with the Atlantic States Marine Fisheries Commission Interstate Fishery Management Plan, closed season for fishing, penalty, Menhaden Management Advisory Committee established, repeals several Code sections relating to quotas, allocation of allowable landings, etc., for managing the fishery. Patron—Plum	HB	1448	201	290
Patron—Lewis	SB	791	356	542
Military Affairs, Department of; moves the Department from the Public Safety and Homeland Security secretariat to the Veterans and Defense Affairs secretariat. (Patron—Reid)	HB	990	88	123
Misclassification of employees as independent contractors; Department of Taxation to investigate and enforce, civil penalties, upon an employer's subsequent violations, all public bodies and covered institutions shall not award a contract to such employer, etc., for a period of up to two years from the date of notice for a third or subsequent offense, Department shall report annually to Governor and General Assembly, effective date. (Patron—Ward)	HB	1407	681	1016
Misclassification of employees as independent contractors; Department of Taxation to investigate and enforce, civil penalties, upon an employer's subsequent violations, all public bodies and covered institutions shall not award a contract to such employer, etc., for a period of up to three years from the date of notice for a third or subsequent offense, Department shall report annually, effective date. (Patron—McPike)	SB	744	682	1020
New Americans, Office of; created within Department of Social Services, Advisory Board established, report. Patron—Tran	HB	1209	1078	2048
Patron—Hashmi	SB	991	1079	2050
Nonpublic service companies, certain; conveyance of right-of-way usage. Patron—Hodges	HB	1271	1026	1975
Patron—Lewis	SB	792	1027	1975
One-stop small business; permitting program, guidance regarding responsibilities for maintaining a business, effective date. (Patron—Tran)	HB	1221	750	1161
Plastic Waste Prevention Advisory Council; established in the executive branch of state government, report, sunset date. (Patron—Plum)	HB	1354	798	1243
Public employment; limitations on inquiries by state agencies and localities regarding criminal arrests, charges, or convictions on employment applications, exceptions. (Patron—Aird)	HB	757	422	628
Public works contracts; definitions, authorization of project labor agreements, effective date. Patron—Lopez	HB	358	1203	2616
Patron—Saslaw	SB	182	1251	2957
Rail construction or design; exempts high-risk contracts from required review by Department of General Services. (Patron—Carr)	HB	1099	431	649
Real property by state agencies; conveyance and transfers, Department of Military Affairs may convey a leasehold interest in any portion of State Military Reservation property. (Patron—Reeves)	SB	948	834	1360

BILL OR CHAP. PAGE
RES. NO. NO. NO.

ADMINISTRATION OF GOVERNMENT - Continued

Small Business and Supplier Diversity, Department of; small business grant funds, repeals Small Business Jobs Grant Fund Program, grant program for small businesses affected by novel coronavirus (COVID-19) pandemic public health crisis, etc. (Patron—Jenkins)	HB	1505	1234	2841
State Inspector General; powers and duties. (Patron—Carr)	HB	1100	354	539
Taxation, Department of; sharing information with the Department of Social Services. (Patron—Roem)	HB	341	325	497
Technology, Secretary of; transfer of duties to Secretaries of Administration and Commerce and Trade, repeals provision relating to position of Secretary of Technology and Office of Telework Promotion and Broadband Assistance. (Patron—Locke)	SB	877	738	1123
United States military; Department of General Services to permit surplus computers, etc., to be donated to tax exempt organizations for refurbishing and then donated to veterans and active military, naval, or air service members. (Patron—McGuire)	HB	446	43	53
Veterans; eligibility for status under state and local laws, change in treatment of certain discharges. (Patron—Lewis)	SB	321	1172	2439
Veterans Services Foundation; board of trustees may be assisted in administration of Foundation by volunteers and staff members employed by the Executive Director. (Patron—Helmer)	HB	1269	1128	2259
Virginia Conflict of Interest and Ethics Advisory Council; powers and duties, guidance, redaction of email addresses. (Patron—Herring)	HB	1011	111	171
Virginia Consumer Protection Act; assignment of right to receive veterans' benefits. (Patron—Miyares)	HB	135	438	656
Virginia Freedom of Information Act; excludes library records. Patron—Gooditis	HB	313	70	92
Patron—Bell	SB	259	587	898
Virginia Freedom of Information Act; exclusions, proprietary records and trade secrets, affordable housing loan applications. Patron—Reid	HB	722	72	97
Patron—Bell	SB	269	79	108
Virginia Freedom of Information Act; exempts Department of Behavioral Health and Developmental Services records of active investigations. (Patron—Delaney)	HB	548	48	60
Virginia Freedom of Information Act; FOIA officers, training and reporting requirements. (Patron—Stuart)	SB	138	1141	2324
Virginia Freedom of Information Act; public higher educational institutions, information related to pledges and donations, the pledge or donation does not impose terms or conditions directing academic decision-making. Patron—Bulova	HB	510	71	96
Patron—Stuart	SB	140	78	107
Virginia Freedom of Information Act; tolling response time when requester asks for cost estimate in advance, advance deposits. (Patron—Stuart)	SB	153	1142	2325
Virginia Geographic Information Network; transfer of responsibilities, repeals the Network. (Patron—Subramanyam)	HB	1003	423	629
Virginia Geographic Information Network Advisory Board; increases membership. Patron—Wright	HB	117	36	43
Patron—Suetterlein	SB	127	175	243
Virginia Horse Center Foundation; Department of Agriculture and Consumer Services shall investigate and enter into negotiations for involvement of the Commonwealth in whole or partial operation or management of Foundation. (Patron—Deeds)	SB	1048	571	884
Virginia Human Rights Act; clarifies definition of "lactation," unlawful discrimination on the basis of pregnancy, childbirth, or related medical conditions, reasonable accommodation for the known limitations of persons related to pregnancy, childbirth, or related medical conditions. Patron—Carroll Foy	HB	827	1138	2306
Patron—McClellan	SB	712	1139	2307
Virginia Human Rights Act; discrimination on the basis of race, including hair style, type, or texture. Patron—McQuinn	HB	1514	107	170
Patron—Spruill	SB	50	152	227

BILL OR CHAP. PAGE
RES. NO. NO. NO.

ADMINISTRATION OF GOVERNMENT - Continued

Virginia Information Technologies Agency ; required information security training program for state employees. (Patron—Ayala)	HB	852	717	1061
Virginia Lottery ; Virginia Lottery Board, powers and duties, regulation of sports betting, etc., definitions, Problem Gambling Treatment and Support Fund created, voluntary exclusion program, events on which betting is prohibited, penalties, report. Patron—Sickles	HB	896	1218	2667
Patron—McPike	SB	384	1256	2963
Virginia Public Procurement Act ; architectural and professional engineering term contracts, limitations on project fees. (Patron—Bell)	SB	368	618	940
Virginia Public Procurement Act ; architectural and professional engineering term contracts, project fees. (Patron—Bell)	SB	487	852	1383
Virginia Public Procurement Act ; determination of nonresponsibility, local option to include criteria in invitation to bid, such criteria may include a history or good faith assurances of completion by bidder, etc. Patron—Tran	HB	1201	1089	2080
Patron—McPike	SB	380	176	244
Virginia Public Procurement Act ; increases to \$200,000 the small purchases exemption under the Act for single or term contracts for goods and services other than professional services, conducting informal solicitations. Patron—Murphy	HB	452	44	55
Patron—Boysko	SB	650	104	166
Virginia Public Procurement Act ; payment of prevailing wage for work performed on public works contracts, provisions shall not apply to any public contract for public works of \$250,000 or less, penalty, effective date. Patron—Carroll Foy	HB	833	1216	2663
Patron—Saslaw	SB	8	1243	2871
Virginia Public Procurement Act ; process for competitive negotiation, including employment of persons with a disability as a factor that will be used in evaluating proposals. (Patron—Hope)	HB	1078	1158	2358
Virginia Public Procurement Act ; purchase programs for recycled goods, climate positive materials, "climate positive" means having a negative carbon footprint. (Patron—Wyatt)	HB	454	359	550
Virginia Public Procurement Act ; statute of limitations on actions on construction contracts, performance bonds, and architectural and engineering contracts. Patron—Hurst	HB	1300	496	754
Patron—Norment	SB	607	497	756
Virginia War Memorial Carillon ; places full custody, control, etc., in Division of Engineering and Buildings, repeals code that gives City of Richmond responsibility of upkeep. (Patron—Hashmi)	SB	403	734	1114
Workforce Development, Virginia Board of ; membership, updates as a response to federal law. (Patron—Tran)	HB	1198	58	68

ADMINISTRATION, SECRETARY OF

Administration, Secretary of ; policy of the Commonwealth regarding employment of individuals with disabilities, report deadline. (Patron—Carr)	HB	1098	50	62
Construction management contracts ; use by local public bodies, procedures adopted by Secretary of Administration. Patron—Sickles	HB	890	162	233
Patron—Locke	SB	341	163	233
Technology, Secretary of ; transfer of duties to Secretaries of Administration and Commerce and Trade, repeals provision relating to position of Secretary of Technology and Office of Telework Promotion and Broadband Assistance. (Patron—Locke)	SB	877	738	1123

ADMISSIONS TAX

Tax authority of localities ; counties authority to levy taxes, admissions tax, transient occupancy tax, cigarette tax, etc., repeals certain admissions tax provisions. Patron—Watts	HB	785	1214	2631
Patron—Hanger	SB	588	1263	3018

ADOPTION

Adoption ; proper notice of proceeding to legal custodian and any other named parties in pending cases. (Patron—Collins)	HB	94	3	10
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ADOPTION - Continued

Post-adoption contact and communication agreements; involuntary termination of parental rights. (Patron—Reid) HB 721 98 154

ADVERTISING AND ADVERTISEMENTS

Political campaign advertisements; applicability of disclosure requirements to advertisements placed or promoted for a fee on an online platform, identification and certification by online political advertisers. (Patron—Simon) HB 849 551 848

ADVOCATES FOR RICHMOND YOUTH

Advocates for Richmond Youth and the Youth Housing Stability Coalition of Greater Richmond; commending.

Patron—Bourne HR 74 4555
Patron—McClellan SJR 139 4710

AFFIDAVITS

Uniform Child Custody Jurisdiction and Enforcement Act; disclosure of identifying information, pleading or affidavit. (Patron—Heretick) HB 436 42 52

AFFORDABLE HOUSING

Affordable housing; adds City of Charlottesville to list of localities with authority to provide. (Patron—Hudson) HB 1105 486 744

Affordable housing; certain localities allowed to adopt dwelling unit ordinances, establishment of a local housing fund, jurisdiction-wide affordable housing dwelling unit rental prices, etc.

Patron—Carr HB 1101 143 216
Patron—McClellan SB 834 833 1356

Affordable housing; Department of Housing and Community Development and the Virginia Housing and Development Authority to study ways to incentivize the development. (Patron—Murphy) HB 854 482 741

Virginia Freedom of Information Act; exclusions, proprietary records and trade secrets, affordable housing loan applications.

Patron—Reid HB 722 72 97
Patron—Bell SB 269 79 108

AFRICAN AMERICANS

African American legislators; commemorating the 150th anniversary of the swearing in of the first legislators to serve in the General Assembly. (Patron—McClellan) SJR 78 4674

Historical African American cemeteries; adds Mt. Zion Old School Baptist Church Cemetery in Loudoun County to the list. (Patron—Gooditis) HB 314 83 117

Historical African American cemeteries; adds two cemeteries in Montgomery County and one cemetery in City of Radford to the list. (Patron—Hurst) HB 210 82 116

Historical African American Cemeteries and Graves Fund; created, maintaining qualifying cemeteries and graves, disbursement of funds.

Patron—McQuinn HB 1523 455 686
Patron—Locke SB 881 456 689

Slavery and Subsequent De Jure and De Facto Racial and Economic Discrimination Against African Americans, Commission to Study; created, sunset provision. (Patron—McQuinn) HB 1519 1043 2004

AFT, BRUCE D.

Aft, Bruce D.; commending. (Patron—Filler-Corn) HR 84 4561

AGANBI, FREDERICK OBRUCHE

Aganbi, Frederick Obruche; recording sorrow upon death. (Patron—McQuinn) HJR 477 4495

AGING AND REHABILITATIVE SERVICES, DEPARTMENT FOR

Crisis intervention team training; adds the Department for the Aging and Rehabilitation Services and brain injury stakeholders to the list of entities with whom the Department of Criminal Justice Services is required to consult in developing a training program.

Patron—Wilt HB 1231 514 779
Patron—Edwards SB 494 515 779

Telemarketing; financial exploitation, Attorney General shall establish ongoing communication with Department for the Aging and Rehabilitative Services to ensure that adults have access to information. (Patron—Obenshain) SB 695 939 1715

AGNEW, JAMES L.

Agnew, James L.; commending. (Patron—McGuire) HJR 176 4338

BILL OR CHAP. PAGE
RES. NO. NO. NO.

AGRICULTURE, ANIMAL CARE AND FOOD

Agriculture and Consumer Services, Department of; removes references to Division of Marketing. (Patron—Tyler) HB 1349 317 488

Agriculture and Forestry Industries Development Planning Grant Program; created. (Patron—Guzman) HB 1002 1220 2687

Agritourism activities; adds horseback riding to definition. (Patron—Petersen) SB 24 411 616

Animal shelters; housing conditions. (Patron—Lewis) SB 786 1109 2130

Animal welfare regulations; keeping of dogs, cats, and rabbits, position of State Animal Welfare Inspector created. (Patron—Marsden) SB 891 1284 3531

Beehive distribution program; changes process for granting of basic beehive units by Department of Agriculture and Consumer Services, application period. (Patron—Wilt) HB 1237 407 611

Chesapeake Bay watershed implementation plan initiatives; nutrient management plans for cropland, livestock stream crossings, bovine livestock stream exclusion.
Patron—Plum HB 1422 1185 2457
Patron—Mason SB 704 1186 2458

Comprehensive animal care; enforceable under Virginia Consumer Protection Act. (Patron—Marsden) SB 114 412 617

Dangerous captive animal exhibits; definitions, penalty, effective date. (Patron—Spruill) SB 1030 632 957

Dogs; import and sale from certain breeders, penalty. (Patron—Stanley) SB 303 569 883

Dogs or cats; rental or lease prohibited, civil penalty, any person who violates this practice may have its business license, retail license, etc., suspended or revoked, exception. (Patron—McPike) SB 742 630 955

Domesticated animal premises; definitions, liability for transmission of domesticated animal pathogen. (Patron—Orrock) HB 764 453 684

Federal Meat Inspection Act and the federal Poultry Products Inspection Act; updates existing Code references. (Patron—Gooditis) HB 1353 318 490

Hemp; products intended for smoking. (Patron—Marshall) HB 962 406 609

Industrial hemp; federal regulations, adoption in Virginia. (Patron—Marshall) HB 942 620 943

Industrial hemp extract; approval as food or ingredient, regulations, Virginia Industrial Hemp Fund created, report.
Patron—Gooditis HB 1430 659 990
Patron—Marsden SB 918 660 991

Lawn fertilizer; requirements of certified contractor-applicators. (Patron—Mason) SB 849 413 620

Personal property tax; farm machinery and implements, classification of forest harvesting and silvicultural activity equipment. (Patron—Adams, L.R.) HB 1021 251 376

Rabid animals; Class 1 misdemeanor for any person to permit a dog or cat that he owns or is in his custody to stray from his premises when he knows or has been told by animal control agency, etc., that animal is suspected of having rabies. (Patron—Bell) HB 1573 1183 2455

Tethering animals; outdoor tethering of an animal shall not constitute the provision of adequate shelter unless animal is safe from predators and well suited and equipped to tolerate its environment, during a heat advisory issued by a local or state authority, etc.
Patron—Levine HB 1552 954 1747
Patron—Bell SB 272 955 1751

Underground pipelines and electrical transmission lines; effects on agricultural land, regulations shall require redistributed topsoil be placed on scarified land, etc. (Patron—Reid) HB 723 666 1000

Virginia Food Access Investment Program and Fund; established and created, report, Department of Agriculture and Consumer Services shall establish an Equitable Food Oriented Development stakeholder work group.
Patron—McQuinn HB 1509 956 1754
Patron—McClellan SB 1073 957 1755

Virginia Spirits Board and Virginia Spirits Promotion Fund; established, report.
Patron—Jones HB 1436 410 614
Patron—Mason SB 583 85 120

AHMADIYYA MUSLIM COMMUNITY, USA**Ahmadiyya Muslim Community, USA;** commemorating its 100th anniversary.

Patron—Delaney	HJR	287		4398
Patron—Ayala	HR	132		4586

AHREND, CHARLES W.**Ahrend, Charles W.;** recording sorrow upon death. (Patron—Obenshain)

SJR 176 4732

AINSLIE, JOHN WALTER**Ainslie, John Walter;** recording sorrow upon death. (Patron—DeSteph)

SJR 96 4685

AIRCRAFT AND AIRPORTS**Accident airtrip insurance;** repeals the authorization for insurers to issue policies by means of mechanical vending machines in public airports. (Patron—Spruill)

SB 164 222 322

Aircraft; no aircraft shall be required to be registered if brought into the Commonwealth solely for major maintenance or repair, etc. (Patron—Cosgrove) ...

SB 356 1255 2963

Governor's New Airline Service Incentive Fund; created, Fund shall be used, in sole discretion of the Governor, for grants to airlines serving local, regional, etc., airports, revenues in Fund shall be used to support the development of additional commercial air services in the Commonwealth, guidelines and criteria, etc.

Patron—Austin	HB	1602	1119	2252
Patron—Edwards	SB	990	1120	2253

ALBEMARLE COUNTY**Albemarle County;** commemorating its 275th anniversary. (Patron—Bell)

HJR 160 4330

James River; adds a 20-mile portion located in Albemarle, Buckingham, and Fluvanna Counties as a component of the Virginia Scenic Rivers System. (Patron—Fariss) ...

HB 1598 319 492

ALBEMARLE HIGH SCHOOL**Albemarle High School athletics;** commending. (Patron—Deeds)

SJR 238 4764

ALBERTA VOLUNTEER FIRE DEPARTMENT, INC.**Alberta Volunteer Fire Department, Inc.;** commending. (Patron—Tyler)

HR 39 4537

ALCOHOLIC BEVERAGE CONTROL ACT**Alcoholic beverage control;** creates an annual mixed beverage performing arts facility license that may be granted to persons operating food concessions at any corporate and performing arts facility located in Fairfax County.

Patron—Murphy	HB	598	15	18
Patron—Favola	SB	212	32	37

Alcoholic beverage control; culinary lodging resort allowed to obtain a mixed beverage restaurant license. (Patron—Edwards)

SB 496 1009 1940

Alcoholic beverage control; definitions, license and fee reform, winery licenses shall authorize the licensee to sell wine retail at place of business in closed containers for off-premises consumption, etc., certain enactments effective on July 1, 2021, repeals various provisions relating to licenses granted by Board and applications for licenses and permits.

Patron—Knight	HB	390	1113	2147
Patron—McPike	SB	389	1114	2197

Alcoholic beverage control; distiller licenses, monthly revenue transfers. (Patron—Mason)

SB 698 1017 1965

Alcoholic beverage control; expands definition of resort complex. (Patron—Edwards)

SB 498 1010 1947

Alcoholic beverage control; gourmet shop license, distiller participation in tastings. (Patron—Mason)

SB 1029 1179 2451

Alcoholic beverage control; interdiction of intoxicated driver, disqualification for a concealed handgun permit. (Patron—Carroll Foy)

HB 923 150 225

Alcoholic beverage control; limitation of tasting licenses. (Patron—Ebbin)

SB 833 1177 2450

Alcoholic beverage control; limited distiller's license, allowable gallonage. (Patron—Deeds)

SB 414 756 1173

Alcoholic beverage control; local special events licensee shall be limited to 16 events per year, and duration of any event shall not exceed three consecutive days.

Patron—Webert	HB	949	16	21
Patron—Vogel	SB	689	34	40

Alcoholic beverage control; mixed beverage restaurant license, mini bottles. (Patron—Edwards)

SB 497 400 597

BILL OR CHAP. PAGE
RES. NO. NO. NO.

ALCOHOLIC BEVERAGE CONTROL ACT - Continued

Alcoholic beverage control; reduces from 25 to 10 the minimum number of acres upon which a commercial development must sit in order to qualify for licensure as a commercial lifestyle center. (Patron—Favola)	SB	181	755	1169
Alcoholic beverage control; residency requirement for licensure. (Patron—McPike) . .	SB	395	534	809
Alcoholic beverage control; stills or distilling apparatuses, permit requirement. (Patron—Cole, M.L.)	HB	37	386	583
Alcoholic beverage control; walking tour permit, tour company shall ensure that each tour includes no more than 15 participants per tour guide, etc. (Patron—Carr)	HB	1088	816	1298
Alcoholic beverage control; winery license privileges, licensee authorized to sell wine at retail on premises described in winery license for on-premises consumption, etc. (Patron—Surovell)	SB	441	1008	1939
Hampton, City of; grants City authority to impose a condition upon any special exception or use permit relating to retail alcoholic beverage control licensees.				
Patron—Mugler	HB	731	442	662
Patron—Mason	SB	676	443	665

ALEXANDRIA, CITY OF

Income tax, state; tax credit for certain landlords, definition of "eligible housing area" includes an eligible census tract in Washington-Arlington-Alexandria Metropolitan Statistical Area.				
Patron—Guzman	HB	590	430	648
Patron—Barker	SB	200	1032	1984
War memorials for veterans; locality may remove, relocate, contextualize, or cover any such monument or memorial on the locality's public property, not including a monument or memorial located in a publicly owned cemetery, local government shall publish notice of such intent in a newspaper having general circulation in the locality, etc., regardless of when erected, action for damage to memorials, provisions shall not apply to a monument or memorial located on the property of a higher educational institution within the City of Lexington, repeals an Act ratified and confirmed city council of Alexandria allowing a monument to be erected for the Confederate deceased soldiers at a particular intersection in the City of Alexandria.				
Patron—McQuinn	HB	1537	1101	2109
Patron—Locke	SB	183	1100	2108

ALEXANDRIA POLICE DEPARTMENT

Alexandria Police Department; commemorating its 150th anniversary. (Patron—Herring)	HJR	197		4349
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ALICE'S KIDS

Alice's Kids; commending. (Patron—Krizek)	HJR	271		4389
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ALL DULLES AREA MUSLIM SOCIETY

All Dulles Area Muslim Society; commending. (Patron—Subramanyam)	HJR	238		4371
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ALLEN, BEN E.

Allen, Ben E.; recording sorrow upon death. (Patron—Kilgore)	HJR	13		4287
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ALSOP, SHERRIN CHERRELL

Alsop, Sherrin Cherrell; commending. (Patron—Hodges)	HJR	150		4325
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ALTAVISTA, TOWN OF

Altavista, Town of; adds Town to localities that may develop criteria for providing discounted water and sewer fees and charges for low-income, elderly, or disabled customers. (Patron—Fariss)	HB	1585	149	225
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ALZHEIMER'S DISEASE

Alzheimer's disease and related dementias; early detection and diagnosis, risk reduction and care planning. (Patron—Mason)	SB	572	854	1391
Alzheimer's Disease and Related Disorders Commission; extends sunset provision.				
Patron—Simonds	HB	310	419	624
Patron—Ruff	SB	256	226	335

AMERICAN AUTOMOBILE ASSOCIATION SCHOOL SAFETY PATROL PROGRAM

American Automobile Association School Safety Patrol Program; commemorating its 100th anniversary. (Patron—Bourne)	HJR	381		4449
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AMERICAN LEGION MCLEAN POST 270

American Legion McLean Post 270; commending. (Patron—Murphy)	HJR	391		4455
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AMERICANS WITH DISABILITIES ACT

Americans with Disabilities Act; commemorating its 30th anniversary.
(Patron—Hope) HJR 353 4434

AMITYCONNECTIONS

AmityConnections; commending. (Patron—Subramanyam) HJR 352 4433

ANDERSON, EARSALINE

Anderson, Earsaline; commending. (Patron—Guzman) HJR 426 4470

ANIMALS AND ANIMAL SHELTERS

Animal shelters; housing conditions. (Patron—Lewis) SB 786 1109 2130

ANNUITIES

Compensation for wrongful incarceration; annuity term. (Patron—Deeds) SB 415 648 978

APOSTOLICO-BUCK, JUDY

Apostolico-Buck, Judy; commending. (Patron—Hope) HJR 346 4430

APPALACHIAN SCHOOL OF LAW

Appalachian School of Law; commending. (Patron—Chafin) SJR 147 4714

APPALACHIAN SOCIETY OF AMERICAN FORESTERS

Appalachian Society of American Foresters; commemorating its 100th anniversary
on October 28 and 29, 2021. (Patron—Peake) SJR 141 4711

APPELBAUM, HENRY RICHARD

Appelbaum, Henry Richard; recording sorrow upon death. (Patron—Hope) HJR 452 4482

APPOINTMENTS

Game and Inland Fisheries, Department of; General Assembly confirming
appointment of Director. (Patron—Deeds) SJR 71 4671

Governor; confirming appointments.

Patron—Deeds SJR 43 4639

Patron—Deeds SJR 44 4647

Patron—Deeds SJR 45 4652

Patron—Deeds SJR 46 4657

Patron—Deeds SJR 73 4672

Patron—Deeds SJR 110 4692

Senate Committee on Rules; confirms appointments to Virginia Commonwealth
University Health System Authority Board of Directors. (Patron—Locke) SJR 89 4681

APPOMATTOX COUNTY

Transient occupancy tax; adds Appomattox, Mathews, Middlesex, and New Kent
Counties to the list of counties that may impose. (Patron—Hodges) HB 1262 330 512

Appomattox County High School Agricultural Education Department;
commending. (Patron—Fariss) HR 61 4548

Appomattox County High School football team; commending. (Patron—Fariss) HR 52 4544

APPOMATTOX DIXIE DARLINGS

Appomattox Dixie Darlings softball team; commending on winning the 2019
Virginia Dixie Darlings state softball tournament. (Patron—Fariss) HR 51 4544

APPROPRIATIONS

Aggravated sexual battery; penalty. (Patron—DeSteph) SB 42 1003 1927

Athlete agents; definitions, creates registration requirement, penalties.
(Patron—Sullivan) HB 832 481 733

Budget bill; appropriations for 2018-2020 biennium. (Patron—Torian) HB 29 1283 3157

Budget bill; appropriations for 2020-2022 biennium. (Patron—Torian) HB 30 1289 3592

Carnal knowledge of pretrial or posttrial offender; bail bondsmen, increases
penalty. (Patron—Brewer) HB 557 479 731

Central Virginia Transportation Authority; created, Authority shall embrace each
county, city, and town located in Planning District 15 (Plan RVA), locality's share of
revenues, Greater Richmond Transit Company (GRTC) shall create a separate,
special fund in which all funds received shall be deposited, etc., report, certain
provisions shall become effective on October 1, 2020. (Patron—McQuinn) HB 1541 1235 2843

Coastal Flooding, Joint Subcommittee on; continued, appropriations.
Patron—Hodges HJR 102 4309

Patron—Lewis SJR 27 4632

BILL OR CHAP. PAGE
RES. NO. NO. NO.

APPROPRIATIONS - Continued

Cox, M. Kirkland; authorizing portrait to be painted of former Speaker of the House of Delegates, appropriation. (Patron—Herring)	HR	22		4529
Debt settlement services providers; definitions, licensure and regulation by State Corporation Commission, report. (Patron—Willett)	HB	1553	785	1225
Driver privilege cards; definitions, issuance by Department of Motor Vehicles, release of information, surcharge on certain fees, scanning information from driver's licenses and other documents, effective date, report. Patron—Tran	HB	1211	1227	2721
Patron—Surovell	SB	34	1246	2875
Driving under the influence; remote alcohol monitoring device, definitions, tampering with device is punishable as a Class 1 misdemeanor, effective date. (Patron—Surovell)	SB	439	1007	1933
Firearm transfers; sales that occur at a firearms show, criminal history record information checks, penalty. Patron—Plum	HB	2	1111	2133
Patron—Lucas	SB	70	1112	2140
Firearms; removal from persons posing substantial risk of injury to himself, etc., search warrant for any firearms if law-enforcement officer has reason to believe that person did not relinquish all firearms in his possession, emergency substantial risk order, penalties. Patron—Sullivan	HB	674	887	1562
Patron—Barker	SB	240	888	1570
Gender-neutral terms; prohibitions on same-sex marriage and civil unions removed from Code, certain gender-specific crimes, penalty, repeals provisions relating to marriage and civil unions between persons of same sex. (Patron—Simon)	HB	623	900	1600
Hate crimes; adds gender, disability, gender identity, or sexual orientation, definition of "disability," penalty. (Patron—Favola)	SB	179	1171	2436
Hate crimes; adds gender, disability, gender identity, or sexual orientation, definition of "disability," penalty, effective clause. (Patron—Plum)	HB	618	746	1155
Lottery Board; regulation and control of casino gaming, definitions, Virginia Indigenous People's Trust Fund created, membership of Board, voluntary exclusion program, on-premises mobile casino gaming, civil penalties, Regional Improvement Commission established. Patron—Knight	HB	4	1197	2559
Patron—Lucas	SB	36	1248	2910
Misdemeanor sexual offenses; statute of limitations where the victim is a minor, if alleged offender of such offense was an adult and more than three years older than the victim at the time of the offense, in which instance such prosecution shall be commenced no later than five years after victim reaches majority. Patron—Tran	HB	298	1122	2255
Patron—McClellan	SB	724	277	428
Nonpayment of wages; any employer who knowingly fails to make payment of wages shall be subject to a civil penalty not to exceed \$1,000 for each violation. (Patron—Carroll Foy)	HB	123	868	1530
Nonpayment of wages; liability of contractor for wages of subcontractor's employees, any employer who knowingly fails to make payment of wages shall be subject to a civil penalty not to exceed \$1,000 for each violation. (Patron—Ebbin)	SB	838	1038	2000
Paramilitary activities; assembling with one or more persons for purpose of and with intent to intimidate any person or group of persons, penalty. (Patron—Lucas)	SB	64	601	925
Pharmaceutical Manufacturing Grant Program and Fund; created. Patron—Sickles	HB	1498	275	425
Patron—Hanger	SB	610	758	1176
Prostitution; touching the unclothed genitals or anus of another, penalty. (Patron—Delaney)	HB	1524	595	921
Protective orders; possession of firearms, surrender or transfer of firearms, law-enforcement agency that takes into custody a firearm surrendered shall prepare a written receipt, the willful failure of any person to certify in writing that all firearms possessed by person have been surrendered, etc., shall constitute contempt of court. Patron—Mullin	HB	1004	1221	2689
Patron—Howell	SB	479	1260	3007
Scott, Winston Lamont; compensation for wrongful incarceration. (Patron—Sullivan)	HB	460	326	500

APPROPRIATIONS - Continued

Sex Offender and Crimes Against Minors Registry Act; adds a third or subsequent conviction of unlawful dissemination or sale of images of another to the list of offenses requiring registration under Registry. (Patron—Watts)	HB	253	389	587
Transportation; amends numerous laws related to funds, safety programs, revenue sources, etc., new regional congestion fee is imposed, etc., repeals certain funds, provisions relating to distribution of revenues, report, certain provisions shall become effective on May 1, 2021.				
Patron—Filler-Corn	HB	1414	1230	2759
Patron—Saslaw	SB	890	1275	3069
Trigger activators; prohibits manufacture, importation, sale, possession, etc., penalty. (Patron—Saslaw)	SB	14	527	795
Truck Manufacturing Grant Fund; created.				
Patron—Rush	HB	1361	265	416
Patron—Hanger	SB	611	604	926
Virginia Voluntary Do Not Sell Firearms List; established, penalty. (Patron—Surovell)	SB	436	1173	2439
Vital records; definitions, provisions may result in a net increase in periods of imprisonment or commitment, etc. (Patron—Mullin)	HB	666	922	1683

ARCH ROANOKE

ARCH Roanoke; commending. (Patron—Rasoul)	HJR	494		4503
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ARCHITECTS

Contracts with design professionals; provisions relating to any contract relating to planning or design of construction projects by which any party purports to impose a duty to defend on any other party to the contract, is against public policy and is void and unenforceable. (Patron—Surovell)	SB	658	1015	1963
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ARLINGTON COUNTY

Arlington County; commemorating its 100th anniversary. (Patron—Hope)	HJR	455		4483
County manager plan; in a county operating under the county manager plan of government (Arlington County), elections to nominate candidates for and to elect candidates to the board of supervisors may be conducted by instant runoff voting, definitions, costs shall be charged to locality. (Patron—Hope)	HB	506	713	1056
Transient occupancy tax; removes July 1, 2021, sunset date from Arlington County's authority to impose a tax at a rate not to exceed 0.25 percent, etc.				
Patron—Hope	HB	62	238	353
Patron—Howell	SB	107	61	79

ARMADA HOFFLER PROPERTIES, INC.

Armada Hoffler Properties, Inc.; commemorating its 40th anniversary. (Patron—Knight)	HR	54		4545
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ARMED FORCES

Active duty military personnel or activated or temporarily mobilized reservists or guard members; dependents, eligibility for in-state tuition and other educational benefits. (Patron—Murphy)	HB	447	382	580
Active military-owned and military spouse-owned businesses; Department of General Services to permit surplus materials to be sold to businesses prior to public sale or auction. (Patron—Carroll Foy)	HB	437	358	548
Constitutional amendment; personal property tax exemption for one motor vehicle owned and used primarily by or for a disabled veteran, "motor vehicle" shall include only automobiles and pickup trucks, exception (second reference), Chapters 822 and 823, 2019 Acts (first reference). (Patron—Helmer)	HJR	103	1195	2556
Constitutional amendment; personal property tax exemption for one motor vehicle owned and used primarily by or for a disabled veteran, "motor vehicle" shall include only automobiles and pickup trucks, exception (submitting to qualified voter). (Patron—Helmer)	HB	1268	540	824
Higher educational institutions, public; refund of tuition and mandatory fees paid by any veteran student when such student is forced to withdraw, for first time, due to a service-connected medical condition during a semester, such refund shall not be issued when three-quarters of a course has been completed at the time that student withdraws from course. (Patron—Murphy)	HB	456	434	652

BILL OR CHAP. PAGE
RES. NO. NO. NO.

ARMED FORCES - Continued

Interstate Compact on Educational Opportunity for Military Children, Virginia

Council on the; increases membership of nonlegislative citizen members, adds one parent of a military child to Council. (Patron—DeSteph) SB 41 600 924

Military service members and veterans; a veteran who has left active-duty within one year of submission of an application to a board, expediting the issuance of credentials to spouses.

Patron—Willett HB 967 28 35

Patron—Suetterlein SB 981 35 43

Unemployment compensation; leaving employment to follow military spouse, repeals sunset provision on the current statutory provision. (Patron—Ware) HB 143 261 398

United States military; Department of General Services to permit surplus computers, etc., to be donated to tax exempt organizations for refurbishing and then donated to veterans and active military, naval, or air service members. (Patron—McGuire) HB 446 43 53

ARMWOOD, LEVY M., JR.

Armwood, Levy M., Jr.; recording sorrow upon death. (Patron—McClellan) SJR 247 4769

AROMASWORLD

AromasWorld; commemorating its 20th anniversary. (Patron—Mullin) HJR 118 4313

ARREST

Arrest for a violent felony; saliva or tissue sample required for DNA analysis.

(Patron—Jenkins) HB 821 87 122

Overdoses; arrest and prosecution when experiencing or reporting, no law-enforcement officer acting in good faith shall be found liable for false arrest if it is later determined that person arrested was immune from prosecution. (Patron—Boysko) . . SB 667 1016 1964

ARTS AND HUMANITIES

Alcoholic beverage control; creates an annual mixed beverage performing arts facility license that may be granted to persons operating food concessions at any corporate and performing arts facility located in Fairfax County.

Patron—Murphy HB 598 15 18

Patron—Favola SB 212 32 37

ASBESTOS

Accrual of cause of action; diagnoses of nonmalignant and malignant asbestos-related injury or disease.

Patron—Mullin HB 781 99 154

Patron—Surovell SB 661 180 266

ASH, DAVID L.

Ash, David L.; commending. (Patron—LaRock) HJR 502 4508

ASHA FOR WOMEN

ASHA for Women; commemorating its 30th anniversary. (Patron—Bulova) HJR 174 4337

ASHA-JYOTHI

Asha-Jyothi; commending. (Patron—Delaney) HJR 215 4358

ASHBURN ICE HOUSE

Ashburn Ice House; commemorating its 20th anniversary. (Patron—Bell) SJR 244 4767

ASKEW, CATHERINE

Askew, Catherine; recording sorrow upon death. (Patron—Locke) SJR 133 4707

ASSAULT AND BATTERY

Public schools; alternative school discipline process, assault and battery without bodily injury. (Patron—Stanley) SB 1020 876 1540

ASSISTED LIVING FACILITIES

Assisted living facilities; Department of Social Services shall convene a work group to make recommendations to Board regarding regulations for audio-visual recording of residents, report. (Patron—Cosgrove) SB 355 848 1374

Assisted living facilities; regulations governing individualized service plans. (Patron—Mason) SB 686 938 1715

Notaries; satisfactory evidence of identity, persons in nursing homes or assisted living facilities. (Patron—Tran) HB 1222 902 1633

Nursing homes, hospice, hospice facilities, and assisted living facilities; possession and administration of cannabidiol or THC-A oil. (Patron—Dunnivant) SB 185 846 1368

ATTORNEY GENERAL

Telemarketing; financial exploitation, Attorney General shall establish ongoing communication with Department for the Aging and Rehabilitative Services to ensure that adults have access to information. (Patron—Obenshain) SB 695 939 1715

Threats and harassment of certain officials and property; certain crimes may be prosecuted in the City of Richmond if venue cannot otherwise be established and the victim is the Governor, Lieutenant Governor, Attorney General, etc., and such official or employee was subjected to act while engaged in performance of his public duties. (Patron—Bourne) HB 1627 1002 1926

AUBURN HIGH SCHOOL

Auburn High School baseball team; commending on winning the Virginia High School League Class 1A state championship in 2019. (Patron—Rush) HR 108 4573

Auburn High School boys' cross country team; commending on winning the Virginia High School League Class 1A state championship in 2018. (Patron—Rush) HR 109 4574

Auburn High School girls' cross country team; commending for winning the Virginia High School League Class 1A state championship in 2018. (Patron—Rush) HR 111 4574

Auburn High School girls' soccer team; commending for winning the Virginia High School League Class 1A state championship in 2019. (Patron—Rush) HR 112 4575

Auburn High School girls' tennis team; commending on winning the Virginia High School League Class 1A state championship in 2019. (Patron—Rush) HR 110 4574

Auburn High School softball team; commending on winning the 2018-2019 Virginia High School League Class 1A state championship. (Patron—Rush) HR 106 4572

AUDITOR OF PUBLIC ACCOUNTS

Auditor of Public Accounts; updates terminology and changes the level of information provided on the Commonwealth Data Point website, etc. (Patron—Dunnivant) SB 586 646 976

AUGUSTA COUNTY

Augusta County and City of Staunton; temporary location of district courts. (Patron—Hanger) SB 929 652 982

AUTHORITIES

Affordable housing; Department of Housing and Community Development and the Virginia Housing and Development Authority to study ways to incentivize the development. (Patron—Murphy) HB 854 482 741

Central Virginia Transportation Authority; created, Authority shall embrace each county, city, and town located in Planning District 15 (Plan RVA), locality's share of revenues, Greater Richmond Transit Company (GRTC) shall create a separate, special fund in which all funds received shall be deposited, etc., report, certain provisions shall become effective on October 1, 2020. (Patron—McQuinn) HB 1541 1235 2843

Clean Energy and Community Flood Preparedness Act; definitions, all loans and grants shall be deemed to promote public purposes of enhancing flood prevention or protection and coastal resilience, Virginia Resources Authority is authorized at any time to pledge, etc., from the Fund any or all assets to be held in trust as security for payment of principal, etc., on any and all bonds, energy conversion or energy tolling agreements, report.

Patron—Herring HB 981 1219 2685

Patron—Lewis SB 1027 1280 3148

Commonwealth of Virginia Innovation Partnership Authority; created, membership, powers of Authority, repeals provisions relating to Innovation and Entrepreneurship Investment Authority and Virginia Research Investment Committee, report.

Patron—Sickles HB 1017 1164 2376

Patron—Howell SB 576 1169 2413

Conflict of Interests Act, State and Local Government; disclosure by executive directors and members of industrial development authorities and economic development authorities, penalty.

Patron—Webert HB 1528 77 105

Patron—Obenshain SB 703 81 114

Conflict of Interests Act, State and Local Government; disclosure by members of Northern Virginia Transportation Authority and Northern Virginia Transportation Commission. (Patron—Keam) HB 1337 73 102

BILL OR CHAP. PAGE
RES. NO. NO. NO.

AUTHORITIES - Continued

Conflict of Interests Act, State and Local Government, and Virginia Freedom of Information Act; training requirements, executive directors and members of industrial development authorities and economic development authorities.

Patron—Webert	HB	1527	76	105
Patron—Obenshain	SB	701	80	113

Fort Monroe Authority; civil actions in general district court.

Patron—Mugler	HB	1561	84	119
Patron—Locke	SB	956	194	282

Fort Monroe Authority; exemption from the Virginia Personnel Act.

Patron—Mugler	HB	1608	800	1255
Patron—Locke	SB	980	269	420

Hampton Roads Regional Arena Authority; definitions, created, membership of Authority, repeals existing provisions related to Hampton Roads Sports Facility Authority.

Patron—Miyares	HB	1102	538	815
Patron—Lewis	SB	787	539	820

Online Virginia Network Authority; adds President of James Madison University as member, etc.

Patron—Carr	HB	1660	340	524
Patron—Obenshain	SB	1041	174	242

Richmond Metropolitan Transportation Authority; change in membership.

Patron—Carr	HB	538	371	568
Patron—McClellan	SB	726	281	436

Virginia housing opportunity tax credit program; Virginia Housing Development Authority, et al., to develop the establishment of program. (Patron—Bourne)

HB	810	517	779
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Washington Metropolitan Area Transit Authority; allocation of funds. (Patron—Watts)

HB	1586	1133	2268
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Washington Metropolitan Area Transit Authority; repeals enactments adopted as part of the Authority related to bidders, offers, contractors, and subcontractors to projects located in the Commonwealth participating with labor organizations.

Patron—Lopez	HB	1635	373	569
Patron—Surovell	SB	995	282	436

AUTISM

Autism Advisory Council; extends sunset provision. (Patron—Hanger)

SB	177	733	1114
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Criminal cases; deferred disposition, cases where defendant has been diagnosed with autism or an intellectual disability. (Patron—Stuart)

SB	133	1004	1928
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Health insurance; coverage for autism spectrum disorder, individual and small group markets, policies, plans, etc., delivered, reissued or extended on or after January 1, 2021.

Patron—Ward	HB	1503	613	934
Patron—Barker	SB	1031	305	473

Virginia Missing Child with Autism Alert Program; established. (Patron—Miyares)

HB	65	19	25
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AVERETT UNIVERSITY

Averett University; commending. (Patron—Marshall)

HJR	385		4451
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AVIATION

Aircraft; no aircraft shall be required to be registered if brought into the Commonwealth solely for major maintenance or repair, etc. (Patron—Cosgrove) ...

SB	356	1255	2963
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Economic and workforce development; Department of Aviation to study coordination of stakeholders within the aviation industry. (Patron—Cosgrove)

SJR	30		4634
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Governor's New Airline Service Incentive Fund; created, Fund shall be used, in sole discretion of the Governor, for grants to airlines serving local, regional, etc., airports, revenues in Fund shall be used to support the development of additional commercial air services in the Commonwealth, guidelines and criteria, etc.

Patron—Austin	HB	1602	1119	2252
Patron—Edwards	SB	990	1120	2253

Unmanned aircraft; political subdivision may, by ordinance or regulation, regulate take-off and landing of an aircraft on property owned by the political subdivision. (Patron—Bulova)

HB	742	345	531
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AYR HILL GARDEN CLUB

Ayr Hill Garden Club; commemorating its 90th anniversary. (Patron—Keam)

HJR	261		4383
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	BILL OR CHAP.		PAGE
	RES. NO.	NO.	NO.
BAGSHAW, DONALD ARTHUR			
Bagshaw, Donald Arthur; recording sorrow upon death. (Patron—Brewer)	HR	88	4563
BAILEY, PURCELL G., SR.			
Bailey, Purcell G., Sr.; commending. (Patron—Lucas)	SR	9	4800
BALILES, GERALD L.			
Baliles, Gerald L.; recording sorrow upon death.			
Patron—McQuinn	HJR	311	4411
Patron—Reeves	SJR	88	4681
BALLOTS AND BALLOTING			
Political campaign advertisements; authorization statement, name of candidate defined, effective date. (Patron—Watts)	HB	1556	615 937
Primary ballot; certain required statements as qualification for candidacy, failure to timely file. (Patron—Reeves)	SB	469	850 1374
Recounts; procedure for certain ballots. (Patron—Levine)	HB	179	284 437
Sample ballots; removes the restriction on unofficial ballots being printed on yellow paper. (Patron—Lindsey)	HB	146	283 436
Voting systems; clarifies the definition machine-readable ballot, voter-verifiable paper records. (Patron—Levine)	HB	1053	294 453
BANKRUPTCY			
Homestead exemption; bankruptcy exemptions. (Patron—Simon)	HB	790	328 508
BAPS SHRI SWAMINARAYAN MANDIR OF NORTHERN VIRGINIA			
BAPS Shri Swaminarayan Mandir of Northern Virginia; commending. (Patron—Subramanyam)	HJR	488	4501
BARBER, TIM			
Barber, Tim; commending. (Patron—Marshall)	HJR	384	4451
BARRACO, MARY SIGILLO			
Barraco, Mary Sigillo; recording sorrow upon death. (Patron—DeSteph)	SJR	234	4762
BARROW, MARY REID			
Barrow, Mary Reid; commending. (Patron—Jones)	HJR	408	4461
BATTLEFIELD HIGH SCHOOL			
Battlefield High School boys' swim and dive team; commending. (Patron—Helmer) .	HR	168	4603
Battlefield High School girls' swim and dive team; commending. (Patron—Helmer) .	HR	169	4604
Battlefield High School indoor track and field program; commending. (Patron—Roem)	HR	154	4596
BEARS			
Hunting license; senior resident lifetime license for hunting bear, deer, and turkey. (Patron—Robinson)	HB	1272	564 876
BEATTIE, JUDITH PETERS			
Beattie, Judith Peters; recording sorrow upon death. (Patron—Keam)	HJR	339	4427
BEBOUT, JAMES MICHAEL			
Bebout, James Michael; recording sorrow upon death.			
Patron—O'Quinn	HJR	312	4412
Patron—Pillion	SR	62	4825
BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES			
Acute psychiatric bed registry; Department of Behavioral Health and Developmental Services shall establish a work group to evaluate and make recommendations related to the registry, report.			
Patron—Hope	HB	1453	367 565
Patron—Deeds	SB	739	235 350
Behavioral Health Docket Act; establishes behavioral health courts as specialized criminal court dockets, dockets are specialized criminal court dockets within existing structure of Virginia's court system, reports. (Patron—Morrisey)	SB	818	1096 2103
Behavioral health providers; barrier crimes, exceptions, Department may hire for compensated employment at an adult substance abuse or adult mental treatment program a person who was convicted of certain violations, screening of applicants by the Department and a designated screening contractor, cost of screening shall be paid by the applicant. (Patron—Collins)	HB	1540	1092 2087

BILL OR CHAP. PAGE
RES. NO. NO. NO.

BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES - Continued

Central State Colony, etc.; repeals various Chapters relating to establishment.

Patron—McQuinn	HB	1521	1057	2013
Patron—Locke	SB	850	1058	2014

Competency to stand trial; outpatient treatment may occur in a local correctional facility or at a location determined by the appropriate community services board or behavioral health authority. (Patron—Mason)

SB	683	937	1714
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Developmental Disabilities Mortality Review Committee; created, report. (Patron—Favola)

SB	482	851	1375
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Early childhood mental health consultation; Departments of Education, Behavioral Health and Developmental Services, and Social Services to jointly study the feasibility of developing, and make available to all early care and education programs serving children from birth to five years of age. (Patron—Sickles)

HJR	51		4295
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Firearms; mental health as disqualifier for possession, appeal of involuntary admission, etc. (Patron—Mason)

SB	684	1175	2446
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Group homes and children's residential facilities; licensure, certain information required of applicants to operate licensed service. (Patron—Murphy)

HB	597	723	1076
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Health insurance; codifies an existing requirement that the State Corporation Commission's Bureau of Insurance make an annual report regarding claims information for mental health and substance use disorder benefits. (Patron—Barker)

SB	280	847	1372
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Involuntary admission or certification of eligibility order; clarifies provisions governing appeals. (Patron—Gooditis)

HB	1482	298	460
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Involuntary admission order; local law enforcement shall take custody of the minor or person and provide transportation to the proper facility, when transportation provider becomes unable to continue, magistrate may change the transportation provider specified in a temporary detention order.

Patron—Bell	HB	1118	879	1542
Patron—Hanger	SB	603	880	1546

Mental health awareness training; each school board shall adopt and implement policies that require each teacher and relevant personnel, employed on a full-time basis, to complete a training or similar program at least once. (Patron—Deeds)

SB	619	472	725
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Offender medical and mental health information and records; exchange of information to facility, health care provider who has provided services within the last two years, upon request shall disclose certain information to facilities.

Patron—Watts	HB	1328	836	1361
Patron—Boysko	SB	656	837	1361

Public schools; mental health awareness training required. (Patron—Kory)

HB	74	471	724
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Residential psychiatric placement and services; Secretaries of Education and Health and Human Resources shall establish a work group to study current process for approval of services.

Patron—Hope	HB	728	364	553
Patron—Deeds	SB	734	737	1123

Students; Department of Education shall establish and distribute to each school board no later than December 31, 2020, guidelines for granting of an excused absence from school due to his mental or behavioral health. (Patron—Hope)

HB	308	869	1532
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Temporary detention; Commissioner of Department of Behavioral Health and Developmental Services shall establish a work group to study expanding the individuals who may conduct evaluations to determine whether a person meets the criteria, report.

Patron—Aird	HB	1699	918	1680
Patron—Barker	SB	768	919	1681

Temporary detention; observation, testing, or treatment, treatment of mental or physical condition.

Patron—Hope	HB	1452	1233	2838
Patron—Deeds	SB	738	1267	3038

Virginia Freedom of Information Act; exempts Department of Behavioral Health and Developmental Services records of active investigations. (Patron—Delaney)

HB	548	48	60
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Virginia's Mental Health Region; designating as Roanoke and New River Valleys. (Patron—Rasoul)

HJR	88		4303
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BELL, DAVID

Bell, David; commending. (Patron—Hope)	HJR	348		4431
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	BILL OR CHAP.			PAGE
	RES. NO.	NO.		
BELL, RICHARD PRESTON				
Bell, Richard Preston; commending. (Patron—Avoli)	HR	24	4530	
BELL, VIRGINIA FLYNN				
Bell, Virginia Flynn; recording sorrow upon death. (Patron—Sickles)	HJR	292	4400	
BELLMAN, GEORGIA				
Bellman, Georgia; recording sorrow upon death. (Patron—Delaney)	HJR	183	4342	
BENNETT, MICHAEL				
Bennett, Michael; commending. (Patron—Krizek)	HJR	306	4409	
BERG, JESSICA				
Berg, Jessica; commending. (Patron—Subramanyam)	HJR	498	4506	
BETHANY BAPTIST CHURCH				
Bethany Baptist Church; commemorating its 250th anniversary. (Patron—Orrock) . .	HJR	327	4420	
BEYER, JOHN C.				
Beyer, John C.; recording sorrow upon death. (Patron—Tran)	HJR	316	4414	
BICYCLES				
Bicyclists and other vulnerable road users; person who operates a motor vehicle in a careless or distracted manner and is the proximate cause of serious physical injury to a vulnerable road user, etc., is guilty of a Class 1 misdemeanor, prohibits driver of a motor vehicle from crossing into a bicycle lane to pass or attempt to pass another vehicle. (Patron—Surovell)	SB	437	1259	3007
Electric power-assisted bicycles; amends definition to include three classes of such bicycles.				
Patron—Carr	HB	543	59	72
Patron—Marsden	SB	871	260	391
BILLBOARDS				
Relocated billboard signs; maintenance and repair, owner of sign shall apply for a building permit from locality in which sign is located. (Patron—Marsden)	SB	968	983	1878
BINGO				
Virginia Charitable Gaming Board; electronic versions of instant bingo, pull tabs or seal cards. (Patron—Willett)	HB	1681	979	1871
BIRTH AND DEATH RECORDS				
Certificate of birth; State Registrar shall issue a new certificate upon receipt of a request by a person to show change of sex, etc., circuit court of equitable jurisdiction to adjudicate, upon application of a person, that sex of such person residing within territorial jurisdiction of circuit court has changed.				
Patron—Simon	HB	1041	465	713
Patron—Boysko	SB	657	466	715
BISHOP, RITA D.				
Bishop, Rita D.; commending. (Patron—Edwards)	SJR	168	4727	
BLACK WOMEN UNITED FOR ACTION				
Black Women United for Action; commemorating its 30th anniversary of wreath-laying ceremony at the Slave Memorial at Mount Vernon. (Patron—Krizek) .	HJR	235	4369	
BLACKSBURG, TOWN OF				
Blacksburg, Town of; amending charter, public hearings.				
Patron—Hurst	HB	629	128	198
Patron—Edwards	SB	454	825	1307
BLACKSTONE, TOWN OF				
Blackstone, Town of; amending charter, advisory referendums.				
Patron—Wright	HB	1565	151	227
Patron—Ruff	SB	1036	536	814
BLACKWELL, HELEN REDDY				
Blackwell, Helen Reddy; recording sorrow upon death. (Patron—Freitas)	HR	34	4535	
BLAIR, GLORIA ELIZABETH				
Blair, Gloria Elizabeth; recording sorrow upon death. (Patron—Kilgore)	HJR	15	4288	
BLAKLEY, JANICE B.				
Blakley, Janice B.; commending. (Patron—Coyner)	HR	131	4585	

BILL OR CHAP. PAGE
RES. NO. NO. NO.

BLUE RIDGE BEHAVIORAL HEALTHCARE

Blue Ridge Behavioral Healthcare; commemorating its 50th anniversary.
(Patron—Rasoul) HJR 285 4397

BLUE RIDGE VOLUNTEER FIRE DEPARTMENT

Blue Ridge Volunteer Fire Department; commemorating its 60th anniversary.
(Patron—Austin) HR 65 4550

BLUEFIELD, TOWN OF

Bluefield, Town of; amending charter, relating to town council, mayor, and town powers.
Patron—Morefield HB 171 120 182
Patron—Chafin SB 244 889 1579

BOATS AND BOATING

Game and Inland Fisheries, Department of; boat ramp fees, exemptions.
(Patron—Fowler) HB 1604 321 493

BOESCH, RUDOLPH ERNEST

Boesch, Rudolph Ernest; recording sorrow upon death. (Patron—DeSteph) SJR 109 4692

BOGAEV, LEONARD ROCKLIN

Bogaev, Leonard Rocklin; recording sorrow upon death. (Patron—Stuart) SR 57 4823

BOLGER, HELEN SIEGFRIED

Bolger, Helen Siegfried; recording sorrow upon death. (Patron—Webert) HR 136 4588

BOND ISSUES

Commonwealth of Virginia Higher Educational Institutions Bond Act of 2020; created.
Patron—Torian HB 1246 253 381
Patron—Howell SB 580 280 432

BONDS AND BONDSMEN

Bail bondsman; deposit for surrender of principal for reasons other than principal's failure to appear in any court. (Patron—Collins) HB 136 20 25
Bail bondsman; petition for return of deposit for surrender of principal, deposited funds credited to Literary Fund. (Patron—Marsden) SB 294 531 808
Carnal knowledge of pretrial or posttrial offender; bail bondsmen, increases penalty. (Patron—Brewer) HB 557 479 731

BOOKER, DERWIN

Booker, Derwin; commending. (Patron—Ransone) HJR 368 4442

BOONE, HERMAN

Boone, Herman; recording sorrow upon death. (Patron—Ebbin) SJR 219 4755

BOTETOURT COUNTY

Botetourt County; commemorating its 250th anniversary. (Patron—Austin) HJR 201 4352

BOUNDARIES, JURISDICTION, AND EMBLEMS OF THE COMMONWEALTH

Honor and Sacrifice Flag; designating as Commonwealth's emblem for honoring fallen public safety personnel.
Patron—Heretick HJR 42 4293
Patron—Cosgrove SJR 31 4634
The Virginia Opry; designating as the official opry of the Commonwealth.
(Patron—Deeds) SB 283 583 895

BOURNE, MARIA BONAZZOLI

Bourne, Maria Bonazzoli; recording sorrow upon death. (Patron—McQuinn) HJR 454 4483

BOWLES, DAVID E.

Bowles, David E.; commending. (Patron—DeSteph) SJR 100 4687

BOY SCOUT TROOP 1865

Boy Scout Troop 1865; commemorating its 50th anniversary. (Patron—Bulova) HJR 211 4356

BRADLEY, DIMITRI R.

Bradley, Dimitri R.; recording sorrow upon death.
Patron—McQuinn HJR 474 4493
Patron—McClellan SJR 180 4734

BRAGG, CAROLYN

Bragg, Carolyn; commending. (Patron—Campbell, R.R.) HR 71 4553

	BILL OR CHAP.		PAGE	
	RES. NO.	NO.	NO.	NO.
BRANCHING OUT FOR THE HOMELESS				
Branching out for the Homeless ; commending. (Patron—Delaney)	HJR	219		4360
BRANDT, MICHAEL PATRICK				
Brandt, Michael Patrick ; recording sorrow upon death. (Patron—Carr)	HJR	372		4443
BRAY, BETTY				
Bray, Betty ; commending. (Patron—Hodges)	HJR	198		4350
BREAUX VINEYARDS				
Breaux Vineyards ; commending. (Patron—Bell)	SR	58		4824
BRENT, GEORGE MICHAEL				
Brent, George Michael ; commending. (Patron—Peake)	SR	19		4805
BRICKHOUSE, MONICA E.				
Brickhouse, Monica E. ; recording sorrow upon death. (Patron—DeSteph)	SJR	204		4747
BRISTOL RHYTHM & ROOTS REUNION				
Bristol Rhythm & Roots Reunion ; commemorating its 20th anniversary. (Patron—O'Quinn)	HJR	319		4416
BRODNAX, TOWN OF				
Brodnax, Town of ; amending charter, reduces number of town councilmen.				
Patron—Tyler	HB	168	119	181
Patron—Ruff	SB	257	890	1580
BROOKE POINT HIGH SCHOOL				
Brooke Point High School wrestling team ; commending. (Patron—Cole, J.G.)	HR	147		4593
BROWN, BETSEY JEAN SMITH				
Brown, Betsey Jean Smith ; recording sorrow upon death. (Patron—LaRock)	HJR	481		4497
BROWN, BOB				
Brown, Bob ; commending. (Patron—McClellan)	SJR	181		4734
BROWN, PATSY J.				
Brown, Patsy J. ; commending. (Patron—Robinson)	HR	145		4591
BRUNSWICK COUNTY				
Brunswick County ; commemorating its 300th anniversary.				
Patron—Tyler	HR	41		4538
Patron—Lucas	SJR	85		4679
BRYAN, ALBERT VICKERS, JR.				
Bryan, Albert Vickers, Jr. ; recording sorrow upon death. (Patron—Ebbin)	SJR	223		4757
BRYANT, ZYAHNA				
Bryant, Zyahna ; commending. (Patron—McQuinn)	HJR	308		4410
BUCKINGHAM COUNTY				
James River ; adds a 20-mile portion located in Albemarle, Buckingham, and Fluvanna Counties as a component of the Virginia Scenic Rivers System. (Patron—Fariss)	HB	1598	319	492
BUCKLEY, ALVENE				
Buckley, Alvene ; commending. (Patron—Leftwich)	HJR	139		4320
BUDGET, STATE				
Budget bill ; appropriations for 2018-2020 biennium. (Patron—Torian)	HB	29	1283	3157
Budget bill ; appropriations for 2020-2022 biennium. (Patron—Torian)	HB	30	1289	3592
BUFFALOW, NISCHELLE				
Buffalow, Nischelle ; commending. (Patron—Hayes)	HJR	471		4492
BUILDING CODE				
Uniform Statewide Building Code and Statewide Fire Prevention Code ; Department of Housing and Community Development to convene stakeholders to develop proposals for changes to the Codes to address active shooters or hostile threats.				
Patron—Cole, M.L.	HB	670	130	200
Patron—Stuart	SB	333	533	809
BURKE, BRITTANY				
Burke, Brittany ; commending. (Patron—Delaney)	HJR	180		4341
BURKE, LEWIS EUGENE				
Burke, Lewis Eugene ; recording sorrow upon death. (Patron—Delaney)	HJR	191		4346

BILL OR CHAP. PAGE
RES. NO. NO. NO.

BURKE UNITED METHODIST CHURCH

Burke United Methodist Church; commemorating its 90th anniversary.
(Patron—Filler-Corn) HJR 241 4372

BURNETTE, WILLIAM ROBERT

Burnette, William Robert; recording sorrow upon death. (Patron—DeSteph) SJR 199 4744

BURNS, JOSEPHINE EVANS

Burns, Josephine Evans; recording sorrow upon death. (Patron—Boysko) SJR 261 4776

BUSINESSES

Active military-owned and military spouse-owned businesses; Department of
General Services to permit surplus materials to be sold to businesses prior to public
sale or auction. (Patron—Carroll Foy) HB 437 358 548

Micro-business; enhancement of participation in local procurement. (Patron—Lindsey) HB 558 1123 2256

BUTLER, REGINALD DENNIN

Butler, Reginald Dennin; recording sorrow upon death. (Patron—Hudson) HJR 415 4464

BUTTS, HELEN

Butts, Helen; commending. (Patron—LaRock) HJR 500 4507

BYRD, LINDA J.

Byrd, Linda J.; commending. (Patron—Leftwich) HJR 138 4319

CADDIGAN, MAUREEN

Caddigan, Maureen; commending (Patron—Guzman) HR 19 4527

CAIN, MILTON ALAN, JR.

Cain, Milton Alan, Jr.; recording sorrow upon death. (Patron—Tyler) HR 179 4608

CALKINS, CHRISTOPHER M.

Calkins, Christopher M.; commending.
Patron—Wright HJR 196 4349
Patron—Peake SJR 92 4683

CAMPAIGN PRACTICES

Campaign finance; committee depositories and reimbursement.
(Patron—Adams, D.M.) HB 1061 349 534

Campaign finance; filing schedule for persons with multiple campaign committees.
(Patron—Carter) HB 88 347 532

Campaign finance; reporting of certain contributions received immediately prior to
legislative session, report shall be received by the State Board not later than January
15. (Patron—Suetterlein) SB 217 770 1213

Campaign Finance Disclosure Act of 2006; applicability to nominations and elections
for directors of soil and water conservation districts, exemption from reporting
requirements includes directors. (Patron—Suetterlein) SB 979 772 1214

Local and constitutional offices; candidates to file campaign finance reports by
computer or electronic means, effective date. (Patron—Suetterlein) SB 57 769 1213

Political campaign advertisements; adds text messages to definition of campaign
telephone calls, etc. (Patron—Adams, D.M.) HB 1062 554 851

Political campaign advertisements; authorization statement, name of candidate
defined, effective date. (Patron—Watts) HB 1556 615 937

Political campaign advertisements; print media requirements, print media
advertisements paid for or distributed prior to July 1, 2024, shall not be subject to
regulations promulgated by State Board of Elections. (Patron—Wilt) HB 1238 557 861

CAMPBELL, COLIN

Campbell, Colin; commending. (Patron—Mugler) HR 161 4599

CAMPBELL, GLORIA

Campbell, Gloria; commending. (Patron—Marshall) HJR 466 4489

CAMPBELL, WILLIAM ROBERT, JR.

Campbell, William Robert, Jr.; recording sorrow upon death. (Patron—Freitas) HJR 336 4425

CANCER

Workers' compensation; presumption of compensability for certain diseases, adds
cancers of the colon, brain, or testes to the list that are presumed to be an
occupational disease when firefighters and certain employees develop the cancer,

CANCER - Continued

presumption shall not apply for any individual who was diagnosed with such a condition before July 1, 2020.

Patron—Askew HB 783 498 757
Patron—Saslaw SB 9 499 758

CANDIDATES IN ELECTIONS

Candidate petitions; residency of petition circulators, signed statement required for nonresident circulators. (Patron—Sullivan) HB 214 501 763

Political campaign advertisements; authorization statement, name of candidate defined, effective date. (Patron—Watts) HB 1556 615 937

Primary election; changes date of election held in June from second Tuesday in June to third Tuesday in June, also changes candidate filing deadlines to reflect change of date, provisions shall not become effective unless reenacted by 2021 Session of the General Assembly. (Patron—Kiggans) SB 316 1253 2960

CANINES-N-KIDS FOUNDATION

Canines-N-Kids Foundation; commending. (Patron—Delaney) HJR 179 4340

CANNABIDIOL OIL

Cannabidiol oil and THC-A oil; sample testing. (Patron—Hashmi) SB 1045 944 1721

Cannabidiol oil and THC-A oil; telemedicine, certification for use of oil for treatment, dispensing to a patient who is a Virginia resident or temporarily resides in Virginia, etc. (Patron—O'Quinn) HB 1460 730 1096

Marijuana; possession of cannabidiol oil or THC-A oil, provisions shall not apply to persons who possess a valid written certification issued by a practitioner, etc. (Patron—Marsden) SB 1015 764 1203

Nursing homes, hospice, hospice facilities, and assisted living facilities; possession and administration of cannabidiol or THC-A oil. (Patron—Dunnivant) SB 185 846 1368

Performance of laboratory analysis; cannabidiol oil, THC-A oil, tetrahydrocannabinol or industrial hemp. (Patron—Marsden) SB 885 941 1716

Pharmaceutical processors; clarifies definition of "cannabidiol oil," permit to operate processor, testing shall be performed by a laboratory in Virginia. (Patron—O'Quinn) HB 1670 928 1698

CANNABIS

Commonwealth's medical cannabis program; Secretary of Health and Human Resources shall convene a work group to review and provide recommendations, report. (Patron—Davis) HB 347 711 1056

Pharmaceutical processors; operation of cannabis dispensing facilities, practitioner shall use his professional judgment to determine manner and frequency of patient care and evaluation and may employ the use of telemedicine, etc. (Patron—Marsden) SB 976 1278 3143

CAPITAL OUTLAY

Capital outlay bill; timing of required submission.

Patron—Torian HB 1248 254 384
Patron—Hanger SB 60 864 1522

Capital outlay plan; updates six-year plan for projects to be funded entirely or partially from general fund-supported resources, beginning July 1, 2020, repeals existing six-year plan. (Patron—Howell) SB 577 1134 2270

CAPITOL POLICE

Capitol Police; concurrent jurisdiction.

Patron—Bourne HB 1626 754 1168
Patron—Edwards SB 996 897 1589

Capitol Police, Division of; commending. (Patron—Filler-Corn) HJR 254 4380

Capitol Police, Division of, Virginia Department of State Police, Richmond Police Department, Virginia Department of General Services, and the many other support units of the Unified Command; commending their performance above and beyond the call of duty at the Second Amendment rally January 20, 2020. (Patron—Saslaw) SJR 202 4746

CAPLIN, MORTIMER

Caplin, Mortimer; recording sorrow upon death. (Patron—Hudson) HJR 416 4465

CARBONNEAU, LORI

Carbonneau, Lori; commending. (Patron—Murphy) HJR 331 4423

CARDMAN, ZENA MARIA

Cardman, Zena Maria; commending. (Patron—Batten) HJR 250 4378

	BILL OR RES. NO.	CHAP. NO.	PAGE NO.
CAREER AND TECHNICAL EDUCATION			
Career and Technical Education Work-Based Learning Guide; Board of Education to review and revise. (Patron—Tyler)	HB 1680	692	1028
School boards; career and technical education, academic and career plans, contents. (Patron—O'Quinn)	HB 1276	637	962
CARMODY, ALLAN M.			
Carmody, Allan M.; commending. (Patron—Adams, D.M.)	HR 128		4583
CARTER, ELISABETH ROSS REED			
Carter, Elisabeth Ross Reed; recording sorrow upon death. (Patron—Carr)	HJR 373		4444
CARTER, HENRY LEE			
Carter, Henry Lee; recording sorrow upon death. (Patron—Freitas)	HJR 315		4414
CARTER, JANA D.			
Carter, Jana D.; commending. (Patron—Robinson)	HR 129		4584
CARTER, JUDITH P.			
Carter, Judith P.; recording sorrow upon death. (Patron—Freitas)	HJR 314		4413
CASEY, EDWINA J.			
Casey, Edwina J.; commending. (Patron—Hodges)	HJR 153		4326
CASINO GAMING			
Lottery Board; regulation and control of casino gaming, definitions, Virginia Indigenous People's Trust Fund created, membership of Board, voluntary exclusion program, on-premises mobile casino gaming, civil penalties, Regional Improvement Commission established.			
Patron—Knight	HB 4	1197	2559
Patron—Lucas	SB 36	1248	2910
CASSELL, OLLAN CONN			
Cassell, Ollan Conn; commending. (Patron—Kilgore)	HJR 184		4342
CATLETT, MARCELINE ROLLINS			
Catlett, Marceline Rollins; commending. (Patron—Cole, J.G.)	HR 33		4535
CATS			
Animal welfare regulations; keeping of dogs, cats, and rabbits, position of State Animal Welfare Inspector created. (Patron—Marsden)	SB 891	1284	3531
Dogs or cats; rental or lease prohibited, civil penalty, any person who violates this practice may have its business license, retail license, etc., suspended or revoked, exception. (Patron—McPike)	SB 742	630	955
Rabid animals; Class 1 misdemeanor for any person to permit a dog or cat that he owns or is in his custody to stray from his premises when he knows or has been told by animal control agency, etc., that animal is suspected of having rabies. (Patron—Bell)	HB 1573	1183	2455
CELL PHONES			
Handheld personal communications devices; holding devices while driving a motor vehicle, exceptions, penalties, effective date, report.			
Patron—Bourne	HB 874	250	375
Patron—Surovell	SB 160	543	827
Virginia Telephone Privacy Protection Act; for the purposes of the Act, "telephone solicitation call" includes any text message sent to any wireless telephone with a Virginia area code, or to a wireless telephone registered to any resident of the Commonwealth, false or misleading caller identification information on called person's telephone.			
Patron—Heretick	HB 1244	263	398
Patron—Morrissey	SB 812	607	931
CEMETERIES AND GRAVEYARDS			
Cemeteries; acquisition of abandoned lots in cities and towns in the Counties of Scott and Wythe. (Patron—Edwards)	SB 445	669	1005
Cemeteries; owners of any land, regardless of zoning classification, used for interment of human remains shall cut grass, weeds, etc., on such property, not applicable to land owned by an individual, family, or church. (Patron—McQuinn)	HB 1688	597	922
Cemeteries, special interments; allows the remains of cremated pets to be interred with human remains. (Patron—Dunnivant)	SB 1070	537	815

	BILL OR CHAP. RES. NO.	PAGE NO.	PAGE NO.
CENTRAL ACCOMACK SENIOR LEAGUE BOYS' ALL-STAR TEAM			
Central Accomack Senior League boys' all-star team; commending. (Patron—Lewis)	SJR 158	4721	
CENTRAL ACCOMACK SENIOR LEAGUE GIRLS' ALL-STAR TEAM			
Central Accomack Senior League girls' all-star team; commending. (Patron—Lewis)	SJR 157	4721	
CENTRAL HIGH SCHOOL			
Central High School one-act play team; commending. (Patron—Kilgore)	HJR 156	4328	
CENTRAL STATE HOSPITAL			
Central State Hospital; commemorating its 150th anniversary. (Patron—Aird)	HR 100	4569	
CHADWICK, WALLACE WOODROW, JR.			
Chadwick, Wallace Woodrow, Jr.; recording sorrow upon death. (Patron—DeSteph) .	SJR 143	4712	
CHAPLIN, LISA			
Chaplin, Lisa; commending. (Patron—Chase)	SJR 134	4707	
CHARITABLE GAMING			
Charitable gaming; increase in certain maximum allowable prize amounts, Charitable Gaming Board shall convene a stakeholder work group to review current limitations on prize amounts, report. (Patron—Keam)	HB 1690	980	1872
Charitable gaming; removes restrictions regarding the number of calendar days that may be conducted, repeals certain provisions relating to special permits. (Patron—Barker)	SB 199	568	879
Charitable Gaming Board; Texas Hold'em poker events, additional gross receipts assessment. (Patron—Petersen)	SB 936	982	1875
Virginia Charitable Gaming Board; electronic versions of instant bingo, pull tabs or seal cards. (Patron—Willett)	HB 1681	979	1871
CHARLOTTE COUNTY			
Charlotte County; additional sales and use tax imposed, appropriations to incorporated towns for educational purposes. (Patron—Edmunds)	HB 1631	705	1042
CHARLOTTESVILLE, CITY OF			
Affordable housing; adds City of Charlottesville to list of localities with authority to provide. (Patron—Hudson)	HB 1105	486	744
Charlottesville, City of; amending charter, city organization. Patron—Hudson	HB 1107	813	1279
Patron—Deeds	SB 284	814	1288
CHARLOTTESVILLE HIGH SCHOOL			
Charlottesville High School boys' soccer team; commending. (Patron—Hudson)	HJR 411	4462	
CHARTERS			
Abingdon, Town of; amending charter, updates town's boundary descriptions. Patron—Wampler	HB 1720	447	668
Patron—Pillion	SB 1084	448	669
Blacksburg, Town of; amending charter, public hearings. Patron—Hurst	HB 629	128	198
Patron—Edwards	SB 454	825	1307
Blackstone, Town of; amending charter, advisory referendums. Patron—Wright	HB 1565	151	227
Patron—Ruff	SB 1036	536	814
Bluefield, Town of; amending charter, relating to town council, mayor, and town powers. Patron—Morefield	HB 171	120	182
Patron—Chafin	SB 244	889	1579
Brodnax, Town of; amending charter, reduces number of town councilmen. Patron—Tyler	HB 168	119	181
Patron—Ruff	SB 257	890	1580
Charlottesville, City of; amending charter, city organization. Patron—Hudson	HB 1107	813	1279
Patron—Deeds	SB 284	814	1288
Cheriton, Town of; amending charter, town elections. (Patron—Bloxom)	HB 564	394	593
Dayton, Town of; amending charter, organizational and technical changes. Patron—Wilt	HB 1233	146	221
Patron—Obenshain	SB 690	1176	2447

BILL OR CHAP. PAGE
RES. NO. NO. NO.

CHARTERS - Continued

Elkton, Town of; amending charter, town boundaries, council meetings.

Patron—Runion	HB	846	135	205
Patron—Hanger	SB	597	757	1175

Hopewell, City of; amending charter, issuance of bonds.

Patron—Coyner	HB	1616	596	922
Patron—Morrissey	SB	961	608	932

Middleburg, Town of; amending charter, clarification of powers and duties of mayor, town council, etc.

Patron—Gooditis	HB	441	126	196
Patron—Vogel	SB	541	891	1581

Norfolk, City of; amending charter, changes from "election" to "appointment" the term used to describe the selection of certain officers by the city council and clarifying that employees of such officers serve at will, removes a provision relating to vagrants.

Patron—Jones	HB	749	134	202
Patron—Spruill	SB	96	528	795

Parksley, Town of; amending charter, mayor and six members of council shall be elected in November, etc. (Patron—Bloxom)

HB	1492	594	921
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Richmond, City of; amending charter, residency of council members.

Patron—Adams, D.M.	HB	1064	141	215
Patron—Hashmi	SB	528	827	1310

Scottsville, Town of; amending charter, staggered elections for town council and other town officers. (Patron—Bell)

HB	345	125	195
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Scottsville, Town of; amending charter, staggered elections for town council beginning in 2022, and other town officers, etc. (Patron—Deeds)

SB	281	1252	2958
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Virginia Beach, City of; amending charter, resignation of council members to run for a new seat.

Patron—Convirs-Fowler	HB	464	127	198
Patron—DeSteph	SB	900	762	1201

Winchester, City of; amending charter, relating to school board. (Patron—Collins) ...

HB	1734	598	923
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CHAVARRIAGA, NIKO

Chavarriga, Niko; commending. (Patron—Bell)	SJR	245		4768
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CHERITON, TOWN OF

Cheriton, Town of; amending charter, town elections. (Patron—Bloxom)	HB	564	394	593
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CHESAPEAKE BAY

Chesapeake Bay Preservation Areas; preservation of mature trees or planting of trees as water quality protection tool, coastal resilience and adaption to sea-level rise and climate change, etc., proposed regulations shall be subject to a public comment period of at least 60 days prior to final adoption by the State Water Control Board. (Patron—Hope)

HB	504	1207	2625
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Chesapeake Bay watershed implementation plan initiatives; nutrient management plans for cropland, livestock stream crossings, bovine livestock stream exclusion.

Patron—Plum	HB	1422	1185	2457
Patron—Mason	SB	704	1186	2458

Coal ash ponds; definitions, "coal ash pond" means any natural topographic depression, man-made excavation, or diked area that is located in the Chesapeake Bay watershed at certain stations in Fluvanna, Chesterfield, or Prince William Counties, identifying all private wells and public water supply wells within 1.5 miles of any pond boundary. (Patron—Ayala)

HB	1641	625	952
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CHESAPEAKE BAY COMMISSION

Chesapeake Bay Commission; commemorating its 40th anniversary. (Patron—Bulova)	HR	64		4549
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CHESAPEAKE, CITY OF

Chesapeake, City of; adds City to the list of localities that are authorized to issue bonds for the construction of public facilities and retain sales and use tax revenue generated within such facilities.

Patron—Hayes	HB	906	329	511
Patron—Spruill	SB	163	62	79

CHESTERFIELD COUNTY

Chesterfield County School Board; recovery high school to be established. (Patron—Coyner)

HB	928	1042	2004
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CHESTERFIELD COUNTY - Continued

Coal ash ponds; definitions, "coal ash pond" means any natural topographic depression, man-made excavation, or diked area that is located in the Chesapeake Bay watershed at certain stations in Fluvanna, Chesterfield, or Prince William Counties, identifying all private wells and public water supply wells within 1.5 miles of any pond boundary. (Patron—Ayala) HB 1641 625 952

CHICKAHOMINY COMMUNITY IMPROVEMENT ORGANIZATION

Chickahominy Community Improvement Organization; commemorating its 50th anniversary. (Patron—Batten) HJR 225 4364

CHILD ABUSE OR NEGLECT

Best interests of the child; history of child abuse and acts of violence, force, or threat.
Patron—Levine HB 861 1074 2046
Patron—Favola SB 105 1075 2047

Child abuse and neglect; electronic requests and responses for searches of the central registry. (Patron—Mason) SB 678 300 462

Child abuse and neglect reporting; adds to list of mandatory reporters of suspected child abuse and neglect athletic coaches, directors, etc., that are employed by or volunteering with a public sports organization or team. (Patron—Hayes) HB 904 461 707

CHILD CARE

Child care providers; fingerprint-based criminal background checks, repeals sunset and contingency expiration.
Patron—Convirs-Fowler HB 997 462 709
Patron—Mason SB 675 463 709

Child care providers; out-of-state background checks. (Patron—Boysko) SB 668 936 1708

Firearms; adds public, private, or religious preschools and child day centers that are not operated at the residence of the provider to the list of schools where possessing a firearm on school property or on a school bus is prohibited, certain provisions shall apply only during operating hours, etc., clarifies definition of "child day center." (Patron—Lucas) SB 71 1249 2939

Minor's child-care records; access by parent of records of a child day center or family day home. (Patron—Surovell) SB 430 178 265

Religious-exempt child day centers; staff-to-children ratios.
Patron—Wilt HB 1235 494 751
Patron—Hanger SB 927 495 752

CHILD CUSTODY

Uniform Child Custody Jurisdiction and Enforcement Act; disclosure of identifying information, pleading or affidavit. (Patron—Heretick) HB 436 42 52

CHILD SUPPORT

Child support; assignment of tax credits. (Patron—Surovell) SB 434 192 278

Child support; reasonable cost of health care coverage. (Patron—Samirah) HB 637 213 307

Child support; withholding from income of an independent contractor. (Patron—Surovell) SB 429 722 1069

Initial child support order; unreimbursed medical expenses for pregnancy and birth. (Patron—Surovell) SB 428 177 245

CHILDREN

Child pornography; possession, distribution, production, publication, sale, financing, etc., venue. (Patron—Byron) HB 1330 489 746

Children; no child under the age of 18 shall be strip searched or subjected to a search of any body cavity by a law-enforcement officer or a jail officer unless child is in custodial arrest and there is reasonable cause that child is concealing a weapon, exception if child is committed to Department of Juvenile Justice or confined or detained in a secure local facility for juveniles, etc. (Patron—Carter) HB 1544 1236 2854

Custodial interrogation of a child; parental notification and contact, may be in person, electronically, by telephone, or by video conference. (Patron—Watts) HB 746 480 732

Guardian ad litem for children; certification of compliance with certain standards. (Patron—Collins) HB 137 21 26

Immunizations; State Board of Health shall amend regulations as necessary to maintain conformity with evidence-based routinely recommended vaccinations for children, report, effective date. (Patron—Hope) HB 1090 1223 2693

Individualized education program teams; teams to consider need for certain age-appropriate and developmentally appropriate instruction, Department of

BILL OR CHAP. PAGE
RES. NO. NO. NO.

CHILDREN - Continued

Education shall establish guidelines when developing IEPs for children with disabilities.

Patron—Runion	HB	134	51	63
Patron—Dunnavant	SB	186	170	239

Interstate Compact on Educational Opportunity for Military Children, Virginia Council on the; increases membership of nonlegislative citizen members, adds one parent of a military child to Council. (Patron—DeSteph)

SB	41	600	924
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Line of Duty Act; coverage for a dependent born after the disability or death of an employee, clarifies "eligible dependent."

Patron—Knight	HB	51	207	296
Patron—DeSteph	SB	40	559	862

Public schools; enrollment of certain children placed in foster care, provisions shall apply to any student who was in foster care upon reaching 18 years of age, etc.

Patron—Carroll Foy	HB	368	474	726
Patron—Barker	SB	275	475	726

Sickle cell anemia or other related diseases or inborn errors of metabolism; Commissioner of Health shall establish a voluntary program for the screening of adults and children, Board of Health shall adopt regulations to implement an adult and pediatric comprehensive sickle cell clinic network. (Patron—Hayes)

HB	907	503	770
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Virginia Missing Child with Autism Alert Program; established. (Patron—Miyares)

HB	65	19	25
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CHILDREN'S HOME SOCIETY OF VIRGINIA

Children's Home Society of Virginia; commemorating its 120th anniversary.

Patron—Adams, D.M.	HJR	185		4343
Patron—McQuinn	HJR	309		4410
Patron—Bourne	HR	76		4556
Patron—Dunnavant	SJR	111		4695
Patron—McClellan	SJR	250		4770

CHINMAYA SOMNATH CHAPTER OF THE CHINMAYA MISSION WASHINGTON REGIONAL CENTER

Chinmaya Somnath chapter of the Chinmaya Mission Washington Regional Center; commending. (Patron—Subramanyam)

HJR	489		4501
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CHIROPRACTORS

Chiropractic, practice of; clarifies definition. (Patron—Sickles)

HB	385	357	546
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CHRISTIAN, MARY T.

Christian, Mary T.; recording sorrow upon death.

Patron—Ward	HJR	166		4333
Patron—Locke	SJR	83		4678

CHRISTIANSBURG HIGH SCHOOL

Christiansburg High School boys' indoor track team; commending. (Patron—Rush)

HR	105		4572
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CHRISTOPULOS, DIANA

Christopoulos, Diana; commending. (Patron—McNamara)

HR	69		4552
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CHURCHES AND CHURCH PROPERTY

Dead animals; makes it a Class 1 misdemeanor for any person who maliciously places within any church or on church property. (Patron—Miyares)

HB	1096	485	743
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Professional and Occupational Regulation, Department of; clarifies that a cemetery wholly owned and operated by a nonstock corporation not operated for profit is exempt from regulation, "church" includes a church that operates as a historic landmark.

Patron—Ransone	HB	950	27	34
Patron—McDougle	SB	519	33	39

CIGARETTES

Tax authority of localities; counties authority to levy taxes, admissions tax, transient occupancy tax, cigarette tax, etc., repeals certain admissions tax provisions.

Patron—Watts	HB	785	1214	2631
Patron—Hanger	SB	588	1263	3018

CIRCUIT COURTS

Administrative assistants; an employee hired and paid by a county or city to assist with the administration of a circuit court judge's office shall serve at sole direction and supervision of such judge. (Patron—Campbell, J.L.)

HB	1725	1061	2015
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CIRCUIT COURTS - Continued

Certificate of birth; State Registrar shall issue a new certificate upon receipt of a request by a person to show change of sex, etc., circuit court of equitable jurisdiction to adjudicate, upon application of a person, that sex of such person residing within territorial jurisdiction of circuit court has changed.				
Patron—Simon	HB	1041	465	713
Patron—Boysko	SB	657	466	715
Circuit court clerks; fees collected for recording and indexing, use of fee in preserving permanent records of the circuit courts.				
Patron—Hope	HB	306	69	90
Patron—Favola	SB	938	653	983
Circuit court clerk's fee; lodging, etc., of wills.				
Patron—Hope	HB	305	68	87
Patron—Favola	SB	940	589	902
Courthouse and courtroom security; increases from \$10 to \$20 maximum amount a local governing body may assess against a convicted defendant as part of costs in a criminal or traffic case in district or circuit court to fund. (Patron—Howell)	SB	149	602	925
Judge; nomination for election to circuit court. (Patron—Lindsey)	HR	214		4626
Judges; election in circuit court, general district court, and juvenile and domestic relations district court. (Patron—Lindsey)	HJR	388		4453
Judges; election in circuit court, general district court, juvenile and domestic relations district court, members of the Judicial and Inquiry Review Commission, and a member of the State Corporation Commission. (Patron—Lindsey)	HJR	509		4511
Judges; election in Supreme Court of Virginia, circuit court, general district court, juvenile and domestic relations district court, and a member of the Virginia Workers' Compensation Commission. (Patron—Lindsey)	HJR	161		4330
Judges; nominations for election to circuit court.				
Patron—Lindsey	HR	30		4533
Patron—Lindsey	HR	137		4588
Patron—Edwards	SR	11		4801
Patron—Edwards	SR	50		4820
Juveniles; minimum age at which a juvenile can be tried as an adult in circuit court for a felony, preliminary hearings, time limitations.				
Patron—Guzman	HB	477	987	1888
Patron—Edwards	SB	546	988	1893
Wills; indexed in the name of decedent and such executor as listed in such instrument, effective date if clerk of circuit court does not have an electronic program capable of indexing wills by name of testator and executor. (Patron—Obenshain)	SB	700	1063	2015
CIVIL REMEDIES AND PROCEDURE				
Accrual of cause of action; diagnoses of nonmalignant and malignant asbestos-related injury or disease.				
Patron—Mullin	HB	781	99	154
Patron—Surovell	SB	661	180	266
Clinical social workers; patient records, involuntary detention orders. (Patron—Deeds)	SB	1046	945	1722
Common-law defense of intra-family immunity; abolished in certain cases. (Patron—Obenshain)	SB	693	906	1637
Compensation for wrongful incarceration; annuity term. (Patron—Deeds)	SB	415	648	978
Delinquent real property taxes; transfers from local clerk of court to local treasurer the duties of maintaining records of taxes and sales of such property and of correcting records relating to such property. (Patron—Heretick)	HB	1581	644	974
Domestic relations cases; invocation of constitutional rights, adverse inference. (Patron—Surovell)	SB	433	1062	2015
Epinephrine; every public place may make available for administration, Department of Health, et al., shall develop policies and guidelines for recognition and treatment of anaphylaxis in public places. (Patron—Keam)	HB	1147	556	853
Epinephrine; possession and administration by a restaurant employee, person shall not be liable for any civil damages, etc. (Patron—Edwards)	SB	530	853	1384
Hate crimes; adds gender, disability, gender identity, or sexual orientation, definition of "disability," penalty. (Patron—Favola)	SB	179	1171	2436
Hate crimes; adds gender, disability, gender identity, or sexual orientation, definition of "disability," penalty, effective clause. (Patron—Plum)	HB	618	746	1155

BILL OR CHAP. PAGE
RES. NO. NO. NO.

CIVIL REMEDIES AND PROCEDURE - Continued

Health care professionals, certain; every member of any committee, board, etc., that functions primarily to review, evaluate, or make recommendations on a professional program to address issues related to career fatigue and wellness, civil immunity, repeals code section referring to programs for impaired practitioners.

Patron—Hope HB 115 198 285
Patron—Barker SB 120 1093 2091

Homestead exemption; bankruptcy exemptions. (Patron—Simon) HB 790 328 508

Immunity of persons at public hearing; attorney fees and costs. (Patron—Hashmi) . . SB 401 824 1307

Inhaled asthma medications; school nurse, school board employee, etc., may possess or administer to a student diagnosed with a condition requiring an albuterol inhaler or nebulized albuterol.

Patron—Bell HB 860 459 692
Patron—Lopez HB 1174 460 700

Interlocutory appeals; immunity, petitions or appeals, civil actions. (Patron—Stanley) SB 771 907 1637

Naloxone or other opioid antagonist; possession and administration for overdose reversal, person who administers in good faith shall not be liable for any civil damages, etc. (Patron—Edwards) SB 566 1095 2095

Order of publication; electronic notice when publication in newspaper has been dispensed by court order. (Patron—Sullivan) HB 834 159 231

Partition of property; in partition actions the court shall order an appraisal to determine fair market value of property, etc., repeals provision relating to partition, when shares of two or more laid off together.

Patron—Hope HB 1605 115 177
Patron—Ruff SB 553 193 280

Pleadings, motions, and other papers; signature defects.

Patron—Leftwich HB 1378 74 104
Patron—Petersen SB 229 351 536

Recoupment; specifies what actions qualify for statutory recoupment to include all defenses out of the transaction, whether such defenses are in law or equity. (Patron—Hope) HB 651 1211 2628

Returns of service; acceptance of copies of proofs of service, proponent provides a statement that any such copy is a true copy of the original. (Patron—Roem) HB 780 158 231

Scott, Winston Lamont; compensation for wrongful incarceration. (Patron—Sullivan) HB 460 326 500

Sexual abuse; statute of limitations, personal action for injury to person. (Patron—Bourne) HB 870 1125 2257

Unlawful detainer; expungement of actions, effective date. (Patron—Surovell) SB 640 1013 1962

Virginia Fraud Against Taxpayers Act; illegal gambling device. (Patron—Reeves) . . SB 752 791 1238

CLERKS OF COURTS

Circuit court clerks; fees collected for recording and indexing, use of fee in preserving permanent records of the circuit courts.

Patron—Hope HB 306 69 90
Patron—Favola SB 938 653 983

Circuit court clerk's fee; lodging, etc., of wills.

Patron—Hope HB 305 68 87
Patron—Favola SB 940 589 902

Delinquent real property taxes; transfers from local clerk of court to local treasurer the duties of maintaining records of taxes and sales of such property and of correcting records relating to such property. (Patron—Heretick) HB 1581 644 974

Wills; indexed in the name of decedent and such executor as listed in such instrument, effective date if clerk of circuit court does not have an electronic program capable of indexing wills by name of testator and executor. (Patron—Obenshain) SB 700 1063 2015

CLINCH RIVER

Clinch River; designating approximately 66.8-mile segment in Tazewell and Russell Counties as part of the Clinch State Scenic River.

Patron—Morefield HB 5 306 475
Patron—Chafin SB 478 629 954

COAL MINING

Coal combustion residuals impoundment; definitions, closures in Giles and Russell Counties, costs associated with closure by removal of a unit shall be recoverable through a rate adjustment clause. (Patron—Carroll Foy) HB 443 563 874

BILL OR CHAP. PAGE
RES. NO. NO. NO.

COAL MINING - Continued

Railroad companies; companies having information about coal dust blown from moving trains in the Commonwealth requested to continue to submit annual reports to the General Assembly. (Patron—Lindsey)

HJR 25 4291

CODE OF VIRGINIA

§ 1-208.1, adding	SB	828	811	1278
§ 1-510, amending	SB	283	583	895
§ 2.2-106, amending	SB	616	958	1756
§ 2.2-115, amending	HB	935	591	905
§ 2.2-115.1, adding	HB	881	1217	2665
	SB	971	1277	3141
§ 2.2-200, amending	SB	877	738	1123
§§ 2.2-203 and 2.2-203.1, amending	SB	877	738	1123
§ 2.2-203.2:3, amending	HB	1098	50	62
§ 2.2-203.2:5, adding	SB	877	738	1123
§ 2.2-204, amending	HB	1017	1164	2376
	SB	576	1169	2413
	SB	877	738	1123
§ 2.2-205, amending	SB	877	738	1123
§ 2.2-205.2, amending	SB	877	738	1123
§ 2.2-206.2, repealing	HB	935	591	905
§ 2.2-206.3, adding	SB	877	738	1123
§ 2.2-208.1, repealing	HB	1012	860	1400
	SB	578	861	1460
§ 2.2-213.3, amending	SB	877	738	1123
§ 2.2-215, amending	SB	616	958	1756
§ 2.2-220.2, amending	SB	616	958	1756
§ 2.2-221, amending	HB	990	88	123
§ 2.2-222.4, adding	HB	1313	493	749
§ 2.2-225, amending	HB	1017	1164	2376
	SB	576	1169	2413
	SB	877	738	1123
§ 2.2-225.1, repealing	SB	877	738	1123
§ 2.2-230, amending	HB	990	88	123
§§ 2.2-234 and 2.2-235, adding	HB	704	1212	2628
	SB	406	1257	2981
§§ 2.2-309 and 2.2-309.1, amending	HB	1100	354	539
§ 2.2-401.01, amending	HB	4	1197	2559
	SB	36	1248	2910
§ 2.2-435.11, amending	HB	1313	493	749
§ 2.2-435.12, adding	HB	394	712	1056
§§ 2.2-436 and 2.2-437, amending	SB	877	738	1123
§ 2.2-438, adding	HB	1301	1090	2081
§ 2.2-444, adding	HB	1301	1090	2081
§ 2.2-449, adding	HB	1301	1090	2081
§ 2.2-507, amending	SB	616	958	1756
	SB	622	759	1178
§ 2.2-515.2, amending	SB	579	829	1311
§ 2.2-520, amending	SB	868	1140	2309
§ 2.2-604.2, adding	SB	963	961	1822
§ 2.2-608, amending	HB	719	421	627
§ 2.2-608.1, adding	HB	719	421	627
§ 2.2-614.5, amending	HB	511	490	747
§ 2.2-1110, amending	HB	544	47	59
	SB	563	179	265
§ 2.2-1124, amending	HB	437	358	548
	HB	446	43	53
§ 2.2-1129, amending	SB	403	734	1114
§ 2.2-1130, repealing	SB	403	734	1114

BILL OR CHAP. PAGE
RES. NO. NO. NO.

CODE OF VIRGINIA - Continued

§ 2.2-1147.3, adding	HB	587	49	62
§ 2.2-1150.3, adding	SB	948	834	1360
§ 2.2-1151.1, amending	HB	1271	1026	1975
	SB	792	1027	1975
§ 2.2-1167, amending	HB	1012	860	1400
	SB	578	861	1460
§ 2.2-1201, amending	HB	581	548	845
§ 2.2-1204, amending	HB	1106	555	852
§ 2.2-1211, adding	HB	581	548	845
§ 2.2-1509.2, amending	HB	1414	1230	2759
	SB	890	1275	3069
§ 2.2-1514, amending	HB	1414	1230	2759
	SB	890	1275	3069
§ 2.2-1518, amending	HB	1248	254	384
	SB	60	864	1522
§ 2.2-1605, amending	HB	1505	1234	2841
§ 2.2-1611, repealing	HB	1505	1234	2841
§ 2.2-1615, repealing	HB	1505	1234	2841
§ 2.2-1616, amending	HB	1505	1234	2841
§ 2.2-1617, amending	HB	1221	750	1161
§ 2.2-2001.5, adding	HB	135	438	656
	SB	321	1172	2439
§§ 2.2-2005, 2.2-2006, and 2.2-2007, amending	SB	877	738	1123
§ 2.2-2009, amending	HB	852	717	1061
§§ 2.2-2025 through 2.2-2031, repealing	HB	1003	423	629
§ 2.2-2101, amending	HB	1519	1043	2004
§ 2.2-2203.3, amending	HB	1049	1137	2273
§§ 2.2-2218 through 2.2-2233.1, repealing	HB	1017	1164	2376
	SB	576	1169	2413
§§ 2.2-2220, 2.2-2221, and 2.2-2221.1, amending	SB	877	738	1123
§ 2.2-2233.1, amending	SB	877	738	1123
§ 2.2-2237.1, amending	HB	935	591	905
§ 2.2-2237.3, amending	HB	935	591	905
§ 2.2-2238, amending	HB	935	591	905
§ 2.2-2238.1, repealing	HB	935	591	905
§ 2.2-2240.1, amending	SB	877	738	1123
§ 2.2-2242, amending	HB	935	591	905
§ 2.2-2320.1, adding	HB	1602	1119	2252
	SB	990	1120	2253
§ 2.2-2336, amending	HB	1608	800	1255
	SB	980	269	420
§§ 2.2-2351 through 2.2-2364, adding	HB	1017	1164	2376
	SB	576	1169	2413
§ 2.2-2400, amending	HB	1431	114	176
§ 2.2-2423, amending	HB	117	36	43
	HB	1003	423	629
	SB	127	175	243
§ 2.2-2449, amending	HB	993	57	67
§ 2.2-2459, amending	HB	993	57	67
§§ 2.2-2471, 2.2-2471.1, and 2.2-2472, amending	HB	1198	58	68
§ 2.2-2485, amending	SB	877	738	1123
§ 2.2-2489, amending	HB	1597	525	788
§§ 2.2-2496 through 2.2-2499, adding	HB	1209	1078	2048
	SB	991	1079	2050
§§ 2.2-2544 through 2.2-2550, adding	HB	1424	914	1648
	HB	1519	1043	2004
	SB	407	915	1650
§§ 2.2-2630 and 2.2-2631, amending	HB	993	57	67
§ 2.2-2698, amending	SB	877	738	1123

	BILL OR CHAP.		PAGE
	RES. NO.	NO.	NO.
CODE OF VIRGINIA - Continued			
§ 2.2-2699.1, amending	SB	877 738	1123
§§ 2.2-2699.4 and 2.2-2699.5, amending	SB	877 738	1123
§ 2.2-2699.7, amending	SB	877 738	1123
§§ 2.2-2699.8, 2.2-2699.9, and 2.2-2699.10, adding	HB	1042 113	175
	HB	1354 798	1243
	SB	883 1274	3067
§§ 2.2-2699.11 and 2.2-2699.12, adding	HB	1042 113	175
	SB	883 1274	3067
§§ 2.2-2715, 2.2-2715.1, and 2.2-2716, amending	HB	1269 1128	2259
§ 2.2-2738, amending	SB	877 738	1123
§ 2.2-2812.1, adding	HB	757 422	628
§ 2.2-2817.1, amending	SB	877 738	1123
§ 2.2-2822, amending	SB	877 738	1123
§ 2.2-2901.1, adding	HB	1049 1137	2273
	SB	868 1140	2309
§ 2.2-2905, amending	HB	1608 800	1255
	SB	980 269	420
§ 2.2-3004, amending	HB	1049 1137	2273
	SB	868 1140	2309
§ 2.2-3104.02, amending	HB	1011 111	171
§ 2.2-3110, amending	SB	448 777	1217
§ 2.2-3115, amending	HB	1011 111	171
	HB	1337 73	102
	HB	1528 77	105
	SB	703 81	114
§ 2.2-3132, amending	HB	1527 76	105
	SB	701 80	113
§ 2.2-3300, amending	HB	108 417	622
	SB	601 418	623
§§ 2.2-3503 and 2.2-3504, amending	SB	877 738	1123
§ 2.2-3704, amending	SB	153 1142	2325
§ 2.2-3704.2, amending	SB	138 1141	2324
§ 2.2-3704.3, amending	HB	1527 76	105
	SB	139 904	1635
	SB	701 80	113
§ 2.2-3705.3, amending	HB	548 48	60
§ 2.2-3705.4, amending	HB	510 71	96
	SB	140 78	107
§ 2.2-3705.5, amending	HB	1012 860	1400
	SB	482 851	1375
	SB	578 861	1460
§ 2.2-3705.6, amending	HB	722 72	97
	HB	1017 1164	2376
	SB	269 79	108
	SB	576 1169	2413
§ 2.2-3705.7, amending	HB	313 70	92
	HB	896 1218	2667
	HB	1017 1164	2376
	HB	1211 1227	2721
	SB	34 1246	2875
	SB	259 587	898
	SB	384 1256	2963
	SB	576 1169	2413
§ 2.2-3711, amending	HB	4 1197	2559
	HB	896 1218	2667
	HB	1017 1164	2376
	SB	36 1248	2910
	SB	384 1256	2963
	SB	482 851	1375
	SB	576 1169	2413

BILL OR CHAP. PAGE
RES. NO. NO. NO.

CODE OF VIRGINIA - Continued

	SB	622	759	1178
§ 2.2-3803, amending	SB	877	738	1123
§ 2.2-3808.1, amending	HB	1211	1227	2721
	SB	34	1246	2875
§ 2.2-3900, amending	HB	1049	1137	2273
	SB	868	1140	2309
§ 2.2-3901, amending	HB	827	1138	2306
	HB	1049	1137	2273
	HB	1514	107	170
	SB	50	152	227
	SB	712	1139	2307
	SB	868	1140	2309
§ 2.2-3902, amending	HB	1049	1137	2273
	SB	868	1140	2309
§ 2.2-3903, amending	HB	827	1138	2306
	HB	1049	1137	2273
	SB	712	1139	2307
	SB	868	1140	2309
§ 2.2-3904, adding	HB	827	1138	2306
	SB	712	1139	2307
	SB	868	1140	2309
§ 2.2-3906, adding	SB	868	1140	2309
§ 2.2-3908, adding	SB	868	1140	2309
§ 2.2-4002, amending	HB	1448	201	290
	SB	482	851	1375
	SB	616	958	1756
	SB	791	356	542
§ 2.2-4006, amending	SB	764	1271	3050
§ 2.2-4024, amending	SB	616	958	1756
§ 2.2-4030, amending	SB	616	958	1756
§ 2.2-4103, amending	HB	1448	201	290
	SB	791	356	542
§ 2.2-4200, amending	HB	1049	1137	2273
§ 2.2-4201, amending	HB	1228	859	1399
§ 2.2-4302.1, amending	HB	1201	1089	2080
	SB	380	176	244
§ 2.2-4302.2, amending	HB	1078	1158	2358
§ 2.2-4303, amending	HB	452	44	55
	SB	650	104	166
§ 2.2-4303.01, amending	HB	1099	431	649
§ 2.2-4303.1, amending	HB	1099	431	649
	SB	368	618	940
	SB	487	852	1383
§ 2.2-4310, amending	HB	1049	1137	2273
§ 2.2-4321, amending	HB	1407	681	1016
	SB	744	682	1020
§ 2.2-4321.2, amending	HB	358	1203	2616
	SB	182	1251	2957
§ 2.2-4321.3, adding	HB	833	1216	2663
	SB	8	1243	2871
§ 2.2-4323, amending	HB	454	359	550
§ 2.2-4340, amending	HB	1300	496	754
	SB	607	497	756
§§ 2.2-4340.1 and 2.2-4340.2, adding	HB	1300	496	754
	SB	607	497	756
§ 2.2-4343, amending	HB	1407	681	1016
	SB	744	682	1020
§ 2.2-4343.1, amending	HB	1049	1137	2273
§ 2.2-4359, amending	HB	1201	1089	2080
	SB	380	176	244

	BILL OR CHAP.		PAGE	
	RES. NO.	NO.	NO.	NO.
CODE OF VIRGINIA - Continued				
§ 2.2-4382, amending	HB	890	162	233
	SB	341	163	233
§ 2.2-4400, amending	HB	1587	333	517
§ 2.2-4502, amending	HB	1587	333	517
§§ 2.2-4509 through 2.2-4512, amending	HB	1587	333	517
§ 2.2-4806, amending	HB	1226	577	887
§ 3.2-102, amending	HB	390	1113	2147
	SB	389	1114	2197
§ 3.2-108.1, amending	SB	616	958	1756
§§ 3.2-303 and 3.2-304, amending	HB	1002	1220	2687
§ 3.2-310, adding	HB	1002	1220	2687
§ 3.2-801, amending	SB	616	958	1756
§§ 3.2-3007 through 3.2-3013, adding	HB	1436	410	614
	SB	583	85	120
§§ 3.2-3602 and 3.2-3602.1, amending	SB	849	413	620
§ 3.2-3904, amending	SB	616	958	1756
§§ 3.2-3936 and 3.2-3937, amending	SB	616	958	1756
§ 3.2-4114, amending	HB	942	620	943
§ 3.2-4121, adding	HB	1430	659	990
	SB	918	660	991
§ 3.2-4300, amending	HB	1349	317	488
§§ 3.2-4302 through 3.2-4306, amending	HB	1349	317	488
§ 3.2-4308, amending	HB	1349	317	488
§§ 3.2-4312 through 3.2-4318, amending	HB	1349	317	488
§ 3.2-4320, amending	HB	1349	317	488
§ 3.2-4416, amending	HB	1237	407	611
§ 3.2-5115, amending	HB	390	1113	2147
	SB	389	1114	2197
§§ 3.2-5145.1 through 3.2-5145.5, adding	HB	1430	659	990
	SB	918	660	991
§§ 3.2-5400 and 3.2-5401, amending	HB	1353	318	490
§ 3.2-5405, amending	HB	1353	318	490
§ 3.2-5901.1, adding	SB	891	1284	3531
§ 3.2-6400, amending	SB	24	411	616
§ 3.2-6403, adding	HB	764	453	684

BILL OR CHAP. PAGE
RES. NO. NO. NO.

CODE OF VIRGINIA - Continued

§ 3.2-6500, amending	HB 1552	954	1747
	SB 272	955	1751
	SB 891	1284	3531
§ 3.2-6501.1, adding	SB 891	1284	3531
§ 3.2-6511.2, adding	SB 303	569	883
§ 3.2-6513.1, amending	SB 114	412	617
§ 3.2-6513.2, adding	SB 742	630	955
§§ 3.2-6514 and 3.2-6515, amending	SB 114	412	617
§ 3.2-6519, amending	SB 114	412	617
§ 3.2-6525, amending	SB 616	958	1756
§ 3.2-6546, amending	SB 786	1109	2130
§ 3.2-6587, amending	HB 1573	1183	2455
§§ 3.2-6594, 3.2-6595, and 3.2-6596, adding	SB 1030	632	957
§ 4.1-100, amending	HB 390	1113	2147
	SB 181	755	1169
	SB 389	1114	2197
	SB 496	1009	1940
	SB 498	1010	1947
§ 4.1-101.05, amending	HB 1049	1137	2273
§ 4.1-103, amending	HB 390	1113	2147
	SB 389	1114	2197
§ 4.1-103.03, amending	HB 390	1113	2147
	SB 389	1114	2197
§ 4.1-111, amending	HB 390	1113	2147
	SB 389	1114	2197
§ 4.1-114, amending	HB 390	1113	2147
	SB 389	1114	2197
§ 4.1-119, amending	HB 390	1113	2147
	SB 389	1114	2197
	SB 698	1017	1965
§ 4.1-124, amending	HB 390	1113	2147
	SB 389	1114	2197
§ 4.1-132, amending	HB 390	1113	2147
	SB 389	1114	2197
§§ 4.1-201 and 4.1-201.1, amending	HB 390	1113	2147
	SB 389	1114	2197
§ 4.1-203, amending	HB 390	1113	2147
	SB 389	1114	2197
§§ 4.1-204 and 4.1-205, amending	HB 390	1113	2147
	SB 389	1114	2197
§ 4.1-206, repealing	HB 390	1113	2147
	HB 949	16	21
	SB 389	1114	2197
	SB 414	756	1173
	SB 689	34	40
§§ 4.1-206.1, 4.1-206.2, and 4.1-206.3, adding	HB 390	1113	2147
	SB 389	1114	2197
§ 4.1-207, repealing	HB 390	1113	2147
	SB 389	1114	2197
	SB 441	1008	1939
§§ 4.1-207.1 and 4.1-208, repealing	HB 390	1113	2147
	SB 389	1114	2197
§ 4.1-209, amending	HB 390	1113	2147
	SB 389	1114	2197
	SB 1029	1179	2451
§ 4.1-209.1, amending	HB 390	1113	2147
	SB 389	1114	2197
§ 4.1-210, repealing	HB 390	1113	2147
	HB 598	15	18
	SB 212	32	37

	BILL OR CHAP.		PAGE
	RES. NO.	NO.	NO.
CODE OF VIRGINIA - Continued			
	SB	389 1114	2197
	SB	496 1009	1940
	SB	497 400	597
§ 4.1-211, amending	HB	390 1113	2147
	SB	389 1114	2197
§ 4.1-212, amending	HB	37 386	583
	HB	390 1113	2147
	HB	1088 816	1298
	SB	389 1114	2197
§ 4.1-212.1, amending	HB	390 1113	2147
	SB	389 1114	2197
§§ 4.1-215 and 4.1-216, amending	HB	390 1113	2147
	SB	389 1114	2197
§ 4.1-220, repealing	HB	390 1113	2147
	SB	389 1114	2197
§ 4.1-221.1, amending	HB	390 1113	2147
	SB	389 1114	2197
	SB	833 1177	2450
§ 4.1-222, amending	SB	395 534	809
§ 4.1-223, amending	HB	390 1113	2147
	SB	389 1114	2197
§ 4.1-225, amending	HB	245 122	186
§ 4.1-225.1, amending	HB	390 1113	2147
	SB	389 1114	2197
§ 4.1-227, amending	HB	390 1113	2147
	SB	389 1114	2197
§ 4.1-230, amending	HB	390 1113	2147
	SB	389 1114	2197
§ 4.1-231, repealing	HB	390 1113	2147
	SB	389 1114	2197
§ 4.1-231.1, adding	HB	390 1113	2147
	SB	389 1114	2197
§ 4.1-232, amending	HB	390 1113	2147
	SB	389 1114	2197
§ 4.1-233, repealing	HB	390 1113	2147
	SB	389 1114	2197
§ 4.1-233.1, adding	HB	390 1113	2147
	SB	389 1114	2197
§ 4.1-238, amending	HB	390 1113	2147
	SB	389 1114	2197
§ 4.1-305, amending	HB	1211 1227	2721
	SB	34 1246	2875
§§ 4.1-310 and 4.1-310.1, amending	HB	390 1113	2147
	SB	389 1114	2197
§ 4.1-314, amending	HB	37 386	583
§ 4.1-325, amending	HB	390 1113	2147
	SB	389 1114	2197
§ 4.1-325.1, amending	HB	390 1113	2147
	SB	389 1114	2197
§ 4.1-325.2, amending	HB	390 1113	2147
	SB	389 1114	2197
§ 4.1-327, amending	HB	390 1113	2147
	SB	389 1114	2197
§ 4.1-333, amending	HB	923 150	225
§§ 5.1-2.2:2 and 5.1-2.2:3, amending	HB	1414 1230	2759
	SB	890 1275	3069
§ 5.1-2.16, amending	HB	1414 1230	2759
	SB	890 1275	3069
§ 5.1-5, amending	SB	356 1255	2963

	BILL OR CHAP.		PAGE
	RES. NO.	NO.	NO.
CODE OF VIRGINIA - Continued			
§ 6.2-303, amending	HB	789 1215	2638
	SB	421 1258	2982
§ 6.2-312, amending	HB	789 1215	2638
	SB	421 1258	2982
§ 6.2-435, amending	HB	789 1215	2638
	SB	421 1258	2982
§ 6.2-501, amending	HB	1049 1137	2273
	SB	868 1140	2309
§§ 6.2-604 and 6.2-605, amending	SB	293 259	389
§ 6.2-612, amending	SB	293 259	389
§ 6.2-615.1, adding	SB	293 259	389
§ 6.2-616, amending	SB	293 259	389
§ 6.2-1047, amending	HB	155 239	353
§ 6.2-1059, amending	HB	155 239	353
§ 6.2-1352, amending	HB	813 262	398
	SB	296 547	844
§§ 6.2-1500 and 6.2-1501, amending	HB	789 1215	2638
	SB	421 1258	2982
§ 6.2-1505, amending	HB	789 1215	2638
	SB	421 1258	2982
§ 6.2-1507, amending	HB	789 1215	2638
	SB	421 1258	2982
§ 6.2-1508.1, adding	HB	789 1215	2638
	SB	421 1258	2982
§ 6.2-1509, amending	HB	789 1215	2638
	SB	421 1258	2982
§§ 6.2-1517 and 6.2-1518, amending	HB	789 1215	2638
	SB	421 1258	2982
§ 6.2-1520, amending	HB	789 1215	2638
	SB	421 1258	2982
§ 6.2-1523, amending	HB	789 1215	2638
	SB	421 1258	2982
§§ 6.2-1523.1, 6.2-1523.2, and 6.2-1523.3, adding	HB	789 1215	2638
	SB	421 1258	2982
§ 6.2-1524, amending	HB	789 1215	2638
	SB	421 1258	2982
§§ 6.2-1526 and 6.2-1527, amending	HB	623 900	1600
§§ 6.2-1800 and 6.2-1801, amending	HB	789 1215	2638
	SB	421 1258	2982
§§ 6.2-1803 and 6.2-1804, amending	HB	789 1215	2638
	SB	421 1258	2982
§ 6.2-1807, amending	HB	789 1215	2638
	SB	421 1258	2982
§§ 6.2-1809, 6.2-1810, and 6.2-1811, amending	HB	789 1215	2638
	SB	421 1258	2982
§ 6.2-1816, amending	HB	789 1215	2638
	SB	421 1258	2982
§ 6.2-1816.1, adding	HB	789 1215	2638
	SB	421 1258	2982
§ 6.2-1817, amending	HB	789 1215	2638
	SB	421 1258	2982
§ 6.2-1817.1, adding	HB	789 1215	2638
	SB	421 1258	2982
§ 6.2-1818, repealing	HB	789 1215	2638
	SB	421 1258	2982
§§ 6.2-1818.1 through 6.2-1818.4, adding	HB	789 1215	2638
	SB	421 1258	2982
§§ 6.2-1819 and 6.2-1820, amending	HB	789 1215	2638
	SB	421 1258	2982

	BILL OR CHAP.		PAGE	
	RES. NO.	NO.	NO.	NO.
CODE OF VIRGINIA - Continued				
§§ 6.2-1827 and 6.2-1828, amending	HB	789	1215	2638
	SB	421	1258	2982
§§ 6.2-2026 through 6.2-2050, adding	HB	1553	785	1225
§§ 6.2-2200 and 6.2-2201, amending	HB	789	1215	2638
	SB	421	1258	2982
§§ 6.2-2203 and 6.2-2204, amending	HB	789	1215	2638
	SB	421	1258	2982
§ 6.2-2207, amending	HB	789	1215	2638
	SB	421	1258	2982
§ 6.2-2210, amending	HB	789	1215	2638
	SB	421	1258	2982
§ 6.2-2215, amending	HB	789	1215	2638
	SB	421	1258	2982
§ 6.2-2215.1, adding	HB	789	1215	2638
	SB	421	1258	2982
§ 6.2-2216, amending	HB	789	1215	2638
	SB	421	1258	2982
§§ 6.2-2216.1 through 6.2-2216.5, adding	HB	789	1215	2638
	SB	421	1258	2982
§ 6.2-2217, amending	HB	789	1215	2638
	SB	421	1258	2982
§ 6.2-2218.1, adding	HB	789	1215	2638
	SB	421	1258	2982
§ 6.2-2224, amending	HB	789	1215	2638
	SB	421	1258	2982
§ 6.2-2226, amending	HB	789	1215	2638
	SB	421	1258	2982
§ 6.2-2600, adding	HB	10	1198	2588
§ 6.2-2620, adding	HB	10	1198	2588
§ 6.2-2622, adding	HB	10	1198	2588
§ 6.2-2600, adding	SB	77	1250	2940
§ 6.2-2620, adding	SB	77	1250	2940
§ 6.2-2622, adding	SB	77	1250	2940
§ 8.01-42.1, amending	HB	618	746	1155
	SB	179	1171	2436
§ 8.01-49.1, amending	HB	618	746	1155
	SB	179	1171	2436
§ 8.01-81, amending	HB	1605	115	177
	SB	553	193	280
§ 8.01-81.1, adding	HB	1605	115	177
	SB	553	193	280
§ 8.01-82, repealing	HB	1605	115	177
	SB	553	193	280
§ 8.01-83, amending	HB	1605	115	177
	SB	553	193	280
§§ 8.01-83.1, 8.01-83.2, and 8.01-83.3, adding	HB	1605	115	177
	SB	553	193	280
§ 8.01-98, amending	HB	1581	644	974
§ 8.01-130.01, adding	SB	640	1013	1962
§ 8.01-195.11, amending	HB	460	326	500
	SB	415	648	978
§ 8.01-216.3, amending	SB	752	791	1238
§ 8.01-220.1:5, adding	SB	693	906	1637
§ 8.01-223.1, amending	SB	433	1062	2015
§ 8.01-223.2, amending	SB	401	824	1307
§ 8.01-225, amending	HB	860	459	692
	HB	908	924	1686
	HB	1147	556	853

BILL OR CHAP. PAGE
RES. NO. NO. NO.

CODE OF VIRGINIA - Continued

	HB 1174	460	700
	SB 530	853	1384
	SB 566	1095	2095
§ 8.01-232, amending	HB 1300	496	754
	SB 607	497	756
§ 8.01-243, amending	HB 870	1125	2257
§ 8.01-249, amending	HB 781	99	154
	SB 661	180	266
§ 8.01-271.1, amending	HB 1378	74	104
	SB 229	351	536
§ 8.01-313, amending	HB 1211	1227	2721
	SB 34	1246	2875
§ 8.01-317, amending	HB 834	159	231
§ 8.01-325, amending	HB 780	158	231
§ 8.01-413, amending	SB 1046	945	1722
§ 8.01-420.8, amending	HB 1211	1227	2721
	SB 34	1246	2875
§ 8.01-422, amending	HB 651	1211	2628
§ 8.01-480, amending	SB 616	958	1756
§ 8.01-512.4, amending	HB 790	328	508
§§ 8.01-581.16 and 8.01-581.17, amending	HB 115	198	285
	SB 120	1093	2091
§ 8.01-581.20, amending	SB 1046	945	1722
§ 8.01-670.1, amending	SB 771	907	1637
§ 8.9A-503, amending	HB 1211	1227	2721
	SB 34	1246	2875
§ 9.1-101, amending	HB 1022	90	130
	SB 616	958	1756
§ 9.1-102, amending	HB 246	123	190
	HB 438	1206	2621
	HB 1419	638	966
	HB 1648	526	789
	SB 171	184	268
	SB 561	1262	3013
	SB 1024	535	811
§ 9.1-114.2, adding	SB 1024	535	811
§ 9.1-116.6, adding	HB 1499	1129	2260
	SB 248	818	1302
§ 9.1-151, amending	HB 400	95	139
	SB 156	732	1100
§ 9.1-184, amending	HB 271	1039	2002
	SB 170	169	238
§ 9.1-188, amending	HB 1231	514	779
	SB 494	515	779
§ 9.1-191, adding	HB 475	274	424
	HB 1250	1165	2399
	SB 373	276	427
§ 9.1-203.1, amending	SB 561	1262	3013
§ 9.1-400, amending	HB 51	207	296
	SB 40	559	862
§ 9.1-500, amending	SB 616	958	1756
§§ 9.1-900 and 9.1-901, amending	SB 579	829	1311
§ 9.1-902, amending	HB 253	389	587
	SB 492	826	1308
	SB 579	829	1311
§§ 9.1-903 and 9.1-904, amending	SB 579	829	1311
§§ 9.1-906 through 9.1-913, amending	SB 579	829	1311
§ 9.1-914, amending	HB 1012	860	1400
	SB 578	861	1460
	SB 579	829	1311

	BILL OR CHAP.		PAGE	
	RES. NO.	NO.	NO.	NO.
CODE OF VIRGINIA - Continued				
§ 9.1-918, amending	SB	579	829	1311
§ 9.1-1400, adding	HB	422	392	591
§ 10.1-104.01, repealing	HB	511	490	747
§ 10.1-204.1, amending	HB	886	314	486
	SB	616	958	1756
§ 10.1-211, amending	SB	616	958	1756
§ 10.1-405, amending	SB	616	958	1756
§ 10.1-408, amending	HB	5	306	475
	SB	478	629	954
§ 10.1-410.2, amending	HB	5	306	475
	SB	478	629	954
§ 10.1-411.5, adding	HB	1145	316	488
	HB	1612	322	493
	SB	1090	457	692
§ 10.1-413, amending	HB	1598	319	492
§ 10.1-418, amending	HB	1601	320	492
§ 10.1-418.10, adding	HB	282	403	609
	SB	288	404	609
§ 10.1-603.24, amending	HB	22	1199	2605
	HB	981	1219	2685
	SB	320	1254	2961
	SB	1027	1280	3148
§ 10.1-603.25, amending	HB	22	1199	2605
	HB	981	1219	2685
	SB	320	1254	2961
	SB	1027	1280	3148
§ 10.1-651, amending	SB	616	958	1756
§ 10.1-658, amending	HB	1313	493	749
§ 10.1-659, amending	HB	1313	493	749
	SB	616	958	1756
§ 10.1-1018, amending	SB	616	958	1756
§ 10.1-1121, amending	SB	616	958	1756
§§ 10.1-1152 and 10.1-1153, amending	SB	616	958	1756
§ 10.1-1156, amending	SB	616	958	1756
§§ 10.1-1181.13, 10.1-1181.14, and 10.1-1181.15, adding	SB	674	959	1821
§ 10.1-1182, amending	HB	1162	454	685
§ 10.1-1183, amending	HB	1162	454	685
	HB	1164	492	749
§ 10.1-1186, amending	SB	616	958	1756
§ 10.1-1186.1:1, adding	HB	1136	491	748
§ 10.1-1186.6, adding	SB	783	810	1278
§ 10.1-1188.1, adding	HB	1695	323	494
	SB	1004	672	1008
§ 10.1-1307.01, amending	SB	1075	1110	2132
§ 10.1-1308, amending	HB	1526	1193	2498
	SB	851	1194	2527
§§ 10.1-1329, 10.1-1330, and 10.1-1331, adding	HB	981	1219	2685
	SB	1027	1280	3148
§ 10.1-1402, amending	HB	1352	621	943
§ 10.1-1402.04, adding	HB	443	563	874
§ 10.1-1408.1, amending	HB	1352	621	943
§ 10.1-1413.3, adding	HB	1641	625	952
§ 10.1-1414, amending	HB	533	1104	2112
§ 10.1-1417, amending	SB	616	958	1756
§ 10.1-1422.01, amending	HB	533	1104	2112
§ 10.1-1424.3, adding	HB	533	1104	2112
§ 10.1-1801.1, amending	HB	1622	567	878
§ 10.1-2202, amending	HB	1523	455	686
	SB	881	456	689

	BILL OR CHAP.		PAGE
	RES. NO.	NO.	NO.
CODE OF VIRGINIA - Continued			
§ 10.1-2211.2, amending	HB 210	82	116
	HB 314	83	117
	HB 1523	455	686
	SB 881	456	689
§ 10.1-2211.3, adding	HB 1523	455	686
	SB 881	456	689
§ 10.1-2300, amending	HB 668	1106	2116
§ 10.1-2302, amending	HB 668	1106	2116
§ 11-4.4, amending	SB 658	1015	1963
§ 11-4.6, adding	SB 838	1038	2000
§ 11-8, amending	HB 623	900	1600
§ 11-16.1, adding	HB 4	1197	2559
	HB 896	1218	2667
	SB 36	1248	2910
	SB 384	1256	2963
§ 12.1-19, amending	HB 1211	1227	2721
	SB 34	1246	2875
§ 13.1-301, amending	HB 55	673	1009
§§ 13.1-307 and 13.1-308, amending	HB 55	673	1009
§§ 13.1-346 through 13.1-355, adding	HB 55	673	1009
§ 13.1-435, amending	HB 623	900	1600
§ 13.1-514, amending	HB 1339	331	513
	HB 1457	256	385
	SB 542	279	429
§ 13.1-543, amending	HB 1057	726	1082
§§ 13.1-603 and 13.1-604, amending	HB 1149	1226	2700
§§ 13.1-609 and 13.1-610, amending	HB 1149	1226	2700
§ 13.1-614.1, amending	HB 1149	1226	2700
§ 13.1-614.7, amending	HB 1149	1226	2700
§§ 13.1-615.1 and 13.1-616, amending	HB 1149	1226	2700
§ 13.1-624, amending	HB 1149	1226	2700
§ 13.1-630, amending	HB 1149	1226	2700
§ 13.1-636, amending	HB 1149	1226	2700
§ 13.1-652, amending	HB 1149	1226	2700
§ 13.1-657, amending	HB 1149	1226	2700
§ 13.1-679, amending	HB 1149	1226	2700
§ 13.1-692.1, amending	HB 1149	1226	2700
§ 13.1-695, amending	HB 1149	1226	2700
§ 13.1-712.1, amending	HB 1149	1226	2700
§§ 13.1-718 and 13.1-719, amending	HB 1149	1226	2700
§§ 13.1-721 and 13.1-721.1, amending	HB 1149	1226	2700
§ 13.1-722.5, amending	HB 1149	1226	2700
§ 13.1-722.7:1, amending	HB 1149	1226	2700
§§ 13.1-722.9 through 13.1-722.12, amending	HB 1149	1226	2700
§ 13.1-722.13, amending	HB 1149	1226	2700
§ 13.1-761, amending	HB 1149	1226	2700
§ 13.1-764, amending	HB 1149	1226	2700
§ 13.1-766.1, amending	HB 1149	1226	2700
§ 13.1-768.1, repealing	HB 1149	1226	2700
§ 13.1-1102, amending	HB 1057	726	1082
§ 15.2-111, adding	SB 941	1143	2326
§ 15.2-705, amending	HB 506	713	1056
§ 15.2-705.1, adding	HB 506	713	1056
§ 15.2-741, amending	HB 1012	860	1400
	SB 578	861	1460
§ 15.2-826, amending	HB 1534	504	770
	SB 649	505	771
§ 15.2-835, amending	HB 515	12	17

	BILL OR CHAP.		PAGE
	RES. NO.	NO.	NO.
CODE OF VIRGINIA - Continued			
§§ 15.2-853 and 15.2-854, amending	HB 1049	1137	2273
	SB 868	1140	2309
§ 15.2-901, amending	HB 549	13	17
	HB 875	136	206
	HB 1688	597	922
	SB 340	399	596
§ 15.2-907, amending	HB 245	122	186
§ 15.2-907.1, amending	HB 150	9	13
§ 15.2-912.3, amending	HB 390	1113	2147
	SB 389	1114	2197
§ 15.2-914, amending	HB 600	910	1645
	HB 1012	860	1400
	SB 578	861	1460
	SB 593	911	1646
§ 15.2-915, amending	HB 421	1205	2619
	SB 35	1247	2909
§ 15.2-915.1, repealing	HB 421	1205	2619
	SB 35	1247	2909
§ 15.2-915.2, amending	SB 616	958	1756
§ 15.2-915.5, amending	HB 421	1205	2619
	SB 35	1247	2909
§ 15.2-926.3, amending	HB 742	345	531
§ 15.2-953, amending	HB 343	439	658
	SB 465	440	659
§ 15.2-958.3, amending	HB 654	664	998
§ 15.2-965, amending	HB 696	131	200
	HB 1049	1137	2273
	SB 868	1140	2309
§ 15.2-965.2, adding	HB 558	1123	2256
§ 15.2-984, adding	HB 998	166	237
	SB 631	1174	2446
§ 15.2-1127, amending	HB 1232	145	220
§ 15.2-1131, amending	HB 1049	1137	2273
§ 15.2-1416, amending	SB 977	1144	2327
§ 15.2-1422, amending	HB 738	133	201
§ 15.2-1500.1, adding	HB 1049	1137	2273
	SB 868	1140	2309
§ 15.2-1505.3, adding	HB 757	422	628
§ 15.2-1507, amending	HB 1049	1137	2273
	SB 868	1140	2309
§ 15.2-1512.5, adding	HB 1213	144	220
§ 15.2-1517, amending	HB 1385	424	634
	SB 349	425	635
§ 15.2-1604, amending	HB 1049	1137	2273
	SB 868	1140	2309
§ 15.2-1609.10, adding	HB 1250	1165	2399
§ 15.2-1615, amending	SB 622	759	1178
§ 15.2-1627, amending	HB 972	1285	3534
	SB 2	1286	3561
§ 15.2-1627.4, amending	HB 806	1072	2044
	SB 949	1073	2045
§ 15.2-1638.1, adding	HB 1725	1061	2015
§ 15.2-1646, amending	HB 938	139	214
§ 15.2-1722.1, adding	HB 1250	1165	2399
§ 15.2-1723.1, adding	HB 246	123	190
§ 15.2-1724, amending	HB 245	122	186
§ 15.2-1800.3, adding	HB 1655	346	532
§§ 15.2-1812 and 15.2-1812.1, amending	HB 1537	1101	2109
	SB 183	1100	2108

BILL OR CHAP. PAGE
RES. NO. NO. NO.

CODE OF VIRGINIA - Continued

§ 15.2-2009.1, adding	HB 284	962	1823
	SB 225	963	1823
§ 15.2-2011, amending	HB 284	962	1823
	SB 225	963	1823
§ 15.2-2024, amending	HB 106	8	13
§ 15.2-2119.2, amending	HB 1585	149	225
§ 15.2-2159, amending	HB 1186	1117	2251
	SB 329	1118	2251
§ 15.2-2204, amending	HB 166	22	27
	SB 869	761	1200
§ 15.2-2223.4, adding	HB 585	14	18
§ 15.2-2226, amending	HB 726	132	201
	SB 746	760	1199
§ 15.2-2229, amending	HB 726	132	201
	SB 746	760	1199
§ 15.2-2232, amending	HB 657	665	999
§ 15.2-2243, amending	SB 360	820	1302
§ 15.2-2261, amending	HB 929	138	213
§ 15.2-2283.1, amending	SB 579	829	1311
§ 15.2-2286, amending	HB 656	312	478
	HB 731	442	662
	SB 589	893	1582
	SB 647	894	1585
	SB 676	443	665
	SB 875	402	606
§ 15.2-2288.3, amending	HB 390	1113	2147
	SB 389	1114	2197
§§ 15.2-2288.3:1 and 15.2-2288.3:2, amending	HB 390	1113	2147
	SB 389	1114	2197
§ 15.2-2288.8, adding	HB 655	385	582
	SB 870	414	621
§ 15.2-2292, amending	HB 1012	860	1400
	SB 578	861	1460
§ 15.2-2304, amending	HB 1105	486	744
§ 15.2-2305.1, adding	HB 1101	143	216
	SB 834	833	1356
§ 15.2-2308, amending	HB 370	11	16
	SB 292	1006	1932
§ 15.2-2314, amending	HB 505	86	121
§ 15.2-2316.4:2, amending	HB 554	344	530
§§ 15.2-2316.6 through 15.2-2316.9, adding	HB 1675	802	1268
§ 15.2-2425, amending	SB 877	738	1123
§ 15.2-2510, amending	HB 406	17	24
§ 15.2-2511, amending	HB 760	699	1033
§ 15.2-2824, amending	HB 1012	860	1400
	SB 578	861	1460
§ 15.2-2825, amending	HB 4	1197	2559
	SB 36	1248	2910
§ 15.2-4905, amending	HB 1572	1001	1925
§ 15.2-5113, amending	HB 120	467	716
§ 15.2-5431.10, amending	HB 1376	266	418
	SB 953	835	1360
§§ 15.2-5900 through 15.2-5916, repealing	HB 1102	538	815
	SB 787	539	820
§ 15.2-5928, amending	HB 120	467	716
	HB 1414	1230	2759
	SB 890	1275	3069
§§ 15.2-5931, 15.2-5932, and 15.2-5933, amending	HB 120	467	716

	BILL OR CHAP.		PAGE
	RES. NO.	NO.	NO.
CODE OF VIRGINIA - Continued			
§§ 15.2-5935 through 15.2-5949, adding	HB 1102	538	815
	SB 787	539	820
§ 15.2-6314.1, amending	HB 1049	1137	2273
§ 15.2-7500, amending	HB 1267	147	224
§ 15.2-7502, amending	HB 1267	147	224
§ 15.2-7505, amending	HB 1369	148	225
§ 15.2-7512, amending	HB 1267	147	224
§ 16.1-69.6:1, amending	HB 275	343	529
	SB 209	586	897
§ 16.1-69.21, amending	HB 60	118	181
§ 16.1-69.40:1, amending	HB 1211	1227	2721
	SB 34	1246	2875
§ 16.1-69.48:1, amending	SB 133	1004	1928
§ 16.1-77, amending	HB 980	898	1589
	SB 733	899	1594
§ 16.1-88.03, amending	HB 1561	84	119
	SB 956	194	282
§ 16.1-106, amending	HB 792	1048	2010
	SB 545	1049	2011
§ 16.1-112, amending	SB 408	905	1635
§ 16.1-228, amending	HB 400	95	139
	HB 972	1285	3534
	HB 1211	1227	2721
	SB 2	1286	3561
	SB 34	1246	2875
	SB 156	732	1100
	SB 579	829	1311
§ 16.1-241, amending	HB 400	95	139
	HB 477	987	1888
	SB 156	732	1100
	SB 546	988	1893
§ 16.1-247.1, adding	HB 746	480	732
§ 16.1-249, amending	SB 622	759	1178
§ 16.1-253.1, amending	HB 880	137	207
§ 16.1-253.2, amending	HB 1181	487	744
§ 16.1-260, amending	HB 972	1285	3534
	HB 1324	753	1165
	SB 2	1286	3561
§§ 16.1-269.1 and 16.1-269.2, amending	HB 477	987	1888
	SB 546	988	1893
§ 16.1-269.5, amending	SB 622	759	1178
§ 16.1-272, amending	HB 744	396	594
§ 16.1-273, amending	HB 972	1285	3534
	SB 2	1286	3561
§ 16.1-274, amending	HB 137	21	26
§ 16.1-277.1, amending	HB 477	987	1888
	SB 546	988	1893
§ 16.1-278.16, amending	SB 429	722	1069
§ 16.1-278.17:1, amending	HB 1500	651	981
§ 16.1-278.19, amending	SB 451	185	272
§ 16.1-279.1, amending	HB 880	137	207
§ 16.1-282.1, amending	HB 933	366	557
	SB 178	224	323
	SB 472	934	1704
§ 16.1-283.1, amending	HB 721	98	154
§ 16.1-283.3, adding	HB 400	95	139
	SB 156	732	1100
§ 16.1-284, amending	HB 61	18	24
	SB 307	532	809

	BILL OR CHAP.		PAGE
	RES. NO.	NO.	NO.
CODE OF VIRGINIA - Continued			
§ 16.1-292, amending	HB	1437	593 920
§ 16.1-296, amending	SB	408	905 1635
§ 16.1-309.1, amending	HB	1150	995 1913
	SB	491	996 1915
§ 16.1-309.9, amending	SB	622	759 1178
§ 16.1-340.1, amending	SB	1046	945 1722
§ 16.1-340.2, amending	HB	1118	879 1542
	SB	603	880 1546
§ 16.1-345, amending	HB	1118	879 1542
	SB	603	880 1546
§ 17.1-249, amending	SB	700	1063 2015
§ 17.1-275, amending	HB	305	68 87
	HB	306	69 90
	SB	938	653 983
	SB	940	589 902
§ 17.1-275.2, amending	SB	133	1004 1928
§ 17.1-275.7, amending	SB	133	1004 1928
§ 17.1-275.13, amending	HB	245	122 186
§ 17.1-275.14, adding	HB	172	342 528
§ 17.1-279.1, amending	HB	172	342 528
§ 17.1-293, amending	HB	1211	1227 2721
	SB	34	1246 2875
§ 17.1-414, amending	HB	63	67 86
	SB	1002	197 284
§ 17.1-513, amending	HB	1359	903 1634
§ 17.1-606, amending	SB	1032	654 985
§ 18.2-6, amending	HB	1211	1227 2721
	SB	34	1246 2875
§ 18.2-10, amending	HB	752	1115 2248
	SB	312	1116 2249
§ 18.2-19, amending	HB	623	900 1600
§ 18.2-23, amending	HB	995	89 124
	SB	788	401 599
§ 18.2-49, amending	HB	623	900 1600
§ 18.2-56.1, amending	SB	616	958 1756
§ 18.2-56.2, amending	HB	1083	742 1153
§ 18.2-57, amending	HB	618	746 1155
	SB	179	1171 2436
§§ 18.2-60 and 18.2-60.1, amending	HB	1627	1002 1926
§ 18.2-60.4, amending	HB	1181	487 744
	SB	144	1005 1930
§ 18.2-60.5, amending	HB	1044	140 214
§ 18.2-64.2, amending	HB	557	479 731
§ 18.2-67.3, amending	SB	42	1003 1927
§ 18.2-67.5:2, amending	HB	245	122 186
	HB	623	900 1600
§ 18.2-67.9, amending	HB	245	122 186
§ 18.2-72, amending	HB	980	898 1589
	SB	733	899 1594
§ 18.2-76, amending	HB	980	898 1589
	SB	733	899 1594
§§ 18.2-80 and 18.2-81, amending	HB	995	89 124
	SB	788	401 599
§ 18.2-83, amending	HB	1627	1002 1926
§§ 18.2-95 through 18.2-97, amending	HB	995	89 124
	SB	788	401 599
§ 18.2-102, amending	HB	995	89 124
	SB	788	401 599

	BILL OR CHAP.			PAGE
	RES. NO.	NO.	NO.	
CODE OF VIRGINIA - Continued				
§ 18.2-103, amending	HB	995	89	124
	SB	788	401	599
§ 18.2-108.01, amending	HB	995	89	124
	SB	788	401	599
§ 18.2-121, amending	HB	618	746	1155
	SB	179	1171	2436
§ 18.2-127, amending	HB	1096	485	743
§ 18.2-134.1, amending	SB	616	958	1756
§ 18.2-137, amending	HB	1537	1101	2109
	SB	183	1100	2108
§ 18.2-145.1, amending	HB	995	89	124
	SB	788	401	599
§ 18.2-150, amending	HB	995	89	124
	SB	788	401	599
§ 18.2-152.3, amending	HB	995	89	124
	SB	788	401	599
§ 18.2-152.4, amending	SB	378	821	1303
§ 18.2-152.7:1, amending	HB	1627	1002	1926
§ 18.2-152.7:2, adding	SB	1003	1178	2451
§ 18.2-162, amending	HB	995	89	124
	SB	788	401	599
§§ 18.2-181, 18.2-181.1, and 18.2-182, amending	HB	995	89	124
	SB	788	401	599
§ 18.2-186, amending	HB	995	89	124
	SB	788	401	599
§ 18.2-186.3, amending	HB	995	89	124
	SB	788	401	599
§ 18.2-186.6, amending	HB	1334	264	399
§ 18.2-187.1, amending	HB	995	89	124
	SB	788	401	599
§ 18.2-188, amending	HB	995	89	124
	SB	788	401	599
§ 18.2-195, amending	HB	995	89	124
	SB	788	401	599
§ 18.2-195.2, amending	HB	995	89	124
	SB	788	401	599
§ 18.2-197, amending	HB	995	89	124
	SB	788	401	599
§ 18.2-247, amending	HB	972	1285	3534
	SB	2	1286	3561
	SB	646	831	1344
§ 18.2-248.1, amending	HB	972	1285	3534
	SB	2	1286	3561
§ 18.2-250.1, amending	HB	972	1285	3534
	SB	1015	764	1203
	SB	2	1286	3561
§ 18.2-251, amending	HB	909	740	1150
	HB	972	1285	3534
	SB	2	1286	3561
	SB	513	741	1152
§ 18.2-251.02, amending	HB	972	1285	3534
	SB	2	1286	3561
§ 18.2-251.03, amending	SB	667	1016	1964
§ 18.2-251.1:2, adding	SB	185	846	1368
	SB	885	941	1716
§ 18.2-252, amending	HB	972	1285	3534
	SB	2	1286	3561
§ 18.2-254, amending	HB	972	1285	3534
	SB	2	1286	3561
§ 18.2-254.2, amending	SB	499	603	926

	BILL OR CHAP.		PAGE
	RES. NO.	NO.	NO.
CODE OF VIRGINIA - Continued			
§ 18.2-254.3, adding	SB	818 1096	2103
§ 18.2-255.2, amending	HB	1012 860	1400
	SB	578 861	1460
§ 18.2-259.1, repealing	HB	909 740	1150
	SB	513 741	1152
§ 18.2-268.1, amending	HB	1211 1227	2721
	SB	34 1246	2875
§ 18.2-268.3, amending	HB	34 341	526
§ 18.2-270.1, amending	HB	663 129	199
	SB	282 530	807
	SB	439 1007	1933
§ 18.2-270.2, amending	SB	439 1007	1933
§ 18.2-271.1, amending	SB	439 1007	1933
§ 18.2-272, amending	SB	439 1007	1933
	SB	798 1019	1970
§ 18.2-287.5, adding	HB	9 743	1154
§ 18.2-308, amending	HB	1076 142	215
	SB	616 958	1756
§ 18.2-308.02, amending	HB	264 390	589
	SB	263 1130	2260
	SB	616 958	1756
§ 18.2-308.03, amending	SB	616 958	1756
§ 18.2-308.06, amending	HB	264 390	589
	SB	263 1130	2260
	SB	616 958	1756
§ 18.2-308.09, amending	HB	674 887	1562
	HB	923 150	225
	SB	240 888	1570
	SB	436 1173	2439
§ 18.2-308.016, amending	SB	616 958	1756
§ 18.2-308.1, amending	HB	1080 1037	1999
	SB	71 1249	2939
	SB	173 693	1029
§ 18.2-308.1:3, amending	HB	259 1121	2253
	SB	670 299	460
	SB	684 1175	2446
§ 18.2-308.1:4, amending	HB	1004 1221	2689
	SB	479 1260	3007
§ 18.2-308.1:6, adding	HB	674 887	1562
	SB	240 888	1570
	SB	436 1173	2439
§ 18.2-308.2, amending	HB	2 1111	2133
	SB	70 1112	2140
§ 18.2-308.2:1, amending	HB	674 887	1562
	HB	1004 1221	2689
	SB	240 888	1570
	SB	436 1173	2439
	SB	479 1260	3007
§ 18.2-308.2:2, amending	HB	2 1111	2133
	HB	674 887	1562
	HB	812 991	1900
	SB	69 992	1904
	SB	70 1112	2140
	SB	240 888	1570
	SB	436 1173	2439
§ 18.2-308.2:3, amending	HB	674 887	1562
	SB	240 888	1570
	SB	436 1173	2439
§ 18.2-308.2:5, adding	HB	2 1111	2133
	SB	70 1112	2140
§ 18.2-308.5:1, adding	SB	14 527	795

	BILL OR CHAP.		PAGE	
	RES. NO.	NO.	NO.	NO.
CODE OF VIRGINIA - Continued				
§ 18.2-325, amending	HB	881	1217	2665
	SB	971	1277	3141
§ 18.2-334.2, amending	SB	936	982	1875
§ 18.2-334.3, amending	HB	896	1218	2667
	SB	384	1256	2963
§ 18.2-334.5, adding	HB	4	1197	2559
	HB	881	1217	2665
	SB	36	1248	2910
	SB	971	1277	3141
§ 18.2-340.16, amending	SB	936	982	1875
§ 18.2-340.19, amending	SB	199	568	879
	SB	936	982	1875
§ 18.2-340.22, amending	SB	936	982	1875
§§ 18.2-340.24 and 18.2-340.25, amending	SB	199	568	879
§ 18.2-340.26:1, amending	HB	1681	979	1871
§ 18.2-340.27, amending	SB	199	568	879
§ 18.2-340.27:1, repealing	SB	199	568	879
§§ 18.2-340.28 and 18.2-340.28:1, amending	SB	199	568	879
§ 18.2-340.28:2, adding	SB	936	982	1875
§ 18.2-340.31, amending	SB	936	982	1875
§ 18.2-340.33, amending	HB	1690	980	1872
	SB	199	568	879
§ 18.2-340.37, amending	HB	995	89	124
	SB	788	401	599
§ 18.2-344, repealing	HB	245	122	186
§ 18.2-346, amending	HB	245	122	186
	HB	623	900	1600
	HB	1524	595	921
§ 18.2-348, amending	HB	1524	595	921
§ 18.2-348.1, amending	SB	579	829	1311
§ 18.2-356, amending	HB	1524	595	921
§§ 18.2-362, 18.2-363, and 18.2-364, amending	HB	623	900	1600
§ 18.2-366, amending	HB	245	122	186
	HB	623	900	1600
§ 18.2-368, amending	HB	623	900	1600
§§ 18.2-370.2 and 18.2-370.3, amending	HB	1012	860	1400
	SB	578	861	1460
§ 18.2-370.5, amending	SB	579	829	1311
§ 18.2-371.2, amending	HB	962	406	609
	HB	1570	524	786
§§ 18.2-374.1 and 18.2-374.1:1, amending	HB	1330	489	746
§ 18.2-388, amending	HB	1071	160	231
§ 18.2-403.1, amending	HB	1573	1183	2455
§ 18.2-403.3, amending	HB	1573	1183	2455
§ 18.2-415, amending	HB	256	199	287
	SB	3	355	542
§ 18.2-417, amending	HB	623	900	1600
§ 18.2-430, amending	HB	1627	1002	1926
§ 18.2-433.2, amending	SB	64	601	925
§ 18.2-472.1, amending	SB	579	829	1311
§ 19.2-8, amending	HB	298	1122	2255
	SB	724	277	428
§ 19.2-10.4, adding	SB	801	771	1214
§ 19.2-11.02, adding	HB	262	273	424
§ 19.2-59.1, amending	HB	1544	1236	2854
§ 19.2-69, amending	HB	623	900	1600
§ 19.2-83.2, amending	HB	1150	995	1913
	SB	491	996	1915
§ 19.2-120, amending	HB	1462	999	1922

	BILL OR CHAP.		PAGE	
	RES. NO.	NO.	NO.	NO.
CODE OF VIRGINIA - Continued				
§ 19.2-149, amending	HB	136	20	25
	SB	294	531	808
§ 19.2-152.9, amending	HB	880	137	207
§ 19.2-152.10, amending	HB	880	137	207
	SB	144	1005	1930
§§ 19.2-152.13 through 19.2-152.17, adding	HB	674	887	1562
	SB	240	888	1570
§ 19.2-163.04, amending	HB	366	348	533
	SB	72	376	574
§ 19.2-169.1, amending	HB	259	1121	2253
	SB	670	299	460
	SB	683	937	1714
§ 19.2-169.2, amending	SB	683	937	1714
§ 19.2-182.5, amending	HB	639	96	153
§ 19.2-188.1, amending	SB	646	831	1344
§ 19.2-215.1, amending	HB	787	747	1157
§ 19.2-258.1, amending	HB	1196	964	1824
	HB	1211	1227	2721
	SB	1	965	1841
	SB	34	1246	2875
§ 19.2-262.01, adding	HB	100	157	230
	SB	325	588	902
§ 19.2-264.3:1.3, repealing	HB	824	1124	2256
§ 19.2-264.6, adding	HB	873	1167	2401
§ 19.2-264.9, adding	HB	873	1167	2401
§ 19.2-264.14, adding	HB	873	1167	2401
§ 19.2-265.4, repealing	HB	873	1167	2401
§ 19.2-266.4, adding	HB	824	1124	2256
§§ 19.2-271.1 and 19.2-271.2, amending	HB	623	900	1600
§ 19.2-271.5, adding	HB	113	650	980
§§ 19.2-289 and 19.2-290, amending	HB	995	89	124
	SB	788	401	599
§ 19.2-295.2, amending	HB	752	1115	2248
	SB	312	1116	2249
§ 19.2-295.2:1, amending	HB	752	1115	2248
	SB	312	1116	2249
§ 19.2-303.01, amending	SB	1018	765	1204
§ 19.2-303.2, amending	HB	660	989	1899
	SB	286	990	1899
§ 19.2-303.4, amending	SB	133	1004	1928
§ 19.2-303.6, adding	SB	133	1004	1928
§ 19.2-305, amending	HB	623	900	1600
§ 19.2-310.2:1, amending	HB	821	87	122
§ 19.2-327.1, amending	SB	1071	1282	3155
§§ 19.2-327.2, 19.2-327.2:1, and 19.2-327.3, amending	HB	974	993	1908
	SB	511	994	1911
§ 19.2-327.5, amending	HB	974	993	1908
	SB	511	994	1911
§§ 19.2-327.10, 19.2-327.10:1, and 19.2-327.11, amending	HB	974	993	1908
	SB	511	994	1911
§ 19.2-327.13, amending	HB	974	993	1908
	SB	511	994	1911
§§ 19.2-335 and 19.2-336, amending	SB	133	1004	1928
§ 19.2-354, amending	HB	277	25	32
	HB	1196	964	1824
	SB	1	965	1841
	SB	622	759	1178
	SB	736	188	274

	BILL OR CHAP.		PAGE
	RES. NO.	NO.	NO.
CODE OF VIRGINIA - Continued			
§ 19.2-354.1, amending	HB 1196	964	1824
	SB 1	965	1841
§ 19.2-368.4, amending	HB 988	446	668
§ 19.2-386.1, amending	HB 1522	1000	1923
§ 19.2-386.10, amending	HB 1522	1000	1923
§ 19.2-386.16, amending	HB 995	89	124
	SB 788	401	599
§ 19.2-386.29, amending	HB 1522	1000	1923
§§ 19.2-386.31 and 19.2-386.32, amending	HB 1522	1000	1923
§§ 19.2-386.34 and 19.2-386.35, amending	HB 1522	1000	1923
§ 19.2-387, amending	HB 35	2	1
	SB 103	529	799
§ 19.2-387.3, adding	HB 674	887	1562
	SB 240	888	1570
§ 19.2-389, amending	HB 4	1197	2559
	HB 10	1198	2588
	HB 35	2	1
	HB 873	1167	2401
	HB 1012	860	1400
	SB 36	1248	2910
	SB 77	1250	2940
	SB 103	529	799
	SB 578	861	1460
§ 19.2-389.3, adding	HB 972	1285	3534
	SB 2	1286	3561
§ 19.2-390, amending	HB 1012	860	1400
	HB 1047	91	132
	SB 578	861	1460
	SB 926	92	135
§ 19.2-390.04, adding	HB 1023	1126	2258
§ 19.2-391, amending	HB 35	2	1
	SB 103	529	799
§ 19.2-392, amending	HB 1047	91	132
	HB 1048	93	137
	SB 925	189	275
	SB 926	92	135
§ 19.2-392.02, amending	HB 1012	860	1400
	SB 578	861	1460
§ 19.2-392.2, amending	HB 972	1285	3534
	SB 2	1286	3561
§ 20-27, amending	SB 955	181	267
§ 20-38.1, amending	HB 623	900	1600
§ 20-40, amending	HB 623	900	1600
§ 20-43, amending	HB 623	900	1600
§§ 20-45.2 and 20-45.3, repealing	HB 623	900	1600
	HB 1490	75	104
	SB 17	195	283
§ 20-60.3, amending	HB 1211	1227	2721
	SB 34	1246	2875
§§ 20-79.1, 20-79.2, and 20-79.3, amending	SB 429	722	1069
§ 20-82, amending	HB 623	900	1600
§ 20-88.59, amending	HB 623	900	1600
§ 20-89.1, amending	HB 623	900	1600
§ 20-91, amending	HB 623	900	1600
	SB 247	270	422
§ 20-97, amending	HB 623	900	1600
§ 20-103, amending	HB 1500	651	981
§ 20-106, amending	HB 623	900	1600

	BILL OR CHAP.		PAGE
	RES. NO.	NO.	NO.
CODE OF VIRGINIA - Continued			
§ 20-107.1, amending	HB 1211	1227	2721
	SB 34	1246	2875
	SB 432	196	283
§ 20-108.1, amending	SB 434	192	278
§ 20-108.2, amending	SB 428	177	245
§ 20-109, amending	HB 1501	585	896
§ 20-124.3, amending	HB 861	1074	2046
	SB 105	1075	2047
§ 20-124.6, amending	SB 430	178	265
	SB 1046	945	1722
§ 20-146.20, amending	HB 436	42	52
§ 20-146.31, amending	HB 623	900	1600
§ 20-165, amending	HB 623	900	1600
§ 22.1-1, amending	HB 1012	860	1400
	SB 578	861	1460
§ 22.1-3.4, amending	HB 368	474	726
	SB 275	475	726
§ 22.1-6.1, adding	HB 405	675	1012
	SB 232	676	1012
§ 22.1-19, amending	HB 1012	860	1400
	SB 578	861	1460
§ 22.1-23, amending	HB 351	379	575
	SB 324	437	653
§ 22.1-23.3, adding	HB 145	153	227
	SB 161	154	228
§ 22.1-32, amending	SB 1040	1046	2008
§ 22.1-70.3, amending	HB 351	379	575
	SB 324	437	653
§ 22.1-79, amending	HB 351	379	575
	SB 324	437	653
	SB 579	829	1311
§ 22.1-79.1, amending	SB 238	582	892
	SB 515	695	1030
§ 22.1-79.7, amending	HB 697	509	774
	HB 703	575	886
§ 22.1-79.7:1, adding	HB 1426	683	1024
§ 22.1-135.1, amending	HB 797	293	453
	SB 392	884	1552
§ 22.1-137.2, amending	HB 270	378	575
	HB 402	1040	2003
§ 22.1-138, amending	SB 410	776	1216
	SB 845	780	1220
§ 22.1-176.2, adding	HB 1208	576	887
§ 22.1-199.1, amending	HB 1012	860	1400
	SB 578	861	1460
§ 22.1-199.7, adding	HB 1355	872	1535
§ 22.1-203.4, adding	HB 1491	612	934
§ 22.1-204.2, amending	SB 616	958	1756
§ 22.1-205, amending	HB 1211	1227	2721
	SB 34	1246	2875
§ 22.1-207.1, amending	HB 1336	687	1026
§ 22.1-207.2, amending	HB 1394	689	1027
§ 22.1-207.3:1, adding	HB 698	574	886
§ 22.1-208.02, adding	HB 916	572	884
	SB 853	573	885
§ 22.1-212.6:1, amending	HB 1049	1137	2273
§ 22.1-215.2, adding	HB 410	336	521
§ 22.1-217.03, adding	HB 134	51	63
	SB 186	170	239

	BILL OR CHAP.		PAGE	
	RES. NO.	NO.	NO.	NO.
CODE OF VIRGINIA - Continued				
§ 22.1-217.2, adding	SB	585	855	1392
§ 22.1-253.13:1, amending	HB	1276	637	962
§ 22.1-253.13:2, amending	HB	975	1034	1992
	HB	1143	635	959
	HB	1508	953	1745
	SB	238	582	892
	SB	880	952	1742
	SB	910	1035	1995
§ 22.1-253.13:4, amending	HB	516	55	64
	SB	112	580	888
	SB	323	874	1536
§ 22.1-253.13:9, amending	HB	1388	688	1027
§ 22.1-258, amending	HB	1081	105	167
	SB	237	106	169
§ 22.1-271.8, adding	SB	463	694	1029
§ 22.1-273.3, adding	HB	1073	679	1014
§ 22.1-274.2, amending	HB	999	476	727
§ 22.1-274.5, adding	SB	44	579	888
§ 22.1-276.01, amending	HB	837	678	1013
§§ 22.1-277.04 and 22.1-277.05, amending	HB	415	337	522
§ 22.1-277.07, amending	HB	2	1111	2133
	SB	70	1112	2140
§ 22.1-279.3:1, amending	HB	257	335	520
	SB	729	173	241
§ 22.1-279.3:3, adding	SB	1020	876	1540
§ 22.1-279.6, amending	HB	837	678	1013
§ 22.1-279.8, amending	HB	501	338	523
§ 22.1-279.10, adding	HB	271	1039	2002
	SB	170	169	238
§ 22.1-280.2:2, amending	SB	594	778	1218
	SB	595	686	1025
§ 22.1-280.2:3, amending	HB	292	52	63
	SB	221	171	240
§ 22.1-280.2:4, adding	HB	1080	1037	1999
§ 22.1-289.1, amending	HB	1443	690	1028
§ 22.1-289.02, adding	HB	1012	860	1400
	SB	578	861	1460
§ 22.1-289.04, adding	HB	1012	860	1400
	SB	578	861	1460
§ 22.1-289.055, adding	HB	1012	860	1400
	SB	578	861	1460
§ 22.1-290.2, adding	HB	376	674	1012
§ 22.1-295.2, adding	HB	1049	1137	2273
	SB	868	1140	2309
§ 22.1-296.1, amending	HB	392	877	1540
§ 22.1-296.3, amending	HB	1012	860	1400
	SB	578	861	1460
	SB	832	779	1219
§ 22.1-296.4, amending	SB	678	300	462
§ 22.1-298.1, amending	HB	894	870	1532
	HB	1344	513	776
	HB	1630	640	970
§ 22.1-298.6, adding	HB	74	471	724
	SB	619	472	725
§ 22.1-299, amending	HB	1469	639	970
	SB	680	172	240
§ 22.1-299.4, amending	HB	1012	860	1400
	SB	578	861	1460
§ 22.1-299.8, adding	HB	1613	684	1024

BILL OR CHAP. PAGE
RES. NO. NO. NO.

CODE OF VIRGINIA - Continued

§ 22.1-303, amending	HB 365	53	63
	SB 98	167	237
§ 22.1-304, amending	HB 1344	513	776
§ 22.1-306, amending	HB 1049	1137	2273
	SB 868	1140	2309
§ 22.1-307, amending	HB 570	56	67
	SB 167	168	238
§ 22.1-311, amending	SB 377	875	1539
§ 22.1-313, amending	SB 377	875	1539
§ 22.1-349.3, amending	HB 1049	1137	2273
§ 22.1-361, amending	SB 41	600	924
§ 23.1-108, adding	HB 1223	511	775
	SB 271	775	1216
§ 23.1-201, amending	HB 1335	578	888
§ 23.1-203, amending	HB 1017	1164	2376
	SB 576	1169	2413
§ 23.1-213, amending	HB 457	380	577
§ 23.1-219, amending	HB 457	380	577
§ 23.1-230, amending	HB 375	1135	2272
§ 23.1-233.1, adding	HB 743	436	653
§ 23.1-307, amending	HB 715	435	652
§ 23.1-401.2, adding	HB 36	947	1739
§ 23.1-407, amending	SB 579	829	1311
§ 23.1-412, adding	HB 104	473	725
§ 23.1-503, amending	HB 1315	512	775
§ 23.1-505, amending	HB 447	382	580
§ 23.1-506, amending	HB 1179	680	1015
	HB 1547	766	1205
	SB 462	642	973
	SB 935	767	1206
§ 23.1-607.1, adding	HB 456	434	652
§ 23.1-610.1, adding	HB 1275	636	962
§ 23.1-707, amending	HB 887	923	1684
§ 23.1-808, amending	HB 913	1041	2004
§ 23.1-900, amending	HB 103	433	651
§ 23.1-902, amending	HB 894	870	1532
§ 23.1-1009, amending	HB 1049	1137	2273
§ 23.1-1017, amending	HB 1049	1137	2273
	HB 1300	496	754
	SB 607	497	756
§ 23.1-1301.1, repealing	HB 511	490	747
§ 23.1-1304, amending	HB 611	156	229
	SB 897	155	228
§ 23.1-1304.1, adding	HB 1529	691	1028
§ 23.1-2213, amending	HB 1049	1137	2273
§ 23.1-2312, amending	HB 1049	1137	2273
§ 23.1-2405, amending	HB 1049	1137	2273
§ 23.1-2415, amending	HB 1049	1137	2273
§§ 23.1-2500 and 23.1-2501, amending	SB 994	1047	2009
§§ 23.1-2503 through 23.1-2507, amending	SB 994	1047	2009
§ 23.1-2509, amending	SB 994	1047	2009
§ 23.1-2908.1, repealing	HB 511	490	747
§ 23.1-2911.1, amending	SB 877	738	1123
§ 23.1-3011, amending	HB 1049	1137	2273
§ 23.1-3101, amending	HB 992	398	595
§ 23.1-3102, amending	SB 877	738	1123
§ 23.1-3104, amending	HB 992	398	595
§ 23.1-3112, amending	SB 313	878	1541

	BILL OR CHAP.		PAGE
	RES. NO.	NO.	NO.
CODE OF VIRGINIA - Continued			
§§ 23.1-3130 through 23.1-3134, repealing	HB 1017	1164	2376
	SB 576	1169	2413
§§ 23.1-3136 and 23.1-3137, amending	HB 1660	340	524
	SB 1041	174	242
§ 23.1-3138, amending	HB 1049	1137	2273
§ 24.2-101, amending	HB 1053	294	453
§ 24.2-102, amending	HB 236	353	538
	SB 856	619	941
§ 24.2-103, amending	HB 236	353	538
	HB 539	291	452
	HB 540	1087	2079
	HB 1362	1148	2330
	SB 856	619	941
§ 24.2-105, amending	HB 1210	719	1063
§ 24.2-106, amending	HB 237	287	442
	HB 1285	295	457
	SB 737	370	567
§ 24.2-109, amending	HB 1362	1148	2330
§ 24.2-111, amending	HB 1362	1148	2330
§ 24.2-114, amending	HB 1362	1148	2330
	SB 666	857	1396
§ 24.2-115.2, amending	HB 202	286	441
	HB 1362	1148	2330
§ 24.2-118.1, repealing	HB 196	838	1362
§ 24.2-119.1, adding	HB 196	838	1362
§ 24.2-124, adding	HB 1210	719	1063
§ 24.2-304.04, adding	HB 1255	1229	2755
	SB 717	1265	3027
§ 24.2-304.1, amending	HB 1255	1229	2755
	SB 717	1265	3027
§ 24.2-307, amending	SB 740	1268	3041
§ 24.2-311, amending	SB 316	1253	2960
§ 24.2-314, adding	HB 1255	1229	2755
	SB 717	1265	3027
§ 24.2-404, amending	HB 19	1064	2016
	SB 65	1065	2025
§ 24.2-405, amending	HB 500	290	451
	SB 466	369	566
§ 24.2-410.1, amending	HB 235	908	1638
	HB 1211	1227	2721
	SB 34	1246	2875
	SB 219	909	1642
§ 24.2-411.1, amending	HB 19	1064	2016
	HB 235	908	1638
	HB 1211	1227	2721
	SB 34	1246	2875
	SB 65	1065	2025
	SB 219	909	1642
§ 24.2-411.2, amending	SB 616	958	1756
§ 24.2-411.3, adding	HB 235	908	1638
	SB 219	909	1642
§ 24.2-412, amending	HB 235	908	1638
	SB 219	909	1642
	SB 857	858	1399
§ 24.2-413, amending	HB 235	908	1638
	SB 219	909	1642
§ 24.2-415.1, amending	HB 235	908	1638
	SB 219	909	1642

BILL OR CHAP. PAGE
RES. NO. NO. NO.

CODE OF VIRGINIA - Continued

§ 24.2-416.1, amending	HB	1	1149	2333
	HB	207	1201	2607
	HB	872	718	1063
	SB	111	1151	2342
§ 24.2-416.3, amending	HB	232	921	1683
	SB	616	958	1756
§ 24.2-416.7, amending	HB	1211	1227	2721
	SB	34	1246	2875
§ 24.2-418, amending	HB	235	908	1638
	HB	241	710	1055
	SB	219	909	1642
	SB	666	857	1396
§ 24.2-420.1, amending	HB	201	1153	2351
§ 24.2-422, amending	SB	666	857	1396
§ 24.2-452, amending	HB	1	1149	2333
	HB	207	1201	2607
	SB	111	1151	2342
§ 24.2-503, amending	HB	1678	720	1064
	SB	316	1253	2960
§ 24.2-506, amending	HB	214	501	763
§ 24.2-507, amending	HB	1678	720	1064
	SB	316	1253	2960
§ 24.2-510, amending	HB	1678	720	1064
	SB	316	1253	2960
§§ 24.2-515 and 24.2-515.1, amending	SB	316	1253	2960
§ 24.2-521, amending	HB	214	501	763
§ 24.2-525, amending	SB	469	850	1374
§ 24.2-543, amending	HB	214	501	763
§ 24.2-603, amending	HB	1678	720	1064
§ 24.2-604, amending	SB	442	561	868
§ 24.2-604.3, amending	HB	186	285	441
§§ 24.2-604.4, 24.2-604.5, and 24.2-604.6, adding	SB	442	561	868
§§ 24.2-610 and 24.2-611, amending	HB	1421	297	459
§ 24.2-612, amending	HB	1	1149	2333
	HB	207	1201	2607
	SB	111	1151	2342
§ 24.2-622, amending	HB	146	283	436
§ 24.2-629, amending	HB	1053	294	453
§ 24.2-643, amending	HB	19	1064	2016
	HB	213	1154	2351
	HB	1211	1227	2721
	HB	1402	296	458
	SB	34	1246	2875
	SB	65	1065	2025
§ 24.2-649, amending	SB	442	561	868
§ 24.2-651.1, amending	SB	443	735	1114
§ 24.2-652, amending	SB	443	735	1114
§ 24.2-653, amending	HB	19	1064	2016
	HB	43	920	1681
	HB	235	908	1638
	SB	65	1065	2025
	SB	219	909	1642
	SB	443	735	1114
§ 24.2-653.01, adding	SB	443	735	1114
§ 24.2-653.1, amending	SB	443	735	1114
§ 24.2-653.2, adding	HB	43	920	1681
	SB	443	735	1114
§ 24.2-668, amending	HB	1053	294	453
§ 24.2-673.1, adding	HB	1103	1054	2012
§ 24.2-674, amending	HB	198	500	759

	BILL OR CHAP.		PAGE
	RES. NO.	NO.	NO.
CODE OF VIRGINIA - Continued			
§ 24.2-700, amending	HB	1 1149	2333
	HB	207 1201	2607
	HB	1678 720	1064
	SB	111 1151	2342
	SB	442 561	868
§ 24.2-701, amending	HB	1 1149	2333
	HB	19 1064	2016
	HB	207 1201	2607
	HB	239 289	444
	HB	1678 720	1064
	SB	65 1065	2025
	SB	111 1151	2342
	SB	442 561	868
	SB	443 735	1114
§ 24.2-701.1, amending	HB	1 1149	2333
	HB	19 1064	2016
	HB	207 1201	2607
	SB	65 1065	2025
	SB	111 1151	2342
	SB	443 735	1114
	SB	617 856	1395
§ 24.2-701.2, adding	SB	617 856	1395
§ 24.2-702.1, amending	HB	1 1149	2333
	HB	207 1201	2607
	SB	111 1151	2342
§ 24.2-703, amending	HB	239 289	444
§ 24.2-703.1, amending	HB	1 1149	2333
	HB	207 1201	2607
	HB	240 1156	2355
	SB	111 1151	2342
§ 24.2-703.2, amending	HB	1 1149	2333
	HB	207 1201	2607
	SB	111 1151	2342
§ 24.2-705, amending	HB	239 289	444
	HB	242 1157	2356
	SB	859 1163	2375
§ 24.2-705.1, amending	HB	1 1149	2333
	HB	207 1201	2607
	HB	242 1157	2356
	SB	111 1151	2342
	SB	859 1163	2375
§ 24.2-705.2, amending	HB	1 1149	2333
	HB	207 1201	2607
	HB	242 1157	2356
	SB	111 1151	2342
§ 24.2-706, amending	HB	1 1149	2333
	HB	207 1201	2607
	HB	220 1155	2352
	HB	239 289	444
	SB	111 1151	2342
	SB	443 735	1114
§ 24.2-707, amending	HB	239 289	444
§ 24.2-709, amending	HB	1 1149	2333
	HB	207 1201	2607
	HB	238 288	443
	SB	111 1151	2342
	SB	455 933	1703
§ 24.2-710, amending	HB	242 1157	2356
	SB	443 735	1114
§§ 24.2-800, 24.2-801, and 24.2-801.1, amending	SB	444 886	1554

BILL OR CHAP. PAGE
RES. NO. NO. NO.

CODE OF VIRGINIA - Continued

§ 24.2-802, amending	HB 179	284	437
	HB 198	500	759
	SB 444	886	1554
§§ 24.2-802.1, 24.2-802.2, and 24.2-802.3, adding	SB 444	886	1554
§ 24.2-814, amending	SB 444	886	1554
§ 24.2-945, amending	SB 979	772	1214
§ 24.2-946.1, amending	SB 57	769	1213
§ 24.2-947.2, amending	HB 1061	349	534
§ 24.2-947.5, amending	SB 57	769	1213
§ 24.2-947.9, amending	HB 88	347	532
§ 24.2-947.10, adding	HB 88	347	532
	SB 217	770	1213
§ 24.2-948.1, amending	SB 979	772	1214
§ 24.2-949.4, amending	HB 1061	349	534
§ 24.2-950.3, amending	HB 1061	349	534
§ 24.2-951.2, amending	HB 1061	349	534
§ 24.2-952.2, amending	HB 1061	349	534
§ 24.2-955, amending	HB 849	551	848
§ 24.2-955.1, amending	HB 849	551	848
	HB 1062	554	851
	HB 1556	615	937
§ 24.2-956, amending	HB 1238	557	861
	HB 1556	615	937
§ 24.2-956.1, amending	HB 1238	557	861
§ 24.2-957, amending	HB 849	551	848
§ 24.2-957.1, amending	HB 1556	615	937
§ 24.2-958, amending	HB 849	551	848
§ 24.2-958.1, amending	HB 1556	615	937
§ 24.2-959, amending	HB 1556	615	937
§ 24.2-960, adding	HB 849	551	848
§ 24.2-1004, amending	HB 1	1149	2333
	HB 207	1201	2607
	SB 111	1151	2342
§ 25.1-204, amending	SB 951	793	1240
§ 25.1-245, repealing	SB 28	1244	2873
§ 25.1-245.1, amending	SB 28	1244	2873
§ 25.1-310, amending	SB 31	1245	2874
§ 28.2-104.1, amending	HB 1375	566	877
	SB 776	809	1274
§ 28.2-106.1, amending	SB 616	958	1756
§ 28.2-108, amending	SB 616	958	1756
§ 28.2-201, amending	HB 1448	201	290
	SB 791	356	542
§ 28.2-302.1, amending	SB 616	958	1756
§§ 28.2-302.2 and 28.2-302.2:1, amending	SB 616	958	1756
§§ 28.2-400.2 through 28.2-400.6, repealing	HB 1448	201	290
	SB 791	356	542
§ 28.2-410, amending	HB 1448	201	290
	SB 791	356	542
§ 28.2-411, repealing	HB 1448	201	290
	SB 791	356	542
§ 28.2-627.1, adding	SB 702	806	1270
§ 28.2-638, amending	SB 616	958	1756
§ 28.2-807, amending	HB 653	292	453
§ 28.2-1000.2, repealing	HB 1448	201	290
	SB 791	356	542
§ 28.2-1103, amending	SB 616	958	1756
§ 28.2-1203, amending	SB 702	806	1270

	BILL OR CHAP.		PAGE	
	RES. NO.	NO.	NO.	NO.
CODE OF VIRGINIA - Continued				
§ 28.2-1205.1, amending	SB	616	958	1756
§ 28.2-1206, amending	SB	702	806	1270
§ 28.2-1208, amending	HB	706	451	682
	SB	795	452	683
§ 28.2-1301, amending	SB	776	809	1274
§ 28.2-1302, amending	SB	616	958	1756
	SB	776	809	1274
§ 28.2-1308, amending	SB	776	809	1274
§ 28.2-1403, amending	SB	616	958	1756
§ 28.2-1505, amending	SB	616	958	1756
§ 29.1-100, amending	SB	616	958	1756
§ 29.1-100.1, adding	SB	616	958	1756
§ 29.1-101.1, amending	SB	616	958	1756
§ 29.1-102, amending	SB	616	958	1756
§ 29.1-109, amending	SB	616	958	1756
§ 29.1-113, amending	HB	1604	321	493
§ 29.1-114, amending	SB	616	958	1756
§ 29.1-200, amending	SB	882	671	1008
§ 29.1-300.1, amending	SB	616	958	1756
§ 29.1-302.1, amending	HB	1272	564	876
	SB	616	958	1756
§ 29.1-302.2, amending	SB	616	958	1756
§ 29.1-305.01, adding	HB	388	309	477
	SB	262	310	477
§ 29.1-309.1, amending	SB	616	958	1756
§ 29.1-316, amending	SB	336	570	884
§ 29.1-338, amending	HB	449	311	478
§ 29.1-340, amending	SB	987	415	622
§ 29.1-341.1, amending	SB	987	415	622
§ 29.1-344, amending	SB	987	415	622
§ 29.1-349, amending	SB	987	415	622
§ 29.1-358, amending	SB	616	958	1756
§ 29.1-505.1, amending	SB	616	958	1756
§ 29.1-521, amending	HB	1074	315	486
	SB	774	631	955
§ 29.1-529, amending	SB	616	958	1756
§ 29.1-530.1, amending	SB	616	958	1756
§ 29.1-530.2, amending	HB	449	311	478
§ 29.1-530.4, amending	SB	616	958	1756
§ 29.1-532, amending	SB	616	958	1756
§ 29.1-540, amending	SB	772	808	1273
§ 29.1-546, amending	HB	449	311	478
§ 29.1-550, amending	HB	449	311	478
§ 29.1-553, amending	HB	995	89	124
	SB	788	401	599
§ 29.1-554, amending	HB	1074	315	486
§§ 29.1-578 and 29.1-579, adding	HB	1695	323	494
	SB	1004	672	1008
§ 29.1-735.3, amending	SB	616	958	1756
§ 29.1-801, amending	SB	616	958	1756
§ 30-34.2:1, amending	HB	1626	754	1168
	SB	996	897	1589
§ 30-34.4:1, amending	HB	719	421	627
§ 30-34.5, amending	SB	616	958	1756
§ 30-103, amending	HB	1011	111	171
§ 30-133, amending	SB	586	646	976
§ 30-209, amending	SB	130	627	953
§ 30-264, amending	HB	105	862	1521

BILL OR CHAP. PAGE
RES. NO. NO. NO.

CODE OF VIRGINIA - Continued

§ 30-265, amending	HB 1255	1229	2755
	SB 717	1265	3027
§ 30-279, amending	SB 877	738	1123
§§ 30-309 through 30-312, amending	SB 587	830	1343
§ 30-329, amending	SB 177	733	1114
§ 30-348, amending	SB 957	1045	2007
§ 30-354, repealing	SB 957	1045	2007
§ 30-356, amending	HB 1011	111	171
§§ 30-376 through 30-382, adding	SB 888	1044	2006
§§ 30-376 through 30-383, adding	HB 1056	1036	1998
§ 32.1-3, amending	SB 764	1271	3050
§ 32.1-15.1, adding	HB 688	363	552
§ 32.1-23.2, adding	HB 1176	1088	2079
§§ 32.1-45.1 and 32.1-45.2, amending	HB 664	502	766
§ 32.1-45.4, amending	HB 791	839	1363
§ 32.1-46, amending	HB 1090	1223	2693
§ 32.1-48.015, amending	HB 664	502	766
§ 32.1-48.1, amending	SB 616	958	1756
§ 32.1-68, amending	HB 907	503	770
§ 32.1-69.1, amending	HB 623	900	1600
§ 32.1-73.13, adding	SB 572	854	1391
§ 32.1-77.1, adding	HB 687	724	1078
§ 32.1-102.1, amending	SB 764	1271	3050
§§ 32.1-102.1:2 and 32.1-102.1:3, adding	SB 764	1271	3050
§§ 32.1-102.2 and 32.1-102.2:1, amending	SB 764	1271	3050
§ 32.1-102.3, amending	HB 1549	558	862
	SB 279	227	336
	SB 764	1271	3050
§ 32.1-102.4, amending	SB 764	1271	3050
§ 32.1-102.6, amending	SB 764	1271	3050
§ 32.1-102.6:1, adding	SB 764	1271	3050
§ 32.1-102.8, amending	SB 764	1271	3050
§§ 32.1-102.10 and 32.1-102.11, amending	SB 764	1271	3050
§ 32.1-111.4:7, amending	SB 1088	946	1738
§ 32.1-116.1, amending	SB 386	883	1551
§ 32.1-116.2, amending	SB 386	883	1551
§ 32.1-116.3, amending	HB 664	502	766
§ 32.1-122.03:1, adding	HB 1332	729	1095
§ 32.1-127, amending	HB 623	900	1600
	HB 763	714	1057
	HB 980	898	1589
	SB 185	846	1368
	SB 579	829	1311
	SB 733	899	1594
	SB 903	942	1718
§ 32.1-127.1:03, amending	SB 1046	945	1722
§ 32.1-134.01, amending	HB 623	900	1600
§ 32.1-137.07, adding	HB 1251	1080	2051
	SB 172	1081	2060
§ 32.1-137.2, amending	HB 1251	1080	2051
	SB 172	1081	2060
§ 32.1-162.5:1, amending	SB 913	739	1150
§ 32.1-162.6:1, adding	SB 185	846	1368
§§ 32.1-162.15:2 through 32.1-162.15:11, adding	HB 808	725	1078
§ 32.1-169, amending	HB 1257	1097	2105
§§ 32.1-176.8 and 32.1-176.8:1, adding	HB 1642	845	1368
§ 32.1-239, amending	SB 764	1271	3050
§ 32.1-249, amending	HB 666	922	1683

	BILL OR CHAP.		PAGE	
	RES. NO.	NO.	NO.	NO.
CODE OF VIRGINIA - Continued				
§ 32.1-257, amending	HB	623	900	1600
§ 32.1-258.1, amending	HB	623	900	1600
§ 32.1-261, amending	HB	1041	465	713
	SB	657	466	715
§§ 32.1-267, 32.1-268, and 32.1-268.1, amending	HB	180	209	304
	SB	62	210	305
	SB	1066	211	306
§ 32.1-269, amending	HB	1041	465	713
	SB	657	466	715
§ 32.1-271, amending	HB	623	900	1600
§ 32.1-273, amending	HB	479	360	550
§ 32.1-276.5, amending	SB	764	1271	3050
§ 32.1-291.2, amending	HB	1211	1227	2721
	SB	34	1246	2875
§ 32.1-297.2, adding	HB	1273	217	312
	SB	846	218	314
§ 32.1-325, amending	HB	1291	1082	2069
	SB	568	1083	2073
§§ 32.1-330 and 32.1-330.01, amending	HB	902	365	553
	SB	902	304	470
§ 32.1-330.3, amending	HB	902	365	553
	SB	902	304	470
§ 33.2-214, amending	HB	1414	1230	2759
	SB	890	1275	3069
§ 33.2-214.2, amending	HB	561	971	1867
§ 33.2-214.4, amending	HB	1414	1230	2759
	SB	890	1275	3069
§ 33.2-226, amending	HB	1414	1230	2759
	SB	890	1275	3069
§ 33.2-232, amending	HB	1414	1230	2759
	SB	890	1275	3069
§ 33.2-275.1, adding	HB	1560	704	1042
§§ 33.2-287 through 33.2-299.8, adding	HB	1414	1230	2759
	SB	890	1275	3069
§ 33.2-319, amending	HB	1611	645	975
§ 33.2-329, amending	SB	616	958	1756
§ 33.2-338, amending	HB	1518	784	1224
§§ 33.2-356, 33.2-357, and 33.2-358, amending	HB	1414	1230	2759
	SB	890	1275	3069
§§ 33.2-365 and 33.2-366, amending	HB	1414	1230	2759
	SB	890	1275	3069
§§ 33.2-372, 33.2-373, and 33.2-374, adding	HB	1414	1230	2759
	SB	890	1275	3069
§ 33.2-503, amending	HB	1196	964	1824
	SB	1	965	1841
§ 33.2-613, amending	HB	1211	1227	2721
	SB	34	1246	2875
	SB	616	958	1756
§§ 33.2-909 and 33.2-910, amending	SB	616	958	1756
§ 33.2-1021, amending	SB	31	1245	2874
§ 33.2-1023, amending	SB	31	1245	2874
§ 33.2-1230, amending	SB	968	983	1878
§ 33.2-1502, amending	HB	1414	1230	2759
	SB	890	1275	3069
§ 33.2-1510, amending	HB	1414	1230	2759
	SB	890	1275	3069
§ 33.2-1524, amending	HB	1414	1230	2759
	SB	890	1275	3069

BILL OR CHAP. PAGE
RES. NO. NO. NO.

CODE OF VIRGINIA - Continued

§ 33.2-1524.1, adding	HB 1414	1230	2759
	SB 890	1275	3069
§ 33.2-1526, amending	HB 1414	1230	2759
	SB 890	1275	3069
§ 33.2-1526.1, amending	HB 1414	1230	2759
	HB 1586	1133	2268
	SB 890	1275	3069
§ 33.2-1526.2, adding	HB 1414	1230	2759
	SB 890	1275	3069
§ 33.2-1526.5, adding	HB 1414	1230	2759
	SB 890	1275	3069
§ 33.2-1526.7, adding	HB 1414	1230	2759
	SB 890	1275	3069
§ 33.2-1527, amending	HB 1414	1230	2759
	SB 890	1275	3069
§ 33.2-1528, amending	HB 1414	1230	2759
	SB 890	1275	3069
§§ 33.2-1529.1 and 33.2-1530, amending	HB 1414	1230	2759
	SB 890	1275	3069
§ 33.2-1532, amending	HB 1414	1230	2759
	SB 890	1275	3069
§ 33.2-1601, repealing	HB 1414	1230	2759
	SB 890	1275	3069
§ 33.2-1602, amending	HB 1414	1230	2759
	SB 890	1275	3069
§ 33.2-1603, repealing	HB 1414	1230	2759
	SB 890	1275	3069
§ 33.2-1604, amending	HB 1414	1230	2759
	SB 890	1275	3069
§§ 33.2-1700 and 33.2-1701, amending	HB 1414	1230	2759
	SB 890	1275	3069
§§ 33.2-1708 and 33.2-1709, amending	HB 1414	1230	2759
	SB 890	1275	3069
§§ 33.2-1803 through 33.2-1803.2, amending	HB 1414	1230	2759
	SB 890	1275	3069
§ 33.2-1809, amending	HB 1414	1230	2759
	SB 890	1275	3069
§§ 33.2-2300 and 33.2-2301, amending	HB 1414	1230	2759
	SB 890	1275	3069
§§ 33.2-2400 and 33.2-2401, amending	HB 1414	1230	2759
	SB 890	1275	3069
§ 33.2-2509, amending	HB 1414	1230	2759
	SB 890	1275	3069
§ 33.2-2600.1, adding	HB 1726	1241	2865
	SB 1038	1281	3151
§ 33.2-2605, amending	HB 1726	1241	2865
	SB 1038	1281	3151
§ 33.2-2901, amending	HB 538	371	568
	SB 726	281	436
§ 33.2-3403, amending	SB 848	792	1239
§ 33.2-3601, amending	HB 1414	1230	2759
	SB 890	1275	3069
§§ 33.2-3700 through 33.2-3713, adding	HB 1541	1235	2843
§ 34-4, amending	HB 790	328	508
§ 34-6, amending	HB 790	328	508
§ 34-14, amending	HB 790	328	508
§ 34-17, amending	HB 790	328	508
§ 34-21, amending	HB 790	328	508
§ 36-7.2, adding	HB 921	397	595
	SB 708	187	273

	BILL OR CHAP.		PAGE	
	RES. NO.	NO.	NO.	NO.
CODE OF VIRGINIA - Continued				
§ 36-11.1:1, amending	HB	396	516	779
§ 36-55.26, amending	HB	1049	1137	2273
§ 36-85.4, amending	HB	1341	29	35
§§ 36-96.1 and 36-96.1:1, amending	HB	6	477	728
	HB	1049	1137	2273
	SB	868	1140	2309
§ 36-96.2, amending	HB	99	388	585
	HB	1049	1137	2273
	SB	868	1140	2309
§ 36-96.3, amending	HB	6	477	728
	HB	1049	1137	2273
	SB	868	1140	2309
§ 36-96.4, amending	HB	1049	1137	2273
	SB	868	1140	2309
§ 36-96.6, amending	HB	1049	1137	2273
	SB	868	1140	2309
§ 36-139, amending	HB	393	985	1883
	SB	707	986	1886
§§ 36-156.3 through 36-156.6, adding	HB	1509	956	1754
	SB	1073	957	1755
§ 37.2-304, amending	HB	4	1197	2559
	HB	896	1218	2667
	SB	36	1248	2910
	SB	384	1256	2963
§ 37.2-314, amending	HB	1540	1092	2087
§ 37.2-314.1, adding	HB	4	1197	2559
	HB	896	1218	2667
	SB	36	1248	2910
	SB	384	1256	2963
	SB	482	851	1375
§ 37.2-405.2, adding	HB	597	723	1076
§ 37.2-416, amending	HB	1540	1092	2087
§ 37.2-506, amending	HB	1540	1092	2087
§ 37.2-707, amending	HB	1049	1137	2273
§ 37.2-714, amending	HB	623	900	1600
§ 37.2-808, amending	HB	1452	1233	2838
	SB	738	1267	3038
§ 37.2-809, amending	SB	1046	945	1722
§ 37.2-810, amending	HB	1118	879	1542
	SB	603	880	1546
§ 37.2-821, amending	HB	1482	298	460
	SB	684	1175	2446
§ 37.2-829, amending	HB	1118	879	1542
	SB	603	880	1546
§ 37.2-1104, amending	HB	1452	1233	2838
	SB	738	1267	3038
§ 38.2-100, amending	HB	1334	264	399
§ 38.2-302, amending	HB	623	900	1600
§ 38.2-316, amending	HB	1240	408	612
§ 38.2-326, amending	HB	1428	916	1651
	SB	732	917	1666
§ 38.2-508.2, amending	HB	1049	1137	2273
§§ 38.2-600, 38.2-601, and 38.2-602, amending	HB	1334	264	399
§ 38.2-608, amending	SB	1046	945	1722
§§ 38.2-612.1, 38.2-612.2, and 38.2-613, amending	HB	1334	264	399
§ 38.2-613.2, repealing	HB	1334	264	399
§§ 38.2-614 through 38.2-618, amending	HB	1334	264	399
§ 38.2-620, repealing	HB	1334	264	399
§§ 38.2-621 through 38.2-629, adding	HB	1334	264	399

BILL OR CHAP. PAGE
RES. NO. NO. NO.

CODE OF VIRGINIA - Continued

§§ 38.2-1316.1 and 38.2-1316.2, amending	HB	154	208	297
§ 38.2-1316.4, amending	HB	154	208	297
§ 38.2-1316.7, amending	HB	154	208	297
§ 38.2-1807, repealing	SB	164	222	322
§ 38.2-1815, amending	SB	165	223	322
§ 38.2-1845.2, amending	SB	233	225	331
§§ 38.2-1845.8 and 38.2-1845.9, amending	SB	233	225	331
§ 38.2-1888, amending	SB	233	225	331
§ 38.2-2114, amending	HB	1049	1137	2273
§ 38.2-2115, amending	HB	1049	1137	2273
§ 38.2-2204, amending	HB	623	900	1600
	SB	735	1266	3031
§ 38.2-2212, amending	HB	623	900	1600
	HB	1049	1137	2273
	HB	1211	1227	2721
	SB	34	1246	2875
§ 38.2-2213, amending	HB	1049	1137	2273
§ 38.2-2521, amending	HB	951	216	311
§ 38.2-3407.4, amending	HB	807	715	1060
	SB	766	716	1061
§ 38.2-3407.10, amending	HB	1049	1137	2273
§ 38.2-3407.10:1, amending	HB	822	840	1365
§ 38.2-3407.11:4, adding	SB	567	935	1708
	SB	718	940	1716
§ 38.2-3407.15:5, adding	HB	66	881	1550
§ 38.2-3407.21, adding	HB	1037	1076	2047
	SB	404	1077	2048
§ 38.2-3408, amending	HB	1057	726	1082
	HB	1506	731	1097
§ 38.2-3412.1, amending	HB	1057	726	1082
	SB	280	847	1372
§ 38.2-3418.17, amending	HB	1503	613	934
	SB	1031	305	473
§ 38.2-3418.18, adding	HB	840	214	308
	HB	1273	217	312
	SB	423	1094	2094
	SB	605	215	310
	SB	846	218	314
§ 38.2-3438, amending	HB	1251	1080	2051
	SB	95	1160	2360
	SB	172	1081	2060
§ 38.2-3442, amending	SB	95	1160	2360
§ 38.2-3445, amending	HB	1251	1080	2051
	SB	172	1081	2060
§§ 38.2-3445.01 and 38.2-3445.02, adding	HB	1251	1080	2051
	SB	172	1081	2060
§ 38.2-3445.1, repealing	HB	1251	1080	2051
	SB	172	1081	2060
§ 38.2-3445.05, adding	HB	1251	1080	2051
	SB	172	1081	2060
§ 38.2-3445.07, adding	HB	1251	1080	2051
	SB	172	1081	2060
§ 38.2-3449.1, adding	HB	1429	844	1367
§ 38.2-3451, amending	SB	95	1160	2360
§ 38.2-3454.1, amending	HB	1141	842	1366
§§ 38.2-3455, 38.2-3456, and 38.2-3457, amending	HB	1428	916	1651
	SB	732	917	1666
§§ 38.2-3459 and 38.2-3460, amending	HB	1428	916	1651
	SB	732	917	1666

	BILL OR CHAP.		PAGE
	RES. NO.	NO.	NO.
CODE OF VIRGINIA - Continued			
§§ 38.2-3465 through 38.2-3470, adding	HB 1290	219	316
	SB 251	1288	3588
§ 38.2-3610, adding	SB 250	1161	2363
§ 38.2-4019, amending	HB 623	900	1600
§ 38.2-4214, amending	HB 1290	219	316
	HB 1334	264	399
	HB 1428	916	1651
	SB 250	1161	2363
	SB 251	1288	3588
	SB 732	917	1666
§ 38.2-4221, amending	HB 1057	726	1082
§ 38.2-4319, amending	HB 840	214	308
	HB 1273	217	312
	HB 1290	219	316
	HB 1334	264	399
	HB 1428	916	1651
	SB 250	1161	2363
	SB 251	1288	3588
	SB 423	1094	2094
	SB 605	215	310
	SB 732	917	1666
	SB 846	218	314
§ 38.2-4402.1, amending	HB 1240	408	612
§ 38.2-4408, amending	HB 1334	264	399
§ 38.2-4410, amending	HB 1240	408	612
§ 38.2-4410.1, adding	HB 1240	408	612
§ 38.2-4509, amending	HB 1334	264	399
	HB 1428	916	1651
	SB 732	917	1666
§ 38.2-6500, adding	HB 1428	916	1651
	SB 732	917	1666
§ 38.2-6510, adding	HB 1428	916	1651
	SB 732	917	1666
§ 38.2-6517, adding	HB 1428	916	1651
	SB 732	917	1666
§ 40.1-6, amending	HB 833	1216	2663
	SB 8	1243	2871
§ 40.1-27.3, adding	HB 798	1136	2272
§ 40.1-28.7:7, adding	HB 330	948	1739
	HB 622	1210	2628
	HB 984	203	294
	SB 480	949	1740
	SB 894	381	579
§ 40.1-28.9, amending	HB 56	1145	2327
	HB 395	1204	2617
	SB 7	1242	2869
	SB 78	1146	2328
	SB 804	1147	2329
§ 40.1-28.10, amending	HB 395	1204	2617
	SB 7	1242	2869
§ 40.1-29, amending	HB 123	868	1530
	HB 689	202	293
	SB 838	1038	2000
§ 40.1-29.1, adding	HB 336	206	296
	SB 49	205	295
§ 40.1-33.1, adding	HB 337	950	1741
	HB 1199	204	295
	SB 48	951	1742
	SB 662	271	423
§ 40.1-55, amending	HB 582	1209	2627
	SB 939	1276	3140

BILL OR CHAP. PAGE
RES. NO. NO. NO.

CODE OF VIRGINIA - Continued

§§ 40.1-57.2 and 40.1-57.3, amending	HB 582	1209	2627
	SB 939	1276	3140
§ 40.1-100, amending	HB 390	1113	2147
	SB 389	1114	2197
§ 40.1-120.1, adding	HB 1252	1228	2754
§ 40.1-121, amending	HB 1049	1137	2273
	HB 1252	1228	2754
§ 42.1-46, amending	HB 404	54	64
§ 42.1-78, amending	SB 1051	773	1215
§ 42.1-91.1, adding	SB 1051	773	1215
§ 43-13, amending	SB 208	873	1536
§ 43-32, amending	SB 616	958	1756
§ 44-54.6, amending	HB 1253	488	745
§ 44-83, amending	SB 753	832	1355
§ 44-146.16, amending	HB 1082	483	741
§§ 44-146.18:5 through 44-146.18:9, adding	HB 1003	423	629
§ 44-146.19, amending	HB 1258	94	138
	SB 1008	1021	1971
§ 44-146.29:3, adding	SB 350	819	1302
§ 44-209, adding	HB 340	1202	2615
§ 45.1-161.5, amending	HB 234	794	1241
§ 45.1-161.5:1, adding	HB 234	794	1241
§ 45.1-161.292:5, amending	SB 258	804	1270
§ 45.1-396, amending	HB 1707	803	1269
§ 45.1-400, repealing	HB 1707	803	1269
§ 46.2-100, amending	HB 543	59	72
	SB 758	1269	3041
	SB 871	260	391
§ 46.2-116, amending	HB 1577	1237	2854
	SB 579	829	1311
§§ 46.2-117 and 46.2-118, amending	SB 579	829	1311
§ 46.2-203.1, amending	HB 1092	701	1034
	HB 1196	964	1824
	SB 1	965	1841
§ 46.2-208, amending	HB 1092	701	1034
	HB 1442	1232	2832
§ 46.2-208.1, amending	HB 1092	701	1034
§ 46.2-208.2, repealing	HB 1092	701	1034
§ 46.2-208.3, adding	HB 1092	701	1034
§ 46.2-213, repealing	HB 1092	701	1034
§ 46.2-214.3, amending	HB 1414	1230	2759
	SB 890	1275	3069
§ 46.2-221.5, adding	HB 411	698	1032
§ 46.2-301, amending	HB 1196	964	1824
	SB 1	965	1841
	SB 711	1018	1969
§ 46.2-320.2, repealing	HB 909	740	1150
	SB 513	741	1152
§ 46.2-323, amending	SB 246	544	828
	SB 579	829	1311
§ 46.2-324, amending	SB 579	829	1311
§ 46.2-328.1, amending	HB 1211	1227	2721
	SB 34	1246	2875
	SB 761	981	1874
§ 46.2-328.3, adding	HB 1211	1227	2721
	SB 34	1246	2875
§ 46.2-330, amending	HB 1211	1227	2721
	SB 34	1246	2875
	SB 579	829	1311

	BILL OR CHAP.		PAGE
	RES. NO.	NO.	NO.
CODE OF VIRGINIA - Continued			
§ 46.2-332, amending	HB 1211	1227	2721
	HB 1414	1230	2759
	SB 34	1246	2875
	SB 890	1275	3069
§ 46.2-333.1, amending	HB 1211	1227	2721
	SB 34	1246	2875
§ 46.2-335, amending	HB 1211	1227	2721
	SB 34	1246	2875
§ 46.2-341.2, repealing	SB 527	788	1234
§ 46.2-341.9, amending	HB 1012	860	1400
	SB 578	861	1460
§ 46.2-341.10, amending	HB 1012	860	1400
	SB 578	861	1460
§ 46.2-341.12, amending	SB 246	544	828
	SB 290	546	836
§§ 46.2-341.14 and 46.2-341.14:01, amending	SB 290	546	836
§ 46.2-341.18:3, amending	HB 1012	860	1400
	SB 578	861	1460
§§ 46.2-341.20:5 and 46.2-341.20:6, amending	HB 1414	1230	2759
	SB 890	1275	3069
§ 46.2-342, amending	SB 289	545	835
§ 46.2-343, amending	HB 1211	1227	2721
	SB 34	1246	2875
§ 46.2-345, amending	SB 246	544	828
	SB 579	829	1311
§ 46.2-345.2, amending	SB 246	544	828
§ 46.2-361, amending	HB 1196	964	1824
	SB 1	965	1841
§ 46.2-380, amending	HB 1092	701	1034
§ 46.2-383, amending	HB 1196	964	1824
	SB 1	965	1841
§ 46.2-390.1, repealing	HB 909	740	1150
	SB 513	741	1152
§ 46.2-391.1, amending	HB 1196	964	1824
	SB 1	965	1841
§ 46.2-391.2, amending	HB 34	341	526
§ 46.2-395, repealing	HB 1196	964	1824
	SB 1	965	1841
§ 46.2-410.1, amending	HB 909	740	1150
	SB 513	741	1152
§ 46.2-416, amending	HB 1196	964	1824
	SB 1	965	1841
§ 46.2-416.1, repealing	HB 909	740	1150
	SB 513	741	1152
§ 46.2-600.1, adding	HB 1666	786	1233
§ 46.2-633.2, amending	HB 989	974	1868
§ 46.2-665, amending	HB 193	781	1221
§ 46.2-686, amending	HB 1414	1230	2759
	SB 890	1275	3069
§ 46.2-694, amending	HB 1414	1230	2759
	SB 890	1275	3069
§ 46.2-697, amending	HB 1414	1230	2759
	SB 890	1275	3069
§ 46.2-698, amending	HB 193	781	1221
§ 46.2-702.1, repealing	HB 1414	1230	2759
	SB 890	1275	3069
§ 46.2-702.1:1, repealing	HB 1414	1230	2759
	SB 890	1275	3069
§ 46.2-745.3, adding	HB 211	970	1867

	BILL OR CHAP.		PAGE
	RES. NO.	NO.	NO.
CODE OF VIRGINIA - Continued			
§ 46.2-752, amending	HB 1414	1230	2759
	SB 890	1275	3069
§§ 46.2-770 through 46.2-774, adding	HB 1414	1230	2759
	SB 890	1275	3069
§ 46.2-808.2, adding	HB 1196	964	1824
	SB 1	965	1841
§ 46.2-810.1, amending	HB 578	972	1867
§ 46.2-816.1, adding	SB 437	1259	3007
§ 46.2-818.2, adding	HB 874	250	375
	SB 160	543	827
§ 46.2-819.1, amending	HB 1196	964	1824
	SB 1	965	1841
§ 46.2-819.2, amending	HB 909	740	1150
	SB 513	741	1152
§ 46.2-819.3, amending	HB 1196	964	1824
	SB 1	965	1841
§ 46.2-819.3:1, amending	HB 1196	964	1824
	SB 1	965	1841
§ 46.2-819.5, amending	HB 1196	964	1824
	SB 1	965	1841
§ 46.2-841, amending	SB 437	1259	3007
§§ 46.2-842 and 46.2-842.1, amending	HB 1066	815	1298
§ 46.2-844, amending	HB 1427	783	1223
§ 46.2-862, amending	HB 885	444	667
	SB 63	445	667
§ 46.2-868, amending	HB 874	250	375
	SB 160	543	827
§ 46.2-878.2:1, adding	SB 556	892	1582
§ 46.2-878.3, amending	HB 885	444	667
	SB 63	445	667
§ 46.2-882, amending	HB 1442	1232	2832
§ 46.2-882.1, adding	HB 1442	1232	2832
§ 46.2-904, amending	SB 758	1269	3041
§ 46.2-904.1, adding	HB 543	59	72
	SB 871	260	391
§ 46.2-908.1, amending	HB 543	59	72
	SB 758	1269	3041
	SB 871	260	391
§ 46.2-908.1:1, amending	SB 758	1269	3041
§ 46.2-924, amending	HB 1705	1031	1983
§ 46.2-940, amending	HB 1196	964	1824
	SB 1	965	1841
§§ 46.2-944.1 through 46.2-947, repealing	HB 1196	964	1824
	SB 1	965	1841
§ 46.2-1004, amending	HB 445	393	592
§ 46.2-1012, amending	HB 445	393	592
§ 46.2-1015, amending	SB 758	1269	3041
§ 46.2-1020, amending	HB 445	393	592
§ 46.2-1078.1, repealing	HB 874	250	375
	SB 160	543	827
§ 46.2-1102, amending	HB 991	975	1869
§§ 46.2-1106 and 46.2-1107, repealing	SB 525	707	1049
§ 46.2-1148.1, amending	HB 1348	409	614
	SB 328	268	420
§ 46.2-1158, amending	HB 1414	1230	2759
	SB 890	1275	3069
§ 46.2-1158.02, amending	HB 1414	1230	2759
	SB 890	1275	3069
§ 46.2-1200, amending	HB 1126	977	1870

	BILL OR CHAP.			PAGE
	RES. NO.	NO.	NO.	
CODE OF VIRGINIA - Continued				
§ 46.2-1200.1, amending	HB 1196	964	1824	
	SB 1	965	1841	
§ 46.2-1209, amending	HB 1126	977	1870	
§ 46.2-1222.1, amending	HB 1259	997	1917	
§§ 46.2-1233 and 46.2-1233.1, amending	HB 1511	31	36	
§ 46.2-1315, amending	HB 465	478	731	
§ 46.2-1408, adding	SB 735	1266	3031	
§ 46.2-1412, adding	SB 735	1266	3031	
§ 46.2-1418, adding	SB 735	1266	3031	
§ 46.2-1500, amending	SB 1035	984	1879	
§ 46.2-1503.2, amending	HB 1049	1137	2273	
§ 46.2-1503.4, amending	SB 524	706	1048	
§ 46.2-1507, amending	HB 1414	1230	2759	
	SB 890	1275	3069	
§ 46.2-1546, amending	HB 1414	1230	2759	
	SB 890	1275	3069	
§ 46.2-1549.2, adding	HB 595	60	78	
§ 46.2-1573, amending	HB 1414	1230	2759	
	SB 890	1275	3069	
§ 46.2-1573.11, amending	HB 1414	1230	2759	
	SB 890	1275	3069	
§ 46.2-1573.23, amending	HB 1414	1230	2759	
	SB 890	1275	3069	
§ 46.2-1573.36, amending	HB 1414	1230	2759	
	SB 890	1275	3069	
	SB 1035	984	1879	
§ 46.2-1580, repealing	SB 524	706	1048	
§ 46.2-1582, amending	SB 524	706	1048	
§ 46.2-1605, amending	SB 562	867	1529	
§§ 46.2-1708 and 46.2-1709, amending	SB 290	546	836	
§ 46.2-2011.33, amending	SB 579	829	1311	
§ 46.2-2099.50, amending	HB 445	393	592	
§ 46.2-2101, amending	SB 758	1269	3041	
§ 47.1-2, amending	HB 1222	902	1633	
§ 51.1-124.27, amending	HB 1049	1137	2273	
§ 51.1-124.38, repealing	HB 1017	1164	2376	
	SB 576	1169	2413	
§ 51.1-155, amending	HB 351	379	575	
	HB 1495	968	1863	
	SB 54	969	1865	
	SB 324	437	653	
§ 51.1-212, amending	SB 616	958	1756	
§ 51.1-500, amending	HB 536	245	368	
	SB 109	374	569	
§ 51.1-505.01, amending	HB 536	245	368	
	SB 109	374	569	
§ 51.1-617, amending	HB 1012	860	1400	
	SB 578	861	1460	
§ 51.1-1101, amending	HB 581	548	845	
§ 51.1-1402, amending	HB 1513	1091	2086	
§ 51.1-1402.1, adding	HB 1513	1091	2086	
§ 51.5-125, amending	HB 1148	728	1088	
§ 51.5-128, amending	HB 1148	728	1088	
§§ 51.5-131 and 51.5-132, amending	HB 1148	728	1088	
§§ 51.5-134 through 51.5-138, amending	HB 1148	728	1088	
§§ 51.5-139 through 51.5-142, repealing	HB 1148	728	1088	
§ 51.5-150, amending	HB 1148	728	1088	
§ 51.5-152, amending	HB 1148	728	1088	

	BILL OR CHAP.	PAGE
	RES. NO.	NO. NO.
CODE OF VIRGINIA - Continued		
§ 51.5-154, amending	HB 310	419 624
	SB 256	226 335
§§ 51.5-155 through 51.5-158, repealing	HB 1148	728 1088
§ 51.5-166, amending	HB 1049	1137 2273
§ 51.5-170, amending	HB 1049	1137 2273
§§ 51.5-182 through 51.5-185, adding	HB 1148	728 1088
§ 52-8.5, amending	HB 276	124 194
	HB 618	746 1155
	SB 179	1171 2436
§§ 52-30.1 through 52-30.4, adding	HB 1250	1165 2399
§ 52-34.13, adding	HB 65	19 25
	HB 1024	1127 2258
§§ 52-34.14 and 52-34.15, adding	HB 65	19 25
§§ 52-50, 52-51, and 52-52, adding	SB 436	1173 2439
§ 53.1-1, amending	SB 622	759 1178
§ 53.1-1.2, adding	SB 1023	1170 2435
§ 53.1-2, amending	SB 622	759 1178
§ 53.1-5, amending	SB 622	759 1178
§ 53.1-5.1, repealing	SB 622	759 1178
§ 53.1-5.2, adding	HB 1255	1229 2755
	SB 717	1265 3027
§ 53.1-6, amending	SB 622	759 1178
§ 53.1-6.1, adding	SB 622	759 1178
§ 53.1-8, amending	SB 622	759 1178
§ 53.1-10, amending	HB 1255	1229 2755
	SB 622	759 1178
	SB 717	1265 3027
§ 53.1-15, repealing	SB 622	759 1178
§§ 53.1-18 and 53.1-19, amending	SB 622	759 1178
§ 53.1-20, amending	HB 1648	526 789
§ 53.1-24, amending	SB 622	759 1178
§ 53.1-25.1, amending	HB 1648	526 789
§ 53.1-30, amending	SB 622	759 1178
	SB 1023	1170 2435
	SB 1089	1181 2454
§ 53.1-31, amending	SB 622	759 1178
§ 53.1-31.4, adding	HB 1093	484 743
	HB 1467	523 785
§ 53.1-32, amending	SB 622	759 1178
§§ 53.1-32.01 and 53.1-32.1, amending	SB 622	759 1178
§ 53.1-35.2, adding	HB 1648	526 789
§ 53.1-37, amending	SB 622	759 1178
§ 53.1-39, amending	SB 622	759 1178
§ 53.1-40.2, amending	SB 1046	945 1722
§§ 53.1-40.11 through 53.1-40.16, adding	HB 1648	526 789
§§ 53.1-42 and 53.1-43, amending	SB 622	759 1178
§ 53.1-60, amending	SB 622	759 1178
§§ 53.1-63 and 53.1-63.1, amending	SB 622	759 1178
§§ 53.1-67.4 and 53.1-67.5, amending	SB 622	759 1178
§ 53.1-69.1, amending	SB 215	1287 3587
§ 53.1-69.2, adding	SB 622	759 1178
§ 53.1-95.20, amending	SB 622	759 1178
§ 53.1-106, amending	SB 622	759 1178
§ 53.1-116.1:02, amending	HB 1093	484 743
	HB 1467	523 785
§ 53.1-120, amending	SB 149	602 925
§ 53.1-127.3, amending	HB 909	740 1150
	SB 513	741 1152

	BILL OR CHAP.		PAGE
	RES. NO.	NO.	NO.
CODE OF VIRGINIA - Continued			
§ 53.1-127.4, repealing	HB 909	740	1150
	SB 513	741	1152
§ 53.1-131, amending	SB 622	759	1178
§ 53.1-131.2, amending	HB 278	10	15
	SB 622	759	1178
§ 53.1-132, amending	HB 369	4	11
§ 53.1-133.01, amending	SB 622	759	1178
§ 53.1-133.03, amending	HB 1328	836	1361
	SB 622	759	1178
	SB 656	837	1361
§ 53.1-136, amending	HB 35	2	1
	SB 103	529	799
§ 53.1-145, amending	SB 622	759	1178
§ 53.1-150.1, amending	SB 622	759	1178
§ 53.1-154.1, amending	SB 622	759	1178
§ 53.1-164, amending	SB 622	759	1178
§ 53.1-165.1, amending	HB 33	1200	2607
	HB 35	2	1
	SB 103	529	799
	SB 793	1272	3065
§§ 53.1-178 and 53.1-179, amending	SB 622	759	1178
§ 53.1-189, amending	SB 622	759	1178
§ 53.1-191, amending	SB 622	759	1178
§§ 53.1-199 and 53.1-200, amending	SB 622	759	1178
§ 53.1-202.4, amending	SB 622	759	1178
§§ 53.1-218 and 53.1-219, amending	HB 1150	995	1913
	SB 491	996	1915
§ 53.1-228.1, amending	SB 622	759	1178
§ 53.1-234, amending	SB 270	1166	2400
§ 53.1-262, amending	SB 622	759	1178
§ 53.1-266, amending	SB 622	759	1178
§ 54.1-119, amending	HB 967	28	35
	SB 981	35	43
§ 54.1-401, amending	SB 385	822	1304
§§ 54.1-519 through 54.1-535, adding	HB 832	481	733
§ 54.1-1102, amending	HB 1646	685	1024
§ 54.1-2105.1, amending	HB 838	749	1159
§ 54.1-2108.1, amending	SB 653	1014	1962
§ 54.1-2109, amending	HB 513	383	580
§ 54.1-2133, amending	HB 1161	520	782
§ 54.1-2312, amending	HB 950	27	34
	SB 519	33	39
§ 54.1-2312.01, amending	SB 1070	537	815
§ 54.1-2345, amending	HB 1340	592	911
§§ 54.1-2355 through 54.1-2358, repealing	HB 932	1168	2413
§ 54.1-2400.6, amending	HB 471	45	56
	SB 540	230	345
§ 54.1-2409.5, adding	HB 386	41	52
	SB 245	721	1069
§ 54.1-2523, amending	HB 648	1066	2033
	SB 575	1067	2035
§ 54.1-2525, amending	HB 648	1066	2033
	SB 575	1067	2035
§ 54.1-2700, amending	HB 165	37	44
	SB 122	220	320
§ 54.1-2708.5, adding	HB 165	37	44
	SB 122	220	320
§ 54.1-2711, amending	HB 165	37	44
	SB 122	220	320

BILL OR CHAP. PAGE
RES. NO. NO. NO.

CODE OF VIRGINIA - Continued

§ 54.1-2719, amending	HB 165 37 44
	SB 122 220 320
§ 54.1-2806, amending	SB 422 885 1552
§ 54.1-2808.3, amending	HB 641 97 154
§ 54.1-2900, amending	HB 385 357 546
	HB 552 420 625
	HB 1084 1222 2690
§ 54.1-2909, amending	HB 115 198 285
	HB 471 45 56
	SB 120 1093 2091
	SB 540 230 345
§ 54.1-2910.5, adding	HB 808 725 1078
§ 54.1-2915, amending	HB 1251 1080 2051
	SB 172 1081 2060
§ 54.1-2923.1, repealing	HB 115 198 285
	SB 120 1093 2091
§ 54.1-2956.13, amending	HB 1084 1222 2690
§ 54.1-2956.14, adding	HB 1084 1222 2690
§ 54.1-2957.01, amending	HB 1059 100 155
	SB 264 161 232
§ 54.1-2957.5, amending	HB 1260 926 1694
§ 54.1-2969, amending	SB 1046 945 1722
§ 54.1-2983.2, amending	HB 362 40 51
	SB 544 231 347
§ 54.1-3005, amending	HB 1012 860 1400
	SB 578 861 1460
§ 54.1-3018.2, adding	HB 808 725 1078
§ 54.1-3029, amending	HB 1121 727 1087
§ 54.1-3300, amending	HB 1304 102 163
	HB 1506 731 1097
	SB 830 237 351
§ 54.1-3300.1, amending	HB 517 46 58
	HB 1506 731 1097
	SB 565 232 348
§ 54.1-3303, amending	HB 1000 464 709
§ 54.1-3303.1, adding	HB 1506 731 1097
§ 54.1-3304.1, amending	HB 1654 609 932
	SB 1074 610 933
§ 54.1-3307, amending	SB 270 1166 2400
§ 54.1-3321, amending	HB 1304 102 163
	SB 830 237 351
§ 54.1-3401, amending	HB 972 1285 3534
	SB 2 1286 3561
	SB 646 831 1344
§ 54.1-3408, amending	HB 299 39 47
	HB 860 459 692
	HB 908 924 1686
	HB 1012 860 1400
	HB 1147 556 853
	HB 1174 460 700
	HB 1261 927 1694
	SB 239 560 864
	SB 530 853 1384
	SB 566 1095 2095
	SB 578 861 1460
	SB 836 302 465
§ 54.1-3408.01, amending	HB 1000 464 709

	BILL OR CHAP.			PAGE
	RES. NO.	NO.	NO.	NO.
CODE OF VIRGINIA - Continued				
§ 54.1-3408.3, amending	HB 1460	730	1096	
	HB 1670	928	1698	
	SB 646	831	1344	
	SB 976	1278	3143	
§ 54.1-3408.5, adding	HB 1147	556	853	
§ 54.1-3410, amending	HB 1000	464	709	
§ 54.1-3411.2, amending	SB 913	739	1150	
§§ 54.1-3422 and 54.1-3423, amending	SB 885	941	1716	
§ 54.1-3442.5, amending	SB 976	1278	3143	
§ 54.1-3442.6, amending	HB 1670	928	1698	
	SB 646	831	1344	
	SB 976	1278	3143	
	SB 1045	944	1721	
§ 54.1-3442.7, amending	HB 1460	730	1096	
	HB 1670	928	1698	
	SB 646	831	1344	
	SB 976	1278	3143	
§ 54.1-3442.8, amending	SB 976	1278	3143	
	SB 1015	764	1203	
§ 54.1-3446, amending	HB 972	1285	3534	
	HB 1263	101	156	
	SB 2	1286	3561	
	SB 538	229	338	
§ 54.1-3466, amending	HB 791	839	1363	
§ 54.1-3467, amending	HB 1654	609	932	
	SB 1074	610	933	
§ 54.1-3480, amending	SB 422	885	1552	
§ 54.1-3483, amending	SB 422	885	1552	
§ 54.1-3500, amending	SB 713	301	463	
§ 54.1-3503, amending	SB 713	301	463	
§§ 54.1-3516 and 54.1-3517, adding	SB 713	301	463	
§ 54.1-3606.2, adding	SB 760	1162	2365	
§§ 54.1-3709.1, 54.1-3709.2, and 54.1-3709.3, adding	HB 1562	103	165	
	SB 633	233	349	
§ 54.1-3800, amending	SB 616	958	1756	
§ 54.1-3807, amending	SB 422	885	1552	
§ 54.1-3900, amending	HB 1081	105	167	
	SB 237	106	169	
§ 54.1-3933, amending	HB 1346	112	175	
§ 54.1-4201.2, amending	HB 2	1111	2133	
	SB 70	1112	2140	
	SB 543	828	1311	
§ 55.1-300, amending	HB 788	748	1158	
§ 55.1-300.1, adding	HB 788	748	1158	
§ 55.1-306, amending	HB 831	1132	2265	
	SB 794	1131	2262	
§ 55.1-306.1, adding	HB 831	1132	2265	
	SB 794	1131	2262	
§ 55.1-700, amending	HB 838	749	1159	
§ 55.1-703, amending	HB 174	23	29	
	HB 175	24	30	
	HB 518	26	33	
	HB 859	313	481	
	HB 1161	520	782	
	HB 1342	200	288	
	HB 1569	655	986	
	SB 343	656	987	
	SB 628	186	272	
§ 55.1-705, repealing	HB 1342	200	288	
§ 55.1-708.1, adding	HB 859	313	481	

	BILL OR CHAP. RES. NO.	PAGE NO.	PAGE NO.
CODE OF VIRGINIA - Continued			
§ 55.1-709, amending	HB 838	749	1159
§ 55.1-714, amending	HB 838	749	1159
§ 55.1-904, repealing	HB 819	700	1034
§ 55.1-1009.1, adding	HB 819	700	1034
§ 55.1-1014, amending	SB 233	225	331
§ 55.1-1015.1, adding	HB 819	700	1034
§ 55.1-1202, amending	HB 519	183	268
	SB 115	182	267
§ 55.1-1203, amending	HB 99	388	585
§ 55.1-1204, amending	HB 393	985	1883
	HB 1333	998	1918
	HB 1420	1231	2831
	SB 707	986	1886
§ 55.1-1206, amending	HB 1333	998	1918
§ 55.1-1208, amending	HB 1333	998	1918
§ 55.1-1209, amending	HB 99	388	585
§ 55.1-1226, amending	HB 594	384	581
	HB 1333	998	1918
	SB 388	823	1305
§ 55.1-1243, amending	HB 1401	30	36
§ 55.1-1244.1, adding	SB 905	1020	1971
§ 55.1-1250, amending	HB 1420	1231	2831
§ 55.1-1308, amending	HB 1249	751	1163
§ 55.1-1308.1, adding	HB 334	391	591
	HB 1249	751	1163
§ 55.1-1309, amending	HB 1249	751	1163
§ 55.1-1310, amending	HB 1049	1137	2273
	SB 868	1140	2309
§ 55.1-1311, amending	HB 1249	751	1163
§ 55.1-1316, amending	HB 1249	751	1163
§ 55.1-1602, amending	HB 1340	592	911
§ 55.1-1805, amending	HB 1340	592	911
§ 55.1-1808, amending	HB 176	121	184
	HB 1340	592	911
	SB 672	605	928
§ 55.1-1809, amending	HB 720	441	660
§ 55.1-1810, amending	HB 1340	592	911
§ 55.1-1814, amending	HB 720	441	660
§ 55.1-1815, amending	HB 1340	592	911
§ 55.1-1823.1, adding	SB 630	1012	1960
§ 55.1-1904, amending	HB 1340	592	911
§ 55.1-1906, amending	HB 1340	592	911
§ 55.1-1911, amending	HB 1340	592	911
§ 55.1-1919, amending	HB 1340	592	911
§ 55.1-1937, amending	HB 1340	592	911
	HB 1548	817	1299
§ 55.1-1940, amending	HB 1340	592	911
§ 55.1-1941, amending	HB 1548	817	1299
§ 55.1-1945, amending	HB 1340	592	911
§ 55.1-1962.1, adding	SB 630	1012	1960
§ 55.1-1974, amending	HB 1340	592	911
§ 55.1-1990, amending	HB 176	121	184
	SB 672	605	928
§ 55.1-2139.1, adding	SB 630	1012	1960
§§ 55.1-2200 and 55.1-2201, amending	SB 584	1011	1951
§ 55.1-2217, amending	SB 584	1011	1951
§ 55.1-2219, amending	SB 584	1011	1951
§§ 55.1-2238 and 55.1-2239, amending	SB 584	1011	1951

	BILL OR CHAP. RES. NO.	PAGE NO.	PAGE NO.
CODE OF VIRGINIA - Continued			
§§ 55.1-2241, 55.1-2242, and 55.1-2243, amending	SB 584	1011	1951
§ 55.1-2247, amending	SB 584	1011	1951
§ 55.1-2902, amending	SB 616	958	1756
§§ 56-1.2 and 56-1.2:1, amending	HB 511	490	747
§ 56-46.1, amending	HB 665	450	680
	SB 616	958	1756
§ 56-232.2:1, amending	HB 511	490	747
§ 56-235.1:2, adding	HB 432	744	1154
§ 56-247.1, amending	HB 1225	668	1004
§ 56-249.6, amending	HB 167	661	993
§ 56-257.2:1, adding	SB 385	822	1304
§ 56-257.5, adding	HB 723	666	1000
§ 56-265.1, amending	SB 632	1190	2478
§ 56-484.12, amending	HB 1003	423	629
§§ 56-484.13 and 56-484.14, amending	HB 1003	423	629
§ 56-484.16:1, adding	HB 727	1068	2037
	SB 720	1069	2039
§ 56-484.17, amending	HB 1003	423	629
§ 56-576, amending	HB 1133	1225	2696
	HB 1526	1193	2498
	SB 851	1194	2527
§ 56-577, amending	HB 868	1107	2117
	HB 889	796	1242
§ 56-585.1, amending	HB 1526	1193	2498
	HB 1576	799	1244
	HB 1656	801	1257
	SB 632	1190	2478
	SB 731	1108	2119
	SB 851	1194	2527
§ 56-585.1:3, amending	HB 573	663	994
§ 56-585.1:4, amending	HB 1133	1225	2696
	HB 1526	1193	2498
	SB 632	1190	2478
	SB 851	1194	2527
§ 56-585.1:5, amending	HB 576	164	234
	SB 782	165	236
§ 56-585.1:9, amending	HB 1280	752	1164
§ 56-585.1:11, adding	HB 572	1188	2466
	HB 1184	1189	2472
	HB 1526	1193	2498
	HB 1647	1239	2857
	HB 1664	1240	2863
	SB 710	1187	2460
	SB 851	1194	2527
	SB 860	1273	3066
	SB 998	1279	3147
§ 56-585.2, repealing	HB 1526	1193	2498
	SB 851	1194	2527
§ 56-585.5, adding	HB 1526	1193	2498
	SB 754	807	1272
	SB 851	1194	2527
§ 56-585.6, adding	HB 1526	1193	2498
	SB 851	1194	2527
§ 56-594, amending	HB 572	1188	2466
	HB 1184	1189	2472
	HB 1526	1193	2498
	HB 1647	1239	2857
	SB 710	1187	2460
	SB 851	1194	2527

	BILL OR CHAP. RES. NO.	PAGE NO.	PAGE NO.
CODE OF VIRGINIA - Continued			
§ 56-594.3, adding	HB 1634	1238	2855
	SB 629	1264	3025
§ 56-596.2, amending	HB 575	1208	2626
	HB 1526	1193	2498
	SB 851	1194	2527
§ 56-596.2:1, amending	HB 1656	801	1257
§§ 56-598 and 56-599, amending	SB 632	1190	2478
§§ 57-39.2 through 57-39.7, amending	SB 445	669	1005
§ 58.1-3, amending	HB 341	325	497
	HB 1211	1227	2721
	HB 1428	916	1651
	SB 34	1246	2875
	SB 732	917	1666
§ 58.1-3.4, adding	HB 1407	681	1016
	SB 744	682	1020
§ 58.1-301, amending	HB 1413	255	384
	SB 582	1	1
§ 58.1-311, amending	HB 1417	1030	1978
§ 58.1-311.2, adding	HB 1417	1030	1978
§ 58.1-321, amending	SB 745	606	930
§ 58.1-322.02, amending	HB 307	324	494
	HB 623	900	1600
	SB 877	738	1123
	SB 931	375	571
§ 58.1-322.03, amending	SB 277	1033	1985
§ 58.1-324, amending	HB 623	900	1600
§ 58.1-326, amending	HB 623	900	1600
§ 58.1-339.8, amending	HB 623	900	1600
§ 58.1-339.12, amending	HB 390	1113	2147
	SB 389	1114	2197
§ 58.1-341, amending	HB 623	900	1600
§ 58.1-341.1, amending	HB 1428	916	1651
	SB 732	917	1666
§ 58.1-344.3, amending	HB 623	900	1600
	SB 616	958	1756
§ 58.1-344.4, amending	HB 623	900	1600
§ 58.1-356, adding	HB 730	248	374
	SB 211	63	80
§§ 58.1-396 through 58.1-399.7, adding	HB 1417	1030	1978
§ 58.1-402, amending	SB 277	1033	1985
	SB 877	738	1123
§ 58.1-439.4, amending	HB 1012	860	1400
	SB 578	861	1460
§ 58.1-439.7, amending	SB 590	789	1234
§ 58.1-439.12:03, amending	HB 1318	966	1859
	SB 923	967	1861
§ 58.1-439.12:04, amending	HB 590	430	648
	SB 200	1032	1984
§ 58.1-439.12:05, amending	HB 408	429	648
§ 58.1-439.12:08, amending	HB 748	469	719
	SB 110	470	722
§ 58.1-439.12:11, amending	HB 748	469	719
	SB 110	470	722
§ 58.1-490, amending	HB 623	900	1600
§ 58.1-499, amending	HB 1417	1030	1978
	HB 623	900	1600
§ 58.1-520, amending	HB 623	900	1600
§ 58.1-522, amending	HB 1226	577	887

	BILL OR CHAP.		PAGE
	RES. NO.	NO.	NO.
CODE OF VIRGINIA - Continued			
§ 58.1-602, amending	HB 1631	705	1042
	HB 200	427	636
	HB 486	327	502
	SB 1028	708	1049
	SB 224	865	1523
	SB 943	428	642
§ 58.1-603.1, amending	HB 1541	1235	2843
§ 58.1-604.01, amending	HB 1541	1235	2843
§§ 58.1-605 and 58.1-605.1, amending	HB 200	427	636
	HB 486	327	502
	HB 1631	705	1042
	SB 224	865	1523
	SB 943	428	642
	SB 1028	708	1049
§ 58.1-606.1, amending	HB 200	427	636
	HB 486	327	502
	HB 1631	705	1042
	SB 224	865	1523
	SB 943	428	642
	SB 1028	708	1049
§ 58.1-608.3, amending	HB 1414	1230	2759
	HB 906	329	511
	SB 163	62	79
	SB 890	1275	3069
§ 58.1-609.3, amending	HB 390	1113	2147
	SB 389	1114	2197
	SB 590	789	1234
§ 58.1-609.6, amending	HB 1318	966	1859
	SB 923	967	1861
§ 58.1-609.10, amending	HB 888	507	772
	SB 268	191	276
§ 58.1-638, amending	HB 1414	1230	2759
	HB 1541	1235	2843
	SB 890	1275	3069
§ 58.1-638.3, amending	HB 1414	1230	2759
	SB 890	1275	3069
§ 58.1-802, amending	SB 230	866	1528
§ 58.1-802.3, amending	HB 1414	1230	2759
	SB 230	866	1528
	SB 890	1275	3069
§ 58.1-802.4, adding	HB 1414	1230	2759
	HB 1726	1241	2865
	SB 890	1275	3069
	SB 1038	1281	3151
§ 58.1-803, amending	HB 1615	334	519
§ 58.1-810, amending	HB 623	900	1600
	HB 788	748	1158
	HB 1580	643	974
§ 58.1-811, amending	HB 1414	1230	2759
	HB 1726	1241	2865
	SB 890	1275	3069
	SB 1038	1281	3151
§ 58.1-812, amending	HB 1623	623	951
§ 58.1-815.4, amending	HB 1414	1230	2759
	SB 890	1275	3069
§ 58.1-816, amending	HB 1414	1230	2759
	HB 1726	1241	2865
	SB 890	1275	3069
	SB 1038	1281	3151
§ 58.1-816.1, amending	HB 1414	1230	2759
	SB 890	1275	3069

	BILL OR CHAP.	PAGE
	RES. NO.	NO. NO.
CODE OF VIRGINIA - Continued		
§ 58.1-817, amending	HB 1623	623 951
§ 58.1-1405, amending	SB 616	958 1756
§ 58.1-1410, amending	SB 616	958 1756
§ 58.1-1707, amending	HB 1154	782 1223
§ 58.1-1709, amending	HB 502	468 719
§ 58.1-1718.01, adding	HB 839	249 374
	SB 93	278 429
§§ 58.1-1734, 58.1-1735, and 58.1-1736, amending	SB 735	1266 3031
§ 58.1-1738, amending	SB 735	1266 3031
§ 58.1-1741, amending	HB 1414	1230 2759
	SB 735	1266 3031
	SB 890	1275 3069
§ 58.1-1743, amending	HB 1414	1230 2759
	HB 1726	1241 2865
	SB 890	1275 3069
	SB 1038	1281 3151
§ 58.1-1744, amending	HB 1414	1230 2759
	SB 890	1275 3069
§ 58.1-1745, adding	HB 534	1022 1972
	SB 11	1023 1973
§ 58.1-1747, adding	HB 534	1022 1972
	SB 11	1023 1973
§ 58.1-1748, adding	HB 534	1022 1972
	SB 11	1023 1973
§ 58.1-1821, amending	HB 1407	681 1016
	SB 744	682 1020
§ 58.1-1823, amending	HB 1417	1030 1978
§ 58.1-1825, amending	HB 1407	681 1016
	SB 744	682 1020
§§ 58.1-1900 through 58.1-1905, adding	HB 1407	681 1016
	SB 744	682 1020
§ 58.1-2217, amending	HB 1414	1230 2759
	SB 890	1275 3069
§ 58.1-2217.1, repealing	HB 1414	1230 2759
	SB 890	1275 3069
§ 58.1-2249, amending	HB 1414	1230 2759
	SB 890	1275 3069
§ 58.1-2289, amending	HB 1414	1230 2759
	SB 616	958 1756
	SB 890	1275 3069
§ 58.1-2295, amending	HB 1414	1230 2759
	HB 1541	1235 2843
	SB 890	1275 3069
§ 58.1-2295.1, repealing	HB 1414	1230 2759
	SB 890	1275 3069
§ 58.1-2299.20, amending	HB 1414	1230 2759
	HB 1541	1235 2843
	SB 890	1275 3069
§ 58.1-2425, amending	HB 1414	1230 2759
	SB 890	1275 3069
§ 58.1-2531, amending	HB 1414	1230 2759
	SB 890	1275 3069
§ 58.1-2606, amending	HB 1327	508 773
§ 58.1-2636, adding	HB 1131	1224 2695
	SB 762	1270 3049
§ 58.1-2660, amending	HB 129	697 1031
§ 58.1-2701, amending	HB 1414	1230 2759
	SB 890	1275 3069
§ 58.1-2900, amending	HB 129	697 1031
§ 58.1-2904, amending	HB 129	697 1031

	BILL OR CHAP.			PAGE
	RES. NO.	NO.	NO.	NO.
CODE OF VIRGINIA - Continued				
§ 58.1-3210, amending	HB	623	900	1600
§ 58.1-3211.1, amending	HB	623	900	1600
§ 58.1-3219.4, amending	HB	537	246	369
	SB	727	66	85
§§ 58.1-3219.5 and 58.1-3219.6, amending	HB	623	900	1600
§ 58.1-3221.1, amending	SB	725	790	1238
§ 58.1-3221.6, adding	HB	755	1213	2629
§ 58.1-3343, amending	HB	623	900	1600
§ 58.1-3505, amending	HB	1021	251	376
§ 58.1-3506, amending	HB	724	247	370
	HB	1021	251	376
	SB	273	64	81
§§ 58.1-3506.1 and 58.1-3506.2, amending	HB	623	900	1600
§ 58.1-3507, amending	SB	590	789	1234
§ 58.1-3510.02, amending	HB	1575	541	826
§ 58.1-3510.4, amending	SB	616	958	1756
§ 58.1-3651, amending	HB	1049	1137	2273
§ 58.1-3660, amending	HB	1131	1224	2695
	HB	1173	252	380
	HB	1434	1028	1976
	SB	685	65	84
	SB	762	1270	3049
	SB	763	1029	1977
§ 58.1-3661, amending	SB	1039	633	957
§ 58.1-3703.1, amending	HB	466	242	357
§ 58.1-3703.2, adding	HB	1679	258	389
§ 58.1-3818, amending	HB	785	1214	2631
	SB	588	1263	3018
§ 58.1-3818.01, repealing	HB	785	1214	2631
	SB	588	1263	3018
§§ 58.1-3818.03 and 58.1-3818.04, repealing	HB	785	1214	2631
	SB	588	1263	3018
§ 58.1-3819, amending	HB	785	1214	2631
	HB	1262	330	512
	SB	588	1263	3018
§§ 58.1-3820 and 58.1-3821, repealing	HB	785	1214	2631
	SB	588	1263	3018
§ 58.1-3823, amending	HB	785	1214	2631
	SB	588	1263	3018
§ 58.1-3825.3, amending	HB	62	238	353
	HB	785	1214	2631
	SB	107	61	79
	SB	588	1263	3018
§ 58.1-3825.4, adding	SB	255	787	1234
§ 58.1-3830, amending	HB	785	1214	2631
	SB	588	1263	3018
§ 58.1-3831, repealing	HB	785	1214	2631
	SB	588	1263	3018
§ 58.1-3833, amending	HB	342	241	355
	HB	785	1214	2631
	SB	588	1263	3018
§ 58.1-3834, amending	HB	785	1214	2631
	SB	588	1263	3018
§ 58.1-3840, amending	HB	342	241	355
	HB	785	1214	2631
	SB	588	1263	3018
§ 58.1-3942, amending	SB	616	958	1756
§ 58.1-3965, amending	HB	755	1213	2629
§ 58.1-3970.1, amending	HB	535	244	367

	BILL OR CHAP.		PAGE
	RES. NO.	NO.	NO.
CODE OF VIRGINIA - Continued			
§ 58.1-3975, amending	HB	1582	257 388
§ 58.1-3981, amending	HB	316	240 354
	HB	1581	644 974
§ 58.1-4000, amending	HB	896	1218 2667
	SB	384	1256 2963
§ 58.1-4002, amending	HB	4	1197 2559
	HB	896	1218 2667
	SB	36	1248 2910
	SB	384	1256 2963
§ 58.1-4004, amending	HB	4	1197 2559
	SB	36	1248 2910
§ 58.1-4006, amending	HB	4	1197 2559
	SB	36	1248 2910
§ 58.1-4007, amending	HB	896	1218 2667
	HB	1383	332 516
	SB	384	1256 2963
	SB	922	117 180
§ 58.1-4007.2, repealing	HB	1383	332 516
	SB	922	117 180
§ 58.1-4015.1, adding	HB	896	1218 2667
	SB	384	1256 2963
§ 58.1-4024, amending	HB	1049	1137 2273
§ 58.1-4027, amending	HB	896	1218 2667
	SB	384	1256 2963
§ 58.1-4030, adding	HB	896	1218 2667
	SB	384	1256 2963
§ 58.1-4040, adding	HB	896	1218 2667
	SB	384	1256 2963
§ 58.1-4047, adding	HB	896	1218 2667
	SB	384	1256 2963
§ 58.1-4100, adding	HB	4	1197 2559
	SB	36	1248 2910
§ 58.1-4130, adding	HB	4	1197 2559
	SB	36	1248 2910
§ 58.1-4141, adding	HB	4	1197 2559
	SB	36	1248 2910
§ 59.1-148.3, amending	SB	616	958 1756
§ 59.1-200, amending	HB	10	1198 2588
	HB	135	438 656
	HB	789	1215 2638
	HB	832	481 733
	HB	1553	785 1225
	SB	77	1250 2940
	SB	114	412 617
	SB	421	1258 2982
§ 59.1-207.29, amending	SB	735	1266 3031
§§ 59.1-207.31 and 59.1-207.32, amending	SB	735	1266 3031
§ 59.1-284.33, adding	HB	1361	265 416
	HB	1498	275 425
	HB	1733	267 418
	SB	610	758 1176
	SB	611	604 926
	SB	1014	763 1202
§§ 59.1-284.34 and 59.1-284.35, adding	HB	1498	275 425
	SB	610	758 1176
§ 59.1-296, amending	SB	394	628 953
§ 59.1-296.2:2, adding	SB	394	628 953
§ 59.1-310.3, amending	HB	38	387 584
§ 59.1-310.5, amending	HB	38	387 584
§§ 59.1-310.9 and 59.1-310.10, amending	HB	1266	521 785

	BILL OR CHAP.		PAGE	
	RES. NO.	NO.	NO.	NO.
CODE OF VIRGINIA - Continued				
§ 59.1-332, amending	HB	623	900	1600
§ 59.1-335.5, amending	HB	789	1215	2638
	SB	421	1258	2982
§ 59.1-364, amending	HB	4	1197	2559
	HB	896	1218	2667
	SB	36	1248	2910
	SB	384	1256	2963
§ 59.1-441.2, amending	HB	1240	408	612
§ 59.1-442, amending	HB	1211	1227	2721
	SB	34	1246	2875
§ 59.1-443.3, amending	HB	1211	1227	2721
	SB	34	1246	2875
	SB	101	542	826
§§ 59.1-444.2 and 59.1-444.3, amending	HB	509	243	363
§ 59.1-497, amending	SB	877	738	1123
§ 59.1-510, amending	HB	1244	263	398
	SB	812	607	931
§ 59.1-513, amending	HB	1244	263	398
	SB	812	607	931
§ 59.1-515, amending	HB	1244	263	398
	SB	812	607	931
§ 59.1-517, amending	HB	1244	263	398
	SB	812	607	931
§ 59.1-518.01, adding	SB	695	939	1715
§ 59.1-550, amending	SB	665	736	1121
	SB	877	738	1123
§§ 59.1-551, 59.1-552, and 59.1-553, amending	SB	665	736	1121
§ 59.1-555, amending	SB	665	736	1121
§ 59.1-569, amending	HB	896	1218	2667
	SB	384	1256	2963
§ 60.2-212, amending	SB	548	1261	3009
§ 60.2-229, amending	SB	548	1261	3009
§ 60.2-508, amending	SB	548	1261	3009
§§ 60.2-512 and 60.2-513, amending	SB	548	1261	3009
§ 60.2-627, amending	SB	548	1261	3009
§§ 60.2-711 through 60.2-716, adding	SB	548	1261	3009
§ 62.1-44.15, amending	HB	646	449	670
	SB	616	958	1756
§ 62.1-44.15:5.01, amending	SB	616	958	1756
§ 62.1-44.15:6, amending	SB	616	958	1756
§ 62.1-44.15:20, amending	SB	616	958	1756
§ 62.1-44.15:21, amending	HB	1458	622	949
§ 62.1-44.15:27.4, adding	SB	843	812	1279
§ 62.1-44.15:28, amending	HB	859	313	481
	HB	882	667	1000
§ 62.1-44.15:56.1, adding	SB	843	812	1279
§ 62.1-44.15:72, amending	HB	504	1207	2625
§ 62.1-44.15:81, amending	SB	616	958	1756
§ 62.1-44.19:6, amending	HB	1205	1182	2455
	SB	616	958	1756
§ 62.1-44.19:21.2, adding	HB	1609	1103	2111
	SB	747	1102	2111
§ 62.1-44.33, amending	SB	616	958	1756
§ 62.1-44.34:25, amending	SB	616	958	1756
§ 62.1-44.36, amending	HB	542	1105	2114
§§ 62.1-44.38 and 62.1-44.38:1, amending	HB	542	1105	2114
§ 62.1-44.119, adding	HB	1422	1185	2457
	SB	704	1186	2458

BILL OR CHAP. PAGE
RES. NO. NO. NO.

CODE OF VIRGINIA - Continued

§§ 62.1-44.122 and 62.1-44.123, adding	HB 1422	1185	2457
	SB 704	1186	2458
§ 62.1-129.1, amending	HB 1049	1137	2273
§ 62.1-132.1, amending	HB 1414	1230	2759
	SB 890	1275	3069
§ 62.1-195.3, adding	SB 106	626	952
§ 62.1-250, amending	SB 616	958	1756
§ 62.1-255, amending	SB 673	670	1006
§ 62.1-256.2, adding	SB 679	805	1270
§ 62.1-258.1, adding	SB 673	670	1006
§ 62.1-262, amending	SB 673	670	1006
§ 62.1-266, amending	SB 673	670	1006
§ 63.2-100, amending	HB 400	95	139
	HB 933	366	557
	HB 1012	860	1400
	SB 156	732	1100
	SB 178	224	323
	SB 578	861	1460
	SB 579	829	1311
§ 63.2-209.1, adding	HB 1209	1078	2048
	SB 991	1079	2050
§ 63.2-215, amending	HB 1012	860	1400
	SB 578	861	1460
§ 63.2-501, amending	HB 1012	860	1400
	SB 578	861	1460
§ 63.2-505.2, amending	HB 566	361	551
	SB 124	221	322
§ 63.2-510, amending	HB 623	900	1600
§ 63.2-601.2, amending	HB 1012	860	1400
	SB 578	861	1460
§ 63.2-603, amending	HB 1012	860	1400
	SB 578	861	1460
§ 63.2-604, repealing	HB 690	550	847
§ 63.2-607.1, adding	HB 566	361	551
	SB 124	221	322
§ 63.2-608, amending	HB 1049	1137	2273
§ 63.2-609, amending	HB 690	550	847
§ 63.2-613, amending	HB 1137	7	13
§ 63.2-617, amending	HB 1371	1159	2359
§ 63.2-801, amending	HB 1410	843	1367
§ 63.2-900.1, amending	HB 933	366	557
	SB 178	224	323
	SB 1025	562	873
§ 63.2-906, amending	HB 933	366	557
	SB 178	224	323
	SB 472	934	1704
§§ 63.2-917 through 63.2-923, adding	HB 400	95	139
	SB 156	732	1100
§ 63.2-1202, amending	HB 94	3	10
§ 63.2-1205.1, amending	SB 579	829	1311
§ 63.2-1305, amending	HB 933	366	557
	SB 178	224	323
§ 63.2-1503, amending	SB 579	829	1311
§ 63.2-1506, amending	HB 778	5	11
	SB 412	228	337
	SB 579	829	1311
§ 63.2-1506.1, amending	HB 1006	6	12
	SB 706	234	350

	BILL OR CHAP.			PAGE
	RES. NO.	NO.	NO.	NO.
CODE OF VIRGINIA - Continued				
§ 63.2-1509, amending	HB 904	461	707	
	HB 1012	860	1400	
	SB 578	861	1460	
§ 63.2-1514, amending	HB 287	38	46	
§ 63.2-1515, amending	HB 1012	860	1400	
	SB 578	861	1460	
	SB 678	300	462	
§ 63.2-1519, amending	HB 623	900	1600	
§ 63.2-1606, amending	SB 391	931	1701	
§ 63.2-1700, amending	HB 1012	860	1400	
	SB 578	861	1460	
§ 63.2-1701, amending	HB 597	723	1076	
	HB 1012	860	1400	
	SB 578	861	1460	
§ 63.2-1701.01, adding	HB 600	910	1645	
	SB 593	911	1646	
§ 63.2-1701.1, repealing	HB 1012	860	1400	
	SB 578	861	1460	
§ 63.2-1702, amending	HB 597	723	1076	
	HB 1012	860	1400	
	SB 578	861	1460	
§§ 63.2-1704 and 63.2-1704.1, repealing	HB 1012	860	1400	
	SB 578	861	1460	
§ 63.2-1705.1, adding	HB 799	1084	2077	
	SB 393	1085	2078	
§ 63.2-1706.1, amending	HB 1012	860	1400	
	SB 578	861	1460	
§ 63.2-1708, amending	HB 1012	860	1400	
	SB 578	861	1460	
§ 63.2-1715, amending	HB 1012	860	1400	
	SB 578	861	1460	
§ 63.2-1716, repealing	HB 1012	860	1400	
	HB 1235	494	751	
	SB 578	861	1460	
	SB 927	495	752	
§ 63.2-1717, repealing	HB 1012	860	1400	
	SB 578	861	1460	
§ 63.2-1720, amending	HB 1012	860	1400	
	SB 578	861	1460	
§ 63.2-1720.1, repealing	HB 1012	860	1400	
	SB 578	861	1460	
	SB 668	936	1708	
§§ 63.2-1721 through 63.2-1725, repealing	HB 1012	860	1400	
	SB 578	861	1460	
§ 63.2-1727, repealing	HB 1012	860	1400	
	SB 578	861	1460	
§ 63.2-1732, amending	SB 579	829	1311	
§ 63.2-1734, amending	HB 1012	860	1400	
	SB 578	861	1460	
§ 63.2-1738, repealing	HB 1012	860	1400	
	SB 578	861	1460	
§ 63.2-1803.01, adding	SB 185	846	1368	
§§ 63.2-1809 through 63.2-1813, repealing	HB 1012	860	1400	
	SB 578	861	1460	
§ 63.2-1815, repealing	HB 1012	860	1400	
	SB 578	861	1460	
§ 63.2-1900, amending	HB 637	213	307	
	SB 429	722	1069	
§ 63.2-1903, amending	SB 429	722	1069	
§ 63.2-1908, amending	HB 690	550	847	

	BILL OR CHAP.	PAGE
	RES. NO.	RES. NO.
CODE OF VIRGINIA - Continued		
§ 63.2-1911, amending	HB 1012	860 1400
	SB 578	861 1460
§ 63.2-1916, amending	HB 1211	1227 2721
	SB 34	1246 2875
§ 63.2-1929, amending	SB 429	722 1069
§ 63.2-1941, amending	HB 1211	1227 2721
	SB 34	1246 2875
§ 63.2-1944, amending	SB 429	722 1069
§ 63.2-1946, amending	SB 429	722 1069
§ 63.2-2300, adding	HB 1015	912 1647
	SB 297	913 1648
§ 64.2-200, amending	HB 623	900 1600
§ 64.2-409, amending	HB 305	68 87
	SB 700	1063 2015
	SB 940	589 902
§ 64.2-520.2, adding	HB 1411	702 1040
§ 64.2-701, amending	HB 1380	768 1207
§ 64.2-703, amending	HB 1380	768 1207
§ 64.2-706, amending	HB 1380	768 1207
§ 64.2-752, amending	HB 1380	768 1207
§ 64.2-756, amending	HB 1380	768 1207
§ 64.2-770, repealing	HB 1380	768 1207
§§ 64.2-779.26 through 64.2-779.38, adding	HB 1380	768 1207
§ 64.2-905, amending	HB 623	900 1600
§ 64.2-1305, amending	HB 1166	372 568
	SB 261	190 275
§ 64.2-2000, amending	SB 585	855 1392
§ 64.2-2003, amending	SB 214	581 891
	SB 585	855 1392
§ 64.2-2007, amending	SB 1072	649 979
	SB 585	855 1392
§ 64.2-2009, amending	SB 585	855 1392
§ 64.2-2011, amending	HB 1411	702 1040
§ 64.2-2020, amending	HB 1166	372 568
	SB 261	190 275
§ 64.2-2401, amending	HB 623	900 1600
§ 65.2-107, adding	HB 438	1206 2621
	SB 561	1262 3013
§ 65.2-205, adding	HB 1558	616 939
§ 65.2-402, amending	HB 783	498 757
	SB 616	958 1756
	SB 9	499 758
§ 65.2-402.1, amending	HB 169	1150 2341
	SB 345	1152 2350
	SB 616	958 1756
§ 65.2-512, amending	HB 623	900 1600
§ 65.2-515, amending	HB 623	900 1600
§ 65.2-601.2, adding	HB 46	1086 2078
§ 66-10, amending	HB 1648	526 789
§§ 67-100 and 67-101, amending	HB 714	1192 2495
	SB 94	1191 2492
§ 67-102, amending	HB 1184	1189 2472
	HB 1647	1239 2857
	HB 572	1188 2466
	HB 714	1192 2495
	SB 710	1187 2460
	SB 94	1191 2492
§ 67-104, adding	SB 817	960 1822

	BILL OR CHAP.		PAGE
	RES. NO.	NO.	NO.
CODE OF VIRGINIA - Continued			
§ 67-200, amending	HB 1303	657	989
	SB 549	658	989
	SB 817	960	1822
§ 67-201, amending	HB 714	1192	2495
	SB 94	1191	2492
§ 67-300, amending	HB 706	451	682
	SB 795	452	683
§ 67-301, repealing	HB 706	451	682
	SB 795	452	683
§ 67-701, amending	HB 414	795	1242
	SB 504	272	423
§§ 67-1208 and 67-1209, amending	HB 234	794	1241
§ 67-1700, adding	HB 1303	657	989
	SB 549	658	989
COLE, ROBERT STANLEY			
Cole, Robert Stanley; recording sorrow upon death. (Patron—DeSteph)	SR	66	4827
COLEMAN, WENDELL L.			
Coleman, Wendell L.; commending. (Patron—Runion)	HR	116	4577
COMMENDATIONS AND COMMEMORATIONS			
A Place to Be; commending. (Patron—Subramanyam)	HJR	484	4499
Abrams, Creighton W., III; commending. (Patron—Tran)	HR	90	4564
Advocates for Richmond Youth and the Youth Housing Stability Coalition of Greater Richmond; commending.			
Patron—Bourne	HR	74	4555
Patron—McClellan	SJR	139	4710
Aft, Bruce D.; commending. (Patron—Filler-Corn)	HR	84	4561
Agnew, James L.; commending. (Patron—McGuire)	HJR	176	4338
Ahmadiyya Muslim Community, USA; commemorating its 100th anniversary.			
Patron—Delaney	HJR	287	4398
Patron—Ayala	HR	132	4586
Albemarle County; commemorating its 275th anniversary. (Patron—Bell)	HJR	160	4330
Albemarle High School athletics; commending.			
Patron—Deeds	SJR	238	4764
Alberta Volunteer Fire Department, Inc.; commending. (Patron—Tyler)	HR	39	4537
Alexandria Police Department; commemorating its 150th anniversary.			
Patron—Herring	HJR	197	4349
Alice's Kids; commending. (Patron—Krizek)	HJR	271	4389
All Dulles Area Muslim Society; commending. (Patron—Subramanyam)	HJR	238	4371
Alsop, Sherrin Cherrell; commending. (Patron—Hodges)	HJR	150	4325
American Automobile Association School Safety Patrol Program; commemorating its 100th anniversary. (Patron—Bourne)	HJR	381	4449
American Legion McLean Post 270; commending. (Patron—Murphy)	HJR	391	4455
Americans with Disabilities Act; commemorating its 30th anniversary. (Patron—Hope)	HJR	353	4434
AmityConnections; commending. (Patron—Subramanyam)	HJR	352	4433
Anderson, Earsaline; commending. (Patron—Guzman)	HJR	426	4470
Apostolico-Buck, Judy; commending. (Patron—Hope)	HJR	346	4430
Appalachian School of Law; commending. (Patron—Chafin)	SJR	147	4714
Appalachian Society of American Foresters; commemorating its 100th anniversary. (Patron—Peake)	SJR	141	4711
Appomattox County High School Agricultural Education Department; commending. (Patron—Fariss)	HR	61	4548
Appomattox County High School football team; commending. (Patron—Fariss)	HR	52	4544
Appomattox Dixie Darlings softball team; commending. (Patron—Fariss)	HR	51	4544
ARCH Roanoke; commending. (Patron—Rasoul)	HJR	494	4503
Arlington County; commemorating its 100th anniversary. (Patron—Hope)	HJR	455	4483
Armada Hoffler Properties, Inc.; commemorating its 40th anniversary.			
Patron—Knight	HR	54	4545
AromasWorld; commemorating its 20th anniversary. (Patron—Mullin)	HJR	118	4313

BILL OR CHAP. PAGE
RES. NO. NO. NO.

COMMENDATIONS AND COMMEMORATIONS - Continued

Ash, David L.; commending. (Patron—LaRock)	HJR 502	4508
ASHA for Women; commemorating its 30th anniversary. (Patron—Bulova)	HJR 174	4337
Asha-Jyothi; commending. (Patron—Delaney)	HJR 215	4358
Ashburn Ice House; commemorating its 20th anniversary. (Patron—Bell)	SJR 244	4767
Auburn High School baseball team; commending. (Patron—Rush)	HR 108	4573
Auburn High School boys' cross country team; commending. (Patron—Rush)	HR 109	4574
Auburn High School girls' cross country team; commending. (Patron—Rush)	HR 111	4574
Auburn High School girls' soccer team; commending. (Patron—Rush)	HR 112	4575
Auburn High School girls' tennis team; commending. (Patron—Rush)	HR 110	4574
Auburn High School softball team; commending. (Patron—Rush)	HR 106	4572
Averett University; commending. (Patron—Marshall)	HJR 385	4451
Ayr Hill Garden Club; commemorating its 90th anniversary. (Patron—Keam)	HJR 261	4383
Bailey, Purcell G., Sr.; commending. (Patron—Lucas)	SR 9	4800
BAPS Shri Swaminarayan Mandir of Northern Virginia; commending. Patron—Subramanyam	HJR 488	4501
Barber, Tim; commending. (Patron—Marshall)	HJR 384	4451
Barrow, Mary Reid; commending. (Patron—Jones)	HJR 408	4461
Battlefield High School boys' swim and dive team; commending. (Patron—Helmer)	HR 168	4603
Battlefield High School girls' swim and dive team; commending. (Patron—Helmer)	HR 169	4604
Battlefield High School indoor track and field program; commending. Patron—Roem	HR 154	4596
Bell, David; commending. (Patron—Hope)	HJR 348	4431
Bell, Richard Preston; commending. (Patron—Avoli)	HR 24	4530
Bennett, Michael; commending. (Patron—Krizek)	HJR 306	4409
Berg, Jessica; commending. (Patron—Subramanyam)	HJR 498	4506
Bethany Baptist Church; commemorating its 250th anniversary. (Patron—Orrock)	HJR 327	4420
Bishop, Rita D.; commending. (Patron—Edwards)	SJR 168	4727
Black Women United for Action; commemorating its 30th anniversary of wreath-laying ceremony at the Slave Memorial at Mount Vernon. (Patron—Krizek)	HJR 235	4369
Blakley, Janice B.; commending. (Patron—Coyner)	HR 131	4585
Blue Ridge Behavioral Healthcare; commemorating its 50th anniversary. Patron—Rasoul	HJR 285	4397
Blue Ridge Volunteer Fire Department; commemorating its 60th anniversary. Patron—Austin	HR 65	4550
Booker, Derwin; commending. (Patron—Ransone)	HJR 368	4442
Botetourt County; commemorating its 250th anniversary. (Patron—Austin)	HJR 201	4352
Bowles, David E.; commending. (Patron—DeSteph)	SJR 100	4687
Boy Scout Troop 1865; commemorating its 50th anniversary. (Patron—Bulova)	HJR 211	4356
Bragg, Carolyn; commending. (Patron—Campbell, R.R.)	HR 71	4553
Branching out for the Homeless; commending. (Patron—Delaney)	HJR 219	4360
Bray, Betty; commending. (Patron—Hodges)	HJR 198	4350
Breaux Vineyards; commending. (Patron—Bell)	SR 58	4824
Brent, George Michael; commending. (Patron—Peake)	SR 19	4805
Bristol Rhythm & Roots Reunion; commemorating its 20th anniversary. Patron—O'Quinn	HJR 319	4416
Brooke Point High School wrestling team; commending. (Patron—Cole, J.G.)	HR 147	4593
Brown, Bob; commending. (Patron—McClellan)	SJR 181	4734
Brown, Patsy J.; commending. (Patron—Robinson)	HR 145	4591
Brunswick County; commemorating its 300th anniversary. Patron—Tyler	HR 41	4538
Patron—Lucas	SJR 85	4679
Bryant, Zyahna; commending. (Patron—McQuinn)	HJR 308	4410
Buckley, Alvene; commending. (Patron—Leftwich)	HJR 139	4320
Buffalow, Nischelle; commending. (Patron—Hayes)	HJR 471	4492
Burke, Brittany; commending. (Patron—Delaney)	HJR 180	4341
Burke United Methodist Church; commemorating its 90th anniversary. Patron—Filler-Corn	HJR 241	4372
Butts, Helen; commending. (Patron—LaRock)	HJR 500	4507

BILL OR CHAP. PAGE
RES. NO. NO. NO.

COMMENDATIONS AND COMMEMORATIONS - Continued

Byrd, Linda J.; commending. (Patron—Leftwich)	HJR 138	4319
Caddigan, Maureen; commending (Patron—Guzman)	HR 19	4527
Calkins, Christopher M.; commending. Patron—Wright	HJR 196	4349
Patron—Peake	SJR 92	4683
Campbell, Colin; commending. (Patron—Mugler)	HR 161	4599
Campbell, Gloria; commending. (Patron—Marshall)	HJR 466	4489
Canines-N-Kids Foundation; commending. (Patron—Delaney)	HJR 179	4340
Capitol Police, Division of; commending. (Patron—Filler-Corn)	HJR 254	4380
Capitol Police, Division of, Virginia Department of State Police, Richmond Police Department, Virginia Department of General Services, and the many other support units of the Unified Command; commending their performance above and beyond the call of duty at the Second Amendment rally January 20, 2020. (Patron—Saslaw)	SJR 202	4746
Cardonneau, Lori; commending. (Patron—Murphy)	HJR 331	4423
Cardman, Zena Maria; commending. (Patron—Batten)	HJR 250	4378
Carmody, Allan M.; commending. (Patron—Adams, D.M.)	HR 128	4583
Carter, Jana D.; commending. (Patron—Robinson)	HR 129	4584
Casey, Edwina J.; commending. (Patron—Hodges)	HJR 153	4326
Cassell, Ollan Conn; commending. (Patron—Kilgore)	HJR 184	4342
Catlett, Marceline Rollins; commending. (Patron—Cole, J.G.)	HR 33	4535
Central Accomack Senior League boys' all-star team; commending. Patron—Lewis	SJR 158	4721
Central Accomack Senior League girls' all-star team; commending. Patron—Lewis	SJR 157	4721
Central High School one-act play team; commending. (Patron—Kilgore)	HJR 156	4328
Central State Hospital; commemorating its 150th anniversary. (Patron—Aird)	HR 100	4569
Chaplin, Lisa; commending. (Patron—Chase)	SJR 134	4707
Charlottesville High School boys' soccer team; commending. (Patron—Hudson)	HJR 411	4462
Chavarriaga, Niko; commending. (Patron—Bell)	SJR 245	4768
Chesapeake Bay Commission; commemorating its 40th anniversary. Patron—Bulova	HR 64	4549
Chickahominy Community Improvement Organization; commemorating its 50th anniversary. (Patron—Batten)	HJR 225	4364
Children's Home Society of Virginia; commemorating its 120th anniversary. Patron—Adams, D.M.	HJR 185	4343
Patron—McQuinn	HJR 309	4410
Patron—Bourne	HR 76	4556
Patron—Dunnavant	SJR 111	4695
Patron—McClellan	SJR 250	4770
Chinmaya Somnath chapter of the Chinmaya Mission Washington Regional Center; commending. (Patron—Subramanyam)	HJR 489	4501
Christiansburg High School boys' indoor track team; commending. Patron—Rush	HR 105	4572
Christopulos, Diana; commending. (Patron—McNamara)	HR 69	4552
Coleman, Wendell L.; commending. (Patron—Runion)	HR 116	4577
Community Living Alternatives; commending. (Patron—Tran)	HJR 485	4499
Cone Parade; commemorating its 12th anniversary. (Patron—Adams, D.M.)	HR 55	4545
Cornerstones, Inc.; commemorating its 50th anniversary. Patron—Plum	HJR 376	4445
Patron—Howell	SJR 210	4750
Crane, Kay C.; commending. (Patron—Marshall)	HJR 404	4459
CrossOver Healthcare Ministry; commemorating its 15th anniversary. Patron—Willett	HR 142	4590
Cuevas, Pablo; commending. (Patron—Obenshain)	SJR 172	4729
D'Adamo, Domenick, Jr.; commemorating his 100th birthday. (Patron—Hashmi)	SJR 189	4739
Dale City Track Club; commending. (Patron—Guzman)	HJR 425	4470
Daly, William; commending. (Patron—Bell)	HJR 33	4292
Dance, Rosalyn Randolph; commending. (Patron—Aird)	HR 122	4580

	BILL OR CHAP. RES. NO.	PAGE NO.	
COMMENDATIONS AND COMMEMORATIONS - Continued			
Danville Public Schools Child Nutrition staff; commending. (Patron—Marshall)	HJR 467		4490
Dashiell, Joseph; commemorating. Patron—McNamara	HR 68		4552
Davenport, Priscilla J.; commending. (Patron—Hodges)	HJR 155		4327
Davis, Margaret Hundley; commending. (Patron—Hodges)	HJR 154		4327
Delaney, Theodore C., Jr.; commending. (Patron—Deeds)	SJR 146		4714
DeVault, Joseph; commending. (Patron—Marshall)	HJR 394		4456
Dever, John T.; commending. Patron—Ward	HR 123		4580
Patron—Norment	SJR 131		4706
Devotion to Children; commemorating its 25th anniversary. (Patron—Keam)	HJR 263		4385
Dimeo, Lindy; commending. (Patron—Freitas)	HR 36		4536
DiRocco, Laurie A.; commending. (Patron—Keam)	HJR 342		4428
Dixie Restaurant; commemorating its 100th anniversary. (Patron—Aird)	HR 101		4570
Douglas S. Freeman High School “We the People” team; commending. Patron—Willett	HR 94		4566
Drumheller, Glenn; commending. (Patron—Avoli)	HR 102		4570
Dulles South Food Pantry; commending. (Patron—Subramanyam)	HJR 442		4477
Duncan, Robert W.; commending. Patron—Edmunds	HJR 321		4417
Patron—Hanger	SJR 171		4729
D’Urso, Ross; commending. (Patron—Vogel)	SJR 268		4780
D’Urso, Ross W.; commending. (Patron—Webert)	HR 127		4583
Eastern View High School cheerleading squad; commending. (Patron—Webert)	HJR 81		4302
Echols, Thurman; commending. (Patron—Stanley)	SJR 116		4698
Ecumenical Community Helping Others; commending. (Patron—Delaney)	HJR 217		4359
E.G. Middleton, Inc.; commemorating its 100th anniversary. (Patron—Knight)	HR 56		4546
868 Estate Vineyards; commending. (Patron—Bell)	SR 56		4823
Eissler, Sarah Rosenberger; commending. (Patron—Tran)	HJR 251		4378
Elden Family Dental; commemorating its 10th anniversary. (Patron—Samirah)	HR 120		4579
Ellis, Jillian Anne; commending. (Patron—Filler-Corn)	HJR 414		4464
Elmer, Dennis; commending. (Patron—Cosgrove)	SJR 149		4715
Elswick, Stephen A.; commending. (Patron—Cox)	HR 163		4600
Eltringham, Peter; commending. (Patron—Vogel)	SJR 151		4717
Erdos, Linda M.; commending. (Patron—Hope)	HJR 345		4430
Every Citizen Has Opportunities, Inc.; commemorating its 45th anniversary. Patron—Subramanyam	HJR 395		4456
Fairfax Masonic Lodge No. 43; commemorating its 225th anniversary. Patron—Reeves	SJR 22		4630
Fallis, Androniki; commending. (Patron—Marshall)	HJR 382		4449
Farmers Bank; commemorating its 100th anniversary. (Patron—Brewer)	HR 11		4515
Fatzinger, Glenn; commending. (Patron—Krizek)	HJR 268		4387
Fauquier High School wrestling team; commending. (Patron—Webert)	HR 135		4587
Fennessy, Teresa; commending. (Patron—Boysko)	SJR 252		4772
Fielding, Katie; commending. (Patron—Guzman)	HJR 431		4472
Fifteenth Amendment to the Constitution of the United States; commemorating the 150th anniversary of the ratification. Patron—Carr	HJR 90		4303
Patron—McClellan	SJR 55		4666
Fifth Street Baptist Church; commemorating its 140th anniversary. Patron—Bourne	HJR 380		4448
Patron—McClellan	SJR 248		4769
Finney, Tonda; commending. (Patron—Adams, L.R.)	HJR 378		4447
First Piedmont Corporation; commemorating its 50th anniversary. Patron—Marshall	HJR 406		4460
Fisher, Linwood; commending. (Patron—Heretick)	HJR 465		4489
Forest Park High School; commemorating its 20th anniversary. (Patron—Surovell) . .	SJR 155		4719

COMMENDATIONS AND COMMEMORATIONS - Continued

Foster, Robert Eugene, Jr.; commending.			
Patron—Hurst	HJR	233	4368
Patron—Edwards	SJR	123	4701
Frank W. Cox High School boys' volleyball team; commending.			
Patron—DeSteph	SJR	90	4682
Frank W. Cox High School field hockey team; commending. (Patron—DeSteph) . . .	SJR	98	4686
Frank W. Cox High School girls volleyball team; commending. (Patron—DeSteph) .	SJR	156	4720
Fredericksburg Area HIV/AIDS Support Services; commemorating its 30th anniversary. (Patron—Cole, J.G.)	HR	49	4543
Friday Night Live!; commemorating its 25th anniversary. (Patron—Boysko)	SJR	17	4629
Friends of Loudoun Mental Health; commemorating its 65th anniversary. (Patron—Subramanyam)	HJR	497	4505
Fulks Run Grocery; commemorating its 70th anniversary. (Patron—Obenshain)	SJR	185	4736
Garden Club of Virginia; commemorating its 100th anniversary. (Patron—Obenshain)	SJR	82	4677
Garren, Kenneth Ross; commending. (Patron—Poindexter)	HJR	386	4451
Garren, Kenneth Ross and Garren, Sheila Johnston; commending. (Patron—Newman)	SJR	187	4738
Gary, Judith Smith; commending. (Patron—Hudson)	HR	162	4600
Gate City High School boys' basketball program; commending. (Patron—Kilgore) .	HJR	344	4429
George M. Hampton Middle School; commemorating its 50th anniversary. Patron—McPike	SR	49	4820
George Mason University Korea; commemorating its 5th anniversary. Patron—Petersen	SJR	112	4695
Germanna Community College; commemorating its 50th anniversary. Patron—Cole, M.L.	HJR	318	4415
Girl Scout Troop 56002; commending. (Patron—Delaney)	HJR	189	4345
Girls on the Run of NOVA; commemorating its 20th anniversary. Patron—Subramanyam	HJR	325	4419
Glen Allen High School girls' junior varsity basketball team; commending. Patron—Willett	HJR	409	4461
Goodwin, William H., Jr.; commending. Patron—McGuire	HJR	199	4351
Patron—Dunnivant	SR	24	4808
Gordy, Laura Belle; commending. (Patron—Norment)	SJR	130	4705
Governor's School @ Innovation Park; commemorating its 10th anniversary. (Patron—McPike)	SJR	214	4752
Grace Church Convert Series; commemorating its 20th anniversary. (Patron—Guzman)	HJR	429	4472
Gray, Franklin Todd; commending. Patron—Bourne	HJR	379	4447
Patron—McClellan	SR	76	4831
Gray Ghost Winery; commemorating its 26th anniversary. (Patron—Guzman)	HJR	430	4472
Greater Richmond Fit4Kids; commemorating its 10th anniversary. (Patron—Bourne)	HR	75	4555
Halevy, William R.; commending. (Patron—Freitas)	HJR	322	4418
Hall, James Ellis; commending. (Patron—Hodges)	HJR	305	4408
Hall, Pamela; commending. (Patron—Brewer)	HR	99	4569
Hamlin, James Dennis Alan; commending. (Patron—Chase)	SJR	194	4742
Hamm-Garciaparra, Mariel Margaret; commending. (Patron—Filler-Corn)	HJR	387	4452
Hamnden-Sydney College Student Senate; commemorating its 100th anniversary. (Patron—Peake)	SJR	201	4745
Hampton, George M., commending. (Patron—Carroll Foy)	HR	165	4602
Hampton University Choir; commemorating its 150th anniversary. (Patron—Locke) .	SR	48	4819
Hancock, Janet; commending. (Patron—Adams, L.R.)	HJR	377	4446
Harley, Larry T.; commending. (Patron—Kilgore)	HJR	11	4286
Harris, Cecil R., Jr.; commending. (Patron—Wyatt)	HR	158	4598
Harrison, William H.; commending. (Patron—Boysko)	SJR	254	4772
Herndon Fortnightly Club; commemorating its 130th anniversary. (Patron—Boysko)	SJR	256	4773
Herndon Woman's Club; commending. (Patron—Boysko)	SJR	255	4773
Herrick, Carole; commending. (Patron—Murphy)	HJR	332	4423

	BILL OR CHAP. RES. NO.	PAGE NO.	
COMMENDATIONS AND COMMEMORATIONS - Continued			
Highlands Fellowship Church; commemorating its 25th anniversary. (Patron—Pillion)	SR	65	4826
Hines, Pat; commending. (Patron—Scott)	HJR	76	4301
Hines, Tyrone; commending. (Patron—Scott)	HJR	75	4301
Hoehn, Andrew; commending. (Patron—Cosgrove)	SR	72	4829
Holloway, Grant; commending. (Patron—Hayes)	HR	103	4571
Holton, Bob F.; commending. (Patron—Obenshain)	SR	68	4828
Homestretch; commemorating its 30th anniversary. (Patron—Sullivan)	HJR	374	4444
Hopewell Dixie Youth Baseball Majors All-Star team; commending. (Patron—Coyner)	HJR	441	4477
Hopewell High School football team; commending. (Patron—Coyner)	HJR	274	4390
Hopewell/Prince George Chamber of Commerce; commemorating its 100th anniversary. (Patron—Coyner)	HJR	335	4425
Huffman, Lily Wilson; commending. (Patron—Hanger)	SJR	125	4702
Hunt Valley Elementary School; commemorating its 50th anniversary. (Patron—Tran)	HJR	400	4457
Ickes, Diane C.; commending. Patron—Robinson	HR	96	4567
Patron—Chase	SR	25	4809
Ingram, Charles; commending. (Patron—Hodges)	HJR	151	4325
Jackson-Feild Behavioral Health Services; commemorating its 165th anniversary. (Patron—Tyler)	HR	95	4567
Jaecle, Dorothy A.; commending. (Patron—Coyner)	HJR	277	4392
Jaka, Priscilla Martinez; commending. (Patron—Murphy)	HJR	329	4422
James, Andrew, Jr.; commending. (Patron—Hodges)	HJR	169	4335
James City Ruritan Club; commemorating its 80th anniversary. (Patron—Norment)	SJR	128	4704
James Madison High School marching band; commending. (Patron—Petersen)	SJR	107	4691
James, Peter G.; commending. (Patron—Keam)	HJR	343	4429
Jamestown High School Envirothon team; commending. (Patron—Mullin)	HJR	120	4314
Jamestown High School golf team; commending. (Patron—Mullin)	HJR	412	4463
Jerome, Marilyn C.; commending. (Patron—Murphy)	HJR	390	4454
JK Moving Services; commending. (Patron—Delaney)	HJR	206	4354
Johnson, Andrea Carson; commending. (Patron—Tyler)	HR	25	4530
Johnson, Fitz; commending. (Patron—Guzman)	HJR	427	4471
Johnson, Jacob; commending. (Patron—Fariss)	HR	62	4549
Jones, Charles; commending. (Patron—Stuart)	SJR	229	4759
Jordan, Flossie Zenobia Jones; commending. (Patron—Aird)	HR	42	4539
Judd, Rick; commending. (Patron—Simon)	HJR	396	4457
Kettle Run High School coed swimming team; commending. (Patron—Guzman)	HJR	432	4473
Kim, Kayleigh; commending. Patron—Delaney	HR	82	4560
Patron—Howell	SR	31	4812
King George County; commemorating its 300th anniversary. Patron—Ransone	HJR	135	4319
Patron—Stuart	SJR	228	4759
Kittredge, Douglas Warren; commending. (Patron—Cole, M.L.)	HJR	9	4285
Kiwanis Club of Portsmouth; commemorating its 100th anniversary. (Patron—Heretick)	HR	125	4581
Kiwanis Club of Roanoke; commemorating its 100th anniversary. Patron—Rasoul	HJR	281	4394
Patron—Edwards	SJR	161	4723
Know Before You Fly campaign; commending. Patron—Subramanyam	HJR	223	4362
Patron—Kiggans	SR	16	4803
Korean American Education Foundation; commemorating its 50th anniversary. (Patron—Keam)	HJR	507	4510
Koscinski, Mike; commending. (Patron—Gooditis)	HR	156	4597
Lackey Clinic; commemorating its 25th anniversary. (Patron—Mason)	SJR	206	4748
Lake Braddock Secondary School baseball team; commending. Patron—Filler-Corn	HJR	239	4371
Lake Taylor High School football team; commending. (Patron—Lindsey)	HR	47	4542

BILL OR CHAP. PAGE
RES. NO. NO. NO.

COMMENDATIONS AND COMMEMORATIONS - Continued

Lakeview Elementary School; commending. (Patron—Cox)	HJR 163	4331
Lamb, Deborah Warrick; commending. (Patron—Deeds)	SJR 145	4713
Lambert, Matteo; commending. Patron—Plum	HJR 278	4393
Patron—Petersen	SJR 106	4690
Landes, R. Steven; commending. (Patron—Runion)	HR 141	4589
Laurel Hill Park Volunteer Team; commending. (Patron—Tran)	HJR 257	4381
Lavery, Deirdre; commending. (Patron—Filler-Corn)	HJR 240	4372
Lea, Sherman P.; commending. (Patron—Rasoul)	HJR 280	4394
League of Women Voters; commemorating its 100th anniversary. (Patron—Howell) ..	SR 18	4804
League of Women Voters of the Prince William Area; commending. (Patron—Subramanyam)	HJR 447	4479
Lee, Lawrence and Lee, Carol; commending. (Patron—Gooditis)	HR 155	4596
Lee-Mount Vernon Sports Club; commemorating its 50th anniversary. (Patron—Surovell)	SR 71	4829
Life Christian Academy boys' basketball team; commending. (Patron—Chase)	SJR 148	4715
Lion Pride Run; commending. Patron—McGuire	HJR 204	4353
Patron—Peake	SJR 118	4699
Local Colors; commending. (Patron—Rasoul)	HJR 282	4395
Long, Christopher Howard; commending. (Patron—Deeds)	SJR 242	4766
LoPreto, Victor; commending. (Patron—LaRock)	HR 153	4595
Lord Botetourt High School volleyball team; commending. (Patron—Austin)	HR 66	4551
Lord Fairfax Community College; commemorating its 50th anniversary. (Patron—Vogel)	SJR 124	4702
Loudoun Abused Women's Shelter; commemorating its 35th anniversary. (Patron—Subramanyam)	HJR 237	4370
Loudoun Commission on Women and Girls; commending. (Patron—Subramanyam) ..	HJR 333	4424
Loudoun County Board of Supervisors; commending. (Patron—Subramanyam)	HJR 449	4481
Loudoun County Chamber of Commerce; commending. (Patron—Subramanyam) ..	HJR 443	4478
Loudoun County High School girls' volleyball team; commending. (Patron—LaRock)	HJR 504	4509
Loudoun County NAACP; commemorating its 80th anniversary. (Patron—Subramanyam)	HJR 448	4480
Loudoun County Office of Emergency Management; commending. (Patron—Delaney)	HJR 220	4361
Loudoun County Sheriff's Office; expressing admiration for its many contributions to the community. (Patron—Delaney)	HJR 187	4344
Loudoun Free Clinic; commending. (Patron—Subramanyam)	HJR 469	4490
Loudoun Habitat for Humanity; commending. (Patron—Subramanyam)	HJR 482	4497
Loudoun Health and Wellness Expo; commending. (Patron—Subramanyam)	HJR 290	4399
Loudoun Hunger Relief; commending. (Patron—Subramanyam)	HJR 464	4488
Loudoun Hunt; commemorating its 125th anniversary. (Patron—LaRock)	HR 60	4548
Loudoun Literacy Council; commemorating its 40th anniversary. (Patron—Subramanyam)	HJR 226	4364
Loudoun Museum; commemorating its 50th anniversary. (Patron—Subramanyam) ...	HJR 446	4479
Loudoun Now; commending. (Patron—Delaney)	HJR 205	4354
Loudoun South Little League baseball team; commending. (Patron—Delaney)	HJR 168	4334
Loudoun Youth, Inc.; commemorating its 15th anniversary. (Patron—Subramanyam) .	HJR 491	4502
Louisa County High School boys' basketball team; commending. (Patron—Peake) ..	SJR 117	4699
Lyles, Noah; commending. (Patron—Ebbin)	SJR 222	4756
Magna Vista High School JROTC Raider team; commending. (Patron—Marshall) ..	HJR 407	4460
Maloney, Patti; commending. (Patron—DeSteph)	SJR 266	4779
Mance, Greg; commending. (Patron—Chafin)	SR 54	4822
Manchester Family YMCA of the YMCA of Greater Richmond; commending. (Patron—Robinson)	HJR 458	4485
Manning, Marsha; commending. (Patron—Tran)	HJR 324	4419
Marion Veterans of Foreign Wars Post 4667; commemorating its 75th anniversary. (Patron—O'Quinn)	HJR 320	4417

	BILL OR CHAP. RES. NO.	PAGE NO.	
COMMENDATIONS AND COMMEMORATIONS - Continued			
Marshall, Shirley Morrow; commending on the occasion of her 100th birthday. (Patron—Ebbin)	SJR 221	4756	
Mason-Wyche, Carrie Weaver; commending. (Patron—Tyler)	HR 40	4538	
Maury High School football team; commending. (Patron—Lindsey)	HR 48	4542	
McAllister, James; commending. (Patron—McPike)	SR 17	4804	
McAllister, Lena C.; commending. (Patron—Tran)	HJR 323	4418	
McDowell, Marvin; commending. (Patron—Marshall)	HJR 468	4490	
Medical Society of Virginia; commemorating its 200th anniversary. (Patron—Dunnivant)	SR 32	4812	
Merkel, Lisa C.; commending. (Patron—Boysko)	SJR 257	4774	
Michel, Madeline; commending. (Patron—Deeds)	SJR 183	4735	
Miller, Carson; commending. (Patron—Guzman)	HJR 437	4475	
Miller, C.W.; commending. (Patron—Hodges)	HJR 224	4363	
Mission BBQ; commending. (Patron—Reeves)	SJR 76	4674	
M.M. Gunter & Son; commemorating its 100th anniversary. (Patron—Knight)	HR 53	4544	
Mobile Hope of Loudoun; commending. (Patron—Subramanyam)	HJR 328	4421	
Montante, Michael; commending. (Patron—Krizek)	HJR 269	4388	
Moore, Ilryong; commending. (Patron—Filler-Corn)	HJR 242	4373	
Morning Star Baptist Church; commemorating its 90th anniversary. (Patron—Rasoul)	HJR 495	4504	
Morris, Mary; commending. (Patron—LaRock)	HJR 501	4507	
Moton, Robert Russa; commemorating the 80th anniversary of his life and legacy. (Patron—Hodges)	HJR 195	4348	
Mount Vernon at Home; commending. (Patron—Krizek)	HJR 270	4389	
Murphy, Patrick K.; commending. (Patron—Hope)	HJR 444	4478	
Nachman family; commending. (Patron—Filler-Corn)	HJR 264	4385	
Nair, Anjali; commending. (Patron—Delaney)	HJR 213	4357	
Nandi, Derrick; commending. (Patron—DeSteph)	SJR 200	4745	
National Automated Clearing House Association; commending. (Patron—Delaney)	HJR 221	4361	
Negro National League; commemorating its 100th anniversary. Patron—Bagby	HR 133	4586	
Patron—McClellan	SR 77	4832	
NEST4US; commending. (Patron—Subramanyam)	HJR 460	4486	
New Creation United Methodist Church; commending. (Patron—Cosgrove)	SR 21	4806	
New Gilfield Reformed Zion Union Apostolic Church; commemorating its 110th anniversary. (Patron—Wright)	HR 7	4514	
New River Community College; commemorating its 50th anniversary. (Patron—Rush)	HR 104	4571	
Next Move Program; commending. (Patron—Willett)	HR 134	4587	
Norfolk Police Department; commending. Patron—Lindsey	HJR 5	4284	
Patron—Spruill	SR 1	4781	
Northern Virginia Community College Loudoun Campus; commending. (Patron—Subramanyam)	HJR 490	4501	
O'Connor, Adrian J.; commending. Patron—LaRock	HJR 326	4420	
Patron—Vogel	SJR 174	4731	
Old Bust Head Brewing Company; commending. (Patron—Guzman)	HJR 433	4473	
Old House Vineyards; commemorating its 20th anniversary. (Patron—Freitas)	HJR 164	4332	
Oman, Robert M.; commending. Patron—Leftwich	HJR 275	4391	
Patron—Cosgrove	SJR 150	4716	
Omicron Alpha Lambda Chapter of Alpha Phi Alpha Fraternity, Inc.; commemorating its 35th anniversary. (Patron—Cole, J.G.)	HR 18	4527	
O'Reilly, Michael; commending. (Patron—Boysko)	SJR 260	4776	
Osborn Park High School indoor track and field program; commending. (Patron—Roem)	HR 150	4594	
Palmore, Mattie; commending. (Patron—Krizek)	HJR 307	4409	
Parry McCluer High School boys' cross country team; commending. (Patron—Deeds)	SJR 240	4765	
Parthemos, Stylian P.; commending. (Patron—Robinson)	HR 130	4585	

	BILL OR CHAP. RES. NO.	PAGE NO.	PAGE NO.
COMMENDATIONS AND COMMEMORATIONS - Continued			
Pathway Homes; commemorating its 40th anniversary. (Patron—Bulova)	HJR 456		4484
Pattie, Marshall W.; commending. (Patron—Runion)	HR 115		4576
Peanut, Mr.; commending as a symbol of importance to the peanut industry in the Commonwealth and on his return as Baby Nut. (Patron—Brewer)	HR 146		4592
Peers and Students Taking Action; commending. (Patron—Subramanyam)	HJR 493		4503
Phi Beta Sigma Fraternity, Inc.; commemorating its 106th anniversary. (Patron—Lindsey)	HJR 193		4347
Phi Upsilon Zeta Chapter of the Zeta Phi Beta Sorority, Inc.; commemorating its 100th anniversary. (Patron—Subramanyam)	HJR 496		4505
Pi Sigma Alpha; commemorating its 100th anniversary.			
Patron—Bourne	HR 78		4558
Patron—Hashmi	SJR 188		4738
Piedmont Virginia Community College Student Launch Team; commending. (Patron—Hudson)	HJR 410		4462
Poquoson High School wrestling team; commending. (Patron—Mugler)	HR 159		4598
Potomac River Basin, Interstate Commission on the; commemorating its 80th anniversary. (Patron—Lopez)	HJR 96		4306
Potter, Jahmal; commending. (Patron—Convirs-Fowler)	HR 114		4576
Price, Kelly; commending. (Patron—Fariss)	HR 63		4549
Pridgeon, Elise N.; commending. (Patron—Subramanyam)	HJR 462		4487
Prince William County Police Department; commemorating its 50th anniversary. (Patron—McPike)	SJR 212		4751
Prince William County Public Schools; commending. (Patron—Guzman)	HJR 434		4474
Prince William County Public Schools Aquatics Center; commending. (Patron—Guzman)	HJR 424		4469
Prince William Food Rescue; commending. (Patron—Guzman)	HJR 435		4474
Princess Anne Courthouse Volunteer Rescue Squad; commending. (Patron—Knight)	HR 27		4532
Principi, Frank J.; commending. (Patron—Guzman)	HJR 428		4471
PROPEL Academy; commending. (Patron—Subramanyam)	HJR 461		4487
PRS (Psychiatric Rehabilitation Services); commemorating its 50th anniversary. (Patron—Keam)	HJR 262		4384
Pulaski Yankees; commending. (Patron—Rush)	HR 107		4572
Quillen, Timothy R.; commending. (Patron—Campbell, R.R.)	HR 83		4560
Raj Khalsa Gurdwara; commending.			
Patron—Murphy	HJR 330		4422
Patron—Subramanyam	HJR 351		4433
Rajput Indian Cuisine; commemorating its 20th anniversary. (Patron—Heretick)	HR 12		4516
Ramirez, Wilson; commending. (Patron—Hope)	HJR 347		4431
Ramos, Karen; commending. (Patron—Boysko)	SJR 259		4775
Rathgeber, Colleen; commending. (Patron—Bell)	SJR 246		4768
Reid, William Ferguson; commending. (Patron—Guzman)	HJR 334		4424
Reinhart, John F.; commending. (Patron—DeSteph)	SJR 91		4682
Rice, Gary; commending. (Patron—Deeds)	SJR 144		4713
Richard Bland College; commemorating its 60th anniversary. (Patron—Brewer)	HR 160		4599
Richardson, Steven; commending. (Patron—Tran)	HJR 486		4500
Richmond Academy of Medicine; commending.			
Patron—Carr	HJR 167		4334
Patron—Dunnavant	SJR 93		4683
Richmond County School Board; commending. (Patron—McDougle)	SJR 142		4712
Richmond Police Department; commending for performance above and beyond the normal call of duty on January 20, 2020.			
Patron—Filler-Corn	HJR 232		4367
Patron—McClellan	SJR 140		4711
Richmond Prep; commemorating its 35th anniversary. (Patron—Carr)	HJR 367		4441
Richmond 34; commemorating the 60th anniversary for their courageous participation in the historic Thalhimers lunch counter sit-in. (Patron—McQuinn)	HJR 457		4485
River Oaks Elementary School; commemorating its 30th anniversary. (Patron—Surovell)	SJR 153		4718

COMMENDATIONS AND COMMEMORATIONS - Continued

Riverheads High School football team; commending.			
Patron—Campbell, R.R.	HR	86	4562
Patron—Hanger	SJR	126	4703
Roanoke Higher Education Center; commemorating its 20th anniversary. (Patron—Edwards)	SJR	231	4760
Roanoke Valley-Alleghany Regional Commission; commemorating its 50th anniversary. (Patron—Rasoul)	HJR	283	4395
Roberts, B.J.; commending. (Patron—Locke)	SJR	164	4725
Robinson, Rodney A.; commending. (Patron—Tyler)	HR	35	4536
Rodgers, Jennifer; commending. (Patron—Subramanyam)	HJR	499	4506
Roman Catholic Diocese of Richmond; commemorating its 200th anniversary. (Patron—Cosgrove)	SJR	216	4753
Roman Eagle Masonic Lodge No. 122; commemorating its 200th anniversary. (Patron—Marshall)	HJR	383	4450
Rotary Club of Danville; commemorating its 100th anniversary. (Patron—Marshall)	HJR	483	4498
Rotary Club of Leesburg; commending. (Patron—Subramanyam)	HJR	487	4500
Rubin, Gerald R.; commending. (Patron—Reid)	HJR	253	4379
Rustburg Dixie Youth AAA All-Stars baseball team; commending. (Patron—Fariss)	HR	79	4558
Rustburg Dixie Youth Baseball O-Zone All-Star team; commending. (Patron—Fariss)	HR	85	4561
Ryan Bartel Foundation; commending. (Patron—Subramanyam)	HJR	244	4374
Sacred Heart Center; commemorating its 30th anniversary. (Patron—Carr)	HJR	354	4434
Saint Benedict Catholic School; commemorating its 100th anniversary. (Patron—Dunnavant)	SJR	121	4700
Saint Michael the Archangel High School football team; commending. (Patron—Cole, M.L.)	HJR	157	4328
Schrier, Camille Thomasina; commending. (Patron—Hodges)	HJR	228	4365
Scott's BBQ; commending. (Patron—Hodges)	HJR	243	4373
Scoon at 23 campaign; commending. (Patron—Tran)	HJR	255	4380
Scruggs, Joy; commending. (Patron—O'Quinn)	HR	26	4531
Secretariat; commemorating the life and legacy thereof, on the occasion of the 50th anniversary of his birth. (Patron—Fowler)	HJR	70	4299
Serbay, Rich; commending. (Patron—Cole, M.L.)	HJR	375	4445
Sethi, Aatish and Gowda, Saahas; commending. (Patron—Helmer)	HR	170	4604
Settle, Devon; commending. (Patron—Vogel)	SR	38	4815
Sides, Greg; commending. (Patron—Marshall)	HJR	403	4458
Signal Hill Elementary School; commemorating its 20th anniversary. (Patron—McPike)	SJR	213	4751
Skule, Justin; commending. (Patron—Helmer)	HR	167	4603
Smith, Dianne H.; commending. (Patron—Robinson)	HJR	273	4390
Smith, James; commemorating his 100th birthday. (Patron—Petersen)	SJR	114	4697
Smith, Jeffery O.; commending.			
Patron—Mugler	HR	164	4601
Patron—Mason	SJR	208	4749
Smith, Leslie Devan, Jr.; commemorating his life and legacy. Patron—Campbell, R.R.	HJR	245	4375
Smithfield Volunteer Fire Department; commending. (Patron—Brewer)	HR	44	4540
South County High School; commending. (Patron—Tran)	HJR	256	4381
South County High School football team; commending. (Patron—Barker)	SR	20	4806
South County High School softball team; commending. (Patron—Tran)	HJR	252	4379
South Lakes High School boys' soccer team; commending. (Patron—Plum)	HJR	276	4391
South Norfolk Ruritan Club; commemorating its 40th anniversary. (Patron—Cosgrove)	SJR	237	4764
Sowell, Thomas; commending. (Patron—Freitas)	HR	37	4537
Special Olympics Virginia-Loudoun County; commending. (Patron—Subramanyam)	HJR	472	4492
Specter-Dunaway, Lisa; commending. (Patron—Dunnavant)	SR	23	4807
Spengler, Oswald; commemorating his life and legacy. (Patron—Ware)	HR	77	4557
Srinivasan, Jai Ram; commending. (Patron—Bell)	SJR	243	4767
Standing for Tomorrow; commending. (Patron—Ebbin)	SJR	224	4757

BILL OR CHAP. PAGE
RES. NO. NO. NO.

COMMENDATIONS AND COMMEMORATIONS - Continued

Staunton High School boys' soccer team; commending. (Patron—Hanger)	SJR 127	4703
Stony Brook Junior Volunteers; commending. (Patron—Delaney)	HJR 216	4359
Stream Critter Cube Lab; commending. (Patron—Delaney)	HJR 218	4360
Street, H. A.; commending. (Patron—Chafin)	SJR 84	4679
Stribling, Rob and Stacia; commending. (Patron—Vogel)	SJR 152	4717
Surry County High School boys' basketball team; commending. (Patron—Brewer) .	HR 10	4515
Tappahannock-Essex Volunteer Fire Department, Inc.; commemorating its 100th anniversary. (Patron—Hodges)	HJR 230	4366
Tate, Odell; commending. (Patron—Marshall)	HJR 405	4459
Taylor, Joe; commending. (Patron—McClellan)	SJR 249	4770
Team Teens See Tomorrow; commending. (Patron—Delaney)	HJR 214	4358
Temple Beth El of Williamsburg; commemorating its 60th anniversary. (Patron—Mason)	SJR 207	4748
10 River Basin; commending Grand Winners of the Clean Water Farm Award. (Patron—Petersen)	SJR 163	4724
Texas Tavern; commemorating its 90th anniversary. (Patron—Rasoul)	HJR 279	4393
The American Legion Auxiliary; commemorating its 100th anniversary. (Patron—Cox)	HJR 17	4289
The Difference Baker; commending. (Patron—Bell)	SJR 264	4778
The Faison Center; commending. (Patron—Willett)	HJR 186	4344
The Flying Circus Aerodrome and Airshow; commemorating its 50th anniversary. Patron—Webert	HR 126	4582
Patron—Vogel	SR 46	4818
The Inn at Willow Grove; commending. (Patron—Freitas)	HJR 124	4316
The Woodland, Inc.; commemorating its 50th anniversary. (Patron—Edmunds)	HJR 222	4362
Third Street Bethel African Methodist Episcopal Church; commemorating its 170th anniversary. Patron—Bourne	HR 73	4554
Patron—McClellan	SJR 177	4732
Thompson, Rachel; commending. (Patron—Convirs-Fowler)	HJR 438	4475
Tompkins, Elnora F.; commending. (Patron—Ransone)	HJR 141	4321
Tree of Life Ministries; commending. (Patron—LaRock)	HJR 506	4509
Triangle Elementary School; commemorating its 60th anniversary. (Patron—Surovell)	SJR 154	4718
Trude, Heidi; commending. (Patron—LaRock)	HJR 505	4509
Trummer's on Main; commending. (Patron—Helmer)	HR 166	4602
Tull, Robert W., Jr.; commending. (Patron—Leftwich)	HJR 117	4313
Turner, Kenneth Neal; commending. (Patron—Hurst)	HJR 234	4369
Turning Point Suffragist Memorial Association; commending. (Patron—Ebbin)	SJR 217	4753
2019 Legacy Celebration of Extraordinary African American Women; commending. (Patron—McQuinn)	HJR 470	4491
2020 Virginia Outstanding Faculty Awards recipients; commending. (Patron—Tyler)	HJR 188	4345
Union High School boys' cross country team; commending. (Patron—Kilgore)	HJR 16	4289
United Methodist Family Services; commemorating its 120th anniversary. (Patron—Reid)	HJR 289	4399
United States Women's National Soccer Team; commending. (Patron—Sickles)	HJR 46	4293
United Steelworkers Local 8888; commending. (Patron—Mullin)	HJR 349	4432
United We Light: Project Bolivia; commending. (Patron—Ransone)	HJR 146	4323
Unity March Against Hate; commending. (Patron—Ayala)	HR 144	4591
University of Virginia men's basketball team; commending. Patron—Bell	HJR 121	4315
Patron—Deeds	SJR 103	4688
University of Virginia's College at Wise cornhole team; commending. Patron—Kilgore	HJR 175	4338
Vienna Inn; commemorating its 60th anniversary. (Patron—Keam)	HJR 463	4488
Village Initiative; commending. (Patron—Mullin)	HJR 413	4463
Vincek, Eddie; commending. (Patron—Cosgrove)	SR 73	4830
Violet Blast robotics team; commending. (Patron—Bell)	SJR 265	4778
Virginia Arab American Political Forum; commending. (Patron—Kory)	HR 23	4530

BILL OR CHAP. PAGE
RES. NO. NO. NO.

COMMENDATIONS AND COMMEMORATIONS - Continued

Virginia Association of Volunteer Rescue Squads; commending.			
Patron—Orrock	HJR	317	4415
Patron—DeSteph	SJR	191	4740
Virginia Beach Sheriff's Office; commending. (Patron—Convirs-Fowler)	HJR	439	4476
Virginia Dental Association; commemorating its 150th anniversary. (Patron—Pillion)	SJR	137	4709
Virginia Department of State Police; commending. (Patron—Filler-Corn)	HJR	231	4367
Virginia Emergency Management Association; commending. (Patron—Rasoul)	HJR	284	4396
Virginia 4-H shotgun development team; commending. (Patron—Fowler)	HJR	8	4285
Virginia Maritime Association; commemorating its 100th anniversary.			
Patron—Jones	HJR	177	4339
Patron—Lewis	SJR	113	4696
Virginia Mediation Network, Inc.; commemorating its 30th anniversary. (Patron—Locke)	SJR	95	4684
Virginia Organizing; commemorating its 25th anniversary. (Patron—Rasoul)	HJR	152	4326
Virginia Peninsula Association of REALTORS®; commemorating its 100th anniversary.			
Patron—Ward	HR	124	4581
Patron—Locke	SR	29	4810
Virginia REALTORS®; commemorating its 100th anniversary.			
Patron—Bulova	HJR	212	4356
Patron—Suetterlein	SJR	269	4781
Virginia Society of Eye Physicians and Surgeons; commemorating its 100th anniversary.			
Patron—Sickles	HR	89	4563
Patron—Dunnavant	SR	26	4809
Virginia Wing, Civil Air Patrol; commending. (Patron—Reeves)	SJR	94	4684
Virts, Sharon; commending. (Patron—Bell)	SR	59	4824
Visit Loudoun; commemorating its 25th anniversary. (Patron—Reid)	HJR	288	4398
Walter & Company Jewelers; commemorating its 120th anniversary. (Patron—McClellan)	SJR	182	4735
Wareings Gym; commemorating its 60th anniversary. (Patron—DeSteph)	SJR	192	4740
Washington Mystics; commending. (Patron—Filler-Corn)	HJR	393	4455
Washington Nationals; commending.			
Patron—Filler-Corn	HJR	165	4332
Patron—Saslaw	SJR	62	4668
Watson, Megan; commending. (Patron—Hodges)	HJR	159	4329
Wes Strong Foundation; commending. (Patron—Convirs-Fowler)	HJR	440	4476
West End Center for Youth; commending. (Patron—Rasoul)	HJR	286	4397
Western Albemarle High School athletics; commending. (Patron—Deeds)	SJR	239	4765
Westfield High School; commemorating its 20th anniversary. (Patron—Delaney)	HJR	182	4342
Westfield High School Hispanos Al Camino Exitoso (HACE) program; commending. (Patron—Delaney)	HJR	181	4341
William Fleming High School 800-meter sprint medley relay team; commending. (Patron—Rasoul)	HJR	492	4502
Williams, Walter E.; commending. (Patron—Freitas)	HJR	260	4383
Williamsburg House of Mercy; commending. (Patron—Mullin)	HJR	350	4432
Williamsburg-Jamestown Airport; commemorating its 50th anniversary.			
Patron—Mullin	HJR	119	4314
Patron—Austin	HR	5	4513
Williamsburg Parent Cooperative Preschool; commemorating its 50th anniversary. (Patron—Mason)	SJR	209	4750
Williamsburg Regional Library; commending. (Patron—Mullin)	HR	143	4591
Willisville; commending. (Patron—Vogel)	SR	28	4810
Wilson, Bob and Marion; commending. (Patron—Norment)	SR	40	4816
Wilson, Kevin; commending. (Patron—Hodges)	HJR	194	4348
Wilson, Kimberly; commending. (Patron—Ebbin)	SJR	218	4754
Wimberley, Amanda B.; commending. (Patron—Heretick)	HJR	229	4366
Wine Kitchen; commending. (Patron—Gooditis)	HR	157	4597
Wood Brothers Racing; commemorating its 70th anniversary. (Patron—Stanley)	SJR	169	4728

BILL OR CHAP. PAGE
RES. NO. NO. NO.

COMMENDATIONS AND COMMEMORATIONS - Continued

Woodard, Bellen; commending. (Patron—Subramanyam)	HJR	291		4400
Woodbridge Senior High School wrestling team; commending. (Patron—Guzman)	HJR	436		4474
Woodgrove High School girls' soccer team; commending. (Patron—LaRock)	HJR	503		4508
Wright, David S.; commending. (Patron—Cosgrove)	SR	37		4814
Wright, Harold Jr.; commending. (Patron—Bell)	HJR	178		4339
Wyatt, Judith Ann White; commending. Patron—Runion	HR	117		4577
Patron—Hanger	SJR	170		4728
Yarborough, Glenn; commending. (Patron—Murphy)	HJR	389		4454
Yorkshire Restaurant; commemorating its 60th anniversary. (Patron—Roem)	HJR	459		4486
Yovanovitch, Marie; commending. (Patron—Ebbin)	SR	67		4827
Zangla, Ellen; commending. (Patron—Bell)	SR	55		4822
Zenaviv; commending. (Patron—Murphy)	HJR	369		4442
Zeta Phi Beta Sorority, Inc.; commemorating its 100th anniversary. Patron—Lindsey	HJR	192		4347
Zion Baptist Church of Lightfoot; commemorating its 100th anniversary. (Patron—Norment)	SJR	129		4705

COMMERCE AND TRADE, SECRETARY OF

Economic development programs; reporting requirements, repeals requirement that Secretary of Commerce and Trade provide an annual report. (Patron—Willett)	HB	935	591	905
Technology, Secretary of; transfer of duties to Secretaries of Administration and Commerce and Trade, repeals provision relating to position of Secretary of Technology and Office of Telework Promotion and Broadband Assistance. (Patron—Locke)	SB	877	738	1123

COMMERCIAL VEHICLES

Commercial driver's licenses; entry-level driver training. (Patron—Deeds)	SB	290	546	836
Driver's license; allows a person convicted of a first offense of unreasonable refusal to have samples of his breath taken for chemical tests to determine the alcohol content of his blood to petition the court 30 days after conviction for a restricted license, no restricted license shall permit any person to operate a commercial motor vehicle, etc. (Patron—Lindsey)	HB	34	341	526
Virginia Commercial Driver's License Act; repeals statement of intent and purpose in the Act. (Patron—McDougle)	SB	527	788	1234

COMMISSIONS, BOARDS, AND INSTITUTIONS GENERALLY

Alzheimer's Disease and Related Disorders Commission; extends sunset provision. Patron—Simonds	HB	310	419	624
Patron—Ruff	SB	256	226	335
American Revolutionary 250 Commission; established, membership, report, sunset provision. Patron—Krizek	HB	1424	914	1648
Patron—Hashmi	SB	407	915	1650
Art and Architectural Review Board; changes number of citizen members, staggered terms of members. (Patron—Mugler)	HB	1431	114	176
Art therapists and art therapy associates; definitions, Advisory Board on Art Therapy established, licensure. (Patron—McClellan)	SB	713	301	463
Athletic Training, Advisory Board on; membership. (Patron—Hodges)	HB	1260	926	1694
Career and Technical Education Work-Based Learning Guide; Board of Education to review and revise. (Patron—Tyler)	HB	1680	692	1028
Charitable gaming; increase in certain maximum allowable prize amounts, Charitable Gaming Board shall convene a stakeholder work group to review current limitations on prize amounts, report. (Patron—Keam)	HB	1690	980	1872
Charitable Gaming Board; Texas Hold'em poker events, additional gross receipts assessment. (Patron—Petersen)	SB	936	982	1875
Chesapeake Bay Preservation Areas; preservation of mature trees or planting of trees as water quality protection tool, coastal resilience and adaption to sea-level rise and climate change, etc., proposed regulations shall be subject to a public comment period of at least 60 days prior to final adoption by the State Water Control Board. (Patron—Hope)	HB	504	1207	2625

BILL OR CHAP. PAGE
RES. NO. NO. NO.

COMMISSIONS, BOARDS, AND INSTITUTIONS GENERALLY - Continued

Civic Education, Commission on; increases membership, repeals sunset provision for the Commission and prohibition on use of general funds to support work of the Commission. (Patron—Marsden)	SB	957	1045	2007
Clean Energy Advisory Board; members may reside within or without the Commonwealth, repeals sunset provision for Board. (Patron—Aird)	HB	1707	803	1269
Coastal areas in Virginia; Joint Commission on Technology and Science to study safety, quality of life, and economic consequences of weather and climate-related events. (Patron—Sickles)	HJR	47		4294
Conflict of Interests Act, State and Local Government; disclosure by members of Northern Virginia Transportation Authority and Northern Virginia Transportation Commission. (Patron—Keam)	HB	1337	73	102
Constitutional amendment; Virginia Redistricting Commission, apportionment, responsibility of drawing districts (submitting to qualified voters). (Patron—Barker) .	SB	236	1071	2042
Constitutional amendment; Virginia Redistricting Commission, apportionment (submitting to qualified voters). (Patron—VanValkenburg)	HB	784	1070	2040
Constitutional amendment; Virginia Redistricting Commission established, apportionment (second reference), Chapters 821 and 824, 2019 Acts (first reference). (Patron—Barker)	SJR	18	1196	2557
Contractors, Board for; misclassification of worker prohibited. (Patron—Krizek) . . .	HB	1646	685	1024
Correctional facilities, local; Board of Corrections shall conduct a review of standards and requirements governing, and application and use of isolated confinement in facilities, report. (Patron—Hope)	HB	1284	522	785
Corrections, State Board of; renamed as State Board of Local and Regional Jails, powers and duties, local correctional facilities, appeals of Board determinations, repeals provisions relating to Board to establish regulations regarding human research, etc. (Patron—Deeds)	SB	622	759	1178
Dams or impounding structures; Real Estate Board to include in the residential property disclosure statement provided on its website a disclosure relating to the condition or regulatory status.				
Patron—Convirs-Fowler	HB	1569	655	986
Patron—Locke	SB	343	656	987
Drug disposal; Board of Pharmacy shall determine proper methods to enhance public awareness, report. (Patron—Jenkins)	HB	1531	614	936
Elections, State Board of; activities related to the supervision of local electoral boards and general registrars. (Patron—Carr)	HB	539	291	452
Elections, State Board of; increasing membership, after staggering terms Board member shall serve five years, role and eligibility, report. (Patron—Sickles)	HB	236	353	538
Elections, State Board of; increasing membership, staggering terms, role and eligibility, report. (Patron—Ebbin)	SB	856	619	941
Electric Utility Regulation, Commission on; extends sunset provision. (Patron—Norment)	SB	130	627	953
Emergency Medical Services Patient Care Information System; trauma data, confidentiality, Board of Health shall develop and approve a policy specific to sharing of data from System. (Patron—McPike)	SB	386	883	1551
Funeral directors and embalmers; Board of Funeral Directors and Embalmers shall promulgate regulations that establish requirements of licensure. (Patron—McPike) . .	SB	1044	943	1721
Game and Inland Fisheries, Department of; changes name to Department of Wildlife Resources, and the Board changed to Board of Wildlife Resources. (Patron—Deeds) .	SB	616	958	1756
GO Virginia grants; allows a locality to use funds awarded from the Tobacco Region Revitalization Commission as matching funds, sunset provision. (Patron—Wampler) .	HB	1597	525	788
Hampton Roads Regional Transit Program and Fund; created, transit funding in Hampton Roads region, certain provisions shall not apply to decisions of the Hampton Roads Transportation Accountability Commission regarding disbursements of funds, etc., distribution of recordation tax, etc.				
Patron—Askew	HB	1726	1241	2865
Patron—Lucas	SB	1038	1281	3151
Historical Statues in the United States Capitol, Commission for; established, Commission shall determine whether statue of Robert E. Lee should remain or be replaced in National Statuary Hall Collection, etc.				
Patron—Ward	HB	1406	1099	2106
Patron—Lucas	SB	612	1098	2105

BILL OR CHAP. PAGE
RES. NO. NO. NO.

COMMISSIONS, BOARDS, AND INSTITUTIONS GENERALLY - Continued

Hunting elk; Board of Game and Inland Fisheries to create a special license in the elk management zone that is required in addition to a general hunting license.				
Patron—Edmunds	HB	388	309	477
Patron—Chafin	SB	262	310	477
Interstate 64; Hampton Roads Transportation Accountability Commission to impose and collect tolls in high-occupancy toll lanes on certain portions. (Patron—Jones) . . .	HB	1438	703	1041
Juvenile correctional facilities; Board of Juvenile Justice, et al., to promulgate regulations governing housing of youth who are detained in a facility pursuant to a contract with the federal government. (Patron—Ebbin)	SB	20	599	924
Lottery Board; regulation and control of casino gaming, definitions, Virginia Indigenous People's Trust Fund created, membership of Board, voluntary exclusion program, on-premises mobile casino gaming, civil penalties, Regional Improvement Commission established.				
Patron—Knight	HB	4	1197	2559
Patron—Lucas	SB	36	1248	2910
Marine Resources Commission; permit fees, pier application, oyster fund. (Patron—Mason)	SB	702	806	1270
Medically underserved areas; Board of Health shall develop regulations for when emergency medical services agencies in these areas may transport patients to 24-hour urgent care facilities, etc. (Patron—Stanley)	SB	301	930	1701
MEI Project Approval Commission; changes to membership and operation. (Patron—Hanger)	SB	587	830	1343
Menhaden; Virginia Marine Resources Commission to adopt regulations necessary to manage Atlantic menhaden, including those necessary to comply with the Atlantic States Marine Fisheries Commission Interstate Fishery Management Plan, closed season for fishing, penalty, Menhaden Management Advisory Committee established, repeals several Code sections relating to quotas, allocation of allowable landings, etc., for managing the fishery.				
Patron—Plum	HB	1448	201	290
Patron—Lewis	SB	791	356	542
Music therapy; definition of music therapist, licensure, Advisory Board on Music Therapy established.				
Patron—Head	HB	1562	103	165
Patron—Vogel	SB	633	233	349
New Americans, Office of; created within Department of Social Services, Advisory Board established, report.				
Patron—Tran	HB	1209	1078	2048
Patron—Hashmi	SB	991	1079	2050
Nonagricultural irrigation wells; prohibited outside surficial aquifer, regulations established by State Water Control Board. (Patron—Mason)	SB	673	670	1006
Northern Virginia Transportation Commission; changes report date. (Patron—Ebbin)	SB	848	792	1239
Passenger buses; repeals provisions whereby the Commissioner of Highways and the Commonwealth Transportation Board can permit certain counties to operate buses wider than 96 inches but no wider than 102 inches. (Patron—McDougle)	SB	525	707	1049
Pharmacy; practice, identity of any outsourcing facility that enters into a contract with Department shall not be confidential, regulation by Board of Pharmacy, report. (Patron—Bell)	SB	270	1166	2400
Pharmacy technicians and pharmacy technician trainees; definition, registration, duties and tasks that a pharmacy technician registered by Board of Pharmacy may perform.				
Patron—Hodges	HB	1304	102	163
Patron—Lewis	SB	830	237	351
Political campaign advertisements; print media requirements, print media advertisements paid for or distributed prior to July 1, 2024, shall not be subject to regulations promulgated by State Board of Elections. (Patron—Wilt)	HB	1238	557	861
Prenatal and postnatal depression and other depression; Board of Medicine shall annually communicate to relevant practitioners importance of screening patients. (Patron—Samirah)	HB	42	709	1055

BILL OR CHAP. PAGE
RES. NO. NO. NO.

COMMISSIONS, BOARDS, AND INSTITUTIONS GENERALLY - Continued

Public service companies; increases the maximum allowable rates of special regulatory taxes that can be imposed by the State Corporation Commission. (Patron—Sickles)	HB	129	697	1031
Real estate broker; upon death or disability of a broker who was only licensed broker in business entity, Real Estate Board shall grant approval to persons to carry on business. (Patron—Bulova)	HB	513	383	580
Regional water resource planning; State Water Control Board regulations, location data shall be provided by each user in a coordinate system specified by the Board. (Patron—Carr)	HB	542	1105	2114
School Construction and Modernization, Commission on; established, membership, report, sunset provision. (Patron—McClellan)	SB	888	1044	2006
Sickle cell anemia or other related diseases or inborn errors of metabolism; Commissioner of Health shall establish a voluntary program for the screening of adults and children, Board of Health shall adopt regulations to implement an adult and pediatric comprehensive sickle cell clinic network. (Patron—Hayes)	HB	907	503	770
Slavery and Subsequent De Jure and De Facto Racial and Economic Discrimination Against African Americans, Commission to Study; created, sunset provision. (Patron—McQuinn)	HB	1519	1043	2004
Social workers; Board of Social Work shall pursue establishment of reciprocal agreements with jurisdictions that are contiguous with the Commonwealth for licensure. (Patron—Stanley)	SB	53	617	940
Student-athletes, coaches, etc.; Board of Education shall develop, etc., guidelines on policies about nature and risk of sudden cardiac arrest, etc. (Patron—Reeves)	SB	463	694	1029
Students; Board of Education to consider certain regulatory revisions relating to populations that are underrepresented in gifted and talented programs. (Patron—Keam)	HB	1139	871	1535
Unemployment compensation; amends various provisions regarding compensation and the Virginia Employment Commission, short-time compensation program, eligibility. (Patron—Edwards)	SB	548	1261	3009
Virginia Charitable Gaming Board; electronic versions of instant bingo, pull tabs or seal cards. (Patron—Willett)	HB	1681	979	1871
Virginia Criminal Sentencing Commission; specifies that the Commission is a criminal justice agency, definition. (Patron—Adams, L.R.)	HB	1022	90	130
Virginia Geographic Information Network Advisory Board; increases membership. Patron—Wright	HB	117	36	43
Patron—Suetterlein	SB	127	175	243
Virginia Lottery; Virginia Lottery Board, powers and duties, regulation of sports betting, etc., definitions, Problem Gambling Treatment and Support Fund created, voluntary exclusion program, events on which betting is prohibited, penalties, report. Patron—Sickles	HB	896	1218	2667
Patron—McPike	SB	384	1256	2963
Virginia Spirits Board and Virginia Spirits Promotion Fund; established, report. Patron—Jones	HB	1436	410	614
Patron—Mason	SB	583	85	120
Wellness and Opportunity, Commission on; established, membership, report. (Patron—Adams, D.M.)	HB	1056	1036	1998
Wetlands protection; Virginia Marine Resources Commission to promulgate and periodically update minimum standards for the protection and conservation of shorelines and sensitive coastal habitats from sea level rise, etc. (Patron—Lewis) . . .	SB	776	809	1274
Workers' compensation; Virginia Workers' Compensation Commission shall engage a national research organization to examine the implications of covering workers' injuries caused by repetitive motion through the system. (Patron—Guzman)	HB	617	549	847
Workforce Development, Virginia Board of; membership, updates as a response to federal law. (Patron—Tran)	HB	1198	58	68

COMMONWEALTH PUBLIC SAFETY

Crisis intervention team training; adds the Department for the Aging and Rehabilitation Services and brain injury stakeholders to the list of entities with whom the Department of Criminal Justice Services is required to consult in developing a training program. Patron—Wilt	HB	1231	514	779
Patron—Edwards	SB	494	515	779

COMMONWEALTH PUBLIC SAFETY - Continued

Detector canines and detector canine handlers; every correctional officer employed by Department of Corrections who performs duties of a handler shall comply with compulsory minimum training standards, database on performance. (Patron—Peake)	SB	1024	535	811
Fostering Futures program; established, voluntary continuing services and support agreement, Department of Social Services shall analyze feasibility of and opportunities for allowing local departments of social services to use video conferencing for monthly visits with participants in the program.				
Patron—Keam	HB	400	95	139
Patron—Favola	SB	156	732	1100
Law-enforcement agencies, local; localities required to adopt and establish a written policy for the operation of a body-worn camera system. (Patron—Levine)	HB	246	123	190
Line of Duty Act; coverage for a dependent born after the disability or death of an employee, clarifies "eligible dependent."				
Patron—Knight	HB	51	207	296
Patron—DeSteph	SB	40	559	862
Public schools; Department of Criminal Justice Services, et al., shall annually collect, report, and publish on its website data related to incidents involving students and school resource officers.				
Patron—VanValkenburg	HB	271	1039	2002
Patron—Locke	SB	170	169	238
School resource officers and school security officers; officers to receive training specific to the role and responsibility of a law-enforcement officer working with students in a school environment, such as a physical alternative to restraint, etc.				
Patron—Jones	HB	1419	638	966
Patron—Locke	SB	171	184	268
Sex Offender and Crimes Against Minors Registry; makes numerous changes to the provisions governing the Registry. (Patron—Howell)	SB	579	829	1311
Sex Offender and Crimes Against Minors Registry Act; adds a third or subsequent conviction of unlawful dissemination or sale of images of another to the list of offenses requiring registration under Registry. (Patron—Watts)	HB	253	389	587
Sex offenses; clarifies registration and reregistration obligations imposed upon a person convicted of a foreign sex offense, registration with the Sex Offender and Crimes Against Minors Registry. (Patron—Surovell)	SB	492	826	1308
Virginia Criminal Sentencing Commission; specifies that the Commission is a criminal justice agency, definition. (Patron—Adams, L.R.)	HB	1022	90	130
Virginia Gun Violence Intervention and Prevention Fund; created. (Patron—Bourne)	HB	1499	1129	2260
Virginia Gun Violence Intervention and Prevention Fund; created, moneys accruing to Fund, etc. (Patron—Favola)	SB	248	818	1302
Virginia sexual assault forensic examiner coordination program; established, Coordinator of program shall coordinate development and enhancement of programs across the Commonwealth, etc., report, effective clause. (Patron—Mullin)	HB	475	274	424
Virginia sexual assault forensic examiner coordination program; established, Coordinator shall coordinate development and enhancement of programs, secondary trauma to survivors of sexual assault, report. (Patron—Deeds)	SB	373	276	427
Workers' compensation; compulsory training standards for basic training of law-enforcement officers, definitions, post-traumatic stress disorder incurred by a law-enforcement officer or firefighter is compensable under the Virginia Workers' Compensation Act, etc. (Patron—Heretick)	HB	438	1206	2621
Workers' compensation; compulsory training standards for basic training of law-enforcement officers, etc., definitions, post-traumatic stress disorder incurred by a law-enforcement officer or firefighter is compensable under the Virginia Workers' Compensation Act, etc. (Patron—Vogel)	SB	561	1262	3013
Youth and Gang Violence Prevention Grant Fund and Program; created and established. (Patron—Price)	HB	422	392	591

COMMUNITY COLLEGES

Higher educational institutions, public; annual reporting of percentage of expenditures for faculty compensation, program costs, etc., shall not apply to the Virginia Community College System. (Patron—Miyares)	HB	1223	511	775
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COMMUNITY LIVING ALTERNATIVES

Community Living Alternatives; commending. (Patron—Tran)	HJR	485		4499
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COMPACTS

Psychologists; licensure, permitted to practice in Psychology Interjurisdictional Compact. (Patron—Deeds)	SB	760	1162	2365
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COMPUTER SERVICES AND USES

Computer crimes; person using computer to commit a scheme involving false representation intended to cause another person to spend money, etc., penalty. (Patron—Chafin)	SB	1003	1178	2451
Computer trespass; expands the crime, penalty. (Patron—Bell)	SB	378	821	1303
Emergency Services and Disaster Law; definition of disaster, incidents involving cyber systems. (Patron—Hayes)	HB	1082	483	741
Insurance data security; required programs and notifications, cybersecurity event in a system, repeals provisions relating to information security program, and an effective date. (Patron—Keam)	HB	1334	264	399
Local and constitutional offices; candidates to file campaign finance reports by computer or electronic means, effective date. (Patron—Suetterlein)	SB	57	769	1213
Political campaign advertisements; applicability of disclosure requirements to advertisements placed or promoted for a fee on an online platform, identification and certification by online political advertisers. (Patron—Simon)	HB	849	551	848
Ransomware attack preparedness; Virginia Information Technologies Agency (VITA) to study. (Patron—Reid)	HJR	64		4299

CONCEALED WEAPONS

Alcoholic beverage control; interdiction of intoxicated driver, disqualification for a concealed handgun permit. (Patron—Carroll Foy)	HB	923	150	225
Concealed handgun permits; demonstration of competence, effective date. Patron—Lopez	HB	264	390	589
Patron—Bell	SB	263	1130	2260
Concealed weapons; replaces "slingshot" with "sling bow" in the list of weapons a person is prohibited from carrying concealed. (Patron—Adams, D.M.)	HB	1076	142	215

CONDEMNATION

Eminent domain; eliminates specific provisions for assessment of costs in certain proceedings, provisions shall not apply to certain condemnation proceedings. (Patron—Petersen)	SB	28	1244	2873
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CONDOMINIUMS

Common interest communities; termination of condominium, agreements, respective interests of unit owners. (Patron—Simon)	HB	1548	817	1299
Property Owners' Association Act and Virginia Condominium Act; definitions, contract disclosure statement, purchaser may cancel contract within three days, or up to seven days if extended by the ratified real estate contract. Patron—Simon	HB	176	121	184
Patron—Mason	SB	672	605	928

CONE PARADE

Cone Parade; commemorating its 12th anniversary. (Patron—Adams, D.M.)	HR	55		4545
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CONFLICT OF INTERESTS

Conflict of Interests Act, State and Local Government; disclosure by executive directors and members of industrial development authorities and economic development authorities, penalty. Patron—Webert	HB	1528	77	105
Patron—Obenshain	SB	703	81	114
Conflict of Interests Act, State and Local Government; disclosure by members of Northern Virginia Transportation Authority and Northern Virginia Transportation Commission. (Patron—Keam)	HB	1337	73	102
Conflict of Interests Act, State and Local Government, and Virginia Freedom of Information Act; training requirements, executive directors and members of industrial development authorities and economic development authorities. Patron—Webert	HB	1527	76	105
Patron—Obenshain	SB	701	80	113
Land bank entities; replaces an existing conflict of interests standard for members of board and employees of an entity with a reference to the State and Local Government Conflict of Interests Act. (Patron—Leftwich)	HB	1369	148	225

BILL OR CHAP. PAGE
RES. NO. NO. NO.

CONFLICT OF INTERESTS - Continued

Virginia Conflict of Interest and Ethics Advisory Council; powers and duties, guidance, redaction of email addresses. (Patron—Herring) HB 1011 111 171

CONGRESS OF UNITED STATES

United States Constitution; ratifies and affirms Equal Rights Amendment that was proposed by Congress in 1972.

Patron—Carroll Foy HJR 1 4283

Patron—McClellan SJR 1 4627

CONGRESSIONAL DISTRICTS

Congressional and state legislative districts; standards and criteria by which districts are to be drawn, population data, redistricting, Department and Board of Corrections to provide prison population data to Division of Legislative Services.

Patron—Price HB 1255 1229 2755

Patron—McClellan SB 717 1265 3027

Congressional and state legislative districts; written descriptions of boundaries not required. (Patron—Lindsey) HB 105 862 1521

County and city precincts; required to be wholly contained within election districts, establishing precinct boundaries to be consistent with any congressional district, Senate district, House of Delegates district, etc., waiver for administration of split precinct. (Patron—Obenshain) SB 740 1268 3041

CONSERVATION

Campaign Finance Disclosure Act of 2006; applicability to nominations and elections for directors of soil and water conservation districts, exemption from reporting requirements includes directors. (Patron—Suetterlein) SB 979 772 1214

Carbon market participation; submerged aquatic vegetation. (Patron—Lewis) SB 783 810 1278

Clean Energy and Community Flood Preparedness Act; definitions, all loans and grants shall be deemed to promote public purposes of enhancing flood prevention or protection and coastal resilience, Virginia Resources Authority is authorized at any time to pledge, etc., from the Fund any or all assets to be held in trust as security for payment of principal, etc., on any and all bonds, energy conversion or energy tolling agreements, report.

Patron—Herring HB 981 1219 2685

Patron—Lewis SB 1027 1280 3148

Clinch River; designating approximately 66.8-mile segment in Tazewell and Russell Counties as part of the Clinch State Scenic River.

Patron—Morefield HB 5 306 475

Patron—Chafin SB 478 629 954

Coal ash ponds; definitions, "coal ash pond" means any natural topographic depression, man-made excavation, or diked area that is located in the Chesapeake Bay watershed at certain stations in Fluvanna, Chesterfield, or Prince William Counties, identifying all private wells and public water supply wells within 1.5 miles of any pond boundary. (Patron—Ayala) HB 1641 625 952

Coal ash ponds; definitions, well monitoring program, private well and public water supply well testing near ponds. (Patron—Ayala) HB 1642 845 1368

Coal combustion residuals impoundment; definitions, closures in Giles and Russell Counties, costs associated with closure by removal of a unit shall be recoverable through a rate adjustment clause. (Patron—Carroll Foy) HB 443 563 874

Environmental Quality, Department of; definition of environmental justice. (Patron—Lopez) HB 1162 454 685

Environmental Quality, Department of; localities affected by a regulation, publication of notice, public participation and comment. (Patron—McClellan) SB 1075 1110 2132

Environmental Quality, Department of; policy statement. (Patron—Lopez) HB 1164 492 749

Expanded polystyrene food service containers; definitions, prohibition on dispensing, civil penalty, provisions shall not become effective unless reenacted by 2021 Regular Session. (Patron—Carr) HB 533 1104 2112

Field investigations permit; definitions, archaeologist qualifications, penalty. (Patron—Mullin) HB 668 1106 2116

Grays Creek; designates a six-mile portion in Surry County as a component of Virginia Scenic Rivers System.

Patron—Brewer HB 1612 322 493

Patron—Norment SB 1090 457 692

BILL OR CHAP. PAGE
RES. NO. NO. NO.

CONSERVATION - Continued

Hazardous Waste Site Inventory; Department of Environmental Quality shall publish and update annually the Inventory comprising a current listing of sites permitted by, etc., at which disposal has occurred. (Patron—Lopez)	HB	1136	491	748
Historical African American cemeteries; adds Mt. Zion Old School Baptist Church Cemetery in Loudoun County to the list. (Patron—Gooditis)	HB	314	83	117
Historical African American cemeteries; adds two cemeteries in Montgomery County and one cemetery in City of Radford to the list. (Patron—Hurst)	HB	210	82	116
Historical African American Cemeteries and Graves Fund; created, maintaining qualifying cemeteries and graves, disbursement of funds. Patron—McQuinn	HB	1523	455	686
Patron—Locke	SB	881	456	689
James River; adds a 20-mile portion located in Albemarle, Buckingham, and Fluvanna Counties as a component of the Virginia Scenic Rivers System. (Patron—Fariss) . . .	HB	1598	319	492
Mauzy River; designating from its origination at the confluence of Calfpasture and Little Calfpasture Rivers a 19.25-mile segment as a component of the Virginia Scenic Rivers System. Patron—Campbell, R.R.	HB	282	403	609
Patron—Deeds	SB	288	404	609
Open-Space Lands Preservation Trust Fund; acquisition of interests in property. (Patron—Plum)	HB	1622	567	878
Open-space preservation; increases fee charged for every writing, document, and instrument admitted to record. (Patron—Plum)	HB	1623	623	951
Pound River; designating a 17-mile segment in Wise and Dickenson Counties as a component of the Virginia Scenic Rivers System. (Patron—Wampler)	HB	1145	316	488
Real estate tax; exemption for property in redevelopment or conservation areas or rehabilitation districts. Patron—Carr	HB	537	246	369
Patron—McClellan	SB	727	66	85
Solid waste disposal; unpermitted sites and open dumps, regulation and cleanup. (Patron—Gooditis)	HB	1352	621	943
State Trails Advisory Committee; extends sunset provision, repeals existing sunset date. (Patron—Plum)	HB	886	314	486
Staunton River; designating the 11.5-mile segment between the U.S. Route 360 bridge and the Staunton River State Park boat landing as a component of the Virginia Scenic Rivers System. (Patron—Edmunds)	HB	1601	320	492
Virginia Clean Economy Act; electric utility regulation, definitions, energy efficiency programs and pilot programs, ending carbon dioxide emissions, renewable portfolio standards for electric utilities and suppliers, etc., reports, repeals provisions relating to pilot program for energy assistance and weatherization, etc. Patron—Sullivan	HB	1526	1193	2498
Patron—McClellan	SB	851	1194	2527
Virginia Community Flood Preparedness Fund; definitions, permanent and perpetual fund, loan and grant program. Patron—Lindsey	HB	22	1199	2605
Patron—Lewis	SB	320	1254	2961
Voluntary forest mitigation; Secretary of Natural Resources, et al., may enter into an agreement with owner or operator of construction projects to accomplish. (Patron—Mason)	SB	674	959	1821
Wildlife Corridor Action Plan; created. Patron—Bulova	HB	1695	323	494
Patron—Marsden	SB	1004	672	1008

CONSTITUTIONAL AMENDMENTS

Constitutional amendment; personal property tax exemption for one motor vehicle owned and used primarily by or for a disabled veteran, "motor vehicle" shall include only automobiles and pickup trucks, exception (second reference), Chapters 822 and 823, 2019 Acts (first reference). (Patron—Helmer)	HJR	103	1195	2556
Constitutional amendment; personal property tax exemption for one motor vehicle owned and used primarily by or for a disabled veteran, "motor vehicle" shall include only automobiles and pickup trucks, exception (submitting to qualified voter). (Patron—Helmer)	HB	1268	540	824

	BILL OR CHAP. RES. NO.	PAGE NO.	PAGE NO.
CONSTITUTIONAL AMENDMENTS - Continued			
Constitutional amendment; Virginia Redistricting Commission, apportionment, responsibility of drawing districts (submitting to qualified voters). (Patron—Barker)	SB 236	1071	2042
Constitutional amendment; Virginia Redistricting Commission, apportionment (submitting to qualified voters). (Patron—VanValkenburg)	HB 784	1070	2040
Constitutional amendment; Virginia Redistricting Commission established, apportionment (second reference), Chapters 821 and 824, 2019 Acts (first reference). (Patron—Barker)	SJR 18	1196	2557
CONSUMER PROTECTION			
Virginia Consumer Protection Act; assignment of right to receive veterans' benefits. (Patron—Miyares)	HB 135	438	656
CONTRACEPTIVES			
Birth control; definition. (Patron—Watts)	HB 552	420	625
CONTRACTORS AND SUBCONTRACTORS			
Child support; withholding from income of an independent contractor. (Patron—Surovell)	SB 429	722	1069
Contractors, Board for; misclassification of worker prohibited. (Patron—Krizek)	HB 1646	685	1024
Fair Employment Contracting Act; if contractor employs more than five employees, the contractor shall provide annual training on sexual harassment policy to all supervisors, etc. (Patron—Tran)	HB 1228	859	1399
Misclassification of employees as independent contractors; Department of Taxation to investigate and enforce, civil penalties, upon an employer's subsequent violations, all public bodies and covered institutions shall not award a contract to such employer, etc., for a period of up to two years from the date of notice for a third or subsequent offense, Department shall report annually to Governor and General Assembly, effective date. (Patron—Ward)	HB 1407	681	1016
Misclassification of employees as independent contractors; Department of Taxation to investigate and enforce, civil penalties, upon an employer's subsequent violations, all public bodies and covered institutions shall not award a contract to such employer, etc., for a period of up to three years from the date of notice for a third or subsequent offense, Department shall report annually, effective date. (Patron—McPike)	SB 744	682	1020
Nonpayment of wages; liability of contractor for wages of subcontractor's employees, any employer who knowingly fails to make payment of wages shall be subject to a civil penalty not to exceed \$1,000 for each violation. (Patron—Ebbin)	SB 838	1038	2000
Washington Metropolitan Area Transit Authority; repeals enactments adopted as part of the Authority related to bidders, offers, contractors, and subcontractors to projects located in the Commonwealth participating with labor organizations.			
Patron—Lopez	HB 1635	373	569
Patron—Surovell	SB 995	282	436
CONTRACTS			
Construction management contracts; use by local public bodies, procedures adopted by Secretary of Administration.			
Patron—Sickles	HB 890	162	233
Patron—Locke	SB 341	163	233
Contracts with design professionals; provisions relating to any contract relating to planning or design of construction projects by which any party purports to impose a duty to defend on any other party to the contract, is against public policy and is void and unenforceable. (Patron—Surovell)	SB 658	1015	1963
General Services, Department of; public posting of contract information on central electronic procurement system, modifications made by a using agency on or after July 1, 2021, to any other contract that has two or more years remaining shall be posted on Department's system.			
Patron—Carr	HB 544	47	59
Patron—Ruff	SB 563	179	265
Nonpayment of wages; liability of contractor for wages of subcontractor's employees, any employer who knowingly fails to make payment of wages shall be subject to a civil penalty not to exceed \$1,000 for each violation. (Patron—Ebbin)	SB 838	1038	2000
Public works contracts; definitions, authorization of project labor agreements, effective date.			
Patron—Lopez	HB 358	1203	2616
Patron—Saslaw	SB 182	1251	2957

BILL OR CHAP. PAGE
RES. NO. NO. NO.

CONTRACTS - Continued

Virginia Public Procurement Act; architectural and professional engineering term contracts, limitations on project fees. (Patron–Bell)	SB	368	618	940
Virginia Public Procurement Act; architectural and professional engineering term contracts, project fees. (Patron–Bell)	SB	487	852	1383
Virginia Public Procurement Act; determination of nonresponsibility, local option to include criteria in invitation to bid, such criteria may include a history or good faith assurances of completion by bidder, etc. Patron–Tran	HB	1201	1089	2080
Patron–McPike	SB	380	176	244
Virginia Public Procurement Act; increases to \$200,000 the small purchases exemption under the Act for single or term contracts for goods and services other than professional services, conducting informal solicitations. Patron–Murphy	HB	452	44	55
Patron–Boysko	SB	650	104	166
Virginia Public Procurement Act; payment of prevailing wage for work performed on public works contracts, provisions shall not apply to any public contract for public works of \$250,000 or less, penalty, effective date. Patron–Carroll Foy	HB	833	1216	2663
Patron–Saslaw	SB	8	1243	2871
Virginia Public Procurement Act; purchase programs for recycled goods, climate positive materials, "climate positive" means having a negative carbon footprint. (Patron–Wyatt)	HB	454	359	550
Virginia Public Procurement Act; statute of limitations on actions on construction contracts, performance bonds, and architectural and engineering contracts. Patron–Hurst	HB	1300	496	754
Patron–Norment	SB	607	497	756

CONTROLLED SUBSTANCES

Pharmacists; initiating of treatment with and dispensing and administering of controlled substances, counseling of patient, report. (Patron–Sickles)	HB	1506	731	1097
Schedule VI controlled substances, excluding the combination of misoprostol and methotrexate, and hypodermic syringes and needles; limited-use license. Patron–Helmer	HB	1654	609	932
Patron–McClellan	SB	1074	610	933

CORNERSTONES, INC.

Cornerstones, Inc.; commemorating its 50th anniversary. Patron–Plum	HJR	376		4445
Patron–Howell	SJR	210		4750

CORPORATIONS

Alcoholic beverage control; creates an annual mixed beverage performing arts facility license that may be granted to persons operating food concessions at any corporate and performing arts facility located in Fairfax County. Patron–Murphy	HB	598	15	18
Patron–Favola	SB	212	32	37
Income tax, state and corporate; deduction for commuter benefits provided by an employer, effective provision, report. (Patron–Barker)	SB	277	1033	1985
Securities Act; equity crowdfunding exemption, entity issuing security is formed, organized, or existing under laws of the Commonwealth, repeals sunset provision on existing measure that authorizes the State Corporation Commission to adopt an exemption for limited offerings of securities by small and startup companies, etc. Patron–Kilgore	HB	1339	331	513
Patron–Edwards	SB	542	279	429
Securities Act; exemption for certain nonissuer distributions. (Patron–O'Quinn)	HB	1457	256	385
Virginia Stock Corporation Act; filing requirements, plan of conversion, etc., repeals a provision that provides that a foreign corporation authorized to transact business in the Commonwealth that domesticates to a domestic corporation is deemed to have withdrawn its certificate of authority when the certificate of domestication becomes effective. (Patron–Keam)	HB	1149	1226	2700
Worker cooperatives; establishes as a category of cooperative associations. (Patron–Carter)	HB	55	673	1009

CORRECTIONAL ENTERPRISES

Correctional facilities, local; Board of Corrections shall conduct a review of standards and requirements governing, and application and use of isolated confinement in facilities, report. (Patron—Hope)	HB	1284	522	785
Correctional facilities, state; no child under the age of 18 shall be strip searched or subjected to a search of any body cavity under any circumstances, Department may not permanently ban any person from seeking entrance to facility on basis of person's refusal to consent to a strip search, etc. (Patron—Morrissey)	SB	1089	1181	2454
Correctional facilities, state; treatment of prisoners known to be pregnant or who are parents of minor children. (Patron—Kory)	HB	1648	526	789
Correctional facilities, state; visitation and search policies for visitors, no child under the age of 18 shall be strip searched or subjected to a search of any body cavity under any circumstances, person's refusal to consent to a strip search, etc. (Patron—Peake)	SB	1023	1170	2435
Inmates; review of deaths that occur in local correctional facilities, report. (Patron—Suetterlein)	SB	215	1287	3587
Juvenile correctional facilities; Board of Juvenile Justice, et al., to promulgate regulations governing housing of youth who are detained in a facility pursuant to a contract with the federal government. (Patron—Ebbin)	SB	20	599	924

CORRECTIONS, BOARD OF OR DEPARTMENT OF

Congressional and state legislative districts; standards and criteria by which districts are to be drawn, population data, redistricting, Department and Board of Corrections to provide prison population data to Division of Legislative Services. Patron—Price	HB	1255	1229	2755
Patron—McClellan	SB	717	1265	3027
Correctional facilities, local; Board of Corrections shall conduct a review of standards and requirements governing, and application and use of isolated confinement in facilities, report. (Patron—Hope)	HB	1284	522	785
Corrections, State Board of; renamed as State Board of Local and Regional Jails, powers and duties, local correctional facilities, appeals of Board determinations, repeals provisions relating to Board to establish regulations regarding human research, etc. (Patron—Deeds)	SB	622	759	1178
Corrections, Virginia Department of; a joint committee of House Committee on Health, Welfare and Institutions, House Committee on Public Safety, Senate Committee on the Judiciary, and Senate Committee on Rehabilitation and Social Services to be established to study staffing levels, employment conditions, and compensation. (Patron—Tyler)	HJR	29		4291
People with developmental disabilities; Department of Corrections shall create a workgroup to review guidelines and make recommendations. (Patron—Hope)	HB	659	395	594

COULTHARD, ANNE KENDRICK

Coulthard, Anne Kendrick; recording sorrow upon death. (Patron—O'Quinn)	HJR	209		4355
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COUNTIES, CITIES, AND TOWNS

Abandoned and stolen shopping carts; regulation by governing body of any locality, cost of removal of carts includes cost of disposal and shall be charged to the owner. (Patron—Surovell)	SB	631	1174	2446
Absentee voting; no excuse required, permanent absentee voter list, voter shall be removed from list if voter moves to a different address not in the same county or city of his registration, in the case of a special election, excluding for federal offices, if time is insufficient between issuance of the writ calling for special election and date of election, absentee voting in person shall be available as soon as possible after issuance of writ, effective date, repeals enactments referring to general elections on November 3, 2020. (Patron—VanValkenburg)	HB	207	1201	2607
Administrative assistants; an employee hired and paid by a county or city to assist with the administration of a circuit court judge's office shall serve at sole direction and supervision of such judge. (Patron—Campbell, J.L.)	HB	1725	1061	2015
Affordable housing; adds City of Charlottesville to list of localities with authority to provide. (Patron—Hudson)	HB	1105	486	744
Affordable housing; certain localities allowed to adopt dwelling unit ordinances, establishment of a local housing fund, jurisdiction-wide affordable housing dwelling unit rental prices, etc. Patron—Carr	HB	1101	143	216
Patron—McClellan	SB	834	833	1356

BILL OR CHAP. PAGE
RES. NO. NO. NO.

COUNTIES, CITIES, AND TOWNS - Continued

Alcoholic beverage control; definitions, license and fee reform, winery licenses shall authorize the licensee to sell wine retail at place of business in closed containers for off-premises consumption, etc., certain enactments effective on July 1, 2021, repeals various provisions relating to licenses granted by Board and applications for licenses and permits.

Patron—Knight	HB	390	1113	2147
Patron—McPike	SB	389	1114	2197

Alcoholic beverage control; local special events licensee shall be limited to 16 events per year, and duration of any event shall not exceed three consecutive days.

Patron—Webert	HB	949	16	21
Patron—Vogel	SB	689	34	40

Altavista, Town of; adds Town to localities that may develop criteria for providing discounted water and sewer fees and charges for low-income, elderly, or disabled customers. (Patron—Fariss)

HB	1585	149	225
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Annual local audit; enforcement mechanism, civil penalty. (Patron—Aird)

HB	760	699	1033
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Business licenses; certain localities allowed to waive requirements. (Patron—Kearney) ..

HB	466	242	357
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Cemeteries; acquisition of abandoned lots in cities and towns in the Counties of Scott and Wythe. (Patron—Edwards)

SB	445	669	1005
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Cemeteries; owners of any land, regardless of zoning classification, used for interment of human remains shall cut grass, weeds, etc., on such property, not applicable to land owned by an individual, family, or church. (Patron—McQuinn)

HB	1688	597	922
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Clean energy projects; authorizes Department of Mines, Minerals and Energy to sponsor a statewide financing program. (Patron—Guy)

HB	654	664	998
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Clinch River; designating approximately 66.8-mile segment in Tazewell and Russell Counties as part of the Clinch State Scenic River.

Patron—Morefield	HB	5	306	475
Patron—Chafin	SB	478	629	954

Comprehensive plan; each city with a population greater than 20,000 and each county with a population greater than 100,000 shall consider incorporating into next scheduled reviews of its plan to promote transit-oriented development. (Patron—Guzman)

HB	585	14	18
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Comprehensive plan; if plan amendment is initiated by locality for more than 25 parcels, governing body shall act within 150 days, etc.

Patron—Reid	HB	726	132	201
Patron—Bell	SB	746	760	1199

Comprehensive plan; solar facility shall be deemed in accord with plan if the locality waives requirement that facilities be reviewed for substantial accord with plan. (Patron—Heretick)

HB	657	665	999
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Conflict of Interests Act, State and Local Government; disclosure by executive directors and members of industrial development authorities and economic development authorities, penalty.

Patron—Webert	HB	1528	77	105
Patron—Obenshain	SB	703	81	114

Conflict of Interests Act, State and Local Government, and Virginia Freedom of Information Act; training requirements, executive directors and members of industrial development authorities and economic development authorities.

Patron—Webert	HB	1527	76	105
Patron—Obenshain	SB	701	80	113

Construction management contracts; use by local public bodies, procedures adopted by Secretary of Administration.

Patron—Sickles	HB	890	162	233
Patron—Locke	SB	341	163	233

County and city precincts; required to be wholly contained within election districts, establishing precinct boundaries to be consistent with any congressional district, Senate district, House of Delegates district, etc., waiver for administration of split precinct. (Patron—Obenshain)

SB	740	1268	3041
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County board of supervisors; specifies that the presiding officer shall be called "chairman," "chairwoman," "chairperson," etc., in the presiding officer's discretion. (Patron—Reid)

HB	738	133	201
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County manager plan; in a county operating under the county manager plan of government (Arlington County), elections to nominate candidates for and to elect

BILL OR CHAP. PAGE
RES. NO. NO. NO.

COUNTIES, CITIES, AND TOWNS - Continued

candidates to the board of supervisors may be conducted by instant runoff voting, definitions, costs shall be charged to locality. (Patron—Hope) HB 506 713 1056

Courthouse; relocation or expansion to property within 1,000 feet of the parcel upon which the courthouse is located shall not trigger a referendum requirement. (Patron—Webert) HB 938 139 214

Courthouse and courtroom security; increases from \$10 to \$20 maximum amount a local governing body may assess against a convicted defendant as part of costs in a criminal or traffic case in district or circuit court to fund. (Patron—Howell) SB 149 602 925

Criminal Injuries Compensation Fund; victims of sexual assault, coordination of multidisciplinary responses, sexual assault response team annual meetings, report.
Patron—Delaney HB 806 1072 2044
Patron—Lucas SB 949 1073 2045

Delinquent real property taxes; transfers from local clerk of court to local treasurer the duties of maintaining records of taxes and sales of such property and of correcting records relating to such property. (Patron—Heretick) HB 1581 644 974

Derelict residential buildings; certain localities allowed to impose a civil penalty not exceeding \$500 per month on owners of such property, total civil penalty imposed shall not exceed cost to demolish derelict building. (Patron—Samirah) HB 150 9 13

Discrimination; prohibited in employment, public accommodation, public contracting, etc., on the basis of sexual orientation or gender identity. (Patron—Levine) HB 1049 1137 2273

Discrimination; prohibited in public accommodations, employment, credit, and housing, causes of action, civil actions by private parties, sexual orientation, gender identity, status as a veteran, disability, etc., repeals provision relating to causes of action not created. (Patron—Ebbin) SB 868 1140 2309

Disposable plastic bags; any locality may impose a tax of five cents per bag on bags provided to consumers by retailers in grocery stores, convenience stores, or drugstores, revenue from tax imposed shall be appropriated for purposes of environmental cleanup, providing education programs designed to reduce environmental waste, etc., retailer discount, exemptions.
Patron—Carr HB 534 1022 1972
Patron—Ebbin SB 11 1023 1973

Elections, State Board of; activities related to the supervision of local electoral boards and general registrars. (Patron—Carr) HB 539 291 452

Electoral boards, local; office vacated if board member ceases to be qualified voter of county or city.
Patron—Wilt HB 1285 295 457
Patron—Obenshain SB 737 370 567

Electoral boards, local; terms to begin January 1. (Patron—Sickles) HB 237 287 442

Emergency services and disaster law; except where a mutual aid arrangement for reciprocal assistance exists between localities, no locality shall prohibit another locality from providing emergency medical services across local boundaries solely on basis of financial considerations. (Patron—Peake) SB 1008 1021 1971

Employees of local governments; employees of county, city, or town or school board authorized to engage in collective bargaining, local ordinances, effective date.
Patron—Guzman HB 582 1209 2627
Patron—Saslaw SB 939 1276 3140

Environmental Quality, Department of; localities affected by a regulation, publication of notice, public participation and comment. (Patron—McClellan) SB 1075 1110 2132

Family day homes, licensed, etc.; storage of unloaded firearms in a locked container, cabinet, etc.
Patron—Hope HB 600 910 1645
Patron—Hanger SB 593 911 1646

Firearms, ammunition, or components or combination thereof; a locality may adopt an ordinance that prohibits the possession, carrying, etc., in any building owned or used by such locality, in any public park owned or operated by the locality, etc., notice of ordinance shall be posted at all entrances, exceptions, various provisions limiting such authority are repealed.
Patron—Price HB 421 1205 2619
Patron—Surovell SB 35 1247 2909

Flood plain; adoption of ordinances by localities to regulate activity on, use of, or development of a plain. (Patron—Hayes) HB 998 166 237

BILL OR CHAP. PAGE
RES. NO. NO. NO.

COUNTIES, CITIES, AND TOWNS - Continued

Fornication ; repeals the crime, i.e., voluntary sexual intercourse by an unmarried person. (Patron—Levine)	HB	245	122	186
Front Royal, Town of ; Town may create its own industrial development authorities, such authority may also include Warren County in its economic development projects. (Patron—Collins)	HB	1572	1001	1925
Furloughs from local work release programs ; if extends limits of confinement of offender to a locality not served by regional jail, then notice of furlough shall be provided to sheriff of such locality. (Patron—Bell)	HB	369	4	11
Gloucester County ; authorized to impose additional sales and use tax, appropriations to incorporated towns for educational purposes. (Patron—Norment)	SB	224	865	1523
GO Virginia grants ; allows a locality to use funds awarded from the Tobacco Region Revitalization Commission as matching funds, sunset provision. (Patron—Wampler)	HB	1597	525	788
Grass, weeds, etc. ; authorizes any locality in Planning District 6 (Central Shenandoah), to enforce on residential land of one acre or less in an area zoned for agricultural use an ordinance requiring owners of property to cut. (Patron—Campbell, R.R.)	HB	875	136	206
Hampton, City of ; grants City authority to impose a condition upon any special exception or use permit relating to retail alcoholic beverage control licensees. Patron—Mugler	HB	731	442	662
Patron—Mason	SB	676	443	665
Hampton Roads Regional Arena Authority ; definitions, created, membership of Authority, repeals existing provisions related to Hampton Roads Sports Facility Authority. Patron—Miyares	HB	1102	538	815
Patron—Lewis	SB	787	539	820
Hearing notice by localities ; a locality located in Planning District 23 (Hampton Roads) submits a timely notice related to a planning or zoning matter to a newspaper of general circulation, to be published in next available edition, etc., sunset provision. Patron—Knight	HB	166	22	27
Patron—DeSteph	SB	869	761	1200
Historical African American cemeteries ; adds Mt. Zion Old School Baptist Church Cemetery in Loudoun County to the list. (Patron—Gooditis)	HB	314	83	117
Historical African American cemeteries ; adds two cemeteries in Montgomery County and one cemetery in City of Radford to the list. (Patron—Hurst)	HB	210	82	116
Immunity of persons at public hearing ; attorney fees and costs. (Patron—Hashmi)	SB	401	824	1307
Insurance ; localities allowed to extend certain benefits to retired employees of political subdivisions. Patron—Leftwich	HB	1385	424	634
Patron—Lucas	SB	349	425	635
Land bank entities ; planning district commissions. (Patron—Hodges)	HB	1267	147	224
Land bank entities ; replaces an existing conflict of interests standard for members of board and employees of an entity with a reference to the State and Local Government Conflict of Interests Act. (Patron—Leftwich)	HB	1369	148	225
Landowners ; sale of certain property by locality, tax delinquent property. (Patron—Orrock)	HB	1655	346	532
Law-enforcement agencies, local ; localities required to adopt and establish a written policy for the operation of a body-worn camera system. (Patron—Levine)	HB	246	123	190
Local governing body meetings ; public comment during a regular meeting at least quarterly. (Patron—Suetterlein)	SB	977	1144	2327
Local government meetings ; by resolution adopted at a regular meeting, any political subdivision, etc., may fix the day or days to which a regular meeting shall be continued if the chairman or vice-chairman, is unable to act, finds and declares that weather or other conditions are such that it is hazardous for members to attend the regular meeting. (Patron—Locke)	SB	941	1143	2326
Local government revenues and expenditures ; comparative report, filing date. (Patron—Subramanyam)	HB	406	17	24
Local human rights ordinances ; localities may prohibit discrimination in housing, employment, public accommodations, credit, and education on the basis of sexual orientation and gender identity. (Patron—Roem)	HB	696	131	200

COUNTIES, CITIES, AND TOWNS - Continued

Local tax; amount of exemption for solar energy equipment, clarifies the meaning of "application has been filed with the locality," localities that assess a revenue share.				
Patron—Jones	HB	1434	1028	1976
Patron—Barker	SB	763	1029	1977
Meals tax and county food and beverage tax; exemption for farmers market and roadside stand sales up to \$2,500. (Patron—Bell)	HB	342	241	355
Mecklenburg County; authorized to impose additional sales and use tax, definition of "qualified locality" means Halifax County or Mecklenburg County, appropriations to incorporated towns for educational purposes.				
Patron—Wright	HB	200	427	636
Patron—Ruff	SB	943	428	642
Micro-business; enhancement of participation in local procurement. (Patron—Lindsey)	HB	558	1123	2256
Minority language accessibility; voting and election materials, a covered locality may distribute such materials in the preferred language identified by the voter, effective date. (Patron—Tran)	HB	1210	719	1063
Motorized skateboards or scooters, etc.; extends to October 1, 2020, prohibition on offering for hire in any locality that has not enacted any licensing ordinance, etc. (Patron—Keam)	HB	465	478	731
Northampton County; authorized to impose additional sales and use tax, appropriations to incorporated towns for educational purposes, definition of "qualifying locality." (Patron—Lewis)	SB	1028	708	1049
Numbering on buildings; locality, by ordinance, may include provisions for a civil penalty for a violation that has not been corrected within 15 days of notice of such violation. (Patron—Cole, M.L.)	HB	106	8	13
Overgrown vegetation; any locality within Planning District 23 (Hampton Roads) may, by ordinance, include provisions for cutting overgrown shrubs, trees, etc. (Patron—Ward)	HB	549	13	17
Overgrown vegetation; any locality within Planning District 23 (Hampton Roads) may include provisions for cutting overgrown shrubs, trees, etc. (Patron—Locke)	SB	340	399	596
Passenger buses; repeals provisions whereby the Commissioner of Highways and the Commonwealth Transportation Board can permit certain counties to operate buses wider than 96 inches but no wider than 102 inches. (Patron—McDougle)	SB	525	707	1049
Primary and secondary highways; compensation of counties for certain construction and improvement of highways. (Patron—McQuinn)	HB	1518	784	1224
Property taxes; generating equipment that is reported to Commission by electric suppliers utilizing wind turbines for which an initial interconnection request form has been filed with an electric utility or a regional transmission organization on or before July 1, 2020, may be taxed by the locality. (Patron—Austin)	HB	1327	508	773
Public employment; limitations on inquiries by state agencies and localities regarding criminal arrests, charges, or convictions on employment applications, exceptions. (Patron—Aird)	HB	757	422	628
Ranked choice voting; elections for local governing bodies, local option pilot program. (Patron—Hudson)	HB	1103	1054	2012
Refunds of local taxes; increases maximum amount at which governing body of a locality may authorize its treasurer to approve and issue a refund up to \$5,000. (Patron—Gooditis)	HB	316	240	354
Relocated billboard signs; maintenance and repair, owner of sign shall apply for a building permit from locality in which sign is located. (Patron—Marsden)	SB	968	983	1878
Removal of dangerous roadside vegetation; any locality may, by ordinance, provide that the owner of any property adjacent to the right-of-way of any street, etc., or any public right-of-way to remove any and all trees, etc., that might dangerously obstruct the line of sight of a driver, etc.				
Patron—Cole, J.G.	HB	284	962	1823
Patron—Stuart	SB	225	963	1823
Rural lands; Department of Environmental Quality shall convene work group to discuss issue of disposal of construction fill and debris on lands, report. (Patron—Guzman)	HB	1639	624	951
Solar energy facilities; definitions, siting agreement with host locality, powers of host localities, land use approval. (Patron—Hodges)	HB	1675	802	1268

BILL OR CHAP. PAGE
RES. NO. NO. NO.

COUNTIES, CITIES, AND TOWNS - Continued

Solar energy projects; authorizes a locality to include in its zoning ordinance provisions to incorporate generally accepted national environmental protection and product safety standards for the use of solar panels and battery technologies.

Patron—Heretick	HB	656	312	478
Patron—Marsden	SB	875	402	606

Solar energy projects; revenue share assessment, exemption for certain solar photovoltaic projects shall not apply to any such project unless an application has been filed with locality for project before July 1, 2020, etc.

Patron—Jones	HB	1131	1224	2695
Patron—Barker	SB	762	1270	3049

Solar photovoltaic projects; any locality may grant a special exception and include in its zoning ordinance reasonable regulations and provisions, etc.

Patron—Heretick	HB	655	385	582
Patron—Marsden	SB	870	414	621

Solid waste; allows Russell County to levy fees by ordinance, and after a public hearing, for the disposal at a county collection or disposal facility.

Patron—Wampler	HB	1186	1117	2251
Patron—Chafin	SB	329	1118	2251

Subdivision plats; certain approved final plats shall remain valid indefinitely, etc. (Patron—Coyner)

Patron—Coyner	HB	929	138	213
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Summonses; authority of local government employees to issue for misdemeanor violations of certain local ordinances. (Patron—Heretick)

Patron—Heretick	HB	1213	144	220
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Tax authority of localities; counties authority to levy taxes, admissions tax, transient occupancy tax, cigarette tax, etc., repeals certain admissions tax provisions.

Patron—Watts	HB	785	1214	2631
Patron—Hanger	SB	588	1263	3018

Town taxes; authorizes the board of supervisors of any county that has adopted the urban county executive form of government to enter into agreements with towns for collection and enforcement of real or personal property taxes.

Patron—Samirah	HB	1534	504	770
Patron—Boysko	SB	649	505	771

Transient occupancy tax; removes July 1, 2021, sunset date from Arlington County's authority to impose a tax at a rate not to exceed 0.25 percent, etc.

Patron—Hope	HB	62	238	353
Patron—Howell	SB	107	61	79

Unmanned aircraft; political subdivision may, by ordinance or regulation, regulate take-off and landing of an aircraft on property owned by the political subdivision. (Patron—Bulova)

Patron—Bulova	HB	742	345	531
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Urban county executive form of government; Fairfax County to designate an additional seat on the board of social services. (Patron—Bulova)

Patron—Bulova	HB	515	12	17
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Vacant building registration; adds the Town of Timberville to list of localities with authority to require the owner of buildings that have been vacant for a continuous period of 12 months or more to register such buildings on an annual basis. (Patron—Wilt)

Patron—Wilt	HB	1232	145	220
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Virginia Beach Sports or Entertainment Project; extends expiration date of tax incentive, definitions, modify financing structure. (Patron—Knight)

Patron—Knight	HB	120	467	716
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Virginia Community Policing Act; data collection and reporting requirement, Database established. (Patron—Torian)

Patron—Torian	HB	1250	1165	2399
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Virginia Wireless Service Authority Act; appointments to board.

Patron—Austin	HB	1376	266	418
Patron—Edwards	SB	953	835	1360

Volunteer or nonprofit organizations, certain; donation by locality of in-kind resources.

Patron—Bell	HB	343	439	658
Patron—Reeves	SB	465	440	659

War memorials for veterans; locality may remove, relocate, contextualize, or cover any such monument or memorial on the locality's public property, not including a monument or memorial located in a publicly owned cemetery, local government shall publish notice of such intent in a newspaper having general circulation in the locality, etc., regardless of when erected, action for damage to memorials, provisions shall not apply to a monument or memorial located on the property of a higher educational

BILL OR CHAP. PAGE
RES. NO. NO. NO.

COUNTIES, CITIES, AND TOWNS - Continued

institution within the City of Lexington, repeals an Act ratified and confirmed city council of Alexandria allowing a monument to be erected for the Confederate deceased soldiers at a particular intersection in the City of Alexandria.

Patron—McQuinn HB 1537 1101 2109

Patron—Locke SB 183 1100 2108

Water, sewerage, and drainage facilities; standards for installation by developer, policies for reimbursement. (Patron—Cosgrove) SB 360 820 1302

Waterfowl blinds; Department of Game and Inland Fisheries shall not license any stationary blind in any area of Hunting Creek, Little Hunting Creek, or Dogue Creek in which a local governing body prohibits by ordinance the hunting of birds with a firearm.

Patron—Krizek HB 173 307 476

Patron—Surovell SB 435 308 477

Zoning; development approvals. (Patron—Boysko) SB 647 894 1585

Zoning; wireless communications infrastructure, locality may also disapprove an application if applicant has not given written notice to adjacent landowners at least 15 days before it applies to locate a new structure in the area. (Patron—VanValkenburg)

HB 554 344 530

Zoning administrators; notice of decisions and determinations. (Patron—Hanger) SB 589 893 1582

Zoning appeals, board of; dual office holding.

Patron—Bell HB 370 11 16

Patron—Deeds SB 292 1006 1932

Zoning appeals, board of; once the writ of certiorari is served in response to a petition from a party aggrieved by a board decision, the board shall have 21 days or as ordered by the court to respond. (Patron—Knight) HB 505 86 121

COURT OF APPEALS OF VIRGINIA

Court of Appeals; use of moot courtroom of accredited law schools.

Patron—Miyares HB 63 67 86

Patron—DeSteph SB 1002 197 284

Court of Appeals of Virginia; Judicial Council of Virginia to study jurisdiction and organization. (Patron—Surovell) SJR 47 4662

COURTHOUSES AND COURTROOMS

Courthouse; relocation or expansion to property within 1,000 feet of the parcel upon which the courthouse is located shall not trigger a referendum requirement. (Patron—Webert) HB 938 139 214

Courthouse and courtroom security; increases from \$10 to \$20 maximum amount a local governing body may assess against a convicted defendant as part of costs in a criminal or traffic case in district or circuit court to fund. (Patron—Howell) SB 149 602 925

COURTS NOT OF RECORD

Abortion; expands who can perform in first trimester, informed consent required.

Patron—Herring HB 980 898 1589

Patron—McClellan SB 733 899 1594

Adults sentenced for juvenile offenses; good conduct credit.

Patron—Collins HB 61 18 24

Patron—Stanley SB 307 532 809

Appeals of right in general district court; appeals of final orders or judgments entered in the same action or related action, party noting or noting and perfecting such appeal shall notify sheriff of such appeal.

Patron—Simon HB 792 1048 2010

Patron—Edwards SB 545 1049 2011

Child support; withholding from income of an independent contractor. (Patron—Surovell) SB 429 722 1069

Clinical social workers; patient records, involuntary detention orders. (Patron—Deeds) SB 1046 945 1722

Custodial interrogation of a child; parental notification and contact, may be in person, electronically, by telephone, or by video conference. (Patron—Watts) HB 746 480 732

District courts; protective orders, civil cases appealed, notice of docketing. (Patron—Hashmi) SB 408 905 1635

Fort Monroe Authority; civil actions in general district court.

Patron—Mugler HB 1561 84 119

Patron—Locke SB 956 194 282

BILL OR CHAP. PAGE
RES. NO. NO. NO.

COURTS NOT OF RECORD - Continued

Foster care; termination of parental rights, independent living needs assessments, supervisory spans of control. (Patron-Reeves)	SB	472	934	1704
Fostering Futures program; established, voluntary continuing services and support agreement, Department of Social Services shall analyze feasibility of and opportunities for allowing local departments of social services to use video conferencing for monthly visits with participants in the program. Patron—Keam	HB	400	95	139
Patron—Favola	SB	156	732	1100
Guardian ad litem for children; certification of compliance with certain standards. (Patron-Collins)	HB	137	21	26
Inquiry and report of immigration status; persons charged with or convicted of certain crimes, citizenship of person taken into custody. Patron-Lopez	HB	1150	995	1913
Patron-Surovell	SB	491	996	1915
Involuntary admission order; local law enforcement shall take custody of the minor or person and provide transportation to the proper facility, when transportation provider becomes unable to continue, magistrate may change the transportation provider specified in a temporary detention order. Patron-Bell	HB	1118	879	1542
Patron-Hanger	SB	603	880	1546
Judge; nomination for election to general district court. Patron-Lindsey	HR	215		4626
Patron-Edwards	SR	80		4833
Judges; election in circuit court, general district court, and juvenile and domestic relations district court. (Patron-Lindsey)	HJR	388		4453
Judges; election in circuit court, general district court, juvenile and domestic relations district court, members of the Judicial and Inquiry Review Commission, and a member of the State Corporation Commission. (Patron-Lindsey)	HJR	509		4511
Judges; election in Supreme Court of Virginia, circuit court, general district court, juvenile and domestic relations district court, and a member of the Virginia Workers' Compensation Commission. (Patron-Lindsey)	HJR	161		4330
Judges; increases from 11 to 12 the maximum number of authorized general district court judgeships in the nineteenth judicial district. Patron-Sullivan	HB	275	343	529
Patron-Petersen	SB	209	586	897
Judges; nominations for election to general district court. Patron-Lindsey	HR	31		4533
Patron-Lindsey	HR	138		4589
Patron-Edwards	SR	12		4801
Patron-Edwards	SR	51		4821
Judges; nominations for election to juvenile and domestic relations district court. Patron-Lindsey	HR	32		4534
Patron-Lindsey	HR	139		4589
Patron-Lindsey	HR	216		4626
Patron-Edwards	SR	13		4802
Patron-Edwards	SR	52		4821
Patron-Edwards	SR	81		4833
Judges, substitute; powers and duties, power to enter a final order in any case heard for a period of 14 days after date of a hearing of such case. (Patron-Collins)	HB	60	118	181
Juvenile; sentencing when tried as an adult, if juvenile is convicted of any felony, court may in its discretion depart from any mandatory minimum sentence required by law, etc. (Patron-Watts)	HB	744	396	594
Juvenile and domestic relations district court; award of attorney fees and costs. (Patron-Surovell)	SB	451	185	272
Juvenile and domestic relations district court; intake procedures. (Patron-Carroll Foy)	HB	1324	753	1165
Juveniles; confinement for violation of court order. (Patron-Jones)	HB	1437	593	920
Juveniles; minimum age at which a juvenile can be tried as an adult in circuit court for a felony, preliminary hearings, time limitations. Patron-Guzman	HB	477	987	1888
Patron-Edwards	SB	546	988	1893

BILL OR CHAP. PAGE
RES. NO. NO. NO.

COURTS NOT OF RECORD - Continued

Marijuana; definitions, possession and consumption, procedure for appeal and trial of certain violations shall be the same as provided by law for misdemeanors, civil penalties, report.

Patron—Herring HB 972 1285 3534
Patron—Ebbin SB 2 1286 3561

Pendente lite spousal support; guidelines. (Patron—Collins) HB 1500 651 981

Post-adoption contact and communication agreements; involuntary termination of parental rights. (Patron—Reid) HB 721 98 154

Protective order; violation of provisions, venue. (Patron—Watts) HB 1181 487 744

Protective orders; motions to dissolve filed by petitioner, ex parte hearing shall be heard by the court as soon as practicable. (Patron—Simonds) HB 880 137 207

COURTS OF RECORD

Circuit court clerks; fees collected for recording and indexing, use of fee in preserving permanent records of the circuit courts.

Patron—Hope HB 306 69 90
Patron—Favola SB 938 653 983

Circuit court clerk's fee; lodging, etc., of wills.

Patron—Hope HB 305 68 87
Patron—Favola SB 940 589 902

Civil actions; determination of indigency. (Patron—Hashmi) SB 1032 654 985

Court of Appeals; use of moot courtroom of accredited law schools.

Patron—Miyares HB 63 67 86
Patron—DeSteph SB 1002 197 284

Criminal cases; deferred disposition, cases where defendant has been diagnosed with autism or an intellectual disability. (Patron—Stuart) SB 133 1004 1928

Judge; nomination for election to circuit court. (Patron—Lindsey) HR 214 4626

Judges; election in circuit court, general district court, and juvenile and domestic relations district court. (Patron—Lindsey) HJR 388 4453

Judges; election in circuit court, general district court, juvenile and domestic relations district court, members of the Judicial and Inquiry Review Commission, and a member of the State Corporation Commission. (Patron—Lindsey) HJR 509 4511

Judges; election in Supreme Court of Virginia, circuit court, general district court, juvenile and domestic relations district court, and a member of the Virginia Workers' Compensation Commission. (Patron—Lindsey) HJR 161 4330

Judges; nominations for election to circuit court.

Patron—Lindsey HR 30 4533
Patron—Lindsey HR 137 4588
Patron—Edwards SR 11 4801
Patron—Edwards SR 50 4820

Jurisdiction of civil claims; amending amount of claim, transfer of matter to general district court, etc. (Patron—Leftwich) HB 1359 903 1634

Juveniles; minimum age at which a juvenile can be tried as an adult in circuit court for a felony, preliminary hearings, time limitations.

Patron—Guzman HB 477 987 1888
Patron—Edwards SB 546 988 1893

Virginia State Police Electronic Summons System Fund; created. (Patron—Krizek) HB 172 342 528

Wills; indexed in the name of decedent and such executor as listed in such instrument, effective date if clerk of circuit court does not have an electronic program capable of indexing wills by name of testator and executor. (Patron—Obenshain) SB 700 1063 2015

CPL RYAN C. MCGHEE MEMORIAL BRIDGE

CPL Ryan C. McGhee Memorial Bridge; designating as the bridge on Guinea Station Road over Interstate 95 in Spotsylvania County. (Patron—Reeves) SB 1005 647 978

CRANE, KAY C.

Crane, Kay C.; commending. (Patron—Marshall) HJR 404 4459

CREDIT CARDS, CREDIT SERVICES, AND CREDIT UNIONS

Credit unions; board of directors and members of credit and supervisory committees compensation, annual compensation for an individual member does not exceed \$6,000.

Patron—Ward HB 813 262 398
Patron—Marsden SB 296 547 844

CREMATION AND CREMATORIIUMS

Cemeteries, special interments; allows the remains of cremated pets to be interred with human remains. (Patron—Dunnivant) SB 1070 537 815

CRIMES AND OFFENSES GENERALLY

Abortion; expands who can perform in first trimester, informed consent required.
Patron—Herring HB 980 898 1589
Patron—McClellan SB 733 899 1594

Aggravated sexual battery; penalty. (Patron—DeSteph) SB 42 1003 1927

Alcoholic beverage control; interdiction of intoxicated driver, disqualification for a concealed handgun permit. (Patron—Carroll Foy) HB 923 150 225

Behavioral Health Docket Act; establishes behavioral health courts as specialized criminal court dockets, dockets are specialized criminal court dockets within existing structure of Virginia's court system, reports. (Patron—Morrissey) SB 818 1096 2103

Carnal knowledge of pretrial or posttrial offender; bail bondsmen, increases penalty. (Patron—Brewer) HB 557 479 731

Charitable gaming; increase in certain maximum allowable prize amounts, Charitable Gaming Board shall convene a stakeholder work group to review current limitations on prize amounts, report. (Patron—Keam) HB 1690 980 1872

Charitable gaming; removes restrictions regarding the number of calendar days that may be conducted, repeals certain provisions relating to special permits. (Patron—Barker) SB 199 568 879

Charitable Gaming Board; Texas Hold'em poker events, additional gross receipts assessment. (Patron—Petersen) SB 936 982 1875

Child pornography; possession, distribution, production, publication, sale, financing, etc., venue. (Patron—Byron) HB 1330 489 746

Computer crimes; person using computer to commit a scheme involving false representation intended to cause another person to spend money, etc., penalty. (Patron—Chafin) SB 1003 1178 2451

Computer trespass; expands the crime, penalty. (Patron—Bell) SB 378 821 1303

Concealed handgun permits; demonstration of competence, effective date.
Patron—Lopez HB 264 390 589
Patron—Bell SB 263 1130 2260

Concealed weapons; replaces "slingshot" with "sling bow" in the list of weapons a person is prohibited from carrying concealed. (Patron—Adams, D.M.) HB 1076 142 215

Dead animals; makes it a Class 1 misdemeanor for any person who maliciously places within any church or on church property. (Patron—Miyares) HB 1096 485 743

Disorderly conduct; any elementary or secondary school student is not guilty of disorderly conduct in a public place if occurred on school property, on a school bus, or at any activity conducted or sponsored by any school.
Patron—Mullin HB 256 199 287
Patron—McClellan SB 3 355 542

Driver's license; allows a person convicted of a first offense of unreasonable refusal to have samples of his breath taken for chemical tests to determine the alcohol content of his blood to petition the court 30 days after conviction for a restricted license, no restricted license shall permit any person to operate a commercial motor vehicle, etc. (Patron—Lindsey) HB 34 341 526

Driver's license; suspensions for certain non-driving related offenses, removes existing provisions that allow a person's driver's license to be suspended when he is convicted of or placed on deferred disposition for a drug offense, etc.
Patron—Hayes HB 909 740 1150
Patron—Edwards SB 513 741 1152

Driving after forfeiture of license; person is guilty of an offense of driving or operating a motor vehicle after his license has been revoked for certain offenses, etc. (Patron—Morrissey) SB 798 1019 1970

Driving under the influence; remote alcohol monitoring device, definitions, tampering with device is punishable as a Class 1 misdemeanor, effective date. (Patron—Surovell) SB 439 1007 1933

Electronic tracking device; unauthorized use, increases penalty. (Patron—Krizcek) HB 1044 140 214

CRIMES AND OFFENSES GENERALLY - Continued

Firearm transfers; sales that occur at a firearms show, criminal history record information checks, penalty. Patron—Plum	HB	2	1111	2133
Patron—Lucas	SB	70	1112	2140
Firearms; adds public, private, or religious preschools and child day centers that are not operated at the residence of the provider to the list of schools where possessing a firearm on school property or on a school bus is prohibited, certain provisions shall apply only during operating hours, etc., clarifies definition of "child day center." (Patron—Lucas)	SB	71	1249	2939
Firearms; mental health as disqualifier for possession, appeal of involuntary admission, etc. (Patron—Mason)	SB	684	1175	2446
Firearms; removal from persons posing substantial risk of injury to himself, etc., search warrant for any firearms if law-enforcement officer has reason to believe that person did not relinquish all firearms in his possession, emergency substantial risk order, penalties. Patron—Sullivan	HB	674	887	1562
Patron—Barker	SB	240	888	1570
Firearms; reporting those lost or stolen to any local law-enforcement agency or Department of State Police within 48 hours, civil penalty. (Patron—Bourne)	HB	9	743	1154
Firearms or other weapons; unauthorized to possess on school property. (Patron—Hope)	HB	1080	1037	1999
Fornication; repeals the crime, i.e., voluntary sexual intercourse by an unmarried person. (Patron—Levine)	HB	245	122	186
Gender-neutral terms; prohibitions on same-sex marriage and civil unions removed from Code, certain gender-specific crimes, penalty, repeals provisions relating to marriage and civil unions between persons of same sex. (Patron—Simon)	HB	623	900	1600
Grand larceny; increases to \$1,000 the threshold amount of money taken or value of goods or chattel taken. Patron—Lindsey	HB	995	89	124
Patron—McClellan	SB	788	401	599
Handguns; limitation on purchases, penalty. Patron—Ward	HB	812	991	1900
Patron—Locke	SB	69	992	1904
Hate crimes; adds gender, disability, gender identity, or sexual orientation, definition of "disability," penalty. (Patron—Favola)	SB	179	1171	2436
Hate crimes; adds gender, disability, gender identity, or sexual orientation, definition of "disability," penalty, effective clause. (Patron—Plum)	HB	618	746	1155
Hate crimes; includes within definition a criminal act committed against a person because of disability, sexual orientation, gender, gender identity, or ethnic or national origin, reporting of such crime to State Police. (Patron—Sullivan)	HB	276	124	194
Hemp; products intended for smoking. (Patron—Marshall)	HB	962	406	609
Ignition interlock; a court of proper jurisdiction may, as a condition of a restricted license, prohibit an offender from operating a motor vehicle that is not equipped with a functioning, certified system for a first offense driving under the influence of drugs. (Patron—Deeds)	SB	282	530	807
Ignition interlock systems; venue for prosecution shall be where the offense occurred or the jurisdiction in which the order was entered. (Patron—Mullin)	HB	663	129	199
Illegal gambling; COVID-19 Relief Fund created, definitions, skill games, exemptions, report, civil penalties. Patron—Bulova	HB	881	1217	2665
Patron—Howell	SB	971	1277	3141
Marijuana; definitions, possession and consumption, procedure for appeal and trial of certain violations shall be the same as provided by law for misdemeanors, civil penalties, report. Patron—Herring	HB	972	1285	3534
Patron—Ebbin	SB	2	1286	3561
Marijuana; possession of cannabidiol oil or THC-A oil, provisions shall not apply to persons who possess a valid written certification issued by a practitioner, etc. (Patron—Marsden)	SB	1015	764	1203
Minors; allowing access to firearms, Class 1 misdemeanor. (Patron—Hayes)	HB	1083	742	1153

BILL OR CHAP. PAGE
RES. NO. NO. NO.

CRIMES AND OFFENSES GENERALLY - Continued

Nursing homes, hospice, hospice facilities, and assisted living facilities; possession and administration of cannabidiol or THC-A oil. (Patron—Dunnavant)	SB	185	846	1368
Overdoses; arrest and prosecution when experiencing or reporting, no law-enforcement officer acting in good faith shall be found liable for false arrest if it is later determined that person arrested was immune from prosecution. (Patron—Boysko) . .	SB	667	1016	1964
Paramilitary activities; assembling with one or more persons for purpose of and with intent to intimidate any person or group of persons, penalty. (Patron—Lucas)	SB	64	601	925
Performance of laboratory analysis; cannabidiol oil, THC-A oil, tetrahydrocannabinol or industrial hemp. (Patron—Marsden)	SB	885	941	1716
Profane swearing in public; removes the crime from Code. (Patron—Adams, D.M.) . .	HB	1071	160	231
Prostitution; touching the unclothed genitals or anus of another, penalty. (Patron—Delaney)	HB	1524	595	921
Protective order; violation of provisions, venue. (Patron—Watts)	HB	1181	487	744
Protective orders; possession of firearms, surrender or transfer of firearms, law-enforcement agency that takes into custody a firearm surrendered shall prepare a written receipt, the willful failure of any person to certify in writing that all firearms possessed by person have been surrendered, etc., shall constitute contempt of court. Patron—Mullin	HB	1004	1221	2689
Patron—Howell	SB	479	1260	3007
Rabid animals; Class 1 misdemeanor for any person to permit a dog or cat that he owns or is in his custody to stray from his premises when he knows or has been told by animal control agency, etc., that animal is suspected of having rabies. (Patron—Bell)	HB	1573	1183	2455
Sex Offender and Crimes Against Minors Registry Act; adds a third or subsequent conviction of unlawful dissemination or sale of images of another to the list of offenses requiring registration under Registry. (Patron—Watts)	HB	253	389	587
Sex offenses; clarifies registration and reregistration obligations imposed upon a person convicted of a foreign sex offense, registration with the Sex Offender and Crimes Against Minors Registry. (Patron—Surovell)	SB	492	826	1308
Stun weapons; prohibition of possession on school property, exemptions. (Patron—Hanger)	SB	173	693	1029
Threats and harassment of certain officials and property; certain crimes may be prosecuted in the City of Richmond if venue cannot otherwise be established and the victim is the Governor, Lieutenant Governor, Attorney General, etc., and such official or employee was subjected to act while engaged in performance of his public duties. (Patron—Bourne)	HB	1627	1002	1926
Tobacco products, nicotine vapor products, etc.; possession by persons under 21 years of age, exception, scientific study. (Patron—VanValkenburg)	HB	1570	524	786
Trigger activators; prohibits manufacture, importation, sale, possession, etc., penalty. (Patron—Saslaw)	SB	14	527	795
Unrestorably incompetent defendant; defendant likely to remain incompetent for foreseeable future due to an ongoing and irreversible medical condition, competency report. Patron—Simon	HB	259	1121	2253
Patron—Mason	SB	670	299	460
Veterans Treatment Court Program; veterans docket authorized and established as a local specialty docket. (Patron—Reeves)	SB	499	603	926
Virginia Charitable Gaming Board; electronic versions of instant bingo, pull tabs or seal cards. (Patron—Willett)	HB	1681	979	1871
Virginia Voluntary Do Not Sell Firearms List; established, penalty. (Patron—Surovell)	SB	436	1173	2439

CRIMINAL HISTORY INFORMATION

Child care providers; fingerprint-based criminal background checks, repeals sunset and contingency expiration. Patron—Convirs-Fowler	HB	997	462	709
Patron—Mason	SB	675	463	709
Child care providers; out-of-state background checks. (Patron—Boysko)	SB	668	936	1708
Firearm transfers; sales that occur at a firearms show, criminal history record information checks, penalty. Patron—Plum	HB	2	1111	2133
Patron—Lucas	SB	70	1112	2140

CRIMINAL HISTORY INFORMATION - Continued

School boards; applicants for employment, criminal history, data on convictions for certain crimes. (Patron—Ward) HB 392 877 1540

CRIMINAL JUSTICE SERVICES

Crisis intervention team training; adds the Department for the Aging and Rehabilitation Services and brain injury stakeholders to the list of entities with whom the Department of Criminal Justice Services is required to consult in developing a training program.

Patron—Wilt HB 1231 514 779
Patron—Edwards SB 494 515 779

Public schools; Department of Criminal Justice Services, et al., shall annually collect, report, and publish on its website data related to incidents involving students and school resource officers.

Patron—VanValkenburg HB 271 1039 2002
Patron—Locke SB 170 169 238

CRIMINAL PROCEDURE

Admission to bail; rebuttable presumptions against bail, any judicial officer may set or admit person to bail, etc. (Patron—Scott) HB 1462 999 1922

Arrest for a violent felony; saliva or tissue sample required for DNA analysis. (Patron—Jenkins) HB 821 87 122

Bail bondsman; deposit for surrender of principal for reasons other than principal's failure to appear in any court. (Patron—Collins) HB 136 20 25

Bail bondsman; petition for return of deposit for surrender of principal, deposited funds credited to Literary Fund. (Patron—Marsden) SB 294 531 808

Children; no child under the age of 18 shall be strip searched or subjected to a search of any body cavity by a law-enforcement officer or a jail officer unless child is in custodial arrest and there is reasonable cause that child is concealing a weapon, exception if child is committed to Department of Juvenile Justice or confined or detained in a secure local facility for juveniles, etc. (Patron—Carter) HB 1544 1236 2854

Compensating victims of crime; persons eligible for award includes grandchildren. (Patron—Batten) HB 988 446 668

Competency to stand trial; outpatient treatment may occur in a local correctional facility or at a location determined by the appropriate community services board or behavioral health authority. (Patron—Mason) SB 683 937 1714

Court fines and costs; community service work in lieu of payment during imprisonment. (Patron—Obenshain) SB 736 188 274

Court fines and costs; community work in lieu of payment during imprisonment. (Patron—Price) HB 277 25 32

Criminal cases; deferred disposition, cases where defendant has been diagnosed with autism or an intellectual disability. (Patron—Stuart) SB 133 1004 1928

Criminal cases; ex parte requests, expert assistance for indigent defendants, repeals provision relating to expert assistance for indigent defendants and moving to another code section. (Patron—Hope) HB 824 1124 2256

Custodial interrogations; definitions, any law-enforcement officer conducting an interrogation of any person at a place of detention shall cause an audiovisual recording of the entirety of such interrogation to be made, policies, standards, and guidelines of data. (Patron—Adams, L.R.) HB 1023 1126 2258

Deferred dispositions; property crimes, larceny and receiving stolen goods, exception. Patron—Mullin HB 660 989 1899

Patron—Deeds SB 286 990 1899

Discovery in criminal cases; penalties, effective provision, repeals miscellaneous provision relating to failure to provide discovery. (Patron—Bourne) HB 873 1167 2401

DNA; post-conviction testing. (Patron—Norment) SB 1071 1282 3155

Driver's license; removes requirement that a court suspend the license of a person convicted of any violation of the law who fails or refuses to provide for immediate payment of fines or costs, Commissioner of DMV shall reinstate a person's privilege to drive that was suspended prior to July 1, 2019, waive all fees relating to reinstating privileges, repeals Nonresident Violator Compact of 1977.

Patron—Lopez HB 1196 964 1824
Patron—Stanley SB 1 965 1841

BILL OR CHAP. PAGE
RES. NO. NO. NO.

CRIMINAL PROCEDURE - Continued

Felons; postrelease supervision of certain felons, postrelease incarceration of offenders sentenced for certain offenses.

Patron—Jones	HB	752	1115	2248
Patron—Stanley	SB	312	1116	2249

Fingerprints and photographs; all duly constituted police authorities having the power of arrest may take the fingerprints and photographs of any person found in contempt or in violation of the terms or conditions of a suspended sentence or probation for a felony offense.

Patron—Krizek	HB	1048	93	137
Patron—Peake	SB	925	189	275

Fingerprints and photographs by police authorities; reports to Central Criminal Records Exchange.

Patron—Krizek	HB	1047	91	132
Patron—Peake	SB	926	92	135

Firearms; removal from persons posing substantial risk of injury to himself, etc., search warrant for any firearms if law-enforcement officer has reason to believe that person did not relinquish all firearms in his possession, emergency substantial risk order, penalties.

Patron—Sullivan	HB	674	887	1562
Patron—Barker	SB	240	888	1570

Forfeiture of property used in connection with the commission of crimes; finding of guilt required. (Patron—Simon)

Patron—Simon	HB	1522	1000	1923
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Grand larceny; increases to \$1,000 the threshold amount of money taken or value of goods or chattel taken.

Patron—Lindsey	HB	995	89	124
Patron—McClellan	SB	788	401	599

Immigration status; prohibiting inquiry into status of certain victims or witnesses of crimes. (Patron—Lopez)

Patron—Lopez	HB	262	273	424
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Inquiry and report of immigration status; persons charged with or convicted of certain crimes, citizenship of person taken into custody.

Patron—Lopez	HB	1150	995	1913
Patron—Surovell	SB	491	996	1915

Juvenile offenders; eligibility for parole, person who has served at least 20 years of sentence.

Patron—Lindsey	HB	35	2	1
Patron—Marsden	SB	103	529	799

Misdemeanor sexual offenses; statute of limitations where the victim is a minor, if alleged offender of such offense was an adult and more than three years older than the victim at the time of the offense, in which instance such prosecution shall be commenced no later than five years after victim reaches majority.

Patron—Tran	HB	298	1122	2255
Patron—McClellan	SB	724	277	428

Multi-jurisdiction grand jury; hate crimes added to list of crimes the jury may investigate. (Patron—Bagby)

Patron—Bagby	HB	787	747	1157
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Persons acquitted by reason of insanity; use of two-way electronic video and audio communication system in proceedings. (Patron—Hurst)

Patron—Hurst	HB	639	96	153
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Protected information; newspersons engaged in journalism, definitions. (Patron—Roem)

Patron—Roem	HB	113	650	980
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Protective orders; issuance upon convictions for certain felonies, penalty. (Patron—Stuart)

Patron—Stuart	SB	144	1005	1930
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Protective orders; motions to dissolve filed by petitioner, ex parte hearing shall be heard by the court as soon as practicable. (Patron—Simonds)

Patron—Simonds	HB	880	137	207
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Public defender offices; establishes an office for Cities of Manassas and Manassas Park and County of Prince William.

Patron—Carroll Foy	HB	366	348	533
Patron—Surovell	SB	72	376	574

Sentence reductions; substantial assistance in furtherance of investigation or prosecution of another person engaged in an act of grand larceny of a firearm, etc. (Patron—Stanley)

Patron—Stanley	SB	1018	765	1204
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CRIMINAL PROCEDURE - Continued

Student loans; licensing of qualified education loan servicers, automatic issuance of license for federal student loan servicing contractors, prohibited practices, civil penalties, report. Patron—Simon	HB	10	1198	2588
Patron—Howell	SB	77	1250	2940
Subpoena duces tecum; attorney of record, who is an active member of the Virginia State Bar, may issue in any criminal case. (Patron—Morrissey)	SB	801	771	1214
Unrestorably incompetent defendant; defendant likely to remain incompetent for foreseeable future due to an ongoing and irreversible medical condition, competency report. Patron—Simon	HB	259	1121	2253
Patron—Mason	SB	670	299	460
Voir dire examination of persons called as jurors; criminal case. Patron—Lindsey	HB	100	157	230
Patron—Deeds	SB	325	588	902
Writ of actual innocence; petition by convicted person. Patron—Herring	HB	974	993	1908
Patron—Edwards	SB	511	994	1911
CROSSOVER HEALTHCARE MINISTRY				
CrossOver Healthcare Ministry; commemorating its 15th anniversary. (Patron—Willett)	HR	142		4590
CROWSON, CHARLES D., JR.				
Crowson, Charles D., Jr.; recording sorrow upon death. (Patron—Mullin)	HJR	421		4468
CRUMBLEY, JAMES N.				
Crumbley, James N.; recording sorrow upon death. (Patron—Lewis)	SJR	227		4758
CUEVAS, PABLO				
Cuevas, Pablo; commending. (Patron—Obenshain)	SJR	172		4729
CURTIS, HARRY CLARKE				
Curtis, Harry Clarke; recording sorrow upon death. Patron—Rasoul	HJR	479		4496
Patron—Edwards	SJR	72		4671
D'ADAMO, DOMENICK, JR.				
D'Adamo, Domenick, Jr.; commemorating his 100th birthday. (Patron—Hashmi)	SJR	189		4739
D'URSO, ROSS				
D'Urso, Ross; commending. (Patron—Vogel)	SJR	268		4780
D'URSO, ROSS W.				
D'Urso, Ross W.; commending. (Patron—Webert)	HR	127		4583
DALE CITY TRACK CLUB				
Dale City Track Club; commending. (Patron—Guzman)	HJR	425		4470
DALY, WILLIAM				
Daly, William; commending. (Patron—Bell)	HJR	33		4292
DAMS				
Dams or impounding structures; Real Estate Board to include in the residential property disclosure statement provided on its website a disclosure relating to the condition or regulatory status. Patron—Convirs-Fowler	HB	1569	655	986
Patron—Locke	SB	343	656	987
DANCE, ROSALYN RANDOLPH				
Dance, Rosalyn Randolph; commending. (Patron—Aird)	HR	122		4580
DANVILLE, CITY OF				
Henry, Northampton, Patrick, and Pittsylvania Counties and City of Danville; authorized to impose additional sales and use tax, appropriations to incorporated towns for educational purposes. (Patron—Marshall)	HB	486	327	502
DANVILLE PUBLIC SCHOOLS				
Danville Public Schools Child Nutrition staff; commending. (Patron—Marshall)	HJR	467		4490
DARST, HENRY JACKSON, JR.				
Darst, Henry Jackson, Jr.; recording sorrow upon death. (Patron—Batten)	HJR	248		4377

	BILL OR CHAP.	PAGE	
	RES. NO.	NO.	NO.
DASHIELL, JOSEPH			
Dashiell, Joseph; commemorating his 40th anniversary with WDBJ7 station. (Patron—McNamara)	HR	68	4552
DAVENPORT, PRISCILLA J.			
Davenport, Priscilla J.; commending. (Patron—Hodges)	HJR	155	4327
DAVIS, MARGARET HUNDLEY			
Davis, Margaret Hundley; commending. (Patron—Hodges)	HJR	154	4327
DAVIS, MARGIE DICKINSON			
Davis, Margie Dickinson; recording sorrow upon death. (Patron—Coyner)	HR	97	4568
DAYTON, TOWN OF			
Dayton, Town of; amending charter, organizational and technical changes.			
Patron—Wilt	HB	1233	146 221
Patron—Obenshain	SB	690	1176 2447
DEATHS			
Abraham, Henry J.; recording sorrow upon death. (Patron—Dunnivant)	SR	79	4833
Adams, Irvin, Jr.; recording sorrow upon death. (Patron—Head)	HJR	258	4382
Aganbi, Frederick Obruche; recording sorrow upon death. (Patron—McQuinn)	HJR	477	4495
Ahrend, Charles W.; recording sorrow upon death. (Patron—Obenshain)	SJR	176	4732
Ainslie, John Walter; recording sorrow upon death. (Patron—DeSteph)	SJR	96	4685
Allen, Ben E.; recording sorrow upon death. (Patron—Kilgore)	HJR	13	4287
Appelbaum, Henry Richard; recording sorrow upon death. (Patron—Hope)	HJR	452	4482
Armwood, Levy M., Jr.; recording sorrow upon death. (Patron—McClellan)	SJR	247	4769
Askew, Catherine; recording sorrow upon death. (Patron—Locke)	SJR	133	4707
Bagshaw, Donald Arthur; recording sorrow upon death. (Patron—Brewer)	HR	88	4563
Baliles, Gerald L.; recording sorrow upon death.			
Patron—McQuinn	HJR	311	4411
Patron—Reeves	SJR	88	4681
Barraco, Mary Sigillo; recording sorrow upon death. (Patron—DeSteph)	SJR	234	4762
Beattie, Judith Peters; recording sorrow upon death. (Patron—Keam)	HJR	339	4427
Bebout, James Michael; recording sorrow upon death.			
Patron—O'Quinn	HJR	312	4412
Patron—Pillion	SR	62	4825
Bell, Virginia Flynn; recording sorrow upon death. (Patron—Sickles)	HJR	292	4400
Bellman, Georgia; recording sorrow upon death. (Patron—Delaney)	HJR	183	4342
Beyer, John C.; recording sorrow upon death. (Patron—Tran)	HJR	316	4414
Blackwell, Helen Reddy; recording sorrow upon death. (Patron—Freitas)	HR	34	4535
Blair, Gloria Elizabeth; recording sorrow upon death. (Patron—Kilgore)	HJR	15	4288
Boesch, Rudolph Ernest; recording sorrow upon death. (Patron—DeSteph)	SJR	109	4692
Bogaev, Leonard Rocklin; recording sorrow upon death. (Patron—Stuart)	SR	57	4823
Bolger, Helen Siegfried; recording sorrow upon death. (Patron—Webert)	HR	136	4588
Boone, Herman; recording sorrow upon death. (Patron—Ebbin)	SJR	219	4755
Bourne, Maria Bonazzoli; recording sorrow upon death. (Patron—McQuinn)	HJR	454	4483
Bradley, Dimitri R.; recording sorrow upon death.			
Patron—McQuinn	HJR	474	4493
Patron—McClellan	SJR	180	4734
Brandt, Michael Patrick; recording sorrow upon death. (Patron—Carr)	HJR	372	4443
Brickhouse, Monica E.; recording sorrow upon death. (Patron—DeSteph)	SJR	204	4747
Brown, Betsey Jean Smith; recording sorrow upon death. (Patron—LaRock)	HJR	481	4497
Bryan, Albert Vickers, Jr.; recording sorrow upon death. (Patron—Ebbin)	SJR	223	4757
Burke, Lewis Eugene; recording sorrow upon death. (Patron—Delaney)	HJR	191	4346
Burnette, William Robert; recording sorrow upon death. (Patron—DeSteph)	SJR	199	4744
Burns, Josephine Evans; recording sorrow upon death. (Patron—Boysko)	SJR	261	4776
Butler, Reginald Dennin; recording sorrow upon death. (Patron—Hudson)	HJR	415	4464
Cain, Milton Alan, Jr.; recording sorrow upon death. (Patron—Tyler)	HR	179	4608
Campbell, William Robert, Jr.; recording sorrow upon death. (Patron—Freitas)	HJR	336	4425
Caplin, Mortimer; recording sorrow upon death. (Patron—Hudson)	HJR	416	4465
Carter, Elisabeth Ross Reed; recording sorrow upon death. (Patron—Carr)	HJR	373	4444
Carter, Henry Lee; recording sorrow upon death. (Patron—Freitas)	HJR	315	4414

BILL OR CHAP. PAGE
RES. NO. NO. NO.

DEATHS - Continued

Carter, Judith P.; recording sorrow upon death. (Patron—Freitas)	HJR	314	4413
Chadwick, Wallace Woodrow, Jr.; recording sorrow upon death. (Patron—DeSteph)	SJR	143	4712
Christian, Mary T.; recording sorrow upon death. Patron—Ward	HJR	166	4333
Patron—Locke	SJR	83	4678
Cole, Robert Stanley; recording sorrow upon death. (Patron—DeSteph)	SR	66	4827
Coulthard, Anne Kendrick; recording sorrow upon death. (Patron—O'Quinn)	HJR	209	4355
Crowson, Charles D., Jr.; recording sorrow upon death. (Patron—Mullin)	HJR	421	4468
Crumbley, James N.; recording sorrow upon death. (Patron—Lewis)	SJR	227	4758
Curtis, Harry Clarke; recording sorrow upon death. Patron—Rasoul	HJR	479	4496
Patron—Edwards	SJR	72	4671
Darst, Henry Jackson, Jr.; recording sorrow upon death. (Patron—Batten)	HJR	248	4377
Davis, Margie Dickinson; recording sorrow upon death. (Patron—Coyner)	HR	97	4568
DeBell, Mildred; recording sorrow upon death. (Patron—Helmer)	HJR	473	4493
Diamondstein, Alan Arnold; recording sorrow upon death. Patron—Mullin	HJR	4	4283
Patron—Saslaw	SJR	4	4627
Dickson, Markiya Simone; recording sorrow upon death. (Patron—McClellan)	SJR	178	4733
Dragas, George, Jr.; recording sorrow upon death. (Patron—Knight)	HR	21	4529
Duff, Charles Henry, Jr.; recording sorrow upon death. (Patron—Boysko)	SJR	258	4775
Easter, Rufus B., Jr.; recording sorrow upon death. (Patron—Locke)	SR	45	4818
Edmunds, Emma Carrington; recording sorrow upon death. (Patron—Edmunds)	HR	118	4578
Epperly, James Wesley; recording sorrow upon death. (Patron—Rush)	HR	113	4575
Evans, Nate; recording sorrow upon death. (Patron—Bourne)	HJR	54	4297
Evans, Robert Holt, Sr.; recording sorrow upon death. (Patron—Edmunds)	HJR	450	4481
Evans, Ruby Williams; recording sorrow upon death. (Patron—Aird)	HR	43	4540
Francisco, Naomi R.; recording sorrow upon death. (Patron—Locke)	SR	39	4815
Francisco, Peter; commemorating 189th anniversary of his life and legacy. (Patron—Freitas)	HR	8	4514
Gardner, Susan Camille; recording sorrow upon death. (Patron—Byron)	HJR	202	4352
Garland, Robert Allen; recording sorrow upon death. (Patron—Edwards)	SJR	230	4760
Gaston, Paul Morton; recording sorrow upon death. (Patron—Deeds)	SJR	102	4688
Gerber, Dorothy Leah; recording sorrow upon death. (Patron—Boysko)	SJR	48	4663
Gerdelman, John W.; recording sorrow upon death. Patron—Batten	HJR	246	4375
Patron—Norment	SJR	173	4730
Gilbert, Rosetta Cole; recording sorrow upon death. (Patron—Kory)	HJR	267	4387
Gilkerson, Cecil Filmore; recording sorrow upon death. (Patron—Obenshain)	SJR	235	4763
Glover, Travis Wayne; recording sorrow upon death. (Patron—Freitas)	HR	92	4565
Goins, Mamie Littleton; recording sorrow upon death. (Patron—Carr)	HJR	366	4441
Green-Wright, Michele R.; recording sorrow upon death. (Patron—Tyler)	HR	98	4568
Greene, Bernard Lee, Jr.; recording sorrow upon death. (Patron—McClellan)	SR	74	4830
Greer, Betsy Samuelson; recording sorrow upon death. (Patron—Hope)	HJR	357	4436
Gregory, Kossen; recording sorrow upon death. (Patron—Edwards)	SJR	167	4726
Gunter, William Marshall; recording sorrow upon death. (Patron—Knight)	HR	3	4512
Gwaltney, Dorothy G.; recording sorrow upon death. (Patron—Brewer)	HR	87	4562
Harding, Barbara Hicks; recording sorrow upon death. (Patron—Boysko)	SJR	262	4777
Hardy, Dorcas Ruth; recording sorrow upon death. Patron—Cole, M.L.	HJR	60	4298
Patron—Reeves	SJR	20	4630
Hatfield, Robert J.; recording sorrow upon death. (Patron—Plum)	HJR	371	4443
Hedgepeth, Terry Lynn; recording sorrow upon death. (Patron—Brewer)	HR	72	4554
Heidig, Willard R.; recording sorrow upon death. (Patron—Reeves)	SJR	23	4631
Heilman, E. Bruce; recording sorrow upon death. (Patron—McClellan)	SJR	197	4743
Hines, Carolyn Walker; recording sorrow upon death. Patron—McQuinn	HJR	478	4495
Hines, Carolyn Walker; recording sorrow upon death. Patron—Price	HR	174	4606

	BILL OR CHAP. RES. NO.	PAGE NO.	
DEATHS - Continued			
Hines, William A., Jr.; recording sorrow upon death. (Patron—Price)	HR 175	4606	
Hinkle, David M.; recording sorrow upon death. (Patron—Obenshain)	SJR 132	4706	
Holden, Francis; recording sorrow upon death. (Patron—Freitas)	HJR 259	4382	
Hollaway, Kimberly Coldiron; recording sorrow upon death. (Patron—Pillion)	SJR 166	4726	
Holley, Amanda Doane; recording sorrow upon death. (Patron—O'Quinn)	HJR 172	4336	
Hoover, Lawrence Harold, Jr.; recording sorrow upon death. (Patron—Sullivan)	HJR 480	4496	
Hundley, Henry Burgwyn; recording sorrow upon death. (Patron—Locke)	SR 30	4811	
Jefferson, Brantley Moses; recording sorrow upon death. (Patron—Peake)	SJR 120	4700	
Johnson, Bobbie Garrett; recording sorrow upon death. (Patron—Austin)	HR 67	4551	
Johnson, Katherine; recording sorrow upon death. (Patron—Locke)	SJR 205	4747	
Jones, Nita; recording sorrow upon death. (Patron—Carr)	HJR 358	4437	
Jones, Sarah Leigh; recording sorrow upon death. (Patron—Brewer)	HR 46	4541	
Jordan-Haas, David Stewart; recording sorrow upon death. (Patron—Keam)	HJR 266	4386	
Kelahan, Renee Marie; recording sorrow upon death. (Patron—Delaney)	HR 45	4541	
Kelly-Rice, Constance; recording sorrow upon death. Patron—Tyler	HR 4	4513	
Patron—Lucas	SJR 10	4628	
Kerneklia, Melanie Bandazian; recording sorrow upon death. (Patron—McDougle)	SJR 37	4636	
Kibler, Terry Lee; recording sorrow upon death. (Patron—Gilbert)	HJR 142	4322	
Kim, Sunny Sung-In; recording sorrow upon death. (Patron—Keam)	HJR 265	4386	
King, David L.; recording sorrow upon death. (Patron—Hanger)	SJR 65	4668	
Kirby, Michael E.G.; recording sorrow upon death. (Patron—Batten)	HJR 249	4377	
Klotz, Raymond Joseph, Jr.; recording sorrow upon death. Patron—Wyatt	HR 121	4579	
Patron—McDougle	SJR 175	4731	
Kramer, Annette G.; recording sorrow upon death. (Patron—Reeves)	SJR 24	4632	
Krause, Gregory Alan; recording sorrow upon death. (Patron—Reeves)	SJR 138	4709	
Lambert, Esmond B.; recording sorrow upon death. (Patron—Lucas)	SR 15	4803	
Larson, Calvin Frederick; recording sorrow upon death. (Patron—Plum)	HJR 355	4435	
Lawrence, Billy Bernard; recording sorrow upon death. (Patron—Stanley)	SJR 115	4697	
Lawson, Winston G.; recording sorrow upon death. (Patron—DeSteph)	SJR 190	4739	
Lee, Barbara Pickeral; recording sorrow upon death. (Patron—Gooditis)	HR 152	4595	
Lewis, Ronald; recording sorrow upon death. Patron—Bourne	HJR 53	4297	
Patron—McClellan	SR 75	4831	
Livingston, James Dwight; recording sorrow upon death. (Patron—Vogel)	SJR 233	4761	
Mann, Joe Allen; recording sorrow upon death. (Patron—Norment)	SJR 251	4771	
Marion, John Curtis; recording sorrow upon death. (Patron—Kilgore)	HJR 12	4287	
Marshall, Paule; recording sorrow upon death. (Patron—Carr)	HJR 361	4438	
Martin, Thomas; recording sorrow upon death. (Patron—Obenshain)	SJR 186	4737	
Mason, Eugene A., Jr.; recording sorrow upon death. (Patron—Carr)	HJR 362	4439	
Massey, Joan Carpenter; recording sorrow upon death. (Patron—Carr)	HJR 360	4438	
Maurer, Debra Sue; recording sorrow upon death. (Patron—Delaney)	HR 50	4543	
McCaffrey, Brian Edward; recording sorrow upon death. (Patron—Roem)	HR 209	4622	
McGhee, Ryan C.; recording sorrow upon death. (Patron—Reeves)	SJR 196	4742	
McGinnis, Kate Lee Cobb and Bernard Lewis; recording sorrow upon death. (Patron—Deeds)	SJR 105	4690	
Melton, Samuel Hughes; recording sorrow upon death. (Patron—O'Quinn)	HJR 210	4355	
Merritt, Annie Mae Dorns; recording sorrow upon death. (Patron—Hudson)	HJR 417	4466	
Michie, Thomas J.; recording sorrow upon death. (Patron—Deeds)	SJR 104	4689	
Miller, Charles S., Jr.; recording sorrow upon death. (Patron—Delaney)	HJR 190	4346	
Miller, Kevin G. Sr.; recording sorrow upon death. Patron—Wilt	HJR 310	4411	
Patron—Obenshain	SR 41	4816	
Mills, William Edward; recording sorrow upon death. (Patron—Obenshain)	SR 42	4817	
Minns, Ernest George; recording sorrow upon death. (Patron—Convirs-Fowler)	HJR 451	4481	
Moody, Willard James, Sr.; recording sorrow upon death. (Patron—Lucas)	SR 36	4814	
Moore, Alma Joyce Martin; recording sorrow upon death. (Patron—Carr)	HJR 365	4440	

DEATHS - Continued

Moore, French H., Jr.; recording sorrow upon death.			
Patron—O'Quinn	HJR	423	4469
Patron—Pillion	SJR	241	4766
Morris, Jerry F.; recording sorrow upon death. (Patron—Obenshain)	SR	70	4828
Moskowitz, George Phillip; recording sorrow upon death. (Patron—Petersen)	SJR	108	4691
Mullins, Mary Patricia Moynahan; recording sorrow upon death. (Patron—Carr)	HJR	364	4440
Napper, William H., Jr.; recording sorrow upon death. (Patron—Dunnavant)	SR	33	4813
Nichols, Sterling McCoy; recording sorrow upon death. (Patron—Batten)	HJR	236	4370
Odom, Jon; recording sorrow upon death. (Patron—O'Quinn)	HJR	171	4335
Olsson, Shirley Carter; recording sorrow upon death. (Patron—Hodges)	HJR	422	4468
Park, Dae Han; recording sorrow upon death. (Patron—Freitas)	HR	149	4594
Park-Schneider, Sae Jin; recording sorrow upon death. (Patron—Freitas)	HR	148	4593
Peeples, Edward H., Jr.; recording sorrow upon death.			
Patron—Carr	HJR	363	4439
Patron—McClellan	SJR	179	4733
Pillow, C. Douglas; recording sorrow upon death. (Patron—Peake)	SJR	97	4685
Polk, Lessie Lula Jones; recording sorrow upon death. (Patron—Edwards)	SJR	162	4724
Porterfield, Bittle Wilson, III; recording sorrow upon death. (Patron—Edwards)	SJR	160	4722
Quillen, William Rhea, Jr.; recording sorrow upon death. (Patron—Kilgore)	HJR	14	4288
Rabin, Barbara Wurtzel; recording sorrow upon death. (Patron—Samirah)	HJR	313	4413
Reavey, Jean Tsukimi Mitori; recording sorrow upon death. (Patron—Keam)	HJR	341	4428
Redman, Douglas Paris; recording sorrow upon death. (Patron—Brewer)	HR	91	4564
Reese, Julius, Jr.; recording sorrow upon death. (Patron—Edmunds)	HR	119	4578
Repass, Thomas Franklin; recording sorrow upon death. (Patron—O'Quinn)	HJR	170	4335
Robertson, James I., Jr.; recording sorrow upon death. (Patron—Edwards)	SJR	159	4722
Robinson, Maud Ferris; recording sorrow upon death. (Patron—Keam)	HJR	338	4426
Rodenburg, George Bartholomew; recording sorrow upon death. (Patron—Robinson)	HR	70	4553
Rosser, Dois Irvin, Jr.; recording sorrow upon death. (Patron—Batten)	HJR	247	4376
Rubin, Steven H.; recording sorrow upon death. (Patron—Deeds)	SJR	101	4687
Ryan, Elizabeth Leonard; recording sorrow upon death. (Patron—Batten)	HJR	227	4365
Saunders, Mark Harril; recording sorrow upon death. (Patron—Hudson)	HJR	418	4466
Schewel, Elliot; recording sorrow upon death. (Patron—Peake)	SJR	99	4686
Schick, Adolph; recording sorrow upon death. (Patron—Saslaw)	SJR	54	4666
Schooler, W. Malone; recording sorrow upon death. (Patron—Stuart)	SJR	232	4761
Schroeder, Louis Clifford, Sr.; recording sorrow upon death. (Patron—Knight)	HR	80	4559
Schroeder, Ronald; recording sorrow upon death. (Patron—Carr)	HJR	359	4437
Scott, Eva Mae Fleming; recording sorrow upon death.			
Patron—Wright	HR	81	4559
Patron—Chase	SR	22	4807
Scott, Russell Lee; recording sorrow upon death. (Patron—Fowler)	HJR	173	4336
Scott, Sidney Buford; recording sorrow upon death. (Patron—Carr)	HJR	356	4435
Shivers, Georgia M.; recording sorrow upon death. (Patron—Lucas)	SR	2	4782
Siebert, Jean F.; recording sorrow upon death.			
Patron—Knight	HR	1	4512
Patron—DeSteph	SJR	136	4709
Simpson, Leonard H., III; recording sorrow upon death. (Patron—Dunnavant)	SR	78	4832
Singleton, Charles Calvin; recording sorrow upon death. (Patron—Ruff)	SJR	215	4752
Skeeter, Lorraine Brinkley; recording sorrow upon death. (Patron—Lucas)	SR	8	4800
Smith, Maya LaFonn; recording sorrow upon death. (Patron—McQuinn)	HJR	149	4324
Smith, Roland Carroll, Sr.; recording sorrow upon death.			
Patron—Leftwich	HJR	122	4315
Patron—Cosgrove	SR	4	4783
Smith, Sydney Strother, III; recording sorrow upon death.			
Patron—O'Quinn	HJR	158	4329
Patron—Pillion	SR	61	4825
Stewart, William Levon; recording sorrow upon death. (Patron—Deeds)	SR	64	4826
Strickler, Robert Hopkins; recording sorrow upon death. (Patron—Obenshain)	SJR	184	4736
Sweet, Nancy Mulcahy; recording sorrow upon death. (Patron—Obenshain)	SR	43	4817

BILL OR CHAP. PAGE
RES. NO. NO. NO.

DEATHS - Continued

Talbot, Douglas William; recording sorrow upon death. (Patron—DeSteph) SJR 267 4779

Tetreault, Robert A.; recording sorrow upon death. (Patron—Simon) HJR 402 4458

Thomas, William Griffith; recording sorrow upon death. (Patron—Saslaw) SJR 122 4701

Thompson, Elaine E.; recording sorrow upon death. (Patron—Subramanyam) HJR 453 4482

Thompson, Michael, Sr.; recording sorrow upon death. (Patron—Freitas) HR 93 4565

Thyne, Katherine Mary; recording sorrow upon death. (Patron—Reeves) SJR 165 4725

Tugendhat, Katharine Logan; recording sorrow upon death. (Patron—Keam) HJR 340 4427

Vakos, George William; recording sorrow upon death. (Patron—Knight) HR 28 4532

Vickery, Clarene Helen; recording sorrow upon death. (Patron—Keam) HJR 62 4298

Wall, William Bidgood, Sr.; recording sorrow upon death. (Patron—Peake) SJR 135 4708

Wang, Helen; recording sorrow upon death. (Patron—Stuart) SJR 263 4777

Warren-Curtis, Beatrice Nicole; recording sorrow upon death. (Patron—DeSteph) SJR 203 4746

Watson, Charles Richard; recording sorrow upon death. (Patron—McGuire) HJR 203 4353

Welsh, Olivia Gae Armentrout; recording sorrow upon death. (Patron—Hanger) SJR 69 4670

West, Inez Beatrice Greene; recording sorrow upon death. (Patron—McQuinn) HJR 476 4494

Whalen, Frank Richard; recording sorrow upon death. (Patron—DeSteph) SJR 198 4744

Whitehurst, Walter Allen; recording sorrow upon death. (Patron—Knight) HR 58 4547

Wiggins, Roland Arlington; recording sorrow upon death. (Patron—Hudson) HJR 419 4467

Williams, Tyrone Jermaine, Jr.; recording sorrow upon death. (Patron—McQuinn) HJR 475 4494

Willmington, Harold L.; recording sorrow upon death. (Patron—Newman) SJR 40 4637

Wiseman, Mac; recording sorrow upon death. (Patron—Hanger) SJR 193 4741

Wood, Karene; recording sorrow upon death. (Patron—Hudson) HJR 420 4467

Wright, Joseph Roland, Sr.; recording sorrow upon death. (Patron—Lucas) SR 35 4813

Wright, Sarah Rebecca; recording sorrow upon death. (Patron—DeSteph) SJR 236 4763

Ybarra, Shirley Jean; recording sorrow upon death. (Patron—Kory) HR 57 4546

Yoast, William Riley; recording sorrow upon death. (Patron—Ebbin) SJR 220 4755

DEBELL, MILDRED

DeBell, Mildred; recording sorrow upon death. (Patron—Helmer) HJR 473 4493

DEEDS AND DEEDS OF TRUST

Deeds not taxable; deeds involving only spouses. (Patron—Sullivan) HB 1580 643 974

Recordation tax; deeds of trust and mortgages, maximum tax. (Patron—Sullivan) HB 1615 334 519

DEER

Hunting license; senior resident lifetime license for hunting bear, deer, and turkey. (Patron—Robinson) HB 1272 564 876

DEFENDANTS

Courthouse and courtroom security; increases from \$10 to \$20 maximum amount a local governing body may assess against a convicted defendant as part of costs in a criminal or traffic case in district or circuit court to fund. (Patron—Howell) SB 149 602 925

Criminal cases; deferred disposition, cases where defendant has been diagnosed with autism or an intellectual disability. (Patron—Stuart) SB 133 1004 1928

Criminal cases; ex parte requests, expert assistance for indigent defendants, repeals provision relating to expert assistance for indigent defendants and moving to another code section. (Patron—Hope) HB 824 1124 2256

Unrestorably incompetent defendant; defendant likely to remain incompetent for foreseeable future due to an ongoing and irreversible medical condition, competency report.

Patron—Simon HB 259 1121 2253

Patron—Mason SB 670 299 460

DELANEY, THEODORE C., JR.

Delaney, Theodore C., Jr.; commending. (Patron—Deeds) SJR 146 4714

DENTISTS AND DENTISTRY

Fluoride varnish; possession and administration by authorized agent of a doctor of medicine, osteopathic medicine, or dentistry.

Patron—Sickles HB 299 39 47

Patron—Barker SB 239 560 864

DENTISTS AND DENTISTRY - Continued

Teledentistry; definitions, establishes requirements for practice, digital scans for use in practice of dentistry, etc.

Patron—Hope	HB	165	37	44
Patron—Barker	SB	122	220	320

DEVAULT, JOSEPH

DeVault, Joseph; commending on the occasion of his retirement. (Patron—Marshall) HJR 394 4456

DEVER, JOHN T.

Dever, John T.; commending.

Patron—Ward	HR	123		4580
Patron—Norment	SJR	131		4706

DEVOTION TO CHILDREN

Devotion to Children; commemorating its 25th anniversary. (Patron—Keam) HJR 263 4385

DIAMONSTEIN, ALAN ARNOLD

Diamondstein, Alan Arnold; recording sorrow upon death.

Patron—Mullin	HJR	4		4283
Patron—Saslaw	SJR	4		4627

DICKENSON COUNTY

Pound River; designating a 17-mile segment in Wise and Dickenson Counties as a component of the Virginia Scenic Rivers System. (Patron—Wampler) HB 1145 316 488

DICKSON, MARKIYA SIMONE

Dickson, Markiya Simone; recording sorrow upon death. (Patron—McClellan) SJR 178 4733

DIMEO, LINDY

Dimeo, Lindy; commending. (Patron—Freitas) HR 36 4536

DIROCCO, LAURIE A.

DiRocco, Laurie A.; commending. (Patron—Keam) HJR 342 4428

DISASTER

Emergency Services and Disaster Law; definition of disaster, incidents involving cyber systems. (Patron—Hayes) HB 1082 483 741

DISCRIMINATION

Discrimination; prohibited in employment, public accommodation, public contracting, etc., on the basis of sexual orientation or gender identity. (Patron—Levine) HB 1049 1137 2273

Discrimination; prohibited in public accommodations, employment, credit, and housing, causes of action, civil actions by private parties, sexual orientation, gender identity, status as a veteran, disability, etc., repeals provision relating to causes of action not created. (Patron—Ebbin) SB 868 1140 2309

Employment discrimination; prohibited against electoral board members and assistant general registrars for election day service, penalty, repeals provision relating to prohibiting such employment discrimination only against officers of election. (Patron—Gooditis) HB 196 838 1362

Health insurance; discrimination on the basis of gender identity or status as a transgender individual prohibited. (Patron—Roem) HB 1429 844 1367

Human Rights, Division of; Division to determine requirements for proactively enforcing statutory requirements for equal pay irrespective of sex. (Patron—Hurst) HB 624 901 1632

Institutional racial segregation and discrimination; repeals several Acts that contain provisions that implemented and enforced.

Patron—Askew	HB	1638	1059	2014
Patron—McClellan	SB	722	1060	2014

Local human rights ordinances; localities may prohibit discrimination in housing, employment, public accommodations, credit, and education on the basis of sexual orientation and gender identity. (Patron—Roem) HB 696 131 200

Organ, eye, or tissue transplantation; discrimination prohibited.

Patron—O'Quinn	HB	1273	217	312
Patron—Pillion	SB	846	218	314

Racial inequity; repeals numerous obsolete and discriminatory Acts.

Patron—Bagby	HB	1325	1055	2013
Patron—Surovell	SB	636	1056	2013

Registered apprenticeship programs; prohibited discrimination. (Patron—Scott) HB 1252 1228 2754

	BILL OR CHAP.	PAGE	
	RES. NO.	NO.	NO.
DISCRIMINATION - Continued			
Segregated accommodations and segregation districts for residences; repeals certain Acts of Assembly.			
Patron—Cole, J.G.	HB	857	1050 2012
Patron—Locke	SB	874	1051 2012
Segregation in transportation; repeals certain Acts requiring and facilitating segregation on railcars, streetcars, and buses.			
Patron—Jones	HB	914	1052 2012
Patron—Ebbin	SB	896	1053 2012
Slavery and Subsequent De Jure and De Facto Racial and Economic Discrimination Against African Americans, Commission to Study; created, sunset provision. (Patron—McQuinn)			
	HB	1519	1043 2004
United States Constitution; ratifies and affirms Equal Rights Amendment that was proposed by Congress in 1972.			
Patron—Carroll Foy	HJR	1	4283
Patron—McClellan	SJR	1	4627
Virginia Fair Housing Law; unlawful discriminatory housing practices, sources of funds, exemptions. (Patron—Bourne)			
	HB	6	477 728
Virginia Human Rights Act; clarifies definition of "lactation," unlawful discrimination on the basis of pregnancy, childbirth, or related medical conditions, reasonable accommodation for the known limitations of persons related to pregnancy, childbirth, or related medical conditions.			
Patron—Carroll Foy	HB	827	1138 2306
Patron—McClellan	SB	712	1139 2307
Virginia Human Rights Act; discrimination on the basis of race, including hair style, type, or texture.			
Patron—McQuinn	HB	1514	107 170
Patron—Spruill	SB	50	152 227
DISTRICT COURTS			
Appeals of right in general district court; appeals of final orders or judgments entered in the same action or related action, party noting or noting and perfecting such appeal shall notify sheriff of such appeal.			
Patron—Simon	HB	792	1048 2010
Patron—Edwards	SB	545	1049 2011
Augusta County and City of Staunton; temporary location of district courts. (Patron—Hanger)			
	SB	929	652 982
Courthouse and courtroom security; increases from \$10 to \$20 maximum amount a local governing body may assess against a convicted defendant as part of costs in a criminal or traffic case in district or circuit court to fund. (Patron—Howell)			
	SB	149	602 925
District courts; protective orders, civil cases appealed, notice of docketing. (Patron—Hashmi)			
	SB	408	905 1635
Fort Monroe Authority; civil actions in general district court.			
Patron—Mugler	HB	1561	84 119
Patron—Locke	SB	956	194 282
Judge; nomination for election to general district court.			
Patron—Lindsey	HR	215	4626
Patron—Edwards	SR	80	4833
Judges; election in circuit court, general district court, and juvenile and domestic relations district court. (Patron—Lindsey)			
	HJR	388	4453
Judges; election in circuit court, general district court, juvenile and domestic relations district court, members of the Judicial and Inquiry Review Commission, and a member of the State Corporation Commission. (Patron—Lindsey)			
	HJR	509	4511
Judges; election in Supreme Court of Virginia, circuit court, general district court, juvenile and domestic relations district court, and a member of the Virginia Workers' Compensation Commission. (Patron—Lindsey)			
	HJR	161	4330
Judges; increases from 11 to 12 the maximum number of authorized general district court judgeships in the nineteenth judicial district.			
Patron—Sullivan	HB	275	343 529
Patron—Petersen	SB	209	586 897
Judges; nominations for election to general district court.			
Patron—Lindsey	HR	31	4533
Patron—Lindsey	HR	138	4589

	BILL OR CHAP.		PAGE
	RES. NO.	NO.	NO.
DISTRICT COURTS - Continued			
Patron—Edwards	SR	12	4801
Patron—Edwards	SR	51	4821
Jurisdiction of civil claims; amending amount of claim, transfer of matter to general district court, etc. (Patron—Leftwich)	HB	1359	903 1634
DIVORCE			
Marriage records; divorce and annulment reports, eliminates requirement for identification of race.			
Patron—Levine	HB	180	209 304
Patron—Suetterlein	SB	62	210 305
Patron—Kiggans	SB	1066	211 306
No-fault divorce; gender-neutral terminology. (Patron—Surovell)	SB	247	270 422
DIXIE RESTAURANT			
Dixie Restaurant; commemorating its 100th anniversary. (Patron—Aird)	HR	101	4570
DNA			
Arrest for a violent felony; saliva or tissue sample required for DNA analysis. (Patron—Jenkins)	HB	821	87 122
DNA; post-conviction testing. (Patron—Norment)	SB	1071	1282 3155
DOGS AND DOG LAWS			
Animal welfare regulations; keeping of dogs, cats, and rabbits, position of State Animal Welfare Inspector created. (Patron—Marsden)	SB	891	1284 3531
Dogs; import and sale from certain breeders, penalty. (Patron—Stanley)	SB	303	569 883
Dogs or cats; rental or lease prohibited, civil penalty, any person who violates this practice may have its business license, retail license, etc., suspended or revoked, exception. (Patron—McPike)	SB	742	630 955
Rabid animals; Class 1 misdemeanor for any person to permit a dog or cat that he owns or is in his custody to stray from his premises when he knows or has been told by animal control agency, etc., that animal is suspected of having rabies. (Patron—Bell)	HB	1573	1183 2455
DOMESTIC RELATIONS			
Best interests of the child; history of child abuse and acts of violence, force, or threat.			
Patron—Levine	HB	861	1074 2046
Patron—Favola	SB	105	1075 2047
Child support; assignment of tax credits. (Patron—Surovell)	SB	434	192 278
Child support; withholding from income of an independent contractor. (Patron—Surovell)	SB	429	722 1069
Domestic relations cases; invocation of constitutional rights, adverse inference. (Patron—Surovell)	SB	433	1062 2015
Gender-neutral terms; prohibitions on same-sex marriage and civil unions removed from Code, certain gender-specific crimes, penalty, repeals provisions relating to marriage and civil unions between persons of same sex. (Patron—Simon)	HB	623	900 1600
Initial child support order; unreimbursed medical expenses for pregnancy and birth. (Patron—Surovell)	SB	428	177 245
Marriage; increases to \$75 the fee that may be charged by a person other than a minister who is authorized to celebrate the rites. (Patron—Spruill)	SB	955	181 267
Marriage records; divorce and annulment reports, eliminates requirement for identification of race.			
Patron—Levine	HB	180	209 304
Patron—Suetterlein	SB	62	210 305
Patron—Kiggans	SB	1066	211 306
Minor's child-care records; access by parent of records of a child day center or family day home. (Patron—Surovell)	SB	430	178 265
No-fault divorce; gender-neutral terminology. (Patron—Surovell)	SB	247	270 422
Pendente lite spousal support; guidelines. (Patron—Collins)	HB	1500	651 981
Same-sex marriages and civil unions; repeals statutory prohibitions between persons of the same sex purporting to bestow privileges and obligations of marriage.			
Patron—Guy	HB	1490	75 104
Patron—Ebbin	SB	17	195 283
Spousal support; modification of support. (Patron—Collins)	HB	1501	585 896
Spousal support; reservation of right to seek, material change of circumstances. (Patron—Surovell)	SB	432	196 283

BILL OR CHAP. PAGE
RES. NO. NO. NO.

DOMESTIC RELATIONS - Continued

Uniform Child Custody Jurisdiction and Enforcement Act; disclosure of identifying information, pleading or affidavit. (Patron—Heretick) HB 436 42 52

DOUGLAS S. FREEMAN HIGH SCHOOL

Douglas S. Freeman High School “We the People” team; commending. (Patron—Willett) HR 94 4566

DRAGAS, GEORGE, JR.,

Dragas, George, Jr.; recording sorrow upon death. (Patron—Knight) HR 21 4529

DRIVERS' LICENSES

Commercial driver's licenses; entry-level driver training. (Patron—Deeds) SB 290 546 836
Driver privilege cards; definitions, issuance by Department of Motor Vehicles, release of information, surcharge on certain fees, scanning information from driver's licenses and other documents, effective date, report.

Patron—Tran HB 1211 1227 2721
Patron—Surovell SB 34 1246 2875

Driver's license; allows a person convicted of a first offense of unreasonable refusal to have samples of his breath taken for chemical tests to determine the alcohol content of his blood to petition the court 30 days after conviction for a restricted license, no restricted license shall permit any person to operate a commercial motor vehicle, etc. (Patron—Lindsey) HB 34 341 526

Driver's license; an applicant with a valid, unexpired Employment Authorization Document may be issued a limited-duration license. (Patron—Barker) SB 761 981 1874

Driver's license; DMV, upon request of the applicant and presentation of a signed statement by a licensed physician confirming the applicant's condition, shall indicate that applicant has a traumatic brain injury on the applicant's license, request shall be accompanied by a form prescribed by the Commissioner and completed by a licensed physician. (Patron—Deeds) SB 289 545 835

Driver's license; expressing the opposition of the General Assembly of the federal requirement of a law mandating a six-month license suspension upon drug offense conviction. (Patron—Hayes) HJR 200 4351

Driver's license; removes requirement that a court suspend the license of a person convicted of any violation of the law who fails or refuses to provide for immediate payment of fines or costs, Commissioner of DMV shall reinstate a person's privilege to drive that was suspended prior to July 1, 2019, waive all fees relating to reinstating privileges, repeals Nonresident Violator Compact of 1977.
Patron—Lopez HB 1196 964 1824
Patron—Stanley SB 1 965 1841

Driver's license; suspensions for certain non-driving related offenses, removes existing provisions that allow a person's driver's license to be suspended when he is convicted of or placed on deferred disposition for a drug offense, etc.
Patron—Hayes HB 909 740 1150
Patron—Edwards SB 513 741 1152

Driver's license, commercial driver's license, or special identification cards; applicant shall be permitted to choose between "male," "female," or "non-binary" when designating the applicant's sex on application form. (Patron—Surovell) SB 246 544 828

Driving after forfeiture of license; person is guilty of an offense of driving or operating a motor vehicle after his license has been revoked for certain offenses, etc. (Patron—Morrissey) SB 798 1019 1970

Driving while license, permit, or privilege to drive suspended or revoked; mandatory minimum term. (Patron—McClellan) SB 711 1018 1969

Personal information privacy; scanning information from an identification card or driver's license, merchant shall destroy information when purpose for which it was provided has been satisfied. (Patron—Marsden) SB 101 542 826

DRUG ABUSE

Driver's license; expressing the opposition of the General Assembly of the federal requirement of a law mandating a six-month license suspension upon drug offense conviction. (Patron—Hayes) HJR 200 4351

Hospitals; screening emergency department patients, treatment of individuals experiencing a substance use-related emergency. (Patron—Vogel) SB 903 942 1718

DRUMHELLER, GLENN

Drumheller, Glenn; commending. (Patron—Avoli) HR 102 4570

BILL OR CHAP. PAGE
RES. NO. NO. NO.

DRUNK DRIVING

- Alcoholic beverage control**; interdiction of intoxicated driver, disqualification for a concealed handgun permit. (Patron—Carroll Foy) HB 923 150 225
- Driving under the influence**; remote alcohol monitoring device, definitions, tampering with device is punishable as a Class 1 misdemeanor, effective date. (Patron—Surovell) SB 439 1007 1933
- Ignition interlock**; a court of proper jurisdiction may, as a condition of a restricted license, prohibit an offender from operating a motor vehicle that is not equipped with a functioning, certified system for a first offense driving under the influence of drugs. (Patron—Deeds) SB 282 530 807

DUBLIN, TOWN OF

- Dublin, Town of**; authorized to receive state funds for the performance of certain highway maintenance projects. (Patron—Rush) HB 1611 645 975

DUFF, CHARLES HENRY, JR.

- Duff, Charles Henry, Jr.**; recording sorrow upon death. (Patron—Boysko) SJR 258 4775

DULLES SOUTH FOOD PANTRY

- Dulles South Food Pantry**; commending. (Patron—Subramanyam) HJR 442 4477

DUNCAN, ROBERT W.

- Duncan, Robert W.**; commending.
Patron—Edmunds HJR 321 4417
Patron—Hanger SJR 171 4729

EASEMENTS

- Utility easements**; location of broadband and other communications facilities, definitions, expansion of broadband, damages awarded if court finds that a provider is liable for trespass, etc., the claimant shall be entitled to recover reasonable costs.
Patron—Carroll Foy HB 831 1132 2265
Patron—Lewis SB 794 1131 2262

EASTER, RUFUS B., JR.

- Easter, Rufus B., Jr.**; recording sorrow upon death. (Patron—Locke) SR 45 4818

EASTERN SHORE OF VIRGINIA

- Eastern Virginia Groundwater Management Advisory Committee**; established, report, sunset provision. (Patron—Mason) SB 679 805 1270

EASTERN VIEW HIGH SCHOOL

- Eastern View High School cheerleading squad**; commending. (Patron—Webert) HJR 81 4302

ECHOLS, THURMAN

- Echols, Thurman**; commending. (Patron—Stanley) SJR 116 4698

ECONOMIC DEVELOPMENT

- Conflict of Interests Act, State and Local Government**; disclosure by executive directors and members of industrial development authorities and economic development authorities, penalty.
Patron—Webert HB 1528 77 105
Patron—Obenshain SB 703 81 114
- Economic and workforce development**; Department of Aviation to study coordination of stakeholders within the aviation industry. (Patron—Cosgrove) SJR 30 4634
- Economic development programs**; reporting requirements, repeals requirement that Secretary of Commerce and Trade provide an annual report. (Patron—Willett) HB 935 591 905
- NASCAR and motor vehicle racing heritage trail**; creation, etc., for promotion of tourism and economic development in Virginia. (Patron—Stanley) SB 773 1184 2456
- Nuclear energy**; advancement of nuclear energy research and exploration of economic development opportunities. (Patron—Peake) SJR 60 4667

ECUMENICAL COMMUNITY HELPING OTHERS

- Ecumenical Community Helping Others**; commending. (Patron—Delaney) HJR 217 4359

EDMUNDS, EMMA CARRINGTON

- Edmunds, Emma Carrington**; recording sorrow upon death. (Patron—Edmunds) HR 118 4578

EDUCATION

- Applied behavior analysis services**; Department of Education shall develop and publish guidance and resources relating to provision of services for students in public schools. (Patron—Roem) HB 1722 774 1215

	BILL OR RES. NO.	CHAP. NO.	PAGE NO.
EDUCATION - Continued			
Career and Technical Education Work-Based Learning Guide; Board of Education to review and revise. (Patron—Tyler)	HB 1680	692	1028
Chesterfield County School Board; recovery high school to be established. (Patron—Coyner)	HB 928	1042	2004
Child abuse and neglect; electronic requests and responses for searches of the central registry. (Patron—Mason)	SB 678	300	462
Community schools; Department of Education shall establish an interagency task force for purpose of developing a program for establishment of schools, community programs and services, Department shall adhere to recommendations as published in the Virginia Community School Framework in October 2019, etc. (Patron—Rasoul)	HB 1355	872	1535
Culturally Relevant and Inclusive Education Practices Advisory Committee; established, report, updates teacher's manual as required by 2009 General Assembly. Patron—Sickles	HB 916	572	884
Patron—Boysko	SB 853	573	885
Disorderly conduct; any elementary or secondary school student is not guilty of disorderly conduct in a public place if occurred on school property, on a school bus, or at any activity conducted or sponsored by any school. Patron—Mullin	HB 256	199	287
Patron—McClellan	SB 3	355	542
Dress or grooming codes in schools; school boards may include in its code of student conduct, etc. (Patron—Carroll Foy)	HB 837	678	1013
Early childhood care and education; establishment of system, definitions, licensure, child day programs, repeals provisions relating to certain licensure and registration procedures, etc. Patron—Bulova	HB 1012	860	1400
Patron—Howell	SB 578	861	1460
Early childhood mental health consultation; Departments of Education, Behavioral Health and Developmental Services, and Social Services to jointly study the feasibility of developing, and make available to all early care and education programs serving children from birth to five years of age. (Patron—Sickles)	HJR 51		4295
Education preparation programs; teacher licensure, certain instruction or training. (Patron—Levine)	HB 894	870	1532
Elementary and secondary schools and higher educational institutions; repealing several Acts that contain provisions relating to racial segregation of students. Patron—VanValkenburg	HB 973	110	171
Patron—Lucas	SB 600	352	537
Family life education; each school board shall conduct a review of its curricula at least once every seven years, evaluate whether such curricula reflect contemporary community standards. (Patron—Keam)	HB 1336	687	1026
Family life education programs; audio-visual materials shall be made available through any available parental portal, summaries. (Patron—Leftwich)	HB 1394	689	1027
Firearms; adds public, private, or religious preschools and child day centers that are not operated at the residence of the provider to the list of schools where possessing a firearm on school property or on a school bus is prohibited, certain provisions shall apply only during operating hours, etc., clarifies definition of "child day center." (Patron—Lucas)	SB 71	1249	2939
Firearms or other weapons; unauthorized to possess on school property. (Patron—Hope)	HB 1080	1037	1999
Gloucester County; authorized to impose additional sales and use tax, appropriations to incorporated towns for educational purposes. (Patron—Norment)	SB 224	865	1523
Guardianship; special education transition materials, appointment of guardian ad litem, report. (Patron—Dunnavant)	SB 585	855	1392
High school graduation; standard diploma requirements, dual enrollment and high-quality work-based learning experience. Patron—Bulova	HB 516	55	64
Patron—Suetterlein	SB 112	580	888
High school graduation requirements; advanced diploma, standard units of credit, certain substitutions. (Patron—Barker)	SB 323	874	1536
Individualized education program teams; teams to consider need for certain age-appropriate and developmentally appropriate instruction, Department of			

EDUCATION - Continued

Education shall establish guidelines when developing IEPs for children with disabilities.				
Patron—Runion	HB	134	51	63
Patron—Dunnavant	SB	186	170	239
Inhaled asthma medications; school nurse, school board employee, etc., may possess or administer to a student diagnosed with a condition requiring an albuterol inhaler or nebulized albuterol.				
Patron—Bell	HB	860	459	692
Patron—Lopez	HB	1174	460	700
Interstate Compact on Educational Opportunity for Military Children, Virginia Council on the; increases membership of nonlegislative citizen members, adds one parent of a military child to Council. (Patron—DeSteph)	SB	41	600	924
Mecklenburg County; authorized to impose additional sales and use tax, definition of "qualified locality" means Halifax County or Mecklenburg County, appropriations to incorporated towns for educational purposes.				
Patron—Wright	HB	200	427	636
Patron—Ruff	SB	943	428	642
Menstrual supplies; each school board shall make supplies available at all times and at no cost to students in appropriate locations in each elementary school, and in bathrooms of each middle school and high school in local school divisions.				
Patron—Keam	HB	405	675	1012
Patron—Boysko	SB	232	676	1012
Mental health awareness training; each school board shall adopt and implement policies that require each teacher and relevant personnel, employed on a full-time basis, to complete a training or similar program at least once. (Patron—Deeds)	SB	619	472	725
Microcredentials; Department of Education shall develop a plan to adopt and implement standards used toward add-on endorsements and renewal of licenses earned by Virginia license holders in STEM field, report. (Patron—Carroll Foy)	HB	836	510	774
Northampton County; authorized to impose additional sales and use tax, appropriations to incorporated towns for educational purposes, definition of "qualifying locality." (Patron—Lewis)	SB	1028	708	1049
Northern Neck Technical Center; permits the school board of any school division from which students attend Center to set the school calendar so that the first day that students are required to attend school is earlier than Labor Day, etc. (Patron—McDougle)	SB	515	695	1030
Parental notification; literacy and Response to Intervention screening and services, certain assessment results. (Patron—Delaney)	HB	410	336	521
Private schools; sexual misconduct, employment assistance prohibited. (Patron—Ebbin)	SB	832	779	1219
Public elementary and secondary school students; use of topical sunscreen, etc. (Patron—Spruill)	SB	44	579	888
Public elementary and secondary school teachers; probationary term of service, performance evaluation.				
Patron—Carroll Foy	HB	365	53	63
Patron—Locke	SB	98	167	237
Public elementary and secondary schools; treatment of transgender students, policies, student participation in sex-specific school activities and events, etc., activities and events do not include athletics.				
Patron—Simon	HB	145	153	227
Patron—Boysko	SB	161	154	228
Public school accreditation; triennial review. (Patron—Adams, D.M.)	HB	1388	688	1027
Public school buildings; each school board shall maintain a water management program for the prevention of Legionnaires' disease at each public school building in the local school division. (Patron—Hashmi)	SB	410	776	1216
Public School Security Equipment Grant Act of 2013; eligible security equipment. (Patron—Hanger)	SB	594	778	1218
Public School Security Equipment Grant Act of 2013; eligible security equipment, vaping detectors. (Patron—Hanger)	SB	595	686	1025
Public school teachers; technical professional licenses, eligibility criteria. (Patron—Brewer)	HB	1613	684	1024

BILL OR CHAP. PAGE
RES. NO. NO. NO.

EDUCATION - Continued

Public schools; alternative school discipline process, assault and battery without bodily injury. (Patron—Stanley)	SB	1020	876	1540
Public schools; Department of Criminal Justice Services, et al., shall annually collect, report, and publish on its website data related to incidents involving students and school resource officers. Patron—VanValkenburg	HB	271	1039	2002
Patron—Locke	SB	170	169	238
Public schools; Department of Education, et al., shall develop and distribute health and safety best practice guidelines for use of digital devices in schools. (Patron—Hope)	HB	817	677	1013
Public schools; enrollment of certain children placed in foster care, provisions shall apply to any student who was in foster care upon reaching 18 years of age, etc. Patron—Carroll Foy	HB	368	474	726
Patron—Barker	SB	275	475	726
Public schools; extension of provisional teacher licensure. (Patron—Kilgore)	HB	1630	640	970
Public schools; increases kindergarten instructional time. (Patron—Barker)	SB	238	582	892
Public schools; lock-down drills, notice to parents. (Patron—VanValkenburg)	HB	270	378	575
Public schools; mental health awareness training required. (Patron—Kory)	HB	74	471	724
Public schools; pre-kindergarten and kindergarten students shall be exempt from mandatory participation in lock-down drills during first 60 days of school session. (Patron—Keam)	HB	402	1040	2003
School attendance officers; petitions for violation of a school attendance order entered by juvenile and domestic relations district court, etc. Patron—Guzman	HB	1081	105	167
Patron—Barker	SB	237	106	169
School boards; applicants for employment, criminal history, data on convictions for certain crimes. (Patron—Ward)	HB	392	877	1540
School boards; authorizes City of Winchester to compensate members. (Patron—Vogel)	SB	1040	1046	2008
School boards; availability of school meals to students, effective date. (Patron—Roem)	HB	1426	683	1024
School boards; career and technical education, academic and career plans, contents. (Patron—O’Quinn)	HB	1276	637	962
School boards; distribution of excess food. (Patron—Roem)	HB	698	574	886
School boards; policies and procedures to ensure suspended students are able to access and complete graded work during and after suspension. (Patron—Delaney)	HB	415	337	522
School boards; policies for possession and administration of epinephrine, accessibility during regular school hours. (Patron—Bell)	HB	999	476	727
School boards; written school crisis, emergency management, and medical emergency response plans, etc. (Patron—Krizek)	HB	501	338	523
School boards and local law-enforcement agencies; memorandums of understanding, publish on division website, frequency of review and public input. Patron—VanValkenburg	HB	292	52	63
Patron—Locke	SB	221	171	240
School boards, local; board shall submit its testing plan and remediate certain potable water sources and report the results of any such test to the Department of Health, notification of results to parents. Patron—Askew	HB	797	293	453
Patron—McPike	SB	392	884	1552
School boards, local; includes licensed behavior analysts and licensed assistant behavior analysts as support services positions in a local school division. (Patron—Tran)	HB	1143	635	959
School buildings, public; local school board shall develop and implement a plan to test and, if necessary, a plan to remediate mold in buildings, notification to school staff and parents, effective date. (Patron—Ebbin)	SB	845	780	1220
School bus drivers; Superintendent of Public Instruction, et al., to survey each local school division to identify critical shortages by geographic area and local school division, persons hired as drivers receiving service retirement allowance. (Patron—Deeds)	SB	324	437	653
School bus drivers; Superintendent of Public Instruction, with the assistance of each school board or division superintendent, to survey each local school division to identify critical shortages by geographic area and local school division and to report				

	BILL OR CHAP.		PAGE
	RES. NO.	NO.	NO.
EDUCATION - Continued			
any such shortage to each local school division and to the Virginia Retirement System. (Patron—Bell)	HB	351	379 575
School Construction and Modernization, Commission on; established, membership, report, sunset provision. (Patron—McClellan)	SB	888	1044 2006
School counselors; Department of Education shall collect data from school boards regarding their ability to fill positions, report. (Patron—Wilt)	HB	1653	641 973
School counselors; effective with 2021-2022 school year, local school boards shall employ one full-time equivalent school counselor position per 325 students in grades kindergarten through 12. (Patron—McQuinn)	HB	1508	953 1745
School counselors; effective with 2021-2022 school year, local school boards shall employ one full-time equivalent school counselor position per 325 students in grades kindergarten through 12, effective clause. (Patron—Locke)	SB	880	952 1742
School meal debt; school board may solicit and receive any donation or other funds for purpose of eliminating or offsetting any debt. (Patron—Roem)	HB	703	575 886
School meals; each local school board to adopt policies that prohibit school board employees from requiring a student who cannot pay for a meal at school, etc., to throw away or discard a meal after it has been served to him. (Patron—Roem)	HB	697	509 774
School principals; reporting certain acts to local law-enforcement agency that may constitute a felony offense.			
Patron—Mullin	HB	257	335 520
Patron—McClellan	SB	729	173 241
School resource officers and school security officers; officers to receive training specific to the role and responsibility of a law-enforcement officer working with students in a school environment, such as a physical alternative to restraint, etc.			
Patron—Jones	HB	1419	638 966
Patron—Locke	SB	171	184 268
Social-emotional learning; Department of Education shall develop guidance standards for all public school students, report. (Patron—Rasoul)	HB	753	339 524
Standards of Quality; state funding, ratios of teachers to English language learners.			
Patron—Guzman	HB	975	1034 1992
Patron—Hashmi	SB	910	1035 1995
Student-athletes, coaches, etc.; Board of Education shall develop, etc., guidelines on policies about nature and risk of sudden cardiac arrest, etc. (Patron—Reeves)	SB	463	694 1029
Student voters; public high schools to provide Virginia voter registration information. (Patron—Guy)	HB	1491	612 934
Students; Board of Education to consider certain regulatory revisions relating to populations that are underrepresented in gifted and talented programs. (Patron—Keam)	HB	1139	871 1535
Students; Department of Education shall establish and distribute to each school board no later than December 31, 2020, guidelines for granting of an excused absence from school due to his mental or behavioral health. (Patron—Hope)	HB	308	869 1532
Students, certain; waiver to access student transportation in certain cases. (Patron—Tran)	HB	1208	576 887
"Students with limited or interrupted formal education;" Department of Education shall develop and adopt a common statewide definition for the term, evaluation of supports and programs. (Patron—Favola)	SB	933	696 1030
Stun weapons; prohibition of possession on school property, exemptions. (Patron—Hanger)	SB	173	693 1029
Teacher grievance procedures; hearing, three-member fact-finding panel. (Patron—Bell)	SB	377	875 1539
Teacher licensure; written reprimand, suspension. (Patron—Askew)	HB	1344	513 776
Teacher licensure process and assessment requirements; Department of Education to study for any inherent biases that may prevent minority teacher candidates from entering the profession. (Patron—Locke)	SJR	15	4629
Teacher, other instructional personnel, and support staff shortages; each school board shall report to the Department of Education annually the number and type of vacancies in the school division, report. (Patron—Willett)	HB	376	674 1012
Teachers; biennial compensation review, report. (Patron—VanValkenburg)	HB	1443	690 1028
Teachers; extension of provisional licenses for those employed in schools for students with disabilities. (Patron—Mason)	SB	680	172 240

	BILL OR CHAP. RES. NO.	PAGE NO.	PAGE NO.
EDUCATION - Continued			
Teachers employed in an accredited private elementary and secondary schools or a school for students with disabilities; provisional licenses, extension. (Patron—Gooditis)	HB 1469	639	970
Teachers, public school; grounds for dismissal.			
Patron—Guzman	HB 570	56	67
Patron—Favola	SB 167	168	238
Technical professional licenses; military science endorsement.			
Patron—Rush	HB 1568	108	171
Patron—Edwards	SB 978	109	171
Tobacco and nicotine vapor products; school board required to provide parents educational information. (Patron—Kory)	HB 1073	679	1014
Virginia Retirement System; retired law-enforcement officers employed as school security officers.			
Patron—Torian	HB 1495	968	1863
Patron—Cosgrove	SB 54	969	1865
EDUCATION, SECRETARY OF			
Residential psychiatric placement and services; Secretaries of Education and Health and Human Resources shall establish a work group to study current process for approval of services.			
Patron—Hope	HB 728	364	553
Patron—Deeds	SB 734	737	1123
E.G. MIDDLETON, INC.			
E.G. Middleton, Inc.; commemorating its 100th anniversary. (Patron—Knight)	HR 56		4546
868 ESTATE VINEYARDS			
868 Estate Vineyards; commending. (Patron—Bell)	SR 56		4823
EISSLER, SARAH ROSENBERGER			
Eissler, Sarah Rosenberger; commending. (Patron—Tran)	HJR 251		4378
ELDEN FAMILY DENTAL			
Elden Family Dental; commemorating its 10th anniversary. (Patron—Samirah)	HR 120		4579
ELECTION DAY			
Election Day; designating as the Tuesday, after the first Monday in November, as a state holiday and removes Lee-Jackson Day as a state holiday.			
Patron—Lindsey	HB 108	417	622
Patron—Lucas	SB 601	418	623
ELECTIONS			
Absentee voting; annual applications for eligible absentee voters. (Patron—Sickles) . .	HB 240	1156	2355
Absentee voting; any registered voter to vote by absentee ballot in any election in which he is qualified to vote, application of any covered voter may be on a federal postcard, etc.			
Patron—Herring	HB 1	1149	2333
Patron—Howell	SB 111	1151	2342
Absentee voting; deadline for returning absentee ballot.			
Patron—Sickles	HB 238	288	443
Patron—Reeves	SB 455	933	1703
Absentee voting; emergency absentee voting by and late applications for persons hospitalized. (Patron—Ebbin)	SB 859	1163	2375
Absentee voting; envelope provided to an absentee voter for the return of the absentee ballot to include prepaid postage, provisions shall not become effective unless reenacted by 2021 Regular Session. (Patron—Krizek)	HB 220	1155	2352
Absentee voting; extends deadline for applying for an absentee ballot to cast other than in person. (Patron—Sickles)	HB 239	289	444
Absentee voting; no excuse required, permanent absentee voter list, voter shall be removed from list if voter moves to a different address not in the same county or city of his registration, in the case of a special election, excluding for federal offices, if time is insufficient between issuance of the writ calling for special election and date of election, absentee voting in person shall be available as soon as possible after issuance of writ, effective date, repeals enactments referring to general elections on November 3, 2020. (Patron—VanValkenburg)	HB 207	1201	2607
Absentee voting; process by which a qualified voter is permitted to vote by absentee ballot when an emergency prevented him from applying for ballot by the deadline,			

	BILL OR CHAP.		PAGE
	RES. NO.	NO.	NO.
ELECTIONS - Continued			
etc., repeals provisions relating to late applications and in-person absentee voting, etc. (Patron—Sickles)	HB	242	1157 2356
Absentee voting ; voter satellite offices for absentee voting in person, office shall be open to the public. (Patron—Deeds)	SB	617	856 1395
Campaign finance ; committee depositories and reimbursement. (Patron—Adams, D.M.)	HB	1061	349 534
Campaign finance ; filing schedule for persons with multiple campaign committees. (Patron—Carter)	HB	88	347 532
Campaign finance ; reporting of certain contributions received immediately prior to legislative session, report shall be received by the State Board not later than January 15. (Patron—Suetterlein)	SB	217	770 1213
Campaign Finance Disclosure Act of 2006 ; applicability to nominations and elections for directors of soil and water conservation districts, exemption from reporting requirements includes directors. (Patron—Suetterlein)	SB	979	772 1214
Candidate petitions ; residency of petition circulators, signed statement required for nonresident circulators. (Patron—Sullivan)	HB	214	501 763
Congressional and state legislative districts ; standards and criteria by which districts are to be drawn, population data, redistricting, Department and Board of Corrections to provide prison population data to Division of Legislative Services. Patron—Price	HB	1255	1229 2755
Patron—McClellan	SB	717	1265 3027
Constitutional amendment ; Virginia Redistricting Commission, apportionment, responsibility of drawing districts (submitting to qualified voters). (Patron—Barker)	SB	236	1071 2042
Constitutional amendment ; Virginia Redistricting Commission, apportionment (submitting to qualified voters). (Patron—VanValkenburg)	HB	784	1070 2040
County and city precincts ; required to be wholly contained within election districts, establishing precinct boundaries to be consistent with any congressional district, Senate district, House of Delegates district, etc., waiver for administration of split precinct. (Patron—Obenshain)	SB	740	1268 3041
Election day ; extending polling hours from 7:00 p.m. to 8:00 p.m., provisions shall not become effective unless reenacted by 2021 Session of the General Assembly. (Patron—Lindsey)	HB	1678	720 1064
Election day page program ; removes the prohibition against a program being conducted in a central absentee voter precinct. (Patron—Simon)	HB	186	285 441
Election recounts ; reorganization of sections, technical amendments. (Patron—Edwards)	SB	444	886 1554
Elections ; same-day registration at office of general registrar in locality or at polling place in which person resides, effective date. (Patron—Ayala)	HB	201	1153 2351
Elections administration ; Department of Elections to employ a Director of Operations. (Patron—Carr)	HB	540	1087 2079
Elections, State Board of ; activities related to the supervision of local electoral boards and general registrars. (Patron—Carr)	HB	539	291 452
Elections, State Board of ; increasing membership, after staggering terms Board member shall serve five years, role and eligibility, report. (Patron—Sickles)	HB	236	353 538
Elections, State Board of ; increasing membership, staggering terms, role and eligibility, report. (Patron—Ebbin)	SB	856	619 941
Electoral boards, local ; office vacated if board member ceases to be qualified voter of county or city. Patron—Wilt	HB	1285	295 457
Patron—Obenshain	SB	737	370 567
Electoral boards, local ; terms to begin January 1. (Patron—Sickles)	HB	237	287 442
Employment discrimination ; prohibited against electoral board members and assistant general registrars for election day service, penalty, repeals provision relating to prohibiting such employment discrimination only against officers of election. (Patron—Gooditis)	HB	196	838 1362
General registrars ; certification requirement, removal from office. (Patron—Aird) ...	HB	1362	1148 2330
Lists of registered voters ; Department of Elections shall provide, at no charge, to courts of the Commonwealth and United States for jury selection purposes, etc. (Patron—Reeves)	SB	466	369 566

	BILL OR CHAP. RES. NO.	PAGE NO.	PAGE NO.
ELECTIONS - Continued			
Local and constitutional offices; candidates to file campaign finance reports by computer or electronic means, effective date. (Patron—Suetterlein)	SB	57	769 1213
Mail voter registration application forms; Department of Elections to provide a reasonable number of forms to certain public and private higher educational institutions. (Patron—Willett)	HB	232	921 1683
Minority language accessibility; voting and election materials, a covered locality may distribute such materials in the preferred language identified by the voter, effective date. (Patron—Tran)	HB	1210	719 1063
Officers of election; timing of additional training following change in law or regulation. (Patron—Tran)	HB	202	286 441
Political campaign advertisements; adds text messages to definition of campaign telephone calls, etc. (Patron—Adams, D.M.)	HB	1062	554 851
Political campaign advertisements; applicability of disclosure requirements to advertisements placed or promoted for a fee on an online platform, identification and certification by online political advertisers. (Patron—Simon)	HB	849	551 848
Political campaign advertisements; authorization statement, name of candidate defined, effective date. (Patron—Watts)	HB	1556	615 937
Political campaign advertisements; print media requirements, print media advertisements paid for or distributed prior to July 1, 2024, shall not be subject to regulations promulgated by State Board of Elections. (Patron—Wilt)	HB	1238	557 861
Pollbooks; general registrars to produce and distribute printed copies to each precinct for any primary and general election. (Patron—Carter)	HB	1421	297 459
Polling place activities; reorganization of sections, technical amendments. (Patron—Edwards)	SB	442	561 868
Polling place procedures; officer of election shall verify with voter his full name and address, etc. (Patron—Ward)	HB	1402	296 458
Primary ballot; certain required statements as qualification for candidacy, failure to timely file. (Patron—Reeves)	SB	469	850 1374
Primary election; changes date of election held in June from second Tuesday in June to third Tuesday in June, also changes candidate filing deadlines to reflect change of date, provisions shall not become effective unless reenacted by 2021 Session of the General Assembly. (Patron—Kiggans)	SB	316	1253 2960
Protected voter status; certain evidence not required. (Patron—Sickles)	HB	241	710 1055
Provisional voting; persons voting in split precincts. (Patron—Cole, M.L.)	HB	43	920 1681
Provisional voting; reorganization of sections, technical amendments. (Patron—Edwards)	SB	443	735 1114
Ranked choice voting; elections for local governing bodies, local option pilot program. (Patron—Hudson)	HB	1103	1054 2012
Recounts; procedure for certain ballots. (Patron—Levine)	HB	179	284 437
Recounts; special election to be held in the case of a tie vote, exception. (Patron—Price)	HB	198	500 759
Registered voters; lists provided at no charge to courts of the Commonwealth and the United States with lists for jury selection purposes no more than two times in a 12-month period. (Patron—Krizek)	HB	500	290 451
Sample ballots; removes the restriction on unofficial ballots being printed on yellow paper. (Patron—Lindsey)	HB	146	283 436
Voter identification; accepted forms of identification, student identification card issued by out-of-state institution of higher education. (Patron—Sullivan)	HB	213	1154 2351
Voter identification; repeal of photo identification requirements, additional forms of identification accepted, valid student identification card, signed statement in lieu of required form, penalty. (Patron—Locke)	SB	65	1065 2025
Voter identification; signed statement in lieu of required form of identification, signed statement that voter is the named registered voter he claims to be, when envelope containing ballot shall not be opened and vote not counted, penalty. (Patron—Lindsey)	HB	19	1064 2016
Voter registration; automatic electronic transmission by DMV to the Department of Elections of certain information for any person, etc., repeals requirement that DMV offer, accept, etc., voter registration applications.			
Patron—Cole, J.G.	HB	235	908 1638
Patron—Marsden	SB	219	909 1642

	BILL OR CHAP.	PAGE	RES. NO.	NO.	NO.
ELECTIONS - Continued					
Voter registration ; notification of denial, shall be given in writing and by email or telephone if such information was provided by the applicant. (Patron–Boysko)	SB	666	857	1396	
Voter registration ; registration conducted in a high school or at location of a naturalization ceremony shall not be required to be open to the public. (Patron–Ebbin)	SB	857	858	1399	
Voter registration by mail ; certain first-time voters permitted to vote by absentee ballot, person confined while awaiting trial or for having been convicted of a misdemeanor. (Patron–Bourne)	HB	872	718	1063	
Voting ; repeals several Acts of Assembly that implemented and enforced a state poll tax and provided for separate registration records on the basis of race.					
Patron–Price	HB	1086	350	536	
Patron–Spruill	SB	555	377	574	
Voting systems ; clarifies the definition machine-readable ballot, voter-verifiable paper records. (Patron–Levine)	HB	1053	294	453	
ELECTRIC COMPANIES					
Electric cooperatives ; on-bill tariff programs, definitions. (Patron–Marsden)	SB	754	807	1272	
Electric generation facilities ; State Corporation Commission shall determine when electric utilities should retire facilities owned or operated by any Phase I or II Utility. (Patron–Subramanyam)	HB	528	662	994	
Electric utilities ; broadband capacity, pilot program, providing broadband connectivity. (Patron–O'Quinn)	HB	1280	752	1164	
Electric utilities ; community solar development pilot program, facilities in low-income communities. (Patron–Keam)	HB	573	663	994	
Electric utilities ; definitions, development of offshore wind generation facilities, State Corporation Commission shall retain ongoing authority to review reasonableness and prudence of any increases in the total projected cost of facility during construction period.					
Patron–Hayes	HB	1664	1240	2863	
Patron–Mason	SB	860	1273	3066	
Patron–Lucas	SB	998	1279	3147	
Electric utilities ; energy efficiency programs, stakeholder process. (Patron–Keam) . .	HB	575	1208	2626	
Electric utilities ; fuel cost recovery. (Patron–Ware)	HB	167	661	993	
Electric utilities ; notice before terminating service, enforcement by State Corporation Commission of procedural requirements. (Patron–Tran)	HB	1225	668	1004	
Investor-owned electric utilities ; rate of return on common equity, applications received by Commission on or after January 1, 2020. (Patron–McClellan)	SB	731	1108	2119	
ELECTRONIC PROCESSES					
Administration of government ; state publications to be made available in electronic format as read-only and text-searchable Portable Document Format (.pdf) files. (Patron–Reid)	HB	719	421	627	
General Services, Department of ; public posting of contract information on central electronic procurement system, modifications made by a using agency on or after July 1, 2021, to any other contract that has two or more years remaining shall be posted on Department's system.					
Patron–Carr	HB	544	47	59	
Patron–Ruff	SB	563	179	265	
Local and constitutional offices ; candidates to file campaign finance reports by computer or electronic means, effective date. (Patron–Suetterlein)	SB	57	769	1213	
Mutual assessment property and casualty insurers ; notice by electronic delivery. (Patron–Ransone)	HB	951	216	311	
Order of publication ; electronic notice when publication in newspaper has been dispensed by court order. (Patron–Sullivan)	HB	834	159	231	
Persons acquitted by reason of insanity ; use of two-way electronic video and audio communication system in proceedings. (Patron–Hurst)	HB	639	96	153	
Statewide Telehealth Plan ; definitions, Board shall develop and maintain as a component of State Health Plan, Plan shall include provisions for promotion of use of remote patient monitoring services, etc. (Patron–Kilgore)	HB	1332	729	1095	

ELEMENTARY SCHOOLS

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

Patron—Mullin HB 256 199 287
Patron—McClellan SB 3 355 542

Elementary and secondary schools and higher educational institutions; repealing several Acts that contain provisions relating to racial segregation of students.

Patron—VanValkenburg HB 973 110 171
Patron—Lucas SB 600 352 537

Menstrual supplies; each school board shall make supplies available at all times and at no cost to students in appropriate locations in each elementary school, and in bathrooms of each middle school and high school in local school divisions.

Patron—Keam HB 405 675 1012
Patron—Boysko SB 232 676 1012

Public elementary and secondary school students; use of topical sunscreen, etc. (Patron—Spruill)

SB 44 579 888

Public elementary and secondary school teachers; probationary term of service, performance evaluation.

Patron—Carroll Foy HB 365 53 63
Patron—Locke SB 98 167 237

Public elementary and secondary schools; treatment of transgender students, policies, student participation in sex-specific school activities and events, etc., activities and events do not include athletics.

Patron—Simon HB 145 153 227
Patron—Boysko SB 161 154 228

ELK

Hunting elk; Board of Game and Inland Fisheries to create a special license in the elk management zone that is required in addition to a general hunting license.

Patron—Edmunds HB 388 309 477
Patron—Chafin SB 262 310 477

ELKTON, TOWN OF

Elkton, Town of; amending charter, town boundaries, council meetings.

Patron—Runion HB 846 135 205
Patron—Hanger SB 597 757 1175

ELLIS, JILLIAN ANNE

Ellis, Jillian Anne; commending. (Patron—Filler-Corn) HJR 414 4464

ELMER, DENNIS

Elmer, Dennis; commending. (Patron—Cosgrove) SJR 149 4715

ELSWICK, STEPHEN A.

Elswick, Stephen A.; commending. (Patron—Cox) HR 163 4600

ELTRINGHAM, PETER

Eltringham, Peter; commending. (Patron—Vogel) SJR 151 4717

EMAIL

Virginia Conflict of Interest and Ethics Advisory Council; powers and duties, guidance, redaction of email addresses. (Patron—Herring)

HB 1011 111 171

Voter registration; notification of denial, shall be given in writing and by email or telephone if such information was provided by the applicant. (Patron—Boysko)

SB 666 857 1396

Workers' compensation; requires an employer whose employee has filed a claim under the Virginia Workers' Compensation Act to advise the employee whether the employer intends to accept or deny the claim, etc., employer may, if employee consents, send response to employee by email. (Patron—Carter)

HB 46 1086 2078

EMERGENCY LEGISLATION

Agriculture and Forestry Industries Development Planning Grant Program; created. (Patron—Guzman)

HB 1002 1220 2687

Bait fish; unlawful to transport for sale outside of the Commonwealth, any river herring, alewife, threadfin shad, etc., collected from inland waters, penalty. (Patron—Stanley)

SB 772 808 1273

EMERGENCY LEGISLATION - Continued

Brodnax, Town of; amending charter, reduces number of town councilmen.				
Patron—Tyler	HB	168	119	181
Patron—Ruff	SB	257	890	1580
Commonwealth of Virginia Higher Educational Institutions Bond Act of 2020; created.				
Patron—Torian	HB	1246	253	381
Patron—Howell	SB	580	280	432
Commonwealth's tax system; conformity with the Internal Revenue Code, provisions of federal Further Consolidated Appropriations Act, related to reduction in medical expense deduction floor.				
Patron—Watts	HB	1413	255	384
Patron—Howell	SB	582	1	1
Emergency laws; civil relief, citizens of the Commonwealth furloughed or otherwise not receiving wages or payments due to closure of the federal government or declaration of emergency by the Governor, clarifies definition of "closure of the United States government." (Patron—Price)	HB	340	1202	2615
Health care professionals, certain; every member of any committee, board, etc., that functions primarily to review, evaluate, or make recommendations on a professional program to address issues related to career fatigue and wellness, civil immunity, repeals code section referring to programs for impaired practitioners.				
Patron—Hope	HB	115	198	285
Patron—Barker	SB	120	1093	2091
Industrial hemp; federal regulations, adoption in Virginia. (Patron—Marshall)	HB	942	620	943
Industrial hemp extract; approval as food or ingredient, regulations, Virginia Industrial Hemp Fund created, report.				
Patron—Gooditis	HB	1430	659	990
Patron—Marsden	SB	918	660	991
Landlord and tenant; no charge for late payment of rent shall exceed the lesser of 10 percent of periodic rent or 10 percent of remaining balance due and owed by the tenant. (Patron—Bourne)	HB	1420	1231	2831
Menhaden; Virginia Marine Resources Commission to adopt regulations necessary to manage Atlantic menhaden, including those necessary to comply with the Atlantic States Marine Fisheries Commission Interstate Fishery Management Plan, closed season for fishing, penalty, Menhaden Management Advisory Committee established, repeals several Code sections relating to quotas, allocation of allowable landings, etc., for managing the fishery.				
Patron—Plum	HB	1448	201	290
Patron—Lewis	SB	791	356	542
Motor Vehicles, Department of; reorganizes and clarifies the responsibilities of DMV regarding the management and distribution of information in its records, repeals sections of the Code requiring the Department to furnish a certificate linking a license plate number to an individual and permitting the Department to publish personal information related to certain delinquent accounts online. (Patron—Ayala)	HB	1092	701	1034
Motorized skateboards or scooters, etc.; extends to October 1, 2020, prohibition on offering for hire in any locality that has not enacted any licensing ordinance, etc. (Patron—Keam)	HB	465	478	731
Parksley, Town of; amending charter, mayor and six members of council shall be elected in November, etc. (Patron—Bloxom)	HB	1492	594	921
Parole; exception to limitation on the application of parole statutes, person who meets eligibility criteria for parole as of July 1, 2020, shall be scheduled for an interview no later than July 1, 2021.				
Patron—Lindsey	HB	33	1200	2607
Patron—McClellan	SB	793	1272	3065
Performance of laboratory analysis; cannabidiol oil, THC-A oil, tetrahydrocannabinol or industrial hemp. (Patron—Marsden)	SB	885	941	1716
Scottsville, Town of; amending charter, staggered elections for town council and other town officers. (Patron—Bell)	HB	345	125	195
Scottsville, Town of; amending charter, staggered elections for town council beginning in 2022, and other town officers, etc. (Patron—Deeds)	SB	281	1252	2958
Small Business and Supplier Diversity, Department of; small business grant funds, repeals Small Business Jobs Grant Fund Program, grant program for small businesses				

	BILL OR CHAP. RES. NO.	PAGE NO.	PAGE NO.
EMERGENCY LEGISLATION - Continued			
affected by novel coronavirus (COVID-19) pandemic public health crisis, etc. (Patron–Jenkins)	HB 1505	1234	2841
Taxes on wills and administrations; exemption for victims of the Virginia Beach mass shooting. Patron–Convirs-Fowler	HB 839	249	374
Patron–DeSteph	SB 93	278	429
Tetrahydrocannabinol concentration; definition. (Patron–Surovell)	SB 646	831	1344
Veterans Treatment Court Program; veterans docket authorized and established as a local specialty docket. (Patron–Reeves)	SB 499	603	926
Wage payment statements; limits scope of requirement that requires periodic statements to show the number of hours worked during the pay period, paystub or online accounting shall include sufficient information to enable the employee to determine how the gross and net pay were calculated. (Patron–Aird)	HB 689	202	293
EMERGENCY SERVICES AND VEHICLES			
Medically underserved areas; Board of Health shall develop regulations for when emergency medical services agencies in these areas may transport patients to 24-hour urgent care facilities, etc. (Patron–Stanley)	SB 301	930	1701
Nongovernmental emergency medical services agencies; dissolution of agency, return of property purchased with public funds, funds shall be offered to a city or county served by emergency medical services agency to be used for the public good. (Patron–Stuart)	SB 1088	946	1738
Public Safety Answering Point (PSAP) dispatchers; definitions, telecommunicator cardiopulmonary resuscitation, Emergency Medical Dispatch education program, by July 1, 2021, the Office of Emergency Medical Services shall adopt standards for training and equipment for provision of T CPR by dispatchers. Patron–Hope)	HB 727	1068	2037
Patron–McClellan	SB 720	1069	2039
EMINENT DOMAIN			
Eminent domain; costs for petition for distribution of funds, interest rate, recordation of certificate. (Patron–Petersen)	SB 31	1245	2874
Eminent domain; eliminates specific provisions for assessment of costs in certain proceedings, provisions shall not apply to certain condemnation proceedings. (Patron–Petersen)	SB 28	1244	2873
Eminent domain; written offer to purchase property. (Patron–Obenshain)	SB 951	793	1240
ENERGY CONSERVATION AND RESOURCES			
Carbon-free energy and clean energy; definition. (Patron–Lewis)	SB 828	811	1278
Clean Energy and Community Flood Preparedness Act; definitions, all loans and grants shall be deemed to promote public purposes of enhancing flood prevention or protection and coastal resilience, Virginia Resources Authority is authorized at any time to pledge, etc., from the Fund any or all assets to be held in trust as security for payment of principal, etc., on any and all bonds, energy conversion or energy tolling agreements, report. Patron–Herring	HB 981	1219	2685
Patron–Lewis	SB 1027	1280	3148
Clean energy projects; authorizes Department of Mines, Minerals and Energy to sponsor a statewide financing program. (Patron–Guy)	HB 654	664	998
Energy manager; head of each state agency shall designate an existing employee as manager, responsible for implementing energy efficiency in state buildings. (Patron–Surovell)	SB 963	961	1822
Higher educational institutions, public; permits each institution to enter into a public-private partnership with any private entity whereby such entity is permitted to use at no cost property owned or controlled by such institution for the generation of wind or solar power in exchange for offering educational immersion programs. (Patron–Bell)	SB 271	775	1216
Offshore Wind, Division of; established within the Department of Mines, Minerals and Energy, report. (Patron–Mugler)	HB 234	794	1241
ENGINEERS, PROFESSIONAL			
Contracts with design professionals; provisions relating to any contract relating to planning or design of construction projects by which any party purports to impose a			

	BILL OR CHAP. RES. NO.	PAGE NO.	PAGE NO.
ENGINEERS, PROFESSIONAL - Continued			
duty to defend on any other party to the contract, is against public policy and is void and unenforceable. (Patron—Surovell)	SB	658	1015 1963
Professional engineers; regulations, projects presenting material risk to public safety, effective date. (Patron—McPike)	SB	385	822 1304
ENVIRONMENT			
Electrical transmission lines; effect on scenic assets, historic resources, and environment. (Patron—Mullin)	HB	665	450 680
Environmental justice; definitions, agency regulations, Virginia Environmental Justice Act, policy.			
Patron—Keam	HB	704	1212 2628
Patron—Hashmi	SB	406	1257 2981
Environmental Quality, Department of; definition of environmental justice. (Patron—Lopez)	HB	1162	454 685
Environmental Quality, Department of; localities affected by a regulation, publication of notice, public participation and comment. (Patron—McClellan)	SB	1075	1110 2132
Hazardous Waste Site Inventory; Department of Environmental Quality shall publish and update annually the Inventory comprising a current listing of sites permitted by, etc., at which disposal has occurred. (Patron—Lopez)	HB	1136	491 748
Rural lands; Department of Environmental Quality shall convene work group to discuss issue of disposal of construction fill and debris on lands, report. (Patron—Guzman)	HB	1639	624 951
EPINEPHRINE			
Epinephrine; every public place may make available for administration, Department of Health, et al., shall develop policies and guidelines for recognition and treatment of anaphylaxis in public places. (Patron—Keam)	HB	1147	556 853
Epinephrine; possession and administration by a restaurant employee, person shall not be liable for any civil damages, etc. (Patron—Edwards)	SB	530	853 1384
School boards; policies for possession and administration of epinephrine, accessibility during regular school hours. (Patron—Bell)	HB	999	476 727
EPPERLY, JAMES WESLEY			
Epperly, James Wesley; recording sorrow upon death. (Patron—Rush)	HR	113	4575
EQUALITY OF RIGHTS			
United States Constitution; ratifies and affirms Equal Rights Amendment that was proposed by Congress in 1972.			
Patron—Carroll Foy	HJR	1	4283
Patron—McClellan	SJR	1	4627
ERDOS, LINDA M.			
Erdos, Linda M.; commending. (Patron—Hope)	HJR	345	4430
EROSION AND SEDIMENT CONTROL			
Stormwater and erosion and sediment control; acceptance of plans in lieu of plan review. (Patron—Petersen)	SB	843	812 1279
ETHNIC GROUPS			
African American legislators; commemorating the 150th anniversary of the swearing in of the first legislators to serve in the General Assembly. (Patron—McClellan)	SJR	78	4674
Civil rights and dignity of all Virginians; affirming the Commonwealth's commitment to diversity and safeguarding. (Patron—Lopez)	HJR	91	4304
Historical African American cemeteries; adds Mt. Zion Old School Baptist Church Cemetery in Loudoun County to the list. (Patron—Gooditis)	HB	314	83 117
Historical African American cemeteries; adds two cemeteries in Montgomery County and one cemetery in City of Radford to the list. (Patron—Hurst)	HB	210	82 116
Historical African American Cemeteries and Graves Fund; created, maintaining qualifying cemeteries and graves, disbursement of funds.			
Patron—McQuinn	HB	1523	455 686
Patron—Locke	SB	881	456 689
Institutional racial segregation and discrimination; repeals several Acts that contain provisions that implemented and enforced.			
Patron—Askew	HB	1638	1059 2014
Patron—McClellan	SB	722	1060 2014
James River bateaumen; recognizing their contributions to Virginia History. (Patron—Carr)	HJR	144	4322

	BILL OR RES. NO.	CHAP. NO.	PAGE NO.
ETHNIC GROUPS - Continued			
Segregated accommodations and segregation districts for residences; repeals certain Acts of Assembly.			
Patron—Cole, J.G.	HB	857 1050	2012
Patron—Locke	SB	874 1051	2012
Segregation in transportation; repeals certain Acts requiring and facilitating segregation on railcars, streetcars, and buses.			
Patron—Jones	HB	914 1052	2012
Patron—Ebbin	SB	896 1053	2012
Teacher licensure process and assessment requirements; Department of Education to study for any inherent biases that may prevent minority teacher candidates from entering the profession. (Patron—Locke)			
	SJR	15	4629
EVANS, NATE			
Evans, Nate; recording sorrow upon death. (Patron—Bourne)	HJR	54	4297
EVANS, ROBERT HOLT, SR.			
Evans, Robert Holt, Sr.; recording sorrow upon death. (Patron—Edmunds)	HJR	450	4481
EVANS, RUBY WILLIAMS			
Evans, Ruby Williams; recording sorrow upon death. (Patron—Aird)	HR	43	4540
EVERY CITIZEN HAS OPPORTUNITIES, INC.			
Every Citizen Has Opportunities, Inc.; commemorating its 45th anniversary. (Patron—Subramanyam)	HJR	395	4456
FAIR HOUSING LAW			
Virginia Fair Housing Law; status as a victim of family abuse, evidence of eligibility to become a tenant, confidentiality of tenant records. (Patron—Rasoul)			
	HB	99 388	585
Virginia Fair Housing Law; unlawful discriminatory housing practices, sources of funds, exemptions. (Patron—Bourne)			
	HB	6 477	728
FAIRFAX COUNTY			
Alcoholic beverage control; creates an annual mixed beverage performing arts facility license that may be granted to persons operating food concessions at any corporate and performing arts facility located in Fairfax County.			
Patron—Murphy	HB	598 15	18
Patron—Favola	SB	212 32	37
Fairfax County; policemen's pension and retirement board. (Patron—Boysko)	SB	651 895	1587
Fairfax County; policemen's retirement system. (Patron—Boysko)	SB	652 896	1588
Urban county executive form of government; Fairfax County to designate an additional seat on the board of social services. (Patron—Bulova)	HB	515 12	17
FAIRFAX MASONIC LODGE NO. 43			
Fairfax Masonic Lodge No. 43; commemorating its 225th anniversary. (Patron—Reeves)	SJR	22	4630
FALLIS, ANDRONIKI			
Fallis, Androniki; commending. (Patron—Marshall)	HJR	382	4449
FAMILY LIFE EDUCATION			
Family life education; each school board shall conduct a review of its curricula at least once every seven years, evaluate whether such curricula reflect contemporary community standards. (Patron—Keam)			
	HB	1336 687	1026
Family life education programs; audio-visual materials shall be made available through any available parental portal, summaries. (Patron—Leftwich)			
	HB	1394 689	1027
FARMERS BANK			
Farmers Bank; commemorating its 100th anniversary. (Patron—Brewer)	HR	11	4515
FARMERS, FARM PRODUCE, AND EQUIPMENT			
Meals tax and county food and beverage tax; exemption for farmers market and roadside stand sales up to \$2,500. (Patron—Bell)			
	HB	342 241	355
Personal property tax; farm machinery and implements, classification of forest harvesting and silvicultural activity equipment. (Patron—Adams, L.R.)			
	HB	1021 251	376
Vehicles used for agricultural and farm purposes; authorizes use of vehicles to include transport between operator's residence and farm. (Patron—Orrock)			
	HB	193 781	1221
FATZINGER, GLENN			
Fatzinger, Glenn; commending. (Patron—Krizek)	HJR	268	4387

FAUQUIER COUNTY

Speeding fines; operation of any motor vehicle in excess of maximum speed limit established on U.S. Route 15 and U.S. Route 17 in Fauquier County, appropriately placed signs displaying speed limit, penalty. (Patron–Vogel)	SB	556	892	1582
U.S. Route 17; Commissioner of Highways to place at least six permanent electronic speed indicator signs near particular intersections in Fauquier County, Department of Transportation shall pay for signs, etc.				
Patron–Webert	HB	941	1024	1974
Patron–Vogel	SB	557	1025	1974

FAUQUIER HIGH SCHOOL

Fauquier High School wrestling team; commending. (Patron–Webert)	HR	135		4587
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FELONS AND FELONIES

Felons; postrelease supervision of certain felons, postrelease incarceration of offenders sentenced for certain offenses.				
Patron–Jones	HB	752	1115	2248
Patron–Stanley	SB	312	1116	2249

FENNESSY, TERESA

Fennessy, Teresa; commending. (Patron–Boysko)	SJR	252		4772
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FERTILIZERS

Lawn fertilizer; requirements of certified contractor-applicators. (Patron–Mason) . . .	SB	849	413	620
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FIELDING, KATIE

Fielding, Katie; commending. (Patron–Guzman)	HJR	431		4472
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FIFTH STREET BAPTIST CHURCH

Fifth Street Baptist Church; commemorating its 140th anniversary.				
Patron–Bourne	HJR	380		4448
Patron–McClellan	SJR	248		4769

FINANCIAL INSTITUTIONS AND SERVICES

Adult abuse; upon refusing to execute a transaction, etc., the financial institution shall report such refusal or delay within five business days to local department or adult protective services hotline. (Patron–McPike)	SB	391	931	1701
Banks; establishes a mechanism by which a subsidiary bank of a Virginia bank holding company may be substituted in every fiduciary capacity for a trust subsidiary, etc. (Patron–Sickles)	HB	155	239	353
Consumer lending; replaces references to payday loans with term "short-term loans," bond required, surety bond, repealing provisions relating to additional charges. (Patron–Bagby)	HB	789	1215	2638
Credit unions; board of directors and members of credit and supervisory committees compensation, annual compensation for an individual member does not exceed \$6,000.				
Patron–Ward	HB	813	262	398
Patron–Marsden	SB	296	547	844
Debt settlement services providers; definitions, licensure and regulation by State Corporation Commission, report. (Patron–Willett)	HB	1553	785	1225
Financial institutions; multiple-fiduciary accounts. (Patron–Chafin)	SB	293	259	389
Student loans; licensing of qualified education loan servicers, automatic issuance of license for federal student loan servicing contractors, prohibited practices, civil penalties, report.				
Patron–Simon	HB	10	1198	2588
Patron–Howell	SB	77	1250	2940

FINGERPRINTING

Child care providers; fingerprint-based criminal background checks, repeals sunset and contingency expiration.				
Patron–Convirs-Fowler	HB	997	462	709
Patron–Mason	SB	675	463	709
Fingerprints and photographs; all duly constituted police authorities having the power of arrest may take the fingerprints and photographs of any person found in contempt or in violation of the terms or conditions of a suspended sentence or probation for a felony offense.				
Patron–Krizek	HB	1048	93	137
Patron–Peake	SB	925	189	275

BILL OR CHAP. PAGE
RES. NO. NO. NO.

FINGERPRINTING - Continued

Fingerprints and photographs by police authorities; reports to Central Criminal Records Exchange.

Patron—Krizek	HB	1047	91	132
Patron—Peake	SB	926	92	135

FINNEY, TONDA

Finney, Tonda; commending. (Patron—Adams, L.R.)	HJR	378		4447
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FIRE PROTECTION

Uniform Statewide Building Code and Statewide Fire Prevention Code; Department of Housing and Community Development to convene stakeholders to develop proposals for changes to the Codes to address active shooters or hostile threats.

Patron—Cole, M.L.	HB	670	130	200
Patron—Stuart	SB	333	533	809

FIREARMS

Family day homes, licensed, etc.; storage of unloaded firearms in a locked container, cabinet, etc.

Patron—Hope	HB	600	910	1645
Patron—Hanger	SB	593	911	1646

Firearm transfers; sales that occur at a firearms show, criminal history record information checks, penalty.

Patron—Plum	HB	2	1111	2133
Patron—Lucas	SB	70	1112	2140

Firearms; adds public, private, or religious preschools and child day centers that are not operated at the residence of the provider to the list of schools where possessing a firearm on school property or on a school bus is prohibited, certain provisions shall apply only during operating hours, etc., clarifies definition of "child day center." (Patron—Lucas)

SB	71	1249	2939
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Firearms; mental health as disqualifier for possession, appeal of involuntary admission, etc. (Patron—Mason)

SB	684	1175	2446
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Firearms; removal from persons posing substantial risk of injury to himself, etc., search warrant for any firearms if law-enforcement officer has reason to believe that person did not relinquish all firearms in his possession, emergency substantial risk order, penalties.

Patron—Sullivan	HB	674	887	1562
Patron—Barker	SB	240	888	1570

Firearms; reporting those lost or stolen to any local law-enforcement agency or Department of State Police within 48 hours, civil penalty. (Patron—Bourne)

HB	9	743	1154
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Firearms, ammunition, or components or combination thereof; a locality may adopt an ordinance that prohibits the possession, carrying, etc., in any building owned or used by such locality, in any public park owned or operated by the locality, etc., notice of ordinance shall be posted at all entrances, exceptions, various provisions limiting such authority are repealed.

Patron—Price	HB	421	1205	2619
Patron—Surovell	SB	35	1247	2909

Firearms or other weapons; unauthorized to possess on school property. (Patron—Hope)

HB	1080	1037	1999
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Firearms shows; mandatory background check. (Patron—Edwards)

SB	543	828	1311
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Minors; allowing access to firearms, Class 1 misdemeanor. (Patron—Hayes)

HB	1083	742	1153
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Protective orders; possession of firearms, surrender or transfer of firearms, law-enforcement agency that takes into custody a firearm surrendered shall prepare a written receipt, the willful failure of any person to certify in writing that all firearms possessed by person have been surrendered, etc., shall constitute contempt of court.

Patron—Mullin	HB	1004	1221	2689
Patron—Howell	SB	479	1260	3007

Sentence reductions; substantial assistance in furtherance of investigation or prosecution of another person engaged in an act of grand larceny of a firearm, etc. (Patron—Stanley)

SB	1018	765	1204
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Virginia Voluntary Do Not Sell Firearms List; established, penalty. (Patron—Surovell)

SB	436	1173	2439
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FIREARMS - Continued

Waterfowl blinds; Department of Game and Inland Fisheries shall not license any stationary blind in any area of Hunting Creek, Little Hunting Creek, or Dogue Creek in which a local governing body prohibits by ordinance the hunting of birds with a firearm.

Patron—Krizek HB 173 307 476
Patron—Surovell SB 435 308 477

FIREFIGHTERS AND FIRE MARSHALS

Decedent's body fluids; testing of law-enforcement officer, salaried or volunteer firefighter, etc., directly exposed to fluids. (Patron—Bell)

HB 664 502 766

Workers' compensation; compulsory training standards for basic training of law-enforcement officers, definitions, post-traumatic stress disorder incurred by a law-enforcement officer or firefighter is compensable under the Virginia Workers' Compensation Act, etc. (Patron—Heretick)

HB 438 1206 2621

Workers' compensation; compulsory training standards for basic training of law-enforcement officers, etc., definitions, post-traumatic stress disorder incurred by a law-enforcement officer or firefighter is compensable under the Virginia Workers' Compensation Act, etc. (Patron—Vogel)

SB 561 1262 3013

Workers' compensation; presumption of compensability for certain diseases, adds cancers of the colon, brain, or testes to the list that are presumed to be an occupational disease when firefighters and certain employees develop the cancer, presumption shall not apply for any individual who was diagnosed with such a condition before July 1, 2020.

Patron—Askew HB 783 498 757
Patron—Saslaw SB 9 499 758

FIRST PIEDMONT CORPORATION

First Piedmont Corporation; commemorating its 50th anniversary. (Patron—Marshall)

HJR 406 4460

FISHER, LINWOOD

Fisher, Linwood; commending. (Patron—Heretick)

HJR 465 4489

FISHERIES AND HABITAT OF THE TIDAL WATERS

Carbon market participation; submerged aquatic vegetation. (Patron—Lewis)

SB 783 810 1278

Condemned growing beds; Commissioner of Marine Resources authorized to provide public designation of condemned crustacea, finfish, or shellfish growing areas through the use of downloadable maps or digital interactive online maps. (Patron—Guy)

HB 653 292 453

Living shorelines; includes a shoreline practice that may enhance coastal resilience and attenuation of wave energy and storm surge in the definition of living shoreline. (Patron—Hodges)

HB 1375 566 877

Marine Resources Commission; permit fees, pier application, oyster fund. (Patron—Mason)

SB 702 806 1270

Menhaden; Virginia Marine Resources Commission to adopt regulations necessary to manage Atlantic menhaden, including those necessary to comply with the Atlantic States Marine Fisheries Commission Interstate Fishery Management Plan, closed season for fishing, penalty, Menhaden Management Advisory Committee established, repeals several Code sections relating to quotas, allocation of allowable landings, etc., for managing the fishery.

Patron—Plum HB 1448 201 290
Patron—Lewis SB 791 356 542

Offshore drilling; prohibition on leases, etc., on beds of any coastal waters of the Commonwealth, clarifies the term "infrastructure."

Patron—Keam HB 706 451 682
Patron—Lewis SB 795 452 683

Wetlands protection; Virginia Marine Resources Commission to promulgate and periodically update minimum standards for the protection and conservation of shorelines and sensitive coastal habitats from sea level rise, etc. (Patron—Lewis) . . .

SB 776 809 1274

FISHING LAWS AND LICENSES

Fishing permits; special permits for certain youth camps. (Patron—Stuart)

SB 336 570 884

Unlawful hunting, fishing, or trapping; prohibition upon conviction. (Patron—Fowler)

HB 449 311 478

BILL OR CHAP. PAGE
RES. NO. NO. NO.

FLOODS AND FLOOD CONTROL

At-risk infrastructure; Department of Transportation, et al., shall identify public transportation infrastructure at risk of deterioration due to recurrent flooding in Planning District 8 (Northern Virginia), report. (Patron—Tran) HB 1217 978 1871

Clean Energy and Community Flood Preparedness Act; definitions, all loans and grants shall be deemed to promote public purposes of enhancing flood prevention or protection and coastal resilience, Virginia Resources Authority is authorized at any time to pledge, etc., from the Fund any or all assets to be held in trust as security for payment of principal, etc., on any and all bonds, energy conversion or energy tolling agreements, report.
 Patron—Herring HB 981 1219 2685
 Patron—Lewis SB 1027 1280 3148

Coastal Flooding, Joint Subcommittee on; continued, appropriations.
 Patron—Hodges HJR 102 4309
 Patron—Lewis SJR 27 4632

Flood plain; adoption of ordinances by localities to regulate activity on, use of, or development of a plain. (Patron—Hayes) HB 998 166 237

FLUVANNA COUNTY

Coal ash ponds; definitions, "coal ash pond" means any natural topographic depression, man-made excavation, or diked area that is located in the Chesapeake Bay watershed at certain stations in Fluvanna, Chesterfield, or Prince William Counties, identifying all private wells and public water supply wells within 1.5 miles of any pond boundary. (Patron—Ayala) HB 1641 625 952

James River; adds a 20-mile portion located in Albemarle, Buckingham, and Fluvanna Counties as a component of the Virginia Scenic Rivers System. (Patron—Fariss) . . . HB 1598 319 492

FOOD AND BEVERAGE PRODUCTS, AND CONTAINERS

Expanded polystyrene food service containers; definitions, prohibition on dispensing, civil penalty, provisions shall not become effective unless reenacted by 2021 Regular Session. (Patron—Carr) HB 533 1104 2112

Meals tax and county food and beverage tax; exemption for farmers market and roadside stand sales up to \$2,500. (Patron—Bell) HB 342 241 355

FOOD STAMPS

Food stamps; Department of Social Services directed to participate in the Restaurant Meals Program (RMP) of the Supplemental Nutrition Assistance Program (SNAP). (Patron—Roem) HB 1410 843 1367

Food stamps and Temporary Assistance to Needy Families (TANF); eligibility, conviction of drug-related felonies.
 Patron—Guzman HB 566 361 551
 Patron—Locke SB 124 221 322

FOREST PARK HIGH SCHOOL

Forest Park High School; commemorating its 20th anniversary. (Patron—Surovell) . . SJR 155 4719

FORESTS AND FORESTRY

Overweight permits; forest products.
 Patron—Tyler HB 1348 409 614
 Patron—Lucas SB 328 268 420

Voluntary forest mitigation; Secretary of Natural Resources, et al., may enter into an agreement with owner or operator of construction projects to accomplish. (Patron—Mason) SB 674 959 1821

FOSTER CARE

Foster care; termination of parental rights, independent living needs assessments, supervisory spans of control. (Patron—Reeves) SB 472 934 1704

Kinship foster care; training requirements may be waived for purposes of initial approval, however, such requirements shall be completed within six months of initial approval. (Patron—Dunnivant) SB 1025 562 873

Public schools; enrollment of certain children placed in foster care, provisions shall apply to any student who was in foster care upon reaching 18 years of age, etc.
 Patron—Carroll Foy HB 368 474 726
 Patron—Barker SB 275 475 726

	BILL OR CHAP. RES. NO.	PAGE NO.	PAGE NO.
FOSTER, ROBERT EUGENE, JR.			
Foster, Robert Eugene, Jr.; commending.			
Patron—Hurst	HJR 233		4368
Patron—Edwards	SJR 123		4701
FRANCISCO, NAOMI R.			
Francisco, Naomi R.; recording sorrow upon death. (Patron—Locke)	SR 39		4815
FRANCISCO, PETER			
Francisco, Peter; commemorating 189th anniversary of his life and legacy. (Patron—Freitas)	HR 8		4514
FRANK W. COX HIGH SCHOOL			
Frank W. Cox High School boys' volleyball team; commending. (Patron—DeSteph)	SJR 90		4682
Frank W. Cox High School field hockey team; commending. (Patron—DeSteph) . . .	SJR 98		4686
Frank W. Cox High School girls volleyball team; commending. (Patron—DeSteph) .	SJR 156		4720
FRAUD			
Virginia Fraud Against Taxpayers Act; illegal gambling device. (Patron—Reeves) ..	SB 752	791	1238
FREDERICK COUNTY			
Parking regulations; adds Frederick County and the Town of West Point to list of counties and towns that are permitted to regulate or prohibit on any public highway, etc. (Patron—Hodges)	HB 1259	997	1917
FREDERICKSBURG AREA HIV/AIDS SUPPORT SERVICES			
Fredericksburg Area HIV/AIDS Support Services; commemorating its 30th anniversary. (Patron—Cole, J.G.)	HR 49		4543
FREEDOM OF INFORMATION			
Conflict of Interests Act, State and Local Government, and Virginia Freedom of Information Act; training requirements, executive directors and members of industrial development authorities and economic development authorities.			
Patron—Webert	HB 1527	76	105
Patron—Obenshain	SB 701	80	113
Freedom of Information Advisory Act; training requirements. (Patron—Stuart)	SB 139	904	1635
Virginia Freedom of Information Act; excludes library records.			
Patron—Gooditis	HB 313	70	92
Patron—Bell	SB 259	587	898
Virginia Freedom of Information Act; exclusions, proprietary records and trade secrets, affordable housing loan applications.			
Patron—Reid	HB 722	72	97
Patron—Bell	SB 269	79	108
Virginia Freedom of Information Act; exempts Department of Behavioral Health and Developmental Services records of active investigations. (Patron—Delaney)			
Patron—Delaney	HB 548	48	60
Virginia Freedom of Information Act; FOIA officers, training and reporting requirements. (Patron—Stuart)			
Patron—Stuart	SB 138	1141	2324
Virginia Freedom of Information Act; public higher educational institutions, information related to pledges and donations, the pledge or donation does not impose terms or conditions directing academic decision-making.			
Patron—Bulova	HB 510	71	96
Patron—Stuart	SB 140	78	107
Virginia Freedom of Information Act; tolling response time when requester asks for cost estimate in advance, advance deposits. (Patron—Stuart)			
Patron—Stuart	SB 153	1142	2325
FRIDAY NIGHT LIVE!			
Friday Night Live!; commemorating its 25th anniversary. (Patron—Boysko)	SJR 17		4629
FRIENDS OF LOUDOUN MENTAL HEALTH			
Friends of Loudoun Mental Health; commemorating its 65th anniversary. (Patron—Subramanyam)	HJR 497		4505
FRONT ROYAL, TOWN OF			
Front Royal, Town of; Town may create its own industrial development authorities, such authority may also include Warren County in its economic development projects. (Patron—Collins)	HB 1572	1001	1925
FULKS RUN GROCERY			
Fulks Run Grocery; commemorating its 70th anniversary. (Patron—Obenshain)	SJR 185		4736

FUNERAL HOME DIRECTORS AND SERVICES

Funeral directors and embalmers; Board of Funeral Directors and Embalmers shall promulgate regulations that establish requirements of licensure. (Patron—McPike) . .	SB	1044	943	1721
Funeral service providers; caskets provided by third parties. (Patron—Hurst)	HB	641	97	154

GAMBLING, LOTTERIES, ETC.

Charitable gaming; removes restrictions regarding the number of calendar days that may be conducted, repeals certain provisions relating to special permits. (Patron—Barker)	SB	199	568	879
Charitable Gaming Board; Texas Hold'em poker events, additional gross receipts assessment. (Patron—Petersen)	SB	936	982	1875
Illegal gambling; COVID-19 Relief Fund created, definitions, skill games, exemptions, report, civil penalties. Patron—Bulova	HB	881	1217	2665
Patron—Howell	SB	971	1277	3141
Lottery Board; regulation and control of casino gaming, definitions, Virginia Indigenous People's Trust Fund created, membership of Board, voluntary exclusion program, on-premises mobile casino gaming, civil penalties, Regional Improvement Commission established. Patron—Knight	HB	4	1197	2559
Patron—Lucas	SB	36	1248	2910
Virginia Fraud Against Taxpayers Act; illegal gambling device. (Patron—Reeves) . .	SB	752	791	1238
Virginia Lottery; Virginia Lottery Board, powers and duties, regulation of sports betting, etc., definitions, Problem Gambling Treatment and Support Fund created, voluntary exclusion program, events on which betting is prohibited, penalties, report. Patron—Sickles	HB	896	1218	2667
Patron—McPike	SB	384	1256	2963

GAME, INLAND FISHERIES, AND BOATING

Bait fish; unlawful to transport for sale outside of the Commonwealth, any river herring, alewife, threadfin shad, etc., collected from inland waters, penalty. (Patron—Stanley)	SB	772	808	1273
Big game hunting; guaranteed kills prohibited, penalty. (Patron—Chafin)	SB	774	631	955
Conservation police officers; external appointment. (Patron—Locke)	SB	882	671	1008
Fishing permits; special permits for certain youth camps. (Patron—Stuart)	SB	336	570	884
Game and Inland Fisheries, Department of; boat ramp fees, exemptions. (Patron—Fowler)	HB	1604	321	493
Game and Inland Fisheries, Department of; changes name to Department of Wildlife Resources, and the Board changed to Board of Wildlife Resources. (Patron—Deeds)	SB	616	958	1756
Game and Inland Fisheries, Department of; General Assembly confirming appointment of Director. (Patron—Deeds)	SJR	71		4671
Harassing animals; changes from "molest" to "harass" term used in describing certain unlawful acts against animals of certain species. (Patron—Adams, D.M.)	HB	1074	315	486
Hunting elk; Board of Game and Inland Fisheries to create a special license in the elk management zone that is required in addition to a general hunting license. Patron—Edmunds	HB	388	309	477
Patron—Chafin	SB	262	310	477
Hunting license; senior resident lifetime license for hunting bear, deer, and turkey. (Patron—Robinson)	HB	1272	564	876
Hunting waterfowl; duck blinds, applying to license a stationary blind in public waters. (Patron—Stuart)	SB	987	415	622
Unlawful hunting, fishing, or trapping; prohibition upon conviction. (Patron—Fowler)	HB	449	311	478
Waterfowl blinds; Department of Game and Inland Fisheries shall not license any stationary blind in any area of Hunting Creek, Little Hunting Creek, or Dogue Creek in which a local governing body prohibits by ordinance the hunting of birds with a firearm. Patron—Krizek	HB	173	307	476
Patron—Surovell	SB	435	308	477
Wildlife Corridor Action Plan; created. Patron—Bulova	HB	1695	323	494
Patron—Marsden	SB	1004	672	1008

	BILL OR CHAP.		PAGE	
	RES. NO.	NO.	NO.	NO.
GANGS				
Youth and Gang Violence Prevention Grant Fund and Program; created and established. (Patron—Price)	HB	422	392	591
GARDEN CLUB OF VIRGINIA				
Garden Club of Virginia; commemorating its 100th anniversary. (Patron—Obenshain)	SJR	82		4677
GARDNER, SUSAN CAMILLE				
Gardner, Susan Camille; recording sorrow upon death. (Patron—Byron)	HJR	202		4352
GARLAND, ROBERT ALLEN				
Garland, Robert Allen; recording sorrow upon death. (Patron—Edwards)	SJR	230		4760
GARREN, KENNETH ROSS				
Garren, Kenneth Ross; commending. (Patron—Poindexter)	HJR	386		4451
Garren, Kenneth Ross and Garren, Sheila Johnston; commending. (Patron—Newman)	SJR	187		4738
GARREN, SHEILA JOHNSTON				
Garren, Kenneth Ross and Garren, Sheila Johnston; commending. (Patron—Newman)	SJR	187		4738
GARY, JUDITH SMITH				
Gary, Judith Smith; commending on the occasion of her retirement. (Patron—Hudson)	HR	162		4600
GASTON, PAUL MORTON				
Gaston, Paul Morton; recording sorrow upon death. (Patron—Deeds)	SJR	102		4688
GATE CITY HIGH SCHOOL				
Gate City High School boys' basketball program; commending. (Patron—Kilgore)	HJR	344		4429
GENERAL ASSEMBLY				
African American legislators; commemorating the 150th anniversary of the swearing in of the first legislators to serve in the General Assembly. (Patron—McClellan)	SJR	78		4674
Auditor of Public Accounts; updates terminology and changes the level of information provided on the Commonwealth Data Point website, etc. (Patron—Dunnivant)	SB	586	646	976
Autism Advisory Council; extends sunset provision. (Patron—Hanger)	SB	177	733	1114
Campaign finance; reporting of certain contributions received immediately prior to legislative session, report shall be received by the State Board not later than January 15. (Patron—Suetterlein)	SB	217	770	1213
Capitol Police; concurrent jurisdiction.				
Patron—Bourne	HB	1626	754	1168
Patron—Edwards	SB	996	897	1589
Civic Education, Commission on; increases membership, repeals sunset provision for the Commission and prohibition on use of general funds to support work of the Commission. (Patron—Marsden)	SB	957	1045	2007
Congressional and state legislative districts; written descriptions of boundaries not required. (Patron—Lindsey)	HB	105	862	1521
Driver's license; expressing the opposition of the General Assembly of the federal requirement of a law mandating a six-month license suspension upon drug offense conviction. (Patron—Hayes)	HJR	200		4351
Electric Utility Regulation, Commission on; extends sunset provision. (Patron—Norment)	SB	130	627	953
Game and Inland Fisheries, Department of; General Assembly confirming appointment of Director. (Patron—Deeds)	SJR	71		4671
General Assembly; amending Rule 12 of HJR 99, 2020, relating to deadline for revenue bills. (Patron—Herring)	HJR	337		4426
General Assembly; amending Rule 22 of HJR 99, 2020, relating to sine die of 2020 Session and adoption of conference reports. (Patron—Herring)	HJR	508		4511
General Assembly; establishing a schedule for conduct of business for 2021 Regular Session. (Patron—Herring)	HJR	510		4511
General Assembly; establishing a schedule for the conduct of business for 2020 Regular Session. (Patron—Herring)	HJR	99		4306
House of Delegates; establishing Rules for first day of 2020 Session, January 8, 2020, and ending at noon on second day of 2020 Session, January 9, 2020. (Patron—Herring)	HR	15		4516

	BILL OR CHAP. RES. NO.	PAGE NO.	PAGE NO.
GENERAL ASSEMBLY - Continued			
House of Delegates; establishing Rules for the 2020-2021 General Assembly Sessions. (Patron—Herring)	HR 17		4517
Joint Assembly; General Assembly shall meet in Hall of House of Delegates on Wednesday, January 8, 2020. (Patron—Herring)	HJR 126		4316
MEI Project Approval Commission; changes to membership and operation. (Patron—Hanger)	SB 587	830	1343
Misclassification of employees as independent contractors; Department of Taxation to investigate and enforce, civil penalties, upon an employer's subsequent violations, all public bodies and covered institutions shall not award a contract to such employer, etc., for a period of up to two years from the date of notice for a third or subsequent offense, Department shall report annually to Governor and General Assembly, effective date. (Patron—Ward)	HB 1407	681	1016
Primary election; changes date of election held in June from second Tuesday in June to third Tuesday in June, also changes candidate filing deadlines to reflect change of date, provisions shall not become effective unless reenacted by 2021 Session of the General Assembly. (Patron—Kiggans)	SB 316	1253	2960
Railroad companies; companies having information about coal dust blown from moving trains in the Commonwealth requested to continue to submit annual reports to the General Assembly. (Patron—Lindsey)	HJR 25		4291
School Construction and Modernization, Commission on; established, membership, report, sunset provision. (Patron—McClellan)	SB 888	1044	2006
Virginia Conflict of Interest and Ethics Advisory Council; powers and duties, guidance, redaction of email addresses. (Patron—Herring)	HB 1011	111	171
Wellness and Opportunity, Commission on; established, membership, report. (Patron—Adams, D.M.)	HB 1056	1036	1998
GENERAL PROVISIONS			
Carbon-free energy and clean energy; definition. (Patron—Lewis)	SB 828	811	1278
The Virginia Opry; designating as the official opry of the Commonwealth. (Patron—Deeds)	SB 283	583	895
GENERAL SERVICES, DEPARTMENT OF			
Active military-owned and military spouse-owned businesses; Department of General Services to permit surplus materials to be sold to businesses prior to public sale or auction. (Patron—Carroll Foy)	HB 437	358	548
Baby changing facilities; Department of General Services to develop and implement in restrooms located in public buildings. (Patron—Guzman)	HB 587	49	62
Capitol Police, Division of, Virginia Department of State Police, Richmond Police Department, Virginia Department of General Services, and the many other support units of the Unified Command; commending their performance above and beyond the call of duty at the Second Amendment rally January 20, 2020. (Patron—Saslaw)	SJR 202		4746
General Services, Department of; public posting of contract information on central electronic procurement system, modifications made by a using agency on or after July 1, 2021, to any other contract that has two or more years remaining shall be posted on Department's system. Patron—Carr	HB 544	47	59
Patron—Ruff	SB 563	179	265
Rail construction or design; exempts high-risk contracts from required review by Department of General Services. (Patron—Carr)	HB 1099	431	649
State-owned structures; Department of General Services to determine which structures are high-risk and necessity of having key boxes installed in strategic locations on outside of such structures, report. (Patron—DeSteph)	SB 1065	1180	2454
United States military; Department of General Services to permit surplus computers, etc., to be donated to tax exempt organizations for refurbishing and then donated to veterans and active military, naval, or air service members. (Patron—McGuire)	HB 446	43	53
GEORGE M. HAMPTON MIDDLE SCHOOL			
George M. Hampton Middle School; commemorating its 50th anniversary. (Patron—McPike)	SR 49		4820
GEORGE MASON UNIVERSITY KOREA			
George Mason University Korea; commemorating its 5th anniversary. (Patron—Petersen)	SJR 112		4695

	BILL OR CHAP.		PAGE
	RES. NO.	NO.	NO.
GERBER, DOROTHY LEAH			
Gerber, Dorothy Leah; recording sorrow upon death. (Patron—Boysko)	SJR	48	4663
GERDELMAN, JOHN W.			
Gerdelman, John W.; recording sorrow upon death.			
Patron—Batten	HJR	246	4375
Patron—Norment	SJR	173	4730
GERMANNA COMMUNITY COLLEGE			
Germanna Community College; commemorating its 50th anniversary. (Patron—Cole, M.L.)	HJR	318	4415
GILBERT, ROSETTA COLE			
Gilbert, Rosetta Cole; recording sorrow upon death. (Patron—Kory)	HJR	267	4387
GILES COUNTY			
Coal combustion residuals impoundment; definitions, closures in Giles and Russell Counties, costs associated with closure by removal of a unit shall be recoverable through a rate adjustment clause. (Patron—Carroll Foy)	HB	443	563 874
GILKERSON, CECIL FILMORE			
GilkerSON, Cecil Filmore; recording sorrow upon death. (Patron—Obenshain)	SJR	235	4763
GIRL SCOUT TROOP 56002			
Girl Scout Troop 56002; commending. (Patron—Delaney)	HJR	189	4345
GIRLS ON THE RUN OF NOVA			
Girls on the Run of NOVA; commemorating its 20th anniversary. (Patron—Subramanyam)	HJR	325	4419
GLEN ALLEN HIGH SCHOOL			
Glen Allen High School girls' junior varsity basketball team; commending. (Patron—Willett)	HJR	409	4461
GLOUCESTER COUNTY			
Gloucester County; authorized to impose additional sales and use tax, appropriations to incorporated towns for educational purposes. (Patron—Norment)	SB	224	865 1523
GLOVER, TRAVIS WAYNE			
Glover, Travis Wayne; recording sorrow upon death. (Patron—Freitas)	HR	92	4565
GOINS, MAMIE LITTLETON			
Goins, Mamie Littleton; recording sorrow upon death. (Patron—Carr)	HJR	366	4441
GOODWIN, WILLIAM H., JR.			
Goodwin, William H., Jr.; commending.			
Patron—McGuire	HJR	199	4351
Patron—Dunnavant	SR	24	4808
GORDY, LAURA BELLE			
Gordy, Laura Belle; commending. (Patron—Norment)	SJR	130	4705
GOVERNOR			
Chief Resilience Officer; Governor to designate. (Patron—Hodges)	HB	1313	493 749
Emergency laws; civil relief, citizens of the Commonwealth furloughed or otherwise not receiving wages or payments due to closure of the federal government or declaration of emergency by the Governor, clarifies definition of "closure of the United States government." (Patron—Price)	HB	340	1202 2615
Governor; confirming appointments.			
Patron—Deeds	SJR	43	4639
Patron—Deeds	SJR	44	4647
Patron—Deeds	SJR	45	4652
Patron—Deeds	SJR	46	4657
Patron—Deeds	SJR	73	4672
Patron—Deeds	SJR	110	4692
Governor's New Airline Service Incentive Fund; created, Fund shall be used, in sole discretion of the Governor, for grants to airlines serving local, regional, etc., airports, revenues in Fund shall be used to support the development of additional commercial air services in the Commonwealth, guidelines and criteria, etc.			
Patron—Austin	HB	1602	1119 2252
Patron—Edwards	SB	990	1120 2253
Misclassification of employees as independent contractors; Department of Taxation to investigate and enforce, civil penalties, upon an employer's subsequent violations,			

	BILL OR CHAP. RES. NO.	PAGE NO.	PAGE NO.
GOVERNOR - Continued			
all public bodies and covered institutions shall not award a contract to such employer, etc., for a period of up to two years from the date of notice for a third or subsequent offense, Department shall report annually to Governor and General Assembly, effective date. (Patron—Ward)	HB 1407	681	1016
Threats and harassment of certain officials and property; certain crimes may be prosecuted in the City of Richmond if venue cannot otherwise be established and the victim is the Governor, Lieutenant Governor, Attorney General, etc., and such official or employee was subjected to act while engaged in performance of his public duties. (Patron—Bourne)	HB 1627	1002	1926
GOVERNOR'S SCHOOL @ INNOVATION PARK			
Governor's School @ Innovation Park; commemorating its 10th anniversary. (Patron—McPike)	SJR 214		4752
GOWDA, SAAHAS			
Sethi, Aatish and Gowda, Saahas; commending. (Patron—Helmer)	HR 170		4604
GRACE CHURCH CONVERT SERIES			
Grace Church Convert Series; commemorating its 20th anniversary. (Patron—Guzman)	HJR 429		4472
GRAND JURIES			
Multi-jurisdiction grand jury; hate crimes added to list of crimes the jury may investigate. (Patron—Bagby)	HB 787	747	1157
GRASS AND LAWNS			
Cemeteries; owners of any land, regardless of zoning classification, used for interment of human remains shall cut grass, weeds, etc., on such property, not applicable to land owned by an individual, family, or church. (Patron—McQuinn)	HB 1688	597	922
Grass, weeds, etc.; authorizes any locality in Planning District 6 (Central Shenandoah), to enforce on residential land of one acre or less in an area zoned for agricultural use an ordinance requiring owners of property to cut. (Patron—Campbell, R.R.)	HB 875	136	206
GRAY, FRANKLIN TODD			
Gray, Franklin Todd; commending. Patron—Bourne	HJR 379		4447
Patron—McClellan	SR 76		4831
GRAY GHOST WINERY			
Gray Ghost Winery; commemorating its 26th anniversary. (Patron—Guzman)	HJR 430		4472
GRAYS CREEK			
Grays Creek; designates a six-mile portion in Surry County as a component of Virginia Scenic Rivers System. Patron—Brewer	HB 1612	322	493
Patron—Norment	SB 1090	457	692
GREATER RICHMOND FIT4KIDS			
Greater Richmond Fit4Kids; commemorating its 10th anniversary. (Patron—Bourne)	HR 75		4555
GREEN-WRIGHT, MICHELE R.			
Green-Wright, Michele R.; recording sorrow upon death. (Patron—Tyler)	HR 98		4568
GREENE, BERNARD LEE, JR.			
Greene, Bernard Lee, Jr.; recording sorrow upon death. (Patron—McClellan)	SR 74		4830
GREER, BETSY SAMUELSON			
Greer, Betsy Samuelson; recording sorrow upon death. (Patron—Hope)	HJR 357		4436
GREGORY, KOSSEN			
Gregory, Kossen; recording sorrow upon death. (Patron—Edwards)	SJR 167		4726
GROUNDWATER			
Eastern Virginia Groundwater Management Advisory Committee; established, report, sunset provision. (Patron—Mason)	SB 679	805	1270
Hydraulic fracturing; drilling through any portion of a groundwater management area, prohibition. (Patron—Surovell)	SB 106	626	952
GUARDIAN AD LITEM			
Guardian ad litem for children; certification of compliance with certain standards. (Patron—Collins)	HB 137	21	26
Guardianship; special education transition materials, appointment of guardian ad litem, report. (Patron—Dunnivant)	SB 585	855	1392

	BILL OR CHAP.			PAGE
	RES. NO.	NO.		
GUN VIOLENCE AWARENESS DAY				
Gun Violence Awareness Day ; designating as June 1, 2020, and each succeeding year thereafter. (Patron—Kory)	HJR	10	4286	
GUNTER, WILLIAM MARSHALL				
Gunter, William Marshall ; recording sorrow upon death. (Patron—Knight)	HR	3	4512	
GWALTNEY, DOROTHY G.				
Gwaltney, Dorothy G. ; recording sorrow upon death. (Patron—Brewer)	HR	87	4562	
HALEVY, WILLIAM R.				
Halevy, William R. ; commending. (Patron—Freitas)	HJR	322	4418	
HALIFAX COUNTY				
Mecklenburg County ; authorized to impose additional sales and use tax, definition of "qualified locality" means Halifax County or Mecklenburg County, appropriations to incorporated towns for educational purposes.				
Patron—Wright	HB	200	427	636
Patron—Ruff	SB	943	428	642
HALL, JAMES ELLIS				
Hall, James Ellis ; commending. (Patron—Hodges)	HJR	305	4408	
HALL, PAMELA				
Hall, Pamela ; commending. (Patron—Brewer)	HR	99	4569	
HAMLIN, JAMES DENNIS ALAN				
Hamlin, James Dennis Alan ; commending. (Patron—Chase)	SJR	194	4742	
HAMM-GARCIAPARRA, MARIEL MARGARET				
Hamm-Garciaparra, Mariel Margaret ; commending. (Patron—Filler-Corn)	HJR	387	4452	
HAMPDEN-SYDNEY COLLEGE				
Hampden-Sydney College Student Senate ; commemorating its 100th anniversary. (Patron—Peake)	SJR	201	4745	
HAMPTON, CITY OF				
Hampton, City of ; grants City authority to impose a condition upon any special exception or use permit relating to retail alcoholic beverage control licenses.				
Patron—Mugler	HB	731	442	662
Patron—Mason	SB	676	443	665
HAMPTON, GEORGE M.				
Hampton, George M. ; commending. (Patron—Carroll Foy)	HR	165	4602	
HAMPTON ROADS AREA				
Commonwealth Corridor passenger rail service ; Department of Rail and Public Transportation to study feasibility of an east-west service connecting Hampton Roads, Richmond, and the New River Valley, report date. (Patron—McClellan)	SJR	50	4664	
Hampton Roads Regional Arena Authority ; definitions, created, membership of Authority, repeals existing provisions related to Hampton Roads Sports Facility Authority.				
Patron—Miyares	HB	1102	538	815
Patron—Lewis	SB	787	539	820
Hampton Roads Regional Transit Program and Fund ; created, transit funding in Hampton Roads region, certain provisions shall not apply to decisions of the Hampton Roads Transportation Accountability Commission regarding disbursements of funds, etc., distribution of recordation tax, etc.				
Patron—Askew	HB	1726	1241	2865
Patron—Lucas	SB	1038	1281	3151
Hearing notice by localities ; a locality located in Planning District 23 (Hampton Roads) submits a timely notice related to a planning or zoning matter to a newspaper of general circulation, to be published in next available edition, etc., sunset provision.				
Patron—Knight	HB	166	22	27
Patron—DeSteph	SB	869	761	1200
Interstate 64 ; Hampton Roads Transportation Accountability Commission to impose and collect tolls in high-occupancy toll lanes on certain portions. (Patron—Jones)	HB	1438	703	1041
Overgrown vegetation ; any locality within Planning District 23 (Hampton Roads) may, by ordinance, include provisions for cutting overgrown shrubs, trees, etc. (Patron—Ward)	HB	549	13	17

	BILL OR RES. NO.	CHAP. NO.	PAGE NO.
HAMPTON ROADS AREA - Continued			
Overgrown vegetation; any locality within Planning District 23 (Hampton Roads) may include provisions for cutting overgrown shrubs, trees, etc. (Patron—Locke)	SB	340	399 596
HAMPTON UNIVERSITY			
Hampton University Choir; commemorating its 150th anniversary. (Patron—Locke) .	SR	48	4819
HANCOCK, JANET			
Hancock, Janet; commending. (Patron—Adams, L.R.)	HJR	377	4446
HANDGUNS			
Concealed handgun permits; demonstration of competence, effective date.			
Patron—Lopez	HB	264	390 589
Patron—Bell	SB	263	1130 2260
Handguns; limitation on purchases, penalty.			
Patron—Ward	HB	812	991 1900
Patron—Locke	SB	69	992 1904
HANGUL DAY			
Hangul Day; designating as October 9, 2020, and each succeeding year thereafter. (Patron—Keam)	HJR	134	4318
HARASSMENT			
Fair Employment Contracting Act; if contractor employs more than five employees, the contractor shall provide annual training on sexual harassment policy to all supervisors, etc. (Patron—Tran)	HB	1228	859 1399
Threats and harassment of certain officials and property; certain crimes may be prosecuted in the City of Richmond if venue cannot otherwise be established and the victim is the Governor, Lieutenant Governor, Attorney General, etc., and such official or employee was subjected to act while engaged in performance of his public duties. (Patron—Bourne)	HB	1627	1002 1926
HARDING, BARBARA HICKS			
Harding, Barbara Hicks; recording sorrow upon death. (Patron—Boysko)	SJR	262	4777
HARDY, DORCAS RUTH			
Hardy, Dorcas Ruth; recording sorrow upon death.			
Patron—Cole, M.L.	HJR	60	4298
Patron—Reeves	SJR	20	4630
HARLEY, LARRY T.			
Harley, Larry T.; commending. (Patron—Kilgore)	HJR	11	4286
HARRIS, CECIL R., JR.			
Harris, Cecil R., Jr.; commending. (Patron—Wyatt)	HR	158	4598
HARRISON, WILLIAM H.			
Harrison, William H.; commending. (Patron—Boysko)	SJR	254	4772
HATE CRIMES			
Hate crimes; adds gender, disability, gender identity, or sexual orientation, definition of "disability," penalty. (Patron—Favola)	SB	179	1171 2436
Hate crimes; adds gender, disability, gender identity, or sexual orientation, definition of "disability," penalty, effective clause. (Patron—Plum)	HB	618	746 1155
Hate crimes; includes within definition a criminal act committed against a person because of disability, sexual orientation, gender, gender identity, or ethnic or national origin, reporting of such crime to State Police. (Patron—Sullivan)	HB	276	124 194
Multi-jurisdiction grand jury; hate crimes added to list of crimes the jury may investigate. (Patron—Bagby)	HB	787	747 1157
HATFIELD, ROBERT J.			
Hatfield, Robert J.; recording sorrow upon death. (Patron—Plum)	HJR	371	4443
HAZARDOUS SUBSTANCES OR CHEMICALS			
Contaminants in public drinking water; work group to study occurrence and develop recommendations, sampling of waterworks by the Department of Health. (Patron—Guzman)	HB	586	611 933
Hazardous Waste Site Inventory; Department of Environmental Quality shall publish and update annually the Inventory comprising a current listing of sites permitted by, etc., at which disposal has occurred. (Patron—Lopez)	HB	1136	491 748

BILL OR CHAP. PAGE
RES. NO. NO. NO.

HEALTH

Abortion; expands who can perform in first trimester, informed consent required.				
Patron—Herring	HB	980	898	1589
Patron—McClellan	SB	733	899	1594
Alzheimer's disease and related dementias; early detection and diagnosis, risk reduction and care planning. (Patron—Mason)	SB	572	854	1391
Central State Colony, etc.; repeals various Chapters relating to establishment.				
Patron—McQuinn	HB	1521	1057	2013
Patron—Locke	SB	850	1058	2014
Certificate of birth; State Registrar shall issue a new certificate upon receipt of a request by a person to show change of sex, etc., circuit court of equitable jurisdiction to adjudicate, upon application of a person, that sex of such person residing within territorial jurisdiction of circuit court has changed.				
Patron—Simon	HB	1041	465	713
Patron—Boysko	SB	657	466	715
Certificate of public need; criteria for determining need.				
Patron—Hayes	HB	1549	558	862
Patron—Barker	SB	279	227	336
Certificate of public need; revises the Medical Care Facilities Certificate of Public Need Program, revocation of certificates, etc. (Patron—Barker)	SB	764	1271	3050
Certified community health workers; establishes requirements for use of the title. (Patron—Aird)	HB	688	363	552
Child support; reasonable cost of health care coverage. (Patron—Samirah)	HB	637	213	307
Clinical social workers; patient records, involuntary detention orders. (Patron—Deeds)	SB	1046	945	1722
Comprehensive harm reduction programs; local health department or other organization operating a program shall report annually to Department, repeals the sunset on the authority of the Commissioner of Health to establish and operate local or regional programs, etc. (Patron—Plum)	HB	791	839	1363
Comprehensive harm reduction programs; public health emergency, repeals sunset provision.				
Patron—Rasoul	HB	378	212	307
Patron—Pillion	SB	864	303	470
Conversion therapy; prohibited by certain health care providers, no state funds shall be expended for conducting therapy with a person under 18 years of age, etc.				
Patron—Hope	HB	386	41	52
Patron—Surovell	SB	245	721	1069
Death certificate; expands list of parties eligible to obtain a free certified copy of a veteran's death certificate. (Patron—Kilgore)	HB	479	360	550
Decedent's body fluids; testing of law-enforcement officer, salaried or volunteer firefighter, etc., directly exposed to fluids. (Patron—Bell)	HB	664	502	766
Discharge of deleterious substance into state waters; if Department of Health determines that discharge may be detrimental to public health, Department of Environmental Quality shall provide information to local newspapers, television stations, etc., report. (Patron—Tran)	HB	1205	1182	2455
Drinking water program; Office of Drinking Water of the Department of Health to study the Commonwealth's drinking water infrastructure and oversight. (Patron—Lopez)	HJR	92		4305
Drinking water supplies and waterworks; maximum contaminant levels, perfluoroalkyl and polyfluoroalkyl substances and other contaminants, effective date, report. (Patron—Rasoul)	HB	1257	1097	2105
Emergency Medical Services Patient Care Information System; trauma data, confidentiality, Board of Health shall develop and approve a policy specific to sharing of data from System. (Patron—McPike)	SB	386	883	1551
Health care; explanation of benefits, sensitive health care services.				
Patron—Delaney	HB	807	715	1060
Patron—Barker	SB	766	716	1061
Health care professionals, certain; every member of any committee, board, etc., that functions primarily to review, evaluate, or make recommendations on a professional				

BILL OR CHAP. PAGE
RES. NO. NO. NO.

HEALTH - Continued

program to address issues related to career fatigue and wellness, civil immunity, repeals code section referring to programs for impaired practitioners.				
Patron—Hope	HB	115	198	285
Patron—Barker	SB	120	1093	2091
Health care providers; Secretary of Health and Human Resources shall convene a work group relating to credentialing, report. (Patron—Dunnivant)	SB	365	849	1374
Health professionals; unprofessional conduct, chief executive officer, etc., to report within five days of date when it is learned of the professional's involuntary admission.				
Patron—Collins	HB	471	45	56
Patron—Vogel	SB	540	230	345
Health regulatory boards; clarifies the meaning of "license" as used by the Boards of Funeral Directors and Embalmers and Physical Therapy and the conditions under which a license may be denied, suspended, or revoked by the Board of Veterinary Medicine. (Patron—Petersen)	SB	422	885	1552
Home hospice programs; specifies that hospice policies and procedures for the disposal of drugs must include provisions for the safe disposal of opioids. (Patron—Vogel)	SB	913	739	1150
Hospitals; notification to patient of outpatient physical therapy following discharge. (Patron—Orrock)	HB	763	714	1057
Hospitals; screening emergency department patients, treatment of individuals experiencing a substance use-related emergency. (Patron—Vogel)	SB	903	942	1718
Immunizations; State Board of Health shall amend regulations as necessary to maintain conformity with evidence-based routinely recommended vaccinations for children, report, effective date. (Patron—Hope)	HB	1090	1223	2693
Long-term care services and supports; definition of "acute care hospital," preadmission screenings, report.				
Patron—Sickles	HB	902	365	553
Patron—Barker	SB	902	304	470
Marriage records; divorce and annulment reports, eliminates requirement for identification of race.				
Patron—Levine	HB	180	209	304
Patron—Suetterlein	SB	62	210	305
Patron—Kiggans	SB	1066	211	306
Medical assistance services; managed care organization required to include in any contract between organization and pharmacy benefits manager provisions prohibiting spread pricing.				
Patron—Hodges	HB	1291	1082	2069
Patron—Dunnivant	SB	568	1083	2073
Medical Excellence Zone Program; Department of Health shall determine feasibility of establishing Program, medical treatment via telemedicine services, etc., report.				
Patron—Tran	HB	1701	368	566
Patron—Favola	SB	757	236	351
Medically underserved areas; Board of Health shall develop regulations for when emergency medical services agencies in these areas may transport patients to 24-hour urgent care facilities, etc. (Patron—Stanley)	SB	301	930	1701
Newborn screening; Department of Health shall review Krabbe disease and provide recommendations to Board regarding whether disease should be included in core panel of heritable disorders, etc. (Patron—Miyares)	HB	97	416	622
Nongovernmental emergency medical services agencies; dissolution of agency, return of property purchased with public funds, funds shall be offered to a city or county served by emergency medical services agency to be used for the public good. (Patron—Stuart)	SB	1088	946	1738
Nursing homes; Department of Health shall convene a work group to review and make recommendations on increasing the availability of the clinical workforce, report. (Patron—Kiggans)	SB	397	932	1703
Nursing homes, hospice, hospice facilities, and assisted living facilities; possession and administration of cannabidiol or THC-A oil. (Patron—Dunnivant)	SB	185	846	1368

BILL OR CHAP. PAGE
RES. NO. NO. NO.

HEALTH - Continued

Offender medical and mental health information and records; exchange of information to facility, health care provider who has provided services within the last two years, upon request shall disclose certain information to facilities.				
Patron—Watts	HB	1328	836	1361
Patron—Boysko	SB	656	837	1361
Organ, eye, or tissue transplantation; discrimination prohibited.				
Patron—O'Quinn	HB	1273	217	312
Patron—Pillion	SB	846	218	314
Personal Maintenance Allowance; Department of Medical Assistance Services to establish work group to evaluate the current amount for individuals receiving Medicaid-funded waiver services. (Patron—Favola)	SB	213	882	1550
Prenatal and postnatal depression and other depression; Board of Medicine shall annually communicate to relevant practitioners importance of screening patients. (Patron—Samirah)	HB	42	709	1055
Prescribed pediatric extended care centers; Commissioner of Social Services shall establish a work group to develop a plan for licensure, report. (Patron—McQuinn)	HB	1719	929	1701
School boards, local; board shall submit its testing plan and remediate certain potable water sources and report the results of any such test to the Department of Health, notification of results to parents.				
Patron—Askew	HB	797	293	453
Patron—McPike	SB	392	884	1552
Sexual assault nurse examiners; place of practice. (Patron—Poindexter)	HB	1176	1088	2079
Sickle cell anemia or other related diseases or inborn errors of metabolism; Commissioner of Health shall establish a voluntary program for the screening of adults and children, Board of Health shall adopt regulations to implement an adult and pediatric comprehensive sickle cell clinic network. (Patron—Hayes)	HB	907	503	770
Social workers; Department of Health Professions to study need for additional micro-level, mezzo-level, and macro-level workers and increased compensation of such workers. (Patron—McClellan)	SJR	49		4664
State plan for medical assistance; Department of Medical Assistance Services shall convene work group to provide recommendations for services to include payment for services provided by certified doulas. (Patron—Carroll Foy)	HB	826	841	1366
State-certified doulas; certification, registry. (Patron—Aird)	HB	687	724	1078
Statewide Telehealth Plan; definitions, Board shall develop and maintain as a component of State Health Plan, Plan shall include provisions for promotion of use of remote patient monitoring services, etc. (Patron—Kilgore)	HB	1332	729	1095
Survivors of sexual assault; definitions, every hospital to provide treatment or transfer services, Task Force on Services for Survivors of Sexual Assault created, report. (Patron—Delaney)	HB	808	725	1078
Vital records; definitions, provisions may result in a net increase in periods of imprisonment or commitment, etc. (Patron—Mullin)	HB	666	922	1683
Workers' compensation; presumption of compensability for certain diseases, adds cancers of the colon, brain, or testes to the list that are presumed to be an occupational disease when firefighters and certain employees develop the cancer, presumption shall not apply for any individual who was diagnosed with such a condition before July 1, 2020.				
Patron—Askew	HB	783	498	757
Patron—Saslaw	SB	9	499	758
HEALTH AND HUMAN RESOURCES, SECRETARY OF				
Commonwealth's medical cannabis program; Secretary of Health and Human Resources shall convene a work group to review and provide recommendations, report. (Patron—Davis)	HB	347	711	1056
Exposure-prone incidents; Secretaries of Health and Human Resources and Public Safety and Homeland Security shall establish a work group to improve response. (Patron—Bell)	HB	661	362	551
Health care providers; Secretary of Health and Human Resources shall convene a work group relating to credentialing, report. (Patron—Dunnivant)	SB	365	849	1374
Prescription drugs; Secretary of Health and Human Resources to convene a work group to examine the pharmaceutical distribution payment system in the Commonwealth and innovative solutions to address the cost of drugs to Virginians at the point of sale. (Patron—Guzman)	HJR	52		4296

HEALTH AND HUMAN RESOURCES, SECRETARY OF - Continued

Residential psychiatric placement and services; Secretaries of Education and Health and Human Resources shall establish a work group to study current process for approval of services.

Patron—Hope	HB	728	364	553
Patron—Deeds	SB	734	737	1123

HEALTH INSURANCE

Health care; explanation of benefits, sensitive health care services.

Patron—Delaney	HB	807	715	1060
Patron—Barker	SB	766	716	1061

Health insurance; adds employees of a transit company to definition of "employees of local governments" for purposes of insurance program. (Patron—Hudson)

HB	1106	555	852
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Health insurance; codifies an existing requirement that the State Corporation Commission's Bureau of Insurance make an annual report regarding claims information for mental health and substance use disorder benefits. (Patron—Barker) .

SB	280	847	1372
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Health insurance; cost-sharing payments for prescription insulin drugs, amount not to exceed \$50 per 30-day supply of insulin drug. (Patron—Carter)

HB	66	881	1550
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Health insurance; coverage for autism spectrum disorder, individual and small group markets, policies, plans, etc., delivered, reissued or extended on or after January 1, 2021.

Patron—Ward	HB	1503	613	934
Patron—Barker	SB	1031	305	473

Health insurance; coverage for essential health benefits, preventive services. (Patron—Favola)

SB	95	1160	2360
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Health insurance; credentialing, health care or professional health-related services. (Patron—Head)

HB	822	840	1365
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Health insurance; credits for retired school division employees other than teachers, effective date for certain provision. (Patron—McQuinn)

HB	1513	1091	2086
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Health insurance; definitions, payment to out-of-network providers, violations of certain provisions, emergency services, services provided at an in-network facility, arbitration, rules and regulations, repeals provision relating to patient access to elective services, report.

Patron—Torian	HB	1251	1080	2051
Patron—Favola	SB	172	1081	2060

Health insurance; definitions, reimbursement for services provided by a clinical nurse specialist. (Patron—Adams, D.M.)

HB	1057	726	1082
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Health insurance; discrimination on the basis of gender identity or status as a transgender individual prohibited. (Patron—Roem)

HB	1429	844	1367
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Health insurance; formula and enteral nutrition products, definitions.

Patron—Murphy	HB	840	214	308
Patron—McDougle	SB	605	215	310

Health insurance; interhospital transfer of a newborn infant experiencing a life-threatening emergency condition or hospitalized mother of such infant to accompany infant. (Patron—McClellan)

SB	718	940	1716
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Health insurance; mandated coverage for minors for services and equipment recommended by an otolaryngologist. (Patron—DeSteph)

SB	423	1094	2094
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Health insurance; short-term limited-duration medical plans, definitions, effective date.

Patron—Rasoul	HB	1037	1076	2047
Patron—Hashmi	SB	404	1077	2048

HEARING-IMPAIRED PERSONS

Health insurance; mandated coverage for minors for services and equipment recommended by an otolaryngologist. (Patron—DeSteph)

SB	423	1094	2094
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HEDGEPEATH, TERRY LYNN

Hedgepeth, Terry Lynn; recording sorrow upon death. (Patron—Brewer)

HR	72	4554
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HEIDIG, WILLARD R.

Heidig, Willard R.; recording sorrow upon death. (Patron—Reeves)

SJR	23	4631
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HEILMAN, E. BRUCE

Heilman, E. Bruce; recording sorrow upon death. (Patron—McClellan)

SJR	197	4743
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HEMP PRODUCTS

Hemp; products intended for smoking. (Patron—Marshall)

HB	962	406	609
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	BILL OR CHAP. RES. NO.	PAGE NO.	PAGE NO.
HEMP PRODUCTS - Continued			
Industrial hemp; federal regulations, adoption in Virginia. (Patron—Marshall)	HB 942	620	943
Industrial hemp; Virginia Department of Agriculture and Consumer Services shall convene a work group to assess opportunities for development and manufacturing in the industry, report. (Patron—Marshall)	HB 491	745	1154
Industrial hemp extract; approval as food or ingredient, regulations, Virginia Industrial Hemp Fund created, report. Patron—Gooditis	HB 1430	659	990
Patron—Marsden	SB 918	660	991
Performance of laboratory analysis; cannabidiol oil, THC-A oil, tetrahydrocannabinol or industrial hemp. (Patron—Marsden)	SB 885	941	1716
Pharmaceutical processors; clarifies definition of "cannabidiol oil," permit to operate processor, testing shall be performed by a laboratory in Virginia. (Patron—O'Quinn)	HB 1670	928	1698
HENRY COUNTY			
Henry, Northampton, Patrick, and Pittsylvania Counties and City of Danville; authorized to impose additional sales and use tax, appropriations to incorporated towns for educational purposes. (Patron—Marshall)	HB 486	327	502
HEPATITIS			
Workers' compensation; adds correctional officers and full-time sworn members of the enforcement division of DMV to list of public safety employees who are entitled to occupational disease presumptions, presumption shall not apply if such individual was diagnosed with hepatitis, meningococcal meningitis, or HIV before July 1, 2020. (Patron—Bell)	SB 345	1152	2350
HERNDON FORTNIGHTLY CLUB			
Herndon Fortnightly Club; commemorating its 130th anniversary. (Patron—Boysko)	SJR 256		4773
HERNDON WOMAN'S CLUB			
Herndon Woman's Club; commending. (Patron—Boysko)	SJR 255		4773
HERRICK, CAROLE			
Herrick, Carole; commending. (Patron—Murphy)	HJR 332		4423
HIGH-OCCUPANCY TOLL (HOT) LANES			
Interstate 64; Hampton Roads Transportation Accountability Commission to impose and collect tolls in high-occupancy toll lanes on certain portions. (Patron—Jones) . . .	HB 1438	703	1041
HIGH SCHOOLS			
Chesterfield County School Board; recovery high school to be established. (Patron—Coyner)	HB 928	1042	2004
High school graduation; standard diploma requirements, dual enrollment and high-quality work-based learning experience. Patron—Bulova	HB 516	55	64
Patron—Suetterlein	SB 112	580	888
High school graduation requirements; advanced diploma, standard units of credit, certain substitutions. (Patron—Barker)	SB 323	874	1536
Menstrual supplies; each school board shall make supplies available at all times and at no cost to students in appropriate locations in each elementary school, and in bathrooms of each middle school and high school in local school divisions. Patron—Keam	HB 405	675	1012
Patron—Boysko	SB 232	676	1012
Student voters; public high schools to provide Virginia voter registration information. (Patron—Guy)	HB 1491	612	934
Voter registration; registration conducted in a high school or at location of a naturalization ceremony shall not be required to be open to the public. (Patron—Ebbin)	SB 857	858	1399
HIGHER EDUCATION			
Elementary and secondary schools and higher educational institutions; repealing several Acts that contain provisions relating to racial segregation of students. Patron—VanValkenburg	HB 973	110	171
Patron—Lucas	SB 600	352	537
Higher educational institutions; governing board of each nonprofit private institution and each public institution except Virginia Military Institute shall include as part of its policy, code, rules, or set of standards governing sexual violence, immunity from disciplinary action for certain students who make reports. (Patron—Helmer)	HB 913	1041	2004

	BILL OR CHAP.	PAGE	RES. NO.	NO.	NO.
HIGHER EDUCATION - Continued					
Higher educational institutions; qualified education loans, providers of private education loans, contact information and summary, effective date. (Patron—Bulova)	HB	743	436	653	
Higher educational institutions, certain; transcript notations on academic transcript of each student who has been suspended, etc., from institution while under investigation, expungement of notation after three year period. (Patron—Lindsey)	HB	103	433	651	
Higher educational institutions, public; annual reporting of percentage of expenditures for faculty compensation, program costs, etc., shall not apply to the Virginia Community College System. (Patron—Miyares)	HB	1223	511	775	
Higher educational institutions, public; eligibility for in-state tuition, students who meet certain criteria shall be eligible regardless of their citizenship or immigration status. Patron—Lopez	HB	1547	766	1205	
Patron—Boysko	SB	935	767	1206	
Higher educational institutions, public; governing board of each institution shall establish a policy for acceptance of terms and conditions associated with any donation, gift, or other private philanthropic support. (Patron—Bulova)	HB	1529	691	1028	
Higher educational institutions, public; governing boards to participate in educational programs, Council shall develop educational materials for board members with more than two years of service on a governing board. (Patron—DeSteph)	SB	897	155	228	
Higher educational institutions, public; governing boards to participate in educational programs, Council shall develop educational materials for board members with more than two years of service on the governing board. (Patron—Miyares)	HB	611	156	229	
Higher educational institutions, public; increases in undergraduate tuition or mandatory fees, notice of date, time, etc., at which public comment is permitted on institution's website and through any other standard means of communication. (Patron—Reid)	HB	715	435	652	
Higher educational institutions, public; in-state tuition, children of active duty service members or veterans. (Patron—Reeves)	SB	462	642	973	
Higher educational institutions, public; in-state tuition, refugees, and individuals with certain Special Immigrant Visas. (Patron—Tran)	HB	1179	680	1015	
Higher educational institutions, public; multisensory structured language education to instruct students with dyslexia, State Council of Higher Education for Virginia shall facilitate development of a statewide coalition to gather and share information. (Patron—Vogel)	SB	904	584	896	
Higher educational institutions, public; non-academic student codes of conduct, provisions shall not apply to Virginia Military Institute. (Patron—Lindsey)	HB	104	473	725	
Higher educational institutions, public; permits each institution to enter into a public-private partnership with any private entity whereby such entity is permitted to use at no cost property owned or controlled by such institution for the generation of wind or solar power in exchange for offering educational immersion programs. (Patron—Bell)	SB	271	775	1216	
Higher educational institutions, public; president of the institution allowed to delegate to an officer his obligation to contracting firms, etc. (Patron—Edwards)	SB	448	777	1217	
Higher educational institutions, public; prohibits any student from being deemed ineligible to establish domicile and receive in-state tuition charges solely on the basis of the immigration status of his parent. (Patron—Kory)	HB	1315	512	775	
Higher educational institutions, public; refund of tuition and mandatory fees paid by any veteran student when such student is forced to withdraw, for first time, due to a service-connected medical condition during a semester, such refund shall not be issued when three-quarters of a course has been completed at the time that student withdraws from course. (Patron—Murphy)	HB	456	434	652	
Mail voter registration application forms; Department of Elections to provide a reasonable number of forms to certain public and private higher educational institutions. (Patron—Willett)	HB	232	921	1683	
Virginia Freedom of Information Act; public higher educational institutions, information related to pledges and donations, the pledge or donation does not impose terms or conditions directing academic decision-making. Patron—Bulova	HB	510	71	96	
Patron—Stuart	SB	140	78	107	

HIGHER EDUCATION - Continued

Voter identification; accepted forms of identification, student identification card issued by out-of-state institution of higher education. (Patron—Sullivan) HB 213 1154 2351

HIGHLANDS FELLOWSHIP CHURCH

Highlands Fellowship Church; commemorating its 25th anniversary. (Patron—Pillion) SR 65 4826

HIGHWAYS AND OTHER SURFACE TRANSPORTATION SYSTEMS

Central Virginia Transportation Authority; created, Authority shall embrace each county, city, and town located in Planning District 15 (Plan RVA), locality's share of revenues, Greater Richmond Transit Company (GRTC) shall create a separate, special fund in which all funds received shall be deposited, etc., report, certain provisions shall become effective on October 1, 2020. (Patron—McQuinn) HB 1541 1235 2843

Dublin, Town of; authorized to receive state funds for the performance of certain highway maintenance projects. (Patron—Rush) HB 1611 645 975

Eminent domain; costs for petition for distribution of funds, interest rate, recordation of certificate. (Patron—Petersen) SB 31 1245 2874

Firefighting equipment; weight limitation on interstate, exempt from paying fees. (Patron—Reid) HB 991 975 1869

Hampton Roads Regional Transit Program and Fund; created, transit funding in Hampton Roads region, certain provisions shall not apply to decisions of the Hampton Roads Transportation Accountability Commission regarding disbursements of funds, etc., distribution of recordation tax, etc.

Patron—Askew HB 1726 1241 2865

Patron—Lucas SB 1038 1281 3151

Interstate 64; Hampton Roads Transportation Accountability Commission to impose and collect tolls in high-occupancy toll lanes on certain portions. (Patron—Jones) HB 1438 703 1041

Northern Virginia Transportation Commission; changes report date. (Patron—Ebbin) SB 848 792 1239

Parking regulations; adds Frederick County and the Town of West Point to list of counties and towns that are permitted to regulate or prohibit on any public highway, etc. (Patron—Hodges) HB 1259 997 1917

Primary and secondary highways; compensation of counties for certain construction and improvement of highways. (Patron—McQuinn) HB 1518 784 1224

Project evaluation; primary evacuation routes. (Patron—Brewer) HB 561 971 1867

Relocated billboard signs; maintenance and repair, owner of sign shall apply for a building permit from locality in which sign is located. (Patron—Marsden) SB 968 983 1878

Richmond Metropolitan Transportation Authority; change in membership.
Patron—Carr HB 538 371 568
Patron—McClellan SB 726 281 436

Roy P. Byrd, Jr., Memorial Bridge; designating as U.S. Route 29 Business bridge over U.S. Route 29 in Pittsylvania County. (Patron—Adams, L.R.) HB 1032 976 1870

Speeding fines; operation of any motor vehicle in excess of maximum speed limit established on U.S. Route 15 and U.S. Route 17 in Fauquier County, appropriately placed signs displaying speed limit, penalty. (Patron—Vogel) SB 556 892 1582

Transportation; amends numerous laws related to funds, safety programs, revenue sources, etc., new regional congestion fee is imposed, etc., repeals certain funds, provisions relating to distribution of revenues, report, certain provisions shall become effective on May 1, 2021.
Patron—Filler-Corn HB 1414 1230 2759
Patron—Saslaw SB 890 1275 3069

Transportation, Department of; primary evacuation routes. (Patron—Brewer) HB 1560 704 1042

U.S. Route 17; Commissioner of Highways to place at least six permanent electronic speed indicator signs near particular intersections in Fauquier County, Department of Transportation shall pay for signs, etc.
Patron—Webert HB 941 1024 1974
Patron—Vogel SB 557 1025 1974

Washington Metropolitan Area Transit Authority; allocation of funds. (Patron—Watts) HB 1586 1133 2268

HINES, CAROLYN WALKER

Hines, Carolyn Walker; recording sorrow upon death. (Patron—McQuinn) HJR 478 4495

HINES, PAT

Hines, Pat; commending. (Patron—Scott) HJR 76 4301

	BILL OR CHAP.	PAGE			
	RES. NO.	NO.	NO.		
HINES, TYRONE					
Hines, Tyrone ; commending. (Patron—Scott)	HJR	75		4301	
HINES, WILLIAM A., JR.					
Hines, William A., Jr. ; recording sorrow upon death. (Patron—Price)	HR	175		4606	
HINKLE, DAVID M.					
Hinkle, David M. ; recording sorrow upon death. (Patron—Obenshain)	SJR	132		4706	
HISTORIC AREAS, LANDMARKS, AND MONUMENTS					
Electrical transmission lines ; effect on scenic assets, historic resources, and environment. (Patron—Mullin)	HB	665	450	680	
Historical African American cemeteries ; adds Mt. Zion Old School Baptist Church Cemetery in Loudoun County to the list. (Patron—Gooditis)	HB	314	83	117	
Historical African American cemeteries ; adds two cemeteries in Montgomery County and one cemetery in City of Radford to the list. (Patron—Hurst)	HB	210	82	116	
Historical African American Cemeteries and Graves Fund ; created, maintaining qualifying cemeteries and graves, disbursement of funds.					
Patron—McQuinn	HB	1523	455	686	
Patron—Locke	SB	881	456	689	
Historical Statues in the United States Capitol, Commission for ; established, Commission shall determine whether statue of Robert E. Lee should remain or be replaced in National Statuary Hall Collection, etc.					
Patron—Ward	HB	1406	1099	2106	
Patron—Lucas	SB	612	1098	2105	
James River bateauxmen ; recognizing their contributions to Virginia History. (Patron—Carr)	HJR	144		4322	
Professional and Occupational Regulation, Department of ; clarifies that a cemetery wholly owned and operated by a nonstock corporation not operated for profit is exempt from regulation, "church" includes a church that operates as a historic landmark.					
Patron—Ransone	HB	950	27	34	
Patron—McDougle	SB	519	33	39	
Virginia War Memorial Carillon ; places full custody, control, etc., in Division of Engineering and Buildings, repeals code that gives City of Richmond responsibility of upkeep. (Patron—Hashmi)	SB	403	734	1114	
War memorials for veterans ; locality may remove, relocate, contextualize, or cover any such monument or memorial on the locality's public property, not including a monument or memorial located in a publicly owned cemetery, local government shall publish notice of such intent in a newspaper having general circulation in the locality, etc., regardless of when erected, action for damage to memorials, provisions shall not apply to a monument or memorial located on the property of a higher educational institution within the City of Lexington, repeals an Act ratified and confirmed city council of Alexandria allowing a monument to be erected for the Confederate deceased soldiers at a particular intersection in the City of Alexandria.					
Patron—McQuinn	HB	1537	1101	2109	
Patron—Locke	SB	183	1100	2108	
HOEHN, ANDREW					
Hoehn, Andrew ; commending. (Patron—Cosgrove)	SR	72		4829	
HOLDEN, FRANCIS					
Holden, Francis ; recording sorrow upon death. (Patron—Freitas)	HJR	259		4382	
HOLIDAYS, SPECIAL DAYS, ETC.					
Election Day ; designating as the Tuesday, after the first Monday in November, as a state holiday and removes Lee-Jackson Day as a state holiday.					
Patron—Lindsey	HB	108	417	622	
Patron—Lucas	SB	601	418	623	
Gun Violence Awareness Day ; designating as June 1, 2020, and each succeeding year thereafter. (Patron—Kory)	HJR	10		4286	
Hangul Day ; designating as October 9, 2020, and each succeeding year thereafter. (Patron—Keam)	HJR	134		4318	
Indian American Heritage Month ; designating as August in 2020 and in each succeeding year thereafter. (Patron—Bulova)	HJR	148		4324	

HOLIDAYS, SPECIAL DAYS, ETC. - Continued

James Solomon Russell Day; designating as March 28, 2020, and each succeeding year thereafter.				
Patron—Tyler	HR	20		4528
Patron—Lucas	SR	7		4799
Maternal Health Awareness Month; designating as July in 2020 and each succeeding year thereafter. (Patron—Price)	HJR	111		4312
National Prosthodontics Awareness Week; designating as April 19-25 in 2020 and final full week in April in each succeeding year thereafter.				
Patron—Roem	HJR	104		4311
Patron—Pillion	SJR	80		4677
Navy Week; recognizing as the week of March 30 - April 5, 2020 in Tri-Cities, Tennessee-Virginia. (Patron—O'Quinn)	HJR	145		4323
Northern Neck Technical Center; permits the school board of any school division from which students attend Center to set the school calendar so that the first day that students are required to attend school is earlier than Labor Day, etc. (Patron—McDougle)	SB	515	695	1030
Oliver White Hill, Sr., Day; designating as May 1, 2020, and each succeeding year thereafter. (Patron—Bagby)	HJR	72		4300
Ovarian Cancer Awareness Month; designating as September 2020 and each succeeding year thereafter. (Patron—Favola)	SJR	86		4680
Postural Orthostatic Tachycardia Syndrome Awareness Month; designating as October in 2020 and in each succeeding year thereafter. (Patron—Keam)	HJR	133		4318
Puppy Mill Awareness Month; designating as December in 2020 and each succeeding year thereafter. (Patron—Lewis)	SJR	68		4670
Radiologic Technology Week; designating the week of November 8 in 2020 and each succeeding year thereafter. (Patron—Hope)	HJR	50		4295
Transgender Day of Remembrance; designating as November 20, 2020, and each succeeding year thereafter. (Patron—Roem)	HJR	85		4302
Winter Honey Month; designating as February in 2020 and each succeeding year thereafter. (Patron—Morefield)	HJR	140		4320
Women's Equality Day; designating as August 26, 2020, and each succeeding year thereafter. (Patron—Kory)	HJR	21		4290
World Prematurity Month and Day; designating as November in 2020 and in each succeeding year thereafter and November 17 in 2020 and each succeeding year thereafter. (Patron—McClellan)	SJR	51		4665
Year of the Eye Exam; designating 2020 as The Year of the Eye Exam. (Patron—Robinson)	HJR	108		4311
HOLLOWAY, KIMBERLY COLDIRON				
Hollaway, Kimberly Coldiron; recording sorrow upon death. (Patron—Pillion)	SJR	166		4726
HOLLEY, AMANDA DOANE				
Holley, Amanda Doane; recording sorrow upon death. (Patron—O'Quinn)	HJR	172		4336
HOLLOWAY, GRANT				
Holloway, Grant; commending. (Patron—Hayes)	HR	103		4571
HOLTON, BOB F.				
Holton, Bob F.; commending. (Patron—Obenshain)	SR	68		4828
HOME/ELECTRONIC INCARCERATION				
Home/electronic incarceration program; payment to defray costs. (Patron—Hope) ..	HB	278	10	15
HOMESTEAD AND OTHER EXEMPTIONS				
Homestead exemption; bankruptcy exemptions. (Patron—Simon)	HB	790	328	508
HOMESTRETCH				
Homestretch; commemorating its 30th anniversary. (Patron—Sullivan)	HJR	374		4444
HOOVER, LAWRENCE HAROLD, JR.				
Hoover, Lawrence Harold, Jr.; recording sorrow upon death. (Patron—Sullivan)	HJR	480		4496
HOPEWELL, CITY OF				
Hopewell, City of; amending charter, issuance of bonds.				
Patron—Coyner	HB	1616	596	922
Patron—Morrissey	SB	961	608	932

	BILL OR CHAP.	PAGE	
	RES. NO.	NO.	NO.
HOPEWELL DIXIE YOUTH BASEBALL MAJORS ALL-STAR TEAM			
Hopewell Dixie Youth Baseball Majors All-Star team; commending. (Patron—Coyner)	HJR 441		4477
HOPEWELL HIGH SCHOOL			
Hopewell High School football team; commending. (Patron—Coyner)	HJR 274		4390
HOPEWELL/PRINCE GEORGE CHAMBER OF COMMERCE			
Hopewell/Prince George Chamber of Commerce; commemorating its 100th anniversary. (Patron—Coyner)	HJR 335		4425
HORSES			
Virginia Horse Center Foundation; Department of Agriculture and Consumer Services shall investigate and enter into negotiations for involvement of the Commonwealth in whole or partial operation or management of Foundation. (Patron—Deeds)	SB 1048	571	884
HOSPICES			
Home hospice programs; specifies that hospice policies and procedures for the disposal of drugs must include provisions for the safe disposal of opioids. (Patron—Vogel)	SB 913	739	1150
Nursing homes, hospice, hospice facilities, and assisted living facilities; possession and administration of cannabidiol or THC-A oil. (Patron—Dunnivant)	SB 185	846	1368
HOSPITALS AND HOSPITALIZATION			
Higher educational institutions, public; collection of debts by hospitals affiliated with institutions, neither VCU Health System Authority nor University of Virginia Medical Center shall participate in the setoff program for debts related to medical treatment, etc. (Patron—Tran)	HB 1226	577	887
Hospitals; notification to patient of outpatient physical therapy following discharge. (Patron—Orrock)	HB 763	714	1057
Hospitals; screening emergency department patients, treatment of individuals experiencing a substance use-related emergency. (Patron—Vogel)	SB 903	942	1718
Survivors of sexual assault; definitions, every hospital to provide treatment or transfer services, Task Force on Services for Survivors of Sexual Assault created, report. (Patron—Delaney)	HB 808	725	1078
HOUSE OF DELEGATES DISTRICTS			
County and city precincts; required to be wholly contained within election districts, establishing precinct boundaries to be consistent with any congressional district, Senate district, House of Delegates district, etc., waiver for administration of split precinct. (Patron—Obenshain)	SB 740	1268	3041
HOUSING			
Discrimination; prohibited in public accommodations, employment, credit, and housing, causes of action, civil actions by private parties, sexual orientation, gender identity, status as a veteran, disability, etc., repeals provision relating to causes of action not created. (Patron—Ebbin)	SB 868	1140	2309
Housing authorities; notice of intent to demolish, liquidate, or otherwise dispose of housing projects, authority to submit application at least 12 months prior to any application submission date, effective date.			
Patron—Jones	HB 921	397	595
Patron—McClellan	SB 708	187	273
Income tax, state; tax credit for certain landlords, definition of "eligible housing area" includes an eligible census tract in Washington-Arlington-Alexandria Metropolitan Statistical Area.			
Patron—Guzman	HB 590	430	648
Patron—Barker	SB 200	1032	1984
Landlord and tenant; statement of tenant rights and responsibilities, statement shall provide the telephone number and website address for the statewide legal aid organization and direct tenants with questions.			
Patron—Ward	HB 393	985	1883
Patron—McClellan	SB 707	986	1886
Local human rights ordinances; localities may prohibit discrimination in housing, employment, public accommodations, credit, and education on the basis of sexual orientation and gender identity. (Patron—Roem)	HB 696	131	200

BILL OR CHAP. PAGE
RES. NO. NO. NO.

HOUSING - Continued

Manufactured Housing Construction and Safety Standards Law ; applicability. (Patron—Leftwich)	HB	1341	29	35
Redevelopment and housing authority ; increases compensation of commissioners. (Patron—Kory)	HB	396	516	779
Uniform Statewide Building Code and Statewide Fire Prevention Code ; Department of Housing and Community Development to convene stakeholders to develop proposals for changes to the Codes to address active shooters or hostile threats. Patron—Cole, M.L.	HB	670	130	200
Patron—Stuart	SB	333	533	809
Virginia Fair Housing Law ; status as a victim of family abuse, evidence of eligibility to become a tenant, confidentiality of tenant records. (Patron—Rasoul)	HB	99	388	585
Virginia Fair Housing Law ; unlawful discriminatory housing practices, sources of funds, exemptions. (Patron—Bourne)	HB	6	477	728
Virginia Food Access Investment Program and Fund ; established and created, report, Department of Agriculture and Consumer Services shall establish an Equitable Food Oriented Development stakeholder work group. Patron—McQuinn	HB	1509	956	1754
Patron—McClellan	SB	1073	957	1755
Virginia housing opportunity tax credit program ; Virginia Housing Development Authority, et al., to develop the establishment of program. (Patron—Bourne)	HB	810	517	779

HUFFMAN, LILY WILSON

Huffman, Lily Wilson ; commending. (Patron—Hanger)	SJR	125		4702
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HUMAN IMMUNODEFICIENCY VIRUS (HIV)

Workers' compensation ; adds correctional officers and full-time sworn members of the enforcement division of DMV to list of public safety employees who are entitled to occupational disease presumptions, presumption shall not apply if such individual was diagnosed with hepatitis, meningococcal meningitis, or HIV before July 1, 2020. (Patron—Bell)	SB	345	1152	2350
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HUMAN RIGHTS

Human Rights, Division of ; Division to determine requirements for proactively enforcing statutory requirements for equal pay irrespective of sex. (Patron—Hurst) . .	HB	624	901	1632
Local human rights ordinances ; localities may prohibit discrimination in housing, employment, public accommodations, credit, and education on the basis of sexual orientation and gender identity. (Patron—Roem)	HB	696	131	200
Virginia Human Rights Act ; clarifies definition of "lactation," unlawful discrimination on the basis of pregnancy, childbirth, or related medical conditions, reasonable accommodation for the known limitations of persons related to pregnancy, childbirth, or related medical conditions. Patron—Carroll Foy	HB	827	1138	2306
Patron—McClellan	SB	712	1139	2307
Virginia Human Rights Act ; discrimination on the basis of race, including hair style, type, or texture. Patron—McQuinn	HB	1514	107	170
Patron—Spruill	SB	50	152	227

HUMAN TRAFFICKING

Human trafficking ; assessments by local departments. Patron—Herring	HB	1006	6	12
Patron—Obenshain	SB	706	234	350

HUNDLEY, HENRY BURGWYN

Hundley, Henry Burgwyn ; recording sorrow upon death. (Patron—Locke)	SR	30		4811
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HUNT VALLEY ELEMENTARY SCHOOL

Hunt Valley Elementary School ; commemorating its 50th anniversary. (Patron—Tran)	HJR	400		4457
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HUNTING LAWS AND PERMITS

Big game hunting ; guaranteed kills prohibited, penalty. (Patron—Chafin)	SB	774	631	955
Hunting elk ; Board of Game and Inland Fisheries to create a special license in the elk management zone that is required in addition to a general hunting license. Patron—Edmunds	HB	388	309	477
Patron—Chafin	SB	262	310	477

BILL OR CHAP. PAGE
RES. NO. NO. NO.

HUNTING LAWS AND PERMITS - Continued

Hunting license; senior resident lifetime license for hunting bear, deer, and turkey. (Patron—Robinson)	HB	1272	564	876
Hunting waterfowl; duck blinds, applying to license a stationary blind in public waters. (Patron—Stuart)	SB	987	415	622
Unlawful hunting, fishing, or trapping; prohibition upon conviction. (Patron—Fowler)	HB	449	311	478
Waterfowl blinds; Department of Game and Inland Fisheries shall not license any stationary blind in any area of Hunting Creek, Little Hunting Creek, or Dogue Creek in which a local governing body prohibits by ordinance the hunting of birds with a firearm.				
Patron—Krizek	HB	173	307	476
Patron—Surovell	SB	435	308	477

ICKES, DIANE C.

Ickes, Diane C.; commending.				
Patron—Robinson	HR	96		4567
Patron—Chase	SR	25		4809

IGNITION INTERLOCK DEVICES

Ignition interlock; a court of proper jurisdiction may, as a condition of a restricted license, prohibit an offender from operating a motor vehicle that is not equipped with a functioning, certified system for a first offense driving under the influence of drugs. (Patron—Deeds)	SB	282	530	807
Ignition interlock systems; venue for prosecution shall be where the offense occurred or the jurisdiction in which the order was entered. (Patron—Mullin)	HB	663	129	199

IMMIGRATION LAWS

Immigration status; prohibiting inquiry into status of certain victims or witnesses of crimes. (Patron—Lopez)	HB	262	273	424
Inquiry and report of immigration status; persons charged with or convicted of certain crimes, citizenship of person taken into custody.				
Patron—Lopez	HB	1150	995	1913
Patron—Surovell	SB	491	996	1915

IMMUNIZATIONS

Immunizations; State Board of Health shall amend regulations as necessary to maintain conformity with evidence-based routinely recommended vaccinations for children, report, effective date. (Patron—Hope)	HB	1090	1223	2693
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INCOME TAX

Advanced recycling; incentives in income tax, sales tax, and machinery and tools tax, provisions shall apply to taxable years beginning on and after January 1, 2020. (Patron—Hanger)	SB	590	789	1234
Income tax, state; exclusion, student loan forgiveness, disabled veterans. (Patron—Bell)	SB	745	606	930
Income tax, state; reporting requirements for partnerships, definitions, final determination dates. (Patron—Watts)	HB	1417	1030	1978
Income tax, state; subtraction for crime stopper rewards.				
Patron—Cox	HB	307	324	494
Patron—Morrissey	SB	931	375	571
Income tax, state; tax credit for certain landlords, definition of "eligible housing area" includes an eligible census tract in Washington-Arlington-Alexandria Metropolitan Statistical Area.				
Patron—Guzman	HB	590	430	648
Patron—Barker	SB	200	1032	1984
Income tax, state and corporate; deduction for commuter benefits provided by an employer, effective provision, report. (Patron—Barker)	SB	277	1033	1985

INDIAN AMERICAN HERITAGE MONTH

Indian American Heritage Month; designating as August in 2020 and in each succeeding year thereafter. (Patron—Bulova)	HJR	148		4324
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INDIGENT PERSONS

Civil actions; determination of indigency. (Patron—Hashmi)	SB	1032	654	985
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INDUSTRIAL DEVELOPMENT

Conflict of Interests Act, State and Local Government; disclosure by executive directors and members of industrial development authorities and economic development authorities, penalty.

Patron—Webert HB 1528 77 105
Patron—Obenshain SB 703 81 114

Front Royal, Town of; Town may create its own industrial development authorities, such authority may also include Warren County in its economic development projects. (Patron—Collins)

HB 1572 1001 1925

INFANTS

Health insurance; interhospital transfer of a newborn infant experiencing a life-threatening emergency condition or hospitalized mother of such infant to accompany infant. (Patron—McClellan)

SB 718 940 1716

Newborn screening; Department of Health shall review Krabbe disease and provide recommendations to Board regarding whether disease should be included in core panel of heritable disorders, etc. (Patron—Miyares)

HB 97 416 622

INFRASTRUCTURE

Zoning; wireless communications infrastructure, locality may also disapprove an application if applicant has not given written notice to adjacent landowners at least 15 days before it applies to locate a new structure in the area. (Patron—VanValkenburg)

HB 554 344 530

INGRAM, CHARLES

Ingram, Charles; commending. (Patron—Hodges) HJR 151 4325

INMATES

Inmates; review of deaths that occur in local correctional facilities, report. (Patron—Suetterlein)

SB 215 1287 3587

INSANITY

Persons acquitted by reason of insanity; use of two-way electronic video and audio communication system in proceedings. (Patron—Hurst)

HB 639 96 153

INSTITUTIONS OF HIGHER EDUCATION; OTHER EDUCATIONAL AND CULTURAL INSTITUTIONS

ABLE savings trust agreement; Medicaid clawback prohibition. (Patron—Filler-Corn)

HB 887 923 1684

Active duty military personnel or activated or temporarily mobilized reservists or guard members; dependents, eligibility for in-state tuition and other educational benefits. (Patron—Murphy)

HB 447 382 580

A.L. Philpott Manufacturing Extension Partnership; staff shall be treated as state employees. (Patron—Adams, L.R.)

HB 992 398 595

Commonwealth of Virginia Higher Educational Institutions Bond Act of 2020; created.

Patron—Torian HB 1246 253 381
Patron—Howell SB 580 280 432

Education preparation programs; teacher licensure, certain instruction or training. (Patron—Levine)

HB 894 870 1532

Electric vehicle charging stations; operation by state agencies, repeals provisions relating to charging stations on property of existing parks, charging stations operated by higher educational institutions, etc. (Patron—Bulova)

HB 511 490 747

Elementary and secondary schools and higher educational institutions; repealing several Acts that contain provisions relating to racial segregation of students.

Patron—VanValkenburg HB 973 110 171
Patron—Lucas SB 600 352 537

Higher Education for Virginia, State Council of; Director of Council to appoint student advisory committee. (Patron—Keam)

HB 1335 578 888

Higher educational institutions; governing board of each nonprofit private institution and each public institution except Virginia Military Institute shall include as part of its policy, code, rules, or set of standards governing sexual violence, immunity from disciplinary action for certain students who make reports. (Patron—Helmer)

HB 913 1041 2004

Higher educational institutions; qualified education loans, providers of private education loans, contact information and summary, effective date. (Patron—Bulova)

HB 743 436 653

	BILL OR CHAP.		PAGE	
	RES. NO.	NO.	NO.	NO.
INSTITUTIONS OF HIGHER ED; OTHER EDUCATIONAL AND CULTURAL INSTITUTIONS - Cont				
Higher educational institutions, certain; transcript notations on academic transcript of each student who has been suspended, etc., from institution while under investigation, expungement of notation after three year period. (Patron—Lindsey) . . .	HB	103	433	651
Higher educational institutions, public; annual reporting of percentage of expenditures for faculty compensation, program costs, etc., shall not apply to the Virginia Community College System. (Patron—Miyares)	HB	1223	511	775
Higher educational institutions, public; collection of debts by hospitals affiliated with institutions, neither VCU Health System Authority nor University of Virginia Medical Center shall participate in the setoff program for debts related to medical treatment, etc. (Patron—Tran)	HB	1226	577	887
Higher educational institutions, public; eligibility for in-state tuition, students who meet certain criteria shall be eligible regardless of their citizenship or immigration status. Patron—Lopez	HB	1547	766	1205
Patron—Boysko	SB	935	767	1206
Higher educational institutions, public; governing board of each institution shall establish a policy for acceptance of terms and conditions associated with any donation, gift, or other private philanthropic support. (Patron—Bulova)	HB	1529	691	1028
Higher educational institutions, public; governing boards to participate in educational programs, Council shall develop educational materials for board members with more than two years of service on a governing board. (Patron—DeSteph)	SB	897	155	228
Higher educational institutions, public; governing boards to participate in educational programs, Council shall develop educational materials for board members with more than two years of service on the governing board. (Patron—Miyares)	HB	611	156	229
Higher educational institutions, public; increases in undergraduate tuition or mandatory fees, notice of date, time, etc., at which public comment is permitted on institution's website and through any other standard means of communication. (Patron—Reid)	HB	715	435	652
Higher educational institutions, public; in-state tuition, children of active duty service members or veterans. (Patron—Reeves)	SB	462	642	973
Higher educational institutions, public; in-state tuition, refugees, and individuals with certain Special Immigrant Visas. (Patron—Tran)	HB	1179	680	1015
Higher educational institutions, public; multisensory structured language education to instruct students with dyslexia, State Council of Higher Education for Virginia shall facilitate development of a statewide coalition to gather and share information. (Patron—Vogel)	SB	904	584	896
Higher educational institutions, public; non-academic student codes of conduct, provisions shall not apply to Virginia Military Institute. (Patron—Lindsey)	HB	104	473	725
Higher educational institutions, public; permits each institution to enter into a public-private partnership with any private entity whereby such entity is permitted to use at no cost property owned or controlled by such institution for the generation of wind or solar power in exchange for offering educational immersion programs. (Patron—Bell)	SB	271	775	1216
Higher educational institutions, public; president of the institution allowed to delegate to an officer his obligation to contracting firms, etc. (Patron—Edwards) . . .	SB	448	777	1217
Higher educational institutions, public; prohibits any student from being deemed ineligible to establish domicile and receive in-state tuition charges solely on the basis of the immigration status of his parent. (Patron—Kory)	HB	1315	512	775
Higher educational institutions, public; refund of tuition and mandatory fees paid by any veteran student when such student is forced to withdraw, for first time, due to a service-connected medical condition during a semester, such refund shall not be issued when three-quarters of a course has been completed at the time that student withdraws from course. (Patron—Murphy)	HB	456	434	652
Mail voter registration application forms; Department of Elections to provide a reasonable number of forms to certain public and private higher educational institutions. (Patron—Willett)	HB	232	921	1683
New College Institute; increases members on board of directors to 10 nonlegislative citizen members. (Patron—Stanley)	SB	313	878	1541

BILL OR CHAP. PAGE
RES. NO. NO. NO.

INSTITUTIONS OF HIGHER ED; OTHER EDUCATIONAL AND CULTURAL INSTITUTIONS - Cont

Online Virginia Network Authority; adds President of James Madison University as member, etc. Patron—Carr	HB 1660	340	524
Patron—Obenshain	SB 1041	174	242
Postsecondary schools; distance learning, certification and reciprocity, effective date. (Patron—Murphy)	HB 457	380	577
Postsecondary schools; enrollment agreements, reporting disputes, arbitration. (Patron—Willett)	HB 375	1135	2272
Student journalists; freedom of speech and the press, definitions, institution-sponsored student media. (Patron—Hurst)	HB 36	947	1739
Veteran Student Transition Grant Fund and Program; established. (Patron—O'Quinn)	HB 1275	636	962
Virginia Freedom of Information Act; public higher educational institutions, information related to pledges and donations, the pledge or donation does not impose terms or conditions directing academic decision-making. Patron—Bulova	HB 510	71	96
Patron—Stuart	SB 140	78	107
Virginia Military Institute; the Institute shall be grounded in a strict code of honor and high academics, shall remain solely an undergraduate degree-granting institution, shall continue to demonstrate its commitment to contributing to elimination of sexual violence in the military, etc., board shall not confer honorary degrees. (Patron—Norment)	SB 994	1047	2009
Voter identification; accepted forms of identification, student identification card issued by out-of-state institution of higher education. (Patron—Sullivan)	HB 213	1154	2351
INSURANCE			
Accident airtrip insurance; repeals the authorization for insurers to issue policies by means of mechanical vending machines in public airports. (Patron—Spruill)	SB 164	222	322
Disability insurance; coverage for short-term disability arising out of childbirth, report. (Patron—Dunnavant)	SB 567	935	1708
Discrimination; prohibited in employment, public accommodation, public contracting, etc., on the basis of sexual orientation or gender identity. (Patron—Levine)	HB 1049	1137	2273
Gender-neutral terms; prohibitions on same-sex marriage and civil unions removed from Code, certain gender-specific crimes, penalty, repeals provisions relating to marriage and civil unions between persons of same sex. (Patron—Simon)	HB 623	900	1600
Health benefit plans; renewal of plans, special exception. (Patron—Tran)	HB 1141	842	1366
Health insurance; codifies an existing requirement that the State Corporation Commission's Bureau of Insurance make an annual report regarding claims information for mental health and substance use disorder benefits. (Patron—Barker)	SB 280	847	1372
Health insurance; cost-sharing payments for prescription insulin drugs, amount not to exceed \$50 per 30-day supply of insulin drug. (Patron—Carter)	HB 66	881	1550
Health insurance; coverage for autism spectrum disorder, individual and small group markets, policies, plans, etc., delivered, reissued or extended on or after January 1, 2021. Patron—Ward	HB 1503	613	934
Patron—Barker	SB 1031	305	473
Health insurance; coverage for essential health benefits, preventive services. (Patron—Favola)	SB 95	1160	2360
Health insurance; credentialing, health care or professional health-related services. (Patron—Head)	HB 822	840	1365
Health insurance; credits for retired school division employees other than teachers, effective date for certain provision. (Patron—McQuinn)	HB 1513	1091	2086
Health insurance; definitions, payment to out-of-network providers, violations of certain provisions, emergency services, services provided at an in-network facility, arbitration, rules and regulations, repeals provision relating to patient access to elective services, report. Patron—Torian	HB 1251	1080	2051
Patron—Favola	SB 172	1081	2060
Health insurance; definitions, reimbursement for services provided by a clinical nurse specialist. (Patron—Adams, D.M.)	HB 1057	726	1082

BILL OR CHAP. PAGE
RES. NO. NO. NO.

INSURANCE - Continued

Health insurance; discrimination on the basis of gender identity or status as a transgender individual prohibited. (Patron—Roem)	HB	1429	844	1367
Health insurance; formula and enteral nutrition products, definitions. Patron—Murphy	HB	840	214	308
Patron—McDougle	SB	605	215	310
Health insurance; interhospital transfer of a newborn infant experiencing a life-threatening emergency condition or hospitalized mother of such infant to accompany infant. (Patron—McClellan)	SB	718	940	1716
Health insurance; mandated coverage for minors for services and equipment recommended by an otolaryngologist. (Patron—DeSteph)	SB	423	1094	2094
Health insurance; short-term limited-duration medical plans, definitions, effective date. Patron—Rasoul	HB	1037	1076	2047
Patron—Hashmi	SB	404	1077	2048
Insurance; localities allowed to extend certain benefits to retired employees of political subdivisions. Patron—Leftwich	HB	1385	424	634
Patron—Lucas	SB	349	425	635
Insurance agents; licensing and registration renewal. (Patron—Chafin)	SB	233	225	331
Insurance data security; required programs and notifications, cybersecurity event in a system, repeals provisions relating to information security program, and an effective date. (Patron—Keam)	HB	1334	264	399
Landlord and tenant; landlord may permit a tenant damage insurance coverage in lieu of payment of a security deposit, damage insurance shall conform to certain criteria. (Patron—Keam)	HB	1333	998	1918
Legal services plans; authorizes legal services organizations to provide to the Virginia Department of Agriculture and Consumer Services any registration information or fees. (Patron—Wilt)	HB	1240	408	612
Life and annuities agents; report on licensure exam passage rate. (Patron—Spruill)	SB	165	223	322
Medicare; supplement policies for individuals under age 65, eligibility by reason of disability. (Patron—Edwards)	SB	250	1161	2363
Mutual assessment property and casualty insurers; notice by electronic delivery. (Patron—Ransone)	HB	951	216	311
Organ, eye, or tissue transplantation; discrimination prohibited. Patron—O’Quinn	HB	1273	217	312
Patron—Pillion	SB	846	218	314
Peer-to-peer vehicle sharing platforms; definitions, insurance coverage, taxation, etc., requirements for platforms, certain provisions shall become effective on October 1, 2020. (Patron—Newman)	SB	735	1266	3031
Pharmacists; initiating of treatment with and dispensing and administering of controlled substances, counseling of patient, report. (Patron—Sickles)	HB	1506	731	1097
Pharmacy benefits managers; licensure and regulation definitions. Patron—Hodges	HB	1290	219	316
Patron—Edwards	SB	251	1288	3588
Reinsurance credits; conforms Virginia’s law regarding credits to insurers for reinsurance ceded to approved assuming insurers to provisions of Credit for Reinsurance Model Law of the National Association of Insurance Commissioners. (Patron—Kilgore)	HB	154	208	297
Virginia Health Benefit Exchange; created, establishment and operation, definitions, information sharing, assessments, report, repeals provision that prohibits an agent, etc., from taking any action to establish an exchange. Patron—Sickles	HB	1428	916	1651
Patron—McClellan	SB	732	917	1666

INTERNET

Virginia Lottery; Internet sales, repeals the prohibition on selling lottery tickets over the Internet. Patron—Bulova	HB	1383	332	516
Patron—Norment	SB	922	117	180

INTERSTATE ROUTE 64

Interstate 64; Hampton Roads Transportation Accountability Commission to impose and collect tolls in high-occupancy toll lanes on certain portions. (Patron—Jones) . . .	HB	1438	703	1041
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INTERSTATE ROUTE 95

CPL Ryan C. McGhee Memorial Bridge; designating as the bridge on Guinea Station Road over Interstate 95 in Spotsylvania County. (Patron—Reeves) SB 1005 647 978

JACKSON-FEILD BEHAVIORAL HEALTH SERVICES

Jackson-Feild Behavioral Health Services; commemorating its 165th anniversary. (Patron—Tyler) HR 95 4567

JAECKLE, DOROTHY A.

Jaeckle, Dorothy A.; commending. (Patron—Coyner) HJR 277 4392

JAILS AND PRISONS

Prisoners; unless prisoner is determined to be indigent, all costs and fees associated with documentation upon release shall be paid by prisoner, certain costs for obtaining any identification or documents shall be paid by the jail.

Patron—Hope HB 1093 484 743

Patron—Aird HB 1467 523 785

JAKA, PRISCILLA MARTINEZ

Jaka, Priscilla Martinez; commending. (Patron—Murphy) HJR 329 4422

JAMES, ANDREW, JR.

James, Andrew, Jr.; commending. (Patron—Hodges) HJR 169 4335

JAMES CITY RURITAN CLUB

James City Ruritan Club; commemorating its 80th anniversary. (Patron—Norment) SJR 128 4704

JAMES MADISON HIGH SCHOOL

James Madison High School marching band; commending. (Patron—Petersen) SJR 107 4691

JAMES MADISON UNIVERSITY

Online Virginia Network Authority; adds President of James Madison University as member, etc.

Patron—Carr HB 1660 340 524

Patron—Obenshain SB 1041 174 242

JAMES, PETER G.

James, Peter G.; commending. (Patron—Keam) HJR 343 4429

JAMES RIVER

Combined sewer overflow outfalls; owner or operator of any overflow system east of Charlottesville that discharges into the James River watershed shall submit to the Department of Environmental Quality an interim plan regarding CSO system. (Patron—Stuart) SB 1064 634 958

James River; adds a 20-mile portion located in Albemarle, Buckingham, and Fluvanna Counties as a component of the Virginia Scenic Rivers System. (Patron—Fariss) HB 1598 319 492

JAMES SOLOMON RUSSELL DAY

James Solomon Russell Day; designating as March 28, 2020, and each succeeding year thereafter.

Patron—Tyler HR 20 4528

Patron—Lucas SR 7 4799

JAMESTOWN HIGH SCHOOL

Jamestown High School Envirothon team; commending. (Patron—Mullin) HJR 120 4314

Jamestown High School golf team; commending. (Patron—Mullin) HJR 412 4463

JEFFERSON, BRANTLEY MOSES

Jefferson, Brantley Moses; recording sorrow upon death. (Patron—Peake) SJR 120 4700

JEROME, MARILYN C.

Jerome, Marilyn C.; commending. (Patron—Murphy) HJR 390 4454

JK MOVING SERVICES

JK Moving Services; commending. (Patron—Delaney) HJR 206 4354

JOHNSON, ANDREA CARSON

Johnson, Andrea Carson; commending. (Patron—Tyler) HR 25 4530

JOHNSON, BOBBIE GARRETT

Johnson, Bobbie Garrett; recording sorrow upon death. (Patron—Austin) HR 67 4551

JOHNSON, FITZ

Johnson, Fitz; commending. (Patron—Guzman) HJR 427 4471

JOHNSON, JACOB

Johnson, Jacob; commending. (Patron—Fariss) HR 62 4549

BILL OR CHAP. PAGE
RES. NO. NO. NO.

JOHNSON, KATHERINE

Johnson, Katherine; recording sorrow upon death. (Patron—Locke) SJR 205 4747

JOINT ASSEMBLY

Joint Assembly; General Assembly shall meet in Hall of House of Delegates on Wednesday, January 8, 2020. (Patron—Herring) HJR 126 4316

JOINT LEGISLATIVE AUDIT AND REVIEW COMMISSION (JLARC)

Marijuana; Joint Legislative Audit and Review Commission to study and make recommendations for how Virginia should go about legalizing and regulating the growth, sale, and possession by July 1, 2022, and address the impacts of prohibition. (Patron—Heretick) HJR 130 4317

JONES, CHARLES

Jones, Charles; commending. (Patron—Stuart) SJR 229 4759

JONES, NITA

Jones, Nita; recording sorrow upon death. (Patron—Carr) HJR 358 4437

JONES, SARAH LEIGH

Jones, Sarah Leigh; recording sorrow upon death. (Patron—Brewer) HR 46 4541

JORDAN, FLOSSIE ZENOBIA JONES

Jordan, Flossie Zenobia Jones; commending. (Patron—Aird) HR 42 4539

JORDAN-HAAS, DAVID STEWART

Jordan-Haas, David Stewart; recording sorrow upon death. (Patron—Keam) HJR 266 4386

JUDD, RICK

Judd, Rick; commending. (Patron—Simon) HJR 396 4457

JUDGES, JUSTICES, AND OTHER ELECTIVE OFFICERS

Administrative assistants; an employee hired and paid by a county or city to assist with the administration of a circuit court judge's office shall serve at sole direction and supervision of such judge. (Patron—Campbell, J.L.) HB 1725 1061 2015

Judge; nomination for election to circuit court. (Patron—Lindsey) HR 214 4626

Judge; nomination for election to general district court.
Patron—Lindsey HR 215 4626
Patron—Edwards SR 80 4833

Judge; nomination for election to Supreme Court of Virginia.
Patron—Lindsey HR 29 4533
Patron—Edwards SR 10 4801

Judges; election in circuit court, general district court, and juvenile and domestic relations district court. (Patron—Lindsey) HJR 388 4453

Judges; election in circuit court, general district court, juvenile and domestic relations district court, members of the Judicial and Inquiry Review Commission, and a member of the State Corporation Commission. (Patron—Lindsey) HJR 509 4511

Judges; election in Supreme Court of Virginia, circuit court, general district court, juvenile and domestic relations district court, and a member of the Virginia Workers' Compensation Commission. (Patron—Lindsey) HJR 161 4330

Judges; increases from 11 to 12 the maximum number of authorized general district court judgeships in the nineteenth judicial district.
Patron—Sullivan HB 275 343 529
Patron—Petersen SB 209 586 897

Judges; nominations for election to circuit court.
Patron—Lindsey HR 30 4533
Patron—Lindsey HR 137 4588
Patron—Edwards SR 11 4801
Patron—Edwards SR 50 4820

Judges; nominations for election to general district court.
Patron—Lindsey HR 31 4533
Patron—Lindsey HR 138 4589
Patron—Edwards SR 12 4801
Patron—Edwards SR 51 4821

Judges; nominations for election to juvenile and domestic relations district court.
Patron—Lindsey HR 32 4534
Patron—Lindsey HR 139 4589
Patron—Lindsey HR 216 4626
Patron—Edwards SR 13 4802

	BILL OR CHAP. RES. NO.	PAGE NO.	PAGE NO.
JUDGES, JUSTICES, AND OTHER ELECTIVE OFFICERS - Continued			
Patron—Edwards	SR	52	4821
Patron—Edwards	SR	81	4833
Judges, substitute; powers and duties, power to enter a final order in any case heard for a period of 14 days after date of a hearing of such case. (Patron—Collins)	HB	60	118 181
Judicial Inquiry and Review Commission; nominations for election of members.			
Patron—Lindsey	HR	217	4626
Patron—Edwards	SR	83	4834
State Corporation Commission; nomination for election of a member. (Patron—Ward)	HR	218	4627
JUDGMENT			
Appeals of right in general district court; appeals of final orders or judgments entered in the same action or related action, party noting or noting and perfecting such appeal shall notify sheriff of such appeal.			
Patron—Simon	HB	792	1048 2010
Patron—Edwards	SB	545	1049 2011
JUDICIAL INQUIRY AND REVIEW COMMISSION			
Judge; election in circuit court, general district court, juvenile and domestic relations district court, members of the Judicial and Inquiry Review Commission, and a member of the State Corporation Commission. (Patron—Lindsey)	HJR	509	4511
Judicial Inquiry and Review Commission; nominations for election of members.			
Patron—Lindsey	HR	217	4626
Patron—Edwards	SR	83	4834
JUDICIAL NOMINATIONS			
Judge; nomination for election to circuit court. (Patron—Lindsey)	HR	214	4626
Judge; nomination for election to general district court.			
Patron—Lindsey	HR	215	4626
Patron—Edwards	SR	80	4833
Judge; nomination for election to Supreme Court of Virginia.			
Patron—Lindsey	HR	29	4533
Patron—Edwards	SR	10	4801
Judges; election in circuit court, general district court, and juvenile and domestic relations district court. (Patron—Lindsey)	HJR	388	4453
Judges; nominations for election to circuit court.			
Patron—Lindsey	HR	30	4533
Patron—Lindsey	HR	137	4588
Patron—Edwards	SR	11	4801
Patron—Edwards	SR	50	4820
Judges; nominations for election to general district court.			
Patron—Lindsey	HR	31	4533
Patron—Lindsey	HR	138	4589
Patron—Edwards	SR	12	4801
Patron—Edwards	SR	51	4821
Judges; nominations for election to juvenile and domestic relations district court.			
Patron—Lindsey	HR	32	4534
Patron—Lindsey	HR	139	4589
Patron—Lindsey	HR	216	4626
Patron—Edwards	SR	13	4802
Patron—Edwards	SR	52	4821
Patron—Edwards	SR	81	4833
JURY SERVICE AND JURORS			
Lists of registered voters; Department of Elections shall provide, at no charge, to courts of the Commonwealth and United States for jury selection purposes, etc. (Patron—Reeves)			
	SB	466	369 566
Multi-jurisdiction grand jury; hate crimes added to list of crimes the jury may investigate. (Patron—Bagby)			
	HB	787	747 1157
Registered voters; lists provided at no charge to courts of the Commonwealth and the United States with lists for jury selection purposes no more than two times in a 12-month period. (Patron—Krizek)			
	HB	500	290 451
Voir dire examination of persons called as jurors; criminal case.			
Patron—Lindsey	HB	100	157 230
Patron—Deeds	SB	325	588 902

BILL OR CHAP. PAGE
RES. NO. NO. NO.

JUVENILE AND DOMESTIC RELATIONS DISTRICT COURTS

Judges; election in circuit court, general district court, and juvenile and domestic relations district court. (Patron—Lindsey) HJR 388 4453

Judges; election in circuit court, general district court, juvenile and domestic relations district court, members of the Judicial and Inquiry Review Commission, and a member of the State Corporation Commission. (Patron—Lindsey) HJR 509 4511

Judges; election in Supreme Court of Virginia, circuit court, general district court, juvenile and domestic relations district court, and a member of the Virginia Workers' Compensation Commission. (Patron—Lindsey) HJR 161 4330

Judges; nominations for election to juvenile and domestic relations district court.

Patron—Lindsey HR 32 4534

Patron—Lindsey HR 139 4589

Patron—Lindsey HR 216 4626

Patron—Edwards SR 13 4802

Patron—Edwards SR 52 4821

Patron—Edwards SR 81 4833

Juvenile and domestic relations district court; award of attorney fees and costs. (Patron—Surovell) SB 451 185 272

Juvenile and domestic relations district court; intake procedures. (Patron—Carroll Foy) HB 1324 753 1165

School attendance officers; petitions for violation of a school attendance order entered by juvenile and domestic relations district court, etc.

Patron—Guzman HB 1081 105 167

Patron—Barker SB 237 106 169

JUVENILE JUSTICE

Children; no child under the age of 18 shall be strip searched or subjected to a search of any body cavity by a law-enforcement officer or a jail officer unless child is in custodial arrest and there is reasonable cause that child is concealing a weapon, exception if child is committed to Department of Juvenile Justice or confined or detained in a secure local facility for juveniles, etc. (Patron—Carter) HB 1544 1236 2854

Juvenile correctional facilities; Board of Juvenile Justice, et al., to promulgate regulations governing housing of youth who are detained in a facility pursuant to a contract with the federal government. (Patron—Ebbin) SB 20 599 924

JUVENILES

Children; no child under the age of 18 shall be strip searched or subjected to a search of any body cavity by a law-enforcement officer or a jail officer unless child is in custodial arrest and there is reasonable cause that child is concealing a weapon, exception if child is committed to Department of Juvenile Justice or confined or detained in a secure local facility for juveniles, etc. (Patron—Carter) HB 1544 1236 2854

Juvenile; sentencing when tried as an adult, if juvenile is convicted of any felony, court may in its discretion depart from any mandatory minimum sentence required by law, etc. (Patron—Watts) HB 744 396 594

Juvenile correctional facilities; Board of Juvenile Justice, et al., to promulgate regulations governing housing of youth who are detained in a facility pursuant to a contract with the federal government. (Patron—Ebbin) SB 20 599 924

Juvenile offenders; eligibility for parole, person who has served at least 20 years of sentence.

Patron—Lindsey HB 35 2 1

Patron—Marsden SB 103 529 799

Juveniles; confinement for violation of court order. (Patron—Jones) HB 1437 593 920

Juveniles; minimum age at which a juvenile can be tried as an adult in circuit court for a felony, preliminary hearings, time limitations.

Patron—Guzman HB 477 987 1888

Patron—Edwards SB 546 988 1893

KELAHAN, RENEE MARIE

Kelahan, Renee Marie; recording sorrow upon death. (Patron—Delaney) HR 45 4541

KELLY-RICE, CONSTANCE

Kelly-Rice, Constance; recording sorrow upon death.

Patron—Tyler HR 4 4513

Patron—Lucas SJR 10 4628

	BILL OR CHAP. RES. NO.	PAGE NO.	PAGE NO.
KERNEKLIAN, MELANIE BANDAIZAN			
Kerneklia n, Melanie Bandaizian ; recording sorrow upon death. (Patron—McDougle)	SJR	37	4636
KETTLE RUN HIGH SCHOOL			
Kettle Run High School coed swimming team ; commending. (Patron—Guzman) . . .	HJR	432	4473
KIBLER, TERRY LEE			
Kibler, Terry Lee ; recording sorrow upon death. (Patron—Gilbert)	HJR	142	4322
KIM, KAYLEIGH			
Kim, Kayleigh ; commending.			
Patron—Delaney	HR	82	4560
Patron—Howell	SR	31	4812
KIM, SUNNY SUNG-IN			
Kim, Sunny Sung-In ; recording sorrow upon death. (Patron—Keam)	HJR	265	4386
KINDERGARTENS AND PRESCHOOLS			
Public schools ; increases kindergarten instructional time. (Patron—Barker)	SB	238	582 892
Public schools ; pre-kindergarten and kindergarten students shall be exempt from mandatory participation in lock-down drills during first 60 days of school session. (Patron—Keam)	HB	402	1040 2003
KING, DAVID L.			
King, David L. ; recording sorrow upon death. (Patron—Hanger)	SJR	65	4668
KING GEORGE COUNTY			
King George County ; commemorating its 300th anniversary.			
Patron—Ransone	HJR	135	4319
Patron—Stuart	SJR	228	4759
KIRBY, MICHAEL E.G.			
Kirby, Michael E.G. ; recording sorrow upon death. (Patron—Batten)	HJR	249	4377
KITTREDGE, DOUGLAS WARREN			
Kittredge, Douglas Warren ; commending. (Patron—Cole, M.L.)	HJR	9	4285
KIWANIS CLUB OF PORTSMOUTH			
Kiwanis Club of Portsmouth ; commemorating its 100th anniversary. (Patron—Heretick)	HR	125	4581
KIWANIS CLUB OF ROANOKE			
Kiwanis Club of Roanoke ; commemorating its 100th anniversary.			
Patron—Rasoul	HJR	281	4394
Patron—Edwards	SJR	161	4723
KLOTZ, RAYMOND JOSEPH, JR.			
Klotz, Raymond Joseph, Jr. ; recording sorrow upon death.			
Patron—Wyatt	HR	121	4579
Patron—McDougle	SJR	175	4731
KNOW BEFORE YOU FLY CAMPAIGN			
Know Before You Fly campaign ; commending.			
Patron—Subramanyam	HJR	223	4362
Patron—Kiggans	SR	16	4803
KOREAN AMERICAN EDUCATION FOUNDATION			
Korean American Education Foundation ; commemorating its 50th anniversary. (Patron—Keam)	HJR	507	4510
KOSCINSKI, MIKE			
Koscinski, Mike ; commending. (Patron—Gooditis)	HR	156	4597
KRAMER, ANNETTE G.			
Kramer, Annette G. ; recording sorrow upon death. (Patron—Reeves)	SJR	24	4632
KRAUSE, GREGORY ALAN			
Krause, Gregory Alan ; recording sorrow upon death. (Patron—Reeves)	SJR	138	4709
LABOR AND EMPLOYMENT			
Employee misclassification ; retaliatory actions prohibited, civil penalty.			
Patron—Tran	HB	1199	204 295
Patron—Boysko	SB	662	271 423

BILL OR CHAP. PAGE
RES. NO. NO. NO.

LABOR AND EMPLOYMENT - Continued

Employees of local governments; employees of county, city, or town or school board authorized to engage in collective bargaining, local ordinances, effective date.

Patron—Guzman	HB	582	1209	2627
Patron—Saslaw	SB	939	1276	3140

Employees providing domestic service; definitions, report. (Patron—McClellan) SB 804 1147 2329

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

Patron—Van Valkenburg	HB	330	948	1739
Patron—DeSteph	SB	480	949	1740

Employment; prohibited retaliatory action against employee by their employer. (Patron—Delaney) HB 798 1136 2272

Limiting employees' sharing of wage information; prohibited, exception, civil penalty. (Patron—Hurst) HB 622 1210 2628

Minimum wage; definitions, increases currently federally mandated level to \$9.50 per hour effective May 1, 2021, to \$11.00 per hour effective January 1, 2022, etc., report.

Patron—Ward	HB	395	1204	2617
Patron—Saslaw	SB	7	1242	2869

Minimum wage; pay based on work done. (Patron—Howell) SB 78 1146 2328

Minimum wage; prohibits an employer from classifying an individual as a tipped employee if the individual is prohibited by applicable federal or state law or regulation from soliciting tips. (Patron—Carter) HB 56 1145 2327

Misclassification of workers; cause of action.

Patron—Delaney	HB	984	203	294
Patron—Saslaw	SB	894	381	579

Nonpayment of wages; any employer who knowingly fails to make payment of wages shall be subject to a civil penalty not to exceed \$1,000 for each violation. (Patron—Carroll Foy) HB 123 868 1530

Nonpayment of wages; discriminatory actions prohibited.

Patron—Price	HB	337	950	1741
Patron—Spruill	SB	48	951	1742

Nonpayment of wages; liability of contractor for wages of subcontractor's employees, any employer who knowingly fails to make payment of wages shall be subject to a civil penalty not to exceed \$1,000 for each violation. (Patron—Ebbin) SB 838 1038 2000

Registered apprenticeship programs; prohibited discrimination. (Patron—Scott) HB 1252 1228 2754

Wage payment statements; limits scope of requirement that requires periodic statements to show the number of hours worked during the pay period, paystub or online accounting shall include sufficient information to enable the employee to determine how the gross and net pay were calculated. (Patron—Aird) HB 689 202 293

Wages; authorizes Commissioner of Labor and Industry to investigate whether the employer has failed or refused to make a required payment of wages to employees.

Patron—Price	HB	336	206	296
Patron—Spruill	SB	49	205	295

LACKEY CLINIC

Lackey Clinic; commemorating its 25th anniversary. (Patron—Mason) SJR 206 4748

LAKE BRADDOCK SECONDARY SCHOOL

Lake Braddock Secondary School baseball team; commending.

Patron—Filler-Corn	HJR	239		4371
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LAKE TAYLOR HIGH SCHOOL

Lake Taylor High School football team; commending. (Patron—Lindsey) HR 47 4542

LAKEVIEW ELEMENTARY SCHOOL

Lakeview Elementary School; commending. (Patron—Cox) HJR 163 4331

LAMB, DEBORAH WARRICK

Lamb, Deborah Warrick; commending. (Patron—Deeds) SJR 145 4713

LAMBERT, ESMOND B.

Lambert, Esmond B.; recording sorrow upon death. (Patron—Lucas) SR 15 4803

LAMBERT, MATTEO

Lambert, Matteo; commending.

Patron—Plum	HJR	278		4393
Patron—Petersen	SJR	106		4690

	BILL OR CHAP.		PAGE	
	RES. NO.	NO.	NO.	NO.
LANDES, R. STEVEN				
Landes, R. Steven; commending. (Patron—Runion)	HR	141		4589
LANDLORD AND TENANT				
Landlord and tenant; landlord may permit a tenant damage insurance coverage in lieu of payment of a security deposit, damage insurance shall conform to certain criteria. (Patron—Keam)	HB	1333	998	1918
Landlord and tenant; no charge for late payment of rent shall exceed the lesser of 10 percent of periodic rent or 10 percent of remaining balance due and owed by the tenant. (Patron—Bourne)	HB	1420	1231	2831
Landlord and tenant; remedy for unlawful ouster, ex parte issuance of order to recover possession, full hearing shall be held within five days of issuance. (Patron—Askew)	HB	1401	30	36
Landlord and tenant; statement of tenant rights and responsibilities, statement shall provide the telephone number and website address for the statewide legal aid organization and direct tenants with questions. Patron—Ward	HB	393	985	1883
Patron—McClellan	SB	707	986	1886
Landlord and tenant; tenant's remedy by repair, clarifies definition of "actual costs," services of third-party licensed contractors or pesticide businesses procured on behalf of tenant by local government or nonprofit entity. (Patron—Stanley)	SB	905	1020	1971
LANDOWNERS				
Landowners; sale of certain property by locality, tax delinquent property. (Patron—Orrock)	HB	1655	346	532
Rural lands; Department of Environmental Quality shall convene work group to discuss issue of disposal of construction fill and debris on lands, report. (Patron—Guzman)	HB	1639	624	951
LARCENY				
Deferred dispositions; property crimes, larceny and receiving stolen goods, exception. Patron—Mullin	HB	660	989	1899
Patron—Deeds	SB	286	990	1899
Grand larceny; increases to \$1,000 the threshold amount of money taken or value of goods or chattel taken. Patron—Lindsey	HB	995	89	124
Patron—McClellan	SB	788	401	599
Sentence reductions; substantial assistance in furtherance of investigation or prosecution of another person engaged in an act of grand larceny of a firearm, etc. (Patron—Stanley)	SB	1018	765	1204
LARSON, CALVIN FREDERICK				
Larson, Calvin Frederick; recording sorrow upon death. (Patron—Plum)	HJR	355		4435
LAUREL HILL PARK VOLUNTEER TEAM				
Laurel Hill Park Volunteer Team; commending. (Patron—Tran)	HJR	257		4381
LAVERY, DEIRDRE				
Lavery, Deirdre; commending. (Patron—Filler-Corn)	HJR	240		4372
LAW-ENFORCEMENT OFFICERS				
Children; no child under the age of 18 shall be strip searched or subjected to a search of any body cavity by a law-enforcement officer or a jail officer unless child is in custodial arrest and there is reasonable cause that child is concealing a weapon, exception if child is committed to Department of Juvenile Justice or confined or detained in a secure local facility for juveniles, etc. (Patron—Carter)	HB	1544	1236	2854
Custodial interrogations; definitions, any law-enforcement officer conducting an interrogation of any person at a place of detention shall cause an audiovisual recording of the entirety of such interrogation to be made, policies, standards, and guidelines of data. (Patron—Adams, L.R.)	HB	1023	1126	2258
Decedent's body fluids; testing of law-enforcement officer, salaried or volunteer firefighter, etc., directly exposed to fluids. (Patron—Bell)	HB	664	502	766
Firearms; removal from persons posing substantial risk of injury to himself, etc., search warrant for any firearms if law-enforcement officer has reason to believe that				

LAW-ENFORCEMENT OFFICERS - Continued

person did not relinquish all firearms in his possession, emergency substantial risk order, penalties.

Patron—Sullivan	HB	674	887	1562
Patron—Barker	SB	240	888	1570

Law-enforcement officers with a disability, former; Department of Aging and Rehabilitative Services and law-enforcement agencies to make information about vocational rehabilitation programs and employment services available. (Patron—Adams, L.R.)	HB	1025	553	850
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Overdoses; arrest and prosecution when experiencing or reporting, no law-enforcement officer acting in good faith shall be found liable for false arrest if it is later determined that person arrested was immune from prosecution. (Patron—Boysko) ..	SB	667	1016	1964
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Photo speed monitoring devices; information released shall be limited to name and address of owner of vehicle having committed a violation, authorizes state or local law-enforcement agency to operate devices in school crossing zones and highway work zones for purpose of recording images of vehicles that are traveling at speeds of at least 10 miles per hour above the posted speed limit, civil penalty shall not exceed \$100. (Patron—Jones)	HB	1442	1232	2832
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Virginia Retirement System; retired law-enforcement officers employed as school security officers.				
Patron—Torian	HB	1495	968	1863
Patron—Cosgrove	SB	54	969	1865

Workers' compensation; compulsory training standards for basic training of law-enforcement officers, definitions, post-traumatic stress disorder incurred by a law-enforcement officer or firefighter is compensable under the Virginia Workers' Compensation Act, etc. (Patron—Heretick)	HB	438	1206	2621
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Workers' compensation; compulsory training standards for basic training of law-enforcement officers, etc., definitions, post-traumatic stress disorder incurred by a law-enforcement officer or firefighter is compensable under the Virginia Workers' Compensation Act, etc. (Patron—Vogel)	SB	561	1262	3013
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LAWRENCE, BILLY BERNARD

Lawrence, Billy Bernard; recording sorrow upon death. (Patron—Stanley)	SJR	115		4697
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LAWSON, WINSTON G.

Lawson, Winston G.; recording sorrow upon death. (Patron—DeSteph)	SJR	190		4739
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LEA, SHERMAN P.

Lea, Sherman P.; commending. (Patron—Rasoul)	HJR	280		4394
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LEAGUE OF WOMEN VOTERS

League of Women Voters; commemorating its 100th anniversary. (Patron—Howell) ..	SR	18		4804
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LEAGUE OF WOMEN VOTERS OF THE PRINCE WILLIAM AREA

League of Women Voters of the Prince William Area; commending. (Patron—Subramanyam)	HJR	447		4479
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LEE, BARBARA PICKERAL

Lee, Barbara Pickeral; recording sorrow upon death. (Patron—Gooditis)	HR	152		4595
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LEE, CAROL

Lee, Lawrence and Lee, Carol; commending. (Patron—Gooditis)	HR	155		4596
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LEE, LAWRENCE

Lee, Lawrence and Lee, Carol; commending. (Patron—Gooditis)	HR	155		4596
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LEE-JACKSON DAY

Election Day; designating as the Tuesday, after the first Monday in November, as a state holiday and removes Lee-Jackson Day as a state holiday.

Patron—Lindsey	HB	108	417	622
Patron—Lucas	SB	601	418	623

LEE-MOUNT VERNON SPORTS CLUB

Lee-Mount Vernon Sports Club; commemorating its 50th anniversary. (Patron—Surovell)	SR	71		4829
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LEGISLATIVE SERVICES, DIVISION OF

Congressional and state legislative districts; standards and criteria by which districts are to be drawn, population data, redistricting, Department and Board of Corrections to provide prison population data to Division of Legislative Services.

Patron—Price	HB	1255	1229	2755
Patron—McClellan	SB	717	1265	3027

LEWIS, RONALD

Lewis, Ronald; recording sorrow upon death.

Patron—Bourne	HJR	53		4297
Patron—McClellan	SR	75		4831

LEXINGTON, CITY OF

War memorials for veterans; locality may remove, relocate, contextualize, or cover any such monument or memorial on the locality's public property, not including a monument or memorial located in a publicly owned cemetery, local government shall publish notice of such intent in a newspaper having general circulation in the locality, etc., regardless of when erected, action for damage to memorials, provisions shall not apply to a monument or memorial located on the property of a higher educational institution within the City of Lexington, repeals an Act ratified and confirmed city council of Alexandria allowing a monument to be erected for the Confederate deceased soldiers at a particular intersection in the City of Alexandria.

Patron—McQuinn	HB	1537	1101	2109
Patron—Locke	SB	183	1100	2108

LIBRARIES

Public libraries; libraries are deemed to provide an essential service to communities of the Commonwealth. (Patron—Keam)

HB	404	54	64
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Virginia Freedom of Information Act; excludes library records.

Patron—Gooditis	HB	313	70	92
Patron—Bell	SB	259	587	898

Virginia Public Records Act; availability of public records, a judge may enter an order releasing any record sealed prior to January 1, 1901. (Patron—Deeds)

SB	1051	773	1215
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LICENSE PLATES AND REGISTRATION

Dealer's license plate and special license plate combination; Commissioner of DMV may issue multiple combination license plates to a single licensed dealer in a manner the Commissioner determines is feasible. (Patron—Bourne)

HB	595	60	78
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License plates, special; issuance for persons awarded the United States Air Medal and for unremarried surviving spouses of such persons. (Patron—Hurst)

HB	211	970	1867
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License plates, special; issuance for supporters of City of Virginia Beach bearing the legend VB STRONG. (Patron—DeSteph)

SB	87	432	651
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License plates, special; issuance for supporters of Richmond Animal Care and Control Foundation bearing legend #TEAMTOMMIE. (Patron—Bourne)

HB	593	116	179
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License plates, special; plates bearing the legend STOP GUN VIOLENCE, removes revenue-sharing provisions. (Patron—Simon)

HB	160	426	636
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LICENSES, BUSINESS

Business licenses; acceptable identification, valid federal employer identification number. (Patron—Davis)

HB	1679	258	389
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Business licenses; certain localities allowed to waive requirements. (Patron—Keam)

HB	466	242	357
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Dogs or cats; rental or lease prohibited, civil penalty, any person who violates this practice may have its business license, retail license, etc., suspended or revoked, exception. (Patron—McPike)

SB	742	630	955
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LIEUTENANT GOVERNOR

Threats and harassment of certain officials and property; certain crimes may be prosecuted in the City of Richmond if venue cannot otherwise be established and the victim is the Governor, Lieutenant Governor, Attorney General, etc., and such official or employee was subjected to act while engaged in performance of his public duties. (Patron—Bourne)

HB	1627	1002	1926
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LIFE CHRISTIAN ACADEMY

Life Christian Academy boys' basketball team; commending. (Patron—Chase)

SJR	148		4715
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BILL OR CHAP. PAGE
RES. NO. NO. NO.

LINE OF DUTY ACT

Line of Duty Act; coverage for a dependent born after the disability or death of an employee, clarifies "eligible dependent."

Patron—Knight	HB	51	207	296
Patron—DeSteph	SB	40	559	862

LION PRIDE RUN

Lion Pride Run; commending.

Patron—McGuire	HJR	204		4353
Patron—Peake	SJR	118		4699

LITTER

Litter taxes; increases annual amount of tax. (Patron—Lopez)

HB	1154	782	1223
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LIVINGSTON, JAMES DWIGHT

Livingston, James Dwight; recording sorrow upon death. (Patron—Vogel)

SJR	233		4761
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LOCAL COLORS

Local Colors; commending. (Patron—Rasoul)

HJR	282		4395
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LOCAL GOVERNMENT AND OFFICIALS

Comprehensive plan; if plan amendment is initiated by locality for more than 25 parcels, governing body shall act within 150 days, etc.

Patron—Reid	HB	726	132	201
Patron—Bell	SB	746	760	1199

Conflict of Interests Act, State and Local Government; disclosure by executive directors and members of industrial development authorities and economic development authorities, penalty.

Patron—Webert	HB	1528	77	105
Patron—Obenshain	SB	703	81	114

Conflict of Interests Act, State and Local Government; disclosure by members of Northern Virginia Transportation Authority and Northern Virginia Transportation Commission. (Patron—Keam)

HB	1337	73	102
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Conflict of Interests Act, State and Local Government, and Virginia Freedom of Information Act; training requirements, executive directors and members of industrial development authorities and economic development authorities.

Patron—Webert	HB	1527	76	105
Patron—Obenshain	SB	701	80	113

Employees of local governments; employees of county, city, or town or school board authorized to engage in collective bargaining, local ordinances, effective date.

Patron—Guzman	HB	582	1209	2627
Patron—Saslaw	SB	939	1276	3140

Land bank entities; replaces an existing conflict of interests standard for members of board and employees of an entity with a reference to the State and Local Government Conflict of Interests Act. (Patron—Leftwich)

HB	1369	148	225
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Landlord and tenant; tenant's remedy by repair, clarifies definition of "actual costs," services of third-party licensed contractors or pesticide businesses procured on behalf of tenant by local government or nonprofit entity. (Patron—Stanley)

SB	905	1020	1971
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Local governing body meetings; public comment during a regular meeting at least quarterly. (Patron—Suetterlein)

SB	977	1144	2327
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Local government meetings; by resolution adopted at a regular meeting, any political subdivision, etc., may fix the day or days to which a regular meeting shall be continued if the chairman or vice-chairman, is unable to act, finds and declares that weather or other conditions are such that it is hazardous for members to attend the regular meeting. (Patron—Locke)

SB	941	1143	2326
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Local government revenues and expenditures; comparative report, filing date. (Patron—Subramanyam)

HB	406	17	24
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Summons; authority of local government employees to issue for misdemeanor violations of certain local ordinances. (Patron—Heretick)

HB	1213	144	220
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War memorials for veterans; locality may remove, relocate, contextualize, or cover any such monument or memorial on the locality's public property, not including a monument or memorial located in a publicly owned cemetery, local government shall publish notice of such intent in a newspaper having general circulation in the locality, etc., regardless of when erected, action for damage to memorials, provisions shall not apply to a monument or memorial located on the property of a higher educational

LOCAL GOVERNMENT AND OFFICIALS - Continued

institution within the City of Lexington, repeals an Act ratified and confirmed city council of Alexandria allowing a monument to be erected for the Confederate deceased soldiers at a particular intersection in the City of Alexandria.

Patron—McQuinn HB 1537 1101 2109
Patron—Locke SB 183 1100 2108

LONG, CHRISTOPHER HOWARD

Long, Christopher Howard; commending. (Patron—Deeds) SJR 242 4766

LONG-TERM CARE

Long-term care services and supports; definition of "acute care hospital," preadmission screenings, report.

Patron—Sickles HB 902 365 553
Patron—Barker SB 902 304 470

LOPRETO, VICTOR

LoPreto, Victor; commending. (Patron—LaRock) HR 153 4595

LORD BOTETOURT HIGH SCHOOL

Lord Botetourt High School volleyball team; commending. (Patron—Austin) HR 66 4551

LORD FAIRFAX COMMUNITY COLLEGE

Lord Fairfax Community College; commemorating its 50th anniversary. (Patron—Vogel) SJR 124 4702

LOTTERIES, LOTTERY LAWS, AND COMMISSIONS

Lottery Board; regulation and control of casino gaming, definitions, Virginia Indigenous People's Trust Fund created, membership of Board, voluntary exclusion program, on-premises mobile casino gaming, civil penalties, Regional Improvement Commission established.

Patron—Knight HB 4 1197 2559
Patron—Lucas SB 36 1248 2910

Virginia Lottery; Internet sales, repeals the prohibition on selling lottery tickets over the Internet.

Patron—Bulova HB 1383 332 516
Patron—Norment SB 922 117 180

Virginia Lottery; Virginia Lottery Board, powers and duties, regulation of sports betting, etc., definitions, Problem Gambling Treatment and Support Fund created, voluntary exclusion program, events on which betting is prohibited, penalties, report.

Patron—Sickles HB 896 1218 2667
Patron—McPike SB 384 1256 2963

LOUDOUN ABUSED WOMEN'S SHELTER

Loudoun Abused Women's Shelter; commemorating its 35th anniversary. (Patron—Subramanyam) HJR 237 4370

LOUDOUN COMMISSION ON WOMEN AND GIRLS

Loudoun Commission on Women and Girls; commending. (Patron—Subramanyam) HJR 333 4424

LOUDOUN COUNTY

Historical African American cemeteries; adds Mt. Zion Old School Baptist Church Cemetery in Loudoun County to the list. (Patron—Gooditis) HB 314 83 117

Loudoun County Board of Supervisors; commending. (Patron—Subramanyam) HJR 449 4481

Loudoun County Chamber of Commerce; commending. (Patron—Subramanyam) HJR 443 4478

Loudoun County High School girls' volleyball team; commending. (Patron—LaRock) HJR 504 4509

Loudoun County NAACP; commemorating its 80th anniversary. (Patron—Subramanyam) HJR 448 4480

Loudoun County Office of Emergency Management; commending. (Patron—Delaney) HJR 220 4361

Loudoun County Sheriff's Office; expressing admiration for its many contributions to the community. (Patron—Delaney) HJR 187 4344

LOUDOUN FREE CLINIC

Loudoun Free Clinic; commending. (Patron—Subramanyam) HJR 469 4490

LOUDOUN HABITAT FOR HUMANITY

Loudoun Habitat for Humanity; commending. (Patron—Subramanyam) HJR 482 4497

LOUDOUN HEALTH AND WELLNESS EXPO

Loudoun Health and Wellness Expo; commending. (Patron—Subramanyam) HJR 290 4399

	BILL OR CHAP. RES. NO.	PAGE NO.	
LOUDOUN HUNGER RELIEF			
Loudoun Hunger Relief ; commending. (Patron—Subramanyam)	HJR 464		4488
LOUDOUN HUNT			
Loudoun Hunt ; commemorating its 125th anniversary. (Patron—LaRock)	HR 60		4548
LOUDOUN LITERACY COUNCIL			
Loudoun Literacy Council ; commemorating its 40th anniversary. (Patron—Subramanyam)	HJR 226		4364
LOUDOUN MUSEUM			
Loudoun Museum ; commemorating its 50th anniversary. (Patron—Subramanyam) . . .	HJR 446		4479
LOUDOUN NOW			
Loudoun Now ; commending. (Patron—Delaney)	HJR 205		4354
LOUDOUN SOUTH LITTLE LEAGUE BASEBALL TEAM			
Loudoun South Little League baseball team ; commending. (Patron—Delaney)	HJR 168		4334
LOUDOUN YOUTH, INC.			
Loudoun Youth, Inc. ; commemorating its 15th anniversary. (Patron—Subramanyam) .	HJR 491		4502
LOUISA COUNTY			
Louisa County High School boys' basketball team ; commending. (Patron—Peake) .	SJR 117		4699
LYLES, NOAH			
Lyles, Noah ; commending. (Patron—Ebbin)	SJR 222		4756
MAGISTRATES			
Involuntary admission order ; local law enforcement shall take custody of the minor or person and provide transportation to the proper facility, when transportation provider becomes unable to continue, magistrate may change the transportation provider specified in a temporary detention order.			
Patron—Bell	HB 1118	879	1542
Patron—Hanger	SB 603	880	1546
MAGNA VISTA HIGH SCHOOL			
Magna Vista High School JROTC Raider team ; commending. (Patron—Marshall) . .	HJR 407		4460
MALONEY, PATTI			
Maloney, Patti ; commending. (Patron—DeSteph)	SJR 266		4779
MANASSAS, CITY OF			
Public defender offices ; establishes an office for Cities of Manassas and Manassas Park and County of Prince William.			
Patron—Carroll Foy	HB 366	348	533
Patron—Surovell	SB 72	376	574
MANASSAS PARK, CITY OF			
Public defender offices ; establishes an office for Cities of Manassas and Manassas Park and County of Prince William. (Patron—Carroll Foy			
Patron—Carroll Foy	HB 366	348	533
Patron—Surovell	SB 72	376	574
MANCE, GREG			
Mance, Greg ; commending. (Patron—Chafin)	SR 54		4822
MANCHESTER FAMILY YMCA OF THE YMCA OF GREATER RICHMOND			
Manchester Family YMCA of the YMCA of Greater Richmond ; commending. (Patron—Robinson)	HJR 458		4485
MANN, JOE ALLEN			
Mann, Joe Allen ; recording sorrow upon death. (Patron—Norment)	SJR 251		4771
MANNING, MARSHA			
Manning, Marsha ; commending. (Patron—Tran)	HJR 324		4419
MANUFACTURED HOUSING			
Manufactured Home Lot Rental Act ; manufactured home park, termination due to sale of park, including conversion to hotel, motel, or other commercial use, etc., a 180-day notice is required to terminate a rental agreement. (Patron—Torian)	HB 1249	751	1163
Manufactured home parks ; sale of park to developer, relocation expenses. (Patron—Krizcek)	HB 334	391	591
Manufactured Housing Construction and Safety Standards Law ; applicability. (Patron—Leftwich)	HB 1341	29	35

MARIJUANA

Marijuana; definitions, possession and consumption, procedure for appeal and trial of certain violations shall be the same as provided by law for misdemeanors, civil penalties, report.

Patron—Herring HB 972 1285 3534
Patron—Ebbin SB 2 1286 3561

Marijuana; Joint Legislative Audit and Review Commission to study and make recommendations for how Virginia should go about legalizing and regulating the growth, sale, and possession by July 1, 2022, and address the impacts of prohibition. (Patron—Heretick) HJR 130 4317

Marijuana; possession of cannabidiol oil or THC-A oil, provisions shall not apply to persons who possess a valid written certification issued by a practitioner, etc. (Patron—Marsden) SB 1015 764 1203

MARINE PRODUCTS, SCIENCE AND RESOURCES

Condemned growing beds; Commissioner of Marine Resources authorized to provide public designation of condemned crustacea, finfish, or shellfish growing areas through the use of downloadable maps or digital interactive online maps. (Patron—Guy) HB 653 292 453

MARION, JOHN CURTIS

Marion, John Curtis; recording sorrow upon death. (Patron—Kilgore) HJR 12 4287

MARION VETERANS OF FOREIGN WARS POST 4667

Marion Veterans of Foreign Wars Post 4667; commemorating its 75th anniversary. (Patron—O'Quinn) HJR 320 4417

MARRIAGE

Gender-neutral terms; prohibitions on same-sex marriage and civil unions removed from Code, certain gender-specific crimes, penalty, repeals provisions relating to marriage and civil unions between persons of same sex. (Patron—Simon) HB 623 900 1600

Marriage; increases to \$75 the fee that may be charged by a person other than a minister who is authorized to celebrate the rites. (Patron—Spruill) SB 955 181 267

Marriage records; divorce and annulment reports, eliminates requirement for identification of race.

Patron—Levine HB 180 209 304
Patron—Suetterlein SB 62 210 305
Patron—Kiggans SB 1066 211 306

Same-sex marriages and civil unions; repeals statutory prohibitions between persons of the same sex purporting to bestow privileges and obligations of marriage.

Patron—Guy HB 1490 75 104
Patron—Ebbin SB 17 195 283

MARSHALL, PAULE

Marshall, Paule; recording sorrow upon death. (Patron—Carr) HJR 361 4438

MARSHALL, SHIRLEY MORROW

Marshall, Shirley Morrow; commending on the occasion of her 100th birthday. (Patron—Ebbin) SJR 221 4756

MARTIN, THOMAS

Martin, Thomas; recording sorrow upon death. (Patron—Obenshain) SJR 186 4737

MASON, EUGENE A., JR.

Mason, Eugene A., Jr.; recording sorrow upon death. (Patron—Carr) HJR 362 4439

MASON-WYCHE, CARRIE WEAVER

Mason-Wyche, Carrie Weaver; commending. (Patron—Tyler) HR 40 4538

MASSEY, JOAN CARPENTER

Massey, Joan Carpenter; recording sorrow upon death. (Patron—Carr) HJR 360 4438

MATERNAL HEALTH AWARENESS MONTH

Maternal Health Awareness Month; designating as July in 2020 and each succeeding year thereafter. (Patron—Price) HJR 111 4312

MATHEWS COUNTY

Transient occupancy tax; adds Appomattox, Mathews, Middlesex, and New Kent Counties to the list of counties that may impose. (Patron—Hodges) HB 1262 330 512

MAURER, DEBRA SUE

Maurer, Debra Sue; recording sorrow upon death. (Patron—Delaney) HR 50 4543

BILL OR CHAP. PAGE
RES. NO. NO. NO.

MAURY HIGH SCHOOL

Maury High School football team; commending. (Patron—Lindsey) HR 48 4542

MAURY RIVER

Maury River; designating from its origination at the confluence of Calfpasture and Little Calfpasture Rivers a 19.25-mile segment as a component of the Virginia Scenic Rivers System.

Patron—Campbell, R.R. HB 282 403 609
Patron—Deeds SB 288 404 609

MCALLISTER, JAMES

McAllister, James; commending. (Patron—McPike) SR 17 4804

MCALLISTER, LENA C.

McAllister, Lena C.; commending. (Patron—Tran) HJR 323 4418

MCCAFFREY, BRIAN EDWARD

McCaffrey, Brian Edward; recording sorrow upon death. (Patron—Roem) HR 209 4622

MCDOWELL, MARVIN

McDowell, Marvin; commending. (Patron—Marshall) HJR 468 4490

MCGHEE, RYAN C.

McGhee, Ryan C.; recording sorrow upon death. (Patron—Reeves) SJR 196 4742

MCGINNIS, BERNARD LEWIS

McGinnis, Kate Lee Cobb and Bernard Lewis; recording sorrow upon death. (Patron—Deeds) SJR 105 4690

MCGINNIS, KATE LEE COBB

McGinnis, Kate Lee Cobb and Bernard Lewis; recording sorrow upon death. (Patron—Deeds) SJR 105 4690

MECHANICS' AND CERTAIN OTHER LIENS

Mechanics' liens; right to withhold payment. (Patron—Petersen) SB 208 873 1536

MECKLENBURG COUNTY

Mecklenburg County; authorized to impose additional sales and use tax, definition of "qualified locality" means Halifax County or Mecklenberg County, appropriations to incorporated towns for educational purposes.

Patron—Wright HB 200 427 636
Patron—Ruff SB 943 428 642

MEDICAID AND MEDICARE PROGRAMS

ABLE savings trust agreement; Medicaid clawback prohibition. (Patron—Filler-Corn) HB 887 923 1684

Medical Assistance Services, Department of; Department shall establish process for transitioning people to participate in the Medicaid Works waiver program. (Patron—Coyner) HB 925 925 1693

Medicare; supplement policies for individuals under age 65, eligibility by reason of disability. (Patron—Edwards) SB 250 1161 2363

Personal Maintenance Allowance; Department of Medical Assistance Services to establish work group to evaluate the current amount for individuals receiving Medicaid-funded waiver services. (Patron—Favola) SB 213 882 1550

MEDICAL SOCIETY OF VIRGINIA

Medical Society of Virginia; commemorating its 200th anniversary. (Patron—Dunnivant) SR 32 4812

MEDICAL TREATMENT, CARE, AND ASSISTANCE

Medical assistance services; managed care organization required to include in any contract between organization and pharmacy benefits manager provisions prohibiting spread pricing.

Patron—Hodges HB 1291 1082 2069
Patron—Dunnivant SB 568 1083 2073

Medical Assistance Services, Department of; Department shall establish process for transitioning people to participate in the Medicaid Works waiver program. (Patron—Coyner) HB 925 925 1693

State plan for medical assistance; Department of Medical Assistance Services shall convene work group to provide recommendations for services to include payment for services provided by certified doulas. (Patron—Carroll Foy) HB 826 841 1366

	BILL OR CHAP.			PAGE	
	RES. NO.	NO.			NO.
MELTON, SAMUEL HUGHES					
Melton, Samuel Hughes; recording sorrow upon death. (Patron—O'Quinn)	HJR	210			4355
MENHADEN FISH					
Menhaden; Virginia Marine Resources Commission to adopt regulations necessary to manage Atlantic menhaden, including those necessary to comply with the Atlantic States Marine Fisheries Commission Interstate Fishery Management Plan, closed season for fishing, penalty, Menhaden Management Advisory Committee established, repeals several Code sections relating to quotas, allocation of allowable landings, etc., for managing the fishery.					
Patron—Plum	HB	1448	201	290	
Patron—Lewis	SB	791	356	542	
MERKEL, LISA C.					
Merkel, Lisa C.; commending. (Patron—Boysko)	SJR	257			4774
MERRITT, ANNIE MAE DORNS					
Merritt, Annie Mae Dorns; recording sorrow upon death. (Patron—Hudson)	HJR	417			4466
MICHEL, MADELINE					
Michel, Madeline; commending. (Patron—Deeds)	SJR	183			4735
MICHIE, THOMAS J.					
Michie, Thomas J.; recording sorrow upon death. (Patron—Deeds)	SJR	104			4689
MIDDLEBURG, TOWN OF					
Middleburg, Town of; amending charter, clarification of powers and duties of mayor, town council, etc.					
Patron—Gooditis	HB	441	126	196	
Patron—Vogel	SB	541	891	1581	
MIDDLESEX COUNTY					
Transient occupancy tax; adds Appomattox, Mathews, Middlesex, and New Kent Counties to the list of counties that may impose. (Patron—Hodges)					
	HB	1262	330	512	
MILITARY AND EMERGENCY LAWS					
Coordinator of emergency services; adds Town of West Point to towns that have the coordinator appointed by the mayor or town manager. (Patron—Hodges)					
	HB	1258	94	138	
Emergency laws; civil relief, citizens of the Commonwealth furloughed or otherwise not receiving wages or payments due to closure of the federal government or declaration of emergency by the Governor, clarifies definition of "closure of the United States government." (Patron—Price)					
	HB	340	1202	2615	
Emergency Services and Disaster Law; definition of disaster, incidents involving cyber systems. (Patron—Hayes)					
	HB	1082	483	741	
Emergency services and disaster law; except where a mutual aid arrangement for reciprocal assistance exists between localities, no locality shall prohibit another locality from providing emergency medical services across local boundaries solely on basis of financial considerations. (Patron—Peake)					
	SB	1008	1021	1971	
Emergency services and disaster preparedness plans; Department of Emergency Management shall review programs to determine if changes are necessary to address needs of individuals with limited English proficiency or access and functional needs. (Patron—Price)					
	HB	420	590	905	
Emergency Shelters Upgrade Assistance Grant Fund; established. (Patron—Lucas)					
	SB	350	819	1302	
Virginia Defense Force; maximum age for recruitment. (Patron—Scott)					
	HB	1253	488	745	
Virginia National Guard and Virginia Defense Force; state active duty for emergency response, pay and allowances for members. (Patron—Reeves)					
	SB	753	832	1355	
MILLER, CARSON					
Miller, Carson; commending. (Patron—Guzman)	HJR	437			4475
MILLER, CHARLES S., JR.					
Miller, Charles S., Jr.; recording sorrow upon death. (Patron—Delaney)	HJR	190			4346
MILLER, C.W.					
Miller, C.W.; commending. (Patron—Hodges)	HJR	224			4363
MILLER, KEVIN G.					
Miller, Kevin G.; recording sorrow upon death.					
Patron—Wilt	HJR	310			4411
Patron—Obenshain	SR	41			4816

	BILL OR CHAP.		PAGE
	RES. NO.	NO.	NO.
MILLS, WILLIAM EDWARD			
Mills, William Edward ; recording sorrow upon death. (Patron—Obenshain)	SR	42	4817
MINES AND MINING			
Clean Energy Advisory Board ; members may reside within or without the Commonwealth, repeals sunset provision for Board. (Patron—Aird)	HB	1707	803 1269
Offshore Wind, Division of ; established within the Department of Mines, Minerals and Energy, report. (Patron—Mugler)	HB	234	794 1241
Persons permitted to work in mines ; no person under eighteen years of age shall be permitted to work in any mine, etc. (Patron—Ruff)	SB	258	804 1270
MINNS, ERNEST GEORGE			
Minns, Ernest George ; recording sorrow upon death. (Patron—Convirs-Fowler)	HJR	451	4481
MINORITIES			
Teacher licensure process and assessment requirements ; Department of Education to study for any inherent biases that may prevent minority teacher candidates from entering the profession. (Patron—Locke)	SJR	15	4629
MINORITY BUSINESSES			
Public utilities ; contracting with small, women-owned, or minority-owned businesses. (Patron—Carroll Foy)	HB	432	744 1154
MINORS			
Best interests of the child ; history of child abuse and acts of violence, force, or threat. Patron—Levine	HB	861	1074 2046
Patron—Favola	SB	105	1075 2047
Child pornography ; possession, distribution, production, publication, sale, financing, etc., venue. (Patron—Byron)	HB	1330	489 746
Correctional facilities, state ; no child under the age of 18 shall be strip searched or subjected to a search of any body cavity under any circumstances, Department may not permanently ban any person from seeking entrance to facility on basis of person's refusal to consent to a strip search, etc. (Patron—Morrisey)	SB	1089	1181 2454
Correctional facilities, state ; visitation and search policies for visitors, no child under the age of 18 shall be strip searched or subjected to a search of any body cavity under any circumstances, person's refusal to consent to a strip search, etc. (Patron—Peake)	SB	1023	1170 2435
Health insurance ; mandated coverage for minors for services and equipment recommended by an otolaryngologist. (Patron—DeSteph)	SB	423	1094 2094
Involuntary admission order ; local law enforcement shall take custody of the minor or person and provide transportation to the proper facility, when transportation provider becomes unable to continue, magistrate may change the transportation provider specified in a temporary detention order. Patron—Bell	HB	1118	879 1542
Patron—Hanger	SB	603	880 1546
Line of Duty Act ; coverage for a dependent born after the disability or death of an employee, clarifies "eligible dependent." Patron—Knight	HB	51	207 296
Patron—DeSteph	SB	40	559 862
Minors ; allowing access to firearms, Class 1 misdemeanor. (Patron—Hayes)	HB	1083	742 1153
Minor's child-care records ; access by parent of records of a child day center or family day home. (Patron—Surovell)	SB	430	178 265
Misdemeanor sexual offenses ; statute of limitations where the victim is a minor, if alleged offender of such offense was an adult and more than three years older than the victim at the time of the offense, in which instance such prosecution shall be commenced no later than five years after victim reaches majority. Patron—Tran	HB	298	1122 2255
Patron—McClellan	SB	724	277 428
Sex Offender and Crimes Against Minors Registry ; makes numerous changes to the provisions governing the Registry. (Patron—Howell)	SB	579	829 1311
Sex Offender and Crimes Against Minors Registry Act ; adds a third or subsequent conviction of unlawful dissemination or sale of images of another to the list of offenses requiring registration under Registry. (Patron—Watts)	HB	253	389 587
Smoking ; illegal in motor vehicle when a minor under the age of 15 is present. (Patron—Guzman)	HB	578	972 1867

MINORS - Continued

Tanning facilities; prohibits use of tanning devices, other than a spray tanning device that does not emit ultraviolet light, by persons under age 18. (Patron—Samirah) HB 38 387 584

MISDEMEANORS

Bicyclists and other vulnerable road users; person who operates a motor vehicle in a careless or distracted manner and is the proximate cause of serious physical injury to a vulnerable road user, etc., is guilty of a Class 1 misdemeanor, prohibits driver of a motor vehicle from crossing into a bicycle lane to pass or attempt to pass another vehicle. (Patron—Surovell) SB 437 1259 3007

Dead animals; makes it a Class 1 misdemeanor for any person who maliciously places within any church or on church property. (Patron—Miyares) HB 1096 485 743

Driving under the influence; remote alcohol monitoring device, definitions, tampering with device is punishable as a Class 1 misdemeanor, effective date. (Patron—Surovell) SB 439 1007 1933

Marijuana; definitions, possession and consumption, procedure for appeal and trial of certain violations shall be the same as provided by law for misdemeanors, civil penalties, report.

Patron—Herring HB 972 1285 3534

Patron—Ebbin SB 2 1286 3561

Minors; allowing access to firearms, Class 1 misdemeanor. (Patron—Hayes) HB 1083 742 1153

Voter registration by mail; certain first-time voters permitted to vote by absentee ballot, person confined while awaiting trial or for having been convicted of a misdemeanor. (Patron—Bourne) HB 872 718 1063

MISSION BBQ

Mission BBQ; commending. (Patron—Reeves) SJR 76 4674

MIXED BEVERAGES, ALCOHOLIC

Alcoholic beverage control; creates an annual mixed beverage performing arts facility license that may be granted to persons operating food concessions at any corporate and performing arts facility located in Fairfax County.

Patron—Murphy HB 598 15 18

Patron—Favola SB 212 32 37

Alcoholic beverage control; culinary lodging resort allowed to obtain a mixed beverage restaurant license. (Patron—Edwards) SB 496 1009 1940

Alcoholic beverage control; mixed beverage restaurant license, mini bottles. (Patron—Edwards) SB 497 400 597

M.M. GUNTER & SON

M.M. Gunter & Son; commemorating its 100th anniversary. (Patron—Knight) HR 53 4544

MOBILE HOPE OF LOUDOUN

Mobile Hope of Loudoun; commending. (Patron—Subramanyam) HJR 328 4421

MONTANTE, MICHAEL

Montante, Michael; commending. (Patron—Krizek) HJR 269 4388

MONTGOMERY COUNTY

Historical African American cemeteries; adds two cemeteries in Montgomery County and one cemetery in City of Radford to the list. (Patron—Hurst) HB 210 82 116

MOODY, WILLARD JAMES, SR.

Moody, Willard James, Sr.; recording sorrow upon death. (Patron—Lucas) SR 36 4814

MOON, ILRYONG

Moon, Ilryong; commending. (Patron—Filler-Corn) HJR 242 4373

MOORE, ALMA JOYCE MARTIN

Moore, Alma Joyce Martin; recording sorrow upon death. (Patron—Carr) HJR 365 4440

MOORE, FRENCH H., JR.

Moore, French H., Jr.; recording sorrow upon death.

Patron—O'Quinn HJR 423 4469

Patron—Pillion SJR 241 4766

MORNING STAR BAPTIST CHURCH

Morning Star Baptist Church; commemorating its 90th anniversary. (Patron—Rasoul) HJR 495 4504

MORRIS, JERRY F.

Morris, Jerry F.; recording sorrow upon death. (Patron—Obenshain) SR 70 4828

MORRIS, MARY

Morris, Mary; commending. (Patron—LaRock) HJR 501 4507

BILL OR CHAP. PAGE
RES. NO. NO. NO.

MOSKOWITZ, GEORGE PHILLIP

Moskowitz, George Phillip; recording sorrow upon death. (Patron—Petersen) SJR 108 4691

MOTION PICTURES

Motion picture production tax credit; media-related exemptions, extends sunset provision.

Patron—Aird HB 1318 966 1859
Patron—Lucas SB 923 967 1861

MOTON, ROBERT RUSSA

Moton, Robert Russa; commemorating the 80th anniversary of his life and legacy. (Patron—Hodges) HJR 195 4348

MOTOR CARRIERS

Passenger buses; repeals provisions whereby the Commissioner of Highways and the Commonwealth Transportation Board can permit certain counties to operate buses wider than 96 inches but no wider than 102 inches. (Patron—McDougle) SB 525 707 1049

MOTOR VEHICLES

Abandoned, unattended, or immobile vehicles; minimum weight. (Patron—Davis) . . HB 1126 977 1870

Bicyclists and other vulnerable road users; person who operates a motor vehicle in a careless or distracted manner and is the proximate cause of serious physical injury to a vulnerable road user, etc., is guilty of a Class 1 misdemeanor, prohibits driver of a motor vehicle from crossing into a bicycle lane to pass or attempt to pass another vehicle. (Patron—Surovell) SB 437 1259 3007

Commercial driver's licenses; entry-level driver training. (Patron—Deeds) SB 290 546 836

Constitutional amendment; personal property tax exemption for one motor vehicle owned and used primarily by or for a disabled veteran, "motor vehicle" shall include only automobiles and pickup trucks, exception (second reference), Chapters 822 and 823, 2019 Acts (first reference). (Patron—Helmer) HJR 103 1195 2556

Constitutional amendment; personal property tax exemption for one motor vehicle owned and used primarily by or for a disabled veteran, "motor vehicle" shall include only automobiles and pickup trucks, exception (submitting to qualified voter). (Patron—Helmer) HB 1268 540 824

Dealer's license plate and special license plate combination; Commissioner of DMV may issue multiple combination license plates to a single licensed dealer in a manner the Commissioner determines is feasible. (Patron—Bourne) HB 595 60 78

Driver of an overtaking vehicle; driver of an overtaken vehicle shall move to the right to allow vehicle to pass. (Patron—Adams, D.M.) HB 1066 815 1298

Driver privilege cards; definitions, issuance by Department of Motor Vehicles, release of information, surcharge on certain fees, scanning information from driver's licenses and other documents, effective date, report.
Patron—Tran HB 1211 1227 2721
Patron—Surovell SB 34 1246 2875

Driver's license; allows a person convicted of a first offense of unreasonable refusal to have samples of his breath taken for chemical tests to determine the alcohol content of his blood to petition the court 30 days after conviction for a restricted license, no restricted license shall permit any person to operate a commercial motor vehicle, etc. (Patron—Lindsey) HB 34 341 526

Driver's license; an applicant with a valid, unexpired Employment Authorization Document may be issued a limited-duration license. (Patron—Barker) SB 761 981 1874

Driver's license; DMV, upon request of the applicant and presentation of a signed statement by a licensed physician confirming the applicant's condition, shall indicate that applicant has a traumatic brain injury on the applicant's license, request shall be accompanied by a form prescribed by the Commissioner and completed by a licensed physician. (Patron—Deeds) SB 289 545 835

Driver's license; removes requirement that a court suspend the license of a person convicted of any violation of the law who fails or refuses to provide for immediate payment of fines or costs, Commissioner of DMV shall reinstate a person's privilege to drive that was suspended prior to July 1, 2019, waive all fees relating to reinstating privileges, repeals Nonresident Violator Compact of 1977.
Patron—Lopez HB 1196 964 1824
Patron—Stanley SB 1 965 1841

MOTOR VEHICLES - Continued

Driver's license; suspensions for certain non-driving related offenses, removes existing provisions that allow a person's driver's license to be suspended when he is convicted of or placed on deferred disposition for a drug offense, etc. Patron—Hayes	HB	909	740	1150
Patron—Edwards	SB	513	741	1152
Driver's license, commercial driver's license, or special identification cards; applicant shall be permitted to choose between "male," "female," or "non-binary" when designating the applicant's sex on application form. (Patron—Surovell)	SB	246	544	828
Driving after forfeiture of license; person is guilty of an offense of driving or operating a motor vehicle after his license has been revoked for certain offenses, etc. (Patron—Morrissey)	SB	798	1019	1970
Driving while license, permit, or privilege to drive suspended or revoked; mandatory minimum term. (Patron—McClellan)	SB	711	1018	1969
Electric personal delivery devices; changes related to devices including changing the term used to refer to such devices to "personal delivery devices," any device shall comply with federal regulations, device shall yield the right-of-way to, or otherwise not unreasonably interfere with, pedestrians. (Patron—Marsden)	SB	758	1269	3041
Electric power-assisted bicycles; amends definition to include three classes of such bicycles. Patron—Carr	HB	543	59	72
Patron—Marsden	SB	871	260	391
Electric vehicles; Department of Mines, Minerals and Energy, et al., shall convene a work group to determine feasibility of a rebate program, report. (Patron—Reid)	HB	717	973	1868
Firefighting equipment; weight limitation on interstate, exempt from paying fees. (Patron—Reid)	HB	991	975	1869
Handheld personal communications devices; holding devices while driving a motor vehicle, exceptions, penalties, effective date, report. Patron—Bourne	HB	874	250	375
Patron—Surovell	SB	160	543	827
Ignition interlock; a court of proper jurisdiction may, as a condition of a restricted license, prohibit an offender from operating a motor vehicle that is not equipped with a functioning, certified system for a first offense driving under the influence of drugs. (Patron—Deeds)	SB	282	530	807
Ignition interlock systems; venue for prosecution shall be where the offense occurred or the jurisdiction in which the order was entered. (Patron—Mullin)	HB	663	129	199
License plates, special; plates bearing the legend STOP GUN VIOLENCE, removes revenue-sharing provisions. (Patron—Simon)	HB	160	426	636
License plates, special; issuance for persons awarded the United States Air Medal and for unremarried surviving spouses of such persons. (Patron—Hurst)	HB	211	970	1867
License plates, special; issuance for supporters of City of Virginia Beach bearing the legend VB STRONG. (Patron—DeSteph)	SB	87	432	651
License plates, special; issuance for supporters of Richmond Animal Care and Control Foundation bearing legend #TEAMTOMMIE. (Patron—Bourne)	HB	593	116	179
Light units; converts the unit of measuring certain lights in vehicles from candlepower to lumens. (Patron—Robinson)	HB	445	393	592
Motor vehicle dealer; advertising, repeals provisions of Motor Vehicle Dealer Act that state the intent of the article as it relates to advertising and provides that the Commissioner of the Department of Motor Vehicles is solely responsible for the enforcement of the article. (Patron—McDougle)	SB	524	706	1048
Motor vehicle dealers; redefines "relevant market area" for purposes of motorcycle franchises. (Patron—DeSteph)	SB	1035	984	1879
Motor vehicle title; designation of beneficiary. (Patron—Batten)	HB	989	974	1868
Motor Vehicles, Department of; reorganizes and clarifies the responsibilities of DMV regarding the management and distribution of information in its records, repeals sections of the Code requiring the Department to furnish a certificate linking a license plate number to an individual and permitting the Department to publish personal information related to certain delinquent accounts online. (Patron—Ayala)	HB	1092	701	1034
Motorized skateboards or scooters, etc.; extends to October 1, 2020, prohibition on offering for hire in any locality that has not enacted any licensing ordinance, etc. (Patron—Keam)	HB	465	478	731

BILL OR CHAP. PAGE
RES. NO. NO. NO.

MOTOR VEHICLES - Continued

Overweight permits; forest products.

Patron—Tyler	HB 1348	409	614
Patron—Lucas	SB 328	268	420

Parking regulations; adds Frederick County and the Town of West Point to list of counties and towns that are permitted to regulate or prohibit on any public highway, etc. (Patron—Hodges)

HB 1259	997	1917
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Passenger buses; repeals provisions whereby the Commissioner of Highways and the Commonwealth Transportation Board can permit certain counties to operate buses wider than 96 inches but no wider than 102 inches. (Patron—McDougle)

SB 525	707	1049
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Pedestrians; drivers to stop when yielding the right-of-way, driver of any other vehicle approaching from an adjacent lane or from behind stopped vehicle shall not overtake and pass such stopped vehicle. (Patron—Kory)

HB 1705	1031	1983
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People with disabilities that can impair communication; indication of special needs on application for vehicle registration. (Patron—Hayes)

HB 1666	786	1233
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Photo speed monitoring devices; information released shall be limited to name and address of owner of vehicle having committed a violation, authorizes state or local law-enforcement agency to operate devices in school crossing zones and highway work zones for purpose of recording images of vehicles that are traveling at speeds of at least 10 miles per hour above the posted speed limit, civil penalty shall not exceed \$100. (Patron—Jones)

HB 1442	1232	2832
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Rebuilt vehicles; issuance of title. (Patron—Ruff)

SB 562	867	1529
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Reckless driving; raises threshold for speeding, fines for violation of exceeding speed limit.

Patron—Sickles	HB 885	444	667
Patron—Suetterlein	SB 63	445	667

School buses; authorizes a private vendor operating a video monitoring system for a school division for the purpose of recording those illegally passing stopped school buses may impose and collect an administrative fee in addition to a civil penalty. (Patron—Krizek)

HB 1427	783	1223
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Sex Offender and Crimes Against Minors Registry; makes numerous changes to the provisions governing the Registry. (Patron—Howell)

SB 579	829	1311
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Smoking; illegal in motor vehicle when a minor under the age of 15 is present. (Patron—Guzman)

HB 578	972	1867
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Speeding fines; operation of any motor vehicle in excess of maximum speed limit established on U.S. Route 15 and U.S. Route 17 in Fauquier County, appropriately placed signs displaying speed limit, penalty. (Patron—Vogel)

SB 556	892	1582
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Tow truck drivers; criminal history information, registration shall be denied if person has not completed all terms of probation or parole related to certain conviction. (Patron—Wyatt)

HB 1577	1237	2854
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Towing fees; raises to \$30 additional fee that can be charged for towing a vehicle at night, on weekends, or on a holiday. (Patron—McQuinn)

HB 1511	31	36
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Transportation; amends numerous laws related to funds, safety programs, revenue sources, etc., new regional congestion fee is imposed, etc., repeals certain funds, provisions relating to distribution of revenues, report, certain provisions shall become effective on May 1, 2021.

Patron—Filler-Corn	HB 1414	1230	2759
Patron—Saslaw	SB 890	1275	3069

Vehicles used for agricultural and farm purposes; authorizes use of vehicles to include transport between operator's residence and farm. (Patron—Orrock)

HB 193	781	1221
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Veterans; DMV shall offer information on services available in the Commonwealth to any person who identifies himself as a veteran on a document submitted to the Department, effective date. (Patron—Delaney)

HB 411	698	1032
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Virginia Commercial Driver's License Act; repeals statement of intent and purpose in the Act. (Patron—McDougle)

SB 527	788	1234
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MOTORCYCLES

Motor vehicle dealers; redefines "relevant market area" for purposes of motorcycle franchises. (Patron—DeSteph)

SB 1035	984	1879
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MOUNT VERNON AT HOME

Mount Vernon at Home; commending. (Patron—Krizek)

HJR 270		4389
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	BILL OR CHAP. RES. NO.	PAGE NO.	PAGE NO.
MULLINS, MARY PATRICIA MOYNAHAN			
Mullins, Mary Patricia Moynahan; recording sorrow upon death. (Patron—Carr) . . .	HJR 364		4440
MURPHY, PATRICK K.			
Murphy, Patrick K.; commending. (Patron—Hope)	HJR 444		4478
NACHMAN FAMILY			
Nachman family; commending. (Patron—Filler-Corn)	HJR 264		4385
NAIR, ANJALI			
Nair, Anjali; commending. (Patron—Delaney)	HJR 213		4357
NALOXONE			
Athletic trainers; authorized to possess and administer naloxone or other opioid antagonist for overdose reversal. (Patron—Hodges)	HB 1261	927	1694
Naloxone or other opioid antagonist; injections with hypodermic needle or syringe, possession and administration, employee or person acting on behalf of a public place. (Patron—Suetterlein)	SB 836	302	465
Naloxone or other opioid antagonist; injections with hypodermic needle or syringe, possession and administration, employee or person acting on behalf of a public place may possess or administer. (Patron—Hayes)	HB 908	924	1686
Naloxone or other opioid antagonist; possession and administration for overdose reversal, person who administers in good faith shall not be liable for any civil damages, etc. (Patron—Edwards)	SB 566	1095	2095
NANDI, DERRICK			
Nandi, Derrick; commending. (Patron—DeSteph)	SJR 200		4745
NAPPER, WILLIAM H., JR.			
Napper, William H., Jr.; recording sorrow upon death. (Patron—Dunnivant)	SR 33		4813
NARCOTICS AND DRUGS			
Athletic trainers; authorized to possess and administer naloxone or other opioid antagonist for overdose reversal. (Patron—Hodges)	HB 1261	927	1694
Birth control; definition. (Patron—Watts)	HB 552	420	625
Cannabidiol oil and THC-A oil; sample testing. (Patron—Hashmi)	SB 1045	944	1721
Cannabidiol oil and THC-A oil; telemedicine, certification for use of oil for treatment, dispensing to a patient who is a Virginia resident or temporarily resides in Virginia, etc. (Patron—O'Quinn)	HB 1460	730	1096
Commonwealth's medical cannabis program; Secretary of Health and Human Resources shall convene a work group to review and provide recommendations, report. (Patron—Davis)	HB 347	711	1056
Drug Control Act; adds certain chemicals to Schedule I of Act.			
Patron—Hodges	HB 1263	101	156
Patron—Newman	SB 538	229	338
Drug disposal; Board of Pharmacy shall determine proper methods to enhance public awareness, report. (Patron—Jenkins)	HB 1531	614	936
Food stamps and Temporary Assistance to Needy Families (TANF); eligibility, conviction of drug-related felonies.			
Patron—Guzman	HB 566	361	551
Patron—Locke	SB 124	221	322
Home hospice programs; specifies that hospice policies and procedures for the disposal of drugs must include provisions for the safe disposal of opioids. (Patron—Vogel)	SB 913	739	1150
Inhaled asthma medications; school nurse, school board employee, etc., may possess or administer to a student diagnosed with a condition requiring an albuterol inhaler or nebulized albuterol.			
Patron—Bell	HB 860	459	692
Patron—Lopez	HB 1174	460	700
Naloxone or other opioid antagonist; possession and administration for overdose reversal, person who administers in good faith shall not be liable for any civil damages, etc. (Patron—Edwards)	SB 566	1095	2095
Nursing homes, hospice, hospice facilities, and assisted living facilities; possession and administration of cannabidiol or THC-A oil. (Patron—Dunnivant)	SB 185	846	1368
Performance of laboratory analysis; cannabidiol oil, THC-A oil, tetrahydrocannabinol or industrial hemp. (Patron—Marsden)	SB 885	941	1716

	BILL OR CHAP. RES. NO.	PAGE NO.	PAGE NO.
NARCOTICS AND DRUGS - Continued			
Prescription drugs ; expedited partner therapy, labels, repeals sunset provision that allows certain practitioners to prescribe antibiotic therapy, etc. (Patron—Hope)	HB 1000	464	709
Prescription requirements ; treatment of sexually transmitted diseases, repeals sunset date. (Patron—Herring)	HB 1013	552	850
Tetrahydrocannabinol concentration ; definition. (Patron—Surovell)	SB 646	831	1344
NATIONAL AUTOMATED CLEARING HOUSE ASSOCIATION			
National Automated Clearing House Association ; commending. (Patron—Delaney)	HJR 221		4361
NATIONAL PROSTHODONTICS AWARENESS WEEK			
National Prosthodontics Awareness Week ; designating as April 19-25 in 2020 and final full week in April in each succeeding year thereafter.			
Patron—Roem	HJR 104		4311
Patron—Pillion	SJR 80		4677
NATURAL RESOURCES, SECRETARY OF			
Voluntary forest mitigation ; Secretary of Natural Resources, et al., may enter into an agreement with owner or operator of construction projects to accomplish. (Patron—Mason)	SB 674	959	1821
NAVY WEEK			
Navy Week ; recognizing as the week of March 30 - April 5, 2020 in Tri-Cities, Tennessee-Virginia. (Patron—O'Quinn)	HJR 145		4323
NEGRO NATIONAL LEAGUE			
Negro National League ; commemorating its 100th anniversary.			
Patron—Bagby	HR 133		4586
Patron—McClellan	SR 77		4832
NEST4US			
NEST4US ; commending. (Patron—Subramanyam)	HJR 460		4486
NEW CREATION UNITED METHODIST CHURCH			
New Creation United Methodist Church ; commending. (Patron—Cosgrove)	SR 21		4806
NEW GILFIELD REFORMED ZION UNION APOSTOLIC CHURCH			
New Gilfield Reformed Zion Union Apostolic Church ; commemorating its 110th anniversary. (Patron—Wright)	HR 7		4514
NEW KENT COUNTY			
Transient occupancy tax ; adds Appomattox, Mathews, Middlesex, and New Kent Counties to the list of counties that may impose. (Patron—Hodges)	HB 1262	330	512
NEW RIVER COMMUNITY COLLEGE			
New River Community College ; commemorating its 50th anniversary. (Patron—Rush)	HR 104		4571
NEW RIVER VALLEY			
Commonwealth Corridor passenger rail service ; Department of Rail and Public Transportation to study feasibility of an east-west service connecting Hampton Roads, Richmond, and the New River Valley, report date. (Patron—McClellan)	SJR 50		4664
Virginia's Mental Health Region ; designating as Roanoke and New River Valleys. (Patron—Rasoul)	HJR 88		4303
NEWS MEDIA			
Discharge of deleterious substance into state waters ; if Department of Health determines that discharge may be detrimental to public health, Department of Environmental Quality shall provide information to local newspapers, television stations, etc., report. (Patron—Tran)	HB 1205	1182	2455
Hearing notice by localities ; a locality located in Planning District 23 (Hampton Roads) submits a timely notice related to a planning or zoning matter to a newspaper of general circulation, to be published in next available edition, etc., sunset provision.			
Patron—Knight	HB 166	22	27
Patron—DeSteph	SB 869	761	1200
Protected information ; newspersons engaged in journalism, definitions. (Patron—Roem)	HB 113	650	980
NEXT MOVE PROGRAM			
Next Move Program ; commending. (Patron—Willett)	HR 134		4587
NICHOLS, STERLING MCCOY			
Nichols, Sterling McCoy ; recording sorrow upon death. (Patron—Batten)	HJR 236		4370

BILL OR CHAP. PAGE
RES. NO. NO. NO.

NONPROFIT ORGANIZATIONS

Real estate with delinquent taxes or liens; sales by nonprofit organizations.
 (Patron—Carr) HB 535 244 367

Volunteer or nonprofit organizations, certain; donation by locality of in-kind resources.
 Patron—Bell HB 343 439 658
 Patron—Reeves SB 465 440 659

NONSTOCK CORPORATIONS

Professional and Occupational Regulation, Department of; clarifies that a cemetery wholly owned and operated by a nonstock corporation not operated for profit is exempt from regulation, "church" includes a church that operates as a historic landmark.
 Patron—Ransone HB 950 27 34
 Patron—McDougle SB 519 33 39

NORFOLK, CITY OF

Norfolk, City of; amending charter, changes from "election" to "appointment" the term used to describe the selection of certain officers by the city council and clarifying that employees of such officers serve at will, removes a provision relating to vagrants.
 Patron—Jones HB 749 134 202
 Patron—Spruill SB 96 528 795

NORFOLK POLICE DEPARTMENT

Norfolk Police Department; commending.
 Patron—Lindsey HJR 5 4284
 Patron—Spruill SR 1 4781

NORTHAMPTON COUNTY

Henry, Northampton, Patrick, and Pittsylvania Counties and City of Danville; authorized to impose additional sales and use tax, appropriations to incorporated towns for educational purposes. (Patron—Marshall) HB 486 327 502

Northampton County; authorized to impose additional sales and use tax, appropriations to incorporated towns for educational purposes, definition of "qualifying locality." (Patron—Lewis) SB 1028 708 1049

NORTHERN VIRGINIA

At-risk infrastructure; Department of Transportation, et al., shall identify public transportation infrastructure at risk of deterioration due to recurrent flooding in Planning District 8 (Northern Virginia), report. (Patron—Tran) HB 1217 978 1871

Conflict of Interests Act, State and Local Government; disclosure by members of Northern Virginia Transportation Authority and Northern Virginia Transportation Commission. (Patron—Keam) HB 1337 73 102

Northern Virginia Transportation Commission; changes report date. (Patron—Ebbin) SB 848 792 1239

NORTHERN VIRGINIA COMMUNITY COLLEGE LOUDOUN CAMPUS

Northern Virginia Community College Loudoun Campus; commending. (Patron—Subramanyam) HJR 490 4501

NOTARIES AND OUT-OF-STATE COMMISSIONERS

Notaries; satisfactory evidence of identity, persons in nursing homes or assisted living facilities. (Patron—Tran) HB 1222 902 1633

NURSES

Certified registered nurse anesthetists; prescriptive authority, "periprocedural" means the period beginning prior to a procedure and ending at the time the patient is discharged.
 Patron—Adams, D.M. HB 1059 100 155
 Patron—Bell SB 264 161 232

Collaborative practice agreements; adds nurse practitioners and physician assistants to the list of health care practitioners who shall not be required to participate with a pharmacist and his designated alternate.
 Patron—Bulova HB 517 46 58
 Patron—Edwards SB 565 232 348

Health insurance; definitions, reimbursement for services provided by a clinical nurse specialist. (Patron—Adams, D.M.) HB 1057 726 1082

Sexual assault nurse examiners; place of practice. (Patron—Poindexter) HB 1176 1088 2079

	BILL OR RES. NO.	CHAP. NO.	PAGE NO.
NURSING HOMES			
Notaries ; satisfactory evidence of identity, persons in nursing homes or assisted living facilities. (Patron—Tran)	HB 1222	902	1633
Nursing homes ; Department of Health shall convene a work group to review and make recommendations on increasing the availability of the clinical workforce, report. (Patron—Kiggans)	SB 397	932	1703
Nursing homes, hospice, hospice facilities, and assisted living facilities ; possession and administration of cannabidiol or THC-A oil. (Patron—Dunnavant)	SB 185	846	1368
O'CONNOR, ADRIAN J.			
O'Connor, Adrian J. ; commending.			
Patron—LaRock	HJR 326		4420
Patron—Vogel	SJR 174		4731
ODOM, JON			
Odom, Jon ; recording sorrow upon death. (Patron—O'Quinn)	HJR 171		4335
OLD BUST HEAD BREWING COMPANY			
Old Bust Head Brewing Company ; commending. (Patron—Guzman)	HJR 433		4473
OLD HOUSE VINEYARDS			
Old House Vineyards ; commemorating its 20th anniversary. (Patron—Freitas)	HJR 164		4332
OLIVER WHITE HILL, SR., DAY			
Oliver White Hill, Sr., Day ; designating as May 1, 2020, and each succeeding year thereafter. (Patron—Bagby)	HJR 72		4300
OLSSON, SHIRLEY CARTER			
Olsson, Shirley Carter ; recording sorrow upon death. (Patron—Hodges)	HJR 422		4468
OMAN, ROBERT M.			
Oman, Robert M. ; commending.			
Patron—Leftwich	HJR 275		4391
Patron—Cosgrove	SJR 150		4716
OMICRON ALPHA LAMBDA CHAPTER OF ALPHA PHI ALPHA FRATERNITY, INC.			
Omicron Alpha Lambda Chapter of Alpha Phi Alpha Fraternity, Inc. ; commemorating its 35th anniversary. (Patron—Cole, J.G.)	HR 18		4527
OPIOIDS			
Athletic trainers ; authorized to possess and administer naloxone or other opioid antagonist for overdose reversal. (Patron—Hodges)	HB 1261	927	1694
Home hospice programs ; specifies that hospice policies and procedures for the disposal of drugs must include provisions for the safe disposal of opioids. (Patron—Vogel)	SB 913	739	1150
Naloxone or other opioid antagonist ; injections with hypodermic needle or syringe, possession and administration, employee or person acting on behalf of a public place. (Patron—Suetterlein)	SB 836	302	465
Naloxone or other opioid antagonist ; injections with hypodermic needle or syringe, possession and administration, employee or person acting on behalf of a public place may possess or administer. (Patron—Hayes)	HB 908	924	1686
ORDINANCES			
Affordable housing ; certain localities allowed to adopt dwelling unit ordinances, establishment of a local housing fund, jurisdiction-wide affordable housing dwelling unit rental prices, etc.			
Patron—Carr	HB 1101	143	216
Patron—McClellan	SB 834	833	1356
Employees of local governments ; employees of county, city, or town or school board authorized to engage in collective bargaining, local ordinances, effective date.			
Patron—Guzman	HB 582	1209	2627
Patron—Saslaw	SB 939	1276	3140
Firearms, ammunition, or components or combination thereof ; a locality may adopt an ordinance that prohibits the possession, carrying, etc., in any building owned or used by such locality, in any public park owned or operated by the locality, etc., notice of ordinance shall be posted at all entrances, exceptions, various provisions limiting such authority are repealed.			
Patron—Price	HB 421	1205	2619
Patron—Surovell	SB 35	1247	2909

BILL OR CHAP. PAGE
RES. NO. NO. NO.

ORDINANCES - Continued

Flood plain; adoption of ordinances by localities to regulate activity on, use of, or development of a plain. (Patron—Hayes)	HB	998	166	237
Grass, weeds, etc.; authorizes any locality in Planning District 6 (Central Shenandoah), to enforce on residential land of one acre or less in an area zoned for agricultural use an ordinance requiring owners of property to cut. (Patron—Campbell, R.R.)	HB	875	136	206
Local human rights ordinances; localities may prohibit discrimination in housing, employment, public accommodations, credit, and education on the basis of sexual orientation and gender identity. (Patron—Roem)	HB	696	131	200
Motorized skateboards or scooters, etc.; extends to October 1, 2020, prohibition on offering for hire in any locality that has not enacted any licensing ordinance, etc. (Patron—Keam)	HB	465	478	731
Numbering on buildings; locality, by ordinance, may include provisions for a civil penalty for a violation that has not been corrected within 15 days of notice of such violation. (Patron—Cole, M.L.)	HB	106	8	13
Overgrown vegetation; any locality within Planning District 23 (Hampton Roads) may, by ordinance, include provisions for cutting overgrown shrubs, trees, etc. (Patron—Ward)	HB	549	13	17
Removal of dangerous roadside vegetation; any locality may, by ordinance, provide that the owner of any property adjacent to the right-of-way of any street, etc., or any public right-of-way to remove any and all trees, etc., that might dangerously obstruct the line of sight of a driver, etc. Patron—Cole, J.G.	HB	284	962	1823
Patron—Stuart	SB	225	963	1823
Solar energy projects; authorizes a locality to include in its zoning ordinance provisions to incorporate generally accepted national environmental protection and product safety standards for the use of solar panels and battery technologies. Patron—Heretick	HB	656	312	478
Patron—Marsden	SB	875	402	606
Solar photovoltaic projects; any locality may grant a special exception and include in its zoning ordinance reasonable regulations and provisions, etc. Patron—Heretick	HB	655	385	582
Patron—Marsden	SB	870	414	621
Solid waste; allows Russell County to levy fees by ordinance, and after a public hearing, for the disposal at a county collection or disposal facility. Patron—Wampler	HB	1186	1117	2251
Patron—Chafin	SB	329	1118	2251
Summonses; authority of local government employees to issue for misdemeanor violations of certain local ordinances. (Patron—Heretick)	HB	1213	144	220
Unmanned aircraft; political subdivision may, by ordinance or regulation, regulate take-off and landing of an aircraft on property owned by the political subdivision. (Patron—Bulova)	HB	742	345	531
Waterfowl blinds; Department of Game and Inland Fisheries shall not license any stationary blind in any area of Hunting Creek, Little Hunting Creek, or Dogue Creek in which a local governing body prohibits by ordinance the hunting of birds with a firearm. Patron—Krizek	HB	173	307	476
Patron—Surovell	SB	435	308	477
O'REILLY, MICHAEL O'Reilly, Michael; commending. (Patron—Boysko)	SJR	260		4776
OSBOURN PARK HIGH SCHOOL Osborn Park High School indoor track and field program; commending. (Patron—Roem)	HR	150		4594
OVARIAN CANCER AWARENESS MONTH Ovarian Cancer Awareness Month; designating as September 2020 and each succeeding year thereafter. (Patron—Favola)	SJR	86		4680
PALMORE, MATTIE Palmore, Mattie; commending. (Patron—Krizek)	HJR	307		4409
PARK, DAE HAN Park, Dae Han; recording sorrow upon death. (Patron—Freitas)	HR	149		4594

BILL OR CHAP. PAGE
RES. NO. NO. NO.

PARKING AREAS AND REGULATIONS

Parking regulations; adds Frederick County and the Town of West Point to list of counties and towns that are permitted to regulate or prohibit on any public highway, etc. (Patron—Hodges) HB 1259 997 1917

PARK-SCHNEIDER, SAE JIN

Park-Schneider, Sae Jin; recording sorrow upon death. (Patron—Freitas) HR 148 4593

PARKSLEY, TOWN OF

Parksley, Town of; amending charter, mayor and six members of council shall be elected in November, etc. (Patron—Bloxom) HB 1492 594 921

PAROLE AND PROBATION

Juvenile offenders; eligibility for parole, person who has served at least 20 years of sentence.

Patron—Lindsey HB 35 2 1
Patron—Marsden SB 103 529 799

Parole; exception to limitation on the application of parole statutes, person who meets eligibility criteria for parole as of July 1, 2020, shall be scheduled for an interview no later than July 1, 2021.

Patron—Lindsey HB 33 1200 2607
Patron—McClellan SB 793 1272 3065

Tow truck drivers; criminal history information, registration shall be denied if person has not completed all terms of probation or parole related to certain conviction. (Patron—Wyatt) HB 1577 1237 2854

PARRY MCCLUER HIGH SCHOOL

Parry McCluer High School boys' cross country team; commending. (Patron—Deeds) SJR 240 4765

PARTHEMOS, STYLIAN P.

Parthemos, Stylian P.; commending. (Patron—Robinson) HR 130 4585

PARTNERSHIPS

A.L. Philpott Manufacturing Extension Partnership; staff shall be treated as state employees. (Patron—Adams, L.R.) HB 992 398 595

Income tax, state; reporting requirements for partnerships, definitions, final determination dates. (Patron—Watts) HB 1417 1030 1978

PATHWAY HOMES

Pathway Homes; commemorating its 40th anniversary. (Patron—Bulova) HJR 456 4484

PATRICK COUNTY

Henry, Northampton, Patrick, and Pittsylvania Counties and City of Danville; authorized to impose additional sales and use tax, appropriations to incorporated towns for educational purposes. (Patron—Marshall) HB 486 327 502

PATTIE, MARSHALL W.

Pattie, Marshall W.; commending. (Patron—Runion) HR 115 4576

PAYDAY LOANS

Consumer lending; replaces references to payday loans with term "short-term loans," bond required, surety bond, repealing provisions relating to additional charges. (Patron—Bagby) HB 789 1215 2638

PEANUT, MR.

Peanut, Mr.; commending as a symbol of importance to the peanut industry in the Commonwealth and on his return as Baby Nut. (Patron—Brewer) HR 146 4592

PEDESTRIANS

Electric personal delivery devices; changes related to devices including changing the term used to refer to such devices to "personal delivery devices," any device shall comply with federal regulations, device shall yield the right-of-way to, or otherwise not unreasonably interfere with, pedestrians. (Patron—Marsden) SB 758 1269 3041

Pedestrians; drivers to stop when yielding the right-of-way, driver of any other vehicle approaching from an adjacent lane or from behind stopped vehicle shall not overtake and pass such stopped vehicle. (Patron—Kory) HB 1705 1031 1983

PEEPLES, EDWARD H., JR.

Peeples, Edward H., Jr.; recording sorrow upon death.
Patron—Carr HJR 363 4439
Patron—McClellan SJR 179 4733

	BILL OR CHAP.			PAGE
	RES. NO.	NO.		NO.
PEERS AND STUDENTS TAKING ACTION				
Peers and Students Taking Action ; commending. (Patron—Subramanyam)	HJR	493		4503
PENSIONS, BENEFITS, AND RETIREMENT				
Diversity and cultural competency ; Department of Human Resource Management to develop online training module. (Patron—Guzman)	HB	581	548	845
Health insurance ; credits for retired school division employees other than teachers, effective date for certain provision. (Patron—McQuinn)	HB	1513	1091	2086
School bus drivers ; Superintendent of Public Instruction, et al., to survey each local school division to identify critical shortages by geographic area and local school division, persons hired as drivers receiving service retirement allowance. (Patron—Deeds)	SB	324	437	653
School bus drivers ; Superintendent of Public Instruction, with the assistance of each school board or division superintendent, to survey each local school division to identify critical shortages by geographic area and local school division and to report any such shortage to each local school division and to the Virginia Retirement System. (Patron—Bell)	HB	351	379	575
Virginia College Savings Plan ; analyzing current state and federal programs that encourage citizens to save for retirement by participating in retirement savings plans, report. (Patron—Ayala)	HB	775	506	771
Virginia Retirement System ; accidental death and dismemberment benefits, definitions. Patron—Carr	HB	536	245	368
Patron—Ruff	SB	109	374	569
Virginia Retirement System ; retired law-enforcement officers employed as school security officers. Patron—Torian	HB	1495	968	1863
Patron—Cosgrove	SB	54	969	1865
PERSONAL PROPERTY AND PERSONAL PROPERTY TAX				
Constitutional amendment ; personal property tax exemption for one motor vehicle owned and used primarily by or for a disabled veteran, "motor vehicle" shall include only automobiles and pickup trucks, exception (second reference), Chapters 822 and 823, 2019 Acts (first reference). (Patron—Helmer)	HJR	103	1195	2556
Constitutional amendment ; personal property tax exemption for one motor vehicle owned and used primarily by or for a disabled veteran, "motor vehicle" shall include only automobiles and pickup trucks, exception (submitting to qualified voter). (Patron—Helmer)	HB	1268	540	824
Personal property tax ; farm machinery and implements, classification of forest harvesting and silvicultural activity equipment. (Patron—Adams, L.R.)	HB	1021	251	376
Property taxes ; generating equipment that is reported to Commission by electric suppliers utilizing wind turbines for which an initial interconnection request form has been filed with an electric utility or a regional transmission organization on or before July 1, 2020, may be taxed by the locality. (Patron—Austin)	HB	1327	508	773
Tangible personal property tax ; extends sunset date for classification of property used in manufacturing, testing, or operating satellites, etc., effective date. Patron—Reid	HB	724	247	370
Patron—Bell	SB	273	64	81
Town taxes ; authorizes the board of supervisors of any county that has adopted the urban county executive form of government to enter into agreements with towns for collection and enforcement of real or personal property taxes. Patron—Samirah	HB	1534	504	770
Patron—Boysko	SB	649	505	771
PERSONS WITH DISABILITIES				
Administration, Secretary of ; policy of the Commonwealth regarding employment of individuals with disabilities, report deadline. (Patron—Carr)	HB	1098	50	62
Aging and Rehabilitative Services, Department of ; reorganizes provisions, repeals provisions relating to responsibilities of Department, Virginia Respite Care Grant Program. (Patron—Keam)	HB	1148	728	1088
Alzheimer's Disease and Related Disorders Commission ; extends sunset provision. Patron—Simonds	HB	310	419	624
Patron—Ruff	SB	256	226	335

BILL OR CHAP. PAGE
RES. NO. NO. NO.

PERSONAL PROPERTY AND PERSONAL PROPERTY TAX - Continued

Constitutional amendment; personal property tax exemption for one motor vehicle owned and used primarily by or for a disabled veteran, "motor vehicle" shall include only automobiles and pickup trucks, exception (second reference), Chapters 822 and 823, 2019 Acts (first reference). (Patron—Helmer) HJR 103 1195 2556

Constitutional amendment; personal property tax exemption for one motor vehicle owned and used primarily by or for a disabled veteran, "motor vehicle" shall include only automobiles and pickup trucks, exception (submitting to qualified voter). (Patron—Helmer) HB 1268 540 824

Discrimination; prohibited in public accommodations, employment, credit, and housing, causes of action, civil actions by private parties, sexual orientation, gender identity, status as a veteran, disability, etc., repeals provision relating to causes of action not created. (Patron—Ebbin) SB 868 1140 2309

Emergency services and disaster preparedness plans; Department of Emergency Management shall review programs to determine if changes are necessary to address needs of individuals with limited English proficiency or access and functional needs. (Patron—Price) HB 420 590 905

Individualized education program teams; teams to consider need for certain age-appropriate and developmentally appropriate instruction, Department of Education shall establish guidelines when developing IEPs for children with disabilities.
Patron—Runion HB 134 51 63
Patron—Dunnivant SB 186 170 239

Law-enforcement officers with a disability, former; Department of Aging and Rehabilitative Services and law-enforcement agencies to make information about vocational rehabilitation programs and employment services available. (Patron—Adams, L.R.) HB 1025 553 850

People with developmental disabilities; Department of Corrections shall create a workgroup to review guidelines and make recommendations. (Patron—Hope) HB 659 395 594

People with disabilities that can impair communication; indication of special needs on application for vehicle registration. (Patron—Hayes) HB 1666 786 1233

Teachers; extension of provisional licenses for those employed in schools for students with disabilities. (Patron—Mason) SB 680 172 240

Teachers employed in an accredited private elementary and secondary schools or a school for students with disabilities; provisional licenses, extension. (Patron—Gooditis) HB 1469 639 970

Virginia Public Procurement Act; process for competitive negotiation, including employment of persons with a disability as a factor that will be used in evaluating proposals. (Patron—Hope) HB 1078 1158 2358

PHARMACIES

Pharmaceutical processors; operation of cannabis dispensing facilities, practitioner shall use his professional judgment to determine manner and frequency of patient care and evaluation and may employ the use of telemedicine, etc. (Patron—Marsden) SB 976 1278 3143

Pharmacy; practice, identity of any outsourcing facility that enters into a contract with Department shall not be confidential, regulation by Board of Pharmacy, report. (Patron—Bell) SB 270 1166 2400

PHARMACISTS

Pharmacists; initiating of treatment with and dispensing and administering of controlled substances, counseling of patient, report. (Patron—Sickles) HB 1506 731 1097

Pharmacy technicians and pharmacy technician trainees; definition, registration, duties and tasks that a pharmacy technician registered by Board of Pharmacy may perform.
Patron—Hodges HB 1304 102 163
Patron—Lewis SB 830 237 351

PHI BETA SIGMA FRATERNITY, INC.

Phi Beta Sigma Fraternity, Inc.; commemorating its 106th anniversary. (Patron—Lindsey) HJR 193 4347

PHI UPSILON ZETA CHAPTER OF THE ZETA PHI BETA SORORITY, INC.

Phi Upsilon Zeta Chapter of the Zeta Phi Beta Sorority, Inc.; commemorating its 100th anniversary. (Patron—Subramanyam) HJR 496 4505

PHOTO-MONITORING

Photo speed monitoring devices; information released shall be limited to name and address of owner of vehicle having committed a violation, authorizes state or local law-enforcement agency to operate devices in school crossing zones and highway work zones for purpose of recording images of vehicles that are traveling at speeds of at least 10 miles per hour above the posted speed limit, civil penalty shall not exceed \$100. (Patron—Jones) HB 1442 1232 2832

School buses; authorizes a private vendor operating a video monitoring system for a school division for the purpose of recording those illegally passing stopped school buses may impose and collect an administrative fee in addition to a civil penalty. (Patron—Krizek) HB 1427 783 1223

PHYSICIANS AND SURGEONS

Collaborative practice agreements; adds nurse practitioners and physician assistants to the list of health care practitioners who shall not be required to participate with a pharmacist and his designated alternate.
Patron—Bulova HB 517 46 58
Patron—Edwards SB 565 232 348

Driver's license; DMV, upon request of the applicant and presentation of a signed statement by a licensed physician confirming the applicant's condition, shall indicate that applicant has a traumatic brain injury on the applicant's license, request shall be accompanied by a form prescribed by the Commissioner and completed by a licensed physician. (Patron—Deeds) SB 289 545 835

Physician assistant; expands class of health care practitioners who can make the determination that a patient is incapable of making informed decisions to include a licensed physician assistant.
Patron—Rasoul HB 362 40 51
Patron—Edwards SB 544 231 347

PI SIGMA ALPHA

Pi Sigma Alpha; commemorating its 100th anniversary.
Patron—Bourne HR 78 4558
Patron—Hashmi SJR 188 4738

PIEDMONT VALLEY COMMUNITY COLLEGE

Piedmont Virginia Community College Student Launch Team; commending. (Patron—Hudson) HJR 410 4462

PILLOW, C. DOUGLAS

Pillow, C. Douglas; recording sorrow upon death. (Patron—Peake) SJR 97 4685

PITTSYLVANIA COUNTY

Henry, Northampton, Patrick, and Pittsylvania Counties and City of Danville; authorized to impose additional sales and use tax, appropriations to incorporated towns for educational purposes. (Patron—Marshall) HB 486 327 502

Roy P. Byrd, Jr., Memorial Bridge; designating as U.S. Route 29 Business bridge over U.S. Route 29 in Pittsylvania County. (Patron—Adams, L.R.) HB 1032 976 1870

PLASTIC BAGS

Disposable plastic bags; any locality may impose a tax of five cents per bag on bags provided to consumers by retailers in grocery stores, convenience stores, or drugstores, revenue from tax imposed shall be appropriated for purposes of environmental cleanup, providing education programs designed to reduce environmental waste, etc., retailer discount, exemptions.
Patron—Carr HB 534 1022 1972
Patron—Ebbin SB 11 1023 1973

PLATS

Subdivision plats; certain approved final plats shall remain valid indefinitely, etc. (Patron—Coyner) HB 929 138 213

POLICE

Fairfax County; policemen's pension and retirement board. (Patron—Boysko) SB 651 895 1587

Fairfax County; policemen's retirement system. (Patron—Boysko) SB 652 896 1588

Fingerprints and photographs; all duly constituted police authorities having the power of arrest may take the fingerprints and photographs of any person found in

BILL OR CHAP. PAGE
RES. NO. NO. NO.

POLICE - Continued

contempt or in violation of the terms or conditions of a suspended sentence or probation for a felony offense.

Patron—Krizek HB 1048 93 137
Patron—Peake SB 925 189 275

Fingerprints and photographs by police authorities; reports to Central Criminal Records Exchange.

Patron—Krizek HB 1047 91 132
Patron—Peake SB 926 92 135

Firearms; reporting those lost or stolen to any local law-enforcement agency or Department of State Police within 48 hours, civil penalty. (Patron—Bourne)

HB 9 743 1154

Involuntary admission order; local law enforcement shall take custody of the minor or person and provide transportation to the proper facility, when transportation provider becomes unable to continue, magistrate may change the transportation provider specified in a temporary detention order.

Patron—Bell HB 1118 879 1542
Patron—Hanger SB 603 880 1546

Law-enforcement agencies, local; localities required to adopt and establish a written policy for the operation of a body-worn camera system. (Patron—Levine)

HB 246 123 190

Law-enforcement officers with a disability, former; Department of Aging and Rehabilitative Services and law-enforcement agencies to make information about vocational rehabilitation programs and employment services available. (Patron—Adams, L.R.)

HB 1025 553 850

School boards and local law-enforcement agencies; memorandums of understanding, publish on division website, frequency of review and public input.

Patron—VanValkenburg HB 292 52 63
Patron—Locke SB 221 171 240

School principals; reporting certain acts to local law-enforcement agency that may constitute a felony offense.

Patron—Mullin HB 257 335 520
Patron—McClellan SB 729 173 241

POLICE, STATE

Capitol Police, Division of, Virginia Department of State Police, Richmond Police Department, Virginia Department of General Services, and the many other support units of the Unified Command; commending their performance above and beyond the call of duty at the Second Amendment rally January 20, 2020. (Patron—Saslaw)

SJR 202 4746

Firearms; reporting those lost or stolen to any local law-enforcement agency or Department of State Police within 48 hours, civil penalty. (Patron—Bourne)

HB 9 743 1154

Hate crimes; adds gender, disability, gender identity, or sexual orientation, definition of "disability," penalty. (Patron—Favola)

SB 179 1171 2436

Hate crimes; adds gender, disability, gender identity, or sexual orientation, definition of "disability," penalty, effective clause. (Patron—Plum)

HB 618 746 1155

Hate crimes; includes within definition a criminal act committed against a person because of disability, sexual orientation, gender, gender identity, or ethnic or national origin, reporting of such crime to State Police. (Patron—Sullivan)

HB 276 124 194

State Police, Department of; establishment of cold case searchable database. (Patron—Roem)

HB 1024 1127 2258

Virginia Community Policing Act; data collection and reporting requirement, Database established. (Patron—Torian)

HB 1250 1165 2399

Virginia Department of State Police; commending. (Patron—Filler-Corn)

HJR 231 4367

Virginia Missing Child with Autism Alert Program; established. (Patron—Miyares)

HB 65 19 25

Virginia State Police Electronic Summons System Fund; created. (Patron—Krizek) .

HB 172 342 528

Virginia Voluntary Do Not Sell Firearms List; established, penalty. (Patron—Surovell)

SB 436 1173 2439

POLK, LESSIE LULA JONES

Polk, Lessie Lula Jones; recording sorrow upon death. (Patron—Edwards) SJR 162 4724

POLLING PLACES

Election day; extending polling hours from 7:00 p.m. to 8:00 p.m., provisions shall not become effective unless reenacted by 2021 Session of the General Assembly. (Patron—Lindsey)

HB 1678 720 1064

	BILL OR CHAP.		PAGE
	RES. NO.	NO.	NO.
POLLING PLACES - Continued			
Elections; same-day registration at office of general registrar in locality or at polling place in which person resides, effective date. (Patron—Ayala)	HB	201 1153	2351
Pollbooks; general registrars to produce and distribute printed copies to each precinct for any primary and general election. (Patron—Carter)	HB	1421 297	459
Polling place activities; reorganization of sections, technical amendments. (Patron—Edwards)	SB	442 561	868
Polling place procedures; officer of election shall verify with voter his full name and address, etc. (Patron—Ward)	HB	1402 296	458
POLLUTION AND POLLUTION CONTROL			
Certified pollution control equipment and facilities; tax exemption, timing of certification by state certifying authority.			
Patron—Lopez	HB	1173 252	380
Patron—Mason	SB	685 65	84
Plastic Waste Prevention Advisory Council; established in the executive branch of state government, report, sunset date. (Patron—Plum)	HB	1354 798	1243
POTQUOSON HIGH SCHOOL			
Potquoson High School wrestling team; commending. (Patron—Mugler)	HR	159	4598
PORNOGRAPHY			
Child pornography; possession, distribution, production, publication, sale, financing, etc., venue. (Patron—Byron)	HB	1330 489	746
PORTERFIELD, BITTLE WILSON, III			
Porterfield, Bittle Wilson, III; recording sorrow upon death. (Patron—Edwards)	SJR	160	4722
POSTURAL ORTHOSTATIC TACHYCARDIA SYNDROME AWARENESS MONTH			
Postural Orthostatic Tachycardia Syndrome Awareness Month; designating as October in 2020 and in each succeeding year thereafter. (Patron—Keam)	HJR	133	4318
POTOMAC RIVER BASIN, INTERSTATE COMMISSION ON THE			
Potomac River Basin, Interstate Commission on the; commemorating its 80th anniversary. (Patron—Lopez)	HJR	96	4306
POTTER, JAHMAL			
Potter, Jahmal; commending. (Patron—Convirs-Fowler)	HR	114	4576
POUND RIVER			
Pound River; designating a 17-mile segment in Wise and Dickenson Counties as a component of the Virginia Scenic Rivers System. (Patron—Wampler)	HB	1145 316	488
PRACTITIONERS			
Collaborative practice agreements; adds nurse practitioners and physician assistants to the list of health care practitioners who shall not be required to participate with a pharmacist and his designated alternate.			
Patron—Bulova	HB	517 46	
Patron—Edwards	SB	565 232	348
Physician assistant; expands class of health care practitioners who can make the determination that a patient is incapable of making informed decisions to include a licensed physician assistant.			
Patron—Rasoul	HB	362 40	51
Patron—Edwards	SB	544 231	347
Prenatal and postnatal depression and other depression; Board of Medicine shall annually communicate to relevant practitioners importance of screening patients. (Patron—Samirah)	HB	42 709	1055
PRESCRIPTION MEDICINES			
Health insurance; cost-sharing payments for prescription insulin drugs, amount not to exceed \$50 per 30-day supply of insulin drug. (Patron—Carter)	HB	66 881	1550
Prescription drugs; expedited partner therapy, labels, repeals sunset provision that allows certain practitioners to prescribe antibiotic therapy, etc. (Patron—Hope)	HB	1000 464	709
Prescription drugs; Secretary of Health and Human Resources to convene a work group to examine the pharmaceutical distribution payment system in the Commonwealth and innovative solutions to address the cost of drugs to Virginians at the point of sale. (Patron—Guzman)	HJR	52	4296

	BILL OR RES. NO.	CHAP. NO.	PAGE NO.
PRESCRIPTION MEDICINES - Continued			
Prescription Monitoring Program; information disclosed to Emergency Department Care Coordination Program, redisclosure.			
Patron—Hurst	HB	648 1066	2033
Patron—Dunnivant	SB	575 1067	2035
Prescription requirements; treatment of sexually transmitted diseases, repeals sunset date. (Patron—Herring)			
	HB	1013 552	850
PRICE, KELLY			
Price, Kelly; commending. (Patron—Fariss)	HR	63	4549
PRIDGEON, ELISE N.			
Pridgeon, Elise N.; commending. (Patron—Subramanyam)	HJR	462	4487
PRIMARIES			
Primary election; changes date of election held in June from second Tuesday in June to third Tuesday in June, also changes candidate filing deadlines to reflect change of date, provisions shall not become effective unless reenacted by 2021 Session of the General Assembly. (Patron—Kiggans)			
	SB	316 1253	2960
PRINCE GEORGE COUNTY			
Transient occupancy tax; authorizes Prince George County to impose. (Patron—Ruff)	SB	255 787	1234
PRINCE WILLIAM COUNTY			
Coal ash ponds; definitions, "coal ash pond" means any natural topographic depression, man-made excavation, or diked area that is located in the Chesapeake Bay watershed at certain stations in Fluvanna, Chesterfield, or Prince William Counties, identifying all private wells and public water supply wells within 1.5 miles of any pond boundary. (Patron—Ayala)			
	HB	1641 625	952
Prince William County Police Department; commemorating its 50th anniversary. (Patron—McPike)			
	SJR	212	4751
Prince William County Public Schools; commending. (Patron—Guzman)			
	HJR	434	4474
Prince William County Public Schools Aquatics Center; commending. (Patron—Guzman)			
	HJR	424	4469
Public defender offices; establishes an office for Cities of Manassas and Manassas Park and County of Prince William.			
Patron—Carroll Foy	HB	366 348	533
Patron—Surovell	SB	72 376	574
PRINCE WILLIAM FOOD RESCUE			
Prince William Food Rescue; commending. (Patron—Guzman)	HJR	435	4474
PRINCESS ANNE COURTHOUSE VOLUNTEER RESCUE SQUAD			
Princess Anne Courthouse Volunteer Rescue Squad; commending. (Patron—Knight)	HR	27	4532
PRINCIPI, FRANK J.			
Principi, Frank J.; commending. (Patron—Guzman)	HJR	428	4471
PRISONERS			
Correctional facilities, state; treatment of prisoners known to be pregnant or who are parents of minor children. (Patron—Kory)			
	HB	1648 526	789
Prisoners; unless prisoner is determined to be indigent, all costs and fees associated with documentation upon release shall be paid by prisoner, certain costs for obtaining any identification or documents shall be paid by the jail.			
Patron—Hope	HB	1093 484	743
Patron—Aird	HB	1467 523	785
PRISONS AND OTHER METHODS OF CORRECTION			
Correctional facilities, local; Board of Corrections shall conduct a review of standards and requirements governing, and application and use of isolated confinement in facilities, report. (Patron—Hope)			
	HB	1284 522	785
Correctional facilities, state; no child under the age of 18 shall be strip searched or subjected to a search of any body cavity under any circumstances, Department may not permanently ban any person from seeking entrance to facility on basis of person's refusal to consent to a strip search, etc. (Patron—Morrissey)			
	SB	1089 1181	2454
Correctional facilities, state; treatment of prisoners known to be pregnant or who are parents of minor children. (Patron—Kory)			
	HB	1648 526	789
Correctional facilities, state; visitation and search policies for visitors, no child under the age of 18 shall be strip searched or subjected to a search of any body cavity under any circumstances, person's refusal to consent to a strip search, etc. (Patron—Peake)			
	SB	1023 1170	2435

BILL OR CHAP. PAGE
RES. NO. NO. NO.

PRISONS AND OTHER METHODS OF CORRECTION - Continued

Corrections, State Board of; renamed as State Board of Local and Regional Jails, powers and duties, local correctional facilities, appeals of Board determinations, repeals provisions relating to Board to establish regulations regarding human research, etc. (Patron—Deeds)	SB	622	759	1178
Courthouse and courtroom security; increases from \$10 to \$20 maximum amount a local governing body may assess against a convicted defendant as part of costs in a criminal or traffic case in district or circuit court to fund. (Patron—Howell)	SB	149	602	925
Furloughs from local work release programs; if extends limits of confinement of offender to a locality not served by regional jail, then notice of furlough shall be provided to sheriff of such locality. (Patron—Bell)	HB	369	4	11
Home/electronic incarceration program; payment to defray costs. (Patron—Hope) . .	HB	278	10	15
Inmates; review of deaths that occur in local correctional facilities, report. (Patron—Suetterlein)	SB	215	1287	3587
Inquiry and report of immigration status; persons charged with or convicted of certain crimes, citizenship of person taken into custody. Patron—Lopez	HB	1150	995	1913
Patron—Surovell	SB	491	996	1915
Juvenile offenders; eligibility for parole, person who has served at least 20 years of sentence. Patron—Lindsey	HB	35	2	1
Patron—Marsden	SB	103	529	799
Offender medical and mental health information and records; exchange of information to facility, health care provider who has provided services within the last two years, upon request shall disclose certain information to facilities. Patron—Watts	HB	1328	836	1361
Patron—Boysko	SB	656	837	1361
Parole; exception to limitation on the application of parole statutes, person who meets eligibility criteria for parole as of July 1, 2020, shall be scheduled for an interview no later than July 1, 2021. Patron—Lindsey	HB	33	1200	2607
Patron—McClellan	SB	793	1272	3065
Prisoners; unless prisoner is determined to be indigent, all costs and fees associated with documentation upon release shall be paid by prisoner, certain costs for obtaining any identification or documents shall be paid by the jail. Patron—Hope	HB	1093	484	743
Patron—Aird	HB	1467	523	785

PROFESSIONAL AND OCCUPATIONAL REGULATION

Athlete agents; definitions, creates registration requirement, penalties. (Patron—Sullivan)	HB	832	481	733
Contractors, Board for; misclassification of worker prohibited. (Patron—Krizek) . . .	HB	1646	685	1024
Military service members and veterans; a veteran who has left active-duty within one year of submission of an application to a board, expediting the issuance of credentials to spouses. Patron—Willett	HB	967	28	35
Patron—Suetterlein	SB	981	35	43
Natural gas automobile mechanics and technicians; removal of certification requirement. (Patron—Simonds)	HB	932	1168	2413
Professional and Occupational Regulation, Department of; clarifies that a cemetery wholly owned and operated by a nonstock corporation not operated for profit is exempt from regulation, "church" includes a church that operates as a historic landmark. Patron—Ransone	HB	950	27	34
Patron—McDougle	SB	519	33	39
Real estate broker; upon death or disability of a broker who was only licensed broker in business entity, Real Estate Board shall grant approval to persons to carry on business. (Patron—Bulova)	HB	513	383	580
Real estate brokers; escrow funds. (Patron—Boysko)	SB	653	1014	1962

PROFESSIONS AND OCCUPATIONS

Art therapists and art therapy associates; definitions, Advisory Board on Art Therapy established, licensure. (Patron—McClellan)	SB	713	301	463
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	BILL OR RES. NO.	CHAP. NO.	PAGE NO.
PROFESSIONS AND OCCUPATIONS - Continued			
Athletic trainers; authorized to possess and administer naloxone or other opioid antagonist for overdose reversal. (Patron—Hodges)	HB	1261	927 1694
Athletic Training, Advisory Board on; membership. (Patron—Hodges)	HB	1260	926 1694
Birth control; definition. (Patron—Watts)	HB	552	420 625
Cannabidiol oil and THC-A oil; sample testing. (Patron—Hashmi)	SB	1045	944 1721
Cannabidiol oil and THC-A oil; telemedicine, certification for use of oil for treatment, dispensing to a patient who is a Virginia resident or temporarily resides in Virginia, etc. (Patron—O'Quinn)	HB	1460	730 1096
Cemeteries, special interments; allows the remains of cremated pets to be interred with human remains. (Patron—Dunnivant)	SB	1070	537 815
Certified registered nurse anesthetists; prescriptive authority, "periprocedural" means the period beginning prior to a procedure and ending at the time the patient is discharged. Patron—Adams, D.M.	HB	1059	100 155
Patron—Bell	SB	264	161 232
Chiropractic, practice of; clarifies definition. (Patron—Sickles)	HB	385	357 546
Claim for attorney fees; fees to be paid out of money or property under control of the court. (Patron—Bourne)	HB	1346	112 175
Collaborative practice agreements; adds nurse practitioners and physician assistants to the list of health care practitioners who shall not be required to participate with a pharmacist and his designated alternate. Patron—Bulova	HB	517	46 58
Patron—Edwards	SB	565	232 348
Comprehensive harm reduction programs; local health department or other organization operating a program shall report annually to Department, repeals the sunset on the authority of the Commissioner of Health to establish and operate local or regional programs, etc. (Patron—Plum)	HB	791	839 1363
Conversion therapy; prohibited by certain health care providers, no state funds shall be expended for conducting therapy with a person under 18 years of age, etc. Patron—Hope	HB	386	41 52
Patron—Surovell	SB	245	721 1069
Drug Control Act; adds certain chemicals to Schedule I of Act. Patron—Hodges	HB	1263	101 156
Patron—Newman	SB	538	229 338
Epinephrine; every public place may make available for administration, Department of Health, et al., shall develop policies and guidelines for recognition and treatment of anaphylaxis in public places. (Patron—Keam)	HB	1147	556 853
Epinephrine; possession and administration by a restaurant employee, person shall not be liable for any civil damages, etc. (Patron—Edwards)	SB	530	853 1384
Firearms shows; mandatory background check. (Patron—Edwards)	SB	543	828 1311
Fluoride varnish; possession and administration by authorized agent of a doctor of medicine, osteopathic medicine, or dentistry. Patron—Sickles	HB	299	39 47
Patron—Barker	SB	239	560 864
Funeral directors and embalmers; Board of Funeral Directors and Embalmers shall promulgate regulations that establish requirements of licensure. (Patron—McPike)	SB	1044	943 1721
Funeral service providers; caskets provided by third parties. (Patron—Hurst)	HB	641	97 154
Health care professionals, certain; every member of any committee, board, etc., that functions primarily to review, evaluate, or make recommendations on a professional program to address issues related to career fatigue and wellness, civil immunity, repeals code section referring to programs for impaired practitioners. Patron—Hope	HB	115	198 285
Patron—Barker	SB	120	1093 2091
Health professionals; unprofessional conduct, chief executive officer, etc., to report within five days of date when it is learned of the professional's involuntary admission. Patron—Collins	HB	471	45 56
Patron—Vogel	SB	540	230 345
Health regulatory boards; clarifies the meaning of "license" as used by the Boards of Funeral Directors and Embalmers and Physical Therapy and the conditions under			

BILL OR CHAP. PAGE
RES. NO. NO. NO.

PROFESSIONS AND OCCUPATIONS - Continued

which a license may be denied, suspended, or revoked by the Board of Veterinary Medicine. (Patron—Petersen)	SB	422	885	1552
Home hospice programs; specifics that hospice policies and procedures for the disposal of drugs must include provisions for the safe disposal of opioids. (Patron—Vogel)	SB	913	739	1150
Marijuana; possession of cannabidiol oil or THC-A oil, provisions shall not apply to persons who possess a valid written certification issued by a practitioner, etc. (Patron—Marsden)	SB	1015	764	1203
Massage therapists; qualifications, license. (Patron—Robinson)	HB	1121	727	1087
Music therapy; definition of music therapist, licensure, Advisory Board on Music Therapy established.				
Patron—Head	HB	1562	103	165
Patron—Vogel	SB	633	233	349
Naloxone or other opioid antagonist; injections with hypodermic needle or syringe, possession and administration, employee or person acting on behalf of a public place. (Patron—Suetterlein)	SB	836	302	465
Naloxone or other opioid antagonist; injections with hypodermic needle or syringe, possession and administration, employee or person acting on behalf of a public place may possess or administer. (Patron—Hayes)	HB	908	924	1686
Naloxone or other opioid antagonist; possession and administration for overdose reversal, person who administers in good faith shall not be liable for any civil damages, etc. (Patron—Edwards)	SB	566	1095	2095
Performance of laboratory analysis; cannabidiol oil, THC-A oil, tetrahydrocannabinol or industrial hemp. (Patron—Marsden)	SB	885	941	1716
Pharmaceutical processors; clarifies definition of "cannabidiol oil," permit to operate processor, testing shall be performed by a laboratory in Virginia. (Patron—O'Quinn)	HB	1670	928	1698
Pharmaceutical processors; operation of cannabis dispensing facilities, practitioner shall use his professional judgment to determine manner and frequency of patient care and evaluation and may employ the use of telemedicine, etc. (Patron—Marsden)	SB	976	1278	3143
Pharmacists; initiating of treatment with and dispensing and administering of controlled substances, counseling of patient, report. (Patron—Sickles)	HB	1506	731	1097
Pharmacy; practice, identity of any outsourcing facility that enters into a contract with Department shall not be confidential, regulation by Board of Pharmacy, report. (Patron—Bell)	SB	270	1166	2400
Pharmacy technicians and pharmacy technician trainees; definition, registration, duties and tasks that a pharmacy technician registered by Board of Pharmacy may perform.				
Patron—Hodges	HB	1304	102	163
Patron—Lewis	SB	830	237	351
Physician assistant; expands class of health care practitioners who can make the determination that a patient is incapable of making informed decisions to include a licensed physician assistant.				
Patron—Rasoul	HB	362	40	51
Patron—Edwards	SB	544	231	347
Prescription drugs; expedited partner therapy, labels, repeals sunset provision that allows certain practitioners to prescribe antibiotic therapy, etc. (Patron—Hope)	HB	1000	464	709
Prescription Monitoring Program; information disclosed to Emergency Department Care Coordination Program, redisclosure.				
Patron—Hurst	HB	648	1066	2033
Patron—Dunnivant	SB	575	1067	2035
Professional engineers; regulations, projects presenting material risk to public safety, effective date. (Patron—McPike)	SB	385	822	1304
Psychologists; licensure, permitted to practice in Psychology Interjurisdictional Compact. (Patron—Deeds)	SB	760	1162	2365
Revision of Title 55; technical amendments relating to the revision and recodification. (Patron—Leftwich)	HB	1340	592	911
Schedule VI controlled substances, excluding the combination of misoprostol and methotrexate, and hypodermic syringes and needles; limited-use license.				
Patron—Helmer	HB	1654	609	932
Patron—McClellan	SB	1074	610	933

BILL OR CHAP. PAGE
RES. NO. NO. NO.

PROFESSIONS AND OCCUPATIONS - Continued

Social workers; Board of Social Work shall pursue establishment of reciprocal agreements with jurisdictions that are contiguous with the Commonwealth for licensure. (Patron—Stanley)	SB	53	617	940
Surgical assistants; definition, licensure. (Patron—Hayes)	HB	1084	1222	2690
Survivors of sexual assault; definitions, every hospital to provide treatment or transfer services, Task Force on Services for Survivors of Sexual Assault created, report. (Patron—Delaney)	HB	808	725	1078
Teledentistry; definitions, establishes requirements for practice, digital scans for use in practice of dentistry, etc. Patron—Hope	HB	165	37	44
Patron—Barker	SB	122	220	320
Tetrahydrocannabinol concentration; definition. (Patron—Surovell)	SB	646	831	1344
Virginia Residential Property Disclosure Act; Real Estate Board's disclosure statement, disclosures shall be current as of date of delivery, etc. (Patron—Convirs-Fowler)	HB	838	749	1159
Virginia Residential Property Disclosure Act; required disclosures for buyer to beware, lead pipes. (Patron—Lopez)	HB	1161	520	782
Workers' compensation; presumption of compensability for certain diseases, adds cancers of the colon, brain, or testes to the list that are presumed to be an occupational disease when firefighters and certain employees develop the cancer, presumption shall not apply for any individual who was diagnosed with such a condition before July 1, 2020. Patron—Askew	HB	783	498	757
Patron—Saslaw	SB	9	499	758
PROPEL ACADEMY				
PROPEL Academy; commending. (Patron—Subramanyam)	HJR	461		4487
PROPERTY AND CONVEYANCES				
Common interest communities; electric vehicle charging stations permitted, any proprietary lessee installing a station in a unit or on a limited common element parking space, etc., shall indemnify and hold association harmless from all liability, etc. (Patron—Surovell)	SB	630	1012	1960
Common interest communities; termination of condominium, agreements, respective interests of unit owners. (Patron—Simon)	HB	1548	817	1299
Conservation and Recreation, Department of; authorized to divest itself of certain property that was conveyed to it by Norfolk Southern Railroad for the New River Trail State Park in Pulaski County. (Patron—Deeds)	SB	1094	458	692
Dams or impounding structures; Real Estate Board to include in the residential property disclosure statement provided on its website a disclosure relating to the condition or regulatory status. Patron—Convirs-Fowler	HB	1569	655	986
Patron—Locke	SB	343	656	987
Insurance agents; licensing and registration renewal. (Patron—Chafin)	SB	233	225	331
Landlord and tenant; landlord may permit a tenant damage insurance coverage in lieu of payment of a security deposit, damage insurance shall conform to certain criteria. (Patron—Keam)	HB	1333	998	1918
Landlord and tenant; no charge for late payment of rent shall exceed the lesser of 10 percent of periodic rent or 10 percent of remaining balance due and owed by the tenant. (Patron—Bourne)	HB	1420	1231	2831
Landlord and tenant; remedy for unlawful ouster, ex parte issuance of order to recover possession, full hearing shall be held within five days of issuance. (Patron—Askew)	HB	1401	30	36
Landlord and tenant; statement of tenant rights and responsibilities, statement shall provide the telephone number and website address for the statewide legal aid organization and direct tenants with questions. Patron—Ward	HB	393	985	1883
Patron—McClellan	SB	707	986	1886
Landlord and tenant; tenant's remedy by repair, clarifies definition of "actual costs," services of third-party licensed contractors or pesticide businesses procured on behalf of tenant by local government or nonprofit entity. (Patron—Stanley)	SB	905	1020	1971

PROPERTY AND CONVEYANCES - Continued

Manufactured Home Lot Rental Act ; manufactured home park, termination due to sale of park, including conversion to hotel, motel, or other commercial use, etc., a 180-day notice is required to terminate a rental agreement. (Patron—Torian)	HB	1249	751	1163
Manufactured home parks ; sale of park to developer, relocation expenses. (Patron—Krizek)	HB	334	391	591
Property Owners' Association Act ; notice of restrictions on display of political signs. (Patron—Reid)	HB	720	441	660
Property Owners' Association Act and Virginia Condominium Act ; definitions, contract disclosure statement, purchaser may cancel contract within three days, or up to seven days if extended by the ratified real estate contract.				
Patron—Simon	HB	176	121	184
Patron—Mason	SB	672	605	928
Real estate settlements ; kickbacks and other payments, remedies, penalties, relocates existing provision relating to kickbacks. (Patron—Simon)	HB	819	700	1034
Real property by state agencies ; conveyance and transfers, Department of Military Affairs may convey a leasehold interest in any portion of State Military Reservation property. (Patron—Reeves)	SB	948	834	1360
Restrictive covenants ; deeds of reformation, Certificate of Release of Certain Prohibited Covenants. (Patron—Bagby)	HB	788	748	1158
Revision of Title 55 ; technical amendments relating to the revision and recodification. (Patron—Leftwich)	HB	1340	592	911
Stormwater management facilities ; private residential lots, required disclosure. (Patron—Convirs-Fowler)	HB	859	313	481
Utility easements ; location of broadband and other communications facilities, definitions, expansion of broadband, damages awarded if court finds that a provider is liable for trespass, etc., the claimant shall be entitled to recover reasonable costs.				
Patron—Carroll Foy	HB	831	1132	2265
Patron—Lewis	SB	794	1131	2262
Virginia Fair Housing Law ; status as a victim of family abuse, evidence of eligibility to become a tenant, confidentiality of tenant records. (Patron—Rasoul)	HB	99	388	585
Virginia Real Estate Time-Share Act ; definitions, clarifies definition of "time-share estate," time-share programs, application for registration, etc. (Patron—Mason)	SB	584	1011	1951
Virginia Residential Landlord and Tenant Act ; return of security deposit.				
Patron—Bourne	HB	594	384	581
Patron—McPike	SB	388	823	1305
Virginia Residential Landlord and Tenant Act ; tenants receiving tenant-based rental assistance, certain notices of termination to contain legal aid contact information.				
Patron—Bulova	HB	519	183	268
Patron—Favola	SB	115	182	267
Virginia Residential Property Disclosure Act ; Real Estate Board's disclosure statement, disclosures shall be current as of date of delivery, etc. (Patron—Convirs-Fowler)	HB	838	749	1159
Virginia Residential Property Disclosure Act ; required disclosures for buyer to beware, lead pipes. (Patron—Lopez)	HB	1161	520	782
Virginia Residential Property Disclosure Act ; required disclosures for buyer to beware, lead pipes, defective drywall, repeals provision relating to certain required disclosures, etc. (Patron—Askew)	HB	1342	200	288
Virginia Residential Property Disclosure Act ; required disclosures for buyer to beware, marine clays. (Patron—Krizek)	HB	174	23	29
Virginia Residential Property Disclosure Act ; required disclosures for buyer to beware, radon gas. (Patron—Krizek)	HB	175	24	30
Virginia Residential Property Disclosure Act ; specifies residential building energy analysis as a method of due diligence that a prospective homeowner may choose to perform when purchasing a residential property.				
Patron—Bulova	HB	518	26	33
Patron—Surovell	SB	628	186	272

PROPERTY, GROUNDS, AND BUILDINGS, STATE-OWNED

State-owned structures ; Department of General Services to determine which structures are high-risk and necessity of having key boxes installed in strategic locations on outside of such structures, report. (Patron—DeSteph)	SB	1065	1180	2454
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	BILL OR CHAP.			PAGE
	RES. NO.	NO.		NO.
PROPERTY OWNERS				
Property Owners' Association Act ; notice of restrictions on display of political signs. (Patron—Reid)	HB	720	441	660
Property Owners' Association Act and Virginia Condominium Act ; definitions, contract disclosure statement, purchaser may cancel contract within three days, or up to seven days if extended by the ratified real estate contract.				
Patron—Simon	HB	176	121	184
Patron—Mason	SB	672	605	928
PROSTITUTION				
Prostitution ; touching the unclothed genitals or anus of another, penalty. (Patron—Delaney)	HB	1524	595	921
PROTECTIVE ORDERS				
District courts ; protective orders, civil cases appealed, notice of docketing. (Patron—Hashmi)	SB	408	905	1635
Protective order ; violation of provisions, venue. (Patron—Watts)	HB	1181	487	744
Protective orders ; issuance upon convictions for certain felonies, penalty. (Patron—Stuart)	SB	144	1005	1930
Protective orders ; motions to dissolve filed by petitioner, ex parte hearing shall be heard by the court as soon as practicable. (Patron—Simonds)	HB	880	137	207
Protective orders ; possession of firearms, surrender or transfer of firearms, law-enforcement agency that takes into custody a firearm surrendered shall prepare a written receipt, the willful failure of any person to certify in writing that all firearms possessed by person have been surrendered, etc., shall constitute contempt of court.				
Patron—Mullin	HB	1004	1221	2689
Patron—Howell	SB	479	1260	3007
PRS (PSYCHIATRIC REHABILITATION SERVICES)				
PRS (Psychiatric Rehabilitation Services) ; commemorating its 50th anniversary. (Patron—Keam)	HJR	262		4384
PSYCHOLOGISTS				
Psychologists ; licensure, permitted to practice in Psychology Interjurisdictional Compact. (Patron—Deeds)	SB	760	1162	2365
PUBLIC BUILDINGS, FACILITIES, AND PROPERTY				
Baby changing facilities ; Department of General Services to develop and implement in restrooms located in public buildings. (Patron—Guzman)	HB	587	49	62
Chesapeake, City of ; adds City to the list of localities that are authorized to issue bonds for the construction of public facilities and retain sales and use tax revenue generated within such facilities.				
Patron—Hayes	HB	906	329	511
Patron—Spruill	SB	163	62	79
Firearms, ammunition, or components or combination thereof ; a locality may adopt an ordinance that prohibits the possession, carrying, etc., in any building owned or used by such locality, in any public park owned or operated by the locality, etc., notice of ordinance shall be posted at all entrances, exceptions, various provisions limiting such authority are repealed.				
Patron—Price	HB	421	1205	2619
Patron—Surovell	SB	35	1247	2909
PUBLIC DEFENDERS				
Public defender offices ; establishes an office for Cities of Manassas and Manassas Park and County of Prince William.				
Patron—Carroll Foy	HB	366	348	533
Patron—Surovell	SB	72	376	574
PUBLIC SAFETY AND HOMELAND SECURITY, SECRETARY OF				
Exposure-prone incidents ; Secretaries of Health and Human Resources and Public Safety and Homeland Security shall establish a work group to improve response. (Patron—Bell)	HB	661	362	551
PUBLIC SCHOOLS				
Applied behavior analysis services ; Department of Education shall develop and publish guidance and resources relating to provision of services for students in public schools. (Patron—Roem)	HB	1722	774	1215

PUBLIC SCHOOLS - Continued

Firearms; adds public, private, or religious preschools and child day centers that are not operated at the residence of the provider to the list of schools where possessing a firearm on school property or on a school bus is prohibited, certain provisions shall apply only during operating hours, etc., clarifies definition of "child day center." (Patron—Lucas)	SB	71	1249	2939
Public elementary and secondary school students; use of topical sunscreen, etc. (Patron—Spruill)	SB	44	579	888
Public elementary and secondary schools; treatment of transgender students, policies, student participation in sex-specific school activities and events, etc., activities and events do not include athletics. Patron—Simon	HB	145	153	227
Patron—Boysko	SB	161	154	228
Public school accreditation; triennial review. (Patron—Adams, D.M.)	HB	1388	688	1027
Public school buildings; each school board shall maintain a water management program for the prevention of Legionnaires' disease at each public school building in the local school division. (Patron—Hashmi)	SB	410	776	1216
Public School Security Equipment Grant Act of 2013; eligible security equipment. (Patron—Hanger)	SB	594	778	1218
Public School Security Equipment Grant Act of 2013; eligible security equipment, vaping detectors. (Patron—Hanger)	SB	595	686	1025
Public school teachers; technical professional licenses, eligibility criteria. (Patron—Brewer)	HB	1613	684	1024
Public schools; alternative school discipline process, assault and battery without bodily injury. (Patron—Stanley)	SB	1020	876	1540
Public schools; Department of Criminal Justice Services, et al., shall annually collect, report, and publish on its website data related to incidents involving students and school resource officers. Patron—VanValkenburg	HB	271	1039	2002
Patron—Locke	SB	170	169	238
Public schools; Department of Education, et al., shall develop and distribute health and safety best practice guidelines for use of digital devices in schools. (Patron—Hope)	HB	817	677	1013
Public schools; enrollment of certain children placed in foster care, provisions shall apply to any student who was in foster care upon reaching 18 years of age, etc. Patron—Carroll Foy	HB	368	474	726
Patron—Barker	SB	275	475	726
Public schools; extension of provisional teacher licensure. (Patron—Kilgore)	HB	1630	640	970
Public schools; increases kindergarten instructional time. (Patron—Barker)	SB	238	582	892
Public schools; lock-down drills, notice to parents. (Patron—VanValkenburg)	HB	270	378	575
Public schools; mental health awareness training required. (Patron—Kory)	HB	74	471	724
Public schools; pre-kindergarten and kindergarten students shall be exempt from mandatory participation in lock-down drills during first 60 days of school session. (Patron—Keam)	HB	402	1040	2003
School buildings, public; local school board shall develop and implement a plan to test and, if necessary, a plan to remediate mold in buildings, notification to school staff and parents, effective date. (Patron—Ebbin)	SB	845	780	1220
Social-emotional learning; Department of Education shall develop guidance standards for all public school students, report. (Patron—Rasoul)	HB	753	339	524
Teachers, public school; grounds for dismissal. Patron—Guzman	HB	570	56	67
Patron—Favola	SB	167	168	238

PUBLIC SERVICE COMPANIES

Bulk energy storage resources; State Corporation Commission shall create a task force to evaluate and analyze to help integrate renewable energy into the electrical grid. (Patron—Lopez)	HB	1183	863	1522
Clean Energy and Community Flood Preparedness Act; definitions, all loans and grants shall be deemed to promote public purposes of enhancing flood prevention or protection and coastal resilience, Virginia Resources Authority is authorized at any time to pledge, etc., from the Fund any or all assets to be held in trust as security for				

BILL OR CHAP. PAGE
RES. NO. NO. NO.

PUBLIC SERVICE COMPANIES - Continued

payment of principal, etc., on any and all bonds, energy conversion or energy tolling agreements, report.				
Patron—Herring	HB	981	1219	2685
Patron—Lewis	SB	1027	1280	3148
Distributed solar and other renewable energy; sales of electricity under third-party agreements, multi-family shared solar programs, definitions, net energy metering proceedings, etc.				
Patron—Keam	HB	572	1188	2466
Patron—Lopez	HB	1184	1189	2472
Patron—Jones	HB	1647	1239	2857
Patron—McClellan	SB	710	1187	2460
Electric cooperatives; on-bill tariff programs, definitions. (Patron—Marsden)	SB	754	807	1272
Electric generation facilities; State Corporation Commission shall determine when electric utilities should retire facilities owned or operated by any Phase I or II Utility. (Patron—Subramanyam)	HB	528	662	994
Electric utilities; authorizes individual retail customers of electric energy to purchase electric energy provided 100 percent from renewable energy from any licensed competitive supplier, cooperative customers that are eligible to purchase from licensed suppliers shall be subject to additional conditions, provisions shall not become effective unless reenacted by the 2021 Regular Session. (Patron—Bourne) ..	HB	868	1107	2117
Electric utilities; broadband capacity, pilot program, providing broadband connectivity. (Patron—O’Quinn)	HB	1280	752	1164
Electric utilities; community solar development pilot program, facilities in low-income communities. (Patron—Keam)	HB	573	663	994
Electric utilities; definitions, development of offshore wind generation facilities, State Corporation Commission shall retain ongoing authority to review reasonableness and prudence of any increases in the total projected cost of facility during construction period.				
Patron—Hayes	HB	1664	1240	2863
Patron—Mason	SB	860	1273	3066
Patron—Lucas	SB	998	1279	3147
Electric utilities; energy efficiency programs, stakeholder process. (Patron—Keam) ..	HB	575	1208	2626
Electric utilities; fuel cost recovery. (Patron—Ware)	HB	167	661	993
Electric utilities; incentive programs for low-income customers. (Patron—O’Quinn) ..	HB	1656	801	1257
Electric utilities; notice before terminating service, enforcement by State Corporation Commission of procedural requirements. (Patron—Tran)	HB	1225	668	1004
Electric utility regulation; energy efficiency programs, large general service customers shall be exempt from requirements that they participate in programs, etc. (Patron—Kilgore)	HB	1576	799	1244
Electric utility regulation; underground electric transmission line pilot program, benefits of undergrounding lines.				
Patron—Keam	HB	576	164	234
Patron—Saslaw	SB	782	165	236
Electric utility regulation and retail competition; State Corporation Commission shall conduct a pilot program within the certified service territory of the Phase II Utility in which certain nonresidential customers are located, report. (Patron—Mullin)	HB	889	796	1242
Electric vehicle charging stations; operation by state agencies, repeals provisions relating to charging stations on property of existing parks, charging stations operated by higher educational institutions, etc. (Patron—Bulova)	HB	511	490	747
Electrical transmission lines; effect on scenic assets, historic resources, and environment. (Patron—Mullin)	HB	665	450	680
Electrical transmission lines; placement of overhead and underground lines, approval by State Corporation Commission. (Patron—Roem)	HB	1030	797	1242
Investor-owned electric utilities; rate of return on common equity, applications received by Commission on or after January 1, 2020. (Patron—McClellan)	SB	731	1108	2119
Nonpublic service companies, certain; conveyance of right-of-way usage.				
Patron—Hodges	HB	1271	1026	1975
Patron—Lewis	SB	792	1027	1975
Property taxes; generating equipment that is reported to Commission by electric suppliers utilizing wind turbines for which an initial interconnection request form has				

	BILL OR CHAP.	PAGE	
	RES. NO.	NO.	NO.
PUBLIC SERVICE COMPANIES - Continued			
been filed with an electric utility or a regional transmission organization on or before July 1, 2020, may be taxed by the locality. (Patron—Austin)	HB 1327	508	773
Public Safety Answering Point (PSAP) dispatchers; definitions, telecommunicator cardiopulmonary resuscitation, Emergency Medical Dispatch education program, by July 1, 2021, the Office of Emergency Medical Services shall adopt standards for training and equipment for provision of TCPR by dispatchers.			
Patron—Hope	HB 727	1068	2037
Patron—McClellan	SB 720	1069	2039
Public service companies; increases the maximum allowable rates of special regulatory taxes that can be imposed by the State Corporation Commission. (Patron—Sickles)	HB 129	697	1031
Public utilities; aggregate energy storage capacity in the Commonwealth. (Patron—Surovell)	SB 632	1190	2478
Public utilities; contracting with small, women-owned, or minority-owned businesses. (Patron—Carroll Foy)	HB 432	744	1154
Shared solar programs; definitions, electric utility regulation, net crediting functionality as part of any new customer information platform approved by Commission, etc.			
Patron—Jones	HB 1634	1238	2855
Patron—Surovell	SB 629	1264	3025
Solar and wind energy; projects on previously developed project sites, generation capacity. (Patron—Jones)	HB 1133	1225	2696
Underground pipelines and electrical transmission lines; effects on agricultural land, regulations shall require redistributed topsoil be placed on scarified land, etc. (Patron—Reid)	HB 723	666	1000
Utility easements; location of broadband and other communications facilities, definitions, expansion of broadband, damages awarded if court finds that a provider is liable for trespass, etc., the claimant shall be entitled to recover reasonable costs.			
Patron—Carroll Foy	HB 831	1132	2265
Patron—Lewis	SB 794	1131	2262
Virginia Clean Economy Act; electric utility regulation, definitions, energy efficiency programs and pilot programs, ending carbon dioxide emissions, renewable portfolio standards for electric utilities and suppliers, etc., reports, repeals provisions relating to pilot program for energy assistance and weatherization, etc.			
Patron—Sullivan	HB 1526	1193	2498
Patron—McClellan	SB 851	1194	2527
Virginia Geographic Information Network; transfer of responsibilities, repeals the Network. (Patron—Subramanyam)	HB 1003	423	629
Zoning; wireless communications infrastructure, locality may also disapprove an application if applicant has not given written notice to adjacent landowners at least 15 days before it applies to locate a new structure in the area. (Patron—VanValkenburg)	HB 554	344	530
PUBLICATIONS, STATE			
Administration of government; state publications to be made available in electronic format as read-only and text-searchable Portable Document Format (.pdf) files. (Patron—Reid)	HB 719	421	627
PULASKI COUNTY			
Conservation and Recreation, Department of; authorized to divest itself of certain property that was conveyed to it by Norfolk Southern Railroad for the New River Trail State Park in Pulaski County. (Patron—Deeds)	SB 1094	458	692
PULASKI YANKEES			
Pulaski Yankees; commending. (Patron—Rush)	HR 107		4572
PUPPY MILL AWARENESS MONTH			
Puppy Mill Awareness Month; designating as December in 2020 and each succeeding year thereafter. (Patron—Lewis)	SJR 68		4670
QUILLEN, TIMOTHY R.			
Quillen, Timothy R.; commending. (Patron—Campbell, R.R.)	HR 83		4560
QUILLEN, WILLIAM RHEA, JR.			
Quillen, William Rhea, Jr.; recording sorrow upon death. (Patron—Kilgore)	HJR 14		4288
RABIN, BARBARA WURTZEL			
Rabin, Barbara Wurtzel; recording sorrow upon death. (Patron—Samirah)	HJR 313		4413

BILL OR CHAP. PAGE
RES. NO. NO. NO.

RADFORD, CITY OF

Historical African American cemeteries; adds two cemeteries in Montgomery County and one cemetery in City of Radford to the list. (Patron—Hurst) HB 210 82 116

RADIOLOGIC TECHNOLOGY WEEK

Radiologic Technology Week; designating the week of November 8 in 2020 and each succeeding year thereafter. (Patron—Hope) HJR 50 4295

RAILROADS

Commonwealth Corridor passenger rail service; Department of Rail and Public Transportation to study feasibility of an east-west service connecting Hampton Roads, Richmond, and the New River Valley, report date. (Patron—McClellan) SJR 50 4664

Rail construction or design; exempts high-risk contracts from required review by Department of General Services. (Patron—Carr) HB 1099 431 649

Railroad companies; companies having information about coal dust blown from moving trains in the Commonwealth requested to continue to submit annual reports to the General Assembly. (Patron—Lindsey) HJR 25 4291

RAJ KHALSA GURDWARA

Raj Khalsa Gurdwara; commending.
Patron—Murphy HJR 330 4422
Patron—Subramanyam HJR 351 4433

RAJPUT INDIAN CUISINE

Rajput Indian Cuisine; commemorating its 20th anniversary. (Patron—Heretick) HR 12 4516

RAMIREZ, WILSON

Ramirez, Wilson; commending. (Patron—Hope) HJR 347 4431

RAMOS, KAREN

Ramos, Karen; commending. (Patron—Boysko) SJR 259 4775

RATHGEBER, COLLEEN

Rathgeber, Colleen; commending. (Patron—Bell) SJR 246 4768

REAL ESTATE AND REAL ESTATE TAX

Real estate tax; exemption for property in redevelopment or conservation areas or rehabilitation districts.
Patron—Carr HB 537 246 369
Patron—McClellan SB 727 66 85

Real estate with delinquent taxes or liens; sales by nonprofit organizations. (Patron—Carr) HB 535 244 367

Town taxes; authorizes the board of supervisors of any county that has adopted the urban county executive form of government to enter into agreements with towns for collection and enforcement of real or personal property taxes.
Patron—Samirah HB 1534 504 770
Patron—Boysko SB 649 505 771

REAL PROPERTY

Delinquent real property taxes; transfers from local clerk of court to local treasurer the duties of maintaining records of taxes and sales of such property and of correcting records relating to such property. (Patron—Heretick) HB 1581 644 974

Delinquent tax lands; threshold for nonjudicial sale. (Patron—Heretick) HB 1582 257 388

Land and improvements, classification of; authorizes City of Richmond to impose a tax rate on improvements to real property that is different than the City's tax rate on the land. (Patron—McClellan) SB 725 790 1238

Real property by state agencies; conveyance and transfers, Department of Military Affairs may convey a leasehold interest in any portion of State Military Reservation property. (Patron—Reeves) SB 948 834 1360

Real property taxes; definitions, blighted and derelict properties in certain localities. (Patron—Aird) HB 755 1213 2629

Solar energy and recycling equipment; classification for purposes of real property tax exemption. (Patron—Vogel) SB 1039 633 957

REAVEY, JEAN TSUKIMI MITORI

Reavey, Jean Tsukimi Mitori; recording sorrow upon death. (Patron—Keam) HJR 341 4428

RECKLESS DRIVING

Reckless driving; raises threshold for speeding, fines for violation of exceeding speed limit.

Patron—Sickles	HB	885	444	667
Patron—Suetterlein	SB	63	445	667

RECORDATION TAX

Recordation tax; deeds of trust and mortgages, maximum tax. (Patron—Sullivan)

HB	1615	334	519
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RECORDS RETENTION

Central registry; extends from one year to three years the period of time for which Department of Social Services must retain records of unfounded investigations of child abuse or neglect before purging. (Patron—Gooditis)

HB	287	38	46
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RECYCLED PRODUCTS

Virginia Public Procurement Act; purchase programs for recycled goods, climate positive materials, "climate positive" means having a negative carbon footprint. (Patron—Wyatt)

HB	454	359	550
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Waste Diversion and Recycling Task Force; Department of Environmental Quality to establish a Task Force to meet to discuss ways to increase waste diversion and recycling. (Patron—Hanger)

SJR	42		4638
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REDISTRICTING

Constitutional amendment; Virginia Redistricting Commission, apportionment, responsibility of drawing districts (submitting to qualified voters). (Patron—Barker)

SB	236	1071	2042
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Constitutional amendment; Virginia Redistricting Commission, apportionment (submitting to qualified voters). (Patron—VanValkenburg)

HB	784	1070	2040
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Constitutional amendment; Virginia Redistricting Commission established, apportionment (second reference), Chapters 821 and 824, 2019 Acts (first reference). (Patron—Barker)

SJR	18	1196	2557
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REDMAN, DOUGLAS PARIS

Redman, Douglas Paris; recording sorrow upon death. (Patron—Brewer)

HR	91		4564
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REESE, JULIUS, JR.

Reese, Julius, Jr.; recording sorrow upon death. (Patron—Edmunds)

HR	119		4578
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REGISTRARS

Elections; same-day registration at office of general registrar in locality or at polling place in which person resides, effective date. (Patron—Ayala)

HB	201	1153	2351
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Elections, State Board of; activities related to the supervision of local electoral boards and general registrars. (Patron—Carr)

HB	539	291	452
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Employment discrimination; prohibited against electoral board members and assistant general registrars for election day service, penalty, repeals provision relating to prohibiting such employment discrimination only against officers of election. (Patron—Gooditis)

HB	196	838	1362
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General registrars; certification requirement, removal from office. (Patron—Aird)

HB	1362	1148	2330
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Pollbooks; general registrars to produce and distribute printed copies to each precinct for any primary and general election. (Patron—Carter)

HB	1421	297	459
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REID, WILLIAM FERGUSON

Reid, William Ferguson; commending. (Patron—Guzman)

HJR	334		4424
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REINHART, JOHN F.

Reinhart, John F.; commending. (Patron—DeSteph)

SJR	91		4682
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RELIGIOUS AND CHARITABLE MATTERS; CEMETERIES

Cemeteries; acquisition of abandoned lots in cities and towns in the Counties of Scott and Wythe. (Patron—Edwards)

SB	445	669	1005
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Dead animals; makes it a Class 1 misdemeanor for any person who maliciously places within any church or on church property. (Patron—Miyares)

HB	1096	485	743
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Historical African American cemeteries; adds Mt. Zion Old School Baptist Church Cemetery in Loudoun County to the list. (Patron—Gooditis)

HB	314	83	117
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Historical African American cemeteries; adds two cemeteries in Montgomery County and one cemetery in City of Radford to the list. (Patron—Hurst)

HB	210	82	116
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Historical African American Cemeteries and Graves Fund; created, maintaining qualifying cemeteries and graves, disbursement of funds.

Patron—McQuinn	HB	1523	455	686
Patron—Locke	SB	881	456	689

BILL OR CHAP. PAGE
RES. NO. NO. NO.

RELIGIOUS AND CHARITABLE MATTERS; CEMETERIES - Continued

Professional and Occupational Regulation, Department of; clarifies that a cemetery wholly owned and operated by a nonstock corporation not operated for profit is exempt from regulation, "church" includes a church that operates as a historic landmark.

Patron—Ransone	HB	950	27	34
Patron—McDougle	SB	519	33	39

REPASS, THOMAS FRANKLIN

Repass, Thomas Franklin; recording sorrow upon death. (Patron—O'Quinn) HJR 170 4335

RETAIL SALES AND USE TAX

Retail Sales and Use Tax; establishes an exemption for a gun safe with a selling price of \$1,500 or less.

Patron—Filler-Corn	HB	888	507	772
Patron—Bell	SB	268	191	276

RETIREMENT SYSTEMS

Virginia College Savings Plan; analyzing current state and federal programs that encourage citizens to save for retirement by participating in retirement savings plans, report. (Patron—Ayala)

HB	775	506	771
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Virginia Retirement System; accidental death and dismemberment benefits, definitions.

Patron—Carr	HB	536	245	368
Patron—Ruff	SB	109	374	569

Virginia Retirement System; retired law-enforcement officers employed as school security officers.

Patron—Torian	HB	1495	968	1863
Patron—Cosgrove	SB	54	969	1865

RICE, GARY

Rice, Gary; commending. (Patron—Deeds) SJR 144 4713

RICHARD BLAND COLLEGE

Richard Bland College; commemorating its 60th anniversary. (Patron—Brewer) HR 160 4599

RICHARDSON, STEVEN

Richardson, Steven; commending. (Patron—Tran) HJR 486 4500

RICHMOND ACADEMY OF MEDICINE

Richmond Academy of Medicine; commending.

Patron—Carr	HJR	167	4334
Patron—Dunnavant	SJR	93	4683

RICHMOND, CITY OF

Commonwealth Corridor passenger rail service; Department of Rail and Public Transportation to study feasibility of an east-west service connecting Hampton Roads, Richmond, and the New River Valley, report date. (Patron—McClellan)

SJR	50	4664
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Land and improvements, classification of; authorizes City of Richmond to impose a tax rate on improvements to real property that is different than the City's tax rate on the land. (Patron—McClellan)

SB	725	790	1238
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Richmond, City of; amending charter, residency of council members.

Patron—Adams, D.M.	HB	1064	141	215
Patron—Hashmi	SB	528	827	1310

Threats and harassment of certain officials and property; certain crimes may be prosecuted in the City of Richmond if venue cannot otherwise be established and the victim is the Governor, Lieutenant Governor, Attorney General, etc., and such official or employee was subjected to act while engaged in performance of his public duties. (Patron—Bourne)

HB	1627	1002	1926
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Virginia War Memorial Carillon; places full custody, control, etc., in Division of Engineering and Buildings, repeals code that gives City of Richmond responsibility of upkeep. (Patron—Hashmi)

SB	403	734	1114
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RICHMOND COUNTY

Richmond County School Board; commending. (Patron—McDougle) SJR 142 4712

RICHMOND METROPOLITAN AREA

Richmond Metropolitan Transportation Authority; change in membership.

Patron—Carr	HB	538	371	568
Patron—McClellan	SB	726	281	436

RICHMOND POLICE DEPARTMENT

Capitol Police, Division of, Virginia Department of State Police, Richmond Police Department, Virginia Department of General Services, and the many other support units of the Unified Command; for performance above and beyond the call of duty at the Second Amendment rally January 20, 2020. (Patron—Saslaw) SJR 202 4746

Richmond Police Department; commending for performance above and beyond the normal call of duty on January 20, 2020.

Patron—Filler-Corn HJR 232 4367

Patron—McClellan SJR 140 4711

RICHMOND PREP

Richmond Prep; commemorating its 35th anniversary. (Patron—Carr) HJR 367 4441

RICHMOND 34

Richmond 34; commemorating on occasion of the 60th anniversary for their courageous participation in the historic Thalhimers' lunch counter sit-in. (Patron—McQuinn) HJR 457 4485

RIVER OAKS ELEMENTARY SCHOOL

River Oaks Elementary School; commemorating its 30th anniversary.

Patron—Surovell SJR 153 4718

RIVERHEADS HIGH SCHOOL

Riverheads High School football team; commending.

Patron—Campbell, R.R. HR 86 4562

Patron—Hanger SJR 126 4703

ROADS

Removal of dangerous roadside vegetation; any locality may, by ordinance, provide that the owner of any property adjacent to the right-of-way of any street, etc., or any public right-of-way to remove any and all trees, etc., that might dangerously obstruct the line of sight of a driver, etc.

Patron—Cole, J.G. HB 284 962 1823

Patron—Stuart SB 225 963 1823

ROANOKE HIGHER EDUCATION CENTER

Roanoke Higher Education Center; commemorating its 20th anniversary. (Patron—Edwards) SJR 231 4760

ROANOKE VALLEY

Virginia's Mental Health Region; designating as Roanoke and New River Valleys. (Patron—Rasoul) HJR 88 4303

ROANOKE VALLEY-ALLEGHANY REGIONAL COMMISSION

Roanoke Valley-Alleghany Regional Commission; commemorating its 50th anniversary. (Patron—Rasoul) HJR 283 4395

ROBERTS, B.J.

Roberts, B.J.; commending. (Patron—Locke) SJR 164 4725

ROBERTSON, JAMES I., JR.

Robertson, James I., Jr.; recording sorrow upon death. (Patron—Edwards) SJR 159 4722

ROBINSON, MAUD FERRIS

Robinson, Maud Ferris; recording sorrow upon death. (Patron—Keam) HJR 338 4426

ROBINSON, RODNEY A.

Robinson, Rodney A.; commending. (Patron—Tyler) HR 35 4536

RODENBURG, GEORGE BARTHOLOMEW

Rodenburg, George Bartholomew; recording sorrow upon death. (Patron—Robinson) HR 70 4553

RODGERS, JENNIFER

Rodgers, Jennifer; commending. (Patron—Subramanyam) HJR 499 4506

ROMAN CATHOLIC DIOCESE OF RICHMOND

Roman Catholic Diocese of Richmond; commemorating its 200th anniversary. (Patron—Cosgrove) SJR 216 4753

ROMAN EAGLE MASONIC LODGE NO. 122

Roman Eagle Masonic Lodge No. 122; commemorating its 200th anniversary. (Patron—Marshall) HJR 383 4450

ROSSER, DOIS IRVIN, JR.

Rosser, Dois Irvin, Jr.; recording sorrow upon death. (Patron—Batten) HJR 247 4376

	BILL OR CHAP.		PAGE
	RES. NO.	NO.	NO.
ROTARY CLUB OF DANVILLE			
Rotary Club of Danville; commemorating its 100th anniversary. (Patron—Marshall)	HJR	483	4498
ROTARY CLUB OF LEESBURG			
Rotary Club of Leesburg; commending. (Patron—Subramanyam)	HJR	487	4500
ROUTE 15			
Speeding fines; operation of any motor vehicle in excess of maximum speed limit established on U.S. Route 15 and U.S. Route 17 in Fauquier County, appropriately placed signs displaying speed limit, penalty. (Patron—Vogel)	SB	556 892	1582
ROUTE 17			
Speeding fines; operation of any motor vehicle in excess of maximum speed limit established on U.S. Route 15 and U.S. Route 17 in Fauquier County, appropriately placed signs displaying speed limit, penalty. (Patron—Vogel)	SB	556 892	1582
U.S. Route 17; Commissioner of Highways to place at least six permanent electronic speed indicator signs near particular intersections in Fauquier County, Department of Transportation shall pay for signs, etc.			
Patron—Webert	HB	941 1024	1974
Patron—Vogel	SB	557 1025	1974
ROUTE 29			
Roy P. Byrd, Jr., Memorial Bridge; designating as U.S. Route 29 Business bridge over U.S. Route 29 in Pittsylvania County. (Patron—Adams, L.R.)	HB	1032 976	1870
ROUTE 360			
Staunton River; designating the 11.5-mile segment between the U.S. Route 360 bridge and the Staunton River State Park boat landing as a component of the Virginia Scenic Rivers System. (Patron—Edmunds)	HB	1601 320	492
ROY P. BYRD, JR., MEMORIAL BRIDGE			
Roy P. Byrd, Jr., Memorial Bridge; designating as U.S. Route 29 Business bridge over U.S. Route 29 in Pittsylvania County. (Patron—Adams, L.R.)	HB	1032 976	1870
RUBIN, GERALD R.			
Rubin, Gerald R.; commending. (Patron—Reid)	HJR	253	4379
RUBIN, STEVEN H.			
Rubin, Steven H.; recording sorrow upon death. (Patron—Deeds)	SJR	101	4687
RUSSELL COUNTY			
Clinch River; designating approximately 66.8-mile segment in Tazewell and Russell Counties as part of the Clinch State Scenic River.			
Patron—Morefield	HB	5 306	475
Patron—Chafin	SB	478 629	954
Coal combustion residuals impoundment; definitions, closures in Giles and Russell Counties, costs associated with closure by removal of a unit shall be recoverable through a rate adjustment clause. (Patron—Carroll Foy)	HB	443 563	874
Solid waste; allows Russell County to levy fees by ordinance, and after a public hearing, for the disposal at a county collection or disposal facility.			
Patron—Wampler	HB	1186 1117	2251
Patron—Chafin	SB	329 1118	2251
RUSTBURG DIXIE YOUTH AAA ALL-STARS BASEBALL TEAM			
Rustburg Dixie Youth AAA All-Stars baseball team; commending. (Patron—Fariss)	HR	79	4558
RUSTBURG DIXIE YOUTH BASEBALL O-ZONE ALL-STAR TEAM			
Rustburg Dixie Youth Baseball O-Zone All-Star team; commending. (Patron—Fariss)	HR	85	4561
RYAN BARTEL FOUNDATION			
Ryan Bartel Foundation; commending. (Patron—Subramanyam)	HJR	244	4374
RYAN, ELIZABETH LEONARD			
Ryan, Elizabeth Leonard; recording sorrow upon death. (Patron—Batten)	HJR	227	4365
SACRED HEART CENTER			
Sacred Heart Center; commemorating its 30th anniversary. (Patron—Carr)	HJR	354	4434
SAINT BENEDICT CATHOLIC SCHOOL			
Saint Benedict Catholic School; commemorating its 100th anniversary. (Patron—Dunnivant)	SJR	121	4700

SAINT MICHAEL THE ARCHANGEL HIGH SCHOOL

Saint Michael the Archangel High School football team; commending.
(Patron—Cole, M.L.) HJR 157 4328

SALES AND USE TAX

Advanced recycling; incentives in income tax, sales tax, and machinery and tools tax, provisions shall apply to taxable years beginning on and after January 1, 2020.
(Patron—Hanger) SB 590 789 1234

Charlotte County; additional sales and use tax imposed, appropriations to incorporated towns for educational purposes. (Patron—Edmunds) HB 1631 705 1042

Chesapeake, City of; adds City to the list of localities that are authorized to issue bonds for the construction of public facilities and retain sales and use tax revenue generated within such facilities.

Patron—Hayes HB 906 329 511

Patron—Spruill SB 163 62 79

Gloucester County; authorized to impose additional sales and use tax, appropriations to incorporated towns for educational purposes. (Patron—Norment) SB 224 865 1523

Henry, Northampton, Patrick, and Pittsylvania Counties and City of Danville; authorized to impose additional sales and use tax, appropriations to incorporated towns for educational purposes. (Patron—Marshall) HB 486 327 502

Mecklenburg County; authorized to impose additional sales and use tax, definition of "qualified locality" means Halifax County or Mecklenberg County, appropriations to incorporated towns for educational purposes.

Patron—Wright HB 200 427 636

Patron—Ruff SB 943 428 642

Northampton County; authorized to impose additional sales and use tax, appropriations to incorporated towns for educational purposes, definition of "qualifying locality." (Patron—Lewis) SB 1028 708 1049

Retail Sales and Use Tax; establishes an exemption for a gun safe with a selling price of \$1,500 or less.

Patron—Filler-Corn HB 888 507 772

Patron—Bell SB 268 191 276

SAUNDERS, MARK HARRIL

Saunders, Mark Harril; recording sorrow upon death. (Patron—Hudson) HJR 418 4466

SCENIC RIVERS

Clinch River; designating approximately 66.8-mile segment in Tazewell and Russell Counties as part of the Clinch State Scenic River.

Patron—Morefield HB 5 306 475

Patron—Chafin SB 478 629 954

Grays Creek; designates a six-mile portion in Surry County as a component of Virginia Scenic Rivers System.

Patron—Brewer HB 1612 322 493

Patron—Norment SB 1090 457 692

James River; adds a 20-mile portion located in Albemarle, Buckingham, and Fluvanna Counties as a component of the Virginia Scenic Rivers System. (Patron—Fariss) . . . HB 1598 319 492

Maury River; designating from its origination at the confluence of Calfpasture and Little Calfpasture Rivers a 19.25-mile segment as a component of the Virginia Scenic Rivers System.

Patron—Campbell, R.R. HB 282 403 609

Patron—Deeds SB 288 404 609

Pound River; designating a 17-mile segment in Wise and Dickenson Counties as a component of the Virginia Scenic Rivers System. (Patron—Wampler) HB 1145 316 488

Staunton River; designating the 11.5-mile segment between the U.S. Route 360 bridge and the Staunton River State Park boat landing as a component of the Virginia Scenic Rivers System. (Patron—Edmunds) HB 1601 320 492

SCHEWEL, ELLIOT

Schewel, Elliot; recording sorrow upon death. (Patron—Peake) SJR 99 4686

SCHICK, ADOLPH

Schick, Adolph; recording sorrow upon death. (Patron—Saslaw) SJR 54 4666

BILL OR CHAP. PAGE
RES. NO. NO. NO.

SCHOOL BOARDS

Chesterfield County School Board; recovery high school to be established. (Patron—Coyner) HB 928 1042 2004

Dress or grooming codes in schools; school boards may include in its code of student conduct, etc. (Patron—Carroll Foy) HB 837 678 1013

Employees of local governments; employees of county, city, or town or school board authorized to engage in collective bargaining, local ordinances, effective date.
 Patron—Guzman HB 582 1209 2627
 Patron—Saslaw SB 939 1276 3140

Family life education; each school board shall conduct a review of its curricula at least once every seven years, evaluate whether such curricula reflect contemporary community standards. (Patron—Keam) HB 1336 687 1026

Menstrual supplies; each school board shall make supplies available at all times and at no cost to students in appropriate locations in each elementary school, and in bathrooms of each middle school and high school in local school divisions.
 Patron—Keam HB 405 675 1012
 Patron—Boysko SB 232 676 1012

Mental health awareness training; each school board shall adopt and implement policies that require each teacher and relevant personnel, employed on a full-time basis, to complete a training or similar program at least once. (Patron—Deeds) SB 619 472 725

Northern Neck Technical Center; permits the school board of any school division from which students attend Center to set the school calendar so that the first day that students are required to attend school is earlier than Labor Day, etc. (Patron—McDougle) SB 515 695 1030

Public school buildings; each school board shall maintain a water management program for the prevention of Legionnaires' disease at each public school building in the local school division. (Patron—Hashmi) SB 410 776 1216

School boards; applicants for employment, criminal history, data on convictions for certain crimes. (Patron—Ward) HB 392 877 1540

School boards; authorizes City of Winchester to compensate members. (Patron—Vogel) SB 1040 1046 2008

School boards; availability of school meals to students, effective date. (Patron—Roem) HB 1426 683 1024

School boards; career and technical education, academic and career plans, contents. (Patron—O'Quinn) HB 1276 637 962

School boards; distribution of excess food. (Patron—Roem) HB 698 574 886

School boards; policies and procedures to ensure suspended students are able to access and complete graded work during and after suspension. (Patron—Delaney) HB 415 337 522

School boards; policies for possession and administration of epinephrine, accessibility during regular school hours. (Patron—Bell) HB 999 476 727

School boards; written school crisis, emergency management, and medical emergency response plans, etc. (Patron—Krizek) HB 501 338 523

School boards and local law-enforcement agencies; memorandums of understanding, publish on division website, frequency of review and public input.
 Patron—VanValkenburg HB 292 52 63
 Patron—Locke SB 221 171 240

School boards, local; board shall submit its testing plan and remediate certain potable water sources and report the results of any such test to the Department of Health, notification of results to parents.
 Patron—Askew HB 797 293 453
 Patron—McPike SB 392 884 1552

School boards, local; includes licensed behavior analysts and licensed assistant behavior analysts as support services positions in a local school division. (Patron—Tran) HB 1143 635 959

School buildings, public; local school board shall develop and implement a plan to test and, if necessary, a plan to remediate mold in buildings, notification to school staff and parents, effective date. (Patron—Ebbin) SB 845 780 1220

School bus drivers; Superintendent of Public Instruction, with the assistance of each school board or division superintendent, to survey each local school division to identify critical shortages by geographic area and local school division and to report any such shortage to each local school division and to the Virginia Retirement System. (Patron—Bell) HB 351 379 575

	BILL OR CHAP. RES. NO.	PAGE NO.	PAGE NO.
SCHOOL BOARDS - Continued			
School counselors; Department of Education shall collect data from school boards regarding their ability to fill positions, report. (Patron—Wilt)	HB 1653	641	973
School counselors; effective with 2021-2022 school year, local school boards shall employ one full-time equivalent school counselor position per 325 students in grades kindergarten through 12. (Patron—McQuinn)	HB 1508	953	1745
School counselors; effective with 2021-2022 school year, local school boards shall employ one full-time equivalent school counselor position per 325 students in grades kindergarten through 12, effective clause. (Patron—Locke)	SB 880	952	1742
School meal debt; school board may solicit and receive any donation or other funds for purpose of eliminating or offsetting any debt. (Patron—Roem)	HB 703	575	886
School meals; each local school board to adopt policies that prohibit school board employees from requiring a student who cannot pay for a meal at school, etc., to throw away or discard a meal after it has been served to him. (Patron—Roem)	HB 697	509	774
Students; Department of Education shall establish and distribute to each school board no later than December 31, 2020, guidelines for granting of an excused absence from school due to his mental or behavioral health. (Patron—Hope)	HB 308	869	1532
Teacher, other instructional personnel, and support staff shortages; each school board shall report to the Department of Education annually the number and type of vacancies in the school division, report. (Patron—Willett)	HB 376	674	1012
Tobacco and nicotine vapor products; school board required to provide parents educational information. (Patron—Kory)	HB 1073	679	1014
SCHOOL BUSES			
Firearms; adds public, private, or religious preschools and child day centers that are not operated at the residence of the provider to the list of schools where possessing a firearm on school property or on a school bus is prohibited, certain provisions shall apply only during operating hours, etc., clarifies definition of "child day center." (Patron—Lucas)	SB 71	1249	2939
School bus drivers; Superintendent of Public Instruction, et al., to survey each local school division to identify critical shortages by geographic area and local school division, persons hired as drivers receiving service retirement allowance. (Patron—Deeds)	SB 324	437	653
School buses; authorizes a private vendor operating a video monitoring system for a school division for the purpose of recording those illegally passing stopped school buses may impose and collect an administrative fee in addition to a civil penalty. (Patron—Krizek)	HB 1427	783	1223
SCHOOLER, W. MALONE			
Schooler, W. Malone; recording sorrow upon death. (Patron—Stuart)	SJR 232		4761
SCHRIER, CAMILLE THOMASINA			
Schrier, Camille Thomasina; commending. (Patron—Hodges)	HJR 228		4365
SCHROEDER, LOUIS CLIFFORD, SR.			
Schroeder, Louis Clifford, Sr.; recording sorrow upon death. (Patron—Knight)	HR 80		4559
SCHROEDER, RONALD			
Schroeder, Ronald; recording sorrow upon death. (Patron—Carr)	HJR 359		4437
SCIENCE AND TECHNOLOGY			
Nuclear energy; advancement of nuclear energy research and exploration of economic development opportunities. (Patron—Peake)	SJR 60		4667
SCOOT'S BBQ			
Scoot's BBQ; commending. (Patron—Hodges)	HJR 243		4373
SCOTT COUNTY			
Cemeteries; acquisition of abandoned lots in cities and towns in the Counties of Scott and Wythe. (Patron—Edwards)	SB 445	669	1005
SCOTT, EVA MAE FLEMING			
Scott, Eva Mae Fleming; recording sorrow upon death.			
Patron—Wright	HR 81		4559
Patron—Chase	SR 22		4807
SCOTT, RUSSELL LEE			
Scott, Russell Lee; recording sorrow upon death. (Patron—Fowler)	HJR 173		4336
SCOTT, SIDNEY BUFORD			
Scott, Sidney Buford; recording sorrow upon death. (Patron—Carr)	HJR 356		4435

	BILL OR CHAP. RES. NO.	PAGE NO.	PAGE NO.
SCOTT, WINSTON LAMONT			
Scott, Winston Lamont ; compensation for wrongful incarceration. (Patron—Sullivan)	HB 460	326	500
SCOTTSVILLE, TOWN OF			
Scottsville, Town of ; amending charter, staggered elections for town council and other town officers. (Patron—Bell)	HB 345	125	195
Scottsville, Town of ; amending charter, staggered elections for town council beginning in 2022, and other town officers, etc. (Patron—Deeds)	SB 281	1252	2958
SCREEN AT 23 CAMPAIGN			
Screen at 23 campaign ; commending. (Patron—Tran)	HJR 255		4380
SCRUGGS, JOY			
Scruggs, Joy ; commending. (Patron—O'Quinn)	HR 26		4531
SEARCH WARRANTS			
Firearms ; removal from persons posing substantial risk of injury to himself, etc., search warrant for any firearms if law-enforcement officer has reason to believe that person did not relinquish all firearms in his possession, emergency substantial risk order, penalties.			
Patron—Sullivan	HB 674	887	1562
Patron—Barker	SB 240	888	1570
SECRETARIAT			
Secretariat ; commemorating the life and legacy thereof, on the occasion of the 50th anniversary of his birth. (Patron—Fowler)	HJR 70		4299
SENATE OF VIRGINIA			
Corrections, Virginia Department of ; a joint committee of House Committee on Health, Welfare and Institutions, House Committee on Public Safety, Senate Committee on the Judiciary, and Senate Committee on Rehabilitation and Social Services to be established to study staffing levels, employment conditions, and compensation. (Patron—Tyler)	HJR 29		4291
Senate Committee on Rules ; confirms appointments to Virginia Commonwealth University Health System Authority Board of Directors. (Patron—Locke)	SJR 89		4681
SENATORIAL DISTRICTS			
County and city precincts ; required to be wholly contained within election districts, establishing precinct boundaries to be consistent with any congressional district, Senate district, House of Delegates district, etc., waiver for administration of split precinct. (Patron—Obenshain)	SB 740	1268	3041
SERBAY, RICH			
Serbay, Rich ; commending. (Patron—Cole, M.L.)	HJR 375		4445
SETHI, AATISH			
Sethi, Aatish and Gowda, Saahas ; commending. (Patron—Helmer)	HR 170		4604
SETTLE, DEVON			
Settle, Devon ; commending. (Patron—Vogel)	SR 38		4815
SEWAGE DISPOSAL AND SEWERAGE SYSTEMS			
Septic system inspectors ; requirements to perform a septic system inspection. (Patron—Hodges)	HB 1266	521	785
Water, sewerage, and drainage facilities ; standards for installation by developer, policies for reimbursement. (Patron—Cosgrove)	SB 360	820	1302
SEXUAL OFFENSES			
Aggravated sexual battery ; penalty. (Patron—DeSteph)	SB 42	1003	1927
Misdemeanor sexual offenses ; statute of limitations where the victim is a minor, if alleged offender of such offense was an adult and more than three years older than the victim at the time of the offense, in which instance such prosecution shall be commenced no later than five years after victim reaches majority.			
Patron—Tran	HB 298	1122	2255
Patron—McClellan	SB 724	277	428
Sex Offender and Crimes Against Minors Registry ; makes numerous changes to the provisions governing the Registry. (Patron—Howell)	SB 579	829	1311
Sex Offender and Crimes Against Minors Registry Act ; adds a third or subsequent conviction of unlawful dissemination or sale of images of another to the list of offenses requiring registration under Registry. (Patron—Watts)	HB 253	389	587

BILL OR CHAP. PAGE
RES. NO. NO. NO.

SEXUAL OFFENSES - Continued

Sex offenses ; clarifies registration and reregistration obligations imposed upon a person convicted of a foreign sex offense, registration with the Sex Offender and Crimes Against Minors Registry. (Patron—Surovell)	SB	492	826	1308
Sexual abuse ; statute of limitations, personal action for injury to person. (Patron—Bourne)	HB	870	1125	2257
Sexual assault nurse examiners ; place of practice. (Patron—Poindexter)	HB	1176	1088	2079
Survivors of sexual assault ; definitions, every hospital to provide treatment or transfer services, Task Force on Services for Survivors of Sexual Assault created, report. (Patron—Delaney)	HB	808	725	1078

SHERIFFS

Furloughs from local work release programs ; if extends limits of confinement of offender to a locality not served by regional jail, then notice of furlough shall be provided to sheriff of such locality. (Patron—Bell)	HB	369	4	11
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SHIVERS, GEORGIA M.

Shivers, Georgia M. ; recording sorrow upon death. (Patron—Lucas)	SR	2		4782
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SIDES, GREG

Sides, Greg ; commending. (Patron—Marshall)	HJR	403		4458
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SIEBERT, JEAN F.

Siebert, Jean F. ; recording sorrow upon death. Patron—Knight	HR	1		4512
Patron—DeSteph	SJR	136		4709

SIGNAL HILL ELEMENTARY SCHOOL

Signal Hill Elementary School ; commemorating its 20th anniversary. (Patron—McPike)	SJR	213		4751
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SIGNS

Property Owners' Association Act ; notice of restrictions on display of political signs. (Patron—Reid)	HB	720	441	660
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SIMPSON, LEONARD H., III

Simpson, Leonard H., III ; recording sorrow upon death. (Patron—Dunnivant)	SR	78		4832
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SINGLETON, CHARLES CALVIN

Singleton, Charles Calvin ; recording sorrow upon death. (Patron—Ruff)	SJR	215		4752
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SKEETER, LORRAINE BRINKLEY

Skeeter, Lorraine Brinkley ; recording sorrow upon death. (Patron—Lucas)	SR	8		4800
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SKULE, JUSTIN

Skule, Justin ; commending. (Patron—Helmer)	HR	167		4603
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SMALL BUSINESSES

One-stop small business ; permitting program, guidance regarding responsibilities for maintaining a business, effective date. (Patron—Tran)	HB	1221	750	1161
Public utilities ; contracting with small, women-owned, or minority-owned businesses. (Patron—Carroll Foy)	HB	432	744	1154
Small Business and Supplier Diversity, Department of ; small business grant funds, repeals Small Business Jobs Grant Fund Program, grant program for small businesses affected by novel coronavirus (COVID-19) pandemic public health crisis, etc. (Patron—Jenkins)	HB	1505	1234	2841

SMITH, DIANNE H.

Smith, Dianne H. ; commending. (Patron—Robinson)	HJR	273		4390
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SMITH, JAMES

Smith, James ; commemorating his 100th birthday. (Patron—Petersen)	SJR	114		4697
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SMITH, JEFFERY O.

Smith, Jeffery O. ; commending. (Patron—Mugler)	HR	164		4601
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SMITH, LESLIE DEVAN, JR

Smith, Leslie Devan, Jr. ; commemorating the 50th anniversary of his graduation from the Washington and Lee University School of Law. (Patron—Campbell, R.R.)	HJR	245		4375
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SMITH, MAYA LAFONN

Smith, Maya LaFonn ; recording sorrow upon death. (Patron—McQuinn)	HJR	149		4324
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BILL OR CHAP. PAGE
RES. NO. NO. NO.

SMITH, ROLAND CARROLL, SR.

Smith, Roland Carroll, Sr.; recording sorrow upon death.

Patron—Leftwich	HJR	122		4315
Patron—Cosgrove	SR	4		4783

SMITH, SYDNEY STROTHER, III

Smith, Sydney Strother, III; recording sorrow upon death.

Patron—O’Quinn	HJR	158		4329
Patron—Pillion	SR	61		4825

SMITHFIELD VOLUNTEER FIRE DEPARTMENT

Smithfield Volunteer Fire Department; commending. (Patron—Brewer)

HR	44			4540
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SMOKING

Hemp; products intended for smoking. (Patron—Marshall)

HB	962	406	609	
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Smoking; illegal in motor vehicle when a minor under the age of 15 is present.

(Patron—Guzman)	HB	578	972	1867
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SOCIAL SERVICES, BOARD OF OR DEPARTMENT OF

Assisted living facilities; Department of Social Services shall convene a work group to make recommendations to Board regarding regulations for audio-visual recording of residents, report. (Patron—Cosgrove)

SB	355	848	1374	
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Central registry; extends from one year to three years the period of time for which Department of Social Services must retain records of unfounded investigations of child abuse or neglect before purging. (Patron—Gooditis)

HB	287	38	46	
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Early childhood mental health consultation; Departments of Education, Behavioral Health and Developmental Services, and Social Services to jointly study the feasibility of developing, and make available to all early care and education programs serving children from birth to five years of age. (Patron—Sickles)

HJR	51			4295
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Food stamps; Department of Social Services directed to participate in the Restaurant Meals Program (RMP) of the Supplemental Nutrition Assistance Program (SNAP). (Patron—Roem)

HB	1410	843	1367	
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Fostering Futures program; established, voluntary continuing services and support agreement, Department of Social Services shall analyze feasibility of and opportunities for allowing local departments of social services to use video conferencing for monthly visits with participants in the program.

Patron—Keam	HB	400	95	139
Patron—Favola	SB	156	732	1100

New Americans, Office of; created within Department of Social Services, Advisory Board established, report.

Patron—Tran	HB	1209	1078	2048
Patron—Hashmi	SB	991	1079	2050

Taxation, Department of; sharing information with the Department of Social Services. (Patron—Roem)

HB	341	325	497	
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SOLAR ENERGY

Comprehensive plan; solar facility shall be deemed in accord with plan if the locality waives requirement that facilities be reviewed for substantial accord with plan. (Patron—Heretick)

HB	657	665	999	
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Distributed solar and other renewable energy; sales of electricity under third-party agreements, multi-family shared solar programs, definitions, net energy metering proceedings, etc.

Patron—Keam	HB	572	1188	2466
Patron—Lopez	HB	1184	1189	2472
Patron—Jones	HB	1647	1239	2857
Patron—McClellan	SB	710	1187	2460

Electric utilities; community solar development pilot program, facilities in low-income communities. (Patron—Keam)

HB	573	663	994	
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Higher educational institutions, public; permits each institution to enter into a public-private partnership with any private entity whereby such entity is permitted to use at no cost property owned or controlled by such institution for the generation of wind or solar power in exchange for offering educational immersion programs. (Patron—Bell)

SB	271	775	1216	
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SOLAR ENERGY - Continued

Local tax; amount of exemption for solar energy equipment, clarifies the meaning of "application has been filed with the locality," localities that assess a revenue share.				
Patron—Jones	HB	1434	1028	1976
Patron—Barker	SB	763	1029	1977
Shared solar programs; definitions, electric utility regulation, net crediting functionality as part of any new customer information platform approved by Commission, etc.				
Patron—Jones	HB	1634	1238	2855
Patron—Surovell	SB	629	1264	3025
Solar and wind energy; projects on previously developed project sites, generation capacity. (Patron—Jones)	HB	1133	1225	2696
Solar energy and recycling equipment; classification for purposes of real property tax exemption. (Patron—Vogel)	SB	1039	633	957
Solar energy facilities; definitions, siting agreement with host locality, powers of host localities, land use approval. (Patron—Hodges)	HB	1675	802	1268
Solar energy projects; authorizes a locality to include in its zoning ordinance provisions to incorporate generally accepted national environmental protection and product safety standards for the use of solar panels and battery technologies.				
Patron—Heretick	HB	656	312	478
Patron—Marsden	SB	875	402	606
Solar energy projects; revenue share assessment, exemption for certain solar photovoltaic projects shall not apply to any such project unless an application has been filed with locality for project before July 1, 2020, etc.				
Patron—Jones	HB	1131	1224	2695
Patron—Barker	SB	762	1270	3049
Solar photovoltaic projects; any locality may grant a special exception and include in its zoning ordinance reasonable regulations and provisions, etc.				
Patron—Heretick	HB	655	385	582
Patron—Marsden	SB	870	414	621
Virginia Energy Plan; covenants regarding solar power, reasonable restrictions, community association may establish reasonable restrictions as to number of placement or installation of any solar energy collection device, etc.				
Patron—Delaney	HB	414	795	1242
Patron—Petersen	SB	504	272	423
SOLID WASTE DISPOSAL				
Solid waste; allows Russell County to levy fees by ordinance, and after a public hearing, for the disposal at a county collection or disposal facility.				
Patron—Wampler	HB	1186	1117	2251
Patron—Chafin	SB	329	1118	2251
SOUTH COUNTY HIGH SCHOOL				
South County High School; commending. (Patron—Tran)	HJR	256		4381
South County High School football team; commending. (Patron—Barker)	SR	20		4806
South County High School softball team; commending. (Patron—Tran)	HJR	252		4379
SOUTH LAKES HIGH SCHOOL				
South Lakes High School boys' soccer team; commending. (Patron—Plum)	HJR	276		4391
SOUTH NORFOLK RURITAN CLUB				
South Norfolk Ruritan Club; commemorating its 40th anniversary. (Patron—Cosgrove)	SJR	237		4764
SOWELL, THOMAS				
Sowell, Thomas; commending. (Patron—Freitas)	HR	37		4537
SPEAKER OF THE VIRGINIA HOUSE OF DELEGATES				
Cox, M. Kirkland; authorizing portrait to be painted of former Speaker of the House of Delegates, appropriation. (Patron—Herring)	HR	22		4529
SPECIAL OLYMPICS VIRGINIA-LOUDOUN COUNTY				
Special Olympics Virginia-Loudoun County; commending. (Patron—Subramanyam)	HJR	472		4492
SPECTER-DUNAWAY, LISA				
Specter-Dunaway, Lisa; commending. (Patron—Dunnivant)	SR	23		4807

SPEED LIMITS

Photo speed monitoring devices; information released shall be limited to name and address of owner of vehicle having committed a violation, authorizes state or local law-enforcement agency to operate devices in school crossing zones and highway work zones for purpose of recording images of vehicles that are traveling at speeds of at least 10 miles per hour above the posted speed limit, civil penalty shall not exceed \$100. (Patron—Jones) HB 1442 1232 2832

Reckless driving; raises threshold for speeding, fines for violation of exceeding speed limit.
Patron—Sickles HB 885 444 667
Patron—Suetterlein SB 63 445 667

Speeding fines; operation of any motor vehicle in excess of maximum speed limit established on U.S. Route 15 and U.S. Route 17 in Fauquier County, appropriately placed signs displaying speed limit, penalty. (Patron—Vogel) SB 556 892 1582

SPENGLER, OSWALD

Spengler, Oswald; commemorating his life and legacy. (Patron—Ware) HR 77 4557

SPORTING EXHIBITIONS, EVENTS, AND FACILITIES

NASCAR and motor vehicle racing heritage trail; creation, etc., for promotion of tourism and economic development in Virginia. (Patron—Stanley) SB 773 1184 2456

Virginia Beach Sports or Entertainment Project; extends expiration date of tax incentive, definitions, modify financing structure. (Patron—Knight) HB 120 467 716

SPOTSYLVANIA COUNTY

CPL Ryan C. McGhee Memorial Bridge; designating as the bridge on Guinea Station Road over Interstate 95 in Spotsylvania County. (Patron—Reeves) SB 1005 647 978

SPOUSAL SUPPORT

Pendente lite spousal support; guidelines. (Patron—Collins) HB 1500 651 981

Spousal support; modification of support. (Patron—Collins) HB 1501 585 896

Spousal support; reservation of right to seek, material change of circumstances. (Patron—Surovell) SB 432 196 283

SRINIVASAN, JAI RAM

Srinivasan, Jai Ram; commending. (Patron—Bell) SJR 243 4767

STANDARDS OF QUALITY

Standards of Quality; state funding, ratios of teachers to English language learners.
Patron—Guzman HB 975 1034 1992
Patron—Hashmi SB 910 1035 1995

STANDING FOR TOMORROW

Standing for Tomorrow; commending. (Patron—Ebbin) SJR 224 4757

STATE AGENCIES

Electric vehicle charging stations; operation by state agencies, repeals provisions relating to charging stations on property of existing parks, charging stations operated by higher educational institutions, etc. (Patron—Bulova) HB 511 490 747

Energy manager; head of each state agency shall designate an existing employee as manager, responsible for implementing energy efficiency in state buildings. (Patron—Surovell) SB 963 961 1822

Public employment; limitations on inquiries by state agencies and localities regarding criminal arrests, charges, or convictions on employment applications, exceptions. (Patron—Aird) HB 757 422 628

Real property by state agencies; conveyance and transfers, Department of Military Affairs may convey a leasehold interest in any portion of State Military Reservation property. (Patron—Reeves) SB 948 834 1360

STATE CORPORATION COMMISSION

Bulk energy storage resources; State Corporation Commission shall create a task force to evaluate and analyze to help integrate renewable energy into the electrical grid. (Patron—Lopez) HB 1183 863 1522

Debt settlement services providers; definitions, licensure and regulation by State Corporation Commission, report. (Patron—Willett) HB 1553 785 1225

Electric generation facilities; State Corporation Commission shall determine when electric utilities should retire facilities owned or operated by any Phase I or II Utility. (Patron—Subramanyam) HB 528 662 994

STATE CORPORATION COMMISSION - Continued

Electric utilities; definitions, development of offshore wind generation facilities, State Corporation Commission shall retain ongoing authority to review reasonableness and prudence of any increases in the total projected cost of facility during construction period.				
Patron—Hayes	HB	1664	1240	2863
Patron—Mason	SB	860	1273	3066
Patron—Lucas	SB	998	1279	3147
Electric utilities; notice before terminating service, enforcement by State Corporation Commission of procedural requirements. (Patron—Tran)	HB	1225	668	1004
Electric utility regulation and retail competition; State Corporation Commission shall conduct a pilot program within the certified service territory of the Phase II Utility in which certain nonresidential customers are located, report. (Patron—Mullin)	HB	889	796	1242
Electrical transmission lines; placement of overhead and underground lines, approval by State Corporation Commission. (Patron—Roem)	HB	1030	797	1242
Health insurance; codifies an existing requirement that the State Corporation Commission's Bureau of Insurance make an annual report regarding claims information for mental health and substance use disorder benefits. (Patron—Barker) .	SB	280	847	1372
Judges; election in circuit court, general district court, juvenile and domestic relations district court, members of the Judicial and Inquiry Review Commission, and a member of the State Corporation Commission. (Patron—Lindsey)	HJR	509		4511
Public service companies; increases the maximum allowable rates of special regulatory taxes that can be imposed by the State Corporation Commission. (Patron—Sickles)	HB	129	697	1031
Securities Act; equity crowdfunding exemption, entity issuing security is formed, organized, or existing under laws of the Commonwealth, repeals sunset provision on existing measure that authorizes the State Corporation Commission to adopt an exemption for limited offerings of securities by small and startup companies, etc.				
Patron—Kilgore	HB	1339	331	513
Patron—Edwards	SB	542	279	429
State Corporation Commission; nomination for election of a member. (Patron—Ward)	HR	218		4627
Water utility or sewer utility asset acquisitions; State Corporation Commission shall establish rules governing fair market valuations.				
Patron—Sullivan	HB	835	518	780
Patron—Lewis	SB	831	519	781
STATE EMPLOYEES				
A.L. Philpott Manufacturing Extension Partnership; staff shall be treated as state employees. (Patron—Adams, L.R.)	HB	992	398	595
Virginia Information Technologies Agency; required information security training program for state employees. (Patron—Ayala)	HB	852	717	1061
STAUNTON, CITY OF				
Augusta County and City of Staunton; temporary location of district courts. (Patron—Hanger)	SB	929	652	982
STAUNTON HIGH SCHOOL				
Staunton High School boys' soccer team; commending. (Patron—Hanger)	SJR	127		4703
STAUNTON RIVER				
Staunton River; designating the 11.5-mile segment between the U.S. Route 360 bridge and the Staunton River State Park boat landing as a component of the Virginia Scenic Rivers System. (Patron—Edmunds)	HB	1601	320	492
STEWART, WILLIAM LEVON				
Stewart, William Levon; recording sorrow upon death. (Patron—Deeds)	SR	64		4826
STOCK CORPORATIONS				
Virginia Stock Corporation Act; filing requirements, plan of conversion, etc., repeals a provision that provides that a foreign corporation authorized to transact business in the Commonwealth that domesticates to a domestic corporation is deemed to have withdrawn its certificate of authority when the certificate of domestication becomes effective. (Patron—Keam)	HB	1149	1226	2700
STONY BROOK JUNIOR VOLUNTEERS				
Stony Brook Junior Volunteers; commending. (Patron—Delaney)	HJR	216		4359

STORMWATER MANAGEMENT

Stormwater and erosion and sediment control; acceptance of plans in lieu of plan review. (Patron—Petersen)	SB	843	812	1279
Stormwater management; use of a proprietary best management practice, documentation to Department of Environmental Quality showing that another state, regional, or national certification program has verified and certified its nutrient or sediment removal effectiveness. (Patron—Bulova)	HB	882	667	1000
Stormwater management facilities; private residential lots, required disclosure. (Patron—Convirs-Fowler)	HB	859	313	481
Trees; Department of Environmental Quality shall convene a stakeholder advisory group for the purpose of studying the planting or preservation of trees as an urban land cover type and as a stormwater best management practice, report. (Patron—Bulova)	HB	520	405	609

STREAM CRITTER CUBE LAB

Stream Critter Cube Lab; commending. (Patron—Delaney)	HJR	218		4360
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STREET, H. A.

Street, H. A.; commending. (Patron—Chafin)	SJR	84		4679
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STRIBLING, ROB AND STACIA

Stribling, Rob and Stacia; commending. (Patron—Vogel)	SJR	152		4717
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STRICKLER, ROBERT HOPKINS

Strickler, Robert Hopkins; recording sorrow upon death. (Patron—Obenshain)	SJR	184		4736
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STUDENTS

Applied behavior analysis services; Department of Education shall develop and publish guidance and resources relating to provision of services for students in public schools. (Patron—Roem)	HB	1722	774	1215
Disorderly conduct; any elementary or secondary school student is not guilty of disorderly conduct in a public place if occurred on school property, on a school bus, or at any activity conducted or sponsored by any school. Patron—Mullin	HB	256	199	287
Patron—McClellan	SB	3	355	542
Dress or grooming codes in schools; school boards may include in its code of student conduct, etc. (Patron—Carroll Foy)	HB	837	678	1013
Elementary and secondary schools and higher educational institutions; repealing several Acts that contain provisions relating to racial segregation of students. Patron—VanValkenburg	HB	973	110	171
Patron—Lucas	SB	600	352	537
Higher educational institutions; governing board of each nonprofit private institution and each public institution except Virginia Military Institute shall include as part of its policy, code, rules, or set of standards governing sexual violence, immunity from disciplinary action for certain students who make reports. (Patron—Helmer)	HB	913	1041	2004
Higher educational institutions; qualified education loans, providers of private education loans, contact information and summary, effective date. (Patron—Bulova)	HB	743	436	653
Higher educational institutions, certain; transcript notations on academic transcript of each student who has been suspended, etc., from institution while under investigation, expungement of notation after three year period. (Patron—Lindsey)	HB	103	433	651
Higher educational institutions, public; eligibility for in-state tuition, students who meet certain criteria shall be eligible regardless of their citizenship or immigration status. Patron—Lopez	HB	1547	766	1205
Patron—Boysko	SB	935	767	1206
Higher educational institutions, public; multisensory structured language education to instruct students with dyslexia, State Council of Higher Education for Virginia shall facilitate development of a statewide coalition to gather and share information. (Patron—Vogel)	SB	904	584	896
Higher educational institutions, public; non-academic student codes of conduct, provisions shall not apply to Virginia Military Institute. (Patron—Lindsey)	HB	104	473	725
Higher educational institutions, public; prohibits any student from being deemed ineligible to establish domicile and receive in-state tuition charges solely on the basis of the immigration status of his parent. (Patron—Kory)	HB	1315	512	775

BILL OR CHAP. PAGE
RES. NO. NO. NO.

STUDENTS - Continued

Income tax, state; exclusion, student loan forgiveness, disabled veterans. (Patron–Bell)	SB	745	606	930
Menstrual supplies; each school board shall make supplies available at all times and at no cost to students in appropriate locations in each elementary school, and in bathrooms of each middle school and high school in local school divisions. Patron–Keam	HB	405	675	1012
Patron–Boysko	SB	232	676	1012
Northern Neck Technical Center; permits the school board of any school division from which students attend Center to set the school calendar so that the first day that students are required to attend school is earlier than Labor Day, etc. (Patron–McDougle)	SB	515	695	1030
Public elementary and secondary school students; use of topical sunscreen, etc. (Patron–Spruill)	SB	44	579	888
Public elementary and secondary schools; treatment of transgender students, policies, student participation in sex-specific school activities and events, etc., activities and events do not include athletics. Patron–Simon	HB	145	153	227
Patron–Boysko	SB	161	154	228
Public schools; Department of Criminal Justice Services, et al., shall annually collect, report, and publish on its website data related to incidents involving students and school resource officers. Patron–VanValkenburg	HB	271	1039	2002
Patron–Locke	SB	170	169	238
Public schools; enrollment of certain children placed in foster care, provisions shall apply to any student who was in foster care upon reaching 18 years of age, etc. Patron–Carroll Foy	HB	368	474	726
Patron–Barker	SB	275	475	726
Public schools; pre-kindergarten and kindergarten students shall be exempt from mandatory participation in lock-down drills during first 60 days of school session. (Patron–Keam)	HB	402	1040	2003
School boards; availability of school meals to students, effective date. (Patron–Roem)	HB	1426	683	1024
School boards; policies and procedures to ensure suspended students are able to access and complete graded work during and after suspension. (Patron–Delaney)	HB	415	337	522
School counselors; effective with 2021-2022 school year, local school boards shall employ one full-time equivalent school counselor position per 325 students in grades kindergarten through 12. (Patron–McQuinn)	HB	1508	953	1745
School counselors; effective with 2021-2022 school year, local school boards shall employ one full-time equivalent school counselor position per 325 students in grades kindergarten through 12, effective clause. (Patron–Locke)	SB	880	952	1742
School meals; each local school board to adopt policies that prohibit school board employees from requiring a student who cannot pay for a meal at school, etc., to throw away or discard a meal after it has been served to him. (Patron–Roem)	HB	697	509	774
School resource officers and school security officers; officers to receive training specific to the role and responsibility of a law-enforcement officer working with students in a school environment, such as a physical alternative to restraint, etc. Patron–Jones	HB	1419	638	966
Patron–Locke	SB	171	184	268
Social-emotional learning; Department of Education shall develop guidance standards for all public school students, report. (Patron–Rasoul)	HB	753	339	524
Student journalists; freedom of speech and the press, definitions, institution-sponsored student media. (Patron–Hurst)	HB	36	947	1739
Student voters; public high schools to provide Virginia voter registration information. (Patron–Guy)	HB	1491	612	934
Student-athletes, coaches, etc.; Board of Education shall develop, etc., guidelines on policies about nature and risk of sudden cardiac arrest, etc. (Patron–Reeves)	SB	463	694	1029
Students; Board of Education to consider certain regulatory revisions relating to populations that are underrepresented in gifted and talented programs. (Patron–Keam)	HB	1139	871	1535
Students; Department of Education shall establish and distribute to each school board no later than December 31, 2020, guidelines for granting of an excused absence from school due to his mental or behavioral health. (Patron–Hope)	HB	308	869	1532

BILL OR CHAP. PAGE
RES. NO. NO. NO.

STUDENTS - Continued

Students, certain; waiver to access student transportation in certain cases. (Patron—Tran) HB 1208 576 887

"Students with limited or interrupted formal education;" Department of Education shall develop and adopt a common statewide definition for the term, evaluation of supports and programs. (Patron—Favola) SB 933 696 1030

Teachers; extension of provisional licenses for those employed in schools for students with disabilities. (Patron—Mason) SB 680 172 240

Teachers employed in an accredited private elementary and secondary schools or a school for students with disabilities; provisional licenses, extension. (Patron—Gooditis) HB 1469 639 970

Veteran Student Transition Grant Fund and Program; established. (Patron—O'Quinn) HB 1275 636 962

Voter identification; accepted forms of identification, student identification card issued by out-of-state institution of higher education. (Patron—Sullivan) HB 213 1154 2351

STUDY COMMISSIONS, COMMITTEES, AND REPORTS

Acute psychiatric bed registry; Department of Behavioral Health and Developmental Services shall establish a work group to evaluate and make recommendations related to the registry, report.
Patron—Hope HB 1453 367 565
Patron—Deeds SB 739 235 350

Administration, Secretary of; policy of the Commonwealth regarding employment of individuals with disabilities, report deadline. (Patron—Carr) HB 1098 50 62

Affordable housing; Department of Housing and Community Development and the Virginia Housing and Development Authority to study ways to incentivize the development. (Patron—Murphy) HB 854 482 741

American Revolutionary 250 Commission; established, membership, report, sunset provision.
Patron—Krizek HB 1424 914 1648
Patron—Hashmi SB 407 915 1650

Assisted living facilities; Department of Social Services shall convene a work group to make recommendations to Board regarding regulations for audio-visual recording of residents, report. (Patron—Cosgrove) SB 355 848 1374

At-risk infrastructure; Department of Transportation, et al., shall identify public transportation infrastructure at risk of deterioration due to recurrent flooding in Planning District 8 (Northern Virginia), report. (Patron—Tran) HB 1217 978 1871

Behavioral Health Docket Act; establishes behavioral health courts as specialized criminal court dockets, dockets are specialized criminal court dockets within existing structure of Virginia's court system, reports. (Patron—Morrissey) SB 818 1096 2103

Bulk energy storage resources; State Corporation Commission shall create a task force to evaluate and analyze to help integrate renewable energy into the electrical grid. (Patron—Lopez) HB 1183 863 1522

Central Virginia Transportation Authority; created, Authority shall embrace each county, city, and town located in Planning District 15 (Plan RVA), locality's share of revenues, Greater Richmond Transit Company (GRTC) shall create a separate, special fund in which all funds received shall be deposited, etc., report, certain provisions shall become effective on October 1, 2020. (Patron—McQuinn) HB 1541 1235 2843

Charitable gaming; increase in certain maximum allowable prize amounts, Charitable Gaming Board shall convene a stakeholder work group to review current limitations on prize amounts, report. (Patron—Keam) HB 1690 980 1872

Children's Ombudsman, Office of the; established, Children's Advocacy Fund, created, effective clause. (Patron—Hurst) HB 1301 1090 2081

Clean Energy and Community Flood Preparedness Act; definitions, all loans and grants shall be deemed to promote public purposes of enhancing flood prevention or protection and coastal resilience, Virginia Resources Authority is authorized at any time to pledge, etc., from the Fund any or all assets to be held in trust as security for payment of principal, etc., on any and all bonds, energy conversion or energy tolling agreements, report.
Patron—Herring HB 981 1219 2685
Patron—Lewis SB 1027 1280 3148

BILL OR CHAP. PAGE
RES. NO. NO. NO.

STUDY COMMISSIONS, COMMITTEES, AND REPORTS - Continued

Coal combustion residuals impoundment; definitions, closures in Giles and Russell Counties, costs associated with closure by removal of a unit shall be recoverable through a rate adjustment clause. (Patron—Carroll Foy)	HB	443	563	874
Coastal areas in Virginia; Joint Commission on Technology and Science to study safety, quality of life, and economic consequences of weather and climate-related events. (Patron—Sickles)	HJR	47		4294
Coastal Flooding, Joint Subcommittee on; continued, appropriations.				
Patron—Hodges	HJR	102		4309
Patron—Lewis	SJR	27		4632
Combined sewer overflow outfalls; owner or operator of any overflow system east of Charlottesville that discharges into the James River watershed shall submit to the Department of Environmental Quality an interim plan regarding CSO system. (Patron—Stuart)	SB	1064	634	958
Commonwealth Corridor passenger rail service; Department of Rail and Public Transportation to study feasibility of an east-west service connecting Hampton Roads, Richmond, and the New River Valley, report date. (Patron—McClellan)	SJR	50		4664
Commonwealth of Virginia Innovation Partnership Authority; created, membership, powers of Authority, repeals provisions relating to Innovation and Entrepreneurship Investment Authority and Virginia Research Investment Committee, report.				
Patron—Sickles	HB	1017	1164	2376
Patron—Howell	SB	576	1169	2413
Commonwealth's medical cannabis program; Secretary of Health and Human Resources shall convene a work group to review and provide recommendations, report. (Patron—Davis)	HB	347	711	1056
Congressional and state legislative districts; standards and criteria by which districts are to be drawn, population data, redistricting, Department and Board of Corrections to provide prison population data to Division of Legislative Services.				
Patron—Price	HB	1255	1229	2755
Patron—McClellan	SB	717	1265	3027
Contaminants in public drinking water; work group to study occurrence and develop recommendations, sampling of waterworks by the Department of Health. (Patron—Guzman)	HB	586	611	933
Correctional facilities, local; Board of Corrections shall conduct a review of standards and requirements governing, and application and use of isolated confinement in facilities, report. (Patron—Hope)	HB	1284	522	785
Corrections, Virginia Department of; a joint committee of House Committee on Health, Welfare and Institutions, House Committee on Public Safety, Senate Committee on the Judiciary, and Senate Committee on Rehabilitation and Social Services to be established to study staffing levels, employment conditions, and compensation. (Patron—Tyler)	HJR	29		4291
Court of Appeals of Virginia; Judicial Council of Virginia to study jurisdiction and organization. (Patron—Surovell)	SJR	47		4662
Criminal Injuries Compensation Fund; victims of sexual assault, coordination of multidisciplinary responses, sexual assault response team annual meetings, report.				
Patron—Delaney	HB	806	1072	2044
Patron—Lucas	SB	949	1073	2045
Culturally Relevant and Inclusive Education Practices Advisory Committee; established, report, updates teacher's manual as required by 2009 General Assembly.				
Patron—Sickles	HB	916	572	884
Patron—Boysko	SB	853	573	885
Debt settlement services providers; definitions, licensure and regulation by State Corporation Commission, report. (Patron—Willett)	HB	1553	785	1225
Developmental Disabilities Mortality Review Committee; created, report. (Patron—Favola)	SB	482	851	1375
Disability insurance; coverage for short-term disability arising out of childbirth, report. (Patron—Dunnivant)	SB	567	935	1708
Discharge of deleterious substance into state waters; if Department of Health determines that discharge may be detrimental to public health, Department of Environmental Quality shall provide information to local newspapers, television stations, etc., report. (Patron—Tran)	HB	1205	1182	2455

BILL OR CHAP. PAGE
RES. NO. NO. NO.

STUDY COMMISSIONS, COMMITTEES, AND REPORTS - Continued

Drinking water program; Office of Drinking Water of the Department of Health to study the Commonwealth's drinking water infrastructure and oversight. (Patron—Lopez)	HJR	92		4305
Drinking water supplies and waterworks; maximum contaminant levels, perfluoroalkyl and polyfluoroalkyl substances and other contaminants, effective date, report. (Patron—Rasoul)	HB	1257	1097	2105
Driver privilege cards; definitions, issuance by Department of Motor Vehicles, release of information, surcharge on certain fees, scanning information from driver's licenses and other documents, effective date, report. Patron—Tran	HB	1211	1227	2721
Patron—Surovell	SB	34	1246	2875
Drug disposal; Board of Pharmacy shall determine proper methods to enhance public awareness, report. (Patron—Jenkins)	HB	1531	614	936
Early childhood care and education; establishment of system, definitions, licensure, child day programs, repeals provisions relating to certain licensure and registration procedures, etc. Patron—Bulova	HB	1012	860	1400
Patron—Howell	SB	578	861	1460
Early childhood mental health consultation; Departments of Education, Behavioral Health and Developmental Services, and Social Services to jointly study the feasibility of developing, and make available to all early care and education programs serving children from birth to five years of age. (Patron—Sickles)	HJR	51		4295
Eastern Virginia Groundwater Management Advisory Committee; established, report, sunset provision. (Patron—Mason)	SB	679	805	1270
Economic and workforce development; Department of Aviation to study coordination of stakeholders within the aviation industry. (Patron—Cosgrove)	SJR	30		4634
Economic development programs; reporting requirements, repeals requirement that Secretary of Commerce and Trade provide an annual report. (Patron—Willett)	HB	935	591	905
Elections, State Board of; increasing membership, after staggering terms Board member shall serve five years, role and eligibility, report. (Patron—Sickles)	HB	236	353	538
Elections, State Board of; increasing membership, staggering terms, role and eligibility, report. (Patron—Ebbin)	SB	856	619	941
Electric utility regulation and retail competition; State Corporation Commission shall conduct a pilot program within the certified service territory of the Phase II Utility in which certain nonresidential customers are located, report. (Patron—Mullin)	HB	889	796	1242
Electric vehicles; Department of Mines, Minerals and Energy, et al., shall convene a work group to determine feasibility of a rebate program, report. (Patron—Reid)	HB	717	973	1868
Emergency services and disaster preparedness plans; Department of Emergency Management shall review programs to determine if changes are necessary to address needs of individuals with limited English proficiency or access and functional needs. (Patron—Price)	HB	420	590	905
Employees providing domestic service; definitions, report. (Patron—McClellan)	SB	804	1147	2329
Environmental Justice, Virginia Council on; definitions, established, nonlegislative citizen members of the Council shall be residents of the Commonwealth, etc., report, sunset provision. (Patron—Locke)	SB	883	1274	3067
Environmental Justice, Virginia Council on; established, nonlegislative citizen members of the Council shall be residents of the Commonwealth, etc., report, sunset provision. (Patron—Herring)	HB	1042	113	175
Exposure-prone incidents; Secretaries of Health and Human Resources and Public Safety and Homeland Security shall establish a work group to improve response. (Patron—Bell)	HB	661	362	551
Foster care; termination of parental rights, independent living needs assessments, supervisory spans of control. (Patron—Reeves)	SB	472	934	1704
Guardianship; special education transition materials, appointment of guardian ad litem, report. (Patron—Dunnivant)	SB	585	855	1392
Handheld personal communications devices; holding devices while driving a motor vehicle, exceptions, penalties, effective date, report. Patron—Bourne	HB	874	250	375
Patron—Surovell	SB	160	543	827

BILL OR CHAP. PAGE
RES. NO. NO. NO.

STUDY COMMISSIONS, COMMITTEES, AND REPORTS - Continued

Health care providers; Secretary of Health and Human Resources shall convene a work group relating to credentialing, report. (Patron–Dunnivant)	SB	365	849	1374
Health insurance; codifies an existing requirement that the State Corporation Commission's Bureau of Insurance make an annual report regarding claims information for mental health and substance use disorder benefits. (Patron–Barker) .	SB	280	847	1372
Health insurance; definitions, payment to out-of-network providers, violations of certain provisions, emergency services, services provided at an in-network facility, arbitration, rules and regulations, repeals provision relating to patient access to elective services, report. Patron–Torian	HB	1251	1080	2051
Patron–Favola	SB	172	1081	2060
Historical Statues in the United States Capitol, Commission for; established, Commission shall determine whether statue of Robert E. Lee should remain or be replaced in National Statuary Hall Collection, etc. Patron–Ward	HB	1406	1099	2106
Patron–Lucas	SB	612	1098	2105
Illegal gambling; COVID-19 Relief Fund created, definitions, skill games, exemptions, report, civil penalties. Patron–Bulova	HB	881	1217	2665
Patron–Howell	SB	971	1277	3141
Immunizations; State Board of Health shall amend regulations as necessary to maintain conformity with evidence-based routinely recommended vaccinations for children, report, effective date. (Patron–Hope)	HB	1090	1223	2693
Income tax, state and corporate; deduction for commuter benefits provided by an employer, effective provision, report. (Patron–Barker)	SB	277	1033	1985
Industrial hemp; Virginia Department of Agriculture and Consumer Services shall convene a work group to assess opportunities for development and manufacturing in the industry, report. (Patron–Marshall)	HB	491	745	1154
Industrial hemp extract; approval as food or ingredient, regulations, Virginia Industrial Hemp Fund created, report. Patron–Gooditis	HB	1430	659	990
Patron–Marsden	SB	918	660	991
Inmates; review of deaths that occur in local correctional facilities, report. (Patron–Suetterlein)	SB	215	1287	3587
Long-term care services and supports; definition of "acute care hospital," preadmission screenings, report. Patron–Sickles	HB	902	365	553
Patron–Barker	SB	902	304	470
Marijuana; definitions, possession and consumption, procedure for appeal and trial of certain violations shall be the same as provided by law for misdemeanors, civil penalties, report. Patron–Herring	HB	972	1285	3534
Patron–Ebbin	SB	2	1286	3561
Marijuana; Joint Legislative Audit and Review Commission to study and make recommendations for how Virginia should go about legalizing and regulating the growth, sale, and possession by July 1, 2022, and address the impacts of prohibition. (Patron–Heretick)	HJR	130		4317
Medical Excellence Zone Program; Department of Health shall determine feasibility of establishing Program, medical treatment via telemedicine services, etc., report. Patron–Tran	HB	1701	368	566
Patron–Favola	SB	757	236	351
Microcredentials; Department of Education shall develop a plan to adopt and implement standards used toward add-on endorsements and renewal of licenses earned by Virginia license holders in STEM field, report. (Patron–Carroll Foy)	HB	836	510	774
Minimum wage; definitions, increases currently federally mandated level to \$9.50 per hour effective May 1, 2021, to \$11.00 per hour effective January 1, 2022, etc., report. Patron–Ward	HB	395	1204	2617
Patron–Saslaw	SB	7	1242	2869
Misclassification of employees as independent contractors; Department of Taxation to investigate and enforce, civil penalties, upon an employer's subsequent violations, all public bodies and covered institutions shall not award a contract to such employer,				

BILL OR CHAP. PAGE
RES. NO. NO. NO.

STUDY COMMISSIONS, COMMITTEES, AND REPORTS - Continued

etc., for a period of up to two years from the date of notice for a third or subsequent offense, Department shall report annually to Governor and General Assembly, effective date. (Patron—Ward)	HB	1407	681	1016
New Americans, Office of; created within Department of Social Services, Advisory Board established, report.				
Patron—Tran	HB	1209	1078	2048
Patron—Hashmi	SB	991	1079	2050
Nursing homes; Department of Health shall convene a work group to review and make recommendations on increasing the availability of the clinical workforce, report. (Patron—Kiggans)	SB	397	932	1703
Offshore Wind, Division of; established within the Department of Mines, Minerals and Energy, report. (Patron—Mugler)	HB	234	794	1241
Personal Maintenance Allowance; Department of Medical Assistance Services to establish work group to evaluate the current amount for individuals receiving Medicaid-funded waiver services. (Patron—Favola)	SB	213	882	1550
Pharmacists; initiating of treatment with and dispensing and administering of controlled substances, counseling of patient, report. (Patron—Sickles)	HB	1506	731	1097
Pharmacy; practice, identity of any outsourcing facility that enters into a contract with Department shall not be confidential, regulation by Board of Pharmacy, report. (Patron—Bell)	SB	270	1166	2400
Pharmacy technicians and pharmacy technician trainees; definition, registration, duties and tasks that a pharmacy technician registered by Board of Pharmacy may perform.				
Patron—Hodges	HB	1304	102	163
Patron—Lewis	SB	830	237	351
Photo speed monitoring devices; information released shall be limited to name and address of owner of vehicle having committed a violation, authorizes state or local law-enforcement agency to operate devices in school crossing zones and highway work zones for purpose of recording images of vehicles that are traveling at speeds of at least 10 miles per hour above the posted speed limit, civil penalty shall not exceed \$100. (Patron—Jones)	HB	1442	1232	2832
Plastic Waste Prevention Advisory Council; established in the executive branch of state government, report, sunset date. (Patron—Plum)	HB	1354	798	1243
Prescribed pediatric extended care centers; Commissioner of Social Services shall establish a work group to develop a plan for licensure, report. (Patron—McQuinn) . .	HB	1719	929	1701
Prescription drugs; Secretary of Health and Human Resources to convene a work group to examine the pharmaceutical distribution payment system in the Commonwealth and innovative solutions to address the cost of drugs to Virginians at the point of sale. (Patron—Guzman)	HJR	52		4296
Public utilities; aggregate energy storage capacity in the Commonwealth. (Patron—Surovell)	SB	632	1190	2478
Railroad companies; companies having information about coal dust blown from moving trains in the Commonwealth requested to continue to submit annual reports to the General Assembly. (Patron—Lindsey)	HJR	25		4291
Ransomware attack preparedness; Virginia Information Technologies Agency (VITA) to study. (Patron—Reid)	HJR	64		4299
Residential psychiatric placement and services; Secretaries of Education and Health and Human Resources shall establish a work group to study current process for approval of services.				
Patron—Hope	HB	728	364	553
Patron—Deeds	SB	734	737	1123
Rural lands; Department of Environmental Quality shall convene work group to discuss issue of disposal of construction fill and debris on lands, report. (Patron—Guzman)	HB	1639	624	951
School Construction and Modernization, Commission on; established, membership, report, sunset provision. (Patron—McClellan)	SB	888	1044	2006
School counselors; Department of Education shall collect data from school boards regarding their ability to fill positions, report. (Patron—Wilt)	HB	1653	641	973
Slavery and Subsequent De Jure and De Facto Racial and Economic Discrimination Against African Americans, Commission to Study; created, sunset provision. (Patron—McQuinn)	HB	1519	1043	2004

BILL OR CHAP. PAGE
RES. NO. NO. NO.

STUDY COMMISSIONS, COMMITTEES, AND REPORTS - Continued

Social workers; Department of Health Professions to study need for additional micro-level, mezzo-level, and macro-level workers and increased compensation of such workers. (Patron—McClellan)	SJR	49		4664
Social-emotional learning; Department of Education shall develop guidance standards for all public school students, report. (Patron—Rasoul)	HB	753	339	524
State-owned structures; Department of General Services to determine which structures are high-risk and necessity of having key boxes installed in strategic locations on outside of such structures, report. (Patron—DeSteph)	SB	1065	1180	2454
State plan for medical assistance; Department of Medical Assistance Services shall convene work group to provide recommendations for services to include payment for services provided by certified doulas. (Patron—Carroll Foy)	HB	826	841	1366
Student loans; licensing of qualified education loan servicers, automatic issuance of license for federal student loan servicing contractors, prohibited practices, civil penalties, report. Patron—Simon	HB	10	1198	2588
Patron—Howell	SB	77	1250	2940
Survivors of sexual assault; definitions, every hospital to provide treatment or transfer services, Task Force on Services for Survivors of Sexual Assault created, report. (Patron—Delaney)	HB	808	725	1078
Tax authority of localities; counties authority to levy taxes, admissions tax, transient occupancy tax, cigarette tax, etc., repeals certain admissions tax provisions. Patron—Watts	HB	785	1214	2631
Patron—Hanger	SB	588	1263	3018
Teacher licensure process and assessment requirements; Department of Education to study for any inherent biases that may prevent minority teacher candidates from entering the profession. (Patron—Locke)	SJR	15		4629
Teacher, other instructional personnel, and support staff shortages; each school board shall report to the Department of Education annually the number and type of vacancies in the school division, report. (Patron—Willett)	HB	376	674	1012
Teachers; biennial compensation review, report. (Patron—VanValkenburg)	HB	1443	690	1028
Temporary detention; Commissioner of Department of Behavioral Health and Developmental Services shall establish a work group to study expanding the individuals who may conduct evaluations to determine whether a person meets the criteria, report. Patron—Aird	HB	1699	918	1680
Patron—Barker	SB	768	919	1681
Transportation; amends numerous laws related to funds, safety programs, revenue sources, etc., new regional congestion fee is imposed, etc., repeals certain funds, provisions relating to distribution of revenues, report, certain provisions shall become effective on May 1, 2021. Patron—Filler-Corn	HB	1414	1230	2759
Patron—Saslaw	SB	890	1275	3069
Trees; Department of Environmental Quality shall convene a stakeholder advisory group for the purpose of studying the planting or preservation of trees as an urban land cover type and as a stormwater best management practice, report. (Patron—Bulova)	HB	520	405	609
Virginia Clean Economy Act; electric utility regulation, definitions, energy efficiency programs and pilot programs, ending carbon dioxide emissions, renewable portfolio standards for electric utilities and suppliers, etc., reports, repeals provisions relating to pilot program for energy assistance and weatherization, etc. Patron—Sullivan	HB	1526	1193	2498
Patron—McClellan	SB	851	1194	2527
Virginia College Savings Plan; analyzing current state and federal programs that encourage citizens to save for retirement by participating in retirement savings plans, report. (Patron—Ayala)	HB	775	506	771
Virginia Community Policing Act; data collection and reporting requirement, Database established. (Patron—Torian)	HB	1250	1165	2399

BILL OR CHAP. PAGE
RES. NO. NO. NO.

STUDY COMMISSIONS, COMMITTEES, AND REPORTS - Continued

Virginia Food Access Investment Program and Fund; established and created, report, Department of Agriculture and Consumer Services shall establish an Equitable Food Oriented Development stakeholder work group.

Patron—McQuinn	HB	1509	956	1754
Patron—McClellan	SB	1073	957	1755

Virginia Health Benefit Exchange; created, establishment and operation, definitions, information sharing, assessments, report, repeals provision that prohibits an agent, etc., from taking any action to establish an exchange.

Patron—Sickles	HB	1428	916	1651
Patron—McClellan	SB	732	917	1666

Virginia housing opportunity tax credit program; Virginia Housing Development Authority, et al., to develop the establishment of program. (Patron—Bourne)

HB	810	517	779
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Virginia Lottery; Virginia Lottery Board, powers and duties, regulation of sports betting, etc., definitions, Problem Gambling Treatment and Support Fund created, voluntary exclusion program, events on which betting is prohibited, penalties, report.

Patron—Sickles	HB	896	1218	2667
Patron—McPike	SB	384	1256	2963

Virginia Sexual and Domestic Violence Prevention Fund; created, distribution of moneys in the Fund, report.

Patron—Herring	HB	1015	912	1647
Patron—Favola	SB	297	913	1648

Virginia sexual assault forensic examiner coordination program; established, Coordinator of program shall coordinate development and enhancement of programs across the Commonwealth, etc., report, effective clause. (Patron—Mullin)

HB	475	274	424
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Virginia sexual assault forensic examiner coordination program; established, Coordinator shall coordinate development and enhancement of programs, secondary trauma to survivors of sexual assault, report. (Patron—Deeds)

SB	373	276	427
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Virginia Spirits Board and Virginia Spirits Promotion Fund; established, report.

Patron—Jones	HB	1436	410	614
Patron—Mason	SB	583	85	120

Waste Diversion and Recycling Task Force; Department of Environmental Quality to establish a Task Force to meet to discuss ways to increase waste diversion and recycling. (Patron—Hanger)

SJR	42	4638
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Wellness and Opportunity, Commission on; established, membership, report. (Patron—Adams, D.M.)

HB	1056	1036	1998
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Wildlife Corridor Action Plan; created.

Patron—Bulova	HB	1695	323	494
Patron—Marsden	SB	1004	672	1008

SUBDIVISION OF LAND

Subdivision plats; certain approved final plats shall remain valid indefinitely, etc. (Patron—Coyner)

HB	929	138	213
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SUBPOENAS

Subpoena duces tecum; attorney of record, who is an active member of the Virginia State Bar, may issue in any criminal case. (Patron—Morrissey)

SB	801	771	1214
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SUMMONS AND PROCESS

Summonses; authority of local government employees to issue for misdemeanor violations of certain local ordinances. (Patron—Heretick)

HB	1213	144	220
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SUPERVISORS, BOARD OF

County board of supervisors; specifies that the presiding officer shall be called "chairman," "chairwoman," "chairperson," etc., in the presiding officer's discretion. (Patron—Reid)

HB	738	133	201
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County manager plan; in a county operating under the county manager plan of government (Arlington County), elections to nominate candidates for and to elect candidates to the board of supervisors may be conducted by instant runoff voting, definitions, costs shall be charged to locality. (Patron—Hope)

HB	506	713	1056
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SUPREME COURT OF VIRGINIA

Judge; nomination for election to Supreme Court of Virginia.

Patron—Lindsey	HR	29	4533
Patron—Edwards	SR	10	4801

BILL OR CHAP. PAGE
RES. NO. NO. NO.

SUPREME COURT OF VIRGINIA - Continued

Judges; election in Supreme Court of Virginia, circuit court, general district court, juvenile and domestic relations district court, and a member of the Virginia Workers' Compensation Commission. (Patron—Lindsey) HJR 161 4330

SURRY COUNTY

Grays Creek; designates a six-mile portion in Surry County as a component of Virginia Scenic Rivers System.

Patron—Brewer HB 1612 322 493

Patron—Norment SB 1090 457 692

Surry County High School boys' basketball team; commending. (Patron—Brewer) . . HR 10 4515

SWEET, NANCY MULCAHY

Sweet, Nancy Mulcahy; recording sorrow upon death. (Patron—Obenshain) SR 43 4817

TALBOT, DOUGLAS WILLIAM

Talbot, Douglas William; recording sorrow upon death. (Patron—DeSteph) SJR 267 4779

TAPPAHANNOCK-ESSEX VOLUNTEER FIRE DEPARTMENT, INC.

Tappahannock-Essex Volunteer Fire Department, Inc.; commemorating its 100th anniversary. (Patron—Hodges) HJR 230 4366

TATE, ODELL

Tate, Odell; commending. (Patron—Marshall) HJR 405 4459

TAX EXEMPT ORGANIZATIONS

United States military; Department of General Services to permit surplus computers, etc., to be donated to tax exempt organizations for refurbishing and then donated to veterans and active military, naval, or air service members. (Patron—McGuire) HB 446 43 53

TAXATION

Advanced recycling; incentives in income tax, sales tax, and machinery and tools tax, provisions shall apply to taxable years beginning on and after January 1, 2020. (Patron—Hanger) SB 590 789 1234

Business licenses; acceptable identification, valid federal employer identification number. (Patron—Davis) HB 1679 258 389

Business licenses; certain localities allowed to waive requirements. (Patron—Keam) . . HB 466 242 357

Central Virginia Transportation Authority; created, Authority shall embrace each county, city, and town located in Planning District 15 (Plan RVA), locality's share of revenues, Greater Richmond Transit Company (GRTC) shall create a separate, special fund in which all funds received shall be deposited, etc., report, certain provisions shall become effective on October 1, 2020. (Patron—McQuinn) HB 1541 1235 2843

Certified pollution control equipment and facilities; tax exemption, timing of certification by state certifying authority.

Patron—Lopez HB 1173 252 380

Patron—Mason SB 685 65 84

Charlotte County; additional sales and use tax imposed, appropriations to incorporated towns for educational purposes. (Patron—Edmunds) HB 1631 705 1042

Chesapeake, City of; adds City to the list of localities that are authorized to issue bonds for the construction of public facilities and retain sales and use tax revenue generated within such facilities.

Patron—Hayes HB 906 329 511

Patron—Spruill SB 163 62 79

Commonwealth's tax system; conformity with the Internal Revenue Code, provisions of federal Further Consolidated Appropriations Act, related to reduction in medical expense deduction floor.

Patron—Watts HB 1413 255 384

Patron—Howell SB 582 1 1

Constitutional amendment; personal property tax exemption for one motor vehicle owned and used primarily by or for a disabled veteran, "motor vehicle" shall include only automobiles and pickup trucks, exception (second reference), Chapters 822 and 823, 2019 Acts (first reference). (Patron—Helmer) HJR 103 1195 2556

Constitutional amendment; personal property tax exemption for one motor vehicle owned and used primarily by or for a disabled veteran, "motor vehicle" shall include only automobiles and pickup trucks, exception (submitting to qualified voter). (Patron—Helmer) HB 1268 540 824

Deeds not taxable; deeds involving only spouses. (Patron—Sullivan) HB 1580 643 974

BILL OR CHAP. PAGE
RES. NO. NO. NO.

TAXATION - Continued

Delinquent real property taxes; transfers from local clerk of court to local treasurer the duties of maintaining records of taxes and sales of such property and of correcting records relating to such property. (Patron—Heretick)	HB	1581	644	974
Delinquent tax lands; threshold for nonjudicial sale. (Patron—Heretick)	HB	1582	257	388
Disposable plastic bags; any locality may impose a tax of five cents per bag on bags provided to consumers by retailers in grocery stores, convenience stores, or drugstores, revenue from tax imposed shall be appropriated for purposes of environmental cleanup, providing education programs designed to reduce environmental waste, etc., retailer discount, exemptions. Patron—Carr	HB	534	1022	1972
Patron—Ebbin	SB	11	1023	1973
Driver privilege cards; definitions, issuance by Department of Motor Vehicles, release of information, surcharge on certain fees, scanning information from driver's licenses and other documents, effective date, report. Patron—Tran	HB	1211	1227	2721
Patron—Surovell	SB	34	1246	2875
Gender-neutral terms; prohibitions on same-sex marriage and civil unions removed from Code, certain gender-specific crimes, penalty, repeals provisions relating to marriage and civil unions between persons of same sex. (Patron—Simon)	HB	623	900	1600
Gloucester County; authorized to impose additional sales and use tax, appropriations to incorporated towns for educational purposes. (Patron—Norment)	SB	224	865	1523
Grantor's tax and regional transportation improvement fee; payment of tax or fee. (Patron—Petersen)	SB	230	866	1528
Green job creation tax credit; extends sunset date to January 1, 2025. (Patron—Delaney)	HB	408	429	648
Hampton Roads Regional Transit Program and Fund; created, transit funding in Hampton Roads region, certain provisions shall not apply to decisions of the Hampton Roads Transportation Accountability Commission regarding disbursements of funds, etc., distribution of recordation tax, etc. Patron—Askew	HB	1726	1241	2865
Patron—Lucas	SB	1038	1281	3151
Henry, Northampton, Patrick, and Pittsylvania Counties and City of Danville; authorized to impose additional sales and use tax, appropriations to incorporated towns for educational purposes. (Patron—Marshall)	HB	486	327	502
Income tax, state; exclusion, student loan forgiveness, disabled veterans. (Patron—Bell)	SB	745	606	930
Income tax, state; reporting requirements for partnerships, definitions, final determination dates. (Patron—Watts)	HB	1417	1030	1978
Income tax, state; subtraction for crime stopper rewards. Patron—Cox	HB	307	324	494
Patron—Morrissey	SB	931	375	571
Income tax, state; tax credit for certain landlords, definition of "eligible housing area" includes an eligible census tract in Washington-Arlington-Alexandria Metropolitan Statistical Area. Patron—Guzman	HB	590	430	648
Patron—Barker	SB	200	1032	1984
Income tax, state and corporate; deduction for commuter benefits provided by an employer, effective provision, report. (Patron—Barker)	SB	277	1033	1985
Land and improvements, classification of; authorizes City of Richmond to impose a tax rate on improvements to real property that is different than the City's tax rate on the land. (Patron—McClellan)	SB	725	790	1238
Litter tax; adds \$100 to the existing penalty for delinquency. (Patron—Krizek)	HB	502	468	719
Litter taxes; increases annual amount of tax. (Patron—Lopez)	HB	1154	782	1223
Local tax; amount of exemption for solar energy equipment, clarifies the meaning of "application has been filed with the locality," localities that assess a revenue share. Patron—Jones	HB	1434	1028	1976
Patron—Barker	SB	763	1029	1977
Lottery Board; regulation and control of casino gaming, definitions, Virginia Indigenous People's Trust Fund created, membership of Board, voluntary exclusion				

BILL OR CHAP. PAGE
RES. NO. NO. NO.

TAXATION - Continued

program, on-premises mobile casino gaming, civil penalties, Regional Improvement Commission established.				
Patron—Knight	HB	4	1197	2559
Patron—Lucas	SB	36	1248	2910
Meals tax and county food and beverage tax; exemption for farmers market and roadside stand sales up to \$2,500. (Patron—Bell)	HB	342	241	355
Mecklenburg County; authorized to impose additional sales and use tax, definition of "qualified locality" means Halifax County or Mecklenburg County, appropriations to incorporated towns for educational purposes.				
Patron—Wright	HB	200	427	636
Patron—Ruff	SB	943	428	642
Merchants' capital tax; separate classification of certain merchants' capital of wholesalers and retailers. (Patron—Cole, M.L.)	HB	1575	541	826
Misclassification of employees as independent contractors; Department of Taxation to investigate and enforce, civil penalties, upon an employer's subsequent violations, all public bodies and covered institutions shall not award a contract to such employer, etc., for a period of up to two years from the date of notice for a third or subsequent offense, Department shall report annually to Governor and General Assembly, effective date. (Patron—Ward)	HB	1407	681	1016
Misclassification of employees as independent contractors; Department of Taxation to investigate and enforce, civil penalties, upon an employer's subsequent violations, all public bodies and covered institutions shall not award a contract to such employer, etc., for a period of up to three years from the date of notice for a third or subsequent offense, Department shall report annually, effective date. (Patron—McPike)	SB	744	682	1020
Motion picture production tax credit; media-related exemptions, extends sunset provision.				
Patron—Aird	HB	1318	966	1859
Patron—Lucas	SB	923	967	1861
Northampton County; authorized to impose additional sales and use tax, appropriations to incorporated towns for educational purposes, definition of "qualifying locality." (Patron—Lewis)	SB	1028	708	1049
Open-space preservation; increases fee charged for every writing, document, and instrument admitted to record. (Patron—Plum)	HB	1623	623	951
Peer-to-peer vehicle sharing platforms; definitions, insurance coverage, taxation, etc., requirements for platforms, certain provisions shall become effective on October 1, 2020. (Patron—Newman)	SB	735	1266	3031
Personal property tax; farm machinery and implements, classification of forest harvesting and silvicultural activity equipment. (Patron—Adams, L.R.)	HB	1021	251	376
Property taxes; generating equipment that is reported to Commission by electric suppliers utilizing wind turbines for which an initial interconnection request form has been filed with an electric utility or a regional transmission organization on or before July 1, 2020, may be taxed by the locality. (Patron—Austin)	HB	1327	508	773
Public service companies; increases the maximum allowable rates of special regulatory taxes that can be imposed by the State Corporation Commission. (Patron—Sickles)	HB	129	697	1031
Real estate tax; exemption for property in redevelopment or conservation areas or rehabilitation districts.				
Patron—Carr	HB	537	246	369
Patron—McClellan	SB	727	66	85
Real estate with delinquent taxes or liens; sales by nonprofit organizations. (Patron—Carr)	HB	535	244	367
Real property taxes; definitions, blighted and derelict properties in certain localities. (Patron—Aird)	HB	755	1213	2629
Recordation tax; deeds of trust and mortgages, maximum tax. (Patron—Sullivan)	HB	1615	334	519
Refunds of local taxes; increases maximum amount at which governing body of a locality may authorize its treasurer to approve and issue a refund up to \$5,000. (Patron—Gooditis)	HB	316	240	354
Research and development tax credits; total amount of credits granted for each fiscal year, extends sunset date, aggregate caps.				
Patron—Jones	HB	748	469	719
Patron—Howell	SB	110	470	722

BILL OR CHAP. PAGE
RES. NO. NO. NO.

TAXATION - Continued

Restrictive covenants; deeds of reformation, Certificate of Release of Certain Prohibited Covenants. (Patron—Bagby)	HB	788	748	1158
Retail Sales and Use Tax; establishes an exemption for a gun safe with a selling price of \$1,500 or less. Patron—Filler—Corn	HB	888	507	772
Patron—Bell	SB	268	191	276
Solar energy and recycling equipment; classification for purposes of real property tax exemption. (Patron—Vogel)	SB	1039	633	957
Solar energy projects; revenue share assessment, exemption for certain solar photovoltaic projects shall not apply to any such project unless an application has been filed with locality for project before July 1, 2020, etc. Patron—Jones	HB	1131	1224	2695
Patron—Barker	SB	762	1270	3049
Tangible personal property tax; extends sunset date for classification of property used in manufacturing, testing, or operating satellites, etc., effective date. Patron—Reid	HB	724	247	370
Patron—Bell	SB	273	64	81
Tax authority of localities; counties authority to levy taxes, admissions tax, transient occupancy tax, cigarette tax, etc., repeals certain admissions tax provisions. Patron—Watts	HB	785	1214	2631
Patron—Hanger	SB	588	1263	3018
Taxation, Department of; sharing information with the Department of Social Services. (Patron—Roem)	HB	341	325	497
Taxes on wills and administrations; exemption for victims of the Virginia Beach mass shooting. Patron—Convirs—Fowler	HB	839	249	374
Patron—DeSteph	SB	93	278	429
Third-party settlement organizations; reporting of payments. Patron—Watts	HB	730	248	374
Patron—Howell	SB	211	63	80
Town taxes; authorizes the board of supervisors of any county that has adopted the urban county executive form of government to enter into agreements with towns for collection and enforcement of real or personal property taxes. Patron—Samirah	HB	1534	504	770
Patron—Boysko	SB	649	505	771
Transient occupancy tax; adds Appomattox, Mathews, Middlesex, and New Kent Counties to the list of counties that may impose. (Patron—Hodges)	HB	1262	330	512
Transient occupancy tax; authorizes Prince George County to impose. (Patron—Ruff)	SB	255	787	1234
Transient occupancy tax; removes July 1, 2021, sunset date from Arlington County's authority to impose a tax at a rate not to exceed 0.25 percent, etc. Patron—Hope	HB	62	238	353
Patron—Howell	SB	107	61	79
Transportation; amends numerous laws related to funds, safety programs, revenue sources, etc., new regional congestion fee is imposed, etc., repeals certain funds, provisions relating to distribution of revenues, report, certain provisions shall become effective on May 1, 2021. Patron—Filler—Corn	HB	1414	1230	2759
Patron—Saslaw	SB	890	1275	3069
Virginia Health Benefit Exchange; created, establishment and operation, definitions, information sharing, assessments, report, repeals provision that prohibits an agent, etc., from taking any action to establish an exchange. Patron—Sickles	HB	1428	916	1651
Patron—McClellan	SB	732	917	1666
Virginia Lottery; Internet sales, repeals the prohibition on selling lottery tickets over the Internet. Patron—Bulova	HB	1383	332	516
Patron—Norment	SB	922	117	180

TAXATION - Continued

Virginia Lottery; Virginia Lottery Board, powers and duties, regulation of sports betting, etc., definitions, Problem Gambling Treatment and Support Fund created, voluntary exclusion program, events on which betting is prohibited, penalties, report.

Patron—Sickles	HB	896	1218	2667
Patron—McPike	SB	384	1256	2963

TAYLOR, JOE

Taylor, Joe; commending. (Patron—McClellan)	SJR	249		4770
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TAZEWELL COUNTY

Clinch River; designating approximately 66.8-mile segment in Tazewell and Russell Counties as part of the Clinch State Scenic River.

Patron—Morefield	HB	5	306	475
Patron—Chafin	SB	478	629	954

TEACHERS

Public elementary and secondary school teachers; probationary term of service, performance evaluation.

Patron—Carroll Foy	HB	365	53	63
Patron—Locke	SB	98	167	237

Public school teachers; technical professional licenses, eligibility criteria. (Patron—Brewer)

HB	1613	684	1024
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Public schools; extension of provisional teacher licensure. (Patron—Kilgore)

HB	1630	640	970
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Standards of Quality; state funding, ratios of teachers to English language learners.

Patron—Guzman	HB	975	1034	1992
Patron—Hashmi	SB	910	1035	1995

Teacher grievance procedures; hearing, three-member fact-finding panel. (Patron—Bell)

SB	377	875	1539
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Teacher licensure; written reprimand, suspension. (Patron—Askew)

HB	1344	513	776
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Teacher licensure process and assessment requirements; Department of Education to study for any inherent biases that may prevent minority teacher candidates from entering the profession. (Patron—Locke)

SJR	15		4629
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Teacher, other instructional personnel, and support staff shortages; each school board shall report to the Department of Education annually the number and type of vacancies in the school division, report. (Patron—Willett)

HB	376	674	1012
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Teachers; biennial compensation review, report. (Patron—VanValkenburg)

HB	1443	690	1028
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Teachers; extension of provisional licenses for those employed in schools for students with disabilities. (Patron—Mason)

SB	680	172	240
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Teachers employed in an accredited private elementary and secondary schools or a school for students with disabilities; provisional licenses, extension. (Patron—Gooditis)

HB	1469	639	970
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Teachers, public school; grounds for dismissal.

Patron—Guzman	HB	570	56	67
Patron—Favola	SB	167	168	238

TEAM TEENS SEE TOMORROW

Team Teens See Tomorrow; commending. (Patron—Delaney)	HJR	214		4358
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TECHNOLOGY, SECRETARY OF

Technology, Secretary of; transfer of duties to Secretaries of Administration and Commerce and Trade, repeals provision relating to position of Secretary of Technology and Office of Telework Promotion and Broadband Assistance. (Patron—Locke)

SB	877	738	1123
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TELEVISION

Discharge of deleterious substance into state waters; if Department of Health determines that discharge may be detrimental to public health, Department of Environmental Quality shall provide information to local newspapers, television stations, etc., report. (Patron—Tran)

HB	1205	1182	2455
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TEMPLE BETH EL OF WILLIAMSBURG

Temple Beth El of Williamsburg; commemorating its 60th anniversary. (Patron—Mason)

SJR	207		4748
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10 RIVER BASIN

10 River Basin; commending Grand Winners of the Clean Water Farm Award. (Patron—Petersen)

SJR	163		4724
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	BILL OR CHAP. RES. NO.	PAGE NO.	PAGE NO.
TETREAULT, ROBERT A.			
Tetreault, Robert A. ; recording sorrow upon death. (Patron—Simon)	HJR 402		4458
TEXAS TAVERN			
Texas Tavern ; commemorating its 90th anniversary. (Patron—Rasoul)	HJR 279		4393
THE AMERICAN LEGION AUXILIARY			
The American Legion Auxiliary ; commemorating its 100th anniversary. (Patron—Cox)	HJR 17		4289
THE DIFFERENCE BAKER			
The Difference Baker ; commending. (Patron—Bell)	SJR 264		4778
THE FAISON CENTER			
The Faison Center ; commemorating its 20th anniversary. (Patron—Willett)	HJR 186		4344
THE FLYING CIRCUS AERODROME AND AIRSHOW			
The Flying Circus Aerodrome and Airshow ; commemorating its 50th anniversary. Patron—Webert	HR 126		4582
Patron—Vogel	SR 46		4818
THE INN AT WILLOW GROVE			
The Inn at Willow Grove ; commending. (Patron—Freitas)	HJR 124		4316
THE VIRGINIA OPRY			
The Virginia Opry ; designating as the official opry of the Commonwealth. (Patron—Deeds)	SB 283	583	895
THE WOODLAND, INC.			
The Woodland, Inc. ; commemorating its 50th anniversary. (Patron—Edmunds)	HJR 222		4362
THIRD STREET BETHEL AFRICAN METHODIST EPISCOPAL CHURCH			
Third Street Bethel African Methodist Episcopal Church ; commemorating its 170th anniversary. Patron—Bourne	HR 73		4554
Patron—McClellan	SJR 177		4732
THOMAS, WILLIAM GRIFFITH			
Thomas, William Griffith ; recording sorrow upon death. (Patron—Saslaw)	SJR 122		4701
THOMPSON, ELAINE E.			
Thompson, Elaine E. ; recording sorrow upon death. (Patron—Subramanyam)	HJR 453		4482
THOMPSON, MICHAEL, SR.			
Thompson, Michael, Sr. ; recording sorrow upon death. (Patron—Freitas)	HR 93		4565
THOMPSON, RACHEL			
Thompson, Rachel ; commending. (Patron—Convirs-Fowler)	HJR 438		4475
THYNE, KATHERINE MARY			
Thyne, Katherine Mary ; recording sorrow upon death. (Patron—Reeves)	SJR 165		4725
TIMBERVILLE, TOWN OF			
Vacant building registration ; adds the Town of Timberville to list of localities with authority to require the owner of buildings that have been vacant for a continuous period of 12 months or more to register such buildings on an annual basis. (Patron—Wilt)	HB 1232	145	220
TIME-SHARE PROGRAMS			
Virginia Real Estate Time-Share Act ; definitions, clarifies definition of "time-share estate," time-share programs, application for registration, etc. (Patron—Mason)	SB 584	1011	1951
TOBACCO AND TOBACCO PRODUCTS			
Smoking ; illegal in motor vehicle when a minor under the age of 15 is present. (Patron—Guzman)	HB 578	972	1867
Tobacco and nicotine vapor products ; school board required to provide parents educational information. (Patron—Kory)	HB 1073	679	1014
Tobacco products, nicotine vapor products, etc. ; possession by persons under 21 years of age, exception, scientific study. (Patron—VanValkenburg)	HB 1570	524	786
TOLLS			
Interstate 64 ; Hampton Roads Transportation Accountability Commission to impose and collect tolls in high-occupancy toll lanes on certain portions. (Patron—Jones)	HB 1438	703	1041
TOMPKINS, ELNORA F.			
Tompkins, Elnora F. ; commending. (Patron—Ransone)	HJR 141		4321

TOURISTS AND TOURIST INDUSTRY

NASCAR and motor vehicle racing heritage trail; creation, etc., for promotion of tourism and economic development in Virginia. (Patron—Stanley) SB 773 1184 2456

TOWING SERVICES AND TOW TRUCKS

Tow truck drivers; criminal history information, registration shall be denied if person has not completed all terms of probation or parole related to certain conviction. (Patron—Wyatt) HB 1577 1237 2854

Towing fees; raises to \$30 additional fee that can be charged for towing a vehicle at night, on weekends, or on a holiday. (Patron—McQuinn) HB 1511 31 36

TRADE AND COMMERCE

Active military-owned and military spouse-owned businesses; Department of General Services to permit surplus materials to be sold to businesses prior to public sale or auction. (Patron—Carroll Foy) HB 437 358 548

Advanced Production Grant Program and Fund; created.

Patron—Rush HB 1733 267 418

Patron—Ruff SB 1014 763 1202

Athlete agents; definitions, creates registration requirement, penalties. (Patron—Sullivan) HB 832 481 733

Comprehensive animal care; enforceable under Virginia Consumer Protection Act. (Patron—Marsden) SB 114 412 617

Debt settlement services providers; definitions, licensure and regulation by State Corporation Commission, report. (Patron—Willett) HB 1553 785 1225

Electronic Identity Management Act; definitions, federated digital identity systems. (Patron—Boysko) SB 665 736 1121

Merchants' capital tax; separate classification of certain merchants' capital of wholesalers and retailers. (Patron—Cole, M.L.) HB 1575 541 826

One-stop small business; permitting program, guidance regarding responsibilities for maintaining a business, effective date. (Patron—Tran) HB 1221 750 1161

Peer-to-peer vehicle sharing platforms; definitions, insurance coverage, taxation, etc., requirements for platforms, certain provisions shall become effective on October 1, 2020. (Patron—Newman) SB 735 1266 3031

Personal information privacy; scanning information from an identification card or driver's license, merchant shall destroy information when purpose for which it was provided has been satisfied. (Patron—Marsden) SB 101 542 826

Pharmaceutical Manufacturing Grant Program and Fund; created.

Patron—Sickles HB 1498 275 425

Patron—Hanger SB 610 758 1176

Research and development tax credits; total amount of credits granted for each fiscal year, extends sunset date, aggregate caps.

Patron—Jones HB 748 469 719

Patron—Howell SB 110 470 722

Security freezes; prohibits a consumer reporting agency from requiring a consumer to pay a fee to place a freeze on the consumer's credit report. (Patron—Bulova) HB 509 243 363

Septic system inspectors; requirements to perform a septic system inspection. (Patron—Hodges) HB 1266 521 785

Student loans; licensing of qualified education loan servicers, automatic issuance of license for federal student loan servicing contractors, prohibited practices, civil penalties, report.

Patron—Simon HB 10 1198 2588

Patron—Howell SB 77 1250 2940

Tanning facilities; prohibits use of tanning devices, other than a spray tanning device that does not emit ultraviolet light, by persons under age 18. (Patron—Samirah) HB 38 387 584

Telemarketing; financial exploitation, Attorney General shall establish ongoing communication with Department for the Aging and Rehabilitative Services to ensure that adults have access to information. (Patron—Obenshain) SB 695 939 1715

Truck Manufacturing Grant Fund; created.

Patron—Rush HB 1361 265 416

Patron—Hanger SB 611 604 926

Virginia Consumer Protection Act; assignment of right to receive veterans' benefits. (Patron—Miyares) HB 135 438 656

	BILL OR CHAP.			PAGE
	RES. NO.	NO.		
TRADE AND COMMERCE - Continued				
Virginia Health Club Act ; automated external defibrillator required in health clubs. (Patron—McPike)	SB	394	628	953
Virginia Lottery ; Virginia Lottery Board, powers and duties, regulation of sports betting, etc., definitions, Problem Gambling Treatment and Support Fund created, voluntary exclusion program, events on which betting is prohibited, penalties, report. Patron—Sickles	HB	896	1218	2667
Patron—McPike	SB	384	1256	2963
Virginia Telephone Privacy Protection Act ; for the purposes of the Act, "telephone solicitation call" includes any text message sent to any wireless telephone with a Virginia area code, or to a wireless telephone registered to any resident of the Commonwealth, false or misleading caller identification information on called person's telephone. Patron—Heretick	HB	1244	263	398
Patron—Morrissey	SB	812	607	931
TRANSGENDER DAY OF REMEMBRANCE				
Transgender Day of Remembrance ; designating as November 20, 2020, and each succeeding year thereafter. (Patron—Roem)	HJR	85	4302	
TRANSIENT TAX				
Tax authority of localities ; counties authority to levy taxes, admissions tax, transient occupancy tax, cigarette tax, etc., repeals certain admissions tax provisions. Patron—Watts	HB	785	1214	2631
Patron—Hanger	SB	588	1263	3018
Transient occupancy tax ; adds Appomattox, Mathews, Middlesex, and New Kent Counties to the list of counties that may impose. (Patron—Hodges)	HB	1262	330	512
Transient occupancy tax ; authorizes Prince George County to impose. (Patron—Ruff)	SB	255	787	1234
Transient occupancy tax ; removes July 1, 2021, sunset date from Arlington County's authority to impose a tax at a rate not to exceed 0.25 percent, etc. Patron—Hope	HB	62	238	353
Patron—Howell	SB	107	61	79
TRANSPORTATION				
At-risk infrastructure ; Department of Transportation, et al., shall identify public transportation infrastructure at risk of deterioration due to recurrent flooding in Planning District 8 (Northern Virginia), report. (Patron—Tran)	HB	1217	978	1871
Comprehensive plan ; each city with a population greater than 20,000 and each county with a population greater than 100,000 shall consider incorporating into next scheduled reviews of its plan to promote transit-oriented development. (Patron—Guzman)	HB	585	14	18
Grantor's tax and regional transportation improvement fee ; payment of tax or fee. (Patron—Petersen)	SB	230	866	1528
Motorized skateboards or scooters, etc. ; extends to October 1, 2020, prohibition on offering for hire in any locality that has not enacted any licensing ordinance, etc. (Patron—Keam)	HB	465	478	731
Northern Virginia Transportation Commission ; changes report date. (Patron—Ebbin)	SB	848	792	1239
Segregation in transportation ; repeals certain Acts requiring and facilitating segregation on railcars, streetcars, and buses. Patron—Jones	HB	914	1052	2012
Patron—Ebbin	SB	896	1053	2012
Transportation ; amends numerous laws related to funds, safety programs, revenue sources, etc., new regional congestion fee is imposed, etc., repeals certain funds, provisions relating to distribution of revenues, report, certain provisions shall become effective on May 1, 2021. Patron—Filler-Corn	HB	1414	1230	2759
Patron—Saslaw	SB	890	1275	3069
TREASURERS				
Delinquent real property taxes ; transfers from local clerk of court to local treasurer the duties of maintaining records of taxes and sales of such property and of correcting records relating to such property. (Patron—Heretick)	HB	1581	644	974

	BILL OR CHAP. PAGE		
	RES. NO.	NO.	NO.
TREASURERS - Continued			
Refunds of local taxes; increases maximum amount at which governing body of a locality may authorize its treasurer to approve and issue a refund up to \$5,000. (Patron—Gooditis)	HB	316 240	354
TREE OF LIFE MINISTRIES			
Tree of Life Ministries; commending. (Patron—LaRock)	HJR	506	4509
TREES			
Chesapeake Bay Preservation Areas; preservation of mature trees or planting of trees as water quality protection tool, coastal resilience and adaption to sea-level rise and climate change, etc., proposed regulations shall be subject to a public comment period of at least 60 days prior to final adoption by the State Water Control Board. (Patron—Hope)	HB	504 1207	2625
Overgrown vegetation; any locality within Planning District 23 (Hampton Roads) may, by ordinance, include provisions for cutting overgrown shrubs, trees, etc. (Patron—Ward)	HB	549 13	17
Overgrown vegetation; any locality within Planning District 23 (Hampton Roads) may include provisions for cutting overgrown shrubs, trees, etc. (Patron—Locke)	SB	340 399	596
Trees; Department of Environmental Quality shall convene a stakeholder advisory group for the purpose of studying the planting or preservation of trees as an urban land cover type and as a stormwater best management practice, report. (Patron—Bulova)	HB	520 405	609
TRESPASS			
Computer trespass; expands the crime, penalty. (Patron—Bell)	SB	378 821	1303
TRIANGLE ELEMENTARY SCHOOL			
Triangle Elementary School; commending. (Patron—Surovell)	SJR	154	4718
TRUDE, HEIDI			
Trude, Heidi; commending. (Patron—LaRock)	HJR	505	4509
TRUMMER'S ON MAIN			
Trummer's on Main; commending. (Patron—Helmer)	HR	166	4602
TUGENDHAT, KATHARINE LOGAN			
Tugendhat, Katharine Logan; recording sorrow upon death. (Patron—Keam)	HJR	340	4427
TUITION			
Active duty military personnel or activated or temporarily mobilized reservists or guard members; dependents, eligibility for in-state tuition and other educational benefits. (Patron—Murphy)	HB	447 382	580
Higher educational institutions, public; eligibility for in-state tuition, students who meet certain criteria shall be eligible regardless of their citizenship or immigration status.			
Patron—Lopez	HB	1547 766	1205
Patron—Boysko	SB	935 767	1206
Higher educational institutions, public; increases in undergraduate tuition or mandatory fees, notice of date, time, etc., at which public comment is permitted on institution's website and through any other standard means of communication. (Patron—Reid)	HB	715 435	652
Higher educational institutions, public; in-state tuition, children of active duty service members or veterans. (Patron—Reeves)	SB	462 642	973
Higher educational institutions, public; in-state tuition, refugees, and individuals with certain Special Immigrant Visas. (Patron—Tran)	HB	1179 680	1015
Higher educational institutions, public; prohibits any student from being deemed ineligible to establish domicile and receive in-state tuition charges solely on the basis of the immigration status of his parent. (Patron—Kory)	HB	1315 512	775
Higher educational institutions, public; refund of tuition and mandatory fees paid by any veteran student when such student is forced to withdraw, for first time, due to a service-connected medical condition during a semester, such refund shall not be issued when three-quarters of a course has been completed at the time that student withdraws from course. (Patron—Murphy)	HB	456 434	652
TULL, ROBERT W., JR.			
Tull, Robert W., Jr.; commending. (Patron—Leftwich)	HJR	117	4313

	BILL OR CHAP. RES. NO.	PAGE NO.	PAGE NO.
TURKEYS			
Hunting license; senior resident lifetime license for hunting bear, deer, and turkey. (Patron—Robinson)	HB 1272	564	876
TURNER, KENNETH NEAL			
Turner, Kenneth Neal; commending. (Patron—Hurst)	HJR 234		4369
TURNING POINT SUFFRAGIST MEMORIAL ASSOCIATION			
Turning Point Suffragist Memorial Association; commending. (Patron—Ebbin)	SJR 217		4753
2019 LEGACY CELEBRATION OF EXTRAORDINARY AFRICAN AMERICAN WOMEN			
2019 Legacy Celebration of Extraordinary African American Women; commending. (Patron—McQuinn)	HJR 470		4491
2020 VIRGINIA OUTSTANDING FACULTY AWARDS			
2020 Virginia Outstanding Faculty Awards recipients; commending. (Patron—Tyler)	HJR 188		4345
UNCODIFIED LEGISLATION			
Acute psychiatric bed registry; Department of Behavioral Health and Developmental Services shall establish a work group to evaluate and make recommendations related to the registry, report. Patron—Hope	HB 1453	367	565
Patron—Deeds	SB 739	235	350
Affordable housing; Department of Housing and Community Development and the Virginia Housing and Development Authority to study ways to incentivize the development. (Patron—Murphy)	HB 854	482	741
Assisted living facilities; Department of Social Services shall convene a work group to make recommendations to Board regarding regulations for audio-visual recording of residents, report. (Patron—Cosgrove)	SB 355	848	1374
Assisted living facilities; regulations governing individualized service plans. (Patron—Mason)	SB 686	938	1715
At-risk infrastructure; Department of Transportation, et al., shall identify public transportation infrastructure at risk of deterioration due to recurrent flooding in Planning District 8 (Northern Virginia), report. (Patron—Tran)	HB 1217	978	1871
Augusta County and City of Staunton; temporary location of district courts. (Patron—Hanger)	SB 929	652	982
Budget bill; appropriations for 2018-2020 biennium. (Patron—Torian)	HB 29	1283	3157
Budget bill; appropriations for 2020-2022 biennium. (Patron—Torian)	HB 30	1289	3592
Bulk energy storage resources; State Corporation Commission shall create a task force to evaluate and analyze to help integrate renewable energy into the electrical grid. (Patron—Lopez)	HB 1183	863	1522
Capital outlay plan; updates six-year plan for projects to be funded entirely or partially from general fund-supported resources, beginning July 1, 2020, repeals existing six-year plan. (Patron—Howell)	SB 577	1134	2270
Career and Technical Education Work-Based Learning Guide; Board of Education to review and revise. (Patron—Tyler)	HB 1680	692	1028
Chesterfield County School Board; recovery high school to be established. (Patron—Coyner)	HB 928	1042	2004
Child care providers; fingerprint-based criminal background checks, repeals sunset and contingency expiration. Patron—Convirs-Fowler	HB 997	462	709
Patron—Mason	SB 675	463	709
Combined sewer overflow outfalls; owner or operator of any overflow system east of Charlottesville that discharges into the James River watershed shall submit to the Department of Environmental Quality an interim plan regarding CSO system. (Patron—Stuart)	SB 1064	634	958
Commonwealth of Virginia Higher Educational Institutions Bond Act of 2020; created. Patron—Torian			
Patron—Howell	HB 1246	253	381
	SB 580	280	432
Commonwealth's medical cannabis program; Secretary of Health and Human Resources shall convene a work group to review and provide recommendations, report. (Patron—Davis)	HB 347	711	1056

BILL OR CHAP. PAGE
RES. NO. NO. NO.

UNCODIFIED LEGISLATION - Continued

Comprehensive harm reduction programs; public health emergency, repeals sunset provision.				
Patron—Rasoul	HB	378	212	307
Patron—Pillion	SB	864	303	470
Conservation and Recreation, Department of; authorized to divest itself of certain property that was conveyed to it by Norfolk Southern Railroad for the New River Trail State Park in Pulaski County. (Patron—Deeds)	SB	1094	458	692
Contaminants in public drinking water; work group to study occurrence and develop recommendations, sampling of waterworks by the Department of Health. (Patron—Guzman)	HB	586	611	933
Correctional facilities, local; Board of Corrections shall conduct a review of standards and requirements governing, and application and use of isolated confinement in facilities, report. (Patron—Hope)	HB	1284	522	785
Drug disposal; Board of Pharmacy shall determine proper methods to enhance public awareness, report. (Patron—Jenkins)	HB	1531	614	936
Electric generation facilities; State Corporation Commission shall determine when electric utilities should retire facilities owned or operated by any Phase I or II Utility. (Patron—Subramanyam)	HB	528	662	994
Electric vehicles; Department of Mines, Minerals and Energy, et al., shall convene a work group to determine feasibility of a rebate program, report. (Patron—Reid)	HB	717	973	1868
Electrical transmission lines; placement of overhead and underground lines, approval by State Corporation Commission. (Patron—Roem)	HB	1030	797	1242
Elementary and secondary schools and higher educational institutions; repealing several Acts that contain provisions relating to racial segregation of students.				
Patron—VanValkenburg	HB	973	110	171
Patron—Lucas	SB	600	352	537
Emergency services and disaster preparedness plans; Department of Emergency Management shall review programs to determine if changes are necessary to address needs of individuals with limited English proficiency or access and functional needs. (Patron—Price)	HB	420	590	905
Environmental Quality, Department of; establishment of process for notice of disposal of certain fill materials. (Patron—Webert)	HB	1310	565	877
Exposure-prone incidents; Secretaries of Health and Human Resources and Public Safety and Homeland Security shall establish a work group to improve response. (Patron—Bell)	HB	661	362	551
Fairfax County; policemen's pension and retirement board. (Patron—Boysko)	SB	651	895	1587
Fairfax County; policemen's retirement system. (Patron—Boysko)	SB	652	896	1588
Funeral directors and embalmers; Board of Funeral Directors and Embalmers shall promulgate regulations that establish requirements of licensure. (Patron—McPike) . .	SB	1044	943	1721
Health care providers; Secretary of Health and Human Resources shall convene a work group relating to credentialing, report. (Patron—Dunnivant)	SB	365	849	1374
Higher educational institutions, public; multisensory structured language education to instruct students with dyslexia, State Council of Higher Education for Virginia shall facilitate development of a statewide coalition to gather and share information. (Patron—Vogel)	SB	904	584	896
Historical Statues in the United States Capitol, Commission for; established, Commission shall determine whether statue of Robert E. Lee should remain or be replaced in National Statuary Hall Collection, etc.				
Patron—Ward	HB	1406	1099	2106
Patron—Lucas	SB	612	1098	2105
Human Rights, Division of; Division to determine requirements for proactively enforcing statutory requirements for equal pay irrespective of sex. (Patron—Hurst) . .	HB	624	901	1632
Industrial hemp; Virginia Department of Agriculture and Consumer Services shall convene a work group to assess opportunities for development and manufacturing in the industry, report. (Patron—Marshall)	HB	491	745	1154
Institutional racial segregation and discrimination; repeals several Acts that contain provisions that implemented and enforced.				
Patron—Askew	HB	1638	1059	2014
Patron—McClellan	SB	722	1060	2014
Interstate 64; Hampton Roads Transportation Accountability Commission to impose and collect tolls in high-occupancy toll lanes on certain portions. (Patron—Jones) . . .	HB	1438	703	1041

BILL OR CHAP. PAGE
RES. NO. NO. NO.

UNCODIFIED LEGISLATION - Continued

Juvenile correctional facilities; Board of Juvenile Justice, et al., to promulgate regulations governing housing of youth who are detained in a facility pursuant to a contract with the federal government. (Patron—Ebbin)	SB	20	599	924
Law-enforcement officers with a disability, former; Department of Aging and Rehabilitative Services and law-enforcement agencies to make information about vocational rehabilitation programs and employment services available. (Patron—Adams, L.R.)	HB	1025	553	850
License plates, special; issuance for supporters of City of Virginia Beach bearing the legend VB STRONG. (Patron—DeSteph)	SB	87	432	651
License plates, special; issuance for supporters of Richmond Animal Care and Control Foundation bearing legend #TEAMTOMMIE. (Patron—Bourne)	HB	593	116	179
License plates, special; plates bearing the legend STOP GUN VIOLENCE, removes revenue-sharing provisions. (Patron—Simon)	HB	160	426	636
Medical Assistance Services, Department of; Department shall establish process for transitioning people to participate in the Medicaid Works waiver program. (Patron—Coyner)	HB	925	925	1693
Medical Excellence Zone Program; Department of Health shall determine feasibility of establishing Program, medical treatment via telemedicine services, etc., report.				
Patron—Tran	HB	1701	368	566
Patron—Favola	SB	757	236	351
Medically underserved areas; Board of Health shall develop regulations for when emergency medical services agencies in these areas may transport patients to 24-hour urgent care facilities, etc. (Patron—Stanley)	SB	301	930	1701
Microcredentials; Department of Education shall develop a plan to adopt and implement standards used toward add-on endorsements and renewal of licenses earned by Virginia license holders in STEM field, report. (Patron—Carroll Foy)	HB	836	510	774
NASCAR and motor vehicle racing heritage trail; creation, etc., for promotion of tourism and economic development in Virginia. (Patron—Stanley)	SB	773	1184	2456
Newborn screening; Department of Health shall review Krabbe disease and provide recommendations to Board regarding whether disease should be included in core panel of heritable disorders, etc. (Patron—Miyares)	HB	97	416	622
Nursing homes; Department of Health shall convene a work group to review and make recommendations on increasing the availability of the clinical workforce, report. (Patron—Kiggans)	SB	397	932	1703
People with developmental disabilities; Department of Corrections shall create a workgroup to review guidelines and make recommendations. (Patron—Hope)	HB	659	395	594
Personal Maintenance Allowance; Department of Medical Assistance Services to establish work group to evaluate the current amount for individuals receiving Medicaid-funded waiver services. (Patron—Favola)	SB	213	882	1550
Prenatal and postnatal depression and other depression; Board of Medicine shall annually communicate to relevant practitioners importance of screening patients. (Patron—Samirah)	HB	42	709	1055
Prescribed pediatric extended care centers; Commissioner of Social Services shall establish a work group to develop a plan for licensure, report. (Patron—McQuinn) . .	HB	1719	929	1701
Prescription requirements; treatment of sexually transmitted diseases, repeals sunset date. (Patron—Herring)	HB	1013	552	850
Public schools; Department of Education, et al., shall develop and distribute health and safety best practice guidelines for use of digital devices in schools. (Patron—Hope) .	HB	817	677	1013
Racial inequity; repeals numerous obsolete and discriminatory Acts.				
Patron—Bagby	HB	1325	1055	2013
Patron—Surovell	SB	636	1056	2013
Residential psychiatric placement and services; Secretaries of Education and Health and Human Resources shall establish a work group to study current process for approval of services.				
Patron—Hope	HB	728	364	553
Patron—Deeds	SB	734	737	1123
Rural lands; Department of Environmental Quality shall convene work group to discuss issue of disposal of construction fill and debris on lands, report. (Patron—Guzman)	HB	1639	624	951
School counselors; Department of Education shall collect data from school boards regarding their ability to fill positions, report. (Patron—Wilt)	HB	1653	641	973

UNCODIFIED LEGISLATION - Continued

Segregated accommodations and segregation districts for residences; repeals certain Acts of Assembly.				
Patron—Cole, J.G.	HB	857	1050	2012
Patron—Locke	SB	874	1051	2012
Segregation in transportation; repeals certain Acts requiring and facilitating segregation on railcars, streetcars, and buses.				
Patron—Jones	HB	914	1052	2012
Patron—Ebbin	SB	896	1053	2012
Social-emotional learning; Department of Education shall develop guidance standards for all public school students, report. (Patron—Rasoul)	HB	753	339	524
Social workers; Board of Social Work shall pursue establishment of reciprocal agreements with jurisdictions that are contiguous with the Commonwealth for licensure. (Patron—Stanley)	SB	53	617	940
State-owned structures; Department of General Services to determine which structures are high-risk and necessity of having key boxes installed in strategic locations on outside of such structures, report. (Patron—DeSteph)	SB	1065	1180	2454
State plan for medical assistance; Department of Medical Assistance Services shall convene work group to provide recommendations for services to include payment for services provided by certified doulas. (Patron—Carroll Foy)	HB	826	841	1366
Students; Board of Education to consider certain regulatory revisions relating to populations that are underrepresented in gifted and talented programs. (Patron—Keam)	HB	1139	871	1535
Students; Department of Education shall establish and distribute to each school board no later than December 31, 2020, guidelines for granting of an excused absence from school due to his mental or behavioral health. (Patron—Hope)	HB	308	869	1532
"Students with limited or interrupted formal education;" Department of Education shall develop and adopt a common statewide definition for the term, evaluation of supports and programs. (Patron—Favola)	SB	933	696	1030
Technical professional licenses; military science endorsement.				
Patron—Rush	HB	1568	108	171
Patron—Edwards	SB	978	109	171
Temporary detention; Commissioner of Department of Behavioral Health and Developmental Services shall establish a work group to study expanding the individuals who may conduct evaluations to determine whether a person meets the criteria, report.				
Patron—Aird	HB	1699	918	1680
Patron—Barker	SB	768	919	1681
Trees; Department of Environmental Quality shall convene a stakeholder advisory group for the purpose of studying the planting or preservation of trees as an urban land cover type and as a stormwater best management practice, report. (Patron—Bulova)	HB	520	405	609
Unemployment compensation; leaving employment to follow military spouse, repeals sunset provision on the current statutory provision. (Patron—Ware)	HB	143	261	398
Uniform Statewide Building Code and Statewide Fire Prevention Code; Department of Housing and Community Development to convene stakeholders to develop proposals for changes to the Codes to address active shooters or hostile threats.				
Patron—Cole, M.L.	HB	670	130	200
Patron—Stuart	SB	333	533	809
U.S. Route 17; Commissioner of Highways to place at least six permanent electronic speed indicator signs near particular intersections in Fauquier County, Department of Transportation shall pay for signs, etc.				
Patron—Webert	HB	941	1024	1974
Patron—Vogel	SB	557	1025	1974
Virginia College Savings Plan; analyzing current state and federal programs that encourage citizens to save for retirement by participating in retirement savings plans, report. (Patron—Ayala)	HB	775	506	771
Virginia Horse Center Foundation; Department of Agriculture and Consumer Services shall investigate and enter into negotiations for involvement of the Commonwealth in whole or partial operation or management of Foundation. (Patron—Deeds)	SB	1048	571	884

	BILL OR CHAP. RES. NO.	PAGE NO.	PAGE NO.
UNCODIFIED LEGISLATION - Continued			
Virginia housing opportunity tax credit program; Virginia Housing Development Authority, et al., to develop the establishment of program. (Patron—Bourne)	HB 810	517	779
Voting; repeals several Acts of Assembly that implemented and enforced a state poll tax and provided for separate registration records on the basis of race.			
Patron—Price	HB 1086	350	536
Patron—Spruill	SB 555	377	574
Washington Metropolitan Area Transit Authority; repeals enactments adopted as part of the Authority related to bidders, offers, contractors, and subcontractors to projects located in the Commonwealth participating with labor organizations.			
Patron—Lopez	HB 1635	373	569
Patron—Surovell	SB 995	282	436
Water utility or sewer utility asset acquisitions; State Corporation Commission shall establish rules governing fair market valuations.			
Patron—Sullivan	HB 835	518	780
Patron—Lewis	SB 831	519	781
Waterfowl blinds; Department of Game and Inland Fisheries shall not license any stationary blind in any area of Hunting Creek, Little Hunting Creek, or Dogue Creek in which a local governing body prohibits by ordinance the hunting of birds with a firearm.			
Patron—Krizek	HB 173	307	476
Patron—Surovell	SB 435	308	477
Workers' compensation; Virginia Workers' Compensation Commission shall engage a national research organization to examine the implications of covering workers' injuries caused by repetitive motion through the system. (Patron—Guzman)	HB 617	549	847
UNEMPLOYMENT COMPENSATION			
Unemployment compensation; amends various provisions regarding compensation and the Virginia Employment Commission, short-time compensation program, eligibility. (Patron—Edwards)	SB 548	1261	3009
Unemployment compensation; leaving employment to follow military spouse, repeals sunset provision on the current statutory provision. (Patron—Ware)	HB 143	261	398
UNIFIED COMMAND			
Capitol Police, Division of, Virginia Department of State Police, Richmond Police Department, Virginia Department of General Services, and the many other support units of the Unified Command; commending their performance above and beyond the call of duty at the Second Amendment rally January 20, 2020. (Patron—Saslaw)	SJR 202		4746
UNION HIGH SCHOOL			
Union High School boys' cross country team; commending. (Patron—Kilgore)	HJR 16		4289
UNITED METHODIST FAMILY SERVICES			
United Methodist Family Services; commemorating its 120th anniversary. (Patron—Reid)	HJR 289		4399
UNITED STATES GOVERNMENT			
Emergency laws; civil relief, citizens of the Commonwealth furloughed or otherwise not receiving wages or payments due to closure of the federal government or declaration of emergency by the Governor, clarifies definition of "closure of the United States government." (Patron—Price)	HB 340	1202	2615
Fifteenth Amendment to the Constitution of the United States; commemorating the 150th anniversary of the ratification.			
Patron—Carr	HJR 90		4303
Patron—McClellan	SJR 55		4666
United States Constitution; ratifies and affirms Equal Rights Amendment that was proposed by Congress in 1972.			
Patron—Carroll Foy	HJR 1		4283
Patron—McClellan	SJR 1		4627
UNITED STATES WOMEN'S NATIONAL SOCCER TEAM			
United States Women's National Soccer Team; commending. (Patron—Sickles)	HJR 46		4293
UNITED STEELWORKERS LOCAL 8888			
United Steelworkers Local 8888; commending. (Patron—Mullin)	HJR 349		4432
UNITED WE LIGHT: PROJECT BOLIVIA			
United We Light: Project Bolivia; commending. (Patron—Ransone)	HJR 146		4323

UNITY MARCH AGAINST HATE

Unity March Against Hate; commending. (Patron—Ayala) HR 144 4591

UNIVERSITY OF VIRGINIA

Higher educational institutions, public; collection of debts by hospitals affiliated with institutions, neither VCU Health System Authority nor University of Virginia Medical Center shall participate in the setoff program for debts related to medical treatment, etc. (Patron—Tran) HB 1226 577 887

University of Virginia men's basketball team; commending.

Patron—Bell HJR 121 4315
Patron—Deeds SJR 103 4688

UNIVERSITY OF VIRGINIA'S COLLEGE AT WISE

University of Virginia's College at Wise cornhole team; commending.

Patron—Kilgore HJR 175 4338

UTILITY SERVICES

Electric utilities; authorizes individual retail customers of electric energy to purchase electric energy provided 100 percent from renewable energy from any licensed competitive supplier, cooperative customers that are eligible to purchase from licensed suppliers shall be subject to additional conditions, provisions shall not become effective unless reenacted by the 2021 Regular Session. (Patron—Bourne) HB 868 1107 2117

Electric utilities; broadband capacity, pilot program, providing broadband connectivity. (Patron—O'Quinn) HB 1280 752 1164

Electric utilities; notice before terminating service, enforcement by State Corporation Commission of procedural requirements. (Patron—Tran) HB 1225 668 1004

Electric utility regulation and retail competition; State Corporation Commission shall conduct a pilot program within the certified service territory of the Phase II Utility in which certain nonresidential customers are located, report. (Patron—Mullin) HB 889 796 1242

VAKOS, GEORGE WILLIAM

Vakos, George William; recording sorrow upon death. (Patron—Knight) HR 28 4532

VETERANS

Constitutional amendment; personal property tax exemption for one motor vehicle owned and used primarily by or for a disabled veteran, "motor vehicle" shall include only automobiles and pickup trucks, exception (second reference), Chapters 822 and 823, 2019 Acts (first reference). (Patron—Helmer) HJR 103 1195 2556

Constitutional amendment; personal property tax exemption for one motor vehicle owned and used primarily by or for a disabled veteran, "motor vehicle" shall include only automobiles and pickup trucks, exception (submitting to qualified voter). (Patron—Helmer) HB 1268 540 824

Death certificate; expands list of parties eligible to obtain a free certified copy of a veteran's death certificate. (Patron—Kilgore) HB 479 360 550

Discrimination; prohibited in public accommodations, employment, credit, and housing, causes of action, civil actions by private parties, sexual orientation, gender identity, status as a veteran, disability, etc., repeals provision relating to causes of action not created. (Patron—Ebbin) SB 868 1140 2309

Higher educational institutions, public; in-state tuition, children of active duty service members or veterans. (Patron—Reeves) SB 462 642 973

Higher educational institutions, public; refund of tuition and mandatory fees paid by any veteran student when such student is forced to withdraw, for first time, due to a service-connected medical condition during a semester, such refund shall not be issued when three-quarters of a course has been completed at the time that student withdraws from course. (Patron—Murphy) HB 456 434 652

Income tax, state; exclusion, student loan forgiveness, disabled veterans. (Patron—Bell) SB 745 606 930

Military service members and veterans; a veteran who has left active-duty within one year of submission of an application to a board, expediting the issuance of credentials to spouses.

Patron—Willett HB 967 28 35
Patron—Suetterlein SB 981 35 43

BILL OR CHAP. PAGE
RES. NO. NO. NO.

VETERANS - Continued

United States military; Department of General Services to permit surplus computers, etc., to be donated to tax exempt organizations for refurbishing and then donated to veterans and active military, naval, or air service members. (Patron—McGuire) HB 446 43 53

Veteran Student Transition Grant Fund and Program; established. (Patron—O'Quinn) HB 1275 636 962

Veterans; DMV shall offer information on services available in the Commonwealth to any person who identifies himself as a veteran on a document submitted to the Department, effective date. (Patron—Delaney) HB 411 698 1032

Veterans; eligibility for status under state and local laws, change in treatment of certain discharges. (Patron—Lewis) SB 321 1172 2439

Veterans Services Foundation; board of trustees may be assisted in administration of Foundation by volunteers and staff members employed by the Executive Director. (Patron—Helmer) HB 1269 1128 2259

Veterans Treatment Court Program; veterans docket authorized and established as a local specialty docket. (Patron—Reeves) SB 499 603 926

Virginia Consumer Protection Act; assignment of right to receive veterans' benefits. (Patron—Miyares) HB 135 438 656

War memorials for veterans; locality may remove, relocate, contextualize, or cover any such monument or memorial on the locality's public property, not including a monument or memorial located in a publicly owned cemetery, local government shall publish notice of such intent in a newspaper having general circulation in the locality, etc., regardless of when erected, action for damage to memorials, provisions shall not apply to a monument or memorial located on the property of a higher educational institution within the City of Lexington, repeals an Act ratified and confirmed city council of Alexandria allowing a monument to be erected for the Confederate deceased soldiers at a particular intersection in the City of Alexandria.
Patron—McQuinn HB 1537 1101 2109
Patron—Locke SB 183 1100 2108

VICKERY, CLARENE HELEN

Vickery, Clarene Helen; recording sorrow upon death. (Patron—Keam) HJR 62 4298

VICTIMS OF CRIME

Compensating victims of crime; persons eligible for award includes grandchildren. (Patron—Batten) HB 988 446 668

Criminal Injuries Compensation Fund; victims of sexual assault, coordination of multidisciplinary responses, sexual assault response team annual meetings, report.
Patron—Delaney HB 806 1072 2044
Patron—Lucas SB 949 1073 2045

Immigration status; prohibiting inquiry into status of certain victims or witnesses of crimes. (Patron—Lopez) HB 262 273 424

Survivors of sexual assault; definitions, every hospital to provide treatment or transfer services, Task Force on Services for Survivors of Sexual Assault created, report. (Patron—Delaney) HB 808 725 1078

VIDEO AND AUDIO COMMUNICATIONS

Persons acquitted by reason of insanity; use of two-way electronic video and audio communication system in proceedings. (Patron—Hurst) HB 639 96 153

VIENNA INN

Vienna Inn; commemorating its 60th anniversary. (Patron—Keam) HJR 463 4488

VILLAGE INITIATIVE

Village Initiative; commending. (Patron—Mullin) HJR 413 4463

VINCEK, EDDIE

Vincek, Eddie; commending. (Patron—Cosgrove) SR 73 4830

VIOLET BLAST ROBOTICS TEAM

Violet Blast robotics team; commending. (Patron—Bell) SJR 265 4778

VIRGINIA ARAB AMERICAN POLITICAL FORUM

Virginia Arab American Political Forum; commending. (Patron—Kory) HR 23 4530

VIRGINIA ASSOCIATION OF VOLUNTEER RESCUE SQUADS**Virginia Association of Volunteer Rescue Squads;** commemorating its 85th anniversary.

Patron—Orrock	HJR	317		4415
Patron—DeSteph	SJR	191		4740

VIRGINIA BEACH, CITY OF**Taxes on wills and administrations;** exemption for victims of the Virginia Beach mass shooting.

Patron—Convirs-Fowler	HB	839	249	374
Patron—DeSteph	SB	93	278	429

Virginia Beach, City of; amending charter, resignation of council members to run for a new seat.

Patron—Convirs-Fowler	HB	464	127	198
Patron—DeSteph	SB	900	762	1201

Virginia Beach Sports or Entertainment Project; extends expiration date of tax incentive, definitions, modify financing structure. (Patron—Knight)

HB	120	467	716
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Virginia Beach Tragedy Fund; recognizing that the Fund is performing an essential government service with respect to the Virginia Beach mass shooting. (Patron—DeSteph)

SR	3	4782
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VIRGINIA BEACH SHERIFF'S OFFICE**Virginia Beach Sheriff's Office;** commending. (Patron—Convirs-Fowler)

HJR	439	4476
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VIRGINIA COMMONWEALTH UNIVERSITY**Higher educational institutions, public;** collection of debts by hospitals affiliated with institutions, neither VCU Health System Authority nor University of Virginia Medical Center shall participate in the setoff program for debts related to medical treatment, etc. (Patron—Tran)

HB	1226	577	887
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Senate Committee on Rules; confirms appointments to Virginia Commonwealth University Health System Authority Board of Directors. (Patron—Locke)

SJR	89	4681
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VIRGINIA DEFENSE FORCE**Virginia Defense Force;** maximum age for recruitment. (Patron—Scott)

HB	1253	488	745
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Virginia National Guard and Virginia Defense Force; state active duty for emergency response, pay and allowances for members. (Patron—Reeves)

SB	753	832	1355
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VIRGINIA DENTAL ASSOCIATION**Virginia Dental Association;** commemorating its 150th anniversary. (Patron—Pillion)

SJR	137	4709
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VIRGINIA EMERGENCY MANAGEMENT ASSOCIATION**Virginia Emergency Management Association;** commending. (Patron—Rasoul)

HJR	284	4396
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VIRGINIA ENERGY PLAN**Commonwealth Energy Policy and Virginia Energy Plan;** findings that climate change is an urgent and pressing challenge for Virginia, maximizing energy efficiency programs, establishing greenhouse gas emissions reduction standards, etc.

Patron—Reid	HB	714	1192	2495
Patron—Favola	SB	94	1191	2492

Distributed solar and other renewable energy; sales of electricity under third-party agreements, multi-family shared solar programs, definitions, net energy metering proceedings, etc.

Patron—Keam	HB	572	1188	2466
Patron—Lopez	HB	1184	1189	2472
Patron—Jones	HB	1647	1239	2857
Patron—McClellan	SB	710	1187	2460

Nuclear energy; considered a clean energy source. (Patron—Lewis)

SB	817	960	1822
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Nuclear energy; strategic plan for overall goal of carbon-free energy.

Patron—Hurst	HB	1303	657	989
Patron—Newman	SB	549	658	989

Offshore drilling; prohibition on leases, etc., on beds of any coastal waters of the Commonwealth, clarifies the term "infrastructure."

Patron—Keam	HB	706	451	682
Patron—Lewis	SB	795	452	683

Offshore Wind, Division of; established within the Department of Mines, Minerals and Energy, report. (Patron—Mugler)

HB	234	794	1241
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BILL OR CHAP. PAGE
RES. NO. NO. NO.

VIRGINIA ENERGY PLAN - Continued

Virginia Energy Plan; covenants regarding solar power, reasonable restrictions, community association may establish reasonable restrictions as to number of placement or installation of any solar energy collection device, etc.

Patron—Delaney	HB	414	795	1242
Patron—Petersen	SB	504	272	423

VIRGINIA 4-H SHOTGUN DEVELOPMENT TEAM

Virginia 4-H shotgun development team; commending. (Patron—Fowler) HJR 8 4285

VIRGINIA HOUSE OF DELEGATES

Corrections, Virginia Department of; a joint committee of House Committee on Health, Welfare and Institutions, House Committee on Public Safety, Senate Committee on the Judiciary, and Senate Committee on Rehabilitation and Social Services to be established to study staffing levels, employment conditions, and compensation. (Patron—Tyler) HJR 29 4291

House of Delegates; establishing Rules for first day of 2020 Session, January 8, 2020, and ending at noon on second day of 2020 Session, January 9, 2020. (Patron—Herring) HR 15 4516

House of Delegates; establishing Rules for the 2020-2021 General Assembly Sessions. (Patron—Herring) HR 17 4517

Virginia House of Delegates; salaries, contingent and incidental expenses. (Patron—Torian) HR 16 4517

VIRGINIA MARITIME ASSOCIATION

Virginia Maritime Association; commemorating its 100th anniversary.
Patron—Jones HJR 177 4339
Patron—Lewis SJR 113 4696

VIRGINIA MEDIATION NETWORK, INC.

Virginia Mediation Network, Inc.; commemorating its 30th anniversary. (Patron—Locke) SJR 95 4684

VIRGINIA MILITARY INSTITUTE

Higher educational institutions; governing board of each nonprofit private institution and each public institution except Virginia Military Institute shall include as part of its policy, code, rules, or set of standards governing sexual violence, immunity from disciplinary action for certain students who make reports. (Patron—Helmer) HB 913 1041 2004

Higher educational institutions, public; non-academic student codes of conduct, provisions shall not apply to Virginia Military Institute. (Patron—Lindsey) HB 104 473 725

Virginia Military Institute; the Institute shall be grounded in a strict code of honor and high academics, shall remain solely an undergraduate degree-granting institution, shall continue to demonstrate its commitment to contributing to elimination of sexual violence in the military, etc., board shall not confer honorary degrees. (Patron—Norment) SB 994 1047 2009

VIRGINIA NATIONAL GUARD

Virginia National Guard and Virginia Defense Force; state active duty for emergency response, pay and allowances for members. (Patron—Reeves) SB 753 832 1355

VIRGINIA ORGANIZING

Virginia Organizing; commemorating its 25th anniversary. (Patron—Rasoul) HJR 152 4326

VIRGINIA PENINSULA ASSOCIATION OF REALTORS®

Virginia Peninsula Association of REALTORS®; commemorating its 100th anniversary.
Patron—Ward HR 124 4581
Patron—Locke SR 29 4810

VIRGINIA PUBLIC PROCUREMENT ACT

Virginia Public Procurement Act; architectural and professional engineering term contracts, limitations on project fees. (Patron—Bell) SB 368 618 940

Virginia Public Procurement Act; architectural and professional engineering term contracts, project fees. (Patron—Bell) SB 487 852 1383

Virginia Public Procurement Act; determination of nonresponsibility, local option to include criteria in invitation to bid, such criteria may include a history or good faith assurances of completion by bidder, etc.

Patron—Tran	HB	1201	1089	2080
Patron—McPike	SB	380	176	244

VIRGINIA PUBLIC PROCUREMENT ACT - Continued

Virginia Public Procurement Act; increases to \$200,000 the small purchases exemption under the Act for single or term contracts for goods and services other than professional services, conducting informal solicitations.				
Patron—Murphy	HB	452	44	55
Patron—Boysko	SB	650	104	166
Virginia Public Procurement Act; payment of prevailing wage for work performed on public works contracts, provisions shall not apply to any public contract for public works of \$250,000 or less, penalty, effective date.				
Patron—Carroll Foy	HB	833	1216	2663
Patron—Saslaw	SB	8	1243	2871
Virginia Public Procurement Act; process for competitive negotiation, including employment of persons with a disability as a factor that will be used in evaluating proposals. (Patron—Hope)	HB	1078	1158	2358
Virginia Public Procurement Act; purchase programs for recycled goods, climate positive materials, "climate positive" means having a negative carbon footprint. (Patron—Wyatt)	HB	454	359	550
Virginia Public Procurement Act; statute of limitations on actions on construction contracts, performance bonds, and architectural and engineering contracts.				
Patron—Hurst	HB	1300	496	754
Patron—Norment	SB	607	497	756
VIRGINIA REALTORS®				
Virginia REALTORS®; commemorating its 100th anniversary.				
Patron—Bulova	HJR	212		4356
Patron—Suetterlein	SJR	269		4781
VIRGINIA RESIDENTIAL LANDLORD AND TENANT ACT				
Virginia Residential Landlord and Tenant Act; return of security deposit.				
Patron—Bourne	HB	594	384	581
Patron—McPike	SB	388	823	1305
Virginia Residential Landlord and Tenant Act; tenants receiving tenant-based rental assistance, certain notices of termination to contain legal aid contact information.				
Patron—Bulova	HB	519	183	268
Patron—Favola	SB	115	182	267
VIRGINIA RESIDENTIAL PROPERTY DISCLOSURE ACT				
Virginia Residential Property Disclosure Act; Real Estate Board's disclosure statement, disclosures shall be current as of date of delivery, etc. (Patron—Convirs-Fowler)	HB	838	749	1159
Virginia Residential Property Disclosure Act; required disclosures for buyer to beware, lead pipes. (Patron—Lopez)	HB	1161	520	782
Virginia Residential Property Disclosure Act; required disclosures for buyer to beware, lead pipes, defective drywall, repeals provision relating to certain required disclosures, etc. (Patron—Askew)	HB	1342	200	288
Virginia Residential Property Disclosure Act; required disclosures for buyer to beware, marine clays. (Patron—Krizek)	HB	174	23	29
Virginia Residential Property Disclosure Act; required disclosures for buyer to beware, radon gas. (Patron—Krizek)	HB	175	24	30
Virginia Residential Property Disclosure Act; specifies residential building energy analysis as a method of due diligence that a prospective homeowner may choose to perform when purchasing a residential property.				
Patron—Bulova	HB	518	26	33
Patron—Surovell	SB	628	186	272
VIRGINIA SOCIETY OF EYE PHYSICIANS AND SURGEONS				
Virginia Society of Eye Physicians and Surgeons; commemorating its 100th anniversary.				
Patron—Sickles	HR	89		4563
Patron—Dunnavant	SR	26		4809
VIRGINIA WING, CIVIL AIR PATROL				
Virginia Wing, Civil Air Patrol; commending. (Patron—Reeves)	SJR	94		4684
VIRTS, SHARON				
Virts, Sharon; commending. (Patron—Bell)	SR	59		4824

	BILL OR CHAP.			PAGE
	RES. NO.	NO.		NO.
VISIT LOUDOUN				
Visit Loudoun; commemorating its 25th anniversary. (Patron—Reid)	HJR	288		4398
VITAL STATISTICS				
Marriage records; divorce and annulment reports, eliminates requirement for identification of race.				
Patron—Levine	HB	180	209	304
Patron—Suetterlein	SB	62	210	305
Patron—Kiggans	SB	1066	211	306
Vital records; definitions, provisions may result in a net increase in periods of imprisonment or commitment, etc. (Patron—Mullin)	HB	666	922	1683
VOTER REGISTRATION				
Elections; same-day registration at office of general registrar in locality or at polling place in which person resides, effective date. (Patron—Ayala)	HB	201	1153	2351
Mail voter registration application forms; Department of Elections to provide a reasonable number of forms to certain public and private higher educational institutions. (Patron—Willetts)	HB	232	921	1683
Voter registration; automatic electronic transmission by DMV to the Department of Elections of certain information for any person, etc., repeals requirement that DMV offer, accept, etc., voter registration applications.				
Patron—Cole, J.G.	HB	235	908	1638
Patron—Marsden	SB	219	909	1642
Voter registration; notification of denial, shall be given in writing and by email or telephone if such information was provided by the applicant. (Patron—Boysko)	SB	666	857	1396
Voter registration; registration conducted in a high school or at location of a naturalization ceremony shall not be required to be open to the public. (Patron—Ebbin)	SB	857	858	1399
Voter registration by mail; certain first-time voters permitted to vote by absentee ballot, person confined while awaiting trial or for having been convicted of a misdemeanor. (Patron—Bourne)	HB	872	718	1063
VOTERS AND VOTING				
Absentee voting; annual applications for eligible absentee voters. (Patron—Sickles) . .	HB	240	1156	2355
Absentee voting; any registered voter to vote by absentee ballot in any election in which he is qualified to vote, application of any covered voter may be on a federal postcard, etc.				
Patron—Herring	HB	1	1149	2333
Patron—Howell	SB	111	1151	2342
Absentee voting; deadline for returning absentee ballot.				
Patron—Sickles	HB	238	288	443
Patron—Reeves	SB	455	933	1703
Absentee voting; emergency absentee voting by and late applications for persons hospitalized. (Patron—Ebbin)	SB	859	1163	2375
Absentee voting; envelope provided to an absentee voter for the return of the absentee ballot to include prepaid postage, provisions shall not become effective unless reenacted by 2021 Regular Session. (Patron—Krizek)	HB	220	1155	2352
Absentee voting; extends deadline for applying for an absentee ballot to cast other than in person. (Patron—Sickles)	HB	239	289	444
Absentee voting; no excuse required, permanent absentee voter list, voter shall be removed from list if voter moves to a different address not in the same county or city of his registration, in the case of a special election, excluding for federal offices, if time is insufficient between issuance of the writ calling for special election and date of election, absentee voting in person shall be available as soon as possible after issuance of writ, effective date, repeals enactments referring to general elections on November 3, 2020. (Patron—VanValkenburg)	HB	207	1201	2607
Absentee voting; process by which a qualified voter is permitted to vote by absentee ballot when an emergency prevented him from applying for ballot by the deadline, etc., repeals provisions relating to late applications and in-person absentee voting, etc. (Patron—Sickles)	HB	242	1157	2356
Absentee voting; voter satellite offices for absentee voting in person, office shall be open to the public. (Patron—Deeds)	SB	617	856	1395

VOTERS AND VOTING - Continued

Minority language accessibility; voting and election materials, a covered locality may distribute such materials in the preferred language identified by the voter, effective date. (Patron—Tran)	HB	1210	719	1063
Polling place procedures; officer of election shall verify with voter his full name and address, etc. (Patron—Ward)	HB	1402	296	458
Protected voter status; certain evidence not required. (Patron—Sickles)	HB	241	710	1055
Provisional voting; persons voting in split precincts. (Patron—Cole, M.L.)	HB	43	920	1681
Provisional voting; reorganization of sections, technical amendments. (Patron—Edwards)	SB	443	735	1114
Registered voters; lists provided at no charge to courts of the Commonwealth and the United States with lists for jury selection purposes no more than two times in a 12-month period. (Patron—Krizek)	HB	500	290	451
Student voters; public high schools to provide Virginia voter registration information. (Patron—Guy)	HB	1491	612	934
Voter identification; accepted forms of identification, student identification card issued by out-of-state institution of higher education. (Patron—Sullivan)	HB	213	1154	2351
Voter identification; repeal of photo identification requirements, additional forms of identification accepted, valid student identification card, signed statement in lieu of required form, penalty. (Patron—Locke)	SB	65	1065	2025
Voter identification; signed statement in lieu of required form of identification, signed statement that voter is the named registered voter he claims to be, when envelope containing ballot shall not be opened and vote not counted, penalty. (Patron—Lindsey)	HB	19	1064	2016
Voter registration by mail; certain first-time voters permitted to vote by absentee ballot, person confined while awaiting trial or for having been convicted of a misdemeanor. (Patron—Bourne)	HB	872	718	1063
Voting; repeals several Acts of Assembly that implemented and enforced a state poll tax and provided for separate registration records on the basis of race. Patron—Price	HB	1086	350	536
Patron—Spruill	SB	555	377	574
Voting systems; clarifies the definition machine-readable ballot, voter-verifiable paper records. (Patron—Levine)	HB	1053	294	453
WAGES				
Limiting employees' sharing of wage information; prohibited, exception, civil penalty. (Patron—Hurst)	HB	622	1210	2628
Minimum wage; definitions, increases currently federally mandated level to \$9.50 per hour effective May 1, 2021, to \$11.00 per hour effective January 1, 2022, etc., report. Patron—Ward	HB	395	1204	2617
Patron—Saslaw	SB	7	1242	2869
Minimum wage; pay based on work done. (Patron—Howell)	SB	78	1146	2328
Minimum wage; prohibits an employer from classifying an individual as a tipped employee if the individual is prohibited by applicable federal or state law or regulation from soliciting tips. (Patron—Carter)	HB	56	1145	2327
Nonpayment of wages; any employer who knowingly fails to make payment of wages shall be subject to a civil penalty not to exceed \$1,000 for each violation. (Patron—Carroll Foy)	HB	123	868	1530
Nonpayment of wages; discriminatory actions prohibited. Patron—Price	HB	337	950	1741
Patron—Spruill	SB	48	951	1742
Nonpayment of wages; liability of contractor for wages of subcontractor's employees, any employer who knowingly fails to make payment of wages shall be subject to a civil penalty not to exceed \$1,000 for each violation. (Patron—Ebbin)	SB	838	1038	2000
Wages; authorizes Commissioner of Labor and Industry to investigate whether the employer has failed or refused to make a required payment of wages to employees. Patron—Price	HB	336	206	296
Patron—Spruill	SB	49	205	295
WALL, WILLIAM BIDGOOD, SR.				
Wall, William Bidgood, Sr.; recording sorrow upon death. (Patron—Peake)	SJR	135		4708

	BILL OR CHAP.		PAGE
	RES. NO.	NO.	NO.
WALTER & COMPANY JEWELERS			
Walter & Company Jewelers; commemorating its 120th anniversary. (Patron—McClellan)	SJR	182	4735
WANG, HELEN			
Wang, Helen; recording sorrow upon death. (Patron—Stuart)	SJR	263	4777
WAREINGS GYM			
Wareings Gym; commemorating its 60th anniversary. (Patron—DeSteph)	SJR	192	4740
WARREN COUNTY			
Front Royal, Town of; Town may create its own industrial development authorities, such authority may also include Warren County in its economic development projects. (Patron—Collins)	HB	1572	1001 1925
WARREN-CURTIS, BEATRICE NICOLE			
Warren-Curtis, Beatrice Nicole; recording sorrow upon death. (Patron—DeSteph) ...	SJR	203	4746
WASHINGTON, D.C. METROPOLITAN AREA			
Income tax, state; tax credit for certain landlords, definition of "eligible housing area" includes an eligible census tract in Washington-Arlington-Alexandria Metropolitan Statistical Area. Patron—Guzman	HB	590	430 648
Patron—Barker	SB	200	1032 1984
Washington Metropolitan Area Transit Authority; allocation of funds. (Patron—Watts)	HB	1586	1133 2268
Washington Metropolitan Area Transit Authority; repeals enactments adopted as part of the Authority related to bidders, offers, contractors, and subcontractors to projects located in the Commonwealth participating with labor organizations. Patron—Lopez	HB	1635	373 569
Patron—Surovell	SB	995	282 436
WASHINGTON MYSTICS			
Washington Mystics; commending. (Patron—Filler-Corn)	HJR	393	4455
WASHINGTON NATIONALS			
Washington Nationals; commending. Patron—Filler-Corn	HJR	165	4332
Patron—Saslaw	SJR	62	4668
WASTE DISPOSAL			
Discharge of deleterious substance into state waters; if Department of Health determines that discharge may be detrimental to public health, Department of Environmental Quality shall provide information to local newspapers, television stations, etc., report. (Patron—Tran)	HB	1205	1182 2455
Solid waste disposal; unpermitted sites and open dumps, regulation and cleanup. (Patron—Gooditis)	HB	1352	621 943
WATER AND SEWER SYSTEMS			
Altavista, Town of; adds Town to localities that may develop criteria for providing discounted water and sewer fees and charges for low-income, elderly, or disabled customers. (Patron—Fariss)	HB	1585	149 225
Contaminants in public drinking water; work group to study occurrence and develop recommendations, sampling of waterworks by the Department of Health. (Patron—Guzman)	HB	586	611 933
Drinking water supplies and waterworks; maximum contaminant levels, perfluoroalkyl and polyfluoroalkyl substances and other contaminants, effective date, report. (Patron—Rasoul)	HB	1257	1097 2105
Water utility or sewer utility asset acquisitions; State Corporation Commission shall establish rules governing fair market valuations. Patron—Sullivan	HB	835	518 780
Patron—Lewis	SB	831	519 781
WATER CONTROL			
Regional water resource planning; State Water Control Board regulations, location data shall be provided by each user in a coordinate system specified by the Board. (Patron—Carr)	HB	542	1105 2114

WATER POLLUTION

Combined sewer overflow outfalls; owner or operator of any overflow system east of Charlottesville that discharges into the James River watershed shall submit to the Department of Environmental Quality an interim plan regarding CSO system. (Patron—Stuart) SB 1064 634 958

WATERS OF THE STATE, PORTS, AND HARBORS

Chesapeake Bay Preservation Areas; preservation of mature trees or planting of trees as water quality protection tool, coastal resilience and adaption to sea-level rise and climate change, etc., proposed regulations shall be subject to a public comment period of at least 60 days prior to final adoption by the State Water Control Board. (Patron—Hope) HB 504 1207 2625

Chesapeake Bay watershed implementation plan initiatives; nutrient management plans for cropland, livestock stream crossings, bovine livestock stream exclusion. Patron—Plum HB 1422 1185 2457
Patron—Mason SB 704 1186 2458

Clinch River; designating approximately 66.8-mile segment in Tazewell and Russell Counties as part of the Clinch State Scenic River. Patron—Morefield HB 5 306 475
Patron—Chafin SB 478 629 954

Combined sewer overflow outfalls; owner or operator of any overflow system east of Charlottesville that discharges into the James River watershed shall submit to the Department of Environmental Quality an interim plan regarding CSO system. (Patron—Stuart) SB 1064 634 958

Discharge of deleterious substance into state waters; if Department of Health determines that discharge may be detrimental to public health, Department of Environmental Quality shall provide information to local newspapers, television stations, etc., report. (Patron—Tran) HB 1205 1182 2455

Eastern Virginia Groundwater Management Advisory Committee; established, report, sunset provision. (Patron—Mason) SB 679 805 1270

Grays Creek; designates a six-mile portion in Surry County as a component of Virginia Scenic Rivers System. Patron—Brewer HB 1612 322 493
Patron—Norment SB 1090 457 692

Hydraulic fracturing; drilling through any portion of a groundwater management area, prohibition. (Patron—Surovell) SB 106 626 952

James River; adds a 20-mile portion located in Albemarle, Buckingham, and Fluvanna Counties as a component of the Virginia Scenic Rivers System. (Patron—Fariss) HB 1598 319 492

Maury River; designating from its origination at the confluence of Calfpasture and Little Calfpasture Rivers a 19.25-mile segment as a component of the Virginia Scenic Rivers System. Patron—Campbell, R.R. HB 282 403 609
Patron—Deeds SB 288 404 609

Nonagricultural irrigation wells; prohibited outside surficial aquifer, regulations established by State Water Control Board. (Patron—Mason) SB 673 670 1006

Nutrient and sediment credit generation and transfer; limits certain transfers to private sector, any publicly owned treatment works permitted and is constructing or expanding work, wastewater collection system, or other facility may permanently retire a portion of its wasteload allocation, etc. Patron—Mugler HB 1609 1103 2111
Patron—Hanger SB 747 1102 2111

Pipeline construction permit; special orders issued for violations may include civil penalty of up to \$50,000 per violation. (Patron—Hurst) HB 646 449 670

Pound River; designating a 17-mile segment in Wise and Dickenson Counties as a component of the Virginia Scenic Rivers System. (Patron—Wampler) HB 1145 316 488

Regional water resource planning; State Water Control Board regulations, location data shall be provided by each user in a coordinate system specified by the Board. (Patron—Carr) HB 542 1105 2114

Staunton River; designating the 11.5-mile segment between the U.S. Route 360 bridge and the Staunton River State Park boat landing as a component of the Virginia Scenic Rivers System. (Patron—Edmunds) HB 1601 320 492

BILL OR CHAP. PAGE
RES. NO. NO. NO.

WATERS OF THE STATE, PORTS, AND HARBORS - Continued

Stormwater and erosion and sediment control; acceptance of plans in lieu of plan review. (Patron—Petersen) SB 843 812 1279

Stormwater management; use of a proprietary best management practice, documentation to Department of Environmental Quality showing that another state, regional, or national certification program has verified and certified its nutrient or sediment removal effectiveness. (Patron—Bulova) HB 882 667 1000

Stormwater management facilities; private residential lots, required disclosure. (Patron—Convirs-Fowler) HB 859 313 481

Water protection permits; administrative withdrawal of application, application shall be deemed approved if Board fails to act within 45 days. (Patron—Murphy) HB 1458 622 949

WATSON, CHARLES RICHARD

Watson, Charles Richard; recording sorrow upon death. (Patron—McGuire) HJR 203 4353

WATSON, MEGAN

Watson, Megan; commending. (Patron—Hodges) HJR 159 4329

WEAPONS

Firearm transfers; sales that occur at a firearms show, criminal history record information checks, penalty.
Patron—Plum HB 2 1111 2133
Patron—Lucas SB 70 1112 2140

Firearms; adds public, private, or religious preschools and child day centers that are not operated at the residence of the provider to the list of schools where possessing a firearm on school property or on a school bus is prohibited, certain provisions shall apply only during operating hours, etc., clarifies definition of "child day center." (Patron—Lucas) SB 71 1249 2939

Firearms; removal from persons posing substantial risk of injury to himself, etc., search warrant for any firearms if law-enforcement officer has reason to believe that person did not relinquish all firearms in his possession, emergency substantial risk order, penalties.
Patron—Sullivan HB 674 887 1562
Patron—Barker SB 240 888 1570

Firearms; reporting those lost or stolen to any local law-enforcement agency or Department of State Police within 48 hours, civil penalty. (Patron—Bourne) HB 9 743 1154

Firearms, ammunition, or components or combination thereof; a locality may adopt an ordinance that prohibits the possession, carrying, etc., in any building owned or used by such locality, in any public park owned or operated by the locality, etc., notice of ordinance shall be posted at all entrances, exceptions, various provisions limiting such authority are repealed.
Patron—Price HB 421 1205 2619
Patron—Surovell SB 35 1247 2909

Firearms or other weapons; unauthorized to possess on school property. (Patron—Hope) HB 1080 1037 1999

Handguns; limitation on purchases, penalty.
Patron—Ward HB 812 991 1900
Patron—Locke SB 69 992 1904

Retail Sales and Use Tax; establishes an exemption for a gun safe with a selling price of \$1,500 or less.
Patron—Filler-Corn HB 888 507 772
Patron—Bell SB 268 191 276

Stun weapons; prohibition of possession on school property, exemptions. (Patron—Hanger) SB 173 693 1029

Trigger activators; prohibits manufacture, importation, sale, possession, etc., penalty. (Patron—Saslaw) SB 14 527 795

WEATHER

Coastal areas in Virginia; Joint Commission on Technology and Science to study safety, quality of life, and economic consequences of weather and climate-related events. (Patron—Sickles) HJR 47 4294

Local government meetings; by resolution adopted at a regular meeting, any political subdivision, etc., may fix the day or days to which a regular meeting shall be continued if the chairman or vice-chairman, is unable to act, finds and declares that

	BILL OR CHAP. PAGE		
	RES. NO.	NO.	NO.
WEATHER - Continued			
weather or other conditions are such that it is hazardous for members to attend the regular meeting. (Patron—Locke)	SB	941	1143 2326
WELFARE (SOCIAL SERVICES)			
Adoption; proper notice of proceeding to legal custodian and any other named parties in pending cases. (Patron—Collins)	HB	94	3 10
Adult abuse; upon refusing to execute a transaction, etc., the financial institution shall report such refusal or delay within five business days to local department or adult protective services hotline. (Patron—McPike)	SB	391	931 1701
Central registry; extends from one year to three years the period of time for which Department of Social Services must retain records of unfounded investigations of child abuse or neglect before purging. (Patron—Gooditis)	HB	287	38 46
Child abuse and neglect; electronic requests and responses for searches of the central registry. (Patron—Mason)	SB	678	300 462
Child abuse and neglect reporting; adds to list of mandatory reporters of suspected child abuse and neglect athletic coaches, directors, etc., that are employed by or volunteering with a public sports organization or team. (Patron—Hayes)	HB	904	461 707
Child care providers; out-of-state background checks. (Patron—Boysko)	SB	668	936 1708
Child day programs; lead testing, potable water.			
Patron—Askew	HB	799	1084 2077
Patron—McPike	SB	393	1085 2078
Child support; reasonable cost of health care coverage. (Patron—Samirah)	HB	637	213 307
Child support; withholding from income of an independent contractor. (Patron—Surovell)	SB	429	722 1069
Early childhood care and education; establishment of system, definitions, licensure, child day programs, repeals provisions relating to certain licensure and registration procedures, etc.			
Patron—Bulova	HB	1012	860 1400
Patron—Howell	SB	578	861 1460
Family assessments; increases timeline for completion.			
Patron—Jones	HB	778	5 11
Patron—Marsden	SB	412	228 337
Family day homes, licensed, etc.; storage of unloaded firearms in a locked container, cabinet, etc.			
Patron—Hope	HB	600	910 1645
Patron—Hanger	SB	593	911 1646
Food stamps; Department of Social Services directed to participate in the Restaurant Meals Program (RMP) of the Supplemental Nutrition Assistance Program (SNAP). (Patron—Roem)	HB	1410	843 1367
Food stamps and Temporary Assistance to Needy Families (TANF); eligibility, conviction of drug-related felonies.			
Patron—Guzman	HB	566	361 551
Patron—Locke	SB	124	221 322
Foster care; termination of parental rights, independent living needs assessments, supervisory spans of control. (Patron—Reeves)	SB	472	934 1704
Fostering Futures program; established, voluntary continuing services and support agreement, Department of Social Services shall analyze feasibility of and opportunities for allowing local departments of social services to use video conferencing for monthly visits with participants in the program.			
Patron—Keam	HB	400	95 139
Patron—Favola	SB	156	732 1100
Group homes and children's residential facilities; licensure, certain information required of applicants to operate licensed service. (Patron—Murphy)	HB	597	723 1076
Human trafficking; assessments by local departments.			
Patron—Herring	HB	1006	6 12
Patron—Obenshain	SB	706	234 350
Kinship foster care; training requirements may be waived for purposes of initial approval, however, such requirements shall be completed within six months of initial approval. (Patron—Dunnavant)	SB	1025	562 873

BILL OR CHAP. PAGE
RES. NO. NO. NO.

WELFARE (SOCIAL SERVICES) - Continued

Kinship Guardianship Assistance program; expands eligibility, fictive kin, definition of "relative."

Patron—Carroll Foy HB 933 366 557

Patron—Favola SB 178 224 323

New Americans, Office of; created within Department of Social Services, Advisory Board established, report.

Patron—Tran HB 1209 1078 2048

Patron—Hashmi SB 991 1079 2050

Nursing homes, hospice, hospice facilities, and assisted living facilities; possession and administration of cannabidiol or THC-A oil. (Patron—Dunnivant)

SB 185 846 1368

Religious-exempt child day centers; staff-to-children ratios.

Patron—Wilt HB 1235 494 751

Patron—Hanger SB 927 495 752

Sex Offender and Crimes Against Minors Registry; makes numerous changes to the provisions governing the Registry. (Patron—Howell)

SB 579 829 1311

Temporary Assistance for Needy Families and Virginia Initiative for Education and Work; hardship exception. (Patron—Lopez)

HB 1137 7 13

Temporary Assistance for Needy Families (TANF); imposes a minimum threshold of \$1,500 on TANF diversionary cash assistance, TANF emergency assistance payment. (Patron—Bourne)

HB 1371 1159 2359

Temporary Assistance to Needy Families (TANF); repeals prohibition on increasing the amount that a family receives upon the birth of a child during the period of eligibility. (Patron—Aird)

HB 690 550 847

Virginia Sexual and Domestic Violence Prevention Fund; created, distribution of moneys in the Fund, report.

Patron—Herring HB 1015 912 1647

Patron—Favola SB 297 913 1648

WELLS

Coal ash ponds; definitions, "coal ash pond" means any natural topographic depression, man-made excavation, or diked area that is located in the Chesapeake Bay watershed at certain stations in Fluvanna, Chesterfield, or Prince William Counties, identifying all private wells and public water supply wells within 1.5 miles of any pond boundary. (Patron—Ayala)

HB 1641 625 952

Coal ash ponds; definitions, well monitoring program, private well and public water supply well testing near ponds. (Patron—Ayala)

HB 1642 845 1368

WELSH, OLIVIA GAE ARMENTROUT

Welsh, Olivia Gae Armentrout; recording sorrow upon death. (Patron—Hanger)

SJR 69 4670

WES STRONG FOUNDATION

Wes Strong Foundation; commending. (Patron—Convirs-Fowler)

HJR 440 4476

WEST END CENTER FOR YOUTH

West End Center for Youth; commending. (Patron—Rasoul)

HJR 286 4397

WEST, INEZ BEATRICE GREENE

West, Inez Beatrice Greene; recording sorrow upon death. (Patron—McQuinn)

HJR 476 4494

WEST POINT, TOWN OF

Coordinator of emergency services; adds Town of West Point to towns that have the coordinator appointed by the mayor or town manager. (Patron—Hodges)

HB 1258 94 138

Parking regulations; adds Frederick County and the Town of West Point to list of counties and towns that are permitted to regulate or prohibit on any public highway, etc. (Patron—Hodges)

HB 1259 997 1917

WESTERN ALBEMARLE HIGH SCHOOL

Western Albemarle High School athletics; commending. (Patron—Deeds)

SJR 239 4765

WESTFIELD HIGH SCHOOL

Westfield High School; commemorating its 20th anniversary. (Patron—Delaney)

HJR 182 4342

Westfield High School Hispanos Al Camino Exitoso (HACE) program; commending. (Patron—Delaney)

HJR 181 4341

WETLANDS

Wetlands protection; Virginia Marine Resources Commission to promulgate and periodically update minimum standards for the protection and conservation of shorelines and sensitive coastal habitats from sea level rise, etc. (Patron—Lewis) . . . SB 776 809 1274

WHALEN, FRANK RICHARD

Whalen, Frank Richard; recording sorrow upon death. (Patron—DeSteph) SJR 198 4744

WHITEHURST, WALTER ALLEN

Whitehurst, Walter Allen; recording sorrow upon death. (Patron—Knight) HR 58 4547

WIGGINS, ROLAND ARLINGTON

Wiggins, Roland Arlington; recording sorrow upon death. (Patron—Hudson) HJR 419 4467

WILLIAM FLEMING HIGH SCHOOL

William Fleming High School 800-meter sprint medley relay team; commending. (Patron—Rasoul) HJR 492 4502

WILLIAMS, TYRONE JERMAINE, JR.

Williams, Tyrone Jermaine, Jr.; recording sorrow upon death. (Patron—McQuinn) . HJR 475 4494

WILLIAMS, WALTER E.

Williams, Walter E.; commending. (Patron—Freitas) HJR 260 4383

WILLIAMSBURG HOUSE OF MERCY

Williamsburg House of Mercy; commending. (Patron—Mullin) HJR 350 4432

WILLIAMSBURG-JAMESTOWN AIRPORT

Williamsburg-Jamestown Airport; commemorating its 50th anniversary.
Patron—Mullin HJR 119 4314
Patron—Austin HR 5 4513

WILLIAMSBURG PARENT COOPERATIVE PRESCHOOL

Williamsburg Parent Cooperative Preschool; commemorating its 50th anniversary. (Patron—Mason) SJR 209 4750

WILLIAMSBURG REGIONAL LIBRARY

Williamsburg Regional Library; commending. (Patron—Mullin) HR 143 4591

WILLISVILLE

Willisville; commending. (Patron—Vogel) SR 28 4810

WILLMINGTON, HAROLD L.

Willmington, Harold L.; recording sorrow upon death. (Patron—Newman) SJR 40 4637

WILLS, TRUSTS, AND FIDUCIARIES

Accounts filed by fiduciaries and reports filed by guardians; civil penalty.

Patron—Wampler HB 1166 372 568
Patron—Chafin SB 261 190 275

Circuit court clerk's fee; lodging, etc., of wills.

Patron—Hope HB 305 68 87
Patron—Favola SB 940 589 902

Fiduciaries; good faith reliance on certificate of qualification of a personal representative, qualification of guardian or conservator. (Patron—Leftwich) HB 1411 702 1040

Guardian or conservator; prohibition against appointing certain persons, compensation paid by a petitioner to an attorney or law firm. (Patron—Mason) SB 1072 649 979

Guardianship; review of Individualized Education Plan. (Patron—Suetterlein) SB 214 581 891

Guardianship; special education transition materials, appointment of guardian ad litem, report. (Patron—Dunnavant) SB 585 855 1392

Taxes on wills and administrations; exemption for victims of the Virginia Beach mass shooting.

Patron—Convirs-Fowler HB 839 249 374
Patron—DeSteph SB 93 278 429

Uniform Directed Trust Act; codifies the Act, which expressly validates terms of a trust that provide for a trust director, etc., repeals provision relating to certain power of trustee. (Patron—Leftwich) HB 1380 768 1207

Wills; indexed in the name of decedent and such executor as listed in such instrument, effective date if clerk of circuit court does not have an electronic program capable of indexing wills by name of testator and executor. (Patron—Obenshain) SB 700 1063 2015

WILSON, BOB AND MARION

Wilson, Bob and Marion; commending. (Patron—Norment) SR 40 4816

	BILL OR CHAP. RES. NO.	PAGE NO.	PAGE NO.
WILSON, KEVIN			
Wilson, Kevin; commending. (Patron—Hodges)	HJR	194	4348
WILSON, KIMBERLY			
Wilson, Kimberly; commending. (Patron—Ebbin)	SJR	218	4754
WIMBERLEY, AMANDA B.			
Wimberley, Amanda B.; commending. (Patron—Heretick)	HJR	229	4366
WINCHESTER, CITY OF			
School boards; authorizes City of Winchester to compensate members. (Patron—Vogel)	SB	1040	1046 2008
Winchester, City of; amending charter, relating to school board. (Patron—Collins) . . .	HB	1734	598 923
WIND ENERGY			
Electric utilities; definitions, development of offshore wind generation facilities, State Corporation Commission shall retain ongoing authority to review reasonableness and prudence of any increases in the total projected cost of facility during construction period.			
Patron—Hayes	HB	1664	1240 2863
Patron—Mason	SB	860	1273 3066
Patron—Lucas	SB	998	1279 3147
Higher educational institutions, public; permits each institution to enter into a public-private partnership with any private entity whereby such entity is permitted to use at no cost property owned or controlled by such institution for the generation of wind or solar power in exchange for offering educational immersion programs. (Patron—Bell)			
	SB	271	775 1216
Offshore Wind, Division of; established within the Department of Mines, Minerals and Energy, report. (Patron—Mugler)			
	HB	234	794 1241
Property taxes; generating equipment that is reported to Commission by electric suppliers utilizing wind turbines for which an initial interconnection request form has been filed with an electric utility or a regional transmission organization on or before July 1, 2020, may be taxed by the locality. (Patron—Austin)			
	HB	1327	508 773
Solar and wind energy; projects on previously developed project sites, generation capacity. (Patron—Jones)			
	HB	1133	1225 2696
WINE			
Alcoholic beverage control; definitions, license and fee reform, winery licenses shall authorize the licensee to sell wine retail at place of business in closed containers for off-premises consumption, etc., certain enactments effective on July 1, 2021, repeals various provisions relating to licenses granted by Board and applications for licenses and permits.			
Patron—Knight	HB	390	1113 2147
Patron—McPike	SB	389	1114 2197
Alcoholic beverage control; winery license privileges, licensee authorized to sell wine at retail on premises described in winery license for on-premises consumption, etc. (Patron—Surovell)			
	SB	441	1008 1939
WINE KITCHEN			
Wine Kitchen; commending. (Patron—Gooditis)	HR	157	4597
WINTER HONEY MONTH			
Winter Honey Month; designating as February in 2020 and each succeeding year thereafter. (Patron—Morefield)	HJR	140	4320
WIRELESS COMMUNICATIONS			
Virginia Telephone Privacy Protection Act; for the purposes of the Act, "telephone solicitation call" includes any text message sent to any wireless telephone with a Virginia area code, or to a wireless telephone registered to any resident of the Commonwealth, false or misleading caller identification information on called person's telephone.			
Patron—Heretick	HB	1244	263 398
Patron—Morrissey	SB	812	607 931
Zoning; wireless communications infrastructure, locality may also disapprove an application if applicant has not given written notice to adjacent landowners at least 15 days before it applies to locate a new structure in the area. (Patron—VanValkenburg)			
	HB	554	344 530

	BILL OR CHAP.		PAGE	
	RES. NO.	NO.	NO.	NO.
WISE COUNTY				
Pound River ; designating a 17-mile segment in Wise and Dickenson Counties as a component of the Virginia Scenic Rivers System. (Patron—Wampler)	HB	1145	316	488
WISEMAN, MAC				
Wiseman, Mac ; recording sorrow upon death. (Patron—Hanger)	SJR	193		4741
WITNESSES				
Immigration status ; prohibiting inquiry into status of certain victims or witnesses of crimes. (Patron—Lopez)	HB	262	273	424
WOMEN				
Public utilities ; contracting with small, women-owned, or minority-owned businesses. (Patron—Carroll Foy)	HB	432	744	1154
Virginia Human Rights Act ; clarifies definition of "lactation," unlawful discrimination on the basis of pregnancy, childbirth, or related medical conditions, reasonable accommodation for the known limitations of persons related to pregnancy, childbirth, or related medical conditions.				
Patron—Carroll Foy	HB	827	1138	2306
Patron—McClellan	SB	712	1139	2307
WOMEN'S EQUALITY DAY				
Women's Equality Day ; designating as August 26, 2020, and each succeeding year thereafter. (Patron—Kory)	HJR	21		4290
WOOD BROTHERS RACING				
Wood Brothers Racing ; commemorating its 70th anniversary. (Patron—Stanley)	SJR	169		4728
WOOD, KARENNE				
Wood, Karenne ; recording sorrow upon death. (Patron—Hudson)	HJR	420		4467
WOODARD, BELLEN				
Woodard, Bellen ; commending. (Patron—Subramanyam)	HJR	291		4400
WOODBRIIDGE SENIOR HIGH SCHOOL				
Woodbridge Senior High School wrestling team ; commending. (Patron—Guzman)	HJR	436		4474
WOODGROVE HIGH SCHOOL				
Woodgrove High School girls' soccer team ; commending. (Patron—LaRock)	HJR	503		4508
WORK RELEASE PROGRAMS				
Furloughs from local work release programs ; if extends limits of confinement of offender to a locality not served by regional jail, then notice of furlough shall be provided to sheriff of such locality. (Patron—Bell)	HB	369	4	11
WORKERS' COMPENSATION				
Judges ; election in Supreme Court of Virginia, circuit court, general district court, juvenile and domestic relations district court, and a member of the Virginia Workers' Compensation Commission. (Patron—Lindsey)	HJR	161		4330
Virginia Workers' Compensation Commission ; nomination for election of member.				
Patron—Ward	HR	38		4537
Patron—Saslaw	SR	14		4803
Workers' compensation ; adds correctional officers and full-time sworn members of the enforcement division of DMV to list of public safety employees who are entitled to occupational disease presumptions. (Patron—Tyler)	HB	169	1150	2341
Workers' compensation ; adds correctional officers and full-time sworn members of the enforcement division of DMV to list of public safety employees who are entitled to occupational disease presumptions, presumption shall not apply if such individual was diagnosed with hepatitis, meningococcal meningitis, or HIV before July 1, 2020. (Patron—Bell)	SB	345	1152	2350
Workers' compensation ; compulsory training standards for basic training of law-enforcement officers, definitions, post-traumatic stress disorder incurred by a law-enforcement officer or firefighter is compensable under the Virginia Workers' Compensation Act, etc. (Patron—Heretick)	HB	438	1206	2621
Workers' compensation ; compulsory training standards for basic training of law-enforcement officers, etc., definitions, post-traumatic stress disorder incurred by a law-enforcement officer or firefighter is compensable under the Virginia Workers' Compensation Act, etc. (Patron—Vogel)	SB	561	1262	3013
Workers' compensation ; Ombudsman program created. (Patron—Kilgore)	HB	1558	616	939

BILL OR CHAP. PAGE
RES. NO. NO. NO.

WORKERS' COMPENSATION - Continued

Workers' compensation; presumption of compensability for certain diseases, adds cancers of the colon, brain, or testes to the list that are presumed to be an occupational disease when firefighters and certain employees develop the cancer, presumption shall not apply for any individual who was diagnosed with such a condition before July 1, 2020.

Patron—Askew	HB	783	498	757
Patron—Saslaw	SB	9	499	758

Workers' compensation; requires an employer whose employee has filed a claim under the Virginia Workers' Compensation Act to advise the employee whether the employer intends to accept or deny the claim, etc., employer may, if employee consents, send response to employee by email. (Patron—Carter)

HB	46	1086	2078
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Workers' compensation; Virginia Workers' Compensation Commission shall engage a national research organization to examine the implications of covering workers' injuries caused by repetitive motion through the system. (Patron—Guzman)

HB	617	549	847
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WORKFORCE

Economic and workforce development; Department of Aviation to study coordination of stakeholders within the aviation industry. (Patron—Cosgrove)

SJR	30		4634
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Workforce Development, Virginia Board of; membership, updates as a response to federal law. (Patron—Tran)

HB	1198	58	68
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WORLD PREMATURETY MONTH AND DAY

World Prematurity Month and Day; designating as November in 2020 and in each succeeding year thereafter and November 17 in 2020 and each succeeding year thereafter. (Patron—McClellan)

SJR	51		4665
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WRIGHT, DAVID S.

Wright, David S.; commending. (Patron—Cosgrove)

SR	37		4814
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WRIGHT, HAROLD, JR.

Wright, Harold, Jr.; commending. (Patron—Bell)

HJR	178		4339
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WRIGHT, JOSEPH ROLAND, SR.

Wright, Joseph Roland, Sr.; recording sorrow upon death. (Patron—Lucas)

SR	35		4813
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WRIGHT, SARAH REBECCA

Wright, Sarah Rebecca; recording sorrow upon death. (Patron—DeSteph)

SJR	236		4763
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WRITS

Absentee voting; no excuse required, permanent absentee voter list, voter shall be removed from list if voter moves to a different address not in the same county or city of his registration, in the case of a special election, excluding for federal offices, if time is insufficient between issuance of the writ calling for special election and date of election, absentee voting in person shall be available as soon as possible after issuance of writ, effective date, repeals enactments referring to general elections on November 3, 2020. (Patron—VanValkenburg)

HB	207	1201	2607
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Writ of actual innocence; petition by convicted person.

Patron—Herring	HB	974	993	1908
Patron—Edwards	SB	511	994	1911

Zoning appeals, board of; once the writ of certiorari is served in response to a petition from a party aggrieved by a board decision, the board shall have 21 days or as ordered by the court to respond. (Patron—Knight)

HB	505	86	121
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WYATT, JUDITH ANN WHITE

Wyatt, Judith Ann White; commending.

Patron—Runion	HR	117		4577
Patron—Hanger	SJR	170		4728

WYTHE COUNTY

Cemeteries; acquisition of abandoned lots in cities and towns in the Counties of Scott and Wythe. (Patron—Edwards)

SB	445	669	1005
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YARBOROUGH, GLENN

Yarborough, Glenn; commending. (Patron—Murphy)

HJR	389		4454
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YBARRA, SHIRLEY JEAN

Ybarra, Shirley Jean; recording sorrow upon death. (Patron—Kory)

HR	57		4546
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YEAR OF THE EYE EXAM

Year of the Eye Exam; designating 2020 as The Year of the Eye Exam. (Patron—Robinson)

HJR	108		4311
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YOAST, WILLIAM RILEY

Yoast, William Riley; recording sorrow upon death. (Patron—Ebbin) SJR 220 4755

YORKSHIRE RESTAURANT

Yorkshire Restaurant; commemorating its 60th anniversary. (Patron—Roem) HJR 459 4486

YOUTH HOUSING STABILITY COALITION OF GREATER RICHMOND

Advocates for Richmond Youth and the Youth Housing Stability Coalition of Greater Richmond; commending.

Patron—Bourne HR 74 4555

Patron—McClellan SJR 139 4710

YOVANOVITCH, MARIE

Yovanovitch, Marie; commending. (Patron—Ebbin) SR 67 4827

ZANGLA, ELLEN

Zangla, Ellen; commending. (Patron—Bell) SR 55 4822

ZENAVIV

Zenaviv; commending. (Patron—Murphy) HJR 369 4442

ZETA PHI BETA SORORITY, INC.

Zeta Phi Beta Sorority, Inc.; commemorating its 100th anniversary. (Patron—Lindsey) HJR 192 4347

ZION BAPTIST CHURCH OF LIGHTFOOT

Zion Baptist Church of Lightfoot; commemorating its 100th anniversary. (Patron—Norment) SJR 129 4705

ZONING

Cemeteries; owners of any land, regardless of zoning classification, used for interment of human remains shall cut grass, weeds, etc., on such property, not applicable to land owned by an individual, family, or church. (Patron—McQuinn) HB 1688 597 922

Solar energy projects; authorizes a locality to include in its zoning ordinance provisions to incorporate generally accepted national environmental protection and product safety standards for the use of solar panels and battery technologies.

Patron—Heretick HB 656 312 478

Patron—Marsden SB 875 402 606

Solar photovoltaic projects; any locality may grant a special exception and include in its zoning ordinance reasonable regulations and provisions, etc.

Patron—Heretick HB 655 385 582

Patron—Marsden SB 870 414 621

Zoning; development approvals. (Patron—Boysko) SB 647 894 1585

Zoning; wireless communications infrastructure, locality may also disapprove an application if applicant has not given written notice to adjacent landowners at least 15 days before it applies to locate a new structure in the area. (Patron—VanValkenburg)

HB 554 344 530

Zoning administrators; notice of decisions and determinations. (Patron—Hanger) . . . SB 589 893 1582

Zoning appeals, board of; dual office holding.

Patron—Bell HB 370 11 16

Patron—Deeds SB 292 1006 1932

Zoning appeals, board of; once the writ of certiorari is served in response to a petition from a party aggrieved by a board decision, the board shall have 21 days or as ordered by the court to respond. (Patron—Knight) HB 505 86 121